

PLANNED UNIT DEVELOPMENT APPLICATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 22CZ19 Submittal Date: 9/1/2022
Fee Paid \$ _____ Check # _____

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: 406 S. Salem St
Address(es): 406 S. Salem St
PIN(s) 0741-39-0442

_____ Acreage: 1.05
Current Zoning: HD-SF Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Office Employment

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: Acreage: _____
Area proposed as non-residential development: Acreage: _____
Percent of mixed use area proposed as non-residential: Percent: _____

Applicant Information

Name: Charm City Developers, LLC
Address: 4201 Taylor Hall Place
City: Chapel Hill State: NC Zip: 27517
Phone: 919-703-6203 E-mail: andrew.ross@floyddevelopment.com

Owner Information

Name: KC2 Holdings LLC and FMR Investments LLC
Address: 218 Edinburgh Drive and 312 Kilmayne Drive, Suite 201
City: Cary State: NC Zip: 27511
Phone: _____ E-mail: _____

Agent Information

Name: Jones & Cnossen Engineering, PLLC
Address: 221 N. Salem St., Suite 001
City: Apex State: NC Zip: 27502
Phone: 919-387-1174 E-mail: patrick@jonescnossen.com

Other contacts: _____

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22CZ19

Submittal Date: 9/1/2022

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town’s adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest. Use additional pages as needed.

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The proposed rezoning would amend the 2045 Land Use Map to designate this parcel as High Density Residential, which we believe is appropriate given its location, due to the goals and objectives of the Town of Apex Downtown Plan to bring more high density residential within a 10-minute walk radius of Downtown.

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and compatibility with the character of surrounding land uses.

The proposed zoning is compatible with the surrounding future land uses, as the S. Salem neighborhood is in the heart of the Transit-oriented Development context area. The long-term vision of the Downtown Plan shows this area with a restaurant, hotel, offices, retail, as well as the Multi-modal Transit Center directly adjacent.

3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use’s compliance with Sec 4.4 *Supplemental Standards*, if applicable.

All uses that fall within the supplemental standards will be consistent with the standards provided in the Town of Apex UDO.

PETITION PROCESS INFORMATION

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

The design will minimize adverse impact for several reasons. As this is being proposed as residential rather than commercial, the amount of traffic should be minimized.

Trash is planned to be stored within an internal trash room, so odors and aesthetic nuisances can be avoided. Traffic circulation shall be provided to help with service delivery flow.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

This site will attempt to improve a current stormwater problem, where runoff from S. Salem Street outlets to a submerged hole in the ground onsite, creating a cesspool of presumably contaminated water. This project would attempt to re-route this drainage network towards the natural low point in the property.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

This site has access to multiple existing streets, has adequate property frontage, and will have internal circulation to provide sufficient accessibility for public facilities.

This site has good access to public infrastructure, and should not have adverse impacts to parks or roads.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

The proposed development would provide a number of dwelling units within the 10-minute walk radius of Downtown Apex, which has many employment opportunities and parks, giving its residents an opportunity for a healthy, live-work-play lifestyle.

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

The site is currently within a residential neighborhood, bordering a business district. Because of this, we believe the proposed high-density residential use should not be detrimental to current surrounding land uses.

PETITION PROCESS INFORMATION

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

The traffic associated with this development would be contained within the parking lot for the residential building. Circulation will be provided to help with traffic flow, and a right-out only access is proposed along S. Salem St, so there would not be any concern of traffic backing up onto S. Salem St.

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

This proposed rezoning is within the Small Town Character Overlay District, and as such, much of the design criteria laid out in the PUD document reflects this overlay district. Some deviations to these standards are proposed within this PUD, but we believe there is sound justification for these. If anything is not specifically noted with this PUD proposal, then it shall comply with the standard ordinances found in the UDO.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Town of Apex, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron pipe (with witness marker) located North 27° 52' 43" West, 16.67 feet from a 6" nail set having NAD 83 (2011) coordinate values of North 719,554.29 feet, East 2,043,074.17 feet; thence South 63° 38' 29" East, 134.36 feet to an iron pipe set; thence South 29° 48' 10" West, 288.45 feet to a magnetic nail set; thence North 89° 25' 43" West, 170.27 feet to an existing concrete monument; thence North 31° 54' 08" East, 219.47 feet to an existing concrete monument; thence North 32° 21' 21" East, 144.34 feet to the BEGINNING, containing 1.053 total acres (45,875 square feet) more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Existing Conditions Survey For KC2 Enterprises, LLC", dated August 20, 2020.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ19

Submittal Date: 9/1/2022

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

To provide a consistent and clearly stated procedure for the naming of subdivisions and/or developments and entrance roadways (in conjunction with *Town of Apex Address Policy*) so as to allow developers to define and associate the theme or aesthetics of their project(s) while maintaining the Town's commitment to preserving the quality of life and safety for all residents of Apex proper and extraterritorial jurisdiction.

Guidelines

- ✓ The subdivision/development name shall not duplicate, resemble, or present confusion with an existing subdivision/development within Apex corporate limits or extraterritorial jurisdiction except for the extension of an existing subdivision/development of similar or same name that shares a continuous roadway.
- ✓ The subdivision/development name shall not resemble an existing street name within Apex corporate limits or extraterritorial jurisdiction unless the roadway is a part of the subdivision/development or provides access to the main entrance.
- ✓ The entrance roadway of a proposed subdivision/development shall contain the name of the subdivision/development where this name does not conflict with the *Town of Apex Road Name Approval Application* and *Town of Apex Address Policy* guidelines.
- ✓ The name "Apex" shall be excluded from any new subdivision/development name.
- ✓ Descriptive words that are commonly used by existing developments will be scrutinized more seriously in order to limit confusion and encourage distinctiveness. A list of commonly used descriptive words in Apex's jurisdiction is found below.
- ✓ The proposed subdivision/development name must be requested, reviewed and approved during preliminary review by the Town.
- ✓ A \$500.00 fee will be assessed to the developer if a subdivision/development name change is requested after official submittal of the project to the Town.*

*The imposed fee offsets the cost of administrative changes required to alleviate any confusion for the applicant, Planning staff, other Town departments, decision-making bodies, concerned utility companies and other interested parties. There is no charge for the initial name submittal.

Existing Development Titles, Recurring

	Residential	Non-Residential
10 or more	Creek, Farm(s), Village(s),	Center/Centre
6 to 9	Crossing(s), Park, Ridge, Wood(s)	Commons, Park
3 to 5	Acres, Estates, Glen(s), Green*, Hills	Crossing(s), Plaza, Station, Village(s)

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ19

Submittal Date: 9/1/2022

Proposed Subdivision/Development Information

Description of location: 406 S Salem St.

Nearest intersecting roads: S. Salem St and Harwood St

Wake County PIN(s): 0741-39-0442

Township: White Oak

Contact Information (as appropriate)

Contact person: Jones & Cnossen Engineering, PLLC - Patrick Kiernan

Phone number: 919-387-1174 Fax number: 919-387-3375

Address: 221 N. Salem St., Suite 001, Apex NC 27502

E-mail address: patrick@joenscnossen.com

Owner: KC2 Holdings LLC and FMR Investments LLC

Phone number: _____ Fax number: _____

Address: 218 Edinburgh Drive and 312 Kilmayne Drive, Suite 201, Cary NC 27511

E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: Flats at 406 S. Salem

2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff

Date

AGENT AUTHORIZATION FORM

Application #: 22CZ19 Submittal Date: 9/1/2022

FMR Investments LLC is the owner* of the property for which the attached application is being submitted:

- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 406 S Salem St, Apex NC 27502

The agent for this project is: Jones & Crossen Engineering, PLLC

I am the owner of the property and will be acting as my own agent

Agent Name: Patrick Kiernan

Address: 221 N Salem St, Suite 001, Apex NC 27502

Telephone Number: 919-387-1174

E-Mail Address: patrick@jonescrossen.com

Signature(s) of Owner(s)*



Patrick Kiernan

Type or print name

8-13-2022

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ19

Submittal Date: 9/1/2022

The undersigned, FMR Investments LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 406 S Salem St and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 07/21/2022, and recorded in the Wake County Register of Deeds Office on 07/22/2022, in Book 019095 Page 02724.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 07/22/2022, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 07/22/2022, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 22 day of August, 2022.



(seal)

Andrew Boss - manager

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Andrew Boss, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NCDL, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Notary Public Laura G. Ward

State of North Carolina

My Commission Expires: 6/17/2026

AGENT AUTHORIZATION FORM

Application #: 22CZ19

Submittal Date: 9/1/2022

KC2 Holdings LLC is the owner* of the property for which the attached application is being submitted:

- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 406 S Salem St, Apex NC 27502

The agent for this project is: Jones & Crossen Engineering, PLLC

I am the owner of the property and will be acting as my own agent

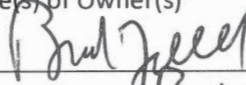
Agent Name: Patrick Kiernan

Address: 221 N Salem St., Suite 001, Apex NC 27502

Telephone Number: 919-387-1174

E-Mail Address: patrick@jonescrossen.com

Signature(s) of Owner(s)*


Brad Zedell
 Type or print name

8/22/22
 Date

 Type or print name

 Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ19

Submittal Date: 9/1/2022

The undersigned, KC2 Holdings LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 406 S Salem St and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 07/21/2022, and recorded in the Wake County Register of Deeds Office on 07/22/2022, in Book 019095 Page 02724.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
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This the 22nd day of August, 2022.

Brad Zedell (seal)
Brad Zedell
 Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Brad Zedell, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

THOMAS F. COLHOUN
NOTARY PUBLIC
WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun
 Notary Public
 State of North Carolina
 My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ19

Submittal Date: 9/1/2022

Insert legal description below.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Town of Apex, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron pipe (with witness marker) located North 27° 52' 43" West, 16.67 feet from a 6" nail set having NAD 83 (2011) coordinate values of North 719,554.29 feet, East 2,043,074.17 feet; thence South 63° 38' 29" East, 134.36 feet to an iron pipe set; thence South 29° 48' 10" West, 288.45 feet to a magnetic nail set; thence North 89° 25' 43" West, 170.27 feet to an existing concrete monument; thence North 31° 54' 08" East, 219.47 feet to an existing concrete monument; thence North 32° 21' 21" East, 144.34 feet to the BEGINNING, containing 1.053 total acres (45,875 square feet) more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Existing Conditions Survey For KC2 Enterprises, LLC", dated August 20, 2020.

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to: studentassignment-gis-group@wcpss.net

Developer Company Information

Company Name	Charm City Developers, LLC
Company Phone Number	(919) 703-6203
Developer Representative Name	Andrew Ross
Developer Representative Phone Number	(919) 703-6203
Developer Representative Email	andrew.ross@floyddevelopment.com

New Residential Subdivision Information

Date of Application for Subdivision	September 01, 2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	406 S Salem St
REID(s)	0005335
PIN(s)	0741-39-0442

Projected Dates Information

Subdivision Completion Date	09/2024
Subdivision Projected First Occupancy Date	10/2024

Lot by Lot Development Information

Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range			Price Range			Anticipated Completion Units & Dates			
								Min	Max		Low	High	Year	Year	# Units	Year	# Units
Single Family																	
Townhomes																	
Condos																	
Apartments	60		5	35	20			500	1200	\$1,400	12,600	2024	2024	60			
Other																	

NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

August 15, 2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
 406 S Salem St. 0741-39-0442

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

This rezoning petition is being submitted as a Planned Unit Development (PUD), which would allow for multi-family or apartment units to be developed at 406 S. Salem St. The appended exhibit shows approximate access, parking and building locations, but these locations are conceptual and subject to change.

Estimated submittal date: September 01, 2022

MEETING INFORMATION:

Property Owner(s) name(s): KC2 Holdings LLC and FMR Investments LLC
 Applicant(s): Charm City Developers, LLC
 Contact information (email/phone): patrick@jonescnossen.com/919-387-1174
 Meeting Address: Zoom meeting - see enclosed registration details
 Date/Time of meeting**: August 30, 2022 6:00 pm - 8:00 pm

Welcome: 6:00 pm Project Presentation: 6:05 pm Question & Answer: 6:30 pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.



Jones & Crossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Fax: 919-387-3375
www.jonescrossen.com

Zoom Meeting Details – 406 S Salem

When: **August 30, 2022 06:00 PM Eastern Time** (US and Canada)

Register in advance for this meeting:

Zoom.com

Meeting ID: 847 7800 7725

Passcode: F079da

The Meeting Registration form will request your First and Last Name, Email address and Street Address to help us with attendance at the meeting. After registering, you will receive a confirmation email containing information about joining the meeting.

Phone dial-in option: Call 1-301-715-8592 or 1-309-205-3325 and enter the Meeting ID and Passcode to join the meeting.

If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.

Vicinity Exhibit



0 100 200 400 ft
1 inch equals 200 feet

Disclaimer:
While making every effort to produce and publish the most current and accurate information possible, however, the maps are produced for informational purposes and are NOT surveys. No warranties, expressed or implied, are provided for the use thereof. Its use or its interpretation

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:

Project Name: 406 S Salem PUD Zoning: PUD-CZ

Location: 406 S Salem St

Property PIN(s): 0741-39-0442 Acreage/Square Feet: 1.05

Property Owner: KC2 Holdings LLC and FMR Investments LLC

Address: 218 Edinburgh Drive and 312 Kilmayne Drive, Suite 201

City: Cary State: NC Zip: 27511

Phone: _____ Email: _____

Developer: Charm City Developers, LLC

Address: 4201 Taylor Hall Place

City: Chapel Hill State: NC Zip: 27517

Phone: 919-703-6203 Fax: _____ Email: andrew.ross@floyddevelopment.com

Engineer: Jones & Cossen Engineering, PLLC - Patrick Kiernan

Address: 221 N Salem St, Suite 001

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: patrick@jonescossen.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Noise & Hours of Construction: Non-Emergency Police 919-362-8661

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic: James Misciagno 919-372-7470

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control: Water Resources – Infrastructure Inspections 919-362-8166

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations: Non-Emergency Police 919-362-8661

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road: James Misciagno 919-372-7470

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

**Dirt on Properties or in Streams: James Misciagno 919-372-7470
Danny Smith Danny.Smith@ncdenr.gov**

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust: James Misciagno 919-372-7470

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash: James Misciagno 919-372-7470

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins: James Misciagno 919-372-7470

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: Jessica Bolin 919-249-3537

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

Electric Utility Installation: Rodney Smith 919-249-3342

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

NOW OR FORMERLY
 SAULS INVESTMENT
 PROPERTIES, LLC
 PIN: 0741-39-0673
 ZONED: B1
 USE: VACANT

NOW OR FORMERLY
 SAULS INVESTMENT
 PROPERTIES, LLC
 PIN: 0741-39-1559
 ZONED: B1
 USE: SERVICE GARAGE



HARWOOD STREET

NOW OR FORMERLY
 MARY & CURTIS EPPS
 PIN: 0741-39-0503
 ZONED: HD 5F
 USE: SINGLE FAMILY

APPROXIMATE
 LOCATION OF
 PRIMARY ENTRANCE
 (FULL ACCESS)

APPROXIMATE
 LOCATION OF
 5-STORY
 APARTMENT
 BUILDING

10' RW DEDICATION

NOW OR FORMERLY
 ARTHUR DOVE
 PIN: 0741-39-2499
 ZONED: B1
 USE: SINGLE TEN.

NOW OR FORMERLY
 MARY ELIZABETH HORTON
 PIN: 0741-39-2365
 ZONED: B1
 USE: VACANT

NOW OR FORMERLY
 JACQUELINE MCCLLOUD
 PIN: 0741-29-9306
 ZONED: HD 5F
 USE: VACANT

APPROXIMATE
 LOCATION OF
 PARKING

APPROXIMATE
 ENTRANCE TO
 FIRST FLOOR
 PARKING

APPROXIMATE
 LOCATION OF
 RIGHT-IN -
 RIGHT-OUT
 ONLY
 ENTRANCE

S. SALEM STREET

NOW OR FORMERLY
 APEX FIRST BAPTIST CHURCH
 PIN: 0741-39-2120
 ZONED: B1
 USE: CHURCH

TOWN OF APEX
 WEST STREET PARK

NOW OR FORMERLY
 MARIAN MORING
 PIN: 0741-29-8134
 ZONED: HD 5F
 USE: SINGLE FAMILY

NOW OR FORMERLY
 ATM DEVELOPMENT, LLC
 PIN: 0741-29-9284
 ZONED: HD 5F
 USE: SINGLE TEN.

NOW OR FORMERLY
 RENT TO FREEDOM, LLC
 PIN: 0741-29-9159
 ZONED: HD 5F
 USE: VACANT

PRELIMINARY PLANS
 NOT FOR CONSTRUCTION

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: Zoom
 Date of meeting: August 30, 2022 Time of meeting: 6:00 pm - 8:00 pm
 Property Owner(s) name(s): KC2 Holdings LLC and FMR Investments LLC
 Applicant(s): Charm City Developers, LLC

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	<i>Patrick L. Kieffian</i>	<i>James R. Gibson Esq. W. 221 N. SALEM ST, STE 001</i>			
2.	<i>Kyle Farrell</i>	<i>KCI DEVELOPMENT, LLC</i>			
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): KC2 Holdings LLC and FMR Investments LLC

Applicant(s): Charm City Developers, LLC

Contact information (email/phone): patrick@jonescossen.com/919-387-1174

Meeting Address: Zoom

Date of meeting: August 30, 2022 Time of meeting: 6:00 pm 8:00 pm

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:
The only meeting attendees were the Property Owner representative and the Project Engineer.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, PATRICK L. KIERNAN, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom/virtual (location/address) on August 30, 2022 (date) from 6:00 pm (start time) to 8:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

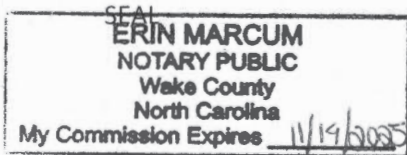
8/31/22

Date

By: *Patrick L. Kiernan*

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 31st day of August, 2022.



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

PD PLAN

The Heights A PLANNED UNIT DEVELOPMENT

APEX, NORTH CAROLINA

OWNER/DEVELOPER:

CHARM CITY DEVELOPERS, LLC

September 1, 2022

Revised: 11/1/22

Revised: 12/23/22

Revised: 1/25/23

Revised: 2/9/23

Revised: 2/17/23

Jones & Crossen Engineering, PLLC

221 N. Salem Street, Suite 001

P.O. Box 1062

Apex, NC 27502

(919)387-1174

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SECTION 3 – PROJECT DATA

- A. Project name: The Heights – PUD
- B. Owner/Developer: Charm City Developers, LLC
4201 Taylor Hall Pl. – Chapel Hill, NC 27517
- C. Prepared by: Jones & Clossen Engineering, PLLC
221 N. Salem Street, Ste. 001 – Apex, NC, 27502
- D. Designated Single Point of Contact:
Patrick L. Kiernan (Jones & Clossen Engineering, PLLC)
- E. Current and Proposed Zoning of the Property:
Current zoning: HD-SF (High Density Single Family)
Proposed zoning: PUD-CZ
- F. Current and Proposed Land Uses:
Current: Vacant
Proposed: Residential
- G. Current and Proposed 2045 Land Use Designation.
Current: Office Employment
Proposed: High Density Residential
- H. Parcel Information:

Wake County Tax Identification Number	Acreage
0741-39-0442	1.33 acres (Small Town Character Overlay District)
0741-29-9306	
0741-29-8458 (Partial)	

SECTION 4 – PURPOSE STATEMENT

The Heights PUD is a proposed High Density Multi-Family Residential project, consisting of apartments or condominium units, which would be developed under the Town of Apex ordinance as a Planned Unit Development (PUD). The project contains two full parcels and one partial parcel within the Small Town Character Overlay District, and is being developed by Charm City Developers, LLC. The project is located at the corner of S. Salem Street and Harwood Street, and the existing parcels are currently vacant.

The proposal to rezone these properties to PUD-CZ is in keeping with the Town’s Downtown Plan, as this project would help fulfill the goal for more residential units within the 10-minute walk (1/2 mile) radius of the heart of downtown, while also offering an urban-type design of high density multi-family units in the area directly adjacent to the planned location of the Town’s future Multi-modal Transit Center. This is also in keeping with the objectives of Transit-Oriented Development, a strategy encouraged for Downtown Apex in anticipation of the new NCDOT S-Line passenger rail that will connect parts of North Carolina and Virginia.

SECTION 5 – PERMITTED USES

The Rezoned Land may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

- Condominium
- Multi-family or Apartment
- Utility, minor
- Park, active
- Park, passive
- Greenway

SECTION 6 – DESIGN CONTROLS

Maximum Density:	40 units per acre
Minimum Lot Width:	No minimum
Maximum Number of Dwelling Units:	49
Parking Requirement:	1.3 spaces per dwelling unit
Maximum Built-Upon Area:	75%
Maximum Building Height:	60' and 4 stories
Maximum Front Setback:	25'
Minimum Front Setback:	0'
Minimum Rear Setback:	15'
Minimum Side Setback:	10'
<i>Note: Balconies, patios, decorative features, or other accessory structures may encroach into the S. Salem Street R/W with appropriate encroachment permission from Town of Apex Development Services.</i>	

SECTION 7 – ARCHITECTURAL STANDARDS

The architectural standards for this project shall comply with Section 6.3.1, *Small Town Character Overlay District* of the Town of Apex UDO, unless specifically noted otherwise in this document. The building scale and mass for this multi-family residential building shall be compatible with the established character of traditional Downtown Apex architecture. Building materials to be used for the project shall include a variety and diversity of colors, textures, and features; details of which shall be provided at the time of Minor Site Plan. The building shall not be required to comply with Section 6.3.1.G.4 of the Town of Apex UDO regarding the width of the façade. Instead, the scale of the building will be appropriate to the building type and will also relate appropriately to the long-term vision for this neighborhood, as outlined in the Town of Apex Downtown Plan. Building elevations shall comply with Section 6.3.1.H, *Residential Architectural Character*, of the Town of Apex UDO for all multi-family requirements (this does not include conditions pertaining to single family architectural standards).

Durable Materials

New building façades along publicly accessible rights-of-way shall include durable materials in keeping with surrounding buildings - brick/masonry (no concrete block), hardcoat stucco (no EIFS), cementitious or wood siding (no vinyl), and assorted trim elements of quality construction such as wood, aluminum storefront, and similar systems. Furthermore, at the ground floor along public rights-of-way and pedestrian pathways, exterior structural building elements including structured parking will be clad with brick and/or traditional hard coat stucco, cementitious siding, and/or high quality metal trim and screening.

Site Lighting

Adequate lighting of the sidewalk and street area is essential to creating a safe and inviting streetscape. Additional street lighting may be necessary to achieve the appropriate levels needed within the downtown corridor. A supplementary lighting plan will be provided at the time of Minor Site Plan. Light poles within the parking lot shall be limited to 18-feet in height and shall be full cut-off fixtures.

Structured Parking

Structured parking below or adjacent to new development will be screened with elements that carry architectural features of primary structures. Openings in structures will be designed to be in scale with window fenestration of occupied space on the same facade of the building and will be softened with architectural screening such as metal lattices, mullions matching building patterns, or similar features. No unimproved concrete or steel structures visible from any right of way are permitted. Exterior building materials will conform to the standards in the above "Durable Materials" section.

SECTION 8 – PARKING AND LOADING

Parking and loading requirements shall be based on the rate of 1.3 parking spaces per dwelling unit for 1-2 bedroom units. This ratio is in keeping with Town of Apex staff recommendation, based on comparable projects in Town.

All other parking design standards, including requirements for accessible parking, bicycle parking, and electric-vehicle charging stations, shall comply with Section 8.3, *Off-street Parking and Loading*, of the Town of Apex UDO.

SECTION 9– SIGNS

Signage for this project will comply with Section 8.8, *Signs*, of the Town of Apex UDO.

SECTION 10 – NATURAL RESOURCE AND ENVIRONMENTAL DATA:

- A. This project is located in the Upper Beaver Creek drainage basin which is in the Cape Fear Basin. This project currently falls within the Secondary Watershed Protection Overlay District as shown on Town of Apex Watershed Protection Overlay District Map.

- B. There is no FEMA mapped floodplain within these parcels as shown on FEMA FIRM Map #3720074100J, dated May 2, 2006.
- C. It has been determined that there are no jurisdictional streams, wetlands or riparian buffers located on this project.
- D. There are no known historic structures on this project.
- E. No resource conservation area or buffers are required for this PUD due to its location within the Small Town Character Overlay District, per Section 6.3.1.D.6 of the Town of Apex UDO.
- F. Because this project is within the Small Town Character Overlay District, it is not required to go through the Environmental Advisory Board. With that said, these standard, EAB-recommended conditions shall also apply with this project:
 - 1. At least 75% of the plant species used in the landscape design shall be native species.
 - 2. Warm season grasses and landscaping that requires less irrigation and chemical uses shall be planted to facilitate drought resistance.
 - 3. A minimum of two (2) pet waste stations shall be installed within the development.
 - 4. Electric vehicle charging spaces shall be provided at a rate of 5% of all required motor vehicle parking spaces, an increase from Table 8.3-9 of the Town of Apex UDO.

SECTION 11 – STORMWATER MANAGEMENT

The Heights PUD will meet all applicable requirements and standards as described in Section 6.1, *Watershed Protection Overlay Districts*, of the Town of Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1-year and 10-year 24 hour storm events.

The Heights PUD will use approved devices to control the stormwater and sediment runoff. These devices may include detention ponds, retention ponds, bioretention areas or any other approved SCM stormwater control. Stormwater control devices shall be landscaped and constructed to be an amenity to the development.

SECTION 12 – PARKS AND RECREATION

The Heights PUD was reviewed by the PRCR Advisory Commission at the November 30, 2022 meeting. The Advisory Commission unanimously recommended a fee-in-lieu of dedication for the project. Staff presented the concept of a sidewalk connection from West Street Park to the project, and it was supported with the location to be determined at the time of the site plan approval. The rate of the fee-in-lieu will be set at the time of the Town Council action on the rezoning and run with the life of the project.

SECTION 13 – PUBLIC FACILITIES

A. General Roadway Infrastructure

As shown on the PUD Layout Plan (sheet 2), all access points and planned vehicular circulation are conceptual and will be finalized at the time of Development Plan review and approval. A 10' right-of-way dedication would be provided along the S. Salem Street frontage, to complete 1/2 of the full 80' R/W for this section of S. Salem Street, as per the Town of Apex Thoroughfare and Collector Street Plan.

B. Pedestrian Facilities

For pedestrian connectivity, sidewalk circulation will be provided around all sides of the building, including connections made directly to S. Salem Street and Harwood Street. Where sidewalk already exists within the S. Salem Street or Harwood Street R/W's, additional, parallel sidewalks shall not be required to achieve the circulation around the building.

C. Public Transit

This project shall provide and construct one public bus stop along S. Salem Street within the project boundaries, with the exact location to be determined at the time of Minor Site Plan. The bus stop shall meet the approved Town of Apex bus stop standard construction specifications ("Town standards"), and be contained within the Town's public right-of-way if at all possible (and otherwise an easement shall be dedicated for maintenance of the bus stop into the future). The scope shall be dependent on the following conditions:

- If a bus route is in operation to service the stop at the time of site plan approval, the developer shall be responsible concrete site work and the purchase and installation of a bench, trash can, and two bike racks. All sitework and amenities shall comply with Town standards.
- If no such bus service is in operation at the time of site plan approval, the developer shall only be responsible for concrete site work which shall comply with Town standards. No installed amenities (bench, trash can, bike racks) shall be required by the Town.
- However, if the developer chooses to do so, they may purchase and install a bench and trash can even if no bus service will serve the stop at the time of site plan approval. In this case, the bench and trash can may be used to satisfy the UDO's public amenity requirement. All site work and amenities must comply with Town standards.

D. Water and Sanitary Sewer

As shown on the PUD Utility Plan (sheet 4), public sanitary sewer and public water are available within S. Salem Street as well as Harwood Street. Precise locations of utility service connections will be determined at the time of Minor Site Plan. Town of Apex standards and specifications shall be followed for all utility connections made to public sewer and water.

E. Storm Drainage

This project proposes to abandon the existing 30' public drainage easement on the northeast corner of the property, with the understanding that an alternate stormwater design will need to be approved by the Water Resources Director at Minor Site Plan and constructed by the developer. There is also an existing public storm drain that is internal to the project that was installed without a public drainage easement. This pipe would also be subject to re-alignment with this PUD proposal. Abandonment of any public stormwater easements would follow the Town's typical easement abandonment process. Any additional public drainage easements will be recorded at the time of Site Plan Final Plat.

F. Other Utilities

Electricity will be provided by Apex Electric. Phone, cable, and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

SECTION 14 – PHASING

It is anticipated that this project would be constructed in one phase.

SECTION 15 – CONSISTENCY WITH LAND USE PLAN

The Town of Apex 2045 Land Use Map currently designates these parcels as Office Employment, meaning a change to the 2045 Land Use Map would be necessary for this rezoning. This PUD proposes to change the 2045 LUM designation to High Density Residential for these parcels. While this proposal is not consistent with the current 2045 Land Use Map, we believe this PUD is in keeping with the Town of Apex Downtown Plan, and that the proposed uses are compatible with, and would be supported by, the surrounding community.

SECTION 16 – COMPLIANCE WITH THE UDO

The proposed plans for The Heights PUD are in compliance with the standards and allowances provided in the current approved version of the Town of Apex Unified Development Ordinance. Any variances from UDO requirements, including, but not limited to, those found in the Small Town Character Overlay District, have been noted in this plan.

SECTION 17 – AFFORDABLE HOUSING

The Affordable Housing condition for this project may be applied in one of two ways, depending on the proposed use of the building at the time of Minor Site Plan. The specific floor plan selection, including unit size and number of bedrooms, shall be chosen at the discretion of the developer at the time of Minor Site Plan.

A. Rental product scenario (Multi-family or Apartment)

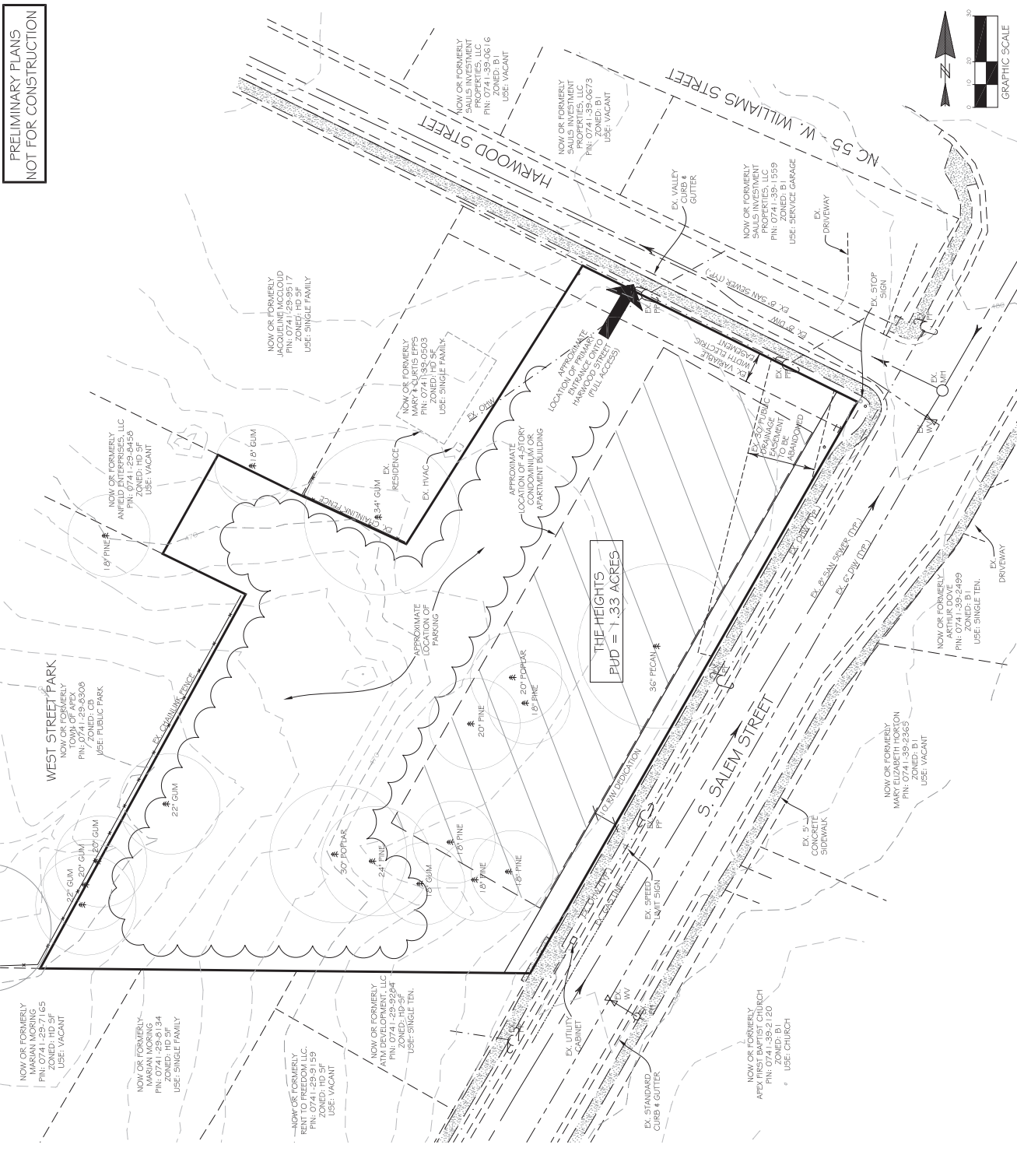
A minimum of two (2) residential units (as shown at the time of Minor Site Plan) shall be designated as restricted low-income affordable housing rental units (the “Affordable Units”) for a minimum affordability period of twenty (20) years starting from the date of issuance of the first residential Certificate of Occupancy (the “Affordable Restriction Period”). The Affordable Units shall be occupied by low-income households earning no more than eighty percent (80%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI), adjusted for family size, as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Units shall either be 1-bedroom or 2-bedroom units and rented to low-income households during the Affordable Restriction Period at maximum rent limits per bedroom size, no greater than eighty percent (80%) of the Raleigh, NC MSA AMI as most recently published by the HUD and stipulated by the most recently published North Carolina Housing Finance Agency (NCHFA) Low-Income Housing Tax Credit (LIHTC) Multifamily Tax Subsidy Program (MTSP) income and rent limits for the Wake County Metropolitan Area. Prior to issuance of the first residential Certificate of Occupancy, a restrictive covenant between the Town and property owner shall be executed and recorded in the Wake County Registry to memorialize the affordable housing terms and conditions. During the Affordable Restriction Period, either the property owner or management company shall be responsible for performing all property management and administration duties to ensure compliance with this affordable housing condition and shall submit annual compliance reports to the Town verifying compliance with this affordable housing condition. Following expiration of the Affordable Restriction Period, this affordable housing condition shall expire, and the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the Affordable Units may freely be marketed and leased at market-rate rents.

B. Ownership product scenario (Condominium)

Of the permitted residential condo dwellings, at least two (2) restricted median income affordable housing condo ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership sales price that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by households earning no more than one hundred percent (100% - Median-Income) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. The two (2) Affordable Housing units shall be identified on the Condominium Final Plat, which may be amended from time to time. A restrictive covenant (i.e. unit reservation agreement) shall be recorded against the two (2) Affordable Housing units prior to the Condominium Final Plat, and a separate restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each of the Affordable Housing units at purchase closing to memorialize the affordable housing terms and conditions of the approved zoning condition.



PRELIMINARY PLANS
NOT FOR CONSTRUCTION



- TOWN REQUIRED PUD NOTES:**
- PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPE. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE CALIPE. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE CALIPE. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE CALIPE.
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- NOTES:**
- BOUNDARY, TOPOGRAPHIC AND EXISTING CONDITION INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY SMITH & SMITH SURVEYORS.
 - EXISTING UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEYING BY TERKACON CONSULTANTS, INC. AND NONE ARE PRESUMED TO BE ACCURATE UNLESS SHOWN OTHERWISE.
 - THIS SITE AS SHOWN HEREON EXISTS ON THIS PROPERTY PER FEMA MAP 43200274I (DATED MAY 2, 2006).
 - OVERLAY DISTRICT WITHIN THE SECONDARY WATERSHED PROTECTION DISTRICT.
 - INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND THE PERIMETER OF THE SILT FENCE.
 - THE FUTURE LOCATIONS FOR WATER AND SEWER SERVICE CONNECTIONS TO BE DETERMINED BY THE ENGINEER AND SHALL BE DETERMINED AT THE TIME OF THE UTILITY DESIGN AND SHALL BE DETERMINED AT THE TIME OF THE UTILITY DESIGN AND SHALL BE DETERMINED AT THE TIME OF THE UTILITY DESIGN.
 - CONTRACT FOR TOWN OF APEX ELECTRIC UTILITIES IS KODNEY SMITH AT 919-285-5344. CONTRACT SHALL USE FULL TOWN OF APEX SERVICES INCLUDING WATER, SEWER AND ELECTRICITY.
 - PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY

DESIGN NOTES:

BRICK:

Final brick color TBD. Brick to be studied with surrounding area and context.

- Red, Tan, or Brick Blend.

HARDIE PANEL SIDING:

Various textures. Final color TBD. Other options:

- Smooth panel with metal Reglet reveals
- Traditional plank siding application

CAST STONE BASE:

Large format masonry for the building base

- Variation in coursing
- Water table, accent pieces to be studied.

WINDOWS / DOORS:

- Aluminum or vinyl units
- Sizes, colors and mullion patterns may vary.

Other potential materials to be studied on final elevations:

- Nichia wood-like panels
- Hard Coat Stucco



THIS SHEET IS FOR ILLUSTRATION PURPOSES ONLY

SEE ALTERNATE MATERIAL NOTES ON PERSPECTIVE RENDERING VIEW



THIS SHEET IS FOR ILLUSTRATION PURPOSES ONLY

SEE ALTERNATE MATERIAL NOTES ON PERSPECTIVE RENDERING VIEW

406 S. Salem St.

Apex, NC

Conceptual Design - East Elevation

22 December 2022

Scale: N.T.S



THIS SHEET IS FOR ILLUSTRATION PURPOSES ONLY

SEE ALTERNATE MATERIAL NOTES ON PERSPECTIVE RENDERING VIEW

406 S. Salem St.
Apex, NC

Conceptual Design - North Elevation

22 December 2022

Scale: N.T.S





THIS SHEET IS FOR ILLUSTRATION PURPOSES ONLY

SEE ALTERNATE MATERIAL NOTES ON PERSPECTIVE RENDERING VIEW

406 S. Salem St.

Apex, NC

Conceptual Design - West Elevation

22 December 2022

Scale: N.T.S



THIS SHEET IS FOR ILLUSTRATION PURPOSES ONLY

SEE ALTERNATE MATERIAL NOTES ON PERSPECTIVE RENDERING VIEW

406 S. Salem St.

Apex, NC

Conceptual Design - South Elevation

22 December 2022

Scale: N.T.S

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ19 The Heights PUD

Planning Board Meeting Date: February 13, 2023



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +/- 1.33 acres

PIN(s): 0741390442, 0741299306, and a portion of 0741298458

Current Zoning: High Density Single Family (HDSF)

Proposed Zoning: Planned Unit Development–Conditional Zoning (PUD-CZ)

Current 2045 Land Use Map: Office Employment & Medium Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential

Town Limits: Inside Corporate Limits

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

Parks, Recreation, Open Space, and Greenways Plan
 Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ19 The Heights PUD

Planning Board Meeting Date: February 13, 2023



Legislative Considerations:

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
- Consistent Inconsistent Reason: _____
-
-

2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- Consistent Inconsistent Reason: _____
-
-

3. *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
- Consistent Inconsistent Reason: _____
-
-

4. *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- Consistent Inconsistent Reason: _____
-
-

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- Consistent Inconsistent Reason: _____
-
-

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ19 The Heights PUD

Planning Board Meeting Date: February 13, 2023



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

Consistent Inconsistent Reason: _____

7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

Consistent Inconsistent Reason: _____

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

Consistent Inconsistent Reason: _____

9. *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

Consistent Inconsistent Reason: _____

10. *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ19 The Heights PUD

Planning Board Meeting Date: February 13, 2023



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Daniel Khodaparast

Seconded by Planning Board member: Alyssa Byrd

Approval: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

Approval with conditions: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

As proposed by the applicant.

Denial: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 7 Planning Board Member(s) voting "aye"

With 1 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

Tim Royal voted no - see attached

This report reflects the recommendation of the Planning Board, this the 13th day of February 2023.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2023.02.13 17:29:59
-05'00'
Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tim Royal

Meeting Date: 2/13/2023

Rezoning # #22CZ19

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote:

Concerns over access to the site. Future closing of Harwood St by NCDOT and no direct access to Salem St. essentially puts all traffic through the minor neighborhood streets around Justice Heights. Currently, no traffic calming measures are proposed. Currently, access to Salem Street off of Harwood St is nearly impassable. Once access to Salem St. is closed with the widening of HWY 55, access to 55 will be off of 1st St. and Upchurch St. West bound turning traffic will have a hard time turning left off of 1st St. and Upchurch St at non-signalized intersections.

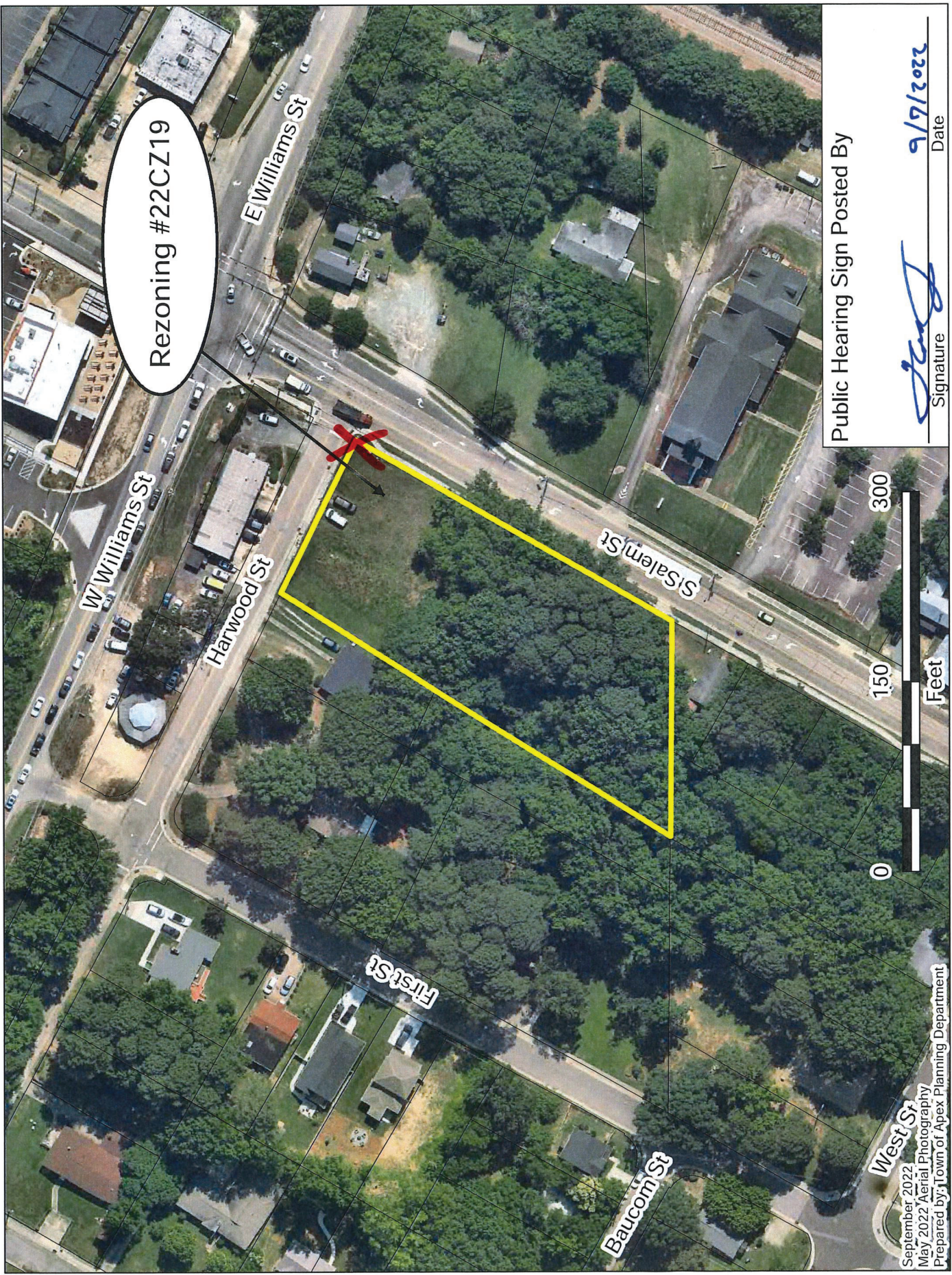
This project would work better if the southern most properties were included to West St. and have an entrance off of 1st st. Traffic could then access Salem St safer and could travel to the 55/Salem signalized intersection for a safer travel.

Rezoning #22CZ19

Public Hearing Sign Posted By

[Signature]
Signature

9/7/2022
Date



September 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department



TOWN OF APEX
 POST OFFICE BOX 250
 APEX, NORTH CAROLINA 27502
 PHONE 919-249-3426

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS**
 CONDITIONAL ZONING #22CZ19
 The Heights PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Charm City Developers, LLC
- Authorized Agent:** Patrick Kiernan, Jones & Crossen Engineering, PLLC.
- Property Addresses:** 406 S. Salem St., 0 Harwood St., and 0 First St.
- Acreage:** ±1.33 acres
- Property Identification Numbers (PINs):** 0741390442, 0741299306, & 0741298458 (portion of)
- Current 2045 Land Use Map Designation:** Office Employment and Medium Density Residential
- If rezoned as proposed, the 2045 Land Use Map Designation will change to:** High Density Residential
- Existing Zoning of Properties:** High Density Single-Family Residential (HDSF)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
 Council Chamber, 2nd Floor
 73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: February 13, 2023 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40722>.

Dianne F. Khin, AICP
 Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ19
The Heights PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Charm City Developers, LLC

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC.

Dirección de las propiedades: 406 S. Salem St., 0 Harwood St., y 0 First St.

Superficie: ±1.33 acres

Números de identificación de las propiedades: 0741390442, 0741299306, y 0741298458 (porción de)

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment y Medium Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: High Density Residential

Ordenamiento territorial existente de las propiedades: High Density Single Family (HDSF)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de febrero de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.calsi@nc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40722>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ19 The Heights PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Charm City Developers, LLC

Authorized Agent: Patrick Kiernan, Jones & Crossen Engineering, PLLC.

Property Addresses: 406 S. Salem St., 0 Harwood St., and 0 First St.

Acreage: ±1.33 acres

Property Identification Numbers (PINs): 0741390442, 0741299306, & 0741298458 (portion of)

Current 2045 Land Use Map Designation: Office Employment and Medium Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential

Existing Zoning of Properties: High Density Single-Family Residential (HDSF)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

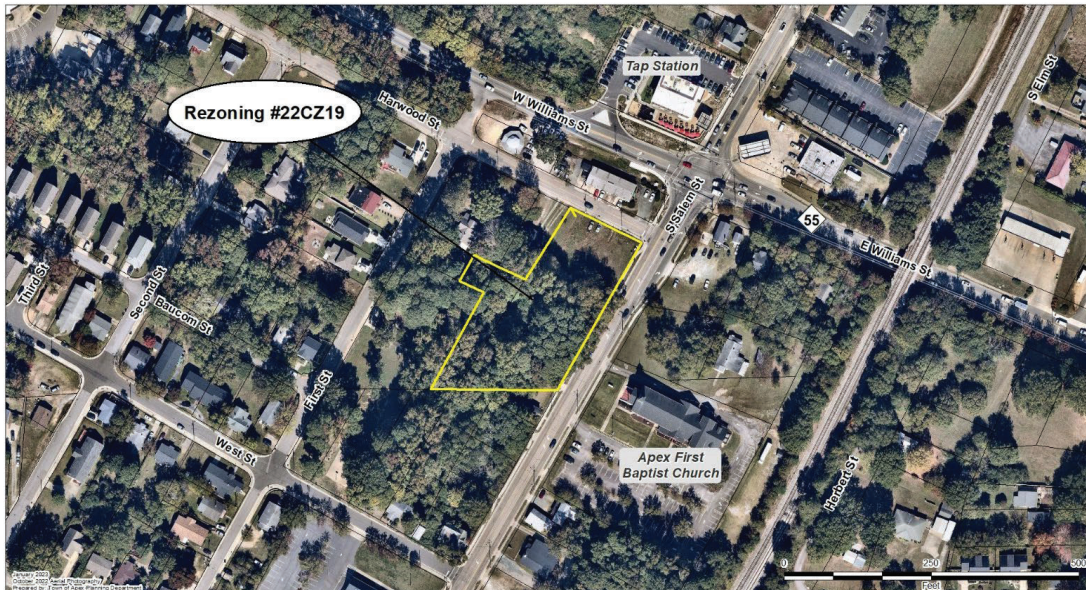
Planning Board Public Hearing Date and Time: February 13, 2023 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40722>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ19
The Heights PUD (Desarrollo de Unidad Planificada)

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Solicitante: Charm City Developers, LLC

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC.

Dirección de las propiedades: 406 S. Salem St., 0 Harwood St., y 0 First St.

Superficie: ±1.33 acres

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Ordenamiento territorial existente de las propiedades: High Density Single Family (HDSF)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de febrero de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

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Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ19
The Heights PUD
Project Location: 406 S. Salem St., 0 Harwood St., and 0 First St.
Applicant or Authorized Agent: Patrick Kiernan, PE
Firm: Jones & Crossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on January 27, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

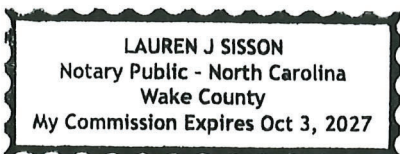
2/6/2023
Date

Shianne F. Klein
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above

State and County, this the 6th day of FEBRUARY, 202 3.



[Signature]
Notary Public

SEAL

My Commission Expires: 10 / 3 / 27



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ19 The Heights PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Charm City Developers, LLC

Authorized Agent: Patrick Kiernan, Jones & Crossen Engineering, PLLC.

Property Addresses: 406 S. Salem St., 0 Harwood St., and 0 First St.

Acreage: ±1.33 acres

Property Identification Numbers (PINs): 0741390442, 0741299306, & 0741298458 (portion of)

Current 2045 Land Use Map Designation: Office Employment and Medium Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential

Existing Zoning of Properties: High Density Single-Family Residential (HDSF)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: February 28, 2023 7:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40722>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ19
The Heights PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Charm City Developers, LLC

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC.

Dirección de las propiedades: 406 S. Salem St., 0 Harwood St., y 0 First St.

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Números de identificación de las propiedades: 0741390442, 0741299306, y 0741298458 (porción de)

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment y Medium Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: High Density Residential

Ordenamiento territorial existente de las propiedades: High Density Single Family (HDSF)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 28 de febrero de 2023 7:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40722>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ19
The Heights PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Charm City Developers, LLC
- Authorized Agent:** Patrick Kiernan, Jones & Crossen Engineering, PLLC.
- Property Addresses:** 406 S. Salem St., 0 Harwood St., and 0 First St.
- Acres:** ±1.33 acres
- Property Identification Numbers (PINs):** 0741390442, 0741299306, & 0741298458 (portion of)
- Current 2045 Land Use Map Designation:** Office Employment and Medium Density Residential
- If rezoned as proposed, the 2045 Land Use Map Designation will change to:** High Density Residential
- Existing Zoning of Properties:** High Density Single-Family Residential (HDSF)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: February 28, 2023 7:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40722>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
 PO BOX 250
 APEX, NORTH CAROLINA 27502
 TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
 ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ19
 The Heights PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Charm City Developers, LLC

Agente autorizado: Patrick Kiernan, Jones & Cnassen Engineering, PLLC.

Dirección de las propiedades: 406 S. Salem St., 0 Harwood St., y 0 First St.

Superficie: ±1.33 acres

Números de identificación de las propiedades: 0741390442, 0741299306, y 0741298458 (porción de)

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment y Medium Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: High Density Residential

Ordenamiento territorial existente de las propiedades: High Density Single Family (HDSF)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 28 de febrero de 2023 7:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighbnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/60722>.

Dianne F. Khin, AICP
 Directora de Planificación

Fechas de publicación: 3 de febrero - 28 de febrero de 2023



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ19
The Heights PUD
Project Location: 406 S. Salem St., 0 Harwood St., and 0 First St.
Applicant or Authorized Agent: Patrick Kiernan, PE
Firm: Jones & Crossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on February 3, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

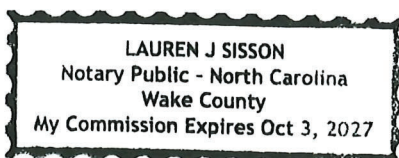
2/6/2023
Date

Shianne F. Klein
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above

State and County, this the 6th day of FEBRUARY, 2023.



[Signature]
Notary Public

SEAL

My Commission Expires: 10 / 3 / 27



**WAKE COUNTY
PUBLIC SCHOOL SYSTEM**

Student Assignment

5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

October 20, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: September 1, 2022
- Name of development: 22CZ19 406 S. Salem St PUD
- Address of rezoning: 406 S. Salem St
- Total number of proposed residential units: 65
- Type(s) of residential units proposed: Apartments

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
 - Elementary Middle High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- Not applicable – existing school capacity is anticipated to be sufficient.
- School expansion or construction within the next five years is not anticipated to address concerns.
- School expansion or construction within the next five years may address concerns at these grade levels:
 - Elementary Middle High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,