

STAFF REPORT

Rezoning #22CZ26 Apex Gateway Ph 2

314, 450, 482, 472, 546, 610, 696, 527, & 0 NC Hwy 751; 0, 0, 0, & 13406 US 64 E

February 28, 2023 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 314, 450, 482, 472, 546, 610, 696, 527, & 0 NC Hwy 751; 0, 0, 0, & 13406 US 64 E
Applicant: Maggie Houston, Beacon Development
Owners: John W Long & Faye C Long; BIN - AG LLC; Brent Michael Droege; Droege Investments, LLC; James L Givens; Cant Hook Properties, LLC; Andrew L Clark Trustee & Staley C Smith; BIN - AG2 LLC; Mills Chatham Investment Properties, LLC

PROJECT DESCRIPTION:

Acreage: +243.48
PINs: 071200461386, 071200460876, 071200367945, 071200470121, 071200378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, 071200435356
Current Zoning: Chatham County Conditional Use-Light Industrial District (CU-IND-L), Chatham County Residential District (R-1), Chatham County Conditional Use-Office & Institutional District (CU-OI)
Proposed Zoning: Light Industrial-Conditional Zoning (LI-CZ)
Current 2045 Land Use Map: Employment Center (Chatham County)
Proposed 2045 Land Use Map: North of US Hwy 64: Industrial Employment
South of US Hwy 64: Commercial Services/Industrial Employment
Town Limits: Outside; Annexation required with rezoning

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Chatham County Residential District 5 (R-5); Chatham County Residential District 1 (R-1)	Vacant (Army Corps land); Single-family residential
South:	Chatham County Residential District 1 (R-1)	Single-family residential; vacant
East:	Light Industrial Conditional Zoning (LI-CZ #22CZ24); Chatham County Residential District 5 (R-5)	Future Industrial (Apex Gateway Ph 1); Triangle Math and Science Academy; Single-family residential
West:	Chatham County Residential District 1 (R-1); Chatham County Conditional Use-General Business (CU-B-1); Chatham County Conditional District-Community Business (CD-CB); Chatham County Conditional District- Regional Business (CD-RB)	Vacant; Self-service storage facilities; RV sales/service

Existing Conditions:

The subject properties total +/-243.48 acres and are located in all four quadrants of the intersection of NC 751 Highway and US Hwy 64. Nine of the parcels contain homes with all but one being on the east side of NC 751, north of 64. Most of the parcels are wooded with the exception of the largest parcel in the northwest quadrant which has been mostly timbered with the exception of riparian buffers and the southern portion.

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Buffered streams cross that property as well as the largest property in the southwest quadrant which also contains a pond.

South of US Hwy 64, the area to be rezoned is split by New Hill Road and is bounded on the east by New Hill Olive Chapel Road. New Hill Olive Chapel Road is designated as a 4-lane median divided thoroughfare with widening north of Olive Chapel Road and south of Old US 1 Hwy and as a 2-lane existing thoroughfare between Olive Chapel Road and Old US 1 Hwy.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on October 27, 2022. The neighborhood meeting report is attached.

2045 Land Use Map:

The area to be rezoned is currently shown on the Chatham County Land Use Plan as an Employment Center. This land use category targets areas for future job-generating uses in settings that meet today's workplace expectations. A mix of uses including industrial, office, and supporting retail, restaurant, service, recreation, and other uses are supported. Arterial, collector and local streets and private drives for local and regional accessibility are expected.

With this proposed rezoning and the associated annexation, the subject area must be included on our 2045 Future Land Use Map prior to action on the rezoning. Staff has proposed the following amendments to the 2045 Land Use Map:

- For the properties north of US Hwy 64, staff has proposed the Industrial Employment classification which is consistent with the classification approved for the properties in Apex Gateway Ph 1 (Project Real).
- For the properties south of US Hwy 64, staff has proposed the Commercial Services and Industrial Employment classifications. The combination of these two categories reflects the mix of uses that are anticipated by the Chatham County Employment Center land use classification as well as the fact that the population density is higher south of US Hwy 64.

The proposed rezoning to Light Industrial-Conditional Zoning (LI-CZ) with the uses and conditions proposed is consistent with the proposed land use classifications.

PROPOSED ZONING CONDITIONS:

Limitation of Uses:

The Rezoned Lands 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.

Permitted Uses and Limitations:

1. Government service
2. Communication tower, commercial (S)
3. Utility, minor
4. Wireless support structure
5. Wireless communication facility
6. Broadcasting station (radio & television)
7. Radio and television recording studio
8. Commissary
9. Restaurant, general
10. Retail sales, general

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11. Medical or dental office or clinic
12. Medical or dental laboratory
13. Office, business or professional
14. Building supplies, wholesale *[subject to additional use condition restrictions]*
15. Laboratory, industrial research *[subject to additional use condition restrictions]*
16. Machine or welding shop *[retained at the request of the neighbors with existing shop or welding businesses on NC-751]*
17. Warehousing, general *[subject to additional use condition restrictions]*
18. Woodworking or cabinetmaking
19. Wholesaling distribution center *[subject to additional use condition restrictions]*
20. Warehousing fulfillment center *[subject to additional use condition restrictions]*
21. Brewery *[subject to additional use condition restrictions]*
22. Distillery *[subject to additional use condition restrictions]*
23. Manufacturing & processing *[subject to additional use condition restrictions]*
24. Microbrewery or Microdistillery
25. Research facility
26. Glass sales *[subject to additional use condition restrictions]*
27. Health/Fitness center or spa
28. Manufacturing & processing, minor
29. Entertainment indoor
30. Entertainment outdoor (S)
31. Greenway
32. Pet services
33. Parking lot, public
34. Day care facility (%)
35. Veterinary clinic or hospital
36. Vocational school *[subject to additional use condition restrictions]*
37. Drop-in or short-term day care
38. Botanical garden
39. Park, active
40. Park, passive

Use Conditions:

1. Machine or welding shop: This use is allowed with the exception of welding associated with automobiles.
2. Manufacturing and processing: This use shall be prohibited on any parcels south of US 64 and prohibited within 500' of the northern boundary of the area to be rezoned.
3. Laboratory, industrial research: This use shall be prohibited within 500' of the northern boundary of the area to be rezoned and prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.
4. Retail sales, general: This use shall be allowed in both freestanding retail buildings as well as mixed use buildings with no gross floor area percentage restrictions. Such use shall not be required to be associated with an Industrial use.
5. Building supplies, wholesale: This use shall not exceed 200,000 square feet north of US 64 and shall not include more than 15% of the building's square footage as outdoor storage. This use shall not exceed 50,000 square feet south of US 64 and shall not include more than 15% of the building's square footage as outdoor storage. This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road. Outdoor storage to be screened with 10' slotted fence.
6. Manufacturing and processing, minor: This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.
7. Glass sales: This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road. This use shall be all indoors except what is stored on trucks. Outdoor truck parking must be fully screened from any public right-of-way.
8. Brewery: This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.

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9. Distillery: This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.
10. Vocational school: This use is allowed with the exception of a truck driving school, or related programing that would require the use of trucks.
11. There shall be a minimum of 5 acres, reserved north of US 64 that will allow for the following uses: Restaurant, general; Medical or dental office or clinic; Office, business or professional; Retail sales general; Pet services; Health / Fitness center or spa; Veterinary clinic or hospital; Day care facility; Drop-in or short-term day care; Parking lot, public.
12. There shall be a minimum of 15 acres, reserved south of US 64 that will allow for the following uses: Restaurant, general; Medical or dental office or clinic; Office, business or professional; Retail sales general; Pet services; Health / Fitness center or spa; Veterinary clinic or hospital; Day care facility; Drop-in or short-term day care; Parking lot, public.
13. The approximately 12.07-acre tract at the south east corner of the US 64 and NC 751 intersection, framed between Hwy 64, New Hill Road, and New Hill Olive Road, shall be limited to the following uses: Restaurant, general; Medical or dental office or clinic; Office, business or professional; Retail sales general; Pet services; Health/Fitness center or spa; Veterinary clinic or hospital; Day care facility; Drop-in or short-term day care; Parking lot, public.
14. Warehousing, general: This use shall not exceed 95,000 total square feet south of US 64. This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.
15. Warehousing fulfillment center: This use shall not exceed 95,000 total square feet south of US 64. This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.
16. Wholesaling distribution center: This use shall not exceed 95,000 total square feet south of US 64. This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.

Environmental Conditions:

1. On the north side of US 64, within existing PIN's 071200461386, 071200460876, 071200470121, 071200367945, 071200378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, and a portion of 071200435356, existing trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by the Town Planning Staff, above and beyond UDO requirements.
2. On the south side of US 64, within existing PIN 071200435356 (Lots 2 and 3), existing trees greater than 24" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by the Town Planning Staff, above and beyond UDO requirements.
3. The northern property boundary of the rezoning limits shall have the following buffers: PIN 0712-00-26-1673 – 100' average buffer; PIN 0712-00-37-2751 – minimum 100' buffer. The approximate location of the buffer is shown in Exhibit 3.
4. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance. Additionally, the developer shall commit to a minimum of 2 acres of wetlands to be constructed north of US 64 to facilitate additional nutrient removal above the Unified Development Ordinance requirements.

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5. On site stormwater treatment shall also include Green Stormwater Infrastructure measures within the project limits (above Town of Apex Unified Development Ordinance requirements). The following Green Stormwater Infrastructure measures shall be included prior to the 3rd building CO: bio-retention areas totaling a minimum of 6,000 sf; a minimum of 5,000 sf of permeable pavement systems; and rainwater harvesting (cisterns) with a minimum capacity of 2,500 gallons. Educational signage will be displayed where Green Stormwater Infrastructure devices are located, and such locations shall be open to the public and community groups for educational purposes.
6. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
7. The project shall preserve a minimum of 10% of the existing tree canopy.
8. The project shall preserve an additional 30' of buffer along intermittent and perennial streams north of US 64 above the Town of Apex requirements.
9. To improve energy efficiency, the project area to the north of US 64 shall plant evergreen trees on the northern side of all buildings to act as a windbreak. This shall not apply where loading docks are proposed along a building facade.
10. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings. This shall not apply to commercial outparcels with highway frontage or where loading docks are proposed along a building facade.
11. The project shall plant only drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at the time of Site Plan or Master Subdivision Plan review.
12. At least (1) information sign or other marking shall be provided at the boundary of an area dedicated as Resource Conservation Area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
13. The project shall install light timers or other smart lighting technology on at least 50% of the fixtures in the parking lot so they are automatically turned off or reduced in level of lighting when the business is closed.
14. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
15. Outdoor lighting shall have a color temperature of no more than 3000 Kelvins.
16. Development shall construct an activated open space / outdoor amenity along the proposed multi-use path committed in Transportation Condition #5, and shall also include an adjacent pollinator garden. Approximate location depicted in Exhibit 2. The multi-use path and amenity programming / pollinator garden shall be constructed in conjunction with the development of these parcels (and shall not be required until development commences on the parcels).
17. Removal of trees greater than 10" in diameter onsite for the sole purpose of making room to replant trees shall not be allowed.
18. To further illustrate the project's commitment to preserving and re-establishing tree canopy in our region, prior to Site Plan approval, the developer will provide a donation of \$100,000 to the Triangle Land Conservancy and an additional \$100,000 donation to Trees for the Triangle.
19. There shall be no tree clearing within the riparian buffer zones with the exception of required Town of Apex utilities and public street connections.
20. Any required public road crossing within a riparian buffer shall be narrowed to the greatest extent possible, subject to Town of Apex design requirements and staff approval, in order to limit environmental impacts.

Architectural Conditions - Industrial

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1. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
2. The buildings shall have more than one parapet height.
3. Windows and glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
4. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.

Architectural Conditions - Commercial

1. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades. This would also include reveals in concrete tilt construction with integrated thin brick and contrasting paint colors, which add visual interest. The percentage of brick required on the facades will be 65 percent for a single story building, 50 percent for a two story building, and only the first floor for a three story building.
2. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
3. Buildings on corners are to be treated as gateways with quality design.
4. Corner buildings shall match or exceed the height of adjacent buildings.
5. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
6. The orientation of drive-thru lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. If drive-thru lanes must be located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Pick-up windows shall be de-emphasized through screening and/or architectural elements.
7. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of 50% of the total building height. Buildings shall not have blank side walls creating a false front appearance.
8. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) feet of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.
9. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
10. Simple parapet roof edges with varying coping shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
11. The building shall have more than one parapet height.

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12. Roof features may include hip roofs or awnings with metal or shingle roofs.
13. Buildings shall be architecturally compatible by way of colors and use of materials. The building exterior shall have more than one material color.
14. The exterior materials shall include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - a. Brick masonry
 - b. Decorative concrete block (either integrally colored or textured)
 - c. Stone accents
 - d. Aluminum storefronts with anodized or pre-finished colors.
 - e. EIFS cornices and parapet trim.
 - f. Precast concrete
 - g. Concrete tilt with a base wall paint color in conjunction with varying complimentary accent paint colors and integral thin brick, with associative percentages as outlined in item 1 above.
15. Exterior materials that shall not be allowed are as follows:
 - a. Vinyl siding
 - b. Painted, smooth faced concrete block (decorative blocks are acceptable)
 - c. Metal walls
16. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade
17. Soffit and fascia materials shall be EIFS, architectural metal panels (ACM), or tongue and groove wood.

Transportation Conditions

1. Development shall dedicate public right-of-way for the future interchange at US 64 and NC 751 consistent with the area shown in Exhibit 1. This area is based on the outside limits of the interchange concept known as "ALT 1" evaluated by the North Carolina Department of Transportation at the time of rezoning. This dedication shall be included in development plans and occur at the time of Subdivision Final Plat or Site Plan Final Plat, whichever occurs first, for any parcel(s) adjacent to US 64 and NC 751 as applicable. If NCDOT has approved an interchange design prior to the first Subdivision Final Plat or Site Plan Final Plat that is less than shown on Exhibit 1, the development shall only be required to dedicate the right-of-way shown in the approved interchange design.
2. All collector roads (as reflected in Exhibit 1) shall be constructed to Town of Apex major collector street standards. Development shall construct and dedicate a 60-foot right-of-way from NC 751 to the eastern boundary of the rezoning limits. Exhibit 2 reflects approximate location of connection that shall be further defined at site plan. This shall not be required until these parcels are developed.
3. Development shall construct and dedicate a 60-foot right-of-way from NC 751 to the western boundary of the rezoning limits. Exhibit 2 reflects approximate location of connection that shall be further defined at site plan. This shall not be required until these parcels are developed.
4. Development shall increase the sidewalk width to a 10' multi-use path for a portion of the road committed in Transportation Condition #3 from NC 751 to the eastern stream buffer as depicted on Exhibit 2. This shall not be required until these parcels are developed.
5. Development shall connect the multi-use path committed in Transportation Condition #4 back to NC 751 along the approximate location shown on Exhibit 2. Multi-use path shall be at a minimum 10' wide and of stone material. This shall not be required until these parcels are developed.

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6. The development shall construct a minimum of two stub street connections to adjacent parcels that have no frontage along public streets or only have frontage along NC 751. The location of the stub streets shall be subject to Town review and approval.
7. Development shall construct a 5-foot sidewalk on the west side of NC 751 along the frontage of existing PIN's 071200277607 and 071200278263 at the time of development of the northwest quadrant (existing PIN's 071200261673 and 071200350755) subject to readily available right-of-way or easement from the property owner(s).
8. A 10 ft shared use path shall be provided along the northern property boundary of existing PIN 71200435356 Lot 2 (south of NC 64 and west of New Hill Road) at the time this parcel is developed.
9. Development shall, in conjunction with NCDOT, investigate the feasibility of the addition of a 10' multi-use path or it's easement area from the terminus of the Reedy Branch Greenway at the intersection of New Hill Olive Chapel Road and Amberlight Road to the proposed multi-use path stated in Transportation Condition #5 at the time this parcel (PIN 071200435356 Lot 3 – South of NC 64 and east of New Hill Road) is developed.
10. Development shall construct a 5-foot sidewalk on the east side of NC 751 along the frontage of existing PIN 071200452843 at the time of development of the northeast quadrant subject to readily available right-of-way (and NC DOT approval) or easement dedication from the property owner.
11. The development shall construct and designate 10 park and ride spaces for public use within Apex Gateway Phase 2. Park and ride spaces shall be located no more than 1,000 feet from the center of the US 64 and NC 751 intersection.

EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on October 20, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Post development peak runoff shall not exceed pre-development runoff for the 24-hour, 1-year, 10-year, and 100-year storm events in accordance with the Unified Development Ordinance.	Not Added; Condition added for the 25-year storm event and creation of 2 acres of wetlands north of Hwy 64
The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	Added
The project shall preserve a minimum of 15% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers, and/or common area in the development.	Not Added; Condition added for 10% minimum
To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak. This shall not apply where loading docks are proposed along a building facade.	Added for properties north of Hwy 64
To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings. This shall not apply where loading docks are proposed along a building facade.	Added

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EAB Suggested Condition	Applicant's Response
The project shall plant only drought tolerant native plants which will also support pollinator and bird species. Landscaping shall be coordinated with and approved by the Planning Department at the time of Site Plan or Master Subdivision Plan review.	Added
At least one (1) information sign or other marking shall be provided at the boundary of an area dedicated as Resource Conservation Area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.	Added
The project shall install light timers or other smart lighting technology on at least 50% of the fixtures in the parking lot so they are automatically turned off or reduced in level of lighting when the business is closed.	Added
Outdoor lighting shall be shielded in a way that focuses lighting to the ground.	Added
Trees measuring 24-inch in diameter or greater shall be replaced at a 1:1 ratio using 1.5-inch diameter trees taken from the Town's Design and Development Manual.	Added. 24"+ trees replaced south of Hwy 64; 18"+ trees to be replaced north of Hwy 64
Increase riparian buffer widths by 30-feet above with is currently required by the Town of Apex.	Added for properties north of Hwy 64
To match Chatham County's regulations, wetlands shall be buffered by 50-feet and ephemeral streams by 30-feet.	Not added
There shall be no tree clearing within riparian buffer zones with the exception of required Town utility purposes.	Added
Lighting with a color temperature of 3000-Kelvin or less shall be used for outside installations.	Added
Narrow the roads across the riparian buffers to limit environmental impacts.	Added
Buildings that are sold to an end user shall have a min solar photovoltaic system of 20-kilowatt hours (kWh). If a building cannot support a 20-kWh system, then a system shall be sized which the building can support.	Not added
Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard; The project shall be designed to meet the requirements for the green building certification. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.	Not added

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ26 Apex Gateway Phase 2 with conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on February 13, 2023 and unanimously recommended approval with the conditions offered by the applicant.

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ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

If amended as proposed by staff, the 2045 Land Use Map designates the subject properties north of US Hwy 64 as Industrial Employment and the subject properties south of US Hwy 64 as Commercial Services and Industrial Employment. The proposed rezoning is consistent with those proposed Land Use Classifications and is also consistent with Chatham County's Comprehensive Plan which designates the area around US Hwy 64 and NC 751 as an Employment Center.

Approval of the rezoning is reasonable and in the public interest because the proposed LI-CZ district will allow for non-residential development in an area that anticipates non-residential uses while ensuring the more intense uses are setback from predominately residential areas, provides dedication of right-of-way for the future interchange planned for US Hwy 64 and NC 751 and commits to construction of additional public streets, provides conditions to mitigate the environmental impact above Town standards and will allow development that will generate jobs and increase the tax base.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the LI-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

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 Map.* The proposed Conditional Zoning District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning 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.
- 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.

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- 6) *Impact on public facilities.* The proposed Conditional Zoning 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.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning 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.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Rezoning #22CZ26

751

Apex Gateway Ph 1

Chatham County

64

US 64 Hwy W

US 64 E

64

Amberlight Rd

Deer Creek

Barn Rd

Olive Glen Dr

Retreat at Cedar Crossing

Mascoma Dr

Lawson Ln

Pinefield Rd
Hattie Rd

Two Pond Ln

Bob Horton Rd

Settlement Dr

Democracy Pl

Heritage Dr

American Ct

Patriot Way

Doe Ct



PETITION TO AMEND THE OFFICIAL ZONING MAP

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 #: 22CZ26 Submittal Date: 11-1-22
Fee Paid: _____

Project Information

Project Name: Apex Gateway Phase 2
Address(es): See Attached
PIN(s): See Attached
Acreage: 243.48
Current Zoning: CU-IND-L, R-1, CU-OI Proposed Zoning: LI-CZ
Current 2045 LUM Classification(s): Employment Center (Chatham County)
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:	<u>0.00</u>
Area proposed as non-residential development:	Acreage:	<u>243.48</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>0.00</u>

Applicant Information

Name: Maggie Houston
Address: 500 E Morehead, Suite 200
City: Charlotte State: NC Zip: 28202
Phone: 704-926-1403 E-mail: maggie@beacondevelopment.com

Owner Information

Name: Multiple - See attached
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: Walker Gorham
Address: 500 East Morehead Street, Suite 200
City: Charlotte State: NC Zip: 28202
Phone: (704) 597-7757 E-mail: walker@beacondevelopment.com

Other contacts: Gray Harrell - Gray@beacondevelopment.com

Apex Gateway Phase 2 Rezoning & Annexation Property Information				
Owner	Address	PIN	Parcel ID	Tract/Lot
John W Long & Faye C Long	314 NC Hwy 751	0712 00 46 1386	17903	
BIN - AG LLC	450 NC Hwy 751	0712 00 46 0876	17918	
Brent Michael Droege	482 NC Hwy 751	0712 00 36 7945	17912	Tract 1
Brent Michael Droege	472 NC Hwy 751	0712 00 47 0121	67322	Tract 2
Droege Investments LLC	546 NC Hwy 751	0712 00 37 8303	17915	
Droege Investments LLC	610 NC Hwy 751	0712 00 37 6549	17917	
Brent Michael Droege	696 NC Hwy 751	0712 00 37 2751	17908	
James L Givens	527 NC Hwy 751	0712 00 26 1673	60490	Tracts 1 and 2
Cant Hook Properties, LLC	NC Hwy 751	0712 00 35 0755	17904	
Andrew L Clark Trustee & Staley C Smith	US 64 E	0712 00 24 5813	76475	Tract 1
Andrew L Clark Trustee & Staley C Smith	US 64 E	0712 00 24 5419	17886	Tract 2
Andrew L Clark Trustee & Staley C Smith	US 64 E	0712 00 24 6438	68507	Tract 3
BIN - AG2 LLC	13406 US 64 E	0712 00 43 5356	17894	Lot 1
Mills Chatham Investment Properties LLC	13406 US 64 E	0712 00 43 5356	17894	Lot 2
Mills Chatham Investment Properties LLC	13406 US 64 E	0712 00 43 5356	17894	Lot 3

PETITION INFORMATION

Application #: 22CZ26 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from CU-IND-L, R-1 & CU-OI to LI-CZ . It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

The Rezoned Lands 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.

1	<u>SEE ATTACHED.</u>	21	_____
2	_____	22	_____
3	_____	23	_____
4	_____	24	_____
5	_____	25	_____
6	_____	26	_____
7	_____	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____

Proposed Uses:

1. Government service
2. Communication tower, commercial (S)
3. Utility, minor
4. Wireless support structure
5. Wireless communication facility
6. Broadcasting station (radio & television)
7. Radio and television recording studio
8. Commissary
9. Restaurant, general
10. Retail sales, general
11. Medical or dental office or clinic
12. Medical or dental laboratory
13. Office, business or professional
14. Building supplies, wholesale *[subject to additional use condition restrictions]*
15. Laboratory, industrial research *[subject to additional use condition restrictions]*
16. Machine or welding shop *[retained at the request of the neighbors with existing shop or welding businesses on NC-751]*
17. Warehousing, general *[subject to additional use condition restrictions]*
18. Woodworking or cabinetmaking
19. Wholesaling distribution center *[subject to additional use condition restrictions]*
20. Warehousing fulfillment center *[subject to additional use condition restrictions]*
21. Brewery *[subject to additional use condition restrictions]*
22. Distillery *[subject to additional use condition restrictions]*
23. Manufacturing & processing *[subject to additional use condition restrictions]*
24. Microbrewery or Microdistillery
25. Research facility
26. Glass sales *[subject to additional use condition restrictions]*
27. Health/Fitness center or spa
28. Manufacturing & processing, minor
29. Entertainment indoor
30. Entertainment outdoor (S)
31. Greenway
32. Pet services
33. Parking lot, public
34. Day care facility (%)
35. Veterinary clinic or hospital
36. Vocational school *[subject to additional use condition restrictions]*
37. Drop-in or short-term day care
38. Botanical garden
39. Park, active
40. Park, passive

PETITION INFORMATION

Application #: 22CZ26 Submittal Date: _____

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

Supplemental standards in Section 4.4 exist for several of the allowed uses (listed below). Depending on the uses proposed at the time of the Site Plan Review, the supplemental standards will be met.

Uses with Supplemental Standards: Government services, Communication Tower (commercial and public safety), Utility (minor), Wireless Support Structure, Wireless Communication Facility, Commissary, Restaurant (general), Medical or Dental Laboratory, Office/Business or Professional, Pilot Plant, Parking Garage (commercial), Parking Lot (commercial), Machine or Welding Shop, Brewery, Distillery, Microbrewery, Microdistillery,

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.

Design with the proposed LI-CZ District's use will minimize adverse effects onto the adjacent lands and will meet the Town's Design Ordinance accordingly to ensure impacts are minimized. A traffic impact analysis will be performed and submitted at the time of the site plan review to confirm no adverse impacts or mitigate adverse impacts to traffic. Furthermore, there are several conditions associated with this rezoning request that will aide in minimizing noise, lighting, and visual impacts to adjacent lands.

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.

The LI-CZ District proposes the following environmental based conditions:

On the north side of NC 64, existing trees greater than 18" in diameter and on the south side of NC 64, existing trees greater than 24" diameter that are removed by the site development shall be replaced by planting 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternate location approved by Town Planning Staff, increase storm pre- and post-attenuation requirements to the 25-year storm, install signage near environmental sensitive areas in order to eliminate fertilizer near SCM drainage area, preserve tree canopy where possible and replace with native trees where unable to preserve, plant trees designed for efficiency, include landscaping that requires less irrigation, install signage near Resource Conservation Area (RCA), install timers or light sensors or smart lighting technology, outdoor lighting shall be shielded in a way that focuses lighting to the ground.

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.

The proposed LI-CZ District use intends to avoid adverse impacts to public facilities. The proposed development will positively benefit the potable water and wastewater facilities (utility mains proposed to be extended). There will be no negative impacts to the road system (traffic Impact Analysis will be prepared during development plan review phase) or the police, fire, and EMS facilities. There will be no impact on the park and school facilities as the CZ District will not allow for residential use.

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.

Health, safety, or welfare of the Town of Apex residents will not be affected, the LI-CZ District proposes several Rezoning Conditions to ensure such. At the time of Site Plan review, any proposed development shall comply with all Town of Apex Standards.

PETITION INFORMATION

Application #:

22CZ26

Submittal Date:

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

The proposed LI-CZ District is not detrimental to adjacent properties, but will benefit the adjacent properties. The development of this LI-CZ District will include extension of the potable water and wastewater mains to serve this vicinity of the Town, which will provide adjacent properties an opportunity to connect to the public services.

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 LI-CZ District will not constitute nuisance or hazard due to traffic impact or noise. A traffic impact analysis will be conducted at the time of Site Plan review based on the proposed zoning to ensure there will be no traffic concerns or mitigate traffic concerns on the surrounding roadway infrastructure. The LI-CZ district will comply with landscape buffering requirements set forth in the Town of Apex Code of Ordinances to minimize noise nuisance.

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.

The proposed LI-CZ District will contain a development that will comply with all Town of Apex requirements from site planning, utility, stormwater, erosion control, and traffic standards.

Proposed Conditions

Use Conditions:

1. Machine or welding shop: This use is allowed with the exception of welding associated with automobiles.
2. Manufacturing and processing: This use shall be prohibited on any parcels south of US 64 and prohibited within 500' of the northern boundary of the area to be rezoned.
3. Laboratory, industrial research: This use shall be prohibited within 500' of the northern boundary of the area to be rezoned and prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.
4. Retail sales, general: This use shall be allowed in both freestanding retail buildings as well as mixed use buildings with no gross floor area percentage restrictions. Such use shall not be required to be associated with an Industrial use.
5. Building supplies, wholesale: This use shall not exceed 200,000 square feet north of US 64 and shall not include more than 15% of the building's square footage as outdoor storage. This use shall not exceed 50,000 square feet south of US 64 and shall not include more than 15% of the building's square footage as outdoor storage. This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road. Outdoor storage to be screened with 10' slotted fence.
6. Manufacturing and processing, minor: This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.
7. Glass sales: This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road. This use shall be all indoors except what is stored on trucks. Outdoor truck parking must be fully screened from any public right-of-way.
8. Brewery: This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.
9. Distillery: This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.
10. Vocational school: This use is allowed with the exception of a truck driving school, or related programing that would require the use of trucks.
11. There shall be a minimum of 5 acres, reserved north of US 64 that will allow for the following uses: Restaurant, general; Medical or dental office or clinic; Office, business or professional; Retail sales general; Pet services; Health / Fitness center or spa; Veterinary clinic or hospital; Day care facility; Drop-in or short-term day care; Parking lot, public.
12. There shall be a minimum of 15 acres, reserved south of US 64 that will allow for the following uses: Restaurant, general; Medical or dental office or clinic; Office, business or professional; Retail sales general; Pet services; Health / Fitness center or spa; Veterinary clinic or hospital; Day care facility; Drop-in or short-term day care; Parking lot, public.
13. The approximately 12.07-acre tract at the south east corner of the US 64 and NC 751 intersection, framed between Hwy 64, New Hill Road, and New Hill Olive Road, shall be limited to the following uses: Restaurant, general; Medical or dental office or clinic; Office, business or professional; Retail sales general; Pet services; Health / Fitness center or spa; Veterinary clinic or hospital; Day care facility; Drop-in or short-term day care; Parking lot, public.
14. Warehousing, general: This use shall not exceed 95,000 total square feet south of US 64. This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.

15. Warehousing fulfillment center: This use shall not exceed 95,000 total square feet south of US 64. This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.
16. Wholesaling distribution center: This use shall not exceed 95,000 total square feet south of US 64. This use shall be prohibited within 500' of the centerline of New Hill Road and New Olive Chapel Road.

Environmental Conditions:

1. On the north side of US 64, within existing PIN's 071200461386, 071200460876, 071200470121, 071200367945, 071200378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, and a portion of 071200435356, existing trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by the Town Planning Staff, above and beyond UDO requirements.
2. On the south side of US 64, within existing PIN 071200435356 (Lots 2 and 3), existing trees greater than 24" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by the Town Planning Staff, above and beyond UDO requirements.
3. The northern property boundary of the rezoning limits shall have the following buffers: PIN 0712-00-26-1673 – 100' average buffer; PIN 0712-00-37-2751 – minimum 100' buffer. The approximate location of the buffer is shown in Exhibit 3.
4. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance. Additionally, the developer shall commit to a minimum of 2 acres of wetlands to be constructed north of US 64 to facilitate additional nutrient removal above the Unified Development Ordinance requirements.
5. On site stormwater treatment shall also include Green Stormwater Infrastructure measures within the project limits (above Town of Apex Unified Development Ordinance requirements). The following Green Stormwater Infrastructure measures shall be included prior to the 3rd building CO: bio-retention areas totaling a minimum of 6,000 sf; a minimum of 5,000 sf of permeable pavement systems; and rainwater harvesting (cisterns) with a minimum capacity of 2,500 gallons. Educational signage will be displayed where Green Stormwater Infrastructure devices are located, and such locations shall be open to the public and community groups for educational purposes.
6. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
7. The project shall preserve a minimum of 10% of the existing tree canopy.
8. The project shall preserve an additional 30' of buffer along intermittent and perennial streams north of US 64 above the Town of Apex requirements.

9. To improve energy efficiency, the project area to the north of US 64 shall plant evergreen trees on the northern side of all buildings to act as a windbreak. This shall not apply where loading docks are proposed along a building facade.
10. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings. This shall not apply to commercial outparcels with highway frontage or where loading docks are proposed along a building facade.
11. The project shall plant only drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at the time of Site Plan or Master Subdivision Plan review.
12. At least (1) information sign or other marking shall be provided at the boundary of an area dedicated as Resource Conservation Area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
13. The project shall install light timers or other smart lighting technology on at least 50% of the fixtures in the parking lot so they are automatically turned off or reduced in level of lighting when the business is closed.
14. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
15. Outdoor lighting shall have a color temperature of no more than 3000 Kelvins.
16. Development shall construct an activated open space / outdoor amenity along the proposed multi-use path committed in Transportation Condition #5, and shall also include an adjacent pollinator garden. Approximate location depicted in Exhibit 2. The multi-use path and amenity programming / pollinator garden shall be constructed in conjunction with the development of these parcels (and shall not be required until development commences on the parcels).
17. Removal of trees greater than 10" in diameter onsite for the sole purpose of making room to replant trees shall not be allowed.
18. To further illustrate the project's commitment to preserving and re-establishing tree canopy in our region, prior to Site Plan approval, the developer will provide a donation of \$100,000 to the Triangle Land Conservancy and an additional \$100,000 donation to Trees for the Triangle.
19. There shall be no tree clearing within the riparian buffer zones with the exception of required Town of Apex utilities and public street connections.
20. Any required public road crossing within a riparian buffer shall be narrowed to the greatest extent possible, subject to Town of Apex design requirements and staff approval, in order to limit environmental impacts.

Architectural Conditions – Industrial

1. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
2. The buildings shall have more than one parapet height.
3. Windows and glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
4. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.

Architectural Conditions - Commercial

1. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades. This would also include reveals in concrete tilt construction with integrated thin brick and contrasting paint colors, which add visual interest. The percentage of brick required on the facades will be 65 percent for a single-story building, 50 percent for a two story building, and only the first floor for a three story building.
2. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
3. Buildings on corners are to be treated as gateways with quality design.
4. Corner buildings shall match or exceed the height of adjacent commercial buildings.
5. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
6. The orientation of drive-thru lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. If drive-thru lanes must be located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Pick-up windows shall be de-emphasized through screening and/or architectural elements.
7. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of 50% of the total building height. Buildings shall not have blank side walls creating a false front appearance.
8. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) feet of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.
9. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
10. Simple parapet roof edges with varying coping shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
11. The building shall have more than one parapet height.
12. Roof features may include hip roofs or awnings with metal or shingle roofs.
13. Buildings shall be architecturally compatible by way of colors and use of materials. The building exterior shall have more than one material color.
14. The exterior materials shall include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - a. Brick masonry
 - b. Decorative concrete block (either integrally colored or textured)

- c. Stone accents
 - d. Aluminum storefronts with anodized or pre-finished colors.
 - e. EIFS cornices and parapet trim.
 - f. Precast concrete
 - g. Concrete tilt with a base wall paint color in conjunction with varying complimentary accent paint colors and integral thin brick, with associative percentages as outlined in item 1 above.
15. Exterior materials that shall not be allowed are as follows:
- a. Vinyl siding
 - b. Painted, smooth faced concrete block (decorative blocks are acceptable)
 - c. Metal walls
16. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade
17. Soffit and fascia materials shall be EIFS, architectural metal panels (ACM), or tongue and groove wood.


Transportation Conditions

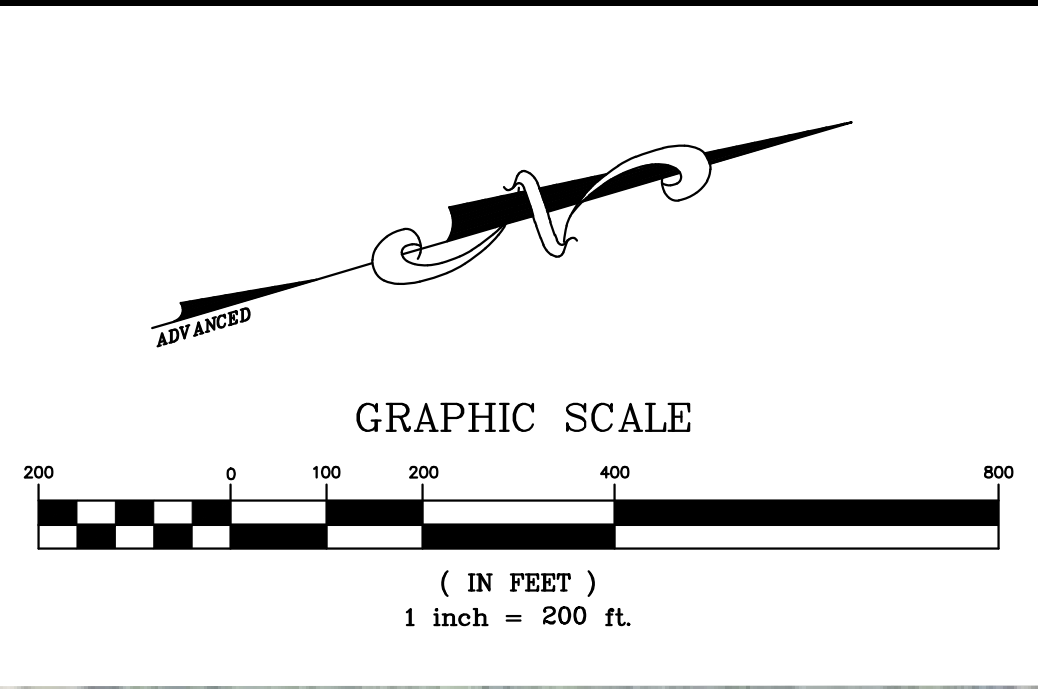
1. Development shall dedicate public right-of-way for the future interchange at US 64 and NC 751 consistent with the area shown in Exhibit 1. This area is based on the outside limits of the interchange concept known as "ALT 1" evaluated by the North Carolina Department of Transportation at the time of rezoning. This dedication shall be included in development plans and occur at the time of Subdivision Final Plat or Site Plan Final Plat, whichever occurs first, for any parcel(s) adjacent to US 64 and NC 751 as applicable. If NCDOT has approved an interchange design prior to the first Subdivision Final Plat or Site Plan Final Plat that is less than shown on Exhibit 1, the development shall only be required to dedicate the right-of-way shown in the approved interchange design.
2. All collector roads (as reflected in Exhibit 1) shall be constructed to Town of Apex major collector street standards. Development shall construct and dedicate a 60-foot right-of-way from NC 751 to the eastern boundary of the rezoning limits. Exhibit 2 reflects approximate location of connection that shall be further defined at site plan. This shall not be required until these parcels are developed.
3. Development shall construct and dedicate a 60-foot right-of-way from NC 751 to the western boundary of the rezoning limits. Exhibit 2 reflects approximate location of connection that shall be further defined at site plan. This shall not be required until these parcels are developed.
4. Development shall increase the sidewalk width to a 10' multi-use path for a portion of the road committed in Transportation Condition #3 from NC 751 to the eastern stream buffer as depicted on Exhibit 2. This shall not be required until these parcels are developed.
5. Development shall connect the multi-use path committed in Transportation Condition #4 back to NC 751 along the approximate location shown on Exhibit 2. Multi-use path shall be at a minimum 10' wide and of stone material. This shall not be required until these parcels are developed.
6. The development shall construct a minimum of two stub street connections to adjacent parcels that have no frontage along public streets or only have frontage along NC 751. The location of the stub streets shall be subject to Town review and approval.

7. Development shall construct a 5-foot sidewalk on the west side of NC 751 along the frontage of existing PIN's 071200277607 and 071200278263 at the time of development of the northwest quadrant (existing PIN's 071200261673 and 071200350755) subject to readily available right-of-way or easement from the property owner(s).
8. A 10 ft shared use path shall be provided along the northern property boundary of existing PIN 071200435356 Lot 2 (south of NC 64 and west of New Hill Road) at the time this parcel is developed.
9. Development shall, in conjunction with NCDOT, investigate the feasibility of the addition of a 10' multi-use path or it's easement area from the terminus of the Reedy Branch Greenway at the intersection of New Hill Olive Chapel Road and Amberlight Road to the proposed multi-use path stated in Transportation Condition #5 at the time this parcel (PIN 071200435356 Lot 3 – South of NC 64 and east of New Hill Road) is developed.
10. Development shall construct a 5-foot sidewalk on the east side of NC 751 along the frontage of existing PIN 071200452843 at the time of development of the northeast quadrant subject to readily available right-of-way (and NC DOT approval) or easement dedication from the property owner.
11. The development shall construct and designate 10 park and ride spaces for public use within Apex Gateway Phase 2. Park and ride spaces shall be located no more than 1,000 feet from the center of the US 64 and NC 751 intersection.

O:\22-0014-504\NC\Production Drawings\EXHIBIT\Phase 2 rezoning & annexation exhibits\0014-504-NC\DOT ALT 1 Dedication Area.dwg PH 2 SITE PLAN REZONING EXHIBIT Nov 29, 2022 - 7:12:32pm Jroyal

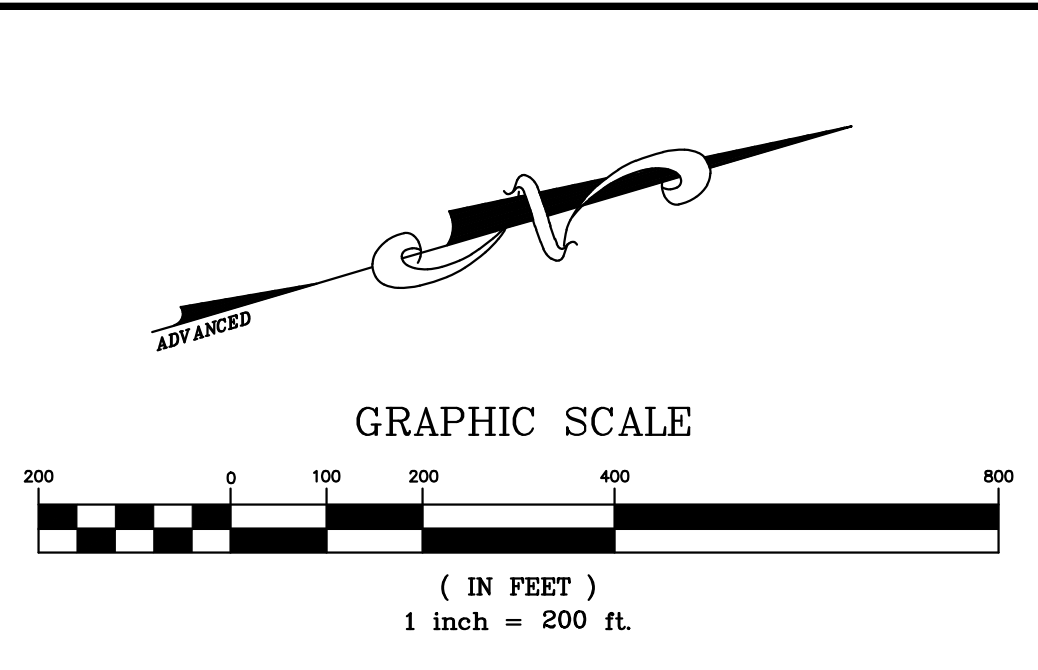
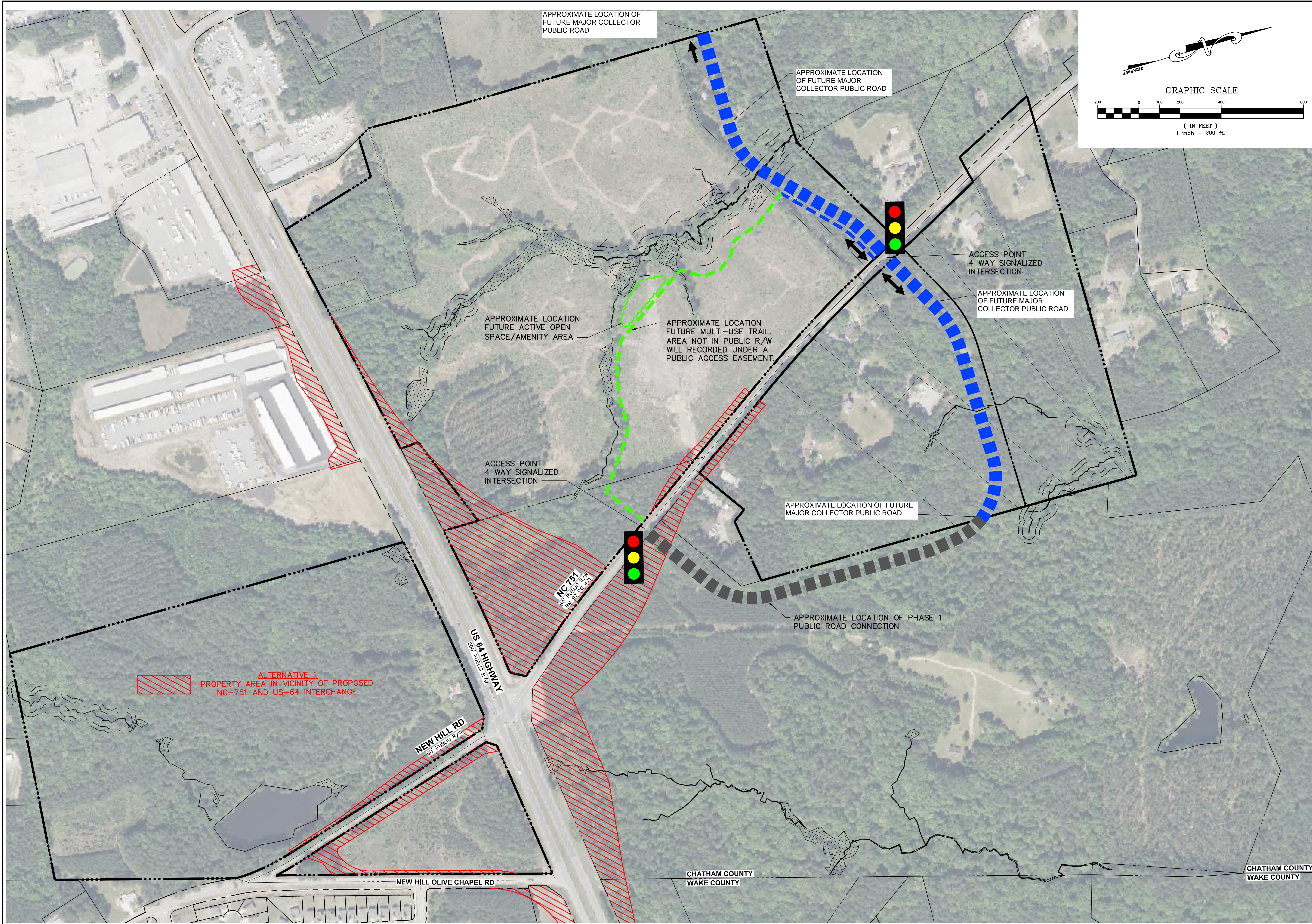


 NCDOT ALTERNATIVE 1
RIGHT-OF-WAY DEDICATION AREA



<p>PLAN PREPARED BY: FIRM # C-2798</p> <p>51 Kilmoyne Drive, Suite 102 Cary, North Carolina 27511 PH 919.481.6590 FAX 919.336.5127</p> <p>ADVANCED CIVIL DESIGN ENGINEERS SURVEYORS</p>	<p>PLAN PREPARED FOR:</p> <p>BEACON PARTNERS 500 East Morehead St. Suite 200 Charlotte, North Carolina 28209 PH 704.592.2727 FAX 704.598.4135</p>	<p>Town of Apex, Chatham County, North Carolina</p> <p>APEX GATEWAY</p> <p>EXHIBIT FOR BEACON PARTNERS</p> <p>EXHIBIT 1</p>																								
<p>22CZ26 2-13-23</p>																										
<p>Issue Dates:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30%;"> </td><td style="width: 30%;"> </td><td style="width: 30%;"> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>																										
<p>Date: 11/11/2022 Scale: 1"=200'</p>																										
<p>Drawn By: JRR Checked By: JDW</p>																										
<p>Project Number: 22-0014-504</p>																										
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PLAN PREPARED BY: FIRM # C-2798

51 Kilmoyne Drive, Suite 102
Cary, North Carolina 27511
ph 919.481.6590
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ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS

PLAN PREPARED FOR:

BEACON PARTNERS

500 East Morehead St.
Suite 200
Charlotte, North Carolina 28202
ph 704.592.2727
fax 704.598.6135

Town of Apex, Chatham County, North Carolina

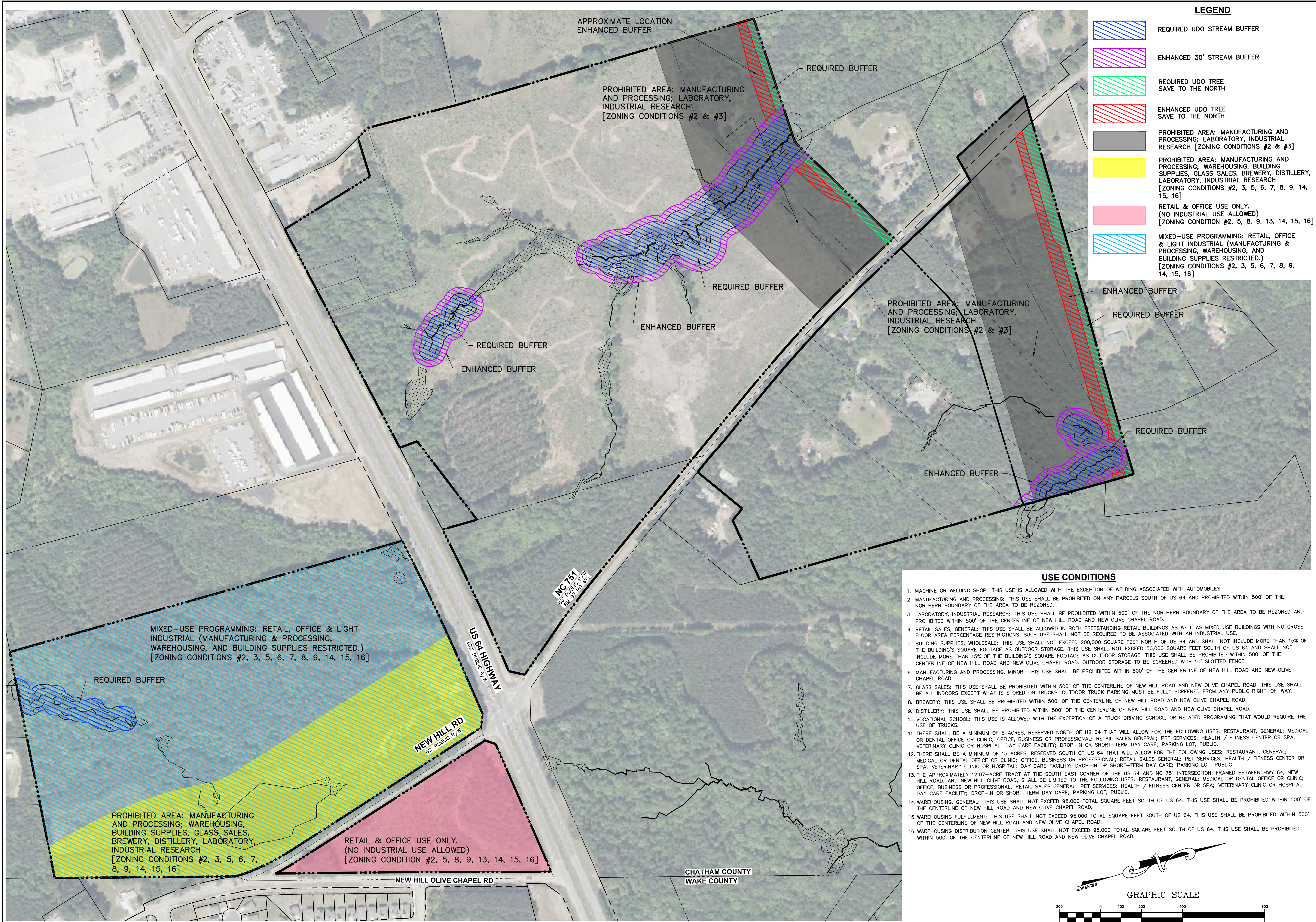
APEX GATEWAY - PHASE 2
EXHIBIT FOR
BEACON PARTNERS
EXHIBIT 2

22CZ26
2-13-23

Issue Dates:	
Date:	01/20/2023
Scale:	1"=200'
Drawn By:	AMK
Checked By:	JRR
Project Number:	22-0014-504
Drawing Number:	1 / 1

CHATHAM COUNTY
WAKE COUNTY

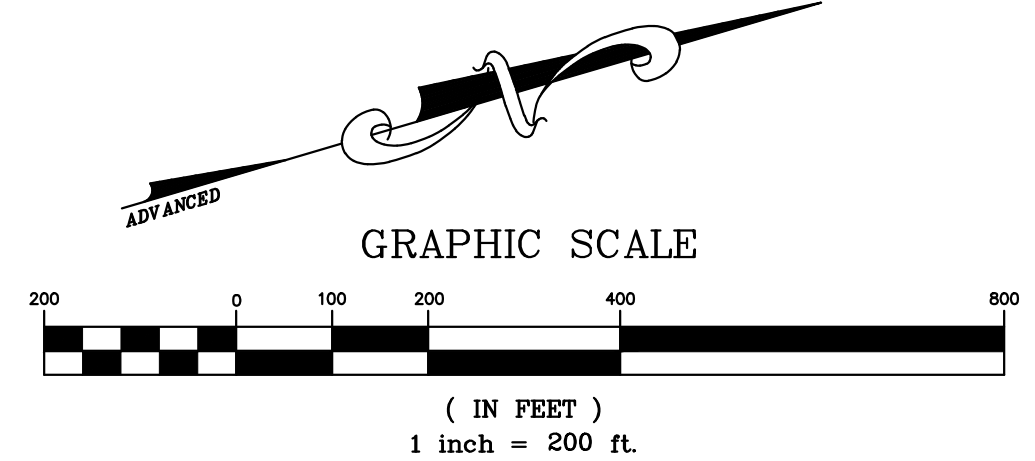
O:\22-0014-504\NC\DWG\Production Drawings\EXHIBIT\Phase 2 rezoning & annexation\exhibits\0014-504-Exhibit 3 - Enhanced Buffer Exhibit.dwg ENHANCED BUFFER EXHIBIT Jan 24, 2023 - 2:39:00pm Froyl



LEGEND	
	REQUIRED UDO STREAM BUFFER
	ENHANCED 30' STREAM BUFFER
	REQUIRED UDO TREE SAVE TO THE NORTH
	ENHANCED UDO TREE SAVE TO THE NORTH
	PROHIBITED AREA: MANUFACTURING AND PROCESSING; LABORATORY, INDUSTRIAL RESEARCH [ZONING CONDITIONS #2 & #3]
	PROHIBITED AREA: MANUFACTURING AND PROCESSING; WAREHOUSING, BUILDING SUPPLIES, GLASS SALES, BREWERY, DISTILLERY, LABORATORY, INDUSTRIAL RESEARCH [ZONING CONDITIONS #2, 3, 5, 6, 7, 8, 9, 14, 15, 16]
	RETAIL & OFFICE USE ONLY. (NO INDUSTRIAL USE ALLOWED) [ZONING CONDITION #2, 5, 8, 9, 13, 14, 15, 16]
	MIXED-USE PROGRAMMING: RETAIL, OFFICE & LIGHT INDUSTRIAL (MANUFACTURING & PROCESSING, WAREHOUSING, AND BUILDING SUPPLIES RESTRICTED.) [ZONING CONDITIONS #2, 3, 5, 6, 7, 8, 9, 14, 15, 16]

USE CONDITIONS

- MACHINE OR WELDING SHOP: THIS USE IS ALLOWED WITH THE EXCEPTION OF WELDING ASSOCIATED WITH AUTOMOBILES.
- MANUFACTURING AND PROCESSING: THIS USE SHALL BE PROHIBITED ON ANY PARCELS SOUTH OF US 64 AND PROHIBITED WITHIN 500' OF THE NORTHERN BOUNDARY OF THE AREA TO BE REZONED.
- LABORATORY, INDUSTRIAL RESEARCH: THIS USE SHALL BE PROHIBITED WITHIN 500' OF THE NORTHERN BOUNDARY OF THE AREA TO BE REZONED AND PROHIBITED WITHIN 500' OF THE CENTERLINE OF NEW HILL ROAD AND NEW OLIVE CHAPEL ROAD.
- RETAIL SALES, GENERAL: THIS USE SHALL BE ALLOWED IN BOTH FREESTANDING RETAIL BUILDINGS AS WELL AS MIXED USE BUILDINGS WITH NO GROSS FLOOR AREA PERCENTAGE RESTRICTIONS. SUCH USE SHALL NOT BE REQUIRED TO BE ASSOCIATED WITH AN INDUSTRIAL USE.
- BUILDING SUPPLIES, WHOLESALE: THIS USE SHALL NOT EXCEED 200,000 SQUARE FEET NORTH OF US 64 AND SHALL NOT INCLUDE MORE THAN 15% OF THE BUILDING'S SQUARE FOOTAGE AS OUTDOOR STORAGE. THIS USE SHALL NOT EXCEED 50,000 SQUARE FEET SOUTH OF US 64 AND SHALL NOT INCLUDE MORE THAN 15% OF THE BUILDING'S SQUARE FOOTAGE AS OUTDOOR STORAGE. THIS USE SHALL BE PROHIBITED WITHIN 500' OF THE CENTERLINE OF NEW HILL ROAD AND NEW OLIVE CHAPEL ROAD. OUTDOOR STORAGE TO BE SCREENED WITH 10' SLOTTED FENCE.
- MANUFACTURING AND PROCESSING, MINOR: THIS USE SHALL BE PROHIBITED WITHIN 500' OF THE CENTERLINE OF NEW HILL ROAD AND NEW OLIVE CHAPEL ROAD.
- GLASS SALES: THIS USE SHALL BE PROHIBITED WITHIN 500' OF THE CENTERLINE OF NEW HILL ROAD AND NEW OLIVE CHAPEL ROAD. THIS USE SHALL BE ALL INDOORS EXCEPT WHAT IS STORED ON TRUCKS. OUTDOOR TRUCK PARKING MUST BE FULLY SCREENED FROM ANY PUBLIC RIGHT-OF-WAY.
- BREWERY: THIS USE SHALL BE PROHIBITED WITHIN 500' OF THE CENTERLINE OF NEW HILL ROAD AND NEW OLIVE CHAPEL ROAD.
- DISTILLERY: THIS USE SHALL BE PROHIBITED WITHIN 500' OF THE CENTERLINE OF NEW HILL ROAD AND NEW OLIVE CHAPEL ROAD.
- VOCATIONAL SCHOOL: THIS USE IS ALLOWED WITH THE EXCEPTION OF A TRUCK DRIVING SCHOOL, OR RELATED PROGRAMMING THAT WOULD REQUIRE THE USE OF TRUCKS.
- THERE SHALL BE A MINIMUM OF 5 ACRES, RESERVED NORTH OF US 64 THAT WILL ALLOW FOR THE FOLLOWING USES: RESTAURANT, GENERAL; MEDICAL OR DENTAL OFFICE OR CLINIC; OFFICE, BUSINESS OR PROFESSIONAL; RETAIL SALES GENERAL; PET SERVICES; HEALTH / FITNESS CENTER OR SPA; VETERINARY CLINIC OR HOSPITAL; DAY CARE FACILITY; DROP-IN OR SHORT-TERM DAY CARE; PARKING LOT, PUBLIC.
- THERE SHALL BE A MINIMUM OF 15 ACRES, RESERVED SOUTH OF US 64 THAT WILL ALLOW FOR THE FOLLOWING USES: RESTAURANT, GENERAL; MEDICAL OR DENTAL OFFICE OR CLINIC; OFFICE, BUSINESS OR PROFESSIONAL; RETAIL SALES GENERAL; PET SERVICES; HEALTH / FITNESS CENTER OR SPA; VETERINARY CLINIC OR HOSPITAL; DAY CARE FACILITY; DROP-IN OR SHORT-TERM DAY CARE; PARKING LOT, PUBLIC.
- THE APPROXIMATELY 12.07-ACRE TRACT AT THE SOUTH EAST CORNER OF THE US 64 AND NC 751 INTERSECTION, FRAMED BETWEEN HWY 64, NEW HILL ROAD, AND NEW HILL OLIVE ROAD, SHALL BE LIMITED TO THE FOLLOWING USES: RESTAURANT, GENERAL; MEDICAL OR DENTAL OFFICE OR CLINIC; OFFICE, BUSINESS OR PROFESSIONAL; RETAIL SALES GENERAL; PET SERVICES; HEALTH / FITNESS CENTER OR SPA; VETERINARY CLINIC OR HOSPITAL; DAY CARE FACILITY; DROP-IN OR SHORT-TERM DAY CARE; PARKING LOT, PUBLIC.
- WAREHOUSING, GENERAL: THIS USE SHALL NOT EXCEED 95,000 TOTAL SQUARE FEET SOUTH OF US 64. THIS USE SHALL BE PROHIBITED WITHIN 500' OF THE CENTERLINE OF NEW HILL ROAD AND NEW OLIVE CHAPEL ROAD.
- WAREHOUSING FULFILLMENT: THIS USE SHALL NOT EXCEED 95,000 TOTAL SQUARE FEET SOUTH OF US 64. THIS USE SHALL BE PROHIBITED WITHIN 500' OF THE CENTERLINE OF NEW HILL ROAD AND NEW OLIVE CHAPEL ROAD.
- WAREHOUSING DISTRIBUTION CENTER: THIS USE SHALL NOT EXCEED 95,000 TOTAL SQUARE FEET SOUTH OF US 64. THIS USE SHALL BE PROHIBITED WITHIN 500' OF THE CENTERLINE OF NEW HILL ROAD AND NEW OLIVE CHAPEL ROAD.



PLAN PREPARED BY: FIRM # C-2798
51 Kilmoyne Drive, Suite 102
Cary, North Carolina 27511
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ADVANCED CIVIL DESIGN ENGINEERS SURVEYORS

PLAN PREPARED FOR:
500 East Morehead St.
Chatham, North Carolina 28519
ph 704.582.2727
fax 704.586.6135
BEACON PARTNERS ENGINEERS SURVEYORS

Town of Apex, Chatham County, North Carolina
APEX GATEWAY - PHASE 2
EXHIBIT FOR
BEACON PARTNERS
EXHIBIT 3

22CZ26
2-13-23

Issue Dates:

Date:	01/24/2023
Scale:	1"=200'
Drawn By:	AMK
Checked By:	JRR
Project Number:	22-0014-504
Drawing Number:	1 / 1

ANNEXATION AREA 1
AS SURVEYED LEGAL DESCRIPTION

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THE LANDS DEPICTED IN DEED BOOK 2316 PAGE 883, DEED BOOK 2207 PAGE 426; DEED BOOK 2252 PAGE 612, DEED BOOK 2148 PAGE 1047, BOOK 2148 PAGE 1134, DEED BOOK 2301 PAGE 443, DEED BOOK 318 PAGE 352, DEED BOOK 2330 PAGE 938, DEED BOOK 2015 PAGE 1112, DEED BOOK 1141 PAGE 345 AND DEED BOOK 757 PAGE 592. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" IRON PIPE FOUND ON A NORTH EASTERN CORNER OF THE BARBOUR KATHLEEN B. PROPERTY (DB 367 PG 115), SAID IRON PIPE HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:726,078.59', E:2,014,614.07' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION ALONG A NORTHERN BOUNDARY LINE IN THE BARBOUR KATHLEEN B. PROPERTY (DB 367 PG 115) SOUTH 81 DEGREES 58 MINUTES 20 SECONDS WEST A DISTANCE OF 315.77 FEET TO A 5/8" REBAR WITH CAP; THENCE NORTH 34 DEGREES 07 SECONDS 21 MINUTES WEST A DISTANCE OF 73.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 55 DEGREES 47 MINUTES 03 SECONDS WEST A DISTANCE OF 279.92 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 55 DEGREES 47 MINUTES 03 SECONDS WEST A DISTANCE OF 0.89 FEET TO A COMPUTED POINT ALONG THE EASTERN RIGHT OF WAY LINE OF NC HWY 751; THENCE WITH SAID RIGHT OF WAY LINE SOUTH 34 DEGREES 06 MINUTES 43 SECONDS EAST A DISTANCE OF 296.45 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 34 DEGREES 15 MINUTES 32 SECONDS EAST A DISTANCE OF 117.62 FEET TO A COMPUTED POINT; THENCE SOUTH 34 DEGREES 15 MINUTES 32 SECONDS EAST A DISTANCE OF 256.89 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 35 DEGREES 35 MINUTES 11 SECONDS EAST 249.29 FEET AND A RADIUS OF 6,270.00 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 38 DEGREES 34 MINUTES 29 SECONDS EAST 245.92 FEET AND A RADIUS OF 6,670.00 FEET TO A COMPUTED POINT; THENCE SOUTH 38 DEGREES 43 MINUTES 21 SECONDS EAST A DISTANCE OF 157.84 FEET TO A COMPUTED POINT; THENCE SOUTH 71 DEGREES 52 MINUTES 46 SECONDS EAST A DISTANCE OF 161.00 FEET TO A COMPUTED POINT ALONG THE NORTHERN RIGHT OF WAY LINE OF US HIGHWAY 64; THENCE WITH SAID RIGHT OF WAY SOUTH 82 DEGREES 35 MINUTES 51 SECONDS WEST 259.30 FEET TO A 5/8" INCH REBAR SET; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 81 DEGREES 22 MINUTES 04 SECONDS WEST 761.55 FEET TO A COMPUTED POINT; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING WITH LINES IN THE MAGNIN MARY ELIZABETH GEEK PROPERTY (DB: 1764, PG: 3) NORTH 00 DEGREES 36 MINUTES 55 SECONDS EAST A DISTANCE OF 174.32 FEET TO A 1" IRON PIPE FOUND; THENCE SOUTH 69 DEGREES 07 MINUTES 03 SECONDS WEST A DISTANCE OF 480.86 FEET TO A 1" IRON PIPE FOUND; THENCE SOUTH 04 DEGREES 09 MINUTES 52 SECONDS EAST A DISTANCE OF 90.02 FEET TO A NC DOT RIGHT OF WAY

DISK FOUND ALONG THE NORTHERN RIGHT OF WAY OF US HIGHWAY 64; THENCE WITH SAID RIGHT OF WAY SOUTH 78 DEGREES 36 MINUTES 24 SECONDS WEST A DISTANCE OF 360.29 FEET TO A COMPUTED POINT; THENCE SOUTH 78 DEGREES 36 MINUTES 47 SECONDS WEST A DISTANCE OF 60.00 FEET TO A COMPUTED POINT; THENCE SOUTH 78 DEGREES 35 MINUTES 10 SECONDS WEST A DISTANCE OF 266.38 FEET TO A 1/2" RIGHT OF WAY CAP SET; THENCE SOUTH 79 DEGREES 30 MINUTES 47 SECONDS WEST A DISTANCE OF 60.31 FEET TO 1" IRON REBAR WITH CAP FOUND; THENCE SOUTH 78 DEGREES 32 MINUTES 16 SECONDS WEST A DISTANCE OF 119.69 FEET TO A 3/4" IRON REBAR WITH CAP FOUND; THENCE SOUTH 78 DEGREES 35 MINUTES 55 SECONDS WEST A DISTANCE OF 107.94 FEET TO AN IRON PIPE FOUND; THENCE SOUTH 78 DEGREES 41 MINUTES 21 SECONDS WEST A DISTANCE OF 86.62 FEET TO A 1/2" IRON PIPE WITH CAP FOUND; THENCE SOUTH 78 DEGREES 39 MINUTES 54 SECONDS WEST A DISTANCE OF 141.75 FEET TO A 1/2" IRON PIPE WITH CAP FOUND; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING WITH EASTERN LINES IN THE ARLEX PROPERTIES, LLC PROPERTY (DB:2069, PG: 168) NORTH 15 DEGREES 18 MINUTES 52 SECONDS WEST A DISTANCE OF 487.93 FEET TO A 1/2" IRON PIPE WITH CAP FOUND; THENCE SOUTH 89 DEGREES 09 MINUTES 04 SECONDS WEST A DISTANCE OF 197.08 FEET TO A 1/2" IRON PIPE WITH CAP FOUND ON AN EASTERN CORNER OF THE KUNAL ENTERPRISES, LLC PROPERTY (DB: 1124, PG:371); THENCE WITH EASTERN LINES IN SAID PROPERTY NORTH 29 DEGREES 21 MINUTES 59 SECONDS WEST A DISTANCE OF 68.12 FEET TO AN AXLE FOUND; THENCE NORTH 02 DEGREES 02 MINUTES 09 MINUTES EAST A DISTANCE OF 445.87 FEET TO AN AXLE FOUND; THENCE WITH AN EASTERN LINE IN THE POE INEZ M. & JERRY C. TRUSTEE DEWEY C. POE TRUST (DB 755 PG 518) NORTH 00 DEGREES 06 MINUTES 26 SECONDS EAST A DISTANCE OF 1,087.05 FEET TO A 1/2" IRON PIPE WITH A CAP FOUND; THENCE NORTH 00 DEGREES 23 MINUTES 00 SECONDS EAST A DISTANCE OF 420.69 FEET TO A BROKEN CONCRETE MONUMENT WITH EXPOSED REBAR; THENCE LEAVING SAID PROERTY AND WITH A SOUTHERN LINE IN THE UNITED STATES OF AMERICA PROPERTY NORTH 87 DEGREES 55 MINUTES 54 SECONDS EAST A DISTANCE OF 635.18 FEET TO A US ARMY CORPS OF ENGINEERS CONCRETE MONUMENT WITH A DISK FOUND; THENCE WITH A SOUTHERN LINE IN THE JAIME UPCHURCH PROPERTY (DB 2012 PG 289) NORTH 60 DEGREES 37 MINUTES 52 SECONDS EAST A DISTANCE OF 43.17 FEET TO A 1/2" IRON PIPE WITH CAP FOUND; THENCE NORTH 60 DEGREES 36 MINUTES 10 SECONDS EAST A DISTANCE OF 573.18 FEET TO A 1" IRON PIPE FOUND; THENCE NORTH 60 DEGREES 35 MINUTES 55 SECONDS EAST A DISTANCE OF 54.03 FEET TO A 1" IRON PIPE FOUND ALONG THE WESTERN RIGHT OF WAY OF NC HIGHWAY 751; THENCE WITH SAID RIGHT OF WAY A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF NORTH 26 DEGREES 16 MINUTES 48 SECONDS WEST 58.78 FEET AND A RADIUS OF 12,030.00 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF NORTH 27 DEGREES 24 MINUTES 12 SECONDS WEST 253.63 FEET AND A RADIUS OF 10,336.27 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF NORTH 28 DEGREES 14 MINUTES 08 SECONDS WEST 165.36 FEET AND A RADIUS OF 18,782.40 FEET TO A COMPUTED POINT; THENCE LEAVING SAID RIGHT OF WAY AND WITH EASTERN LINES IN THE PIERPONT WILLIAM R. ETUX AND BARBARA E. PEIRPONT PROPERTY (DB:1915 PG:1170) SOUTH 77 DEGREES 37 MINUTES 11 SECONDS WEST A DISTANCE OF 72.57 FEET TO A 1/4" IRON ROD FOUND; THENCE NORTH 25 DEGREES 54 MINUTES 27 SECONDS WEST A DISTANCE OF 442.50 FEET TO A 1" AXLE FOUND; THENCE ALONG A SOUTHERN LINE IN THE ROBERTO CRESCENCIO PROPERTY (DB: 1629, PG:303), SOUTH 89 DEGREES 48 MINUTES 19

SECONDS EAST A DISTANCE OF 65.13 FEET TO A 5/8" REBAR WITH CAP; THENCE SOUTH 89 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 66.65 FEET TO A 5/8" REBAR WITH CAP; THENCE SOUTH 89 DEGREES 49 MINUTES 09 SECONDS EAST A DISTANCE OF 542.19 FEET TO A 1/2" IRON PIPE FOUND; THENCE ALONG AN SOUTHERN LINE IN THE TIMOTHY SEAGROVES PROPERTY (DB 711, PG 749) SOUTH 89 DEGREES 47 MINUTES 11 SECONDS EAST A DISTANCE OF 406.30 TO A 1.25" GUN BARREL; THENCE SOUTH 89 DEGREES 06 MINUTES 54 SECONDS EAST A DISTANCE OF 485.11 FEET TO A 1.25" IRON PIPE FOUND; THENCE WITH THE US GOVERNMENT PROPERTY NORTH 89 DEGREES 57 MINUTES 13 SECONDS EAST A DISTANCE OF 352.30 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 45 MINUTES 27 SECONDS EAST A DISTANCE OF 14.94 FEET TO A REBAR WITH A CAP; THENCE SOUTH 00 DEGREES 45 MINUTES 27 SECONDS EAST A DISTANCE OF 30.00 FEET TO A 1" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 52 MINUTES 26 SECONDS WEST A DISTANCE OF 96.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE WITH A WESTERN LINE IN THE MILLS CHATHAM INVESTMENT PROPERTIES LLC PROPERTY (DB 2294 PG 400) SOUTH 01 DEGREES 03 MINUTES 08 SECONDS WEST A DISTANCE OF 171.91 FEET TO A 1/2" IRON PIPE WITH A WHITE CAP AND TACK FOUND; THENCE SOUTH 00 DEGREES 42 MINUTES 32 SECONDS WEST A DISTANCE OF 280.64 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 43 MINUTES 35 SECONDS WEST A DISTANCE OF 318.70 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 41 MINUTES 08 SECONDS WEST A DISTANCE OF 979.44 FEET TO A 1" IRON PIPE FOUND, SAID IRON PIPE BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING 7,513,572 SQUARE FEET OR 172.48 ACRES, MORE OR LESS.

ANNEXATION AREA 2
AS SURVEYED LEGAL DESCRIPTION

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THE LAND DEPICTED IN DEED BOOK 2330 PAGE 738. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY AND WAKE REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A RIGHT OF WAY DISK FOUND ALONG THE SOUTHERN RIGHT OF WAY LINE OF US 64 HIGHWAY, SAID DISK HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:724,599.73', E:2,014,861.45' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING IN A CLOCKWISE DIRECTION AND WITH THE RIGHT OF WAY OF US 64 HIGHWAY NORTH 82 DEGREES 54 MINUTES 23 SECONDS EAST A DISTANCE OF 160.19 FEET TO A 5/8" REBAR SET; THENCE NORTH 82 DEGREES 53 MINUTES 07 SECONDS EAST A DISTANCE OF 625.77 FEET TO A 5/8" REBAR FOUND; THENCE NORTH 83 DEGREES 08 MINUTES 25 SECONDS EAST A DISTANCE OF 85.45 FEET TO A COMPUTED POINT ALONG THE WAKE COUNTY/CHATHAM COUNTY LINE; THENCE NORTH 81 DEGREES 57 MINUTES 11 SECONDS EAST A DISTANCE OF 96.16 FEET TO A COMPUTED POINT ALONG THE EASTERN RIGHT

OF WAY OF NEW OLIVE CHAPEL HILL ROAD; THENCE WITH SAID RIGHT OF WAY SOUTH 52 DEGREES 02 MINUTES 38 SECONDS WEST A DISTANCE OF 105.61 FEET TO A COMPUTED POINT; THENCE SOUTH 15 DEGREES 59 MINUTES 17 SECONDS WEST A DISTANCE OF 1,304.57 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 11 DEGREE 39 MINUTES 03 SECONDS WEST 194.08 FEET AND A RADIUS OF 1,031.04 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 06 DEGREES 02 MINUTES 53 SECONDS WEST 123.25 FEET AND A RADIUS OF 1,434.58 FEET TO A COMPUTED POINT; THENCE NORTH 86 DEGREES 24 MINUTES 50 SECONDS WEST A DISTANCE OF 60.00 FEET TO A COMPUTED POINT ALONG THE WAKE COUNTY/CHATHAM COUNTY LINE; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF NORTH 06 DEGREES 02 MINUTES 53 SECONDS EAST 128.40 FEET AND A RADIUS OF 1,494.58 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF NEW HILL ROAD; THENCE SOUTH 15 DEGREES 55 MINUTES 22 SECONDS WEST A DISTANCE OF 878.54 FEET TO A 2" IRON PIPE FOUND; THENCE NORTH 84 DEGREES 48 MINUTES 37 SECONDS WEST A DISTANCE OF 1,121.89 FEET TO A 3/4" IRON PIPE FOUND; THENCE WITH AN EASTERN LINE IN THE APEX STORAGE PARTNERS LLC PROPERTY (DB:712, PG:945) NORTH 00 DEGREES 36 MINUTES 17 SECONDS EAST A DISTANCE OF 1,985.81 FEET TO A COMPUTED POINT ALONG THE SOUTHERN RIGHT OF WAY OF US HIGHWAY 64; THENCE WITH SAID RIGHT OF WAY WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 81 DEGREES 06 MINUTES 11 SECONDS EAST 714.43 FEET AND A RADIUS OF 11,459.16 FEET TO A COMPUTED POINT; THENCE NORTH 82 DEGREES 54 MINUTES 12 SECONDS EAST 214.33 FEET TO A RIGHT OF WAY DISK FOUND SAID DISK BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING 3,176,117 SQUARE FEET OR 72.91 ACRES, MORE OR LESS.

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

James L. Givens

is the owner* of the property for which the attached

application is being submitted:

- Land Use Amendment
- 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: 527 NC HWY 751

The agent for this project is: Beacon Development Company

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


Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*


James L Givens
 Type or print name

14 October 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 #: 22CZ26

Submittal Date: _____

The undersigned, James L. Givens (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. 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 527 NC HWY 751 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 06/05/1998, and recorded in the Wake County Register of Deeds Office on 07/08/1998, in Book 0757 Page 0592.
4. 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).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 06/05/1998, 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 06/05/1998, 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.

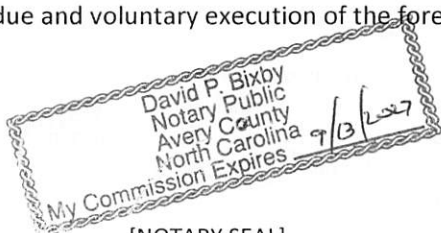
This the 14 day of October, 2022.

James L Givens (seal)
James L Givens

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF NC

I, the undersigned, a Notary Public in and for the County of AVERY, hereby certify that JAMES GIVENS, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC DRIVERS LICENSE, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

[Signature]
Notary Public
State of North Carolina
My Commission Expires: 9/13/2027

GIVENS PARCEL
TRACT 1 (TITLE COMMITMENT 22-09308CH)
AS SURVEYED LEGAL DESCRIPTION

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, AND BEING THE LAND CONVEYED TO JAMES L. GIVENS BY DEED RECORDED IN BOOK OF DEEDS 757 PAGE 592, DESCRIBED AS TRACK 1 IN PB A PG 270 (ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 726429.26 E: 2013696.48), THENCE FROM THE POINT OF COMMENCING N33°21'41"W A DISTANCE OF 893.49' TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING A 1" IRON PIPE FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 727175.52 EASTING: 2013205.13).

THENCE FROM THE POINT OF BEGINNING AND RUNNING IN A CLOCKWISE DIRECTION N60°35'55"E A DISTANCE OF 29.81' TO A CALCULATED POINT IN THE CENTER OF NC-751 (60 FOOT RIGHT OF WAY); THENCE WITH THE CENTERLINE OF NC-751 ROAD, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 12000.27 FEET, A CHORD BEARING OF S26°53'18"E AND A CHORD LENGTH OF 199.32 FEET TO A CALCULATED POINT; THENCE LEAVING THE CENTERLINE OF NC-751, S60°28'06"W A DISTANCE OF 28.99 FEET TO AN IRON PIPE FOUND; THENCE S60°28'06"W A DISTANCE OF 619.45 FEET TO AN IRON PIPE FOUND; THENCE N29°25'20"W A DISTANCE OF 200.65 FEET TO AN IRON PIPE FOUND; THENCE N60°36'10"E 573.18 FEET TO AN IRON PIPE FOUND; THENCE N60°35'55"E A DISTANCE OF 54.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 130,244 SQUARE FEET OR 2.99 ACRES, MORE OR LESS.

AREA WITHIN NC-751 RIGHT OF ROW, 5980 SQUARE FEET OR 0.14 ACRES, MORE OR LESS.

GIVENS PARCEL
TRACT 2 (TITLE COMMITMENT 22-09308CH)
AS SURVEYED LEGAL DESCRIPTION

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, AND BEING THE SAME LAND CONVEYED TO JAMES L. GIVENS BY DEED RECORDED IN BOOK OF DEEDS 757 PAGE 592, DESCRIBED AS TRACK 2 IN PB A PG 270 (ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 726429.26 E: 2013696.48), THENCE FROM THE POINT OF COMMENCING N35°53'06"W A DISTANCE OF 635.98' TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING A 1/2" IRON PIPE FOUND WITH CAP (BENT) (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 726944.53 EASTING: 2013323.69).

THENCE FROM THE POINT OF BEGINNING AND RUNNING IN A CLOCKWISE DIRECTION S60°29'09"W A DISTANCE OF 1069.36 FEET TO A REBAR FOUND; THENCE S87°54'28"W A DISTANCE OF 410.09' TO AN IRON PIPE FOUND; THENCE N00°23'00"E A DISTANCE OF 420.69 FEET TO A CONCRETE MONUMENT FOUND; THENCE N87°55'54"E A DISTANCE OF 635.18 FEET TO A CONCRETE MONUMENT FOUND; THENCE N60°37'52"E A DISTANCE OF 43.17 FEET TO AN IRON PIPE FOUND; THENCE S29°25'20"E A DISTANCE OF 200.65 FEET TO AN IRON PIPE FOUND; THENCE N60°28'06"E A DISTANCE OF 619.45 FEET TO AN IRON PIPE FOUND; THENCE N60°28'06"E A DISTANCE OF 28.99 FEET TO A CALCULATED POINT IN THE CENTER OF NC-751 (60 FOOT RIGHT OF WAY); THENCE WITH THE CENTERLINE OF NC-751 ROAD, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 12000.00 FEET, A CHORD BEARING OF S27°30'29"E AND A CHORD LENGTH OF 60.28 FEET TO A CALCULATED POINT; THENCE LEAVING THE CENTERLINE OF NC-751 ROAD, S60°28'54"W A DISTANCE OF 29.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 453,459 SQUARE FEET OR 10.41 ACRES, MORE OR LESS.

AREA WITHIN NC-751 RIGHT OF ROW, 1808 SQUARE FEET OR 0.04 ACRES, MORE OR LESS.

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date: _____

Mills Chatham Investment Properties, LLC is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- 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: 13406 US 64 E

The agent for this project is: Beacon Development Company

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

Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*

Type or print name

Date


M. HAGER RAND

10/21/22

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 #: 22CZ26

Submittal Date: _____

The undersigned, Mills Chatham Investment Properties, LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. 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 13406 US 64 E and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 10/14/2022, and recorded in the Wake County Register of Deeds Office on 10/14/2022, in Book 2330 Page 0745.
4. 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).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 10/14/2022, 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 10/14/2022, 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 21ST day of OCTOBER, 2022.

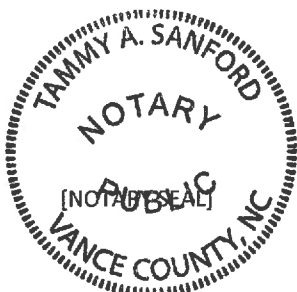
M. Hager Rand (seal)

M. HAGER RAND

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Vance

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



Tammy A. Sanford

Notary Public
State of North Carolina
My Commission Expires: 4-18-23

EXHIBIT A

LOT 1

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT LOT 1 DEPICTED IN DEED BOOK 1977 PAGE 0725. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 5/8 INCH REBAR MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724864.40' E: 2014802.13'), THENCE FROM SAID POINT COMMENCING SOUTH 77 DEGREES 40 MINUTES 11 SECONDS WEST A DISTANCE OF 67.33 FEET TO A RIGHT OF WAY DISK, SAID POINT HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724850.02' E: 2014736.35' AND BEING THE TRUE POINT OF BEGINNING.

THENCE SOUTH 29 DEGREES 01 MINUTES 41 SECONDS WEST, A DISTANCE OF 79.03 FEET TO A 5/8" REBAR WITH CAP SET;

THENCE SOUTHWESTWARDLY, WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 11,840.67 FEET, A CENTRAL ANGLE OF 03 DEGREES 41 MINUTES 13 SECONDS AND A CHORD THAT BEARS SOUTH 81 DEGREES 22 MINUTES 04 SECONDS WEST, A CHORD DISTANCE OF 761.55 FEET TO A CALCULATED POINT;

THENCE NORTH 00 DEGREES 36 MINUTES 17 SECONDS EAST, A DISTANCE OF 174.44 FEET TO A FOUND 5/8 INCH REBAR;

THENCE NORTH 00 DEGREES 35 MINUTES 50 SECONDS EAST, A DISTANCE OF 1,092.79 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP;

THENCE NORTH 00 DEGREES 12 MINUTES 32 SECONDS EAST, A DISTANCE OF 52.71 FEET TO A CALCULATED POINT IN NC HIGHWAY 751;

THENCE ALONG THE CENTER OF NC HIGHWAY 751 THE FOLLOWING BEARINGS AND DISTANCES;

SOUTH 34 DEGREES 10 MINUTES 03 SECONDS EAST, A DISTANCE OF 687.19 FEET TO A CALCULATED POINT;

SOUTH 34 DEGREES 32 MINUTES 27 SECONDS EAST, A DISTANCE OF 202.20 FEET TO A CALCULATED POINT;

SOUTH 36 DEGREES 43 MINUTES 39 SECONDS EAST, A DISTANCE OF 169.90 FEET TO A CALCULATED POINT;

SOUTH 38 DEGREES 57 MINUTES 16 SECONDS EAST, A DISTANCE OF 331.72 FEET TO A CALCULATED POINT;

THENCE LEAVING NC HIGHWAY 751 SOUTH 77 DEGREES 40 MINUTES 11 SECONDS WEST, A DISTANCE OF 33.66 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING 546,013 SQ. FT. OF LAND OR 12.53 ACRES, MORE OR LESS.

LOT 2

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT LOT 1 DEPICTED IN DEED BOOK 1977 PAGE 0725. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 5/8 INCH REBAR MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724864.40' E: 2014802.13'), THENCE FROM SAID POINT COMMENCING SOUTH 12 DEGREES 37 MINUTES 56 SECONDS EAST A DISTANCE OF 271.24 FEET TO A RIGHT OF WAY DISK, SAID POINT HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724,599.73 E: 2,014,861.45 AND BEING THE TRUE POINT OF BEGINNING.

THENCE SOUTH 67 DEGREES 21 MINUTES 28 SECONDS EAST, A DISTANCE OF 67.03 FEET TO A RIGHT OF WAY DISK;

THENCE NORTH 89 DEGREES 11 MINUTES 53 SECONDS EAST, A DISTANCE OF 33.08 FEET TO A CALCULATED POINT BEING ON NEW HILL ROAD;

THENCE ALONG NEW HILL ROAD SOUTH 16 DEGREES 27 MINUTES 27 SECONDS EAST, A DISTANCE OF 721.12 FEET TO A CALCULATED POINT;

THENCE SOUTH 16 DEGREES 13 MINUTES 30 SECONDS EAST, A DISTANCE OF 380.63 FEET TO A CALCULATED POINT;

THENCE SOUTHEASTWARDLY, WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1,140.03 FEET, A CENTRAL ANGLE OF 12 DEGREES 57 MINUTES 26 SECONDS AND A CHORD THAT BEARS SOUTH 09 DEGREES 45 MINUTES 10 SECONDS EAST, A CHORD DISTANCE OF 257.26 FEET TO A CALCULATED POINT IN NEW HILL ROAD AND NEW HILL OLIVE CHAPEL ROAD;

THENCE WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1,140.03 FEET, A CENTRAL ANGLE OF 00 DEGREES 43 MINUTES 25 SECONDS AND A CHORD THAT BEARS SOUTH 02 DEGREES 54 MINUTES 44 SECONDS EAST, A CHORD DISTANCE OF 14.40 FEET TO A CALCULATED POINT IN NEW HILL ROAD AND NEW HILL OLIVE CHAPEL ROAD;

THENCE WITH THE COUNTY LINE BETWEEN WAKE AND CHATHAM COUNTY (BM 1961 PG 68) SOUTH 15 DEGREES 53 MINUTES 07 SECONDS WEST A DISTANCE OF 162.92 FEET TO A CALCULATED POINT IN THE WESTERN SIDE OF NEW HILL OLIVE CHAPEL ROAD RIGHT OF WAY;

THENCE LEAVING THE COUNTY LINE AND WITH THE WESTERN RIGHT OF WAY SIDE OF NEW HILL OLIVE CHAPEL ROAD NORTH 6 DEGREES 02 MINUTES 53 SECONDS EAST A DISTANCE OF 128.40 FEET TO A 5/8 INCH REBAR WITH CAP SET,

THENCE LEAVING THE WESTERN SIDE OF NEW HILL CHAPEL ROAD RIGHT OF WAY SOUTH 15 DEGREES 55 MINUTES 22 SECONDS WEST, A DISTANCE OF 878.54 FEET TO A 2 INCH IRON PIPE FOUND;

THENCE NORTH 84 DEGREES 48 MINUTES 37 SECONDS WEST, A DISTANCE OF 1,121.89 FEET TO A 3/4 INCH IRON PIPE FOUND;

THENCE NORTH 00 DEGREES 36 MINUTES 17 SECONDS EAST, A DISTANCE OF 1,985.81 FEET TO A CALCULATED POINT;

THENCE NORTHEASTWARDLY, WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 11,459.16 FEET, A CENTRAL ANGLE OF 03 DEGREES 34 MINUTES 23 SECONDS AND A CHORD THAT BEARS NORTH 81 DEGREES 06 MINUTES 11 SECONDS EAST, A CHORD DISTANCE OF 714.43 FEET TO A CALCULATED POINT;

THENCE NORTH 82 DEGREES 54 MINUTES 12 SECONDS EAST, A DISTANCE OF 214.33 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING 2,599,783 SQ. FT. OF LAND OR 59.68 ACRES, MORE OR LESS.

LOT 3

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT LOT 1 DEPICTED IN DEED BOOK 1977 PAGE 0725. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 5/8 INCH REBAR MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724864.40' E: 2014802.13'), THENCE FROM SAID POINT COMMENCING SOUTH 32 DEGREES 54 MINUTES 03 SECONDS EAST A DISTANCE OF 344.87 FEET TO A RIGHT OF WAY DISK, SAID POINT HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724574.85' E: 2014989.45' AND BEING THE TRUE POINT OF BEGINNING.

THENCE NORTH 34 DEGREES 43 MINUTES 39 SECONDS EAST, A DISTANCE OF 54.34 FEET TO A CALCULATED POINT;

THENCE NORTH 82 DEGREES 53 MINUTES 07 SECONDS EAST, A DISTANCE OF 625.77 FEET TO FOUND 5/8 INCH REBAR;

THENCE NORTH 83 DEGREES 08 MINUTES 25 SECONDS EAST, A DISTANCE OF 85.45 FEET TO A CALCULATED POINT IN NEW HILL OLIVE CHAPEL ROAD AND ON THE CHATHAM COUNTY AND WAKE COUNTY LINE;

THENCE WITH SAID ROAD SOUTH 15 DEGREES 53 MINUTES 07 SECONDS WEST, A DISTANCE OF 1,515.68 FEET TO A CALCULATED POINT IN NEW HILL ROAD AND NEW HILL OLIVE CHAPEL ROAD;

THENCE NORTHWESTWARDLY, WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,140.03 FEET, A CENTRAL ANGLE OF 00 DEGREES 43 MINUTES 25 SECONDS AND A CHORD THAT BEARS NORTH 02 DEGREES 54 MINUTES 44 SECONDS WEST, A CHORD DISTANCE OF 14.40 FEET TO A CALCULATED POINT;

THENCE NORTHWESTWARDLY, WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,140.03 FEET, A CENTRAL ANGLE OF 12 DEGREES 57 MINUTES 26 SECONDS AND A CHORD THAT BEARS NORTH 09 DEGREES 45 MINUTES 10 SECONDS WEST, A CHORD DISTANCE OF 257.26 FEET TO A CALCULATED POINT;

THENCE NORTH 16 DEGREES 13 MINUTES 30 SECONDS WEST A DISTANCE OF 380.63 FEET TO A CALCULATED POINT;

THENCE ALONG NEW HILL ROAD NORTH 16 DEGREES 27 MINUTES 27 SECONDS WEST, A DISTANCE OF 721.12 FEET TO A CALCULATED POINT;

THENCE NORTH 89 DEGREES 11 MINUTES 53 SECONDS EAST, A DISTANCE OF 33.08 FEET TO THE POINT OF BEGINNING

CONTAINING 525,846 SQ. FT. OF LAND OR 12.07 ACRES, MORE OR LESS.

TOTAL ACREAGE OF LOT 1, LOT 2, AND LOT 3 TOTALING 84.28 ACRES OF LAND MORE OR LESS.

.41 ACRES BETWEEN LOT 2 (DB: 1977, PG: 725), VICKIE RIGGSBEE GOODWIN (DB 14684, PG: 704), AND SUSAN W. YATES (DB:18856, PG: 2143)

BEGINNING AT A 5/8" REBAR SET ON THE WESTERN SIDE OF NEW HILL OLIVE CHAPEL ROAD RIGHT OF WAY; THENCE WITH THE WESTERN SIDE OF SAID RIGHT OF WAY A CURVE TO THE LEFT THAT BEARS SOUTH 06 DEGREES 02 MINUTES 53 SECONDS WEST HAVING A CHORD DISTANCE OF 128.40 FEET AND A RADIUS OF 1,494.58 FEET; THENCE LEAVING SAID RIGHT OF WAY AND WITH THE CHATHAM-WAKE COUNTY LINE (LINE F ON BM 1961 PG 68) SOUTH 15 DEGREES 53 MINUTES 07 SECONDS WEST A DISTANCE OF 747.78 FEET TO A CALCULATED POINT; THENCE LEAVING SAID COUNTY LINE NORTH 84 DEGREES 48 MINUTES 37 SECONDS WEST A DISTANCE OF 22.91 FEET TO A 2" IRON PIPE FOUND; THENCE NORTH 15 DEGREES 55 MINUTES 22 SECONDS EAST A DISTANCE OF 878.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 17,792 SQ. FT. OR 0.41 ACRES MORE OR LESS

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date: _____

BIN - AG LLC is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- 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: 450 NC HWY 751

The agent for this project is: Beacon Development Company

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

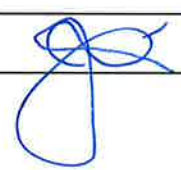
Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*



Type or print name

10/5/2022
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

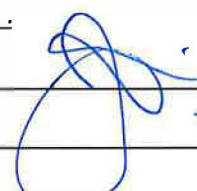
Application #: 22CZ26

Submittal Date: _____

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

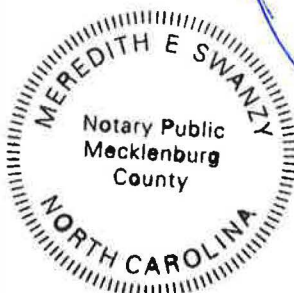
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 450 NC Hwy 751 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 5/3/2022, and recorded in the Wake County Register of Deeds Office on 5/4/2022, in Book 2301 Page 0443.
4. 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).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 5/3/2022, 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 5/3/2022, 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 5th day of October, 2022.

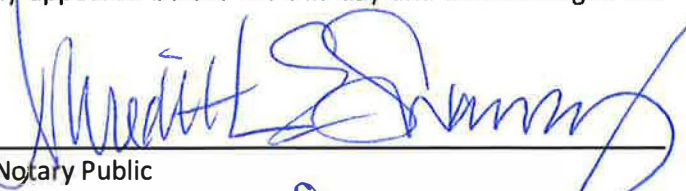

 _____ (seal)
Jon L. Morris
 Type or print name

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

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



[NOTARY SEAL]



 Notary Public
 State of North Carolina
 My Commission Expires: SEPTEMBER 23, 2023

Insert legal description below.

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, AND BEING ALL THE LAND CONVEYED TO WILLIAM J. AULICINO, JR AND WIFE, BARBARA J. AULICINO BY DEED RECORDED IN BOOK 797 PAGE 728, AND DESCRIBED IN PLAT BOOK 11 PG 9 (TITLED "SUBDIVISION OF MARION C. PENNY LAND") AS TRACT B-1, BEING BOUNDED ON THE NORTH BY LOT 1 AND LOT 2 (PB 2014 PG 0320), ON THE SOUTH BY THE LONG TRACT (PB 92 PG 43), ON WEST BY NC 751 (60 FOOT RIGHT OF WAY) AND ON THE EAST BY TRACT 1 (DB 2294 PG 400), (ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE, SAID 1/2 INCH IRON PIPE BEING NORTH 31 DEGREES 23 MINUTES 00 SECONDS WEST A DISTANCE OF 1,500.86 FEET FROM AN EXISTING NGS MONUMENT STAMPED "FIN" (1984), THE POINT OF COMMENCING (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 725147.82' EASTING: 2014478.05'), SAID 1/2 IRON PIPE BEING THE TRUE POINT OF BEGINNING (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 726429.10 EASTING: 2013696.46).

THENCE RUNNING IN A CLOCKWISE DIRECTION SOUTH 55 DEGREES 54 MINUTES 54 SECONDS WEST A DISTANCE OF 30.04 FEET TO A CALCULATED POINT IN THE CENTER OF NC-751 (60 FOOT RIGHT OF WAY); THENCE WITH THE CENTERLINE OF NC-751 ROAD, A CURVE TO THE RIGHT HAVING A RADIUS OF 6,853.72 FEET A CHORD BEARING OF NORTH 32 DEGREES 13 MINUTES 17 SECONDS WEST AND A CHORD LENGTH OF 263.11 FEET TO A CALCULATED POINT; THENCE LEAVING THE CENTERLINE OF NC 751, NORTH 55 DEGREES 57 MINUTES 16 SECONDS EAST A DISTANCE OF 30.04 FEET TO A 5/8" REBAR WITH CAP SET ON THE NORTHEAST SIDE OF NC 751 60 FOOT RIGHT OF WAY; THENCE WITH THE SOUTH PROPERTY LINE OF BRENT DROEGE MICHAEL PARCEL, (DESCRIBED AS LOT 1 AND LOT 2 IN PB 2014 PG 320) NORTH 55 DEGREES 57 MINUTES 16 SECONDS EAST A DISTANCE OF 515.75 FEET TO AN EXISTING 1/2 INCH IRON PIPE; THENCE WITH THE SOUTH LINE OF LOT 2 NORTH 55 DEGREES 59 MINUTES 27 SECONDS EAST A DISTANCE OF 239.18 FEET TO AN EXISTING 1/2" IRON PIPE; THENCE WITH THE SOUTH PROPERTY LINE OF LOT 1 NORTH 55 DEGREES 58 MINUTES 49 SECONDS EAST A DISTANCE OF 540.56 FEET TO AN EXISTING 1/2" IRON PIPE WITH YELLOW CAP AND TACK; THENCE LEAVING THE SOUTH PROPERTY LINE OF LOT 1 AND WITH THE EAST PROPERTY LINE OF TRACT 1 (DB 2294 PG 400) SOUTH 0 DEGREES 43 MINUTES 35 SECONDS WEST A DISTANCE OF 318.70 TO AN EXISTING 1/2 IRON PIPE; THENCE LEAVING TRACT 1 AND WITH THE NORTH PROPERTY LINE OF LONG TRACT (PB 92 PG 43) SOUTH 55 DEGREES 54 MINUTES 54 SECONDS WEST A DISTANCE OF 1,122.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 317,453 SQUARE FEET OR 7.47 ACRES, MORE OR LESS.

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date: _____

BIN - AG2 LLC is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- 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: 13406 US 64 E

The agent for this project is: Beacon Development Company

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

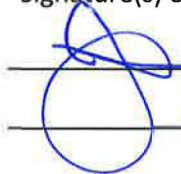
Agent Name: Walker Gorham

Address: 702 Oberlin Road, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*



 Type or print name

10/26/2022

 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 #: 22CZ26

Submittal Date: _____

The undersigned, BIN - AG2 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 13406 US 64 E 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 10/14/2022, and recorded in the Wake County Register of Deeds Office on 10/17/2022, in Book 2330 Page 0938.
- 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 10/14/2022, 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 10/14/2022, 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.

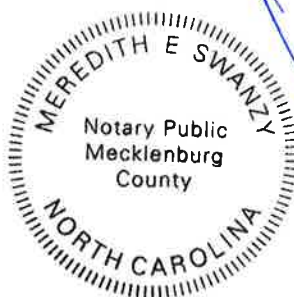
This the 26th day of October, 2022.


 (seal)

 Type or print name

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, the undersigned, a Notary Public in and for the County of MECKLENBURG hereby certify that JON L. MORRIS, Affiant, personally known to me or known to me by said Affiant's presentation of ~~said Affiant's~~ _____, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

 Notary Public
 State of North Carolina
 My Commission Expires: SEPTEMBER 23, 2023

Exhibit A

LOT 1

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT LOT 1 DEPICTED IN DEED BOOK 1977 PAGE 0725. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 5/8 INCH REBAR MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724864.40' E: 2014802.13'), THENCE FROM SAID POINT COMMENCING SOUTH 77 DEGREES 40 MINUTES 11 SECONDS WEST A DISTANCE OF 67.33 FEET TO A RIGHT OF WAY DISK, SAID POINT HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724850.02' E: 2014736.35' AND BEING THE TRUE POINT OF BEGINNING. THENCE SOUTH 29 DEGREES 01 MINUTES 41 SECONDS WEST, A DISTANCE OF 79.03 FEET TO A 5/8" REBAR WITH CAP SET; THENCE SOUTHWESTWARDLY, WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 11,840.67 FEET, A CENTRAL ANGLE OF 03 DEGREES 41 MINUTES 13 SECONDS AND A CHORD THAT BEARS SOUTH 81 DEGREES 22 MINUTES 04 SECONDS WEST, A CHORD DISTANCE OF 761.55 FEET TO A CALCULATED POINT; THENCE NORTH 00 DEGREES 36 MINUTES 17 SECONDS EAST, A DISTANCE OF 174.44 FEET TO A FOUND 5/8 INCH REBAR; THENCE NORTH 00 DEGREES 35 MINUTES 50 SECONDS EAST, A DISTANCE OF 1,092.79 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP; THENCE NORTH 00 DEGREES 12 MINUTES 32 SECONDS EAST, A DISTANCE OF 52.71 FEET TO A CALCULATED POINT IN NC HIGHWAY 751; THENCE ALONG THE CENTER OF NC HIGHWAY 751 THE FOLLOWING BEARINGS AND DISTANCES; SOUTH 34 DEGREES 10 MINUTES 03 SECONDS EAST, A DISTANCE OF 687.19 FEET TO A CALCULATED POINT; SOUTH 34 DEGREES 32 MINUTES 27 SECONDS EAST, A DISTANCE OF 202.20 FEET TO A CALCULATED POINT; SOUTH 36 DEGREES 43 MINUTES 39 SECONDS EAST, A DISTANCE OF 169.90 FEET TO A CALCULATED POINT; SOUTH 38 DEGREES 57 MINUTES 16 SECONDS EAST, A DISTANCE OF 331.72 FEET TO A CALCULATED POINT; THENCE LEAVING NC HIGHWAY 751 SOUTH 77 DEGREES 40 MINUTES 11 SECONDS WEST, A DISTANCE OF 33.66 FEET TO THE TRUE POINT OF BEGINNING; CONTAINING 546,013 SQ. FT. OF LAND OR 12.53 ACRES, MORE OR LESS

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date:

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

- Land Use Amendment
- 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: 610 NC HWY 751

The agent for this project is: Beacon Development Company

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

Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*
Brent Droege Investments llc by

Brent Droege Investments llc by

Type or print name

10/5/2022

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 #: 22CZ26

Submittal Date: _____

The undersigned, Dr oeg 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 610 NC HWY 751 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 04/16/2021, and recorded in the Wake County Register of Deeds Office on 04/20/2021, in Book 2207 Page 0426.
- 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 04/16/2021, 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 04/16/2021, 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 5th day of October, 2022.

Dr oeg Investments LLC by Brent Droege (seal)

Dr oeg Investments LLC by Brent Droege
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Durham

I, the undersigned, a Notary Public in and for the County of Durham, hereby certify that Brent Droege, 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.

ALEJANDRA RODRIGUEZ MARTINEZ
Notary Public
Durham County, NC

[NOTARY SEAL]

Alejandra Rodriguez Martinez
Notary Public
State of North Carolina
My Commission Expires: December 07, 2022

Application #: 22CZ26

Submittal Date:

Insert legal description below.

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT TRACT C DESCRIBED IN DEED BOOK 2207 PAGE 426 AND DESCRIBED AS TRACT D, BEING BOUND IN THE NORTH BY MCLAIN PHILIP MICHAEL (DB: 1395, PG 247); BOUND ON THE EAST SIDE BY US GOVERNMENT (DB: NA PG: NA); BOUND TO THE SOUTH BY TRACT C OF DRODGE INVESTMENTS LLC (DB: 1949 PG: 612); BOUND TO THE WEST SIDE BY US GOVERNMENT (DB: NA PG: NA) AND PIERPONT WILLIAM R ETUX BARBARA E PIERPONT (DB: 1915 PG: 1170); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2 INCH IRON PIPE MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 727,829.13' E: 2,014,636.47'), THENCE FROM SAID POINT COMMENCING NORTH 00 DEGREES 52 MINUTES 26 SECONDS EAST A DISTANCE OF 96.50 FEET TO A 1 INCH IRON PIPE FOUND, SAID FOUND IRON PIPE HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 727,925.62 ' E: 2,014,637.94' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION, ALONG THE PROPERTY LINE OF MCLAIN PHILIP MICHAEL (DB: 1395, PG 247), SOUTH 66 DEGREES 25 MINUTES 40 SECONDS WEST A DISTANCE OF 1559.85 FEET TO A 1/4 IRON REBAR FOUND, THENCE SOUTH 66 DEGREES 25 MINUTES 40 SECONDS WEST A DISTANCE OF 29.52 FEET TO A CALCULATED POINT, THENCE NORTHWESTWARDLY, WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 10,366.27 FEET, A CENTRAL ANGLE OF 01°06'23" AND A CHORD THAT BEARS NORTH 27 DEGREES 33 MINUTES 13 SECONDS WEST A DISTANCE OF 200.19 FEET TO A CALCULATED POINT, THENCE NORTHWESTWARDLY, WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 18,752.40 FEET, A CENTRAL ANGLE OF 00°28'48" AND A CHORD THAT BEARS NORTH 28 DEGREES 14 MINUTES 53 SECONDS WEST A DISTANCE OF 157.13 FEET TO A CALCULATED POINT, THENCE NORTH 77 DEGREES 02 MINUTES 02 SECONDS EAST A DISTANCE OF 30.53 FEET TO A 1/4" IRON REBAR FOUND, THENCE NORTH 77 DEGREES 51 MINUTES 31 SECONDS EAST A DISTANCE OF 1630.04 FEET TO A SET 5/8" REBAR WITH CAP, THENCE SOUTH 00 DEGREES 45 MINUTES 27 SECONDS EAST A DISTANCE OF 30.00 FEET TO A 1" IRON PIPE FOUND BEING THE TRUE POINT OF BEGINNING.

CONTAINING 307,698 SQUARE FEET OR 7.06 ACRES, MORE OR LESS.

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date:

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

- Land Use Amendment
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: 546 NC HWY 751

The agent for this project is: Beacon Development Company

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

Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)* llc by

Handwritten signatures and names: Droege, Brent, Investment llc, Droege

Date: 10/5/2022

Blank lines for additional signatures and dates.

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.

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ26

Submittal Date: _____

The undersigned, Droege 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 546 NC Hwy 751 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 09/29/2017, and recorded in the Wake County Register of Deeds Office on 09/29/2017, in Book 1949 Page 612.
- 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 09/29/2017, 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 09/29/2017, 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 5th day of October, 2022.
Droege Investments LLC by Brent Droege (seal)
Droege Investments LLC by _____
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Durham

I, the undersigned, a Notary Public in and for the County of Durham, hereby certify that Brent Droege, 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.

ALEJANDRA RODRIGUEZ MARTINEZ
 Notary Public
 Durham County, NC
 [NOTARY SEAL]

Alejandra Rodriguez Martinez
 Notary Public
 State of North Carolina
 My Commission Expires: December 07, 2022

TRACT 3

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT TRACT C DESCRIBED IN DEED BOOK 1949 PAGE 612 AND DESCRIBED AS TRACT C, BEING BOUND IN THE NORTH BY DRODGE INVESTMENTS, LLC (DB: 2207, PG 426); BOUND ON THE EAST SIDE BY MILLS CHATHAM INVESTMENT PROPERTIES, LLC (DB: 2294, PG 400) AND US GOVERNMENT (DB: NA PG: NA); BOUND TO THE SOUTH BY BRENT MICHAEL DROEGE (DB: 2148 PG: 1047); BOUND TO THE WEST BY THE CENTERLINE OF NC 751 (BOOK OF MAPS 2014 PAGE 0320); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 727970.55' E: 2014637.34', THENCE FROM SAID POINT COMMENCING SOUTH 00 DEGREES 45 MINUTES 27 SECONDS EAST A DISTANCE OF 44.94 FEET TO A 1 INCH IRON PIPE FOUND, THENCE SOUTH 0 DEGREES 52 MINUTES 26 SECONDS WEST A DISTANCE OF 96.50 FEET TO A 1/2" IRON PIPE FOUND, THENCE SOUTH 1 DEGREE 03 MINUTES 08 SECONDS WEST 171.91 FEET TO A 1/2" IRON PIPE FOUND WITH WHITE CAP AND TACK, SAID FOUND IRON PIPE WITH CAP HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 727657.24' E: 2014633.31' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION, ALONG THE PROPERTY LINE OF BRENT MICHAEL DROEGE (DB: 2148, PG 1047) SOUTH 55 DEGREES 53 MINUTES 25 SECONDS WEST A DISTANCE OF 939.91 FEET TO A 1/2 INCH IRON PIPE FOUND, THENCE SOUTH 70 DEGREES 55 MINUTES 12 SECONDS WEST A DISTANCE OF 503.27 FEET TO A 1 INCH IRON PIPE FOUND, THENCE SOUTH 70 DEGREES 24 MINUTES 53 SECONDS WEST A DISTANCE OF 30.35 FEET INTO THE 60 FOOT RIGHT OF WAY TO A CALCULATED POINT, THENCE ALONG THE CENTERLINE OF NC 751 NORTHWESTWARDLY, WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 12,000.00 FEET, A CENTRAL ANGLE OF 01°31'52" AND A CHORD THAT BEARS NORTH 26 DEGREES 54 MINUTES 17 SECONDS WEST A DISTANCE OF 320.69 FEET TO A CALCULATED POINT, THENCE NORTHWESTWARDLY, WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 10,366.27 FEET, A CENTRAL ANGLE OF 00°17'57" AND A CHORD THAT BEARS NORTH 26 DEGREES 50 MINUTES 57 SECONDS WEST, A CHORD DISTANCE OF 54.15 FEET TO A CALCULATED POINT, THENCE LEAVING THE NC 751 RIGHT OF WAY ALONG THE PROPERTY

LINE OF DRODGE INVESTMENTS LLC (DB: 2207 PG: 426) NORTH 65 DEGREES 53 MINUTES 09 SECONDS EAST A DISTANCE OF 29.51 FEET TO A FOUND 1/4 INCH REBAR, THENCE NORTH 66 DEGREES 25 MINUTES 40 SECONDS EAST A DISTANCE OF 1559.85 FEET TO A FOUND 1 INCH IRON PIPE FOUND, THENCE SOUTH ALONG THE PROPERTY LINES OF MILLS CHATHAM INVESTMENT PROPERTIES, LLC (DB: 2294, PG 400) AND US GOVERNMENT (DB: NA PG: NA), SOUTH 00 DEGREES 52 MINUTES 26 SECONDS WEST A DISTANCE OF 96.50 FEET TO A FOUND 1/2 INCH IRON PIPE, THENCE SOUTH 01 DEGREES 03 MINUTES 08 SECONDS WEST A DISTANCE OF 171.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 533,163 SQUARE FEET OR 12.24 ACRES, MORE OR LESS.

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date: _____

Brent Michael Droege is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- 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: 482 NC HWY 751

The agent for this project is: Beacon Development Company

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

Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*

Brent Michael Droege
Brent Michael Droege
 Type or print name

10/5/2022
 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 #: 22CZ26

Submittal Date: _____

The undersigned, Brent Michael Droege (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 482 NC Hwy 751 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 09/21/2020 and recorded in the Wake County Register of Deeds Office on 09/28/2020, in Book 2148 Page 1047.
- 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 09/21/2020, 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 09/21/2020, 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 5th day of October, 2022.

Brent Michael Droege (seal)
Brent Michael Droege
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Durham

I, the undersigned, a Notary Public in and for the County of Durham, hereby certify that Brent Droege, 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.

ALEJANDRA RODRIGUEZ MARTINEZ
 Notary Public
 Durham County, NC

[NOTARY SEAL]

Alejandra Rodriguez Martinez
 Notary Public
 State of North Carolina
 My Commission Expires: December 07, 2027

TRACT 1

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT LOT 1 DEPICTED IN BOOK OF MAPS 2014 PAGE 0320 AND DESCRIBED AS LOT 1 , BEING BOUND IN THE NORTH BY DRODGE INVESTMENTS, LLC (DB: 1949, PG 0612); BOUND ON THE EAST SIDE BY MILLS CHATHAM INVESTMENT PROPERTIES, LLC (DB: 2294, PG 400); BOUND TO THE SOUTH BY BIN – AG LLC (DB: 2301 PG: 443); BOUND TO THE WEST BY NC 751 (BOOK OF MAPS 2014 PAGE 0320); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 727970.55' E: 2014637.34', THENCE FROM SAID POINT COMMENCING SOUTH 00 DEGREES 45 MINUTES 27 SECONDS EAST A DISTANCE OF 44.94 FEET TO A 1 INCH IRON PIPE FOUND, THENCE SOUTH 0 DEGREES 52 MINUTES 26 SECONDS WEST A DISTANCE OF 96.50 FEET TO A 1/2" IRON PIPE FOUND, THENCE SOUTH 1 DEGREE 03 MINUTES 08 SECONDS WEST 171.91 FEET TO A 1/2" IRON PIPE FOUND WITH WHITE CAP AND TACK, SAID FOUND IRON PIPE WITH CAP HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 727657.24' E: 2014633.31' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION, ALONG THE PROPERTY LINE OF MILLS CHATHAM INVESTMENT PROPERTIES, LLC (DB: 2294, PG 400) SOUTH 00 DEGREES 42 MINUTES 32 SECONDS WEST A DISTANCE OF 280.64 FEET TO A 1/2" IRON PIPE FOUND, THENCE ALONG THE PROPERTY LINE OF BIN – AG LLC (DB: 2301 PG: 443) SOUTH 55 DEGREES 58 MINUTES 49 SECONDS WEST A DISTANCE OF 540.56 FEET TO A 1/2 INCH IRON PIPE FOUND, THENCE SOUTH 55 DEGREES 59 MINUTES 27 SECONDS WEST A DISTANCE OF 239.18 FEET TO A FOUND 1/2 INCH IRON PIPE, THENCE SOUTH 55 DEGREES 57 MINUTES 16 SECONDS WEST A DISTANCE OF 515.74 FEET TO A FOUND 5/8 INCH IRON REBAR ON THE EASTERN SIDE OF NC 751 60 FOOT RIGHT OF WAY, THENCE NORTH ALONG NC 751 EASTERN 60 FOOT RIGHT OF WAY, NORTHWESTWARDLY, WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 6,378.08 FEET, A CENTRAL ANGLE OF 00°39'22" AND A CHORD THAT BEARS NORTH 30 DEGREES 48 MINUTES 44 SECONDS WEST A DISTANCE OF 73.04 FEET TO A CALCULATED POINT, THENCE NORTHWESTWARDLY, WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3,970.00 FEET, A CENTRAL ANGLE OF 02°07'44" AND A CHORD THAT BEARS NORTH 29 DEGREES 57 MINUTES 16 SECONDS WEST A DISTANCE OF 147.50 FEET TO A CALCULATED POINT, THENCE NORTHWESTWARDLY, WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 10,752.26 FEET, A CENTRAL ANGLE OF 00°44'42" AND A CHORD THAT

BEARS NORTH 28 DEGREES 00 MINUTES 24 SECONDS WEST A DISTANCE OF 139.81 FEET TO A FOUND 1 INCH IRON PIPE, THENCE LEAVING THE EASTERN SIDE OF NC 751 60 FOOT RIGHT OF WAY WITH DRODGE INVESTMENTS, LLC (DB: 1949, PG 0612) NORTH 70 DEGREES 55 MINUTES 12 SECONDS EAST A DISTANCE OF 503.27 FEET TO A FOUND 1/2 INCH IRON PIPE, THENCE NORTH 55 DEGREES 53 MINUTES 25 SECONDS EAST A DISTANCE OF 939.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 346,676 SQUARE FEET OR 7.96 ACRES, MORE OR LESS.

LESS AND EXCEPT LOT 2 CONTAINING 1.00 ACRES. LEAVING THE FINAL ACREAGE OF LOT 1 WITH 6.96 ACRES

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date:

Brent Michael Droege is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- 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: 472 NC HWY 751

The agent for this project is: Beacon Development Company

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

Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*

Brent Michael Droege
Brent Michael Droege
Type or print name

10/5/2022
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.

Insert legal description below.

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT LOT 1 DEPICTED IN BOOK OF MAPS 2014 PAGE 0320 AND DESCRIBED AS LOT 1 , BEING BOUND IN THE NORTH EAST AND WEST BY BRENT MICHAEL DROEGE (DB: 2148, PG 1047); BOUND ON THE SOUTH SIDE BY BIN – AG LLC (DB: 2301 PG: 443); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 727970.55' E: 2014637.34', THENCE FROM SAID POINT COMMENCING SOUTH 00 DEGREES 45 MINUTES 27 SECONDS EAST A DISTANCE OF 44.94 FEET TO A 1 INCH IRON PIPE FOUND, THENCE SOUTH 0 DEGREES 52 MINUTES 26 SECONDS WEST A DISTANCE OF 96.50 FEET TO A 1/2" IRON PIPE FOUND, THENCE SOUTH 1 DEGREE 03 MINUTES 08 SECONDS WEST 171.91 FEET TO A 1/2" IRON PIPE FOUND WITH WHITE CAP AND TACK, THENCE SOUTH 52 DEGREES 00 MINUTES 09 SECONDS WEST A DISTANCE OF 702.23 FEET TO A 1/2 INCH IRON PIPE FOUND, SAID FOUND IRON PIPE HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 727224.93' E: 2014079.92' AND BEING THE TRUE POINT OF BEGINNING:

THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION, ALONG THE PROPERTY LINE OF BRENT MICHAEL DROEGE (DB: 2148, PG 1047) SOUTH 34 DEGREES 03 MINUTES 08 SECONDS EAST A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND, THENCE SOUTH 55 DEGREES 59 MINUTES 27 SECONDS WEST A DISTANCE OF 239.18 FEET TO A 1/2" IRON PIPE FOUND, THENCE NORTH 34 DEGREES 06 MINUTES 37 SECONDS WEST A DISTANCE OF 181.48 FEET TO A 1/2" IRON PIPE FOUND, THENCE NORTH 55 DEGREES 53 MINUTES 00 SECONDS EAST A DISTANCE OF 239.36 FEET TO THE POINT OF BEGINNING.
CONTAINING 43,477 SQUARE FEET OR 1.00 ACRES, MORE OR LESS.

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date:

Brent Michael Droege is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
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: 696 NC HWY 751

The agent for this project is: Beacon Development Company

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

Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*

Brent Michael Droege
Type or print name

10/5/2022
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 #: 22CZ26

Submittal Date: _____

The undersigned, Brent Michael Droege (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 696 NC HWY 751 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 03/2008, and recorded in the Wake County Register of Deeds Office on 04/04/2008, in Book 1395 Page 0247.
- 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 03/2008, 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 03/2008, 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 5th day of October, 2022.

Brent Michael Droege (seal)
Brent Michael Droege
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Durham

I, the undersigned, a Notary Public in and for the County of Durham, hereby certify that Brent Droege, 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.

ALEJANDRA RODRIGUEZ MARTINEZ
 Notary Public
 Durham County, NC

[NOTARY SEAL]

Alejandra Rodriguez Martinez
 Notary Public
 State of North Carolina
 My Commission Expires: December 07, 2022

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ26

Submittal Date:

Insert legal description below.

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT TRACT DESCRIBED IN DEED BOOK 1395 PAGE 247, BEING BOUND IN THE NORTH BY SEAGROVES TIMOTHY S (DB: 1629, PG 0303) AND SEAGROVES TIMOTHY S (DB: 0711, PG 0749); BOUND ON THE EAST SIDE BY US GOVERNMENT (DB: NA PG: NA); BOUND TO THE SOUTH BY TRACT D DRODGE INVESTMENTS LLC (DB: 2207 PG: 426); BOUND TO THE WEST SIDE BY US GOVERNMENT (DB: NA PG: NA); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2 INCH IRON PIPE MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 727,829.13' E: 2,014,636.47'), THENCE FROM SAID POINT COMMENCING NORTH 00 DEGREES 52 MINUTES 26 SECONDS EAST A DISTANCE OF 96.50 FEET TO A 1 INCH IRON PIPE FOUND, THENCE NORTH 00 DEGREES 45 MINUTES 27 SECONDS WEST A DISTANCE OF 30 FEET TO A REBAR SET WITH CAP, SAID REBAR WITH CAP SET HAVING A NORTH CAROLINA STATE PLANE COORDINATES OF N: 727,955.61' E: 2,014,637.54' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION, SOUTH 77 DEGREES 51 MINUTES 31 SECONDS WEST A DISTANCE OF 1630.04 FEET TO A FOUND 1/4 INCH REBAR, THENCE SOUTH 77 DEGREES 02 MINUTES 02 SECONDS WEST A DISTANCE OF 60.81 FEET TO A FOUND 1/2 INCH IRON PIPE, THENCE SOUTH 77 DEGREES 37 MINUTES 11 SECONDS WEST A DISTANCE OF 73.36 FEET TO A 1/4" IRON REBAR FOUND, THENCE ALONG THE PROPERTY LINE OF US GOVERNMENT (DB: NA PG: NA) NORTH 25 DEGREES 54 MINUTES 27 SECONDS WEST A DISTANCE OF 442.50 FEET TO A 1 INCH AXLE FOUND, THENCE ALONG THE PROPERTY LINE OF SEAGROVES TIMOTHY S (DB: 1629, PG 0303) AND SEAGROVES TIMOTHY S (DB: 0711, PG 0749) SOUTH 89 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 1080.27 FEET TO A FOUND 1.25 INCH GUN BARREL, THENCE SOUTH 89 DEGREES 06 MINUTES 54 SECONDS EAST A DISTANCE OF 485.11 FEET TO A FOUND 1 1/4 INCH IRON PIPE, THENCE NORTH 89 DEGREES 57 MINUTES 13 SECONDS EAST A DISTANCE OF 352.30 FEET TO A FOUND 1/2 INCH IRON PIPE, THENCE SOUTH ALONG THE US GOVERNMENT (DB: NA PG: NA) SOUTH 00 DEGREES 45 MINUTES 27 SECONDS EAST A DISTANCE OF 14.94 FEET TO A SET 5/8" REBAR WITH CAP BEING THE TRUE POINT OF BEGINNING.

CONTAINING 393,523 SQUARE FEET OR 9.03 ACRES, MORE OR LESS.

AGENT AUTHORIZATION FORM

Application #: 22CZ26 Submittal Date: _____

Cant Hook Properties LLC is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- 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: NC HWY 751

The agent for this project is: Beacon Development Company

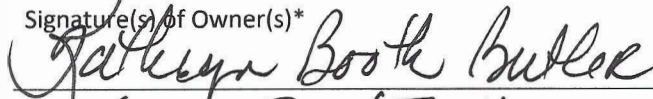
I am the owner of the property and will be acting as my own agent

Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*

KATHRYN BOOTH BUTLER
Type or print name

10/11/22
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 ^{Chatham} ~~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 #: 22CZ26

Submittal Date: _____

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

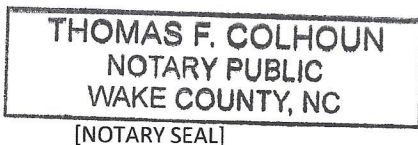
- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at NC HWY 751 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This 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 04/25/2020, and recorded in the Wake County Register of Deeds Office on 05/11/2020, in Book 2112 Page 0383. Chatham
- 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 04/25/2020, 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 04/25/2020, 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 11 day of October, 2022

Kathryn Booth Butler (seal)
KATHRYN BOOTH BUTLER
 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 Kathryn B. Butler, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's N/A, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



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

CANTHOOK PARCEL TRACT 1 (TITLE COMMITMENT 22-06322CH)

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT TRACT 1 CONVEYED IN A DEED BOOK 2015 PAGE 1112, AND BEING BOUND IN THE NORTH BY JAMES L. GIVENS (DB: 757, PG 592); BOUND ON THE EAST SIDE BY RIGHT OF WAY ALONG NC 751 (BM: 0095, PG 0128); BOUND TO THE SOUTH BY CANT HOOK PROPERTIES, LLC (DB: 2112 PG: 0383) AND CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086); AND BOUND TO THE WEST BY KUNAL ENTERPRISES LLC (DB: 1124 PG: 0371) AND BY POE INEZ M & JERRY C TRUSTEES DEWEY C POE (DB: 0775 PG: 0514); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 726429.26' E: 2013696.48'), THENCE FROM SAID POINT COMMENCING NORTH 35 DEGREES 53 MINUTES 06 SECONDS WEST A DISTANCE OF 635.98 FEET TO A FOUND IRON PIPE, SAID FOUND IRON PIPE HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 726944.53' E: 2013323.69' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING AND ALONG THE PROPERTY LINE OF JAMES L. GIVENS TRACT 2 (DB: 757, PG 592) SOUTH 60 DEGREES 28 MINUTES 54 SECONDS WEST A DISTANCE OF 29.18 FEET TO A FOUND IRON PIPE WITH CAP, THENCE SOUTH 60 DEGREES 29 MINUTES 08 SECONDS WEST A DISTANCE OF 1069.54 FEET TO A FOUND REBAR WITH CAP, THENCE SOUTH 87 DEGREES 55 MINUTES 10 SECONDS WEST A DISTANCE OF 409.94 FEET TO A FOUND IRON PIPE WITH CAP, THENCE SOUTH ALONG POE INEZ M & JERRY C TRUSTEES DEWEY C POE TRACT (DB: 0775 PG: 0514) SOUTH 00 DEGREES 06 MINUTES 26 SECONDS WEST A DISTANCE OF 1087.05 FEET TO A FOUND AXLE, THENCE SOUTH KUNAL ENTERPRISES LLC (DB: 1124 PG: 0371), SOUTH 02 DEGREES 02 MINUTES 09 SECONDS WEST A DISTANCE OF 445.87 FEET TO A FOUND AXLE, THENCE NORTH ALONG CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086), NORTH 89 DEGREES 08 MINUTES 38 SECONDS EAST A DISTANCE OF 360.66 FEET TO A CALCULATED POINT, THENCE NORTH 89 DEGREES 08 MINUTES 49 SECONDS EAST A DISTANCE OF 437.30 FEET TO A CALCULATED POINT, THENCE NORTH 87 DEGREES 45 MINUTES 59 SECONDS EAST A DISTANCE OF 60.17 FEET TO A FOUND IRON PIPE, THENCE NORTH 87 DEGREES 55 MINUTES 49 SECONDS EAST A DISTANCE OF 106.54 FEET TO A FOUND IRON PIPE, THENCE NORTH ALONG CANT HOOK PROPERTIES LLC TRACT 2 (DB: 2112 PG: 0383) NORTH 02 DEGREES 23 MINUTES 09 SECONDS EAST A DISTANCE OF 421.83 FEET TO A FOUND IRON PIPE WITH CAP, THENCE SOUTH 89 DEGREES 45 MINUTES 43 SECONDS EAST A DISTANCE OF 510.47 FEET TO A FOUND FOUND IRON PIPE WITH CAP, THENCE NORTH 01 DEGREES 37 MINUTES 19 SECONDS EAST A DISTANCE OF 682.37 FEET TO A FOUND REBAR, THENCE SOUTH 89 DEGREES 37 MINUTES 26 SECONDS EAST A DISTANCE OF 444.91 FEET TO A 5/8" REBAR WITH CAP SET, THENCE LEAVING THE WEST SIDE OF NC-751 RIGH OF WA, SOUTH 89 DEGREES 37 MINUTES 26 SECONDS EAST A DISTANCE OF 36.39 FEET TO A CALCULATED POINT IN THE CENTERLINE OF SAID ROAD, THENCE WITH THE CENTERLINE OF NC-751 THE FOLLOWING BEARINGS AND DISTANCES, NORTH 34 DEGREES 05 MINUTES 41 SECONDS WEST A DISTANCE OF 336.89 FEET TO A CALCULATED POINT, THENCE NORTH 33 DEGREES 49 MINUTES 46 SECONDS WEST A DISTANCE OF 101.71 FEET TO A CALCULATED POINT, THENCE NORTH ALONG A CURVE TO THE RIGHT HAVING A CHORD BEARING OF NORTH 32 DEGREES 13 MINUTES 18 SECONDS WEST AND A CHORD DISTANCE OF 412.66 FEET WITH A RADIUS OF 16853.72 FEET TO A CALCULATED POINT, THENCE NORTH ALONG A CURVE TO THE RIGHT HAVING A CHORD BEARING OF NORTH 29 DEGREES 57 MINUTES 09 SECONDS WEST AND A CHORD DISTANCE OF 148.62 FEET WITH A RADIUS OF 4000.00 FEET TO A CALCULATED POINT, THENCE NORTH ALONG A CURVE TO THE RIGHT HAVING A CHORD BEARING OF NORTH 28 DEGREES 00 MINUTES 23 SECONDS WEST AND A CHORD DISTANCE OF 148.46 FEET WITH A RADIUS OF 12000.00 FEET TO A FOUND IRON PIPE, BEING SAID POINT OF BEGINNING.

CONTAINING 2549843 SQUARE FEET OR 58.5 ACRES, MORE OR LESS.
AREA WITHIN NC 751 ROW, 34179 SQ. FT. OR 0.78 ACRES, MORE OR LESS.

CANTHOOK PARCEL TRACT 2 (TITLE COMMITMENT 22-06322CH)

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, AND BEING DEPICTED IN THAT SURVEY AND PLAT ENTITLED "PROPERTY OF MRS EDNA M HEDGEPEETH PREPARED BY WILLIAM O YATES, RLS, DATED APRIL 7, 1975, BEING BOUND IN THE NORTH BY CANT HOOK PROPERTIES, LLC (DB: 2112 PG: 0383); BOUND ON THE EAST BY CANT HOOK PROPERTIES, LLC (DB: 2112 PG: 0383); BOUND TO THE SOUTH BY THE RIGHT OF WAY ALONG U.S. HIGHWAY 64 (BM: 0095 PG: 0128); AND BOUND TO THE WEST BY CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A NCDOT ROW DISK FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724630.74' E: 2013771.63'), THENCE FROM SAID POINT COMMENCING SOUTH 78 DEGREES 48 MINUTES 52 SECONDS WEST A DISTANCE OF 1019.21 FEET TO A FOUND IRON PIPE, SAID FOUND IRON PIPE HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724433.031' E: 2012771.781' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING WITH THE EASTERN PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH, TRACT 3 (DB: 1841 PG: 0086) SOUTH 01 DEGREES 01 MINUTES 47 SECONDS EAST A DISTANCE OF 210.74 FEET TO A 1" IRON PIPE FOUND WITH CAP, THENCE ALONG THE RIGHT OF WAY ALONG U.S. HIGHWAY 64 (200 FEET RIGHT OF WAY WIDTH)) NORTH 79 DEGREES 30 MINUTES 47 SECONDS EAST A DISTANCE OF 60.31 FEET TO A CALCULATED POINT, THENCE WITH THE WESTERN PROPERTY LINE OF CANT HOOK PROPERTIES LLC PARCEL (DB 2112 PG 383) NORTH 1 DEGREE 1 MINUTE 2 SECONDS WEST A DISTANCE OF 10.13 FEET TO A CALCULATED POINT, THENCE CONTINUING WITH SAID PROPERTY LINE NORTH 00 DEGREES 59 MINUTES 57 SECONDS WEST A DISTANCE OF 430.29 FEET TO A 1 INCH IRON PIPE FOUND WITH CAP, THENCE WITH THE SOUTHERN LINE OF CANT HOOK PROPERTIES LLC PARCEL (DB 2112 PG 383) SOUTH 87 DEGREES 45 MINUTES 59 SECONDS A DISTANCE OF 60.17 FEET TO AN AXLE FOUND, THENCE THE EASTERN PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH, TRACT 3 (DB: 1841 PG: 0086) SOUTH 01 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 238.33 TO THE POINT OF BEGINNING.

CONTAINING 26559 SQUARE FEET OR 0.61 ACRES, MORE OR LESS.

CANTHOOK PARCEL TRACT 3 (TITLE COMMITMENT 22-06322CH)

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT TRACT 2 DEPICTED IN A BOOK OF MAPS 0095 PAGE 128, BEING BOUND IN THE NORTH BY CANT HOOK PROPERTIES, LLC (DB: 2112 PG: 0383); BOUND TO THE EAST BY A PORTION OF THE RIGHT OF WAY ALONG NC HIGHWAY 751 (60 FEET RIGHT OF WAY WIDTH) AND BY BERKUT JACK CARROLL & NANCY BERKUT BECK (DB: 1977 PG: 0725); BOUND TO THE SOUTH BY THE RIGHT OF WAY ALONG U.S. HIGHWAY 64 (200 FEET RIGHT OF WAY WIDTH)) AND MAGNIN MARY ELIZABETH GEEK ETUX JOHN DAVID (DB: 1764 PG: 0003); AND BOUND IN THE WEST BY CANT HOOK PROPERTIES, LLC (DB: 2112 PG: 0383); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF

DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 726429.26' E: 2013696.48'), THENCE FROM SAID POINT COMMENCING SOUTH 27 DEGREES 51 MINUTES 13 SECONDS WEST A DISTANCE OF 560.41 FEET TO A FOUND IRON PIPE, SAID FOUND IRON PIPE HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 725933.782' E: 2013958.309' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING AND ALONG THE PROPERTY LINE OF BY BERKUT JACK CARROLL & NANCY BERKUT BECK (DB: 1977 PG: 0725) SOUTH 00 DEGREES 35 MINUTES 50 SECONDS WEST A DISTANCE OF 1092.79 FEET TO A SET REBAR, THENCE SOUTH ALONG MAGNIN MARY ELIZABETH GEEK ETUX JOHN DAVID (DB: 1764 PG: 0003) SOUTH 69 DEGREES 06 MINUTES 08 SECONDS WEST A DISTANCE OF 480.88 FEET TO A FOUND IRON PIPE, THENCE SOUTH 04 DEGREES 09 MINUTES 52 SECONDS EAST A DISTANCE OF 90.02 FEET TO A FOUND AXLE, THENCE SOUTH BY THE RIGHT OF WAY ALONG U.S. HIGHWAY 64 (BM: 0095 PG: 0128) SOUTH 78 DEGREES 36 MINUTES 24 SECONDS WEST A DISTANCE OF 360.29 FEET TO A CALCULATED POINT, THENCE SOUTH 78 DEGREES 36 MINUTES 47 SECONDS WEST A DISTANCE OF 60.00 FEET TO A CALCULATED POINT, THENCE SOUTH 78 DEGREES 35 MINUTES 10 SECONDS WEST A DISTANCE OF 266.38 FEET TO A CALCULATED POINT, THENCE NORTH ALONG CANT HOOK PROPERTIES, LLC TRACT 1 AND 3 (DB: 2112 PG: 0383); NORTH 01 DEGREES 01 MINUTES 2 SECONDS WEST A DISTANCE OF 10.13 FEET TO A CALCULATED POINT, THENCE NORTH 00 DEGREES 59 MINUTES 57 SECONDS WEST A DISTANCE OF 430.29 FEET TO A FOUND IRON PIPE, THENCE NORTH 87 DEGREES 55 MINUTES 49 SECONDS EAST A DISTANCE OF 106.54 FEET TO A FOUND IRON PIPE, THENCE NORTH 02 DEGREES 23 MINUTES 09 SECONDS EAST A DISTANCE OF 421.83 FEET TO A FOUND IRON PIPE WITH CAP, THENCE SOUTH 89 DEGREES 45 MINUTES 43 SECONDS EAST A DISTANCE OF 510.47 FEET TO A FOUND IRON PIPE WITH CAP, THENCE NORTH 01 DEGREES 37 MINUTES 19 SECONDS EAST A DISTANCE OF 682.37 FEET TO A FOUND REBAR, THENCE SOUTH 89 DEGREES 37 MINUTES 26 SECONDS EAST A DISTANCE OF 444.91 FEET TO A SET REBAR, THENCE SOUTH ALONG CANT HOOK PROPERTIES LLC TRACT 1 (DB: 2112 PG: 0383) INTO THE RIGHT OF WAY ON NC HIGHWAY 751 (BM: 0095 PG: 0128) SOUTH 89 DEGREES 37 MINUTES 26 SECONDS EAST A DISTANCE OF 36.75 FEET TO A CALCULATED POINT, THENCE SOUTH ALONG THE RIGHT OF WAY ON NC HIGHWAY 751 (BM: 0095 PG: 0128) SOUTH 00 DEGREES 35 MINUTES 50 SECONDS WEST A DISTANCE OF 52.71 FEET TO A FOUND IRON PIPE, BEING SAID POINT OF BEGINNING.

CONTAINING 1069262 SQUARE FEET OR 24.54 ACRES, MORE OR LESS.

AREA WITHIN NC 751 ROW, 978 SQ. FT., MORE OR LESS.

CLARK PARCEL TRACT 1 (TITLE COMMITMENT 22-09308CH)

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT TRACT 1 DEPICTED IN BOOK OF MAPS 2003 PAGE 0264 AND DESCRIBED AS TRACT 2B AND 3, BEING BOUND IN THE NORTH BY CANT HOOK PROPERTIES, LLC (DB: 2112, PG 0383); BOUND ON THE EAST SIDE BY CANT HOOK PROPERTIES, LLC (DB: 2112, PG 0383); BOUND TO THE SOUTH BY CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 00) AND BY US 64 (200 FEET RIGHT OF WAY); AND BOUND TO THE WEST BY ARYLEX PROPERTIES LLC (BOOK

OF MAPS 2069 PAGE 0168); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A NCDOT RIGHT OF WAY DISC MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724630.74' E: 2013771.63'), THENCE FROM SAID POINT COMMENCING NORTH 89 DEGREES 15 MINUTES 30 SECONDS WEST A DISTANCE OF 1003.73 FEET TO A REBAR FOUND WITH CAP, SAID FOUND REBAR WITH CAP HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724409.25' E: 2012654.78' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION, ALONG THE PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086) SOUTH 79 DEGREES 05 MINUTES 40 SECONDS WEST A DISTANCE OF 119.63 FEET TO A REBAR FOUND WITH CAP, ALONG THE PROPERTY LINE OF TRACT 2 OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086) THENCE NORTH 83 DEGREES 00 MINUTES 12 SECONDS WEST A DISTANCE OF 107.29 FEET TO A 1/2 INCH IRON PIPE FOUND WITH CAP, THENCE SOUTH 01 DEGREES 04 MINUTES 43 SECONDS EAST A DISTANCE OF 246.31 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP, THENCE SOUTH ALONG HIGHWAY 64, SOUTH 78 DEGREES 39 MINUTES 40 SECONDS WEST A DISTANCE OF 86.62 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP, THENCE SOUTH 78 DEGREES 39 MINUTES 54 SECONDS WEST A DISTANCE OF 141.75 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP, THENCE NORTH ALONG ARYLEX PROPERTIES LLC (DB: 2069 PG: 0168); NORTH 15 DEGREES 18 MINUTES 52 SECONDS WEST A DISTANCE OF 487.93 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP, THENCE SOUTH ALONG ARYLEX PROPERTIES LLC (DB: 2069 PG: 0168) SOUTH 89 DEGREES 09 MINUTES 04 SECONDS WEST A DISTANCE OF 197.08 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP, THENCE NORTH ALONG KUNAL ENTERPRISES LLC (DB: 1124 PG: 0371) NORTH 29 DEGREES 21 MINUTES 59 SECONDS WEST A DISTANCE OF 68.12 FEET TO A AXLE FOUND, THENCE NORTH ALONG CANT HOOK PROPERTIES LLC TRACT 1 (DB: 2112 PG: 0383) NORTH 89 DEGREES 08 MINUTES 38 SECONDS EAST A DISTANCE OF 360.66 FEET TO A FOUND IRON PIPE WITH CAP, THENCE NORTH 89 DEGREES 08 MINUTES 49 SECONDS EAST A DISTANCE OF 437.30 FEET TO A FOUND AXLE, THENCE SOUTH ALONG CANT HOOK PROPERTIES LLC TRACT 2 (DB: 2112 PG: 0383) SOUTH 01 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 238.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 219326 SQUARE FEET OR 5.03 ACRES, MORE OR LESS.

CLARK PARCEL TRACT 2 (TITLE COMMITMENT 22-09308CH)

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT TRACT 3A DEPICTED IN A BOOK OF MAPS 2003 PAGE 0264, BEING BOUND IN THE NORTH BY CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841, PG 0086); BOUND ON THE EAST SIDE BY CANT CLARK ANDREW L. TRUSTEE & STALEY C. SMITH, TRACT 3 (DB: 1841, PG 0086); BOUND TO THE SOUTH BY HIGHWAY 64 AND BOUND TO THE WEST BY CANT CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841, PG 0086); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A NCDOT RIGHT OF WAY DISC MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724630.74' E: 2013771.63'), THENCE FROM SAID POINT COMMENCING SOUTH 78 DEGREES 47 MINUTES 07 SECONDS WEST A DISTANCE OF 1138.90 FEET TO A REBAR FOUND WITH CAP, SAID FOUND REBAR WITH CAP HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724409.25' E: 2012654.78' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, IN A COUNTER CLOCKWISE DIRECTION, AND ALONG THE LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086) NORTH 01 DEGREES 04 MINUTES 12 SECONDS WEST A DISTANCE OF 211.89 FEET TO A REBAR FOUND WITH CAP , THENCE ALONG THE PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH

(DB: 1841 PG: 0086), NORTH 83 DEGREES 00 MINUTES 12 SECONDS WEST A DISTANCE OF 107.29 FEET TO A 1/2 INCH IRON PIPE FOUND WITH CAP, THENCE SOUTH ALONG THE PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086), SOUTH 01 DEGREES 04 MINUTES 43 SECONDS EAST A DISTANCE OF 246.31 FEET TO A 1/2 INCH IRON PIPE FOUND WITH CAP, THENCE NORTH ALONG NORTHERN RIGHT OF WAY LINE OF US HIGHWAY 64 (200' FOOT RIGHT OF WAY WIDTH), NORTH 78 DEGREES 35 MINUTES 55 SECONDS EAST A DISTANCE OF 107.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 24333 SQUARE FEET OR 0.56 ACRES, MORE OR LESS.

CLARK PARCEL TRACT 3 (TITLE COMMITMENT 22-09308CH)

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF TRACT 3A DEPICTED IN A BOOK OF MAPS 2003 PAGE 0264, BEING BOUND IN THE NORTH BY CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841, PG 0086); BOUND ON THE EAST SIDE BY CANT HOOK PROPERTIES LLC, TRACT 3 (DB: 2112, PG 383); BOUND ON THE SOUTH BY HIGHWAY 64 AND BOUND TO THE WEST BY CANT CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841, PG 0086); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A NCDOT RIGHT OF WAY DISC MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724630.74' E: 2013771.63'), THENCE FROM SAID POINT COMMENCING NORTH 89 DEGREES 15 MINUTES 30 SECONDS WEST A DISTANCE OF 1003.73 FEET TO A REBAR FOUND WITH CAP, SAID FOUND REBAR WITH CAP HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724643.74" E: 2012767.99' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION, AND ALONG THE PROPERTY LINE OF CANT HOOK PROPERTIES LLC (DB 2112 PG 0383) SOUTH 01 DEGREES 01 MINUTES 47 SECONDS EAST A DISTANCE OF 210.74 FEET TO A 1 INCH IRON PIPE FOUND WITH CAP, THENCE WITH THE NORTHERN RIGHT OF WAY LINE OF US 64 (200 FOOT RIGHT OF WAY WIDTH), SOUTH 78 DEGREES 32 MINUTES 16 SECONDS WEST A DISTANCE 119.69 FEET TO A 3/4 INCH IRON PIPE FOUND WITH CAP, THENCE ALONG THE PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086) NORTH 01 DEGREES 04 MINUTES 12 SECONDS WEST A DISTANCE OF 211.89 FEET TO A REBAR FOUND WITH CAP, THENCE WITH THE EASTERN PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB 1841 PG 0086), NORTH 01 DEGREE 4 MINUTES 12 SECONDS WEST A DISTANCE OF 211.89 FEET TO A REBAR FOUND WITH CAP, THENCE WITH ONE OF THE SOUTHERN PROPERTY LINES OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB 1841 PG 0086), NORTH 79 DEGREES 05 MINUTES 40 SECONDS EAST A DISTANCE OF 119.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 24891 SQUARE FEET OR 0.57 ACRES, MORE OR LESS.

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date: _____

Clark Andrew L. Trustee & Staley C. Smith is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- 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: US 64 E

The agent for this project is: Beacon Development Company

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

Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*

Staley C. Smith
Staley C. Smith Type or print name

10/5/2022
Date

A. Clark
A. CLARK Type or print name

10-17-2022
Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of ^{Chatham}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 #: 22CZ26

Submittal Date: _____

The undersigned, Clark Andrew L. Trustee & Staley C. Smith (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 ^{an} ~~the sole~~ owner, ^{and} ~~or~~ is the authorized agent of all owners, of the property located at US 64 E 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 6/27/2008 ^{12/17/2015} and recorded in the Wake County Register of Deeds Office on 02/08/2016 ^{6/27/2008}, in Book 184+ 1411 Page 0086 345 ^{Quatman}.
- 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 12/17/2015 ^{6/27/2008}, 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 12/17/2015 ^{6/27/2008}, 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 5th day of October, 2022.

Staley C. Smith (seal)
Staley C. Smith
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 Staley C. Smith, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's N/A, 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

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date: _____

Clark Andrew L. Trustee & Staley C. Smith is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- 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: US 64 E

The agent for this project is: Beacon Development Company

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

Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*

Staley C. Smith
Staley C. Smith
 Type or print name

10/5/2022
 Date

A. Clark
A. CLARK
 Type or print name

10-17-2022
 Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of ~~Wake~~ Chatham 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 #: 22CZ26

Submittal Date: _____

The undersigned, Clark Andrew L. Trustee & Staley C. Smith (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

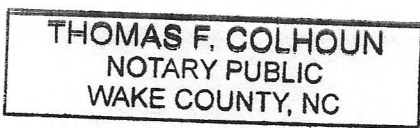
- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is ^{an} ~~the~~ sole owner, ^{and} ~~or~~ is the authorized agent of all owners, of the property located at US 64 E _____ and legally described in Exhibit "A" attached hereto and incorporated herein (the "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 12/17/2015 6/27/2008, and recorded in the ~~Wake~~ ^{Chatham} County Register of Deeds Office on 02/08/2016 6/27/2008, in Book 4844 1411 Page 0086 345.
- 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 12/17/2015 6/27/2008, 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 12/17/2015 6/27/2008, 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 5th day of October, 2022.

Staley C. Smith (seal)
Staley C. Smith
 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 Staley C. Smith, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's N/A, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

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

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date: _____

Clark Andrew L. Trustee & Staley C. Smith is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- 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: US 64 E

The agent for this project is: Beacon Development Company

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

Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*

Staley C. Smith

Staley C. Smith

Type or print name

10/5/2022

Date

A. Clark

A. CLARK

Type or print name

10-17-2022

Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of ^{Chatham}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 #: 22CZ26

Submittal Date: _____

The undersigned, Clark Andrew L. Trustee & Staley C. Smith (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 ^{an} ~~the~~ sole owner, ^{and of} is the authorized agent of all owners, of the property located at US 64 E _____ 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 12/17/2015 6/27/2008, and recorded in the Wake County Register of Deeds Office on 02/08/2016, in Book 1844 1411 Page 0086 345. Chatham 6/27/2008
- 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 12/17/2015 6/27/2008, 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 12/17/2015 6/27/2008, 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 5th day of October, 2022.

Staley C. Smith (seal)
Staley C. Smith
 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 Staley C. Smith, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's N/A, 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 #: 22CZ26

Submittal Date:

Insert legal description below.

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT TRACT 1 DEPICTED IN BOOK OF MAPS 2003 PAGE 0264 AND DESCRIBED AS TRACT 2B AND 3 , BEING BOUND IN THE NORTH BY CANT HOOK PROPERTIES, LLC (DB: 2112, PG 0383); BOUND ON THE EAST SIDE BY CANT HOOK PROPERTIES, LLC (DB: 2112, PG 0383); BOUND TO THE SOUTH BY CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 00) AND BY US 64 (200 FEET RIGHT OF WAY); AND BOUND TO THE WEST BY ARYLEX PROPERTIES LLC (BOOK OF MAPS 2069 PAGE 0168); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING AT A NCDOT RIGHT OF WAY DISC MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724630.74' E: 2013771.63'), THENCE FROM SAID POINT COMMENCING NORTH 89 DEGREES 15 MINUTES 30 SECONDS WEST A DISTANCE OF 1003.73 FEET TO A REBAR FOUND WITH CAP, SAID FOUND REBAR WITH CAP HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724409.25' E: 2012654.78' AND BEING THE TRUE POINT OF BEGINNING.
THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION, ALONG THE PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086) SOUTH 79 DEGREES 05 MINUTES 40 SECONDS WEST A DISTANCE OF 119.63 FEET TO A REBAR FOUND WITH CAP, ALONG THE PROPERTY LINE OF TRACT 2 OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086) THENCE NORTH 83 DEGREES 00 MINUTES 12 SECONDS WEST A DISTANCE OF 107.29 FEET TO A 1/2 INCH IRON PIPE FOUND WITH CAP, THENCE SOUTH 01 DEGREES 04 MINUTES 43 SECONDS EAST A DISTANCE OF 246.31 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP, THENCE SOUTH ALONG HIGHWAY 64, SOUTH 78 DEGREES 39 MINUTES 40 SECONDS WEST A DISTANCE OF 86.62 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP, THENCE SOUTH 78 DEGREES 39 MINUTES 54 SECONDS WEST A DISTANCE OF 141.75 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP, THENCE NORTH ALONG ARYLEX PROPERTIES LLC (DB: 2069 PG: 0168); NORTH 15 DEGREES 18 MINUTES 52 SECONDS WEST A DISTANCE OF 487.93 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP, THENCE SOUTH ALONG ARYLEX PROPERTIES LLC (DB: 2069 PG: 0168) SOUTH 89 DEGREES 09 MINUTES 04 SECONDS WEST A DISTANCE OF 197.08 FEET TO A FOUND 1/2 INCH IRON PIPE WITH CAP, THENCE NORTH ALONG KUNAL ENTERPRISES LLC (DB: 1124 PG: 0371) NORTH 29 DEGREES 21 MINUTES 59 SECONDS WEST A DISTANCE OF 68.12 FEET TO A AXLE FOUND, THENCE NORTH ALONG CANT HOOK PROPERTIES LLC TRACT 1 (DB: 2112 PG: 0383) NORTH 89 DEGREES 08 MINUTES 38 SECONDS EAST A DISTANCE OF 360.66 FEET TO A FOUND IRON PIPE WITH CAP, THENCE NORTH 89 DEGREES 08 MINUTES 49 SECONDS EAST A DISTANCE OF 437.30 FEET TO A FOUND AXLE, THENCE SOUTH ALONG CANT HOOK PROPERTIES LLC TRACT 2 (DB: 2112 PG: 0383) SOUTH 01 DEGREES 08 MINUTES 04 SECONDS EAST A DISTANCE OF 238.33 FEET TO THE POINT OF BEGINNING.
CONTAINING 219326 SQUARE FEET OR 5.03 ACRES, MORE OR LESS.

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ26

Submittal Date: _____

Insert legal description below.

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT TRACT 3A DEPICTED IN A BOOK OF MAPS 2003 PAGE 0264, BEING BOUND IN THE NORTH BY CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841, PG 0086); BOUND ON THE EAST SIDE BY CANT CLARK ANDREW L. TRUSTEE & STALEY C. SMITH, TRACT 3 (DB: 1841, PG 0086); BOUND TO THE SOUTH BY HIGHWAY 64 AND BOUND TO THE WEST BY CANT CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841, PG 0086); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A NCDOT RIGHT OF WAY DISC MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724630.74' E: 2013771.63'), THENCE FROM SAID POINT COMMENCING SOUTH 78 DEGREES 47 MINUTES 07 SECONDS WEST A DISTANCE OF 1138.90 FEET TO A REBAR FOUND WITH CAP, SAID FOUND REBAR WITH CAP HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724409.25' E: 2012654.78' AND BEING THE TRUE POINT OF BEGINNING. THENCE FROM SAID POINT OF BEGINNING, IN A COUNTER CLOCKWISE DIRECTION, AND ALONG THE LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086) NORTH 01 DEGREES 04 MINUTES 12 SECONDS WEST A DISTANCE OF 211.89 FEET TO A REBAR FOUND WITH CAP , THENCE ALONG THE PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086), NORTH 83 DEGREES 00 MINUTES 12 SECONDS WEST A DISTANCE OF 107.29 FEET TO A 1/2 INCH IRON PIPE FOUND WITH CAP, THENCE SOUTH ALONG THE PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086), SOUTH 01 DEGREES 04 MINUTES 43 SECONDS EAST A DISTANCE OF 246.31 FEET TO A 1/2 INCH IRON PIPE FOUND WITH CAP, THENCE NORTH ALONG NORTHERN RIGHT OF WAY LINE OF US HIGHWAY 64 (200' FOOT RIGHT OF WAY WIDTH), NORTH 78 DEGREES 35 MINUTES 55 SECONDS EAST A DISTANCE OF 107.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 24333 SQUARE FEET OR 0.56 ACRES, MORE OR LESS.

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ26

Submittal Date:

Insert legal description below.

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF TRACT 3A DEPICTED IN A BOOK OF MAPS 2003 PAGE 0264, BEING BOUND IN THE NORTH BY CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841, PG 0086); BOUND ON THE EAST SIDE BY CANT HOOK PROPERTIES LLC, TRACT 3 (DB: 2112, PG 383); BOUND ON THE SOUTH BY HIGHWAY 64 AND BOUND TO THE WEST BY CANT CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841, PG 0086); ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A NCDOT RIGHT OF WAY DISC MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724630.74' E: 2013771.63'), THENCE FROM SAID POINT COMMENCING NORTH 89 DEGREES 15 MINUTES 30 SECONDS WEST A DISTANCE OF 1003.73 FEET TO A REBAR FOUND WITH CAP, SAID FOUND REBAR WITH CAP HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724643.74" E: 2012767.99' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION, AND ALONG THE PROPERTY LINE OF CANT HOOK PROPERTIES LLC (DB 2112 PG 0383) SOUTH 01 DEGREES 01 MINUTES 47 SECONDS EAST A DISTANCE OF 210.74 FEET TO A 1 INCH IRON PIPE FOUND WITH CAP, THENCE WITH THE NORTHERN RIGHT OF WAY LINE OF US 64 (200 FOOT RIGHT OF WAY WIDTH), SOUTH 78 DEGREES 32 MINUTES 16 SECONDS WEST A DISTANCE 119.69 FEET TO A 3/4 INCH IRON PIPE FOUND WITH CAP, THENCE ALONG THE PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB: 1841 PG: 0086) NORTH 01 DEGREES 04 MINUTES 12 SECONDS WEST A DISTANCE OF 211.89 FEET TO A REBAR FOUND WITH CAP, THENCE WITH THE EASTERN PROPERTY LINE OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB 1841 PG 0086), NORTH 01 DEGREE 4 MINUTES 12 SECONDS WEST A DISTANCE OF 211.89 FEET TO A REBAR FOUND WITH CAP, THENCE WITH ONE OF THE SOUTHERN PROPERTY LINES OF CLARK ANDREW L. TRUSTEE & STALEY C. SMITH (DB 1841 PG 0086), NORTH 79 DEGREES 05 MINUTES 40 SECONDS EAST A DISTANCE OF 119.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 24891 SQUARE FEET OR 0.57 ACRES, MORE OR LESS.

AGENT AUTHORIZATION FORM

Application #: 22CZ26

Submittal Date: _____

John W Long & Faye C Long is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- 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: 314 NC HWY 751

The agent for this project is: Beacon Development Company

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

Agent Name: Walker Gorham

Address: 702 Oberlin Rd, Raleigh, NC 27605

Telephone Number: 984-200-3186

E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*

John W Long
John W. Long Type or print name

Oct 28, 2022
Date

Faye C. Long
Faye C. Long Type or print name

10-28-22
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 #: 22CZ26

Submittal Date: _____

The undersigned, John W Long & Faye C Long (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 314 NC Hwy 751 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 10/28/1991, and recorded in the Wake County Register of Deeds Office on 10/31/1996, in Book 318 Page 352. *Christman JWJ*
- 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 10/28/1991, 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 10/28/1991, 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.

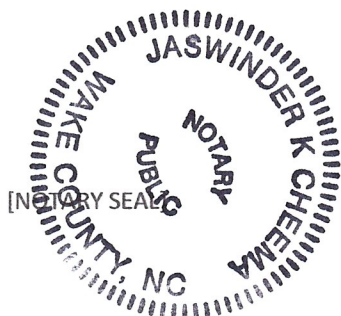
This the _____ day of _____, 20_____.

(seal)

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 John William Long, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Faye Crotts Long, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Jaswinder K Cheema
Notary Public
State of North Carolina North Carolina
My Commission Expires: Nov 9, 2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ26

Submittal Date: _____

Insert legal description below.

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THAT LAND DEPICTED IN DEED BOOK 318 PAGE 352. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND NGS HORIZONTAL CONTROL MONUMENT FOUND (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 724864.40' E: 2014802.13'), THENCE FROM SAID POINT COMMENCING SOUTH 77 DEGREES 40 MINUTES 11 SECONDS WEST A DISTANCE OF 33.66 FEET TO A CALCULATED POINT, SAID POINT HAVING NORTH CAROLINA STATE PLANE COORDINATES N: 724864.40' E: 2014802.13' AND BEING THE TRUE POINT OF BEGINNING.

THENCE SOUTH 55°47'03" WEST, A DISTANCE OF 30.91 FEET TO A CALCULATED POINT IN THE CENTERLINE OF NC 751; THENCE WITH THE CENTER OF SAID ROAD NORTH 34°05'41" WEST, A DISTANCE OF 79.53 FEET TO A CALCULATED POINT; THENCE NORTH 34°05'41" WEST, A DISTANCE OF 336.89 FEET TO A CALCULATED POINT; THENCE NORTH 33°44'47" WEST, A DISTANCE OF 176.66 FEET TO A CALCULATED POINT; THENCE LEAVING THE CENTERLINE OF NC 751 NORTH 56°08'40" EAST, A DISTANCE OF 30.04 FEET TO A 1/2" IRON PIPE FOUND; THENCE NORTH 55°54'54" EAST, A DISTANCE OF 1,122.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 00°41'08" WEST, A DISTANCE OF 979.44 FEET TO A 1" IRON PIPE FOUND; THENCE SOUTH 81°58'20" WEST, A DISTANCE OF 315.77 FEET TO A SET 5/8 IRON REBAR WITH CAP; THENCE NORTH 34°07'21" WEST, A DISTANCE OF 73.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 55°47'03" WEST, A DISTANCE OF 279.92 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING 617,420 SQ. FT. OR 14.17 ACRES OF LAND, MORE OR LESS. BEING 17,790 SQ. FT. OR 0.41 ACRES WITHIN NC 751 RIGHT OF WAY.

ANNEXATION AREA 1
AS SURVEYED LEGAL DESCRIPTION

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THE LANDS DEPICTED IN DEED BOOK 2316 PAGE 883, DEED BOOK 2207 PAGE 426; DEED BOOK 1949 PAGE 612, DEED BOOK 2148 PAGE 1047, PLAT BOOK 2014 PAGE 320, DEED BOOK 2301 PAGE 443 AND DEED BOOK 318 PAGE 352 . ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" IRON PIPE FOUND ON A NORTH EASTERN CORNER OF THE BARBOUR KATHLEEN B. PROPERTY (DB 367 PG 115), SAID IRON PIPE HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:726,078.59', E:2,014,614.07' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION ALONG A NORTHERN BOUNDARY LINE IN THE BARBOUR KATHLEEN B. PROPERTY (DB 367 PG 115) SOUTH 81 DEGREES 58 MINUTES 20 SECONDS WEST A DISTANCE OF 315.77 FEET TO A 5/8" REBAR WITH CAP; THENCE NORTH 34 DEGREES 07 SECONDS 21 MINUTES WEST A DISTANCE OF 73.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 55 DEGREES 47 MINUTES 03 SECONDS WEST A DISTANCE OF 279.92 FEET TO A 1/2" IRON PIPE FOUND ALONG THE EASTERN RIGHT OF WAY LINE OF NC HWY 751; THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH 55 DEGREES 47 MINUTES 03 SECONDS WEST A DISTANCE OF 30.81 FEET TO A COMPUTED POINT; THENCE NORTH 34 DEGREES 10 MINUTES 03 SECONDS WEST A DISTANCE OF 79.53 FEET TO A COMPUTED POINT; THENCE NORTH 34 DEGREES 05 MINUTES 41 SECONDS WEST A DISTANCE OF 336.89 FEET TO A COMPUTED POINT; THENCE NORTH 33 DEGREES 44 MINUTES 47 SECONDS WEST A DISTANCE OF 176.66 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 32 DEGREES 13 MINUTES 17 SECONDS WEST 263.11 FEET WITH A RADIUS OF 6,853.72 FEET TO A COMPUTED POINT; THENCE NORTH 55 DEGREES 57 MINUTES 16 SECONDS EAST A DISTANCE OF 30.04 FEET TO A 1/2" IRON PIPE FOUND ALONG THE EASTERN RIGHT OF WAY LINE OF NC HWY 751; THENCE WITH SAID RIGHT OF WAY LINE A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 30 DEGREES 48 MINUTES 44 SECONDS WEST 73.04 FEET WITH A RADIUS OF 6,378.08 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 29 DEGREES 57 MINUTES 16 SECONDS WEST 147.50 FEET WITH A RADIUS OF 3,970.00 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 28 DEGREES 00 MINUTES 24 SECONDS WEST 139.81 FEET WITH A RADIUS OF 10,752.26 FEET TO A 1" IRON PIPE FOUND; THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH 70 DEGREES 24 MINUTES 53 SECONDS WEST A DISTANCE OF 30.35 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 27 DEGREES 03 MINUTES 56 SECONDS WEST 253.34 FEET WITH A RADIUS OF 12,000.00 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 26 DEGREES 18 MINUTES 00 SECONDS WEST 67.36 FEET WITH A RADIUS OF 12,000.00

FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 26 DEGREES 50 MINUTES 57 SECONDS WEST 54.15 FEET WITH A RADIUS OF 10,366.27 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING A DISTANCE OF NORTH 27 DEGREES 33 MINUTES 13 SECONDS WEST 200.19 FEET WITH A RADIUS OF 10,366.27 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 28 DEGREES 14 MINUTES 53 SECONDS WEST 157.13 FEET WITH A RADIUS OF 18,752.40 FEET TO A COMPUTED POINT; THENCE SOUTH 77 DEGREES 02 MINUTES 02 SECONDS WEST A DISTANCE OF 30.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 77 DEGREES 37 MINUTES 11 SECONDS WEST A DISTANCE OF 0.79 FEET TO A COMPUTED POINT; THENCE SOUTH 77 DEGREES 37 MINUTES 11 SECONDS WEST A DISTANCE OF 72.57 FEET TO A 1/4" IRON ROD FOUND; THENCE NORTH 25 DEGREES 54 MINUTES 27 SECONDS WEST A DISTANCE OF 442.50 FEET TO A 1" AXLE FOUND; THENCE ALONG A SOUTHERN LINE IN THE ROBERTO CRESCENCIO PROPERTY (DB: 1629, PG:303); THENCE SOUTH 89 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 65.13 FEET TO A 5/8" REBAR WITH CAP; THENCE SOUTH 89 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 66.65 FEET TO A 5/8" REBAR WITH CAP; THENCE SOUTH 89 DEGREES 49 MINUTES 09 SECONDS EAST A DISTANCE OF 542.19 FEET TO A 1/2" IRON PIPE FOUND; THENCE ALONG AN SOUTHERN LINE IN THE TIMOTHY SEAGROVES PROPERTY (DB 711, PG 749) SOUTH 89 DEGREES 47 MINUTES 11 SECONDS EAST A DISTANCE OF 406.30 TO A 1.25" GUN BARREL; THENCE SOUTH 89 DEGREES 06 MINUTES 54 SECONDS EAST A DISTANCE OF 485.11 FEET TO A 1.25" IRON PIPE FOUND; THENCE WITH THE US GOVERNMENT PROPERTY NORTH 89 DEGREES 57 MINUTES 13 SECONDS EAST A DISTANCE OF 352.30 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 42 MINUTES 27 SECONDS EAST A DISTANCE OF 14.94 FEET TO A REBAR WITH A CAP; THENCE SOUTH 00 DEGREES 45 MINUTES 27 SECONDS EAST A DISTANCE OF 30.00 FEET TO A 1" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 52 MINUTES 26 SECONDS WEST A DISTANCE OF 96.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE WITH A WESTRN LINE IN THE MILLS CHATHAM INVESTMENT PROPERTIES LLC PROPERTY (DB 2294 PG 400) SOUTH 01 DEGREES 03 MINUTES 08 SECONDS WEST A DISTANCE OF 171.91 FEET TO A 1/2" IRON PIPE WITH A WHITE CAP AND TACK FOUND; THENCE SOUTH 00 DEGREES 42 MINUTES 32 SECONDS WEST A DISTANCE OF 280.64 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 43 MINUTES 35 SECONDS WEST A DISTANCE OF 318.70 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 41 MINUTES 08 SECONDS WEST A DISTANCE OF 979.44 FEET TO A 1" IRON PIPE FOUND, SAID IRON PIPE BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING 2,523,892 SQUARE FEET OR 57.94 ACRES, MORE OR LESS.

ANNEXATION AREA 2
AS SURVEYED LEGAL DESCRIPTION

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THE LANDS DEPICTED IN DEED BOOK 757 PAGE 592, DEED BOOK 2015 PAGE 1112; DEED BOOK 1977 PAGE 725, DEED BOOK 1411 PAGE 345, PLAT BOOK 2000 PAGE 33 AND DEED BOOK 1841 PAGE 86. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A RIGHT OF WAY DISK FOUND ALONG THE WESTERN RIGHT OF WAY LINE OF NC 751 AND THE NORTHERN RIGHT OF WAY LINE OF US 64 HIGHWAY, SAID DISK HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:724,850.02', E:2,014,736.35' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING IN A CLOCKWISE DIRECTION SOUTH 29 DEGREES 01 MINUTES 41 SECONDS WEST A DISTANCE OF 79.03 FEET TO A 5/8" REBAR SET ALONG THE NORTHERN RIGHT OF WAY LINE OF US 64 HIGHWAY; THENCE CONTINUING WITH SAID RIGHT OF WAY LINE A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 81 DEGREES 22 MINUTES 04 SECONDS WEST 761.55 FEET WITH A RADIUS OF 11,840.67 FEET TO COMPUTED POINT; THENCE LEAVING SAID RIGHT OF WAY AND WITH AN EASTERN LINE IN THE MAGNIN MARY ELIZABETH GEEK ETUX JOHN DAVID PROPERTY (DB 1764 PG 3) NORTH 00 DEGREES 36 MINUTES 17 SECONDS EAST A DISTANCE OF 174.44 TO A 1/2" IRON PIPE FOUND; THENCE WITH A NORTHERN LINE IN SAID PROPERTY SOUTH 69 DEGREES 07 MINUTES 03 SECONDS WEST A DISTANCE OF 480.86 FEET TO A 1" IRON PIPE FOUND; THENCE WITH A WESTERN LINE IN SAID PROPERTY SOUTH 04 DEGREES 09 MINUTES 52 SECONDS EAST A DISTANCE OF 90.02 FEET TO A NCDOT RIGHT OF WAY DISC FOUND ALONG THE NORTHERN RIGHT OF WAY LINE OF US 64 HIGHWAY; THENCE WITH SAID RIGHT OF WAY SOUTH 78 DEGREES 36 MINUTES 24 SECONDS WEST A DISTANCE OF 360.29 TO A COMPUTED POINT; THENCE SOUTH 78 DEGREES 36 MINUTES 47 SECONDS WEST A DISTANCE OF 60.00 FEET TO A COMPUTED POINT; THENCE SOUTH 78 DEGREES 35 MINUTES 10 SECONDS WEST A DISTANCE OF 266.38 FEET TO A 1/2" RIGHT OF WAY CAP SET; THENCE SOUTH 79 DEGREES 30 MINUTES 47 SECONDS WEST A DISTANCE OF 60.31 FEET TO 1" IRON REBAR WITH CAP FOUND; THENCE LEAVING SAID RIGHT OF WAY AND WITH AN EASTERN LINE IN THE CLARK ANDREW L. TRUSTEE & STALEY C. SMITH PROPERTY (DB 1411 PG 345; DB1841, PG 86) NORTH 01 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 210.74 FEET TO 1" IRON PIPE FOUND; THENCE NORTH 01 DEGREES 08 MINUTES 04 SECONDS WEST 238.33 FEET TO AN AXLE FOUND THENCE WITH A NORTHERN LINE IN SAID PROPERTY SOUTH 89 DEGREES 08 MINUTES 49 SECONDS WEST A DISTANCE OF 437.30 FEET TO A 1/2" IRON PIPE WITH CAP FOUND; THENCE SOUTH 89 DEGREES 08 MINUTES 38 SECONDS WEST 360.66 FEET TO AN AXLE FOUND; THENCE WITH AN EASTERN LINE IN THE KUNAL ENTERPRISES LLC PROPERTY (DB 1124, PG 371) NORTH 02 DEGREES 02 MINUTES 09 SECONDS EAST A DISTANCE OF 445.87 FEET TO AN AXLE FOUND; THENCE WITH AN EASTERN LINE IN THE POE INEZ M. & JERRY C. TRUSTEE DEWEY C. POE TRUST

(DB 755 PG 518) NORTH 00 DEGREES 06 MINUTES 26 SECONDS EAST A DISTANCE OF 1,087.05 FEET TO A 1/2" IRON PIPE WITH A CAP FOUND; THENCE NORTH 00 DEGREES 23 MINUTES 00 SECONDS EAST A DISTANCE OF 420.69 FEET TO A BROKEN CONCRETE MONUMENT WITH EXPOSED REBAR; THENCE LEAVING SAID PROPERTY AND WITH A SOUTHERN LINE IN THE UNITED STATES OF AMERICA PROPERTY NORTH 87 DEGREES 55 MINUTES 54 SECONDS EAST A DISTANCE OF 635.18 FEET TO A US ARMY CORPS OF ENGINEERS CONCRETE MONUMENT WITH A DISK FOUND; THENCE WITH A SOUTHERN LINE IN THE JAIME UPCHURCH PROPERTY (DB 2012 PG 289) NORTH 60 DEGREES 37 MINUTES 52 SECONDS EAST A DISTANCE OF 43.17 FEET TO A 1/2" IRON PIPE WITH CAP FOUND; THENCE NORTH 60 DEGREES 36 MINUTES 10 SECONDS EAST A DISTANCE OF 573.18 FEET TO A 1" IRON PIPE FOUND; THENCE NORTH 60 DEGREES 35 MINUTES 55 SECONDS EAST A DISTANCE OF 54.27 FEET TO A 1" IRON PIPE FOUND ALONG THE WESTERN RIGHT OF WAY OF NC HIGHWAY 751; THENCE LEAVING SAID RIGHT OF WAY NORTH 60 DEGREES 35 MINUTES 55 SECONDS EAST A DISTANCE OF 29.81 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 26 DEGREES 53 MINUTES 18 SECONDS EAST 199.32 FEET AND A RADIUS OF 12,000.27 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 27 DEGREES 30 MINUTES 29 SECONDS EAST 60.28 FEET AND A RADIUS OF 12,000.00 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 28 DEGREES 00 MINUTES 23 SECONDS EAST 148.46 FEET AND A RADIUS OF 12,000.00 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 29 DEGREES 57 MINUTES 09 SECONDS EAST 148.62 FEET AND A RADIUS OF 4,000.00 FEET TO A COMPUTED POINT; THENCE A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 32 DEGREES 13 MINUTES 18 SECONDS EAST 412.66 FEET AND A RADIUS OF 6,853.72 FEET TO A COMPUTED POINT; THENCE SOUTH 33 DEGREES 49 MINUTES 46 SECONDS EAST A DISTANCE OF 101.71 FEET TO A COMPUTED POINT; THENCE SOUTH 34 DEGREES 05 MINUTES 41 SECONDS EAST A DISTANCE OF 336.89 FEET TO A COMPUTED POINT; THENCE SOUTH 34 DEGREES 10 MINUTES 03 SECONDS EAST A DISTANCE OF 687.19 FEET TO A COMPUTED POINT; THENCE SOUTH 34 DEGREES 32 MINUTES 27 SECONDS EAST A DISTANCE OF 202.20 FEET TO A COMPUTED POINT; THENCE SOUTH 36 DEGREES 43 MINUTES 39 SECONDS EAST A DISTANCE OF 169.90 FEET TO A COMPUTED POINT; THENCE SOUTH 38 DEGREES 57 MINUTES 16 SECONDS EAST A DISTANCE OF 331.72 FEET TO A COMPUTED POINT; THENCE SOUTH 77 DEGREES 40 MINUTES 11 SECONDS WEST A DISTANCE OF 33.66 FEET TO A RIGHT OF WAY DISK FOUND; SAID DISK BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING 4,645,291 SQUARE FEET OR 106.64 ACRES, MORE OR LESS.

ANNEXATION AREA 3
AS SURVEYED LEGAL DESCRIPTION

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THE LAND DEPICTED IN DEED BOOK 1977 PAGE 725. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY AND WAKE REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A RIGHT OF WAY DISK FOUND ALONG THE SOUTHERN RIGHT OF WAY LINE OF US 64 HIGHWAY, SAID DISK HAVING NORTH CRAOLINA STATE PLANE COORDINATES OF N:724,599.73', E:2,014,861.45' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING IN A CLOCKWISE DIRECTION AND WITH THE RIGHT OF WAY OF US 64 HIGHWAY SOUTH 67 DEGREES 21 MINUTES 28 SECONDS EAST A DISTANCE OF 67.03 FEET TO A RIGHT OF WAY DISK FOUND ALONG THE WESTERN RIGHT OF WAY LINE OF NEW HILL ROAD; THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 89 DEGREES 11 MINUTES 53 SECONDS EAST A DISTANCE OF 33.08 FEET TO A COMPUTED POINT; THENCE SOUTH 16 DEGREES 27 MINUTES 27 SECONDS EAST A DISTANCE OF 721.12 FEET TO A COMPUTED POINT; THENCE SOUTH 16 DEGREES 13 MINUTES 30 SECONDS EAST A DISTANCE OF 380.63 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 09 DEGREES 45 MINUTES 10 SECONDS EAST 257.26 AND A RADIUS OF 1,140.03 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 02 DEGREES 54 MINUTES 44 SECONDS EAST 14.40 FEET AND A RADIUS OF 1,140.03 FEET TO A COMPUTED POINT; THENCE SOUTH 15 DEGREES 53 MINUTES 07 SECONDS WEST A DISTANCE OF 162.92 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 06 DEGREES 02 MINUTES 53 SECONDS EAST 128.40 FEET TO A 5/8" REBAR SET; THENCE WITH A WESTERN LINE IN THE GOODWIN VICKIE RIGGSBEE PROPERTY (DB 1611 PG 3- WAKE COUNTY REGISTRY) SOUTH 15 DEGREES 55 MINUTES 22 SECONDS WEST A DISTANCE OF 878.54 FEET TO A 2" IRON PIPE FOUND; THENCE WITH NORTHERN LINES IN THE STOSKOPR MICHAEL K. ETUX SUZANNE KENNEDY-STOSKOPF PROPERTY (DB 1732 PG 866), THE METCALF JACOB TYLER ETUX AMANDA GASIOROWSKI PROERTY (DB 1749 OG 886), THE EVANS MICHAEL J. ETUX JEAN M PROPERTY (DB 712 PG 856), AND THE GASIOROWSKI WILLIAM P. TRUSTEE & GASIOROWSKI KATHRYN C. TRUSTEE PROPERTY (DB 2106 PG 949) NORTH 84 DEGREES 48 MINUTES 37 SECONDS WEST A DISTANCE OF 1,121.89 FEET TO A 3/4" IRON PIPE FOUND; THENCE WITH AN EASTERN LINE IN THE APEX STORAGE PARTNERS LLC PROPERTY (DB 2257 PG 945) NORTH 00 DEGREES 36 MINUTES 17 SECONDS EAST A DISTANCE OF 1,985.81 FEET TO A COMPUTED POINT ALONG THE SOUTHERN RIGHT OF WAY LINE OF US 64 HIGHWAY; THENCE WITH SAID RIGHT OF WAY A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 81 DEGREES 06 MINUTES 11 SECONDS EAST 714.43 FEET AND A RADIUS OF 11,459.16 FEET TO A COMPUTED POINT; THENCE CONTINUING WITH SAID RIGHT OF WAY NORTH 82 DEGREES 54

MINUTES 12 SECONDS EAST 214.33 FEET TO A RIGH OF WAY DISK FOUND, SAID DISK BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING 2,599,782 SQUARE FEET OR 59.68 ACRES, MORE OR LESS.

ANNEXATION AREA 4
AS SURVEYED LEGAL DESCRIPTION

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THE LAND DEPICTED IN DEED BOOK 1977 PAGE 725. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY AND WAKE REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A RIGHT OF WAY DISK FOUND ALONG THE SOUTHERN RIGHT OF WAY LINE OF US 64 HIGHWAY, SAID DISK HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:724,574.85', E:2,014,989.45' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING IN A CLOCKWISE DIRECTION AND WITH THE SOUTHERN RIGHT OF WAY LINE OF US 64 HIGHWAY NORTH 34 DEGREES 43 MINUTES 39 SECONDS EAST A DISTANCE OF 54.34 FEET TO A 5/8" REBAR SET; THENCE NORTH 82 DEGREES 53 MINUTES 07 SECONDS EAST A DISTANCE OF 625.77 FEET TO A 5/8" REBAR FOUND; THENCE NORTH 83 DEGREES 08 MINUTES 25 SECONDS EAST A DISTANCE OF 85.45 FEET TO A COMPUTED POINT; THENCE SOUTH 15 DEGREES 53 MINUTES 07 SECONDS WEST 1,515.68 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING A DISTANCE OF NORTH 02 DEGREES 54 MINUTES 44 SECONDS WEST 14.40 FEET AND A RADIUS OF 1,140.03 TO A COMPUTED POINT; THENCE A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF NORTH 09 DEGREES 45 MINUTES 10 SECONDS WEST 257.26 FEET AND A RADIUS OF 1,140.03 FEET TO A COMPUTED POINT; THENCE NORTH 16 DEGREES 13 MINUTES 30 SECONDS A DISTANCE OF 380.63 FEET TO A COMPUTED POINT; THENCE NORTH 16 DEGREES 27 MINUTES 27 SECONDS WEST A DISTANCE OF 721.12 FEET TO A COMPUTED POINT; THENCE NORTH 89 DEGREES 11 MINUTES 53 SECONDS EAST A DISTANCE OF 33.08 FEET TO A RIGHT OF WAY DISK FOUND, SAID DISK BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING 525,846 SQUARE FEET OR 12.07 ACRES, MORE OR LESS.

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.

10/10/2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at

See Attached

See Attached

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>.

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"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	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 PROPOSAL IS FOR THE REZONING OF 242.94 ACRES FROM R-1, CU-IND-L AND CU-OI (CHATHAM COUNTY)

TO LI-CZ (TOWN OF APEX). THE LAND WILL BE PETITIONED TO BE ANNEXED INTO THE TOWN OF APEX LIMITS.

Estimated submittal date: 11/1/2022.

MEETING INFORMATION:

Property Owner(s) name(s): See Attached

Applicant(s): Beacon Development Company

Contact information (email/phone): maggie@beacondevelopment.com

Meeting Address: Virtual (See final page of packet for dial in number)

Date/Time of meeting** : 10/27/2022 at 5:00-7:00 pm

Welcome: 5:00-5:15 PM Project Presentation: 5:15-5:30 PM Question & Answer: 5:30-7:00 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 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>.

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: Apex Gateway Zoning: _____

Location: See Attached

Property PIN(s): See Attached Acreage/Square Feet: _____

Property Owner: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Beacon Development Company

Address: 500 E Morehead St., Suite 200

City: Charlotte State: NC Zip: 28202

Phone: 704-597-7757 Fax: _____ Email: walker@beacondevelopment.com

Engineer: Advanced Civil Design, Inc.

Address: 51 Kilmayne Drive, Suite 102

City: Cary State: NC Zip: 27511

Phone: 919-481-6290 Fax: _____ Email: jwhitacre@advancedcivildesign.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 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, Traffic Engineering Manager	(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
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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
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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
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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
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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
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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 Danny Smith	919-372-7470 Danny.Smith@ncdenr.gov
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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
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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
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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
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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
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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
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

AERIAL MAP - NC 751 & US 64 - CHATHAM COUNTY, NC

PIN: 0712 00 37 2751
9.03 ACRES

PIN: 0712 00 37 6549
7.06 ACRES

PIN: 0712 00 37 8303
12.24 ACRES

PIN: 0712 00 36 7945
7.96 ACRES

PIN: 0712 00 47 0121
1.00 ACRES

PIN: 0712 00 46 0876
7.47 ACRES

PIN: 0712 00 26 1673
10.42 ACRES

PIN: 0712 00 46 1386
14.19 ACRES

PIN: 0712 00 24 5813
5.03 ACRES

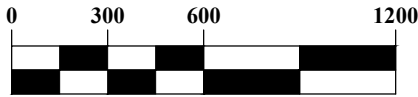
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0.56 ACRES

PIN: 0712 00 24 6438
0.57 ACRES

PIN: 0712 00 35 0755
83.17 ACRES

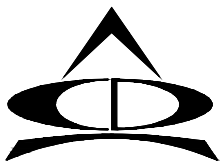
PIN: 0712 00 43 5356
84.24 ACRES

GRAPHIC SCALE



1 inch = 600 feet

PLAN PREPARED BY: FIRM # C-2798



ADVANCED

CIVIL DESIGN

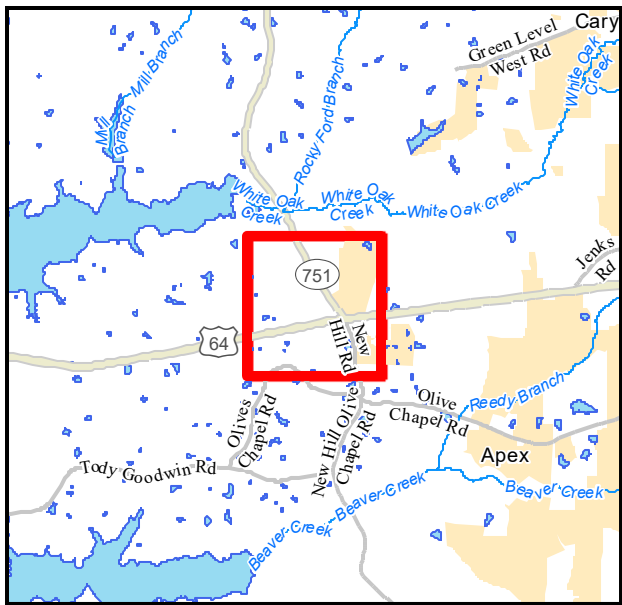
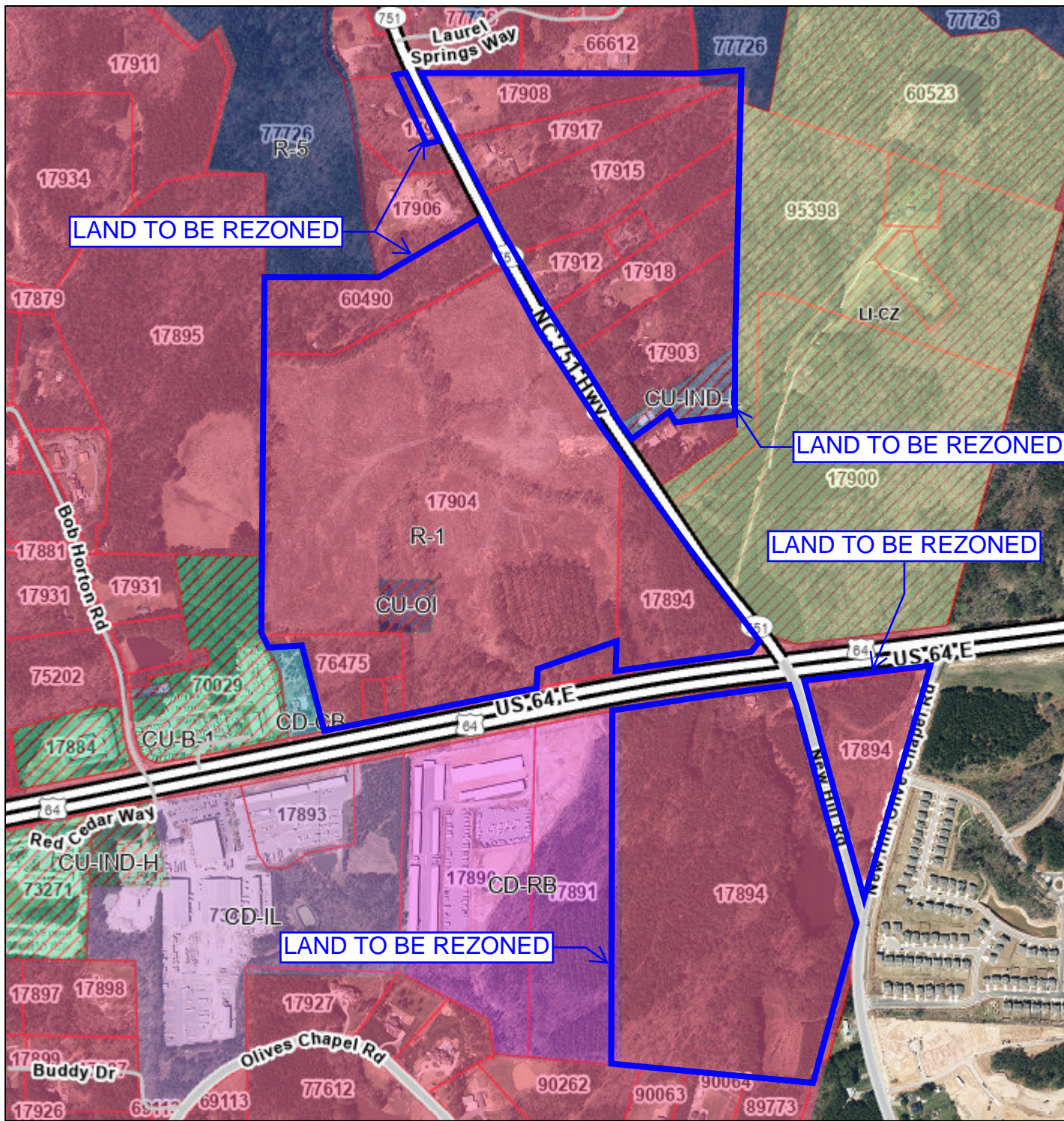
51 Kilmayne Drive, Suite 102
Cary, North Carolina 27511

ph 919.481.6290

fax 919.336.5127

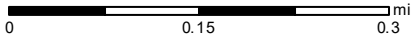
ENGINEERS SURVEYORS

Chatham County Zoning Map



Legend

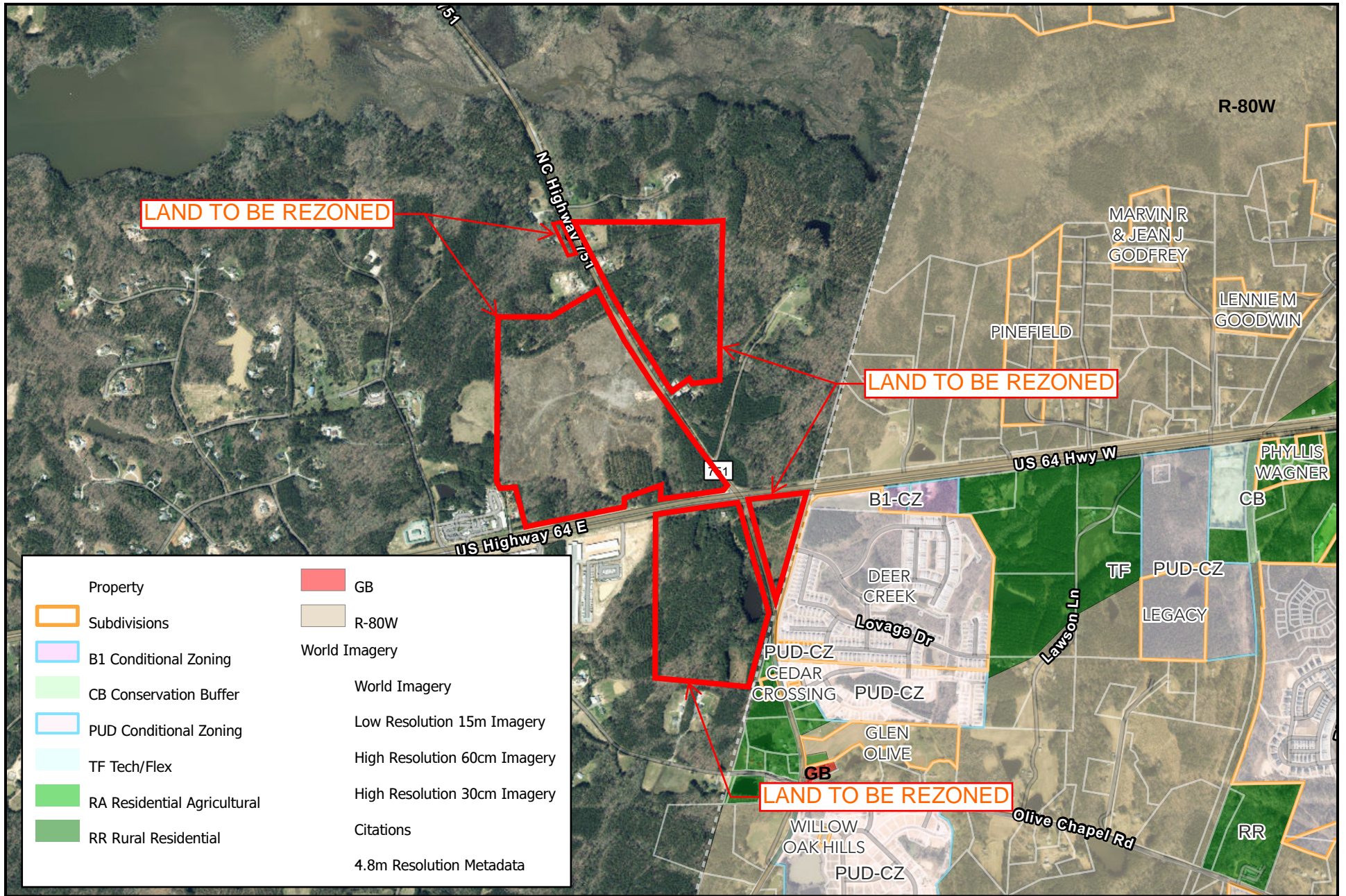
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Highway	[Symbol]	R12-CU
Major Arterial	[Symbol]	R40
Minor Arterial	[Symbol]	R40-CU
Collector	[Symbol]	R8-CU
Local	[Symbol]	RR
	[Symbol]	TR-CU



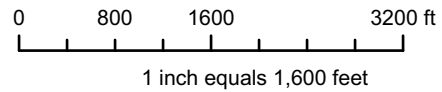
Service Layer Credits:
 Esri, Inc., City of
 Naperville, Illinois
 NC CGIA, NC DOT



Date: 10/4/2022
 Time: 11:28:05 AM



Wake County Zoning Map



Disclaimer
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

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: Virtual

Date of meeting: October 27, 2022 Time of meeting: 5:00pm - 7:00pm

Property Owner(s) name(s): _____

Applicant(s): Beacon Development Company

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.	Rick Pierpont	629 NC Highway 751		████████████████████	X
2.	Suzanne Kennedy-Stoskopf	3512 Olive Chapel Rd Ext	919-819-8308	██	
3.	Wendy and Ray Hanshew	217 Laurel Springs Way		██	
4.	Will Gasiorowski	1219 Olives Chapel Rd	919-369-5306	██	
5.	Katy Gasiorowski	1219 Olives Chapel Rd		██	
6.	Tim & Steph McKeever	816 NC Highway 751	215-565-6959	██	
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): _____

Applicant(s): Beacon Development Company

Contact information (email/phone): Maggie Houston / Maggie@beacondevelopment.com / 704-926-1403

Meeting Address: Virtual

Date of meeting: October 27, 2022 Time of meeting: 5:00pm - 7:00pm

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:

I live at 629 NC Highway 751. There's a little strip of land adjacent to me just west of NC 751 that's not my property, but I noticed it's within the project area on the rezoning. What do you plan on doing with this piece of land directly in front of my house?

Applicant's Response:

This is a remnant piece and part of the larger tract that is on the east side of NC 751 which is why it is showing up on the re-zoning. Most likely when NC 751 was built through here it bisected the tract and left a little piece on the western side of NC 751. It is part of the rezoning, however Beacon does not control this tract and currently there are no planned improvements on it.

Question/Concern #2:

I also noticed the land to the south of my property (629 NC Highway 751) is included in the rezoning. Is that planned on being developed?

Applicant's Response:

Yes, that is planned on being a part of the development.

Question/Concern #3:

All projects that we are talking about now are separate from Coca Cola?

Applicant's Response:

Correct, the Coca Cola is separate from this and it is currently in the Site Plan stage of the process.

Question/Concern #4:

When do you expect the Coca Cola plant to be operational?

Applicant's Response:

Currently, we are in the Site Plan stage of the process with the Town of Apex and 1st review comments were just received this week. We anticipate breaking ground in the 2nd quarter around spring of 2023 and we hope to be fully operational by the end of 2024.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s): _____

Applicant(s): Beacon Development Company

Contact information (email/phone): Maggie Houston / Maggie@beacondevelopment.com / 704-926-1403

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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:

I'm concerned about the red dots for the Chatham County future employment center and it appears to be incorporating residential areas.

Applicant's Response:

The red dots are really just a graphic representation from Chatham County's land use plan. It's not meant to identify certain parcels or be exact. The County is targeting specific corridors and intersections for employment/growth opportunities and the NC 751 & U.S. 64 intersection is one of them. Undeveloped parcels in this area are being identified and wouldn't be changing the existing use of already developed areas.

Question/Concern #2:

I'm concerned about the wildlife in this area, potential for light pollution that obscures the view of the stars in the sky. Concerned about noise from the construction and how it will affect wild life as it's being developed.

Applicant's Response:

We did have a presentation with the Environmental Advisory board. We are pro-actively looking into the dark sky criteria to provide designs that address these issues. We do recognize these are significant issues and we are keeping in mind wildlife sensitivity, watershed location, etc. We've committed to making significant enhancements for smart lighting, direction lighting, timers, etc. With respect to buffering, we try to be intentional about limiting our disturbance area to maximize tree preservation areas around the site. We want to be conscious about where we are placing our tree preservation areas. Our current phase leaves a significant portion of the property undisturbed.

Question/Concern #3:

Are you planning on running sewage lines near my residence? Also, there is no internet service in the area by my house. Were you planning on running fiber through there?

Applicant's Response:

Part of the development process will be extending water and sewer into our site as part of a public/private partnership with the Town. Ultimately, the Town will own these utilities and they will make the final determination as far as serving adjacent properties with utilities. Currently, we don't have plans to extend fiber through this area, but we do understand that this will be issue and may have to come up with a solution moving forward to provide connectivity to prospective tenants and business within the project area.

Question/Concern #4:

I spoke with Amanda Bunce and I live on the southside of U.S. 64 at 1219 Olives Chapel Rd. I am in the floodplain/wetland areas. I'm concerned about stormwater runoff from the development as I am directly downstream of it.

Applicant's Response:

On stormwater, we committed to increasing stormwater requirements that are over and beyond what the Town code requires. We understand there are sensitive areas. We typically try to keep as much undisturbed buffers as possible between adjacent neighbors to mitigate impacts from our development.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Question/Concern #1:

One of the other adjacent developers on a different project put up a chain link fence around there site adjacent to my property. Do you plan on doing this? Also, if there's a way to tie in water/sewer for my property that would be great.

Applicant's Response:

We don't plan on putting any fencing up. We will be extending water/sewer to our site, but at the end of the day it's ultimately the Town's call on where some of these utilities are located to serve future properties outside of our project area. We are planning on sizing pump station for regional capacity and covering the cost to do so. We have made a good faith effort to increase sizing the utility lines to provide future capacity.

Question/Concern #2:

We have safety concerns in regards to the speeding down NC 751 which currently has a speed limit of 55mph. With increased traffic and congestion, we want to make sure this is a priority. We are concerned with wildlife safety as well. Can you also consider putting up signs for deer crossing?

Applicant's Response:

We understand NC 751 is a concern as well as it's intersection with U.S. 64. We do anticipate two full movement signalized intersections along NC 751 north of U.S. 64, but ultimately, NCDOT will have to assess based on traffic analysis. We feel like the presence of signals along NC 751 will help with speeding concerns and NCDOT will evaluate speed limit along this roadway and provide feedback. I don't have answer regarding the signage or wildlife crossing, but will bring this up with our consultant.

Question/Concern #3:

Can you give us more information on the industries you're targeting and planned uses in this area?

Applicant's Response:

It's all going to be market driven, but we believe uses such as bio manufacture, building supply related, research and development, life science, etc.

Question/Concern #4:

You are backing up to the game lands with the corps, and a lot of people regularly go shooting there and on their own private land. It seems like an interesting mix between hunters, shooters, and commercial projects.

Applicant's Response:

Yes, a council member did comment that people do hunt around this area often so we are mindful of that when it comes to providing buffers and setbacks. We are aware of the game lands in the rear and our intention is to front load buildings and preserve as much as we can.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Applicant(s): Beacon Development Company

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Question/Concern #1:

Where would the traffic lights be located along NC 751?

Applicant's Response:

A lot of it is in the concept stage at this point, and NCDOT will make the ultimate call on number of traffic lights and locations, but we anticipate one at the entrance to the phase 1 site for the Coca Cola development along NC 751, and another further north. Once traffic impact analysis is completed, we'll be able to come back and share more details from staff.

Question/Concern #2:

Can you email out the presentation to the email addresses that we provided.

Applicant's Response:

Yes, we can do that.

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, Maggie Houston, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, 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 Virtual (location/address) on 10/27/2022 (date) from 5:00 PM (start time) to 7:00 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.

10/28/2022
Date

By: Maggie Houston

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, MEREDITH E SWANZY, a Notary Public for the above State and County, on this the 28th day of OCTOBER, 2022.

SEAL



Meredith E Swanzey
Notary Public
Meredith E Swanzey
Print Name

My Commission Expires: SEPTEMBER 23, 2023

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ26 Apex Gateway Ph 2

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: +/- 243.48
PIN(s): 071200461386, 071200460876, 071200367945, 071200470121, 071200378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, 071200435356
Current Zoning: Chatham County Conditional Use-Light Industrial District (CU-IND-L), Chatham County Residential District (R-1), Chatham County Conditional Use-Office & Institutional District (CU-OI)
Proposed Zoning: Light Industrial-Conditional Zoning (LI-CZ)

Current 2045 Land Use Map: Employment Center (Chatham County)

Proposed 2045 Land Use Map: North of US Hwy 64: Industrial Employment
South of US Hwy 64: Commercial Services/Industrial Employment

Town Limits: Outside. Annexation required with rezoning.

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: 22CZ26 Apex Gateway Ph 2

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: 22CZ26 Apex Gateway Ph 2

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: 22CZ26 Apex Gateway Ph 2

Planning Board Meeting Date: February 13, 2023



Planning Board Recommendation:

Motion:

To recommend approval as proposed.

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Tim Royal

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 applicant

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

With 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

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 18:40:54 -05'00'
Dianne Khin, Planning Director



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ26 Apex Gateway Phase 2

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 and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Maggie Houston, Beacon Development

Authorized Agent: Walker Gorham, Beacon Development

Property Addresses: 314, 450, 482, 472, 546, 610, 696, 527, & 0 NC Hwy 751; 0, 0, 0, & 13406 US 64 E

Acreage: ±243.48 acres

Property Identification Numbers (PINs): 071200461386, 071200460876, 071200367945, 071200470121, 071200378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, 071200435356

Land Use Map Designation: Employment Center (Chatham County)

Existing Zoning of Properties: Chatham County Conditional Use-Light Industrial District (CU-IND-L), Chatham County Residential District (R-1), Chatham County Conditional Use-Office & Institutional District (CU-OI)

Proposed Zoning of Properties: Light Industrial-Conditional Zoning (LI-CZ)

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

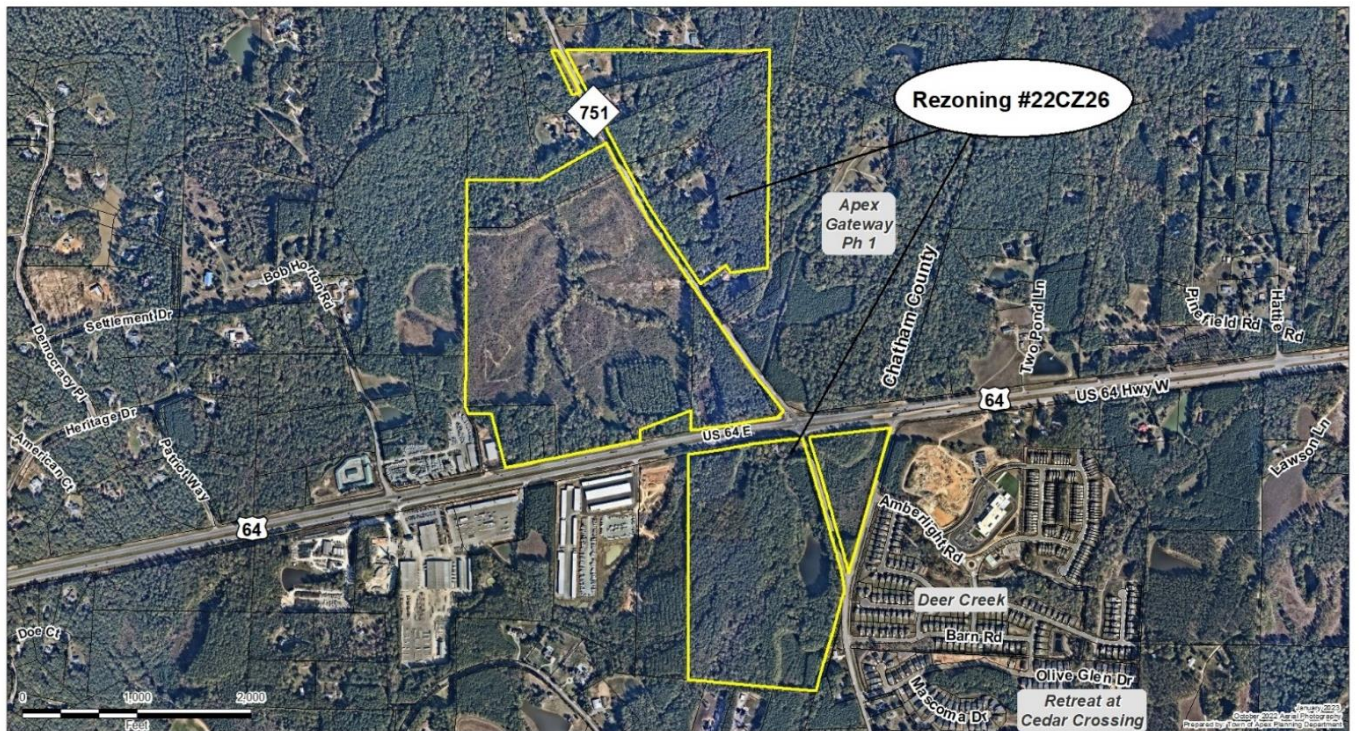
Planning Board Public Hearing Date and Time: February 13, 2023 4:30 PM

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/41380>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ26

Apex Gateway Phase 2

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 y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Maggie Houston, Beacon Development

Agente autorizado: Walker Gorham, Beacon Development

Dirección de las propiedades: 314, 450, 482, 472, 546, 610, 696, 527, & 0 NC Hwy 751; 0, 0, 0, & 13406 US 64 E

Superficie: ±243.48 acres

Números de identificación de las propiedades: 071200461386, 071200460876, 071200367945, 071200470121, 0712 00378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, 071200435356

Designación en el Mapa de Uso Territorial para Chatham County: Employment Center (Chatham County)

Ordenamiento territorial existente de las propiedades: Chatham County Conditional Use-Light Industrial District (CU-IND-L), Chatham County Residential District (R-1), Chatham County Conditional Use-Office & Institutional District (CU-OI)

Ordenamiento territorial propuesto para las propiedades: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

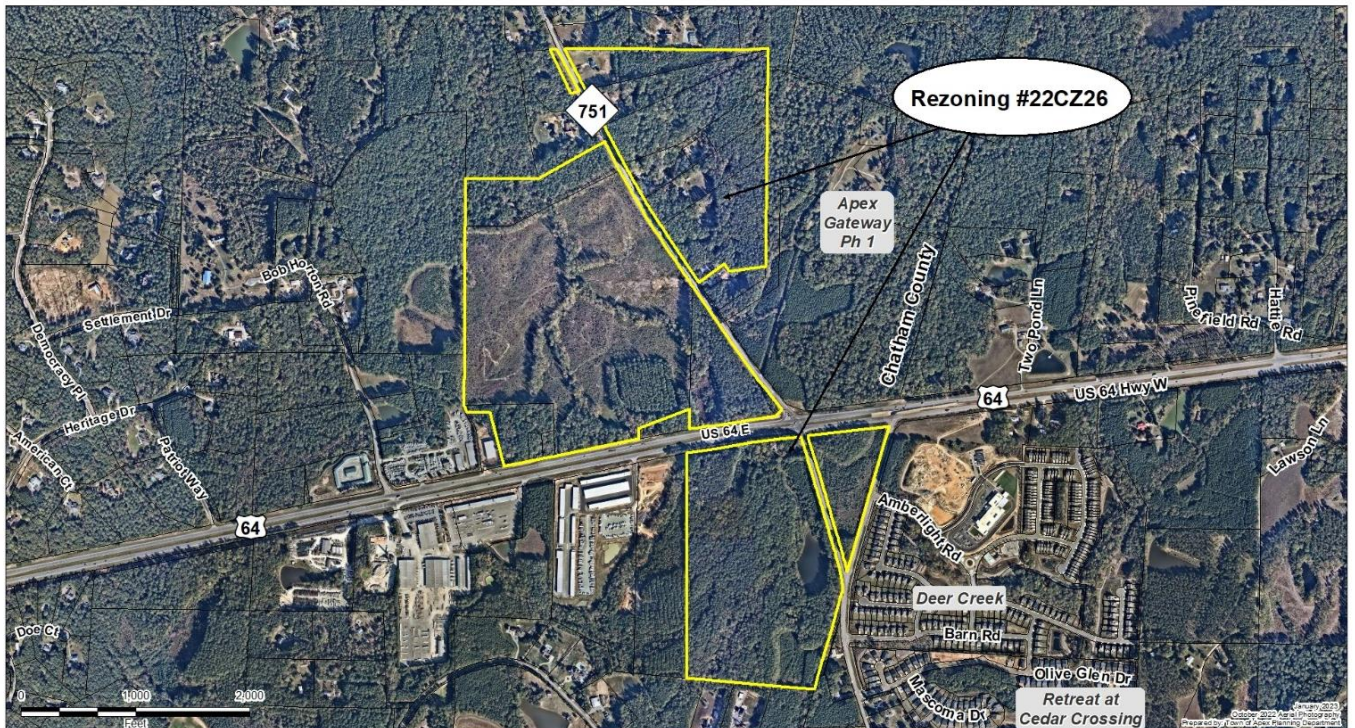
Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de febrero de 2023 4:30 P.M.

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.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/41380>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

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PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ26 Apex Gateway Phase 2

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73 Hunter Street, Apex, North Carolina

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

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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.

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Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ26 Apex Gateway Phase 2

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 y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

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Dirección de las propiedades: 314, 450, 482, 472, 546, 610, 696, 527, & 0 NC Hwy 751; 0, 0, 0, & 13406 US 64 E

Superficie: ±243.48 acres

Números de identificación de las propiedades: 071200461386, 071200460876, 071200367945, 071200470121, 0712 00378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, 071200435356

Designación en el Mapa de Uso Territorial para Chatham County: Employment Center (Chatham County)

Ordenamiento territorial existente de las propiedades: Chatham County Conditional Use-Light Industrial District (CU-IND-L), Chatham County Residential District (R-1), Chatham County Conditional Use-Office & Institutional District (CU-OI)

Ordenamiento territorial propuesto para las propiedades: Light Industrial-Conditional Zoning (LI-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.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/41380>.

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 #22CZ26 Apex Gateway Ph 2
Project Location: 314, 450, 482, 472, 546, 610, 696, 527, & 0 NC Hwy 751; 0, 0, 0, & 13406 US 64 E
Applicant or Authorized Agent: Maggie Houston
Firm: Beacon Development

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on January 30, 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, Chatham County Tax Administration Office, 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.

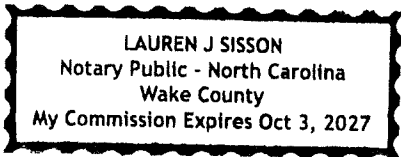
1/31/2023
Date

Sharon F. Khan
Planning Director

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 31st day of January, 2023.



LS
Notary Public

My Commission Expires: 10/3/2027



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ26 Apex Gateway Phase 2

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 and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Maggie Houston, Beacon Development

Authorized Agent: Walker Gorham, Beacon Development

Property Addresses: 314, 450, 482, 472, 546, 610, 696, 527, & 0 NC Hwy 751; 0, 0, 0, & 13406 US 64 E

Acreage: ±243.48 acres

Property Identification Numbers (PINs): 071200461386, 071200460876, 071200367945, 071200470121, 071200378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, 071200435356

Land Use Map Designation: Employment Center (Chatham County)

Existing Zoning of Properties: Chatham County Conditional Use-Light Industrial District (CU-IND-L), Chatham County Residential District (R-1), Chatham County Conditional Use-Office & Institutional District (CU-OI)

Proposed Zoning of Properties: Light Industrial-Conditional Zoning (LI-CZ)

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

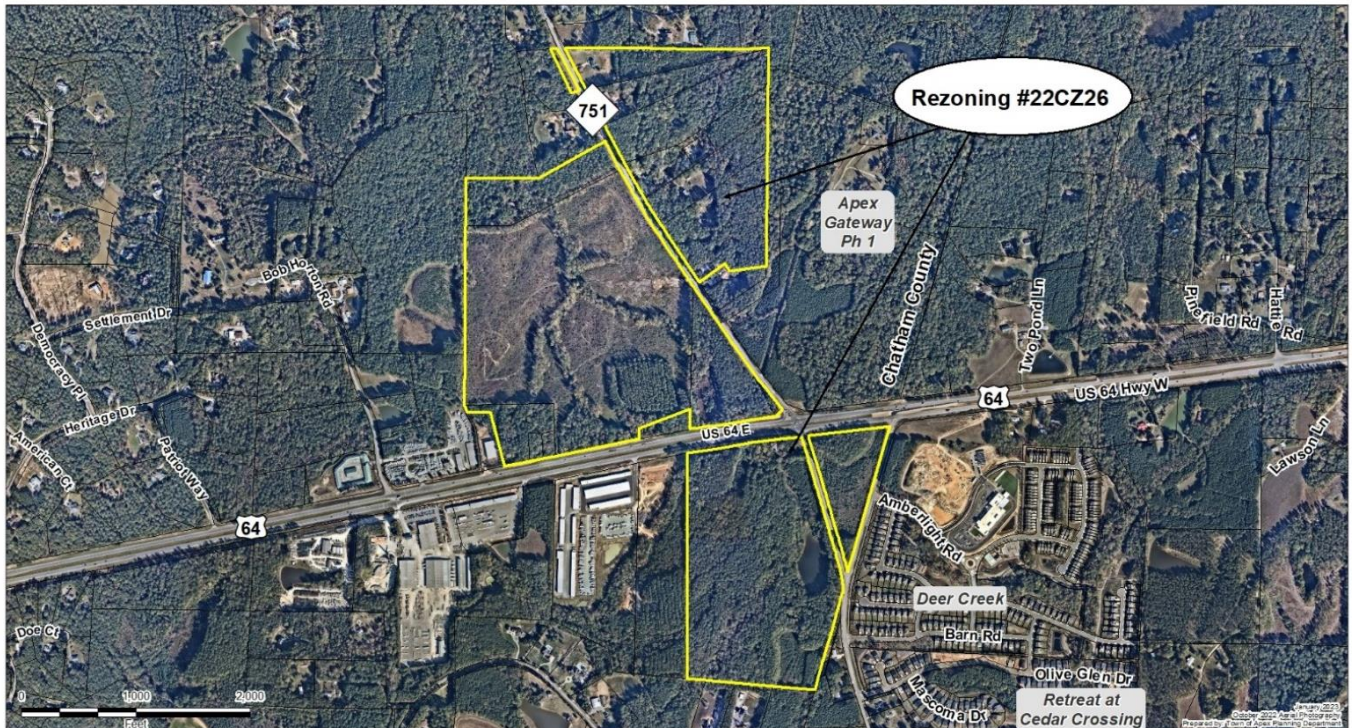
Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

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 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/41380>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ26

Apex Gateway Phase 2

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 y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Maggie Houston, Beacon Development

Agente autorizado: Walker Gorham, Beacon Development

Dirección de las propiedades: 314, 450, 482, 472, 546, 610, 696, 527, & 0 NC Hwy 751; 0, 0, 0, & 13406 US 64 E

Superficie: ±243.48 acres

Números de identificación de las propiedades: 071200461386, 071200460876, 071200367945, 071200470121, 0712 00378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, 071200435356

Designación en el Mapa de Uso Territorial para Chatham County: Employment Center (Chatham County)

Ordenamiento territorial existente de las propiedades: Chatham County Conditional Use-Light Industrial District (CU-IND-L), Chatham County Residential District (R-1), Chatham County Conditional Use-Office & Institutional District (CU-OI)

Ordenamiento territorial propuesto para las propiedades: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

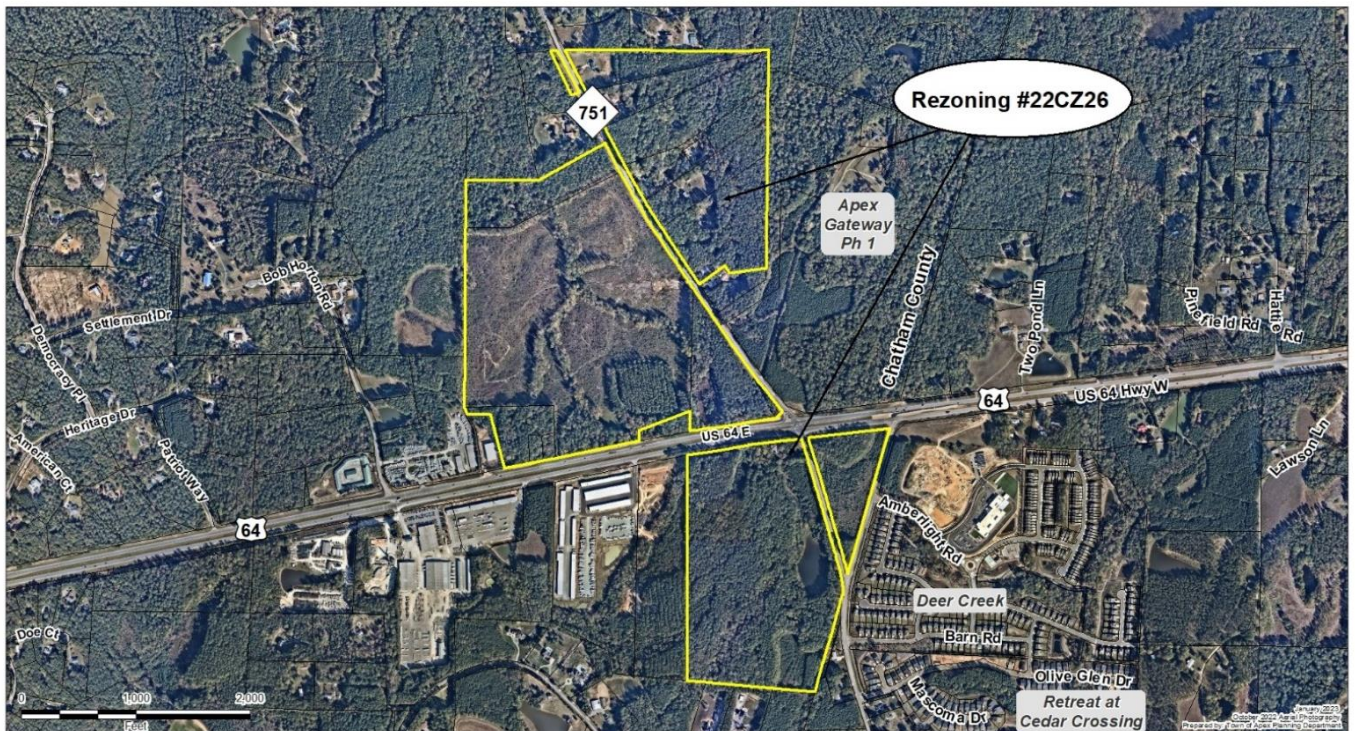
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

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/41380>.

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 #22CZ26 Apex Gateway Phase 2

Pursuant to the provisions of North Carolina General Statutes §1600-602 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 and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Maggie Houston, Beacon Development

Authorized Agent: Walker Gorham, Beacon Development

Property Addresses: 314, 450, 482, 472, 546, 610, 696, 527, & 0 NC Hwy 751; 0, 0, 0, & 13406 US 64 E

Acreage: ±243.48 acres

Property Identification Numbers (PINs): 071200461386, 071200460876, 071200367945, 071200470121, 071200378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, 071200435356

Land Use Map Designation: Employment Center (Chatham County)

Existing Zoning of Properties: Chatham County Conditional Use-Light Industrial District (CU-IND-L), Chatham County Residential District (R-1), Chatham County Conditional Use-Office & Institutional District (CU-OI)

Proposed Zoning of Properties: Light Industrial-Conditional Zoning (LI-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 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/41380>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ26
Apex Gateway Phase 2

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 la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Maggie Houston, Beacon Development

Agente autorizado: Walker Gorham, Beacon Development

Dirección de las propiedades: 314, 450, 482, 472, 546, 610, 696, 527, & 0 NC Hwy 751; 0, 0, 0, & 13406 US 64 E

Superficie: ±243.48 acres

Números de identificación de las propiedades: 071200461386, 071200460876, 071200367945, 071200470121, 0712 00378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, 071200435356

Designación en el Mapa de Uso Territorial para Chatham County: Employment Center (Chatham County)

Ordenamiento territorial existente de las propiedades: Chatham County Conditional Use-Light Industrial District (CU-IND-L), Chatham County Residential District (R-1), Chatham County Conditional Use-Office & Institutional District (CU-OI)

Ordenamiento territorial propuesto para las propiedades: Light Industrial-Conditional Zoning (LI-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/41380>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 3-28 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 #22CZ26 Apex Gateway Ph 2

Project Location: 314 NC Hwy 751, 450 NC Hwy 751, 482 NC Hwy 751, 472 NC Hwy 751, 546
NC Hwy 751, 610 NC Hwy 751, 696 NC Hwy 751, 527 NC Hwy 751, NC Hwy
751, US 64 E, 13406 US 64 E

Applicant or Authorized Agent: Maggie Houston

Firm: Beacon Development

This is to certify that I, as Planning Director, 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, Chatham County Tax Administration Office, 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.

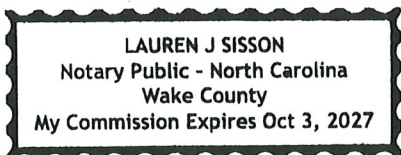
2/6/2023
Date

Shanne Fkhen
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

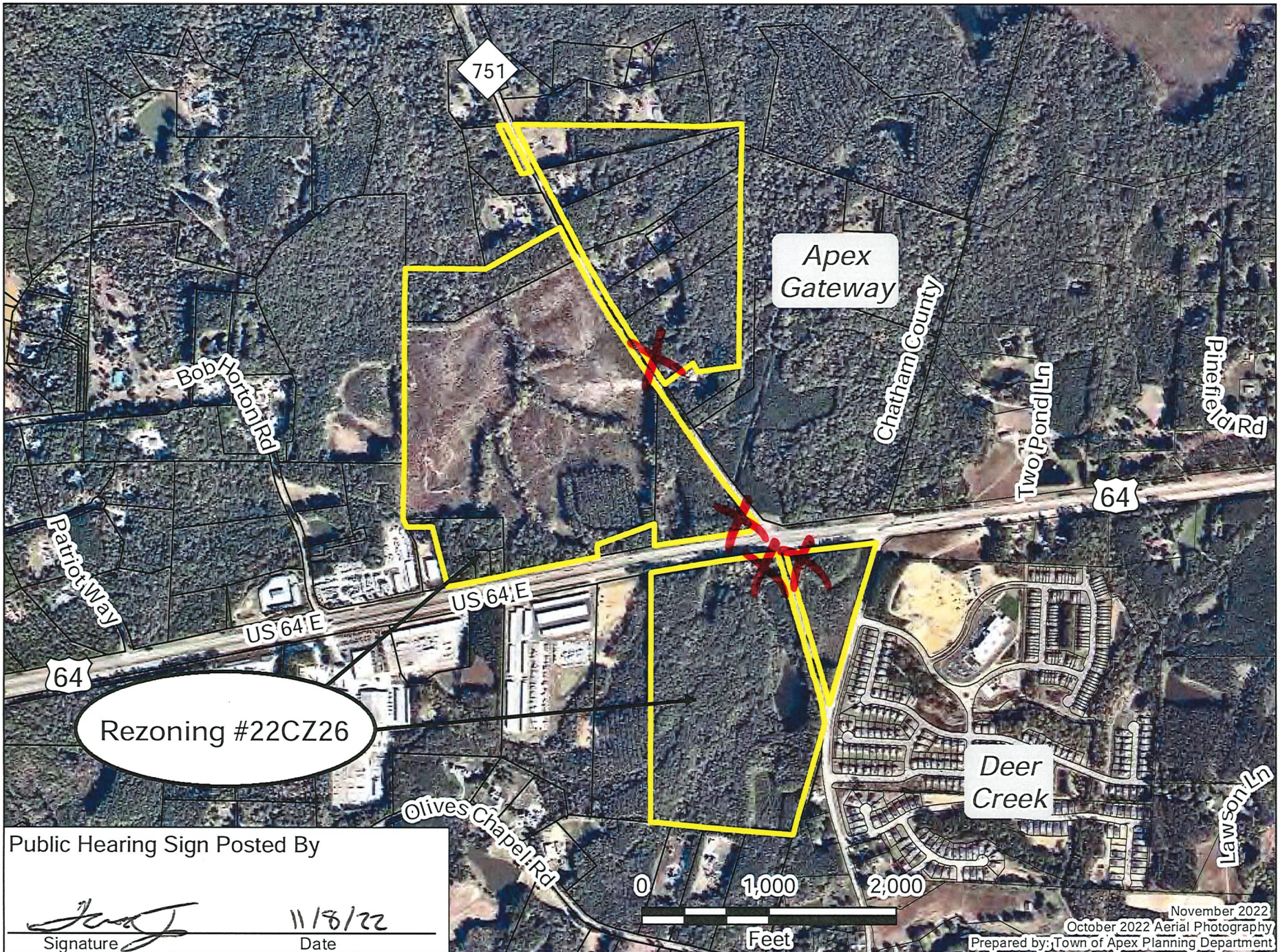
State and County, this the 6th day of FEBRUARY, 2023.



[Signature]
Notary Public

SEAL

My Commission Expires: 10 / 3 / 27



Rezoning #22CZ26

Apex Gateway

Deer Creek

Public Hearing Sign Posted By
[Signature]
Signature
11/8/22
Date



November 2022
October 2022 Aerial Photography
Prepared by: Town of Apex Planning Department