

STAFF REPORT

Rezoning #22CZ10 Calyx Senior Living Apex PUD Amendment

August 23, 2022 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: 7501 Jenks Road

Applicant: TMTLA Associates

Owner: Kobra, LLC

PROJECT DESCRIPTION:

Acreage: ±5.738 acres

PINs: 0732196422

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04)

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

2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/Commercial Services

Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Planned Unit Development- Conditional Zoning (PUD-CZ #20CZ04); Rural Residential (RR)	Townhomes (Reams Grove); Vacant; Jenks Rd
South:	Rural Residential (RR); Medium Density Residential (MD)	Dominik Ct.; Single Family Residential
East:	Rural Residential (RR)	NC 540 Hwy
West:	Rural Residential (RR); Medium Density Residential (MD)	Vacant; Apex Utilities

EXISTING CONDITIONS:

The properties to be rezoned were originally rezoned to Planned Unit Development-Conditional Zoning on October 20, 2020. The subject property is on the south side of Jenks Road, adjacent to NC 540 right-of-way, and is currently vacant.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on April 26, 2022. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map classifies the property subject to this rezoning as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed amendments to the PUD-CZ zoning are consistent with that classification.

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PLANNED UNIT DEVELOPMENT PLAN:

The applicant is proposing the following changes with this PUD amendment:

Change to the Cover Sheet

The following change to reflect PUD amendment for Tract 2 only.

Applicant: TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713

Change to Section 2.0: Vicinity Map

The following amendment is proposed to Section 2.0 Vicinity Map:

Add a note indicating that the PUD amendment is focused on southern parcel of the KOBRA Tracts PUD-CZ.

Change to Section 3.0: Project Data

Name of Project to include "Calyx Senior Living of Apex."

Preparer of PUD amendment:

TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713
(919) 484-8880
pam@tmtla.com

Area of Mixed-Use Property proposed as Congregate Living Facility is 5.46 acres.

Percent of Mixed-Use areas proposed as non-residential development is 0%.

Percent of Mixed-Use Areas Proposed as Congregate Living Facility: 100%

Change to Section 4.0: Proposed List of Uses

The following amendment is requested in Section 4.0:

Add "Congregate Living Facility" to the list of allowable uses.

Changes to 6.0: Proposed Design Controls

The following amendments are requested in Section 6.0:

- The maximum building square footage for Tract 2 to be 58,000 square feet.
- The residential density for Tract 2 to be 11 resident rooms per acre.
- The setbacks listed as "Non-Residential Setbacks" shall be applicable to the proposed use (congregate living facility) on Tract 2.
- Requesting a reduction of the landscape buffer on the east, I-540 side of the site from 100' to 50'. The applicant is requesting to utilize the 50% buffer reduction noted in Sec. 8.2.6 of the UDO for non-residential uses adjacent to a limited access highway are able to use.



Change to Section 7.0: Proposed Residential Architectural Controls

Residential architectural controls will not apply to Tract 2.

Changes to Section 8.0: Proposed Non-Residential Architectural Controls

Amend this section to read “Proposed Congregate Living Facility Architectural Controls” and revise this list to the following items:

1. The predominant exterior building material shall be fiber cement siding.
2. The building exterior shall have more than one (1) material color.
3. No more than 20% of any building façade may consist of EIFS material.
4. EIFS or synthetic stucco shall not be used in the first 4 feet above grade.

Changes to Section 9.0: Parking and Loading

The applicant is requesting a 20% reduction or 0.8 parking spaces per resident room in the required parking for a congregate living facility. Section 8.3 of the Town of Apex Unified Development Ordinance calls for 1 parking space per dwelling unit.

Change to Section 15.0 Phasing Plan

Amending the language to note Phase 2 as the Congregate Living Facility parcel.

Changes to Section 16.0: Consistency with 2045 Land Use Plan

The parcel is designated as high density residential, office employment, and commercial services under the 2045 Land Use Map. The proposed use for a licensed assisted living facility is consistent with the Future Land Use Map because congregate living of this type is both high density residential by definition and commercial because it provides essential, professional care services to the senior population. The proposed use is consistent with the intended goals and objectives of Apex’ 2045 Land Use Map.

Change to Section 17.0: Consistency with Unified Development Ordinance

The following amendment is requested in Section 17.0:

- Development in Tract 2 will no longer supply a stub a connection to Dominik Court.

Change to Section 19.0: Affordable Housing

The following amendment is requested in Section 19.0:

- The affordable housing contribution is not applicable to Tract2.

New Section 20.0: Environmental Advisory Board (EAB) Zoning Conditions

The following language has been added:

1. Building will include conduit to the roof to make it solar ready.
2. Site lighting will utilize full cut-off parking lot fixtures.
3. Site landscaping will exceed the minimum UDO landscape requirements.

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EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on April 21, 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
Consider the use of previous pavement as well as integrated irrigation from the SCM as we start to refine the site design.	Not added
To the extent possible, preserve existing trees on site.	Not added
Apply a landscape package with a lot of additional plant material, including many plants that are good pollinator plants and as many native plants as possible.	Not added
Exceed the UDO requirements for landscaping.	Added
Consider planting trees for efficiency (deciduous trees on the south side of the building and evergreen trees on the north side of the building).	Not added
Install a couple of gardens throughout the site and consider creating pockets of pollinator gardens with a spring through fall bloom. Consider including a rain garden and implementing xeriscaping.	Not added
Consider making the building solar panel ready.	Added
Consider timers on any building or pathway lighting.	Not added
Solar PV system installation that has a minimum size based on the smallest of the following criteria 1. A 100-kilowatt DC system 2. A system that fits on space available on the rooftop. 3. A system that will generate 90% of the expected yearly consumption of the building.	Not added
The landscaping shall consist of a minimum of 75% native species to the eastern U.S.	Not added
Include International Dark Sky Association compliance standards. a. Outdoor lighting shall be shielded in a way that focuses lighting to the ground. b. Lighting that minimizes the emission of blue light to reduce glare shall be used. c. Lighting with a color temperature of 3000k or less shall be used for outside installation.	Added

APEX TRANSPORTATION PLAN:

The proposed PUD amendment is consistent with the Apex Transportation Plan

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ10 Calyx Senior Living PUD Amendment.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard this rezoning at August 8, 2022 meeting and unanimously recommended approval with the conditions as proposed by the applicant.

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:



Approval of the rezoning is reasonable because the proposed amendments to Planned Unit Development-Conditional Zoning (PUD-CZ) are consistent with the Mixed Use: High Density Residential/Office Employment/Commercial Services land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will provide an opportunity for a needed use that will serve the surrounding areas. It will also encourage compatible development of the property, increase the tax base and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

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

1. Planned Unit Development (PUD-CZ) District

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
- (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public



transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.

- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
 - (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
- (i) A non-residential component;
 - (ii) An overall density of 7 residential units per acre or more; or
 - (iii) Environmental measures including but not limited to the following:
 - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
 - b. The installation of a geothermal system for a certain number or percentage of units within the development; or
 - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.



- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
 - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
 - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
 - (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.
 - (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

***Legislative Considerations***

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

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 (CZ) 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 (CZ) 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 (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
- 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.
- 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.
- 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.
- 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.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 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.
- 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.



Rezoning #22CZ10

Castlereagh North

Castlereagh Lot 16

Lake Marsha

Castlereagh Lot 13

The Flats at 540

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>#22CZ10</u>	Submittal Date:	<u>5-2-22</u>
Fee Paid	<u>\$ paid</u>	Check #	<u></u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Calyx Senior Living of Apex
Address(es): 7501 Jenks Road
PIN(s) 0732-19-6422

Current Zoning: PUD-CZ Acreage: 5.738
Proposed Zoning: PUD-CZ (amendment)
Current 2045 LUM Designation: Mixed Use

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>5.738</u>
Area proposed as non-residential development:	Acreage:	<u>0</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>0</u>

Applicant Information

Name: TMTLA Associates
Address: 5011 Southpark Drive, Ste. 200
City: Durham State: NC Zip: 27713
Phone: 919-484-8880 E-mail: pam@tmtla.com

Owner Information

Name: Kobra, LLC
Address: 117 Woodland Ridge Drive
City: Fuquay Varina State: NC Zip: 27526
Phone: E-mail:

Agent Information

Name: Carillon Assisted Living (contact: Marcos Vidal)
Address: 4901 Waters Edge Drive, Ste. 200
City: Raleigh State: NC Zip: 27606
Phone: 919-852-4000 E-mail: marcos.vidal@carillonassistedliving.com
Other contacts: Bob Steenson (bob.steenson@carillonassistedliving.com)

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: #22CZ10

Submittal Date: 5-2-22

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

Please see attached for responses to legislative considerations.

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

Please see attached for responses to legislative considerations.

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

Please see attached for responses to legislative considerations.

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.

Please see attached for responses to legislative considerations.

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.

Please see attached for responses to legislative considerations.

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.

Please see attached for responses to legislative considerations.

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.

Please see attached for responses to legislative considerations.

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

Please see attached for responses to legislative considerations.

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.

Please see attached for responses to legislative considerations.

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.

Please see attached for responses to legislative considerations.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: #22CZ10

Submittal Date: 5-2-22

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: #22CZ10

Submittal Date: 5-2-22

Proposed Subdivision/Development Information

Description of location: 7501 Jenks Road

Nearest intersecting roads: Jenks Road and Hwy 540

Wake County PIN(s): 0732-19-6422

Township: White Oak

Contact Information (as appropriate)

Contact person: Pamela Porter

Phone number: 919-484-8880 Fax number: n/a

Address: 5011 Southpark Drive, Ste. 200 Durham NC 27713

E-mail address: pam@tmtla.com

Owner: Kobra, LLC

Phone number: (919) 377-8066 Fax number: n/a

Address: 117 Woodland Ridge Drive Fuquay Varina, NC 27526

E-mail address: SRJEWETT54@GMAIL.COM

Proposed Subdivision/Development Name1st Choice: Calyx Senior Living of Apex2nd Choice (Optional):**Town of Apex Staff Approval:**

Town of Apex Planning Department Staff

Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: #22CZ10

Submittal Date: 5-2-22

**Town of Apex
73 Hunter Street
P.O. Box 250 Apex, NC 27502
919-249-3400**

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

7501 Jenks Road

(the "Premises")

The Town of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If you accept the Town's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by the Town.

Carillon Assisted Living, LLC

, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

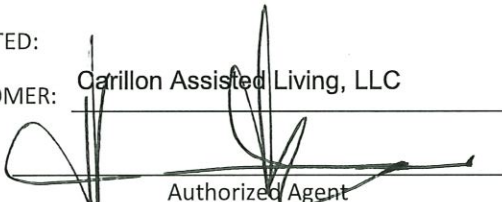
Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER: Carillon Assisted Living, LLC

TOWN OF APEX

BY:


Authorized Agent

BY:

Authorized Agent

DATE: 04/29/2022

DATE: _____

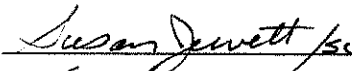
AGENT AUTHORIZATION FORMApplication #: #22CZ10Submittal Date: 5-2-22Kobra, LLC

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

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

The property address is: 7501 Jenks RoadThe agent for this project is: Carillon Assisted Living, LLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Carillon Assisted Living, LLC (Contact person: Marcos Vidal)Address: 4901 Waters Edge Drive, Ste. 200 Raleigh, NC 27606Telephone Number: 919-852-4000E-Mail Address: marcos.vidal@carillonassistedliving.com

Signature(s) of Owner(s)*


Susan Jewett

Type or print name

4/28/22

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

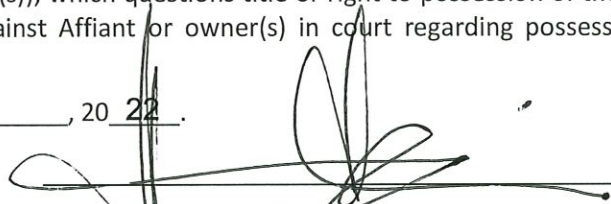
Application #: #22CZ10

Submittal Date: 5-2-22

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

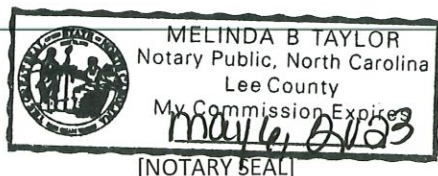
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 7501 Jenks Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. 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 n/a, and recorded in the Wake County Register of Deeds Office on n/a, in Book n/a Page n/a.
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 n/a, 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 n/a, 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 29th day of April, 20 22.


(seal)
Karen Moriarty, President
Carillon Assisted Living, LLC Type or print name
authorized agent of Owner

STATE OF NORTH CAROLINA
COUNTY OF Wake

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



Melinda B. Taylor
Notary Public
State of North Carolina
My Commission Expires: May 6, 2023



Calyx Senior Living of Apex Legislative Considerations

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

The parcel is designated as high density residential, office employment, and commercial services under the 2045 Land Use Map. The proposed use for a licensed assisted living facility is consistent with the Future Land Use Map because congregate living of this type is both high density residential by definition and commercial because it provides essential, professional care services to the senior population. The proposed use is consistent with the intended goals and objectives of Apex' 2045 Land Use Map.

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

The proposed use is compatible and complementary with the character of the surrounding land uses. The north portion of the current KOBRA TRACTS PUD is being developed into townhomes. The adjacent land uses are larger residential tracts or vacant lots. The assisted living use will harmonize and complement the surrounding area as it is quiet, a low traffic generator, and will be landscaped and constructed to blend with the character of the neighborhood.

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

The proposed project will comply with the Supplemental Standards listed in UDO Section 4.4 for Congregate Living Facility.

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

The proposed project will be a single story, licensed assisted living community providing assistance with activities of daily living for the frail elderly. This use produces no noise, odors, pollution, or glare. Assisted living communities are not large consumers of civic resources. Traffic impact is minimal as the typical resident is in their early to mid-80's and no longer drives. Service and food deliveries are minimal as well, usually once or twice a week. The visual impact will be an enhancement to the adjacent areas as the proposed building is an attractive, single-story structure designed to scale residential and the site will include extensive landscaping.



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 proposed project does not present any meaningful environmental impact. The site will be engineered to comply with state and municipal storm water and erosion control measures to minimize environmental impact during and after construction. The proposed project will adhere to state and federal regulations for streams and wetlands on site, if any are present.

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 use will have zero impact on schools and limited impact on other public facilities such as potable water, waste water, police, fire, and EMS. The project's engineer will verify with Town of Apex that utilities required are available and the proposed facility can use said facilities within their current capacity. Being a low traffic generator, we anticipate the impact on roads to be far less than another commercial or residential use. The proposed project is not a nursing home, does not provide medical care and thus will not impact police, fire, or EMS resources.

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

The proposed project by providing sorely needed essential care services to seniors, including memory care services for those suffering from Alzheimer's disease and other acuties of dementia, will actually enhance the health, safety and welfare of Apex residents.

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

The proposed Calyx Senior Living community will not be detrimental to adjacent properties. Licensed assisted living is a low intensity use in contrast to other commercial and residential uses permitted on this site under the current zoning.

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.

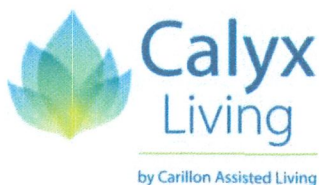
The proposed use will not constitute a nuisance or hazard due to traffic impact or noise. The primary users of the site include the residents, staff, and family visitors. Staffing is relatively low compared to other users and shift changes at 7am, 3pm and 11pm do not coincide with commuter traffic. The estimated traffic generation was not enough to trigger a traffic study as per the Apex UDO.



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 project is seeking relief on two relevant standards of this Ordinance. Specifically, we're requesting a reduction of the required parking for a Congregate Living Facility from 1 parking space per resident room to 0.8 parking spaces per resident room. The reduction in parking will not adversely affect safety or convenience of residents, visitors and staff as demonstrated by Calyx Senior Living's 25 years of operating history on sites with even less parking. Eliminating unnecessary impervious surface also provides environmental benefits.

In addition, we're requesting relief of 50% of buffer width on the east side of the site from 100' to 50' along the I-540 corridor. Such a reduction is allowed for commercial designations in the Apex UDO. Congregate living of this type is both residential and commercial in nature and neither the building nor any of the residential components of the property will fall within the former 100' buffer.



April 5, 2022

RE: Neighborhood Meeting for proposed Calyx Senior Living at 7501 Jenks Road, Apex, County of Wake, North Carolina

Dear Neighbor:

Carillon Assisted Living, based in Raleigh, NC, is a 25+ year owner and operator of senior living communities. We are proposing to build and operate a licensed assisted living facility at 7501 Jenks Road in Apex. We would like to share the proposed site plan, describe the nature and appearance of our community, and address any questions or concerns our future neighbors may have. The neighborhood meeting will be virtual; the meeting's details and registration instructions are included in the Notice.

However, if you are unable to attend, I will be happy to share information and answer any questions. I can be reached via email at marcos.vidal@carillonassistedliving.com or via phone at (919)852-4000.

Sincerely,

Marcos Vidal
Vice President of Development
Carillon Assisted Living, LLC

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.

4/4/2022

Date

Dear Neighbor:

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

7501 Jenks Road

0732-19-6422

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](http://www.apexnc.org/180/Planning-Community-Development) or the [Apex Development Report](http://www.apexnc.org/180/Planning-Community-Development) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

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

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

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

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

Our proposal is for the construction of a congregate living facility at 7501 Jenks Road. To achieve this we

are requesting a modification to the Kobra Tract PUD to allow congregate living facility under list of

permitted uses.

Estimated submittal date: May 2, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Kobra, LLC

Applicant(s): TMTLA Associates (Pam Porter)

Contact information (email/phone): pam@tmtla.com / 919-484-8880

Meeting Address: meeting will be virtual - see instructions included with this letter

Date/Time of meeting**: April 26th, 2022 5:00 pm - 7:00 pm

Welcome: 5:05

Project Presentation: 5:15

Question & Answer: 5:45

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



How to Register for and Participate in the April 26th Neighborhood Meeting

Please note registration is required.

To Participate by PC, Mac, iPad, iPhone, or Android Device:

NOTE: This meeting will require registration prior to attending if participating by video.

- Go to the following website to attend the meeting: <https://zoom.us/>
- Click on the "Join A Meeting" link at the top of the website.
- Enter the following information where prompted:
 - Meeting ID: **857 5221 5591**
- Once you enter the Meeting ID and click "Join" you will be prompted to register for the meeting. Please fill out the required information. After you register for the meeting you will receive an email with a link to join the meeting.

To Participate by Phone:

- Dial the following number: **(929) 205-6099**
- Enter the following information when prompted:
 - Meeting ID: **857 5221 5591**
 - After you enter the Meeting ID please press # to enter the meeting. There is no passcode for this meeting.
- If you are participating by phone all graphics to be discussed during the meeting are included with this letter.

Once the meeting has started and attendance has been taken, all participants will be muted to allow for presentation by the meeting host. Please note that participants' video will be off by default, as well, so meeting host can display the below maps during the meeting. **Please note this meeting will be recorded.**

During the call attendees are asked to use the raise hand function to ask questions. This can be done by using the Raise Hand function if joining by video or by dialing *9 if joining by telephone.

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: Calyx Senior Living of Apex Zoning: PUD-CZ

Location: 7501 Jenks Road

Property PIN(s): 0732-19-6422 Acreage/Square Feet: 5.46 acres

Property Owner: Kobra, LLC

Address: 117Woodland Ridge Drive

City: Fuquay Varina State: NC Zip: 27526

Phone: _____ Email: _____

Developer: Carillon Assisted Living

Address: 4901 Waters Edge Drive, #200

City: Raleigh State: NC Zip: 27606

Phone: 919-852-4000 Fax: n/a Email: Marcos.Vidal@carillonassistedliving.com

Engineer: Summit Design and Engineering

Address: 1110 Navaho Drive, #600

City: Raleigh State: NC Zip: 27609

Phone: 919-332-0115 Fax: n/a Email: Don Sever,don.sever@summitde.com

Builder (if known): n/a

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts	
Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, 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

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	919-372-7470
	Danny Smith	Danny.Smith@ncdenr.gov

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

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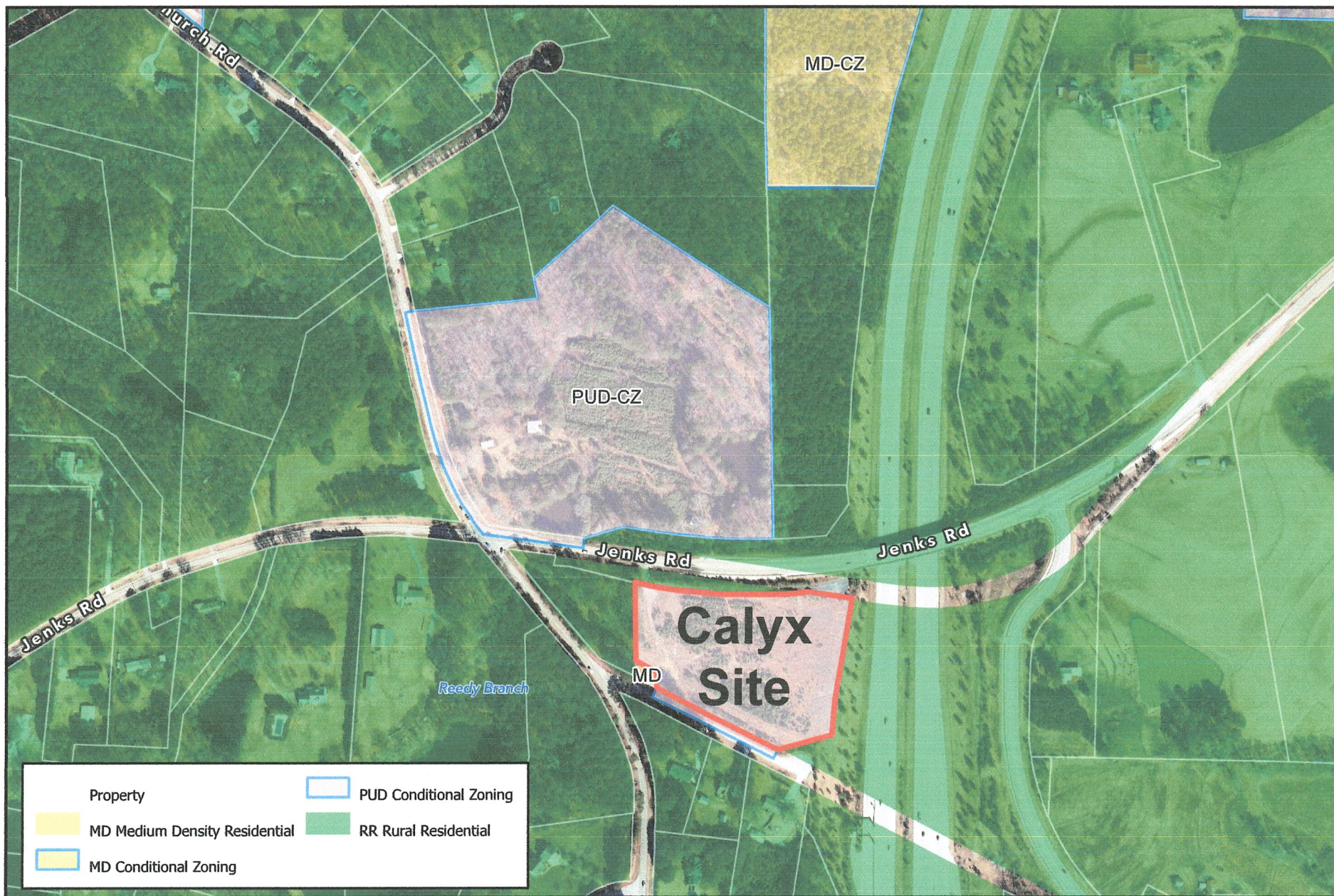
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

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.



**Calyx Senior Living of Apex
Vicinity and Zoning Map**



0 200 400 800 ft
1 inch equals 400 feet

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.

PRELIMINARY CONCEPTUAL DESIGN

CALYX SENIOR LIVING OF APEX - 7501 JENKS ROAD

KOBRA TRACT PUD
REAMS FARM DEVELOPMENT
OWNER: LENNAR OF THE CAROLINAS

JENKS ROAD

KELLY ROAD

Dominik Ct

DOMINIK COURT

HWY 540

540

540



List of Addresses provided by Town of Apex

SITE ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS
7344 DOMINIK CT	0732193336	APEX TOWN OF	PO BOX 250
1025 KELLY RD	0732184749	BRUHN, ANDREW YEPEZ, MELISSA	1025 KELLY RD
7339 DOMINIK CT	0732195021	CESPEDES, MERQUIADES	7704 JENKS RD
7341 DOMINIK CT	0732194101	CESPEDES, MERQUIADES JR	7704 JENKS RD
7333 DOMINIK CT	0732186777	CESPEDES, MERQUIADES N	7704 JENKS RD
1004 KELLY RD	0732190294	EDNEY, SUZANNE S	1004 KELLY RD
7450 JENKS RD	0732198808	JAINIX LLC	1012 TIMBER MIST CT
7501 JENKS RD	0732196422	KOBRA LLC	117 WOODLAND RIDGE DR
7500 GREEN LEVEL CHURCH RD	0733102211	LENNAR CAROLINAS LLC	1100 PERIMETER PARK DR STE 112
7533 JENKS RD	0732192507	MILLER, ROY B	6604 BRANDYWINE RD
7305 DOMINIK CT	0732188735	NC TURNPIKE AUTHORITY NC DEPT OF TRANSPRTATION	1578 MAIL SERVICE CENTER
7605 JENKS RD	0732097324	SEARS, JOHN BRUCE SEARS, ELIZABETH C	7605 JENKS RD
		Current Tenant	7333 Dominik CT
		Current Tenant	7339 Dominik CT
		Current Tenant	7341 Dominik CT
			APEX NC 27502-0250
			APEX NC 27523-9565
			APEX NC 27523-7818
			APEX NC 27523-7818
			APEX NC 27523-7818
			APEX NC 27523-9558
			CARY NC 27519-7510
			FUQUAY VARINA NC 27526-5923
			MORRISVILLE NC 27560-9119
			RALEIGH NC 27607-4847
			RALEIGH NC 27599-1578
			APEX NC 27523-7817
			APEX NC 27523-7817
			APEX NC 27523-7817
			APEX NC 27523-7817

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 - via Zoom

Date of meeting: April 26th, 2022 Time of meeting: 5pm - 7pm

Property Owner(s) name(s): Kobra LLC

Applicant(s): TMTLA Associates

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.	Bobby Jain (neighbor)				
2.	Thomas Beebe (rep. for seller)				
3.	Pam Porter (TMTLA Associates)				
4.	Marcos Vidal (Carillon Asst. Living)				
5.	Bob Steenson (Carillon Asst. Living)				
6.	Kerry Perkins (Carillon Asst. Living)				
7.	Jennifer Moore (Carillon Asst. Living)				
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): Kobra, LLC

Applicant(s): TMTLA Associates

Contact information (email/phone): pam@tmtla.com / 919-484-8880

Meeting Address: virtual

Date of meeting: April 26th, 2022

Time of meeting: 5pm-7pm

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:

Bobby Jainix asked if we would have issues with water and sewer capacity.

Applicant's Response:

It was noted that we will connect to the sewer being stubbed to our site from the development across the street.

Water is available in Jenks Road. We are not aware of any capacity issues and this was not mentioned at our presubmittal meeting with the Town.

Question/Concern #2:

Bobby Jainix asked about access to the site - specifically how people leaving site would make a left turn.

Applicant's Response:

It was noted that our entrance will line up with the proposed entrance for the Lennar development across the street. Full access movement is we are planning for.

Question/Concern #3:

Bobby Jainix asked if our project was related to the Lennar project that was approved across the street.

Applicant's Response:

It was noted that this development is not related to the Lennar development across the street.

Question/Concern #4:

Tom Beebe asked if our project would include any memory care. He also noted this was a needed use for Apex.

Applicant's Response:

It was noted this building would have 24 memory care units.

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, Pamela Porter, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted virtually (location/address)
on April 26th, 2022 (date) from 5pm (start time) to 7pm (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.

4-27-2022

Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE Duke

Sworn and subscribed before me, Misty N Oakley, a Notary Public for the above State and County, on this the 27th day of April, 20 22.

SEAL

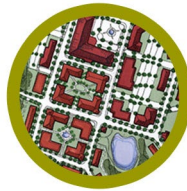
Misty N. Oakley
Notary Public - North Carolina
Granville County
My Commission Expires April 8, 2025

Misty N Oakley
Misty N Oakley

Notary Public

Print Name

My Commission Expires: April 8 2025



To: Town of Apex Planning Department
From: Pamela Porter, TMTLA Associates
Date: May 2, 2022, Revised August 12, 2022
RE: KOBRA Tract PUD Amendment (Tract 2)

This memo is being submitted to note the changes being proposed to the previously approved KOBRA Tract PUD-CZ. Please note these changes only apply to Tract 2 (Wake County PIN 0732-19-6422) and all previously approved conditions still apply to Tract 1. This memo will reference sections from the approved KOBRA Tract PUD Text.

Cover Sheet

The following change to reflect PUD amendment for Tract 2 only.

Applicant: TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713

2.0 Vicinity Map

The following amendment is proposed to Section 2.0 Vicinity Map:
Add a note indicating that the PUD amendment is focused on southern parcel of the KOBRA Tracts PUD-CZ.

3.0 Project Data

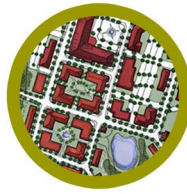
Name of Project to include "Calyx Senior Living of Apex."

Preparer of PUD amendment:
TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713
(919) 484-8880
pam@tmtla.com

Area of Mixed-Use Property proposed as Congregate Living Facility is 5.46 acres.

Percent of Mixed-Use areas proposed as non-residential development is 0%.

Percent of Mixed-Use Areas Proposed as Congregate Living Facility: 100%



4.0 Proposed List Of Uses

The following amendment is requested in Section 4.0:
Add "Congregate Living Facility" to the list of allowable uses.

5.0 Purpose Statement PUD Standards

No amendment to Section 5.0.

6.0 Proposed Design Controls

The following amendments are requested in Section 6.0:

We are requesting the maximum building square footage for Tract 2 to be 58,000 s.f.

We are requesting the residential density for Tract 2 be 11 resident rooms per acre.

We are requesting the setbacks listed as "Non-Residential Setbacks" be applicable to our proposed use (congregate living facility) on Tract 2.

We are requesting a reduction of the landscape buffer on the east, I-540 side of the site from 100' to 50'. While our use is residential by Town definition our use is institutional and commercial by nature. None of the residential components will fall within 100' of I-540, so we request to utilize the 50% buffer reduction noted in Sec. 8.2.6 of the UDO that non-residential uses adjacent to a limited access highway are able to use.

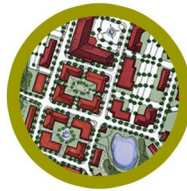
7.0 Proposed Residential Architectural Controls

We propose that these would only apply to Tract 1 (Lennar Corporation).

8.0 Proposed Non-Residential Architectural Controls

We request to amend this section to read "Proposed Congregate Living Facility Architectural Controls" and revise this list to the following items:

1. The predominant exterior building material shall be fiber cement siding.
2. The building exterior shall have more than one (1) material color.
3. No more than 20% of any building façade may consist of EIFS material.
4. EIFS or synthetic stucco shall not be used in the first 4 feet above grade.



9.0 Parking and Loading

We are requesting a 20% reduction in the required parking for a congregate living facility. Section 8.3 of the Town of Apex Unified Development Ordinance calls for 1 parking space per dwelling unit. We propose amending this to 0.8 parking spaces per resident room.

11.0 Natural Resource and Environmental Data

We propose no amendment to Section 11.0 however, note the required RCA is accounted for on Tract 1 and there are no wetlands or streams located on Tract 2.

12.0 Stormwater Management Requirements

No amendment to Section 12.0.

13.0 Parks, Recreation and Cultural Advisory Commission Review

We propose a modified interpretation of UDO Article 14.1.1.B.2, which currently stipulates that a developer may be allowed to “pay to the Town a fee-in-lieu of dedication as provided herein.” We recognize that a fee-in-lieu of land dedication would make the most sense for this project however, we support a fee-in-lieu that reflects the room count equal to the total licensed assisted living rooms in the Congregate Care Facility less the rooms designated as memory care. We request to have room count for memory care removed from the fee-in-lieu calculation.

14.0 Public Facilities Requirements

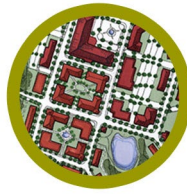
No amendment in Section 14.0.

15.0 Phasing Plan

We request amending the language to note Phase 2 as the Congregate Living Facility parcel.

16.0 Consistency With 2045 Land Use Plan

The parcel is designated as high density residential, office employment, and commercial services under the 2045 Land Use Map. The proposed use for a licensed assisted living facility is consistent with the Future Land Use Map because congregate living of this type is both high density residential by definition and commercial because it provides essential, professional care



services to the senior population. The proposed use is consistent with the intended goals and objectives of Apex' 2045 Land Use Map.

17.0 Consistency with Unified Development Ordinance

The following amendment is requested in Section 17.0:

Note that the development in Tract 2 will not supply a connection to Dominik Court.

18.0 Elevations

No amendment to Section 18.0.

19.0 Affordable Housing

The following amendment is requested in Section 19.0:

The \$15,000 contribution noted is only applicable to Tract 1. No contributions applicable to Tract 2 (congregate living facility).

20.0 Environmental Advisory Board (EAB) Zoning Conditions

The following conditions are being proffered as a result of the outcome of the meeting with the Environmental Advisory Board (EAB).

1. Building will include conduit to the roof to make it solar ready.
2. Site lighting will utilize full cut-off parking lot fixtures.
3. Site landscaping will exceed the minimum UDO landscape requirements.

**ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO
CHANGE THE ZONING OF APPROXIMATELY 24.63 ACRES LOCATED AT 7500 GREEN LEVEL
CHURCH ROAD & 7501 JENKS ROAD FROM RURAL RESIDENTIAL TO PLANNED UNIT
DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)**

#20CZ04

WHEREAS, the application of KOBRA LLC/WithersRavenel petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter a public hearing was held hereon on the 14th day of September 2020 before the Planning Board and the 6th day of October 2020, before the Town Council, respectively, pursuant to due notice mailed and published pursuant to G.S. § 160A-384. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes; **NOW, THEREFORE**,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment "A" – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the "Rezoned Lands."

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

Section 3: The "Rezoned Lands" are subject the conditions in Attachment "B" Kobra Tracts PUD which are imposed as part of this rezoning.

Section 4: The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 5: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Ordinance Amending the Official Zoning District Map #20CZ04
Page Two

Section 6: This ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member STALLINGS

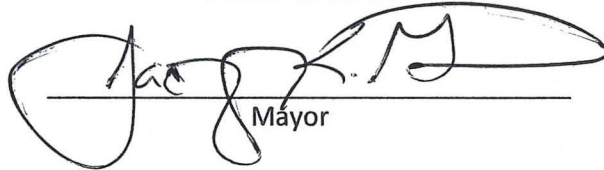
Seconded by Council Member KILLINGSWORTH

With 5 Council Member(s) voting "aye."

With 0 Council Member(s) voting "no."

This the 20 day of OCTOBER 2020.

TOWN OF APEX



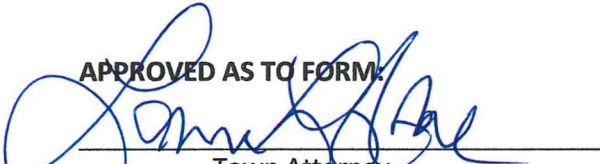
Mayor

ATTEST:



Town Clerk

APPROVED AS TO FORM:



Town Attorney

Legal Description - Tract 2/Lot 2 BM 2014, Pg. 384-386

Beginning at an existing iron pipe on the eastern right of way of Green Level Church Road (SR 1600), a common corner with (now or formerly) Arthur H. Laford (DB 6295, Pg. 580), said iron pipe having NC grid, NAD 83 (2011) coordinates of Y(N): 730,468.49 and X(E): 2,030,626.73 and being the true point of beginning for the property herein described:

Thence N84°21'29"E, 369.96 feet along a common line with Laford to an existing iron pipe;

Thence N12°09'14"W, 62.39 feet along a common line with Laford to an existing iron pipe, a common corner with (now or formerly) Robert S. and Lynn S. Craycroft (DB 5018, Pg. 504);

Thence N47°52'48"E, 139.68 feet along a common line with Craycroft to an existing iron pipe;

Thence N47°57'19"E, 128.00 feet along a common line with Craycroft to an existing iron pipe, a common corner with (now or formerly) John and Kristel M. Weldon (DB 16653, Pg. 1598);

Thence N47°16'47"E, 55.55 feet along a common line with Weldon to an existing iron pipe;

Thence S56°40'28"E, 438.88 feet along a common line with Weldon to an existing iron pipe;

Thence S58°25'06"E, 122.64 feet along a common line with Weldon to an existing iron pipe at the base of an 8" gum in the line of (now or formerly) Jainix, LLC (DB 17341, Pg. 1696);

Thence S00°52'14"E, 700.93 feet along a common line with Jainix to an existing iron pipe on the northern right of way of Jenks Road (SR 1601), passing an existing iron pipe marking the boundary between adjoining Jainix properties (DB 17341, Pg. 1696 and DB 17239, Pg. 1509) at 539.35 feet;

Thence along the northern right of way of Jenks Road the following courses and distances:

1. Along the arc of a curve to the right having a radius of 1,920.00 feet, an arc length of 331.36 feet, and a chord bearing and distance of N86°36'58"W, 330.95 feet to an existing iron pipe;
2. N81°40'19"W, 119.30 feet to an existing iron pipe; and
3. S74°05'18"W, 122.94 feet to an existing iron pipe;

Thence S08°08'33"W, 30.00 feet to a new mag nail in the centerline of Jenks Road;

Thence N81°51'27"W, 303.85 along the centerline of Jenks Road to a new mag nail in the centerline intersection of Jenks and Green Level Church Roads;

Thence along the centerline of Green Level Church Road the following courses and distances:

1. Along the arc of a curve to the right, having a radius of 900.89 feet, an arc length of 111.75 feet, and a chord bearing and distance of N34°42'19"W, 111.68 feet to a new mag nail;
2. Along the arc of a curve to the right, having a radius of 880.73 feet, an arc length of 252.92 feet and a chord bearing and distance of N21°36'21"W, 252.05 feet to a new mag nail;
3. N13°18'37"W, 196.98 feet to a new mag nail; and
4. N12°02'38"W, 154.60 feet to a new mag nail;

Thence leaving the centerline of Green Level Church Road N77°57'22"E, 30.00 feet to the point and place of beginning, containing 823,040 square feet or 18.894 acres for the tract herein described.

Legal Description - Tract 2/Lot 3 BM 2014, Pg. 384-386

Beginning at an existing NCDOT right of way disc on the southern right of way of Jenks Road (SR 1601), said disc having NC grid, NAD 83 (2011) coordinates of Y(N): 729,622.35 and X(E): 2,031,811.59 and being the true point of beginning for the property herein described:

Thence S81°55'19"E, 131.38 feet along the southern right of way of Jenks Road to an existing NCDOT right of way disc on the western right of way of NC Highway 540;

Thence along the western right of way of NC Highway 540 the following courses and distances:

1. S09°16'13"W, 304.25 feet to an existing NCDOT right of way disc;
2. S05°39'21"W, 110.31 feet to an existing NCDOT right of way disc; and
3. S74°18'38"W, 168.88 feet to an existing NCDOT right of way disc on the northern right of way of Dominik court (formerly Green Level Church Road, SR 1600);

Thence S27°20'07"W, 30.00 feet to a new mag nail in the centerline of Dominik court;

Thence N62°39'53"W, 231.82 feet along the centerline of Dominik court to a new mag nail;

Thence N62°55'28"W, 176.19 feet along the centerline of Dominik court to a new mag nail;

Thence leaving the centerline of Dominik court N27°04'31"E, 29.72 feet to an existing iron pipe, a common corner with (now or formerly) the Town of Apex (DB 9991, Pg. 1308);

Thence N00°33'05"W, 49.68 feet along a common line with the Town of Apex to an existing iron pipe;

Thence N62°29'58"W, 69.96 feet along a common line with the Town of Apex to an existing iron pipe in the line of (now or formerly) Roy B. Miller (DB 2799, Pg. 154);

Thence N00°29'01"W, 235.19 feet along a common line with Miller to an existing iron pipe on the southern right of way of Jenks Road;

Thence S76°36'12"E, 59.39 feet along the southern right of way of Jenks Road to an existing NCDOT right of way disc;

Thence along the southern right of way of Jenks Road along the arc of a curve to the left having a radius of 2,080.00 feet, an arc length of 463.43 feet, and a chord bearing and distance of S88°03'21"E 462.48 feet to the point and place of beginning, containing 249,931 square feet or 5.738 acres for the tract herein described.

Planned Unit Development Plan

KOBRA TRACTS

Apex, North Carolina

Revision Date: 10-06-2020

Prepared for The Town of Apex

Applicant

Lennar Corporation – Raleigh Division
1100 Perimeter Park Drive, Suite 112
Morrisville, NC 27560

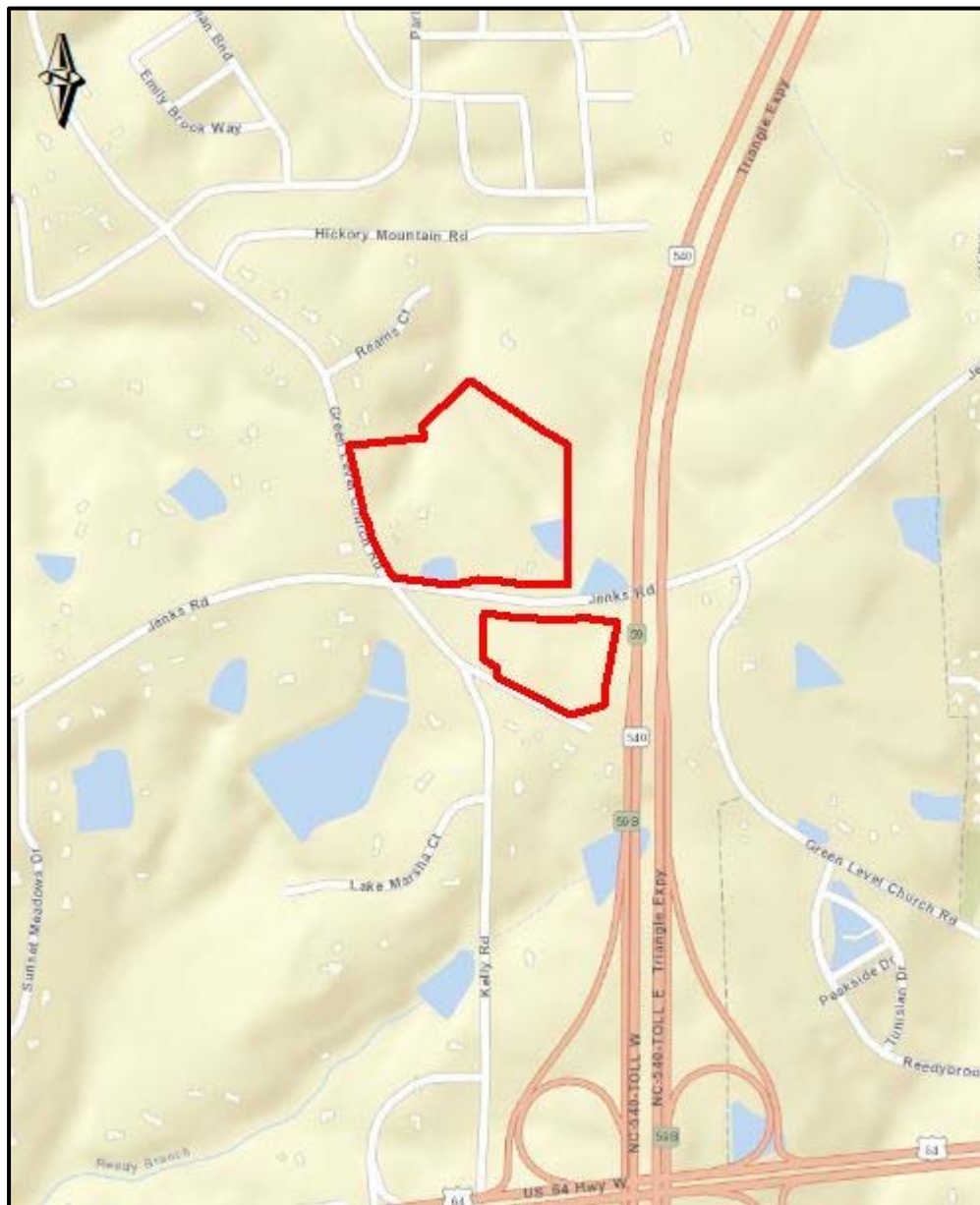
Property Owner

KOBRA LLC
117 Woodland Ridge Drive
Fuquay-Varina, NC 27526

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2.0 VICINITY MAP



Project Parcels: Not to Scale

3.0 PROJECT DATA

Name of Project	KOBRA Tracts	
PIN(s)	0733102211 0732196422	
Preparer/Owner Information	Prepared by	WithersRavenel 137 S. Wilmington Street, Suite 200 Raleigh, NC 27601 Phone: 919.469.3340 Fax: 919.467.6008 Email: bvega@withersravenel.com
	Owner	KOBRA LLC 117 Woodland Ridge Drive Fuquay-Varina, NC 27526
Current Zoning Designation	Rural Residential (RR)	
Proposed Zoning Designation	Planned Unit Development (PUD-CZ)	
Current 2045 Land Use Map Designation	Med. Density Residential/Office Employment & Mixed-Use: High Density Residential/Office Employment/Commercial Services	
Proposed 2045 Land Use Map Designation	No Proposed Change	
Area of Tracts	18.21 ac & 5.46 ac (Total 23.67 ac)	
Area designated as Mixed-Use on 2045 Land Use Map	5.46 ac	
Area of Mixed-Use Property Proposed as Non-Residential Development	5.46 ac	
Percent of Mixed-Use Areas Proposed as Non-Residential Development	100%	

4.0 PROPOSED LIST 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.

Residential

- Single-Family
- Accessory Dwelling Unit
- Townhouse
- Townhouse, Detached

Non-Residential

- Utility, Minor
- Greenway
- Park, Active
- Park, Passive
- Office, Business or Professional
- Restaurant, General
- Medical or Dental Office or Clinic
- Medical or Dental Laboratory
- Hotel or Motel
- Artisan Studio
- Barber and Beauty Shop
- Pet Services
- Studio for Art
- Tailor Shop
- Microbrewery
- Microdistillery
- Retail Sales, General
- Grocery, Specialty
- Book Store
- Financial Institution
- Floral Shop
- Funeral Home
- Kennel
- Newsstand or Gift Shop
- Personal Service
- Pharmacy
- Printing and Copying Service
- Real Estate Sales

5.0 PURPOSE STATEMENT-PLANNED UNIT DEVELOPMENT STANDARDS

The KOBRA Tracts Conceptual Layout has been carefully designed in order to help establish appropriately-sized residential and non-residential land uses strategically along major thoroughfares. With the Town of Apex expanding, intentional development along the 540 corridor will help the nearby areas grow in a purposeful manner according to the concepts laid out in the Advance Apex Future Land Use Plan. The site will provide a mixture of residential options and non-residential uses that will set the tone for corridor development in northwest Apex. This elegant mixture of uses will create a live/work environment that will promote walkability and serve as an anchor for strategic, intentional development.

6.0 PROPOSED DESIGN CONTROLS

Maximum Square Footage per Non-Residential Use	39,000 sq. ft.		
Maximum Densities per Residential Use (du/Acre)	3 du/acre (70 du total)		
Maximum Height of Buildings	Residential – 32 feet		
	Non-residential - 48 feet		
Minimum Residential Setbacks	Front: 5' from façade 19' from garage to lot line 20' from garage to back of sidewalk	Side: 5'	Rear: 10'
		Corner Side: 10'	
Non-Residential Setbacks	Front: 20'	Side: 10'	Rear: 20'
		Corner Side: 10'	
Amount and Percentage of Built Upon Area Allowed	70%		
Amount and Percentage of Proposed Built Upon Area (Max)	16.57 Acres, 70%		

Buffers shall be designated as such:

Northern Parcel (PIN #0733102211)	
North	10' Type B Buffer
East	10' Type B Buffer
South	30' Type B Buffer
West	30' Type B Buffer
Southern Parcel (PIN #0732196422)	
North	30' Type E Buffer
West	20' Type B Buffer
South	20' Type B Buffer
East	100' Type A Buffer**
**May be reduced to 50' Type A Buffer per UDO Section 8.2.6	

A 30 ft. wide minimum cross access easement will be provided from PIN# 0733102211 to PIN# 0732198808 in order to provide an access point for the parcel through a driveway at Jenks Road. In the event that the driveway extends to the main entrance of the subdivision on Jenks Road, the buffer will be reduced to no less than 15' to accommodate the access easement.

7.0 PROPOSED RESIDENTIAL ARCHITECTURAL CONTROLS

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All townhomes shall have a raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
3. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
4. Garage doors must have windows, decorative details or carriage-style adornments on them.
5. Entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. Building facades shall have horizontal relief achieved by the use of recesses and projections.

7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap-around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gables
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
10. The Residential dwelling units will be provided with solar conduit to accommodate the future installation of solar panels.

8.0 PROPOSED NON-RESIDENTIAL ARCHITECTURAL CONTROLS

1. The predominant exterior building materials shall be brick, wood, stone, and tinted/textured concrete masonry units.
2. The building exterior shall have more than one (1) material color.
3. No more than 20% of any building façade may consist of EIFS material.
4. EIFS or synthetic stucco shall not be used in the first 4 feet above grade.

9.0 PARKING AND LOADING

All parking provided on the Site will comply with the requirements outlined in Section 8.3 of the Town of Apex Unified Development Ordinance.

10.0 SIGNAGE

All signage on the Site will comply with the requirements outlined in Section 8.7 of the Town of Apex Unified Development Ordinance.

11.0 NATURAL RESOURCE AND ENVIRONMENTAL DATA

The KOBRA Tracts Site is located within the Primary Watershed Protection Overlay District and is therefore subject to the requirements outlined in Section 6.1 of the Town of Apex Unified Development Ordinance.

The parcels that make up the Site do not contain FEMA designated 100-year floodplains according to FEMA FIRM Panels 3720073300J and 3720073200J, effective 05/02/2006.

The Site is also subject to the Resource Conservation Area requirements outlined in Section 8.1 of the Town of Apex Unified Development Ordinance.

- 5.92 acres (25% of gross site acreage) required for the Resource Conservation Area
- 6.0 acres (25.35% of gross site acreage) of Resource Conservation Area provided.

Existing deciduous trees greater than 18" in diameter (DBH), as identified in the tree survey, 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.

According the North Carolina Historic Preservation Office's HPOWEB 2.0 Mapping application, there are no historic structure contained on the Site.

12.0 STORMWATER MANAGEMENT REQUIREMENTS

The parcels on which the development is proposed upon currently consist of a few existing structures, some cleared lands, and wooded lands. Two ponds exist on the northern parcel, and drain to Clark Branch Creek and Reedy Branch Creek, eventually feeding into Jordan Lake. The proposed development plan will require stormwater management measures in accordance with Sections 6.1 and 7.5.7 in the Town of Apex Unified Development Ordinance. Stormwater captured on the Site will be conveyed to proposed Stormwater Control Measures, which will be identified on plans during the master subdivision or site plan approval stage. Post-development peak runoff shall not

exceed pre-development peak runoff for the 24-hour, 1-year and 10-year storm events in accordance with the Unified Development Ordinance. Treatment for the first 1-inch of runoff will be provided such that the removal of 85% Total Suspended Solids is achieved. All stormwater devices will meet the design requirements of NCDENR and the Town of Apex.

13.0 PARKS, RECREATION AND CULTURAL ADVISORY COMMISSION REVIEW

At the June 24, 2020 meeting, the PRCAC recommended a fee-in-lieu of \$2,321.54 per unit to be paid at the time of the first final subdivision plat.

14.0 PUBLIC FACILITIES REQUIREMENTS

All utilities shall meet the Town of Apex Master Utility Maps.

Sanitary Sewer Service

All on-site sanitary sewer lines will be designed according to Town of Apex Engineering Standards and Specifications. Easements will be established for public sewer outside of Public R/W.

Sanitary Sewer will be established upon the site and will tie into an existing manhole at the southern end of the Greenmoor Subdivision via an offsite sewer outfall to be within a Town of Apex utility easement. Potable water will be established upon the site and tie to the existing lines along Green Level Church Road and Jenks Road.

Water Service

All on-site water lines will be designed according to Town of Apex Engineering Standards and Specifications.

Gas & Electric Service

The Public Service Company of North Carolina (PSNC) will require a revenue analysis based on the proposed development in order to determine the applicable costs to the developer for installation of infrastructure.

The Site is in the service area of both the Town of Apex Electric Utilities and Progress Energy.

Roadways

The Site will require an internal public roadway network and parking spaces. The onsite transportation circulation system shall be consistent with the Town of Apex Transportation Plan and the Town of Apex Standard Specifications and Standard Details. Frontage improvements along Jenks Road & Green Level Church Road have been identified during the pre-application correspondence and will be incorporated into the design, subject to approval by the Town of Apex & NCDOT.

Phase 1 roadway improvements are as follows:

- i. Developer shall dedicate public right-of-way along Green Level Church Road based on a minimum of half of a 4-lane, 110' right-of-way section and construct a 5' paved shoulder along the frontage within Phase 1.
- ii. Developer shall construct a southbound left turn lane on Green Level Church Road at Jenks Road with at least 150' of storage and adequate taper & deceleration lengths per NCDOT standards.
- iii. Developer shall construct a southbound left turn lane on Green Level Church Road at proposed site access with at least 50' of storage and adequate taper & deceleration lengths per NCDOT standards. This access shall be located a minimum of 500 feet from Jenks Road.
- iv. Developer shall dedicate public right-of-way along Jenks Road based on a minimum of half of a 3-lane, 80' right-of-way section and construct a 5' paved shoulder along the frontage within Phase 1. Jenks Road improvements shall include the extension of the existing two-way left turn lane from west of the NC 540 bridge to the intersection with Green Level Church Road. The access points for Phase 1 and Phase 2 shall align across from each other and be located a minimum of 500 feet from Green Level Church Road.
- v. Developer shall coordinate with traffic signal installation by others at the intersection of Green Level Church Road at Jenks Road if not already installed by the time this development plan moves forward. Developer is responsible for plan revisions and

- modifications to the traffic signal to accommodate roadway improvements associated with Phase 1 and Phase 2.
- vi. Developer shall dedicate additional right-of-way along the project frontage to accommodate a roundabout based on the preliminary layout on file with the Town (designed as part of the Westford development zoning conditions) if not removed from the Transportation Plan prior to subdivision plan approval.

Phase 2 roadway improvements are as follows:

- i. Developer shall not propose access to Dominik Court until either one of the following conditions is met:
 - a. Dominik Court is realigned southward to provide an approximate right-angle intersection with Kelly Road approximately 700-800' south of Jenks Road, and a southbound left turn lane is provided on Kelly Road at Dominik Court with a minimum of 100' of storage plus deceleration and taper according to NCDOT standards.
 - b. A public street connecting Dominik Court to Jenks Road is constructed and Dominik Court is converted to a right-in/right-out access at Kelly Road.

Transit

According to the Advance Apex 2045 Transportation Plan, there are no existing or proposed transit routes designated on or adjacent to the Site.

Pedestrian Facilities

According to the Advance Apex 2045 Plan, sidewalks are planned along both Green Level Church Road and Jenks Road. The development plan will incorporate sidewalk infrastructure along both streets as well as the internal street network, and thus is in compliance with the future land use plan.

Phase 1 pedestrian facility improvements are as follows:

- i. Developer shall construct a 10' side path on the east side of Green Level Church Road along the frontage within Phase 1.
- ii. Developer shall construct a 5' sidewalk on the north side of Jenks Road along the frontage within Phase 1.

Phase 2 pedestrian facility improvements are as follows:

- i. Developer shall construct a 10' side path on the south side of Jenks Road along the frontage within Phase 2.
- ii. Developer shall construct an extension of the 10' side path located on the south side of Jenks Road from Phase 2 to the intersection of Jenks Road and Green Level Church Road and design and install a signalized crosswalk across Jenks Road at the traffic signal. Fee-in-lieu, in the amount of 125% of the estimated cost of construction plus fair market value of the property to be acquired, shall be assessed if easement or right-of-way cannot be secured prior to completion of the first CO within Phase 2. Any performance guarantee provided for this section of side-path shall be released upon acceptance of said fee-in-lieu by the Town.
- iii. Developer shall improve the north side of Dominik Court along the frontage of Phase 2 based on a minimum 27' b-b curb and gutter roadway with 5' sidewalk.

Education

Wake County Public Schools Long Range Planning has verified the following base schools for this future residential area:

Base School	Enrollment Cap	Student Overflow School
White Oak Elementary	Yes	Davis Drive Elementary
Mills Park Middle	Yes	West Cary Middle
Green Level High	No	

The Apex Friendship Elementary School on Humie Olive Road is expected to open in August 2022.

15.0 PHASING PLAN

KOBRA Tracts development will be constructed in phases according to economic considerations and infrastructure requirements. The residential section of the site

137 S Wilmington Street, Suite 200 | Raleigh, NC 27601

t: 919.469.3340 | f: 919.467.6008 | www.withersravenel.com | License No. C-0832

Asheville | Cary | Greensboro | Pittsboro | Raleigh | Wilmington

will be developed as a standalone phase separate from the commercial section. Phase 1 and phase 2 improvements shall be constructed as described in the previous section.

Please note the following considerations for the phasing plan:

1. Access points are preliminary in nature and subject to Town of Apex and NCDOT review and approval.
2. Limits of land disturbance within each phase shall be determined at the master subdivision plan and site plan stages.
3. Public utilities shall be provided for each phase of development.

16.0 CONSISTENCY WITH 2045 LAND USE PLAN

The Advance Apex 2045 Future Land Use Map depicts the future land use of the northern parcel as a mixture of Medium Density Residential and Office Employment. Medium Density Residential lands are described in the Land Use Plan as consisting of single-family homes, duplexes, and townhomes with densities between three (3) and seven (7) dwelling units per acre. It is intended to act as a transition between higher and lower residential densities. The Office Employment land use is described as allowing for a wide range of businesses that provide professional, managerial, or administrative services. The plan also states that Office Employment lands should match the scale and character of their surroundings.

The southern parcel is made up of High Density Residential, Office Employment and Commercial Service designations, as well as being considered a Mixed-Use land classification. High Density Residential land is described as providing housing options located in close proximity to major commercial areas or corridors, and includes townhomes, triplexes, quadplexes and apartments at densities greater than 14 dwelling units per acre. Similar to Office Employment, Commercial Services land is described as match the scale and character of its surroundings. These lands are designated to supply commercial services and conveniences. Being within a Mixed-Use portion of land, the

site is required to have greater than or equal to 30 percent of its development be related to non-residential uses.

Overall, the KOBRA Tracts Site proposes medium density residential housing options appropriate to its proximity to major thoroughfares, as well as establishing a healthy mixture of non-residential space to nurture a live/work environment in northwestern Apex. Uses proposed for the site are directly in line with the uses declared in the Future Land Use Plan.

17.0 CONSISTENCY WITH UNIFIED DEVELOPMENT ORDINANCE

The proposed development is consistent with all applicable requirements of the Town of Apex Unified Development Ordinance. To this extent, it is worth noting that the development will not supply stub streets on the eastern termination of the residential section of the project per the text of the following section:

- 7.2.1.A.2.c.iii - Where severe topography or other physical features exist, the Planning Director in conjunction with the Stormwater and Utility Engineering Manager, may determine that a stub street is not required.

Due to the environmental impact of the potential connection to the eastern parcel, it is requested that no stub be required at this location.

18.0 ELEVATIONS

Please see the following pages for typical elevations illustrative of the proposed residential building.

19.0 AFFORDABLE HOUSING

If the Town of Apex has a fund or other mechanism in place to receive donations to construct, subsidize, or participate in the development of affordable housing units (the "Fund"), the developer will contribute \$15,000 to this Fund prior to the first residential Certificate of Occupancy. In the event the Fund has not been established by the Town of Apex, the money will be conveyed to a local non-profit working on affordable housing

initiatives. The developer will work with the Town of Apex to identify a mutually acceptable local non-profit organization to receive these funds.

AMENDMENT TO THE KOBRA TRACT PLANNED UNIT DEVELOPMENT (PUD)
KOBRA PUD TRACT 2

Calyx Senior Living of Apex

TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA
CASE #: 22CZ10

SUBMITTALS		
First Submittal	_____	5/2/2022
Second Submittal	_____	6/10/2022
Third Submittal	_____	6/30/2022

SHEET INDEX		
Cover	_____	COVER
Existing Conditions Plan	_____	L-1
Conceptual Layout Plan	_____	L-2
Preliminary Utility Plan	_____	L-3
Stormwater Management Plan	_____	L-4
Bldg. Elevation Renderings	_____	L-5

ZONING CONDITIONS

We are amending the zoning conditions on the originally approved KOBRA Tract PUD to include the following. These conditions shall only apply to Tract 2 of the KOBRA Tract PUD:

- 1) Amend the current PUD to add Congregate Living Facility as a permitted use.
- 2) Amend the current PUD to allow for up to 58,000 sf of gross building area.
- 3) A 20% reduction of the required parking for a congregate living facility based on current requirements.
- 4) 100% of Tract 2 shall be congregate living.
- 5) Maximum density for Tract 2 shall be 11 rooms/acre.
- 6) A reduction in the landscape buffer along the east side of the site (adjacent to Hwy 540) from 100' to 50'.
- 7) Development shall utilize "non-residential setbacks" as outlined in Section 6.0 of the approved Kobra Tract PUD document.
- 8) Amend Section 7.0 of the approved Kobra Tract PUD document to note these architectural controls only apply to Tract 1.
- 9) Amend Section 8.0 of the approved Kobra Tract PUD document to read "Proposed Congregate Living Facility Architectural Controls" and list all architectural controls applicable to this project.
- 10) Amend Section 15.0 of the approved Kobra Tract PUD document to note Phase 2 as the Congregate Living Facility parcel.
- 11) Amend Section 17.0 of the approved Kobra Tract PUD document to eliminate stub connection to Dominik Court.
- 12) Amend Section 19.0 of the approved Kobra Tract PUD document to note the \$15,000 contribution is only applicable to Tract 1.
- 13) We propose a modified interpretation of UDO Article 14.1.1.B.2, which refers to a fee-in-lieu of land dedication. We recognize that a fee-in-lieu would make the most sense for this project however, we support a fee-in-lieu that reflects the room count equal to the total licensed assisted living rooms in the Congregate Care Facility less the rooms designated as memory care. We request to have room count for memory care deducted from the fee-in-lieu calculation.

All other zoning conditions approved as part of the original KOBRA Tract PUD shall remain.

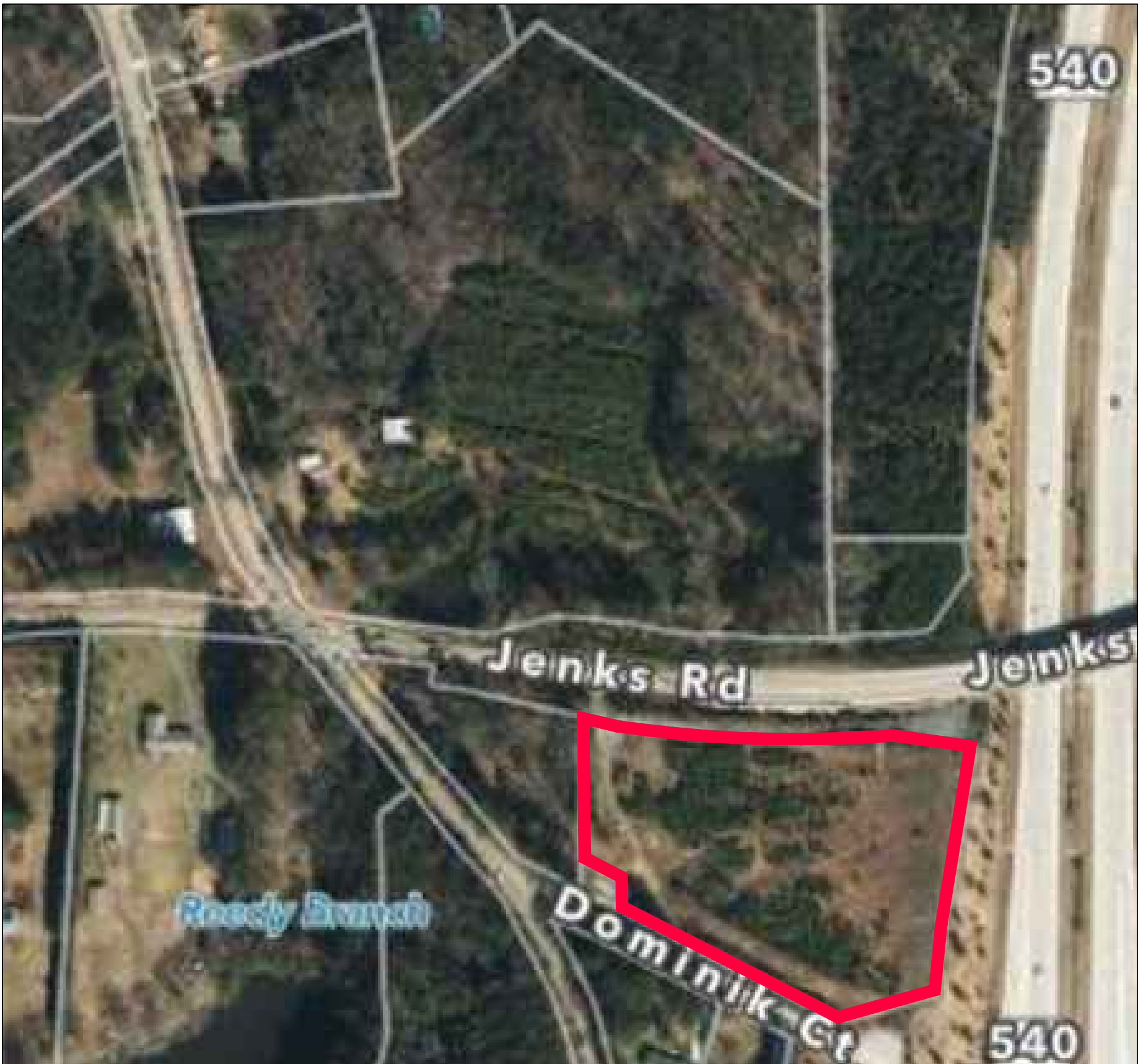
CONTACT INFORMATION

LANDSCAPE ARCHITECT/APPLICANT:
TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713
(919) 484-8880

CIVIL ENGINEERS/SURVEYOR:
Summit Design and Engineering
1110 Navaho Drive, Ste. 609
Raleigh, NC 27609
(919) 322-0155

OWNER:
Kobra, LLC
117 Woodland Ridge Drive
Fuquay Varina, NC 27526

DEVELOPER/CONTRACT PURCHASER/ AGENT:
Carillon Assisted Living
4901 Waters Edge Drive, Ste. 200
Raleigh, NC 27606
(919) 852-4000



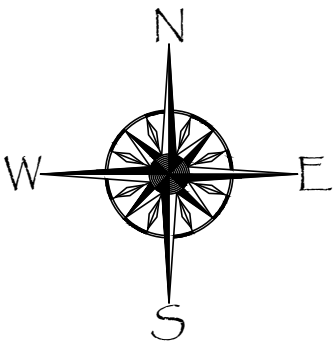
AERIAL PHOTO (SITE OUTLINED IN RED)

1" = 200'



VICINITY MAP (SITE OUTLINED IN RED)

1" = 1,000'



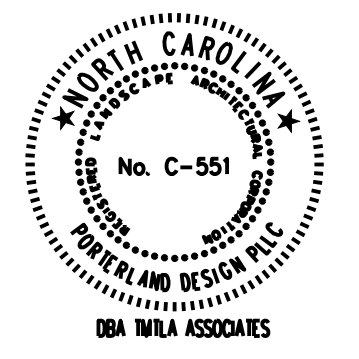
PROJECT DATA

NAME OF PROJECT	CALYX SENIOR LIVING OF APEX
CURRENT 2045 LUM DESIGNATION	MIXED USE
AREA OF TRACT	5.46 ACRES
AREA DESIGNATED AS MIXED USE ON 2045 LUM	5.46 ACRES
AREA OF MIXED USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	0 ACRES
PERCENT OF MIXED USE AREAS PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	0%
EXISTING GROSS S.F. OF BUILDINGS	0 S.F.
PROPOSED GROSS S.F. OF BUILDING	58,000 S.F.
PROPOSED GROSS S.F. BY FLOOR AREA	58,000 S.F.
PROPOSED HEIGHT OF BUILDING	32' MAX.
PROPOSED NUMBER OF STORIES	1
PROPOSED NUMBER OF ROOMS	62 MAX.
NUMBER OF PARKING SPACES REQUIRED	62
TOTAL NUMBER OF PARKING SPACES PROVIDED	50 MIN.
REQUIRED SETBACKS	
FRONT	5' FROM FACADE
SIDE	5'
SIDE CORNER	10'
REAR	10'
WATERSHED PROTECTION OVERLAY DISTRICT	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT
BUILT UPON AREA SUMMARY	
PRIMARY WATERSHED PROTECTION OVERLAY	12%
MAXIMUM IMPERVIOUS PER UDO SEC.6.1	
PROPOSED IMPERVIOUS	50%
MAX ALLOWED UNDER HIGH DENSITY	
OPTION FOR PUD-CZ	70%

DOES SITE CONTAIN HISTORIC STRUCTURES

NO

NOTE: THE PARKS, RECREATION AND CULTURAL RESOURCES ADVISORY COMMISSION REVIEWED THE PROJECT AT THE JUNE 29TH, 2022 MEETING AND UNANIMOUSLY RECOMMENDED A FEE-IN-LIEU OF DEDICATION. THE FEE RATE IS SET AT THE TIME OF TOWN COUNCIL APPROVAL AND RUNS WITH THE LIFE OF THE PROJECT AND IS BASED ON THE TOTAL UNIT COUNT ON THE APPROVED SITE PLAN.



REVISIONS:

COVER
CALYX SENIOR LIVING
7501 Jenkins Road
Apex, NC

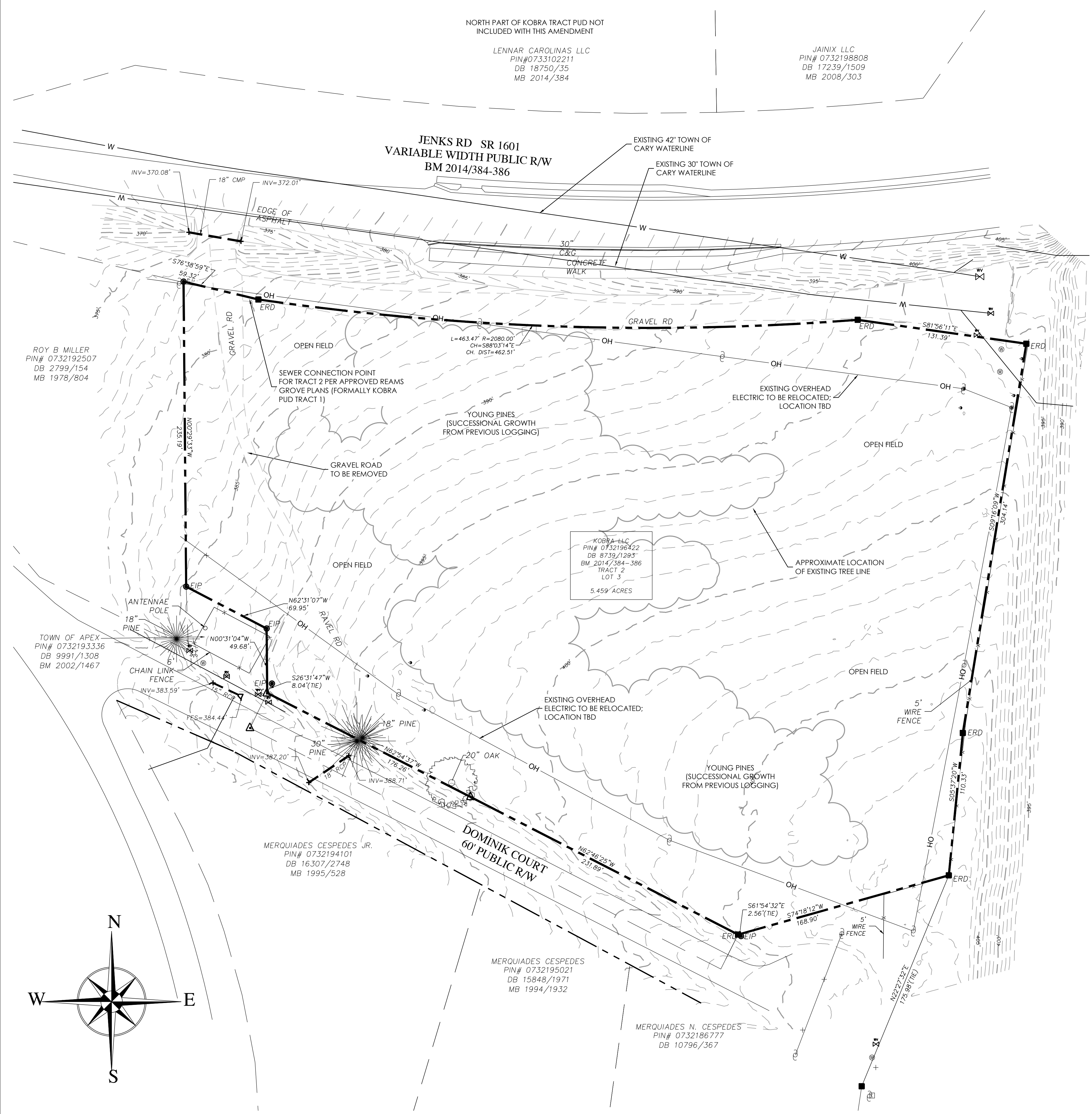
SCALE:
AS NOTED
DRAWN BY:
PMP
PROJECT #
22024
DATE:
5/2/2022

SHEET

COVER
OF

TMTLA ASSOCIATES

5011 SOUTHPARK DRIVE, STE. 200 - DURHAM, NC 27713
p: (919) 484-8880 e: info@tmtla.com



EXISTING CONDITIONS NOTES

1. BOUNDARY AND FIELD TOPOGRAPHIC SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING, MARCH 2022.
2. PROJECT SITE IS NOT LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS, AS SHOWN ON FIRM PANEL #3720073300JJ DATED 5/2/2006 AND PANEL #3720073200JJ DATED 5/2/2006.
3. THERE ARE NO PROTECTED WETLANDS WITHIN THE PROJECT SITE.
4. THERE ARE NO BUFFERED STREAMS WITHIN THE PROJECT SITE.
5. TREE INFORMATION BASED ON SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING, MARCH 2022.
6. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
7. ANY EXISTING MISCELLANEOUS STRUCTURES AND DRIVEWAYS SHALL BE REMOVED PER THE TOWN OF APEX STANDARDS AND REQUIREMENTS.
8. EXISTING CONDITIONS AS SHOWN ON THESE PLANS ARE GENERAL AND ILLUSTRATIVE IN NATURE AND DO NOT INCLUDE MECHANICAL, ELECTRICAL AND MISCELLANEOUS STRUCTURES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW THE PROJECT SITE AND FAMILIARIZE WITH ACTUAL FIELD CONDITIONS PRIOR TO BIDDING AND COMMENCING WORK. IF FIELD CONDITIONS ARE FOUND TO BE SIGNIFICANTLY DIFFERENT THE CONTRACTOR SHALL NOTIFY THE PROJECT LANDSCAPE ARCHITECT OR ENGINEER IMMEDIATELY.

PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION

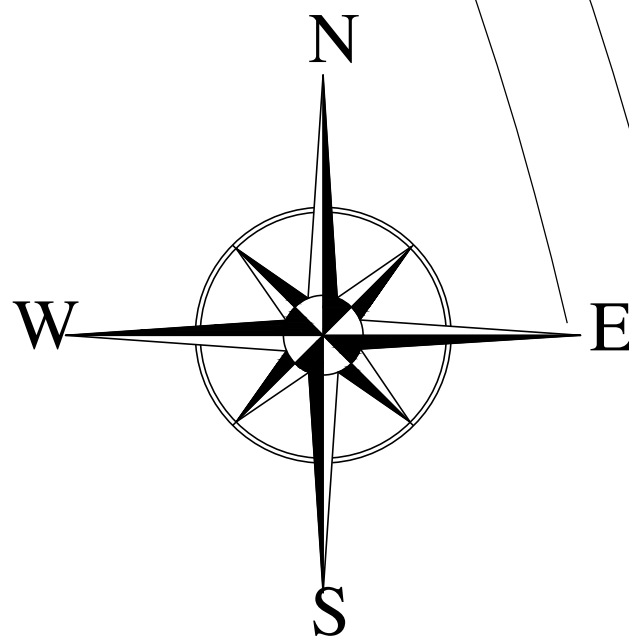


REVISIONS:

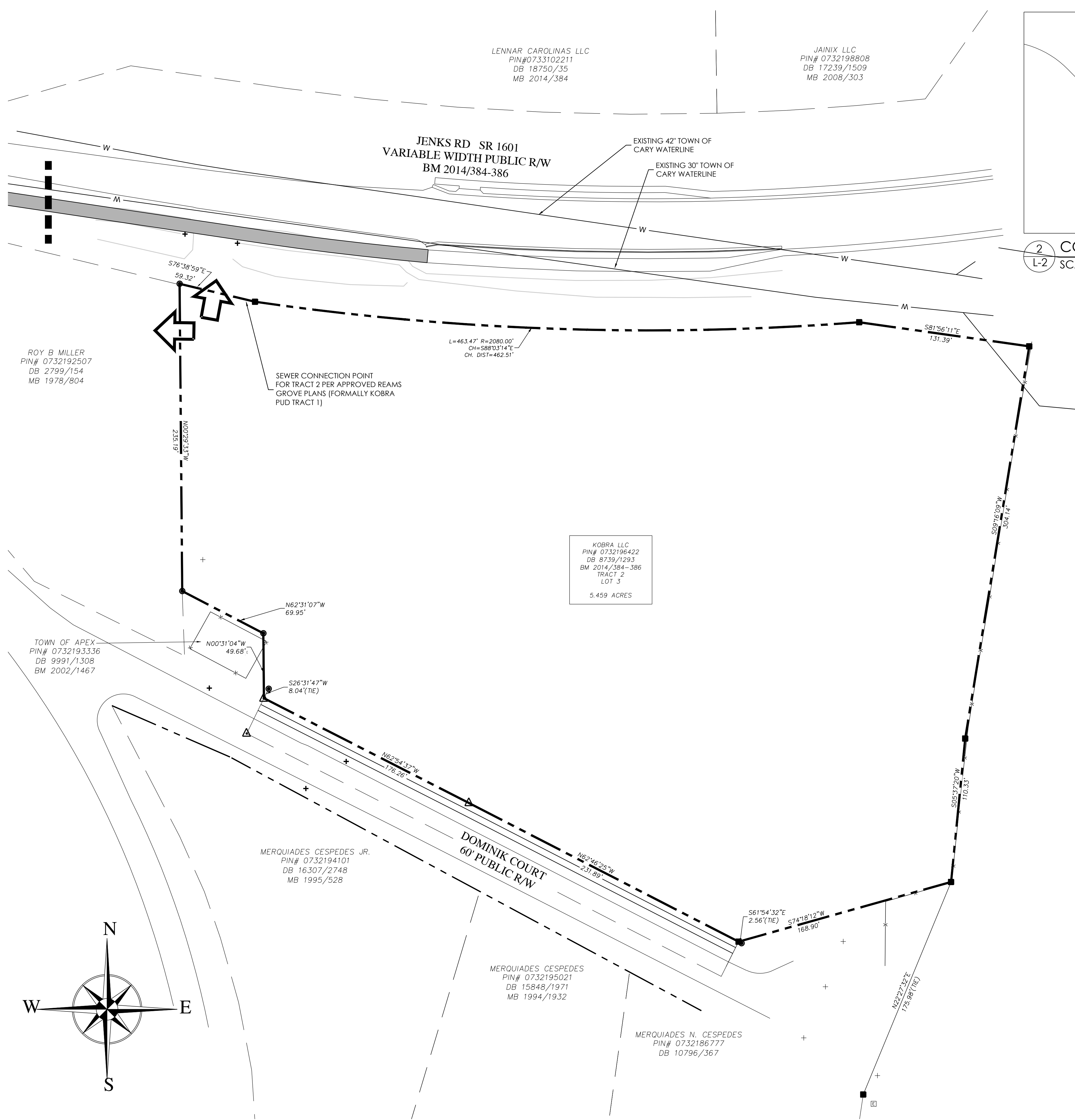
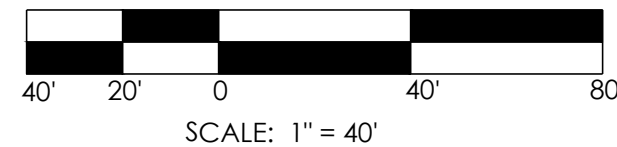
EXISTING CONDITIONS
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE:
AS NOTED
DRAWN BY:
PMP
PROJECT #
22024
DATE:
5/2/2022
SHEET
L-1
OF

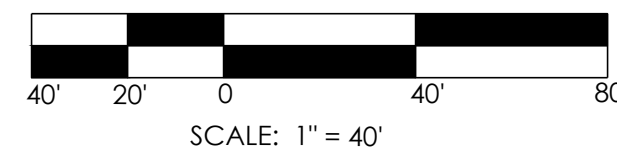
TMILA ASSOCIATES
5011 SOUTH PARK DRIVE, STE. 200 - DURHAM, NC 27713
p: (919) 484-8880 e: info@tmila.com



1
L-2 CONCEPTUAL LAYOUT PLAN
SCALE: 1"=40'



2
L-2 CONCEPTUAL LAYOUT PLAN
SCALE: 1"=40'



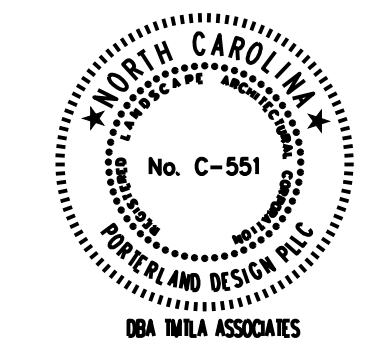
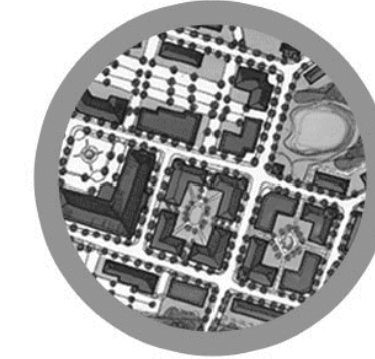
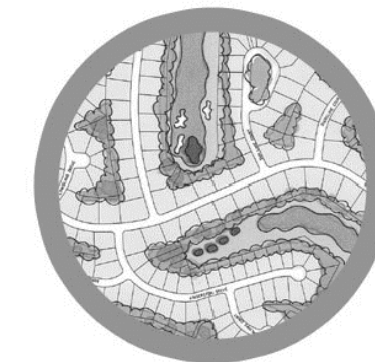
UTILITY NOTES

1. WATER AND SANITARY SEWER WILL BE OWNED AND MAINTAINED BY THE TOWN OF APEX.
2. FIRE HYDRANTS, VALVES, SERVICES, METERS, AND APPURTENANCES SHALL BE DESIGNED PER THE TOWN OF APEX CONSTRUCTION SPECIFICATIONS AND SHALL BE SHOWN ON THE CONSTRUCTION PLANS.
3. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. DELINEATION WILL BE DETERMINED WITH FINAL DESIGN OF INTERNAL PUBLIC STREETS AT THE SUBDIVISION PLAN STAGE. MINIMUM UNDISTURBED BUFFER WIDTHS SHALL BE EXCLUSIVE OF UTILITY EASEMENTS UNLESS APPROVED BY THE DIRECTOR OF THE PUBLIC WORKS & UTILITIES DEPARTMENT.
4. THE DEVELOPER WILL ACTIVELY WORK WITH THE TOWN OF APEX TO PRESERVE EXISTING TREES ON SITE. THESE AREAS SHALL INCLUDE REQUIRED LANDSCAPE BUFFERS, RCA AREAS, NON-BUFFERED AND NON-RCA AREAS, AREAS OF PROPOSED UTILITY LINES, AND ADJACENT TO THE SUBJECT PROPERTY, TO THE MAXIMUM EXTENT POSSIBLE.
5. UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED AT THE SUBDIVISION PLAN STAGE.

PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION

PLAN SHEETS ARE INTENDED
FOR ILLUSTRATIVE USE ONLY

LEGEND	
	ACCESS POINTS
	PROPOSED 10' SIDE PATH

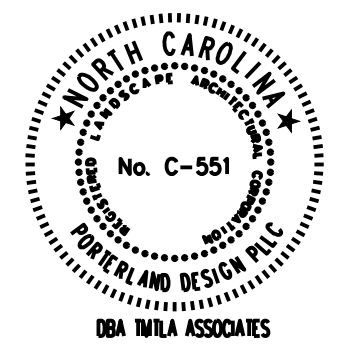
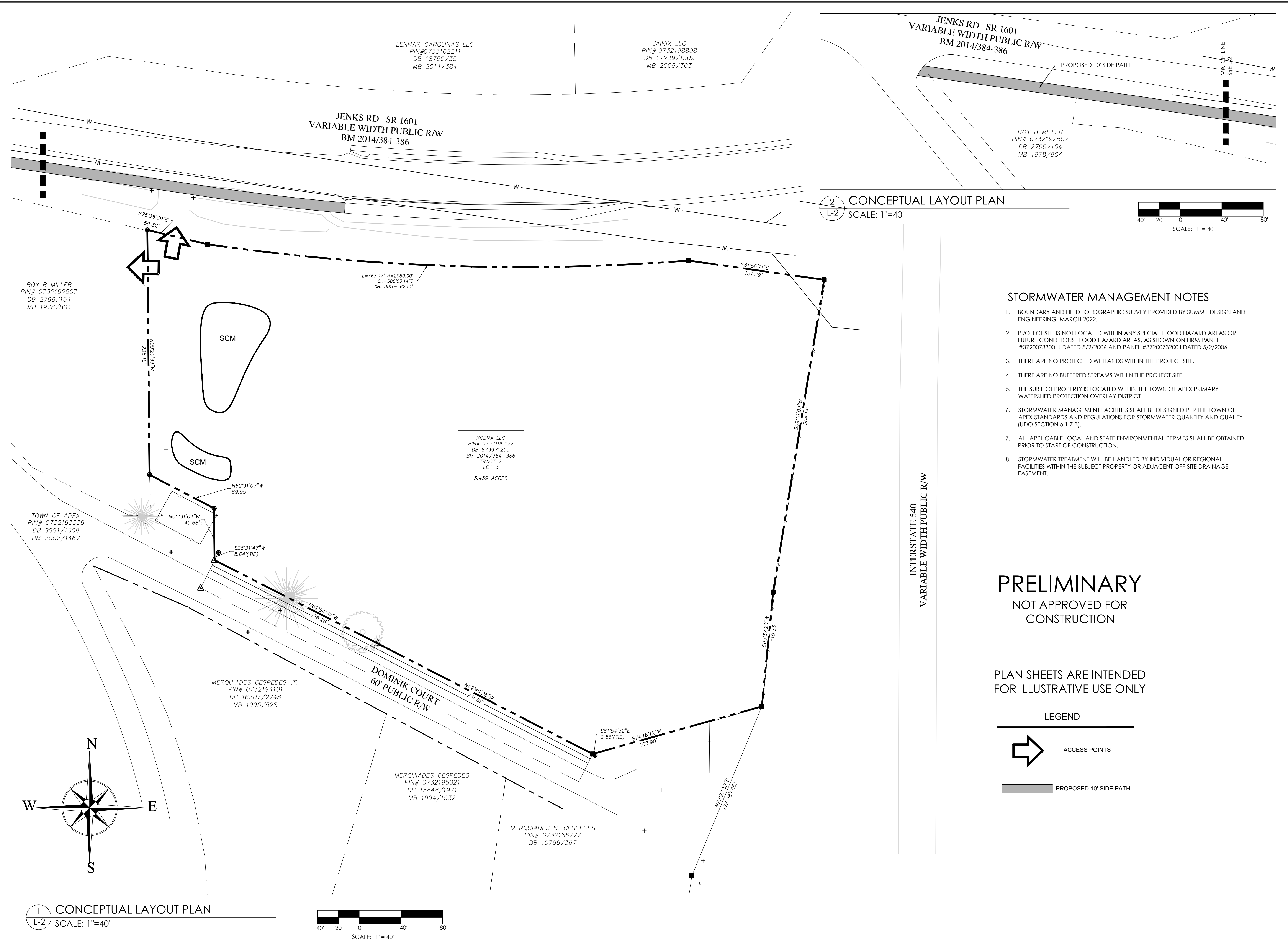


REVISIONS:

PRELIMINARY UTILITY PLAN
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE:
AS NOTED
DRAWN BY:
PMP
PROJECT #
22024
DATE:
5/2/2022

SHEET
L-3
OF



REVISIONS:

STORMWATER MANAGEMENT PLAN
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE:
AS NOTED
DRAWN BY:
PMP
PROJECT #
22024
DATE:
5/2/2022
SHEET
L-4
OF

TMTLA ASSOCIATES
5011 SOUTH PARK DRIVE, STE. 200 - DURHAM, NC 27713
p: (919) 484-8880 e: info@tmtla.com

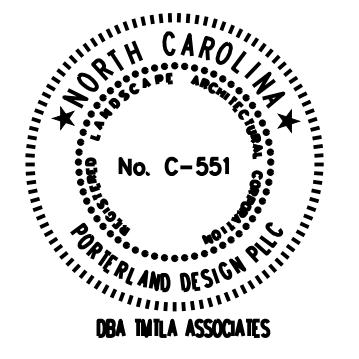


ILLUSTRATIVE ELEVATIONS OF THE
CALYX FACILITY IN
FUQUAY-VARINA.
CALYX SENIOR LIVING OF APEX
WILL HAVE A BUILDING WITH
SIMILAR STYLE AND MATERIALS

PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION

PLAN SHEETS ARE INTENDED FOR
ILLUSTRATIVE USE ONLY

RENDERINGS BY HR ASSOCIATES



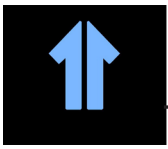
BLDG. ELEVATION RENDERINGS
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE:
AS NOTED
DRAWN BY:
PMP
PROJECT #
22024
DATE:
5/2/2022

SHEET
L-5
OF

TMTLA ASSOCIATES
5011 SOUTHPARK DRIVE, STE. 200 - DURHAM, NC 27713
p: (919) 484-8880 e: info@tmtla.com

REVISIONS:



TRAFFIC IMPACT STATEMENT

Calyx Assisted Living Facility – Apex, (Wake County) NC Site Information Requirements

The proposed development is planning to construct a new assisted living facility with ninety-one (91) beds on a site of approximately 5.5 acres at the intersection of Dominik Court and Kelly Road in Apex, North Carolina, west of the Triangle Expressway and south of Jenks Road. The site will access Jenks Road from a proposed driveway on the west end of the property.

From the Town of Apex Unified Development Ordinance:

Article 13 Transportation

13-19 Traffic Impact Analysis Required

A Traffic Impact Analysis (TIA) shall be prepared by a qualified professional engineer registered to practice in North Carolina and submitted with the initial application for any development that would generate 1,000 or more vehicular trips per day or 100 a.m. or p.m. peak hour trips, whichever is greater.

Trip Generation review

A review was made of the ITE Trip Generation Manual, 10th Edition, Land Use Code 254 for Assisted Living Facility was selected to provide the trip generation. The variable selected for the trip generation is based on trips per number of beds, and the Trip Generation was calculated by the average rate method, for the generator itself. This is the recommended method to use in estimating the trip generation by NCDOT, using the *Congestion Management Rate vs. Equation Spreadsheet ver 7/1/2018*, the current version. The attached tables summarize the trip generation for the facility based on the proposed construction.

The proposed use is expected to generate 234 total trips on an average weekday, split evenly at 50% entering and 50% exiting, which equates to 117 vehicles per day entering and 117 vehicles per day exiting. The trip generation for the peak hours is 16 total trips (11 entering, 5 exiting) in the AM peak hour, and 31 total trips (14 entering, 17 exiting) in the PM peak hour. The total weekday trip generation of 234 trips for the proposed expansion does not meet the threshold for requiring a Traffic Impact Analysis (TIA), nor does either peak hour trip generation of 16 and 31 trips meet the threshold for requiring a TIA., based on trip generation rates.

Conclusion

Based on input from the owners, and the trip generation rates calculated, the proposed development will not generate enough additional traffic (1,000 weekday trips or more than 100 in either peak hour) such that the UDO would require a Traffic Impact Analysis for this site.

Respectfully,

Edward W. Sirgany, P.E.
Traffic & Technology Engineer



Edward W. Sirgany

4/14/2022

Trip Generation Summary

Alternative: Alternative 1

Phase:

Open Date: 4/13/2022

Project: Apex Assisted Living - Calyx

Analysis Date: 4/13/2022

ITE	Land Use	Weekday Average Daily Trips				Weekday AM Peak Hour of Generator				Weekday PM Peak Hour of Generator			
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
254	ASSISTLIVE 1 90 Beds		117	117	234		11	5	16		14	17	31
Unadjusted Volume			117	117	234		11	5	16		14	17	31
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			117	117	234		11	5	16		14	17	31

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Generator Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Generator Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 10th Edition

TRIP GENERATION 10, TRAFFICWARE, LLC

P. 1

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ10 Calyx Senior Living (KOBRA Tract PUD Amendment)

Planning Board Meeting Date: August 8, 2022



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: 5.738 acres

PIN(s): 0732196422

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04)

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

2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/ Commercial Services

Town Limits: ETJ

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: 22CZ10 Calyx Senior Living (KOBRA Tract PUD Amendment)

Planning Board Meeting Date: August 8, 2022



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: 22CZ10 Calyx Senior Living (KOBRA Tract PUD Amendment)

Planning Board Meeting Date: August 8, 2022



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: 22CZ10 Calyx Senior Living (KOBRA Tract PUD Amendment)

Planning Board Meeting Date: August 8, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tim Royal

Seconded by Planning Board member: Elaine Boyle

- ☒ *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:

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

With 6 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 8 day of August 2022.

Attest:


Mark Steele, Planning Board Vice-Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2022.08.08 17:59:55 -04'00'
Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ10

Calyx Senior Living Apex (KOBRA PUD Amendment)

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

Owner: Kobra, LLC

Applicant: TMTLA Associates

Authorized Agent: Marcos Vidal, Carillon Assisted Living

Property Address: 7501 Jenks Road

Acreage: ±5.738 acres

Property Identification Number (PIN): 0732196422

2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services

Existing Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04)

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

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

Planning Board Public Hearing Date and Time: August 8, 2022 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>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

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, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39389>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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

Solicitante: TMTLA Associates

Agente autorizado: Marcos Vidal, Carillon Assisted Living

Dirección de la propiedad: 7501 Jenks Road

Superficie: ±5.738 acres

Número de identificación de la propiedad: 0732196422

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 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>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39389>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de julio- 8 de agosto de 2022



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ10

Calyx Senior Living Apex (KOBRA PUD Amendment)

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

Owner: Kobra, LLC

Applicant: TMTLA Associates

Authorized Agent: Marcos Vidal, Carillon Assisted Living

Property Address: 7501 Jenks Road

Acreage: ±5.738 acres

Property Identification Number (PIN): 0732196422

2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04)

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

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

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

Town Council Public Hearing Date and Time: August 23, 2022 6:00 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>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

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, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39389>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 5 - August 23, 2022



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ10

Calyx Senior Living Apex (KOBRA PUD Amendment)

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

Solicitante: TMTLA Associates

Agente autorizado: Marcos Vidal, Carillon Assisted Living

Dirección de la propiedad: 7501 Jenks Road

Superficie: ±5.738 acres

Número de identificación de la propiedad: 0732196422

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04)

Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de agosto de 2022 6:00 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>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

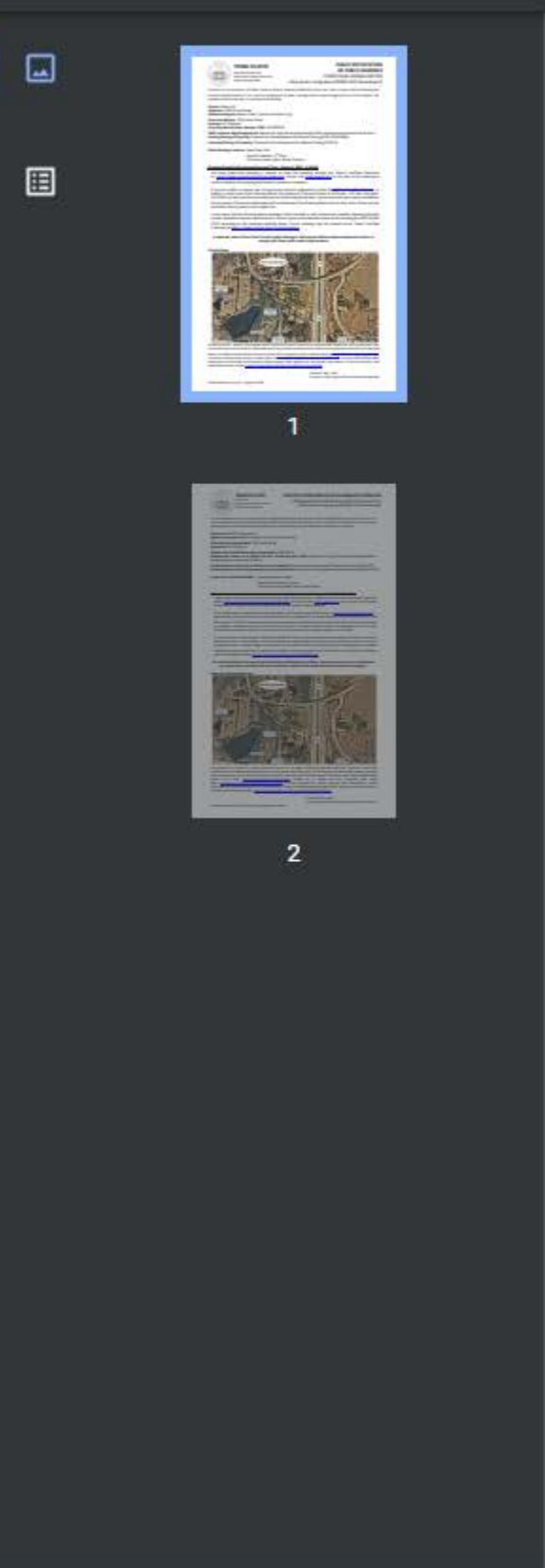
Mapa de las inmediaciones:




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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39389/22CZ10>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 5 de agosto- 23 de agosto de 2022



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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

Owner: Kobra, LLC
Applicant: TMTLA Associates
Authorized Agent: Marcos Vidal, Carillon Assisted Living
Property Address: 7501 Jenks Road
Acreage: ±5.738 acres
Property Identification Number (PIN): 0732196422
2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services
Existing Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ #20C204)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

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


Planning Board Public Hearing Date and Time: August 8, 2022 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>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

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:



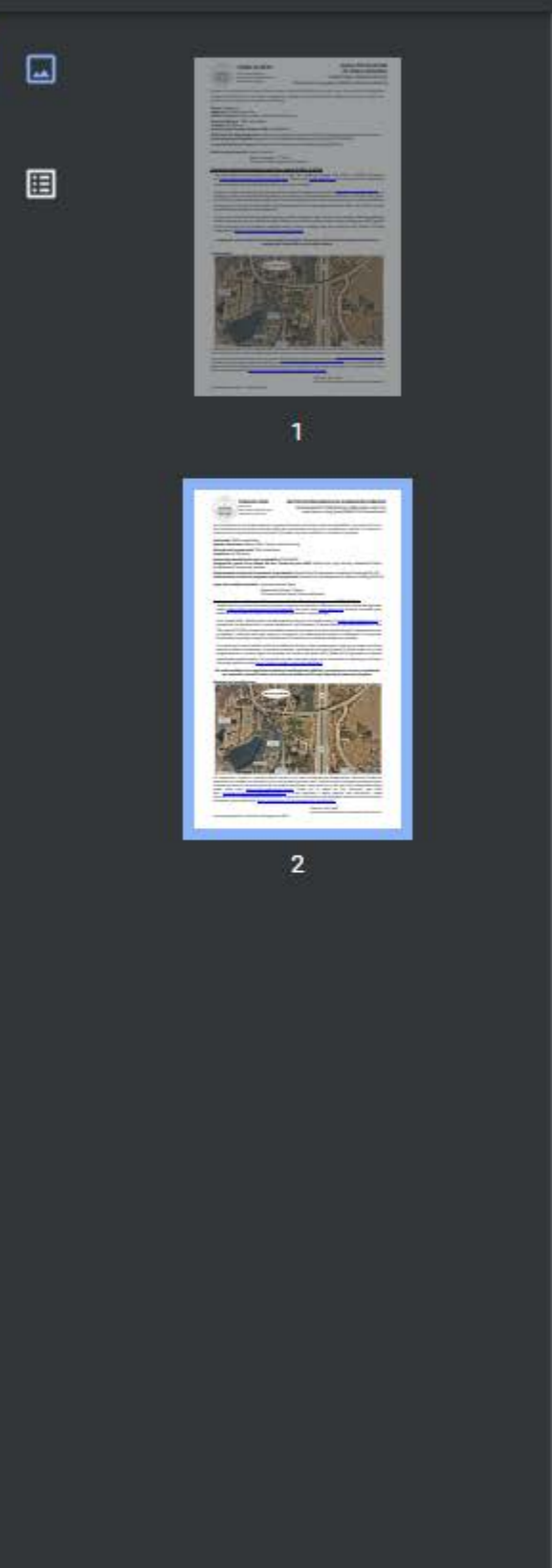
Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.apexnc.org/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/3173. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39389>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)



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.apexnc.org/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/4178. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39389>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3626

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

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

Solicitante: TMTLA Associates
Agente autorizado: Marcos Vidal, Carillon Assisted Living
Dirección de la propiedad: 7501 Jenks Road
Superficie: ±5.738 acres
Número de identificación de la propiedad: 0732196422
Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)
Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 29 piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 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/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/townofapexgov>.

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.apexnc.org/imap>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/4178. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39389>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de julio- 8 de agosto de 2022

Dianne F. Khin, AICP
Director of Planning and Community Development

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ10
Calyx Senior Living Apex (KOBRA PUD Amendment)

Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Dianne P. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fecha de publicación: 25 de julio- 1 de agosto de 2022

Rezoning #22CZ10

Jenks Rd

540

Dominik Ct
Kelly Rd

Castlereagh
Lot 16

Lake Marsha

7341

7339

7333

Morris Acres Rd

Public Hearing Sign Posted By


Signature

5/9/2022
Date

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

0 150 300
Feet



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 #22CZ10
Calyx Senior Living Apex

Project Location: 7501 Jenks Road

Applicant or Authorized Agent: TMTLA Associates/Marcos Vidal, Carillon Assisted Living

Firm: TMTLA Associates

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on August 5, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

8/8/2022
Date

Shianne F. Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, *Jeri Chastain Pederson*, a Notary Public for the above

State and County, this the 8 day of August, 2022.

Jeri Chastain Pederson
Notary Public



My Commission Expires: 3 / 10 / 2024



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 #22CZ10
Calyx Senior Living Apex

Project Location: 7501 Jenks Road

Applicant or Authorized Agent: TMTLA Associates/Marcos Vidal, Carillon Assisted Living

Firm: TMTLA Associates

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on July 25, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

7/25/2022
Date

Shianne F. Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above

State and County, this the 25 day of July, 202 2.



Joshua Killian
Notary Public

My Commission Expires: 6/19/2027