



Rezoning #21CZ30

The Point at Lake Castleberry

CHATHAM COUNTY

Williams Grove PUD

Green Level West Rd

Batchelor Rd

Lake Castleberry

Hawthorne Woods Rd

GlenVale St

Dorset Grove Rd

0 250 500 Feet

November 2021 Aerial Photography
Prepared by: Town of Apex Planning Department
January 2022

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>21CZ30</u>	Submittal Date:	<u>12/1/21</u>
Fee Paid	<u>\$ 600.00</u>	Check #	<u></u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Williams Grove
Address(es): 4525 Green Level West Rd
PIN(s) P/O 0713943738
Acreage: 1.304
Current Zoning: R-40W Proposed Zoning: PUD-CZ
Current 2045 LUM Designation: Low Density Residential
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>N/A</u>
Area proposed as non-residential development:	Acreage:	<u>N/A</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>N/A</u>

Applicant Information

Name: Jessie Hardesty
Address: 2905 Meridian Parkway
City: Durham State: NC Zip: 27713
Phone: 919-361-5000 E-mail: hardesty@mcadamsco.com

Owner Information

Name: Stanley Martin Homes, LLC
Address: 4020 Westchase Blvd, Suite 470
City: Raleigh State: NC Zip: 27607
Phone: E-mail:

Agent Information

Name: Alliance Group of NC
Address: 4525 Green Level West Rd
City: Raleigh State: NC Zip: 27615
Phone: 919-239-9486 E-mail: jacob@alliancegroupnc.com
Other contacts: Jacob Anderson

November 24, 2021

Town of Apex
73 Hunter St
Apex, NC 27502

RE: Zoning Amendment Letter Williams PUD-CZ

To Whom It May Concern,

The intent of this project is to add the proposed land to the approved Williams Farm Planned Unit Development (Rezoning Case #21CZ04.) All zoning conditions and requirements outlined in that approved rezoning case shall apply to this parcel.

Sincerely,

MCADAMS



Jessie Hardesty
Planner I, Planning + Design

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 21CZ30

Submittal Date: 12/01/2021

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.

This zoning map change remains consistent with the future land use designation of 'Low Density Residential.'

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 addition of 1.3 acres to the Williams Farm PUD-CZ is compatible with the surrounding land uses.

This addition is to allow for the realigning of Green Level West Road, which will flatten the curve in the road and provide safer driving conditions for the surrounding communities.

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

The proposed rezoning will comply with all conditions and requirements outlined in the approved Williams Farm PUD (Rezoning Case #21CZ04). If standards are not listed in the approved PUD, they will default to the UDO.

PETITION PROCESS INFORMATION

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

The addition of 1.3 acres to the Williams Farm PUD is intended to create safer driving conditions for future and existing residents in the area by reducing the curve in Green Level West Road. This rezoning is minimizing adverse effects of the surrounding area, specifically in regards to traffic.

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 zoning will comply with all environmental conditions and requirements outlined in the approved Williams Farm PUD (Rezoning Case #21CZ04).

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 zoning will not have adverse impacts on public facilities and services.

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 zoning will provide a safer environment for existing and future residents by allowing a safer roadway along the property frontage. Currently Green Level West Road has a sharp curve along the subject property's frontage. By adding 1.3 acres to the rezoning, the developer can reduce this curve.

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

Adding 1.3 acres to the approved Williams Farm PUD will not be a detriment to the adjacent properties.

PETITION PROCESS INFORMATION

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

The proposed zoning will comply with all conditions and requirements of Williams Farm PUD (Rezoning Case #21CZ04).

The addition of 1.3 acres will not create additional impacts.

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 zoning will comply with all conditions and requirements of Williams Farm PUD (Rezoning Case #21CZ04).

AGENT AUTHORIZATION FORM

Application #: 21CZ30

Submittal Date: 12/1/2021

Stanley Martin Homes, LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 4525 Green Level West Rd

The agent for this project is: Jacob Anderson

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

Agent Name: Alliance Group of NC

Address: 7208 Falls of the Neuse Rd Suite 101

Telephone Number: 919-239-9486

E-Mail Address: jacob@alliancegroupnc.com

Signature(s) of Owner(s)*


 BRIAN KETCHUM

 Type or print name

12/1/2021

 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 #: 21CZ30 Submittal Date: 12/1/2021

The undersigned, Jacob Anderson (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

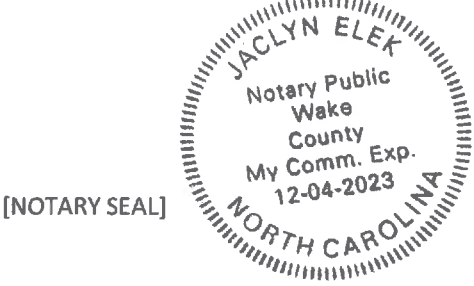
- 1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 4525 Green Level West Rd and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- 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 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/10/2021, in Book 2021 Page 01991.
- 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 11/10/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/10/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 1 day of December, 2021.

Jacob Anderson (seal)
Jacob Anderson
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Wake

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



Jaclyn Elek
 Notary Public
 State of North Carolina
 My Commission Expires: 12-4-2023

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ30

Submittal Date: 12/1/2021

Insert legal description below.

BEGINNING AT A IRON PIPE SET IN THE SOUTHERN RIGHT OF WAY OF GREEN LEVEL WEST ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY SOUTH 80°33'13" WEST 310.74 FEET TO A POINT; THENCE SOUTH 82°43'32" WEST 98.78 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 272.48 FEET, WITH A RADIUS OF 320.00 FEET, WITH A CHORD BEARING OF NORTH 72°52'50" WEST, WITH A CHORD LENGTH OF 264.32 FEET TO A POINT; THENCE NORTH 48°29'13" WEST 203.90 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 73.21 FEET, WITH A RADIUS OF 630.00 FEET, WITH A CHORD BEARING OF NORTH 51°48'57" WEST, WITH A CHORD LENGTH OF 73.17 FEET TO A POINT; THENCE NORTH 15°51'13" EAST 27.69 FEET TO A POINT IN THE CENTERLINE OF THE PROPOSED NEW RIGHT OF WAY; THENCE WITH SAID CENTERLINE SOUTH 60°51'28" EAST 204.54 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 621.73 FEET, WITH A RADIUS OF 926.00 FEET, WITH A CHORD BEARING OF SOUTH 80°05'33" EAST, WITH A CHORD LENGTH OF 610.12 FEET TO A POINT; THENCE NORTH 80°40'22" EAST 81.96 FEET TO A POINT; THENCE SOUTH 01°31'03" WEST 30.02 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 1.304 ACRES, 56,819 SQUARE FEET.

OWNER	MAILING ADDRESS	ADDR2	ADDR3
AGSTER, BRIAN AGSTER, MISCHA	387 GRAND HIGHCLERE WAY	APEX NC 27523-9608	
ANNAMRAJU, SPHURTHI BIKKY, RAJESH	317 HAWTHORN WOODS RD	APEX NC 27523-9615	
ANSARI, HASSANA HAMEED KHAN, DANISH NAEEM	313 HAWTHORN WOODS RD	APEX NC 27523-9615	
BALIGA, VASANTH BANTWAL BALIGA, MEENA	3200 DEVON CREST CT	APEX NC 27523-9605	
CUMMINGS, HEATHER CUMMINGS, MICHAEL	391 GRAND HIGHCLERE WAY	APEX NC 27523-9608	
DIEFENBACH, SCOTT PHILIP DIEFENBACH, SHIRLEY MEILER	3208 DEVON CREST CT	APEX NC 27523-9605	
GREENWELL, LINDA P TRUSTEE TRUSTEE OF LINDA J HALE LIVING TRUST	PO BOX 250	TERRELL NC 28682-0250	
HALL, JAMES F HALL, KAVITA K	382 GRAND HIGHCLERE WAY	APEX NC 27523-9608	
HARNEY, KEITH T, PENDORAK, PAMELA	395 GRAND HIGHCLERE WAY	APEX NC 27523-9608	
HELTON, ROBERT D HELTON, LAURA S	1025 BATCHELOR RD	APEX NC 27523-5718	
HILLIARD, DOUGLAS R HILLIARD, DOROTHY A	1029 BATCHELOR RD	APEX NC 27523-5718	
JOHNSON, FREEMAN R	4501 GREEN LEVEL WEST RD	APEX NC 27523-7516	
LAKE CASTLEBERRY OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243	RALEIGH NC 27624-7243
LAKE CASTLEBERRY OWNERS ASSOCIATION INC	1100 PERIMETER PARK DR STE 112	MORRISVILLE NC 27560-9119	
LEE, GENE TRUSTEE BARTO, AMY E TRUSTEE	386 GRAND HIGHCLERE WAY	APEX NC 27523-9608	
LEE, GREGORY LEE, REGINA	109 TURNSTONE DR	DURHAM NC 27703-8375	
LEKKALA, AMARNATH RAVILLA, PRASUNA	325 HAWTHORN WOODS RD	APEX NC 27523-9615	
MANSANIPALLI, MAHESH KOVURI, SUVIDHA	410 GRAND HIGHCLERE WAY	APEX NC 27523-9609	
MELENDEZ, CARLOS SANTIAGO PAGAN, LOURDES G RAIMUNDI	401 GRAND HIGHCLERE WAY	APEX NC 27523-9609	
MOWLANEJAD, SOPHIA ALEXANDER, JOHN LEE	414 GRAND HIGHCLERE WAY	APEX NC 27523-9609	
NOVELLI, DANILO TRUSTEE NOVELLI, MARIBEL S TRUSTEE	390 GRAND HIGHCLERE WAY	APEX NC 27523-9608	
PARIKH, MAULIK PARIKH, BHAVIKA	405 GRAND HIGHCLERE WAY	APEX NC 27523-9609	
PASUPULATI, SRINIVASA PASUPULATI, DEEPA SRINIVASA RAO	329 HAWTHORN WOODS RD	APEX NC 27523-9615	
POLKA, ESTHER POLKA, JAMES	1017 BATCHELOR RD	APEX NC 27523-5718	
ROBBINS, JONATHAN W ROBBINS, STEPHANIE H	378 GRAND HIGHCLERE WAY	APEX NC 27523-9608	
RUGGIERI, BRITNEY AMBER RUGGIERI, BRYCE EDWARD	3204 DEVON CREST CT	APEX NC 27523-9605	
SIVAKUMAR, MAHESH VEMULA, SUDHEERA	383 GRAND HIGHCLERE WAY	APEX NC 27523-9608	
SRN PROPERTIES LLC	123 PRESTON GRANDE WAY	MORRISVILLE NC 27560-7073	
VENKATA, SUMANTH KUMAR KOTA KOTA, RAMYA	3212 DEVON CREST CT	APEX NC 27523-9605	
WILLIAMS, ELIZA C	4525 GREEN LEVEL WEST RD	APEX NC 27523-7516	
YADAVA, AMIT KUMAR ANUPAM, CHHAVI	321 HAWTHORN WOODS RD	APEX NC 27523-9615	
CUMMINGS HEATH PHILLIP	315 SEARS PLACE DR	APEX NC 27523	
HILLIARD DOUGLAS R	1029 BATCHELOR RD	APEX NC 27523	
RAGLAND DIANNE SEARS	1576 LUTHER RD	APEX NC 27523	
SEARS BILLY L	1578 LUTHER RD	APEX NC 27523	
WILLIAMS ELIZA C	4525 GREEN LEVEL RD WEST	APEX NC 27523	
APEX TOWN OF	PO BOX 250	APEX NC 27502-0250	
Current Tenant	4425 Green Level West RD	APEX NC 27523	
Current Tenant	313 Hawthorne Woods RD	APEX NC 27523	
Current Tenant	317 Hawthorne Woods RD	APEX NC 27523	
Current Tenant	321 Hawthorne Woods RD	APEX NC 27523	
Current Tenant	325 Hawthorne Woods RD	APEX NC 27523	
Current Tenant	329 Hawthorne Woods RD	APEX NC 27523	
Current Tenant	186 SEARS PLACE DR	APEX NC 27523	
Current Tenant	225 SEARS PLACE DR	APEX NC 27523	
Current Tenant	1479 GREEN LEVEL RD	APEX NC 27524	

NOTICE OF ELECTRONIC 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.

11/08/2021

Date

Dear Neighbor:

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

4525 Green Level West Rd

P/O 0713943738

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic 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, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

An Electronic 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	Town Council (QJPH*)
<input type="checkbox"/>	Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

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

This rezoning is to add a 1.3 acre sliver of land along the south side of Green Level West Road to the approved Williams Grove PUD-CZ Rezoning. This is to accommodate the planned realignment of Green Level West in order to flatten the curve in the road.

Estimated submittal date: December 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s): Eliza C Williams

Applicant(s): Jessie Hardesty

Contact information (email/phone): hardesty@mcadamsco.com | 919.287.0824

Electronic Meeting invitation/call in info: See attached Zoom instructions

Date of meeting**: November 23, 2021

Time of meeting**: 6:00pm-8:00pm

MEETING AGENDA TIMES:

Welcome: 6:00-6:05 Project Presentation: 6:05-6:15 Question & Answer: 6:15-8:00

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

November 8, 2021

RE: Virtual Neighborhood Meeting – Zoom Instructions

Dear Property Owner,

We will be hosting a virtual neighborhood meeting via Zoom Webinar. The meeting will be held on November 23, 2021 and begin at 6:00 PM Eastern Time.

- > To attend the meeting via computer, type in the following link in your internet browser:
<https://mcadamsco.zoom.us/j/87186522864?pwd=Sm8vN29GL04wT1JKaGVtdlk2bVNHdz09>

Passcode: **409240**

- > To attend the meeting via phone, you may dial in by your location:
US: +1 646 876 9923 or
+1 301 715 8592 or
877 853 5247 (Toll Free)

When prompted, enter the Meeting ID: **871 8652 2864**

Sincerely,
MCADAMS

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: Williams Grove Zoning: PUD-CZ
 Location: 4525 Green Level West Rd
 Property PIN(s): P/O 0713943738 Acreage/Square Feet: 1.304 acres

Property Owner: Eliza C Williams
 Address: 4525 Green Level West Rd
 City: Apex State: NC Zip: 27523
 Phone: _____ Email: _____

Developer: Alliance Group of NC
 Address: 7208 Falls of the Neuse Rd Suite 101
 City: Raleigh State: NC Zip: 27615
 Phone: 919-239-9486 Fax: _____ Email: jacob@alliancegroupnc.com

Engineer: McAdams
 Address: 2905 Meridian Parkway
 City: Durham State: NC Zip: 27713
 Phone: 919-924-3803 Fax: _____ Email: probst@mcadamsc.com

Builder (if known): Stanley Martin
 Address: 4020 Westchase Blvd, Suite 470
 City: Raleigh State: NC Zip: 27607
 Phone: 919-977-8760 Fax: _____ Email: KetchemBK@stanleymartin.com

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

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

Stormwater Control Measures: Jessica Bolin 919-249-3537

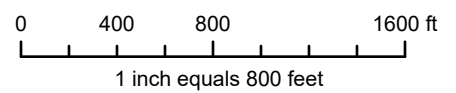
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation: Rodney Smith 919-249-3342

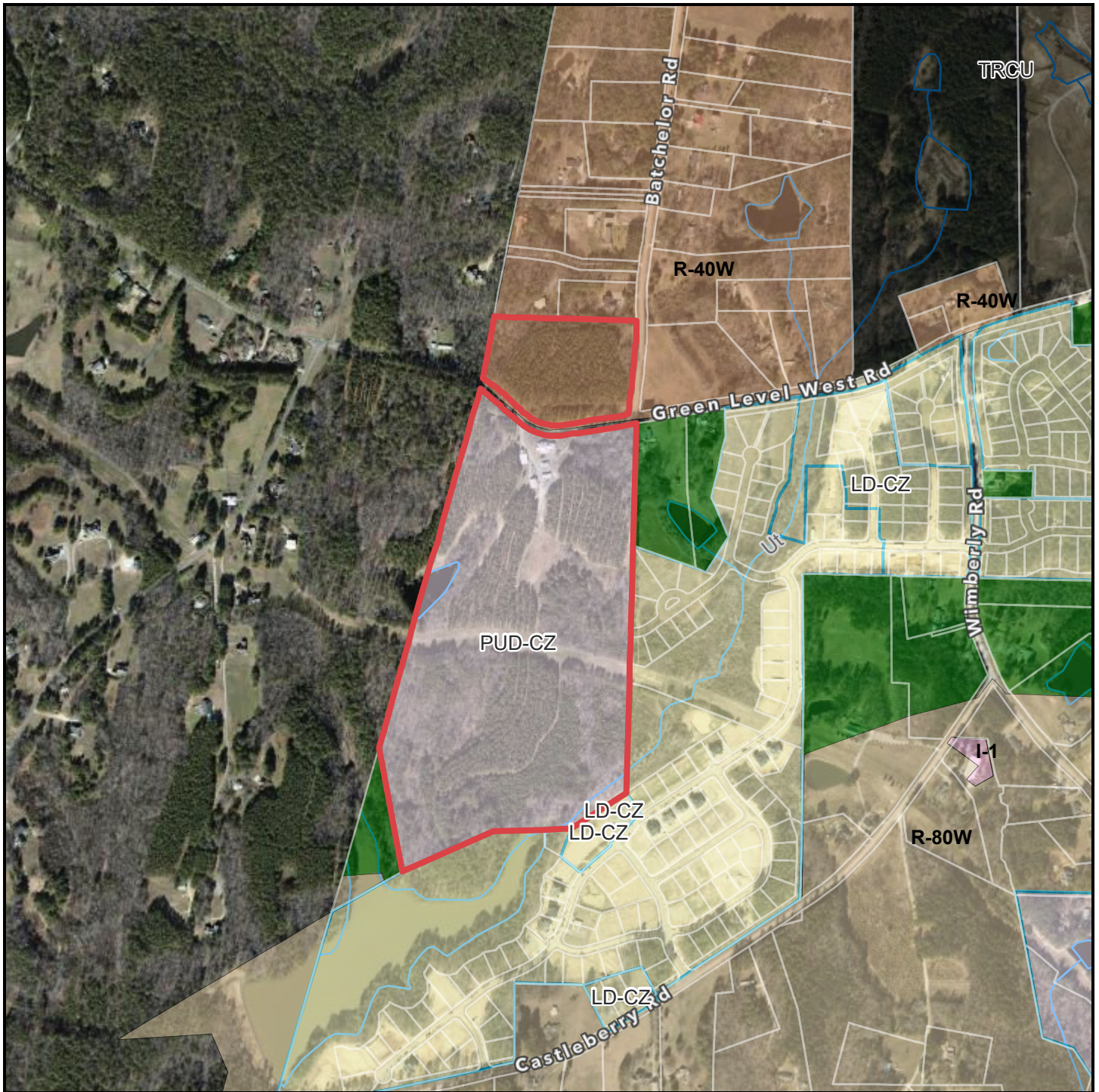
Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.



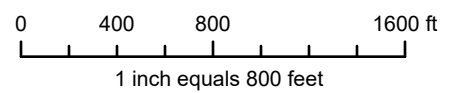
Vicinity Map



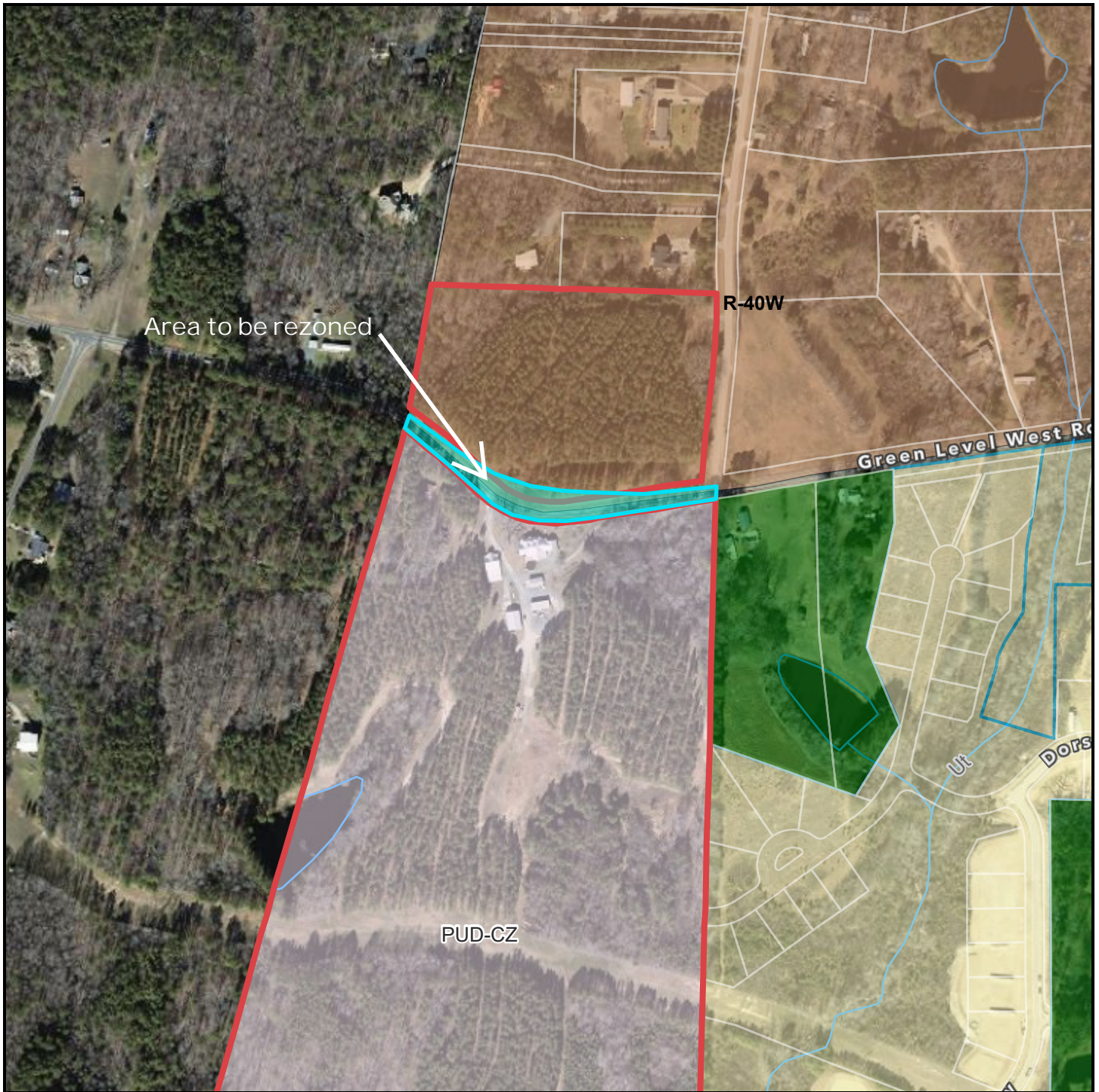
Disclaimer
*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*



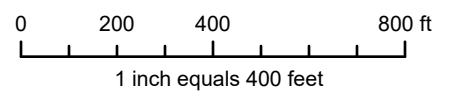
Zoning Map



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



Rezoning Map



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

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE 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 Format: Zoom
 Date of meeting: November 23, 2021 Time of meeting: 6:00pm-8:00pm
 Property Owner(s) name(s): Stanley Martin Homes, LLC
 Applicant(s): McAdams

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	No attendees				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC 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): Stanley Martin Homes, LLC

Applicant(s): McAdams

Contact information (email/phone): 919.287.0824 / hardesty@mcadamsco.com

Meeting Format: Zoom

Date of meeting: November 23, 2021 Time of meeting: 6:00pm-8:00pm

Please summarize the questions/comments and your response from the Electronic Neighborhood Meeting 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:

There were no neighbors in attendance. The meeting remained open the full two hours, however no attendees joined.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING 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, Jessie Hardesty, do hereby declare as follows:
Print Name

1. I have conducted an Electronic 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 Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via Zoom (indicate format of meeting) on November 23, 2021 (date) from 6pm (start time) to 8pm (end time).
4. I have included the mailing list, meeting invitation, attendance 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.

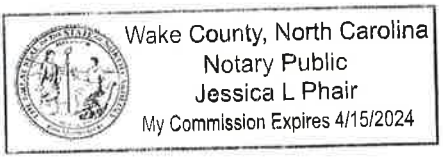
11/24/2021
Date

By: Jessie Hardesty

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jessica L Phair, a Notary Public for the above State and County, on this the 24th day of November, 20 21.

SEAL



Jessica L Phair
Notary Public
Jessica L Phair
Print Name

My Commission Expires: 4/15/24