

STAFF REPORT

Rezoning #20CZ11 Roberts Road Properties PUD

January 26, 2021 Town Council Meeting



All property owners within three hundred (300) feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 7517 Roberts Road, 2310 Pollard Place, 2000 Cabin Cove Road
Applicant/Owner: Justin Michela/Matthew & Michelle Michela, Justin & Maryann Michela and Matthew & Michelle Michela, and Justin & Maryanne Michela

PROJECT DESCRIPTION:

Acreage: 10.54 ± acres
PINs: 0733059045, 0733049734, 0733049444
Current Zoning: Rural Residential (RR)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Town of Cary Residential-40 (R-40)	Roberts Rd; School, public or private (Green Level High School)
South:	Low Density Residential (LD #05RZ22)	Single-family Residential (The Pines at Wake Crossing Subdivision)
East:	Low Density Residential (LD #05RZ22)	Single-family Residential (The Pines at Wake Crossing Subdivision)
West:	Medium Density Residential-Conditional Zoning (MD-CZ #13CZ35)	Single-family Residential (Crestmont Subdivision)

Existing Conditions:

The subject properties are located south of Roberts Road, between The Pines at Wake Crossing and Crestmont subdivisions. Green Level High School sets on the north side of Roberts Road. The properties are mostly wooded, containing single-family residences and accessory structures.

Neighborhood Meeting:

The applicant conducted neighborhood meetings on September 28, 2020 and October 13, 2020. The neighborhood meeting reports are attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary, middle, and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five (5) years is not anticipated to address these concerns. Staff contacted WCPSS after the applicant reduced the maximum density for the rezoning and WCPSS stated that change does not affect the Letter of Impact as written.



2045 LAND USE MAP:

The 2045 Land Use Map identifies the property subject to this rezoning as Medium Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that land use classification.

PLANNED UNIT DEVELOPMENT:

Limitation of Uses:

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

Permitted Uses and Limitations:

1. Residential:
Single family (Minimum Lot Size = 6,000 sf)
Townhouse (Maximum of 8 lots)
Accessory apartment
2. Utilities:
Utility, Minor
3. Recreational Uses:
Park, active
Park, passive
Greenway
Recreational facility, private

Design Controls:

1. **Maximum Density**
Maximum residential density for the project is 3.2 units per gross acre.
Maximum number of lots is 50 (25 single-family lots; 8 townhouse lots).
2. **Maximum Height of the Buildings**
Maximum height = 45'
Maximum stories = 3
3. **Minimum Building Setbacks**
Single-family, detached
From Buffer or RCA – 10'
Front Yard – 10'
Side Yard – 5' (no aggregate)
Rear Yard – 10'
Driveways from Back of Sidewalk to Garage – 20' (12' minimum width)

Townhouse
From Buffer or RCA – 10'
Front Yard – 15'
Rear Yard – 15'
Side (end units) – 5'



- Side (corner) – 10'
- Driveways from Back of Sidewalk to Garage – 20' (12' minimum width)
- Building Side to Side – 10'
- Building Side to Rear – 30'
- Building Rear to Rear – 40'

4. Percentage of Built Upon Area

The UDO allows for a maximum 70% of built upon area in a PUD project and the Roberts Road Properties PUD will not exceed that amount.

5. Perimeter Buffers

Perimeter Buffers:	Required	Proposed
Western property boundary	10' Type B	10' Type B
Eastern property boundary	10' Type B	10' Type B
Southern property boundary	10' Type B	10' Type B
Northern property boundary	30' Type B (undisturbed) 50' Type B (disturbed)	30' Type B (undisturbed)* 50' Type B (disturbed)*

**Additional proposed buffer standards detailed in Section 6 Percentage of Resource Conservation Area*

6. Percentage of Resource Conservation Area

The Roberts Road Properties PUD is requesting to reduce the required percentage of Resource Conservation Area to 25% of the total acreage (which amounts to 2.64 acres of RCA) based on the provisions stated in UDO Sec. 2.3.4.F.1.c RCA. This 5% reduction from the standard 30% required per UDO Sec. 8.1.2 Resource Conservation Area is being requested in exchange for the additional zoning conditions listed below. If Town Council votes to approve the rezoning without the RCA reduction, these zoning conditions shall not be included in the approval:

- In addition to all single-family detached homes being pre-configured with conduit for a solar energy system (condition #12 in Section 7), at least 8% of the total number of homes proposed in the Master Subdivision Plan shall be built with solar PV systems installed at the time of construction. When measurements of the number of units results in a fractional number greater than 0.10, it shall be rounded to the next higher whole number. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which the home(s) is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.
- This project shall be stage graded per Section 7.2.5.C.
- All single-family detached homes within this development shall be built with HVAC systems that meet or exceed a SEER rating of 18.
- The 30' Type B thoroughfare buffer (undisturbed) along Roberts Road shall be increased to a 40' Type B thoroughfare buffer (undisturbed). In the case that this buffer must be disturbed, the width of the type B buffer shall increase from 40' to 60'. See Section 6.E and Section 10.D for reference to the 30' Type B thoroughfare buffer (undisturbed) that would otherwise be proposed if not for the condition to reduce the RCA requirement.
- Evergreen trees shall be planted as a windbreak on the northern side of buildings, where practical.
- Landscape design shall include pollinator-friendly flora in common areas.
- Landscape design shall include a minimum of three (3) native hardwood species.



- A pet waste station shall be installed at the mail kiosk, or at the community center/recreation site, to be determined at the time of Master Subdivision Plan.

7. 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 \$215 per lot to this Fund prior to Master Subdivision Final Plat approval for each phase. In the event the Fund has not been established by the Town of Apex, the money will be conveyed to a non-profit organization participating in affordable housing. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

8. Builder Condition

In order to maintain a unique residential development, the project shall consist of lots developed with custom homes.

9. Construction Access Condition

The location of the temporary gravel construction entrance shall be limited to only provide construction access from Pollard Place to the east via Gartrell Way.

10. Neighborhood Meeting Condition

This project shall hold a neighborhood meeting prior to the first Master Subdivision Plan submittal, in accordance with UDO Sec. 2.2.7.

Architectural Standards

Single-Family Detached Residential Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The visible side of a home on a corner lot facing the public street shall contain at least 2 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 gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
3. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complimenting the siding color.
4. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
5. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
6. Garage doors shall have windows, decorative details, or carriage-style adornments on them.
7. The garage shall not protrude more than 1 foot out from the front façade and/or front porch for at least 75% of building designs.



8. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
9. Eaves shall project at least 12 inches from the wall of the structure.
10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
11. All single-family detached homes shall be pre-configured with conduit for a solar energy system.

Townhouse Residential Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must have windows, decorative details or carriage-style adornments on them.
3. The visible side of a home on a corner lot facing the public street shall contain at least 2 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 gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
4. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
6. Building facades shall have horizontal relief achieved by the use of recesses and projections.
7. For townhome buildings with three (3) units or more, the roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
8. The garage cannot protrude more than 1 foot out from the front façade or front porch.
9. Maximum number of units per townhome building shall be limited to four (4) units.
10. No townhomes shall be constructed along the western property line.

Existing Structure Preservation

Roberts Road Properties PUD shall include the preservation of the existing estate located at 2000 Cabin Cove Road, in order to re-purpose it as a community center/recreation site, which will be owned and maintained by the HOA. The exterior appearance of the structure may remain unchanged during its conversion, but parking, as well as ADA accessible paths, shall be provided in accordance with the Town of Apex UDO. The timing of the conversion shall not be tied to any specific number of lots being platted.

Tree Preservation

Prior to recording the first subdivision plat for the property, the developer will provide a donation of \$1,600 to a local non-profit organization with a mission towards tree preservation and replacement. In those portions of the site where trees are removed for single family or townhome lots, the developer anticipates it can offset such removal by preserving 1.6 acres of existing tree canopy in other places on the site, and replacing and

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replanting trees over 0.8 acres of the rest of the property. As such, this \$1,600 donation represents an assigned per-tree value in substitute canopy for the remainder of the property.

Stormwater Management

Roberts Road Properties PUD will meet all applicable requirements and standards as described in section 6.1 of the Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1-year and 10-year 24 hour storm events.

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

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:

As proposed, Roberts Road Properties PUD will include the extension of public streets into the site from Pollard Place to the west (coming from the Crestmont subdivision), as well as Pollard Place to the east (coming from the Pines at Wake Crossing subdivision). There will be no direct vehicular access to Roberts Road. All public streets (with the exception of Pollard Place) will have a 5' sidewalk on both sides of the street. The Pollard Place extension will have an 8' Side Path on the north side of the road to connect to the existing 8' Side Path on the north side of existing Pollard Place (to the east). The future amenity center shall provide pedestrian connection to the existing pedestrian path on Gartrell Way. The project shall provide pedestrian access from the future subdivision to Roberts Road via the 8' Side Path along Pollard Place and Gartrell Way, unless a public street within the subdivision is constructed within 300-feet of the northwest property corner, in which case a direct pedestrian connection shall be made to Roberts Road, consistent with UDO Sec. 7.5.4.C. The project will dedicate additional right-of-way along Roberts Road in the northeast corner to achieve a total of 40' for ½ of the Roberts Road R/W. A 5' public sidewalk shall be installed along the frontage of the project along Roberts Road prior to the first plat.

Public Facilities:

As shown on the PUD Utility Plan, the sanitary sewer connection will come by connecting to the existing sewer system in Pollard Place to the west, from the Crestmont subdivision. Water distribution service will be provided to this project by the connection to an existing eight inch waterline along Pollard Place to the west (coming from the Crestmont subdivision), as well as Pollard Place to the east (coming from the Pines at Wake Crossing subdivision).

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The PRCR Advisory Commission reviewed the Roberts Road Properties PUD project on December 9, 2020 and the Commission unanimously recommended a fee-in-lieu for recreation land dedication based on the number of units and types proposed at the time of Master Subdivision Approval. The fee rate will be based on the rate of the current year when Town Council approves the PUD.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of #20CZ11 Roberts Road Properties PUD with conditions as proposed, with the exception of the lack of direct pedestrian connection from future subdivision to Roberts Road, which is a thoroughfare.

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While the Roberts Road Properties PUD is consistent with the Thoroughfare and Collector Street Plan, the PUD as proposed does not provide for direct pedestrian connection from the future subdivision to the thoroughfare, Roberts Road, as required in UDO Sec. 7.5.4 C. *Sidewalks*:

C) *Sidewalks*

- 2) *The subdivider shall construct sidewalks along both sides of all major and minor thoroughfares, all collectors, and on one side of all other streets within and bordering the subdivision property boundaries. Such sidewalks shall provide direct pedestrian connections to adjacent properties outside the subdivision.*
 - b) *Where street interconnectivity is not provided (such as but not limited to cul-de-sacs) within the development plan, pedestrian connections shall be constructed. The pedestrian connection requirement does not apply when a connection between two (2) cul-de-sacs would not improve connectivity with the subdivision or to surrounding areas as determined by the Planning Director. The pedestrian connection shall be constructed according to the following:*
 - (i) *The developer shall construct the required pedestrian connections within open space or Resource Conservation Area owned by a homeowner's association, using a minimum five-(5) foot width instead of the 10-foot wide standard section for concrete greenways;*
 - (ii) *The developer shall provide a 10-foot wide public access and maintenance easement along these paths, with the paths in the center of the easements;*
 - (iii) *The open space shall be provided between lots (not within lots) to maintain pedestrian connectivity and shall include destination and directional signs;*

Without the provision of direct internal pedestrian connection to the Thoroughfare, staff cannot recommend support of the Roberts Road Properties PUD as presented.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard this rezoning at their January 11, 2021 meeting and voted on January 13, 2021 to recommend approval, with the conditions as offered by the applicant, by a vote of 8-0.

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:

The proposed rezoning to the PUD-CZ zoning district is reasonable in that it is consistent with the 2045 Land Use Map, which classifies the subject property as Medium Density Residential.

While the proposed rezoning allows for infill single-family residential development consistent and compatible with existing single-family residential development in the area, the proposed rezoning is not in the public interest because of the lack of a pedestrian connection between the future residential development and Roberts Road.

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 ten percent (10%) provided that the PD Plan for PUD-CA includes one or more of the following:
 - (i) A non-residential component; or
 - (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 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.



CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

Legislative Considerations

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (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 #20CZ11

Green Level High School

The Glen at Green Level Crossing

White Oak Creek



Crestmont

The Pines at Wake Crossing

Greenmoor



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 #: 20CZ11 Submittal Date: 10/1/2020
Fee Paid: \$ Check #: _____

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Roberts Road Properties PUD
Address(es): 7517 ROBERTS RD, 2310 POLLARD PL, 2000 CABIN COVE RD
PIN(s) 0733-05-9045, 0733-04-9734, 0733-04-9444
Acreage: 10.54

Current Zoning: RR Proposed Zoning: PUD-CZ
Current 2045 LUM Designation: Medium Density Residential
Requested 2045 LUM Designation: _____
See next page for LUM amendment

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

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

Applicant Information

Name: Justin Michela
Address: 714 Main Street
City: Hudson State: MA Zip: 01749
Phone: 978-875-0821 E-mail: justin@themichelas.org

Owner Information

Name: See Attached List
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: Jones & Clossen Engineering, PLLC
Address: PO Box 1062
City: Apex State: NC Zip: 27502
Phone: 919-387-1174 E-mail: patrick@jonesclossen.com

Other contacts: _____

Owner	Mail Address 1	Mail Address 2	PIN	SITE ADDRESS
MATTHEW & MICHELLE MICHELA JUSTIN & MARYANN MICHELA AND	7517 ROBERTS RD	CARY NC 27519-8920	0733059045	7517 ROBERTS RD
MATTHEW & MICHELLE MICHELA JUSTIN & MARYANN MICHELA	2000 CABIN COVE RD 2000 CABIN COVE RD	CARY NC 27519-8919 CARY NC 27519-8966	0733049734 0733049444	2310 POLLARD PL 2000 CABIN COVE RD

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

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

BEGINNING at an existing iron pipe on the southern 60' right of way of Roberts Road (NCSR 1608), Herman Wayne Roberts' northeast corner (D.B. 3814, PG. 154) located North $79^{\circ} 50' 43''$ East, 90.62 feet from a 6 inch nail set bearing NAD 83 (2011) NC grid coordinate values of North 735,205.28 US survey feet, East 2,031,105.04 US survey feet; thence South $00^{\circ} 51' 41''$ West, 906.78 feet to an existing iron pipe; thence North $89^{\circ} 10' 59''$ West, 497.98 feet to an existing iron pipe; thence North $00^{\circ} 31' 12''$ East, 946.86 feet to an existing iron pipe; thence South $78^{\circ} 40' 50''$ East, 125.30 feet to an existing iron pipe; thence South $82^{\circ} 49' 27''$ East, 124.34 feet to an iron pipe set; thence South $88^{\circ} 24' 41''$ East, 256.84 feet to the BEGINNING, containing 10.5432 total acres more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Annexation Map for the Town Of Apex, Jones & Cossen Engineering, PLLC", dated September 22, 2020.

PRELIMINARY

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ11

Submittal Date: 10/1/2020

Provide a certified list of property owners subject to this application and all property owners within 300' of the subject property and HOA Contacts.

	Owner's Name	PIN
1.	See Attached List	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

I, PATRICK L. KIERNAN, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

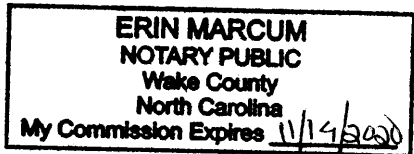
Date: 9/29/20

By: *Patrick L. Kiernan*

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 29th day of September, 2020.

SEAL



Erin Marcum
Notary Public
Erin Marcum
Print Name

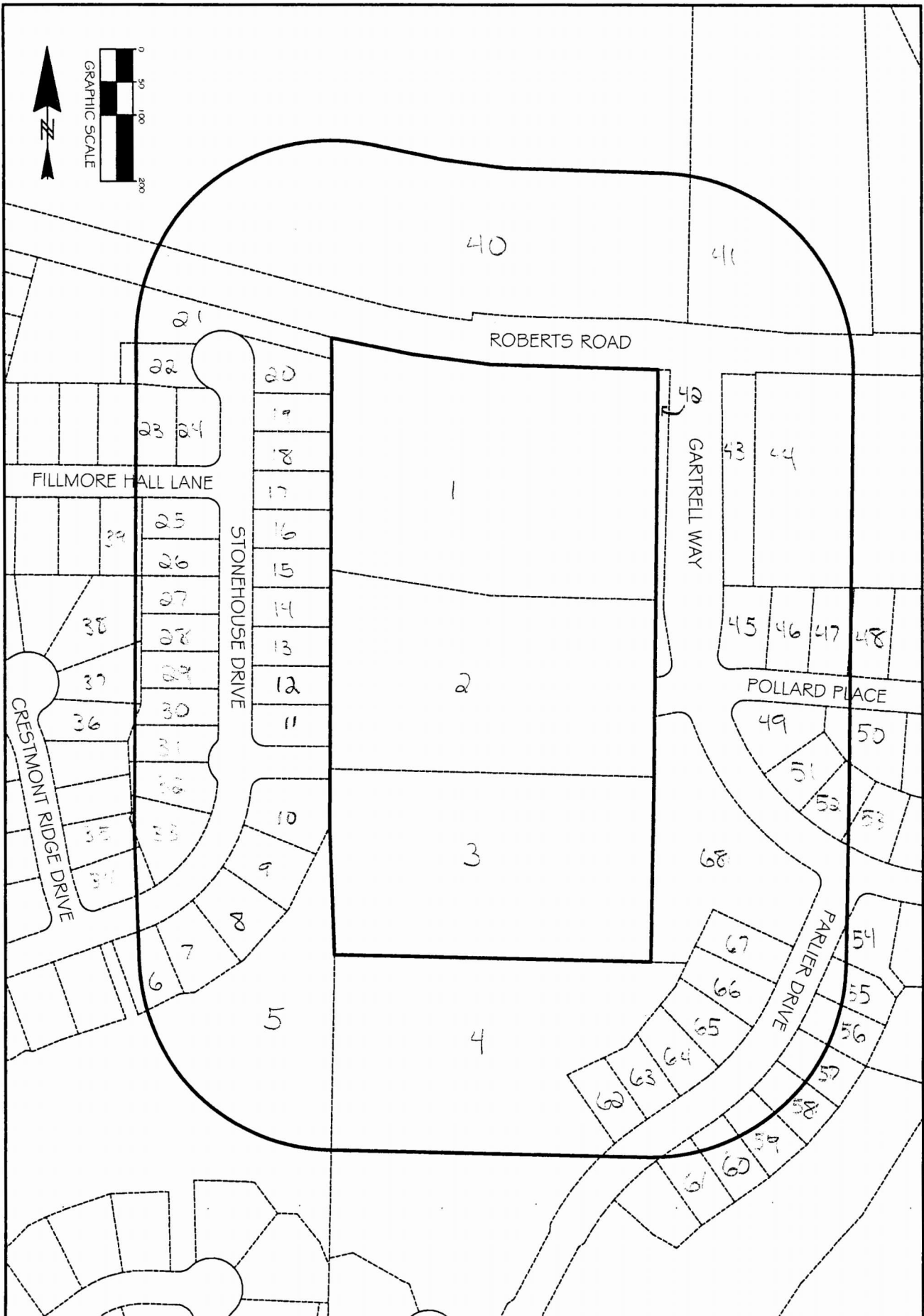
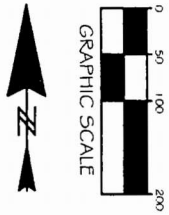
My Commission Expires: November 19, 2020

2050 Roberts Rd Properties Adjacent Property Owners

	A	B	C	D	E	F
1	Parcel	Owner	Mail Address 1	Mail Address 2	Mail Address 3	PIN
2	NA	Town of Apex	Planning Department	PO Box 250	Apex NC 27502	
3	1	HERMAN ROBERTS	7517 ROBERTS RD	CARY NC 27519-8920		0733059045
4	2	BRIAN & JULIE ROBERTS	7421 ROBERTS RD	CARY NC 27519-8919		0733049734
5	3	MICHAEL & CATHERINE ROBERTS	2000 CABIN COVE RD	CARY NC 27519-8966		0733049444
6	4	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733049008
7	5	CRESTMONT OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243	RALEIGH NC 27624-7243	0723948119
8	6	NATARAJ DASGUPTA & SURAIYA NAHAR	363 STONEHOUSE DR	APEX NC 27523-7127		0733044300
9	7	SUNIL KUMAR & RASHMI MARUVADA	359 STONEHOUSE DR	APEX NC 27523-7127		0733044373
10	8	SRIKANTH & SWARNALATHA CHERUKURI	355 STONEHOUSE DR	APEX NC 27523-7127		0733045348
11	9	DEEPTI KRISHNAKUMAR & ARUNKUMAR VIJAYAKUMAR	351 STONEHOUSE DR	APEX NC 27523-7127		0733045495
12	10	AJIT & DEEPTI DABADE	347 STONEHOUSE DR	APEX NC 27523-7127		0733046524
13	11	JAYARAM MUMMADI & ANITHA GUDDHETI	339 STONEHOUSE DR	APEX NC 27523-7127		0733046627
14	12	NEELKAMAL DOPPALAPUDI & GNANALAKSHMI SAISUDHA KATRAGADDA	335 STONEHOUSE DR	APEX NC 27523-7127		0733046723
15	13	LINGMING HOU & WEIHONG CAO	331 STONEHOUSE DR	APEX NC 27523-7127		0733046729
16	14	MINGLIANG WEI & CHUNHUA YANG	327 STONEHOUSE DR	APEX NC 27523-7127		0733046825
17	15	JEFFREY & MEGHAN RICHMOND	323 STONEHOUSE DR	APEX NC 27523-7127		0733046921
18	16	CHAKRADHAR REDDY CHEEMARLA & DAMODHAR PRATHIBA REDDY CHARLA	319 STONEHOUSE DR	APEX NC 27523-7127		0733046927
19	17	SHANNON & WILLIAM ALMAND IV	315 STONEHOUSE DR	APEX NC 27523-7127		0733056023
20	18	MIKLOS NAGY & ILDIKO HORVATH	311 STONEHOUSE DR	APEX NC 27523-7127		0733056039
21	19	SHIVA REDDY BUSIREDDY & RASHMI RAJKUMAR WADHWA	307 STONEHOUSE DR	APEX NC 27523-7127		0733056135
22	20	UMESH KEDLA & SAPNA GUDDEKOPPA	303 STONEHOUSE DR	APEX NC 27523-7127		0733056222
23	21	CRESTMONT OWNERS ASSOCIATION INC	812 SALEM WOODS DR STE 202	RALEIGH NC 27615-3346		0733053268
24	22	VARUN KUMAR SINGH & KUMUDINI TEWARI	302 STONEHOUSE DR	APEX NC 27523-7127		0733054222
25	23	CELESTE & ORLANDO DIZON JR	2304 FILLMORE HALL LN	APEX NC 27523-7126		0733054123
26	24	BAIHAN YU & JING PAN	2300 FILLMORE HALL LN	APEX NC 27523-7126		0733054183
27	25	PRANAVI BUKKA & PRAVEEN KUMAR KONALA	318 STONEHOUSE DR	APEX NC 27523-7127		0733044959
28	26	SUNIL KUMAR SINGH RAMBRICHH & SNEHLATA SINGH	322 STONEHOUSE DR	APEX NC 27523-7127		0733044953
29	27	JAWAHAR & SMITHA RUDDARRAJU	326 STONEHOUSE DR	APEX NC 27523-7127		0733044857
30	28	NAGARJUNA REDDY CHINTA & SIRISHA SINGASANI	330 STONEHOUSE DR	APEX NC 27523-7127		0733044851
31	29	KRISHNAM RAJU & LAKSHMI PENUMATCHA	334 STONEHOUSE DR	APEX NC 27523-7127		0733044756
32	30	SRIKANTH MAKINENI & CHANDANA BUJINGA TUMMALA	338 STONEHOUSE DR	APEX NC 27523-7127		0733044750
33	31	MEENAKSHI SUNDARAM RAMANATHAN & GEETHA MEENAKSHI SUNDARAM	342 STONEHOUSE DR	APEX NC 27523-7127		0733044644
34	32	DANIEL & JESSICA THORN	346 STONEHOUSE DR	APEX NC 27523-7127		0733044548
35	33	IAN & MA FATIMA GOMEZ	350 STONEHOUSE DR	APEX NC 27523-7127		0733044530
36	34	RAJESH & MANASA NADIPALLI	267 CRESTMONT RIDGE DR	APEX NC 27523-7119		0733043453
37	35	PRANAB & PUJA SHRESTHA	263 CRESTMONT RIDGE DR	APEX NC 27523-7119		0733043439
38	36	TAO FENG & JING CHAI	2305 BRAXTON WOOD LN	APEX NC 27523-7128		0733043618
39	37	RAMASAMEERA PALAVALI & SIVANAGARJUNA SANIVARAPU	2301 BRAXTON WOOD LN	APEX NC 27523-7128		0733043734
40	38	ADAM & STACEY LISI	2300 BRAXTON WOOD LN	APEX NC 27523-7128		0733043833
41	39	CHINAR KULKARNI & SANUJA DABADE	2307 FILLMORE HALL LN	APEX NC 27523-7126		0733043966
42	40	WAKE CNTY BOARD OF EDUCATION	RE SERVICES DIRECTOR	1551 ROCK QUARRY RD	RALEIGH NC 27610-4145	0733061465
43	41	121 LENNOX LLC	SMULTRON LP	1892 BLUE JAY PT	APEX NC 27502-9711	0733153781
44	42	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733141997
45	43	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733153015
46	44	AMANDALEE2 LLC	6410 MCCRIMMON PKWY	MORRISVILLE NC 27560-8136		0733146978
47	45	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733143822
48	46	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733143892
49	47	HYUNSOOK CHAE & IL WON	2218 POLLARD PL	CARY NC 27519-8963		0733144851
50	48	JIN S & YOUNG LEE	2214 POLLARD PL	CARY NC 27519-8963		0733145811

2050 Roberts Rd Properties Adjacent Property Owners

	A	B	C	D	E	F
51	49	CHIRAG A SAXENA & PUJITA PATNI	251 GARTRELL WAY	CARY NC 27519-8962		0733143676
52	50	JAVEEDA MIYA & NURUS SABA	2215 POLLARD PL	CARY NC 27519-8963		0733145614
53	51	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733144610
54	52	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733144565
55	53	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733145522
56	54	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733145314
57	55	HAN ZHU & RUI WANG	309 PARLIER DR	CARY NC 27519-8964		0733144296
58	56	DAOYU WANG & QINGFANG LIN	313 PARLIER DR	CARY NC 27519-8964		0733144270
59	57	MADHUSUDHAN BELLAMKONDA & USHA ANNAMANENI	317 PARLIER DR	CARY NC 27519-8964		0733144145
60	58	ELDHOSE KURIAN THATTARATH & CAROLINE THOMAS	321 PARLIER DR	CARY NC 27519-8964		0733144009
61	59	NARENDER & JYOTI RAO YELLANKI	325 PARLIER DR	CARY NC 27519-8964		0733143054
62	60	LALIT GOEL & ANUBHA GUPTA	329 PARLIER DR	CARY NC 27519-8964		0733143001
63	61	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733132947
64	62	BONG JIN YOUM & HAEJA KIM	336 PARLIER DR	CARY NC 27519-8964		0733141110
65	63	KAI-DI & CHENG-KUO CHI	332 PARLIER DR	CARY NC 27519-8964		0733141163
66	64	ALI QAMAR & MADIHA ALI	326 PARLIER DR	CARY NC 27519-8964		0733142117
67	65	SARAH YONGMEI XU & DONG XIANG	7 RANDOLPH CIR	WESTFORD MA 01886-2595		0733142261
68	66	CHANDRA SEKHAR VELIGETI BHASKARA & ANUSHA KARYAMPUDI	314 PARLIER DR	CARY NC 27519-8964		0733142297
69	67	YANG LI WU & YU FANG SHANG	310 PARLIER DR	CARY NC 27519-8964		0733143323
70	68	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733142477
71	69	NIKITA SWAPNIL PATIL & SWAPNIL KHANDERAO PATIL	2308 FILLMORE HALL LANE	APEX, NC 27523-7126		0733053163
72						
73						



7517 ROBERTS ROAD, 2310 POLLARD PLACE,
 & 2000 CABIN COVE ROAD

2050	DATE	1-1-2007
	DATE	SEPTEMBER 10, 2020

NO. 10-10000-10
 10/10/2007
 10/10/2007
 10/10/2007

Jones & Crossen
ENGINEERING, PLLC
 Civil Engineering | Construction Management | Land Planning

AGENT AUTHORIZATION FORM

Application #: 20CZ11

Submittal Date: _____

Justin & Maryann Michela 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: 2000 Cabin Cove Road

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

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

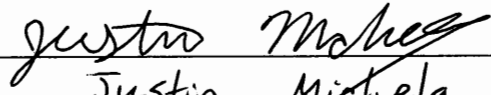
Agent Name: Patrick Kiernan

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

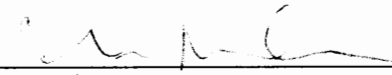
Telephone Number: 919-387-1174

E-Mail Address: patrick@jonescrossen.com

Signature(s) of Owner(s)*


Justin Michela
 Type or print name

12/28/2020
Date


Maryann Michela
 Type or print name

12/28/2020
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 #: 20CZ11

Submittal Date: _____

The undersigned, Justin & Maryann Michela (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 2000 Cabin Cove 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 11/18/2020, and recorded in the Wake County Register of Deeds Office on 11/30/2020, in Book 018213 Page 01641-01642.
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 11/18/2020, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/18/2020, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 28 day of December, 2020.

Justin Michela (seal)
Justin Michela Maryann Michela
 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 Justin's Maryann Michela Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's drivers licenses, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

ERIN MARCUM
NOTARY PUBLIC
 Wake County
 North Carolina
 My Commission Expires 11/15/2025

[NOTARY SEAL]

[Signature]
 Notary Public
 State of North Carolina
 My Commission Expires: November 19, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 20CZ11

Submittal Date: _____

Insert legal description below.

BEING all of Lot 6, containing 3.228 acres, as shown on map entitled "Recombination and Subdivision Map of Herman Wayne Roberts Property", dated August 25, 1996, by Kenneth Close, Inc., Land Surveying, and recorded in Book of Maps 1997, Page 1624, Wake County Registry, reference to which is hereby made for greater certainty of description.

TOGETHER WITH an appurtenant perpetual easement and right of ingress and egress upon and over the 30-foot private access easement and turn around shown on the above referenced map as Cabin Cove Road extending from said property to S.R. 1608 [Roberts Road].

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 7694, Page 597, Wake County Registry.

AGENT AUTHORIZATION FORM

Application #: 20CZ11

Submittal Date: _____

Justin & Maryann Michela and Matthew & Michelle Michela 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: 2310 Pollard Place

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

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

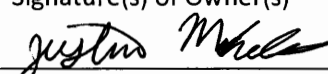

Agent Name: Patrick Kiernan

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

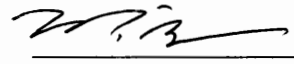
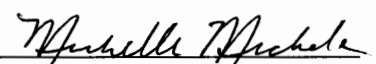
Telephone Number: 919-387-1174

E-Mail Address: patrick@jonescrossen.com

Signature(s) of Owner(s)*

 
Justin Michela Maryann Michela
Type or print name

12/28/2020
Date

 
MATTHEW MICHELA MICHELLE MICHELA
Type or print name

12/28/2020
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 #: 20CZ11

Submittal Date: _____

Justin & Maryann Michela and

The undersigned, Matthew & Michelle Michela (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 2310 Pollard Place 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 11/18/2020, and recorded in the Wake County Register of Deeds Office on 11/30/2020, in Book 018213 Page 01665-01666.
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 11/18/2020, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/18/2020, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

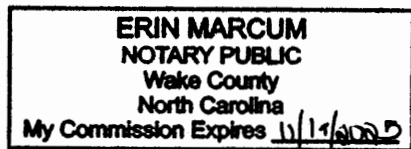
This the 28 day of December, 2020.

Justin Michela Maryann Michela Michelle Michela
 Justin Michela Maryann Michela Michelle Michela

 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 Justin, Maryann Michela and Matthew & Michelle Michela, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's drivers licenses, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

[Signature]
 Notary Public
 State of North Carolina
 My Commission Expires: November 19, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 20CZ11

Submittal Date: _____

Insert legal description below.

BEING all of Lot 2, containing 3.228 acres including the Cabin Cove Road access easement, Exempt Plat Herman Wayne Roberts as recording in Book of Maps 2017, Page 2026, Wake County Registry.

AGENT AUTHORIZATION FORM

Application #: 20CZ11

Submittal Date: _____

Matthew & Michelle Michela 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: 7517 Roberts Road

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

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

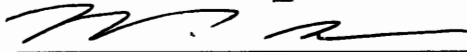
Agent Name: Patrick Kiernan

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

Telephone Number: 919-387-1174

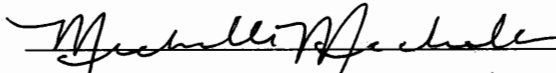
E-Mail Address: patrick@jonescrossen.com

Signature(s) of Owner(s)*



MATTHEW MICHELA
Type or print name

12/28/20
Date



MICHELLE MICHELA
Type or print name

12/28/20
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 #: 20CZ11

Submittal Date: _____

The undersigned, MATTHEW MICHELA + Michelle Michela (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 7517 Roberts 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 11/18/2020, and recorded in the Wake County Register of Deeds Office on 11/30/2020, in Book 018213 Page 01679-01680.
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 11/18/2020, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/18/2020, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 28th day of December, 2020.

[Signature] (seal)
MATTHEW MICHELA MICHELLE MICHELA

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 Matthew's Michelle Michela, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's driver licenses, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

ERIN MARCUM
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires 11/19/2025

[NOTARY SEAL]

[Signature]
Notary Public
State of North Carolina
My Commission Expires: November 19, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 20CZ11

Submittal Date: _____

Insert legal description below.

BEING all of Lot 1 of that certain map entitled "Herman Wayne Roberts" dated November 16, 2016, surveyed by Smith and Smith surveyors and recorded in Book of Maps 2017, Page 2026, Wake County Registry.
The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 3814, Page 154 and Deed Book 3673, Page 127, Wake County Registry.



Wake County Residential Development Notification

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

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

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

Developer Company Information	
Company Name	
Company Phone Number	
Developer Representative Name	Justin Michela
Developer Representative Phone Number	978-875-0821
Developer Representative Email	justin@themichelas.org

New Residential Subdivision Information	
Date of Application for Subdivision	October 01, 2020
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	7517 ROBERTS RD, 2310 POLLARD PL, 2000 CABIN COVE RD
REID(s)	0147821, 0450952, 0235566
PIN(s)	0733-05-9045, 0733-04-9734, 0733-04-9444

Projected Dates Information	
Subdivision Completion Date	2024
Subdivision Projected First Occupancy Date	2022

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	40					10	30	1800	3500	\$275K	\$600K	2022	5	2023	20	2024	15
Townhomes	10				5	5		1200	2100	\$180K	\$320K	2022	5	2023	5		
Condos																	
Apartments																	
Other																	

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.

September 18, 2020

Date

Dear Neighbor:

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

7517 ROBERTS RD, 2310 POLLARD PL, 2000 CABIN COVE RD 0733-05-9045, 0733-04-9734, 0733-04-9444

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)):

The parcels are currently zoned Rural Residential (RR). We are proposing a change in zoning to Planned Unit

Development Conditional District (PUD-CZ). This will allow for a mix of primarily single family homes and

a small number of townhomes. The parcels will remain Medium Density Residential for the Land Use.

Estimated submittal date: October 01, 2020

MEETING INFORMATION:

Property Owner(s) name(s): HERMAN ROBERTS; BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS

Applicant(s): Jones & Clossen Engineering, PLLC

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

Electronic Meeting invitation/call in info: See enclosed instructions

Date of meeting**: September 28, 2020

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

MEETING AGENDA TIMES:

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

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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>.



Jones & Clossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

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

Zoom Meeting Details - Roberts Rd Properties Rezoning

When: **Sep 28, 2020 06:00 PM Eastern Time** (US and Canada)

Register in advance for this meeting:

<https://zoom.us/meeting/register/tJwvceqvrDspHdLp8ExGEy06GbEh8Lo9ky1o>

The Meeting Registration form will request your First and Last Name, email address and Address to help us with attendance at the meeting.

After registering, you will receive a confirmation email containing information about joining the meeting.

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

PROJECT CONTACT INFORMATION

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Development Contacts:

Project Name: Roberts Road Properties Zoning: RR
 Location: 7517 ROBERTS RD, 2310 POLLARD PL, 2000 CABIN COVE RD
 Property PIN(s): 0733-05-9045, 0733-04-9734, 0733-04-9444 Acreage/Square Feet: 10.48

Property Owner: HERMAN ROBERTS; BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS
 Address: 7517 ROBERTS RD; 7421 ROBERTS RD; 2000 CABIN COVE RD
 City: Cary State: NC Zip: 27519
 Phone: _____ Email: _____

Developer: Justin Michela
 Address: 714 Main Street
 City: Hudson State: MA Zip: 01749
 Phone: _____ Fax: _____ Email: _____

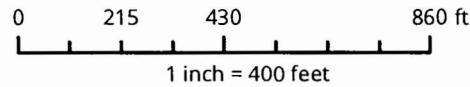
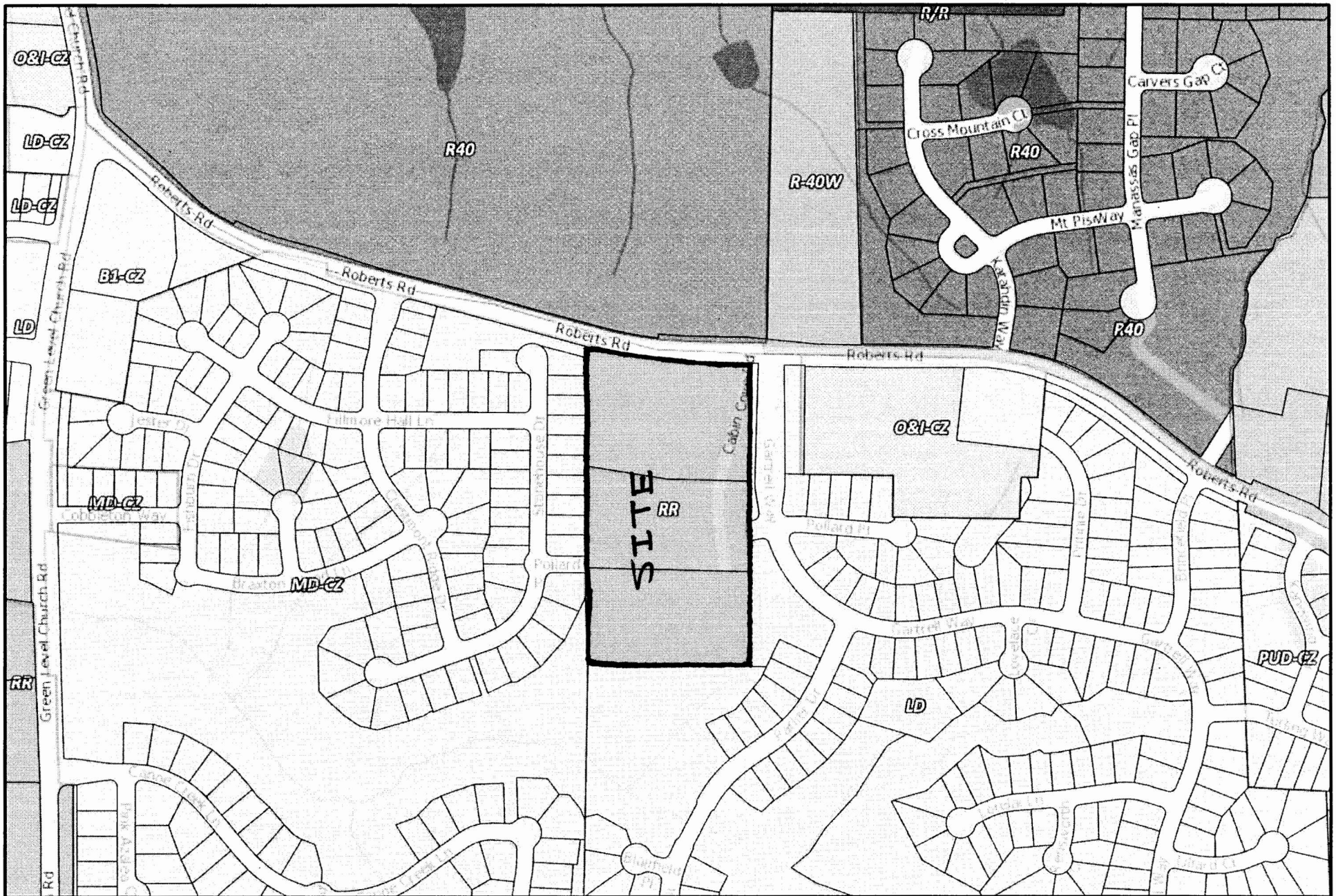
Engineer: Jones & Crossen Engineering, PLLC - Patrick Kiernan
 Address: PO Box 1062
 City: Apex State: NC Zip: 27502
 Phone: 919-387-1174 Fax: 919-387-3375 Email: patrick@jonescrossen.com

Builder (if known): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

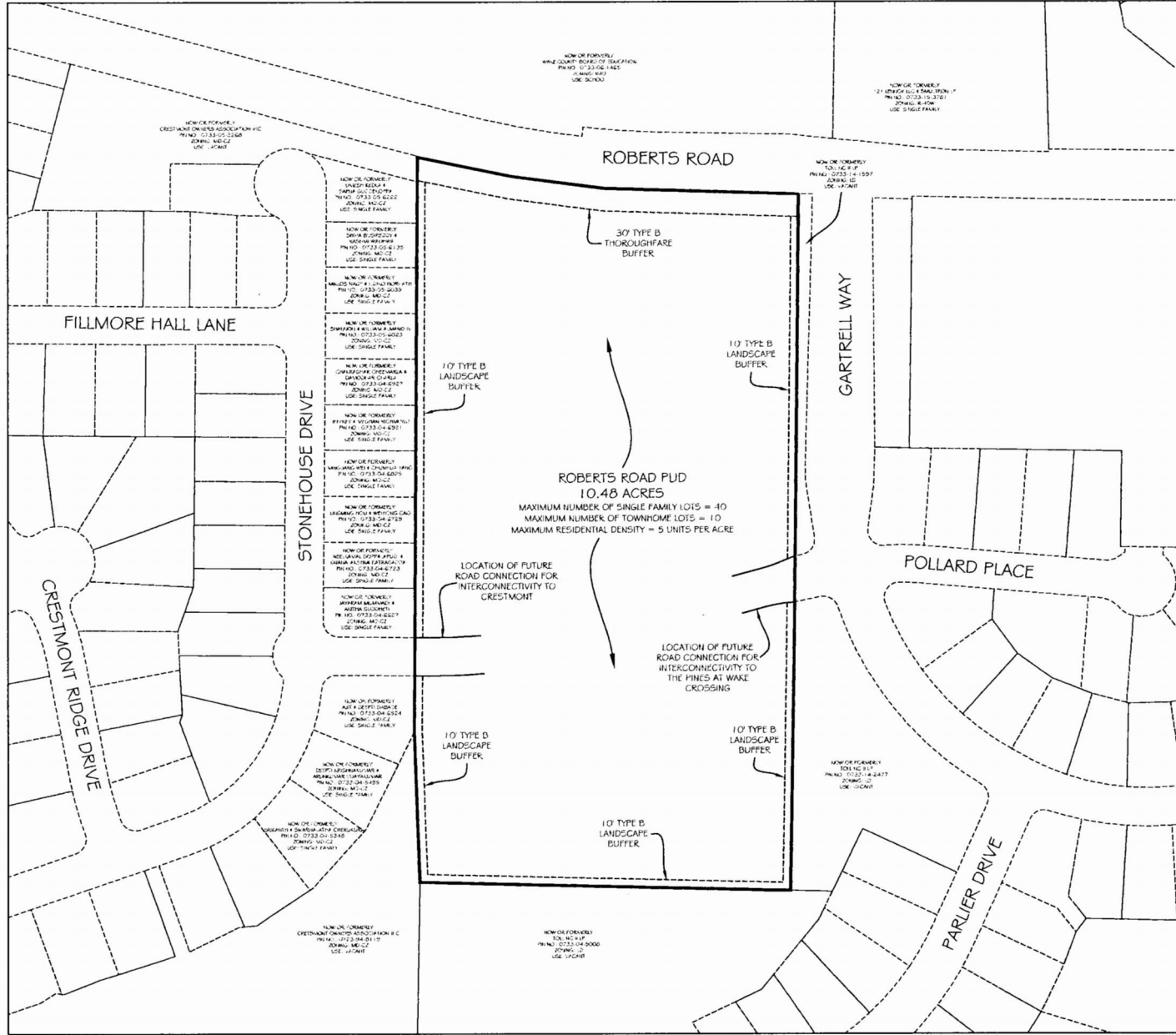
Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

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



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.



- TOWN REQUIRED PUD NOTES:**
- PROTECTION FENCINGS MUST BE PLACED AWAY FROM AND PARALLEL TO THE STREET FOR EACH END OF TREE CANOPIES. PROTECTION FENCINGS MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCINGS MUST BE PLACED ALONG THE OUTSIDE EDGE OF THE 100-YEAR FLOODPLAIN AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTIVE FENCINGS MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DETERMINED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES ON NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
 - SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND USEWAY TRAILS AND THESE TYPE LOTS ARE ASSOCIATED WITH THEM. TRASH CONTAINERS, SIGNS, ETC. MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APX'S STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APX PUBLIC AND OCCUPATION DEPARTMENT.
 - ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
 - NO SIGNS ARE APPROVED AS PART OF A PUD-02 PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

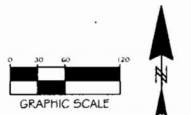
- PLANNING NOTES:**
- WITH THE SUB OF THE PUD AND THE PROPOSED OPENING THIS SITE DOES NOT REQUIRE A TRANSFORMATIONAL IMPACT ANALYSIS.
 - FUTURE PUBLIC ROADWAY CONNECTIONS ARE SHOWN TO DEMONSTRATE CONNECTIVITY FOR THE USUAL PROJECT BUT SPECIAL LAYOUTS WILL BE SHOWN AT THE TIME OF MASTER PLAN APPROVAL.
 - THE MAINTENANCE OF AREA LANDSCAPE BUFFERS, COMMON AREAS AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
 - ALL INTERNAL PUBLIC STREETS SHALL HAVE 50 FEET OF RIGHT-OF-WAY, 25 FEET OF GRASS AND ASPHALT WITH SIDEWALKS ON BOTH SIDES OF THE STREET UNLESS SPECIFIED OTHERWISE.
 - THE PROJECT WILL BE DEVELOPED IN ONE PHASE.



20 N. SALMON ST.
SUITE 501
PO BOX 1048
APX, NC 27601
Office: 919.487.1174
Residential: 919.811.7000
www.jonesandcrossen.com

ROBERTS ROAD PUD
PD PLAN
PRELIMINARY LAYOUT
TOWN OF APX

1"=60'	PLK
SEPTEMBER 16, 2020	
PRELIMINARY PLANS NOT FOR CONSTRUCTION	
2050	

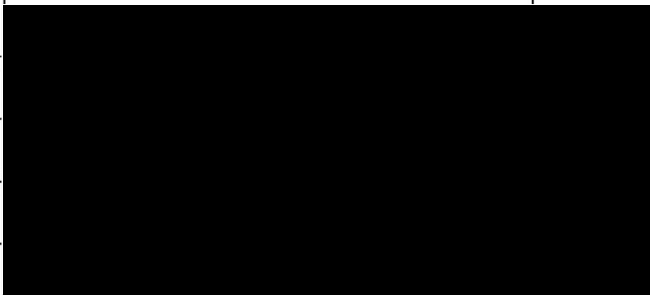


ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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 meeting
 Date of meeting: September 28, 2020 Time of meeting: 6:00 pm - 8:00 pm
 Property Owner(s) name(s): HERMAN ROBERTS; BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS
 Applicant(s): Jones & Crossen Engineering, PLLC

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.	Brian Fruits	375 Stonehouse Dr.			
2.	Dong Xiang	330 Parlier Dr.			
3.	Justin Michela				
4.	Laura Michela				
5.	Matt Minor				
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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Property Owner(s) name(s): HERMAN ROBERTS; BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS

Applicant(s): Jones & Cnossen Engineering, PLLC

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

Meeting Format: Zoom meeting

Date of meeting: September 28, 2020 Time of meeting: 6:00 pm - 8:00 pm

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:

We reviewed the development process/timeline and the Preliminary PUD layout including connecting streets, right of way, and buffers.

Applicant's Response:

We asked for questions from the meeting attendees and there were no questions.

If attendees wanted to receive email updates we requested that they let us know using the chat feature. One attendee requested updates.

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, Patrick Kiernan, do hereby declare as follows:
Print Name

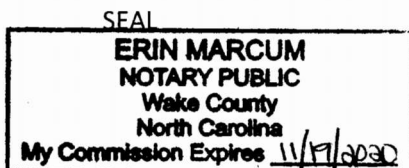
1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property 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 meeting (indicate format of meeting) on September 28, 2020 (date) from 6:00 pm (start time) to 8:00 pm (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.

9/29/20
Date

By: Patrick Kiernan

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 29th day of September, 2020.



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2020



Jones & Clossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

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

October 13, 2020

NIKITA SWAPNIL PATIL & SWAPNIL KHANDERAO PATIL
2308 FILLMORE HALL LANE
APEX, NC 27523-7126

Dear Neighbor,

We conducted a Neighborhood Meeting on September 28th regarding a Rezoning for several properties on Roberts Road that are within 300' of your property. Your names and address were inadvertently missed in our mailing of the notices for that meeting. We are enclosing the notification that was mailed for that previous meeting for your reference. We have scheduled an additional Zoom meeting on October 29th at 6 pm, so that we can ensure that you have an opportunity to hear about the project and ask us any questions that you may have. The meeting details are enclosed.

You are always welcome to contact us by phone or email with any questions, if you would prefer. As well, if you would like to receive future updates regarding the project or to receive a copy of the project documents that were submitted to the Town, we can send those by email. We would need for you to call our office or email us to provide your email address. The project information is also publicly accessible on the Town of Apex website (www.apexnc.org) by clicking on the link for the "Interactive Development Map" if that is more convenient.

I can be reached at (919) 387-1174 or by email at patrick@jonesclossen.com with any questions.

Sincerely,

A handwritten signature in black ink that reads "Patrick Kiernan". The signature is fluid and cursive, with the first name being more prominent.

Patrick Kiernan, P.E.

Enclosures



Jones & Crossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

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

Zoom Meeting Details - Roberts Rd Properties Rezoning

When: Oct 29, 2020 06:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

https://zoom.us/meeting/register/tJcsfuygrz4vHNQYwXHctvK5ai8D1Wd-eGR_

The Meeting Registration form will request your First and Last Name, email address and Address to help us with attendance at the meeting.

After registering, you will receive a confirmation email containing information about joining the meeting.

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

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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September 18, 2020

Date

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7517 ROBERTS RD, 2310 POLLARD PL, 2000 CABIN COVE RD 0733-05-9045, 0733-04-9734, 0733-04-9444

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
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*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)):

The parcels are currently zoned Rural Residential (RR). We are proposing a change in zoning to Planned Unit Development Conditional District (PUD-CZ). This will allow for a mix of primarily single family homes and a small number of townhomes. The parcels will remain Medium Density Residential for the Land Use.

Estimated submittal date: October 01, 2020

MEETING INFORMATION:

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Applicant(s): Jones & Cnossen Engineering, PLLC

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Jones & Clossen
ENGINEERING, PLLC

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Register in advance for this meeting:

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 Property PIN(s): 0733-05-9045, 0733-04-9734, 0733-04-9444 Acreage/Square Feet: 10.48

Property Owner: HERMAN ROBERTS; BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS
 Address: 7517 ROBERTS RD; 7421 ROBERTS RD; 2000 CABIN COVE RD
 City: Cary State: NC Zip: 27519
 Phone: _____ Email: _____

Developer: Justin Michela
 Address: 714 Main Street
 City: Hudson State: MA Zip: 01749
 Phone: _____ Fax: _____ Email: _____

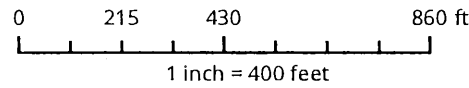
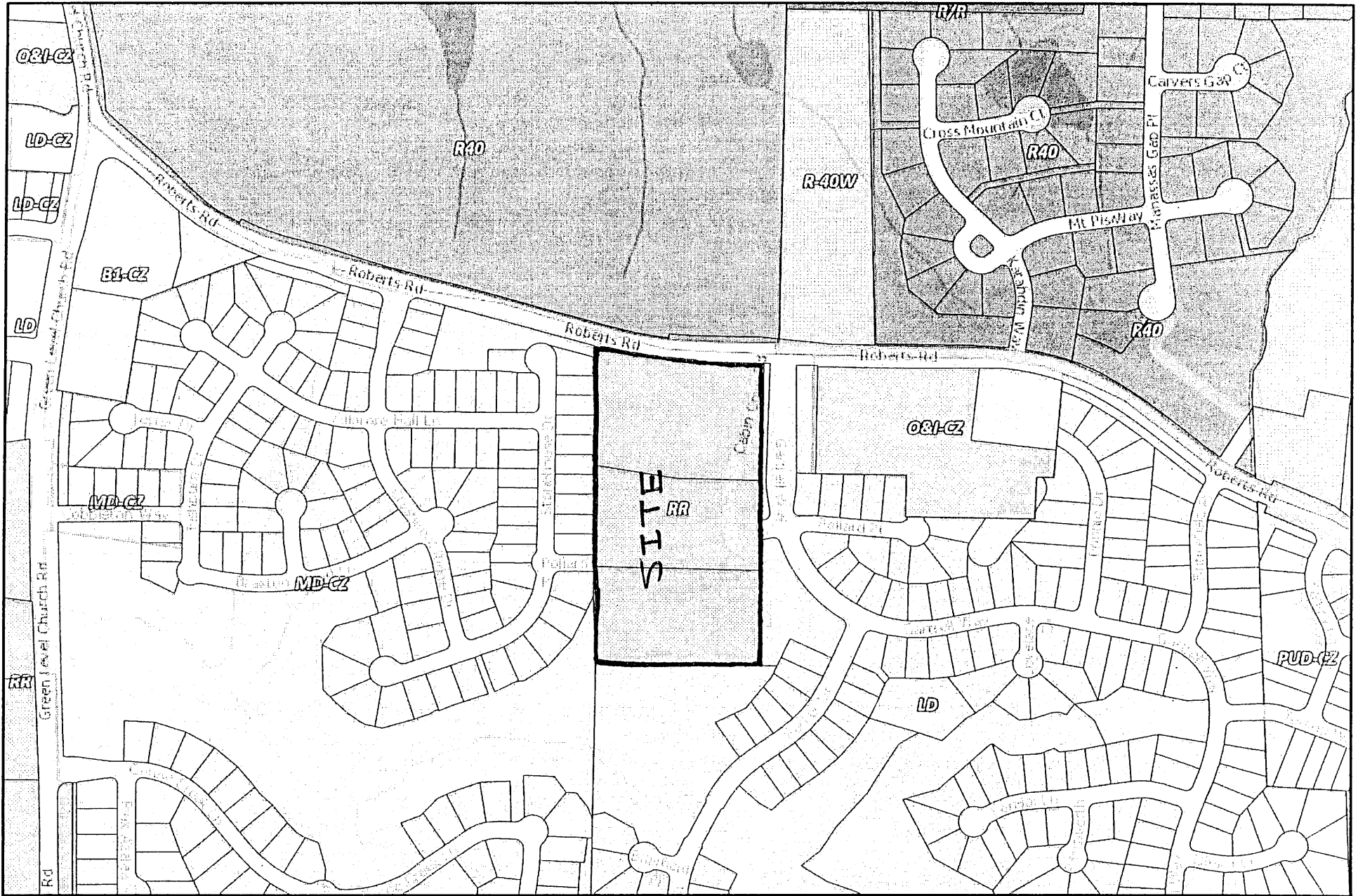
Engineer: Jones & Cossen Engineering, PLLC - Patrick Kiernan
 Address: PO Box 1062
 City: Apex State: NC Zip: 27502
 Phone: 919-387-1174 Fax: 919-387-3375 Email: patrick@jonescossen.com

Builder (if known): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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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



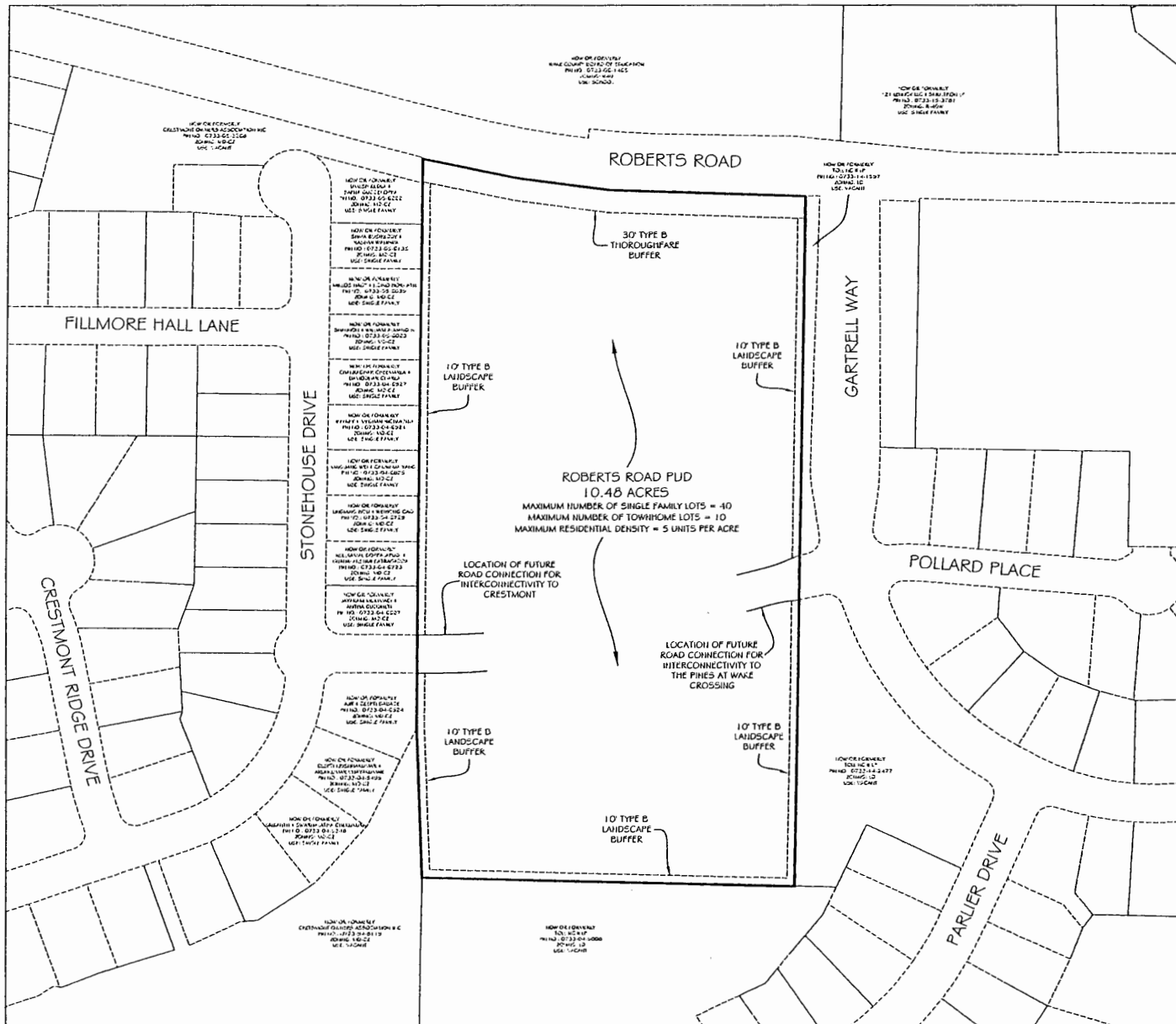
Disclaimer
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE PER FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA. SUCH AS BUT NOT LIMITED TO WETLANDS, BURNED AND SENSITIVE WETLANDS, AND FORDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE EDGE OF THE 100 YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY WETLAND BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTS. IF WRECK IT IS DEEMED NECESSARY BY THE ZONING ENVIRONMENT OFFICER, SUCH WRECK MAY INCLUDE BUT NOT BE LIMITED TO COMMON PROPERTY TREES OR NEAR PUBLIC AREAS (GARAGES, ETC.). SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY AREAS AND BICYCLEWAY TRAILS AND AREAS TYPICALLY ASSOCIATED WITH TRAILS, BENCHES, TRASH CONTAINERS, SIGNS, ETC. MUST FIRST MEET ANY APPLICABLE STANDARDS FORMED BY THE TOWN OF APER FORDS SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APER PARKS AND RECREATION DEPARTMENT.
2. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
3. NO SIGNS ARE APPROVED AS PART OF A PUD-CL PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

PLANNING NOTES:

1. WITH THE START OF THE PLAN AND THE PROPOSED DENSITY, THIS SUB ECTS MAY REQUIRE A TRANSPORTATION IMPACT ANALYSIS.
2. FUTURE PUBLIC ROADWAY CONNECTIONS ARE SHOWN TO ESTABLISH CONNECTIVITY FOR THE OVERALL PROJECT BUT SPECIFIC LOCATIONS WILL BE SHOWN AT THE TIME OF MASTER PLAN APPROVAL.
3. THE MAINTENANCE OF AREA LANDSCAPE BUFFER, COMMON AREAS AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
4. ALL INTERNAL PUBLIC STREETS SHALL HAVE 50 FEET OF RIGHT-OF-WAY, 27 FEET OF CURB AND GUTTER, 5 FEET SIDEWALKS ON BOTH SIDES OF THE STREET UNLESS SPECIFIED OTHERWISE.
5. THIS PROJECT WILL BE DEVELOPED IN ONE PHASE.



PRELIMINARY PLANS
NOT FOR CONSTRUCTION

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 meeting
 Date of meeting: October 29, 2020 Time of meeting: 6:00 pm - 8:00 pm
 Property Owner(s) name(s): HERMAN ROBERTS; BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS
 Applicant(s): Jones & Crossen Engineering, PLLC

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 one attended				
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): HERMAN ROBERTS; BRIAN & JULIE ROBERTS; MICHAEL & CATHERINE ROBERTS

Applicant(s): Jones & Crossen Engineering, PLLC

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

Meeting Format: Zoom meeting

Date of meeting: October 29, 2020 Time of meeting: 6:00 pm - 8:00 pm

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:

No one attended.

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, Patrick Kiernan, 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 meeting (indicate format of meeting) on October 29, 2020 (date) from 6:00 pm (start time) to 8:00 pm (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.

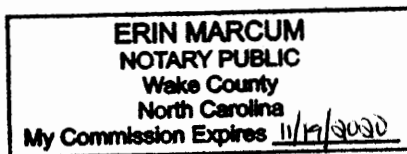
10/30/20
Date

By: Patrick L Kiernan

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 30th day of October, 2020.

SEAL



Erin Marcum
Notary Public
Erin Marcum
Print Name

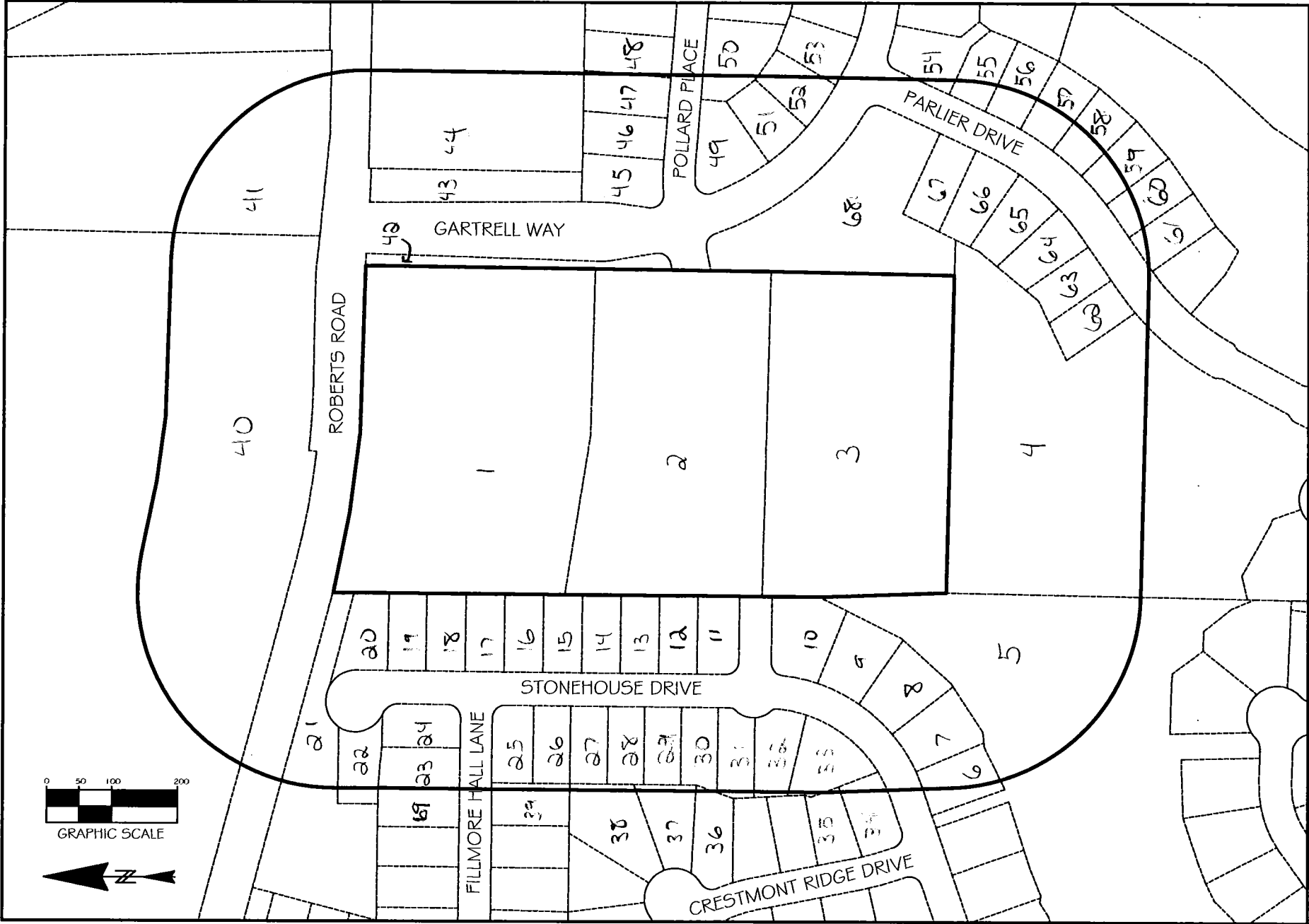
My Commission Expires: November 19, 2020

2050 Roberts Rd Properties Adjacent Property Owners

	A	B	C	D	E	F
1	Parcel	Owner	Mail Address 1	Mail Address 2	Mail Address 3	PIN
2	NA	Town of Apex	Planning Department	PO Box 250	Apex NC 27502	
3	1	HERMAN ROBERTS	7517 ROBERTS RD	CARY NC 27519-8920		0733059045
4	2	BRIAN & JULIE ROBERTS	7421 ROBERTS RD	CARY NC 27519-8919		0733049734
5	3	MICHAEL & CATHERINE ROBERTS	2000 CABIN COVE RD	CARY NC 27519-8966		0733049444
6	4	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733049008
7	5	CRESTMONT OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243	RALEIGH NC 27624-7243	0723948119
8	6	NATARAJ DASGUPTA & SURAIYA NAHAR	363 STONEHOUSE DR	APEX NC 27523-7127		0733044300
9	7	SUNIL KUMAR & RASHMI MARUVADA	359 STONEHOUSE DR	APEX NC 27523-7127		0733044373
10	8	SRIKANTH & SWARNALATHA CHERUKURI	355 STONEHOUSE DR	APEX NC 27523-7127		0733045348
11	9	DEEPTI KRISHNAKUMAR & ARUNKUMAR VIJAYAKUMAR	351 STONEHOUSE DR	APEX NC 27523-7127		0733045495
12	10	AJIT & DEEPTI DABADE	347 STONEHOUSE DR	APEX NC 27523-7127		0733046524
13	11	JAYARAM MUMMADI & ANITHA GUDDHETI	339 STONEHOUSE DR	APEX NC 27523-7127		0733046627
14	12	NEELKAMAL DOPPALAPUDI & GNANALAKSHMI SAISUDHA KATRAGADDA	335 STONEHOUSE DR	APEX NC 27523-7127		0733046723
15	13	LINGMING HOU & WEIHONG CAO	331 STONEHOUSE DR	APEX NC 27523-7127		0733046729
16	14	MINGLIANG WEI & CHUNHUA YANG	327 STONEHOUSE DR	APEX NC 27523-7127		0733046825
17	15	JEFFREY & MEGHAN RICHMOND	323 STONEHOUSE DR	APEX NC 27523-7127		0733046921
18	16	CHAKRADHAR REDDY CHEEMARLA & DAMODHAR PRATHIBA REDDY CHARLA	319 STONEHOUSE DR	APEX NC 27523-7127		0733046927
19	17	SHANNON & WILLIAM ALMAND IV	315 STONEHOUSE DR	APEX NC 27523-7127		0733056023
20	18	MIKLOS NAGY & ILDIKO HORVATH	311 STONEHOUSE DR	APEX NC 27523-7127		0733056039
21	19	SHIVA REDDY BUSIREDDY & RASHMI RAJKUMAR WADHWA	307 STONEHOUSE DR	APEX NC 27523-7127		0733056135
22	20	UMESH KEDLA & SAPNA GUDDEKOPPA	303 STONEHOUSE DR	APEX NC 27523-7127		0733056222
23	21	CRESTMONT OWNERS ASSOCIATION INC	812 SALEM WOODS DR STE 202	RALEIGH NC 27615-3346		0733053268
24	22	VARUN KUMAR SINGH & KUMUDINI TEWARI	302 STONEHOUSE DR	APEX NC 27523-7127		0733054222
25	23	CELESTE & ORLANDO DIZON JR	2304 FILLMORE HALL LN	APEX NC 27523-7126		0733054123
26	24	BAIHAN YU & JING PAN	2300 FILLMORE HALL LN	APEX NC 27523-7126		0733054183
27	25	PRANAVI BUKKA & PRAVEEN KUMAR KONALA	318 STONEHOUSE DR	APEX NC 27523-7127		0733044959
28	26	SUNIL KUMAR SINGH RAMBRICHH & SNEHLATA SINGH	322 STONEHOUSE DR	APEX NC 27523-7127		0733044953
29	27	JAWAHAR & SMITHA RUDDARRAJU	326 STONEHOUSE DR	APEX NC 27523-7127		0733044857
30	28	NAGARJUNA REDDY CHINTA & SIRISHA SINGASANI	330 STONEHOUSE DR	APEX NC 27523-7127		0733044851
31	29	KRISHNAM RAJU & LAKSHMI PENUMATCHA	334 STONEHOUSE DR	APEX NC 27523-7127		0733044756
32	30	SRIKANTH MAKINENI & CHANDANA BUJINGA TUMMALA	338 STONEHOUSE DR	APEX NC 27523-7127		0733044750
33	31	MEENAKSHI SUNDARAM RAMANATHAN & GEETHA MEENAKSHI SUNDARAM	342 STONEHOUSE DR	APEX NC 27523-7127		0733044644
34	32	DANIEL & JESSICA THORN	346 STONEHOUSE DR	APEX NC 27523-7127		0733044548
35	33	IAN & MA FATIMA GOMEZ	350 STONEHOUSE DR	APEX NC 27523-7127		0733044530
36	34	RAJESH & MANASA NADIPALLI	267 CRESTMONT RIDGE DR	APEX NC 27523-7119		0733043453
37	35	PRANAB & PUJA SHRESTHA	263 CRESTMONT RIDGE DR	APEX NC 27523-7119		0733043439
38	36	TAO FENG & JING CHAI	2305 BRAXTON WOOD LN	APEX NC 27523-7128		0733043618
39	37	RAMASAMEERA PALAVALI & SIVANAGARJUNA SANIVARAPU	2301 BRAXTON WOOD LN	APEX NC 27523-7128		0733043734
40	38	ADAM & STACEY LISI	2300 BRAXTON WOOD LN	APEX NC 27523-7128		0733043833
41	39	CHINAR KULKARNI & SANUJA DABADE	2307 FILLMORE HALL LN	APEX NC 27523-7126		0733043966
42	40	WAKE CNTY BOARD OF EDUCATION	RE SERVICES DIRECTOR	1551 ROCK QUARRY RD	RALEIGH NC 27610-4145	0733061465
43	41	121 LENNOX LLC	SMULTRON LP	1892 BLUE JAY PT	APEX NC 27502-9711	0733153781
44	42	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733141997
45	43	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733153015
46	44	AMANDALEE2 LLC	6410 MCCRIMMON PKWY	MORRISVILLE NC 27560-8136		0733146978
47	45	AJAY EDARA & LEELA MADHAVI UPPALA	2226 POLLARD PL	CARY NC 27519-8963		0733143822
48	46	JAMAL MOHAMED ABDUL KADAR & FATIMA FIROSE ABDULLAH	2222 POLLARD PL	CARY NC 27519-8963		0733143892
49	47	HYUNSOOK CHAE & IL WON	2218 POLLARD PL	CARY NC 27519-8963		0733144851
50	48	JIN S & YOUNG LEE	2214 POLLARD PL	CARY NC 27519-8963		0733145811

2050 Roberts Rd Properties Adjacent Property Owners

	A	B	C	D	E	F
51	49	CHIRAG A SAXENA & PUJITA PATNI	251 GARTRELL WAY	CARY NC 27519-8962		0733143676
52	50	JAVEEDA MIYA & NURUS SABA	2215 POLLARD PL	CARY NC 27519-8963		0733145614
53	51	BYUNG CHAN & SHIN HYUN CHOI	267 GARTRELL WAY	CARY NC 27519-8962		0733144610
54	52	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733144565
55	53	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733145522
56	54	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733145314
57	55	HAN ZHU & RUI WANG	309 PARLIER DR	CARY NC 27519-8964		0733144296
58	56	DAOYU WANG & QINGFANG LIN	313 PARLIER DR	CARY NC 27519-8964		0733144270
59	57	MADHUSUDHAN BELLAMKONDA & USHA ANNAMANENI	317 PARLIER DR	CARY NC 27519-8964		0733144145
60	58	ELDHOSE KURIAN THATTARATH & CAROLINE THOMAS	321 PARLIER DR	CARY NC 27519-8964		0733144009
61	59	NARENDER & JYOTI RAO YELLANKI	325 PARLIER DR	CARY NC 27519-8964		0733143054
62	60	LALIT GOEL & ANUBHA GUPTA	329 PARLIER DR	CARY NC 27519-8964		0733143001
63	61	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733132947
64	62	BONG JIN YOUM & HAEJA KIM	336 PARLIER DR	CARY NC 27519-8964		0733141110
65	63	KAI-DI & CHENG-KUO CHI	332 PARLIER DR	CARY NC 27519-8964		0733141163
66	64	ALI QAMAR & MADIHA ALI	326 PARLIER DR	CARY NC 27519-8964		0733142117
67	65	SARAH YONGMEI XU & DONG XIANG	7 RANDOLPH CIR	WESTFORD MA 01886-2595		0733142261
68	66	CHANDRA SEKHAR VELIGETI BHASKARA & ANUSHA KARYAMPUDI	314 PARLIER DR	CARY NC 27519-8964		0733142297
69	67	YANG LI WU & YU FANG SHANG	310 PARLIER DR	CARY NC 27519-8964		0733143323
70	68	TOLL NC II LP	250 GIBRALTAR RD	HORSHAM PA 19044-2323		0733142477
71	69	NIKITA SWAPNIL PATIL & SWAPNIL KHANDERAO PATIL	2308 FILLMORE HALL LANE	APEX, NC 27523-7126		0733053163
72						
73						



<p>Jones & Crossen ENGINEERING, PLLC Civil Engineering Construction Management Land Planning</p>	
<p>7517 ROBERTS ROAD, 2310 POLLARD PLACE, # 2000 CABIN COVE ROAD WALKER COUNTY, NORTH CAROLINA</p>	
<p>1"=200'</p>	<p>TJD</p>
<p>SEPTEMBER 10, 2020</p>	
<p>2050</p>	

PUD PLAN

Roberts Road Properties

A PLANNED UNIT DEVELOPMENT

APEX, NORTH CAROLINA

OWNER/DEVELOPER:

Justin Michela

October 1, 2020

Revised: 11/05/20

Revised: 12/03/20

Revised: 12/21/20

Revised: 01/14/21

Jones & Crossen Engineering, PLLC

221 N. Salem Street, Suite 001

P.O. Box 1062

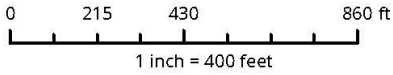
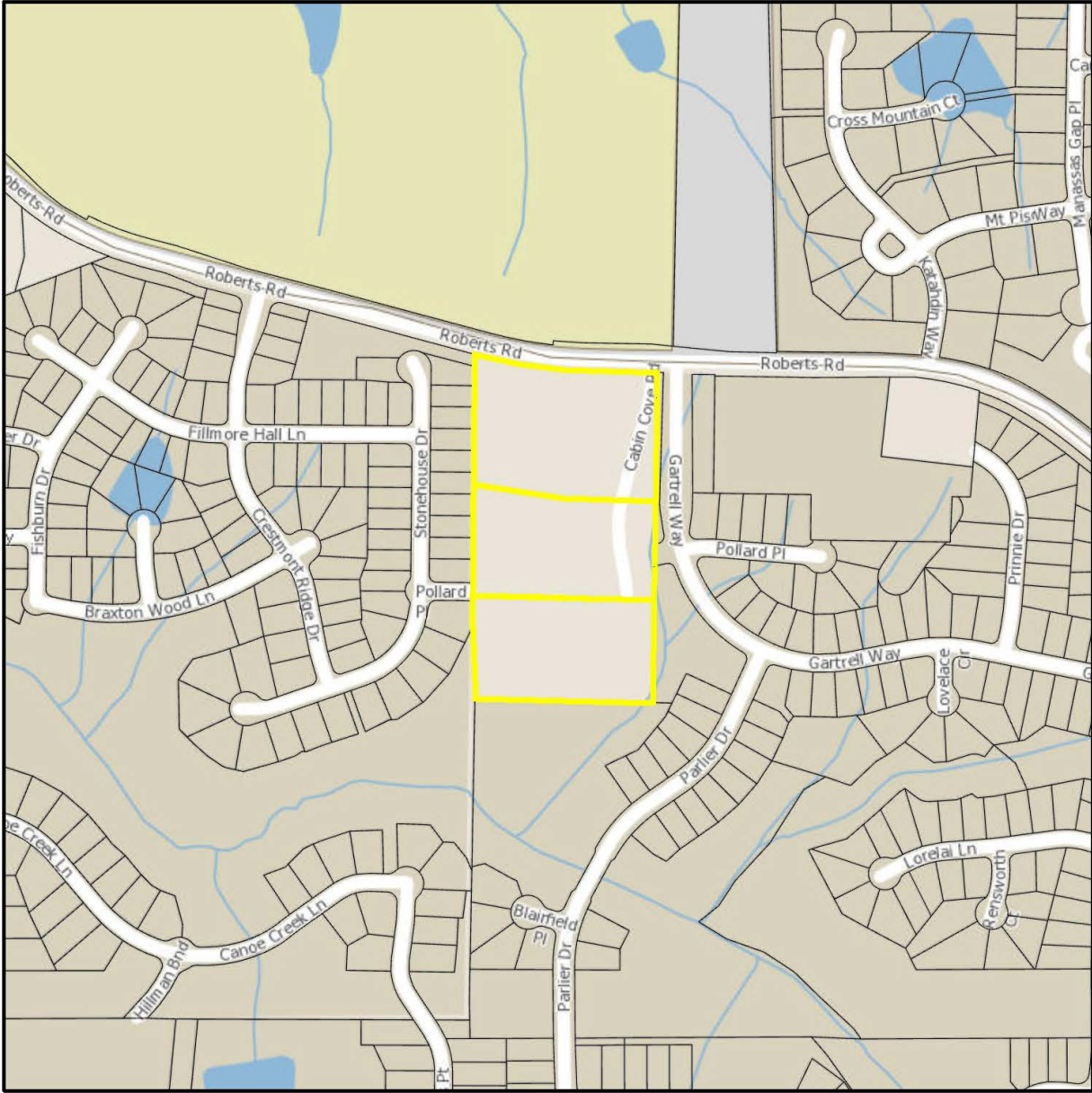
Apex, NC 27502

(919)387-1174

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SECTION 2 – VICINITY MAP



Vacinity Map.pdf

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SECTION 3 – PROJECT DATA

- A. Project name: Roberts Road Properties
- B. Owner/Developer: Justin Michela
714 Main Street
Hudson, MA 01749
- C. Prepared by: Jones & Clossen Engineering, PLLC
P.O. Box 1062, 221 N. Salem Street, Suite 001
Apex, NC 27502
(919) 387-1174
- D. Designated Single Point of Contact:
Patrick L. Kiernan (Jones & Clossen Engineering, PLLC)
- E. Current and Proposed Zoning of the Property:
Current zoning: Rural Residential (RR)
Proposed zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
- F. Current and Proposed Land Uses:
Current: Residential, Vacant
Proposed: Residential
- G. Current and Proposed 2045 Land Use Designation:
Current/Proposed: Medium Density Residential

SECTION 4 – PURPOSE STATEMENT

Roberts Road Properties PUD is a proposed residential project to be developed under the Town of Apex ordinance as a Planned Unit Development (PUD). This project contains three (3) parcels under contract by Justin Michela. The project is located along Roberts Road and is situated between two (2) Residential Developments. The PUD may develop as single-family detached homes, residential townhomes, or a combination of these uses. The project will provide vehicular connections to the Crestmont subdivision to the west and the Pines at Wake Crossing subdivision to the east, improving traffic circulation in the area, and completing the residential development of this basin. The three (3) parcels that form the Roberts Road Properties PUD are all designated as Medium Density Residential on the 2045 Land Use Map, and that designation shall remain with this proposed project. The proposal to rezone these properties to PUD-CZ is in keeping with the Town's objectives to create high-quality developments with a small-town feel. This development will be a pedestrian friendly community with sidewalk along both sides of the internal public streets, as well as sidewalk interconnectivity between the subdivisions to the east and west. This project shall include the preservation of the existing estate located at 2000 Cabin Cove Road, in order to re-purpose it as a community center/recreation site. This development will enhance the value of the surrounding properties by providing quality residential development for the area, as a small residential infill project.

SECTION 5 – PERMITTED USES

The Town of Apex UDO allows a mixture of uses in the PUD zoning district and the owners have chosen to further restrict the allowable uses as listed below:

Residential Uses

Single-Family (Min. lot size = 6,000 sf)

Townhouse

Accessory apartment

Utilities

Utility, minor

Recreational Uses

Park, active

Park, passive

Greenway

Recreational facility, private

SECTION 6 – DESIGN CONTROLS

A. Maximum Densities

Maximum residential density for the project is 3.2 units per gross acre.

Maximum number of residential lots = 33

- Maximum number of Single-Family detached lots (min. lot size = 6,000 SF) = 25
- Maximum number of Townhome lots = 8

B. Proposed Maximum Height of the Buildings and Number of Stories

Maximum height – 45'

Maximum stories – 3

C. Proposed Minimum Building Setbacks

Residential Single-Family Detached

From Buffer or RCA – 10'

Front Yard – 10' Minimum

Side Yard – 5' Minimum (no aggregate)

Rear Yard – 10' Minimum

Driveways from back of sidewalk to garage – 20' (12' min. width)

Townhouse

From Buffer or RCA – 10'

Front – 15'

Rear – 15'

Side (end units) – 5’
Side (corner) – 10’
Driveways from back of sidewalk to garage – 20’ (12’ min. width)
Building Side to Side – 10’
Building Side to Rear – 30’
Building Rear to Rear – 40’

D. Percentage of Built upon Area

The UDO allows for a maximum 70 percent of built upon area in a PUD project and the Roberts Road Properties PUD will not exceed that amount.

E. Perimeter Buffers

The PUD plans show buffers around the site to provide visual breaks between uses and public roads as shown on Sheet 2 of the PUD Plans (Layout Plan). These buffers include 10’ Type B Landscape Buffers along the southern, eastern, and western perimeters, and a 30’ Type B Thoroughfare Buffer (undisturbed) along Roberts Road to the north. In the case that the thoroughfare buffer along Roberts Road must be disturbed, the width of the type B buffer shall increase from 30’ to 50’. See Section 6.F for increase in Roberts Road buffer width in exchange for a 5% reduction in required RCA.

F. Percentage of Resource Conservation Area

The Roberts Road Properties PUD is requesting to reduce the required percentage of Resource Conservation Area to 25% of the total acreage (which amounts to 2.64 acres of RCA) based on the provisions stated in UDO Sec. 2.3.4.F.1.c (RCA). This 5% reduction from the standard 30% required per UDO Sec. 8.1.2 (Resource Conservation Area) is being requested in exchange for the additional zoning conditions listed below. If Town Council votes to approve without the RCA reduction, these zoning conditions shall not be included in the approval.

- In addition to all single-family detached homes being pre-configured with conduit for a solar energy system (condition #12 in Section 7), at least 8% of the total number of homes proposed in the Master Subdivision Plan shall be built with solar PV systems installed at the time of construction. When measurements of the number of units results in a fractional number greater than 0.10, it shall be rounded to the next higher whole number. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which the home(s) is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.
- This project shall be stage graded per Section 7.2.5.C.
- All single-family detached homes within this development shall be built with HVAC systems that meet or exceed a SEER rating of 18.

- The 30' Type B thoroughfare buffer (undisturbed) along Roberts Road shall be increased to a 40' Type B thoroughfare buffer (undisturbed). In the case that this buffer must be disturbed, the width of the type B buffer shall increase from 40' to 60'. See Section 6.E and Section 10.D for reference to the 30' Type B thoroughfare buffer (undisturbed) that would otherwise be proposed if not for the condition to reduce the RCA requirement.
- Evergreen trees shall be planted as a windbreak on the northern side of buildings, where practical.
- Landscape design shall include pollinator-friendly flora in common areas.
- Landscape design shall include a minimum of three (3) native hardwood species.
- A pet waste station shall be installed at the mail kiosk, or at the community center/recreation site, to be determined at the time of Master Subdivision Plan.

G. Affordable Housing Condition

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 \$215 per lot to this Fund prior to Master Subdivision Final Plat approval for each phase. In the event the Fund has not been established by the Town of Apex, the money will be conveyed to a non-profit organization participating in affordable housing. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

H. Builder Condition

This project shall consist of lots developed with custom homes.

I. Construction Access Condition

The location of the temporary gravel construction entrance shall be limited to only provide construction access from Pollard Place to the east via Gartrell Way.

J. Neighborhood Meeting Condition

This project shall hold a neighborhood meeting prior to the first Master Subdivision Plan submittal, in accordance with UDO Sec. 2.2.7.

SECTION 7 – ARCHITECTURAL STANDARDS

Single-Family Detached Residential Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The visible side of a home facing the public street shall contain at least three (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 gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
3. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
 4. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
 5. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
 6. Garage doors shall have windows, decorative details, or carriage-style adornments on them.
 7. The garage shall not protrude more than 1 foot out from the front façade and/or front porch for at least 75% of building designs.
 8. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
 9. Eaves shall project at least 12 inches from the wall of the structure.
 10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
 11. All single-family detached homes shall be pre-configured with conduit for a solar energy system.

Townhouse Residential Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must have windows, decorative details, or carriage-style adornments on them.
3. The visible side of a townhome facing the public street shall contain at least three (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 gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
4. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
 5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
 6. Building facades shall have horizontal relief achieved by the use of recesses and projections.
 7. For townhome buildings with three (3) units or more, the roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
 8. The garage cannot protrude more than 1 foot out from the front façade or front porch.
 9. Maximum number of units per townhome building shall be limited to four (4) units.
 10. No townhomes shall be constructed along the western property line.

SECTION 8 – PARKING AND LOADING

Parking and loading requirements for the residential areas shall conform to the parking standards listed in the Town of Apex UDO Section 8.3.

SECTION 9– SIGNS

Signage for this project will comply with UDO section 8.7. The developer shall submit a master sign plan that shows signage locations and details of signage patterns throughout the development.

SECTION 10 – NATURAL RESOURCE AND ENVIRONMENTAL DATA:

- A. This project is located in the White Oak Creek drainage basin, which is in the Jordan Lake Basin. This project currently falls within both the primary and the secondary watershed protection overlay districts, as shown on the Town of Apex Watershed Protection Overlay District Map.

- B. There are no FEMA mapped floodplains on these parcels as shown on FEMA FIRM Map Number 3720073300J, dated May 2, 2006.
- C. There are no known historic structures on this project.
- D. To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipated to contain single family and townhome lots. To that end, prior to recording the first subdivision plat for the property, the developer will provide a donation of \$1,600 to a local non-profit organization with a mission towards tree preservation and replacement. In those portions of the site where trees are removed for single family or townhome lots, the developer anticipates it can offset such removal by preserving 1.6 acres of existing tree canopy in other places on the site, and replacing and replanting trees over 0.8 acres of the rest of the property. As such, this \$1,600 donation represents an assigned per-tree value in substitute canopy for the remainder of the property.

SECTION 11 – STORMWATER MANAGEMENT

Roberts Road Properties PUD will meet all applicable requirements and standards as described in section 6.1 of the Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1-year and 10-year 24 hour storm events.

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

SECTION 12 – PARKS AND RECREATION

The project was reviewed by the PRCR Advisory Commission on December 9th, 2020 and the Commission unanimously recommended a fee-in-lieu for recreation land dedication based on the number of units and types proposed at the time of Master Subdivision Approval. The fee rate will be based on the rate of the current year when the PUD is approved by Town Council.

SECTION 13 – PUBLIC FACILITIES

Roberts Road Properties PUD will include the extension of public streets into the site from Pollard Place to the west (coming from the Crestmont subdivision), as well as Pollard Place to the east (coming from the Pines at Wake Crossing subdivision). There will be no direct vehicular access to Roberts Road. All public streets (with the exception of Pollard Place) will have a 5' sidewalk on both sides of the street. The Pollard Place extension will have an 8' Side Path on

the north side of the road to connect to the existing 8' Side Path on the north side of existing Pollard Place (to the east). The future amenity center shall provide pedestrian connection to the existing pedestrian path on Gartrell Way. The project shall provide pedestrian access from the future subdivision to Roberts Road via the 8' Side Path along Pollard Place and Gartrell Way, unless a public street within the subdivision is constructed within 300 -feet of the northwest property corner, in which case a direct pedestrian connection shall be made to Roberts Road, consistent with UDO Sec. 7.5.4.C. The project will dedicate additional right-of-way along Roberts Road in the northeast corner to achieve a total of 40' for 1/2 of the Roberts Road R/W. A 5' public sidewalk shall be installed along the frontage of the project along Roberts Road prior to the first plat. The transportation network for Roberts Road Properties PUD will be consistent with the Town of Apex Transportation Plan and associated requirements of the UDO.

As shown on the PUD Utility Plan, the sanitary sewer connection will come by connecting to the existing sewer system in Pollard Place to the west, from the Crestmont subdivision. Water distribution service will be provided to this project by the connection to an existing eight inch waterline along Pollard Place to the west (coming from the Crestmont subdivision), as well as Pollard Place to the east (coming from the Pines at Wake Crossing subdivision).

Roberts Road Properties PUD shall include the preservation of the existing estate located at 2000 Cabin Cove Road, in order to re-purpose it as a community center/recreation site, which will be owned and maintained by the HOA. The exterior appearance of the structure may remain unchanged during its conversion, but parking, as well as ADA accessible paths, shall be provided in accordance with the Town of Apex UDO. The timing of the conversion shall not be tied to any specific number of lots being platted.

SECTION 14 – PHASING

The project shall be developed in at least two (2) phases. The first phase will be developed because of the availability of sewer and water connections, and access to Pollard Place to the east and to the west. The development of Phase 1 will likely begin construction in 2021. The timing of the subsequent phase(s) will depend on market demand.

SECTION 15 – CONSISTENCY WITH LAND USE PLAN

The Town of Apex 2045 Land Use Map currently designates these parcels as Medium Density Residential. We believe this PUD is appropriate for the area and is consistent with the current Land Use Map.

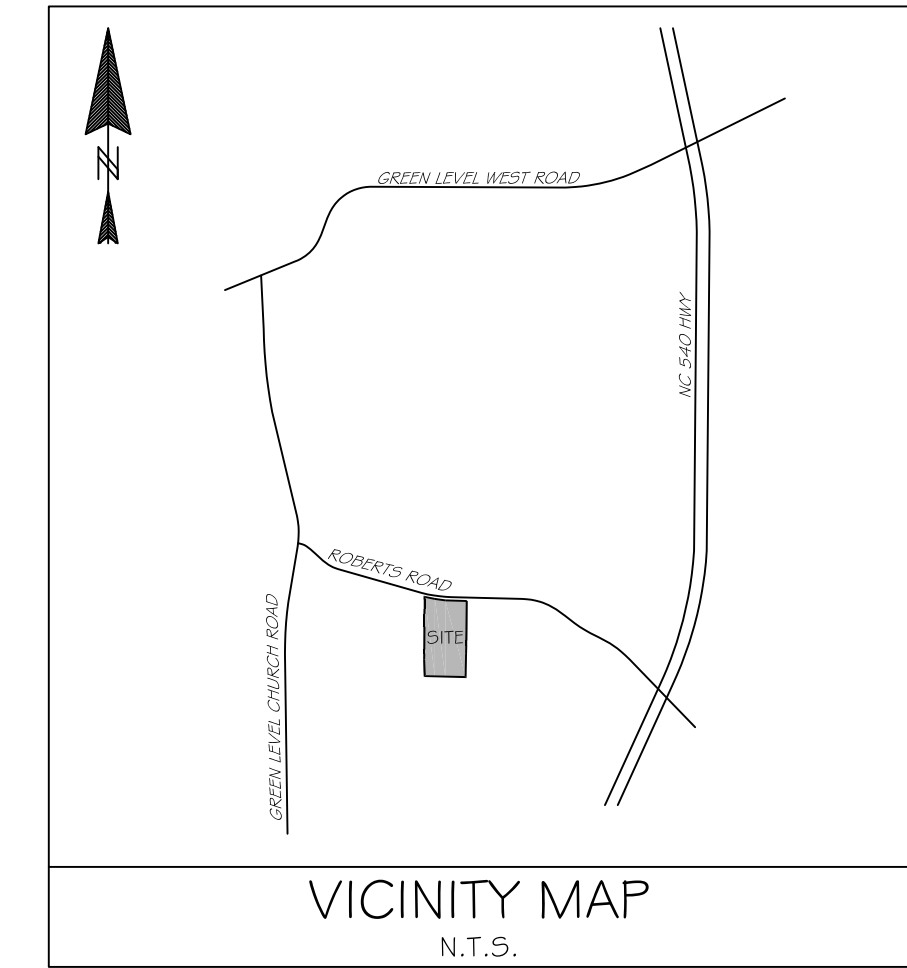
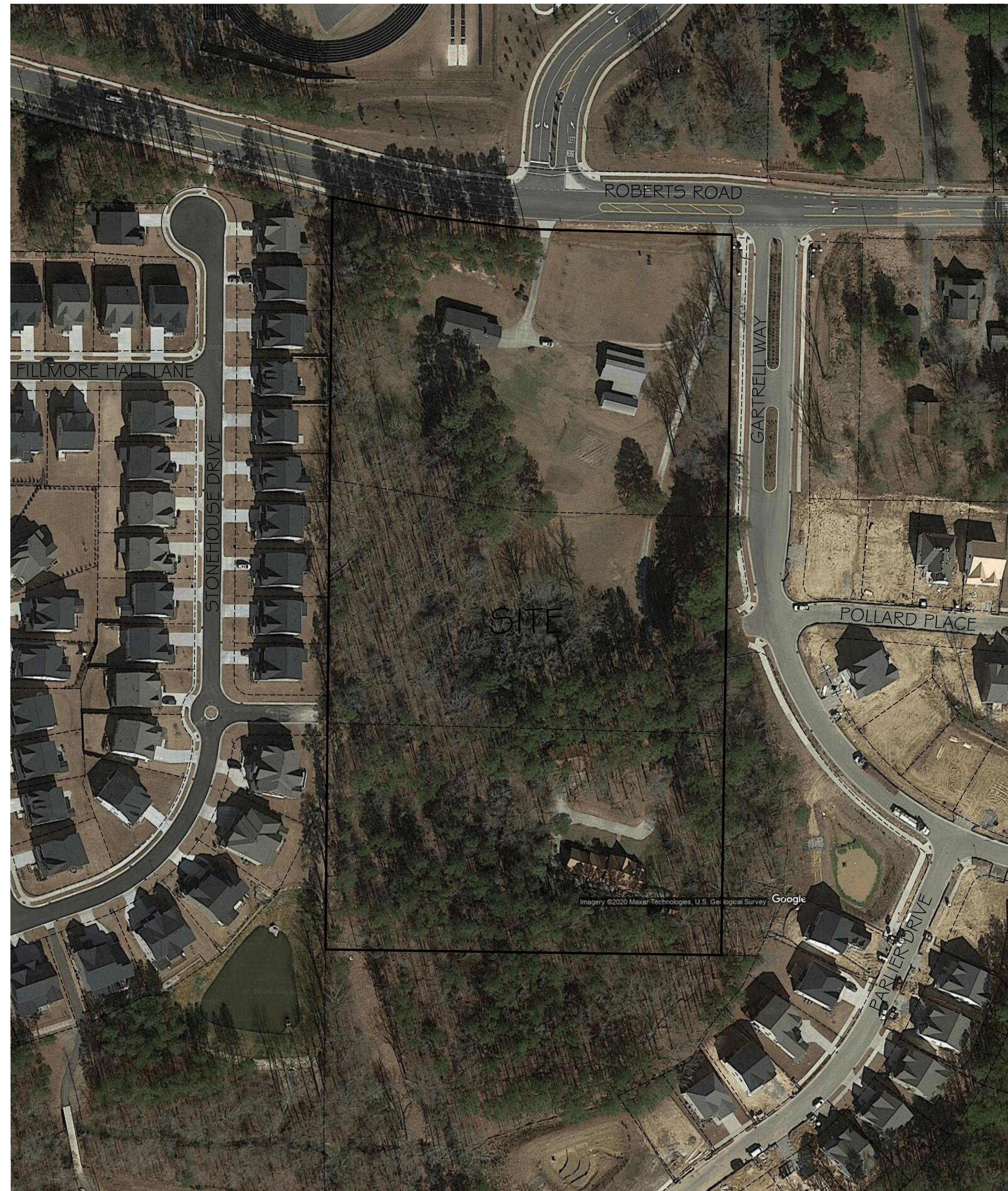
SECTION 16 – COMPLIANCE WITH THE UDO

The proposed plans for Roberts Road Properties PUD are in compliance with the standards and allowances provided in the current approved version of the Town of Apex Unified Development Ordinance. Any variance from UDO requirements has been noted in this plan.

SECTION 17 – LAND USE NOTES

- A. This project will require the formation of at least one Homeowners Association, which will handle the maintenance of common areas, buffers, RCA, stormwater devices, etc.

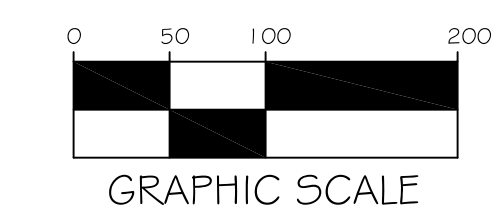
ROBERTS ROAD PROPERTIES PUD



SITE DATA	
PROJECT NAME	ROBERTS ROAD PROPERTIES PUD
PREPARER'S CONTACT INFORMATION	JONES & CROSSEN ENGINEERING, PLLC P.O. BOX 1062 APEX, NORTH CAROLINA 27502 PHONE - (919) 387-1174 FAX - (919) 387-3375 CONTACT PERSON - PATRICK L. KIERNAN
OWNER / DEVELOPER CONTACT INFORMATION	JUSTIN MICHELA 714 MAIN STREET HUDSON, MA 01749 PHONE - (978) 875-0821 CONTACT PERSON - JUSTIN MICHELA
CURRENT 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL
PROPOSED 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL
AREA DESIGNATED AS MIXED USE ON 2045 LUM	0 ACRES
CURRENT ZONING	RURAL RESIDENTIAL
PROPOSED ZONING	PUD-C2
WAKE COUNTY PINS	0733-05-9045, 0733-04-9734, # 0733-04-9444
TOTAL PROJECT AREA	10.54 ACRES
AREA WITHIN EXISTING ROBERTS ROAD R/W	0.04 ACRES
AREA TO BE DEDICATED TO ROBERTS ROAD R/W	0.002 ACRES
NET PROJECT AREA	10.50 ACRES
MAXIMUM RESIDENTIAL DENSITY	33 LOTS (3.2 LOTS/ACRE)
TOTAL RCA / BUFFER AREA REQUIRED FOR PUD	25% OR 2.64 ACRES
MAXIMUM BUILT UPON AREA FOR PUD	70% OR 7.38 ACRES
PUBLIC RECREATION REQUIREMENT	SINGLE FAMILY DETACHED UNITS (RATE TBD) SINGLE FAMILY ATTACHED UNITS (RATE TBD)
WATERSHED INFORMATION	PRIMARY & SECONDARY
FEMA FLOODPLAIN INFORMATION	MAP #3720073300J - PROJECT IS NOT WITHIN 100 YEAR FLOODPLAIN.
SMALL TOWN CHARACTER OVERLAY DISTRICT	NO
HISTORIC STRUCTURE?	NO

MINIMUM BUILDING SETBACKS			
SINGLE FAMILY DETACHED		TOWNHOUSE	
FRONT	10'	FRONT	15'
REAR	10'	REAR	15'
SIDE	5' (MIN.) NO AGG.	SIDE (END UNITS)	5'
BUFFER/RCA	10'	SIDE (CORNER)	10'
		BUFFER/RCA	10'
		BUILDING SIDE TO SIDE	10'
		BUILDING SIDE TO REAR	30'
		BUILDING REAR TO REAR	40'
DRIVEWAYS FROM BACK OF SIDEWALK TO GARAGE = 20' (12' MIN. WIDTH)			

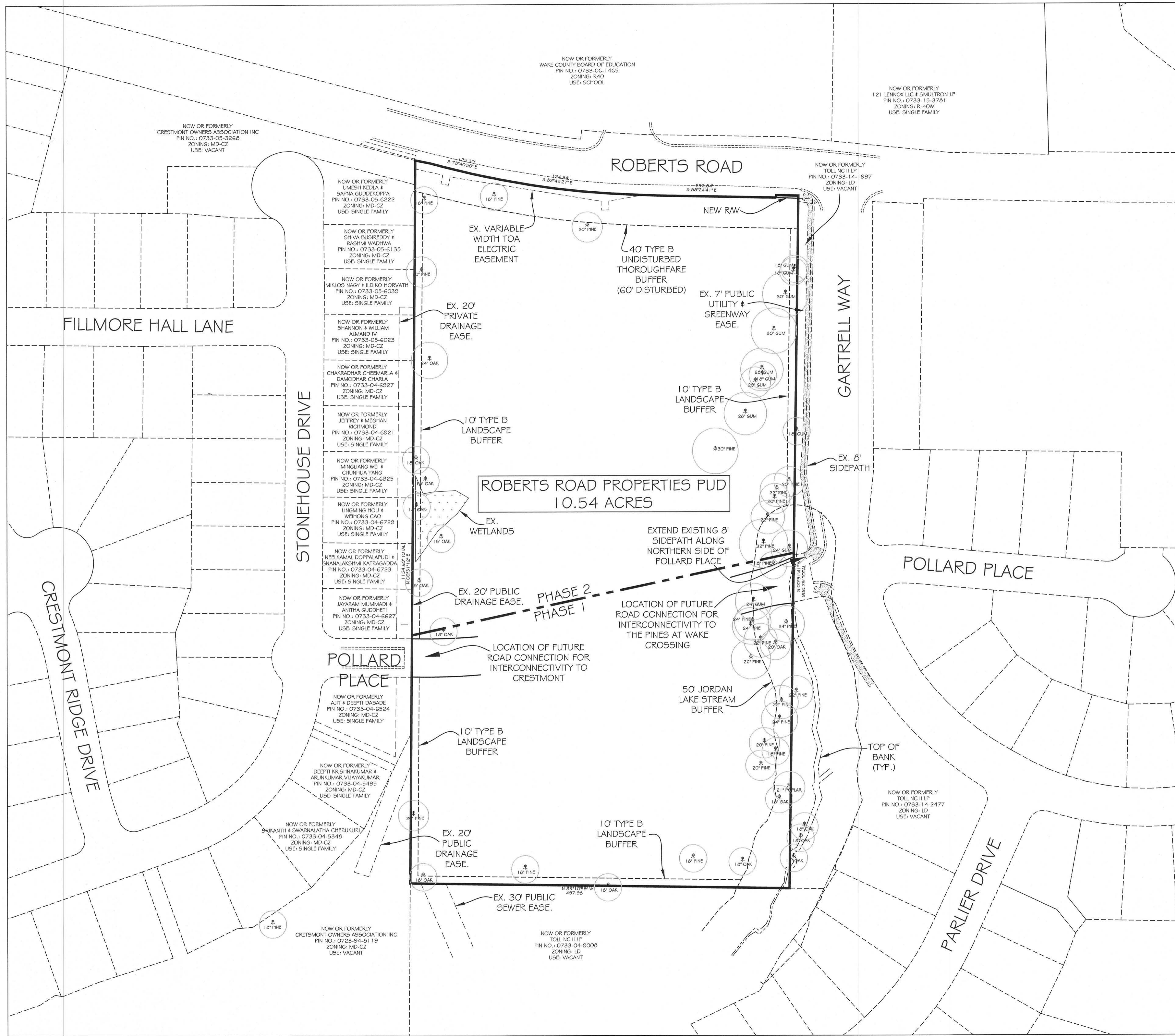
PUD PLAN - DRAWING SHEET INDEX	
1	COVER SHEET
2	PRELIMINARY LAYOUT & PHASING PLAN
3	EXISTING CONDITIONS PLAN
4	PRELIMINARY UTILITY PLAN



PRELIMINARY PLANS
NOT FOR CONSTRUCTION

FOR
REVIEW
ONLY

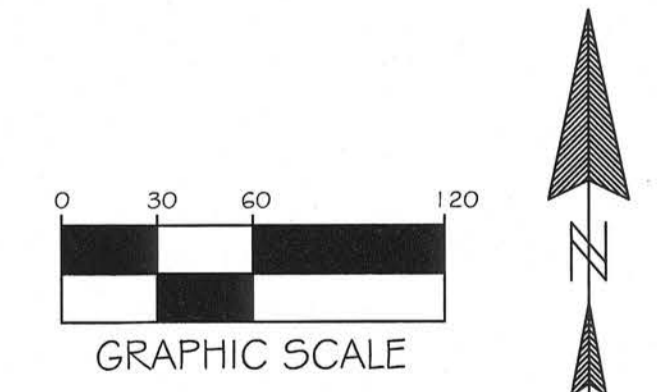
SCALE	1" = 100'	DRAWN	PLK
DATE	OCTOBER 1, 2020		
REVISION	11/5/20	PER	TRC
1/2/29/20	COUNCIL SET		
1/6/21	DENSITY CHANGE		
SHEET	1		
PROJECT	2050		



- TOWN REQUIRED PUD NOTES:**
1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
 2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
 3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
 4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

- PLANNING NOTES:**
1. WITH THE SIZE OF THE PUD AND THE PROPOSED DENSITY, THIS SITE DOES NOT REQUIRE A TRANSPORTATION IMPACT ANALYSIS.
 2. FUTURE PUBLIC ROADWAY CONNECTIONS ARE SHOWN TO DEMONSTRATE CONNECTIVITY FOR THE OVERALL PROJECT BUT SPECIFIC LOCATIONS WILL BE SHOWN AT THE TIME OF MASTER PLAN APPROVAL.
 3. THE MAINTENANCE OF RCA, LANDSCAPE BUFFERS, COMMON AREAS AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOC.
 4. ALL INTERNAL PUBLIC STREETS SHALL HAVE 50 FEET OF RIGHT-OF-WAY, 27 FEET OF CURB AND ASPHALT, WITH SIDEWALK ON BOTH SIDES OF THE STREET UNLESS SPECIFIED OTHERWISE.
 5. ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 8.7, SIGNS THE PUD SHALL MEET TOWN OF APEX STORMWATER REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.1.7 SUCH THAT POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED THE PRE-DEVELOPMENT RUNOFF FOR THE 1-YEAR AND 10-YEAR, 24 HOUR STORM EVENTS.
 6. THIS SHALL BE A PHASED DEVELOPMENT COMPLETED IN AT LEAST TWO PHASES (PHASES SHOWN HEREON ARE CONCEPTUAL). ALL PHASES SHALL BE SHOWN AT THE TIME OF MASTER SUBDIVISION PLAN SUBMITTAL.
 7. THIS DEVELOPMENT WILL BE STAGE GRADED.

- NOTES:**
1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY SMITH & SMITH SURVEYORS.
 2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
 3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY ENVIRONMENTAL SERVICES, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS AND WETLANDS ARE SHOWN AS SURVEYED.
 4. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH, ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
 5. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
 6. IF THE PUD IS APPROVED WITHOUT THE 5% RCA REDUCTION, THE 40' TYPE B THOROUGHFARE BUFFER (UNDISTURBED) ALONG ROBERTS ROAD SHALL BE REDUCED TO 30'.



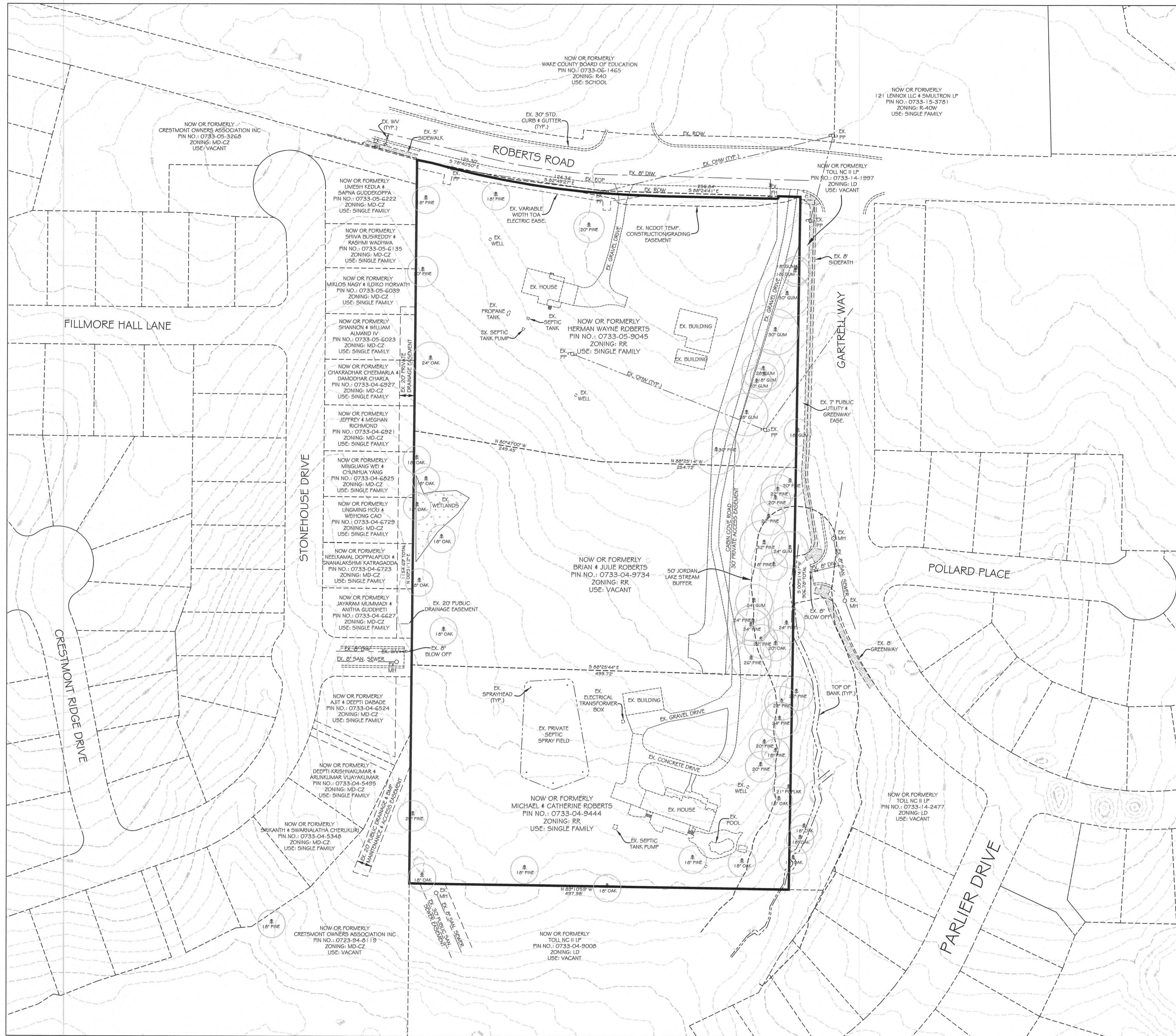
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Registration: P-0151
www.jonescossen.com



SCALE	1" = 60'	DRWING	PLK
DATE	OCTOBER 1, 2020		
REVISION	11/5/20	PER	TRC
	12/3/20	PER	TRC
	12/21/20	PER	TRC
	12/29/20	COUNCIL	SET
SHEET	2		
PROJECT	2050		

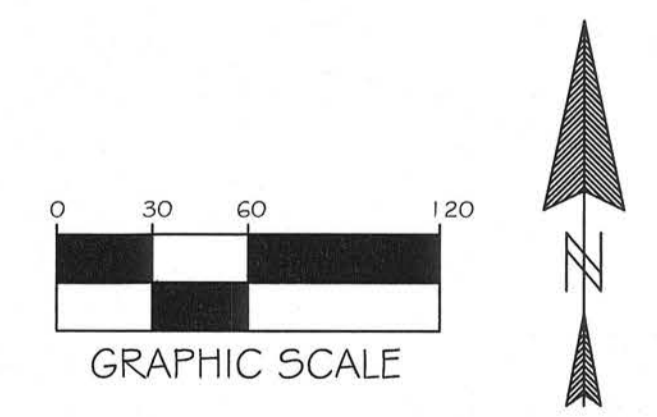


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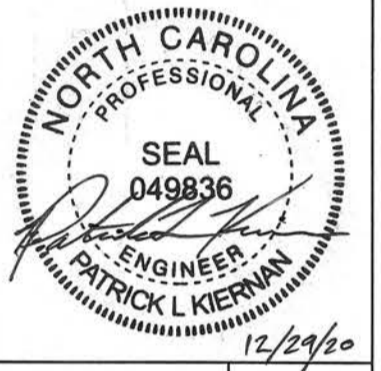
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4. THE STREAM BUFFER CALL ON THIS PROPERTY IS REFERENCED AS #20-003.
5. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
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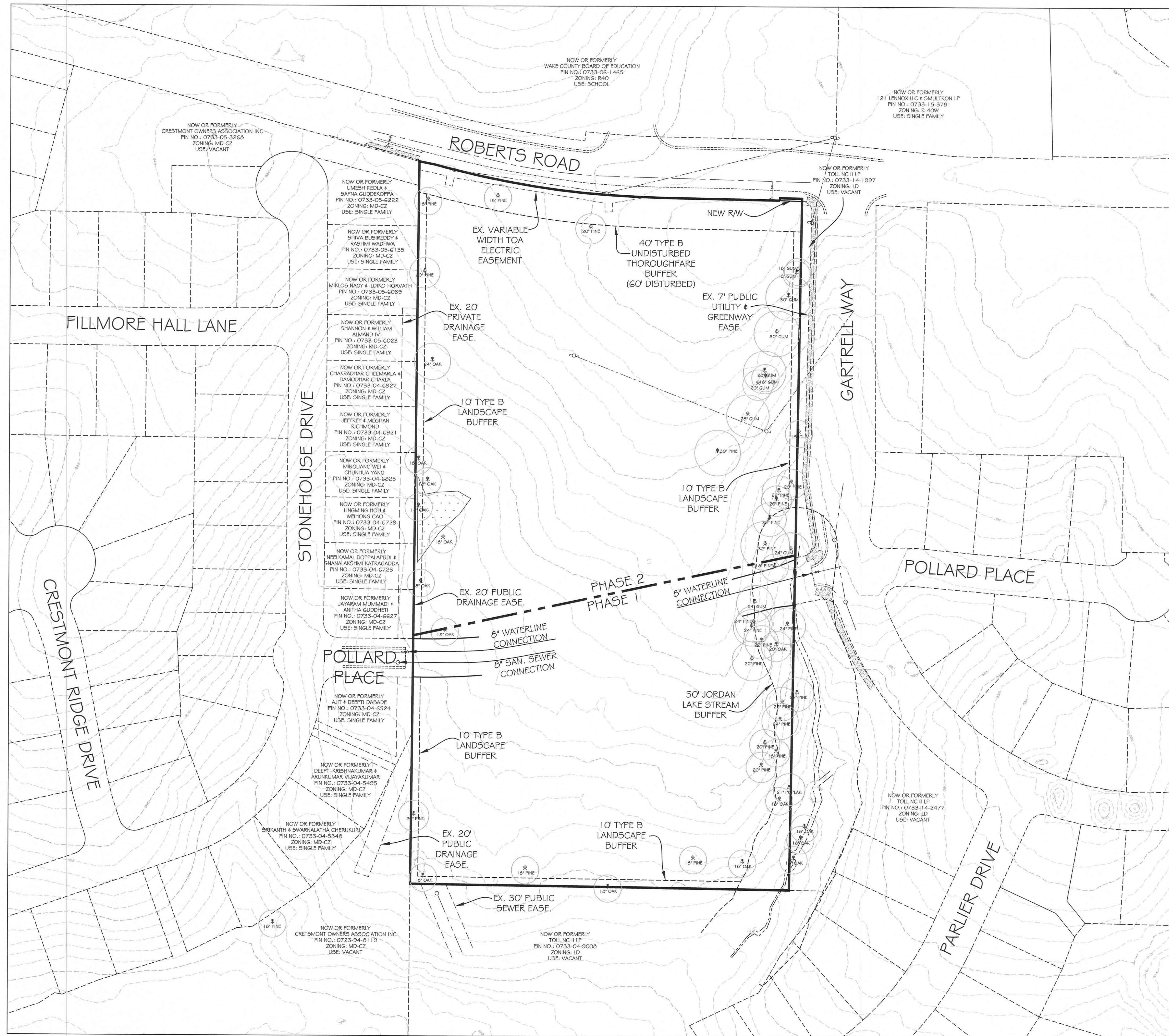
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SCALE:	1"=60'	DRAWN:	PLK
DATE:	OCTOBER 1, 2020	PER TRC:	
REVISION:	1/15/20	COUNCIL SET:	
REVISION:	12/29/20		
SHEET:	3		
PROJECT:	2050		

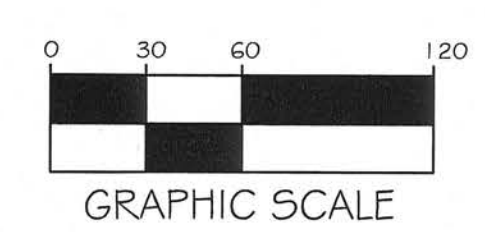


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6. THE FUTURE LOCATIONS FOR WATER AND SEWER MAINS ARE APPROXIMATE AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE ILLUSTRATIVE TO SHOW CONNECTIONS AND SIZING.
7. CONTACT FOR TOWN OF APEX ELECTRIC UTILITIES IS RODNEY SMITH AT 919-249-3342.
8. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

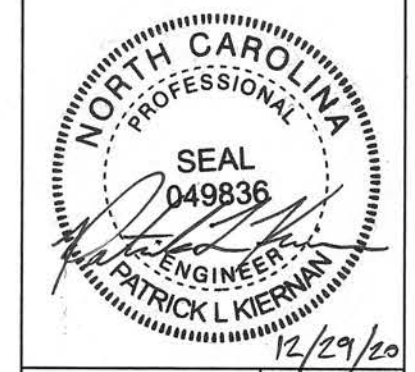


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Jones & Crossen
ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning

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**ROBERTS ROAD PROPERTIES PUD
PUD PLANS
PRELIMINARY UTILITY PLAN**

TOWN OF APEX
WAKE COUNTY, NORTH CAROLINA

SCALE	1"=60'	DRAWN	PLK
DATE	OCTOBER 1, 2020		
REVISION	1/15/20	PER	TRC
	1/23/20	PER	TRC
	1/22/20	COUNCIL	SET
SHEET	4		
PROJECT	2050		







Wake County Residential Development Notification

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

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

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

Developer Company Information	
Company Name	
Company Phone Number	
Developer Representative Name	Justin Michela
Developer Representative Phone Number	978-875-0821
Developer Representative Email	justin@themichelas.org

New Residential Subdivision Information	
Date of Application for Subdivision	October 01, 2020
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	7517 ROBERTS RD, 2310 POLLARD PL, 2000 CABIN COVE RD
REID(s)	0147821, 0450952, 0235566
PIN(s)	0733-05-9045, 0733-04-9734, 0733-04-9444

Projected Dates Information	
Subdivision Completion Date	2024
Subdivision Projected First Occupancy Date	2022

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	25					6	19	1800	3500	\$275K	\$600K	2022	2	2023	13	2024	10
Townhomes	10				4	4		1200	2100	\$180K	\$320K	2022	4	2023	4		
Condos																	
Apartments																	
Other																	

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ11 Roberts Road Properties PUD

Planning Board Meeting Date: January 11 and 13, 2021



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: ±10.54 acres
PIN(s): 0733059045, 0733049734, 0733049444

Current Zoning: Rural Residential (RR)

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

2045 Land Use Map: Medium Density Residential

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: _____



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:20CZ11 Roberts Road Properties PUD

Planning Board Meeting Date:January 11 and 13, 2021



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: 20CZ11 Roberts Road Properties PUD

Planning Board Meeting Date: January 11 and 13, 2021



Planning Board Recommendation:

Motion: To recommend approval with conditions as offered by applicant

Introduced by Planning Board member: Reginald Skinner

Seconded by Planning Board member: Keith Braswell

- 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:

Conditions offered by applicant as presented on January 11, 2021, five new/amended conditions presented on January 13, 2021 (see attached), and a sixth condition offered by the applicant at the January 13th meeting to hold an additional neighborhood meeting prior to submitting the Master Subdivision Plan.

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

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

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 13th day of January 2021.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2021.01.13 19:01:01 -05'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2021.01.13 17:55:12 -05'00'

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 #20CZ11
Roberts Road Properties PUD

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Justin Michela
Authorized Agent: Patrick Kiernan, Jones & Crossen Engineering, PLLC
Property Addresses: 7517 Roberts Road, 2310 Pollard Place, 2000 Cabin Cove Road
Acreage: ±10.54 acres
Property Identification Numbers (PINs): 0733059045, 0733049734, 0733049444
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Planning Board Remote Public Hearing Date and Time: January 11, 2021 4:30 PM
Watch and listen to the livestream here: <https://bit.ly/2JYJWQk> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 406 480 557#
Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>

Comments may be provided by email public_hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. Comments shared by noon on Friday, January 8, 2021, will be read during the Planning Board meeting.

***Planning Board Remote Review of Additional Comments and Vote Date and Time: January 13, 2021 5:00 PM**
**According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.*

Watch and listen to the livestream here: <https://bit.ly/3nrL109> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 504 607 753#
Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>

Comments may be provided by email public_hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. Comments shared between noon on Friday, January 8, 2021, and 24 hours after the end of the first Planning Board meeting will be read during this meeting.

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 within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2018 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/31516>

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

Published Dates: December 30, 2020 – January 11, 2021





TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #20CZ11 Roberts Road Properties PUD

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Justin Michela

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

Property Addresses: 7517 Roberts Road, 2310 Pollard Place, 2000 Cabin Cove Road

Acreage: ±10.54 acres

Property Identification Numbers (PINs): 0733059045, 0733049734, 0733049444

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Properties: Rural Residential (RR)

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

Planning Board Remote Public Hearing Date and Time: January 11, 2021 4:30 PM

Watch and listen to the livestream here: <https://bit.ly/2JYJWQk> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 406 480 557#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. Comments shared by noon on Friday, January 8, 2021, will be read during the Planning Board meeting.

***Planning Board Remote Review of Additional Comments and Vote Date and Time: January 13, 2021 5:00 PM**

**According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.*

Watch and listen to the livestream here: <https://bit.ly/3nrLI09> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 504 607 753#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. Comments shared between noon on Friday, January 8, 2021, and 24 hours after the end of the first Planning Board meeting will be read during this meeting.

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 within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/33516>.

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



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 #20CZ11
Roberts Road Properties PUD
Project Location: 7517 Roberts Road, 2310 Pollard Place, 2000 Cabin Cove Road
Applicant or Authorized Agent: Patrick Kiernan
Firm: Jones & Clossen Engineering, PLLC

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on December 30, 2020, 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 within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

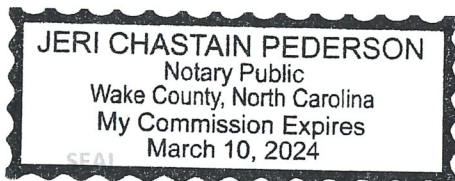
12-30-2020

Date

Riz Kaitim for Dianne Khin
Planning and Community Development Director

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 30 day of December, 2020



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03 / 10 / 2024

Green Level High School

Rezoning #20CZ11




The Pines at Wake Crossing



Public Hearing Sign Posted By

Signature *[Handwritten Signature]*

Date 10/18/20



TOWN OF APEX
POST OFFICE BOX 210
APEX, NORTH CAROLINA 27502
PHONE 919 249 3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #20CZ11
Roberts Road Properties PUD

Pursuant to the provisions of North Carolina General Statutes §55A-304 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Justin Michela
Authorized Agent: Patrick Kiaman, Jones & Crossen Engineering, PLLC
Property Address: 7517 Roberts Road, 3150 Polard Place, 2000 Cabin Cove Road
Acreage: ±10.54 acres
Property Identification Numbers (PINs): 0733059045, 0733048734, 0733049444
2015 Land Use Map Designation: Medium Density Residential
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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


Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.

Town Council Public Hearing Date and Time: January 26, 2021, 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/channel/UCwMf5waxpoc>.

If you are unable to attend, you may provide comments no sooner than Friday, January 8, 2021 at noon but no later than noon on Monday, January 25, 2021 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <https://www.apexnc.org/DocumentCenter/View/311927>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council's vote will occur at the Council's next regularly scheduled meeting.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above shall be considered in addition to a copy of the [UDO Land Use Map](https://www.apexnc.org/DocumentCenter/View/311927) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/311927>

Dianne F. Strix, ACP
 Director of Planning and Community Development

Published Dates: January 4-26, 2021



File Explorer, Microsoft Edge, Word, Chrome, PDF Reader, etc.

ITEM



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #20CZ11 Roberts Road Properties PUD

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant Justin Michela

Authorized Agent: Patrick Kiernan, Jones & Clossen Engineering, PLLC

Property Addresses: 7517 Roberts Road, 2310 Pollard Place, 2000 Cabin Cove Road

Acreage: ±10.54 acres

Property Identification Numbers (PINs): 0733059045, 0733049734, 0733049444

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Properties: Rural Residential (RR)

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

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

Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.

Town Council Public Hearing Date and Time: January 26, 2021 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>.

If you are unable to attend, you may provide comments no sooner than Friday, January 8, 2021 at noon but no later than noon on Monday, January 25, 2021 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council’s vote will occur at the Council’s next regularly scheduled meeting.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/33516>.

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



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 #20CZ11
Roberts Road Properties PUD
Project Location: 7517 Roberts Road, 2310 Pollard Place, 2000 Cabin Cove Road
Applicant or Authorized Agent: Patrick Kiernan
Firm: Jones & Cossen Engineering, PLLC

This is to certify that I, as Planning and Community Development Director, mailed or caused to have mailed by first class postage for the above mentioned project on January 4, 2021, 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 within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

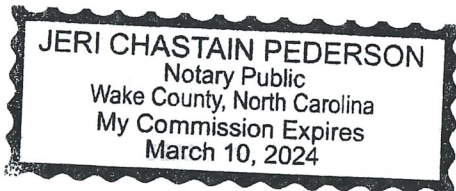
01-04-2021
Date

Lauren Henderson for Dianne Khin
Planning and Community Development Director

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 4 day of January, 2021.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3 / 10 / 2024



**WAKE COUNTY
PUBLIC SCHOOL SYSTEM**

Office of Student Assignment
Glenn Carrozza
5625 Dillard Drive
Cary, NC 27518

October 21, 2020

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

Dear Dianne,

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

- Date of application: October 1, 2020
- Name of development: 20CZ11 Roberts Road PUD
- Address of rezoning/development: 7517 Roberts Rd, 2310 Pollard Pl, 2000 Cabin Cove Rd
- Total number of proposed residential units: 50 (max of 40 single-family dwellings and 10 townhouses)
- Type(s) of residential units proposed: Single-family; townhouse; townhouse, detached; accessory apartment

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

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

Elementary Middle High

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

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

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

Sincerely,

Glenn Carrozza

Glenn Carrozza

Sarah Van Every

From: Glenn Carrozza _ Staff - StudentAssignment <gcarrozza@wcpss.net>
Sent: Tuesday, January 12, 2021 10:21 AM
To: Amanda Bunce
Cc: Sarah Van Every
Subject: Re: Request for Letter of Impact: Rezoning 20CZ11 Roberts Rd Properties PUD

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Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

That reduction would not be significant enough to make an impact.

From: Amanda Bunce <Amanda.Bunce@apexnc.org>
Sent: Tuesday, January 12, 2021 10:18 AM
To: Glenn Carrozza _ Staff - StudentAssignment <gcarrozza@wcpss.net>
Cc: Sarah Van Every <Sarah.VanEvery@apexnc.org>
Subject: RE: Request for Letter of Impact: Rezoning 20CZ11 Roberts Rd Properties PUD

CAUTION: This email originated from outside of the organization! Proceed with caution!

Glenn,

During the Planning Board meeting last night, the applicant for rezoning 20CZ11 Roberts Rd Properties PUD reduced the maximum number of residential lots from 50 (40 single-family, 10 townhomes) to 33 (25 single-family, 8 townhomes). One of the Planning Board members wants to know, ideally before they vote tomorrow evening, whether this 18 lot reduction would change the capacity concern for the elementary, middle or high schools in this area.

A response to this email would be sufficient, rather than a new letter. We will ensure this gets shared with Town Council as well.

Thanks in advance,
Amanda

From: Glenn Carrozza _ Staff - StudentAssignment <gcarrozza@wcpss.net>
Sent: Monday, January 4, 2021 12:12 PM
To: Amanda Bunce <Amanda.Bunce@apexnc.org>
Subject: Re: Request for Letter of Impact: Rezoning 20CZ11 Roberts Rd Properties PUD

Notice: This message is from an external sender.
Do not click links or open attachments unless you trust the sender, and can verify the content is safe.