

# STAFF REPORT

## Rezoning #23CZ20 Sweetwater PUD Amendment

January 23, 2024 Town Council Meeting



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

### **BACKGROUND INFORMATION:**

**Location:** 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810 Teachey Pl, & 2820 Teachey Pl; 0 Core Banks St and 0 Little Gem Lane  
**Applicant:** David Schmidt, ExperienceOne Homes, LLC  
**Owners:** KEPE1 STC, LLC; Sweetwater Lightbridge, LLC; Harris Teeter Properties, LLC; KEPE1 STC West, LLC; KEPE1 Holdings, LLC

### **PROJECT DESCRIPTION:**

**Acreage:** ±41.33  
**PINs:** 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, and 0722441386  
**Current Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03 & #23CZ12)  
**Proposed Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ)  
**2045 Land Use Map:** Mixed Use: High Density Residential/Office Employment/Commercial Services  
**Town Limits:** Inside Town Limits

### **Adjacent Zoning & Land Uses:**

|               | <b>Zoning</b>  | <b>Land Use</b>   |
|---------------|--|---|
| <b>North:</b> | Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ31); Neighborhood Business (B1); Rural Residential (RR); Tech/Flex-Conditional Zoning (TF-CZ #22CZ21) | US 64 Hwy W; Westford PUD; Convenience Store; Large Lot Residential                           |
| <b>South:</b> | Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)   | Core Banks Street; Sweetwater Residential section: Single Family, Townhomes, & Amenity Center |
| <b>East:</b>  | Tech/Flex (TF); Light Industrial (LI); Rural Residential (RR)  | 64 Business Park and Self-Storage; Vacant   |
| <b>West:</b>  | Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ11); Planned Commercial (PC)  | Smith Farm PUD (future mixed-use section); Landscape Business                                 |

### **EXISTING CONDITIONS:**

The properties to be rezoned were originally rezoned to Planned Unit Development-Conditional Zoning on April 21, 2015. The subject properties on the east side of Richardson Road contain a day care, mixed-use buildings and parking decks that are under construction, and two additional areas for future development. The parcels on the west side of Richardson Road, north of Core Banks Street, contain a grocery store that is under construction and additional areas for future retail outparcels.

### **NEIGHBORHOOD MEETING:**

The applicant conducted the first neighborhood meeting on September 26, 2023 and the second neighborhood meeting on December 18, 2023. The neighborhood meeting reports are attached.

## STAFF REPORT

### Rezoning #23CZ20 Sweetwater PUD Amendment

January 23, 2024 Town Council Meeting



#### **2045 LAND USE MAP:**

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

#### **WCPSS COORDINATION:**

No increase in density is proposed as part of this rezoning and so an impact letter from WCPSS was not requested.

#### **BACKGROUND:**

The properties to be rezoned were originally rezoned to Planned Unit Development-Conditional Zoning on April 21, 2015 with the most recent revisions being approved on July 25, 2022 and August 8, 2023.

#### **PLANNED UNIT DEVELOPMENT PLAN:**

The applicant is proposing to increase the height allowed in the nonresidential/mixed-use areas north of Core Banks Street in order to accommodate a potential hotel use. The applicant is also proposing to reduce the minimum area of office uses required to 20,000 square feet. **Proposed changes are shown in strikethrough/bold below.**

#### Changes to Section 6: Design Controls

##### NONRESIDENTIAL/MIXED-USE AREAS:

Office: A minimum of ~~55,000~~ **20,000** square feet of office will be provided in this section.

##### Building Height:

Maximum Height: ~~62 Feet (5 Story)~~ **77 feet (6 stories)**

39 Feet (2 Story) – PINs 0722-44-1499 & 0722-44-1386

#### **ENVIRONMENTAL ADVISORY BOARD RECOMMENDATIONS:**

This rezoning was exempt from meeting with the Apex Environmental Advisory Board (EAB) per Unified Development Ordinance (UDO) Section 2.1.9.A.2.a. The rezoning amends zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses.

#### **PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of Rezoning #23CZ20 Sweetwater PUD Amendment as proposed by the applicant.

#### **PLANNING BOARD RECOMMENDATION:**

The Planning Board heard this rezoning at their January 8, 2024 meeting and unanimously recommended approval as proposed by the applicant.

#### **ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:**

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



The proposed amendments to the current PUD-CZ zoning are consistent with the 2045 Land Use Map which classifies the area to be rezoned as Mixed Use: High Density Residential/Office Employment/Commercial Services.

The proposed rezoning is reasonable and in the public interest in that it will allow increased building height north of Core Banks Street which is needed for a potential hotel use and will allow for more of the development to be commercial uses rather than office. The proposed rezoning will increase the tax base and provide services to the nearby community.

**PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:**

***Standards***

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

1. Planned Unit Development (PUD-CZ) District

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

a) *Development parameters*

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



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

- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
  - (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
- (i) A non-residential component;
  - (ii) An overall density of 7 residential units per acre or more; or
  - (iii) Environmental measures including but not limited to the following:
    - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
    - b. The installation of a geothermal system for a certain number or percentage of units within the development; or
    - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for



higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.

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

### ***Legislative Considerations***

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

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



considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Rezoning #23CZ20

Townes at Westford

Goodwin Rd

64

US 64 Hwy W

64

Acton St

64 West Business Park

Security Self Storage

Communication Tower

Rezoning #23CZ20

Deck Air Park

Smith Farm PUD

Teachey Pl

Rennert Pl

Harrells Dr

Stokesdale Ln

Lawnview Ln

Newland Ave

Sweetwater

Lightbridge Academy

Core Banks St

Richardson Rd

Sweetwater Amenity Center

Timken Forest Dr

Stratford at Abbington

Bryant Pond Ln

Lana Ln  
Little Gem Ln

Poultney Aly

Russet Ln

Whale Bone Aly

Glottosa St

Ruff Aly



## 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 #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_  
Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_

## PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: \_\_\_\_\_  
Address(es): \_\_\_\_\_  
PIN(s) \_\_\_\_\_  
\_\_\_\_\_ Acreage: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_  
Current 2045 LUM Designation: \_\_\_\_\_

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

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

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

## Applicant Information

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Owner Information

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Agent Information

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Other contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**PLANNED UNIT DEVELOPMENT APPLICATION**

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

**PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:**

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

**LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING**

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

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

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

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

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**PETITION PROCESS INFORMATION**

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

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

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6) *Impact on public facilities.* The proposed Conditional Zoning (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.

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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.

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

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**PETITION PROCESS INFORMATION**

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

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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.

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## Sweetwater PUD Amendment

Proposed Rezoning Changes

December 11, 2023

The PUD will retain all of the conditions from rezoning #17CZ21, #18CZ01, #22CZ03 and #23CZ12 except:

### I. Revisions to Section 6:

#### Section 6: Design Controls

##### NONRESIDENTIAL/MIXED-USE AREAS:

**Office:** A minimum of ~~55,000~~ **20,000** square feet of office will be provided in this section.

##### Building Height:

Maximum Height: ~~62 Feet (5 Story)~~ **77 Feet (6 Stories)**  
39 Feet (2 Story) – PINs 0722-44-1499 & 0722-44-1386

## 23CZ20

| PIN          | Real Estate ID | Site Address         | City | Owner                         | Mail Address 1               | Mail Address 2          | Deed Book | Deed Page | Deed Acres |
|--------------|----------------|----------------------|------|-------------------------------|------------------------------|-------------------------|-----------|-----------|------------|
| 0722-55-0034 | 148944         | 1451 RICHARDSON ROAD | APEX | KEPE1 STC, LLC                | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 18792     | 51-55     | 18.33      |
| 0722-54-4876 | 120755         | 1051 NEWLAND AVE     | APEX | KEPE1 STC, LLC                | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 18792     | 51-55     | 4.87       |
| 0722-54-4404 | 476653         | 1075 NEWLAND AVE     | APEX | SWEETWATER LIGHTBRIDGE LLC    | PO BOX 5509                  | CARY NC 27512-5509      | 17764     | 1056      | 1.38       |
| 0722-45-7646 | 444531         | 2800 TEACHEY PL      | APEX | HARRIS TEETER PROPERTIES, LLC | 701 CRESTDALE RD             | MATTHEWS, NC 28105-1700 | 19411     | 1576-1579 | 2.06       |
| 0722-45-4406 | 436584         | 2810 TEACHEY PL      | APEX | HARRIS TEETER PROPERTIES, LLC | 701 CRESTDALE RD             | MATTHEWS, NC 28105-1700 | 19411     | 1576-1579 | 7.56       |
| 0722-44-3942 | 436595         | 2820 TEACHEY PL      | APEX | KEPE1 STC WEST, LLC           | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 19340     | 873-876   | 6.18       |
| 0722-44-1499 | 444460         | 0 CORE BANKS ST      | APEX | KEPE1 HOLDINGS, LLC           | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 18792     | 2056-2060 | 0.94       |
| 0722-44-1386 | 444532         | 0 LITTLE GEM LANE    | APEX | KEPE1 HOLDINGS, LLC           | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 19331     | 399-400   | 0.01       |

**AGENT AUTHORIZATION FORM**

Application #: 23CZ20 Submittal Date: \_\_\_\_\_

KEPE1 STC, LLC is the owner\* of the property for which the attached

application is being submitted:

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

The property address is: 1451 Richardson Road

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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

Agent Name: Joseph M. Craig

Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603

Telephone Number: (919) 367-8790

E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)\*



Edward Kalikow

Type or print name

9/26/2023  
Date



David Schmidt

Type or print name

9/24/2023  
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 #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, David Schmidt (KEPE1 STC, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

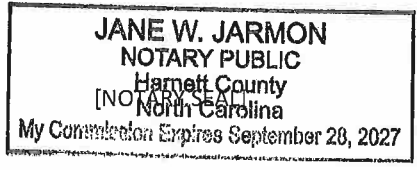
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1451 Richardson Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
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 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/10/2021, in Book 18792 Page 51-55.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/10/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/10/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29<sup>TH</sup> day of SEPTEMBER, 2023.

David Schmidt (seal)  
DAVID SCHMIDT, MANAGER  
 Type or print name

STATE OF NORTH CAROLINA  
 COUNTY OF Wake

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



Jane W. Jarmon  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 09-28-2027

**AFFIDAVIT OF OWNERSHIP**


Application #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, Edward Kalikow (KEPE1 STC, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1451 Richardson Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/10/2021, in Book 18792 Page 51-55.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/10/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/10/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.


This the 26<sup>th</sup> day of September, 2023.

  
 \_\_\_\_\_ (seal)  
Edward Kalikow  
 \_\_\_\_\_  
 Type or print name

New York  
 STATE OF NORTH CAROLINA  
 COUNTY OF Nassau

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

**JENNIFER J. GRIM**  
 Notary Public State Of New York  
 No. 01GR6323464  
 Qualified In Nassau County  
 Commission Expires April 20, 2027

  
 \_\_\_\_\_  
 Notary Public  
 State of North Carolina New York  
 My Commission Expires: 4/20/2027

[NOTARY SEAL]



AGENT AUTHORIZATION FORM

Application #: 23CZ20 Submittal Date: \_\_\_\_\_

KEPE1 Holdings, LLC is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 0 Core Banks Street

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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

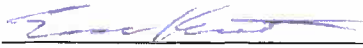
Agent Name: Joseph M. Craig

Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603

Telephone Number: (919) 367-8790

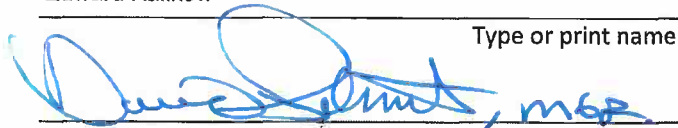
E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)\*



Edward Kalikow  
Type or print name

9/26/2023  
Date



David Schmidt  
Type or print name

9/26/2023  
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 #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, David Schmidt (KEPE1 Holdings, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Core Banks Street and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/12/2021, in Book 18792 Page 2056-2060.
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 11/12/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/12/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29<sup>TH</sup> day of SEPTEMBER, 2023.

David Schmidt, mgr (seal)  
DAVID SCHMIDT, MANAGER  
 Type or print name

STATE OF NORTH CAROLINA  
 COUNTY OF Wake

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

**JANE W. JARMON**  
 NOTARY PUBLIC  
 Hamett County  
 North Carolina  
 My Commission Expires September 28, 2027

Jane W. Jarmon  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 09-28-2027

**AFFIDAVIT OF OWNERSHIP**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, Edward Kalikow (KEPE1 Holdings, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Core Banks Street and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/12/2021, in Book 18792 Page 2056-2060.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/12/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/12/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 26<sup>th</sup> day of September, 2023.

*Edward Kalikow* (seal)  
Edward Kalikow  
 Type or print name

New York  
 STATE OF NORTH CAROLINA  
 COUNTY OF Nassau

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

**JENNIFER J. GRIM**  
 Notary Public State Of New York  
 No. 01GR6323464  
 Qualified In Nassau County  
 Commission Expires April 20, 2027

*Jennifer J. Grim*  
 Notary Public  
 State of North Carolina New York  
 My Commission Expires: 4/20/2027

[NOTARY SEAL]

**AGENT AUTHORIZATION FORM**

Application #: 23CZ20 Submittal Date: \_\_\_\_\_

KEPE1 STC, LLC is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 1051 Newland Avenue

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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

Agent Name: Joseph M. Craig  
Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603  
Telephone Number: (919) 367-8790  
E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)\*



Edward Kalikow

Type or print name

9/26/2023

Date



David Schmidt

Type or print name

9/26/2023

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 #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, David Schmidt (KEPE1 STC, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

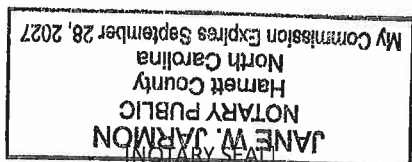
- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1051 Newland Avenue and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/10/2021, in Book 18792 Page 51-55.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/10/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/10/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29<sup>TH</sup> day of SEPTEMBER 23.

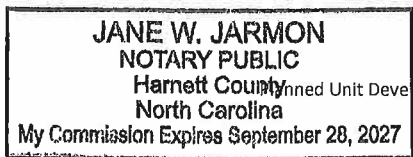
David Schmidt, MGR (seal)  
DAVID SCHMIDT, MANAGER  
 Type of print name

STATE OF NORTH CAROLINA  
 COUNTY OF Wake

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



Jane W. Jarmon  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 09-28-2027



**AFFIDAVIT OF OWNERSHIP**


Application #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, Edward Kalikow (KEPE1 STC, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1051 Newland Avenue and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/10/2021, in Book 18792 Page 51-55.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/10/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/10/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.


This the 26<sup>th</sup> day of September, 2023.

  
 \_\_\_\_\_ (seal)  
Edward Kalikow  
 \_\_\_\_\_  
 Type or print name

STATE OF NORTH CAROLINA New York  
COUNTY OF Nassau

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

**JENNIFER J. GRIM**  
 Notary Public State Of New York  
 No. 01GR6323464  
 Qualified In Nassau County  
 Commission Expires April 20, 2027

  
 \_\_\_\_\_  
 Notary Public  
 State of North Carolina New York  
 My Commission Expires: 4/20/2027

[NOTARY SEAL]

AGENT AUTHORIZATION FORM

Application #: 23CZ20 Submittal Date: \_\_\_\_\_

KEPE1 STC West, LLC is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 2820 Teachey Place

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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


Agent Name: Joseph M. Craig


Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603

Telephone Number: (919) 367-8790

E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)\*

  
 \_\_\_\_\_  
 Edward Kalikow 9/26/2023  
 Type or print name Date

  
 \_\_\_\_\_  
 David Schmidt 9/26/2023  
 Type or print name Date

Attach additional sheets if there are additional owners.

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

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

**AFFIDAVIT OF OWNERSHIP**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, David Schmidt (KEPE1 STC West, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2820 Teachey 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 5/22/2023 and recorded in the Wake County Register of Deeds Office on 5/22/2023, in Book 19340 Page 873-876.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 5/22/2023, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 5/22/2023, 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 29<sup>TH</sup> day of SEPTEMBER 2023.

[Signature] (seal)  
DAVID SCHMIDT, MANAGER  
 Type or print name

STATE OF NORTH CAROLINA  
 COUNTY OF Wake

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

**JANE W. JARMON**  
 NOTARY PUBLIC  
 Harnett County  
 North Carolina  
 My Commission Expires September 28, 2027

Jane W. Jarmon  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 09-28-2027



**AFFIDAVIT OF OWNERSHIP**


Application #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, Ed Kalikow (KEPE1 STC West, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2820 Teachey Place and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 5/22/2023, and recorded in the Wake County Register of Deeds Office on 5/22/2023, in Book 19340 Page 873-876.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
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This the 26<sup>th</sup> day of September, 20    .

 (seal)  
Edward Kalikow  
 Type or print name

STATE OF NORTH CAROLINA New York  
 COUNTY OF Nassau

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

**JENNIFER J. GRIM**  
 Notary Public State Of New York  
 No. 01GR6323464  
 Qualified In Nassau County  
 Commission Expires April 20, 2027

  
 Notary Public  
 State of North Carolina New York  
 My Commission Expires: 4/20/2027

[NOTARY SEAL]

**AGENT AUTHORIZATION FORM**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

KEPE1 Holdings, LLC

is the owner\* of the property for which the attached

application is being submitted:

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

The property address is: 0 Little Gem Lane

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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

Agent Name: Joseph M. Craig

Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603

Telephone Number: (919) 367-8790

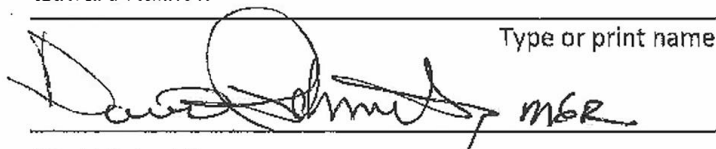
E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)\*



Edward Kalkow  
Type or print name

12/11/23  
Date



David Schmidt  
Type or print name

12-11-2023  
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**

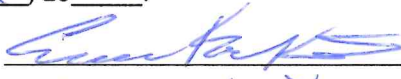
Application #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, Edward Kalikow (KEPE1 Holdings, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Little Gem Lane and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 5/10/2023, and recorded in the Wake County Register of Deeds Office on 5/10/2023, in Book 19331 Page 399-400.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 5/10/2023, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 5/10/2023, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 11<sup>th</sup> day of December, 2023.

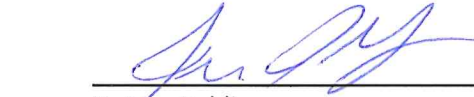
 (seal)  
Edward Kalikow  
 Type or print name

new York

STATE OF NORTH CAROLINA  
COUNTY OF NASSAU

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

**JENNIFER J. GRIM**  
Notary Public State Of New York  
No. 01GR6323464  
Qualified In Nassau County  
Commission Expires April 20, 2027

  
 Notary Public  
 State of North Carolina New York  
 My Commission Expires: 4/20/2027

[NOTARY SEAL]


**AFFIDAVIT OF OWNERSHIP**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

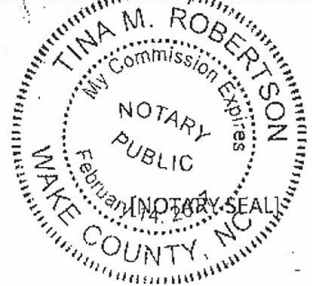
The undersigned, David Schmidt (KEPE1 Holdings, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:


- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Little Gem Lane and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 5/10/2023, and recorded in the Wake County Register of Deeds Office on 5/10/2023, in Book 19331 Page 399-400.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 5/10/2023, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 5/10/2023, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 11<sup>TH</sup> day of DECEMBER 2023  
  
DAVID SCHMIDT, MANAGER  
 Type or print name

STATE OF NORTH CAROLINA  
 COUNTY OF Wake

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



  
 Notary Public  
 State of North Carolina  
 My Commission Expires: February 14, 2027

**AGENT AUTHORIZATION FORM**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

Sweetwater Lightbridge, LLC

is the owner\* of the property for which the attached

application is being submitted:

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

The property address is: 1075 Newland Avenue

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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

Agent Name: Joseph M. Craig

Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603

Telephone Number: (919) 367-8790

E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)\*  


David Schmidt

Type or print name

10-2-2023

Date

\_\_\_\_\_

Type or print name

\_\_\_\_\_

Date

Attach additional sheets if there are additional owners.

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

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

**AFFIDAVIT OF OWNERSHIP**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, David Schmidt (Sweetwater Lightbridge, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1075 Newland Avenue 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 2/26/2020, and recorded in the Wake County Register of Deeds Office on 2/27/2020, in Book 17764 Page 1056-1059.
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 2/27/2020, 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 2/27/2020, 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 29<sup>th</sup> day of SEPTEMBER, 2023.

David Schmidt MGR (seal)  
DAVID SCHMIDT, MANAGER  
 Type or print name

STATE OF NORTH CAROLINA  
 COUNTY OF Wake

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

**JANE W. JARMON**  
 NOTARY PUBLIC  
 Harnett County  
 North Carolina  
 My Commission Expires September 28, 2027  
 [NOTARY SEAL]

Jane W. Jarmon  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 09-28-2027

**AGENT AUTHORIZATION FORM**

Application #: 23CZ20 Submittal Date: \_\_\_\_\_

Harris Teeter Properties, LLC is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 2810 Teachey Place

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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

Agent Name: Joseph M. Craig

Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603

Telephone Number: (919) 367-8790

E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)\*

Jacob Phares

President

Type or print name

10/2/23

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

**AFFIDAVIT OF OWNERSHIP**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, Jacob Phares (Harris Tee te Properties, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2810 Teachey 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 8/17/2023, and recorded in the Wake County Register of Deeds Office on 8/17/2023, in Book 19411 Page 1576-1579.
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 8/17/2023, 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 8/17/2023, 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 2nd day of October, 2023.

\_\_\_\_\_  
 (seal)  
Jacob Phares  
 Type or print name

STATE OF NORTH CAROLINA  
COUNTY OF Mecklenburg

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



Missy Davis  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 7/11/2026



**AGENT AUTHORIZATION FORM**

Application #: 23CZ20 Submittal Date: \_\_\_\_\_

Harris Teeter Properties, LLC is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 2800 Teachey Place

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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

Agent Name: Joseph M. Craig

Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603

Telephone Number: (919) 367-8790

E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)\*



Jacob Phares

President  
Type or print name

10/2/23

Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

Attach additional sheets if there are additional owners.

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

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

**AFFIDAVIT OF OWNERSHIP**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

The undersigned, Jacob Phares (Harris Teeter Properties, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

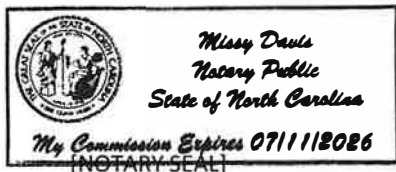
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2800 Teachey Place and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
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 8/17/2023, and recorded in the Wake County Register of Deeds Office on 8/17/2023, in Book 19411 Page 1576-1579.
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 8/17/2023, 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 8/17/2023, 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 2nd day of October, 2023.

\_\_\_\_\_ (seal)  
Jacob Phares  
 \_\_\_\_\_  
 Type or print name

STATE OF NORTH CAROLINA  
COUNTY OF MCKLENSBURG

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



Missy Davis  
 \_\_\_\_\_  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 7/11/2026

**NORTH CAROLINA SPECIAL WARRANTY DEED**

Excise Tax: \$N/A

Real Estate Identification Nos.: 0120755 and 0148944

Return to: Grantee

This instrument was prepared by: Weatherspoon & Voltz LLP

Brief description for the Index: Lots 8 and 9A, Sweetwater Subdivision, Apex, NC

THIS DEED is made this 10<sup>th</sup> day of November, 2021, by and between:

| GRANTOR  | GRANTEE   |
|--|---|
| KEPE1 GLOBAL, LLC,<br>a North Carolina limited liability company<br><br>c/o The Kalikow Group<br>7001 Brush Hollow Road, Suite 200<br>Westbury, NY 11590 | KEPE1 STC, LLC,<br>a North Carolina limited liability company<br><br>c/o The Kalikow Group<br>7001 Brush Hollow Road, Suite 200<br>Westbury, NY 11590 |

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple those certain lots or parcels of land situated in White Oak Township, Wake County, North Carolina and being described as follows:

Set forth on **Exhibit A** attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 18791, Page 2386, Wake County Registry.

A map showing the above described property is recorded in Book of Maps 2021, Pages 676 and 677, Wake County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor hereby warrants that Grantor has done nothing to impair such title as Grantor received, and Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following:

- 1. Ad valorem taxes for 2021 and subsequent years.
- 2. Easements, restrictions and rights-of-way of record.

All or a portion of the property herein conveyed  includes or  does not include the primary residence of Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the day and year first above written.

KEPE1 GLOBAL, LLC,  
a North Carolina limited liability company

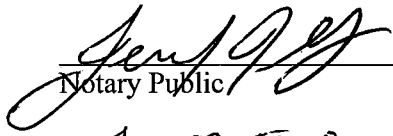
By:   
Edward M. Kalikow, Manager

~~By: \_\_\_\_\_~~  
David Schmidt, Manager

STATE OF NEW YORK  
COUNTY OF Nassau

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward M. Kalikow.

Date: October 29<sup>th</sup>, 2021

  
Notary Public

Jennifer J. Grim  
Printed Name

My commission expires: 4/20/2023

[Official seal]

**JENNIFER J. GRIM**  
Notary Public State Of New York  
No. 01GR6323464  
Qualified In Nassau County  
Commission Expires April 20, 2023

A map showing the above described property is recorded in Book of Maps 2021, Pages 676 and 677, Wake County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor hereby warrants that Grantor has done nothing to impair such title as Grantor received, and Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following:

- 1. Ad valorem taxes for 2021 and subsequent years.
- 2. Easements, restrictions and rights-of-way of record.

All or a portion of the property herein conveyed  includes or  does not include the primary residence of Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the day and year first above written.

KEPE1 GLOBAL, LLC,  
a North Carolina limited liability company

By: \_\_\_\_\_  
Edward M. Kalikow, Manager

By: David Schmidt \_\_\_\_\_  
David Schmidt, Manager

~~STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_~~

~~I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward M. Kalikow.~~

~~Date: October \_\_\_\_, 2021~~

~~\_\_\_\_\_  
Notary Public~~

~~\_\_\_\_\_  
Printed Name~~

~~My commission expires: \_\_\_\_\_~~

~~[Official seal]~~

STATE OF NORTH CAROLINA  
COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: David Schmidt.

Date: <sup>November</sup> ~~October~~ 5<sup>th</sup>, 2021

  
Notary Public

Carrie H. Stephenson  
Printed Name

My commission expires: 12/15/21

[Official seal]

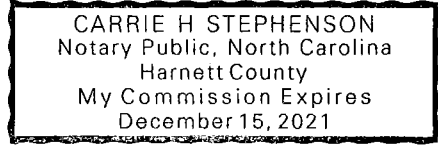


Exhibit A

BEING ALL of Lot 8 and Lot 9A, as shown and described on survey entitled "Master Subdivision Final Plat of Sweetwater Phase 9, Lots 8, 9 and 9A", prepared by CE Group, a plat of which is recorded in Book of Maps 2021, Pages 676 and 677, Wake County Registry, reference to such plat being hereby made for a more particular description of the metes, bounds, courses and distances of such parcels.

**NORTH CAROLINA SPECIAL WARRANTY DEED**

Excise Tax: \$N/A

Real Estate Identification Nos.: 0120755 and 0148944

Return to: Grantee

This instrument was prepared by: Weatherspoon & Voltz LLP

Brief description for the Index: Lots 8 and 9A, Sweetwater Subdivision, Apex, NC

THIS DEED is made this 10<sup>th</sup> day of November, 2021, by and between:

| GRANTOR  | GRANTEE   |
|--|---|
| KEPE1 GLOBAL, LLC,<br>a North Carolina limited liability company<br><br>c/o The Kalikow Group<br>7001 Brush Hollow Road, Suite 200<br>Westbury, NY 11590 | KEPE1 STC, LLC,<br>a North Carolina limited liability company<br><br>c/o The Kalikow Group<br>7001 Brush Hollow Road, Suite 200<br>Westbury, NY 11590 |

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple those certain lots or parcels of land situated in White Oak Township, Wake County, North Carolina and being described as follows:

Set forth on **Exhibit A** attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 18791, Page 2386, Wake County Registry.

submitted electronically by "Weatherspoon & Voltz LLP"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Wake County Register of Deeds.



A map showing the above described property is recorded in Book of Maps 2021, Pages 676 and 677, Wake County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor hereby warrants that Grantor has done nothing to impair such title as Grantor received, and Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following:

- 1. Ad valorem taxes for 2021 and subsequent years.
- 2. Easements, restrictions and rights-of-way of record.

All or a portion of the property herein conveyed  includes or  does not include the primary residence of Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the day and year first above written.

KEPE1 GLOBAL, LLC,  
a North Carolina limited liability company

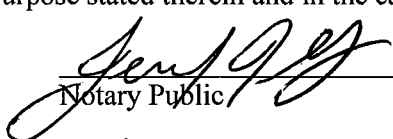
By:   
Edward M. Kalikow, Manager

~~By: \_\_\_\_\_~~  
David Schmidt, Manager

STATE OF NEW YORK  
COUNTY OF Nassau

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward M. Kalikow.

Date: October 29<sup>th</sup>, 2021

  
Notary Public

Jennifer J. Grim  
Printed Name

My commission expires: 4/20/2023

[Official seal]

**JENNIFER J. GRIM**  
Notary Public State Of New York  
No. 01GR6323464  
Qualified In Nassau County  
Commission Expires April 20, 2023

A map showing the above described property is recorded in Book of Maps 2021, Pages 676 and 677, Wake County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor hereby warrants that Grantor has done nothing to impair such title as Grantor received, and Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following:

- 1. Ad valorem taxes for 2021 and subsequent years.
- 2. Easements, restrictions and rights-of-way of record.

All or a portion of the property herein conveyed  includes or  does not include the primary residence of Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the day and year first above written.

KEPE1 GLOBAL, LLC,  
a North Carolina limited liability company

By: \_\_\_\_\_  
Edward M. Kalikow, Manager

By: David Schmidt \_\_\_\_\_  
David Schmidt, Manager

~~STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_~~

~~I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward M. Kalikow.~~

~~Date: October \_\_\_\_, 2021~~

~~\_\_\_\_\_  
Notary Public~~

~~\_\_\_\_\_  
Printed Name~~

~~My commission expires: \_\_\_\_\_~~

~~[Official seal]~~

STATE OF NORTH CAROLINA  
COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: David Schmidt.

Date: <sup>November</sup> ~~October~~ 5<sup>th</sup>, 2021

  
Notary Public

Carrie H. Stephenson  
Printed Name

My commission expires: 12/15/21

[Official seal]

CARRIE H STEPHENSON  
Notary Public, North Carolina  
Harnett County  
My Commission Expires  
December 15, 2021

Exhibit A

BEING ALL of Lot 8 and Lot 9A, as shown and described on survey entitled "Master Subdivision Final Plat of Sweetwater Phase 9, Lots 8, 9 and 9A", prepared by CE Group, a plat of which is recorded in Book of Maps 2021, Pages 676 and 677, Wake County Registry, reference to such plat being hereby made for a more particular description of the metes, bounds, courses and distances of such parcels.

|                       |                               |
|-----------------------|-------------------------------|
| Excise Tax \$5,000.00 | Recording Time, Book and Page |
|-----------------------|-------------------------------|

Tax Lot No.: \_\_\_\_\_ Parcel Identifier No.: 0722454406 and 0722457646

Mail after recording to Grantee

This instrument was prepared by: Parker Poe Adams & Bernstein LLP, 620 S. Tryon Street, Suite 800, Charlotte, NC 28202 (TPL)

Brief Description For The Index:

Lot 1 and Lot 2, Book of Maps 2022, Page 2181

**NORTH CAROLINA SPECIAL WARRANTY DEED**

**THIS DEED** made this 17<sup>th</sup> day of August, 2023, by and between:

| GRANTOR   | GRANTEE  |
|---|--|
| <p><b>KEPEI HOLDINGS, LLC,</b><br/>                     a North Carolina limited liability company</p> <p>7001 Brush Hollow Road, Suite 200<br/>                     Westbury, NY 11590</p> | <p><b>HARRIS TEETER PROPERTIES, LLC,</b><br/>                     a North Carolina limited liability company</p> <p>701 Crestdale Road<br/>                     Matthews, NC 28105</p> |

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

**WITNESSETH**, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land described in **Exhibit A** attached hereto ("**Property**").

The Property was acquired by Grantor by instrument recorded in Book 018792, at Page 02056, Wake County Register of Deeds.

The Property does not include the primary residence of Grantor.

**TO HAVE AND TO HOLD** the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the Property is subject to the following exceptions:

- (1) Ad valorem taxes and assessments for the year 2023 and subsequent years not yet due and payable.
- (2) Matters affecting title to the Property which would be shown on a current and accurate survey of the Property.
- (3) Easements, covenants, restrictions and conditions of record.
- (4) All statutes, codes, laws, ordinances, orders, rules and regulations of any governmental authority applicable to the Property, including those relating to zoning, subdivision, construction and land use.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal, the day and year first above written.

**KEPEI HOLDINGS, LLC,**  
a North Carolina limited liability company

By: KEPEI Global, LLC,  
a North Carolina limited liability company,  
its sole Member

By:   
Edward Kalikow  
Manager

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, William H. Weatherspoon, Jr., a Notary Public for Wake County, State of North Carolina, do hereby certify that **Edward Kalikow** ("**Signatory**"), personally appeared before me this day and acknowledged that he is the Manager of **KEPEI Global LLC**, a North Carolina limited liability company, said limited liability company being the sole Member of **KEPEI Holdings, LLC**, a North Carolina limited liability company, and that he, in such capacity and being authorized to do so, executed the foregoing instrument on behalf of the limited liability company.

I certify that the Signatory personally appeared before me this day, and  
(check one of the following)

(I have personal knowledge of the identity of the Signatory); or

(I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of:

(check one of the following)

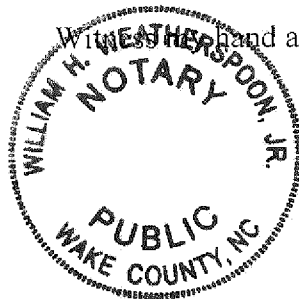
a driver's license or

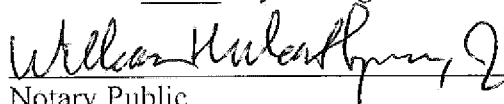
in the form of \_\_\_\_\_); or

(a credible witness has sworn to the identity of the Signatory).

The Signatory acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal this 16<sup>th</sup> day of August, 2023.



  
Notary Public  
My Commission Expires: 3-27-2026

[NOTARIAL STAMP-SEAL]

[Signature Page to Special Warranty Deed]

**Exhibit A**

**Legal Description**

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

**Tract One:**

Being all of Lot 1, containing 7.563 acres, more or less, as shown on the plat recorded in Book of Maps 2022, Page 2181, Wake County Register of Deeds.

**Tract Two:**

Being all of Lot 2, containing 2.065 acres, more or less, as shown on the plat recorded in Book of Maps 2022, Page 2181, Wake County Register of Deeds.



**NORTH CAROLINA SPECIAL WARRANTY DEED**

Excise Tax: \$N/A

Real Estate Identification No.: 0436595

Return to: Grantee

This instrument was prepared by: Weatherspoon & Voltz LLP

Brief description for the Index: Lot 3, Phase 10, Sweetwater Commercial, Apex, NC

THIS DEED is made this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between:

| GRANTOR  | GRANTEE  |
|--|--|
| KEPE1 HOLDINGS, LLC,<br>a North Carolina limited liability company<br><br>c/o The Kalikow Group<br>7001 Brush Hollow Road, Suite 200<br>Westbury, NY 11590 | KEPE1 STC WEST, LLC,<br>a North Carolina limited liability company<br><br>c/o The Kalikow Group<br>7001 Brush Hollow Road, Suite 200<br>Westbury, NY 11590 |

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple that certain lot or parcel of land situated in White Oak Township, Wake County, North Carolina and being described as follows:

Set forth on **Exhibit A** attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 18792, Page 2056, Wake County Registry.

A map showing the above-described property is recorded in Book of Maps 2022, Page 2181, Wake County Registry.

submitted electronically by "Robert A. Brady, Attorney at Law"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Wake County Register of Deeds.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor hereby warrants that Grantor has done nothing to impair such title as Grantor received, and Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following:

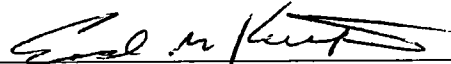
- 1. Ad valorem taxes for 2023 and subsequent years.
- 2. Easements, restrictions and rights-of-way of record.

All or a portion of the property herein conveyed  includes or  does not include the primary residence of Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the day and year first above written.

KEPE1 HOLDINGS, LLC,  
a North Carolina limited liability company

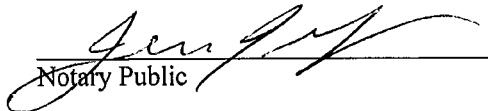
By: KEPE1 Global, LLC,  
a North Carolina limited liability company, its Manager

By:   
Edward M. Kalikow, Manager

STATE OF NEW YORK  
COUNTY OF NASSAU

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward M. Kalikow.

Date: April 18<sup>th</sup>, 2023

  
Notary Public

Jennifer J. Grim  
Printed Name

My commission expires: 4/20/27

[Official seal]

**JENNIFER J. GRIM**  
Notary Public State Of New York  
No. 01GR6323464  
Qualified In Nassau County  
Commission Expires April 20, 2027

[Signatures continued on following page]

KEPE1 HOLDINGS, LLC,  
a North Carolina limited liability company

By: KEPE1 Global, LLC,  
a North Carolina limited liability company, its Manager

By: [Signature] MGR.  
David Schmidt, Manager

STATE OF NORTH CAROLINA  
COUNTY OF Harnett

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: David Schmidt.

Date: ~~April~~ <sup>May</sup> 22, 2023

[Signature]  
Notary Public

Carrie H. Stephenson  
Printed Name

My commission expires: 12/15/26

[Official seal]

**Carrie H. Stephenson  
Notary Public, North Carolina  
Harnett County  
My Commission Expires  
December 15, 2026**

Exhibit A

BEING ALL of Lot 3, containing 6.181 acres, as shown and described on survey entitled "Recombination Plat Phase 10 Sweetwater Commercial", prepared by CE Group, a plat of which is recorded in Book of Maps 2022, Page 2181, Wake County Registry, reference to such plat being hereby made for a more particular description of the metes, bounds, courses and distances of such parcel.

**NORTH CAROLINA SPECIAL WARRANTY DEED**Excise Tax: \$N/AParcel Identification Nos.: 0722-45-8740; 0722-45-6374; 0722-45-3275 and 0722-44-1499Return to: GranteeThis instrument was prepared by: Weatherspoon & Voltz LLPBrief description for the Index: Sweetwater Commercial Land, U.S. Highway 64 West, Apex, NCTHIS DEED is made this 10<sup>th</sup> day of November, 2021, by and between:

| GRANTOR  | GRANTEE  |
|--|--|
| KEPE1 GLOBAL, LLC,<br>a North Carolina limited liability company<br><br>c/o The Kalikow Group<br>7001 Brush Hollow Road, Suite 200<br>Westbury, NY 11590 | KEPE1 HOLDINGS, LLC,<br>a North Carolina limited liability company<br><br>c/o The Kalikow Group<br>7001 Brush Hollow Road, Suite 200<br>Westbury, NY 11590 |

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple those certain lots or parcels of land situated in White Oak Township, Wake County, North Carolina and being described as follows:

Set forth on **Exhibit A** attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 18791, Page 2671, Wake County Registry.

A map showing the above described property is recorded in Book of Maps 2017, Pages 424 - 426, Wake County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor hereby warrants that Grantor has done nothing to impair such title as Grantor received, and Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following:

- 1. Ad valorem taxes for 2021 and subsequent years.
- 2. Easements, restrictions and rights-of-way of record.
- 3. Deed of Trust in favor of Truist Bank recorded in Book 18672, Page 1490, Wake County Registry.

All or a portion of the property herein conveyed  includes or  does not include the primary residence of Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the day and year first above written.

KEPE1 GLOBAL, LLC,  
a North Carolina limited liability company

By: *Edward M. Kalikow*  
Edward M. Kalikow, Manager

~~By: \_\_\_\_\_  
David Schmidt, Manager~~

STATE OF NEW YORK  
COUNTY OF Nassau

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward M. Kalikow.

Date: October 20<sup>th</sup>, 2021

*Jennifer J. Grim*  
Notary Public  
Jennifer J. Grim  
Printed Name

My commission expires: 4/20/2023

[Official seal]

**JENNIFER J. GRIM**  
Notary Public State Of New York  
No. 01GR6323464  
Qualified In Nassau County  
Commission Expires April 20, 2023

A map showing the above described property is recorded in Book of Maps 2017, Pages 424 - 426, Wake County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor hereby warrants that Grantor has done nothing to impair such title as Grantor received, and Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following:

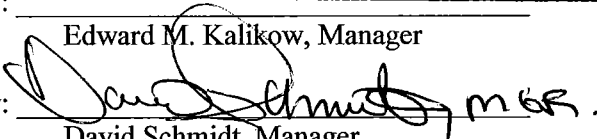
- 1. Ad valorem taxes for 2021 and subsequent years.
- 2. Easements, restrictions and rights-of-way of record.
- 3. Deed of Trust in favor of Truist Bank recorded in Book 18672, Page 1490, Wake County Registry.

All or a portion of the property herein conveyed  includes or  does not include the primary residence of Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the day and year first above written.

KEPE1 GLOBAL, LLC,  
a North Carolina limited liability company

By: \_\_\_\_\_  
Edward M. Kalikow, Manager

By:  \_\_\_\_\_  
David Schmidt, Manager

~~STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_~~

~~I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward M. Kalikow.~~

~~Date: October \_\_\_\_, 2021~~

~~\_\_\_\_\_  
Notary Public~~

~~\_\_\_\_\_  
Printed Name~~

~~My commission expires: \_\_\_\_\_~~

~~[Official seal]~~

STATE OF NORTH CAROLINA  
COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: David Schmidt.

Date: ~~October~~ November 5<sup>th</sup>, 2021

[Signature]  
Notary Public

Carrie H. Stephenson  
Printed Name

My commission expires: 12/15/21

[Official seal]

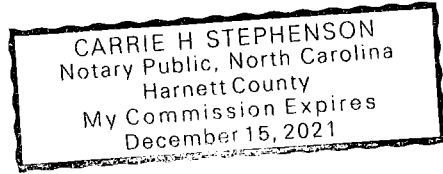




Exhibit A

Tract 1:

BEING all of that tract or parcel containing 13.432 acres as shown on maps of Sweetwater Phase 1 & 8 (LOTS 335-397), recorded in Book of Maps 2017, Pages 424-425, Wake County Registry.

Tract 2:

BEING all of that tract or parcel containing 1.785 acres as shown on maps of Sweetwater Phase 1 & 8 (LOTS 335-397), recorded in Book of Maps 2017, Pages 424-425, Wake County Registry.

Tract 3:

BEING all of that tract or parcel containing 0.590 acre as shown on maps of Sweetwater Phase 1 & 8 (LOTS 335-397), recorded in Book of Maps 2017, Pages 424-425, Wake County Registry.

Tract 4:

BEING all of that tract or parcel containing 0.935 acre as shown on maps of Sweetwater Phase 1 & 8 (LOTS 335-397), recorded in Book of Maps 2017, Pages 425-426, Wake County Registry.

|                       |                               |
|-----------------------|-------------------------------|
| Excise Tax \$5,000.00 | Recording Time, Book and Page |
|-----------------------|-------------------------------|

Tax Lot No.: \_\_\_\_\_ Parcel Identifier No.: 0722454406 and 0722457646

Mail after recording to Grantee

This instrument was prepared by: Parker Poe Adams & Bernstein LLP, 620 S. Tryon Street, Suite 800, Charlotte, NC 28202 (TPL)

Brief Description For The Index:

Lot 1 and Lot 2, Book of Maps 2022, Page 2181

**NORTH CAROLINA SPECIAL WARRANTY DEED**

**THIS DEED** made this 17<sup>th</sup> day of August, 2023, by and between:

| GRANTOR   | GRANTEE  |
|---|--|
| <p><b>KEPEI HOLDINGS, LLC,</b><br/>                     a North Carolina limited liability company</p> <p>7001 Brush Hollow Road, Suite 200<br/>                     Westbury, NY 11590</p> | <p><b>HARRIS TEETER PROPERTIES, LLC,</b><br/>                     a North Carolina limited liability company</p> <p>701 Crestdale Road<br/>                     Matthews, NC 28105</p> |

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

**WITNESSETH**, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land described in **Exhibit A** attached hereto ("**Property**").

The Property was acquired by Grantor by instrument recorded in Book 018792, at Page 02056, Wake County Register of Deeds.

The Property does not include the primary residence of Grantor.

**TO HAVE AND TO HOLD** the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the Property is subject to the following exceptions:

- (1) Ad valorem taxes and assessments for the year 2023 and subsequent years not yet due and payable.
- (2) Matters affecting title to the Property which would be shown on a current and accurate survey of the Property.
- (3) Easements, covenants, restrictions and conditions of record.
- (4) All statutes, codes, laws, ordinances, orders, rules and regulations of any governmental authority applicable to the Property, including those relating to zoning, subdivision, construction and land use.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal, the day and year first above written.

**KEPEI HOLDINGS, LLC,**  
a North Carolina limited liability company

By: KEPEI Global, LLC,  
a North Carolina limited liability company,  
its sole Member

By:   
Edward Kalikow  
Manager

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, William H. Weatherspoon, Jr., a Notary Public for Wake County, State of North Carolina, do hereby certify that **Edward Kalikow** ("**Signatory**"), personally appeared before me this day and acknowledged that he is the Manager of **KEPEI Global LLC**, a North Carolina limited liability company, said limited liability company being the sole Member of **KEPEI Holdings, LLC**, a North Carolina limited liability company, and that he, in such capacity and being authorized to do so, executed the foregoing instrument on behalf of the limited liability company.

I certify that the Signatory personally appeared before me this day, and  
*(check one of the following)*

(I have personal knowledge of the identity of the Signatory); or

(I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of:

*(check one of the following)*

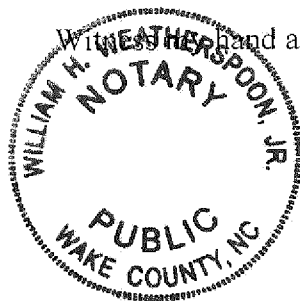
a driver's license or

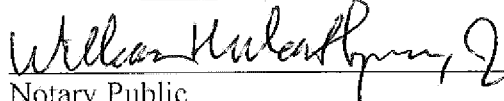
in the form of \_\_\_\_\_); or

(a credible witness has sworn to the identity of the Signatory).

The Signatory acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal this 16<sup>th</sup> day of August, 2023.



  
Notary Public  
My Commission Expires: 3-27-2026

[NOTARIAL STAMP-SEAL]

*[Signature Page to Special Warranty Deed]*

**Exhibit A**

**Legal Description**

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

**Tract One:**

Being all of Lot 1, containing 7.563 acres, more or less, as shown on the plat recorded in Book of Maps 2022, Page 2181, Wake County Register of Deeds.

**Tract Two:**

Being all of Lot 2, containing 2.065 acres, more or less, as shown on the plat recorded in Book of Maps 2022, Page 2181, Wake County Register of Deeds.

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$0

PIN: Out of 0120755

Mail To: Grantee

This instrument was prepared by: **Robert A. Brady Attorney at Law, 160 Iowa Lane, Suite 104, Cary, North Carolina 27511**

Brief description for the Index: Lot 9, Sweetwater Lightbridge Academy

**THIS DEED**, made this 26<sup>th</sup> day of February, 2020, by and between

| <b>GRANTOR</b>   | <b>GRANTEE</b>   |
|--|--|
| KEP Apex, LLC<br><br>7001 Brush Hollow Road, Suite 200<br>Westbury, NY 11590 | Sweetwater Lightbridge, LLC<br><br>P.O. Box 5509<br>Cary, NC 27512 |

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

**WITNESSETH**, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land more particularly described as follows:

Submitted electronically by "Robert A. Brady, Attorney at Law"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Wake County Register of Deeds.

Lying and being in the Wake County, North Carolina, and being more particularly described as follows:

See Attached Exhibit "A"

**TO HAVE AND TO HOLD** the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

1. Easements, set-backs, restrictions and other matters shown on plats of survey Wake County Registry.
2. Utility Easements of Record.
3. Ad Valorem Taxes for 2020 and subsequent years.

**IN WITNESS WHEREOF**, the Grantor has duly executed the foregoing as of the day and year first above written.

KEP Apex, LLC

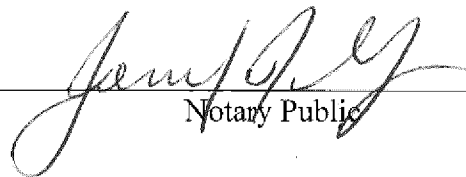
 (SEAL)  
 By: Edward Kalikow, Managing Member

State of New York  
County of NASSAU

I, Jennifer J Grim, a Notary Public of NASSAU County, New York, certify that Edward Kalikow, Managing Member of KEP Apex, LLC, personally appeared before me this day and acknowledged to me that he is the Managing Member of KEP Apex, LLC, a North Carolina LLC, and that by authority duly given and as the act of such entity, he voluntarily signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal this 26<sup>th</sup> day of February, 2020.

My commission expires: 04/20/2023

  
 Notary Public

**JENNIFER J. GRIM**  
 Notary Public State Of New York  
 No. 01GR6323464  
 Qualified In Nassau County  
 Commission Expires April 20, 2023

EXHIBIT ALAND DESCRIPTION FOR LOT 9  
SWEETWATER LIGHTBRIDGE ACADEMY PARCEL

**BEING** ALL OF THAT TRACT OR PARCEL OF REAL PROPERTY LYING LOCATED IN WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT, SAID POINT BEING PUBLISHED IN THE NATIONAL GEODETIC SURVEY AS "JORDAN LAKE CORS ARP" (PID: DL3891) AND HAVING NC GRID COORDINATES OF NORTHING: 739,273.05' & EASTING: 1,989,789.69'; THENCE S 67°10'24" E A GRID DISTANCE OF 38,481.64 FEET TO A CALCULATED POINT; SAID POINT LYING ON THE NORTHERN MARGIN OF CORE BANKS ROAD AND BEING A COMMON CORNER WITH THE EASTERN MARGIN OF NEWLAND AVENUE; HAVING NC GRID COORDINATES OF NORTHING: 723,344.34' AND EASTING: 2,025,257.55'; HEREBY KNOWN AS THE **POINT OF BEGINNING**.

THENCE ALONG THE EASTERN MARGIN OF NEWLAND AVENUE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 22.00 FEET AND A CHORD BEARING OF N 18°43'28" W FOR A CHORD DISTANCE OF 20.85 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 201.32 FEET AND A CHORD BEARING OF N 16°06'11" E FOR A CHORD DISTANCE OF 35.54 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 174.00 FEET AND A CHORD BEARING OF N 19°33'59" E FOR A CHORD DISTANCE OF 15.97 FEET TO A POINT; THENCE N 22°11'49" E A DISTANCE OF 62.10 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 174.50 FEET AND A CHORD BEARING OF N 14°17'00" E FOR A CHORD DISTANCE OF 48.05 FEET TO A POINT; THENCE N 00°39'14" E A DISTANCE OF 30.94 FEET TO A POINT; THENCE N 06°39'05" W A DISTANCE OF 55.35 FEET TO A POINT; THENCE LEAVING SAID MARGIN S 67°48'11" E A DISTANCE OF 88.99 FEET TO A POINT; THENCE N 22°11'49" E A DISTANCE OF 36.50 FEET TO A POINT; THENCE S 67°48'11" E A DISTANCE OF 38.00 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 64.00 FEET AND A CHORD BEARING OF S 37°38'16" E FOR A CHORD DISTANCE OF 64.32 FEET TO A POINT; THENCE S 11°31'48" W A DISTANCE OF 4.92 FEET TO A POINT; THENCE S 12°05'41" E A DISTANCE OF 39.20 FEET TO A POINT; THENCE S 67°09'17" E A DISTANCE OF 110.97 FEET TO A POINT; THENCE S 19°26'18" W A DISTANCE OF 88.92 FEET TO A POINT; THENCE S 40°40'32" W A DISTANCE OF 17.71 FEET TO A POINT; THENCE S 66°17'51" W A DISTANCE OF 68.41 FEET TO A POINT; THENCE S 84°48'32" W A DISTANCE OF 28.06 FEET TO A POINT; THENCE S 51°45'08" W A DISTANCE OF 17.32 FEET TO A POINT, SAID POINT LYING ON THE NORTHERN MARGIN OF CORE BANKS ROAD; THENCE WITH SAID MARGIN N 76°47'20" W A DISTANCE OF 33.34 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1030.00 FEET AND A CHORD BEARING OF N 80°40'51" W FOR A CHORD DISTANCE OF 139.82 FEET TO A POINT; THENCE N 84°34'21" W A DISTANCE OF 2.17 FEET TO A POINT. SAID POINT BEING THE **POINT AND PLACE OF BEGINNING**, HAVING AN AREA OF 60,001 SQUARE FEET OR 1.377 ACRES MORE OR LESS.

BEING A PORTION OF THE PROPERTY ACQUIRED BY KEP APEX, LLC IN DEED RECORDED IN BOOK 16739, PAGE 1802 AND BOOK 16823, PAGE 2446, AND SHOWN ON MAP RECORDED IN BOOK OF MAPS 2016, PAGE 588, ALL OF THE WAKE COUNTY REGISTRY.

**TOGETHER WITH:** (A) A NON-EXCLUSIVE EASEMENT AND RIGHT OF WAY FOR INGRESS, EGRESS, AND REGRESS TO AND FROM CORE BANKS STREET OVER NEWLAND AVENUE AS THE SAME IS DEPICTED ON VARIOUS UNRECORDED MAPS DEPICTING THE ABOVE PROPERTY, INCLUDING THE MAP ENTITLED "LIGHTBRIDGE ACADEMY AT SWEETWATER CONSTRUCTION DRAWINGS LAYOUT PLAN" ATTACHED TO THE FIRST AMENDMENT TO LEASE BETWEEN KEP



APEX, LLC AND JOULE, INC. DATED OCTOBER 23, 2019, WHICH MAP IS INCORPORATED HEREIN BY REFERENCE; AND, (B) A NON-EXCLUSIVE EASEMENT TO DISCHARGE STORMWATER ORIGINATING ON THE ABOVE PROPERTY INTO THE "PROPOSED WET DETENTION POND" LOCATED NORTH OF THE ABOVE PROPERTY AS DEPICTED ON THOSE "INFRASTRUCTURE CONSTRUCTION DRAWINGS FOR SWEETWATER – PHASE 9A" DATED THROUGH MAY 23, 2019, WHICH SAID DRAWINGS ARE INCORPORATED HEREIN BY REFERENCE.

THE PROPERTY IS ALSO CONVEYED TOGETHER WITH AND SUBJECT TO THE RIGHT TO USE THE JOINT DRIVE TO BE LOCATED OFF OF NEWLAND AVENUE AS THE SAME IS DEPICTED ON THE MAP ATTACHED TO THE AFORESAID FIRST AMENDMENT TO LEASE. MAINTENANCE OBLIGATIONS AND OTHER MATTERS AFFECTING THE FOREGOING MAY BE SET FORTH IN A MASTER DECLARATION, CROSS-ACCESS AGREEMENT, OR SIMILAR DOCUMENT(S) EXECUTED BY THE PARTIES AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF WAKE COUNTY.

## DEVELOPMENT NAME APPROVAL APPLICATION

Application #: **23CZ20**

Submittal Date: \_\_\_\_\_

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500\*

### Purpose

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

### Guidelines

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

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

### Existing Development Titles, Recurring

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

\*excludes names with Green Level

**DEVELOPMENT NAME APPROVAL APPLICATION**

Application #: **23CZ20**

Submittal Date: \_\_\_\_\_

**Proposed Subdivision/Development Information**

Description of location: \_\_\_\_\_

Nearest intersecting roads: \_\_\_\_\_

Wake County PIN(s): \_\_\_\_\_

Township: \_\_\_\_\_

**Contact Information (as appropriate)**

Contact person: \_\_\_\_\_

Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Owner: \_\_\_\_\_

Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Proposed Subdivision/Development Name**

1<sup>st</sup> Choice: \_\_\_\_\_

2<sup>nd</sup> Choice (*Optional*): \_\_\_\_\_

**Town of Apex Staff Approval:**

\_\_\_\_\_  
Town of Apex Planning Department Staff

\_\_\_\_\_  
Date

## STREET NAME APPROVAL APPLICATION

Application #: 23CZ20 Submittal Date: \_\_\_\_\_

Wake County Approval Date: \_\_\_\_\_

### Guidelines:

- No names duplicating or sounding similar to existing road names
- Avoid difficult to pronounce names
- No individuals' names
- Avoid proper names of a business, e.g. Hannaford Drive
- Limit names to 14 characters in length
- No directionals, e.g. North, South, East, West
- No punctuation marks, e.g. periods, hyphens, apostrophes, etc.
- Avoid using double suffixes, e.g. Deer Path Lane
- All names must have an acceptable suffix, e.g. Street, Court, Lane, Path, etc.
- Use only suffixes which are Town of Apex approved
- Town of Apex has the right to deny any street name that is determined to be inappropriate

### Information:

Description of location: \_\_\_\_\_

Nearest intersecting roads: \_\_\_\_\_

Wake County PIN(s): \_\_\_\_\_

Township: \_\_\_\_\_

### Contact information (as appropriate)

Contact person: \_\_\_\_\_

Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Owner: \_\_\_\_\_

Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**STREET NAME APPROVAL APPLICATION**

Application #: **23CZ20** Submittal Date: \_\_\_\_\_

# of roads to be named: \_\_\_\_\_

Please submit twice as many road names as needed, with preferred names listed first. Proposed road names should be written exactly as one would want them to appear. Town of Apex Planning Department staff will send all approved street names to the Wake County GIS Department for county approval. Please allow several weeks for approval. Upon approval Wake County GIS – Street Addressing will inform you of the approved street names.

Example: Road Name      Suffix

Hunter                  Street

1 \_\_\_\_\_ 11 \_\_\_\_\_

2 \_\_\_\_\_ 12 \_\_\_\_\_

3 \_\_\_\_\_ 13 \_\_\_\_\_

4 \_\_\_\_\_ 14 \_\_\_\_\_

5 \_\_\_\_\_ 15 \_\_\_\_\_

6 \_\_\_\_\_ 16 \_\_\_\_\_

7 \_\_\_\_\_ 17 \_\_\_\_\_

8 \_\_\_\_\_ 18 \_\_\_\_\_

9 \_\_\_\_\_ 19 \_\_\_\_\_

10 \_\_\_\_\_ 20 \_\_\_\_\_

**TOWN OF APEX STAFF APPROVAL**

Town of Apex Staff Approval

Date

**WAKE COUNTY STAFF APPROVAL:**

GIS certifies that \_\_\_\_\_ names indicated by checkmark  are approved.

Please disregard all other names.

Comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Wake County GIS Staff Approval

Date

**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Sweetwater Commercial PUD Amendment

\_\_\_\_\_  
(the "Premises")

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

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

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: David Schmidt

TOWN OF APEX

BY: [Signature]  
Authorized Agent

BY: \_\_\_\_\_  
Authorized Agent

DATE: 9/29/2023

DATE: \_\_\_\_\_

**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

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

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Sweetwater Commercial PUD Amendment

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KEPE1 Holdings, LLC, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

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

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ACCEPTED:

CUSTOMER: Edward Kalikow

TOWN OF APEX

BY:   
Authorized Agent

BY: \_\_\_\_\_  
Authorized Agent

DATE: 9/26/2023

DATE: \_\_\_\_\_

**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Sweetwater Commercial PUD Amendment

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\_\_\_\_\_  
(the "Premises")

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

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

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

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

ACCEPTED:

CUSTOMER: Jacob Phares

TOWN OF APEX

BY: \_\_\_\_\_  
Authorized Agent

BY: \_\_\_\_\_  
Authorized Agent

DATE: 10-2-23

DATE: \_\_\_\_\_



**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Sweetwater Commercial PUD Amendment

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(the "Premises")

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

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

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

ACCEPTED:

CUSTOMER: David Schmidt

TOWN OF APEX

BY: [Signature]  
Authorized Agent

BY: \_\_\_\_\_  
Authorized Agent

DATE: 9/26/2023

DATE: \_\_\_\_\_

**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Sweetwater Commercial PUD Amendment

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(the "Premises")

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KEPE1 STC West, LLC, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

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

ACCEPTED:

CUSTOMER: David Schmidt

TOWN OF APEX

BY: [Signature]  
Authorized Agent

BY: \_\_\_\_\_  
Authorized Agent

DATE: 9/26/2023

DATE: \_\_\_\_\_

**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: 23CZ20

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

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Sweetwater Commercial PUD Amendment

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ACCEPTED:

CUSTOMER: Edward Kalikow

TOWN OF APEX

BY:   
Authorized Agent

BY: \_\_\_\_\_  
Authorized Agent

DATE: 9/26/2023

DATE: \_\_\_\_\_

**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: 23CZ20

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

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Sweetwater Commercial PUD Amendment

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ACCEPTED:

CUSTOMER: David Schmidt

TOWN OF APEX

BY: [Signature]  
Authorized Agent

BY: \_\_\_\_\_  
Authorized Agent

DATE: 9/26/2023

DATE: \_\_\_\_\_

**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: 23CZ20

Submittal Date: \_\_\_\_\_

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73 Hunter Street  
P.O. Box 250 Apex, NC 27502  
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ACCEPTED:

CUSTOMER: Edward Kalikow

TOWN OF APEX

BY:   
Authorized Agent

BY: \_\_\_\_\_  
Authorized Agent

DATE: 9/20/2023

DATE: \_\_\_\_\_

# NOTICE OF NEIGHBORHOOD MEETING

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

\_\_\_\_\_  
Date

Dear Neighbor:

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

\_\_\_\_\_  
\_\_\_\_\_  
Address(es) PIN(s)

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

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

| Application Type         |   | Approving Authority                |
|--------------------------|---|------------------------------------|
| <input type="checkbox"/> | Rezoning (including Planned Unit Development)   | Town Council                       |
| <input type="checkbox"/> | Major Site Plan   | Technical Review Committee (staff) |
| <input type="checkbox"/> | Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales" | Technical Review Committee (staff) |
| <input type="checkbox"/> | Special Use Permit  | Board of Adjustment (QJPH*)        |
| <input type="checkbox"/> | Residential Master Subdivision Plan (excludes exempt subdivisions)  | Technical Review Committee (staff) |

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Estimated submittal date: \_\_\_\_\_

|                                    |                       |                    |
|------------------------------------|-----------------------|--------------------|
| <b>MEETING INFORMATION:</b>        |                       |                    |
| Property Owner(s) name(s):         | _____                 |                    |
| Applicant(s):                      | _____                 |                    |
| Contact information (email/phone): | _____                 |                    |
| Meeting Address:                   | _____                 |                    |
| Date/Time of meeting**:            | _____                 |                    |
| Welcome:                           | Project Presentation: | Question & Answer: |

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

# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: \_\_\_\_\_ Zoning: \_\_\_\_\_

Location: \_\_\_\_\_

Property PIN(s): \_\_\_\_\_ Acreage/Square Feet: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Developer: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Engineer: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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<br>(Provide development name or location to be routed to correct planner)                    | (919) 249-3426 |
| Parks, Recreation & Cultural Resources Department<br>Angela Reincke, Parks Planning Project Manager                          | (919) 372-7468 |
| Public Works - Transportation<br>Russell Dalton, Traffic Engineering Manager   | (919) 249-3358 |
| Water Resources Department<br>Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) | (919) 249-3537 |
| Matt Echols, Utility Engineering Manager (Water & Sewer)   | (919) 372-7505 |
| Electric Utilities Division<br>Rodney Smith, Electric Technical Services Manager   | (919) 249-3342 |

### **Providing Input to Town Council:**

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

### **Private Agreements and Easement Negotiation:**

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

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

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

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

### **Documentation:**

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



# COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

|   |                             |                     |
|---|-----------------------------|---------------------|
| <b>Noise &amp; Hours of Construction:</b> | <b>Non-Emergency Police</b> | <b>919-362-8661</b> |
|---|-----------------------------|---------------------|

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

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Construction Traffic:</b> | <b>James Misciagno</b> | <b>919-372-7470</b> |
|------------------------------|------------------------|---------------------|

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

|   |   |                     |
|---|---|---------------------|
| <b>Road Damage &amp; Traffic Control:</b> | <b>Water Resources – Infrastructure Inspections</b> | <b>919-362-8166</b> |
|---|---|---------------------|

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

|                            |                             |                     |
|----------------------------|-----------------------------|---------------------|
| <b>Parking Violations:</b> | <b>Non-Emergency Police</b> | <b>919-362-8661</b> |
|----------------------------|-----------------------------|---------------------|

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

|                          |                        |                     |
|--------------------------|------------------------|---------------------|
| <b>Dirt in the Road:</b> | <b>James Misciagno</b> | <b>919-372-7470</b> |
|--------------------------|------------------------|---------------------|

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

|  |  |  |
|--|--|--|
| <b>Dirt on Properties or in Streams:</b> | <b>James Misciagno</b><br><b>Danny Smith</b> | <b>919-372-7470</b><br><b><a href="mailto:Danny.Smith@ncdenr.gov">Danny.Smith@ncdenr.gov</a></b> |
|--|--|--|

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

|              |                        |                     |
|--------------|------------------------|---------------------|
| <b>Dust:</b> | <b>James Misciagno</b> | <b>919-372-7470</b> |
|--------------|------------------------|---------------------|

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

|               |                        |                     |
|---------------|------------------------|---------------------|
| <b>Trash:</b> | <b>James Misciagno</b> | <b>919-372-7470</b> |
|---------------|------------------------|---------------------|

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

|                                   |                        |                     |
|-----------------------------------|------------------------|---------------------|
| <b>Temporary Sediment Basins:</b> | <b>James Misciagno</b> | <b>919-372-7470</b> |
|-----------------------------------|------------------------|---------------------|

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

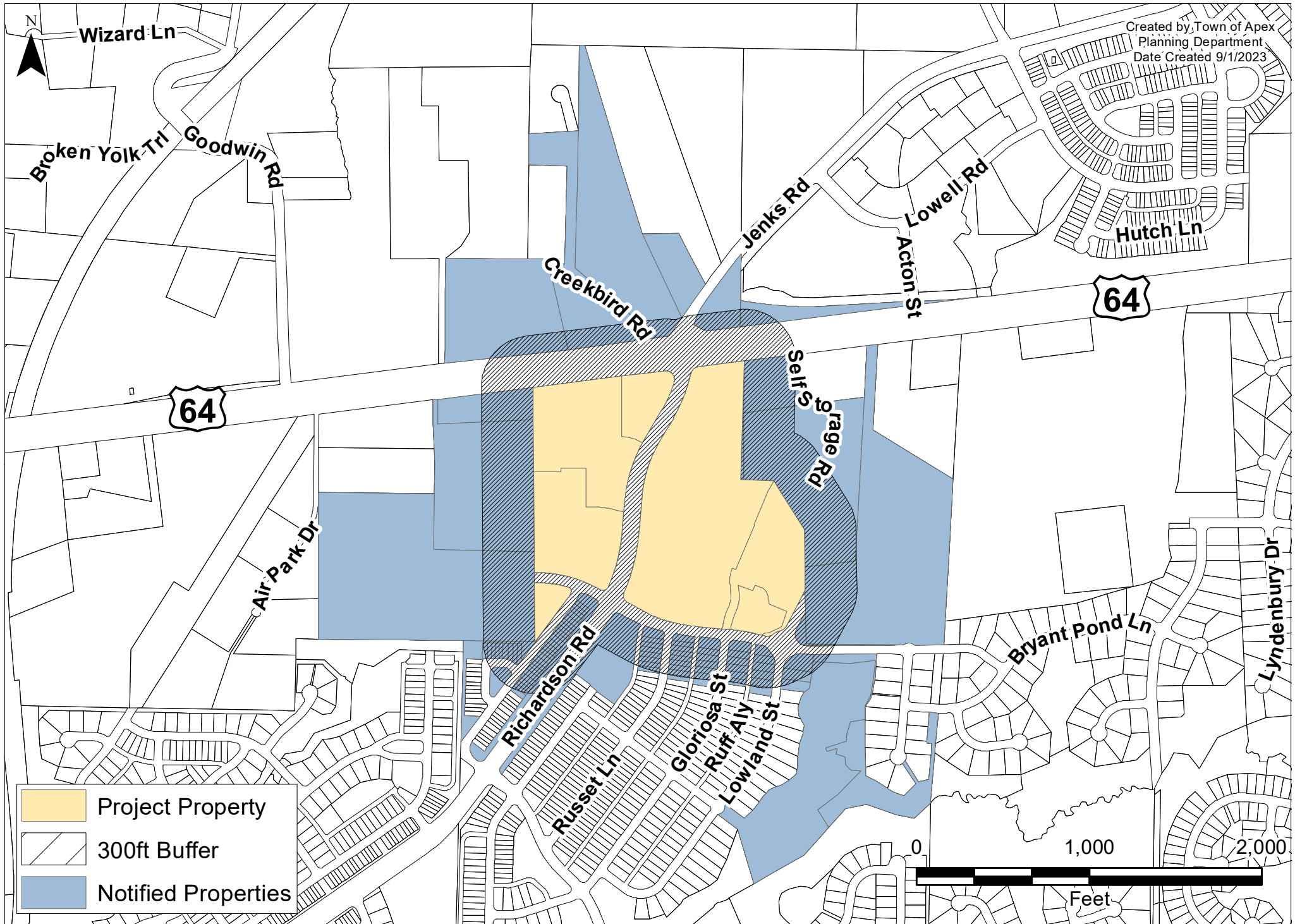
|                                     |                      |                     |
|-------------------------------------|----------------------|---------------------|
| <b>Stormwater Control Measures:</b> | <b>Jessica Bolin</b> | <b>919-249-3537</b> |
|-------------------------------------|----------------------|---------------------|

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

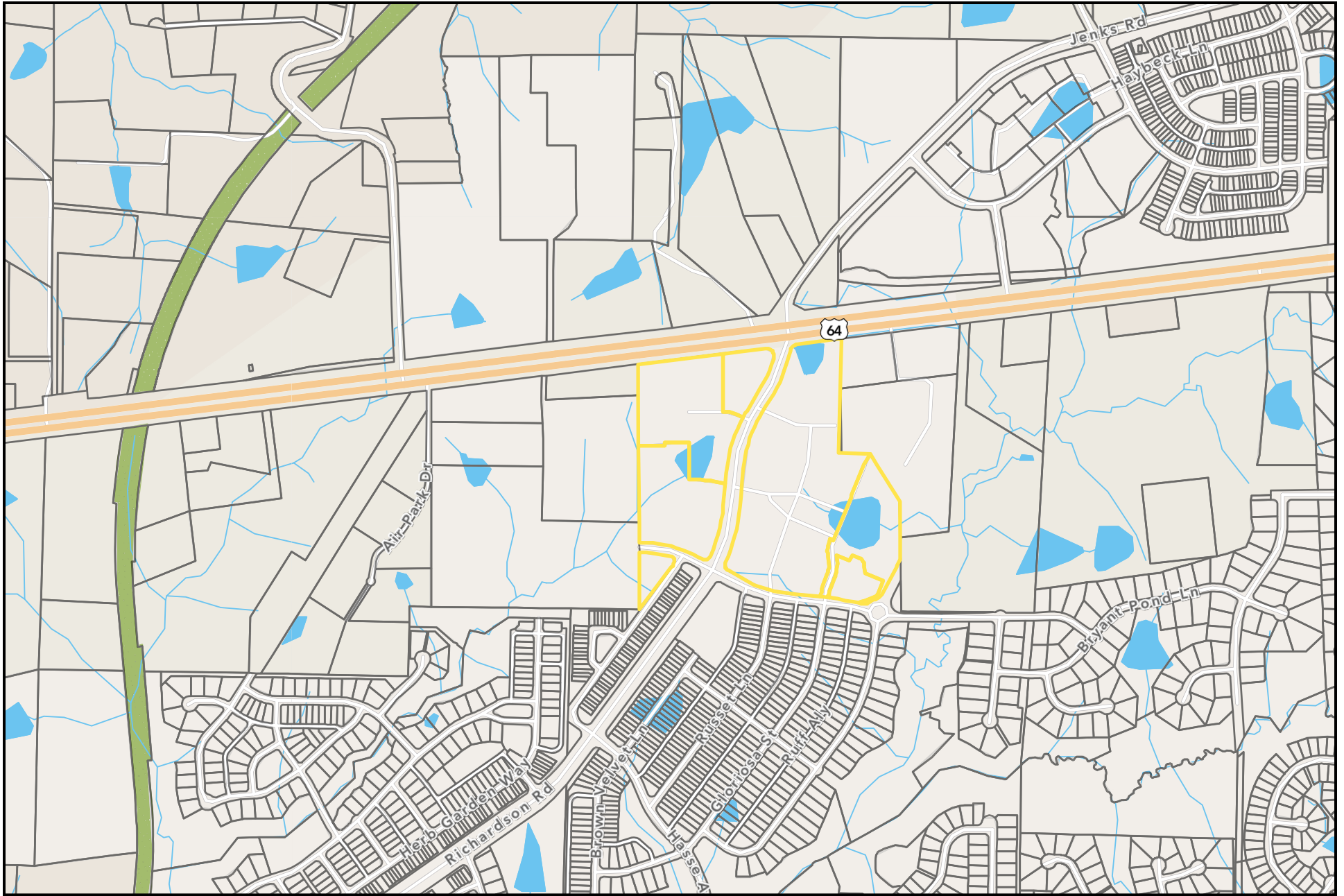
|                                       |                     |                     |
|---------------------------------------|---------------------|---------------------|
| <b>Electric Utility Installation:</b> | <b>Rodney Smith</b> | <b>919-249-3342</b> |
|---------------------------------------|---------------------|---------------------|

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

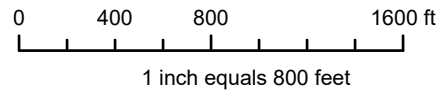
# Notified Properties Within 300ft of the Project Properties



| PIN          | Real Estate ID | Site Address         | City | Owner                         | Mail Address 1               | Mail Address 2          | Deed Book | Deed Page | Deed Acres |
|--------------|----------------|----------------------|------|-------------------------------|------------------------------|-------------------------|-----------|-----------|------------|
| 0722-55-0034 | 148944         | 1451 RICHARDSON ROAD | APEX | KEPE1 STC, LLC                | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 18792     | 51-55     | 18.33      |
| 0722-54-4876 | 120755         | 1051 NEWLAND AVE     | APEX | KEPE1 STC, LLC                | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 18792     | 51-55     | 4.87       |
| 0722-54-4404 | 476653         | 1075 NEWLAND AVE     | APEX | SWEETWATER LIGHTBRIDGE LLC    | PO BOX 5509                  | CARY NC 27512-5509      | 17764     | 1056      | 1.38       |
| 0722-45-7646 | 444531         | 2800 TEACHEY PL      | APEX | HARRIS TEETER PROPERTIES, LLC | 701 CRESTDALE RD             | MATTHEWS, NC 28105-1700 | 19411     | 1576-1579 | 2.06       |
| 0722-45-4406 | 436584         | 2810 TEACHEY PL      | APEX | HARRIS TEETER PROPERTIES, LLC | 701 CRESTDALE RD             | MATTHEWS, NC 28105-1700 | 19411     | 1576-1579 | 7.56       |
| 0722-44-3942 | 436595         | 2820 TEACHEY PL      | APEX | KEPE1 STC WEST, LLC           | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 19340     | 873-876   | 6.18       |
| 0722-44-1499 | 444460         | 0 CORE BANKS ST      | APEX | KEPE1 HOLDINGS, LLC           | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 18792     | 2056-2060 | 0.94       |



**Vicinity Map**



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



CE GROUP

Directions for Joining the Zoom Meeting for:

**Sweetwater Commercial PUD Amendment**

Mitch Craig is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/88990861598?pwd=WUxQcDdhK3JUM1dlZjFqSzRwTW5vQT09>

Meeting ID: 889 9086 1598

Passcode: 868911

One tap mobile

+16465588656,,88990861598#,,,,\*868911# US (New York)

+16469313860,,88990861598#,,,,\*868911# US

Dial by your location

- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 9128 US (San Jose)
- +1 689 278 1000 US

Meeting ID: 889 9086 1598

Passcode: 868911

Find your local number: <https://us02web.zoom.us/j/kbcp231GPV>

# NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Vitrtual

Date of meeting: 9/26/2023 Time of meeting: 5:30 - 7:30 pm

Property Owner(s) name(s): KEPE1 Holdings, LLC/ExperienceOne Homes, LLC

Applicant(s): ExperienceOne Homes, LLC

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

|     | NAME/ORGANIZATION                 | ADDRESS                           | PHONE #        | EMAIL      | SEND PLANS & UPDATES |
|-----|-----------------------------------|-----------------------------------|----------------|------------|----------------------|
| 1.  | Paul Stephenson (COC Real Estate) | 110 Mackenan Drive Cary, NC 27511 | (919) 308-5844 | [REDACTED] |                      |
| 2.  | Laura Buell                       | 1100 Gloriosa Street Apex, NC     | (724) 422-3001 |            |                      |
| 3.  |                                   |                                   |                |            |                      |
| 4.  |                                   |                                   |                |            |                      |
| 5.  |                                   |                                   |                |            |                      |
| 6.  |                                   |                                   |                |            |                      |
| 7.  |                                   |                                   |                |            |                      |
| 8.  |                                   |                                   |                |            |                      |
| 9.  |                                   |                                   |                |            |                      |
| 10. |                                   |                                   |                |            |                      |
| 11. |                                   |                                   |                |            |                      |
| 12. |                                   |                                   |                |            |                      |
| 13. |                                   |                                   |                |            |                      |
| 14. |                                   |                                   |                |            |                      |

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): KEPE1 Holdings, LLC/ExperienceOne Homes, LLC

Applicant(s): ExperienceOne Homes, LLC

Contact information (email/phone): EK@Kaled.com/516-876-4800, DSchmidt@E1Homes.com/919-991-1428

Meeting Address: Virtual

Date of meeting: 09/26/2023 Time of meeting: 5:30 - 7:30 pm

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

Question/Concern #1:

Where is the building going to will require six (6) stories?

Applicant's Response:

On lot #8. We also showed them on a map where it was going.

Question/Concern #2:

Are there going to be any other rezonings in the near future.

Applicant's Response:

We are not anticipating any at this time.

Question/Concern #3:

What is going on Lots #1 & #2?

Applicant's Response:

A family entertainment venue.

Question/Concern #4:

Are there any plans on planting on Core Banks between the commercial and the residential.

Applicant's Response:

Yes

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

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

I, Jacob C. Hudson, do hereby declare as follows:  
Print Name

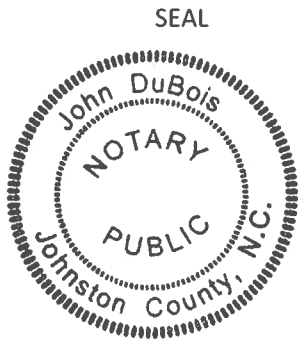
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual (Via Zoom) (location/address) on 09/26/2023 (date) from 5:30 pm (start time) to 7:30 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

12/11/2023  
Date

By: Jacob C. Hudson

STATE OF NORTH CAROLINA  
COUNTY OF ~~WAKE~~ Johnston

Sworn and subscribed before me, John DuBois, a Notary Public for the above State and County, on this the 11<sup>th</sup> day of DECEMBER, 2023.



John DuBois  
Notary Public  
John DuBois  
Print Name

My Commission Expires: 10/17/2028



# NOTICE OF NEIGHBORHOOD MEETING

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

11/28/2023

Date

Dear Neighbor:

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

1451 Richardson Rd, 1051 Newland Ave, 1075 Newland Ave, 2800 Teachey Pl

0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, 0722441386

2810 Teachey Pl, 2820 Teachey Pl, 0 Core Banks St, 0 Little Gem Lane

0148944, 0120755, 0722204, 0444531, 0436584, 0436595, 0444460, 0444532

Address(es)

PIN(s)

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

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

| Application Type                    |   | Approving Authority                |
|-------------------------------------|---|------------------------------------|
| <input checked="" type="checkbox"/> | Rezoning (including Planned Unit Development)   | Town Council                       |
| <input type="checkbox"/>            | Major Site Plan   | Technical Review Committee (staff) |
| <input type="checkbox"/>            | Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales" | Technical Review Committee (staff) |
| <input type="checkbox"/>            | Special Use Permit  | Board of Adjustment (QJPH*)        |
| <input type="checkbox"/>            | Residential Master Subdivision Plan (excludes exempt subdivisions)  | Technical Review Committee (staff) |

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

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

This is for the 2nd required neighborhood meeting. This proposal is to revise two of the conditions of the previous rezonings.

1) Revise the Office square footage required to 20,000 sf and 2) Change the allowable height to six (6) stories and 90 feet.

Estimated submittal date: Submitted on 10/02/2023

## MEETING INFORMATION:

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

Applicant(s): Owners

Contact information (email/phone): See Attached List

Meeting Address: Virtual (via attached Zoom Meeting Letter)

Date/Time of meeting\*\*: December 14, 2023 5:30 pm - 7:30 pm

Welcome: 5:30-5:45 pm Project Presentation: 5:45-6:15 pm Question & Answer: 6:15-7:30 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>.

# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: Sweetwater Commercial PUD Amendment Zoning: PUD-CZ

Location: 1451 Richardson Rd, 1051 Newland Ave, 1075 Newland Ave, 2800 Teachey Pl, 2810 Teachey Pl, 2820 Teachey Pl, 0 Core Banks St

Property PIN(s): See Attached List Acreage/Square Feet: 41.32 acres

Property Owner: See Attached List

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Developer: ExperienceOne Homes, LLC. - David Schmidt

Address: PO Box 5509

City: Cary State: NC Zip: 27512

Phone: (919) 991-1428 Fax: N/A Email: DSchmidt@E1Homes.com

Engineer: CE Group, Inc - Mitch Craig, PE

Address: 301 Glenwood Avenue, Suite 220

City: Raleigh State: NC Zip: 27603

Phone: (919) 367-8790 Fax: N/A Email: Mitch@CEGroupInc.com

Builder (if known): N/A

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

| Town of Apex Department Contacts   |                |
|--|----------------|
| Planning Department Main Number<br>(Provide development name or location to be routed to correct planner)                    | (919) 249-3426 |
| Parks, Recreation & Cultural Resources Department<br>Angela Reincke, Parks Planning Project Manager                          | (919) 372-7468 |
| Public Works - Transportation<br>Russell Dalton, Traffic Engineering Manager   | (919) 249-3358 |
| Water Resources Department<br>Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) | (919) 249-3537 |
| Matt Echols, Utility Engineering Manager (Water & Sewer)   | (919) 372-7505 |
| Electric Utilities Division<br>Rodney Smith, Electric Technical Services Manager   | (919) 249-3342 |

### **Providing Input to Town Council:**

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

### **Private Agreements and Easement Negotiation:**

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

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

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

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

### **Documentation:**

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

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

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| <b>Construction Traffic:</b> | <b>James Misciagno</b> | <b>919-372-7470</b> |
|------------------------------|------------------------|---------------------|

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

|   |   |                     |
|---|---|---------------------|
| <b>Road Damage &amp; Traffic Control:</b> | <b>Water Resources – Infrastructure Inspections</b> | <b>919-362-8166</b> |
|---|---|---------------------|

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

|                            |                             |                     |
|----------------------------|-----------------------------|---------------------|
| <b>Parking Violations:</b> | <b>Non-Emergency Police</b> | <b>919-362-8661</b> |
|----------------------------|-----------------------------|---------------------|

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

|                          |                        |                     |
|--------------------------|------------------------|---------------------|
| <b>Dirt in the Road:</b> | <b>James Misciagno</b> | <b>919-372-7470</b> |
|--------------------------|------------------------|---------------------|

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

|  |  |  |
|--|--|--|
| <b>Dirt on Properties or in Streams:</b> | <b>James Misciagno</b><br><b>Danny Smith</b> | <b>919-372-7470</b><br><b><a href="mailto:Danny.Smith@ncdenr.gov">Danny.Smith@ncdenr.gov</a></b> |
|--|--|--|

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

|              |                        |                     |
|--------------|------------------------|---------------------|
| <b>Dust:</b> | <b>James Misciagno</b> | <b>919-372-7470</b> |
|--------------|------------------------|---------------------|

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

|               |                        |                     |
|---------------|------------------------|---------------------|
| <b>Trash:</b> | <b>James Misciagno</b> | <b>919-372-7470</b> |
|---------------|------------------------|---------------------|

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

|                                   |                        |                     |
|-----------------------------------|------------------------|---------------------|
| <b>Temporary Sediment Basins:</b> | <b>James Misciagno</b> | <b>919-372-7470</b> |
|-----------------------------------|------------------------|---------------------|

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

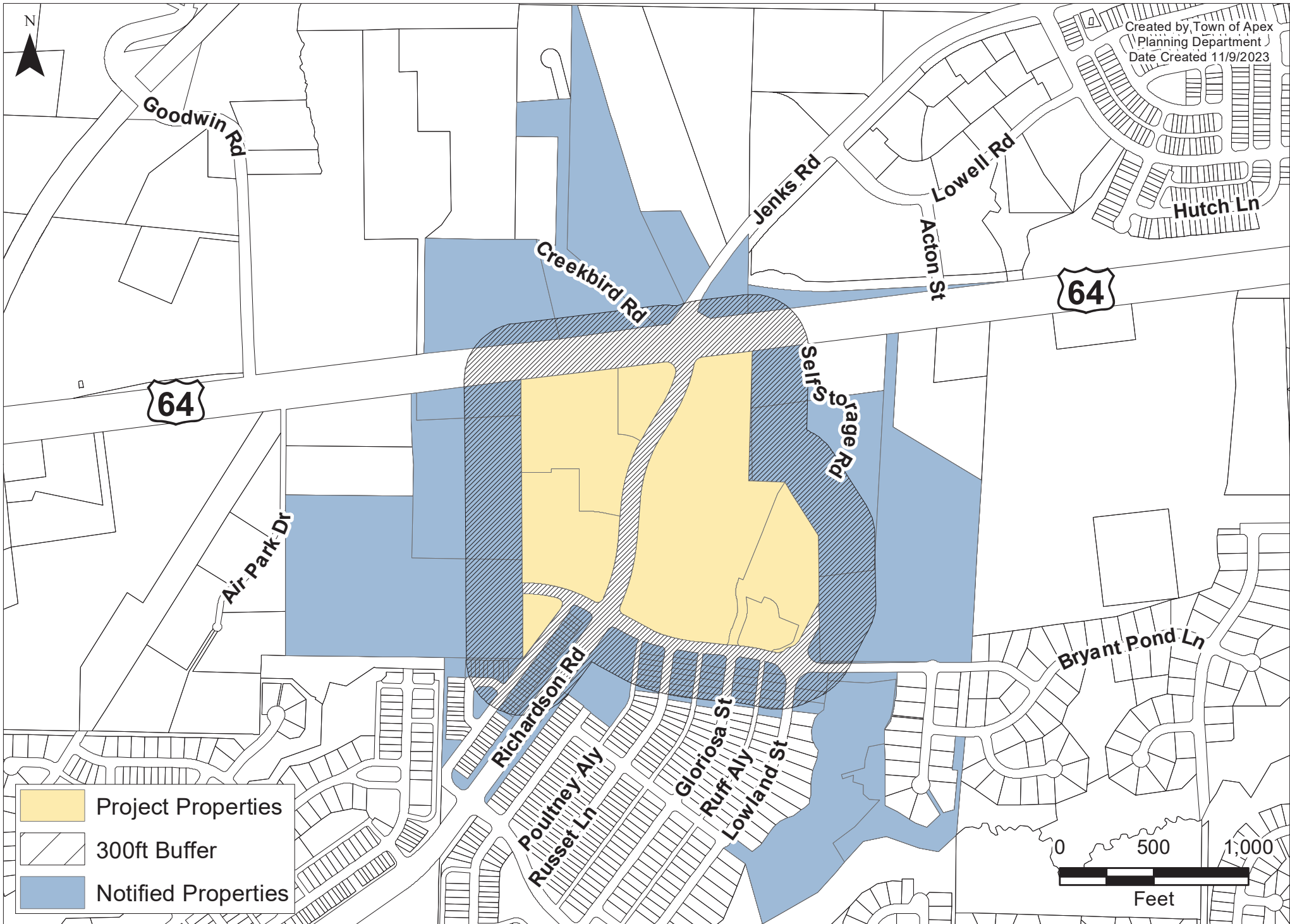
|                                     |                      |                     |
|-------------------------------------|----------------------|---------------------|
| <b>Stormwater Control Measures:</b> | <b>Jessica Bolin</b> | <b>919-249-3537</b> |
|-------------------------------------|----------------------|---------------------|

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

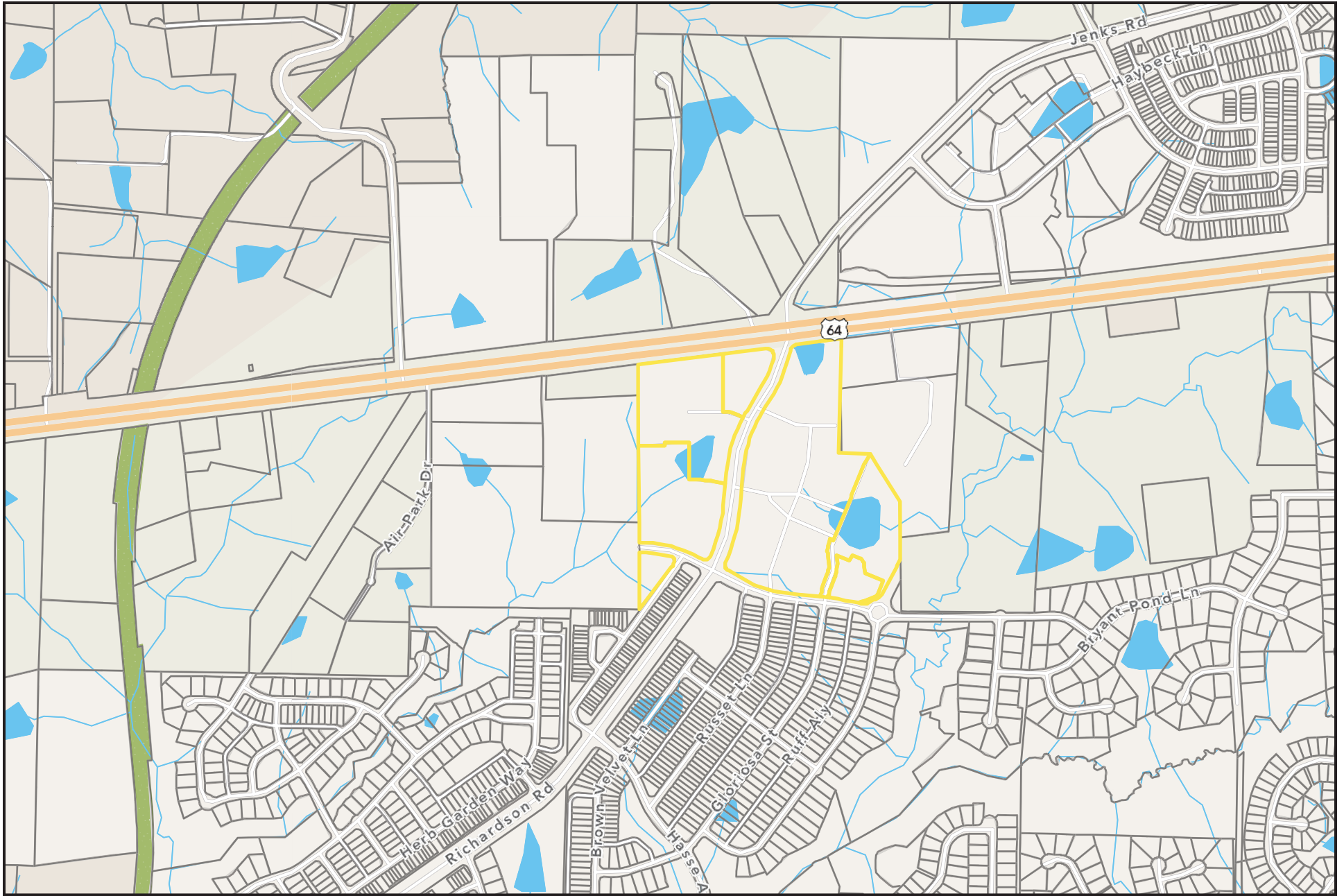
|                                       |                     |                     |
|---------------------------------------|---------------------|---------------------|
| <b>Electric Utility Installation:</b> | <b>Rodney Smith</b> | <b>919-249-3342</b> |
|---------------------------------------|---------------------|---------------------|

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

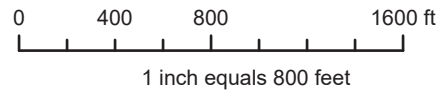
# Notified Properties Within 300ft of the Project Properties



| PIN          | Real Estate ID | Site Address         | City | Owner                         | Mail Address 1               | Mail Address 2          | Deed Book | Deed Page | Deed Acres |
|--------------|----------------|----------------------|------|-------------------------------|------------------------------|-------------------------|-----------|-----------|------------|
| 0722-55-0034 | 148944         | 1451 RICHARDSON ROAD | APEX | KEPE1 STC, LLC                | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 18792     | 51-55     | 18.33      |
| 0722-54-4876 | 120755         | 1051 NEWLAND AVE     | APEX | KEPE1 STC, LLC                | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 18792     | 51-55     | 4.87       |
| 0722-54-4404 | 476653         | 1075 NEWLAND AVE     | APEX | SWEETWATER LIGHTBRIDGE LLC    | PO BOX 5509                  | CARY NC 27512-5509      | 17764     | 1056      | 1.38       |
| 0722-45-7646 | 444531         | 2800 TEACHEY PL      | APEX | HARRIS TEETER PROPERTIES, LLC | 701 CRESTDALE RD             | MATTHEWS, NC 28105-1700 | 19411     | 1576-1579 | 2.06       |
| 0722-45-4406 | 436584         | 2810 TEACHEY PL      | APEX | HARRIS TEETER PROPERTIES, LLC | 701 CRESTDALE RD             | MATTHEWS, NC 28105-1700 | 19411     | 1576-1579 | 7.56       |
| 0722-44-3942 | 436595         | 2820 TEACHEY PL      | APEX | KEPE1 STC WEST, LLC           | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 19340     | 873-876   | 6.18       |
| 0722-44-1499 | 444460         | 0 CORE BANKS ST      | APEX | KEPE1 HOLDINGS, LLC           | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 18792     | 2056-2060 | 0.94       |
| 0722-44-1386 | 444532         | 0 LITTLE GEM LANE    | APEX | KEPE1 HOLDINGS, LLC           | 7001 BRUSH HOLLOW RD STE 200 | WESTBURY NY 11590-1743  | 19331     | 399-400   | 0.01       |



**Vicinity Map**



**Disclaimer**  
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CE GROUP

Directions for Joining the Zoom Meeting for:

**Sweetwater Commercial PUD Amendment**

Mitch Craig is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/83187613071?pwd=OUppbFONGFmRE9SY1g3LzZkV1ZEQT09>

Meeting ID: 831 8761 3071

Passcode: 421006

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One tap mobile

+13126266799,,83187613071#,,,,\*421006# US (Chicago)

+16465588656,,83187613071#,,,,\*421006# US (New York)

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Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 9128 US (San Jose)

Meeting ID: 831 8761 3071

Passcode: 421006

Find your local number: <https://us02web.zoom.us/u/kb2lmKNfPC>



| SITE ADDRESS         | PIN NUMBER | OWNER  | MAILING ADDRESS               | DEED DATE  |
|----------------------|------------|--|-------------------------------|------------|
| 0 US 64 HWY W        | 0722641245 | ANS TRUST THE  | KATHIE L RUSSELL TRUSTEE      | 2013-10-03 |
| 1133 LITTLE GEM LN   | 0722441292 | ARANGO, SAMUEL ROYO, JULIO   | 1133 LITTLE GEM LN            | 2018-04-27 |
| 1155 LITTLE GEM LN   | 0722440063 | ATHOTA, SUDHEER ATHOTA, JAYASREE                                     | APEX NC 27523-7802            | 2019-04-22 |
| 1135 LITTLE GEM LN   | 0722441280 | BALDWIN, EBONY   | APEX NC 27502-8568            | 2020-09-01 |
| 1102 RUSSET LN       | 0722447392 | BARSHAY, CARON JOHNSON, HARRY L.                                     | 1135 LITTLE GEM LN            | 2020-09-01 |
| 1143 LITTLE GEM LN   | 0722441133 | BARUCH, STEVEN BARUCH, VICTORIA                                      | 1102 RUSSET LN                | 2021-12-17 |
| 1112 GLORIOSA ST     | 0722541114 | BOAKYE, AKUA S BOAKYE, KWASI A                                       | 1143 LITTLE GEM LN            | 2023-03-20 |
| 2808 LANASA LN       | 0722349242 | BOBBITT, HANNAH C  | 1112 GLORIOSA ST              | 2020-03-30 |
| 1109 LITTLE GEM LN   | 0722443442 | BONDAREV, IVAN BONDAREVA, EKATERINA                                  | 2808 LANASA LN                | 2020-02-19 |
| 1108 GLORIOSA ST     | 0722541118 | BOWEN, KIMBERLY C  | 1109 LITTLE GEM LN            | 2019-04-16 |
| 1100 GLORIOSA ST     | 0722541226 | BUELL, NATHANIEL ARTHUR BUELL, LAURA BENCE                           | 1108 GLORIOSA ST              | 2019-12-23 |
| 1101 GLORIOSA ST     | 0722543204 | BUMGARNER, TIM DONALD TRUSTEE BAIRD, JOY ANNETTE TRUSTEE             | 1100 GLORIOSA ST              | 2021-05-14 |
| 1133 RUSSET LN       | 0722449046 | BUSH, JENNIFER E   | 1101 GLORIOSA ST              | 2022-03-28 |
| 1120 GLORIOSA ST     | 0722541007 | CARPENTER, CHRISTOPHER E CARPENTER, JUSTINE L                        | 1133 RUSSET LN                | 2020-05-22 |
| 3223 US 64 HWY W     | 0722358117 | CLARK, ANDREW L /TR SMITH, STALEY C                                  | 1120 GLORIOSA ST              | 2019-11-25 |
| 2814 LANASA LN       | 0722348272 | CLAWSON, DIANE   | PO BOX 791                    | 2016-02-08 |
| 8321 JENKS RD        | 0722562228 | COC REAL ESTATE CO LLC   | 2814 LANASA LN                | 2017-12-29 |
| 1116 LOWLAND ST      | 0722544033 | CRIFE, JAMES BARFIELD, AMANDA  | 110 MACKENAN DR STE 300       | 2020-01-02 |
| 1105 GLORIOSA ST     | 0722542290 | DAVIS, JONATHAN E DAVIS, CAYCE M                                     | 1116 LOWLAND ST               | 2021-10-20 |
| 1114 RUSSET LN       | 0722447292 | DECHCASA, TEFAYE DISASA ABEBE, ADANECH M                             | 1105 GLORIOSA ST              | 2020-10-09 |
| 2812 LANASA LN       | 0722348292 | DESAI, SAMEER FENG, YAN XUE  | 1114 RUSSET LN                | 2019-08-30 |
| 1117 LITTLE GEM LN   | 0722442395 | DODDER, ROBERT DODDER, SUSANNE                                       | 2812 LANASA LN                | 2017-12-29 |
| 1157 LITTLE GEM LN   | 0722440042 | EGBERT, DEBRA ILENE TRUSTEE EGBERT FAMILY IRREVOCABLE TRUST          | 1117 LITTLE GEM LN            | 2017-11-01 |
| 1104 LOWLAND ST      | 0722544147 | FINN, ANDREW PAUL FINN, MEG ELIZABETH                                | 1157 LITTLE GEM LN            | 2018-11-09 |
| 1129 LITTLE GEM LN   | 0722442226 | GARCIA, RHIAMD AMDDOREICH BENDAYAN GENTILCORE, CRISTIAN GABRIEL LEVY | 1104 LOWLAND ST               | 2019-10-22 |
| 1106 RUSSET LN       | 0722447298 | GUENETTE, JOSEPH E II JESPERSEN-GUENETTE, AMY M                      | 1129 LITTLE GEM LN            | 2017-12-11 |
| 1141 LITTLE GEM LN   | 0722441155 | GURUNG, SANTOSH GURUNG, SUJEETA                                      | 1106 RUSSET LN                | 2020-02-28 |
| 2810 TEACHEY PL      | 0722454406 | HARRIS TEETER PROPERTIES LLC   | 1141 LITTLE GEM LN            | 2018-04-27 |
| 1109 GLORIOSA ST     | 0722542196 | HATALA, PETER J HATALA, LINDA C                                      | 701 CRESTDALE RD              | 2023-08-17 |
| 1101 RUSSET LN       | 0722449279 | HINTON, JILL NUNN  | 111 LOCHWOOD EAST DR          | 2021-03-15 |
| 1115 LOWLAND ST      | 0722546022 | HOGAN, PATRICK D HOGAN, ALLISON M                                    | 1101 RUSSET LN                | 2020-12-30 |
| 7300 SELF STORAGE RD | 0722555708 | HWY 64 HOLDINGS LLC  | 1115 LOWLAND ST               | 2022-08-09 |
| 7325 SELF STORAGE RD | 0722557264 | HWY 64 HOLDINGS, LLC   | 3628 TRYON RD STE A           | 2000-06-15 |
| 1159 LITTLE GEM LN   | 0722440030 | INJETI, RAJINI   | 3628 TRYON RD STE A           | 2015-08-31 |
| 1124 GLORIOSA ST     | 0722540093 | IWANIW, MICHAEL ANTHONY  | 1159 LITTLE GEM LN            | 2018-08-08 |
| 8324 JENKS RD        | 0722465567 | JENKS, PHEOBE JEANNE TYNDALL, RHONDA ANNETTE STROTHER                | 1124 GLORIOSA ST              | 2021-10-27 |
| 1121 RUSSET LN       | 0722449155 | JOHNSON, KENT D. ROBERTS, JENA LYNN                                  | 2286 GUM SPRINGS CHURCH RD    | 2020-09-28 |
| 1125 RUSSET LN       | 0722449152 | KALRA, RAJAT KALRA, ANU  | 1121 RUSSET LN                | 2019-10-31 |
| 0 CORE BANKS ST      | 0722441499 | KEPE1 HOLDINGS LLC   | 1125 RUSSET LN                | 2022-03-31 |
| 0 LITTLE GEM LN      | 0722441386 | KEPE1 HOLDINGS LLC   | THE KALIKOW GROUP             | 2021-11-12 |
| 1451 RICHARDSON RD   | 0722550034 | KEPE1 STC LLC  | 7001 BRUSH HOLLOW RD STE 200  | 2023-05-10 |
| 2820 TEACHEY PL      | 0722443942 | KEPE1 STC WEST LLC   | WESTBURY NY 11590-1743        | 2021-11-10 |
| 1110 RUSSET LN       | 0722447295 | KESSLER, DELORES GENNELL   | THE KALIKOW GROUP             | 2021-11-10 |
| 1108 LOWLAND ST      | 0722544142 | KINES, JOHN KINES, CHRISTINE   | 7001 BRUSH HOLLOW RD STE 200  | 2023-05-22 |
| 1115 LITTLE GEM LN   | 0722443317 | KING, ALEESHA  | THE KALIKOW GROUP             | 2020-01-24 |
| 2818 LANASA LN       | 0722348222 | LI, JIING  | 1110 RUSSET LN                | 2020-11-13 |
| 2810 LANASA LN       | 0722349222 | LIU, JULIE   | 1108 LOWLAND ST               | 2020-11-23 |
| 1145 LITTLE GEM LN   | 0722441122 | LIU, JUNFENG   | 1115 LITTLE GEM LN            | 2020-08-11 |
| 1105 RUSSET LN       | 0722449276 | LIU, WEN-CHIUNN  | 9105 SANCTUARY CT             | 2018-01-23 |
| 1105 LITTLE GEM LN   | 0722443476 | LLL INVESTMENT LLC   | 3129 MISTY RISE DR            | 2017-12-29 |
| 1103 LITTLE GEM LN   | 0722443488 | LUO, WOON SHANG LUO, JUN JIE   | 1145 LITTLE GEM LN            | 2018-05-16 |
| 1113 GLORIOSA ST     | 0722542182 | MEI, ALEXIS I-HSUN AHN, SANG   | 1105 RUSSET LN                | 2020-12-30 |
| 1118 RUSSET LN       | 0722447189 | MISCIAGNO, STEPHANIE BLAKE   | 2933 KENNA CREEK BND          | 2019-04-05 |
| 1126 RUSSET LN       | 0722447174 | MORONEY, EDMOND M JR MORONEY, SARAH E                                | 1103 LITTLE GEM LN            | 2022-06-02 |
| 1109 RUSSET LN       | 0722449263 | MUIR, JUSTIN MUIR, ANNE  | 1113 GLORIOSA ST              | 2020-04-14 |
| 1117 GLORIOSA ST     | 0722542088 | NAMBURAJAN, SASIKANTHAN BALSAMY, ANUSUYA                             | 1118 RUSSET LN                | 2021-07-26 |
| 1121 LITTLE GEM LN   | 0722442372 | OKERFELT, CARLY CLAPSADDLE, SCOTT                                    | 1126 RUSSET LN                | 2019-04-11 |
| 1117 RUSSET LN       | 0722449167 | PASSER, TODD R PASSER, SUSAN M                                       | 1109 RUSSET LN                | 2021-02-05 |
| 1130 RUSSET LN       | 0722447171 | PATEL, RONAK SURESH PATEL, MITAL YOGESH                              | 1117 GLORIOSA ST              | 2021-01-27 |
| 1107 LITTLE GEM LN   | 0722443464 | PAVLIK, TERRY FANG, PING   | 1913 PARK STREAM CT           | 2021-04-01 |
| 1112 LOWLAND ST      | 0722544038 | PETERSON, RAY E PETERSON, MARCIA G                                   | 1117 RUSSET LN                | 2019-03-26 |
| 1153 LITTLE GEM LN   | 0722440075 | PRAKASAM, SRIDHAR MADHAVAN, MYTHILI                                  | APEX NC 27523-8517            | 2020-03-31 |
| 1161 LITTLE GEM LN   | 0722430918 | RAJA, RAGUL SENTHILVELAN, MATHUMATHI                                 | 1130 RUSSET LN                | 2020-03-31 |
| 1122 RUSSET LN       | 0722447187 | RAPOSO, WENDY  | 20975 VALLEY GREEN DR APT 289 | 2019-04-15 |
| 1113 RUSSET LN       | 0722449260 | RUSO, CHRISTOPHER S RUSSO, JO ANNE                                   | 1112 LOWLAND ST               | 2020-11-13 |
| 2802 LANASA LN       | 0722440200 | RYAN, ERIC RYAN, CAITLIN   | 41927 MISSION CREEK DR        | 2022-06-29 |
| 1131 LITTLE GEM LN   | 0722442214 | SAINI, ANKUR JAIN, CHHAMA  | 1161 LITTLE GEM LN            | 2022-05-09 |
|                      |            |  | 1122 RUSSET LN                | 2020-03-25 |
|                      |            |  | 1113 RUSSET LN                | 2020-11-05 |
|                      |            |  | 2802 LANASA LN UNIT 296       | 2020-09-18 |
|                      |            |  | 1131 LITTLE GEM LN            | 2017-12-13 |

| SITE ADDRESS       | PIN NUMBER | OWNER  | MAILING ADDRESS        |                             | DEED DATE  |
|--------------------|------------|--|------------------------|-----------------------------|------------|
| 1149 LITTLE GEM LN | 0722440098 | SCORE 1 LLC  | DAVID R POWELL         | 861 BETHLEHEM CHURCH RD     | 2018-05-07 |
| 1120 LOWLAND ST    | 0722534929 | SEAMAN, SCOTT D WATKINS, STEPHANIE E                     | 1120 LOWLAND ST        | APEX NC 27523-4109          | 2021-12-21 |
| 1113 LITTLE GEM LN | 0722443329 | SIGUENZA, ELIZABETH                                      | 1113 LITTLE GEM LN     | APEX NC 27523-7802          | 2019-01-25 |
| 1116 GLORIOSA ST   | 0722541100 | SIMMONS, BENJAMIN WILL SIMMONS, SARAH LYNN               | 1116 GLORIOSA ST       | APEX NC 27523-4108          | 2019-12-12 |
| 3221 US 64 HWY W   | 0722359614 | SKJD HOLDINGS LLC  | 4516 WOODMILL RUN      | APEX NC 27539-9391          | 2019-01-07 |
| 0 AIR PARK DR      | 0722344615 | SMITH, STALEY C SMITH, AARON E JR                        | PO BOX 457             | APEX NC 27502-0457          | 2007-12-14 |
| 1121 GLORIOSA ST   | 0722542074 | ST LOUIS, MARK ST LOUIS, DAWN                            | 1121 GLORIOSA ST       | APEX NC 27523-4108          | 2020-04-09 |
| 1105 LOWLAND ST    | 0722546155 | STARK, ANTHONY TRUSTEE STARK, JANET CHRISTINE TRUSTEE    | 1105 LOWLAND ST        | APEX NC 27523-4109          | 2022-05-23 |
| 1104 GLORIOSA ST   | 0722541221 | STINGL, WILLIAM R ROSS-STINGL, JENNIFER M                | 1104 GLORIOSA ST       | APEX NC 27523-4108          | 2019-09-24 |
| 1125 LITTLE GEM LN | 0722442248 | SUPHAVADEPRASIT, MANIT KOKKADAN, DINKAR JOHN             | 812 CITY WALLS ST      | CARY NC 27513-1695          | 2020-11-16 |
| 1075 NEWLAND AVE   | 0722544404 | SWEETWATER LIGHTBRIDGE LLC                               | PO BOX 5509            | CARY NC 27512-5509          | 2020-02-27 |
| 2775 CORE BANKS ST | 0722445158 | SWEETWATER PROPERTY OWNERS ASSOCIATION INC               | 116 TURQUOISE CREEK DR | CARY NC 27513-5616          | 2023-10-26 |
| 1140 LITTLE GEM LN | 0722349207 | SWEETWATER PROPERTY OWNERS ASSOCIATION, INC              | 116 TURQUOISE CREEK DR | CARY NC 27513-5616          | 2017-03-28 |
| 1129 RUSSET LN     | 0722449059 | TALBERT, NATALIE A                                       | 1129 RUSSET LN         | APEX NC 27523-8517          | 2019-11-26 |
| 1109 LOWLAND ST    | 0722546038 | THOMAS, ALEXANDER JOSEPH THOMAS, KRISTINA PEYSER         | 1109 LOWLAND ST        | APEX NC 27523-4109          | 2020-12-30 |
| 2804 LANASA LN     | 0722349271 | TORITSYN, ANTON TORITSYNA, SVETLANA                      | 2804 LANASA LN         | APEX NC 27523-4106          | 2020-07-21 |
| 1123 LITTLE GEM LN | 0722442360 | VIVEKANANDAN, YUVARAJ                                    | 1123 LITTLE GEM LN     | APEX NC 27523-7802          | 2021-06-09 |
| 1147 LITTLE GEM LN | 0722441110 | WAI, FLORENCE FUNGMING MARTIN, KACE                      | 1147 LITTLE GEM LN     | APEX NC 27523-7802          | 2020-08-31 |
| 1119 LITTLE GEM LN | 0722442384 | WASYL, KAREN L   | 1119 LITTLE GEM LN     | APEX NC 27523-7802          | 2017-12-22 |
| 0 ACTON ST         | 0722566199 | WESTFORD COMMERCIAL WEH LP                               | 2900 LINDEN LN STE 300 | SILVER SPRING MD 20910-1265 | 2018-07-23 |
| 3208 US 64 HWY W   | 0722368361 | WILKINS, JON BRIAN TRUSTEE WILKINS, DENA LIGGETT TRUSTEE | 3208 US 64 HWY W       | APEX NC 27523-8441          | 2021-12-14 |
| 8320 JENKS RD      | 0722468591 | WILSON, TABATHA J  | 8320 JENKS RD          | APEX NC 27523-7828          | 1992-11-30 |
| 2800 LANASA LN     | 0722440220 | ZHANG, AO YING   | 315 S SALEM ST STE 324 | APEX NC 27502-1863          | 2018-11-30 |
| 1137 LITTLE GEM LN | 0722441178 | ZHANG, JIMMY ZHANG, YI Q                                 | 8628 SAVANNAH RD       | HARRISBURG NC 28075-7652    | 2018-02-26 |
|                    |            | APEX TOWN OF   | PO BOX 250             | APEX NC 27523               |            |
|                    |            | Current Tenant   | 3223 Us 64 HWY W       | APEX NC 27523               |            |
|                    |            | Current Tenant   | 1109 Gloriosa ST       | APEX NC 27523               |            |
|                    |            | Current Tenant   | 1105 Little Gem LN     | APEX NC 27523               |            |
|                    |            | Current Tenant   | 1107 Little Gem LN     | APEX NC 27523               |            |
|                    |            | Current Tenant   | 1121 Little Gem LN     | APEX NC 27523               |            |
|                    |            | Current Tenant   | 1125 Little Gem LN     | APEX NC 27523               |            |
|                    |            | Current Tenant   | 1137 Little Gem LN     | APEX NC 27523               |            |
|                    |            | Current Tenant   | 1149 Little Gem LN     | APEX NC 27523               |            |
|                    |            | Current Tenant   | 1153 Little Gem LN     | APEX NC 27523               |            |
|                    |            | Current Tenant   | 1155 Little Gem LN     | APEX NC 27523               |            |
|                    |            | Current Tenant   | 2818 Lanasa LN         | APEX NC 27523               |            |
|                    |            | Current Tenant   | 2816 Lanasa LN         | APEX NC 27523               |            |
|                    |            | Current Tenant   | 2810 Lanasa LN         | APEX NC 27523               |            |
|                    |            | Current Tenant   | 2802 Lanasa LN         | APEX NC 27523               |            |
|                    |            | Current Tenant   | 2800 Lanasa LN         | APEX NC 27523               |            |
|                    |            | Current Tenant   | 8321 Jenks RD          | APEX NC 27523               |            |
|                    |            | Current Tenant   | 7325 Self Storage RD   | APEX NC 27523               |            |
|                    |            | Current Tenant   | 3001 Us 64 HWY W       | APEX NC 27523               |            |
|                    |            | Current Tenant   | 3221 Us 64 HWY W       | APEX NC 27523               |            |
|                    |            | Current Tenant   | 7300 Self Storage RD   | APEX NC 27523               |            |
|                    |            | Current Tenant   | 7314 Self Storage RD   | APEX NC 27523               |            |
|                    |            | Current Tenant   | 7310 Self Storage RD   | APEX NC 27523               |            |
|                    |            | Current Tenant   | 7308 Self Storage RD   | APEX NC 27523               |            |
|                    |            | Current Tenant   | 7306 Self Storage RD   | APEX NC 27523               |            |
|                    |            | Current Tenant   | 7302 Self Storage RD   | APEX NC 27523               |            |
|                    |            | Current Tenant   | 7304 Self Storage RD   | APEX NC 27523               |            |
|                    |            | Current Tenant   | 7312 Self Storage RD   | APEX NC 27523               |            |
|                    |            | Current Tenant   | 1075 Newland AVE       | APEX NC 27523               |            |

Created by Town of Apex Planning Department

Date Created: 11/9/2023

# NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual (Via Zoom)

Date of meeting: 12/14/2023 Time of meeting: 5:30-7:30 pm

Property Owner(s) name(s): KEPE1 STC, LLC; Sweetwater Lightbridge, LLC; Harris Teeter Properties, LLC; KEPE1 STC West, LLC; KEPE1 Holdings, LLC

Applicant(s): ExperienceOne Homes, LLC

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

|     | NAME/ORGANIZATION | ADDRESS | PHONE # | EMAIL | SEND PLANS & UPDATES     |
|-----|-------------------|---------|---------|-------|--------------------------|
| 1.  | N/A               |         |         |       | <input type="checkbox"/> |
| 2.  |                   |         |         |       | <input type="checkbox"/> |
| 3.  |                   |         |         |       | <input type="checkbox"/> |
| 4.  |                   |         |         |       | <input type="checkbox"/> |
| 5.  |                   |         |         |       | <input type="checkbox"/> |
| 6.  |                   |         |         |       | <input type="checkbox"/> |
| 7.  |                   |         |         |       | <input type="checkbox"/> |
| 8.  |                   |         |         |       | <input type="checkbox"/> |
| 9.  |                   |         |         |       | <input type="checkbox"/> |
| 10. |                   |         |         |       | <input type="checkbox"/> |
| 11. |                   |         |         |       | <input type="checkbox"/> |
| 12. |                   |         |         |       | <input type="checkbox"/> |
| 13. |                   |         |         |       | <input type="checkbox"/> |
| 14. |                   |         |         |       | <input type="checkbox"/> |

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): KEPE1 STC, LLC; Sweetwater Lightbridge, LLC; Harris Teeter Properties, LLC; KEPE1 STC West, LLC; KEPE1 Holdings, LLC

Applicant(s): ExperienceOne Homes, LLC

Contact information (email/phone): EK@Kaled.com/516-876-4800, DSchmidt@E1Homes.com/919-991-1428

Meeting Address: Virtual (Via Zoom)

Date of meeting: 12/14/2023 Time of meeting: 5:30-7:30 pm

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

Question/Concern #1:

N/A

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, Joseph M. Craig, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual (Via Zoom) (location/address) on 12/14/2023 (date) from 5:30 pm (start time) to 7:30 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

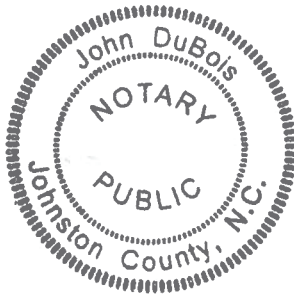
12/18/23  
Date


By: 

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, John DuBois, a Notary Public for the above State and County, on this the 18<sup>th</sup> day of DECEMBER, 2023.

SEAL



  
Notary Public  
John DuBois  
Print Name

My Commission Expires: 10/17/2028

## Sweetwater PUD Amendment

Proposed Rezoning Changes

December 11, 2023

The PUD will retain all of the conditions from rezoning #17CZ21, #18CZ01, #22CZ03 and #23CZ12 except:

I. Revisions to Section 6:

### Section 6: Design Controls

#### NONRESIDENTIAL/MIXED-USE AREAS:

**Office:** A minimum of ~~55,000~~ **20,000** square feet of office will be provided in this section.

#### Building Height:

Maximum Height: ~~62 Feet (5 Story)~~ **77 Feet (6 Stories)**  
39 Feet (2 Story) – PINs 0722-44-1499 & 0722-44-1386



# TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ20 Sweetwater PUD Amendment

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

**Applicant:** ExperienceOne Homes, LLC

**Authorized Agent:** Mitch Craig, CE Group, Inc

**Property Addresses:** 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810, & 2820 Teachey Pl; 0 Core Banks St; & 0 Little Gem Ln

**Acreage:** ±41.33 acres

**Property Identification Numbers (PINs):** 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, 0722441386

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

**Existing Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03 & 23CZ12)

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

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

### **Planning Board Public Hearing Date and Time: January 8, 2024 4:30 PM**

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

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

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

### Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/44834>.

Dianne F. Khin, AICP  
Planning Director



## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ20 Sweetwater PUD Amendment

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

**Solicitante:** ExperienceOne Homes, LLC

**Agente autorizado:** Mitch Craig, CE Group, Inc

**Dirección de las propiedades:** 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810, & 2820 Teachey Pl; 0 Core Banks St; & 0 Little Gem Ln

**Superficie:** ±41.33 acres

**Número de identificación de las propiedades:** 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, 0722441386

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

**Ordenamiento territorial existente de las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03 & #23CZ12)

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

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

**Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de enero de 2024 4:30 P.M.**

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

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

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

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/44834>.

Dianne F. Khin, AICP  
Directora de Planificación



**TOWN OF APEX**

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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #23CZ20  
Sweetwater PUD Amendment**

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

**Applicant:** ExperienceOne Homes, LLC

**Authorized Agent:** Mitch Craig, CE Group, Inc

**Property Addresses:** 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810, & 2820 Teachey Pl; 0 Core Banks St; & 0 Little Gem Ln

**Acreage:** ±41.33 acres

**Property Identification Numbers (PINs):** 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, 0722441386

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

**Existing Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03 & 23CZ12)

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

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: January 8, 2024 4:30 PM**

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

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

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

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imagery>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/44834>.

Dianne F. Khin, AICP  
Planning Director


**TOWN OF APEX**

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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS  
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ20  
Sweetwater PUD Amendment**

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

**Solicitante:** ExperienceOne Homes, LLC

**Agente autorizado:** Mitch Craig, CE Group, Inc

**Dirección de las propiedades:** 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810, & 2820 Teachey Pl;

0 Core Banks St; & 0 Little Gem Ln

**Superficie:** 141.33 acres

**Número de identificación de las propiedades:** 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, 0722441386

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

**Ordenamiento territorial existente de las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03 & #23CZ12)

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

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

**Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de enero de 2024 4:30 P.M.**

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

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

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

**Mapa de las inmediaciones:**


Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/44834>.

Dianne F. Khin, AICP  
Directora de Planificación

Fechas de publicación: 21 de diciembre de 2023- 8 de enero de 2024



**TOWN OF APEX**

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

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

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #23CZ20

Project Location: 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810, & 2820 Teachey Pl; 0 Core Banks St; & 0 Little Gem Ln

Applicant or Authorized Agent: Mitch Craig

Firm: CE Group, Inc

Planning Board Public Hearing Date: January 8, 2024

Project Planner: Amanda Bunce/Joshua Killian

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 21, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

12/21/2023  
Date

*Dianne Fkhar*  
Planning Director

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Jesus A. Ibanez-Ibarra, a Notary Public for the above

State and County, this the 21st day of December, 2023.



*Jesus A. Ibanez-Ibarra*  
Notary Public

My Commission Expires: 4/10/2028



# TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ20 Sweetwater PUD Amendment

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

**Applicant:** ExperienceOne Homes, LLC

**Authorized Agent:** Mitch Craig, CE Group, Inc

**Property Addresses:** 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810, & 2820 Teachey Pl; 0 Core Banks St; & 0 Little Gem Ln

**Acreage:** ±41.33 acres

**Property Identification Numbers (PINs):** 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, 0722441386

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

**Existing Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03 & 23CZ12)

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

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

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

### Town Council Public Hearing Date and Time: January 23, 2024 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 a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

### Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/44834>.

Dianne F. Khin, AICP  
Planning Director



## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ20  
Sweetwater PUD Amendment

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

**Solicitante:** ExperienceOne Homes, LLC

**Agente autorizado:** Mitch Craig, CE Group, Inc

**Dirección de las propiedades:** 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810, & 2820 Teachey Pl; 0 Core Banks St; & 0 Little Gem Ln

**Superficie:** ±41.33 acres

**Número de identificación de las propiedades:** 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, 0722441386

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

**Ordenamiento territorial existente de las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03 & #23CZ12)

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

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

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

**Fecha y hora de la audiencia pública del Consejo Municipal:** ~~8 de enero de 2024 4:30 P.M.~~  
**23 de enero de 2024 6:00 P.M.**

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

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

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/44834>.

Dianne F. Khin, AICP  
Directora de Planificación



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ20 Sweetwater PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** ExperienceOne Homes, LLC

**Authorized Agent:** Mitch Craig, CE Group, Inc

**Property Address:** 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810, & 2820 Teachey Pl; 0 Core Banks St; & 0 Little Gem Ln

**Acreage:** ±41.33 acres

**Property Identification Numbers (PINs):** 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, 0722441386

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

**Existing Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03 & 23CZ12)

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

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

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

### **Town Council Public Hearing Date and Time: January 23, 2024 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/townofapexgov>.

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

### Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.calgisnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/44834>.

Dianne F. Khin, AICP  
Planning Director



## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ20  
Sweetwater PUD Amendment

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

**Solicitante:** ExperienceOne Homes, LLC

**Agente autorizado:** Mitch Craig, CE Group, Inc

**Dirección de las propiedades:** 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810, & 2820 Teachey Pl; 0 Core Banks St; & 0 Little Gem Ln

**Superficie:** 141.33 acres

**Número de identificación de las propiedades:** 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, 0722441386

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

**Ordenamiento territorial existente de las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ03 & #23CZ12)

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

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

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

**Fecha y hora de la audiencia pública del Consejo Municipal:** **8 de enero de 2024 4:30 P.M.**  
**23 de enero de 2024 6:00 P.M.**

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

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

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://mapsraleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/44834>.

Dianne F. Khin, AICP  
Directora de Planificación

Fechas de publicación: 24 de diciembre de 2023 - 2 de enero de 2024 - 23 de enero de 2024



**TOWN OF APEX**

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

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

Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #23CZ20  
Project Location: 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810, & 2820 Teachey Pl; 0 Core Banks St; & 0 Little Gem Ln  
Applicant or Authorized Agent: Mitch Craig  
Firm: CE Group, Inc  
Town Council Public Hearing Date: January 23, 2024  
Project Planner: Amanda Bunce/Joshua Killian

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on January 3, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

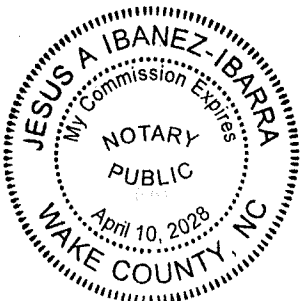
1/4/2024  
Date

*Jeanne F. Klein*  
Planning Director

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Jesus A. Ibanez-Ibarra, a Notary Public for the above

State and County, this the 4 day of January, 2024.



*Jesus A. Ibanez-Ibarra*  
Notary Public

My Commission Expires: 4/10/2028





**Townes at Westford**

**64**

**Rezoning #23CZ20**

**Rezoning #23CZ20**

**Smith Farm PUD**

**Sweetwater**

**Stratford at Abbington**

0 500 1,000  
Feet

Public Hearing Sign Posted By

Signature

10/11/2023

Date