

## STAFF REPORT

### Rezoning #24CZ23 Greenway Waste Solutions of Apex

May 27, 2025 Town Council Meeting



The purpose of the public hearing is to consider the facts and receive public comment in order to formulate a recommendation for the Town Council.

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:

<b>Addresses:</b>	0 Veridea Pkwy (portion of); 0 & 0 Old Holly Springs Rd (portion of); 5940 Old Smithfield Rd; 0 Mosley Ave
<b>Applicant:</b>	Greenway Waste Solutions of Apex LLC
<b>Authorized Agent:</b>	Jason Barron, Morningstar Law Group
<b>Owners:</b>	Greenway Waste Solutions of Apex LLC; RXR LEN Apex Owner, LLC

#### PROJECT DESCRIPTION:

<b>Acreage:</b>	+/- 141.07 acres
<b>PINs:</b>	0740448719, 0740648548, 0741326706, 0741427922, 0740241461 (portion of), 0740240814 (portion of) & 0740241030 (portion of)
<b>Current Zoning:</b>	Light Industrial (LI), Sustainable Development-Conditional Zoning (SD-CZ #09CZ07 & #23CZ03), High Density Single-Family (HDSF)
<b>Proposed Zoning:</b>	Light Industrial-Conditional Zoning (LI-CZ)
<b>Current 2045 Land Use Map:</b>	Industrial Employment & Mixed Use: Medium Density Residential/High Density Residential/Industrial Employment/ Office Employment/Commercial Services
<b>If rezoned as proposed, the 2045 Land Use Map Designation will change to:</b>	Industrial Employment
<b>Town Limits:</b>	In Corporate Limits and ETJ

#### ADJACENT ZONING & LAND USES:

	Zoning	Land Use
<b>North:</b>	Light Industrial (LI); Sustainable Development- Conditional Zoning (SD-CZ #09CZ07 & #23CZ03); Rural Residential (RR)	NC 540 Highway; Vacant
<b>South:</b>	Light Industrial (LI); Holly Springs Rural Residential (RR); Wake County Residential-30 (R-30)	Landfill; Vacant
<b>East:</b>	Light Industrial-Conditional Zoning (LI-CZ #20CZ15); Light Industrial (LI)	Automotive paint or body shop
<b>West:</b>	Rural Residential (RR); Sustainable Development- Conditional Zoning (SD-CZ #09CZ07 & #23CZ03)	Vacant (Future Industrial)

#### EXISTING CONDITIONS:

The site consists of five (5) parcels totaling +/- 141.07 acres that are located on the south side of NC 540 Hwy, the eastern side of Veridea Pkwy, and west of NC 55 Hwy. The site contains the current location of the Greenway Waste Solutions of Apex and Big Branch Pump Station #1 that is under construction. The goal of this rezoning is to expand the current landfill use located on the site in order to continue providing waste services for its clients. This proposed rezoning includes portions of parcels 074024146, 0740240814, and 0740241030, which are currently part of the Veridea development area to the east of the existing gas easement. The portion of the

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May 27, 2025 Town Council Meeting



site associated with Veridea is constrained by environmental features and challenging topography, making it unsuitable for further development under the Veridea plan. However, these conditions make the land more appropriate for the proposed expansion of the Greenway Waste Solutions Landfill.

#### NEIGHBORHOOD MEETING:

The applicant conducted two neighborhood meetings on November 26, 2024 and April 9, 2025. The neighborhood meeting reports are attached.

#### 2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Industrial Employment & Mixed Use: Medium Density Residential/High Density Residential/Industrial Employment/Office Employment/Commercial Services. The applicant proposes a rezoning to the Light Industrial-Conditional Zoning (LI-CZ) district, which is consistent with the Industrial Employment designation, but not with the Mixed Use: Medium Density Residential/High Density Residential/Industrial Employment/Office Employment/Commercial Services designation. If the properties are rezoned as proposed, the portion of the 2045 Land Use Map that is designated as Mixed Use: Medium Density Residential/High Density Residential/Industrial Employment/Office Employment/Commercial Services will automatically be amended to Industrial Employment per NCGS 160D-605(a).

#### PROPOSED ZONING CONDITIONS:

##### Proposed Uses:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply. An "S" indicates that a use category or specific use type is allowed only in accordance with the procedures and standards of UDO Sec. 2.3.5 Special Use Permit.

- |                            |  |
|----------------------------|--|
| 1. Sanitary Landfill (S)   | 5. Yard Waste Transfer Station (S)             |
| 2. Communication Tower (S) | 6. Chipping and Mulching (S)                   |
| 3. Recycling Center        | 7. Land Clearing and Inert Debris Landfill (S) |
| 4. Utility, Minor          |  |

##### Proposed Conditions:

1. The subject property shall be exempt from providing any additional off-street parking that may be required by UDO Section 8.3.2 for the uses:
  - Sanitary Landfill
  - Communication Tower
  - Recycling Center
  - Utility, Minor
  - Yard Waste Transfer Station
  - Chipping and Mulching
  - Land Clearing and Inert Debris Landfill
2. The existing flag and flagpole that exceed the dimensional limitations established in Section 8.7.1.A.7.c. of the UDO shall be permitted on the subject property and shall not be increased beyond its current height and size.

## STAFF REPORT

### Rezoning #24CZ23 Greenway Waste Solutions of Apex

May 27, 2025 Town Council Meeting



3. Any existing encroachment into the required 100' Type A buffer along NC Hwy 540 existing when the right-of-way for NC Hwy 540 was acquired shall be permitted to remain. No new encroachments shall be permitted unless otherwise permitted by the UDO.
4. Any existing encroachment into the required 250' setback for the use of Land Clearing and Inert Debris Landfills, shall be permitted. However no new encroachment shall be permitted unless in accordance with the UDO.

#### ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a meeting for this rezoning on February 27, 2025. The EAB did not provide any zoning condition recommendations for this proposed rezoning.

#### PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the rezoning petition as proposed by the applicant.

#### PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on May 12, 2025 and unanimously recommended approval with the conditions as proposed by the applicant.

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

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

The 2045 Land Use Map designates the site as Industrial Employment & Mixed Use: Medium Density Residential/High Density Residential/Industrial Employment/Office Employment/Commercial Services, which is only consistent with the Industrial Employment designation. If the properties are rezoned as proposed, the portion of the 2045 Land Use Map that is designated as Mixed Use: Medium Density Residential/High Density Residential/Industrial Employment/Office Employment/Commercial Services will automatically be amended to Industrial Employment per NCGS 160D-605(a).

The proposed rezoning is reasonable and in the public interest because it will provide the ability for the site to support adequate waste services in this area and provide zoning conditions that provide flexibility in development standards to account for the fact that the landfill existed prior to coming into Apex's ETJ and prior to construction of NC 540 Highway.

#### LEGISLATIVE CONSIDERATIONS

The Town Council shall find the Light Industrial-Conditional Zoning (LI-CZ) designation demonstrates compliance with the following standards. 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.

## STAFF REPORT

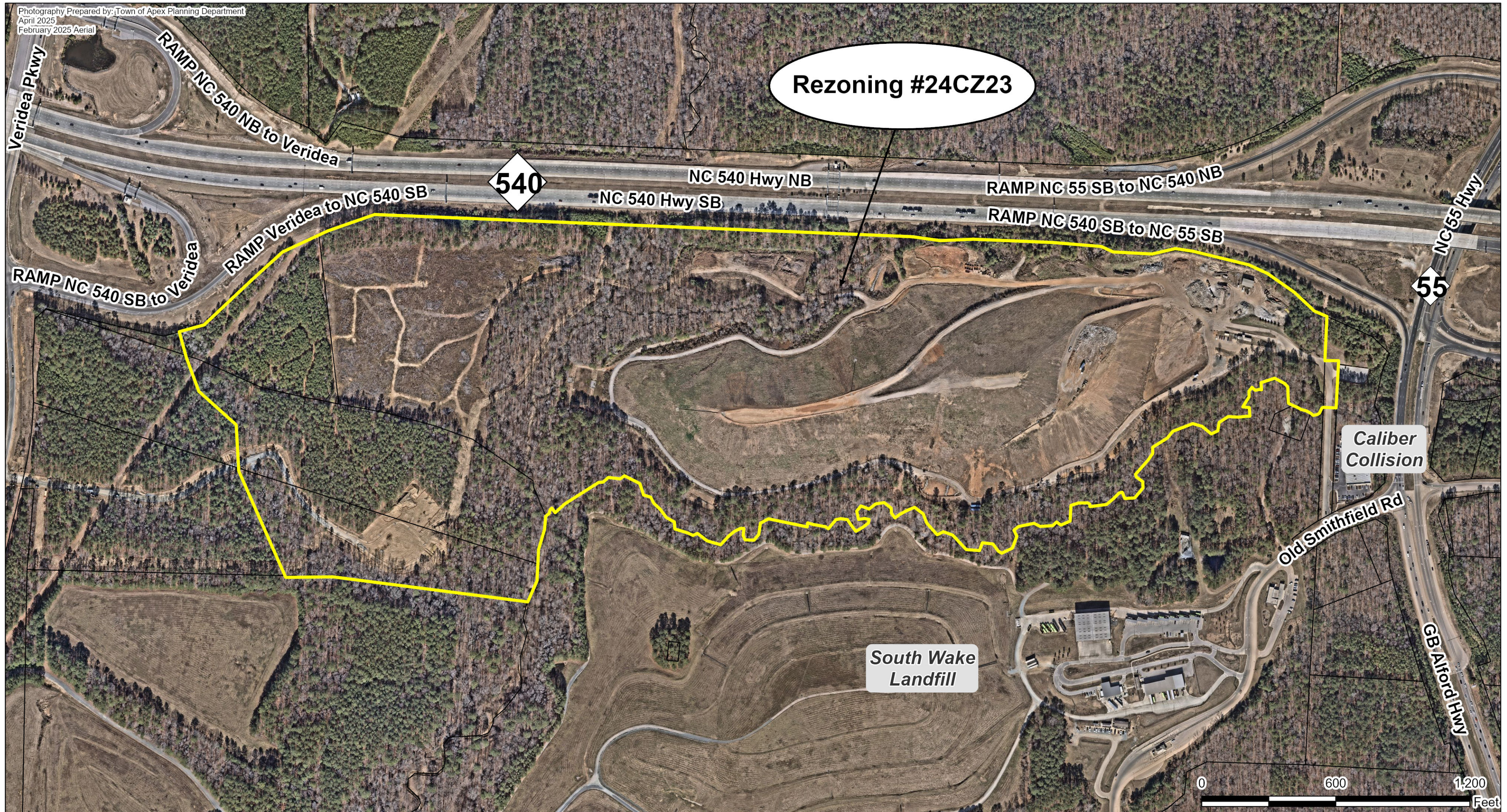
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May 27, 2025 Town Council Meeting



- 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.







## PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 24CZ23 Submittal Date: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_

### Project Information

Project Name: Greenway Wast Solutions of Apex Landfill Western Expansion  
Address(es): See attached Address/PIN/Owner List  
PIN(s): 074020814 (portion of); 0740241030 (portion of); 0740241461 (portion of); 0740448719; and 0740648548  
Acreage: 141.07  
Current Zoning: LI, HDSF & SD-CZ Proposed Zoning: LI-CZ  
Current 2045 LUM Classification(s): IE, & Mixed Use (OE, IE, HDR, MDR, CS)  
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☒ No ☐

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

Area classified as mixed use:	Acreage:	<u>52.31</u>
Area proposed as non-residential development:	Acreage:	<u>29.38</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>15%</u>

### Applicant Information

Name: Greenway Waste Solutions of Apex LLC  
Address: 5940 Old Smithfield Road  
City: Apex State: NC Zip: 28031-5613  
Phone: 919-367-2895 E-mail: mgriffin@griffinbros.com

### Owner Information

Name: See attached Address/PIN/Owner List  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Agent Information

Name: Jason Barron, Morningstar Law Group  
Address: 434 Fayetteville Street, Suite 2200  
City: Raleigh State: NC Zip: 27601  
Phone: 919-590-0371 E-mail: jbarron@morningstarlawgroup.com  
Other contacts: Leticia Shapiro  
434 Fayetteville Street, Suite 2200  
Raleigh, NC 27601 Ph: 919-590-0366  
tshapiro@morningstarlawgroup.com

## PETITION INFORMATION

Application #: 24CZ23

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

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

## PROPOSED USES:

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

1	<u>Sanitary Landfill (S)</u>	21	_____
2	<u>Communication Tower</u>	22	_____
3	<u>Recycling Center</u>	23	_____
4	<u>Utility, Minor</u>	24	_____
5	<u>Yard Waste Transfer Station (S)</u>	25	_____
6	<u>Chipping and Mulching</u>	26	_____
7	<u>Land Clearing and Inert Debris Landfill (S)</u>	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____

## PETITION INFORMATION

Application #: 24CZ23

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

## PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

See attached proposed zoning conditions.

## 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.

The proposed rezoning is consistent with the 2045 Land Use Map in that the existing Greenway Waste property is designated for IE and the portion of the RXR property that is included in the rezoning includes IE as part of the mixed use options for development.

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

The proposed rezoning is compatible with the development of other property in the area. RXR is seeking to develop light industrial uses along the western boundary of the subject property. With NC 540 to the north and Wake County owned land to the south, proposed rezoning is ideal for this location.

## PETITION INFORMATION

Application #: 24CZ23 Submittal Date: \_\_\_\_\_

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

Development of the property per the proposed rezoning will comply with the UDO requirements of Section 4.4, if applicable.

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

The proposed rezoning will permit the expansion of the current Greenway Waste Solutions use and allow the applicant to continue providing yard waste drop off for the benefit of Apex and its citizens. Tucked away from NC540 and between other light industrial uses, the proposed use will have minimal visual impact and will avoid significant impacts regarding trash, etc.

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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.

Development of the property consistent with the proposed rezoning will comply with North Carolina law and Apex UDO standards for minimizing environmental impacts.

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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.

The proposed rezoning will not have an adverse impact on public facilities and services.

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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.

The proposed rezoning will not have an adverse impact on the health, safety or welfare of Apex residents or those residents in the ETJ.

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## PETITION INFORMATION

Application #: 24CZ23 Submittal Date: \_\_\_\_\_

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

As noted, the proposed use is ideally located in an area with limited visibility adjacent to similar properties containing existing and proposed complimentary uses. As such, the proposed rezoning will not be 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.

The uses contemplated by the proposed rezoning will not constitute a nuisance or hazard due to traffic impact, noise, etc. The traffic impact will be minimal, with the subject property using existing ingress/egress routes for truck traffic. Additionally, there will be minimal additional truck traffic to the site.

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

The applicant submits this is the right use in the right location, providing the Town and its citizens an overall public benefit by expanding the capacity of the existing yard waste use.



## AGENT AUTHORIZATION FORM

Application #: 24CZ23

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

Greenway Waste Solutions of Apex 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: Special Use Permit

The property address is: 5940 Old Smithfield Road & 0 Mosley Avenue

The agent for this project is: Jason Barron, Morningstar Law Group

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


Agent Name: Jason Barron, Morningstar Law Group

Address: 434 Fayetteville St. Ste. 2200, Raleigh NC 27601

Telephone Number: 919-590-0371

E-Mail Address: jbarron@morningstarlawgroup.com

Signature(s) of Owner(s)\*



Mike Griffin

Type or print name

4/23/25  
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.

## AGENT AUTHORIZATION FORM

Application #: 24CZ23

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

RxR Len Apex Owner 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: Special Use Permit

The property address is: 0 Old Holly Springs Rd; 0 Old Holly Springs Rd; 0 Veridea Pkwy

The agent for this project is: Jason Barron, Morningstar Law Group

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

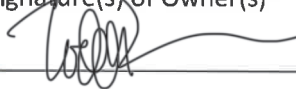
Agent Name: Jason Barron, Morningstar Law Group

Address: 434 Fayetteville St. Ste. 2200, Raleigh NC 27601

Telephone Number: 919-590-0371

E-Mail Address: jbarron@morningstarlawgroup.com

Signature(s) of Owner(s)\*



Todd Rechler, Authorized Person

Type or print name

3/6/2025

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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## AGENT AUTHORIZATION FORM

Application #: 24CZ23

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

RxR Len Apex Owner 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: Special Use Permit

The property address is: 0 Old Holly Springs Rd; 0 Old Holly Springs Rd; 0 Veridea Pkwy

The agent for this project is: Mike Griffin, Greenway Waste Solutions of Apex LLC

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

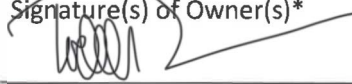
Agent Name: Mike Griffin, Greenway Waste Solutions of Apex LLC

Address: 19109 West Catawba Ave., Suite 110, Cornelius, NC 28031

Telephone Number: 704-533-5781

E-Mail Address: mike@griffinbros.com

Signature(s) of Owner(s)\*



Todd Rechler, Authorized Person

Type or print name

3/6/2025

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 #: 24CZ23

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

The undersigned, Todd Rechler c/o RxR Len Apex Owner 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 Old Holly Springs Rd; 0 Old Holly Springs Rd; 0 Veridea Pkwy 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 2/17/2023, and recorded in the Wake County Register of Deeds Office on 2/17/2023, in Book 019263 Page 02403.
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 2/27/2023, 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 2/17/2023, 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 December, 2024.

Todd Rechler  
Authorized Person

Type or print name

(seal)

New York  
STATE OF ~~NORTH CAROLINA~~  
COUNTY OF New York

I, the undersigned, a Notary Public in and for the County of NASSAU, NY, hereby certify that Todd Rechler, Authorized Person, 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.

Jeanne Mucci  
Notary Public  
State of New York  
My Commission Expires: \_\_\_\_\_

[NOTARY SEAL]

**JEANNE MUCCI**  
Notary Public - State of New York  
No. 01MU0014621  
Qualified in Nassau County  
Commission Expires October 21, 2027



**AFFIDAVIT OF OWNERSHIP**Application #: 24CZ23

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

The undersigned, Mike Griffin (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 5940 Old Smithfield Road and legal y 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 2/18/2011, and recorded in the Wake County Register of Deeds Office on 7/9/2022, in Book BM2002 Page 1159.
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 2/18/2011, 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 2/18/2011, 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 2 day of December, 20 24

Mike Griffin (seal)  
Mike Griffin

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 Mike Griffin, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Driver License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

Kimberly P Whitby  
NOTARY PUBLIC  
Cabarrus County  
North Carolina

[NOTARY SEAL]

Kimberly P. Whitby  
Notary Public  
State of North Carolina  
My Commission Expires: 2/28/2029

## AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 24CZ23

Submittal Date:

Insert legal description below.

BEGINNING AT A FOUND 1 ½" IRON PIPE AND BEING THE COMMON CORNER WITH WAKE COUNTY DEED BOOK 2272 AT PAGE 678. THENCE WITH THE COMMON LINE OF WAKE COUNTY, NORTH 82-40-40 WEST A DISTANCE OF 879.82 FEET TO A FOUND 1 ½" IRON PIPE. THENCE CONTINUING WITH THE LINE OF WAKE COUNTY, NORTH 88-37-03 WEST A DISTANCE OF 208.65 FEET TO A #4 REBAR SET. THENCE FOUR NEW PROPERTY LINES AND BEING A PORTION OF TAX PARCELS 0740241030 & 0740241461, NORTH 24-56-22 WEST A DISTANCE OF 469.83 FEET TO A #4 REBAR SET; NORTH 08-26- 01 WEST A DISTANCE OF 269.34 FEET TO A #4 REBAR SET; NORTH 49-14-08 WEST A DISTANCE OF 207.69 FEET TO A #4 REBAR SET AND NORTH 17-17-16 WEST A DISTANCE OF 276.09 FEET TO A #4 REBAR SET ON THE RIGHT OF WAY OF NC 540 HWY NB. THENCE CONTINUING WITH THE RIGHT OF WAY OF NC 540 HWY NB THE FOLLOWING FOUR COURSES, NORTH 74-25-25 EAST A DISTANCE OF 112.95 FEET TO A FOUND R/W MONUMENT ; NORTH 46-29-42 EAST A DISTANCE OF 296.54' FEET TO A FOUND R/W MONUMENT; NORTH 47-46-38 A DISTANCE OF 182.02 FEET TO A FOUND R/W MONUMENT; NORTH 64-52-28 EAST A DISTANCE OF 181.55 FEET TO A #4 REBAT SET ALSO THE COMMON CORNER WITH GREENWAY WASTE SOLUTIONS OF APEX, LLC, DEED BOOK 9099 AT PAGE 1045, THE FOLLOWING SIX COURSES, SOUTH 06-36-47 EAST A DISTANCE OF 761.73 FEET TO A FOUND 1 ½" IRON PIPE, SOUTH 79-12-48 EAST A DISTANCE OF 217.64 FEET TO A FOUND 1 ½" IRON PIPE, SOUTH 74-58-02 EAST A DISTANCE OF 219.33 FEET TO A FOUND 1 ½" PIPE, SOUTH 70-11-21 EAST A DISTANCE OF 183.89 FEET TO A POINT, SOUTH 55-49-38 EAST A DISTANCE OF 295.26 FEET TO A FOUND 1 ½" IRON PIPE AND SOUTH 25-01-36 EAST A DISTANCE OF 194.78 FEET TO A POINT IN THE CENTER OF BIG BRANCH. THENCE WITH THE FOLLOWING FOUR COURSES WITH BIG BRANCH, SOUTH 02-37-19 WEST A DISTANCE OF 65.61 FEET TO A POINT, SOUTH 16-21-26 WEST A DISTANCE OF 95.95 FEET TO A POINT, SOUTH 02-46-38 WEST A DISTANCE OF 138.52 FEET TO A POINT AND SOUTH 23-31-57 WEST A DISTANCE OF 103.97 FEET TO THE "POINT OF BEGINNING", CONTAINING 29.38 ACRES MORE OR LESS.



### Address/PIN/Owner List

Address	PIN	Owner	Address	Phone/Email
0 Old Holly Springs Road	0740241461	RXR LEN APEX OWNER LLC	RXR NC Development Partners LP c/o RXR Realty, 625 RXR Plaza Uniondale NY 11556	William Noyes (wnoyes@rxr.com) 917.923.7998
0 Old Holly Springs Road	0740241030	RXR LEN APEX OWNER LLC	RXR NC Development Partners LP c/o RXR Realty, 625 RXR Plaza Uniondale NY 11556	William Noyes (wnoyes@rxr.com) 917.923.7998
0 Veridea Pkwy	0740240814	RXR LEN APEX OWNER LLC	RXR NC Development Partners LP c/o RXR Realty, 625 RXR Plaza Uniondale NY 11556	William Noyes (wnoyes@rxr.com) 917.923.7998
5940 Old Smithfield Road	0740448719	GREENWAY WASTE SOLUTIONS OF APEX LLC	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031-5613	mike@griffinbros.com 919.367-2895
0 Mosley Avenue	0740648548	GREENWAY WASTE SOLUTIONS OF APEX LLC	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031-5613	mike@griffinbros.com 919.367-2895

# 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.

November 12, 2024

Date

Dear Neighbor:

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

See attached list

See attached list

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>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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 checked="" 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 checked="" 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)):

The applicant is requesting to rezone from Light Industrial and SD-CZ to Light Industrial-CZ to facilitate the expansion of an existing recycling and composting facility

Estimated submittal date: December 2, 2024

## MEETING INFORMATION:

Property Owner(s) name(s):	RXR Len Apex Owner LLC; Greenway Waste Solutions of Apex LLC	
Applicant(s):	Greenway Waste Solutions of Apex LLC	
Contact information (email/phone):	Michael Griffin, mike@griffinbros.com, 919.367-2895	
Meeting Address:	Virtual - see attached instructions	
Date/Time of meeting**:	November 26, 2024 at 5:30 pm	
Welcome: 5:30 pm	Project Presentation: 5:35 PM	Question & Answer: 5:45 - 6:30PM

\*\*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>.

### Address/PIN/Owner List

Address	PIN	Owner	Address	Phone/Email
0 Old Holly Springs Road	0740241461	RXR LEN APEX OWNER LLC	RXR NC Development Partners LP c/o RXR Realty, 625 RXR Plaza Uniondale NY 11556	William Noyes (wnoyes@rxr.com) 917.923.7998
0 Old Holly Springs Road	0740241030	RXR LEN APEX OWNER LLC	RXR NC Development Partners LP c/o RXR Realty, 625 RXR Plaza Uniondale NY 11556	William Noyes (wnoyes@rxr.com) 917.923.7998
0 Veridea Pkwy	0740240814	RXR LEN APEX OWNER LLC	RXR NC Development Partners LP c/o RXR Realty, 625 RXR Plaza Uniondale NY 11556	William Noyes (wnoyes@rxr.com) 917.923.7998
5940 Old Smithfield Road	0740448719	GREENWAY WASTE SOLUTIONS OF APEX LLC	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031-5613	mike@griffinbros.com 919.367-2895
0 Mosley Avenue	0740648548	GREENWAY WASTE SOLUTIONS OF APEX LLC	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031-5613	mike@griffinbros.com 919.367-2895

## How to Participate in the November 26, 2024 Neighborhood Meeting

To participate by PC, Mac, iPad, iPhone or Android device, go to <https://morningstarlaw.group/11262024> to register for the meeting. (Registration is necessary as we are required by the Town of Apex to have a record of attendance.)

- Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone,
- Dial one of the following numbers:

- +1 929 436 2866
- +1 301 715 8592
- +1 305 224 1968
- +1 312 626 6799
- +1 646 931 3860
- +1 719 359 4580
- +1 253 205 0468
- +1 253 215 8782
- +1 346 248 7799
- +1 360 209 5623

REGISTRATION QR



- Webinar ID: 823 0470 2641
- Passcode: 172590
- For attendance purposes as required by the Town of Apex, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.

If you have difficulty registering, you may call Leticia Shapiro at **(919) 590-0366** or email [tshapiro@morningstarlawgroup.com](mailto:tshapiro@morningstarlawgroup.com) prior to the meeting for assistance. If you have difficulty connecting during the meeting, please email [tshapiro@morningstarlawgroup.com](mailto:tshapiro@morningstarlawgroup.com) and the meeting link will be sent to help assist.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e. only the presenters will be visible.

If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or the Q&A features. We will not use the Chat feature. If you use Raise Hand, a panelist will either unmute you to allow you to speak to solicit your questions/comments.

If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at [tshapiro@morningstarlawgroup.com](mailto:tshapiro@morningstarlawgroup.com).

# 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: Greenway Waste Zoning: LI; SD-CZ

Location: 0 Old Holly Springs Road, 0 Old Holly Springs Road, 0 Veridea Pkwy, 5940 Old Smithfield Road, 0 Mosley Avenue

Property PIN(s): See attached list Acreage/Square Feet: 164.21 acre

Property Owner: See attached on address list

Address: See attached on address list

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

Phone: See attached on address list Email: See attached on address list

Developer: Greenway Waste Solutions

Address: 19109 W CATAWBA AVE STE 110

City: CORNELIUS State: NC Zip: 28031-5613

Phone: 919.367-2895 Fax: n/a Email: mike@griffinbros.com

Engineer: N/A

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

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

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

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 (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 946-4394
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 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>
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Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 am to 8:30 pm 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-Friday from 8:00 am to 5:00 pm. 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>Infrastructure Inspections</b>	<b>919-249-3386</b>
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

<b>Road Damage &amp; Traffic Control:</b>	<b>Infrastructure Inspections</b>	<b>919-249-3386</b>
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Transportation & Infrastructure Development – Infrastructure Inspections at 919-249-1109. The Town will get NCDOT involved if needed.

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

<b>Dirt in the Road:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed. Staff will coordinate the cleaning of the roadways with the developer.

<b>Dirt on Properties or in Streams:</b>	<b>Water Resources</b>	<b>919-362-8166</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 by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that staff can coordinate the appropriate repairs with the developer.

<b>Dust:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that staff can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

<b>Trash:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
---------------	------------------------	---------------------

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed. Staff will coordinate the cleanup and trash collection with the developer/home builder.

<b>Temporary Sediment Basins:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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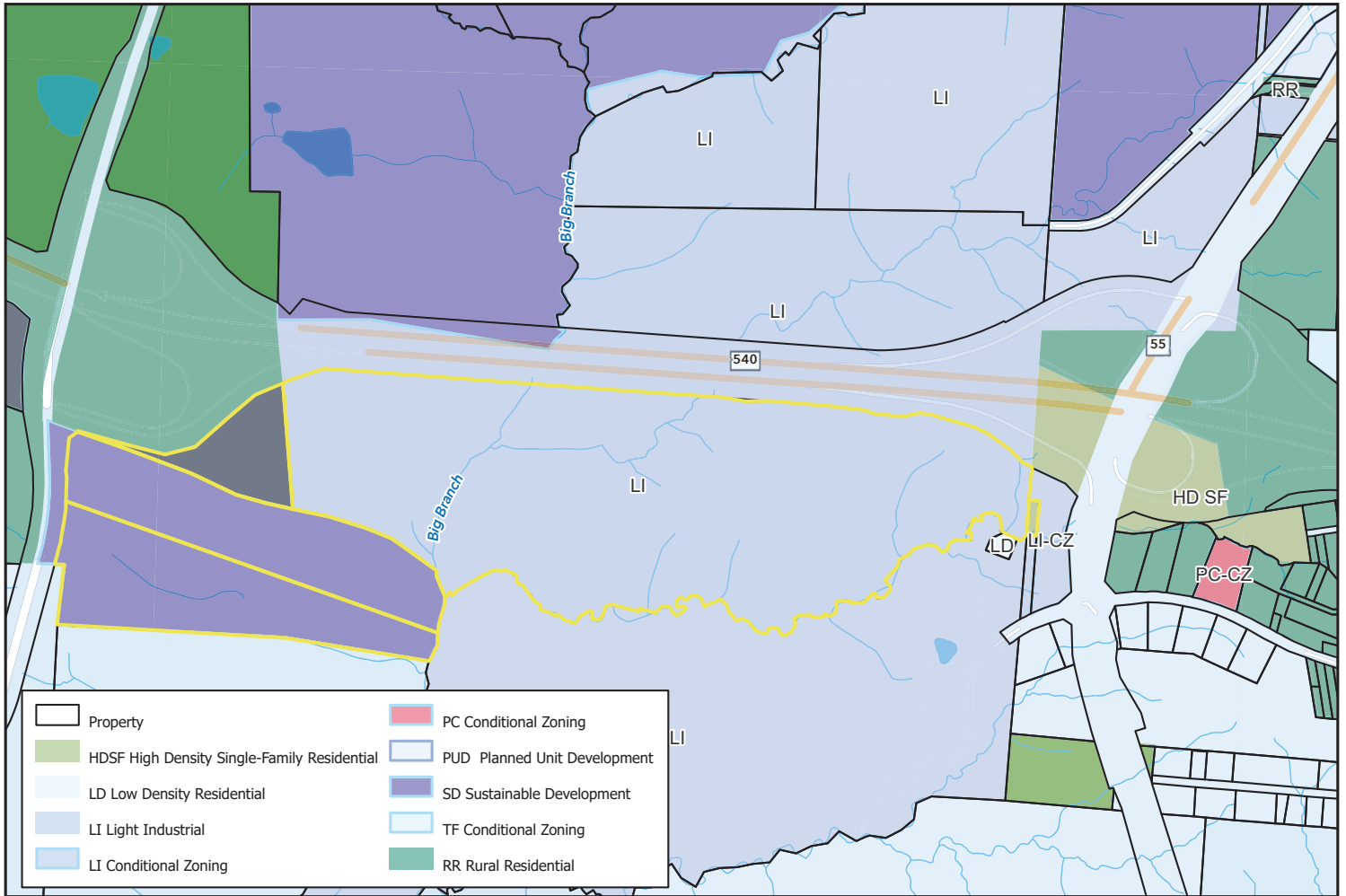
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

<b>Stormwater Control Measures:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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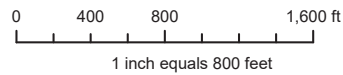
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed.

<b>Electric Utility Installation:</b>	<b>Rodney Smith</b>	<b>919-249-3342</b>
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

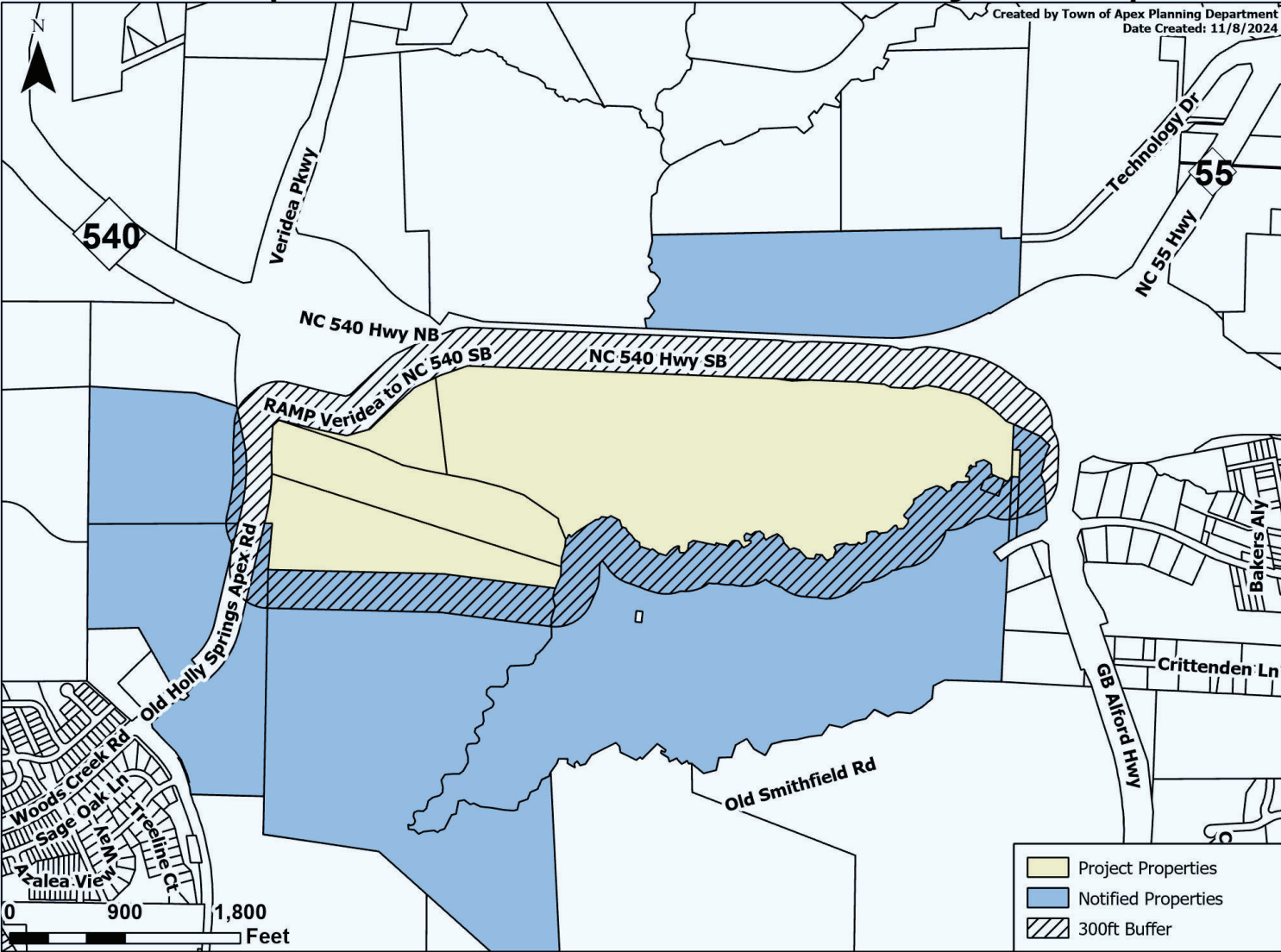


## ZONING



**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.

# Notified Properties within 300ft of the Project Properties



# NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual

Date of meeting: November 26, 2024 Time of meeting: 5:30-6:30 pm

Property Owner(s) name(s): RXR Len Apex Owner LLC; Greenway Waste Solutions of Apex LLC

Applicant(s): Greenway Waste Solutions of Apex 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.	No attendees				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE 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): RXR Len Apex Owner LLC; Greenway Waste Solutions of Apex LLC

Applicant(s): Greenway Waste Solutions of Apex LLC

Contact information (email/phone): Michael Griffin, mike@griffinbros.com, 919.367-2895

Meeting Address: Virtual

Date of meeting: November 26, 2024 Time of meeting: 5:30-6:30 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:

OWNER	MAILING ADDRESS	MAILING 2	MAILING 3
APEX TOWN OF	PO BOX 250	APEX NC 27502-0250	
GREENWAY WASTE SOLUTIONS OF APEX	19109 W CATAWBA AVE STE 110	CORNELIUS NC 28031-5613	
GREENWAY WASTE SOLUTIONS OF APEX LLC	19109 W CATAWHA AVE STE 110	CORNELIUS NC 28031-5613	
HADDOCK PROPERTIES LLC	PO BOX 507	GLENVILLE NC 28736-0507	
HIGHWAY 55 C & D LANDFILL LLC	19109 W CATAWBA AVE STE 110	CORNELIUS NC 28031-5613	
PHOENIX COMMERCIAL DEVELOPMENT LLC	3724 NATIONAL DR STE 215	RALEIGH NC 27612-4070	
RXR LEN APEX OWNER LLC	GENERAL COUNSEL	625 RXR PLZ	UNIONDALE NY 11556-3815
SOWTER, WILLIAM J SOWTER, SHERYL R	4801 LOUIS STEPHENS DR	MORRISVILLE NC 27560-8677	
WAKE COUNTY	PO BOX 550	RALEIGH NC 27602-0550	
WAKE COUNTY OF	WAKE COUNTY ATTORNEY'S OFFICE	PO BOX 550	RALEIGH NC 27602-0550
Current Tenant	5930 Old Smithfield RD	APEX NC 27539	
Current Tenant	5940 Old Smithfield RD	APEX NC 27539	
Current Tenant	6025 Old Smithfield RD	APEX NC 27539	
Current Tenant	6110 Old Smithfield RD	APEX NC 27539	
Current Tenant	6120 Old Smithfield RD	APEX NC 27539	
Current Tenant	6130 Old Smithfield RD	APEX NC 27539	
Current Tenant	6140 Old Smithfield RD	APEX NC 27539	
Current Tenant	6150 Old Smithfield RD	APEX NC 27539	
Current Tenant	6160 Old Smithfield RD	APEX NC 27539	
Current Tenant	6300 Old Smithfield RD	APEX NC 27539	
Current Tenant	6330 Old Smithfield RD	APEX NC 27539	



# 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, Jason Barron, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual (location/address) on November 26, 2024 (date) from 5:30 pm (start time) to 6:30 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.


12/2/2024  
Date

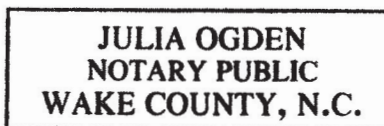
By: 

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 2nd day of December, 2024.

SEAL

  
Notary Public  
Julia Ogden  
Print Name



My Commission Expires: 6/23/29

# APEX ENVIRONMENTAL ADVISORY BOARD

## Suggested Zoning Conditions



**Project Name:** Greenway Waste Solutions of Apex Landfill Western Expansion **Date:** \_\_\_\_\_

The Town of Apex Environmental Advisory Board offers this general list of suggested rezoning conditions for rezoning applicants to consider before filling a rezoning petition. The purpose of this list is to encourage and recommend implementation of exceptional environmental practices for future development that exceeds Town requirements. The Board will review each rezoning pre-application request and expand on suggested conditions by offering specific recommendations on a case-by-case basis.

**The decision to include any of the recommendations below is voluntary by the applicant and the Board does not expect applicants to add all of the suggested conditions.** Planning staff will include all zoning conditions suggested by this Board and will note which conditions have been added by the applicant in the staff reports to the Planning Board and Town Council. Applicants should review this list before meeting with the Board. NOTE: Text in green indicates suggested zoning condition language from Planning Staff. Underlined text indicates text or numbers that may be changed based on the specific project. Additional conditions may be suggested by the EAB at the meeting.

This document is divided into two parts:

- Part I – Residential applies to single-family dwellings and townhome subdivisions, but does not include the parking lots, exterior building lights or exterior architecture.
- Part II – Non-Residential includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas. Your development may include elements of each part.

**Please be sure to read and complete the entire document. Please provide a response to each goal and/or sub-goal. Any proposed modifications to the green zoning language should be listed in the section at the end of the document.**

### Part I – Residential

Single-family dwelling and townhome subdivisions (excluding parking lots, exterior building lights and exterior architecture).

STORMWATER AND WATER CONSERVATION – WATER QUALITY (1-5)	YES	NO	N/A
<b>Goal 1. Increase riparian buffer widths from surface waters in environmentally sensitive areas.</b> The project shall increase the riparian buffer width by at least ____ feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 2. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas.</b>			

Environmental Advisory Board – Suggested Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY (1-5)	YES	NO	N/A
The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 3. Implement Low Impact Development (LID) techniques as defined by the NC Department of Environmental Quality.</b> The project shall install a minimum of _____ Low Impact Development Technique as defined and approved by the NC Department of Environmental Quality. The specific type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 4. Increase pervious surface to reduce stormwater runoff and pollutant concentrations.</b> <u>Option 5.1:</u> Install pervious pavements where practicable (e.g. when parking maximums are exceeded). The Department of Public Works & Transportation does not currently support these options within the right-of-way (ROW). These may be done on private sites, but not within the public ROW. a. The project shall utilize pervious pavement when constructing the parking spaces for parking lot-style townhomes. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review. The selected system shall be maintained by the developer and/or owner's association. <b>AND/OR</b> b. The project shall utilize pervious pavement when constructing the driveways for residential units. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review. The selected system shall be maintained by the developer and/or owner's association.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 5. Use the stormwater captured in the on-site SCM to irrigate landscaping within the development.</b> At least _____ SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
<b>Goal 6. Preserve tree canopy and prioritize medium to large, healthy, desirable species.</b> <u>Option 6.1:</u> Preserve existing trees (percentage-based). Numbers shown may be changed based on project. The project shall preserve a minimum of _____% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to locate the preserved trees adjacent to areas of preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces. <u>Option 6.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space. The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree of similar species or mature size. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
<b>Goal 7. Plant trees to improve energy efficiency.</b> <u>Option 7.1:</u> Plant deciduous shade trees on southern side of buildings. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 7.2:</u> Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 8. Increase biodiversity.</b> Note: Invasive species are prohibited. Please see the Town's <a href="#">Design and Development Manual</a> for a link to the list of prohibited species. <u>Option 8.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. Snectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex <a href="#">Design &amp; Development Manual</a> for suggested native species).			
a. The project shall ensure that _____% of the landscaping shall be native species, which shall provide diverse and abundant pollinator and bird food sources. Special attention shall be paid to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.2:</u> Provide and allow for undisturbed spaces (e.g. leaf piles, unmown fields, fallen trees) for nesting and overwintering for native pollinators and wildlife. In order to support wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.3:</u> Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.4:</u> Increase the number of native trees and shrubs.			
a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____% of the species selected shall be native or a native of North Carolina.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>AND/OR</b>			
b. No single species of native or adaptive vegetation shall constitute more than <u>20%</u> of the plant material of its type within a single development site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 9. Implement xeriscaping in design, which will use landscaping that requires less irrigation and chemical use. Contact Planning for assistance, if needed.</b>			
a. The project commits to planting only drought tolerant plants, of which _____% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>OR</b>			
b. To reduce irrigation requirements, the project shall select and plant only warm season grasses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 10. Promote the benefits of native pollinators.</b> The project shall plant at least _____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided. The pollinator garden shall be maintained by the developer or HOA.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 11. Improve soil quality to be amenable for a variety of native and non-invasive plantings.</b>			

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed on each lot and within disturbed common areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 12. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas).</b> The UDO requires a ____-foot buffer along the ____perimeter of the property. The applicant shall add ____-foot buffer in that location, which would be an increase of ____-feet above the requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 13. Reduce impacts to resource conservation Areas (RCAs).</b> a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed. <b>OR</b> b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>

SUSTAINABLE BUILDINGS (14)	YES	NO	N/A
<b>Goal 14. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard.</b> The project shall be designed to meet the requirements for one of the green building certifications listed above. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WASTE MANAGEMENT (15)	YES	NO	N/A
<b>Goal 15. Encourage the proper disposal of pet waste to reduce environmental impacts.</b> <i>Numbers shown may be changed based on project.</i> The project shall install at least one (1) pet waste station per 25 residential units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths. If there fewer than 25 homes, at least one (1) pet waste station shall be installed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CLEAN ENERGY (16-18)	YES	NO	N/A
<b>Goal 16. Install rooftop solar on buildings.</b> a. A solar PV system of at least ____ kW shall be installed on at least ____homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which this home/these homes is/are located shall be identified on the Master Subdivision Plat, which may be amended from time to time. <b>AND/OR</b> b. A solar PV system shall be installed on a minimum of ____model home. All solar installation required by this condition shall be completed or under construction prior to ____% of the building permits being issued for the development. The lot(s) on which this home/these homes is/are located shall be identified on the Master Subdivision Plat, which may be amended from time to time. <b>AND/OR</b>	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

CLEAN ENERGY (16-18)	YES	NO	N/A
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least ____ kWhs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 17. Include solar conduit in building design.</b> All homes shall be pre-configured with conduit for a solar energy system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 18. Encourage clean transportation.</b> The developer shall install at least ____ electric vehicle charging station in amenity centers or common area parking lots.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Part II - Non-Residential**

Includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas.

STORMWATER AND WATER CONSERVATION – WATER QUANTITY (1)	YES	NO	N/A
<b>Goal 1. Increase design storm for retention basin in flood-prone areas.</b> The UDO requires that treatment for the first 1-inch of runoff will be provided such that the removal of 85% Total Suspended Solids is achieved. Each option is intended to be used as an improvement to the minimum UDO requirements. If an area is already required to mitigate the 25-year storm, option b should not be selected.			
a. Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, 25-year and <u>100-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>OR</b>			
b. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and <u>25-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
<b>Goal 2. Increase riparian buffer widths from surface waters in environmentally sensitive areas.</b> The project shall increase the riparian buffer width by at least ____ feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 3. Limit tree clearing, stormwater control measures (SCM), or infrastructure in either zone of the riparian buffer.</b> No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 4. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas.</b> The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 5. Implement low impact development (LID) techniques as defined by the NC Department of Environmental Quality.</b> The project shall install a minimum of ____ Low Impact Development Technique as defined and approved by the NC Department of Environmental Quality. The specific	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



## Environmental Advisory Board – Suggested Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.			
<p><b>Goal 6. Increase pervious surface to reduce stormwater runoff and pollutant concentrations.</b> The Department of Public Works &amp; Transportation does not currently support these options within the ROW. These may be done on private sites, but not within the public ROW.</p> <p><u>Option 6.1:</u> Install pervious pavements where practicable (e.g. when parking maximums are exceeded).</p> <p>a. The project shall utilize pervious pavement when constructing parking spaces that are in excess of the minimum parking requirement. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p style="text-align: center;"><b>AND/OR</b></p> <p>b. The project shall utilize pervious pavement for all of the parking spaces provided. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p><u>Option 6.2:</u> Modify curb and gutters to provide stormwater infiltration and evaporation, such as swale-only, reverse curbs, Silva cells, or curb cuts with rain gardens.</p> <p>To increase stormwater infiltration and evaporation, the project shall use modified curb and gutter designs to direct driveway runoff to one or more stormwater device, such as, but not limited to, bioswales, Silva cells, or rain gardens. The specific type and design shall be selected at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p> <p><u>Option 6.3:</u> Utilize green street design. May be done within the public ROW if it's in the form of a bioretention cell within a landscaped median or large roundabout. Will require approval by the Department of Public Works and Transportation.</p> <p>The project shall design and install one or more bioretention cells within the landscape median or roundabout along the primary road. The specific type and design shall be determined at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p>			
<b>Goal 7. Stormwater re-use application:</b> Integrate irrigation from the SCM (wet pond) on site.			
At least one ____SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.			

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p><b>Goal 8. Preserve tree canopy and prioritize medium to large, healthy, desirable species.</b></p> <p><i>Option 8.1:</i> Preserve existing trees (percentage-based). Numbers shown may be changed based on project. The EAB's preference is for a minimum of 50%.</p> <p>a. The project shall preserve a minimum of ____% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers and/or HOA maintained open space throughout the neighborhood.</p> <p style="text-align: center;"><b>OR</b></p> <p>b. The project shall preserve a minimum of ____% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p>locate the preserved trees adjacent to areas of existing preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces.</p> <p><u>Option 8.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space.</p> <p>The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Goal 9. Plant trees for improved energy efficiency.</b></p> <p><u>Option 9.1:</u> Plant deciduous shade trees on southern side of buildings.</p> <p>To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.</p> <p><u>Option 9.2:</u> Plant evergreen trees as a windbreak on northern side of buildings.</p> <p>To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Goal 10. Increase biodiversity.</b></p> <p><u>Option 10.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex <a href="#">Design &amp; Development Manual</a> for suggested native species).</p> <p>a. The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.</p> <p style="text-align: center;"><b>OR</b></p> <p>b. The project shall ensure that ____% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p> <p><u>Option 10.2:</u> Retain and protect old ponds if the dam is structurally sound.</p> <p>To preserve and protect existing species, existing ponds shall be preserved if structurally sound.</p> <p><u>Option 10.3:</u> Increase the number of native tree and shrub species selected.</p> <p>a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of ____% of the species selected shall be native or a native of North Carolina.</p> <p style="text-align: center;"><b>OR</b></p> <p>b. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Goal 11. Implement green infrastructure.</b></p> <p><u>Option 11.1:</u> Plant rain gardens.</p> <p>The project shall install one or more rain gardens throughout the site.</p> <p><u>Option 11.2:</u> Install vegetated rooftops.</p> <p>a. The project shall install a vegetated rooftop, aka green roof, on each building.</p> <p style="text-align: center;"><b>OR</b></p> <p>b. The project shall install a vegetated rooftop, aka green roof, on at least ____ft<sup>2</sup> of each building.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<u>Option 11.3:</u> Implement xeriscaping in design.			
a. The project commits to planting ____% drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
OR			
b. The project commits to planting only drought tolerant plants. At least ____% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
OR			
c. To reduce irrigation requirements, the project shall select and plant only warm season grasses.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Goal 12. Install community gardens and native pollinator demonstration gardens.</b> The project shall plant at least ____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Goal 13. Improve soil quality to be amenable for a variety of native and non-invasive plantings.</b> To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed within disturbed areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Goal 14. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas).</b> The UDO requires a ____-foot buffer along the ____perimeter of the property. The applicant is proposing a ____-foot buffer in that location, which would be an increase of ____-feet above the requirement.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Goal 15. Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.</b>			
a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
OR			
b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUSTAINABLE BUILDINGS (16)	YES	NO	N/A
<b>Goal 16. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard.</b> The project shall be designed to meet the requirements for ____green building certification. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WASTE REDUCTION (17)	YES	NO	N/A
<b>Goal 17. Install pet waste stations in public areas for multi-family, apartments, or condominiums or dog friendly businesses.</b>			

Environmental Advisory Board – Suggested Zoning Conditions

WASTE REDUCTION (17)	YES	NO	N/A
The project shall install at least _____ pet waste stations throughout the community, in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

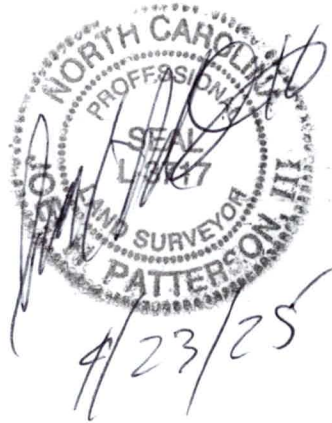
CLEAN ENERGY (18-20)	YES	NO	N/A
<b>Goal 18. Install rooftop solar on buildings.</b> a. A solar PV system shall be incorporated into buildings to be constructed on the property. Such PV systems shall have a capacity of not less than 2 kW/1,000 heated square feet of building floor area. <b>OR</b> b. A solar PV system of at least 3.5kW shall be installed on at least _____% of or _____ buildings within the development. All solar installation required by this condition shall be completed or under construction prior to _____% of the building permits being issued for the development. The buildings on which these PV systems are located shall be identified on the Site Plan, which may be amended from time to time. <b>OR</b> c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least _____ kWhs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 19. Include solar conduit in building design.</b> The project shall install conduit for solar energy systems for all non-residential buildings. The roof shall also be engineered to support the weight of a future rooftop solar PV system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Goal 20. Encourage clean transportation.</b> a. The installation of EV charging spaces shall not reduce the width of adjacent sidewalk to less than 5 feet. <b>AND/OR</b> b. EV charging spaces shall be located such that the cords shall not cause a trip hazard. <b>AND/OR</b> c. The developer shall provide 5% of all parking spaces as EV charging spaces.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

LIGHTING EFFICIENCY (21-24)	YES	NO	N/A
<b>Goal 21. Include energy efficient lighting in building design.</b> <u>Option 21.1: Increase the use of LEDs.</u> The exterior lighting for all multi-family and commercial buildings and parking lots will consist entirely of LED fixtures. <u>Option 21.2: Lower maximum foot-candles outside of buildings.</u> On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least 0.5 footcandles lower than the UDO requires.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Goal 22. Install timers or light sensors or smart lighting technology.</b> a. The project shall install light timers, motion sensors, or other smart lighting technology for all exterior lighting.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Goal 23. Include International Dark Sky Association compliance standards.</b> The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Advisory Board – Suggested Zoning Conditions

<b>Applicant Clarification/Additional Language:</b>
<b>Additional Board Recommendations:</b>



WRITTEN LEGAL DESCRIPTION FOR 141.27 ACRES

SITUATED IN HOLLY SPRINGS TOWNSHIP, WAKE COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A #4 REBAR SET ON THE SOUTHERN SIDE THE RIGHT OF WAY OF NC 540 HWY SB. ALSO THE COMMON NORTH EAST CORNER OF RXR LEN APEX OWNER LLC, DEED BOOK 19263 AT PAGE 2403 THENCE CONTINUING WITH THE RIGHT OF WAY OF NC 540 HWY SB THE FOLLOWING FIFTEEN COURSES, NORTH 64-52-28 EAST A DISTANCE OF 40.99 FEET TO A FOUND R/W MONUMENT; NORTH 70-47-26 EAST A DISTANCE OF 223.47 FEET TO A FOUND R/W MONUMENT; SOUTH 87-37-10 EAST FOR A DISTANCE OF 1205.48 FEET TO A FOUND R/W MONUMENT; SOUTH 87-37-43 EAST FOR A DISTANCE OF 1015.69 FEET TO A FOUND R/W MONUMENT; SOUTH 87-37-44 EAST FOR A DISTANCE OF 810.29 FEET TO A FOUND R/W MONUMENT; SOUTH 85-21-00 EAST FOR A DISTANCE 220.00 FEET TO A FOUND R/W MONUMENT; SOUTH 65-20-45 EAST FOR A DISTANCE OF 58.52 FEET TO A FOUND R/W MONUMENT; SOUTH 86-56-29 EAST FOR A DISTANCE OF 174.49 FEET TO A FOUND R/W MONUMENT; NORTH 76-49-38 EAST FOR A DISTANCE 107.25 FEET; SOUTH 81-17-23 EAST FOR A DISTANCE OF 80.74 FEET; SOUTH 76-17-27 EAST FOR A DISTANCE OF 256.49 FEET TO A FOUND R/W MONUMENT; SOUTH 65-03-49 EAST FOR A DISTANCE OF 92.26 FEET TO A FOUND R/W MONUMENT; SOUTH 56-04-00 EAST FOR A DISTANCE OF 150.70 FEET TO A FOUND R/W MONUMENT; SOUTH 46-51-32 EAST FOR A DISTANCE OF 122.00 FEET TO A FOUND R/W MONUMENT; SOUTH 66-55-56 EAST FOR A DISTANCE OF 61.28 FEET TO A FOUND R/W MONUMENT ALSO BEING THE COMMON NORTH WESTERN CORNER OF HADDOCK PROPERTIES, LLC DEED BOOK 18267 PAGE 47. THENCE WITH THE COMMON LINE OF HADDOCK PROPERTIES SOUTH 02-08-37 WEST FOR A DISTANCE OF 197.70 FEET TO A FOUND #4 REBAR. THENCE CONTINUING WITH THE LINE OF HADDOCK PROPERTIES AND HIGHWAY 55 C & D LANDFILL, LLC, SOUTH 87-50-07 EAST A DUSTANCE OF 60.00 FEET TO A FOUND #4 REBAR; THENCE SOUTH 02-08-34 WEST FOR A DISTANCE OF 239.03 FEET TO A FOUND #4 REBAR. THENCE SOUTH 87-29-30 WEST A DISTANCE OF 60.00 FEET TO A FOUND #4 REBAR. THENCE NORTH 02-08-37 EAST A DISTANCE OF 29.60 FEET POINT IN THE CENTER LINE OF A BRANCH AND CONTINUING WITH THE BRANCH AND COMMON LINE OF WAKE COUNTY FOR THE NEXT 127 COURSES; SOUTH 66-50-41 WEST FOR A DISTANCE OF 8.38 FEET TO A POINT, SOUTH 25-46-49 WEST FOR A DISTANCE OF 26.10 FEET TO A POINT, SOUTH 58-11-55 WEST FOR A DISTANCE OF 11.21 FEET TO A POINT, SOUTH 76-52-08 WEST FOR A DISTANCE OF 18.03 FEET TO A POINT, NORTH 49-46-57 WEST FOR A DISTANCE OF 15.35 FEET TO A POINT, NORTH 66-29-02 WEST FOR A DISTANCE OF 86.95 FEET TO A POINT, NORTH 63-11-47 WEST FOR A DISTANCE OF 22.29 FEET TO A POINT, NORTH 02-35-17 WEST FOR A DISTANCE OF 73.64 FEET TO A POINT, NORTH 43-41-50 WEST 20.93 FEET TO A POINT, NORTH 62-00-45 WEST FOR A DISTANCE OF 49.55 TO A POINT, SOUTH 71-51-58 WEST FOR A DISTANCE OF 64.63 FEET TO A POINT, SOUTH 05-00-18 EAST FOR A DISTANCE OF 31.88 FEET TO A POINT, NORTH 82-18-16 WEST FOR A DISTANCE OF 10.77 FEET, SOUTH 78-00-54 WEST FOR A DISTANCE OF 18.39 FEET, NORTH 45-51-38 WEST FOR A DISTANCE OF 19.53 FEET, SOUTH



38-06-51 WEST FOR A DISTANCE OF 22.19 FEET TO A POINT, SOUTH 00-53-01 EAST FOR A DISTANCE OF 25.46 FEET TO A POINT, SOUTH 32-17-50 WEST FOR A DISTANCE OF 52.98 FEET TO A POINT, SOUTH 83-33-15 EAST FOR A DISTANCE OF 29.32 FEET TO A POINT, SOUTH 03-55-34 EAST FOR A DISTANCE OF 38.60 FEET TO A POINT, SOUTH 87-50-07 WEST FOR A DISTANCE OF 19.73 FEET TO A POINT, SOUTH 83-15-21 WEST FOR A DISTANCE OF 31.67 FEET TO A POINT, NORTH 86-16-38 WEST FOR A DISTANCE OF 45.46 FEET TO A POINT, SOUTH 57-04-56 WEST FOR A DISTANCE OF 49.06 FEET, SOUTH 08-41-35 WEST FOR A DISTANCE OF 37.88 FEET TO A POINT, SOUTH 65-02-48 WEST FOR A DISTANCE OF 32.35 FEET, NORTH 50-37-58 WEST FOR A DISTANCE OF 53.22 FEET TO A POINT, NORTH 73-33-04 WEST FOR A DISTANCE OF 43.30 FEET TO A POINT, SOUTH 68-50-15 WEST FOR A DISTANCE OF 96.11 FEET TO A POINT, SOUTH 38-51-31 WEST FOR A DISTANCE OF 38.78 TO A POINT, SOUTH 57-55-21 WEST FOR A DISTANCE OF 77.95 FEET TO A POINT, SOUTH 01-18-00 EAST FOR A DISTANCE OF 26.81 FEET TO A POINT, SOUTH 33-50-06 WEST FOR A DISTANCE OF 35.05 FEET TO A POINT, SOUTH 41-28-04 WEST FOR A DISTANCE OF 86.42 FEET TO A POINT, SOUTH 17-39-32 EAST FOR A DISTANCE OF 12.99 FEET TO A POINT, SOUTH 53-34-02 EAST FOR A DISTANCE OF 35.65 FEET TO POINT, SOUTH 01-03-31 EAST FOR A DISTANCE OF 27.80 FEET TO POINT, SOUTH 39-42-02 WEST FOR A DISTANCE OF 57.92 FEET TO A POINT, SOUTH 86-41-57 WEST FOR A DISTANCE OF 44.36 TO A POINT, NORTH 22-02-26 WEST FOR A DISTANCE OF 29.98 FEET TO A POINT, SOUTH 79-23-29 WEST FOR A DISTANCE OF 13.81 FEET TO A POINT, SOUTH 45-16-48 WEST FOR A DISTANCE OF 40.06 FEET TO A POINT, SOUTH 49-59-32 WEST FOR A DISTANCE OF 37.11 FEET TO A POINT, SOUTH 82-33-39 WEST FOR A DISTANCE OF 74.65 FEET TO A POINT, NORTH 05-02-53 WEST FOR A DISTANCE OF 11.22 FEET TO A POINT, NORTH 59-06-07 WEST FOR A DISTANCE OF 10.37 FEET TO A POINT, SOUTH 89-53-51 WEST FOR A DISTANCE OF 40.72 FEET TO A POINT, SOUTH 72-32-00 WEST FOR A DISTANCE OF 36.19 FEET TO A POINT, SOUTH 03-02-24 WEST FOR A DISTANCE OF 70.41 FEET TO A POINT, SOUTH 66-22-36 WEST FOR A DISTANCE OF 44.90 FEET TO A POINT, NORTH 54-45-01 WEST FOR A DISTANCE OF 24.06 FEET TO A POINT, SOUTH 46-02-12 WEST FOR A DISTANCE OF 23.46 FEET TO A POINT, SOUTH 86-16-35 WEST FOR A DISTANCE OF 56.47 FEET TO A POINT, NORTH 63-00-27 WEST FOR A DISTANCE OF 30.91 FEET TO A POINT, SOUTH 78-08-06 WEST FOR A DISTANCE OF 70.65 FEET TO A POINT, SOUTH 52-12-08 WEST FOR A DISTANCE OF 26.25 FEET TO A POINT, SOUTH 25-23-43 EAST FOR A DISTANCE OF 30.45 FEET TO A POINT, SOUTH 20-37-40 WEST FOR A DISTANCE OF 56.40 FEET TO A POINT, SOUTH 64-20-13 WEST FOR A DISTANCE OF 53.03 FEET TO A POINT, NORTH 59-27-35 WEST FOR A DISTANCE OF 17.11 FEET TO A POINT, NORTH 37-15-33 WEST FOR A DISTANCE OF 40.89 FEET TO A POINT, NORTH 83-41-48 WEST FOR A DISTANCE OF 47.70 FEET TO A POINT, SOUTH 19-44-21 WEST FOR A DISTANCE OF 36.84 FEET TO A POINT, NORTH 85-42-48 WEST FOR A DISTANCE OF 59.82 FEET TO A POINT, NORTH 43-03-30 WEST FOR A DISTANCE OF 88.03 FEET TO A POINT, NORTH 70-02-05 WEST FOR A DISTANCE OF 44.65 FEET TO A POINT, SOUTH 64-15-57 WEST FOR A DISTANCE OF 31.08 FEET TO A POINT, NORTH 41-32-00 WEST FOR A DISTANCE OF 70.70 FEET TO A POINT, NORTH 20-36-01 WEST FOR A DISTANCE OF 43.02 FEET TO A POINT, NORTH 52-34-39 WEST FOR A DISTANCE OF 48.97 FEET TO A POINT, SOUTH 67-32-22 WEST FOR A DISTANCE OF 36.04 FEET TO A POINT, SOUTH 61-49-04 WEST FOR A DISTANCE OF 38.08 FEET TO A POINT, SOUTH 57-30-51 WEST FOR A DISTANCE OF 26.14 FEET TO A POINT, NORTH 37-19-33 WEST FOR A DISTANCE OF 26.34 FEET TO A POINT, NORTH 03-10-34 WEST FOR A DISTANCE OF 22.96 FEET TO A POINT, NORTH 51-43-10 WEST FOR A DISTANCE OF 40.14 FEET TO A POINT, SOUTH 81-15-16 WEST FOR A DISTANCE OF 38.44 FEET TO A POINT, SOUTH 52-01-17 WEST FOR A DISTANCE OF 37.32 FEET TO A POINT, NORTH 69-17-45 WEST FOR A DISTANCE OF 39.10 FEET TO A POINT, SOUTH 39-03-59 WEST FOR A DISTANCE OF 29.65 FEET TO A POINT, SOUTH 12-16-51 EAST FOR A DISTANCE OF 36.68 FEET TO A POINT, NORTH 79-58-55 EAST FOR A DISTANCE OF 26.57 FEET TO A POINT, SOUTH 78-09-14 EAST FOR A DISTANCE OF 21.72 FEEET TO A POINT, SOUTH 12-18-48 WEST FOR A DISTANCE OF 16.23 FEET TO A POINT, SOUTH 52-26-04 WEST FOR A DISTANCE OF 30.63 FEET TO A POINT, SOUTH 59-51-55 WEST FOR A DISTANCE OF 36.78 FEET TO A POINT, NORTH



37-29-37 WEST FOR A DISTANCE OF 35.71 FEET TO A POINT, NORTH 33-52-54 WEST FOR A DISTANCE OF 29.23 FEET TO A POINT, NORTH 82-47-12 WEST FOR A DISTANCE OF 31.47 FEET TO A POINT, SOUTH 76-51-23 WEST FOR A DISTANCE OF 20.76 FEET TO A POINT, SOUTH 39-46-35 WEST FOR A DISTANCE OF 52.76 FEET TO A POINT, NORTH 55-17-51 WEST FOR A DISTANCE OF 16.44 FEET TO A POINT, NORTH 79-43-34 WEST FOR A DISTANCE OF 55.86 FEET TO A POINT, NORTH 73-15-33 WEST FOR A DISTANCE OF 25.18 FEET TO A POINT, SOUTH 06-13-26 WEST FOR A DISTANCE OF 18.21 FEET TO A POINT, NORTH 78-15-19 WEST FOR A DISTANCE OF 177.12 FEET TO A POINT, SOUTH 61-46-24 WEST FOR A DISTANCE OF 40.76 FEET TO A POINT, SOUTH 08-30-10 WEST FOR A DISTANCE OF 51.53 FEET TO A POINT, SOUTH 40-05-43 WEST FOR A DISTANCE OF 33.02 FEET TO A POINT, NORTH 88-25-41 WEST FOR A DISTANCE OF 39.76 FEET TO A POINT, NORTH 23-59-12 WEST FOR A DISTANCE OF 21.52 FEET TO A POINT, NORTH 06-19-38 EAST FOR A DISTANCE OF 31.95 FEET TO A POINT, SOUTH 89-27-49 WEST FOR A DISTANCE OF 16.00 FEET TO A POINT, SOUTH 63-31-50 WEST FOR A DISTANCE OF 30.08 FEET TO A POINT, SOUTH 50-51-26 WEST FOR A DISTANCE OF 32.33 FEET TO A POINT, SOUTH 42-39-18 WEST FOR A DISTANCE OF 53.72 FEET TO A POINT, NORTH 73-34-20 WEST FOR A DISTANCE OF 62.73 FEET TO A POINT, NORTH 52-33-29 WEST FOR A DISTANCE OF 54.67 FEET TO A POINT, SOUTH 66-09-02 WEST FOR A DISTANCE OF 22.18 FEET TO A POINT, NORTH 64-21-04 WEST FOR A DISTANCE OF 24.97 FEET TO A POINT, NORTH 72-48-02 WEST FOR A DISTANCE OF 61.52 FEET TO A POINT, NORTH 03-25-32 WEST FOR A DISTANCE OF 30.92 FEET TO POINT, NORTH 60-41-08 WEST FOR A DISTANCE OF 41.29 FEET TO A POINT, NORTH 36-20-32 WEST FOR A DISTANCE OF 45.19 FEET TO A POINT, NORTH 47-01-54 WEST FOR A DISTANCE OF 40.65 FEET TO A POINT, NORTH 26-27-55 WEST FOR A DISTANCE OF 29.87 FEET TO A POINT, NORTH 72-50-24 WEST FOR A DISTANCE OF 33.59 FEET TO A POINT, NORTH 17-51-16 WEST FOR A DISTANCE OF 53.62 FEET TO A POINT, NORTH 63-05-31 WEST FOR A DISTANCE OF 77.67 FEET TO A POINT, SOUTH 53-40-08 WEST FOR A DISTANCE OF 23.57 FEET TO A POINT, NORTH 83-04-30 WEST FOR A DISTANCE OF 53.22 FEET TO A POINT, SOUTH 48-15-18 WEST FOR A DISTANCE OF 31.65 FEET TO A POINT, SOUTH 86-09-56 WEST FOR A DISTANCE OF 20.21 FEET TO A POINT, SOUTH 57-31-02 WEST FOR A DISTANCE OF 180.13 FEET TO A POINT, SOUTH 47-39-37 WEST FOR A DISTANCE OF 57.38 FEET TO A POINT, NORTH 36-35-03 WEST FOR A DISTANCE OF 25.59 FEET TO A POINT, SOUTH 41-20-48 WEST FOR A DISTANCE OF 11.63 FEET TO A POINT, SOUTH 14-26-11 WEST FOR A DISTANCE OF 16.01 FEET TO A POINT, SOUTH 51-52-40 WEST FOR A DISTANCE OF 19.44 FEET TO A POINT IN THE CENTER OF BIG BRANCH, ALSO THE COMMON LINE WITH RXR LEN APEX OWNER LLC, DEED BOOK 19263 AT PAGE 2403, SOUTH 02-37-19 WEST A DISTANCE OF 65.61 FEET TO A POINT, SOUTH 16-21-26 WEST A DISTANCE OF 95.95 FEET TO A POINT, SOUTH 02-46-38 WEST A DISTANCE OF 138.52 FEET TO A POINT AND SOUTH 23-31-57 WEST A DISTANCE OF 103.97 FEET TO A FOUND 1 ½" IRON PIPE AND BEING THE COMMON CORNER WITH WAKE COUNTY DEED BOOK 2272 AT PAGE 678. THENCE WITH THE COMMON LINE OF WAKE COUNTY, NORTH 82-40-40 WEST A DISTANCE OF 879.82 FEET TO A FOUND 1 ½" IRON PIPE. THENCE CONTINUING WITH THE LINE OF WAKE COUNTY, NORTH 88-37-03 WEST A DISTANCE OF 208.65 FEET TO A #4 REBAR SET. THENCE FOUR NEW PROPERTY LINES AND BEING A PORTION OF TAX PARCELS 0740241030 & 0740241461, NORTH 24-56-22 WEST A DISTANCE OF 469.83 FEET TO A #4 REBAR SET; NORTH 08-26-01 WEST A DISTANCE OF 269.34 FEET TO A #4 REBAR SET; NORTH 49-14-08 WEST A DISTANCE OF 207.69 FEET TO A #4 REBAR SET AND NORTH 17-17-16 WEST A DISTANCE OF 276.09 FEET TO A #4 REBAR SET ON THE RIGHT OF WAY OF NC 540 HWY NB. THENCE CONTINUING WITH THE RIGHT OF WAY OF NC 540 HWY NB THE FOLLOWING FOUR COURSES, NORTH 74-25-25 EAST A DISTANCE OF 112.95 FEET TO A FOUND R/W MONUMENT ; NORTH 46-29-42 EAST A DISTANCE OF 296.54' FEET TO A FOUND R/W MONUMENT; NORTH 47-46-38 EAST A DISTANCE OF 182.02 FEET TO A FOUND R/W MONUMENT; NORTH 64-52-28 EAST A DISTANCE OF 181.55 FEET TO THE "POINT OF BEGINNING", CONTAINING 141.27 ACRES MORE OR LESS.



# NOTICE OF NEIGHBORHOOD MEETING

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

March 26, 2025

Date

Dear Neighbor:

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

See attached list

See attached list

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>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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 checked="" type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input checked="" 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 checked="" 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)):

The applicant is requesting to rezone from Light Industrial and SD-CZ to Light Industrial-CZ to facilitate the expansion of an existing recycling and composting facility. This expansion requires a special use permit.

Estimated submittal date: February 3, 2025

## MEETING INFORMATION:

Property Owner(s) name(s):	RXR Len Apex Owner LLC; Greenway Waste Solutions of Apex LLC	
Applicant(s):	Greenway Waste Solutions of Apex LLC	
Contact information (email/phone):	Jason Barron - Morningstar Law Group - <a href="mailto:jbarron@morningstarlawgroup.com">jbarron@morningstarlawgroup.com</a> 919-590-0371	
Meeting Address:	Virtual - <a href="https://morningstarlaw.group/Greenway04092025">https://morningstarlaw.group/Greenway04092025</a>	
Date/Time of meeting**:	April 9, 2025 at 5:30pm - 6:30pm	
Welcome: 5:30 pm	Project Presentation: 5:35 PM	Question & Answer: 5:45 - 6:30PM

\*\*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: Greenway Waste Solutions Recycling and Composting Expansion Zoning: LI; SD-CZ

Location: 0 Old Holly Springs Road, 0 Old Holly Springs Road, 0 Veridea Pkwy, 5940 Old Smithfield Road, 0 Mosley Avenue

Property PIN(s): See attached list Acreage/Square Feet: 164.21 acre

Property Owner: See attached on address list

Address: See attached on address list

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

Phone: See attached on address list Email: See attached on address list

Developer: Greenway Waste Solutions

Address: 19109 W Catawba Ave Ste 110

City: Cornelius State: NC Zip: 28031-5613

Phone: 919.367-2895 Fax: n/a Email: mike@griffinbros.com

Engineer: N/A

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

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

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

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 (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 946-4394
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 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>
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Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 am to 8:30 pm 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-Friday from 8:00 am to 5:00 pm. 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>Infrastructure Inspections</b>	<b>919-249-3386</b>
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

<b>Road Damage &amp; Traffic Control:</b>	<b>Infrastructure Inspections</b>	<b>919-249-3386</b>
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Transportation & Infrastructure Development – Infrastructure Inspections at 919-249-1109. The Town will get NCDOT involved if needed.

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

<b>Dirt in the Road:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed. Staff will coordinate the cleaning of the roadways with the developer.

<b>Dirt on Properties or in Streams:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that staff can coordinate the appropriate repairs with the developer.

<b>Dust:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed so that staff can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

<b>Trash:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed. Staff will coordinate the cleanup and trash collection with the developer/home builder.

<b>Temporary Sediment Basins:</b>	<b>Water Resources</b>	<b>919-362-8166</b>
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Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed 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>Water Resources</b>	<b>919-362-8166</b>
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported by visiting the Report a Concern page at <https://www.apexnc.org/1173/> or by calling the number listed.

<b>Electric Utility Installation:</b>	<b>Rodney Smith</b>	<b>919-249-3342</b>
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

### Address/PIN/Owner List

Address	PIN	Owner	Address	Phone/Email
0 Old Holly Springs Road	0740241461	RXR LEN APEX OWNER LLC	RXR NC Development Partners LP c/o RXR Realty, 625 RXR Plaza Uniondale NY 11556	William Noyes (wnoyes@rxr.com) 917.923.7998
0 Old Holly Springs Road	0740241030	RXR LEN APEX OWNER LLC	RXR NC Development Partners LP c/o RXR Realty, 625 RXR Plaza Uniondale NY 11556	William Noyes (wnoyes@rxr.com) 917.923.7998
0 Veridea Pkwy	0740240814	RXR LEN APEX OWNER LLC	RXR NC Development Partners LP c/o RXR Realty, 625 RXR Plaza Uniondale NY 11556	William Noyes (wnoyes@rxr.com) 917.923.7998
5940 Old Smithfield Road	0740448719	GREENWAY WASTE SOLUTIONS OF APEX LLC	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031-5613	mike@griffinbros.com 919.367-2895
0 Mosley Avenue	0740648548	GREENWAY WASTE SOLUTIONS OF APEX LLC	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031-5613	mike@griffinbros.com 919.367-2895

## How to Participate in the April 9, 2025 Neighborhood Meeting

To participate by PC, Mac, iPad, iPhone or Android device, go to <https://morningstarlaw.group/Greenway04092025> to register for the meeting. (Registration is necessary as we are required by the Town of Apex to have a record of attendance.)

- Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone,
- Dial one of the following numbers:
  - +1 929 436 2866
  - +1 301 715 8592
  - +1 305 224 1968
  - +1 312 626 6799
  - +1 646 931 3860
  - +1 719 359 4580
  - +1 253 205 0468
  - +1 253 215 8782
  - +1 346 248 7799
  - +1 360 209 5623
- Webinar ID: 875 5199 5798
- Passcode: 238980
- For attendance purposes as required by the Town of Apex, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.

REGISTRATION QR



If you have difficulty registering, you may call Leticia Shapiro at **(919) 590-0366** or email [tshapiro@morningstarlawgroup.com](mailto:tshapiro@morningstarlawgroup.com) prior to the meeting for assistance. If you have difficulty connecting during the meeting, please email [tshapiro@morningstarlawgroup.com](mailto:tshapiro@morningstarlawgroup.com) and the meeting link will be sent to help assist.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e. only the presenters will be visible.

If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or the Q&A features. We will not use the Chat feature. If you use Raise Hand, a panelist will either unmute you to allow you to speak to solicit your questions/comments.

If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at [tshapiro@morningstarlawgroup.com](mailto:tshapiro@morningstarlawgroup.com).





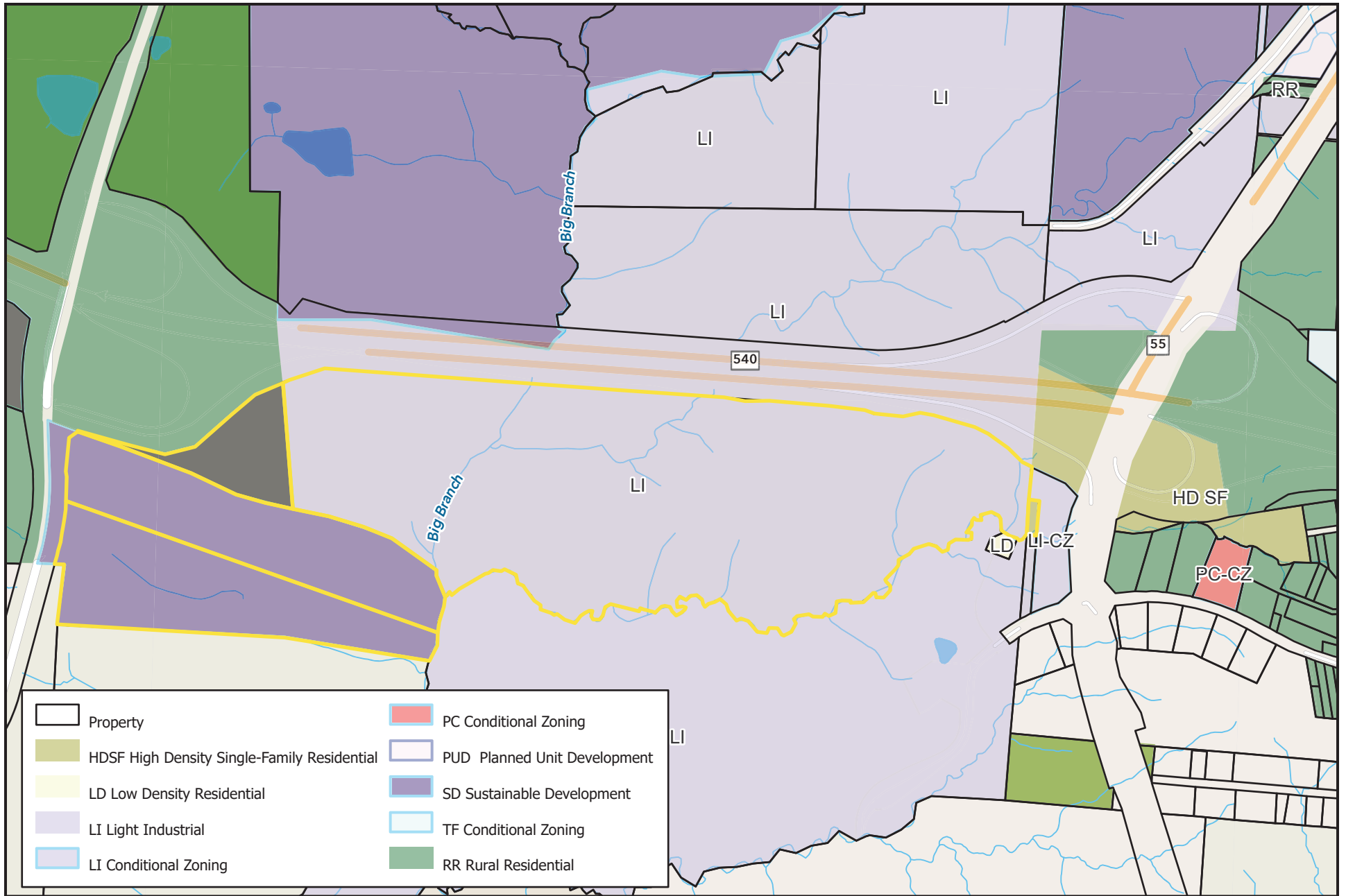
**Aerial**



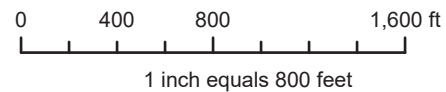
0 800 1,600 3,200 ft  
1 inch equals 1,600 feet

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





## ZONING



**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.



## Wake County Residential Development Notification

### Developer Company Information

<b>Company Name</b>	
<b>Company Phone Number</b>	
<b>Developer Representative Name</b>	
<b>Developer Representative Phone Number</b>	
<b>Developer Representative Email</b>	

### New Residential Subdivision Information

<b>Date of Application for Subdivision</b>	
<b>City, Town or Wake County Jurisdiction</b>	
<b>Name of Subdivision</b>	
<b>Address of Subdivision (if unknown enter nearest cross streets)</b>	
<b>REID(s)</b>	
<b>PIN(s)</b>	

### Projected Dates Information

<b>Subdivision Completion Date</b>	
<b>Subdivision Projected First Occupancy Date</b>	

### Lot by Lot Development Information

Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes																	
Condos																	
Apartments																	
Other																	

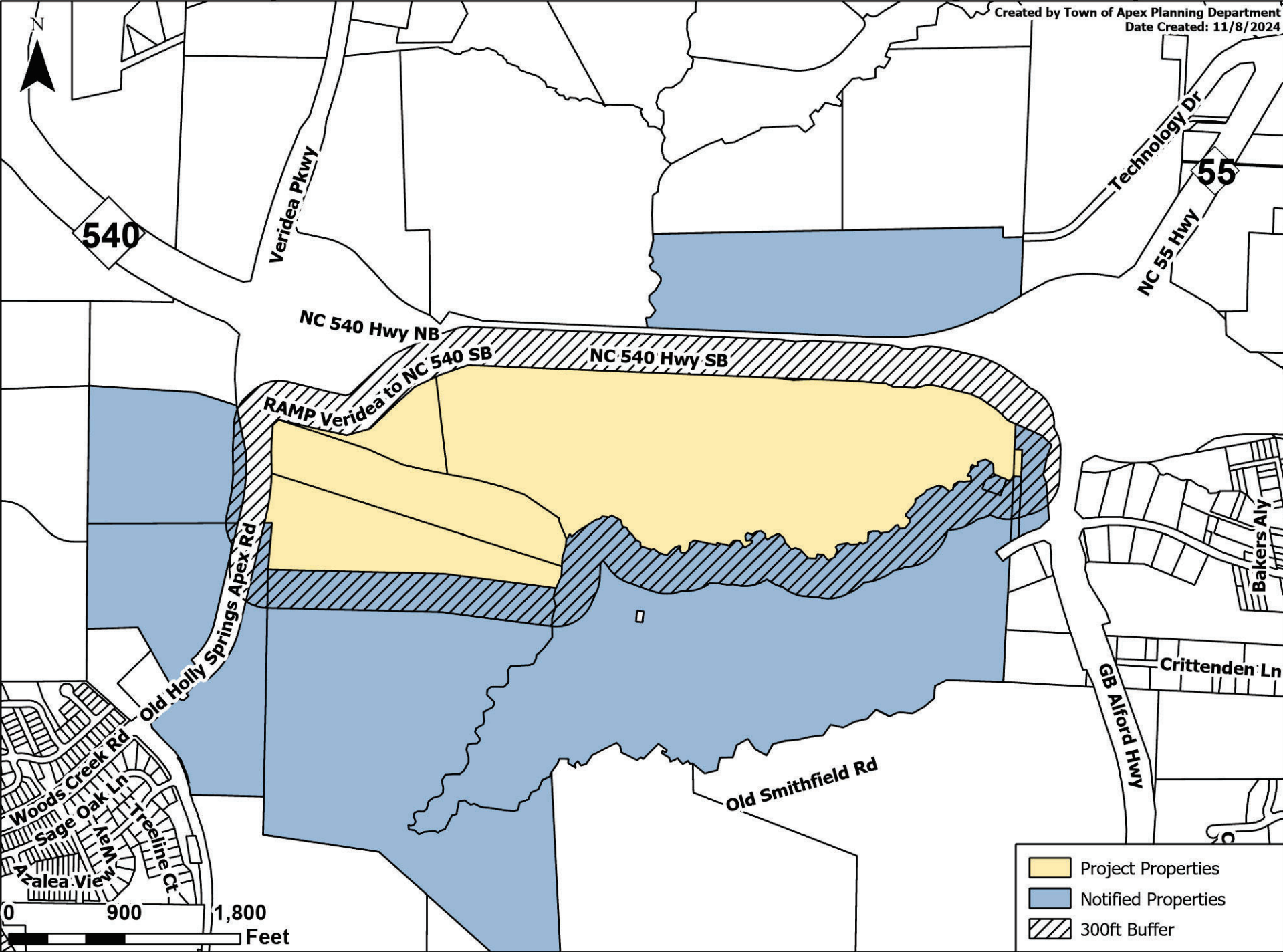
Please complete each section of this form and submit with your application.

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

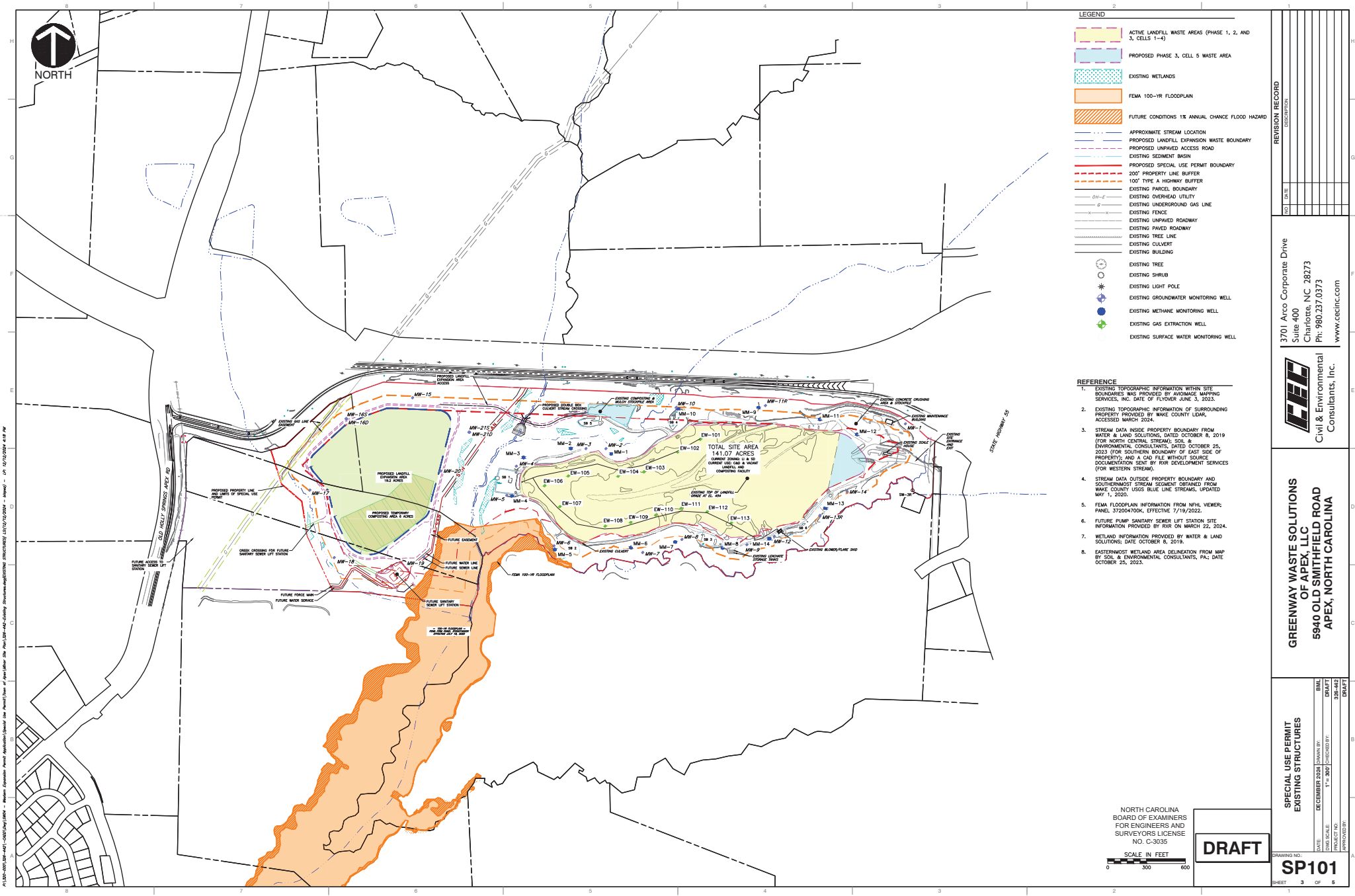
Please send any questions about this form to:  
[studentassignment-gis-group@wcpss.net](mailto:studentassignment-gis-group@wcpss.net).































# Notified Properties within 300ft of the Project Properties







### LEGEND

- |   |  |
|---|--|
|  | ACTIVE LANDFILL WASTE AREAS (PHASE 1, 2, AND 3, CELLS 1-4) |
|  | PROPOSED PHASE 3, CELL 5 WASTE AREA                        |
|  | EXISTING WETLANDS  |
|  | FEMA 100-YR FLOODPLAIN                                     |
|  | FUTURE CONDITIONS 1% ANNUAL CHANCE FLOOD HAZARD            |
|  | APPROXIMATE STREAM LOCATION                                |
|  | PROPOSED LANDFILL EXPANSION WASTE BOUNDARY                 |
|  | PROPOSED UNPAVED ACCESS ROAD                               |
|  | EXISTING SEDIMENT BASIN                                    |
|  | PROPOSED SPECIAL USE PERMIT BOUNDARY                       |
|  | 200' PROPERTY LINE BUFFER                                  |
|  | 100' TYPE A HIGHWAY BUFFER                                 |
|  | EXISTING PARCEL BOUNDARY                                   |
|  | EXISTING OVERHEAD UTILITY                                  |
|  | EXISTING UNDERGROUND GAS LINE                              |
|  | EXISTING FENCE   |
|  | EXISTING UNPAVED ROADWAY                                   |
|  | EXISTING PAVED ROADWAY                                     |
|  | EXISTING TREE LINE   |
|  | EXISTING CULVERT   |
|  | EXISTING BUILDING  |
|  | EXISTING TREE  |
|  | EXISTING SHRUB   |
|  | EXISTING LIGHT POLE  |
|  | EXISTING GROUNDWATER MONITORING WELL                       |
|  | EXISTING METHANE MONITORING WELL                           |
|  | EXISTING GAS EXTRACTION WELL                               |
|  | EXISTING SURFACE WATER MONITORING WELL                     |

## REFERENCE

2. EXISTING TOPOGRAPHIC INFORMATION WITHIN SITE BOUNDARIES WAS PROVIDED BY AEROMAP MAPING SYSTEMS, INC. DATED OCTOBER 2012.
3. EXISTING TOPOGRAPHIC INFORMATION OF SURROUNDING PROPERTY PROVIDED BY WAKE COUNTY LAND, PLANNING AND ZONING DEPARTMENT, DATED MARCH 2004.
4. STREAM DATA INSIDE PROPERTY BOUNDARY FROM WATER & LAND SOLUTIONS, DATED OCTOBER 8, 2019 FOR THE CENTRAL STREAM, AND WATKINS ENVIRONMENTAL CONSULTANTS, DATED OCTOBER 20, 2019 FOR SOUTHERN BOUNDARY OF THE USE OF PROPERTY; AND A C&E FILE WITHOUT SOURCE DOCUMENTATION FOR FILL DEVELOPMENT SECTIONS (FOR WESTERN STREAM).
5. STREAM DATA OUTSIDE PROPERTY BOUNDARY AND SOUTHERN STREAM PROVIDED BY WATKINS ENVIRONMENTAL CONSULTANTS, DATED OCTOBER 20, 2019. WAKE COUNTY URBAN BLUE LINE STREAMS, UPDATED MAY 2014.
6. FIRM FLOODPLAIN INFORMATION FROM NHEA, VERMILION, PROJECT 3720047000, EFFECTIVE 7/19/2002.
7. FUTURE PUMP SANITARY SEWER LIFT STATION SITE INFORMATION PROVIDED BY RCR ON MARCH 22, 2024.
8. FUTURE INFORMATION PROVIDED BY WATKINS & LAND SOLUTIONS; DATED OCTOBER 8, 2019.
9. EASTMOST/ WESTLAND AREA DELINEATION FROM MAP BY WATKINS ENVIRONMENTAL CONSULTANTS, PA1, DATED OCTOBER 25, 2023.

NORTH CAROLINA  
BOARD OF EXAMINERS  
FOR ENGINEERS AND  
SURVEYORS LICENSE  
NO. C-3035

SCALE IN FEET



0 300 600

**DRAFT**

SPECIAL USE PERMIT  
EXISTING STRUCTURES

**GREENWAY WASTE SOLUTIONS  
OF APEX, LLC  
5940 OLD SMITHFIELD ROAD  
APEX, NORTH CAROLINA**

**CEC**  
Civil & Environmental  
Consultants, Inc.

3701 Arco Corporate Drive  
Suite 400  
Charlotte, NC 28273  
Ph: 980.237.0373  
[www.cecinc.com](http://www.cecinc.com)

REVISION RECORD	DESCRIPTION
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NO	DATE
----	------

DRAWING NO.:  
**SP101**  
SHEET **3** OF **5**

# NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual

Date of meeting: April 9, 2025 Time of meeting: 5:30-6:30 pm

Property Owner(s) name(s): RXR Len Apex Owner LLC; Greenway Waste Solutions of Apex LLC

Applicant(s): Greenway Waste Solutions of Apex 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.	No attendees				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE 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): RXR Len Apex Owner LLC; Greenway Waste Solutions of Apex LLC

Applicant(s): Greenway Waste Solutions of Apex LLC

Contact information (email/phone): Michael Griffin, mike@griffinbros.com, 919.367-2895

Meeting Address: Virtual

Date of meeting: April 9, 2025 Time of meeting: 5:30-6:30 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, Hunter Winstead, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual (location/address) on April 9, 2025 (date) from 5:30 pm (start time) to 6:30 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.

4/14/2025

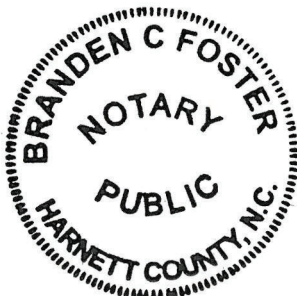
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Branden C Foster, a Notary Public for the above State and County, on this the 14 day of April, 2025.

SEAL



Branden C Foster  
Notary Public  
Branden C Foster  
Print Name

My Commission Expires: December 12, 2028





- |  |  |
|--|--|
|  | ACTIVE LANDFILL WASTE AREAS (PHASE 1, 2, AND 3, CELLS 1-4) |
|  | PROPOSED PHASE 3, CELL 5 WASTE AREA                        |
|  | EXISTING WETLANDS  |
|  | FEMA 100-YR FLOODPLAIN                                     |
|  | FUTURE CONDITIONS 1% ANNUAL CHANCE FLOOD HAZARD            |
|  | APPROXIMATE RESOURCE CONSERVATION AREA (RCA)               |
|  | APPROXIMATE BUILT UPON AREA (BUA)                          |
|  | APPROXIMATE STREAM LOCATION                                |
|  | EXISTING SEDIMENT BASIN                                    |
|  | 200' NDEQ LIMIT OF WASTE BUFFER                            |
|  | 100' TYPE A HIGHWAY BUFFER                                 |
|  | 15' TYPE B SEMI-OPAQUE BUFFER                              |
|  | SPECIAL USE PERMIT BOUNDARY                                |
|  | 100' PERENNIAL RIPARIAN ZONE 3 BUFFER                      |
|  | 50' PERENNIAL RIPARIAN ZONE 2 BUFFER                       |
|  | 30' PERENNIAL RIPARIAN ZONE 1 BUFFER                       |
|  | 50' INTERMITTENT RIPARIAN ZONE 2 BUFFER                    |
|  | 30' INTERMITTENT RIPARIAN ZONE 1 BUFFER                    |
|  | EXISTING PARCEL BOUNDARY                                   |
|  | EXISTING GAS LINE EASEMENT                                 |
|  | EXISTING OVERHEAD UTILITY                                  |
|  | EXISTING UNDERGROUND GAS LINE                              |
|  | EXISTING FENCE   |
|  | EXISTING UNPAVED ROADWAY                                   |
|  | EXISTING PAVED ROADWAY                                     |
|  | EXISTING TREE LINE   |
|  | EXISTING CULVERT   |
|  | EXISTING BUILDING  |
|  | EXISTING PIPE CASING                                       |
|  | EXISTING SHRUB   |
|  | EXISTING TREE  |
|  | EXISTING LIGHT POLE  |
|  | LOCAL 100-YEAR FLOODPLAIN                                  |
|  | PROPOSED LANDFILL EXPANSION WASTE BOUNDARY                 |
|  | PROPOSED UNPAVED ACCESS ROAD                               |

## REFERENCES

- |    |   |
|----|---|
| 1. | STREAM DATA INSIDE PROPERTY BOUNDARY FROM WATER & LAND SOLUTIONS, DATE OCTOBER 8, 2019 (FOR NORTH CANTERLEY); SOIL & ENVIRONMENTAL CONSULTANTS, PA; DATE OCTOBER 25, 2023 (FOR SOUTHERN BOUNDARY OF EAST SIDE OF PROPERTY) AND A C&D FILE WITHOUT SOURCE DOCUMENTATION SENT BY R&R DEVELOPMENT SERVICES (FOR WESTERN STREAM). |
| 2. | STREAM DATA OUTSIDE PROPERTY BOUNDARY AND SOUTHWESTERN STREAM SEGMENT OBTAINED FROM WAKE COUNTY USSS BLUE LINE STREAMS; UPDATED MAY 1, 2020.  |
| 3. | FEMA FLOODPLAIN INFORMATION FROM NFH VIEWER; PANEL 372004700K, EFFECTIVE 7/19/2002.   |
| 4. | FUTURE PLUMB SANITARY SEWER LIFT STATION SITE INFORMATION PROVIDED BY R&R; MARCH 2, 2024.   |
| 5. | WETLAND INFORMATION PROVIDED BY WATER & LAND SOLUTIONS; DATE OCTOBER 8, 2019.   |
| 6. | EASTERNMOST WETLAND AREA DELINEATION FROM MAP BY SOIL & ENVIRONMENTAL CONSULTANTS, PA; DATE OCTOBER 25, 2023.   |

**NOTES**

- 1) PER UDO 6.2.16.4.7, WASTE DISPOSAL SYSTEMS, INCLUDING LANDFILLS, ARE NOT ALLOWED IN THE FEMA NRD LOCAL FLOOD STUDY BFE. THE UDO DOES NOT ALLOW FOR A VARIANCE TO THIS RESTRICTION PER 6.2.15.B.11.
- 2) COMPOSTING, CHIPPING, AND MULCHING OPERATION WILL OCCUR AT EXISTING LOCATION AND AT PROPOSED LOCATION WITHIN THE WESTERN EXPANSION FOOTPRINT. THE WASTE STREAMS WILL INCLUDE CHIPPING OF LOGS, WASTE, CONCRETE, AND OTHER INERT DEBRIS. ALL CHIPPING AND GRINDING OPERATIONS WILL COMPLY WITH THE 50' PROPERTY LINE SETBACK PER NDEQ 15A NCAC 138.1404.2 (a) WHICH SATISFIES THE 25' PROPERTY LINE SETBACK PER 6.2.14.3.A. THE COMPOSTING AND MULCHING OPERATIONS AT THESE LOCATIONS ARE APPROXIMATE AND MAY MOVE THROUGHOUT THE SITE, BUT WILL ALWAYS FOLLOW THE REGULATIONS PER NDEQ AND TOWN OF APEX UDO.

## PROPOSED ZONING CONDITIONS

- 1) THE USES OF THE PROPOSED REZONING ARE SUBJECT TO A 100' TYPE A BUFFER ALONG HWY 540. THE CURRENT LIMITS OF ENCROACHMENT INTO THIS BUFFER PRESENT AT THE TIME THE RIGHT-OF-WAY WAS ACQUIRED FOR HWY 540 SHALL BE PERMITTED.
- 2) THE USES OF THE PROPOSED REZONING ARE SUBJECT TO A 100' TYPE A BUFFER ALONG HWY 100. THE CURRENT LIMITS OF ENCROACHMENT INTO THIS BUFFER PRESENT AT THE TIME THE RIGHT-OF-WAY WAS ACQUIRED FOR HWY 100 SHALL BE PERMITTED.
- 3) THE EXISTING FLAGPOLE AND 5' X 8' FLAG LOCATED ON TOP OF THE ACTIVE C&D LANDFILL ARE TO REMAIN.
- 4) THE USES OF THE PROPOSED REZONING ARE SUBJECT TO THE OFF-STREET PARKING SCHEDULE (C) IN SECTION 8.3.2 WHERE THE PLANNING DIRECTOR SHALL APPLY THE PARKING AND LOADING STANDARDS BASED ON THE SHARPS USE OR SHALL ESTABLISH THE MINIMUMS FOR OFF-STREET PARKING REQUIREMENTS BASED ON A PARKING AND LOADING STUDY PREPARED BY THE APPLICANT. SEE SECTION 8.3.2C. NO ADDITIONAL EMPLOYEES WILL BE HIRED AS PART OF THIS PROJECT, THEREFORE, THERE WILL BE NO ADDITIONAL PARKING PROVIDED AS PART OF THIS REZONING. SEE CONDITIONS EXHIBIT A.

NORTH CAROLINA  
BOARD OF EXAMINERS  
FOR ENGINEERS AND  
SURVEYORS LICENSE  
NO. C-3035

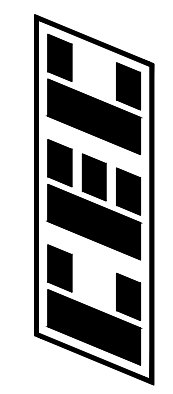
TOWN APPROVAL \_\_\_\_\_  
NOT FOR CONSTRUCTION

**DRAFT**

DRAWING NO.:  
**SP200**

[illegible]

3701 Arco Corporate Drive  
Suite 400  
Charlotte, NC 28273  
Ph: 980.237.0373  
[www.cecinc.com](http://www.cecinc.com)



**Civil & Environmental  
Consultants, Inc.**

**GREENWAY WASTE SOLUTIONS  
OF APEX, LLC  
5940 OLD SMITHFIELD ROAD  
APEX, NORTH CAROLINA**

**SPECIAL USE PERMIT  
REZONING APPLICATION  
SITE PLAN**

DATE:	APRIL 2025	DRAWN BY:	BML
DWG SCALE:	1" = 300'	CHECKED BY:	DRAFT
PROJECT NO:			325-442
APPROVED BY:			DRAFT



## PROPOSED ZONING CONDITIONS

Greenway Waste Solutions of Apex Landfill Western Expansion

Rezoning #24CZ23

(Revised 4/28/25)

1. The subject property shall be exempt from providing any additional off-street parking that may be required by UDO Section 8.3.2 for the uses:

- Sanitary Landfill
- Communication Tower
- Recycling Center
- Utility, Minor
- Yard Waste Transfer Station
- Chipping and Mulching
- Land Clearing and Inert Debris Landfill

2. The existing flag and flagpole that exceed the dimensional limitations established in Section 8.7.1.A.7.c. of the UDO shall be permitted on the subject property and shall not be increased beyond its current height and size.

3. Any existing encroachment into the required 100' Type A buffer along NC Hwy 540 existing when the right-of-way for NC Hwy 540 was acquired shall be permitted to remain. No new encroachments shall be permitted unless otherwise permitted by the UDO.

4. Any existing encroachment into the required 250' setback for the use of Land Clearing and Inert Debris Landfills, shall be permitted. However no new encroachment shall be permitted unless in accordance with the UDO.



April 23, 2025

To whom it may concern,

No additional employees are anticipated as part of this expansion and therefore no additional parking will be provided as part of the rezoning.

Best regards,

A handwritten signature in blue ink, appearing to read "Mike Griffin".

Mike Griffin

Zoning Conditions Exhibit A



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #24CZ23

### Greenway Waste Solutions of Apex Landfill Expansion

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:** Greenway Waste Solutions of Apex LLC

**Authorized Agent:** Jason Barron, Morningstar Law Group

**Property Addresses:** 0 Veridea Pkwy (portion of); 0 & 0 Old Holly Springs Rd (portion of); 5940 Old Smithfield Rd; 0 Mosley Ave

**Acreage:** 141.07 acres

**Property Identification Numbers (PINs):** 0740240814 (portion of); 0740241030 (portion of); 0740241461 (portion of); 0740448719; and 0740648548

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

**Existing Zoning of Properties:** Light Industrial (LI); Sustainable Development-Conditional Zoning (SD-CZ #09CZ07 & #23CZ03); High Density Single Family (HDSF)

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

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

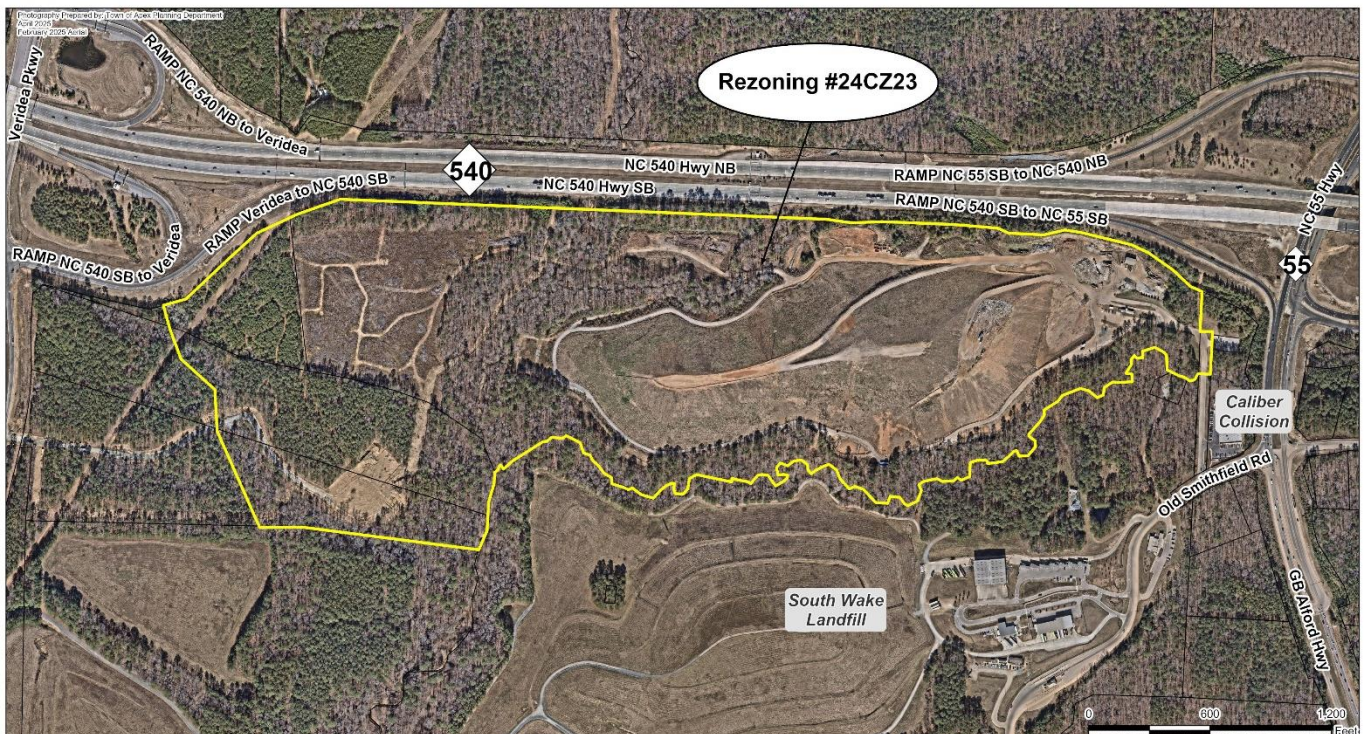
#### **Planning Board Public Hearing Date and Time: May 12, 2025, 4:30 PM**

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 (322 N. Mason 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, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/49248>.

Dianne F. Khin, AICP  
Planning Director

Published Dates: April 28, 2025 – May 12, 2025





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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

### ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ23

#### Greenway Waste Solutions of Apex Landfill Expansion (Desarrollo de Unidad Planificada)

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:** Greenway Waste Solutions of Apex LLC

**Agente autorizado:** Jason Barron, Morningstar Law Group

**Dirección de las propiedades:** 0 Veridea Pkwy (portion of); 0 & 0 Old Holly Springs Rd (portion of); 5940 Old Smithfield Rd; and 0 Mosley Ave

**Superficie:** ± 141.07 acres

**Números de identificación de las propiedades:** 0740240814 (portion de); 0740241030 (portion de); 0740241461 (portion of); 0740448719; and 0740648548

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

**Ordenamiento territorial existente de las propiedades:** Light Industrial (LI); Sustainable Development-Conditional Zoning (SD-CZ #09CZ07 & #23CZ03); High Density Single Family (HDSF)

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

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

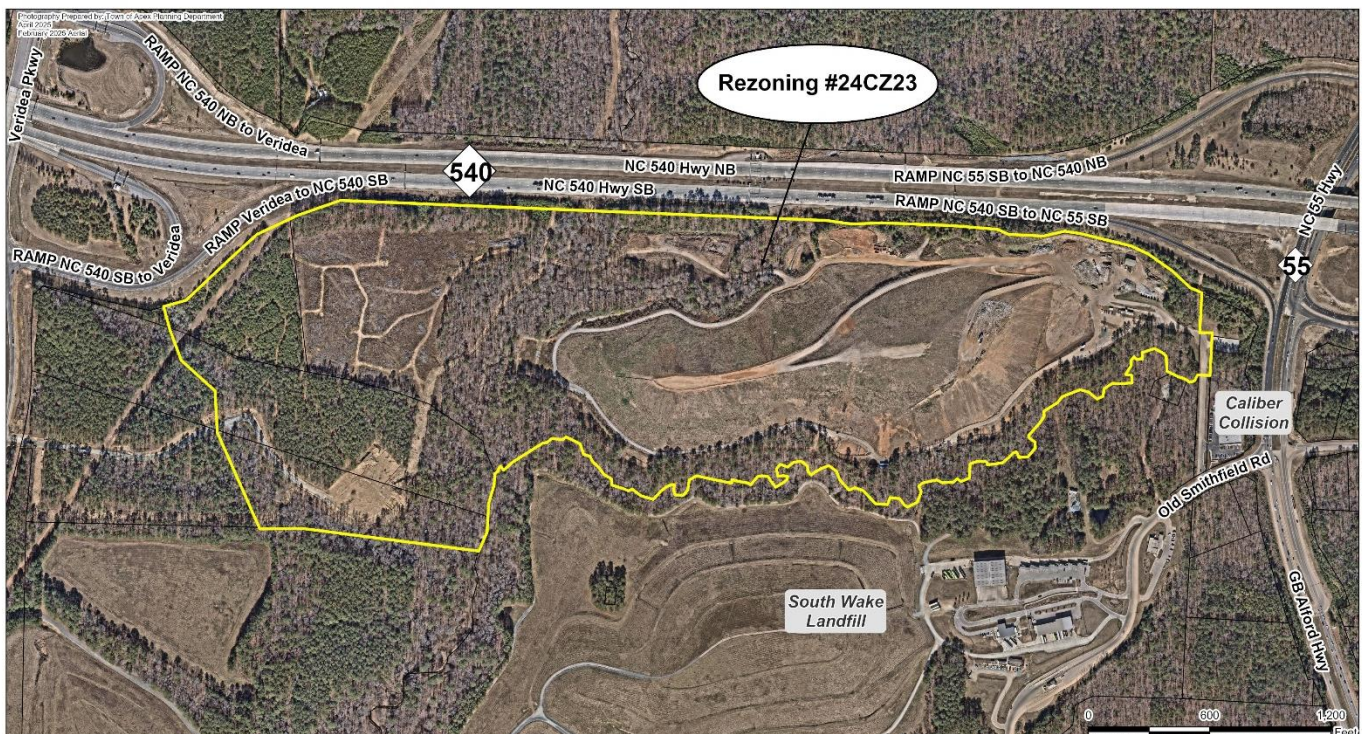
**Fecha y hora de la audiencia pública de la Junta de Planificación:** 12 de mayo de 2025 4:30 P.M.

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 (322 N. Mason 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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/49248>.

Dianne F. Khin, AICP  
Directora de Planificación

Fechas de publicación: 28 de abril - 12 de mayo 2025





## Greenway Waste Solutions of Apex Landfill Expansion

**Applicant:** Greenway Waste Solutions of Apex LLC  
**Authorized Agent:** Jason Barron, Morningstar Law Group  
**Property Addresses:** 0 Veridea Pkwy (portion of); 0 & 0 Old Holly Springs Rd (portion of); 5940 Old Smithfield Rd; 0 Mosley Ave  
**Acreage:** 141.07 acres  
**Property Identification Numbers (PINs):** 0740240814 (portion of); 0740241030 (portion of); 0740241461 (portion of); 0740448719; and 0740648548  
**2045 Land Use Map Designation:** Industrial Employment & Mixed Use: Medium Density Residential/High Density Residential/Industrial Employment/Office Employment/Commercial Services  
**Existing Zoning of Properties:** Light Industrial (U); Sustainable Development-Conditional Zoning (SD-CZ #09CZ07 & #23CZ03); High Density Single Family (HDSF)  
**Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

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

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 (322 N. Mason 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.

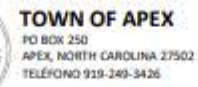
A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

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/maps>. 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/49248>.

Dianne F. Khin, AICP  
Planning Director

Published Dates: April 28, 2025 – May 12, 2025





(Desarrollo de Unidad Planificada)

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

Fechas de publicación: 28 de abril - 12 de mayo 2025





## 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 #24CZ23 Greenway Waste Solutions Expansion  
Project Location: 5940 Old Smithfield Road, 0 & 0 Old Holly Springs Apex Rd, 0 Veridea Pkwy; 0 Mosley Ave  
Applicant or Authorized Agent: Jason Barron  
Firm: Morningstar Law Group  
Planning Board  
Public Hearing Date: May 12, 2025  
Project Planner: Bruce Venable

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 April 28, 2025, 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.

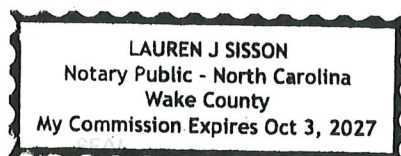
4/28/2025  
Date

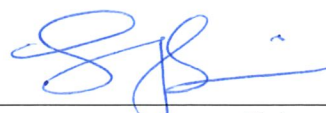
  
Planning Director

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J Sisson, a Notary Public for the above

State and County, this the 28<sup>th</sup> day of April, 2025.



  
Notary Public

My Commission Expires: 10 / 03 / 2027



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #24CZ23

### Greenway Waste Solutions of Apex Landfill Expansion

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

**Applicant:** Greenway Waste Solutions of Apex LLC

**Authorized Agent:** Jason Barron, Morningstar Law Group

**Property Addresses:** 0 Veridea Pkwy (portion of); 0 & 0 Old Holly Springs Rd (portion of); 5940 Old Smithfield Rd; 0 Mosley Ave

**Acreage:** 141.07 acres

**Property Identification Numbers (PINs):** 0740240814 (portion of); 0740241030 (portion of); 0740241461 (portion of); 0740448719; and 0740648548

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

**Existing Zoning of Properties:** Light Industrial (LI); Sustainable Development-Conditional Zoning (SD-CZ #09CZ07 & #23CZ03); High Density Single Family (HDSF)

**Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-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: May 27, 2025, 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/49248>.

Dianne F. Khin, AICP  
Planning Director





## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ23

Greenway Waste Solutions of Apex Landfill Expansion

(Desarrollo de Unidad Planificada)

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:** Greenway Waste Solutions of Apex LLC

**Agente autorizado:** Jason Barron, Morningstar Law Group

**Dirección de las propiedades:** 0 Veridea Pkwy (portion of); 0 & 0 Old Holly Springs Rd (portion of); 5940 Old Smithfield Rd; and 0 Mosley Ave

**Superficie:** ± 141.07 acres

**Números de identificación de las propiedades:** 0740240814 (porción de); 0740241030 (porción de); 0740241461 (porción de); 0740448719; and 0740648548

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

**Ordenamiento territorial existente de las propiedades:** Light Industrial (LI); Sustainable Development-Conditional Zoning (SD-CZ #09CZ07 & #23CZ03); High Density Single Family (HDSF)

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

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública del Consejo Municipal:** 27 de mayo de 2025, 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 secretaria de la Junta de Planificación, Jeri Pederson (322 N. Mason 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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/49248>.

Dianne F. Khin, AICP  
Directora de Planificación

Fechas de publicación: 2 de mayo de 2025 – 27 de mayo de 2025











Rezoning #24CZ23

South Wake  
Landfill

Public Hearing Sign Posted By

Signature

Date

12/20/24

Old Smithfield Rd

GB Alford Hwy

NC 55 Hwy

Veridea Pkwy

Old Holly Springs Apex Rd

540

55

0 1,000 2,000 Feet