

STAFF REPORT

Rezoning #21CZ26 Humie Olive Commercial
0 & 7525 Humie Olive Road

April 26, 2022 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 0 & 7525 Humie Olive Road
Applicant/Owner(s): Jeff Roach, PE, Peak Engineering & Design, PLLC. /David Ray Powell/JVI Building & Development

PROJECT DESCRIPTION:

Acreage: ±7.69 acres
PINs: 0720993254 & 0720990292
Current Zoning: Rural Residential (RR)
Proposed Zoning: Neighborhood Business-Conditional Zoning (B1-CZ)
2045 Land Use Map: High Density Residential/Commercial Services
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR)	Single-family Residential
South:	Rural Residential (RR); Mixed Office-Residential-Retail-Conditional Zoning (MORR #20CZ07); Tech/Flex-Conditional Zoning (TF-CZ #15CZ25)	Single-family Residential; Non-Residential (Cool Pools)
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #21CZ14)	Single-family Residential (future Holland Rd PUD development)
West:	Rural Residential (RR)	Single-family Residential

Existing Conditions:

The subject properties total ±7.69 acres and are located west of the skewed intersection of Humie Olive Road Old US 1 Highway. Both properties are vacant and mostly wooded.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on September 30, 2021. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject properties as High Density Residential/Commercial Services. The 2045 Land Use Map also shows a Neighborhood Mixed Use (NMU) activity center located in this vicinity. A Neighborhood Mixed Use activity center is for economic development potential estimated to be, but not limited to 100,000 square feet of commercial and 1 to 2 mile trade area. The proposed rezoning to Neighborhood Business-Conditional Zoning (B1-CZ) is consistent with that land use classification.

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PROPOSED ZONING CONDITIONS:

Limitation of Uses:

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

Permitted Uses and Limitations:

1. Accessory apartment (P)
2. Day care facility (P)
3. Drop-in or short-term day care (P)
4. Government service (P)
5. Veterinary clinic or hospital (P)
6. Vocational school (P)
7. Utility, minor (P)
8. Wireless support structure (P)
9. Wireless communication facility (P)
10. Botanical garden (P)
11. Entertainment, indoor (P)
12. Greenway (P)
13. Park, active (P)
14. Park, passive (P)
15. Youth or day camps (P)
16. Bar, nightclub, wine bar, or taproom (S)
17. Restaurant, drive-through (P)
18. Restaurant, general (P)
19. Medical or dental office or clinic (P)
20. Medical or dental laboratory (P)
21. Office, business or professional (P)
22. Hotel or motel (P)
23. Artisan Studio (S)
24. Barber or beauty shop (P)
25. Book store (P)
26. Convenience store (P)
27. Convenience store with gas sales (P)
28. Dry cleaner and laundry service (P)
29. Farmer's market (P)
30. Financial institution (P)
31. Floral shop (P)
32. Greenhouse or nursery, retail (P)
33. Grocery, general (P)
34. Grocery, specialty (P)
35. Laundromat (P)
36. Pharmacy (P)
37. Newsstand or gift shop (P)
38. Personal service (P)
39. Printing and copying service (P)
40. Real estate sales (P)
41. Repair services, limited (P)
42. Retail sales, general (P)
43. Studio for art (P)
44. Tailor shop (P)
45. Upholstery shop (P)
46. Pet services (P)
47. Microbrewery (P)

Conditions:

1. The predominant exterior building materials shall be high quality materials per UDO § 9.3.5 and shall include brick, wood, stacked stone, other native stone, tinted/textured concrete masonry units, EIFS, aluminum storefronts with anodized or pre-finished colors.
2. EIFS or synthetic stucco shall not be used in the first forty inches (40") above grade.
3. The building exterior shall be more than one material color.
4. The building shall have more than one parapet height.
5. 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

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treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.

6. One (1) sign prohibiting pet waste and reduced fertilization shall be installed near each environmentally sensitive area and SCM.
7. A minimum of 75% of the required landscaping will be selected from the Town's Design and Development Manual for pollinator friendly and native flora throughout the project.
8. The developer shall provide solar conduit to facilitate future rooftop solar installations within all buildings.
9. One (1) pet waste station shall be installed within the common open space area.
10. At the time the development plans adjacent to PIN 0720896485 are submitted, a 20' Greenway Easement shall be provided along or within near proximity to the western property boundary of PIN 0720990292 as shown on the Parks, Recreation, Greenways and Open Space master plan map, north to connect to pedestrian improvements on Humie Olive Road in a location coordinated with Parks, Recreation and Cultural Resources staff.
11. The exterior lighting for all non-residential buildings and parking lots shall consist entirely of LED fixtures. The developer shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots.
 - a. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3,000K or less for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
12. The development shall record a cross-access agreement between parcels identified as PINS 0720-89-6485 & 0720-89-6050 prior to Site Plan Final Plat approval.

EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on August 19, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Permit condition that does not allow for tree clearing, SCM, or infrastructure in either riparian buffer zone	Added
Signage near environmental sensitive areas to: <ul style="list-style-type: none">• Reduce pet waste and eliminate fertilizer near SCM drainage areas	Added
Plant trees: <ul style="list-style-type: none">• Deciduous shade trees on southern side of buildings• Evergreen trees as windbreak on northern side of buildings	Not added
Increase biodiversity <ul style="list-style-type: none">• Plant native flora	Added
Landscaping requires less irrigation and chemical use <ul style="list-style-type: none">• Warm season grasses for drought-resistance	Not added
Solar conduit in building design	Added
Convenient electric vehicle charging station	Not added
Timers or light sensors or smart lighting technology	Added
International Dark Sky Association <ul style="list-style-type: none">• Outdoor lighting shielded in a way that focuses lighting on ground	Added

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<ul style="list-style-type: none">• Minimizes the emission of blue light to reduce glare• Lighting with a color temperature of 3000K or less	
Recommendation: minimum of 20-kW rooftop solar PV system on each of the larger buildings	Not added
Minimum of a 10-kW rooftop solar PV system for smaller buildings	Not added
Preserve future greenway connection(s)	Added

TRANSPORTATION PLANNING CONCERNS:

The subject properties sit inside the two legs of the Y-intersection of Humie Olive Road and Old US 1 Highway, with approximately 900-feet of frontage along each roadway. There are three schools (Apex Friendship Middle and High Schools and the elementary school that is under construction) within a half-mile of the subject properties. The Transportation Plan identifies Humie Olive Road as a 3-lane thoroughfare with an 80-foot right-of-way and Old US 1 Highway as a 4-lane, median-divided thoroughfare with a 110-foot right-of-way. The Bicycle and Pedestrian System Plan Map includes a 10' Side Path on the south side of Humie Olive Road, future bike lanes along Old US 1 Highway, and future greenway along the western property boundary. Given the limited road frontage, provisions for cross-access and connectivity are needed in order to promote and provide safe movements by limiting access on high-traffic-volume roads at poorly aligned intersections. In response, staff requested that the applicant provide the following zoning condition, "A maximum of a single point of access shall be provided on each roadway." That zoning condition was not offered by the applicant. Therefore, staff is unable to support the rezoning without a condition limiting access in order to improve safety.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on April 11, 2022 and unanimously recommended approval with conditions as proposed by the applicant if developer adds the additional condition recommended by staff that "A maximum of a single point of access shall be provided on each roadway."

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #21CZ26 Humie Olive Commercial if the following zoning condition is offered, "A maximum of a single point of access shall be provided on each roadway."

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

Approval of the rezoning is reasonable because the proposed Neighborhood Business-Conditional Zoning (B1-CZ) district is generally consistent with the 2045 Land Use Plan. The 2045 Land Use Map classifies the subject property as Commercial Services/High Density Residential which includes the B1-CZ district.

From a land use perspective, approval of the rezoning is reasonable and in the public interest because the proposed Neighborhood Business-Conditional Zoning (B1-CZ) district will encourage compatible development of the property, increase the tax base and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map. It will also provide an opportunity for non-residential uses to serve the surrounding area, while providing

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flexibility for future development with the surrounding properties. However, from a transportation perspective, the rezoning is not reasonable in the public interest in that it does not meet the needs for the transportation network in this area by not limiting access on these high-traffic-volume roads at a poorly aligned intersection.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the B1-CZ designation demonstrates compliance with the following standards.
2.3.3.F:

Legislative Considerations

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning 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 District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning 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 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 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 District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

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

Rezoning #21CZ26

Apex Friendship
Middle School

Friendship
Acres

Humie Olive Rd

Old US 1 Hwy

Vaudry Ct

Red Cardinal Ln

Holland Rd

Friendship Rd

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 #: 210226 Submittal Date: 10/1/21
Fee Paid: \$ 1000

Project Information

Project Name: Humie Olive Commercial

Address(es): 0 and 7525 Humie Olive Road

PIN(s): 0720-99-3254 & 0720-99-0292

Acreage: 7.69 acres

Current Zoning: RR Proposed Zoning: B1-CZ

Current 2045 LUM Classification(s): Commercial Services and High Density Residential

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

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

Area classified as mixed use: Acreage: N/A

Area proposed as non-residential development: Acreage: N/A

Percent of mixed use area proposed as non-residential: Percent: N/A

Applicant Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 E-mail: jroach@peakengineering.com

Owner Information

Name: N/F David Ray Powell (-3254) JVI Building & Development (-0292)

Address: 524 Lapis Lane, Cary, NC 27519 2509 Southwinds Run, Apex, NC 27502

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Agent Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 E-mail: jroach@peakengineering.com

Other contacts: _____

jbarron@morningstarlawgroup.com

joey@jviconstruction.com

mike42059@usa.com

PETITION INFORMATION

Application #: 21 CZ 20 Submittal Date: 10/1/21

An application has been duly filed requesting that the property described in this application be rezoned from RR _____ to B1-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 | _____ | 21 | _____ |
| 2 | See attached list of uses | 22 | _____ |
| 3 | _____ | 23 | _____ |
| 4 | _____ | 24 | _____ |
| 5 | _____ | 25 | _____ |
| 6 | _____ | 26 | _____ |
| 7 | _____ | 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 | _____ |

Humie Olive Commercial List of Permitted Uses

Following is a list of the permitted uses within the Humie Olive Commercial property rezoning case #21CZ26:

Accessory apartment	Convenience store
Day care facility	Convenience store with gas sales
Drop-in or short-term day care	Dry cleaner and laundry service
Government service	Farmer's market
Veterinary clinic or hospital	Financial institution
Vocational school	Floral shop
	Greenhouse or nursery, retail
Utility, minor	Grocery, general
Wireless support structure	Grocery, specialty
Wireless communication facility	
Botanical garden	Laundromat
Entertainment, indoor	Newsstand or gift shop
Greenway	Personal service
Park, active	Pharmacy
Park, passive	Printing and copying service
Youth or day camps	Real estate sales
Bar, nightclub, wine bar, or taproom (S)	Repair services, limited
Restaurant, drive-through	Retail sales, general
Restaurant, general	Studio for art
Medical or dental office or clinic	Tailor shop
Medical or dental laboratory	Upholstery shop
Office, business or professional	Pet services
Hotel or motel	
Artisan Studio (S)	Microbrewery
Barber or beauty shop	
Book store	

Humie Olive Commercial Zoning Conditions

The following conditions shall apply to the Humie Olive Commercial development.

1. The predominant exterior building materials shall be high quality materials per UDO § 9.3.5 and shall include brick, wood, stacked stone, other native stone, tinted/textured concrete masonry units, EIFS, aluminum storefronts with anodized or pre-finished colors.
2. EIFS or synthetic stucco shall not be used in the first forty inches (40”) above grade.
3. The building exterior shall be more than one material color.
4. The building shall have more than one parapet height.
5. 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.
6. One (1) sign prohibiting pet waste and reduced fertilization shall be installed near each environmentally sensitive area and SCM.
7. A minimum of 75% of the required landscaping will be selected from the Town’s Design and Development Manual for pollinator friendly and native flora throughout the project.
8. The developer shall provide solar conduit to facilitate future rooftop solar installations within all buildings.
9. One (1) pet waste station shall be installed within the common open space area.
10. At the time the development plans adjacent to PIN 0720896485 are submitted, a 20' Greenway Easement shall be provided along or within near proximity to the western property boundary of PIN 0720990292 as shown on the Parks, Recreation, Greenways and Open Space master plan map, north to connect to pedestrian improvements on Humie Olive Road in a location coordinated with Parks, Recreation and Cultural Resources staff.
11. The exterior lighting for all non-residential buildings and parking lots shall consist entirely of LED fixtures. The developer shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots.
 - a. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3,000K or less for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
12. The development shall record a cross-access agreement between parcels identified as PINS 0720-89-6485 & 0720-89-6050 prior to Site Plan Final Plat approval.

PETITION INFORMATION

Application #: 21CZ26 Submittal Date: 10/1/21

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

New development on the site will comply with supplement use standards to the extent such standards are applicable under UDO Section 4.4.

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 requested district includes commitments related to the appearance of buildings and the exterior lighting which are meant to ensure a quality development that will not have a negative impact on surrounding properties.

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.

New development on the site will be consistent with the Town's requirements for the same, many of which are meant to minimize a project's impact on the environment. Additionally, the project includes a commitment to provide solar conduit and shielded lighting in order to minimize the development's impacts on the environment.

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 project will include turn lanes, frontage improvements, and right-of way dedication in order to address the traffic impacts reasonably associated with the proposed development at this site. Additionally, the project will include annexation and the extension of public utilities to the site.

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 is consistent with the Town's long range plan for development in this area. By providing non-residential uses in proximity to an ever-growing residential area, residents will have convenient access to goods and services.

PETITION INFORMATION

Application #:

21CZ26

Submittal Date:

10/1/21

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

As mentioned above, the proposed site of the rezoning is adjacent to a commercial node. Development consistent with the proposed rezoning will be consistent with existing uses in the area and will compliment those businesses. The project is not detrimental to surrounding 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 proposed zoning will facilitate the development of a non-residential center in an area slated for the same in the Town's Comprehensive Plan. Non-residential uses in this area are not anticipated to become a nuisance. At time of site plan, staff will review the project layout to ensure that its design does not create a nuisance.

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.

This project will include a much needed extension of public utilities which could help spur more economic activity in this area. This is a benefit for the Town and also for its residents who will benefit from having convenient access to goods and services.

AGENT AUTHORIZATION FORM

Application #: 211726

Submittal Date: 10/1/21

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

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

The property address is: 0 Humie Olive Road

The agent for this project is: ~~David Ray Powell~~ Peak Eng & Design

DP I am the owner of the property and will be acting as my own agent
Agent Name: Peak Engineering & Design, PLLC (Jeffrey A. Roach, P.E.)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*
David R. Powell
David R. Powell
Type or print name

29 Sept 2021
Date

Type or print name Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

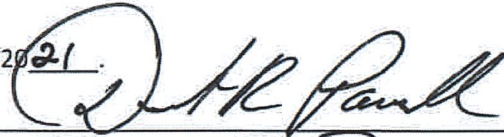
Application #: 21CZ26

Submittal Date: 10/1/21

The undersigned, David Ray Powell (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Humie Olive Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 8/23/93, and recorded in the Wake County Register of Deeds Office on 8/23/93, in Book 5746 Page 0146.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 8/23/93, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 8/23/93, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29th day of Sept, 2021.



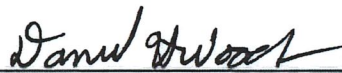
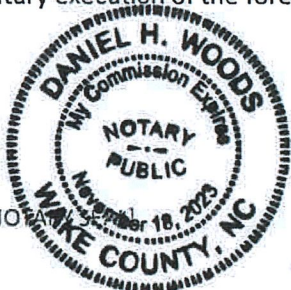
(seal)

David R. Powell

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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



Notary Public
State of North Carolina
My Commission Expires: 11/18/2023

**Legal Description of Property of
David Ray Powell
0 Humie Olive Road, Apex, NC
PIN 0720-99-3254**

The area described herein is encompassing of PIN 0720-99-3254 located in Wake County, NC.

At an existing IP located in the southwest corner of the subject property, the common property corner with N/F JVI Building & Development Inc. (PIN 0720-99-0292 and 07011 Pg 1370) and the northern right-of-way line of Old US 1 Highway (referenced as Parcel B on BM 1993 Pg 931 entitled "Boundary Survey for Charles E. Tunstall and Ruth L. Tunstall" dated July 28, 1993), said point being the POINT AND PLACE OF BEGINNING;

THENCE leaving the Old US 1 Highway right-of-way N $01^{\circ} 48' 39''$ W 369.23' to an iron pipe found, said iron pipe being the northwest corner of said property located along the southern right-of-way line of Humie Olive Road;

THENCE S $65^{\circ} 33' 00''$ E 159.60' along the southern right-of-way line of Humie Olive Road to an iron pipe;

THENCE S $65^{\circ} 04' 49''$ E 331.92' along the southern right-of-way of Humie Olive Road to and iron pipe at the intersection with Old US 1 Highway;

THENCE along the northern right-of-way of Old US 1 Highway S $71^{\circ} 10' 41''$ W 230.29' to existing iron pipe;

THENCE along the northern right-of-way of Old US 1 Highway with a curve to the south with a radius of 1,933.18', an arc length of 234.31', and a chord description of S $67^{\circ} 42' 21''$ W 234.17' to an existing iron pipe; said point being the POINT AND PLACE OF BEGINNING containing 1.82 acres, more or less. Said property is identified as Parcel B on BM 1993 Pg 931 entitled "Boundary Survey for Charles E. Tunstall and Ruth L. Tunstall" dated July 28, 1993 by Benton Dewar & Associated.

The property described heron is subject to all easements, rights-of-ways, and restrictions of record.

AGENT AUTHORIZATION FORM

Application #: 21C720

Submittal Date: 10/1/21

JVI Building & Development, Inc. is the owner* of the property for which the attached application is being submitted:

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

The property address is: 7525 Humie Olive Road

The agent for this project is: Joseph Iannone

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

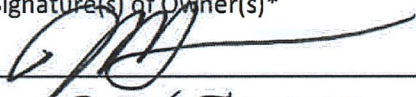
Agent Name: Peak Engineering & Design, PLLC (Jeffrey A. Roach, P.E.)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*


JOE V IANNONE

Type or print name

9-29-21
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 #: 210226

Submittal Date: 10/1/21

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

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 7525 Humie Olive Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 12/29/17, and recorded in the Wake County Register of Deeds Office on 12/29/17, in Book 17011 Page 1371.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 12/29/17, 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 12/29/17, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of 9, 2021

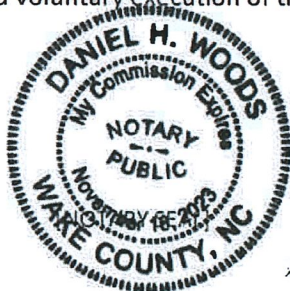
[Signature] (seal)
JOE V. IANNONE

Type or print name

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that JOE IANNONE, 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.



[Signature]
Notary Public
State of North Carolina
My Commission Expires: 11/18/2023

**Legal Description of Property of
JVI Building & Development, Inc.
7525 Humie Olive Road, Apex, NC
PIN 0720-99-0292**

The area described herein is encompassing of PIN 0720-99-0292 located in Wake County, NC.

At an existing IP located in the southwest corner of the subject property, the common property corner with N/F Matthew Ramsdell & Dianne Denny Olson (DB8356 Pg 225) and the northern right-of-way line of Old US 1 Highway, said point identified by NC Coordinates E 2,028,730.775 and N 708,752.521 (reference as Lot 2b in BM 1974 Pg 89 entitled "Property of Annie M. Sears, Heirs"), said point being the POINT OF BEGINNING;

Thence leaving the Old US 1 Highway right-of-way N 02° 05' 15" W 802.04' to an iron pipe found, said iron pipe being the northwest corner of said property located along the southern right-of-way line of Humie Olive Road;

Thence S 66° 25' 04" E 478.86' along the southern right-of-way line of Humie Olive Road to an iron pipe in the northwest corner of the adjacent N/F David Ray Powell property;

Thence S 01° 49' 29" E 369.20' along the western property line of N/F Powell to an iron pipe on the northern right-of-way of Old US 1 Highway,

Thence along the northern right-of-way of Old US 1 Highway with a curve to the south with a radius of 1,933.18', an arc length of 165.00' and a chord description of S 61° 51' 30" W 164.96' to an existing iron pipe;

Thence along the northern right-of-way of Old US 1 Highway S 59° 24' 45" W 320.56' to an iron pipe found; said point being the POINT AND PLACE OF BEGINNING containing 5.76 acres, more or less. Said property is identified as Lot 2b on BM 1974 Pg 89 entitled "Property of Annie M. Sears, Heirs" by Smith & Smith Surveyors dated January 1974.

The property described heron is subject to all easements, rights-of-ways, and restrictions of record.

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 210726

Submittal Date: 10/1/21

Insert legal description below.

Page intentionally left blank. Legal Descriptions included with Agent Authorization Forms.

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.

9/15/21

Date

Dear Neighbor:

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

0 Humie Olive Road

0720-99-3254

7525 Humie Olive Road

0720-99-0292

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/Planning-Community-Development>.

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

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

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

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

We are seeking rezoning in order to develop approximately 50,000sf of commercial uses at the intersection of Humie Olive and Old US HWY 1.

Estimated submittal date: October 2021

MEETING INFORMATION:

Property Owner(s) name(s): David Ray Powell & JVI Building & Development

Applicant(s): Jason Barron - Attorney for Owners

Contact information (email/phone): jbarron@morningstarlawgroup.com/919-590-0371

Meeting Address: https://morningstarlaw.group/09302021mtg

Date/Time of meeting**: September 30, 2021 from 5:30 to 7:30

MEETING AGENDA TIMES:

Welcome: 5:30 - 5:32 Project Presentation: 5:32 - 5:35 Question & Answer: 5:35 - 7:30

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

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: Humie Olive Commercial Zoning: RR
 Location: 0 Humie Olive Road & 7525 Humie Olive Road
 Property PIN(s): 0720-99-3254 & 0720-99-0292 Acreage/Square Feet: 7.69 acres

Property Owner: David Ray Powell & JVI Building & Development
 Address: 542 Lapis Lane
 City: Cary State: NC Zip: 27519
 Phone: _____ Email: _____

Developer: JVI Building & Development
 Address: 2509 Southwinds Run
 City: Apex State: NC Zip: 27502
 Phone: _____ Fax: _____ Email: _____

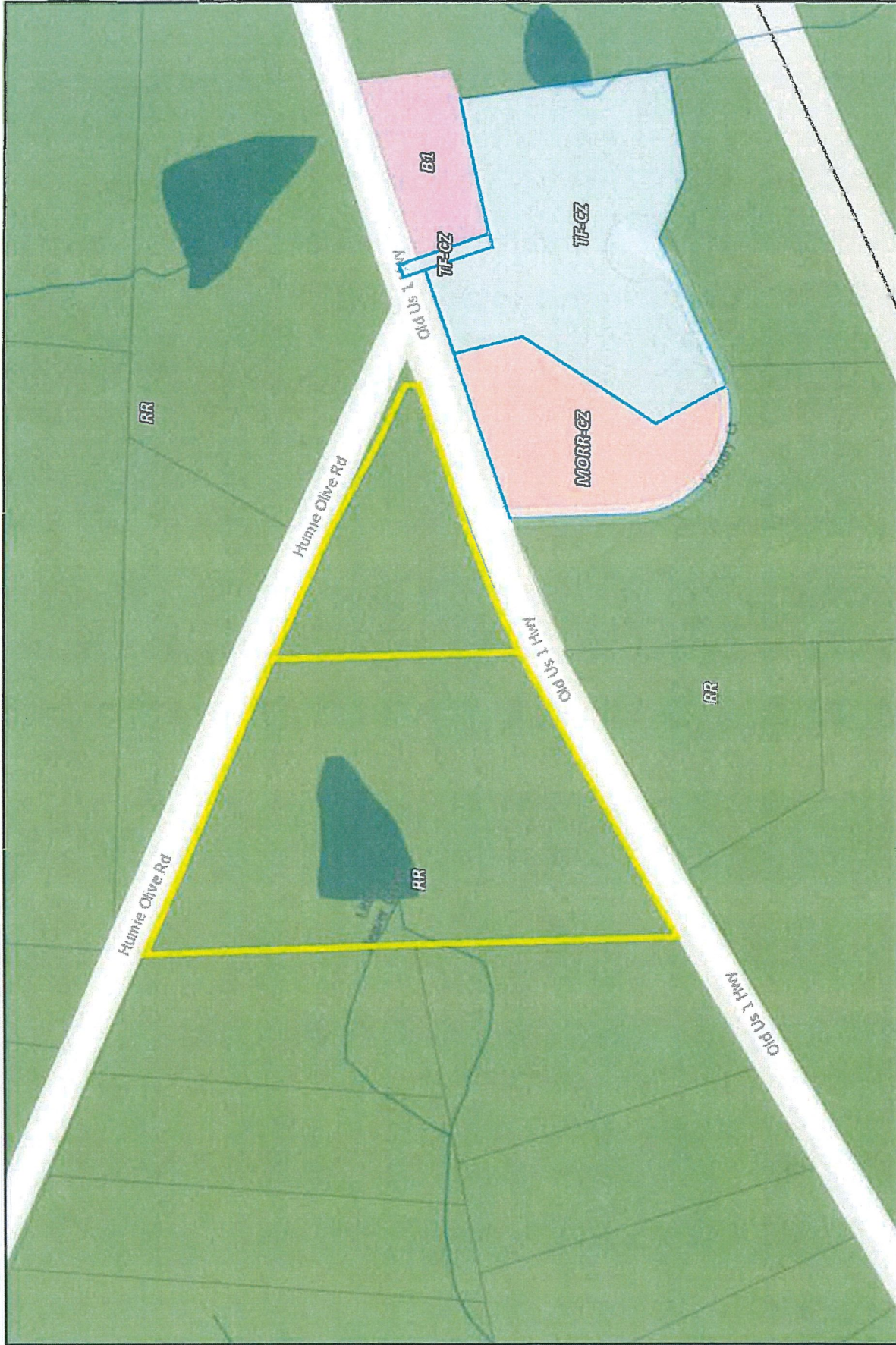
Engineer: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.
 Address: 1125 Apex Peakway
 City: Apex State: NC Zip: 27502
 Phone: (919) 439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): JVI Building & Development
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

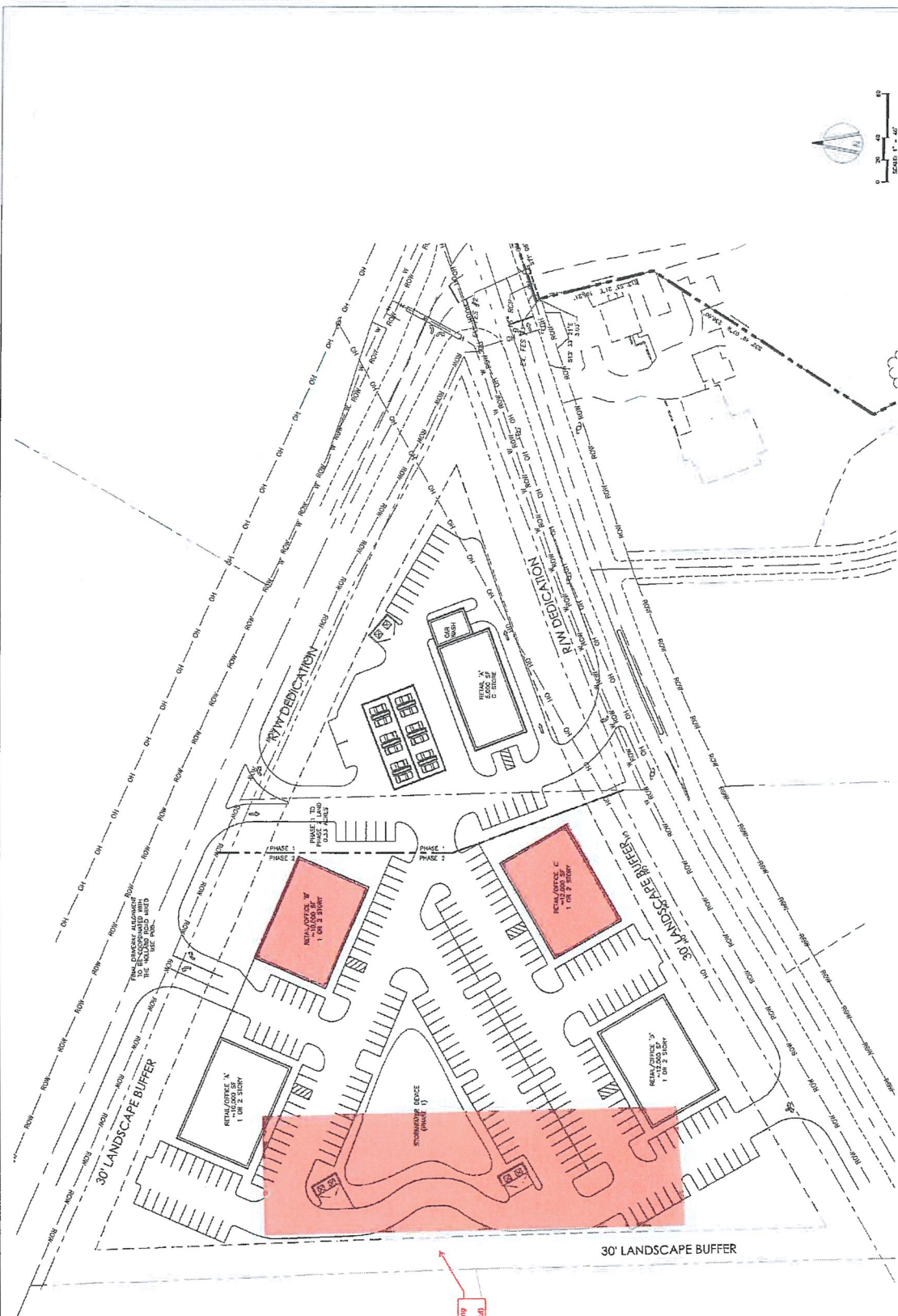
Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic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



Vicinity & Zoning Map

Disclaimer

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



Project No. **SP-7**

PEAK Engineering & Design
 1122 South Pointe Blvd., Suite 100
 Cary, NC 27513
 www.peakengineering.com



SKETCH PLAN

HUMIE OLIVE C-STORE
 APEX, NORTH CAROLINA

Designer:	DW	Scale:	1" = 40'
Drawn By:	DW	Date:	5/25/2002
Checked By:	JR	Job No.:	201292

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): JVI Building and Development, Inc. and David Ray Powell

Applicant(s): Peak Engineering and Morningstar Law Group

Contact information (email/phone): jbarron@morningstarlawgroup.com/919.590.0371

Meeting Format: Virtual per Town's Requirements

Date of meeting: September 30, 2021 Time of meeting: 5:30pm-7:30pm

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

Question/Concern #1:

What is the plan for development of the site

Applicant's Response:

The applicant's representative shared a draft potential layout of the site which is included herein

Question/Concern #2:

What is the proposed buffer to the western boundary

Applicant's Response:

the plan is for a 30' perimeter buffer that would seek to preserve as much of the existing mature vegetation as practicable

Question/Concern #3:

What is the plan for stormwater

Applicant's Response:

The owners have agreed to engineer for the 25 year storm event, and we anticipate an SCM near the western boundary

Question/Concern #4:

A concern was expressed with respect to potential impacts to groundwater from a gas station

Applicant's Response:

Noted, and we believe that most of the issues with service stations and groundwater is from older underground storage tanks

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): JVI Building and Development, Inc. and David Ray Powell

Applicant(s): Peak Engineering and Morningstar Law Group

Contact information (email/phone): jbarron@morningstarlawgroup.com/919.590.0371

Meeting Format: Virtual per Town's Requirements

Date of meeting: September 30, 2021 Time of meeting: 5:30pm-7:30pm

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

Question/Concern #1:

where is sewer coming from

Applicant's Response:

The anticipation is that this site can be sewerd from a development to the north that will be bringing gravity sewer across Humie Olive

Question/Concern #2:

Would you consider a 6' privacy fence along the western boundary of the site

Applicant's Response:

the applicant agreed to walk the site and determine feasibility of a fence with the lone adjacent neighbor that attended the meeting

Question/Concern #3:

The attendees stated they will not oppose the development and appreciated how transparent the neighborhood meeting was

Applicant's Response:

Question/Concern #4:

Applicant's Response:

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format: Virtual per Town's Requirements
 Date of meeting: September 30, 2021 Time of meeting: 5:30pm-7:30pm
 Property Owner(s) name(s): JVI Building and Development, Inc. and David Ray Powell
 Applicant(s): Peak Engineering and Morningstar Law Group

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Matthew and Diane Olson	2404 Old US 1 HWY			
2.	Jason Barron, Morningstar Law Group	421 Fayetteville Street, Suite 530, Raleigh	919.590.0371	jbarron@morningstarlawgroup.com	
3.	Jeff Roach, Peak Engineering & Des	1125 Apex Peakway, Apex, NC	(919) 439-0100	jroach@peakengineering.com	
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

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

I, Jason Barron, do hereby declare as follows:

Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via Virtual per Town's Requirements (indicate format of meeting) on September 30, 2021 (date) from 530pm (start time) to 730pm (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

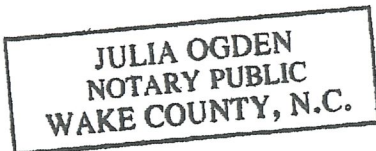
10/1/21
Date

By: [Signature]

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 1 day of October, 2021.

SEAL



[Signature]
Notary Public
Julia Ogden
Print Name

My Commission Expires: April 21, 2024

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: _____

Submittal Date: _____

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

Owner's Name	PIN
1. LIST PROVIDED BY TOWN	
2. _____	
3. _____	
4. _____	
5. _____	
6. _____	
7. _____	
8. _____	
9. _____	
10. _____	
11. _____	
12. _____	
13. _____	
14. _____	
15. _____	

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

Date: 10/1/21

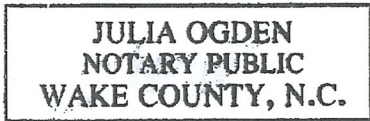
By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 1 day of October, 2021.

[Signature]
Notary Public
Julia Ogden
Print Name

SEAL



My Commission Expires: April 21, 2024

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ26 Humie Olive Commercial

Planning Board Meeting Date: April 11, 2022



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±7.69 acres

PIN(s): 0720993254 & 0720990292

Current Zoning: Rural Residential (RR)

Proposed Zoning: Neighborhood Business-Conditional Zoning (B1-CZ)

2045 Land Use Map: High Density Residential/Commercial Services

Town Limits: ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

Parks, Recreation, Open Space, and Greenways Plan
 Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ26 Humie Olive Commercial

Planning Board Meeting Date: April 11, 2022



Legislative Considerations:

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

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ26 Humie Olive Commercial

Planning Board Meeting Date: April 11, 2022



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ26 Humie Olive Commercial

Planning Board Meeting Date: April 11, 2022



Planning Board Recommendation:

Motion: To recommend approval with conditions as proposed by applicant if developer adds the staff recommended condition.

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Tim Royal

- Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as proposed by applicant if developer adds the additional condition recommended by staff that "A maximum of a single point of access shall be provided on each roadway."

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

With 7 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of April 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.04.11 17:15:28
-04'00'

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ26 Humie Olive Commercial

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

- Owner/Applicant:** David Ray Powell/JVI Building & Development
- Authorized Agent:** Jeff Roach, P.E., Peak Engineering & Design, PLLC
- Property Addresses:** 0 & 7525 Humie Olive Road
- Acreage:** ±7.69 acres
- Property Identification Numbers (PINs):** 0720993254 & 0720990292
- 2045 Land Use Map Designation:** High Density Residential/Commercial Services
- Existing Zoning of Properties:** Rural Density Residential (RR)
- Proposed Zoning of Properties:** Neighborhood Business-Conditional Zoning (B1-CZ)
- Public Hearing Location:** Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: April 11, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37115/21CZ26>.

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



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #21CZ26
Humie Olive Commercial

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

Owner/Applicant: David Ray Powell/JVI Building & Development
Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Property Addresses: 0 & 7525 Humie Olive Road
Acreage: ±7.69 acres
Property Identification Numbers (PINs): 0720993254 & 0720990292
2045 Land Use Map Designation: High Density Residential/Commercial Services
Existing Zoning of Properties: Rural Density Residential (RR)
Proposed Zoning of Properties: Neighborhood Business-Conditional Zoning (B1-CZ)
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: April 11, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.gishapex.gov/emapex>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/3174. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37115/21CZ26>.

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

Published Dates: March 25 – April 11, 2022



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
Humie Olive Commercial

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: David Ray Powell/JVI Building & Development
Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Dirección de la propiedades: 0 & 7525 Humie Olive Road
Superficie: ±7.69 acres
Números de identificación de la propiedades: 0720993254 & 0720990292



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
Humie Olive Commercial

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: David Ray Powell/JVI Building & Development

Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC

Dirección de la propiedades: 0 & 7525 Humie Olive Road

Superficie: ±7.69 acres

Números de identificación de la propiedades: 0720993254 & 0720990292

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

Ordenamiento territorial existente de la propiedades: Rural Density Residential (RR)

Ordenamiento territorial propuesto para la propiedades: Neighborhood Business-Conditional Zoning (B1-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: 11 de abril de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37115/21CZ26>.

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

Fechas de publicación: 25 de marzo- 11 de abril de 2022



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.apexnc.gov/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37115/21CZ26>.

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

Published Dates: March 25 - April 11, 2022



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
Humie Olive Commercial

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (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: David Ray Powell/JVI Building & Development
Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Dirección de la propiedades: 0 & 7525 Humie Olive Road
Superficie: ±7.69 acres
Números de identificación de la propiedades: 0720993254 & 0720990292
Designación actual en el Mapa de Uso Territorial para 2045: High Density Residential/Commercial Services
Ordenamiento territorial existente de la propiedades: Rural Density Residential (RR)
Ordenamiento territorial propuesto para la propiedades: Neighborhood Business-Conditional Zoning (B1-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: 11 de abril de 2022 4:30 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.apexnc.gov/imap>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37115/21CZ26>.

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

Fechas de publicación: 25 de marzo- 11 de abril de 2022



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 #21CZ26

Humie Olive Commercial

Project Location: 0 & 7525 Humie Olive Road

Applicant or Authorized Agent: Jeff Roach, P.E.

Firm: Peak Engineering & Design, PLLC.

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

3/28/2022

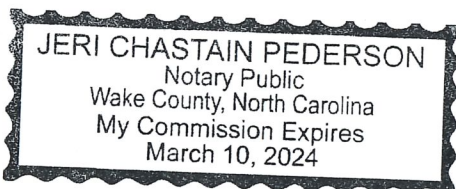
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

State and County, this the 28 day of March, 2024.



Notary Public

SEAL

My Commission Expires: 3 / 10 / 2024



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ26 Humie Olive Commercial

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

Owner/Applicant: David Ray Powell/JVI Building & Development
Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Property Addresses: 0 & 7525 Humie Olive Road
Acreage: ±7.69 acres
Property Identification Numbers (PINs): 0720993254 & 0720990292
2045 Land Use Map Designation: High Density Residential/Commercial Services
Existing Zoning of Properties: Rural Density Residential (RR)
Proposed Zoning of Properties: Neighborhood Business-Conditional Zoning (B1-CZ)
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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

Town Council Public Hearing Date and Time: April 26, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37115/21CZ26>.

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



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ26
Humie Olive Commercial**

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

Owner/Applicant: David Ray Powell/JVI Building & Development
Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Property Addresses: 0 & 7525 Humie Olive Road
Acreage: 27.69 acres
Property Identification Numbers (PINs): 0720993254 & 0720990292
2045 Land Use Map Designation: High Density Residential/Commercial Services
Existing Zoning of Properties: Rural Density Residential (RR)
Proposed Zoning of Properties: Neighborhood Business-Conditional Zoning (B1-CZ)
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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

Town Council Public Hearing Date and Time: April 26, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

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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/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37115/21CZ26>.

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

Published Dates: April 1 - April 26, 2022

Navigation bar with icons for file operations: save, print, up/down arrows, page 1/2, zoom in/out, and share.



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26

Humie Olive Commercial

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

Solicitante: David Ray Powell/JVI Building & Development

Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC

Dirección de la propiedades: 0 & 7525 Humie Olive Road

Superficie: ±7.69 acres

Números de identificación de la propiedades: 0720993254 & 0720990292

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

Ordenamiento territorial existente de la propiedades: Rural Density Residential (RR)

Ordenamiento territorial propuesto para la propiedades: Neighborhood Business-Conditional Zoning (B1-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

Fecha y hora de la audiencia pública del Consejo Municipal: 26 de abril, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37115/21CZ26>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 1 de abril- 26 de abril 2022



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ26
Humie Olive Commercial

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: David Ray Powell/JVI Building & Development
Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Dirección de la propiedades: 0 & 7525 Humie Olive Road
Superficie: ±7.69 acres
Números de identificación de la propiedades: 0720993254 & 0720990292
Designación actual en el Mapa de Uso Territorial para 2045: High Density Residential/Commercial Services
Ordenamiento territorial existente de la propiedades: Rural Density Residential (RR)
Ordenamiento territorial propuesto para la propiedades: Neighborhood Business-Conditional Zoning (B1-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 26 de abril, 2022 6:00 P.M.

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37115/21CZ26>.

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

Fechas de publicación: 1 de abril- 26 de abril 2022

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8.50 x 14.00 in



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 #21CZ26
Humie Olive Commercial
Project Location: 0 Humie Olive Road, 7527 Humie Olive Road
Applicant or Authorized Agent: Jeff Roach, PE
Firm: Peak Engineering & Design, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on April 1, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

4/4/2022
Date

Shirane Fkhu
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

State and County, this the 4 day of April, 2022.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3/10/2024



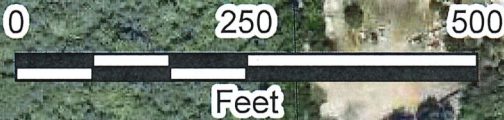
Rezoning #21CZ26

Friendship Acres

Humie Olive Rd

Old US 1 Hwy

Vaudry Ct



Public Hearing Sign Posted By

[Signature]
Signature

10/19/21
Date