

STAFF REPORT

Rezoning #24CZ08 0 & 1341 Perry Road

June 25, 2024 Town Council Meeting



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

BACKGROUND INFORMATION:

Addresses: 0 & 1341 Perry Road
Applicant: Matt Wetherell, Facilities & Grounds Manager
Owner: Town of Apex

PROJECT DESCRIPTION:

Acreeage: +/- 50.55 acres
PINs: 0741326706, 0741427922
Current Zoning: Light Industrial (LI)
Proposed Zoning: Light Industrial-Conditional Zoning (LI-CZ)
Current 2045 Land Use Map: Office Employment and Office Employment/Industrial Employment
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Industrial Employment and Office Employment/Industrial Employment
Town Limits: Inside Corporate Limits

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Residential Agricultural (RA)	Vacant
South:	Light Industrial (LI)	US 1 Hwy; Vacant
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #10CZ10)	Multi-family (Village at Broadstone Station)
West:	Rural Residential (RR)	Single-family Residential (Iron Gate Subdivision); Vacant

EXISTING CONDITIONS:

The site consists of two (2) parcels totaling +/- 50.55 acres that are located on the north side of US 1 Hwy and along both sides of Perry Road. Along the westernmost property line is a 100-foot Town of Apex Utility and Greenway Easement. The site includes roughly 2.1 acres on either side of Perry Road that is currently used for material and equipment storage by the Town. The remaining 48.45 acres is mature forest with a pond and streams.

NEIGHBORHOOD MEETING:

The applicant conducted two neighborhood meetings on April 24, 2024 and May 21, 2024. The neighborhood meeting reports are attached.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Office Employment and Office Employment/Industrial Employment. The applicant proposes a rezoning to Light Industrial-Conditional Zoning (LI-CZ) district, which is

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consistent with the Office Employment/Industrial Employment designation, but not the Office Employment designation. If the properties are rezoned as proposed, the portion of the 2045 Land Use Map that is designated as Office Employment 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. Yard waste transfer station (S) | 4. Communication tower, commercial (S) |
| 2. Utility, minor | 5. Communication tower, public safety (S) |
| 3. Government service | 6. Greenway |

Proposed Conditions:

1. Along the western property line, there is an existing 100-foot Town of Apex Greenway and Utility Easement. A 30-foot Type A buffer shall be provided along the eastern edge of that easement.
2. A 60-foot Type A buffer will be provided along US HWY 1.
3. A variable width Type A buffer of no less than 10-foot and no greater than 60-foot will be provided along the common property line with 0 Tingen Rd (PIN 0741331566).
4. The yard waste pile shall have a 25-foot setback from 0 Tingen Rd (PIN 0741331566) and five (5) feet from the current right-of-way of Perry Road.
5. The yard waste pile shall be limited to 30-feet in height, with a slope no greater than 2:1.
6. The right-of-way improvements required by the UDO shall not be required along Perry Rd for access to this site.
7. If a tree located within the buffer has a portion of the critical root zone extending outside of that buffer, the Town shall not be required to protect the critical root zone outside the buffer.
8. No buffer along the current right-of-way of Perry Road shall be required.
9. No building shall be required for any use with outdoor storage.
10. Resource Conservation Area (RCA) within a perimeter buffer that is shown on a Minor or Major Site Plan may be relocated through a Site Plan revision to accommodate future development with adjoining properties.
11. Existing lighting shall be considered legally established non-conforming lighting and shall be allowed to remain until such time as the property is redeveloped.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a meeting for this rezoning on May 16, 2024. The EAB recommended approval of the conditions listed in the rezoning and had no additional suggestions.

PLANNING STAFF RECOMMENDATION:

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

PLANNING BOARD RECOMMENDATION:

Planning Board reviewed this project at their June 10, 2024 meeting and unanimously voted to recommend approval as proposed by the applicant.

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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 Office Employment and Office Employment/Industrial Employment. The applicant proposes a rezoning to the Light Industrial-Conditional Zoning (LI-CZ) district, which is consistent with the Land Use Map Office Employment/Industrial Employment designation, but not consistent with Office Employment designation. If the properties are rezoned as proposed, the portion of the 2045 Land Use Map that is designated as Office Employment 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 permit the Town to provide adequate yard waste services to residents with zoning conditions that provide flexibility in development standards to account for the context of the site. The rezoning will also provide an increase to the buffer width required along the westernmost property line that is closest to residential uses.

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.
- 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.

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- 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.



Bradley Terrace

Lexington

Broadstone Way

Village at Broadstone Station

Aquiline PUD

Salem Village, Ph 1

Iron Gate

Irongate Dr

Veridea

Rezoning #24CZ08

Tingen Rd

Perry Rd

US 1 Hwy NB

US 1 Hwy SB

Prince Dead End Rd

Veridea Pkwy

1

1

0 600 1,200 Feet

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 #: 24CZ08 Submittal Date: 05/01/2024
Fee Paid: _____

Project Information

Project Name: Town of Apex Perry Road Yard Waste Transfer Site
Address(es): 1341 Perry Road, 0 Perry Road
PIN(s): 0741326706 and 0741427922

_____ Acreage: 50.55
Current Zoning: LI Proposed Zoning: LI-CZ

Current 2045 LUM Classification(s): Industrial Employment with a portion being striped for Office Employment

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

Applicant Information

Name: Town of Apex, Matt Wetherell
Address: 105-A Upchurch Street
City: Apex State: NC Zip: 27513
Phone: 919-249-3534 E-mail: matt.wetherell@apexnc.org

Owner Information

Name: Town of Apex
Address: 73 Hunter Street
City: Apex State: NC Zip: 27513
Phone: 919-249-3534 E-mail: matt.wetherell@apexnc.org

Agent Information

Name: Town of Apex, Matt Wetherell
Address: 105-A Upchurch Street
City: Apex State: NC Zip: 27502
Phone: _____ E-mail: matt.wetherell@apexnc.org

Other contacts: _____

PETITION INFORMATION

Application #: 24CZ08 Submittal Date: 05/01/2024

An application has been duly filed requesting that the property described in this application be rezoned from LI 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>See attached.</u>	21	<u></u>
2	<u></u>	22	<u></u>
3	<u></u>	23	<u></u>
4	<u></u>	24	<u></u>
5	<u></u>	25	<u></u>
6	<u></u>	26	<u></u>
7	<u></u>	27	<u></u>
8	<u></u>	28	<u></u>
9	<u></u>	29	<u></u>
10	<u></u>	30	<u></u>
11	<u></u>	31	<u></u>
12	<u></u>	32	<u></u>
13	<u></u>	33	<u></u>
14	<u></u>	34	<u></u>
15	<u></u>	35	<u></u>
16	<u></u>	36	<u></u>
17	<u></u>	37	<u></u>
18	<u></u>	38	<u></u>
19	<u></u>	39	<u></u>
20	<u></u>	40	<u></u>

PETITION INFORMATION

Application #: _____ Submittal Date: matt.wetherell@apexnc.org / 919-249-3534
24CZ08 05/01/2024

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

See attached document.

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.

See attached document.

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.

See attached document.

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.

See attached document.

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.

See attached document.

PETITION INFORMATION

Application #: 24CZ08 Submittal Date: 05/01/2024

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

See attached document.

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.

See attached document.

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.

See attached document.

Town of Apex Perry Road Yard Waste Transfer Site Rezoning Application Supplemental Form

Locations: 1341 Perry Road (PIN 0741326706) and 0 Perry Road (0741427922)

Applicant: Town of Apex

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).

1. The Rezoned Lands may be used for, and only for, the uses listed below. An "S" indicates that a use category or specific use type is allowed only if reviewed and approved in accordance with the procedures and standards of Sec. 2.3.5 *Special Use*.
 - a. Yard waste transfer station (S)
 - b. Utility, minor
 - c. Government Services
 - d. Communication tower, commercial (S)
 - e. Communication tower, public safety (S)
 - f. Greenway
2. Along the western property line, there is an existing 100-foot Town of Apex Greenway and Utility Easement. A 30-foot Type A buffer shall be provided along the eastern edge of that easement.
3. A 60-foot Type A buffer will be provided along US HWY 1.
4. A variable width Type A buffer of no less than 10-foot and no greater than 60-foot will be provided along the common property line with 0 Tingen Rd (PIN 0741331566).
5. The yard waste pile shall have a 25-foot setback from 0 Tingen Rd (PIN 0741331566) and five (5) feet from the current right-of-way of Perry Road.
6. The yard waste pile shall be limited to 30-feet in height, with a slope no greater than 2:1.
7. The right-of-way improvements required by the UDO shall not be required along Perry Rd for access to this site.
8. If a tree located within the buffer has a portion of the critical root zone extending outside of that buffer, the Town shall not be required to protect the critical root zone outside the buffer.
9. No buffer along the current right-of-way of Perry Road shall be required.
10. No building shall be required for any use with outdoor storage.
11. Resource Conservation Area (RCA) within a perimeter buffer that is shown on a Minor or Major Site Plan may be relocated through a Site Plan revision to accommodate future development with adjoining properties.
12. Existing lighting shall be considered legally established non-conforming lighting and shall be allowed to remain until such time as the property is redeveloped.

Legislative Considerations – Conditional Zoning:

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

1. *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
 - This site rezoning seeks to develop a yard waste transfer site. This use is consistent with the Industrial Employment land use designation on the 2045 Land Use Map.
2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

- Adjacent to the south is US-1 highway. Adjacent to the east is vacant land with a stormwater control measure. Adjacent to the north is vacant property designated as Industrial Employment on the 2045 Land Use Map. Adjacent to the west are multiple properties including the proposed Seymour Mixed Use PUD, the Iron Gate neighborhood, and vacant land.
 - The proposed use is consistent with the surrounding properties. The site will mitigate impacts to the existing residential properties to the west by increasing the buffers as noted in the proposed zoning conditions. Additionally, the yard waste transfer site is proposed to remain in the northeast corner of the property, approximately a third-mile from the existing and proposed residential uses along the western boundary.
3. *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 Supplemental Standards, if applicable.
 - This application requests the yard waste pile height be increased to thirty (30) feet. The development complies with all other Supplemental Standards set forth in 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 location, size and operation of proposed site was designed to mitigate impacts to the surrounding properties. The site is in the northeast corner of the property, over a third-mile from the residential sites on the western boundary. And proposes to add an additional 30 feet Type A buffer along the eastern boundary of the existing 100 feet utility and greenway easement along the western boundary to further buffer the adjoining properties from the site. A variable width, type A buffer is proposed along the northern boundary. The proposed development will preserve tree coverage on a majority of the property.
 5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
 - The site proposal meets the 20% Resource Conservation Area requirement through a buffer dedication and protection. The site also proposes retain the existing pond on the site.
 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 site will not have adverse impacts on public facilities. The site will install a fire apparatus access road to ensure Fire staff have a water source for any emergency response. Hauling operations at the site are projected to be two trucks or less per day so traffic and road impacts are negligible.
 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 site will not affect residents' health, safety, or welfare.
 8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
 - The proposed site is consistent with the surrounding properties. The yard waste transfer site was located on the northeast corner of the property to mitigate any impact from the operation on to

adjacent properties. The location is over a third-mile from the adjoining residential properties and over 1000 feet from the nearest residential property.

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 location of the yard waste transfer site was specifically selected to ensure there was significant distance from any residential neighbors. Traffic impacts from the site will be negligible; Hauling operations at the site are projected to be two trucks or less per day.
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 site complies with all other standards imposed on it by other applicable provisions of this ordinance for use, layout, and general development characteristics.

Exhibit A: Legal Description of Sites

1341 PERRY ROAD - PIN 0741326706

TRACT C-1 (49.513 Ac.)

Being a portion of that certain tract or parcel of land lying and being in White Oak township, Wake County, North Carolina, belonging to the Town of Apex, PIN No. 0741326706 recorded in Wake County deed book (DB.) 705, page (PG.) 568, and probate 85-E-1736, and subdivided and identified as Tract C-1 (47.095 acre lot + 2.418 acre lot), save and except the S.R. 1171 (Perry Rd.) right-of-way (0.618 acres), and described below as recorded in book map (BM.) 1989, PG. 59.

2.418 Acre Lot

Beginning at the concrete monument, at the east corner of Tract C-1 (BM. 1989, PG. 59), same being the east corner and the **POINT OF BEGINNING** of the aforesaid 2.418 acre lot, from which an existing iron pipe for the northeast corner of the parent tract described in DB. 705, PG. 568, same being the northeast corner of the 1.209-acre subdivided parcel, noted as "Reserved For Future Use", PG. 59, bears S 88°09'18" E, a distance of 99.70 feet for reference. **Thence**, S 58°40'22" W, a distance of 622.78 feet to a concrete monument for the southernmost corner of this 2.418-acre lot. **Thence**, N 62°18'46" W a distance of 33.34 feet to a concrete monument on the east right-of-way of S.R. 1171 (Perry Rd.). **Thence**, with the east right-of-way of S.R. 1171, N 05°01'16" W, a distance of 265.73 feet to a calculated point, N 07°17'02" W, a distance of 52.40 feet to a calculated point, and N 15°22'47" W, a distance of 11.17 feet to a concrete monument and the northwest corner of this tract. **Thence**, S 88°09'18" E, a distance of 594.68 feet to a concrete monument and the **POINT OF BEGINNING** of said 2.418-acre lot.

47.095 Acre Lot

Beginning at the concrete monument, at the east corner of Tract C-1 and the 2.418 acre subdivided lot (BM. 1989, PG. 59), from which an existing iron pipe for the northeast corner of the parent tract described in DB. 705, PG. 568, same being the northeast corner of the 1.209-acre subdivided parcel, noted as "Reserved For Future Use", bears S 88°09'18" E, a distance of 99.70 feet for reference. **Thence**, N 88°09'18" W, a distance of 657.50 feet to a concrete monument at the intersecting north line of Tract C-1 and the west right-of-way of S.R. 1171 (Perry Rd.), being the northeast corner and the **POINT OF BEGINNING** of the aforesaid 47.095-acre Lot. **Thence**, with the west right-of-way of S.R. 1171, S 15°22'47" E, a distance of 25.53 feet to a calculated point, S 07°17'02" E, a distance of 46.97 feet to a calculated point, S 05°01'16" E, a distance of 263.63 feet to a calculated point, S 03°17'33" E, a distance of 131.40 feet to an iron pipe at the west intersection

of S.R. 1171 and U.S. Hwy. 1 right-of-way, and the southeast corner of said 47.095 acre lot. **Thence**, with the north right-of-way of U.S. Hwy. 1, S 58°40'22" W, a distance of 31.38 feet to a concrete monument, S 58°40'22" W, a distance of 297.81 feet to a concrete monument, S 31°15'12" E, a distance of 19.89 feet to a concrete monument, S 58°38'24" W, a distance of 1,393.45 feet to a concrete monument, and S 58°41'06" W, a distance of 226.29 feet to an iron pipe at the intersection of the north right-of-way of US. Hwy. 1, and the centerline of Reedy Branch, also being the south corner of said 47.095-acre lot. **Thence** with the centerline of Reedy Branch (subject to a 50 foot greenway and utility easement), N 20°47'56" W, a distance of 63.98 feet, N 19°52'11" W, a distance of 265.59 feet, N 74°06'11" W, a distance of 84.99 feet, N 17°20'13" E, a distance of 35.03 feet, N 17°23'52" E, a distance of 182.28 feet, N 55°31'53" W, a distance of 61.32 feet, N 55°29'13" W, a distance of 34.93 feet, N 03°44'09" W, a distance of 208.74 feet, N 42°13'47" W, a distance of 104.93 feet, N 42°12'21" W, a distance of 10.15 feet, N 20°23'31" W, a distance of 119.93 feet, N 20°21'11" W, a distance of 84.87 feet, N 20°32'14" W, a distance of 30.00 feet, N 00°42'30" W, a distance of 181.88 feet, and N 08°50'48" W, a distance of 274.63 feet to an iron pipe for the northwest corner. **Thence**, S 88°09'18" E, a distance of 2,038.17 feet to a concrete monument and the **POINT OF BEGINNING** of said 47.095-acre lot.

Save and Accept (R/W)

Beginning at a concrete monument in the north line of Tract C-1 (BM. 1989, PG. 59) and the east right of way of S.R. 1171 (Perry Rd.) at the northwest corner of aforesaid 2.418-acre lot. for the northeast corner and **POINT OF BEGINNING** of the aforesaid save and except right-of-way parcel, from which the east corner of said Tract C-1 and the 2.418-acre subdivided lot, bears S 88°09'18" E, a distance of 594.68 feet. **Thence**, departing the north line of Tract C-1, with the east right-of-way of S.R. 1171, S 15°22'47" E, a distance of 11.17 feet to a calculated point, S 07°17'02" E, a distance of 52.40 feet to a calculated point, S 05°01'16" E, a distance of 265.73 feet to a concrete monument, and S 03°17'33" E, a distance of 100.36 feet to an iron pipe in the south line of Tract C-1, same being the north line of U.S. Hwy. 1. **Thence**, with the south line of Tract C-1, S 58°40'22" W, a distance of 67.98 feet to an iron pipe in the west intersection of U.S. Hwy. 1 and S.R. 1171. **Thence**, departing the south line of Tract C-1, same being the north right-of-way of U.S. Hwy. 1, N 03°17'33" W, a distance of 131.40 feet to a calculated point, N05°01'16" W, a distance of 263.63 feet to a calculated point, N07°17'02" W, a distance of 46.97 feet to a calculated point, and N 15°22'47" W, a distance of 25.53 feet, to a concrete monument in the north line of Tract C-1. **Thence**, with the north line of said Tract C-1, S 88°09'19" E, a distance of 62.82 feet to a concrete monument and the **POINT OF BEGINNING** for said 0.618-acre right-of-way parcel.

0 PERRY ROAD - 0741427922

RESERVED TRACT (1.209 Ac.)

Being a portion of that certain tract or parcel of land lying and being in White Oak township, in Wake County, North Carolina, belonging to the Town of Apex, PIN No. 0741427922 recorded in Wake County deed book (DB.) 705, page (PG.) 568, and probate 85-E-1736, as subdivided and identified as 1.209 acres, "reserved for future use", and described below as recorded in book map (BM.) 1989, PG. 59.

Beginning at a concrete monument, at the east corner of Tract C-1, same being the northwest corner and the **POINT OF BEGINNING** of aforesaid 1.209-acre tract. **Thence**, S 88°09'18" E, a distance of 99.70 feet to an existing iron pipe for the east corner of the parent tract described in DB. 705, PG. 568, identical to the northeast corner of this 1.209-acre subdivided parcel, from which a white oak as reference bears N 01°29'45" E, a distance of 752.29 feet. **Thence**, S 00°41'58" W, a distance of 30.22 feet to an iron pipe on the north right-of-way of U.S. Hwy. 1. **Thence**, with the north right-of-way of U.S. Hwy. 1, S 58°41'40" W, a distance of 451.73 feet, N 31°15'12" W, a distance of 20.00 feet, S 58°40'22" W, a distance of 302.83 feet to an iron pipe at the east intersection of U.S. Hwy. 1 and S.R.1171 (Perry Rd.). **Thence**, with the east right-of-way of S.R. 1171, N 03°17'33" W, a distance of 100.36 feet to a concrete monument. **Thence**, departing the east right-of-way of S.R. 1171, S 62°18'46" E, a distance of 33.34 feet to a concrete monument. **Thence**, N58°40'22" E, a distance of 622.78 feet to a concrete monument and the **POINT OF BEGINNING** for said 1.209-acre tract.

AGENT AUTHORIZATION FORM

Application #: 24CZ08 Submittal Date: 05/01/2024

Town of Apex is the owner* of the property for which the attached application is being submitted:

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

The property address is: 1341 Perry Road (PIN 0741326706)

The agent for this project is: Matt Wetherell

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

Agent Name: Town of Apex, Matt Wetherell

Address: 73 Hunter Street, Apex, NC 27502

Telephone Number: 919-249-3534

E-Mail Address: matt.wetherell@apexnc.org

Signature(s) of Owner(s)*

Randal Vosburg

Randal Vosburg, Town Manager, Town of Apex
Type or print name

5/24/2024
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 #: 24CZ08 Submittal Date: 05/01/2024

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

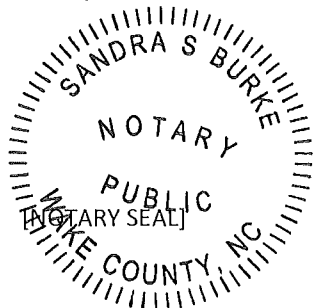
- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1341 Perry Road (PIN 0741326706) and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "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 December 21, 1985, and recorded in the Wake County Register of Deeds Office on NA, in Book 01736 Page 0000E.
- 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 December 21, 1985, 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 December 21, 1985, 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 24 day of MAY, 2024.

Randal Vosburg (seal)
Randal Vosburg
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 Randal Vosburg, 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.



Sandra S. Burke
Notary Public
State of North Carolina
My Commission Expires: 9/9/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 24CZ08 Submittal Date: 05/01/2024

Insert legal description below.

Full legal description attached.

AGENT AUTHORIZATION FORM

Application #: 24CZ08 Submittal Date: 05/01/2024

Town of Apex is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 Perry Road (PIN 0741427922)

The agent for this project is: Matt Wetherell

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

Agent Name: Town of Apex, Matt Wetherell

Address: 73 Hunter Street, Apex, NC 27502

Telephone Number: 919-249-3534

E-Mail Address: matt.wetherell@apexnc.org

Signature(s) of Owner(s)*

Randal Vosburg

Randal Vosburg, Town Manager, Town of Apex

Type or print name

5/24/2024

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 #: 24CZ08 Submittal Date: 05/01/2024

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

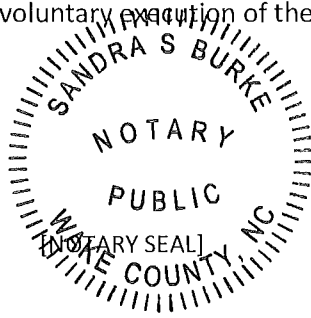
- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Perry Road (PIN 0741427922) and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- 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 December 21, 1985, and recorded in the Wake County Register of Deeds Office on NA, in Book 001736 Page 0000E.
- 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 December 21, 1985, 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 December 21, 1985, 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 24 day of MAY, 2024.

Randal Vosburg (seal)
Randal Vosburg
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 Randal Vosburg 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.



Sandra S. Burke
Notary Public
State of North Carolina
My Commission Expires: 9/9/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #:

24CZ08

Submittal Date:

05/01/2024

Insert legal description below.

Full legal description attached.

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS
1026 IRONGATE DR	0741221559	ANDERSON, BETTIE J	1026 IRONGATE DR
1341 PERRY RD	0741326706	APEX TOWN OF	PO BOX 250
1021 IRONGATE DR	0741220858	CLINKSCALE, TRACI L	3364 KYLEE DAWN CIR
0 PRINCE DEAD END RD	0741217259	EBT FARMS, LLC	472 HENRYS RIDGE RD
0 VERIDEA PKWY	0741119629	GREATER RALEIGH AREA CHRISTIAN EDUCATION INC	1101 BUCK JONES RD
2990 BROADSTONE WAY	0741534819	KRG PEAKWAY AT 55 LLC	KITE REALTY GROUP
2001 REEDY CT	0741222951	LASSITER, ROBERT M SR LASSITER, VANESSA JOHNSON	1011 IRONGATE DR
1027 IRONGATE DR	0741223721	LASSITER, ROBERT MCCOY SR	1011 IRONGATE DR
3005 RIVER CIR	0741224339	PERKINS, JOSEPH E PERKINS, SANDRA A	PO BOX 702
3004 RIVER CIR	0741223182	PERKINS, JOSEPH E PERKINS, SANDRA M	PO BOX 702
3006 RIVER CIR	0741222186	PERKINS, JOSEPH EDWARD	PO BOX 702
3002 RIVER CIR	0741225009	PERKINS, JOSEPH EDWARD PERKINS, SANDRA A	PO BOX 702
0 US 1 HWY	0741614057	RXR LEN APEX OWNER LLC	GENERAL COUNSEL
0 TINGEN RD	0741142574	SEYMOUR FARM PROPERTIES LLC	PO BOX 177
1038 IRONGATE DR	0741220461	STUART, NORMA J	1038 IRONGATE DR
0 TINGEN RD	0741331566	SURE & STEADFAST PROP LTD PTNRP	1201 BUCK JONES RD
		Current Tenant	1027 Irongate DR
		Current Tenant	3004 River CIR
		Current Tenant	1341 Perry RD
			APEX NC 27502-6505
			APEX NC 27502-0250
			LAWRENCEVILLE GA 30045-2762
			PITTSBORO NC 27312-4641
			RALEIGH NC 27606-3324
			30 S MERIDIAN ST STE 100
			APEX NC 27502-6506
			APEX NC 27502-6506
			APEX NC 27502-0702
			APEX NC 27502-0702
			APEX NC 27502-0702
			APEX NC 27502-0702
			625 RXR PLZ
			APEX NC 27502-0177
			APEX NC 27502-6505
			RALEIGH NC 27606-6635
			APEX NC 27502
			APEX NC 27502
			APEX NC 27502

INDIANAPOLIS IN 46204-3510

UNIONDALE NY 11556-3815

Created by Town of Apex Planning Department
Date Created: 4/5/2024

Neighborhood Meeting Documents for
Neighborhood Meeting 1

NOTICE OF NEIGHBORHOOD MEETING

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

Date _____

Dear Neighbor:

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

1341 Perry Road	0741326706
0 Perry Road	0741427922

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 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)):

Add a yard waste transfer site at 1341 & 0 Perry Road. This yard waste transfer site will support the Town's

residential yard waste collection program.

Estimated submittal date: May 1, 2024

MEETING INFORMATION:

Property Owner(s) name(s):	Town of Apex, represented by Matt Wetherell
Applicant(s):	Town of Apex, Matt Wetherell
Contact information (email/phone):	matt.wetherell@apexnc.org / 919-249-3534
Meeting Address:	Virtual
Date/Time of meeting**:	April 24, 2024, 5:30pm - 6:30pm

Welcome: 5:30pm Project Presentation: 5:40pm Question & Answer: 6:00pm

**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: Town of Apex Perry Road Yard Waste Transfer Site Zoning: _____

Location: 1341 Perry Road, 0 Perry Road

Property PIN(s): 0741326706 and 0741427922 Acreage/Square Feet: 50.55

Property Owner: Town of Apex, represented by Matt Wetherell

Address: 73 Hunter Street

City: Apex State: NC Zip: 27502

Phone: 919-249-3534 Email: _____

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts	
Planning Department Main Number (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
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
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
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 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

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

Stormwater Control Measures: Jessica Bolin 919-249-3537

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

Electric Utility Installation: Rodney Smith 919-249-3342

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

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 24, 2024 Time of meeting: 5:30pm-6:30pm

Property Owner(s) name(s): Town of Apex, represented by Matt Wetherell

Applicant(s): Town of Apex, Matt Wetherell

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.	Joseph & Sandra Perkins	3004 River Circle, Apex, NC 27502			<input checked="" type="checkbox"/>
2.					<input type="checkbox"/>
3.					<input type="checkbox"/>
4.					<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Town of Apex, represented by Matt Wetherell

Applicant(s): Town of Apex, Matt Wetherell

Contact information (email/phone): mall.wetherell@apexnc.org / 919-249-3534

Meeting Address: Virtual

Date of meeting: April 24, 2024 Time of meeting: 5:30pm-6:30pm

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:

What will you be doing to dispose of the yard waste collected at the site?

Applicant's Response:

The Town will haul off material every one to two days by consolidating material on to a larger truck and trailer. That material will get hauled to a yard waste processing site.

Question/Concern #2:

What is being done about any noise at the site?

Applicant's Response:

There is about a third of a mile distance from the Irongate neighborhood to the yard waste site and over 1000 feet of separation between the site and the nearest residential area. The Town will maintain the trees on the site, except for where the fire apparatus road is noted. Maintaining the trees and the separation distance will mitigate noise impacts to residents.

Question/Concern #3:

Are there any traffic concerns on Apex Peakway or Perry Road? Will there be tractor trailer conflicts with Walmart?

Applicant's Response:

We are not expecting traffic impacts caused by this site. The Town is projecting only one to two trucks hauling from the site, every one to two days, so that would have little to no impact on traffic on Perry Road, Apex Peakway, or near Walmart.

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, Matthew Wetherell, do hereby declare as follows:
 Print Name

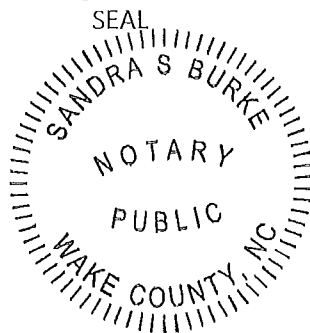
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property 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 24, 2024 (date) from 5:30pm (start time) to 6:30pm (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.

May 1, 2024
 Date

By: 

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

Sworn and subscribed before me, Sandra S. Burke, a Notary Public for the above State and County, on this the 30 day of April may, 2024.
 (sb) 1st



Sandra S. Burke
 Notary Public
Sandra S. Burke
 Print Name

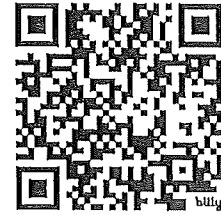
My Commission Expires: 9/9/2025

Neighborhood Meeting Documents for
Neighborhood Meeting 2



Town of Apex – Perry Road Site Rezoning
Virtual Neighborhood Meeting 2
May 21, 2024, 5:30pm-6:30pm

Please note - these documents are for the second neighborhood meeting.



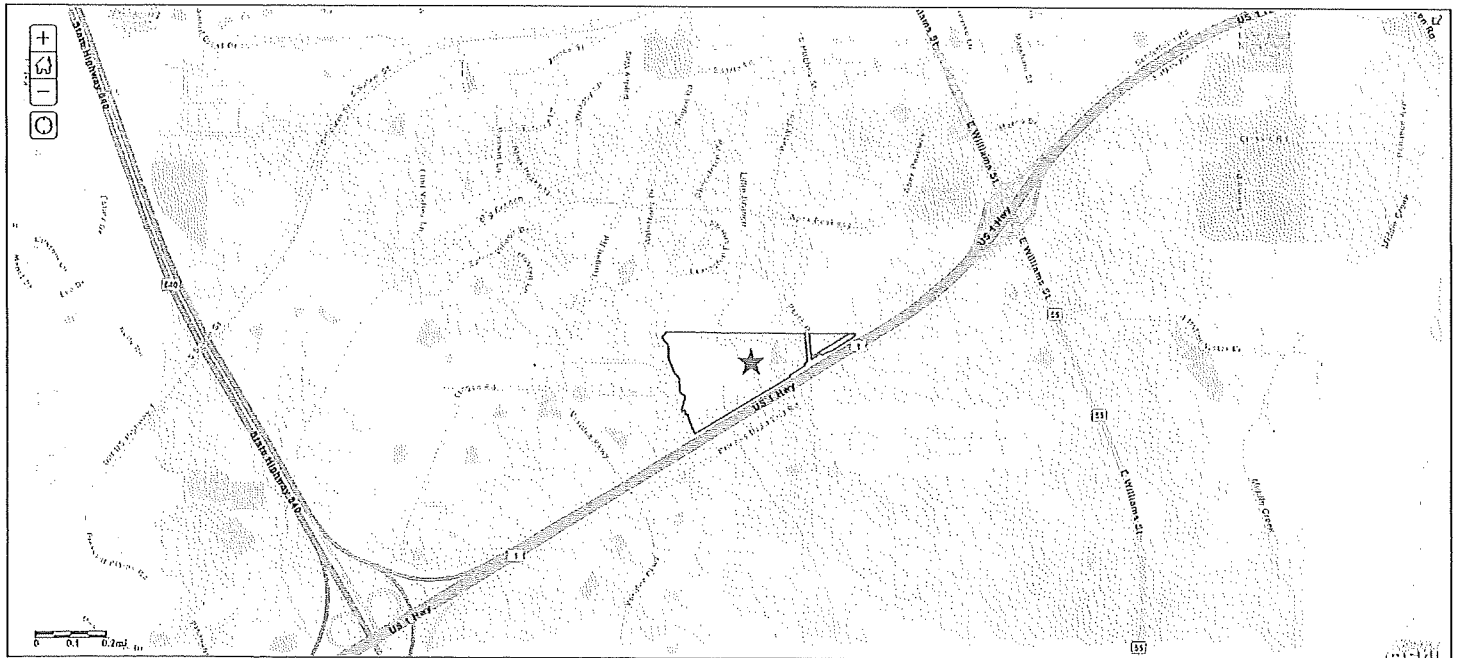
Virtual Meeting Info

- Teams Meeting Link and QR Code: <https://bit.ly/3UNXG1A> (Full link on last page)
- Meeting ID: 287 363 645 11
- Passcode: 5nnAVd
 - You can request a meeting invite be directly sent to you by contacting Matt Wetherell at matt.wetherell@apexnc.org.

Project Description

This is the second neighborhood meeting for this project. The Town of Apex is requesting to rezone two parcels at 1341 & 0 Perry Road from its current zoning of Light Industrial (LI) to Light Industrial - Conditional Zoning (LI-CZ). Rezoning to LI-CZ will allow for a yard waste transfer site to be developed on the property. This transfer site will support and improve the Town’s residential yard waste collection operations. Operations will be located in the vicinity of the yard waste pile noted on the ‘Submitted Plan’ map below.

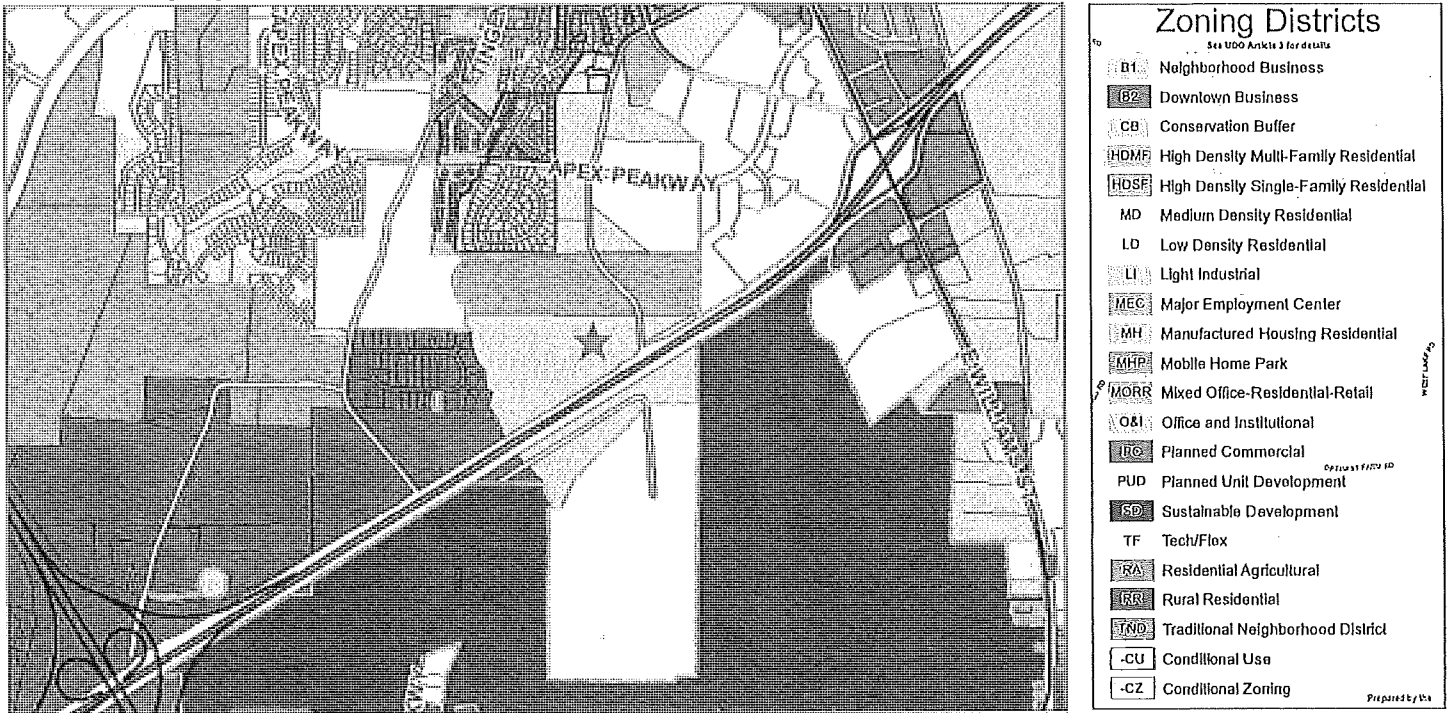
Vicinity Map



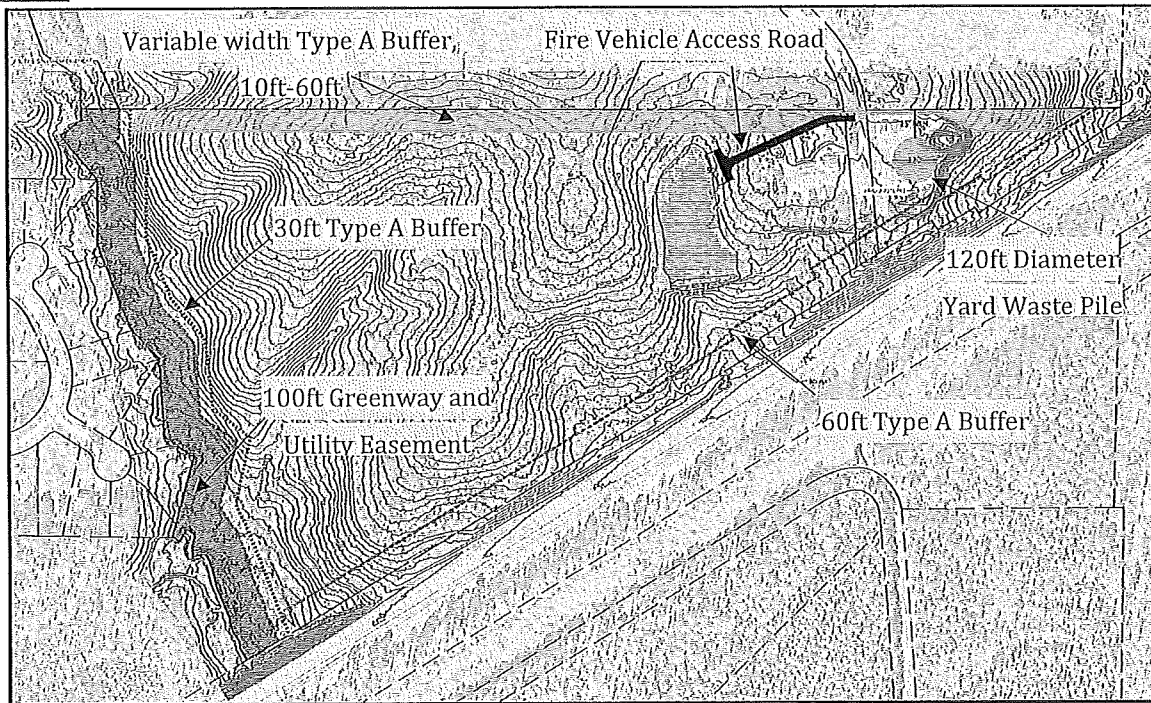
(continues on the next page)

Current Zoning Map – Sites identified with a star on the map

A full-size zoning map can be found at: <https://www.apexnc.org/DocumentCenter/View/493/Zoning-Map-PDF>



Submitted Plan



Full Meeting Link

In case there are issues with the shortened meeting link above, the full link to join the Teams meeting is below.

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTRmZmjiZmYtNGEwMS00MzRILWFhOGQtMjUyNWQzNTRhZDY5%40thread.v2/0?context=%7b%22Tid%22%3a%221c6e531a-a916-4e3f-a5bd-4fa33591e4a8%22%2c%22Oid%22%3a%22ccb4ec2a-5edb-4377-a195-c7cec00a6b5f%22%7d

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.

May 7, 2024

Please note - these documents are for the second neighborhood meeting.

Date

Dear Neighbor:

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

1341 PERRY ROAD, APEX, NC 27502

0741326706

0 PERRY ROAD, APEX, NC 27502

0741427922

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 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)):

Rezone two properties to allow for a yard waste transfer site to be developed in the north east corner of the parcel located at

1341 Perry Road. 0 Perry Road will remain undeveloped.

Estimated submittal date: May 1, 2024

MEETING INFORMATION:

Property Owner(s) name(s):

Town of Apex (Staff Contact: Matt Wetherell)

Applicant(s):

Town of Apex, Matt Wetherell, Facilities Manager

Contact information (email/phone):

matt.wetherell@apexnc.org, 919-249-3534

Meeting Address:

VIRTUAL MEETING - See attached sheet for log in details.

Date/Time of meeting**:

May 21, 2024, 5:30pm-6:30pm

Welcome: 5:30pm

Project Presentation: 5:40pm

Question & Answer: 6:00pm

**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: Town of Apex Rezoning - Perry Road Site Zoning: Light Industrial

Location: 1341 & 0 Perry Road, Apex, NC 27502

Property PIN(s): 0741326706 / 0741427922 Acreage/Square Feet: 50.55

Property Owner: Town of Apex (Staff Contact: Matt Wetherell)

Address: 73 Hunter Street

City: Apex State: NC Zip: 27502

Phone: 919-249-3534 Email: matt.wetherell@apexnc.org

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts	
Planning Department Main Number (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
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
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
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 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
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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).

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
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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 Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

Dirt in the Road:	James Misciagno	919-372-7470
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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 to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

Trash:	James Misciagno	919-372-7470
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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 to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:	James Misciagno	919-372-7470
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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 to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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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 to Jessica Bolin at 919-249-3537.

Electric Utility Installation:	Rodney Smith	919-249-3342
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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.

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: May 21, 2024 Time of meeting: 5:30pm - 6:30pm
 Property Owner(s) name(s): Town of Apex
 Applicant(s): Town of Apex, Matt Wetherell

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				<input type="checkbox"/>
2.					<input type="checkbox"/>
3.					<input type="checkbox"/>
4.					<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Town of Apex

Applicant(s): Town of Apex, Matt Wetherell

Contact information (email/phone): matt.wetherell@apexnc.org, 919-249-3534

Meeting Address: VIRTUAL

Date of meeting: May 21, 2024 Time of meeting: 5:30pm - 6:30pm

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:

NO ATTENDEES

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, Matt Wetherell, 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 May 21, 2024 (date) from 5:30pm (start time) to 6:30pm (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.

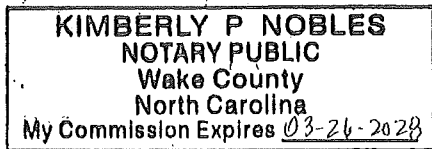
5/23/2024
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Kimberly P. Nobles, a Notary Public for the above State and County, on this the 23rd day of May, 2024.

SEAL



Kimberly P. Nobles
Notary Public
Kimberly P. Nobles
Print Name

My Commission Expires: 03-26-2028

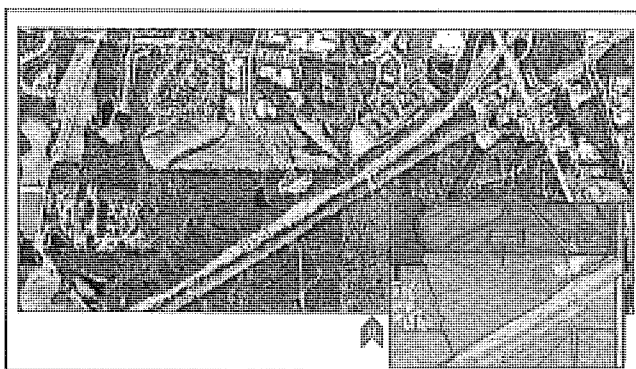
Welcome to the Perry Road Rezoning Neighborhood Meeting 2

We'll begin at 5:30pm
May 21, 2024



Attendance

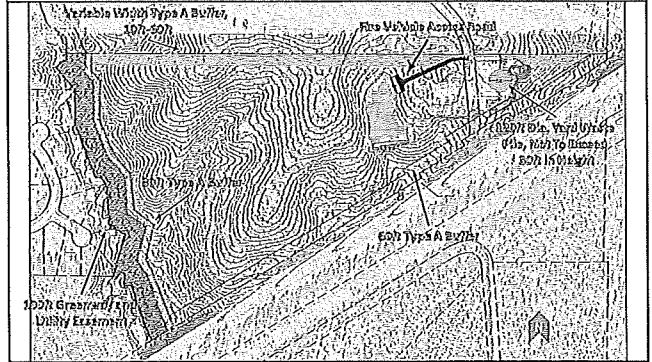
- Please put the following information in the Teams Chat
 - Name
 - Address and/or affiliation with a neighborhood group
 - Phone number
 - Email address
 - Would you like to be contacted with plans and updates?
- Providing your name does not represent support or opposition to the project; it is for documentation purposes only.



Why is Apex looking to rezone this site?

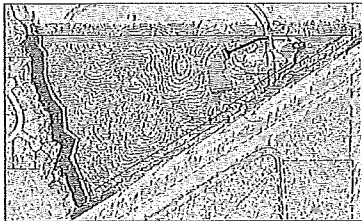
- Currently, Apex does not have a yard waste transfer site for our residential yard waste collection
- Eliminate hauling and fees
- Ensure the Town's curbside yard waste collection remains sustainable

- Currently zoned 'Light Industrial'
- Requesting to rezone to 'Light Industrial Conditional Zoning' with a Special Use Permit to add a yard waste transfer site.



EAB Zoning Conditions

- Increase riparian buffer widths to 20 feet above minimum
- Limit tree clearing, SCM, or Infrastructure in either zone of the riparian buffer.
- Preserve 50% of existing tree canopy
- Retain and protect the existing pond



Questions, comments, feedback?

Matt Wetheroll
 Matt.Wetheroll@apexnc.org
 919-249-3534

Prepared by: Town of Apex Planning Department
May 2024
February 2024 Aerial Photography

Village at
Broadstone
Station

Irongate Dr

Iron Gate

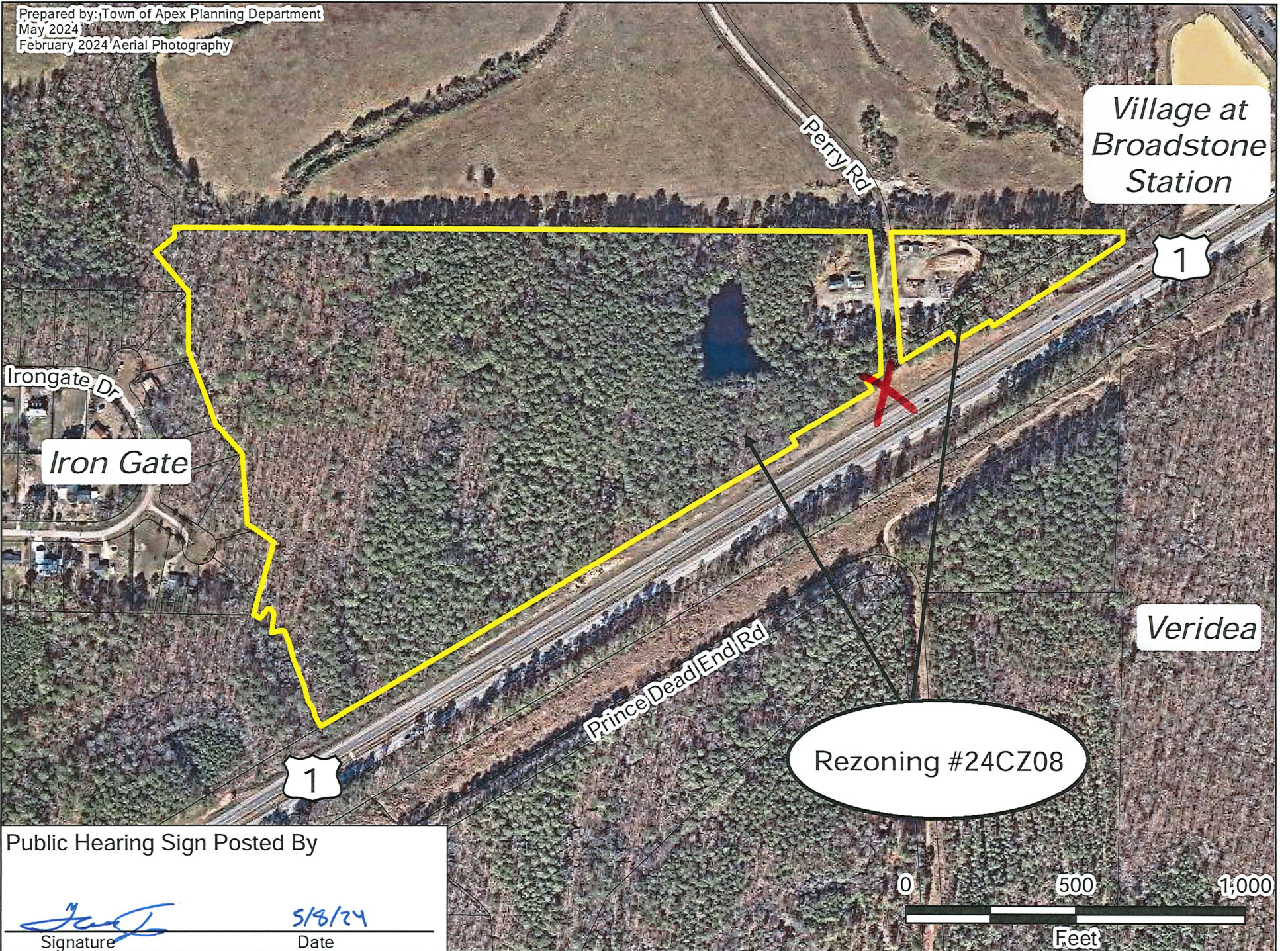
Veridea

Rezoning #24CZ08

Public Hearing Sign Posted By


Signature

5/8/24
Date





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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #24CZ08
0 & 1341 Perry Road

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:** Town of Apex
- Authorized Agent:** Matthew Wetherell, Facilities & Grounds Manager
- Property Addresses:** 0 & 1341 Perry Road
- Acreage:** ±50.55 acres
- Property Identification Numbers (PINs):** 0741326706, 0741427922
- 2045 Land Use Map Designation:** Office Employment and Office Employment/Industrial Employment
- Existing Zoning of Properties:** Light Industrial (LI)
- Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

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

Planning Board Public Hearing Date and Time: June 10, 2024 4:30 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, 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. 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/46918>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ08
0 & 1341 Perry Road

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: Town of Apex

Agente autorizado: Matthew Wetherell, Facilities & Grounds Manager

Dirección de las propiedades: 0 & 1341 Perry Road

Superficie: ±50.55 acres

Números de identificación de las propiedades: 0741326706, 0741427922

Designación en el Mapa de Uso Territorial para 2045: Office Employment and Office Employment/Industrial Employment

Ordenamiento territorial existente de las propiedades: Light Industrial (LI)

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: 10 de junio de 2024 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, 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/maps>. 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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/46918>.

Dianne F. Rhin, AICP
Directora de Planificación



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ08 0 & 1341 Perry Road

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Applicant: Town of Apex

Authorized Agent: Matthew Wetherell, Facilities & Grounds Manager

Property Addresses: 0 & 1341 Perry Road

Acreage: ±50.55 acres

Property Identification Numbers (PINs): 0741326706, 0741427922

2045 Land Use Map Designation: Office Employment and Office Employment/Industrial Employment

Existing Zoning of Properties: Light Industrial (LI)

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

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

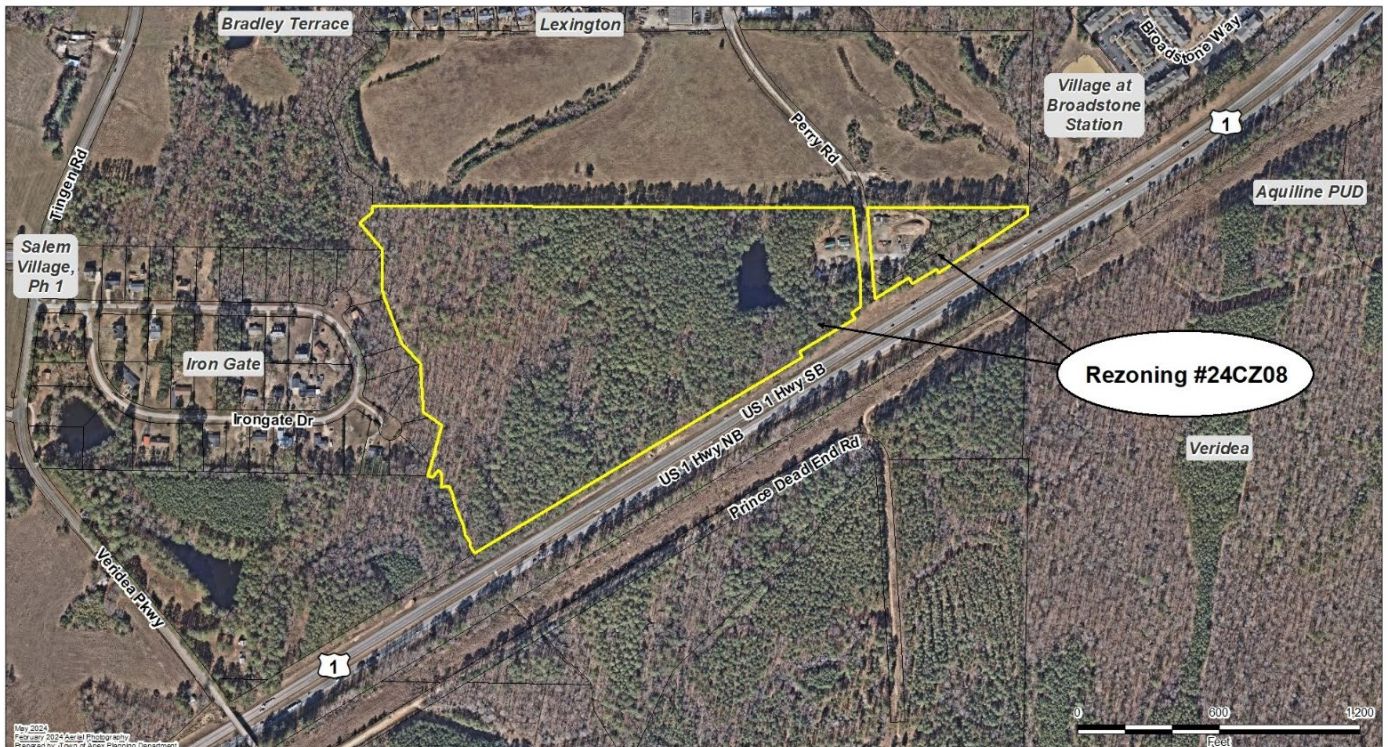
Planning Board Public Hearing Date and Time: June 10, 2024 4:30 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, 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. 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/46918>.

Dianne F. Khin, AICP
Planning Director



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ08
0 & 1341 Perry Road

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: Town of Apex

Agente autorizado: Matthew Wetherell, Facilities & Grounds Manager

Dirección de las propiedades: 0 & 1341 Perry Road

Superficie: ±50.55 acres

Números de identificación de las propiedades: 0741326706, 0741427922

Designación en el Mapa de Uso Territorial para 2045: Office Employment and Office Employment/Industrial Employment

Ordenamiento territorial existente de las propiedades: Light Industrial (LI)

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

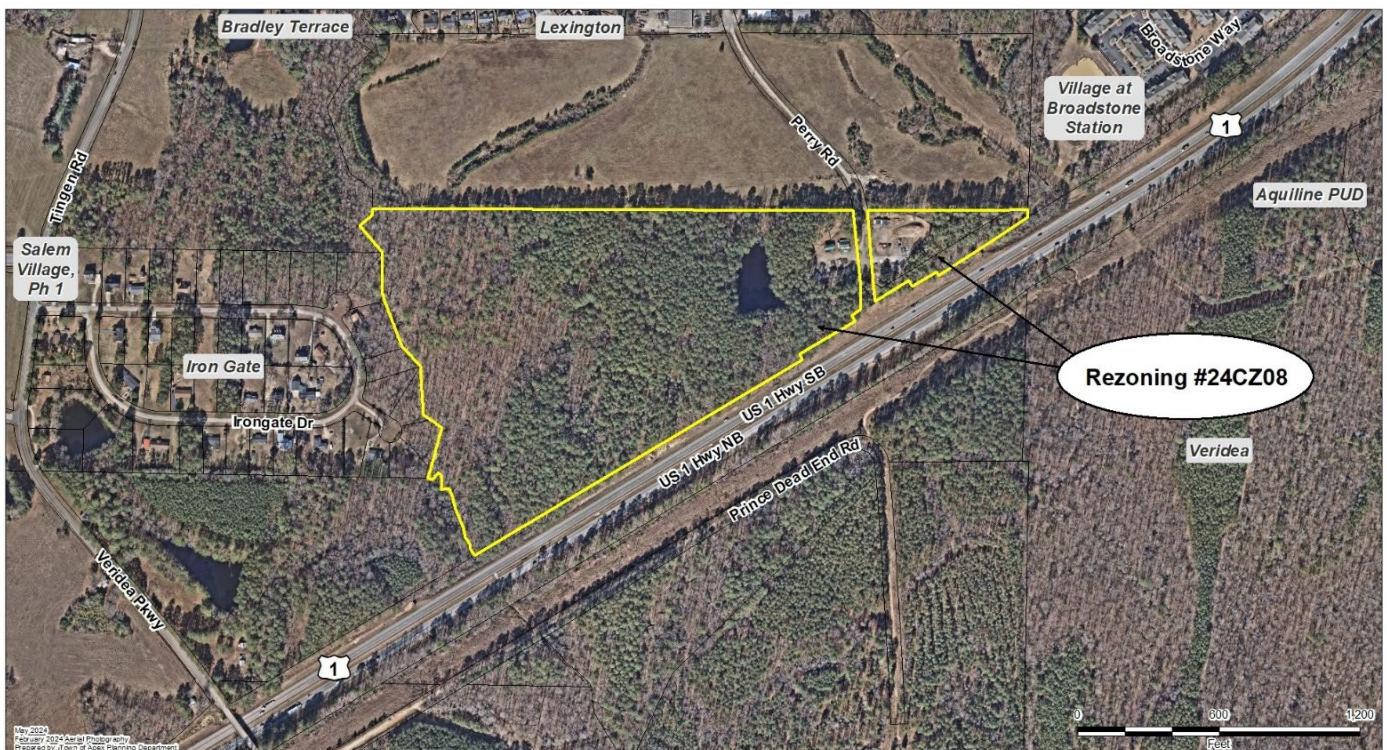
Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de junio de 2024 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, 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. 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/46918>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 24 de mayo - 10 de junio de 2024



TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #24CZ08
Project Location: 0 & 1341 Perry Road
Applicant or Authorized Agent: Matthew Wetherell, Facilities & Grounds Manager
Firm: Town of Apex
Planning Board Public Hearing Date: June 10, 2024

Project Planner: Shelly Mayo, Planner II

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 May 24, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

5/28/2024
Date

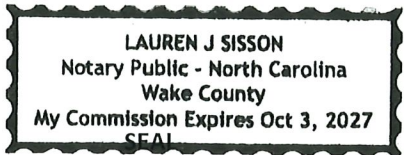
Shelanne F. Khun
Planning Director

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 28th day of May, 2024.

[Signature]
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 #24CZ08
 0 & 1341 Perry Road

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:** Town of Apex
- Authorized Agent:** Matthew Wetherell, Facilities & Grounds Manager
- Property Addresses:** 0 & 1341 Perry Road
- Acreeage:** ±50.55 acres
- Property Identification Numbers (PINs):** 0741326706, 0741427922
- 2045 Land Use Map Designation:** Office Employment and Office Employment/Industrial Employment
- Existing Zoning of Properties:** Light Industrial (LI)
- Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-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: June 25, 2024 6:00 PM

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

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org, 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/lmaps>. The 2045 Land Use Map may be viewed online at 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/46918>.

Dianne F. Khin, AICP
 Planning Director



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ08
0 & 1341 Perry Road

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: Town of Apex

Agente autorizado: Matthew Wetherell, Facilities & Grounds Manager

Dirección de las propiedades: 0 & 1341 Perry Road

Superficie: ±50.55 acres

Números de identificación de las propiedades: 0741326706, 0741427922

Designación en el Mapa de Uso Territorial para 2045: Office Employment and Office Employment/Industrial Employment

Ordenamiento territorial existente de las propiedades: Light Industrial (LI)

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

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: 25 de junio de 2024 6:00 P.M.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/46918>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 31 de mayo - 25 de junio de 2024



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ08 0 & 1341 Perry Road

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: Town of Apex

Authorized Agent: Matthew Wetherell, Facilities & Grounds Manager

Property Addresses: 0 & 1341 Perry Road

Acreage: ±50.55 acres

Property Identification Numbers (PINs): 0741326706, 0741427922

2045 Land Use Map Designation: Office Employment and Office Employment/Industrial Employment

Existing Zoning of Properties: Light Industrial (LI)

Proposed Zoning of Properties: Light Industrial-Conditional Zoning (LI-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: June 25, 2024 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, 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. 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/46918>.

Dianne F. Khin, AICP
Planning Director



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ08
0 & 1341 Perry Road

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: Town of Apex

Agente autorizado: Matthew Wetherell, Facilities & Grounds Manager

Dirección de las propiedades: 0 & 1341 Perry Road

Superficie: ±50.55 acres

Números de identificación de las propiedades: 0741326706, 0741427922

Designación en el Mapa de Uso Territorial para 2045: Office Employment and Office Employment/Industrial Employment

Ordenamiento territorial existente de las propiedades: Light Industrial (LI)

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

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: 25 de junio de 2024 6:00 P.M.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. 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/46918>.

Dianne F. Khin, AICP
Directora de Planificación



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 #24CZ08
Project Location: 0 & 1341 Perry Road
Applicant or Authorized Agent: Matthew Wetherell, Facilities & Grounds Manager
Firm: Town of Apex
Town Council Public Hearing Date: June 25, 2024

Project Planner: Shelly Mayo, Planner II

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 May 31, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

5/31/2024
Date

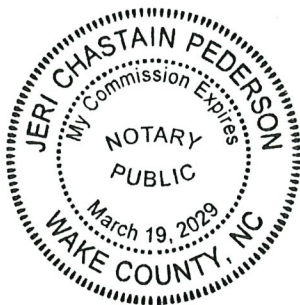
Aimee Flier
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

State and County, this the 31 day of May, 2024.

Jeri Chastain Pederson
Notary Public



SEAL

My Commission Expires: 03 / 19 / 2029