



Colby Crossing

Miramonte

Merion

Rezoning #20CZ12

Harmony Glen

Briarwood Farms COSD

Briarwood Farms

Indian Hills

Saponi Hills

Fair Oaks

November, 2020
September, 2020 Aerial Photography
Prepared by: Town of Apex Planning Department

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE 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 #: 20CZ12 Submittal Date: _____
2045 LUM Amendment: _____ Fee Paid: _____

Project Information

Project Name: Felton Grove High School (H-12)
Address(es): 8550 Stephenson Road, Apex, NC
PIN(s): 0750-54-5646
Acreage: 68.06
Current Zoning: MD-CZ Proposed Zoning: MD CZ
Current 2045 LUM Designation: School
Proposed 2045 LUM Designation: School

See next page for LUM Amendment.

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

Area classified as mixed use:	Acreage:	<u>n/a</u>
Area proposed as non-residential development:	Acreage:	<u>n/a</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>n/a</u>

Applicant Information

Name: Ms. Betty L. Parker, Senior Director, WCPSS Real Estate Services
Address: 5625 Dillard Drive, Attn: Real Estate Services
City: Cary State: NC Zip: 27518
Phone: 919-856-8290 E-mail: bparker@wcpss.net

Owner Information

Name: The Wake County Board of Education
Address: 5625 Dillard Drive, Attn: Real Estate Services
City: Cary State: NC Zip: 27518
Phone: 919-856-8290 E-mail: bparker@wcpss.net

Agent Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____
Other contacts: Margaret Sutter, Director, WCPSS Real Estate Services
Phone: 919-856-8290
Email: msutter@wcpss.net

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

Application #: 20CZ12 Submittal Date: _____

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

The applicant does hereby respectfully request the Town Council amend the 2045 Land Use Map. In support of this request, the following facts are shown:

The area sought to be amended on the 2045 Land Use Map is located at:

N/A

Current 2045 Land Use Classification: N/A

Proposed 2045 Land Use Classification: N/A

What condition(s) justifies the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications. Use additional pages as needed.

N/A

PETITION INFORMATION

Application #: 20CZ12 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from MD-CZ to MD-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. 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. 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	School, Public or Private	21	_____
2	Communication tower, camouflage stealth (S)	22	_____
3	Communication tower, public safety (S)	23	_____
4	Wireless communication facility	24	_____
5	Wireless support structure	25	_____
6	Church or place of worship (S)	26	_____
7	_____	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____

PETITION INFORMATION

Application #: 20CZ12 Submittal Date: _____

PROPOSED CONDITIONS:

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

Proposed conditions are listed on the subsequent page which is included herein and incorporated by reference.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed Conditional Zoning District uses are consistent with goals, objectives and policies of the 2045 Land Use Map. The uses proposed are appropriate for this location. A Land Use Map amendment is not required.

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

The proposed Conditional Zoning District uses are appropriate for this location. The uses proposed are compatible with the existing uses in the area.

Rezoning Case #20CZ12 Felton Grove High School

Proposed Conditions (continued): *(rev. 1/26/2021 and resubmitted in response to Town staff comments.)*

1. This project shall preserve trees measuring 18-inches in diameter at breast height or greater to the maximum extent reasonably possible.
2. In compliance with the UDO and to optimize survival of landscaping, an extension of up to 6 months' time may be provided for installation of landscaping after a Certificate of Occupancy would otherwise be issued.
3. To support re-establishment of forest, a reforestation seed mix shall be used in disturbed areas with slopes of 3:1 or less, and not located within RCAs or SCMs. To expedite growth and avoid erosion, a slope stabilizing mix with conservation seed mix shall be used to slopes greater than 3:1 but less than 2:1 and not located within RCAs or SCMs.
4. This project shall dedicate a 20-foot on-site public greenway easement and within it provide a 10-foot greenway path and/or 10-foot sidewalk connection from the driveway connection at Thriftwood Drive to the western property line.
5. This project shall also provide off-site a combined greenway and sanitary sewer easement to accommodate future greenway construction by others. To comply with Section 900 of the Town's Standard Specifications, the combined public utility and greenway easement shall be recorded providing no less than 30 feet in width, or 10 feet beyond the minimum required for the sanitary sewer, whichever is greater. The public greenway easement shall extend from the western boundary of the site, across the landfill site (Wake Co. PIN 0750-44-1182) to the landfill's western boundary.
6. The Vehicular Use Area Shading described in UDO Section 8.2.5.C is not required in the area between the parking deck and parking lot near the site's eastern boundary. Instead, the same number of trees required to meet this standard will be planted elsewhere on the site. The remainder of the site shall meet the requirements of UDO Section 8.2.5.C. to the maximum extent reasonably possible.
7. The 2045 Transportation Plan shows a future north-south Minor Collector along the eastern property line starting at Derry Downs Lane extending to the northern site boundary. This project shall provide half of the required 60-foot right-of-way as shown on the plan.
8. Improvements to the existing public streets known as Thriftwood Drive and Derry Down Lane shall be provided to satisfy such NCDOT requirements made upon review of the traffic study for the project which are minimally necessary to provide adequate public access as state-maintained roadways to Stephenson Road. Consequently, the existing public streets known as Thriftwood Drive and Derry Down Lane are not proposed for upgrades to meet Town of Apex standards nor are they proposed for dedication to the Town of Apex.
9. The northern perimeter buffer shall be a 20-foot Type B buffer, except where segmental retaining wall tie-backs would encroach. In those areas, it shall be no less than a 15-foot Type A buffer.
10. Cast-in-place retaining walls shall be permitted within the western 20-foot Type B buffer, as long as sufficient landscaping is planted around and on top of the walls to meet the requirements of the 20-foot Type B buffer.

PETITION INFORMATION

Application #: 20CZ12 Submittal Date: _____

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

The proposed Conditional Zoning (CZ) District uses will comply with Sec 4.4, Supplemental Standards.

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.

Proposed Conditional Zoning District uses will have minimal if any significant adverse impacts on surrounding lands as to trash, odors, service delivery, noise, glare and vibration and will comply with the standards in the UDO to minimize adverse impacts. The proposed uses will comply with the standards of the Transportation Plan and NCDOT requirements to minimize adverse impacts on traffic, parking and loading. Proposed uses will 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.

The proposed Conditional Zoning District uses will comply with local and state guidelines that address environmental impact. The standards pertaining to these items in the UDO will be followed.

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

The proposed Conditional Zoning District uses will not have an adverse impact on public facilities. The Applicant will extend and improve public potable water and sewer infrastructure to minimize any impacts on public facilities.

The site will meet the 2045 Land Use and Transportation Plans and NCDOT requirements.

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

The proposed development will comply with Town regulations and the requirements of the UDO and will not affect the health, safety or welfare of the residents of the Town or its ETJ.

PETITION INFORMATION

Application #: 20CZ12 Submittal Date: _____

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

The proposed Conditional Zoning District use will not be substantially detrimental to adjacent properties. The proposed uses are compatible with the uses in the area. The proposed development will comply with the requirements in the UDO.

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 Conditional Zoning District use will not constitute a nuisance or hazard. There will not be a negative impact due to traffic or noise. The site will meet the 2045 Land Use and Transportation Plans, and will comply with the requirements of NCDOT and the UDO to minimize adverse traffic impacts.

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

The proposed Conditional Zoning District use will comply with all relevant standards found in the Town of Apex Ordinances.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ12

Submittal Date: _____

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

Owner's Name	PIN
1. See attached list of property owners and HOA contacts which is	_____
2. incorporated herein by reference as fully as if set forth herein.	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

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

Date: October 28, 2020

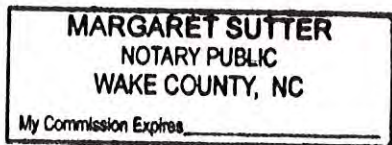
By: *Betty L. Parker, Sr. Dir.*
 Betty L. Parker, Sr. Director, WCPSS Real Estate Services

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Margaret Sutter, a Notary Public for the above State and County, on this the 28th day of October, 2020.

Margaret Sutter
 Notary Public
 Margaret Sutter

SEAL



Print Name

My Commission Expires: 5/7/2022

20CZ12

# of Property Owners	PIN	Real Estate ID	Owner	Mail Address 1	Mail Address 2	Site Address
1	0750643379	159768	AQUA NORTH CAROLINA, INC.	202 MACKENAN DR	CARY NC 27511-6447	3008 THRIFTWOOD DR
2	0750644717	159766	AQUA NORTH CAROLINA, INC.	202 MACKENAN DR	CARY NC 27511-6447	3016 THRIFTWOOD DR
3	0750663067	159765	AQUA NORTH CAROLINA, INC.	202 MACKENAN DR	CARY NC 27511-6447	5049 DERRY DOWN LN
4	0750642452	175263	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	3012 THRIFTWOOD DR
5	0750646366	159769	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	3004 THRIFTWOOD DR
6	0750652582	159767	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	0 THRIFTWOOD DR
7	0750657552	067494	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	3468 CHERRYSTONE LN
8	0750664237	159756	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5052 DERRY DOWN LN
9	0750665132	159763	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5045 DERRY DOWN LN
10	0750665218	159755	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5048 DERRY DOWN LN
11	0750665398	159753	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5040 LORRY LN
12	0750665475	159752	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5036 LORRY LN
13	0750666104	159762	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5041 DERRY DOWN LN
14	0750666219	159754	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5044 DERRY DOWN LN
15	0750456507	109149	CHAMBLEE, DAVIS B. CHAMBLEE, LEANNE M.	8509 SMITH RD	APEX NC 27539-8169	8509 SMITH RD
16	0750441182	069355	CURRIN BROS INC	PO BOX 547	FUQUAY VARINA NC 27526-0547	4237 SUNSET LAKE RD
17	0750576147	107587	DEAN, JOSEPH W. DEAN, CHRISTINE W.	8317 SMITH RD	APEX NC 27539-8179	8317 SMITH RD
18	0750549090	130747	DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4632 ARROWHEAD DR
19	0750631918	130748	DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4628 ARROWHEAD DR
20	0750632916	130749	DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4624 ARROWHEAD DR
21	0750633913	130750	DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4620 ARROWHEAD DR
22	0750634925	130751	DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4616 ARROWHEAD DR
23	0750538989	130746	DEW, JOHNNIE M. DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4636 ARROWHEAD DR
24	0750466564	109146	EMERY, JASON G. EMERY, JOANNA L.	8409 SMITH RD	APEX NC 27539-8181	8409 SMITH RD

20CZ12

25	0750665745	284548	HARMONY GLEN HOMEOWNERS ASSOC INC	3921 SUNSET RIDGE RD., STE. 201	RALEIGH NC 27607-6679	0 RHYTHM DR
26	0750456175	109150	REVOCABLE LIVING TRUST OF DENNIS MCCOY & RANDY GARREN	8537 SMITH RD	APEX NC 27539-8169	8549 SMITH RD
27	0750466110	107588	SCOTT, RONALD D. SCOTT, MELODY S.	8429 SMITH RD	APEX NC 27539-8181	8429 SMITH RD
28			TOWN OF APEX PLANNING DEPARTMENT	PO BOX 250	APEX, NC 27502	
29	0750545646	018131	WAKE COUNTY BOARD OF EDUCATION	Attn: REAL ESTATE SERVICES, 111 CORNING ROAD, STE. 100	CARY NC 27518	8550 STEPHENSON RD

AGENT AUTHORIZATION FORM

Application #: 20CZ12

Submittal Date: _____

The Wake County Board of Education is the owner* of the property for which the attached application is being submitted:

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

The property address is: 8550 Stephenson Road, Apex, NC

The agent for this project is: Betty L. Parker, Sr. Director, WCPSS Real Estate Services

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

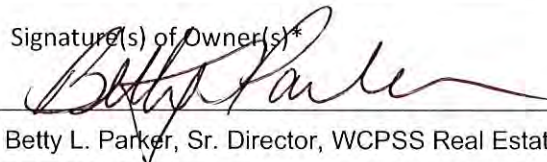
Agent Name: Betty L. Parker, Sr. Director, WCPSS Real Estate Services, for and on behalf of the Wake County Board of Education pursuant to duly delegated authority.

Address: 5625 Dillard Drive, Attn: Real Estate Services, Cary, NC 27518

Telephone Number: 919-856-8290

E-Mail Address: bparker@wcpss.net

Signature(s) of Owner(s)*



Betty L. Parker, Sr. Director, WCPSS Real Estate Services
Type or print name

October 28, 2020
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 #: 20CZ12

Submittal Date: _____

The undersigned, Betty L. Parker, Senior Director, WCPSS Real Estate Services (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 8550 Stephenson Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 9/15/2016, and recorded in the Wake County Register of Deeds Office on 9/16/2016, in Book 16534 Page 545 and 550.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 9/16/2016, 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 9/16/2016, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 28th day of October, 2020.

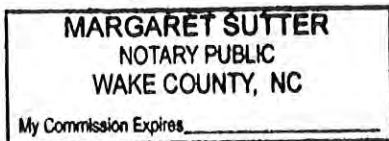
Betty L. Parker, Sr. Dir. (seal)

Betty L. Parker, Sr. Director, WCPSS Real Estate Services, for and on behalf of the Wake County Board of Education pursuant to duly delegated authority.

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



[NOTARY SEAL]

Margaret Sutter
Notary Public Margaret Sutter
State of North Carolina
My Commission Expires: 5/7/2022

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 20CZ12

Submittal Date: _____

Insert legal description below.

See legal description attached hereto and incorporated herein by reference as fully as if set forth herein.

Town of Apex Rezoning Legal Description: PIN 0750-54-5646

(WCPSS: Felton Grove High School, 8550 Stephenson Road, Apex, NC 27539)

BEGINNING AT AN IRON SHANK AT THE NORTHEASTERN MOST CORNER OF THE SUBJECT PROPERTY; THENCE, S 00°52'15" W A DISTANCE OF 2337.40' TO AN IRON PIPE; THENCE, S 86°51'34" W A DISTANCE OF 1224.63' TO AN IRON PIPE WITH CAP AND TACK; THENCE, N 02°01'22" W A DISTANCE OF 632.89' TO A 36" OAK STUMP; THENCE, N 01°19'50" E A DISTANCE OF 1795.11' TO AN IRON PIPE; THENCE, S 88°56'30" E A DISTANCE OF 1239.18' TO THE **POINT OF BEGINNING**, CONTAINING 68.06 ACRES MORE OR LESS.



Instruction Packet and Affidavit for Neighborhood Meetings

Town of Apex
Planning Department
PO Box 250
Apex, NC 27502

T: 919-249-3426
F: 919-249-3338

This packet consists of instructions and templates for conducting a required Neighborhood Meeting. Planning Department staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive initial feedback regarding certain project types prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7. The intention of the meeting is to initiate neighbor communication and identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application. A neighborhood meeting is valid for six (6) months prior to the submission of an application; a delay in submission requires a new neighborhood meeting.

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezoning (including Planned Unit Developments);
- Major Site Plans;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

INSTRUCTIONS

Prior to submitting an application for a Rezoning, Major Site Plan, residential Master Subdivision Plan (excluding exempt subdivisions), or Special Use Permit, the applicant must conduct at least one (1) Neighborhood Meeting. The applicant shall submit all forms included in this packet with the initial application submittal.

The Neighborhood Meeting must be held in accordance with the following rules:

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property, and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to either the existing zoning map of the area or preliminary plans of the proposed development (see Handout requirements below).

The meeting must be held within specific timeframes and meet certain requirements:

- The meeting must be held for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on a Town recognized holiday (which coincide with the State of North Carolina recognized holidays).
- The meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
- A sign-in sheet must be used in order to verify attendance. Ensure each attendee signs in. Please note if any person(s) refuses to sign in. Note if no one attended.
- Handout requirements:
 - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), a vicinity map and existing zoning map of the area must be provided to help facilitate discussion.
 - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be available at the meeting to help facilitate discussion. Neighbors may request emailed/mailed copies of the maps or plans from the applicant by checking the “send plans” box on the sign-in sheet; applicant shall provide reduced copies upon request.
 - Printed copies must equal the number of notices required to be sent.
 - Contact information for the applicant’s representative and Town Staff must be provided on the attached “Project Contact Information” form.
 - “Common Construction Issues & Who to Call” sheet (attached) must be included as part of the handout.
 - A copy of the handout must be included as part of the Neighborhood Meeting report.
- The agenda of the meeting shall include:
 - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
 - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
 - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by attendees, and responses by the applicant, if any, must be noted. Provide blank comment sheets or notecards for neighbors to submit written comments. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant.
- The applicant shall be responsible for notifying any neighbors who check the “Send Plans & Updates” box on the sign-in sheet of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex’s Interactive Development Map.

For accountability purposes, please submit the following with your application:

- A copy of the letter mailed to neighbors and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the sign-in sheet (use attached sign-in sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One reduced copy of the maps and/or plans presented to the neighbors at the Neighborhood Meeting.

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

October 14, 2020

Date

Dear Neighbor:

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

8550 Stephenson Road, Apex, NC 27539-9381

0750-54-5646

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

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

The Applicant proposes to rezone the subject parcel from a Medium Density - Conditional Zoning District (MD-CZ) to a Medium Density - Conditional Zoning District (MD-CZ) with certain land uses permitted by the Town of Apex UDO and subject to proposed zoning conditions to support a public school development (Felton Grove HS).

Estimated submittal date: November 2, 2020

MEETING INFORMATION:

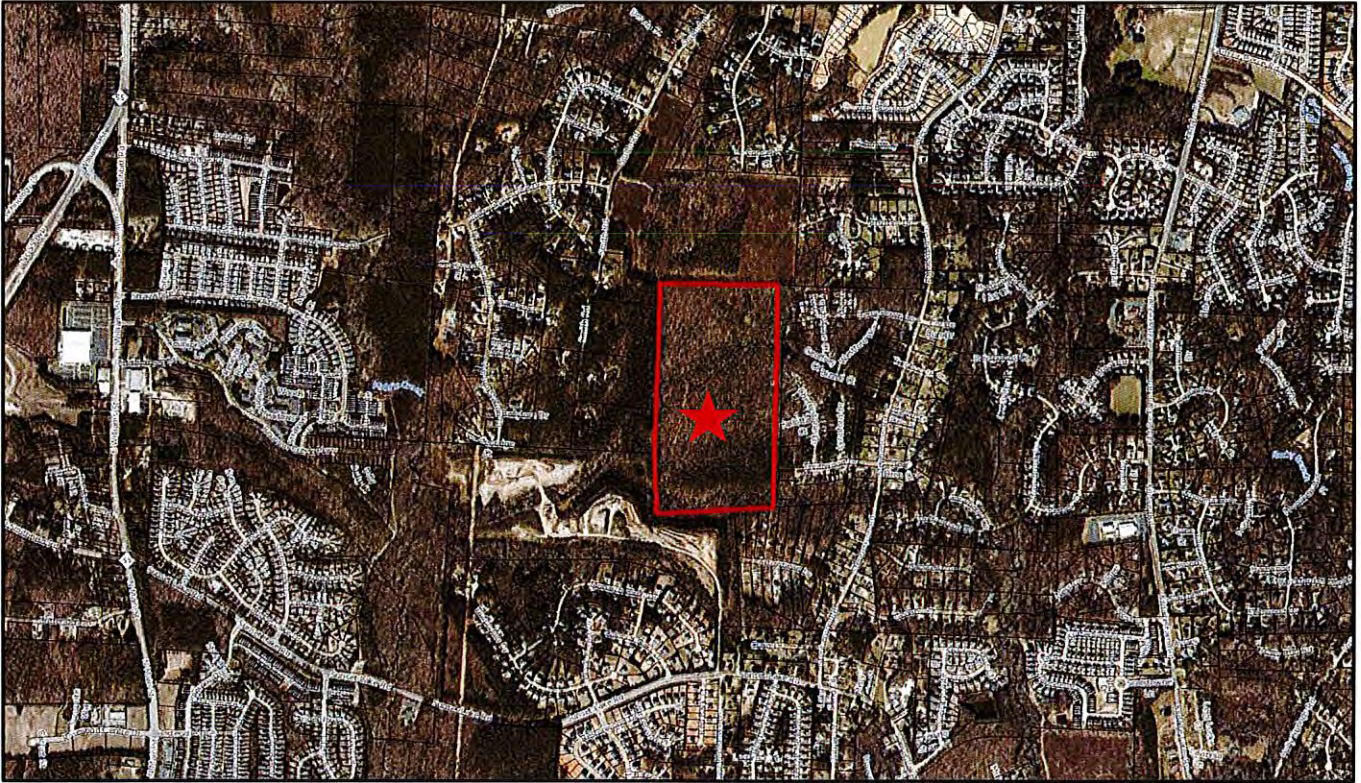
Property Owner(s) name(s):	<u>The Wake County Board of Education</u>
Applicant(s):	<u>Betty L. Parker, Senior Director, WCPSS Real Estate Services</u>
Contact information (email/phone):	<u>Email. bparker@wcpss.net; Tel. 919-856-8290 (9:00-5:00 M-F)</u>
Electronic Meeting invitation/call in info:	<u>Webex Link: https://bit.ly/3IGnBE7 or Phone: 1-408-418-9388</u>
Date of meeting**:	<u>October 27, 2020</u>
Time of meeting**:	<u>5:30 p.m. to 7:30 p.m.</u>

MEETING AGENDA TIMES:

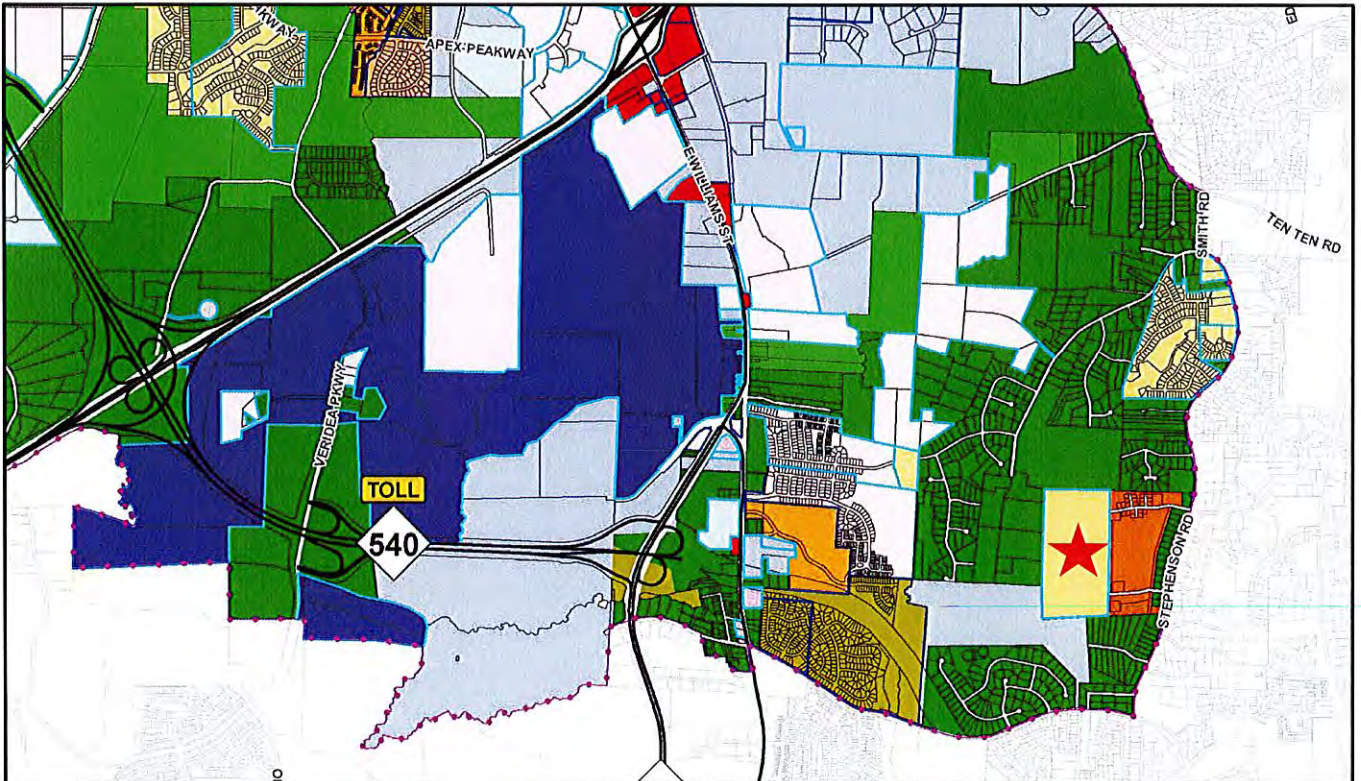
Welcome: 5:30 p.m. Project Presentation: 5:40 p.m. Question & Answer: 6:00 p.m.

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

Wake County GIS Aerial Vicinity Map



Town of Apex Official Zoning District Map



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: Felton Grove High School Zoning: MD-CZ

Location: 8550 Stephenson Road, Apex, NC

Property PIN(s): 0750545646 Acreage/Square Feet: ±68.06 acres

Property Owner: The Wake County Board of Education

Address: 5625 Dillard Drive, Attn: Real Estate Services

City: Cary State: NC Zip: 27518

Phone: 919-856-8290 Email: bparker@wcpss.net

Developer: Same as property owner

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: CLH Design, PA

Address: 400 Regency Forest Dr., Attn: Renee Pfeifer

City: Cary State: NC Zip: 27518

Phone: 919-319-6716 Fax: _____ Email: rpfeifer@clhdesignpa.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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 1st and 3rd 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 Danny Smith	919-372-7470 Danny.Smith@ncdenr.gov
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Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported 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:	Mike Deaton	919-249-3413
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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 Mike Deaton at 919-249-3413.

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 Meeting
 Date of meeting: October 27, 2020 Time of meeting: 5:30 p.m. - 7:30 p.m.
 Property Owner(s) name(s): The Wake County Board of Education
 Applicant(s): The Wake County Board of Education

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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	<i>No Attendees other than WCPSS staff joined the virtual meeting.</i>				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): The Wake County Board of Education

Applicant(s): The Wake County Board of Education

Contact information (email/phone): Betty L. Parker,, WCPSS RES Sr. Director; bparker@wcpss.net/(919)-856-8290

Meeting Address: Virtual

Date of meeting: October 27, 2020 Time of meeting: 5:30 p.m. - 7:30 p.m.

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

Question/Concern #1:

N/A

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, Betty L. Parker, Sr. Director, WCPSS RES, do hereby declare as follows:
Print Name

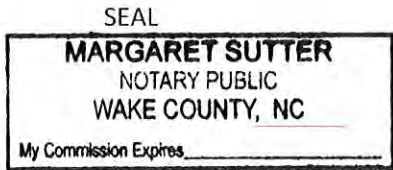
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual Meeting (location/address) on October 27, 2020 (date) from 5:30 p.m. (start time) to 7:30 p.m. (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.

October 28, 2020
Date

By: Betty L. Parker, Sr. Dir.
Betty L. Parker, Sr. Director, WCPSS Real Estate Services

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Margaret Sutter, a Notary Public for the above State and County, on this the 28th day of October, 2020.



Margaret Sutter
Notary Public
Margaret Sutter
Print Name

My Commission Expires: 5/7/2022