

# STAFF REPORT

Rezoning #21CZ21 Beaugard Place at Weddington

November 23, 2021 Town Council Meeting



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

## **BACKGROUND INFORMATION:**

**Location:** 0 Wimberly Road  
**Applicant/Owners:** AG Wimberly, LLC.

## **PROJECT DESCRIPTION:**

**Acreage:** ± 3.30 acres  
**PIN:** 0723249888  
**Current Zoning:** Rural Residential (RR)  
**Proposed Zoning:** Low Density Residential-Conditional Zoning (LD-CZ)  
**2045 Land Use Map:** Low Density Residential  
**Town Limits:** ETJ

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

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Rural Residential (RR)	Vacant
<b>South:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ26)	RCA (Weddington subdivision); Vacant
<b>East:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ26)	Single-family Residential (Weddington subdivision)
<b>West:</b>	Conservation Buffer (CB)	American Tobacco Trail

## **Existing Conditions:**

The subject property is located south of Green Level West Road, east of the American Tobacco Trail and at the end of Beaugard Place within the Weddington Subdivision. The subject property is currently vacant and is heavily wooded.

## **Neighborhood Meeting:**

The applicant conducted a neighborhood meeting on August 18, 2021. The neighborhood meeting report is attached.

## **WCPSS Coordination:**

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that schools at elementary and middle school grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment. School expansion or construction within the next five years is not anticipated to address concerns.

According to WCPSS, the Beaugard site falls into an area that is still significantly crowded. However, the size of the area (5 proposed units) does not figure to impact the area more than it already has been.

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### 2045 LAND USE MAP:

The 2045 Land Use Map identifies the property subject to this rezoning as Low Density Residential. The proposed rezoning to Low Density Residential-Conditional Zoning is consistent with that land use classification.

### PERMITTED USES:

The applicant is proposing the following permitted uses:

1. Single-family
2. Accessory apartment
3. Utility, minor
4. Park, active
5. Park, passive

### PROPOSED ZONING CONDITIONS:

1. The development shall have a maximum of five (5) single-family residential lots.
2. Development shall meet all stormwater reduction requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.
3. The development shall include signage identifying environmentally sensitive areas and/or a pet waste station to discourage pet waste and chemical use in the vicinity of RCA or SCMs. A minimum of one sign and/or pet waste station shall be provided where appropriate within this development.
4. Developers shall preserve the existing trees within the RCA and riparian buffers per the UDO standards.
5. Outdoor lighting shall be full cut off and shielded to prevent glare and light spill over to minimize impact of neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3000K.
6. There shall be a 15-foot Type A Buffer along the eastern property from Beaugard Place north to the property boundary.
7. All single-family detached homes shall be pre-configured with conduit for a solar energy system.
8. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
9. The developer shall provide a donation to the Town of Apex's Affordable Housing Fund (the "FUND") in the amount of \$500.00 per residential lot payable at the time of Final Plat.
10. Architectural Standards for Single-Family Homes:
  - a. Garage doors shall have windows, decorative details or carriage-style adornments on them.
  - b. The garage shall not protrude more than 1 foot out from the front façade and front porch.
  - c. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
  - d. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
  - e. Eaves shall project at least 12 inches from the wall of the structure.
  - f. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
  - g. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the frontdoor.
  - h. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
  - i. Front porches shall be a minimum of 6 feet deep.

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- j. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
- Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer

### APEX TRANSPORTATION PLAN/ACCESS AND CIRCULATION:

The proposed rezoning would allow for additional lots that would be served by the existing streets in the Weddington subdivision. The Council-Smith Tracts (Weddington) TIA assumed 200 single-family units for 2021 build-out. 190 units were approved in the construction plans, 10 less than the TIA assumed. Based on this, the TIA accounts for up to 10 additional units proposed for connection to Weddington internal streets. Transportation Engineering staff have stated that construction of the homes within the next couple years would have a minimal impact on traffic not resulting in any additional offsite recommendations.

### ENVIROMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on July 15, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Increase design storm pre- and post-attenuation requirements to the 25-year storm	Added
Install signage near environmentally sensitive areas in order to reduce pet waste near SCM drainage areas	Added
Preserve tree canopy and prioritize medium to large, healthy, desirable species; Preserve existing trees (percentage based), including everything within the riparian buffer minus 20'-30' sewer easement at the southwest corner of the site	Added
Install pet waste stations in neighborhoods	Added
Add signage that will identify environmentally sensitive areas, including RCA and areas in the floodplain	Added
Include International Dark Sky Association compliance standards. Outdoor lighting shall be shielded in a way that focuses lighting to the ground. Lighting that minimizes the emission of blue light to reduce glare shall be used. Lighting with a color temperature of 3000K or less shall be used for outside installations	Added

## STAFF REPORT

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### **PLANNING BOARD RECOMMENDATION:**

The Planning Board held a Public Hearing on November 8, 2021 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant.

### **PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of #21CZ21 Beaugard Place at Weddington with the conditions as offered by the applicant.

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

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

Approval of the rezoning is reasonable because the proposed Low Density Residential-Conditional Zoning (LD-CZ) district is consistent with the 2045 Land Use Plan. The 2045 Land Use Map classifies the subject property as Low Density Residential which includes the LD-CZ district.

The proposed rezoning is reasonable and in the public interest because it permits single-family residential development consistent and compatible with the surrounding area. The proposed rezoning will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

### **CONDITIONAL ZONING STANDARDS:**

The Town Council shall find the Low Density Residential-Conditional Zoning (LD-CZ) designation demonstrates compliance with the following standards. Sec. 2.3.3.F:

#### ***Legislative Considerations***

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (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.

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- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



The Point  
at Lake  
Castleberry

Amity Fields

Weddington

White  
Oak  
Creek

Rezoning #21CZ21

0 250 500  
Feet

September 2021  
May 2021 Aerial Photography  
Prepared by: Town of Apex Planning Department

**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 #: 21CZ21 Submittal Date: 9/1/2021  
Fee Paid: \$1000.00

**Project Information**

Project Name: Beauregard Place at Weddington  
Address(es): 0 Wimberly Road  
PIN(s): 0723249888

Acreage: 3.3  
Current Zoning: Rural Residential RR Proposed Zoning: LD-CZ

Current 2045 LUM Classification(s): Low Density LD

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

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

Area classified as mixed use: Acreage: N/A  
Area proposed as non-residential development: Acreage: N/A  
Percent of mixed use area proposed as non-residential: Percent: N/A

**Applicant Information**

Name: AG Wimberly LLC  
Address: 633 Mercer Grant Dr  
City: Cary State: NC Zip: 27519  
Phone: 919-924-2991 E-mail: sudhakar.upadhyaya@gmail.com

**Owner Information**

Name: AG Wimberly LLC  
Address: 633 Mercer Grant Dr  
City: Cary State: NC Zip: 27519  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent Information**

Name: Glenda Toppe, AICP Glenda S. Toppe & Associates  
Address: 4139 Gardenlake Dr  
City: Raleigh State: NC Zip: 27612  
Phone: 919-605-7390 E-mail: glenda@gstplanning.com

Other contacts: John Woodlief, PE Bass, Nixon & Kennedy, Inc  
6310 Chapel Hill Road Suite 250  
Raleigh, NC 27607  
919-851-4422 919-851-4422 john.woodlief@bnkinc.com

**PETITION INFORMATION**

Application #: 21CZ21 Submittal Date: 9/1/2021

An application has been duly filed requesting that the property described in this application be rezoned from RR \_\_\_\_\_ to LD-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>Single-family</u>	21	_____
2	<u>Accessory apartment</u>	22	_____
3	<u>Utility, minor</u>	23	_____
4	<u>Park, active</u>	24	_____
5	<u>Park, passive</u>	25	_____
6	_____	26	_____
7	_____	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____



**PETITION INFORMATION**

Application #: 21CZ21 Submittal Date: 9/1/2021

**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.

Refer to Attachment for the Proposed Conditions.

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**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 LD-CZ rezoning request is consistent with the 2045 Land Use Map.

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

The proposed land uses are compatible given the location of the property and the character of the surrounding land uses

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## PROPOSED ZONING CONDITIONS

1. The development shall have a maximum of five (5) single-family residential lots.
2. Development shall meet all stormwater reduction requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.
3. The development shall include signage identifying environmentally sensitive areas and/or a pet waste station to discourage pet waste and chemical use in the vicinity of RCA or SCMs. A minimum of one sign and/or pet waste station shall be provided where appropriate within this development.
4. Developers shall preserve the existing trees within the RCA and riparian buffers per the UDO standards.
5. Outdoor lighting shall be full cut off and shielded to prevent glare and light spill over to minimize impact of neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3000K.
6. There shall be a 15-foot Type A Buffer along the eastern property from Beauregard Place north to the property boundary.
7. All single-family detached homes shall be pre-configured with conduit for a solar energy system.
8. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
9. The developer shall provide a donation to the Town of Apex's Affordable Housing Fund (the "FUND") in the amount of \$500.00 per residential lot payable at the time of Final Plat.
10. Architectural Standards for Single-Family Homes
  - a. Garage doors shall have windows, decorative details or carriage-style adornments on them.
  - b. The garage shall not protrude more than 1 foot out from the front façade and front porch.
  - c. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
  - d. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.

- e. Eaves shall project at least 12 inches from the wall of the structure.
- f. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- g. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- h. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- i. Front porches shall be a minimum of 6 feet deep.
- j. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
- Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch Two or more building materials  
Decorative brick/stone Decorative trim
  - Decorative shake
  - Decorative air vents on gable Decorative gable
  - Decorative corniceColumnPortico
  - Balcony
  - Dormer

**PETITION INFORMATION**

Application #: 21CZ21 Submittal Date: 9/1/2021

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

The proposed CZ District complies 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.

The design of the proposed 5 lots minimizes any adverse effects to the surrounding area. The proposed development with meet UDO standards. There will be no negative impact on trash, traffic, service delivery, parking, loading, odors, noise, glare and vibration and 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 will comply with all local and state environmental regulations. The area of the proposed development has been studied and the lots will not be affected by the floodplain.

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 Conditional Zoning District is in the ETJ of Apex. The property is adjacent to the Town limits of Apex. The Town of Apex can adequately service the property.

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 Conditional Zoning request will not negatively impact health, safety , or welfare of the residents of the Town or its ETJ.

**PETITION INFORMATION**

Application #: 21CZ21 Submittal Date: 9/1/2021

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

The proposed Conditional Zoning request will not be detrimental to adjacent properties.

The uses are compatible to adjacent properties.

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

With only a maximum of five (5) single-family detached homes proposed, the Conditional Zoning proposed will not constitute a nuisance or hazard due to traffic impact noise or the number of persons living in the new community.

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 will comply with all standards identified in the Town's ordinances for use, layout and general development characteristics.

**AGENT AUTHORIZATION FORM**

Application #: 21CZ21

Submittal Date: 9/1/2021

AG Wimberly LLC is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 0 Wimberly Road

The agent for this project is: Glenda S. Toppe & Associates

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

Agent Name: Glenda Toppe

Address: 4139 Gardenlake Drive

Telephone Number: 919-60-7390

E-Mail Address: glenda@gstplanning.com

Signature(s) of Owner(s)\*

**Sudhakar Upadhyaya**

Digitally signed by Sudhakar Upadhyaya  
DN: cn=Sudhakar Upadhyaya, o, ou,  
email=sudhakarps@yahoo.com, c=US  
Date: 2021.07.09 11:56:33 -0400'

Sudhakar Upadhyaya

07/09/2021

Type or print name

Date

**Rekha Upadhyaya**

Digitally signed by Rekha Upadhyaya  
DN: cn=Rekha Upadhyaya, o, ou,  
email=rekha\_rao\_ks@yahoo.com, c=US  
Date: 2021.07.09 11:59:22 -0400'

Rekha Upadhyaya

07/09/2021

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 #: 21CZ21

Submittal Date: 9/1/2021

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

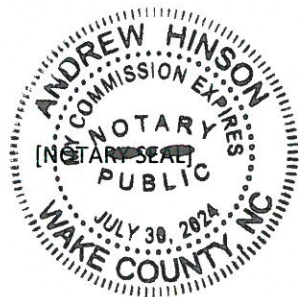
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Wimberly Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. 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 \_\_\_\_\_, and recorded in the Wake County Register of Deeds Office on \_\_\_\_\_, in Book \_\_\_\_\_ Page \_\_\_\_\_.
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 \_\_\_\_\_, 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 \_\_\_\_\_, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 26 day of August, 2021.

\_\_\_\_\_  
Glenda Toppe  
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 Glenda Toppe, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Driver's license, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Andrew Hinson  
Notary Public  
State of North Carolina  
My Commission Expires: July 30, 2024

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

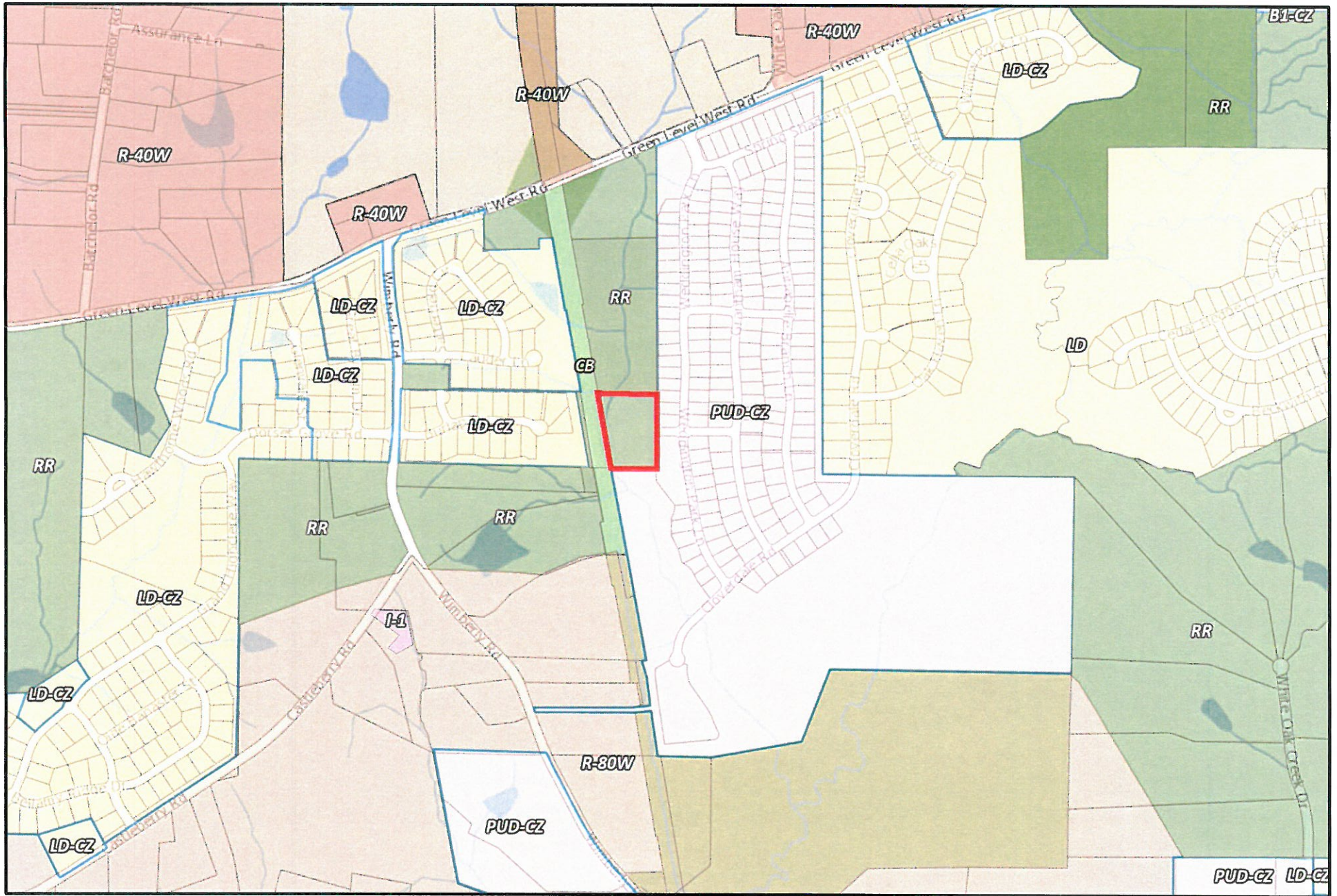
Application #: 21CZ21

Submittal Date: October 22, 2021

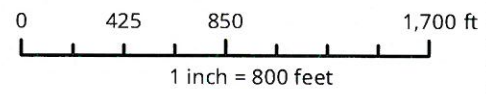
**Insert legal description below.**

Beginning at an existing iron pipe found at the southwest corner of the Sherry S. Johnson Parcel, as shown on Book of Maps 2011, Page 1009 of the Wake County Registry, said corner being the southeast corner of the NCDOT RR R/W (now American Tobacco Trail), as shown on Book of Maps 2011, Page 1009 and recorded in Deed Book 6660, Page 194 of the Wake County Registry, thence from said Point of Beginning North 09°41'43" West 463.78 feet along the eastern right-of-way of the American Tobacco Trail to a point, thence South 89°08'22" East 358.95 feet to an existing iron pipe, thence South 00°05'12" East 458.23 feet to an existing iron pipe, thence North 88°41'04" West 281.57 feet to the point and place of Beginning containing 3.36 acres, more or less.





**CURRENT ZONING RR**



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



Wake County Residential Development Notification

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

Town of Apex staff will enter this information into the online WCPSS form.

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

Developer Company Information	
Company Name	AG Wimberly LLC
Company Phone Number	919-924-2991
Developer Representative Name	Sudhaker Upadhyaya
Developer Representative Phone Number	919-924-2991
Developer Representative Email	sudhaker.upadhyaya@gmail.com

New Residential Subdivision Information	
Date of Application for Subdivision	
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	Beauregard Place at Weddington
Address of Subdivision (if unknown enter nearest cross streets)	0 Wimberly Road
REID(s)	0159682
PIN(s)	0723249888

Projected Dates Information	
Subdivision Completion Date	December 2024
Subdivision Projected First Occupancy Date	December 2023

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	5							3,000	5,000	65000	11000	2023	2	2024	3		
Townhomes										0	0						
Condos																	
Apartments																	
Other																	

Revised 08/10/2018

# 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.

August 2, 2021

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at  
0 Wimberly Road 0723249888

Address(es)

PIN(s)

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

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

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

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

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

The proposal is to build five (5) single-family detached lots.

Estimated submittal date: September 1, 2021

### MEETING INFORMATION:

Property Owner(s) name(s): AG Wimberly LLC

Applicant(s): AG Wimberly LLC

Contact information (email/phone): Glenda Toppe 919-605-7390 glenda@gstplanning.com

Meeting Address: Virtual

Date/Time of meeting\*\*: August 18, 2021 6:00 PM-8:00 PM

### MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: 6:10 PM Question & Answer: 6:30 PM

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

# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: Beauregard Place at Weddington Zoning: Low Density LD  
 Location: 0 Wimberly Road  
 Property PIN(s): 0723249888 Acreage/Square Feet: 3.3

Property Owner: AG Wimberly LLC  
 Address: 633 Mercer Grant Dr  
 City: Cary State: NC Zip: 27519  
 Phone: 919-924-2991 Email: sudhakar.upadhyaya@gmail.com

Developer: AG Wimberly LLC  
 Address: 633 Mercer Grant Dr  
 City: Cary State: NC Zip: 27519  
 Phone: 919-924-2991 Fax: \_\_\_\_\_ Email: sudhakar.upadhyaya@gmail.com

Engineer: John Woodlief, P.E. Bass, Nixon & Kennedy  
 Address: 6310 Chapel Hill Road Suite 250  
 City: Rlaeigh State: NC Zip: 27607  
 Phone: 919-851-4422 Fax: \_\_\_\_\_ Email: john.woodlief@bnkinc.com

Builder (if known): AG Wimberly LLC  
 Address: 633 Mercer Grant Dr  
 City: Cary State: NC Zip: 27607  
 Phone: 919-924-2991 Fax: \_\_\_\_\_ Email: sudhakar.upadhyaya@gmail.com

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

## Town of Apex Department Contacts

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

## 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: Wednesday August 18, 2021 Time of meeting: 6:00 pm - 8:00 pm  
 Property Owner(s) name(s): AG Wimberly LLC  
 Applicant(s): AG Wimberly LLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

Meeting Attendees

Naga Kuppuswami

[REDACTED]

Amber Craig

[REDACTED]

Ashwin Palani

[REDACTED]

Abby Brentzel & Brian Roth

[REDACTED]

Krista & Mark Kretzschmar

[REDACTED]

Glenda Toppe

[REDACTED]

John Woodlief

[REDACTED]

50, Raleigh,

Sudhakar Upadhyaya

[REDACTED]

## 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): AG Wimberly LLC

Applicant(s): AG Wimberly LLC

Contact information (email/phone): Glenda Toppe 919-605-7390 glenda@gstplanning.com

Meeting Address: Virtual

Date of meeting: Wednesday August 18, 2021 Time of meeting: 6:00 pm - 8:00 pm

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

### Question/Concern #1:

Will there be a home next to me. This person was told there would be no houses behind her. We hope some trees will remain. Will you explain what will be next to me. Is this rezoning a done deal.

#### Applicant's Response:

There will be a buffer as required by the Town of Apex. You will see the side of the home. We'll take a look at the buffer to better understand the distance between your house and the proposed home and what vegetation will remain. This is the beginning of the process. We are taking your concerns seriously

### Question/Concern #2:

All the homeowners who attended the meeting who live adjacent to the property had a concern about the proposed development and what affect it would have on existing vegetation. How much buffer will there be.

#### Applicant's Response:

We will take a close look at the potential layout to better understand the impact on the adjacent homes and how much buffer we can provide. The existing topography will affect what you see. We are lower than your houses. We will email what we find out.

### Question/Concern #3:

They want us to save as many trees as possible. There was a question about the flood plain area. What is the planned price point of the homes.

#### Applicant's Response:

We understand and will try to save as many trees as possible. A large portion of the site is impacted by floodplain which will remain undisturbed. A flood study was conducted and we must show no rise. The planned price point will be similar to the homes in Weddington.

### Question/Concern #4:

We were asked if there will be an HOA. What is the planned price.. What will access be. What is the time frame for development

#### Applicant's Response:

Yes there will be an HOA due to the requirement of an SCM for the property. This development will be self contained. It will have its own HOA and mail kiosk. We will look at placing the mail kiosk south of the cul-de-sac. Access will be from a cul-de-sac off of Beauregard Place. Construction could begin spring 2022.

# 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, Glenda S. Toppe, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, 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 Wednesday August 18, 2021 (date) from 6:00 pm (start time) to 8:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

8-26-2021  
Date

By: Glenda Toppe

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Glenda Toppe, a Notary Public for the above State and County, on this the 26 day of August, 2021.



Andrew Hinson  
Notary Public  
Andrew Hinson  
Print Name

My Commission Expires: July 30, 2024



PIN_NUM	OWNER
0723345600	ADHIKARI, DHARANI ADHIKARI, BHUMIKA
0723249888	AG WIMBERLY LLC
0723342795	BAKER RESIDENTIAL OF THE CAROLINAS LLC
0723352480	BRENTZEL, ABBY ROTH-ROFFY, BRIAN
0723169107	CAPITAL PROPERTIES OF RALEIGH VIII LLC
0723352075	CRAIG, AMBER S
0723344864	DESAI, DHAWAL ASTHANA, PRITI VISHNU
0723354462	HAGER, BRADLEY JAY HAGER, QIONG WU
0723344698	HUA, HUANGZHANG GUO, JINGSHU
0723354152	JINKA, JAYARAMESH BOBBA, ANITHA
0723352287	KOMMINENI, RAVI KANTH ANAPARTHI, SUSHMA
0723352575	KRETZSCHMAR, MARK KRETZSCHMAR, KRISTA
0723352189	KUPPUSWAMI, NAGARAJAN SURYANARAYANAN, SUKIRTI
0723243244	LAMBERT, MACKIE
0723240439	LAMBERT, MACKIE W LAMBERT, STEPHEN F
0723344952	MIRZA, ASAF JAMIL ASAF, NAVEERA
0723354365	NARASIMHAN, HARINI SANTHANAM, PAVAN K
0723296277	NC DEPARTMENT OF TRANSPORTATION
0723344776	NETO, DANIEL ANTONIO AUGUS NETO, VIVIAN CARNEIRO
0723352182	PALANI, ASHWIN RAGHUNATHAN, HARINIPRIYA
0723354260	PALREDDY, NITHIN REDDY NANDHYALA, SUSHMA
0723352487	RAVULAPATI, SATISH KUMAR REDDY REDDY, PRAMILA PARVATHA
0723249442	SMITH, STALEY C HOFFLER, HALEY S
0723354055	THUKRAL, RAGHU KUMAR MAHAJAN, BHAWNA
0723343459	TOLL SOUTHEAST LP COMPANY INC
0723256033	TOLL SOUTHEAST LP COMPANY, INC.
0723434927	WEDDINGTON OWNERS ASSOCIATION INC
	APEX TOWN OF
	Current Tenant
	Current Tenant
	Current Tenant
	Current Tenant
	Current Tenant
	Current Tenant
	Current Tenant

**Glenda S. Toppe & Associates**  
**LAND PLANNING, ZONING & ENTITLEMENT CONSULTANTS**

Dear Property Owner and/or Tenant.,

The purpose of this letter is to invite you to a neighborhood meeting to discuss a proposed rezoning. Attached you will find a vicinity map of the property which is located at 0 Wimberly Road. The accompanying PIN is 0723249888. WG Wimberly LLC (the owner of the property) is proposing to rezone 3.3 acres from a current zoning classification of Rural Residential (RR) to Low Density Residential CZ (LD-CZ). **Please note, this is not a public hearing. Notice for the public hearing will be sent at a later date by the Town of Apex.**

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 a rezoning application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before the rezoning is officially submitted. 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](http://www.apexnc.org).

The applicant is WG Wimberly LLC. We are estimating a submittal date for the rezoning of September 1, 2021.

\*Due to the coronavirus virus we will be holding a virtual meeting.

**The date for the virtual meeting is Tuesday, August 24, 2021, from 6:00 pm - 8:00 pm.**

**MEETING AGENDA TIMES:**

**Welcome: 6:00 pm Project Presentation: 6:10pm Question & Answer: 6:30 pm**

**Virtual Meeting**

The virtual meeting information will be shared remotely on Zoom. Please see the information below for directions on how to join the online meeting.



## Online:

At the time of the meeting, join the meeting via this link: <https://us02web.zoom.us/j/88233083128>

- On the **Event Information page**, enter your name and email address and select **Join Now**.
- Upon joining, you will be added to the audience as an Attendee and your input will be automatically on mute. To ask a question, select the "raise hand" button and the moderator will call on you in the order your raised hand was received.
- If you encounter any technical difficulties, please contact John Woodlief at **919-649-4329** or via email at [john.woodlief@bnkinc.com](mailto:john.woodlief@bnkinc.com)

## By Phone:

If you prefer to join the meeting by telephone rather than online, please refer to the directions below:

- At the time of the meeting dial the following number to join the audio conference only: **1-646-588-8656**
- Upon joining, you will be added to the audience as an Attendee and your input will be automatically on mute. To ask a question, press \*9 and the moderator will call on you in the order your raised hand was received. Once you have raised your hand, you'll hear the prompt, "You have raised your hand to ask a question. Please wait to speak until the host calls on you." If you no longer want to ask a question, or the host has already called on you, then press \*9 to lower your hand. You will hear a message, "You have lowered your hand".

You may also email John Woodlief (see below) and ask for the meeting invitation / link to be sent directly to you.

*If you are unable to attend the virtual meeting on Tuesday, August 24 and have any questions or concerns regarding the rezoning, please feel free to contact Glenda S. Toppe, of Glenda S. Toppe & Associates, at 919-605-7390 or by email at [glenda@gstplanning.com](mailto:glenda@gstplanning.com) or John Woodlief, of Bass, Nixon & Kennedy, at 919-851-4422 or by email at [john.woodlief@bnkinc.com](mailto:john.woodlief@bnkinc.com).*

# 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.

August 5, 2021

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at  
0 Wimberly Road 0723249888

Address(es)

PIN(s)

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

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

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

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

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

The proposal is to build five (5) single-family detached lots.

Estimated submittal date: September 1, 2021

### MEETING INFORMATION:

Property Owner(s) name(s): AG Wimberly LLC  
 Applicant(s): AG Wimberly LLC  
 Contact information (email/phone): Glenda Toppe 919-605-7390 glenda@gstplanning.com  
 Meeting Address: Virtual  
 Date/Time of meeting\*\*: August 24, 2021 6:00 PM-8:00 PM

### MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: 6:10 PM Question & Answer: 6:30 PM

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

# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: Beauregard Place at Weddington Zoning: Low Density LD

Location: 0 Wimberly Road

Property PIN(s): 0723249888 Acreage/Square Feet: 3.3

Property Owner: AG Wimberly LLC

Address: 633 Mercer Grant Dr

City: Cary State: NC Zip: 27519

Phone: 919-924-2991 Email: sudhakar.upadhyaya@gmail.com

Developer: AG Wimberly LLC

Address: 633 Mercer Grant Dr

City: Cary State: NC Zip: 27519

Phone: 919-924-2991 Fax: \_\_\_\_\_ Email: sudhakar.upadhyaya@gmail.com

Engineer: John Woodlief, P.E. Bass, Nixon & Kennedy

Address: 6310 Chapel Hill Road Suite 250

City: Rlaeigh State: NC Zip: 27607

Phone: 919-851-4422 Fax: \_\_\_\_\_ Email: john.woodlief@bnkinc.com

Builder (if known): AG Wimberly LLC

Address: 633 Mercer Grant Dr

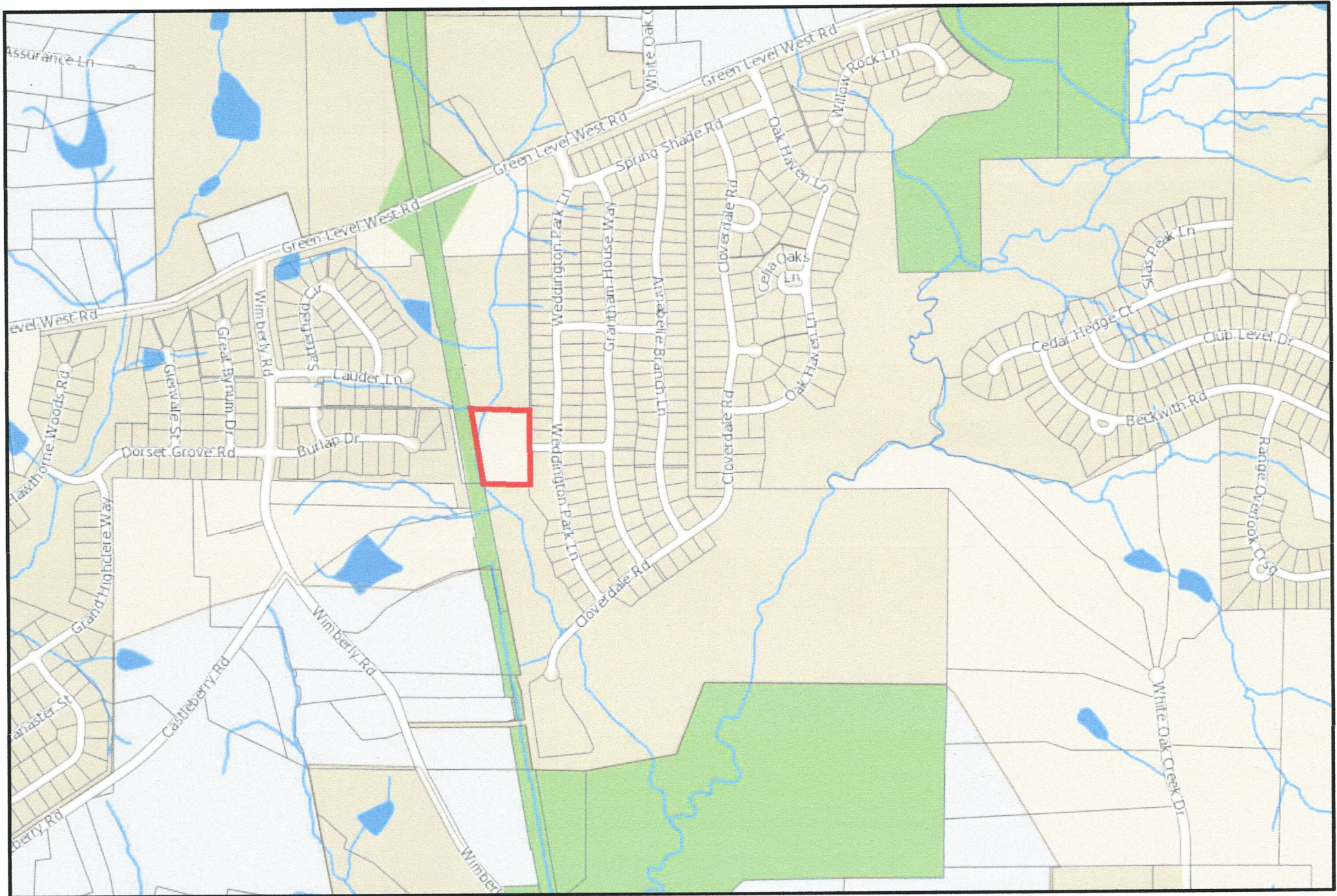
City: Cary State: NC Zip: 27607

Phone: 919-924-2991 Fax: \_\_\_\_\_ Email: sudhakar.upadhyaya@gmail.com

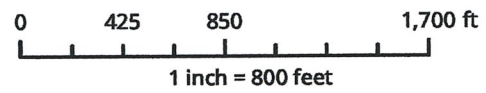
**Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.**

## Town of Apex Department Contacts

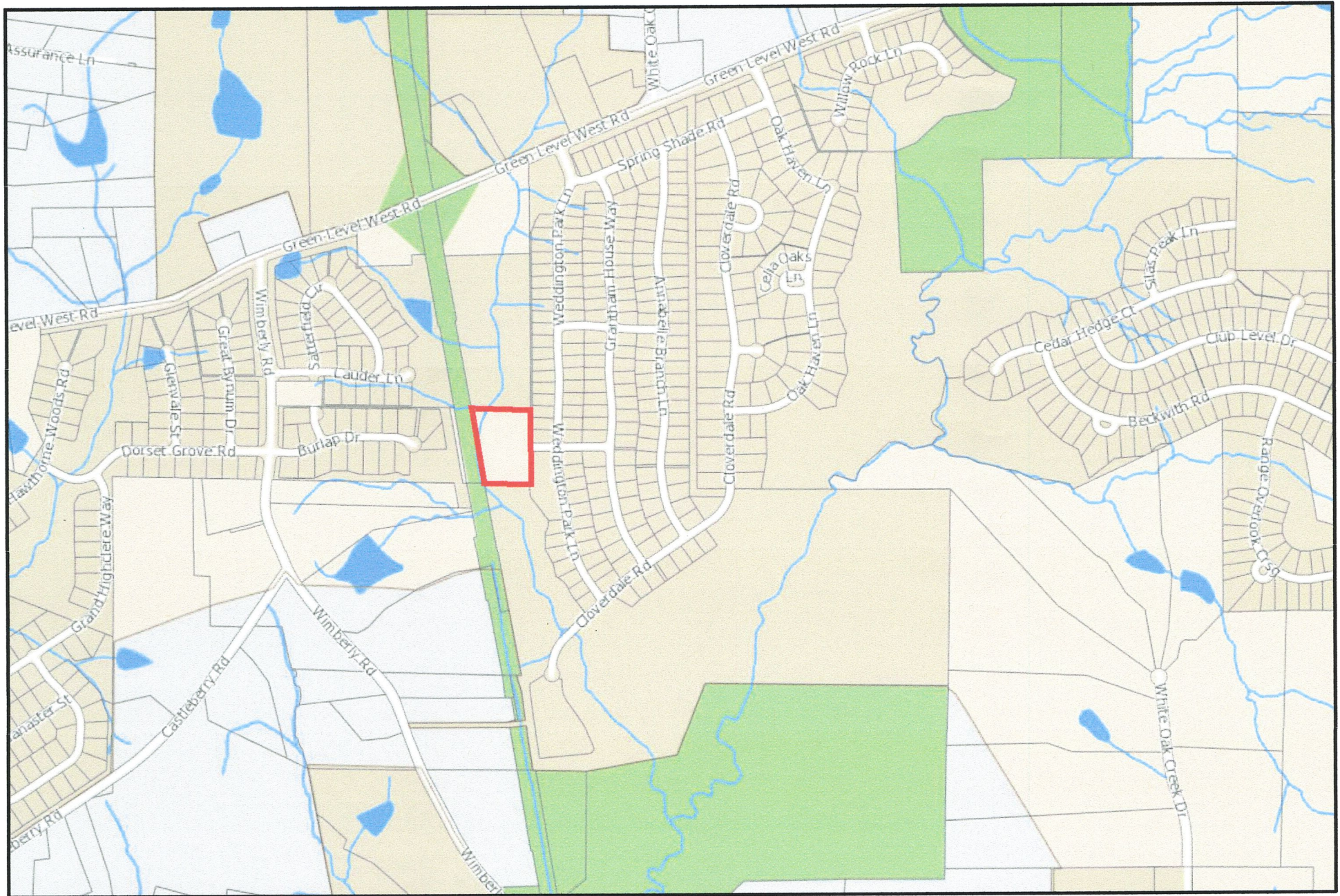
Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior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



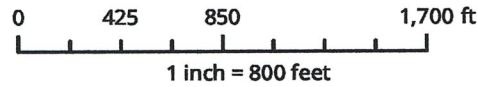
**VICINITY MAP**



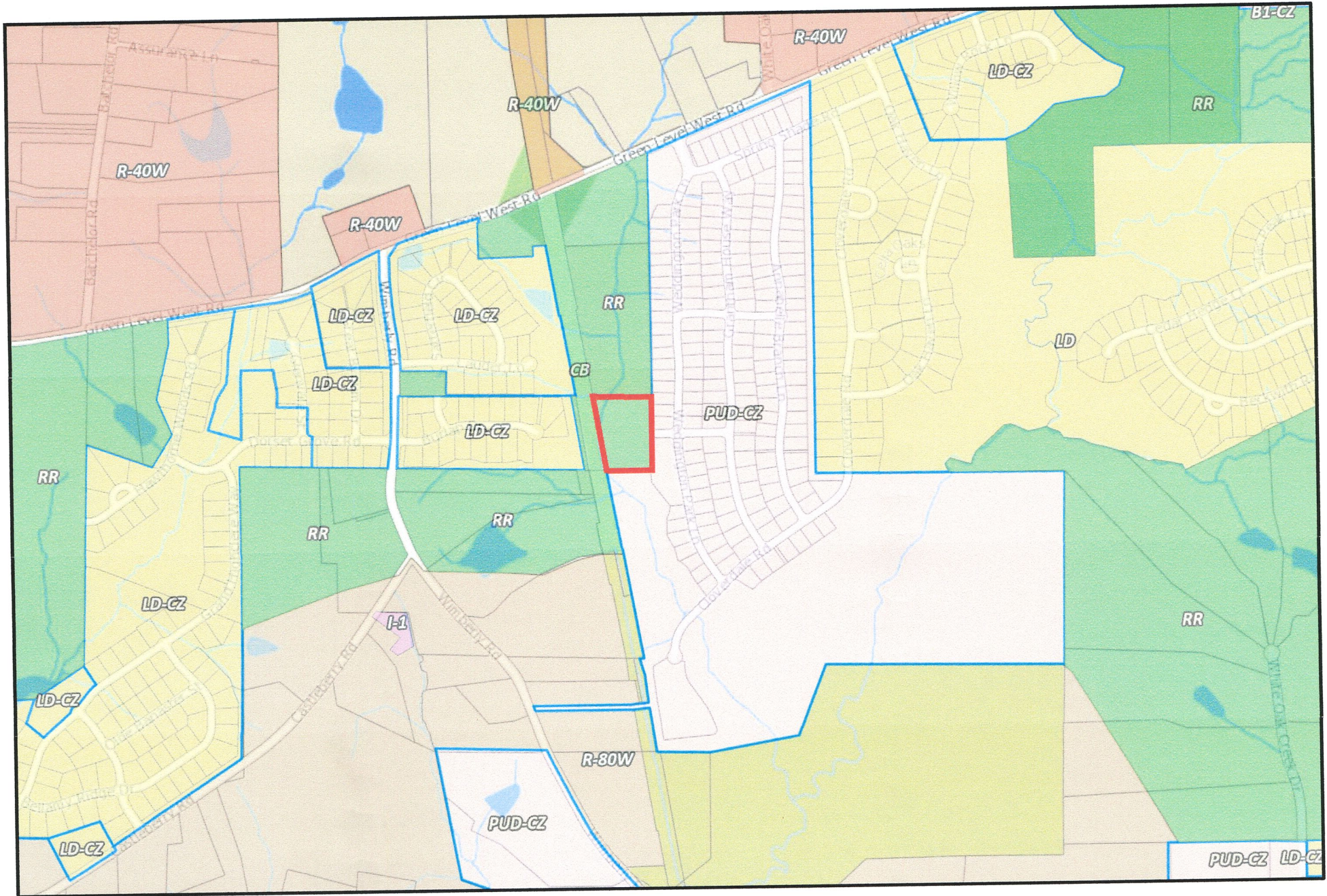
**Disclaimer**  
*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*



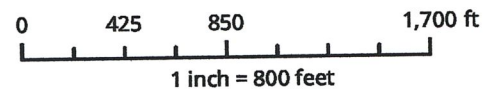
**VICINITY MAP**



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**CURRENT ZONING RR**



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Beauregard Place at Weddington Rezoning  
Developer: AG Wimberly, LLC

Neighborhood Meeting, Town of Apex

August 24, 2021

6:00 - 8:00 PM

# Beauregard Place at Weddington Rezoning AGENDA

- Panelists
- Location of Property
- Current Zoning
- Proposed Zoning
- 2045 Land Use Plan Map
- Proposed Uses
- Proposed Zoning Conditions
- Discussion/Questions

# Beauregard Place at Weddington Rezoning

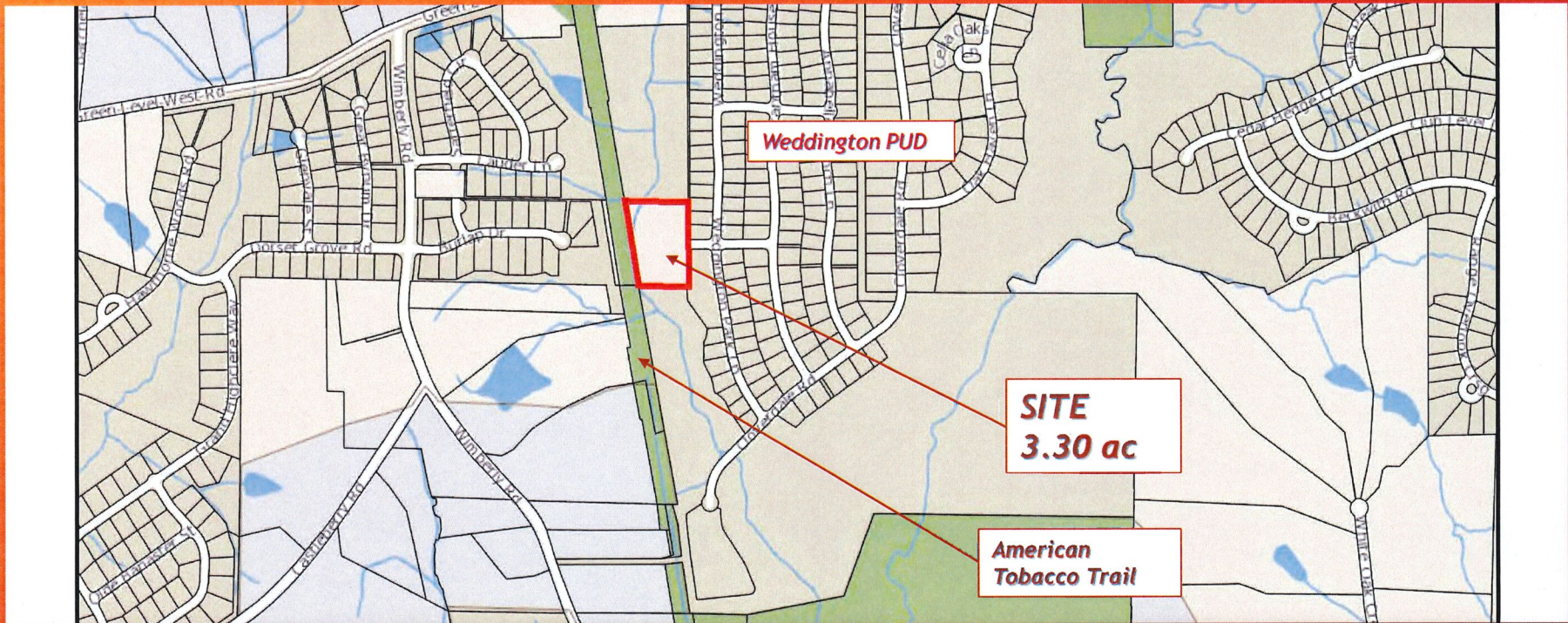
## PANELISTS

### Glenda Toppe

- City Planning/ Development Consultant
- Glenda S. Toppe & Associates

### John Woodlief, PE

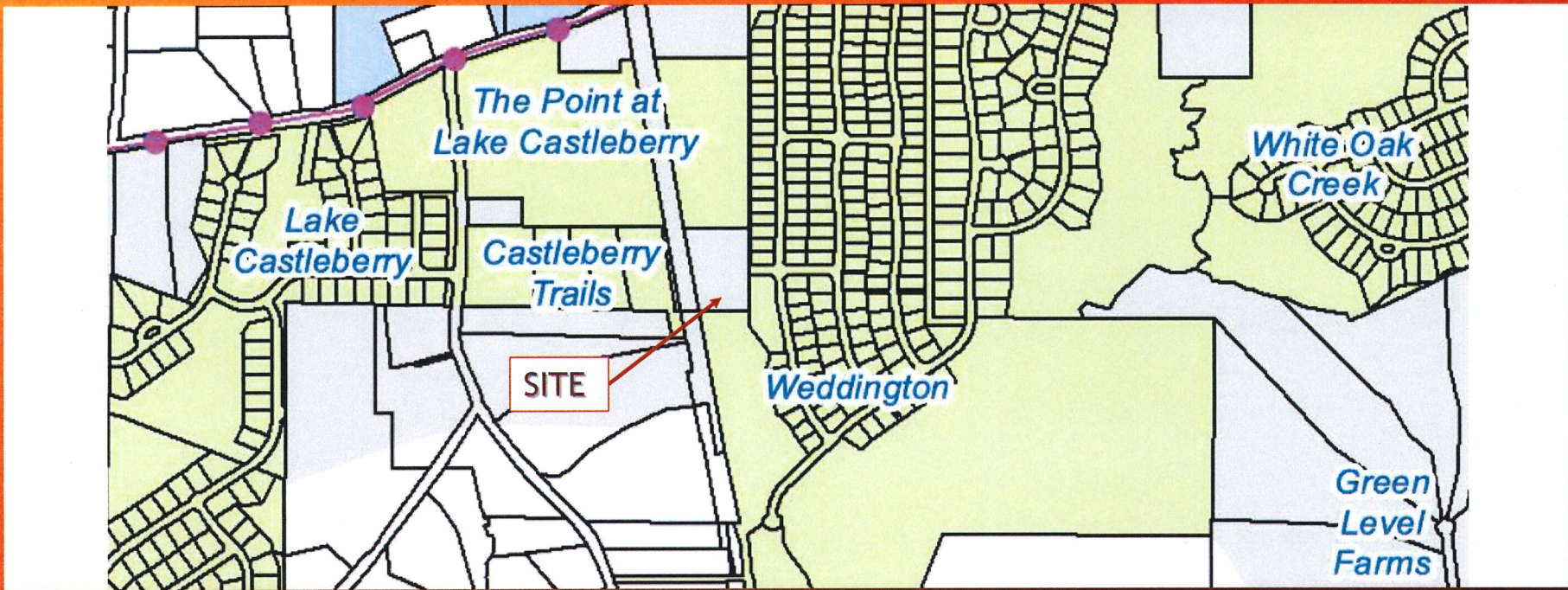
- Consulting Engineer
- Bass, Nixon & Kennedy, Inc.



**PROPERTY LOCATION**

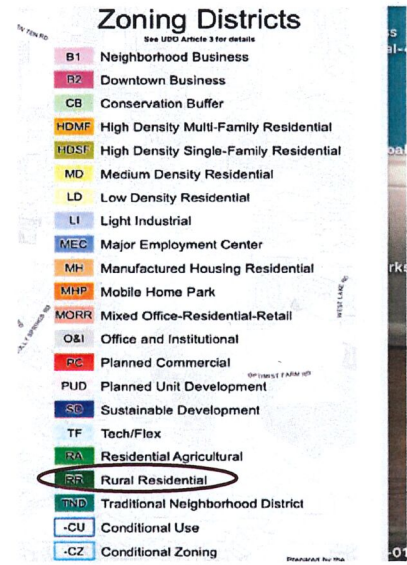
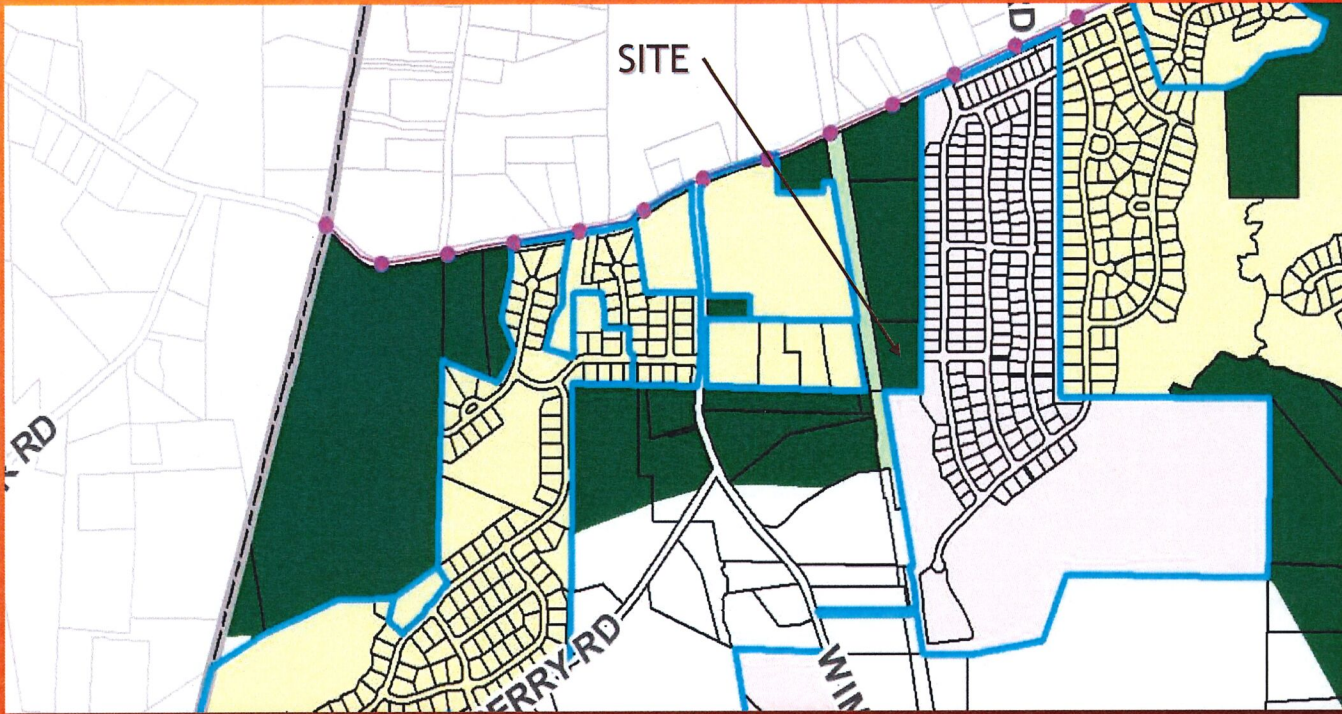
Area: 3.30 acres

Beauregard Place at Weddington Rezoning



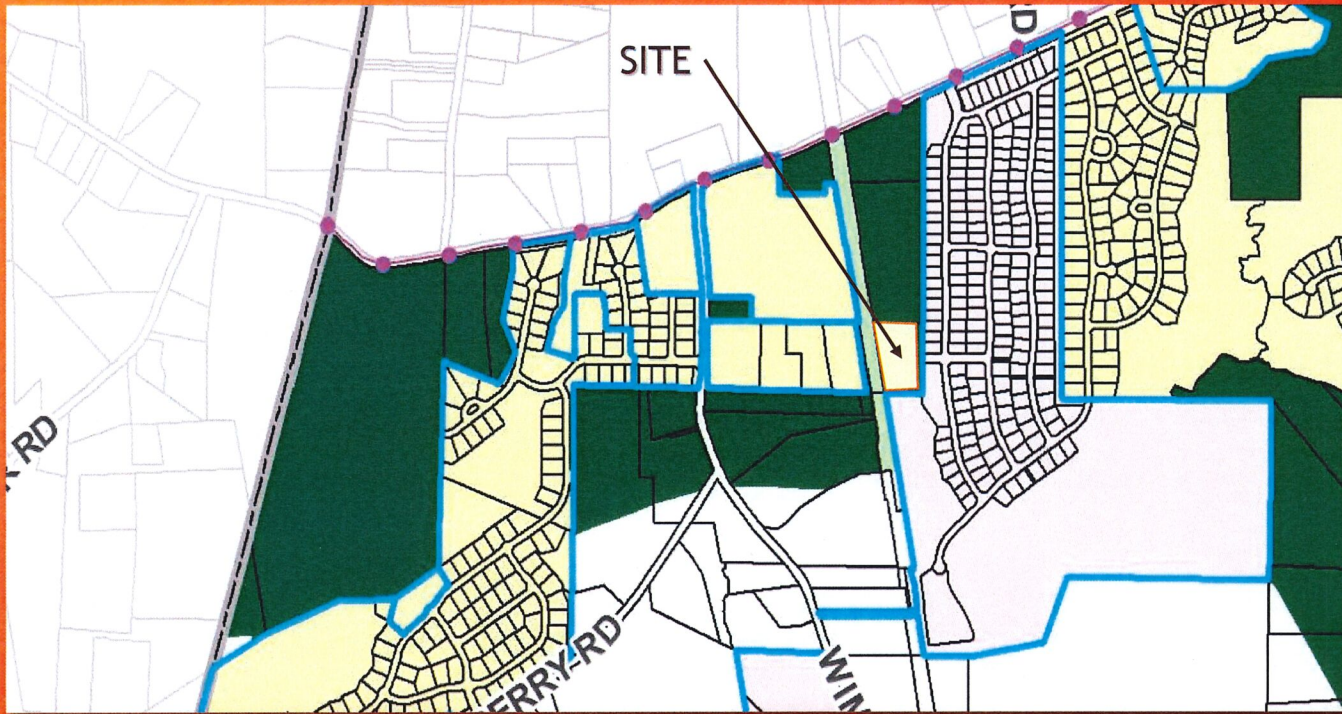
## Town of Apex Corporate Limits Map

Beauregard Place at Weddington Rezoning



## Town of Apex Zoning Map - RR (Rural Residential)

Beauregard Place at Weddington Rezoning

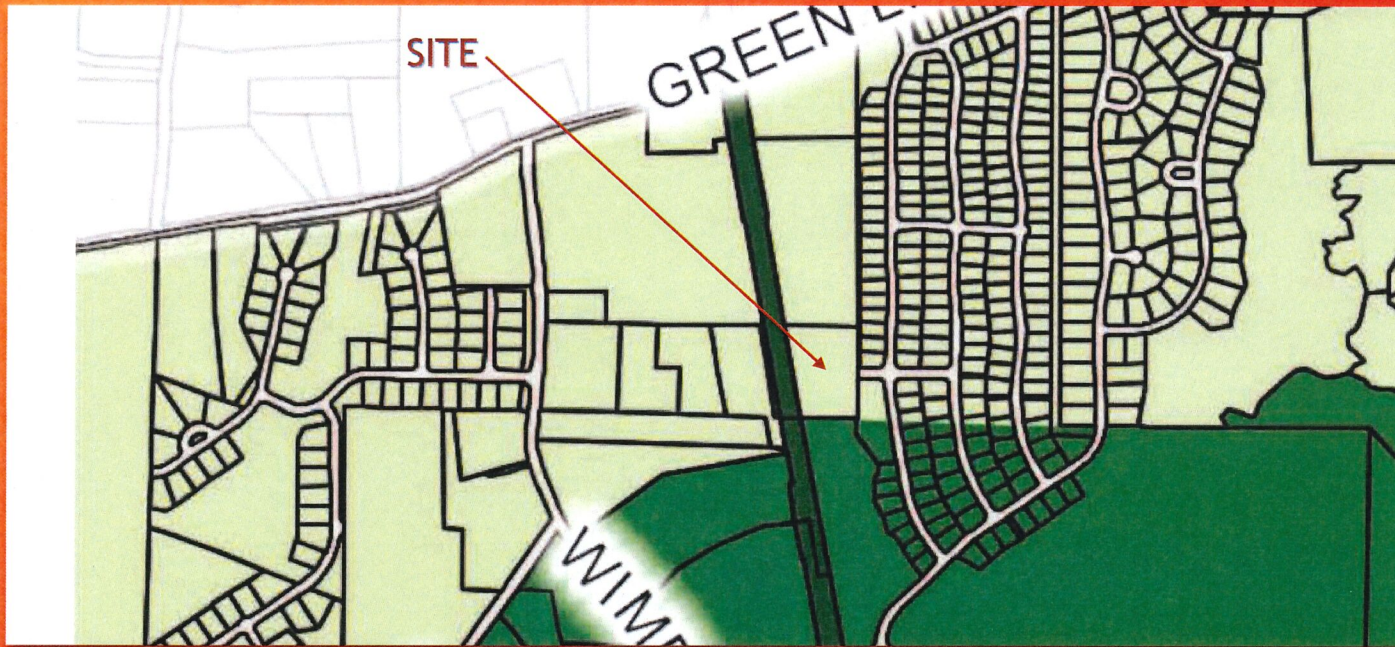


- ### Zoning Districts
- See UDD Article 3 for details
- B1 Neighborhood Business
  - B2 Downtown Business
  - CB Conservation Buffer
  - HDMR High Density Multi-Family Residential
  - HDOSF High Density Single-Family Residential
  - MD Medium Density Residential
  - LD Low Density Residential**
  - LI Light Industrial
  - MEC Major Employment Center
  - MH Manufactured Housing Residential
  - MHP Mobile Home Park
  - MORR Mixed Office-Residential-Retail
  - O&I Office and Institutional
  - PC Planned Commercial
  - PUD Planned Unit Development
  - SD Sustainable Development
  - TF Tech/Flex
  - RA Residential Agricultural
  - RR Rural Residential
  - TND Traditional Neighborhood District
  - CU Conditional Use
  - CZ Conditional Zoning

## Proposed Zoning - LDR (Low Density Residential)

Proposed Density: 1.51 units/acre

Beauregard Place at Weddington Rezoning



#### Future Land Classifications

- Protected Open Space
- Rural Density Residential
- Low Density Residential  
Single-family homes or a mix of single-family homes with  
duplexes or triplexes
- Medium Density Residential  
Single-family homes, duplexes, and townhomes
- Medium/High Density Residential  
Single-family homes, duplexes, triplexes, quadplexes, and  
townhomes\*
- High Density Residential  
Townhomes, triplexes, quadplexes, and apartments
- Office Employment
- Commercial Services
- Industrial Employment

#### LOW DENSITY RESIDENTIAL

- Low Density Residential is intended to remain predominately rural in character and provide for low density single-family residential development on lots smaller than those in Rural Residential areas.
- The area is characterized by single-family homes on lots averaging 10,000 square feet with densities not to exceed three units per acre.
- Low Density Residential provides a transition from the more suburban areas of Apex to the rural edges of western Wake County.

## Town of Apex 2045 Land Use Plan

Beauregard Place at Weddington Rezoning



# Beauregard Place at Weddington Rezoning Proposed Uses

- Detached Residential
- Accessory Apartment
- Utility, Minor
- Park, Active
- Park, Passive

# Beauregard Place at Weddington Rezoning Proposed Zoning Conditions

- LDR (Low Density Residential)
- Proposed Zoning Conditions
  - There shall be a maximum of five (5) lots

# Beauregard Place at Weddington Rezoning

- Discussion / Questions ???

**PLANNING BOARD REPORT TO TOWN COUNCIL**  
Rezoning Case: 21CZ21 Beaugard Place at Weddington

Planning Board Meeting Date: November 8, 2021



**Report Requirements:**

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

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

**PROJECT DESCRIPTION:**

**Acreage:** ± 3.30

**PIN(s):** 0723249888

**Current Zoning:** Rural Residential (RR)

**Proposed Zoning:** Low Density Residential-Conditional Zoning (LD-CZ)

**2045 Land Use Map:** Low Density Residential

**Town Limits:** ETJ

**Applicable Officially Adopted Plans:**

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

2045 Land Use Map  
 Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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Apex Transportation Plan  
 Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

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PLANNING BOARD REPORT TO TOWN COUNCIL  
Rezoning Case: 21CZ21 Beaugard Place at Weddington

Planning Board Meeting Date: November 8, 2021



**Legislative Considerations:**

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

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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PLANNING BOARD REPORT TO TOWN COUNCIL  
Rezoning Case: 21CZ21 Beaugard Place at Weddington

Planning Board Meeting Date: November 8, 2021



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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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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.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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PLANNING BOARD REPORT TO TOWN COUNCIL  
Rezoning Case: 21CZ21 Beaugard Place at Weddington

Planning Board Meeting Date: November 8, 2021



**Planning Board Recommendation:**

Motion: To recommend approval as presented.

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Tina Sherman

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

Conditions as offered by the applicant.

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

With 6 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

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This report reflects the recommendation of the Planning Board, this the 8th day of November 2021.

Attest:

**Michael Marks** Digitally signed by Michael Marks  
Date: 2021.11.09 11:09:44 -05'00'

Michael Marks, Planning Board Chair

**Dianne Khin** Digitally signed by Dianne Khin  
Date: 2021.11.08 17:46:35 -05'00'

Dianne Khin, Director of Planning and  
Community Development



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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #21CZ21  
Beauregard Place at Weddington**

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

**Applicant:** AG Wimberly, LLC  
**Authorized Agent:** Glenda Toppe, Glenda S. Toppe & Associates  
**Property Address:** 0 Wimberly Road  
**Acreage:** ±3.30 acres  
**Property Identification Number (PIN):** 0723249888  
**2045 Land Use Map Designation:** Low Density Residential  
**Existing Zoning of Property:** Rural Residential (RR)  
**Proposed Zoning of Property:** Low Density Residential-Conditional Zoning (LD-CZ)

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

**Planning Board Public Hearing Date and Time:** November 8, 2021 4:30 PM  
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

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

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

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.reisignc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36739>.

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

Published Dates: October 25 – November 8, 2021





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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ21**  
**Beauregard Place at Weddington**

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:** AG Wimberly, LLC  
**Agente autorizado:** Glenda Toppe, Glenda S. Toppe & Associates  
**Dirección de la propiedad:** 0 Wimberly Road  
**Superficie:** 23.30 acres  
**Número de identificación de la propiedad:** 0723249888  
**Designación actual en el Mapa de Uso Territorial para 2045:** Low Density Residential  
**Ordenamiento territorial existente de la propiedad:** Rural Residential (RR)  
**Ordenamiento territorial propuesto para la propiedad:** Low Density Residential-Conditional Zoning (LD-CZ)  
**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre, 2021 4:30 P.M.**

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

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

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

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

**Mapa de las imediciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: [https://www.apexnc.org/DocumentCenter/View/36739](http://www.apexnc.org/DocumentCenter/View/36739).

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

Fechas de publicación: Octubre 25- Noviembre 8, 2021



# TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ21 Beauregard Place at Weddington

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:** AG Wimberly, LLC
- Authorized Agent:** Glenda Toppe, Glenda S. Toppe & Associates
- Property Address:** 0 Wimberly Road
- Acreage:** ±3.30 acres
- Property Identification Number (PIN):** 0723249888
- 2045 Land Use Map Designation:** Low Density Residential
- Existing Zoning of Property:** Rural Residential (RR)
- Proposed Zoning of Property:** Low Density Residential-Conditional Zoning (LD-CZ)

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

**Planning Board Public Hearing Date and Time: November 8, 2021 4:30 PM**

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

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

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

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

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36739>.

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



## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ21  
Beauregard Place at Weddington

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:** AG Wimberly, LLC

**Agente autorizado:** Glenda Toppe, Glenda S. Toppe & Associates

**Dirección de la propiedad:** 0 Wimberly Road

**Superficie:** ±3.30 acres

**Número de identificación de la propiedad:** 0723249888

**Designación actual en el Mapa de Uso Territorial para 2045:** Low Density Residential

**Ordenamiento territorial existente de la propiedad:** Rural Residential (RR)

**Ordenamiento territorial propuesto para la propiedad:** Low Density Residential-Conditional Zoning (LD-CZ)

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

### **Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre, 2021 4:30 P.M.**

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

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

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

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

### **Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36739>.

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

Fechas de publicación: Octubre 25- Noviembre 8, 2021



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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #21CZ21  
Beauregard Place at Weddington**

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

**Applicant:** AG Wimberly, LLC  
**Authorized Agent:** Glenda Toppe, Glenda S. Toppe & Associates  
**Property Address:** 0 Wimberly Road  
**Acreage:** ±3.30 acres  
**Property Identification Number (PIN):** 0723249888  
**2045 Land Use Map Designation:** Low Density Residential  
**Existing Zoning of Property:** Rural Residential (RR)  
**Proposed Zoning of Property:** Low Density Residential-Conditional Zoning (LD-CZ)

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

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

**Town Council Public Hearing Date and Time: November 23, 2021 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/hownofapexgov>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

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

**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.reisignc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36739>.

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

Published Dates: November 1-November 23, 2021



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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ21**  
**Beaugard Place at Weddington**

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

**Solicitante:** AG Wimberly, LLC  
**Agente autorizado:** Glenda Toppe, Glenda S. Toppe & Associates  
**Dirección de la propiedad:** 0 Wimberly Road  
**Superficie:** 23.30 acres  
**Número de identificación de la propiedad:** 0723249888  
**Designación actual en el Mapa de Uso Territorial para 2045:** Low Density Residential  
**Ordenamiento territorial existente de la propiedad:** Rural Residential (RR)  
**Ordenamiento territorial propuesto para la propiedad:** Low Density Residential-Conditional Zoning (LD-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:** 23 de noviembre, 2021 6:00 P.M.  
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36734>.

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

Fechas de publicación: Noviembre 1- Noviembre 23, 2021



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ21 Beauregard Place at Weddington

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:** AG Wimberly, LLC

**Authorized Agent:** Glenda Toppe, Glenda S. Toppe & Associates

**Property Address:** 0 Wimberly Road

**Acreage:** ±3.30 acres

**Property Identification Number (PIN):** 0723249888

**2045 Land Use Map Designation:** Low Density Residential

**Existing Zoning of Property:** Rural Residential (RR)

**Proposed Zoning of Property:** Low Density Residential-Conditional Zoning (LD-CZ)

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

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

### **Town Council Public Hearing Date and Time: November 23, 2021 6:00 PM**

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

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

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

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36739>.

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

Published Dates: November 1-November 23, 2021



## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ21

Beauregard Place at Weddington

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:** AG Wimberly, LLC

**Agente autorizado:** Glenda Toppe, Glenda S. Toppe & Associates

**Dirección de la propiedad:** 0 Wimberly Road

**Superficie:** ±3.30 acres

**Número de identificación de la propiedad:** 0723249888

**Designación actual en el Mapa de Uso Territorial para 2045:** Low Density Residential

**Ordenamiento territorial existente de la propiedad:** Rural Residential (RR)

**Ordenamiento territorial propuesto para la propiedad:** Low Density Residential-Conditional Zoning (LD-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: 23 de noviembre, 2021 6:00 P.M.**

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

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

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

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36739>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: Noviembre 1- Noviembre 23, 2021



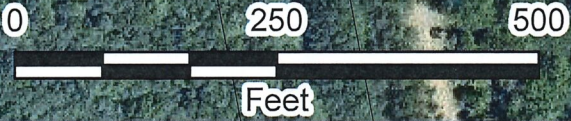
Rezoning #21CZ21

The Point at Lake Castleberry

Amity Fields

Weddington

September 2021  
May 2021 Aerial Photography  
Prepared by: Town of Apex Planning Department



Public Hearing Sign Posted By

*[Signature]*  
Signature

9/13/21  
Date





**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 #21CZ21  
Beauregard Place at Weddington  
Project Location: 0 Wimberly Road  
Applicant or Authorized Agent: AG Wimberly, LLC/Glenda Toppe, Glenda S. Toppe & Associates  
Firm: Glenda S. Toppe & Associates

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on October 25, 2021, 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.

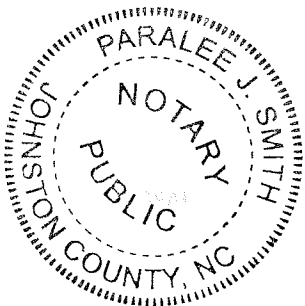
10/25/2021  
Date

Sharon F. Khei  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Paralee J. Smith, a Notary Public for the above

State and County, this the 25 day of October, 2021.



Paralee J. Smith  
Notary Public

My Commission Expires: 9/12/2023



**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 #21CZ21  
Beauregard Place at Weddington  
Project Location: 0 Wimberly Road  
Applicant or Authorized Agent: AG Wimberly, LLC/Glenda Toppe, Glenda S. Toppe & Associates  
Firm: Glenda S. Toppe & Associates

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 1, 2021, 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.

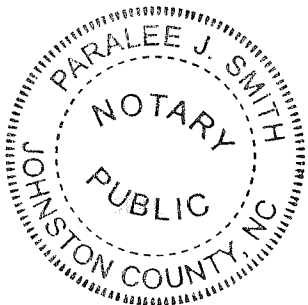
11/1/2021  
Date

Shianne F. Khin  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Paralee J. Smith, a Notary Public for the above

State and County, this the 1 day of November, 202 1.



Paralee J. Smith  
Notary Public

My Commission Expires: 9 / 12 / 2023



**Glenn Carrozza**  
5625 Dillard Drive  
Cary, NC, 27518  
studentassignment@wcpss.net

tel: (919) 431-7333  
fax: (919) 694-7753

October 8, 2021

Dianne Khin, AICP  
Director, Department of Planning and Community Development  
Town of Apex  
[Dianne.Khin@apexnc.org](mailto:Dianne.Khin@apexnc.org)

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: September 1, 2021
- Name of development: 21CZ21 Beaugard Place at Weddington
- Address of rezoning/development: o Wimberly Rd (PIN 0723249888) – at Beaugard PI street stub
- Total number of proposed residential units: 5
- Type(s) of residential units proposed: Single-family detached

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
  - Elementary  Middle  High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- Not applicable – existing school capacity is anticipated to be sufficient.
- School expansion or construction within the next five years is not anticipated to address concerns.
- School expansion or construction within the next five years may address concerns at these grade levels:
  - Elementary  Middle  High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,  
  
Glenn Carrozza

## Lauren Staudenmaier

---

**From:** Amanda Bunce  
**Sent:** Friday, October 8, 2021 8:24 AM  
**To:** Lauren Staudenmaier  
**Subject:** FW: Impacts for rezoning  
**Attachments:** Apex rezoning 10082021 Beauregard Pl.pdf; Apex rezoning 10082021 Old Ivey Rd.pdf

Lauren,

Please share these with your applicants.

Also, I spoke with Glenn this morning who requested the sentence below be included for 21CZ21. I would add it this way:

“According to WCPSS, the Beauregard site falls into in area that is still significantly crowded. However, the size of the area (5 proposed units) does not figure to impact the area more than it already has been.”

Thanks!  
Amanda

---

**From:** Glenn Carrozza \_ Staff - StudentAssignment <gcarrozza@wcpss.net>  
**Sent:** Friday, October 8, 2021 8:16 AM  
**To:** Amanda Bunce <Amanda.Bunce@apexnc.org>  
**Subject:** Impacts for rezoning

**Notice: This message is from an external sender.**

Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

Attached.

The Beauregard site falls into in area that is still significantly crowded, however, the size of the area (5 proposed units) does not figure to impact the area more than it already has been.

Glenn Carrozza  
Senior Director, Office of Student Assignment  
919-694-0306 (office)  
919-431-7302 (fax)