

# STAFF REPORT

Rezoning #21CZ06 Jenks Road Office & Veterinary Hospital

May 25, 2021 Town Council Meeting



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

## **BACKGROUND INFORMATION:**

**Location:** 7825 & 7809 Jenks Road  
**Applicant:** Daniel Shultz, Peak 360, LLC  
**Owner:** Ronald Hobbs & Worth McMains

## **PROJECT DESCRIPTION:**

**Acreage:** ± 6.69 acres  
**PINs:** 0722886419; 0722888770  
**Current Zoning:** Rural Residential (RR)  
**Proposed Zoning:** Neighborhood Business-Conditional Zoning (B1-CZ)  
**2045 Land Use Map:** Mixed Use: High Density Residential/Office Employment/Commercial Services  
**Town Limits:** ETJ

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

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Rural Residential (RR); Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ30)	Jenks Road; Single-family detached; Preserve at White Oak Creek amenity center
<b>South:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ31); Rural Residential (RR)	Single-family detached
<b>East:</b>	Rural Residential (RR)	Sunset Meadows Drive; Single-family detached
<b>West:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ30 & 18CZ31)	Townhomes; Single-family detached

## **Existing Conditions:**

The subject properties are located south of Jenks Road, west of Sunset Meadows Drive, and east of the Westford subdivision. The two properties contain two single family structures with several accessory structures. On the eastern property boundary there is an existing pond.

## **Neighborhood Meeting:**

The applicant conducted a neighborhood meeting on February 25, 2021. The neighborhood meeting report is attached.

## **2045 LAND USE MAP:**

The 2045 Land Use Map identifies the properties subject to this rezoning as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed rezoning to Neighborhood Business-Conditional Zoning is consistent with those land use classifications.

## STAFF REPORT

Rezoning #21CZ06 Jenks Road Office & Veterinary Hospital

May 25, 2021 Town Council Meeting



### PERMITTED USES:

The applicant is proposing the following uses permitted uses:

1. Day care facility
2. Drop-in or short term day care
3. Veterinary clinic or hospital
4. Vocational school
5. Utility, minor
6. Botanical garden
7. Entertainment-indoor
8. Greenway
9. Park, active
10. Park, passive
11. Youth or day camps
12. Medical or dental office or clinic
13. Office, business or professional
14. Barber and beauty shop
15. Book Store
16. Financial institution
17. Floral shop
18. Greenhouse or nursery, retail
19. Health/fitness center or spa
20. Newsstand or gift shop
21. Personal services
22. Printing and copying services
23. Real estate sales
24. Retail sales, general
25. Studio for art
26. Tailor shop
27. Upholstery shop
28. Pet Services
29. Microbrewery

### PROPOSED ZONING CONDITIONS:

1. Per the Environmental Advisory Board, the site shall meet the following conditions
  - a) Two pet waste stations shall be installed on the property (one near the existing pond and one near the proposed SCM).
  - b) Evaluation for possible landscaping installation around the existing pond.
2. EIFS or synthetic stucco shall not be used in the first forty inches (40") above grade.
3. The building exterior shall have more than one material color.
4. The main entrance to the building shall be emphasized.
5. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.
6. The existing pond onsite shall be retained if engineering studies confirm the dam is structurally sound and meets all regulatory requirements.
7. Developer shall provide public vehicular and pedestrian access between Haybeck Lane and Jenks Road, with construction of a public street extension and/or private driveway connection within a public access easement.
8. The parcels shall be served exclusively by a single full movement intersection at Jenks Road. The intersection shall aligned with White Oak Grove Way, and the developer shall provide a westbound left turn lane on Jenks Road subject to approval by the Town of Apex and NCDOT. The full movement intersection shall be the only point access added to Jenks Road.
9. A 30' Type B Landscape buffer shall be provided along the property frontage on Sunset Meadows Drive.
10. A 6' wood screen fence shall be installed along the N/F Reder property (225 LF) and N/F Meech property (125 LF) as shown on Exhibit A in addition to the 20' Type B buffer required by the UDO. Where a fence is not installed, a 30' Type B buffer shall be provided.
11. The developer will not construct sidewalk along the property frontage of Sunset Meadows Drive.

## STAFF REPORT

Rezoning #21CZ06 Jenks Road Office & Veterinary Hospital

May 25, 2021 Town Council Meeting



12. All non-residential buildings shall provide a solar conduit for the future installation of rooftop solar panels.

### **ENVIROMENTAL ADVISORY BOARD:**

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on February 18, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

<b>EAB Suggested Conditions</b>	<b>Applicant's Response</b>
Maximize the buffer around the pond to prevent pet waste runoff.	Added
Install a pet waste system near the proposed SCM and also near the natural pond (minimum of 2).	Added

### **PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of #21CZ06 Jenks Road Office & Veterinary Hospital with the conditions as offered by the applicant.

### **PLANNING BOARD RECOMMENDATION:**

The Planning Board held a Public Hearing on May 10, 2021 and voted to recommend approval, with the conditions as offered by the applicant, by a vote of 7-0. Keith Braswell was recused as he was the listing agent on the McMains and Hobbs properties. Planning Board recommended further discussion between applicant and neighboring residents on a mutually-agreeable fence solution.

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

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

Approval of the rezoning is reasonable because the proposed Neighborhood Business-Conditional Zoning (B1-CZ) district is consistent with the High Density Residential/Office Employment/Commercial Services land use classifications on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will provide an opportunity for non-residential uses to serve the surrounding area. It will also encourage compatible development of the property, increase the tax base and 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 Neighborhood Business -Conditional Zoning (B1-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

## STAFF REPORT

Rezoning #21CZ06 Jenks Road Office & Veterinary Hospital

May 25, 2021 Town Council Meeting



proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 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.

**Rezoning #21CZ06**



Sidewinder Ct

Winding Branch Trl

Old Ivey Rd  
Mcqueens Dr

Jenks Rd

The Preserve  
at White  
Oak Creek

Castlereagh  
North

Caitlin Pond

Rambling Creek Rd

White Oak Grove Way

Sunset Meadows Dr

Sunnybranch Ln

Sunnybrook  
Farms

Townes at  
Westford

Lake Marsha

Haybeck Ln



# (REZONING) PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP & 2045 LAND USE MAP AMENDMENT



## REZONING PETITION SUBMISSION:

Applications are due by 12:00 pm on the first business day of each month. See the [Rezoning Schedule](#) on the website for details.

## REZONING PETITION FEES:

Conditional Zoning: \$900.00

Rezoning: \$600.00\*

2045 Land Use Map Amendment: \$700.00

\* No zoning conditions may be added to address concerns of staff, adjacent property owners, Planning Board, or Town Council

**PRE-APPLICATION MEETING:** Separate pre-application meetings with the Technical Review Committee (TRC) and the Environmental Advisory Board (EAB) are required to be scheduled prior to the submittal of a PD Plan for PUD-CZ.

Pre-application meetings with the TRC are typically scheduled during regular business hours on the 1<sup>st</sup>, 2<sup>nd</sup>, and 5<sup>th</sup> Thursdays of the month and pre-application meetings with the EAB are held at 6 p.m. on the 3<sup>rd</sup> Thursday of the month during the regularly scheduled EAB meeting.

To schedule a meeting, applicants must e-mail a pdf map of the parcel(s) to be rezoned and a completed [Rezoning Pre-Application Meeting Request](#) form to Planner Lauren Staudenmaier ([lauren.staudenmaier@apexnc.org](mailto:lauren.staudenmaier@apexnc.org)) no later than five (5) working days prior to the desired meeting day.

**PURPOSE OF A CONDITIONAL ZONING:** Conditional Zoning (CZ) Districts are zoning districts in which the development and use of property is subject to the ordinance standards applicable to the corresponding general use district as well as additional rules, regulations, and conditions that are imposed as part of the legislative decision creating the district. A Conditional Zoning (CZ) District allows particular uses to be established only in accordance with site specific standards and conditions pertaining to each individual development project. All site-specific standards and conditions must be consistent with the objectives of these regulations, the adopted 2045 Land Use Map, and adopted area plans. The review process established in this part provides for the accommodation of such uses by a reclassification of property into a CZ District, subject to site-specific standards and conditions.

**NEIGHBORHOOD MEETING:** Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit the "Certified List of Neighboring Property Owners" and "Neighborhood Meeting Packet" forms included in this application packet with their initial submittal. The Neighborhood Meeting Packet is located at the very end of this document.

**ANNEXATION REQUIREMENTS:** If a property or portion thereof subject to this rezoning is outside the corporate limits and ETJ, an [annexation petition](#) is **required** to be submitted on the same day as this application.

## Electronic Submittal Requirements (submit in IDT): [Click here to access IDT Plans Website](#)

- Upload one full copy of the application and other sheets listed below via IDT.

## Hard Copy Submittal Requirements: Submit to Planning Department

- One (1) original Rezoning Petition Application
- Petition Fee
- Legal Description (metes and bounds)
- Certified List of Neighboring Property Owners within 300 feet of subject property
- Agent Authorization Form
- Neighborhood Meeting Packet
- If applicable: Annexation Petition, map, legal description and \$200.00 fee
- Two (2) sets of envelopes addressed to Certified List of Neighboring Property Owners and HOAs within 300 feet of subject property. An additional set of envelopes may be required based on the timing of the Planning Board and Town Council meetings.
  - Addresses must be from a current list obtained from the Wake County GIS Map Services. A buffer report service is offered for \$1 per page. Please contact them at 919-856-6360 or <http://www.wakegov.com/gis/services/Pages/gisservices.aspx>
  - Affixed with first class stamps & the following return address:  
Town of Apex Planning Department  
P.O. Box 250  
Apex, NC 27502

**NEIGHBORHOOD MEETING:** Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. In their initial submittal, the applicant shall submit the “Certified List of Neighboring Property Owners” and “Neighborhood Meeting Packet” forms included in this application packet. The Neighborhood Meeting Packet is located at the very end of this document.

**REVIEW FOR SUFFICIENCY:** Incomplete plans will be returned to the applicant and sufficiently complete applications are forwarded to the planning staff for review.

**REVIEW BY STAFF:** Planning staff reviews the application to determine compliance with the Unified Development Ordinance (UDO). If the application is determined not to be compliant with the UDO, comments will be sent to the applicant. The applicant must address all staff comments before any public hearings are scheduled.

**PUBLIC HEARING NOTIFICATION:** Notification of the public hearing will take place by three different methods. A written notice will be sent to nearby property owners not more than 25 days nor less than 14 days prior to the public hearings, as required by the UDO. The Planning Department will prepare these written notifications for all property owners of the land subject to the application and all property owners within 300 feet of the land subject to the application. A notice will be published on the Town of Apex website ([www.apexnc.org](http://www.apexnc.org)) no less than 10 days, but not more than 25 days, prior to the public hearings, and a notice will be posted at the land subject to the application at least 14 days prior to the public hearings.

**1<sup>ST</sup> PUBLIC HEARING/PLANNING BOARD MEETING:** The Planning Board will consider the application, relevant support materials, the Staff Report and public testimony given at the public hearing. After the public hearing the Planning Board will make a recommendation to the Town Council. The Planning Board may recommend approval, approval with conditions or disapproval. The application is then forwarded to the Town Council. The Planning Board meets at 4:30 p.m. in the Town Hall Council Chambers on the date indicated on the Rezoning Schedule.

**2<sup>ND</sup> PUBLIC HEARING/TOWN COUNCIL MEETING:** The Town Council will consider the application, relevant support materials, the Staff Report, the Planning Board recommendation and public testimony given at the public hearing. After the public hearing the Town Council will vote to approve, approve with conditions or disapprove the rezoning. The Town Council meets at 6:00 p.m. in the Town Council Chambers on the date indicated on the Rezoning Schedule.

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

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

Application #: #21CZ06 Submittal Date: March 1, 2021  
2045 LUM Amendment: n/a Fee Paid: paid \$900

### Project Information

Project Name: Jenks Road Office and Veterinary Hospital  
Address(es): 7825 & 7809 Jenks Rd, Apex, NC 27523  
PIN(s): 0722-88-6419  
0722-88-8770 Acreage: 6.69  
Current Zoning: RR Proposed Zoning: B1-CZ  
Current 2045 LUM Designation: Commercial Services, Office Employment, High Density Residential  
Proposed 2045 LUM Designation: \_\_\_\_\_

See next page for LUM Amendment.

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

Area classified as mixed use: Acreage: \_\_\_\_\_  
Area proposed as non-residential development: Acreage: \_\_\_\_\_  
Percent of mixed use area proposed as non-residential: Percent: \_\_\_\_\_

### Applicant Information

Name: Peak 360, LLC att: Daniel Shultz  
Address: 7709 Green Level Church Road  
City: Apex State: NC Zip: 27523  
Phone: (919) 462-8989 x 107 E-mail: daniel@caryervet.com

### Owner Information

Name: Ronald Hobbs & Worth McMains  
Address: 201 Trewlawney Ln (Hobbs) & 7809 Jenks Rd (McMains)  
City: Cary (Hobbs) & Apex (McMains) State: NC Zip: 27519 (H) & 27523 (M)  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Agent Information

Name: Peak Engineering & Design, att: Jeff Roach  
Address: 1125 Apex Peakway  
City: Apex State: NC Zip: 27502  
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com  
Other contacts: jedwards@peakengineering.com  
dwoods@peakengineering.com



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

Application #: #21CZ06 #21#

Submittal Date: March 1, 2021

**2045 LAND USE MAP AMENDMENT (IF APPLICABLE)**

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

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

N/A

Current 2045 Land Use Classification:

Proposed 2045 Land Use Classification:

N/A

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

N/a

**PETITION INFORMATION**

Application #: #21CZ06 Submittal Date: March 1, 2021

An application has been duly filed requesting that the property described in this application be rezoned from RR to B1-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

**PROPOSED USES:**

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

- |    |   |               |                                      |
|----|---|---------------|--------------------------------------|
| 1  | <u>Day Care</u>                           | <del>21</del> | <del><u>Grocery Specialty</u></del>  |
| 2  | <u>Drop in-Short Term Day Care</u>        | 22            | <u>Health/Fitness Center or Spa</u>  |
| 3  | <u>Veterinary Clinic or Hospital</u>      | 23            | <u>Newsstand or Gift Shop</u>        |
| 4  | <u>Vocational School</u>                  | 24            | <u>Personal Services</u>             |
| 5  | <u>Utility Minor</u>                      | <del>25</del> | <del><u>Pharmacy</u></del>           |
| 6  | <u>Botanical Garden</u>                   | 26            | <u>Printing and Copying Services</u> |
| 7  | <u>Entertainment-Indoor</u>               | 27            | <u>Real Estate Sales</u>             |
| 8  | <u>Greenway</u>                           | 28            | <u>Retail Sales, General</u>         |
| 9  | <u>Park, Active</u>                       | 29            | <u>Studio for Art</u>                |
| 10 | <u>Park, Passive</u>                      | 30            | <u>Tailor Shop</u>                   |
| 11 | <u>Youth or Day Camps</u>                 | 31            | <u>Upholstery Service</u>            |
| 12 | <u>Medical or Dental Office or Clinic</u> | 32            | <u>Pet Services</u>                  |
| 13 | <u>Office, Business or Professional</u>   | 33            | <u>Microbrewery</u>                  |
| 14 | <u>Barber and Beauty Shop</u>             | 34            | <u> </u>                             |
| 15 | <u>Book Store</u>                         | 35            | <u> </u>                             |
| 16 | <u> </u>                                  | 36            | <u> </u>                             |
| 17 | <u> </u>                                  | 37            | <u> </u>                             |
| 18 | <u>Financial Institution</u>              | 38            | <u> </u>                             |
| 19 | <u>Floral Shop</u>                        | 39            | <u> </u>                             |
| 20 | <u>Greenhouse or Nursery, Retail</u>      | 40            | <u> </u>                             |

**PETITION INFORMATION**

Application #:

#21CZ06

Submittal Date:

March 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.

See attached list of zoning conditions.

**LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING**

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

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

The proposed residential development will not require a modification to the 2045 Land Use Map and is in keeping with the adopted plans from the Town of Apex.

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 use will have buffers and building standards which will be compatible with the surrounding uses and fit within the Town's long range plans

**PETITION INFORMATION**

Application #: #21CZ06 Submittal Date: March 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 use will meet the required Supplemental Standards for the proposed use(s).

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 will provide perimeter buffers, architectural controls, and utility connections to avoid impacts on the surrounding properties.

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

The site is proposed to meet UDO standards for design controls, including minimization of environmentally sensitive areas, limited site impacts and reduction of clearing of perimeter vegetation.

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

The site is located close to existing public facilities, including water, sewer, gas, electric and telephone. The site is adjacent to public infrastructure, including streets with easy access for emergency vehicles and personnel.

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 use will not be detrimental to the health, safety, and welfare of Apex Residents.  
The use will provide a service to Apex citizens

**PETITION INFORMATION**

Application #: #21CZ06 Submittal Date: March 1, 2021

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

The use is in keeping with the adopted plans and will not be detrimental to the adjacent property owners.

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

The proposed list of uses does not constitute a nuisance or hazard based upon the anticipated number of patrons that will utilize the service

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 development will meet the standards within various sections of the Town of Apex UDO.

# Jenks Road Office & Veterinary Hospital

## Conditions of Zoning Town Council Conditions

1. Per the Environmental Advisory Board, the site shall meet the following conditions:
  - a. Two pet waste stations shall be installed on the property (one near the existing pond and one near the proposed SCM).
  - b. Evaluation for possible landscaping installation around the existing pond.
2. EIFS or synthetic stucco shall not be used in the first forty inches (40") above grade.
3. The building exterior shall have more than one material color.
4. The main entrance to the building shall be emphasized.
5. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.
6. The existing pond onsite shall be retained if engineering studies confirm the dam is structurally sound and meets all regulatory requirements.
7. Developer shall provide public vehicular and pedestrian access between Haybeck Lane and Jenks Road, with construction of a public street extension and/or private driveway connection within a public access easement.
8. The parcels shall be served exclusively by a single full movement intersection at Jenks Road. The intersection shall be aligned with White Oak Grove Way, and the developer shall provide a westbound left turn lane on Jenks Road subject to approval by the Town of Apex and NCDOT. The full movement intersection shall be the only point of access added to Jenks Road.
9. *A 30' Type 'B' landscape buffer shall be provided along the property frontage on Sunset Meadows Drive.*
10. *A 6' wood screen fence shall be installed along the N/F Reder property (~225 LF) and N/F Meech property (~125 LF) as shown on Exhibit A in addition to the 20' Type 'B' buffer required by the UDO. Where a fence is not installed, a 30' Type 'B' buffer shall be provided.*
11. *The developer will not construct sidewalk along the property frontage of Sunset Meadows Drive.*
12. *All non-residential buildings shall provide a solar conduit for the future installation of rooftop solar panels.*

**CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS**

Application #:   #21CZ06  

Submittal Date:   March 1, 2021  

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

	Owner's Name	PIN
1.	See attached	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

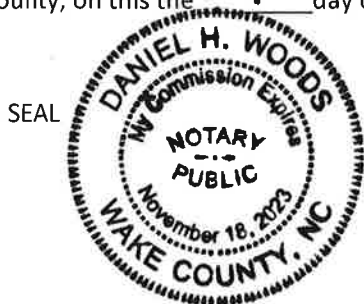
I,   Jeff Roach  , certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date:   3-1-2021  

By:   *[Signature]*  

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me,   DANIEL WOODS  , a Notary Public for the above State and County, on this the   1   day of   MARCH  , 20  21  .



  *[Signature]*    
 Notary Public  
  DANIEL H. WOODS    
 Print Name

My Commission Expires:   11/18/2023

	Owner's Name	Pin
1.	Apex Properties & Rentals LLC	0722-95-5121
2.	Brad & Michele Buckingham	0722-92-2036
3.	Ryan Carfley	0722-83-3646
4.	Margaret Cascioli Trustee Cascioli Protection Trust	0722-80-0456
5.	Xue Mei Chen	0722-81-1561
6.	Michael & Alison Cleary	0722-88-8252
7.	Jeffrey & Gayle Dworkin	0722-81-1604
8.	Zhuoran Fan & Ran Qu	0722-80-0663
9.	Brittany Ford	0722-82-2526
10.	Dana & Robin Franklin	0722-81-1582
11.	Deepali & Nitin Gautam	0722-80-0487
12.	Ronald & Janet Hobbs	0722-86-6419
13.	George & Suzanne Kissel	0722-83-3122
14.	Ashok Kumar & Rome Verma	0722-82-2504
15.	Heyward & Donna Maynard	0722-93-3615
16.	Ira Henry & Linda Maynard	0722-90-0345
17.	Daniel & Susan McMains	0722-93-3526
18.	Worth & Carey McMains	0722-88-8770
19.	Mark & Deborah Meech	0722-87-7194
20.	Naresh Mudemala & Venkata Gangavaram	0722-80-0416
21.	Lijun Pang & Liwu Liu	0722-89-9476
22.	Jae Hyung & Alicia Park	0722-81-1459
23.	Sarah & Fred Penley	0722-81-1846
24.	Venkateshkumar Ramaiyan & Thamizharasi Poongavaname	0722-80-0436
25.	Christopher & Meghann Reder	0722-89-9451
26.	Konstantin & Anna Reverdatto	0722-83-3455
27.	Priyanka & Tarun Sharma	0722-81-1407
28.	Taylor Morrison of Carolinas Inc	0722-75-5660
29.	Taylor Morrison of Carolinas Inc	0722-82-2120
30.	Taylor Morrison of Carolinas Inc	0722-82-2127
31.	Taylor Morrison of Carolinas Inc	0722-82-2163
32.	Taylor Morrison of Carolinas Inc	0722-82-2196
33.	Taylor Morrison of Carolinas Inc	0722-83-3011
34.	Taylor Morrison of Carolinas Inc	0722-83-3230
35.	Taylor Morrison of Carolinas Inc	0722-83-3263
36.	Taylor Morrison of Carolinas Inc	0722-84-4037
37.	Taylor Morrison of Carolinas Inc	0722-84-4092
38.	Taylor Morrison of Carolinas Inc	0722-84-4171
39.	Taylor Morrison of Carolinas Inc	0722-84-4196
40.	Taylor Morrison of Carolinas Inc	0722-85-5211
41.	Taylor Morrison of Carolinas Inc	0722-85-5217
42.	The Preserve at White Oak Creek Homeowners Association	0722-85-5873
43.	The Preserve at White Oak Creek Homeowners Association	0722-89-9678
44.	The Preserve at White Oak Creek Homeowners Association	0722-82-2455
45.	The Preserve at White Oak Creek Homeowners Association	0722-83-3808
46.	Eura Tunstall	0722-97-7396



**AGENT AUTHORIZATION FORM**

Application #: #21CZ06 Submittal Date: March 1, 2021

Worth and Carey McMains 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: 7809 Jenks Road

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: 919-439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)\*

Worth McMains Worth McMains 2-15-21

Worth McMains Worth McMains 2-15-21

Type or print name Date

Carey McMains Carey McMains 2-15-21

Carey McMains Carey McMains 2-15-21

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 #: #21CZ06 Submittal Date: March 1, 2021

The undersigned, Worth McMains (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 7809 Jenks 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 10/30/1978, and recorded in the Wake County Register of Deeds Office on 10/29/1978, in Book 2675 Page 532.
- 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 7809 Jenks Road, 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 7809 Jenks Road, 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.

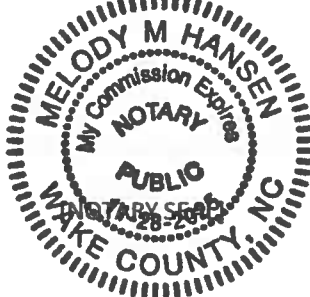
This the 15<sup>th</sup> day of February, 2021.

Worth McMains (seal)

WORTH W MCMAINS  
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 Worth McMains, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Carey McMains, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Melody M Hansen  
Notary Public

State of North Carolina  
My Commission Expires: November 28, 2025

Exhibit A



BOOK 2675 PAGE 532

FILED

BOOK PAGE

OCT 30 3 22 PM '78

R. B. MCKENZIE, JR.  
REGISTER OF DEEDS  
WAKE COUNTY, N. C.

1250

State Tax

Recording Fees, Book and Page

Taxpayer: L. D. out of 72527 Parcel Identifier No. \_\_\_\_\_  
 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 1978  
 by \_\_\_\_\_  
 Mail after recording to Ralley, Dixon, Wooten, McDonald & Fountain  
P. O. Box 2246, Raleigh, NC 27602  
 This instrument was prepared by Willis R. Casey, Jr.

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this 30th day of October, 1978, by and between

GRANTOR

GRANTEE

Warren T. Tunstall and wife,  
Doris C. Tunstall

Worth W. McMains and wife,  
Carey M. McMains  
*7221 Beatty Circle  
Raleigh, NC*

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in White Oak Township, Wake County, North Carolina and more particularly described as follows:

BEGINNING at a point on the south side of Jenks Road (S.R. #1601), said point being South 01°34'17" West 35.31 feet from the center line of said road, and being the northwest corner of O. S. Goodwin; thence continuing along Goodwin's line South 01°34'17" West 188.69 feet to a new iron pipe; thence along the same line 196.33 feet to a new iron pipe; thence along the same line 222.40 feet to a new iron pipe; thence North 88°25'43" West 193.00 feet to a Hickory; thence North 31°42'09" West 177.91 feet to an existing iron pipe; thence along the same line 150 feet to an existing iron pipe on the south side of Jenks Road; thence along the same line 31.46 feet to the center line of Jenks Road; thence along said center line of Jenks Road the following courses and distances: North 39°57'46" East 75.05 feet to a point; North 42°23'22" East 100 feet to a point; North 48°33'15" East 100.00 feet to a point; North 54°53'07" East 100.00 feet to a point; North 57°33'51" East 29.31 feet to a point; North 59°04'17" East 70.70 feet to a PK nail; North 59°45'17" East 48.21 feet to a new PK nail, the point and place of BEGINNING, containing 3.768 acres, including the right of way, according to a survey entitled "Property of Worth W. McMains and wife, Carey M. McMains", prepared by Darward W. Baker, RLS, dated October 5, 1978.

**AGENT AUTHORIZATION FORM**

Application #: #21CZ06

Submittal Date: March 1, 2021

Ronald and Janet Hobbs 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: 7825 Jenks Road

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach  
 Address: 1125 Apex Peakway, Apex, NC 27502  
 Telephone Number: 919-439-0100  
 E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)\*

Ronald S Hobbs  
 Ronald Hobbs Ronald S Hobbs 2/16/21  
 Type or print name Date

Janet H. Hobbs  
 Janet Hobbs Janet H. Hobbs 2/16/21  
 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 #: #21CZ06

Submittal Date: March 1, 2021

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

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 7825 Jenks Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 3/24/1980, and recorded in the Wake County Register of Deeds Office on 3/25/1980, in Book 2817 Page 359.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 7825 Jenks Road, 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 7825 Jenks Road, 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 16 day of February, 2021.

Ronald S Hobbs (seal)  
Janet A. Hobbs  
 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 Ronald Hobbs, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Janet Hobbs, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Melody M Hansen  
 Notary Public  
 State of North Carolina  
 My Commission Expires: November 28, 2025



BOOK 2817 PAGE 358  
PRESENTED  
FOR  
REGISTRATION

MAR 25 1980

R.A. HICKENIE, JR.  
REGISTER OF DEEDS  
WAKE COUNTY, N.C.

State Tax \$17.00

Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 104760  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 1980  
by \_\_\_\_\_

Mail after recording to Holloman and Stan, P.O. Drawer H  
Apex, N.C.

This instrument was prepared by Holloman and Stan

Brief description for the Index 3.00 acres - Jenks Road

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 24th day of March, 1980, by and between

GRANTOR

GRANTEE

Richard Gordon Bunn and wife,  
Zora Elizabeth Bunn

Ronald Scott Hobbs and wife,  
Janet E. Hobbs  
Rt. 2, 701 Treloarway Lane  
Apex, N.C. 27502

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of \_\_\_\_\_, White Oak \_\_\_\_\_ Township,

Wake \_\_\_\_\_ County, North Carolina and more particularly described as follows:

BEGINNING at an iron pipe on the southside of State Road #1601 (Jenks Rd.) approximately 400 feet southwest of it's intersection with SR 1782 thence along Tunstall's line South 31 degrees 42 minutes 09 seconds East 150 feet to an iron pin, thence continuing along the same line 177.91 feet to a hickory, northwest corner of O. S. Goodwin, thence along Goodwin's line South 04 degrees 34 minutes 17 seconds West 167.01 feet to an iron pin, northeast corner of W. C. Mann, thence along Mann's line North 87 degrees 24 minutes 09 seconds West 226.55 feet to an iron pin, thence along the same line 204.97 feet to an iron pin, thence along the same line 91.47 feet to an iron pin on the south side of State Road #1601, thence along said road North 40 degrees 45 minutes 10 seconds East 556.75 feet to the point and place of beginning containing 3.00 acres according to a survey entitled "Property of Richard Gordon Bunn and wife, Zora Elizabeth Bunn," prepared by Derward W. Baker, Registered Land Surveyor, dated May 3, 1978., and recorded in Book of Maps 1980, Page 196., Wake County Registry.

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

Application #:   #21CZ06  

Submittal Date:   March 1, 2021  

**Insert legal description below.**

For legal descriptions, please refer to the following deeds and/or plats:

Worth McMains 0722-88-8770

- Deed Book 02675, Deed Page 0532

- LESS AND EXCEPT the 0.074 acres recorded in DB 6613 Pg 569

Ronalds Hobbs 0722-88-6419

- Deed Book 02817, Deed Page 0358

# NO RESIDENTIAL COMPONENT ON THE PROJECT

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

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

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

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





# Instruction Packet and Affidavit for Neighborhood Meetings

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

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

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

## WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

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

## WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

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

## INSTRUCTIONS

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

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

### These groups and individuals must be invited to the meeting:

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

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

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

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

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

# NOTICE OF 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.

2/12/2021

Date

This mailing is being sent out to ensure all surrounding land owners receive notification. Apologies if this is your second notice.

Dear Neighbor:

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

7809 & 7825 Jenks Road, Apex, NC 27523

0722-88-6409, 0722-88-8770

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. 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).

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)):

These properties will be rezoned to B1-CZ (or other nonresidential zoning according to the Town ordinance)

Due to COVID-19, the meeting will take place via Zoom. If you wish to join, you must register ahead of time

If you are unable to attend, direct any questions to Jeff Roach. Contact information below

Estimated submittal date: March 1, 2021

MEETING INFORMATION:	
Property Owner(s) name(s):	<u>Worth McMains and Ronald Hobbs</u>
Applicant(s):	<u>Danile Shultz (Peak 360, LLC)</u>
Contact information (email/phone):	<u>Jeff Roach, jroach@peakengineering.com, 919-439-0100</u>
Meeting Address:	<u>https://us02web.zoom.us/meeting/register/tZcq-d-yqrzIoHNYIulHDR82MkbuBwnkdrBZI</u>
Date of meeting**:	<u>February 25, 2021</u>
Time of meeting**:	<u>5:30-</u>

MEETING AGENDA TIMES:		
Welcome:	<u>5:30</u>	Project Presentation: <u>5:40-5:55</u> Question & Answer: <u>5:55-</u>

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

# 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: Jenks Road Veterinary Hospital Zoning: RR

Location: \_\_\_\_\_

Property PIN(s): 0722-88-6409, 0722-88-8770 Acreage/Square Feet: 6.69

Property Owner: Worth McMains and Ronald Hobbs

Address: 7809 (McMains) & 7825 (Hobbs) Jenks Road

City: Apex State: NC Zip: 27523

Phone: N/A Email: N/A

Developer: Peak 360, LLC attn. Daniel Shultz

Address: 7709 Green Level Church Road

City: Apex State: NC Zip: 27523

Phone: 919-462-8989 Fax: \_\_\_\_\_ Email: daniel@caryervet.com

Engineer: Peak Engineering & Design, attn. Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: 919-439-0100 Fax: \_\_\_\_\_ Email: jroach@peakengineering.com

Builder (if known): \_\_\_\_\_

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

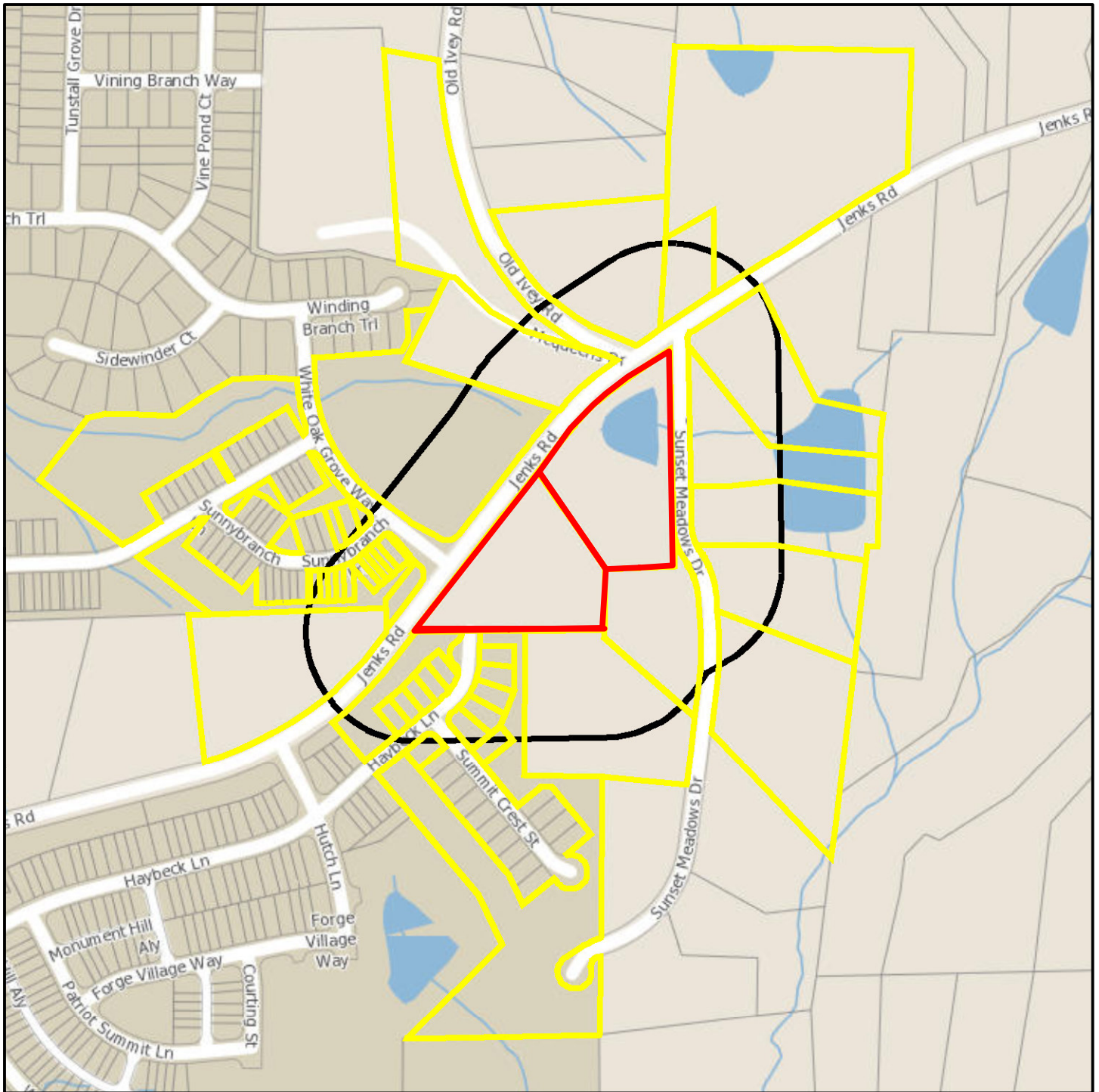
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

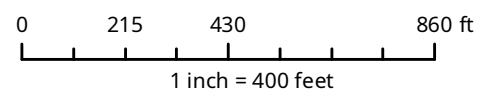
**Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.**

## Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Mike Deaton, Stormwater & Utility Engineering Manager Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-3413 (919) 249-1166
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342



**Cary ER Vet**



***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.*

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

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at [AllCouncil@apexnc.org](mailto:AllCouncil@apexnc.org).

### **Private Agreements and Easement Negotiation:**

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

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

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

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

### **Documentation:**

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

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

## **Construction Traffic: James Misciagno 919-372-7470**

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

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

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

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

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

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

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

## **Dirt on Properties or in Streams: James Misciagno 919-372-7470 Danny Smith [Danny.Smith@ncdenr.gov](mailto:Danny.Smith@ncdenr.gov)**

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

## **Dust: James Misciagno 919-372-7470**

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

## **Trash: James Misciagno 919-372-7470**

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

## **Temporary Sediment Basins: James Misciagno 919-372-7470**

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

## **Stormwater Control Measures: Mike Deaton 919-249-3413**

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

## **Electric Utility Installation: Rodney Smith 919-249-3342**

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

# 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, Jeff Roach, do hereby declare as follows:  
 \_\_\_\_\_  
 Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual (Zoom) (location/address) on Feb. 25, 2021 (date) from 5:30 pm (start time) to 7:30 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

2-26-2021  
 \_\_\_\_\_  
 Date

By: [Signature]

STATE OF NORTH CAROLINA  
 COUNTY OF WAKE

Sworn and subscribed before me, DANIEL WOODS, a Notary Public for the above State and County, on this the 26 day of FEBRUARY, 2021.



[Signature]  
 \_\_\_\_\_  
 Notary Public  
DANIEL H. WOODS  
 \_\_\_\_\_  
 Print Name

My Commission Expires: 11/18/2023





AERIAL VIEW



EXISTING CONDITIONS

No.	DATE	REVISION	BY
1			

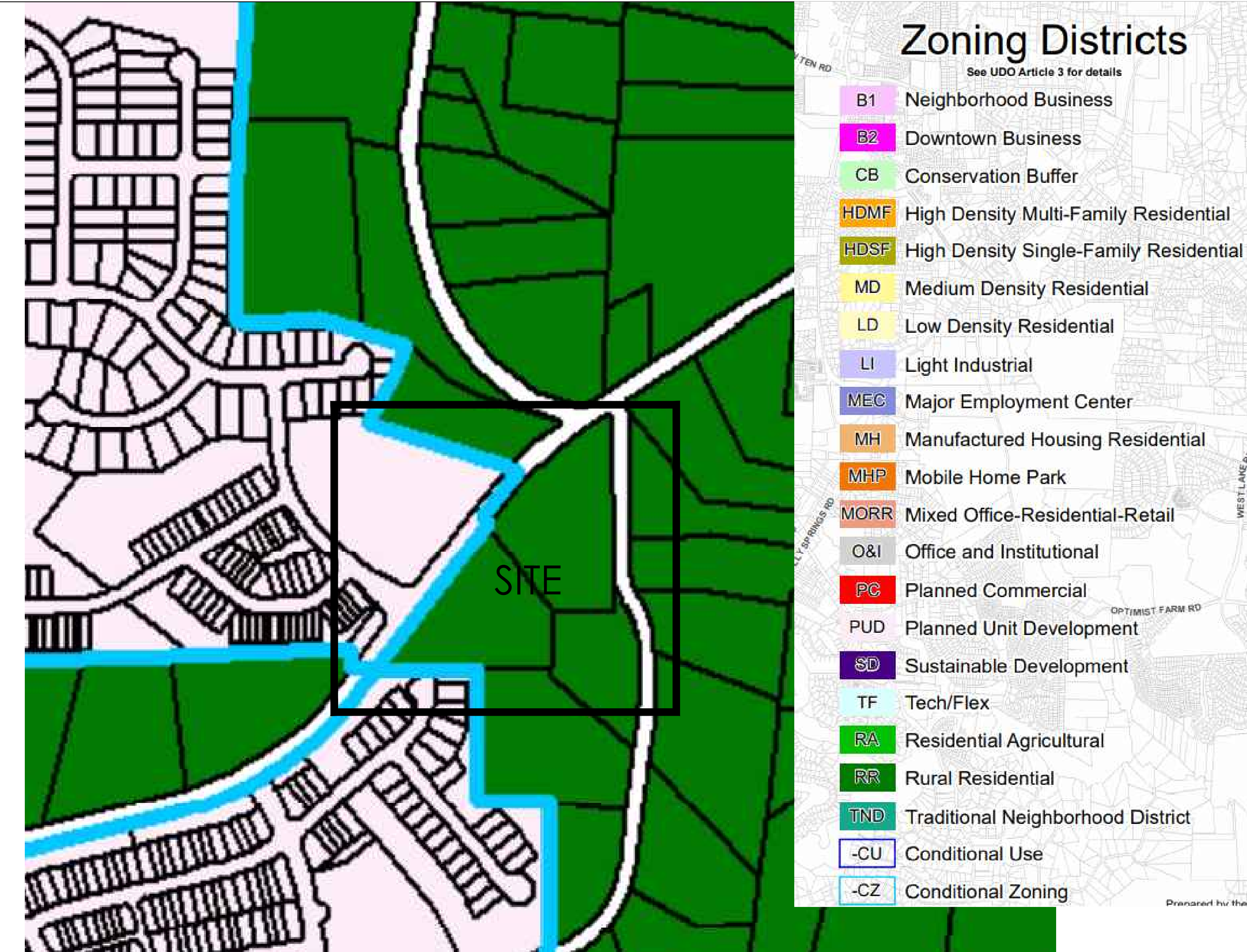
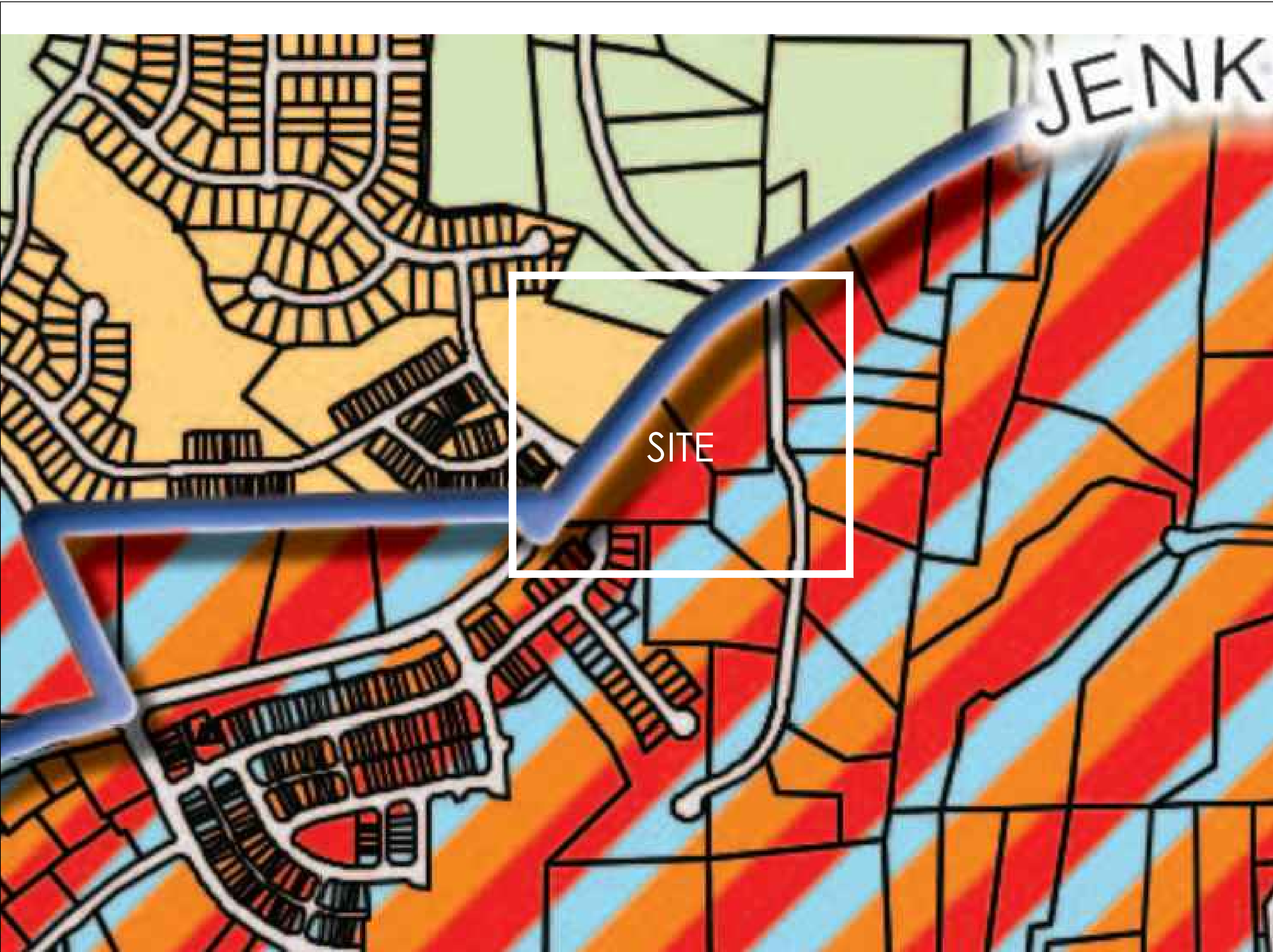
Designer:	DW	Scale:	NTS
Drawn By:	DW	Date:	2/25/2021
Checked By:	JR	Job No.:	201205

Jenks Rd Veterinary Hospital  
APEX, NORTH CAROLINA

REZONING EXHIBIT

**PEAK** Engineering & Design  
1125 Apex Peakway | Apex, NC 27502  
ph: 919.439.0100  
www.PeakEngineering.com

Sheet No.  
**RE-1**



- ### Zoning Districts
- See UDO Article 3 for details
- B1 Neighborhood Business
  - B2 Downtown Business
  - CB Conservation Buffer
  - HDMF High Density Multi-Family Residential
  - HDSF 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

### Future Land Classifications

- Protected Open Space
  - Rural Density Residential  
One dwelling unit per five acres
  - Low Density Residential  
Single-family homes or a mix of single-family homes with duplexes and/or townhomes
  - 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
  - Park—Public or Private
  - School
  - Sanitary Landfill
  - Right-of-Way
  - Mixed Use  
≥30% Non-residential
  - Property Lines
  - Duke Energy Land
  - Proposed Thoroughfares
- \*Apartments allowed within the Town Center and Transit-Oriented Development context areas

2045 LAND USE MAP

EXISTING ZONING MAP

Designer:	DW	Scale:	NTS
Drawn By:	DW	Date:	2/25/2021
Checked By:	JR	Job No.:	201205

Jenks Rd Veterinary Hospital  
APEX, NORTH CAROLINA

REZONING EXHIBIT

**PEAK** Engineering & Design  
1125 Apex Parkway | Apex, NC 27502  
ph: 919.439.0100  
www.PeakEngineering.com

Sheet No.  
**RE-2**

PAGE OMITTED WITH THE FORMAL ZONING SUBMITAL. SKETCH PLAN WAS SHOWN TO THE ADJACENT PROPERTY OWNERS DURING THE NEIGHBORHOOD MEETING.

SR1782  
SURVEY RD  
PUBLIC R/W

No.	DATE	REVISION	BY
1			

Designer:	DW	Scale:	1" = 50'
Drawn By:	DW	Date:	2/25/2021
Checked By:	JR	Job No.:	201205

Jenks Rd Veterinary Hospital  
APEX, NORTH CAROLINA

REZONING EXHIBIT



**PEAK** Engineering & Design  
1125 Apex Peakway | Apex, NC 27502  
ph: 919.439.0100  
www.PeakEngineering.com

Sheet No.  
**RE-3**

**Jenks Road Veterinary Hospital Zoning  
ZOOM Neighborhood Meeting  
5:30 pm February 25, 2021**

The ZOOM meeting for the Jenks Road Veterinary Hospital Zoning began at 5:32 pm by Jeff Roach with Peak Engineering & Design. A brief introduction was made for everyone on the call, the participants were directed to the CHAT BOX function in ZOOM to type questions and the virtual meeting protocol was discussed to try and keep the meeting moving along.

A project introduction was then provided, the location within Wake County GIS' website was shared for all to see. After the location of the property was identified for everyone on the call, we walked through the existing site conditions, the existing zoning, the purpose of the 2045 Land Use Plan, the current sketch plan showing a 20,000 SF non-residential building was shown, and an architectural rendering of the proposed building was shared on screen. Everyone was informed that the sketch plan is not a final design for the site and is used to show buffers, access points and other site-specific items for the property. Following a discussion related to the above items, the list of permitted uses was shown to all and discussed briefly. The discussed centered around the proposed use as a Veterinary Hospital although there are other uses which may occupy the property (see attached list of uses within the zoning application).

After showing the different items, the presentation switch to address the questions which had been entered in the CHAT BOX. Below are the questions as well as a summary of the answer that was provided with each question. Additional questions were voiced by the adjacent property owners and were answered to the best of our knowledge at this point.

After answering the CHAT BOX questions, the verbal questions, and reviewing the project timeline with everyone on the call, Peak's email address and phone number was again provided to assist with any follow up questions post-meeting. The adjacent property owners dropped off the call around 7:20 pm and the meeting ended at 7:30 pm.

Below is a summary of the questions and discussions which were had. There were a number of discussions which were had, many of them answering multiple questions or bringing up additional questions. This summary tries to highlight the presentation and discussions as accurately as possible. A copy of this meeting summary will be emailed to the participants once the zoning package is submitted.

**Following are the questions which were provide through the ZOOM meeting CHAT BOX features.  
Answers were provided verbally and summarized below.**

From Christopher Reder to Everyone: 05:31 PM  
Jeff, will you be able to send us the PPT after this meeting?  
Yes

From Vincent Neumann  
Did they already buy the property? It shows sold already.  
*The property has not been purchased at this time. It is under contract with the buyers.*

From Suzanne Kissel

Under contract, I think....

*That is correct – the two properties are currently under contract and will not close until after zoning or site plan approval*

From F Winston Penley

will the pond stay? And has the property been rezoned from residential?

*The current plan is to retain the existing pond on the McMains property. The property has not been rezoned for the non-residential use. It is currently zoned RR (Rural Residential) and this request is to change that zoning to B1-CZ. The 2045 LUM and Zoning request were discussed as part of the presentation.*

From Christopher Reder

Winston, that's what this meeting is for. They are proposing this to apex to rezone it?

*That is correct – went through what the zoning is, what we are asking Apex to rezone it to, discussed uses, the 2045 LUM and how we have met with Apex staff related to compliance with the adopted plans (2045 LUM, Transportation Plan, Greenways Plan, etc.).*

From Meghann Reder

Capacity for animals and what species of animals?

The land use plan was made 20 years ago. Is it still relevant if residents do not want it rezoned?

*The buyer is proposing to use the facility for a veterinary hospital but there are other uses which may also occupy the property in the future (see the list of uses within the zoning application). A copy of those uses was also shown during the meeting. Uses will be further evaluated during the zoning review from staff.*

*The capacity of the facility is unknown at this time. That is a follow up that Peak will provide to the adjacent property owners with a copy of the meeting package.*

*The 2045 LUM was adopted by the Town of Apex in February 2019. The 2030 LUM was adopted in August 2013. Both LUMs showed the area as a mix of high density residential, commercial services and office/employment. The proposed plan follows the adopted LUM designation.*

From Vincent Neumann

Are they proposing a driveway on Sunset Meadows?

*No. The project does not propose a driveway onto Sunset Meadows Drive.*

From Meghann Reder

The street is mislabeled in the exhibit as "SUMMER Meadows Drive". It should be Sunset Meadows Drive  
*Apologized to staff for the typo. Will be cleaned up with any future documents.*

From Vincent Neumann

will the pond stay?

*The current plan is to retain the existing pond.*

From Brad Buckingham

What is the green box below the pond that is near sunset meadows?

thx... hard to read/see the text on the image. The pond is a water source for Caitlin Pond. It [the pond] really needs to stay. Don't be sure... it MUST

*The owner is proposing to retain the pond at this time.*

From Meghann Reder

Ecologically important. Keep the pond.

*Proposal is to retain the pond. Not a zoning condition as it would restrict any removal for safety or repair purposes.*

From F Winston Penley

So the pond stays now, but is that a permanent decision? I would like it to be.

*Again, the pond is staying with proposed development and sketch plan.*

From Brad Buckingham

If the pond is removed, we could lose the wildlife in the pond at Caitlin Pond... which has been in existence for ~70 years and impacts multiple home wonders.

*Proposal is to retain the pond on the McMains property.*

From Suzanne Kissel t

Not to mention drainage issues. The pond is there for a reason.

What is the proposed lighting for the parking lot?

*Again, the pond is staying.*

*We committed to the Environmental Advisory Board (EAB) to work with Apex staff on a lighting plan which reduces lighting spillover and uses fixture colors that are current Apex standards. Full cut-off/light shields will also be installed on the fixtures to reduce and backlighting onto residential properties.*

From Merle Wolfgang

Agree Pond should stay

*This is a theme.*

From Meghann Reder

What kind of waste is generated and how is it stored and removed?

*Standard office waste is served within the dumpster. Animal waste and other hazardous items are removed per industry standards for removal/trash services that do not include exterior dumpsters.*

From F Winston Penley

What is the plan for storm water runoff? Please tell me not routing to it as is a live pond and so is Cailyn pond.

*Pond to remain. Directing as much as possible of the new impervious area to the new stormwater control measure (SCM) per Town and State guidelines.*

From Merle Wolfgang

What barrier is planned between the property going commercial and the surrounding residential properties?

*There are proposed landscape buffers along Jenks Road, Sunset Meadows Drive and Westford. These landscape buffers will provide a visual barrier between developments.*

From F Winston Penley

Sunset Not Summer

*Type is being corrected in the documents.*

From Meghann Reder

What type of buffer that borders homeowner properties? What kind of buffer along Sunset Meadows Drive?

*Different buffers are proposed along the boundary of the site. 30' Type B along Sunset Meadows, 15 – 30' buffer along western boundary (Westford) depending upon the adjacent uses; and 30' buffer along Jenks Road. Final buffer will be confirmed within the UDO during Minor Site Plan design.*

From Merle Wolfgang

Is there any option to keep the property residential, or is it past that point? I think we would all prefer a residential designation.

*The designation on the 2045 LUM is for mixed use or commercial/employment. The buyer has a contract to purchase for the non-residential use. Sellers are asking too much for residential property. It is also my opinion that I would not be able to rezone the property for a residential use (single family or townhomes) without the incorporation of a non-residential component.*

From Meghann Reder

Is it a 24 hour a day / 7 day a week business? Would prefer this not to happen and not to be rezoned. Doesn't fit into the area. More of a 64 or 55 corridor project. Jenks Rd is not a high visibility area.

*The uses which are included are all "neighborhood commercial/office employment" uses which require residential properties to support the businesses. The 2045 LUM shows this area for this type of use.*

From Ken Bruns

Worth has always let us fish in the pond, will the residents still have access?

*Not likely. There may be a fence installed for insurance/safety reasons but that is to be determine by the future property owners.*

From Konstantin Reverdatto

There's another veterinary facility approved at Jenks and 55. That intersection is better for business development. We have no other commercial properties in the area. If this is approved, it will spur additional rezoning and will completely change the nature of this area.

*The 2045 LUM shows the area with the mixed-use designation. This site will not likely spur non-residential development- although Apex is always looking for non-residential opportunities for new neighborhood businesses. As for the 55/Jenks Road intersection, that is a good location but comes much larger improvements.*

From Merle Wolfgang

Jenks Road is also becoming dangerous with the current increase in the level of traffic on the road.

*The current traffic volumes in the area have not raised concerning with Apex Transportation staff.*

*In a follow up call with Town staff on February 26<sup>th</sup> (the day after the neighborhood meeting), the intersection from the property onto Jenks Road is not a candidate for a traffic signal and likely never will be based upon designation as a smaller residential connection. Traffic volumes are not currently a concern for Apex staff, that will be confirmed with NCDOT during the Minor Site Plan review as well.*

From Meghann Reder

Just because a "Town vision" happened 20 years ago, is it relevant today if no one carries "the vision"?

*The Town vision within the 2045 LUM is how properties are evaluated for purchase, development or redevelopment. The Town updated the LUM in 2019 and the current mixed-use designation has been in place since at least 2013.*

From Suzanne Kissel

You stated that the animals would not be outside without supervision; however, the current facility boasts a “large outdoor area” for their patients.

*There are a number of fenced in areas based upon the proposed vet hospital and rehabilitation areas. Assuming this is a vet hospital, different animals require different areas post-surgery or during rehabilitation services.*

From Konstantin Reverdatto

Two of the greatest concerns are 1) noise and 2) light pollution.

*Noise from the pets will be contained within the building. There will be pets outside with owners and/or staff so the noise should be limited.*

*Light pollution will be worked on with staff to minimize the impact lighting impacts around the area.*

From Meghann Reder

No interest in slamming car doors at all hours of the day and night. Or animal noises.

Hazardous bend in the road on Jenks and more traffic increases the likelihood of issues safely entering and exiting our Sunset Meadows road.

*Although all vet hospitals are required to be ‘available’ 24/7, this site is not proposed to be a 24/7 open to the public facility. This timing would reduce late night doors/noise.*

*The proposed improvements along Jenks Road – left turn lane, pavement addition, curb and gutter and sidewalk – will require additional clearing along the southern property line. This should provide additional sight distance opportunities heading east into the curve to improve safety.*

From Suzanne Kissel

The image shows the curve of the road from Sunset Meadows.

*The curve is west of Jenks Road. Sunset Meadows Drive flares out at the intersection.*

From Meghann Reder

Changes to zoning increase likelihood of many other properties around Sunset Meadows changing to zoning that are not favorable to Sunset Meadows residents.

*I am not sure this is the case. The zonings along Jenks Road are property owner driven. The two lots in questions are currently for sale – driving people to look at the properties.*

From Suzanne Kissel

If we are talking about emergency use, then there could be rapidly moving vehicles during school hours.

*Assuming the vet hospital - this is not an emergency center – see above response to the 24/7 operation.*

*The focus is everyday treatment and rehabilitation services. Vehicles along Jenks Road are not going to be emergency vehicles.*

From Meghann Reder and Suzanne Kissel

Animal waste and hazardous waste – also surgical/medical waste.

*I am not 100% sure how this is handled but feel there are industry standards for this service.*

From Meghann Reder

Runoff of defecation. Are we talking large animal species waste?

*If this is the vet hospital, the services will not be large animal based upon the information I have been provided. As for the runoff, there will be a number of pet waste stations along with someone being white the animals at all times they are in the walking or rehabilitation areas.*



From Vincent Neumann

will there be a pet cemetery on the property? Will they sell plots for pets?

*No pet cemetery on the property. Off-site services.*

From Brad Buckingham

Is there any thought or discussion on the landscape? E.g. keeping of mature trees as well as plantings that might be done for beautification & screening

*Our goal with any project is to retain healthy vegetation within the perimeter buffer and supplement with larger trees, small trees or shrubs as appropriate to close any view corridors. Landscaping is also required within the parking lot for shade trees, Vehicular Use Area (VUA) perimeter plantings and foundation plantings around the building.*

From Meghann Reder

What kind of buffer? 50 foot fence?

*Various buffer types and widths are proposed. A fence is not proposed around the perimeter of the site.*

From Brad Buckingham

I'd hate for the pretty weeping willow to no longer be there :)

*If this is in reference to the tree on the west side of the existing pond, we will evaluate the tree to avoidance.*

*No guarantee as we will look at the existing conditions more during the Minor Site Plan designs.*

From Suzanne Kissel

I don't think that noise concerns have been addressed.

*There will be pets at the facility but there will not be multiple pets outside unattended that will increase noise. Vehicle noise will be no worse than what residents are already dealing with on Jenks Road or Sunset Meadows Drive. The zoning is for a number of uses and a suburban office building, vet hospital, retail site or even a new home all have vehicles coming and going. Retention of perimeter vegetation help to mitigate the noise levels.*

From Brad Buckingham

Any thoughts or plans for lighting additions on Jenks as well as extending sidewalk? (Or is that provided by city of Apex)

*The Town of Apex or NCDOT would provide street lighting along Jenks Road – not the adjacent development. Sidewalk is being extended along the Jenks Road frontage as required by the Transportation Plan. This connection will extend from Sunset Meadows Drive west to Westford for access to additional non-residential amenities, future greenways, sidewalks and Town of Apex parks.*

From Christopher Reder

For a B1 zone, it is spec'ed at a minimum of 30 feet opaque buffer. Two questions: 1. What is the definition of opaque and 2. Can this 30 feet be increased. The area by the stormwater has all 50 year old trees so how will 'shrubs' create an opaque buffer ?

*The neighbor was referenced to the Unified Development Ordinance (UDO) Section 8.2.6 for buffer types and definition of the opaque and semi-opaque buffers.*

*The evaluation and site surveys will identify any large trees and their proximity to the boundary of the site. Any trees that can be saved are always evaluated for preservation/avoidance. The location of the SCM is also evaluate for impact on the existing site conditions as well as natural drainage patterns.*

From Eura Tunstall

Please share any thoughts/concerns the owner of the two properties directly across Jenks Road on each corner of Old Ivey that utilize well water. Any concerns? Looking forward, what does this approved project mean to homeowners in means of property taxes and ability to negotiate rezoning for other neighboring properties? I don't know that I know the "right questions" to ask, so please educate of what I might need to know as a close neighbor to this project. PS. I have a long history with the pond. I am glad to hear it's staying.

*The rezoning on the south side of Jenks Road may have an impact on property values but I am not an appraiser. The rezoning and development of a non-residential office will not be factored into the appraisal for a single-family residential property – but I suggest you speak with a real estate expert to confirm that. As for the impact on the well on the parcel north of Jenks Road, the natural topography directs water south away from the Tunstall lot. No impacts on the existing well or septic system should be noticed with this project.*

From Christopher Reder

with parking lots right next to our property, how will this project guarantee no light enters my property? Will a fence be built surrounding the property on all sides that face residential housing?

*The sketch plan was shown for the distance from the adjacent property to parking areas and access drives. There are perimeter buffers, VUA plantings, grading and other measures which are all use to reduce the likelihood that headlights shine onto adjunct properties. Site lighting designs are governed by the UDO and will be coordinated with Apex electric staff to verify compliance.*

From Meghann Reder

I am concerned about our well water and runoff issues on our property.

*The new project will be connection to Apex water and sewer. Only impact to the downstream wells/septic system will be with the removal of the wells/septic fields from the McMains and Hobbs properties.*

From Merle Wolfgang

Traffic is a concern

*Lot of discussion related to traffic. With a very low traffic generator, the project does not meet the threshold for a TIA.*

*AS A POST MEETING FOLLOW UP:*

*Apex staff would not require a TIA for the project. This indicates that the traffic generation is low and there is no crash history in the area that would dictate additional improvements to mitigate traffic.*

From Christopher Reder

how will sound be controlled? You show a 'pen' for rehabilitation. If you have dogs out in the yard, will they all have a leash even in a pen? And what guarantees will be made that there won't be barking? (I see no way for them to not start barking and agitating other local dogs to the neighborhood)

There is a similar facility in Cary called pet palace. The barking is so loud from that facility that residents hear the barking non-stop in their houses, much further away than we are to this proposal.

How many stalls? How many operating tables? What is capacity?

*If a vet, pets will be in the outdoor areas – typically 1 at a time – and they will be accompanied at all times. We cannot guarantee they pets won't bark. The Pet Palace is a "doggie daycare" where pets are permitted to roam unattended throughout the day. This facility is a NOT a doggie daycare.*

*Capacity is estimated at approximately 300 appointments per week or 60 per day or 5 per hour. The exact capacity will be determined based upon the operation of the building as a vet hospital vs an office building.*

From Suzanne Kissel

Even if dogs are attended - they bark. A lot. Just saying that animals are attended in a large area, does not mean that they will not be barking at each other and neighborhood dogs.

*By having one pet at a time in the yard, it reduces the noise from a pet hospital. If the site is an office, noise could be from the "garage rock band" that someone mentioned in the meeting 😊*

From Konstantin Reverdatto

Noise pollution will directly negatively impact our property values and quality of life.

*Noise addressed previously.*

From Suzanne Kissel

This is what the current facility has and they boast of their large outdoor areas where their patients can play

*The buyer is looking at a number of uses. If this is a vet hospital, the outdoor area is a requirement for rehabilitation services. Different pets require different size yards to run, jump and get back to normal.*

From Meghann Reder

We do not want to see this from Sunset Meadows Drive.

*Landscaping along with the placement of the building will push the project west – away from Sunset Meadows Drive – to reduce visibility into the project.*

From Merle Wolfgang

Agree - We did not envision a commercial property being put on that lot when we purchased our home.

*The property has been shown on the LUM as mixed use since 2013 (or earlier). When the neighbor purchased in 2014, the property was being planned or non-residential or mixed use.*

From Suzanne Kissel

EXACTLY. I am still concerned about noise pollution and animal noises.

*See previous comments above.*

From Meghann Reder

Opaque fence

*An opaque fence is not currently proposed along the eastern properties.*

From Christopher Reder

How many parking spots are you showing in this picture?

*The current plan shows 70-75 spaces. Final parking numbers will be based upon Architect's square footage for the office space and other uses. The UDO will control the number of spaces.*

From Meghann Reder

We don't want to see it

*Answered above.*

From Eura Tunstall

A polite FYI...the "Jenks road direction" is a residential direction. Currently those homes across the street are residential. (reflecting on the light pollution being directed toward Jenks Road and away from residential homes".

*In a follow up phone call on Friday, February 26<sup>th</sup>, we spoke with Ms. Tunstall concerning her property on the north side of Jenks Road. The building will act as a barricade for a lot of the parking lot/site lighting. We will not be directing light towards Jenks Road any more than we are directing light towards Sunset Meadows Drive.*

From Suzanne Kissel

I would like to see an example of the opaque buffer and the sizes of the plants they want to put in. *The neighbors were directed to the Lake Pine Animal Hospital on the Apex Peakway. There are also other locations in Westford and the Preserve at White Oak Creek where perimeter buffers have been installed.*

From Eura Tunstall

Perhaps a silly question...if zoning for traffic is limited for the Jenks/Ivey intersection...does this mean that any future requests by the property owner of the properties also on Jenks Road but no current rezoning/development requests on the table. I'm trying to understand if approving your project then limits traffic the neighboring property owner could request during rezoning. Just trying to think ahead and how this project may impact neighboring owners, especially those with road frontage.

*Each project is evaluated independently at this stage – but once a project is approved, they are looked at cumulatively. The need for improvements or a traffic evaluation is based upon the use of any new project, not the condition of the existing streets in the area.*

From Merle Wolfgang

How do we get an opportunity to voice our opinion on the zoning decision?? Just to be clear. I don't think anyone in this development views this as a positive outcome.

*The property owners were informed of the next steps in the process -submittal, reviews by staff, Planning Board and eventually Town Council. The list of neighbors within 300' is provided to staff with the zoning submittal. A letter will be sent by the Town with upcoming meeting dates. There will also be a "DEVELOPMENT" sign places on the property once the submittal is made. That sign will provide a contact number in Town Hall.*

From Ryan Carfley

I would echo these sentiments, lights, animal barking - none of this seems positive as a resident here. *Comments answered above.*

From Meghann Reder

What types of animals?  
*See above.*

From Suzanne Kissel

I work from home. Any outside noise would impact both my work and home life.  
*See above for the noise question.*

From Meghann Reder

That is at a major intersection in Apex!

*This is not a major intersection. These are residential streets feeding to a 3 lane thoroughfare providing 45 mph speeds between other major streets. Sunset Meadows, Old Ivey, White Oak Grove Way, future Haybeck Lane, and Hutch Lane are all residential connections.*

From Brad Buckingham

We are at 7721 Jenks, it would be nice to see a bit more landscape/buffer on Sunset next to the pond.

That would provide a little more privacy for us. This is the area that currently has Crepe Myrtles that folks were discussing.

*A buffer is proposed along the entire Sunset Meadows Drive frontage to provide additional screening. The semi-opaque buffer will be a mix of evergreen and deciduous trees and shrubs. The UDO specifies the buffer type and planting requirements.*

From Merle Wolfgang

That's a lot of parking for a vet

*Parking will be provided based upon the UDO standards.*

From Ken Bruns

If the ordinance says 1 spot per 250 sq ft and the building is 20000 sq ft, that is 80 parking spots.

*See above.*

From Merle Wolfgang

Rezoning decision? How do we get involved? Yes, Thank you

*Information was provided for the next steps in the process and how the neighbors can stay informed.*

From Ken Bruns

I like the microbrewery, can we get it changed to that?

*We too like the non-residential, micro-brewery concept at just about any location. 😊*

From Brad Buckingham

I do see a lot of things on that list that I really would not be happy with. But I do like a cold beer in walking distance :)

*Comment noted.*

From Merle Wolfgang

I haven't heard anyone on the call say they feel like those uses are appropriate for this area.

*Previously discussed related to the 2045 LUM.*

From Meghann Reder

I realize on paper this makes sense. But it makes no sense to those who live here. We don't like it.

*Understand the comment. 2045 LUM discussion.*

From Suzanne Kissel

Why would it not? The current vet is right next to a fire station and a gas station.

*That is another vet hospital in the area – not this location.*

From Meghann Reder  
Exactly, Ken The domino falls with this  
*No response to comment.*

From F Winston Penley  
completely agree about residential and keeping home value high  
*There is no information that a neighborhood commercial/office building reduces property values.*

From Meghann Reder t  
Great! Turn it into a greenway and park  
*Discussion ensued concerning the town's recent acquisition of property on Wimberly Road for a new park. This site would not be a public park nor would Apex purchase a \$1MM parcel(s) for a park this close to a future facility.*

From Suzanne Kissel  
They're looking for revenue  
*This is in reference to the Town of Apex looking for revenue. Apex – in my experience – is looking to balance the percentage of residential and non-residential to reduce the tax burden and impact on schools.*

From Meghann Reder  
I know. But do that on 55 and 64  
*This was previously addressed with the neighborhood commercial/office use.*

From Suzanne Kissel  
City looking for tax revenue - and yes, Meghann - have them do it somewhere else  
*This is a business – they will open in Apex near new and existing homes for clients.*

From Meghann Reder  
Yes, they are trying to make it fit this “plan” that no one agreed to  
*The plan follows the adopted 2045 LUM and provide significant protections with buffers pe UDO standards.*

From Merle Wolfgang  
Maybe they should reconsider the plan. This is already residential.  
*See above for the cost of the property making it unavailable for use within the RR zoning district.*

From Ken Bruns  
Merle, we are fighting a losing battle trying to get them to rezone this to anything that takes tax money out of their pocket.  
*No response.*

From Suzanne Kissel  
We may all use vet hospitals, but it does not mean that we want them next to us.  
*No response.*

From Brad Buckingham  
Nice! Thanks for the time Jeff and share the details of the projects so far

**Following are questions asked after the presentation and/or during the review of the above “CHAT BOX” questions.**

Waste removal – how is this handled?

*Previously answered – by contract services/industry standards.*

If the facility is operated as a Vet Hospital, will the operation 24/7?

*Answered in the CHAT BOX responses.*

Will there be sidewalk on the south side of Jenks Road?

*That is correct.*

A fence was mentioned around the pond. Is this the case? And what kind of fence – chain-link or aluminum type?

*Note sure is a fence will be required by the insurance carrier or the owner. Type, location and requirement is TBD.*

What type of fence is proposed for the rehabilitation and walking areas for the pets?

*Likely a vinyl coated chain link fence. Height and standards controlled by the UDO.*

What is the buffer along the Reder property?

*30’ landscape buffer along the Sunset Meadows Drive properties.*

What is a Type ‘B’ buffer? And what is the Town’s definition of “OPAQUE” buffer? How will it be achieved or is it required at this location?

*See above for the reference to UDO Section 8.2.6 for type and definition.*

What are the parking requirements for a Vet Hospital or Office Building at this location?

*1 parking space / 250 SF or 1 parking space / 300 SF depending upon the proposed uses (vet hospital or office building)*

Follow up – that seems like a lot of parking for a 15,000 – 20,000 SF building?

*Again, parking will be evaluated and finalized during the Minor Site Plan review, not zoning.*

If dogs are outside at any time, they will bark and make noise. How is this controlled?

*See previous responses.*

Traffic is too much on Jenks Road at this time so why is a TIA not being required?

*In a follow up conversation with Apex Transportation staff, a TIA is not required based upon the proposed uses. Nor would a TIA be reviewed during the Zoning process for a B1-CZ request until the Minor Site Plan is submitted. Jenks Road does not have a high crash volume, safety concerns, or complaints from residents related to access to/from Jenks Road at this location.*

Is a traffic signal proposed at the intersection of Jenks Road and White Oak Grove Way?

*No. This a minor residential access and will likely never meet warrants for a traffic signal. There are other locations where a signal can be evaluated but current trips on Jenks Road does not justify signalized improvements.*

Is there an option to reduce the speed limit from 45 mph to 35 mph?

*We are committed to speaking with NCDOT related to a speed reduction but without crash history or a history of unsafe situations, NCDOT is not likely to recommend a speed reduction for this rural section of Jenks Road. An example was used – Holt Road near Montford Hall Court and the request for a speed reduction.*

Property owner concerned about headlights shining onto adjacent properties. How will this be stopped from the cars in the parking lot to the cars entering the site?

*Previously answered with landscaping, grading/berms, VUA plantings and the site configuration. Distance also plays into the headlight question.*

Is this a courtesy call? Will anyone hear the concerns from the neighbors, and will anyone act on them?

*The comments from the property owners are relayed to staff/Council so they understand what the concerns are. The engineers design to minimize the impact of the work on surrounding neighbors.*

Why can the development not build homes on the property? That would be better than an office/vet hospital at this location.

*Previous response concerning the cost of the land and Town's 2045 LUM.*

A number of residents of Sunset Meadows Drive expressed that the pond should be kept on the property. What is the plan for the pond?

*Current plan is to retain the existing pond.*

What is the timing of construction and noise from said construction on the adjacent property owners?

*Construction of this facility would likely be 12-15 months for the start of work to final Certificate of Occupancy. This is a one-time construction project unlike the Preserve at White Oak Creek where infrastructure and home construction could last more than 3 years.*



**Following is an email exchange with Suzanne Kissel prior to the neighborhood meeting (email addresses have been removed).**

I am by no means a traffic engineer, but I will do my best to explain below in red.

Jeff Roach, P.E.  
Peak Engineering & Design, PLLC  
(919) 439-0100

**From:** Kissel, Suzanne  
**Sent:** Wednesday, February 24, 2021 3:41 PM  
**To:** Jeff Roach <[jroach@peakengineering.com](mailto:jroach@peakengineering.com)>  
**Subject:** Re: [EXT]: RE: Questions for Veterinary Hospital

Hi, Jeff –

Thank you for your considerate answers.

Why is TIA determined by the size of the building rather than the number of people using it? ITE (Institute for Transportation Engineers) establishes traffic patterns based upon various uses. The size of the building and use together determine the number of trips per day or peak hour. So, let's assume that, all told, the hospital has 50 employees which would be coming into work at 8am (that is 50 am peak hour trips) and leaving at 5pm (that is 50 PM peak hour trips). Let's also assume that there will be about 50 or so animal "guests" in addition to specialists with surgery privileges, people who want to visit their animals, etc. We can easily meet the 100 trip threshold during peak hours. Patient trips are not typically 50 patient visits at 8:00 am – they spaced out throughout the day. Spacing out the trips throughout the day – to avoid the peak hours – a project can be less than 1,000 daily trips and it would not meet the Town's threshold for the study. If you could point me to this language, I would appreciate it. The TIA requirement is outline in the Unified Development Ordinance (UDO) section 13.19 – Traffic Impact Analysis Required.

Also, is the threshold appropriate for the road? Jenks Road – as a two lane facility – can handle around 20,000 vehicle trips per day (that is Jenks is narrow. Where will it be widened? A left turn lane from Jenks Road into the project will be required. The frontage of the property will also be widened to match the north side of Jenks Road along the Preserve at White Oak Creek frontage. How will Sunset Meadows be impacted by this? We do not anticipate any impacts to the intersection with Summer Meadow Drive but that could change as we go through the zoning, site plan and construction drawing design and review process.

You mention that "That will not remove the curve in Jenks Road but will provide some clearing that may improve sight distance for vehicles traveling east on Jenks Road." I think that that "may improve" is not enough when you are talking about child safety. I am also thinking of my own. I have low vision and have already faced dangerous conditions on the road. Apex may want more corporate development, but it also has an obligation to keep its children and disabled population safe. However, this is only my opinion. Safety is the number one tenet of every engineer. We continue to evaluate sites to make sure what we are proposing does not create any unsafe situations. And if there are ways to mitigate the situation, we do our best.

Thank you,  
Suzanne

**From:** Jeff Roach <[jroach@peakengineering.com](mailto:jroach@peakengineering.com)>  
**Date:** Wednesday, February 24, 2021 at 3:20 PM  
**To:** "Kissel, Suzanne"  
**Subject:** RE: [EXT]: RE: Questions for Veterinary Hospital

Great questions. See below.

Jeff Roach, P.E.  
Peak Engineering & Design, PLLC  
(919) 439-0100

**From:** Kissel, Suzanne  
**Sent:** Wednesday, February 24, 2021 1:52 PM  
**To:** Jeff Roach <[jroach@peakengineering.com](mailto:jroach@peakengineering.com)>  
**Subject:** Re: [EXT]: RE: Questions for Veterinary Hospital

If the veterinary owners wish to place more than one building on the property, will there be any restraints to them doing so? The zoning is requesting a "single non-residential building" with 15,000 – 20,000 SF office/vet hospital space. If the zoning is approved and they go for a second building, it will not meet the zoning conditions and will be denied by staff.

- 1) What is the anticipated TIA? TIA stands for "Traffic Impact Analysis" (affectionately known as a "traffic study").
- 2) What is the town's threshold? 100 peak hour trips or 1,000 daily trips. This size building does not meet those thresholds so we work with transportation staff instead of relying upon a traffic study.

The "3 stripes" on the 2045 Land Use Map dictates that the property is required to have a minimum percentage of non-residential uses.

What is designated as the minimum percentage that it is required to have under current zoning laws? The "minimum" percentage for a mixed use project is typically: minimum 30% non-residential and a maximum of 70% residential. In our case, we are 100% non-residential. Town wants to see more non-residential development so this fits within the Town's concepts. Will need to confirm this with staff just to make sure I have worded this exactly like the Development Ordinance.

Thank you,  
Suzanne

**From:** Jeff Roach <[jroach@peakengineering.com](mailto:jroach@peakengineering.com)>  
**Date:** Wednesday, February 24, 2021 at 12:48 PM  
**To:** "Kissel, Suzanne"  
**Subject:** [EXT]: RE: Questions for Veterinary Hospital

Good afternoon Suzanne. I have tried to provide some feedback below in red.

Jeff Roach, P.E.  
Peak Engineering & Design, PLLC  
(919) 439-0100

**From:** Kissel, Suzanne  
**Sent:** Wednesday, February 24, 2021 8:14 AM  
**To:** Jeff Roach <[jroach@peakengineering.com](mailto:jroach@peakengineering.com)>  
**Subject:** Questions for Veterinary Hospital

- 1) Has there been a traffic study conducted for Jenks Road? Does it take into account that Westford has not yet been built out? What does it show? I've been told that these are required for rezonings. **A traffic study is not required for the building as the anticipated number of trips does not reach the Town's threshold for the TIA. The building users are low volume trip generators. Only larger volume trip generators are required to conduct TIAs. We still coordinate with transportation staff through the zoning and site plan reviews to make sure we mitigate traffic created by the new office.**
- 2) The land in question is over 6 acres. What else is planned other than the Veterinary Hospital? How many buildings in total will be put on the site? **The plan is for one building on the property with outdoor fenced area for patient (pet) recovery areas. No pets will be boarded (unless they just had surgery) and no pets will be left to roam the outdoor recovery area without direct supervision (it is not a pet day care, it is a hospital).**
- 3) What measures will be taken to protect our children at the bus stop on the dangerous curve between Sunset Meadows and Jenks Road? **If you are referring to the curve in Jenks Road, we are required to widen Jenks Road to the Town's ultimate section (providing more pavement) and construct a sidewalk on the project side of Jenks. That will not remove the curve in Jenks Road but will provide some clearing that may improve sight distance for vehicles traveling east on Jenks Road.**
- 4) Why is this land being considered for business when it is bordered on all sides by residential developments and is not at the corner of an existing, significant intersection? **The property is shown on the Town's 2045 Land Use Map (see the snip-it below) as either High Density Residential (apartments or townhomes), Commercial Services, or Office-Employment. The "3 stripes" on the 2045 Land Use Map dictates that the property is required to have a minimum percentage of non-residential uses. In this case, we are proposing 100% non-residential. This type of business relies upon residential developments to succeed so location on US 64 or other major thoroughfares is not always the best place for them.**



**JENKS ROAD VETERINARY HOSPITAL – REZONING NEIGHBORHOOD ATTENDANCE SHEET**

Name	Email address/contact information (if provided)	Address (if known)	City (if known)
Ryan Carfley	[REDACTED]	1017 Sunset Meadows Dr	Apex, NC
Anna Reverdatto	[REDACTED]	1021 Sunset Meadows Dr	Apex, NC
Konstantin Reverdatto	[REDACTED]	1021 Sunset Meadows Dr	Apex, NC
Ken Bruns	[REDACTED]	1053 Sunset Meadows Dr	Apex, NC
Suzanne Kissel	[REDACTED]	1029 Sunset Meadows Dr	Apex, NC
Sarah Penley	[REDACTED]	1013 Sunset Meadows Dr	Apex, NC
F Winston Penley	[REDACTED]	1013 Sunset Meadows Dr	Apex, NC
Vincent Neumann	[REDACTED]	1057 Sunset Meadows Dr	Apex, NC
Merle Wolfgang	[REDACTED]	1049 Sunset Meadows Dr	Apex, NC
Christopher Reder	[REDACTED]	1028 Sunset Meadows Dr	Apex, NC
Meghann Reder	[REDACTED]	1028 Sunset Meadows Dr	Apex, NC
Brad Buckingham	[REDACTED]	7721 Jenks Road	Apex, NC
Carey McMains	[REDACTED]	7809 Jenks Road	Apex, NC
Ira Maynard	[REDACTED]	7728 Jenks Road	Apex, NC
Eura Tunstall	[REDACTED]	11725 Ranburne Rd 1533 Old Ivey Rd	Mint Hill, NC Apex, NC
J J	[REDACTED]	Unknown address	
Jeff Roach Peak Engineering & Design	[REDACTED]	1125 Apex Peakway	Apex, NC
Daniel Woods Peak Engineering & Design	[REDACTED]	1125 Apex Peakway	Apex, NC
Daniel Shults	[REDACTED]		
Jonathan Edwards	[REDACTED]	1125 Apex Peakway	Apex, NC

**PLANNING BOARD REPORT TO TOWN COUNCIL**  
Rezoning Case: 21CZ06 Jenks Road Office & Veterinary Hospital

Planning Board Meeting Date: May 10, 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:** 6.69 acres  
**PIN(s):** 0722886419; 0722888770  
**Current Zoning:** Rural Residential (RR)  
**Proposed Zoning:** Neighborhood Business-Conditional Zoning (B1-CZ)  
**2045 Land Use Map:** Mixed Use: High Density Residential/Office Employment/Commercial Services  
**Town Limits:** ETJ

**Applicable Officially Adopted Plans:**

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

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

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

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

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ06 Jenks Road Office & Veterinary Hospital

Planning Board Meeting Date: May 10, 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: 21CZ06 Jenks Road Office & Veterinary Hospital

Planning Board Meeting Date: May 10, 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: 21CZ06 Jenks Road Office & Veterinary Hospital

Planning Board Meeting Date: May 10, 2021



**Planning Board Recommendation:**

Motion: Recommend approval with conditions noted below.

Introduced by Planning Board member: Ryan Akers

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 proposed by applicant; removal of "Grocery store, specialty" and "Pharmacy"  
as permitted uses (applicant agreed to remove these two uses).

Added note to Town Council:

Recommend further discussion between applicant and neighboring residents on a mutually-agreeable  
fence solution.

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

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

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

Reasons for dissenting votes:

\* Keith Braswell was recused as he was the listing agent on the McMains and Hobbs properties.

This report reflects the recommendation of the Planning Board, this the 10th day of May 2021.

Attest:

**Michael Marks** Digitally signed by Michael Marks  
Date: 2021.05.10 20:25:09 -04'00'

Michael Marks, Planning Board Chair

**Dianne Khin** Digitally signed by Dianne Khin  
Date: 2021.05.10 17:49:30  
-04'00'

Dianne Khin, Director of Planning and  
Community Development



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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #21CZ06  
Jenks Road Veterinary Hospital**

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:** Daniel Shultz, Peak 360, LLC  
**Authorized Agent:** Jeff Roach, Peak Engineering & Design  
**Property Addresses:** 7825 & 7809 Jenks Road  
**Acreage:** ±6.69 acres  
**Property Identification Numbers (PINs):** 0722886419; 0722888770  
**2045 Land Use Map Designation:** Mixed Use: High Density Residential/Office Employment/Commercial Services  
**Existing Zoning of Properties:** Rural Residential (RR)  
**Proposed Zoning of Properties:** Neighborhood Business-Conditional Zoning (B1-CZ)

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

**Planning Board Public Hearing Date and Time:** May 10, 2021 4:30 PM  
If you would like to speak during the public hearing, you may sign-in ahead of time by emailing your name and address to [bonnie.brock@apexnc.org](mailto:bonnie.brock@apexnc.org). You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide comments no later than noon on Friday, May 7, 2021 by email ([public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397>. You must provide your name and address for the record. These comments will be read during the Planning Board meeting.

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 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/34742>.

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

Published Dates: April 23- May 10, 2021



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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #21CZ06  
Jenks Road Veterinary Hospital**

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:** Daniel Shultz, Peak 360, LLC  
**Authorized Agent:** Jeff Roach, Peak Engineering & Design  
**Property Addresses:** 7825 & 7809 Jenks Road  
**Acreage:** ±6.69 acres  
**Property Identification Numbers (PINs):** 0722886419; 0722888770  
**2045 Land Use Map Designation:** Mixed Use: High Density Residential/Office Employment/Commercial Services  
**Existing Zoning of Properties:** Rural Residential (RR)  
**Proposed Zoning of Properties:** Neighborhood Business-Conditional Zoning (B1-CZ)

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

*Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.*

**Town Council Public Hearing Date and Time:** May 25, 2021 6:00PM

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

If you are unable to attend, you may provide comments no sooner than Friday, May 7, 2021 at noon but no later than noon on Monday, May 24, 2021 by email ([public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, the vote on the subject of this public hearing will be delayed per State law to allow for comments to be submitted between publication of any required notice and 24 hours after the public hearing. Comments must be provided according to the means specified above. This item will then be scheduled for the next Town Council meeting. Please note that at this subsequent meeting, Town Council may choose to vote on the item, table the discussion to a later date, or take other action which would delay Council action to another time.

**Vicinity Map:**



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Navigation icons: Save, Print, Up, Down, Page 1 / 1, Zoom In, Zoom Out, and a signature icon.

Published Dates: April 30- May 25, 2021



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ06 Jenks Road Veterinary Hospital

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



## TOWN OF APEX

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**Town Council Public Hearing Date and Time: May 25, 2021 6:00PM**

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

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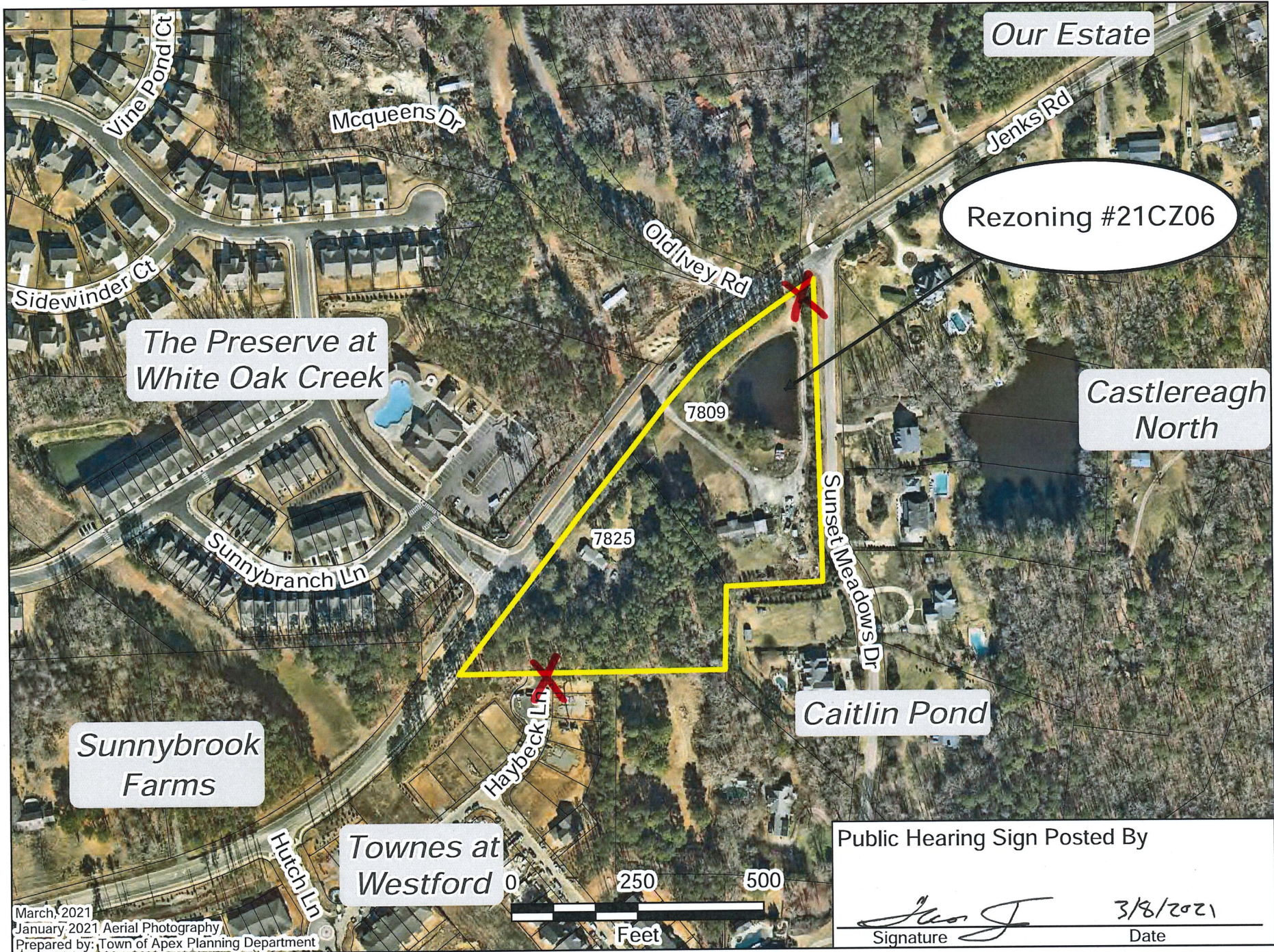
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Dianne F. Khin, AICP  
Director of Planning and Community Development



Our Estate

Rezoning #21CZ06

The Preserve at White Oak Creek

Castlereagh North

Caitlin Pond

Sunnybrook Farms

Townes at Westford

Public Hearing Sign Posted By

*Joey J*  
Signature

3/8/2021  
Date

March 2021  
January 2021 Aerial Photography  
Prepared by: Town of Apex Planning Department





**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: Jenks Road Office & Veterinary Hospital

Project Location: 7825 & 7809 Jenks Road

Applicant or Authorized Agent: Daniel Shultz, Peak 360, LLC  
Jeff Roach, Peak Engineering & Design

Firm: Peak Engineering & Design

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on April 23, 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 within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

4-23-21

Date

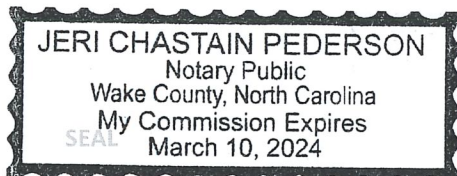
Amad Bunce for Dianne Khin  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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

State and County, this the 23 day of April, 2021.

Jeri Chastain Pederson  
Notary Public



My Commission Expires: 03 / 10 / 2024



**TOWN OF APEX**

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

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

Project Name: Jenks Road Office & Veterinary Hospital  
Project Location: 7825 & 7809 Jenks Road  
Applicant or Authorized Agent: Daniel Shultz, Peak 360, LLC  
Jeff Roach, Peak Engineering & Design  
Firm: Peak Engineering & Design

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on April 30, 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 within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

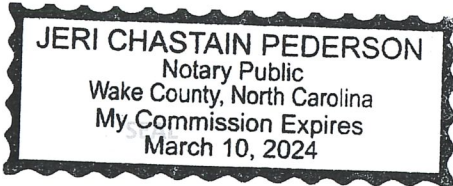
4-30-21  
Date

*Arnold Bruce & Dianne Khin*  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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

State and County, this the 30 day of April, 2021.



*Jeri Chastain Pederson*  
Notary Public

My Commission Expires: 03 / 10 / 2024