

STAFF REPORT

2045 Land Use Map Amendment and Rezoning #21RZ07 Herbert Street

May 25, 2021 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 0 Herbert Street
Applicant/Owners: Don Lane, Lane Raw Land, LLC

PROJECT DESCRIPTION:

Acreage: ± 0.27 acre
PIN: 0741397109
Current Zoning: Medium Density Residential (MD)/Small Town Character Overlay District
Proposed Zoning: Neighborhood Business (B1)/Small Town Character Overlay District
Current 2045 Land Use Map: Medium Density Residential
Proposed 2045 Land Use Map: Office Employment/Commercial Services
Town Limits: Inside Town Limits

Adjacent Zoning & Land Uses:

All adjacent properties are located within the Small Town Character Overlay District.

	Zoning	Land Use
North:	Neighborhood Business (B1)	Vacant
South:	Medium Density Residential (MD)	Single-family detached
East:	Neighborhood Business (B1)	Vacant
West:	Neighborhood Business (B1)	Herbert St; Railroad; Single-family detached

EXISTING CONDITIONS:

The property to be rezoned is vacant and located on the east side of Herbert St, which has a paved width of approximately 10 feet and no curb or gutter.

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 classifies the subject property as Medium Density Residential. The proposed rezoning to Neighborhood Business (B1) is not consistent with that land use classification. Therefore, the applicant is proposing to amend the 2045 Land Use Map to Office Employment/Commercial Services. While this classification is consistent with the land use classifications of the properties to the north, staff is not in support of the proposed amendment since a conditional rezoning with conditions that would mitigate the impact of nonresidential development on the adjacent residential properties was not submitted.

STAFF REPORT

2045 Land Use Map Amendment and Rezoning #21RZ07 Herbert Street

May 25, 2021 Town Council Meeting



Permitted Uses:

The proposed rezoning is not a conditional rezoning request. As such all uses allowed in the B1 and Small Town Character Overlay District (STCOD) would be allowed on this property as is the case for the properties to the north. In addition, the applicant is unable to add zoning conditions regarding any of the permitted uses or impacts of development on the adjacent properties.

Uses permitted by B1 and the STCOD are as follows (SUP=Special Use Permit):

- | | |
|--|--------------------------------------|
| a. Accessory apartment | aa. Artisan studio (SUP) |
| b. Church or place of worship (some accessory uses like daycare require SUP) | bb. Barber and beauty shop |
| c. Day care facility | cc. Book store |
| d. Drop in or short term daycare | dd. Convenience store |
| e. Government service | ee. Dry cleaners and laundry service |
| f. School, public or private | ff. Farmer's market |
| g. Veterinary clinic or hospital | gg. Financial institution |
| h. Vocational school | hh. Floral shop |
| i. Utility, minor | ii. Funeral home |
| j. Wireless support structure | jj. Greenhouse or nursery, retail |
| k. Wireless communication facility | kk. Grocery, general |
| l. Beach bingo (SUP) | ll. Grocery, specialty |
| m. Botanical garden | mm. Health/fitness center or spa |
| n. Entertainment, indoor | nn. Laundromat |
| o. Greenway | oo. Newsstand or gift shop |
| p. Park, active | pp. Personal service |
| q. Park, passive | qq. Pharmacy |
| r. Youth or day camps | rr. Printing and copying service |
| s. Bar, nightclub, wine bar, or taproom (SUP) | ss. Real estate sales |
| t. Restaurant, general | tt. Retail sales, general |
| u. Medical or dental office or clinic | uu. Studio for art |
| v. Medical or dental laboratory (SUP) | vv. Tailor shop |
| w. Office, business or professional | ww. Theater |
| x. Parking garage, commercial | xx. Pet services |
| y. Parking lot, commercial | yy. Automotive parts |
| z. Hotel or motel | zz. Microbrewery |

PLANNING STAFF RECOMMENDATION:

Planning staff recommends denial of the 2045 Land Use Map amendment from Medium Density Residential to Office Employment/Commercial Services and Rezoning #21RZ07 Herbert Street as proposed by the applicant. Since this is not a conditional rezoning, there is no guarantee that this parcel will develop as part of an assemblage as stated in the application for the rezoning. In addition, there are several uses allowed that staff believes could have a negative impact on the area, but that cannot be removed since a conditional rezoning application was not submitted.



PLANNING BOARD RECOMMENDATION:

The Planning Board heard this rezoning at their May 10, 2021 meeting. The Planning Board recommended approval of the 2045 Land Use Map amendment by vote of 7-1. However, the Planning Board unanimously recommended denial of the rezoning as presented by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

Denial of the rezoning is reasonable because the proposed Neighborhood Business (B1) district is not consistent with the current Medium Density Residential land use classification on the 2045 Land Use Map. Staff does not recommend approval of the requested amendment to the 2045 Land Use Map to Office Employment/Commercial Services since a conditional rezoning with conditions that would mitigate the impact of nonresidential development on the adjacent residential properties was not submitted.

The proposed rezoning is not reasonable and in the public interest because it would allow development of the subject parcel either independently or with other parcels to the north or east that could negatively impact the adjacent residential property to the south.

STANDARDS:

The Town Council shall consider the following when considering the requested rezoning to the Neighborhood Business (B1) district. Sec. 2.3.2.E:

- 1) *Compatible with surrounding uses.* Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land.
- 2) *Changed conditions.* Whether and the extent to which there are changed conditions that require an amendment.
- 3) *Effect on natural environment.* Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
- 4) *Community need.* Whether and the extent to which the proposed amendment addresses a demonstrated community need.
- 5) *Development patterns.* Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning.
- 6) *Public facilities.* Whether and the extent to which the proposed amendment would result in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities).
- 7) *Consistency with 2045 Land Use Map.* Consistency with the 2045 Land Use Map.

Rezoning #21RZ07

Apex First Baptist Church

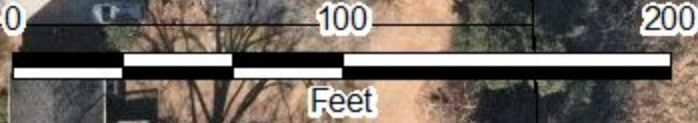
S Salem St

E Williams St

S Hughes St

Herbert St

Germaine Village



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 #: 21RZ07 Submittal Date: 3-1-21
2045 LUM Amendment: _____ Fee Paid: \$600

Project Information

Project Name: Herbert Street Commercial
Address(es): 0 Herbert Street
PIN(s): 0741-39-7109

_____ Acreage: 0.27
Current Zoning: MD with Small Town Character Overlay Proposed Zoning: B1 with Small Town Character Overlay

Current 2045 LUM Designation: Medium Density Residential
Proposed 2045 LUM Designation: Office Employment/Commercial Services

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: Lane Raw Land LLC
Address: PO Box 2230
City: Angier State: NC Zip: 27501
Phone: _____ E-mail: _____

Owner Information

Name: Same as Applicant
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Other contacts: Jason Barron - Attorney for Applicant
425 Fayetteville St | Ste 530 | Raleigh, NC 27601
jbarron@morningstarlawgroup.com
919-590-0371

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

Application #: 21RZ07

Submittal Date: 3-1-21

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:

0 Herbert Road

Current 2045 Land Use Classification: Medium Density Residential

Proposed 2045 Land Use Classification: Office Employment/Commercial Services

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.

The property in question is part of a larger assemblage which fronts onto Highway 55. The properties along Highway 55 are designated on the 2045 Land Use Map for a combination of Commercial Services and Office Employment. The Land Use Map change is requested to bring one development assemblage into conformity.

The property in question backs up to a residential area, but the current owner hopes to develop it as part of a neighborhood commercial center which addresses Highway 55, rather than the residential area. Therefore, the proposed change is reasonable given that the parcel is proposed to be developed as part of a Highway 55 center.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 21R207

Submittal Date: 3-1-21

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, Julie M Byrd, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 2-25-2021

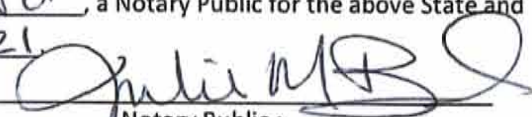
By: 

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Julie M Byrd, a Notary Public for the above State and County, on this the 25th day of February, 2021.

SEAL




Notary Public
Julie M Byrd
Print Name

My Commission Expires: 7/24/2023

212207

Owner	PIN
ADAMS, WILEY TIMOTHY ADAMS, PAMELA C	0741-39-8007
ANSARI, ASIF SAEED KHAN, TARANNUM	0741-38-7833
APEX FIRST BAPTIST CHURCH	0741-39-2120
BARNES, ALBERT ROGER BARNES, LUISE K	0741-38-6850
CHIRAYATH, SAJU P CHIRAYATH, MINI S	0741-49-1074
CURIO INVESTMENTS LLC YENNC LLC	0741-49-0424
DALTON, PAUL W DALTON, FAYE H	0741-39-4423
DIXON, SUSAN DIXON, BRENDA STONE	0741-38-8854
GREBING, RONALD E GREBING, ANN P	0741-38-9915
HANCOCK, SHARON S HANCOCK, RICKY W	0741-39-8520
HOLLAND, CHARLES LEE HOLLAND, GLORIA E	0741-39-8052
HORTON, MARY ELIZABETH	0741-39-3276 0741-39-3393
HUOVINEN, HEATH HUOVINEN, ANDREA	0741-38-7945
JANSON, KRISTINA M	0741-39-6174
KELLAN PROPERTIES LLC	0741-38-5947
LANE RAW LAND LLC	0741-39-7109 0741-39-7322 0741-39-8133 0741-39-8264 0741-39-9273
LMOC LEGACY LLC	0741-49-1134
MITCHELL, GARLAND LEE MITCHELL, ESTELLE	0741-39-6033
MORRISSEY, BRIAN CHRISTOPHER MORRISSEY, TATCHAYA	0741-38-8925
THEDIECK, JOY W	0741-39-4471

AGENT AUTHORIZATION FORM

Application #: 219207

Submittal Date: 3-1-21

Lane Raw Land LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 Herbert Road

The agent for this project is: _____

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

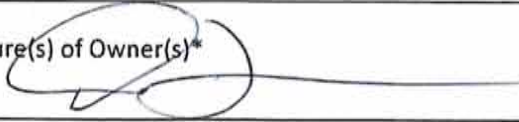
Agent Name: _____

Address: _____

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*



Don Lane

Type or print name

2/25/2021

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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


AFFIDAVIT OF OWNERSHIP

Application #: 21R207

Submittal Date: 3-1-21

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

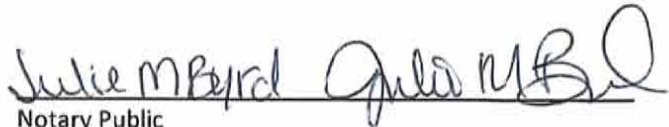
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Herbert Street and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This 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 12/19/19, and recorded in the Wake County Register of Deeds Office on 5/27/2020, in Book 17885 Page 1204.
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 12/19/19, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 12/19/19, 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 25 day of February, 2021.  (seal)

 Don Lane
 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 Don Lane, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Don Lane, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.


 Notary Public
 State of North Carolina
 My Commission Expires: 7/24/2023

[NOTARY SEAL]

EXHIBIT A

BEGINNING at a p.k. nail at the southwestern corner of property now owned by Cor E. Bregman (Book 7038, Page 45, Wake County Registry ("WCR"); PIN # 0741.06-39-7322) (hereinafter "200 Williams"), said nail being located South 43 deg. 30' 28" East a distance of 518.63 feet from NCOS Mon. "Salem", running thence along said with the southern line of said 200 Williams, South 64 deg. 01' 30" East a distance of 191.00 feet to an iron pipe at the southwestern corner of 200 Williams and in the western line of Lot 2 (Pin # 0741.06-39-8264) as shown on the map recorded in Book of Maps 1987, Page 85, WCR; running thence along and with the western line of said Lot 2, South 23 deg. 14' 34" West a distance of 32.49 feet to an iron pipe at the northwestern corner of Lot 3 (Pin # 0741.06-39-8113) as shown on the plat recorded in Book of Maps 1994, Page 1102, WCR; running thence along and with the western line of said Lot 3, South 25 deg. 20' 45" West a distance of 31.37 feet to an iron pipe at the northeastern corner of property now or formerly owned by Sally Bell Heit Suda Heitz (Deed Book 959, Page 122, WCR; Pin # 0741.06-39-6145); running thence along and with the northern line of the Sally Heitz Property, North 62 deg. 44' 19" West a distance of 195.95 feet to a p.k. nail; running thence North 28 deg. 50' 39" East a distance of 59.30 feet to the **POINT AND PLACE OF BEGINNING**, containing 11,942 square feet (0.274 acres), more or less, and being all of the property shown and described on that certain survey entitled "Property Of COR E. BRIGMAN, Herbert Street, Apex, Wake Co., N.C.", dated 02/06/97, and prepared by John Y. Phelps, Jr., R.L.S. (Field Book 705), and also being the same property conveyed to Ernest R. Suda and Sally B. Suda by deed recorded in Book 1320, Page 47, Wake County Registry, to which survey and deed reference is hereby made for a more particular description of same.

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

2/15/2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at
0 Herbert Street 0741-39-7109

Address(es)

PIN(s)

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

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

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

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

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

The owner seeks to rezone the property from Medium Density Residential (MD) to Neighborhood Business (B1) to facilitate the development of a neighborhood scale business along Highway 55.

Estimated submittal date: March 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s): Lane Raw Land LLC
 Applicant(s): Jason Barron - Attorney for Owner
 Contact information (email/phone): jbarron@morningstarlawgroup.com/919-590-0371
 Electronic Meeting invitation/call in info: bit.ly/mlg02252021mtg
 Date of meeting**: Thursday, February 25, 2021
 Time of meeting**: 5:30 PM - 7:30 PM

MEETING AGENDA TIMES:

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

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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: Highway 55 Neighborhood Commercial Zoning: Requesting B1
 Location: 0 Herbert Street
 Property PIN(s): 0741-39-7109 Acreage/Square Feet: 0.27/11,761

Property Owner: Lane Raw Land LLC
 Address: PO Box 2230
 City: Angier State: NC Zip: 27501
 Phone: _____ Email: _____

Developer: Same as Property Owner
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Engineer: None at this time
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Builder (if known): None at this time
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

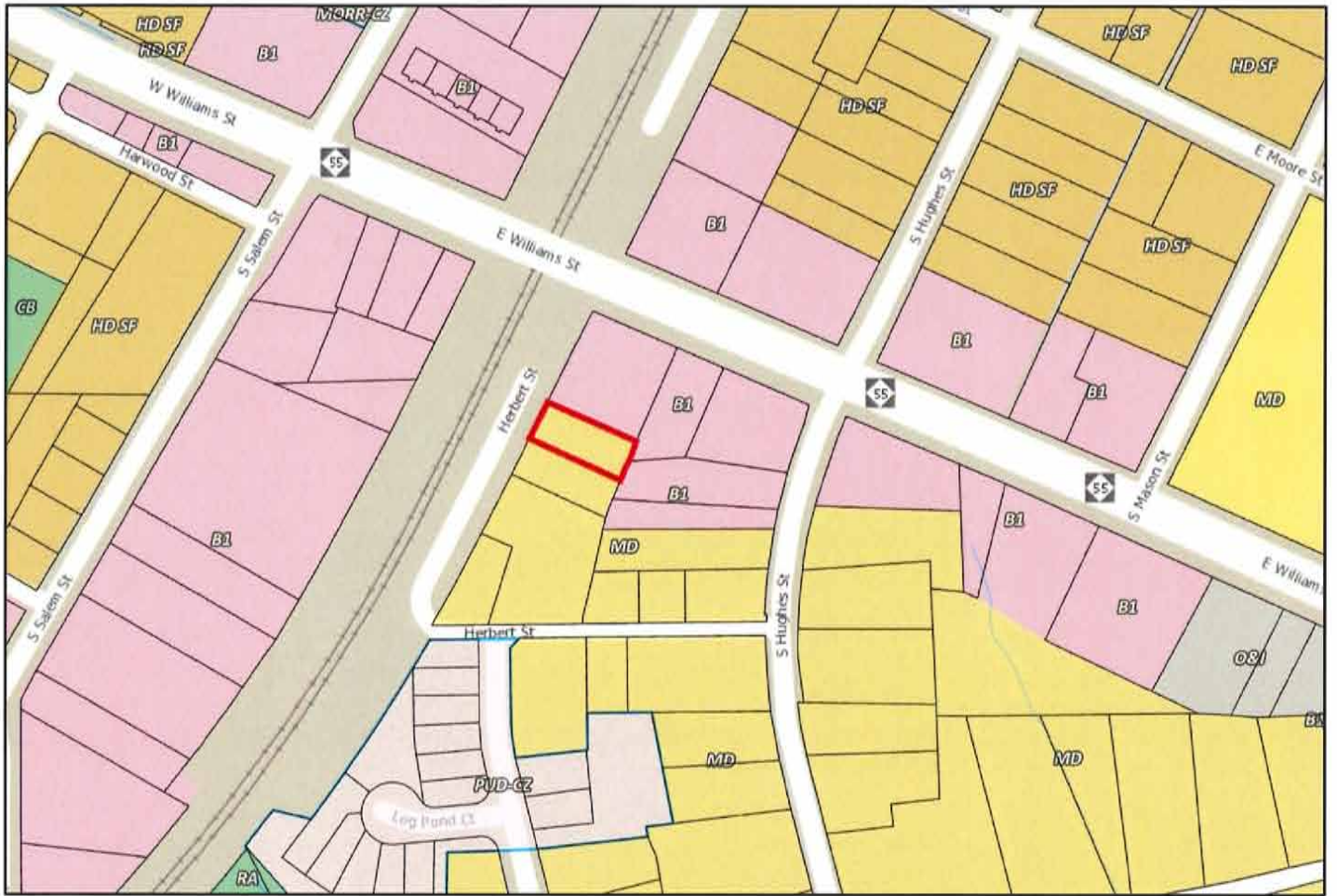
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: Jessica Bolin 919-249-3537

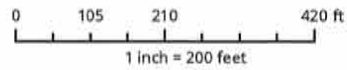
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

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.



Vicinity Zoning Map



Disclaimer
 Maps 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.

**How to Participate in the February 25, 2021 Neighborhood Meeting
Re: East Williams Street**

- To participate by PC, Mac, iPad, iPhone or Android device,
 - Go to bit.ly/mlg02252021mtg to register for the meeting. (*Registration is necessary as we are required to have a record of attendance.*)
 - Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone,
 - Dial one of the following numbers:
 - +1 929 436 2866
 - +1 301 715 8592
 - +1 312 626 6799
 - +1 669 900 9128
 - +1 253 215 8782
 - +1 346 248 7799
 - Enter Webinar ID: 952 3326 2084
 - Enter password: 456519
 - *For attendance purposes, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.*

If you have difficulty connecting or have technical difficulties during the meeting, you can email us at meetings@mstarlaw.com or call 919-590-0366.

You are encouraged to join the meeting via your computer or smartphone so that you will have access to Zoom Webinar's interactive features including Raise Hand and Chat.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e. only the presenters will be visible.

- If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or Chat features. If you use Raise Hand, a panelist will either unmute you to allow you to speak or will chat with you to solicit your questions/comments.
- If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at meetings@mstarlaw.com. At the end of the Q&A period of the meeting, all callers will be unmuted to allow for questions/comments.

NEIGHBORHOOD MEETING SIGN-IN SHEET

Meeting Address: Zoom
 Date of meeting: 2/25/21 Time of meeting: 5:30 PM to 7:30 PM
 Property Owner(s) name(s): Lane Raw Land LLC
 Applicant(s): Lane Raw Land LLC

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Nil Ghosh - Morningstar	112 W Main St - Durham	919-590-0362	[REDACTED]	
2.	Dick Davis - Applicant	-	-		
3.	Kristina Janson	-	-		
4.	Brian Morrissey	175 Herbert St	-		
5.	Lori Hall	2704 Bedford Ave	-		
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Lane Raw Land LLC

Applicant(s): Property Owner

Contact information (email/phone): nghosh@morningstarlawgroup.com/919-590-0362

Meeting Address: Virtual

Date of meeting: 2/25/21 Time of meeting: 5:30 PM to 7:30 PM

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

Question/Concern #1:

Will there be a connection to Herbert

Applicant's Response:

We do not believe one even would be allowed because our frontage on Herbert is within the railroad right-of-way

At any rate, we are not planning on a connection to Herbert.

Question/Concern #2:

What would go on the property being rezoned?

Applicant's Response:

If you split the property in half, the half closest to Highway 55 would most likely be developed as a drive aisle or part of the circulation pattern. On the back half, there would be a vegetative buffer.

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, Dick Davis, 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 Zoom (location/address) on 2/25/21 (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.


3/1/21
Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jessica M. Brito, a Notary Public for the above State and County, on this the 1st day of March, 2021.




Notary Public
Jessica M. Brito
Print Name

My Commission Expires: 7/2/2024

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21RZ07 Herbert St

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: 0.27 acre

PIN(s): 0741397109

Current Zoning: Medium Density Residential (MD)/Small Town Character Overlay District

Proposed Zoning: Neighborhood Business (B1)/Small Town Character Overlay District

Current 2045 Land Use Map: Medium Density Residential

Proposed 2045 Land Use Map: Office Employment/Commercial Services

Town Limits: Inside

Standards:

The advisability of amending the Official Zoning District Map is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning District Map, the Town Council shall consider the following factors listed below:

1. *Compatible with surrounding uses.* Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land.

Compatible

Incompatible

Reason: Rezoning doesn't have

conditions to protect neighboring properties.

2. *Changed conditions.* Whether and the extent to which there are changed conditions that require an amendment.

Yes

No

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21RZ07 Herbert St

Planning Board Meeting Date: May 10, 2021



3. *Effect on natural environment.* Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Yes No Reason: _____

4. *Community need.* Whether and the extent to which the proposed amendment addresses a demonstrated community need.

Yes No Reason: _____

5. *Development patterns.* Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning.

Yes No Reason: _____

6. *Public facilities.* Whether and the extent to which the proposed amendment would result in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities).

Yes No Reason: _____

7. *Consistency with 2045 Land Use Map.* Consistency with the 2045 Land Use Map.

Consistent Reason: Planning Board recommended

amendment to the 2045 Land Use Map from Medium Density to Office Employment/Commercial

Services; with this recommended amendment ,the rezoning would be consistent with the LUM.

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21RZ07 Herbert St

Planning Board Meeting Date: May 10, 2021



Planning Board Recommendation:

Motion: Recommend denial of rezoning*

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Elaine Boyle

Approval: the project is consistent with the 2045 Land Use Map and the factors listed above.

Denial: the project is not consistent with the 2045 Land Use Map or other factors listed above.

With 8 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

* 2045 LUM motion and vote were taken separately from the rezoning (motion Ryan Akers; second Reginald Skinner). The Planning Board voted 7-1 in favor of amending the 2045 LUM from Medium Density to Office Employment/Commercial Services.

Dissenting vote - Tina Sherman voted no because the Town just approved the 2045 LUM and if there isn't an overwhelming reason to amend, she's not in favor of changing it.

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 20:34:10 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2021.05.10 18:53:30 -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

REZONING #21RZ07
0 Herbert Street

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/Agent: Don Lane, Lane Raw Land, LLC

Property Address: 0 Herbert Street

Acreage: ±0.27 acre

Property Identification Number (PIN): 0741397109

Current 2045 Land Use Map Designation: Medium Density Residential

Proposed 2045 Land Use Map Designation: Office Employment/Commercial Services

Existing Zoning of Properties: Medium Density Residential (MD)/ Small Town Character Overlay District

Proposed Zoning of Properties: Neighborhood Business (B1)/Small Town Character Overlay District

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd 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. 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, 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. 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/34743/>.

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



TOWN OF APEX

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
REZONING #21R207
0 Herbert Street**

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/Agent:** Don Lane, Lane Raw Land, LLC
- Property Address:** 0 Herbert Street
- Acres:** 0.27 acre
- Property Identification Number (PIN):** 0741397109
- Current 2045 Land Use Map Designation:** Medium Density Residential
- Proposed 2045 Land Use Map Designation:** Office Employment/Commercial Services
- Existing Zoning of Properties:** Medium Density Residential (MD)/ Small Town Character Overlay District
- Proposed Zoning of Properties:** Neighborhood Business (B1)/Small Town Character Overlay District

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd 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_hock@apexnc.org. You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <http://www.youtube.com/c/townofapexnc>

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, 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://imaps.rfw/town.gov/imaps>. The 2045 Land Use Map may be viewed online at <http://www.apexnc.org/DocumentCenter/View/672>. 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/31397>.

Dianne F. Kher, 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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Rezoning #21RZ07 Herbert Street
Project Location: 0 Herbert Street
Applicant or Authorized Agent: Don Lane
Firm: Lane Raw Land, LLC

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above-mentioned project on **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

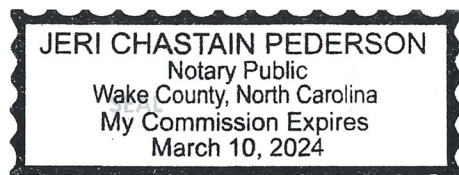
Amade Bence for Diane Khin
Director of Planning and Community Development

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

REZONING #21RZ07
0 Herbert Street

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

Applicant/Agent: Don Lane, Lane Raw Land, LLC

Property Address: 0 Herbert Street

Acreage: ±0.27 acre

Property Identification Number (PIN): 0741397109

Current 2045 Land Use Map Designation: Medium Density Residential

Proposed 2045 Land Use Map Designation: Office Employment/Commercial Services

Existing Zoning of Properties: Medium Density Residential (MD)/ Small Town Character Overlay District

Proposed Zoning of Properties: Neighborhood Business (B1)/Small Town Character Overlay District

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd 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.

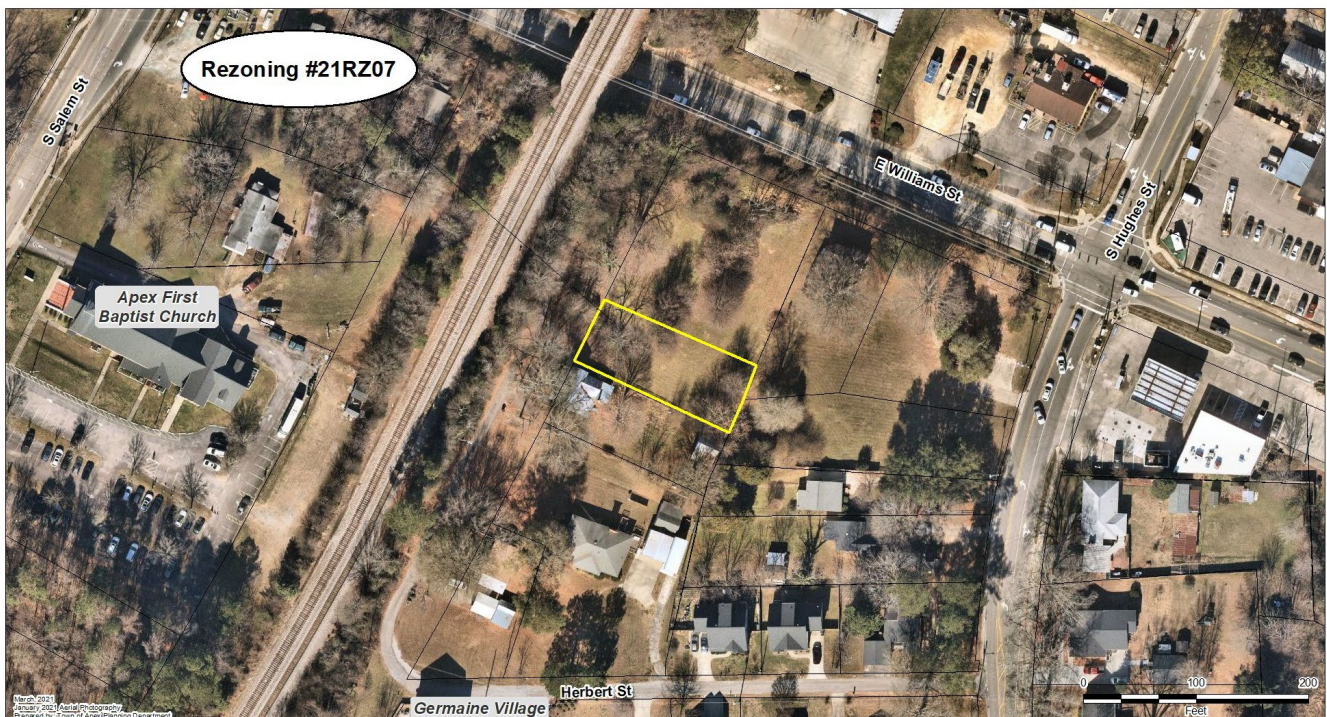
Town Council Public Hearing Date and Time: May 25, 2021 6:00 PM

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

If you are unable to attend, you may provide 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, 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:



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. 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/34743/>.

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



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-349-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS REZONING #21RZ07 0 Herbert Street

Pursuant to the provisions of North Carolina General Statutes §160D-402 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Agent: Don Lane, Lane Raw Land, LLC

Property Address: 0 Herbert Street

Acreage: ±0.27 acre

Property Identification Number (PIN): 0741397109

Current 2045 Land Use Map Designation: Medium Density Residential

Proposed 2045 Land Use Map Designation: Office Employment/Commercial Services

Existing Zoning of Properties: Medium Density Residential (MD)/ Small Town Character Overlay District

Proposed Zoning of Properties: Neighborhood Business (B1)/Small Town Character Overlay District

Public Hearing Location: Apex Town Hall

Council Chamber, 2nd 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 6:00 PM

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

If you are unable to attend, you may provide 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, 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:



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://www.apexnc.org/Map>. The 2045 Land Use Map may be viewed online at <http://www.apexnc.org/DocumentCenter/View/328>. You may call 919-349-3426, 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/34743/>.

Dianne F. Khin, AICP

Director of Planning and Community Development

Published Dates: April 30-May 25, 2021



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: Rezoning #21RZ07 Herbert Street
Project Location: 0 Herbert Street
Applicant or Authorized Agent: Don Lane
Firm: Lane Raw Land, LLC

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above-mentioned project on **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.

4-30-2021
Date

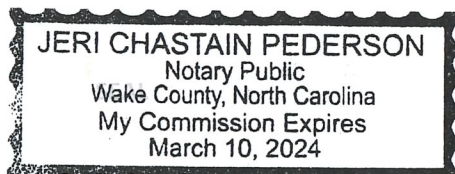
Lauren Stoudenmire for Dianne Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

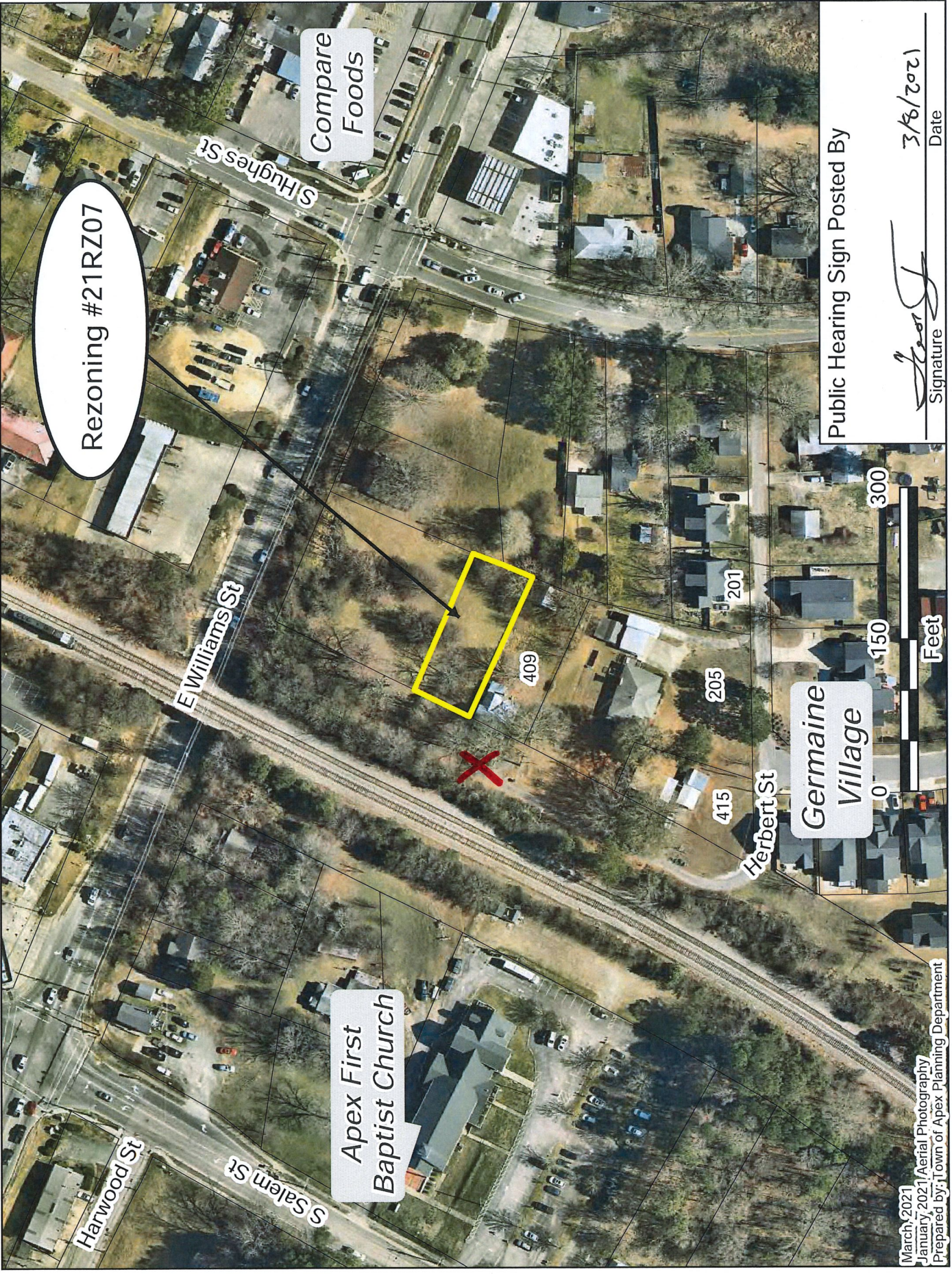
Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

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

Jeri Chastain Pederson
Notary Public



My Commission Expires: 03 / 10 / 2024



Rezoning #21RZ07

Compare Foods

Apex First Baptist Church

Germaine Village

Public Hearing Sign Posted By

3/8/2021
Date

[Signature]
Signature



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