

# STAFF REPORT

Rezoning #21CZ19 1016 N. Salem Street

January 11, 2022 Town Council Meeting



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

## **BACKGROUND INFORMATION:**

**Location:** 1016 N. Salem Street  
**Applicant/Owner:** Courtney Landoll, WithersRavenel / WFINV, LLC

## **PROJECT DESCRIPTION:**

**Acreage:** ±0.426 acres  
**PIN:** Portion of PIN 0742457443  
**Current Zoning:** Residential Agricultural (RA)  
**Proposed Zoning:** Medium Density Residential-Conditional Zoning (MD-CZ)  
**2045 Land Use Map:** Mixed Use: Medium Density Residential/Office Employment/Commercial Services  
**Town Limits:** ETJ

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

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Residential Agricultural (RA)	Single Family; School, Public or Private (Thales Academy)
<b>South:</b>	Residential Agricultural (RA)	Single Family
<b>East:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)	Railroad Tracks; Single Family (Villages of Apex)
<b>West:</b>	Medium Density (MD); Planned Unit Development-Conditional Zoning (PUD-CZ #13CZ07)	N. Salem St.; Single Family (Haddon Place & Magnolia Walk)

## **Existing Conditions:**

The subject property totaling +/- .426 acres is located on the east side of N. Salem Street between Apex Peakway and US 64. The primary structure is listed on the North Carolina State Historic Preservation Office survey.

## **Neighborhood Meeting:**

The applicant conducted a neighborhood meeting on August 26, 2021. The neighborhood meeting report is attached.

## **2045 LAND USE MAP:**

The 2045 Land Use Map identifies the subject property as Mixed Use: Medium Density Residential/Office Employment/Commercial Services. The proposed rezoning of a portion of the property to Medium Density Residential-Conditional Zoning (MD-CZ) is consistent with that land use classification.

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Rezoning #21CZ19 1016 N. Salem Street

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### PROPOSED ZONING CONDITIONS:

#### Limitation of 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.

#### Permitted Uses and Limitations:

1. Single-family Residential
2. Accessory Apartment

#### Conditions:

1. The existing historic home will remain on the property.
2. Any renovations to the primary structure will follow the latest edition of the "Secretary of Interior Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings". All other structures or new development shall comply with the applicable sections of the UDO.

### PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #21CZ19 with conditions offered by the applicant.

### PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on December 13, 2021 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant.

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

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

The 2045 Land Use Map designates the subject property as Mixed Use: Medium Density Residential/Office Employment/Commercial Services. The proposed rezoning to Medium Density-Conditional Zoning (MD-CZ) is consistent with that land use classification.

Approval of the rezoning is reasonable because the proposed Medium Density Residential-Conditional Zoning (MD-CZ) district will ensure preservation of the historic structure.

### CONDITIONAL ZONING STANDARDS:

The Town Council shall find the MD-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

#### Legislative Considerations

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

## STAFF REPORT

### Rezoning #21CZ19 1016 N. Salem Street

January 11, 2022 Town Council Meeting



- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning 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 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 District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning 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 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 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 District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning 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 District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Brittley Way

Maubrey Ct

Haddon Place

N Salem St

Magnolia Walk

Magnolia Row Trl

Rezoning #21CZ19

Villages of Apex



**PETITION TO AMEND THE OFFICIAL ZONING MAP**

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

Application #: 21CZ19 Submittal Date: 9/1/2021  
Fee Paid: \$1,000

**Project Information**

Project Name: 1016 N Salem St.  
Address(es): 1016 N Salem St. Apex, NC 27502  
PIN(s): Portion of 0742457443  
Acreage: +/- 0.426

Current Zoning: RA Proposed Zoning: MD-CZ  
Current 2045 LUM Classification(s): Medium Density, Office Employment, Commercial

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

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

Area classified as mixed use: Acreage: 0  
Area proposed as non-residential development: Acreage: 0  
Percent of mixed use area proposed as non-residential: Percent: 0

**Applicant Information**

Name: Courtney Landoll  
Address: 137 S Wilmington St, Ste 200  
City: Raleigh State: NC Zip: 27601  
Phone: 919-469-3340 E-mail: clandoll@withersravenel.com

**Owner Information**

Name: WFINV LLC  
Address: 4641 Paragon Park Rd.  
City: Raleigh State: NC Zip: 27616  
Phone: 919-427-1646 E-mail: \_\_\_\_\_

**Agent Information**

Name: Courtney Landoll, WithersRavenel  
Address: 137 S Wilmington St, Ste 200  
City: Raleigh State: NC Zip: 27601  
Phone: 919-469-3340 E-mail: clandoll@withersravenel.com

Other contacts: Brendie Vega, WithersRavenel, bvega@withersravenel.com  
Brandon Hafner, CaptiveAire, brandon.hafner@captiveaire.com

**PETITION INFORMATION**

Application #: 21CZ19 Submittal Date: 9/1/2021

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

**PROPOSED USES:**

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

1	<u>Single-family Residential</u>	21	<u></u>
2	<u>Accessory Apartment</u>	22	<u></u>
3	<u></u>	23	<u></u>
4	<u></u>	24	<u></u>
5	<u></u>	25	<u></u>
6	<u></u>	26	<u></u>
7	<u></u>	27	<u></u>
8	<u></u>	28	<u></u>
9	<u></u>	29	<u></u>
10	<u></u>	30	<u></u>
11	<u></u>	31	<u></u>
12	<u></u>	32	<u></u>
13	<u></u>	33	<u></u>
14	<u></u>	34	<u></u>
15	<u></u>	35	<u></u>
16	<u></u>	36	<u></u>
17	<u></u>	37	<u></u>
18	<u></u>	38	<u></u>
19	<u></u>	39	<u></u>
20	<u></u>	40	<u></u>

**PETITION INFORMATION**

Application #: 21CZ19 Submittal Date: 9-1-2021

**PROPOSED CONDITIONS:**

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

1. The existing historic home will remain on the property.

2. Any renovations to the primary structure will follow the latest edition of the "Secretary of Interior Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings".

All other structures or new development shall comply with the applicable sections of the UDO.

**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 MD-CZ zoning district is appropriate for the proposed location and is consistent with the 2045 Land Use Map.

The 2045 Land Use Map lists MD as an allowable zoning district in the Medium Density Residential classification.

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 MD-CZ district use will not change. It will remain a single-family home. This use is compatible with the surrounding homes in the area. The reduced lot size will be more consistent with the neighboring lots in Haddon Place and Magnolia Walk.

PETITION INFORMATION

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Submittal Date:

9-1-2021

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

There are no supplemental standards for single-family dwellings.

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 existing single-family home will have no adverse effects. It is a charming historic home, and its appeal adds value to the surrounding area.

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.

There will be no environmental impacts associated with the design. The continued presence of the home will not impair water, air, wildlife, scenic, and/or 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.

There will be no adverse impacts to public facilities and services. The home is currently on well and septic, an annexation petition will be filed after rezoning in order to connect to Town of Apex public water and sewer. There is no increase to density or number of dwellings and therefore should have no adverse impacts on existing 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.

The proposed use will not adversely impact the health, safety, or welfare of the residents of the Town or the ETJ.

The home is a historic and aesthetic asset to the community. Its continuance will benefit both neighboring residents and the public.



**PETITION INFORMATION**

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

The continued presence of the home will not harm adjacent properties. Other properties will benefit from the condition that the single-family home will remain. The property is surrounded by other residences.

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 use will not constitute a nuisance or hazard. The property is surrounded by other single-family homes.

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.

There are no changes associated with the use of the lot. The lot will meet all dimensional requirements. The home is in keeping with the character of the surrounding neighborhoods.

**AGENT AUTHORIZATION FORM**

Application #: 21CZ19

Submittal Date: 9-1-2021

WFINV 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: Recombination Plat (Exempt Plat)

The property address is: 1016 N Salem St., Apex, NC 27502

The agent for this project is: Courtney Landoll

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

Agent Name: Courtney Landoll

Address: 137 S Wilmington St., Suite 200, Raleigh, NC 27601

Telephone Number: 919-238-0387

E-Mail Address: clandoll@withersravenel.com

Signature(s) of Owner(s)\*



' Brandon Hafner VP Construction/ Facilities  
Type or print name

08/24/2021  
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.






# 20210824 Agent Authorization Form Unsigned[96]

Final Audit Report

2021-08-24

Created:	2021-08-24
By:	Kristin Dietz (kristin.dietz@captiveaire.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAADTWjI8KivvzIUoBTHarsNRUeNk3z4uLV

## "20210824 Agent Authorization Form Unsigned[96]" History

-  Document created by Kristin Dietz (kristin.dietz@captiveaire.com)  
2021-08-24 - 2:33:21 PM GMT- IP address: 71.16.149.194
-  Document emailed to Brandon Hafner (brandon.hafner@captiveaire.com) for signature  
2021-08-24 - 2:34:00 PM GMT
-  Email viewed by Brandon Hafner (brandon.hafner@captiveaire.com)  
2021-08-24 - 2:36:57 PM GMT- IP address: 71.16.149.194
-  Document e-signed by Brandon Hafner (brandon.hafner@captiveaire.com)  
Signature Date: 2021-08-24 - 2:37:48 PM GMT - Time Source: server- IP address: 71.16.149.194
-  Agreement completed.  
2021-08-24 - 2:37:48 PM GMT

**AFFIDAVIT OF OWNERSHIP**

Application #: 21CZ19

Submittal Date: 9-1-2021

The undersigned, Courtney Landoll  
swears or affirms as follows:

(the "Affiant") first being duly sworn, hereby

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 1016 N Salem St., Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated \_\_\_\_\_, and recorded in the Wake County Register of Deeds Office on \_\_\_\_\_, in Book \_\_\_\_\_ Page \_\_\_\_\_.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on \_\_\_\_\_, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on \_\_\_\_\_, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30 day of August, 2021.

*Courtney H Landoll*

(seal)

Courtney Landoll

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 Courtney Landoll, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's N/A, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

*Karen Hancock* 8-30-21  
Notary Public Karen Hancock  
State of North Carolina  
My Commission Expires: 5-13-2025

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

Application #:

21CZ19

Submittal Date:

9-1-2021

**Insert legal description below.**

Beginning at an Existing Iron Pipe located at the Northwest corner of Lot 4-1A, "Apex Mule and Supply Co", Recorded at Book of Maps 1885, Page 119, Wake County Registry. Said Existing Iron Pipe having North Carolina Geodetic Coordinates (NAD 83; 2011) N: 725,445.26', E: 2,044,527.61', said Iron Pipe also being located on the Eastern Public Right of Way of North Salem Street, Thence leaving said Right of Way, North 69°43'32" East a distance of 122.93' to a Point; Thence South 21°02'26" East a distance of 149.35' to a Point; Thence South 69°38'26" West a distance of 125.71' to an Existing Iron Pipe located on the Eastern Public Right of Way of North Salem Street; Thence along said Public Right of Way, North 19°58'29" West a distance of 149.53' to an Existing Iron Pipe, being the point and place of Beginning, and having an area of 0.426 Acres, 18,578 Square Feet, more or less.



August 12, 2021

Re: 1016 North Salem Street (PIN # 0742457443 (portion of))

Neighboring Residents and Property Owners:

You are invited to attend a neighborhood meeting on August 26, 2021 at 5pm. The meeting will be held virtually. You can join by smartphone, computer, tablet or other web-enabled device. A call-in number is provided for those who do not have access to a web-enabled device. Please note that by calling in you will not have access to presentation materials.

Visit the WithersRavenel public meetings page, and select **1016 N. Salem St.** for information about the meeting.

<https://withersravenel.com/publicmeetings/>

To join the meeting by web-enabled device:

Meeting WebEx Link (registration is required):

<https://withersravenel.webex.com/withersravenel/onstage/g.php?MTID=e9ccc74e7643458a225e0aa3ee6b25cc6>

To join the meeting by phone:

US Toll: +1-415-655-0001

Access Code: 161 523 6986

The purpose of this meeting is to discuss a proposed rezoning of the property located at 1016 North Salem Street. This site is currently located in the Apex ETJ and is zoned as RA. The request is to rezone a portion of the parcel to MD - Medium Density Residential. Only the portion containing the existing home is proposed to be rezoned. The remainder of the parcel will remain RA – Residential Agricultural. The existing historic home on the site is intended to be preserved as a single-family home.

Conditions being added to the rezoning include: Only permitted uses will be Single-Family home, and accessory dwelling unit. The historic home is to remain.

If you have further questions about the rezoning request, or would like to submit written comments prior to or after the meeting please contact us:

WithersRavenel

Courtney Landoll, [clandoll@withersravenel.com](mailto:clandoll@withersravenel.com)

Brendie Vega, 919-535-5212, [bvega@withersravenel.com](mailto:bvega@withersravenel.com)

# NOTICE OF NEIGHBORHOOD MEETING

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

08/12/2021

Date

Dear Neighbor:

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

1016 North Salem Street (portion of)

0742457443 (portion of)

Address(es)

PIN(s)

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

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

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

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

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

The parcel at 1016 N Salem St is currently zoned RA. The request is to rezone a portion of the parcel to MD - Medium Density Residential. A single family home would be in the new MD district and the remainder of the parcel would not be rezoned. The conditions being offered include limiting the permitted uses to

Single-family, and accessory apartment; and providing a historic preservation easement on the house.

Estimated submittal date: 09/01/2021

## MEETING INFORMATION:

Property Owner(s) name(s):

WFINV, LLC

Applicant(s) & Contact information

WithersRavenel, Courtney Landoll, [clandoll@withersravenel.com](mailto:clandoll@withersravenel.com)

Meeting Address:

<https://bit.ly/1016NSalem>

Meeting Address:

Call-In (415)655-0001 Access code: 161 523 6986

Date/Time of meeting\*\*:

08/24/2021 5 pm -7 pm

## MEETING AGENDA TIMES:

Welcome: 5 pm Project Presentation: 5:10 pm Question & Answer: 5:30pm

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

# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: 1016 N Salem St. Zoning: RA

Location: 1016 N Salem St, Apex, NC 27502

Property PIN(s): Portion of 0742457443 Acreage/Square Feet: +/- 0.426

Property Owner: WFINV, LLC

Address: 4641 Paragon Park Rd.

City: Raleigh State: NC Zip: 27616

Phone: 919-427-1646 Email: brandon.hafner@captiveaire.com

Developer: WFINV, LLC

Address: 4641 Paragon Park Rd.

City: Raleigh State: NC Zip: 27616

Phone: 919-427-1646 Fax: \_\_\_\_\_ Email: brandon.hafner@captiveaire.com

Engineer: WithersRavenel

Address: 137 S Wilmington St. 200

City: Raleigh State: NC Zip: 27601

Phone: 919-238-0387 Fax: \_\_\_\_\_ Email: clandoll@withersravenel.com

Builder (if known): N/A

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



### **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 2<sup>nd</sup> and 4<sup>th</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

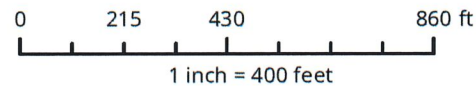
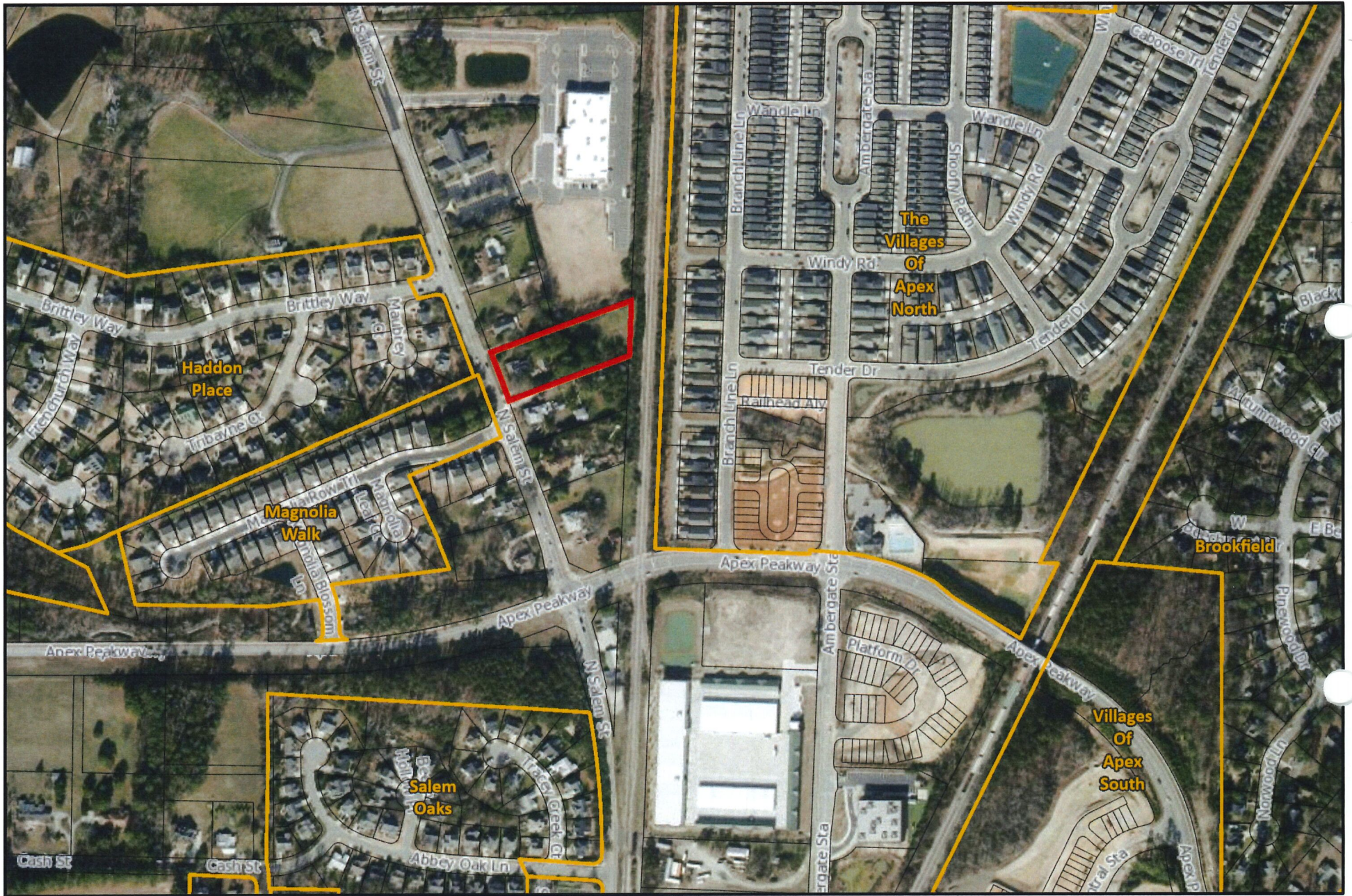
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

**Stormwater Control Measures:** Jessica Bolin 919-249-3537

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

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

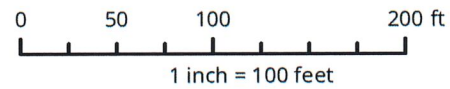
Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.



**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.



## Zoning Exhibit



### ***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.*

PIN_NUM	OWNER	MAILING ADDRESS	MAILING ADDRESS 2
0742452323	BICCU, STEVEN BICCU, DENISE	1101 MAUBREY CT	APEX NC 27502-2426
0742551356	BORDEAUX, MARK DUNCAN SR BORDEAUX, ELIZABETH W	1044 BRANCH LINE LN	APEX NC 27502-2421
0742453211	BOSMAN, SCOTT C. TRUSTEE SCOTT C. BOSMAN LIVING TRUST	1216 MAGNOLIA ROW TRL	APEX NC 27502-2900
0742444955	BRIDGES, CHRISTOPHER R BRIDGES, ERIN Q	3924 153RD PL SE	MILL CREEK WA 98012-7812
0742451377	BROWN, LEIGH A BROWN, RANDY E	1103 MAUBREY CT	APEX NC 27502-2426
0742455733	CARMAC, ROBERT JONATHAN CARMAC, ELIZABETH BEAUVAIS	1020 N SALEM ST	APEX NC 27502-2922
0742453074	DAMA, NIKHIL ALLA, SRILAKSHMI	1213 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742551158	DORN, DANIEL L DORN, LAUREN E	1062 BRANCH LINE LN	APEX NC 27502-2421
0742551464	FLEMING, ROBERT DAVID FLEMING, FARELIA GLOVER	1032 BRANCH LINE LN	APEX NC 27502-2421
0742551668	FRIEDRICH, JAMES STEVEN FRIEDRICH, JULIE ANNE	1000 BRANCH LINE LN	APEX NC 27502-2421
0742458114	GIBSON, DOUGLAS L GIBSON, CHERIE M	1012 N SALEM ST	APEX NC 27502-2922
0742551876	GRAY, ELIZABETH N	984 BRANCH LINE LN	APEX NC 27502-2430
0742454078	HARDIN, CLINTON BLAKE BAXTER, CHANTAL JOY	1205 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742455594	JENSEN, CHRISTINE E	1018 N SALEM ST	APEX NC 27502-2922
0742451456	KANAKOS, MICHAEL KANAKOS, JENNIFER	1105 MAUBREY CT	APEX NC 27502-2426
0742453317	LINARES, JOSE A LINARES, LIZETTE	1100 MAUBREY CT	APEX NC 27502-2426
0742448829	LIVINGSTON, TIMOTHY	5402 COLLEGE CORNER PIKE APT 3	OXFORD OH 45056-1030
0742551460	LOVATO, RICHARD ALLEN LOVATO, AMY VANDERCLUTE	1038 BRANCH LINE LN	APEX NC 27502-2421
0742551660	LUCKEY, LARRY	1012 BRANCH LINE LN	APEX NC 27502-2421
0742455034	MAGNOLIA WALK DEVELOPERS LLC	PO BOX 1328	CARY NC 27512-1328
0742452256	MAGNOLIA WALK HOMEOWNERS ASSOCIATION INC	1225 CRESCENT GRN STE 250	CARY NC 27518-8119
0742551778	MASEMAN, PAUL J	994 BRANCH LINE LN	APEX NC 27502-2430
0742453540	MOFFITT, JOLENE A	1104 MAUBREY CT	APEX NC 27502-2426
0742453527	OVERTON, ANGELA CARRIE	1106 MAUBREY CT	APEX NC 27502-2426
0742455120	PALEKAR, ALKA S PALEKAR, SHARAD D	1201 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742551468	PATEL, ASHUTOSH J PATEL, MEGHANA A	1028 BRANCH LINE LN	APEX NC 27502-2421
0742457288	PATRICK, KEVIN T PATRICK, MELISSA L	1014 N SALEM ST	APEX NC 27502-2922
0742453492	PINSKER, NATHAN PINSKER, CARRIE GARTNER	1102 MAUBREY CT	APEX NC 27502-2426
0742454025	PISIPATI, DEEPAK MEDURI, SANDHYA	1209 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742551872	RODGERS, MONA C RODGERS, JERRY G	990 BRANCH LINE LN	APEX NC 27502-2430
0742551562	SCHMITT, RUTH O RUTH O. SCHMITT LIVING TRUST	8904 YELLOW WOOD PL	LYNDON KY 40242-7772
0742551352	STEWART, ALLYSON L	1048 BRANCH LINE LN	APEX NC 27502-2421
0742466191	THALES ACADEMY	4641 PARAGON PARK RD	RALEIGH NC 27616-3406
0742551258	TRIPATHI, RAJESH TRIPATHI, ANURADHA	1052 BRANCH LINE LN	APEX NC 27502-2421
0742551808	VILLAGES OF APEX MASTER ASSOCIATION INC	4700 HOMEWOOD CT STE 380	RALEIGH NC 27609-5732
0742551566	WATKINS, KOURTNEY L	1016 BRANCH LINE LN	APEX NC 27502-2421
0742452783	WEBB, CLIFTON WEBB, MARIE	1108 BRITTLLEY WAY	APEX NC 27502-2400
0742551664	WEIDENFELLER, LINDA SUE	1006 BRANCH LINE LN	APEX NC 27502-2421
0742457443	WILSON, ALFRED C WILSON, MARION W APEX TOWN OF	126 BASSWOOD DR PO BOX 250	LAKE LURE NC 28746-6302 APEX NC 27502

HRW ASSOCIATES

Current Tenant

Current Tenant

Current Tenant

Current Tenant

Current Tenant

WITHERSRAVENEL, Courtney Landoll

Brandon Hafner, CaptiveAire, Inc

4700 HOMEWOOD CT STE 380

1022 Branch Line LN

1010 N Salem ST

1011 N Salem ST

1016 N Salem ST

1300 N Salem ST

137 S Wilmington St, Ste 200

4641 Paragon Park Rd

RALEIGH NC 27609

APEX NC 27502

APEX NC 27502

APEX NC 27502

APEX NC 27502

APEX NC 27502

Raleigh, NC 27601

Raleigh, NC 27616

# NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: WebEx  
 Date of meeting: August 26, 2021 Time of meeting: 5 - 7 p.m.  
 Property Owner(s) name(s): WFINV, LLC  
 Applicant(s): WFINV, LLC

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

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

*Use additional sheets, if necessary.*

Name

Attendee Email

Brendie Vega

Caroline Richardson

K Watkins

Leigh Brown

Chris Jensen

Courtney Landoll

Robert Carmac

Brandon Hafner

Elizabeth Carmac





# 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): WFINV, LLC

Applicant(s): WFINV, LLC

Contact information (email/phone): 919-427-6146

Meeting Address: WebEx

Date of meeting: August 26, 2021 Time of meeting: 5 - 7 p.m.

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

Question/Concern #1:

What portion of the property will be rezoned?

Applicant's Response:

The portion of the property with the house will be rezoned. The rear of the property will be recombined.

Question/Concern #2:

Will the trees be removed in the rear of the property?

Applicant's Response:

Development of the rear of the property will likely require the removal of some trees. There will be a required landscaped buffer at the rear of the property as well.

Question/Concern #3:

Why is the house considered to be historic?

Applicant's Response:

It is on the Wake County historic survey.

Question/Concern #4:

Will there be an accessory dwelling?

Applicant's Response:

There are no current plans to create an accessory dwelling, but the future owner may be permitted to have an accessory dwelling unit.

# 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, Courtney Landoll, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at via WebEx (location/address) on 08/26/2021 (date) from 5 p.m. (start time) to 7:00 p.m. (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

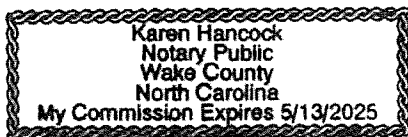
8/30/21  
Date

By: Courtney H Landoll

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Karen Hancock, a Notary Public for the above State and County, on this the 30<sup>th</sup> day of August, 2021.

SEAL



Karen Hancock  
Notary Public  
Karen Hancock  
Print Name

My Commission Expires: 5-13-2025

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #21CZ19 1016 N. Salem Street

Planning Board Meeting Date: December 13, 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:** ±0.426 acres

**PIN(s):** Portion of PIN 0742457443

**Current Zoning:** Residential Agricultural (RA)

**Proposed Zoning:** Medium Density Residential-Conditional Zoning (MD-CZ)

**2045 Land Use Map:** Mixed Use: Medium 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: \_\_\_\_\_

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

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

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# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #21CZ19 1016 N. Salem Street

Planning Board Meeting Date: December 13, 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:#21CZ19 1016 N. Salem Street

Planning Board Meeting Date:December 13, 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:#21CZ19 1016 N. Salem Street

Planning Board Meeting Date:December 13, 2021



Planning Board Recommendation:

Motion: Approval

Introduced by Planning Board member: Steele

Seconded by Planning Board member: 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This report reflects the recommendation of the Planning Board, this the 13 day of December 2021.

Attest:

**Michael Marks** Digitally signed by Michael Marks  
Date: 2021.12.15 11:07:52 -05'00'

Michael Marks, Planning Board Chair

**Amanda Bunce** Digitally signed by Amanda Bunce  
DN: cn=Amanda Bunce, o, ou,  
email=amanda.bunce@apexnc.org, c=US  
Date: 2021.12.13 19:09:01 -05'00'

for

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 #21CZ19  
1016 N. Salem Street**

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

**Owner:** WFINV, LLC  
**Applicant/Authorized Agent:** Courtney Landoll, WithersRavenel  
**Property Address:** 1016 N. Salem Street  
**Acres:** 10.426 acres  
**Property Identification Number (PIN):** Portion of PIN 0742457443  
**2045 Land Use Map Designation:** Mixed Use: Medium Density Residential/Office Employment/Commercial Services  
**Existing Zoning of Properties:** Residential Agricultural (RA)  
**Proposed Zoning of Properties:** Medium Density Residential-Conditional Zoning (MD-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:** December 13, 2021 4:30 PM

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

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36737>.

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

Published Dates: November 24 – December 13, 2021



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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS  
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ19  
1016 N. Salem Street**

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

Navigation icons: Save, Print, Home, Back, Forward, Page 1 / 2, Zoom In, Zoom Out, and a document icon.

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.ralighnc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36737>.

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

Published Dates: November 24 – December 13, 2021



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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ19**  
1016 N. Salem Street

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

**Solicitante:** WFINV, LLC  
**Agente autorizado:** Courtney Landoll, WithersRavenel  
**Dirección de la propiedad:** 1016 N Salem Street  
**Superficie:** 20.426 acres  
**Número de identificación de la propiedad:** Portion of PIN 0742437443  
**Designación actual en el Mapa de Uso Territorial para 2045:** Mixed Use: Medium Density Residential/Office Employment/Commercial Services  
**Ordenamiento territorial existente de la propiedad:** Residential Agricultural (RA)  
**Ordenamiento territorial propuesto para la propiedad:** Medium Density Residential-Conditional Zoning (MD-CZ)  
**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de diciembre, 2021 4:30 P.M.**

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

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

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

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.ralighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36737>.

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

Fechas de publicación: 24 de noviembre – 13 de diciembre de 2021





**TOWN OF APEX**  
POST OFFICE BOX 230  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #21CZ19  
1016 N. Salem 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:

**Owner:** WFINV, LLC  
**Applicant/Authorized Agent:** Courtney Landoll, WithersRavenel  
**Property Address:** 1016 N Salem Street  
**Acreage:** ±.426 acres  
**Property Identification Number (PIN):** Portion of PIN 0742457443  
**2045 Land Use Map Designation:** Mixed Use: Medium Density Residential/Office Employment/Commercial Services  
**Existing Zoning of Property:** Residential Agricultural (RA)  
**Proposed Zoning of Property:** Medium Density Residential-Conditional Zoning (MD-CZ)

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

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

**Town Council Public Hearing Date and Time: January 11, 2022 6:00 PM**

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

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

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

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36737>.

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

Published Dates: December 22-January 11, 2022





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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ19**  
1016 N. Salem Street

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** WFINV, LLC  
**Agente autorizado:** Courtney Landoll, WithersRavenel  
**Dirección de la propiedad:** 1016 N. Salem Street  
**Superficie:** ±0.426 acres  
**Número de identificación de la propiedad:** Portion of PIN 0742457443  
**Designación actual en el Mapa de Uso Territorial para 2045:** Mixed Use: Medium Density Residential/Office Employment/Commercial Services  
**Ordenamiento territorial existente de la propiedad:** Residential Agrícola (RA)  
**Ordenamiento territorial propuesto para la propiedad:** Medium Density Residential-Conditional Zoning (MD-CZ)  
**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

*Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.*

**Fecha y hora de la audiencia pública del Consejo Municipal: 11 de enero de, 2022 6:00 P.M.**

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

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

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](https://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36737>.

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

Fechas de publicación: 22 de diciembre de 2011- 11 de enero de 2022

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# TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ19 1016 N. Salem 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:

**Owner:** WFINV, LLC

**Applicant/Authorized Agent:** Courtney Landoll, WithersRavenel

**Property Address:** 1016 N. Salem Street

**Acreage:** ±0.426 acres

**Property Identification Number (PIN):** Portion of PIN 0742457443

**2045 Land Use Map Designation:** Mixed Use: Medium Density Residential/Office Employment/Commercial Services

**Existing Zoning of Properties:** Residential Agricultural (RA)

**Proposed Zoning of Properties:** Medium Density Residential-Conditional Zoning (MD-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: December 13, 2021 4:30 PM**

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

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

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

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

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36737>.

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



## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ19  
1016 N. Salem Street

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** WFINV, LLC

**Agente autorizado:** Courtney Landoll, WithersRavenel

**Dirección de la propiedad:** 1016 N Salem Street

**Superficie:** ±0.426 acres

**Número de identificación de la propiedad:** Portion of PIN 0742457443

**Designación actual en el Mapa de Uso Territorial para 2045:** Mixed Use: Medium Density Residential/Office Employment/Commercial Services

**Ordenamiento territorial existente de la propiedad:** Residential Agricultural (RA)

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

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de diciembre, 2021 4:30 P.M.**

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

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

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

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36737>.

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



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ19 1016 N. Salem 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:

**Owner:** WFINV, LLC

**Applicant/Authorized Agent:** Courtney Landoll, WithersRavenel

**Property Address:** 1016 N Salem Street

**Acreage:** ±.426 acres

**Property Identification Number (PIN):** Portion of PIN 0742457443

**2045 Land Use Map Designation:** Mixed Use: Medium Density Residential/Office Employment/Commercial Services

**Existing Zoning of Property:** Residential Agricultural (RA)

**Proposed Zoning of Property:** Medium Density Residential-Conditional Zoning (MD-CZ)

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

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

### **Town Council Public Hearing Date and Time: January 11, 2022 6:00 PM**

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

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

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

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36737>.

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



## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ19

1016 N. Salem Street

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** WFINV, LLC

**Agente autorizado:** Courtney Landoll, WithersRavenel

**Dirección de la propiedad:** 1016 N. Salem Street

**Superficie:** ±0.426 acres

**Número de identificación de la propiedad:** Portion of PIN 0742457443

**Designación actual en el Mapa de Uso Territorial para 2045:** Mixed Use: Medium Density Residential/Office Employment/Commercial Services

**Ordenamiento territorial existente de la propiedad:** Residential Agricultural (RA)

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

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

***Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.***

**Fecha y hora de la audiencia pública del Consejo Municipal: 11 de enero de, 2022 6:00 P.M.**

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

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

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

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36737>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 22 de diciembre de 2011- 11 de enero de 2022



Haddon Place

N Salem St

Magnolia Walk

Magnolia Row Trl

1018

1016

1014

Rezoning #21CZ19

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

0 50 100  
Feet

Public Hearing Sign Posted By

*[Signature]*  
Signature

9/15/21  
Date



**TOWN OF APEX**

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

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

Project Name: Conditional Zoning #21CZ19  
1016 N Salem Street  
Project Location: 1016 N Salem Street  
Applicant or Authorized Agent: Courtney Landoll, WithersRavenel  
Firm: WithersRavenel

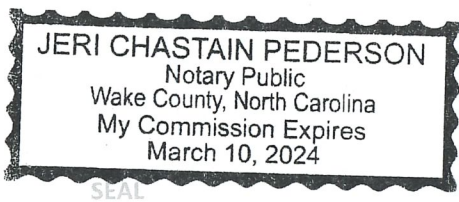
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 24, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

11/29/2021  
Date

Shianne F. Klein  
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 29 day of November, 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

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Project Location: 1016 N Salem Street  
Applicant or Authorized Agent: Courtney Landoll, WithersRavenel  
Firm: WithersRavenel

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 December 22, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

12-22-2021  
Date

Diz Koltin for Dianne Khin  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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

State and County, this the 22 day of December, 2021.

Paralee J Smith  
Notary Public

My Commission Expires: 9, 12, 2023

