

# STAFF REPORT

Rezoning #21CZ20 3075 Lufkin Road

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:

<b>Address:</b>	3075 Lufkin Road
<b>Applicant:</b>	Wigeon Capital, LLC.
<b>Owner:</b>	Lufkin Leased Fee, LLC.
<b>PROJECT DESCRIPTION:</b>	
<b>Acreage:</b>	+/- 3.08 acres
<b>PIN:</b>	0751277986
<b>Current Zoning:</b>	Planned Commercial (PC); Planned Commercial–Conditional Use (PC-CU #98CU14 & #94CU21)
<b>Proposed Zoning:</b>	Light Industrial-Conditional Zoning (LI-CZ)
<b>2045 Land Use Map:</b>	Commercial Services
<b>Town Limits:</b>	Inside Corporate Limits

## ADJACENT ZONING & LAND USES:

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	N/A	Ten Ten Road & US 1 Hwy
<b>South:</b>	Neighborhood Business–Conditional Zoning (B1-CZ #19CZ01); Planned Commercial–Conditional Use (PC-CU #98CU14 & #94CU21)	Lufkin Rd; Church or Place of Worship; Office/Retail; Convenience Store with Gas Sales
<b>East:</b>	Planned Commercial-Conditional Zoning (PC-CZ #15CZ30)	Ten Ten Road & US 1 Hwy; Vacant
<b>West:</b>	Neighborhood Business–Conditional Zoning (B1-CZ #19CZ01)	Church or Place of Worship; US 1 Hwy

## NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on August 26, 2021. The tenants of some properties were not notified and the applicant was required to have another neighborhood meeting, held on November 26, 2021. Both meeting reports are attached to the staff report.

## EXISTING CONDITIONS:

The site consists of one (1) parcel totaling +/- 3.08 acres and is located on the north side of Lufkin Road. The site is currently vacant and forested.

## 2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Commercial Services. The applicant proposes a rezoning to Light Industrial-Conditional Zoning (LI-CZ) district, which is not a valid district within that Land Use Map designation. If the property is rezoned to LI-CZ as proposed, the 2045 LUM will automatically be amended to Industrial Employment per NCGS 160D-605(a).

## PROPOSED ZONING CONDITIONS:

### 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.

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1. Self-service storage
2. Medical or dental office or clinic
3. Office, business or professional
4. Artisan studio
5. Repair services, limited
6. Studio for art
7. Upholstery shop
8. Pet services
9. Automotive accessory sales and installation
10. Automotive parts
11. Car wash or auto detailing
12. Woodworking or cabinetmaking
13. Manufacturing and processing, minor
14. Utility, minor

## Proposed Conditions:

1. Provide minimum 10-kW rooftop solar PV system on rooftop to offset energy use.
2. This project shall preserve existing tree canopy within the required perimeter buffers and RCA as required by the UDO. Any supplemental landscaping within those buffers shall be native plant species.
3. In order to reduce irrigation and chemical use, this development shall plant warm season grasses where turf grass is called for on the landscaping plans. All other required landscaping shall consist of drought tolerant native plants.
4. In order to meet International Dark Sky Association standards, all outdoor lighting and parking lot lighting fixtures shall be LED fixtures in a full-cutoff style and with a color temperature of 3000K or less.

The following are architectural conditions for the building façade:

1. The predominant exterior building materials shall be high quality materials, including:
  - a) Brick masonry
  - b) Decorative concrete block (either integrally colored or textured)
  - c) Stone accents
  - d) Cementitious Siding
  - e) Aluminum storefronts with anodized or pre-finished colors.
  - f) EIFS cornices, and parapet trim
  - g) Precast concrete
2. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. A self-service storage building shall have a maximum height of 3 stories above grade or 40-feet.
6. The main entrance to the building shall be emphasized.
7. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.
8. Interior Doors will only be visible on 15% of the façade of each floor facing Lufkin Road and only 5% of the façade on each floor facing Ten-Ten Road in a self-service storage building. Interior doors shall not be visible facing US Highway 1. Spandrel glass shall be used for the remaining windows, except those at the entrance.
9. The use of high intensity colors or fluorescent colors shall be prohibited on interior doors visible from exterior windows.

## ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on August 19, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
1. Interior lighting of the building will be on motion sensors.	Not Included

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EAB Suggested Condition	Applicant's Response
2. The project will utilize LED lighting in the parking lot and will have cutoff fixtures to reduce glare.	Included. Condition 4
3. Low flow plumbing fixtures for all plumbing fixtures.	Not Included
4. Limit parking to 15 spaces maximum to minimize stormwater impacts.	Not Included
5. Solar panel on the roof to heat hot water heater, in addition to a minimum of 10-kW rooftop solar PV system.	Included. Condition 1
6. Preserve existing tree canopy in rear property as part of the 50' Type A buffer and RCA requirement.	Included. Condition 2
7. Landscape to be drought tolerant planting native to the region. Warm season turf. No irrigation.	Included. Condition 3
8. Include International Dark Sky Association compliance standards: <ul style="list-style-type: none"><li>• Outdoor lighting shall be shielded in a way that focuses lighting to the ground.</li><li>• Lighting that minimizes the emission of blue light to reduce glare shall be used.</li><li>• Lighting with a color temperature to 3500K or less shall be used for outside installations.</li></ul>	Included. Condition 4

Three of the conditions that the EAB recommended were not added to the rezoning at Planning staff's request. Planning staff recommended that the applicant not include suggested conditions 1 & 3 because these items would affect the interior of the building and the Building Inspections and Permit Department cannot enforce zoning conditions that exceed minimum Building Code requirements and Planning staff cannot enforce conditions that affect the interior of the building.

Planning staff also recommended against suggested condition 4 because staff had recommended adding uses other than self-service storage in case the self-service storage project was never built. Fifteen parking spaces would not be enough for some of the uses but would exceed the maximum permitted for self-service storage. The UDO requires 2 parking spaces for every 1 employee at a self-service storage facility. Most facilities have 2 or 3 employees on site, therefore 4 to 6 spaces would be required. The UDO permits a maximum of 25% additional spaces beyond the required, therefore 5 or 7 spaces could be permitted.

### PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the rezoning petition as provided by the applicant.

### PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on December 13, 2021 and voted, 6 to 1, to recommend approval of the rezoning with the condition that the applicant work with staff on a condition to reduce the visibility of interior doors from the exterior windows for self-service storage. Conditions 8 and 9 have been added to meet that requirement.

### 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 this area as Commercial Services, which does not include the zoning district Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is not consistent with the 2045 Land Use Map. However, if the property is rezoned to LI-CZ as proposed, the 2045 Land Use Map will automatically be amended to Industrial Employment per NCGS 160D-605(a). The proposed rezoning will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

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The proposed rezoning is reasonable and in the public interest, because it will permit development of this parcel with industrial uses that are most compatible with the nearby commercial uses and bring the entire property under one zoning district.

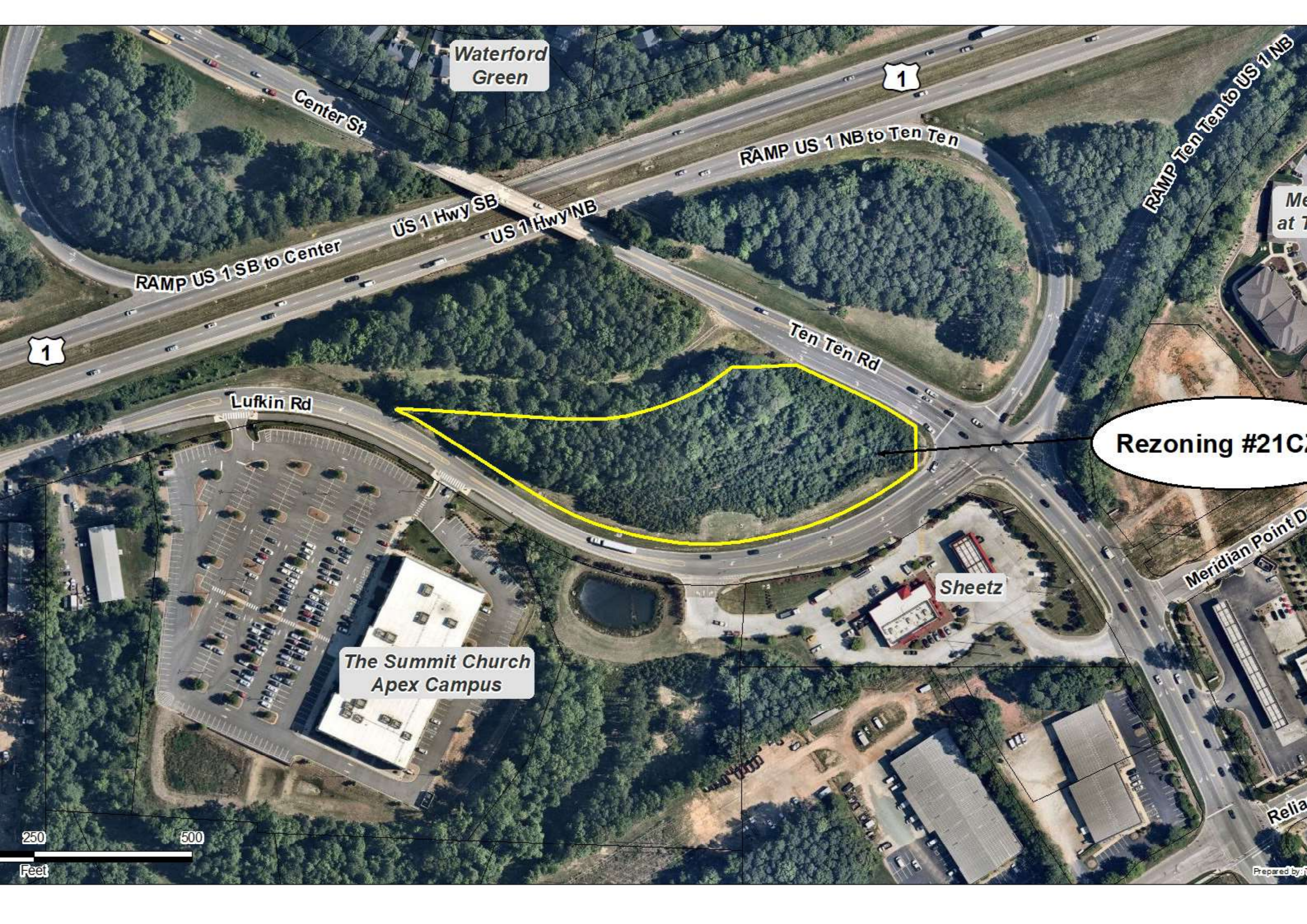
### LEGISLATIVE CONSIDERATIONS

The Town Council shall find the Light Industrial-Conditional Zoning (LI-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

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

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





Waterford Green

Center St

1

RAMP US 1 NB to Ten Ten

RAMP Ten Ten to US 1 NB

RAMP US 1 SB to Center

US 1 Hwy SB

US 1 Hwy NB

1

Ten Ten Rd

Lufkin Rd

Rezoning #21C

The Summit Church Apex Campus

Sheetz

Meridian Point D

250 500 Feet

Prepared by



## 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 #: 21CZ20 Submittal Date: 9/1/2021  
Fee Paid: \$1,700.00

### Project Information

Project Name: 3075 Lufkin Road Self-Storage  
Address(es): 3075 Lufkin Road  
PIN(s): 0751277986  
Acreage: 3.08 acres  
Current Zoning: PC/PC-CU Proposed Zoning: LI-CZ (Light Industrial)  
Current 2045 LUM Classification(s): Commercial Services  
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: \_\_\_\_\_  
Area proposed as non-residential development: Acreage: \_\_\_\_\_  
Percent of mixed use area proposed as non-residential: Percent: \_\_\_\_\_

### Applicant Information

Name: Wigeon Capital, LLC (Al Goodrich)  
Address: 2607 Oberlin Road, Ste 104  
City: Raleigh State: NC Zip: 27608  
Phone: 919-621-9447 E-mail: agoodrich@abgoodrich.com

### Owner Information

Name: Lufkin Leased Fee, LLC  
Address: 400 W North Street, Ste 12  
City: Raleigh State: NC Zip: 27608  
Phone: 919-621-9447 E-mail: lindsay@brookwoodcp.com

### Agent Information

Name: James Loyack, PLA-HagerSmith Design PA  
Address: 300 S. Dawson Street  
City: Raleigh State: NC Zip: 27601  
Phone: 919-302-3176 E-mail: jloyack@hagersmith.com

Other contacts: \_\_\_\_\_  
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**PETITION INFORMATION**

Application #: 21CZ20 Submittal Date: 9/1/21

An application has been duly filed requesting that the property described in this application be rezoned from PC-CU to LI-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>Self-service storage</u>	<u>21</u>	<u></u>
2	<u>Medical or dental office or clinic</u>	<u>22</u>	<u></u>
3	<u>Office, business or professional</u>	<u>23</u>	<u></u>
4	<u>Artisan Studio</u>	<u>24</u>	<u></u>
5	<u>Repair services, limited</u>	<u>25</u>	<u></u>
6	<u>Studio for art</u>	<u>26</u>	<u></u>
7	<u>Upholstery shop</u>	<u>27</u>	<u></u>
8	<u>Pet services</u>	<u>28</u>	<u></u>
9	<u>Automotive accessory sales and installation</u>	<u>29</u>	<u></u>
10	<u>Automotive parts</u>	<u>30</u>	<u></u>
11	<u>Car wash or auto detailing</u>	<u>31</u>	<u></u>
12	<u>Woodworking or cabinetmaking</u>	<u>32</u>	<u></u>
13	<u>Manufacturing and processing, minor</u>	<u>33</u>	<u></u>
14	<u>Utility Minor</u>	<u>34</u>	<u></u>
15	<u></u>	<u>35</u>	<u></u>
16	<u></u>	<u>36</u>	<u></u>
17	<u></u>	<u>37</u>	<u></u>
18	<u></u>	<u>38</u>	<u></u>
19	<u></u>	<u>39</u>	<u></u>
20	<u></u>	<u>40</u>	<u></u>

**PETITION INFORMATION**

Application #: 21CZ20 Submittal Date: 9/1/21

**PROPOSED CONDITIONS:**

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

See attached rezoning attachment

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**LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING**

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

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

See attached rezoning attachment

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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.

See attached rezoning attachment

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**PETITION INFORMATION**

Application #: 21CZ20 Submittal Date: 9/1/21

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

See attached rezoning attachment

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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.

See attached rezoning attachment

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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.

See attached rezoning attachment

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

See attached rezoning attachment

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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.

See attached rezoning attachment

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**PETITION INFORMATION**

Application #: 21CZ20 Submittal Date: 9/1/21

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

See attached rezoning attachment

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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.

See attached rezoning attachment

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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.

See attached rezoning attachment

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## 3075 Lufkin Road Rezoning Petition

### Proposed Rezoning Conditions:

1. Provide minimum 10-kW rooftop solar PV system on rooftop to offset energy use.
2. This project shall preserve existing tree canopy within the required perimeter buffers and RCA as required by the UDO. Any supplemental landscaping within those buffers shall be native plant species.
3. In order to reduce irrigation and chemical use, this development shall plant warm season grasses where turf grass is called for on the landscaping plans. All other required landscaping shall consist of drought tolerant native plants.
4. In order to meet International Dark Sky Association standards, all outdoor lighting and parking lot lighting fixtures shall be LED fixtures in a full-cutoff style and with a color temperature of 3000K or less

The following are architectural conditions for the building façade:

1. The predominant exterior building materials shall be high quality materials, including:
  - a) Brick masonry
  - b) Decorative concrete block (either integrally colored or textured)
  - c) Stone accents
  - d) Cementitious Siding
  - e) Aluminum storefronts with anodized or pre-finished colors.
  - f) EIFS cornices, and parapet trim
  - g) Precast concrete
2. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. A self-service storage building shall have a maximum height of 3 stories above grade or 40-feet.
6. The main entrance to the building shall be emphasized.
7. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.
8. Interior Doors will only be visible on 15% of the façade of each floor facing Lufkin Road and only 5% of the façade on each floor facing Ten-Ten Road in a self-service storage building. Interior doors shall not be visible facing US Highway 1. Spandrel glass shall be used for the remaining windows, except those at the entrance.
9. The use of high intensity colors or fluorescent colors shall be prohibited on interior doors visible from exterior windows

### Legislative Considerations:

- 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 land use categories designated on the 2045 Land Use map for this property are Commercial Services. The limited uses proposed for the site are consistent with the purposes, goals, objectives, & policies of the 2045 Land Use Map. The restriction of the uses imposed as a condition of the rezoning petition is also complimentary and consistent to the abutting land uses.

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

The proposed Conditional Zoning District's limited use, environmental standards conditions and compliance with the UDO standards will ensure that the project is appropriate and compatible with the character of the adjacent uses.



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

The use allowed pursuant to the requested CZ zoning shall, if applicable, will fully comply with the Supplemental Zoning Conditions as listed within Section 4.4 of the UDO and/or applicable zoning conditions, notwithstanding Apex UDO Supplemental Standards Sections 4.4.5(G)(14)(j) and (n), building height.

**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 Limited Use proposed as a condition is a low impact use. It generates very little traffic, is a low trash generator, a low energy user and operations are completely internal to the building. The building design will complement the adjacent buildings in materials and scale.

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

The rezoning petition includes supplemental conditions that limit lighting, water use, energy consumption, parking, and tree canopy disturbance. A 50' undisturbed buffer will ensure the existing tree canopy will remain intact. Stormwater measures will be implemented to meet the Town of Apex and NCDEQ stormwater requirements.

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

The proposed Conditional Zoning District use will have no adverse impact to public facilities and services. Public services and utilities already serve this area and the proposed use will have minimal impact on existing utilities and services.

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

The proposed Conditional Use District will comply with all Town regulations and UDO requirements.

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

The conditions proposed with this petition and the requirements set forth in the Town UDO will ensure that this development is not detrimental to the adjacent properties.

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

The restricted use, the conditions proposed with this petition and the requirements set forth in the Town UDO will ensure that this development will not be a nuisance or hazard to the public. This use generates low traffic volumes and the operations are internal to the building.



**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.**

Notwithstanding Apex UDO Supplemental Standards Sections 4.4.5(G)(14)(j) and (n), building height shall be permitted to be up to three (3) stories and forty-feet (40') tall. Any development pursuant to the requested petition would comply with all applicable regulations of the Town (and imposed conditions) related to use, layout, and general development characteristics.

# AGENT AUTHORIZATION FORM

Application #: 21CZ20

Submittal Date: 9/1/21

Lufkin Leased Fee, LLC (Lindsay Sewell) 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: 3075 Lufkin Road

The agent for this project is: James Loyack, PLA

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

Agent Name: James Loyack PLA

Address: 300 S. Dawson Street, Raleigh, NC 27602

Telephone Number: 919-302-3176

E-Mail Address: jloyack@hagersmith.com

Signature(s) of Owner(s)\*



Lindsay Sewell (Lufkin Leased Fee, LLC)

Type or print name

10/11/2021  
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 #: 21CZ20

Submittal Date: 9/1/21

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

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 3075 Lufkin Road and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 1/28/2011, and recorded in the Wake County Register of Deeds Office on 6/12/2012, in Book 2012 Page 00584.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 3075 Lufkin Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 3075 Lufkin Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 11 day of October, 2021.

[Signature] (seal)  
Lindsay F Sewell - manager  
Lufkin Leased Fee, LLC 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 Lindsay Sewell, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Driver License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

Monica Zyph  
NOTARY PUBLIC  
Wake County  
North Carolina  
My Commission Expires May 5, 2026  
[NOTARY SEAL]

[Signature]  
Notary Public  
State of North Carolina  
My Commission Expires: May 5, 2026

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

Application #: 21CZ20

Submittal Date: 9/1/2021

**Insert legal description below.**

Beginning at a control corner, being a concrete monument, with North Carolina grid coordinates NAD83 (NSRS 2007) of N= 718,108.455 and E= 2,052,828.106; thence N87°55'01"E 101.72' to a concrete monument; thence S65°26'26"E 86.65' to an iron pipe found; thence along a curve to the right having a radius of 932.21', a length of 125.48', a chord bearing of S61°35'00"E and a chord distance of 125.38' to an iron pipe set; thence S00°38'48"E 67.86' to an iron pipe set; thence S54°40'15"W 36.42' to an iron pipe set; thence along a curve to the right having a radius of 513.50', a length of 196.47', a chord bearing of S65°37'54"W and a chord distance of 195.27' to an iron pipe set; thence along a curve to the right having a radius of 513.50', a length of 100.90', a chord bearing of S79°55'50"W and a chord distance of 100.73' to an iron pipe set; thence along a curve to the right having a radius of 517.50', a length of 310.73', a chord bearing of N75°00'02"W and a chord distance of 306.08' to an iron pipe set; thence N57°47'56"W 191.43' to an iron pipe set; thence along a curve to the left having a radius of 517.50', a length of 66.62', a chord bearing N61°29'20"W and a chord distance of 66.57' to an iron pipe set; thence along a curve to the right having a radius of 1085.92', a length of 54.72', a chord bearing S87°50'28"E and a chord distance of 54.71' to an iron pipe set; thence S86°23'50"E 218.38' to an iron pipe found; thence along a curve to the left having a radius of 378.31', a length of 277.53', a chord bearing N72°27'09"E and a chord distance of 271.45' to the point of beginning and containing approximately 3.079 acres more or less and labeled as Lot 3 according to a map prepared by EDR Engineering entitled EASEMENT DEDICATION AND EXEMPT SUBDIVISION PLAT prepared for LUFKIN LEASED FEE L.L.C. dated 3/28/2012 and recorded at the Wake County Register of Deeds in book of maps 2012 pages 584-585.



Neighborhood Meeting #1:  
August 26, 2021

# 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.

8/26/2021

Date

Dear Neighbor:

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

3075 Lufkin Road

0751277986

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](http://www.apexnc.org). If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

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

This is a rezoning petition to rezone the vacant property at 3075 Lufkin Road from Zone PC (Planned Commercial) to LI (Light Industrial). The rezoning to LI will allow the owner to develop a self-storage facility.

Estimated submittal date: September 1, 2021

### MEETING INFORMATION:

Property Owner(s) name(s):

Lufkin Leased Fee, LLC

Applicant(s):

Jamie Loyack, PLA w/ HagerSmith Design PA

Contact information (email/phone):

jloyack@hagersmith.com / (919)-302-3176

Electronic Meeting invitation/call in info:

SEE Attached Microsoft Teams Link on next page

Date of meeting\*\*:

August 26, 2021

Time of meeting\*\*:

5:00 pm - 7:00 pm

### MEETING AGENDA TIMES:

Welcome: 5:00 pm Project Presentation: 5:05 pm Question & Answer: 5:15 pm

\*\*Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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: 3075 Lufkin Road Self Storage Zoning: Current- PC (Planned Commercial)  
 Location: 3075 Lufkin Road  
 Property PIN(s): 0751277986 Acreage/Square Feet: 3.08 acres (Vacant Lot)

Property Owner: Lufkin Leased Fee, LLC  
 Address: 400 W North St , Ste 112  
 City: Raleigh State: NC Zip: 27603  
 Phone: 919-825-1567 Email: agoodrich@abgoodrich.com

Developer: Wigeon Capital, LLC ( Whit Brown)  
 Address: 2607 Oberlin Road  
 City: Raleigh State: NC Zip: 27608  
 Phone: 919-332-3887 Fax: \_\_\_\_\_ Email: whit@wigeoncp.com

Engineer: Jamie Loyack, PLA  
 Address: 300 S, Dawson Street  
 City: Raleigh State: NC Zip: 27601  
 Phone: 919-302-3176 Fax: \_\_\_\_\_ Email: jloyack@hagersmith.com

Builder (if known): AB Goodrich  
 Address: 2607 Oberlin Road  
 City: Raleigh State: NC Zip: 27608  
 Phone: 919-828-6609 Fax: \_\_\_\_\_ Email: agoodrich@abgoodrich.com

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

## Town of Apex Department Contacts

Planning 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

## Jamie Loyack

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**Subject:** 3075 Lufkin Road Self Storage

**Start:** Thu 8/26/2021 5:00 PM  
**End:** Thu 8/26/2021 7:00 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Organizer:** Jamie Loyack

**Required Attendees:** Jamie Loyack - External

**Contact Info:**  
Jamie Loyack  
Phone: 919-302-3176  
Email: [jloyack@hagersmith.com](mailto:jloyack@hagersmith.com)

**Importance:** Low

**SkypeTeamsProperties:** {"cid":"19:meeting\_N2UyNTdhMzctODkyZC00MDJlLWEzYTItODRkNjBIMzZmZjk1@thread.v2","rid":0,"mid":0,"uid":null,"private":true,"type":0}

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**MeetingCreateSource:** TeamsMiddleTier\_OBO\_desktop

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## Microsoft Teams meeting

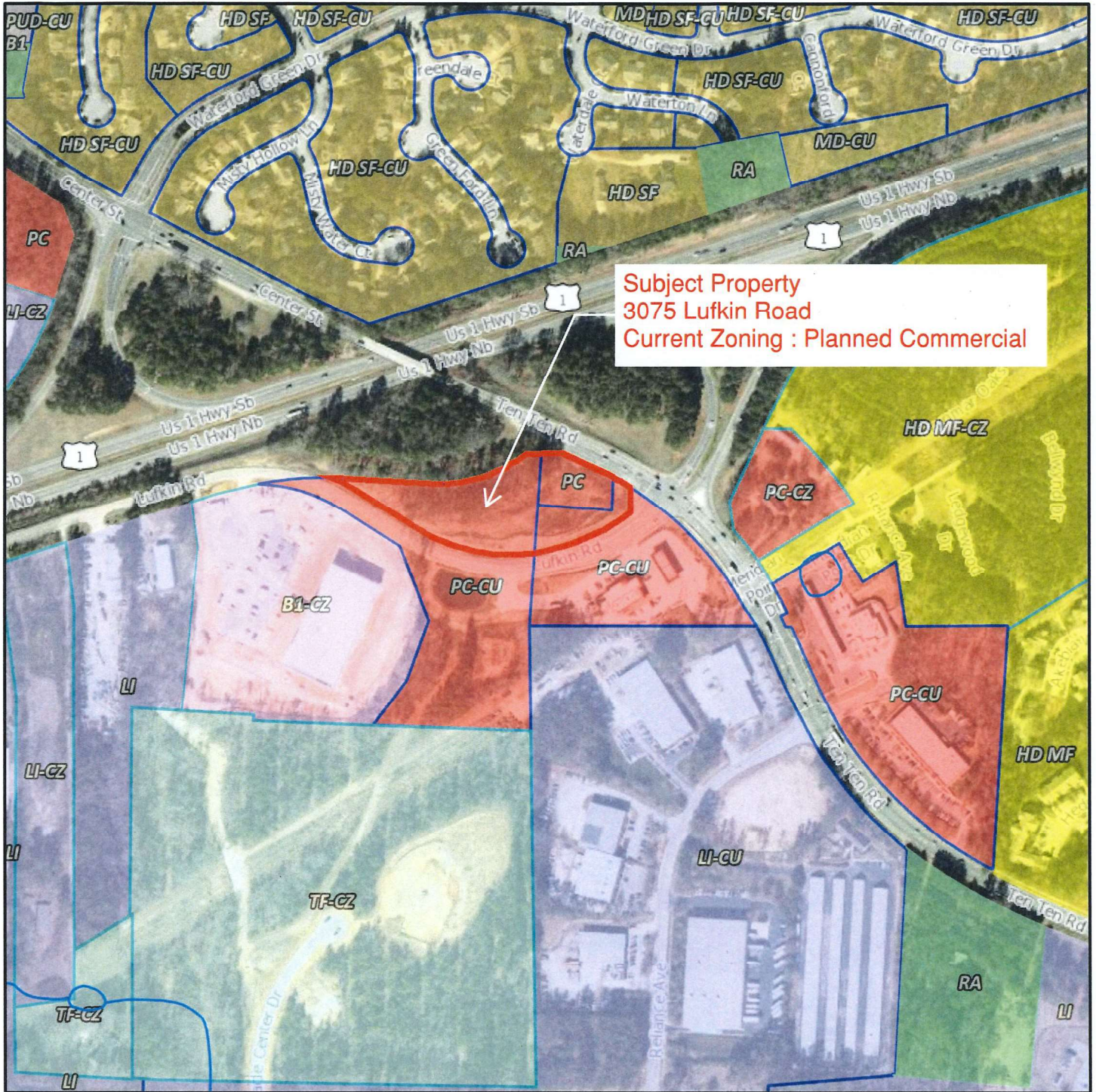
Join on your computer or mobile app

[Click here to join the meeting](#)

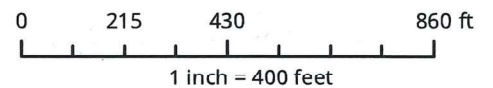
[Learn More](#) | [Meeting options](#)

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**3075 Lufkin Rd Current Zoning**



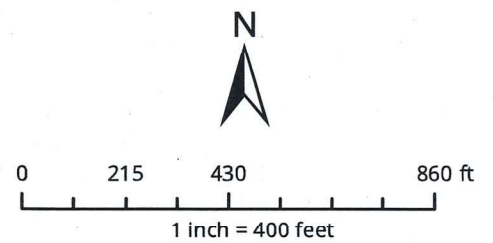
**Disclaimer**

*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.*





**3075 Lufkin Rd :VICINITY MAP**



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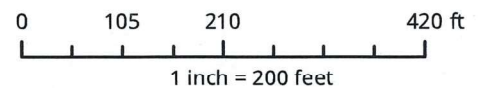




## 3075 Lufkin Rd

PIN: 0751277986  
 PIN Ext: 000  
 Real Estate ID: 0043707  
 Map Name: 0751 06  
 Owner: LUFKIN LEASED FEE LLC  
 Mail Address 1: 400 W NORTH ST STE 112  
 Mail Address 2: RALEIGH NC 27603-1570  
 Mail Address 3:  
 Deed Book: 014251  
 Deed Page: 02628  
 Deed Acres: 3.08  
 Deed Date: 1/28/2011  
 Building Value: \$0  
 Land Value: \$1,147,111  
 Total Value: \$1,147,111

Billing Class: Business  
 Description: LO3 LUFKIN LEASED FEE LLC  
 BM2012 -00584  
 Heated Area:  
 Street Name: LUFKIN RD  
 Site Address: 3075 LUFKIN RD  
 City:  
 Planning Jurisdiction: AP  
 Township: White Oak  
 Year Built:  
 Sale Price: \$0  
 Sale Date:  
 Use Type:  
 Design Style:  
 Land Class: Vacant



### Disclaimer

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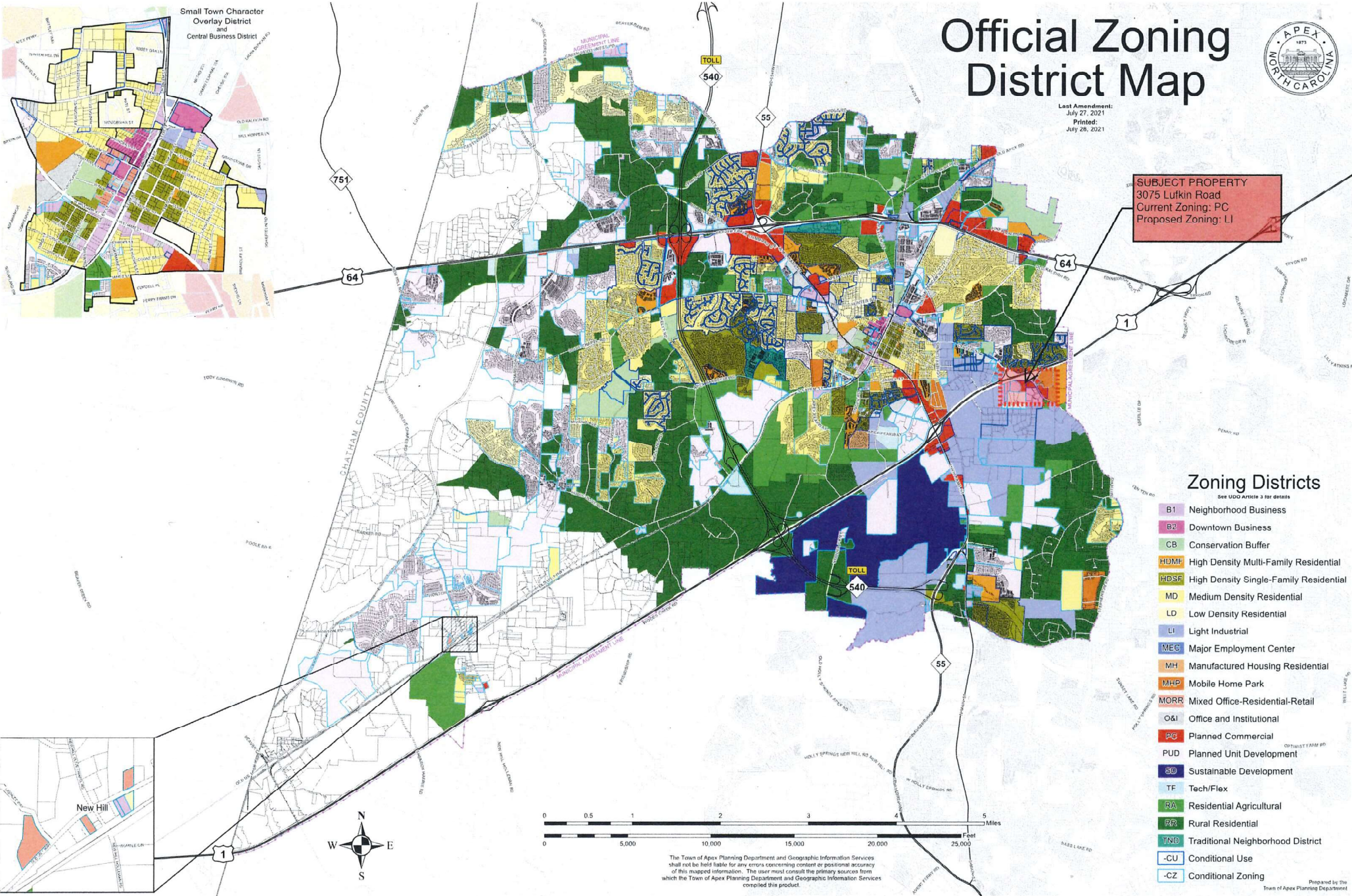
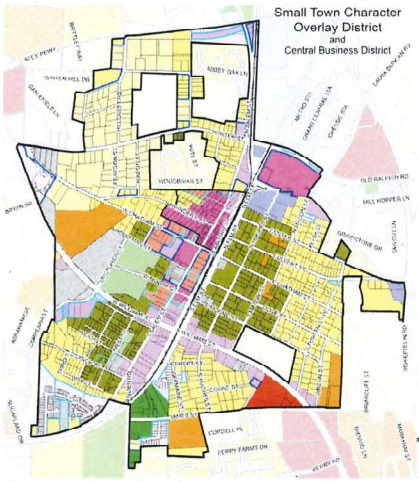


# Official Zoning District Map



Last Amendment:  
July 27, 2021  
Printed:  
July 26, 2021

**SUBJECT PROPERTY**  
3075 Lufkin Road  
Current Zoning: PC  
Proposed Zoning: LI



## Zoning Districts

See UDO Article 3 for details

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

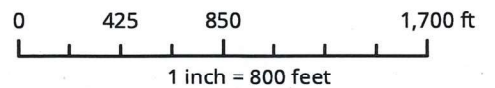


The Town of Apex Planning Department and Geographic Information Services shall not be held liable for any errors concerning content or positional accuracy of this mapped information. The user must consult the primary sources from which the Town of Apex Planning Department and Geographic Information Services compiled this product.





**3075 Lufkin Rd Rezoning Neighbors**



**Disclaimer**  
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# 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: Microsoft Teams  
 Date of meeting: August 26, 2021 Time of meeting: 5:00 PM-7:00 PM  
 Property Owner(s) name(s): Lufkin Fee, LLC ( AI Goodrich)  
 Applicant(s): Wigeon Capital, LLC (AI Goodrich)

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.	Jamie Loyack (Hagersmith Design)	300 S. Dawson Street			
2.	Sharron Scroggin (Hagersmith Design)	300 S. Dawson Street			
3.	Whit Brown (Wigeon Capital)	2607 Oberlin Road, Raleigh, NC			
4.	George Aiken	2607 Oberlin Road, Raleigh, NC			
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Lufkin Fee, LLC

Applicant(s): Wigeon Capital, LLC

Contact information (email/phone): Jamie Loyack, PLA of HagerSmith Design PA (jloyack@hagersmith.com/919-302-3176)

Meeting Address: Microsoft Teams

Date of meeting: Thursday, August 26, 2021 Time of meeting: 5:00 PM - 7:00 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:

No adjacent owners entered the virtual meeting. Just the owner, applicant and development team members were on the MS TEAMS meeting.

Applicant's Response:

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## Question/Concern #2:

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Applicant's Response:

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## Question/Concern #3:

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Applicant's Response:

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## Question/Concern #4:

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Applicant's Response:

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# 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, James Loyack, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual Meeting via Microsoft Teams (location/address) on August 26, 2021 (date) from 5:00 PM (start time) to 7:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

8/31/21  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Monica Zyph, a Notary Public for the above State and County, on this the 31<sup>st</sup> day of August, 2021.

SEAL  
Monica Zyph  
NOTARY PUBLIC  
Wake County  
North Carolina  
My Commission Expires May 5, 2026

[Signature]  
Notary Public  
Monica Zyph  
Print Name

My Commission Expires: May 5, 2026



Meeting Summary

Total Number of Participants 4  
Meeting Title 3075 Lufkin Road Self Storage Neighborhood Meeting  
Meeting Start Time 8/26/2021, 4:48:41 PM  
Meeting End Time 8/26/2021, 7:01:01 PM  
Debug Id 51c4096a-0642-4ccc-9286-de552dabc52d

Full Name	Join Time	Leave Time	Duration	userPrincipalName	Role
Jamie Loyack	8/26/2021, 4:48:41 PM	8/26/2021, 7:00:59 PM	2h 12m	JLoyack@hagersmith.com	Organizer
Sharron Scroggin	8/26/2021, 4:48:52 PM	8/26/2021, 5:21:43 PM	32m 51s	scroggin@hagersmith.com	Presenter
Sharron Scroggin	8/26/2021, 5:24:51 PM	8/26/2021, 7:01:01 PM	1h 36m	scroggin@hagersmith.com	Presenter
Whit Brown	8/26/2021, 4:52:43 PM	8/26/2021, 5:22:05 PM	29m 22s	whit_wigeoncp.com#EXT#@hag	Presenter
George Aiken	8/26/2021, 5:29:40 PM	8/26/2021, 5:33:35 PM	3m 54s	gaiken@abgoodrich.com	Presenter

## List of neighbors within 300-feet of parcel

Gandsworth Properties LLC  
225 Gordon LN  
Macon NC 27551-9054

Fridley, Darin L Fridley, Elizabeth M  
30 Tody Goodwin Rd  
Apex, NC 27502-8020

Reliance Holdings LLC  
PO Box 1625  
Apex, NC 27502-3625

Classic Road Partners LLC  
10500 World Trade Blvd  
Raleigh, NC 27617-4246

BCP Lufkin LLC  
400 W North St, Suite 112  
Raleigh, NC 27603-1570

1701 Pinnacle Center LLC  
724 Gimghoul Road  
Chapel Hill, NC 27514-3811

Lufkin Leased Fee LLC  
400 W North St, Suite 112  
Raleigh, NC 27603-1570

Lux, Shirley Ann  
1818 Misty Hollow LN  
Apex, NC 27502-6222

Cicek, Mustafa Cicek,  
Aysenur  
1816 Misty Hollow LN  
Apex, NC 27502-6222

Williams, Bobby L Williams,  
Michelle R  
1905 Misty Water Ct  
Apex, NC 27502-6223

Saitta, John B Saitta, Jesse L  
1907 Misty Water Ct  
Apex, NC 27502-6223

Bramante, William J  
Bramante, Sheila L  
1903 Misty Water Ct  
Apex, NC 27502-6223

Green, Gary E Green, Patricia R  
1909 Misty Water Ct  
Apex, NC 27502-6223

Davis, Paul Davis, Jenna  
1911 Misty Water Ct  
Apex, NC 27502-6223

Harris, John Everett  
Harris, Kerry Anne  
1906 Misty Water Ct  
Apex, NC 27502-6223

Voytko, Troy S Voytko, Lisa S  
1913 Misty Water Ct  
Apex, NC 27502-6223

Martinez, Sara Elisabeth Luoni  
1910 Misty Water Ct  
Apex, NC 27502-6223

Bloom, Michael J Bloom,  
Amanda  
1915 Misty Water Ct.  
Apex, NC 27502-6223

Segneri, Tamara A  
1917 Misty Water Ct  
Apex, NC 27502-6223

Suter, David G Suter, Penny K  
1914 Misty Water Ct  
Apex, NC 27502-6223

Holmes, Daniel P Holmes,  
Laura C  
1916 Misty Water Ct.  
Apex, NC 27502-6223

Olah, Scott W Olah, Amber  
1909 Green Ford LN  
Apex, NC 27502-6219

Bullock, Shelia D  
1907 Green Ford LN  
Apex, NC 27502-6219

Pinnix, Joyce H Trustee  
8429 Secreto Dr  
Raleigh, NC 27606-0031

Brotherton, June Marie  
1903 Green Ford LN  
Apex, NC 27502-6219

Miller, Ronald Miller, Diane  
113 Loch Vale LN  
Cary, NC 27518-9617

Finnell, M Doris  
1906 Green Ford LN  
Apex, NC 27502-6219

Finch, Rodney J Finch, Elvira L  
1904 Green Ford LN  
Apex, NC 27502-6219

Porter, Thomas H Porter, Brenda K  
2007 Waterdale Ct  
Apex, NC 27502-6263

2410 LTD Partners LLC  
2400 Reliance Ave, Suite A  
Apex, NC 27539-7010

## List of neighbors within 300-feet of parcel

NGO TU HA LLC  
4000 Lufkin RD  
Apex, NC 27539-7000

LTD Enterprises  
2400 Reliance AVE, Suite A  
Apex, NC 27539-7010

Circle K Stores  
PO Box 52085  
Phoenix, AZ 85072-2085

Oelfke, Charles W Oelfke, Patricia  
2006 Waterdale CT  
Apex, NC 27502-6263

Pierce, Aaron G Pierce, Erin  
2004 Waterdale CT  
Apex, NC 27502-6263

Chatham Partners LLC  
6131 Falls of Neuse Rd,  
Ste 200  
Raleigh, NC 27609-3518

Meridian at Ten Ten LLC  
6131 Falls of Neuse Rd, Suite 202  
Raleigh, NC 27609-3518

Waterford Green Homeowners  
c/o RS Fincher and Assoc.  
PO Box 1117  
Apex, Nc 27502

Town of Apex Planning  
73 Hunter Street (2<sup>nd</sup> Floor)  
PO Box 250  
Apex, NC 27502



Neighborhood Meeting #2:  
November 26, 2021

# 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.

10/27/21

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at  
3075 Lufkin Road 0751277986

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](http://www.apexnc.org). If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

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

This is a rezoning petition to rezone the vacant property at 3075 Lufkin Road from Zone PC (Planned Commercial) to LI (Light Industrial). The rezoning to LI will allow the owner to develop a self-storage facility.

Estimated submittal date: September 1, 2021

## MEETING INFORMATION:

Property Owner (in(s) name(s):	Lufkin Leased Fee, LLC
Applicant(s):	Jamie Loyack, PLA w/ HagerSmith Design PA
Contact information (email/phone):	jloyack@hagersmith.com / (919)-302-3176
Electronic Meeting invitation/call in info:	ZOOM Mtg: Meeting ID: 814 4545 7806 Passcode: 003590
Date of meeting**:	November 16, 2021
Time of meeting**:	5:00 pm - 7:00 pm

## MEETING AGENDA TIMES:

Welcome: 5:00 pm Project Presentation: 5:05 pm Question & Answer: 5:15 pm

\*\*Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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: 3075 Lufkin Road Self Storage Zoning: Current- PC (Planned Commercial)  
 Location: 3075 Lufkin Road  
 Property PIN(s): 0751277986 Acreage/Square Feet: 3.08 acres (Vacant Lot)

Property Owner: Lufkin Leased Fee, LLC  
 Address: 400 W North St , Ste 112  
 City: Raleigh State: NC Zip: 27603  
 Phone: 919-825-1567 Email: agoodrich@abgoodrich.com

Developer: Wigeon Capital, LLC  
 Address: 2607 Oberlin Road  
 City: Raleigh State: NC Zip: 27608  
 Phone: 919-332-3887 Fax: \_\_\_\_\_ Email: agoodrich@wigeoncp.com

Engineer: Jamie Loyack, PLA  
 Address: 300 S, Dawson Street  
 City: Raleigh State: NC Zip: 27601  
 Phone: 919-302-3176 Fax: \_\_\_\_\_ Email: jloyack@hagersmith.com

Builder (if known): AB Goodrich  
 Address: 2607 Oberlin Road  
 City: Raleigh State: NC Zip: 27608  
 Phone: 919-828-6609 Fax: \_\_\_\_\_ Email: agoodrich@abgoodrich.com

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

## Town of Apex Department Contacts

Planning 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 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at [AllCouncil@apexnc.org](mailto:AllCouncil@apexnc.org).

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

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

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

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

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

### **Documentation:**

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

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Stormwater Control Measures: 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.



# ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE 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 Format: Virtual Meeting via ZOOM

Date of meeting: November 16, 2021 Time of meeting: 5:00pm-7:00pm

Property Owner(s) name(s): Lufkin LLC

Applicant(s): HagerSmith Design, PA

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	J. Loyack, HagerSmith Design	300 S. Dawson Street			
2.	S. Scroggin, HagerSmith Design	300 S. Dawson Street			
3.	Chris Kirk, Neighbor	3000 Lufkin Rd , Owner			
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE 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.

Property Owner(s) name(s): Lufkin , LLC

Applicant(s): HagerSmith Design, PA

Contact information (email/phone): \_\_\_\_\_

Meeting Format: Virtual Meeting via ZOOM

Date of meeting: November 16,2021 Time of meeting: 5:00pm-7:00pm

Please summarize the questions/comments and your response from the Electronic 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:

Chris Kirk-Building Owner at 3000 Lufkin: Is there outdoor storage? Concerned that the appearance of the building will be consistent with what has just been constructed on neighboring properties.

#### Applicant's Response:

There will be no outside storage. As a condition of the rezoning the developer is committed to using high quality building materials, such as brick, decorative concrete block, stone accents, cementitious siding, aluminum storefronts with anodized or pre-finished colors, glass, etc.

The architectural elevations will also be reviewed and approved by Apex Planning during site plan review.

### Question/Concern #2:

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

#### Applicant's Response:

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

### Question/Concern #3:

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

#### Applicant's Response:

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

### Question/Concern #4:

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

#### Applicant's Response:

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

# AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING 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, James Loyack, PLA, do hereby declare as follows:  
Print Name

1. I have conducted an Electronic 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 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 Electronic Neighborhood Meeting.
3. The meeting was conducted via Virtual Meeting via ZOOM (indicate format of meeting) on November 16, 2021 (date) from 5:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, attendance 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.

11.19.21  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Sally M. Kath, a Notary Public for the above State and County, on this the 19<sup>th</sup> day of November, 2021.



Sally M. Kath  
Notary Public  
Sally M. Kath  
Print Name

My Commission Expires: 1/8/23



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REZONING REQUEST for:  
3075 Lufkin Road  
Apex, NC

# Neighborhood Meeting

November 16, 2021  
5:00 pm-7:00 pm  
(Virtual Meeting via Zoom)

# VICINITY MAP



3075 Lufkin Road Rezoning Petition





# EXISTING ZONING MAP



3075 Lufkin Road Rezoning Petition

## EXISTING ZONING ALLOWED USES

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### SOME USES ALLOWED CURRENTLY UNDER PLANNED COMMERCIAL (PC)

- Assembly Hall
- Church
- Daycare
- Veterinary Clinic or Hospital
- Transportation Facility
- Communication Tower (SUP)
- Wireless Communication Facility
- Recycling Collection Station
- Arena
- Drive-Thru Restaurant
- Medical Office
- Office
- Research Facility
- Gas Station
- Convenience Store
- Building Supplies Store
- Book Store
- Greenhouse/Nursery
- Retail Sales
- Automotive Service Station
- Automotive Parts
- Car Wash
- Vehicle Sales and rental
- Kennel
- Fitness Center
- Pawn Shop
- Microbrewery
- Theater

## PROPOSED ZONING AND CONDITIONS

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### **PROPOSED ZONING REQUEST: LIGHT INDUSTRIAL (LI) CONDITIONAL USE:**

#### REZONING CONDITIONS:

1. Limit the uses for the site to the uses listed in the proposed uses section of the rezoning application.
2. Provide minimum 10-kW rooftop solar PV system on rooftop to offset energy use.
3. This project shall preserve existing tree canopy within the required perimeter buffers and RCA as required by the UDO. Any supplemental landscaping within those buffers shall be native plant species.
4. In order to reduce irrigation and chemical use, this development shall plant warm season grasses where turf grass is called for on the landscaping plans. All other required landscaping shall consist of drought tolerant native plants.
5. In order to meet International Dark Sky Association standards, all outdoor lighting and parking lot lighting fixtures shall be LED fixtures in a full-cutoff style and with a color temperature of 3000K or less
6. Building to be built with Brick, Masonry, Glass



## PROPOSED ZONING AND CONDITIONS

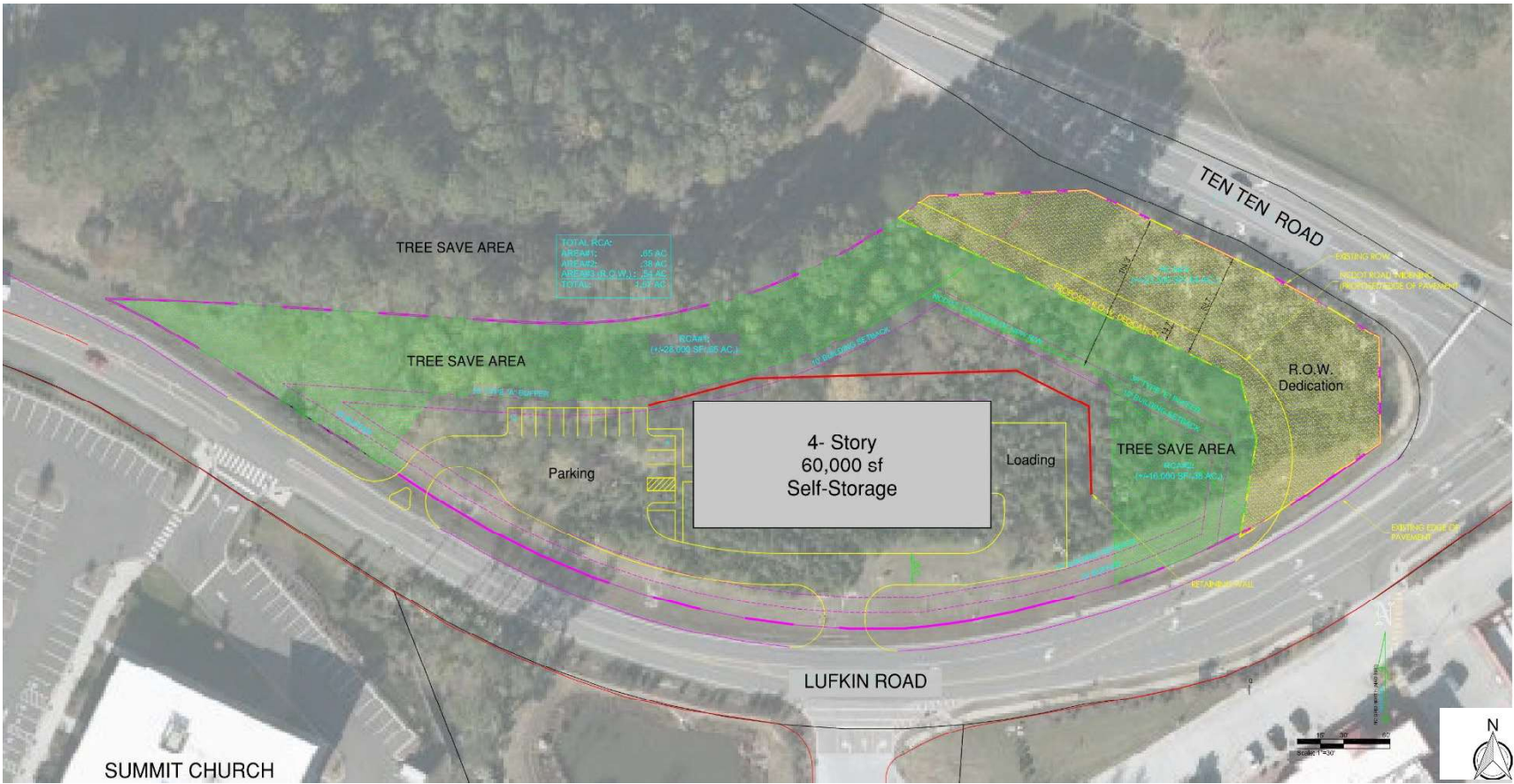
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### **PROPOSED ZONING REQUEST: LIGHT INDUSTRIAL (LI) CONDITIONAL USE:**

LIMIT USES TO THE FOLLOWING:

1. Self-Storage
2. Utility Minor
3. Medical or dental office or clinic
4. Office, business or professional
5. Artisan Studio Repair services, limited Studio for art
6. Upholstery shop
7. Pet services
8. Automotive accessory sales and installation
9. Automotive parts
10. Car wash or auto detailing
11. Woodworking or cabinetmaking
12. Manufacturing and processing, minor

# CONCEPTUAL SITE PLAN



3075 Lufkin Road Rezoning Petition

# APEX TENTATIVE REZONING PETITION SCHEDULE

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PLANNING PRE-SUBMITTAL MEETING:	June 3, 2021
EAB MEETING:	August 19, 2021
<b>NEIGHBORHOOD MEETING:</b>	<b>November 16, 2021 (Tonight)</b>
REZONING APPLICATION SUBMITTAL	September 1, 2021
PLANNING BOARD MEETING:	December 13, 2021
TOWN COUNCIL MEETING:	December 28, 2021





PROJECT CONTACT INFORMATION:  
Jamie Loyack, PLA (HAGERSMITH DESIGN PA)  
Phone #: 919-302-3176

Email: [jloyack@hagersmith.com](mailto:jloyack@hagersmith.com)

## NEIGHBORHOOD NOTIFICATION LIST- Provided by Town of Apex

2410 Ltd Partners, LLC  
2400 Reliance Ave. Ste A  
Apex Nc 27539-7010

3050 Lufkin, LLC  
2607 Oberlin Rd Ste 104  
Raleigh Nc 27608-1320

Chatham Partners, LLC  
6131 Falls of Neuse Rd,  
Ste 200  
Raleigh, NC 27609-3518

NGO TU HA, LLC  
4000 Lufkin RD  
Apex, NC 27539-7000

Kirk Family Real Estate Holding, LLC  
6204 Cape Charles Dr  
Raleigh Nc 27617-7637

LTD Enterprises, LLC  
2400 Reliance Ave, Suite A  
Apex, NC 27539-7010

Lufkin Leased Fee LLC  
400 W North St, Suite 112  
Raleigh, NC 27603-1570

Town of Apex Planning  
73 Hunter Street (2<sup>nd</sup> Floor)  
PO Box 250  
Apex, NC 27502

Current Tenant  
3000 Lufkin Road  
Apex, NC 27539

Current Tenant  
3075 Lufkin Road  
Apex, NC 27539

Current Tenant  
2400 Reliance Ave  
Apex, NC 27539

Current Tenant  
2410 Reliance Ave.  
Apex, NC 27539

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ20 3075 Lufkin Road

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:** +/- 3.08 acres

**PIN(s):** 0751277986

**Current Zoning:** Planned Commercial (PC); Planned Commercial-Conditional Use (PC-CU #98CU14 & #94CU21)

**Proposed Zoning:** Light Industrial-Conditional Zoning (LI-CZ)

**2045 Land Use Map:** Commercial Services

**Town Limits:** Inside Corporate Limits

## 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: 2045 LUM would change with  
this rezoning to Industrial Employment, making it consistent once rezoned.

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

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



# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ20 3075 Lufkin Road

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: 2045 LUM would change with

rezoning to Industrial Employment, making is consistent once rezoned.

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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: 21CZ20 3075 Lufkin Road

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: \_\_\_\_\_

---

---

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: 21CZ20 3075 Lufkin Road

Planning Board Meeting Date: December 13, 2021



Planning Board Recommendation:

Motion: Approval

Introduced by Planning Board member: Steele

Seconded by Planning Board member: Braswell

- 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:

Approval with the condition that the applicant work with staff on a condition to reduce the visibility of interior doors from the exterior windows for self-service storage.

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

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

With 1 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

Dissenting vote due to inconsistency with current 2045 Land Use Map classification and use not being a benefit to the community.

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 11:08:54 -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 19:10:34 -05'00'

Dianne Khin, Director of Planning and  
Community Development





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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #21CZ20  
3075 Lufkin Road Self-Storage**

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:** Al Goodrich, Wigeon Capital, LLC.  
**Authorized Agent:** James Loyack, PLA, HagerSmith Design, PA  
**Property Address:** 3075 Lufkin Road  
**Acreage:** ±3.08 acres  
**Property Identification Number (PIN):** 0751277986  
**Current 2045 Land Use Map Designation:** Commercial Services  
**If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Industrial Employment  
**Existing Zoning of Property:** Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC)  
**Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-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, Jeri Pederson (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/lmaps>. 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/37678/21CZ20>.

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

Published Dates: November 24 – December 13, 2021

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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL # 21CZ20**  
3075 Lufkin Road Self-Storage

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:** Al Goodrich, Wigeon Capital, LLC.  
**Agente autorizado:** James Loyack, PLA, HagerSmith Design, PA  
**Dirección de la propiedad:** 3075 Lufkin Road  
**Superficie:** ±3.08 acres  
**Número de identificación de la propiedad:** 0751277986  
**Designación actual en el Mapa de Uso Territorial para 2045:** Commercial Services  
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Industrial Employment  
**Ordenamiento territorial existente de las propiedad:** Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial  
**Ordenamiento territorial propuesto para la propiedad:** Light Industrial-Conditional Zoning (LI-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 de 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, Jeri Pederson (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/36738/21CZ20>.

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

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

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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 #21CZ20  
3075 Lufkin Road Self-Storage

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:** Al Goodrich, Wigeon Capital, LLC.
- Authorized Agent:** James Loyack, PLA, HagerSmith Design, PA
- Property Address:** 3075 Lufkin Road
- Acreage:** ±3.08 acres
- Property Identification Number (PIN):** 0751277986
- Current 2045 Land Use Map Designation:** Commercial Services
- If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Industrial Employment
- Existing Zoning of Property:** Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC)
- Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-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, Jeri Pederson (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/36738/21CZ20>.

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 # 21CZ20  
3075 Lufkin Road Self-Storage

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:** Al Goodrich, Wigeon Capital, LLC.

**Agente autorizado:** James Loyack, PLA, HagerSmith Design, PA

**Dirección de la propiedad:** 3075 Lufkin Road

**Superficie:** ±3.08 acres

**Número de identificación de la propiedad:** 0751277986

**Designación actual en el Mapa de Uso Territorial para 2045:** Commercial Services

**Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a:** Industrial Employment

**Ordenamiento territorial existente de las propiedad:** Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial

**Ordenamiento territorial propuesto para la propiedad:** Light Industrial-Conditional Zoning (LI-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 de 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, Jeri Pederson (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/36738/21CZ20>.

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 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 #21CZ20  
3075 Lufkin Road Self-Storage  
Project Location: 3075 Lufkin Road  
Applicant or Authorized Agent: Al Goodrich  
Firm: Wigeon Capital, LLC.

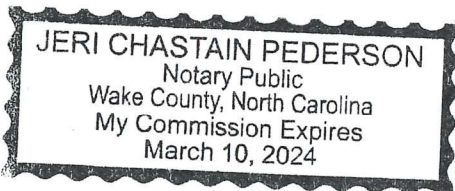
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 24, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information 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

Jane 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.



SEAL

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  
CONDITIONAL ZONING #21CZ20  
3075 Lufkin Road Self-Storage.**

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

**Applicant:** AJ Goodrich, Wigeon Capital, LLC.  
**Authorized Agent:** James Loyack, PLA, HagerSmith Design, PA  
**Property Address:** 3075 Lufkin Road  
**Acres:** ±3.08 acres  
**Property Identification Number (PIN):** 0751277986  
**Current 2045 Land Use Map Designation:** Commercial Services  
**If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Industrial Employment  
**Existing Zoning of Property:** Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC)  
**Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-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/lumas>. 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/36738/21CZ20>

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

Published Dates: December 22, 2021 – January 11, 2022







**TOWN OF APEX**  
PO BOX 290  
APEX, NORTH CAROLINA 27502  
TELEPHONE 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL # 21CZ20  
3075 Lufkin Road Self-Storage

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:** Al Goodrich, Wigeon Capital, LLC.  
**Agente autorizado:** James Loyack, PLA, HagerSmith Design, PA  
**Dirección de la propiedad:** 3075 Lufkin Road  
**Superficie:** 13.08 acres  
**Número de identificación de la propiedad:** 0751277986  
**Designación actual en el Mapa de Uso Territorial para 2045:** Commercial Services  
**Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a:** Industrial Employment.  
**Ordenamiento territorial existente de las propiedades:** Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial  
**Ordenamiento territorial propuesto para la propiedad:** Light Industrial-Conditional Zoning (LI-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/4878](http://www.apexnc.org/DocumentCenter/View/4878). 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/36738/21CZ20>.

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

Fechas de publicación: 22 de diciembre de 2021 – 11 de enero de 2022



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ20 3075 Lufkin Road Self-Storage

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:** Al Goodrich, Wigeon Capital, LLC.

**Authorized Agent:** James Loyack, PLA, HagerSmith Design, PA

**Property Address:** 3075 Lufkin Road

**Acreage:** ±3.08 acres

**Property Identification Number (PIN):** 0751277986

**Current 2045 Land Use Map Designation:** Commercial Services

**If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Industrial Employment

**Existing Zoning of Property:** Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC)

**Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-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/36738/21CZ20>.

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 # 21CZ20  
3075 Lufkin Road Self-Storage

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:** Al Goodrich, Wigeon Capital, LLC.

**Agente autorizado:** James Loyack, PLA, HagerSmith Design, PA

**Dirección de la propiedad:** 3075 Lufkin Road

**Superficie:** ±3.08 acres

**Número de identificación de la propiedad:** 0751277986

**Designación actual en el Mapa de Uso Territorial para 2045:** Commercial Services

**Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a:** Industrial Employment

**Ordenamiento territorial existente de las propiedad:** Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial

**Ordenamiento territorial propuesto para la propiedad:** Light Industrial-Conditional Zoning (LI-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/36738/21CZ20>.

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

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

Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ20  
3075 Lufkin Road Self-Storage  
Project Location: 3075 Lufkin Road  
Applicant or Authorized Agent: Al Goodrich  
Firm: Wigeon Capital, LLC.

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

Niz Rafim for Dianne Khin

Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me,

Paralee J Smith

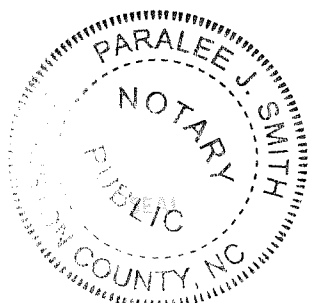
, a Notary Public for the above

State and County, this the

22 day of December, 2021.

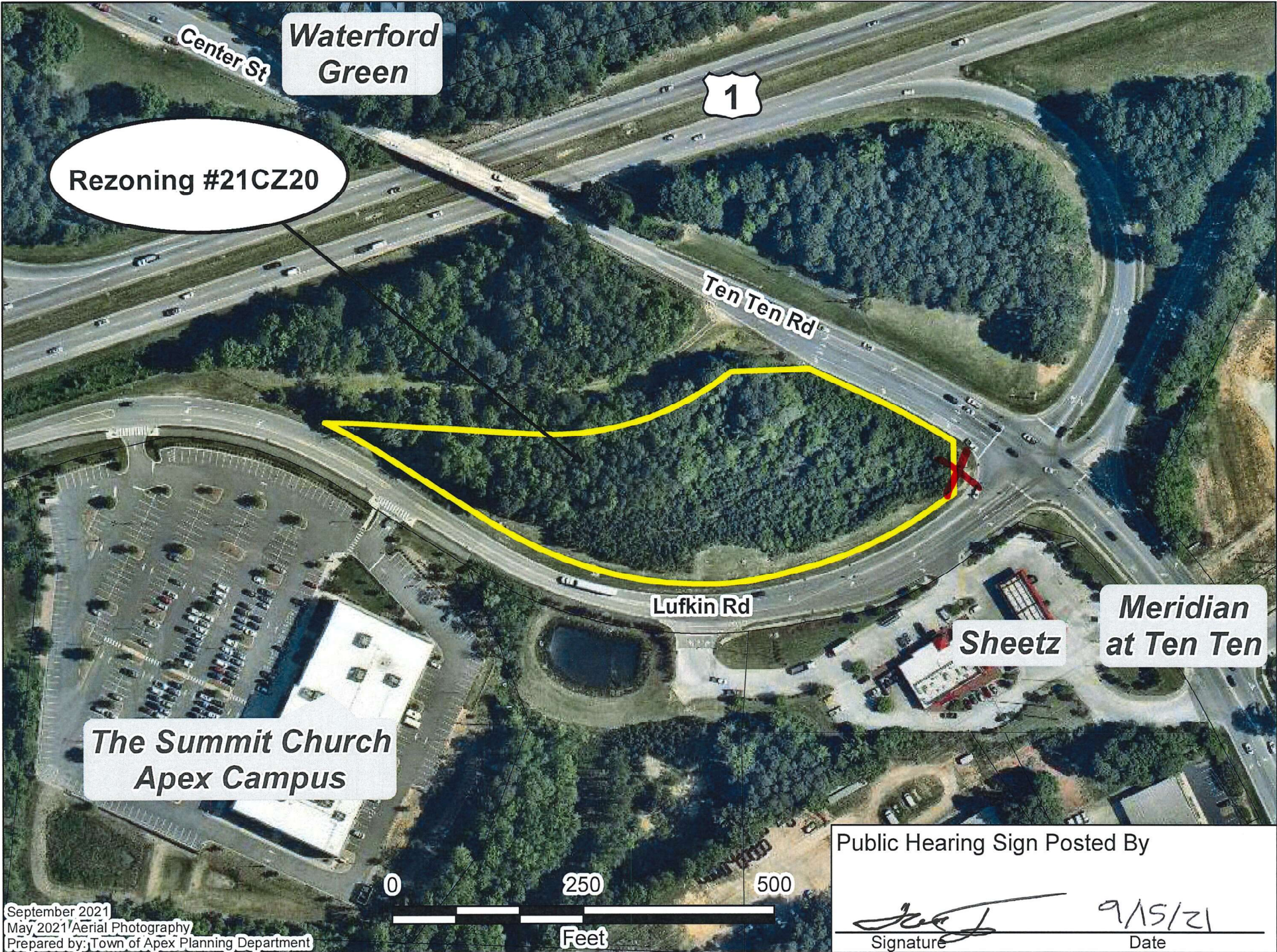
Paralee J Smith

Notary Public



My Commission Expires: 12/12/2023





**Waterford Green**

**Rezoning #21CZ20**



**Ten Ten Rd**

**Lufkin Rd**

**The Summit Church  
Apex Campus**

**Sheetz**

**Meridian  
at Ten Ten**



Public Hearing Sign Posted By

*[Signature]*  
Signature

9/15/21  
Date