



Rezoning #19CZ20

Parkside at Bella Casa

Whistling Quail

Greater Christian Chapel Church

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

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

Application #: 19CZ20 Submittal Date: 10/11/2019
2045 LUM Amendment: _____ Fee Paid: \$900.00

Project Information

Project Name: 2708 Blazing Trail Drive
Address(es): 2708 Blazing Trail Drive, Apex, NC 27502
PIN(s): 0721518983
Acreage: 2.0

Current Zoning: RR Proposed Zoning: MD-CZ
Current 2045 LUM Designation: MD
Proposed 2045 LUM Designation: MD
See next page for LUM Amendment.

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

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

Applicant Information

Name: Jones & Clossen Engineering, PLLC
Address: PO Box 1062
City: Apex State: NC Zip: 27502
Phone: 9193871174 E-mail: peter@jonesclossen.com

Owner Information

Name: Otha Mckoy Heirs
Address: 2708 Blazing Trail Drive
City: Apex State: NC Zip: 27502
Phone: _____ E-mail: _____

Agent Information

Name: Faithwill Homes LLC
Address: 2101 Della Court
City: Apex State: NC Zip: 27502
Phone: 9173717175 E-mail: sanjay.khazanchi@gmail.com

Other contacts: _____

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

Application #: 19CZ20 Submittal Date: 10/11/2019

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

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

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

Current 2045 Land Use Classification: _____

Proposed 2045 Land Use Classification: _____

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

PETITION INFORMATION

Application #: 19CZ20 Submittal Date: 10/11/2019

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

PROPOSED USES:

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

| | | | |
|----|---------------------|----|-------|
| 1 | Single family | 21 | _____ |
| 2 | Utility, minor | 22 | _____ |
| 3 | Accessory apartment | 23 | _____ |
| 4 | _____ | 24 | _____ |
| 5 | _____ | 25 | _____ |
| 6 | _____ | 26 | _____ |
| 7 | _____ | 27 | _____ |
| 8 | _____ | 28 | _____ |
| 9 | _____ | 29 | _____ |
| 10 | _____ | 30 | _____ |
| 11 | _____ | 31 | _____ |
| 12 | _____ | 32 | _____ |
| 13 | _____ | 33 | _____ |
| 14 | _____ | 34 | _____ |
| 15 | _____ | 35 | _____ |
| 16 | _____ | 36 | _____ |
| 17 | _____ | 37 | _____ |
| 18 | _____ | 38 | _____ |
| 19 | _____ | 39 | _____ |
| 20 | _____ | 40 | _____ |

November 22, 2019

2708 Blazing Trail – Rezoning Conditions

Single-Family Homes

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. The garage cannot protrude more than 1 foot out from the front façade or front porch.
5. All roofs shall be pitched at 5:12 or greater for 75% of the building designs.
6. The width of the garage doors shall be no more than 60% of the total width of the house and garage together.
7. Eaves shall project at least 12 inches from the wall of the structure.
8. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
9. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
11. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
12. Front porches shall be a minimum of 6 feet deep.

13. A minimum of one (1) residential dwelling in this development shall be constructed to include the installation of solar panels and a power system of at least 4 KW capacity. The lots of which these homes are located shall be identified on the Master Subdivision Plat, which may be amended from time to time. All other single-family detached homes shall be pre-configured with conduit for a solar energy system.
14. Home Owner Association covenants shall not restrict the construction of an accessory dwelling unit.

Pedestrian Connection

A pedestrian connection consisting of a 5' wide sidewalk within a 10' wide public access easement on Home Owners Association common area shall be provided from the stub of Lake Waccamaw Trail to Blazing Trail Drive.

Side Setback

The side yard setback for single-family lots shall be reduced from 6' minimum with a 16' aggregate to a 5' minimum with a 12' aggregate to accommodate the pedestrian connection from Lake Waccamaw Trail to Blazing Trail Drive.

PETITION INFORMATION

Application #: 19CZ20 Submittal Date: 10/11/2019

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

The uses proposed that do fall under the supplemental standards will comply with the standards outlined in the UDO.

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 site fronts along Blazing Trail Drive and Lake Waccamaw Trail stubs to the northern property boundary. The development is expected to have minimal impact on the adjacent properties since similar uses are proposed by this rezoning.

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.

This project will adhere to all required buffering, will be dedicating Resource Conservation Area and will be adhering to the Town of Apex 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.

This is a small parcel with a few units and it's impact on public facilities will also be small.

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 development of this parcel should not have a negative affect on the healthy, safety and welfare of Apex citizens.

PETITION INFORMATION

Application #: 19CZ20 Submittal Date: 10/11/2019

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

This rezoning is consistent with the adjacent development standards and will not have a negative affect on the development potential of other adjacent parcels.

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.

Residential homes generally do not constitute a nuisance or hazard because of the character of the neighborhood.

This is a small parcel and the impact of these few units on the surrounding area will be minimal.

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.

We are providing architectural conditions for design of the residential structures.

Lying and being in Buckhorn Township, Wake County, North Carolina, and described as follows more fully to wit;

BEGINNING at a calculated point on the eastern right-of-way of Blazing Trail Drive and being the northwestern corner of The Townes At Bella Casa Association, Inc.; thence the following two (2) courses and distances with aforesaid eastern right-of-way, a curve in a counter-clockwise direction having a radius of 2,068.17 feet, a length of 34.45 feet and a chord of North 06°28'28" East, 34.45 feet to a calculated point, and North 06°00'00" East, 163.23 feet to a calculated point, being the southwestern corner of Lot 389 of Parkside At Bella Casa Phase 11; thence with the southern property lines of Lot 389, Lot 369, terminus of Lake Waccamaw Trail, and Lot 368 of Parkside At Bella Casa Phase 1, South 84°43'42" East, 427.08 feet to a calculated point, being the northwestern corner of Steven Thomas Hardesty; thence with the western property line of aforesaid Hardesty, South 06°00'00" West, 210.23 feet to a calculated point, being the northwestern corner of The Townes At Bella Casa Association, Inc.; thence with the northern property line of The Townes At Bella Casa Association, Inc., North 83°02'44" West, 427.39 feet to the point and place of BEGINNING and containing 2.00 acres more or less. The above described tract of land being all of Wake County PIN 0721.04-51-8983.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 19CZ19

Submittal Date: 10/1/2019

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

| | Owner's Name | PIN |
|-----|-------------------|-----|
| 1. | See Attached List | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
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| 8. | | |
| 9. | | |
| 10. | | |
| 11. | | |
| 12. | | |
| 13. | | |
| 14. | | |
| 15. | | |

I, Peter L. [Signature], certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

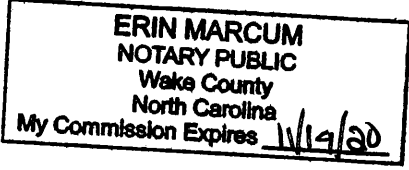
Date: 10/1/19

By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 1st day of October, 2019.

SEAL



[Signature]
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2020

| | A | B | C | D | E | F |
|----|----------|------------------------------------------------|---------------------------------------|---------------------------|--------------------------|------------|
| 1 | | 1924 - 2708 Blazing Trail | ADJACENT PROPERTY OWNERS LIST | | | |
| 2 | | | | | | |
| 3 | Parcel # | Name | Address I | Address II | City/State/Zip Code | Pin # |
| 4 | NA | TOWN OF APEX | PLANNING DEPT | PO BOX 250 | APEX NC 27502 | |
| 5 | 1 | OTHA MCKOY HEIRS | 2708 BLAZING TRAIL DR | | APEX NC 27502-6717 | 0721518983 |
| 6 | 2 | THE TOWNES AT BELLA CASA ASSOCIATION INC | RS FINCHER & CO | 315 S SALEM ST STE 500 | APEX NC 27502-1863 | 0721518752 |
| 7 | 3 | JULIE A. HAIGHT | 2141 BLAZING TRAIL DR | | APEX NC 27502-3679 | 0721517820 |
| 8 | 4 | MICHAEL & JULIANNE KELLY | 2143 BLAZING TRAIL DR | | APEX NC 27502-3679 | 0721517727 |
| 9 | 5 | GUOHUA YANG & HUI ZHENG | 3016 NASHVILLE DR | | SAN JOSE CA 95133-2059 | 0721517724 |
| 10 | 6 | PIERRE ALAIN GREMAUD & ROSEMARY ANN LOYCANO | 2147 BLAZING TRAIL DR | | APEX NC 27502-3679 | 0721517722 |
| 11 | 7 | RAJAN BHANOT & PREETI CHAUHAN | 2149 BLAZING TRAIL DR | | APEX NC 27502-3679 | 0721517619 |
| 12 | 8 | ELVIN SCOTT | 7900 HUMIE OLIVE RD | | APEX NC 27502-9604 | 0721519475 |
| 13 | 9 | RAY ANTHONY POWELL | 7904 HUMIE OLIVE RD | | APEX NC 27502-9604 | 0721517458 |
| 14 | 10 | BALAJI & RUPALI DESHPANDE | 17 CROYDON AVE | | RONKONKOMA NY 11779-1947 | 0721515569 |
| 15 | 11 | RAYMOND JIANG & JULIA YANG | 2705 MASONBORO FERRY DR | | APEX NC 27502-3683 | 0721515630 |
| 16 | 12 | VENKATA NAGARAJU BUDDARAPU & ADILAKSHMI PATTEM | 2707 MASONBORO FERRY DR | | APEX NC 27502-3683 | 0721515600 |
| 17 | 13 | JOAN E LUND TRUSTEE | THE LUND LIVING TRUST | 3328 TURNER RIDGE DR | NEW HILL NC 27562-9322 | 0721514670 |
| 18 | 14 | JASON & ROSE MARNELL | 2713 MASONBORO FERRY DR | | APEX NC 27502-3683 | 0721514641 |
| 19 | 15 | WILLIAM J KAVENEY | 2720 MASONBORO FERRY DR | | APEX NC 27502-3683 | 0721513776 |
| 20 | 16 | THOMAS & JACQUELYN HOWARD | 2754 LAKE WACCAMAW TRL | | APEX NC 27502-8555 | 0721513796 |
| 21 | 17 | SANTO & ROSEMARY LANZA | 2716 MASONBORO FERRY DR | | APEX NC 27502-3683 | 0721514735 |
| 22 | 18 | PETER W MAJKA JR & ALINA D MAJKA | 1967 MOSTYN LN | | APEX NC 27502-6509 | 0721514775 |
| 23 | 19 | FRED & SHARON RONECKER | 2708 MASONBORO FERRY DR | | APEX NC 27502-3683 | 0721515705 |
| 24 | 20 | JANA A ACKLEY | 2706 MASONBORO FERRY DR | | APEX NC 27502-3683 | 0721515724 |
| 25 | 21 | MICHAEL W BURGER | 2704 MASONBORO FERRY DR | | APEX NC 27502-3683 | 0721515754 |
| 26 | 22 | STEFAN & TARA PODVOJSKY | 2702 MASONBORO FERRY DR | | APEX NC 27502-3683 | 0721515784 |
| 27 | 23 | NARENDRA VAMAN & PRUTHVI DESHPANDE PALEKAR | 121 AMIABLE LOOP | | CARY NC 27519-5578 | 0721514966 |
| 28 | 24 | BELLA CASA HOMEOWNERS ASSOCIATION, INC | OMEGA ASSOCIATION MANAGEMENT | 160 NE MAYNARD RD STE 210 | CARY NC 27513-9676 | 0721524101 |
| 29 | 25 | DANIEL & JENNIFER SMITH /TR | 2116 BLAZING TRAIL DR | | APEX NC 27502-3679 | 0721525171 |
| 30 | 26 | JAMES & SONYA DOBSON | 2100 BLAZING TRAIL DR | | APEX NC 27502-3679 | 0721525138 |
| 31 | 27 | BELLA CASA HOMEOWNERS ASSOCIATION, INC | OMEGA ASSOCIATION MANAGEMENT | 160 NE MAYNARD RD STE 210 | CARY NC 27513-9676 | 0721529922 |
| 32 | 28 | JEFFREY & BETHANY RUDY | 2770 LAKE WACCAMAW TRL | | APEX NC 27502-8555 | 0721524362 |
| 33 | 29 | TREVOR & RACHEL CAMPBELL | 2769 LAKE WACCAMAW TRL | | APEX NC 27502-8555 | 0721526330 |
| 34 | 30 | MARK R FLUGRATH & LEILA R MATHERS | 2109 BLAZING TRAIL DR | | APEX NC 27502-3679 | 0721527205 |
| 35 | 31 | JOSHUA & JENNIFER ALMOND | 2113 BLAZING TRAIL DR | | APEX NC 27502-3679 | 0721527139 |
| 36 | 32 | KING WA CHUNG & MEI WEN XIE | 2117 BLAZING TRAIL DR | | APEX NC 27502-3679 | 0721527153 |
| 37 | 33 | GREYSON & LAUREN DAVIS | 2121 BLAZING TRAIL DR | | APEX NC 27502-3679 | 0721527057 |
| 38 | 34 | JUAN CARLOS DELGADO & LORENA CASTELLANOS | 2677 LAKE WACCAMAW TRL | | APEX NC 27502-8558 | 0721528077 |
| 39 | 35 | LUTHER & KATHRYN CROSS | 2681 LAKE WACCAMAW TRL | | APEX NC 27502-8558 | 0721528173 |
| 40 | 36 | DANIEL & LINDA YAGER | 635 FIRST ST APT 104 | | ALEXANDRIA VA 22314-1575 | 0721528179 |
| 41 | 37 | CHRISTOPHER & CHRISTINA MARKULIC | 2689 LAKE WACCAMAW TRL | | APEX NC 27502-8558 | 0721528284 |
| 42 | 38 | RICHARD & KERRY PROSKE | 2693 LAKE WACCAMAW TRL | | APEX NC 27502-8558 | 0721528391 |
| 43 | 39 | JEREMY & MICHELLE AYCOCK | 2709 WEYMOUTH WOODS TRL | | APEX NC 27502-8566 | 0721528209 |
| 44 | 40 | BELLA CASA HOMEOWNERS ASSOCIATION, INC | OMEGA ASSOCIATION MANAGEMENT | 160 NE MAYNARD RD STE 210 | CARY NC 27513-9676 | 0721527343 |
| 45 | 41 | BRIAN & JEANETTE CALABRESE | 2765 LAKE WACCAMAW TRL | | APEX NC 27502-8555 | 0721526357 |
| 46 | 42 | MICHAEL & AMIE STEWART | 2696 LAKE WACCAMAW TRL | | APEX NC 27502-8558 | 0721620363 |
| 47 | 43 | KENNETH EINHORN & MARTINE THEVENET | 2692 LAKE WACCAMAW TRL | | APEX NC 27502-8558 | 0721620268 |
| 48 | 44 | NANCY GUENTHER | 2688 LAKE WACCAMAW TRL | | APEX NC 27502-8558 | 0721620262 |
| 49 | 45 | DAVID & BRENDA LAWHON | 2684 LAKE WACCAMAW TRL | | APEX NC 27502-8558 | 0721620157 |
| 50 | 46 | MICHAEL & SHARON FADELICI | 2680 LAKE WACCAMAW TRL | | APEX NC 27502-8558 | 0721620151 |
| 51 | 47 | CHARLES & REBECCA AIKENS | 2676 LAKE WACCAMAW TRL | | APEX NC 27502-8558 | 0721620056 |
| 52 | 48 | JOHNNY B ISENHOUR | 2640 WHISTLING QUAIL RUN | | APEX NC 27502-9699 | 0721623467 |
| 53 | 49 | JERRY BENJAMIN LEWTER SR TRUSTEE | JERRY BENJAMIN LEWTER SR FAMILY TRUST | 2700 WHISTLING QUAIL RUN | APEX NC 27502-8401 | 0721623186 |
| 54 | 50 | STEVEN THOMAS HARDESTY | 2712 WHISTLING QUAIL RUN | | APEX NC 27502-8401 | 0721613839 |
| 55 | 51 | ANDREW & SYLVIA PARKS | 2728 WHISTLING QUAIL RUN | | APEX NC 27502-8401 | 0721612452 |

AGENT AUTHORIZATION FORM

Application #: 19CZ20

Submittal Date: 10/1/2019

Otha McKoy Heirs 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: 2708 Blazing Trail Drive

The agent for this project is: Jones & Cossen Engineering, PLLC

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

Agent Name: Peter Cossen

Address: 221 N. Salem St, Suite 201, Apex, NC 27502

Telephone Number: 919-387-1124

E-Mail Address: peter@jonescossen.com

Signature(s) of Owner(s)*

Mattie Barber
Mattie Barber
 Type or print name

9-28-19
 Date

Nancy Thomas
Nancy Thomas
 Type or print name

9/28/2019
 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 #: 19CZ20

Submittal Date: 10/1/2019

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

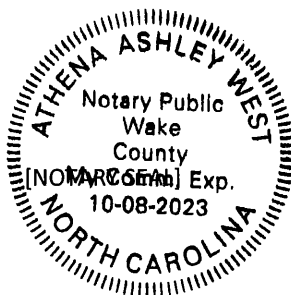
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2708 Blazing Trail Dr, Apex and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 3/09/2004, and recorded in the Wake County Register of Deeds Office on 3/10/2004, in Book 10704 Page 11064.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 3/09/2004, 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 3/09/2004, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30 day of September, 2019.

Nancy Thomas (seal)
Nancy Thomas
 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 Nancy Thomas, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Athena Ashley West
 Notary Public
 State of North Carolina
 My Commission Expires: 10/08/2023

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 19CZ20

Submittal Date: 10/1/2019

Insert legal description below.

Lying and being in Buckhorn Township, Wake County, North Carolina, and described as follows more fully to wit;
BEGINNING at a calculated point on the eastern right-of-way of Blazing Trail Drive and being the northwestern corner of The Townes At Bella Casa Association, Inc.; thence the following two (2) courses and distances with aforesaid eastern right-of-way, a curve in a counter-clockwise direction having a radius of 2,068.17 feet, a length of 34.45 feet and a chord of North 06°28'28" East, 34.45 feet to a calculated point, and North 06°00'00" East, 163.23 feet to a calculated point, being the southwestern corner of Lot 389 of Parkside At Bella Casa Phase 11; thence with the southern property lines of Lot 389, Lot 369, terminus of Lake Waccamaw Trail, and Lot 368 of Parkside At Bella Casa Phase 1, South 84°43'42" East, 427.08 feet to a calculated point, being the northwestern corner of Steven Thomas Hardesty; thence with the western property line of aforesaid Hardesty, South 06°00'00" West, 210.23 feet to a calculated point, being the northwestern corner of The Townes At Bella Casa Association, Inc.; thence with the northern property line of The Townes At Bella Casa Association, Inc., North 83°02'44" West, 427.39 feet to the point and place of BEGINNING and containing 2.00 acres more or less. The above described tract of land being all of Wake County PIN 0721.04-51-8983.

NOTICE OF NEIGHBORHOOD MEETING

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

09/18/19

Date

Dear Neighbor:

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

2708 Blazing Trail Drive

0721518983

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org.

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

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

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

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

Please see enclosed letter.

Estimated submittal date: October 1, 2019

MEETING INFORMATION:

Property Owner(s) name(s): Otha Mckoy Heirs

Applicant(s): Jones & Clossen Engineering, PLLC

Contact information (email/phone): peter@jonesclossen.com, 919-387-1174

Meeting Address: Halle Cultural Arts Center, 237 N Salem St, CAC Studio A

Date of meeting**: September 30, 2019

Time of meeting**: 6:00 - 8:00 pm

MEETING AGENDA TIMES:

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

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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>.



Jones & Clossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Fax: 919-387-3375
www.jonesclossen.com

September 18, 2019

RE: 2708 Blazing Trail Drive

Dear Property Owner,

On behalf of our client, we are preparing an application to change the zoning of the above referenced property to Medium Density Residential (MD). The MD zoning is consistent with the Town of Apex 2045 Land Use Map and the uses will be limited to single family and townhomes to match neighboring properties. This letter was sent to you because the Wake County tax records indicate that you own property within 300 feet of the rezoning area. The current zoning of the parcel is Rural Residential and we are asking the Town Council to approve this zoning change for a residential project. We have attached an area map showing the proposed zoning parcel.

There will be at least two official public hearings where you will have the opportunity to voice your opinion about this rezoning. The application should go before the Planning Board on December 9th, 2019 and then it should go to the Town Council for a final vote on December 17th, 2019.

We will be holding an informal meeting to offer you an additional opportunity to comment on this rezoning. The meeting will be held at The Halle Cultural Arts Center, located at 237 N Salem St. Apex, NC on September 30, 2019 from 6 pm - 8 pm. This is a time where I can present the zoning proposal and then you can comment on the plan. If you have any questions about the rezoning approval process or this informal meeting, please feel free to contact our office.

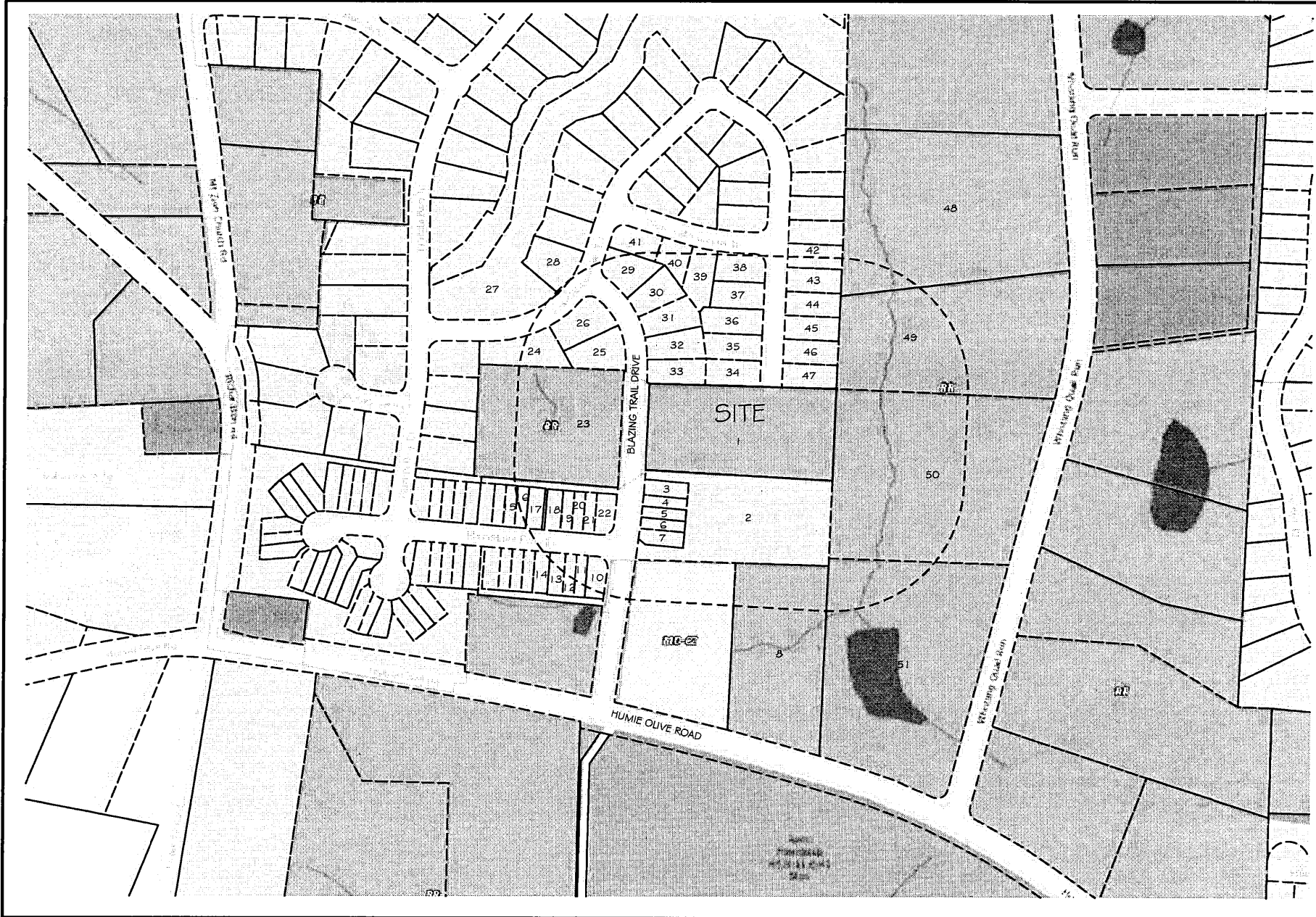
Respectfully,

A handwritten signature in black ink, appearing to read "Peter Clossen". The signature is fluid and cursive, with a large initial "P" and "C".

Peter Clossen, P.E.

Jones & Clossen Engineering, PLLC

W/attachment



201 N. SALEM ST.
 SUITE 50
 FAYETTEVILLE, NC 27315
 PHONE: 773-843-1178
 REGISTERED: P-0911

2708 BLAZING TRAIL DRIVE
 CONDITIONAL REZONING
 NEIGHBORHOOD MEETING NOTICE EXHIBIT

| | |
|----------|-----|
| NTS | PUC |
| 09/17/19 | |
| 1 | |
| 1924 | |

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: 2708 Blazing Trail Drive Zoning: MD-CZ
 Location: 2708 Blazing Trail Drive
 Property PIN(s): 0721518983 Acreage/Square Feet: 2.0

Property Owner: Otha Mckoy Heirs
 Address: 2708 Blazing Trail Drive
 City: Apex State: NC Zip: 27502
 Phone: _____ Email: _____

Developer: Faithwill Homes LLC
 Address: 2101 Della Court
 City: Apex State: NC Zip: 27502
 Phone: 9173717175 Fax: _____ Email: sanjay.khazanchi@gmail.com

Engineer: Peter Crossen, Jones & Crossen Engineering, PLLC
 Address: PO Box 1062
 City: Apex State: NC Zip: 27502
 Phone: 919-387-1174 Fax: 919-387-3375 Email: peter@jonescrossen.com

Builder (if known): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 7:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Noise & Hours of Construction: | Non-Emergency Police | 919-362-8661 |
| <p>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.</p> | | |
| Construction Traffic: | James Misciagno | 919-372-7470 |
| <p>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).</p> | | |
| Road Damage & Traffic Control: | Water Resources – Infrastructure Inspections | 919-362-8166 |
| <p>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.</p> | | |
| Parking Violations: | Non-Emergency Police | 919-362-8661 |
| <p>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.</p> | | |
| Dirt in the Road: | James Misciagno | 919-372-7470 |
| <p>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.</p> | | |
| Dirt on Properties or in Streams: | James Misciagno Danny Smith | 919-372-7470 Danny.Smith@ncdenr.gov |
| <p>Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.</p> | | |
| Dust: | James Misciagno | 919-372-7470 |
| <p>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.</p> | | |
| Trash: | James Misciagno | 919-372-7470 |
| <p>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.</p> | | |
| Temporary Sediment Basins: | James Misciagno | 919-372-7470 |
| <p>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.</p> | | |
| Stormwater Control Measures: | Mike Deaton | 919-249-3413 |
| <p>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.</p> | | |
| Electric Utility Installation: | Rodney Smith | 919-249-3342 |
| <p>Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.</p> | | |



September 30, 2019

2708 Blazing Trail – Rezoning Conditions

Single Family Homes

1. All residential buildings shall have exterior materials of brick, stone, wood and/or hardiplank siding.
2. All roofs shall be pitched at 5:12 or greater and shall be covered with wood or asphalt shingles.
3. Covered porches are required on the front façade of each residence facing the public right-of-way.
4. All single-family homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.

Duplexes

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All duplexes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. The garage cannot protrude more than 1 foot out from the front façade or front porch.
5. The width of the garage doors shall be no more than 60% of the total width of the house and garage together.
6. Eaves shall project at least 12 inches from the wall of the structure.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer

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.

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Meeting Address: Halle Cultural Arts Center, 237 N Salem St, CAC Studio A
 Date of meeting: September 30, 2019 Time of meeting: 6:00 - 8:00 pm
 Property Owner(s) name(s): Otha Mckoy Heirs
 Applicant(s): Faithwill Homes, LLC

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

| | NAME/ORGANIZATION | ADDRESS | PHONE # | EMAIL | SEND PLANS & UPDATES |
|-----|-------------------|----------------------------------|---------|-------|----------------------|
| 1. | Charles Aikens | 2676 Lake Waccamaw Trk | | | |
| 2. | Rebecca Aikens | " | | | |
| 3. | Ramiro Aguirre | 27 27 Mesonboro Ferry | | | |
| 4. | Jon Delgado | 2677 Lake Waccamaw Trk | | | |
| 5. | Greyson Davis | 2121 Blazing Trail | | | |
| 6. | Mark Flugrath | 2109 Blazing Trail | | | |
| 7. | | | | | |
| 8. | | | | | |
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| 10. | | | | | |
| 11. | | | | | |
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| 13. | | | | | |
| 14. | | | | | |

Use additional sheets, if necessary.

NEIGHBORHOOD MEETING SIGN-IN SHEET

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Meeting Address: Halle Cultural Arts Center, 237 N Salem St, CAC Studio A
 Date of meeting: September 30, 2019 Time of meeting: 6:00 - 8:00 pm
 Property Owner(s) name(s): Otha Mckoy Heirs
 Applicant(s): Faithwill Homes, LLC

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

Townes
HOA
* Pres

| | NAME/ORGANIZATION | ADDRESS | PHONE # | EMAIL | SEND PLANS & UPDATES |
|-----|--------------------|-------------------------|---------|-------|----------------------|
| 1. | Kristen McClure | 2715 Masonboro Ferry Dr | | | |
| 2. | Scott Domes | 2710 Weymouth Woods Tr | | | |
| 3. | Jeremy Aycock | 2709 Weymouth Woods Tr | | | |
| 4. | Nick Johnson | 2712 Lake Waccamaw Tr | | | |
| 5. | Mary Jo Aguirre | 2727 Masonboro Ferry | | | |
| 6. | Sharon Fadelier | 2680 Lake Waccamaw Tr | | | |
| 7. | David & Ann Lawhon | 2684 Lake Waccamaw | | | |
| 8. | RICK BUNNELL | 2770 MASONBORO FERRY | | | |
| 9. | PETER MAJKA | 2710 MASONBORO FERRY | | | |
| 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): Otha Mckoy Heirs

Applicant(s): Faithwill Homes, LLC

Contact information (email/phone): peter@jonescrossen.com/919-387-1174

Meeting Address: Halle Cultural Arts Center, 237 N Salem St, CAC Studio A

Date of meeting: September 30, 2019

Time of meeting: 6:00-8:00 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:

Are buffers required between properties and can they be increased in size and number of plantings?

Applicant's Response:

Perimeter buffers are required and they will meet the minimum requirements of the Town UDO. Buffers may be increased in both dimension and number of plantings. This will be discussed with the owner.

Question/Concern #2:

Two direct neighbors asked if buffers are allowed to be cleared? They are concerned about tall pines along the property line and the potential for damage.

Applicant's Response:

In general, developments are not allowed to clear perimeter buffers as they are to remain intact. But, I would discuss this possibility with staff since it was brought up as a concern by adjoining property owners.

Question/Concern #3:

What is the intent for extension of Lake Waccamaw Trail?

Applicant's Response:

Lake Waccamaw Trail is planned to dead end in a cul-de-sac. There is no intent for extension back to Blazing Trail Drive or to adjacent properties to the south and east.

Question/Concern #4:

Traffic was discussed as the neighbors have witnessed cut through traffic to avoid the school area. Also, there was mention of the coming elementary school and potential intersection issues on Humie Olive Road.

Applicant's Response:

The planned development will only yield about 6 lots given minimum lot widths in MD zoning. So, the development should not have any adverse impact on traffic.

Summary of Discussion from the Neighborhood Meeting 09/30/19

Additional Questions

Q: Will the development have an HOA?

A: The development will likely have an HOA. The owner may petition to join the neighboring HOA if there is interest. This has not been discussed but may be done in the future if there is interest.

Q: Will the development construct a stormwater pond? And will drainage be diverted away from neighboring properties to the north?

A: The development will be required to meet Town of Apex stormwater requirements. It's envisioned that the stormwater device will be constructed in the southeastern corner of the site; adjacent to HOA property since no structures exist in this area. Site runoff will be directed away from neighboring properties to the north as much as practical.

Q: Will the development be allowed to have a cell tower?

A: No. Cell towers are not a permitted use in rezoning petition.

Q: What are the proposed number of lots?

A: MD zoning allows up to 6 units/acre. However, given the 50' minimum lot width, only 5-6 lots are envisioned for the development. The street frontage is planned to match existing Parkside at Bella Casa.

Q: Concern expressed for heavy traffic on Lake Waccamaw Trail during construction.

A: Development of lots along Blazing Trail Drive would likely be accessed from this street. However, Lake Waccamaw Trail will need to be use for development of lots at the end of this street.

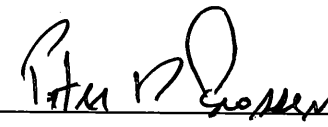
AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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, Peter Cnossen, do hereby declare as follows:
Print Name

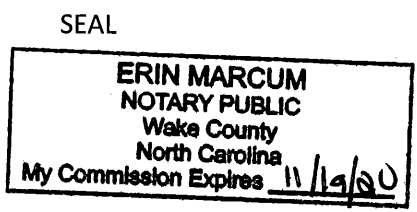
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of 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 Halle Cultural Arts Center, 237 N Salem St, CAC Studio A (location/address) on September 30, 2019 (date) from 6:00 pm (start time) to 8:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.


10/1/19
Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 1st day of October, 2019.




Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2020