

# STAFF REPORT

Rezoning #19CZ20 2708 Blazing Trail Drive

December 17, 2019 Town Council Meeting



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

## **BACKGROUND INFORMATION:**

**Location:** 2708 Blazing Trail Drive

**Applicant/Owner:** Peter Crossen, Jones & Crossen Engineering, PLLC./Otha Mckoy Heirs

## **PROJECT DESCRIPTION:**

**Acreage:** ±2.00

**PIN:** 0721518983

**Current Zoning:** Rural Residential (RR)

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

**2045 Land Use Map:** Medium Density Residential

**Town Limits:** In Town

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

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ10)	Single-family residential (Parkside at Bella Casa)
<b>South:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ10)	Single-family residential (Parkside at Bella Casa)
<b>East:</b>	Rural Residential (RR)	Single-family residential; Vacant
<b>West:</b>	Rural Residential (RR)	Single-family residential; Vacant

## **Existing Conditions:**

The subject property is located on the east side of Blazing Trail, just north of Humie Olive Road and Apex Friendship High School. There are two existing residential structures on the property.

## **Neighborhood Meeting:**

The applicant conducted a neighborhood meeting on September 30, 2019. The neighborhood meeting report is attached.

## **2045 LAND USE MAP:**

The 2045 Land Use Map identifies the properties subject to this rezoning as Medium Density Residential. The proposed rezoning to Medium Density-Conditional Zoning (MD-CZ) is consistent with that land use classification.



**PROPOSED ZONING CONDITIONS:**

**Limitation of Uses:**

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

**Permitted Uses and Limitations:**

1. Single-family
2. Utility, minor
3. Accessory apartment

**Conditions:**

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
  - 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.

## STAFF REPORT

Rezoning #19CZ20 2708 Blazing Trail Drive

December 17, 2019 Town Council Meeting



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.
15. All single-family homes shall be built to meet or exceed the minimum standards for Energy Star certification.
16. A pedestrian connection consisting of 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 the existing sidewalk within the Townes at Bella Casa Association, Inc. to the south. If an easement is not granted for this sidewalk connection by the Townes at Bella Casa Association, Inc., then the pedestrian connection consisting of 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.
17. 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.

### **PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of #19CZ20 with the conditions offered by the applicant.

### **PLANNING BOARD RECOMMENDATION:**

The Planning Board heard this item at their December 9, 2019 meeting and unanimously recommended approval.

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

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

Approval of the rezoning is reasonable because the proposed Medium Density Residential-Conditional Zoning district is consistent with Medium Density Residential land use classification on the 2045 Land Use Map. The density will be keeping with the surrounding approved development and provide a transition between the single-family dwellings to the north and the townhomes to the south.

The proposed rezoning is reasonable and in the public interest because the proposed rezoning will continue the single-family development pattern from the north and provide a public pedestrian connection to Blazing Trail Drive from the adjacent properties to the north. 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.

### **CONDITIONAL ZONING STANDARDS:**

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

#### **Legislative Considerations**

The applicant shall propose site-specific standards and conditions that take into account the following

## STAFF REPORT

Rezoning #19CZ20 2708 Blazing Trail Drive

December 17, 2019 Town Council Meeting



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



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:

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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.

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**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	_____



**PETITION INFORMATION**

Application #:

19CZ20

Submittal Date:

10/11/2019

**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.

**LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING**

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

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

The medium density residential (MD) zoning is consistent with 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.

The limited uses and density for this parcel are compatible with the adjacent neighborhoods consisting of single family homes and townhomes.

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.
15. All single-family homes shall be built to meet or exceed the minimum standards for Energy Star certification.

#### Pedestrian Connection

A pedestrian connection consisting of 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 the existing sidewalk within The Townes at Bella Casa Association, Inc. to the south. If an easement is not granted for this sidewalk connection by The Townes at Bella Casa Association, Inc., then the pedestrian connection consisting of 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.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

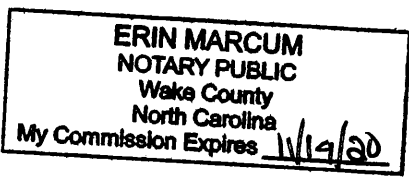
Date: 10/1/19

By: Peter Lippert

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 1<sup>st</sup> day of October, 2019.

SEAL

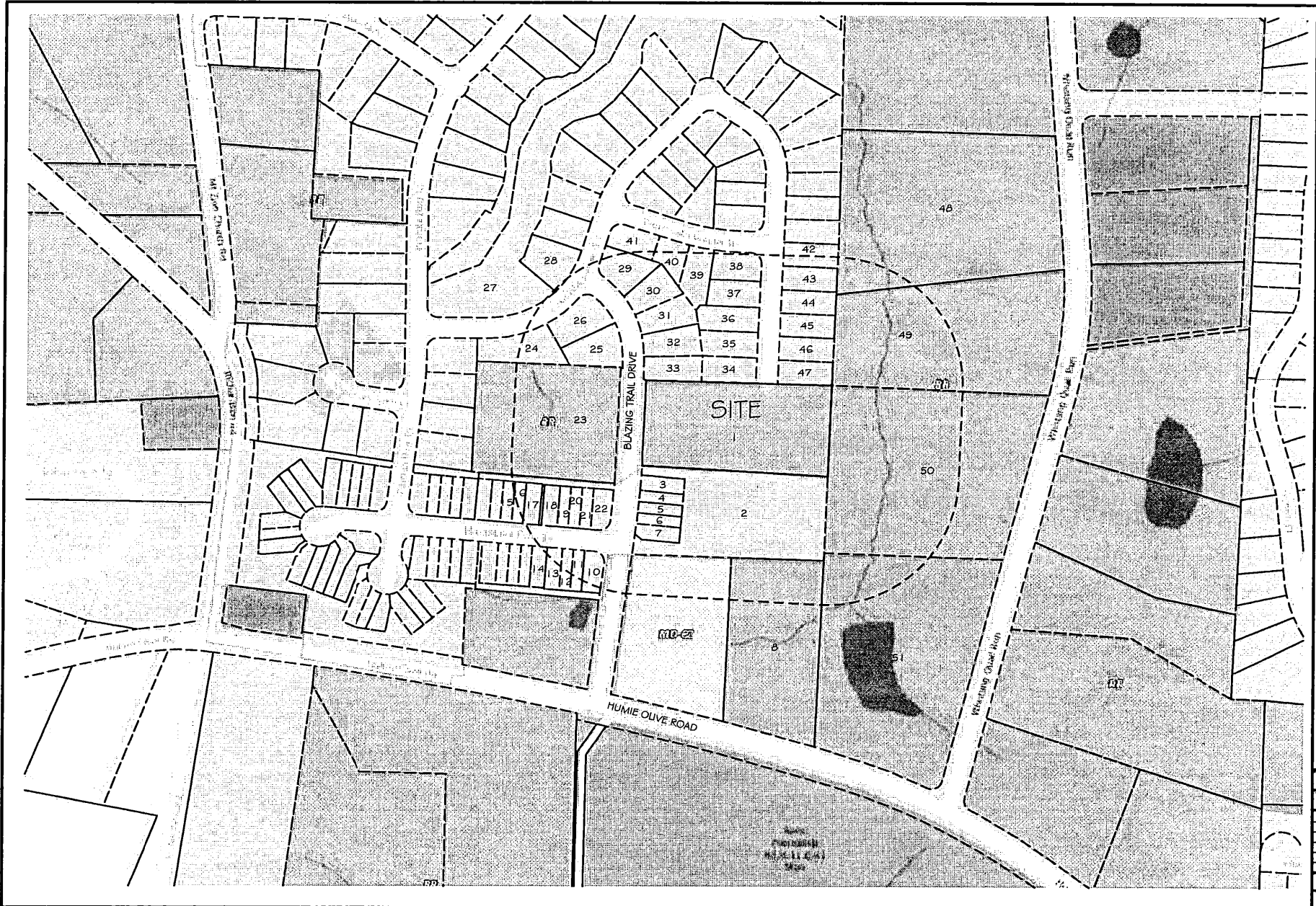


Erin Marcum  
Notary Public  
Erin Marcum  
Print Name

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





**Jones & Crossen**  
ENGINEERING, PLLC



221 N. SALMON ST.  
SUITE 201  
APEX, NC 27502  
Office: 919-487-1122  
Registration: P-0811

2708 BLAZING TRAIL DRIVE  
CONDITIONAL REZONING  
NEIGHBORHOOD MEETING NOTICE EXHIBIT

NTS PCC

08/17/19

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**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: 919.382.1124

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:

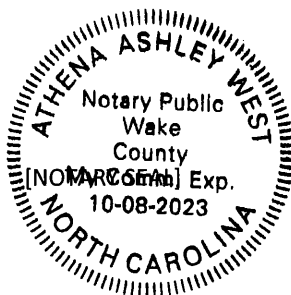
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2708 Blazing Trail Dr, Apex and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
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](http://www.apexnc.org).

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

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

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

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

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](http://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 9<sup>th</sup>, 2019 and then it should go to the Town Council for a final vote on December 17<sup>th</sup>, 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.

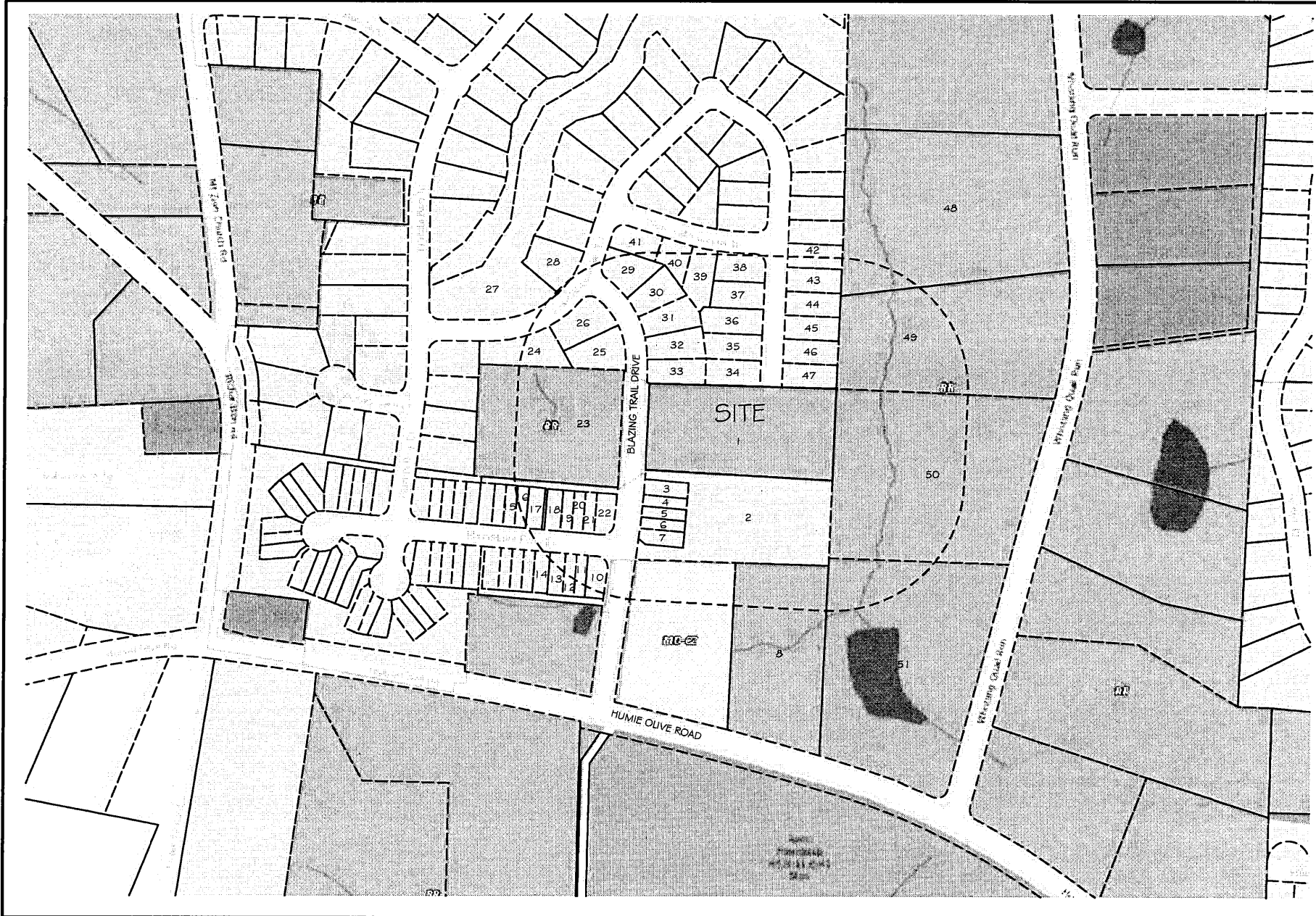
Respectfully,

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	70%
09/17/19	
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# 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





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.

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	<del>2727</del> 2727 Mesonboro Ferry			
4.	Jon Delgado	2677 Lake Waccamaw Trk			
5.	Greyson Davis	2121 Blazing Trail			
6.	Mark Flugrath	2109 Blazing Trail			
7.					
8.					
9.					
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12.					
13.					
14.					

Use additional sheets, if necessary.

# 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: 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			
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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.

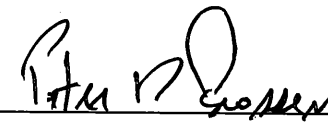
# AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

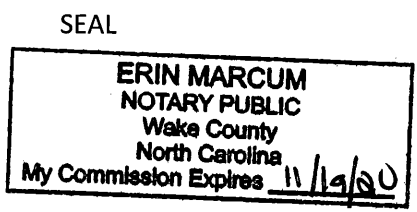
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of 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 1<sup>st</sup> day of October, 2019.



  
Notary Public  
Erin Marcum  
Print Name

My Commission Expires: November 19, 2020

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning #19CZ20 2708 Blazing Trail Drive

December 9, 2019 Planning Board Meeting



## Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment 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:** +/- 2.00 acres  
**PIN:** 0721518983  
**Current Zoning:** Rural Residential (RR)  
**Proposed Zoning:** Medium Density-Conditional Zoning (MD-CZ)  
**2045 Land Use Map:** Medium Density Residential  
**Town Limits:** In Town 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: \_\_\_\_\_

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

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

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning #19CZ20 2708 Blazing Trail Drive

December 9, 2019 Planning Board Meeting



## 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 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.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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4. *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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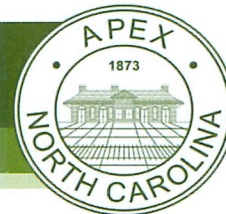
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# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning #19CZ20 2708 Blazing Trail Drive

December 9, 2019 Planning Board Meeting



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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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10. *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning #19CZ20 2708 Blazing Trail Drive

December 9, 2019 Planning Board Meeting



Planning Board Recommendation:

Motion: to recommend approval as submitted.

Introduced by Planning Board member: Beth Godfrey

Seconded by Planning Board member: Mark Steele

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:

As submitted by the applicant.

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

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

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9<sup>th</sup> day of December 2019.

Attest:

Margo J. Bills  
Margo Bills, Planning Board Chair

Dianne F. Khin  
Dianne Khin, Planning Director



# TOWN OF APEX

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

# PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #19CZ20  
2708 Blazing Trail Drive

Pursuant to the provisions of North Carolina General Statutes Section 160A-364 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 and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** Otha McKoy Heirs

**Authorized Agent:** Peter Crossen, Jones & Crossen Engineering, PLLC

**Property Address:** 2708 Blazing Trail Drive

**Acreage:** ±2.00

**Property Identification Number (PIN):** 0721518983

**2045 Land Use Map Designation:** Medium Density Residential

**Current Zoning of Property:** Rural Residential (RR)

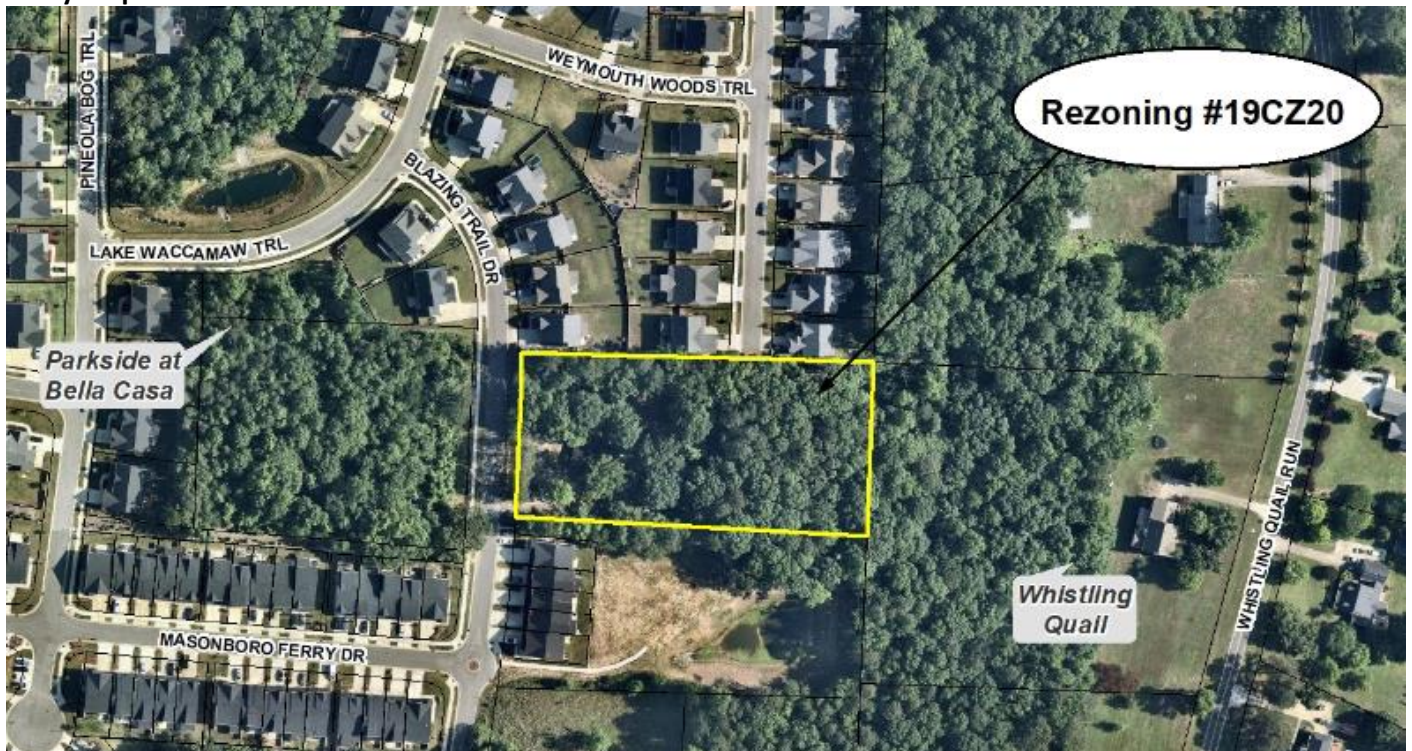
**Proposed Zoning of Property:** Medium Density-Conditional Zoning (MD-CZ)

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

**Planning Board Public Hearing Date and Time:** December 9, 2019 4:30 P.M.

**Town Council Public Hearing Date and Time:** December 17, 2019 7:00 P.M.

### Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/29324>.

Dianne F. Khin, AICP  
Planning Director



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

### PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #19CZ20  
2708 Blazing Trail Drive

Pursuant to the provisions of North Carolina General Statutes Section 160A-364 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 and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Otha McKoy Heirs  
Authorized Agent: Peter Clossen, Jones & Clossen Engineering, PLLC  
Property Address: 2708 Blazing Trail Drive  
Acreage: ±2.00  
Property Identification Number (PIN): 0721518983  
2045 Land Use Map Designation: Medium Density Residential  
Current Zoning of Property: Rural Residential (RR)  
Proposed Zoning of Property: Medium Density-Conditional Zoning (MD-CZ)

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

Planning Board Public Hearing Date and Time: December 9, 2019 4:30 P.M.  
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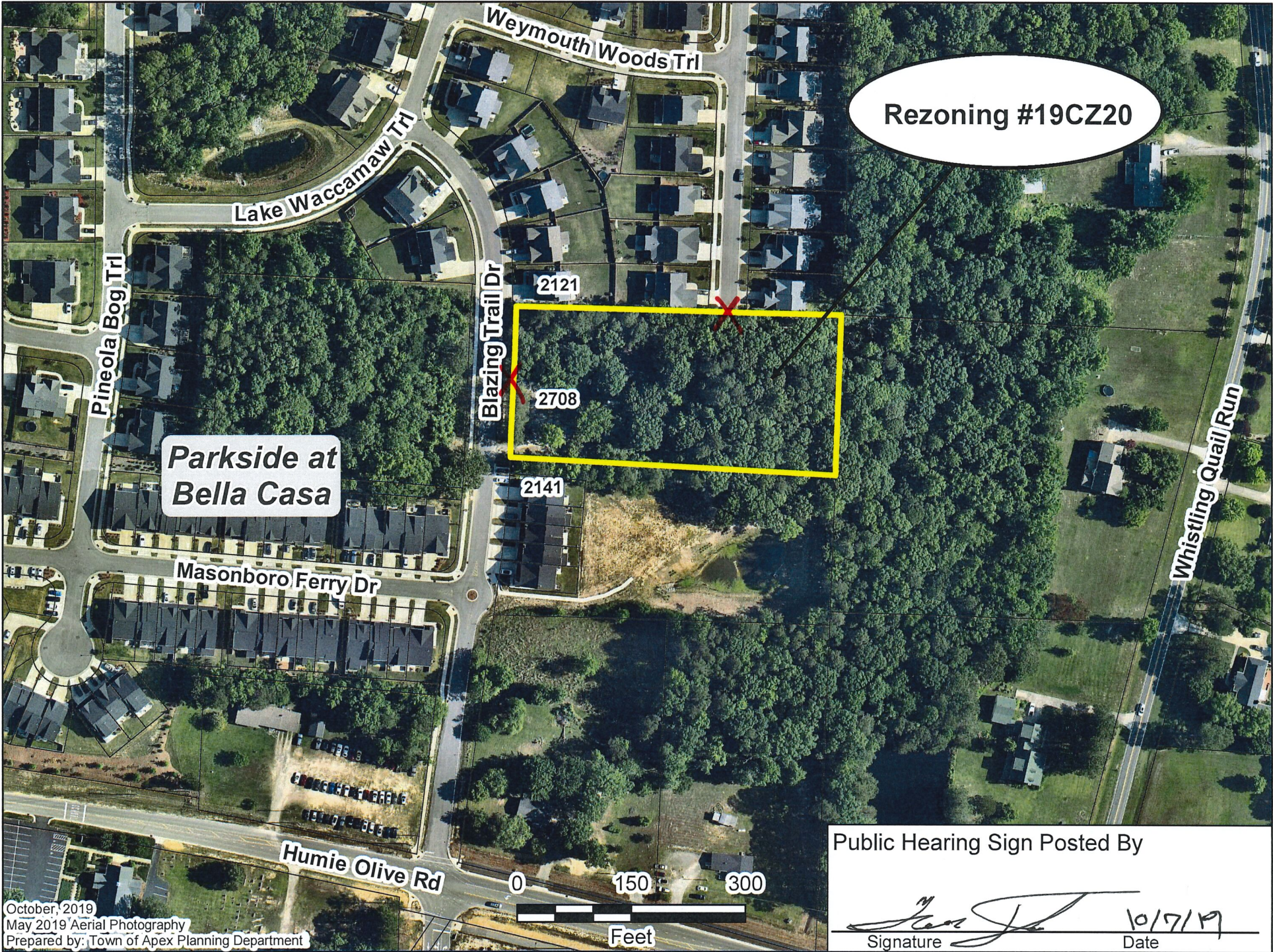
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Dianne F. Khin, AICP  
Planning Director

Published Dates: November 22, 2019-December 17, 2019



Rezoning #19CZ20

Parkside at Bella Casa

October, 2019  
May 2019 Aerial Photography  
Prepared by: Town of Apex Planning Department

0 150 300  
Feet

Public Hearing Sign Posted By

*[Signature]* 10/7/19  
Signature Date



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

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

Section 2.2.11  
 Town of Apex Unified Development Ordinance

Project Number and/or Name: Rezoning #19CZ20  
 Project Location: 2708 Blazing Trail Drive  
 Applicant or Authorized Agent: Peter Clossen  
 Firm: Jones & Clossen Engineering, PLLC

This is to certify that I as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on November 22, 2019, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

11/22/19  
 Date

*Maime F. Khin*  
 Planning Director

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 22 day of November, 2019.



*Jeri Chastain Pederson*  
 Notary Public

My Commission Expires: 03 / 10 / 2024