

# STAFF REPORT

Rezoning #19CZ12 Kissena Lane PUD

January 21, 2020 Town Council Meeting



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

## **BACKGROUND INFORMATION:**

**Location:** 0 & 1105 Tingen Road

**Applicant/Owner:** Jeff Roach, Peak Engineering & Design, PLLC / Hector Cuales

## **PROJECT DESCRIPTION:**

**Acreage:** 1.74 ± acres

**PINs:** 0741361302, 0741269237, & 0741268380

**Current Zoning:** Residential Agricultural (RA) & High Density Single-family Residential (HDSF)

**Proposed Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

**Town Limits:** 0741269237 is in Town limits, 0741361302 & 0741268380 are in the ETJ

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

|               | <b>Zoning</b>                                 | <b>Land Use</b>   |
|---------------|---|---|
| <b>North:</b> | Residential Agricultural (RA)                 | Single-family Residential (Perry Farms subdivision);<br>Vacant    |
| <b>South:</b> | High Density Single-family Residential (HDSF) | Single-family Residential (Bradley Park/Perry Farms subdivisions) |
| <b>East:</b>  | High Density Single-family Residential (HDSF) | Single-family Residential (Bradley Park subdivision)              |
| <b>West:</b>  | High Density Multi-family Residential (HDMF)  | Multi-family Residential (West Haven Apartments)                  |

## **Existing Conditions:**

The subject properties are located north of the current termination of Kissena Lane and east of Tingen Road. Two of the properties are vacant and wooded. The property at 1105 Tingen Road contains a residential structure.

## **Neighborhood Meeting:**

The applicant conducted a neighborhood meeting on May 29, 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 Planned Unit Development-Conditional Zoning 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. Greenway
4. Park, active
5. Park, passive
6. Recreational facility, private
7. Accessory apartment

**Permitted Design Controls:**

1. **Maximum Density**  
Maximum residential density for the project is 5.8 units per gross acre.  
Maximum number of lots is 10.
  
2. **Maximum Height of the Buildings**  
Maximum height – 36’
  
3. **Minimum Building Setbacks**  
Front Yard – 20’ Minimum  
Side Yard – 5’ Minimum  
Rear Yard – 10’ Minimum
  
4. **Minimum Lot Width**  
Minimum lot width - 33’
  
5. **Percentage of Built Upon Area**  
The UDO allows for a maximum 70 percent (70%) of built upon area in a PUD project and the Kissena Lane PUD will not exceed that amount.
  
6. **Perimeter Buffers**

| <b>Perimeter Buffers:</b>  | <b>Required</b>              | <b>Proposed</b>     |
|----------------------------|------------------------------|---------------------|
| Western property boundary  | 15’ Type A                   | Solid 6’ wood fence |
| Eastern property boundary  | 20’ Type B                   | 50’ Stream Buffer   |
| Southern property boundary | 15’ Type A                   | Solid 6’ wood fence |
| Northern property boundary | 10’ Type B and<br>20’ Type B | Solid 6’ wood fence |

The proposed wooden fence in lieu of standard buffer plantings is aimed at reducing overall development costs in order to provide affordable housing options for the entire project. The proposed wood fence and 50’ stream buffer will maintain consistency with existing single-family development to the south and multi-family development to the west.



**7. Percentage of Resource Conservation Area**

The PUD is providing at least 20% of the total area for Resource Conservation Area (RCA) and landscape buffers. If the residential single-family lots are mass graded, then the project shall dedicate an additional 2% RCA. [Note: This PUD rezoning was submitted in June prior to the July UDO amendment changing the additional RCA requirement to 5% for mass graded subdivisions.]

**Architectural Standards:**

Single-Family Detached Residential Standards

1. Vinyl siding is permitted for exterior building materials.
2. The roof shall be pitched at 5:12 or greater. This excludes porches, screen porches, bay windows, and decorative elements.
3. Eaves shall project at least 8 inches from the wall of the structure.
4. 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
5. House entrances may be placed at finished grade or a raised floor with crawl space.
6. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
7. Front porches shall be a minimum of 6 feet deep.

**Affordable Housing:**

100% of the dwelling units developed on the property shall be set at a price that, on average, is affordable to a household with an annual income of 70% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development (HUD).

While the Town of Apex does not currently have an affordable housing policy in place, the proposed condition that 100% of the units be set at a price that, on average, is affordable to a household with an annual income of 70% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development (HUD), is a step in the right direction.

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The following is recent Wake County data that frames the discussion regarding affordability:

### Wake County AMI, Individual:

- \$59,100
- \$47,280 – 80%
- \$41,370 – 70%
- \$35,460 – 60%

### Wake County AMI, Family of four:

- \$84,300
- \$67,440 – 80%
- \$59,010 – 70%
- \$50,580 – 60%

### Payscale.com average annual salaries for Raleigh area:

- WCPSS school teacher: \$46,178 (average of elementary, middle, and high school salaries)
- Police officer: \$41,822
- Entry level bookkeeper: \$34,817

### Salary.com average annual salaries for Raleigh area:

- City planner: \$45,758
- Firefighter: \$44,602
- Administrative assistant: \$39,662
- Grocery store stock clerk: \$31,855
- Preschool teacher: \$30,698

### **Pedestrian Connectivity:**

The existing Kissena Lane does not include sidewalks on either side of the roadway. This PUD proposes to continue the existing design for the Kissena Lane extension. This provision also aids in reducing construction costs in order to achieve the affordability goal.

### **Public Facilities:**

Kissena Lane PUD will consist of the extension of public facilities to serve the site. All public facilities and infrastructure shall comply with the Town of Apex Sewer and Water Master Plans and the *Town of Apex Standards and Specifications*.

### **PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:**

Since this PUD proposes less than 30 single-family detached units the project was not required to be reviewed by the Park, Recreation, and Cultural Resources Advisory Commission and a fee-in-lieu or land dedication will be required based on the date that Town Council approves the rezoning.

### **APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:**

The proposed PUD is consistent with the Apex Transportation Plan. The proposed PUD includes the extension of Kissena Lane north to stub to the property to the north for future development potential.



**PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION:**

Planning staff recommends approval of #19CZ12 Kissena Lane PUD with the conditions as offered by the applicant.

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

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

Approval of the rezoning is reasonable because the proposed Planned Unit Development-Conditional Zoning district is consistent with the Medium Density Residential land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will allow for the development of affordable, infill single-family residential development that will be compatible with the single-family uses to the north, south, and east. The proposed rezoning will also maintain the character and appearance of the area.

**PLANNING BOARD RECOMMENDATION:**

Planning Board heard this item at their January 13, 2020 meeting and unanimously recommended approval.

**PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:**

***Standards***

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town’s adopted land development regulations for routine developments.

1) *Planned Unit Development (PUD-CZ) District*

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.



- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
- v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 *Resource Conservation Area*, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than two percent (2%) provided that:
  - (i) The PD Plan for PUD-CZ includes a non-residential component; or
  - (ii) The PD Plan for PUD-CZ has an overall density of 6 residential units per acre or more.
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be



permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
  - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
  - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
  - (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.
  - (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.



- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town’s 2045 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

**CONDITIONAL ZONING STANDARDS:**

The Planning Board shall find the Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

**Legislative Considerations**

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use’s compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use’s minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use’s minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use’s avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.



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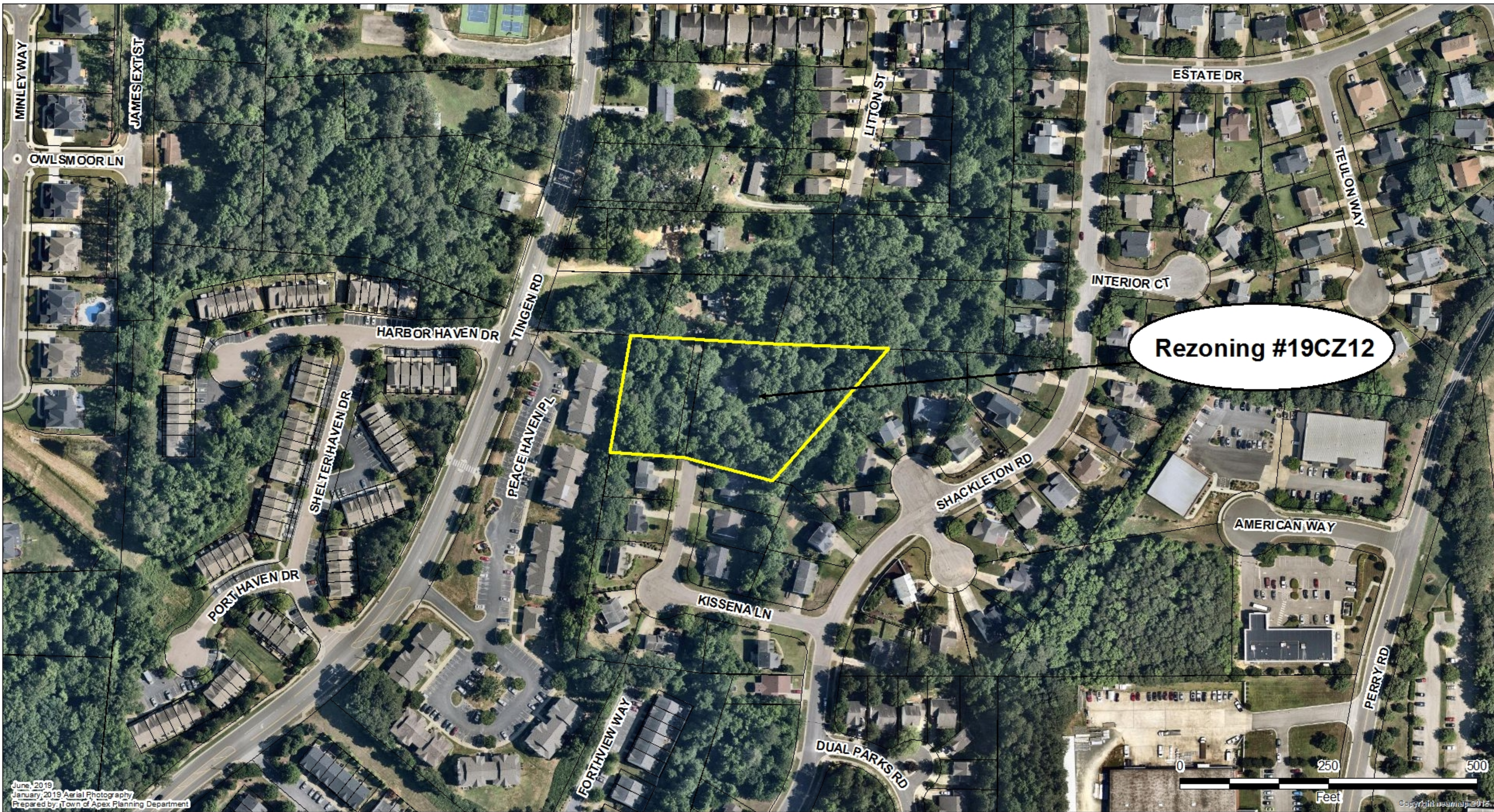


7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

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

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

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



Rezoning #19CZ12

## PLANNED UNIT DEVELOPMENT APPLICATION

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 #: 19CZ12 Submittal Date: \_\_\_\_\_  
Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_

## PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: \_\_\_\_\_

Address(es): \_\_\_\_\_

PIN(s) \_\_\_\_\_

\_\_\_\_\_ Acreage: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Current 2045 LUM Designation: \_\_\_\_\_

Requested 2045 LUM Designation: \_\_\_\_\_

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: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Owner Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Agent Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Other contacts: \_\_\_\_\_

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



## LEGAL DESCRIPTION

BEGINNING at a point at the eastern right of way of Apex – Kissena Lane, said point having North Carolina State Plane Coordinates of North: 716185.88, East: 2042966.10; thence S 75°25'28.9" E a distance of 114.0' to a point; thence N 41°31'17.7" E a distance of 159.57' to a point; thence N 41°02'51.63" W a distance of 135.43' to a point; thence N 87°31'47.18" W a distance of 194.25' to a point; thence N 86°36'12.88" W a distance of 115.97' to a point; thence N 86°36'13.48" W a distance of 15.09' to a point; thence N 86°46'43.74" W a distance of 68.94' to a point; thence N 86°46'44.71" W a distance of 40.12' to a point; thence S 10°01'58.36" W a distance of 199.57' to a point; thence S 86°24'20.96" E a distance of 109.94' to a point; thence S 76°02'36.51" E a distance of 5.22' to a point; thence N 86°21'54.99" E a distance of 11.0' to a point; thence S 75°25'28.79" E a distance of 39.0' to the original Point of Beginning.

The above described annexation area containing an area of 75,917 square feet (1.74 acres).

All deeds referenced above recorded in Wake County Register of Deeds.

**CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS**

Application #: 19CZ12

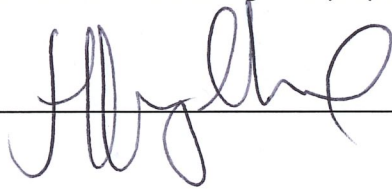
Submittal Date: 6/3/19

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

|     | Owner's Name | PIN |
|-----|--------------|-----|
| 1.  | See Attached |     |
| 2.  |              |     |
| 3.  |              |     |
| 4.  |              |     |
| 5.  |              |     |
| 6.  |              |     |
| 7.  |              |     |
| 8.  |              |     |
| 9.  |              |     |
| 10. |              |     |
| 11. |              |     |
| 12. |              |     |
| 13. |              |     |
| 14. |              |     |
| 15. |              |     |

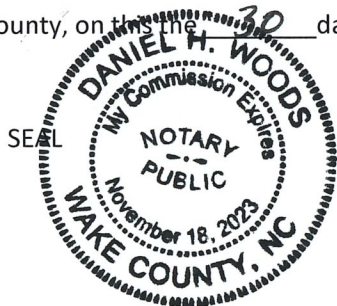
I, Jeff Roach, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.


Date: 5/30/2019

By: 

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, DANIEL H WOODS, a Notary Public for the above State and County, on this the 30 day of MAY, 2019.



  
 Notary Public  
DANIEL H WOODS  
 Print Name

My Commission Expires: 11/18/23

| Owner   | Mail Address 1            | Mail Address 2               | PIN       |
|---|---------------------------|------------------------------|-----------|
| STEPHENS, ASHLEY  | 1106 KISSENA LN           | APEX NC 27502-1864           | 741257899 |
| FAHRER, NOLAN BENNETT, STEPHANIE                          | 1104 KISSENA LN           | APEX NC 27502-1864           | 741259808 |
| WESTHAVEN TOWNHOMES HOMEOWNERS<br>ASSN PPM                | 11010 RAVEN RIDGE RD      | RALEIGH NC 27614-8837        | 741261195 |
| GALLOWAY, JOSEPH CLEVELAND                                | 211 JAMES ST              | APEX NC 27502-2121           | 741264605 |
| PITTMAN, ROBERT ALEXANDER PITTMAN,<br>ROBIN               | 103 HARBOR HAVEN DR       | APEX NC 27502-4726           | 741265313 |
| KELLY, BRIAN KELLY, KATHLEEN                              | 1207 CAIRPHILLY CASTLE CT | APEX NC 27502-4064           | 741265333 |
| FEDERAL HOME APEX, LLC FEDERAL HOME<br>HARDEE TERRACE LLC | 274 MADISON AVE RM 1401   | NEW YORK NY 10016-0701       | 741266052 |
| JUDD, REGINALD JUDD, TONY                                 | 8001 SMITH RD             | APEX NC 27539-9550           | 741266614 |
| AMOROSO, JOHN AMOROSO, JAME L                             | 936 TINGEN RD             | APEX NC 27502-8736           | 741266639 |
| EPPS, DANIEL JR EPPS, CURTIS LEROY                        | 501 BURTON ST             | FUQUAY VARINA NC 27526-1607  | 741267486 |
| BALDWIN, H B HEIRS  | PO BOX 2331               | RALEIGH NC 27602-2331        | 741267558 |
| NGUYEN, CHAU  | 1108 KISSENA LN           | APEX NC 27502-1864           | 741268011 |
| AYLSWORTH, ART AYLSWORTH, GRETCHEN                        | 1110 KISSENA LN           | APEX NC 27502-1864           | 741268038 |
| TURLEY, ZACHARY TURLEY, JENNIFER                          | 1114 KISSENA LN           | APEX NC 27502-1864           | 741268146 |
| CUALES, HECTOR  | 3308 WHITTINGHAM DR       | NEW HILL NC 27562-8985       | 741268380 |
| GALLOWAY, JOSEPH CLEVELAND                                | 211 JAMES ST              | APEX NC 27502-2121           | 741268652 |
| MANGUM, STELLA J HEIRS C/O PATRICIA M<br>BECKWITH         | 2909 EARTH DR             | APEX NC 27539-6266           | 741268658 |
| CUALES, HECTOR  | 3308 WHITTINGHAM DR       | NEW HILL NC 27562-8985       | 741269237 |
| CHAVIS, FRANCES E EPPS, CURTIS LEROY                      | PO BOX 153                | APEX NC 27502-0153           | 741269566 |
| CLARK, MATTHEW L  | 1000 SHACKLETON RD        | APEX NC 27502-5313           | 741350816 |
| CUALES, MARLENE D   | 3308 WHITTINGHAM DR       | NEW HILL NC 27562-8985       | 741351909 |
| BROOKS, MICHAEL BROOKS, TAMEKA                            | 903 SHACKLETON RD         | APEX NC 27502-5312           | 741352867 |
| POLO, ESTEBAN JORGE                                       | 837 SHACKLETON RD         | APEX NC 27502-1221           | 741352985 |
| MCDANIEL, CARL MCDANIEL, MILISA                           | 1109 KISSENA LN           | APEX NC 27502-1864           | 741360000 |
| TSUN, DAVID LIN, TUEY                                     | 1111 KISSENA LN           | APEX NC 27502-1864           | 741360017 |
| VANDEBROEK, AMANDA  | 1113 KISSENA LN           | APEX NC 27502-1864           | 741360124 |
| JOHNSON, MARY G JOHNSON, TRACY M                          | 1007 TINGEN RD            | APEX NC 27502-8766           | 741360405 |
| ROMINGER, TIM   | 112 LITTON ST             | APEX NC 27502-1228           | 741360636 |
| BASHOR, GREGORY   | 902 SHACKLETON RD         | APEX NC 27502-5311           | 741361027 |
| GOLDER, MICHAEL COLLINS JR GOLDER,<br>ANDREA COAKLEY      | 832 SHACKLETON RD         | APEX NC 27502-1215           | 741361179 |
| CUALES, HECTOR HOOKER, WALTER E<br>HEIRS                  | 3308 WHITTINGHAM DR       | NEW HILL NC 27562-8985       | 741361302 |
| AMH NC PROPERTIES LP                                      | 30601 AGOURA RD STE 200   | AGOURA HILLS CA 91301-2148   | 741361635 |
| SIDNER, ROBERT W JR SIDNER, CYNTHIA                       | 1141 NEWMARKET DR         | VIRGINIA BEACH VA 23464-5707 | 741361649 |
| ZHANG, WENLI  | 834 SHACKLETON RD         | APEX NC 27502-1215           | 741362110 |
| MAGLY, MARTIN GEORGE                                      | 830 SHACKLETON RD         | APEX NC 27502-1215           | 741362258 |
| CUALES, MARLENE DELORIS                                   | 3308 WHITTINGHAM DR       | NEW HILL NC 27562-8985       | 741362484 |
| CUALES, MARLENE DELORIS                                   | 3308 WHITTINGHAM DR       | NEW HILL NC 27562-8985       | 741362672 |
| TASKA, JEFFREY  | 111 LITTON ST             | APEX NC 27502-1229           | 741362686 |
| BIGELOW, JAMES  | 2649 NORTHSTREAM CT       | HAW RIVER NC 27258-9529      | 741363340 |
| EPPS, DANIEL JR EPPS, OLIVIA                              | 501 BURTON ST             | FUQUAY VARINA NC 27526-1607  | 741363556 |

|  |                     |                        |           |
|--|---------------------|------------------------|-----------|
| MARTINOV, MARTIN I MARTINOV, VELINA<br>G     | 827 SHACKLETON RD   | APEX NC 27502-1221     | 741364046 |
| GAO, PU LIU, DAOKUN                          | 826 SHACKLETON RD   | APEX NC 27502-1215     | 741364202 |
| ATKINSON, CHARLES S                          | 820 SHACKLETON RD   | APEX NC 27502-1215     | 741364266 |
| MULKEY, BARBARA ALLISON MULKEY,<br>BARBARA H | 818 SHACKLETON RD   | APEX NC 27502-1215     | 741364392 |
| UNITED ESTATES OF AMERICA INC                | 3308 WHITTINGHAM DR | NEW HILL NC 27562-8985 | 741364725 |
| STALLINGS, PAUL G STALLINGS, SUSAN<br>LEIGH  | 3712 GRANDBRIDGE DR | APEX NC 27539-5715     | 741365018 |
| KINSEY, GRETYL CRISTINA                      | 816 SHACKLETON RD   | APEX NC 27502-1215     | 741365410 |
| RAY, MARY B                                  | 814 SHACKLETON RD   | APEX NC 27502-1215     | 741365418 |
| MAGGI, RICARDO G MAGGI, PATRICIA E           | 812 SHACKLETON RD   | APEX NC 27502-1215     | 741365517 |



**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: 19CZ12 Submittal Date: 6/3/19

Town of Apex  
73 Hunter Street  
P.O. Box 250 Apex, NC 27502  
919-249-3400

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

0 Tingen Road  
1105 Tingen Road  
(the "Premises")

The Town of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If you accept the Town's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by the Town.

Hector Cuales, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER: HECTOR CUALES TOWN OF APEX  
BY: SAME Hector Cuales BY: \_\_\_\_\_  
Authorized Agent Authorized Agent  
DATE: 5/29/2019 DATE: \_\_\_\_\_

**AGENT AUTHORIZATION FORM**

Application #: 19CZ12 Submittal Date: 6/3/19

Hector Cuales is the owner of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning
- Site Plan
- Subdivision
- Variance
- Other: \_\_\_\_\_

The property address is: 0 Tingen Road

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: 919-439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



Hector Cuales

Type or print name

5/21/19

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

**AGENT AUTHORIZATION FORM**

Application #: 19CZ12 Submittal Date: 6/3/19

Hector Cuales is the owner of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning
- Site Plan
- Subdivision
- Variance
- Other: \_\_\_\_\_

The property address is: 1105 Tingen Road

The agent for this project is: Peak Engineering & Design

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

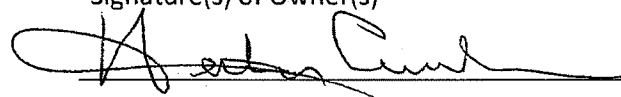
Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: 919-439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



HECTOR CUALES  
Type or print name

5/21/19  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

Attach additional sheets if there are additional owners.

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

**AFFIDAVIT OF OWNERSHIP**

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

The undersigned, Hector Cuales (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 1105 Tingen Road, Apex, NC and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 12-5-2019, and recorded in the Wake County Register of Deeds Office on 12-5-2019, in Book 017673 Page 01611-01616.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 12-5-2019, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 12-5-2019, 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 18 day of DECEMBER, 2019.

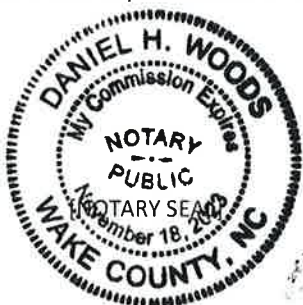
*Hector Cuales* (seal)

HECTOR CUALES

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



*Daniel H. Woods*

Notary Public DANIEL H. WOODS  
State of North Carolina  
My Commission Expires: 11/18/23

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

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

**Insert legal description below.**

# 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: Kissena Lane  
 Location: 0 Tingen Road, 1105 Tingen Road  
 Property PIN: 0741-31-1302 Acreage/Square Feet: 1.74 Ac  
 Zoning: HDSF, RA Subdivision/Development: \_\_\_\_\_

Property Owner: Hector Cuales  
 Address: 3308 Whittingham Drive  
 City: New Hill State: NC Zip: 27562  
 Phone: \_\_\_\_\_ Email: hectorcual@gmail.com

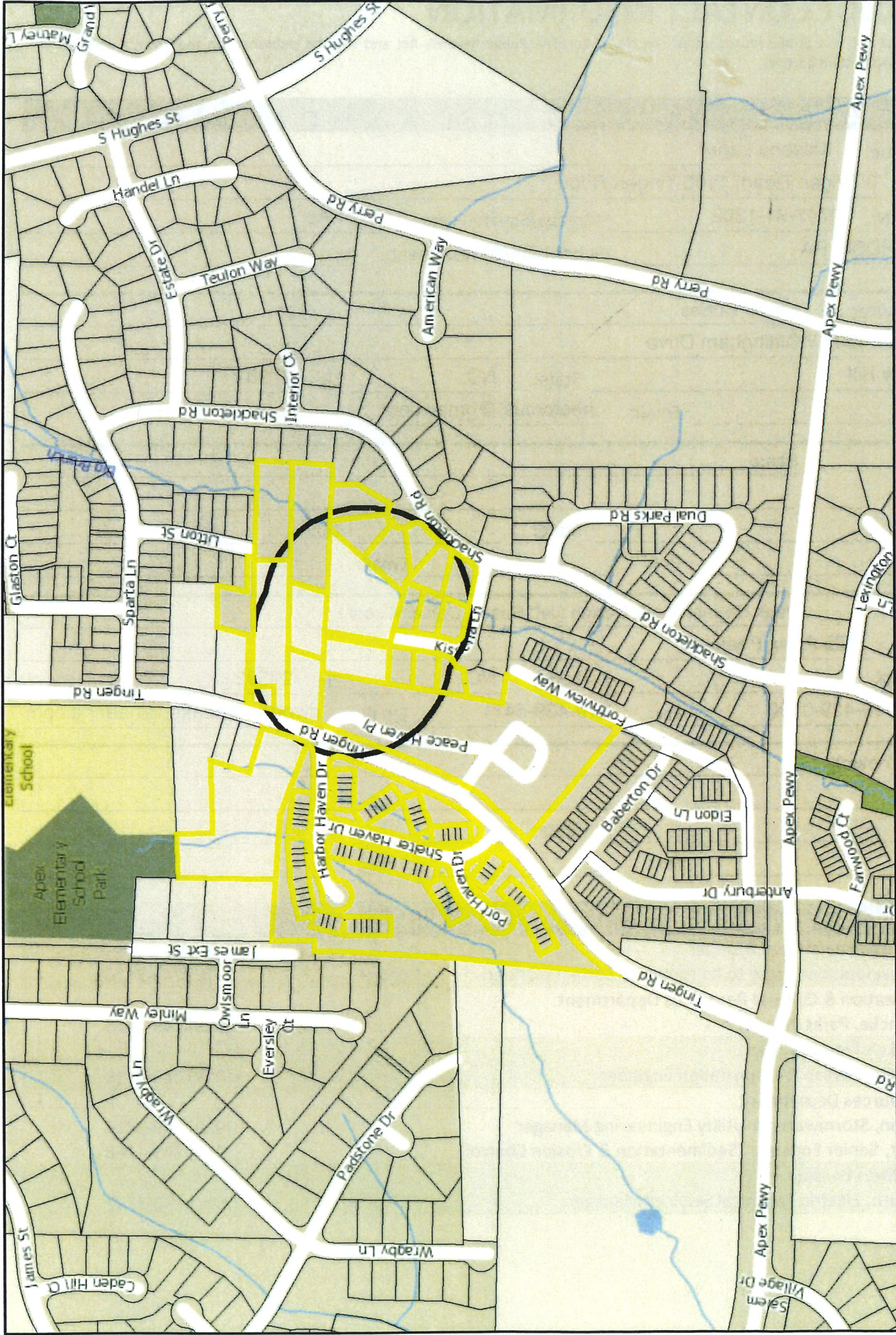
Developer: Same  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Engineer: Peak Engineering & Design (Jeff Roach, Daniel Woods)  
 Address: 1125 Apex Peakway  
 City: Apex State: NC Zip: 27502  
 Phone: 919-439-0100 Fax: 919-439-6411 Email: dwoods@peakengineering.com

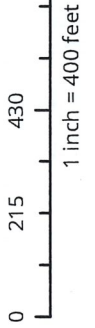
Builder (if known): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

## Town of Apex Department Contacts

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

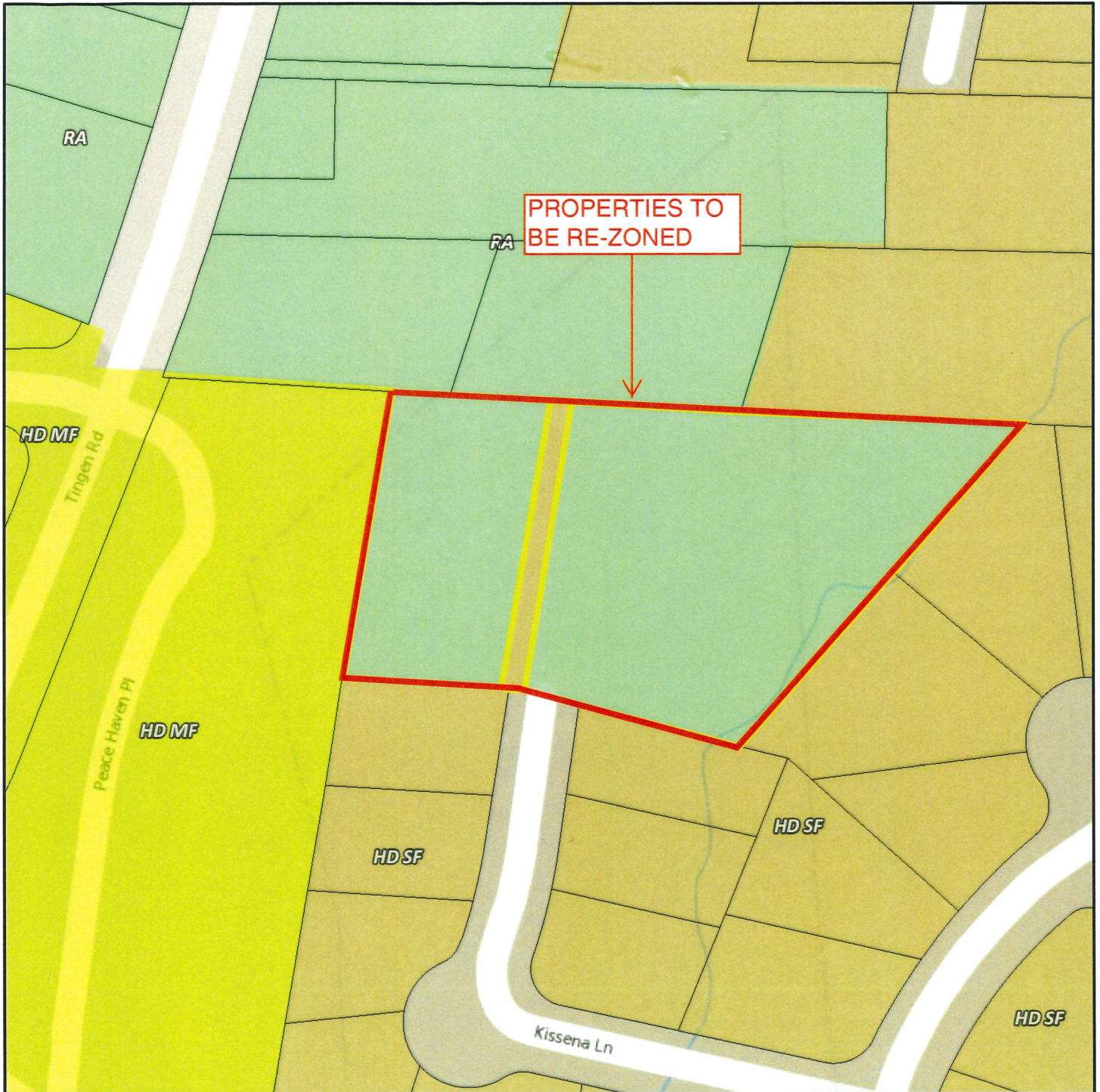


### Surrounding Properties

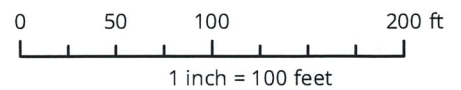


**Disclaimer**

iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



**Kissena Lane Existing Zoning**



**Disclaimer**

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

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

I, Jeff Roach, do hereby declare as follows:  
Print Name

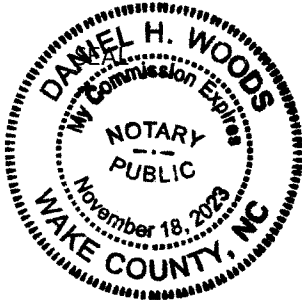
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of 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 237 N. Salem Street, Apex, NC 27502 (location/address) on May 29, 2019 (date) from 5:30 (start time) to 7:30 (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.

5/30/2019  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H WOODS, a Notary Public for the above State and County, on this the 30 day of MAY, 2019.



Daniel H Woods  
Notary Public  
DANIEL H WOODS  
Print Name

My Commission Expires: 11/18/23

# 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: 237 N. Salem Street, Apex, NC 27502

Date of meeting: 5/29/19 Time of meeting: 5:30 pm

Property Owner(s) name(s): Hector Cuales

Applicant(s): Peak Engineering & Design - Jeff Roach

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.  | Eileen M. VanDerBroek                | 1113 Kissera Lane | [REDACTED] | [REDACTED] | [REDACTED]           |
| 2.  | Doreen VanDerBroek                   | 1113 Kissera Ln.  |            |            |                      |
| 3.  | Amanda VanDerBroek                   | 1113 Kissera Lane |            |            |                      |
| 4.  | Nolan and Stephanie <sup>Fabro</sup> | 1104 Kissera Ln   |            |            |                      |
| 5.  | Jennifer Turner                      | 1114 Kissera Ln   |            |            |                      |
| 6.  | Velina Martinov                      | 827 Shackleton Rd |            |            |                      |
| 7.  |                                      |                   |            |            |                      |
| 8.  |                                      |                   |            |            |                      |
| 9.  |                                      |                   |            |            |                      |
| 10. |                                      |                   |            |            |                      |
| 11. |                                      |                   |            |            |                      |
| 12. |                                      |                   |            |            |                      |
| 13. |                                      |                   |            |            |                      |
| 14. |                                      |                   |            |            |                      |

Use additional sheets, if necessary.

## Kissena Lane Property Neighborhood Meeting Minutes

Daniel Woods and Jeff Roach with Peak Engineering & Design opened the meeting at 5:30 pm on May 29, 2019 at the Halle Cultural Arts Center with a brief introduction and identification of the site. Those in attendance were directed to the sign-in sheet, handouts, and the exhibits of the project including the current zoning map, 2045 Land Use Plan, and an aerial depicting the location of the property. Following are the questions and answers during the meeting:

1. What is the plan for the property?
  - a. Development of 8-10 single family, detached homes. Homes will likely range in size from 1,200-1,800 SF
2. Type of buyer?
  - a. The development is being discussed with Habitat for Humanity Wake County for affordable housing product.
3. How will the dynamic of the community change with Habitat homes?
  - a. Since the homes will be purchased (not rental units), we expect the new residents to look for the same sense of community that the existing residents of Perry Hills and Perry Farms have.
4. What is going to happen to the "critters" (bunnies and deer) which are located along the creek on site?
  - a. We are not working within the stream buffers or other protected areas on site. Any animals will move to the creek area, north to vacant land, or south of other vegetated areas.
5. Will Kissena Lane be extended? Will it be extended to the Tingen Road? Will the street be extended to Litton Street? Will this area become a cut-through for other properties in the area?
  - a. Yes, Kissena Lane is an existing stub-street constructed years ago. The extension is required (1) by Town requirement and (2) as the only way to access the properties. The current design does not connect Kissena to Litton Street. Interconnectivity between properties and developments is critical to reduce volume on surround streets outside of neighborhoods. Future development of property north of Kissena Lane may connect as this project proposes to stub Kissena Lane to the Johnson and Epps properties.
6. How will the Apex service vehicles access the property? (Police, Fire, EMS, garbage and the vac trucks)
  - a. At the end of the proposed stub street, a temporary turn-around will be provided. This is a Town standard to allow the larger Town vehicles to safely maneuver the streets. Streets will be constructed to Town standard.
7. How will stormwater be routed through the property adjacent to the Turley property (PIN 0741-26-8146)? Currently have stormwater from West Haven Apartments running into the property and a storm pipe in the NE corner of the lot.
  - a. Although very early in the process, the design team will review the runoff patterns to limit impact or to assist with existing runoff concerns from the Kissena Lane property owners.
8. How will speeds be controlled on Kissena Lane after construction? (neighbors don't like speed bumps)
  - a. The development proposes to extend Kissena Lane ~200'. Speed is not expected to be an issue with this short extension, the stub street to the north, and the cul-de-sac bulb to the south.
9. The streets are narrow now. How will the extension of Kissena allow vehicles to pass through the site?
  - a. Kissena Lane was constructed to Town standards at that time. The streets allow current passage of vehicles and trucks and will continue to do so. The proposed street section allows vehicles to pass through for critical services.
10. Where will the utilities be connected?
  - a. Water, sewer, and storm connections are all at or near the existing stub on Kissena Lane. The plan is to extend utilities from this point into the property. There is also sewer along the eastern boundary of the property. Access to that sewer may be needed and will be determined at MSP and CD review.

The following questions were throughout the meeting specifically related to Habitat for Humanity of Wake County (or a similar organization which provides affordable homes for purchase) and the role they play in the development, construction, placement of families, and future resale of the homes.

11. If this is a Habitat for Humanity project, why is this the right location?
  - a. Location of affordable housing units is required to have access to services. Bus service, retail services, parks and greenways, and walkable communities. Kissena Lane is a small assembly of properties in a developed location. The integration of Habitat for Humanity homes into existing neighborhoods is essential for the sense of community and to provide stable housing for all income levels.
12. Would you want this type of project next to your neighborhood?
  - a. If the project is done right, then yes. Habitat for Humanity is a noble organization which provides homes which are typically similar in size and features to other homes in the surrounding communities. As an example, the homes on Ada Street have architectural features which create the sense of home and are visually appealing.
13. How do we propose to stop the deterioration of the homes as Habitat or low income housing?
  - a. The homes are “purchased” not “rentals”. The owner of the property is invested in the home from the initial construction (sweat equity) to the future sale of properties. The owner of these homes is like any other property owner – they should be interested in protecting their investments.
14. What type of buyer will be in the homes?
  - a. The homes will be sold by Habitat for Humanity to “families living on a modest income”.
15. Does Habitat maintain control over the homes with the ability to remove residents after the sale?
  - a. This is being researched by the design team. An email will be provided to the surrounding property owners to clarify the role of Habitat for Humanity after the initial sale of the property.
16. What happens when the homes are resold in the future?
  - a. The deed for Habitat property requires Habitat to approve any future sale of the homes (right of first refusal). There is a 20 year window on the initial property owners’ right to sell the home and Habitat’s ability to review the sales.
17. Have there been any studies that Habitat homes reduce the value of other homes in the area?
  - a. We are not aware of studies which says that Habitat homes increase or decrease values after the properties are occupied. Unless you review the deed for the initial sale of the property, you are unlikely to know if the home was built by a local builder or Habitat for Humanity group.
18. Is there a plan to fence the lots to stop people from coming from West Haven Apartments into the community?
  - a. This will be reviewed with Habitat to determine if a fence will be required adjacent to West Haven Apartments. The team will speak with the Apex Police Department to see if there is a reason to worry about West Haven and fence the homes.
19. What is the proposed cost of the homes?
  - a. That is yet to be determined. Habitat has started to look into the value.
20. What happens after the Habitat homes are occupied and the adjacent property owners go to sell their homes? Loss of value, new property owners, cost of the homes.
  - a. Habitat retains a 20-year control on the initial property buyers. As noted above, unless you researched the original sale of the home, people are not likely to know if the homes we built by Habitat or some other organization.
21. What happens to the sense of community with the new Habitat homes?
  - a. See questions and response #3 above.
22. How will crime be controlled with the affordable housing units being proposed?
  - a. These homes are “for sale” and cannot be compared to West Haven Apartments which are lower rate rental units. It has come to our attention – after the neighborhood meeting – that the management of West Haven Apartments did not fully vet the renters in the development. It is very difficult to evict

someone from a housing facility once they occupy. West Haven apartment cannot be compared to the proposed development based upon the buyers which these homes are focused on.

23. How will this project be different than a HUD or Section 8 housing development?

- a. The project is not a HUD or Section 8 housing development. The homes are sold to families earning “modest incomes” as opposed to government assistance to support monthly housing costs. The families which are part of the Habitat program still have a mortgage on the property and are required by the banks to maintain property as any other home owner would do.

At the conclusion of the public question and answer session, there were a number of breakout sections where additional questions were asked. These discussions were helpful in learning more about Perry Hills and Perry Farms and the issues which they are having with surrounding properties but were not questions related to zoning or future plans for the Kissena Lane extension.





# Kissena Lane

## A PLANNED UNIT DEVELOPMENT

### PD PLAN Rezoning Case #19CZ12

June 3, 2019

Revised July 12, 2019

Revised August 8, 2019

Revised August 20, 2019

Project Contact:

Hector Cuales

33085 Whittingham Drive

New Hill, NC 27562

Civil Engineering & Land Planning:

Jeff Roach, P.E.

Peak Engineering & Design, PLLC



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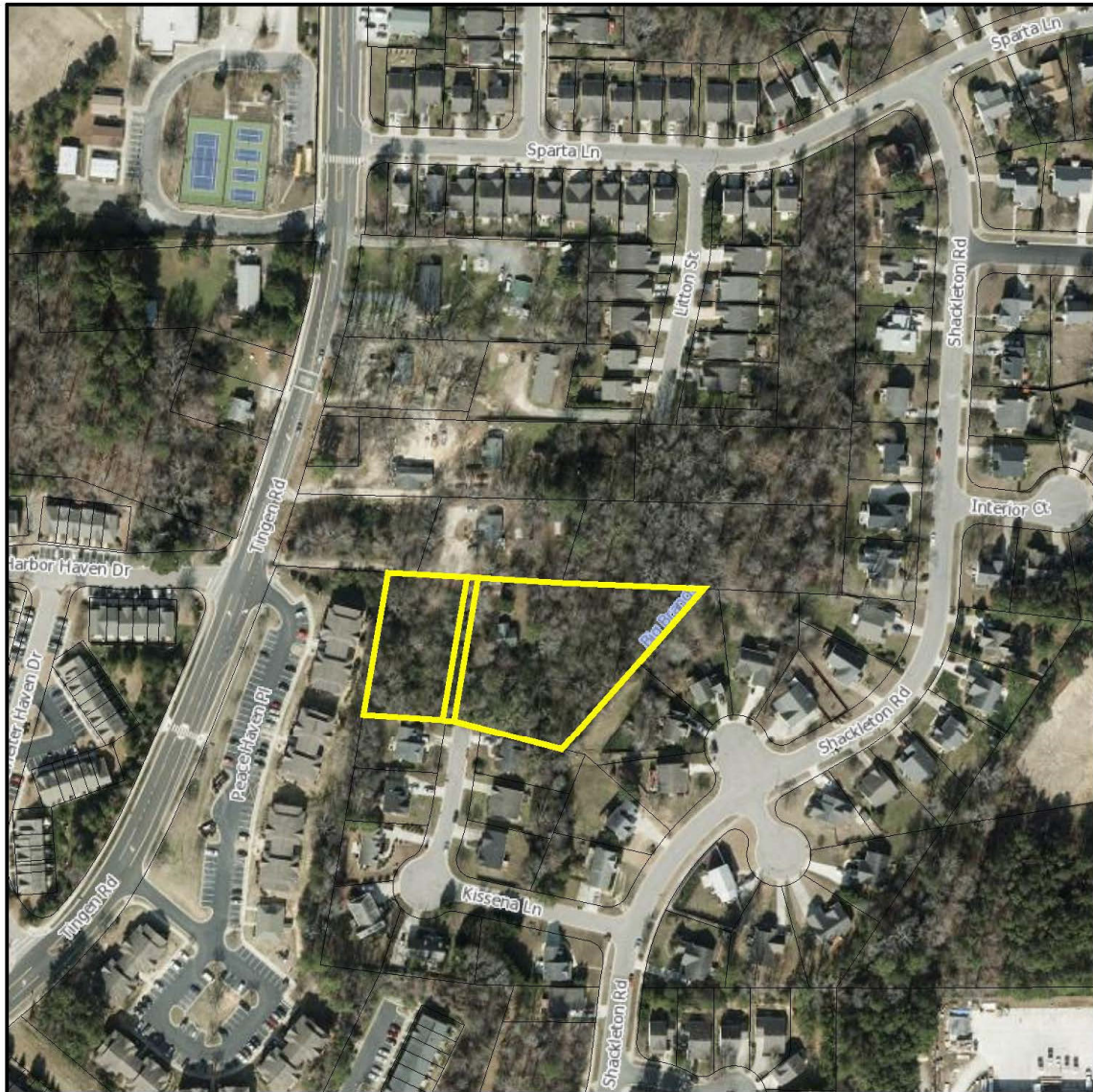
|             |   |
|-------------|---|
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| Section 2:  | Vicinity Map  |
| Section 3:  | Project Data  |
| Section 4:  | Purpose Statement                                       |
| Section 5:  | Permitted Uses  |
| Section 6:  | Description, Density and Dimensional Standards          |
| Section 7:  | Architectural Standards                                 |
| Section 8:  | Parking and Loading                                     |
| Section 9:  | Resource Conservation Area (RCA)                        |
| Section 10: | Landscaping   |
| Section 11: | Signage   |
| Section 12: | Public Facilities                                       |
| Section 13: | Pedestrian Circulation System and Amenities             |
| Section 14: | Parks and Recreation                                    |
| Section 15: | Natural Resources and Environmental Protection          |
| Section 16: | Stormwater Management                                   |
| Section 17: | Phasing   |
| Section 18: | Plan Consistency  |
| Section 19: | Compliance with the Unified Development Ordinance (UDO) |

Exhibits



**Section 2: Vicinity Map**

Kissena is an assembly of three (3) properties located at the termination of Kissena Lane; south of Sparta Lane, directly west of West Haven Apartments and Tingen Road. The property is bordered to the north by existing residential properties; to the east and south of by Perry Farms Subdivision; and apartments to the west.



**Section 3: Project Data**

Project name: Kissena Lane Extension

Property Owner:

Hector Cuales  
1105 Tingen Road  
Apex, NC 27502  
PINs 0741-31-1302 (1.17 acres)  
0741-26-9237 (0.07 acres)  
0741-26-8380 (0.50 acres)

**Project Contact:**

Hector Cuales  
3308 Whittingham Drive  
New Hill, NC 27562  
[hectorcual@gmail.com](mailto:hectorcual@gmail.com)

**Prepared by:**

Jeff Roach, P.E.  
Peak Engineering & Design, PLLC  
1125 Apex Peakway  
Apex, NC 27502  
(919) 439-0100  
[jroach@peakengineeringdesign.com](mailto:jroach@peakengineeringdesign.com)

Zoning:

Existing Zoning: High Density-Single Family (HD-SF) and  
Rural Agricultural (RA)  
Proposed Zoning: Planned Unit Development – Conditional Zoning (PUD-CZ)

2045 Land Use Map

Existing Land Use Designation: Medium Density Residential (< 6.0 units/acre residential)  
Proposed Land Use: Medium Density Residential (< 5.8 units/acre residential)  
Total Property: 1.74 acres

Legal descriptions for the properties being zoned are provided by Peak Engineering & Design, PLLC and has been assembled from available plats, deeds, and other Wake County GIS data. This information is public and provided within the zoning application packet.

#### **Section 4: Purpose Statement**

Kissena Lane is a proposed Planned Unit Development (PUD) with a maximum of 10 single family residential lots currently located inside the Apex town limits. As part of the rezoning process, some of the properties will be required to annex, to be voted on by the Apex Town Council. The PUD parameters are outlined in UDO Section 2.3.4(F)(1)(a)(i - vi) and answered in various locations within the PD text document.

The purpose of the PUD rezoning application is to develop a residential development that is compatible with the value, quality and character of the surrounding properties and developments. The standards included with the submittal provide for flexibility in the building design and lot sizes to accommodate various highly sought after products in the Apex market. The targeted market for this project includes houses high in quality and lower in cost compared to other recent residential developments within the Town of Apex. Items such as small lot sizes, building design, and other development components will be considered to make new homes within the Kissena Lane Extension affordable for persons with varying incomes. Habitat for Humanity, or similar programs, which aid in the affordability of new homes will assist in the design and construction of the new homes. 100% of the dwelling units developed on the property shall be set at a price that, on average, is affordable to a household with an annual income of 70% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development (HUD).

The construction throughout the property will include streets, utilities, and landscaping while protecting the natural environment to the maximum extent, all of which will be done in accordance with current Town of Apex requirements.

#### **Permitted Uses\***

The rezoned lands may be use for the uses listed below. The permitted uses are subject to the limitation stated in UDO Section 4.2.2:

- |                                  |                  |
|----------------------------------|------------------|
| 1. Single family                 | 5. Greenway      |
| 2. Accessory apartment           | 6. Park, active  |
| 3. Utility, minor                | 7. Park, passive |
| 4. Recreation facility – private |                  |

\*100% of the dwelling units developed on the property shall be set at a price that, on average, is affordable to a household with an annual income of 70% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development (HUD).

### Section 5: Description, Density and Dimensional Standards

The project will comply with the standards as established by UDO Section 5.1.3 or as noted within the PD Text for the project:

Proposed maximum density: 5.80 units/acre  
(includes R/W, Open Space and lots)

Proposed Maximum Building Height: 36'

Proposed Minimum Lot Width: 33'

Proposed Minimum Building Setbacks:

Front: 20'

Side: 5'

Rear: 10'

Percentage of Built Upon Area: 70% maximum

Maximum number of lots: 10 lots

*\*\* Porches, patios, decks and other structures may encroach into requirement building setbacks as permitted by the Town of Apex UDO.*

### Section 6: Architectural Standards

#### Single-family residential standards:

1. Vinyl siding is permitted for exterior building materials.
2. The roof shall be pitched at 5:12 or greater. This excludes porches, screen porches, bay windows, and decorative elements.
3. Eaves shall project at least 8 inches from the wall of the structure.
4. The visible side of a home on a corner lot facing the public street shall contain at least 2 decorative elements such as, but not limited to, the following elements:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows or decorative trim
  - 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
5. House entrances may be placed at finished grade or a raised floor with crawl space.
6. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
7. Front porches shall be a minimum of 6 feet deep.

### **Section 7: Parking and Loading**

Parking will be provided by parking pads and/or driveways and will comply with the Town of Apex UDO Section 8.3 for single family residential lots. Residential driveways shall have a minimum width of 12' and 20' in length as measured from the back of the sidewalk or, where no sidewalk exists, the back of the curb, to count as required parking.

### **Section 8: Resource Conservation Area (RCA)**

The project is required to meet UDO Section 8.1.2 for resource conservation area. The project is located east of I-540 and is required to establish 20% Resource Conservation Area with an additional 2% RCA if mass graded. The project will protect environmentally sensitive features to meet the RCA requirements. Final location and acreage will be provided during the Master Subdivision Plan submittal Process.

### **Section 9: Landscaping**

Internal landscaping will comply with UDO section 8.2.4(A)(4) for street tree plantings, foundation plantings and tree preservation. In lieu of required buffer plantings along the western, northern and southern property lines, adjacent to PINs 0741-26-8146, 0741-26-6052, 0741-26-7486 and 0741-26-0405, a solid 6' wood fence shall be installed. A 50' section of the fence will be removed with the extension of Kissena Lane in the future. The location of the fence removal will be determined when Kissena Lane is extended beyond the project, into the adjacent property. Buffering to the east will be provided by the existing stream buffer. The project will maintain similar density and design of the existing development to the south.

### **Section 10: Signage**

All signage will comply with the applicable standards and requirements of UDO Section 8.7. Signage for the residential development shall be coordinated with staff during the appropriate Master Subdivision Plan and/or Master Signage Plan approval.

### **Section 11: Public Facilities**

The project's construction will consist of the extension of public facilities to serve the site. All public facilities and infrastructure shall comply with the Town of Apex Sewer and Water Master Plans and the Town of Apex Standards and Specifications. Facilities include:

#### Water:

Water will be provided by connecting to an existing waterline along Kissena Lane. The design team will coordinate with staff to locate and size the necessary extensions during the Master Subdivision and Construction Document review phases.

#### Sanitary Sewer:

Sanitary sewer will be provided by connecting to an existing sewer main at the end of Kissena Lane. The design shall be coordinated with Town of Apex staff during the Master Subdivision Plan and Construction Document phases. Extensions along natural draws are required per Town of Apex specifications.

#### Streets:

The project is showing the extension of Kissena Drive north from the existing dead end to the properties northern boundary. The development will stub a residential street to adjacent property owner to the north for future connections. No street stubs are provided east due to environmental feature or to the west due to existing development. The final alignment of all internal streets will be coordinated with staff. Per UDO Section 2.3.4, PUD developments commonly include sidewalk on both sides of the streets. The existing Kissena Lane street stub does not include sidewalks on either side of the street. To continue this design, and to reduce construction cost for affordability, sidewalks along the Kissena Lane Extension are not proposed.

#### Other Utilities:

Electric service shall be provided by the Town of Apex in conjunction with the appropriate staff. Gas, telephone, and cable shall be provided by the builder as coordinated with the appropriate utility companies.

#### Transportation:

A Traffic Impact Analysis (TIA) was not required for this project. There are no improvements to existing roads, signals or other transportation facilities proposed with this project.

### **Section 12: Pedestrian Circulation System and Amenities**

To assist with the affordability of the new homes, the absence of sidewalk on Kissena Lane and the small nature of the project, sidewalks are not proposed with this project.

### **Section 13: Parks and Recreation**

This Planned Development proposes less than 30 (or a maximum of 10) single family detached units so only a fee-in-lieu payment will be required per UDO Section 14.1.2 Exemptions. The property abuts existing Public Greenway Easement for the future Big Brach Greenway, but with the limited number of units, the necessity to cross Big Branch Creek and impact to riparian buffer when access to the greenway would be within 350 ft or 0.07 mile, the project is not requested to accommodate a connection within the project boundaries

### **Section 14: Natural Resources and Environmental Protection**

Kissena Lane is located within the Town's Secondary Watershed Protection Overlay District. The properties are currently undeveloped and has one stream containing stream buffers. The design team will coordinate with staff to minimize impacts to the buffer during the Master Subdivision and Construction Document review phases. Per FEMA FIRM Maps 3720074100J dated May 2, 2006 there are no Special Hazard Flood Prone areas. No historical structures are identified within the property boundary pursuant to the North Carolina State Historic Preservation Office's website.

### **Section 15: Stormwater Management**

The project will not require a Stormwater Control Measures (SCMs). The project is small in nature with a disturbance of less than one (1) acre. Per UDO Section 6.1, projects with a disturbance of 1 acre or less do not require an SCM.

**Section 16: Phasing**

The project is small in nature and consists of single family homes, roadway extensions, utility services and other site design features which will all be constructed in one phase. For this reason, a phasing plan has not been included as part of the design.

**Section 17: Plan Consistency**

The proposed zoning for Kissena complies with the 2045 Land Use Map designation for this area as a medium density residential development. Kissena Lane is a medium density development and will have an overall project density at or below 6.0 units/acre. The project will meet the requirements of the Transportation Master Plan, the Bike Apex Plan, the Parks, Recreation, Greenways, and Open Space Plan, along with other Town of Apex adopted plans which direct development, as amended from time-to-time.

**Section 18: Compliance with the Unified Development Ordinance**

Kissena Lane will comply with the relevant standards of the Town of Apex’s Unified Development Ordinance and other development related standards. Any deviation from standards shall be approved by staff, Planning Board, or Town Council representatives throughout the zoning and design development processes as required.

**EXHIBITS**

- I. COVER SHEET (Sheet C000)  
The Cover Sheet contains contact information, vicinity map, site design guidelines, and required Town of Apex notes and descriptions.
- II. EXISTING CONDITIONS (Sheet C001)  
The existing conditions plan includes the base site items, zoning of adjacent properties, boundary, environmental features, and existing conditions around the property.
- III. CONCEPTUAL SITE PLAN (Sheet C100)  
This sheet includes standard site notes, site infrastructure, vehicular connectivity locations, buffers, areas proposed for development.
- IV. CONCEPTUAL UTILITY PLAN (Sheet C200)  
The Conceptual Utility Plan shows the preliminary location for connection to existing water, sewer, and stormwater as well as the existing infrastructure for said services. The final design will be completed to the Apex standards at the time of Master Subdivision submittal.

# PLANNED UNIT DEVELOPMENT KISSENA LANE

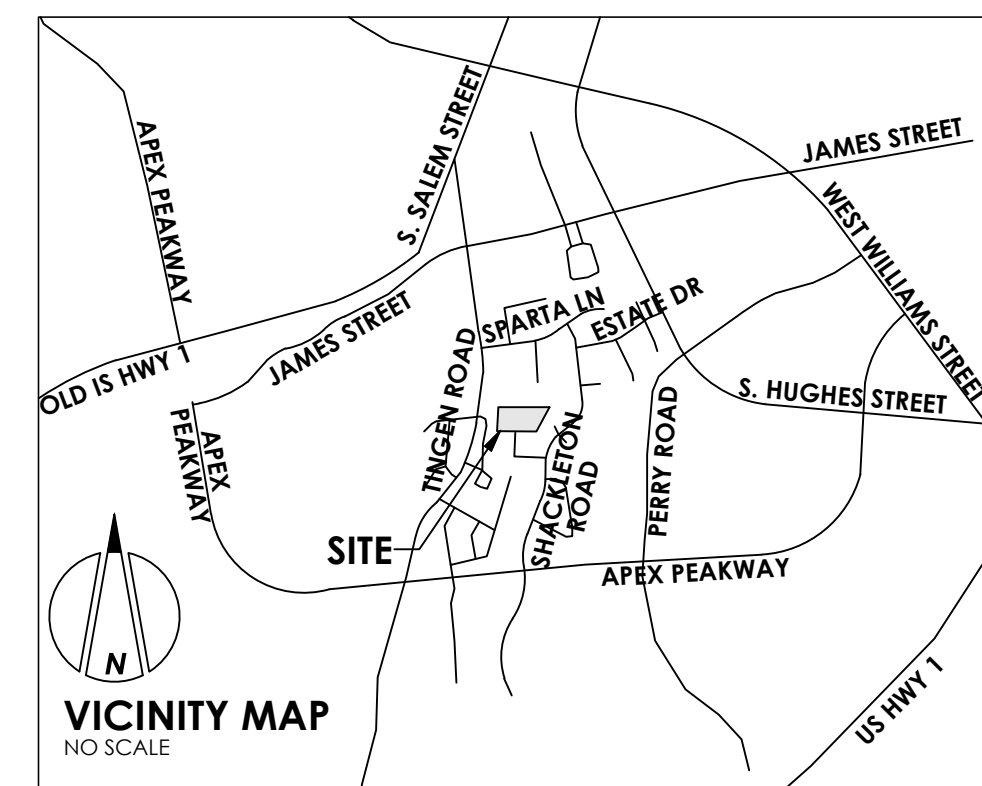
1105 TINGEN ROAD  
APEX, NORTH CAROLINA  
PROJECT NUMBER: 180901  
DATE: JUNE 3, 2019

## SITE INFORMATION:

| Property Owner/Site Address                         | PIN          | REID    | Map Number | Deeded Acreage | Deed Book/Plat Book & Page |
|---|--------------|---------|------------|----------------|----------------------------|
| Hector Cuales<br>0 Tingen Road<br>Apex, NC 27502    | 0741-26-8380 | 0052620 | 074110     | 0.5            | DB 17272 PG 00548          |
| Hector Cuales<br>0 Tingen Road<br>Apex, NC 27502    | 0741-26-9237 | 0247235 | 074110     | 0.07           | DB 17272 PG 00548          |
| Hector Cuales<br>1105 Tingen Road<br>Apex, NC 27502 | 0741-36-1302 | 0059739 | 074110     | 1.17           | DB 17673 PG 001611         |

**Total Deeded Acreage: 1.74 acres**

|                            |   |
|----------------------------|---|
| Existing Zoning:           | Rural Agricultural (RR), High Density-Single Family (HD-SF)                                       |
| Proposed Zoning:           | PUD-CZ (Planned Unit Development - Conditional Zoning)  |
| 2045 Land Use Map:         | High Density Single Family  |
| Existing Use:              | Vacant & Single Family  |
| Proposed Uses:             | Single Family   |
| Township:                  | White Oak   |
| Flood Zone Information:    | Firm Panel 3720074100J dated May 2, 2006 does not show the presence of flood zones on properties. |
| Watershed Information:     | Secondary Watershed Protection Overlay District, Big Branch Basin, Cape Fear River Basin.         |
| Historical:                | Per the NC SHPO, no historical structures are located within the project boundary.                |
| Design Standards:          |   |
| Minimum Lot Width:         | 33'   |
| Maximum Built Upon Area:   | 70%   |
| Maximum Density:           | 5.80 Units per Acre   |
| Maximum Number Lots:       | 10  |
| Building Setbacks:         |   |
| Front:                     | 20'   |
| Rear:                      | 10'   |
| Side:                      | 5' min. (No Aggregate)  |
| Side (Corner Lot):         | 5'  |
| Maximum Density:           | 5.80 Units per Acre   |
| Building:                  |   |
| Proposed Building Height:  | 36' maximum   |
| Proposed Building Stories: | 3 stories (maximum)   |



## INDEX OF DRAWINGS:

- C000 COVER SHEET
- C001 EXISTING CONDITIONS
- C100 OVERALL SITE PLAN
- C105 OVERALL PHASING PLAN
- C200 OVERALL UTILITY PLAN



**DEVELOPER/OWNER**  
**HECTOR CUALES**  
3308 WHITTINGHAM DRIVE  
NEW HILL, NC 27562  
E: HECTORCUAL@GMAIL.COM

**ENGINEER/LAND PLANNER**  
**PEAK ENGINEERING & DESIGN, PLLC**  
JEFF ROACH, P.E.  
5448 APEX PEAKWAY #368  
APEX, NC 27502  
Phone (919) 439-0100  
www.PeakEngineering.com



NC License #P-0673

Project:  
**KISSENA LANE**  
**1105 TINGEN ROAD**  
**BUCKHORN**  
**APEX, NORTH CAROLINA 27502**



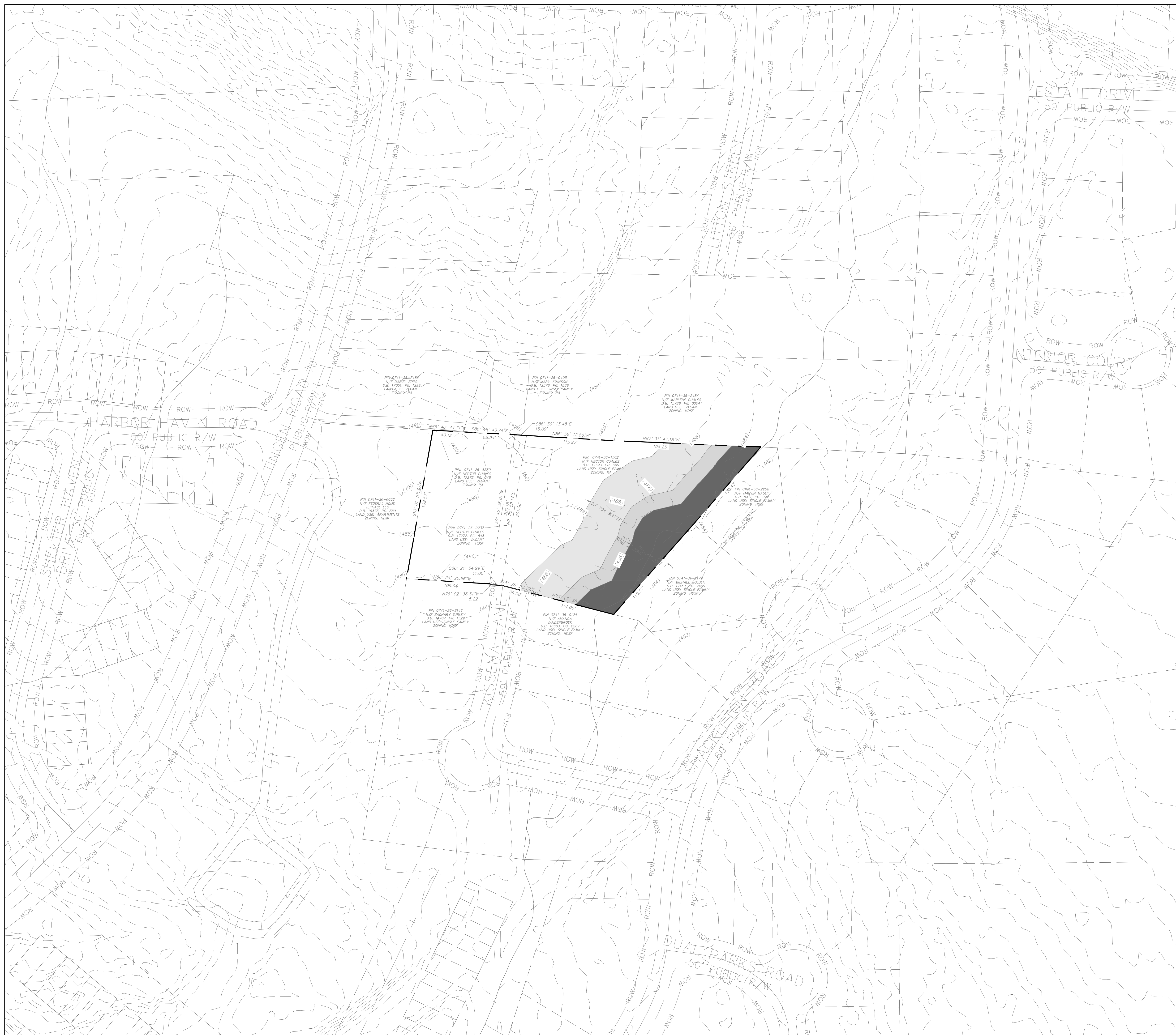
| NO. | DATE       | REVISION              | BY |
|-----|------------|-----------------------|----|
| 1   | 06/03/2019 | DATE OF APEX COMMENTS | DR |
| 2   | 06/03/2019 | DATE OF APEX COMMENTS | DR |

title:  
**COVER SHEET**

proj #:  
**180901**  
date:  
**June 3, 2019**  
dwg by: chkd by:  
**XXX JR**  
scale:  
**As Noted**

sheet:  
**C000**  
Planned Unit Development





- NOTES:**
1. THERE ARE NO CONTRIBUTING HISTORICAL STRUCTURES WITHIN THE PROJECT BOUNDARY.
  2. SUBJECT PROPERTIES KNOWN AS PARCEL IDENTIFICATION NUMBERS; AS SHOWN ON SHEET C000.
  3. ALL OFF-SITE EASEMENTS SHALL BE ACQUIRED BY THE DEVELOPER AND THESE OFF-SITE EASEMENTS SHALL BE RECORDED BY A DEED OF EASEMENT PRIOR TO UTILITY INFRASTRUCTURE CONSTRUCTION APPROVAL. THESE EASEMENTS SHALL BE DEDICATED TO THE TOWN OF APEX AND LABELED "TOWN OF APEX PUBLIC UTILITY EASEMENT".
  4. NO PERSON SHALL PLACE ANY PART OF A STRUCTURE, ANY PERMANENT EQUIPMENT, OR IMPONDMENT UPON TOWN OF APEX PUBLIC UTILITY EASEMENTS, PROHIBITED STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO: BUILDINGS, HOUSES, AIR CONDITIONING UNITS, HEAT PUMP UNITS, DECKS, GARAGES, STORAGE/TOOL SHEDS, SWIMMING POOLS, WALLS, RETAINING WALL, MECHANISMS/APURTANCES AND FENCES. UPON PRIOR WRITTEN APPROVAL BY THE PUBLIC WORKS DEPARTMENT, FENCES MAY PERMITTED ACROSS EASEMENTS, PROVIDED THAT AN ACCESS GATE IS INSTALLED FOR THE FULL WIDTH OF THE EASEMENT.
  5. NO PERSON SHALL PLANT TREES, SHRUBS, OR OTHER PLANTS WITHIN A TOWN OF APEX PUBLIC UTILITY EASEMENT WITHOUT PRIOR WRITTEN APPROVAL FROM THE PUBLIC WORKS DEPARTMENT.
  6. ANY AND ALL STREET SIGNS SHALL ONLY BE PROVIDED AND INSTALLED BY THE TOWN OF APEX.
  7. FIRM PANEL 3720074100J EFFECTIVE 5-6-2006 DOES NOT SHOW THE PRESENCE OF FLOOD ZONES ON PROPERTIES.
  8. WATERSHED INFORMATION: SECONDARY WATERSHED PROTECTION OVERLAY DISTRICT, BIG BRANCH CREEK BASIN, CAPE FEAR RIVER BASIN.

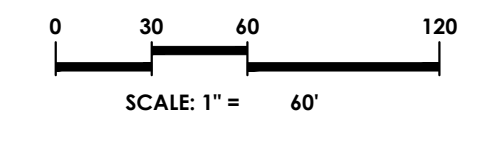
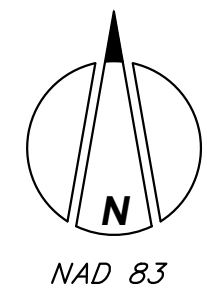
BOUNDARY INFORMATION OBTAINED FROM WAKE COUNTY GIS, DEED AND PLAT DESCRIPTIONS, APEX LIDAR, ADVANCED CIVIL DESIGN, AND OTHER AVAILABLE DATA SOURCES. FINAL BOUNDARY AND SURVEY DOCUMENTS WILL BE PROVIDED DURING THE MASTER SUBDIVISION PLAN DESIGN PHASE OF THE DEVELOPMENT.

**STREAM BUFFERS**

- 30' ZONE 1 BUFFER
- 20' ZONE 2 BUFFER
- 50' TOA BUFFER

--- PROJECT'S PERIMETER BOUNDARY

**ENVIRONMENTAL FEATURES NOTE:**  
 STREAM BUFFERS WERE OBTAINED FROM APEX WATERSHED PROTECTION OVERLAY DISTRICT MAP, USGS MAPPING, AND WAKE COUNTY SOILS SURVEY. A FINAL JURISDICTIONAL DETERMINATION (JD) MAP WILL BE PREPARED AND PROVIDED TO STAFF FOR APPROVAL CONCURRENCE.



**1** EXISTING CONDITIONS  
 SCALE: 1" = 60'



NC License #P-0673

project:  
**KISSENA LANE**  
**1105 TINGEN ROAD**  
**BUCKHORN**  
**APEX, NORTH CAROLINA 27502**

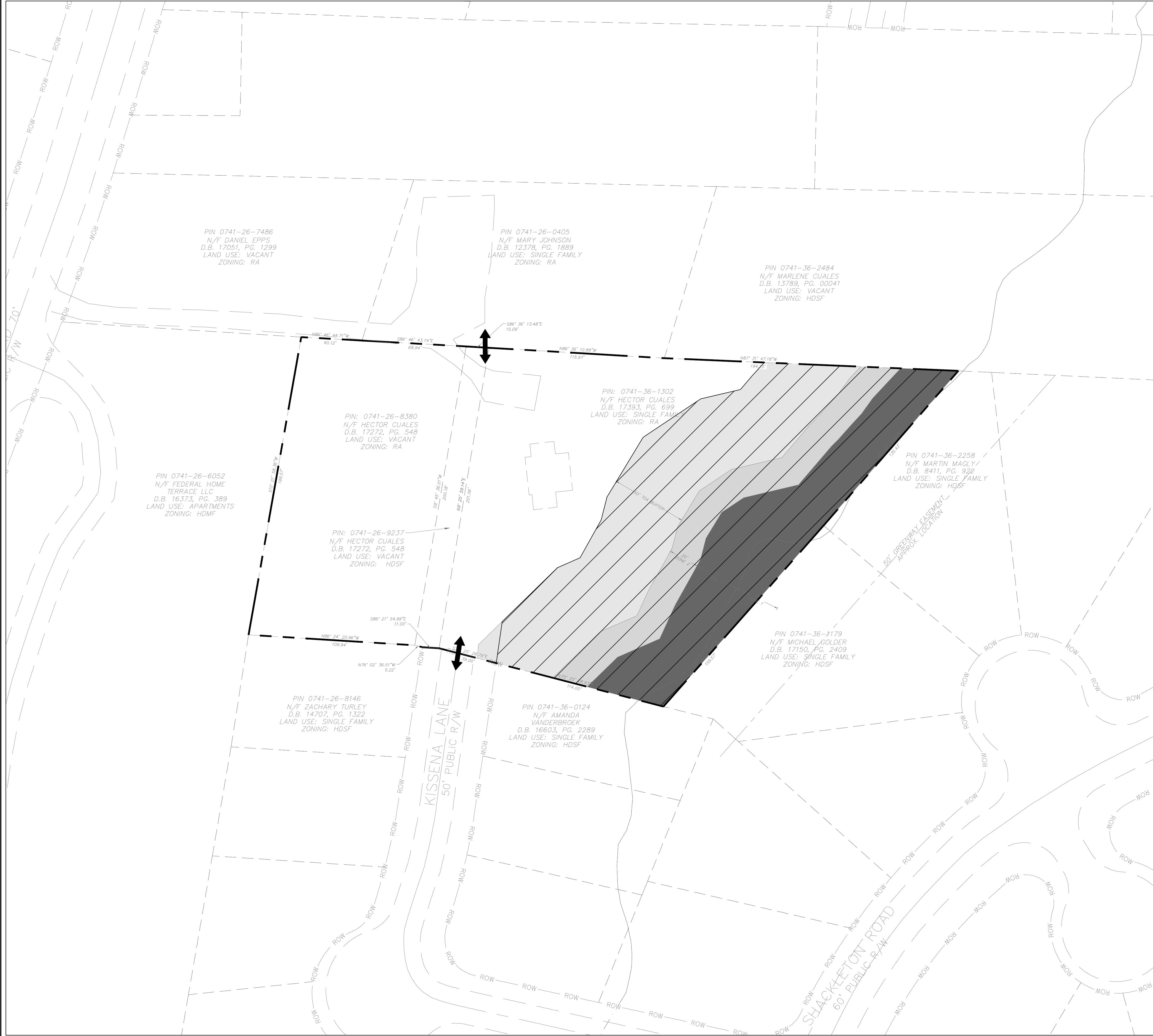


| NO. | DATE     | BY | REVISION              |
|-----|----------|----|-----------------------|
| 1   | 07/09/19 |    | TOWN OF APEX COMMENTS |
| 2   | 08/02/19 |    | TOWN OF APEX COMMENTS |

title:  
 EXISTING CONDITIONS

proj #:  
**180901**  
 date:  
**June 3, 2019**  
 dwg by: chkd by:  
 JE DW  
 scale:  
 As Noted

sheet:  
**C001**  
 Planned Unit Development



PIN 0741-26-7486  
N/F DANIEL EPPS  
D.B. 17051, PG. 1299  
LAND USE: VACANT  
ZONING: RA

PIN 0741-26-0405  
N/F MARY JOHNSON  
D.B. 12378, PG. 1889  
LAND USE: SINGLE FAMILY  
ZONING: RA

PIN 0741-36-2484  
N/F MARLENE CUALES  
D.B. 13789, PG. 00041  
LAND USE: VACANT  
ZONING: HDSF

PIN: 0741-36-1302  
N/F HECTOR CUALES  
D.B. 17393, PG. 699  
LAND USE: SINGLE FAMILY  
ZONING: RA

PIN 0741-36-2258  
N/F MARTIN MAGLY/  
D.B. 8411, PG. 922  
LAND USE: SINGLE FAMILY  
ZONING: HDSF

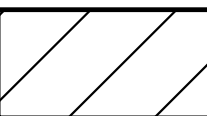





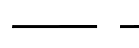
PIN 0741-26-6052  
N/F FEDERAL HOME  
TERRACE LLC  
D.B. 16373, PG. 389  
LAND USE: APARTMENTS  
ZONING: HDMF

PIN: 0741-26-9237  
N/F HECTOR CUALES  
D.B. 17272, PG. 548  
LAND USE: VACANT  
ZONING: HDSF

PIN 0741-36-1179  
N/F MICHAEL GOLDER  
D.B. 17150, PG. 2409  
LAND USE: SINGLE FAMILY  
ZONING: HDSF

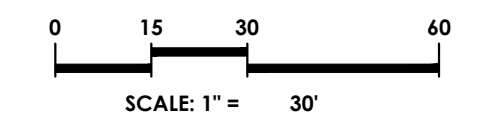
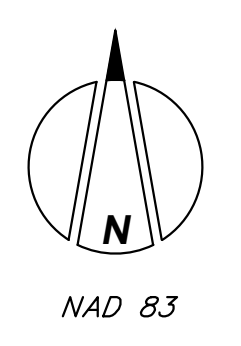
PIN 0741-26-8146  
N/F ZACHARY TURLEY  
D.B. 14707, PG. 1322  
LAND USE: SINGLE FAMILY  
ZONING: HDSF

PIN 0741-36-0124  
N/F AMANDA  
VANDERBROEK  
D.B. 16603, PG. 2289  
LAND USE: SINGLE FAMILY  
ZONING: HDSF

-  PRELIMINARY RESOURCE CONSERVATION AREA
-  PRELIMINARY DEVELOPMENT AREA
-  PRELIMINARY STREET CONNECTIONS
- STREAM BUFFERS
  -  30' ZONE 1 BUFFER
  -  20' ZONE 2 BUFFER
  -  50' TOA BUFFER
-  PROJECT'S PERIMETER BOUNDARY

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

ENVIRONMENTAL FEATURES NOTE:  
STREAM BUFFERS WERE OBTAINED FROM APEX WATERSHED PROTECTION OVERLAY DISTRICT MAP, USGS MAPPING AND WAKE COUNTY SOILS SURVEY. A FINAL JURISDICTIONAL DETERMINATION (JD) MAP WILL BE PREPARED AND PROVIDED TO STAFF FOR APPROVAL CONCURRENCE.



**1** CONCEPTUAL SITE PLAN  
C100 SCALE: 1"= 30'

project:  
**KISSENA LANE  
1105 TINGEN ROAD  
BUCKHORN  
APEX, NORTH CAROLINA 27502**



| NO. | DATE     | BY | REVISION               |
|-----|----------|----|------------------------|
| 1   | 07/09/19 |    | DATE OF PASTE COMMENTS |
| 2   | 08/02/19 |    | DATE OF PASTE COMMENTS |

title:  
**CONCEPTUAL SITE PLAN**

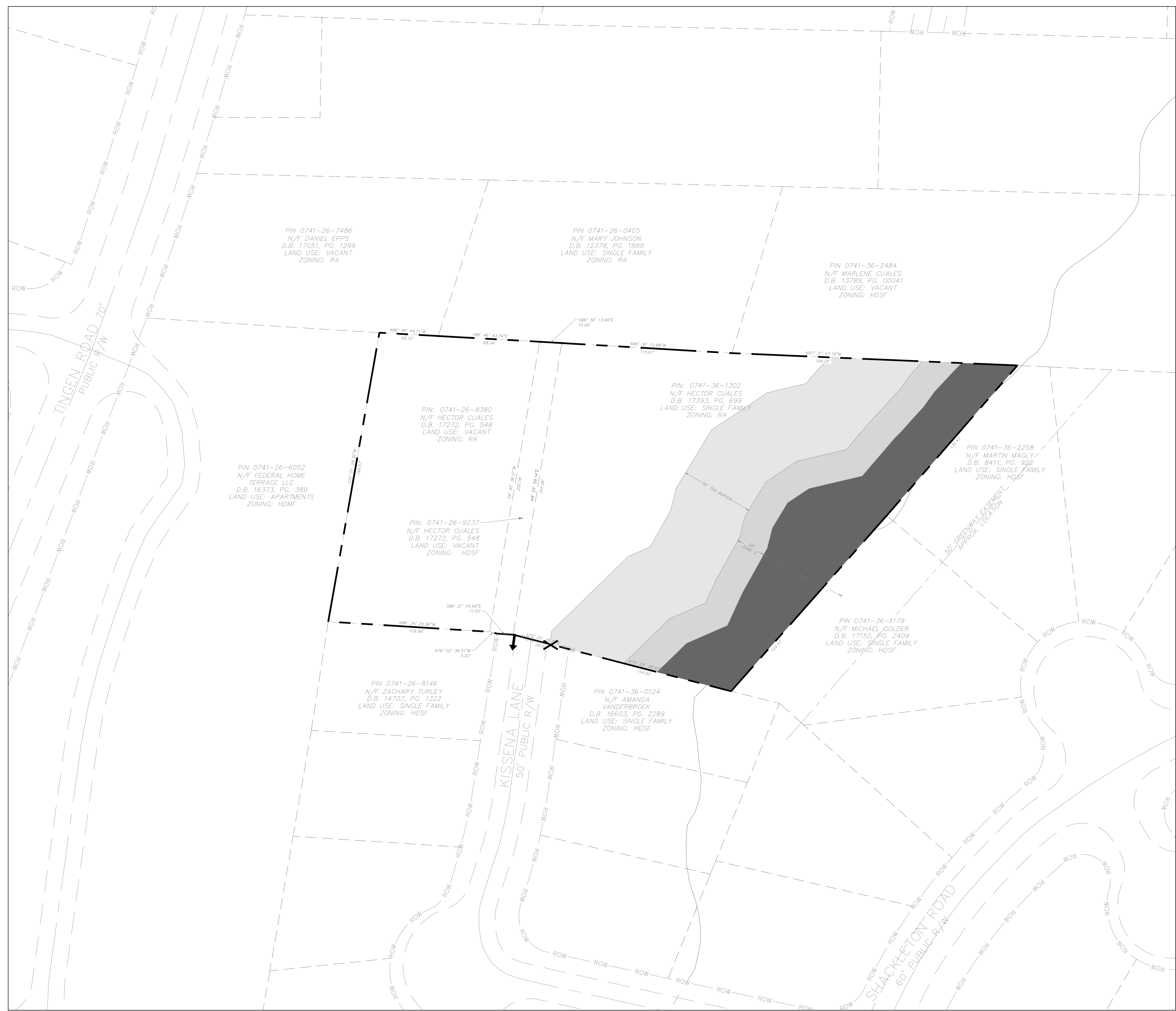
proj #:  
**180901**

date:  
**June 3, 2019**

dwg by: chkd by:  
**JE DW**

scale:  
**As Noted**

sheet:  
**C100**



- NOTES:
1. THE PROJECT IS REQUEST FULL TOWN OF APEX UTILITIES, INCLUDING WATER, SEWER AND ELECTRICAL SERVICES. THE FINAL LOCATION AND TIMING OF THE REFERENCED SERVICES SHALL BE COORDINATED WITH TOWN STAFF.
  2. THE PROJECT IS NOT PROPOSING PRIVATE SEWAGE DISPOSAL.
  3. THE LOCATION OF LOTS, STREETS, OPEN SPACE, RESOURCE CONSERVATION AREAS, STORMWATER CONTROLS, AND OTHER SITE IMPROVEMENTS ARE ILLUSTRATIVE ONLY AND WILL BE COORDINATED WITH STAFF DURING THE MASTER SUBDIVISION PLAN REVIEW PROCESS.
  4. THE PROJECT WILL COMPLY WITH TOWN OF APEX STANDARDS AND SPECIFICATIONS AS OUTLINED WITHIN THE DESIGN AND DEVELOPMENT MANUAL, THE REZONING PD TEXT, AND UNIFIED DEVELOPMENT ORDINANCE (UDO).

- ↑ PROPOSED WATER CONNECTION
- X PROPOSED SEWER CONNECTION

STREAM BUFFERS

- 30' ZONE 1 BUFFER
- 20' ZONE 2 BUFFER
- 50' TOA BUFFER

ENVIRONMENTAL FEATURES NOTE:  
 STREAM BUFFERS WERE OBTAINED FROM APEX WATERSHED PROTECTION OVERLAY DISTRICT MAP, USGS MAPPING, WAKE COUNTY SOILS SURVEY A FINAL JURISDICTIONAL DETERMINATION (JD) MAP WILL BE PREPARED AND PROVIDED TO STAFF FOR APPROVAL CONCURRENCE.

PROJECT PERIMETER BOUNDARY

**1** CONCEPTUAL UTILITY PLAN  
 C200 SCALE: 1"= 30'

NC License #P-0673

project:  
**KISSENA LANE**  
**1105 TINGEN ROAD**  
**BUCKHORN**  
**APEX, NORTH CAROLINA 27502**



| NO. | DATE     | BY | REVISION              |
|-----|----------|----|-----------------------|
| 1   | 07/20/19 |    | TOWN OF APEX COMMENTS |
| 2   | 08/02/19 |    | TOWN OF APEX COMMENTS |

title:  
**CONCEPTUAL UTILITY PLAN**

proj #:  
**180901**

date:  
**June 3, 2019**

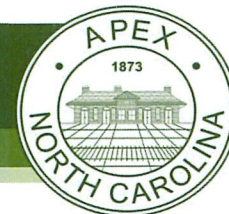
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scale:  
**As Noted**

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning #19CZ12 Kissena Lane PUD

January 13, 2020 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:** ±1.74 acres  
**PINs:** 0741361302, 0741269237, & 0741268380  
**Current Zoning:** Residential Agricultural (RA) & High Density Single-Family Residential (HDSF)  
**Proposed Zoning:** Residential Agricultural (RA) & High Density Single-Family Residential (HDSF)  
**2045 Land Use Map:** Medium Density Residential  
**Town Limits:** 0741269237 is in Town limits, 0741361302 & 0741268380 are in the ETJ

## Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map  
 Consistent       Inconsistent      Reason: \_\_\_\_\_

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

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

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning #19CZ12 Kissena Lane PUD

January 13, 2020 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: \_\_\_\_\_

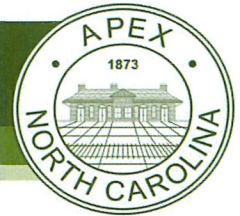
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# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning #19CZ12 Kissena Lane PUD

January 13, 2020 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: \_\_\_\_\_

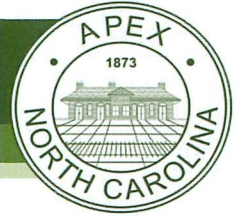
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PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning #19CZ12 Kissena Lane PUD

January 13, 2020 Planning Board Meeting



Planning Board Recommendation:

Motion: To recommend approval as presented,

Introduced by Planning Board member: Reginald Skinner

Seconded by Planning Board member: Beth Godfrey

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:

Conditions proposed by applicant as submitted.

Denial: the project is not consistent with all applicable officially adopted plans.

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 13<sup>th</sup> day of January 2020.

Attest:

Michael Marks  
Michael Marks, 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 #19CZ12**  
0 & 1105 Tingen Road  
Kissena Lane PUD

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:** Hector Cuales  
**Authorized Agent:** Jeff Roach, Peak Engineering & Design, PLCC  
**Property Addresses:** 0 & 1105 Tingen Road  
**Acreage:** ± 1.74  
**Property Identification Numbers (PINs):** 0741361302, 0741269237, & 0741268380  
**Existing 2045 Land Use Map Designation:** Medium Density Residential  
**Existing Zoning of Property:** Residential Agricultural (RA) & High Density Single-Family Residential (HDSF)  
**Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-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:** January 13, 2020 4:30 P.M.  
**Town Council Public Hearing Date and Time:** January 21, 2020 6:00 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/27849>.

Dianne F. Khin, AICP  
Planning Director

Published Dates: December 27, 2019 – January 21, 2020





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

**PUBLIC NOTIFICATION  
 OF PUBLIC HEARINGS**

**CONDITIONAL ZONING #19CZ12  
 0 & 1105 Tingen Road  
 Kissena Lane PUD**

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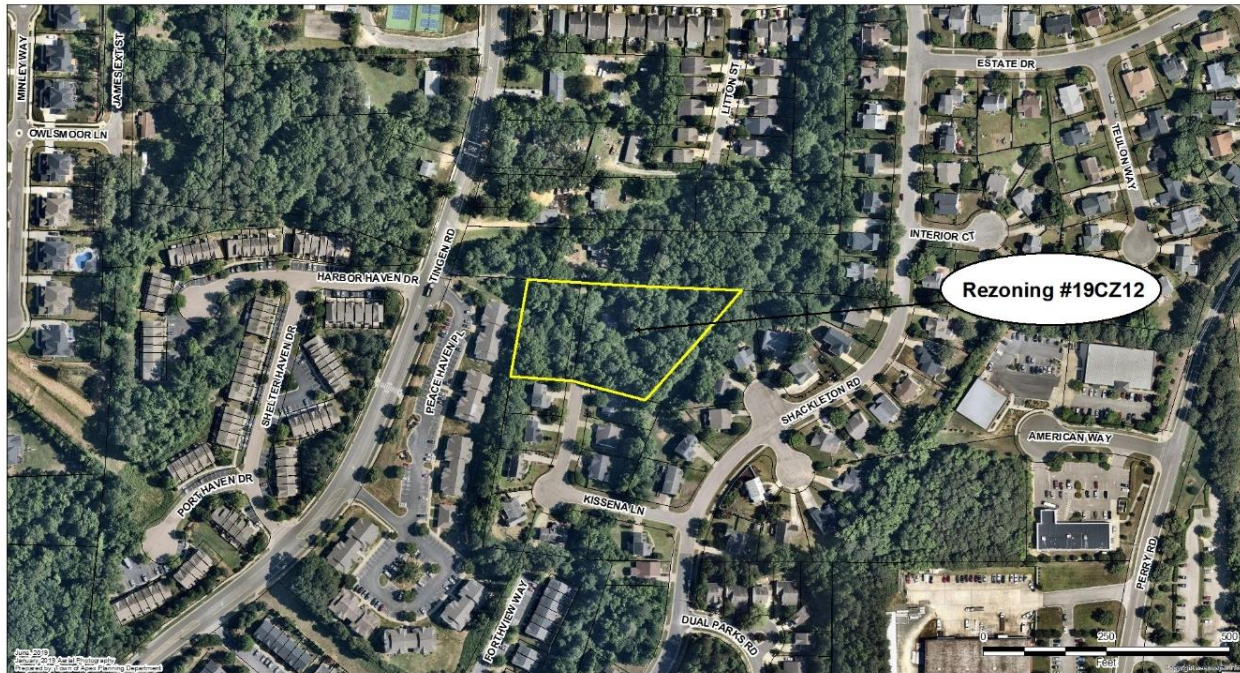
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Dianne F. Khin, AICP  
 Planning Director



Rezoning #19CZ12

1105



Public Hearing Sign Posted By

*Sean J. [Signature]*  
Signature

6/10/19  
Date



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

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

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Rezoning 19CZ12  
 Project Location: 0 & 1105 Tingen Road  
 Applicant or Authorized Agent: Jeff Roach  
 Firm: Peak Engineering & Design, PLLC

This is to certify that I, as Current Planning Manager, mailed or caused to have mailed by first class postage for the above mentioned project **December 27, 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.

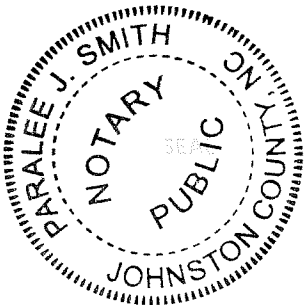
12-27-19  
 Date

Almonde Bruce  
 Current Planning Manager

STATE OF NORTH CAROLINA  
 COUNTY OF WAKE

Sworn and subscribed before me, Paralee J. Smith, a Notary Public for the above State and County, this the 27 day of December, 2019.

Paralee J. Smith  
 Notary Public



My Commission Expires: 9 / 12 / 2023