

STAFF REPORT

2045 Land Use Map Amendment and Rezoning #19CZ24 Upchurch-Williams House

January 21, 2020 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 7213 Roberts Road
Applicant/Owner: Cara Powell/Capital Area Preservation, Inc.

PROJECT DESCRIPTION:

Acreage: ±5.50
PIN: 0733337439
Current Zoning: Rural Residential (RR)
Proposed Zoning: Office & Institutional-Conditional Zoning (O&I-CZ)
Current 2045 Land Use Map: Medium/High Density Residential
Proposed 2045 Land Use Map: Office Employment
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County R-40W	Single-family residential; NC 540 HWY
South:	Rural Residential (RR)	Single-family residential
East:	Wake County R-40W	Single-family residential; Roberts Road
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #13CZ18); Rural Residential (RR)	Single-family residential (Greenmoor); NC 540 HWY

Existing Conditions:

The subject property is located on the east side of NC 540 Highway and west of Roberts Road. There is an existing structure on the site, designated as an Apex Historic Landmark. The Apex Town Council designated the structure as a historic landmark in April 2018.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on October 22, 2019. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the property subject to this rezoning as Medium/High Density Residential. The proposed conditional rezoning to Office & Institutional-Conditional Zoning (O&I-CZ) is not consistent with the land use classification. Therefore, the applicant is proposing to amend the 2045 Land Use Map classification to Office Employment for the area proposed to be rezoned. The proposed zoning district is consistent with the proposed classification.

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January 21, 2020 Town Council Meeting



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. Assembly hall, nonprofit | 12. Medical or dental office or clinic |
| 2. Assembly hall, for profit | 13. Office, business or professional |
| 3. Church or place of worship (P/S) | 14. Barber and beauty shop |
| 4. Government service | 15. Floral shop |
| 5. Veterinary clinic or hospital | 16. Real estate sales |
| 6. Vocational school | 17. Studio for art |
| 7. Botanical garden | 18. Tailor shop |
| 8. Greenway | 19. Pet services |
| 9. Park, active | 19. Restaurant, general (%) |
| 10. Park, passive | 20. Personal service (%) |
| 11. Youth or day camps | |

Conditions:

1. The sidewalk and parking for this historic landmark property shall be constructed with materials such as Exposed Aggregate Concrete or similar material.
2. All renovations on historic buildings requiring site plan approval shall follow the Secretary of the Interior's guidelines for Rehabilitation of Historic Structures and applicable regulations in the UDO Section 6.3 Small Town Character Overlay District. If a historic building is designated as a Wake County Landmark, then a Certificate of Appropriateness from Wake County Historic Preservation Commission shall be required.
3. New development, construction or renovations to non-historic buildings shall comply with the applicable sections of the UDO and the following conditions:
 - a. EIFS or synthetic stucco shall not be used in the first four (4) feet above grade and shall be limited to only 25% of each building façade.
 - b. Predominate exterior building materials shall be high quality materials, including brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units.
 - c. Building exterior shall have more than one (1) material color.

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION:

Planning staff recommends approval of the 2045 Land Use Map amendment and rezoning #19CZ24 with the conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:

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



ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The proposed rezoning to Office and Institutional-Conditional Zoning (O&I-CZ) is consistent with the proposed 2045 Land Use Map amendment from Medium/High Density Residential to Office Employment. The proposed Office and Institutional-Conditional Zoning (O&I-CZ) district is an allowable zoning district within the Office Employment Land Use Map classification.

The proposed land use map amendment and rezoning are reasonable and in the public interest because it will provide for a variety of options for the use of the large historic home on the subject property. The historic structure was acquired by Capital Area Preservation (CAP) and moved to this site in 2015 and has been on the market since then. A historic preservation easement has been recorded on the property, which will ensure preservation of the house in a manner to maintain the Landmark status of the house. As the existing structure is residential in nature, the property will remain consistent with the appearance of the area. The proposed rezoning will provide flexibility to accommodate the growth and development in this area while being consistent with the 2045 Land Use Map, as proposed.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the O&I-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 District use’s appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning District use’s appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning District use’s compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning District use’s minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use’s minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

STAFF REPORT

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January 21, 2020 Town Council Meeting



- 6) *Impact on public facilities.* The proposed Conditional Zoning District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



Turling Way

Greenmoor

Lillard Ct

The Pines
at Wake
Crossing

540

NC 540 Hwy SB

NC 540 Hwy NB

Roberts Rd

Rezoning #19CZ24

Page Rd

Brook Pine Trl

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

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

Application #: 19CZ24 Submittal Date: 11-1-19
2045 LUM Amendment: Yes Fee Paid: \$ 1600.00

Project Information

Project Name: The Upchurch-Williams House
Address(es): 7213 Roberts Road Cary, NC 27519
PIN(s): 0733337439
Acreage: 5.50 acres
Current Zoning: Rural Residential Proposed Zoning: O&I-CZ
Current 2045 LUM Designation: Medium Density/High
Proposed 2045 LUM Designation: Office Employment
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: Cara Powell
Address: 1931 New Bern Avenue
City: Raleigh State: NC Zip: 27610
Phone: 919-389-5757 E-mail: cara@f8photostudios.com

Owner Information

Name: Capital Area Preservation, Inc.
Address: 1101 Haynes Street Suite 001
City: Raleigh State: NC Zip: 27604
Phone: _____ E-mail: _____

Agent Information

Name: Cara and Brad Powell
Address: 1931 New Bern Avenue
City: Raleigh State: NC Zip: 27610
Phone: 919-389-5757 E-mail: cara@f8photostudios.com
Other contacts: Brad Powell 919-622-9401 fatherofthreegirls2017@gmail.com

↓ csp 12/20/19

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

Application #: _____ Submittal Date: _____

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

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

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

Current 2045 Land Use Classification: Medium High Density Residential

Proposed 2045 Land Use Classification: Office Employment

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

The existing neighborhood is changing because of the development going on around it. Changing these parcel from residential land use to office employment is consistent with the goals of the 2045 Land Use Map and the Town Council.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

PROPOSED USES:

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

1	Assembly hall, nonprofit	21	Assembly hall, for profit
2	Church or place of worship p/s	22	
3	Government service	23	
4	Veterinary clinic or hospital	24	
5	Vocational school	25	
6	Botanical garden	26	
7	Greenway	27	
8	Park, active	28	
9	Park, passive	29	
10	Youth or day camps	30	
11	Medical or dental clinic	31	
12	Office, business, or professional	32	
13	Barber or beauty shop	33	
14	Floral shop	34	
15	Real estate sales	35	
16	Studio for art	36	
17	Tailor shop	37	
18	Pet services	38	
19	Restaurant, general (%)	39	
20	Personal service (%)	40	

PETITION INFORMATION

Application #: _____

Submittal Date: _____

PROPOSED CONDITIONS

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

1. The sidewalk and parking for the historic landmark property shall be constructed with materials such as exposed aggregate concrete or similiar material.
2. All renovations on historic buildings requiring site plan approval shall follow the Secretary of the Interior's guidelines for Rehabilitation of Historic Structures and applicable regulations in the UDO Section 6.3 Small Town Character Overlay District. If a historic building is designated as a Wake County Landmark, then a Certificate of Appropriateness from Wake County Historic Preservation Commission shall be required.
3. New development, construction or renovations to non-historic buildings shall comply with the applicable sections of the UDO and the following conditions:
 - a. EIFS or synthetic stucco shall not be used in the first first four (4) feet above grade. and shall be limited to only 25% of each building façade.
 - b. Predominate exterior building materials shall be high quality materials, including brick, wood, stacked stone, other native stone, and tinted/ textured concrete ~~Zoning - 4~~ masonry units.
 - c. Building exterior shall have more than one (1) material color.

WCP 12/20/19

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

This conditional rezoning request is provided concurrent with a request to amend the 2045 Land Use Map.

If the 2045 Land Use Map is amended, the allowable uses in this conditional rezoning request provide for uses that are consistent with neighborhood business services.

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

The proposed uses and conditions for this rezoning will ensure that the district is compatible with I-540 & surrounding residential land uses.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

The proposed Conditional Zoning District will be in compliance with Section 4.4 Supplemental Standards.

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

The design will match the surrounding residential areas and will have no significant adverse impacts on surrounding lands.

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

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

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

The proposed uses will not increase the demand on public facilities and services.

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

The proposed uses will not be detrimental to health, safety, or welfare of the residents of the town.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

The proposed uses will not be detrimental to adjacent properties. Any proposed development shall meet all standards of buffers and landscaping associated with a non-residential parcel being developed adjacent to a residential parcel.

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

The proposed uses will not constitute as a nuisance or hazard to adjacent properties.

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

We have limited the uses allowed and will be restoring the historic house to the Secretary of Interior standards that will help ensure this is a quality project capable of meeting all of the standards in the UDO.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: _____

Submittal Date: _____

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.	Gayle and Gerald Woods	0733430868
2.	Dorothy Thorpe	0733531762
3.	Evelyn P. Moss	0733434406
4.	Pulte Home Company, Inc.	0733342131
5.	Pulte Home Company, Inc.	0733239284
6.	NC Department of Transportation	0733334229
7.	Capital Area Preservation, Inc.	0733337439
8.	Don T. Poitras	0733430044
9.	Patricia and James Myer	0733440120
10.	Meghaan and Ryan Hampton	0733431684
11.	Melanie and Brian Ensman	0733336006
12.		
13.		
14.		
15.		

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

Date: 10/31/19

By: Cara Powell

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Alberta T. Byrd, a Notary Public for the above State and County, on this the 31st day of October, 2019.

Alberta T. Byrd
 Notary Public
Alberta T. Byrd
 Print Name



My Commission Expires: 3/28/2024

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Capital Area Preservation is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 7213 Roberts Road Cary, NC 27519

The agent for this project is: Cara Powell

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

Agent Name: Cara Powell

Address: 1931 New Bern Avenue Raleigh, NC 27610

Telephone Number: 919-389-5757

E-Mail Address: cara@f8photostudios.com

Signature(s) of Owner(s)*
CAPITAL AREA PRESERVATION BY
Gary G. Roth PRESIDENT & CEO 10-30-19
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.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: _____

Submittal Date: _____

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

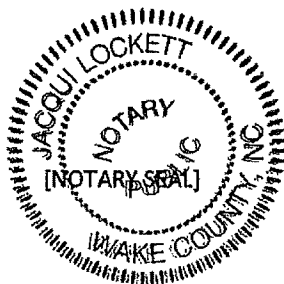
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 7213 Roberts Road and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated _____, and recorded in the Wake County Register of Deeds Office on _____, in Book _____ Page _____.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on _____, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on _____, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 31 day of October, 2019.

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



Jacquie Lockett
 Notary Public
 State of North Carolina
 My Commission Expires: May 23, 2024

Application #: _____

Submittal Date: _____

Insert legal description below.

Being all of the 5.57 acre shown on a plat which is recorded in Book of Maps 2015, Page 1405, Wake County Registry.

NOTICE OF NEIGHBORHOOD MEETING

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

10/09/19

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
 7213 Roberts Road Cary, North Carolina 27519 0733337439

Address(es)

PIN(s)

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

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

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

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

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
 The proposal is to discuss the restoration of the Upchurch-Williams House as a wedding venue. We look forward to meeting everyone!

Estimated submittal date: 11/01/19

MEETING INFORMATION:

Property Owner(s) name(s): Capital Area Preservation
 Applicant(s): Cara Grace Powell
 Contact information (email/phone): info@f8photostudios.com
 Meeting Address: Halle Cultural Center 237 N Salem Street
 Date of meeting**: 10/22/19
 Time of meeting**: 8pm

MEETING AGENDA TIMES:

Welcome: 8:10 Project Presentation: 8:15 Question & Answer: 8:30

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Upchurch-Williams House Zoning: Rural residential
 Location: 7213 Roberts Road Cary, North Carolina 27519
 Property PIN(s): 0733337439 Acreage/Square Feet: 5.5acres/3600sqft

Property Owner: Capital Area Preservation, Inc.
 Address: 1101 Haynes St Suite 001
 City: Raleigh State: NC Zip: 27604
 Phone: (919) 833-6404 Email: jbradham@cappresinc.org

Developer: Cara and Brad Powell
 Address: 1931 New Bern Avenue
 City: Raleigh State: NC Zip: 27610
 Phone: 919-389-5757 Fax: _____ Email: info@f8photostudios.com

Engineer: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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

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

Town of Apex Department Contacts

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

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Capital Area Preservation, Inc

Applicant(s): Cara and Brad Powell

Contact information (email/phone): cara@f8photostudios.com 919-389-5757

Meeting Address: Halle Cultural Arts Center 237 N Salem St, Apex, NC 27502

Date of meeting: 10/22/19 Time of meeting: 8:00pm

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

Question/Concern #1:

see next page for list of questions and responses

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Neighborhood Meeting Questions and Responses:

1. Where is the living room now located in the house?

Response: Jeremy(CAP) explained how the original 1905 floor plan was reinstated and that the living room was once again in the front of the home.

2. Are you going to put back on the garage?

Response: Cara responded that with the restoration of the house, the facade would be fully restored as it was built in 1905 and that the garage would not be added back.

3. Do you plan on using the space for other events besides weddings?

Response: Cara responded that she would assume that the space might be used for other events like showers, birthday parties and charity events.

4. How will security be handled on the property?

Response: Cara responded that the venue would never be unmanned without an employee at an event. She noted that in her 16 years in the event industry that she had never witnessed a security issue but that it would be a main priority to keep in mind.

5. How much do you plan to put into the property?

Response: Cara responded that based on the quotes from contractors that we have gotten that it would be a minimum of 400k.

6. Do you plan on hooking into utilities?

Response: Cara responded that it will depend on the expense to put in well and septic versus hooking up to city water and sewer. She explained that as it stood now, putting in a well and septic was a considerably cheaper option.

7. What about runoff? What are your plans for that to control that?

Response: Cara explained that she had a conversation with an engineer that is familiar with the project and plan to set up a meeting to talk about potential issues such as this and that it will be addressed.

8. What would the maximum venue capacity be?

Response: Cara responded max capacity would be 200 people but that most events would range from 40-125 people.

9. Do we plan to put in a commercial kitchen and will there be other vendors?

Response: Cara replied that there would be a commercial kitchen placed at the back of the house at the part where the house "L"s out. And that other vendors would be on site but they would all be pre-approved vendors.

10. Is the house historically marked or being "studied"

Response: Jeremy(CAP) responded that yes it was currently in a study to protect the house as a historic preservation easement.

11. A concern was expressed that what if the house burns down? Will a 7-11 for example be allowed to come in?

Response: A conversation from the neighbors ensued where others chimed in and said that they would assume that Cara and Brad would rebuild from insurance money since it was their business and investment. Cara concurred and Gary(CAP) added that currently having the Upchurch-Williams House there is what is stopping other commercial businesses that are less satisfactory from popping up in its place.

12. What would the parking lot material be?

Response: Cara responded that it would need to be a permeable material so either gravel with markers or aggregate concrete.

13. What about lighting? Parking lot lights?

Response: Cara responded that it would be tastefully done. She explained that it would be lit aesthetically beautiful like any house would. Regarding the parking lot lights, she said that she would need to look into it further but did not have specifics as of yet. She said that she foresaw low lighting on a path.

14. If it gets rezoned, when would we start?

Response: Cara responded that we didn't have an exact timeline with regards to renovation, but she shared the process with everyone with regards to when the application is due and when the public hearing would take place. She stated that they would be invited to attend the hearing on January 22, 2020.

15. What is the name of the business going to be?

Response: Cara responded that she was not sure yet but had been tossing around ideas.

16. How long after the purchase does Capital Area Preservation have a hand in it?

Response: Gary(CAP) responded that it would be for perpetuity.

17. Where would parking happen during construction because people mistake my driveway for a road.

Response: Cara responded that she was hiring a considerate and responsible contractor and she would make it a priority to communicate this issue with the crew. Suggestions were made from the group for maybe a no parking sign.

18. Where do we plan for the getting ready bridal suite to go?

Response: Cara responded that currently she envisions the bridal suite to be located upstairs on one of the front rooms and the groom's room would be upstairs in the back.

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: _____

Date of meeting: _____ Time of meeting: _____

Property Owner(s) name(s): _____

Applicant(s): _____

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.	Gary Roth / CAP Inc	Raleigh, NC			
2.	Jeremy Bradham	Raleigh, NC			
3.	Gerald Woods	Apex Cary NC			
4.	Patsy Myer	7224 Roberts Cary			
5.	Evelyn Moss	7120 Roberts Rd Cary			
6.	Nancy A. Thorpe	7124 Roberts Rd Cary			
7.	TONY THORPE	7001 PAGE RD CARY			
8.	DON POITRAS	7125 ROBERTS RD			
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

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, Cara Powell, do hereby declare as follows:
Print Name

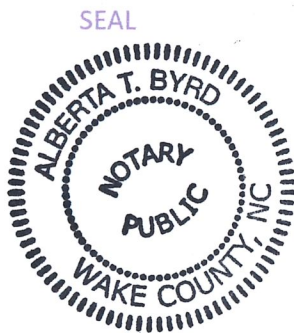
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Halle Cultural Arts Center ^{237 N. Salem St. Apex, NC 27502} (location/address) on 10/22/2019 (date) from 8:00pm (start time) to 9:20pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

10/29/2019
Date

By: Cara Powell

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Alberta T. Byrd, a Notary Public for the above State and County, on this the 29th day of October, 2019.



Alberta T. Byrd
Notary Public
Alberta T. Byrd
Print Name

My Commission Expires: 3/28/2024

PLANNING BOARD REPORT TO TOWN COUNCIL

2045 Land Use Map Amendment and Rezoning #19CZ24 Upchurch-Williams House

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: ± 5.50 acres
PIN: 0733337439
Current Zoning: Rural Residential (RR)
Proposed Zoning: Office & Institutional-Conditional Zoning (O&I-CZ)
2045 Land Use Map: Medium/High Density Residential
Proposed 2045 Land Use Map: Office Employment
Town Limits: ETJ

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: _____

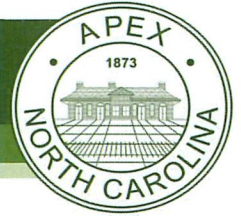
Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

2045 Land Use Map Amendment and Rezoning #19CZ24 Upchurch-Williams House

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: _____

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: _____

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: _____

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: _____

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: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

2045 Land Use Map Amendment and Rezoning #19CZ24 Upchurch-Williams House

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: _____

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: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

2045 Land Use Map Amendment and Rezoning #19CZ24 Upchurch-Williams House

January 13, 2020 Planning Board Meeting



Planning Board Recommendation:

Motion: To recommend approval of 2045LUM
and rezoning as presented.

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Tommy Pate

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 13th 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

2045 LAND USE MAP AMENDMENT & CONDITIONAL ZONING #19CZ24

7213 Roberts Road

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: Cara Powell

Authorized Agent(s): Cara Powell

Property Address: 7213 Roberts Road

Acreage: ±5.50

Property Identification Number (PIN): 0733337439

Existing 2045 Land Use Map Designation: Medium/High Density Residential

Proposed 2045 Land Use Map Designation: Office Employment

Current Zoning of Property: Rural Residential (RR)

Proposed Zoning of Property: Office and Institutional-Conditional Zoning (O&I-CZ)

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd 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/29681>.

Dianne F. Khin, AICP
Planning Director



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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

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Dianne F. Khin, AICP
Planning Director

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

25/LL



Greenmoor

Rezoning #19CZ24

540

7213

The Pines at Wake Crossing

Kanewind Ter

Turling Way

Lillard Ct

BrookPine Trl

NC 540 Hwy SB

NC 540 Hwy NB

Roberts Rd

Page Rd



Public Hearing Sign Posted By

[Signature]
Signature

11/8/19
Date

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



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

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

Project Number and/or Name: Rezoning #19CZ24
 Project Location: 7213 Roberts Road
 Applicant or Authorized Agent: Cara Powell
 Firm: N/A

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 on 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

Amanda Bence

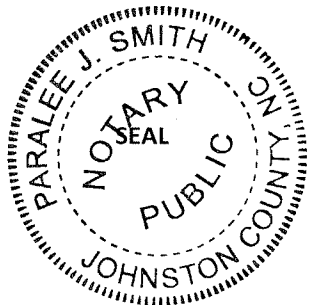
Current Planning Manager

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