

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 21CZ26 Submittal Date: 10/1/22
Fee Paid: \$1000

Project Information

Project Name: Humie Olive Commercial
Address(es): 0 Humie Olive Road & 7525 Humie Olive Road
PIN(s): 0720-99-3254 & 0720-99-0292
Acreage: 7.69 acres
Current Zoning: RR Proposed Zoning: B1 - CZ
Current 2045 LUM Classification(s): Commercial Services or High Density Residential
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

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

| | | |
|--|----------|------------|
| Area classified as mixed use: | Acreage: | <u>N/A</u> |
| Area proposed as non-residential development: | Acreage: | <u>N/A</u> |
| Percent of mixed use area proposed as non-residential: | Percent: | <u>N/A</u> |

Applicant Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: 919-439-0100 E-mail: jroach@peakengineering.com

Owner Information

Name: N/F David Ray Powell (-3254) JVI Building & Development (-0292)
Address: 524 Lapis Lane (Cary, NC 27519) 2509 Southwinds Run (Apex, NC 27502)
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: 919-439-0100 E-mail: jroach@peakengineering.com

Other contacts: _____
jbarron@morningstarlawgroup.com
_____ joey@jviconstruction.com
_____ mike42059@usa.com

PETITION INFORMATION

Application #: 21CZ26 Submittal Date: 10/1/22

An application has been duly filed requesting that the property described in this application be rezoned from RR _____ to B1-CZ _____. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

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

| | | | |
|----|--|----|-------|
| 1 | <u>Uses as permitted in the B1 district except</u> | 21 | _____ |
| 2 | <u>Building supplies, retail</u> | 22 | _____ |
| 3 | <u>Funeral home</u> | 23 | _____ |
| 4 | <u>Theater</u> | 24 | _____ |
| 5 | <u>Radio or television recording studio</u> | 25 | _____ |
| 6 | _____ | 26 | _____ |
| 7 | _____ | 27 | _____ |
| 8 | _____ | 28 | _____ |
| 9 | _____ | 29 | _____ |
| 10 | _____ | 30 | _____ |
| 11 | _____ | 31 | _____ |
| 12 | _____ | 32 | _____ |
| 13 | _____ | 33 | _____ |
| 14 | _____ | 34 | _____ |
| 15 | _____ | 35 | _____ |
| 16 | _____ | 36 | _____ |
| 17 | _____ | 37 | _____ |
| 18 | _____ | 38 | _____ |
| 19 | _____ | 39 | _____ |
| 20 | _____ | 40 | _____ |

PETITION INFORMATION

Application #: 21CZ26 Submittal Date: 10/1/22

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

New development on the site will comply with supplemental use standards to the extent such standards are applicable under UDO Sec. 4.4.

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 requested district includes commitments related to the appearance of buildings and the exterior lighting which are meant to ensure a quality development that will not have a negative impact on surrounding properties.

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.

New development on the site will be consistent with the Town's requirements for the same, many of which are meant to minimize a project's impact on the environment. Additionally, the project includes a commitment to provide solar conduit and shielded lighting in order to minimize the development's impacts on the environment.

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 project will include turn lanes, frontage improvements, and right-of-way dedication in order to address the traffic impacts reasonably associated with the proposed development at this site. Additionally, the project will include annexation and the extension of public utilities to the site.

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 rezoning is consistent with the Town's long range plans for development in this area. By providing non-residential uses in proximity to an ever-growing residential area, residents will have convenient access to goods and services.

PETITION INFORMATION

Application #:

21CZ26

Submittal Date:

10/1/22

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

As mentioned above, the proposed site of the rezoning is adjacent to a commercial node. Development consistent with the proposed rezoning will be consistent with existing uses in the area and will compliment those businesses. The project is not detrimental to surrounding properties.

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

The proposed rezoning will facilitate the development of a non-residential center in an area slated for the same in the Town's Comprehensive Plan. Non-residential uses in this area are not anticipated to become a nuisance. At time of site plan, staff will review the project layout to insure that its design does not create a nuisance.

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.

This project will include a much needed extension of public utilities which could help spur more economic activity in this area. This is a benefit for the Town itself and also for its residents who will benefit from having convenient access to goods and services.

Humie Olive Commercial Zoning Conditions

1. The predominant exterior building materials shall be high quality materials per UDO § 9.3.5 and shall include brick, wood, stacked stone, other native stone, tinted/textured concrete masonry units, EIFS, aluminum storefronts with anodized or pre-finished colors.
2. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
3. The building exterior shall more than one material color.
4. The building shall have more than one parapet height.
5. The main entrance of the building shall be emphasized (per UDO Sec 9.3.4 and 9.3.5).
6. Tree clearing, grading, or SCM installation shall not be designated within either zone of a riparian buffer.
7. Signage prohibiting pet waste and reduced fertilization shall be installed near environmentally sensitive areas
8. Pollinator friendly and/or native flora shall be selected for required landscaping
9. Each building shall be constructed with solar conduit to facilitate future rooftop solar installations
10. A pet waste station shall be installed within the common open space area
11. Coordinate with the Park, Recreation, and Cultural Resources for the location of a future greenway corridor along the western boundary.
12. Required outdoor lighting shall
 - a. Incorporate timers, sensors, or smart lighting technology
 - b. Be shielded in a way that focuses lighting to the ground
 - c. Minimize the emission of blue light
 - d. Emit a color temperature of 3000K or less

AGENT AUTHORIZATION FORM

Application #: 21CZ26

Submittal Date: 10/1/22

David Ray Powell 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: 0 Humie Olive Road

The agent for this project is: ~~David Ray Powell~~ Peak Eng & Design

DE I am the owner of the property and will be acting as my own agent
Agent Name: Peak Engineering & Design, PLLC (Jeffrey A. Roach, P.E.)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*
David R. Powell
David R. Powell
Type or print name

29 Sept 2024
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 #: 21CZ26

Submittal Date: 10/1/22

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

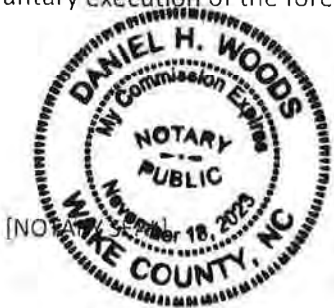
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 7525 Humie Olive Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
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 12/29/17, and recorded in the Wake County Register of Deeds Office on 12/29/17, in Book 17011 Page 1371.
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 12/29/17, 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 12/29/17, 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.

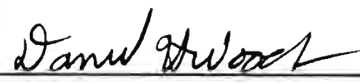
This the 29th day of Sept, 2021.

 (seal)
David R. 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 DAVID 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.




 Notary Public
 State of North Carolina
 My Commission Expires: 11/18/2023

AGENT AUTHORIZATION FORM

Application #: 21CZ26

Submittal Date: 10/1/22

JVI Building & Development, Inc. 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: 7525 Humie Olive Road

The agent for this project is: Joseph Iannone

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

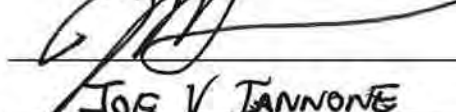
Agent Name: Peak Engineering & Design, PLLC (Jeffrey A. Roach, P.E.)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*


JOE V. IANNONE
Type or print name

9-29-21
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 #: 21CZ26

Submittal Date: 10/1/22

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

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 7525 Humie Olive Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 12/29/17, and recorded in the Wake County Register of Deeds Office on 12/29/17, in Book 17011 Page 1371.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 12/29/17, 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 12/29/17, 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 29 day of 9, 2021

[Signature] (seal)
JOE V. IANNONE
 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 JOE IANNONE, 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.



[Signature]
 Notary Public
 State of North Carolina
 My Commission Expires: 11/18/2023

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.

9/15/21

Date

Dear Neighbor:

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

0 Humie Olive Road

0720-99-3254

7525 Humie Olive Road

0720-99-0292

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. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. 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 <http://www.apexnc.org/180/Planning-Community-Development>.

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)):

We are seeking rezoning in order to develop approximately 50,000sf of commercial uses at the intersection of Humie Olive and Old US HWY 1.

Estimated submittal date: October 2021

MEETING INFORMATION:

Property Owner(s) name(s): David Ray Powell & JVI Building & Development

Applicant(s): Jason Barron - Attorney for Owners

Contact information (email/phone): jbarron@morningstarlawgroup.com/919-590-0371

Meeting Address: https://morningstarlaw.group/09302021mtg

Date/Time of meeting**: September 30, 2021 from 5:30 to 7:30

MEETING AGENDA TIMES:

Welcome: 5:30 - 5:32 Project Presentation: 5:32 - 5:35 Question & Answer: 5:35 - 7:30

**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 and Community Development 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-Community-Development>.

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: Humie Olive Commercial Zoning: RR

Location: 0 Humie Olive Road & 7525 Humie Olive Road

Property PIN(s): 0720-99-3254 & 0720-99-0292 Acreage/Square Feet: 7.69

Property Owner: David Ray Powell & JVI Building & Development

Address: 542 Lapis Lane

City: Cary State: NC Zip: 27519

Phone: _____ Email: _____

Developer: JVI Building & Development

Address: 2509 Southwinds Run

City: Apex State: NC Zip: 27502

Phone: _____ Fax: _____ Email: _____

Engineer: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): JVI Building & Development

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 and Community Development 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 and Greenways Planner | (919) 249-7468 |
| Public Works - Transportation Russell Dalton, Senior Transportation Engineer | (919) 249-3358 |
| Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) | (919) 249-3537 |
| James Gregg, Utility Engineering Manager (Water & Sewer) | (919) 249-3324 |
| Electric Utilities Division Rodney Smith, Electric Technical Services Manager | (919) 249-3342 |

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

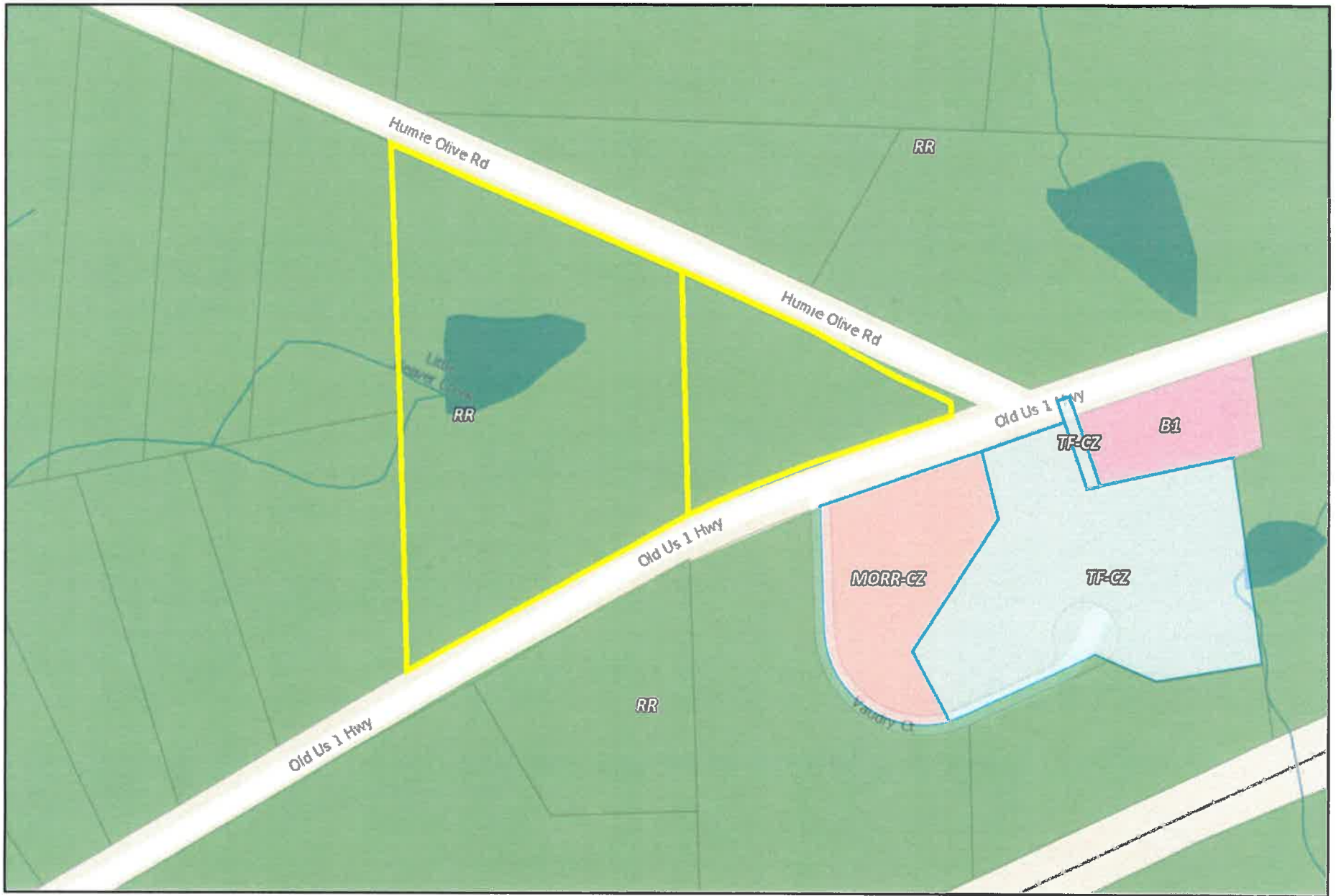
It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce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

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

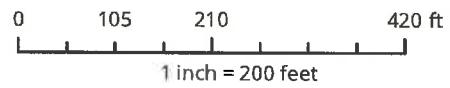
To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement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

Documentation:

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

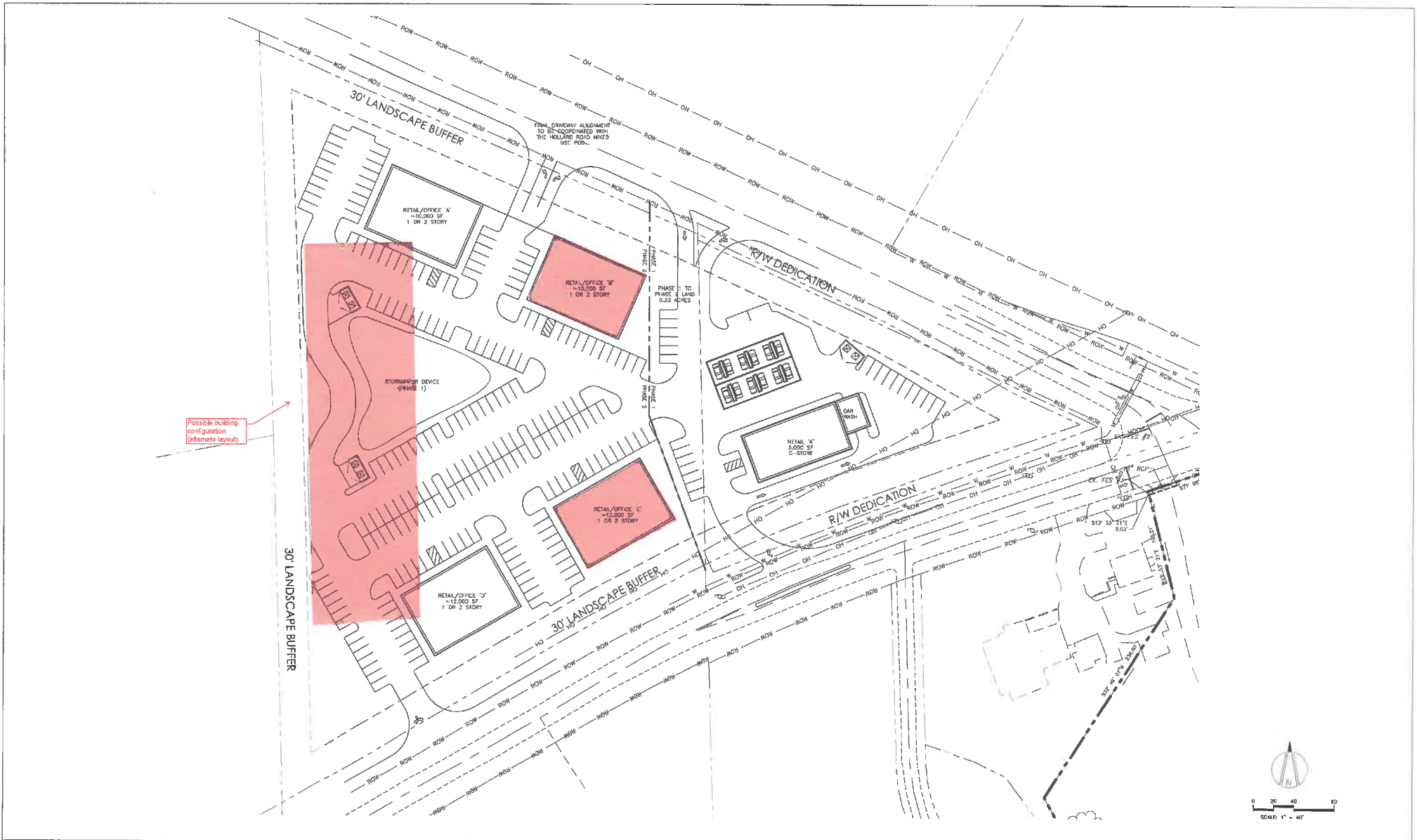


Vicinity & Zoning Map



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.



Possible building configuration (alternate layout)

| | | | |
|-------------|----|----------|-----------|
| Designer: | DW | Scale: | 1" = 40' |
| Drawn By: | DW | Date: | 5/25/2021 |
| Checked By: | JR | Job No.: | 201202 |

HUMIE OLIVE C-STORE
APEX, NORTH CAROLINA

SKETCH PLAN

PEAK Engineering & Design
1126 Apex Parkway E. Apex, NC 27502
PH: 919.899.3100
www.peakengineering.com

Sheet No. **SP-7**

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): JVI Building and Development, Inc. and David Ray Powell

Applicant(s): Peak Engineering and Morningstar Law Group

Contact information (email/phone): jbarron@morningstarlawgroup.com/919.590.0371

Meeting Format: Virtual per Town's Requirements

Date of meeting: September 30, 2021 Time of meeting: 5:30pm-7:30pm

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

Question/Concern #1:

What is the plan for development of the site

Applicant's Response:

The applicant's representative shared a draft potential layout of the site which is included herein

Question/Concern #2:

What is the proposed buffer to the western boundary

Applicant's Response:

the plan is for a 30' perimeter buffer that would seek to preserve as much of the existing mature vegetation as practicable

Question/Concern #3:

What is the plan for stormwater

Applicant's Response:

The owners have agreed to engineer for the 25 year storm event, and we anticipate an SCM near the western boundary

Question/Concern #4:

A concern was expressed with respect to potential impacts to groundwater from a gas station

Applicant's Response:

Noted, and we believe that most of the issues with service stations and groundwater is from older underground storage tanks

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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Property Owner(s) name(s): JVI Building and Development, Inc. and David Ray Powell

Applicant(s): Peak Engineering and Morningstar Law Group

Contact information (email/phone): jbarron@morningstarlawgroup.com/919.590.0371

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Question/Concern #1:

where is sewer coming from

Applicant's Response:

The anticipation is that this site can be sewerred from a development to the north that will be bringing gravity sewer across Humie Olive

Question/Concern #2:

Would you consider a 6' privacy fence along the western boundary of the site

Applicant's Response:

the applicant agreed to walk the site and determine feasibility of a fence with the lone adjacent neighbor that attended the meeting

Question/Concern #3:

The attendees stated they will not oppose the development and appreciated how transparent the neighborhood meeting was

Applicant's Response:

Question/Concern #4:

Applicant's Response:

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format: Virtual per Town's Requirements

Date of meeting: September 30, 2021 Time of meeting: 5:30pm-7:30pm

Property Owner(s) name(s): JVI Building and Development, Inc. and David Ray Powell

Applicant(s): Peak Engineering and Morningstar Law Group

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

| | NAME/ORGANIZATION | ADDRESS | PHONE # | EMAIL | SEND PLANS & UPDATES |
|-----|-------------------------------------|---|---------|-------|----------------------|
| 1. | Matthew and Diane Olson | 2404 Old US 1 HWY | | | |
| 2. | Jason Barron, Morningstar Law Group | 421 Fayetteville Street, Suite 530, Raleigh | | | |
| 3. | Jeff Roach, Peak Engineering & Des | 1125 Apex Peakway, Apex, NC | | | |
| 4. | | | | | |
| 5. | | | | | |
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| 13. | | | | | |
| 14. | | | | | |

Use additional sheets, if necessary.

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

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

I, Jason Barron, do hereby declare as follows:

Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via Virtual per Town's Requirements (indicate format of meeting) on September 30, 2021 (date) from 530pm (start time) to 730pm (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

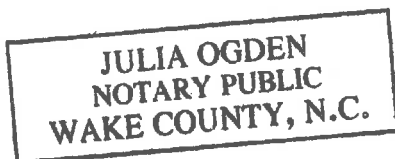
10/1/21
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 1 day of October, 2021.

SEAL



[Signature]
Notary Public
Julia Ogden
Print Name

My Commission Expires: April 21, 2024

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 21CZ26

Submittal Date: 10/1/22

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. | LIST PROVIDED BY TOWN | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
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| 12. | | |
| 13. | | |
| 14. | | |
| 15. | | |

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

Date: 10/1/21

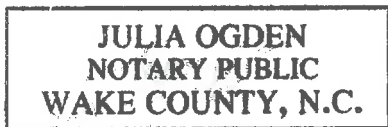
By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 1 day of October, 2021.

[Signature]
Notary Public
Julia Ogden
Print Name

SEAL



My Commission Expires: April 21, 2024