

STAFF REPORT

Rezoning #20CZ03 1200 James Street

June 16, 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: 1200 James Street

Applicant/Owner: Patrick Kiernan, Jones & Cnossen Engineering, PLLC./Cathleen & Kenneth Watson

PROJECT DESCRIPTION:

Acreage: +4.09

PIN: 0741789012

Current Zoning: Medium Density Residential (MD)

Proposed Zoning: Tech/Flex-Conditional Zoning (TF-CZ)

2045 Land Use Map: Industrial Employment & Office Employment

Town Limits: In Corporate limits

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Medium Density Residential (MD)	Single-family residential
South:	Light Industrial (LI)	Peak City Business Park
East:	Light Industrial (LI)	Peak City Business Park
West:	Medium Density Residential (MD) Mobile Home Park (MHP)	Single-family residential; Mobile Home Park

Existing Conditions:

The subject property is located on the east side of Schieffelin Road and north of Energy Drive. There is an existing pond and residential structure on site.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on January 22, 2020. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the property subject to this rezoning as Industrial Employment & Office Employment. The proposed rezoning to Tech/Flex- Conditional Zoning (TF-CZ) is consistent with that land use classification.

STAFF REPORT

Rezoning #20CZ03 1200 James Street

June 16, 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:

Day care facility	Repair services, limited
Drop-in or short-term day care	Retail sales, bulky goods
Government services	Studio for art
School, public or private	Tailor shop
Transportation facility	Upholstery shop
Veterinary clinic or hospital	Pet services
Vocational school	Automotive accessory sales and installation
Utility, minor	Repair and maintenance, general
Wireless support structure	Vehicle inspection center
Wireless communication facility	Vehicle sales and rental, light
Greenway	Building supplies, wholesale
Park, passive	Laboratory, industrial research
Broadcasting station (radio and television)	Machine or welding shop
Radio and television recording studio	Warehousing
Commissary	Woodworking or cabinetmaking
Dispatching office	Wholesaling, general
Medical or dental office or clinic	Brewery
Medical or dental laboratory	Distillery
Office, business or professional	Manufacturing and processing, minor
Publishing office	Microbrewery
Research facility	Microdistillery
Artisan studio	Restaurant, general
Health/fitness center or spa	Pilot plant
Personal services	Manufacturing and processing
Printing and copying service	Retail sales, general
Real estate sales	

Conditions:

1. Access to this parcel shall be served from Energy Drive. No direct access shall be permitted to Schieffelin Road or James Street.
2. The "Broadcasting station (radio and television)" and "Radio and television recording studio" shall not use towers that exceed 30 feet in height.
3. The "Building supplies, wholesale" use shall only be limited to indoor storage.
4. The "Retail sales, bulky goods" use shall only be limited to indoor storage.
5. The "Vehicle sales and rental, light" use shall be only limited to indoor storage.
6. The parcel associated to Wake County PIN 0741789012 shall be incorporated in the non-residential Master Subdivision Plan for Schieffelin Industrial Park.

STAFF REPORT

Rezoning #20CZ03 1200 James Street

June 16, 2020 Town Council Meeting



7. Public art will be provided on site, by the developer, consistent with UDO Section 8.4.5.
8. The use "School, public or private" shall not exceed 9,000 square feet.
9. Building(s) shall not be addressed to James St. or Schieffelin Rd.

Architectural Conditions:

1. Predominant exterior building materials shall be high quality, including brick, wood, staked stone, other native stone, and tinted/textured concrete masonry units. Elevations of non-residential buildings facing public roadways and public areas within the development shall be constructed with similar materials.
2. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
3. The rear elevations of non-residential buildings that are not visible from parking lots or public streets may include decorative concrete masonry, metal coping, or EIFS trim.
4. The proposed building(s) shall be compatible to the existing non-residential building elevations in the Peak City Business Park Development.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the rezoning #20CZ03 with the conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:

Planning Board heard this item at their June 8, 2020 meeting and unanimously recommended approval with additional condition 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 Tech/Flex-Conditional Zoning district is consistent with Industrial Employment & Office Employment land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will provide an opportunity for non-residential uses to serve the surrounding area, while being incorporated in to the Peak City Business Park or known as the Schieffelin Industrial Non-Residential Master Subdivision Plan. The proposed rezoning will maintain the character and appearance of the area and provide uses similar to those approved for the adjacent non-residential subdivision.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the TF-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.

STAFF REPORT

Rezoning #20CZ03 1200 James Street

June 16, 2020 Town Council Meeting



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



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 #: 20CZ03 Submittal Date: 02/02/2020
2045 LUM Amendment: _____ Fee Paid: \$900.00

Project Information

Project Name: 1200 James Street
Address(es): 1200 James Street, Apex, NC 27502
PIN(s): 0741789012

Acreage: 4.09

Current Zoning: MD Proposed Zoning: TF-CZ

Current 2045 LUM Designation: Office Employment/Industrial Employment

Proposed 2045 LUM Designation: Office Employment/Industrial 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: Jones & Clossen Engineering, PLLC
Address: PO Box 1062
City: Apex State: NC Zip: 27502
Phone: 919-387-1174 E-mail: patrick@jonesclossen.com

Owner Information

Name: Cathleen and Kenneth Watson
Address: 634 Blue Point Rd
City: Holtsville State: NY Zip: 11742-1812
Phone: _____ E-mail: _____

Agent Information

Name: Peak City Partners LLC
Address: 1330 Sunday Dr, Ste 105
City: Raleigh State: NC Zip: 27607
Phone: 919-210-1996 E-mail: vdhawan@greenhawkcorp.com

Other contacts: _____

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: _____

Proposed 2045 Land Use Classification: _____

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

PETITION INFORMATION

Application #: _____ Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from MD to TF-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	See attached list	21	
2		22	
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Tech/Flex Allowable Uses

Day care facility
Drop-in or short-term day care
Government services
School, public or private
Transportation facility
Veterinary clinic or hospital
Vocational school
Utility, minor
Wireless support structure
Wireless communication facility
Greenway
Park, passive
Broadcasting station (radio and television)
Radio and television recording studio
Commissary
Dispatching office
Medical or dental office or clinic
Medical or dental laboratory
Office, business or professional
Publishing office
Research facility
Artisan studio
Health/fitness center or spa
Personal services
Printing and copying service
Real estate sales
Repair services, limited
Retail sales, bulky goods
Studio for art
Tailor shop
Upholstery shop
Pet services
Automotive accessory sales and installation
Repair and maintenance, general
Vehicle inspection center
Vehicle sales and rental, light
Building supplies, wholesale
Laboratory, industrial research
Machine or welding shop
Warehousing
Woodworking or cabinetmaking
Wholesaling, general
Brewery
Distillery
Manufacturing and processing, minor
Microbrewery
Microdistillery
Restaurant, general
Pilot plant
Manufacturing and processing

Retail sales, general

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.

- Access to this parcel shall be served from Energy Drive. No direct access shall be permitted to Schieffelin Road or James Street.
- The "Broadcasting station (radio and television)" and "Radio and television recording studio" shall not use towers that exceed 30 feet in height.
- The "Building supplies, wholesale" use shall only be limited to indoor storage.
- The "Retail sales, bulky goods" use shall only be limited to indoor storage.
- The "Vehicle sales and rental, light" use shall only be limited to indoor storage.
- The parcel associated with Wake County PIN 0741789012 shall be incorporated in the non-residential Master Subdivision Plan for Schieffelin Industrial Park.
- Public art will be provided on site, by the developer, consistent with UDO section 8.4.5.
- The use "School, public or private" shall not exceed 9,000 square feet.
- Building(s) shall not be addressed to James St. or Schieffelin Rd. - Please see attached list for Architectural Conditions

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed Conditional Zoning District of Tech Flex is consistent with the 2045 Land Use Map designation of Office Employment or Industrial Employment.

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 are appropriate for its location given the commercial and industrial character of the area, situated between two commercial developments on Energy Dr and Investment Blvd. These uses are also compatible with the planned extension of the Apex Peakway along this property.

Architectural Conditions

1. Predominant exterior building materials shall be high quality, including brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units. Elevations of non-residential buildings facing public roadways and public areas within the development shall be constructed with similar materials
2. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
3. The rear elevations of non-residential buildings that are not visible from parking lots or public streets may include decorative concrete masonry, metal coping, or EIFS trim.
4. The proposed building(s) shall be compatible to the existing non-residential building elevations in the Peak City Business Park development.

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.

All uses that fall within the supplemental standards will be consistent with the standards provided in the Town of Apex UDO.

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

We have limited the uses to avoid adverse impacts to the surrounding properties as much as practical. The proposed uses' compatibility with the surrounding properties should minimize nuisances, and appropriate buffering will be provided to preserve any natural aesthetics.

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

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

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

The site will provide access from Energy Dr. to the south in order to avoid conflicts on existing Shieffelin Rd. The location provides good access to public infrastructure and emergency services. The uses will have no impact on the schools or public parks.

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 Tech Flex uses will provide additional opportunities for employment and service that will benefit the health and welfare of the citizens. The project should not have any effect on the safety of the citizens in the area.

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 Tech Flex uses are compatible with the LI uses of adjacent properties. The Tech Flex uses are anticipated to have a peak use time during the day minimizing the impacts to the residential 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.

Access will not be provided along Schieffelin Rd. or James St. in order to avoid traffic impacts on those streets.

The access provided on Energy Dr. should not have any adverse impacts on traffic due to its compatibility with the uses of the Peak City Business Park development.

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.

The uses have been limited to ensure this will be a quality project capable of meeting all the standards in the UDO.

AGENT AUTHORIZATION FORM

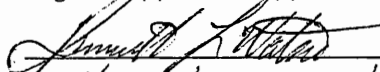
Application #: _____ Submittal Date: _____

Cathleen and Kenneth Watson _____ is the owner* of the property for which the attached application is being submitted:

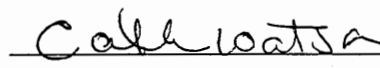
- ☐ Land Use Amendment
- ☒ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☐ Site Plan
- ☐ Subdivision
- ☐ Variance
- ☐ Other: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

The property address is: 1200 James StreetThe agent for this project is: Peak City Partners, LLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Vaibhav DhawanAddress: 1330 Sunday Dr, Ste 105, Raleigh NC 27607Telephone Number: 919-210-1996E-Mail Address: vdhawan@greenhawkcorp.com

Signature(s) of Owner(s)*


Kenneth L. Watson Type or print name

1-15-2020
Date


Cathleen Watson Type or print name

1-15-2020
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, VAIBHAV DHAWAN (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 1200 James Street, Apex NC 27502 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 30 day of JANUARY, 2020.

Vaibhav Dhawan

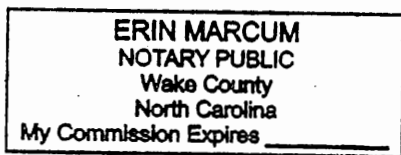
(seal)

VAIBHAV DHAWAN

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 Vaibhav Dhawan, 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 SEAL]

[Signature]

Notary Public

State of North Carolina

My Commission Expires: November 19, 2020

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____

Submittal Date: _____

Insert legal description below.

Beginning at an existing iron pipe labeled control corner at the southeast corner of Lot 12 as shown on Book of Maps 2004, Page 1194, Wake County Registry, thence from said Beginning point South $71^{\circ}46'33''$ West 404.95 feet to a point on the eastern right of way of Schieffelin Road (Public Right of Way), thence with said right of way North $15^{\circ}45'15''$ West 425.25 feet to a point at the intersection with the southern right of way of James Street (50' Private Right of Way), thence with said James Street right of way North $72^{\circ}24'44''$ East 86.60 feet to a point, thence along a curve to the right having a radius of 777.25 feet, an arc length of 145.54 feet and a chord bearing and distance of North $79^{\circ}29'15''$ East 145.33 feet to a point, thence North $85^{\circ}15'09''$ East 96.33 feet to a point, thence leaving said right of way North $87^{\circ}55'50''$ East 150.10 feet to an existing iron pipe, thence South $44^{\circ}47'12''$ East 24.42 feet to an existing iron pipe, thence South $01^{\circ}58'37''$ East 331.58 feet to the point and place of Beginning containing 4.09 Acres more or less as shown on Book of Maps 2004, Page 1194, Wake County Registry.

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.

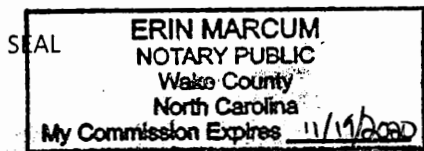
	Owner's Name	PIN
1.	See Attached List	
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15.		

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

Date: 1/27/20By: *Patrick Kierman*

COUNTY OF WAKE STATE OF NORTH CAROLINA

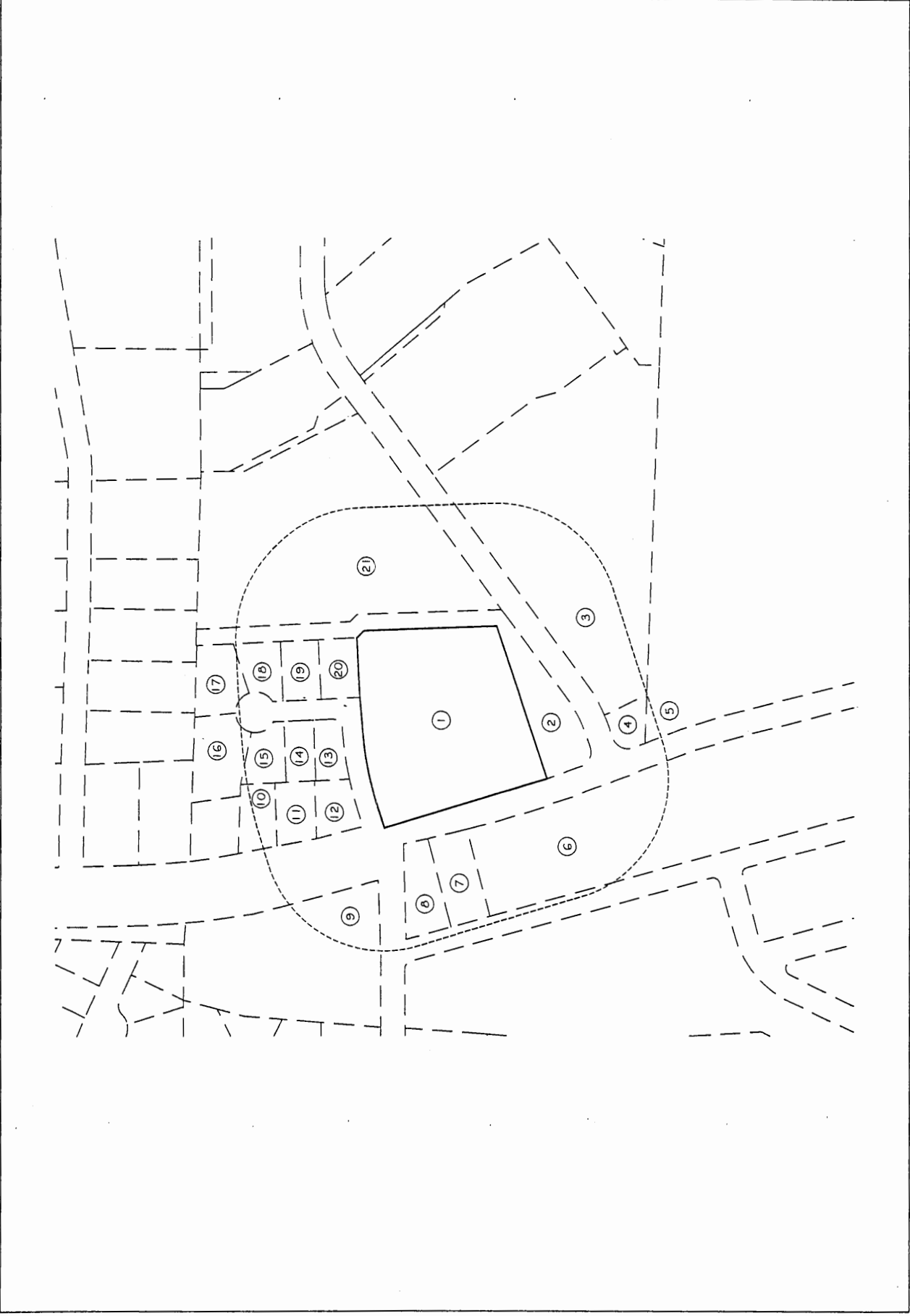
Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 27th day of January, 2020.



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 17, 2020

	A	B	C	D	E	F
1		1940 - 1200 James Street	Adjacent Property Owners			
2						
3	Parcel #	Name	Address I	Address II	City/State/Zip Code	Pin #
4	NA	TOWN OF APEX	PLANNING DEPT	PO BOX 250	APEX NC 27502	
5	1	KENNETH & CATHLEEN WATSON	634 BLUE POINT RD		HOLTSVILLE NY 11742-1812	0741789012
6	2	PEAK CITY PTNR LLC	MATT DESVERGERS	1330 SUNDAY DR STE 105	RALEIGH NC 27607-5196	0741778772
7	3	PEAK CITY PTNR LLC	MATT DESVERGERS	1330 SUNDAY DR STE 105	RALEIGH NC 27607-5196	0741874618
8	4	PEAK CITY PTNR LLC	MATT DESVERGERS	1330 SUNDAY DR STE 105	RALEIGH NC 27607-5196	0741779505
9	5	STATE OF NORTH CAROLINA	STATE PROPERTY OFFICE	116 W JONES ST	RALEIGH NC 27603-1300	0741875087
10	6	BRIARTAC FAMILY LLC	TONYA CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	0741775014
11	7	BRIARTAC FAMILY LLC	TONYA CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	0741774955
12	8	BRIARTAC FAMILY LLC	TONYA CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	0741784046
13	9	HAZEL MARKHAM	1007 JAMES ST		APEX NC 27502-2137	0741783368
14	10	DELAMETER PROPERTIES LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741786477
15	11	AMSDELL PROPERTIES LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741786387
16	12	HUMMER DEVELOPMENT LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741786297
17	13	DELAMETER PROPERTIES LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741788239
18	14	HUMMER DEVELOPMENT LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741788336
19	15	AMSDELL PROPERTIES LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741788424
20	16	AKRON DEVELOPMENT LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741788526
21	17	ANGIE GAERTNER	1209 JAMES ST		APEX NC 27502-2139	0741880507
22	18	AKRON DEVELOPMENT LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741880445
23	19	NIKOLAI NASKOV & LYUDMILA TOMOVA	203 BELL ARTHUR DR		CARY NC 27519-6120	0741880336
24	20	KENNETH & CATHLEEN WATSON	634 BLUE POINT RD		HOLTSVILLE NY 11742-1812	0741880246
25	21	PEAK CITY PTNR LLC	MATT DESVERGERS	1330 SUNDAY DR STE 105	RALEIGH NC 27607-5196	0741883350



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.

January 8, 2020

Date

Dear Neighbor:

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

1200 James Street

0741789012

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)):

We are proposing to rezone this property from Medium Density Residential to Tech Flex-Conditional

Zoning. We have enclosed a list of the allowed uses for the Tech Flex zoning district.

Estimated submittal date: February 3, 2020

MEETING INFORMATION:

Property Owner(s) name(s): Cathleen and Kenneth Watson

Applicant(s): Jones & Clossen Engineering, PLLC

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

Meeting Address: Jones & Clossen Engineering, 221 N Salem St, Suite 001, Apex NC27502

Date of meeting**: January 22, 2020

Time of meeting**: 5:30 - 7:30 pm

MEETING AGENDA TIMES:

Welcome: 5:30 pm Project Presentation: 5:35 pm Question & Answer: 6:00 pm

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

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: 1200 James Street Zoning: TF-CZ

Location: 1200 James Street, Apex NC 27502

Property PIN(s): 0741789012 Acreage/Square Feet: 4.09

Property Owner: Cathleen and Kenneth Watson

Address: 634 Blue Point Rd

City: Holtsville State: NY Zip: 11742-1812

Phone: _____ Email: _____

Developer: Peak City Partners LLC

Address: 1330 Sunday Dr, Ste 105

City: Raleigh State: NC Zip: 27607

Phone: 919-210-1996 Fax: _____ Email: vdhawan@greenhawkcorp.com

Engineer: Patrick Kiernan, Jones & Cnossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: 919-387-3375 Email: patrick@jonescnossen.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

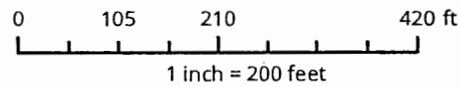
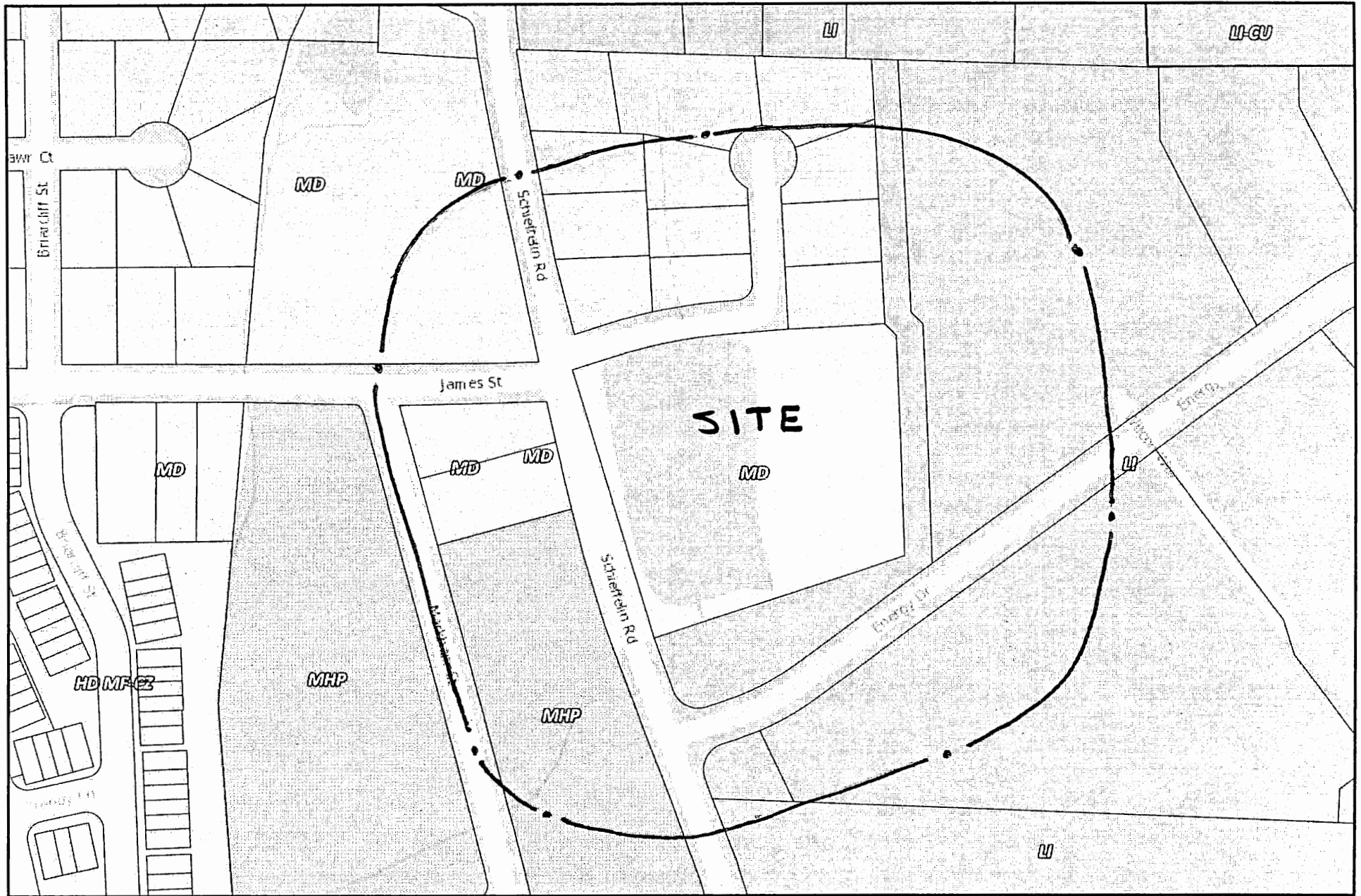
Town of Apex Department Contacts

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

Tech/Flex Allowable Uses

Security or caretaker quarters
Assembly hall, nonprofit
Assembly hall, for-profit
Church or place of worship
Day care facility
Drop-in or short-term day care
Government services
School, public or private
Transportation facility
Veterinary clinic or hospital
Vocational school
Utility, minor
Wireless support structure
Wireless communication facility
Botanical garden
Entertainment, indoor
Greenway
Park, active
Park, passive
Youth or day camps
Broadcasting station (radio and television)
Radio and television recording studio
Commissary
Dispatching office
Medical or dental office or clinic
Medical or dental laboratory
Office, business or professional
Publishing office
Research facility
Artisan studio
Convenience store
Convenience store with gas sales
Glass sales
Grocery, general
Grocery, specialty
Health/fitness center or spa
Kennel
Monument sales, retail
Personal service
Printing and copying service
Real estate sales
Repair services, limited
Retail sales, bulky goods
Self-service storage
Studio for art
Tailor shop

Upholstery shop
Pet services
Automotive accessory sales and installation
Automotive paint or body shop
Repair and maintenance, general
Vehicle inspection center
Vehicle sales and rental, light
Building supplies, wholesale
Laboratory, industrial research
Machine or welding shop
Warehousing
Woodworking or cabinetmaking
Wholesaling, general
Brewery
Distillery
Manufacturing and processing, minor
Microbrewery
Microdistillery
Communication tower, commercial
Communication tower, constructed stealth
Communication tower, camouflage stealth
Communication tower, public safety
Arena, auditorium, or stadium
Entertainment, outdoor
Restaurant, general
Pilot plant
Manufacturing and processing
Retail sales, general



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.

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: Jones & Cnossen Engineering, 221 N. Salem St., Suite 001 Apex 27502

Date of meeting: January 22, 2020 Time of meeting: 5:30 - 7:30 pm

Property Owner(s) name(s): Cathleen and Kenneth Watson

Applicant(s): Jones & Cnossen Engineering, PLLC

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.	PATRICK ROST	105 FAIRCLAND CT			X
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Cathleen and Kenneth Watson

Applicant(s): Jones & Cnossen Engineering, PLLC

Contact information (email/phone): patrick@jonescnossen.com/919-387-1174

Meeting Address: Jones & Cnossen Engineering, 221 N. Salem St., Suite 001, Apex NC 27502

Date of meeting: January 22, 2020 Time of meeting: 5:30 - 7:30 pm

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

Question/Concern #1:

When will this rezoning go to the Town Council?

Applicant's Response:

We're submitting the Rezoning on February 3 and it generally takes about 3 months for staff review, Planning Board and Council meeting. Notices of the public hearing(s) will be mailed by the Town of Apex to the neighboring property owners, and a sign will be posted on the property following the submittal of this petition.

Question/Concern #2:

Will there be access off James Street that could affect the residential properties to the north?

Applicant's Response:

At the pre-application meeting with Town staff, it was discussed that access would not be allowed from James Street or Schiefflin Road. Access will only be provided from the South on Energy Drive

Question/Concern #3:

Water is currently backing up from the existing pond onto several properties north of James Street. That neighbor expressed interest in working with the developer and the Town on a solution to better direct storm drainage.

Applicant's Response:

The existing pond will be analyzed for potential environmental and stormwater impacts. It is possible that the pond would be drained and allowed to reform as a natural, continuous channel which would alleviate some of water backing up across James St.

Question/Concern #4:

Are there any uses the developer would consider leaving out?

Applicant's Response:

We can give any uses that the neighboring property owner would like excluded to the developer for consideration. The property owner will email a list of the uses they'd like excluded to Jones & Cnossen Engineering.

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, Patrick Kiernan, do hereby declare as follows:

Print Name

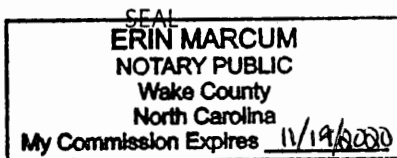
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of 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 221 N. Salem St., Suite 001, Apex NC 27502 (location/address) on January 22, 2020 (date) from 5:30 pm (start time) to 7:30 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

1/27/20
Date

By: Patrick Kiernan

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 27th day of January, 2020.



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2020

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ03 James Street

Planning Board Meeting Date: June 8, 2020



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: +4.09

PIN(s): 0741789012

Current Zoning: Medium Density Residential (MD)

Proposed Zoning: Tech/Flex- Conditional Zoning (TF-CZ)

2045 Land Use Map: Industrial Employment & Office Employment

Town Limits: In Town

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 Case: 20CZ03 James Street

Planning Board Meeting Date: June 8, 2020



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 Plan.* 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 Plan.

☒ 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

Rezoning Case: 20CZ03 James Street

Planning Board Meeting Date: June 8, 2020



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

Rezoning Case: 20CZ03 James Street

Planning Board Meeting Date: June 8, 2020



Planning Board Recommendation:

Motion: Motion to approve with conditions as offered by applicant.

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Keith Braswell

☐ *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 as proposed by applicant with one additional condition as follows:

"Buildings shall not be addressed to James St or Schieffelin Rd."

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

With 6 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 8th day of June 2020.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2020.06.08 21:13:37 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2020.06.08 17:45:25 -04'00'

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 #20CZ03 1200 James Street

Pursuant to the provisions of North Carolina 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: Jones & Cnossen Engineering, PLLC

Authorized Agent: Vaibhav Dhawan, Peak City Partners, LLC

Property Addresses: 1200 James Street

Acreage: ±4.09

Property Identification Number (PIN): 0741789012

2045 Land Use Map Designation: Office Employment/Industrial Employment

Existing Zoning of Properties: Medium Density Residential (MD)

Proposed Zoning of Properties: Tech/Flex-Conditional Zoning (TF-CZ)

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

Planning Board Public Hearing Date and Time: June 8, 2020 4:30 PM

If you would like to speak during the public hearing, you may sign-in ahead of time by emailing your name and address to bonnie.brock@apexnc.org by 10 a.m. on June 8, 2020. A paper sign-in sheet will be provided for those unable to sign in electronically.

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. You may also share comments by noon on Friday, June 5, 2020, following instructions in the [Remote Participation policy](#). The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

Town Council Public Hearing Date and Time: June 16, 2020 6:00 PM

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. You may share comments by noon on Monday, June 15, 2020, following instructions in the [Remote Participation policy](#). The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

-CONTINUED-

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/30570/>.

Dianne F. Khin, AICP
Director of Planning and
Community Development

Published Dates: May 29, 2020-June 16, 2020



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 20CZ03
Project Location: 1200 James Street
Applicant or Authorized Agent: Patrick Kiernan
Firm: Jones & Cossen Engineering, PLLC

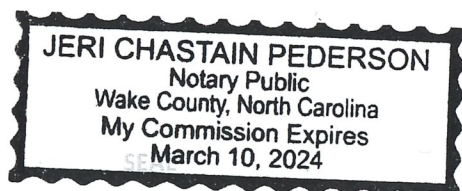
This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project **May 29, 2020**, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity 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.

6/2/2020
Date

Janice F. Kline
Director of Planning and Community Development

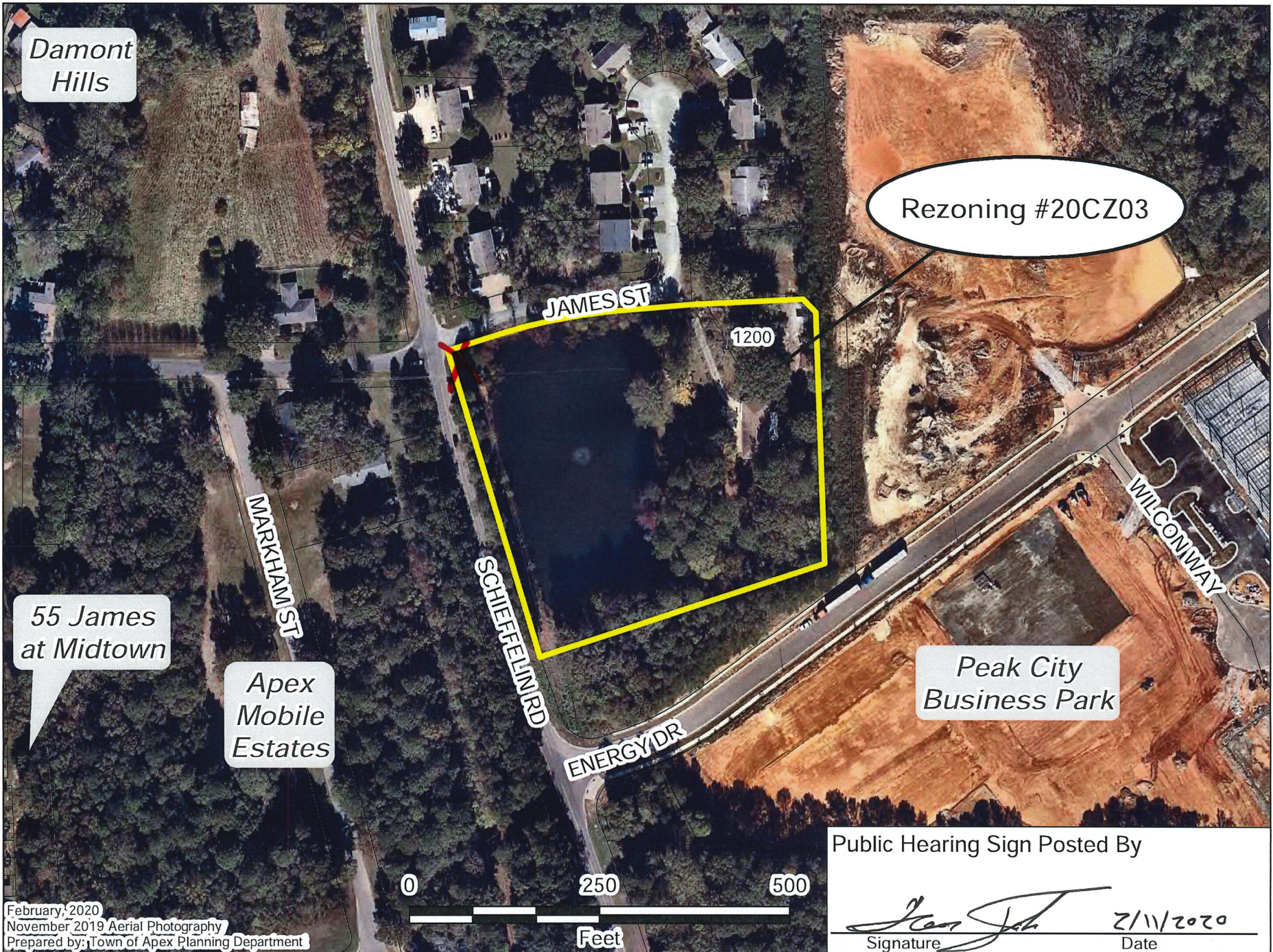
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, *Jeri Chastain Pederson*, a Notary Public for the above
State and County, this the 2 day of June, 2020



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03 / 10 / 2024



Damont
Hills

Rezoning #20CZ03

JAMES ST

1200

MARKHAM ST

55 James
at Midtown

Apex
Mobile
Estates

SCHIEFFELIN RD

ENERGY DR

WILCONWAY

Peak City
Business Park

0 250 500
Feet

Public Hearing Sign Posted By

Signature *Sean Joh*

Date 2/11/2020

February, 2020
November 2019 Aerial Photography
Prepared by: Town of Apex Planning Department

Lauren Staudenmaier

From: Amanda Bunce
Sent: Monday, June 8, 2020 3:08 PM
To: Lauren Staudenmaier
Subject: FW: Conditional Zoning #20CZ03 1200 James Street

Email sent to and from this email address are subject to the North Carolina Public Records Act and may be disclosed to third parties.

From: A G [mailto:a_gaertner@hotmail.com]
Sent: Friday, June 5, 2020 11:30 AM
To: Public Hearing
Subject: Conditional Zoning #20CZ03 1200 James Street

Notice: This message is from an external sender.
Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

I am Angie Gaertner, a property owner and resident living with my child at 1209 James Street, Apex. I am writing to express my concerns regarding the proposed rezoning (#20CZ03) and development of property at 1200 James Street, Apex.

The concern is based on these potential/probable negative effects:

1. The loss of neighborhood and community character
2. A decrease in the market value of my home
3. Increased traffic congestion adding to an already dangerous situation on Schieffelin Road at James Street.
4. Increased, traffic related risk to human life as at least two school bus stops are located at Shieffelin Road and James Street.
5. If the property retains its 1200 James Street address, there will be inevitable increased traffic on James Street, whether access to 1200 James is available or not. The 1200 block of James Street is a single lane soft surface (not paved) street. Errant traffic is funneled up the street to the only turn-around location in front of my house. Any additional traffic will result in rapid street deterioration, congestion, pollution, and potential obstruction to emergency and utility services.
6. Given the statement above, there is a real concern that our US postal service can be compromised. Mailbox bank for all residents is currently mounted at the present entrance to the petitioners' property. Additional vehicular and pedestrian traffic exposes our mail to tampering and loss.
7. The destruction of green space and mature trees as well as driving animals out of the area onto Schieffelin Road causing accidents.
8. Once the property is rezoned, the developer can change the original concept within the approved TF-CZ zoning.

In light of these concerns, I request that a traffic study be conducted to assess impact on current residents, potential customers, and wildlife. I also request that the property address be changed to indicate the access point from Energy Drive. It is unknown how the petitioners plan to enforce "No direct access shall be permitted to Schieffelin Road or James Street." A detailed plan needs to be developed and studied.

Respectfully, Angie Gaertner

919-387-8219