

STAFF REPORT

Rezoning #19CZ23 2524 & 2604 Kelly Road

June 16, 2020 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 2524 & 2604 Kelly Road

Applicant/Owner: Brian Griffith/Friendship Coworking, LLC. and Anthony J. and Martha J. Miuccio Trustee

PROJECT DESCRIPTION:

Acreage: ± 2.1

PINs: 0731433004 & 0731424892

Current Zoning: Rural Residential (RR)

Proposed Zoning: Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ)

2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/Commercial Services

Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)	Single-family Residential; Future West Village (Non-Residential)
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)	Vacant; Future West Village (Non-Residential)
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33) & Residential Agricultural (RA)	Kelly Road; Future West Village (Non-Residential) & Single-Family Residential
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)	Single-family Residential; Future West Village (Non-Residential)

Existing Conditions:

The property to be rezoned is located on the west side of Kelly Road, north of Old US 1 Hwy and west of the 540 interchange. The properties each contain an existing single-family dwelling and accessory building.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on October 28, 2019. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the properties subject to this rezoning as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed rezoning to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) is generally consistent with that land use classification.

WCPSS COORDINATION:

This rezoning was submitted prior to the agreement with the Wake County Public School System to provide a Letter of Impact for rezonings allowing residential development.

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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. Accessory apartment | 16. Office, business or professional |
| 2. Day care facility | 17. Barber and beauty shop |
| 3. Church or place of worship (P/S) | 18. Book store |
| 4. Government service | 19. Convenience store |
| 5. School, public or private | 20. Dry cleaners and laundry service |
| 6. Utility, minor | 21. Financial institution |
| 7. Tailor shop | 22. Floral shop |
| 8. Pet services | 23. Greenhouse or nursery, retail |
| 9. Botanical Garden | 24. Grocery, specialty |
| 10. Greenway | 25. Health/fitness center or spa |
| 11. Park, active | 26. Newsstand or gift shop |
| 12. Park, passive | 27. Personal service |
| 13. Restaurant, drive through | 28. Pharmacy |
| 14. Restaurant, general | 29. Studio for art |
| 15. Medical or dental clinic or office | 30. Retail sales, general |

Conditions:

For uses utilizing the existing structures the following shall apply:

1. Only existing structures may be used for residential uses.
2. Parking shall be provided to the side or rear of the principal building.

For future uses, the following shall apply:

1. The use "Accessory apartment" shall be permitted only on floors above nonresidential uses in new construction.

Non-Residential / Mixed-use new construction Design Guidelines:

1. Buildings shall be arranged to define, create and activate edges and public places.
2. No more than (1) double-loaded parking bay shall be provided between any building and thoroughfares as identified on the Apex Transportation Map.
3. Drive-thru lanes, pick-up windows, and other like functions shall not be permitted along any thoroughfare or collector street as identified on the Apex Transportation Plan. Landscaping and/or other architectural features should be used to create screenings for these types of uses.
4. Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass, and window placement to generate street interest.

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5. Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials, and ornamental details as well as landscaping shall be incorporated to add visual interest.
6. Facades shall not have blank side walls creating a false front appearance.
7. Buildings shall have vertical proportions with no blank walls exceeding sixty (60) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the facade.
8. Windows shall be divided to be square or vertical in proportion so each section of glass is taller than it is wide.
9. Differences of roof height, pitch, ridgelines, and materials shall be used to create visual interest and avoid repetition.
10. Vehicular and pedestrian cross access shall be provided to adjacent properties.
11. Public street access shall be by one of the two (2) methods below.
 - a. Abutting, within ten (10) feet of the shared property line of 2524 and 2604 Kelly Road or further south on 2604 Kelly Road property as a shared access easement in either case.
 - b. To existing West Village development streets.

Non-residential / mixed used exteriors shall incorporate variation in materials. The primary (front) façade of the main buildings to be considered may include:

1. Brick and/or stone masonry
2. Decorative concrete block (integral color and/or textured)
3. Stone accents
4. Aluminum storefronts with anodized or pre-finished window colors
5. EIFS cornices, and parapet trim
6. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building façade
7. Precast concrete
8. Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material
9. Soffit and fascia materials to be considered include EIFS with crown trim elements
10. Cementitious siding

Exterior materials not allowable as a part of the development are as follows:

1. Vinyl siding
2. Painted, smooth faced concrete block
3. Metal walls

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #19CZ23 2524 & 2604 Kelly Road with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard this item at their June 8, 2020 meeting and unanimously voted to recommend approval of the rezoning with the conditions as proposed by the applicant. The applicant agreed to remove condition "11c" which staff did not agree with.



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 Mixed Office-Residential-Retail-Conditional Zoning district is generally consistent with High Density/Office Employment/Commercial Services land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will allow the property to maintain the current single-family uses, while allowing future development consistent with approved development adjacent to the subject properties. The proposed rezoning will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

CONDITIONAL ZONING STANDARDS:

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

Legislative Considerations

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

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

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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.

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

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

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

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



Rezoning #19CZ23

West Village

Kelly Rd

S Salem St To Nc 540 Hwy Sb Ramp

540

NC 540 Hwy SB

Nc 540 Hwy Sb To S Salem St Ramp

S Salem St

0 150 300
Feet

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 #: _____ Submittal Date: _____
2045 LUM Amendment: _____ Fee Paid: _____

Project Information

Project Name: 2524 & 2604 Kelly Road, Apex, NC 27502
Address(es): 2524 & 2604 Kelly Road, Apex, NC 27502
PIN(s): 0731433004, 0731424892

Acreage: 1.15+0.95= 2.1

Current Zoning: RR (Rural Residential) Proposed Zoning: MORR-CZ (Mixed: Office, Residential, Retail)

Current 2045 LUM Designation: Mixed use: Office, HD Residential, Commercial Services

Proposed 2045 LUM Designation: (no change)

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:	2.1
Area proposed as non-residential development:	Acreage:	2.1 maximum
Percent of mixed use area proposed as non-residential:	Percent:	100% maximum

Applicant Information

Name: Brian Griffith (Acting as agent for both properties)
Address: 2121 McKenzie Ridge Ln
City: Apex State: NC Zip: 27502
Phone: 919-387-8775 E-mail: briandgriffith@outlook.com

Owner Information

Name (1 of 2): Friendship Coworking LLC	Name (2 of 2): Miuccio, Anthony J Trustee & Miuccio, Martha J Trustee
Representative: Brian Griffith	Representative: Anthony (Tony) Miuccio
Address: 2121 McKenzie Ridge Ln	Address: PO Box 2063
City, State: Apex, North Carolina	City, State: Apex, North Carolina
Zip: 27502	Zip: 27502
Phone: 919-387-8775	Phone: 919-355-2145

Agent Information

Name: N/A (See above)
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Other contacts: Tony Miuccio, 2604 Kelly Rd, Apex, NC 27502 : 919-889-1309

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:

N/A

Current 2045 Land Use Classification: Mixed Use: Office, HD Residential, Commercial Services

Proposed 2045 Land Use Classification: (no change)

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 RR _____ to MORR-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	Accessory apartment	21	
2		22	Restaurant, drive through
3		23	Restaurant, general
4		24	Medical or dental office or clinic
5		25	Office, business or professional
6		26	Barber and beauty shop
7		27	Book store
8		28	Convenience store
9		29	Dry cleaners and laundry service
10	Day care facility	30	Financial institution
11	Church or place of worship (P/S)	31	Floral shop
12	Government service	32	Greenhouse or nursery, retail
13	School, public or private	33	Grocery, specialty
14	Utility, minor	34	Health/fitness center or spa
15	Tailor Shop	35	Newsstand or giftshop
16	Pet services	36	Personal service
17	Botanical garden	37	Pharmacy
18	Greenway	38	Studio for art
19	Park, active	39	Retail sales, general
20	Park, passive	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.

(See attached 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 zoning is consistent with the Town of Apex 2045 Land Use Map.

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

The proposed zoning allows transition of existing property toward 2045 Land Use goals.

Zoning Conditions:

For uses utilizing the existing structures the following shall apply:

1. Only existing structures may be used for residential uses.
2. Parking shall be provided to the side or rear of the principal building.

For future uses, the following shall apply:

1. The use "Accessory apartment" shall be permitted only on floors above nonresidential uses in new construction.

Non-Residential / Mixed-use new construction Design Guidelines:

1. Buildings shall be arranged to define, create and activate edges and public places.
2. No more than (1) double-loaded parking bay shall be provided between any building and thoroughfares as identified on the Apex Transportation Map.
3. Drive-thru lanes, pick-up windows, and other like functions shall not be permitted along any thoroughfare or collector street as identified on the Apex Transportation Plan. Landscaping and/or other architectural features should be used to create screenings for these types of uses.
4. Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass, and window placement to generate street interest.
5. Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials, and ornamental details as well as landscaping shall be incorporated to add visual interest.
6. Facades shall not have blank side walls creating a false front appearance.
7. Buildings shall have vertical proportions with no blank walls exceeding sixty (60) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the facade.
8. Windows shall be divided to be square or vertical in proportion so each section of glass is taller than it is wide.
9. Differences of roof height, pitch, ridgelines, and materials shall be used to create visual interest and avoid repetition.
10. Vehicular and pedestrian cross access shall be provided to adjacent properties.
11. Public street access shall be by one of the three (2) methods below.
 - a. Abutting, within ten (10) feet of the shared property line of 2524 and 2604 Kelly Road or further south on 2604 Kelly Road property as a shared access easement in either case.
 - b. To existing West Village development streets.

Non-residential / mixed used exteriors shall incorporate variation in materials. The primary (front) façade of the main buildings to be considered may include:

1. Brick and/or stone masonry
2. Decorative concrete block (integral color and/or textured)
3. Stone accents
4. Aluminum storefronts with anodized or pre-finished window colors
5. EIFS cornices, and parapet trim
6. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building façade
7. Precast concrete
8. Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material
9. Soffit and fascia materials to be considered include EIFS with crown trim elements
10. Cementitious siding

Exterior materials not allowable as a part of the development are as follows:

1. Vinyl siding
2. Painted, smooth faced concrete block
3. Metal walls

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.

New structures/additions and new site features shall be in keeping with Section 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.

When the property is redeveloped it shall be in compliance with all UDO requirements including buffers, landscaping, and buildings.

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.

When property is fully redeveloped the property shall meet or exceed UDO 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.

Currently the property is not served by public water or sewer. Road access is existing, and public services are readily available.

Combined properties total 2.1 acres and will have limited impact on existing/future 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.

Property is aimed towards 2045 goals and will likely offer services to residents not currently immediately available.

Health, safety, and welfare of neighbors and surrounding area should not be affected.

PETITION INFORMATION

Application #:

Submittal Date:

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

Property is in accordance with 2045 goals and should not be considered detrimental towards adjacent properties.

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

Property will not constitute a nuisance or hazard with its limited size and uses.

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.

Upon redevelopment of the site all UDO provisions shall be adhered to and/or exceeded.

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.	Tony & Judy Sears	731329495, 7313338590
2.	Anthony & Martha Trustee Miuccio	731424892
3.	NC Department of Transportation	731726540
4.	NC Department of Transportation Turnpike Authority	731429605
5.	Fehey Family Farm, LLC	731434504
6.	Wayne & Georgia Kennedy	731436017
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

Date: 10/29/19

By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Andria Franklin, a Notary Public for the above State and County, on this the 29 day of October, 2019.

SEAL



Andria Franklin
Notary Public
Andria Franklin
Print Name

My Commission Expires: 4/16/2023

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

Brian Griffith and Tony Miuccio _____ 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: 2524 Kelly Road, Apex, NC 27502The agent for this project is: Brian D. Griffith (acting as agent for Tony Miuccio)☒ I am the owner of the property and will be acting as my own agentAgent Name: Brian D. GriffithAddress: 2121 McKenzie Ridge Ln, Apex, NC 27502Telephone Number: (919) 387-8775E-Mail Address: briandgriffith@outlook.com

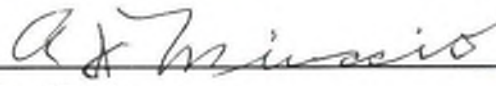
Signature(s) of Owner(s)*

Brian D. Griffith

Type or print name

10/29/2019

Date

Tony Miuccio

Type or print name

10/29/2019

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: _____

Submittal Date: _____

The undersigned, Brian D. Griffith (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 2524 & 2604 Kelly Road, 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 09/12/2019, 07/31/2003 and recorded in the Wake County Register of Deeds Office on 09/12/2019, in Book 017572 Page 01317-01318.
Miuccio: Recorded 08/29/2003, Book 010405 Page 02240-02242
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 09/12/2019, 07/31/2003, 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 09/12/2019, 07/31/2003, 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 October, 2019.



Brian D. Griffith

(seal)

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



Andria Franklin

Notary Public

State of North Carolina

My Commission Expires: 4/16/2023

Application #: _____

Submittal Date: _____

Insert legal description below.

LEGAL DESCRIPTION OF 2524 Kelly Road, Apex, NC

All of a tract of land lying and being in Wake County, Apex, NC, being described as Lot 1 of the "Minor Subdivision for Barrett Richardson", as recorded in Book of Maps 1997, Page 2069, Wake County Registry, and being more particularly described as follows:

BEGINNING at an iron pipe with cap, the southwestern corner of said lot 1, said beginning point having NAD 83(NSRS 2011) coordinates of North: 713,038.84 and East: 2,034,178.81 feet, thence from said beginning point in a clockwise direction north 32°56'13" east and 244.10 feet, through an iron pipe with a cap, lying 5.84 feet from the 35' r/w, to a point in the center of Kelly Road, thence 326.20 feet along the center of Kelly Road, along the arc of a non-tangent curve to the southeast, with a radius of 5116.44 feet and a chord bearing and distance of south 36°08'51" east and 326.14 feet to a point in the center of Kelly Road, thence leaving the center of Kelly Road, south 50°44'20" west and 129.69 feet through an iron pipe, lying 5.31' from the 35' r/w, to an iron pipe with a cap, thence north 35°33'52" west and 53.32 feet to an iron pipe with a cap, thence south 73°45'09" west and 148.87 feet to an iron pipe with a cap, thence north 20°04'42" west and 147.83 feet to the point and place of BEGINNING, containing net 1.147 acres, more or less, according to an ALTA/ACSM Land Title Survey by PTS Land Surveying, dated 09/05/2019, reference to which is made for a more particular description.

LEGAL DESCRIPTION OF 2604 Kelly Road, Apex, NC

BEGINNING at a point in the center line of S.R. 1163, said point being located 632.55 feet measured in a northwesterly direction along the center line of said road from the center line of old U.S. Highway #1 (now SR 1011) and runs thence South 54 degrees 31 minutes 50 seconds West 190.82 feet to an existing iron pipe; runs thence North 35 degrees 31 minutes 48 seconds West 228.44 feet to an existing iron pipe; runs thence north 54 degrees 25 minutes 45 seconds East 190.94 feet to an iron pipe in the centerline of S.R. 1163; runs thence South 35 degrees 30 minutes 00 seconds East 228.77 feet to the point and place of BEGINNING, containing 1.002 acres, according to map and survey entitled "Property of Charles A. Morris and wife, Debra C. Morris" by MM Weeks, RLS, dated May 13, 1991.

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.

October 15, 2019

Date

Dear Neighbor:

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

2524 & 2604 Kelly Road, Apex, NC 27502

0731433004, 0731424892

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)):

Property request for rezone as MORR with conditional zoning. (Mixed use: office, residential, retail)

Estimated submittal date: November 1, 2019

MEETING INFORMATION:

Property Owner(s) name(s): Brian Griffith of Friendship Coworking, LLC & Miuccio Trust

Applicant(s): Brian Griffith (acting as agent for both properties)

Contact information (email/phone): briandgriffith@outlook.com (preferred) / (919) 387-8775

Meeting Address: 2524 Kelly Road, Apex, NC 27502 in Shop at rear of property

Date of meeting**: Monday, October 28, 2019

Time of meeting**: 6PM - 8PM

MEETING AGENDA TIMES:

Welcome: 6:00-6:10 PM Project Presentation: 6:10-6:20 PM Question & Answer: 6:20-8:00 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: 2524 & 2604 Kelly Rd Zoning: Exist: RR, Proposed MORR-CZ

Location: 2524 & 2604 Kelly Rd, Apex, NC 27502

Property PIN(s): 07314330004, 0731424892 Acreage/Square Feet: 1.15 & 0.95

Property Owner: Brian Griffith (acting as agent for both parcels) & Miuccio Trust

Address: 2121 McKenzie Ridge Ln. (Miuccio: 2604 Kelly Rd)

City: Apex State: NC Zip: 27502

Phone: (919) 387-8775 Email: briandgriffith@outlook.com

Developer: N/A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Brian D. Griffith, AIA

Address: 2121 McKenzie Ridge Ln

City: Apex State: NC Zip: 27502

Phone: (919) 387-8775 Fax: _____ Email: briandgriffith@outlook.com

Builder (if known): N/A

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 Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-3413 (919) 249-1166
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 1st and 3rd Tuesdays of each month at 7:00 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.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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.

Noise & Hours of Construction: Non-Emergency Police 919-362-8661

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic: James Misciagno 919-372-7470

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control: Water Resources – Infrastructure Inspections 919-362-8166

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations: Non-Emergency Police 919-362-8661

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road: James Misciagno 919-372-7470

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams: James Misciagno 919-372-7470
Danny Smith Danny.Smith@ncdenr.gov

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust: James Misciagno 919-372-7470

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash: James Misciagno 919-372-7470

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins: James Misciagno 919-372-7470

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: Mike Deaton 919-249-3413

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation: Rodney Smith 919-249-3342

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

Zoning Legend:

- PUD-CZ = Planned Urban Development
- TF-CZ = Tech / Flex Conditional Zoning
- MD-CZ = Medium Residential Conditional Zoning
- RA = Residential Agriculture
- RR = Rural Residential
- Proposed MORR-CZ = Mixed Use

PUD-CZ = Planned Urban Development Conditional Zoning
TF-CZ = Tech / Flex Conditional Zoning
MD-CZ = Medium Residential Conditional Zoning
RA = Residential Agriculture
RR = Rural Residential

Proposed MORR-CZ = Mixed Use: Office, Residential, Retail

Location of 2524 Kelly Road property and notification radius:



Location of 2604 Kelly Road property and notification radius:



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: 2524 Kelly Rd, Apex, NC 27502

Date of meeting: Monday, October 28, 2019 Time of meeting: 6:00 PM - 8:00 PM

Property Owner(s) name(s): Brian Griffith of Friendship Coworking, LLC

Applicant(s): Brian Griffith, Miuccio Trust

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.	Brian Griffith, Friendship Coworking	2121 McKenzie Ridge Ln, APEX, NC			
2.	Wayne Kenney	201 High Meadow Dr Apex 27501			
3.	Tony Miuccio	2604 Kelly Rd			
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): Brian Griffith, Miuccio Trust

Applicant(s): Brian Griffith

Contact information (email/phone): briandgriffith@outlook.com (preferred) / (919) 387-8775

Meeting Address: 2524 Kelly Rd, Apex, NC 27502

Date of meeting: October 28, 2019

Time of meeting: 6:00-8:00 PM

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

Question/Concern #1:

Proposed location of water, sewer, and roadways of adjacent residential development?

Applicant's Response:

Referred to publicly available plans by McAdams for West Village and Town of Apex Transportation map.

Question/Concern #2:

Proposed use of 2524 parcel.

Applicant's Response:

Use as coworking or office until future utilities and development made by others. Then parcel planned for redevelopment.

Question/Concern #3:

Zoning / future development of immediate area.

Applicant's Response:

Referred to Town of Apex current zoning map and 2045 zoning map.

Question/Concern #4:

Applicant's Response:

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, Brian Griffith, 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 2524 Kelly Rd, Apex, NC 27502 (location/address)
on October 28, 2019 (date) from 6:00 PM (start time) to 8:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

10/29/2019

Date

By: 

Brian D. Griffith

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Andria Franklin, a Notary Public for the above State and County, on this the 29 day of October, 2019.

SEAL



Andria Franklin
Notary Public

Andria Franklin
Print Name

My Commission Expires: 4/16/2023

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #19CZ23 2524 & 2604 Kelly Road

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: ±2.1 acres

PIN(s): 0731433004 & 0731424892

Current Zoning: Rural Residential (RR)

Proposed Zoning: Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ)

2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/Commercial Services

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

Rezoning Case: #19CZ23 2524 & 2604 Kelly Road

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: #19CZ23 2524 & 2604 Kelly Road

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: #19CZ23 2524 & 2604 Kelly Road

Planning Board Meeting Date: June 8, 2020



Planning Board Recommendation:

Motion: Motion to approve with conditions, striking out condition 11c

Introduced by Planning Board member: Reginald Skinner

Seconded by Planning Board member: Mark Steele

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as proposed by the applicant; applicant agrees to strike out condition "11c" which staff did not agree with.

- ☐ *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 21:10:39 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2020.06.08 17:25:16
-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 #19CZ23 2524 & 2604 Kelly Road

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/Agent: Brian Griffith

Property Addresses: 2524 & 2604 Kelly Road

Acreage: ±2.1 acres

Property Identification Numbers (PINs): 731433004 & 0731424892

2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services

Existing Zoning of Properties: Rural Residential (RR)

Proposed Zoning of Properties: Mixed Office-Residential-Retail-Conditional Zoning (MORR-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.

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/29680>.

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

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #19C232
Waite Properties PUD

Partners in the protection of North Carolina's natural resources. 2000-2012 and in the Town of Apala Unified Development Ordinance (UDO) Section 2.2.21, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apala. The purpose of these hearings is to consider the following:

Applicant/Author and Agent: John Swindell, American Homes, LLC
Property Address: 1003, 1200, 1201, & 1021 Woodbury Road and 1021 & 1003 Duvalville Road
Mappage Address: 44.5.2.2016
Property Identification Numbers (PINs): 01232001124, 01232000010, 01232000007, 01232001016, 01232000016, 01232000014
2016 Land Use Map Designations: Low Density Residential
Existing Zoning of Properties: State County & HWY and Rural Residential (RR)
Proposed Zoning of Properties: Planned Office Development Conditional Zoning (POD-C2)

Public Hearing Location: April 11, 2011
77 Pavilion Street, Apex, North Carolina
Shaw-Walsh Community Center, 2nd floor

Planning Board Public Hearing Date and Time: June 8, 2020 - 6:30 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 heaven.bush@quekx.org.

If you are unable to attend, you may view the meeting through the Society's YouTube livestream at: <https://www.youtube.com/watch?v=8m3m3m3m3m>. You may also listen comments by mail on Friday, June 4, 2020, following instructions in the [Society Publications Guide](#). The policy election system to provide comments by email (health.society@hawaii.gov, 100-word limit) or by mail (100-223-7300, 6-minute limit).

Transcript Entry Creation Date and Time: Aug 16, 2020 6:30 PM

If you are unable to attend, you may view the meeting through the fund's YouTube feedroom at: <http://www.ashland.com/ashland-fund/feedroom>. You may share comments by email on Monday, June 18, 2013 following verification at the [Relevant Participation Policy](#). The policy includes options to provide comments either shareholder@ashlandfund.com. Feedback text is restricted (300-450 TALK, 5-minute limit).

—CONTINUED—

[Weekly blogs](#)

Property owner's address: 100 West 1st Street, San Francisco, CA 94103-1000 (This notice is filed electronically. All interested parties are expected to appear at the public hearing and the hearing will be held at the address above.) If you are interested in the property, please contact the Planning Department at 311-3333. For more information, please contact the Planning Department at 311-3333. For more information, please contact the Planning Department at 311-3333. For more information, please contact the Planning Department at 311-3333.

Sharon E. Gibb, J.D.P.
Director of Planning and
Community Development

Published Online: May 26, 2008—June 16, 2008

Rezoning #19CZ23

540

NC 540 Hwy NB
NC 540 Hwy SB

S Salem St

2524

2601

2604

Kelly Rd

0 150 300

Feet

Public Hearing Sign Posted By

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 Name: Rezoning 19CZ23
Project Location: 2524 & 2604 Kelly Road
Applicant or Authorized Agent: Brian Griffith

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.

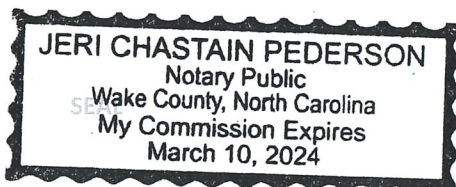
6/2/2020
Date

Shanne F. Khin
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