

STAFF REPORT

Rezoning #23CZ11 Smith Farm Phase 5 PUD Amendment

June 27, 2023 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 3223 US 64 HWY West & 0 Air Park Dr.
Applicant: Andrew Clark TR & Staley Smith; Staley Smith, Aaron Smith Jr & Haley Hoffler
Authorized Agent: Peter Cnossen, Jones & Cnossen Engineering, PLLC
Owners: Andrew Clark TR & Staley Smith; Staley Smith, Aaron Smith Jr & Haley Hoffler

PROJECT DESCRIPTION:

Acreage: +/- 30.11 acres
PINs: 0722358117 & 0722344615
Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/Commercial Services
Town Limits: Inside Corporate Limits

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Planned Commercial (PC) Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32)	Contractor's Office and Storage Yard Vacant
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32); Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)	Single-family residential (Smith Farm) Townhomes (Sweetwater)
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03); Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)	Future Retail, Office, Grocery store (Sweetwater); Vacant (Sweetwater)
West:	Rural Residential (RR) Residential Agricultural (RA)	Single-family residential; Air strip (Deck Air Park Subdivision)

EXISTING CONDITIONS:

The site consists of two (2) parcels totaling +/- 30.11 acres. The Smith Farm PUD Phase 5 is in the western area of Apex, south of US Hwy 64 West, east of Deck Air Park, and west of Sweetwater's non-residential development. The lots are primarily vacant and wooded with several streams throughout.

BACKGROUND:

During the review of a Minor Site Plan in Sweetwater Phase 10, Transportation Planning staff requested that the developer extend Ingold Drive, a private drive, west to connect to the future development of Smith Farm Phase 5. This request was made per UDO Sec. 8.3.6.G:

"All non-residential and/or multi-family sites proposed along a thoroughfare shall be required to dedicate vehicular cross-access to adjacent non-residential and/or multi-family sites..."

Due to differences in the topography of the two projects, the Sweetwater plans initially showed a 20-foot tall retaining wall where Ingold Drive will extend. In order to accommodate staff's connectivity request, the Sweetwater developers will need to grade onto the adjacent Smith Farm property. Depending on the future uses

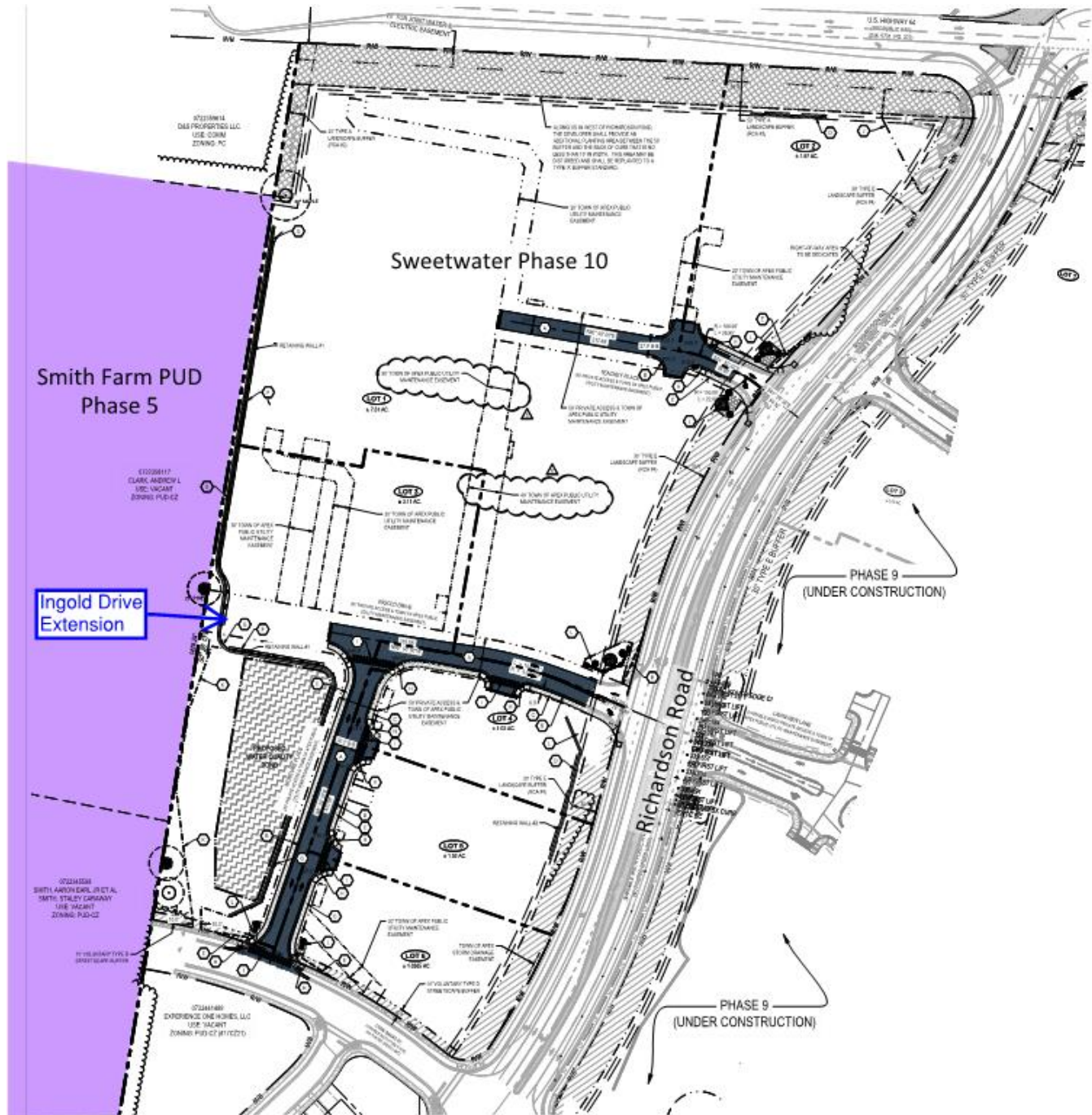
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in this part of Smith Farm, a buffer may be required along the shared property line. The UDO prohibits grading within required buffers and RCA. This rezoning request is intended to permit that grading and private road extension while allowing the area to be counted towards the required buffers and RCA for Smith Farm, if required by the UDO.



NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on April 25, 2023. The meeting report is attached to the staff report.

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2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Mixed Use: High Density Residential/Office Employment/Commercial Services. No changes to the uses have been proposed. The proposed rezoning is compliant with the 2045 Land Use Map.

WCPSS COORDINATION:

Since the proposed land uses are not being changed, a Letter of Impact from Wake County Public School System (WCPSS) was not required.

PLANNED UNIT DEVELOPMENT PLAN:

The current wording in Rezoning Case #15CZ32 Smith Farm PUD Section G: Design Controls under Buffers states: "All perimeter buffers shall be provided in accordance with the Apex UDO".

The applicant is proposing the following amendment to that section:

The Owner's requests that the Perimeter Buffers be amended to include the following:

To address the physical challenges with providing connectivity between Smith Farm and Sweetwater that primarily involve topography, the PUD shall permit the eastern perimeter buffer adjacent to PINs 0722454406 and 0722443942 to be graded. Such buffer shall be replanted at the time of development and still count as RCA if a future land use requires a perimeter buffer under Unified Development Ordinance (UDO) Sec. 8.2.6 Table 1 as amended. The buffer type shall be in accordance with the Town of Apex UDO Sec. 8.2.6 Table 1 and in no case shall such buffer exceed 20 feet in width. The seed/plant species used to stabilize the disturbed graded area and replanting, if required, shall be in accordance with the Town of Apex Design Development Manual.

No other amendments are requested.

ENVIROMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on April 20, 2023. The zoning condition recommendation by the EAB is listed below along with the applicant's response to the condition.

EAB Suggested Condition	Applicant's Response
The graded buffer be revegetated after grading to a minimum Type B buffer standard, except in areas where the road will cross the buffer.	Not Included

PLANNING BOARD RECOMMENDATION:

Planning Board heard this item at their June 13, 2023 meeting. They unanimously voted to recommend approval of Rezoning #23CZ11 Smith Farm Phase 5 PUD Amendment as presented by the applicant. The Planning Board report to Town Council is attached.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #23CZ11 Smith Farm Phase 5 PUD Amendment as proposed.

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:

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The 2045 Land Use Map designates the site as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed rezoning is consistent with that designation. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) 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.

The proposed rezoning is reasonable and in the public interest because it will increase the number of connection points between the non-residential portions of the Sweetwater and Smith Farm developments. This will reduce traffic congestion and provide alternative routes in case of accidents and better emergency service response time.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

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

Planned Unit Development (PUD-CZ) District

1. In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:
 - a) *Development parameters*
 - (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
 - (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
 - (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
 - (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
 - (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and



an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.

- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
 - (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
- (i) A non-residential component;
 - (ii) An overall density of 7 residential units per acre or more;
 - or (iii) Environmental measures including but not limited to the following:
 - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
 - b. The installation of a geothermal system for a certain number or percentage of units within the development; or
 - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that

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will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.

- (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
- (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
- (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.
- (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection*. The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management*. The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing*. The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map*. The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.
- k) *Complies with the UDO*. The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

Legislative Considerations

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

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.

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- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 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 #23CZ11

Goodwin Rd

US 64 Hwy W

64

64

Smith Farm PUD

Sweetwater

Deck Air Park

AirPark Dr



Lanasa Ln

Little Gem Ln

Richardson Rd

Poultney Aly

Russet Ln

Whale Bone Aly

Core Banks St

Gloriosa St

Ruff Aly

PLANNED UNIT DEVELOPMENT APPLICATION

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Application #:	<u>23CZ11</u>	Submittal Date:	<u>04/28/23</u>
Fee Paid	<u>\$</u>	Check #	<u></u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Smith Farm Phase 5 PUD Amendment
Address(es): 3223 US 64 HWY West & 0 Air Park Dr.
PIN(s) 0722-35-8117 & 0722-34-4615

_____ Acreage: 30.11
Current Zoning: PUD-CZ Proposed Zoning: PUD-CZ
Current 2045 LUM Designation: High Density Residential, Office Employment, Commercial Services

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

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

Area classified as mixed use:	Acreage:	<u>30.11</u>
Area proposed as non-residential development:	Acreage:	<u></u>
Percent of mixed use area proposed as non-residential:	Percent:	<u></u>

Applicant Information

Name: Andrew Clark TR & Staley Smith - and - Staley Smith, Aaron Smith Jr & Haley Hoffler
Address: PO Box 791 - and - PO Box 457
City: Apex State: NC Zip: 27502
Phone: 919-362-7111 E-mail: staley@smithandsmithsurveyors.net

Owner Information

Name: Andrew Clark TR & Staley Smith - and - Staley Smith, Aaron Smith Jr & Haley Hoffler
Address: PO Box 791 - and - PO Box 457
City: Apex State: NC Zip: 27502
Phone: 919-362-7111 E-mail: staley@smithandsmithsurveyors.net

Agent Information

Name: Jones & Clossen Engineering, PLLC - Peter Clossen
Address: 221 N. Salem St., Suite 001
City: Apex State: NC Zip: 27502
Phone: 919-387-1174 E-mail: peter@jonesclossen.com

Other contacts: _____



May 24, 2023

Amanda Bunce – Planning Manager
Town of Apex Planning Department
P.O. Box 250
Apex, North Carolina 27502

RE: PUD Amendment Letter
Smith Farms PUD
Pin No.'s 0722-35-8117 & 0722-34-4615

This letter is submitted to the Town of Apex for the purpose of amending Conditional Zoning #15CZ32 Smith Farms, A Planned Unit Development, by the following:

- 1. Perimeter Buffers under Buffers in Section 6: Design Controls of the PD Plan for PUD-CZ, Smith Farms states; “All perimeter buffers shall be provided in accordance with the Apex UDO”.

The Owner’s requests that the Perimeter Buffers be amended to include the following:

To address the physical challenges with providing connectivity between Smith Farm and Sweetwater that primarily involve topography, the PUD shall permit the eastern perimeter buffer adjacent to PINs 0722454406 and 0722443942 to be graded. Such buffer shall be replanted at the time of development and still count as RCA if a future land use requires a perimeter buffer under Unified Development Ordinance (UDO) Sec. 8.2.6 Table 1 as amended. The buffer type shall be in accordance with the Town of Apex UDO Sec. 8.2.6 Table 1 and in no case shall such buffer exceed 20 feet in width. The seed/plant species used to stabilize the disturbed graded area and replanting, if required, shall be in accordance with the Town of Apex Design & Development Manual.

This PUD Amendment is requested to accommodate the necessary grading by the planned Sweetwater-Phase 10 development for construction of cross-access along Ingold Drive. This cross-access was requested by the Town of Apex as part of the Sweetwater-Phase 10 approval, but existing topography between the adjoining properties requires construction of a significant retaining wall to maintain the required eastern perimeter buffer on the Smith Farms PUD parcels. This PUD Amendment will allow grading between the properties to provide an at-grade extension of Ingold Drive for cross-access.

If you have any questions, please feel free to contact our office at any time.

Regards,

Peter D. Clossen, P.E.
Jones & Clossen Engineering, PLLC

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 23CZ11

Submittal Date: 04/28/23

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

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.

These parcels are currently zoned PUD-CZ under approved Zoning Petition 15CZ32. This PUD amendment request to remove the perimeter buffer requirement along the eastern boundary is consistent with the approved buffer removal for the adjacent Sweetwater-Phase 10 development.

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

There are no changes to the approved uses for Zoning Petition 15CZ32 to affect the compatibility of this project with the 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.

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.

The removal of the perimeter buffer should not adversely impact the adjacent Sweetwater-Phase 10 development since its' perimeter buffer has already been removed. Also, the parcels are proposed for Mixed-Use which is compatible with the adjacent development.

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.

The removal of the perimeter buffer should not adversely impact the adjacent Sweetwater-Phase 10 development since its' perimeter buffer has already been removed. Also, the parcels are proposed for Mixed-Use which is compatible with the adjacent development.

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 PUD Amendment to remove the perimeter buffer will allow for the extension of Ingold Drive as current Sweetwater-Phase 10 plans require a retaining wall along the common property boundary to accommodate for the grade change between properties.

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 PUD Amendment should not have a negative affect on the health, safety or welfare of the Town residents.

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

The removal of the perimeter buffer should not adversely impact the adjacent Sweetwater-Phase 10 development since its' perimeter buffer has already been removed. Also, the parcels are proposed for Mixed-Use which is compatible with the adjacent development.

PETITION PROCESS INFORMATION

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

The PUD Amendment to remove the perimeter buffer will allow for the extension of Ingold Drive to provide cross-access between developments. This should be a benefit and not a nuisance or hazard.

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 PUD Amendment is to remove the perimeter buffer along the eastern property boundary only. All other requirements of the Smith Farms PUD still apply.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and being situated on the south side of US Highway 64 approximately 1.48 miles east of the Wake/Chatham County Line described more fully as follows to wit:

BEGINNING at an existing ½” iron pipe in the west line of Sweetwater PUD north of Core Banks Dr. a public right of way; thence with Sweetwater PUD S 00° 26’ 37” E, 521.43’ to an existing ¾” iron pipe being a corner of Sweetwater PUD; thence continuing with Sweetwater PUD N89° 15’ 53” W, 413.71’ to an existing ½ iron pipe being a common corner with Sweetwater PUD, Smith Farm - Phase 4, and Smith Farm - Phase 5; thence with a line passing through Smith Farm - Phase 5 N 89° 22’ 48” W, 841.60’ to an existing 1” iron pipe being a common corner with Esterly thence with Esterly, Gooch, and Morgan N 00° 03’ 51” E, 852.02’ to an existing ½ iron pipe in the east line of Morgan; thence with a line passing through Smith Farm - Phase 5 S 89° 22’ 42” E, 671.76’ to a an existing ½” iron pipe; thence with a line passing through Smith Farm - Phase 5 S 01° 01’ 20 W, 325.54’ to an existing ½” iron pipe; thence with a line passing through Smith Farm - Phase 5 S 88° 47’ 58” E, 584.45’ to the point and place of BEGINNING, containing 20.106 acres more or less. The above description of land is all of Wake County PIN 0722-34-4615 being a portion of Smith Farm PUD Phase 5.

The sole purpose of this land description is to be included in a 2023 rezoning application in the Town of Apex and for no other purpose.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and being situated on the south side of US Highway 64 approximately 1.48 miles east of the Wake/Chatham County Line described more fully as follows to wit:

BEGINNING at an existing ½” iron pipe on the southern right of way line of the 200’ public right of way of US Highway 64 (Project 8.T520904) also being the NW corner of SKJD Holdings, LLC (D.B. 17333, Page 1214); thence along and with SKJD Holdings, LLC S 00° 21’ 44” W, 142.98’ to an existing ¾” iron pipe being the SW corner of SKJD Holdings, LLC; thence along and with SKJD Holdings, LLC N 87° 28’ 33” E, 552.00’ to an existing iron pipe being the SE corner of SKJD Holdings, LLC in the line of Sweetwater PUD - Phase 10; thence with Sweetwater PUD S 00° 26’ 37” E, 765.58’ to an existing ½ iron pipe in the line of Sweetwater PUD; thence with a line passing through Smith Farm - Phase 5 N 88° 47’ 58” W, 584.45’ to an existing ½ iron pipe; thence with a line passing through Smith Farm – Phase 5 N 01° 01’ 20” E, 325.54’ to an existing ½” iron pipe; thence with a line passing through Smith Farm - Phase 5 N 01° 00’ 36” E, 168.01’ to an existing ½” iron pipe; thence with a line passing through Smith Farm - Phase 5 N 02° 59’ 10” W, 234.96’ to an existing ½” iron pipe; thence with a line passing through Smith Farm -Phase 5 N 00° 19’ 01” E, 140.08’ to an existing ½” iron pipe on the southern right of way of the 200’ public right of way of US Highway 64 (Project 8.T520904); thence N 82° 55’ 33” E, 30.76’ to the point and place of BEGINNING, containing 10.001 acres more or less. The above description of land is all of Wake County PIN 0722-35-8117 being a portion of Smith Farm PUD Phase 5.

The sole purpose of this land description is to be included in a 2023 rezoning application in the Town of Apex and for no other purpose.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Andrew Clark TR & Staley Smith is the owner* of the property for which the attached application is being submitted:

- 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: 3223 US 64 HWY W

The agent for this project is: Jones & Cnossen Engineering, PLLC

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

Agent Name: Peter Cnossen

Address: 221 N. Salem St., Suite 001, Apex NC 27502

Telephone Number: 919-387-1174

E-Mail Address: peter@jonescnossen.com

Signature(s) of Owner(s)*

Staley C. Smith
STALEY C. SMITH
 Type or print name

4-5-2023
 Date

A. Clark
Andrew Clark
 Type or print name

4-5-2023
 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, Andrew Clark & STALEY C. SMITH (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 ^{an} sole owner, or is the authorized agent of all owners, of the property located at 3223 US 64 HWY W and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 12/17/2015 and recorded in the Wake County Register of Deeds Office on 02/08/2016, in Book 016287 Page 01689-01691.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 12/17/2015, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 12/17/2015, 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 5th day of April, 2023.

A. Clark

(seal)

Andrew Clark

Staley C. Smith
STALEY C. SMITH

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 ANDREW CLARK
STALEY C. SMITH, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's IDENTIFICATION, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

B. S. Smith

Notary Public BENJAMIN S. SMITH

State of North Carolina

My Commission Expires: 10/6/2025

Application #: _____

Submittal Date: _____

Insert legal description below.

Smith & Smith Surveyors, P.A.

P.O. Box 457

Apex, N.C. 27502

(919) 362-7111

Firm License No. C-0155

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and being situated on the south side of US Highway 64 approximately 1.48 miles east of the Wake/Chatham County Line described more fully as follows to wit:

BEGINNING at an existing ½" iron pipe on the southern right of way line of the 200' public right of way of US Highway 64 (Project 8.T520904) also being the NW corner of SKJD Holdings, LLC (D.B. 17333, Page 1214); thence along and with SKJD Holdings, LLC S 00° 21' 44" W, 142.98' to an existing ¾" iron pipe being the SW corner of SKJD Holdings, LLC; thence along and with SKJD Holdings, LLC N 87° 28' 33" E, 552.00' to an existing iron pipe being the SE corner of SKJD Holdings, LLC in the line of Sweetwater PUD - Phase 10; thence with Sweetwater PUD S 00° 26' 37" E, 765.58' to an existing ½" iron pipe in the line of Sweetwater PUD; thence with a line passing through Smith Farm - Phase 5 N 88° 47' 58" W, 584.45' to an existing ½" iron pipe; thence with a line passing through Smith Farm - Phase 5 N 01° 01' 20" E, 325.54' to an existing ½" iron pipe; thence with a line passing through Smith Farm - Phase 5 N 01° 00' 36" E, 168.01' to an existing ½" iron pipe; thence with a line passing through Smith Farm - Phase 5 N 02° 59' 10" W, 234.96' to an existing ½" iron pipe; thence with a line passing through Smith Farm -Phase 5 N 00° 19' 01" E, 140.08' to an existing ½" iron pipe on the southern right of way of the 200' public right of way of US Highway 64 (Project 8.T520904); thence N 82° 55' 33" E, 30.76' to the point and place of BEGINNING, containing 10.001 acres more or less. The above description of land is all of Wake County PIN 0722-35-8117 being a portion of Smith Farm PUD Phase 5.

The sole purpose of this land description is to be included in a 2023 rezoning application in the Town of Apex and for no other purpose.

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

Staley Smith, Aaron Smith Jr & Haley Hoffer is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 Air Park Drive

The agent for this project is: Jones & Cossen Engineering, PLLC

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

Agent Name: Peter Cossen

Address: 221 N. Salem St., Suite 001, Apex NC 27502

Telephone Number: 919-387-1174

E-Mail Address: peter@jonescossen.com

Signature(s) of Owner(s)*



Aaron Smith

Type or print name

4/6/23

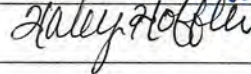
Date



STALEY SMITH

4-5-2023

Date



HALEY HOFFLER

Type or print name

4-10-23

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 A. Smith, STALEY C SMITH, HALEY HOFFLER (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 0 Air Park Dr and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- 2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- 3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 12/12/2007, and recorded in the Wake County Register of Deeds Office on 12/14/2007, in Book 012874 Page 00607-00612.
- 4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- 5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 12/07/2007, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 12/07/2007, 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 10th day of April, 2023.

Haley Hoffer
HALEY HOFFLER

Aaron Smith (seal)
Aaron Smith
Staley C. Smith
STALEY C. SMITH
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF _____

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that AARON SMITH, STALEY C. SMITH, HALEY HOFFLER, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's IDENTIFICATION, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

Benjamin S. Smith
Notary Public
State of North Carolina
My Commission Expires: 10-6-2025

Application #: _____

Submittal Date: _____

Insert legal description below.

Smith & Smith Surveyors, P.A.

P.O. Box 457

Apex, N.C. 27502

(919) 362-7111

Firm License No. C-0155

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and being situated on the south side of US Highway 64 approximately 1.48 miles east of the Wake/Chatham County Line described more fully as follows to wit:

BEGINNING at an existing ½” iron pipe in the west line of Sweetwater PUD north of Core Banks Dr. a public right of way; thence with Sweetwater PUD S 00° 26’ 37” E, 521.43’ to an existing ¾” iron pipe being a corner of Sweetwater PUD; thence continuing with Sweetwater PUD N89° 15’ 53” W, 413.71’ to an existing ½” iron pipe being a common corner with Sweetwater PUD, Smith Farm - Phase 4, and Smith Farm - Phase 5; thence with a line passing through Smith Farm - Phase 5 N 89° 22’ 48” W, 841.60’ to an existing 1” iron pipe being a common corner with Esterly thence with Esterly, Gooch, and Morgan N 00° 03’ 51” E, 852.02’ to an existing ½” iron pipe in the east line of Morgan; thence with a line passing through Smith Farm - Phase 5 S 89° 22’ 42” E, 671.76’ to a an existing ½” iron pipe; thence with a line passing through Smith Farm - Phase 5 S 01° 01’ 20 W, 325.54’ to an existing ½” iron pipe; thence with a line passing through Smith Farm - Phase 5 S 88° 47’ 58” E, 584.45’ to the point and place of BEGINNING, containing 20.106 acres more or less. The above description of land is all of Wake County PIN 0722-34-4615 being a portion of Smith Farm PUD Phase 5.

The sole purpose of this land description is to be included in a 2023 rezoning application in the Town of Apex and for no other purpose.

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.

April 10, 2023

Date _____

Dear Neighbor:

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

3223 US 64 HWY West	0722-35-8117
0 Air Park Drive	0722-34-4615
Address(es)	PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>.

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	Technical Review Committee (staff)
<input type="checkbox"/> Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

The rezoning is a PUD Amendment to remove the perimeter buffer along the eastern property boundary to Pins 0722-45-4406 and 0722-44-3942. This rezoning request is to accommodate grading by the Sweetwater -Phase 10 development for cross-access along Ingold Drive.

Estimated submittal date: April 28, 2023

MEETING INFORMATION:	
Property Owner(s) name(s):	<u>Andrew Clark TR & Staley Smith and Staley Smith, Aaron Smith Jr & Haley Hoffler</u>
Applicant(s):	<u>Jones & Cnossen Engineering, PLLC</u>
Contact information (email/phone):	<u>peter@jonescnossen.com/919-387-1174</u>
Meeting Address:	<u>Zoom - see enclosed details</u>
Date/Time of meeting**:	<u>April 25, 2023</u>
Welcome:	<u>6:00 pm</u>
Project Presentation:	<u>6:00 pm - 6:15 pm</u>
Question & Answer:	<u>6:15 pm - 8:00 pm</u>

**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>.

Zoom Meeting Details – Smith Farm Phase 5 PUD Amendment

When: April 25, 2023, 06:00 PM Eastern Time (US and Canada)

Register using the QR code:

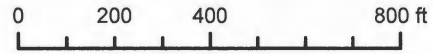


Or go to: www.zoom.com. Click on “JOIN”. Enter the Meeting ID: 838 2603 0700 and then the Passcode: 142040.

Provide your First & Last Name, Email address and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting.

Or to join the meeting by phone: dial (309) 205-3325 or (312) 626-6799 and enter the Meeting ID 838 2603 0700 and the Passcode 142040. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office for assistance.

Vicinity Exhibit



1 inch equals 400 feet

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.

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: Smith Farm Phase 5 Zoning: PUD-CZ

Location: 3223 US 64 HWY West & 0 Air Park Dr.

Property PIN(s): 0722-35-8117, 0722-34-4615 Acreage/Square Feet: 30.11

Property Owner: Andrew Clark TR & Staley Smith - and - Staley Smith, Aaron Smith Jr & Haley Hoffler

Address: PO Box 791 - and - PO Box 457

City: Apex State: NC Zip: 27502

Phone: _____ Email: staley@smithandsmithsurveyors.net

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Crossen Engineering, PLLC - Peter Crossen

Address: 221 N. Salem St., Suite 001

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: peter@jonescrossen.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 Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

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
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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
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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
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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
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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
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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 Danny Smith	919-372-7470 Danny.Smith@ncdenr.gov
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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
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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
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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
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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:	Jessica Bolin	919-249-3537
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS
1153 HERB GARDEN WAY	0722345083	AKIDI, ANAND REDDY SINGIREDDY, SWATHI	1153 HERB GARDEN WAY
1133 LITTLE GEM LN	0722441292	ARANGO, SAMUEL ROYO, JULIO	APEX NC 27502-4419
1155 LITTLE GEM LN	0722440063	ATHOTA, SUDHEER ATHOTA, JAYASREE	APEX NC 27523-7802
1135 LITTLE GEM LN	0722441280	BALDWIN, EBONY	2701 ELK KNOB TRL
1616 AIR PARK DR	0722245893	BICKEL, GEORGE S BICKEL, ELLA L	APEX NC 27502-8568
2808 LANASA LN	0722349242	BOBBITT, HANNAH C	1135 LITTLE GEM LN
1109 LITTLE GEM LN	0722443442	BONDAREV, IVAN BONDAREVA, EKATERINA	1616 AIR PARK DR
3223 US 64 HWY W	0722358117	CLARK, ANDREW L/TR SMITH, STALEY C	2808 LANASA LN
2814 LANASA LN	0722348272	CLAWSON, DIANE	APEX NC 27523-4106
1157 HERB GARDEN WAY	0722335988	CROSS, NATALIE CROSS, CHRISTOPHER	1109 LITTLE GEM LN
2812 LANASA LN	0722348292	DESAI, SAMEER FENG, XIAN XUE	APEX NC 27502-0791
2834 LANASA LN	0722347065	DESANDER, JAN DESANDER, SCOTT	2814 LANASA LN
2838 LANASA LN	0722347051	DHAKAL, MANOJ DHAKAL, LAXMI BHANDARI	APEX NC 27502-4419
1117 LITTLE GEM LN	0722442395	DODDER, ROBERT DODDER, SUSANNE	2812 LANASA LN
1157 LITTLE GEM LN	0722440042	EOBERT, DEBRA ILENE TRUSTEE EGBERT FAMILY IRREVOCABLE TRUST	2834 LANASA LN
1625 AIR PARK DR	0722246325	ESTERLY, BRYAN H ESTERLY, DIANE F	2838 LANASA LN
0 LITTLE GEM LN	0722441386	EXPERIENCEONE HOMES, LLC	1117 LITTLE GEM LN
1129 LITTLE GEM LN	0722442226	GARCIA, RHIAMD AMTDOREICH BENDAYAN GENTILCORE, CRISTIAN GABRIEL LEVY	APEX NC 27523-7802
1617 AIR PARK DR	0722247624	GOOCH, MARK GILBERT	1157 LITTLE GEM LN
1141 LITTLE GEM LN	0722441155	GURLUNG, SANTOSH GURLUNG, SUJEETA	APEX NC 27523-7844
1159 LITTLE GEM LN	0722440030	INJETI, RAJINI	1625 AIR PARK DR
0 AIR PARK DR	0722149244	JOHN HERRTRICK AIR PARK INC	PO BOX 5509
0 CORE BANKS ST	0722441499	KEPE1 HOLDINGS LLC	CARY NC 27512-5509
1115 LITTLE GEM LN	0722443317	KING, ALEESHA	APEX NC 27523-7802
1200 SPRING WHEAT CT	0722247077	LENNAR CAROLINAS, LLC	APEX NC 27523-7802
2818 LANASA LN	0722348222	LI, JING	APEX NC 27523-7843
2836 LANASA LN	0722347053	LI, MO LI, HUIMIN	7001 BRUSH HOLLOW RD STE 200
2810 LANASA LN	0722349222	LIU, JULIE	APEX NC 27523-7802
1145 LITTLE GEM LN	0722441122	LIU, JUNFENG	1100 PERIMETER PARK DR STE 112
1105 LITTLE GEM LN	0722443476	LLL INVESTMENT LLC	9105 SANCTUARY CT
1103 LITTLE GEM LN	0722443488	LUO, WOON SHANG LUO, JUN JIE	1220 STOWAGE DR
2840 LANASA LN	0722337958	MASSAMBA, JOLIE S	CARY NC 27519-8912
2826 LANASA LN	0722347163	MCKINLEY, JERE	APEX NC 27523-7802
1604 AIR PARK DR	0722257131	MORGAN, PHILIP S MORGAN, JENNIFER V	2933 KENNA CREEK BND
1147 HERB GARDEN WAY	0722345088	NAIK, PARAG ANIL NAIK, PRITEE PARAG	1103 LITTLE GEM LN
1121 LITTLE GEM LN	0722442372	OKERFELT, CARLY CLAPSADDLE, SCOTT	2100 HERITAGE AVE APT 1350
2828 LANASA LN	0722347161	PAVLIK, TERRY FANG, PING	2826 LANASA LN
1142 HERB GARDEN WAY	0722344137	POPOVA, MARIA NEDELKO, SERGEY	APEX NC 27523-4106
1153 LITTLE GEM LN	0722440075	PRAKASAM, SRIDHAR MADHAVAN, MYTHILI	1604 AIR PARK DR
2830 LANASA LN	0722347068	RAIMUNDO, NICOLE E	1147 HERB GARDEN WAY
1161 LITTLE GEM LN	0722430918	RAJA, RAGUL SENTHILVELAN, MATHUMATHI	1913 PARK STREAM CT
1154 HERB GARDEN WAY	0722344022	RIVERA-TORRES, NORMA M	20975 VALLEY GREEN DR APT 289
1624 AIR PARK DR	0722243458	ROYAL, TIMOTHY G ROYAL, KIMBERLY W	1142 HERB GARDEN WAY
1629 AIR PARK DR	0722244094	RUBA, NORBERT W RUBA, LIZBETH A	41927 MISSION CREEK DR
2802 LANASA LN	0722440200	RYAN, ERIC RYAN, CAITLIN	2830 LANASA LN
2824 LANASA LN	0722347166	SABIN, VLADIMIR SABIN, MIRA	1161 LITTLE GEM LN
1131 LITTLE GEM LN	0722442214	SAINI, ANKUR JAIN, CHHAMA	1154 HERB GARDEN WAY
1149 LITTLE GEM LN	0722440098	SCORE 1 LLC	1624 AIR PARK DR
1158 HERB GARDEN WAY	0722334928	SHIN, KEE HO KIM, YOOMI	1629 AIR PARK DR
1113 LITTLE GEM LN	0722443329	SIGUENZA, ELIZABETH	2802 LANASA LN
3221 US 64 HWY W	0722359614	SKJD HOLDINGS LLC	2824 LANASA LN
0 HERB GARDEN WAY	0722336338	SMITH FARM OF APEX HOMEOWNERS ASSOCIATION INC	1131 LITTLE GEM LN
0 RISE AND SHINE RD	0722236896	SMITH FARM OF APEX HOMEOWNERS ASSOCIATION, INC.	DAVID R POWELL
3301 US 64 HWY W	0722352562	SMITH, STALEY C SMITH, AARON E JR	101 KETTLEWELL CT
3232 US 64 HWY W	0722361604	STEPHENS ROAD PARTNERS LLC	1113 LITTLE GEM LN
1125 LITTLE GEM LN	0722442248	SUPHAVADEPRASIT, MANIT KOKKADAN, DINKAR JOHN	4516 WOODMILL RUN
1140 LITTLE GEM LN	0722349207	SWEETWATER PROPERTY OWNERS ASSOCIATION, INC	ELITE MANAGEMENT
1150 HERB GARDEN WAY	0722344026	TIRUPATI, BHASKAR SINGAM, HEMALATHA	PO BOX 457
2804 LANASA LN	0722349271	TORITSYN, ANTON TORITSYNA, SVETLANA	150 TOWERVIEW CT
1123 LITTLE GEM LN	0722442360	VIVEKANANDAN, YUVARAJ	812 CITY WALLS ST
1147 LITTLE GEM LN	0722441110	WAI, FLORENCE FUNGMING MARTIN, KACE	CARY NC 27513-1695
1146 HERB GARDEN WAY	0722344120	WANG, XU HANG	CARY NC 27515-5616
1119 LITTLE GEM LN	0722442384	WASYL, KAREN L	APEX NC 27502-4419
3208 US 64 HWY W	0722368361	WILKINS, JON BRIAN TRUSTEE WILKINS, DENA LIGGETT TRUSTEE	2804 LANASA LN
3228 US 64 HWY W	0722364709	WILKINS, STEVEN B TRUSTEE WILKINS, KATHRYN J TRUSTEE	APEX NC 27523-7802
1143 LITTLE GEM LN	0722441133	WILLIAMS, GRAHAM WILLIAMS, ATHINA	APEX NC 27523-7802
1141 HERB GARDEN WAY	0722345197	WU, YICHUN LEI, YUTING	APEX NC 27523-7802
1165 LITTLE GEM LN	0722430905	XU, HANQING LI, CHONGYI	APEX NC 27502-4419
2800 LANASA LN	0722440220	ZHANG, AO YING	1165 LITTLE GEM LN
1137 LITTLE GEM LN	0722441178	ZHANG, JIMMY ZHANG, YI Q	SALEM STREET REALTY
		Current Tenant	8628 SAVANNAH RD
		Current Tenant	1158 Herb Garden WAY
		Current Tenant	APEX NC 27523
		Current Tenant	2800 Lanasa LN
		Current Tenant	APEX NC 27523
		Current Tenant	2802 Lanasa LN
		Current Tenant	APEX NC 27523
		Current Tenant	2810 Lanasa LN
		Current Tenant	APEX NC 27523
		Current Tenant	2816 Lanasa LN
		Current Tenant	APEX NC 27523
		Current Tenant	2818 Lanasa LN
		Current Tenant	APEX NC 27523
		Current Tenant	2828 Lanasa LN
		Current Tenant	APEX NC 27523
		Current Tenant	2836 Lanasa LN
		Current Tenant	APEX NC 27523
		Current Tenant	2840 Lanasa LN
		Current Tenant	APEX NC 27523
		Current Tenant	1105 Little Gem LN
		Current Tenant	APEX NC 27523
		Current Tenant	1107 Little Gem LN
		Current Tenant	APEX NC 27523
		Current Tenant	1121 Little Gem LN
		Current Tenant	APEX NC 27523
		Current Tenant	1125 Little Gem LN
		Current Tenant	APEX NC 27523
		Current Tenant	1137 Little Gem LN
		Current Tenant	APEX NC 27523
		Current Tenant	1149 Little Gem LN
		Current Tenant	APEX NC 27523
		Current Tenant	1153 Little Gem LN
		Current Tenant	APEX NC 27523
		Current Tenant	1155 Little Gem LN
		Current Tenant	APEX NC 27523
		Current Tenant	1200 Spring Wheat CT
		Current Tenant	APEX NC 27523
		Current Tenant	1201 Spring Wheat CT
		Current Tenant	APEX NC 27523
		Current Tenant	1205 Spring Wheat CT
		Current Tenant	APEX NC 27523
		Current Tenant	3221 Us 64 HWY W
		Current Tenant	APEX NC 27523
		Current Tenant	3223 Us 64 HWY W
		Current Tenant	APEX NC 27523
		Current Tenant	3301 Us 64 HWY W
		Current Tenant	APEX NC 27523
		Current Tenant	3309 Us 64 HWY W
		Current Tenant	APEX NC 27523

WESTBURY NY 11590-1743

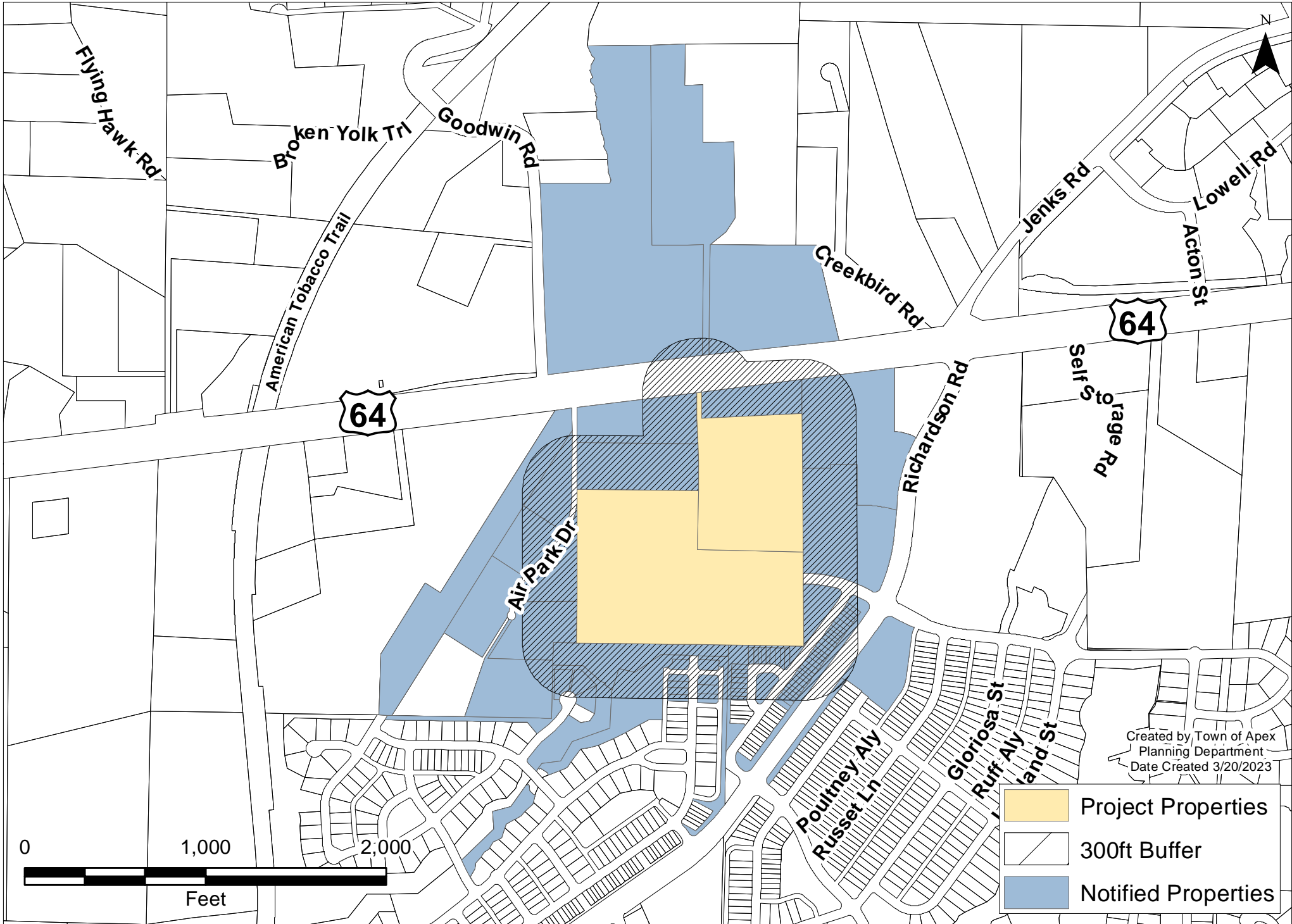
YOUNGSVILLE NC 27596-8183

RALEIGH NC 27612-4652

RALEIGH NC 27612-4652

APEX NC 27502-2469

Notified Properties Within 300ft of the Project Properties



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: Zoom
 Date of meeting: April 25, 2023 Time of meeting: 6:00 - 8:00 pm
 Property Owner(s) name(s): Andrew Clark TR & Staley Smith - and - Staley Smith & Aaron Smith Jr
 Applicant(s): Jones & Clossen 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. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Peter Clossen/Jones & Clossen Engineering	221 N Salem St			
2.	Philip & Jennifer Morgan	1604 Airpark Dr			
3.	Anton Toritsyn	2804 Lanasa Lane			
4.	Lisbeth Ruba	1629 Air Park Drive			
5.	Bryan Easterly	1625 Air Park Drive			
6.	Tim Royal	105 Beechtree Court			
7.	Vlad Sabin	2428 Lanasa Lane			
8.	Ekaterina Bondareva	1109 Little Gem Lane			
9.	Mary Gooch	1617 Air Park Drive			
10.	Diane Clawson	2814 Lanasa Lane			
11.	Christopher Cross	1157 Herb Garden Way			
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

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): Andrew Clark TR & Staley Smith - and - Staley Smith & Aaron Smith Jr

Applicant(s): Jones & Crossen Engineering, PLLC

Contact information (email/phone): peter@jonescrossen.com/919-387-1174

Meeting Address: Zoom

Date of meeting: April 25, 2023 Time of meeting: 6:00 - 8:00 pm

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

Question/Concern #1:

What is the purpose of Ingold Drive and where is it planned to route through the site?

Applicant's Response:

Ingold Drive has been requested by the Town to provide cross-access between the adjacent developments. The routing through the site will determined when the site is land planned for development.

Question/Concern #2:

What is planned for development on the site?

Applicant's Response:

The Smith Farms PUD calls for the site to be Mixed-Use which allows for a combination of commercial and residential development. Commercial is likely the primary use but nothing has been land planned.

Question/Concern #3:

What kind of buffers are required with Mixed-Use development?

Applicant's Response:

The Smith Farms PUD requires that the perimeter buffers meet the requirements of the UDO. Buffer types and widths vary based on the use of the site and that of the adjoining parcels, so they won't be know until the site is developed. The UDO section of buffer requirements was requested to be emailed to the neighbors. This was done.

Question/Concern #4:

Is there a reason why the buffer removal can't end at Core Banks Street?

Applicant's Response:

The perimeter buffer has been removed along the Sweetwater-Phase 10 common property boundary, so this PUD Amendment matches their approval. But, I will discuss this request with the property owners as Core Banks Street does provide a possible break point.

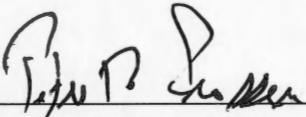
AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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, Peter D. Clossen, do hereby declare as follows:
Print Name

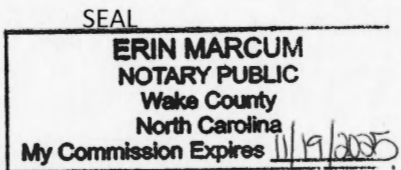
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom (location/address) on April 25, 2023 (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.

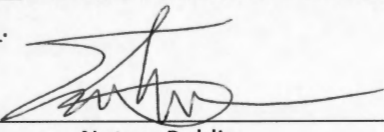
4/24/2023
Date

By: 

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 26th day of April, 2023.




Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025



Rezoning #23CZ11

Deck Air Park

Smith Farm PUD

Sweetwater

Public Hearing Sign Posted By

[Signature]
Signature

5/5/2023
Date





TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ11 Smith Farm Phase 5 PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §1600-602 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 of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicants:** Andrew Clark TR & Staley Smith; Staley Smith, Aaron Smith Jr. & Haley Hoffer
- Authorized Agent:** Peter Crossen, Jones & Crossen Engineering, PLLC
- Property Addresses:** 3223 US 64 Hwy West & 0 Air Park Dr.
- Acreage:** ±30.11 acres
- Property Identification Numbers (PINs):** 0722358117 & 0722344615
- 2045 Land Use Map Designation:** Mixed Use: High Density Residential/Office Employment/Commercial Services
- Existing Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: June 12, 2023 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imagos>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/43091>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
 PO BOX 250
 APEX, NORTH CAROLINA 27502
 TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ11
 Smith Farm Phase 5 PUD Amendment

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

- Solicitante:** Andrew Clark TR y Staley Smith; Staley Smith, Aaron Smith Jr. y Haley Hofferl
- Agente autorizado:** Peter Cnossen, Jones & Cnossen Engineering, PLLC
- Dirección de las propiedades:** 3223 US 64 Hwy West & O Air Park Dr.
- Superficie:** ±30.11 acres
- Números de identificación de las propiedades:** 0722358117 & 0722344615
- Designación en el Mapa de Uso Territorial para 2045:** Mixed Use: High Density Residential/Office Employment/ Commercial Services
- Ordenamiento territorial existente de las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32)
- Ordenamiento territorial propuesto para las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
 Cámara del Consejo, 2º piso
 73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de junio de 2023 4:30 P.M.
 Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/43091>.

Dianne F. Khin, AICP
 Directora de Planificación

Fechas de publicación: 26 de mayo - 12 de junio de 2023



TOWN OF APEX

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

PUBLIC NOTIFICATION

OF PUBLIC HEARINGS

CONDITIONAL ZONING #23CZ11

Smith Farm Phase 5 PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 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 of the Town of Apex. The purpose of these hearings is to consider the following:

Applicants: Andrew Clark TR & Staley Smith; Staley Smith, Aaron Smith Jr. & Haley Hoffer

Authorized Agent: Peter Crossen, Jones & Crossen Engineering, PLLC

Property Addresses: 3223 US 64 Hwy West & 0 Air Park Dr.

Acreage: ±30.11 acres

Property Identification Numbers (PINs): 0722358117 & 0722344615

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

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32)

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

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

Planning Board Public Hearing Date and Time: June 12, 2023 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/43091>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ11
Smith Farm Phase 5 PUD Amendment

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Andrew Clark TR y Staley Smith; Staley Smith, Aaron Smith Jr. y Haley Hoffler

Agente autorizado: Peter Clossen, Jones & Clossen Engineering, PLLC

Dirección de las propiedades: 3223 US 64 Hwy West & 0 Air Park Dr.

Superficie: ±30.11 acres

Números de identificación de las propiedades: 0722358117 & 0722344615

Designación en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de junio de 2023 4:30 P.M.

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Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 26 de mayo - 12 de junio de 2023



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: Conditional Zoning #23CZ11 Smith Farm Ph 5 PUD Amendment
Project Location: 3223 US 64 HWY West & 0 Air Park Dr.
Applicant or Authorized Agent: Peter Cnossen
Firm: Jones & Cnossen Engineering, PLLC
Planning Board Public Hearing Date: June 12, 2023

Project Planner: Shelly Mayo, Planner II

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on May 26, 2023, 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 and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

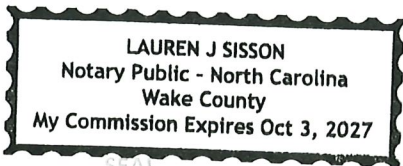
6/5/2023
Date

Maureen Flynn
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above

State and County, this the 5th day of June, 2023.



LS
Notary Public

My Commission Expires: 10 / 3 / 2027



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

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS
 CONDITIONAL ZONING #23CZ11
 Smith Farm Phase 5 PUD Amendment**

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicants: Andrew Clark TR & Staley Smith; Staley Smith, Aaron Smith Jr. & Haley Hoffer
Authorized Agent: Peter Crossen, Jones & Crossen Engineering, PLLC
Property Addresses: 3223 US 64 Hwy West & 0 Air Park Dr.
Acres: ±30.11 acres
Property Identification Numbers (PINs): 0722358117 & 0722344615
2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services
Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: June 27, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org, or submit to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>, the 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/43091>.

Dianne F. Khin, AICP
 Planning Director



TOWN OF APEX
P.O. BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-349-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ11
Smith Farm Phase 5 PUD Amendment

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Andrew Clark TR y Staley Smith; Staley Smith, Aaron Smith Jr. y Haley Hoffer

Agente autorizado: Peter Crossen, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 3223 US 64 Hwy West & O Air Park Dr.

Superficie: ±30.11 acres

Números de identificación de las propiedades: 0722358117 & 0722344615

Designación en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 27 de junio de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.zplghnc.gov/lmap>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/43091>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 2 de junio - 27 de junio de 2023



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #23CZ11
Smith Farm Phase 5 PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicants: Andrew Clark TR & Staley Smith; Staley Smith, Aaron Smith Jr. & Haley Hoffer

Authorized Agent: Peter Clossen, Jones & Clossen Engineering, PLLC

Property Addresses: 3223 US 64 Hwy West & 0 Air Park Dr.

Acreage: ±30.11 acres

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

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Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

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Dianne F. Khin, AICP
Planning Director



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TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ11
Smith Farm Phase 5 PUD Amendment

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

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Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 2 de junio - 27 de junio de 2023



TOWN OF APEX

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PHONE 919-249-3426

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

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #23CZ11 Smith Farm Ph 5 PUD Amendment
Project Location: 3223 US 64 HWY West & 0 Air Park Dr.
Applicant or Authorized Agent: Peter Crossen
Firm: Jones & Crossen Engineering, PLLC
Town Council Public Hearing Date: June 27, 2023

Project Planner: Shelly Mayo, Planner II

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on June 2, 2023, 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 and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

6/5/2023
Date

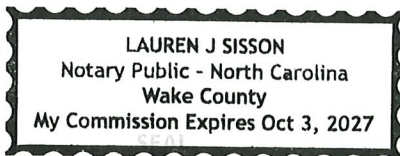
Shianne Fkhu
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above

State and County, this the 5th day of June, 2023.

[Signature]
Notary Public



My Commission Expires: 10 / 3 / 2027