



Meridian
at Ten Ten

Reliance Ave

Hedera Way

Nasturtium Way

Kiftgate Ln

Mandavilla Way

Avalon Peaks

Solandra Ln

Ten Ten Rd

Rezoning #21CZ17

0 150 300
Feet

September 2021
May 2021 Aerial Photography
Prepared by: Town of Apex Planning Department

(REZONING) PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

**REZONING PETITION SUBMISSION:**

Applications and fees are due by 12:00 pm on the first business day of each month. See the [Rezoning Schedule](#) on the website for details.

LATE FEE: \$300

REZONING PETITION FEES:

Conditional Zoning: \$1,000.00

Rezoning: \$700.00*

*No zoning conditions may be added to address concerns of staff, adjacent property owners, Planning Board, or Town Council

PRE-APPLICATION MEETING: Separate pre-application meetings with the Technical Review Committee (TRC) and the Environmental Advisory Board (EAB) are required to be scheduled prior to the submittal of a PD Plan for PUD-CZ.

Pre-application meetings with the TRC are typically scheduled during regular business hours on the 1st, 2nd, and 5th Thursdays of the month and pre-application meetings with the EAB are held at 6 p.m. on the 3rd Thursday of the month during the regularly scheduled EAB meeting.

To schedule a meeting, applicants must e-mail a pdf map of the parcel(s) to be rezoned and a completed [Rezoning Pre-Application Meeting Request](#) form to Planner Lauren Staudenmaier (lauren.staudenmaier@apexnc.org) no later than five (5) working days prior to the desired meeting day.

PURPOSE OF A CONDITIONAL ZONING: Conditional Zoning (CZ) Districts are zoning districts in which the development and use of property is subject to the ordinance standards applicable to the corresponding general use district as well as additional rules, regulations, and conditions that are imposed as part of the legislative decision creating the district. A Conditional Zoning (CZ) District allows particular uses to be established only in accordance with site specific standards and conditions pertaining to each individual development project. All site-specific standards and conditions must be consistent with the objectives of these regulations, the adopted 2045 Land Use Map, and adopted area plans. The review process established in this part provides for the accommodation of such uses by a reclassification of property into a CZ District, subject to site-specific standards and conditions.

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Sec. 2.2.7 prior to application submission. The applicant is required to notify property owners, tenants, and any neighborhood association that represents citizens that are abutting or within 300 feet of the subject property via first class mail a minimum of 14 days in advance of the neighborhood meeting. The notification list must be obtained by emailing addressing.team@apexnc.org and will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit "Neighborhood Meeting Packet" forms included in this application packet with their initial submittal.

ANNEXATION REQUIREMENTS: If a property or portion thereof subject to this rezoning is outside the corporate limits and ETJ, an [annexation petition](#) is **required** to be submitted on the same day as this application.

Electronic Submittal Requirements (submit in IDT): [Click here to access IDT Plans Website](#)

- Upload one full copy of the application and other sheets listed below via IDT.

Hard Copy Submittal Requirements: Submit to Planning Department

- One (1) original Rezoning Petition Application
- Legal Description (metes and bounds)
- Agent Authorization Form
- Affidavit of Ownership
- Neighborhood Meeting Packet
- If applicable: Annexation Petition, map, legal description, and \$200.00 fee
- Notification list including property owners of the land subject to the application, all property owners and tenants abutting and located within 300 feet of the land subject to the application, and any neighborhood association that represents citizens within the notification area. This list must be obtained by emailing addressing.team@apexnc.org and will be provided within 5-10 business days of the initial request.
- Two (2) sets of envelopes addressed to property owners subject to the application and to those on the notification list.
 - Addresses must be from the notification list obtained by emailing addressing.team@apexnc.org
 - Affixed with first class stamps and the following return address:
Town of Apex
Planning and Community Development
P.O. Box 250
Apex, NC 27502
- Petition Fee by one of the following forms of payment:
 - In person with Visa or Master Card;
 - Cash (exact amount only); or
 - Check payable to 'Town of Apex'

(REZONING) PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Sec. 2.2.7 prior to application submission. The applicant is required to notify property owners, tenants, and any neighborhood association that represents citizens that are abutting or within 300 feet of the subject property via first class mail a minimum of 14 days in advance of the neighborhood meeting. The notification list must be obtained by emailing addressing.team@apexnc.org and will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. In their initial submittal, the applicant shall submit the "Neighborhood Meeting Packet" forms included in this application packet. The Neighborhood Meeting Packet is located at the very end of this document.

REVIEW FOR SUFFICIENCY: Incomplete plans will be returned to the applicant and sufficiently complete applications are forwarded to TRC staff for review.

REVIEW BY STAFF: TRC staff reviews the application to determine compliance with the Unified Development Ordinance (UDO). If the application is determined not to be compliant with the UDO, comments will be sent to the applicant. The applicant must address all staff comments before any public hearings are scheduled.

PUBLIC HEARING NOTIFICATION: Notification of the public hearing will take place by three different methods.

1. A written notice will be prepared by Planning staff and sent to property owners, tenants, and neighborhood associations abutting and within 300 feet of the land subject to the application not more than 25 days nor less than 10 days prior to the public hearings, as required by the UDO.
2. A notice will be published on the Town of Apex website (www.apexnc.org) no less than 10 days, but not more than 25 days, prior to the public hearings.
3. A public hearing sign will be posted at the land subject to the application at least 10 days prior to the public hearings.

1ST PUBLIC HEARING/PLANNING BOARD MEETING: The Planning Board will consider the application, relevant support materials, the Staff Report, and public testimony given at the public hearing. After the public hearing the Planning Board will make a recommendation to the Town Council. The Planning Board may recommend approval, approval with conditions, or disapproval. The application is then forwarded to the Town Council. The Planning Board meets at 4:30 p.m. in the Town Hall Council Chambers on the date indicated on the Rezoning Schedule.

2ND PUBLIC HEARING/TOWN COUNCIL MEETING: The Town Council will consider the application, relevant support materials, the Staff Report, the Planning Board recommendation, and public testimony given at the public hearing. After the public hearing the Town Council will vote to approve, approve with conditions, or disapprove the rezoning. The Town Council meets at 6:00 p.m. in the Town Council Chambers on the date indicated on the Rezoning Schedule.

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 21CZ17 Submittal Date: 07/01/2021
Fee Paid: _____

Project Information

Project Name: Ten Ten Business Park
Address(es): 2132 Ten Ten Road
PIN(s): Portion of 0751359861

Acreage: Approx. 4.6 acres

Current Zoning: RA Proposed Zoning: LI-CZ

Current 2045 LUM Classification(s): Industrial Employment

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: _____
Area proposed as non-residential development: Acreage: _____
Percent of mixed use area proposed as non-residential: Percent: _____

Applicant Information

Name: J National Capital V, LLC c/o M. Gray Styers, Jr.
Address: 434 Fayetteville Street, Suite 2800
City: Raleigh State: NC Zip: 27601
Phone: 919-755-8741 E-mail: styers@foxrothschild.com

Owner Information

Name: Vertical Bridge AM II LLC
Address: 70 Park of Commerce Drive, Suite 200
City: Boca Raton State: FL Zip: 33487
Phone: _____ E-mail: _____

Agent Information

Name: M. Gray Styers, Jr.
Address: 434 Fayetteville Street, Suite 2800
City: Raleigh State: NC Zip: 27601
Phone: 919-755-8741 E-mail: gstyers@foxrothschild.com

Other contacts: _____

PETITION INFORMATION

Application #: 21CZ17 Submittal Date: 07/01/2021

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

PROPOSED USES:

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

| | | | |
|----|---|----|---------|
| 1 | <u>See attached list of proposed uses</u> | 21 | <u></u> |
| 2 | <u></u> | 22 | <u></u> |
| 3 | <u></u> | 23 | <u></u> |
| 4 | <u></u> | 24 | <u></u> |
| 5 | <u></u> | 25 | <u></u> |
| 6 | <u></u> | 26 | <u></u> |
| 7 | <u></u> | 27 | <u></u> |
| 8 | <u></u> | 28 | <u></u> |
| 9 | <u></u> | 29 | <u></u> |
| 10 | <u></u> | 30 | <u></u> |
| 11 | <u></u> | 31 | <u></u> |
| 12 | <u></u> | 32 | <u></u> |
| 13 | <u></u> | 33 | <u></u> |
| 14 | <u></u> | 34 | <u></u> |
| 15 | <u></u> | 35 | <u></u> |
| 16 | <u></u> | 36 | <u></u> |
| 17 | <u></u> | 37 | <u></u> |
| 18 | <u></u> | 38 | <u></u> |
| 19 | <u></u> | 39 | <u></u> |
| 20 | <u></u> | 40 | <u></u> |

Proposed Uses by Right in LI

| | |
|---|---|
| <p>Security or caretaker quarters Government service Transportation facility Veterinary clinic or hospital Vocational school Recycling center Recycling collection station Utility, minor Water or wastewater plant Wireless support structure Wireless communication facility Botanical garden Entertainment, indoor Greenway Park, active (access only) Park, passive (access only) Shooting range, indoor Broadcasting station (radio and television) Radio and television recording studio Commissary Restaurant, general Dispatching office Medical or dental office or clinic Medical or dental laboratory Office, business or professional Publishing office Research facility Parking garage, commercial Parking lot, commercial Artisan Studio Funeral home Gas and fuel, retail Glass sales Health/fitness center or spa Kennel</p> | <p>Monument sales, retail Repair services, limited Retail sales, bulky goods Retail sales, general Self-service storage Studio for art Upholstery shop Pet services Automotive Accessory Sales and Installation Automotive paint or body shop Automotive parts Automotive service station Car wash or auto detailing Repair and maintenance, general Towing service Towing service storage Truck terminal Vehicle sales and rental, heavy (access only) Building supplies, wholesale Contractor's office and storage yard Gas and fuel, wholesale Laboratory, industrial research Machine or welding shop Warehousing Woodworking or cabinetmaking Wholesaling, general Brewery Distillery Manufacturing and processing Manufacturing and processing, minor Microbrewery Microdistillery</p> |
|---|---|

Special Uses in LI

| | |
|--|--|
| <p>Airplane landing strip Airport Chipping and Mulching Communication tower, commercial Communication tower, constructed stealth</p> | |
|--|--|

| | |
|---|--|
| Communication tower, camouflage stealth Communication tower, public safety Electrical power facility Incinerator Recycling Plant Sanitary Landfill Land Clearing and Inert Debris Landfill Arena, auditorium or stadium Entertainment, outdoor Regional recreation complex Adult Establishment Electronic gaming operation Asphalt or concrete plant Dry cleaning and dyeing plant Laundry plant Wood or lumber processing | |
|---|--|

PETITION INFORMATION

Application #:

21CZ17

Submittal Date:

8/12/2022

PROPOSED CONDITIONS:

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

1) The developer proposes a 12' Type C buffer along the easternmost and westernmost boundaries of the area to be rezoned, with the additional condition that the planting of such buffers will include a minimum of three species of native hardwood canopy trees with a size at installation no smaller than 2.5" caliper. The buffer shall not preclude vehicular cross connections to adjacent properties pursuant to an approved site plan, nor shall it apply to a publicly dedicated street right-of-way pursuant to a duly approved subdivision plan.

2) Tower improvements substantially similar to or greater than those that serve as the basis for the zero-fall-zone letter submitted with the rezoning application shall be constructed, and a certification of the completion of construction of such improvements shall be submitted to the Town, prior to the approval of construction drawings.

3) For any building greater than 10, 000 square feet, the building design shall include conduit for the future installation of solar PV panels and sufficient roof load-bearing capacity to support solar PV panels.

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.

See attached narrative.

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

See attached narrative.

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

See attached narrative.

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.

See attached narrative.

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.

See attached narrative.

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.

See attached narrative.

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.

See attached narrative.

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

See attached narrative.

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.

See attached narrative.

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.

See attached narrative.

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

The subject property is *currently* inconsistent with the 2045 Future Land Use Map, but this rezoning request will make the property consistent. The request is to rezone a portion that is currently zoned Residential Agriculture of a larger parcel zoned Light Industrial. The portion subject to rezoning is currently undeveloped, vacant land. The 2045 Land Use Map classifies the entire parcel as Industrial Employment. "Industrial Employment is intended to delineate land that allows for industrial uses such as light manufacturing, tech-flex, warehousing, and processing facilities." (Peak Plan 2030, p. 23). RA is not an allowable zoning in the Industrial Employment 2045 Land Use Classification. Therefore, rezoning this area to Light Industrial will bring the area into consistency.

The subject property is also identified as "underdeveloped" in the Advance Apex 2045 Plan's Land Use Screening Map (Figure 1). Under the 2045 Plan, this means the parcel is identified "to receive new growth." (p 3, Advance Apex 2045 Land Use Update Memo). The 2030 Peak Plan anticipates the demand for industrial land in Apex to increase by approximately 110 acres through 2032. (Peak Plan 2030 p 13). The current zoning of RA abutting Ten Ten Road is preventing any development of the parcel zoned LI because a RA district cannot provide access to a LI use. Ten Ten Road is the only thoroughfare abutting the property that could provide access. This rezoning will add approximately 4.6 acres of industrial land, and will provide for the productive use and access to the remaining acres of the parcel that is already zoned light industrial.

Several goals, objectives and policies of the Peak Plan will be accomplished by rezoning this portion from RA to LI. First, it will encourage and achieve the goal of "Balanced Growth." Balanced Growth is accomplished by encouraging non-residential land uses to achieve a more sustainable, balanced tax base. (Peak Plan 2030, p. 30-31). By rezoning this area from RA to LI, the remainder of the parcel zoned LI will be accessible for development plans that will bring jobs and an increased tax base for Apex on non-residential lands.

The goal of Balanced Growth is also accomplished by preserving industrial lands identified in the 2045 Land Use Map for employment through zoning mechanisms. (Peak Plan 2030, p. 30-31). The portion subject to rezoning is identified as industrial land in the 2030 and 2045 Land Use Map, and rezoning the parcel to LI is a zoning mechanism that will allow the parcel to be accessed and ultimately developed to bring jobs and increase the economic strength of the area, in a currently underdeveloped parcel.

Supporting retail growth near already-developed areas is another important component of achieving Balanced Growth. (Peak Plan 2030, p. 30-31). The requested rezoning is in an area surrounded by light industrial uses.

Next, the request will achieve the goal of "Economic Development". (Peak Plan 2030, p. 33). This goal is accomplished by preserving "access and visibility for large parcels that could be developed" as employment centers along transportation corridors. (Peak Plan 2030, p. 33). The area zoned Light Industrial is currently not accessible. The rezoning request is necessary to provide access to the rest of the parcel which is currently underdeveloped. In addition, the subject property abuts Ten Ten Road and is located near the intersection of Ten Ten Road and Jessie drive. Jessie Drive is a key transportation

corridor under the Peak Plan, and Ten Ten Road is identified for improvements in the next five years with plans to expand to 6-lanes. Rezoning the portion zoned RA to LI will provide employment and economic development opportunities along these transportation corridors. Overall, this request will accomplish the goal of Economic Development in Apex.

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

The site is currently surrounded to the east, west and south by Light Industrial zoning. Across from the property, on the other side of Ten Ten Road, is Planned Commercial and High Density Multi-Family Residential. This request to rezone the subject area to LI is appropriate for the location and consistent with 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.

The proposed uses will comply with any applicable supplemental standards in UDO Section 4.4.

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

As required by the UDO, the uses proposed will be designed to minimize any adverse impacts.

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.

As required by the UDO, the uses proposed will be designed to minimize any adverse impacts.

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.

As required by the UDO, the uses proposed will avoid any adverse impacts on public 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.

The proposed zoning of Light Industrial will not effect the health, safety of welfare of residents of Apex or the ETJ. The surrounding properties are zoned Light Industrial, consistent with this request. There is one high-density multi-family parcel within 300 feet of the subject parcel that is located across Ten Ten road from the parcel.

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

The rezoning request is likely to enhance the value of adjacent properties by increase the value of the land and will not be substantially detrimental.

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 rezoning will allow for the development of a use that is consistent with the surrounding area and consistent with the designation and intent of the 2045 Land Use Map. The rezoning will not constitute 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.

As required by the UDO, the uses proposed will comply with all relevant standards of the UDO.

Supplemental Project Narrative to Rezoning Petition

The second condition that the Applicant has added to the rezoning petition will also further the public interest and land development goals of the Town of Apex in other ways.

As noted in the previously submitted Project Narrative to the Application, the subject property has been identified as “underdeveloped” in the Advance Apex 2045 Plan’s Land Use Screen Map in the 2019 Future Land Use Map Update. Most of the subject parcel is already zoned LI, but a radio broadcast tower has been located on the property since 1986. Since that time (and with the wide-spread deployment of mobile commercial radio service (i.e. cellphone) towers since the mid-1990s), the Applicant understands that tower construction techniques have improved; stronger tower construction materials have become more widely utilized; “fall zone” analyses and designs have become more sophisticated; and structural standards for tower construction have become more rigorous. A recent comprehensive structural analysis of the tower identified certain “overstresses” under the current standards (i.e. if the tower were built new today).

If this rezoning is approved, Applicant, at considerable expense, will have substantial improvements constructed to strengthen the tower and to address these overstresses so that it is brought up to “all current codes and standards.” Those improvements are shown in the sealed Design Drawings by Stainless, a business of FDH Infrastructure Services, an engineering firm based in Raleigh, submitted with this application.

With those improvements, “**the fall zone under the design considerations as outlined by the building code is 0 feet**” (“zero fall zone”) as stated in the Fall Zone Letter prepared by Christophy Ply, PE, SE, President/CEO of Engineered Tower Solutions, also submitted with this application.

Applicant offers as a condition of the rezoning that it will provide the Town with a certification that these improvements have been completed prior to approval of construction drawings for development on the property. In other words, the tower improvements will be made prior to construction of other buildings on the property.

Approval of the rezoning with this condition and the tower improvements that will consequentially be made will result in the Town not only realizing the benefits of development of this underdeveloped large parcel at a designated Employment Mixed Use Activity Center (as discussed in the original Project Narrative), but the radio tower will also then have a zero fall zone and meet all current applicable codes and standards.

AGENT AUTHORIZATION FORM

Application #: 21CZ17 Submittal Date: 07/01/2021

Vertical Bridge AM II LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2132 Ten Ten Road

The agent for this project is: Hayes Finley


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

Agent Name: Hayes Finley

Address: 434 Fayetteville Street, Suite 2800, Raleigh, NC 27604

Telephone Number: 919-755-8837

E-Mail Address: hfinley@foxrothschild.com


Signature(s) of Owner(s)* 

Adam Ginder

Type or print name

5-12-2021

Date



Buddy Norman

Type or print name

5-12-21

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 #: 21CZ17

Submittal Date: 07/01/2021

The undersigned, Adam Ginder (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 2132 Ten-Ten Road Apex, NC 27502 and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated November 23, 2016 and recorded in the Wake County Register of Deeds Office on _____, in Book 016613 Page 02064.
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 11/23/2016, 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 11/23/2016, 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 12th day of May, 2021.

[Signature] (seal)
~~Adam Ginder~~ Adam Ginder
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Palm Beach

I, the undersigned, a Notary Public in and for the County of Palm Beach, hereby certify that Adam Ginder, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's _____, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

[Signature]
 Notary Public Florida
 State of North Carolina
 My Commission Expires: September 16, 2024

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ17

Submittal Date: 07/01/2021

Insert legal description below.

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE TOWNSHIP OF WHITEOAK, COUNTY OF WAKE, STATE OF NORTH CAROLINA, DESCRIBED IN DEED BOOK 12494, PAGE 1893, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING CONCRETE MONUMENT, FOUND ON THE SOUTHERN BOUNDARY OF SAID PARCEL, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES E:2054044'-N:714443';
THENCE, N 05° 48' 42" W FOR A DISTANCE OF 1965.97 FEET TO THE POINT OF BEGINNING;
THENCE, N 03° 32' 08" E FOR A DISTANCE OF 616.87 FEET TO A POINT;
THENCE, N 03° 32' 08" E FOR A DISTANCE OF 14.33 FEET TO A POINT;
THENCE, S 52° 52' 43" E FOR A DISTANCE OF 53.71 FEET TO A POINT;
THENCE, S 56° 29' 06" E FOR A DISTANCE OF 80.99 FEET TO A POINT;
THENCE, S 59° 15' 26" E FOR A DISTANCE OF 79.52 FEET TO A POINT;
THENCE, S 61° 39' 02" E FOR A DISTANCE OF 76.92 FEET TO A POINT;
THENCE, S 64° 52' 36" E FOR A DISTANCE OF 77.35 FEET TO A POINT;
THENCE, S 65° 55' 15" E FOR A DISTANCE OF 77.86 FEET TO A POINT;
THENCE, S 05° 54' 23" W FOR A DISTANCE OF 446.50 FEET TO A POINT;
THENCE, N 85° 02' 05" W FOR A DISTANCE OF 381.92 FEET TO THE POINT OF BEGINNING, CONTAINING 207,341 SQFT -OR- 4.76 ACRES.

Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to:
studentassignment-gis-group@wcpss.net

| Developer Company Information | |
|--|--|
| Company Name | |
| Company Phone Number | |
| Developer Representative Name | |
| Developer Representative Phone Number | |
| Developer Representative Email | |

| New Residential Subdivision Information | |
|--|--|
| Date of Application for Subdivision | |
| City, Town or Wake County Jurisdiction | |
| Name of Subdivision | |
| Address of Subdivision (if unknown enter nearest cross streets) | |
| REID(s) | |
| PIN(s) | |

| Projected Dates Information | |
|---|--|
| Subdivision Completion Date | |
| Subdivision Projected First Occupancy Date | |

| Lot by Lot Development Information | | | | | | | | | | | | | | | |
|------------------------------------|------------------|---------------|--------|-----------|-----------|-----------|-----------|-------------------|-----|-------------|------|--------------------------------------|---------|------|---------|
| Unit Type | Total # of Units | Senior Living | Studio | 1 Bedroom | 2 Bedroom | 3 Bedroom | 4 Bedroom | Square Foot Range | | Price Range | | Anticipated Completion Units & Dates | | | |
| | | | | | | | | Min | Max | Low | High | Year | # Units | Year | # Units |
| Single Family | | | | | | | | | | | | | | | |
| Townhomes | | | | | | | | | | | | | | | |
| Condos | | | | | | | | | | | | | | | |
| Apartments | | | | | | | | | | | | | | | |
| Other | | | | | | | | | | | | | | | |



434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
Tel (919) 755-8700 Fax (919) 755-8800
www.foxrothschild.com

HAYES FINLEY
Direct No: 919.755.8837
Email: HFinley@Foxrothschild.com

April 16, 2021

Re: Notice of Neighborhood Meeting

Neighborhood Property Owners:

You are invited to attend a virtual neighborhood meeting on **April 28, 2021** to discuss the proposed rezoning of approximately 4.6 acres at 2132 Ten Ten Road from Residential Agricultural (RA) to Light Industrial. The meeting will begin at **5:00 p.m.** and last until **7:00 p.m.** You can participate online or by telephone.

To participate via video, follow these instructions:

1. Go to www.webex.com.
2. In the top right corner of the page, click "Join."
3. In the "Enter Meeting Information" bar, type the meeting number: 185 417 6683.
4. Then enter the Password: tentenroad
5. Tips:
 - a. You may download the desktop app or join from your browser.
 - b. You can call in for audio or use your computer audio.
 - c. Call in a few minutes early to set up your audio and video.

You may also join by phone:

+1-215-299-3000 US Toll
+1-800-598-1154 US Toll Free
Access code: 185 417 6683

Please see the attachments for specific details regarding the neighborhood meeting and rezoning process.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington



Fox Rothschild ^{LLP}
ATTORNEYS AT LAW

April 16, 2021

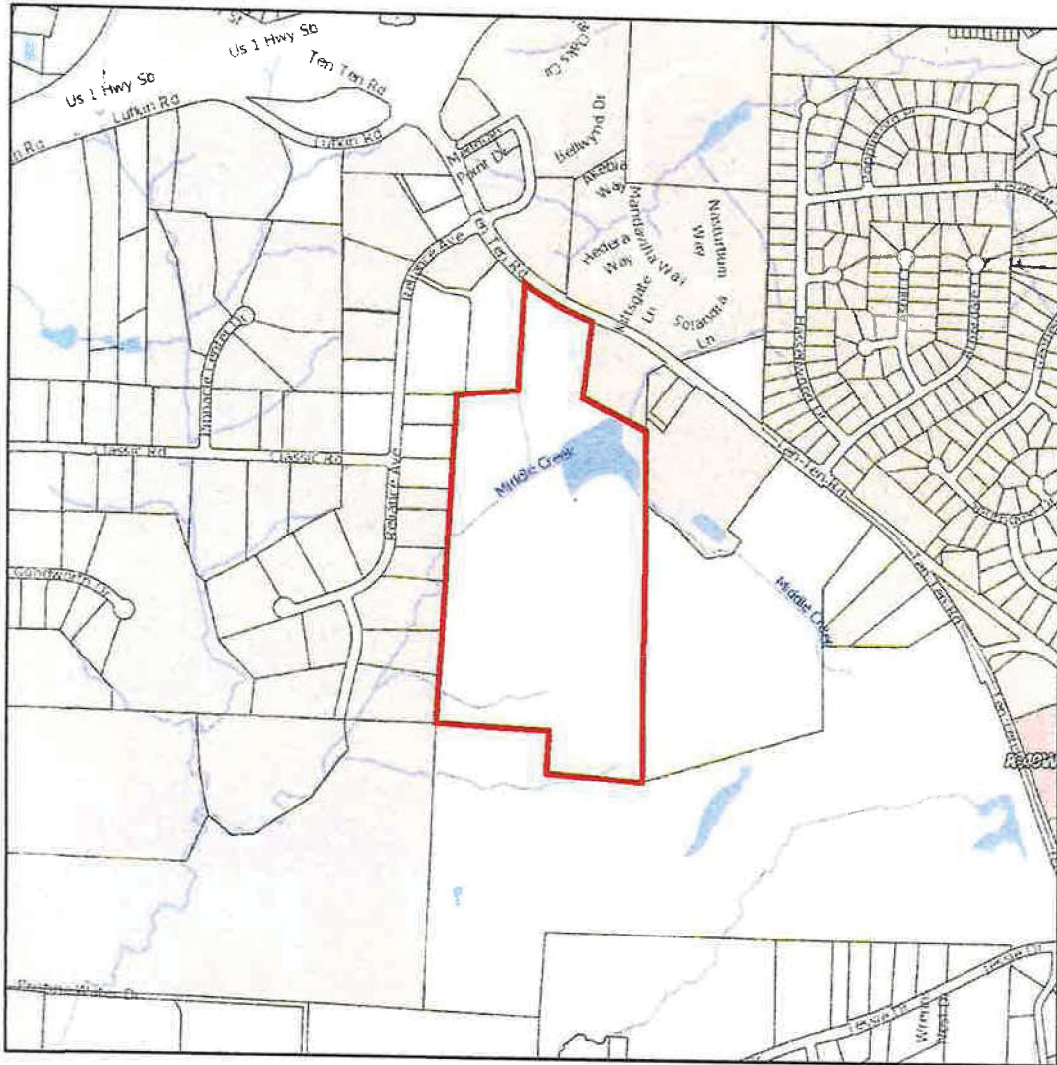
Page 2

If you have any concerns or questions I can be reached at:

Hayes Finley
Fox Rothschild LLP
434 Fayetteville Street, Suite 2800
Raleigh, NC 27601
hfinley@foxrothschild.com
919-755-8837

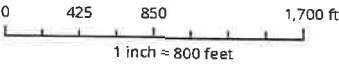
Sincerely,

Hayes Finley

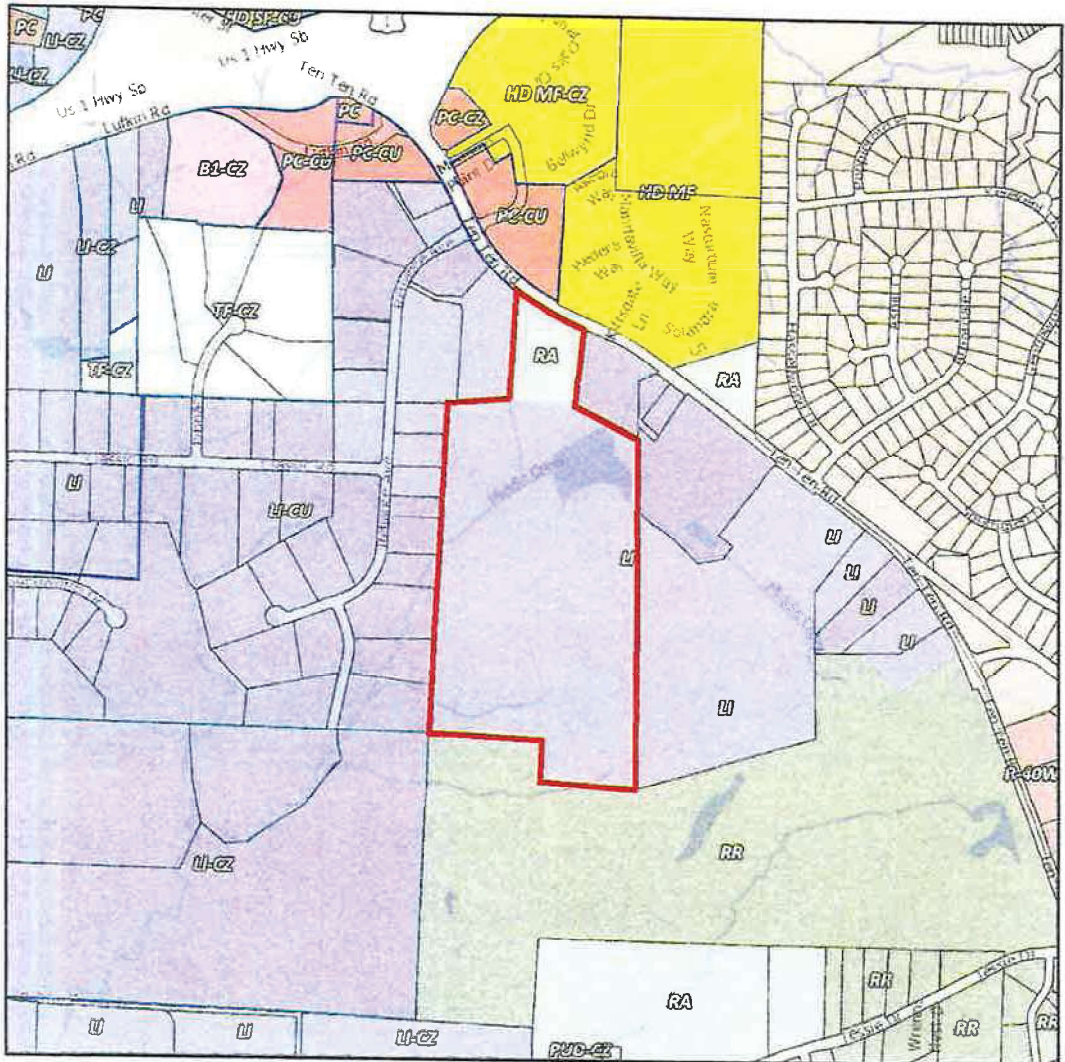


2132 Ten Ten RD GIS MAP

PIN: 0751359861
 PIN Ext: 000
 Real Estate ID: 0067257
 Map Name: 0751 10
 Owner: VERTICAL BRIDGE AM II LLC
 Mail Address 1: 750 PARK OF COMMERCE DR
 STE 200
 Mail Address 2: BOCA RATON FL 33487-3650
 Mail Address 3:
 Deed Book: 018240
 Deed Page: 02345
 Deed Acres: 57.62
 Deed Date: 12/15/2020
 Building Value: \$3,895
 Land Value: \$3,056,518
 Total Value: \$3,060,413
 Billing Class: Business
 Description: TVX RALEIGH DURHAM FAMILY
 TV CORP PROP
 Heated Area: 1383
 Street Name: TEN TEN RD
 Site Address: 2132 TEN TEN RD
 City:
 Planning Jurisdiction: AP
 Township: WHITE OAK
 Year Built: 1915
 Sale Price: \$0
 Sale Date:
 Use Type: SINGLFAM

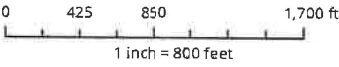


Disclaimer
 iMaps makes every effort to produce and publish
 the most current and accurate information possible.
 However, the maps are produced for information purposes,
 and are NOT surveys. No warranties, expressed or implied
 are provided for the data therein, its use, or its interpretation.



2132 Ten Ten RD GIS MAP

PIN: 0751359861
 PIN Ext: 800
 Real Estate ID: 0120512
 Map Name: 0751 10
 Owner: TVX OF RALEIGH DURHAM
 Mail Address 1: 3012 HIGHWOODS BLVD
 Mail Address 2: RALEIGH NC 27604-1037
 Mail Address 3:
 Deed Book: 001000
 Deed Page: 00001
 Deed Acres:
 Deed Date: 1/1/2007
 Building Value: \$108,063
 Land Value: \$0
 Total Value: \$108,063
 Billing Class: Business
 Description: LEASEHOLD IMP
 Heated Area: 1912
 Street Name: TEN TEN RD
 Site Address: 0 TEN TEN RD
 City:
 Planning Jurisdiction: AP
 Township: White Oak
 Year Built: 1981
 Sale Price: \$0
 Sale Date:
 Use Type: LT MANUF
 Design Style: Conventional
 Land Class: Leasehold Imps



Disclaimer
 Maps 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.

List of persons invited to the Neighborhood Meeting

| SUBJECT | PIN | PIN Ext | Real Estate ID | Owner | Mail Address 1 | Mail Address 2 | Mail Address 3 | Street Name | Ste Address | Qty |
|------------------|------------|---------|----------------|---|---------------------------------|-----------------------------|------------------------|-------------------|---------------------|------|
| PROPERTY SUBJECT | 751359861 | 0 | 67257 | VERTICAL BRIDGE AM II LLC | 750 PARK OF COMMERCE DR STE 200 | BOCA RATON FL 33487-3650 | | TEN TEN RD | 2132 TEN TEN RD | |
| PROPERTY SUBJECT | 751359861 | 800 | 120512 | TVX OF RALEIGH DURHAM | 3012 HIGHWOODS BLVD | RALEIGH NC 27604-1037 | | TEN TEN RD | 0 TEN TEN RD | |
| 1 | 751367704 | 0 | 203246 | PSNC III LP | PG# 25863 | 701 WESTERN AVE | GLENDALE CA 91201-2349 | TEN TEN RD | 2110 TEN TEN RD | |
| 2 | 751464462 | 0 | 120976 | COLONIAL PIPELINE CO | RESURGENS PLAZA | 945 E PACES FERRY RD NE | ATLANTA GA 30326-1160 | TEN TEN RD | 2200 TEN TEN RD | |
| 3 | 751470207 | 0 | 67241 | MQJAC 2 LLC | PO BOX 28929 | RALEIGH NC 27611-8929 | | TEN TEN RD | 2147 TEN TEN RD | APEX |
| 4 | 751477193 | 0 | 56788 | CRK APEX LAND CO LLC | MARVIN F POER & COMP | 3520 PIEDMONT RD NE STE 410 | ATLANTA GA 30305-1512 | TEN TEN RD | 200 SOLANDRA LN | APEX |
| 5 | 751486438 | 0 | 252638 | SOF FC FUNDING I LLC | 902 CARNEGIE CTR STE 520 | PRINCETON NJ 08540-6531 | | TEN TEN RD | 2280 TEN TEN RD | APEX |
| 6 | 751467337 | 0 | 252180 | JAY T PROPERTIES LLC | 2019 EASTCHESTER DR | HIGH POINT NC 27265-1406 | | TEN TEN RD | 2290 TEN TEN RD | APEX |
| 7 | 751459934 | 0 | 196429 | MOTIVA ENTERPRISES LLC | PROPERTY TAX DEPT | PO BOX 2727 | HOUSTON TX 77252-2727 | TEN TEN RD | 2300 TEN TEN RD | APEX |
| 8 | 751449982 | 0 | 104751 | BRITE PROPERTIES LLC | PO BOX 2723 | SHALLOTTE NC 28459-2723 | | TEN TEN RD | 2320 TEN TEN RD | |
| 9 | 751532815 | 0 | 36704 | CAREY C. JONES MEMORIAL PARK INC | PO BOX 781 | APEX NC 27502-0781 | | TEN TEN RD | 2512 TEN TEN RD | |
| 10 | 751138504 | 0 | 45172 | JACK 1, LLC | 738 CASH ST | APEX NC 27502-1302 | | PRISTINE WATER DR | 0 PRISTINE WATER DR | APEX |
| 11 | 751341664 | 0 | 314173 | LOT 17 PRODUCTION DRIVE BUSINESS CNT MASTER CRD | BOBBITT DESIGN BUILD | 600 GERMANTOWN RD | RALEIGH NC 27607-5144 | PRODUCTION DR | 2025 PRODUCTION DR | APEX |
| 11 | 751341664 | 1 | 402986 | IPEARL HOLDINGS LLC | 2025 PRODUCTION DR | APEX NC 27539-6349 | | PRODUCTION DR | 2025 PRODUCTION DR | APEX |
| 11 | 751341664 | 2 | 402987 | 2031 PRODUCTION REALTY, LLC | 407 CATLIN RD | CARY NC 27519-5982 | | PRODUCTION DR | 2031 PRODUCTION DR | APEX |
| 12 | 751342839 | 0 | 311464 | PRODUCTION DRIVE BUSINESS CENTER CONDOS | ABCZ PROPERTIES LLC | 2511 RELIANCE AVE | APEX NC 27539-6347 | PRODUCTION DR | 2019 PRODUCTION DR | APEX |
| 12 | 751342839 | 1 | 400206 | BUILDERS RESOURCE SERVICES INC | PO BOX 1356 | HOLLY SPRINGS NC 27540-1356 | | PRODUCTION DR | 2019 PRODUCTION DR | APEX |
| 12 | 751342839 | 2 | 400207 | A & E REAL ESTATE ENTERPRISES LLC | PO BOX 162 | APEX NC 27502-0162 | | PRODUCTION DR | 2019 PRODUCTION DR | APEX |
| 12 | 751342839 | 3 | 400208 | A & E REAL ESTATE ENTERPRISES LLC | PO BOX 162 | APEX NC 27502-0162 | | PRODUCTION DR | 2019 PRODUCTION DR | APEX |
| 12 | 751342839 | 4 | 400209 | ED PROPERTIES LLC | 2019 PRODUCTION DR STE 104 | APEX NC 27539-6356 | | PRODUCTION DR | 2019 PRODUCTION DR | APEX |
| 12 | 751342839 | 5 | 400210 | A & E REAL ESTATE ENTERPRISES LLC | PO BOX 162 | APEX NC 27502-0162 | | PRODUCTION DR | 2019 PRODUCTION DR | APEX |
| 12 | 751342839 | 6 | 400211 | SOULINO, CONSTANCE F SOULINO, JOSEPH C | 184 AMERICAN CT | APEX NC 27523-6725 | | PRODUCTION DR | 2019 PRODUCTION DR | APEX |
| 12 | 751342839 | 7 | 400212 | JKL INVESTMENTS LLC II | 125 HILLS OF THE HAW | PITTSBORO NC 27312-8583 | | PRODUCTION DR | 2019 PRODUCTION DR | APEX |
| 12 | 751342839 | 8 | 400213 | BSS LLC | 2015 PRODUCTION DR UNIT 100 | APEX NC 27539-6349 | | PRODUCTION DR | 2015 PRODUCTION DR | APEX |
| 13 | 751351185 | 0 | 232248 | PINNACLE PARK IV LLC | HOPE BUFFALO | 7825 OLD STAGE RD | RALEIGH NC 27603-5521 | RELIANCE AVE | 0 RELIANCE AVE | APEX |
| 14 | 751352443 | 0 | 230515 | PINNACLE PARK INVESTMENTS LLC | 5210 DRIFTWOOD LN | MOREHEAD CITY NC 28557-2576 | | RELIANCE AVE | 0 RELIANCE AVE | APEX |
| 15 | 751352673 | 0 | 232381 | RELIANCE CENTER CONDOMINIUM | 7905 BLANEY FRANKS RD | APEX NC 27539-7460 | | RELIANCE AVE | 2475 RELIANCE AVE | APEX |
| 15 | 751352673 | 1 | 304500 | BARONE REAL ESTATE INVESTMENTS LLC | 2475 RELIANCE AVE | APEX NC 27539-7049 | | RELIANCE AVE | 2475 RELIANCE AVE | APEX |
| 15 | 751352673 | 2 | 304501 | LOOKFORGE INVESTMENTS LLC | 3204 RIGHTERS MILL WAY | APEX NC 27539-3627 | | RELIANCE AVE | 2477 RELIANCE AVE | APEX |
| 15 | 751352673 | 3 | 304502 | IDM LLC | 7908 SENTER FARM RD | APEX NC 27539-9789 | | RELIANCE AVE | 2479 RELIANCE AVE | APEX |
| 15 | 751352673 | 4 | 304503 | LAGALY, SAVANNAH M TRUSTEE LAGALY, NOAH D TRUSTEE | 213 LINTON BANKS PL | CARY NC 27513-2053 | | RELIANCE AVE | 2481 RELIANCE AVE | APEX |
| 15 | 751352673 | 5 | 304504 | D O M RENTALS & PROPERTY MANAGEMENT, LLC | 417 OULVERT ST | APEX NC 27502-1731 | | RELIANCE AVE | 2483 RELIANCE AVE | APEX |
| 16 | 751352880 | 0 | 226381 | FRIELEY, JUDITH A | 302 EDINBURGH DR | CARY NC 27511-6410 | | RELIANCE AVE | 2485 RELIANCE AVE | APEX |
| 17 | 751352984 | 0 | 226380 | O & S INVESTMENTS LLC | 3007 BUICKINCHAM WAY | APEX NC 27502-9941 | | RELIANCE AVE | 2455 RELIANCE AVE | |
| 18 | 751363103 | 0 | 222533 | ABOOD, JOHN D ABOOD, MARILYN D | 1413 ROCK CREEK LN | CARY NC 27511-5636 | | RELIANCE AVE | 2445 RELIANCE AVE | |
| 19 | 751363310 | 0 | 220651 | SEVEN SPRINGS PROPERTIES GROUP LLC | 2435 RELIANCE AVE | APEX NC 27539-7049 | | RELIANCE AVE | 2435 RELIANCE AVE | |
| 20 | 7513633870 | 0 | 219693 | HILDAN LLC | 2426 RELIANCE AVE | APEX NC 27539-7049 | | RELIANCE AVE | 2425 RELIANCE AVE | |
| 21 | 751375103 | 0 | 189839 | RELIANCE LLC | 2401 RELIANCE AVE | APEX NC 27539-7049 | | RELIANCE AVE | 2401 RELIANCE AVE | APEX |



Instruction Packet and Affidavit for Electronic Neighborhood Meetings

Town of Apex
Planning Department
PO Box 250
Apex, NC 27502

T: 919-249-3426
F: 919-249-3338

This packet consists of instructions and templates for conducting a required Electronic Neighborhood Meeting during times when in-person gatherings are restricted. Planning Department staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive initial feedback regarding certain project types prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7. The intention of the meeting is to initiate neighbor communication and identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application. A neighborhood meeting is valid for six (6) months prior to the submission of an application; a delay in submission requires a new neighborhood meeting.

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezoning (including Planned Unit Developments);
- Major Site Plans;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

INSTRUCTIONS

Prior to submitting an application for a Rezoning, Major Site Plan, Residential Master Subdivision Plan (excluding exempt subdivisions), or Special Use Permit, the applicant must conduct at least one (1) Electronic Neighborhood Meeting as indicated below. The applicant shall submit all forms included in this packet with the initial application submittal.

Whenever feasible, an in-person Neighborhood Meeting following all of the requirements of the standard Neighborhood Meeting procedures shall be held prior to public hearing by the Planning Board and/or Town Council or approval by Technical Review Committee, as appropriate. Feasibility shall be determined by the Planning Director, taking into account the regularly published schedule, length of delay caused by ongoing emergency declarations, amount of public interest expressed during the electronic neighborhood meeting and afterwards, and any other pertinent information that would show that a particular project warrants an in-person neighborhood meeting prior to public hearings and/or approval.

The Electronic Neighborhood Meeting must be held in accordance with the following rules:

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property, and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to the "mailed materials" requirements below.

The meeting must be held within specific timeframes and meet certain requirements:

- During emergency declarations and/or limits on size of gatherings and social distancing, the meeting must be held as follows prior to application submittal:
 - Electronically via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant's choice for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on Town recognized holidays (which coincide with the State of North Carolina recognized holidays).
- An attendance sheet must be used log known attendees at the electronic meeting. Note if no one attended.
- Mailed materials requirements:

In addition to a vicinity map, the following documents shall be mailed with the meeting notice:

 - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), an existing zoning map of the area must be provided to help facilitate discussion.
 - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; Residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be provided to help facilitate discussion. Neighbors may request emailed copies of the maps or plans from the applicant by contacting the applicant and requesting such; applicant shall provide reduced copies upon request.
 - Contact information for the applicant's representative and Town Staff must be provided on the attached "Project Contact Information" form.
 - "Common Construction Issues & Who to Call" sheet (attached) must be included.
 - A copy of the mailed materials must be included as part of the Neighborhood Meeting report.
- The agenda for the Electronic Neighborhood Meeting shall include:
 - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
 - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
 - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by virtual attendees, and responses by the applicant, if any, must be noted. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant during the Electronic Neighborhood Meeting and in the Neighborhood Meeting Report.
- The applicant shall be responsible for notifying any neighbors who request to be kept up-to-date of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex's Interactive Development Map.

For accountability purposes, please submit the following with your application:

- A copy of the letter mailed to neighbors and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the attendance sheet for the Electronic Neighborhood Meeting (use attached attendance sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One reduced copy of the maps and/or plans provided in the mailing.

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

April 16, 2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at
2132 Ten Ten Road 0751359861

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic 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, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

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

The rezoning request is to rezone approximately 4.6 acres of the northern area of the parcel, abutting Ten Ten Road from Residential Agricultural to Light Industrial.

Estimated submittal date: May 3, 2021

MEETING INFORMATION:

Property Owner(s) name(s):

VERTICAL BRIDGE AM II LLC

Applicant(s):

Hayes Finley, Fox Rothschild LLP

Contact information (email/phone):

hayes.finley@gmail.com/919-755-8837

Electronic Meeting invitation/call in info:

see attached letter with instructions

Date of meeting**:

April 28, 2021

Time of meeting**:

5pm-7pm

MEETING AGENDA TIMES:

Welcome: 5:00 pm Project Presentation: 5:15-5:45pm Question & Answer: 5:45-7:00pm

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Ten Ten Business Park Zoning: RA

Location: 2132 Ten Ten Road

Property PIN(s): 0751359861 Acreage/Square Feet: Approx. 4.6 acres

Property Owner: VERTICAL BRIDGE AM II LLC

Address: 750 Park of Commerce Drive Ste 200

City: Boca Raton State: FL Zip: 33487

Phone: 919.787.4262 Email: jacksonanton@me.com

Developer: J National Capital V, LLC

Address: 4006 Abbey Parkway

City: Raleigh State: NC Zip: 27612

Phone: 919.740.2487 Fax: _____ Email: jacksonanton@me.com

Engineer: William G. Daniel & Associates, P.A.

Address: 1150 S.E. Maynard Road, Suite 260

City: Cary State: NC Zip: 27511

Phone: 919.467.9708 Fax: _____ Email: bdaniel@wmgda.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

Planning Department Main Number

(Provide development name or location to be routed to correct planner) (919) 249-3426

Parks, Recreation & Cultural Resources Department

Angela Reincke, Parks Planner (919) 249-7468

Public Works - Transportation

Russell Dalton, Senior Transportation Engineer (919) 249-3358

Water Resources Department

Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) (919) 249-3537

Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) (919) 249-1166

James Gregg, Utility Engineer (Water & Sewer) (919) 249-3324

Electric Utilities Division

Rodney Smith, Electric Technical Services Manager (919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd 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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

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

Stormwater Control Measures: Jessica Bolin 919-249-3537

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

Electric Utility Installation: Rodney Smith 919-249-3342

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

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format: WebEx
 Date of meeting: April 28, 2021 Time of meeting: 5pm-7pm
 Property Owner(s) name(s): VERTICAL BRIDGE AM II LLC
 Applicant(s): Hayes Finley, Fox Rothschild LLP

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

| | NAME/ORGANIZATION | ADDRESS | PHONE # | EMAIL | SEND PLANS & UPDATES |
|-----|-------------------|--|--------------|------------|----------------------|
| 1. | John Abood | 2445 Reliance Ave, Apex, NC 27539 | | [REDACTED] | Y |
| 2. | Ryan Thigpen | 2435 Reliance Ave, Apex, NC 27539 | | | Y |
| 3. | Hayes Finley | 434 Fayetteville Street, Raleigh, NC 27604 | 919-755-8837 | | n/a |
| 4. | Bill Daniel | | | | |
| 5. | Bill Jackson | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
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| 14. | | | | | |

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): VERTICAL BRIDGE AM II LLC

Applicant(s): Hayes Finley, Fox Rothschild LLP

Contact information (email/phone): hfinley@foxrothschild.com/919-755-8837

Meeting Format: WebEx

Date of meeting: April 28, 2021 Time of meeting: 5pm-7pm

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

Question/Concern #1:

What is the nature of the offering (type of lots, water/sewer, etc)?

Applicant's Response:

The overall planning has not been done yet, the request is to rezone the portion of the parcel adjoining Ten Ten Rd for access.

We appear to have access to city water/sewer and natural gas. Preference to build buildings instead of sell lots.

Lot sizes will vary due to environmental constraints. Maybe 4-5 acre lot sizes.

Question/Concern #2:

Supporting of the project, curious about the process, timeline of project.

Applicant's Response:

Planning to submit the application in June, will have public hearings and anticipate final action in August.

Infrastructure construction could begin 8 months after the rezoning.

Question/Concern #3:

Good project- hard to find good Light Industrial property. Who might object to this project?

Applicant's Response:

Agreed. We are not adjacent to any single-family residential, so don't anticipate any objections.

Question/Concern #4:

Access onto Ten Ten Road and traffic improvements?

Applicant's Response:

Major widening of Ten Ten Road has been approved for 2030. We have hired Ramey Kemp & Assoc. to do a TIA. NCDOT and

Apex traffic engineer expressed preference for entrance on the side of the frontage near the mini warehouse.

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

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

I, Hayes Finley, do hereby declare as follows:
Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via WebEx (indicate format of meeting) on April 28, 2021 (date) from 5pm (start time) to 7pm (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

4/28/21
Date

By: Hayes Finley

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Cynthia L. Jackson, a Notary Public for the above State and County, on this the 28th day of June, 2021.

SEAL



Cynthia L. Jackson
Notary Public
Cynthia L. Jackson
Print Name

My Commission Expires: 1-7-2023



Date: **July 19, 2022**

Bill Jackson
J National Capital V LLC
4006 Abbey Park Way
Raleigh, NC 27612

Engineered Tower Solutions, PLLC
3227 Wellington Court
Raleigh, NC 27615
(919) 782-2710

Subject: **Fall Zone Letter**

Tower Owner Designation: **Vertical Bridge Site Number:** US-NC-5033
Vertical Bridge Site Name: RAL-027-FM

Engineering Firm Designation: **Engineered Tower Solutions Job Number:** 22105172.STR.1671

Site Data: **2132 Ten Ten Road, Apex, Wake County, NC 27502**
Latitude 35° 42' 50.02", Longitude -78° 49' 2.96"
1580 Foot – Guyed Tower

Dear Bill Jackson,

Engineered Tower Solutions is pleased to submit this “**Fall Zone Letter**” to comment on the above-mentioned tower.

The Structural Modification Drawings sealed by Stainless on May 24, 2022 (Stainless Project no. 327621) meets all current applicable codes and standards. The structural modification drawings address the overstresses outlined in the Comprehensive Structural Analysis by Stainless on April 15, 2022 (Stainless Report no. 327620). Upon completion of the structural modifications outlined in Stainless Project no. 327621, the subject tower will be adequate to support the applied loads at the required design event as outlined in the North Carolina Building Code, 2018 edition. When a design wind event occurs, there are additional safety factors that allow the structure to remain in satisfactory condition with no signs of failure. **Thus, the fall zone under the design considerations as outlined by the building code is 0 feet.**

We at the *Engineered Tower Solutions* appreciate the opportunity of providing our continuing professional services to you. If you have any questions or need further assistance on this or any other projects, please give us a call.

Fall Zone Letter Prepared by:

Christopher Ply, PE, SE
President/CEO
NC License # P-1016

