

STAFF REPORT

Rezoning #20CZ07 2309 Old US 1 Highway

October 6, 2020 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 2309 Old US 1 Highway
Applicant/Owner: Rich Levert /Richer & Richere Levert

PROJECT DESCRIPTION:

Acreage: ±1.60
PIN: 0720985958
Current Zoning: Rural Residential (RR) & Tech/Flex-Conditional Zoning (TF-CZ #15CZ25)
Proposed Zoning: Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ)
2045 Land Use Map: Office Employment & Commercial Services
Town Limits: ETJ

Adjacent Zoning & Land Uses:

| | Zoning | Land Use |
|---------------|---|--|
| North: | Rural Residential (RR) | Old US 1 Hwy; vacant |
| South: | Rural Residential (RR); Tech/Flex-Conditional Zoning (TF-CZ #15CZ25) | Single-family residential; Non-residential (Cool Pools) |
| East: | Tech/Flex-Conditional Zoning (TF-CZ #15CZ25) | Non-residential (Cool Pools) |
| West: | Rural Residential (RR) | Single-family residential |

Existing Conditions:

The subject property is located on the south side of Old US 1 Highway, east of Vaudry Court, and west of Cool Pools. There are existing residential structures on site. A nonconforming residential structure is located on both the subject property and the adjacent property.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on June 23, 2020. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject property as Office Employment/Commercial Services. The Mixed Office-Residential-Retail (MORR) district outside of the Town's corporate limits is permitted for existing homes petitioning to come into the corporate limits in areas depicted as non-residential only; residential densities may be limited. The proposed rezoning to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) is generally consistent with that land use classification.

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PROPOSED ZONING CONDITIONS:

Limitation of Uses:

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

Permitted Uses and Limitations:

- | | |
|---|--------------------------------------|
| 1. Accessory apartment | 19. Bed and breakfast (S) |
| 2. Condominium | 20. Barber and beauty shop |
| 3. Family care home | 21. Book store |
| 4. Nursing or convalescent facility (S) | 22. Convenience store |
| 5. Single-family | 23. Dry cleaners and laundry service |
| 6. Day care facility | 24. Financial institution |
| 7. Government services | 25. Floral Shop |
| 8. Veterinary clinic or hospital | 26. Greenhouse or nursery, retail |
| 9. Utility, minor | 27. Grocery, specialty |
| 10. Wireless support structure | 28. Health/fitness center or spa |
| 11. Botanical garden | 29. Newsstand or gift shop |
| 12. Greenway | 30. Personal service |
| 13. Park, active | 31. Pharmacy |
| 14. Park, passive | 32. Real estate sales |
| 15. Restaurant, drive-through | 33. Studio for art |
| 16. Restaurant, general | 34. Tailor shop |
| 17. Medical or dental office or clinic | 35. Pet services |
| 18. Office, business or professional | |

Conditions:

- For uses proposing new construction the following shall apply:
 - The exterior materials for nonresidential product include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - Brick masonry.
 - Decorative concrete block (either integrally colored or textured).
 - Stone accents.
 - Aluminum storefronts with anodized or pre-finished colors.
 - EIFS cornices and parapet trim. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
 - Precast concrete.
 - The main entrance to the building shall be emphasized.
 - No more than one double-loaded bay of parking shall be provided in front of the building.
 - Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide. Permitted setbacks can be used to articulate bays of a building to break up its width.

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Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.

- e. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance. In addition, corner buildings shall have two façades which maintain a relationship to each other although they do not need to be identical.
2. For purposes of access, at time when the property is redeveloped, the following shall apply:
 - a. The residential driveway access shall be removed.
 - b. Access and cross-access for redevelopment shall be provided by the Humie Olive Road extension and the signal on Old US 1 Highway.
3. The existing nonconforming structure on the property shall be corrected prior to the first site plan submittal either by removing the structure from the property or by moving the structure or providing a recombination plat so that the structure is made conforming.
4. Residential density shall be limited to 0.69 units/acre.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the rezoning #20CZ07 with conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on September 14, 2020 and voted on September 16, 2020 to recommend approval of the rezoning with the conditions offered by the applicant by a 6-0 vote with 1 abstention due to technical difficulties.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

Approval of the rezoning is reasonable because the proposed Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) district is consistent with the 2045 Land Use Plan and other adopted plans. The 2045 Land Use Map classifies the subject property as Office Employment/Commercial services which includes the Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) district.

The proposed rezoning is reasonable and in the public interest because it will allow the property to maintain the existing single-family residential use while allowing for future non-residential redevelopment options to serve the surrounding area. The proposed rezoning also requires the correction of the nonconforming structure prior to redevelopment.

CONDITIONAL ZONING STANDARDS:

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

Legislative Considerations

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

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Rezoning #20CZ07 2309 Old US 1 Highway

October 6, 2020 Town Council Meeting



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

Friendship
Acres

Rezoning #20CZ07

Humie Olive Rd

Old US 1 Hwy

Vaudry Ct

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

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

Application #: 20CZ07 Submittal Date: 7/1/2020
2045 LUM Amendment: _____ Fee Paid: _____

Project Information

Project Name: 2309 Old US 1 Hwy Rezoning
Address(es): 2309 Old US 1 Hwy
PIN(s): 0720-98-5958
Acreage: 1.60
Current Zoning: RR & TF-CZ Proposed Zoning: MORR-CZ
Current 2045 LUM Designation: Office Employment - Commercial Services
Proposed 2045 LUM Designation: N/A

See next page for LUM Amendment.

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

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

Applicant Information

Name: Rich Levert
Address: 2309 Old US 1 Hwy
City: APEX State: NC Zip: 27502-8410
Phone: _____ E-mail: _____

Owner Information

Name: Richer and Richere Levert
Address: 2309 Old US 1 Hwy
City: APEX State: NC Zip: 27502-8410
Phone: _____ E-mail: _____

Agent Information

Name: Peak Engineering & Design, Jeff Roach
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com
Other contacts: jedwards@peakengineering.com
dwoods@peakengineering.com

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

Application #: _____ Submittal Date: _____

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

The applicant does hereby respectfully request the Town Council amend the 2045 Land Use Map. In support of this request, the following facts are shown:

The area sought to be amended on the 2045 Land Use Map is located at:

N/A

Current 2045 Land Use Classification: _____

Proposed 2045 Land Use Classification: _____

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

PETITION INFORMATION

Application #: _____

Submittal Date: _____

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

PROPOSED USES:

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

| | | | |
|----|------------------------------------|----|----------------------------------|
| 1 | Accessory Apartment | 21 | Book Store |
| 2 | Condominium | 22 | Convenience Store |
| 3 | Family Care Home | 23 | Dry Cleaners and Laundry Service |
| 4 | Nursing or Convalescent Facility | 24 | Financial Institution |
| 5 | Single Family | 25 | Floral Shop |
| 6 | Day Care Facility | 26 | Greenhouse or Nursery, Retail |
| 7 | Government Services | 27 | Grocery, Specialty |
| 8 | Veterinary Clinic or Hospital | 28 | Health/Fitness Center or Spa |
| 9 | Utility Minor | 29 | Newsstand or Gift Shop |
| 10 | Wireless Support Structure | 30 | Personal Service |
| 11 | Botanical Garden | 31 | Pharmacy |
| 12 | Greenway | 32 | Real Estate Sales |
| 13 | Park, Active | 33 | Studio for Art |
| 14 | Park, Passive | 34 | Tailor Shop |
| 15 | Restaurant, Drive-Through | 35 | Pet Services |
| 16 | Restaurant, General | 36 | |
| 17 | Medical or Dental Office or Clinic | 37 | |
| 18 | Office, Business or Professional | 38 | |
| 19 | Bed and Breakfast | 39 | |
| 20 | Barber and Beauty Shop | 40 | |

PETITION INFORMATION

Application #: _____

Submittal Date: _____

PROPOSED CONDITIONS:

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

Please see attached sheet for proposed zoning conditions.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed non-residential building will not require a modification to the 2045 Land Use Map and is in keeping with the adopted plans from the Town of 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 proposed use will have buffers and building standards which will be compatible with the surrounding uses and fit within the Town's long-range plans for the corner property.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

The proposed use will meet the required Supplemental Standards for the proposed use(s).

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 design will provide perimeter buffer, architectural controls, access, and utility connections to avoid adverse impacts on the surrounding properties.

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

The site is proposed to meet UDO standards for design controls, including minimization and avoidance of environmentally sensitive areas, limited site impact, and reduction in clearing of perimeter vegetation.

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

The site is located close to existing public facilities, including water, sewer, stormwater, gas, electric and telephone. The site is an infill site with significant surrounding public infrastructure including streets with easy access for emergency vehicles and personnel.

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 use will not be detrimental to the health, safety, and welfare of Apex residents. The future use will provide a service to Apex citizens.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

The use is in keeping with the adopted plans and will not be detrimental to the adjacent property owners.

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 use does not constitute a nuisance or hazard based upon the anticipated number of persons who will utilize the future non-residential services.

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 proposed development will meet the standards within various sections of the Town of Apex UDO.

Proposed Zonings Conditions

2309 Old US 1 Highway

Zoning Case #20CZ07

1. For uses proposing new construction the following shall apply:
 - a) The exterior materials for nonresidential product include a combination of building materials. The primary (front) facade of the main buildings to be considered include:
 - I. Brick masonry.
 - II. Decorative concrete block (either integrally colored or textured)
 - III. Stone accents.
 - IV. Aluminum storefronts with anodized or pre-finished colors.
 - V. EIFS cornices, and parapet trim. EIFS or synthetic stucco shall not be uses in the first four feet above grade and shall be limited to only 25% of each building facade.
 - VI. Precast concrete.
 - b) The main entrance to the building shall be emphasized.
 - c) No more than one double-loaded bay of parking shall be provided in front of the building.
 - d) Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building facade. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.
 - e) The building facade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance. In addition, corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
2. For purposes of access, at a time when the property is redeveloped, the following shall apply:
 - a. The residential driveway access shall be removed.
 - b. Access and cross-access for redevelopment shall be provided by the Humie Olive Road extension and the signal on Old US 1 Highway.
3. The existing nonconforming structure on the property shall be corrected prior to the first site plan submittal either by removing the structure from the property or by moving the structure or providing a recombination plat so that the structure is made confirming.
4. Residential density shall be limited to 0.69 units/acre.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: _____

Submittal Date: _____

Provide a certified list of property owners subject to this application and all property owners within 300' of the subject property and HOA Contacts.

| | Owner's Name | PIN |
|-----|---------------------------------|--------------|
| 1. | Nancy Barnes | 0720-98-0797 |
| 2. | Jose Brizuela | 0720-98-3739 |
| 3. | Richere Levert | 0720-98-8751 |
| 4. | Richer Levert | 0720-98-8948 |
| 5. | JVI Building & Development, Inc | 0720-99-0292 |
| 6. | David Powell | 0720-99-3254 |
| 7. | David Powell | 0720-99-8487 |
| 8. | Miller Land Group LLC | 0720-99-9210 |
| 9. | | |
| 10. | | |
| 11. | | |
| 12. | | |
| 13. | | |
| 14. | | |
| 15. | | |

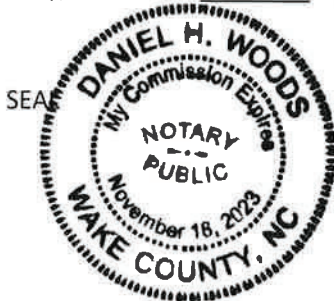
I, Jonathan Edwards, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: June 3, 2020

By: *Jonathan Edwards*

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 3 day of JUNE, 2020.



Daniel H. Woods
Notary Public
DANIEL H. WOODS
Print Name

My Commission Expires: 11/18/2023

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

Rich Levert & Richere Levert 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: 2309 Old US 1 Hwy

The agent for this project is: Peak Engineering & Design

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

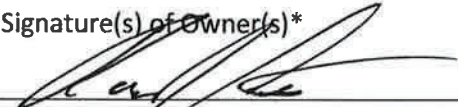
Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jedwards@peakengineering.com


Signature(s) of owner(s)*



 Rich Levert
 Type or print name

6/24/2020

 Date



 Richere Levert
 Type or print name

6/24/2020

 Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP


Application #: _____

Submittal Date: _____

The undersigned, Rich Levert (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 2309 Old US 1 Hwy, Apex, NC 27502-8410 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 7-18-2014 and recorded in the Wake County Register of Deeds Office on 7-18-2014, in Book 15723 Page 2185.
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 2309 Old US 1 Hwy, Apex, NC 27502-8410, 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 2309 Old US 1 Hwy, Apex, NC 27502-8410, 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 26th day of JUNE, 2020.


 _____ (seal)
Rich Levert

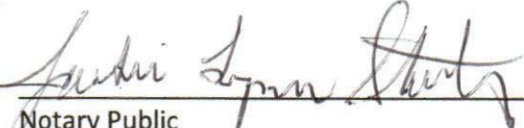
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF _____

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



[NOTARY SEAL]



 Notary Public
 State of North Carolina
 My Commission Expires: 6-30-2021

Application #:

Submittal Date:

Insert legal description below.

Project Identification and Legal Description

Richard and Richere Levert Property
Apex, Buckhorn Township
Wake County, North Carolina

The Richer and Richere Levert Property is identified by Wake County GIS PIN 0720-98-5958 located on the south side of N.C.S.R. 1011 (Old US 1 Highway).

The POINT OF BEGINNING is an existing point at the intersection of Vaudry Court centerline and the southern right-of-way for SR 1011, and at the northwest corner of N/F Richer Levert property (PIN 0720-98-5958);
thence N 71°01'04" E for 183.16' along the common line with southern right-of-way for SR 1011 to an existing point;
thence N 71°10'41" E for 74.81' along the common line with southern right-of-way for SR 1011 to an existing point with N/F Richer and Richere Levert (PIN 0720-98-8948);
thence S 13°53'21" E for 105.22' along the common line with N/F Richer and Richere Levert (PIN 0720-98-8948) to an existing point;
thence S 32°49'07" W for 238.60' along the common line with N/F Richer and Richere Levert (PIN 0720-98-8948) to an existing point;
thence S 28°07'41" E for 120.97' along the common line with N/F Richer and Richere Levert (PIN 0720-98-8948) to an existing point on the centerline of Vaudry Court
thence N 82°52'56" W along a curve at a radius of 150.00 for 117.36' (chord) along the centerline of Vaudry Court to an existing point;
thence N 30°50'28" W along a curve at a radius of 150.00 for 151.91' (length) along the centerline of Vaudry Court to an existing point;
thence N 01°49'43" W for 186.25' to an existing iron point at the intersection of Vaudry Court centerline and the southern right-of-way for SR 1011, said point being the POINT OF BEGINNING.

Said property includes approximately 69,842 square feet or 1.6033 acres.

The property hereinabove described was acquired by the Grantor by Deed Book 15723 Page 2185 and BM2019 Pg01041.

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.

June 3, 2020

Date

Dear Neighbor:

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

2309 Old US 1 Hwy, Apex NC 27502-8410

0720-98-5958

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org.

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

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

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

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

The owner is requesting to rezone to a MORR (Mixed Office-Residential-Retail) zoning designation for the purpose of creating an office use and residential use to the property.

Estimated submittal date: July 1, 2020

MEETING INFORMATION:

Property Owner(s) name(s): Rich Levert and Richere Levert

Applicant(s): Jeff Roach

Contact information (email/phone): jroach@peakengineering.com, (919) 439-0100

Meeting Address: 1125 Apex Peakway, Apex, NC 27502

Date of meeting**: June 23, 2020

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

MEETING AGENDA TIMES:

Welcome: 5:30 - 5:40 Project Presentation: 5:40 - 6:00 Question & Answer: 6:00 -

**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: 2309 Old US 1 Hwy Rezoning Zoning: RR & TF-CZ
 Location: 2309 Old US 1 Hwy, Apex NC 27502-8410
 Property PIN(s): 0720-98-5958 Acreage/Square Feet: 1.60

Property Owner: Richer and Richere Levert
 Address: 2309 Old US 1 Hwy
 City: Apex State: NC Zip: 27502-8410
 Phone: _____ Email: _____

Developer: Rich Levert
 Address: 2309 Old US 1 Hwy
 City: Apex State: NC Zip: 27502-8410
 Phone: _____ Fax: _____ Email: _____

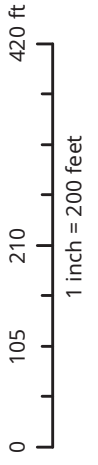
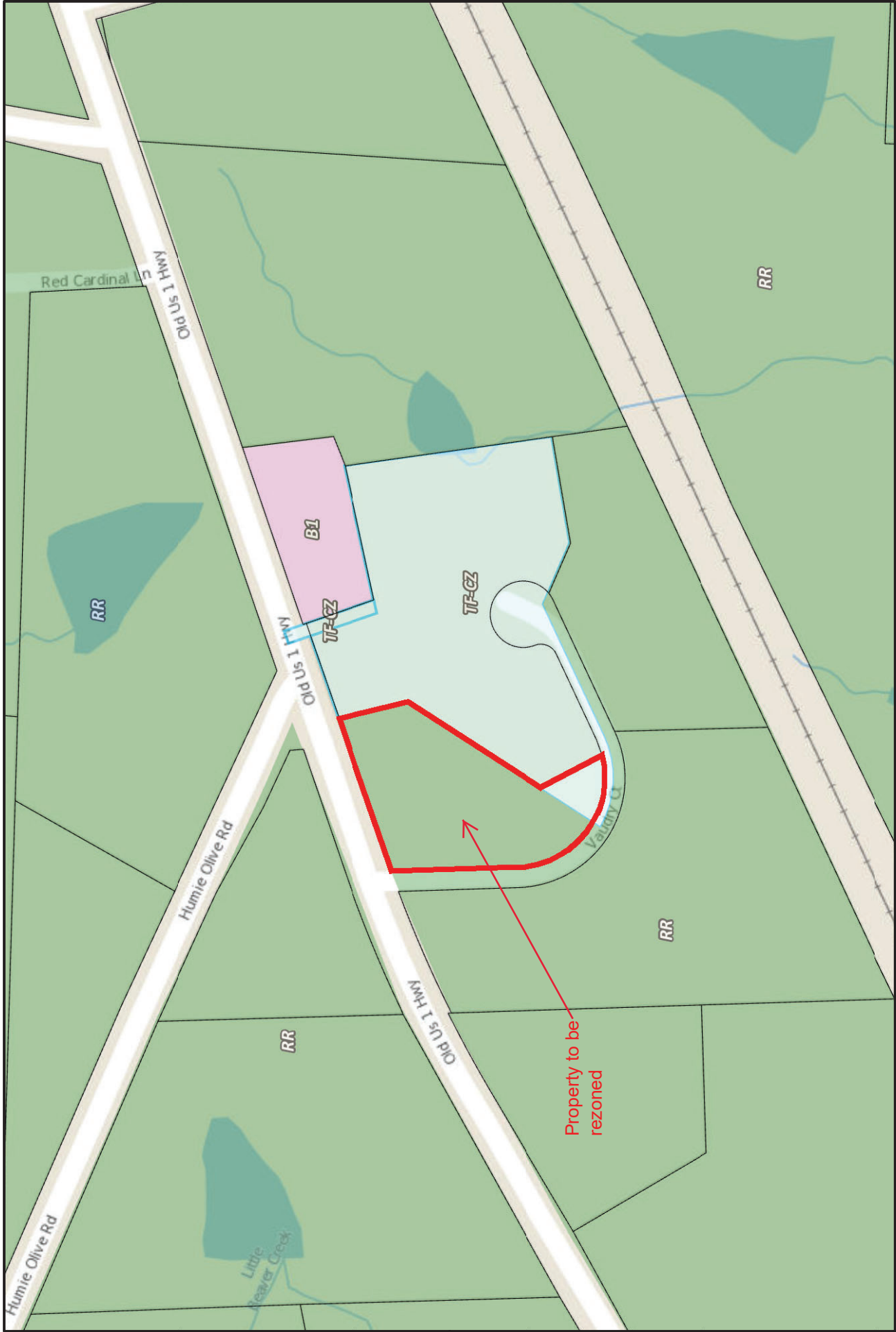
Engineer: Peak Engineering & Design (Jeff Roach)
 Address: 1125 Apex Peakway
 City: Apex State: NC Zip: 27502
 Phone: (919) 439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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



Disclaimer
 Maps make 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.

2309 Old US 1 Hwy Rezoning

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: 1125 Apex Peakway, Apex, NC 27502
 Date of meeting: June 23, 2020 Time of meeting: 5:30
 Property Owner(s) name(s): Rich Levert & Richere Levert
 Applicant(s): Rich Levert

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

| | NAME/ORGANIZATION | ADDRESS | PHONE # | EMAIL | SEND PLANS & UPDATES |
|-----|-----------------------------|---------|---------|-------|----------------------|
| 1. | No one attended the meeting | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
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| 10. | | | | | |
| 11. | | | | | |
| 12. | | | | | |
| 13. | | | | | |
| 14. | | | | | |

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Rich Levert & Richere Levert

Applicant(s): Jeff Roach

Contact information (email/phone): jroach@peakengineering.com

Meeting Address: 1125 Apex Peakway, Apex, NC 27502

Date of meeting: June 23, 2020 Time of meeting: 5:30

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

Question/Concern #1:

No one attended the meeting

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ07 2309 Old US 1 Highway

Planning Board Meeting Date: September 14 and 16, 2020



Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +1.60

PIN(s): 0720985958

Current Zoning: Rural Residential (RR) & Tech/Flex-Conditional Zoning (TF-CZ #15CZ25)

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

2045 Land Use Map: Office Employment & Commercial Services

Town Limits: ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

Parks, Recreation, Open Space, and Greenways Plan
 Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ07 2309 Old US 1 Highway

Planning Board Meeting Date: September 14 and 16, 2020



Legislative Considerations:

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

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ07 2309 Old US 1 Highway

Planning Board Meeting Date: September 14 and 16, 2020



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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ07 2309 Old US 1 Highway

Planning Board Meeting Date: September 14 and 16, 2020



Planning Board Recommendation:

Motion: Motion to recommend approval as presented by staff.

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Reginald Skinner

Approval: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

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

Conditions as offered by applicant.

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

With 6 Planning Board Member(s) voting "aye"

With 0* Planning Board Member(s) voting "no"

Reasons for dissenting votes:

* One abstention due to technical difficulties (Keith Braswell)

This report reflects the recommendation of the Planning Board, this the 16th day of September 2020.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2020.09.25 08:13:58 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2020.09.16 18:09:59 -04'00'

Dianne Khin, Planning Director

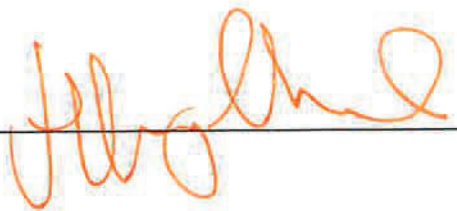
AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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, Jeff Roach, do hereby declare as follows:
Print Name

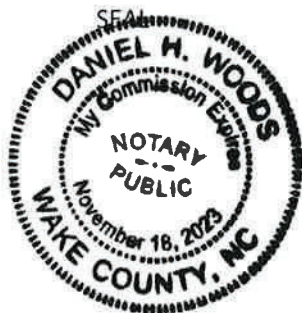
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at 1125 Apex Peakway, Apex, NC 27502 (location/address) on June 23, 2020 (date) from 5:30 (start time) to _____ (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.


6-25-2020
Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 25 day of JUNE, 2020.




Notary Public
DANIEL H. WOODS
Print Name

My Commission Expires: 11/18/23



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #20CZ07
2309 Old US 1 Highway**

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Rich Levert
Authorized Agent: Jeff Roach, Peak Engineering & Design
Property Address: 2309 Old US 1 Highway
Acreege: ±1.60 acres
Property Identification Number (PIN): 0720985958
2045 Land Use Map Designation: Office Employment/Commercial Services
Existing Zoning of Properties: Rural Residential (RR) and Tech/Flex-Conditional Zoning (TF-CZ #15CZ25)
Proposed Zoning of Properties: Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ)

Planning Board Remote Public Hearing Date and Time: September 14, 2020 4:30 PM
Watch and listen to the livestream here: <https://bit.ly/2YbxLPn> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar).
Call in using the phone number to listen only: 828-552-5717 Conference ID: 498 514 647#
Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>.

Comments may be shared following instructions in the [Remote Participation Policy](#). The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit). Comments shared by noon on Friday, September 11, 2020, will be read during the Planning Board meeting.

***Planning Board Remote Review of Additional Comments and Vote Date and Time: September 16, 2020 5:00 PM**
**According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.*
Watch and listen to the livestream here: <https://bit.ly/3gwILD2> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar).
Call in using the phone number to listen only: 828-552-5717 Conference ID: 270 333 286#
Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>.

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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 within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line <https://www.apexnc.org/DocumentCenter/View/32446>.

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

Published Dates: September 1 – September 16, 2020



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #20CZ07 2309 Old US 1 Highway

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Rich Levert

Authorized Agent: Jeff Roach, Peak Engineering & Design

Property Address: 2309 Old US 1 Highway

Acreage: ±1.60 acres

Property Identification Number (PIN): 0720985958

2045 Land Use Map Designation: Office Employment/Commercial Services

Existing Zoning of Properties: Rural Residential (RR) and Tech/Flex-Conditional Zoning (TF-CZ #15CZ25)

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

Planning Board Remote Public Hearing Date and Time: September 14, 2020 4:30 PM

Watch and listen to the livestream here: <https://bit.ly/2YtxLPn> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar).

Call in using the phone number to listen only: 828-552-5717 Conference ID: 498 514 647#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>.

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***Planning Board Remote Review of Additional Comments and Vote Date and Time: September 16, 2020 5:00 PM**

**According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.*

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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 within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line <https://www.apexnc.org/DocumentCenter/View/32446>.

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



TOWN OF APEX

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

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

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Rezoning #20CZ07
Project Location: 2309 Old US 1 Highway
Applicant or Authorized Agent: Jeff Roach
Firm: Peak Engineering & Design

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project **September 1, 2020**, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

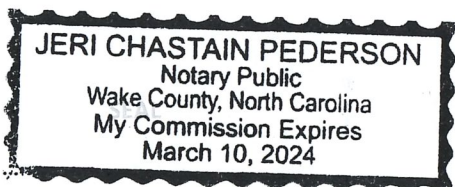
9/1/2020
Date

Maime F. Klein
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 1 day of September, 2020

Jeri Chastain Pederson
Notary Public



My Commission Expires: 3 / 10 / 2024



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #20CZ07
2309 Old US 1 Highway

This notice replaces the previous notice that was posted and mailed.

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Rich Levert
Authorized Agent: Jeff Roach, Peak Engineering & Design
Property Address: 2309 Old US 1 Highway
Acreage: ±1.60 acres
Property Identification Number (PIN): 0720985958
2045 Land Use Map Designation: Office Employment/Commercial Services
Existing Zoning of Properties: Rural Residential (RR) and Tech/Flex- Conditional Zoning (TF-CZ #15CZ25)
Proposed Zoning of Properties: Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ)

Planning Board Remote Public Hearing Date and Time: September 14, 2020 4:30 PM

Watch and listen to the livestream here: <https://bit.ly/2YtxLPn> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 498 514 647#
Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397>. You must provide your name and address for the record. Comments shared by noon on Friday, September 11, 2020, will be read during the Planning Board meeting.

***Planning Board Remote Review of Additional Comments and Vote: September 16, 2020 5:00 PM**

**According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.*

Watch and listen to the livestream here: <https://bit.ly/3gwLD2> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

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- CONTINUED -

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

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

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 comments no later than noon on Monday, October 5, 2020 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council's vote will occur at the Council's next regularly scheduled meeting.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/32446>.

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

Published Dates: September 11 – October 6, 2020



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #20CZ07 2309 Old US 1 Highway

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Authorized Agent: Jeff Roach, Peak Engineering & Design

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Acreage: ±1.60 acres

Property Identification Number (PIN): 0720985958

2045 Land Use Map Designation: Office Employment/Commercial Services

Existing Zoning of Properties: Rural Residential (RR) and Tech/Flex- Conditional Zoning (TF-CZ #15CZ25)

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Call in using the phone number to listen only: 828-552-5717 Conference ID: 498 514 647#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. Comments shared by noon on Friday, September 11, 2020, will be read during the Planning Board meeting.

***Planning Board Remote Review of Additional Comments and Vote: September 16, 2020 5:00 PM**

**According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.*

Watch and listen to the livestream here: <https://bit.ly/3gwILD2> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 270 333 286#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. Comments shared between noon on Friday, September 11 2020, and 24 hours after the end of the first Planning Board meeting will be read during this meeting.

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

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

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 comments no later than noon on Monday, October 5, 2020 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council's vote will occur at the Council's next regularly scheduled meeting.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/32446>.

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



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

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

Section 2.2.11
 Town of Apex Unified Development Ordinance

Project Name: Rezoning #20CZ07
 Project Location: 2309 Old US 1 Highway
 Applicant or Authorized Agent: Jeff Roach
 Firm: Peak Engineering & Design

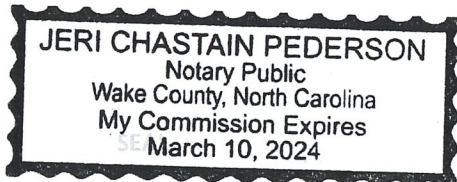
This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project **September 11, 2020** a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

9/15/2020
 Date

Shanne F. Khui
 Director of Planning and Community Development

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 15 day of September, 2020.



Jeri Chastain Pederson
 Notary Public

My Commission Expires: 03 / 10 / 2024

Rezoning #20CZ07

Humie Olive Rd

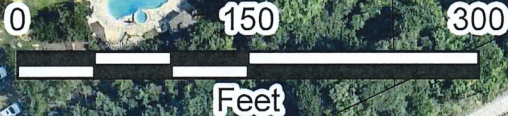
Old US 1 Hwy

Vaudry Ct

2309

7609

7629



Public Hearing Sign Posted By

[Signature]
Signature

7/19/20
Date