

Rezoning #21CZ11

Lashlee Way

New Hill Olive Chapel Rd

Old US 1 Hwy

New Hill Holleman Rd

Womble Cir



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 #: 21CZ11 Submittal Date: April 1, 2021

2045 LUM Amendment: n/a Fee Paid: paid

Project Information

Project Name: APEX C-STORE

Address(es): 3600 OLD US 1 HIGHWAY

PIN(s): 0710827861

Acreage: 5.37

Current Zoning: R-40W Proposed Zoning: B-1 CZ

Current 2045 LUM Designation: OFFICE EMPLOYMENT & COMMERCIAL SERVICES

Proposed 2045 LUM Designation: COMMERCIAL SERVICES

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: N/A

Area proposed as non-residential development: Acreage: N/A

Percent of mixed use area proposed as non-residential: Percent: N/A

Applicant Information

Name: Shri Varni LLC - Kalpesh Patel

Address: 1812 Venzia Way

City: Apex State: Apex Zip: 27502

Phone: 443-854-2273 E-mail: kalpesh036@gmail.com

Owner Information

Name: Same as above

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Agent Information

Name: The Isaacs Group, P.C.

Address: 8720 Red Oak Blvd. Suite 420

City: Charlotte State: NC Zip: 28217

Phone: 704-626-6217 E-mail: wpugh@isaacsgrp.com

Other contacts: William Pugh-The Isaacs Group P.C.

Brian Upton-The Isaacs Group P.C.

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

Application #: 21CZ11

Submittal Date: April 1, 2021

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:

3600 OLD US 1 HIGHWAY

Current 2045 Land Use Classification: OFFICE EMPLOYMENT & COMMERCIAL SERVICES

Proposed 2045 Land Use Classification: COMMERCIAL SERVICES

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.

The partially wooded tract at 3600 Old US 1 Highway is currently zone as residential. The rezoning of the parcel to commercial is in line with the 2045 Land Use Map.

PETITION INFORMATION

Application #:

#21CZ21

Submittal Date:

April 1, 2021

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.

- Increase design storm pre- and post-attenuation requirement to the 25-year storm.
- Plant deciduous shade trees on southern side of buildings.
- Include solar conduit in building design.
- Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
- Lighting with a color temperature of 3000K or less shall be used for outside installations.
If a color temperature of 3000K is unavailable, 3500K is acceptable.
- Preserve native trees within the buffer, including the large existing trees along the southern property line.

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 2045 LUM indicates this area for commercial development. The site is being rezoned for commercial use.

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

This is a transitional area from rural residential to urban commercial and the proposed use(s) are consistent with this area.

PETITION INFORMATION

Application #: #21CZ11 Submittal Date: April 1, 2021

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

The proposed development will comply will all conditions of of Section 4.4 of the UDO.

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

Existing vegetation will be preserved in the perimeter buffer yards to minimize the visual impact on surrounding properties. If perimeter buffers are deemed to be lacking sufficient existing vegetation, supplemental plantings can be added.

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.

In addition to the preservation of vegetation in the perimeter buffers, the on-site storm water management facility will be designed to attenuate the 25-year storm event.

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.

Driveway locations will be positioned away from the intersection as directed by the DOT to minimize congestion at the proposed access to the site.

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.

In addition to the positioning of the driveways, site lighting will be provided in accordance with the town ordinance while providing a sense of security for customers patronizing the proposed business(es).

PETITION INFORMATION

Application #:

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April 1, 2021

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

The development is intended to compliment the adjacent properties in order to provide services to the surrounding area.

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(s) proposed with this development are in accordance with the 2045 LUM.

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.

May 14, 2021

To: Town of Apex North Carolina
P.O. Box 250
Apex, NC 27502

From: Brian T. Upton, P.E.
The Isaacs Group, P.C.
8720 Red Oak Blvd. Suite 420
Charlotte, NC 28217

Re: Rezoning Case #21CZ11 Apex C-Store

ARCHITECTURAL CONDITIONS

1. Predominant exterior building materials shall be high quality materials, including brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units.
2. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
3. The 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 uses in the first four feet above grade and shall be limited to only 25% of each building facade.
 - Precast concrete

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: #21CZ11

Submittal Date: April 1, 2021

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

	Owner's Name	PIN
1.	See attached List:	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

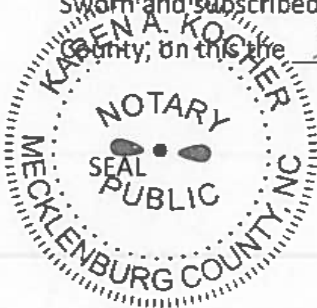
I, William Pugh, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 3/31/21

By: William Pugh

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, William Pugh, a Notary Public for the above State and County, on this the 31st day of MARCH, 2021.



Karen A Kocher
Notary Public
KAREN A Kocher
Print Name

My Commission Expires: MARCH 24, 2024

Myrtle H Horton
P.O. Box 312
New Hill, NC 27562-0312
PIN: 0710714834

Richard S. Burroughs Trustee
2508 Lashlee Way
New Hill, NC 27562-9607
PIN: 0710728789

Michael & Doris Nagle
3701 Old US 1 Hwy #1
New Hill, NC 27562-9763
PIN: 0710813926

New Hill Baptist Church & Cemetery
3700 Old US 1 Hwy
New Hill, NC 27562-9762
PIN: 0710824319

David M. Hepburn
1976 Old Byre Way
Apex, NC 27502-9113
PIN: 0710825733

Tony R. Vedder
3613 Old US 1 Hwy
New Hill, NC 27562-9761
PIN: 0710827352

Shri Varni, LLC
1812 Venezia Way
Apex, NC 27502-4740
PIN: 0710827861

Earl & Janet Miller III
112 Pine Springs Dr.
Council, NC 28434-8415
PIN: 0710829407

Ralph & Denies Miller, JR.
2509 Lashlee Way
New Hill, NC 27562-9608
PIN: 0710830487

Andrew T. Martin
105 Dunedin Ct.
Cary, NC 27511-6405
PIN: 0710835242

Annie Ruth L Broadwell
2704 New Hill Olive Chapel Rd.
New Hill, NC 27562-9176
PIN: 0710837363

David L. Heidinger
P.O. Box 287
Raleigh, NC 27602-2331
PIN: 0710920602

Public Service Co. of NC Inc.
800A Gaston Rd.
Gastonia, NC 28056-6519
PIN: 0710921567

Seaboard Air Line RR CO
3610 Bush St.
Raleigh, NC 27609-7511
PIN: 0710921594

Powell and Mason, LLC
2717 New Hill-Olive Chapel Rd.
New Hill, NC 27562-9177
PIN: 0710921922

Moss & Patina LLC
2717 New Hill-Olive Chapel Rd.
New Hill, NC 27562-9177
PIN: 0710922715

B Janice Siff & Aileen Denny
1631 Courtland Rd.
Alexandria, VA 22306-2704
PIN: 0710923721

Loretta Roundy Young
2717 New Hill-Olive Chapel Rd.
New Hill, NC 27562-9177
PIN: 0710931101

Claude Lee & Judy A Hudson
P.O. Box 7
New Hill, NC 27592-0007
PIN: 0710931641

Sula and Williams LLC
2717 New Hill-Olive Chapel Rd.
New Hill, NC 27562-9177
PIN: 0710932040

Apex First In-Vestments LLC
5448 Apex Peakway #222
Apex, NC 27502-3924
PIN: 0710934464

Laura B. Atkins
P.O. Box 217
New Hill, NC 27562-0217
PIN: 0710940061

AGENT AUTHORIZATION FORM

Application #: #21CZ11

Submittal Date: April 1, 2021

Shri Varni LLC - Kalpesh Patel 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: 3600 Old US 1 Highway

The agent for this project is: The Isaacs Group, P.C.

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


Agent Name: Brian Upton P.E. and William Pugh

Address: 8720 Red Oak Blvd. Suite 420 Charlotte, NC 28217


Telephone Number: 704.527.3440

E-Mail Address: bupton@isaacsgrp.com and wpugh@isaacsgrp.com

Signature(s) of Owner(s)*


KALPESH PATEL
 Type or print name

04/01/21
 Date


DEEPA LI PATEL
 Type or print name

04/01/21
 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 #: #21CZ11

Submittal Date: April 1, 2021

The undersigned, Kalpesh Patel (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

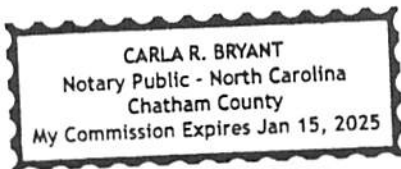
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 3600 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
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 7/13/2020, and recorded in the Wake County Register of Deeds Office on 7/16/2020, in Book 17968 Page 918.
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 7/13/2020, 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 3600 Old US 1 Highway, 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 1st day of April, 2021.

Kalpesh Patel (seal)
KALPESH PATEL
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Wake

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



[NOTARY SEAL]

Carla R Bryant
 Notary Public
 State of North Carolina
 My Commission Expires: 01/15/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: #21CZ11

Submittal Date: April 1, 2021

Insert legal description below.

SEE ATTACHED DEED

L E G A L D E S C R I P T I O N

BEING LOT 1 OF THE BROADWELL/LEE PROPERTY AS RECORDED IN BOOK OF MAPS 2019 PAGE 2097; HAVING WAKE COUNTY PIN #0710827861; CONATAINING 5.985 ACRES TO CENTRLINE OF PUBLIC RIGHT OF WAYS, AND 5.374 ACRES EXCLUDING RIGHT OF WAYS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING MAG NAIL AT THE APPARENT INTERSECTION OF OLD US 1 HWY(NCSR #1011) AND NEW HILL OLIVE CHAPEL ROAD(NCSR #1141);

THENCE South 67 degrees 06 minutes 30 seconds West for a distance of 164.16 feet ALONG OLD US 1 HWY TO A POINT;

THENCE South 58 degrees 00 minutes 00 seconds West for a distance of 100.00 feet ALONG SAID ROAD TO A POINT;

THENCE South 48 degrees 38 minutes 00 seconds West for a distance of 193.10 feet ALONG SAID ROAD TO A POINT;

THENCE North 41 degrees 10 minutes 08 seconds West for a distance of 30.27 feet LEAVING SAID CENTERLINE TO A POINT OF THE NORTHERN RIGHT OF WAY OF OLD US 1 HWY;

THENCE South 48 degrees 37 minutes 10 seconds West for a distance of 210.63 feet ALONG SAID RIGHT OF WAY TO AN EIS AT THE RIGHT OF WAY INTERSECTION WITH LASHLEE WAY, A PRIVATE EASEMENT;

THENCE North 41 degrees 02 minutes 16 seconds West for a distance of 134.05 feet ALONG SAID EASEMENT TO AN EIP;

THENCE North 27 degrees 53 minutes 17 seconds West for a distance of 131.04 feet ALONG SAID EASEMENT TO AN EIP;

THENCE North 74 degrees 21 minutes 40 seconds East for a distance of 199.72 feet LEAVING SAID EASEMENT TO AN EIP;

THENCE South 41 degrees 10 minutes 08 seconds East for a distance of 18.61 feet to an EIP;

THENCE North 05 degrees 42 minutes 08 seconds East for a distance of 209.86 feet to an EIP;

THENCE North 15 degrees 23 minutes 58 seconds East for a distance of 321.47 feet to an EIP;

THENCE North 79 degrees 30 minutes 00 seconds East for a distance of 245.40 feet TO AN EMN IN THE CENTERLINE OF NEW HILL OLIVE CHAPEL ROAD;

THENCE South 10 degrees 11 minutes 17 seconds East for a distance of 79.66 feet ALONG SAID CENTERLINE TO A POINT;

THENCE South 12 degrees 14 minutes 00 seconds East for a distance of 100.00 feet ALONG SAID CENTERLINE TO A POINT;

THENCE South 16 degrees 19 minutes 00 seconds East for a distance of 100.00 feet ALONG SAID CENTERLINE TO A POINT;

THENCE South 23 degrees 46 minutes 00 seconds East for a distance of 100.00 feet ALONG SAID CENTERLINE TO A POINT;

THENCE South 28 degrees 44 minutes 00 seconds East for a distance of 109.13 feet TO THE POINT AND PLACE OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 5.985 acres to centerline more or less, of which 0.611 acres are in right of way, leaving 5.374 acres net.

Wake County Residential Development Notification (N/A)

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	Year	# Units
Single Family																	
Townhomes																	
Condos																	
Apartments																	
Other																	



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.

3/9/21

Date

Dear Neighbor:

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

3600 OLD US 1 HIGHWAY

0710827861

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)):

REZONING FOR THE CONSTRUCTION OF A C-STORE WITH A FUEL CANOPY.

Estimated submittal date: April 2021

MEETING INFORMATION:

Property Owner(s) name(s): SHRI VARNI, LLC (NEEL PATEL)

Applicant(s): THE ISAACS GROUP, P.C.

Contact information (email/phone): WILLIAM PUGH-wpugh@isaacsgrp.com-704.626.6217

Electronic Meeting invitation/call in info: Please Email: wpugh@isaacsgrp.com for meeting link

Date of meeting**: 3/24/21

Time of meeting**: 5:00 PM

MEETING AGENDA TIMES:

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

**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: APEX C-STORE Zoning: EX. R-40W/PROP. B-1

Location: 3600 OLD US 1 HIGHWAY

Property PIN(s): 0710827861 Acreage/Square Feet: 5.37/233,917.20 SQ. FT.

Property Owner: SHRI VARNI, LLC (NEEL PATEL)

Address: 1812 VENZIA WAY

City: APEX State: NC Zip: 27502

Phone: 919.525.8917 Email: neelkpatel@gmail.com

Developer: SHRI VARNI, LLC (NEEL PATEL)

Address: 1812 VENZIA WAY

City: APEX State: NC Zip: 27502

Phone: 919.525.8917 Fax: _____ Email: neelkpatel@gmail.com

Engineer: THE ISAACS GROUP, P.C., (BRIAN T. UPTON, P.E.)

Address: 8720 RED OAK BLVD. SUITE 420

City: CHARLOTTE State: NC Zip: 28217

Phone: 704.527.3440 Fax: 704.527.8335 Email: bupton@isaacsgrp.com

Builder (if known): TBD

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) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (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
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Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

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

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: MEETING HELD VIA TEAMS
 Date of meeting: 3/24/21 Time of meeting: 5:30
 Property Owner(s) name(s): SHRI VARNI, LLC
 Applicant(s): THE ISAACS GROUP, P.C.

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.	LORETTA YOUNG	2717 NEW HILL-OLIVE CHAPEL RD NEW HILL, NC 27562			Y
2.	DAVID HORTON Jr	P.O. BOX 312NGS DR COUNCIL, NC 28434			Y
3.	DOUGLAS DENNY	1631 COURTLAND RD. ALEXANDRIA, VA 22306			Y
4.	EARL & JANET MILLER	112 PINE SPRINGS DR COUNCIL, NC 28434			Y
5.	KALPESH PATEL (OWNER)	1812 VENEZIA WAY APEX, NC 27502			Y
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
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): SHRI VARNI, LLC (NEEL PATEL)

Applicant(s): THE ISAACS GROUP, P.C.

Contact information (email/phone): WILLIAM PUGH-wpugh@isaacsgrp.com-704.626.6217

Meeting Format: MEETING BEING HELD VIA TEAMS

Date of meeting: 3/24/21 Time of meeting: 5:30 PM

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 BRAND OF GAS WILL BE SERVED AT THE PROPOSED C-STORE?

Applicant's Response:

THE OWNER STATED, "BP GAS WILL MOST LIKELY BE THE BRAND".

Question/Concern #2:

WILL THERE BE ANY OTHER DEVELOPMENT ON THE PARCEL?

Applicant's Response:

THE ENGINEER STATED, "ONLY THE OPEN SPACE BETWEEN THE FUEL CANOPY AND THE ACCESS DRIVE OFF OF NEW HILL OLIVE CHAPEL ROAD WILL BE DEVELOPED".

Question/Concern #3:

WILL THE C-STORE SERVE FOOD OR HAVE AN EATING AREA?

Applicant's Response:

THE OWNER STATED, "THEY ARE TRYING TO WORK OUT A DEAL WITH CHICK-FIL OR POSSIBLY SOME OTHER FASTFOOD USE. NOTHING HAS BEEN FINLIZED AT THIS TIME".

Question/Concern #4:

WHAT IS THE PROJECTED OPENING DATE FOR THE C-STORE?

Applicant's Response:

THE ENGINEER STATED, "THE PROJECT WILL HOPEFULLY OPEN DURING THE FIRST QUARTER OF 2022:."

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, WILLIAM PUGH, 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 MICROSOFT TEAMS (indicate format of meeting) on 3/24/21 (date) from 5:00 (start time) to 7:31 (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.

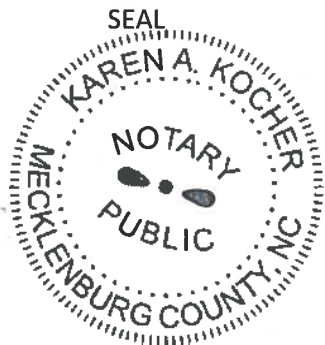
3/26/2021

Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, William Pugh, a Notary Public for the above State and County, on this the 26th day of March, 2021.





Notary Public

KAREN A. KOCHER

Print Name

My Commission Expires: March 24, 2021