

STAFF REPORT

Rezoning #20CZ06 204 & 206 Lynch Street

August 18, 2020 Town Council Meeting



All property owners and neighborhood associations within three hundred (300) feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 204 & 206 Lynch Street
Applicant: Trinity Henderson
Owners: Orchid Homes LLC and 206 Lynch Street Trust

PROJECT DESCRIPTION:

Acreage: ± 0.45 acre
PINs: 0741283934 & 0741282977
Current Zoning: High Density Single Family (HDSF)/ Small Town Character Overlay District
Proposed Zoning: High Density Single Family-Conditional Zoning (HDSF-CZ)/ Small Town Character Overlay District
2045 Land Use Map: Medium Density Residential
Town Limits: Inside Town Limits

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	High Density Single-Family (HDSF)	Single-Family
South:	High Density Single-Family (HDSF)	Lynch Street; Single-Family
East:	High Density Single-Family (HDSF)	Single-Family
West:	High Density Single-Family (HDSF)	Single-Family

EXISTING CONDITIONS:

The properties to be rezoned are located midblock on the north side of Lynch Street between First and Second Streets. Both properties currently have one single-family home on them. The house at 204 Lynch Street currently encroaches onto 206 Lynch Street.

NEIGHBORHOOD MEETING:

The applicant conducted neighborhood meetings on February 20, 2020 and on June 30, 2020. The neighborhood meeting reports are attached.

2045 LAND USE MAP:

The 2045 Land Use Map classifies the subject property as Medium Density Residential. The proposed rezoning to High Density Single Family-Conditional Zoning (HDSF-CZ) is generally consistent with that land use classification.

STAFF REPORT

Rezoning #20CZ06 204 & 206 Lynch Street

August 18, 2020 Town Council Meeting



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.

1. Accessory Apartment
2. Single Family
3. Utility, minor

204 Lynch Street Conditions:

1. The minimum setback from the western property line shall be 3 feet.

206 Lynch Street Conditions:

1. The minimum lot width shall be 50 feet.
2. The minimum setback from the eastern property line shall be 8 feet.
3. The minimum setback from the western property line shall be 4 feet.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #20CZ06 (206 & 204 Lynch Street) as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard this item at their August 10, 2020 meeting and unanimously recommended approval of the rezoning with the conditions proposed by the applicant.

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 High Density Single Family-Conditional Zoning (HDSF-CZ) district is generally consistent with land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will allow for the shared property line to be shifted west in order to remedy the encroachment of the house located at 204 Lynch Street that currently exists on 206 Lynch Street. This will allow the property owner of 204 Lynch Street to make improvements to the home.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the High Density Single Family-Conditional Zoning (HDSF-CZ) designation demonstrates compliance with the following standards. Sec. 2.3.3.F:



Legislative Considerations

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

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

Brookridge
Assisted Living

West Street

Third St

Second St

First St
West St

Lynch St

Rezoning #20CZ06

Albright
Funeral Home

White Oak
Villas

S Salem St
Tingen Rd

Ada St



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 #: 20CZ06 Submittal Date: May 1, 2020
2045 LUM Amendment: N/A Fee Paid: \$900 paid

Project Information

Project Name: 204 and 206 Lynch Street

Address(es): 204 and 206 Lynch Street

PIN(s): 0741283934 & 0741282977

Current Zoning: High Density Single Family (HDSF)/ Small Town Character Overlay District Proposed Zoning: High Density Single Family-Conditional Zoning (HDSF-CZ)/ Small Town Character Overlay District Acreage: ± .45 acre

Current 2045 LUM Designation: Medium Density Residential

Proposed 2045 LUM Designation: _____

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: _____

Area proposed as non-residential development: _____ Acreage: _____

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

Applicant Information

Name: Trinity Henderson

Address: 132 Partlo Street

City: Garner State: NC Zip: 27539

Phone: 919-229-8840 E-mail: thenderson@hendersonwall.com

Owner Information

Name: Orchid Homes LLC/ 206 Lynch Street Trust

Address: 132 Partlo Street

City: Garner State: NC Zip: 27539

Phone: 919-229-8840 E-mail: thenderson@hendersonwall.com

Agent Information

Name: Trinity Henderson

Address: 132 Partlo Street

City: Garner State: NC Zip: 27539

Phone: 919-229-8840 E-mail: thenderson@hendersonwall.com

Other contacts: _____

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

Application #: # 20CZ06 Submittal Date: 5-1-20

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:

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 #: #20CZ06 Submittal Date: 5-1-2020

An application has been duly filed requesting that the property described in this application be rezoned from HDSF to HDSF-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	Single Family	21	
2	Accessory Apartment	22	
3	Utility, minor	23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
11		31	
12		32	
13		33	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION

Application #: #20CZ06 Submittal Date: 5-1-2020

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.

204 Lynch Street Conditions:

- 1. The minimum setback from the western property line shall be 3 feet.

206 Lynch Street Conditions:

- 1. The minimum lot width shall be 50 feet.
- 2. The minimum setback from the eastern property line shall be 8 feet.
- 3. The minimum setback from the western property line shall be 4 feet.

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. There is no proposed change in to the Land Use Map.

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and compatibility with the character of surrounding land uses. The property will continue to be single family residence, no change in use.

PETITION INFORMATION

Application #: # 20CZ 06 Submittal Date: 5-1-20

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

The property will continue to be use for single family residence, no change in use.

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 property will continue to be use for single family residence, no change in use.

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 property will continue to be use for single family residence, no change in use.

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 property will continue to be use for single family residence, no change in use.

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 property will continue to be use for single family residence, no change in use.

PETITION INFORMATION

Application #: #20CZ06 Submittal Date: 5-1-20

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

The property will continue to be use for single family residence, no change in use.

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 property will continue to be use for single family residence, no change in use.

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

The property will continue to be use for single family residence, no change in use.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: #20C206

Submittal Date: 5-1-20

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	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

Date: 3/1/2020

By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Rosa L Hernandez Aburto a Notary Public for the above State and County, on this the 20 day of April, 2020.

Rosa L Hernandez Aburto
Notary Public
Rosa L Hernandez Aburto
Print Name

SEAL



My Commission Expires: 05/27/2024

PIN_NUM	OWNER	ADDR1	ADDR2	ADDR3
0741292430	CROSS, JOSEPHINE KELLY	PO BOX 24	APEX NC 27502-0024	
0741290238	ELCHANINOV, MIKHAIL ELCHANINOVA, NATALIA	401 WEST ST	APEX NC 27502-2060	
0741188984	RIVERA-PENA, LINDA PENNA-MEJIA, GUADALUPE	5217 PENRITH DR APT 1	DURHAM NC 27713-1722	
0741282977	206 LYNCH STREET TRUST	206 LYNCH ST	APEX NC 27502-2026	
0741292272	ACEVEDO, MIGDALIA CRUZADO, LUIS	501 2ND ST	APEX NC 27502-2047	
0741189899	AKHTAR, AFAQUE AKHTAR, MARIA AFAQUE	409 WAKE CHAPEL RD	FUQUAY VARINA NC 27526-1956	
0741297107	APEX TOWN OF	PO BOX 250	APEX NC 27502-0250	
0741296138	APEX TOWN OF	PO BOX 250	APEX NC 27502-0250	
0741189735	BASWETI, YABESH N BASWETI, JANE N	300 ADA ST	APEX NC 27502-3001	
0741294151	BELLO, ROEL S BELLO, LIANNA N	1102 CHURCHWOOD DR	APEX NC 27502-3983	
0741189932	BOYD, DAVID J TRUSTEE BOYD, PATRICIA A TRUSTEE	869 HALSTEAD TER	THE VILLAGES FL 32162-6664	
0741292008	BROWN, FLOYA COTTEN	PO BOX 1514	APEX NC 27502-3514	
0741284866	BULLOCK, THOMAS	108 LYNCH ST	APEX NC 27502-2024	
0741295250	CARMONA, MARIA DEL ROCIO PEREZ	200 WEST ST	APEX NC 27502-2057	
0741294036	CHATMAN, PAULETTE R	30 TINC RD	FLANDERS NJ 07836-9610	
0741292366	CHO, RICHARD CHO, MERRIDITH	6015 N FRANCISCO AVE	CHICAGO IL 60659-2507	
0741295234	COPE, ALEXANDER G. COPE, PAIGE	832 CHARLOTTE AVE	ROCK HILL SC 29730-3608	
0741294265	DANIEL REAL ESTATE HOLDINGS LLC	311 LYNCH ST	APEX NC 27502-2027	
0741294209	DANIEL REAL ESTATE HOLDINGS LLC	311 LYNCH ST	APEX NC 27502-2027	
0741290181	DECHIR, NABIL MEZIANI, AMIRA	508 2ND ST	APEX NC 27502-2062	
0741280750	GHANDOUR, HASSANE ELMETOUY, ATIKA	607 2ND ST	APEX NC 27502-1241	
0741285576	GILBERT, BETTY LOU	PO BOX 815	APEX NC 27502-0815	
0741291239	GILBERT, LILLIE LYON	810 NAPLETON CIR	APEX NC 27502-1392	
0741282929	GLOVER-SMITH, CYNTHIA A SMITH, STEVEN T	208 LYNCH ST	APEX NC 27502-2026	
0741281918	HABITAT FOR HUMANITY OF WAKE COUNTY	2420 N RALEIGH BLVD	RALEIGH NC 27604-2235	
0741291283	HABITAT FOR HUMANITY OF WAKE COUNTY INC	2420 N RALEIGH BLVD	RALEIGH NC 27604-2235	
0741188777	HABITAT FOR HUMANITY OF WAKE COUNTY INC	2420 N RALEIGH BLVD	RALEIGH NC 27604-2235	
0741283681	HOUSING AUTH COUNTY OF WAKE	PO BOX 368	ZEBULON NC 27597-0368	
0741282640	HOUSING AUTH COUNTY OF WAKE	PO BOX 399	ZEBULON NC 27597-0399	
0741282793	HOUSING AUTH COUNTY OF WAKE	PO BOX 399	ZEBULON NC 27597-0399	
0741281688	HOUSING AUTH COUNTY OF WAKE	PO BOX 399	ZEBULON NC 27597-0399	
0741295052	HUGHES, MAUREEN	113 WEST ST	APEX NC 27502-2054	
0741291108	JIBRIL, NAJMA M AHMED, MOHAMED A	506 2ND ST	APEX NC 27502-2062	
0741290054	KADLAC, SHANE KADLAC, KELLI	300 LYNCH ST	APEX NC 27502-2028	
0741199172	KARIUKI, VERONICA W	304 LYNCH ST	APEX NC 27502-2028	
0741293103	LEE, ALICE BECKWITH	209 WEST ST	APEX NC 27502-2056	
0741282801	LIVERPOOL, LUDWIG	301 MILKY WAY DR	APEX NC 27502-6580	
0741293151	MANGUM, RICKY E MANGUM, PAMELA C	1118 JONES FRANKLIN RD	RALEIGH NC 27606-3311	
0741294012	MCCLAIN, NELLIE B FORT	516 1ST ST	APEX NC 27502-2018	
0741286738	MCCLAMB, WALTER J	PO BOX 243	APEX NC 27502-0243	
0741286941	MCCLAMB, WALTER J	PO BOX 243	APEX NC 27502-0243	
0741284916	MCPHAIL, BILLY N	1924 EDWIN DR	RALEIGH NC 27610-5038	
0741297165	MORING, MARIAN M	804 E LANE ST	RALEIGH NC 27601-1232	
0741280776	NGOMA, INNOCENT D	605 2ND ST	APEX NC 27502-1241	
0741281801	NOZA, DAWIT F DISSE, SEBLIE B	603 2ND ST	APEX NC 27502-1241	
0741283934	ORCHID HOMES LLC	PO BOX 23	MORRISVILLE NC 27560-0023	
0741283889	QUINONES, SANDRA D	3820 VINCA ST	SUMTER SC 29154-1741	
0741280635	RUIZ, SONIA LOPEZ	609 2ND ST	APEX NC 27502-1241	
0741291157	SCOTT, WILLIE HENRY UTLEY, BEVERLY JEAN	C/O ALESIA MCLEAN	PO BOX 13	APEX NC 27502-0013
0741286626	ST MARYS AFRICAN METHODIST	600 S SALEM ST	APEX NC 27502-2042	
0741284555	TAYLOR, SEAN M TAYLOR, KIM C	105 LYNCH ST	APEX NC 27502-2023	
0741293332	WIGGINS, LUCILLE WIGGINS, JEROME	210 WEST ST	APEX NC 27502-2057	
0741281827	YEMANE, SABA	601 2ND ST	APEX NC 27502-1241	
0741284336	BLACKMAN, LORI ABRAHAM, DEBRA	616 S SALEM ST	APEX NC 27502-2042	
0741289223	HARRELL, WILLIAM BRIAN HARRELL, ELEANOR MAE	307 HUNTER ST	APEX NC 27502-1317	
0741380300	HARRIS, NELLIE C CANNADY, TERESA	725 E 155TH CT	PHOENIX IL 60426-2638	
0741289406	HOLLAND, UVA RICHARDSON HEIRS	370 M T HOLLAND RD	APEX NC 27523-5704	
0741285168	IOM DEVELOPERS, INC.	466 STANCIL RD	ANGIER NC 27501-8342	
0741289111	JONES, LOVELACE L	7909 SMITH RD	APEX NC 27539-9507	
0741282227	SALEM CREEK TOWNHOMES RESIDENTIAL OWNERS AS	CHARLESTON MGT CORP	PO BOX 97243	RALEIGH NC 27624-7243
0741284467	SMITH, BEVERLY WILLIS, VERDA	1383 EXETER ST	NORTH BALDWIN NY 11510-1306	
0741285435	TAYLOR, PAUL L TAYLOR, JAMES O	3283 FLORIDA DR	FAYETTEVILLE NC 28301-3363	
0741272284	WAKE COUNTY BOARD OF EDUCATION	RE SERVICES DIRECTOR	1551 ROCK QUARRY RD	RALEIGH NC 27610-4145
0741289549	WISDOM MASONIC LODGE	PO BOX 1025	APEX NC 27502-1025	

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

Orchid Homes LLC

is the owner* of the property for which the attached

application is being submitted:

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

The property address is: 204 Lynch Street, Apex, NC 27502

The agent for this project is: Henderson Law (Trinity Henderson)

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

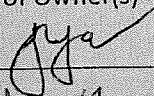
Agent Name: Trinity Henderson

Address: 132 Paolo Street

Telephone Number: 919-229-8840

E-Mail Address: thenderson@hendersonwall.com

Signature(s) of Owner(s)*



Orchid Homes LLC / J. J. Nardi
Type or print name

06/13/20
Date

Type or print name 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.

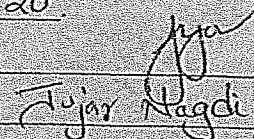
AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Orchid Homes, LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

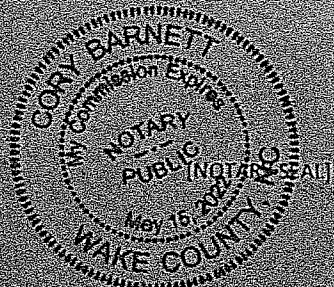
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 204 Lynch St Apex NC 27502 and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 3/5/08, and recorded in the Wake County Register of Deeds Office on 3/5/08, in Book 12987 Page 2039.
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 3/5/08, 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 3/5/08, 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 3rd day of June, 2020.


 _____ (seal)
Tujar Nagdi / Orchid Homes LLC
 Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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





 Notary Public
 State of North Carolina
 My Commission Expires: May 15, 2022

204 Lynch St
Legal

BK012987PG02038

WAKE COUNTY, NC 189
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03/05/2008 AT 12:36:02

BOOK:012987 PAGE:02038 - 02041

Excise tax: \$-0-

Tax Account No: 64178, 70429 & 288635

This instrument was prepared by: Donald W. Grimes, 903 Kildaire Farm Road, Cary, NC 27511

Return to: Donald W. Grimes, Attorney At Law (74)

Brief Description for the Index: 3 Tracts

NORTH CAROLINA GENERAL WARRANTY DEED

This DEED made this 5th day of March, 2008 by and between:

GRANTOR

Jujar A. Nagdi,
Unmarried

GRANTEE

Orchid Homes, L.L.C.,
a North Carolina limited liability company
Mailing address:
306 Beech Street
Cary, NC 27513

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of that certain lot or parcel of land situated in **Wake County**, North Carolina and more particularly described as follows:

BEING all of **Tracts 1, 2 and 3** as described on attached *Exhibit A*

All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book 12676, page 552 and Book 12771, page 2218, Wake County Registry.

BK012987PG02039

A map showing the above described property is recorded in Map Book , Page , and referenced within this instrument.

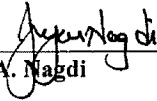
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereunto belonging to Grantee in fee simple.

And Grantor covenants with Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

- 2008 ad valorem property taxes, not yet due;
- Restrictive covenants of record, if any; and
- Rights of way and easements of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year first above written.

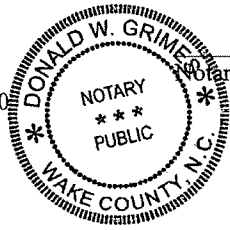
 _____ (SEAL)
 Jujar A. Nagdi

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, Donald W. Grimes, a Notary Public of the aforesaid County and State, certify that **Jujar A. Nagdi** Grantor(s), personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 5 day of March, 2008.

My commission expires: 10/9/2010

 _____
 Donald W. Grimes
 Notary Public

BK012987PG02040

Exhibit "A"

LEGAL DESCRIPTION

Tract 1:

BEING all of **Lot 140, Worthdale, Section 3**, as shown on plat recorded in Book of Maps 1967, page 50, Wake County Register of Deeds.

Tract 2:

BEING all of **Lot 136, Chastain, Phase 5**, as shown on plat recorded in Book of Maps 2001, page 1129, Wake County Register of Deeds.

Tract 3:

BEGINNING at a stake on the North side of Lynch Street, a corner for T.L. Forney, runs thence with the line of T.L. Forney in a Northernly direction 150 feet to a stake in the line of Tom Fuller's thence with said Fullers line in a easterly direction 60 feet to a stake, a corner for Joe Foggs, thence with said Fogg a line in a southernly direction 150 feet to a stake on the North side of said Lynch Street; thence parallel with Lynch Street in a Westernly direction 60 feet to the point of **BEGINNING**. This being the land conveyed to Margaret Josey Thompson by Lottie Bell Josey Page and husband, David Page, by deed dated the 12th of February, 1958 recorded in Book 1238, Page 604 of the Office of the Register of Deeds for Wake County, North Carolina.

★ 204 Lynch St

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

206 Lynch Street Trust

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: 206 Lynch Street, Apex NC 27502

The agent for this project is: Trinity Henderson

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

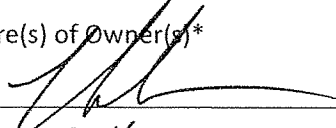
Agent Name: Trinity Henderson, Trustee of 206 Lynch Street Trust

Address: 132 Partlo Street Garner NC 27529

Telephone Number: 919-229-8840

E-Mail Address: thenderson@hendersonwall.com

Signature(s) of owner(s)*



Trinity Henderson, Trustee
Type or print name

5/24/2020
Date

Type or print name

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, Trinity Henderson, Trustee (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 206 Lynch Street, Apex, NC 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 4/30/2019 dated and recorded in the Wake County Register of Deeds Office on 5/1/2019 recorded, in Book 17430 Page 1113.
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 5/1/2019, 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 5/1/2019, 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 1 day of March, 2020.

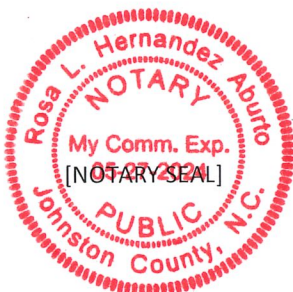
(seal)

Trinity Henderson, trustee

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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



Rosa L. Hernandez Abuto
Notary Public

State of North Carolina

My Commission Expires: 05/27/2024

EXHIBIT "A"
LEGAL DESCRIPTION

Wake County

Roberto F. Arellano Moran and Ashley Arellano
Situated in Wake County and beginning described as follows:

See attached Exhibit A

LEGAL DESCRIPTION

Commencing at a computed point as shown on the plat in Map Book 2003, Page 1452 for the Apex R/W Acquisition dated 4/11/03 on the northern side of the Lynch Street right-of-way and running almost parallel with the lot lines of Willie Smiley and Walter A. Thompson, as shown on said plat, then North 28°07'1" East for 2.91 feet to an Iron Pipe Set (IPS) at the corner of the lots of Willie Smiley and Walter A. Thompson, as shown said plat, and the POINT OF BEGINNING. Then proceeding South 29°14'49" West for 162.42 feet to an Auto Jack Post, then South 60°03'01" East for 60 feet to an IPS at the corner of an old wire fence and a chain link fence where three of the adjoining properties meet with the northeast corner of the property. Then South 29°15'28" West for 156.74 feet to an IPS at the southeast corner of the property, then proceeding North 64°42'09" West for 8.62 feet to an IPS, then North 65°35'49" West for 51.55 feet to the Point of Beginning encompassing approximately 0.220 acres as shown on an unrecorded map of survey by John S. Collier, PLS. L-3879 dated 11/3/18.

For reference purposes, this property is located at: 206 Lynch Street
Apex, NC 27502

and has tax identification number 0741282977))

Wake County

WAKE COUNTY, NC
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
05-01-2019 AT 16:25:38
STATE OF NC REAL ESTATE
EXCISE TAX: \$170.00
BOOK: 017430 PAGE: 01113 - 01115

Submitted electronically by Henderson Law in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Wake County Register of Deeds.

**NORTH CAROLINA
GENERAL WARRANTY DEED**

Mail to the preparer: Trinity M. Henderson, Attorney at Law
132 Partlo Street
Garner, NC 27529

This instrument prepared by Trinity Henderson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by closing attorney to tax collector upon disbursement of closing proceeds.

Parcel #0741282977
Wake County

Brief Index
description:

206 Lynch Street

Excise Tax: \$170.00

(This conveyance is insured by a policy of title insurance issued by Omega Title Insurance Company)

THIS WARRANTY DEED is made on the date set forth in the acknowledgment set out below by and between:
Roberto F. Arellano Moran and Ashley Arellano
whose mailing address for future correspondence is:

(If checked, the property being conveyed includes the primary residence of at least one of the Grantors.

(hereinafter referred to in the neuter singular as "the Grantor"); and,

206 Lynch Street Trust

206 Lynch Street
Apex, NC 27502

(to verify the name, status and mailing address are correct, please initial _____)

(hereinafter referred to in the neuter singular as "the Grantee") :

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby

acknowledged, has and by these presents does hereby give, grant, bargain, sell and convey unto the Grantee, its heirs, successors, administrators and assigns, all of that certain piece, parcel or tract of land acquired by the Grantor by deed recorded in Book 17298, page 1886, situated in Wake County, North Carolina, and more particularly described as follows:

See attached Exhibit A

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. The Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the following exceptions:

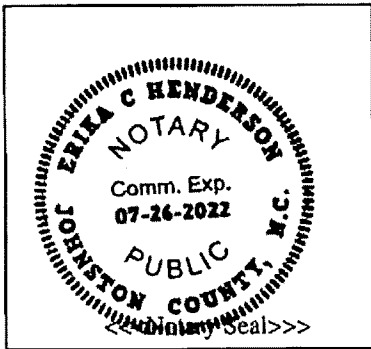
1. The county property tax for the current year.
2. Public Utility Easements for Local Service.
3. Restrictive covenants

IN WITNESS WHEREOF the Grantors have set their hands and seals and adopt the printed word "Seal" as their lawful

seals.

Francisco Arellano (Seal)
Roberto F. Arellano Moran

Ashley Arellano (Seal)
Ashley Arellano



State of North Carolina Wake County
 I, a Notary Public of the County and State aforesaid, certify that Roberto F. Arellano Moran and Ashley Arellano, Grantor(s), personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 30 day of April, 2019
Erika C Henderson
 Notary Public My commission expires 7/26/22

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, Trinity Henderson, 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 1411 East Williams St Apex, NC (location/address) on 2/20/2020 (date) from 6:00pm (start time) to 8:00pm (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.

3/1/2020
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Rosa L Hernandez Aburto a Notary Public for the above State and County, on this the 20 day of April, 2020.



Rosa L Hernandez Aburto
Notary Public
Rosa L Hernandez Aburto
Print Name

My Commission Expires: 05/27/2024

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): 100 Lynch Street Trust

Applicant(s): Trinity Anderson, Trustee

Contact information (email/phone): 919-889-4303

Meeting Address: 1411 East Williams St, Apex, NC 27539

Date of meeting: 2/20/2020 Time of meeting: 6pm-8pm

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:

NONE

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Recvd. 2-11-20 BJohnson

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.

February 8, 2020

Date

Dear Neighbor:

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

204 and 206 Lynch Street, Apex, NC

0070430 and 0070429

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)):
See attached Exhibit "A" for description of proposed rezoning.

Estimated submittal date: 2/24/2020

MEETING INFORMATION:

Property Owner(s) name(s): 206 Lynch Street Trust and Orchid Homes, LLC

Applicant(s): 206 Lynch Street Trust

Contact information (email/phone): thenderson@hendersonwall.com

Meeting Address: Comfort Inn Apex, 1411 East Williams St, Apex, NC 27539

Date of meeting**: 2/20/2020

Time of meeting**: 6:00 pm to 8:00 pm

MEETING AGENDA TIMES:

Welcome: 6:00 pm Project Presentation: 6:15 pm Question & Answer: 6:30pm-8:00pm

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

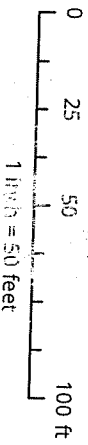
EXHIBIT "A"

The purpose of this Neighborhood meeting is to discuss the proposed rezoning of 204 and 206 Lynch Street in Apex, North Carolina.

The reason for this rezoning request is for the sole purpose of bringing both lots (204 and 206 Lynch Street) into compliance pursuant to the Town of Apex's dimensional standards. The house that was built at 204 Lynch Street encroaches on 206 Lynch Street. In order to move the lot line so that the house located at 204 Lynch Street no longer encroaches on 206 Lynch Street (and to comply with zoning setback requirements), the lots must be rezoned to High Density Single Family Residential – Conditional Zoning.

Vicinity Map

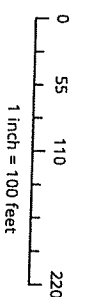
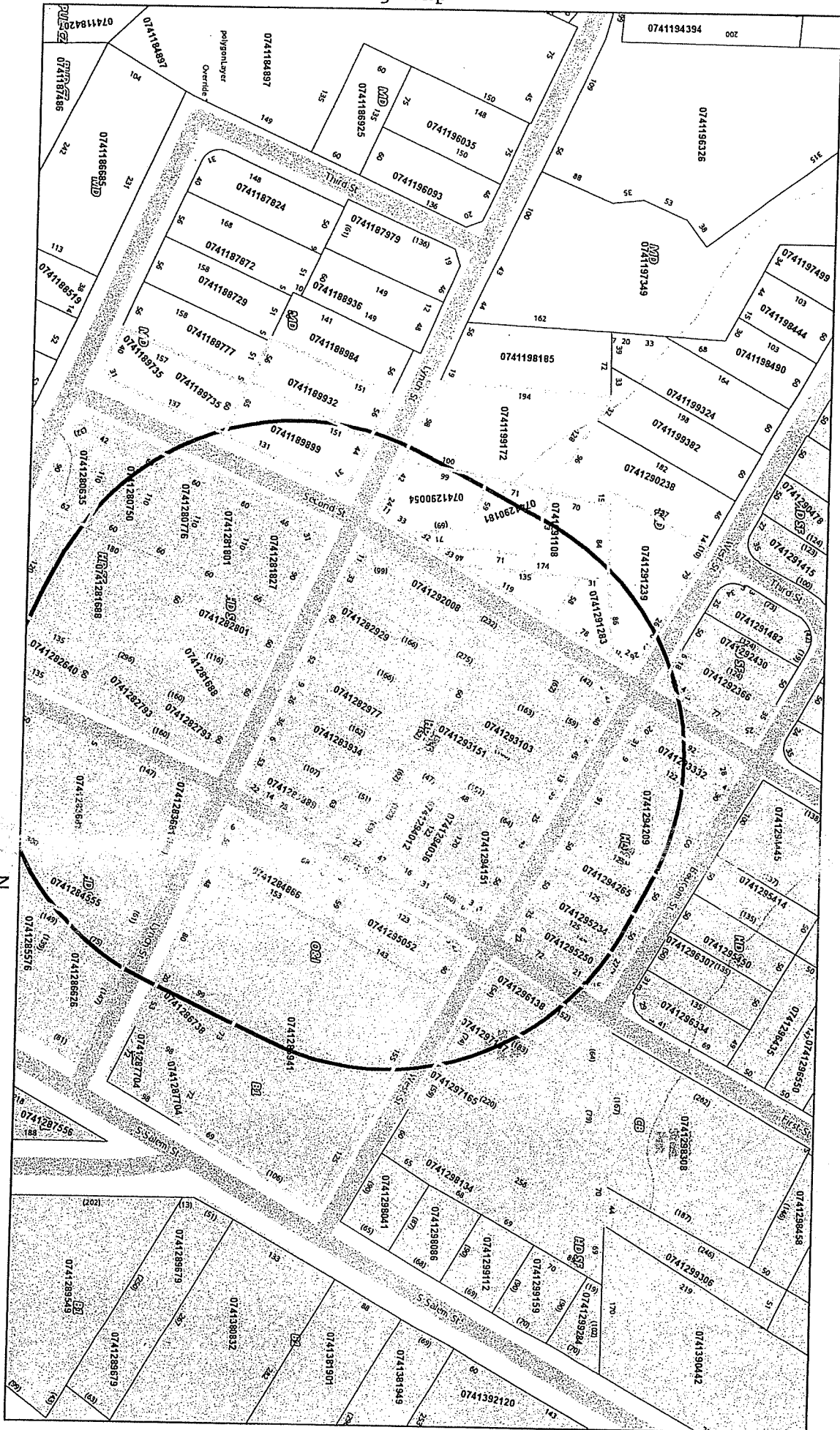
204 and 206 Lynch Street



Disclaimer

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

Current Zoning Map



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

Neighborhood Meeting Handout

Rezoning Petition for:

**204 and 206 Lynch Street
Apex, North Carolina**

Date:

February 20, 2020

Location:

Comfort Inn Apex

1411 East Williams Street

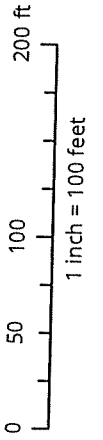
Apex, North Carolina 27539

Attachments

- 1. Vicinity Map for 204 and 206 Lynch Street**
- 2. Existing Zoning Map for 204 and 206 Lynch Street**
- 3. Proposed Recombination Map for 204 and 206 Lynch Street**
- 4. Project Contact Information**
- 5. Common Construction Issues & Who to Call**

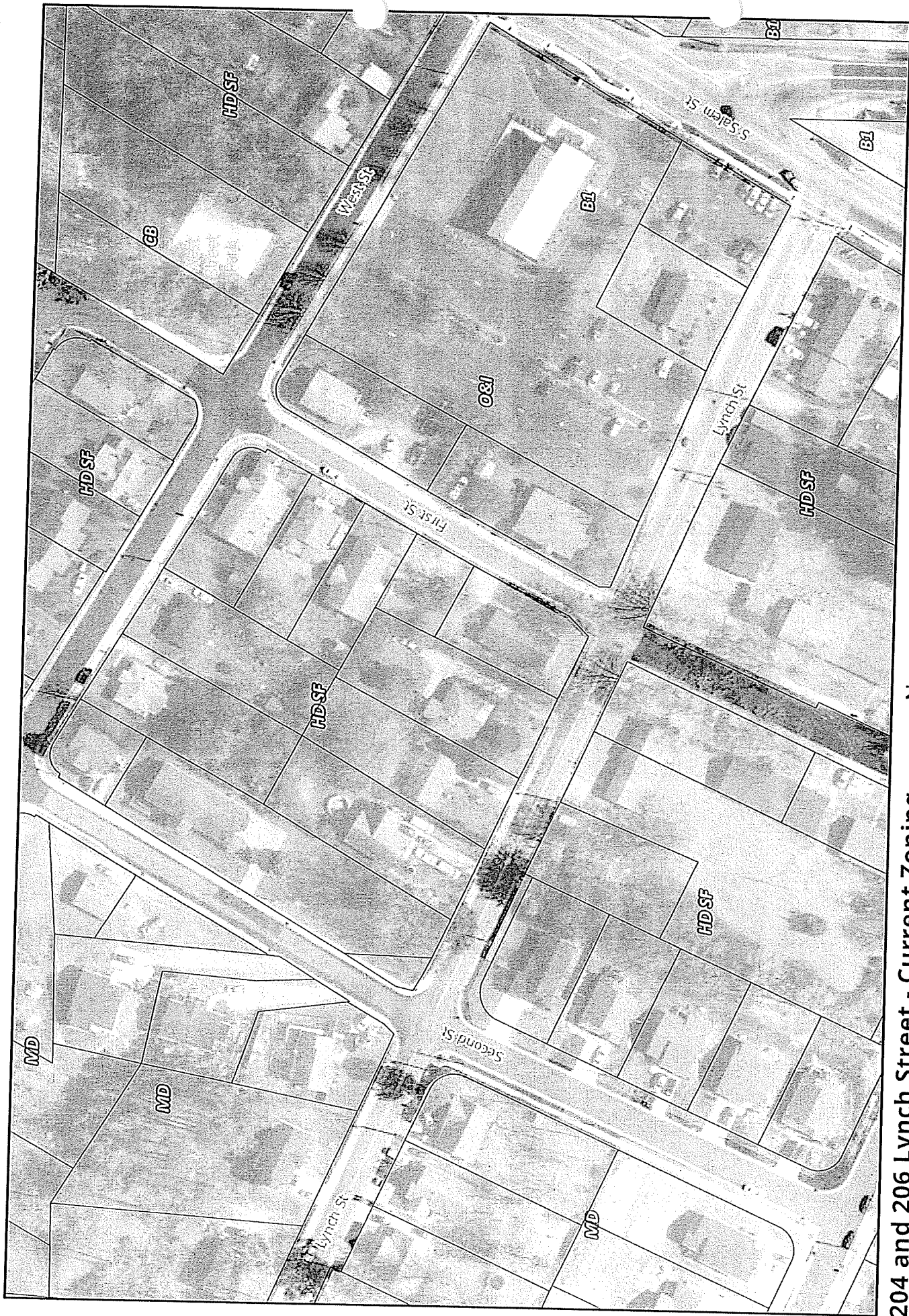


204 and 206 Lynch Street

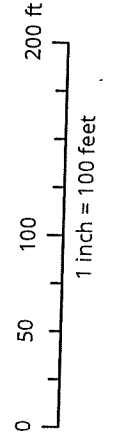


Disclaimer

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



204 and 206 Lynch Street - Current Zoning



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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: 204 and 206 Lynch Street Rezoning Zoning: STCOD
 Location: 204 and 206 Lynch Street, Apex, NC 27502
 Property PIN(s): 0070430 & 0070429 Acreage/Square Feet: .44 combined
 Property Owner: 206 Lynch Street Trust, Trinity Henderson, Trustee
 Address: 132 Partlo Street
 City: Garner State: NC Zip: 27529
 Phone: 919-229-8840 Email: thenderson@hendersonwall.com

Developer: n/a
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Engineer: n/a
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: **James Misciagno** **919-372-7470**

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

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

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

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

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

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

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

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

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

Dust: **James Misciagno** **919-372-7470**

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

Trash: **James Misciagno** **919-372-7470**

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

Temporary Sediment Basins: **James Misciagno** **919-372-7470**

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

Stormwater Control Measures: **Mike Deaton** **919-249-3413**

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

Electric Utility Installation: **Rodney Smith** **919-249-3342**

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

Neighborhood Meeting

Date: June 30, 2020

June 30, 2020

Neighborhood Meeting #2:

Notice sent to:

Josephine Kelly Cross, PO Box 24, Apex, NC 27502

Michail Elchaninova and Natalia Elchaninova, 401 West St, Apex, NC 27520

Linda Rivera-Pena and Guadalupe Rivera-Pena, 5217 Penrith Drive, Apt I, Durham, NC 27713

Meeting held June 30, 2020 at Comfort Inn Apex, 1411 East Williams Street, Apex, NC 27539

Handout attached.

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, Trinity Anderson, 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 1411 East Williams Street Apex NC (location/address) on 6/30/2020 (date) from 6 pm (start time) to 8 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

7/3/2020
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Johnston

Sworn and subscribed before me, Rosa L. Hernandez Abanto a Notary Public for the above State and County, on this the 3 day of July, 2020.



Rosa L. Hernandez Abanto
Notary Public
Rosa L. Hernandez Abanto
Print Name

My Commission Expires: 05/27/21

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: 1411 East Wilmore St, Apex NC
 Date of meeting: 6/30/2020 Time of meeting: 6:00 - 8:00 pm
 Property Owner(s) name(s): 206 Lynnhurst Trust and Orchard Homes LLC
 Applicant(s): 206 Lynch St Trust

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): 206 Lynch Street Trust and Orchid Homes, LLC

Applicant(s): 206 Lynch Street Trust

Contact information (email/phone): thenderson@hendersonwall.com

Meeting Address: 1411 East Williams St Apex, NC

Date of meeting: 4/30/2020 Time of meeting: 6-8 pm

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

Question/Concern #1:

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Neighborhood Meeting Handout

Rezoning Petition for:

204 and 206 Lynch Street
Apex, North Carolina

Date:

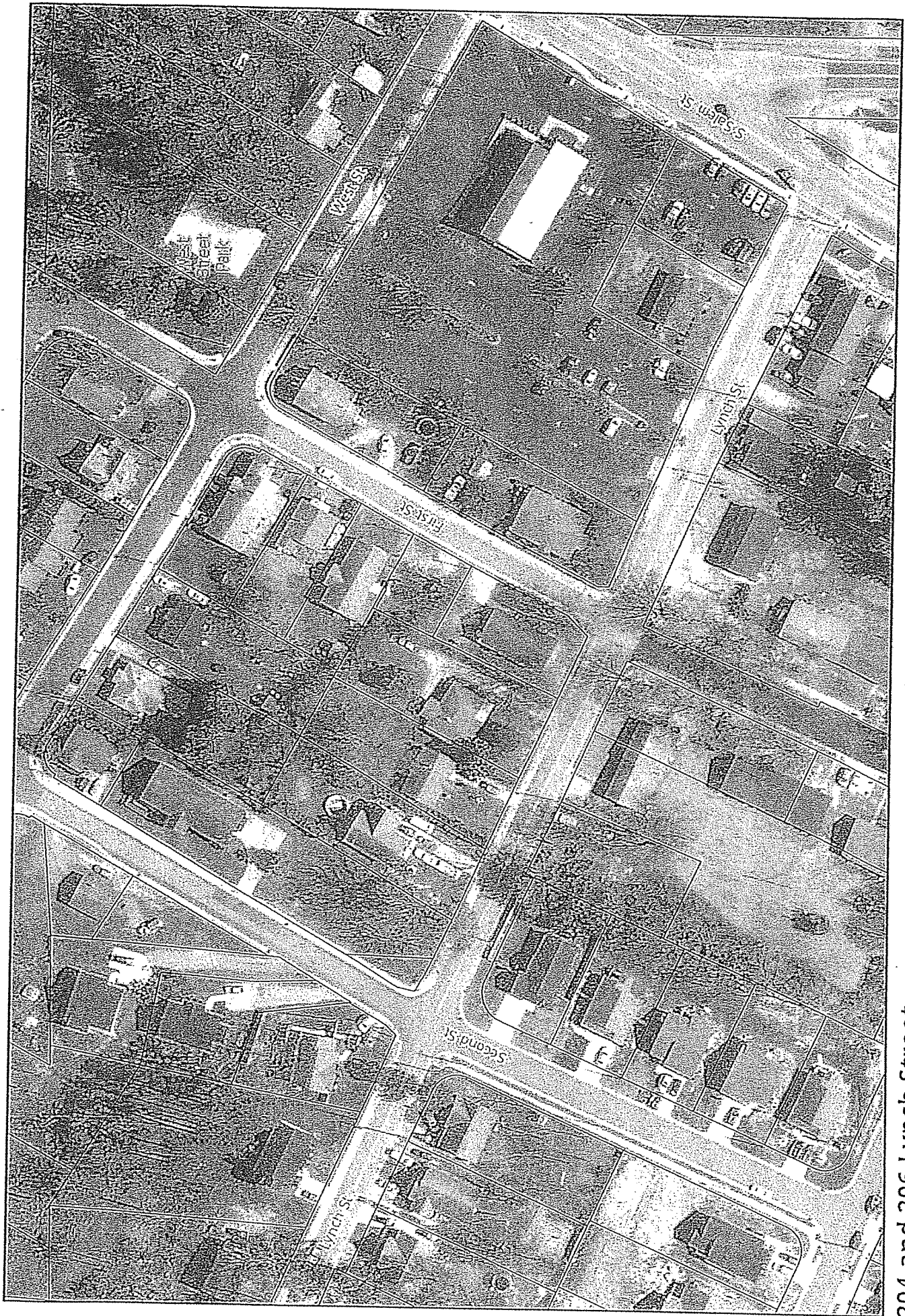
June 30,
~~February 20~~, 2020

Location:

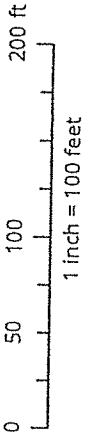
Comfort Inn Apex
1411 East Williams Street
Apex, North Carolina 27539

Attachments

1. Vicinity Map for 204 and 206 Lynch Street
2. Existing Zoning Map for 204 and 206 Lynch Street
3. Proposed Recombination Map for 204 and 206 Lynch Street
4. Project Contact Information
5. Common Construction Issues & Who to Call

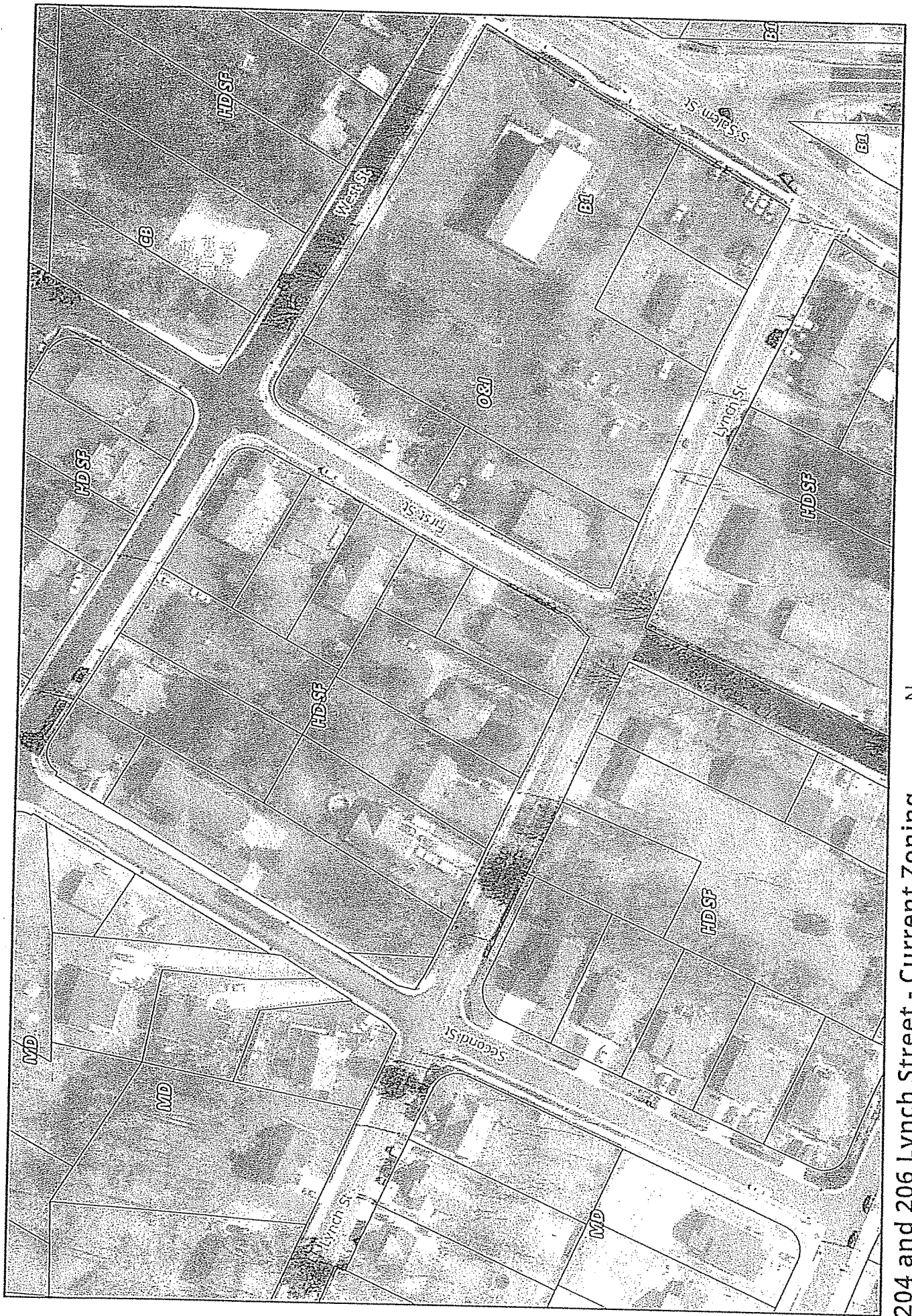


204 and 206 Lynch Street



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.



204 and 206 Lynch Street - Current Zoning

Disclaimer
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein. Use at the user's discretion.

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: 204 and 206 Lynch Street Rezoning Zoning: STCOD
 Location: 204 and 206 Lynch Street, Apex, NC 27502
 Property PIN(s): 0070430 & 0070429 Acreage/Square Feet: .44 combined

Property Owner: 206 Lynch Street Trust, Trinity Henderson, Trustee
 Address: 132 Partlo Street
 City: Garner State: NC Zip: 27529
 Phone: 919-229-8840 Email: thenderson@hendersonwall.com

Developer: n/a
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Engineer: n/a
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

Road Damage & Traffic Control: Water Resources – Infrastructure Inspections 919-362-3166

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 919-362-3661

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

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

Stormwater Control Measures: Mike Deaton 919-249-3413

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

Electric Utility Installation: Rodney Smith 919-249-3342

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #20CZ06 204 & 206 Lynch Street

Planning Board Meeting Date: August 10, 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: ± .45 acre

PIN(s): 0741283934 & 0741282977

Current Zoning: High Density Single Family (HDSF)/ Small Town Character Overlay District

Proposed Zoning: High Density Single Family-Conditional Zoning (HDSF-CZ)/ Small Town Character Overlay District

2045 Land Use Map: Medium Density Residential

Town Limits: Inside Town Limits

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: #20CZ06 204 & 206 Lynch Street

Planning Board Meeting Date: August 10, 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: #20CZ06 204 & 206 Lynch Street

Planning Board Meeting Date: August 10, 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: #20CZ06 204 & 206 Lynch Street

Planning Board Meeting Date: August 10, 2020



Planning Board Recommendation:

Motion: Motion to approve as proposed.

Introduced by Planning Board member: Reginald Skinner

Seconded by Planning Board member: Mark Steele

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

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

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

With 7 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 10th day of August 2020.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2020.08.10 19:04:24 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2020.08.10 17:14:38 -04'00'

Dianne Khin, Planning Director



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #20CZ06
204 & 206 Lynch Street**

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

Applicant/Authorized Agent: Trinity Henderson
Property Addresses: 204 & 206 Lynch Street
Acreage: ±.45 acres
Property Identification Number (PINs): 0741283934 & 0741282977
Current 2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: High Density Single Family (HDSF)
Proposed Zoning of Property: High Density Single Family -Conditional Zoning (HDSF-CZ)

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

Planning Board Public Hearing Date and Time: August 10, 2020 4:30 PM

If you would like to speak during the public hearing, you may sign-in ahead of time by emailing your name and address to bonnie.brock@apexnc.org.

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. You may share comments by noon on Friday, August 7, 2020, following instructions in the [Remote Participation policy](#). The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

Town Council Public Hearing Date and Time: August 18, 2020 6:00 PM

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. You may share comments by noon on Monday, August 17, 2020, following instructions in the [Remote Participation policy](#). The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

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/31550>.

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

Published Dates: July 24, 2020 – August 18, 2020



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 #20CZ06
Project Location: 204 & 206 Lynch Street
Applicant or Authorized Agent: Trinity Henderson

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project **July 24, 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.

7/24/2020

Date

Deanne 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

24

day of

July

2020

Jeri Chastain Pederson

Notary Public

SEAL

My Commission Expires: 03 / 10 / 2024

West Street

Rezoning #20CZ06

West St

First St

208

206

204

White Oak Villas

Second St

Lynch St

Public Hearing Sign Posted By



May, 2020
January 2020 Aerial Photography
Prepared by: Town of Apex Planning Department

Jean J.
Signature

5/5/20
Date



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #20CZ06
204 & 206 Lynch Street**

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

Published Dates: July 24, 2020 - August 18, 2020

