

# STAFF REPORT

Rezoning #21CZ08 Cash Corporate Center Amendment

April 27, 2021 Town Council Meeting



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

## **BACKGROUND INFORMATION:**

**Location:** 2100 Production Drive, 0 Pristine Water Drive, 0 & 1201 Burma Drive

**Applicant/Owners:** Town of Apex/Jack 1, LLC & Town of Apex

## **PROJECT DESCRIPTION:**

**Acreage:** 121.30 ± acres

**PINs:** 0751244221, 0751138504, 0751143089, portion of former PIN 0751136687

**Current Zoning:** Light Industrial-Conditional Zoning (LI-CZ #18CZ19)

**Proposed Zoning:** Light Industrial-Conditional Zoning (LI-CZ)

**2045 Land Use Map:** Industrial Employment

**Town Limits:** Inside corporate limits

## **Adjacent Zoning & Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Light Industrial-Conditional Use (LI-CU #90CU09)	Light Industrial (Pinnacle Park)
<b>South:</b>	Light Industrial (LI); Light-Industrial-Conditional Zoning (LI-CZ #17CZ19)	Light Industrial (Reclamation, concrete); vacant
<b>East:</b>	Rural Residential (RR)	Recreation (Knight's Play Golf Course)
<b>West:</b>	Light Industrial (LI)	Light Industrial (Raleigh Paving); vacant

## **Existing Conditions:**

The subject properties are located south of Burma and Production Drives, east of Lufkin Road and north of Jessie Drive. The properties are vacant and wooded.

## **Neighborhood Meeting:**

The applicant conducted a neighborhood meeting on March 1, 2021. The neighborhood meeting report is attached.

## **2045 LAND USE MAP:**

The 2045 Land Use Map identifies the properties subject to this rezoning as Industrial Employment. The proposed rezoning to Light Industrial-Conditional Zoning is consistent with that land use classification.

## **PERMITTED USES:**

The applicant is proposing to add the following uses to the permitted uses:

1. Security of caretaker quarters
2. Government Service
3. Heliport or helipad
14. Laboratory, industrial research
15. Machine or welding shop
16. Woodworking or cabinetmaking

## STAFF REPORT

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April 27, 2021 Town Council Meeting



- |  |                                   |
|--|-----------------------------------|
| 4. Transportation facility                     | 17. Wholesaling, general          |
| 5. Utility, Minor                              | 18. Brewery                       |
| 6. Regional recreation complex                 | 19. Distillery                    |
| 7. Broadcasting station (radio and television) | 20. Dry cleaning and dyeing plant |
| 8. Radio and television studio                 | 21. Laundry plant                 |
| 9. Medical or dental office or clinic          | 22. Manufacturing and processing  |
| 10. Medical or dental laboratory               | 23. Microbrewery                  |
| 11. Office, business or professional           | 24. Microdistillery               |
| 12. Pilot plant                                | 25. <b>Botanical Garden</b>       |
| 13. Research facility                          |                                   |

### PROPOSED ZONING CONDITIONS:

The applicant is proposing the following changes (shown in **bold** for additions) with this amendment:

1. EIFS cornices and parapet trim may be used. EIFS and stucco shall not be used within four (4) feet of the ground and shall be limited to 25% of each building façade.
2. The front façade and any façade that faces a collector street shall be **a minimum of 60% masonry. The remainder of such facades shall be high-quality aluminum composite metal panels or similar.**
3. The developer shall dedicate 30' of public right-of-way along the southern property line for future construction of Pristine Water Drive in accordance with the Apex Transportation Plan.
4. No buffer shall be required along major and minor collector streets.
5. A continuous 10' **Side Path** within the public right-of-way or 10' Greenway within a 20' Public Greenway Easement shall be constructed from Burma Drive at the northern property boundary to future Production Drive at the southern property boundary.
6. **The minimum parking requirement shall either be in accordance with UDO Sec. 8.3.2 Off-Street Parking Requirements or 1 parking space per employee on the maximum shift plus 2% additional for visitors, whichever is greater.**
7. **With the exception of development on Lots 1 and 2, each development shall provide two (2) electric vehicle charging spaces. These spaces count toward minimum parking standards.**
8. **Greenhouses accessory to a Research facility shall be exempt from the following:**
  - a. **The building material and color standards of Sec. 4.5.3 Accessory Structures, Non-Residential Zoning Districts; and**
  - b. **The limitation on percent of yard area occupied and setback requirements of Sec. 5.2.7.B Dimensional Standards for Detached Accessory Structures, Percentage of Required Yard Occupied and Required Setbacks.**

### PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of #21CZ08 Cash Corporate Center Amendment with the conditions as offered by the applicant.

### PLANNING BOARD RECOMMENDATION:

The Planning Board heard this rezoning at their April 12, 2021 meeting and voted to recommend approval, with the conditions as offered by the applicant, by a vote of 6-0.

### 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 Light Industrial-Conditional Zoning district is consistent with the Industrial Employment land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because will provide flexibility necessary to ensure cohesive development plans for future Economic Development Projects.

**CONDITIONAL ZONING STANDARDS:**

The Town Council shall find the Light Industrial-Conditional Zoning (LI-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.

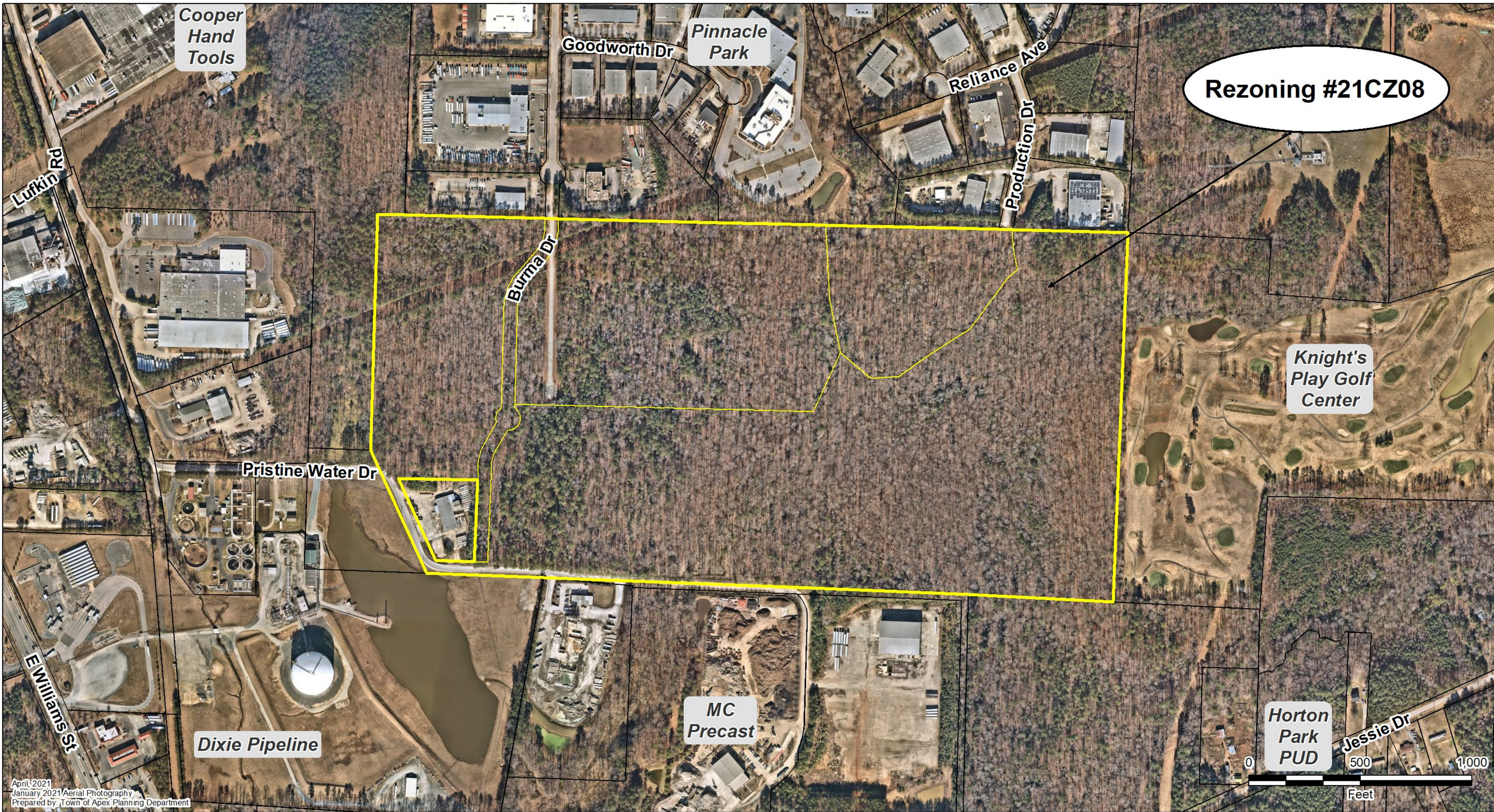
STAFF REPORT

Rezoning #21CZ08 Cash Corporate Center Amendment

April 27, 2021 Town Council Meeting







Cooper Hand Tools

Goodworth Dr

Pinnacle Park

Reliance Ave

Production Dr

Rezoning #21CZ08

Lurkin Rd

Burma Dr

Knight's Play Golf Center

Pristine Water Dr

E Williams St

Dixie Pipeline

MC Precast

Horton Park PUD

Jessie Dr





**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 #: #21CZ08 Submittal Date: \_\_\_\_\_  
2045 LUM Amendment: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

**Project Information**

Project Name: Cash Corporate Center  
Address(es): 0 Pristine Water Drive; 2100 Production Drive; 1201 Burma Drive  
PIN(s): 0751138504; 0751244221; 0751143089 and Burma Drive Extension (portion of former PIN 0751136687)  
Acreage: 121.3  
Current Zoning: LI-CZ #18CZ19 Proposed Zoning: LI-CZ  
Current 2045 LUM Designation: Industrial Employment  
Proposed 2045 LUM Designation: N/A

See next page for LUM Amendment.

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

Area classified as mixed use: Acreage: \_\_\_\_\_  
Area proposed as non-residential development: Acreage: \_\_\_\_\_  
Percent of mixed use area proposed as non-residential: Percent: \_\_\_\_\_

**Applicant Information**

Name: Town of Apex - Joanna Helms, Director, Apex Economic Development  
Address: 73 Hunter Street  
City: Apex State: NC Zip: 27502  
Phone: 919-372-7461 E-mail: joanna.helms@apexnc.org

**Owner Information**

Name: JACK1, LLC (ALSO SEE BELOW)  
Address: 738 Cash Street  
City: Apex State: NC Zip: 27502  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent Information**

Name: N/A  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Other contacts: OTHER OWNERS:  
Town of Apex Protein Production LLC  
73 Hunter Street 315 Academy Street, Suite 201  
Apex, NC 27502 Cary, NC 27513

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

Application #:   #21CZ08   Submittal Date: \_\_\_\_\_

**2045 LAND USE MAP AMENDMENT (IF APPLICABLE)**

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

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

  N/A  

Current 2045 Land Use Classification: \_\_\_\_\_

Proposed 2045 Land Use Classification: \_\_\_\_\_

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

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Cash Corporate Center  
2100 Production Drive, 0 Pristine Water Drive, 0 & 1201 Burma Drive  
Light Industrial - Conditional Zoning Uses

1. Security or Caretaker quarters
2. Government Service
3. Heliport or Helipad
4. Transportation Facility
5. Utility, minor
6. Regional Recreation complex
7. Broadcasting Station (radio and television)
8. Radio and television recording studio
9. Medical or dental office or clinic
10. Medical or dental laboratory
11. Office, business or professional
12. Pilot plant
13. Research facility
14. Laboratory, industrial research
15. Machine or welding shop
16. Woodworking or cabinetmaking
17. Wholesaling, general
18. Brewery
19. Distillery
20. Dry cleaning and dyeing plant
21. Laundry plant
22. Manufacturing and processing
23. Microbrewery
24. Microdistillery
- 25. Botanical Garden**



**PETITION INFORMATION**

Application #: #21CZ08 Submittal Date: \_\_\_\_\_

**PROPOSED CONDITIONS:**

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

SEE ATTACHED

**LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING**

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

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

The proposed rezoning is a permitted district within the Industrial Employment designation on 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.

The surrounding land uses and zoning districts are industrial in nature, so the proposed LI-CZ district is appropriate and compatible with the surrounding properties.

Cash Corporate Center  
2100 Production Drive, 0 Pristine Water Drive,  
0 & 1201 Burma Drive  
Proposed Conditions

Shown below are the current zoning conditions with revisions/additions shown in **bold**:

1. EIFS cornices and parapet trim may be used. EIFS and stucco shall not be used within four (4) feet of the ground and shall be limited to 25% of each building façade.
2. The front façade and any façade that faces a collector street shall be **a minimum of 60% masonry. The remainder of such facades shall be high-quality aluminum composite metal panels or similar.**
3. The developer shall dedicate 30' of public right-of-way along the southern property line for future construction of Pristine Water Drive in accordance with the Apex Transportation Plan.
4. No buffer shall be required along major and minor collector streets.
5. A continuous 10' **Side Path** within the public right-of-way or 10' Greenway within a 20' Public Greenway Easement shall be constructed from Burma Drive at the northern property boundary to future Production Drive at the southern property boundary.
6. **The minimum parking requirement shall either be in accordance with UDO Sec. 8.3.2 Off-Street Parking Requirements or 1 parking space per employee on the maximum shift plus 2% additional for visitors, whichever is greater.**
7. **With the exception of development on Lots 1 and 2 (PINs 0751244221 and 0751143089), each development shall provide two (2) electric vehicle charging spaces. These spaces count toward minimum parking standards.**
8. **Greenhouses accessory to a Research facility shall be exempt from the following:**
  - a. **The building material and color standards of Sec. 4.5.3 Accessory Structures, Non-Residential Zoning Districts; and**
  - b. **The limitation on percent of yard area occupied and setback requirements of Sec. 5.2.7.B Dimensional Standards for Detached Accessory Structures, Percentage of Required Yard Occupied and Required Setbacks.**







**CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS**

Application #: #21CZ08

Submittal Date: \_\_\_\_\_

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

	Owner's Name	PIN
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	SEE ATTACHED LIST	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____

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

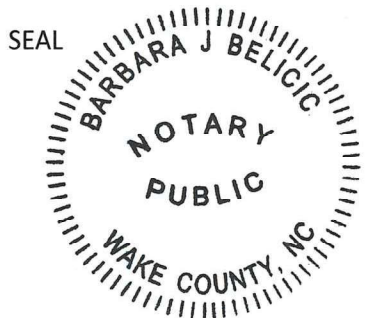
Date: 3/2/21

By: Joanna S. Helms

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Barbara J. Belicic, a Notary Public for the above State and County, on this the 2 day of March, 2021.

Barbara J. Belicic  
Notary Public  
Barbara J. Belicic  
Print Name



My Commission Expires: 7/29/2025

**CASH CORPORATE CENTER**  
**0 Production Drive and 2100 Production Drive**  
**Certified List of Neighboring Property Owners**

PIN_NUM	OWNER
0751033230	SMITH, JAMES STEPHEN
0751044654	TEAM PROPERTIES LP
0751029412	EAGLE ROCK CONCRETE LLC
0741932178	APEX TOWN OF
0751113934	RALEIGH RECLAMATION LLC
0751113934	LOT 17 PRODUCTION DRIVE (Bobbitt Design)
0751341664 ext. 001	IPEARL HOLDINGS LLC
0751341664 ext. 002	2031 PRODUCTION REALTY LLC
0751222279	560 PRISTINE PARTNERS LLC
0751158052	RED DIRT PROPERTIES LLC
0741933676	EASTERN SERVICES HOLDINGS LLC
0751359861	VERTICAL BRIDGE AM II LLC
0751359861 ext. 800	TVX OF RALEIGH DURHAM
0741929413	DIXIE PIPE LINE COMPANY
0751130961	JACK 1, LLC
0751257024	PRODUCTION RELIANCE LLC
0751532815	CAREY C JONES MEMORIAL PARK INC
0751141725	COUSINS INVESTMENTS I LLC
0751054189	PURYEAR PROPERTIES LLC
0741938441	DIXIE PIPE LINE COMPANY
0751323228	TRINITY APEX NORTH 100 LLC
0751245667	HEIA LLC
0751244900	RELIANCE AVE LLC
0741942224	LM LUFKIN ROAD LLC
0751234512	JACK 1, LLC
0751342839	PRODUCTION DRIVE BUSINESS CENTER (ABCZ)
0751342839 ext. 001	BUILDERS RESOURCE SERVICES INC
0751342839 ext. 002, 003	A&E REAL ESTATE ENTERPRISES LLC
0751342839 ext. 004, 005	ED PROPERTIES LLC
0751342839 ext. 006	CONSTANCE F SCIOLINO/JOSEPH C SCIOLINO
0751342839 ext. 007	JJKL INVESTMENTS LLC II
0751342839	BSS, LLC
0751144975	ALVES & PEREIRA LLC
0741954413	APEX TOOL U.S. REAL ESTATE HOLDING, LLC

**AGENT AUTHORIZATION FORM**

Application #: #21CZ08

Submittal Date: \_\_\_\_\_

JACK1, LLC - Fred Gray Cash III 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: 0 Production Drive and 2100 Production Drive

The agent for this project is: \_\_\_\_\_

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

Agent Name: Fred Gray Cash III

Address: 738 Cash Street, Apex, NC 27502

Telephone Number: (919) 610-2489

E-Mail Address: gray.cash@erg.com

Signature(s) of Owner(s)\*



Fred Gray Cash III  
Type or print name

2/23/21  
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 #: #21CZ08

Submittal Date: \_\_\_\_\_

The undersigned, JACK1, LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

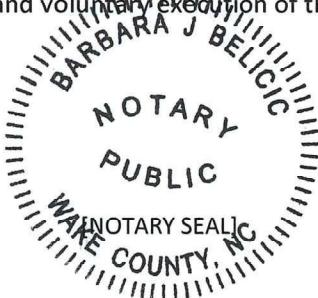
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at O Production Drive and 2100 Production Drive and legally described in **Exhibit "A"** attached hereto and incorporated 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 11/13/17 and 11/15/17, and recorded in the Wake County Register of Deeds Office on 11/15/17, in Book 16969 Page 2025 and 2028.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/15/17, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/15/17, 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 23 day of February, 2021.

Fred Gray Cash III (seal)  
Fred Gray Cash III  
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 Fred Gray Cash, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Barbara J. Belkic  
Notary Public  
State of North Carolina  
My Commission Expires: 7/29/2025

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #:   #21CZ08  

Submittal Date: \_\_\_\_\_

**Insert legal description below.**

**0 Production Drive  
PIN # 0751136687**

BEGINNING at an existing iron pipe bearing NAD-83(2007) N.C. grid coordinate values of N=713,497.28 U.S. Survey Feet, E= 2,050,001.96 U.S. Survey Feet; thence South 24 30' 26" East, 605.21 feet to a mathematical point (not set); thence South 87 50' 56" East, 525.35 feet to an existing iron pipe; thence South 87 47' 38" East, 399.89 feet to an existing iron pipe; thence South 87 47' 30" East, 860.33 feet to an existing iron stake (bolt); thence South 87 40' 34" East, 644.33 feet to an existing iron pipe (existing iron stake witness); thence South 86 54' 14" East, 649.73 feet to an existing iron pipe (existing concrete monument witness); thence North 02 18' 58" East, 1658.75 feet to an existing concrete monument; thence North 88 36' 28" West, 1048.94 feet to an existing iron pipe; thence North 88 37' 36" West, 789.90 feet to an existing iron pipe; thence North 88 34' 50" West, 714.82 feet to an existing iron pipe; thence North 88 38' 58" West, 60.06 feet to an existing iron pipe; thence North 88 37' 07" West, 629.13 feet to an existing concrete monument; thence North 88 26' 26" West, 122.43 feet to an existing iron pipe; thence South 01 39' 26" West, 1059.71 feet to the BEGINNING containing 121.3050 acres more or less, which excludes the area contained in D.B. 11112, PG. 1446.

**2100 Production Drive  
PIN # 0751244221**

Beginning at a new iron pipe, said pipe being North 88°36'36" West 515.21 feet from concrete monument, said monument having NC grid coordinates of N=714,474.6391, E=2,053,396.6293, thence from said beginning point along a curve to the left having a radius of 370.00 feet, an arc length of 110.78 feet, and a chord bearing and distance of South 03°18'36" East 110.36 feet to a new iron pipe, thence South 11°53'13" East 68.24 feet to a new iron pipe, thence South 46°39'19" West 63.68 feet to a new iron pipe, thence South 36°18'22" West 277.70 feet to a new iron pipe, thence South 58°10'29" West 158.89 feet to a new iron pipe, thence South 56° 57'20" West 89.85 feet to a new iron pipe, thence South 53°55'29" West 136.26 feet to a new iron pipe, thence South 85°28'50" West 127.09 feet to a new iron pipe, thence North 49°43'33" West 179.01 feet to a new iron pipe, thence North 11°22'26" West 243.83 feet to a new iron pipe, thence North 03°02'45" West 333.46 feet to an existing iron pipe with a cap, thence South 88°37'59" East 306.37 feet to an existing iron pipe with a cap, thence South 88°36'36" East 533.72 feet to the point and place of beginning containing 10.00 acres (435,604 sq ft) more or less.



**AFFIDAVIT OF OWNERSHIP**

Application #: #21CZ08

Submittal Date: \_\_\_\_\_

The undersigned, Protein Production LLC (W. Kyle Greer) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- 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 2100 Production Drive, Apex NC and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated March 23, 2021, and recorded in the Wake County Register of Deeds Office on March 23, 2021, in Book 18413 Page 1500 & 1502.
- 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).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on March 23, 2021, 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 March 23, 2021, 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 8 day of April, 2021.

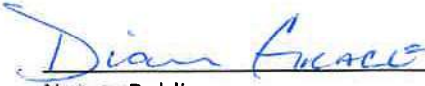
  
 \_\_\_\_\_ (seal)  
W. Kyle Greer

Type or print name

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

I, the undersigned, a Notary Public in and for the County of ORANGE, hereby certify that W. Kyle Greer, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's W. Kyle Greer, 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: 6/25/2022

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #: #21CZ08

Submittal Date: \_\_\_\_\_

**Insert legal description below.**

Beginning at a new iron pipe, said pipe being North 88°36'36" West 515.21 feet from concrete monument, said monument having NC grid coordinates of N=714,474.6391, E=2,053,396.6293, thence from said beginning point along a curve to the left having a radius of 370.00 feet, an arc length of 110.78 feet, and a chord bearing and distance of South 03°18'36" East 110.36 feet to a new iron pipe, thence South 11°53'13" East 68.24 feet to a new iron pipe, thence South 46°39'19" West 63.68 feet to a new iron pipe, thence South 36°18'22" West 277.70 feet to a new iron pipe, thence South 58°10'29" West 158.89 feet to a new iron pipe, thence South 56°57'20" West 89.85 feet to a new iron pipe, thence South 53°55'29" West 136.26 feet to a new iron pipe, thence South 85°28'50" West 127.09 feet to a new iron pipe, thence North 49°43'33" West 179.01 feet to a new iron pipe, thence North 11°22'26" West 243.83 feet to a new iron pipe, thence North 03°02'45" West 333.46 feet to an existing iron pipe with a cap, thence South 88°37'59" East 306.37 feet to an existing iron pipe with a cap, thence South 88°36'36" East 533.72 feet to the point and place of beginning containing 10.00 acres (435,604 sq ft) more or less.



**AFFIDAVIT OF OWNERSHIP**

Application #: #21CZ08

Submittal Date: \_\_\_\_\_

The undersigned, Town of Apex - Ralph Clark, Interim Town Manager (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

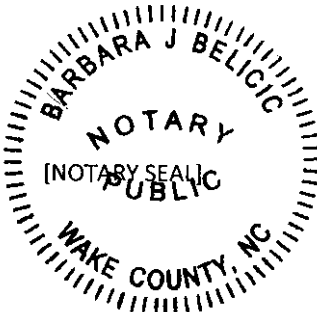
- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at O Burma Drive (portion of former \_\_\_\_\_) and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property"). PIN 0751130687
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated March 22, 2021, and recorded in the Wake County Register of Deeds Office on March 22, 2021, in Book 18409 Page 1411-1415.
- 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).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on March 22, 2021, 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 March 22, 2021, 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 8th day of April, 2021.

Ralph A. Clark (seal)  
Ralph A. Clark  
 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 Ralph A. Clark, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Driver's License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Barbara J. Belicic  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 7/29/2025

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #:           #21CZ08          

Submittal Date: \_\_\_\_\_

**Insert legal description below.**

Beginning at a point, said point having NC grid coordinates (NAD 83 - 2011) of N=714,536.550, E=2,050,844.007, thence from said beginning point South 01°21'02" West 40.96 feet to a point, thence along a curve to the right having a radius of 230.00 feet, an arc length of 159.01 feet, and a chord bearing and distance of South 21°09'22" West 155.86 feet to a point, thence South 40°57'43" West 130.21 feet to a point, thence along a curve to the left having a radius of 170.00 feet, an arc length of 117.32 feet, and a chord bearing and distance of South 21°11'26" West 115.01 feet to a point, thence South 01°25'10" West 440.59 feet to a point, thence along a curve to the right having a radius of 230.00 feet, an arc length of 15.93 feet, and a chord bearing and distance of South 03°24'14" West 15.93 feet to a point, thence along a curve to the right having a radius of 55.00 feet, an arc length of 143.65 feet, and a chord bearing and distance of South 18°36'58" West 106.16 feet to a point, thence South 29°22'14" West 101.46 feet to a point, thence along a curve to the left having a radius of 170.00 feet, an arc length of 80.69 feet, and a chord bearing and distance of South 15°46'22" West 79.94 feet to a point, thence South 02°10'29" West 426.53 feet to a point, thence North 87°52'36" West 60.00 feet to a point, thence North 02°10'29" East 426.58 feet to a point, thence along a curve to the right having a radius of 230.00 feet, an arc length of 109.17 feet, and a chord bearing and distance of North 15°46'22" East 108.15 feet to a point, thence North 29°22'14" East 109.30 feet to a point, thence along a curve to the right having a radius of 55.00 feet, an arc length of 74.04 feet, and a chord bearing and distance of North 18°45'11" East 68.58 feet to a point, thence along a curve to the left having a radius of 170.00 feet, an arc length of 16.85 feet, and a chord bearing and distance of North 04°15'35" East 16.85 feet to a point, thence North 01°25'10" East 440.59 feet to a point, thence along a curve to the right having a radius of 230.00 feet, an arc length of 158.73 feet, and a chord bearing and distance of North 21°11'26" East 155.60 feet to a point, thence North 40°57'43" East 130.21 feet to a point, thence along a curve to the left having a radius of 170.00 feet, an arc length of 117.53 feet, and a chord bearing and distance of North 21°09'22" East 115.20 feet to a point, thence North 01°21'02" East 40.95 feet to a point, thence South 88°39'34" East 60.00 feet to the point and place of beginning containing 2.310 acres (100,642 SF) more or less.

# 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, Joanna S. Helms/Town of Apex, 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 VIRTUAL (electronic meeting link provided) (indicate format of meeting) on March 1, 2021 (date) from 5:00 pm (start time) to 7:00 pm (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.

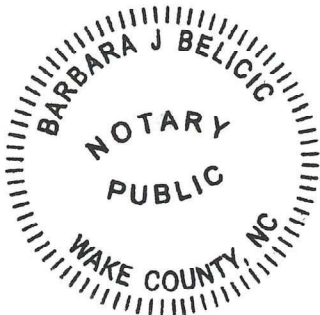
3/2/21  
Date

By: Joanna S. Helms

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Barbara T. Belicic Notary Public for the above State and County, on this the 2 day of March, 20 21.

SEAL



Barbara J. Belicic  
Notary Public  
Barbara J. Belicic  
Print Name

My Commission Expires: 7/29/2025

# 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.

2/19/21

Date

Dear Neighbor:

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

0 Production Drive and 2100 Production Drive

0751136687 and 0751244221

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](http://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="radio"/> Rezoning (including Planned Unit Development)	Town Council
<input type="radio"/> Major Site Plan	Town Council (QJPH*)
<input type="radio"/> Special Use Permit	Town Council (QJPH*)
<input type="radio"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The Town of Apex is seeking to rezone the parcels listed above to potentially add uses and amend conditions; such as change condition on allowable facade materials; add condition to increase maximum allowable parking; add condition to require EV parking; add warehousing as an allowable use; add greenhouses for R&D purposes as an allowable accessory facility, and amend design standards for certain accessory structures.

Estimated submittal date: March 2, 2021`

### MEETING INFORMATION:

Property Owner(s) name(s): JACK1, LLC

Applicant(s): Town of Apex

Contact information (email/phone): Joanna S. Helms - joanna.helms@apexnc.org (919) 372-7461

Electronic Meeting invitation/call in info: https://bit.ly/3qy8DD5

Date of meeting\*\* : March 1, 2021

Time of meeting\*\* : 5:00 pm - 7:00 pm

### MEETING AGENDA TIMES:

Welcome: 5:05 pm      Project Presentation: 5:10 pm      Question & Answer: 5:25 pm

\*\*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>.



Dixie Pipeline Company  
PO Box 4018  
Houston TX 77210-4018

Town of Apex  
PO Box 250  
Apex, NC 27502

Eastern Services Holdings LLC  
Raleigh Paving  
800 Lufkin Road  
Apex, NC 27539-7050

LM Lufkin Road LLC  
Jared Marcus  
37 W 39<sup>th</sup> St, RM 402  
New York, NY 10018-3888

Apex Tool US Real Estate  
Holding, LLC  
910 Ridgebrook Rd  
Sparks, MD 21152-9389

Eagle Rock Concrete LLC  
8310 Bandford Way  
Raleigh, NC 27615-2752

James Stephen Smith  
1069 Alderman Circle  
Raleigh, NC 27603-2067

Team Properties LP  
2411 River Hill  
Irving, TX 75061-8909

Puryear Properties LLC  
5844 Lease Lane  
Raleigh, NC 27617-4708

Raleigh Reclamation LLC  
2310 Garner Road  
Raleigh, NC 27610-4612

JACK 1 LLC  
738 Cash Street  
Apex, NC 27502-1302

Cousins Investments I LLC  
PO Box 30007  
Charlotte, NC 28230-0007

Alves & Pereira LLC  
1040 Goodworth Drive  
Apex, NC 27539-3869

Red Dirt Properties LLC  
1031 Goodworth Drive  
Apex, NC 27539-3869

560 Pristine Partners LLC  
550 Corporate Center Drive  
Raleigh, NC 27607-0153

Reliance Avenue LLC  
2000 S Grove Ave Ste B  
Ontario, CA 91761-4800

Heia LLC  
PO Box 1396  
Elmira NY 14902-1396

Production Reliance LLC  
PO Box 33284  
Raleigh, NC 27636-3284

Trinity Apex North 100 LLC  
106 Island View Drive  
Beaufort, NC 28516-9108

Bobbitt Design Build  
600 Germantown Rd  
Raleigh, NC 27607-5144

IPearl Holdings LLC  
2025 Production Drive  
Apex, NC 27539-6349

2031 Production Realty LLC  
407 Catlin Road  
Cary, NC 27519-5982

Vertical Bridge AM II LLC  
750 Park of Commerce Dr, Ste 200  
Boca Raton, FL 33487-3650

Builders Resource Services Inc  
PO Box 1356  
Holly Springs, NC 27540-1356

A&E Real Estate Enterprises LLC  
PO Box 162  
Apex, NC 27502-0162

ED Properties LLC  
2019 Production Drive, Ste 104  
Apex, NC 27539-6356

Constance F Sciolino  
Joseph C Sciolino  
184 American Ct  
Apex, NC 27523-6725

Carey C Jones Memorial Park Inc  
PO Box 781  
Apex, NC 27502-0781

ABCZ Properties LLC  
2511 Reliance Avenue  
Apex, NC 27539-6347

BSS, LLC  
2015 Production Drive, Unit 100  
Apex, NC 27539-6349

JJKL Investments LLC II  
125 Hills of the Haw  
Pittsboro, NC 27312-8583

TVX of Raleigh Durham  
3012 Highwoods Blvd  
Raleigh, NC 27604-1037

Apex Planning Dept.  
PO Box 250  
Apex, NC 27502

JACK1, LLC (Cash Corporate Center) Rezoning  
Neighborhood Meeting  
March 1, 2021  
5:00 – 7:00 p.m.

**A G E N D A**

Facilitator: Joanna Helms, Director – Apex Economic Development

I. WELCOME (Attendee Sign-In)

II. PROJECT PRESENTATION

A. Explanation of Process: Rezoning

Current Zoning – LI-CZ #18CZ19    **Proposed Zoning – LI-CZ**

B. Explanation of Proposal

Below are the current zoning conditions with revisions/additions shown in **bold**:

1. EIFS cornices and parapet trim may be used. EIFS and stucco shall not be used within four (4) feet of the ground and shall be limited to 25% of each building façade.
2. The front façade and any façade that faces a collector street shall be **a minimum of 60% masonry. The remainder of such facades shall be high-quality aluminum composite metal panels or similar.**
3. The developer shall dedicate 30' of public right-of-way along the southern property line for future construction of Pristine Water Drive in accordance with the Apex Transportation Plan.
4. No buffer shall be required along major and minor collector streets.
5. A continuous 10' Multi-Use Path (MUP) within the public right-of-way or 10' Greenway within a 20' Public Greenway Easement shall be constructed from Burma Drive at the northern property boundary to future Production Drive at the southern property boundary.
6. **The minimum parking requirement shall either be in accordance with UDO Sec. 8.3.2 *Off-Street Parking Requirements* or 1 parking space per employee on the maximum shift plus 2% additional for visitors, whichever is greater.**
7. **With the exception of development on Lots 1 and 2, each development shall provide two (2) electric vehicle charging spaces. These spaces count toward minimum parking standards.**
8. **Greenhouses accessory to a Research facility shall be exempt from the following:**
  - a. **The building material and color standards of Sec. 4.5.3 *Accessory Structures, Non-Residential Zoning Districts*; and**
  - b. **The limitation on percent of yard area occupied and setback requirements of Sec. 5.2.7.B *Dimensional Standards for Detached Accessory Structures, Percentage of Required Yard Occupied and Required Setbacks.***

Below are the current allowable uses with the proposed additional use shown in **bold**:

1. Security or Caretaker quarters
2. Government Service
3. Heliport or Helipad
4. Transportation Facility
5. Utility, minor
6. Regional Recreation complex
7. Broadcasting Station (radio and television)
8. Radio and television recording studio
9. Medical or dental office or clinic
10. Medical or dental laboratory
11. Office, business or professional
12. Pilot plant
13. Research facility
14. Laboratory, industrial research
15. Machine or welding shop
16. Woodworking or cabinetmaking
17. Wholesaling, general
18. Brewery
19. Distillery
20. Dry cleaning and dyeing plant
21. Laundry plant
22. Manufacturing and processing
23. Microbrewery
24. Microdistillery
25. **Botanical Garden**

C. Explanation of Future Meetings

- No additional neighborhood meetings are planned.
- Planning Board will review the rezoning request at their April 12 meeting (4:30 p.m.).
- Town Council will review and vote on the rezoning request at their April 27 meeting (6:00 p.m.).

III. QUESTION & ANSWER



## 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: VIRTUAL (electronic meeting link provided)  
 Date of meeting: March 1, 2021 Time of meeting: 5:00 pm - 7:00 pm  
 Property Owner(s) name(s): JACK1, LLC  
 Applicant(s): Town of Apex

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.	Steve Smith	401 Pristine Water Drive	919-608-0684	[REDACTED]	yes
2.	Mike Pail	2301 Production Drive	919-412-7058		yes
3.	Theresa Horne	560 Pristine Water Drive	919-801-2343		yes
4.	Theresa Horne	(550 Corporate Ctr. Dr. Raleigh 27607)	*Note: Use this mailing address*		
5.					
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): JACK1, LLC

Applicant(s): Town of Apex

Contact information (email/phone): joanna.helms@apexnc.org (919) 372-7461

Meeting Format: VIRTUAL (electronic meeting link provided)

Date of meeting: March 1, 2021 Time of meeting: 5:00 pm - 7:00 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:

Are windows also factored into the percentage of a building facade that must be masonry?

#### Applicant's Response:

Windows are not considered in the building material restrictions.

### Question/Concern #2:

Can you explain what is going on at Site/Tract 1 and Site/Tract 2?

#### Applicant's Response:

Site/Tract 1 is 10 acres and is proposed for a life science project that would construct a 30-40,000 sf facility and employ 40 persons.

Site/Tract 2 is 26 acres and is proposed for a distribution project that would construct a 300,000 sf facility and employ 220 persons.

### Question/Concern #3:

Is "Conceptual B" as shown on a marketing brochure what the development will look like?

When will the closing occur for Site/Tract 2?

#### Applicant's Response:

No. That is an outdated brochure. The maps you were provided in the meeting packet show the current proposed layout of the two proposed project sites. In addition, Burma Drive is proposed to extend into the interior of the site.

We anticipate the closing for Site/Tract 2 to occur in Q2 of 2021.

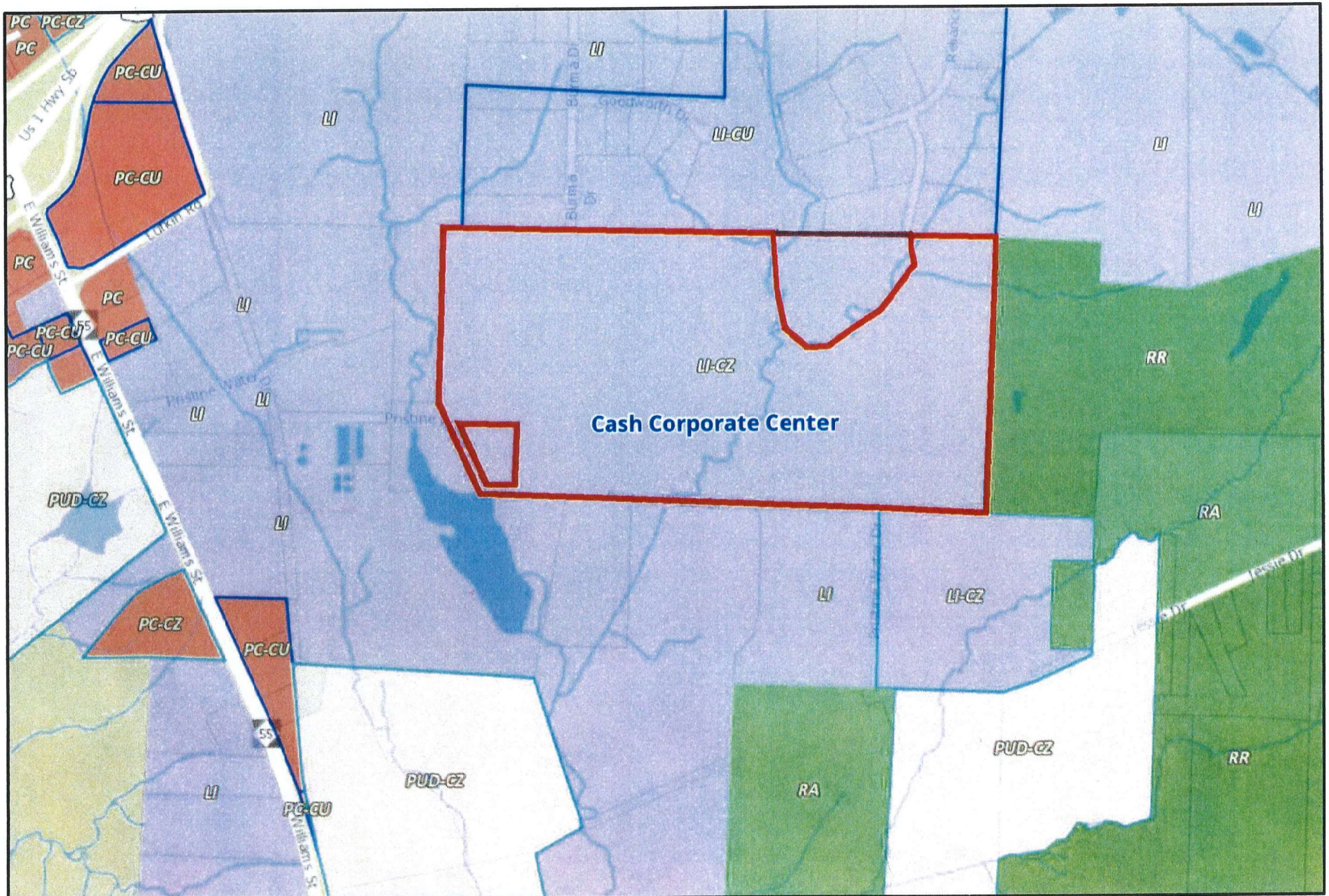
### Question/Concern #4:

When will site work begin on Site/Tract 1 and will it involve logging trucks to remove the trees?

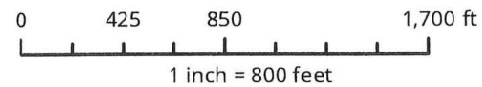
#### Applicant's Response:

We anticipate work to begin on Site/Tract 1 in March/April 2021 and yes it will involve construction truck traffic.



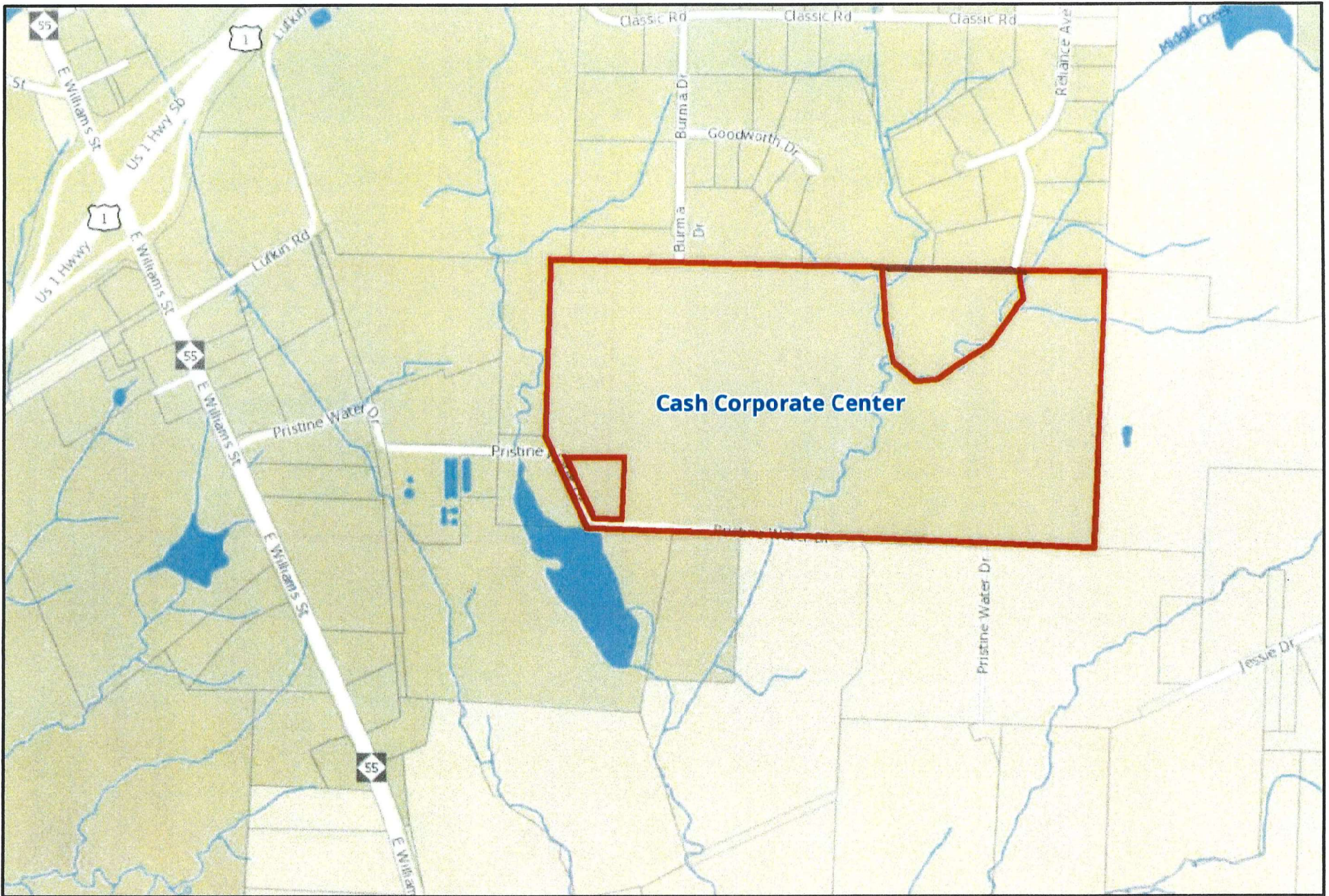


**Cash Corporate Center - Zoning Map**

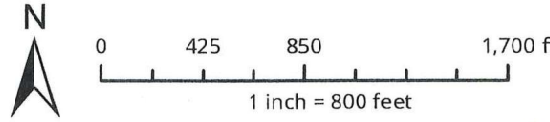


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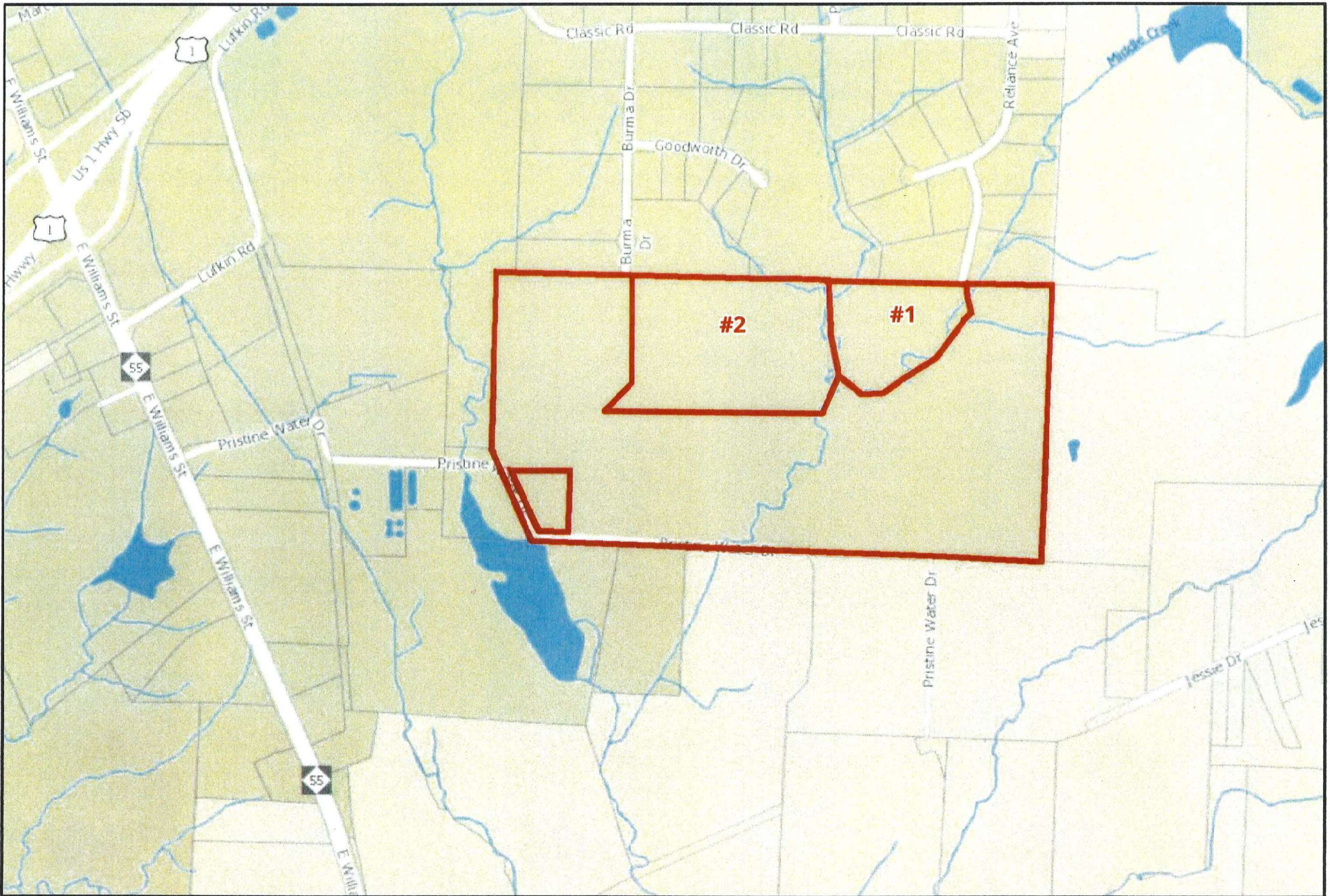


**Cash Corporate Center - Street Vacinity Map**

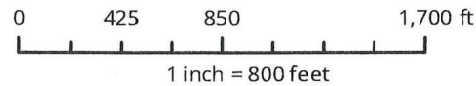


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**Cash Corporate Center - Tracts 1 & 2**



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**PLANNING BOARD REPORT TO TOWN COUNCIL**  
Rezoning Case: 21CZ08 Cash Corporate Center Amendment

Planning Board Meeting Date: April 12, 2021



**Report Requirements:**

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action 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:** ±121.30 acres
- PIN(s):** 0751136687 & 0751244221
  
- Current Zoning:** LI-CZ #18CZ19
  
- Proposed Zoning:** LI-CZ
  
- 2045 Land Use Map:** Industrial Employment
  
- Town Limits:** Inside Corporate 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: \_\_\_\_\_

---



**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: \_\_\_\_\_

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

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:21CZ08 Cash Corporate Center Amendment

Planning Board Meeting Date:April 12, 2021



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: \_\_\_\_\_

---

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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: \_\_\_\_\_

---

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PLANNING BOARD REPORT TO TOWN COUNCIL  
Rezoning Case: 21CZ08 Cash Corporate Center Amendment

Planning Board Meeting Date: April 12, 2021



**Planning Board Recommendation:**

Motion: To recommend approval as proposed by applicant.

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:

Conditions as proposed by applicant.

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

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

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

Reasons for dissenting votes:

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This report reflects the recommendation of the Planning Board, this the 12th day of April 2021.

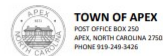
Attest:

**Michael Marks** Digitally signed by Michael Marks  
Date: 2021.04.12 17:28:25 -04'00'

Michael Marks, Planning Board Chair

**Dianne Khin** Digitally signed by Dianne Khin  
Date: 2021.04.12 16:48:47  
-04'00'

Dianne Khin, Director of Planning and  
Community Development



**REVISED PUBLIC NOTIFICATION OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #21CZ08  
Cash Corporate Center Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDC) Section 2.1.1.1, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** Joanna Helms, Town of Apex,  
**Authorized Agent:** Fred Gray Cash, III  
**Property Address:** 9-2100 Production Drive, 0 Pristine Water Drive, 0 & 1201 Burma Drive  
**Acreage:** 117.50 acres  
**Property Identification Numbers (PINs):** 0751146687-4, 0751244221, 0751185504, 0751143089, portion of former PIN 0751136587  
**2045 Land Use Map Designation:** Industrial Employment  
**Existing Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ #18CZ19)  
**Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time:** April 12, 2021 - 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 [joanna.helms@apexnc.org](mailto:joanna.helms@apexnc.org). You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/townofapexnc>.

If you are unable to attend, you may provide comments no later than noon on Friday, April 9, 2021 by email ([public.hearings@apexnc.org](mailto:public.hearings@apexnc.org), 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. These comments will be read during the Planning Board meeting.

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

**Vicinity Map:**



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <http://www.apexnc.org/DocumentCenter/View/472>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/472](http://www.apexnc.org/DocumentCenter/View/472). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/34744>.

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

Published Dates: March 29 - April 9, 12, 2021



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ08 Cash Corporate Center Amendment

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

**Applicant:** Joanna Helms, Town of Apex,  
**Authorized Agent:** Fred Gray Cash, III  
**Property Addresses:** 0 & 2100 Production Drive  
**Acreage:** ±121.30 acres  
**Property Identification Numbers (PINs):** 0751136687 & 0751244221  
**2045 Land Use Map Designation:** Industrial Employment  
**Existing Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ #18CZ19)  
**Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

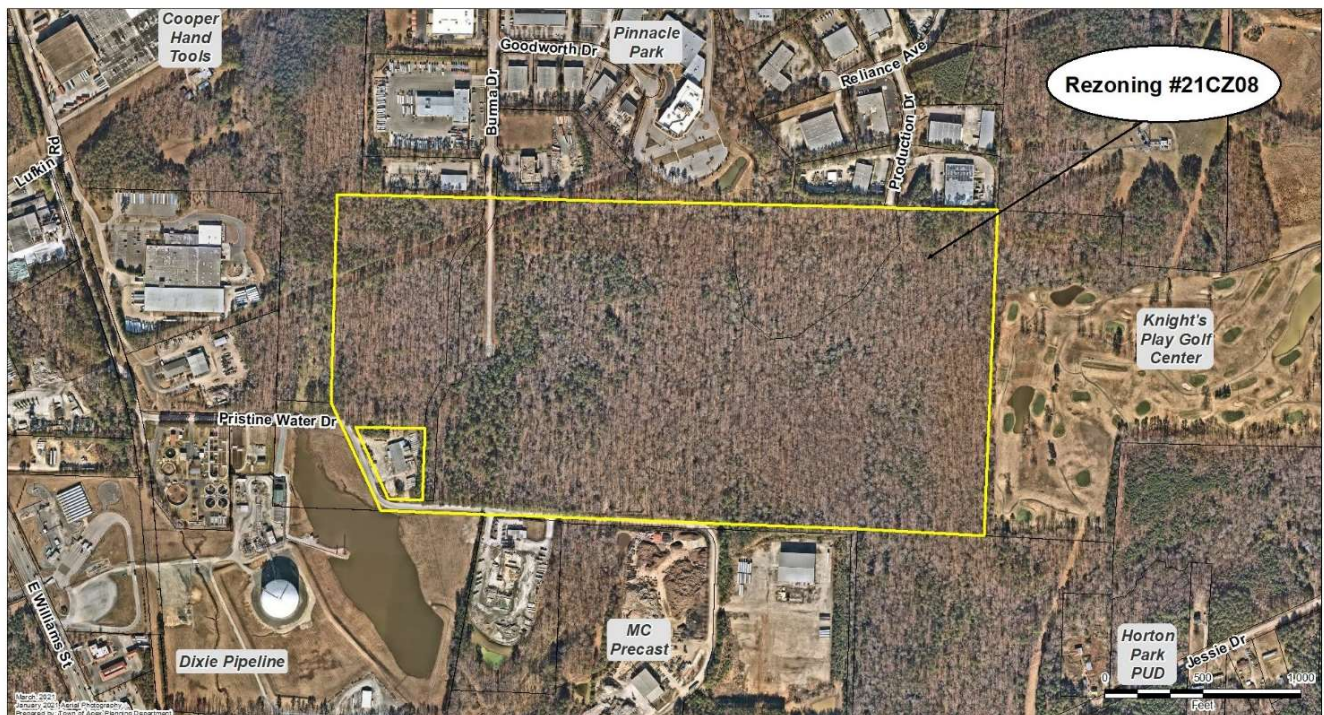
### **Planning Board Public Hearing Date and Time: April 12, 2021 4:30 PM**

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](mailto:bonnie.brock@apexnc.org). You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide comments no later than noon on Friday, April 9, 2021 by email ([public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. These comments will be read during the Planning Board meeting.

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

### **Vicinity Map:**



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/34744>.

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





**TOWN OF APEX**

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

**AFFIDAVIT CERTIFYING  
Public Notification – Written (Mailed) Notice**  
Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ08  
Cash Corporate Center Amendment  
Project Location: 0 & 2100 Production Drive  
Applicant or Authorized Agent: Joanna Helms  
Firm: Town of Apex

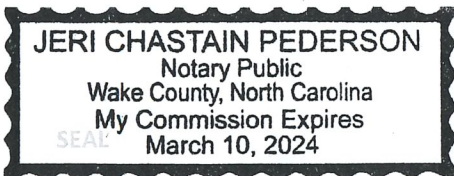
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on March 29, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may 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.

3/29/2021  
Date

Sarah Van Every for Dame Klin  
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 29 day of March, 2021.



Jeri Chastain Pederson  
Notary Public

My Commission Expires: 03 / 10 / 2024



**TOWN OF APEX**  
POST OFFICE BOX 230  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #21CZ08  
Cash Corporate Center Amendment**

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

**Applicant:** Joanna Helms, Town of Apex  
**Authorized Agent:** Fred Gray Cash, III  
**Property Addresses:** 0 & 2100 Production Drive  
**Acres:** ±121.30 acres  
**Property Identification Numbers (PINs):** 0751136687 & 075124422  
**2045 Land Use Map Designation:** Industrial Employment  
**Existing Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ #18CZ19)  
**Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

*Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.*

**Town Council Public Hearing Date and Time:** April 27, 2021 6:00 PM  
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide comments no sooner than Friday, April 9, 2021 at noon but no later than noon on Monday, April 26, 2021 by email ([public\\_hearing@apexnc.org](mailto:public_hearing@apexnc.org), 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

**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 submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.rslcghnc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/34744>.

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

Published Dates: April 5-27, 2021





## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ08 Cash Corporate Center Amendment

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

**Applicant:** Joanna Helms, Town of Apex  
**Authorized Agent:** Fred Gray Cash, III  
**Property Addresses:** 0 & 2100 Production Drive  
**Acreage:** ±121.30 acres  
**Property Identification Numbers (PINs):** 0751136687 & 075124422  
**2045 Land Use Map Designation:** Industrial Employment  
**Existing Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ #18CZ19)  
**Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.**

**Town Council Public Hearing Date and Time: April 27, 2021 6:00 PM**

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

If you are unable to attend, you may provide comments no sooner than Friday, April 9, 2021 at noon but no later than noon on Monday, April 26, 2021 by email ([public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

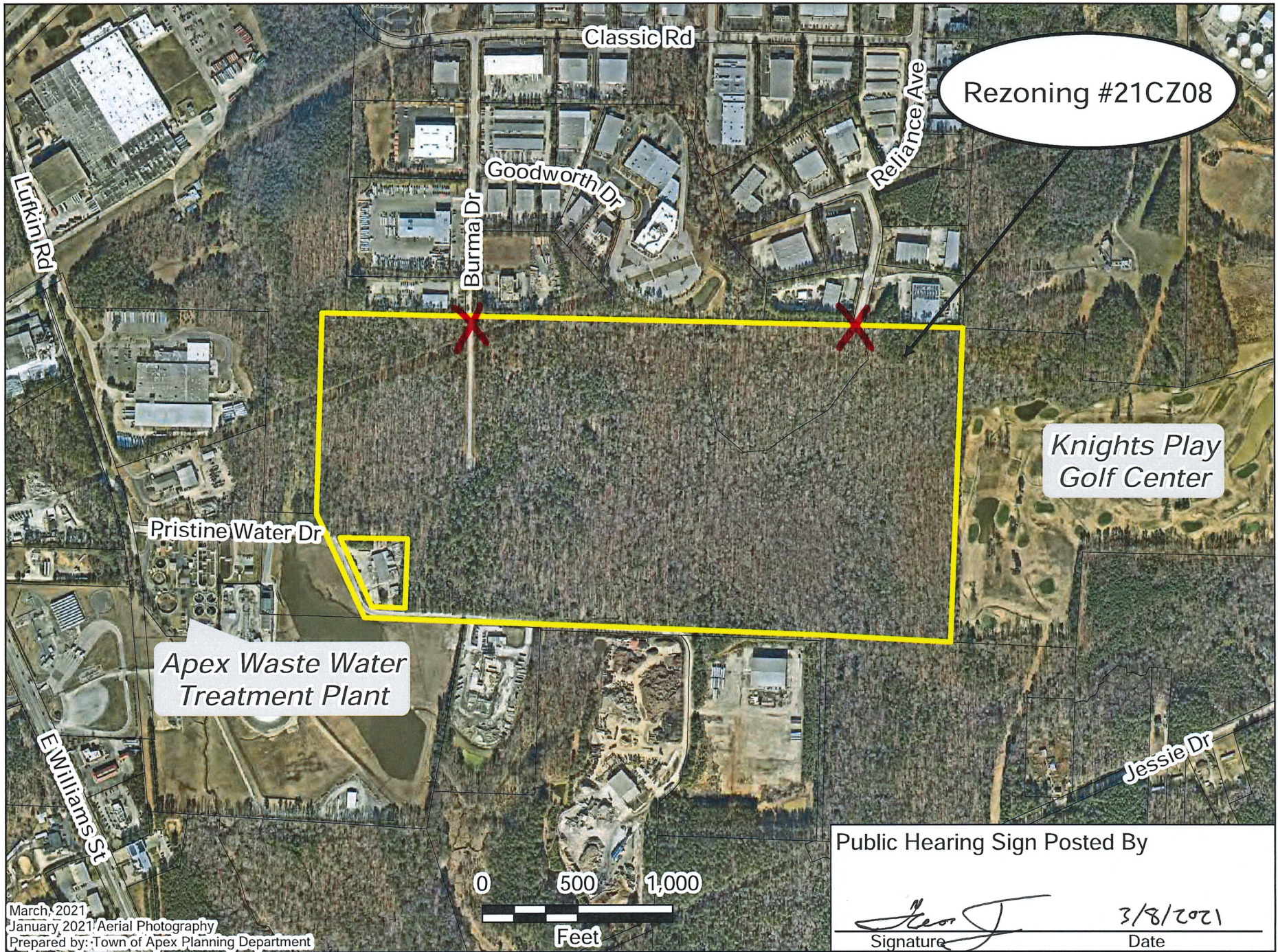
**Vicinity Map:**



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/34744>.

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





Rezoning #21CZ08

Knights Play  
Golf Center

Apex Waste Water  
Treatment Plant

Public Hearing Sign Posted By

*Sean J*  
Signature

3/8/2021  
Date

0 500 1,000  
Feet

March, 2021  
January 2021 Aerial Photography  
Prepared by: Town of Apex Planning Department





**TOWN OF APEX**

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

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

Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ08  
Cash Corporate Center Amendment  
Project Location: 0 & 2100 Production Drive  
Applicant or Authorized Agent: Joanna Helms  
Firm: Town of Apex

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on April 5, 2021, 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.

4-5-2021  
Date

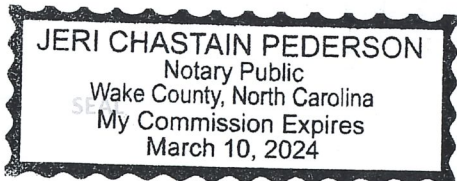
Lauren Staudenmaier for Dianne Khin  
Director of Planning and Community Development

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 5 day of April, 2021.

Jeri Chastain Pederson  
Notary Public



My Commission Expires: 03 / 10 / 2024





**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-460-9426

**REVISED PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #21CZ08  
Cash Corporate Center Amendment

Pursuant to the provisions of North Carolina General Statutes §160C-402 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** Joanna Helms, Town of Apex  
**Authorized Agent:** Fred Gray Cash, III  
**Property Address:** 0-0-2100 Production Drive, 0 Pristine Water Drive, 0 & 1201 Burma Drive  
**Acreage:** 122.30 Acres  
**Property Identification Numbers (PINs):** 0261186687, 0751244221, 0751138504, 0751143089, portion of former PIN 0751136687  
**2045 Land Use Map Designation:** Industrial Employment  
**Existing Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ #18CZ19)  
**Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
79 Hunter Street, Apex, North Carolina

**Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.**

**Town Council Public Hearing Date and Time:** April 27, 2021, 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/watch?v=7fapagwv>

If you are unable to attend, you may provide comments no sooner than Friday, April 9, 2021 at noon but no later than noon on Monday, April 26, 2021 by email ([public\\_hearing@apexnc.org](mailto:public_hearing@apexnc.org), 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/21820>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

**Vicinity Map:**



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.apexnc.gov/emap>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/6218](http://www.apexnc.org/DocumentCenter/View/6218). You may call 919-249-9426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <http://www.apexnc.org/DocumentCenter/View/734746>

Dianne F. Kish, ACP  
Director of Planning and Community Development

Published Dates: April 27, 2021

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## TOWN OF APEX

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

## REVISED PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ08 Cash Corporate Center Amendment

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

**Applicant:** Joanna Helms, Town of Apex

**Authorized Agent:** Fred Gray Cash, III

**Property Addresses:** 0 & 2100 Production Drive, **1201 Burma Drive**

**Acreage:** ±121.30 acres

**Property Identification Numbers (PINs):** 0751136687 & 0751244221, **0751138504, 0751143089**

**2045 Land Use Map Designation:** Industrial Employment

**Existing Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ #18CZ19)

**Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.**

**Town Council Public Hearing Date and Time:** **April 27, 2021 6:00 PM**

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

If you are unable to attend, you may provide comments no sooner than Friday, April 9, 2021 at noon but no later than noon on Monday, April 26, 2021 by email ([public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

### 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 submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/34744>.

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