

## STAFF REPORT

Rezoning #22CZ04 804 & 808 Wimberly Road  
804 & 808 Wimberly Road

May 10, 2022 Town Council Meeting



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

### **BACKGROUND INFORMATION:**

**Location:** 804 & 808 Wimberly Road

**Applicant/Owners:** Zak Shipman, PE, Shipman Engineering, PLLC. /Abel & Jessica Figueroa

### **PROJECT DESCRIPTION:**

**Acreage:** ±5.84 acres

**PINs:** 0723230271 & 0723232326

**Current Zoning:** Wake County Residential-80W (R-80W)

**Proposed Zoning:** Rural Residential-Conditional Zoning (RR-CZ)

**Current 2045 Land Use Map:** Rural Density Residential

**Town Limits:** Outside ETJ (annexation is required at time of rezoning)

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

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Wake County Residential-80W (R-80W)	Single-family Residential
<b>South:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ23)	Single-family Residential (Castleberry Estates Subdivision)
<b>East:</b>	Wake County Residential-80W (R-80W); Planned Unit Development Conditional Zoning (PUD-CZ #15CZ26)	Single-family Residential Wimberly Road
<b>West:</b>	Wake County Residential-80W (R-80W)	Vacant

### **Existing Conditions:**

The subject properties total ±5.84 acres and are located on the west side of Wimberly Road and north of the Castleberry Estates subdivision. There are residential structures located on both properties.

### **Neighborhood Meeting:**

The applicant conducted a neighborhood meeting on January 10, 2022. The neighborhood meeting report is attached.

### **WCPSS Coordination:**

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that school at elementary and middle grade level within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at middle grade levels.

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### **2045 LAND USE MAP:**

The 2045 Land Use Map identifies the subject property as Rural Density Residential. The proposed rezoning to Rural Residential-Conditional Zoning (RR-CZ) is not consistent with that land use classification. If the properties are rezoned as proposed, the 2045 LUM will automatically be amended to Low Density Residential per NCGS 160D-605(a).

### **PROPOSED ZONING CONDITIONS:**

#### **Limitation of Uses:**

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

#### **Permitted Uses and Limitations:**

1. Single-family (P)
2. Accessory apartment (P)

#### **Conditions:**

1. A maximum of 0.75 dwelling units per acre are permitted.
2. A minimum front setback of 65 feet from the current Wimberly Road right-of-way for all residences.
3. Outdoor lighting shall be full cut-off and shielded to prevent glare and light spillover to minimize the impact on neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3,000k.
4. The project shall install light timers, motion sensors, or other smart technology for all exterior lighting for the residences.
5. All single family detached homes shall be pre-configured with conduit for a solar energy system.
6. An additional 25 feet of riparian buffer shall be observed on the existing stream on the rear of the lot if it is intermittent, or 50 feet of buffer if it is ephemeral.
7. Vinyl siding is not permitted; however vinyl windows, decorative elements, and trim are permitted.
8. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
9. Eaves shall project at least 12 inches from the wall of the structure.
10. Garage doors shall have windows or decorative details on them.
11. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
12. House entrances for units with front-facing single car garages shall have a prominent covered porch/stoop area leading to the front door.
13. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
14. Front porches shall be a minimum of 6 feet deep.
15. The number of private driveways accessing Wimberly Road shall not be increased from the existing two (2) driveways.
16. The visible side of a home on a corner lot facing the public street shall contain at least three

# STAFF REPORT

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May 10, 2022 Town Council Meeting



decorative elements such as, but not limited to:

- a. Windows
- b. Bay Window
- c. Recessed Window
- d. Trim around the windows
- e. Two or more building materials
- f. Decorative Brick/Stone
- g. Decorative Trim
- h. Decorative Shake
- i. Decorative air vents on gable
- j. Decorative gable
- k. Column
- l. Portico
- m. Dormer

### EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on January 20, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
An additional 25-feet of riparian buffer shall be observed on the existing stream on the rear of the lot if it is intermittent or 50-feet of buffer if it is ephemeral.	Added
Exterior lighting color temperature of 3000k or less	Added
All exterior lighting includes timers or light sensors	Added
Include solar conduit in a new building design	Added

### PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on April 11, 2022 and unanimously recommended approval with conditions as proposed by the applicant.

### PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ04 with the conditions as offered 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:

The 2045 Land Use Map designates the subject properties as Rural Density Residential. If the properties are rezoned as proposed, the 2045 LUM will automatically be amended to Low Density Residential per NCGS 160D-605(a). The current density of the properties to be rezoned is greater than the one (1) unit per five (5) acres supported by the current LUM classification. Furthermore, the density of the Castleberry Estates subdivision to the south is one (1) unit per acre as it was rezoned before the density supported by the Rural Density Residential land use classification was reduced with the adoption of Advance Apex. The proposed rezoning is reasonable as the applicant has proposed a density of 0.75 units per acre which is lower than the subdivision to the south.

The proposed rezoning is reasonable and in the public interest because it will permit single-family residential development consistent and compatible with the surrounding area. In addition, the proposed rezoning will allow the properties to connect to Town water and sewer services.

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May 10, 2022 Town Council Meeting



### CONDITIONAL ZONING STANDARDS:

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

#### Legislative Considerations

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

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



**Rezoning #22CZ04**

Weddington

Cloverdale Rd

Wimberly Rd

Castleberry Rd

Hawker St

Wimberly Trace



## PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 22 CZ04 Submittal Date: 2/1/22  
Fee Paid: \_\_\_\_\_

### Project Information

Project Name: 804 & 808 Wimberly Road Rezoning

Address(es): 804 & 808 Wimberly Road

PIN(s): 0723230271 & 0723232326

Acreage: 5.84

Current Zoning: R-80W (Wake Co.) Proposed Zoning: RR-CZ

Current 2045 LUM Classification(s): Rural Density Residential

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes  No

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

Area classified as mixed use: Acreage: \_\_\_\_\_

Area proposed as non-residential development: Acreage: \_\_\_\_\_

Percent of mixed use area proposed as non-residential: Percent: \_\_\_\_\_

### Applicant Information

Name: Abel and Jessica Figueroa

Address: 808 Wimberly Road

City: Apex State: NC Zip: 27523

Phone: (919) 960-3791 E-mail: abel@artisanqualityroofing.com

### Owner Information

Name: Abel and Jessica Figueroa

Address: 808 Wimberly Road

City: Apex State: NC Zip: 27523

Phone: (919) 960-3791 E-mail: abel@artisanqualityroofing.com

### Agent Information

Name: Zak Shipman, PE-Shipman Engineering, PLLC

Address: 137 Middlegreen Place

City: Holly Springs State: NC Zip: 27540

Phone: (919) 900-0006 E-mail: zak@shipmanengineering.com

Other contacts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PETITION INFORMATION**

Application #: 22CZ04 Submittal Date: 2/1/22

An application has been duly filed requesting that the property described in this application be rezoned from R-80W (Wake Co.) to RR-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

**PROPOSED USES:**

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

1	Single Family	21	
2	Accessory apartment	22	
3		23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
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16		36	
17		37	
18		38	
19		39	
20		40	

**PETITION INFORMATION**

Application #: 22CZ04 Submittal Date: 2/1/22

**PROPOSED CONDITIONS:**

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

Please see the attached proposed conditions sheet.

**LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING**

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

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

The 2045 LUM shows this as Rural Density Residential, or 1 DU per 5 acres or 0.20 DU/Acre density. Our proposal to zone this as Rural Residential and cap the development at a maximum of 4 dwelling units, with a proposed density of 0.68 un/acre max density.

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 existing land area around this property is more rural in nature, however significant development is ongoing in the areas surrounding the property. The Point at Lake Castleberry, Castleberry Trails, and Lake Castleberry developments are located to the north and feature single family development at much higher densities. Our proposed density of 0.68 units per acre is much more in line with the 2045 LUM and the surrounding character of residences on Wimberly.



## PETITION INFORMATION

Application #: 22CZ04 Submittal Date: 2/1/22

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

The proposed development and recombination is for single family detached residences and complies with all the applicable Supplemental Standards noted in Section 4.4.

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

The project does not create any adverse impact on adjacent lands for the following reasons. We are proposing a recombination of the site to move lot lines around without adding additional lots. The result will be that the second lot, which is currently vacant, will be adjusted such that a residence can be built with greater setbacks to adjacent properties and more opportunity to preserve existing features, vegetation, etc.

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 proposed zoning district allows for construction of single family residential units while protecting environmental resources. No stream, riparian buffer, or wetland impacts are proposed, and the second residence will be constructed in such a way to preserve a significant portion of the existing vegetation on the site.

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 proposed zoning district creates minimal impact on public facilities and services. Two new single family residences will be connected to the public water and gravity sewer infrastructure. There are currently two existing lots on record here, and we are not proposing any new lots at this time. Therefore we believe impact to parks, schools, and emergency services are negligible.

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

The proposed zoning district does not create adverse effects on the health, safety, and welfare of the residents of the Town. There are currently two lots recorded in this area, and our intent is to retain two lots and connect to Town services in a manner consistent with existing development in this area.

**PETITION INFORMATION**

Application #: 22CZ04 Submittal Date: 2/1/22

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

We do not believe the proposed zoning district is detrimental to adjacent properties. Development as an RR-CZ district allows for orderly construction of the second residence while maintaining significant existing vegetation, buffers, setbacks, and other screening from adjacent property using the existing tree cover.

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 proposed zoning district does not create a nuisance due to noise or other impacts. Since there are two lots on record and we are not creating any additional lots, traffic and noise levels should remain consistent with current levels associated to the property.

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.

We believe that the intent and standards of the Ordinance are met by using the RR-CZ zoning district in this location. Development of the lots meets the applicable provisions of the ordinance for layout, Town services, environmental considerations, etc.

## 804 & 808 Wimberly Road Rezoning Petition-Proposed Conditions

1. A maximum of 0.75 dwelling units per acre are permitted.
2. A minimum front setback of 65 feet from the current Wimberly Road right-of-way for all residences.
3. Outdoor lighting shall be full cut-off and shielded to prevent glare and light spillover to minimize the impact on neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3,000k.
4. The project shall install light timers, motion sensors, or other smart technology for all exterior lighting for the residences.
5. All single family detached homes shall be pre-configured with conduit for a solar energy system.
6. An additional 25 feet of riparian buffer shall be observed on the existing stream on the rear of the lot if it is intermittent, or 50 feet of buffer if it is ephemeral.
7. Vinyl siding is not permitted; however vinyl windows, decorative elements, and trim are permitted.
8. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
9. Eaves shall project at least 12 inches from the wall of the structure.
10. Garage doors shall have windows or decorative details on them.
11. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
12. House entrances for units with front-facing single car garages shall have a prominent covered porch/stoop area leading to the front door.
13. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
14. Front porches shall be a minimum of 6 feet deep.
15. The number of private driveways accessing Wimberly Road shall not be increased from the existing two (2) driveways.
16. The visible side of a home on a corner lot facing the public street shall contain at least three decorative elements such as, but not limited to:
  - a. Windows
  - b. Bay Window
  - c. Recessed Window
  - d. Trim around the windows
  - e. Two or more building materials
  - f. Decorative Brick/Stone
  - g. Decorative Trim
  - h. Decorative Shake
  - i. Decorative air vents on gable
  - j. Decorative gable
  - k. Column
  - l. Portico
  - m. Dormer

**AGENT AUTHORIZATION FORM**

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

Abel and Jessica Figueroa 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: 804 & 808 Wimberly Road

The agent for this project is: Shipman Engineering, PLLC

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

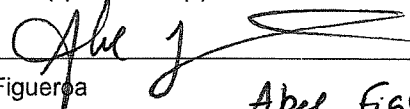
Agent Name: Zak Shipman, PE

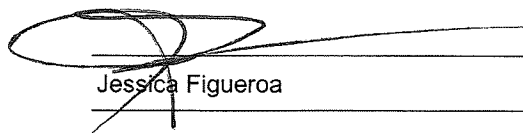
Address: 137 Middlegreen Place, Holly Springs, NC 27540

Telephone Number: (919) 900-0006

E-Mail Address: zak@shipmanengineering.com

Signature(s) of Owner(s)\*

  
\_\_\_\_\_  
Abel Figueroa      Abel Figueroa      1/4/22  
Type or print name      Date

  
\_\_\_\_\_  
Jessica Figueroa      \_\_\_\_\_      1/4/22  
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**

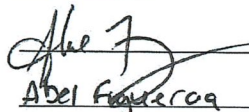
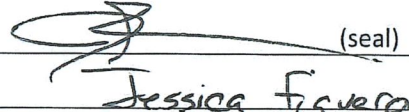
Application #: 22CZ04

Submittal Date: 2/1/22

The undersigned, Abel and Jessica Figueroa (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

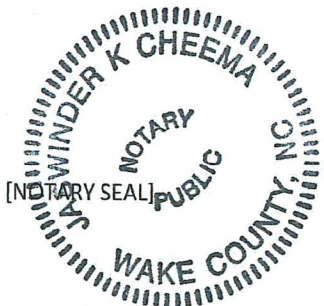
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 804 & 808 Wimberly Road, Apex, NC 27523 and legally described in **Exhibit "A"** attached hereto and incorporated herein (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 September 2, 2015, and recorded in the Wake County Register of Deeds Office on September 17, 2015, in Book 016154 Page 00548-00550.
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 September 2, 2015, 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 September 2, 2015, 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 4 day of Jan, 20 22.


 (seal)  
Abel Figueroa Jessica Figueroa  
 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 Abel Figueroa, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Jessica Figueroa, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Jyandher K Cheema  
 Notary Public  
 State of North Carolina  
 My Commission Expires: Nov, 9-2026

## AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ04

Submittal Date: 2/1/22

Insert legal description below.

A portion of that certain parcel of land, situated in White Oak Township, Wake County, State of North Carolina, Recorded in Deed Book 16154 Page 548 in the Wake County Registry, and more particularly described as follows:

### Lot #1

Beginning at a point in the southeastern corner of the lot situated at 808 Wimberly Road, Apex, North Carolina, said point being an Iron Pipe Found at the Right of Way of Wimberly Road, and being the Point and Place of **BEGINNING**. Thence from said point N 88°36'02" W 653.72 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 50°05'13" W 14.38 feet to a Computed Point, thence from said point N 19°58'44" W 41.06 feet to a Computed Point, thence from said point N 09°04'28" W 41.51 feet to a Computed Point, thence from said point N 31°25'34" W 38.28 feet to a Computed Point, thence from said point N 15°13'02" W 37.28 feet to a Computed Point, thence from said point N 41°43'58" W 23.91 feet to a Computed Point, thence from said point N 00°40'17" W 46.42 feet to a Computed Point, thence from said point N 03°19'31"W 36.43 feet to a Computed Point, thence from said point N 05°18'36"E 48.53 feet to a Computed Point, thence from said point N 13°30'07"W 21.02 feet to a Computed Point, thence from said point N 21°46'00"E 31.17 feet to a Computed Point, thence from said point S 71°16'22"E 11.45 feet to a Computed Point, thence from said point N 15°56'21"E 10.81 feet to a Computed Point, thence from said point N 83°01'58"E 180.69 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 40°20'30"E 312.47 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 84°24'39"E 154.87 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 69°24'36"E 99.34 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 20°35'24"E 226.73 feet to an Iron Pipe Found and being the Point and Place of **BEGINNING** containing 174,327 square feet and 4.00 acres.

### Lot #2

Beginning at a point in the northeastern corner of the lot situated at 804 Wimberly Road, Apex, North Carolina, said point being an Iron Pipe Found at the Right of Way of Wimberly Road, and being the Point and Place of **BEGINNING**. Thence from said point S 25°21'11" E 77.64 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 20°35'24" E 172.44 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 69°24'36" W 99.34 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 84°24'39" W 154.87 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 40°20'30" W 312.47 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 83°01'58" E 358.16 feet to an Iron Pipe Found and being the Point and Place of **BEGINNING** containing 80,240 square feet and 1.84 acres.



## Wake County Residential Development Notification

Developer Company Information	
<b>Company Name</b>	Abel and Jessica Figueroa
<b>Company Phone Number</b>	(919) 960-3791
<b>Developer Representative Name</b>	Zak Shipman, PE-Shipman Engineering, PLLC
<b>Developer Representative Phone Number</b>	(919) 900-0006
<b>Developer Representative Email</b>	zak@shipmanengineering.com

New Residential Subdivision Information	
<b>Date of Application for Subdivision</b>	12/16/21
<b>City, Town or Wake County Jurisdiction</b>	Apex
<b>Name of Subdivision</b>	804 & 808 Wimberly Road
<b>Address of Subdivision (if unknown enter nearest cross streets)</b>	808 Wimberly Road
<b>REID(s)</b>	0182266 & 0440404
<b>PIN(s)</b>	0723232326 & 0723230271

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

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

Please send any questions about this form to: [studentassignment-gis-group@wcpss.net](mailto:studentassignment-gis-group@wcpss.net)

Projected Dates Information	
<b>Subdivision Completion Date</b>	Fall, 2022
<b>Subdivision Projected First Occupancy Date</b>	Fall, 2022

Lot by Lot Development Information																
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range			Price Range			Anticipated Completion Units & Dates		
								Min	Max	High	Low	High	Year	# Units	Year	# Units
Single Family							2	6000	7000	\$1.2M	\$1.5M	2022	2			
Townhomes																
Condos																
Apartments																
Other	20CZ04	22CZ04	2/1/22	2/1/22	2/1/22											

SITE ADDRESS

PIN NUMBER

OWNER

MAILING ADDRESS

728 WIMBERLY RD  
 815 WIMBERLY RD  
 804 WIMBERLY RD  
 717 WIMBERLY RD  
 905 WIMBERLY RD  
 8525 CASTLEBERRY RD  
 704 WIMBERLY RD  
 8639 CASTLEBERRY RD  
 805 WIMBERLY RD  
 852 CASTLEBERRY RD  
 728 WIMBERLY RD  
 0 WIMBERLY RD  
 0 GREEN LEVEL WEST RD

DEMASTRO, ROBERT  
 DOMAS, LEE TRUSTEE  
 FIGUEROA, ABEL L FIGUEROA, JESSICA  
 GUADAGNO, MICHAEL G TRUSTEE  
 HOFFMAN, BRADFORD CLIFF  
 JOHNSON, WILLIAM R III  
 LAMBERT, MATTHEW EDWARD  
 MARCO, SYLVIA S  
 MONACO, MICHAEL A  
 MURPHY, DONALD G  
 THALHAUER, CRAIG A  
 THALHAUER, DEBRA MARTIN  
 TOIL SOUTHHEAST LP COMPANY INC  
 WEDDINGTON OWNERS ASSOCIATION INC  
 APEX TOWN OF  
 Current Tenant  
 Current Tenant  
 Current Tenant

728 WIMBERLY CL  
 2601 PICKETT RD APT 3047  
 804 WIMBERLY RD  
 717 WIMBERLY RD  
 204 ECHO CREEK PL  
 3511 NC 55 HWY  
 704 WIMBERLY RD  
 8637 CASTLEBERRY RD  
 805 WIMBERLY RD  
 8525 CASTLEBERRY RD  
 728 WIMBERLY RD  
 250 GIBBALTAR RD  
 11010 RAVEN RIDGE RD  
 PO BOX 250  
 8625 Castleberry RD  
 8639 Castleberry RD  
 809 WIMBERLY RD  
 815 WIMBERLY RD

APEX NC 27523-4764  
 DURHAM NC 27705-6608  
 APEX NC 27523-4765  
 APEX NC 27523-4677  
 APEX NC 27523-4182  
 CARY NC 27519-4371  
 APEX NC 27523-4764  
 APEX NC 27523-4695  
 APEX NC 27523-4678  
 APEX NC 27523-4677  
 HORSHAM PA 19044-2233  
 RALEIGH NC 27614-4837  
 APEX NC 27502-0250  
 APEX NC 27523  
 APEX NC 27523  
 APEX NC 27523



# 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.

12/16/21

Date

Dear Neighbor:

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

804 Wimberly Road

0723232326

808 Wimberly Road

0723230271

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. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. 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 <http://www.apexnc.org/180/Planning-Community-Development>.

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)):

We are proposing annexation and rezoning of the two lots into the Town of Apex Corporate limits for the purpose of submitting a recombination plat to adjust lot lines. Additionally we are proposing to extend Town sewer service to provide service for the two lots. A total of 2 residential units are proposed.

Estimated submittal date: February, 2022

## MEETING INFORMATION:

Property Owner(s) name(s):

Abel and Jessica Figueroa

Applicant(s):

Zak Shipman, PE-Shipman Engineering, PLLC

Contact information (email/phone):

zak@shipmanengineering.com / (919) 900-0006

Meeting Address:

Virtual

Date/Time of meeting\*\*:

January 10, 2021, 5:00 pm to 7:00 pm

## MEETING AGENDA TIMES:

Welcome: 5:00 pm

Project Presentation: 5:15 pm

Question & Answer: 5:30 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 and Community Development 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-Community-Development>.

# 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: 804 & 808 Wimberly Road Rezoning Zoning: RR-CZ

Location: 808 & 804 Wimberly Road

Property PIN(s): 0723232326 & 0723230271 Acreage/Square Feet: 5.84

Property Owner: Abel and Jessica Figueroa

Address: 808 Wimberly Road

City: Apex State: NC Zip: 27523

Phone: (919) 960-3791 Email: abel@artisanqualityroofing.com

Developer: Abel and Jessica Figueroa

Address: 808 Wimberly Road

City: Apex State: NC Zip: 27523

Phone: (919) 960-3791 Fax: \_\_\_\_\_ Email: abel@artisanqualityroofing.com

Engineer: Shipman Engineering, PLLC- Zak Shipman, PE

Address: 137 Middlegreen Place

City: Holly Springs State: NC Zip: 27540

Phone: (919) 900-0006 Fax: \_\_\_\_\_ Email: zak@shipmanengineering.com

Builder (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

## Town of Apex Department Contacts

Planning and Community Development 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 and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

# 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: Virtual  
 Date of meeting: Jan. 10, 2021 Time of meeting: 5:00 pm-7:00 pm  
 Property Owner(s) name(s): Abel and Jessica Figueroa  
 Applicant(s): Zak Shipman, PE-Shipman Engineering, PLLC

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. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Zak Shipman-Shipman Engineering	137 Middlegreen Place, Holly Springs, NC 27540			
2.	Scott & Martha Sutton	8621 Castleberry Road, Apex, NC 27523			x
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): Abel and Jessica Figueroa

Applicant(s): Zak Shipman, PE-Shipman Engineering, PLLC

Contact information (email/phone): zak@shipmanengineering.com / (919) 900-0006

Meeting Address: Virtual

Date of meeting: Jan. 10, 2021 Time of meeting: 5:00 pm-7:00 pm

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received 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:**

From Scott Sutton-will location of sewer block him from extending Town sewer to his property in the future

**Applicant's Response:**

No, it would not. Gravity sewer can be extended up the existing stream to the Sutton property and connect into the manhole at Castleberry Estates. We would be willing to connect the applicant with Sutton to discuss. Mr. Sutton was not ready to do anything with sewer currently.

**Question/Concern #2:**

From Mr. Sutton: Do we know where house on Lot 2 would go?

**Applicant's Response:**

We are not entirely sure at the moment, but we suspect the house on Lot 2 would have a similar front setback as the existing house so they sit roughly at the same depth from Wimberly.

**Question/Concern #3:**

\_\_\_\_\_

**Applicant's Response:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Question/Concern #4:**

\_\_\_\_\_

**Applicant's Response:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# 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, Abel Figueroa, do hereby declare as follows:  
Print Name

1. I have conducted a 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 Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at VIRTUAL ZOOM (location/address) on Jan 10, 2022 (date) from 5:00 pm (start time) to 7:00 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.

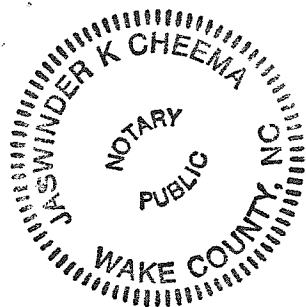
1/4/22  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Abel Figueroa, a Notary Public for the above State and County, on this the 4 day of Jan, 2022.

SEAL



Jaswinder K Cheema  
Notary Public  
Jaswinder K Cheema  
Print Name

My Commission Expires: Nov 9, 2026

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ04 804 & 808 Wimberly Road

Planning Board Meeting Date: April 11, 2022



## 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:** ±5.84 acres

**PIN(s):** 0723230271 & 0723232326

**Current Zoning:** Wake County Residential-80W (R-80W)

**Proposed Zoning:** Rural Residential-Conditional Zoning (RR-CZ)

**Current 2045 Land Use Map:** Rural Density Residential

**If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Low Density Residential

**Town Limits:** Outside ETJ (annexation is required at time of rezoning)

## 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: \_\_\_\_\_

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

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# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ04 804 & 808 Wimberly Road

Planning Board Meeting Date: April 11, 2022



## 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: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ04 804 & 808 Wimberly Road

Planning Board Meeting Date: April 11, 2022



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: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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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: 22CZ04 804 & 808 Wimberly Road

Planning Board Meeting Date: April 11, 2022



Planning Board Recommendation:

Motion: To recommend approval with conditions as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Keith Braswell

- 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.

- 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 11th day of April 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin  
Date: 2022.04.11 20:11:12  
-04'00'

Dianne Khin, Director of Planning and  
Community Development



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ04 804 & 808 Wimberly Road

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:

- Owner/Applicant:** Abel & Jessica Figueroa
- Authorized Agent:** Zak Shipman, P.E., Shipman Engineering, PLLC
- Property Addresses:** 804 & 808 Wimberly Road
- Acreage:** ±5.84 acres
- Property Identification Numbers (PINs):** 0723230271 & 0723232326
- 2045 Land Use Map Designation:** Rural Density Residential
- Existing Zoning of Properties:** Wake County Residential-80W (R-80W)
- Proposed Zoning of Properties:** Rural Residential-Conditional Zoning (RR-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 11, 2022 4:30 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>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town’s YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

**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, tenants, and neighborhood associations 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/38186/22CZ04>.

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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #22CZ04  
804 & 808 Wimberly Road

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:

**Owner/Applicant:** Abel & Jessica Figueroa  
**Authorized Agent:** Zak Shipman, P.E., Shipman Engineering, PLLC  
**Property Addresses:** 804 & 808 Wimberly Road  
**Acreage:** ±5.84 acres  
**Property Identification Numbers (PINs):** 0723230271 & 0723232326  
**2045 Land Use Map Designation:** Rural Density Residential  
**Existing Zoning of Properties:** Wake County Residential-80W (R-80W)  
**Proposed Zoning of Properties:** Rural Residential-Conditional Zoning (RR-CZ)

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

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**Vicinity Map:**



Property owners, tenants, and neighborhood associations 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.planning.apexnc.org>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/3171](http://www.apexnc.org/DocumentCenter/View/3171). 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/38806/22CZ04>.

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

Published Dates: March 25 - April 11, 2022



TOWN OF APEX  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04  
804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Abel & Jessica Figueroa  
**Agente autorizado:** Zak Shipman, P.E., Shipman Engineering, PLLC  
**Dirección de la propiedades:** 804 & 808 Wimberly Road  
**Superficie:** ±5.84 acres  
**Números de identificación de la propiedades:** 0723230271 & 0723232326



## TOWN OF APEX

PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04  
804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Abel & Jessica Figueroa

**Agente autorizado:** Zak Shipman, P.E., Shipman Engineering, PLLC

**Dirección de la propiedades:** 804 & 808 Wimberly Road

**Superficie:** ±5.84 acres

**Números de identificación de la propiedades:** 0723230271 & 0723232326

**Designación actual en el Mapa de Uso Territorial para 2045:** Rural Density Residential

**Ordenamiento territorial existente de la propiedades:** Wake County Residential-80W (R-80W)

**Ordenamiento territorial propuesto para la propiedades:** Rural Residential-Conditional Zoning (RR-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

### **Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de abril de 2022 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

**De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.**

### **Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de marzo- 11 de abril de 2022



Property owners, tenants, and neighborhood associations 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/maps>. The 2045 Land Use Map may be viewed online at <http://www.apexnc.org/DocumentCenter/View/479>. 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/38186/22CZ04>

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

Published Dates: March 25 – April 11, 2022



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04  
804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Abel & Jessica Figueroa  
**Agente autorizado:** Zak Shipman, P.E., Shipman Engineering, PLLC  
**Dirección de la propiedades:** 804 & 808 Wimberly Road  
**Superficie:** ±5.84 acres  
**Números de identificación de la propiedades:** 0723230271 & 0723232326  
**Designación actual en el Mapa de Uso Territorial para 2045:** Rural Density Residential  
**Ordenamiento territorial existente de la propiedades:** Wake County Residential-BOW (R-BOW)  
**Ordenamiento territorial propuesto para la propiedades:** Rural Residential-Conditional Zoning (RR-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación:** 11 de abril de 2022 4:30 P.M.  
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/watch?v=7nwwfapexapv>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/watch?v=7nwwfapexapv>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <http://www.apexnc.org/DocumentCenter/View/479>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de marzo– 11 de abril de 2022



**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 #22CZ04  
804 & 808 Wimberly Road  
Project Location: 804 & 808 Wimberly Road  
Applicant or Authorized Agent: Zak Shipman, P.E.  
Firm: Shipman Engineering, PLLC.

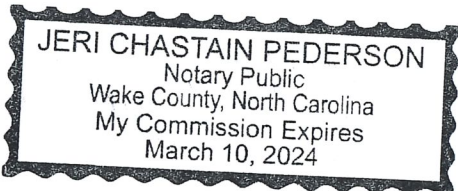
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on March 25, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

3/28/2022  
Date

*Maianne Fkhun*  
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 28 day of March, 2022.



SEAL

*Jeri Chastain Pederson*  
Notary Public

My Commission Expires: 3 / 10 / 2024



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ04 804 & 808 Wimberly Road

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:

**Owner/Applicant:** Abel & Jessica Figueroa

**Authorized Agent:** Zak Shipman, P.E., Shipman Engineering, PLLC

**Property Addresses:** 804 & 808 Wimberly Road

**Acreage:** ±5.84 acres

**Property Identification Numbers (PINs):** 0723230271 & 0723232326

**2045 Land Use Map Designation:** Rural Density Residential

**Existing Zoning of Properties:** Wake County Residential-80W (R-80W)

**Proposed Zoning of Properties:** Rural Residential-Conditional Zoning (RR-CZ)

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

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

### **Town Council Public Hearing Date and Time: April 26, 2022 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>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations 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/38186/22CZ04>.

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

Published Dates: April 1 - April 26, 2022



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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #22CZ04  
804 & 808 Wimberly Road**

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:

**Owner/Applicant:** Abel & Jessica Figueroa  
**Authorized Agent:** Zak Shipman, P.E., Shipman Engineering, PLLC  
**Property Addresses:** 804 & 808 Wimberly Road  
**Acreage:** ±5.84 acres  
**Property Identification Numbers (PINs):** 0723230271 & 0723232326  
**2045 Land Use Map Designation:** Rural Density Residential  
**Existing Zoning of Properties:** Wake County Residential-80W (R-80W)  
**Proposed Zoning of Properties:** Rural Residential-Conditional Zoning (RR-CZ)

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

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

**Town Council Public Hearing Date and Time: April 26, 2022 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>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

**Vicinity Map:**



Property owners, tenants, and neighborhood associations 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/imap>. 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/38186/22CZ04>.

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

Published Dates: April 1 - April 26, 2022

Navigation icons: Save, Print, Up, Down, Page 1 / 2, Zoom in, Zoom out, and a PDF icon.





## TOWN OF APEX

PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04

804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Abel & Jessica Figueroa

**Agente autorizado:** Zak Shipman, P.E., Shipman Engineering, PLLC

**Dirección de la propiedades:** 804 & 808 Wimberly Road

**Superficie:** ±5.84 acres

**Números de identificación de la propiedades:** 0723230271 & 0723232326

**Designación actual en el Mapa de Uso Territorial para 2045:** Rural Density Residential

**Ordenamiento territorial existente de la propiedades:** Wake County Residential-80W (R-80W)

**Ordenamiento territorial propuesto para la propiedades:** Rural Residential-Conditional Zoning (RR-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

***Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.***

**Fecha y hora de la audiencia pública del Consejo Municipal: 26 de abril, 2022 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 1 de abril- 26 de abril 2022



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04**  
804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Abel & Jessica Figueroa  
**Agente autorizado:** Zak Shipman, P.E., Shipman Engineering, PLLC  
**Dirección de la propiedades:** 804 & 808 Wimberly Road  
**Superficie:** ±5.84 acres  
**Números de identificación de la propiedades:** 0723230271 & 0723232326  
**Designación actual en el Mapa de Uso Territorial para 2045:** Rural Density Residential  
**Ordenamiento territorial existente de la propiedades:** Wake County Residential-80W (R-80W)  
**Ordenamiento territorial propuesto para la propiedades:** Rural Residential-Conditional Zoning (RR-CZ)  
**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

*Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.*

**Fecha y hora de la audiencia pública del Consejo Municipal: 26 de abril, 2022 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38166/22CZ04>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 1 de abril- 26 de abril 2022

Navigation icons: back, forward, search, zoom in, zoom out, refresh, and a document icon.

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**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 #22CZ04  
804 & 808 Wimberly Road  
Project Location: 804 & 808 Wimberly Road  
Applicant or Authorized Agent: Zak Shipman, P.E.  
Firm: Shipman Engineering, PLLC.

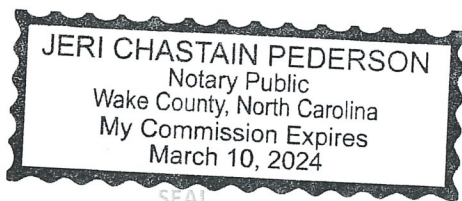
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on April 1, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

4/4/2022  
Date

Jeannie 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 4 day of April, 2022.



Jeri Chastain Pederson  
Notary Public

My Commission Expires: 3 / 10 / 2024



## TOWN OF APEX

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

**CONTINUED**

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ04 804 & 808 Wimberly Road

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:

**Owner/Applicant:** Abel & Jessica Figueroa

**Authorized Agent:** Zak Shipman, P.E., Shipman Engineering, PLLC

**Property Addresses:** 804 & 808 Wimberly Road

**Acreage:** ±5.84 acres

**Property Identification Numbers (PINs):** 0723230271 & 0723232326

**2045 Land Use Map Designation:** Rural Density Residential

**Existing Zoning of Properties:** Wake County Residential-80W (R-80W)

**Proposed Zoning of Properties:** Rural Residential-Conditional Zoning (RR-CZ)

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

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

**Town Council Public Hearing Date and Time:** ~~April 26~~ **May 10, 2022 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>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

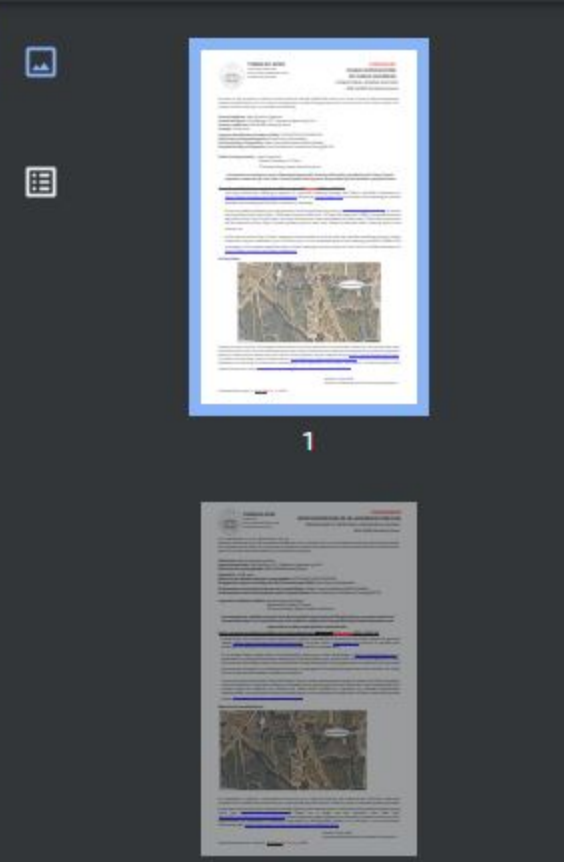
In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

### Vicinity Map:



Property owners, tenants, and neighborhood associations 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/38186/22CZ04>.

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



**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3425

**CONTINUED**  
**PUBLIC NOTIFICATION**  
**OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #22CZ04  
804 & 808 Wimberly Road

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:

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

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**Vicinity Map:**



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

Published Dates: April 1 - ~~April 26~~ May 10, 2022



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3425

**CONTINUADO**  
**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04  
804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Abel & Jessica Figueroa  
**Agente autorizado:** Zak Shipman, P.E., Shipman Engineering, PLLC  
**Dirección de la propiedades:** 804 & 808 Wimberly Road  
**Superficie:** ±5.84 acres



## TOWN OF APEX

PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

**CONTINUADO**

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

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**Superficie:** ±5.84 acres

**Números de identificación de la propiedades:** 0723230271 & 0723232326

**Designación actual en el Mapa de Uso Territorial para 2045:** Rural Density Residential

**Ordenamiento territorial existente de la propiedades:** Wake County Residential-80W (R-80W)

**Ordenamiento territorial propuesto para la propiedades:** Rural Residential-Conditional Zoning (RR-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

***Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.***

**Fecha y hora de la audiencia pública del Consejo Municipal:** ~~26 de abril~~ **10 de mayo, 2022 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 1 de abril- ~~26 de abril~~ **10 de mayo 2022**

Thumbnail 1

Thumbnail 2



Property owners, tenants, and neighborhood associations 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.calelector.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/377](http://www.apexnc.org/DocumentCenter/View/377). 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/38186/22CZ04>

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

Published Dates: April 1 - ~~April 26~~ May 10, 2022

**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

**CONTINUADO**  
**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04**  
804 & 808 Wimberly Road

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**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

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Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 1 de abril - ~~26 de abril~~ 10 de mayo 2022



Rezoning #22CZ04

Castleberry Estates



Public Hearing Sign Posted By \_\_\_\_\_  
Signature *[Signature]* Date 2/8/2022

February 2022  
November 2021 Aerial Photography  
Prepared by: Town of Apex Planning Department





**WAKE COUNTY  
PUBLIC SCHOOL SYSTEM**

**Student Assignment**

5625 Dillard Drive  
Cary, NC, 27518  
Email: studentassignment@wcpss.net

tel: (919) 431-7333  
fax: (919) 694-7753

March 7, 2022

Dianne Khin, AICP  
Director, Department of Planning and Community Development  
Town of Apex  
[Dianne.Khin@apexnc.org](mailto:Dianne.Khin@apexnc.org)

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: February 1, 2022
- Name of development: 22CZ04 804 & 808 Wimberly Rd
- Address of rezoning: 804 & 808 Wimberly Rd
- Total number of proposed residential units: 4 (2 existing)
- Type(s) of residential units proposed: Single-family detached

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
  - Elementary                       Middle                                       High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- Not applicable – existing school capacity is anticipated to be sufficient.
- School expansion or construction within the next five years is not anticipated to address concerns.
- School expansion or construction within the next five years may address concerns at these grade levels:
  - Elementary                       Middle                                       High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,  
*Glenn Carrozza*