



Rezoning #21CZ22

Our Estate

The Preserve at
White Oak Creek

Castlereagh
North

Caitlin Pond



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 #: 21CZ22

Submittal Date: 9/1/2021

Fee Paid: \$1000

Project Information

Project Name: Old Ivey Road Residential

Address(es): 1516 Old Ivey Rd, 7620 Mcqueens Dr

PIN(s): 0722-89-0666

0722-89-3526

Acreage: 8.82

Current Zoning: RR

Proposed Zoning: LD-CZ

Current 2045 LUM Classification(s): Low 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: N/A

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

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

Applicant Information

Name: Estates at White Oak LLC - attn: Ranjeet Agarwala

Address: 2500 Stonington Drive

City: Apex State: NC Zip: 27523

Phone: (361) 228-2071 E-mail: ragarwala@hotmail.com

Owner Information

Name: Daniel and Susan McMains

Address: 7825 Green Level Church Rd

City: Apex State: NC Zip: 27523

Phone: _____ E-mail: _____

Agent Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 E-mail: jroach@peakengineering.com

Other contacts: _____

dwoods@peakengineering.com

PETITION INFORMATION

Application #: 21CZ22 Submittal Date: 9/1/2021

An application has been duly filed requesting that the property described in this application be rezoned from RR to LD-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	<u>Single-family</u>	21	<u></u>
2	<u>Accessory apartment</u>	22	<u></u>
3	<u>Greenway</u>	23	<u></u>
4	<u>Recreation facility, private</u>	24	<u></u>
5	<u>Park, active</u>	25	<u></u>
6	<u>Park, passive</u>	26	<u></u>
7	<u>Utility, minor</u>	27	<u></u>
8	<u></u>	28	<u></u>
9	<u></u>	29	<u></u>
10	<u></u>	30	<u></u>
11	<u></u>	31	<u></u>
12	<u></u>	32	<u></u>
13	<u></u>	33	<u></u>
14	<u></u>	34	<u></u>
15	<u></u>	35	<u></u>
16	<u></u>	36	<u></u>
17	<u></u>	37	<u></u>
18	<u></u>	38	<u></u>
19	<u></u>	39	<u></u>
20	<u></u>	40	<u></u>

PETITION INFORMATION

Application #: 21CZ22 Submittal Date: 9/1/2021

PROPOSED CONDITIONS:

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

See attached list of zoning conditions.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed single family residential development and additional uses are in keeping with the adopted 2045 Land Use Map as well as standards associated with residential development within an LD-CZ district.

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

The proposed development will provide buffers to the adjacent residential property, including The Preserve at White Oak Creek and the existing homes along Old Ivey Road. The proposed use is compatible with the surrounding residential properties.

OLD IVEY ROAD RESIDENTIAL CONDITIONS OF ZONING

Single-Family Detached Residential:

1. The project density will not exceed 3.00 dwelling units/acre. Maximum number of units is 26 dwelling units. All lots shall be greater than 6,000 SF.
2. Setbacks shall be as follows within this development:
 - Front: Reduce from 25' minimum to 20' minimum
 - Side: Reduce from 8' minimum with a 20' aggregate to a 5' minimum
 - Rear: Reduce from 25' minimum to 15' minimum
 - Corner side: Reduce from 18' minimum to 15' minimum
3. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
4. Eaves shall project at least 12 inches from the wall of the structure.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

• Windows	• Decorative shake
• Bay window	• Decorative gable
• Recessed or Decorative window	• Decorative air vents on gable
• Trim around the window	• Decorative cornice
• Wrap around porch or side porch	• Column
• Two or more building materials	• Portico
• Decorative brick/stone	• Balcony
• Decorative trim	• Dormer
6. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of two (2) color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. Front façades and porches may encroach up to 5-feet into front setback provided the garage is located no closer than 20-feet from the right-of-way.
8. Garage may not protrude more than 5-feet from the front façade or front porch. Garage doors shall have windows, decorative details, or carriage-style adornments on them. Garage may protrude more than 5-feet with J-drives or courtyards for side entry doors.
9. All homes shall be pre-configured with conduit for a solar energy system.

**OLD IVEY ROAD RESIDENTIAL
CONDITIONS OF ZONING
(continued)**

10. Homeowners Association covenants shall not restrict construction of any accessory dwelling unit.
11. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
12. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
13. Front porches shall be a minimum of 5 feet deep.
14. The overhead Duke Energy electric easement from Jenks Road to Old Ivey Road shall be counted towards the required RCA and buffer standards as identified within various UDO sections.
15. Vining Branch Way shall remain closed to construction traffic until dedicated to the Town of Apex.
16. Prior to recordation of the first Final Plat for the property, the developer shall provide a donation to the Town of Apex's Affordable Housing Fund (the "FUND") in the amount of \$215/dwelling unit.

The following conditions are provided as a result of the Environmental Advisory Board (EAB) meeting and have been incorporated in the rezoning request for the development:

1. The Development shall meet Apex UDO standards for post-development stormwater runoff rates. In addition, the post-development runoff for the 25-year stormwater event shall be mitigated to the pre-development rate.
2. SCMs shall not be permitted within riparian buffers. Tree clearing and grading shall only be permitted within riparian buffers if it is necessary to install public infrastructure, including but not limited to water, sewer, and greenways.
3. The Development shall install at least one (1) sign identifying environmental sensitive areas and/or at least one (1) pet waste station to discourage pet waste and chemical usage near RCA and SCMs.
4. A minimum of 50% of the required landscaping outside of RCA and perimeter buffers and all supplemental landscaping within RCA and perimeter buffers shall be native species listed in the Design & Development Manual or approved by staff to increase the native diversity to reduce irrigation and chemical use. This shall not apply to turf grass.
5. Native flora shall be used within the development, a minimum of 50% of the plantings for each planting group (tree, shrubs, etc.).
6. Warm season turf grasses shall be planted where turf grass is proposed.
7. 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.
8. A minimum of three (3) native hardwood tree species shall be planted within the development.

PETITION INFORMATION

Application #: 21CZ22 Submittal Date: 9/1/2021

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

The proposed development will comply with the UDO Section 4.4 Supplemental Standards as applicable.

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

Through the installation of perimeter buffers, limited access to Old Ivey Road, architectural standards, and design standards similar to the adjacent properties, the project will minimize impacts on surrounding properties.

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

The site will minimize environmental impacts through perimeter vegetation avoidance/preservation, SCMs to reduce impact on downstream aquatic function, and utilize existing street stubs for access the property. The existing conditions on the property area not currently ideal for environmental protections.

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.

There are significant developments near the property with existing infrastructure, including water, sewer and roadway extensions, street stubs, a proposed fire station, park land acquisition on Wimberly Road, and other improvements to Town facilities.

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

The project will be annexed into the Town's corporate limits for public utilities and will have no negative impacts on surrounding property owners and the citizens of Apex and ETJ members.

PETITION INFORMATION

Application #: 21CZ22 Submittal Date: 9/1/2021

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

The proposed LD-CZ is in keeping with the residential character of the northwest portion of Apex. The design will provide residential properties similar to the adjacent subdivisions recently approved by the Town of Apex.

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 list of uses do not constitute nuisance uses or hazardous uses based upon the size of the property, the number of future homes, and the extension of the adjacent Preserve at White Oak properties.

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

The proposed development will comply with various section of the Town of Apex's Unified Development Ordinance (UDO), adopted plans, and standard specifications.

AGENT AUTHORIZATION FORM

Application #: 21CZ22Submittal Date: 9/1/2021

Daniel M. McMains and wife Susan D. McMains 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: 1516 Old Ivey Rd and 7620 McQueens Dr

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Daniel McMains
Daniel McMains
 Type or print name

8/10/21
 Date

Susan D. McMains
Susan D. McMains
 Type or print name

8/10/21
 Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: 21CZ22Submittal Date: 9/1/2021

The undersigned, Daniel M. McMains and wife, Susan D. McMains (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 1516 Old Ivey Road and 7620 McQueens Drive and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 5/30/2006, and recorded in the Wake County Register of Deeds Office on 5/30/2006, in Book 011981 Page 02282.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 5/30/2006, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 5/30/2006, 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 10 day of August, 2021.

Denise Elliott Patten (seal)

Denise Elliott Patterson

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

Daniel M. McMains + Susan D. McMains, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Daniel M. McMains + Susan D. McMains, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

Denise Elliott Patten

Notary Public

State of North Carolina

My Commission Expires:

5-26-2025

[NOTARY SEAL]

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ22

Submittal Date: 9/1/2021

Insert legal description below.

Parcel One

BEGINNING at a nail in the center line of State Road 1601, said nail being the northeast corner of R. C. Tunstall according to map herein-after referred to, and said nail also being South 60 degrees 38 minutes 25 seconds West 39.21 feet from Leslie E. Brown's property; runs thence as Tunstall's north line the following courses and distances: North 68 degrees 25 minutes 50 seconds West 300 feet to an iron pipe; North 55 degrees 17 minutes 10 seconds West 100 feet to an iron pipe; North 40 degrees 07 minutes 05 seconds West 141.48 feet to an iron pipe; North 70 degrees 06 minutes 25 seconds West 158.80 feet to an iron pipe, the southeast corner of the property of now or formerly J. E. Howard, Jr.; thence as Howard's east line North 00 degrees 02 minutes 30 seconds East 588.83 feet to an iron pipe; thence South 74 degrees 19 minutes East 193.46 feet to a point in the center of a new soil road; thence as the center line of said new soil road on a curve to the left having a radius of 985 feet an arc distance of 324.66 feet to a point; thence continuing with said road South 14 degrees 12 minutes East 102.93 feet to a point; thence continuing as the center line of said road on a curve to the left having a radius of 603 feet an arc distance of 582 feet to a point in the center line of said State Road 1601; thence as the center line of State Road 1601 South 60 degrees 38 minutes 25 seconds West 39.21 feet to the point and place of BEGINNING, and containing 3.82 acres, more or less, according to a map entitled "Plat of Land of Mrs. Evelyn J. Patrick, White Oak Township, Wake County, N.C." dated January, 1970, and prepared by Felton Lowman, Registered Engineer. See also Tracts A and B in Book of Maps 1983, Page 1293, Wake County Registry.

Parcel Two

BEGINNING at an iron pipe in the eastern line of R. C. Tunstall, said iron pipe being the southwest corner of the Evelyn J. Patrick property as shown on map recorded in Book of Maps 1969, Volume 3, Page 320; runs thence as the south line of Evelyn J. Patrick South 86 degrees 15 minutes 25 seconds East 319.23 feet to an iron pipe; thence South 00 degrees 02 minutes 30 seconds West 648.93 feet to an iron pipe in the northern property line of R. C. Tunstall; thence as Tunstall's north line the following courses and distances: North 70 degrees 06 minutes 25 seconds West 141.20 feet to an iron stake; North 89 degrees 35 minutes 25 seconds West 200 feet to an iron stake; and North 64 degrees 40 minutes 25 seconds West 56 feet to an iron pipe in R. C. Tunstall's east line; thence as Tunstall's east line North 06 degrees at 09 minutes 35 seconds East 599.80 feet to the point and place of BEGINNING, and containing five acres, more or less.

Wake County Residential Development Notification

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

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

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	Estates at White Oak, LLC
Company Phone Number	(919) 333-0701
Developer Representative Name	Ranjeet Agarwala
Developer Representative Phone Number	same
Developer Representative Email	kamalcat@gmail.com or ranjeetagarwala@hotmail.com

New Residential Subdivision Information	
Date of Application for Subdivision	September 2021
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Old Ivey Road Residential
Address of Subdivision (if unknown enter nearest cross streets)	8.82 acres
REID(s)	0046520 & 0046521
PIN(s)	0722-89-0666 & 0722-89-3526

Projected Dates Information	
Subdivision Completion Date	2023
Subdivision Projected First Occupancy Date	January 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	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	26						26	2,500	4,500	TBD	TBD	2022	7	2023	19		
Townhomes																	
Condos																	
Apartments																	
Other			9/1/2021	9/1/2021	9/1/2021												

Revised 08/10/2018



NOTICE OF NEIGHBORHOOD MEETING

August 10, 2021

Dear Neighbor,

You are invited to a neighborhood meeting on **August 26, 2021** to review and discuss the rezoning proposal at:

1516 Old Ivey Rd, Apex, NC 27523

0722-89-0666

7620 Mcqueens Dr, Apex, NC 27523

0722-89-3526

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.

Description of Proposal:

This meeting will discuss the rezoning of the above parcels from Residential Rural (RR) to Low Density Conditional Zoning (LD-CZ) to support the development of single family detached subdivision

Due to COVID-19, the neighborhood meeting will be held via Zoom, see below. If you have any questions, please email or call Jeff Roach at jroach@peakengineering.com or (919) 439-0100. You may also email Jeff for the link itself.

LINK:

<https://us02web.zoom.us/j/89848288548?pwd=YVYwV21kdnk0QmJYOUmzTlITQjkrUT09>

Estimated Submittal Date: September 1, 2021



NOTICE OF NEIGHBORHOOD MEETING

LINK:

<https://us02web.zoom.us/j/89848288548?pwd=YVYwV21kdnk0QmJYOUmzTlITQjkrUT09>

Meeting Information

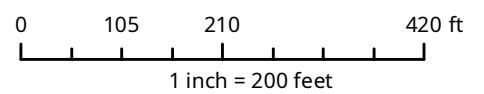
Property Owners Names:	Daniel and Susan McMains
Applicants:	Abdul Kamalpasha (Spectrum Investment Solution, LLC)
Contact Information:	Jeff Roach, jroach@peakengineering.com , 919-439-0100
Meeting Address:	Meeting being held via Zoom
Date of Meeting:	8/26/2021
Time of Meeting:	5:30

Meeting Agenda Times

Welcome:	5:30-5:40
Project Presentation:	5:40-5:55
Question & Answer:	5:55-



Old Ivey Rd



Disclaimer

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

		ANNAMALAI, SELVAKUMAR CHELLAMUTHU RAMAMOORTHY, SAI SARANYA 615 VINE POND CT APEX NC 27523-8519
	ARAVETI, VENKATA SUDEEP THALLAM, SWATHI 619 VINE POND CT APEX NC 27523-8519	BALASANI, UGENDER KAKADE, PREETI 733 VINE POND CT APEX NC 27523-8500
BANDE, NITIN PATHARE, RAJASHREE 717 VINE POND CT APEX NC 275238500	BASU, SUDEEP PALIT, MANASI 732 VINE POND CT APEX NC 27523-8500	BHADORIA, VIKAS CHAUHAN, ASHA SINGH 2540 WINDING BRANCH TRL APEX NC 27523-8504
BOBBA, SRIRAMA SATYA KRISH KODAVANTI, SWATHI 725 VINE POND CT APEX NC 27523-8500	BRASWELL, ROBERT KEITH 301 GRAND HELTON CT APEX NC 27502-4102	BRASWELL, ROBERT KEITH 1505 OLD IVEY RD APEX NC 27523-5998
BUCKINGHAM, BRAD A BUCKINGHAM, MICHELE L 7721 JENKS RD APEX NC 27523-7819	CARROLL, JUSTIN CARROLL, JESSICA 1452 OLD IVEY RD APEX NC 27523-8506	CUI, BO JIN, HAIWEN 713 VINE POND CT APEX NC 27523-8500
GREEN, NATHAN GREEN, APRIL 2568 WINDING BRANCH TRL APEX NC 27523-8504	HUSSAIN, AZMAT F HUSSAIN, MERYEM 2575 WINDING BRANCH TRL APEX NC 27523-8504	KETHIREDDY, PRAVEEN THUMMALA, MADHAVI 718 VINE POND CT APEX NC 27523-8500
KOKKULA, KIRAN YAGNI, SRIDEVI 616 VINE POND CT APEX NC 27523-8519	KONERU, PHANEENDRA KONERU, SRI LAKSHMI 709 VINE POND CT APEX NC 27523-8500	KORHALE, PADMABHUSHAN THORAT, JYOTSNA 623 VINE POND CT APEX NC 27523-8519
LANDGE, SACHIN PRASHANT LANDGE, SWATI SACHIN 608 VINE POND CT APEX NC 27523-8519	LE, ROUX ANDRE 2531 WINDING BRANCH TRL APEX NC 27523-8504	LEE, ERIC LEE, HAE YOUNG 2556 WINDING BRANCH TRL APEX NC 27523-8504
LUI, CHU KUANG LI, HSIANG 2535 WINDING BRANCH TRL APEX NC 27523-8504	LUO, MENGLIN XIONG, YAN PO BOX 319 MORRISVILLE NC 27560-0319	MAYNARD, IRA HENRY WICKETT MAYNARD, LINDA MEADE 7728 JENKS RD APEX NC 27523-7818
MCMAHON, KEVIN JOSEPH MCMAHON, TARA COLLINS 604 VINE POND CT APEX NC 27523-8519	MCMAINS, DANIEL M MCMAINS, SUSAN D 7825 GREEN LEVEL CHURCH RD APEX NC 27523-9467	MCMAINS, WORTH W MCMAINS, CAREY M 7809 JENKS RD APEX NC 27523-7820

MERAKANAPALLI, SRAVAN KATIKALA,
SUSHMA
705 VINE POND CT
APEX NC 27523-8500

MOHANTY, SANJAY CHAND, SUNITA
2547 WINDING BRANCH TRL
APEX NC 27523-8504

MOOLENAAR, GWEN MARIE BERNIER, JAMES
JR
2557 WINDING BRANCH TRL
APEX NC 27523-8504

MUTHYAM, MURALI POODARI, SUSHMA
RANI
2561 WINDING BRANCH TRL
APEX NC 27523-8504

NARAYANA SETTY, PRASANNA KUMAR
PRASANNA KUMAR, RAJESHWARI
2581 VINING BRANCH WAY
APEX NC 27523-8520

NARREDDI, SATESH PAVAN KUMAR
KASIREDDI, CHANDRA KALA
620 VINE POND CT
APEX NC 27523-8519

NARWAL, NARENDER NARWAL, VINITA
612 VINE POND CT
APEX NC 27523-8519

NEWTON, THOMAS JR NEWTON, AMANDA
2500 SIDEWINDER CT
APEX NC 27523-8503

NGUYEN, NGHI CUONG CAO, JOLENE HA
2580 WINING BRANCH WAY
APEX NC 27523-8520

NIKHARGE, YATEEN LAXMAN GUNDALE,
ANUJA RAM
726 VINE POND CT
APEX NC 27523-8500

OVERTON, STEVEN KITCHEL-OVERTON, KARA
JOAN
611 VINE POND CT
APEX NC 27523-8519

PATEL, DHARMESHKUMAR PATEL, HIMA
2539 WINDING BRANCH TRL
APEX NC 27523-8504

PATEL, PAREEN
2560 WINDING BRANCH TRL
APEX NC 27523-8504

PEABODY, SANDRA
1513 OLD IVEY RD
APEX NC 27523-5998

PENLEY, SARAH G PENLEY, FRED WINSTON
1013 SUNSET MEADOWS DR
APEX NC 27523-6742

PRAJAPATI, DHRUMIL PRAJAPATI, DEVANSHI
721 VINE POND CT
APEX NC 27523-8500

RAJAGOPAL, SARAVANAPERUMAL
RENGASAMY, VIJAYALAKSHMI
2552 WINDING BRANCH TRL
APEX NC 27523-8504

REDDY, PRATHAP AMERVAI DEVI, RAMA
AMERWAI
729 VINE POND CT
APEX NC 27523-8500

REDER, CHRISTOPHER JOSEPH REDER,
MEGHANN ELIZABETH
1028 SUNSET MEADOWS DR
APEX NC 27523-6742

SANKO, ANNA
712 VINE POND CT
APEX NC 27523-8500

SCHULZ, JANE B
1453 OLD IVEY RD
APEX NC 27523-8506

SHETTY, ROHIT S SHETTY, SHARANYA R
2543 WINDING BRANCH TRL
APEX NC 27523-8504

SINGH, PRASHANT BAMIL, RENU
2585 VINING BRANCH WAY
APEX NC 27523-8520

SUBRAMANIAN, ANAND
SIVARAMAKRISHNAN, AARTHY
2579 WINDING BRANCH TRL
APEX NC 27523-8504

THAKKAR, KETANKUMAR THAKKAR,
MARGI KETANKUMAR
627 VINE POND CT
APEX NC 27523-8519

THE PRESERVE AT WHITE OAK CREEK
HOMEOWNERS ASSOCIA
15501 WESTON PKWY STE 100
CARY NC 27513-8636

TRUNKWALA, ABBASALI TRUNKWALA,
SHABNAM
701 VINE POND CT
APEX NC 27523-8500

TUNSTALL, EURA ELIZABETH
11725 RANBURNE RD
MINT HILL NC 28227-5647

VADHERA, GIRIK MEHRISHI, APOORVA
2548 WINDING BRANCH TRL
APEX NC 27523-8504

WANG, ZHAOQIANG
2544 WINDING BRANCH TRL
APEX NC 27523-8504

YAO, JING
2501 SEWINDER CT
APEX NC 27523-8503

YIN, JIE YANG, CHEN
2584 VINING BRANCH WAY
APEX NC 27523-8520

TOWN OF APEX
PO BOX 250
APEX NC 27502

CURRENT TENANT
1516 OLD IVEY RD
APEX NC 27523

CURRENT TENANT
1524 OLD IVEY RD
APEX NC 27523

CURRENT TENANT
1533 OLD IVEY RD
APEX NC 27523

CURRENT TENANT
1537 OLD IVEY RD
APEX NC 27523

CURRENT TENANT
2505 SEWINDER CT
APEX NC 27523

CURRENT TENANT
775 WHITE OAK GROVE WAY
APEX NC 27523

ALLURI, PRUDHVI KARUTURI, SRI
HARSHITHA
708 VINE POND CT
APEX NC 27523-8500

AMBALAVANAN, SUBBIAH
2564 WINDING BRANCH TRL
APEX NC 27523-8504

APEX PROPERTIES & RENTALS LLC
11725 RANBURNE RD
MINT HILL NC 27227-5647

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.

8/10/2021

Date

Dear Neighbor:

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

1516 OLD IVEY RD, APEX, NC 27523 0722-89-3526

7620 MCQUEENS DR, APEX, NC 27523 0722-89-0666

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](http://www.apexnc.org/180/Planning-Community-Development) or the [Apex Development Report](http://www.apexnc.org/180/Planning-Community-Development) 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 checked="" type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

Rezoning for the 8.82 acres owned by Daniel M. and Susan D. McMains.

The development will be new single family residential homes.

Estimated submittal date: September 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s):

Daniel M. and Susan D. McMains

Applicant(s):

Abdul Kamalpasha (Estates at White Oak, LLC)

Contact information (email/phone):

Jeff Roach, jroach@peakengineering.com, (919) 439-0100

Meeting Address:

Meeting held via zoom. Refer to other sheet for link

Date/Time of meeting**:

August 26, 2021 @ 5:30

MEETING AGENDA TIMES:

Welcome: 5:30

Project Presentation: 5:40-5:55

Question & Answer: 5:55-

**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: Old Ivey Road Residential Zoning: RR to LD-CZ

Location: 7620 McQueen Dr, 1516 Old Ivey Rd

Property PIN(s): 0722-89-066, 0722-89-3526 Acreage/Square Feet: 8.82

Property Owner: Daniel M. and Susan D. McMains

Address: 7825 Green Level Church Rd

City: Apex State: NC Zip: 27523

Phone: _____ Email: _____

Developer: Spectrum Investment Solutions, LLC, Attn: Abdul Kamalpasha

Address: 109 Elway Drive

City: Clayton State: NC Zip: 27560

Phone: (919) 333-0701 Fax: _____ Email: kamalcat@gmail.com

Engineer: Peak Engineering & Design, attn: Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: 919-439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): unknown

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: Meeting held via zoom. Refer to other sheet for link

Date of meeting: 8/26/2021 Time of meeting: 5:30 pm

Property Owner(s) name(s): Daniel M. and Susan D. McMains

Applicant(s): Abdul Kamalpasha (Estates at White Oak, LLC)

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.					
2.	A list of the residents in attendance is included within the neighborhood meeting report				
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): Daniel M. and Susan D. McMains

Applicant(s): Abdul Kamalpasha (Estates at White Oak, LLC)

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

Meeting Address: Meeting held via zoom. Refer to other sheet for link

Date of meeting: 8/26/2021

Time of meeting: 5:30 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:

A neighborhood meeting report is attached with the questions and answers provided.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

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, Jeffrey A. Roach, 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 meeting (ZOOM) (location/address)
on 8/26/2021 (date) from 5:30 pm (start time) to 7:30 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.

8/26/2021
Date

By:



STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 26 day of AUGUST, 2021.



Daniel H. Woods

Notary Public

DANIEL H. WOODS

Print Name

My Commission Expires: 11/18/2023

Old Ivey Road Residential Neighborhood Meeting for the Rezoning and Master Subdivision Plan 5:30 pm August 26, 2021

The ZOOM meeting for the Old Ivey Road Residential began at 5:32 pm and was hosted by Jeff Roach with Peak Engineering & Design. A brief introduction was made for everyone on the call, the participants were directed to the CHAT BOX function in ZOOM to type questions, and the virtual meeting protocol was discussed to try and keep the meeting moving along.

A project introduction was then provided, the location within Wake County GIS' website was shared for all to see. After the location of the property was identified for everyone on the call, we walked through the existing site conditions, the existing zoning, the purpose of the 2045 Land Use Plan, the current sketch plan showing the residential layout (SP-5 to be exact). Everyone was informed that the sketch plan is not a final design for the site and is used to show buffers, access points, lot locations, preliminary lot sizes, and other site-specific items for the property. Following a discussion related to the above items, the list of permitted uses was shown to all with Single Family Residential Lots being the primary (accessory apartment, utility minor, parks, and private recreation facility were also included). The discussion centered around the proposed buffers and access points.

After showing the different items, the presentation switched to address the questions which had been entered in the CHAT BOX. Below are the questions as well as a summary of the answer that was provided with each question. Additional questions were voiced by the adjacent property owners and were answered to the best of our knowledge at this point.

After answering the CHAT BOX questions, the verbal questions, and reviewing the project timeline with everyone on the call, Peak's email address and phone number was again provided to assist with any follow up questions post-meeting. The adjacent property owners dropped off the call around 6:30 pm and the ZOOM meeting was terminated around 7:30 pm.

Below is a summary of the questions and discussions which were had. There were a number of discussions which were had, many of them answering multiple questions or bringing up additional questions. This summary tries to highlight the presentation and discussions as accurately as possible. A copy of this meeting summary will be emailed to the participants once the zoning package is submitted.

Following are the questions which were provide through the ZOOM meeting CHAT BOX features.

Answers were provided verbally and summarized below.

Good evening everyone. This is the chat box to type any questions you may have. This makes is easier and more orderly to ask questions and for me to record the questions/answers as well.

From bbuckingham

With the addition of these homes, would they be proposing sidewalks on Old Ivey?

Yes, sidewalk will be added along the property's frontage on Old Ivey Road.

From Sanjay's

Do they have their own community center?

We have set aside a small area but it is likely too small to support a large pool or clubhouse.

From bbuckingham

With the increased traffic resulting from the larger neighborhood, are there proposed changes to the intersection of Jenks or Jenks Road itself?

There are no proposed changes to the intersection of Old Ivey and Jenks Road.

From Andre

The barrier states 10ft between the property. Can we increase that to 25 ft?

We are unable to increase the buffer to 25'. With the existing 20' buffer and proposed 10' buffer, there will be a 30' preserved area between the existing Preserve at White Oak lots and the new lots.

From Girik

What kind of barrier/s are you going to place for privacy- Trees, fencing, etc.?

Landscaping is proposed to the Town's standard between uses. This includes the preservation of existing vegetation and supplementing to "fill gaps" in the existing vegetation – fences are not proposed.

From Sanjay's

How many opening roads into Preserve at White Oak?

Just the one extension of Vining Branch Way into the development.

From Devanshi

What will be total buffer between the lots on Vine Pond Ct and new community?

How many trees will be removed? Will there be a tree buffer between this community and PWO?

The total buffer width will be 30' (20' existing and 10' additional between the lots). The buffers are undisturbed and only work in the area will be to supplement the existing vegetation.

From bbuckingham

I saw online that the 2 lots across the street on Old Ivey went through Apex annexation. Is that in any way connected to this neighborhood extension? Curious if it will become a similar use.

The two lots on the east side of Old Ivey Road are not part of the proposed development. They have been annexed but the reason is unknown.

From Padmabhushan Korhale

How much buffer will there be between existing houses near vining branch way house & a storm water pond? And will there be any fence around storm water pond?

A proposed 10' buffer along with the existing 20' buffer will be adjacent to the lots and the SCM. We are looking into a fence around the top of the pond.

From Carol Li

What is "proposed RCA on the right lower lots?

RCA stands for Resource Conservation Area [an explanation of RCA was then provided]

From KT_iPhone

Would Vinning Branch kept closed to construction traffic?

That is the plan during construction. Once the streets are accepted, the opening of the street will be the Town's decision.

From Eura

For those who asked about the 2 acres near the deal..NO. I am building a food forest and sanctuary for REAL FOOD. Could you please walk through how this will impact the property at 1537 Old Ivey...the 2 acre corner property?

The project will not impact the existing 2 acres in SW corner of the proposed development (PIN 0722-89-5121) as this lot is adjacent to proposed RCA.

Please talk through the buffers and protections my food forest and sanctuary will receive?

Discussed the proposed site buffer and what they are.

In addition to a sidewalk, what are the other uses the little strip along ively?

The only items along Old Ivey is the sidewalk, curb and gutter, and improvement to ½ of the pavement section to bring it up to Town of Apex standards.

What about mcqueens road? will there be traffic on that?

There may be temporary construction traffic until the access to Old Ivey Road is constructed. Once the main entrance to Old Ivey is complete, McQueens Road will be abandoned/left in place for the adjacent property owner (if they want it).

great question about mosquitoes! I always notice how FEW mosquitoes I deal with in Apex versus here in Charlotte. Probably because my 2 acres is a natural area...and enough beneficial insects exist to eat the mosquitoes. I have a good ecosystem working on that property.

From Pareen Patel

Within the 10-foot buffer that will be provided, you mentioned existing vegetation, and Type B shrubland. Is there a possibility to supplement with fast-growing privacy trees (Leyland cypress, green giant etc) to ensure privacy and the maintain the integrity of a wooded lot?

Yes. The existing vegetation in the 10' buffer will be evaluated during Master Subdivision and Construction Document design to supplement as needed to meet the Type B standards. If evergreens are required, we will specify fast growing within the Town's "list of native species" within the development. But not Leyland cypresses.

From bbuckingham

(Pareen, You may not want Leylands. We planted over a dozen and none survived)

But there are some nice fast growing trees that may be more disease resistant.

From Pareen Patel

Excellent point, it's the only fast-growing privacy tree I could think of from the top of my head 😊

From KT_iPhone

What is the timeline for construction?

Went through the entire timeline from zoning submittal, to Master Subdivision Plan, to CDs, construction and the start of home construction. The overall time line was very high level to avoid confusion.

From Eura

NO TO LELANDS!!!! THEY ARE NOT THE RIGHT TREES FOR NC...THEY DIE!!!! USE YAUPON HOLLIES...GREAT FOR TEA...only native tree for US with caffeine

lelands ALWAYS turn into EYESORES...every arborist KNOWS THIS...

Agree with Eura and will not specify Leylands within the development.

From KT_iPhone

Has a traffic study been done for impact on existing community?

A TIA has not been completed as the project does not meet Town or NCDOT thresholds for a study.

From bbuckingham

I like the idea of close park and fire station!

A side conversation began with the future phases of the Preserve at White Oak, the Town's plan for a park, a future fire station, and eventually access to the American Tobacco Trail.

From Pareen Patel

Could you go over the proposed lot sizes of the new community again?

Reviewed the sketch plan with the neighbors from the 6,000 SF lots to the 13,000 Sf lot within the development.

From KT_iPhone

Who is the builder?

A builder has not been included in the development. The buyers are going to decide if they want a "family compound" or sell to a local building or deal with Toll Brothers/Taylor Morrison next door.

From Pareen Patel

Appreciate the info

From KT_iPhone

Thank you! Appreciate all the answers.

Following are questions asked after the presentation and/or during the review of the above “CHAT BOX” questions.

A discussion was held about reasonable traffic patterns and possible cut through traffic from The Preserve at White Oak through the new development to Old Ivey Road.

By providing multiple access points with plenty of twists and turns, no one route should be traveled by all. Stop signs and turns will also help to control traffic speed.

Following are emails which were received prior to or after the neighborhood meeting

No emails were received prior to submittal to the Town of Apex for the Rezoning Package.

**OLD IVEY ROAD RESIDENTIAL
REZONING AND MASTER SUBDIVISION NEIGHBORHOOD ATTENDANCE SHEET**

Name	Email address/contact information (if provided)	Address (if known)	City (if known)
Ketankumar Thakker		627 Vine Pond Road	Apex, NC
Padmabhushan Korhale		623 Vine Pond Road	Apex, NC
Devanshi Prajapati		721 Vine Pond Road	Apex, NC
Girik Vadehra		2548 Winding Branch Tr	Apex, NC
Pareen Patel		2560 Winding Branch Tr	Apex, NC
Sanjay Mohanti		2547 Winding Branch Tr	Apex, NC
Andre Le Roux		2531 Winding Branch Tr	Apex, NC
Hsiang Li		2535 Winding Branch Tr	Apex, NC
Christopher Reder		1028 Sunset Meadows Dr	Apex, NC
Brad Buckingham		7721 Jenks Road	Apex, NC
Eura Tunstall		11725 Ranburne Rd	Mint Hill, NC
		1533 Old Ivey Rd	Apex, NC
Jeff Roach		1125 Apex Peakway	Apex, NC
Peak Engineering & Design			
Ranjeet Agarwala		2500 Stonington Drive	Cary, NC
Abdul Kamalpasha		101 Lonesome Pine Drive	Cary, NC