



Bungalow Park  
at Scotts Mill

Scotts Mill

Rezoning #21CZ23

Scotts Ridge  
Elementary School



# (REZONING) PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP



## REZONING PETITION SUBMISSION:

Applications and fees are due by 12:00 pm on the first business day of each month. See the [Rezoning Schedule](#) on the website for details.

**LATE FEE: \$300**

## REZONING PETITION FEES:

Conditional Zoning: \$1,000.00

Rezoning: \$700.00\*

\*No zoning conditions may be added to address concerns of staff, adjacent property owners, Planning Board, or Town Council

**PRE-APPLICATION MEETING:** Separate pre-application meetings with the Technical Review Committee (TRC) and the Environmental Advisory Board (EAB) are required to be scheduled prior to the submittal of a PD Plan for PUD-CZ.

Pre-application meetings with the TRC are typically scheduled during regular business hours on the 1<sup>st</sup>, 2<sup>nd</sup>, and 5<sup>th</sup> Thursdays of the month and pre-application meetings with the EAB are held at 6 p.m. on the 3<sup>rd</sup> Thursday of the month during the regularly scheduled EAB meeting.

To schedule a meeting, applicants must e-mail a pdf map of the parcel(s) to be rezoned and a completed [Rezoning Pre-Application Meeting Request](#) form to Planner Lauren Staudenmaier ([lauren.staudenmaier@apexnc.org](mailto:lauren.staudenmaier@apexnc.org)) no later than five (5) working days prior to the desired meeting day.

**PURPOSE OF A CONDITIONAL ZONING:** Conditional Zoning (CZ) Districts are zoning districts in which the development and use of property is subject to the ordinance standards applicable to the corresponding general use district as well as additional rules, regulations, and conditions that are imposed as part of the legislative decision creating the district. A Conditional Zoning (CZ) District allows particular uses to be established only in accordance with site specific standards and conditions pertaining to each individual development project. All site-specific standards and conditions must be consistent with the objectives of these regulations, the adopted 2045 Land Use Map, and adopted area plans. The review process established in this part provides for the accommodation of such uses by a reclassification of property into a CZ District, subject to site-specific standards and conditions.

**NEIGHBORHOOD MEETING:** Neighborhood meetings are required per UDO Sec. 2.2.7 prior to application submission. The applicant is required to notify property owners, tenants, and any neighborhood association that represents citizens that are abutting or within 300 feet of the subject property via first class mail a minimum of 14 days in advance of the neighborhood meeting. The notification list must be obtained by emailing [addressing.team@apexnc.org](mailto:addressing.team@apexnc.org) and will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit "Neighborhood Meeting Packet" forms included in this application packet with their initial submittal.

**ANNEXATION REQUIREMENTS:** If a property or portion thereof subject to this rezoning is outside the corporate limits and ETJ, an [annexation petition](#) is **required** to be submitted on the same day as this application.

## Electronic Submittal Requirements (submit in IDT): [Click here to access IDT Plans Website](#)

- Upload one full copy of the application and other sheets listed below via IDT.

## Hard Copy Submittal Requirements: Submit to Planning Department

- One (1) original Rezoning Petition Application
- Legal Description (metes and bounds)
- Agent Authorization Form
- Affidavit of Ownership
- Neighborhood Meeting Packet
- If applicable: Annexation Petition, map, legal description, and \$200.00 fee
- Notification list including property owners of the land subject to the application, all property owners and tenants abutting and located within 300 feet of the land subject to the application, and any neighborhood association that represents citizens within the notification area. This list must be obtained by emailing [addressing.team@apexnc.org](mailto:addressing.team@apexnc.org) and will be provided within 5-10 business days of the initial request.
- Two (2) sets of envelopes addressed to property owners subject to the application and to those on the notification list.
  - Addresses must be from the notification list obtained by emailing [addressing.team@apexnc.org](mailto:addressing.team@apexnc.org)
  - Affixed with first class stamps and the following return address:  
Town of Apex  
Planning and Community Development  
P.O. Box 250  
Apex, NC 27502
- Petition Fee by one of the following forms of payment:
  - In person with Visa or Master Card;
  - Cash (exact amount only); or
  - Check payable to 'Town of Apex'

**NEIGHBORHOOD MEETING:** Neighborhood meetings are required per UDO Sec. 2.2.7 prior to application submission. The applicant is required to notify property owners, tenants, and any neighborhood association that represents citizens that are abutting or within 300 feet of the subject property via first class mail a minimum of 14 days in advance of the neighborhood meeting. The notification list must be obtained by emailing [addressing.team@apexnc.org](mailto:addressing.team@apexnc.org) and will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. In their initial submittal, the applicant shall submit the "Neighborhood Meeting Packet" forms included in this application packet. The Neighborhood Meeting Packet is located at the very end of this document.

**REVIEW FOR SUFFICIENCY:** Incomplete plans will be returned to the applicant and sufficiently complete applications are forwarded to TRC staff for review.

**REVIEW BY STAFF:** TRC staff reviews the application to determine compliance with the Unified Development Ordinance (UDO). If the application is determined not to be compliant with the UDO, comments will be sent to the applicant. The applicant must address all staff comments before any public hearings are scheduled.

**PUBLIC HEARING NOTIFICATION:** Notification of the public hearing will take place by three different methods.

1. A written notice will be prepared by Planning staff and sent to property owners, tenants, and neighborhood associations abutting and within 300 feet of the land subject to the application not more than 25 days nor less than 10 days prior to the public hearings, as required by the UDO.
2. A notice will be published on the Town of Apex website ([www.apexnc.org](http://www.apexnc.org)) no less than 10 days, but not more than 25 days, prior to the public hearings.
3. A public hearing sign will be posted at the land subject to the application at least 10 days prior to the public hearings.

**1<sup>ST</sup> PUBLIC HEARING/PLANNING BOARD MEETING:** The Planning Board will consider the application, relevant support materials, the Staff Report, and public testimony given at the public hearing. After the public hearing the Planning Board will make a recommendation to the Town Council. The Planning Board may recommend approval, approval with conditions, or disapproval. The application is then forwarded to the Town Council. The Planning Board meets at 4:30 p.m. in the Town Hall Council Chambers on the date indicated on the Rezoning Schedule.

**2<sup>ND</sup> PUBLIC HEARING/TOWN COUNCIL MEETING:** The Town Council will consider the application, relevant support materials, the Staff Report, the Planning Board recommendation, and public testimony given at the public hearing. After the public hearing the Town Council will vote to approve, approve with conditions, or disapprove the rezoning. The Town Council meets at 6:00 p.m. in the Town Council Chambers on the date indicated on the Rezoning Schedule.

## 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 #: #21CZ23

Submittal Date: 09/01/2021

Fee Paid:

### Project Information

Project Name: Scotts Ridge Office and Veterinary Hospital

Address(es): 6633 & 0 Apex Barbecue Road

PIN(s): 0731-48-7012

0731-47-5977

Acreage: 1.448 ac

Current Zoning: RA

Proposed Zoning: B1 - CZ

Current 2045 LUM Classification(s): Medium 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: Peak Engineering & Design for Kethamakka & Emmadi Properties, LLC

Address: 1125 Apex Peakway

City: Apex

State: NC

Zip: 27502

Phone: (919) 439-0100

E-mail: jroach@peakengineering.com

### Owner Information

Name: Kethamakka & Emmadi Properties, LLC

Address: 6633 Apex Barbecue Road

City: Apex

State: NC

Zip: 27502

Phone:

E-mail:

### Agent Information

Name: Peak Engineering & Design, PLLC - Jeff Roach

Address: 1125 Apex Peakway

City: Apex

State: NC

Zip: 27502

Phone: (919) 439-0100

E-mail: jroach@peakengineering.com

Other contacts:

Sudhir Kethamakka (skethama@me.com)

Dhanu Emmadi (dhanu.emmadi@gmail.com)

dwoods@peakengineering.com



## PETITION INFORMATION

Application # #21CZ23

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

An application has been duly filed requesting that the property described in this application be rezoned from RA \_\_\_\_\_ to B1 - 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 \_\_\_\_\_  
2 \_\_\_\_\_  
3 School, public or private \*\*  
4 Veterinary clinic or hospital  
5 Vocational school \*\*  
6 Utility, minor  
7 Botanical garden  
8 Greenway  
9 Park, active  
10 Park, passive  
11 \_\_\_\_\_  
12 Medical or dental office or clinic  
13 Medical or dental laboratory (S)  
14 Office, business or professional  
15 Barber and beauty shop  
16 Book store  
17 Financial institution  
18 Floral shop  
19 Greenhouse or nursery, retail  
20 Health/fitness center or spa

21 Newsstand or gift shop  
22 Personal service  
23 Printing and copying services  
24 Real estate sales  
25 Retail sales, general  
26 Studio for art  
27 Tailor shop  
28 Upholstery service  
29 Pet services  
30 \_\_\_\_\_  
31 \_\_\_\_\_  
32 \_\_\_\_\_  
33 \*\* with a condition  
34 \_\_\_\_\_  
35 \_\_\_\_\_  
36 \_\_\_\_\_  
37 \_\_\_\_\_  
38 \_\_\_\_\_  
39 \_\_\_\_\_  
40 \_\_\_\_\_



## PETITION INFORMATION

Application #: #21CZ23 Submittal Date: \_\_\_\_\_

## PROPOSED CONDITIONS:

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

See attached list of 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 non-residential development is not consistent with the 2045 LUM.

Surrounded by Scotts Ridge Elementary School with limited access, the long-term use as residential is not appropriate. The change to the non-residential with the restricted uses is compatible with a neighborhood business and is appropriate for the area.

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 neighborhood business on the small site is in keeping with the surrounding developments. The proposed buffers and other conditions will provide a property which will serve the surrounding communities.



## **Scotts Ridge Office & Veterinary Hospital**

### **Conditions of Zoning**

1. The building exterior shall be high quality materials, including but not limited to brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units. Standards shall comply with UDO Section 9.3.5.
2. EIFS or synthetic stucco shall not be used in the first forty inches (40") above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.
6. The parcels shall be served exclusively by a single right-in/right-out access to Apex Barbecue Road. The access shall be subject to approval by the Town of Apex and NCDOT.
7. All non-residential buildings shall provide solar conduit for future installation of rooftop solar panels.
8. The property may be used as a "School, public or private" or "Vocation school" land use only if recombined with the Scotts Ridge Elementary School site.

The following conditions are being added per discussions with the Environmental Advisory Board (EAB):

#### Planting and Landscaping

1. Existing large trees onsite shall be evaluated for possible preservation. Tree canopy shall be prioritized medium to large, healthy, desirable species. Preservation will be coordinated with staff during the Minor Site Plan review.
2. Plant trees as designed for efficiency, including:
  - Plant deciduous shade trees on southern side of buildings.
  - Plant evergreen trees as a windbreak on northern side of buildings.
3. Increase biodiversity.
  - Plant native flora (Refer to the Apex Design & Development Manual for approved native species).
4. Include landscaping that requires less irrigation and chemical use.
  - Plant warm season grasses for drought-resistance.

#### Waste Reduction

5. Install one (1) pet waste station within the development.

#### Clean Energy

6. Include solar conduit in building design.

#### Lighting Efficiency

7. Lighting with a color temperature of 3000K or less shall be used for outside installations.



## PETITION INFORMATION

Application #: #21CZ23

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

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

The proposed use(s) will comply with UDO Section 4.4 - Supplemental Standards - as they apply.

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 design will provide perimeter buffers, limited uses, architectural conditions, and utility connections to avoid negative 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 meet UDO standards for design controls including the minimization of grading/clearing of site, installation of perimeter landscaping to supplement existing landscape materials, and will coordinate with staff to provide certain lighting controls to minimize spill-over for neighbors.

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 is located adjacent to or within a reasonable distance to existing public facilities including water, sewer, gas, electric, and communications. The site is also located along Apex Barbecue Road provide quick response options for Town emergency service providers.

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 use(s) will not be detrimental to the health, safety, and welfare of Apex residents and will provide community service(s) needed adjacent to residential homes and a large WCPSS elementary school.



## PETITION INFORMATION

Application #: #21CZ23 Submittal Date: \_\_\_\_\_

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

The proposed uses are all neighborhood non-residential businesses which do not have significant impact on surrounding property owners.

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 within the B1-CZ request has been evaluated to remove any possible nuisance or hazardous uses for either residential uses or the existing elementary school.

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 meet the standards outlined within various sections of the Town of Apex Unified Development Ordinance unless specifically noted within the zoning conditions.

**AGENT AUTHORIZATION FORM**Application #: #21CZ23

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

Sudhir Kethamakka and Dhanu Emmadi

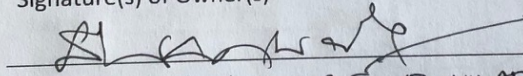
is the owner\* of the property for which the attached

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: 6633 and 0 Apex Barbecue RoadThe agent for this project is: Peak Engineering & Design, PLLC (Jeff Roach)☐ I am the owner of the property and will be acting as my own agentAgent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLCAddress: 1125 Apex Peakway, Apex, NC 27502Telephone Number: (919) 439-0100E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)\*

  
DHANU ANTHARI Emmadi  
Type or print name

09/26/2021  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

Attach additional sheets if there are additional owners.

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

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



**AFFIDAVIT OF OWNERSHIP**Application #: 21CZ23

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

The undersigned, DHANVANTHARI EMMADI (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 6633 and 0 Apex Barbecue Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 7/16/2021, and recorded in the Wake County Register of Deeds Office on 7/21/2021, in Book 18609 Page 855-857.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 7/21/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 7/21/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 26 day of August, 2021.

*[Signature]* (seal)  
DHANVANTHARI EMMADI  
Type or print name

STATE OF NORTH CAROLINA  
COUNTY OF Forsyth

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



*Sara Theresa Lingle*  
Notary Public  
State of North Carolina  
My Commission Expires: 01-27-2025



**AGENT AUTHORIZATION FORM**Application #: 21CZ23

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

Sudhir Kethamakka and Dhanu Emmadi

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: 6633 and 0 Apex Barbecue RoadThe agent for this project is: Peak Engineering & Design, PLLC (Jeff Roach)☐ I am the owner of the property and will be acting as my own agentAgent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLCAddress: 1125 Apex Peakway, Apex, NC 27502Telephone Number: (919) 439-0100E-Mail Address: jroach@peakengineering.comSignature(s) of Owner(s)\*  
\_\_\_\_\_  
\_\_\_\_\_

Type or print name

Date

Sudhir KethamakkaSUDHIR KETHAMAKKA

Type or print name

08/28/21  
Date

Attach additional sheets if there are additional owners.

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

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



**AFFIDAVIT OF OWNERSHIP**Application #: 21CZ23

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

The undersigned, SUDHIR KETHAMAKKA (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 6633 and O Apex Barbecue Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 7/16/2021, and recorded in the Wake County Register of Deeds Office on 7/21/2021, in Book 18609 Page 855-857.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 7/21/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 7/21/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 28 day of August, 2021.

Sudhir Kethamakka (seal)

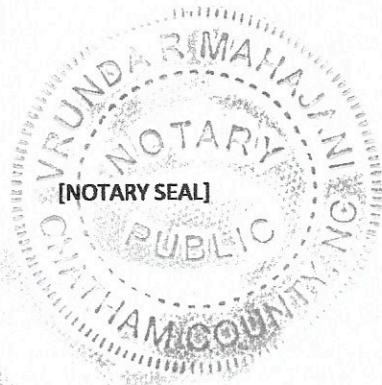
SUDHIR KETHAMAKKA

Type or print name

STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

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



Vrunda R Mahajani

Notary Public

State of North Carolina

My Commission Expires:

Date 08/28/2021

11/24/2024

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**Application #: 21CZ23

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

**Insert legal description below.**

Information from Wake County Registry Deed Book 018609 Pages 0855 - 0857

Tract 1:

Address: 6633 Apex Barbecue Road, Apex, NC 27502

REID: 0052359

BEGINNING at a point in the center of State Road #1162, said point being 286 feet East, measured along the center line of said State Road, Robert Wade Clark's northwest corner, said point also being referenced by a stake in the southern right of way of said State Road; runs thence South 7 degrees 20 minutes East 210.0 feet to a stake, a new corner for said Clark; thence North 82 degrees 40 minutes East 210.0 feet to a stake, another new corner for said Clark; thence North 07 degrees 20 minutes West, another new line for said Clark, 210.00 feet to a point in the center line of said State Road #1162; this point also being referenced by a stake in the southern right of way line of said State Road; thence South 82 degrees 40 minutes West 210.0 feet along the center of said State Road to the point of BEGINNING, containing 1.01 acres, according to survey by Smith and Smith Surveyors, dated November 13, 1961, and being a part of the lands conveyed to Robert Wade Clark and wife, Metta B. Clark, by W. E. Morgan and wife, Bessie S. Morgan, by deed dated April 17, 1961, and recorded in Book 1450, page 237, Wake County Registry.

Tract 2:

Address: 0 Apex Barbecue Road, Apex, NC 27502

REID 0440557

That certain tract or parcel of land lying and being situate in White Oak Township, Wake County, North Carolina:

COMMENCING at NGS "FUNERAL 2", said point having (NAO 83-2011) PUBLISHED NC Grid Coordinates of Northing = 722,875.90 feet, and Easting = 2,040,786.12 feet; thence from said point, S51°23'40"W a distance of 7,629.39 feet (a grid distance) to an Iron Rebar Set (5/8") (IRS) CONTROL CORNER, said point having (NAO 83/2011) NC Grid Coordinates of Northing: 718,115.50 feet, and Easting: 2,034,824.05 feet, said point being in the southern right-of-way of Apex Barbeque Road (S.R. 1162) and the northeastern most corner of the tract herein described, and the POINT AND PLACE OF BEGINNING.

Thence, from said POINT OF BEGINNING, leaving Apex Barbecue Road, S10°28'09"E a distance of 114.89 feet to an IRS; thence, S31°11'06"W, a distance of 68.79 feet to an IRS; thence, S79°11'06"W a distance of 256.70 feet to an IRS; thence, N50°48'54"W a distance of 98.85 feet to an IRS; thence, N35°05'54"E a distance of 49.58 feet to an IRS; thence, N10°25'42"W a distance of 32.25 feet to an IRS in the southern right-of-way of Apex Barbeque Road (S.R. 1162); thence, with said right-of-way N77°27'03"E a distance of 67 .00 feet to an IRS; thence, continuing with said right-of-way N62°36'05"E a distance of 3.19 feet to an Existing Iron Pin (EIP); thence, S10°25'42"E a distance of 140.41 feet to an EIP; thence, N79°11'06"E a distance of 211.08 feet to an EIP; thence, N10°28'09"W a distance of 159.65 feet to an IRS in the southern right-of-way of Apex Barbeque Road (S.R. 1162); thence, N77°38'07"E a distance of 50.03 feet to the POINT OF BEGINNING, and containing ± 0.438 acres (19,070 square feet), all as shown on that certain plat prepared by SEPI Engineering & Construction dated 7/27/2016, and entitled "Recombination Plat, on the Properties of David F. Marshall and wife Karen G. Marshall and The Wake County Board of Education, for Scotts Ridge Elementary School, Prepared for The Wake County Board of Education", said survey plat being recorded in Book of Maps 2016, Pages 1658-1659, Wake County Registry.





# Instruction Packet and Affidavit for Neighborhood Meetings

Town of Apex  
Dept of Planning and  
Community  
Development  
PO Box 250  
Apex, NC 27502

T: 919-249-3426  
F: 919-249-3338

This packet consists of instructions and templates for conducting a required Neighborhood Meeting. Planning staff are available to advise you in the preparation of these materials. Call the Department of Planning and Community Development at (919) 249-3426 for more information.

## WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive initial feedback regarding certain project types prior to submittal to the Department of Planning and Community Development per the standards found in UDO Sec. 2.2.7. The intention of the meeting is to initiate neighbor communication and identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application. A neighborhood meeting is valid for six (6) months prior to the submission of an application; a delay in submission requires a new neighborhood meeting.

## WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezoning (including Planned Unit Developments);
- Major Site Plans;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

## INSTRUCTIONS

Prior to submitting an application for a Rezoning, Major Site Plan, residential Master Subdivision Plan (excluding exempt subdivisions), or Special Use Permit, the applicant must conduct at least one (1) Neighborhood Meeting. This meeting may be held in-person or virtually. Virtual meetings shall provide a dial-in option in addition to a link to participate by internet. The applicant shall submit all forms included in this packet with the initial application submittal.

The Neighborhood Meeting must be held in accordance with the following rules:

### These groups and individuals must be invited to the meeting:

- The applicant is required to notify the 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, not including the day of mailing. The applicant shall send an email to [addressing.team@apexnc.org](mailto:addressing.team@apexnc.org) to request the notification list as early as possible in order to receive the list in time for the mailing. The list will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to the materials listed under "Mailing and handout requirements" below.

**The meeting must be held within specific timeframes and meet certain requirements:**

- The meeting must be held for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on Town recognized holidays (<https://www.apexnc.org/DocumentCenter/View/34245/>).
- In-person meetings:
  - Meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
  - A sign-in sheet must be used in order to verify attendance. Ensure each attendee signs in. Please note if any person(s) refuses to sign in. Note if no one attended.
- Virtual meetings:
  - Meeting shall be held via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant's choice. A dial-in option shall be provided.
  - An attendance sheet must be used to log known attendees at the virtual meeting. Note if no one attended.
- Mailing and handout requirements:
  - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ): a vicinity map and existing zoning map of the area must be provided to help facilitate discussion.
  - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; residential Master Subdivision Plans; and Special Use Permits: a vicinity map and preliminary plans of the proposed development must be provided to help facilitate discussion. Neighbors may request emailed/mailed copies of the maps or plans from the applicant by checking the "send plans" box on the sign-in sheet; applicant shall provide reduced copies upon request. For virtual meetings, the applicant must ask meeting participants if they would like any materials mailed to them.
  - Printed copies must equal the number of notices required to be sent.
  - Contact information for the applicant's representative and Town Staff must be provided on the attached "Project Contact Information" form.
  - "Common Construction Issues & Who to Call" sheet (attached) must be included as part of the handout.
  - A copy of the handout must be included as part of the Neighborhood Meeting report.
- The agenda of the meeting shall include:
  - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
  - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
  - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by attendees, and responses by the applicant, if any, must be noted. For in person meetings, provide blank comment sheets or notecards for neighbors to submit written comments. For virtual meetings, copy all questions and answers entered into the meeting's chat feature before closing the meeting and save them into a document. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant.
- The applicant shall be responsible for notifying any neighbors who check the "Send Plans & Updates" box on the sign-in sheet of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex's Interactive Development Map.



**For accountability purposes, please submit the following with your application:**

- A copy of the letter mailed to neighbors and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the sign-in sheet (use attached sign-in sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One (1) reduced copy of the maps and/or plans presented to the neighbors at the Neighborhood Meeting.

# 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.

August 10, 2021

Date

Dear Neighbor:

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

6633 Apex Barbecue Road

0731-48-7012

0 Apex Barbecue Road

0731-47-5977

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 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)):

Development of a new office building to house office space with a veterinary hospital/clinic on  
the 1.22 acre assembly.

Estimated submittal date: September 1, 2021

## MEETING INFORMATION:

Property Owner(s) name(s): Sudhir Kethamakka and Dhanu Emmadi

Applicant(s): same

Contact information (email/phone): Peak Engineering & Design, PLLC (Jeff Roach)

Meeting Address: ZOOM meeting

Date/Time of meeting\*\*: August 30, 2021

## MEETING AGENDA TIMES:

Welcome: 5:30 Project Presentation: 5:30 - 5:45 Question & Answer: 5:45 -

\*\*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>.





## NOTICE OF NEIGHBORHOOD MEETING

August 10, 2021

Dear Neighbor,

You are invited to a neighborhood meeting on August 30, 2021 to review and discuss the rezoning proposal at:

6633 Apex Barbecue Rd, Apex, NC 27502    0731-48-7012  
0731-47-5977

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 Agriculture (RA) to B1 Conditional Zoning (B1-CZ) to support the development of the proposed office building and veterinary hospital.

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

### **LINK:**

<https://us02web.zoom.us/j/87086232477?pwd=QnBMSk93QmJRTWFzbzJCdU01b2Jxdz09>

**Estimated Submittal Date:** September 1, 2021



## NOTICE OF NEIGHBORHOOD MEETING

**LINK:**

<https://us02web.zoom.us/j/87086232477?pwd=QnBMSk93QmJRTWFzbzJCdU01b2Jxdz09>

### Meeting Information

Property Owners Names:	Kethamakka & Emmadi Properties, LLC
Applicants:	Brandon Lucas – Guru Realty
Contact Information:	Jeff Roach, <a href="mailto:jroach@peakengineering.com">jroach@peakengineering.com</a> , 919-439-0100
Meeting Address:	Meeting being held via Zoom
Date of Meeting:	August 30, 2021
Time of Meeting:	5:30

### Meeting Agenda Times

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



## Scott's Ridge Office and Veterinary Hospital

List of Adjacent Property Owners  
(provided by the Town of Apex)

CRANEY, CHELSEA  
1104 MILK PAINT ALY  
APEX NC 27502-8489

D'ALESSANDRO, PHILIP A D'ALESSANDRO,  
ANNA MARIA  
311 WIDDINGTON LN  
CARY NC 27519-6698

DAPKEVICH, JASON  
1210 BUNGALOW PARK DR  
APEX NC 27502-8489

DECESS, DENNIS W  
1102 MILK PAINT ALY  
APEX NC 27502-8489

DEMCOVICI, MERI ANN  
1220 SCOTTS RIDGE TRL  
APEX NC 27502-3912

HUDNETT, NANCY E  
1207 BUNGALOW PARK DR  
APEX NC 27502-8099

HUGHES, ANGELA K  
1054 MILK PAINT ALY  
APEX NC 27502-4977

IMLER, ANDREW JOEL VINIKOOR-  
IMLER, LISA CAROLYN  
1202 BUNGALOW PARK DR  
APEX NC 27502-8098

IRONS, KATHRINE  
1226 SCOTTS RIDGE TRL  
APEX NC 27502-3912

IVANOVA, SVETLANA  
2309 REDBUD TREE DR  
APEX NC 27539-6254

LEVIN, ANNA  
2415 MADIERA CT  
BUFFALO GROVE IL 60089-4672

LOFTIN, LARRY SCOTT LOFTIN, JOAN  
TAYLOR  
2700 SOUTHWINDS RUN  
APEX NC 27502-6515

MAHER, DENNIS MAHER, MILA  
1156 BUNGALOW PARK DR  
APEX NC 27502-4981

MAJKOWSKI, KAREN ANN  
1208 BUNGALOW PARK DR  
APEX NC 27502-8098

MARSHALL, DAVID F MARSHALL,  
KAREN G  
6633 APEX BARBECUE RD  
APEX NC 27502-7776

## Scott's Ridge Office and Veterinary Hospital

List of Adjacent Property Owners  
(provided by the Town of Apex)

MCKINNON, DARREN MICHAEL  
MCKINNON, JANETTE L  
1001 HANDHEWN ST  
APEX NC 27502-4985

MCMANUS, CHRISTOPHER C  
1052 MILK PAINT ALY  
APEX NC 27502-4977

MCMANUS, LISA RODRIGUEZ,  
NICHOLAS  
1216 SCOTTS RIDGE TRL  
APEX NC 27502-3912

MFALILA, CHELU  
1209 BUNGALOW PARKS DR  
APEX NC 27502-8099

NC DEPT OF TRANSPORTATION TURNPIKE  
AUTHORITY  
LAUREN M CLEMMONS, ASST ATTY GEN  
1505 MAIL SERVICE CTR  
RALEIGH, NC 27699-1505

PALENICK, AMANDA  
1203 BUNGALOW PARK DR  
APEX NC 27502-8099

PFITZNER, DEBORAH A  
1056 MILK PAINT ALY  
APEX NC 27502-4977

SCHAEFER, JOHN M  
1050 MILK PAINT ALY  
APEX NC 27502-4977

CURRENT TENANT  
1222 SCOTTS RIDGE TRL  
APEX NC 27502

THISTLE, LINDA L  
1154 BUNGALOW PARK DR  
APEX NC 27502-4981

TUCKER, SHIRLEY F TUCKER, JOHN  
1215 BUNGALOW PARK DR  
APEX NC 27502-8099

WAGEMAKER, MARINA WAGEMAKER,  
ANDREW  
1204 BUNGALOW PARK DR  
APEX NC 27502-8098

WAKE COUNTY BOARD OF EDUCATION  
RE SERVICES DIRECTOR  
1551 ROCK QUARRY RD  
RALEIGH NC 27610-4145

WHITE, ROBIN K  
1005 HANDHEWN ST  
APEX NC 27502-4985

WHITEHEAD, CHRISTOPHER  
WHITEHEAD, JOELLE  
1205 BUNGALOW PARK DR  
APEX NC 27502-8099

ZAROW, EMILY N  
1152 BUNGALOW PARK DR  
APEX NC 27502-4981

TOWN OF APEX  
PO BOX 250  
APEX NC 27502

CURRENT TENANT  
6600 APEX BARBECUE RD  
APEX NC 27502

CURRENT TENANT  
6601 APEX BARBECUE RD  
APEX NC 27502

CURRENT TENANT  
6633 APEX BARBECUE RD  
APEX NC 27502

CURRENT TENANT  
1201 BUNGALOW PARK DR  
APEX NC 27502

CURRENT TENANT  
1206 BUNGALOW PARK DR  
APEX NC 27502

CURRENT TENANT  
1211 BUNGALOW PARK DR  
APEX NC 27502

CURRENT TENANT  
1217 BUNGALOW PARK DR  
APEX NC 27502

CURRENT TENANT  
1100 MILK PAINT ALY  
APEX NC 27502

CURRENT TENANT  
1106 MILK PAINT ALY  
APEX NC 27502

CURRENT TENANT  
1218 SCOTTS RIDGE TRL  
APEX NC 27502



## **Scott's Ridge Office and Veterinary Hospital**

List of Adjacent Property Owners  
(provided by the Town of Apex)

AADCOX, LORETTA  
1150 BUNGALOW PARK DR  
APEX NC 27502-4981

ALLEN, SUSAN RICE, MATTHEW  
LINDA RICE  
1106 MILK PAINT ALY  
APEX NC 27502-8489

AMICO, SARAH M  
1212 SCOTTS RIDGE TRL  
APEX NC 27502-3912

BHASI, NAIR SAARIKA RAMACHANDRAN,  
VASUDEV  
1003 HANDHWEN ST  
APEX NC 27502-4985

BOHLIG, MARY A  
1213 BUNGALOW PARK DR  
APEX NC 27502-8099

BONIN, WILLIAM O JR  
1224 SCOTTS RIDGE TRL  
APEX NC 27502-3912

BRAUCKMULLER, BROOKE RIAN  
1214 SCOTTS RIDGE TRL  
APEX NC 27502-3912

BUNGALOW PARK TOWNHOME OWNERS  
ASSN INC  
OMEGA ASSOCIATION MANAGEMENT INC  
160 NE MAYNARD RD STE 210  
CARY NC 27513-9676

BUNGALOW PARK TWNHM OWNERS  
ASSOC INC  
201 SCOTTS RIDGE TRL  
APEX NC 27502-6578

CIRASOLE, PETER CIRASOLE, CAROLYN  
2921 LANDON RIDGE DR  
NEW HILL NC 27562-9305

CLEMENTS, DEBRA ROWLAND  
719 VINCENT LN  
HENRICO NC 27842-9299

CORTEZ, RAFAEL CORTEZ, ANNA MARIA  
1120 WOODLANDS CREEK WAY  
APEX NC 27502-5247

# 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: Scotts Ridge Office and Veterinary Hospital Zoning: RA to B1-CZ

Location: 6633 & 0 Apex Barbecue Road, Apex, NC 27502

Property PIN(s): 0731-48-7012 / -47-5977 Acreage/Square Feet: ~ 1.448 acres

Property Owner: Sudhir Kethamakka and Dhanu Emmadi

Address: 6633 Apex Barbecue Road

City: Apex State: NC Zip: 27502

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

Developer: same

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

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

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

Engineer: Peak Engineering & Design, PLLC

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



### **Providing Input to Town Council:**

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at [AllCouncil@apexnc.org](mailto:AllCouncil@apexnc.org).

### **Private Agreements and Easement Negotiation:**

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

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

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

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

### **Documentation:**

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

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

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

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

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

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

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

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

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

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

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



# 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: ZOOM meeting  
Date of meeting: 8/30/2021 Time of meeting: 5:30 pm  
Property Owner(s) name(s): Sudhir Kethamakka and Dhanu Emmadi  
Applicant(s): same

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 attendees is provided as part of 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): Sudhir Kethamakka and Dhanu Emmadi

Applicant(s): same

Contact information (email/phone): Peak Engineering & Design, PLLC (Jeff Roach)

Meeting Address: ZOOM meeting

Date of meeting: 8/30/2021

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 meeting report is attached

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

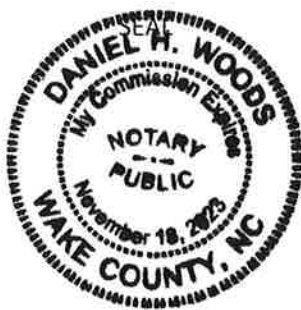
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, 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 (ZOOM meeting) (location/address)  
on 8/30/2021 (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.

8/30/2021  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL WOODS, a Notary Public for the above State and County, on this the 30 day of AUGUST, 2021.



[Signature]  
Notary Public  
DANIEL H. WOODS  
Print Name

My Commission Expires: 11/18/2023



**Scott's Ridge Office & Veterinary Hospital**  
**Rezoning Neighborhood Meeting**  
**5:30 pm August 30, 2021**

The ZOOM meeting for the Scott's Ridge Office & Veterinary Hospital began at 5:30 pm and was hosted by Jeff Roach with Peak Engineering & Design. A brief introduction was made for the people 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 keep the meeting moving along smoothly.

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 a possible location for the non-residential building and parking areas. Everyone was informed that the sketch plan is not a final design for the site and is used to show buffers, access points, , and other site-specific items for the property. Following a discussion related to the above items, the list of permitted uses was shown related to the non-residential zoning for the property. The discussion centered around the location of the new building located between driveways to Scott's Ridge Elementary School.

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 questions from the neighbors on the call, the adjacent property owners dropped off the call around 7:10 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 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.

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

1. What is the plan for lighting on the property?  
*To protect surrounding properties, house side shields will be provided on all lighting. There are also conditions from the Environmental Advisory Board (EAB) to reduce lighting spillover as well as color at or below 3,000 K. This will be coordinated with the Town of Apex and lighting design team.*
2. What are the uses which are being proposed?  
*The list of uses was shown to the attendees. The B1 non-residential zoning district is a wide range of uses. We have removed businesses which would not fit within this location (specifically the microbrewery).*
3. What is the timing of the business?  
*Typical Vet hours are 7:00 am – 7:00 pm but that fluctuates. The Vet Hospital hours was also discussed that they are required to have “overnight hours” or provide a reference to overnight emergency care facilities. Any other business at this location would follow normal business hours for that specific use (no adult businesses are proposed at this site).*
4. Will landscaping being installed on the site? What around a fence along Apex Barbecue Road?  
*Perimeter landscaping and buffers will be installed along all sides of the property abutting Scott’s Ridge Elementary Schools as well as the frontage along Apex Barbecue Road.*
5. Does the veterinarian have cremation services on-site?  
*They do not have cremation services onsite.*
6. What is the access onto Apex Barbecue Road and how does that conflict with the Scott’s Ridge Elementary School?  
*A right-in/right-out onto Apex Barbecue Road is proposed as part of the development. This restriction avoids conflict with school traffic.*
7. Will the sign be a blinking neon sign?  
*The sign will NOT be a blinking neon sign. The UDO controls the type of sign and we referenced other commercial/office buildings in the area which are reasonable expectations of what the UDO would permit.*

The timing of the project was also discussed with a typical zoning taking ~3-1/2 months; engineering designs taking ~ 6 months; and site/building construction taking 12 months.

After the timing discussion, various other sites in and around Apex were discussed, and the neighbors left the call. No changes have been made to the zoning application based upon the neighborhood meeting on August 30, 2021.

**SCOTT'S RIDGE OFFICE & VETERINARY HOSPITAL  
REZONING NEIGHBORHOOD ATTENDANCE SHEET**

Name	Email address/contact information (if provided)	Address (if known)	City (if known)
Deborah Pfitzner		1056 Milk Paint Alley	Apex
Linda Rice		1106 Milk Paint Alley	Apex
Jeff Roach Peak Engineering & Design	<a href="mailto:jroach@peakengineering.com">jroach@peakengineering.com</a>	1125 Apex Peakway	Apex, NC