

STAFF REPORT

Rezoning #22CZ18 Humie Olive Place

November 29, 2022 Town Council Meeting



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

BACKGROUND INFORMATION:

Address: 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd
Applicant: Peter Crossen, Jones & Crossen Engineering, PLLC
Owner: Construction Masters, LLC

PROJECT DESCRIPTION:

Acreage: +/- 2.00 acres
PIN: 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305
Current Zoning: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)
Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: Inside Corporate Limits

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ10)	Townhomes
South:	Rural Residential (RR)	Humie Olive Rd; Apex Friendship High School
East:	Rural Residential (RR)	Single-family Residential
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ10); Rural Residential (RR)	Blazing Trail Dr; Townhomes; Single-family Residential

BACKGROUND:

The site consists of one (1) parcel totaling +/- 2.00 acres and is located at the northeast corner of Humie Olive Road and Blazing Trail Drive. The current zoning was approved by Town Council on November 20, 2018. This application proposes to amend the conditions of the previous rezoning. A Master Subdivision Plan was approved on April 25, 2019. The subdivision is currently under construction. Since the rezoning and subdivision approval, a new stream buffer evaluation indicates the intermittent stream on the eastern side of the property has dried up. Because of that, the applicant wishes to amend their project to add four (4) more units to the subdivision.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on August 31, 2022. The meeting report is attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map classifies the subject property as Medium Density Residential. The proposed rezoning to MD-CZ is consistent with the Medium Density Residential land use classification.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary, middle, and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the high school level. Possible long-term solutions may include capping students out to schools with available seats (not very proximate), reassignments, or calendar

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changes.

PROPOSED ZONING CONDITIONS:

This rezoning case proposes to keep all of the conditions that were adopted in Rezoning Case #16CZ27, with the exception of amending condition 5.

In rezoning case #16CZ27, condition 5 read:

5. The density for the parcel shall be limited to no more than 4.5 units per acre.

The applicant requests that this condition be amended to:

5. The density for the parcel shall be limited to no more than 6 units per acre. The maximum number of units shall be 12.

In addition, the applicant is proposing the following new conditions:

1. One (1) new duplex building shall provide active PV solar for a total of two (2) systems.
2. The project shall install at least one (1) pet waste station in a location that is publicly accessible, such as a side path, sidewalk or SCM.
3. All RCA landscape plantings shall be native species. Landscaping shall be coordinated and approved by the Planning Department at site or subdivision review.

HOUSING STAFF RECOMMENDATION:

Staff is very proactive in (1) providing affordable housing documentation upfront to applicants, (2) reviewing applicant financial and project documentation and (3) working with applicants early in the process on the affordable housing rezoning condition to determine if there are opportunities to provide affordable units on-site. Currently, the Town has limitations in regards to affordable housing such as:

- (1) the inability to implement and enforce mandatory Inclusionary Housing Zoning,
- (2) no adopted Affordable Housing Incentive Zoning Policy to-date,
- (3) the inability to collect fee-in-lieu of onsite units or a donation to the Affordable Housing Fund, and
- (4) restrictive use of the Town's Affordable Housing Fund per North Carolina General Statutes.

Per North Carolina General Statute §157-3, if the Town chooses to provide financial assistance (i.e. Affordable Housing Fund grant for fee reimbursement), at least 20% of the total housing units within the development must be set-aside as affordable housing units for the exclusive use of persons of low-income earning no more than 60% of the Area Median Income (AMI). This proposed development does not meet the North Carolina General Statute §157-3 threshold and would not qualify to receive financial assistance from the Town's Affordable Housing Fund.

After staff met with the applicant, the applicant concluded that providing on-site affordable housing units was not financially feasible based on the economics of their financial pro-forma in this proposed development. Due to the applicant's analysis of their pro-forma and the limitations listed above, staff concluded that it was not recommended to request on-site affordable housing units in this proposed development.

ENVIROMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on July 21, 2022. The zoning conditions suggested by the EAB are listed below with the applicant's response to each condition.

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EAB Suggested Conditions	Applicant's Response
Pet waste station shall be installed in the development.	Added
Install a solar PV system on one duplex building for a total of two systems.	Added
Install a minimum 4-kilowatt (kW) solar PV system on each of three duplex buildings for a total of six systems. The remainder of duplex buildings that do not have solar PV systems installed shall include solar conduit in the building design to facilitate future rooftop solar installations.	Not added
Plant native-only flora in the planned RCA area.	Added
Add informational signage or other marking at the boundary of the RCA indicating that the area beyond the sign is RCA and is not to be disturbed.	Not Added

Parks, Recreation, and Cultural Resources Advisory Commission:

This project will have less than 30 Single Family Detached units and or 45 Single Family Attached units, therefore, the project did not need to be reviewed by the PRCR Advisory Commission per the UDO, Sec. 14.1.2 *Exemptions*. A fee-in-lieu will be presented by PRCR Staff to the Town Council at the time of the Master Subdivision Plan approval.

The fee-in-lieu rate is updated with the previous year's CPI in January of each year and is assigned based on the date of Town Council action/approval of the recommendation at the time of Master Subdivision Plan approval. The current 2022 rate is \$2,528.25 per Single Family Attached unit, which is paid at the time of first final plat. Duplexes are charged per unit at the Single Family Attached unit rate.

Planning Board Recommendation:

The Planning Board held a Public Hearing on November 14, 2022. By a vote of 6 to 2, the Planning Board recommended approving the rezoning with the conditions proposed by the applicant. The dissenting votes were because those members did not believe there was enough data to merit dismissing the existing stream and worried that additional site work and time would cause it to return and negatively impact the homes built on it.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ18 Humie Olive Place as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

Approval of the rezoning is reasonable because the proposed Medium Density Residential-Conditional Zoning district is consistent with the Medium Density Residential land use classification on the 2045 Land Use Map.

The proposed rezoning is in the public interest because in addition to single-family dwellings, it allows for a different housing type while maintaining the character of the adjacent neighborhoods. Duplexes provide opportunities for people, including teachers and other school staff, to rent in an area where they otherwise may not be able to afford to live. It may also provide a home owner with the supplemental income needed to buy a home in an area that is otherwise not affordable.

LEGISLATIVE CONSIDERATIONS

The Town Council shall find the Medium Density Residential-Conditional Zoning designation demonstrates compliance with the following standards. 2.3.3.F:

The applicant shall propose site-specific standards and conditions that take into account the following

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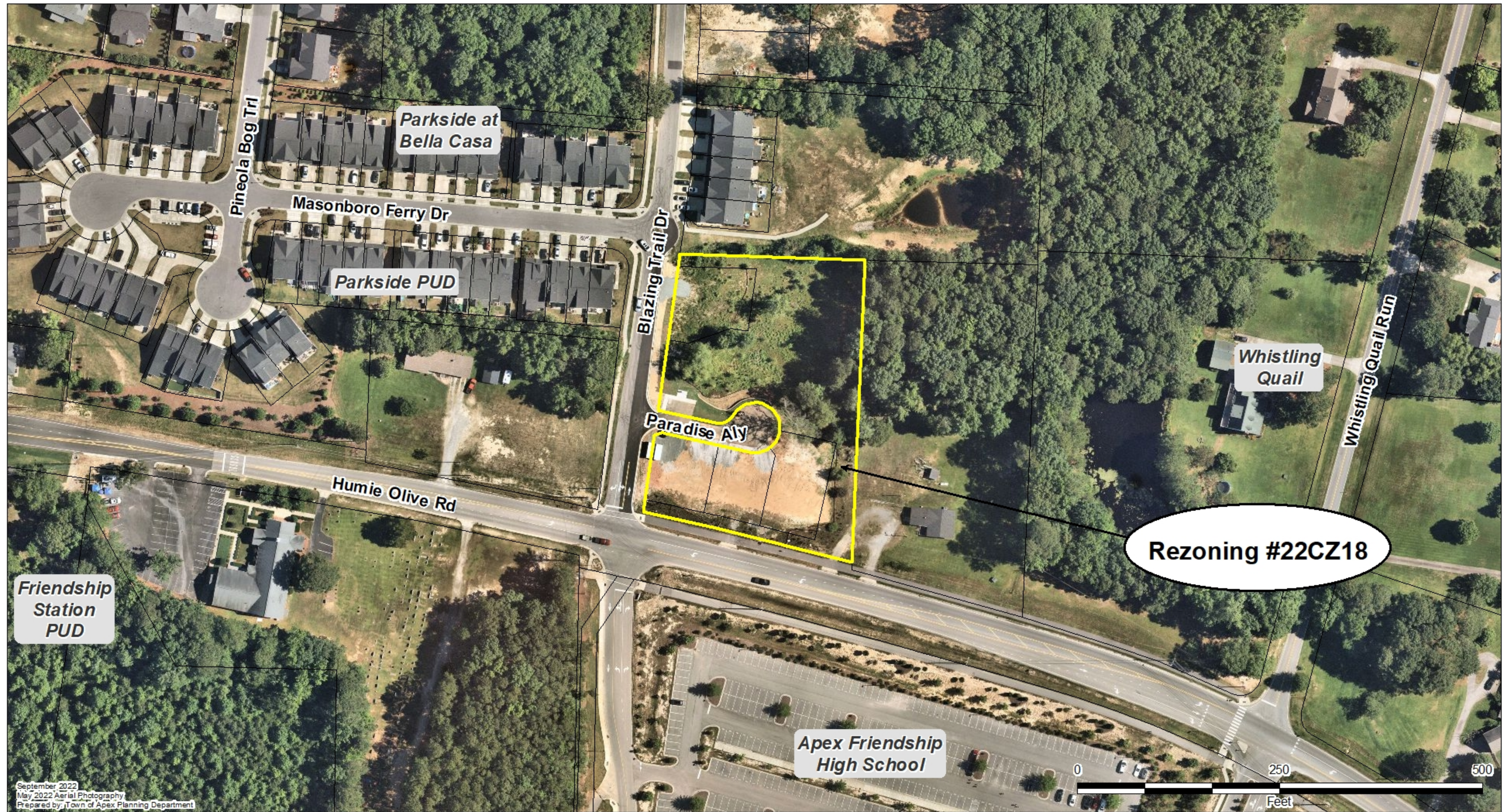
Rezoning #22CZ18 Humie Olive Place

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considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

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



Parkside at Bella Casa

Masonboro Ferry Dr

Parkside PUD

Blazing Trail Dr

Paradise Aly

Humie Olive Rd

Whistling Quail

Whistling Quail Run

Rezoning #22CZ18

Friendship Station PUD

Apex Friendship High School



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 #: 22CZ18 Submittal Date: 9/1/2022
Fee Paid: _____

Project Information

Project Name: Humie Olive Place
Address(es): 2157 & 0 Blazing Trail; 7994, 7988 & 7982 Humie Olive Rd
PIN(s): 0721- 51-6598, 51-7488, 51-6357, 51-7335, 51-8305
Acreage: 2
Current Zoning: MD-CZ Proposed Zoning: MD-CZ
Current 2045 LUM Classification(s): _____
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: Construction Masters LLC
Address: 7904 Humie Olive Rd
City: Apex State: NC Zip: 27502
Phone: 919-995-5876 E-mail: office@conzalpm.com

Owner Information

Name: Construction Masters LLC
Address: 7904 Humie Olive Rd
City: Apex State: NC Zip: 27502
Phone: 919-995-5876 E-mail: office@conzalpm.com

Agent Information

Name: Jones & Cnossen Engineering, PLLC
Address: PO Box 1062
City: Apex State: NC Zip: 27502
Phone: 919-387-1174 E-mail: peter@jonescnossen.com

Other contacts: _____

PETITION INFORMATION

Application #: 22CZ18 Submittal Date: 9/1/2022

An application has been duly filed requesting that the property described in this application be rezoned from MD-CZ _____ to MD-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>Duplex</u>	22	<u>_____</u>
3	<u>Accessory apartment</u>	23	<u>_____</u>
4	<u>Day care facility (s)</u>	24	<u>_____</u>
5	<u>Utility, minor</u>	25	<u>_____</u>
6	<u>_____</u>	26	<u>_____</u>
7	<u>_____</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>

Zoning Conditions for Rezoning Case #22CZ18 Humie Olive Place

Conditions continued from Rezoning Case #16CZ27:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family and duplex homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. The garage cannot protrude more than 1 foot out from the front façade or front porch.
5. The garages for duplex units shall be on opposite sides of the structure.
6. The width of the garage doors shall be no more than 60% of the total width of the house and garage together.
7. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
8. Eaves shall project at least 12 inches from the wall of the structure.
9. 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
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
10. The roofline for duplexes must be broken up vertically between each unit.
11. All rear elevations for duplexes shall include the following:
 - A change in roofline plus an additional projection on the rear façade such as, but not limited to, a bay window, cantilever, fireplace, or enclosed porch.
 - Windows on at least 30% of the rear façade (not including the roof). The building plans shall include the calculation of the rear wall area and the percent of that area that is windows.
12. All duplex units shall be two stories.

Additional Conditions:

1. The density for the parcel shall be limited to no more than 6 units per acre. The maximum number of units shall be 12.
2. One (1) new duplex building shall provide active PV solar for a total of two (2) systems.
3. The project shall install at least one (1) pet waste station in a location that is publicly accessible, such as a sidepath, sidewalk or SCM.
4. All RCA landscape plantings shall be native species. Landscaping shall be coordinated and approved by the Planning Department at site or subdivision review.

PETITION INFORMATION

Application #: 22CZ18 Submittal Date: 9/1/2022

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

The uses proposed that do fall under the supplemental standards will comply with the standards outlined in the UDO.

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.

This development will add additional lots to an existing development accessed by an existing Town of Apex public alley. As such, no addition public infrastructure is required so there should be no adverse impact to adjacent lands.

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.

This project will adhere to all required buffering, will be dedicating Resource Conservation Area and will be adhering the Town of Apex stormwater requirements.

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 conditional zoning will allow additional lots to be developed using existing Town of Apex infrastructure, so there should be no adverse impact on public 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 development of this parcel should not have a negative affect on the health, safety and welfare of Apex citizens.

PETITION INFORMATION

Application #: 22CZ18 Submittal Date: 9/1/2022

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

This rezoning is consistent with the adjacent development standards and will not have a negative affect on the development potential of other adjacent parcels.

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.

Residential homes generally do not constitute a nuisance or hazard because of the character of the neighborhood. This is a small parcel and the impact of these few units on the surrounding area will be minimal.

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

We are providing architectural design conditions as well as a condition limiting the overall density.

RWK, PA

ENGINEERING ~ SURVEYING

P.O. BOX 444

GARNER, NC 27529

PHONE (919) 779-4854

FAX (919) 779-4056

LAND DESCRIPTION FOR

ANNEXATION OF WAKE COUNTY PIN#: 0721517458

7904 HUMIE OLIVE ROAD (NCSR 1142)

APEX, NORTH CAROLINA

BEING ALL THAT PIECE OR PARCEL OF LAND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD (NCSR 1142) AND BLAZING TRAIL DRIVE IN THE TOWN OF APEX , WAKE COUNTY, NORTH CAROLINA TO BE ANNEXED INTO THE TOWN OF APEX AND IS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A PK NAIL IN AN ASPHALT WALK AT THE SOUTHWEST CORNER OF LANDS IN THE NAME OF CONSTRUCTION MASTERS, LLC AS DESCRIBED IN DEED BOOK TO 17680 PAGE 223 AND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD AND BLAZING TRAIL DRIVE AND RUNS;

THENCE N08°03'22"E A DISTANCE OF 330.58' WITH THE EAST RIGHT-OF-WAY OF BLAZING TRAIL DRIVE TO AN EIP IN THE LINE OF LANDS SHOWN AS "HOA COMMON AREA" OF PARKSIDE AT BELLA CASA RECORDED IN BOOK OF MAPS 2016 PAGE 157 AND RUNS;

THENCE S88°16'53"E A DISTANCE OF 227.95' TO AN EIP IN THE WEST LINE OF LANDS IN THE NAME OF SCOTT ELVIN AND DESCRIBED IN DEED BOOK 14353 PAGE 1971 AND RUNS;

THENCE S02°26'32"W A DISTANCE OF 383.21' WITH ELVIN'S WEST LINE TO A PK NAIL SET IN THE NORTH RIGHT-OF-WAY LINE OF HUMIE OLIVE ROAD AND RUNS;

THENCE N75°55'09"W A DISTANCE OF 174.59' WITH HUMIE OLIVE ROAD TO A PK NAIL SET AND RUNS;

THENCE N77°19'42"W A DISTANCE OF 90.71' CONTINUING WITH HUMIE OLIVE ROAD TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 2.000 ACRES OR 87,122 SQUARE FEET.

AGENT AUTHORIZATION FORM

Application #: 22CZ18

Submittal Date: 9/1/2022

Construction Masters LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2155, 2157 & 0 Blazing Trail; 7994, 7996, 7988, 7990, 7982 & 7984 Humie Olive Rd

The agent for this project is: Jones & Crossen Engineering, PLLC

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


Agent Name: Peter Crossen

Address: PO Box 1062, Apex NC 27502

Telephone Number: 919-387-1174

E-Mail Address: peter@jonescrossen.com

Signature(s) of Owner(s)*


Mohamed Elledady, owner of Construction Masters
Type or print name

8/29/22
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 #: 22CZ18

Submittal Date: 9/1/2022

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

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2155, 2157 & 0 Blazing Trail; 7994, 7996, 7988, 7990, 7982 & 7984 Humie Olive Rd and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/16/2019, and recorded in the Wake County Register of Deeds Office on 12/11/2019, in Book 017680 Page 00223.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/16/2019, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/16/2019, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of August, 2022.

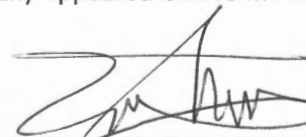

 _____ (seal)
Mohamed Elfadaly, owner of Construction Masters LLC
 Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

ERIN MARCUM NOTARY PUBLIC Wake County North Carolina My Commission Expires <u>11/11/2025</u>
--

[NOTARY SEAL]



 Notary Public
 State of North Carolina
 My Commission Expires: November 19, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ18

Submittal Date: 9/1/2022

Insert legal description below.

BEING ALL THAT PIECE OR PARCEL OF LAND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD (NCSR 1142) AND BLAZING TRAIL DRIVE IN THE TOWN OF APEX , WAKE COUNTY, NORTH CAROLINA TO BE ANNEXED INTO THE TOWN OF APEX AND IS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING AT A PK NAIL IN AN ASHPALT WALK AT THE SOUTHWEST CORNER OF LANDS IN THE NAME OF CONSTRUCTION MASTERS, LLC AS DESCRIBED IN DEED BOOK TO 17680 PAGE 223 AND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD AND BLAZING TRAIL DRIVE AND RUNS;
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THENCE N75°55'09"W A DISTANCE OF 174.59' WITH HUMIE OLIVE ROAD TO A PK NAIL SET AND RUNS;
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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 16, 2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
2155, 2157 & 0 Blazing Trail 0721-51-6598, 0721-51-7488

7994, 7996, 7988, 7990, 7982 & 7984 Humie Olive Rd 0721-51-6357, 0721-51-7335, 0721-51-8305

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment 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)):

A rezoning of the property is being submitted to increase the density from 4.5 units/acre to 6 units/acre. This increase in density will allow the maximum number of units to increase from 9 units to 12 units. All other existing conditions for this property are to remain.

Estimated submittal date: September 01, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Construction Masters LLC
 Applicant(s): Construction Masters LLC
 Contact information (email/phone): peter@jonescossen.com/919-387-1174
 Meeting Address: Zoom meeting - see enclosed registration details
 Date/Time of meeting**: August 31, 2022 6:00 pm - 8:00 pm

Welcome: 6:00 pm Project Presentation: 6:05 pm Question & Answer: 6:30 pm

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



Jones & Crossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Fax: 919-387-3375
www.jonescrossen.com

Zoom Meeting Details – Humie Olive Place

When: **August 31, 2022 06:00 PM Eastern Time (US and Canada)**

Register in advance for this meeting:

Zoom.com

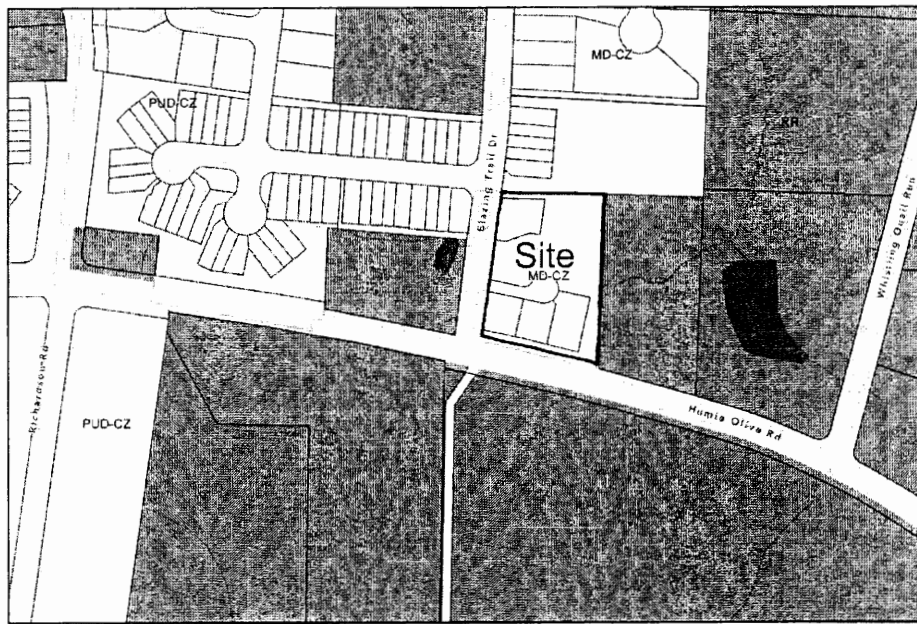
Meeting ID: 837 7149 3602

Passcode: 265510

The Meeting Registration form will request your First and Last Name, Email address and Street Address to help us with attendance at the meeting. After registering, you will receive a confirmation email containing information about joining the meeting.

Phone dial-in option: Call 1-301-715-8592 or 1-309-205-3325 and enter the Meeting ID and Passcode to join the meeting. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.

Vicinity Exhibit



0 100 200 400 ft
1 inch equals 200 feet

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Humie Olive Place Zoning: MD-CZ
 Location: 2155, 2157 & 0 Blazing Trail; 7994, 7996, 7988, 7990, 7982 & 7984 Humie Olive Rd
 Property PIN(s): 0721-51-6598, 0721-51-7488 Acreage/Square Feet: 2
0721-51-6357, 0721-51-7335, 0721-51-8305
 Property Owner: Construction Masters LLC
 Address: 7904 Humie Olive Rd
 City: Apex State: NC Zip: 27502
 Phone: 919-995-5876 Email: office@conzalpm.com

Developer: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Crossen Engineering, PLLc
 Address: PO Box 1062
 City: Apex State: NC Zip: 27502
 Phone: 919-387-1174 Fax: _____ Email: peter@jonescrossen.com

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

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

Town of Apex Department Contacts

Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(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 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

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

Stormwater Control Measures: Jessica Bolin 919-249-3537

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.

Electric Utility Installation: Rodney Smith 919-249-3342

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

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS	
2131 BLAZING TRAIL DR	0721517954	A SQUARED LLC	51 KILMAYNE DR STE 100	CARY NC 27511-7719
2706 MASONBORO FERRY DR	0721515724	JANA A ACKLEY	2706 MASONBORO FERRY DR	APEX NC 27502-3683
2710 MASONBORO FERRY DR	0721514775	ADM & PWM LLC	1967 MOSTYN LN	APEX NC 27502-6509
7917 HUMIE OLIVE RD	0721505118	ARCH PARTNERS LLC	828 HIGHLAND LN NE APT 2305	ATLANTA GA 30306-4379
2149 BLAZING TRAIL DR	0721517619	RAJAN BHANOT & PREETI CHAUHAN	2149 BLAZING TRAIL DR	APEX NC 27502-3679
8013 HUMIE OLIVE RD	0721514143	CHRISTIAN CHAPEL CHURCH	PO BOX 22	APEX NC 27502-0022
7994 HUMIE OLIVE RD	0721516357	CONSTRUCTION MASTERS LLC	7904 HUMIE OLIVE RD	APEX NC 27502-9604
2716 MASONBORO FERRY DR	0721514735	CHRISTINA L & DOUGLAS M DENDULK	105 DUMONT CT	APEX NC 27523-3858
2703 MASONBORO FERRY DR	0721515569	BALAJI & RUPALI DESHPANDE	17 CROYDON AVE	RONKONKOMA NY 11779-1947
2717 MASONBORO FERRY DR	0721513681	JAMELL E DUDLEY & MORGEN E MCVANE	2717 MASONBORO FERRY DR	APEX NC 27502-3683
2728 WHISTLING QUAIL RUN	0721612452	BRIAN & TRISHA EASON	2728 WHISTLING QUAIL RUN	APEX NC 27502-8401
0 LAKE WACCAMAW TRL	0721610803	FAITHWILL HOMES LLC	2101 DELLA CT	APEX NC 27502-9708
2147 BLAZING TRAIL DR	0721517722	PIERRE ALAIN GREMAUD & ROSEMARY ANN LOYCANO	2147 BLAZING TRAIL DR	APEX NC 27502-3679
2141 BLAZING TRAIL DR	0721517820	JULIE A. HAIGHT	2141 BLAZING TRAIL DR	APEX NC 27502-3679
2712 WHISTLING QUAIL RUN	0721613839	STEVEN & CHRISTINA HARDESTY	2712 WHISTLING QUAIL RUN	APEX NC 27502-8401
2718 MASONBORO FERRY DR	0721513796	THOMAS MICHAEL HOWARD TRUSTEE & JACQUELYN NICOLE HOWARD TRUSTEE	2754 LAKE WACCAMAW TRL	APEX NC 27502-8555
2705 MASONBORO FERRY DR	0721515630	RAYMOND JIANG & JULIA YANG	190 DILLON AVE UNIT 301	CAMPBELL CA 95008-3096
2720 MASONBORO FERRY DR	0721513776	WILLIAM J KAVENEY	4046 MAIDSTONE DR	MOUNT PLEASANT SC 29466-7583
2143 BLAZING TRAIL DR	0721517727	MICHAEL JOHN & JULIANNE KELLY	2143 BLAZING TRAIL DR	APEX NC 27502-3679
2704 MASONBORO FERRY DR	0721515754	BLAKE JOHN LUTZ TRUSTEE & JENNIFER LEE LUTZ TRUSTEE	3519 ESTATES EDGE DR	NEW HILL NC 27562-9320
2715 MASONBORO FERRY DR	0721514611	JOHN F & KRISTEN M MCCLURE	2715 MASONBORO FERRY DR	APEX NC 27502-3683
2709 BLAZING TRAIL DR	0721514966	NARENDRA VAMAN & PRUTHVI DESHPANDE PALEKAR	121 AMIABLE LOOP	CARY NC 27519-5578
2719 MASONBORO FERRY DR	0721513661	ROBERT JAMES POHLMAN	2179 MASONBORO FERRY DR	APEX NC 27502
2708 MASONBORO FERRY DR	0721515705	FRED WILLIAM & SHARON RONECKER	2708 MASONBORO FERRY DR	APEX NC 27502-3683
2702 MASONBORO FERRY DR	0721515784	HEATHER L SCHUMM	2702 MASONBORO FERRY DR	APEX NC 27502-3683
8008 HUMIE OLIVE RD	0721514434	ANNIE MAE SCOTT	8008 HUMIE OLIVE RD	APEX NC 27502-9635
7900 HUMIE OLIVE RD	0721519475	ELVIN SCOTT	7900 HUMIE OLIVE RD	APEX NC 27502-9604
0 BLAZING TRAIL DR	0721518752	THE TOWNES AT BELLA CASA ASSOCIATION INC	OMEGA ASSOCIATION MANAGEMENT INC	160 NE MAYNARD RD STE 210
7801 HUMIE OLIVE RD	0720694728	THE WAKE COUNTY BOARD OF EDUCATION	ATTN: BETTY L PARKER	111 CORNING RD STE 100
2713 MASONBORO FERRY DR	0721514641	BRENT & ASHLEY WINSTON	2713 MASONBORO FERRY DR	APEX NC 27502-3683
2709 MASONBORO FERRY DR	0721514670	HUIJUN XIONG & GUANYING WANG	2709 MASONBORO FERRY DR	APEX NC 27502-3683
2145 BLAZING TRAIL DR	0721517724	GUOHUA YANG & HUI ZHENG	3016 NASHVILLE DR	SAN JOSE CA 95133-2059
		TOWN OF APEX	PO BOX 250	APEX NC 27502-0250
		Current Tenant	2145 Blazing Trail DR	APEX NC 27502
		Current Tenant	2155 Blazing Trail DR	APEX NC 27502
		Current Tenant	2157 Blazing Trail DR	APEX NC 27502
		Current Tenant	2708 Blazing Trail DR	APEX NC 27502
		Current Tenant	7982 Humie Olive RD	APEX NC 27502
		Current Tenant	7984 Humie Olive RD	APEX NC 27502
		Current Tenant	7988 Humie Olive RD	APEX NC 27502
		Current Tenant	7990 Humie Olive RD	APEX NC 27502
		Current Tenant	7994 Humie Olive RD	APEX NC 27502
		Current Tenant	7996 Humie Olive RD	APEX NC 27502
		Current Tenant	2703 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2704 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2705 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2707 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2710 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2716 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2718 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2719 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2720 Masonboro Ferry DR	APEX NC 27502
		Current Tenant		

Created by Town of Apex Planning and Community Development

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 - see enclosed registration details

Date of meeting: August 31, 2022 Time of meeting: 6:00-8:00 pm

Property Owner(s) name(s): Construction Masters LLC

Applicant(s): Construction Masters 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.	Peter Cnossen	221 N. Salem St.			—
2.	Mohamed Elfadaly	property owner			—
3.	Nicole Dozier	2600 Monte Terrace			
4.	Marcia Baltimore	2006 Lazio Lane			
5.	Ed Franzone	2746 Lake Waxcomaw Trail			
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): Construction Masters LLC

Applicant(s): Construction Masters LLC

Contact information (email/phone): peter@jonescossen.com/919-387-1174

Meeting Address: Zoom meeting - see enclosed registration details

Date of meeting: August 31, 2022 Time of meeting: 6:00-8:00 pm

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

Question/Concern #1:

Will the development offer affordable housing units? And if not, what benefit is this rezoning for more density to the Town of Apex?

Applicant's Response:

The development did not intend to offer affordable housing as a commitment to provide active solar on one duplex had already been made at the EAB. However, after lengthy discussion, the owner made a commitment to contact the Town's Housing Program Manager to discuss options to provide an affordable component to the rezoning.

Question/Concern #2:

Who is responsible for maintenance of the area outside the road along Blazing Trail Drive?

Applicant's Response:

Blazing Trail Drive and Paradise Alley are both constructed within public right-of-way owned and maintained by the Town of Apex. All area outside the public right-of-way and lots will be owned and maintained by the Humie Olive Place HOA.

Question/Concern #3:

Is this development a part of the Bella Casa HOA?

Applicant's Response:

No, this development will have its own HOA.

Question/Concern #4:

Will a traffic signal be installed at the intersection of Humie Olive Road and Blazing Trail Drive?

Applicant's Response:

Humie Olive Road is maintained by NCDOT and no knowledge of a warrant study for providing a signalized intersection was known. The neighbor added a comment that the new Blazing Trail Drive pavement markings by the Humie Olive Place development have been beneficial.

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, Peter Crossen, do hereby declare as follows:
Print Name

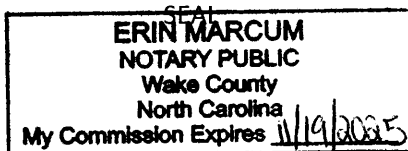
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, 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 Zoom/virtual (location/address) on August 31, 2022 (date) from 6:00 pm (start time) to 8:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

9/18/2022
Date

By: Peter Crossen

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 15th day of September, 2022.



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: Rezoning #22CZ18 Humie Olive Place

Planning Board Meeting Date: November 14, 2022



Report Requirements:

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

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +/- 2.00

PIN(s): 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

Current Zoning: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: Inside Corporate Limits

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: Rezoning #22CZ18 Humie Olive Place

Planning Board Meeting Date: November 14, 2022



Legislative Considerations:

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

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: Rezoning #22CZ18 Humie Olive Place

Planning Board Meeting Date: November 14, 2022



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

9. *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: Rezoning #22CZ18 Humie Olive Place

Planning Board Meeting Date: November 14, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Alyssa Byrd

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

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

Conditions as presented.

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

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

With 2 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See attached "Dissenting Member Comments" documents from Tina Sherman and Daniel Khodaparast.

This report reflects the recommendation of the Planning Board, this the 14th day of November 2022.

Attest:


Regina Skinner, Planning Board Chair

Dianne Khin
Digitally signed by Dianne Khin
Date: 2022.11.14 17:32:33 -05'00'
Dianne Khin, Director of Planning and
Community Development

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tina Sherman

Meeting Date: 11/14/22

Rezoning # 04-22C218

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote:

Concerned about long-term environmental impacts
~~to be~~

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: DANIEL KHODAPARAST

Meeting Date: 11/14/2022

Rezoning # ~~22C.218~~ ~~22C.201~~ 22C.218

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote:

I DO NOT BELIEVE THERE IS ENOUGH DATA TO MERIT DISMISSAL OF THE EXISTING STREAM, DESPITE IT BEING DRY. I WORRY THAT FURTHER SITE WORK AND TIME WILL CAUSE IT TO RETURN AND NEGATIVELY IMPACT THE HOMES BUILT ON THE OLD STREAM BED.

**TOWN OF APEX**

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ18
Humie Olive Place**

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

Applicant: Construction Masters, LLC

Authorized Agent: Jones & Crossen Engineering, PLLC

Property Addresses: 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd

Acreage: ±2.00 acres

Property Identification Numbers (PINs): 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

Current 2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Planning Board Public Hearing Date and Time: November 14, 2022 4-30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.cylexinc.com/frames>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/4376. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40721>.

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





TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-369-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ18
Humie Olive Place

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §260D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Construction Masters, LLC

Agente autorizado: Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 2157 & 0 Blazing Trail; 7994, 7988, y 7982 Humie Olive Rd

Superficie: ±2.00 acres

Números de identificación de las propiedades: 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

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

Ordenamiento territorial existente de las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 14 de noviembre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/channel/UC6mmlfapzqgq>

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.zalio.com/gov/apex>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <https://www.apexnc.org/DocumentCenter/View/476>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40721>.

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



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

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ18
 Humie Olive Place

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

- Applicant:** Construction Masters, LLC
- Authorized Agent:** Jones & Crossen Engineering, PLLC
- Property Addresses:** 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd
- Acreage:** ±2.00 acres
- Property Identification Numbers (PINs):** 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305
- Current 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Properties:** Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)
- Proposed Zoning of Properties:** Medium Density Residential-Conditional Zoning (MD-CZ)

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

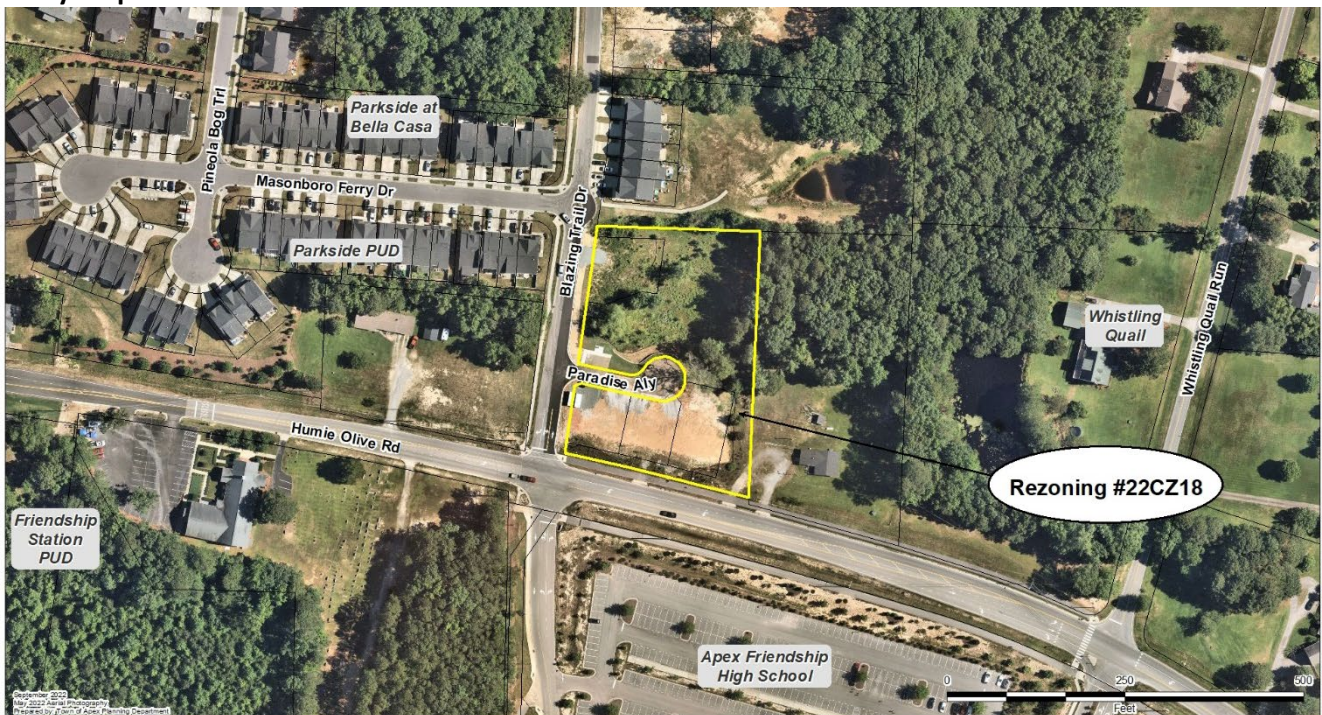
Planning Board Public Hearing Date and Time: November 14, 2022 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40721>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL ##22CZ18

Humie Olive Place

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

Solicitante: Construction Masters, LLC

Agente autorizado: Jones & Clossen Engineering, PLLC

Dirección de las propiedades: 2157 & 0 Blazing Trail; 7994, 7988, y 7982 Humie Olive Rd

Superficie: ±2.00 acres

Números de identificación de las propiedades: 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

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

Ordenamiento territorial existente de las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

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

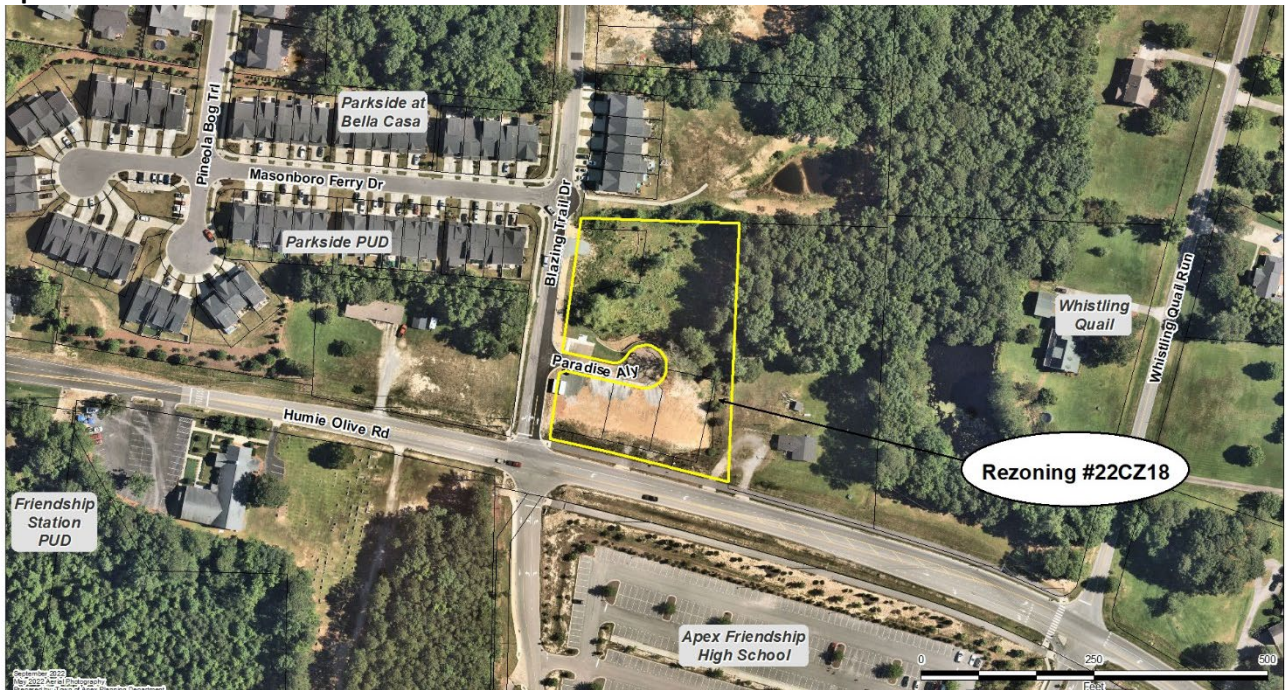
Fecha y hora de la audiencia pública de la Junta de Planificación: 14 de noviembre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40721>.

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



Rezoning #22CZ18

Ananda

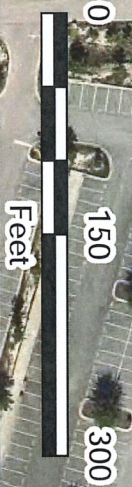
Whisting Quail

Humie Olive Place

Paradise Aly

Humie Olive Rd

Apex Friendship High School



Public Hearing Sign Posted By
[Signature]
Signature
Date 9/9/2022

September 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department



TOWN OF APEX

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

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

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ18
Humie Olive Place
Project Location: 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd
Applicant or Authorized Agent: Peter Clossen, PE
Firm: Jones & Clossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on October 28, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

11/1/2022
Date

Shanne F. Khen
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, *Jeri Chastain Pederson*, a Notary Public for the above

State and County, this the 1 day of November, 202 2.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03 / 10 / 2024

SEAL



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ18
Humie Olive Place

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

- Applicant:** Construction Masters, LLC
- Authorized Agent:** Jones & Crossen Engineering, PLLC
- Property Addresses:** 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd
- Acreage:** ±2.00 acres
- Property Identification Numbers (PINs):** 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305
- Current 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Properties:** Medium Density Residential-Conditional Zoning (MD-CZ #16C227)
- Proposed Zoning of Properties:** Medium Density Residential-Conditional Zoning (MD-CZ)

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

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

Town Council Public Hearing Date and Time: November 29, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40721>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ18

Humie Olive Place

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

Solicitante: Construction Masters, LLC

Agente autorizado: Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 2157 & 0 Blazing Trail; 7994, 7988, y 7982 Humie Olive Rd

Superficie: ±2.00 acres

Números de identificación de las propiedades: 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

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

Ordenamiento territorial existente de las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

Fecha y hora de la audiencia pública del Consejo Municipal: 29 de noviembre de 2022 6:00 P.M.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imap>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40721>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ18 Humie Olive Place

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

Applicant: Construction Masters, LLC

Authorized Agent: Jones & Crossen Engineering, PLLC

Property Addresses: 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd

Acreage: ±2.00 acres

Property Identification Numbers (PINs): 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

Current 2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

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

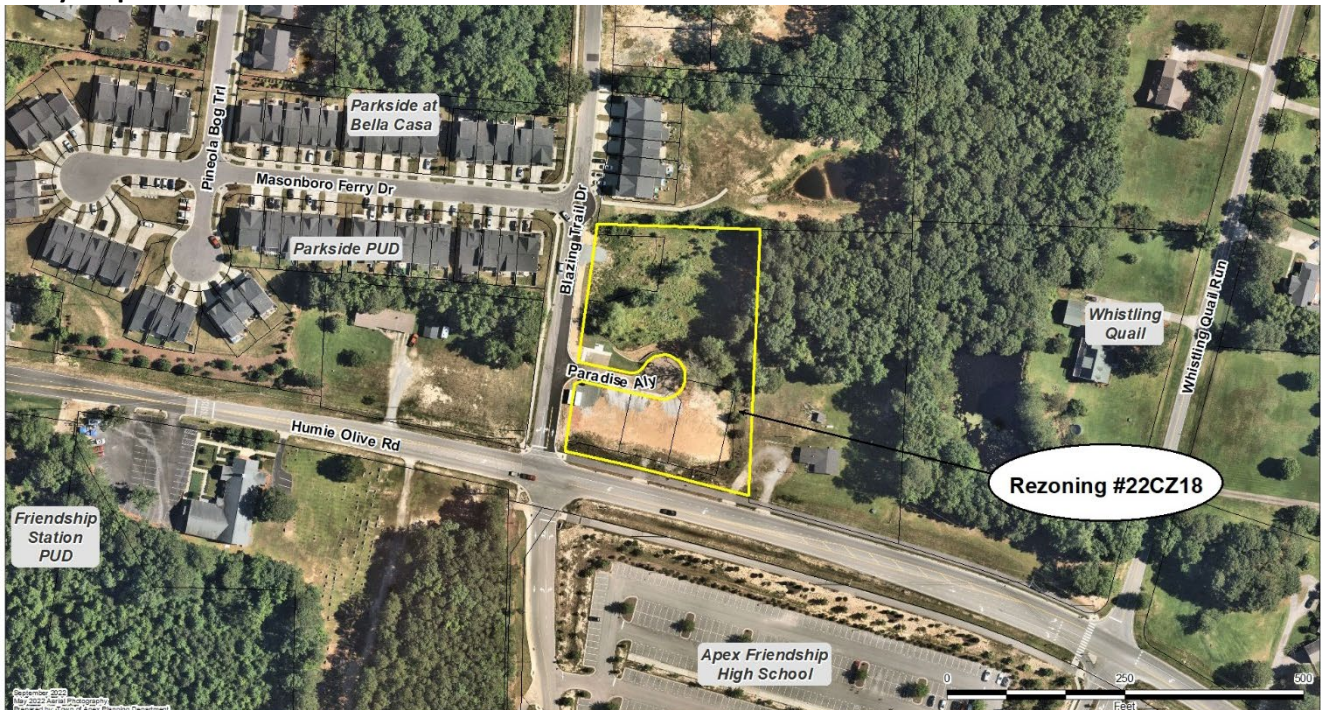
Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: November 29, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40721>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ18

Humie Olive Place

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

Solicitante: Construction Masters, LLC

Agente autorizado: Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 2157 & 0 Blazing Trail; 7994, 7988, y 7982 Humie Olive Rd

Superficie: ±2.00 acres

Números de identificación de las propiedades: 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305

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

Ordenamiento territorial existente de las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27)

Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

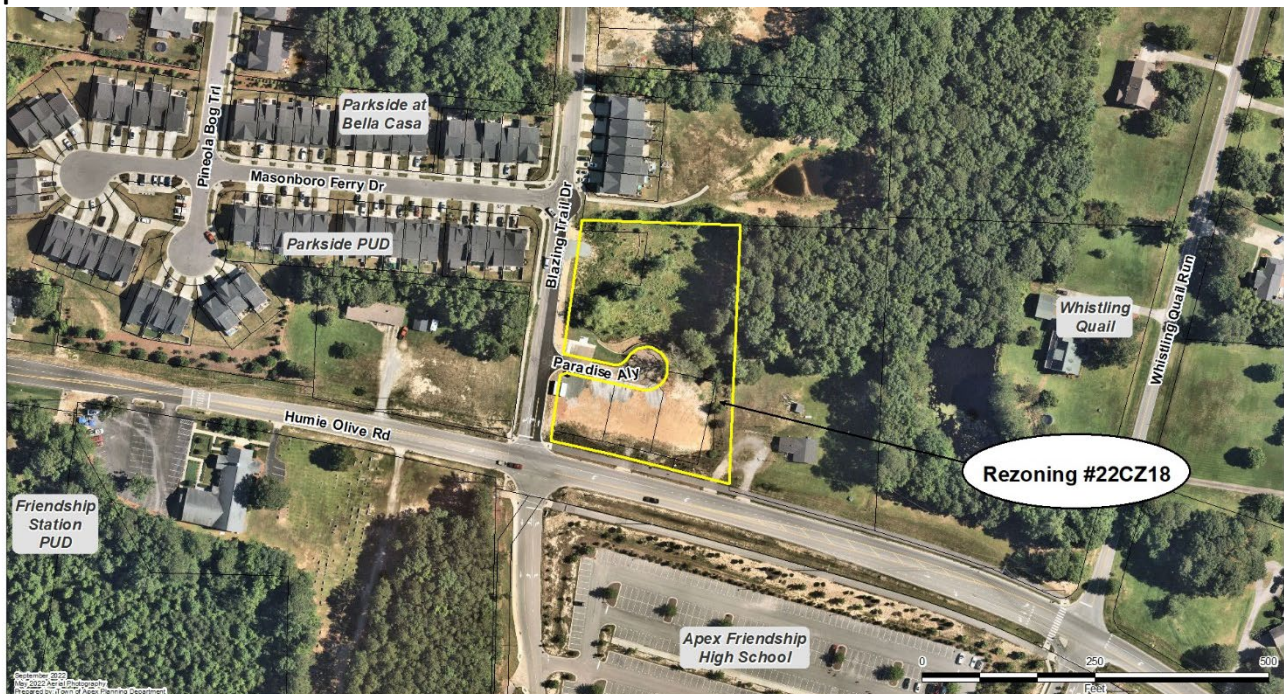
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 29 de noviembre de 2022 6:00 P.M.

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40721>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

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

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

Project Name: Conditional Zoning #22CZ18
Humie Olive Place
Project Location: 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Rd
Applicant or Authorized Agent: Peter Clossen, PE
Firm: Jones & Clossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 4, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

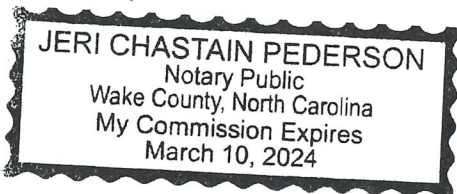
11/7/2022
Date

Maime F. Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

State and County, this the 7th day of November, 202 2.



Jeri Chastain Pederson
Notary Public

SEAL

My Commission Expires: 3 / 10 / 2024



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

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

October 20, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

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

- Date of application: September 1, 2022
Name of development: 22CZ18 Humie Olive Place
Address of rezoning: 0 & 2157 Blazing Trail Dr; 7982, 7988, & 7994 Humie Olive Rd
Total number of proposed residential units: 12 (6 are currently approved)
Type(s) of residential units proposed: Duplexes

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

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

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

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

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

Sincerely,

[Handwritten signature]