

STAFF REPORT

Rezoning #24CZ03 New Hill Holleman Road

May 28, 2024 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: 0 & 0 County Park Dr (Northwest corner of US 1 Hwy and New Hill Holleman Road)
Applicant: Matthew Carpenter, Parker Poe
Owner: TKC CCCXIX, LLC

PROJECT DESCRIPTION:

Acreeage: +/- 25.39 acres
PINs: 0619986598 and 0619992186
Current Zoning: Wake County Highway District (HD)
Proposed Zoning: Planned Commercial-Conditional Zoning (PC-CZ)
2045 Land Use Map: Office Employment/Commercial Services
Town Limits: Outside Corporate Limits and ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Wake County Residential-30 (R-30)	Single-family residential
South:	Wake County Highway District (HD)	US 1 Hwy; vacant
East:	Wake County Highway District (HD)	Retirement Home; New Hill Holleman Rd; vacant
West:	Residential Agricultural (RA); Medium Density Residential-Conditional Zoning (#20CZ09)	Western Wake Regional Water Reclamation Facility; Single-family Residential (Holleman Hills South Subdivision)

EXISTING CONDITIONS:

The area to be rezoned is located north of US 1 Hwy, west of New Hill Holleman Road and along a portion of Church Road and consists of two (2) parcels totaling +/- 25.39 acres. The site is currently wooded and is bisected by a stream and Town of Apex sewer easement.

NEIGHBORHOOD MEETING:

The applicant conducted two neighborhood meetings on January 25, 2024 and April 17, 2024. The reports are attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Office Employment/Commercial Services. The applicant proposes a rezoning to Planned Commercial-Conditional Zoning (PC-CZ) district, which is a valid district within that Land Use Map designation.

STAFF REPORT

Rezoning #24CZ03 New Hill Holleman Road

May 28, 2024 Town Council Meeting



PROPOSED ZONING CONDITIONS:

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. Health/fitness center or spa | 17. Medical or dental laboratory |
| 2. Assembly hall, nonprofit | 18. Office, business or professional |
| 3. Assembly hall, for-profit | 19. Book store |
| 4. Church or place of worship | 20. Convenience store |
| 5. Day care facility | 21. Financial institution |
| 6. Government service | 22. Floral shop |
| 7. Veterinary clinic or hospital | 23. Grocery, specialty |
| 8. Botanical garden | 24. Grocery, general |
| 9. Entertainment, indoor | 25. Newsstand or gift shop |
| 10. Entertainment, outdoor | 26. Personal service |
| 11. Greenway | 27. Pharmacy |
| 12. Park, active | 28. Printing and copying service |
| 13. Park, passive | 29. Real estate sales |
| 14. Youth or day camps | 30. Retail sales, general |
| 15. Restaurant, general | 31. Studio for art |
| 16. Medical or dental office or clinic | 32. Tailor shop |

Proposed Conditions:

1. The following architectural conditions shall apply to development on the property:
 - a. Each building exterior shall have more than one material and/or color.
 - b. The predominant exterior building materials shall be high quality materials, including, but not limited to:
 - i. Brick masonry
 - ii. Decorative concrete block
 - iii. Stone accents
 - iv. Aluminum storefronts with anodized or pre-finished colors
 - v. EIFS cornices and parapet trim
 - vi. Precast concrete
 - vii. Fiber-reinforced concrete (FRC)
 - c. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
 - d. Each building shall have more than one parapet height.
 - e. The main entrance to each building shall be emphasized.



2. The project shall install one (1) sign per Stormwater Control Measure to prohibit fertilizer in a location that is publicly accessible, such as adjacent to a sidewalk.
3. At least 75% of plants shall be native or nativar of North Carolina. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review. No invasive species shall be permitted and no single species of tree or shrub shall constitute more than 20% of the plant material of its type within the development.
4. No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets and construct a stream crossing for the site driveway.
5. The correlated color temperature (CCT) of lamps in exterior lighting shall not exceed 3,000 Kelvins. Athletic field lighting shall be exempt from this requirement.
6. To reduce irrigation requirements, the project shall select and plant only warm season grasses. This condition shall not apply to athletic and other recreational fields.
7. Development shall meet all stormwater reduction requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the predevelopment rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour, and the 25-year, 24-hour storm events.
8. Development of the property shall include the below transportation infrastructure improvements, all of which are subject to both Apex and NCDOT review and approval.
 - a. New Hill Holleman Road. Developer shall dedicate right of way 55 feet from the existing centerline and widen New Hill Holleman Road for the length of the property's New Hill Holleman Road frontage consistent with the Town's adopted Transportation Plan and typical section for a four-lane, median-divided thoroughfare, but without construction of a median (the "New Hill Holleman Road Improvements"). Alternatively, Developer may pay a fee in lieu for the New Hill Holleman Road Improvements, subject to review and approval by the Director of Transportation and Infrastructure Development.
 - b. Church Road Frontage. Developer shall improve Church Road for the length of the property's Church Road frontage to a 27-foot wide curb and gutter roadway with a 50-foot public right-of-way, and 5-foot sidewalk along the south side of the road.
 - c. Church Road Off-Site. Developer shall improve Church Road from the eastern edge of the property's Church Road frontage to the intersection of New Hill Holleman Road and Church Road to a 20-foot wide roadway with a 5-foot wide sidewalk on the south side, marked centerline, and edge lines, and an eastbound left turn lane with 75 feet of storage at the intersection with New Hill Holleman Road (the "Offsite Church Road Improvements"). If the Offsite Church Road Improvements require easements and/or rights of way over/from properties on Church Road developer does not own or control (the "Easements" and each, an "Easement"), developer shall make good faith efforts to acquire the Easements for market value through private negotiation. If developer is unable to acquire one or more Easements for market value, and the Town is unable or unwilling to initiate condemnation proceedings to acquire the Easements, developer may either (a) pay a fee in lieu for the portion of the Offsite Church Road Improvements that cannot be completed due to the Easement(s) that cannot be acquired, or (b) redesign the Offsite Church Road Improvements to not require the Easement(s) that cannot be acquired.

STAFF REPORT

Rezoning #24CZ03 New Hill Holleman Road

May 28, 2024 Town Council Meeting



- d. Traffic Signal. Prior to issuance of a certificate of occupancy, developer shall post a performance bond (the "Bond") for the cost of the design and construction of a wood pole traffic signal at the existing intersection of New Hill Holleman Road, Church Road, and the New Hill Community Center driveway (the "Signal"). No later than a year following issuance of a certificate of occupancy, developer shall perform a warrant study, and if approved by NCDOT and not already committed and funded by others, design and construct the Signal. If NCDOT does not approve the Signal, the Bond shall be refunded to developer and developer shall have no further obligations under this condition.

TRANSPORTATION AND INFRASTRUCTURE STAFF ANALYSIS:

The Apex Transportation Plan - Thoroughfare and Collector Street Plan Map designates New Hill Holleman Road as a 4-lane median-divided thoroughfare. The Bicycle and Pedestrian System Plan Map shows a proposed paved shoulder along New Hill Holleman Road.

The applicant submitted a Traffic Impact Analysis (TIA) for the proposed rezoning, although it is not a requirement for this kind of rezoning. The results of the TIA have been incorporated into the zoning conditions.

New Hill Holleman Road:

The developer proposes the following condition:

- a. New Hill Holleman Road. Developer shall dedicate right of way 55 feet from the existing centerline and widen New Hill Holleman Road for the length of the property's New Hill Holleman Road frontage consistent with the Town's adopted Transportation Plan and typical section for a four-lane, median-divided thoroughfare, but without construction of a median (the "New Hill Holleman Road Improvements"). Alternatively, Developer may pay a fee in lieu for the New Hill Holleman Road Improvements, subject to review and approval by the Director of Transportation and Infrastructure Development.

Transportation and Infrastructure Development Department (TID) staff recommends revisions to the proposed condition, as shown below:

- a. New Hill Holleman Road. **The** developer shall dedicate right of way 55 feet from the existing centerline and widen New Hill Holleman Road for the length of the property's New Hill Holleman Road frontage consistent with the Town's adopted Transportation Plan and typical section for a four-lane, median-divided thoroughfare, but without construction of a median (the "New Hill Holleman Road Improvements"). Alternatively, Developer may pay a fee in lieu for the New Hill Holleman Road Improvements **based on an engineer's estimate to be submitted to the Town**, subject to review and approval by the Director of Transportation and Infrastructure Development.

Church Road:

Church Road is an existing approximate 18-foot wide paved road for the easternmost 950 feet that begins to narrow to the west, and is approximately 12 feet or less for the last 250 feet to the western termination point within a 60-foot state-maintained right-of-way. The existing road width does not meet the minimum paved width of 20 feet required by NC Fire Prevention Code and the Town of Apex.

TID staff have requested the developer improve Church Road from the eastern edge of the property's Church Road frontage to the intersection of New Hill Holleman Road and Church Road to a **minimum** 20-foot wide roadway with a 5-foot wide sidewalk on the south side, marked centerline, and edge lines, and an eastbound left turn lane with 75 feet of storage at the intersection with New Hill Holleman Road to meet the Town's minimum

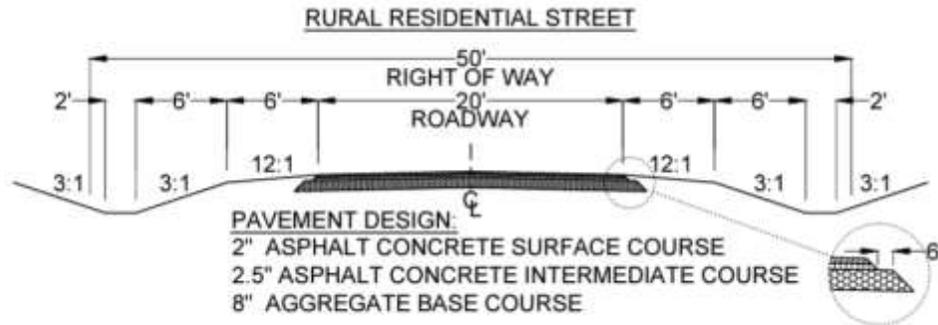
STAFF REPORT

Rezoning #24CZ03 New Hill Holleman Road

May 28, 2024 Town Council Meeting



road section, as shown in the image below from the Town's Standard Specifications and Standard Details, and satisfy the TIA recommendations.



The developer proposes the following condition:

- c. Church Road Off-Site. Developer shall improve Church Road from the eastern edge of the property's Church Road frontage to the intersection of New Hill Holleman Road and Church Road to a 20-foot wide roadway with a 5-foot wide sidewalk on the south side, marked centerline, and edge lines, and an eastbound left turn lane with 75 feet of storage at the intersection with New Hill Holleman Road (the "Offsite Church Road Improvements"). If the Offsite Church Road Improvements require easements and/or rights of way over/from properties on Church Road developer does not own or control (the "Easements" and each, an "Easement"), developer shall make good faith efforts to acquire the Easements for market value through private negotiation. If developer is unable to acquire one or more Easements for market value, and the Town is unable or unwilling to initiate condemnation proceedings to acquire the Easements, developer may either (a) pay a fee in lieu for the portion of the Offsite Church Road Improvements that cannot be completed due to the Easement(s) that cannot be acquired, or (b) redesign the Offsite Church Road Improvements to not require the Easement(s) that cannot be acquired.

While not in favor of the applicant's proposed condition, TID staff recommends revisions to the proposed condition, as shown below, to be consistent with similar conditions on past rezonings:

- c. Church Road Off-Site. **The** developer shall improve Church Road from the eastern edge of the property's Church Road frontage to the intersection of New Hill Holleman Road and Church Road to a **minimum** 20-foot wide roadway with a 5-foot wide sidewalk on the south side, marked centerline, and edge lines, and an eastbound left turn lane with 75 feet of storage at the intersection with New Hill Holleman Road (the "Offsite Church Road Improvements"). If the Offsite Church Road Improvements require easements and/or rights of way over/from properties on Church Road **that the** developer does not own or control (~~the "Easements" and each, an "Easement"~~) ("Easements"), developer shall make good faith efforts to acquire the Easements through private negotiation. If developer is unable to acquire one or more Easements ~~for market value~~, and the Town is unable or unwilling ~~to initiate condemnation proceedings~~ to acquire the Easements, the developer ~~may either~~ **(a) shall** pay a fee in lieu for the portion of the Offsite Church Road Improvements that cannot be completed due to the Easement(s) that cannot be acquired, **based on an engineer's estimate and third-party appraisal for the cost of easement acquisition to be submitted to the Town for review and approval**, or (b) redesign the Offsite Church Road Improvements to not require the Easement(s) that cannot be acquired.

STAFF REPORT

Rezoning #24CZ03 New Hill Holleman Road

May 28, 2024 Town Council Meeting



ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on April 10, 2024. The zoning conditions suggested by the EAB are listed below along with the applicant’s response to each suggested condition.

EAB Suggested Condition	Applicant’s Response
1. No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install the required sewer infrastructure and SCM outlets and construct a stream crossing for the site driveway.	Added.
2. One sign per SCM to prohibit fertilizer in a location that is publicly accessible, such as adjacent to sidewalk.	Added.
3. At least 75% of plants shall be native or nativar species of North Carolina.	Added.
4. The correlated color temperature (CCT) of lamps in the exterior lighting shall not exceed 3,000 Kelvin. Athletic field lighting shall be exempt from this requirement.	Added.
5. Warm season grasses shall be planted on the property, with the exception of athletic fields.	Added.
6. A solar PV system shall be incorporated into buildings to be constructed on the property. Such PV systems shall have a capacity of no less than 2 kW per 1,000 square feet of heated building area, or a capacity to produce 100% of the expected electrical use, whichever is less.	Not Added.

PLANNING STAFF RECOMMENDATION:

Planning and TID staff recommend denial of Rezoning #24CZ03 New Hill Holleman Road. Staff does not support making the minimum roadway improvements subject to whether or not the developer can obtain the necessary easements and right-of-way. Staff is open to the sidewalk being subject to the acquisition of the easements and right-of-way, but not the minimum pavement section. If the developer believes that they will need those easements and does not believe that they can obtain them, then staff does not believe that this project should be rezoned at this time. At this time, Church Road is deficient with respect to the minimum road width required by NC Fire Prevention Code and the Apex rural residential street standard. Staff does not recommend rezoning these parcels as proposed until the applicant has investigated whether or not:

1. Additional easements are necessary to construct the minimum road improvements and sidewalk, and
2. Whether or not the adjacent property owners would be willing to negotiate.

The suggested zoning condition language require a good faith negotiation and option for fee-in-lieu if the Town is unable or unwilling to obtain the easements for the developer. However, a fee-in-lieu would not address the existing traffic safety and capacity issues due to the current inadequate road section.

PLANNING BOARD RECOMMENDATION:

Planning Board reviewed this project at their May 13, 2024 meeting and unanimously voted to recommend denial.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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



The 2045 Land Use Map designates the site as Office Employment/Commercial Services. The applicant proposes a rezoning to Planned Commercial-Conditional Zoning (PC-CZ) district, which is a valid district within that Land Use Map designation.

Although the proposed rezoning would permit additional commercial uses that are compatible with and supportive of the surrounding properties and would increase the tax base, it is not reasonable and in the public interest because the applicant’s wording of the transportation conditions does not ensure an adequate fee-in-lieu for improvements along New Hill Holleman Road and does not guarantee that Church Road will be improved by the developer to meet the minimum road width required by Fire Code and the Apex rural residential street standard.

LEGISLATIVE CONSIDERATIONS

The Town Council shall find the Planned Commercial-Conditional Zoning (PC-CZ) 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 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

STAFF REPORT

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May 28, 2024 Town Council Meeting



complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Holleman Hills

Oakfields Rd

New Hill Community Center

Rezoning #24CZ03

Church Rd

New Hill Holleman Rd

1

Western Wake Regional Water Reclamation Facility

RAMP US 1 SB to New Hill Holleman

RAMP New Hill Holleman to US 1 NB

RAMP New Hill Holleman to US 1 SB

US 1 Hwy SB

US 1 Hwy NB

RAMP US 1 NB to New Hill Holleman

Cell Tower

Friendship Rd

1



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 #: 24CZ03 Submittal Date: 02/01/2024
Fee Paid: \$1,000.00

Project Information

Project Name: New Hill Holleman Road Rezoning
Address(es): 0 County Park Drive
PIN(s): 0619986598 and 0619992186
Acreage: 25.39
Current Zoning: Highway District (HD)(Wake County) Proposed Zoning: Planned Commercial Conditional (PC-CZ)
Current 2045 LUM Classification(s): Office Employment/Commercial Services
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes

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:	<u>N/A</u>
Area proposed as non-residential development:	Acreage:	<u>N/A</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>N/A</u>

Applicant Information

Name: TKC CCCXIX, LLC, a North Carolina limited liability company
Address: c/o Matthew J. Carpenter, 301 Fayetteville St, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com

Owner Information

Name: Same as Applicant
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: Matthew J. Carpenter
Address: 301 Fayetteville St, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com

Other contacts: Jessie Hardesty; hardesty@mcadamsco.com
Jonathan Balderson; balderson@mcadamsco.com
Anne Lebo; anne.lebo@littleonline.com
Kevin Dean; kevin.dean@kimley-horn.com

PETITION INFORMATION

Application #: 24CZ03 Submittal Date: 02/01/2024

An application has been duly filed requesting that the property described in this application be rezoned from Wake Co. HD to PC-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>See attached</u>	21	<u></u>
2	<u></u>	22	<u></u>
3	<u></u>	23	<u></u>
4	<u></u>	24	<u></u>
5	<u></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>
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13	<u></u>	33	<u></u>
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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>

New Hill Holleman Road Rezoning
Proposed Uses and Zoning Conditions

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. All uses listed below are permitted (P) uses unless noted otherwise. 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. Health/fitness center or spa
2. Assembly hall, nonprofit
3. Assembly hall, for-profit
4. Church or place of worship
5. Day care facility
6. Government service
7. Veterinary clinic or hospital
8. Botanical garden
9. Entertainment, indoor
10. Entertainment, outdoor
11. Greenway
12. Park, active
13. Park, passive
14. Youth or day camps
15. Restaurant, general
16. Medical or dental office or clinic
17. Medical or dental laboratory
18. Office, business or professional
19. Book store
20. Convenience store
21. Financial institution
22. Floral shop
23. Grocery, specialty
24. Grocery, general
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26. Personal service
27. Pharmacy
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29. Real estate sales
30. Retail sales, general
31. Studio for art
32. Tailor shop

Zoning Conditions

1. The following architectural conditions shall apply to development on the property:
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 - b. The predominant exterior building materials shall be high quality materials, including, but not limited to:
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 - ii. Decorative concrete block
 - iii. Stone accents
 - iv. Aluminum storefronts with anodized or pre-finished colors
 - v. EIFS cornices and parapet trim
 - vi. Precast concrete
 - vii. Fiber-reinforced concrete (FRC)
 - c. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
 - d. Each building shall have more than one parapet height.
 - e. The main entrance to each building shall be emphasized.
2. The project shall install one (1) sign per Stormwater Control Measure to prohibit fertilizer in a location that is publicly accessible, such as adjacent to a sidewalk.
3. At least 75% of plants shall be native or nativar of North Carolina. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review. No invasive species shall be permitted and no single species of tree or shrub shall constitute more than 20% of the plant material of its type within the development.
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5. The correlated color temperature (CCT) of lamps in exterior lighting shall not exceed 3,000 Kelvins. Athletic field lighting shall be exempt from this requirement.
6. To reduce irrigation requirements, the project shall select and plant only warm season grasses. This condition shall not apply to athletic and other recreational fields.
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- a. New Hill Holleman Road. Developer shall dedicate right of way 55 feet from the existing centerline and widen New Hill Holleman Road for the length of the property's New Hill Holleman Road frontage consistent with the Town's adopted Transportation Plan and typical section for a four-lane, median-divided thoroughfare, but without construction of a median (the "New Hill Holleman Road Improvements"). Alternatively, Developer may pay a fee in lieu for the New Hill Holleman Road Improvements, subject to review and approval by the Director of Transportation and Infrastructure Development.
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- d. Traffic Signal. Prior to issuance of a certificate of occupancy, developer shall post a performance bond (the "Bond") for the cost of the design and construction of a wood pole traffic signal at the existing intersection of New Hill Holleman Road, Church Road, and the New Hill Community Center driveway (the "Signal"). No later than a year following issuance of a certificate of occupancy, developer shall perform a warrant study, and if approved by NCDOT and not already committed and funded by others, design and construct the Signal. If NCDOT does not approve the Signal, the Bond shall be refunded to developer and developer shall have no further obligations under this condition.

PETITION INFORMATION

Application #:

24CZ03

Submittal Date:

02.01.2024

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

Proposed uses will comply with all applicable Supplemental standards in UDO Section 4.4.

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

The list of permitted uses has been drafted to promote compatibility with adjacent residential uses. Potentially incompatible uses that are permitted in the PC district by the UDO - such as bar, nightclub, wine bar, or taproom; tattoo parlor and body piercing; building supplies, retail; dry cleaners and laundry service; gas and fuel, retail; kennel; laundromat; etc. - are specifically excluded in the proposed conditions. The project will follow all UDO standards for trash, service delivery, parking and loading, odors, noise, glare, and vibration. Although a TIA was not required with this rezoning application, a TIA has been scoped and submitted to better understand traffic impacts and improvements required to mitigate traffic generated by the project.

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.

Development of the site will meet all state and local requirements related to environmental impacts, water quality, air quality, wildlife habitat, and other natural resources. The property is not located in the water supply watershed.

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

The proposed zoning will not have adverse impacts on public facilities and services. A contiguous annexation petition has been filed to request Town services and will be reviewed concurrently with this rezoning request.

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

The proposed zoning will not have negative effects on the health, safety, or welfare of residents of the Town or its ETJ. Rather, it will allow the development of recreational facilities and/or commercial services in a convenient location for existing and future residents of southwest Apex.

PETITION INFORMATION

Application #: 24CZ03 Submittal Date: 02.01.2024

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

The proposed zoning will not be substantially detrimental to adjacent properties. As discussed above, the request reduces uses permitted by the current zoning and specifically excludes certain uses that may be incompatible with adjacent residential uses. Additionally, the project will provide undisturbed and/or planted buffers adjacent to existing residential uses as required by the UDO.

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

The proposed zoning will not constitute a nuisance or hazard. As discussed above, the request reduces uses permitted by the current zoning and specifically excludes certain uses that may be incompatible with adjacent residential uses. Although a TIA was not required with this rezoning application, a TIA has been scoped and submitted to better understand traffic impacts and improvements required to mitigate traffic generated by the project.

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.

Under the proposed zoning, all development will be required to comply with all standards imposed on it by all other applicable provisions of the UDO for use, layout, and general development.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

TKC CCCXIX, LLC is the owner* of the property for which the attached application is being submitted:

- 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: Annexation Petition

The property address is: PINs 0619986598 and 0619992186

The agent for this project is: Matthew J. Carpenter

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

Agent Name: Matthew J. Carpenter

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: 919-835-4032

E-Mail Address: matthewcarpenter@parkerpoe.com

Signature(s) of Owner(s)*

TKC CCCXIX, LLC
a North Carolina limited liability company

DocuSigned by:

4F5267321DF440D...
William Baker

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.

Legal Description of Property

TRACT 1

BEING A PORTION OF TRACT 3 AS DESCRIBED IN DEED BOOK 1944, PAGE 319 OF THE WAKE COUNTY REGISTRY. MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN IRON PIPE ON THE NORTHERN RIGHT OF WAY OF US HIGHWAY 1, THE SOUTHEAST CORNER OF TRACT 1, AS SHOWN ON BOOK OF MAPS 2011, PAGE 412 OF THE WAKE COUNTY REGISTRY, THE POINT OF BEGINNING; THENCE WITH SAID COMMON LINE NORTH 03°14'00" EAST A DISTANCE OF 844.16 FEET TO AN IRON PIPE, THE SOUTHEAST CORNER OF THE LOT SHOWN ON BOOK OF MAPS 2020, PAGE 2221; THENCE WITH SAID COMMON LINE NORTH 01°06'11" WEST A DISTANCE OF 323.18 FEET TO AN IRON PIPE; THENCE NORTH 01°07'36" WEST A DISTANCE OF 165.72 FEET TO AN IRON PIPE ON THE SOUTHERN RIGHT OF WAY OF CHURCH ROAD; THENCE WITH SAID RIGHT OF WAY, A CURVE TO THE LEFT, A RADIUS OF 5,079.54 FEET, AN ARC LENGTH OF 204.82 FEET, A CHORD BEARING OF NORTH 58°22'44" EAST, A CHORD LENGTH OF 204.80 FEET TO AN IRON PIPE; THENCE A CURVE TO THE LEFT, A RADIUS OF 670.49 FEET, AN ARC LENGTH OF 47.80 FEET, A CHORD BEARING OF NORTH 55°18'20" EAST, A CHORD LENGTH OF 47.79 FEET TO AN IRON PIPE; THENCE A CURVE TO THE LEFT, A RADIUS OF 303.13 FEET, AN ARC LENGTH OF 20.81 FEET, A CHORD BEARING OF NORTH 53°54'36" EAST, A CHORD LENGTH OF 20.81 FEET TO AN IRON PIPE, THE SOUTHWEST CORNER OF MARK MALETTA; THENCE WITH SAID COMMON LINE NORTH 87°20'28" EAST A DISTANCE OF 220.84 FEET TO AN IRON PIPE, THE SOUTHWEST CORNER OF LOT 1 AS SHOWN ON BOOK OF MAPS 2017, PAGE 488; THENCE WITH SAID COMMON LINE NORTH 87°01'51" EAST A DISTANCE OF 309.05 FEET TO AN IRON PIPE, THE NORTHWEST CORNER OF LOT 2 AS SHOWN ON BOOK OF MAPS 2017, PAGE 488; THENCE WITH SAID COMMON LINE SOUTH 13°59'07" EAST A DISTANCE OF 425.04 FEET TO AN IRON PIPE; THENCE NORTH 86°56'19" EAST A DISTANCE OF 374.70 FEET TO AN IRON PIPE, ON THE WESTERN RIGHT OF WAY OF NEW HILL HOLLEMAN ROAD; THENCE WITH SAID RIGHT OF WAY NORTH 86°56'01" EAST A DISTANCE OF 10.47 FEET TO AN IRON PIPE; THENCE SOUTH 13°13'14" EAST A DISTANCE OF 60.84 FEET TO AN IRON PIPE, ON THE NORTHERN RIGHT OF WAY OF US HIGHWAY 1; THENCE WITH SAID RIGHT OF WAY SOUTH 14°23'36" WEST A DISTANCE OF 11.25 FEET TO AN IRON PIPE; THENCE SOUTH 42°00'25" WEST A DISTANCE OF 445.50 FEET TO A CONCRETE MONUMENT; THENCE A CURVE TO THE RIGHT, A RADIUS OF 2,164.19 FEET, AN ARC LENGTH OF 370.44 FEET, A CHORD BEARING OF SOUTH 45°47'33" WEST, A CHORD LENGTH OF 369.99 FEET TO A CONCRETE MONUMENT; THENCE NORTH 25°45'50" WEST A DISTANCE OF 10.30 FEET TO A CONCRETE MONUMENT; THENCE A CURVE TO THE LEFT, A RADIUS OF 11,597.71 FEET, AN ARC LENGTH OF 565.72 FEET, A CHORD BEARING OF SOUTH 58°42'27" WEST, A CHORD LENGTH OF 565.66 FEET TO AN IRON PIPE; THENCE SOUTH 57°18'36" WEST A DISTANCE OF 40.99 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 32°41'24" EAST A DISTANCE OF 10.00 FEET TO AN IRON PIPE; THENCE SOUTH 57°18'52" WEST A DISTANCE OF 256.68 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,101,934 SQUARE FEET OR 25.30 ACRES.

TRACT 2

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AFFIDAVIT OF OWNERSHIP

Application #: _____

Submittal Date: _____

The undersigned, Matthew J. Carpenter (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

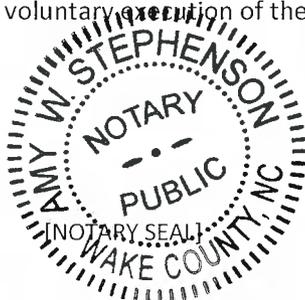
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at New Hill Holleman Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
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 N/A, and recorded in the Wake County Register of Deeds Office on N/A, in Book N/A Page N/A.
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 N/A, 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 11/17/2023, 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 30 day of January, 2024.


 _____ (seal)
Matthew J. Carpenter
 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 Matthew J. Carpenter, 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.



Amy W. Stephenson

 Notary Public
 State of North Carolina
 My Commission Expires: October 2, 2028

Legal Description of Property

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Instruction Packet and Affidavit for Neighborhood Meetings

Town of Apex
Planning Dept
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 Planning Department 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 and any long range plan amendments directly associated with such projects prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7.B. The intent 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 pre-application 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;
- Minor Site Plans for the uses “Day care facility”, “Government service”, “School, public or private”, “Restaurant, drive-through”, and “Convenience store with gas sales”;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

INSTRUCTIONS

Prior to submitting an application for a Rezoning; Major Site Plan; Minor Site Plans for the uses “Day care facility”, “Government service”, “School, public or private”, “Restaurant, drive-through”, or “Convenience store with gas sales”; residential Master Subdivision Plan (excluding exempt subdivisions); or Special Use Permit, the applicant must conduct at least one (1) Neighborhood Meeting. **The notices for this Neighborhood Meeting shall not be mailed until after the pre-application meeting with the Technical Review Committee has been held.** 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.

A second Neighborhood Meeting is required for all Rezoning (including Planned Unit Developments). This meeting shall be held in the month preceding the anticipated public hearing date.

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 Planning Department, 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 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. An updated list shall be provided by Planning staff prior to the required 2nd meeting for Rezoning applications.

- 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:

- For all applications except Rezonings, 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.
- For Rezoning, two (2) meetings are required. The first meeting must be held prior to submittal of the application and the second meeting must be held in the month preceding the anticipated public hearing date. The meetings must be held for a minimum of one (1) hour each, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period.
- Meetings cannot be held on Town recognized holidays (<http://www.apexnc.org/calendar.aspx>).
- 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 to help facilitate discussion:
 - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ):
 - A vicinity map and existing zoning map of the area; and
 - An exhibit(s) showing any proposed long range plan amendment(s), if applicable.
 - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; Minor Site Plans for the uses “Day care facility”, “Government service”, “School, public or private”, “Restaurant, drive-through”, and “Convenience store with gas sales”; residential Master Subdivision Plans; and Special Use Permits:
 - A vicinity map and preliminary plans of the proposed development. 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 emailed/mailed to them; and
 - An exhibit showing any proposed long range plan amendment(s), if applicable.
 - Printed copies (handouts) 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 mailing/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 or who otherwise request to be updated 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 the Planning Department, 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 included in the invitation and 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.

January 11, 2024

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
 New Hill Holleman Road A portion of PIN 0629623563

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>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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 checked="" type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input checked="" 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)):

The applicant is proposing to rezone the property to Office Institutional Conditional (OI-CZ),

Business 1 Conditional (B1-CZ), or another district that permits a mix of non-residential uses.

Estimated submittal date: February 1, 2024

MEETING INFORMATION:	
Property Owner(s) name(s):	TKC CCCXIX, LLC
Applicant(s):	TKC CCCXIX, LLC c/o Matthew Carpenter
Contact information (email/phone):	matthewcarpenter@parkerpoe.com; (919) 835-4032
Meeting Address:	Virtual (Zoom) - See attached notice letter
Date/Time of meeting**:	January 25, 2024
Welcome:	6:00 PM
Project Presentation:	between 6:00 PM - 7:00 PM
Question & Answer:	between 6:00 PM - 7:00 PM

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



To: Neighboring Property Owners and Tenants
From: Matthew J. Carpenter
Date: January 11, 2024

Re: Notice of Virtual Neighborhood Meeting

You are invited to attend a virtual neighborhood meeting on January 25, 2024 at 6:00 PM to discuss an upcoming application to rezone an approximately 25.68-acre property located at the northwest corner of the intersection of New Hill Holleman Road and US-1 (a portion of PIN 0629623563) as more particularly shown on the attached Vicinity Map (the "Property"). The Property is currently zoned Highway District (HD)(Wake Co.), and the proposal is to rezone the Property to Office Institutional Conditional (OI-CZ), Business 1 Conditional (B1-CZ), or another mixed-use designation. A corresponding annexation petition will be filed in conjunction with the rezoning application.

During the meeting, the applicant will describe the nature of the rezoning request and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the requested portion of parcel; (2) a zoning map of the subject area; (3) a project contact information sheet; and (4) a common construction issues & who to call information sheet.

The meeting will be held virtually. You can participate online via Zoom or by telephone. To participate in the Zoom online meeting:

Visit:	https://zoom.us/join
Enter the following meeting ID:	819 2352 7862
Enter the following password:	191624

To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	819 2352 7862
Enter the Participant ID:	#
Enter the Meeting password:	191624

If you have any questions about this rezoning, please contact me at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com.

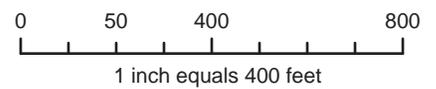
Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew Carpenter', written over a light blue circular stamp. Below the signature is the printed name 'Matthew Carpenter' in a black sans-serif font.

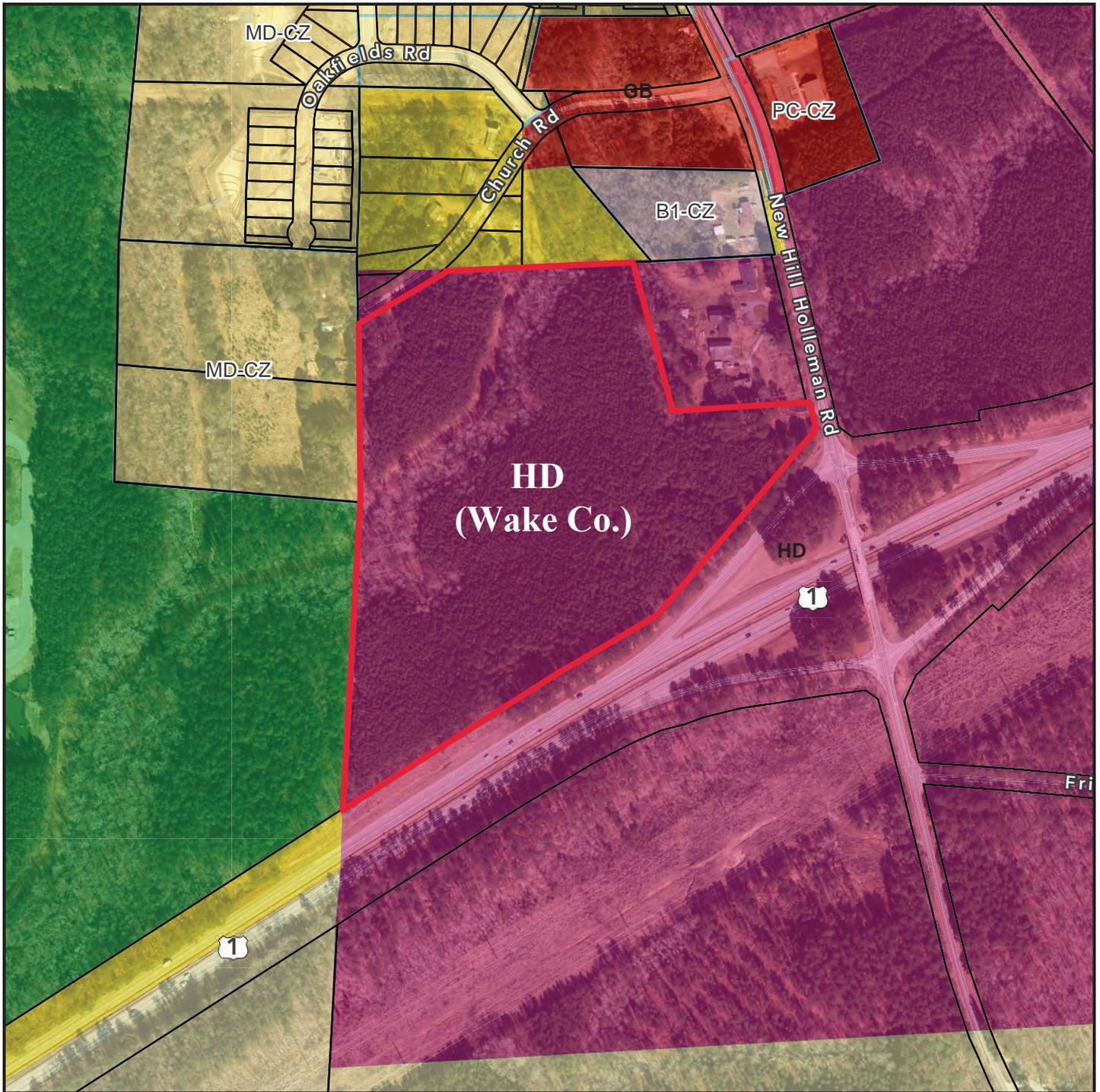


a portion of PIN 0629623563

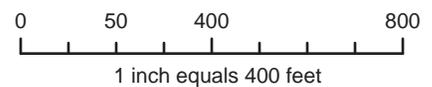
Vicinity Map



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



a portion of PIN 0629623563



Zoning Map

Current Zoning: HD (Wake Co.)

Disclaimer

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PROJECT CONTACT INFORMATION

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Development Contacts:

Project Name: Apex YMCA Zoning: Highway District (HD) (Wake Co.)

Location: New Hill Holleman Road

Property PIN(s): A portion of PIN 0629623563 Acreage/Square Feet: 25.68 acres

Property Owner: TKC CCCXIX, LLC

Address: 1775 Graham Avenue, Suite 201

City: Henderson State: NC Zip: 27536-2997

Phone: n/a Email: n/a

Developer: The Keith Corporation c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: n/a Email: matthewcarpenter@parkerpoe.com

Engineer: McAdams

Address: 621 Hillsborough Street, Suite 500

City: Raleigh State: NC Zip: 27603

Phone: (919) 361-5000 Fax: n/a Email: decker@mcadamsco.com

Builder (if known): The Keith Corporation c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: n/a Email: matthewcarpenter@parkerpoe.com

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 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 Planning Project Manager	(919) 372-7468
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
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Construction Traffic:	James Misciagno	919-372-7470
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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).

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

Parking Violations:	Non-Emergency Police	919-362-8661
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Dirt in the Road:	James Misciagno	919-372-7470
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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.

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

Trash:	James Misciagno	919-372-7470
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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.

Temporary Sediment Basins:	James Misciagno	919-372-7470
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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.

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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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.

Electric Utility Installation:	Rodney Smith	919-249-3342
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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: virtually via Zoom

Date of meeting: January 25, 2024 Time of meeting: 6:00

Property Owner(s) name(s): TKC CCCXIX, LLC, a North Carolina limited liability company

Applicant(s): Same as Property Owner

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.	Stanley Evans	5128 Church Road			
2.	Shelia Morrison	3116 New Hill Holleman Road			
3.					<input type="checkbox"/>
4.					<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s): TKC CCCXIX, LLC, a North Carolina limited liability company

Applicant(s): Same as Property Owner

Contact information (email/phone): 02.01.2024

Meeting Address: virtually via Zoom

Date of meeting: January 25, 2024 Time of meeting: 6:00

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:

See attached

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

New Hill Holleman Road Rezoning Summary of First Neighborhood Meeting

- I. WELCOME
 - a. Introduction of development team and explanation of purpose of meeting.
 - b. Examples of other projects completed by the developer.
- II. PRESENTATION
 - a. Site Overview - location, existing uses adjacent, and surrounding development in progress including Holleman Hills and Amgen.
 - b. 2045 Land Use Map
 - i. Purpose of the LUM and how it will be used by staff and Council to evaluate the rezoning request.
 - ii. Office Employment/Commercial Services designation recommends a variety of non-residential uses at the intersection of US-1 and New Hill Holleman Road.
 - c. Current and Proposed Zoning
 - i. Current zoning is Highway District (HD) in Wake County. Request is to rezone the property to Planned Commercial Conditional Zoning (PC-CZ) in the Town of Apex's jurisdiction to allow the development of a new YMCA or a mix of non-residential uses (retail, office, etc.).
 - ii. The proposed district is a conditional district which allows us to add conditions to the property such as limiting the list of uses that can be developed on the property. We're still working on the list of permitted uses which will be included in our application submittal.
 - d. Rezoning Process and Timeline
 - i. February 1 application submittal. After submittal, the process involves several months of staff review, an Environmental Advisory Board meeting, a second neighborhood meeting, and public hearings at Planning Board and Town Council. Planning Board votes whether to recommend approval of the case to Council and Council makes the final decision.
 - ii. You can stay up to date on the case by contacting us directly or by visiting the Town of Apex website.
- III. QUESTION AND ANSWER
 - a. Will there be buffers?
 - i. Yes, the UDO requires planted buffers adjacent to existing residential uses. For the buffers, we work with Town staff to leave existing tree coverage where it exists in the buffer and supplement plantings where needed.
 - b. Concerns about traffic
 - i. As part of the project, we will complete a TIA which will recommend certain road improvements. The TIA has not been finalized, so we don't know exactly what improvements will be required at this time. However, we expect turn lanes may be required on Church Road and possibly other improvements on New Hill Holleman Road.
 - c. Will the proposed rezoning change the zoning designation of my property?
 - i. No, the requested rezoning is only for the 25-acre parcel owned by the Keith Corp. We're not proposing to rezone your property and could not without your consent and signature.

- d. Can you tell us about the project across the street?
 - i. That's a separate rezoning case being brought by a different developer and is slightly ahead of this case. That case is currently in staff review and is generally for a mix of non-residential and residential uses. I'm happy to email you additional information about that case. You can also reach out to planning staff.
- di. What will you do about light pollution?
 - i. The Town's UDO has fairly strict lighting requirements that require exterior lighting to be designed to limit impact on adjacent properties. We'll review the lighting standards to see if there are any conditions we can add to help.

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, Matthew J. Carpenter, do hereby declare as follows:
Print Name

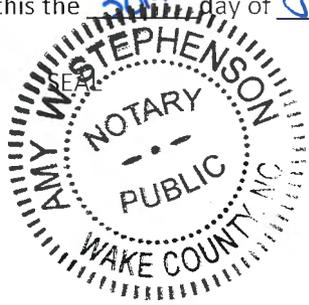
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property 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 virtually via Zoom (location/address) on January 25, 2024 (date) from 6:00 PM (start time) to 7:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

1/30/2024
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Matthew J. Carpenter, a Notary Public for the above State and County, on this the 30th day of January, 2024.



Amy W. Stephenson
Notary Public
Amy W. Stephenson
Print Name

My Commission Expires: October 2, 2028

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, Matthew J. Carpenter, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, 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 virtually via Zoom (location/address) on 4/17/2024 (date) from 6:00 PM (start time) to 7:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

4/22/2024
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Agnieszka Blanchard, a Notary Public for the above State and County, on this the 22 day of April, 2024.

SEAL



Agnieszka Blanchard
Notary Public
Agnieszka Blanchard
Print Name

My Commission Expires: 11/27/2028

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.

April 3, 2024

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
 Church Road 0619986598 and 0619992186

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>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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"/>	Minor Site Plan for the uses “Day care facility”, “Government service”, “School, public or private”, “Restaurant, drive-through”, or “Convenience store with gas sales”	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)):

The applicant is proposing to rezone the property to Planned Commercial-Conditional Zoning (PC-CZ)

to allow for a mixture of non-residential uses permitted within the district.

Estimated submittal date: Application was submitted on February 1, 2024

MEETING INFORMATION:

Property Owner(s) name(s):	TKC CCCXIX, LLC
Applicant(s):	TKC CCCXIX, LLC c/o Matthew Carpenter
Contact information (email/phone):	matthewcarpenter@parkerpoe.com; (919) 835-4032
Meeting Address:	Virtual (Zoom) - See attached notice letter
Date/Time of meeting**:	April 17, 2024
Welcome:	6:00 PM
Project Presentation:	between 6:00 PM - 7:00PM
Question & Answer:	between 6:00 PM - 7:00PM

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



To: Neighboring Property Owners and Tenants
From: Matthew J. Carpenter
Date: April 3, 2024

Re: Notice of Second Virtual Neighborhood Meeting

You are invited to attend a second virtual neighborhood meeting on April 17, 2024 at 6:00 PM to discuss 24CZ03, the proposed rezoning of 2 parcels of land located on Church Road (PINs 0619986598 and 0619992186) as more particularly shown on the attached Vicinity Map (the "Property"). The Property is currently zoned Highway District (HD) (Wake Co.), and the proposal is to rezone the Property to Planned Commercial-Conditional Zoning (PC-CZ). A corresponding annexation petition has been filed in conjunction with the rezoning application.

During the meeting, the applicant will describe the nature of the rezoning request, provide updates since the first neighborhood meeting, and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the subject parcels; (2) a zoning map of the subject area; (3) a project contact information sheet; and (4) a common construction issues & who to call information sheet.

The meeting will be held virtually. You can participate online via Zoom or by telephone. To participate in the Zoom online meeting:

Visit:	https://zoom.us/join
Enter the following meeting ID:	818 9162 3498
Enter the following password:	281404

To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	818 9162 3498
Enter the Participant ID:	#
Enter the Meeting password:	281404

If you have any questions about this rezoning, please contact me at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com.

Sincerely,

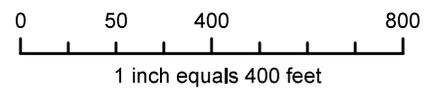


Matthew Carpenter

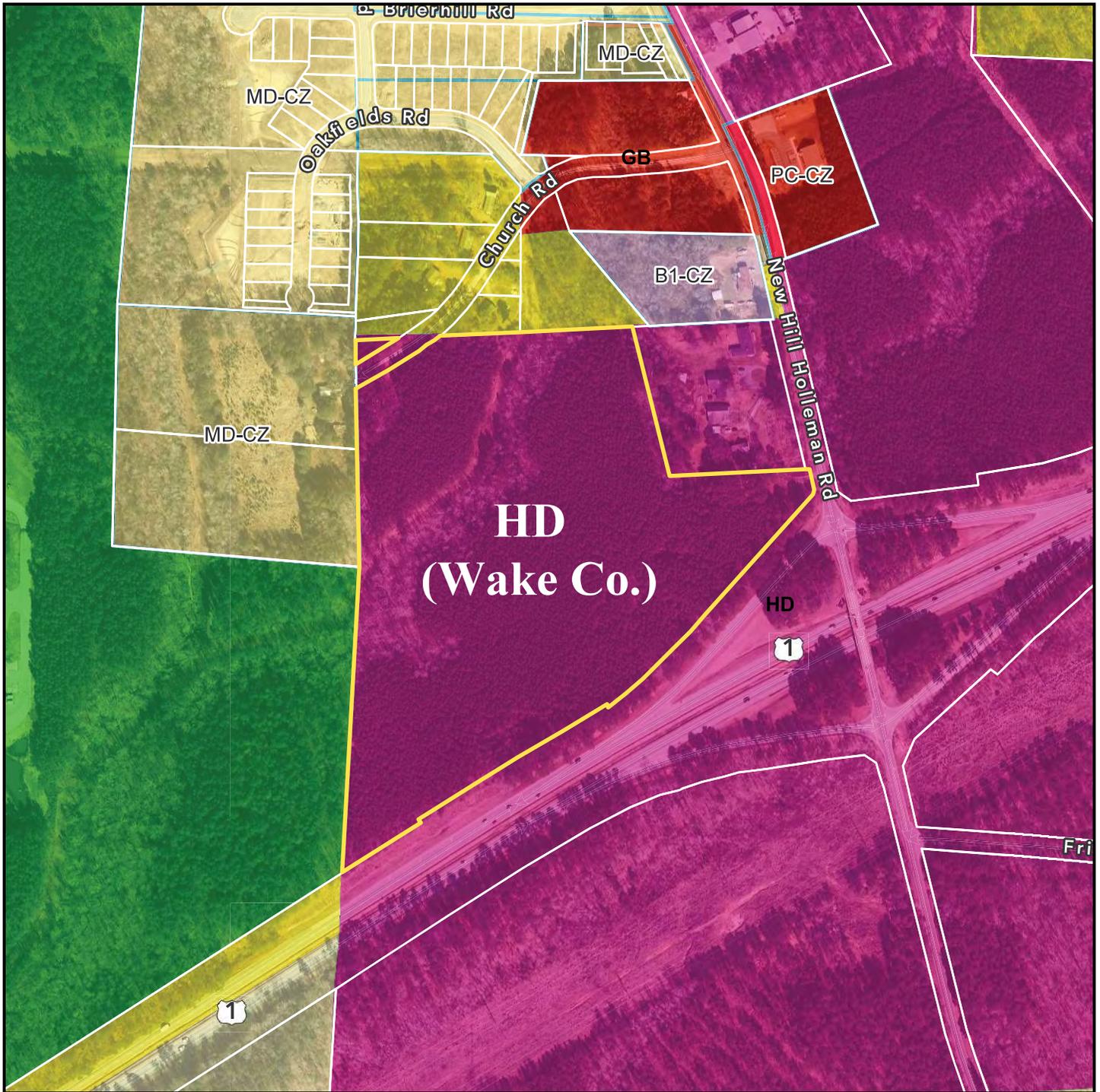


Church Road (PINs 0619986598 and 0619992186)

Vicinity Map



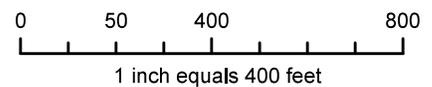
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**Church Road
(PINs 0619986598 and 0619992186)**

Zoning Map

Current Zoning: HD (Wake Co.)



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PROJECT CONTACT INFORMATION

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Development Contacts:

Project Name: Rezoning Case #24CZ03 New Hill Holleman Road Zoning: Highway District (HD) (Wake Co.)

Location: New Hill Holleman Road

Property PIN(s): 0619986598 and 0619992186 Acreage/Square Feet: 25.68 acres

Property Owner: TKC CCCXIX, LLC

Address: 1775 Graham Avenue, Suite 201

City: Henderson State: NC Zip: 27536-2997

Phone: n/a Email: n/a

Developer: The Keith Corporation c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: n/a Email: matthewcarpenter@parkerpoe.com

Engineer: McAdams

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Phone: (919) 361-5000 Fax: n/a Email: decker@mcadamsco.com

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City: Raleigh State: NC Zip: 27601

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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
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
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Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
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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.

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

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Dirt in the Road:	James Misciagno	919-372-7470
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Dirt on Properties or in Streams:	James Misciagno Danny Smith	919-372-7470 Danny.Smith@ncdenr.gov
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Temporary Sediment Basins:	James Misciagno	919-372-7470
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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.

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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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.

Electric Utility Installation:	Rodney Smith	919-249-3342
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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: Virtual via Zoom
 Date of meeting: April 17, 2024 Time of meeting: 6:00 - 7:00 PM
 Property Owner(s) name(s): TKC CCCXIX LLC
 Applicant(s): TKC CCCXIX 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.	No neighbors attended the meeting				<input type="checkbox"/>
2.					<input type="checkbox"/>
3.					<input type="checkbox"/>
4.					<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

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): TKC CCCXIX LLC

Applicant(s): TKC CCCXIX LLC

Contact information (email/phone): c/o Matthew Carpenter; 919-835-4032; MatthewCarpenter@parkerpoe.com

Meeting Address: Virtual via Zoom

Date of meeting: April 17, 2024

Time of meeting: 6:00 - 7:00 PM

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

Question/Concern #1:

No neighbors attended the meeting.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

OWNER	MAILING ADDRESS	
5131 CHURCH ROAD APEX LLC	PO BOX 1866	CARY NC 27512-1866
AMH HB HOLLEMAN HILLS BORROWER LP	23975 PARK SORRENTO STE 300	CALABASAS CA 91302-4012
AMH HB HOLLEMAN HILLS VENTURE LP	23975 PARK SORRENTO STE 300	CALABASAS CA 91302-4012
APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
DUKE ENERGY PROGRESS INC	TAX DEPT - DEC41B	550 S TRYON ST CHARLOTTE NC 28202-4200
EVANS, INA MYRTLE	5120 CHURCH RD	NEW HILL NC 27562-9116
EVANS, INA MYRTLE	5120 NEW HILL CHURCH RD	NEW HILL NC 27562
EVANS, STANLEY S EVANS, DEBRA P	5128 CHURCH RD	NEW HILL NC 27562-9116
MALETTA, MARK C	PO BOX 32	NEW HILL NC 27562-0032
MALETTA, MARK CARL	PO BOX 32	NEW HILL NC 27562-0032
MORRISON FLORENCE S FAMILY LIVING	PO BOX 10	NEW HILL NC 27562-0010
NEW HILL PLAZA LLC	1775 GRAHAM AVE STE 201	HENDERSON NC 27536-2997
TKC CCCXIX LLC	4500 CAMERON VALLEY PKWY STE 400	CHARLOTTE NC 28211-3591
TRADE BRIDGE PROPERTIES LLC	1022 EVANS RD	CARY NC 27513-3111
WILSON, MARCUS	213 OAK POINT CT	RALEIGH NC 27610-2447
Current Tenant	5120 Church RD	NEW HILL NC 27562
Current Tenant	5124 Church RD	NEW HILL NC 27562
Current Tenant	5128 Church RD	NEW HILL NC 27562
Current Tenant	5131 Church RD	NEW HILL NC 27562
Current Tenant	3112 New Hill Holleman RD	NEW HILL NC 27562
Current Tenant	3116 New Hill Holleman RD	NEW HILL NC 27562
Current Tenant	3275 Oakfields RD	NEW HILL NC 27562
Current Tenant	3279 Oakfields RD	NEW HILL NC 27562
Current Tenant	3282 Oakfields RD	NEW HILL NC 27562
Current Tenant	3283 Oakfields RD	NEW HILL NC 27562
Current Tenant	3286 Oakfields RD	NEW HILL NC 27562
Current Tenant	3287 Oakfields RD	NEW HILL NC 27562
Current Tenant	3290 Oakfields RD	NEW HILL NC 27562
Current Tenant	3291 Oakfields RD	NEW HILL NC 27562

APEX ENVIRONMENTAL ADVISORY BOARD

Suggested Zoning Conditions



Project Name: New Hill Holleman Road Rezoning

Date: 2-1-2024

The Town of Apex Environmental Advisory Board offers this general list of suggested rezoning conditions for rezoning applicants to consider before filling a rezoning petition. The purpose of this list is to encourage and recommend implementation of exceptional environmental practices for future development that exceeds Town requirements. The Board will review each rezoning pre-application request and expand on suggested conditions by offering specific recommendations on a case-by-case basis.

The decision to include any of the recommendations below is voluntary by the applicant and the Board does not expect applicants to add all of the suggested conditions. Planning staff will include all zoning conditions suggested by this Board and will note which conditions have been added by the applicant in the staff reports to the Planning Board and Town Council. Applicants should review this list before meeting with the Board. NOTE: Text in green indicates suggested zoning condition language from Planning Staff. Underlined text indicates text or numbers that may be changed based on the specific project. Additional conditions may be suggested by the EAB at the meeting.

This document is divided into two parts:

- Part I – Residential applies to single-family dwellings and townhome subdivisions, but does not include the parking lots, exterior building lights or exterior architecture.
- Part II – Non-Residential includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas. Your development may include elements of each part.

Please be sure to read and complete the entire document. Please provide a response to each goal and/or sub-goal. Any proposed modifications to the green zoning language should be listed in the section at the end of the document.

Part I – Residential

Single-family dwelling and townhome subdivisions (excluding parking lots, exterior building lights and exterior architecture).

STORMWATER AND WATER CONSERVATION – WATER QUALITY (1-5)	YES	NO	N/A
Goal 1. Increase riparian buffer widths from surface waters in environmentally sensitive areas. The project shall increase the riparian buffer width by at least ____ feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 2. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas.			

Environmental Advisory Board – Suggested Zoning Conditions

CLEAN ENERGY (16-18)	YES	NO	N/A
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least ____ kWhs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 17. Include solar conduit in building design. All homes shall be pre-configured with conduit for a solar energy system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 18. Encourage clean transportation. The developer shall install at least ____ electric vehicle charging station in amenity centers or common area parking lots.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Part II - Non-Residential

Includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas.

STORMWATER AND WATER CONSERVATION – WATER QUANTITY (1)	YES	NO	N/A
Goal 1. Increase design storm for retention basin in flood-prone areas. The UDO requires that treatment for the first 1-inch of runoff will be provided such that the removal of 85% Total Suspended Solids is achieved. Each option is intended to be used as an improvement to the minimum UDO requirements. If an area is already required to mitigate the 25-year storm, option b should not be selected.			
a. Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, 25-year and <u>100-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
OR			
b. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and <u>25-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
Goal 2. Increase riparian buffer widths from surface waters in environmentally sensitive areas. The project shall increase the riparian buffer width by at least ____feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goal 3. Limit tree clearing, stormwater control measures (SCM), or infrastructure in either zone of the riparian buffer. No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Goal 4. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goal 5. Implement low impact development (LID) techniques as defined by the NC Department of Environmental Quality. The project shall install a minimum of ____Low Impact Development Technique as defined and approved by the NC Department of Environmental Quality. The specific	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
<p>type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p>			
<p>Goal 6. Increase pervious surface to reduce stormwater runoff and pollutant concentrations. The Department of Public Works & Transportation does not currently support these options within the ROW. These may be done on private sites, but not within the public ROW.</p> <p><u>Option 6.1:</u> Install pervious pavements where practicable (e.g. when parking maximums are exceeded).</p> <p>a. The project shall utilize pervious pavement when constructing parking spaces that are in excess of the minimum parking requirement. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p style="text-align: center;">AND/OR</p> <p>b. The project shall utilize pervious pavement for all of the parking spaces provided. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p><u>Option 6.2:</u> Modify curb and gutters to provide stormwater infiltration and evaporation, such as swale-only, reverse curbs, Silva cells, or curb cuts with rain gardens.</p> <p>To increase stormwater infiltration and evaporation, the project shall use modified curb and gutter designs to direct driveway runoff to one or more stormwater device, such as, but not limited to, bioswales, Silva cells, or rain gardens. The specific type and design shall be selected at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p> <p><u>Option 6.3:</u> Utilize green street design. May be done within the public ROW if it's in the form of a bioretention cell within a landscaped median or large roundabout. Will require approval by the Department of Public Works and Transportation.</p> <p>The project shall design and install one or more bioretention cells within the landscape median or roundabout along the primary road. The specific type and design shall be determined at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Goal 7. Stormwater re-use application: Integrate irrigation from the SCM (wet pond) on site.</p>			
<p>At least one ____SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p>Goal 8. Preserve tree canopy and prioritize medium to large, healthy, desirable species.</p> <p><u>Option 8.1:</u> Preserve existing trees (percentage-based). Numbers shown may be changed based on project. The EAB's preference is for a minimum of 50%.</p> <p>a. The project shall preserve a minimum of ____% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers and/or HOA maintained open space throughout the neighborhood.</p> <p style="text-align: center;">OR</p> <p>b. The project shall preserve a minimum of ____% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p>locate the preserved trees adjacent to areas of existing preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces.</p> <p><u>Option 8.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space.</p> <p>The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree. The UDO’s required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Goal 9. Plant trees for improved energy efficiency.</p> <p><u>Option 9.1:</u> Plant deciduous shade trees on southern side of buildings. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.</p> <p><u>Option 9.2:</u> Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Option 9.2:</u> Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Goal 10. Increase biodiversity.</p> <p><u>Option 10.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex Design & Development Manual for suggested native species).</p> <p>a. The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.</p> <p style="text-align: center;">OR</p> <p>b. The project shall ensure that <u>75</u> % of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p> <p><u>Option 10.2:</u> Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound.</p> <p><u>Option 10.3:</u> Increase the number of native tree and shrub species selected.</p> <p>a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____% of the species selected shall be native or a native of North Carolina.</p> <p style="text-align: center;">OR</p> <p>b. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b. The project shall ensure that <u>75</u> % of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>Option 10.2:</u> Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Option 10.3:</u> Increase the number of native tree and shrub species selected.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____% of the species selected shall be native or a native of North Carolina.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 11. Implement green infrastructure.</p> <p><u>Option 11.1:</u> Plant rain gardens. The project shall install one or more rain gardens throughout the site.</p> <p><u>Option 11.2:</u> Install vegetated rooftops.</p> <p>a. The project shall install a vegetated rooftop, aka green roof, on each building.</p> <p style="text-align: center;">OR</p> <p>b. The project shall install a vegetated rooftop, aka green roof, on at least _____ ft² of each building.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Option 11.2:</u> Install vegetated rooftops.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>a. The project shall install a vegetated rooftop, aka green roof, on each building.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b. The project shall install a vegetated rooftop, aka green roof, on at least _____ ft² of each building.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p><u>Option 11.3:</u> Implement xeriscaping in design.</p> <p>a. The project commits to planting ____% drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p> <p style="text-align: center;">OR</p> <p>b. The project commits to planting only drought tolerant plants. At least <u>75</u> % of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p> <p style="text-align: center;">OR</p> <p>c. To reduce irrigation requirements, the project shall select and plant only warm season grasses.</p>	<p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Goal 12. Install community gardens and native pollinator demonstration gardens. The project shall plant at least ____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided.</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>Goal 13. Improve soil quality to be amenable for a variety of native and non-invasive plantings. To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed within disturbed areas.</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>Goal 14. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas). The UDO requires a ____-foot buffer along the ____perimeter of the property. The applicant is proposing a ____-foot buffer in that location, which would be an increase of ____-feet above the requirement.</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>Goal 15. Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.</p> <p>a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.</p> <p style="text-align: center;">OR</p> <p>b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

SUSTAINABLE BUILDINGS (16)	YES	NO	N/A
<p>Goal 16. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard. The project shall be designed to meet the requirements for ____green building certification. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>

WASTE REDUCTION (17)	YES	NO	N/A
<p>Goal 17. Install pet waste stations in public areas for multi-family, apartments, or condominiums or dog friendly businesses.</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>

Environmental Advisory Board – Suggested Zoning Conditions

WASTE REDUCTION (17)	YES	NO	N/A
The project shall install at least _____ pet waste stations throughout the community, in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CLEAN ENERGY (18-20)	YES	NO	N/A
<p>Goal 18. Install rooftop solar on buildings.</p> <p>a. A solar PV system shall be incorporated into buildings to be constructed on the property. Such PV systems shall have a capacity of not less than 2 kW/1,000 heated square feet of building floor area.</p> <p style="text-align: center;">OR</p> <p>b. A solar PV system of at least 3.5kW shall be installed on at least _____% of or _____ buildings within the development. All solar installation required by this condition shall be completed or under construction prior to _____% of the building permits being issued for the development. The buildings on which these PV systems are located shall be identified on the Site Plan, which may be amended from time to time.</p> <p style="text-align: center;">OR</p> <p>c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least _____ kWhs.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Goal 19. Include solar conduit in building design.</p> <p>The project shall install conduit for solar energy systems for all non-residential buildings. The roof shall also be engineered to support the weight of a future rooftop solar PV system.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Goal 20. Encourage clean transportation.</p> <p>a. The installation of EV charging spaces shall not reduce the width of adjacent sidewalk to less than 5 feet.</p> <p style="text-align: center;">AND/OR</p> <p>b. EV charging spaces shall be located such that the cords shall not cause a trip hazard.</p> <p style="text-align: center;">AND/OR</p> <p>c. The developer shall provide 5% of all parking spaces as EV charging spaces.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LIGHTING EFFICIENCY (21-24)	YES	NO	N/A
<p>Goal 21. Include energy efficient lighting in building design.</p> <p><i>Option 21.1: Increase the use of LEDs.</i> The exterior lighting for all multi-family and commercial buildings and parking lots will consist entirely of LED fixtures.</p> <p><i>Option 21.2: Lower maximum foot-candles outside of buildings.</i> On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least 0.5 footcandles lower than the UDO requires.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Goal 22. Install timers or light sensors or smart lighting technology.</p> <p>a. The project shall install light timers, motion sensors, or other smart lighting technology for all exterior lighting.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Goal 23. Include International Dark Sky Association compliance standards.</p> <p>The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

Applicant Clarification/Additional Language:

Additional Board Recommendations:

Holleman Hills

New Hill Community Center

Rezoning #24CZ03

Western Wake Regional Water Reclamation Facility

Cell Tower

Oakfields Rd

Church Rd

New Hill Holleman Rd

Friendship Rd



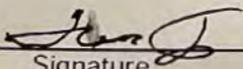
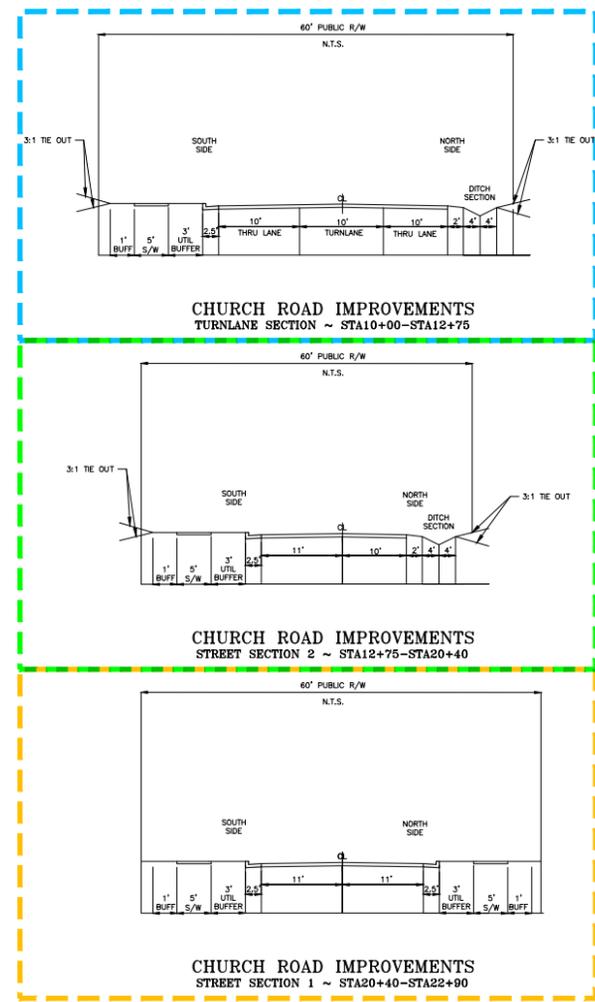
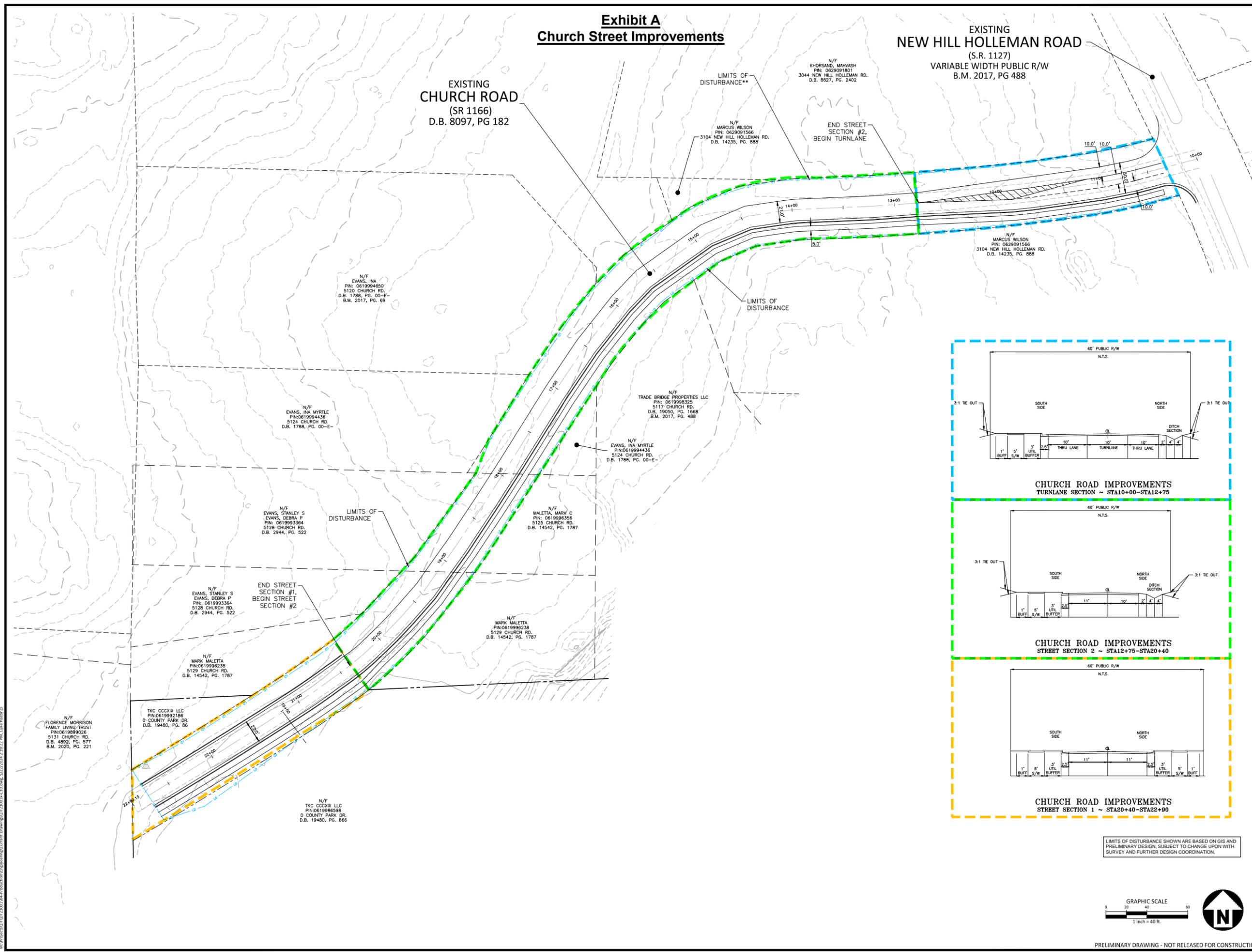
Public Hearing Sign Posted By

Signature
2/23/24
Date



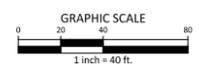
Exhibit A
Church Street Improvements

EXISTING
NEW HILL HOLLEMAN ROAD
(S.R. 1127)
VARIABLE WIDTH PUBLIC R/W
B.M. 2017, PG 488

EXISTING
CHURCH ROAD
(SR 1166)
D.B. 8097, PG 182



LIMITS OF DISTURBANCE SHOWN ARE BASED ON GIS AND PRELIMINARY DESIGN, SUBJECT TO CHANGE UPON WITH SURVEY AND FURTHER DESIGN COORDINATION.



McADAMS
The John R. McAdams Company, Inc.
621 Hillsborough Street
Suite 500
Raleigh, NC 27603
phone 919. 823. 4300
fax 919. 361. 2269
license number: C-0293, C-187
www.mcadamsco.com

CLIENT
LITTLE ARCHITECTURE
410 BLACKWELL STREET
SUITE 10
DURHAM, NORTH CAROLINA 27701

APEX YMCA
4113 COUNTY PARK DRIVE
APEX, NC 27539

REVISIONS

NO.	DATE

PLAN INFORMATION

PROJECT NO. LIT-23001
FILENAME
CHECKED BY
DRAWN BY
SCALE
DATE XX.XX.2024
SHEET

STREET SECTION
EXHIBIT
EX1

M:\Projects\LIT\23001\04-Production\Engineering\Current Drawings\LIT23001-CDD.dwg, 5/22/2024, 2:39:22 PM, Luke Hudson



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #24CZ03
NEW HILL HOLLEMAN ROAD

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

- Applicant:** TKC CCCXIX, LLC
- Authorized Agent:** Matthew Carpenter, Parker Poe
- Property Addresses:** 0 & 0 County Park Dr (Northwest corner of New Hill Holleman Road and US Hwy 1)
- Acreeage:** 125.39 acres
- Property Identification Numbers (PINs):** 0619986598 and 0619992186
- 2045 Land Use Map Designation:** Office Employment/Commercial Services
- Existing Zoning of Properties:** Wake County Highway District (HD)
- Proposed Zoning of Properties:** Planned Commercial-Conditional Zoning (PC-CZ)

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

Planning Board Public Hearing Date and Time: May 13, 2024 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, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/45948/24CZ03>.

Dianne F. Khin, AICP
Planning Director



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ03
NEW HILL HOLLEMAN ROAD

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

- Solicitante:** TKC CCCXIX, LLC
- Agente autorizado:** Matthew Carpenter, Parker Poe
- Dirección de las propiedades:** 0 & 0 County Park Dr (Northwest corner of New Hill Holleman Road and US Hwy 1)
- Superficie:** ± 25.39 acres
- Números de identificación de las propiedades:** 0619986598 and 0619992186
- Designación en el Mapa de Uso Territorial para 2045:** Office Employment/Commercial Services
- Ordenamiento territorial existente de las propiedades:** Wake County Highway District (HD)
- Ordenamiento territorial propuesto para las propiedades:** Planned Commercial-Conditional Zoning (PC-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: 13 de mayo de 2024 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/maps>. 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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/45948/24CZ03>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ03 NEW HILL HOLLEMAN ROAD

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

Applicant: TKC CCCXIX, LLC

Authorized Agent: Matthew Carpenter, Parker Poe

Property Addresses: 0 & 0 County Park Dr (Northwest corner of New Hill Holleman Road and US Hwy 1)

Acreage: ±25.39 acres

Property Identification Numbers (PINs): 0619986598 and 0619992186

2045 Land Use Map Designation: Office Employment/Commercial Services

Existing Zoning of Properties: Wake County Highway District (HD)

Proposed Zoning of Properties: Planned Commercial-Conditional Zoning (PC-CZ)

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

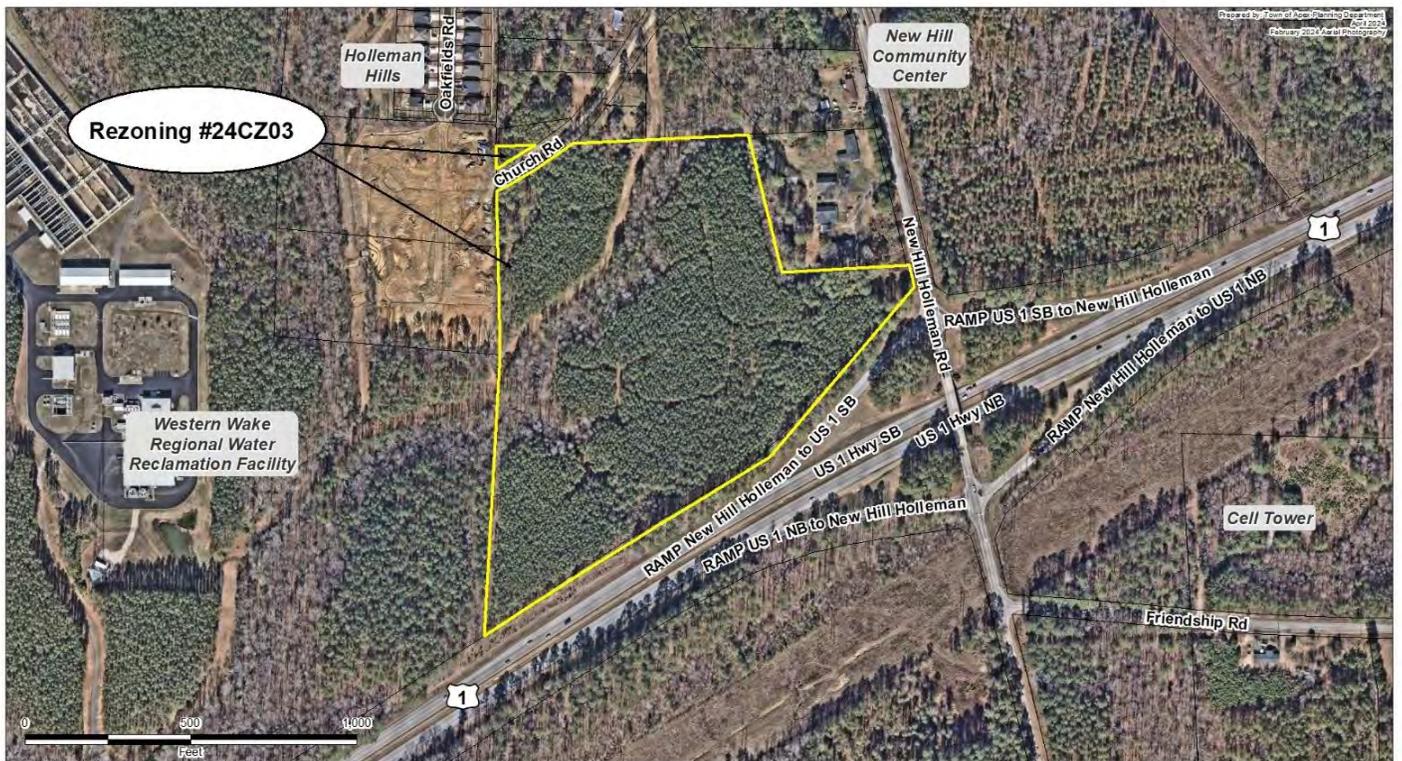
Planning Board Public Hearing Date and Time: May 13, 2024 4:30 PM

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

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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:



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Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ03 NEW HILL HOLLEMAN ROAD

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

Solicitante: TKC CCCIX, LLC

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: 0 & 0 County Park Dr (Northwest corner of New Hill Holleman Road and US Hwy 1)

Superficie: ± 25.39 acres

Números de identificación de las propiedades: 0619986598 and 0619992186

Designación en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Wake County Highway District (HD)

Ordenamiento territorial propuesto para las propiedades: Planned Commercial-Conditional Zoning (PC-CZ)

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

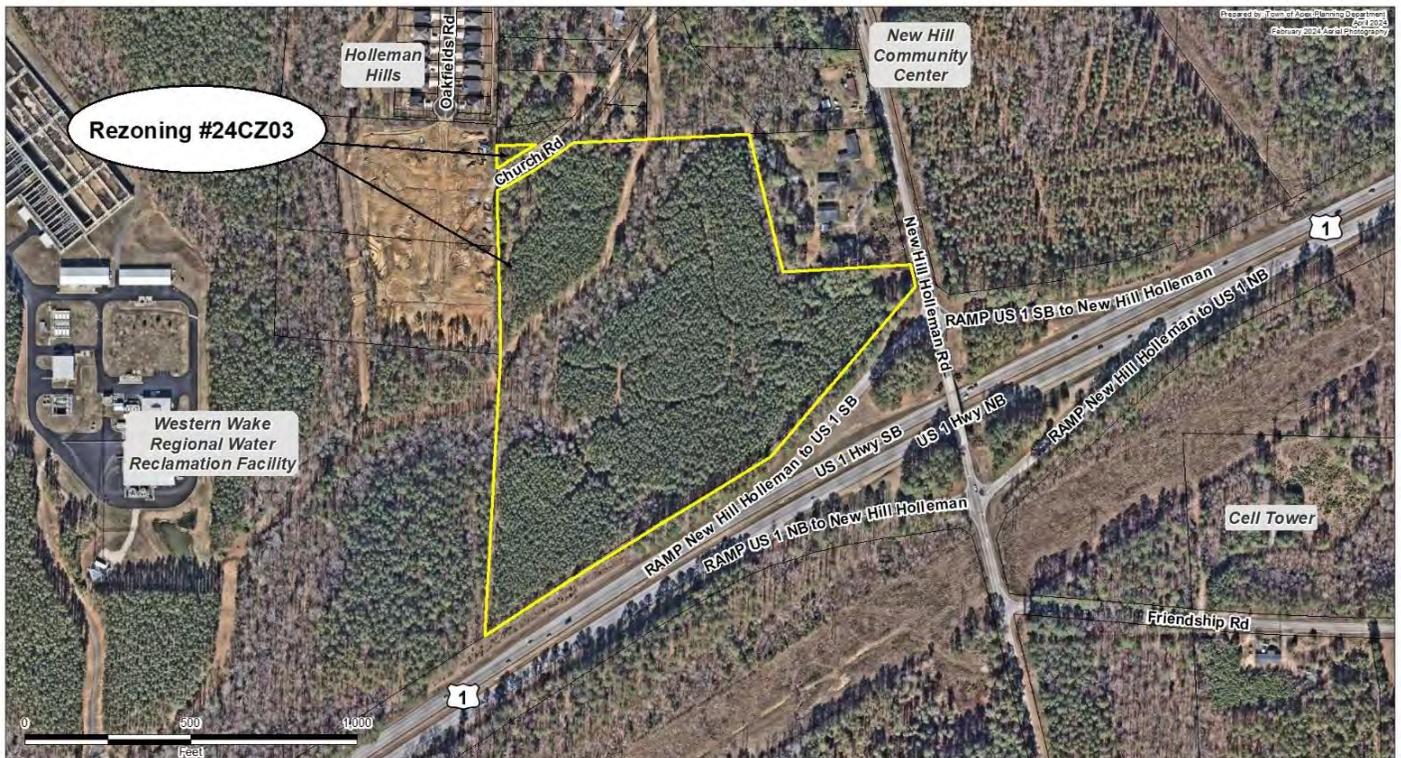
Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de mayo de 2024 4:30 P.M.

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>.

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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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/45948/24CZ03>.

Dianne F. Khin, AICP
Directora de Planificación



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 #24CZ03 New Hill Holleman Road
Project Location: 0 & 0 County Park Dr (Northwest corner of New Hill Holleman Road and US Hwy 1)
Applicant or Authorized Agent: Matthew Carpenter
Firm: Parker Poe
Planning Board Public Hearing Date: May 13, 2024
Project Planner: Shelly Mayo

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on April 26, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

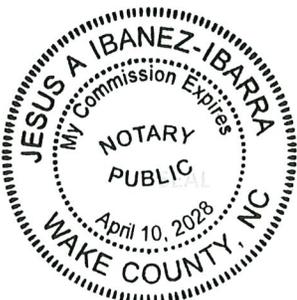
4/29/2024
Date

Shanne L. Klein
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jesus A. Ibanez-Ibarra, a Notary Public for the above

State and County, this the 29th day of April, 2024.



Jesus A. Ibanez-Ibarra
Notary Public

My Commission Expires: 4/10/2028



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #24CZ03
NEW HILL HOLLEMAN ROAD**

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

- Applicant:** TKC COXIX, LLC
- Authorized Agent:** Matthew Carpenter, Parker Poe
- Property Addresses:** 0 & 0 County Park Dr (Northwest corner of New Hill Holleman Road and US Hwy 1)
- Acreage:** ±25.39 acres
- Property Identification Numbers (PINs):** 0619986598 and 0619992186
- 2045 Land Use Map Designation:** Office Employment/Commercial Services
- Existing Zoning of Properties:** Wake County Highway District (HD)
- Proposed Zoning of Properties:** Planned Commercial-Conditional Zoning (PC-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: May 28, 2024 6:00 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide 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 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, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/45948/24CZ03>.

Dianne F. Khin, AICP
Planning Director



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ03 NEW HILL HOLLEMAN ROAD

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

Solicitante: TKC CCCIX, LLC.

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: O & O County Park Dr (Northwest corner of New Hill Holleman Road and US Hwy 1)

Superficie: ± 25.39 acres

Números de identificación de las propiedades: 0619986598 and 0619992186

Designación en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Wake County Highway District (HD)

Ordenamiento territorial propuesto para las propiedades: Planned Commercial-Conditional Zoning (PC-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: 28 de mayo de 2024 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>.

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/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/528. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/45948/24CZ03>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 3 de mayo - 28 de mayo de 2024



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ03 NEW HILL HOLLEMAN ROAD

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

Applicant: TKC CCCXIX, LLC

Authorized Agent: Matthew Carpenter, Parker Poe

Property Addresses: 0 & 0 County Park Dr (Northwest corner of New Hill Holleman Road and US Hwy 1)

Acreage: ±25.39 acres

Property Identification Numbers (PINs): 0619986598 and 0619992186

2045 Land Use Map Designation Office Employment/Commercial Services

Existing Zoning of Properties: Wake County Highway District (HD)

Proposed Zoning of Properties: Planned Commercial-Conditional Zoning (PC-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.***

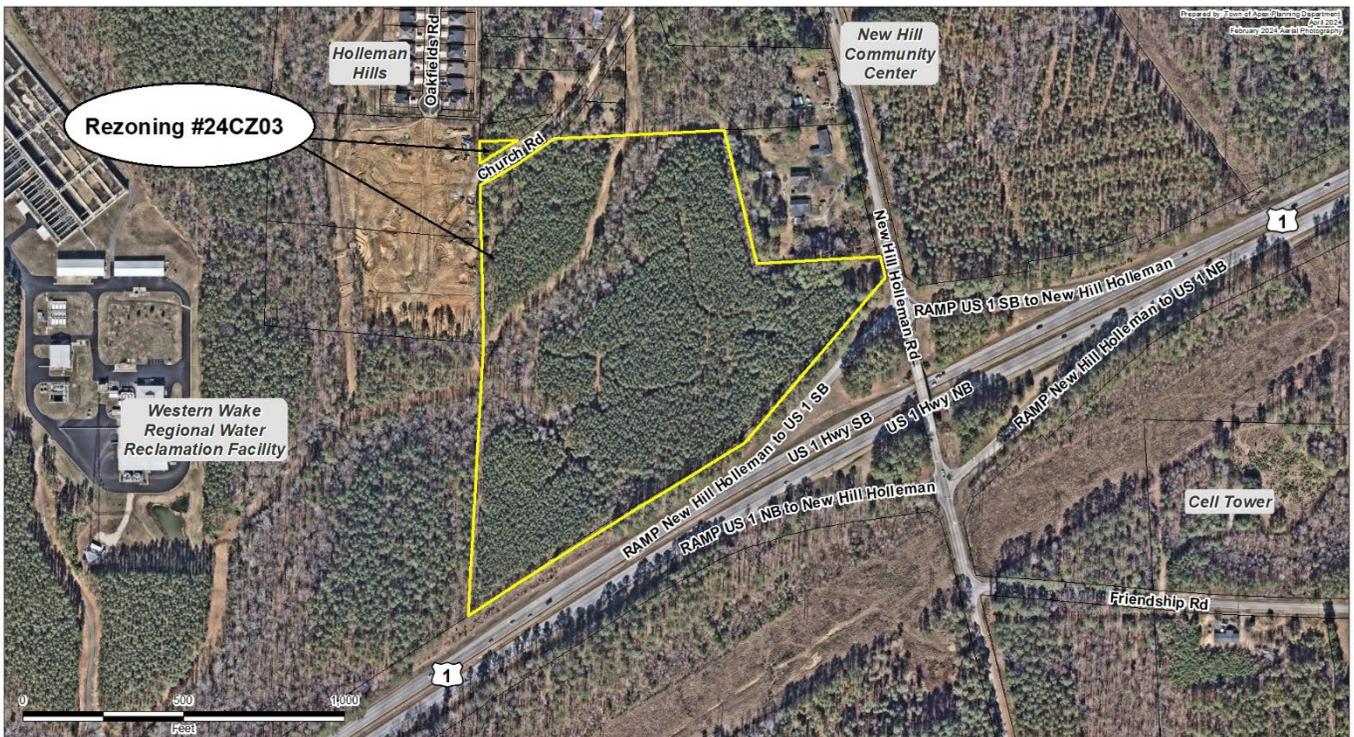
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Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
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NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ03

NEW HILL HOLLEMAN ROAD

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Dirección de las propiedades: 0 & 0 County Park Dr (Northwest corner of New Hill Holleman Road and US Hwy 1)

Superficie: ± 25.39 acres

Números de identificación de las propiedades: 0619986598 and 0619992186

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

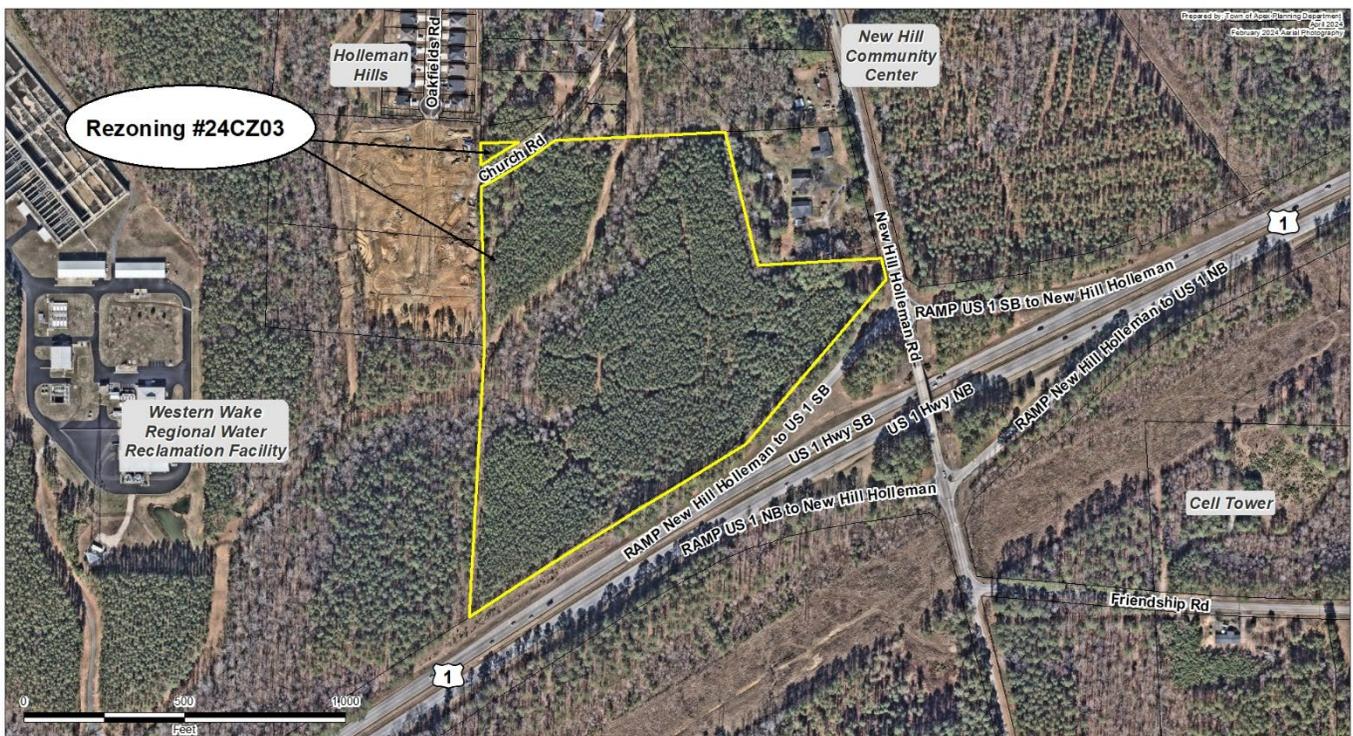
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Fecha y hora de la audiencia pública del Consejo Municipal: 28 de mayo de 2024 6:00 P.M.

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Dianne F. Khin, AICP
Directora de Planificación



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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 #24CZ03 New Hill Holleman Road
Project Location: 0 & 0 County Park Dr (Northwest corner of New Hill Holleman Road and US Hwy 1)
Applicant or Authorized Agent: Matthew Carpenter
Firm: Parker Poe
Town Council Public Hearing Date: May 13, 2024
Project Planner: Shelly Mayo

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on May 3, 2024, 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.

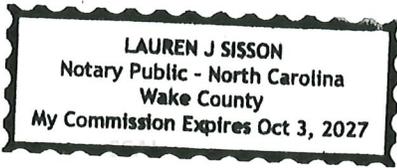
5/3/2024
Date

Shelley Mayo
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above

State and County, this the 3rd day of May, 2024.



Lauren J Sisson
Notary Public

My Commission Expires: 10 / 03 / 2027