

Friendship
Acres

Rezoning #20CZ07

Humie Olive Rd

Old US 1 Hwy

Vaudry Ct

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE 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 #: 20CZ07 Submittal Date: 7/1/2020
2045 LUM Amendment: _____ Fee Paid: _____

Project Information

Project Name: 2309 Old US 1 Hwy Rezoning
Address(es): 2309 Old US 1 Hwy
PIN(s): 0720-98-5958
Acreage: 1.60
Current Zoning: RR & TF-CZ Proposed Zoning: MORR-CZ
Current 2045 LUM Designation: Office Employment - Commercial Services
Proposed 2045 LUM Designation: N/A

See next page for LUM Amendment.

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: Rich Levert
Address: 2309 Old US 1 Hwy
City: APEX State: NC Zip: 27502-8410
Phone: _____ E-mail: _____

Owner Information

Name: Richer and Richere Levert
Address: 2309 Old US 1 Hwy
City: APEX State: NC Zip: 27502-8410
Phone: _____ E-mail: _____

Agent Information

Name: Peak Engineering & Design, Jeff Roach
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com
Other contacts: jedwards@peakengineering.com
dwoods@peakengineering.com

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

Application #: _____ Submittal Date: _____

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

The applicant does hereby respectfully request the Town Council amend the 2045 Land Use Map. In support of this request, the following facts are shown:

The area sought to be amended on the 2045 Land Use Map is located at:

N/A

Current 2045 Land Use Classification: _____

Proposed 2045 Land Use Classification: _____

What condition(s) justifies the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications. Use additional pages as needed.

PETITION INFORMATION

Application #: _____

Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from RR & TF-CZ to MORR-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. 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. 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	Accessory Apartment	21	Book Store
2	Condominium	22	Convenience Store
3	Family Care Home	23	Dry Cleaners and Laundry Service
4	Nursing or Convalescent Facility	24	Financial Institution
5	Single Family	25	Floral Shop
6	Day Care Facility	26	Greenhouse or Nursery, Retail
7	Government Services	27	Grocery, Specialty
8	Veterinary Clinic or Hospital	28	Health/Fitness Center or Spa
9	Utility Minor	29	Newsstand or Gift Shop
10	Wireless Support Structure	30	Personal Service
11	Botanical Garden	31	Pharmacy
12	Greenway	32	Real Estate Sales
13	Park, Active	33	Studio for Art
14	Park, Passive	34	Tailor Shop
15	Restaurant, Drive-Through	35	Pet Services
16	Restaurant, General	36	
17	Medical or Dental Office or Clinic	37	
18	Office, Business or Professional	38	
19	Bed and Breakfast	39	
20	Barber and Beauty Shop	40	

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

The proposed use will meet the required Supplemental Standards for the proposed use(s).

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

The design will provide perimeter buffer, architectural controls, access, and utility connections to avoid adverse impacts on the surrounding properties.

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

The site is proposed to meet UDO standards for design controls, including minimization and avoidance of environmentally sensitive areas, limited site impact, and reduction in clearing of perimeter vegetation.

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 site is located close to existing public facilities, including water, sewer, stormwater, gas, electric and telephone. The site is an infill site with significant surrounding public infrastructure including streets with easy access for emergency vehicles and personnel.

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

The proposed use will not be detrimental to the health, safety, and welfare of Apex residents. The future use will provide a service to Apex citizens.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

The use is in keeping with the adopted plans and will not be detrimental to the adjacent property owners.

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

The use does not constitute a nuisance or hazard based upon the anticipated number of persons who will utilize the future non-residential services.

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

The proposed development will meet the standards within various sections of the Town of Apex UDO.

Proposed Zonings Conditions

2309 Old US 1 Highway

Zoning Case #20CZ07

1. For uses proposing new construction the following shall apply:
 - a) The exterior materials for nonresidential product include a combination of building materials. The primary (front) facade of the main buildings to be considered include:
 - I. Brick masonry.
 - II. Decorative concrete block (either integrally colored or textured)
 - III. Stone accents.
 - IV. Aluminum storefronts with anodized or pre-finished colors.
 - V. EIFS cornices, and parapet trim. EIFS or synthetic stucco shall not be uses in the first four feet above grade and shall be limited to only 25% of each building facade.
 - VI. Precast concrete.
 - b) The main entrance to the building shall be emphasized.
 - c) No more than one double-loaded bay of parking shall be provided in front of the building.
 - d) Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building facade. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.
 - e) The building facade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance. In addition, corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
2. For purposes of access, at a time when the property is redeveloped, the following shall apply:
 - a. The residential driveway access shall be removed.
 - b. Access and cross-access for redevelopment shall be provided by the Humie Olive Road extension and the signal on Old US 1 Highway.
3. The existing nonconforming structure on the property shall be corrected prior to the first site plan submittal either by removing the structure from the property or by moving the structure or providing a recombination plat so that the structure is made confirming.
4. Residential density shall be limited to 0.69 units/acre.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: _____

Submittal Date: _____

Provide a certified list of property owners subject to this application and all property owners within 300' of the subject property and HOA Contacts.

	Owner's Name	PIN
1.	Nancy Barnes	0720-98-0797
2.	Jose Brizuela	0720-98-3739
3.	Richere Levert	0720-98-8751
4.	Richer Levert	0720-98-8948
5.	JVI Building & Development, Inc	0720-99-0292
6.	David Powell	0720-99-3254
7.	David Powell	0720-99-8487
8.	Miller Land Group LLC	0720-99-9210
9.		
10.		
11.		
12.		
13.		
14.		
15.		

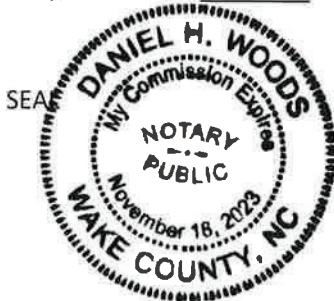
I, Jonathan Edwards, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: June 3, 2020

By: *Jonathan Edwards*

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 3 day of JUNE, 2020.



Daniel H. Woods
Notary Public
DANIEL H. WOODS
Print Name

My Commission Expires: 11/18/2023

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

Rich Levert & Richere Levert is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2309 Old US 1 Hwy

The agent for this project is: Peak Engineering & Design

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

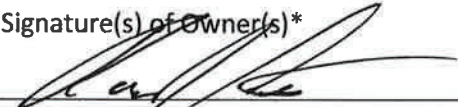
Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jedwards@peakengineering.com


Signature(s) of owner(s)*



 Rich Levert
 Type or print name

6/24/2020

 Date



 Richere Levert
 Type or print name

6/24/2020

 Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: _____

Submittal Date: _____

The undersigned, Rich Levert (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 2309 Old US 1 Hwy, Apex, NC 27502-8410 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 7-18-2014 and recorded in the Wake County Register of Deeds Office on 7-18-2014, in Book 15723 Page 2185.
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 2309 Old US 1 Hwy, Apex, NC 27502-8410, 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 2309 Old US 1 Hwy, Apex, NC 27502-8410, 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 26th day of JUNE, 2020.

Rich Levert (seal)
Rich Levert

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF _____

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



[NOTARY SEAL]

Andri Lynn Shultz
Notary Public
State of North Carolina
My Commission Expires: 6-30-2021

Application #:

Submittal Date:

Insert legal description below.

Project Identification and Legal Description

Richard and Richere Levert Property
Apex, Buckhorn Township
Wake County, North Carolina

The Richer and Richere Levert Property is identified by Wake County GIS PIN 0720-98-5958 located on the south side of N.C.S.R. 1011 (Old US 1 Highway).

The POINT OF BEGINNING is an existing point at the intersection of Vaudry Court centerline and the southern right-of-way for SR 1011, and at the northwest corner of N/F Richer Levert property (PIN 0720-98-5958);
thence N 71°01'04" E for 183.16' along the common line with southern right-of-way for SR 1011 to an existing point;
thence N 71°10'41" E for 74.81' along the common line with southern right-of-way for SR 1011 to an existing point with N/F Richer and Richere Levert (PIN 0720-98-8948);
thence S 13°53'21" E for 105.22' along the common line with N/F Richer and Richere Levert (PIN 0720-98-8948) to an existing point;
thence S 32°49'07" W for 238.60' along the common line with N/F Richer and Richere Levert (PIN 0720-98-8948) to an existing point;
thence S 28°07'41" E for 120.97' along the common line with N/F Richer and Richere Levert (PIN 0720-98-8948) to an existing point on the centerline of Vaudry Court
thence N 82°52'56" W along a curve at a radius of 150.00 for 117.36' (chord) along the centerline of Vaudry Court to an existing point;
thence N 30°50'28" W along a curve at a radius of 150.00 for 151.91' (length) along the centerline of Vaudry Court to an existing point;
thence N 01°49'43" W for 186.25' to an existing iron point at the intersection of Vaudry Court centerline and the southern right-of-way for SR 1011, said point being the POINT OF BEGINNING.

Said property includes approximately 69,842 square feet or 1.6033 acres.

The property hereinabove described was acquired by the Grantor by Deed Book 15723 Page 2185 and BM2019 Pg01041.

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.

June 3, 2020

Date

Dear Neighbor:

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

2309 Old US 1 Hwy, Apex NC 27502-8410

0720-98-5958

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. 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 www.apexnc.org.

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

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

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

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

The owner is requesting to rezone to a MORR (Mixed Office-Residential-Retail) zoning designation for the purpose of creating an office use and residential use to the property.

Estimated submittal date: July 1, 2020

MEETING INFORMATION:

Property Owner(s) name(s): Rich Levert and Richere Levert

Applicant(s): Jeff Roach

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

Meeting Address: 1125 Apex Peakway, Apex, NC 27502

Date of meeting**: June 23, 2020

Time of meeting**: 5:30 - 7:30

MEETING AGENDA TIMES:

Welcome: 5:30 - 5:40 Project Presentation: 5:40 - 6:00 Question & Answer: 6:00 -

**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/Planning>.

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: 2309 Old US 1 Hwy Rezoning Zoning: RR & TF-CZ
 Location: 2309 Old US 1 Hwy, Apex NC 27502-8410
 Property PIN(s): 0720-98-5958 Acreage/Square Feet: 1.60

Property Owner: Richer and Richere Levert
 Address: 2309 Old US 1 Hwy
 City: Apex State: NC Zip: 27502-8410
 Phone: _____ Email: _____

Developer: Rich Levert
 Address: 2309 Old US 1 Hwy
 City: Apex State: NC Zip: 27502-8410
 Phone: _____ Fax: _____ Email: _____

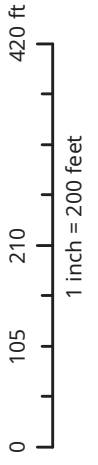
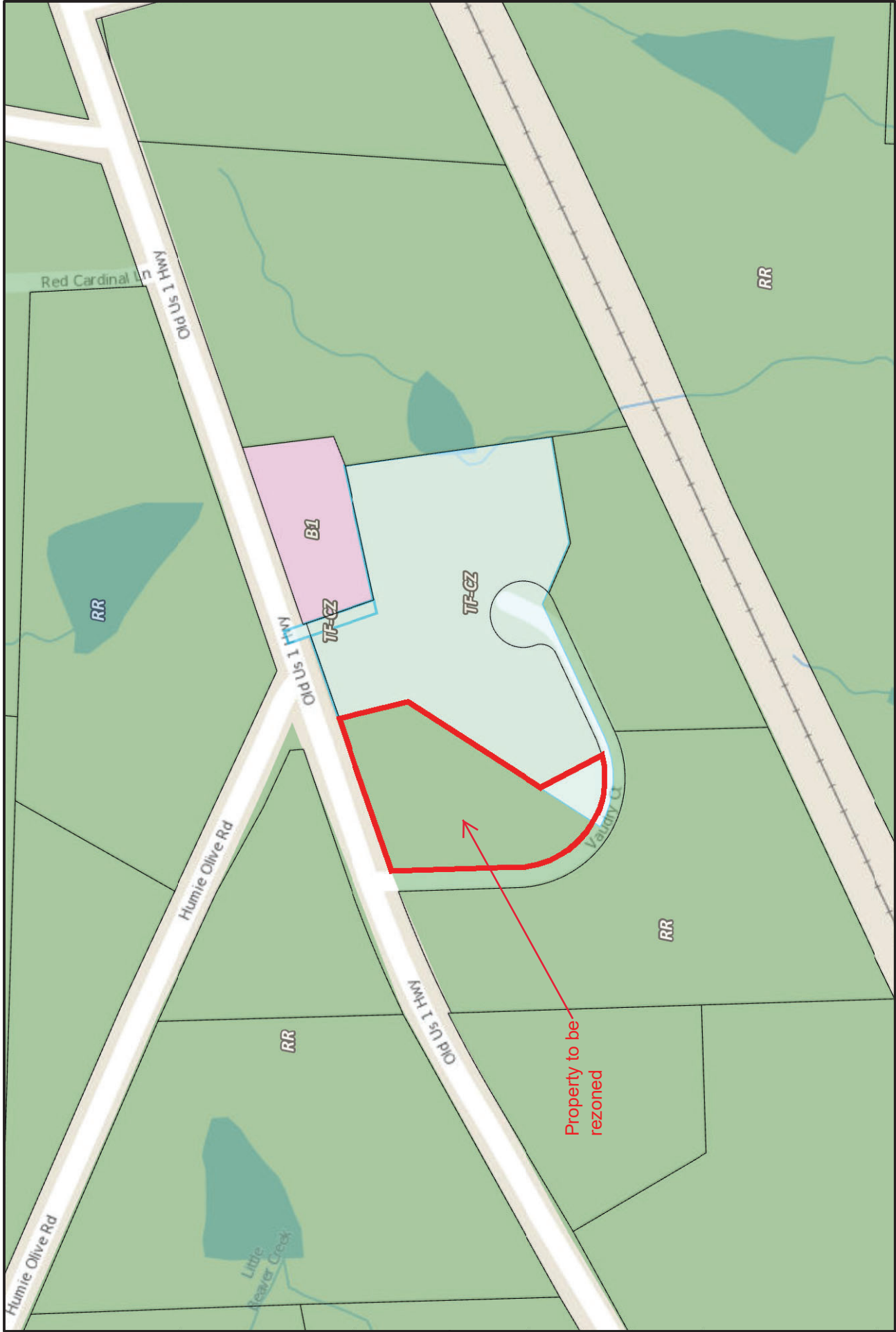
Engineer: Peak Engineering & Design (Jeff Roach)
 Address: 1125 Apex Peakway
 City: Apex State: NC Zip: 27502
 Phone: (919) 439-0100 Fax: _____ Email: jroach@peakengineering.com

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

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

Town of Apex Department Contacts

Planning 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 Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Mike Deaton, Stormwater & Utility Engineering Manager Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-3413 (919) 249-1166
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342



Disclaimer
 Maps make 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.

2309 Old US 1 Hwy Rezoning

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: 1125 Apex Peakway, Apex, NC 27502
 Date of meeting: June 23, 2020 Time of meeting: 5:30
 Property Owner(s) name(s): Rich Levert & Richere Levert
 Applicant(s): Rich Levert

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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	No one attended the meeting				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Rich Levert & Richere Levert

Applicant(s): Jeff Roach

Contact information (email/phone): jroach@peakengineering.com

Meeting Address: 1125 Apex Peakway, Apex, NC 27502

Date of meeting: June 23, 2020 Time of meeting: 5:30

Please summarize the questions/comments and your response from the Neighborhood Meeting 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 one attended the meeting

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

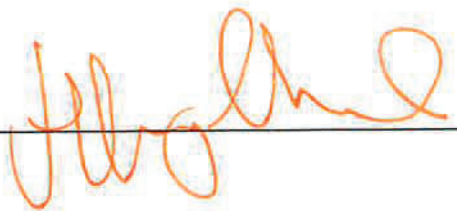
AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Jeff Roach, do hereby declare as follows:
Print Name

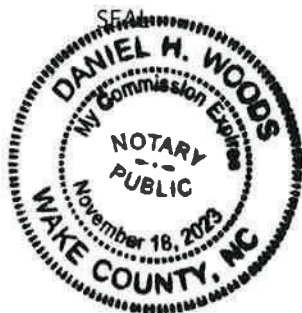
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at 1125 Apex Peakway, Apex, NC 27502 (location/address) on June 23, 2020 (date) from 5:30 (start time) to _____ (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.


6-25-2020
Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 25 day of JUNE, 2020.




Notary Public
DANIEL H. WOODS
Print Name

My Commission Expires: 11/18/23