

STAFF REPORT

Rezoning #21CZ27 Tingen Road Residential

January 10, 2023 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:

Location:	1010 Tingen Road
Applicant:	Peak Engineering & Design, PLLC
Authorized Agent:	Jeff Roach, PE
Owner:	Joseph V. Iannone

PROJECT DESCRIPTION:

Acreage:	+/- 2.27 acres
PINs:	0741264605
Current Zoning:	Residential Agricultural (RA)
Proposed Zoning:	High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ)
2045 Land Use Map:	Medium/High Density Residential
Town Limits:	Inside the ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Residential Agricultural (RA)	Single Family Residential; School (Apex Elementary School)
South:	High Density Multi-Family Residential (HDMF)	Townhomes (Westhaven Townhomes)
East:	Residential Agricultural (RA)	Tingen Rd; Single Family Residential; Vacant
West:	Residential Agricultural (RA)	Single Family Residential

EXISTING CONDITIONS:

The site is located on the west side of Tingen Road and is ±2.27 acres. The site is wooded and has stream buffers.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on September 29, 2021. The neighborhood meeting report is attached.

WCPSS COORDINATION:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the elementary and high school grade levels. Possible long-term solutions may include capping students out to schools with available seats, reassignments, or calendar changes.

2045 LAND USE MAP:

The 2045 Land Use Map designates the property as Medium/High Density Residential. The proposed rezoning to HDMF-CZ is consistent with the Land Use Map designation.

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PROPOSED ZONING CONDITIONS:

Permitted 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.

The applicant is proposing the following uses:

- Townhouse
- Multi-family or apartment
- Utility, minor
- Park, active
- Park, passive
- Greenway
- Recreation facility, private

Conditions:

1. Residential architectural standards:
 - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
 - b. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
 - c. For the homes, roof pitch shall be 5:12 or greater for 75% of the building designs.
 - d. Garage doors must have windows, decorative details or carriage-style adornments on them.
 - e. Front facades shall have horizontal relief achieved using recesses and projections.
 - f. A varied color palette shall be utilized on homes throughout the subdivision and shall include varied trim, shutter, and accent color complementing the siding color.
 - g. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
 - h. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap-around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gables
 - Decorative cornice
 - Column on gable
 - Portico
 - Balcony
 - Dormer
 - Decorative gable
2. A 10' Type A Landscape Buffer is proposed along adjacent property lines. A 30' Type B Town of Apex Throughfare Street buffer along Tingen Road is proposed.
3. The development shall include a minimum of two (2) signs identifying environmentally sensitive areas to discourage pet waste and chemical use in the vicinity.
4. The development shall provide diverse and abundant pollinator sources (i.e., larval host plants, nectar, pollen, berries, and blooming plants) that bloom in succession from spring to fall. Species shall be

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selected from the Design and Development Manual or otherwise approved by Planning staff.

5. The development shall provide warm season grasses throughout the development as listed in the Design and Development Manual or otherwise approved by Planning staff.
6. Each dwelling unit shall be pre-configured with conduit for a future solar energy system.
7. The developer shall provide at least two (2) pet waste stations within common open space.
8. Access to the property shall be provided by a right-in/right-out movement located approximately 150' north of Harbor Haven Drive as reviewed by the Town of Apex and NCDOT.
9. The project shall be one-hundred percent (100%) affordable housing through a partnership with an affordable housing provider. Said provider shall establish the housing affordability standards to provide residential units to buyers making less than one-hundred percent (100%) of the Area Median Income (AMI) for the Raleigh MSA. The Affordable Housing Units shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall include a minimum affordability period of no less than ten (10) years (the "Affordable Period"). Examples of an Affordable Housing Provider include, without limitation, Habitat for Humanity of Wake County, the White Oak Foundation, DHIC, or a similar entity identified prior to construction of the new residential units.
10. Existing sidewalk along Tingen Road is sufficient and construction and/or fee-in-lieu for the 10' Side Path identified on the Bicycle Pedestrian System Plan Map shall not be required.
11. Future stub street extensions shall be provided to the west (PIN 0741-26-1618) and to the north (PIN 0741-26-6820).

Buffers:	UDO Requirement:	Proposed:
Tingen Road (Thoroughfare):	30-foot Type B	30-foot Type B
Adjacent to School:	15-foot Type A	10-foot Type A
Adjacent to Single-family (lot size > 12,000 sf)	20-foot Type B	10-foot Type A
Adjacent to Single-family (lot size 6,000 – 12,000 sf)	15-foot Type A	10-foot Type A
Adjacent to Townhomes:	15-foot Type A	10-foot Type A

ENVIRONMENTAL ADVISORY BOARD

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on August 19, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Install signage near environmental sensitive areas in order to: <ul style="list-style-type: none">○ Reduce pet waste near SCM drainage areas	Included
Plant trees as designed for efficiency. <ul style="list-style-type: none">○ Plant deciduous shade trees on southern side of buildings.○ Plant evergreen trees as a windbreak on northern side of buildings.	Included
Increase biodiversity. <ul style="list-style-type: none">○ Plant pollinator-friendly flora	Included

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EAB Suggested Condition	Applicant's Response
○ Plant native flora	
Implement green infrastructure.	Not Included
Include landscaping that requires less irrigation and chemical use.	Included
○ Plant warm season grasses for drought resistance.	
Include solar conduit in building design.	Included
Install pet waste stations.	Included
Include eight townhomes to have a minimum 4-kW rooftop solar PV system.	Not Included

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

It is anticipated that this project will have less than 30 Single Family Detached units, 45 Single Family Attached units, or 51 Multi-Family units; therefore, the project will not need to be reviewed by the PRCR Advisory Commission per the UDO Sec. 14.1.2 *Exemptions*. Prior to Master Subdivision Plan approval, the fee-in-lieu of dedication will be presented to Town Council.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of rezoning #21CZ27 Tingen Road Residential with the conditions as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

Planning Board held a public hearing at their regularly scheduled meeting on December 12, 2022. The Planning Board unanimously voted to recommend approval of Rezoning Case #21CZ27 Tingen Road Residential.

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 Medium/High Density Residential. The proposed rezoning is consistent with that land use classification.

Approval of the rezoning is reasonable and in the public interest because the rezoning will provide affordable housing, consistent with the goals of Advance Apex and the Apex Affordable Housing Plan. The proximity of the site to schools, transit, and downtown make it an ideal location for affordable housing. The reduction in buffer width and change from 10-foot side path to 5-foot sidewalk is consistent with the draft Affordable Housing Incentive Zoning Manual. The proposed townhome use is consistent with the townhome development to the south.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the High Density Multi-Family Conditional Zoning (HDMF-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

Legislative Considerations

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

- 1) *Consistency with 2045 Land Use 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.

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



Rezoning #21CZ27

Wragby Ln

Glaston Ct

Sparta Ln

Perry Hills

Litton St

Owlsmoor Ln

James Ext St

James Street Station

Eversley Ct

Minley Way

Harbor Haven Dr

West Haven Townhomes

Shelter Haven Dr

Tingen Rd

West Haven Apartments

Kissena Ln

Perry Farms

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 #: 21CZ27

Submittal Date: 10/1/2021

Fee Paid: _____

Project Information

Project Name: Tingen Road Residential

Address(es): 1010 Tingen Road

PIN(s): 0741-26-4605

Acreage: 2.27 acres

Current Zoning: RA

Proposed Zoning: HDMF-CZ

Current 2045 LUM Classification(s): Medium-High Density Residential

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☒

No ☐

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use:

Acreage: N/A

Area proposed as non-residential development:

Acreage: N/A

Percent of mixed use area proposed as non-residential:

Percent: N/A

Applicant Information

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

Address: 1125 Apex Peakway

City: Apex

State: NC

Zip: 27502

Phone: 919-439-0100

E-mail: jroach@peakengineering.com

Owner Information

Name: Joseph Iannone

Address: 2509 Southwinds Run

City: Apex

State: NC

Zip: 27502

Phone: _____

E-mail: joey@jviconstruction.com

Agent Information

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

Address: 1125 Apex Peakway

City: Apex

State: NC

Zip: 27502

Phone: 919-439-0100

E-mail: jroach@peakengineering.com

Other contacts: _____

jbarron@morningstarlawgroup.com

PETITION INFORMATION

Application #: 21CZ27 Submittal Date: 10/1/2021

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

PETITION INFORMATION

Application #:

21CZ27

Submittal Date:

10/1/2021

PROPOSED CONDITIONS:

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

Development of the property shall include the attached conditions.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The 2045 LUM designation for the property is Medium-High Density Residential.

The propsoed rezoning would facilitate the development of a residential townhome community consistent with guidance in the Comprehensive Plan for properties with this designation.

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

The proposed rezoning site is adjacent to the Westhaven community which is built out as a townhome community similar to what is envisioned for this project. As a result, the proposed rezoning will facilitate the development of a community that is consistent with the adjacent residential community.

PETITION INFORMATION

Application #:

[21CZ27](#)

Submittal Date:

[10/1/2021](#)

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

New development on the site will comply with supplemental use standards to the extent such standards are applicable under UDO Sec. 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.

Based on the manner in which the Westhaven community was designed and built, the proposed community will not connect to existing residential roads. While such connections are good for connectivity, they rarely are welcomed by owners in established neighborhoods adjacent to new proposed development.

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.

New development on the site will be consistent with the Town's requirements for the same, many of which are meant to minimize a project's impact on the environment. This includes riparian buffers from stream features, which we believe the project site contains.

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 project will facilitate the development of a townhome community of only about 16 homes. This community will not have any meaningful impact on the Town's ability to continue providing high levels of service to area residents for municipal services and utilities.

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 rezoning is consistent with the Town's long range plans for development in this area. By providing residential infill development, the project takes advantage of area infrastructure and avoids leap-frog development that can contribute to sprawl.

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Application #:

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Submittal Date:

10/1/2021

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

As mentioned above, the proposed site of the rezoning is adjacent to an existing residential townhome community. The proposed development will be compatible with the existing patterns of development in the area. The similar characteristics of the new proposed community to the existing suggests that the project will not be detrimental.

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 rezoning will facilitate the development of a residential townhome community adjacent to a residential townhome community in an area slated for the same in the Town's Comprehensive Plan. Given the compatibility of the project with both the surrounding area and Town's plans, the rezoning will not create a nuisance.

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.

Tingen Road Residential Zoning Conditions

The following zoning conditions shall apply to the development:

1. Residential architectural standards:
 - A. Vinyl siding not permitted; however, vinyl windows, decorative elements and trim are permitted.
 - B. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
 - C. For the homes, roof pitch shall be 5:12 or greater for 75% of building designs.
 - D. Garage doors must have windows, decorative details, or carriage-style adornments on them.
 - E. Front facades shall have horizontal relief achieved using recesses and projections.
 - F. A varied color palette shall be utilized on homes throughout the subdivision and shall include varied trim, shutter, and accent colors complementing the siding color.
 - G. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
 - H. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

• Bay windows	• Two or more building materials	• Column on gable
• Recessed windows	• Decorative brick or stone	• Portico
• Decorative windows	• Decorative trim	• Balcony
• Trim around the windows	• Decorative shakes	• Dormer
• Wrap around porch or side porch	• Decorative air vents on gables	• Decorative gable
	• Decorative cornice	
2. A 10' Type 'A' Landscape Buffer is proposed along adjacent property lines. A 30' Type 'B' Town of Apex Thoroughfare Street buffer along Tingen Road is proposed.
3. The development shall include a minimum of two (2) signs identifying environmentally sensitive areas to discourage pet waste and chemical use in the vicinity.
4. The development shall provide diverse and abundant pollinator sources (i.e., larval host plants, nectar pollen berries and blooming plants) that bloom in succession from spring to fall. Species shall be selected from the Design & Development Manual or otherwise approved by Planning Staff.
5. The development shall provide warm season grasses throughout the development as listed in the Design and Development Manual or otherwise approved by Planning staff.
6. Each dwelling unit shall be pre-configured with conduit for a future solar energy system.
7. The developer shall provide at least two (2) pet waste stations within common open space.
8. Access to the property shall be provided by a right-in/right-out movement located approximately 150' north of Harbor Haven Drive as reviewed by the Town of Apex and NCDOT.

9. The project shall be one-hundred percent (100%) affordable housing through a partnership between the property owner and an affordable housing provider (the “Affordable Housing Provider”). Examples of an Affordable Housing Provider include without limitation Habitat for Humanity of Wake County, the White Oak Foundation, DHIC, Inc., or a similar entity identified prior to construction of the new residential units. Said Affordable Housing Provider shall establish the housing affordability standards to provide residential affordable housing townhouse ownership units (the “Affordable Housing Units”) to buyers at a sales price (includes unit price and lot price) up to median-income (100% of the Area Median Income (AMI)) for the Raleigh, NC Metropolitan Statistical Area (MSA) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by either low-income households earning no more than eighty-percent (80%) or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. The maximum affordable housing income limit AMI percentage category shall be the same as the maximum sales price AMI percentage category. The Affordable Housing Units shall include a minimum affordability period of no less than ten (10) years (the “Affordable Period”).
10. Existing sidewalk along Tingen Road is sufficient and construction and/or Fee-in-lie for 10’ Side Path identified on the Bicycle Pedestrian System Plan Map shall not be required.
11. Future stub street extensions shall be provided to the west (PIN 0741-26-1618) and to the north (PIN 0741-26-6820).

AGENT AUTHORIZATION FORM

Application #: 21CZ27

Submittal Date: 10/1/2021

Joseph Iannone 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: 1010 Tingen Road

The agent for this project is: Joseph Iannone

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

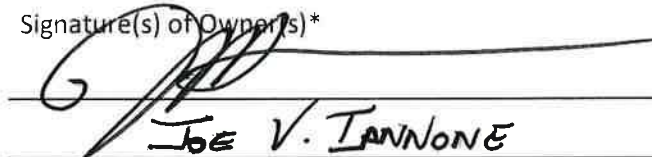
Agent Name: Peak Engineering & Design, PLLC (Jeffrey A. Roach, P.E.)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*


JOE V. IANNONE

Type or print name

9-29-21

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP


Application #: 21CZ27

Submittal Date: 10/1/2021

The undersigned, Joseph Iannone (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 1010 Tingen 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 5/4/21, and recorded in the Wake County Register of Deeds Office on 5/4/21, in Book 18487 Page 250.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 5/4/21, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 5/4/21, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

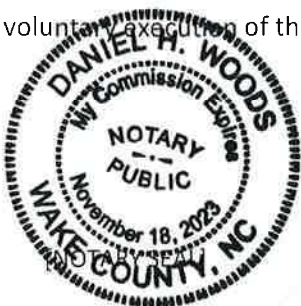
This the 29 day of 9, 2021.




JOE V. IANNONE
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 JOE IANNONE, 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.





Notary Public
State of North Carolina
My Commission Expires: 11/18/2023

**Legal Description of Property of
Joseph V. Iannone, Jr.
1010 Tingen Road, Apex, NC
PIN 0741-26-4605**

The area described herein is encompassing of PIN 0741-26-4605 located in White Oak Township in Wake County, NC.

At an Existing Concrete Monument (ECM) located in the northwest corner of the aforementioned property, the common property corner with N/F Isoline M. Byrd (PIN 0741.09-26-1618) and the Wake County Board of Education parcel (Apex Elementary School PIN 0741.09-25-5385), the point described as the **POINT AND PLACE OF BEGINNING**;

thence S 87° 40' 19" E 129.84' along the common boundary with Wake County Board of Education property to an existing iron pipe in the northwest corner of the adjacent N/F John & James L. Amoroso (PIN 0741.10-26-6820);

thence S 02° 17' 00" E 106.59' along the western property line of the previously noted Amoroso property to an existing iron pipe;

thence S 88° 16' 28" E 215.58' along the southern property line of the previously noted Amoroso property to an existing iron pipe in the northwest corner of the N/F John & James L. Amoroso property (PIN 0741.10-26-6639);

thence S 16° 40' 12" W 51.01' along the western boundary of the Amoroso property (PIN 0741.10-26-6639) to an existing iron pipe at the common corner with the N/F Reginald & Tony Judd (PIN 0741.10-26-6614);

thence S 18° 06' 27" W 70.20' along the western boundary of the N/F Reginald & Tony Judd (PIN 0741.10-26-6614) to an existing iron pipe;

thence S 73° 24' 21" E 139.32' along the southern boundary of the N/F Reginald & Tony Judd (PIN 0741.10-26-6614) to a computed point in the western right-of-way line of Tingen Road;

thence along the western right-of-way of Tingen Road for the following two calls:

- S 18° 22' 11" W 128.78' to a computed point;
- S 26° 55' 13" W 14.61' to a computed point;

thence N 69° 14' 31" W 232.35' along the northern property line of the N/F Westhaven Townhomes HOA property (PIN 0741-26-1195) to a new iron pipe;

thence N 85° 57' 48" W 189.63' along the northern property line of the N/F Westhaven Townhomes HOA property to an existing iron pipe in the southeast corner of the N/F Isoline M. Byrd property (PIN 0741.09-26-1618);

thence N 01° 24' 14" E 289.75' along the eastern boundary of the N/F Isoline M. Byrd property to an existing concrete monument, said point being the **POINT AND PLACE OF BEGINNING** containing 2.2690 acres more or less. Said property is identified as Lot 1 on the survey by Smith & Smith, Surveyors, P.A. entitled "Existing Conditions Survey for Joseph V. Iannone Jr." dated June 14, 2021.

The property described heron is subject to all easements, rights-of-ways, and restrictions of record.

Wake County Residential Development Notification

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

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

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	
Company Phone Number	
Developer Representative Name	Joey Iannone
Developer Representative Phone Number	(919) 387-8846
Developer Representative Email	joey@jviconstruction.com

New Residential Subdivision Information	
Date of Application for Subdivision	October 1, 2021
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	Tingen Road Residential (final name TBD)
Address of Subdivision (if unknown enter nearest cross streets)	Tingen Road south of Apex Elementary School
REID(s)	0014351
PIN(s)	0741-26-4605

Projected Dates Information	
Subdivision Completion Date	December 2023
Subdivision Projected First Occupancy Date	January 2023

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes	20							1600	2200			2022	6	2023	14		
Condos																	
Apartments																	
Other																	

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.

9/15/21

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
1010 Tingen Road 0741-26-4605

Address(es)

PIN(s)

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

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

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

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

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

We are seeking rezoning to allow for the development of a townhome community. We envision around 16 townhomes on about 2.27 acres of land.

Estimated submittal date: October 2021

MEETING INFORMATION:

Property Owner(s) name(s): Joseph Iannone

Applicant(s): Joseph Iannone

Contact information (email/phone): joey@jviconstruction.com/919-387-8846

Meeting Address: https://morningstarlaw.group/09292021mtg3

Date/Time of meeting**: September 29, 2021 from 5:30 PM to 7:30 PM

MEETING AGENDA TIMES:

Welcome: 5:30 - 5:32 Project Presentation: 5:32 - 5:35 Question & Answer: 5:35 - 7:30

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Tigen Road Residential Zoning: RA

Location: 1010 Tingen Road

Property PIN(s): 0741-26-4605 Acreage/Square Feet: 2.27

Property Owner: Joseph Iannone

Address: 2509 Southwinds Run

City: Apex State: NC Zip: 27502

Phone: 919-387-8846 Email: joey@jviconstruction.com

Developer: Same as owner

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Peak Engineering & Design, PLLC (Jeff Roach)

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

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

Builder (if known): Same as owner

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Dirt in the Road:	James Misciagno	919-372-7470
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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
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Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) 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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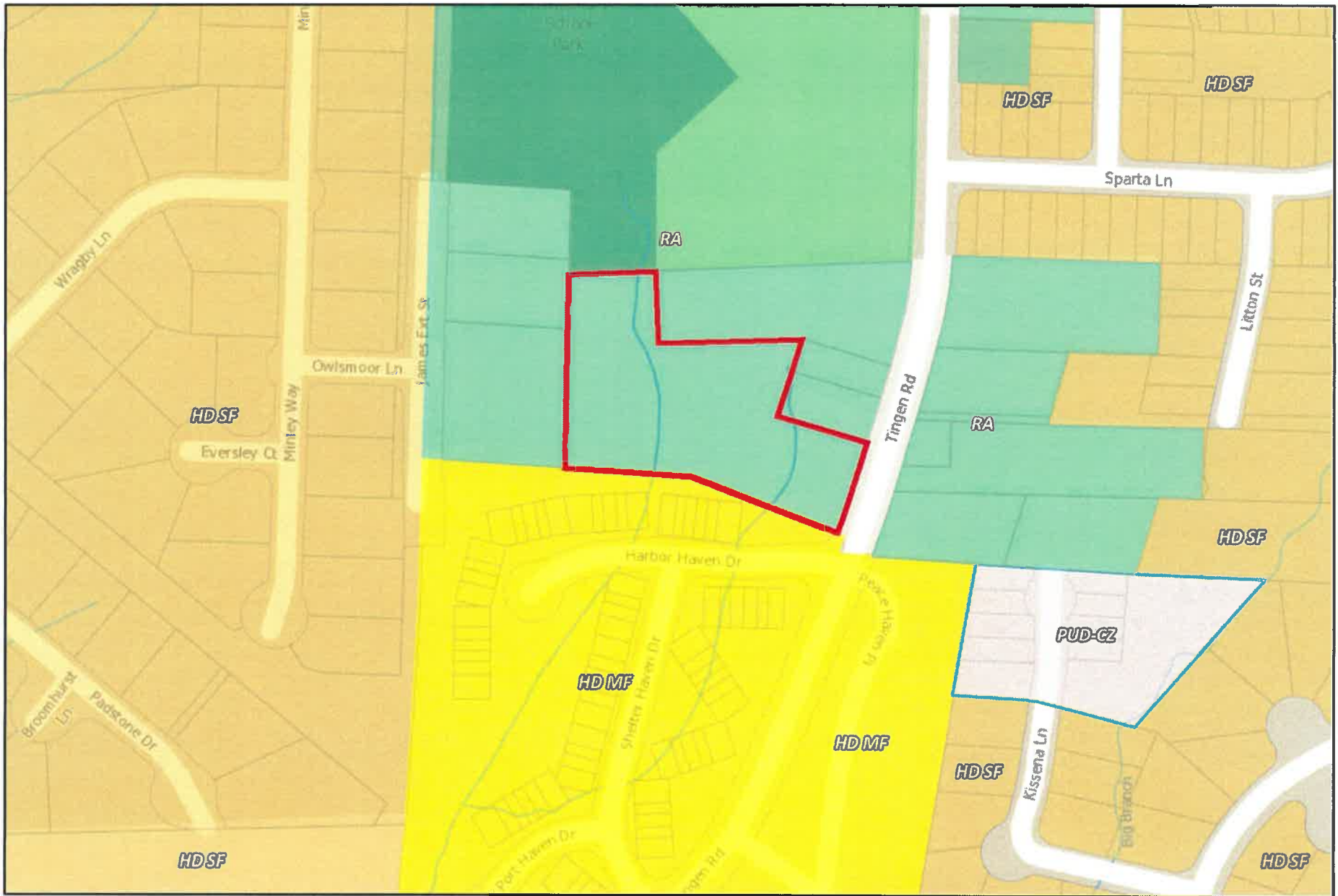
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

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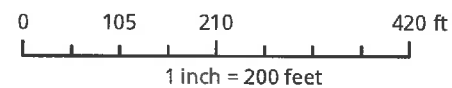
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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.



Vicinity & Zoning 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.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC 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): Joseph Iannone

Applicant(s): Peak Engineering and Morningstar Law Group

Contact information (email/phone): jbarron@morningstarlawgroup.com/919.590.0371

Meeting Format: Virtual per Town's Requirements

Date of meeting: September 29, 2021

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

Please summarize the questions/comments and your response from the Electronic 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:

A question was asked about buffering of the western property boundary and whether a fence was planned for that portion of the site

Applicant's Response:

The applicant's representative indicated that the initial proposal is for a 10' Type A buffer and does not include a fence

Question/Concern #2:

A follow up question related to why there was no plan for a fence

Applicant's Response:

the applicant's representative indicated that at this time the intent was to preserve existing vegetation along that side of the property and that a fence could impact such existing vegetation

Question/Concern #3:

A question was asked as to whether there was going to be a connection from this development to the James Street Extension to the west

Applicant's Response:

The applicant's representative indicated that there was no connection being made because the site does not abut James Street Extension but the Town's UDO requires that a stub be provided from the proposed development to the parcel to the west of the subject property

Question/Concern #4:

A question was asked as to what type of buffers are being proposed for the remainder of the property

Applicant's Response:

The applicant's representative indicated that the current proposal was for 10' Type A buffers around the entire perimeter of the site

SUMMARY OF DISCUSSION FROM THE ELECTRONIC 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): Joseph Iannone

Applicant(s): Peak Engineering and Morningstar Law Group

Contact information (email/phone): jbarron@morningstarlawgroup.com/919.590.0371

Meeting Format: Virtual per Town's Requirements

Date of meeting: September 29, 2021

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

Please summarize the questions/comments and your response from the Electronic 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:

What impacts will there be to stream buffers and wetlands

Applicant's Response:

The applicant's representative indicated that part of the development process would include a stream delineation and wetlands determination. Regarding wetlands, federal regulations would be followed regarding any potential impacts, including street crossing internal to the site. With respect to streams, any streams that are delineated and determined to be buffered will have to be accounted for on the site plan. Buffered streams are regulated by the state through the Town and the buffer areas only permit very minimal impacts.

Question/Concern #2:

One of the attendees indicated that she had spoken with the Byrd family that lives west of the property and along James Street Extension, and that they would like to see increased buffers or fencing along the western property boundary

Applicant's Response:

The applicant indicated that they would further examine the options with respect to that perimeter buffer

Question/Concern #3:

An attendee asked how many people received notice of the meeting

Applicant's Response:

84

Question/Concern #4:

An attendee asked if the applicant is aware that the Apex peacock - a wild peacock - was living in this area?

Applicant's Response:

The applicant's representative responded that they were not aware and would notify the owner of the subject property to further investigate.

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE 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 Format: Virtual per Town's Requirements

Date of meeting: September 29, 2021 Time of meeting: 5:30pm-7:30pm

Property Owner(s) name(s): Joseph Iannone

Applicant(s): Peak Engineering and Morningstar Law Group

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Shabnam Baig	1743 Minley Way			
2.	Dorothy Easton	935 Tingen Road			
3.	John Amoroso	938 Tingen Road			
4.	Jason Barron, Morningstar Law Group	421 Fayetteville Street, Suite 530, Raleigh			
5.	Jeff Roach, Peak Engineering & Des	1125 Apex Peakway, Apex, NC			
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING 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, Jason Barron, do hereby declare as follows:

Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex 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 Electronic Neighborhood Meeting.
3. The meeting was conducted via Virtual per Town's Requirements (indicate format of meeting) on September 29, 2021 (date) from 530pm (start time) to 730pm (end time).
4. I have included the mailing list, meeting invitation, attendance 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.

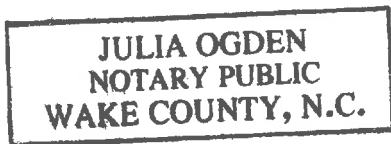
10/1/21
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 1 day of October, 2021.

SEAL



[Signature]
Notary Public
Julia Ogden
Print Name

My Commission Expires: April 21, 2024

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERSApplication #: 21CZ27Submittal Date: 10/1/2021

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.	LIST PROVIDED BY TOWN	
2.		
3.		
4.		
5.		
6.		
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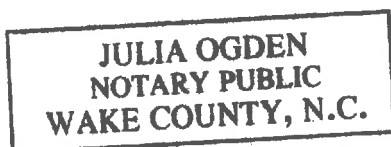
I, Jason Barron, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 10/1/21By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 1 day of October, 2021.

SEAL



Julia Ogden
Notary Public
Julia Ogden
Print Name

My Commission Expires: April 21, 2024

SITE_ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS	
200 HARBOR HAVEN DR	0741263427	ABU, JARADEH ABDALLAH JAMAL ABU, JARADEH FATMA HANYAMIN	200 HARBOR HAVEN DR	APEX NC 27502-4602
103 SHELTER HAVEN DR	0741264225	ACHETT, JOSEPH V. GEORGE, ROSE N.	7022 NOONWOOD CT	SAN JOSE CA 95120-2225
216 HARBOR HAVEN DR	0741261445	ALILI, ABBAS	216 HARBOR HAVEN DR	APEX NC 27502-4602
938 TINGEN RD	0741266639	AMOROSO, JOHN AMOROSO, JAME L	936 TINGEN RD	APEX NC 27502-8736
202 HARBOR HAVEN DR	0741263407	AMZ HOME SERVICES LLC	4264 VALLONIA DR	CARY NC 27519-6704
1743 MINLEY WAY	0741168692	BAIG, SHABNAM ALI, SYED OMAR	1743 MINLEY WAY	APEX NC 27502-5776
0 TINGEN RD	0741267558	BALDWIN, H B HEIRS	PO BOX 2331	RALEIGH NC 27602-2331
1731 MINLEY WAY	0741169805	BHANDARU, KAMESWARI BHANDARU, SRINIVAS	1731 MINLEY WAY	APEX NC 27502-5776
1755 MINLEY WAY	0741168396	BHATIA, VINIT J	1755 MINLEY WAY	APEX NC 27502-5776
109 HARBOR HAVEN DR	0741264353	BORGE, FERNANDO	109 HARBOR HAVEN DR	APEX NC 27502-4726
1747 MINLEY WAY	0741168594	BRADLEY, STUART MICHAEL TRUSTEE STU BRADLEY LIVING TRUST	1747 MINLEY WAY	APEX NC 27502-5776
1735 MINLEY WAY	0741168796	BUCKLEY, PHILIP H BUCKLEY, KRISTEN A	1735 MINLEY WAY	APEX NC 27502-5776
1723 MINLEY WAY	0741179003	BURKEMPER, DAMIAN WOODRING, AMY	1723 MINLEY WAY	APEX NC 27502-5776
109 JAMES EXT ST	0741261922	BYRD, ALBERT HEIRS	115 JAMES EXT ST	APEX NC 27502-2021
117 JAMES EXT ST	0741261618	BYRD, ISOLINE M	117 JAMES EXT ST	APEX NC 27502-2021
108 SHELTER HAVEN DR	0741262287	CERRETTI, LAUREN	108 SHELTER HAVEN DR	APEX NC 27502-4725
1003 TINGEN RD	0741269566	CHAVIS, FRANCES E EPPS, CURTIS LEROY	PO BOX 153	APEX NC 27502-0153
108 HARBOR HAVEN DR	0741264477	DAY, PRISCILLA	108 HARBOR HAVEN DR	APEX NC 27502-4684
220 HARBOR HAVEN DR	0741260491	EASON, VANESSA M TRUSTEE THE VANESSA M EASON REVOCABLE LIVING TRUST	5505 MERION STATION DR	APEX NC 27539-3623
935 TINGEN RD	0741269830	EASTON, HARRISON JR EASTON, DOROTHY	935 TINGEN RD	APEX NC 27502-8737
0 TINGEN RD	0741267486	EPPS, DANIEL JR EPPS, CURTIS LEROY	501 BURTON ST	FUQUAY VARINA NC 27526-1607
230 HARBOR HAVEN DR	0741260279	EUDAILEY, LORI ELAINE	230 HARBOR HAVEN DR	APEX NC 27502-4602
2 SPARTA LN	0741268951	FANG, XIFENG DING, WEI	604 PRAIRIE MEADOWS CT	CARY NC 27519-6306
100 PEACE HAVEN PL	0741266052	FEDERAL HOME APEX, LLC	FEDERAL HOME HARDEE TERRACE LLC	274 MADISON AVE RM 1401 NEW YORK NY 10016-0701
214 HARBOR HAVEN DR	0741261466	FINCHER, MARK W FINCHER, IANA F	110 AVERY CIR	CARY NC 27511-3820
204 HARBOR HAVEN DR	0741262487	FLORES-TAN, CARMELA S TAN, ALDIN N	604 ALDEN BRIDGE DR	CARY NC 27519-8326
206 HARBOR HAVEN DR	0741262467	FRITTS, PATRICIA R	206 HARBOR HAVEN DR	APEX NC 27502-4602
0 TINGEN RD	0741268652	GALLOWAY, JOSEPH CLEVELAND	211 JAMES ST	APEX NC 27502-2121
107 HARBOR HAVEN DR	0741264373	GAO, DI	1413 CRETE DR	RALEIGH NC 27606-2586
1126 KISSENA LN	0741268370	HABITAT FOR HUMANITY OF WAKE COUNTY INC	2420 N RALEIGH BLVD	RALEIGH NC 27604-2235
224 HARBOR HAVEN DR	0741260387	HALPIN, JOHN	224 HARBOR HAVEN DR	APEX NC 27502-4602
222 HARBOR HAVEN DR	0741260399	HARTMAN, JOSEPH HARTMAN, DEVIKA	204 MILPASS DR	HOLLY SPRINGS NC 27540-9651
1010 TINGEN RD	0741264605	IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN	APEX NC 27502-6512
102 SHELTER HAVEN DR	0741263304	INMAN, JAMES EDWARD	102 SHELTER HAVEN DR	APEX NC 27502-4725
1001 TINGEN RD	0741360405	JOHNSON, MARY G JOHNSON, TRACY M	1007 TINGEN RD	APEX NC 27502-8766
940 TINGEN RD	0741266614	JUDD, REGINALD JUDD, TONY	722 COTTON BRICK DR	FUQUAY VARINA NC 27526
104 SHELTER HAVEN DR	0741262392	KATHPALIA, JEETENDER KATHPALIA, SUPREET	3409 SIENNA HILL PL	CARY NC 27519-5220
1727 MINLEY WAY	0741169904	KAZEZIAN, HRATCH KAZEZIAN, SALPI M	1727 MINLEY WAY	APEX NC 27502-5776
101 HARBOR HAVEN DR	0741265333	KELLY, BRIAN KELLY, KATHLEEN	1207 CAIRPHILLY CASTLE CT	APEX NC 27502-4064
111 HARBOR HAVEN DR	0741264333	LAMY, ALLAN J	111 HARBOR HAVEN DR	APEX NC 27502-4726
112 SHELTER HAVEN DR	0741262273	LEGACY PROPETIES USA LLC	10628 MARION STONE WAY	RALEIGH NC 27614-9891
218 HARBOR HAVEN DR	0741261425	LEWIS, RICHARD JAMES LEWIS, RUTH A	218 HARBOR HAVEN DR	APEX NC 27502-4602
105 SHELTER HAVEN DR	0741264233	LIVSHIN, JAMIE L LIVSHIN, JAMES	1202 WATERFORD GREEN DR	APEX NC 27502-6210
106 SHELTER HAVEN DR	0741262390	LOCKHART, DAVID G LOCKHART, KATHLEEN	3204 RIGHTERS MILL WAY	APEX NC 27539-3627
101 SHELTER HAVEN DR	0741264207	LODHI, KHALID LODHI, NUDRAT K	7624 SPURGE DR	FAYETTEVILLE NC 28311-9265
105 HARBOR HAVEN DR	0741264393	LOMELINO, JENNIFER D	105 HARBOR HAVEN DR	APEX NC 27502-4726
939 TINGEN RD	0741268658	MANGUM, STELLA J HEIRS	C/O PATRICIA M BECKWITH	2909 EARTH DR APEX NC 27539-6266
118 HARBOR HAVEN DR	0741263478	MCMILLIAN, BERYL	118 HARBOR HAVEN DR	APEX NC 27502-4684
100 SHELTER HAVEN DR	0741263316	MUSE, EMMIE M	100 SHELTER HAVEN DR	APEX NC 27502-4725
111 SHELTER HAVEN DR	0741264168	OAKLEY, ASHLEY	111 SHELTER HAVEN DR	APEX NC 27502-4789
109 SHELTER HAVEN DR	0741264241	ORR, KATHERINE M	109 SHELTER HAVEN DR	APEX NC 27502-4789
0 SPARTA LN	0741268911	PERRY HILL HOMEOWNERS ASSOC	3308 WHITTINGHAM DR	NEW HILL NC 27562-8985
212 HARBOR HAVEN DR	0741261486	PHILLIPS, VANESSA	212 HARBOR HAVEN DR	APEX NC 27502-4602

103 HARBOR HAVEN DR	0741265313	PITTMAN, ROBERT ALEXANDER PITTMAN, ROBIN	103 HARBOR HAVEN DR	APEX NC 27502-4726	
228 HARBOR HAVEN DR	0741262230	PLATT, JO ELLEN	228 HARBOR HAVEN DR	APEX NC 27502-4602	
112 HARBOR HAVEN DR	0741264437	RAHILLY, BRENDAN E	112 HARBOR HAVEN DR	APEX NC 27502-4684	
1114 KISSENA LN	0741268146	RASZMANN, MICHAEL PHILLIP HODGES, SARAH ELIZABETH	1114 KISSENA LN	APEX NC 27502-1864	
110 SHELTER HAVEN DR	0741262284	RAUSCHENBACH, JANET L	110 SHELTER HAVEN DR	APEX NC 27502-4725	
114 HARBOR HAVEN DR	0741264417	ROCHMAN, JULIO ROCHMAN, DIANA	2808 BISHOP BROOK CT	CARY NC 27519-7722	
112 LITTON ST	0741360636	ROMINGER, TIM	112 LITTON ST	APEX NC 27502-1228	
100 JAMES EXT ST	0741179382	SALEM VILLAGE OWNERS ASSOCIATION INC	1100 PERIMETER PARK DR STE 112	MORRISVILLE NC 27560-9119	
0 WRAGBY LN	0741167239	SALEM VILLAGE OWNERS ASSOCIATION INC	PO BOX 97243	RALEIGH NC 27624-7243	
1751 MINLEY WAY	0741168495	SALLUSTO, MICHAEL SALLUSTO, KRISTY	1751 MINLEY WAY	APEX NC 27502-5776	
110 HARBOR HAVEN DR	0741264448	SCHWARTZ, ROXANNE	110 HARBOR HAVEN DR	APEX NC 27502-4684	
232 HARBOR HAVEN DR	0741260277	SHAKED, KEREN SHAKED, MOSHE	232 HARBOR HAVEN DR	APEX NC 27502-4602	
107 SHELTER HAVEN DR	0741264232	SHUE, FELICIA LYN CLAVERING, JOAN	107 SHELTER HAVEN DR	APEX NC 27502-4789	
234 HARBOR HAVEN DR	0741260276	SPENCE, SHANNON	234 HARBOR HAVEN DR	APEX NC 27502-4602	
116 HARBOR HAVEN DR	0741263497	STEEN, CLAUDIA	116 HARBOR HAVEN DR	APEX NC 27502-4684	
208 HARBOR HAVEN DR	0741262437	TANIS, MARTIN L	208 HARBOR HAVEN DR	APEX NC 27502-4602	
226 HARBOR HAVEN DR	0741260385	TAYLOR, BRIDGET A	226 HARBOR HAVEN DR	APEX NC 27502-4602	
700 TINGEN RD	0741272284	WAKE COUNTY BOARD OF EDUCATION	RE SERVICES DIRECTOR	1551 ROCK QUARRY RD	RALEIGH NC 27610-4145
0 TINGEN RD	0741261195	WESTHAVEN TOWNHOMES HOMEOWNERS ASSN	PPM	11010 RAVEN RIDGE RD	RALEIGH NC 27614-8837
210 HARBOR HAVEN DR	0741262407	WILLIAMS, RAMEY	210 HARBOR HAVEN DR	APEX NC 27502-4602	
		APEX TOWN OF	PO BOX 250	APEX NC 27502	
		CHARLESTON MANAGEMENT CORP	PO BOX 97243	RALEIGH 27624	
		Current Tenant	101 Harbor Haven DR	APEX NC 27502	
		Current Tenant	107 Harbor Haven DR	APEX NC 27502	
		Current Tenant	114 Harbor Haven DR	APEX NC 27502	
		Current Tenant	202 Harbor Haven DR	APEX NC 27502	
		Current Tenant	204 Harbor Haven DR	APEX NC 27502	
		Current Tenant	214 Harbor Haven DR	APEX NC 27502	
		Current Tenant	220 Harbor Haven DR	APEX NC 27502	
		Current Tenant	222 Harbor Haven DR	APEX NC 27502	
		Current Tenant	113 James Ext ST	APEX NC 27502	
		Current Tenant	100 Peace Haven PL	APEX NC 27502	
		Current Tenant	111 Peace Haven PL	APEX NC 27502	
		Current Tenant	112 Peace Haven PL	APEX NC 27502	
		Current Tenant	113 Peace Haven PL	APEX NC 27502	
		Current Tenant	114 Peace Haven PL	APEX NC 27502	
		Current Tenant	121 Peace Haven PL	APEX NC 27502	
		Current Tenant	122 Peace Haven PL	APEX NC 27502	
		Current Tenant	123 Peace Haven PL	APEX NC 27502	
		Current Tenant	124 Peace Haven PL	APEX NC 27502	
		Current Tenant	211 Peace Haven PL	APEX NC 27502	
		Current Tenant	212 Peace Haven PL	APEX NC 27502	
		Current Tenant	213 Peace Haven PL	APEX NC 27502	
		Current Tenant	214 Peace Haven PL	APEX NC 27502	
		Current Tenant	221 Peace Haven PL	APEX NC 27502	
		Current Tenant	222 Peace Haven PL	APEX NC 27502	
		Current Tenant	223 Peace Haven PL	APEX NC 27502	
		Current Tenant	224 Peace Haven PL	APEX NC 27502	
		Current Tenant	231 Peace Haven PL	APEX NC 27502	
		Current Tenant	232 Peace Haven PL	APEX NC 27502	
		Current Tenant	233 Peace Haven PL	APEX NC 27502	
		Current Tenant	234 Peace Haven PL	APEX NC 27502	
		Current Tenant	311 Peace Haven PL	APEX NC 27502	
		Current Tenant	312 Peace Haven PL	APEX NC 27502	
		Current Tenant	313 Peace Haven PL	APEX NC 27502	
		Current Tenant	314 Peace Haven PL	APEX NC 27502	
		Current Tenant	321 Peace Haven PL	APEX NC 27502	
		Current Tenant	322 Peace Haven PL	APEX NC 27502	
		Current Tenant	323 Peace Haven PL	APEX NC 27502	

[illegible]

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ27 Tingen Road Residential

Planning Board Meeting Date: December 12, 2022



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: +/- 2.27 acres

PIN(s): 0741264605

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ)

2045 Land Use Map: Medium/High Density Residential

Town Limits: Inside the ETJ

Applicable Officially Adopted Plans:

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

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ27 Tingen Road Residential

Planning Board Meeting Date: December 12, 2022



Legislative Considerations:

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

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ27 Tingen Road Residential

Planning Board Meeting Date: December 12, 2022



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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ27 Tingen Road Residential

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Tina Sherman

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

Conditions as presented.

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

With 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ27 Tingen Road Residential

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Tina Sherman

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

Conditions as presented.

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

With 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.12.12 18:42:26
-05'00'

Dianne Khin, Planning Director



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ27 Tingen Road Residential

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

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

Property Address: 1010 Tingen Road

Acreage: ±2.27 acres

Property Identification Number (PIN): 0741264605

2045 Land Use Map Designation: Medium/High Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: High Density Multi-Family-Conditional Zoning (HDMF-CZ)

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

Planning Board Public Hearing Date and Time: December 12, 2022 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.apexnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/37116/21CZ27>.

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

Published Dates: November 21 – December 12, 2022



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-349-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ27

Tingen Road Residential

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

Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC

Dirección de la propiedad: 1010 Tingen Road

Superficie: ±2.27 acres

Números de identificación de la propiedad: 0741264605

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

Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para la propiedad: High-Density Multi-Family-Conditional Zoning (HDMF-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: 12 de diciembre de 2022 4:30 P.M.

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

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.apexnc.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 y Desarrollo Comunitario al 919-349-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37116/21CZ27>.

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

Fechas de publicación: 21 de noviembre - 12 de diciembre de 2022



51°F Sunny



4:43 PM

11/21/2022





TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ27 Tingen Road Residential

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

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

Property Address: 1010 Tingen Road

Acreage: ±2.27 acres

Property Identification Number (PIN): 0741264605

2045 Land Use Map Designation: Medium/High Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: High Density Multi-Family-Conditional Zoning (HDMF-CZ)

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

Planning Board Public Hearing Date and Time: December 12, 2022 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/37116/21CZ27>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ27
Tingen Road Residential

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:

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Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC

Dirección de la propiedad: 1010 Tingen Road

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

Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para la propiedad: High-Density Multi-Family-Conditional Zoning (HDMF-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: 12 de diciembre de 2022 4:30 P.M.

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

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

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Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



October 2021
May 2021 Aerial Photography
Prepared by: Town of Apex Planning Department



TOWN OF APEX

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

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ27
1010 Tingen Road
Project Location: 1010 Tingen Road
Applicant or Authorized Agent: Jeff Roach, P.E.
Firm: Peak Engineering & Design, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 21, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

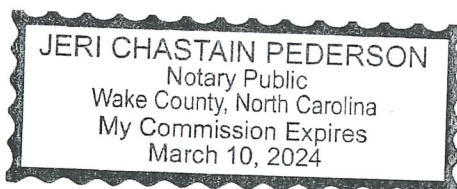
11/21/2022
Date

Shanne F. Klein
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

State and County, this the 21 day of November, 202 2.



SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024

**TOWN OF APEX**

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ27
Tingen Road Residential**

Pursuant to the provisions of North Carolina General Statutes 5160D-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: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Property Address: 1010 Tingen Road
Acreage: ±2.27 acres
Property Identification Number (PIN): 0741264605
2045 Land Use Map Designation: Medium/High Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: High Density Multi-Family-Conditional Zoning (HDMF-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: January 10, 2023 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 members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. 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/37116/21CZ27>.

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 #21CZ27
Tingen Road Residential

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 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: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Dirección de la propiedad: 1010 Tingen Road
Superficie: ±2.27 acres
Números de identificación de la propiedad: 0741264605
Designación en el Mapa de Uso Territorial para 2045: Medium/High Density Residential
Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para la propiedad: High-Density Multi-Family-Conditional Zoning (HDMF-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: 10 de enero de 2023 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.apexnc.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/37116/21CZ27>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 16 de diciembre de 2022 – 10 de enero de 2023



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ27 Tingen Road Residential

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

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

Property Address: 1010 Tingen Road

Acreage: ±2.27 acres

Property Identification Number (PIN): 0741264605

2045 Land Use Map Designation: Medium/High Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: High Density Multi-Family-Conditional Zoning (HDMF-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: January 10, 2023 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 members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37116/21CZ27>.

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 #21CZ27

Tingen Road Residential

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

Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC

Dirección de la propiedad: 1010 Tingen Road

Superficie: ±2.27 acres

Números de identificación de la propiedad: 0741264605

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

Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para la propiedad: High-Density Multi-Family-Conditional Zoning (HDMF-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: 10 de enero de 2023 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>.

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Mapa de las inmediaciones:



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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 #21CZ27
1010 Tingen Road
Project Location: 1010 Tingen Road
Applicant or Authorized Agent: Jeff Roach, P.E.
Firm: Peak Engineering & Design, PLLC

This is to certify that I, as Director of Planning, mailed or caused to have mailed by first class postage for the above mentioned project on December 16, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

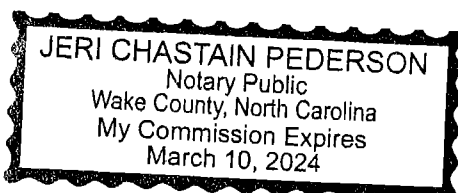
12/19/2022
Date

Shianne Fikkin
Director of Planning

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

State and County, this the 19 day of December, 202 2.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024



Glenn Carrozza
5625 Dillard Drive
Cary, NC 27518

tel: (919) 694-7708

November 9, 2021

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

Dear Dianne,

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

- Date of application: October 1, 2021
- Name of development: 21CZ27 Tingen Rd Residential
- Address of rezoning/development: 1010 Tingen Road
- Total number of proposed residential units: 20 Units
- Type(s) of residential units proposed: Townhomes

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

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

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

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

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

Sincerely,

Glenn Carrozza