

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

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:

Addresses: 0 & portion of 3100 Olive Chapel Road
Applicant: Patrick Kiernan, Jones & Clossen Engineering, PLLC
Owner: Joseph Iannone, JVI Building & Development, Inc

PROJECT DESCRIPTION:

Acreage: +/- 28.842 acres
PINs: 0722011663 & portion of 0712915079
Current Zoning: Wake County Residential-80W District (R-80W)
Proposed Zoning: Rural Residential-Conditional Zoning (RR-CZ)
Current 2045 Land Use Map: Rural Density Residential
Map:
2045 Land Use Map if rezoned as proposed: Rural Transition Residential
Town Limits: Outside Corporate Limits and ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Wake County Residential-80W District (R-80W)	Forestry Single-family Residential
South:	Wake County Residential-80W District (R-80W)	US Army Corps of Engineers Land
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32) Wake County Residential-80W District (R-80W)	American Tobacco Trail Smith Farm Subdivision US Army Corps of Engineers Land
West:	Wake County Residential-80W District (R-80W)	Forestry Single-family Residential

EXISTING CONDITIONS:

The site consists of two (2) parcels totaling +/- 28.842 acres and is located on the north side of Olive Chapel Road, west of the American Tobacco Trail. The site is partially wooded and partially cleared. It was recently used for forestry.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on April 27, 2022. Because the property changed size after the original meeting, the applicant was required to have a second neighborhood meeting on December 5, 2022. The meeting reports for each meeting are attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Rural Density Residential. The applicant proposes a rezoning to Rural Residential-Conditional Zoning (RR-CZ) district, which is not currently consistent within that Land Use Map designation. If the properties are rezoned as proposed, the 2045 Land Use Map will automatically be amended to Rural Transition Residential per NCGS 160D-605(a).

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

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the high school level. Possible long-term solutions may include capping students out to schools with available seats (not very proximate), reassignments, or calendar changes.

PROPOSED ZONING CONDITIONS:

Proposed Uses:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

- | | |
|------------------------|------------------|
| 1. Single-family | 4. Greenway |
| 2. Accessory apartment | 5. Park, active |
| 3. Utility, minor | 6. Park, passive |

Proposed Conditions:

The applicant has broken the rezoning into two separate areas with separate conditions for each.

Zone A:

Architectural Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions:

1. The maximum built-upon area per lot shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:

a. Front – 25 ft;	c. Corner side – 15 ft;
b. Side – 8 ft. min/20 ft. total;	d. Rear – 25 ft.
2. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
3. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
4. A maximum total of three private driveway access points onto Transit Trail shall be allowed.
5. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.

Zone B:

Architectural Conditions for RR-CZ - Single Family Residential



1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
6. A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions

1. For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.
2. This development shall provide a maximum density of 1.0 units per acre (including open space and R/W).
3. The minimum average lot size shall be ½ acre.
4. The maximum built-upon area per lot shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - a. Front – 25 ft;
 - b. Side – 8 ft. min/20 ft. total;
 - c. Corner side – 15 ft;
 - d. Rear – 25 ft.
5. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
6. Developer shall install pollinator-friendly and native flora within SCM planting areas.
7. At least 75% of the plant species used in the landscape design shall be native species.
8. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



9. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
10. A minimum of one pet waste station shall be installed in HOA common area.
11. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
12. Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.
13. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
14. Developer shall emphasize the availability of solar by providing the statement “Solar Options Available” on the development sign at the front of the subdivision.
15. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
16. Developer shall construct Transit Trail according to the Apex Thoroughfare and Collector Street Plan on 60’ public right-of-way from Olive Chapel Road to the northernmost property boundary, along with a 10’ Side Path for the entirety of the eastern side of the street, to be dedicated prior to the first plat of the subdivision.
17. For the existing residences that have access to the existing Transit Trail private street, a temporary access drive shall be provided and maintained throughout the duration of construction of Transit Trail as a public street. Once Transit Trail is recorded as public right-of-way, and the road is made open to the public, the temporary drive may be abandoned.
18. A 50’ Type A buffer shall be provided along the eastern boundary line where adjacent to the American Tobacco Trail. A 10’ Type A streetscape buffer shall be provided along the east side of Transit Trail. A 10’ Type B buffer shall be provided along the northern and southern boundary lines. A perimeter landscape buffer shall not be provided along the southeastern boundary line, adjacent to the land owned by USACE. Instead, a split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.
19. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.

Buffers:	UDO Requirement:	Proposed:
American Tobacco Trail	50-foot Type A	50-foot Type A
Transit Trail (Major Collector)	10-foot Type A	10-foot Type A
Adjacent to US Army Corps Land	10-foot Type B	split-rail wooden fence
North Adjacent to Class 6: Forestry	40-foot Type A	10-foot Type B
South: Adjacent to Single-family (lot size >12,000 sf)	10-foot Type A	10-foot Type B

Transportation:

Per the proposed Apex Thoroughfare and Collector Street Plan, Transit Trail is designated as a future Major Collector. It is planned to extend north through Legacy PUD and connect from Olive Chapel Road to US 64 Hwy W. In addition, the Apex Bicycle and Pedestrian System Plan Map calls for future sidepath along the eastern side

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



of Transit Trail. The applicant is proposing to construct Transit Trail and the sidepath to Town standards along the property frontage. Specifically, the condition states:

Zone B:

Developer shall construct Transit Trail according to the Apex Thoroughfare and Collector Street Plan on 60' public right-of-way from Olive Chapel Road to the northernmost property boundary, along with a 10' Side Path for the entirety of the eastern side of the street, to be dedicated at the time of the first plat of the subdivision.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on April 21, 2022. 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
Stormwater design shall meet the 25-year storm for pre- and post- attenuation requirements.	Included
Signage or information brochures shall be provided by any homeowner's association areas regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.	Included
Developer shall install pollinator-friendly and native flora within SCM planting areas.	Included
Sod used within perimeter buffers, SCMs, and along streets shall be warm season grasses for drought resistance.	Included
A pet waste station shall be installed in the development.	Included
All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.	Included
Any required outdoor lighting shall utilize full cutoff fixtures that have a minimum color temperature of 3000K.	Included
Recommend the installation of solar photovoltaic (PV) systems of minimum 4 kilowatts (about 12 panels) on a minimum of six homes.	Not Included
If RCA is required, direct that open space to the southeast corner of the property nearby the Army Corps of Engineers land.	Included
The landscaping shall consist of a minimum of 75% native species to the eastern U.S.	Included

After this meeting, the acreage for the property increased. Due to this, the UDO required that the project return to the EAB for another review. That meeting was held on November 17, 2022. Those conditions are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.	Included
Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.	Included
Developer shall install pollinator-friendly and native flora within SCM planting areas.	Included
At least 75% of the plant species used in the landscape design shall be native	Included

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



EAB Suggested Condition	Applicant's Response
species.	
Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.	Included
In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.	Included
A minimum of one pet waste station shall be installed in HOA common area.	Included
Homeowners Association covenants shall not restrict the construction of accessory dwelling units.	Included
All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.	Included
All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.	Included
Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.	Included
A 50' Type A buffer shall be provided along the eastern boundary line where adjacent to the American Tobacco Trail. A 10' Type A streetscape buffer shall be provided along the east side of Transit Trail. A 10' Type B buffer shall be provided along the northern and southern boundary lines. A perimeter landscape buffer shall not be provided along the southeastern boundary line, adjacent to the land owned by USACE. Instead, a split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.	Included
Install a minimum of two solar PV systems at a minimum of 4-kilowatts.	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 the rezoning petition with the following changes:

Zone A Condition 4 states:

A maximum total of three private driveway access points onto Transit Trail shall be allowed.

Staff's recommended change:

A maximum total of two private driveway access points onto Transit Trail shall be allowed.

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 #22CZ12 Hatcher Property with the conditions as presented by the applicant.

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



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 Rural Density Residential. The applicant proposes a rezoning to Rural Residential-Conditional Zoning (RR-CZ) district, which is not consistent with that Land Use Map designation. If the properties are rezoned as proposed, the 2045 Land Use Map will automatically be amended to Rural Transition Residential per NCGS 160D-605(a). The proposed rezoning to Rural Residential-Conditional Zoning (RR-CZ) will provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The proposed rezoning is reasonable with the zoning condition amendment suggested by staff and in the public interest because it will permit single-family development at a maximum density of 1 dwelling unit per acre, while also constructing a portion of a major collector street and side path which will provide a valuable north-south connection in the future.

LEGISLATIVE CONSIDERATIONS

The Town Council shall find the Rural Residential-Conditional Zoning (RR-CZ) designation demonstrates compliance with the following standards. 2.3.3(F):

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

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

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



- 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.

Deer Creek

Lawson Ln

Rezoning #22CZ12

Adirondack Way

Transit Trl

Soaring Silo Way

Herb Garden Way

Early Planting Ave

Richardson Rd

Barn Cat Way

Milk Bottle Aly

Smith Farm PUD

Wishing Well Wynd

Olive Chapel Rd

American Tobacco Trail



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 #: 22CZ12 Submittal Date: 5/2/2022
Fee Paid: _____

Project Information

Project Name: Hatcher Property Rezoning
Address(es): 0 & portion of 3100 Olive Chapel Rd
PIN(s): 0722-01-1663 & portion of 0712-91-5079
Acreage to be rezoned: 28.842
Current Zoning: R80-W Proposed Zoning: RR-CZ
Current 2045 LUM Classification(s): Rural Density Residential
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

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

Area classified as mixed use: Acreage: _____
Area proposed as non-residential development: Acreage: _____
Percent of mixed use area proposed as non-residential: Percent: _____

Applicant Information

Name: JVI Building & Development, Inc
Address: 1600 Olive Chapel Rd, Suite 400
City: Apex State: NC Zip: 27502
Phone: 919-387-8846 E-mail: joey@jviconstruction.com

Owner Information

Name: Joseph Iannone Jr
Address: 2509 Southwinds Run
City: Apex State: NC Zip: 27502
Phone: 919-387-8846 E-mail: joey@jviconstruction.com

Agent Information

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

Other contacts: _____

PETITION INFORMATION

Application #: 22CZ12 Submittal Date: 5/2/2022

An application has been duly filed requesting that the property described in this application be rezoned from R80-W to RR-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

1	<u>Single Family</u>	<u>21</u>
2	<u>Accessory Apartment</u>	<u>22</u>
3	<u>Utility, minor</u>	<u>23</u>
4	<u>Greenway</u>	<u>24</u>
5	<u>Park, active</u>	<u>25</u>
6	<u>Park, passive</u>	<u>26</u>
7	<u>_____</u>	<u>27</u>
8	<u>_____</u>	<u>28</u>
9	<u>_____</u>	<u>29</u>
10	<u>_____</u>	<u>30</u>
11	<u>_____</u>	<u>31</u>
12	<u>_____</u>	<u>32</u>
13	<u>_____</u>	<u>33</u>
14	<u>_____</u>	<u>34</u>
15	<u>_____</u>	<u>35</u>
16	<u>_____</u>	<u>36</u>
17	<u>_____</u>	<u>37</u>
18	<u>_____</u>	<u>38</u>
19	<u>_____</u>	<u>39</u>
20	<u>_____</u>	<u>40</u>

PETITION INFORMATION

Application #:

22CZ12

Submittal Date:

5/2/2022

PROPOSED CONDITIONS:

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

See attached list

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.

This rezoning would propose to amend the 2045 Land Use Map in order to convert the designation from Rural Density Residential to the new Rural Density Transition designation.

We believe this to be an appropriate LUM designation, serving as a transition from the Medium/High Density Residential (striped as mixed-use) to the east, to the Rural Density Residential to the west.

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

With this conditional zoning, the we are requesting to cap the density at 1.0 units/acre. As there are medium / high density uses to the east and north, and rural residential / preserved NC game land uses to the west and south, this density is compatible as a transition.

PETITION INFORMATION

Application #: 22CZ12 Submittal Date: 5/2/2022

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

All uses that fall within the supplemental standards will be consistent with the standards provided in the Town of Apex UDO.

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

As we are proposing a residential use, there is compatibility with the surrounding lands, and with the low density we are proposing, traffic should be minimal. Trash will be collected for each individual lot as a Town of Apex service, so there is no concern of any common area dumpsters creating an odor 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.

Several environmentally-minded conditions have been added to this conditional zoning in order to minimize the environmental impacts, including stormwater management of the 25-year storm, provision of at least one pet waste station along with signage regarding the need to reduce fertilizers and pet waste near SCMs, provision of solar conduit on all homes, and multiple conditions regarding the use of native plant species.

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 low residential density proposed with this conditional zoning will minimize any overburdening of public facilities. This project would provide a portion of a north-south Major Collector Street, eventually connecting US-64 and Olive Chapel Road.

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

The development of this parcel should not have a negative affect on the health, safety or welfare of Apex citizens.

PETITION INFORMATION

Application #:

22CZ12

Submittal Date:

5/2/2022

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

Because of its compatibility with the surrounding land uses (see Legislative Consideration #2), this conditional zoning should not be 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.

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

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

This rezoning petition is mostly compatible with the Ordinance for the Rural Residential zoning district. There are some deviations to the table of intensities (Table 5.1 of Apex UDO) regarding setbacks and average lot size, but these proposed zoning conditions are still compatible with the Land Use Map designation of Rural Density Transition.

22CZ12 Hatcher Property – Zone A Conditions:

Architectural Conditions for RR-CZ - Single Family Residential

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions

1. The maximum built-upon area per lot shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - a. Front – 25 ft;
 - b. Side – 8 ft. min/20 ft. total;
 - c. Corner side – 15 ft;
 - d. Rear – 25 ft.
2. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
3. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
4. A maximum total of three private driveway access points onto Transit Trail shall be allowed.
5. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and being situated 0.75 mile east of Olive Chapel Baptist Church yet west of and adjacent to the American Tobacco Trail and described more fully as follows to wit:

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 720,998.30 feet, East 2,019,786.59 feet; thence North 89° 30' 03" West, 412.24 feet to a point; thence South 26° 30' 06" West, 79.36 feet to a point; thence a curve to the left South 20° 36' 52" West, 75.90 feet (chord), 370.00 feet (radius) to a point; thence South 14° 43' 39" West, 167.18 feet to a point; thence a curve to the left South 28° 16' 03" East, 34.10 feet (chord), 25.00 feet (radius) to a point; thence South 09° 14' 40" West, 29.60 feet to a point; thence North 75° 39' 03" West, 111.13 feet to a point; thence North 14° 20' 57" East, 34.05 feet to a point; thence a curve to the left North 60° 02' 15" East, 35.55 feet (chord), 25.00 feet (radius) to a point; thence North 14° 43' 39" East, 163.27 feet to a point; thence a curve to the right North 20° 36' 52" East, 88.21 feet (chord), 430.00 feet (radius) to a point; thence North 26° 30' 06" East, 150.72 feet to a point; thence a curve to the left North 25° 06' 43" East, 37.35 feet (chord), 770.00 feet (radius) to a point; thence a curve to the left North 09° 52' 14" East, 368.69 feet (chord), 770.00 feet (radius) to a point; thence North 03° 58' 53" West, 28.07 feet to a point; thence North 03° 58' 53" West, 96.17 feet to a point; thence a curve to the right North 00° 20' 14" West, 64.19 feet (chord), 505.00 feet (radius) to a point; thence South 86° 41' 35" East, 60.00 feet to a point; thence South 80° 45' 39" East, 109.43 feet to a point; thence South 52° 58' 07" East, 68.06 feet to a point; thence South 23° 29' 24" East, 73.97 feet to a point; thence South 46° 29' 27" West, 50.55 feet to a point; thence South 08° 02' 55" West, 34.61 feet to a point; thence South 30° 23' 37" East, 308.52 feet to a point; thence South 04° 03' 53" East, 83.22 feet to a point; thence South 03° 33' 46" West, 131.60 feet to the BEGINNING, containing 5.3566 total acres more or less.

This description was prepared for the sole purpose of rezoning and for no other use.

PRELIMINARY
(ZONE A)

22CZ12 Hatcher Property – Zone B Conditions:

Architectural Conditions for RR-CZ - Single Family Residential

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
6. A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions

1. For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.
2. This development shall provide a maximum density of 1.0 units per acre (including open space and R/W).
3. The minimum average lot size shall be ½ acre.
4. The maximum built-upon area per lot shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - a. Front – 25 ft;
 - b. Side – 8 ft. min/20 ft. total;
 - c. Corner side – 15 ft;
 - d. Rear – 25 ft.

22CZ12 Hatcher Property – Zone B Conditions:

5. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
6. Developer shall install pollinator-friendly and native flora within SCM planting areas.
7. At least 75% of the plant species used in the landscape design shall be native species.
8. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
9. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
10. A minimum of one pet waste station shall be installed in HOA common area.
11. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
12. Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.
13. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
14. Developer shall emphasize the availability of solar by providing the statement “Solar Options Available” on the development sign at the front of the subdivision.
15. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
16. Developer shall construct Transit Trail according to the Apex Thoroughfare and Collector Street Plan on 60’ public right-of-way from Olive Chapel Road to the northernmost property boundary, along with a 10’ Side Path for the entirety of the eastern side of the street, to be dedicated prior to the first plat of the subdivision.
17. For the existing residences that have access to the existing Transit Trail private street, a temporary access drive shall be provided and maintained throughout the duration of construction of Transit Trail as a public street. Once Transit Trail is recorded as public right-of-way, and the road is made open to the public, the temporary drive may be abandoned.
18. A 50’ Type A buffer shall be provided along the eastern boundary line where adjacent to the American Tobacco Trail. A 10’ Type A streetscape buffer shall be provided along the east side of Transit Trail. A 10’ Type B buffer shall be provided along the northern and southern boundary lines. A perimeter landscape buffer shall not be provided along the southeastern boundary line, adjacent to the land owned by USACE. Instead, a split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.
19. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and being situated 0.75 mile east of Olive Chapel Baptist Church yet west of and adjacent to the American Tobacco Trail and described more fully as follows to wit:

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 722,135.06 feet, East 2,019,524.68 feet; thence South 80° 45' 39" East, 1415.59 feet to a point; thence South 17° 07' 41" West, 50.60 feet to a point; thence South 20° 08' 57" West, 103.08 feet to a point; thence North 69° 56' 08" West, 10.00 feet to a point; thence South 20° 03' 07" West, 499.87 feet to a point; thence South 69° 56' 54" East, 10.00 feet to a point; thence South 20° 03' 06" West, 101.61 feet to a point; thence North 64° 01' 14" West, 265.94 feet to a point; thence South 70° 14' 11" West, 367.78 feet to a point; thence South 37° 07' 27" West, 241.92 feet to a point; thence North 89° 30' 03" West, 147.47 feet to a point; North 03° 33' 46" East, 131.60 feet to a point; thence North 04° 03' 53" West, 83.22 feet to a point; thence North 30° 23' 37" West, 308.52 feet to a point; thence North 08° 02' 55" East, 34.61 feet; thence North 46° 29' 27" East, 50.55 feet to a point; thence North 23° 29' 24" West, 73.97 feet to a point; thence North 52° 58' 07" West, 68.06 feet to a point; thence North 80° 45' 39" West, 109.43 feet to a point; thence North 86° 41' 35" West, 60.00 feet to a point; thence a curve to the right North 06° 16' 23" East, 52.26 feet (chord), 505.00 feet (radius) to a point; thence North 09° 14' 36" East, 315.75 feet to a point; thence North 09° 16' 39" East, 99.99 feet to a point; thence South 80° 45' 39" East, 29.94 feet to the BEGINNING, containing 23.4854 total acres more or less.

This description was prepared for the sole purpose of rezoning and for no other use.

PRELIMINARY
(ZONE B)

AGENT AUTHORIZATION FORM

Application #: 22CZ12

Submittal Date: 5/2/2022

Joseph Iannone Jr 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: 3100 Olive Chapel Rd & 0 Olive Chapel Rd

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

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

Agent Name: Patrick Kiernan

Address: PO Box 1062, Apex NC 27502

Telephone Number: 919-387-1174

E-Mail Address: patrick@jonescrossen.com

Signature(s) of Owner(s)*

JOE V. IANNONE

Type or print name

11-21-22

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

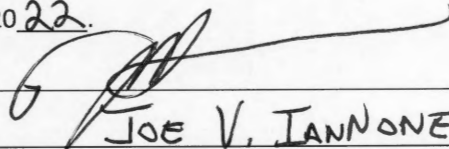
Application #: 22CZ12

Submittal Date: 5/2/2022

The undersigned, Joseph Iannone Jr (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 3100 Olive Chapel Rd & 0 Olive Chapel Rd and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 4/29/2021, and recorded in the Wake County Register of Deeds Office on 04/29/2021, in Book 018479 Page 01421.
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 04/29/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 04/29/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 21 day of NOV, 2022.

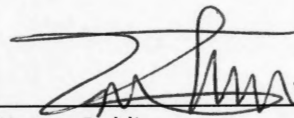

 _____ (seal)
JOE V. IANNONE
 Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that Joe V 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.

ERIN MARCUM
NOTARY PUBLIC
 Wake County
 North Carolina
 My Commission Expires 11/19/2025

[NOTARY SEAL]



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

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ12

Submittal Date: 5/2/2022

Insert legal description below.

Being all of Lots 1 and 2 as recorded in BM 2022 on Page 1473.

NOTICE OF NEIGHBORHOOD MEETING

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

April 8, 2022

Date

Since the time of the neighborhood meeting, the Town has adopted a new LUM designation, Rural Density Transition, which better suits this rezoning petition. In order to meet this new LUM designation, we are changing our rezoning petition from LD-CZ to RR-CZ. Per TOA staff, since the RR district is less intense than the LD district, a new neighborhood meeting shall not be required.

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
3100 Olive Chapel Rd 0712-91-8593

Address(es)

PIN(s)

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

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

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

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

Proposing to rezone these two parcels along Olive Chapel Rd. and Transit Tr. from R-80W to

Low Density Condition Zoning (LD-CZ). This would allow for a single family development of up to 3 units per acre.

Estimated submittal date: May 02, 2022

MEETING INFORMATION:

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

Applicant(s): JVI Building & Development

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

Meeting Address: Zoom meeting - See enclosed details

Date/Time of meeting** : April 27, 2022 5:30 PM

Welcome: 5:30 PM Project Presentation: 5:35 PM Question & Answer: 6:00 PM

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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>.

Zoom Meeting Details – Hatcher Property

When: **April 27, 2022 05:30 PM Eastern Time (US and Canada)**

[Register](#) in advance for this meeting:

Zoom.com

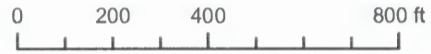
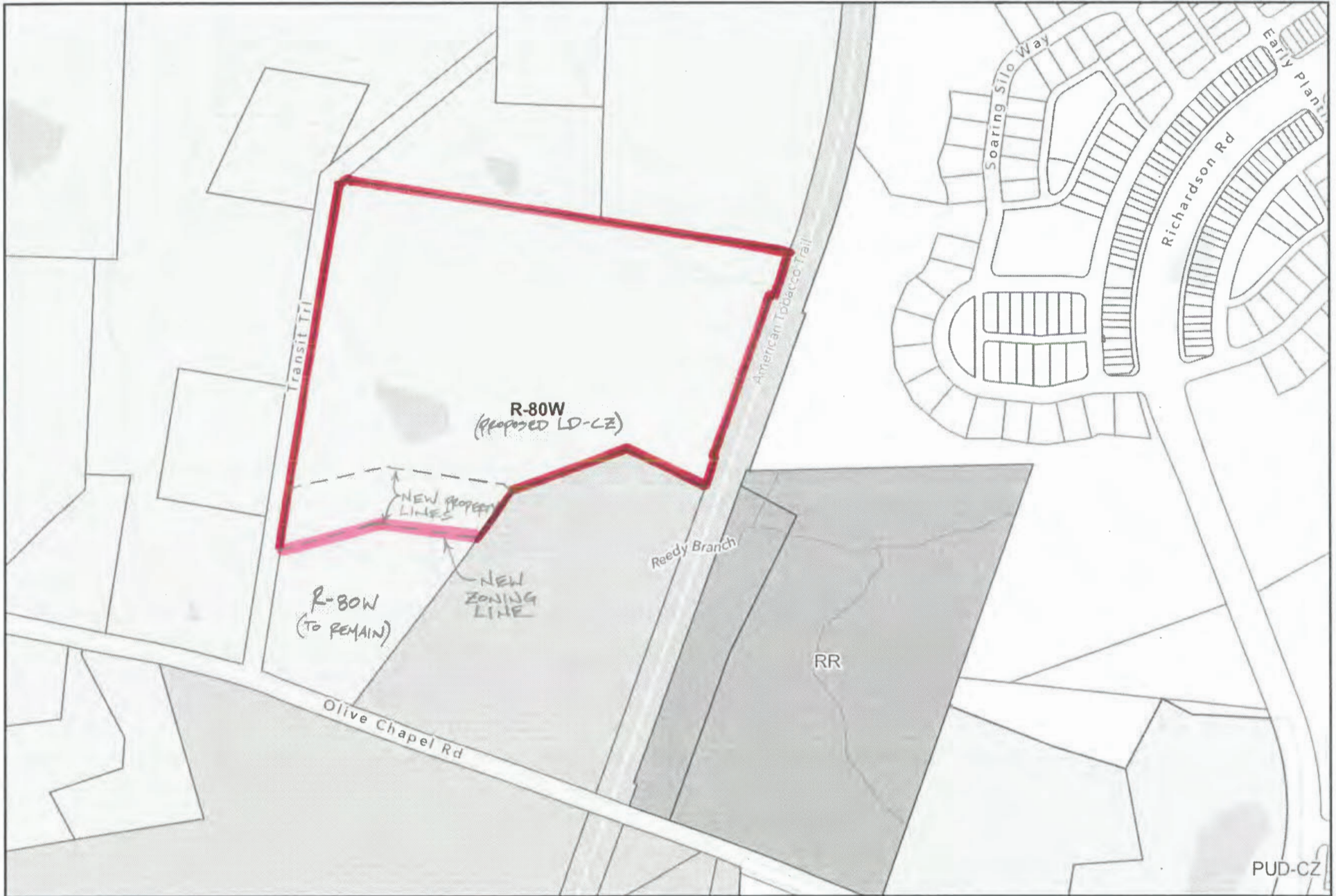
Meeting ID: 865 9608 0758

Passcode: F079da

The Meeting Registration form will request your First and Last Name, Email address and Address to help us with attendance at the meeting.

After registering, you will receive a confirmation email containing information about joining the meeting. A dial-in phone option will be provided in the confirmation email.

If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.



1 inch equals 400 feet

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.

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: Hatcher Property Zoning: LD-CZ

Location: 3100 Olive Chapel Rd

Property PIN(s): 0712-91-8593 Acreage/Square Feet: 26.5 ac.

Property Owner: Joseph Iannone Jr

Address: 2509 Southwinds Run

City: Apex State: NC Zip: 27502

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

Developer: JVI Building & Development, Inc

Address: 1600 Olive Chapel Rd, Suite 400

City: Apex State: NC Zip: 27502

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

Engineer: Jones & Crossen Engineering, PLLC - Patrick Kiernan

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: patrick@jonescrossen.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts	
Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, 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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

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

Stormwater Control Measures: Jessica Bolin 919-249-3537

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

Electric Utility Installation: Rodney Smith 919-249-3342

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

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS
2916 OLIVE CHAPEL RD	0722101607	APEX TOWN OF	PO BOX 250
1801 TRANSIT TRL	0722022516	CLEMENT, JOHN M JR CLEMENT, JUDY S	1801 TRANSIT TRL
3124 OLIVE CHAPEL RD	0712920463	CLEMENT, MARTHA S	3200 OLIVE CHAPEL RD
1812 TRANSIT TRL	0712924321	CLEMENT, MARTHA SMITH	3200 OLIVE CHAPEL RD
3100 OLIVE CHAPEL RD	0712918593	IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN
0 US 64 HWY W	0711986221	NC DEPARTMENT OF TRANSPORTATION	PO BOX 25201
2948 OLIVE CHAPEL RD	0722006782	NORTH CAROLINA STATE OF	STATE PROPERTY OFFICE
0 RICHARDSON RD	0722118310	SMITH FARM OF APEX HOMEOWNERS ASSOCIATION INC	ELITE MANAGEMENT
3129 OLIVE CHAPEL RD	0712809339	THORNTON, ANNE HARRIS	3129 OLIVE CHAPEL RD
1101 NEW HILL OLIVE CHAPEL RD	0711787015	UNITED STATES OF AMERICA	310 NEW BERN AVE
1904 TRANSIT TRL	0712912403	WINGLER, REBECCA C WINGLER, BRIAN C	1904 TRANSIT TRL
		Current Tenant	3020 Olive Chapel RD
		Current Tenant	3100 Olive Chapel RD
			APEX NC 27502-0250
			APEX NC 27502-8506
			APEX NC 27502-6785
			APEX NC 27502-6785
			APEX NC 27502-6512
			RALEIGH NC 27611-5201
			1321 MAIL SERVICE CTR
			4112 BLUE RIDGE RD STE 100
			APEX NC 27502-5710
			RALEIGH NC 27601-1441
			APEX NC 27502-8505
			APEX NC 27502
			APEX NC 27502
			RALEIGH NC 27699-1321
			RALEIGH NC 27612-4652

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom
 Date of meeting: April 27, 2022 Time of meeting: 5:30 pm
 Property Owner(s) name(s): Joseph Iannone Jr
 Applicant(s): JVI Building & Development

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Kip Clement	1801 Transit Trail			Yes
2.	Brian & Rebecca Wingler	1904 Transit Trail			Yes
3.	William Clement	Bristol, TN			Yes
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

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

Applicant(s): JVI Building & Development

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

Meeting Address: Zoom

Date of meeting: April 27, 2022 Time of meeting: 5:30 pm

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

Question/Concern #1:

If Transit Trail becomes a paved street with sidewalks, will they (the adjacent property owners) be responsible for the cost of maintaining the sidewalk and grass shoulder?

Applicant's Response:

Transit Trail would become a Town of Apex maintained street, and since the sidewalks on both sides of the road would fall inside the public R/W, all maintenance would be handled by the Town.

Question/Concern #2:

While Transit Trail is under construction to become a paved street, how would the properties along Transit Trail access their driveways?

Applicant's Response:

It would be the developer's responsibility to ensure that access to each of the properties along Transit Trail is provided and maintained throughout the construction process. A separate access drive would be installed and utilized until Transit Trail is recorded as TOA R/W and made open to the public.

Question/Concern #3:

Is there any way that construction of Transit Trail and the subdivision could be limited to Monday - Saturday so that they can have reprieve from the noise on Sundays?

Applicant's Response:

I can discuss this with my client, and if he is willing to agree, it could potentially be added as a zoning condition.

Question/Concern #4:

Could the Town of Apex ever force construction of Transit Trail across the undeveloped parcels to the north in order to make the connection to the recently approved Legacy PUD?

Applicant's Response:

While it is beyond the scope of this project, the dedication of Public R/W cannot happen without negotiations having occurred with the property owners in question.

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

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

I, Patrick Kiernan, do hereby declare as follows:
Print Name

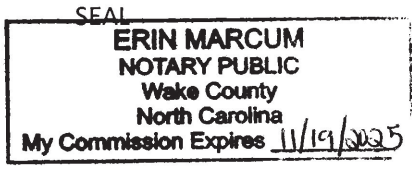
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom (location/address) on April 27, 2022 (date) from 5:30 pm (start time) to 7:30 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

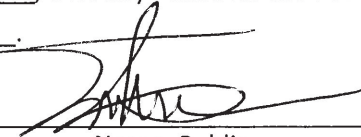
4/28/22
Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 28th day of April, 2022.




Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

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.

November 18, 2022

Date

Dear Neighbor:

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

0 Olive Chapel Rd

0722-01-1663

3100 Olive Chapel Rd

0712-91-5079 (partial)

Address(es)

PIN(s)

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

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

See attached.

Estimated submittal date: submitted May 02, 2022

MEETING INFORMATION:

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

Applicant(s): JVI Building & Development, Inc.

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

Meeting Address: Zoom meeting - see enclosed details

Date/Time of meeting**: December 05, 2022 6:00-8:00 pm

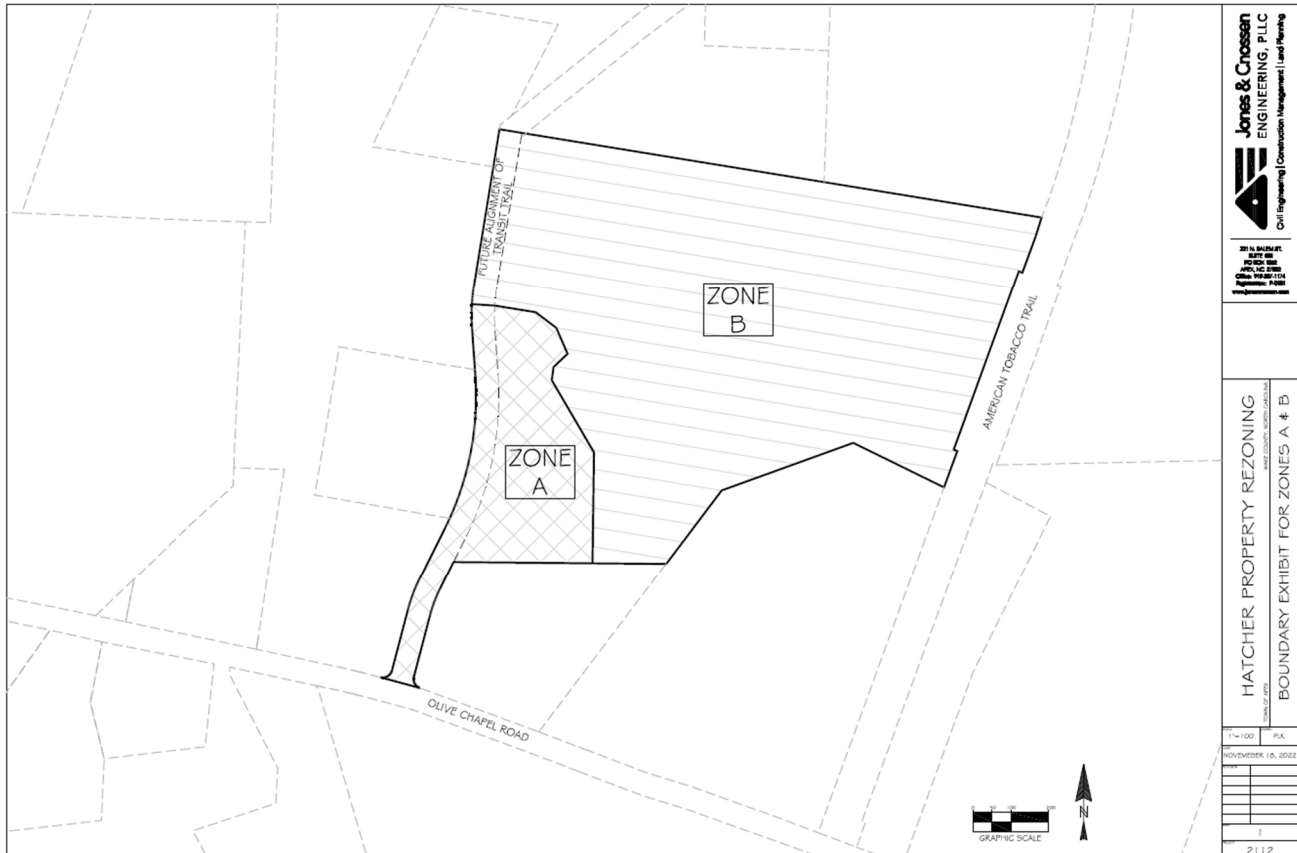
Welcome: 6:00 pm Project Presentation: 6:05 pm Question & Answer: 6:30 pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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>.

Meeting Description

This is a follow-up meeting to the one originally held on 4/27/22, regarding the Hatcher Property rezoning. A second neighborhood meeting is required because the total acreage of the rezoning has changed. The only reason for the change in acreage is due to the meandering re-alignment of future Transit Trail, which has been modified since April.

Another update to the original submission is the separation of two "zones" within this petition. These two zones are both still proposed as Rural Residential (RR), however, they will each have independent zoning conditions from one another. An exhibit is shown below to highlight these two zoning boundaries.



Zoom Meeting Details – Hatcher Property Rezoning

When: December 05, 2022 06:00 PM Eastern Time (US and Canada)

Register using the QR code:

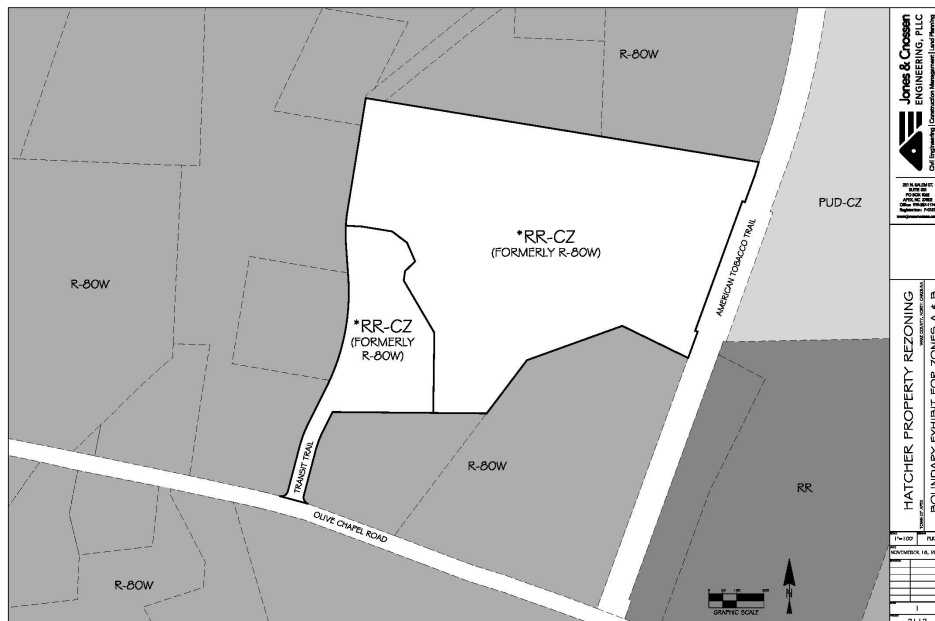


Or go to: www.zoom.com. Click on “JOIN”. Enter the Meeting ID: 869 7312 1835 and then the Passcode: HATCHER22.

Provide your First & Last Name, Email address and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting on December 5th.

Or to join the meeting by phone: dial (305) 224-1968 or (309) 205-3325 and enter the Meeting ID 869 7312 1835 and the Passcode 782253949. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office for assistance.

Vicinity Exhibit



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: Hatcher Property Zoning: LD-CZ

Location: 0 Olive Chapel Rd; 3100 Olive Chapel Rd

Property PIN(s): 0722-01-1663; 0712-91-5079 (partial) Acreage/Square Feet: 28.34

Property Owner: Joseph Iannone Jr.

Address: 2509 Southwinds Run

City: Apex State: NC Zip: 27502

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

Developer: JVI Building & Development, Inc

Address: 1600 Olive Chapel Rd, Suite 400

City: Apex State: NC Zip: 27502

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

Engineer: Jones & Crossen Engineering, PLLC - Patrick Kiernan

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: patrick@jonescrossen.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

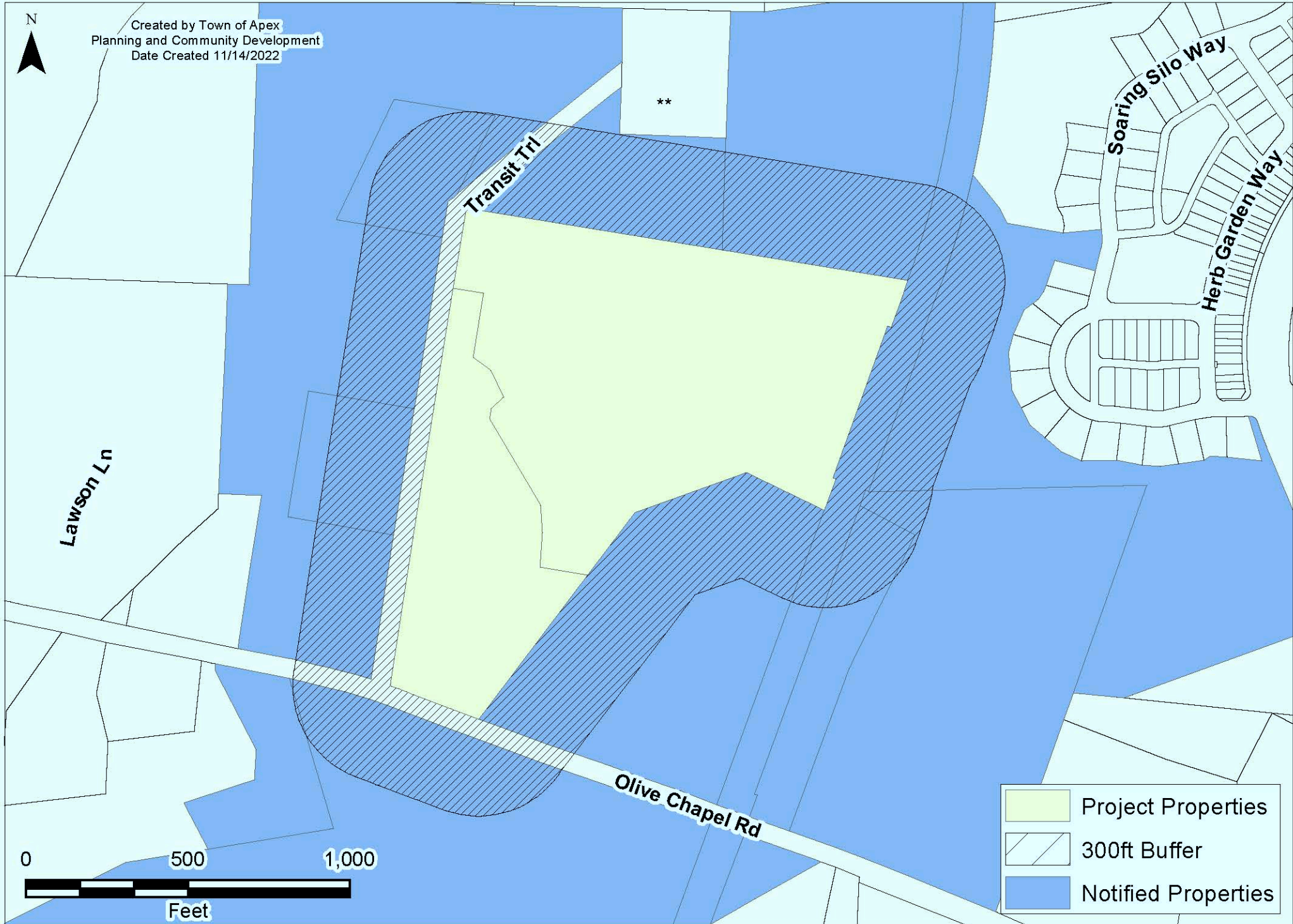
Electric Utility Installation:	Rodney Smith	919-249-3342
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS
2916 OLIVE CHAPEL RD	0722101607	APEX TOWN OF	PO BOX 250
3124 OLIVE CHAPEL RD	0712920463	CLEMENT, MARTHA S	3200 OLIVE CHAPEL RD
1812 TRANSIT TRL	0712924321	CLEMENT, MARTHA SMITH	3200 OLIVE CHAPEL RD
0 OLIVE CHAPEL RD	0722011663	IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN
0 US 64 HWY W	0711986221	NC DEPARTMENT OF TRANSPORTATION	PO BOX 25201
2948 OLIVE CHAPEL RD	0722006782	NORTH CAROLINA STATE OF	STATE PROPERTY OFFICE
0 RICHARDSON RD	0722118310	SMITH FARM OF APEX HOMEOWNERS ASSOCIATION INC	ELITE MANAGEMENT
3129 OLIVE CHAPEL RD	0712809339	THORNTON, ANNE HARRIS	3129 OLIVE CHAPEL RD
1101 NEW HILL OLIVE CHAPEL RD	0711787015	UNITED STATES OF AMERICA	310 NEW BERN AVE
1904 TRANSIT TRL	0712912403	WINGLER, REBECCA C WINGLER, BRIAN C	1904 TRANSIT TRL
		Current Tenant	3020 Olive Chapel RD
		Current Tenant	3100 Olive Chapel RD
			APEX NC 27502-0250
			APEX NC 27502-6785
			APEX NC 27502-6785
			APEX NC 27502-6512
			RALEIGH NC 27611-5201
			1321 MAIL SERVICE CTR
			4112 BLUE RIDGE RD STE 100
			APEX NC 27502-5710
			RALEIGH NC 27601-1441
			APEX NC 27502-8505
			APEX NC 27502
			APEX NC 27502
			RALEIGH NC 27699-1321
			RALEIGH NC 27612-4652

Created by Town of Apex Community and Development
 Date Created: 11/14/2022

Notified Properties Within 300ft of Project Properties



** Additional property included for Neighborhood Meeting

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom
 Date of meeting: December 05, 2022 Time of meeting: 6:00 - 8:00 pm
 Property Owner(s) name(s): Joesph Iannone Jr
 Applicant(s): JVI Building & Development, Inc.

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Patrick Krennan Jones & Chissey Engineering	221 N. Salem St., Suite 001			
2.	KIP CLEMENT	1801 TRANSIT TRAIL			✓
3.	BRIAN & REBECCA WINGGER	1904 TRANSIT TRAIL			✓
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

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

Applicant(s): JVI Building & Development, Inc.

Contact information (email/phone): patrick@jonescrossen.com/919-387-1174

Meeting Address: Zoom

Date of meeting: December 05, 2022 Time of meeting: 6:00 pm - 8:00 pm

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

Question/Concern #1:

See attached.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Neighborhood Meeting – Summary of Discussion

Question/Concern #1: What will happen first, construction of homes or construction of Transit Trail?

When can we expect to see survey stakes in the ground so we can visualize where the road will actually be? When can we expect the project to begin?

Applicant's Response: I think that it is most likely that Transit Trail will be built first, but I do not have 100% certainty. Depending on utility availability, I do not know if it would be possible to get building permits for the large estate lots before Transit Trail is built as a public street, but if the building permits can in fact be acquired, then it could be possible to see home construction prior to Transit Trail. Typically you don't see survey stakes in the ground until plans are approved and construction has begun, but in this case, I think it is likely that the Transit Trail alignment will be staked out during the design process. I do not know exactly when that will be, nor do I know when construction will begin. I do know that the developer is anxious to begin, so if the rezoning is approved, then I would think road construction (if that does in fact come first) would break ground around late Spring/early Summer.

Question/Concern #2: Can you confirm the condition regarding the temporary access drive being provided during construction? There has already been damage to the existing Transit Trail gravel due to large trucks coming in and out.

Applicant's Response: Yes, I can confirm that condition is part of the rezoning petition. I will pass along your concerns about the condition of Transit Trail to the developer.

Question/Concern #3: Can you confirm the conditions restricting construction from occurring on Sundays, as well as after 7pm?

Applicant's Response: I can confirm that there is a condition restricting any construction from occurring on Sundays. I must apologize, as I do not recall "no construction after 7pm" being brought up in the initial meeting. I will have to look into this to see if it is possible.

Question/Concern #4: Have you confirmed that Duke will be able to relocate the power poles that will be in the way once Transit Trail is realigned and built as a public street? Is there a chance they bury the lines and run it underground if they have to move it anyway? If the Town of Apex installs electric utilities within Transit Trail to serve the future subdivisions, would we be forced to tap into Town of Apex electric? Our preference would be to stay on Duke electric.

Applicant's Response: We have not had any conversations with Duke yet regarding pole relocation, however it is a common occurrence with new construction, road widenings, etc. If the project is granted this rezoning, then much more design due diligence will begin. I cannot speak for Duke, but I would not anticipate them burying the lines for that short stretch along Olive Chapel Road, unless it were apart of a bigger project to provide underground electric in that area. Since it is overhead east and west of Transit Trail, I would assume they would prefer to stay overhead across the new intersection of Transit Trail. Regarding your own electric services, Apex would not force you to join into their grid just because it would be available within Transit Trail. You would be able to stay in Duke's services if that is your preference.

Question/Concern #5: Can you talk about addressing? Would the new large lots in Zone A have a Transit Trail address? Would we retain our same address? How would the new subdivision to the north be served by USPS? Is there any chance that we would be able to have new mailboxes on Transit Trail so that we don't have to walk all the way out to Olive Chapel Road, as well as cross the street, just to get our mail?

Applicant's Response: The new large lots that would be part of Zone A would have frontage on Transit Trail, and since it would become a public street, their addressing would be off Transit. For the future subdivision to the north, USPS no longer approves individual mailboxes for new subdivisions, but rather a community mail kiosk area. I do not think the large lots in Zone A will be held to that new rule since it is just two lots, but I am not certain. For the same reason, I think that it is a fair question to see if your mailboxes could be moved to the frontage of your property along Transit. Once Transit Trail is built and your new driveways are installed, that would probably be the time to look into getting your mailboxes moved.

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

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

I, Patrick L. Kiernan, do hereby declare as follows:
Print Name

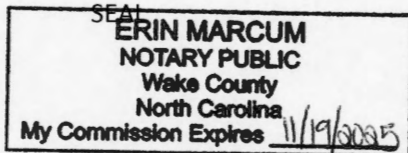
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom (location/address) on December 05, 2022 (date) from 6:00 pm (start time) to 8:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

12/6/22
Date

By: *Patrick L. Kiernan*

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 6th day of December, 2022.



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ12 Hatcher Property

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:

Acreeage: +/- 28.842 acres

PIN(s): 0722011663 & portion of 0712915079

Current Zoning: Wake County Residential-80W District (R-80W)

Proposed Zoning: Rural Residential-Conditional Zoning (RR-CZ)

Current 2045 Land Use Map: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Rural Transition Residential

Town Limits: Outside Corporate Limits and 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: 22CZ12 Hatcher Property

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: 22CZ12 Hatcher Property

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: 22CZ12 Hatcher Property

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Daniel Khodaparast

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:

Handwritten signature of Reginald Skinner

Reginald Skinner, Planning Board Chair

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ12 Hatcher Property

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Daniel Khodaparast

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 19:20:35 -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 #22CZ12
Hatcher Property Rezoning

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: Joseph Iannone, JVI Building & Development, Inc
Authorized Agent: Patrick Kiernan, Jones & Cossen Engineering, PLLC
Property Addresses: 0 & portion of 3100 Olive Chapel Road
Acres: ±28.34 acres
Property Identification Numbers (PINs): 0722011663 & portion of 0712915079
Current 2045 Land Use Map Designation: Rural Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Rural Transition Residential
Existing Zoning of Properties: Wake County Residential-80W District (R-80W)
Proposed Zoning of Properties: Rural Density Residential-Conditional Zoning (RR-CZ)

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

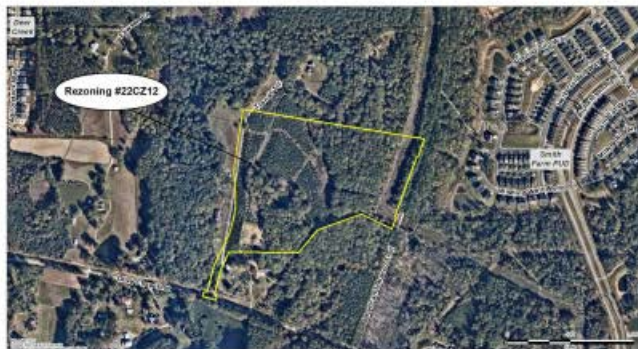
Planning Board Public Hearing Date and Time: December 12, 2022 4:30 PM

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.wakecountync.gov/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/473. You may call 919-249-3426. The Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39391>.

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

Published Dates: November 21 – December 12, 2022



51°F Sunny



4:44 PM

11/21/2022





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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ12
Hatcher Property Rezoning

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 (UDD) 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: Joey Iannone, Jr, JVI Building & Development, Inc
Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC
Dirección de las propiedades: 0 y una parte del 3100 Olive Chapel Road
Superficie: ±28.34 acres
Números de identificación de las propiedades: 0722011663 y una parte del 0712915079
Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Rural Transition Residential
Ordenamiento territorial existente de las propiedades: Wake County Residential-80W District (R-80W)
Ordenamiento territorial propuesto para las propiedades: Rural Density Residential-Conditional Zoning (RR-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/ctownofapexgov>.

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.ratei@nc.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 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

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

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



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ12 Hatcher Property Rezoning

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: Joseph Iannone, JVI Building & Development, Inc

Authorized Agent: Patrick Kiernan, Jones & Cnossen Engineering, PLLC

Property Addresses: 0 & portion of 3100 Olive Chapel Road

Acreage: ±28.34 acres

Property Identification Numbers (PINs): 0722011663 & portion of 0712915079

Current 2045 Land Use Map Designation: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Rural Transition Residential

Existing Zoning of Properties: Wake County Residential-80W District (R-80W)

Proposed Zoning of Properties: Rural Density Residential-Conditional Zoning (RR-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 on-line: <https://www.apexnc.org/DocumentCenter/View/39391>.

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 #22CZ12
Hatcher Property Rezoning

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: Joey Iannone, Jr, JVI Building & Development, Inc

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 0 y una parte del 3100 Olive Chapel Road

Superficie: ±28.34 acres

Números de identificación de las propiedades: 0722011663 y una parte del 0712915079

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

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Rural Transition Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential-80W District (R-80W)

Ordenamiento territorial propuesto para las propiedades: Rural Density Residential-Conditional Zoning (RR-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.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39391>

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

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

Rezoning #22CZ12

Transit Trl

Soaring Silo Way

Smith Farm PUD

American Tobacco Trail

3100

Olive Chapel Rd



Public Hearing Sign Posted By

[Signature]
Signature

5/19/2022
Date



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 #21CZ12
Hatcher Property Rezoning
Project Location: 0 & portion of 3100 Olive Chapel Road
Applicant or Authorized Agent: Patrick Kiernan, PE
Firm: Jones & Crossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 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.

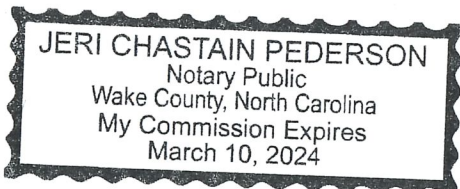
11/21/2022
Date

Maiane F. Khen
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

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



Jeri Chastain Pederson
Notary Public

SEAL

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 #22CZ12
Hatcher Property Rezoning**

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: Joseph Iannone, JVI Building & Development, Inc
Authorized Agent: Patrick Kiernan, Jones & Crossen Engineering, PLLC
Property Addresses: 0 & portion of 3100 Olive Chapel Road
Acreage: ±28.34 acres
Property Identification Numbers (PINs): 0722011663 & portion of 0712915079
Current 2045 Land Use Map Designation: Rural Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Rural Transition Residential
Existing Zoning of Properties: Wake County Residential-80W District (R-80W)
Proposed Zoning of Properties: Rural Density Residential-Conditional Zoning (RR-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.ralco@hnc.gov/imap>. 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/39391>.

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 #22CZ12
Hatcher Property Rezoning

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: Joey Iannone, Jr, JVI Building & Development, Inc
Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC
Dirección de las propiedades: 0 y una parte del 3100 Olive Chapel Road
Superficie: ±28.34 acres
Números de identificación de las propiedades: 0722011663 y una parte del 0712915079
Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Rural Transition Residential
Ordenamiento territorial existente de las propiedades: Wake County Residential-80W District (R-80W)
Ordenamiento territorial propuesto para las propiedades: Rural Density Residential-Conditional Zoning (RR-CZ)

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

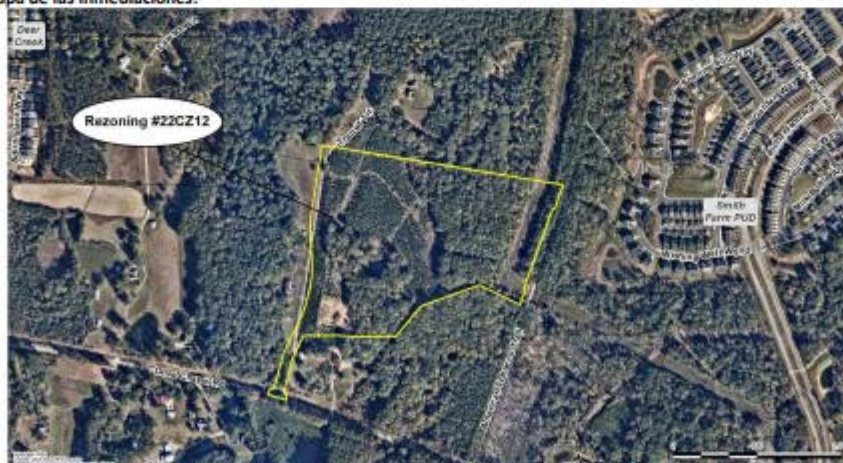
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

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.raleighnc.gov/lmaps>. 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/39391>

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ12 Hatcher Property Rezoning

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: Joseph Iannone, JVI Building & Development, Inc

Authorized Agent: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Property Addresses: 0 & portion of 3100 Olive Chapel Road

Acreage: ±28.34 acres

Property Identification Numbers (PINs): 0722011663 & portion of 0712915079

Current 2045 Land Use Map Designation: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Rural Transition Residential

Existing Zoning of Properties: Wake County Residential-80W District (R-80W)

Proposed Zoning of Properties: Rural Density Residential-Conditional Zoning (RR-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/39391>.

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 #22CZ12
Hatcher Property Rezoning

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: Joey Iannone, Jr, JVI Building & Development, Inc

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 0 y una parte del 3100 Olive Chapel Road

Superficie: ±28.34 acres

Números de identificación de las propiedades: 0722011663 y una parte del 0712915079

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

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Rural Transition Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential-80W District (R-80W)

Ordenamiento territorial propuesto para las propiedades: Rural Density Residential-Conditional Zoning (RR-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.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39391>

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 #22CZ12
Hatcher Property Rezoning
Project Location: 0 & portion of 3100 Olive Chapel Road
Applicant or Authorized Agent: Patrick Kiernan, PE
Firm: Jones & Crossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on 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 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 19 day of December, 2022.



Jeri Chastain Pederson
Notary Public

SEAL

My Commission Expires: 03/10/2024



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

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

June 24, 2022

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

Dear Dianne,

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

- Date of application: May 1, 2022
- Name of development: 22CZ12 Hatcher Property
- Address of rezoning: 3100 Olive Chapel Rd
- Total number of proposed residential units: 34
- Type(s) of residential units proposed: Single-family

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,

Susan W. Pullium