

# STAFF REPORT

Rezoning #21CZ17 Ten Ten Business Park

November 8, 2022 Town Council Meeting



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

## **BACKGROUND INFORMATION:**

**Location:** 2132 Ten Ten Road  
**Applicant/Owner:** J National Capital V, LLC.

## **PROJECT DESCRIPTION:**

**Acreage:** 4.6 ± acres  
**PIN:** 0751359861 (portion of)  
**Current Zoning:** Residential Agricultural (RA)  
**Proposed Zoning:** Light Industrial-Conditional Zoning (LI-CZ)  
**2045 Land Use Map:** Industrial Employment  
**Town Limits:** ETJ

## **Adjacent Zoning & Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Planned Commercial-Conditional Use (PC-CU #94CU21); High Density-Multi-family Residential (HDMF)	Retail shopping center (Pinnacle Plaza); Multi-family Residential (Avalon Peaks)
<b>South:</b>	Light Industrial (LI)	Vacant; Communication tower, commercial
<b>East:</b>	Light Industrial (LI)	Colonial Gas facility
<b>West:</b>	Light Industrial-Conditional Use (LI-CU #90CU09)	Self-service storage (Public Storage)

## **Existing Conditions:**

The subject property is located on the south side of Ten Ten Road. The subject property is vacant and wooded.

## **Neighborhood Meeting:**

The applicant conducted a neighborhood meeting on April 28, 2021. Given the time span since the initial meeting, the applicant conducted a second neighborhood meeting on September 8, 2022. The neighborhood meeting reports are attached.

## **2045 LAND USE MAP:**

The 2045 Land Use Map identifies the properties subject to this rezoning as Industrial Employment. The proposed rezoning to Light Industrial-Conditional Zoning is consistent with that land use classification.

## **PERMITTED USES:**

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

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## Permitted Uses and Limitations:

Security of caretaker quarters	Health/fitness center or spa
Government Service	Kennel
Transportation facility	Monument Sales, retail
Veterinary clinic or hospital	Repair services, limited
Vocational school	Retail sales, bulky goods
Recycling center	Retail sales, general
Recycling collection station	Self-service storage
Utility, Minor	Studio for art
Waste or wastewater plant	Upholstery shop
Wireless support structure	Pet services
wireless communication facility	Automotive accessory sale and installation
botanical garden	Automotive paint or body shop
Entertainment, indoor	Automotive parts
Greenway	Automotive service station
Park, active (access only)	Car wash or auto detailing
Park, passive (assess only)	Repair and maintenance, general
Shooting range, indoor	Towing service
Broadcasting statin (radio and television)	Towing service storage
Radio and television studio	Truck terminal
Commissary	Vehicle sales and rental, heave (access only)
Restaurant, general	Building supplies, wholesale
Dispatching office	Laboratory, industrial research
Medical or dental office or clinic	Machine or welding shop
Medical or dental laboratory	Warehousing
Office, business or professional	Woodworking or cabinetmaking
Research facility	Wholesaling, general
Parking garage, commercial	Brewery
Parking lot, commercial	Distillery
Artisan studio	Manufacturing and processing
Funeral home	Manufacturing and processing, minor
Gas and fuel sales, retail	Microbrewery
Gas and fuel sales, wholesale	Microdistillery
Glass sales	

## Special Uses

Airplane landing strip	Land clearing and inert debris landfill
Airport	Arena, auditorium or stadium
Chipping and mulching	Entertainment, outdoor
Communication tower, commercial	Regional recreation complex
Communication tower, constructed stealth	Adult establishment
Communication tower, public safety	Electronic gaming operations
Electrical power facility	Dry cleaning and dyeing plant
Incinerator	Laundry plant
Recycling plant	Wood or lumber processing
Sanitary landfill	

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## PROPOSED ZONING CONDITIONS:

*Additional zoning conditions added since the Planning Board Public Hearing are in **bold** below.*

1. The developer proposes a 12' Type C buffer along the easternmost and westernmost boundaries of the area to be rezoned, with the additional condition that the planting of such buffers will include a minimum of three species of native hardwood canopy trees with a size at installation no smaller than 2.5" caliper. The buffer shall not preclude vehicular cross connections to adjacent properties pursuant to an approved site plan, nor shall it apply to a publicly dedicated street right-of-way pursuant to a duly approved subdivision plan.
2. Tower improvements substantially similar to or greater than those that serve as the basis for the zero-fall-zone letter submitted with the rezoning application shall be constructed, and a certification of the completion of construction of such improvements shall be submitted to the Town, prior to the approval of construction drawings.
3. For any building greater than 10,000 square feet, the building design shall include conduit for the future installation of solar PV panels and sufficient roof load-bearing capacity to support solar PV panels.
4. **In the event that self-storage building(s) are constructed fronting Ten Ten Road, the following architectural conditions shall apply for the building façade of the use self-service storage:**
  - 1) **The predominant exterior materials shall be high-quality materials, including:**
    - a) **Brick masonry**
    - b) **Stone accents**
    - c) **Cementitious siding**
    - d) **Aluminum storefronts with anodized or pre-finished colors**
    - e) **Decorative concrete block (either integrally colored or textured)**
  - 2) **The front façade facing Ten Ten Road shall have more than one parapet height.**
  - 3) **The front façade facing Ten Ten Road shall include a combination (at least two (2)) of the building materials listed in condition #1 (for the use self-service storage).**
  - 4) **The front façade facing Ten Ten Road may include EIFS cornices and parapet trim.**
  - 5) **EIFS or synthetic stucco, if used, shall not be used in the first four feet (4') above grade.**
  - 6) **Interior Doors shall be visible on only 15% or less of the facade of each floor facing Ten Ten Road.**
  - 7) **Spandrel glass shall be used for windows, except those at the entrance.**

## PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on September 12, 2022 and unanimously voted to recommend approval with conditions offered by the applicant.

## PLANNING STAFF RECOMMENDATION:

During the petition review, staff recommended the applicant limit the use, "Self-service storage" to "Self-service storage (access only)" given the property's location on Ten Ten Rd and its proximity to an existing self-storage use (Public Storage). Planning staff recommends approval of #21CZ17 Ten Ten Business Park with the additional use limitation and conditions as offered by the applicant.

## ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

Approval of the rezoning is reasonable because the proposed Light Industrial-Conditional Zoning district is consistent with the Industrial Employment land use classification on the 2045 Land Use Map.

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The proposed rezoning is reasonable and in the public interest because will allow for the development of non-residential uses that are consistent with surrounding properties, especially those on the south side of Ten Ten Road. It will also encourage compatible development of the property and increase the tax base.

### **CONDITIONAL ZONING STANDARDS:**

The Town Council shall find the Light Industrial-Conditional Zoning (LI-CZ) designation demonstrates compliance with the following standards. Sec. 2.3.3.F:

#### ***Legislative Considerations***

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

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





Meridian  
at Ten Ten

Reliance Ave

Hedera Way

Nasturtium Way

Kiftgate Ln

Mandavilla Way

Avalon Peaks

Ten Ten Rd

Solandra Ln

Rezoning #21CZ17

0 150 300  
Feet

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



**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 #: 21CZ17 Submittal Date: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_

**Project Information**

Project Name: Ten Ten Business Park  
Address(es): 2132 Ten Ten Road  
PIN(s): Portion of 0751359861

Acreage: Approx. 4.6 acres

Current Zoning: RA Proposed Zoning: LI-CZ

Current 2045 LUM Classification(s): Industrial Employment

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: J National Capital V, LLC c/o M. Gray Styers, Jr.  
Address: 434 Fayetteville Street, Suite 2800  
City: Raleigh State: NC Zip: 27601  
Phone: 919-755-8741 E-mail: styers@foxrothschild.com

**Owner Information**

Name: Vertical Bridge AM II LLC  
Address: 70 Park of Commerce Drive, Suite 200  
City: Boca Raton State: FL Zip: 33487  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent Information**

Name: M. Gray Styers, Jr.  
Address: 434 Fayetteville Street, Suite 2800  
City: Raleigh State: NC Zip: 27601  
Phone: 919-755-8741 E-mail: gstyers@foxrothschild.com

Other contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PETITION INFORMATION**

Application #: 21CZ17 Submittal Date: \_\_\_\_\_

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

**PROPOSED USES:**

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

1	<u>See attached list of proposed uses</u>	21	_____
2	_____	22	_____
3	_____	23	_____
4	_____	24	_____
5	_____	25	_____
6	_____	26	_____
7	_____	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____

**Proposed Uses by Right in LI**

Security or caretaker quarters Government service Transportation facility Veterinary clinic or hospital Vocational school Recycling center Recycling collection station Utility, minor Water or wastewater plant Wireless support structure Wireless communication facility Botanical garden Entertainment, indoor Greenway Park, active (access only) Park, passive (access only) Shooting range, indoor Broadcasting station (radio and television) Radio and television recording studio Commissary Restaurant, general Dispatching office Medical or dental office or clinic Medical or dental laboratory Office, business or professional Publishing office Research facility Parking garage, commercial Parking lot, commercial Artisan Studio Funeral home Gas and fuel, retail Glass sales Health/fitness center or spa Kennel	Monument sales, retail Repair services, limited Retail sales, bulky goods Retail sales, general Self-service storage Studio for art Upholstery shop Pet services Automotive Accessory Sales and Installation Automotive paint or body shop Automotive parts Automotive service station Car wash or auto detailing Repair and maintenance, general Towing service Towing service storage Truck terminal Vehicle sales and rental, heavy (access only) Building supplies, wholesale Contractor's office and storage yard Gas and fuel, wholesale Laboratory, industrial research Machine or welding shop Warehousing Woodworking or cabinetmaking Wholesaling, general Brewery Distillery Manufacturing and processing Manufacturing and processing, minor Microbrewery Microdistillery
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**Special Uses in LI**

Airplane landing strip Airport Chipping and Mulching Communication tower, commercial Communication tower, constructed stealth	
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Communication tower, camouflage stealth Communication tower, public safety Electrical power facility Incinerator Recycling Plant Sanitary Landfill Land Clearing and Inert Debris Landfill Arena, auditorium or stadium Entertainment, outdoor Regional recreation complex Adult Establishment Electronic gaming operation Asphalt or concrete plant Dry cleaning and dyeing plant Laundry plant Wood or lumber processing	
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**PETITION INFORMATION**

Application #: 21CZ17 Submittal Date: 8/12/2022

**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.

1) The developer proposes a 12' Type C buffer along the easternmost and westernmost boundaries

of the area to be rezoned, with the additional condition that the planting of such buffers will include

a minimum of three species of native hardwood canopy trees with a size at installation no smaller than

2.5" caliper. The buffer shall not preclude vehicular cross connections to adjacent properties pursuant

to an approved site plan, nor shall it apply to a publicly dedicated street right-of-way pursuant to a duly

approved subdivision plan.

2) Tower improvements substantially similar to or greater than those that serve as the basis for the

zero-fall-zone letter submitted with the rezoning application shall be constructed, and a certification of the completion of

construction of such improvements shall be submitted to the Town, prior to the approval of construction drawings.

3) For any building greater than 10, 000 square feet, the building design shall include conduit for the future installation

of solar PV panels and sufficient roof load-bearing capacity to support solar PV panels. [SEE ATTACHED NARRATIVE FOR FULL LISTING OF ZONING CONDITIONS](#)

**LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING**

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

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

See attached narrative.

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

See attached narrative.

**PROPOSED ZONING CONDITIONS**

1. The developer proposes a 12' Type C buffer along the easternmost and westernmost boundaries of the area to be rezoned, with the additional condition that the planting of such buffers will include a minimum of three species of native hardwood canopy trees with a size at installation no smaller than 2.5" caliper. The buffer shall not preclude vehicular cross connections to adjacent properties pursuant to an approved site plan, nor shall it apply to a publicly dedicated street right-of-way pursuant to a duly approved subdivision plan.
2. Tower improvements substantially similar to or greater than those that serve as the basis for the zero-fall-zone letter submitted with the rezoning application shall be constructed, and a certification of the completion of construction of such improvements shall be submitted to the Town, prior to the approval of construction drawings.
3. For any building greater than 10,000 square feet, the building design shall include conduit for the future installation of solar PV panels and sufficient roof load-bearing capacity to support solar PV panels.
4. In the event that self-storage building(s) are constructed fronting Ten Ten Road, the following architectural conditions for the building façade fronting Ten Ten Road of the use self-storage:
  1. The predominant exterior materials shall be high-quality materials, including:
    - a. Brick masonry
    - b. Stone accents
    - c. Cementitious siding,
    - d. Aluminum storefronts with anodized or pre-finished colors
    - e. Decorative concrete block (either integrally colored or textured)
  2. The front façade facing Ten Ten Road shall have more than one parapet height.
  3. The front façade facing Ten Ten Road shall include a combination (at least two (2)) of the building materials listed in condition #1 (for the use self-storage).
  4. The front façade facing Ten Ten Road may include EIFS cornices and parapet trim.
  5. EIFS or synthetic stucco, if used, shall not be used in the first four feet (4') above grade.
  6. Interior Doors shall be visible on only 15% or less of the facade of each floor facing Ten Ten Road.
  7. Spandrel glass shall be used for windows, except those at the entrance.



**PETITION INFORMATION**

Application #: 21CZ17 Submittal Date: \_\_\_\_\_

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

See attached narrative.

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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.

See attached narrative.

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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.

See attached narrative.

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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.

See attached narrative.

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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.

See attached narrative.

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**PETITION INFORMATION**

Application #: 21CZ17 Submittal Date: \_\_\_\_\_

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

See attached narrative.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

See attached narrative.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

See attached narrative.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

The subject property is *currently* inconsistent with the 2045 Future Land Use Map, but this rezoning request will make the property consistent. The request is to rezone a portion that is currently zoned Residential Agriculture of a larger parcel zoned Light Industrial. The portion subject to rezoning is currently undeveloped, vacant land. The 2045 Land Use Map classifies the entire parcel as Industrial Employment. "Industrial Employment is intended to delineate land that allows for industrial uses such as light manufacturing, tech-flex, warehousing, and processing facilities." (Peak Plan 2030, p. 23). RA is not an allowable zoning in the Industrial Employment 2045 Land Use Classification. Therefore, rezoning this area to Light Industrial will bring the area into consistency.

The subject property is also identified as "underdeveloped" in the Advance Apex 2045 Plan's Land Use Screening Map (Figure 1). Under the 2045 Plan, this means the parcel is identified "to receive new growth." (p 3, Advance Apex 2045 Land Use Update Memo). The 2030 Peak Plan anticipates the demand for industrial land in Apex to increase by approximately 110 acres through 2032. (Peak Plan 2030 p 13). The current zoning of RA abutting Ten Ten Road is preventing any development of the parcel zoned LI because a RA district cannot provide access to a LI use. Ten Ten Road is the only thoroughfare abutting the property that could provide access. This rezoning will add approximately 4.6 acres of industrial land, and will provide for the productive use and access to the remaining acres of the parcel that is already zoned light industrial.

Several goals, objectives and policies of the Peak Plan will be accomplished by rezoning this portion from RA to LI. First, it will encourage and achieve the goal of "Balanced Growth." Balanced Growth is accomplished by encouraging non-residential land uses to achieve a more sustainable, balanced tax base. (Peak Plan 2030, p. 30-31). By rezoning this area from RA to LI, the remainder of the parcel zoned LI will be accessible for development plans that will bring jobs and an increased tax base for Apex on non-residential lands.

The goal of Balanced Growth is also accomplished by preserving industrial lands identified in the 2045 Land Use Map for employment through zoning mechanisms. (Peak Plan 2030, p. 30-31). The portion subject to rezoning is identified as industrial land in the 2030 and 2045 Land Use Map, and rezoning the parcel to LI is a zoning mechanism that will allow the parcel to be accessed and ultimately developed to bring jobs and increase the economic strength of the area, in a currently underdeveloped parcel.

Supporting retail growth near already-developed areas is another important component of achieving Balanced Growth. (Peak Plan 2030, p. 30-31). The requested rezoning is in an area surrounded by light industrial uses.

Next, the request will achieve the goal of "Economic Development". (Peak Plan 2030, p. 33). This goal is accomplished by preserving "access and visibility for large parcels that could be developed" as employment centers along transportation corridors. (Peak Plan 2030, p. 33). The area zoned Light Industrial is currently not accessible. The rezoning request is necessary to provide access to the rest of the parcel which is currently underdeveloped. In addition, the subject property abuts Ten Ten Road and is located near the intersection of Ten Ten Road and Jessie drive. Jessie Drive is a key transportation

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corridor under the Peak Plan, and Ten Ten Road is identified for improvements in the next five years with plans to expand to 6-lanes. Rezoning the portion zoned RA to LI will provide employment and economic development opportunities along these transportation corridors. Overall, this request will accomplish the goal of Economic Development in Apex.

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

The site is currently surrounded to the east, west and south by Light Industrial zoning. Across from the property, on the other side of Ten Ten Road, is Planned Commercial and High Density Multi-Family Residential. This request to rezone the subject area to LI is appropriate for the location and consistent with 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.**

The proposed uses will comply with any applicable supplemental standards in UDO Section 4.4.

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

As required by the UDO, the uses proposed will be designed to minimize any adverse impacts.

**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.**

As required by the UDO, the uses proposed will be designed to minimize any adverse impacts.

**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.**

As required by the UDO, the uses proposed will avoid any adverse impacts on public facilities.

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

The proposed zoning of Light Industrial will not effect the health, safety of welfare of residents of Apex or the ETJ. The surrounding properties are zoned Light Industrial, consistent with this request. There is one high-density multi-family parcel within 300 feet of the subject parcel that is located across Ten Ten road from the parcel.

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

The rezoning request is likely to enhance the value of adjacent properties by increase the value of the land and will not be substantially detrimental.

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

The rezoning will allow for the development of a use that is consistent with the surrounding area and consistent with the designation and intent of the 2045 Land Use Map. The rezoning will not constitute a nuisance or hazard.

**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.**

As required by the UDO, the uses proposed will comply with all relevant standards of the UDO.



## Supplemental Project Narrative to Rezoning Petition

The second condition that the Applicant has added to the rezoning petition will also further the public interest and land development goals of the Town of Apex in other ways.

As noted in the previously submitted Project Narrative to the Application, the subject property has been identified as “underdeveloped” in the Advance Apex 2045 Plan’s Land Use Screen Map in the 2019 Future Land Use Map Update. Most of the subject parcel is already zoned LI, but a radio broadcast tower has been located on the property since 1986. Since that time (and with the wide-spread deployment of mobile commercial radio service (i.e. cellphone) towers since the mid-1990s), the Applicant understands that tower construction techniques have improved; stronger tower construction materials have become more widely utilized; “fall zone” analyses and designs have become more sophisticated; and structural standards for tower construction have become more rigorous. A recent comprehensive structural analysis of the tower identified certain “overstresses” under the current standards (i.e. if the tower were built new today).

If this rezoning is approved, Applicant, at considerable expense, will have substantial improvements constructed to strengthen the tower and to address these overstresses so that it is brought up to “all current codes and standards.” Those improvements are shown in the sealed Design Drawings by Stainless, a business of FDH Infrastructure Services, an engineering firm based in Raleigh, submitted with this application.

With those improvements, “**the fall zone under the design considerations as outlined by the building code is 0 feet**” (“zero fall zone”) as stated in the Fall Zone Letter prepared by Christophy Ply, PE, SE, President/CEO of Engineered Tower Solutions, also submitted with this application.

Applicant offers as a condition of the rezoning that it will provide the Town with a certification that these improvements have been completed prior to approval of construction drawings for development on the property. In other words, the tower improvements will be made prior to construction of other buildings on the property.

Approval of the rezoning with this condition and the tower improvements that will consequentially be made will result in the Town not only realizing the benefits of development of this underdeveloped large parcel at a designated Employment Mixed Use Activity Center (as discussed in the original Project Narrative), but the radio tower will also then have a zero fall zone and meet all current applicable codes and standards.

**AGENT AUTHORIZATION FORM**

Application #: 21CZ17

Submittal Date: \_\_\_\_\_

Vertical Bridge AM II LLC

is the owner\* of the property for which the attached

application is being submitted:

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

The property address is: 2132 Ten Ten Road

The agent for this project is: Hayes Finley


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

Agent Name: Hayes Finley

Address: 434 Fayetteville Street, Suite 2800, Raleigh, NC 27604

Telephone Number: 919-755-8837

E-Mail Address: hfinley@foxrothschild.com

Signature(s) of Owner(s)\* 

Adam Ginder

Type or print name

5-12-2021

Date



Buddy Norman

Type or print name

5-12-21

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 #: 21CZ17 Submittal Date: \_\_\_\_\_

The undersigned, Adam Ginder (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 2132 Ten-Ten Road Apex, NC 27502 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 November 23, 2016 and recorded in the Wake County Register of Deeds Office on \_\_\_\_\_, in Book 016613 Page 02064.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/23/2016, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/23/2016, 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 12<sup>th</sup> day of May, 2021.

\_\_\_\_\_ (seal)  
~~\_\_\_\_\_~~ Adam Ginder  
 Type or print name

STATE OF ~~NORTH CAROLINA~~  
 COUNTY OF Palm Beach

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



[NOTARY SEAL]

Grant Phillips  
 Notary Public Florida  
 State of ~~North Carolina~~  
 My Commission Expires: September 16, 2024

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #: 21CZ17

Submittal Date: \_\_\_\_\_

**Insert legal description below.**

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE TOWNSHIP OF WHITEOAK, COUNTY OF WAKE, STATE OF NORTH CAROLINA, DESCRIBED IN DEED BOOK 12494, PAGE 1893, FURTHER DESCRIBED AS:  
COMMENCING FROM AN EXISTING CONCRETE MONUMENT, FOUND ON THE SOUTHERN BOUNDARY OF SAID PARCEL, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES E:2054044'-N:714443';  
THENCE, N 05° 48' 42" W FOR A DISTANCE OF 1965.97 FEET TO THE POINT OF BEGINNING;  
THENCE, N 03° 32' 08" E FOR A DISTANCE OF 616.87 FEET TO A POINT;  
THENCE, N 03° 32' 08" E FOR A DISTANCE OF 14.33 FEET TO A POINT;  
THENCE, S 52° 52' 43" E FOR A DISTANCE OF 53.71 FEET TO A POINT;  
THENCE, S 56° 29' 06" E FOR A DISTANCE OF 80.99 FEET TO A POINT;  
THENCE, S 59° 15' 26" E FOR A DISTANCE OF 79.52 FEET TO A POINT;  
THENCE, S 61° 39' 02" E FOR A DISTANCE OF 76.92 FEET TO A POINT;  
THENCE, S 64° 52' 36" E FOR A DISTANCE OF 77.35 FEET TO A POINT;  
THENCE, S 65° 55' 15" E FOR A DISTANCE OF 77.86 FEET TO A POINT;  
THENCE, S 05° 54' 23" W FOR A DISTANCE OF 446.50 FEET TO A POINT;  
THENCE, N 85° 02' 05" W FOR A DISTANCE OF 381.92 FEET TO THE POINT OF BEGINNING, CONTAINING 207,341 SQFT -OR- 4.76 ACRES.



434 Fayetteville Street  
Suite 2800  
Raleigh, NC 27601  
Tel (919) 755-8700 Fax (919) 755-8800  
www.foxrothschild.com

HAYES FINLEY  
Direct No: 919.755.8837  
Email: HFinley@Foxrothschild.com

April 16, 2021

**Re: Notice of Neighborhood Meeting**

Neighborhood Property Owners:

You are invited to attend a virtual neighborhood meeting on **April 28, 2021** to discuss the proposed rezoning of approximately 4.6 acres at 2132 Ten Ten Road from Residential Agricultural (RA) to Light Industrial. The meeting will begin at **5:00 p.m.** and last until **7:00 p.m.** You can participate online or by telephone.

To participate via video, follow these instructions:

1. Go to [www.webex.com](http://www.webex.com).
2. In the top right corner of the page, click "Join."
3. In the "Enter Meeting Information" bar, type the meeting number: 185 417 6683.
4. Then enter the Password: tentenroad
5. Tips:
  - a. You may download the desktop app or join from your browser.
  - b. You can call in for audio or use your computer audio.
  - c. Call in a few minutes early to set up your audio and video.

You may also join by phone:

+1-215-299-3000 US Toll  
+1-800-598-1154 US Toll Free  
Access code: 185 417 6683

Please see the attachments for specific details regarding the neighborhood meeting and rezoning process.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada  
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington



April 16, 2021  
Page 2

If you have any concerns or questions I can be reached at:

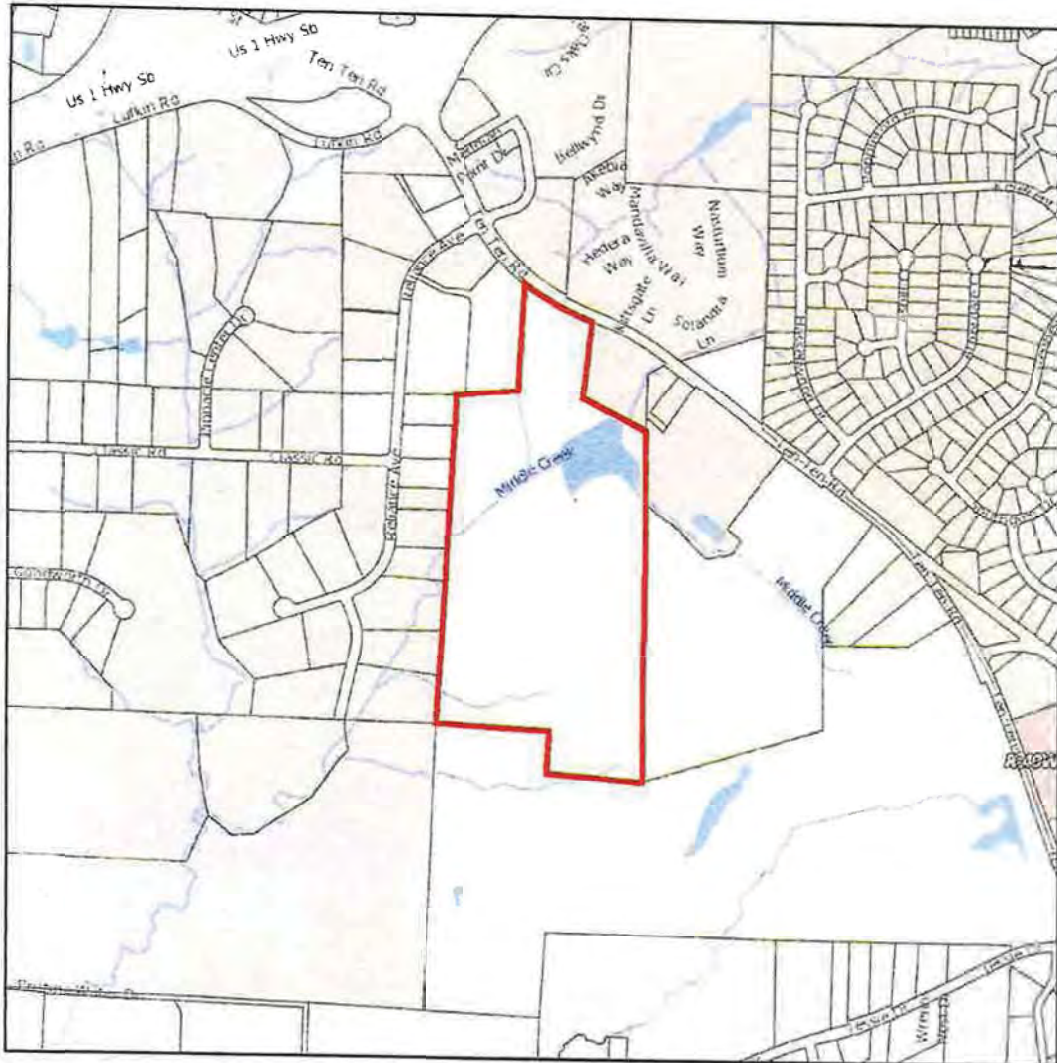
Hayes Finley  
Fox Rothschild LLP  
434 Fayetteville Street, Suite 2800  
Raleigh, NC 27601  
[hfinley@foxrothschild.com](mailto:hfinley@foxrothschild.com)  
919-755-8837

Sincerely,

A handwritten signature in cursive script that reads 'Hayes Finley'.

Hayes Finley





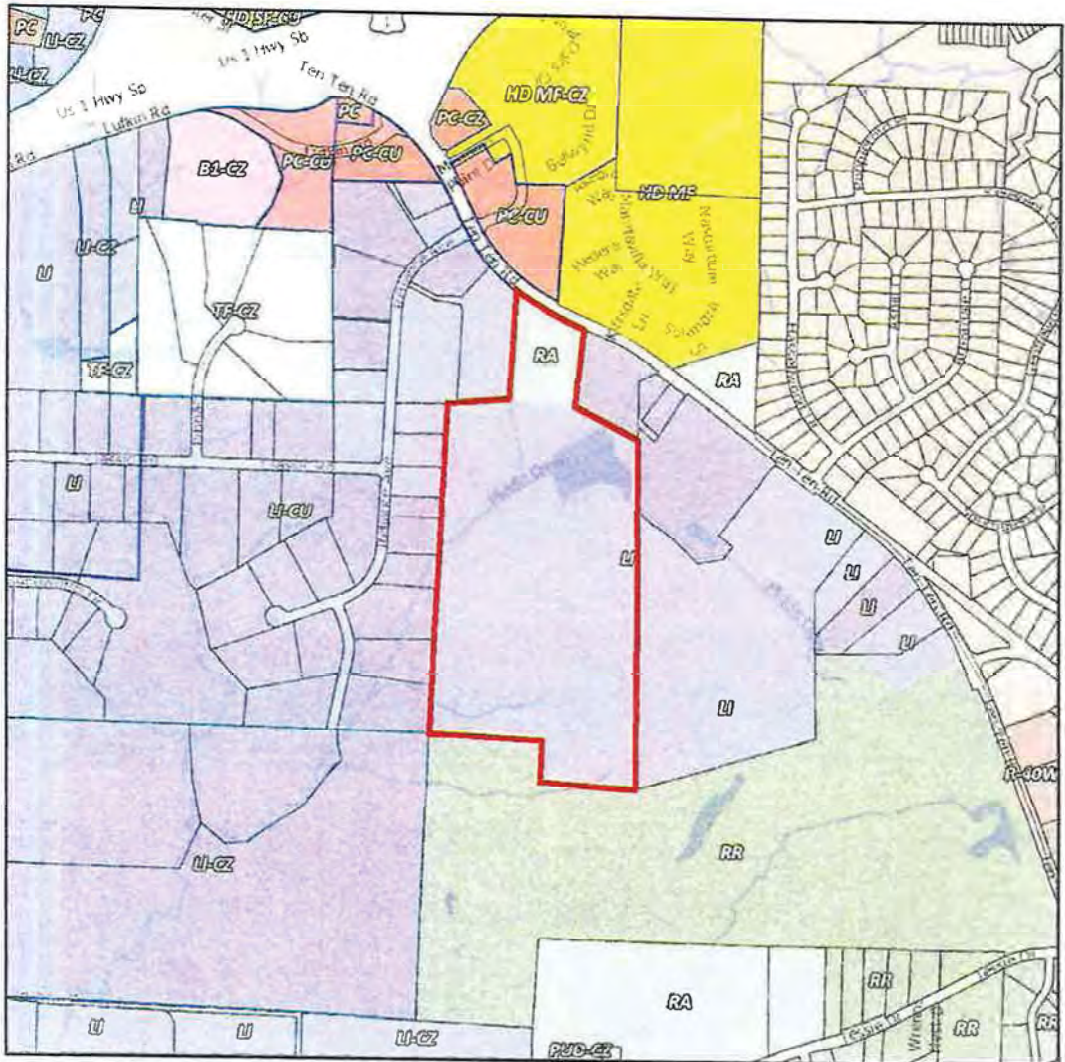
## 2132 Ten Ten RD GIS MAP

PIN: 0751359861  
 PIN Ext: 000  
 Real Estate ID: 0067257  
 Map Name: 0751 10  
 Owner: VERTICAL BRIDGE AM II LLC  
 Mail Address 1: 750 PARK OF COMMERCE DR  
 STE 200  
 Mail Address 2: BOCA RATON FL 33487-3650  
 Mail Address 3:  
 Deed Book: 018240  
 Deed Page: 02345  
 Deed Acres: 57.62  
 Deed Date: 12/15/2020  
 Building Value: \$3,895  
 Land Value: \$3,056,518  
 Total Value: \$3,060,413  
 Billing Class: Business  
 Description: TVX RALEIGH DURHAM FAMILY  
 TV CORP PROP  
 Heated Area: 1383  
 Street Name: TEN TEN RD  
 Site Address: 2132 TEN TEN RD  
 City:  
 Planning Jurisdiction: AP  
 Township: WHITE OAK  
 Year Built: 1915  
 Sale Price: \$0  
 Sale Date:  
 Use Type: SINGLFAM



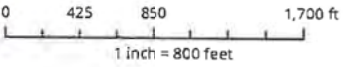
0 425 850 1,700 ft  
 1 inch = 800 feet

**Disclaimer**  
 Maps 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 herein, its use, or its interpretation.



### 2132 Ten Ten RD GIS MAP

PIN: 0751359861  
 PIN Ext: 800  
 Real Estate ID: 0120512  
 Map Name: 0751 10  
 Owner: TVX OF RALEIGH DURHAM  
 Mail Address 1: 3012 HIGHWOODS BLVD  
 Mail Address 2: RALEIGH NC 27604-1037  
 Mail Address 3:  
 Deed Book: 001000  
 Deed Page: 00001  
 Deed Acres:  
 Deed Date: 1/1/2007  
 Building Value: \$108,063  
 Land Value: \$0  
 Total Value: \$108,063  
 Billing Class: Business  
 Description: LEASEHOLD IMP  
 Heated Area: 1912  
 Street Name: TEN TEN RD  
 Site Address: 0 TEN TEN RD  
 City:  
 Planning Jurisdiction: AP  
 Township: White Oak  
 Year Built: 1981  
 Sale Price: \$0  
 Sale Date:  
 Use Type: LT MANUF  
 Design Style: Conventional  
 Land Class: Leasehold Imps



**Disclaimer**  
 Maps 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.



### List of persons invited to the Neighborhood Meeting

SUBJECT	PIN	PIN Ext	Real Estate ID	Owner	Mail Address 1	Mail Address 2	Mail Address 3	Street Name	Site Address	City
PROPERTY SUBJECT	751359861	0	67257	VERTICAL BRIDGE AM II LLC	750 PARK OF COMMERCE DR STE 200	BOCA RATON FL 33487-3650		TEN TEN RD	2132 TEN TEN RD	
PROPERTY SUBJECT	751359861	800	120512	TVX OF RALEIGH DURHAM	3012 HIGHWOODS BLVD	RALEIGH NC 27604-1037		TEN TEN RD	0 TEN TEN RD	
1	751367704	0	203246	PSNC III LP	PS# 25863	701 WESTERN AVE	GLENDALE CA 91201-2349	TEN TEN RD	2110 TEN TEN RD	
2	751464462	0	120976	COLONIAL PIPELINE CO	RESURGENS PLAZA	945 E PACES FERRY RD NE	ATLANTA GA 30326-1160	TEN TEN RD	2200 TEN TEN RD	
3	751470207	0	67241	MQJAC 2 LLC	PO BOX 28929	RALEIGH NC 27611-8929		TEN TEN RD	2147 TEN TEN RD	APEX
4	751477193	0	56788	CRK APEX LAND CO LLC	MARVIN F POER & COMP	3520 FREDMONT RD NE STE 410	ATLANTA GA 30305-1512	TEN TEN RD	200 SOLANDRA LN	APEX
5	751486438	0	252638	SOF FC FUNDING I LLC	902 CARNEGIE CTR STE 520	PRINCETON NJ 08540-6531		TEN TEN RD	2280 TEN TEN RD	APEX
6	751467337	0	262180	JAY T PROPERTIES LLC	2019 EASTCHESTER DR	HIGH POINT NC 27265-1406		TEN TEN RD	2290 TEN TEN RD	APEX
7	751459934	0	196429	MOTIVA ENTERPRISES LLC	PROPERTY TAX DEPT	PO BOX 2727	HOUSTON TX 77252-2727	TEN TEN RD	2300 TEN TEN RD	APEX
8	751449982	0	104751	BRITE PROPERTIES LLC	PO BOX 2723	SHALLOTTE NC 28459-2723		TEN TEN RD	2320 TEN TEN RD	
9	751532815	0	36704	CAREY C. JONES MEMORIAL PARK INC	PO BOX 781	APEX NC 27502-0781		TEN TEN RD	2512 TEN TEN RD	
10	751138504	0	45172	JACK 1, LLC	738 CASH ST	APEX NC 27502-1302		PRISTINE WATER DR	0 PRISTINE WATER DR	APEX
11	751341664	0	314173	LOT 17 PRODUCTION DRIVE BUSINESS CNT MASTER CRD	BOBBITT DESIGN BUILD	600 GERMANTOWN RD	RALEIGH NC 27607-5144	PRODUCTION DR	2025 PRODUCTION DR	APEX
11	751341664	1	402986	IPEARL HOLDINGS LLC	2025 PRODUCTION DR	APEX NC 27539-6349		PRODUCTION DR	2025 PRODUCTION DR	APEX
11	751341664	2	402987	2031 PRODUCTION REALTY, LLC	407 CATLIN RD	CARY NC 27519-5982		PRODUCTION DR	2031 PRODUCTION DR	APEX
12	751342839	0	311464	PRODUCTION DRIVE BUSINESS CENTER CONDOS	ABCZ PROPERTIES LLC	2511 RELIANCE AVE	APEX NC 27539-6347	PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	1	400206	BUILDERS RESOURCE SERVICES INC	PO BOX 1356	HOLLY SPRINGS NC 27540-1356		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	2	400207	A & E REAL ESTATE ENTERPRISES LLC	PO BOX 162	APEX NC 27502-0162		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	3	400208	A & E REAL ESTATE ENTERPRISES LLC	PO BOX 162	APEX NC 27502-0162		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	4	400209	ED PROPERTIES LLC	2019 PRODUCTION DR STE 104	APEX NC 27539-6356		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	5	400210	A & E REAL ESTATE ENTERPRISES LLC	PO BOX 162	APEX NC 27502-0162		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	6	400211	SOQUINO, CONSTANCE F SOQUINO, JOSEPH C	184 AMERICAN CT	APEX NC 27523-6725		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	7	400212	JKL INVESTMENTS LLC II	125 HILLS OF THE HAW	PITTSBORO NC 27312-8583		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	8	400213	BSS LLC	2015 PRODUCTION DR UNIT 100	APEX NC 27539-6349		PRODUCTION DR	2015 PRODUCTION DR	APEX
13	751251185	0	232248	PINNACLE PARK IV LLC	HOPE BUFFALO	7825 OLD STAGE RD	RALEIGH NC 27603-5521	RELIANCE AVE	0 RELIANCE AVE	APEX
14	751252443	0	230515	PINNACLE PARK INVESTMENTS LLC	5210 DRIFTWOOD LN	MOREHEAD CITY NC 28557-2576		RELIANCE AVE	0 RELIANCE AVE	APEX
15	751352673	0	232381	RELIANCE CENTER CONDOMINIUM	7905 BLANEY FRANKS RD	APEX NC 27539-7460		RELIANCE AVE	2475 RELIANCE AVE	APEX
15	751352673	1	304500	BARONE REAL ESTATE INVESTMENTS LLC	2476 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2475 RELIANCE AVE	APEX
15	751352673	2	304501	LOOKFORGE INVESTMENTS LLC	3204 RIGHTERS MILL WAY	APEX NC 27539-3627		RELIANCE AVE	2477 RELIANCE AVE	APEX
15	751352673	3	304502	IDM LLC	7908 SENTER FARM RD	APEX NC 27539-9789		RELIANCE AVE	2479 RELIANCE AVE	APEX
15	751352673	4	304503	LAGALY, SAVANNAH M TRUSTEE LAGALY, NOAH D TRUSTEE	213 LINTON BANKS PL	CARY NC 27513-2053		RELIANCE AVE	2481 RELIANCE AVE	APEX
15	751352673	5	304504	D O M RENTALS & PROPERTY MANAGEMENT, LLC	417 OULVERT ST	APEX NC 27502-1731		RELIANCE AVE	2483 RELIANCE AVE	APEX
16	751352880	0	226381	FRIELEY, JUDITH A	302 EDINBURGH DR	CARY NC 27511-6410		RELIANCE AVE	2485 RELIANCE AVE	APEX
17	751352984	0	226380	D & S INVESTMENTS LLC	3007 BUCKINGHAM WAY	APEX NC 27502-9341		RELIANCE AVE	2455 RELIANCE AVE	
18	751363103	0	222533	ABOOD, JOHN D ABOOD, MARILYN D	1413 ROCK CREEK LN	CARY NC 27511-5636		RELIANCE AVE	2445 RELIANCE AVE	
19	751363310	0	220651	SEVEN SPRINGS PROPERTIES GROUP LLC	2435 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2435 RELIANCE AVE	
20	751363870	0	219693	HILDAN LLC	2426 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2425 RELIANCE AVE	
21	751375103	0	189839	RELIANCE LLC	2401 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2401 RELIANCE AVE	APEX





# Instruction Packet and Affidavit for Electronic Neighborhood Meetings

Town of Apex  
Planning Department  
PO Box 250  
Apex, NC 27502

T: 919-249-3426  
F: 919-249-3338

**This packet consists of instructions and templates for conducting a required Electronic Neighborhood Meeting during times when in-person gatherings are restricted. Planning Department staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.**

## WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive initial feedback regarding certain project types prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7. The intention of the meeting is to initiate neighbor communication and identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application. A neighborhood meeting is valid for six (6) months prior to the submission of an application; a delay in submission requires a new neighborhood meeting.

## WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezoning (including Planned Unit Developments);
- Major Site Plans;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

## INSTRUCTIONS

Prior to submitting an application for a Rezoning, Major Site Plan, Residential Master Subdivision Plan (excluding exempt subdivisions), or Special Use Permit, the applicant must conduct at least one (1) Electronic Neighborhood Meeting as indicated below. The applicant shall submit all forms included in this packet with the initial application submittal.

Whenever feasible, an in-person Neighborhood Meeting following all of the requirements of the standard Neighborhood Meeting procedures shall be held prior to public hearing by the Planning Board and/or Town Council or approval by Technical Review Committee, as appropriate. Feasibility shall be determined by the Planning Director, taking into account the regularly published schedule, length of delay caused by ongoing emergency declarations, amount of public interest expressed during the electronic neighborhood meeting and afterwards, and any other pertinent information that would show that a particular project warrants an in-person neighborhood meeting prior to public hearings and/or approval.

The Electronic Neighborhood Meeting must be held in accordance with the following rules:

### These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property, and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to the "mailed materials" requirements below.

**The meeting must be held within specific timeframes and meet certain requirements:**

- During emergency declarations and/or limits on size of gatherings and social distancing, the meeting must be held as follows prior to application submittal:
  - Electronically via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant's choice for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on Town recognized holidays (which coincide with the State of North Carolina recognized holidays).
- An attendance sheet must be used log known attendees at the electronic meeting. Note if no one attended.
- Mailed materials requirements:

In addition to a vicinity map, the following documents shall be mailed with the meeting notice:

  - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), an existing zoning map of the area must be provided to help facilitate discussion.
  - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; Residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be provided to help facilitate discussion. Neighbors may request emailed copies of the maps or plans from the applicant by contacting the applicant and requesting such; applicant shall provide reduced copies upon request.
  - Contact information for the applicant's representative and Town Staff must be provided on the attached "Project Contact Information" form.
  - "Common Construction Issues & Who to Call" sheet (attached) must be included.
  - A copy of the mailed materials must be included as part of the Neighborhood Meeting report.
- The agenda for the Electronic Neighborhood Meeting shall include:
  - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
  - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
  - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by virtual attendees, and responses by the applicant, if any, must be noted. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant during the Electronic Neighborhood Meeting and in the Neighborhood Meeting Report.
- The applicant shall be responsible for notifying any neighbors who request to be kept up-to-date of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex's Interactive Development Map.

**For accountability purposes, please submit the following with your application:**

- A copy of the letter mailed to neighbors and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the attendance sheet for the Electronic Neighborhood Meeting (use attached attendance sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One reduced copy of the maps and/or plans provided in the mailing.

# NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

April 16, 2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at  
2132 Ten Ten Road 0751359861

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic 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, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at [www.apexnc.org](http://www.apexnc.org). If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

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

The rezoning request is to rezone approximately 4.6 acres of the northern area of the parcel, abutting Ten Ten Road from Residential Agricultural to Light Industrial.

Estimated submittal date: May 3, 2021

### MEETING INFORMATION:

Property Owner(s) name(s): VERTICAL BRIDGE AM II LLC  
 Applicant(s): Hayes Finley, Fox Rothschild LLP  
 Contact information (email/phone): hayes.finley@gmail.com/919-755-8837  
 Electronic Meeting invitation/call in info: see attached letter with instructions  
 Date of meeting\*\*: April 28, 2021  
 Time of meeting\*\*: 5pm-7pm

### MEETING AGENDA TIMES:

Welcome: 5:00 pm Project Presentation: 5:15-5:45pm Question & Answer: 5:45-7:00pm

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



# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: Ten Ten Business Park Zoning: RA

Location: 2132 Ten Ten Road

Property PIN(s): 0751359861 Acreage/Square Feet: Approx. 4.6 acres

Property Owner: VERTICAL BRIDGE AM II LLC

Address: 750 Park of Commerce Drive Ste 200

City: Boca Raton State: FL Zip: 33487

Phone: 919.787.4262 Email: jacksonanton@me.com

Developer: J National Capital V, LLC

Address: 4006 Abbey Parkway

City: Raleigh State: NC Zip: 27612

Phone: 919.740.2487 Fax: \_\_\_\_\_ Email: jacksonanton@me.com

Engineer: William G. Daniel & Associates, P.A.

Address: 1150 S.E. Maynard Road, Suite 260

City: Cary State: NC Zip: 27511

Phone: 919.467.9708 Fax: \_\_\_\_\_ Email: bdaniel@wmgda.com

Builder (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

## Town of Apex Department Contacts

### Planning Department Main Number

(Provide development name or location to be routed to correct planner) (919) 249-3426

### Parks, Recreation & Cultural Resources Department

Angela Reincke, Parks Planner (919) 249-7468

### Public Works - Transportation

Russell Dalton, Senior Transportation Engineer (919) 249-3358

### Water Resources Department

Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) (919) 249-3537

Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) (919) 249-1166

James Gregg, Utility Engineer (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 1<sup>st</sup> and 3<sup>rd</sup> 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](mailto:AllCouncil@apexnc.org).

### **Private Agreements and Easement Negotiation:**

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

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

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

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

### **Documentation:**

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

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

**Construction Traffic: James Misciagno 919-372-7470**

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

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

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

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

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

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

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

**Dirt on Properties or in Streams: James Misciagno 919-372-7470  
Danny Smith [Danny.Smith@ncdenr.gov](mailto: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](mailto: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 Mike Deaton at 919-249-3413.

**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.

# ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format: WebEx  
 Date of meeting: April 28, 2021 Time of meeting: 5pm-7pm  
 Property Owner(s) name(s): VERTICAL BRIDGE AM II LLC  
 Applicant(s): Hayes Finley, Fox Rothschild LLP

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	John Abood	2445 Reliance Ave, Apex, NC 27539		[REDACTED]	Y
2.	Ryan Thigpen	2435 Reliance Ave, Apex, NC 27539			Y
3.	Hayes Finley	434 Fayetteville Street, Raleigh, NC 27604	919-755-8837		n/a
4.	Bill Daniel				
5.	Bill Jackson				
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.



# SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): VERTICAL BRIDGE AM II LLC  
Applicant(s): Hayes Finley, Fox Rothschild LLP  
Contact information (email/phone): hfinley@foxrothschild.com/919-755-8837  
Meeting Format: WebEx  
Date of meeting: April 28, 2021 Time of meeting: 5pm-7pm

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

## Question/Concern #1:

What is the nature of the offering (type of lots, water/sewer, etc)?

### Applicant's Response:

The overall planning has not been done yet, the request is to rezone the portion of the parcel adjoining Ten Ten Rd for access.

We appear to have access to city water/sewer and natural gas. Preference to build buildings instead of sell lots.

Lot sizes will vary due to environmental constraints. Maybe 4-5 acre lot sizes.

## Question/Concern #2:

Supporting of the project, curious about the process, timeline of project.

### Applicant's Response:

Planning to submit the application in June, will have public hearings and anticipate final action in August.

Infrastructure construction could begin 8 months after the rezoning.

## Question/Concern #3:

Good project- hard to find good Light Industrial property. Who might object to this project?

### Applicant's Response:

Agreed. We are not adjacent to any single-family residential, so don't anticipate any objections.

## Question/Concern #4:

Access onto Ten Ten Road and traffic improvements?

### Applicant's Response:

Major widening of Ten Ten Road has been approved for 2030. We have hired Ramey Kemp & Assoc. to do a TIA. NCDOT and

Apex traffic engineer expressed preference for entrance on the side of the frontage near the mini warehouse.

# AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

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

I, Hayes Finley, do hereby declare as follows:  
Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via WebEx (indicate format of meeting) on April 28, 2021 (date) from 5pm (start time) to 7pm (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

4/28/21  
Date

By: Hayes Finley

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Cynthia L. Jackson, a Notary Public for the above State and County, on this the 28<sup>th</sup> day of June, 2021.

SEAL



Cynthia L. Jackson  
Notary Public  
Cynthia L. Jackson  
Print Name

My Commission Expires: 1-7-2023



**Fox Rothschild** LLP  
ATTORNEYS AT LAW

434 Fayetteville Street  
Suite 2800  
Raleigh, NC 27601  
Tel 919.755.8700 Fax 919.755.8800  
WWW.FOXROTHSCHILD.COM

GRAY STYERS  
Direct No: 919 755 8741  
Email: GStyers@Foxrothschild.com

August 23, 2022

**Re: Notice of Virtual Meeting about Pending Rezoning**

Dear Neighbors:

You are cordially invited to participate in a virtual meeting on Thursday, **September 8, 2022**, to learn more about and discuss a proposed rezoning of approximately 4.6 acres at 2132 Ten Ten Road to Light Industrial to match the zoning classification of the remainder of that property. (This is the front portion of the property on which the radio station tower is located – on the south side of Ten Ten Road.)

The meeting will begin at **6:00 p.m.** You can participate online via WebEx video teleconference or by telephone.

To participate via video teleconference, follow these instructions:

1. Go to [www.webex.com](http://www.webex.com)
2. Click “Join a Meeting.”
3. In the “Enter Meeting Information” bar, type the meeting number: 24251433035.
4. Then enter the Password: Neighbor
5. Tips:
  - a. You may download the desktop app or join from your browser.
  - b. You can call in for audio or use your computer audio.
  - c. Call in a few minutes early to set up your audio and video.

You may also join by phone, US Toll Free:

+1-800-598-1154 US Toll Free  
Access code: 2425 143 3035

Please see the enclosures for maps showing the property’s location, current zoning classification, and the Town’s future land use map.

A Pennsylvania Limited Liability Partnership



Neighborhood Property Owners  
August 23, 2022  
Page 2

If you have any questions in advance of this meeting, we can be reached at:

Gray Styers  
Fox Rothschild LLP  
434 Fayetteville Street, Suite 2800  
Raleigh, NC 27601  
[gstyers@foxrothschild.com](mailto:gstyers@foxrothschild.com)  
919-755-8741

Erin Catlett  
Fox Rothschild LLP  
434 Fayetteville Street, Suite 2800  
Raleigh, NC 27601  
[ecatlett@foxrothschild.com](mailto:ecatlett@foxrothschild.com)  
919.719.1242

Sincerely,

*/s/ M. Gray Styers, Jr.*

M. Gray Styers, Jr.

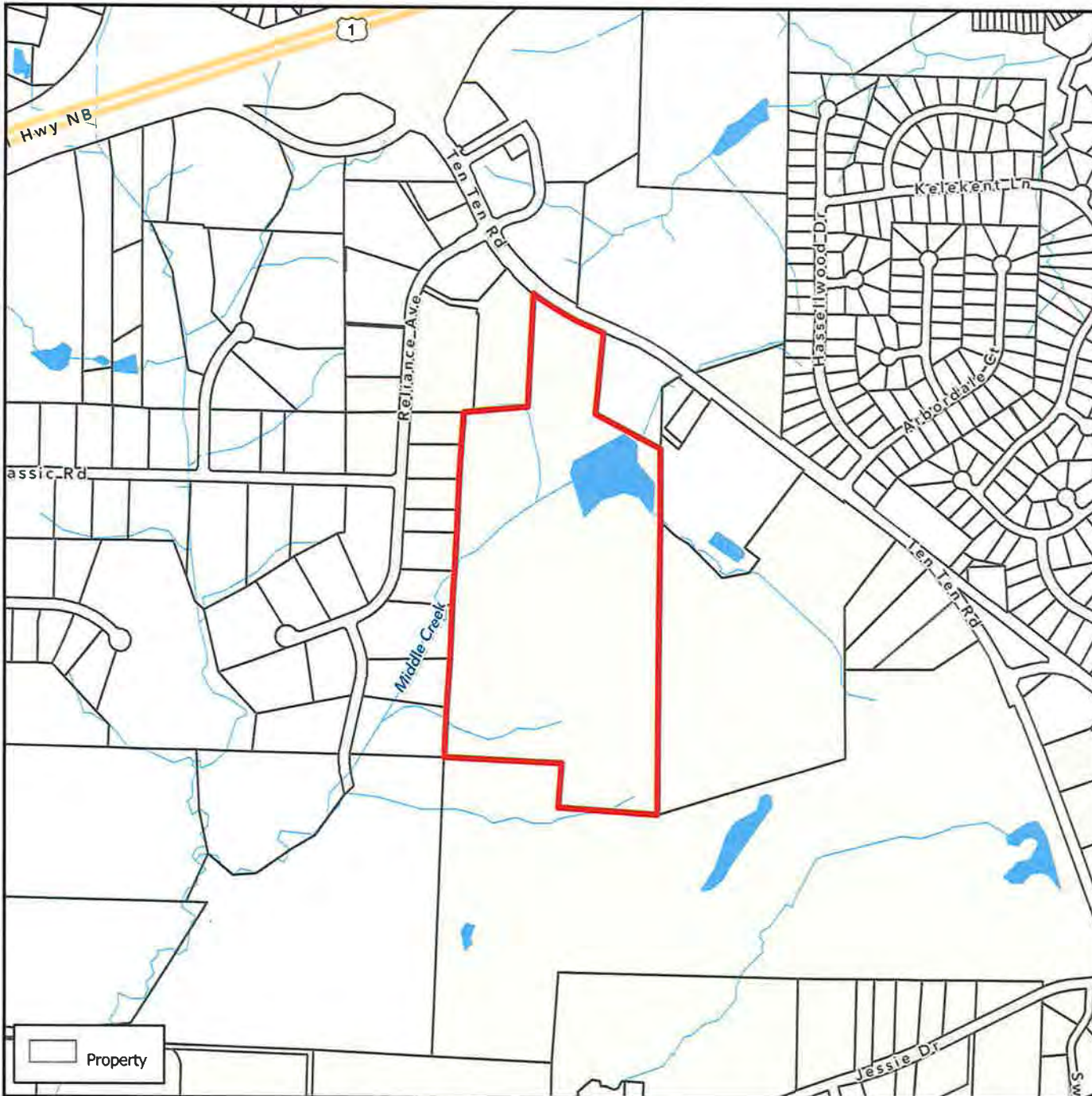
*/s/ Erin A. Catlett*

Erin A. Catlett

Enclosures

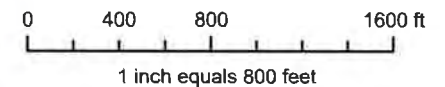
Cc: Mr. Bill Jackson  
Ms. Sarah Van Every





## Location Map - 2132 Ten Ten Road

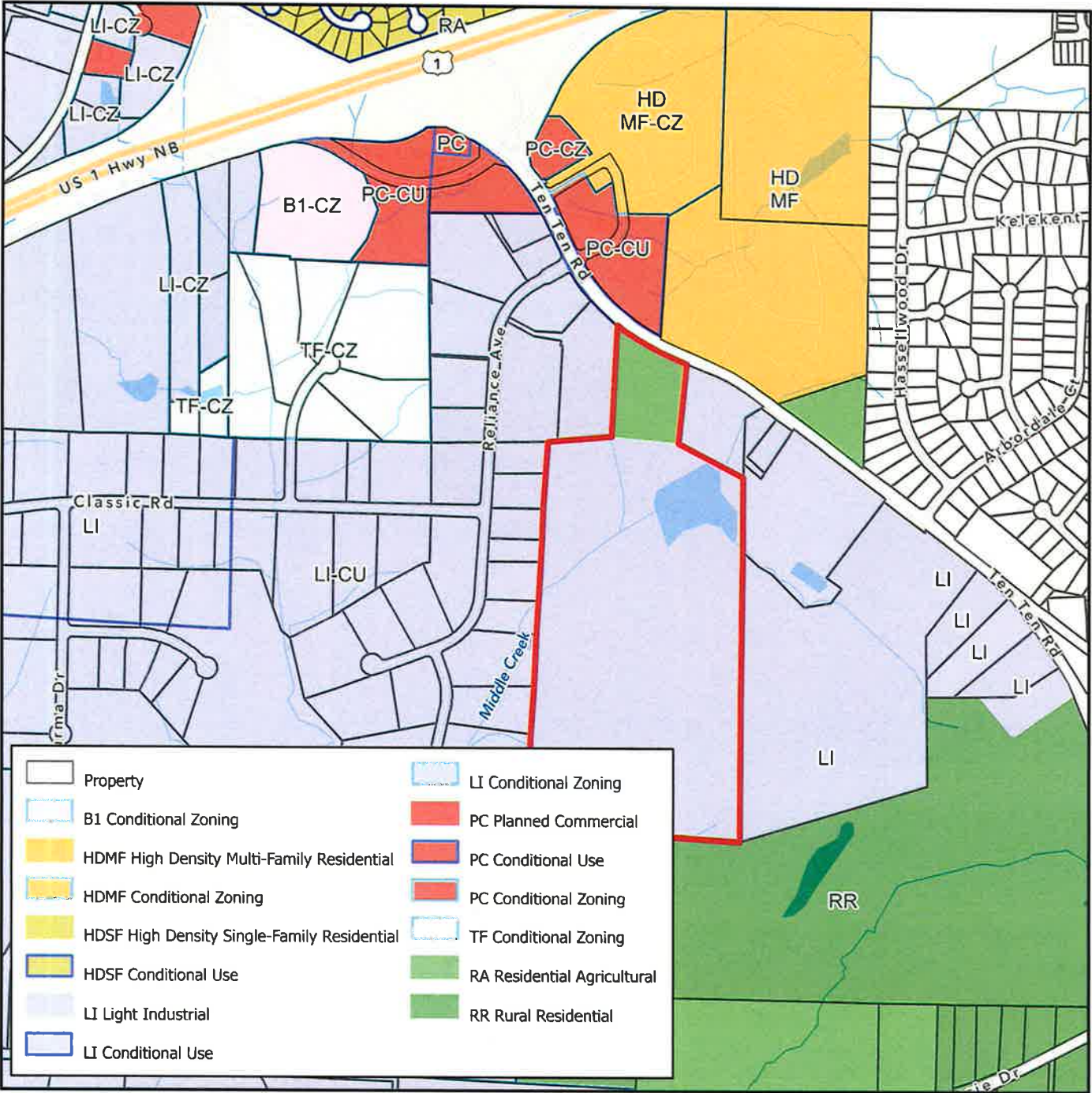
PARCEL\_PK: 43874  
 REID: 0067257  
 PIN\_NUM: 0751359861  
 PIN\_EXT: 000  
 LAND\_VAL: 3056518  
 BLDG\_VAL: 3895  
 TOTAL\_VALUE\_ASSD: 3060413  
 DEED\_ACRES: 57.620000000000005  
 YEAR\_BUILT: 1915  
 HEATEDAREA: 1383  
 TYPE\_AND\_USE: 01  
 TYPE\_USE\_DECODE: SINGLFAM  
 DESIGNSTYL: CVL  
 DESIGN\_STYLE\_DECODE: Conventional  
 PLANNING\_JURISDICTION: AP  
 TOWNSHIP: 20  
 TOWNSHIP\_DECODE: WHITE OAK  
 FIREDIST: 23  
 OWNER: VERTICAL BRIDGE AM II LLC  
 ADDR1: 750 PARK OF COMMERCE DR STE 200  
 ADDR2: BOCA RATON FL 33487-3650  
 DEED\_BOOK: 018240  
 DEED\_PAGE: 02345  
 DEED\_DATE: 12/15/2020  
 UNITS: 1  
 LAND\_CODE: B  
 LAND\_CLASS: AHS  
 LAND\_CLASS\_DECODE: Acres Greater Than 10 With House  
 OWNERSHIP: 1020  
 ACTIVITY: 1100  
 FUNCTION: 1100  
 STRUCTURE: 1110



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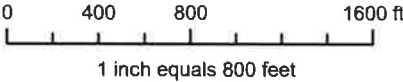


# Zoning Map - 2132 Ten Ten Road



PARCEL\_PK: 43874  
 REID: 0067257  
 PIN\_NUM: 0751359861  
 PIN\_EXT: 000  
 LAND\_VAL: 3056518  
 BLDG\_VAL: 3895  
 TOTAL\_VALUE\_ASSD: 3060413  
 DEED\_ACRES: 57.620000000000005  
 YEAR\_BUILT: 1915  
 HEATEDAREA: 1383  
 TYPE\_AND\_USE: 01  
 TYPE\_USE\_DECODE: SINGLFAM  
 DESIGNSTYL: CVL  
 DESIGN\_STYLE\_DECODE: Conventional  
 PLANNING\_JURISDICTION: AP  
 TOWNSHIP: 20  
 TOWNSHIP\_DECODE: WHITE OAK  
 FIREDIST: 23  
 OWNER: VERTICAL BRIDGE AM II LLC  
 ADDR1: 750 PARK OF COMMERCE DR STE 200  
 ADDR2: BOCA RATON FL 33487-3650  
 DEED\_BOOK: 018240  
 DEED\_PAGE: 02345  
 DEED\_DATE: 12/15/2020  
 UNITS: 1  
 LAND\_CODE: B  
 LAND\_CLASS: AHS  
 LAND\_CLASS\_DECODE: Acres Greater Than 10 With House  
 OWNERSHIP: 1020  
 ACTIVITY: 1100  
 FUNCTION: 1100  
 STRUCTURE: 1110

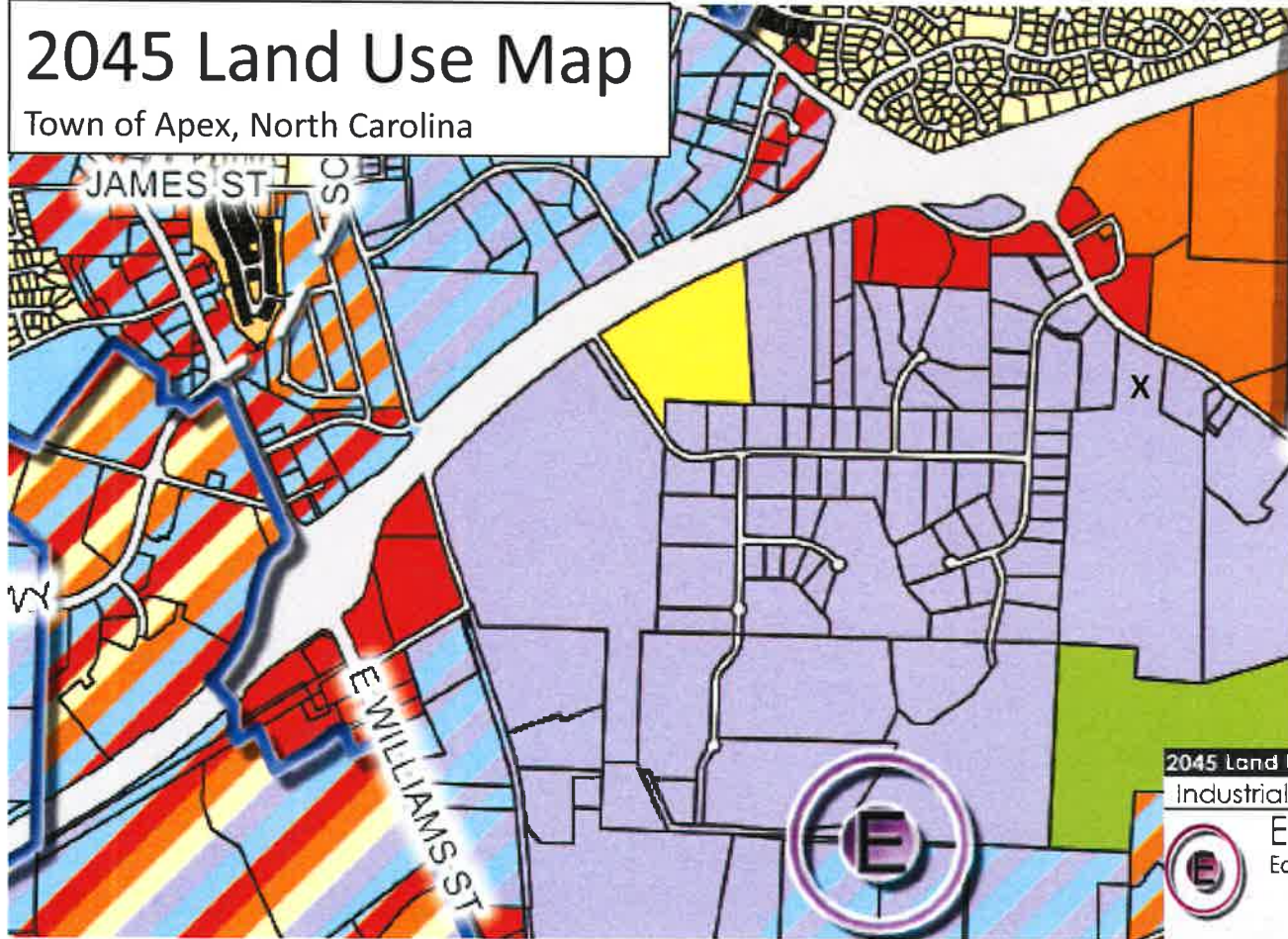
	Property		LI Conditional Zoning
	B1 Conditional Zoning		PC Planned Commercial
	HDMF High Density Multi-Family Residential		PC Conditional Use
	HDMF Conditional Zoning		PC Conditional Zoning
	HDSF High Density Single-Family Residential		TF Conditional Zoning
	HDSF Conditional Use		RA Residential Agricultural
	LI Light Industrial		RR Rural Residential
	LI Conditional Use		



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# 2045 Land Use Map

Town of Apex, North Carolina



## Future Land Classifications

- Protected Open Space
- Rural Density Residential  
One dwelling unit per five acres
- Rural Transition Residential  
One dwelling unit per one acre
- Low Density Residential  
Single-family homes or a mix of single-family homes with duplexes and/or townhomes
- Medium Density Residential  
Single-family homes, duplexes, and townhomes
- Medium/High Density Residential  
Single-family homes, duplexes, triplexes, quadplexes, and townhomes\*
- High Density Residential  
Townhomes, triplexes, quadplexes, and apartments
- Office Employment
- Commercial Services
- Industrial Employment

2045 Land Use Map Classification	Allowable Zoning Districts
Industrial Employment	CB, LI, TF, PUD, MEC

- Employment Mixed Use (EMU)**  
 Economic development potential estimated to be, but not limited to:
- Office, warehousing, tech/flex
  - Some commercial



SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS	
2445 RELIANCE AVE	0751363103	ABOOD, JOHN D ABOOD, MARILYN D	1413 ROCK CREEK LN	CARY NC 27511-5636
0 PRISTINE WATER DR	0751235497	APEX INDUSTRIAL OWNER 3 LLC	WOODLAWN HALL AT OLD PARKLAND	3953 MAPLE AVE STE 300 DALLAS TX 75219-3228
2320 TEN TEN RD	0751449982	BRITE PROPERTIES LLC	PO BOX 2723	SHALLOTTE NC 28459-2723
2512 TEN TEN RD	0751532815	CAREY C JONES MEMORIAL PARK INC	PO BOX 781	APEX NC 27502-0781
200 SOLANDRA LN	0751477193	CFK APEX LAND CO LLC	MARVIN F POER & COMP	3520 PIEDMONT RD NE STE 410 ATLANTA GA 30305-1512
2200 TEN TEN RD	0751464462	COLONIAL PIPELINE CO	RESURGENS PLAZA	945 E PACES FERRY RD NE ATLANTA GA 30326-1160
2455 RELIANCE AVE	0751352984	D & S INVESTMENTS LLC	3007 BUCKINGHAM WAY	APEX NC 27502-9341
0 RELIANCE AVE	0751351185	ESTRELLA PROPERTIES II LLC	101 FERN BLUFF WAY	CARY NC 27518-8973
2465 RELIANCE AVE	0751352880	FRIDLEY, JUDITH A	302 EDINBURGH DR	CARY NC 27511-6410
2425 RELIANCE AVE	0751363870	HILDAN LLC	2425 RELIANCE AVE	APEX NC 27539-7049
2290 TEN TEN RD	0751467337	JAY T PROPERTIES LLC	2019 EASTCHESTER DR	HIGH POINT NC 27265-1406
2025 PRODUCTION DR	0751341664	LOT 17 PRODUCTION DRIVE BUSINESS CNT MASTER CRD	BOBBITT DESIGN BUILD	600 GERMANTOWN RD RALEIGH NC 27607-5144
2147 TEN TEN RD	0751470207	MOJAC 2 LLC	PO BOX 28929	PO BOX 2727 HOUSTON TX 77252-2727
2300 TEN TEN RD	0751459934	MOTIVA ENTERPRISES LLC	PROPERTY TAX DEPT	
0 RELIANCE AVE	0751352443	PINNACLE PARK INVESTMENTS LLC	5210 DRIFTWOOD LN	MOREHEAD CITY NC 28557-2576
2019 PRODUCTION DR	0751342839	PRODUCTION DRIVE BUSINESS CENTER CONDOS	ABCZ PROPERTIES LLC	2511 RELIANCE AVE APEX NC 27539-6347
2110 TEN TEN RD	0751367704	PS NC III LP	PS# 25863	701 WESTERN AVE GLENDALE CA 91201-2349
2475 RELIANCE AVE	0751352673	RELIANCE CENTER CONDOMINIUM	7905 BLANEY FRANKS RD	APEX NC 27539-7460
2401 RELIANCE AVE	0751375103	RELIANCE LLC	2401 RELIANCE AVE	APEX NC 27539-7049
2280 TEN TEN RD	0751466438	SCF RC FUNDING I LLC	902 CARNEGIE CTR STE 520	PRINCETON NJ 08540-6531
2435 RELIANCE AVE	0751363310	SEVEN SPRINGS PROPERTIES GROUP LLC	2435 RELIANCE AVE	APEX NC 27539-7049
2132 TEN TEN RD	0751359861	VERTICAL BRIDGE AM II LLC	750 PARK OF COMMERCE DR STE 200	BOCA RATON FL 33487-3650
		APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
		Current Tenant	3011 Akebia WAY	APEX NC 27539
		Current Tenant	3012 Akebia WAY	APEX NC 27539
		Current Tenant	3013 Akebia WAY	APEX NC 27539
		Current Tenant	3014 Akebia WAY	APEX NC 27539
		Current Tenant	3021 Akebia WAY	APEX NC 27539
		Current Tenant	3022 Akebia WAY	APEX NC 27539
		Current Tenant	3023 Akebia WAY	APEX NC 27539
		Current Tenant	3024 Akebia WAY	APEX NC 27539
		Current Tenant	3111 Akebia WAY	APEX NC 27539
		Current Tenant	3112 Akebia WAY	APEX NC 27539
		Current Tenant	3113 Akebia WAY	APEX NC 27539
		Current Tenant	3114 Akebia WAY	APEX NC 27539
		Current Tenant	3121 Akebia WAY	APEX NC 27539
		Current Tenant	3122 Akebia WAY	APEX NC 27539
		Current Tenant	3123 Akebia WAY	APEX NC 27539
		Current Tenant	3124 Akebia WAY	APEX NC 27539
		Current Tenant	3211 Akebia WAY	APEX NC 27539
		Current Tenant	3212 Akebia WAY	APEX NC 27539
		Current Tenant	3213 Akebia WAY	APEX NC 27539
		Current Tenant	3214 Akebia WAY	APEX NC 27539
		Current Tenant	3221 Akebia WAY	APEX NC 27539
		Current Tenant	3222 Akebia WAY	APEX NC 27539
		Current Tenant	3223 Akebia WAY	APEX NC 27539
		Current Tenant	3224 Akebia WAY	APEX NC 27539
		Current Tenant	2200 Hedera WAY	APEX NC 27539
		Current Tenant	2211 Hedera WAY	APEX NC 27539
		Current Tenant	2212 Hedera WAY	APEX NC 27539
		Current Tenant	2213 Hedera WAY	APEX NC 27539
		Current Tenant	2214 Hedera WAY	APEX NC 27539
		Current Tenant	2215 Hedera WAY	APEX NC 27539
		Current Tenant	2216 Hedera WAY	APEX NC 27539
		Current Tenant	2311 Hedera WAY	APEX NC 27539
		Current Tenant	2312 Hedera WAY	APEX NC 27539
		Current Tenant	2313 Hedera WAY	APEX NC 27539
		Current Tenant	2314 Hedera WAY	APEX NC 27539
		Current Tenant	2321 Hedera WAY	APEX NC 27539
		Current Tenant	2322 Hedera WAY	APEX NC 27539
		Current Tenant	2323 Hedera WAY	APEX NC 27539
		Current Tenant	2324 Hedera WAY	APEX NC 27539
		Current Tenant	2400 Hedera WAY	APEX NC 27539
		Current Tenant	2411 Hedera WAY	APEX NC 27539
		Current Tenant	2412 Hedera WAY	APEX NC 27539
		Current Tenant	2413 Hedera WAY	APEX NC 27539
		Current Tenant	2414 Hedera WAY	APEX NC 27539
		Current Tenant	2415 Hedera WAY	APEX NC 27539
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		Current Tenant	2614 Hedera WAY	APEX NC 27539
		Current Tenant	2615 Hedera WAY	APEX NC 27539
		Current Tenant	2622 Hedera WAY	APEX NC 27539
		Current Tenant	2623 Hedera WAY	APEX NC 27539
		Current Tenant	2624 Hedera WAY	APEX NC 27539
		Current Tenant	2625 Hedera WAY	APEX NC 27539
		Current Tenant	2300 Hedera WAY	APEX NC 27539
		Current Tenant	4311 Mandavilla WAY	APEX NC 27539
		Current Tenant	4615 Mandavilla WAY	APEX NC 27539
		Current Tenant	3412 Mandavilla WAY	APEX NC 27539











Virtual Neighborhood Meeting hosted via Webex  
Thursday, September 8, 2022  
6pm

Subject Property: 2132 Ten Ten Road, Apex, NC (portion of Parcel ID: 0751359861)

Request: Conditional Rezoning of approximately 4.6 acres to Light Industrial to match the zoning classification of the remainder of the parcel (21CZ17)

Applicant: J. National Capital V, LLC

### AGENDA

- I. Introductions of Applicant Team
- II. Introductions of Attendees
- III. Explanation of the Rezoning Process
- IV. Explanation of Future Meetings
  - i. Planning Board – Monday, September 12, 2022 at 4:30 pm
  - ii. Town Council – September 27, 2022 at 7:00 pm
- V. Explanation of Development Proposal
- VI. Questions and Comments from Attendees

Applicant Attorney:

M. Gray Styers  
434 Fayetteville Street  
Suite 2800  
Raleigh, NC 27601  
[gstyers@foxrothschild.com](mailto:gstyers@foxrothschild.com)  
919.755.8741



# NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual Meeting held via Webex

Date of meeting: September 8, 2022 Time of meeting: 6:00pm

Property Owner(s) name(s): Vertical Bridge AM II LLC

Applicant(s): J National Capital V, LLC, c/o Gray Styers

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.	Eric Puskar	4316 Mandavilla Way, Apex	not provided	not provided	
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Vertical Bridge AM II LLC

Applicant(s): J National Capital V, LLC c/o Gray Styers

Contact information (email/phone): gsyters@foxrothschild.com/919.755.8741

Meeting Address: virtual meeting held via Webex

Date of meeting: September 8, 2022 Time of meeting: 6:00pm

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

Question/Concern #1:

No questions from attendee

Applicant's Response:

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Question/Concern #2:

Applicant's Response:

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Question/Concern #3:

Applicant's Response:

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Question/Concern #4:

Applicant's Response:

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Virtual Neighborhood Meeting hosted via Webex  
Thursday, September 8, 2022  
6pm

Subject Property: 2132 Ten Ten Road, Apex, NC (portion of Parcel ID: 0751359861)

Request: Conditional Rezoning of approximately 4.6 acres to Light Industrial to match the zoning classification of the remainder of the parcel (21CZ17)

Applicant: J. National Capital V, LLC

### **MINUTES OF MEETING**

- I. Introductions of Applicant Team
  - i. Gray Styers introduced the applicant team members present on the call:
    1. Bill Jackson, representative from J. National Capital V, LLC (applicant)
    2. Gray Styers, Erin Catlett (attorneys for applicant)
    3. Bruce Gamboe, Melanie DeJesus (technology team)
- II. Introductions of Attendees
  - i. One attendee identified:
    1. Eric Puskar, 4316 Mandavilla Way, Apex, NC 27502
      - a. Volunteered his presence was to hear about what is proposed for the parcel
- III. Explanation of the Rezoning Process
  - i. Orientation to the location of the parcel using Location Map (attached)
  - ii. Town of Apex Zoning Map to show the split zoned parcel (attached)
  - iii. Overview of the rezoning process in the Town of Apex
- IV. Explanation of Future Meetings
  - i. Planning Board – Monday, September 12, 2022 at 4:30 pm
  - ii. Town Council – September 27, 2022 at 7:00 pm
- V. Explanation of Development Proposal
  - i. Provided background on the parcel and the surrounding area of light industrial uses
  - ii. Expanded on the nature of the split zoning of the parcel – only the 4.4-acre portion of the larger parcel is the subject of the rezoning to Light Industrial. If the rezoning is approved, the small portion will then match the zoning rest of the parcel and the surrounding parcels
  - iii. Provided a history of the rezoning application including a Neighborhood Meeting hosted in 2021 with no opposition
  - iv. Provided information regarding the tower on the parcel and the condition to the rezoning application to strengthen the radio tower and create a zero-fall zone providing a safer tower
  - v. Provided further detail regarding the requested rezoning to Light Industrial and potential associated uses
  - vi. Provided further detail regarding the Future Land Use Map and the Industrial Employment designation



- vii. Provided further detail on the conditions being added as part of the rezoning application
  - viii. Reviewed rezoning process in a bit more detail including the upcoming Planning Board Meeting and Town Council Meeting
  - ix. Reviewed next steps if the rezoning is approved – site plan approval, permits for construction and building
- VI. Questions and Comments from Attendees
  - i. Attendee, Mr. Puskar had no questions
- VII. Questions and Comments received via Chat Feature in Webex
  - i. None recieved
- VIII. Questions and Comments received via Written Correspondence or Phone Call
  - i. None received

# 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, M. Gray Styers, 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 Virtual Meeting held via Webex (location/address) on September 8, 2022 (date) from 6:00pm (start time) to 6:35pm (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.

September 9, 2022

Date

By:

M. Gray Styers

STATE OF NORTH CAROLINA  
COUNTY OF ~~WAKE~~ Guilford

Sworn and subscribed before me, Debra Parks Little Notary Public for the above State and County, on this the 9th day of September, 2022.

SEAL



Debra Parks Little

Notary Public

Debra Parks Little

Print Name

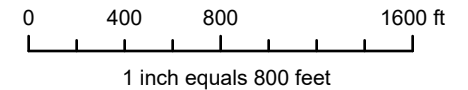
My Commission Expires:

8/10/26



## Location Map - 2132 Ten Ten Road

PARCEL\_PK: 43874  
 REID: 0067257  
 PIN\_NUM: 0751359861  
 PIN\_EXT: 000  
 LAND\_VAL: 3056518  
 BLDG\_VAL: 3895  
 TOTAL\_VALUE\_ASSD: 3060413  
 DEED\_ACRES: 57.620000000000005  
 YEAR\_BUILT: 1915  
 HEATEDAREA: 1383  
 TYPE\_AND\_USE: 01  
 TYPE\_USE\_DECODE: SINGLFAM  
 DESIGNSTYL: CVL  
 DESIGN\_STYLE\_DECODE: Conventional  
 PLANNING\_JURISDICTION: AP  
 TOWNSHIP: 20  
 TOWNSHIP\_DECODE: WHITE OAK  
 FIREDIST: 23  
 OWNER: VERTICAL BRIDGE AM II LLC  
 ADDR1: 750 PARK OF COMMERCE DR STE 200  
 ADDR2: BOCA RATON FL 33487-3650  
 DEED\_BOOK: 018240  
 DEED\_PAGE: 02345  
 DEED\_DATE: 12/15/2020  
 UNITS: 1  
 LAND\_CODE: B  
 LAND\_CLASS: AHS  
 LAND\_CLASS\_DECODE: Acres Greater Than 10 With House  
 OWNERSHIP: 1020  
 ACTIVITY: 1100  
 FUNCTION: 1100  
 STRUCTURE: 1110

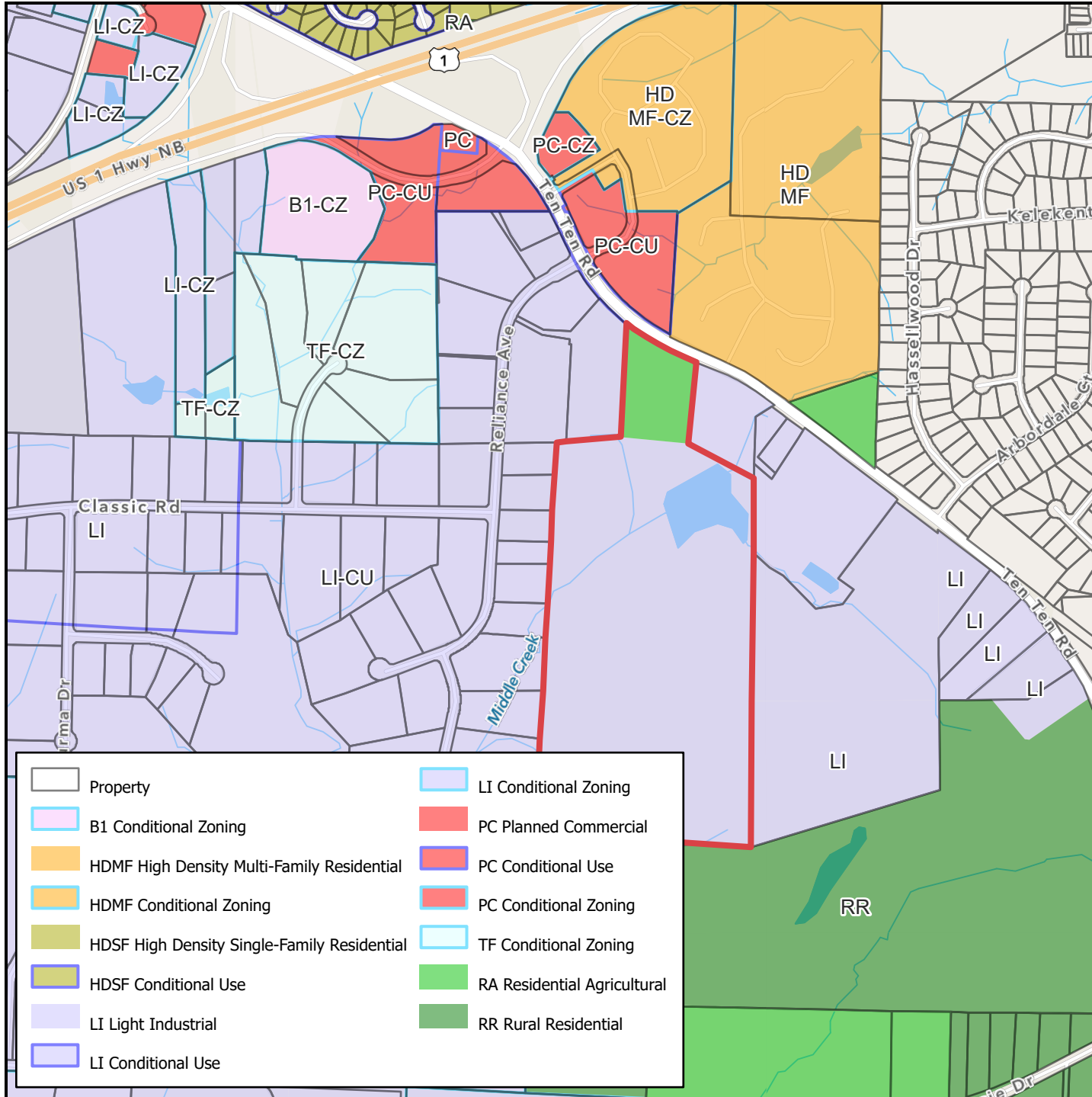


**Disclaimer**

*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.*

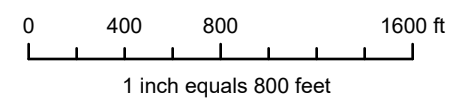


# Zoning Map - 2132 Ten Ten Road



PARCEL\_PK: 43874  
 REID: 0067257  
 PIN\_NUM: 0751359861  
 PIN\_EXT: 000  
 LAND\_VAL: 3056518  
 BLDG\_VAL: 3895  
 TOTAL\_VALUE\_ASSD: 3060413  
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 OWNERSHIP: 1020  
 ACTIVITY: 1100  
 FUNCTION: 1100  
 STRUCTURE: 1110

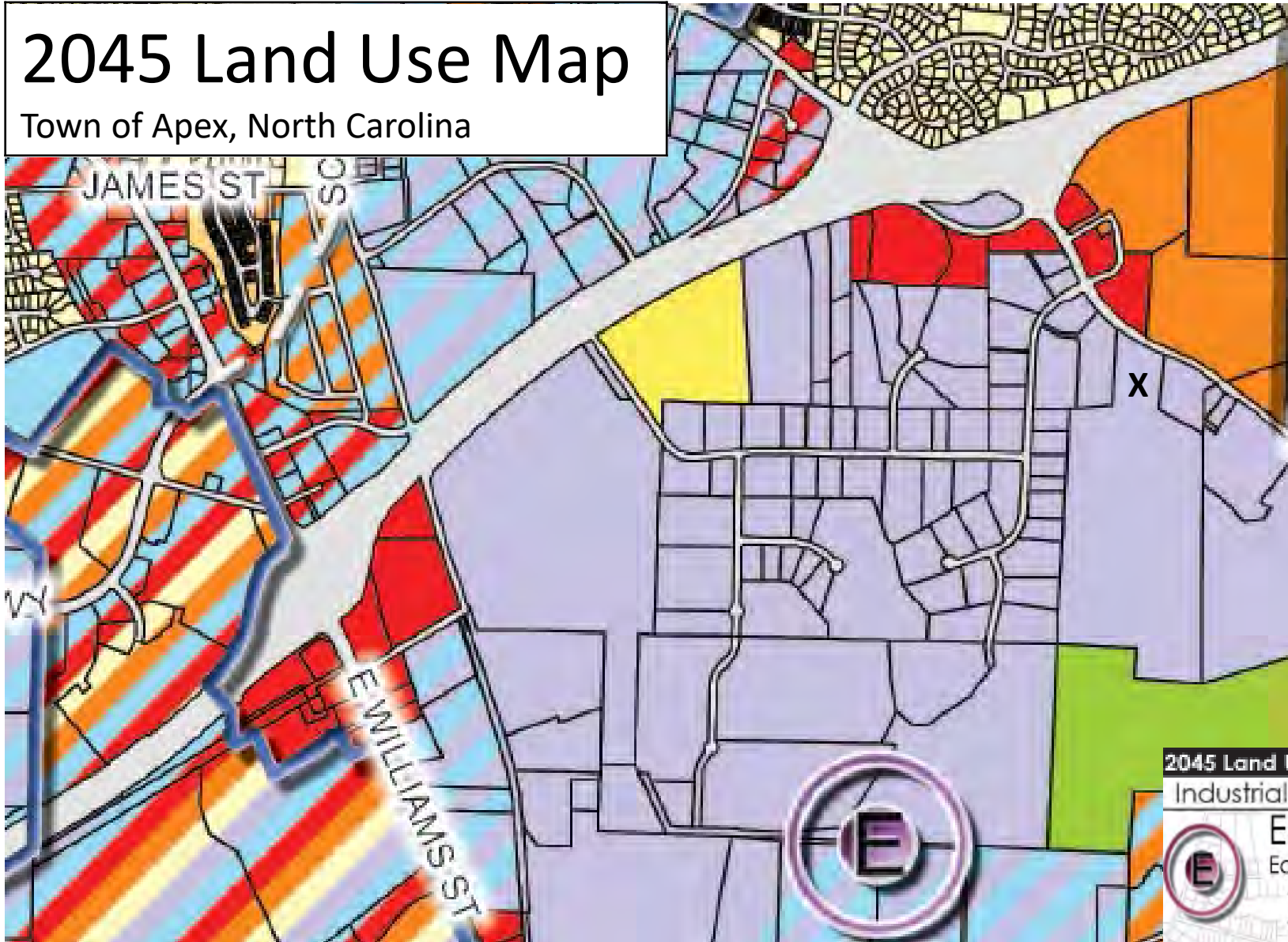
	Property		LI Conditional Zoning
	B1 Conditional Zoning		PC Planned Commercial
	HDMF High Density Multi-Family Residential		PC Conditional Use
	HDMF Conditional Zoning		PC Conditional Zoning
	HDSF High Density Single-Family Residential		TF Conditional Zoning
	HDSF Conditional Use		RA Residential Agricultural
	LI Light Industrial		RR Rural Residential
	LI Conditional Use		



**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.*

# 2045 Land Use Map

Town of Apex, North Carolina



## Future Land Classifications

-  Protected Open Space
-  Rural Density Residential  
One dwelling unit per five acres
-  Rural Transition Residential  
One dwelling unit per one acre
-  Low Density Residential  
Single-family homes or a mix of single-family homes with duplexes and/or townhomes
-  Medium Density Residential  
Single-family homes, duplexes, and townhomes
-  Medium/High Density Residential  
Single-family homes, duplexes, triplexes, quadplexes, and townhomes\*
-  High Density Residential  
Townhomes, triplexes, quadplexes, and apartments
-  Office Employment
-  Commercial Services
-  Industrial Employment

2045 Land Use Map Classification	Allowable Zoning Districts
Industrial Employment	CB, LI, TF, PUD, MEC

 **Employment Mixed Use (EMU)**  
 Economic development potential estimated to be, but not limited to:

- Office, warehousing, tech/flex
- Some commercial



Date: **July 19, 2022**

Bill Jackson  
J National Capital V LLC  
4006 Abbey Park Way  
Raleigh, NC 27612

Engineered Tower Solutions, PLLC  
3227 Wellington Court  
Raleigh, NC 27615  
(919) 782-2710

**Subject:** **Fall Zone Letter**

**Tower Owner Designation:** **Vertical Bridge Site Number:** US-NC-5033  
**Vertical Bridge Site Name:** RAL-027-FM

**Engineering Firm Designation:** **Engineered Tower Solutions Job Number:** 22105172.STR.1671

**Site Data:** **2132 Ten Ten Road, Apex, Wake County, NC 27502**  
**Latitude 35° 42' 50.02", Longitude -78° 49' 2.96"**  
**1580 Foot – Guyed Tower**

Dear Bill Jackson,

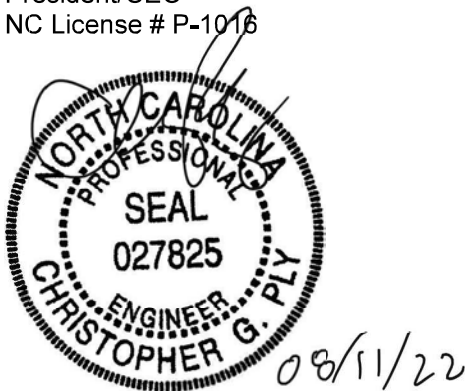
*Engineered Tower Solutions* is pleased to submit this “**Fall Zone Letter**” to comment on the above-mentioned tower.

The Structural Modification Drawings sealed by Stainless on May 24, 2022 (Stainless Project no. 327621) meets all current applicable codes and standards. The structural modification drawings address the overstresses outlined in the Comprehensive Structural Analysis by Stainless on April 15, 2022 (Stainless Report no. 327620). Upon completion of the structural modifications outlined in Stainless Project no. 327621, the subject tower will be adequate to support the applied loads at the required design event as outlined in the North Carolina Building Code, 2018 edition. When a design wind event occurs, there are additional safety factors that allow the structure to remain in satisfactory condition with no signs of failure. **Thus, the fall zone under the design considerations as outlined by the building code is 0 feet.**

We at the *Engineered Tower Solutions* appreciate the opportunity of providing our continuing professional services to you. If you have any questions or need further assistance on this or any other projects, please give us a call.

Fall Zone Letter Prepared by:

Christopher Ply, PE, SE  
President/CEO  
NC License # P-1016





# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 12, 2022



## Report Requirements:

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

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

## PROJECT DESCRIPTION:

**Acreage:** ±4.6 acres

**PIN(s):** 0751359861 (portion of)

**Current Zoning:** Residential Agricultural (RA)

**Proposed Zoning:** Light Industrial-Conditional Zoning (LI-CZ)

**2045 Land Use Map:** Industrial Employment

**Town Limits:** 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: \_\_\_\_\_

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Apex Transportation Plan  
 Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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

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# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 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: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 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: \_\_\_\_\_

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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: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Sarah Soh

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 7 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 September 2022.

Attest:

Handwritten signature of Reginald Skinner

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin Date: 2022.09.12 16:57:13 -04'00'

Dianne Khin, Director of Planning and Community Development



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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #21CZ17  
2132 Ten Ten Road

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

- Applicant:** J National Capital V, LLC
- Authorized Agent:** Fox Rothschild, LLP
- Property Address:** 2132 Ten Ten Road
- Acreage:** ±4.6 acres
- Property Identification Number (PIN):** 0751359861 (portion of)
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Properties:** Residential Agricultural (RA)
- Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: October 11, 2021 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>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Bonnie Brock (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.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

**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.calgis@nc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://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/28174>.

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



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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
 ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17  
 2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** J National Capital V, LLC  
**Agente autorizado:** Fox Rothschild, LLP  
**Dirección de las propiedad:** 2132 Ten Ten Road  
**Superficie:** ±4.6 acres  
**Número de identificación de las propiedad:** 0751359861 (portion of)  
**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment  
**Ordenamiento territorial existente de las propiedades:** Residential Agricultura (RA)  
**Ordenamiento territorial propuesto para las propiedades:** Light Industrial-Conditional Zoning (LI-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: 11 de octubre, 2021 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/townofapexapv>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org) o presentarla a la secretaria de la Junta de Planificación, Bonnie Brock (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.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexapv>.

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.rate@nc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://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/36174>.

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





# TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ17 2132 Ten Ten Road

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

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**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: October 11, 2021 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>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Bonnie Brock (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.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town’s YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

**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](http://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/36174>.

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 #21CZ17  
2132 Ten Ten Road

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

**Solicitante:** J National Capital V, LLC

**Agente autorizado:** Fox Rothschild, LLP

**Dirección de las propiedad:** 2132 Ten Ten Road

**Superficie:** ±4.6 acres

**Número de identificación de las propiedad:** 0751359861 (portion of)

**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment

**Ordenamiento territorial existente de las propiedades:** Residential Agricultura (RA)

**Ordenamiento territorial propuesto para las propiedades:** Light Industrial-Conditional Zoning (LI-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: 11 de octubre, 2021 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>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Bonnie Brock (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.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

**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](http://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/36174>.

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





**Meridian  
at Ten Ten**

**Avalon Peaks**

**Reliance Ave**

**Akebia Way**

**Nasturtium Way**

**Hedera Way**

**Mandavilla Way**

**Kiftsgate Ln**

**Solandra Ln**

**Ten Ten Rd**

**Rezoning #21CZ17**

**Classic Rd**



Public Hearing Sign Posted By

*[Signature]*  
Signature

7/19/21  
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 #21CZ17  
Ten Ten Business Park  
Project Location: 2132 Ten Ten Road  
Applicant or Authorized Agent: Fox Rothschild, LLP

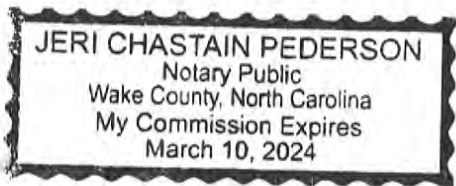
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on September 24, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information 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.

9/27/2021  
Date

Shanne F. Klein  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above  
State and County, this the 27 day of September, 2021.



Jeri Chastain Pederson  
Notary Public

My Commission Expires: 03 / 10 / 2024





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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #21CZ17  
2132 Ten Ten Road

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

- Applicant:** J National Capital V, LLC.
- Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.
- Property Address:** 2132 Ten Ten Road
- Acreage:** ±4.6 acres
- Property Identification Number (PIN):** 0751359861 (portion of)
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: September 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](mailto: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/lmaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://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: <http://www.apexnc.org/DocumentCenter/View/36176>.

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





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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17**  
2132 Ten Ten Road

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

**Solicitante:** J National Capital V, LLC.  
**Agente autorizado:** M. Gray Styers, Jr., Fox Rothschild, LLP.  
**Dirección de las propiedad:** 2132 Ten Ten Road  
**Superficie:** ±4.6 acres.  
**Número de identificación de las propiedad:** 0751359861 (portion of)  
**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment  
**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)  
**Ordenamiento territorial propuesto para las propiedad:** Light Industrial-Conditional Zoning (LI-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 septiembre 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](mailto:public.hearing@apexnc.org) o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](https://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/36174>.

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





# TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ17 2132 Ten Ten Road

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

- Applicant:** J National Capital V, LLC.
- Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.
- Property Address:** 2132 Ten Ten Road
- Acreage:** ±4.6 acres
- Property Identification Number (PIN):** 0751359861 (portion of)
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: September 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](mailto: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](http://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/36174>.

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 #21CZ17  
2132 Ten Ten Road

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

**Solicitante:** J National Capital V, LLC.

**Agente autorizado:** M. Gray Styers, Jr., Fox Rothschild, LLP.

**Dirección de las propiedad:** 2132 Ten Ten Road

**Superficie:** ±4.6 acres

**Número de identificación de las propiedad:** 0751359861 (portion of)

**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment

**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)

**Ordenamiento territorial propuesto para las propiedad:** Light Industrial-Conditional Zoning (LI-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 septiembre 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](mailto: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](http://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/36174>.

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





**TOWN OF APEX**

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

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

Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ17  
Ten Ten Business Park  
Project Location: 2132 Ten Ten Road  
Applicant or Authorized Agent: M. Gray Styers, Jr., Fox Rothschild, LLP.

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 August 26, 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.

8/29/2022  
Date

Shane F. Khin  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above

State and County, this the 29 day of August, 202 2.



Joshua Killian  
Notary Public

My Commission Expires: 06/19/2027





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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #21CZ17  
2132 Ten Ten Road

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

- Applicant:** National Capital V, LLC.
- Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.
- Property Address:** 2132 Ten Ten Road
- Acreage:** 24.6 acres
- Property Identification Number (PIN):** 24.6 acres
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> 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: September 27, 2022 6:00 PM**

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

If you are unable to attend, you may provide a written statement by email to [public\\_hearing@apexnc.org](mailto: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.salemnc.gov/imag>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/36176>.

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





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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17  
2132 Ten Ten Road

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

**Solicitante:** J National Capital V, LLC.  
**Agente autorizado:** M. Gray Styers, Jr., Fox Rothschild, LLP.  
**Dirección de las propiedad:** 2132 Ten Ten Road  
**Superficie:** 24.6 acres  
**Número de identificación de las propiedad:** 0751359861 (portion of)  
**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment  
**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)  
**Ordenamiento territorial propuesto para las propiedad:** Light Industrial-Conditional Zoning (LI-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 especificada a continuación.*

**Fecha y hora de la audiencia pública del Consejo Municipal:** 27 de septiembre de 2022 6:00 P.M.  
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](https://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/36174>.

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





## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ17 2132 Ten Ten Road

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

**Applicant:** National Capital V, LLC.

**Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.

**Property Address:** 2132 Ten Ten Road

**Acreage:** ±4.6 acres

**Property Identification Number (PIN):** 0751359861 (portion of)

**2045 Land Use Map Designation:** Industrial Employment

**Existing Zoning of Property:** Residential Agricultural (RA)

**Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> 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: September 27, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto: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](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/36174>.

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 #21CZ17  
2132 Ten Ten Road

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

**Solicitante:** J National Capital V, LLC.

**Agente autorizado:** M. Gray Styers, Jr., Fox Rothschild, LLP.

**Dirección de las propiedad:** 2132 Ten Ten Road

**Superficie:** ±4.6 acres

**Número de identificación de las propiedad:** 0751359861 (portion of)

**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment

**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)

**Ordenamiento territorial propuesto para las propiedad:** Light Industrial-Conditional Zoning (LI-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: 27 de septiembre de 2022 6:00 P.M.**

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto: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](http://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/36174>.

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





**Meridian  
at Ten Ten**

**Avalon Peaks**

**Rezoning #21CZ17**

Public Hearing Sign Posted By

*[Signature]*  
Signature

9/19/21  
Date



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

**Classic Rd**

**Reliance Ave**

**Akebia Way**

**Nasturtium Way**

**Hedera Way**

**Kiftsgate Ln**

**Mandavilla Way**

**Solandra Ln**

**Ten Ten Rd**





**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 #21CZ17  
Ten Ten Business Park  
Project Location: 2132 Ten Ten Road  
Applicant or Authorized Agent: M. Gray Styers, Jr., Fox Rothschild, LLP.

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 September 2, 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.

9/6/2022  
Date

*Sharon F. Khan*  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above  
State and County, this the 6 day of September, 2022.



*Joshua Killian*  
Notary Public

My Commission Expires: 6 / 19 / 2027





# TOWN OF APEX

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

## **CONTINUED** **PUBLIC NOTIFICATION** **OF PUBLIC HEARINGS** **CONDITIONAL ZONING #21CZ17**

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:** National Capital V, LLC.
- Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.
- Property Address:** 2132 Ten Ten Road
- Acreage:** ±4.6 acres
- Property Identification Number (PIN):** 0751359861 (portion of)
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> 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:** ~~September 27~~ **November 8, 2022 6:00 PM**

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

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto: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](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/36174>.

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





## TOWN OF APEX

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

**CONTINUED**

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17

2132 Ten Ten Road

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

**Solicitante:** J National Capital V, LLC.

**Agente autorizado:** M. Gray Styers, Jr., Fox Rothschild, LLP.

**Dirección de las propiedad:** 2132 Ten Ten Road

**Superficie:** ±4.6 acres

**Número de identificación de las propiedad:** 0751359861 (portion of)

**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment

**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)

**Ordenamiento territorial propuesto para las propiedad:** Light Industrial-Conditional Zoning (LI-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:** ~~27 de septiembre~~ **8 de noviembre** de 2022 6:00 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto: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](http://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/36174>.

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

**TOWN OF APEX**  
POST OFFICE BOX 250  
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PHONE 919-249-3426

**CONTINUED**  
**PUBLIC NOTIFICATION**  
**OF PUBLIC HEARINGS**  
**CONDITIONAL ZONING #21CZ17**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.31, 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:** National Capital V, LLC.  
**Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.  
**Property Address:** 2132 Ten Ten Road  
**Acreage:** 4.6 acres  
**Property Identification Number (PIN):** 0751359861 (portion of)  
**2045 Land Use Map Designation:** Industrial Employment  
**Existing Zoning of Property:** Residential Agricultural (RA)  
**Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> 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:** ~~September 29~~ **November 8, 2022 6:00 PM**  
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:  
<https://www.youtube.com/c/TownofApexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto: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.



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.townofapex.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/4176](http://www.apexnc.org/DocumentCenter/View/4176). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/36174>.

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

Published Dates: September 2 - ~~September 29~~ **November 8, 2022**



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

**CONTINUED**  
**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17**  
 2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** J National Capital V, LLC.  
**Agente autorizado:** M. Gray Styers, Jr., Fox Rothschild, LLP.  
**Dirección de las propiedad:** 2132 Ten Ten Road  
**Superficie:** 14.6 acres  
**Número de identificación de las propiedad:** 0751359861 (portion of)  
**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment  
**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)  
**Ordenamiento territorial propuesto para las propiedad:** Light Industrial-Conditional Zoning (LI-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:** 22 de septiembre, 8 de noviembre de 2022 6:00 P.M.  
 Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/t/ncanofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearings@apexnc.org](mailto:public.hearings@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.zillow.com/napex>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <http://www.apexnc.org/DocumentCenter/View/4178>. 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: <http://www.apexnc.org/DocumentCenter/View/36134>.

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

Fechas de publicación: 2 de septiembre - 09 de septiembre 8 de noviembre de 2022