



Winding
Creek
Estates

Red Cardinal Ln

Holland Rd

Old US 1 Hwy

Kirkwood

Rezoning #21CZ05

Friendship Rd

0 250 500
Feet

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

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

Application #: 21CZ05

Submittal Date: March 1, 2021

2045 LUM Amendment: N/A

Fee Paid: \$900.00 Check #6869

Project Information

Project Name: Friendship Storage

Address(es): 0 Friendship Road & 2109 Old US Hwy 1

PIN(s): 0730.19.6547 & 0730.19.7850

Acreage: 9.08

Current Zoning: RR

Proposed Zoning: TF-CZ

Current 2045 LUM Designation: Office Employment / Commercial Services and Office Employment

Proposed 2045 LUM Designation: no change

See next page for LUM Amendment.

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

Area classified as mixed use:

N/A

Acreage: _____

Area proposed as non-residential development:

Acreage: _____

Percent of mixed use area proposed as non-residential:

Percent: _____

Applicant Information

Name: Terco Properties

Address: 6406 McCrimmon Parkway

City: Morrisville

State: NC

Zip: 27560

Phone: 919.608.7879

E-mail: tkugler5@aol.com

Owner Information

Name: Friendship Road LLC / Neverosky, Derek

Address: 6410 McCrimmon Pkwy / 2109 Old US Hwy 1

City: Morrisville / Apex

State: NC / NC

Zip: 27560 / 27502

Phone: -

E-mail: -

Agent Information

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

Address: 1150 SE Maynard Rd Ste 260

City: Cary

State: NC

Zip: 27511

Phone: 919.467.9708

E-mail: bdaniel@wmgda.com

Other contacts: bnichols@wmgda.com

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

Application #: 21CZ05

Submittal Date: March 1, 2021

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

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

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

n/a - no change currently envisioned.

Current 2045 Land Use Classification: _____

Proposed 2045 Land Use Classification: _____

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

PETITION INFORMATION

Application #:

21CZ05

Submittal Date:

March 1, 2021

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

PROPOSED USES:

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

1	<u>Day care facility</u>	21	<u>Office, business or professional</u>
2	<u>Drop-in or short term day care</u>	22	<u>Research facility</u>
3	<u>Government service</u>	23	<u>Artisan Studio</u>
4	<u>Veterinary clinic or hospital</u>	24	<u>Convenience store</u>
5	<u>Vocational school</u>	25	<u>Convenience store with gas sales</u>
6	<u>Recycling collection station (s)</u>	26	<u>Grocery, general</u>
7	<u>Utility, minor</u>	27	<u>Grocery, specialty</u>
8	<u>Wireless support structure</u>	28	<u>Health/fitness center or spa</u>
9	<u>Wireless communication facility</u>	29	<u>Personal service</u>
10	<u>Botanical garden</u>	30	<u>Printing and copying service</u>
11	<u>Entertainment, indoor</u>	31	<u>Real estate sales</u>
12	<u>Greenway</u>	32	<u>Repair services, limited</u>
13	<u>Park, active</u>	33	<u>Retail sales, bulky goods</u>
14	<u>Park, passive</u>	34	<u>Retail sales, general %</u>
15	<u>Youth or day camps</u>	35	<u>Self-service storage</u>
16	<u>Commissary</u>	36	<u>Studio for art</u>
17	<u>Restaurant, general (s)</u>	37	<u>Tailor shop</u>
18	<u>Dispatching office</u>	38	<u>Upholstery shop</u>
19	<u>Medical or dental office or clinic</u>	39	<u>Pet services</u>
20	<u>Medical or dental laboratory</u>	40	<u>Automotive Accessory Sales and Installation</u>

(s) - refers to special use

PETITION INFORMATION

Application #: 21CZ05 Submittal Date: March 1, 2021

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

PROPOSED USES:

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

1	<u>Repair and maintenance, general</u>	21	_____
2	<u>Vehicle inspection center</u>	22	_____
3	<u>Laboratory, industrial research</u>	23	_____
4	<u>Woodworking or cabinet making</u>	24	_____
5	<u>Wholesaling, general</u>	25	_____
6	<u>Manufacturing and processing (s)</u>	26	_____
7	<u>Manufacturing and processing, minor</u>	27	_____
8	<u>Microbrewery</u>	28	_____
9	<u>Microdistillery</u>	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____

(s) - refers to special use

PETITION INFORMATION

Application #:

21CZ05

Submittal Date:

March 1, 2021

PROPOSED CONDITIONS:

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

Please see following pages for conditions and legislative considerations.

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.

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

Friendship Storage Rezoning Petition

05.26.21

Conditions of Rezoning

1. Buffer widths shall not be reduced in exchange for additional RCA as permitted by UDO Sec. 8.1.2C.7.
2. Developer shall employ shielded light options to reduce offsite light pollution.
3. Developer shall install 320 sf of rooftop solar (20 panels).
4. Notwithstanding Apex UDO Supplemental Standards Sections 4.4.5(G)(14)(j) and (n), building height shall be permitted to be up to three (3) stories and forty-eight feet (48') tall.
5. The buffer along the Old US 1 Highway frontage shall be planted to the Type A buffer standard where a nonresidential building is not located between Old US 1 Highway and the self-storage facility.
6. Predominant exterior building materials shall be high quality materials, including brick, wood, stacked stone, or native stone, and tinted/textured concrete masonry units.
7. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
8. The exterior materials for nonresidential buildings shall include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - brick masonry
 - decorative concrete block (either integrally colored or textured)
 - stone accents
 - aluminum storefronts with anodized or pre-finished colors
 - EIFS cornices, and parapet trim. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
 - precast concrete
9. Elevations of nonresidential buildings facing public roadways and public areas within the development will be constructed with similar materials. The rear elevations of nonresidential buildings facing opaque landscape buffers or that are not visible from parking lots or public streets may include decorative concrete masonry, metal coping, or EIFS trim.

Legislative Considerations – Condition Zoning

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 land use categories designated on the 2045 Land Use map for the properties comprising this petition include Commercial Service & Office Employment. The permitted uses within the TF-CZ zoning district are consistent with the purposes, goals, objectives, & policies of the 2045 Land Use Map. The restriction of uses imposed as a condition of the petition enhances the appropriateness of the range of permitted uses in recognition of the character of the abutting land uses. The proposed TF-CZ petition is appropriate for its location and consistent with 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.

The conditions of the requested rezoning related to limitation of use, environmental, and supplement standards of the UDO will ensure the resultant development would be compatible with the abutting residential development and the character of the surrounding area.

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

The uses allowed pursuant to the requested CZ zoning shall, if applicable, fully comply with the Supplemental Zoning Conditions as listed within Section 4.4 of the UDO and/or applicable zoning conditions.

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.

This petition includes conditions that address visual perception of the site (i.e. building height, restrictions on site lighting, and restrictions of uses allowed on the property). Avoidance of potential adverse impacts on surrounding lands would be addressed in the course of site plan review and approval.

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

Development of the properties pursuant to the proposed zoning petition would conform to the requirements of the Town's Design Standards & UDO, thereby ensuring the minimization of potential impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources. Furthermore, the environmental advisory board has suggested conditions in this regard which have been incorporated into this rezoning petition. By adherence to these conditions, exceptional environmental practices that will exceed the Town's standards will be achieved.

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

The uses allowed within the proposed zoning district do not include residential uses, thereby minimizing impacts upon schools, parks, and municipal services attributable to increase residential population. Other impacts, such as those related to traffic generation are effectively addressed through the restriction of permitted uses. Adequacy of water and wastewater facilities would be addressed during the Town's development review process once specific uses for the properties have been identified and a site plan for those uses have been prepared and submitted to the Town.

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 would accommodate commercial development rather than residential development. Commercial development would enhance the Town's tax base and result in a positive impact upon the overall welfare of the Town and its residents. Other uses related to health, safety, and welfare associated with specific uses would address through the Town's development review process once a site plan (with specific use) has been prepared and submitted to the Town.

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

The conditions of the requested rezoning related to limitation of uses, environmental, and supplemental standards of the UDO will ensure the resultant development would be compatible with the abutting residential development and character of the surrounding area. This would ensure that the proposed development would not be detrimental to adjacent properties.

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

The range of permitted uses is restricted by conditions offered as part of the rezoning petition in order to eliminate those uses that would be regarded as a nuisance or hazard. Potential impacts due to traffic generation, noise, or congestion can be assessed only after a specific use or combination of specific uses has been determined. Such potential impacts would addressed through the Town's development review process.

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.

Notwithstanding Apex UDO Supplemental Standards Sections 4.4.5(G)(14)(j) and (n), building height shall be permitted to be up to three (3) stories and forty-eight feet (48') tall.

Any development pursuant to the requested petition would comply with all applicable regulations of the Town (and imposed conditions) related to use, layout, and general development characteristics.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERSApplication #: 21CZ05Submittal Date: March 1, 2021

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

	Owner's Name	PIN
1.	MCCLAMB, WALTER J	0730098773
2.	STROUP, BILLY E STROUP, ANNIE	0730190468
3.	FRIENDSHIP ROAD LLC	0730196547
4.	NEVEROSKY, DEREK A	0730197850
5.	EVANS, CASWELL A JR TRUSTEE EVANS, ARLENE G TRUSTE	0730283851
6.	SEARS, STACEY WADE SEARS, GINNY HOLLAND	0730292828
7.	DALMASSO, JOSEPH P TRUSTEE DALMASSO, WILLIAM TIMO	0730298743
8.	LIN, VICKY KU LIN, JEN CHING	0731102019
9.	SEARS, ROBERT LARRY	0731107055
10.	SEARS, OSCAR FINCH	0731107868
11.	CAMP, BELINDA S	0731200492
12.	SEARS, OSCAR FINCH	0731201214
13.	SEARS, OSCAR FINCH	0731202357
14.	SEARS, ROBERT LARRY	0730083421
15.	KELLY, JOYCE	0730093122

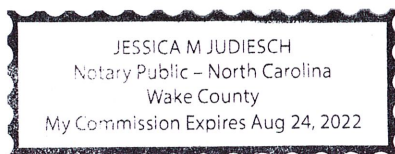
I, WILLIAM G. DANIEL, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 6/1/2021By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Jessica M. Judiesch, a Notary Public for the above State and County, on this the 1st day of June, 2021.

SEAL



[Signature]
Notary Public
Jessica M. Judiesch
Print Name

My Commission Expires: 8/24/2022

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERSApplication #: 21CZ05Submittal Date: March 1, 2021

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

	Owner's Name	PIN
1.	DOWNTOWN FRIENDSHIP LLC	0730096271
2.	LAWRENCE, KEVIN LOUIS LAWRENCE, TAMMY DENTON	0730181939
3.		
4.		
5.		
6.		
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10.		
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12.		
13.		
14.		
15.		

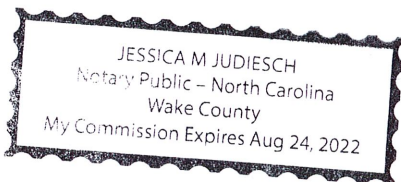
I, WILLIAM G. DANIEL, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 6/1/2021By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Jessica M. Judiesch, a Notary Public for the above State and County, on this the 1st day of June, 2021.

SEAL



[Signature]
Notary Public
Jessica M. Judiesch
Print Name

My Commission Expires: 8/24/2022

AGENT AUTHORIZATION FORM

Application #: 21CZ05

Submittal Date: March 1, 2021

Friendship Road 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: 0 Friendship Road

The agent for this project is: William G. Daniel & Associates, P.A.

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

Agent Name: William Daniel

Address: 1150 SE Maynard Road Suite 260 Cary NC 27511

Telephone Number: 919.467.9708

E-Mail Address: bdaniel@wmgda.com

Signature(s) of Owner(s)*

Joseph D. Kaya
Joseph D. Kaya
Type or print name

5/20/21
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: 21CZ05Submittal Date: March 1, 2021

The undersigned, Friendship Road LLC (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 0 Friendship Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 03/26/2021, and recorded in the Wake County Register of Deeds Office on 03/26/2021, in Book 18419 Page 1790.
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 03/26/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 03/26/21, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

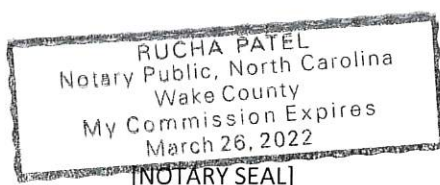
This the 26 day of May, 2021.

Joseph D. Kugler 5/26/21 (seal)
Joseph D. Kugler
 Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Friendship Road LLC, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Joseph Daniel Kugler personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Rucha Patel
 Notary Public
 State of North Carolina
 My Commission Expires: March 26, 2022

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ05

Submittal Date: March 1, 2021

Insert legal description below.


PIN: 0730196547

FRIENDSHIP ROAD, LLC

BEGINNING AT AN IRON PIPE, THE NORTHEAST CORNER OF THE TRACT DESCRIBED HEREIN AND THE SOUTHEAST CORNER OF THE NOW OR FORMERLY DEREK K. NEVEROSKY PROPERTY AS RECORDED IN DEED BOOK 14121 PAGE 955 IN THE OFFICE OF THE WAKE COUNTY REGISTER OF DEEDS, RUNS THENCE SOUTH 00 DEGREES 05 MINUTES 51 SECONDS EAST FOR DISTANCE OF 116.26 FEET TO AN IRON PIPE ON THE NORTHERN RIGHT-OF-WAY OF THE CSX RAILROAD (FORMERLY SEABOARD COASTLINE RAILROAD); RUNS THENCE ALONG THE SAID RIGHT-OF-WAY SOUTH 65 DEGREES 00 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 882.00 FEET TO AN IRON PIPE. THENCE CONTINUING ALONG THE SAID RAILROAD RIGHT-OF-WAY SOUTH 65 DEGREES 00 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 419.06 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY OF FRIENDSHIP ROAD. THENCE LEAVING THE SAID RAILROAD RIGHT-OF-WAY ALONG THE EASTERN RIGHT-OF-WAY OF FRIENDSHIP ROAD THE FOLLOWING FOUR BEARINGS AND DISTANCES: NORTH 24 DEGREES 22 MINUTES 14 SECONDS WEST FOR 41.07 FEET, NORTH 18 DEGREES 58 MINUTES 54 SECONDS WEST FOR 95.92 FEET, NORTH 16 DEGREES 34 MINUTES 34 SECONDS WEST FOR 94.86 FEET, AND NORTH 15 DEGREES 40 MINUTES 54 SECONDS WEST FOR 37.03 FEET TO AN EXISTING IRON PIPE MARKING THE SOUTHWEST CORNER OF THE BILLY E STROUP AND ANNIE STROUP PROPERTY. THENCE LEAVING THE RIGHT-OF-WAY OF FRIENDSHIP ROAD, ALONG THE COMMON LINE WITH BILLY E STROUP AND ANNIE STROUP NORTH 77 DEGREES 37 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 496.17 FEET TO THE SOUTHEAST CORNER OF THE STROUP PROPERTY. THENCE NORTH 06 DEGREES 04 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 178.20 FEET TO THE SOUTHWEST CORNER OF THE DEREK A. NEVEROSKY PROPERTY. THENCE ALONG NEVEROSKY'S SOUTHERN LINE NORTH 80 DEGREES 28 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 771.38 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 6.47 ACRES AS SHOWN ON THE RECOMBINATION PLAT, NEW LOT 2, AS RECORDED IN BOOK OF MAPS 2018 PAGE 734 IN THE WAKE COUNTY REGISTER OF DEEDS.

THE PROPERTY HEREINABOVE DESCRIBED WAS ACQUIRED BY GRANTOR IN DEED BOOK 16457 PAGE 598 AND DEED BOOK 17107 PAGE 821, WAKE COUNTY REGISTER OF DEEDS.

Colleen C. Jewell



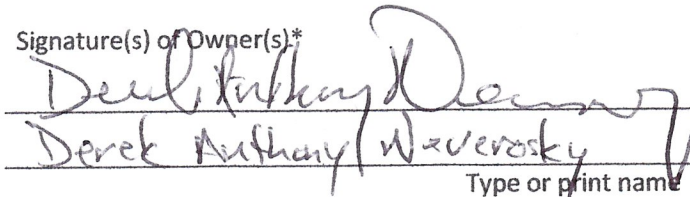
AGENT AUTHORIZATION FORMApplication #: 21CZ05Submittal Date: March 1, 2021

Neverosky, Derek A 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: 2109 Old US Hwy 1The agent for this project is: William G. Daniel & Associates, P.A.☐ I am the owner of the property and will be acting as my own agentAgent Name: William DanielAddress: 1150 SE Maynard Road Suite 260 Cary NC 27511Telephone Number: 919.467.9708E-Mail Address: bdaniel@wmgda.com

Signature(s) of Owner(s):*


Derek Anthony Neverosky

Type or print name

2/10/2021

Date


Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ05

Submittal Date: March 1, 2021

The undersigned, Neverosky, Derek A (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 2109 Old US Hwy 1 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 10/20/2010, and recorded in the Wake County Register of Deeds Office on 10/20/2010, in Book 14121 Page 955.
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 10/20/2010, 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 10/20/2010, 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 10 day of February, 2021.

(seal)

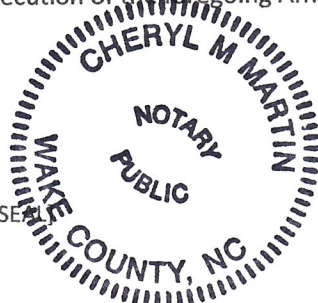
Derek Anthony Neverosky

Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Wake

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



[NOTARY SEAL]

Cheryl M. Martin

Notary Public

State of North Carolina

My Commission Expires: 11-14-2021

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ05

Submittal Date: March 1, 2021

Insert legal description below.

PIN: 0730197850

BEGINNING at an iron stake, the southeast corner for Charlie Morrison, bearing North Carolina Grid Coordinates of Y=709,571.758 and X=2,031,261.269 and runs thence North 06 degrees 04 minutes 59 seconds East 98.39 feet to an iron stake in the southern right of way of S. R. 1011 (Old U. S. Highway 1); thence North 71 degrees 06 minutes 45 seconds East with the southern right of way of S. R. 1011 (Old U. S. Highway 1) 719.43 feet to a stake; thence South 18 degrees 55 minutes 40 seconds East 214.60 feet to an iron stake; a corner for Mamie Evans and others; thence South 80 degrees 28 minutes 10 seconds West 771.38 feet to the point and place of BEGINNING, containing 2.611 acres and being all of Tract 6A, according to map entitled "Property of Annie M. Sears Heirs" by Smith and Smith Surveyors, dated January, 1974, and recorded in Book of Maps 1974, Page 89, Wake County Registry.

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.

02.10.2021

Date

Dear Neighbor:

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

0 Friendship Road & 2109 Old US Hwy 1

0730.19.6547 & 0730.19.7850

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. 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="radio"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="radio"/>	Major Site Plan	Town Council (QJPH*)
<input type="radio"/>	Special Use Permit	Town Council (QJPH*)
<input type="radio"/>	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)):

This meeting is to discuss the proposal to rezone properties

to Tech Flex (TF) from Rural Residential (RR)

Estimated submittal date: 03.01.2021

MEETING INFORMATION:

Property Owner(s) name(s): Cool Pools NC LLC & Neverosky, Derek A

Applicant(s): William G. Daniel & Associates, P.A.

Contact information (email/phone): bdaniel@wmgda.com / 919.467.9708

Electronic Meeting invitation/call in info: via Teams Meeting website link: bit.ly/friendshipmtg022521 call in: 1.469.998.7564 , id: 26013647#

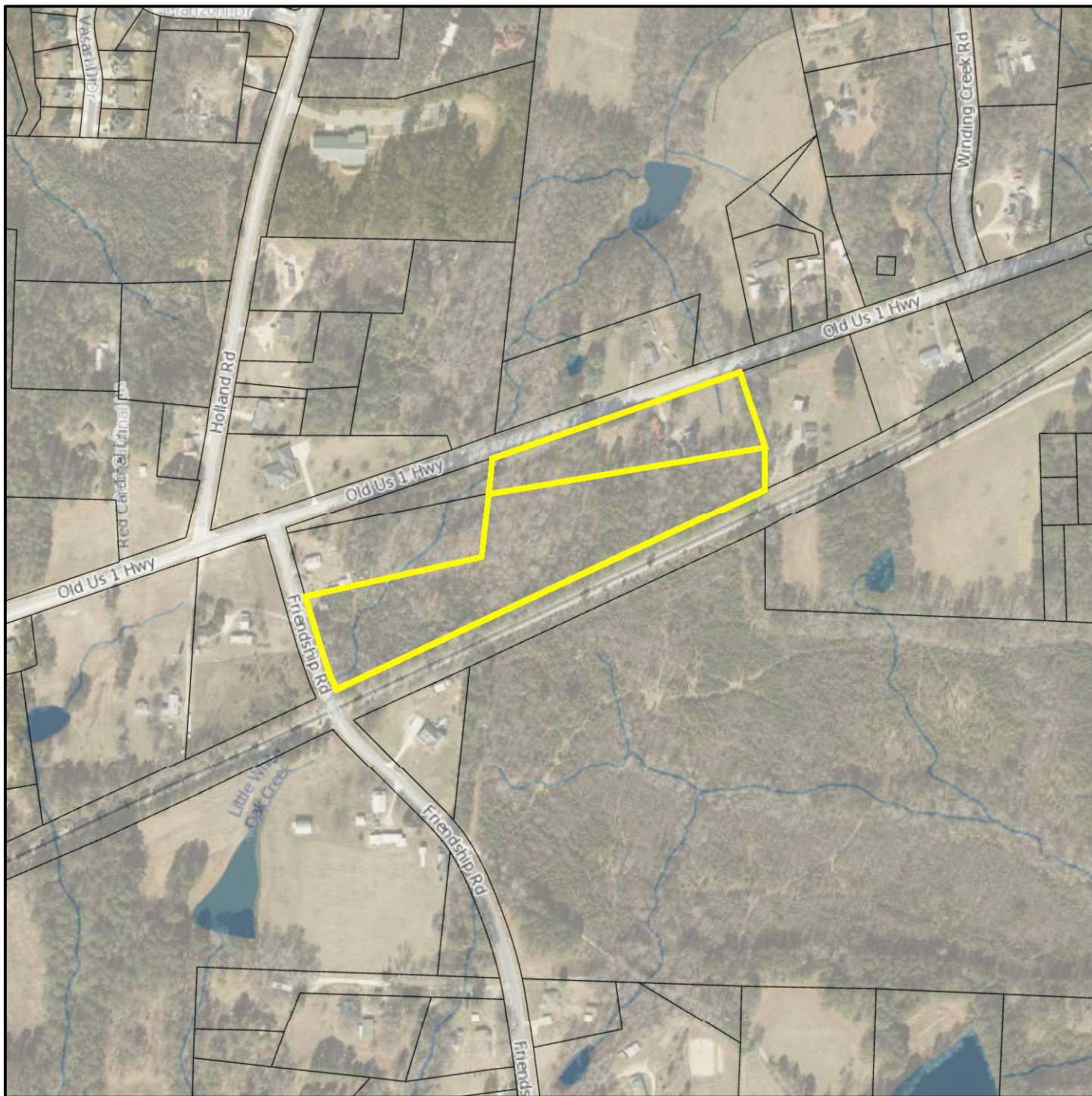
Date of meeting**: February 25, 2021

Time of meeting**: 5:00 - 7:00

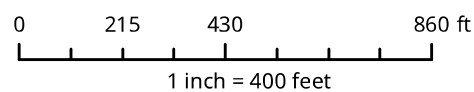
MEETING AGENDA TIMES:

Welcome: 5:00 Project Presentation: 5:05 Question & Answer: 5:15

**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>.



Vicinity Map



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



EXISTING ZONING

Zoning Districts

See UDO Article 3 for details

B1	Neighborhood Business
B2	Downtown Business
CB	Conservation Buffer
HDMF	High Density Multi-Family Residential
HDSF	High Density Single-Family Residential
MD	Medium Density Residential
LD	Low Density Residential
LI	Light Industrial
MEC	Major Employment Center
MH	Manufactured Housing Residential
MHP	Mobile Home Park
MORR	Mixed Office-Residential-Retail
O&I	Office and Institutional
PC	Planned Commercial
PUD	Planned Unit Development
SD	Sustainable Development
TF	Tech/Flex
RA	Residential Agricultural
RR	Rural Residential
TND	Traditional Neighborhood District
-CU	Conditional Use
-CZ	Conditional Zoning

PROJECT CONTACT INFORMATION

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Development Contacts:

Project Name: Friendship Storage Zoning: RR

Location: 0 Friendship Road & 2109 Old US Hwy 1

Property PIN(s): 0730.19.6547 & 0730.19.7850 Acreage/Square Feet: ±9.09

Property Owner: Cool Pools NC LLC & Neverosky, Derek A

Address: 0 Friendship Road & 2109 Old US Hwy 1

City: Apex State: NC Zip: 27502

Phone: - Email: -

Developer: Terco Properties

Address: 6406 McCrimmon Parkway

City: Morrisville State: NC Zip: 27560

Phone: 919.608.7879 Fax: - Email: tkugler5@aol.com

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

Address: 1150 SE Maynard Rd Ste 260

City: Cary State: NC Zip: 27511

Phone: 919.467.9708 Fax: 919.460.7585 Email: bdaniel@wmgda.com

Builder (if known): not yet determined

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) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

INVITATIONS SENT TO THE FOLLOW:

MCCLAMB, WALTER J
PO BOX 243
APEX NC 27502-0243

CAMP, BELINDA S
2008 OLD US 1 HWY
APEX NC 27502-7767

STROUP, BILLY E STROUP, ANNIE
1924 OLD US 1 HWY # 1S
APEX NC 27502-7765

SEARS, OSCAR FINCH
2008 OLD US 1 HWY
APEX NC 27502-7767

COOL POOLS NC LLC
2300 OLD US 1 HWY
APEX NC 27502-8409

KELLY, JOYCE
2217 OLD US 1 HWY
APEX NC 27502-8408

NEVEROSKY, DEREK A
2109 OLD US 1 HWY
APEX NC 27502-7770

LAWRENCE, KEVIN LOUIS
LAWRENCE, TAMMY DENTON
3021 FRIENDSHIP RD
APEX NC 27502-8717

EVANS, CASWELL A JR TRUSTEE
EVANS, ARLENE G TRUSTEE
15107 ANITA LN
LAKESIDE MI 49116-9720

TOWN OF APEX
PLANNING DEPARTMENT
PO BOX 250
APEX NC 27502

SEARS, STACEY WADE
SEARS, GINNY HOLLAND
301 S SALEM ST
APEX NC 27502-2531

DALMASSO, JOSEPH P TRUSTEE
DALMASSO, WILLIAM
TIMOTHY TRUSTEE
7141 MEADOW GATE DR
APEX NC 27502-8768

LIN, VICKY KU LIN, JEN CHING
3101 FOX SHADOW DR
APEX NC 27502-8770

SEARS, ROBERT LARRY
2108 OLD US 1 HWY
APEX NC 27502-7769

SEARS, OSCAR FINCH
2804 HOLLAND RD
APEX NC 27502-9150

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: Microsoft Teams

Date of meeting: February 25, 2021 Time of meeting: 5:00 - 7:00

Property Owner(s) name(s): Cool Pools NC LLC & Neverosky, Derek A

Applicant(s): Terco Properties

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.	Please see attached				
2.	sheet for list of attendees				
3.	of Microsoft Teams Meeting				
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

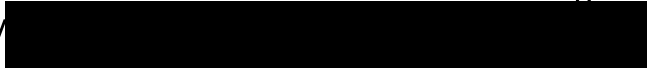
Use additional sheets, if necessary.

Attendee List from Microsoft Teams Neighborhood Meeting 02.25.21

Full Name		User Action	Timestamp
Brian Nichols		Joined	2/25/2021, 4:47:55 PM
William Daniel		Joined	2/25/2021, 4:55:16 PM
+1 919-335-2147	unknown	Joined	2/25/2021, 4:55:48 PM
+1 919-335-2147		Left	2/25/2021, 5:14:23 PM
+1 919-362-8048	Larry Sears rep	Joined	2/25/2021, 4:57:45 PM
+1 919-362-8048		Left	2/25/2021, 5:13:59 PM
+1 919-801-4066	Robert Sears	Joined	2/25/2021, 5:18:41 PM
+1 919-801-4066		Left	2/25/2021, 5:29:33 PM

Arlene Evan called in to inquire 02.26.21

We explained all that was covered in n'hood meeting. She requested plans and updates.

Arlene Evans / 

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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Property Owner(s) name(s): Cool Pools NC LLC & Neverosky, Derek A

Applicant(s): William G Daniel & Associates, P.A.

Contact information (email/phone): bdaniel@wmgda.com / 919.467.9708

Meeting Format: Microsoft Teams

Date of meeting: February 25, 2021 Time of meeting: 5:00 - 7:00

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:

it was pointed out that the back tract was wetlands and very wet all the time

Applicant's Response:

Acknowledged that it was wet and there were areas of wetlands that we would be working around
but the entire parcel is not consumed with wetlands.

Question/Concern #2:

Attendee has called Planning Board to voice opposition to the self storage use proposed with
this rezoning. Doesn't think self storage is proper coming into Apex

Applicant's Response:

Noted.

Question/Concern #3:

Will this rezoning change any zoning on my property?

Applicant's Response:

No. This rezoning petition is specific to the two subject parcels. If you wanted to change your
parcel's zoning you would need to submit a rezoning application and go through the process
just as we are.

Question/Concern #4:

Would we be able to see the storage facility?

Applicant's Response:

We anticipate a 30' buffer along US Hwy 1 that would offers some shielding of view. But, there to
say you wouldn't be able to see it isn't correct. There, at least, would be a break at the entrance drive.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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Question/Concern #1:

Called in to voice that he and others were not supportive of a self storage use. Doesn't think its the right image to give for a main road into Apex. Thought more of a store business was appropriate.

Applicant's Response:

Noted. We explained there would be some buffering along the road and that the stoage would be to the rear of the property. We envision retail being at the front of the site.

Question/Concern #2:

Traffic in the area is a concern. This bit of area is largely single family homes and it's already a busier street than ever before.

Applicant's Response:

Noted. We could better address that at time of site plan submittal. But, a self storage facility is one of the lowest generators of traffic. So, that use would be favorable to your point.
The retail component is not a lowest generator of traffic.

Question/Concern #3:

Reiterated that he and others property owners in the immediate area were not supportive.

Applicant's Response:

Noted.

Question/Concern #4:

Arlene Evans called in for a summary of the meeting she was unable to attend. She confirmed her parcel was not part of the rezoning and asked what the general support level was of the neighbors.

Applicant's Response:

Confirmed that her parcel was not included. Ran through the introduction of the proposal for her.
Also shared the attendees' comments/concerns.

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, William Daniel, 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 Microsoft Teams (indicate format of meeting) on February 25, 2021 (date) from 5:00 (start time) to 7:00 (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.

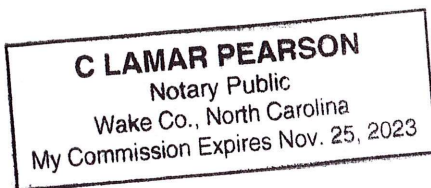
2/26/2021
Date

By: William Daniel

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, C Lamar Pearson, a Notary Public for the above State and County, on this the 26th day of February, 2021.

SEAL



C Lamar Pearson
Notary Public
C Lamar Pearson
Print Name

My Commission Expires: 11/25/2023