

## STAFF REPORT

### Rezoning #23CZ24 1405 and 1407 Zeno Rd

August 27, 2024 Town Council Meeting



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

#### **BACKGROUND INFORMATION:**

**Location:** 1405 and 1407 Zeno Road  
**Applicant/Owner:** Michael Birch, Longleaf Law Partners

#### **PROJECT DESCRIPTION:**

**Acreage:** ± 3.08  
**PIN:** 0732836597 and 0732834782  
**Current Zoning:** Residential Agricultural (RA)  
**Proposed Zoning:** Office & Institutional-Conditional Zoning (O&I-CZ)  
**2045 Land Use Map:** Office Employment/Commercial Services  
**Town Limits:** ETJ

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

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Office & Institutional-Conditional Use (O&I-CU #06CU15) (O&I-CU #99CU19)	Zeno Road Hospital (WakeMed Apex) Vacant
<b>South:</b>	Residential Agricultural (RA)	Single-family residential
<b>East:</b>	Office & Institutional-Conditional Use (O&I-CU #00CU01)	Assisted Living (Peak Rehabilitation Hospital)
<b>West:</b>	Residential Agricultural (RA)	Single-family residential

#### **Existing Conditions:**

The properties to be rezoned are located along Zeno Rd and are adjacent to the Peak Rehabilitation facility. These two properties currently have single family homes.

#### **Neighborhood Meeting:**

The applicant conducted two neighborhood meetings on November 29, 2023 and January 31, 2024. Both neighborhood meeting reports are attached.

#### **2045 Land Use Map:**

The 2045 Land Use Map classifies the subject properties as Office Employment/Commercial Services. The proposed rezoning to Office & Institutional-Conditional Zoning (O&I-CZ) is consistent with that land use classification.

#### **PROPOSED ZONING CONDITIONS:**

##### **Limitation of 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

## STAFF REPORT

Rezoning #23CZ24 1405 and 1407 Zeno Rd

August 27, 2024 Town Council Meeting



### Permitted Uses and Limitations:

- |                                       |                                 |
|---------------------------------------|---------------------------------|
| 1. Medical or dental office or clinic | 6. Real estate sales            |
| 2. Medical or dental laboratory       | 7. Health/fitness center or spa |
| 3. Office, business or professional   | 8. Barber or beauty shop        |
| 4. Pharmacy %                         | 9. Tailor shop                  |
| 5. Personal service %                 | 10. Restaurant, general %       |

### Conditions:

1. The project shall comply with the following architectural conditions
  - a. The predominant exterior building materials shall be high quality materials, including:
    - i. Brick masonry;
    - ii. Decorative concrete block (either integrally colored or textured);
    - iii. Stone accents;
    - iv. Aluminum storefronts with anodized or pre-finished colors;
    - v. EIFS cornices, and parapet trim; and/or
    - vi. Precast concrete
  - b. EIFS or synthetic stucco shall not be used in the first forty (40) inches above grade.
  - c. The building exterior shall have more than one material color.
  - d. The building shall have more than one parapet height.
  - e. The main entrance to the building shall be emphasized.
  - f. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.
2. Post development peak runoff shall not exceed pre-development peak runoff for the 24- hour, 1- year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.
3. The project shall install a minimum of 1 Low Impact Development Techniques as defined and approved by the NC Department of Environmental Quality. The specific type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.
4. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of 50% of the species selected shall be nativar or a native of North Carolina.
5. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.
6. To reduce irrigation requirements, the project shall select and plant only warm season grasses.
7. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.
8. The project shall provide no less than 2 electric vehicle charging spaces.
9. The exterior lighting for all commercial buildings and parking lots will consist entirely of LED fixtures.
10. On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least 0.5 footcandles lower than the UDO requires.
11. The project shall provide for a vehicular access easement to the south for future access to Olive Chapel Road, subject to Apex engineering staff review and approval at the time of site plan submittal.
12. Each building constructed with heated floor area shall be pre-configured with conduit for solar PV systems.

## STAFF REPORT

### Rezoning #23CZ24 1405 and 1407 Zeno Rd

August 12, 2024 Planning Board Meeting



13. Site development of the rezoned land shall construct frontage widening along Zeno Road based on a 3-lane 41' back-to-back curb and gutter roadway with shared access to Zeno Road located approximately 350 feet west of Healthplex Way and stub to the western property boundary aligned with a future extension of Grande Maison Drive, subject to Apex engineering staff review and approval at the time of site plan submittal.

#### ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on January 18, 2024. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
50% of replantings shall be with native plants	Not Added
A solar PV system shall be constructed in each building on the property, each with a 6 capacity of at least 2kW per 1,000 square feet of heated area	Not Added

#### PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #23CZ24 with the conditions as offered by the applicant.

#### PLANNING STAFF RECOMMENDATION:

Planning Board held a public hearing at their meeting held on August 12, 2024. The Planning Board unanimously voted to recommend approval of Rezoning Case #23CZ24 1405 & 1407 Zeno Road with the conditions as presented 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:

The 2045 Land Use Map classifies the subject properties as Office Employment/Commercial Services. The proposed rezoning Office and Institutional-Conditional Zoning (O&I-CZ) is consistent with that land use classification.

The proposed rezoning is reasonable and in the public interest because the proposed zoning conditions will allow complimentary development adjacent to existing healthcare facilities while also providing provisions for future access to adjacent properties to the west and south.

#### CONDITIONAL ZONING STANDARDS:

The Planning Board shall find the O&I-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

**Legislative Considerations**

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

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



Promenade at  
Beaver Creek

Rezoning #23CZ24

Olive Chapel  
Park, Phase 2

WakeMed Apex  
Healthplex

Caley Rd

Grande Chateau Ln

Grande Maison Dr

Alsace Dr

Monaco Ter

Olive  
Chapel  
Park

Pierre Pl

Healthplex Way

Zeno Rd

Apex Parkway

Lifepoint

Olive Chapel Rd

Olive Chapel  
Village

Coastal Federal  
Credit Union

Cameron Park

0 200 400  
Feet



## 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 #: 23CZ24

Submittal Date: 12/1/2023

Fee Paid: \_\_\_\_\_

### Project Information

Project Name: Zeno Road Rezoning

Address(es): 1405 and 1407 Zeno Road

PIN(s): 0732836597 and 0732834782

Acreage: 3.08 AC

Current Zoning: RA - Residential Agricultural Proposed Zoning: O&I-CZ - Office and Institutional with Conditions

Current 2045 LUM Classification(s): Office Employment & Commercial Services

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: East West Partners Management Co - Contact Lee Perry, Senior Managing Partner

Address: 1450 Environ Way

City: Chapel Hill State: NC Zip: 27517

Phone: 919-929-0660 E-mail: LPerry@ewpnc.com

### Owner Information

Name: Phillip D and Martha N Fonville (1405 Zeno Rd); and Philip Alan Myers (1407 Zeno Rd)

Address: For Fonvillee - PO Box 1751; and For Myers - 1407 Zeno Rd

City: Apex State: NC Zip: 27502

Phone: Fonville 919-527-9152; Myers 919-616-2040 E-mail: pfonville2@gmail.com; pmyers@bellsouth.net

### Agent Information

Name: Michael Birch, Longleaf Law Partners

Address: 4509 Creedmoor Road, Suite 302

City: Raleigh State: NC Zip: 27612

Phone: 919-645-4317 E-mail: mbirch@longleaflp.com

Other contacts: BGE, Inc. - Contact Bob Zumwalt

5440 Wake Park Blvd., Suite 102

Raleigh, NC 27607

919-276-0111; bzumwalt@bgeinc.com

## PETITION INFORMATION

Application #: **23CZ24** Submittal Date: **June 27, 2024**

## PROPOSED CONDITIONS:

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

See attached.

## LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The subject parcels are designated as Office Employment and Commercial Services on the 2045 Land Use Map, which encourages professional, managerial, administrative and commercial land uses such as the medical business and professional office uses, and other commercial uses proposed here. These proposed uses will provide services to the residents of Apex and the greater region, and further provide employment opportunities to Town residents.

The O&I Zoning District is a recommended allowable zoning district for the Office Employment land use category within the 2045 Land Use Map. The immediately-adjacent parcels to the subject parcels are also designated as Office Employment and Commercial Services on the 2045 Land Use Map, so the proposed change from RA to O&I on the subject parcels is compatible with the future land use designations on the surrounding parcels as well.

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 subject parcels are located with O&I-zoned lands to their immediate east and north, with RA-zoned lands to their south and northwest; and with a PUD residential neighborhood to its west. Given the close proximity of the WakeMed Apex Healthplex located across Zeno Road from the subject parcels, which is also zoned O&I, this proposed rezoning of 1405 and 1407 Zeno Road to O&I is compatible with the surrounding area, and further will provide medical/dental and professional offices that will correspondence to and be harmonious with the existing WakeMed facilities.

## PETITION INFORMATION

Application #: 23CZ24 Submittal Date: June 27, 2024

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

The proposed use will comply with all standards set forth in Sec. 4.4.5. "Commercial Uses", if applicable.

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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.

The proposed use will be designed to minimize adverse effects to surrounding properties such as visual impacts, traffic, and other impacts.

The proposed uses on the subject parcels are medical, dental, business and professional offices, and other commercial uses, which are not intended to have hours of operation that extend into the late evening hours, and therefore, will not have an adverse impact on surrounding areas.

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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.

The proposed rezoning will not adversely impact the natural environment. Instead, the proposed use will be located within property that the Town has designated for future office, institutional or commercial development, and will not be located within any lands the Town has designated for conservation or recreational purposes.

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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.

The proposed rezoning will not adversely impact the Town's provision of services. The proposed uses are to be

located on lands the Town has specifically identified on the 2045 Land Use Map as appropriate for medical, dental, business and professional offices, and commercial uses.

Therefore, the Town has anticipated this type of use on these lots with respect to level of service requirements. The proposed use further does not include a residential use, and therefore, there is no impact to school and park facilities due to the location of permanent residents.

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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.

The proposed rezoning advances the public health, safety and welfare because it provides additional healthcare, professional and business services to residents within the Town and the surrounding areas, and further will facilitate the redevelopment of under-utilized properties classified for future office/institutional and commercial uses that are located adjacent to an existing medical facility.

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## PETITION INFORMATION

Application #: 23CZ24 Submittal Date: June 27, 2024

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

The proposed use will not cause a substantial detriment to adjacent properties. The proposed medical, dental, business and professional offices and other commercial uses will be complimentary to the existing WakeMed Apex Healthplex located across Zeno Road, and further will be a maximum height of three stories to minimize impacts on adjacent residential 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 proposed use will not constitute a nuisance or hazard. The proposed medical, dental, business and professional offices and other commercial uses are intended to have normal business hours of operation, and are not intended to operate into the late-evening hours. Further, the proposed use will comply with the Town of Apex standards with respect to traffic ingress/egress, so as not to constitute a nuisance or hazard to vehicles and/or pedestrians.

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

The proposed rezoning is consistent with the Town's 2045 Land Use Map and the Town's vision for this Office/Institutional/Commercial section of development along Zeno Road. Further, the proposed rezoning is intended to locate a medical, dental, business and professional office and other commercial uses on the subject parcels that is compatible and harmonious with the existing WakeMed Apex Healthplex, and therefore, is consistent with the general development characteristics of the area.

1405 & 1407 ZENO ROAD

BEGINNING AT AN IRON PIPE SET AT THE NORTH EASTERN CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 3424 PAGE 715 RECORDED IN THE WAKE COUNTY REGISTER OF DEEDS, SAID IRON PIPE ALSO BEING ON THE SOUTHERN RIGHT OF WAY OF ZENO ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY) AND HAVING NORTH CAROLINA GRID COORDINATES OF N:723,633.56, E: 2,038,842.16 (NAD 83/2011), THENCE LEAVING THE SOUTHERN RIGHT OF WAY SOUTH 02° 19' 20" WEST FOR A DISTANCE OF 222.34 FEET TO AN EXISTING REBAR, THENCE NORTH 66° 45' 59" WEST FOR A DISTANCE OF 378.23 FEET TO AN EXISTING IRON PIPE, THENCE NORTH 66° 45' 59" WEST FOR A DISTANCE OF 235.00 FEET TO AN IRON PIPE SET, THENCE NORTH 49° 21' 24" EAST FOR A DISTANCE OF 385.11 FEET TO AN IRON PIPE SET ON THE SOUTHERN RIGHT OF WAY OF ZENO ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY), THENCE WITH THE SOUTHERN RIGHT OF WAY SOUTH 39° 33' 56" EAST FOR A DISTANCE OF 99.77 FEET TO AN IRON PIPE SET, THENCE SOUTH 41° 45' 29" EAST FOR A DISTANCE OF 100.90 FEET TO AN IRON PIPE SET, THENCE SOUTH 49° 17' 05" EAST FOR A DISTANCE OF 104.14 FEET TO AN IRON PIPE SET, THENCE SOUTH 54° 26' 25" EAST A DISTANCE OF 86.80 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 3.08 ACRES, MORE OR LESS.

**PETITION INFORMATION**

Application #:

**23CZ24**

Submittal Date:

**12/1/2023**

An application has been duly filed requesting that the property described in this application be rezoned from RA to O&I-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>Medical or Dental Office or Clinic</u>	21	<u></u>
2	<u>Medical or Dental Laboratory</u>	22	<u></u>
3	<u>Office, Business or Professional</u>	23	<u></u>
4	<u>Pharmacy (%)</u>	24	<u></u>
5	<u>Personal Service (%)</u>	25	<u></u>
6	<u>Real Estate Sales</u>	26	<u></u>
7	<u>Health/Fitness Center or Spa</u>	27	<u></u>
8	<u>Barber or Beauty Shop</u>	28	<u></u>
9	<u>Tailor Shop</u>	29	<u></u>
10	<u>Restaurant, general (%)</u>	30	<u></u>
11	<u></u>	31	<u></u>
12	<u></u>	32	<u></u>
13	<u></u>	33	<u></u>
14	<u></u>	34	<u></u>
15	<u></u>	35	<u></u>
16	<u></u>	36	<u></u>
17	<u></u>	37	<u></u>
18	<u></u>	38	<u></u>
19	<u></u>	39	<u></u>
20	<u></u>	40	<u></u>



**Rezoning #23CZ24 – 1405 and 1407 Zeno Road Rezoning  
Resubmittal Dated 7/25/24**

Proposed Zoning Conditions:

1. The project shall comply with the following architectural conditions:
  - a. The predominant exterior building materials shall be high quality materials, including:
    - i. Brick masonry;
    - ii. Decorative concrete block (either integrally colored or textured);
    - iii. Stone accents;
    - iv. Aluminum storefronts with anodized or pre-finished colors;
    - v. EIFS cornices, and parapet trim; and/or
    - vi. Precast concrete
  - b. EIFS or synthetic stucco shall not be used in the first forty (40) inches above grade.
  - c. The building exterior shall have more than one material color.
  - d. The building shall have more than one parapet height.
  - e. The main entrance to the building shall be emphasized.
  - f. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.
2. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.
3. The project shall install a minimum of 1 Low Impact Development Techniques as defined and approved by the NC Department of Environmental Quality. The specific type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.
4. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of 50% of the species selected shall be nativar or a native of North Carolina.
5. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.
6. To reduce irrigation requirements, the project shall select and plant only warm season grasses.
7. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.

8. The project shall provide no less than 2 electric vehicle charging spaces.
9. The exterior lighting for all commercial buildings and parking lots will consist entirely of LED fixtures.
10. On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least 0.5 footcandles lower than the UDO requires.
11. The project shall provide for a vehicular access easement to the south for future access to Olive Chapel Road, subject to Apex engineering staff review and approval at the time of site plan submittal.
12. Each building constructed with heated floor area shall be pre-configured with conduit for solar PV systems.
13. Site development of the rezoned land shall construct frontage widening along Zeno Road based on a 3-lane 41' back-to-back curb and gutter roadway with shared access to Zeno Road located approximately 350 feet west of Healthplex Way and stub to the western property boundary aligned with a future extension of Grande Maison Drive, subject to Apex engineering staff review and approval at the time of site plan submittal.

## AGENT AUTHORIZATION FORM

Application #: #23CZ24

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

Phillip D and Martha N Fonville

is the owner\* of the property for which the attached application is being submitted:

☒ 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: 1405 Zeno Road, Apex, NC 27502

The agent for this project is: Michael Birch, Longleaf Law Partners

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

Agent Name: Michael Birch

Address: 4509 Creedmoor Road, Raleigh, NC 27612

Telephone Number: 919-645-4317

E-Mail Address: mbirch@longleaflp.com

Signature(s) of Owner(s)\*

Phillip D Fonville

*Phillip D Fonville*

Type or print name

PHILLIP D. FONVILLE

11/29/23

Date

Martha N. Fonville

Martha N Fonville

MARTHA N. FONVILLE

Type or print name

29 Nov 2023

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 #: #23CZ24

Submittal Date: 12/1/2023

The undersigned, Phillip D Fonville (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

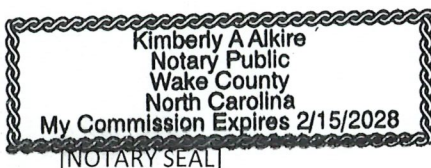
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1405 Zeno Road, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "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 February 1, 1985, and recorded in the Wake County Register of Deeds Office on February 1, 1985, in Book 3424 Page 715.
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 February 1, 1985, 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 February 1, 1985, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of November, 2023

Phillip D. Fonville (seal)  
Phillip D. Fonville  
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 Phillip D. Fonville, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NCOL, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Kimberly A. Alkire  
Notary Public  
State of North Carolina  
My Commission Expires: 2/15/2028

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

Application #: #23CZ24

Submittal Date: 12/1/2023

Insert legal description below.

Tract 2: Being all of Lot 5 containing 1.502 acres according to map entitled "Subdivision of the Roman Catholic Diocese of Raleigh" prepared by Smith and Smith Surveyors, dated April 13, 1983, and recorded in Book of Maps 1983, Page 653, Wake County Registry.



**AFFIDAVIT OF OWNERSHIP**Application #: #23CZ24Submittal Date: 12/1/2023

The undersigned, Martha N Fonville (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 1405 Zeno 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 February 1, 1985, and recorded in the Wake County Register of Deeds Office on February 1, 1985, in Book 3424 Page 715.
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 February 1, 1985, 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 February 1, 1985, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 21 day of December, 2023.

Martha N. Fonville (seal)

MARTHA N. FONVILLE

Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Wake

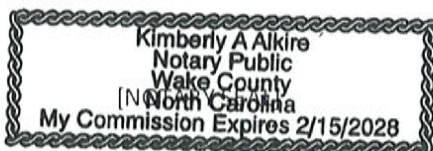
I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Martha N. Fonville, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Martha N.C. Driver's license, personally appeared before me this day and acknowledged the due and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

Kimberly A. Alkire

Notary Public

State of North Carolina

My Commission Expires: 2/15/2028



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

Application #: #23CZ24

Submittal Date: 12/1/2023

**Insert legal description below.**

Tract 2: Being all of Lot 5 containing 1.502 acres according to map entitled "Subdivision of the Roman Catholic Diocese of Raleigh" prepared by Smith and Smith Surveyors, dated April 13, 1983, and recorded in Book of Maps 1983, Page 653, Wake County Registry.



## AGENT AUTHORIZATION FORM

Application #: #23CZ24

Submittal Date: 12/1/2023

Philip Alan Myers

is the owner\* of the property for which the attached application is being submitted:

- ☒ 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: 1407 Zeno Road, Apex, NC 27502

The agent for this project is: Michael Birch, Longleaf Law Partners

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

Agent Name: Michael Birch

Address: 4509 Creedmoor Road, Raleigh, NC 27612

Telephone Number: 919-645-4317

E-Mail Address: mbirch@longleaflp.com

Signature(s) of Owner(s)\*

Philip Alan Myers

Philip Alan Myers

PHILIP ALAN MYERS 12/1/2023

Type or print name

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 #: #23CZ24

Submittal Date: 12/1/2023

The undersigned, Philip Alan Myers (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 1407 Zeno 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 July 24, 1984, and recorded in the Wake County Register of Deeds Office on July 24, 1984, in Book 3322 Page 445.
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 July 24, 1984, 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 July 24, 1984, 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 30 day of NOVEMBER, 2023.

Philip A. Myers

(seal)

PHILIP A. MYERS

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 Philip A. Myers, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's identification card, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Kaitlyn Moody

Notary Public

State of North Carolina

My Commission Expires: November 23, 2025

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

Application #: #23CZ24

Submittal Date: 12/1/2023

**Insert legal description below.**

Being all of Lot 4 containing 1.577 acres according to map entitled "Subdivision of the Roman Catholic Diocese of Raleigh" prepared by Smith & Smith, Surveyors, dated April 13, 1983, and recorded in Book of Maps 1983, Page 653, Wake County Registry.



# NOTICE OF NEIGHBORHOOD MEETING

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

November 15, 2023

Date

Dear Neighbor:

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

1405 Zeno Road

0732836597

1407 Zeno Road

0732834782

Address(es)

PIN(s)

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

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

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

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

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

The proposal seeks to change the zoning of the above-described properties from RA - Residential Agricultural

to O&I-CZ - Office and Institutional with Zoning Conditions. The proposed uses for the site are Medical or Dental Office or Clinic; Medical or Dental Laboratory; and/or Office, Business or Professional.

Estimated submittal date: December 1, 2023

## MEETING INFORMATION:

Property Owner(s) name(s): Phillip D and Martha N Fonville (1405 Zeno Rd); and Philip Alan Myers (1407 Zeno Rd)

Applicant(s): Michael Birch, Longleaf Law Partners

Contact information (email/phone): mbirch@longleaflp.com; 919-645-4317

Meeting Address: John M. Brown Community Center - Pinnacle Room, 53 Hunter Street, Apex, NC 27502

Date/Time of meeting\*\*: November 29, 2023 from 6:30 p.m. to 7:30 p.m.

Welcome: 6:30 p.m. Project Presentation: 6:35 p.m. Question & Answer: 7:00 p.m.

\*\*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>.

## 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: Zeno Road Rezoning Zoning: RA - Residential Argicultural

Location: 1405 and 1407 Zeno Road

Property PIN(s): 0732836597 / 0732834782 Acreage/Square Feet: 3.08 AC / 134,164.8 SF

Property Owner: Phillip D and Martha N Fonville (1405 Zeno Rd); and Philip Alan Myers (1407 Zeno Rd)

Address: 1405 Zeno Road / 1407 Zeno Road

City: Apex State: NC Zip: 27502

Phone: Fonville (919-527-9152) / Myers (919-616-2040) Email: Fonville (pfonville2@gmail.com) / Myers (pmyers@bellsouth.net)

Developer: East West Partners Management Co. - Contact: Lee Perry, Senior Managing Partner

Address: 1450 Environ Way

City: Chapel Hill State: NC Zip: 27517

Phone: 919-929-0660 Fax: \_\_\_\_\_ Email: LPerry@ewpnc.com

Engineer: BGE, Inc. - Contact: Bob Zumwalt

Address: 5440 Wade Park Blvd., Suite 102

City: Raleigh State: NC Zip: 27607

Phone: 919-276-0111 Fax: \_\_\_\_\_ Email: bzumwalt@bgeinc.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.

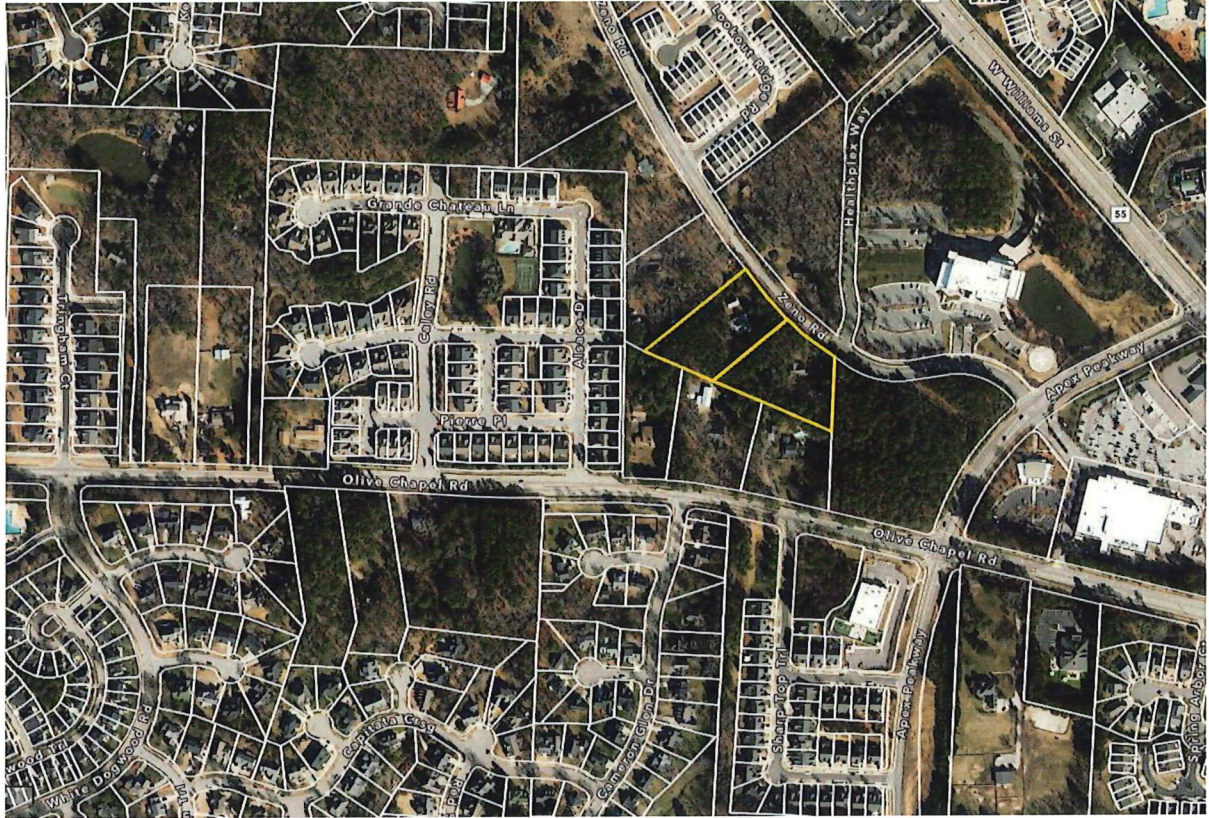
### Town of Apex Department Contacts

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 Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342



#23CZ24

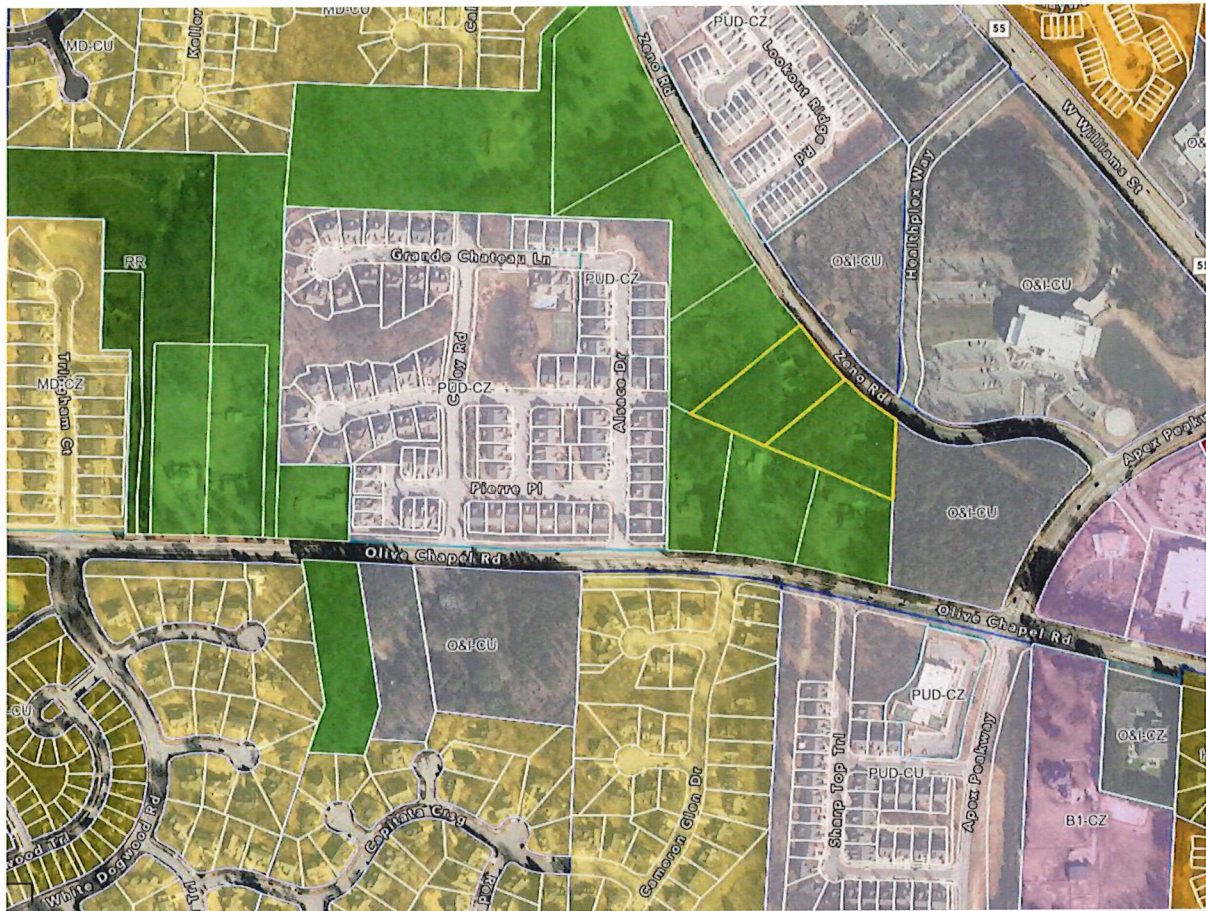
VICINITY MAP





#23CZ24

EXISTING ZONING MAP





Created by Town of Apex Planning Department  
Date Created: 10/31/2023

# NEIGHBORHOOD MEETING SIGN-IN SHEET

#23CZ24

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: John M. Brown Community Center - Pinnacle Room, 53 Hunter Street, Apex, NC 27502

Date of meeting: 11/29/23 Time of meeting: 6:30 p.m. - 7:30 p.m.

Property Owner(s) name(s): Phillip D and Martha N Fonville (1405 Zeno Rd); and Philip Alan Myers (1407 Zeno Rd)

Applicant(s): Michael Birch, Longleaf Law Partners

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.	Gene Clayton	5440 Wade Park Blvd			<input checked="" type="checkbox"/>
	Avison Young	Suite 200, Raleigh 27607			<input checked="" type="checkbox"/>
2.	Tom Gray	1000 Olive Chapel Road			<input checked="" type="checkbox"/>
	Tom GRAY	Apex, NC 27502			<input checked="" type="checkbox"/>
3.	Lee Perry	1000 Olive Chapel Rd			<input checked="" type="checkbox"/>
	Lee Perry	Apex NC 27502			<input checked="" type="checkbox"/>
4.	PHILIP MYERS	2909 Lake Boone Place			<input checked="" type="checkbox"/>
	PHILIP MYERS	Raleigh NC 27608			<input checked="" type="checkbox"/>
5.	Wayne Hui	1407 ZENO RD			<input checked="" type="checkbox"/>
6.	John Linderman	1004 Olive Chapel Rd			<input checked="" type="checkbox"/>
	John Linderman	Cary			<input checked="" type="checkbox"/>
7.	Martha Fonville	219 Queensferry Rd			<input checked="" type="checkbox"/>
	Martha Fonville	1405 Zeno Rd			<input checked="" type="checkbox"/>
8.	Phillip Fonville	1405 Zeno Rd			<input checked="" type="checkbox"/>
	Phillip Fonville	1405 Zeno Rd			<input checked="" type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

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): Phillip D and Martha N Fonville (1405 Zeno Rd); and Philip Alan Myers (1407 Zeno Rd)

Applicant(s): Michael Birch, Longleaf Law Partners

Contact information (email/phone): 919-645-4317

Meeting Address: John M. Brown Community Center - Pinnacle Room, 53 Hunter Street, Apex, NC 27502

Date of meeting: 11/29/23

Time of meeting: 6 30 - 7 30 p.m .

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:**

What was the notice radius?

**Applicant's Response:**

Michael Birch explained that notices were sent out to those who are in a 300ft radius of the property. He showed which neighborhoods that included. He explained that there were 46 addresses identified including commercial properties.

**Question/Concern #2:**

What dates are the public meetings?

**Applicant's Response:**

Michael Birch gave the tentative projected meeting dates for the town meetings. He also gave a tentative meeting time period the second neighborhood meeting could take place. He also told neighbors that the second neighborhood meeting notice would be coming from Longleaf Law Partners and the town meeting notices would be sent by the Town.

**Question/Concern #3:**

When can you submit site plan?

**Applicant's Response:**

Michael Birch explained that the rezoning process is first and then the site plans can be submitted followed by permits. He went over potential time frame for site plan and rezoning submittals.

**Question/Concern #4:**

Will our property taxes change as soon the rezoning goes through?

**Applicant's Response:**

Michael Birch stated that it is his understanding that reassessment of a property is not triggered by rezoning. Instead, reassessment occurs on the County's cycle and when permitted improvements are made to property. Another attendee commented that one can call the County Tax Assessor's office to confirm.

#23CZ24

Question/Concern #5:

Is all the undeveloped land in that area designated similarly to these two properties?

Applicant's Response:

Michael Birch explained that the Land Use Map designated this area, including the two subject properties, as Office Employment and Commercial Services. So, yes, the properties in this area have similar land use guidance.

Question/Concern #6:

Are there any conceptual plans ready for site plan?

Applicant's Response:

The developer stated that they have begun working on conceptual plans, and that those plans were being altered by feedback from Town during pre-app meeting related to street connectivity. A conceptual plan was passed around for attendees to review.

Question/Concern #8:

Can we be emailed the neighborhood meeting notice? It is hard to click on and it's not on the town's website.

Michael Birch said yes, we can do that. He also explained the filed application will be available through Apex's interactive development map once filed.

GENERAL: Because no concerns were expressed about the request at the neighborhood meeting, no modifications are being made to the request at this time.




# 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, Michael Birch, 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 John M. Brown Community Center - Pinnacle Room, 53 Hunter Street, Apex, NC 27502 (location/address) on 11/29/23 (date) from 6:30 p.m. (start time) to 7:30 p.m. (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

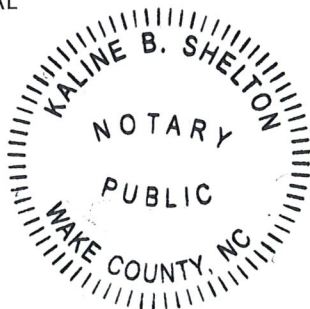
12/1/23  
Date

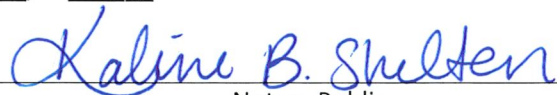
By: 

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Michael Birch, a Notary Public for the above State and County, on this the 1st day of December, 2023.

SEAL



  
Notary Public  
Kaline B. Shelton  
Print Name

My Commission Expires: 1/26/2025

# 1405 and 1407 Zeno Road

Rezoning First Neighborhood Meeting

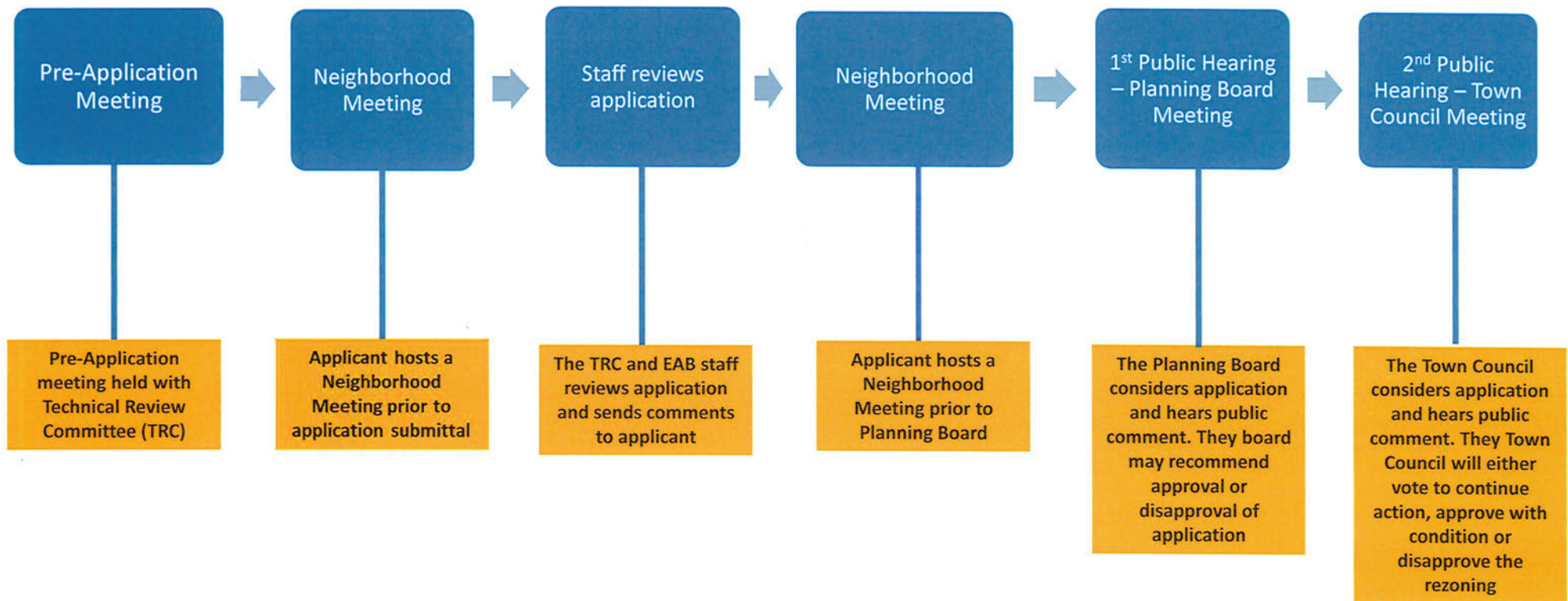
November 29, 2023

# Meeting Agenda

- Introductions
- Purpose of the Meeting
- Rezoning Process
- Description of Property
- Current Zoning
- Policy Guidance
- Proposed Zoning
- Future Meetings
- Questions / Comments



# Rezoning Process

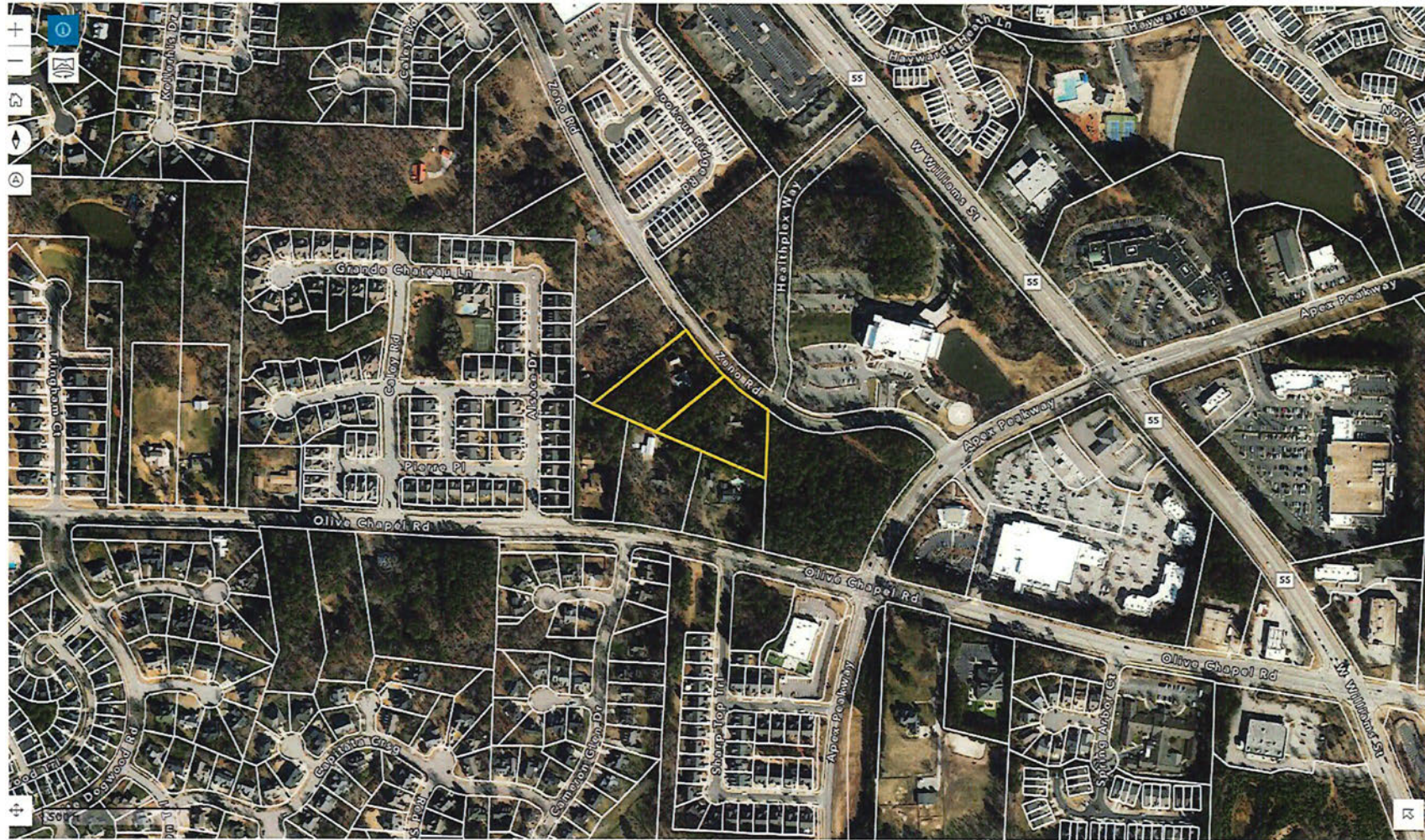


# Overview

- Property is 3.08 acres
- Current Uses: Single Family Residential
- Frontage along Zeno Road
- Current Zoning: RA – Residential Agricultural
- Future Land Use: Office Employment & Commercial
- Proposed Zoning: O&I-CZ – Office and Institutional with Conditions
- Proposed Uses:
  - Medical or Dental Office or Clinic
  - Medical or Dental Laboratory
  - Office, Business or Professional

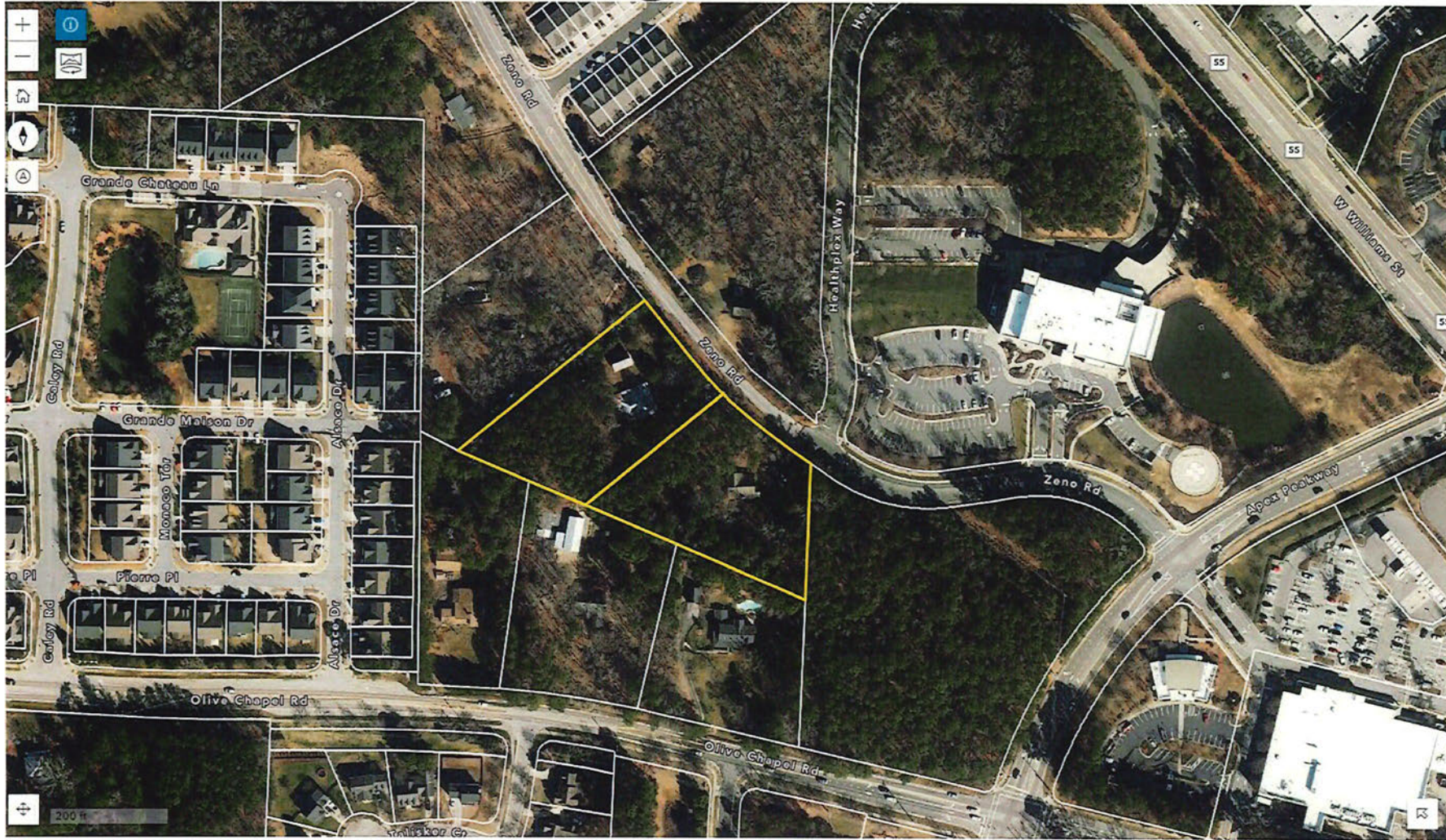


# Existing Conditions



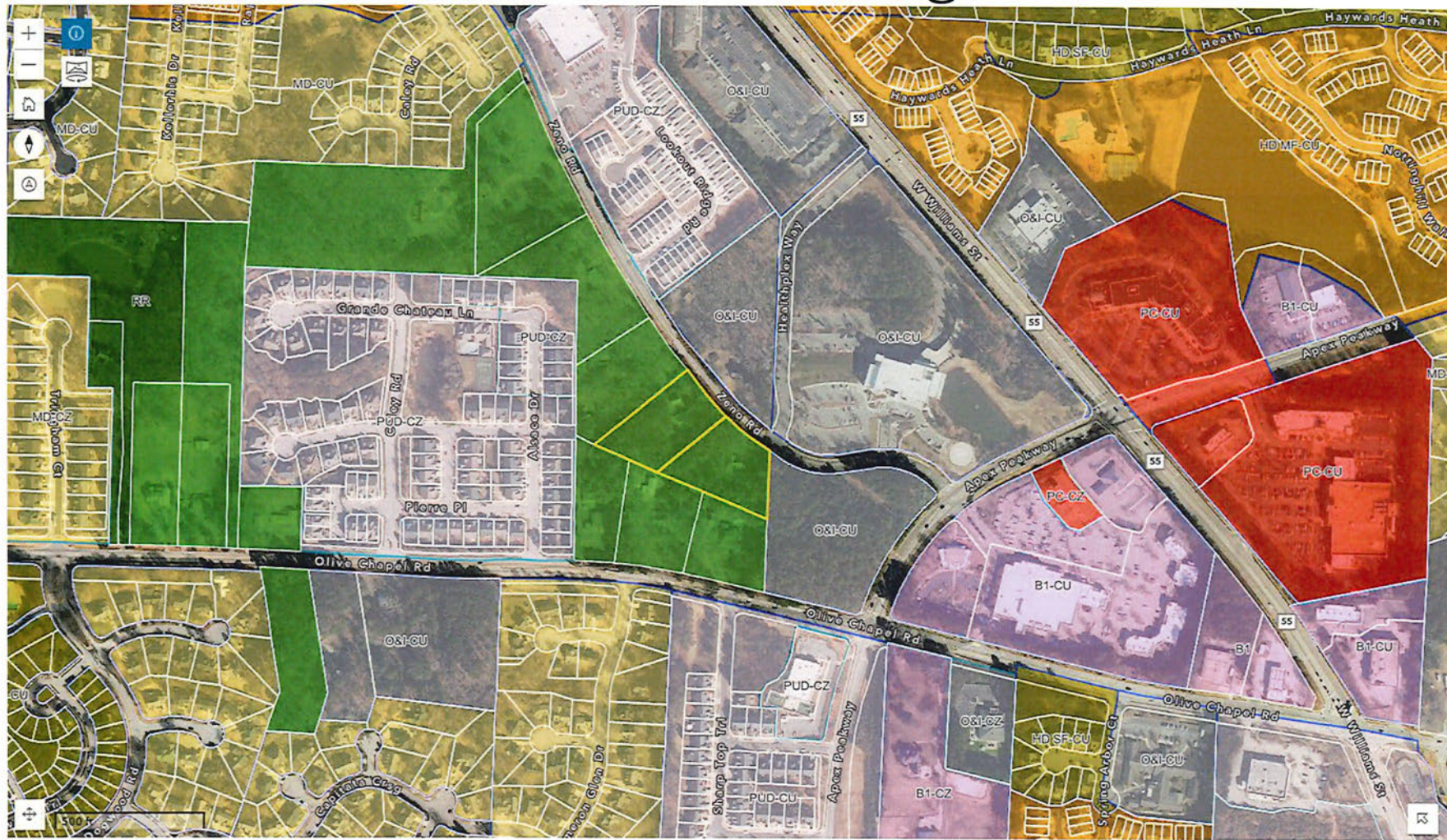


# Existing Conditions



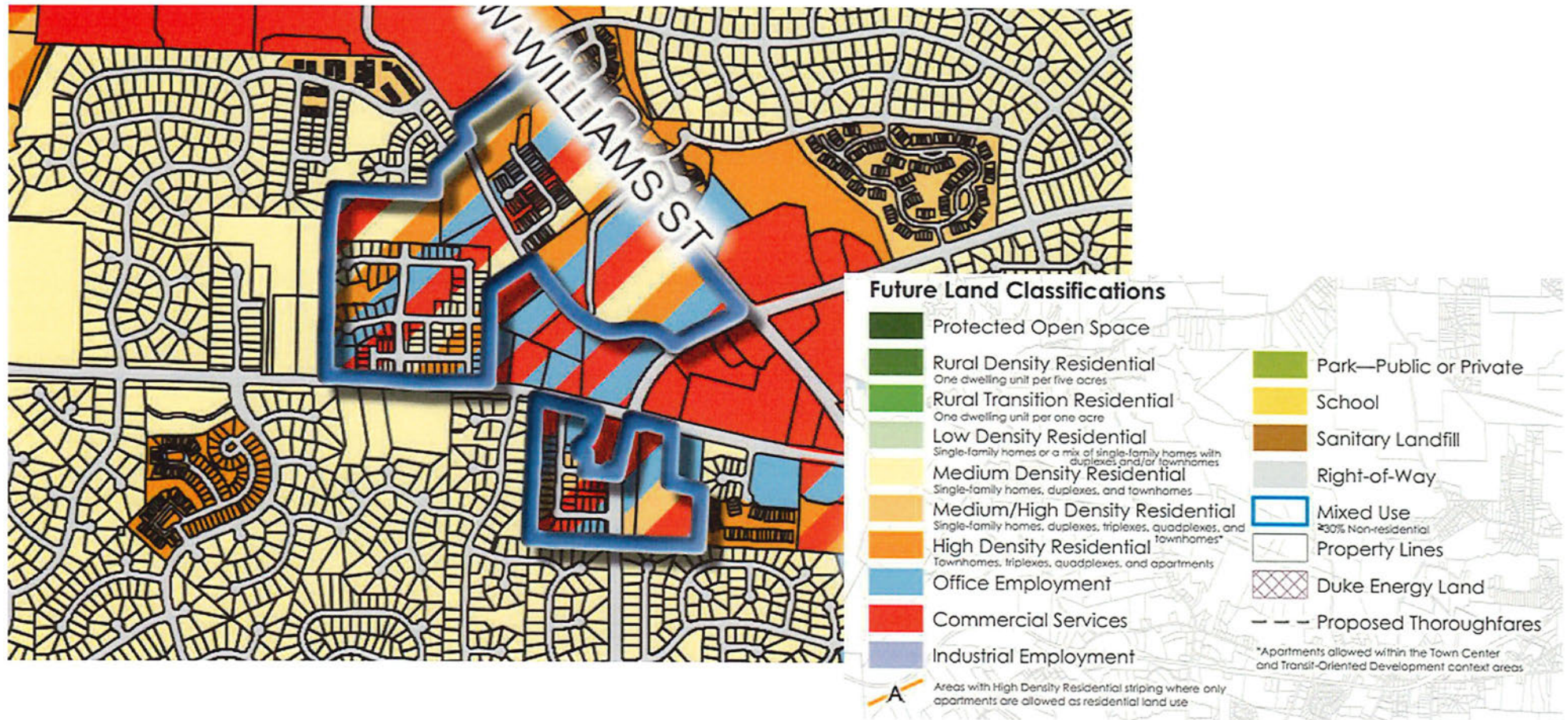


## Current Zoning





# 2045 Land Use Map





## FUTURE LAND USE

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### Office Employment

- Office Employment is intended to provide land that allows for a wide range of businesses that provide professional, managerial, or administrative services in the study area.
- Depending on the location in question and the mixture of uses, the character and intensity of Office Employment varies from neighborhood business services to large-scale regional employment centers.

### Commercial Services

- Commercial Services is intended to delineate land where commercial uses are appropriate to serve the residents of Apex and the greater region.

# Overview

- Property is 3.08 acres
- Current Uses: Single Family Residential
- Frontage along Zeno Road
- Current Zoning: RA – Residential Agricultural
- Future Land Use: Office Employment & Commercial
- Proposed Zoning: O&I-CZ – Office and Institutional with Conditions
- Proposed Uses:
  - Medical or Dental Office or Clinic
  - Medical or Dental Laboratory
  - Office, Business or Professional



# NOTICE OF NEIGHBORHOOD MEETING

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

January 15, 2024

Date

Dear Neighbor:

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

1405 Zeno Road

0732836597

1407 Zeno Road

0732834782

Address(es)

PIN(s)

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

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

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

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

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

The proposal seeks to change the zoning of the above-described properties from RA - Residential Agricultural to O&I-CZ - Office and Institutional with Zoning Conditions.

The proposed uses for the site are Medical or Dental Office or Clinic; Medical or Dental Laboratory; Office, Business or Professional; Pharmacy;

Personal Service; Real Estate Sales; Health/fitness center or Spa; Barber or Beauty Shop; Tailor Shop; and/or Restaurant, general.

Estimated submittal date: Rezoning Submitted to Town on December 1, 2023

## MEETING INFORMATION:

Property Owner(s) name(s):	Phillip D and Martha N Fonville (1405 Zeno Rd); and Philip Alan Myers (1407 Zeno Rd)		
Applicant(s):	Michael Birch, Longleaf Law Partners		
Contact information (email/phone):	mbirch@longleafllp.com; 919-645-4317		
Meeting Address:	John M. Brown Community Center - Pinnacle Room, 53 Hunter Street, Apex, NC 27502		
Date/Time of meeting**:	January 31, 2024 from 6:30 p.m. to 7:30 p.m.		
Welcome: 6:30 p.m.	Project Presentation: 6:35 p.m.	Question & Answer: 7:00 p.m.	

\*\*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>.

## 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: Zeno Road Rezoning Zoning: RA - Residential Argicultural

Location: 1405 and 1407 Zeno Road

Property PIN(s): 0732836597 / 0732834782 Acreage/Square Feet: 3.08 AC / 134,164.8 SF

Property Owner: Phillip D and Martha N Fonville (1405 Zeno Rd); and Philip Alan Myers (1407 Zeno Rd)

Address: 1405 Zeno Road / 1407 Zeno Road

City: Apex State: NC Zip: 27502

Phone: Fonville (919-527-9152) / Myers (919-616-2040) Email: Fonville (pfonville2@gmail.com) / Myers (pmyers@bellsouth.net)

Developer: East West Partners Management Co. - Contact: Lee Perry, Senior Managing Partner

Address: 1450 Environ Way

City: Chapel Hill State: NC Zip: 27517

Phone: 919-645-4317 Fax: \_\_\_\_\_ Email: LPerry@ewpnc.com

Engineer: BGE, Inc. - Contact: Bob Zumwalt

Address: 5440 Wade Park Blvd., Suite 102

City: Raleigh State: NC Zip: 27607

Phone: 919-276-0111 Fax: \_\_\_\_\_ Email: bzumwalt@bgeinc.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

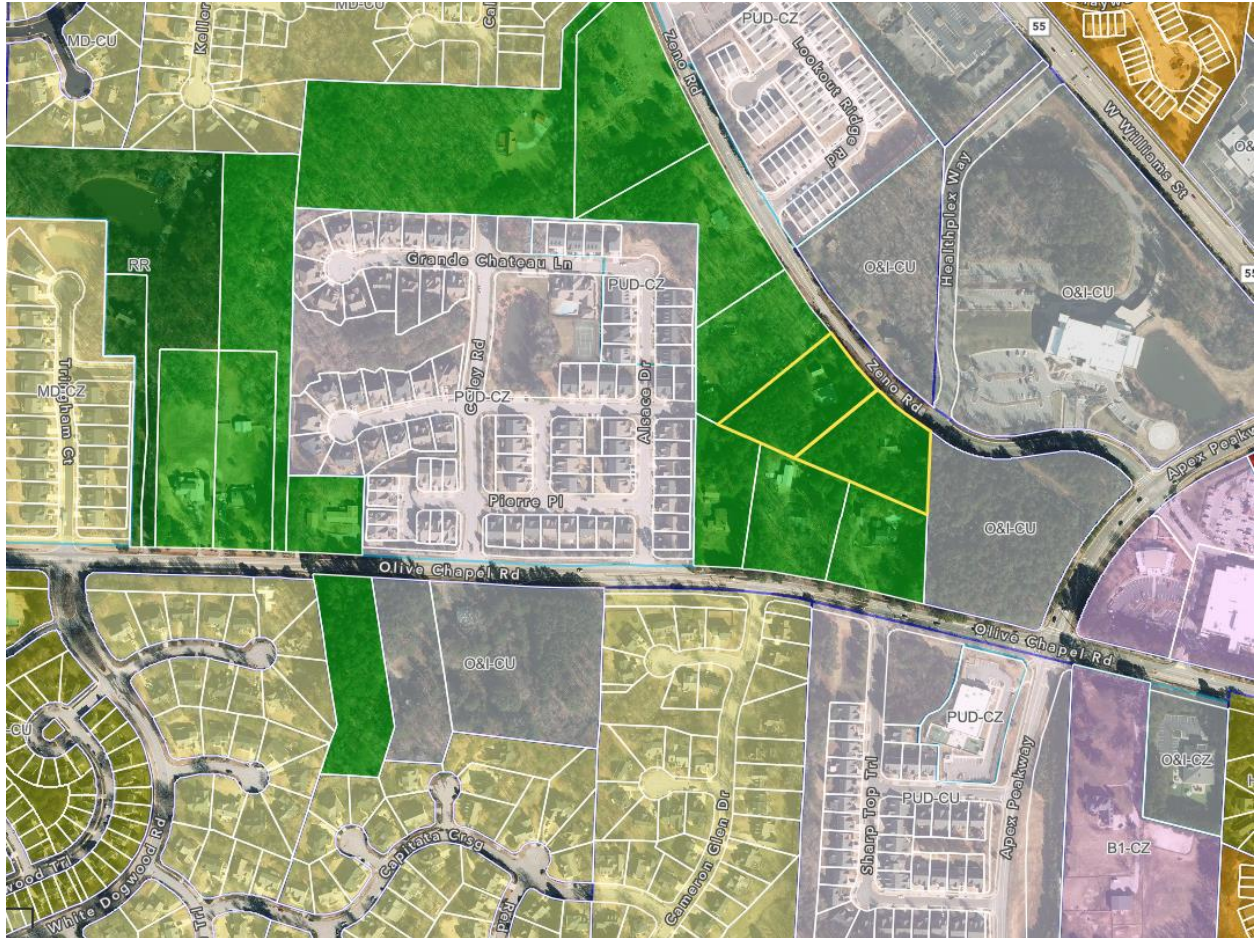
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

VICINITY MAP





EXISTING ZONING MAP



#23CZ24

0732831539  
ALVES, JONATAS BREDOW FEVERSANI, FRANCINI  
1159 ALSACE DR  
APEX NC 27502-5273

0732831634  
BAGUR, VIJAY NAGARAJA RAO, VARDHINI  
1151 ALSACE DR  
APEX NC 27502-5273

0732739685  
BAKHTIYAR, HAMIDREZA NOUSHIRVANI, SEYEDE  
TALEBI  
1150 ALSACE DR  
APEX NC 27502-5272

0732739680  
BEARD, AARON C BEARD, RACHEL C  
1158 ALSACE DR  
APEX NC 27502-5272

0732739885  
BOARMAN, CASSIDY JACOBSEN, WILLIAM  
1130 ALSACE DR  
APEX NC 27502-5272

0732831935  
CHILDRESS, DAVID T CHILDRESS, LINDSAY A  
1113 ALSACE DR  
APEX NC 27502-5273

0732831439  
COLEMAN, CHERYL  
1175 ALSACE DR  
APEX NC 27502-5273

0732739575  
COLLINS, CHRISTOPHER SMITH, JESSICA  
1166 ALSACE DR  
APEX NC 27502-5272

0732739479  
DE SARKAR, JIBAT SANKAR PAUL, PANCHALI  
1174 ALSACE DR  
APEX NC 27502-5272

0732836597  
FONVILLE, PHILLIP D FONVILLE, MARTHA N  
PO BOX 1751  
APEX NC 27502-2751

0732831534  
GADDAMEEDHI, SHOBHAN GADISURENDER,  
SRAVANTI  
1167 ALSACE DR  
APEX NC 27502-5273

0732831767  
GARRETT, SETH S GARRETT, MEREDITH B  
1757 GRANDE MAISON DR  
APEX NC 27502-5258

0732836390  
GRAY, CARL THOMAS GRAY, PAMELA R  
1000 OLIVE CHAPEL RD  
APEX NC 27502-6745

0732832455  
HUI, WAYNE ZENG, KUI  
729 NEWSTEAD WAY  
MORRISVILLE NC 27560-5101

0732831339  
KONDABATHINI, ANIL K PILLI, AMBICA  
1191 ALSACE DR  
APEX NC 27502-5273

0732844272  
KR 9612 LLC  
210 ARLINGTON RDG  
CARY NC 27513-3413

0732844294  
LIWEI REAL PROPERTY LLC  
1339 GILWOOD DR  
APEX NC 27523-9326

0732841030  
MANDUVA, RAVICHANDRA B NALAMOTHU,  
REKHA  
1105 ALSACE DR  
APEX NC 27502-5273

0732739757  
MCBRIDE, MAY MCBRIDE, RYAN D  
1331 KIRKSTONE WAY  
APEX NC 27523-9324

0732833828  
MILES, RUSSELL J MILES, SHARON R  
1409 ZENO RD  
APEX NC 27502-8599

0732831434  
MUSSARI, ELIZABETH A  
1183 ALSACE DR  
APEX NC 27502-5273

0732834782  
MYERS, PHILIP ALAN  
1407 ZENO RD  
APEX NC 27502-8599

0732831834  
NAGARAJAN, SRIHARI SRINIVASAN, BHUVANAA  
CHIDAMBARESA  
23205 SE BLACK NUGGET RD APT K6  
ISSAQUAH WA 98029-7326

0732831330  
OLIVE CHAPEL PARK SUBDIVISION HOA INC  
FOREVERHOMES LLC  
2840 PLAZA PL STE 360  
RALEIGH NC 27612-2101

0732840192  
OLIVE CHAPEL PARK SUBDIVISION HOA, INC  
PPM  
11010 RAVEN RIDGE RD  
RALEIGH NC 27614-8837

0732831717  
POOLE, REBECCA ALLEN POOLE, JAMES DAVIS  
1761 GRANDE MAISON DR  
APEX NC 27502-5258

0732842157  
RAHN, AMY L RAHN, DOUGLAS C  
1411 ZENO RD  
APEX NC 27502-8599

0732831334  
SAIZ, DANIEL ABEL SAIZ, DINA MEIJUN  
1199 ALSACE DR  
APEX NC 27502-5273

0732847432  
THE PROMENADE AT BEAVER CREEK  
HOMEOWNERS ASSOCIATI  
4112 BLUE RIDGE RD STE 100  
RALEIGH NC 27612-4652

0732834349  
TOLER, BRANDON TOLER, ELIZABETH  
1002 OLIVE CHAPEL RD  
APEX NC 27502-6745

#23CZ24

0732930326  
WAKEMED PROPERTY SERVICES  
ATTN: CORPORATE ACCOUNTING  
3000 NEW BERN AVE  
RALEIGH NC 27610-1231

0732847028  
WESTCHESTER COMMERCIAL LLC  
5213 WINDING VIEW LN  
RALEIGH NC 27615-1894

0732830707  
XU, CAIXUAN YANG, YONG  
305 APRIL BLOOM LN  
CARY NC 27519-9331

0732831930  
ZACHARIA, DON GEORGE, JINCY  
1121 ALSACE DR  
APEX NC 27502-5273

APEX TOWN OF  
PO BOX 250  
APEX NC 27502

Current Tenant  
1129 Alsace DR  
APEX NC 27502

Current Tenant  
1767 Grande Maison DR  
APEX NC 27502

Current Tenant  
1771 Grande Maison DR  
APEX NC 27502

Current Tenant  
120 Healthplex WAY  
APEX NC 27502

Current Tenant  
125 Healthplex WAY  
APEX NC 27502

Current Tenant  
1193 Lookout Ridge RD  
APEX NC 27502

Current Tenant  
1195 Lookout Ridge RD  
APEX NC 27502

Current Tenant  
1004 Olive Chapel RD  
APEX NC 27502

Current Tenant  
1405 Zeno RD  
APEX NC 27502

Current Tenant  
1408 Zeno RD  
APEX NC 27502

Current Tenant  
1410 Zeno RD  
APEX NC 27502



# 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: John M. Brown Community Center - Pinnacle Room, 53 Hunter Street, Apex, NC 27502

Date of meeting: 1/31/24 Time of meeting: 6:30 p.m. - 7:30 p.m.

Property Owner(s) name(s): Phillip D and Martha N Fonville (1405 Zeno Rd); and Philip Alan Myers (1407 Zeno Rd)

Applicant(s): Michael Birch, Longleaf Law Partners

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.	Phil Fonville	1405 Zeno Rd.			<input checked="" type="checkbox"/>
2.	Philip Myers	1407 Zeno Rd			<input checked="" type="checkbox"/>
3.	Martha Fonville	1405 Zeno Rd			<input checked="" type="checkbox"/>
4.	Lee Perry	2909 Lake Boone Pl			<input checked="" type="checkbox"/>
5.	Tom Gray	1000 Olive Chapel Rd			<input checked="" type="checkbox"/>
6.	John Linderman	219 Queensferry Rd			<input checked="" type="checkbox"/>
7.	Janet Clayton	5440 Wade Park Blvd, Suite 200, Rd 27607			<input checked="" type="checkbox"/>
8.	Seth Garrett	1757 Grande Maison Dr.			<input checked="" type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

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): Phillip D and Martha N Fonville (1405 Zeno Rd); and Philip Alan Myers (1407 Zeno Rd)

Applicant(s): Michael Birch, Longleaf Law Partners

Contact information (email/phone): 12/1/2023 919-645-4317

Meeting Address: John M. Brown Community Center - Pinnacle Room, 53 Hunter Street, Apex, NC 27502

Date of meeting: 1/31/24 Time of meeting: 6:30 - 7:30 p.m.

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:

When are the next meeting dates?

Applicant's Response:

Jennifer Ashton shared the dates for the next public meetings and their location. She also included that the applicant will be resubmitting a revised application this Friday and that all who would like a copy will receive correspondence from her office.

Question/Concern #2:

I am a property owner included in this rezoning, are my property taxes going to go up?

Applicant's Response:

Jennifer Ashton explained how land and buildings get taxed in Wake County and their reevaluation schedule. She explained that the owners' tax rate will be different if the property is rezoned to a commercial use.

Question/Concern #3:

What are the plans for this property regarding use?

Applicant's Response:

Jennifer Ashton explained that the property will have a medical/professional office use. The developer also included that the building will be three stories in height with a parking structure. Jennifer Ashton showed residents the general area that the parking structure would be located on the property.

Question/Concern #4:

Where are the road connections going to be made outside the property?

Applicant's Response:

Jennifer Ashton showed the resident the map of the property and where internal drives might be located. She also directed the resident to the Town of Apex website that will have a transportation plan.

# 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, Jennifer Ashton, 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 John M. Brown Community Center - Pinnacle Room, 53 Hunter Street, Apex, NC 27502 (location/address) on 1/31/24 (date) from 6:30 p.m. (start time) to 7:30 p.m. (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.

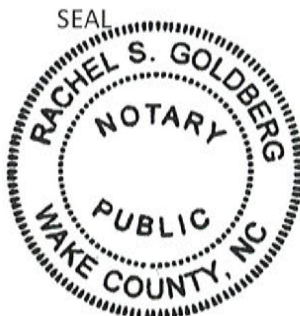
2/1/24

Date

By: 

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Jennifer Ashton, a Notary Public for the above State and County, on this the 1st day of February, 2024.



Rachel S. Goldberg  
Notary Public

Rachel S. Goldberg  
Print Name

My Commission Expires: 6-30-2027



# 1405 and 1407 Zeno Road

Rezoning Second Neighborhood Meeting

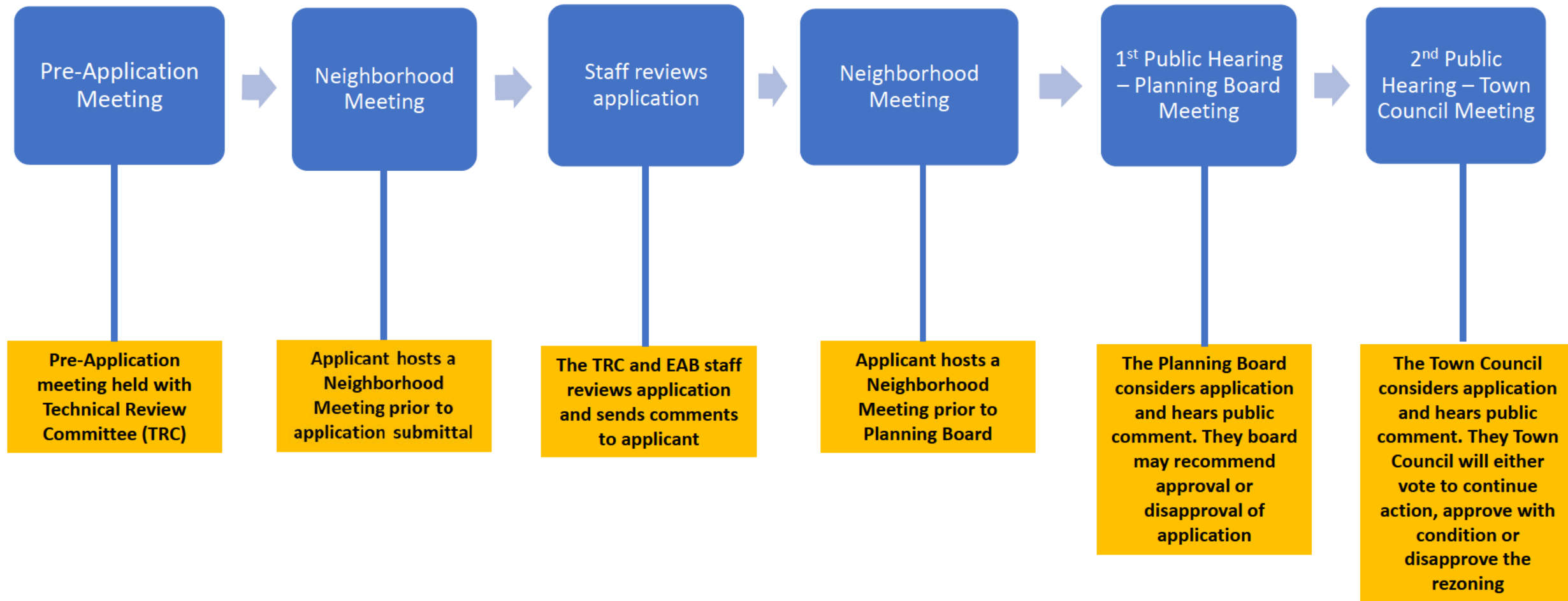
January 31, 2024

(Rezoning #23CZ24)

# Meeting Agenda

- Introductions
- Purpose of the Meeting
- Rezoning Process
- Description of Property
- Current Zoning
- Policy Guidance
- Proposed Zoning
- Future Meetings
- Questions / Comments

# Rezoning Process





# Overview

- Property is 3.08 acres
- Current Uses: Single Family Residential
- Frontage along Zeno Road
- Current Zoning: RA – Residential Agricultural
- Future Land Use: Office Employment & Commercial Services
- Proposed Zoning: O&I-CZ – Office and Institutional with Conditions

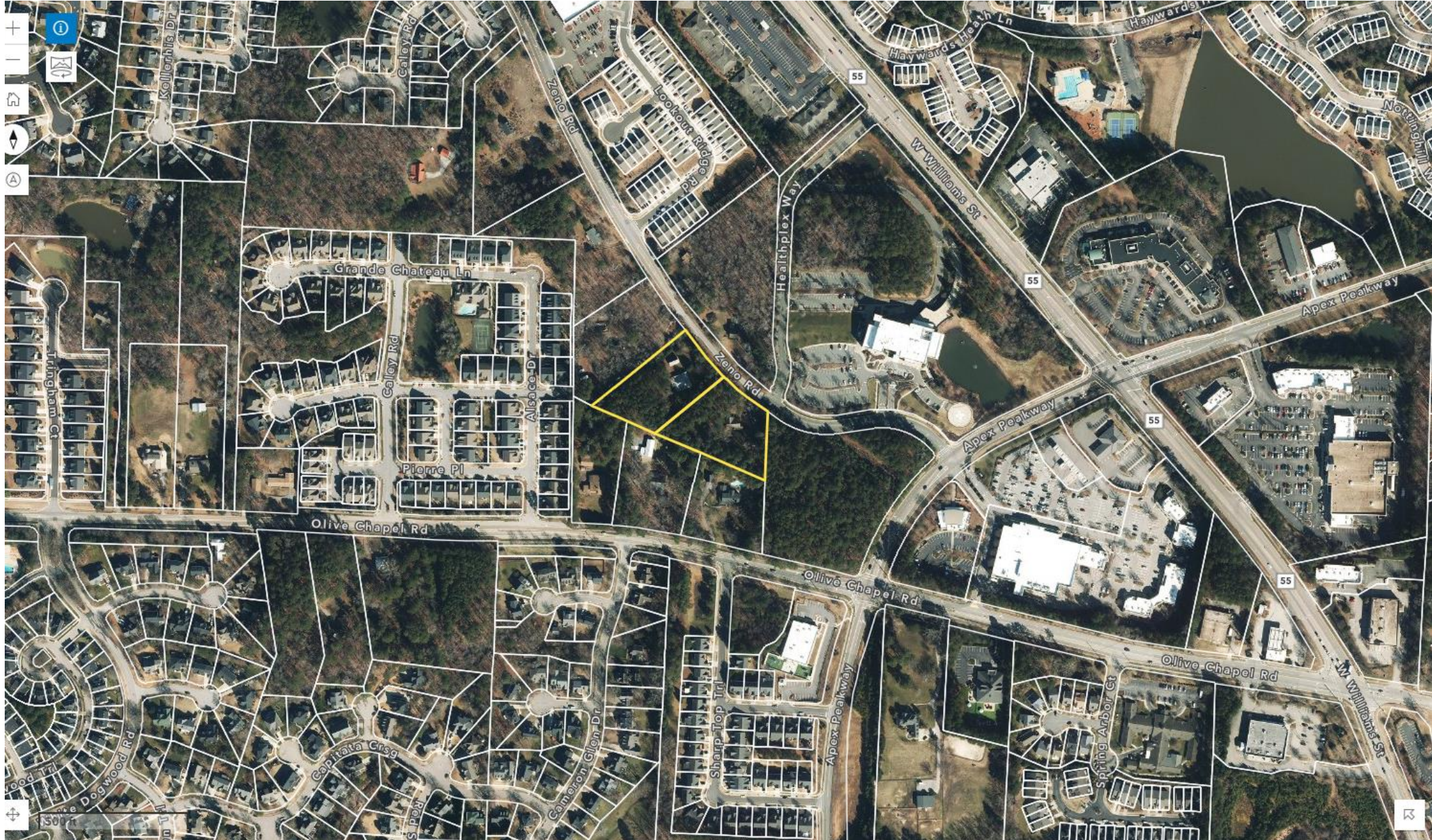
# Overview

- Proposed Uses:
  - Medical or Dental Office or Clinic
  - Medical or Dental Laboratory
  - Office, Business or Professional
  - Pharmacy
  - Personal service
  - Real estate sales
  - Health/fitness center or spa
  - Barber and beauty shop
  - Tailor shop
  - Restaurant, general



#23CZ24

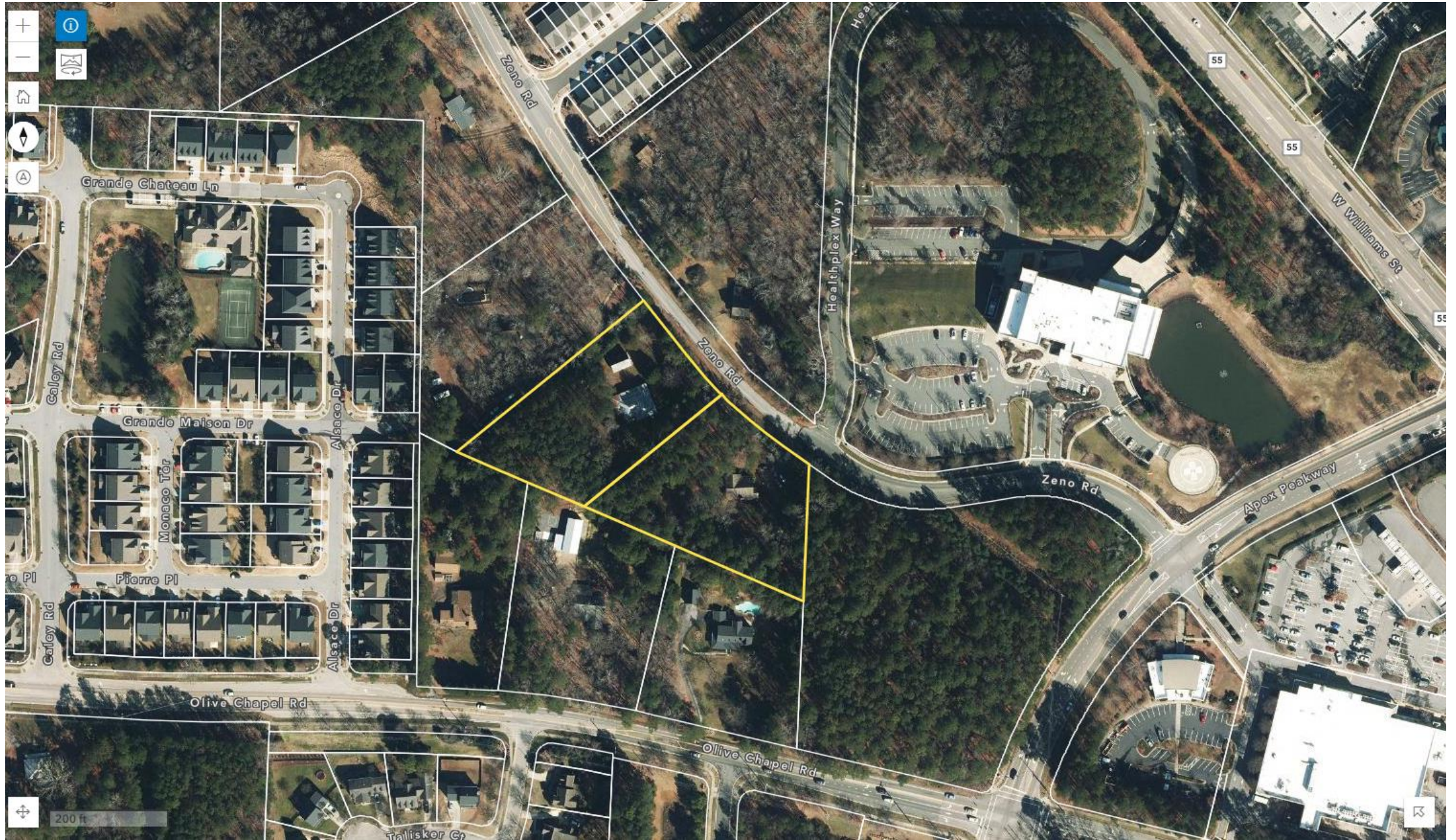
# Existing Conditions





#23CZ24

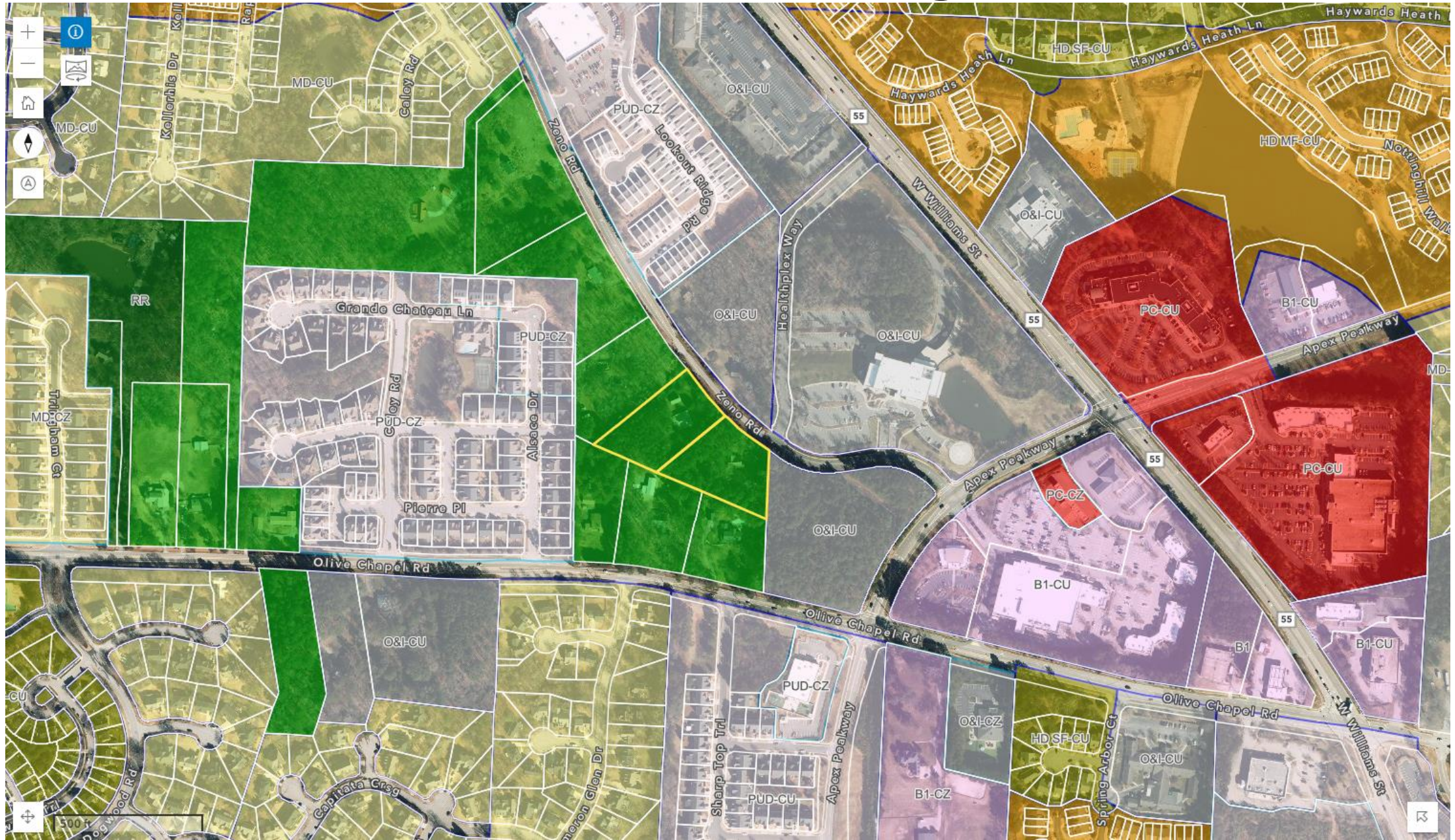
# Existing Conditions





#23CZ24

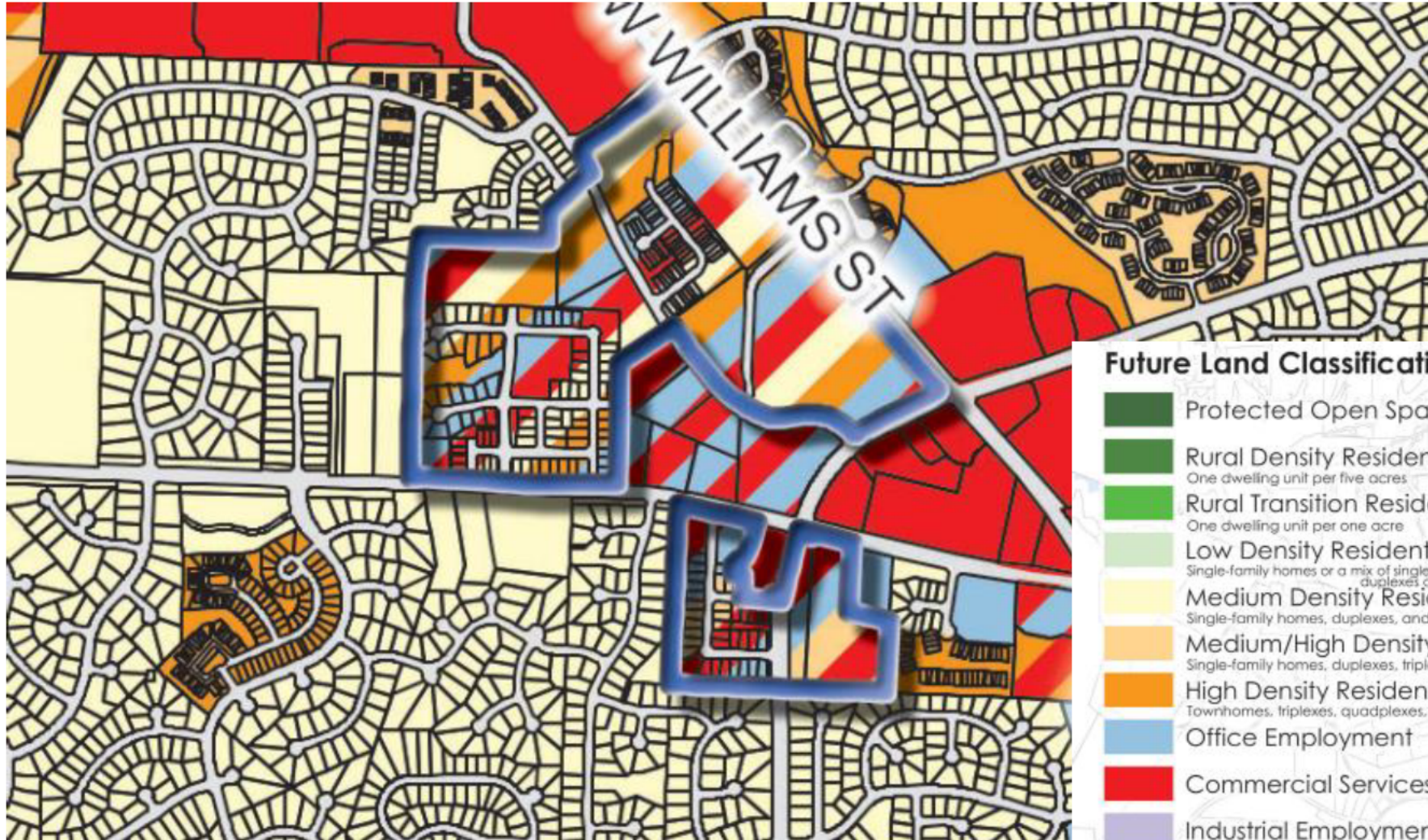
# Current Zoning





#23CZ24

# 2045 Land Use Map



## 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
  - Park—Public or Private
  - School
  - Sanitary Landfill
  - Right-of-Way
  - Mixed Use  
≥30% Non-residential
  - Property Lines
  - Duke Energy Land
  - Proposed Thoroughfares
- \*Apartments allowed within the Town Center and Transit-Oriented Development context areas
- A Areas with High Density Residential striping where only apartments are allowed as residential land use





## FUTURE LAND USE

### Office Employment

- Office Employment is intended to provide land that allows for a wide range of businesses that provide professional, managerial, or administrative services in the study area.
- Depending on the location in question and the mixture of uses, the character and intensity of Office Employment varies from neighborhood business services to large-scale regional employment centers.

### Commercial Services

- Commercial Services is intended to delineate land where commercial uses are appropriate to serve the residents of Apex and the greater region.

# Proposed Zoning Conditions

## ARCHITECTURAL CONDITIONS

The project shall comply with the following architectural conditions:

- a. The predominant exterior building materials shall be high quality materials, including:
  - i. Brick masonry;
  - ii. Decorative concrete block (either integrally colored or textured);
  - iii. Stone accents;
  - iv. Aluminum storefronts with anodized or pre-finished colors;
  - v. EIFS cornices, and parapet trim; and/or
  - vi. Precast concrete
- b. EIFS or synthetic stucco shall not be used in the first forty (40) inches above grade.
- c. The building exterior shall have more than one material color.
- d. The building shall have more than one parapet height.
- e. The main entrance to the building shall be emphasized.
- f. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.

# Proposed Zoning Conditions

## **STORMWATER AND WATER CONSERVATION – WATER QUALITY**

### **Goal 1. Increase design storm for retention basin in flood-prone areas.**

b. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.

### **Goal 5. Implement low impact development (LID) techniques as defined by the NC Department of Environmental Quality.**

The project shall install a minimum of 1 Low Impact Development Techniques as defined and approved by the NC Department of Environmental Quality. The specific type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.



# Proposed Zoning Conditions

## PLANTING AND LANDSCAPING

### **Goal 10. Increase biodiversity.**

Option 10.3: Increase the number of native tree and shrub species selected.

- a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of 50% of the species selected shall be nativar or a native of North Carolina.
- b. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.

### **Goal 11. Implement green infrastructure.**

Option 11.3: Implement xeriscaping in design.

- c. To reduce irrigation requirements, the project shall select and plant only warm season grasses.

### **Goal 15. Add information signage or other marking at the boundary lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.**

- a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.

# Proposed Zoning Conditions

## **CLEAN ENERGY**

### **Goal 20. Encourage clean transportation.**

The project shall provide no less than 2 electric vehicle charging spaces.

## **LIGHTING EFFICIENCY**

### **Goal 21. Include energy efficient lighting in building design.**

Option 21.1: Increase the use of LEDs.

The exterior lighting for all commercial buildings and parking lots will consist entirely of LED fixtures.

Option 21.2: Lower maximum foot-candles outside of buildings.

On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least 0.5 footcandles lower than the UDO requires.

# Proposed Zoning Conditions

## **FUTURE VEHICULAR ACCESS TO OLIVE CHAPEL ROAD**

The project shall provide for a vehicular access easement to the south for future access to Olive Chapel Road, subject to Apex engineering staff review and approval at the time of site plan submittal.

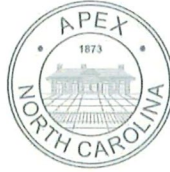


# QUESTIONS?

- Property is 3.08 acres
- Current Uses: Single Family Residential
- Frontage along Zeno Road
- Current Zoning: RA – Residential Agricultural
- Future Land Use: Office Employment & Commercial Services
- Proposed Zoning: O&I-CZ – Office and Institutional with Conditions

## APEX ENVIRONMENTAL ADVISORY BOARD

### Suggested Zoning Conditions



Project Name: \_\_\_\_\_

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

The Town of Apex Environmental Advisory Board offers this general list of suggested rezoning conditions for rezoning applicants to consider before filling a rezoning petition. The purpose of this list is to encourage and recommend implementation of exceptional environmental practices for future development that exceeds Town requirements. The Board will review each rezoning pre-application request and expand on suggested conditions by offering specific recommendations on a case-by-case basis.

**The decision to include any of the recommendations below is voluntary by the applicant and the Board does not expect applicants to add all of the suggested conditions.** Planning staff will include all zoning conditions suggested by this Board and will note which conditions have been added by the applicant in the staff reports to the Planning Board and Town Council. Applicants should review this list before meeting with the Board. NOTE: Text in green indicates suggested zoning condition language from Planning Staff. Underlined text indicates text or numbers that may be changed based on the specific project. Additional conditions may be suggested by the EAB at the meeting.

This document is divided into two parts:

- Part I – Residential applies to single-family dwellings and townhome subdivisions, but does not include the parking lots, exterior building lights or exterior architecture.
- Part II – Non-Residential includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas. Your development may include elements of each part.

**Please be sure to read and complete the entire document. Please provide a response to each goal and/or sub-goal. Any proposed modifications to the green zoning language should be listed in the section at the end of the document.**

### Part I – Residential

Single-family dwelling and townhome subdivisions (excluding parking lots, exterior building lights and exterior architecture).

STORMWATER AND WATER CONSERVATION – WATER QUALITY (1-5)	YES	NO	N/A
<b>Goal 1. Increase riparian buffer widths from surface waters in environmentally sensitive areas.</b> The project shall increase the riparian buffer width by at least ____ feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 2. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas.</b>			

## Environmental Advisory Board – Suggested Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY (1-5)	YES	NO	N/A
The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 3. Implement Low Impact Development (LID) techniques as defined by the NC Department of Environmental Quality.</b> The project shall install a minimum of _____ Low Impact Development Technique as defined and approved by the NC Department of Environmental Quality. The specific type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 4. Increase pervious surface to reduce stormwater runoff and pollutant concentrations.</b> <u>Option 5.1:</u> Install pervious pavements where practicable (e.g. when parking maximums are exceeded). The Department of Public Works & Transportation does not currently support these options within the right-of-way (ROW). These may be done on private sites, but not within the public ROW. a. The project shall utilize pervious pavement when constructing the parking spaces for parking lot-style townhomes. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review. The selected system shall be maintained by the developer and/or owner's association. <b>AND/OR</b> b. The project shall utilize pervious pavement when constructing the driveways for residential units. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review. The selected system shall be maintained by the developer and/or owner's association.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 5. Use the stormwater captured in the on-site SCM to irrigate landscaping within the development.</b> At least _____ SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
<b>Goal 6. Preserve tree canopy and prioritize medium to large, healthy, desirable species.</b> <u>Option 6.1:</u> Preserve existing trees (percentage-based). Numbers shown may be changed based on project. The project shall preserve a minimum of _____% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to locate the preserved trees adjacent to areas of preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces. <u>Option 6.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space. The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree of similar species or mature size. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
<b>Goal 7. Plant trees to improve energy efficiency.</b> <u>Option 7.1:</u> Plant deciduous shade trees on southern side of buildings. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings. <u>Option 7.2:</u> Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 8. Increase biodiversity.</b> <u>Note:</u> Invasive species are prohibited. Please see the Town's <a href="#">Design and Development Manual</a> for a link to the list of prohibited species. <u>Option 8.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. Snectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex <a href="#">Design &amp; Development Manual</a> for suggested native species). a. The project shall ensure that _____% of the landscaping shall be native species, which shall provide diverse and abundant pollinator and bird food sources. Special attention shall be paid to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review. <u>Option 8.2:</u> Provide and allow for undisturbed spaces (e.g. leaf piles, unmown fields, fallen trees) for nesting and overwintering for native pollinators and wildlife. In order to support wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas. <u>Option 8.3:</u> Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound. <u>Option 8.4:</u> Increase the number of native trees and shrubs. a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____% of the species selected shall be native or a native of North Carolina. <p align="center"><b>AND/OR</b></p> b. No single species of native or adaptive vegetation shall constitute more than <u>20%</u> of the plant material of its type within a single development site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 9. Implement xeriscaping in design, which will use landscaping that requires less irrigation and chemical use. Contact Planning for assistance, if needed.</b> a. The project commits to planting only drought tolerant plants, of which _____% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review. <p align="center"><b>OR</b></p> b. To reduce irrigation requirements, the project shall select and plant only warm season grasses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 10. Promote the benefits of native pollinators.</b> The project shall plant at least _____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided. The pollinator garden shall be maintained by the developer or HOA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 11. Improve soil quality to be amenable for a variety of native and non-invasive plantings.</b>			

## Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed on each lot and within disturbed common areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goal 12. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas).  The UDO requires a _____-foot buffer along the _____perimeter of the property. The applicant shall add _____-foot buffer in that location, which would be an increase of _____-feet above the requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goal 13. Reduce impacts to resource conservation Areas (RCAs).			
a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>OR</b>			
b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUSTAINABLE BUILDINGS (14)	YES	NO	N/A
<p><b>Goal 14. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard.</b></p> <p>The project shall be designed to meet the requirements for one of the green building certifications listed above. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WASTE MANAGEMENT (15)	YES	NO	N/A
<p><b>Goal 15. Encourage the proper disposal of pet waste to reduce environmental impacts.</b>  <i>Numbers shown may be changed based on project.</i></p> <p>The project shall install at least one (1) pet waste station per 25 residential units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths. If there fewer than 25 homes, at least one (1) pet waste station shall be installed.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CLEAN ENERGY (16-18)	YES	NO	N/A
Goal 16. Install rooftop solar on buildings.			
a. A solar PV system of at least _____kW shall be installed on at least _____homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which this home/these homes is/are located shall be identified on the Master Subdivision Plat, which may be amended from time to time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AND/OR			
b. A solar PV system shall be installed on a minimum of _____model home. All solar installation required by this condition shall be completed or under construction prior to _____% of the building permits being issued for the development. The lot(s) on which this home/these homes is/are located shall be identified on the Master Subdivision Plat, which may be amended from time to time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AND/OR			



## Environmental Advisory Board – Suggested Zoning Conditions

CLEAN ENERGY (16-18)	YES	NO	N/A
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least ____ kWhs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 17. Include solar conduit in building design.</b> All homes shall be pre-configured with conduit for a solar energy system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 18. Encourage clean transportation.</b> The developer shall install at least ____ electric vehicle charging station in amenity centers or common area parking lots.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Part II - Non-Residential**

Includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas.

STORMWATER AND WATER CONSERVATION – WATER QUANTITY (1)	YES	NO	N/A
<b>Goal 1. Increase design storm for retention basin in flood-prone areas.</b> The UDO requires that treatment for the first 1-inch of runoff will be provided such that the removal of 85% Total Suspended Solids is achieved. Each option is intended to be used as an improvement to the minimum UDO requirements. If an area is already required to mitigate the 25-year storm, option b should not be selected.			
a. Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, 25-year and <u>100-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>OR</b>			
b. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and <u>25-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
<b>Goal 2. Increase riparian buffer widths from surface waters in environmentally sensitive areas.</b> The project shall increase the riparian buffer width by at least ____ feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 3. Limit tree clearing, stormwater control measures (SCM), or infrastructure in either zone of the riparian buffer.</b> No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 4. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas.</b> The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 5. Implement low impact development (LID) techniques as defined by the NC Department of Environmental Quality.</b> The project shall install a minimum of ____ Low Impact Development Technique as defined and approved by the NC Department of Environmental Quality. The specific	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## Environmental Advisory Board – Suggested Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.			
<p><b>Goal 6. Increase pervious surface to reduce stormwater runoff and pollutant concentrations.</b> The Department of Public Works &amp; Transportation does not currently support these options within the ROW. These may be done on private sites, but not within the public ROW.</p> <p><u>Option 6.1:</u> Install pervious pavements where practicable (e.g. when parking maximums are exceeded).</p> <p>a. The project shall utilize pervious pavement when constructing parking spaces that are in excess of the minimum parking requirement. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p style="text-align: center;"><b>AND/OR</b></p> <p>b. The project shall utilize pervious pavement for all of the parking spaces provided. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p><u>Option 6.2:</u> Modify curb and gutters to provide stormwater infiltration and evaporation, such as swale-only, reverse curbs, Silva cells, or curb cuts with rain gardens.</p> <p>To increase stormwater infiltration and evaporation, the project shall use modified curb and gutter designs to direct driveway runoff to one or more stormwater device, such as, but not limited to, bioswales, Silva cells, or rain gardens. The specific type and design shall be selected at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p> <p><u>Option 6.3:</u> Utilize green street design. May be done within the public ROW if it's in the form of a bioretention cell within a landscaped median or large roundabout. Will require approval by the Department of Public Works and Transportation.</p> <p>The project shall design and install one or more bioretention cells within the landscape median or roundabout along the primary road. The specific type and design shall be determined at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p>	<input type="checkbox"/>                    	<input type="checkbox"/>                    	<input type="checkbox"/>                    
<b>Goal 7. Stormwater re-use application:</b> Integrate irrigation from the SCM (wet pond) on site.			
At least one _____SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p><b>Goal 8. Preserve tree canopy and prioritize medium to large, healthy, desirable species.</b></p> <p><u>Option 8.1:</u> Preserve existing trees (percentage-based). Numbers shown may be changed based on project. The EAB's preference is for a minimum of 50%.</p> <p>a. The project shall preserve a minimum of ____% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers and/or HOA maintained open space throughout the neighborhood.</p> <p style="text-align: center;"><b>OR</b></p> <p>b. The project shall preserve a minimum of ____% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
locate the preserved trees adjacent to areas of existing preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces. <u>Option 8.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space. The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 9. Plant trees for improved energy efficiency.</b> <u>Option 9.1:</u> Plant deciduous shade trees on southern side of buildings. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings. <u>Option 9.2:</u> Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>
<b>Goal 10. Increase biodiversity.</b> <u>Option 10.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex <a href="#">Design &amp; Development Manual</a> for suggested native species). a. The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. <b>OR</b> b. The project shall ensure that _____% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review. <u>Option 10.2:</u> Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound. <u>Option 10.3:</u> Increase the number of native tree and shrub species selected. a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____% of the species selected shall be native or a native of North Carolina. <b>OR</b> b. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.	<input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>	<input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>	<input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>
<b>Goal 11. Implement green infrastructure.</b> <u>Option 11.1:</u> Plant rain gardens. The project shall install one or more rain gardens throughout the site. <u>Option 11.2:</u> Install vegetated rooftops. a. The project shall install a vegetated rooftop, aka green roof, on each building. <b>OR</b> b. The project shall install a vegetated rooftop, aka green roof, on at least _____ft <sup>2</sup> of each building.	<input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>	<input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>	<input type="checkbox"/>    <input type="checkbox"/>    <input type="checkbox"/>



## Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<u>Option 11.3:</u> Implement xeriscaping in design.			
a. The project commits to planting ____% drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OR			
b. The project commits to planting only drought tolerant plants. At least ____% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OR			
c. To reduce irrigation requirements, the project shall select and plant only warm season grasses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 12. Install community gardens and native pollinator demonstration gardens.</b> The project shall plant at least ____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 13. Improve soil quality to be amenable for a variety of native and non-invasive plantings.</b> To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed within disturbed areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 14. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas).</b> The UDO requires a ____-foot buffer along the ____perimeter of the property. The applicant is proposing a ____-foot buffer in that location, which would be an increase of ____-feet above the requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 15. Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.</b>			
a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OR			
b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SUSTAINABLE BUILDINGS (16)	YES	NO	N/A
<b>Goal 16. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard.</b> The project shall be designed to meet the requirements for ____green building certification. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WASTE REDUCTION (17)	YES	NO	N/A
<b>Goal 17. Install pet waste stations in public areas for multi-family, apartments, or condominiums or dog friendly businesses.</b>			



## Environmental Advisory Board – Suggested Zoning Conditions

WASTE REDUCTION (17)	YES	NO	N/A
The project shall install at least _____ pet waste stations throughout the community, in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CLEAN ENERGY (18-20)	YES	NO	N/A
<b>Goal 18. Install rooftop solar on buildings.</b>			
a. A solar PV system shall be incorporated into buildings to be constructed on the property. Such PV systems shall have a capacity of not less than 2 kW/1,000 heated square feet of building floor area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>OR</b>			
b. A solar PV system of at least 3.5kW shall be installed on at least _____% of or _____ buildings within the development. All solar installation required by this condition shall be completed or under construction prior to _____% of the building permits being issued for the development. The buildings on which these PV systems are located shall be identified on the Site Plan, which may be amended from time to time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>OR</b>			
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least _____ kWhs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 19. Include solar conduit in building design.</b>			
The project shall install conduit for solar energy systems for all non-residential buildings. The roof shall also be engineered to support the weight of a future rooftop solar PV system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 20. Encourage clean transportation.</b>			
a. The installation of EV charging spaces shall not reduce the width of adjacent sidewalk to less than 5 feet.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>AND/OR</b>			
b. EV charging spaces shall be located such that the cords shall not cause a trip hazard.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>AND/OR</b>			
c. The developer shall provide 5% of all parking spaces as EV charging spaces.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LIGHTING EFFICIENCY (21-24)	YES	NO	N/A
<b>Goal 21. Include energy efficient lighting in building design.</b>			
<u>Option 21.1:</u> Increase the use of LEDs. The exterior lighting for all multi-family and commercial buildings and parking lots will consist entirely of LED fixtures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Option 21.2:</u> Lower maximum foot-candles outside of buildings. On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least 0.5 footcandles lower than the UDO requires.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 22. Install timers or light sensors or smart lighting technology.</b>			
a. The project shall install light timers, motion sensors, or other smart lighting technology for all exterior lighting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 23. Include International Dark Sky Association compliance standards.</b>			
The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Environmental Advisory Board – Suggested Zoning Conditions

<b>Applicant Clarification/Additional Language:</b>	
<b>Additional Board Recommendations:</b>	



**TOWN OF APEX**

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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #23CZ24  
1405 & 1407 Zeno Rd**

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:** East West Partners Management Co  
**Authorized Agent:** Michael Birch, Longleaf Law Partners  
**Property Addresses:** 1405 & 1407 Zeno Road  
**Acreage:** ±3.08 acres  
**Property Identification Numbers (PINs):** 0732836597 and 0732834782  
**2045 Land Use Map Designation:** Office Employment/Commercial Services  
**Existing Zoning of Properties:** Residential Agricultural (RA)  
**Proposed Zoning of Properties:** Office and Institutional-Conditional Zoning (O&I-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: August 12, 2024 4:30 PM**

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 (322 N Mason 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](https://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/45492>.

Dianne F. Khin, AICP  
Planning Director

Published Dates: July 26 – August 12, 2024

**TOWN OF APEX**

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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS  
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ24  
1405 & 1407 Zeno Rd**

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:



Published Dates: July 26 – August 12, 2024



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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ24 1405 & 1407 Zeno Rd

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:** East West Partners Management Co

**Agente autorizado:** Michael Birch, Longleaf Law Partners

**Dirección de las propiedades:** 1405 & 1407 Zeno Road

**Superficie:** ±3.08 acres

**Número de identificación de las propiedades:** 0732836597 and 0732834782

**Designación actual en el Mapa de Uso Territorial para 2045:** Office Employment/Commercial Services

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

**Ordenamiento territorial propuesto para las propiedades:** Office and Institutional Conditional Zoning (O&I-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 agosto de 2024 4:30 P.M.

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 (322 N. Mason 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.ralighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentsCenter/View/478](https://www.apexnc.org/DocumentsCenter/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/DocumentsCenter/View/45492>.

Dianne F. Khin, AICP  
Directora de Planificación

Fechas de publicación: 26 de julio - 12 de agosto de 2024





**TOWN OF APEX**

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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #23CZ24  
1405 & 1407 Zeno Rd**

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:** East West Partners Management Co
- Authorized Agent:** Michael Birch, Longleaf Law Partners
- Property Addresses:** 1405 & 1407 Zeno Road
- Acreage:** ±3.08 acres
- Property Identification Numbers (PINs):** 0732836597 and 0732834782
- 2045 Land Use Map Designation:** Office Employment/Commercial Services
- Existing Zoning of Properties:** Residential Agricultural (RA)
- Proposed Zoning of Properties:** Office and Institutional-Conditional Zoning (O&I-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: August 12, 2024 4:30 PM**

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 (322 N Mason 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, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/45492>.

Dianne F. Khin, AICP  
Planning Director





## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

### ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ24

1405 & 1407 Zeno Rd

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:** East West Partners Management Co

**Agente autorizado:** Michael Birch, Longleaf Law Partners

**Dirección de las propiedades:** 1405 & 1407 Zeno Road

**Superficie:** ±3.08 acres

**Número de identificación de las propiedades:** 0732836597 and 0732834782

**Designación actual en el Mapa de Uso Territorial para 2045:** Office Employment/Commercial Services

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

**Ordenamiento territorial propuesto para las propiedades:** Office and Institutional-Conditional Zoning (O&I-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 agosto de 2024 4:30 P.M.

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 (322 N. Mason 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/45492>.

Dianne F. Khin, AICP  
Directora de Planificación





## TOWN OF APEX

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

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

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #23CZ24  
Project Location: 1405 and 1407 Zeno Rd  
Applicant or Authorized Agent: Michael Birch  
Firm: Longleaf Law Partners  
Planning Board  
Public Hearing Date: August 12, 2024  
Project Planner: Joshua Killian

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on July 26, 2024, 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.

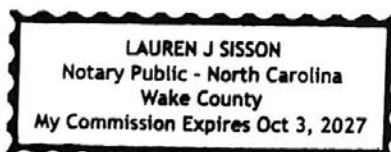
7/30/2024  
Date

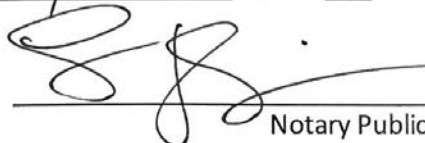
  
Planning Director

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J Sisson, a Notary Public for the above

State and County, this the 30<sup>th</sup> day of July, 2024.



  
Notary Public

My Commission Expires: 10 / 03 / 2027

**TOWN OF APEX**

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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS****ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ24****1405 & 1407 Zeno Rd**

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:** East West Partners Management Co

**Agente autorizado:** Michael Birch, Longleaf Law Partners

**Dirección de las propiedades:** 1405 & 1407 Zeno Road

**Superficie:** ±3.08 acres

**Número de identificación de las propiedades:** 0732836597 and 0732834782

**Designación actual en el Mapa de Uso Territorial para 2045:** Office Employment/Commercial Services

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

**Ordenamiento territorial propuesto para las propiedades:** Office and Institutional-Conditional Zoning (O&I-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 el Consejo Municipal:** 27 de agosto de 2024 6:00 P.M.

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](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: <http://www.apexnc.org/DocumentCenter/View/45492>.

Dianne F. Khin, AICP  
Directora de Planificación

Fechas de publicación: 2 de agosto - 27 de agosto de 2024





**TOWN OF APEX**

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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
**CONDITIONAL ZONING #23CZ24**  
1405 & 1407 Zeno Rd

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:** East West Partners Management Co  
**Authorized Agent:** Michael Birch, Longleaf Law Partners  
**Property Addresses:** 1405 & 1407 Zeno Road  
**Acreage:** ±3.08 acres  
**Property Identification Numbers (PINs):** 0732836597 and 0732834782  
**2045 Land Use Map Designation:** Office Employment/Commercial Services  
**Existing Zoning of Properties:** Residential Agricultural (RA)  
**Proposed Zoning of Properties:** Office and Institutional-Conditional Zoning (O&I-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: August 27, 2024 6:00 PM**

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 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/images>. 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/45492>.

Dianne F. Khin, AICP  
Planning Director







**TOWN OF APEX**

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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #23CZ24  
1405 & 1407 Zeno Rd**

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:

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- Authorized Agent:** Michael Birch, Longleaf Law Partners
- Property Addresses:** 1405 & 1407 Zeno Road
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- Existing Zoning of Properties:** Residential Agricultural (RA)
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**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

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Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

**Town Council Public Hearing Date and Time: August 27, 2024 6:00 PM**

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 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 on-line: <https://www.apexnc.org/DocumentCenter/View/45492>.

Dianne F. Khin, AICP  
Planning Director





## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

### ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ24

1405 & 1407 Zeno Rd

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 del Consejo Municipal de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** East West Partners Management Co

**Agente autorizado:** Michael Birch, Longleaf Law Partners

**Dirección de las propiedades:** 1405 & 1407 Zeno Road

**Superficie:** ±3.08 acres

**Número de identificación de las propiedades:** 0732836597 and 0732834782

**Designación actual en el Mapa de Uso Territorial para 2045:** Office Employment/Commercial Services

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

**Ordenamiento territorial propuesto para las propiedades:** Office and Institutional-Conditional Zoning (O&I-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 el Consejo Municipal: 27 de agosto de 2024 6:00 P.M.**

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/45492>.

Dianne F. Khin, AICP  
Directora de Planificación



## TOWN OF APEX

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

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

Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #23CZ24  
Project Location: 1405 and 1407 Zeno Rd  
Applicant or Authorized Agent: Michael Birch  
Firm: Longleaf Law Partners  
Town Council: August 27, 2024  
Public Hearing Date:  
Project Planner: Joshua Killian

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on August 2, 2024, 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.

8/2/2024  
Date

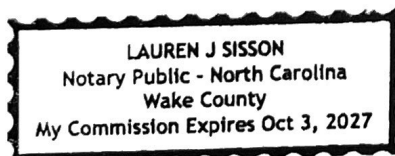
*Shaine F. Klein*  
Planning Director

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J Sisson, a Notary Public for the above

State and County, this the 2<sup>nd</sup> day of August, 202 4.

*LS*  
Notary Public



My Commission Expires: 10 / 03 / 2027



Public Hearing Sign Posted By

  
Signature

12/8/2023  
Date

Olive Chapel  
Park, Phase 2

Alsace Dr

WakeMed Apex  
Healthplex

Healthplex Way

Zeno Rd

1407

1405

Olive  
Chapel  
Park

Pierre Pl

Rezoning #23CZ24

Lifepoint

Olive Chapel Rd

0

200

400

Feet