

## STAFF REPORT

Rezoning #24CZ13 202 S. Salem St; La Farm Bakery

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:** 202 S Salem St  
**Applicant:** La Farm Bakery  
**Owner:** Wilkinson Properties of North Carolina

### **PROJECT DESCRIPTION:**

**Acreage:** ±0.53 acres  
**PIN:** 0742306498  
**Current Zoning:** Office & Institutional (O&I)  
**Proposed Zoning:** Mixed Office-Retail-Residential-Conditional Zoning (MORR-CZ)  
**2045 Land Use Map:** Medium Density Residential/Office Employment  
**Town Limits:** Yes

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

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Downtown Business (B2)	Holleman St; Church or Place of Worship (Apex Baptist Church)
<b>South:</b>	Mixed Office-Retail-Residential-Conditional Zoning (MORR-CZ #15CZ27)	Single-Family
<b>East:</b>	Mixed Office-Retail-Residential-Conditional Zoning (MORR-CU #04CU11)	S Salem St; Medical Office & Office (Peak City Psychology & Allstate Insurance)
<b>West:</b>	Mixed Office-Retail-Residential-Conditional Zoning (MORR-CZ #20CZ10)	Medical Office (Krippa Family Psychological & Wellness Services)

### **Existing Conditions:**

The subject property is located on the southwest corner of S Salem Street and Holleman Street. The property contains the former SunTrust bank building, which is currently vacant.

### **Neighborhood Meeting:**

The applicant conducted the initial meeting on May 28, 2024 and the second on July 22, 2024. The neighborhood meeting reports are attached.

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

The 2045 Land Use Map classifies the subject property as Medium Density Residential/Office Employment. The proposed rezoning to Mixed Office-Retail-Residential-Conditional Zoning (MORR-CZ) is consistent with that land use classification.

## STAFF REPORT

Rezoning #24CZ13 202 S. Salem St; La Farm Bakery

August 27, 2024 Town Council Meeting



### 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

#### Permitted Uses and Limitations:

- |                                       |                           |
|---------------------------------------|---------------------------|
| 1. Restaurant, general                | 8. Newsstand or gift shop |
| 2. Medical or dental office or clinic | 9. Personal service       |
| 3. Book store                         | 10. Pharmacy              |
| 4. Convenience store                  | 11. Retail sales, general |
| 5. Financial institution              | 12. Studio for art        |
| 6. Floral shop                        | 13. Pet services          |
| 7. Grocery, specialty                 | 14. Utility, minor        |

#### Conditions:

1. The predominant exterior building materials shall be high quality materials, including: brick masonry, decorative concrete block, stone accents, aluminum storefronts with anodized or pre-finished colors, EIFS cornices and parapet trim, precast concrete, or other similar materials as defined in the UDO Section 9.3.
2. The main entrance should be emphasized and the exterior shall be more than one color.

#### ENVIRONMENTAL ADVISORY BOARD:

This rezoning was exempt from meeting with the Apex Environmental Advisory Board (EAB) per Unified Development Ordinance (UDO) Section 2.1.9.A.2.c. The proposed rezoning is in the Small Town Character Overlay District.

#### PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on August 12, 2024 and voted 6 to 0 to recommend approval with the conditions as presented.

#### PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #24CZ13 with the conditions as offered by the applicant.

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

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

The 2045 Land Use Map classifies the subject properties as Medium Density Residential/Office Employment. The proposed rezoning to Mixed Office-Retail-Residential-Conditional Zoning (MORR-CZ) is consistent with that land use classification.

The proposed rezoning is reasonable and in the public interest because it will allow for a vacant building downtown to be redeveloped. This will work to accomplish one of the top ten recommendations in the Downtown Plan to attract five new restaurants/bars/breweries to Salem Street.



### CONDITIONAL ZONING STANDARDS:

The Town Council shall find the MORR-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.



**CBD (not verified)**

**Carey C Jones  
Memorial Park**

**Rezoning #24CZ13**

**Apex Baptist  
Church**

Holleman St

Hudson Ave

S Salem St

W Moore St

S Elm St

Olive St

**Apex United  
Methodist  
Church**





**(REZONING) PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP****REZONING PETITION SUBMISSION:**

Applications and fees are due by 12:00 pm on the first business day of each month. See the [Rezoning Schedule](#) on the website for details.

**LATE FEE:** \$300

**REZONING PETITION FEES:**

Conditional Zoning: \$1,000.00

Rezoning: \$700.00\*

\*No zoning conditions may be added to address concerns of staff, adjacent property owners, Planning Board, or Town Council

**PRE-APPLICATION MEETING:** A pre-application meeting with the Technical Review Committee (TRC) is required to be scheduled prior to sending notices for the required pre-application Neighborhood Meeting and prior to submittal of a Rezoning Petition. Pre-application meetings with the TRC are typically scheduled during regular business hours on the 1<sup>st</sup>, 2<sup>nd</sup>, and 5<sup>th</sup> Thursdays of the month. To schedule an appointment for a meeting, the applicant must contact Planner Joshua Killian ([joshua.killian@apexnc.org](mailto:joshua.killian@apexnc.org)). To finalize the appointment time, the applicant must complete and upload the [Rezoning Pre-Application Meeting Request form](#) and required documents at least five (5) working days prior to the scheduled meeting. The invitation to the meeting will be sent to the applicant and staff once the required information is uploaded.

**PURPOSE OF A CONDITIONAL ZONING:** Conditional Zoning (CZ) Districts are zoning districts in which the development and use of property is subject to the ordinance standards applicable to the corresponding general use district as well as additional rules, regulations, and conditions that are imposed as part of the legislative decision creating the district. A Conditional Zoning (CZ) District allows particular uses to be established only in accordance with site specific standards and conditions pertaining to each individual development project. All site-specific standards and conditions must be consistent with the objectives of these regulations, the adopted 2045 Land Use Map, and adopted area plans. The review process established in this part provides for the accommodation of such uses by a reclassification of property into a CZ District, subject to site-specific standards and conditions.

**NEIGHBORHOOD MEETING:** One (1) neighborhood meeting prior to application submittal and another meeting in the month prior to the anticipated public hearing date are required per UDO Sec. 2.2.7. The applicant is required to notify property owners, tenants, and any neighborhood association that represents citizens that are abutting or within 300 feet of the subject property via first class mail a minimum of 14 days in advance of the neighborhood meeting. The notification list must be obtained by emailing [addressing.team@apexnc.org](mailto:addressing.team@apexnc.org) and will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. In their initial submittal, the applicant shall submit the "Neighborhood Meeting Packet" forms included in this application packet. The Neighborhood Meeting Packet is located at the very end of this document.

**ANNEXATION REQUIREMENTS:** If a property or portion thereof subject to this rezoning is outside the corporate limits and ETJ, an [annexation petition](#) is **required** to be submitted on the same day as this application.

**Electronic Submittal Requirements: [Submit via the GeoCivix \(IDT Plans\) Website](#)**

- One (1) original Rezoning Petition Application
- Written Metes and Bounds Legal Description
- Agent Authorization Form & Affidavit of Ownership
- Neighborhood Meeting Packet
- WCPSS Residential Development Notice Form
- If applicable: Annexation Petition, map, legal description, and \$200.00 fee
- Notification list including property owners of the land subject to the application, all property owners and tenants abutting and located within 300 feet of the land subject to the application, and any neighborhood association that represents citizens within the notification area. This list must be obtained by emailing [addressing.team@apexnc.org](mailto:addressing.team@apexnc.org) and will be provided within 5-10 business days of the initial request.

**Hard Copy Submittal Requirements: Submit to Planning Department**

- Two (2) sets of envelopes addressed to property owners subject to the application and to those on the notification list.
  - Addresses must be from the notification list obtained by emailing [addressing.team@apexnc.org](mailto:addressing.team@apexnc.org)
  - Affixed with first class stamps and the following return address: Town of Apex Planning Department  
P.O. Box 250  
Apex, NC 27502
- Petition Fee by one of the following forms of payment:
  - Visa or Master Card (online only);
  - Cash (exact amount only); or
  - Check payable to 'Town of Apex'



**NEIGHBORHOOD MEETING:** One (1) neighborhood meeting prior to application submittal and another meeting in the month prior to the anticipated public hearing date are required per UDO Sec. 2.2.7. The applicant is required to notify property owners, tenants, and any neighborhood association that represents citizens that are abutting or within 300 feet of the subject property via first class mail a minimum of 14 days in advance of the neighborhood meeting. The notification list must be obtained by emailing [addressing.team@apexnc.org](mailto:addressing.team@apexnc.org) and will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. In their initial submittal, the applicant shall submit the "Neighborhood Meeting Packet" forms included in this application packet. The Neighborhood Meeting Packet is located at the very end of this document.

**REVIEW FOR SUFFICIENCY:** Incomplete plans will be returned to the applicant and sufficiently complete applications are forwarded to TRC staff for review.

**REVIEW BY STAFF:** TRC staff reviews the application to determine compliance with the Unified Development Ordinance (UDO). If the application is determined not to be compliant with the UDO, comments will be sent to the applicant. The applicant must address all staff comments before any public hearings are scheduled.

**REVIEW BY THE ENVIRONMENTAL ADVISORY BOARD (EAB):** All applications for Rezoning must be reviewed by the EAB during the staff review portion of the process. The EAB will offer suggested zoning conditions to the applicant. To request to be on the EAB agenda, applicants must contact Senior Program Support Specialist Lindley Paynter ([lindley.paynter@apexnc.org](mailto:lindley.paynter@apexnc.org)) at least five (5) working days prior to the desired EAB meeting. The EAB meets at 6:00 p.m. on the 3<sup>rd</sup> Thursday of the month. Review by the EAB must occur at least one (1) month prior to the first public hearing notification date in order to maintain the published schedule. This allows time for staff to review any additional zoning conditions proposed based on the EAB's recommendations.

**PUBLIC HEARING NOTIFICATION:** Notification of the public hearing will take place by three different methods.

1. A written notice will be prepared by Planning staff and sent to property owners, tenants, and neighborhood associations abutting and within 300 feet of the land subject to the application not more than 25 days nor less than 10 days prior to the public hearings, as required by the UDO.
2. A notice will be published on the Town of Apex website ([www.apexnc.org](http://www.apexnc.org)) no less than 10 days, but not more than 25 days, prior to the public hearings.
3. A public hearing sign will be posted at the land subject to the application at least 10 days prior to the public hearings.

**1<sup>ST</sup> PUBLIC HEARING/PLANNING BOARD MEETING:** The Planning Board will consider the application, relevant support materials, the Staff Report, and public testimony given at the public hearing. After the public hearing the Planning Board will make a recommendation to the Town Council. The Planning Board may recommend approval, approval with conditions, or disapproval. The application is then forwarded to the Town Council. The Planning Board meets at 4:30 p.m. in the Town Hall Council Chambers on the date indicated on the Rezoning Schedule.

**2<sup>ND</sup> PUBLIC HEARING/TOWN COUNCIL MEETING:** The Town Council will consider the application, relevant support materials, the Staff Report, the Planning Board recommendation, and public testimony given at the public hearing. After the public hearing the Town Council will either vote to continue action on the application to a subsequent meeting or vote to approve, approve with conditions, or disapprove the rezoning. The Town Council meets at 6:00 p.m. in the Town Council Chamber on the date indicated on the Rezoning Schedule.



## 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 #: #23CZ13 Submittal Date: 6-3-24  
Fee Paid: \_\_\_\_\_

### Project Information

Project Name: La Farm Bakery  
Address(es): 202 S. Salem St, Apex, NC 27502  
PIN(s): 0742306498  
Acreage: .53  
Current Zoning: O&I Proposed Zoning: MORR-CZ  
Current 2045 LUM Classification(s): Medium Density/Office Employment  
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☐ No ☐

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

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

### Applicant Information

Name: La Farm Bakery  
Address: 4248 NW Cary Pkwy  
City: Cary State: NC Zip: 27513  
Phone: 919-459-8336 E-mail: adrienne.cates@lafarmbakery.com

### Owner Information

Name: Wilkinson Properties of North Carolina  
Address: 104 Downing Pl  
City: Apex State: NC Zip: 27502  
Phone: 919-302-8695 E-mail: nanadebh@gmail.com

### Agent Information

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Other contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## PETITION INFORMATION

Application #: #24CZ13 Submittal Date: 6-3-24

An application has been duly filed requesting that the property described in this application be rezoned from O&I \_\_\_\_\_ to MORR-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	_____	21	_____
2	Restaurant, General	22	_____
3	Medical or dental office or clinic	23	_____
4	office, business or professional	24	_____
5	book store	25	_____
6	convenience store	26	_____
7	financial institution	27	_____
8	floral shop	28	_____
9	grocery, specialty	29	_____
10	newsstand or gift shop	30	_____
11	personal service	31	_____
12	pharmacy	32	_____
13	Retail sales, general	33	_____
14	studio for art	34	_____
15	pet services	35	_____
16	utility, minor	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____



## PETITION INFORMATION

Application #: #23CZ13 Submittal Date: 6-3-24

## 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.

Rezoning 202 S. Salem St., PIN 0742306498 from O&I to MORR-CZ. Will not change the footprint of the building on the property.

The predominate exterior building materials shall be high quality materials.

The main entrance should be emphasized and the exterior shall be more than one color.

## 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 proposed conditional rezoning is consistent with the 2045 Land Use Map designation.

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

The proposed conditional zoning is to convert and empty bank building, into a retail bakery/cafe. This is the in like with the town's small town character guidelines.



## PETITION INFORMATION

Application #: #24CZ13 Submittal Date: 6-3-24

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

All proposed uses will be consistent with the standards provided in the Town of Apex UDO including any applicable supplemental standards.

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 rezoning will not have any adverse effect on any adjacent or surrounding lands regarding trash, traffic, service delivery, parking and loading odors, noise, glare and vibration and will 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.

The proposed rezoning will not have any environmental impact or 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.

The proposed rezoning will not have an adverse impact on public facilities and services.

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 Conditional Zoning will not affect the health, safety or welfare.



## PETITION INFORMATION

Application #: #23CZ13 Submittal Date: 6-3-24

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

The proposed Conditional Zoning will not be detrimental to adjacent properties.

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

The proposed rezoning will not constitute a nuisance or hazard due to traffic impact or noise.

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

The proposed conditional zoning complies with all standards imposed on it by all other applicable provision of this ordinance for use, layout and general development characteristics.

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## AGENT AUTHORIZATION FORM

Application #: #24CZ13

Submittal Date: 6-3-24

Wilkinson Properties of North Carolina

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: 202 S. Salem St, Apex, NC 27502

The agent for this project is: \_\_\_\_\_

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

Agent Name: Deborah Hardee

Address: 104 Downing Place, Apex, NC 27502

Telephone Number: 919-302-8695

E-Mail Address: nana@debh@gmail.com

Signature(s) of Owner(s)\*

Deborah Hardee

Deborah Hardee, Member-Manager

Type or print name

6/3/24

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 #: #24CZ13Submittal Date: 6-3-24

The undersigned, \_\_\_\_\_ (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 202 S. Salem St., 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 March 31, 2020, and recorded in the Wake County Register of Deeds Office on April 3, 2020, in Book 17812 Page 886.
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 April 3, 2020, 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 April 3, 2020, 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 3<sup>rd</sup> day of June, 2024.

Deborah Hardee

(seal)

Deborah Hardee

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 Deborah Hardee, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

**MARCOS A LAZARO**

Notary Public

Wake Co., North Carolina

My Commission Expires Oct. 11, 2027

[NOTARY SEAL]

Mary A. Jones

Notary Public

State of North Carolina

My Commission Expires: 10/11/2027



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

Application #: #24CZ13

Submittal Date: 6-3-24

**Insert legal description below.**

Being all of Lot 1B, 2, and 3A, as shown on the Recombination Survey, performed by Staley C. Smith, dated August 5, 2002 and recorded in Book of Maps 2002, Page 1533, Wake County Registry.

The property herein conveyed does not include the primary residence of the Grantor.

The property hereinabove described was acquired by being the same property conveyed to Grantor by instrument recorded in Book 14403, Page 1655, Wake County Registry.

A map showing the above described property is recorded in Book of Maps 2002, Page 1533, Wake County Registry.

For informational purposes only:

202 S. Salem St.  
Apex, NC 27502-1825  
REID 0012575  
PIN 0742306498



## Wake County Residential Development Notification

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

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

Please send any questions about this form to:  
[studentassignment-gis-group@wcpss.net](mailto:studentassignment-gis-group@wcpss.net)

Developer Company Information	
Company Name	
Company Phone Number	
Developer Representative Name	
Developer Representative Phone Number	
Developer Representative Email	

New Residential Subdivision Information	
Date of Application for Subdivision	
City, Town or Wake County Jurisdiction	
Name of Subdivision	
Address of Subdivision (if unknown enter nearest cross streets)	
REID(s)	
PIN(s)	

Projected Dates Information	
Subdivision Completion Date	
Subdivision Projected First Occupancy Date	

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





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

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

# Instruction Packet and Affidavit for Neighborhood Meetings

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

## WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

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

## WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezoning (including Planned Unit Developments);
- Major Site Plans;
- Minor Site Plans for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", and "Convenience store with gas sales";
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

## INSTRUCTIONS

Prior to submitting an application for a Rezoning; Major Site Plan; Minor Site Plans for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"; residential Master Subdivision Plan (excluding exempt subdivisions); or Special Use Permit, the applicant must conduct at least one (1) Neighborhood Meeting. **The notices for this Neighborhood Meeting shall not be mailed until after the pre-application meeting with the Technical Review Committee has been held.** This meeting may be held in-person or virtually. Virtual meetings shall provide a dial-in option in addition to a link to participate by internet. The applicant shall submit all forms included in this packet with the initial application submittal.

A second Neighborhood Meeting is required for all Rezoning (including Planned Unit Developments). This meeting shall be held in the month preceding the anticipated public hearing date.

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

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

- The applicant is required to notify the Planning Department, all property owners 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, not including the day of mailing. The applicant shall send an email to [addressing.team@apexnc.org](mailto:addressing.team@apexnc.org) to request the notification list as early as possible in order to receive the list in time for the mailing. The list will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors. An updated list shall be provided by Planning staff prior to the required 2<sup>nd</sup> meeting for Rezoning applications.

- The applicant shall include with the meeting notice a vicinity map in addition to the materials listed under “Mailing and handout requirements” below.

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

- For all applications except Rezonings, the meeting must be held for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period.
- For Rezoning, two (2) meetings are required. The first meeting must be held prior to submittal of the application and the second meeting must be held in the month preceding the anticipated public hearing date. The meetings must be held for a minimum of one (1) hour each, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period.
- Meetings cannot be held on Town recognized holidays (<http://www.apexnc.org/calendar.aspx>).
- In-person meetings:
  - Meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
  - A sign-in sheet must be used in order to verify attendance. Ensure each attendee signs in. Please note if any person(s) refuses to sign in. Note if no one attended.
- Virtual meetings:
  - Meeting shall be held via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant’s choice. A dial-in option shall be provided.
  - An attendance sheet must be used to log known attendees at the virtual meeting. Note if no one attended.
- Mailing and handout requirements to help facilitate discussion:
  - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ):
    - A vicinity map and existing zoning map of the area; and
    - An exhibit(s) showing any proposed long range plan amendment(s), if applicable.
  - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; Minor Site Plans for the uses “Day care facility”, “Government service”, “School, public or private”, “Restaurant, drive-through”, and “Convenience store with gas sales”; residential Master Subdivision Plans; and Special Use Permits:
    - A vicinity map and preliminary plans of the proposed development. Neighbors may request emailed/mailed copies of the maps or plans from the applicant by checking the “send plans” box on the sign-in sheet; applicant shall provide reduced copies upon request. For virtual meetings, the applicant must ask meeting participants if they would like any materials emailed/mailed to them; and
    - An exhibit showing any proposed long range plan amendment(s), if applicable.
  - Printed copies (handouts) must equal the number of notices required to be sent.
  - Contact information for the applicant’s representative and Town Staff must be provided on the attached “Project Contact Information” form.
  - “Common Construction Issues & Who to Call” sheet (attached) must be included as part of the mailing/handout.
  - A copy of the handout must be included as part of the Neighborhood Meeting report.



- The agenda of the meeting shall include:
  - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
  - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
  - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by attendees, and responses by the applicant, if any, must be noted. For in-person meetings, provide blank comment sheets or notecards for neighbors to submit written comments. For virtual meetings, copy all questions and answers entered into the meeting's chat feature before closing the meeting and save them into a document. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant.
- The applicant shall be responsible for notifying any neighbors who check the "Send Plans & Updates" box on the sign-in sheet or who otherwise request to be updated of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex's Interactive Development Map.

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

- A copy of the letter mailed to the Planning Department, neighbors, and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the sign-in sheet (use attached sign-in sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One (1) reduced copy of the maps and/or plans included in the invitation and presented to the neighbors at the Neighborhood Meeting.



# 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.

5-15-24

Date

Dear Neighbor:

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

202 S. Salem St., Apex, NC 27502

0742306498

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)):

Rezoning from O&I (office & industrial) to MORR-CZ (Mixed Office-Residential-Retail Conditional Zoning District) to

convert old bank location to a La Farm Bakery location carrying artisanal breads and pastries baked fresh daily

and a cafe with seating indoors & outdoors, including a proposed rooftop deck for guests to enjoy.

Estimated submittal date: June 3rd, 2024

## MEETING INFORMATION:

Property Owner(s) name(s): Wilkinson Properties of North Carolina

Applicant(s): La Farm Bakery

Contact information (email/phone): adrienne.cates@lafarmbakery.com / 919-459-8336

Meeting Address: 202 S. Salem St. Apex, NC 27502

Date/Time of meeting\*\*: May 28th 2024, 5pm

Welcome: 5pm Project Presentation: 5:15pm Question & Answer: 5:30pm

\*\*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: La Farm Bakery Zoning: \_\_\_\_\_

Location: \_\_\_\_\_

Property PIN(s): 0742306498 Acreage/Square Feet: \_\_\_\_\_

Property Owner: Wilkinson Properties of North Carolina

Address: 104 Downing Pl

City: Apex State: NC Zip: 27502

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

Developer: \_\_\_\_\_

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

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

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

Engineer: \_\_\_\_\_

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

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

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

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



### **Providing Input to Town Council:**

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

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

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

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

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

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

### **Documentation:**

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

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

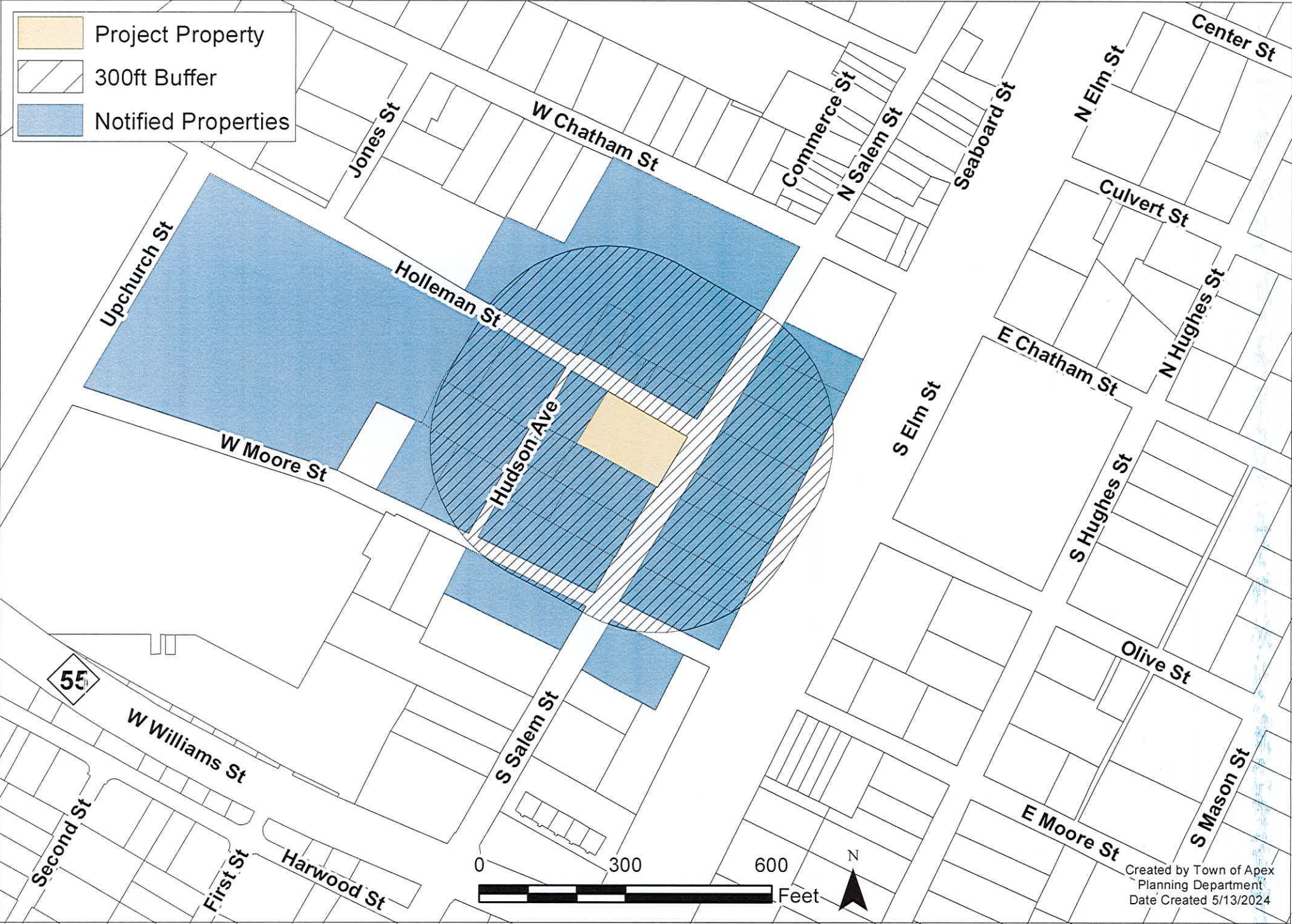
<b>Noise &amp; Hours of Construction:</b>	<b>Non-Emergency Police</b>	<b>919-362-8661</b>
Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.		
<b>Construction Traffic:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).		
<b>Road Damage &amp; Traffic Control:</b>	<b>Water Resources – Infrastructure Inspections</b>	<b>919-362-8166</b>
There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.		
<b>Parking Violations:</b>	<b>Non-Emergency Police</b>	<b>919-362-8661</b>
Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.		
<b>Dirt in the Road:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.		
<b>Dirt on Properties or in Streams:</b>	<b>James Misciagno</b> <b>Danny Smith</b>	<b>919-372-7470</b> <b><a href="mailto:Danny.Smith@ncdenr.gov">Danny.Smith@ncdenr.gov</a></b>
Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith ( <a href="mailto:danny.smith@ncdenr.gov">danny.smith@ncdenr.gov</a> ) with the State.		
<b>Dust:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.		
<b>Trash:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.		
<b>Temporary Sediment Basins:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.		
<b>Stormwater Control Measures:</b>	<b>Jessica Bolin</b>	<b>919-249-3537</b>
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.		
<b>Electric Utility Installation:</b>	<b>Rodney Smith</b>	<b>919-249-3342</b>
Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.		



SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
0 HOLLEMAN ST	0742306684	APEX BAPTIST CHURCH INC	110 S SALEM ST	APEX NC 27502-1823
212 S SALEM ST	0742304288	C & D INVESTMENT CO INC	THOMAS DIXON	2950 SANDY FORD RD NEWTON NC 28658-9201
309 HOLLEMAN ST	0742209702	CAREY C JONES MEMORIAL PARK INC	PO BOX 781	APEX NC 27502-0781
207 HUDSON AVE	0742304487	COX, PERRY COX, DEBRA	721 HILLSFORD LN	APEX NC 27502-6270
208 HUDSON AVE	0742303573	FOWLER, ANGELA JONES	4308 OAK HOLLOW DR	HIGH POINT NC 27265-9652
203 S SALEM ST	0742308366	GARRITY, JOHN E GARRITY, LISA	120 PLEASANTS AVE	CARY NC 27511-3438
210 S SALEM ST	0742305373	GRIMES, DONALD W GRIMES, LAURA M	210 S SALEM ST	APEX NC 27502-1825
109 HOLLEMAN ST	0742305576	HOLLEMAN STREET LLC	109 HOLLEMAN ST	APEX NC 27502-1809
203 HOLLEMAN ST	0742304622	JASKI, DAVID JOHN JASKI, MAGEE JASPER	1422N WRAGBY LN	APEX NC 27502-6605
200 W MOORE ST	0742303431	JONES, GLENN T JONES, BRENDA R	200 W MOORE ST	APEX NC 27502-1821
207 HOLLEMAN ST	0742303637	KANE BUILT INC	5 KANE INDUSTRIAL DR	HUDSON MA 01749-2905
111 S SALEM ST	0742309599	KEITHCART, ANGELA LEIGH STEPHENSON, ROBERT HINTON JR	50 HUNTERS DR	BRUNSWICK GA 31525-4081
211 S SALEM ST	0742307155	LHS HOLDINGS LLC	8124 ROSIERE DR	APEX NC 27539-9319
209 S SALEM ST	0742307292	MICHAEL WILMS TRUST	209 S SALEM ST	APEX NC 27502-1824
107 S SALEM ST	0742400637	MILLS, ANGELA S MILLS, SUSAN SEYMOUR	107 S SALEM ST	APEX NC 27502-1822
201 S SALEM ST	0742309403	PEAK DEVELOPMENTAL SERVICES LLC	201 S SALEM ST	APEX NC 27502-1824
207 S SALEM ST	0742308239	PROCTOR, JAMES A TRUSTEE JAMES A PROCTOR REVOCABLE LIVING TRUST	5365 MACEDONIA CHURCH RD	VALE NC 28168-8717
115 S SALEM ST	0742309552	PROCTOR, MICHAEL A PROCTOR, TONYA W	115 S SALEM ST	APEX NC 27502-1822
206 W MOORE ST	0742302439	RAGAN, CLYDE STONE JONES, BRENDA R	206 W MOORE ST	APEX NC 27502-1821
300 S SALEM ST	0742304127	SEYMOUR, THOMAS E SEYMOUR, ROBIN J	PO BOX 177	APEX NC 27502-0177
206 S SALEM ST	0742306421	SHIRLEY, AUGUSTUS GRAHAM II SHIRLEY, KIMBERLY B	206 S SALEM ST	APEX NC 27502-1825
211 HUDSON AVE	0742304369	TALBERT, CYNTHIA D	211 HUDSON AVE	APEX NC 27502-1840
301 S SALEM ST	0742306062	TRUSTEES OF THE HOLLAND FAMILY TRUST	REBECCA HOLLAND YOUNG	PO BOX 1467 CARY NC 27512-1467
202 S SALEM ST	0742306498	WILKINSON PROPERTIES OF NORTH CAROLINA LLC	104 DOWNING PL	APEX NC 27502-9342
		APEX TOWN OF	PO BOX 250	APEX NC 27502
		Current Tenant	203 Holleman ST	APEX NC 27502
		Current Tenant	207 Holleman ST	APEX NC 27502
		Current Tenant	207 Hudson AVE	APEX NC 27502
		Current Tenant	111 S Salem ST	APEX NC 27502
		Current Tenant	202 S Salem ST	APEX NC 27502
		Current Tenant	203 S Salem ST	APEX NC 27502
		Current Tenant	205 S Salem ST	APEX NC 27502
		Current Tenant	207 S Salem ST	APEX NC 27502
		Current Tenant	211 S Salem ST Suite A	APEX NC 27502
		Current Tenant	211 S Salem ST Suite B	APEX NC 27502
		Current Tenant	211 S Salem ST Suite C	APEX NC 27502
		Current Tenant	212 S Salem ST	APEX NC 27502
		Current Tenant	300 S Salem ST	APEX NC 27502
		Current Tenant	301 S Salem ST Suite 101	APEX NC 27502
		Current Tenant	303 S Salem ST	APEX NC 27502

Created by Town of Apex Planning Department  
Date Created: 5/13/2024

# Notified Properties within 300ft of the Project Property





# 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: 202 S. Salem St. Apex, NC 27502

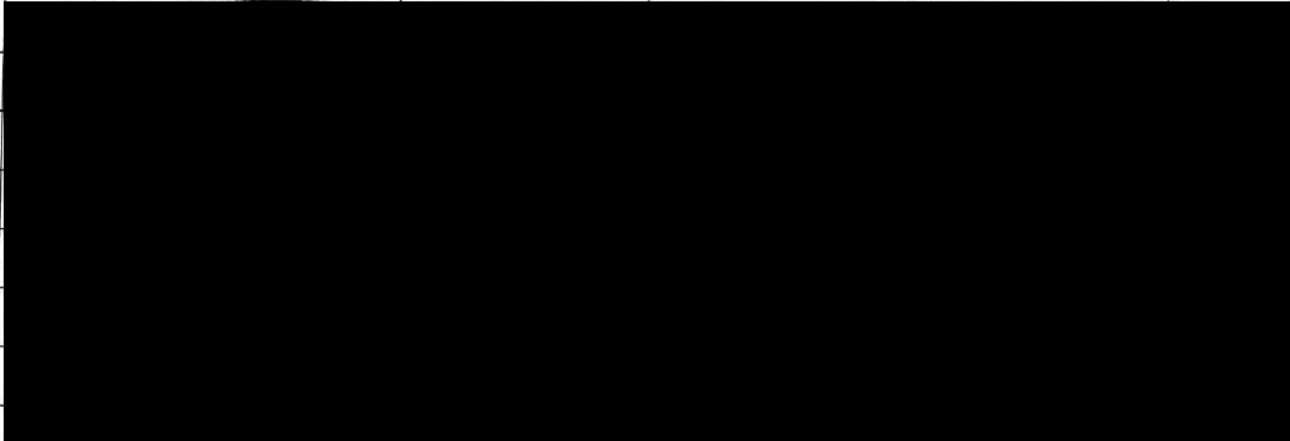
Date of meeting: 5-28-24

Time of meeting: 5pm

Property Owner(s) name(s): Wilkinson Properties of North Carolina

Applicant(s): La Farm Bakery

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
1.	<u>Deborah Hardze</u>				
2.	<u>Mike Wilms</u>				
3.	<u>Mike &amp; Tonya Proctor</u>				
④ 4.	<u>KEISTIN KRIPPEN</u>				
5.	<u>Kim Shirley</u>				
6.	<u>Brandon Sallis</u>				
7.					
8.					<input 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): Wilkinson Properties of North Carolina

Applicant(s): La Farm Bakery

Contact information (email/phone): \_\_\_\_\_

Meeting Address: 202 S. Salem St. Apex, NC 27502

Date of meeting: 5-28-24

Time of meeting: 5pm

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:

Which type of location will this Apex one be like?

Applicant's Response:

The Preston location, with dining and retail.

Question/Concern #2:

Do you hope to have a drive thru?

Applicant's Response:

Yes, that was an attractive feature about this location.

Question/Concern #3:

Have you looked at traffic during different parts of the day? Will you do a traffic impact analysis?

Applicant's Response:

We are working with the city and engineers to help keep traffic low.

Question/Concern #4:

What are you projected numbers of people per day?

Applicant's Response:

That is unknown as of now. But most of their volume is lunch and breakfast. Only 2% of their business happens after 4pm.



## Town of Apex Meeting Questions

202 S Salem St, Apex, NC 27502, USA

05/28/2024

1. A main concern is parking spots near driveways and the impact that more traffic will have on those. People feel as if they can't see backing out of their driveways when there is heavy traffic and street parking. Will you work with engineers to block off spaces on Salem street to protect the residents and their parallel parking visibility?
  - a. We will follow the standard process and work with the town to request protection for residents to ensure their safety entering and exiting their driveways.
2. What are your thoughts on the noise from rooftop seating?
  - a. We will study the noise impact but the noise/rooftop seating will be facing away from the residents. There is also not going to be high levels of rock or loud music because it is designed to be a peaceful French experience.
3. Are there renderings yet?
  - a. No, but we have basic sketches that involve big windows and seating areas.
4. Are you keeping the footprint of this building?
  - a. Yes, and we will do a parking study to maximize the lot efficiency.
5. Will there be space for construction workers to park?
  - a. Yes, planning will allot for that.
6. A concern is that people from La Farm will park in front of local business signs and limit their marketing ability/public view.
7. For the neighbors behind the store, could you consider placing a noise buffer?
  - a. Yes, we are also not convinced that there will be significant amounts of sound either.
8. Do you have other plans for outdoor seating besides the rooftop?
  - a. Yes, along the street and sidewalk and the city wants more places with outdoor seating.
9. What changes will you make to the building itself?
10. What will the impact be of early morning deliveries? When do they happen?
  - a. It varies between stores and bakers bake during the night. Delivery time would be anytime between 5-6am and they are not loud and not 180-wheelers. It is an economy single box E350 truck. They are extremely quiet.
11. Where will the delivery drop off?
  - a. In the back most likely?
12. Is there a construction timeline?
  - a. The city process is long, but we hope to have it open before the holidays of 2024.
13. Do we do special events?
  - a. Yes, in Preston but we have not since COVID.
14. How long will the permitting process take?
  - a. Rezoning takes about 105 days but there is not currently a timeline for the permitting process.
15. When will there be a meeting for the residents of the town?
  - a. There is not a projected time for a planning board meeting yet.

# 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, OMAR CLAYE, do hereby declare as follows:  
Print Name

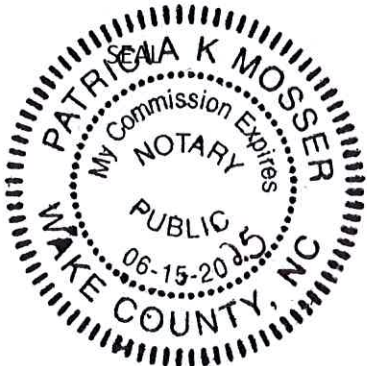
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property 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 202 S. Salem St. Apex, NC 27502 (location/address) on 5-28-24 (date) from 5pm (start time) to 6pm (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.

06/03/2024  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Patricia K Mosser, a Notary Public for the above State and County, on this the 3<sup>rd</sup> day of June, 2024.



Patricia K Mosser  
Notary Public  
Patricia K Mosser  
Print Name

My Commission Expires: June 15 2025



# NOTICE OF NEIGHBORHOOD MEETING

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

7-22-24

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at  
202 S. Salem St., Apex, NC 27502 0742306498

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)):

Rezoning from O&I (office & industrial) to MORR-CZ (Mixed Office-Residential-Retail Conditional Zoning District) to

convert old bank location to a La Farm Bakery location carrying artisanal breads and pastries baked fresh daily

and a cafe with seating indoors & outdoors, including a proposed rooftop deck for guests to enjoy.

Estimated submittal date: July 24, 2024

## MEETING INFORMATION:

Property Owner(s) name(s): Wilkinson Properties of North Carolina

Applicant(s): La Farm Bakery

Contact information (email/phone): adrienne.cates@lafarmbakery.com / 919-459-8336

Meeting Address: 202 S. Salem St. Apex, NC 27502

Date/Time of meeting\*\*: July 22nd 2024, 5pm

Welcome: 5pm Project Presentation: 5:15pm Question & Answer: 5:30pm

\*\*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>.

# 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): Wilkinson Properties of North Carolina

Applicant(s): La Farm Bakery

Contact information (email/phone): adrienne.cates@lafarmbakery.com/910-520-1420

Meeting Address: 202 S. Salem St., Apex, NC 27502

Date of meeting: 7-22-24 Time of meeting: 5pm

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:

Has the building already been bought?

Applicant's Response:

No, it is currently being subleased until the original lease is up and it can be purchased.

Question/Concern #2:

Parking on Sunday mornings will be worked out between the city and the church especially.

Applicant's Response:

We will work it out with the community.

Question/Concern #3:

Visibility and safety within the intersections was a concern and has been brought up to the town but is ultimately up to the town.

Applicant's Response:

Question/Concern #4:

What time will the deliveries be, and will there be large trucks?

Applicant's Response:

We only have 10-14ft trucks which are very quiet and deliver usually before 6am.



## Town of Apex Meeting Questions 7-22-24

- The people wanted us to know that the town shuts streets down for certain events and to make sure we knew which nights we won't be able to access the building.
- Is this the second neighborhood meeting La Farm has held here?
  - o Yes
- Do we know what our Sunday schedule will be and when will we know?
  - o We don't know and won't know until after the rezoning application is approved. However, most of our stores are open on Sunday at 7am.
- When should the rezoning be finalized by?
  - o Ideally by the end of August.
- From rezoning approval to opening, what is the rough timeline estimate?
  - o Depending on the process of getting permits in Apex, we don't expect to be open until January-February 2025.
- What is the owners' name?
  - o We are owned by Lionel and Elisabeth Vatinet. They own all the locations except the airport because of RDU regulations.
- The Preston location has an estimated 3-4 times the volume of customers than this location will likely have and has less parking than the Apex location.
- Will there be a drive through?
  - o No, it is not going to happen.
- How does pickup/drive-up compare to drive through?
  - o A drive through must have a certain number of cars that can stack before getting to the road. A drive up or pickup has designated spaces that the staff delivers to the vehicle directly.
- Will the trees that surround the lot stay?
  - o Yes, they won't be touched.
- Are rezoning, site plan approval, and construction are the three main steps?
  - o Yes, and rezoning is the biggest thing.
- What are we rezoning/asking for?
  - o We need to rezone it to be a restaurant.
- Where does day old bread go?
  - o We hope to donate as much as we can from our stores. We work with churches and other local places.
- Will there be a smell from the store?
  - o We don't fry so there will not be grease smoke or much smell. There will not be a full kitchen but a small kitchen. It is essentially a storefront and about 85% of the products will be made elsewhere and brought in. We don't have or use fryers.
- Will our kitchen have a hood and where will it discharge?
  - o It will have a hood, but it is too early to know if it will discharge straight up or into a wall. We will have venting in the oven too.
- A rooftop is ideal but not final and we are not sure if it is viable. Investigations to know if it can be even structurally supportive hasn't happened.
- Have you run into any neighbors who are vehemently opposed to us coming?

- No, not yet Apex has been well receptive and welcoming. Many business owners and residents who came to the last meeting were welcoming and felt satisfied with the discussion enough to not feel the need to attend this meeting.



# NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: 202 S. Salem St., Apex, NC 27502  
 Date of meeting: 7-22-24 Time of meeting: 5pm  
 Property Owner(s) name(s): Wilkinson Properties of North Carolina  
 Applicant(s): La Farm Bakery

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.	Cynthia Baker				
2.	Olivia Baumann <sup>Apex</sup> Baptist				
3.	Wayne English <sup>Apex</sup> Baptist				
4.	Staley Smith				
5.	Deborah Hardee				
6.	Tonya W. Proctor				
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

# 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, Adrienne Cates, do hereby declare as follows:  
Print Name

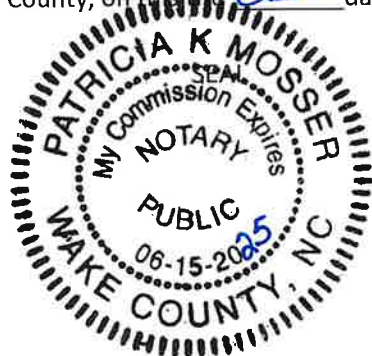
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property 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 202 S. Salem St., Apex, NC 27502 (location/address) on July 22, 2024 (date) from 5pm (start time) to 6pm (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.

7.23.24  
Date

By: A. Cates

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Patricia K Mosser, a Notary Public for the above State and County, on this the 23<sup>rd</sup> day of July, 2024.



Patricia K Mosser  
Notary Public  
Patricia K Mosser  
Print Name

My Commission Expires: June 15 2025



## APEX ENVIRONMENTAL ADVISORY BOARD

### Suggested Zoning Conditions



Project Name: n/a

Date: n/a

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. <p align="center"><b>AND/OR</b></p> 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>AND/OR</b>			
b. No single species of native or adaptive vegetation 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"/>
<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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>OR</b>			
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**

<b>PLANTING AND LANDSCAPING (6-13)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</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 on each lot and within disturbed common areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Goal 12. 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 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"/>
<b>Goal 13. Reduce impacts to resource conservation Areas (RCAs).</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. <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"/>          <input type="checkbox"/>	<input type="checkbox"/>          <input type="checkbox"/>

<b>SUSTAINABLE BUILDINGS (14)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>Goal 14. 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 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>WASTE MANAGEMENT (15)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<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> 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>CLEAN ENERGY (16-18)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>Goal 16. Install rooftop solar on buildings.</b> 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. <b>AND/OR</b> 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. <b>AND/OR</b>	<input type="checkbox"/>          <input type="checkbox"/>	<input type="checkbox"/>          <input type="checkbox"/>	<input type="checkbox"/>          <input type="checkbox"/>



**Environmental Advisory Board – Suggested Zoning Conditions**

<b>CLEAN ENERGY (16-18)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</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 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.

<b>STORMWATER AND WATER CONSERVATION – WATER QUANTITY (1)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<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 checked="" 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 checked="" type="checkbox"/>

<b>STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>



## Environmental Advisory Board – Suggested Zoning Conditions

<b>STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
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 checked="" 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 checked="" type="checkbox"/>

<b>PLANTING AND LANDSCAPING (8-15)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<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"/>     <input type="checkbox"/>	<input checked="" type="checkbox"/>     <input checked="" type="checkbox"/>



Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p>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.</p> <p><u>Option 8.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space.</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Goal 9. Plant trees for improved energy efficiency.</b></p> <p><u>Option 9.1:</u> Plant deciduous shade trees on southern side of buildings.</p> <p>To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.</p> <p><u>Option 9.2:</u> Plant evergreen trees as a windbreak on northern side of buildings.</p> <p>To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Goal 10. Increase biodiversity.</b></p> <p><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).</p> <p>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.</p> <p style="text-align: center;"><b>OR</b></p> <p>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.</p> <p><u>Option 10.2:</u> Retain and protect old ponds if the dam is structurally sound.</p> <p>To preserve and protect existing species, existing ponds shall be preserved if structurally sound.</p> <p><u>Option 10.3:</u> Increase the number of native tree and shrub species selected.</p> <p>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> <p style="text-align: center;"><b>OR</b></p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Goal 11. Implement green infrastructure.</b></p> <p><u>Option 11.1:</u> Plant rain gardens.</p> <p>The project shall install one or more rain gardens throughout the site.</p> <p><u>Option 11.2:</u> Install vegetated rooftops.</p> <p>a. The project shall install a vegetated rooftop, aka green roof, on each building.</p> <p style="text-align: center;"><b>OR</b></p> <p>b. The project shall install a vegetated rooftop, aka green roof, on at least ____ft<sup>2</sup> of each building.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p><u>Option 11.3:</u> Implement xeriscaping in design.</p> <p>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.</p> <p align="center"><b>OR</b></p> <p>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.</p> <p align="center"><b>OR</b></p> <p>c. To reduce irrigation requirements, the project shall select and plant only warm season grasses.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><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></p> <p>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.</p> <p align="center"><b>OR</b></p> <p>b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUSTAINABLE BUILDINGS (16)	YES	NO	N/A
<p><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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WASTE REDUCTION (17)	YES	NO	N/A
<p><b>Goal 17. Install pet waste stations in public areas for multi-family, apartments, or condominiums or dog friendly businesses.</b></p>			



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 checked="" 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. <p align="center"><b>OR</b></p> 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. <p align="center"><b>OR</b></p> 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 checked="" 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 checked="" 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. <p align="center"><b>AND/OR</b></p> b. EV charging spaces shall be located such that the cords shall not cause a trip hazard. <p align="center"><b>AND/OR</b></p> c. The developer shall provide 5% of all parking spaces as EV charging spaces.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. <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 checked="" 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 checked="" 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 checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

**Applicant Clarification/Additional Language:**

**Additional Board Recommendations:**



# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #24CZ13 La Farm Bakery

Planning Board Meeting Date: August 12, 2024



## Report Requirements:

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

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

## PROJECT DESCRIPTION:

**Acreage:** ±0.53 acres

**PIN(s):** 0742306498

**Current Zoning:** Office & Institutional (O&I)

**Proposed Zoning:** Mixed Office-Retail-Residential-Conditional Zoning (MORR-CZ)

**2045 Land Use Map:** Medium Density Residential/Office Employment

**Town Limits:** Yes

## Applicable Officially Adopted Plans:

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

☒ 2045 Land Use Map  
☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

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

## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #24CZ13 La Farm Bakery

Planning Board Meeting Date: August 12, 2024



### Legislative Considerations:

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

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_



## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #24CZ13 La Farm Bakery

Planning Board Meeting Date: August 12, 2024



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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #24CZ13 La Farm Bakery

Planning Board Meeting Date: August 12, 2024



### Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Daniel Khodaparast

Seconded by Planning Board member: Sarah Soh

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

As presented.

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

With 6 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of August 2024.

Attest:

  
\_\_\_\_\_  
Tina Sherman, Planning Board Chair

  
\_\_\_\_\_  
Dianne Khin, Planning Director





## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ13 La Farm Bakery- 202 S Salem St

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 and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** La Farm Bakery

**Authorized Agent:** Deborah Hardee, Wilkinson Properties of North Carolina

**Property Address:** 202 S Salem St

**Acreage:** ±0.53 acres

**Property Identification Number (PIN):** 0742306498

**2045 Land Use Map Designation:** Medium Density Residential/Office Employment

**Existing Zoning of Property:** Office & Institutional (O&I)

**Proposed Zoning of Property:** Mixed Office-Retail-Residential-Conditional Zoning (MORR-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/47322>.

Dianne F. Khin, AICP  
Planning Director





## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ13

La Farm Bakery- 202 S. Salem St

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

**Solicitante:** La Farm Bakery

**Agente autorizado:** Deborah Hardee, Wilkinson Properties of North Carolina

**Dirección de la propiedad:** 202 S. Salem St

**Superficie:** ±0.53 acres

**Número de identificación de la propiedad:** 0742306498

**Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential/Office Employment

**Ordenamiento territorial existente de la propiedad:** Office & Institutional (O&I)

**Ordenamiento territorial propuesto para la propiedad:** Mixed Office-Retail-Residential-Conditional Zoning (MORR-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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/47322>.

Dianne F. Khin, AICP  
Directora de Planificación





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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #24CZ13  
La Farm Bakery- 202 S Salem St**

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**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/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/47322>.

Dianne F. Khin, AICP  
Planning Director





## ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ13

La Farm Bakery- 202 S Salem St

**Solicitante:** La Farm Bakery  
**Agente autorizado:** Deborah Hardee, Wilkinson Properties of North Carolina  
**Dirección de la propiedad:** 202 S Salem St  
**Superficie:** ±0.53 acres  
**Número de identificación de la propiedad:** 0742306498  
**Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential/Office Employment  
**Ordenamiento territorial existente de la propiedad:** Office & Institutional (O&I)  
**Ordenamiento territorial propuesto para la propiedad:** Mixed Office-Retail-Residential-Conditional Zoning (MORR-CZ)

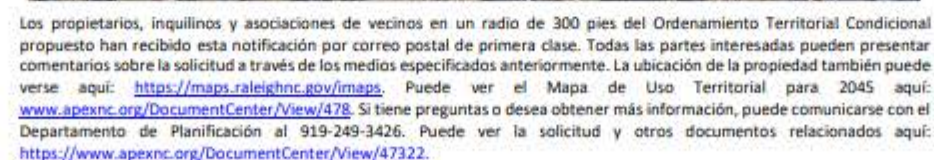
**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

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:**



Dianne F. Khin, AJCP  
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

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

Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #24CZ13  
Project Location: 202 S Salem St  
Applicant or Authorized Agent: La Farm Bakery  
Owner: Deborah Hardee, Wilkinson Properties of North Carolina  
Planning Board/Town Council Public Hearing Date: August 12, 2024  
Project Planner: Liz Loftin

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

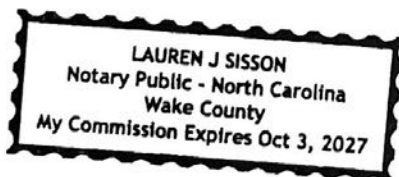
*Shirley F. Hines*  
Planning Director

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.

*[Signature]*  
Notary Public



My Commission Expires: 10 / 03 / 2027



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ13 La Farm Bakery- 202 S. Salem St

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 and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** La Farm Bakery

**Authorized Agent:** Deborah Hardee, Wilkinson Properties of North Carolina

**Property Address:** 202 S. Salem St

**Acreage:** ±0.53 acres

**Property Identification Number (PIN):** 0742306498

**2045 Land Use Map Designation:** Medium Density Residential/Office Employment

**Existing Zoning of Property:** Office & Institutional (O&I)

**Proposed Zoning of Property:** Mixed Office-Retail-Residential-Conditional Zoning (MORR-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/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/47322/24CZ13>.

Dianne F. Khin, AICP  
Planning Director





## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ13

La Farm Bakery- 202 S. Salem St

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

**Solicitante:** La Farm Bakery

**Agente autorizado:** Deborah Hardee, Wilkinson Properties of North Carolina

**Dirección de la propiedad:** 202 S. Salem St

**Superficie:** ±0.53 acres

**Número de identificación de la propiedad:** 0742306498

**Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential/Office Employment

**Ordenamiento territorial existente de la propiedad:** Office & Institutional (O&I)

**Ordenamiento territorial propuesto para la propiedad:** Mixed Office-Retail-Residential- Conditional Zoning (MORR-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

**Fecha y hora de la audiencia pública del Consejo Municipal: 27 de 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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/47322/24CZ13>.

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 #24CZ13  
Project Location: 202 S Salem St  
Applicant or Authorized Agent: La Farm Bakery  
Owner: Deborah Hardee, Wilkinson Properties of North Carolina  
Planning Board/Town Council Public Hearing Date: August 12, 2024  
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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.

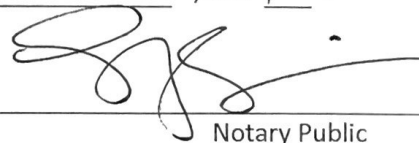
7/30/2024  
Date

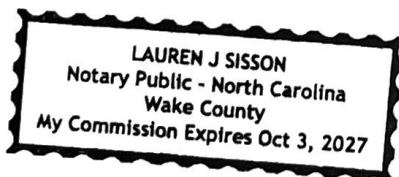
  
Planning Director

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



Prepared by: Town of Apex Planning Department  
June 2024  
February 2024 Aerial Photography

Public Hearing Sign Posted By

  
Signature

6/13/24  
Date

Rezoning #24CZ13

Hudson Ave

Holleman St

202

S Salem St

0 50 100  
Feet