

STAFF REPORT

Rezoning #20CZ09 Holleman Hills South

November 17, 2020 Town Council Meeting



All property owners within three hundred (300) feet of this rezoning have been notified per UDO Section 2.2.11 "Public Notification".

BACKGROUND INFORMATION:

Location: 5131 & 5145 Church Road
Agent/Owner: Jeff Roach, Peak Engineering & Design/Alonzo Wilson

PROJECT DESCRIPTION:

Acreage: +/- 10.16 acres
PINs: 0619899026, 0619889725
Current Zoning: Wake Co. R-30
Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: Outside Corporate Limits and ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Medium Density-Conditional Zoning (MD-CZ #17CZ14)	Single-family Residential (Holleman Hills Subdivision)
South:	Residential Agricultural (RA #07RZ20)	Western Wake Regional Water Reclamation Facility
East:	Wake County Highway District (HD); Wake County Residential-30	Vacant
West:	Residential Agricultural (RA #07RZ20)	Western Wake Regional Water Reclamation Facility

EXISTING CONDITIONS:

The site consists of two (2) parcels totaling +/- 10.16 acres. It is located at the end of Church Road, west of New Hill Holleman Road between US 1 Hwy and Old US 1 Hwy and east of the Western Wake Regional Water Reclamation Facility. It is south of the Holleman Hills Subdivision, which was approved on March 22, 2018 and is currently under construction.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on October 19, 2020. The meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject property as Medium Density Residential. The proposed rezoning to Medium Density Residential-Conditional Zoning is consistent with the Land Use Map designation.

PROPOSED ZONING CONDITIONS:

Proposed Uses:

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

1. Single-family
2. Park, active
3. Park, passive
4. Greenway
5. Utility, minor
6. Accessory apartment
7. Family care home
8. Recreation facility, private

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Buffering:

1. If this subdivision is developed as a part of the approved Holleman Hills Subdivision, no buffer shall be provided along the northern property line adjacent to Holleman Hills.
2. A 20-foot Type B Buffer will be provided along the eastern boundary at the 2 residential properties PIN 0619-99-3364 & 0619-99-6238. The remaining length of the eastern boundary of the project shall be a 10-foot Type B Buffer.
3. A 10-foot Type B Buffer will be provided along the southern boundary of the project adjacent to PIN 0619-79-6350 (Western Wake Regional Water Reclamation Facility).

Single-family residential:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must have windows, decorative details, or carriage-style adornments on them.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - a. Windows
 - b. Bay window
 - c. Recessed window
 - d. Decorative window
 - e. Trim around the window
 - f. Wrap around porch or side porch
 - g. Two or more building materials
 - h. Decorative brick/stone
 - i. Decorative trim
 - j. Decorative shake
 - k. Decorative gable
 - l. Decorative air vents on gable
 - m. Decorative cornice
 - n. Column
 - o. Portico
 - p. Balcony
 - q. Dormer
5. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of three color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
6. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
7. The garage cannot protrude more than 1 foot out from the front façade or front porch.
8. Homes will be pre-wired for solar panels.

Buffer Analysis		
Buffers:	UDO:	Proposed:
Northern boundary:	10-foot Type B	10' Type B if separate subdivision; no buffer if part of Holleman Hills
Southern boundary:	60-foot Type A	10-foot Type B
Eastern boundary:		
Adjacent to Use Class 1: PINs 0619-99-3364 & 0619-99-6238	20-foot Type B	20-foot Type B
Adjacent to Other Use Classes:	20-foot Type A	10-foot Type B

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of rezoning #20CZ09 Holleman Hills South if the following condition is added:

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- A 100-foot riparian buffer shall be provided for all perennial streams in accordance with the requirements of UDO Sec. 6.1 as of August 3, 2020.

In February 2022, the Town's NPDES Phase II permit will expire. Unless it is renewed, our ability to enforce a 100-foot riparian buffer in the Big Branch and Middle Creek watershed basins will end at that time. To mitigate this, we are requesting a zoning condition for any rezoning in those 2 basins that will ensure a 100-foot buffer on perennial streams. Otherwise, an amended subdivision or site plan could be submitted to reduce the buffer to 50-feet. Given the concerns that Apex residents and Council members have expressed regarding tree protection and environmental preservation, a zoning condition is currently our best tool to make sure the 100-foot buffer is provided for all perennial streams. To that end, Planning and Water Resources Staff are requesting this riparian buffer condition on all residential rezoning petitions within the Big Branch and Middle Creek watershed basins.

PLANNING BOARD RECOMMENDATION:

Planning Board heard this petition at their November 9, 2020 Public Hearing and unanimously voted to recommended approval of the rezoning as presented by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

Approval of the rezoning is reasonable as the proposed Medium Density Residential-Conditional Zoning district is consistent with the Medium Density Residential land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest if the condition requested by staff is added because it will maintain a valuable tool to preserve tree canopy and improve water quality. The rezoning will also permit increased housing options in the New Hill area and permit higher densities necessary to support future non-residential uses in the adjacent Neighborhood Mixed Use Activity Center as identified on the 2045 Land Use Map.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Medium Density Residential-Conditional Zoning (MD-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

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Rezoning #20CZ09 Holleman Hills South

November 17, 2020 Town Council Meeting



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.

Rezoning #20CZ09

Holleman Hills

**Western Wake
Regional Water
Reclamation Facility**

Reclamation Rd

Church Rd

New Hill Holleman Rd

New Hill Holleman Rd To U Ramp Sb

US 1 Hwy SB

US 1 Hwy NB

Us 1 Exit 89 Ramp Nb

1



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

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

Application #: 20CZ09 Submittal Date: 08-03-2020
2045 LUM Amendment: _____ Fee Paid: _____

Project Information

Project Name: Holleman Hills South
Address(es): 5131 & 5145 Church Road, New Hill, NC 27562
PIN(s): 0619-89-9026 & 0619-88-9725
Acreage: 10.16
Current Zoning: R-30 (Wake County Zoning) Proposed Zoning: MD-CZ
Current 2045 LUM Designation: Medium Density Residential
Proposed 2045 LUM Designation: N/A

See next page for LUM Amendment.

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

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

Applicant Information

Name: Alonzo Wilson
Address: 1609 White Oak Church Road
City: Apex State: NC Zip: 27523
Phone: (919) 924-6002 E-mail: revawil@bellsouth.net

Owner Information

Name: Florence S Morrison Family Living Trust
Address: PO Box 10
City: New Hill State: NC Zip: 27562
Phone: _____ E-mail: _____

Agent Information

Name: Peak Engineering & Design, Jeff Roach
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com
Other contacts: fspinnenweber@peakengineering.com
dwoods@peakengineering.com
jedwards@peakengineering.com

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

Application #: 20CZ09 Submittal Date: 08-03-2020

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

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

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

N/A

Current 2045 Land Use Classification:

Proposed 2045 Land Use Classification:

N/A

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

N/A

PETITION INFORMATION

Application #:

20CZ09

Submittal Date:

08-03-2020

An application has been duly filed requesting that the property described in this application be rezoned from R-30 to MD-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

PROPOSED USES:

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

1	Single-Family	21	
2	Park, active	22	
3	Park, passive	23	
4	Greenway	24	
5	Utility, minor	25	
6	Accessory apartment	26	
7	Family care home	27	
8	Recreation facility, private	28	
9		29	
10		30	
11		31	
12		32	
13		33	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

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Application #:

20CZ09

Submittal Date:

08-03-2020

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

The proposed use will meet the required Supplemental Standards for the proposed use(s).

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 design will provide perimeter buffer, architectural controls, access, and utility connections to avoid adverse impacts on the surrounding properties.

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 site is proposed to meet UDO standards for design controls, including minimization and avoidance of environmentally sensitive areas, limited site impact, and reduction in clearing of perimeter vegetation.

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 site is located close to existing public facilities, including water, sewer, stormwater, gas, electric and telephone. The site has significant surrounding public infrastructure including streets with easy access for emergency vehicles and personnel.

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 use will not be detrimental to the health, safety, and welfare of Apex residents. The use will provide a service to Apex citizens.

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08-03-2020

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

The use is in keeping with the adopted plans and will not be detrimental to the adjacent property owners.

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 use does not constitute a nuisance or hazard based upon the anticipated number of persons who will utilize the service.

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 development will meet the standards within various sections of the Town of Apex UDO.

Rezoning Conditions:

Buffering:

1. If this subdivision is developed as a part of the approved Holleman Hills Subdivision, no buffer shall be provided along the northern property line adjacent to Holleman Hills.
2. A 20' Type B Buffer will be provided along the eastern boundary at the 2 residential properties PIN# 0619-99-3364 & 0619-99-6238. The remaining length of the eastern boundary of the project shall be a 10' Type B Buffer.
3. A 10' Type B Buffer will be provided along the southern boundary of the project adjacent to Pin# 0619-79-6350 (Western Wake Regional Water Reclamation Facility).

Single-family residential:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must have windows, decorative details, or carriage-style adornments on them.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the window
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative gable
 - Decorative air vents on gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
5. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of three color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
6. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
7. The garage cannot protrude more than 1 foot out from the front façade or front porch.
8. Homes will be pre-wired for solar panels.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ09

Submittal Date: 08-03-2020

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

	Owner's Name	PIN
1.	Town of Apex	0619-79-6350
2.	Florence S Morrison Family Living Trust	0619-88-9725
3.	Florence S Morrison Family Living Trust	0619-89-9026
4.	Duke Energy Progress Inc.	0629-61-7801
5.	Wake County	0629-61-7801
6.	AMH Development NT LP Limited Partnership	0619-99-9620
7.	Stanley Evans	0619-99-3364
8.	Ina Evans	0619-99-4436
9.	Ina Evans	0619-99-4650
10.	Mark Maletta	0619-99-6238
11.		
12.		
13.		
14.		
15.		

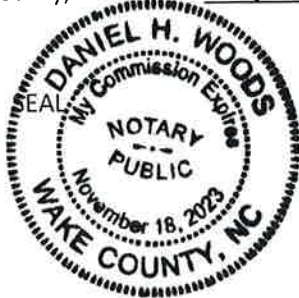
I, Jonathan Edwards, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.


Date: July 1, 2020

By: 

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 1 day of JULY, 2020.




 Notary Public
DANIEL H WOODS
 Print Name

My Commission Expires: 11/18/2023

AGENT AUTHORIZATION FORM

Application #: 20CZ09 Submittal Date: 08-03-2020

Florence S Morrison Family Living Trust is the owner* of the property for which the attached application is being submitted:

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

The property address is: 5131 & 5145 Church Road, New Hill, NC 27562

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Sheila Morrison

Sheila Morrison

Type or print name

07-23-20

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 #: 20CZ09 Submittal Date: 08-03-2020

The undersigned, Sheila Morrison (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 5131 & 5145 Church Road, New Hill, NC 27562 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 4-24-1991, 11-14-2000, and recorded in the Wake County Register of Deeds Office on 4-24-1991, 11-14-2000, in Book 4892, 8732 Page 1044, 577.
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 5131 & 5145 Church Road, New Hill, NC 27562, 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 5131 & 5145 Church Road, New Hill, NC 27562, 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 28 day of July, 2020.

Sheila Morrison (seal)
Sheila Morrison
Type or print name

*

STATE OF NORTH CAROLINA
COUNTY OF Durham

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



Yvonne Harrison
Notary Public
State of North Carolina
My Commission Expires: 8-12-2020

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 20CZ09

Submittal Date: 08-03-2020

Insert legal description below.

For legal descriptions, please refer to the following deeds:

Florence S Morrison Family Living Trust 0619-89-9026, Deed Book - 004892, Deed Page - 00577

Florence S Morrison Family Living Trust 0619-88-9725, Deed Book - 008732, Deed Page - 01044

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.

10-5-2020

Date

Dear Neighbor:

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

5131 & 5145 Church Road, New Hill, NC 27562

0619-88-9725 & 0619-89-9026

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. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org.

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	Town Council (QJPH*)
<input type="checkbox"/>	Special Use Permit	Town Council (QJPH*)
<input checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

Property to rezone to Medium Density (single family residential)

Meeting will take place via Zoom. Please use web address below to register for meeting.

<https://us02web.zoom.us/j/87006293556?pwd=dG44VFBLScZjblJQS2JvUFFtMjJoQT09>

Estimated submittal date: _____

MEETING INFORMATION:

Property Owner(s) name(s): Florence S Morrison Family Living Trust

Applicant(s): Alonzo Wilson

Contact information (email/phone): Jeff Roach, jroach@peakengineering.com (919) 439-0100

Meeting Address: Meeting being held via Zoom.

Date of meeting**: October 19, 2020

Time of meeting**: 5:30

MEETING AGENDA TIMES:

Welcome: 5:30 Project Presentation: 5:40 Question & Answer: 5:55

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Holleman Hills South Zoning: Existing R-30, Proposed MD-CZ
 Location: 5131 & 5145 Church Road, New Hill, NC 27562
 Property PIN(s): 0619-88-9725 & 0619-89-9026 Acreage/Square Feet: 10.16 acres

Property Owner: Florence S Morrison Family Living Trust
 Address: PO Box 10
 City: New Hill State: NC Zip: 27562
 Phone: _____ Email: _____

Developer: Alonzo Wilson
 Address: 1609 White Oak Church Road
 City: Apex State: NC Zip: 27523
 Phone: (919) 924-6002 Fax: _____ Email: revawil@bellsouth.net

Engineer: Peak Engineering & Design, Jeff Roach
 Address: 1125 Apex Peakway
 City: Apex State: NC Zip: 27502
 Phone: (919) 270-6940 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Mike Deaton, Stormwater & Utility Engineering Manager Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-3413 (919) 249-1166
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 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

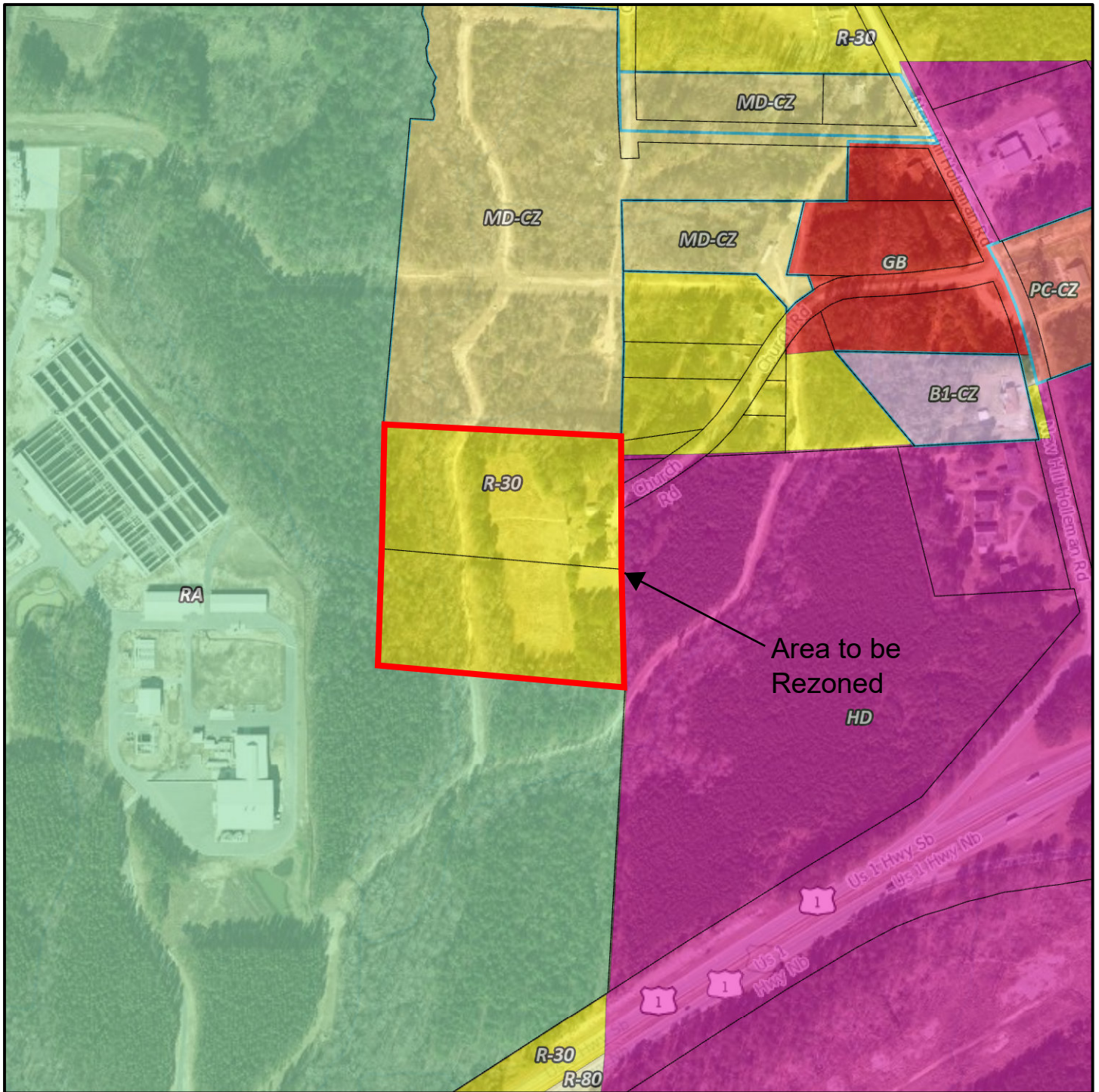
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: Mike Deaton 919-249-3413

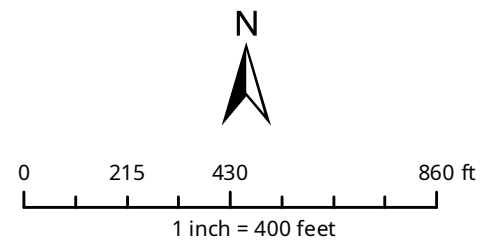
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation: Rodney Smith 919-249-3342

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



Holleman Hills South



Disclaimer

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

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom meeting online

Date of meeting: Monday, October 19, 2020 Time of meeting: 5:30 pm - 7:30 pm

Property Owner(s) name(s): Florence S. Morrison Family Living Trust

Applicant(s): Alonzo Wilson (ATM Development); Jeff Roach (Peak Engineering & Design - engineer)

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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.					
2.	There were no attendees at the meeting				
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Florence S. Morrison Family Living Trust

Applicant(s): Alonzo Wilson (ATM Development); Jeff Roach (Peak Engineering & Design - engineer)

Contact information (email/phone): Jeff Roach - Peak Engineering & Design (919) 439-0100 or via email

Meeting Address: Zoom meeting online

Date of meeting: Monday, October 19, 2020 Time of meeting: 5:30 pm

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

Question/Concern #1:

There were no attendees at the meeting

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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, Jeffrey A. Roach, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom meeting (location/address) on Monday, October 19, 2020 (date) from 5:30 (start time) to 7:30 (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.

Oct 20, 2020
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 20 day of OCTOBER, 2020.



Daniel H. Woods
Notary Public
DANIEL H. WOODS
Print Name

My Commission Expires: 11/18/23

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.

December 11, 2019

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
5145 & 5131 Church Rd. New Hill NC 27562 0619889725 & 0619899026

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. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org.

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	Town Council (QJPH*)
<input type="checkbox"/>	Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

Property to rezone to Medium Density (single family residential)

Estimated submittal date: _____

MEETING INFORMATION:	
Property Owner(s) name(s):	<u>ATM Development, LLC</u>
Applicant(s):	<u>Alonzo Wilson</u>
Contact information (email/phone):	<u>revawil@bellsouth.net/919-924-6002</u>
Meeting Address:	<u>3101 New Hill Holleman Rd. New Hill, NC 27539</u>
Date of meeting**:	<u>December 30, 2019</u>
Time of meeting**:	<u>5:30-7:30 pm</u>

MEETING AGENDA TIMES:		
Welcome:	<u>5:30-5:40</u>	Project Presentation: <u>5:40-5:50</u> Question & Answer: <u>5:50-7:30</u>

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

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): Florence S. Morrison Family Living Trust

Applicant(s): ATM DEVELOPMENT, LLC

Contact information (email/phone): revawil@bellsouth.net

Meeting Address: 3101 New Hill Holleman Road New Hill, NC 27539

Date of meeting: 12-30-2019 Time of meeting: 5:30 - 7:30

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

Question/Concern #1:

How is property being developed?

Applicant's Response:

Property is proposed for single family detached homes.

Question/Concern #2:

Number units being built?

Applicant's Response:

We are asking for a medium density zoning, which is 6 units per acre.

Question/Concern #3:

What is future plan for New Hill Holleman Rd.

Applicant's Response:

Check with the Town of Apex to see what future thorough fare plan is.

Question/Concern #4:

Is housing low income (subsidized housing).

Applicant's Response:

No, this is not the intent of developer.

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: 3101 New Hill Holloman Rd. New Hill, NC 27539
 Date of meeting: 12-30-2019 Time of meeting: _____
 Property Owner(s) name(s): ATM DEVELOPMENT, LLC
 Applicant(s): Alonzo Wilson

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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Paul Barth	3101 New Hill Holloman Rd			N
2.	Jackie Lee	520 Bayoak Dr. Cary, NC			Y
3.	Marilyn Lee	3504 New Hill-Holloman Rd New Hill, N.C. 27562			Yes
4.	Dixie Lee Newsome	500 Bayoak Dr. Cary, NC 27513			yes
5.	Sheila Morrison	P. O. Box 10, New Hill, NC 27562			yes
6.	David J. Inhof	2909 New Hill Holloman Rd			yes
7.	Victor Galloway	3016 New Hill Holloman Rd New Hill, NC 27562			yes.
8.	Johnnie Judd	2916 Garris Rd New Hill NC 27562			yes
9.	Stanley Evans	5128 Church Rd New Hill, NC			yes
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ09 Holleman Hills South

Planning Board Meeting Date: November 9, 2020



Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment 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: +/- 10.16

PIN(s): 0619899026, 0619889725

Current Zoning: Wake Co. R-30

Proposed Zoning: Medium Density Residential - Conditional Zoning (MD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: Outside the ETJ & Corporate Limits

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: 20CZ09 Holleman Hills South

Planning Board Meeting Date: November 9, 2020



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: 20CZ09 Holleman Hills South

Planning Board Meeting Date: November 9, 2020



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: 20CZ09 Holleman Hills South

Planning Board Meeting Date: November 9, 2020



Planning Board Recommendation:

Motion: To recommend approval as proposed by the applicant.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Beth Godfrey

- 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 proposed by applicant.

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

With 7 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of November 2020.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2020.11.09 19:42:22 -05'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2020.11.09 17:01:09 -05'00'

Dianne Khin, Planning Director



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

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS
 CONDITIONAL ZONING #20CZ09
 Holleman Hills South**

Pursuant to the provisions of North Carolina General Statutes §160A-364 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: Alonzo Wilson
Authorized Agent: Jeff Roach, Peak Engineering & Design
Property Addresses: 5131 & 5145 Church Road
Acres: ±10.16 acres
Property Identification Numbers (PINs): 0619899026, 0619889725
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Properties: Wake Co. R-30
Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)
Public Hearing Location: Apex Town Hall
 Council Chambers, 2nd Floor
 73 Hunter Street, Apex, North Carolina

Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.

Planning Board Public Hearing Date and Time: November 9, 2020 4:30 PM

If you would like to speak during the public hearing, you may sign-in ahead of time by emailing your name and address to bonnie.brock@apexnc.org. You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide comments no later than noon on Friday, November 6, 2020 by email (public_hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397>. You must provide your name and address for the record. These comments will be read during the Planning Board meeting.

Town Council Public Hearing Date and Time: November 17, 2020 6:00 PM

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

If you are unable to attend, you may provide comments no sooner than Friday, November 6th but no later than noon on Monday, November 16, 2020 by email (public_hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council's vote will occur at the Council's next regularly scheduled meeting.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/32764>.



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #20CZ09 Holleman Hills South

Pursuant to the provisions of North Carolina General Statutes §160A-364 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:

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Authorized Agent: Jeff Roach, Peak Engineering & Design

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Acreage: ±10.16 acres

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Existing Zoning of Properties: Wake Co. R-30

Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

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Town Council Public Hearing Date and Time: November 17, 2020 6:00 PM

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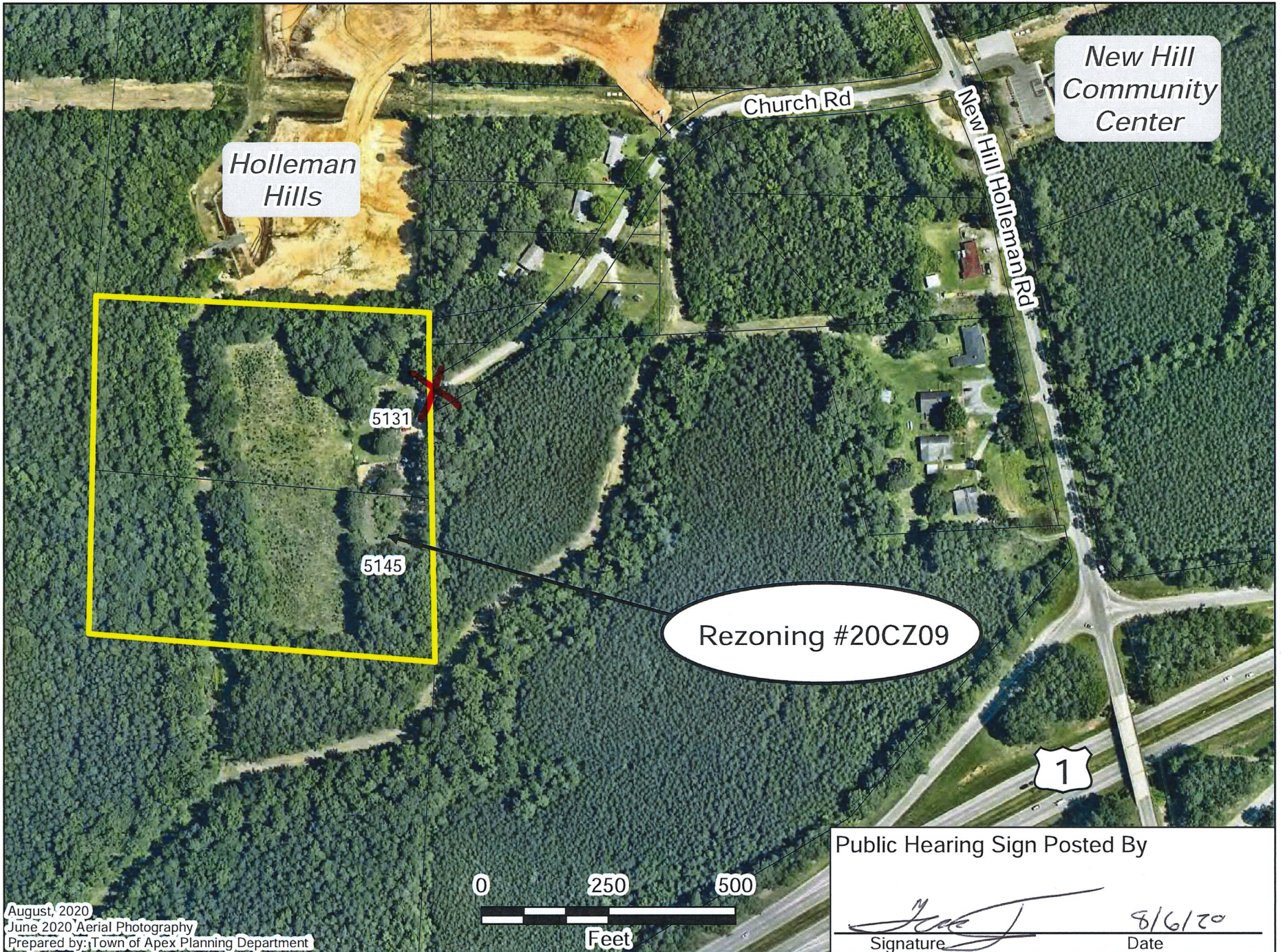
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Holleman Hills

Church Rd

New Hill Community Center

New Hill Holleman Rd

5131

5145

Rezoning #20CZ09

1



Public Hearing Sign Posted By

Signature

Date 8/6/20

August, 2020
June 2020 Aerial Photography
Prepared by: Town of Apex Planning Department



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 Number and/or Name: Conditional Zoning #20CZ09
Holleman Hills South

Project Location: 5131 & 5145 Church Road

Authorized Agent: Jeff Roach

Firm: Peak Engineering & Design

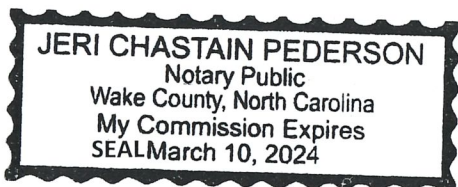
This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on October 23, 2020, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

10/27/2020
Date

Lauren Staudenmaier for Dianne Khin
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 27 day of October, 2020.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024