

**New Hill
First Baptist
Church**

Rezoning #20CZ02

**Holleman
Hills**

**Town of Apex
Fire Station #2**

**New Hill
Community
Center**

Garris Rd

New Hill Holleman Rd

Church Rd



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 #: 20CZ02 Submittal Date: 2/3/2020
2045 LUM Amendment: N/A Fee Paid: \$900

Project Information

Project Name: 3036 New Hill Holleman Road
Address(es): 3036 New Hill Holleman Raod
PIN(s): 0629 09 0986

Acreage: 981

Current Zoning: Wake Co. GB Proposed Zoning: Medium Density-Conditional Zoning

Current 2045 LUM Designation: Medium Density Residential

Proposed 2045 LUM Designation: Medium Density Residential

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 Rd.

City: Apex State: NC Zip: 27523

Phone: 919 924-6002 E-mail: revawil@bellsouth.net

Owner Information

Name: ATM Development, LLC

Address: 1609 White Oak Church Rd.

City: Apex State: NC Zip: 27523

Phone: 919 924-6002 E-mail: revawil@bellsouth.net

Agent Information

Name: Owner to act as own agent

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Other contacts: Thompson & Associates Randy Miller

1149 Executive Ci. Suite D2 Cary, NC 27511

919 465-1566 miller.pe@att.net

PETITION INFORMATION

Application #:

[20CZ02](#)

Submittal Date:

[2/3/2020](#)

An application has been duly filed requesting that the property described in this application be rezoned from Wake Co. GB 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 | See Attached | 21 | |
| 2 | | 22 | |
| 3 | | 23 | |
| 4 | | 24 | |
| 5 | | 25 | |
| 6 | | 26 | |
| 7 | | 27 | |
| 8 | | 28 | |
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| 16 | | 36 | |
| 17 | | 37 | |
| 18 | | 38 | |
| 19 | | 39 | |
| 20 | | 40 | |

PETITION INFORMATION

Application #: 20CZ02 Submittal Date: 2/3/2020

PROPOSED CONDITIONS:

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

See Attached

Series of horizontal lines for text entry.

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.

Rezoning is consistent with the 2045 Land Use Map which designates the subject tract as Medium Density Residential.

Series of horizontal lines for text entry.

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 rezoning for Medium Density Residential is compatible with the character of the surrounding land uses as the adjoining properties to the north and west of the subject tract are zoned Medium Density Residential.

Series of horizontal lines for text entry.

20CZ02

3036 New Hill Holleman Rd.

Proposed Uses:

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

Rezoning Conditions:

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. The buffer along New Hill Holleman Road will be a Type A.
9. Homes will be pre-wired for solar panels.
10. A maximum of 4 single-family houses will be built on this property.
11. Access to the property shall be served from the public street (Brierhill Road) abutting the north property line and/or through the adjacent property to the south with access to Church Road and not served directly from New Hill Holleman Road.

PETITION INFORMATION

Application #: 20CZ02 Submittal Date: 2/3/2020

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

N/A Single Family Residential proposed for subject tract.

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.

Proposed rezoning for Medium Density Residential would have no adverse impacts on adjoining properties as the surrounding properties are also Zoned MD with single family residential use.

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 subject tract currently has a delapidated building and broken asphalt which would be removed. The rezoning to Medium Density Residential and would not deteriorate any water, air, wildlife,

or other natural resource and would significantly improve any scenic resource.

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.

Proposed rezoning will have no impacts of public facilities. There are existing public roads and utilities in the area that were put in place to adequately serve the area for single family residential use.

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

The proposed rezoning would have no impact on the health, safety, or welfare of the residents of the Town as the rezoning would place the subject tract in the same zoning district as the surrounding area.

PETITION INFORMATION

Application #: 20CZ02 Submittal Date: 2/3/2020

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

The proposed rezoning would not be detrimental to adjacent properties as the rezoning would place the subject tract in the same zoning district as adjoining properties.

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

The proposed rezoning and single family residential use would have minimal to no impact to adjoining properties as related to noise and/or traffic.

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 subject tract of the proposed rezoning will adhere to all requirements of the Ordinance as related to single-family use in the MD district.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ02

Submittal Date: 2/3/2020

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. | AMH NC Development | 0619 99 5709 |
| 2. | Atm Development, LLC | 0619 99 8325 |
| 3. | Duke Energy Progress, INC | 0629 64 9092 |
| 4. | Stanley S. Evans | 0619 99 3364 |
| 5. | Ina Myrtle Evans | 0619 99 4436 |
| 6. | | 0619 99 4650 |
| 7. | Morrison Florence S Family Living | 0629 09 2042 |
| 8. | Mahvash Dhorsand KHORSAND | 0629 09 1801 |
| 9. | Mark C. Maletta | 0619 99 6238 |
| 10. | | 0619 99 6356 |
| 11. | | 0629 09 0376 |
| 12. | New Hill Community Center | 0629 09 4695 |
| 13. | Marcus Wilson | 0629 09 1566 |
| 14. | First Baptist Church of New Hill | 0710 90 6318 |
| 15. | Town of Apex | 0720 00 4004 |

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

Date: 1-30-2020 By: *Alonzo Wilson*

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Alonzo Wilson, a Notary Public for the above State and County, on this the 30th day of January, 2020.



Yvonne Harrison
 Notary Public
Yvonne HARRISON
 Print Name

My Commission Expires: 8-12-2020

AGENT AUTHORIZATION FORM

Application #: 20CZ02 Submittal Date: 2/3/2020

Alonzo Wilson (ATM Development, LLC) is the owner* of the property for which the attached application is being submitted:

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

The property address is: 3036 New Hill Holleman Road

The agent for this project is: Alonzo Wilson

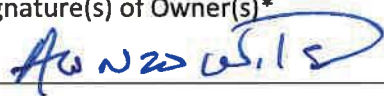
I am the owner of the property and will be acting as my own agent

Agent Name: _____

Address: _____

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*


 Alonzo Wilson

 Type or print name

1-30-2020

 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 #: 20CZ02 Submittal Date: 2/3/2020

The undersigned, Alonzo Wilson (ATM Development, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 3036 New Hill Holleman Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/19/2018, and recorded in the Wake County Register of Deeds Office on 11/19/2018, in Book 17296 Page 355.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/19/2018, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/19/2018, 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 3rd day of Jan, 2020.

Alonzo Wilson (seal)
ALONZO WILSON
 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 Alonzo Wilson, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Alonzo Wilson, 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

Legal Description for Rezoning Case 20CZ02 3036 New Hill Holleman Road

Located in Buckhorn Township, Wake County, North Carolina and being bounded on the west and north by AMH NC Development, LP as described in Deed Book 17296, Page 355 and Book of Maps 2017, Page 81; on the east by New Hill Holleman Road (SR 1127); and on the south by Mahvash Khorsand as described in Deed Book 8627, Page 2402; and being more particularly described as follows:

BEGINNING at an existing iron pipe w/cap at AMH NC Development, LP's corner and in Khorsand's north line having North Carolina State Plane Coordinates N=699902.54 E=2019865.99 (NAD 83-2011, CGF=0.99988918);

Thence N 01°12'27" E 163.52' along the east line of AMH NC Development, LP to an existing iron pipe w/cap ;

Thence S 88°34'54" E 224.65' along the south line of AMH NC Development, LP and passing an existing iron pipe w/cap at 233.45' to a point with the right of way of New Hill Holleman Road;

Thence S 27°42'08" E 176.86' within the right of way of New Hill Holleman Road to an existing iron pipe w/cap at Khorsand's northeast corner;

Thence S 89°45'12" W 310.25' along Khorsand's north line to the Point of Beginning, containing 0.981 acres, more less.

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

3036 New Hill Holleman Rd. New Hill, NC 27562

0629090986

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): ATM Development, LLC

Applicant(s): Alonzo Wilson

Contact information (email/phone): revawil@bellsouth.net/919-924-6002

Meeting Address: 3101 New Hill Holleman Rd. New Hill, NC 27539

Date of meeting**: December 30, 2019

Time of meeting**: 5:30-7:30 pm

MEETING AGENDA TIMES:

Welcome: 5:30-5:40 Project Presentation: 5:40-5:50 Question & Answer: 5:50-7:30

**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: 3036 New Hill Holleman Road Zoning: GB
 Location: 3036 New Hill Holleman Road
 Property PIN(s): 0629 09 0986 Acreage/Square Feet: 0.88 ac

Property Owner: ATM Development, LLC
 Address: 1609 White Oak Church Road
 City: Apex State: NC Zip: 27523
 Phone: 919 924-6002 Email: revawil@bellsouth.net

Developer: same
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Engineer: Thompson & Associates
 Address: 1149 Executive Ci. Suite D2
 City: Cary State: NC Zip: 27511
 Phone: 919 465-1566 Fax: 919 465-1585 Email: millier.pe@att.net

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 |

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 Morgan | P.O. Box 10, New Hill, NC 27562 | | | yes |
| 6. | James J. Judd | 2909 New Hill Holloman Rd | | | yes. |
| 7. | Victor Galloway | 3016 New Hill Holloman Rd New Hill, NC 27562 | | | |
| 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.

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): ATM DEVELOPMENT, LLC

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.

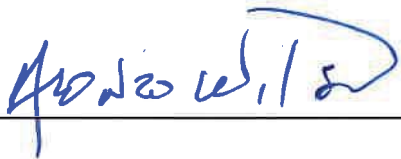
AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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, Alonzo Wilson, 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 3101 New Hill Holleman Rd-New Hill, NC (location/address) on 12/30/2019 (date) from 5:30 pm (start time) to 7:30 pm (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.


Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Alonzo Wilson, a Notary Public for the above State and County, on this the 30th day of January, 2020.




Notary Public
Yvonne HARRISON
Print Name

My Commission Expires: 8-12-2020