

STAFF REPORT

Rezoning #20CZ13 Yumeewarra Farm Assembly

January 26, 2021 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 0 & 8633 Humie Olive Road
Applicant: Bill Zahn, Humie Olive Associates
Owner: Yumeewarra Farm, LLC

PROJECT DESCRIPTION:

Acreage: ±18.737 acres
PINs: 0711805090, 0710897972, 0710993712
Current Zoning: Wake County Residential-40W (R-40W)
Proposed Zoning: Low Density Residential-Conditional Zoning (LD-CZ)
2045 Land Use Map: Low Density Residential
Town Limits: Outside (annexation is required at the time of rezoning)

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Residential-40W (R-40W)	Humie Olive Rd; Single-family Residential
South:	Wake County Residential-40W (R-40W); Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ21)	Single-family Residential; Future Heelan Subdivision
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ21)	Vacant (Future Heelan Subdivision)
West:	Wake County Residential-40W (R-40W);	Single-family Residential

EXISTING CONDITIONS:

The properties to be rezoned are located on the south side of Humie Olive Road, approximately 800 feet east of New Hill Olive Chapel Road. Two (2) of the properties are vacant; the other contains a single-family residence, barn, accessory structures, and pond. There are two (2) small streams that transverse the developed property.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on October 27, 2020. The neighborhood meeting report is attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary and high schools within the current



assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five (5) years is not anticipated to address these concerns.

2045 LAND USE MAP:

The 2045 Land Use Map classifies the subject properties as Low Density Residential. The proposed rezoning to Low Density Residential-Conditional Zoning (LD-CZ) is consistent with that land use classification.

PROPOSED ZONING CONDITIONS:

Limitation of Uses:

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

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

Conditions:

1. The project density will not exceed 3.00 dwelling units/acre. Maximum number of units is 56 dwelling units. Minimum lot size shall be 5,865 sqft.
2. The project will provide a minimum of two (2) points of access if over fifty (50) residential lots are proposed. Project shall be accessed on Humie Olive Road, and a stub provided to the N/F Edward & Deborah Peart property (PIN 0720-09-3139), consistent with the location of the stub streets approved in the Heelan PUD, or as agreed upon with the Town of Apex Planning and Transportation staff during Master Subdivision Plan review and approval.
3. All homes shall have a crawl space or raised foundation which at a minimum rises 20 inches from average grade across the front of the house to the finished floor level at the front door. Zero-entry homes without the 20-inch rise are permitted if 1st- floor owner suite is provided. Lots permitted as "zero-entry" shall be noted on the Final Plat.
4. Setbacks shall be as follows to correspond with the approved Heelan PUD:
 - Front: Reduce from 25' minimum to 20' minimum
 - Side: Reduce from 8' minimum with a 20' aggregate to a 5' minimum
 - Rear: Reduce from 25' minimum to 15' minimum
 - Corner side: Reduce from 18' minimum to 15' minimum
5. The project will provide sidewalk on both sides of all internal streets.
6. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
7. Eaves shall project at least 12 inches from the wall of the structure.
8. 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	• Trim around the window
• Bay window	• Wrap around porch or side porch
• Recessed or Decorative window	• Two or more building materials

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Rezoning #20CZ13 Yumeewarra Farm Assembly

January 26, 2021 Town Council Meeting



- Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative gable
 - Decorative air vents on gable
- Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
9. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of three (3) color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
 10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. Front façades and porches may encroach up to 5-feet into front setback provided the garage is located no closer than 20-feet from the right-of-way.
 11. Garage may protrude up to 5-feet from the front façade or front porch. Garage doors shall have windows, decorative details, or carriage-style adornments on them. Garage may protrude more than 5-feet with J-drives or courtyards for side entry doors.
 12. All homes shall be pre-configured with conduit for a solar energy system.
 13. Homeowners Association covenants shall not restrict construction of any accessory dwelling unit.
 14. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
 15. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
 16. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
 17. Front porches shall be a minimum of 6 feet deep.
 18. Existing deciduous trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative site location approved by Town Planning Staff, above and beyond standard UDO requirements.
 19. The overhead electric easement along Humie Olive Road shall be counted towards the required RCA and buffer standards as identified within various UDO sections. The buffer is proposed to be an average width buffer of 50'. The buffer shall be planted to a Type 'B' buffer standard along the Humie Olive Road frontage.
 20. Left turn lane(s) meeting NCDOT requirements shall be provided on Humie Olive Road for each proposed point of access where left turn movements are proposed if permitted by NCDOT.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #20CZ13 Yumeewarra Farm Assembly as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard this rezoning at their January 11, 2021 meeting and voted on January 13, 2021 to recommend approval, with the conditions as offered by the applicant, by a vote of 8-0.

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 because the proposed Low Density Residential-Conditional Zoning (LD-CZ) district is consistent with the Low Density Residential land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will allow for future development consistent and compatible with the proposed residential development to the east and south.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Low Density Residential-Conditional Zoning (LD-CZ) designation demonstrates compliance with the following standards. Sec. 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.

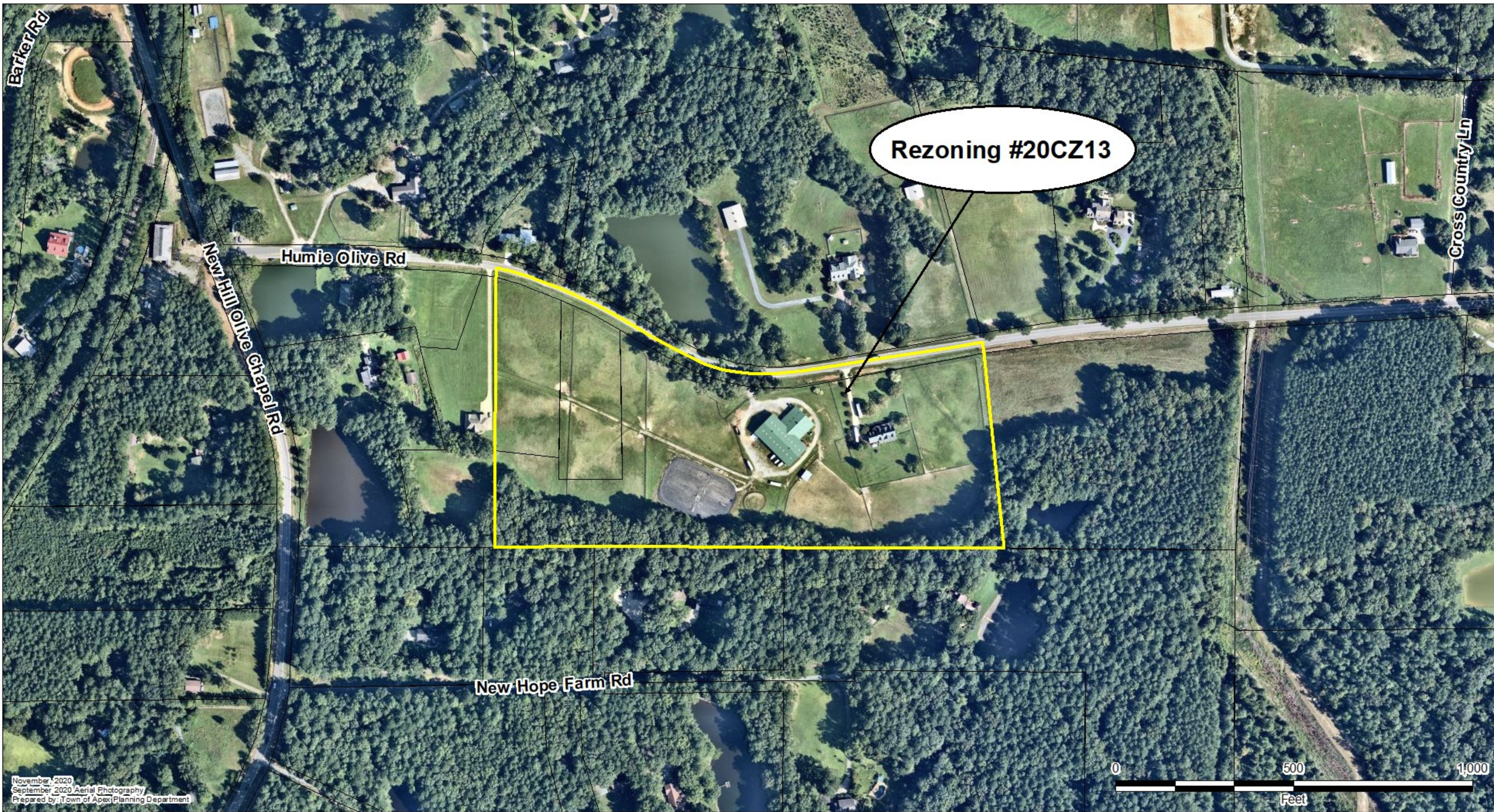
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- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



Rezoning #20CZ13



(REZONING) PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP & 2045 LAND USE MAP AMENDMENT

Town of Apex, North Carolina



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

REZONING PETITION FEES:

Conditional Zoning: \$900.00

Rezoning: \$600.00*

2045 Land Use Map Amendment: \$700.00

PRE-APPLICATION MEETING: A pre-application meeting with members of the Technical Review Committee is required to be scheduled prior to the submittal of a Rezoning Petition. Pre-application meetings are typically scheduled on the 1st, 2nd and 5th Thursdays of the month.

To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Planner Lauren Staudenmaier (lauren.staudenmaier@apexnc.org) no later than five (5) working days prior to the desired meeting day.

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: Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit the "Certified List of Property Owners" and "Neighborhood Meeting Packet" forms included in this application packet with their initial submittal. 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 IDT](#)

- Upload one full copy of the application and other sheets listed below via IDT.

Hard Copy Submittal Requirements: [Submit to Planning Department](#)

- One (1) original Rezoning Petition Application
- Petition Fee
- Legal Description (metes and bounds)
- Certified List of Property Owners within 300 feet of subject property
- Agent Authorization Form
- Neighborhood Meeting Packet
- If applicable: Annexation Petition, map, legal description and \$200.00 fee
- One (1) set of envelopes addressed to Certified List of Property Owners within 300 feet of subject property and all the HOAs of those properties within 300' of the subject property. Planning staff may require an additional set of envelopes based on the timing of the Planning Board and Town Council meetings.
- Addresses must be from a current list obtained from the Wake County GIS Map Services. A buffer report service is offered for \$1 per page. Please contact them at 919-856-6360 or <http://www.wakegov.com/gis/services/Pages/gisservices.aspx>
- Affixed with first class stamps & the following return address:
Town of Apex
Planning Department
P.O. Box 250
Apex, NC 27502

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. 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 “Certified List of Property Owners” and “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 the planning staff for review.

REVIEW BY STAFF: Planning 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.

PUBLIC HEARING NOTIFICATION: Notification of the public hearing will take place by three different methods. A written notice will be sent to nearby property owners not more than 25 days nor less than 14 days prior to the public hearings, as required by the UDO. The Planning Department will prepare these written notifications for all property owners of the land subject to the application and all property owners within 300 feet of the land subject to the application. A notice will be published on the Town of Apex website (www.apexnc.org) no less than 10 days, but not more than 25 days, prior to the public hearings, and a notice will be posted at the land subject to the application at least 14 days prior to the public hearings.

1ST 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.

2ND 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 vote to approve, approve with conditions or disapprove the rezoning. The Town Council meets at 6:00 p.m. in the Town Council Chambers on the date indicated on the Rezoning Schedule.

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 #: 20CZ13 Submittal Date: _____
2045 LUM Amendment: _____ Fee Paid: _____

Project Information

Project Name: Yumeewarra Farm Assembly
Address(es): 0 & 8633 Humie Olive Road, Apex, NC 27502
PIN(s): 0711-80-5090, 0710-89-7972, 0710-99-3712

_____ Acreage: 18.737
Current Zoning: R-40W Proposed Zoning: LD-CZ (Low Density-Conditional Zoning)
Current 2045 LUM Designation: Low 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: Humie Olive Associates (Bill Zahn)
Address: 113 Duncansby Drive
City: Cary State: NC Zip: 27511
Phone: (919) 522-5626 E-mail: billzahn@bellsouth.net

Owner Information

Name: Yumeewarra Farm LLC
Address: 8633 Humie Olive Road
City: Apex State: NC Zip: 27502
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: jedwards@peakengineering.com
dwoods@peakengineering.com
fspinnenweber@peakengineering.com

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

Application #: 20CZ13

Submittal Date: _____

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: Low Density Residential

Proposed 2045 Land Use Classification: no change

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 #: 20CZ13 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from R-40W to LD-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

PROPOSED USES:

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

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

PETITION INFORMATION

Application #: 20CZ13 Submittal Date: _____

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

The site and proposed use(s) will comply with UDO Section 4.4 - Supplemental Standards as 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.

The rezoning proposes use restrictions, a maximum density, perimeter buffers, established RCA, stormwater controls, utility extensions, architectural standards and compliance with various UDO standards to assure minimization of impacts on 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 stormwater controls, minimization and avoidance of environmentally sensitive areas, preservation of perimeter landscaping/buffers, and grading only to the extent require for the infrastructure and home sites.

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 or will extend ex public facilities, including water, sewer, stormwater, gas, electric and telephone to the property. Recently approved developments in the area are bringing said services along with roadway improvements for easy emergency vehicles access.

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 residential development will not be detrimental to the health, safety, and welfare of Apex residents. The proposed will provided housing options for current and future Apex residents.

PETITION INFORMATION

Application #: 20CZ13 Submittal Date: _____

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 compatible with the existing surrounding properties. The residential use will not be detrimental to adjacent properties with the buffers and setbacks from property lines.

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 residential use and limited number of dwellings does not constitute a nuisance or hazard based upon the anticipated project size, density, and required utility extensions.

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 not otherwise noted in the zoning application.

20CZ13

HUMIE OLIVE RESIDENTIAL (YUMEEWARRA FARM) CONDITIONS OF ZONING

Single-Family Detached Residential:

1. The project density will not exceed 3.00 dwelling units/acre. Maximum number of units is 56 dwelling units. Minimum lot size shall be 5,865 sqft.
2. The project will provide a minimum of two (2) points of access if over fifty (50) residential lots are proposed. Project shall be accessed on Humie Olive Road, a stub provided to the N/F Edward & Deborah Peart property (PIN 0720-09-3139), consistent with the location of the stub streets approved in the Heelan PUD, or as agreed upon with the Town of Apex Planning and Transportation staff during Master Subdivision Plan review and approval.
3. All homes shall have a crawl space or raised foundation which at a minimum rises 20 inches from average grade across the front of the house to the finished floor level at the front door. Zero-entry homes without the 20-inch rise are permitted if 1st- floor owner suite is provided. Lots permitted as “zero-entry” shall be noted on the Final Plat.
4. Setbacks shall be as follows to correspond with the approved Heelan PUD:
 - Front: Reduce from 25’ minimum to 20’ minimum
 - Side: Reduce from 8’ minimum with a 20’ aggregate to a 5’ minimum
 - Rear: Reduce from 25’ minimum to 15’ minimum
 - Corner side: Reduce from 18’ minimum to 15’ minimum
5. The project will provide sidewalk on both sides of all internal streets.
6. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
7. Eaves shall project at least 12 inches from the wall of the structure.
8. 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 or 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
9. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of three (3) color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. Front façades and porches may encroach up to 5-feet into front setback provided the garage is located no closer than 20-feet from the right-of-way.
11. Garage may protrude up to 5-feet from the front façade or front porch. Garage doors shall have windows, decorative details, or carriage-style adornments on them. Garage may protrude more than 5-feet with J-drives or courtyards for side entry doors.

20CZ13
HUMIE OLIVE RESIDENTIAL (YUMEEWARRA FARM)
CONDITIONS OF ZONING
(continued)

12. All homes shall be pre-configured with conduit for a solar energy system.
13. Homeowners Association covenants shall not restrict construction of any accessory dwelling unit.
14. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
15. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
16. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
17. Front porches shall be a minimum of 6 feet deep.
18. Existing deciduous trees greater than 18” in diameter that are removed by site development shall be replaced by planting a 1.5” caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative site location approved by Town Planning Staff, above and beyond standard UDO requirements.
19. The existing overhead electric easement along Humie Olive Road shall be counted towards the required RCA and buffer standards as identified within various UDO sections. The buffer is proposed to be an average width buffer of 50’. The buffer shall be planted to a Type ‘B’ buffer standard along the Humie Olive Road frontage.
20. Left turn lane(s) meeting NCDOT requirements shall be provided on Humie Olive Road for each proposed point of access where left turn movements are proposed if permitted by NCDOT.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ13

Submittal Date: _____

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.	YUMEEWARRA FARM LLC	0710-89-7972, 0710-99-3712, 0711-80-5090
2.	DAVID P & VICKI M DIPROFIO	0710-89-2208
3.	PATSY OLIVE	0710-89-2707
4.	BRIAN J OLIVE	0710-89-4718
5.	JUAN GARCIA & MONIQUE PAIRIS-GARCIA	0710-89-6246
6.	HARRY HOLLOWAY & SHELBY R SMITHEY	0711-80-0615
7.	KATHY OLIVE	0711-80-3160
8.	FOSTER C SMITH	0711-80-6319
9.	SHELBY R SMITHEY	0711-81-8065
10.	JAMES E. JR. & JANICE OLIVER	0711-90-3580 & 0721-00-0505
11.	WILLIAM DAVID JR & JILL M GOODMAN	0710-99-0226
12.	JERIF & LISA CICIN	0720-09-2779
13.	EDWARD A & DEBORAH N PEART	0720-09-3139
14.	JAMES E. JR. & JANICE OLIVER	0721-00-3444
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: October 13, 2020

By: *Jonathan Edwards*

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 13 day of OCTOBER, 2020.



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

My Commission Expires: 11/18/2023

AGENT AUTHORIZATION FORM

Application #: 20CZ13 Submittal Date: _____

Yumeewarra Farm LLC is the owner* of the property for which the attached application is being submitted: **PIN #s 0711-80-5090, 0710-89-7972, 0710-99-3712**

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

The property address is: 0 & 8633 Humie Olive Road, Apex, NC 27502

The agent for this project is: Peak Engineering & Design

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

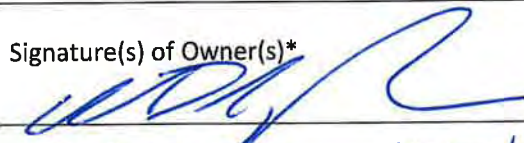
Agent Name: Peak Engineering & Design, PLLC (Jeff Roach)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*


M. D. CONNAGHAN MEMBER/MANAGER
 Type or print name

10/30/20
 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 #: 20CZ13

Submittal Date: _____

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 0 & 8633 Humie Olive Road, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 1-5-2003, and recorded in the Wake County Register of Deeds Office on 1-5-2003, in Book 009835 Page 02365.
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 0 & 8633 Humie Olive Road, Apex, NC 27502, 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 0 & 8633 Humie Olive Road, Apex, NC 27502, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30 day of OCTOBER, 2020.

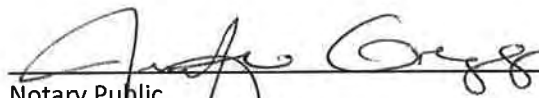

 _____ (seal)
M. DENIS CONNAGHAN

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 M. DENIS CONNAGHAN 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.

JENNIFER GREGG
 NOTARY PUBLIC
 Wake County
 North Carolina
 My Commission Expires 6/11/24



 Notary Public
 State of North Carolina
 My Commission Expires: 6/11/24

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 20CZ13

Submittal Date: _____

Insert legal description below.

COMMENCING AT A POINT, SAID POINT BEING PUBLISHED IN THE NATIONAL GEODETIC SURVEY AS JORDAN LAKE CORS ARP (PID: DL3891) AND HAVING NC GRID COORDINATES OF NORTHING: 739,273.05' & EASTING: 1,989,789.69'; THENCE S45°13'18"E A GRID DISTANCE OF 41,628.09' TO A 60D "MAG HUB" NAIL KNOWN AS CE GROUP POINT NUMBER 2 HAVING NC GRID COORDINATES OF NORTHING: 709,949.21' AND EASTING: 2,019,341.41'; THENCE N78°49'38"E A DISTANCE OF 537.58' TO AN EXISTING RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT WHICH IS HEREBY KNOWN AS THE POINT OF BEGINNING.

BEGINNING AT A RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT; THENCE FROM SAID POINT OF BEGINNING A BEARING OF S06°53'52"E FOR A DISTANCE OF 30.02 FEET TO A POINT LYING ON THE SOUTHERN MARGIN OF HUMIE OLIVE ROAD (NCSR 1142) HAVING A 60 FOOT RIGHT OF WAY; THENCE ALONG THE COMMON LINE BETWEEN YUMEEWARRA FARM, LLC AND JERIF AND LISA CICIN A BEARING OF S06°53'52"E FOR A DISTANCE OF 448.68 FEET TO AN IRON PIPE FOUND; THENCE, S06°53'52"E FOR A DISTANCE OF 101.69 FEET TO AN IRON PIPE FOUND, SAID PIPE BEING A COMMON CORNER WITH EDWARD AND DEBORAH PEART; THENCE, N89°49'36"W FOR A DISTANCE OF 617.64 FEET TO AN IRON PIPE FOUND, SAID PIPE BEING THE NORTHEASTERN MOST CORNER OF THE WILLIAM AND JILL GOODMAN PROPERTY; THENCE, N89°46'37"W FOR A DISTANCE OF 532.95 FEET TO A PINCHED TOP IRON FOUND, SAID IRON BEING THE NORTHEASTERN MOST CORNER OF DENNIS AND SELENA RUSH AND BEING A COMMON CORNER WITH GOODMAN; THENCE, N89°47'51"W FOR A DISTANCE OF 280.22 FEET TO AN IRON PIPE FOUND, SAID IRON PIPE BEING THE SOUTHWESTERN COMMON CORNER WITH BRIAN OLIVE; THENCE ALONG THE COMMON LINE WITH OLIVE A BEARING N 00°11' 11"E FOR A DISTANCE OF 272.20 FEET TO AN IRON PIPE FOUND; THENCE N00°11'11"E FOR A DISTANCE OF 484.52 FEET TO A POINT, SAID POINT LYING ON THE SOUTHERN MARGIN OF HUMIE OLIVE ROAD (NCSR 1142); THENCE, N 00°11'11"E FOR A DISTANCE OF 30.45 FEET TO A RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT; THENCE FOLLOWING THE CENTERLINE OF HUMIE OLIVE ROAD THE FOLLOWING TWENTY FOUR CALLS: THENCE, S79°56'58"E FOR A DISTANCE OF 15.49 FEET TO A POINT; THENCE, S76°36'37"E FOR A DISTANCE OF 50.00 FEET TO A POINT; THENCE, S71°54'37"E FOR A DISTANCE OF 49.92 FEET TO A POINT; THENCE, S69°08'04"E FOR A DISTANCE OF 21.22 FEET TO A POINT; THENCE, S69°08'04"E FOR A DISTANCE OF 28.73 FEET TO A POINT; THENCE, S67°48'08"E FOR A DISTANCE OF 17.56 FEET TO A RAILROAD SPIKE FOUND IN THE CENTERLINE OF HUMIE OLIVE ROAD (NCSR 1142) 0.3 FEET BELOW THE EXISTING PAVEMENT; THENCE, S67°51'05"E FOR A DISTANCE OF 32.37 FEET TO A POINT; THENCE, S64°43'10"E FOR A DISTANCE OF 99.91 FEET TO A POINT; THENCE, S61°40'23"E FOR A DISTANCE OF 61.40 FEET TO A POINT; THENCE, S62°07'30"E FOR A DISTANCE OF 38.78 FEET TO A POINT; THENCE, S 58°43'01"E FOR A DISTANCE OF 150.03 FEET TO A POINT; THENCE, S61°52'28"E FOR A DISTANCE OF 49.83 FEET TO A POINT; THENCE, S67°24'09"E FOR A DISTANCE OF 50.11 FEET TO A POINT; THENCE, S74°44'11"E FOR A DISTANCE OF 50.55 FEET TO A POINT; THENCE, S81°32'42"E FOR A DISTANCE OF 49.41 FEET TO A POINT; THENCE, S85°55'19"E FOR A DISTANCE OF 49.79 FEET TO A POINT; THENCE, N89°18'11"E FOR A DISTANCE OF 49.93 FEET TO A POINT; THENCE, N84°27'44"E FOR A DISTANCE OF 47.90 FEET TO A POINT; THENCE, N82°55'35"E FOR A DISTANCE OF 63.56 FEET TO A POINT; THENCE, N80°49'28"E FOR A DISTANCE OF 99.97 FEET TO A POINT; THENCE, N80°40'19"E FOR A DISTANCE OF 115.15 FEET TO A POINT; THENCE, N81°08'07"E FOR A DISTANCE OF 121.56 FEET TO A POINT; THENCE, N80°48'24"E FOR A DISTANCE OF 98.53 FEET TO A POINT; THENCE, N81°04'38"E FOR A DISTANCE OF 19.75 FEET TO A POINT, SAID POINT BEING KNOWN AS THE POINT AND PLACE OF BEGINNING, HAVING AN AREA OF 816,193 SQUARE FEET, OR 18.737 ACRES OF WHICH 42,998 SQUARE FEET OR 0.987 ACRES ARE WITHIN THE 60 FOOT RIGHT OF WAY FOR HUMIE OLIVE ROAD (NCSR 1142).



Instruction Packet and Affidavit for Neighborhood Meetings

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

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

This packet consists of instructions and templates for conducting a required Neighborhood Meeting. Planning Department 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 prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7. The intention 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 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;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

INSTRUCTIONS

Prior to submitting an application for a Rezoning, Major Site Plan, residential Master Subdivision Plan (excluding exempt subdivisions), or Special Use Permit, the applicant must conduct at least one (1) Neighborhood Meeting. The applicant shall submit all forms included in this packet with the initial application submittal.

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 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, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to either the existing zoning map of the area or preliminary plans of the proposed development (see Handout requirements below).

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

- 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. The meeting cannot be held on a Town recognized holiday (which coincide with the State of North Carolina recognized holidays).
- The 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.
- Handout requirements:
 - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), a vicinity map and existing zoning map of the area must be provided to help facilitate discussion.
 - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be available at the meeting to help facilitate discussion. 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.
 - Printed copies 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 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. Provide blank comment sheets or notecards for neighbors to submit written comments. 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 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 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 reduced copy of the maps and/or plans 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.

10/09/2020

Date

Dear Neighbor:

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

8633 HUMIE OLIVE RD, APEX NC 27502-8976

0710993712, 0711805090, 0710897972

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 from R-40W to MD-CZ (Medium Density-Conditional Zoning) (single family residential).

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

<https://us02web.zoom.us/j/84248014980?pwd=Y05HUzlsNzIUa0J6UDJqUkRaUWc0UT09>

Estimated submittal date: November 2, 2020

MEETING INFORMATION:

Property Owner(s) name(s): YUMEEWARRA FARM LLC

Applicant(s): Humie Olive Associates

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

Meeting Address: Meeting being held via Zoom

Date of meeting**: 10/27/2020

Time of meeting**: 5:30

MEETING AGENDA TIMES:

Welcome: 5:30-5:40 Project Presentation: 5:40- 6:00 Question & Answer: 6:00 - ?

**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: Yumeewarra Farms- To be named Zoning: R-40W, Wake County
 Location: 8633 Humie Olive Rd, Apex, NC 27502-8976
 Property PIN(s): 0710993712, 0711805090, 0710897972 Acreage/Square Feet: 18.737 acres

Property Owner: Yumeewarra Farms LLC
 Address: 8633 Humie Olive Rd
 City: Apex State: NC Zip: 27502-8976
 Phone: _____ Email: _____

Developer: Humie Olive Associates (Bill Zahn)
 Address: 113 Duncansby Drive
 City: Cary State: NC Zip: 27511
 Phone: (919) 522-5626 Fax: _____ Email: billzahn@bellsouth.net

Engineer: Peak Engineering & Design (Jeff Roach)
 Address: 1125 Apex Peakway
 City: Apex State: NC Zip: 27502
 Phone: (919) 439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): N/A
 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.

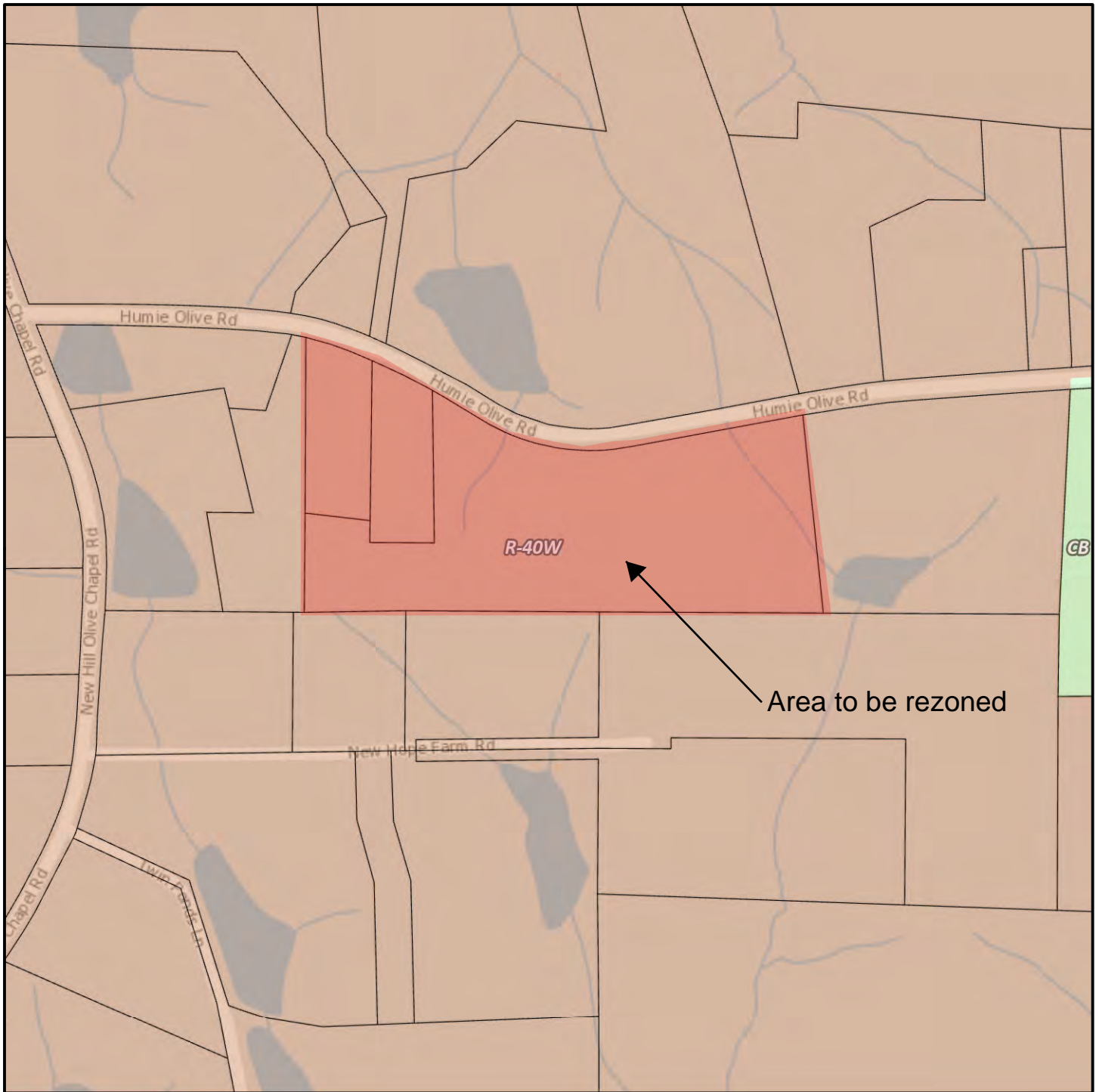
It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce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

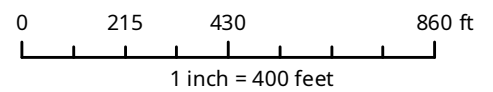
To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement 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.



Yumeewarra Farm



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: Meeting held via Zoom
 Date of meeting: October 27, 2020 Time of meeting: 5:30 - 7:30 pm
 Property Owner(s) name(s): Yumeewarra Farm LLC
 Applicant(s): Humie Olive Associates

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.	Jill Goodman	8825 New Hope Farm Rd, New Hill, NC 27562			Yes
2.	Vicki DiProfio	8801 New Hope Farm Rd, New Hill, NC 27562			Yes
3.	Deborah Peart	8829 New Hope Farm Rd, New Hill, NC 27562			Yes
4.	Bill Zahn (Humie Olive Assoc)	113 Duncansby Ct, Cary, NC 27511			Yes
5.	Craig Duerr (Land Alternatives)	403 April Bloom Dr, Cary, NC 27519			Yes
6.	Jeff Roach - Peak Engineering	1125 Apex Peakway, Apex, NC 2750			---
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): Yumeewarra Farm LLC

Applicant(s): Humie Olive Associates

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

Meeting Address: Meeting held via Zoom

Date of meeting: October 27, 2020

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

The property owners asked about zoning and the schedule associated with the project?

Applicant's Response:

Explained the process, timing and documents which are required. Spoke a lot about the Heelan property which was recently rezoned. Also discussed the existing properties on New Hope Farm Road and what would happen with these properties in the future (sell, stay, development?).

Question/Concern #2:

Would the project start construction prior to the development of Heelan? Deborah Peart was asking as her property currently abuts the Yumeewarra property.

Applicant's Response:

Explained that earliest timing would be start construction in late 2021 with zoning, MSP and CD approvals. Project should not be started prior to Heelan as the Yumeewarra site requires sewer from Heelan to develop.

Question/Concern #3:

Is there an option to purchase the properties on New Hope Farm Road? Combine the properties into Yumeewarra or Heelan projects?

Applicant's Response:

That is something that we can look at with the builders/buyers. But that is not a decision for this project - this is something that the owners in the area need to decide what they want to do. Developer did offer to evaluate the properties on New Hope Farm Road

Question/Concern #4:

What would the project look like?

Applicant's Response:

Showed a proposed Sketch Plan (SP-3) to those on the call showing 53 lots, 2 points of access to Humie Olive and a stub to Peart property (part of Heelan PUD). Also discussed buffers, roadway improvements and project specifics.

A discussion was held with the attendees where a number of topics related to timing, process, layout and surrounding area were had.

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, Jeff Roach do hereby declare as follows:
Print Name

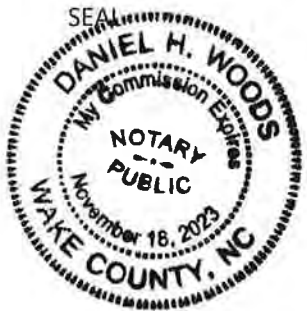
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of 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 (location/address) on October 27, 2020 (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.

10/28/2020
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 28 day of OCTOBER, 2020.



[Signature]
Notary Public
DANIEL H. WOODS
Print Name

My Commission Expires: 11/18/2023

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

Developer Company Information	
Company Name	Humie Olive Associates, LLC
Company Phone Number	(919) 522-5626
Developer Representative Name	Bill Zahn
Developer Representative Phone Number	
Developer Representative Email	billzahn@bellsouth.net

New Residential Subdivision Information	
Date of Application for Subdivision	November 2, 2020
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	TBD (currently submitted as Yumeewarra Farm Assembly)
Address of Subdivision (if unknown enter nearest cross streets)	8633 and 0 Humie Olive Road (Apex, NC)
REID(s)	022444; 0224441; 0244622
PIN(s)	0711-80-5090; 0710-89-7972; 0710-99-3712

Projected Dates Information	
Subdivision Completion Date	June 2023
Subdivision Projected First Occupancy Date	March 2022

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	53							2800	3500			2022	35	2023	18		
Townhomes																	
Condos																	
Apartments																	
Other																	

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ13Yumeewarra Farm Assembly

Planning Board Meeting Date: January 11 and 13, 2021



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:** ±18.737 acres
PIN(s): 0711805090, 0710897972, 0710993712
- Current Zoning:** Wake County Residential-40 (R-40W)
- Proposed Zoning:** Low Density Residential-Conditional Zoning
- 2045 Land Use Map:** Low Density Residential
- Town Limits:** Outside (annexation required at time of rezoning)

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: 20CZ13Yumeewarra Farm Assembly

Planning Board Meeting Date: January 11 and 13, 2021



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:20CZ13Yumeewarra Farm Assembly

Planning Board Meeting Date:January 11 and 13, 2021



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: 20CZ13Yumeewarra Farm Assembly

Planning Board Meeting Date: January 11 and 13, 2021



Planning Board Recommendation:

Motion: To recommend approval with conditions as offered by applicant

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Tim Royal

- 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:

Conditions as offered by applicant.

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

With 8 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 13th day of January 2021.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2021.01.13 19:02:05 -05'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2021.01.13 17:53:42 -05'00'

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-498-3424

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #20CZ13
Yumeewarra Farm Assembly
0 & 8633 Humie Olive Road

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

Applicant: Bill Zahn, Humie Olive Associates
Authorized Agent: Jeff Roach, Peak Engineering & Design
Property Addresses: 0 & 8633 Humie Olive Road
Acreage: ±18.737 acres
Property Identification Numbers (PINs): 0711805090, 0710897972, 0710993712
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Properties: Wake County Residential-40 (R-40W)
Proposed Zoning of Properties: Low Density Residential-Conditional Zoning (LD-CZ)

Planning Board Remote Public Hearing Date and Time: January 11, 2021 4-30 PM
Watch and listen to the livestream here: <https://bit.ly/217192k> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 406 480 5576
Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/187>

Comments may be provided 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/31197>. You must provide your name and address for the record. Comments shared by noon on Friday, January 8, 2021, will be read during the Planning Board meeting.

***Planning Board Remote Review of Additional Comments and Vote Date and Time: January 13, 2021 5:00 PM**
*According to NC GS §166A-19.24, when a public hearing 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.

Watch and listen to the livestream here: <https://bit.ly/217192k> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 504 607 7538
Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/187>

Comments may be provided 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/31197>. You must provide your name and address for the record. Comments shared between noon on Friday, January 8, 2021, and 24 hours after the end of the first Planning Board meeting will be read during this meeting.

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 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](http://www.apexnc.org/DocumentCenter/View/31197) can be inspected at the Apex Town Hall or call 919-249-3424, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/3874>

Dianne F. Shou, AICP
Director of Planning and Community Development

Published Dates: December 23, 2020 – January 11, 2021

Windows taskbar icons: File Explorer, Edge, Word, Chrome, PDF, Teams, VVA, Outlook, etc.

11:56 AM
Wednesday
12/23/2020

Windows taskbar icons: Start, File Explorer, Edge, Word, Chrome, PDF, Teams, VVA, Outlook, etc.

Navigation icons: Home, Back, Forward, Refresh, Print, etc.

11:56 AM
12/23/2020



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #20CZ13 Yumeewarra Farm Assembly 0 & 8633 Humie Olive Road

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

Applicant: Bill Zahn, Humie Olive Associates

Authorized Agent: Jeff Roach, Peak Engineering & Design

Property Addresses: 0 & 8633 Humie Olive Road

Acreage: ±18.737 acres

Property Identification Numbers (PINs): 0711805090, 0710897972, 0710993712

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Properties: Wake County Residential-40 (R-40W)

Proposed Zoning of Properties: Low Density Residential-Conditional Zoning (LD-CZ)

Planning Board Remote Public Hearing Date and Time: January 11, 2021 4:30 PM

Watch and listen to the livestream here: <https://bit.ly/2JYJWQk> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 406 480 557#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>

Comments may be provided 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. Comments shared by noon on Friday, January 8, 2021, will be read during the Planning Board meeting.

***Planning Board Remote Review of Additional Comments and Vote Date and Time: January 13, 2021 5:00 PM**

**According to NCGS §166A-19.24, when a public hearing 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.*

Watch and listen to the livestream here: <https://bit.ly/3nrLI09> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 504 607 753#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>

Comments may be provided 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. Comments shared between noon on Friday, January 8, 2021, and 24 hours after the end of the first Planning Board meeting will be read during this meeting.

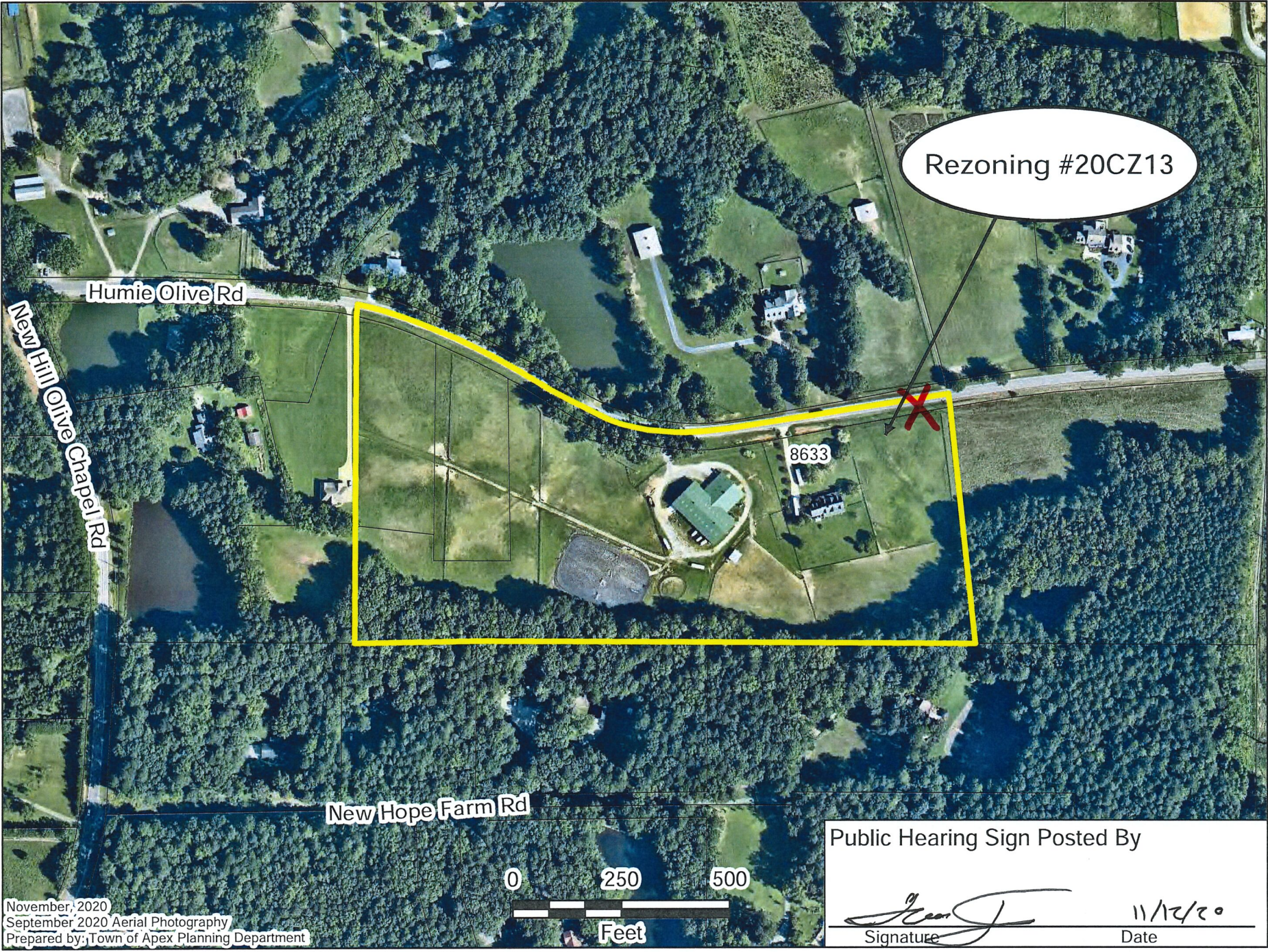
A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners 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/33874>.

Dianne F. Khin, AICP
Director of Planning and Community Development



Rezoning #20CZ13

Humble Olive Rd

New Hill Olive Chapel Rd

8633

New Hope Farm Rd



Public Hearing Sign Posted By

Sean J
Signature

11/2/11
Date

November, 2020
September 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 Name: Conditional Zoning #20CZ13
 Yumeewarra Farm Assembly

Project Location: 0 & 8633 Humie Olive Road

Applicant or Authorized Agent: Jeff Roach

Firm: Peak Engineering & Design Peak Engineering & Design

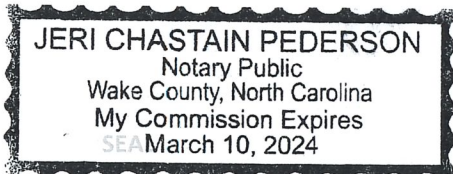
This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on December 23, 2020, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity 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.

12/23/2020
 Date

Lauren Staudenmaier for Dianne Khin
 Planning and Community Development 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 23 day of December, 2020



Jeri Chastain Pederson
 Notary Public

My Commission Expires: 03/10/2024



TOWN OF APEX
POST OFFICE BOX 230
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #20CZ13
Yumeevarra Farm Assembly
0 & 8633 Humie Olive Road

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

Applicant: Bill Zahn, Humie Olive Associates
Authorized Agent: Jeff Roach, Peak Engineering & Design
Property Address: 0 & 8633 Humie Olive Road
Acres: ±53.737 acres
Property Identification Numbers (PINs): 0711805090, 0710897972, 0710993712
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Properties: Wake County Residential-40W (R-40W)
Proposed Zoning of Properties: Low Density Residential-Conditional Zoning (LD-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.

Town Council Public Hearing Date and Time: January 26, 2021 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.apexnc.com/View/34289>

If you are unable to attend, you may provide comments no sooner than Friday, January 8, 2021 at noon but no later than noon on Monday, January 25, 2021 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/31307>. 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](http://www.apexnc.com/View/31307) 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/31874>

Dianne F. Klein, ACP
Director of Planning and Community Development

Published Dates: January 4-26, 2021



Windows taskbar showing various application icons including Edge, Word, Chrome, and Teams. The system tray shows the time as 12:24 PM on Monday 1/4/2021.



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #20CZ13

Yumeewarra Farm Assembly
0 & 8633 Humie Olive Road

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

- Applicant:** Bill Zahn, Humie Olive Associates
- Authorized Agent:** Jeff Roach, Peak Engineering & Design
- Property Addresses:** 0 & 8633 Humie Olive Road
- Acreage:** ±18.737 acres
- Property Identification Numbers (PINs):** 0711805090, 0710897972, 0710993712
- 2045 Land Use Map Designation:** Low Density Residential
- Existing Zoning of Properties:** Wake County Residential-40W (R-40W)
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Council Chambers, 2nd Floor
73 Hunter Street, Apex, North Carolina

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Town Council Public Hearing Date and Time: January 26, 2021 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, January 8, 2021 at noon but no later than noon on Monday, January 25, 2021 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/33874>.

Dianne F. Khin, AICP
Director of Planning and Community Development



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 #20CZ13
 Yumeewarra Farm Assembly
 Project Location: 0 & 8633 Humie Olive Road
 Applicant or Authorized Agent: Jeff Roach

Firm: Peak Engineering & Design Peak Engineering & Design

This is to certify that I, as Planning and Community Development Director, mailed or caused to have mailed by first class postage for the above mentioned project on January 4, 2021, 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.

01-04-2021

Date

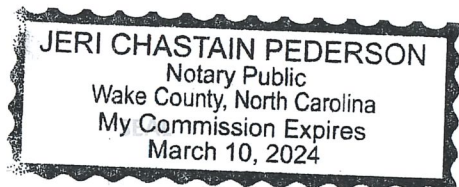
Lauren Staudenmaier for Dianne Khin
 Planning and Community Development Director

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 4 day of January, 2021.

Jeri Chastain Pederson
 Notary Public



My Commission Expires: 3 / 10 / 2024



Glenn Carrozza
5625 Dillard Drive
Cary, NC 27511

919-694-0306
FAX: 919-694-7753

January 4, 2021

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: November 2, 2020
- Name of development: 20CZ13 Yumeewarra Farm
- Address of rezoning/development: 0 and 8633 Humie Olive Rd
- Total number of proposed residential units: 56
- Type(s) of residential units proposed: Single-family; accessory apartment

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
 - Elementary
 - Middle
 - High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- Not applicable – existing school capacity is anticipated to be sufficient.
- School expansion or construction within the next five years is not anticipated to address concerns.
- School expansion or construction within the next five years may address concerns at these grade levels:
 - Elementary
 - Middle
 - High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,
Glenn Carrozza, Senior Director

A handwritten signature in cursive script that reads "Glenn Carrozza".