

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 12, 2024

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to waive the civil penalty of \$4,450.00 issued to Mr. Andrew Prusik for violation of Sections 4.1.2 and 4.2.2 (Use Regulations) of the Town Unified Development Ordinance (UDO)

Approval Recommended?

Yes

Item Details

Town staff received a complaint about a potential UDO violation for property located at 1000 Winding Creek Rd. that was being used as a storage yard for a landscaping company. The location is in the Town's Extra Territorial Jurisdiction (ETJ) but is subject to the UDO regarding land use.

A Notice of Violation and Correction Order was sent to Mr. Prusik by certified mail on June 24, 2024, ordering the owner to bring the site into compliance with the UDO and describing what was necessary to do so. The Notice also informed the owner that failure to comply within ten days would result in civil penalties beginning to accrue. On July 5, 2024 with the site still not in compliance so civil penalties were initiated at \$50.00 per day in addition to the original penalty of \$50.00. On September 29, 2024 the site was determined to be in compliance.

The owner explored different options and when a new location was identified the business owner began re-locating his equipment and supplies. In light of the owner's good faith efforts, cooperation, and ultimate compliance, Town staff does not object to waiving civil penalties.

Attachments

- CN12-A1: Notification of Violation - 1000 Winding Creek

