

AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

Town of Apex, North Carolina



AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE APPLICATION: Applications are due by 12:00 pm on the first business day of each month.

AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE FEE: \$600.00

An amendment to the text of the Unified Development Ordinance may be proposed by the Town Council, the Planning Board, the Board of Adjustment, the Planning Director, by the owner, or any other person having a recognized interest in the land for which a development is proposed, or their authorized agent.

Standards:

The advisability of amending the text of the Unified Development Ordinance is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or disapprove proposed amendments to the text of the Unified Development Ordinance, the Town Council shall consider the following factors:

1. *Compatible with surrounding uses.* Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land.
2. *Changed conditions.* Whether and the extent to which there are changed conditions that require an amendment.
3. *Effect on natural environment.* Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
4. *Community need.* Whether and the extent to which the proposed amendment addresses a demonstrated community need.
5. *Development patterns.* Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning.
6. *Public facilities.* Whether and the extent to which the proposed amendment would result in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities).
7. *Consistency with 2030 Land Use Map.* Consistency with the 2030 Land Use Map.

APPLICATION INFORMATION

Application #: _____
Fee Paid \$ 600

Submittal Date: 6-7-21
Check # credit card

Hard Copy Submittal Requirements:

- One (1) copy of Amendment to the Unified Development Ordinance Application
- Amendment to the Unified Development Ordinance fee

Applicant Information

Applicant: Lara O'Brien / Tutu School Apex
 Address: 709 Tucker St.
 City: Raleigh State: NC Zip: 27603
 Phone: 815-353-3280 Email: lara@tutuschoolraleigh.com

The applicant does hereby make application and does petition the Town Council to amend the Unified Development Ordinance of the Town of Apex for the following: **(Attach additional sheets as necessary)**

UDO Section(s): 4.2.2 Use Table
(Example: Section 5.2.7(D) Dimensional Standards for Accessory Structures, Corner Lot)

Proposed Change(s):

~~***Uses in the Central Business District designated as Permitted (P) with three asterisks are not allowed in storefront locations except for "Personal service" when the square footage of the "Personal service" first floor use is less than 10% of the square footage of the first floor of the building and no other storefront "Personal service" uses are located within the same building. Storefront locations shall mean the first floor of all spaces abutting North Salem Street, East Chatham Street, West Chatham Street, Saunders Street, and Templeton Street, as well as along all public parking lots and garages.~~

Describe how the proposed amendment(s) is compatible with existing uses surrounding the subject land.

Tutu School brings 200+ families into both our downtown Cary & Raleigh locations on a weekly basis though our classes, parties, camps, and parent events. We are a destination for children, parents, grandparents, and caregivers that also leads to their visiting downtown and other businesses regularly all year. Tutu School also partners with neighboring local businesses as much as possible and values the synergy of being part of a downtown business community.

What changed or changing conditions justify the passage of the UDO amendment(s)?

The Highline building is proposed to have approx. 15,000 sq. ft. on the first floor with Tutu School Apex at 1,118 sq. ft. being less than 8% of the building's first floor footprint; no other "Personal service" uses are proposed in the Highline building and future "Personal service" uses would be required to locate on the second floor or higher. Most buildings in downtown Apex only have one or two first floor storefronts whereas the Highline building has five first floor storefronts. Having a "Personal service" use in one first floor storefront will not be detrimental to the overall synergy of the building or downtown and will actually increase foot traffic for both.

How will the proposed change(s) effect the natural environment?

Tutu School will not have an effect on the natural environment outside of The Highline building.

APPLICATION INFORMATION

Application #: _____ Submittal Date: 6-7-21

Will the proposed amendment(s) provide a community need? yes no

If yes, please describe _____

We provide a service to children ages 1-8 years old as an outlet and activity for dance, music, and movement. We are also a gathering place for caregivers, families, and parent groups.

Will the proposed amendments provide an orderly development pattern?

In addition to ballet services (classes, parties, camps, events) that provide an activity and gathering place for children and families, and which take place 7 days a week at up 6-8 hours per day, we will also offer a retail component of ballet dancewear, stuffed animals, books, and other related merchandise.


Describe whether the proposed amendment(s) will be adequately served by public facilities.

The Tutu School business model philosophy and curriculum serves small groups at a time; classes of 10 students or camps & events of 15-20 children. The bathrooms of our space and the parking available at both The Highline and public parking lots would be adequate to meet needs and not create added need.

Describe how the amendment is consistent with the 2030 Land Use Map.

The amendment would allow "Personal service" in an area shown as "Commercial services, Office Employment, and Medium Density Residential". Personal service is an allowed use in this mixed use district so it is consistent with the 2045 Land Use Map.

I hereby acknowledge that proposed amendments to the Unified Development Ordinance is a matter of legislative discretion of the Town Council. As the applicant, I am responsible for presenting the proposed amendments to the Planning Board and Town Council respectively.


Signature

6/7/21
Date