

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 141.07 ACRES LOCATED AT 0 VERIDEA PKWY (PORTION OF); 0 & 0 OLD HOLLY SPRINGS RD (PORTION OF); 5940 OLD SMITHFIELD RD; 0 MOSLEY AVE FROM LIGHT INDUSTRIAL (LI), SUSTAINABLE DEVELOPMENT-CONDITIONAL ZONING (SD-CZ #09CZ07 & #23CZ03), & HIGH DENSITY SINGLE-FAMILY (HDSF) TO LIGHT INDUSTRIAL-CONDITIONAL ZONING (LI-CZ)

#24CZ23

WHEREAS, Greenway Waste Solutions of Apex LLC, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 3rd day of December 2024 (the “Application”). The proposed conditional zoning is designated #24CZ23;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #24CZ23 before the Planning Board on the 12th day of May 2025;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of May 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #24CZ23. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #24CZ23;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #24CZ23 before the Apex Town Council on the 27th day of May 2025;

WHEREAS, the Apex Town Council held a public hearing on the 27th day of May 2025. Bruce Venable, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #24CZ23 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is not consistent with the 2045 Land Use Plan and other adopted plans in that the 2045 Land Use Map designates this area as Industrial Employment & Mixed Use: Medium Density Residential/High Density Residential/Industrial Employment/Office Employment/Commercial Services and approval of this rezoning will automatically amend the 2045 Land Use Map to Industrial Employment. This designation on the 2045 Land Use Map includes the zoning district Light Industrial-Conditional Zoning (LI-CZ) and the Apex Town Council has further considered that the proposed rezoning to Light Industrial-Conditional Zoning (LI-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will provide the ability for the site to support adequate waste services in this area and provide zoning conditions that provide flexibility in development standards to account for the fact that the landfill existed prior to coming into Apex’s ETJ and prior to construction of NC 540 Highway; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #24CZ23 rezoning the subject tract located at 0 Veridea Pkwy (portion of); 0 & 0 Old Holly Springs Rd (portion of); 5940 Old Smithfield Rd; and 0 Mosley Ave from Light Industrial (LI), Sustainable Development-Conditional Zoning (SD-CZ #09CZ07 & #23CZ03), and High Density Single-Family (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).

Ordinance Amending the Official Zoning District Map #24CZ23

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment “A” – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the “Rezoned Lands.”

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Light Industrial (LI); Sustainable Development-Conditional Zoning (SD-CZ #09CZ07 & #23CZ03); and High Density Single Family (HDSF) to Light Industrial-Conditional Zoning (LI-CZ) District, subject to the conditions stated herein.

Section 3: The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The “Rezoned Lands” are subject to all of the following conditions which are imposed as part of this rezoning:

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.

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|----------------------------|--|
| 1. Sanitary Landfill (S) | 5. Yard Waste Transfer Station (S) |
| 2. Communication Tower (S) | 6. Chipping and Mulching (S) |
| 3. Recycling Center | 7. Land Clearing and Inert Debris Landfill (S) |
| 4. Utility, Minor | |

Zoning Conditions:

1. The subject property shall be exempt from providing any additional off-street parking that may be required by UDO Section 8.3.2 for the uses:
 - Sanitary Landfill
 - Communication Tower
 - Recycling Center
 - Utility, Minor
 - Yard Waste Transfer Station
 - Chipping and Mulching
 - Land Clearing and Inert Debris Landfill
2. The existing flag and flagpole that exceed the dimensional limitations established in Section 8.7.1.A.7.c. of the UDO shall be permitted on the subject property and shall not be increased beyond its current height and size.
3. Any existing encroachment into the required 100' Type A buffer along NC Hwy 540 existing when the right-of-way for NC Hwy 540 was acquired shall be permitted to remain. No new encroachments shall be permitted unless otherwise permitted by the UDO.

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4. Any existing encroachment into the required 250' setback for the use of Land Clearing and Inert Debris Landfills, shall be permitted. However no new encroachment shall be permitted unless in accordance with the UDO.

Section 5: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member _____

Seconded by Council Member _____

With ____ Council Member(s) voting "aye."

With ____ Council Member(s) voting "no."

This the ____ day of _____ 2025.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney