

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 6.92 ACRES LOCATED AT 1720 & 1740 PINNACLE CENTER DRIVE FROM TECH/FLEX-CONDITIONAL ZONING (TF-CZ #14CZ30) TO LIGHT INDUSTRIAL-CONDITIONAL ZONING (LI-CZ)

#22CZ15

WHEREAS, Classic Road Partners, LLC/Chris Rurkowski, TMTLA Associates, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of June 2022 (the "Application"). The proposed conditional zoning is designated #22CZ15;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #22CZ15 before the Planning Board on the 8th day of August 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 8th day of August 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ15. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 6-0 for the application for #22CZ15;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #22CZ15 before the Apex Town Council on the 23rd day of August 2022;

WHEREAS, the Apex Town Council held a public hearing on the 23rd day of August 2022. Amanda Bunce, Current Planning Manager, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #22CZ15 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, 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 consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area 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 proposed rezoning is reasonable and in the public interest because it provides flexibility for the use "Self-service storage facility" that will allow the establishment of a use that is unique within Apex and it is also compatible with the surrounding uses and those anticipated on nearby vacant parcels. In addition, several recommended conditions from the Environmental Advisory Board have been added that will mitigate the environmental impact of proposed development beyond what would be anticipated with development under the current zoning; and

WHEREAS, the Apex Town Council by a vote of 4 to 0 approved Application #22CZ15 rezoning the subject tract located at 1720 & 1740 Pinnacle Center Dr from Tech/Flex-Conditional Zoning (TF-CZ #14CZ30) to Light Industrial-Conditional Zoning (LI-CZ).

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."

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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 Tech/Flex-Conditional Zoning (TF-CZ #14CZ30) to Light Industrial-Conditional Zoning (LI-CZ), subject to the conditions stated herein.

Section 3: The Director of Planning and Community Development 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:

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. An “(SUP)” designation indicates a Special Use Permit is required prior to commencing this use.

Permitted Uses and Limitations:

1. Security or caretaker quarters
2. Assembly hall, nonprofit
3. Assembly hall, for-profit
4. Church or place of worship (P/SUP)
5. Day care facility
6. Drop-in or short-term day care
7. Government service
8. Transportation facility
9. Veterinary clinic or hospital
10. Vocational school
11. Communication tower, commercial (SUP)
12. Communication tower, constructed stealth (SUP)
13. Communication tower, camouflage stealth (SUP)
14. Recycling Center
15. Recycling collection station (SUP)
16. Utility, minor
17. Botanical garden
18. Entertainment, indoor
19. Entertainment, outdoor (SUP)
20. Greenway
21. Park, active
22. Park, passive
23. Youth or day camps
24. Restaurant, general
25. Dispatching Office
26. Medical or dental office or clinic
27. Medical or dental laboratory
28. Office, business or professional
29. Pilot plant
30. Research facility
31. Glass sales
32. Health/fitness center or spa
33. Kennel (SUP)
34. Monument sales, retail
35. Repair services, limited
36. Retail sales, bulky goods
37. Retail sales, general (%)
38. Self-service storage
39. Studio for art
40. Upholstery shop
41. Pet services
42. Automotive paint or body shop
43. Car wash or auto detailing
44. Repair and maintenance, general
45. Vehicle sales and rental, light
46. Building supplies, wholesale
47. Contractor’s office and storage yard
48. Laboratory, industrial research
49. Machine or welding shop
50. Warehousing
51. Woodworking or cabinetmaking
52. Wholesale, general
53. Manufacturing and processing
54. Brewery

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55. Distillery
56. Microbrewery

57. Microdistillery

Conditions:

1. Building exteriors shall have more than two material colors.
2. The building shall have architectural elements such as varied roof forms, articulation of the façade, breaks in the roof, walls with texture materials and ornamental details.
3. Architectural detail such as windows, awnings, trellises, articulation, arcades, and material changes shall be utilized.
4. Building main entrances shall be emphasized.
5. The predominant building materials shall be high quality materials, including brick, native stone, metal panel, glass, fiber cement cladding and/or masonry units.
6. EIFS or synthetic stucco shall not be used in the first forty (40) inches above grade.
7. The supplemental standards for the self-service storage use found in UDO Sec. 4.4.5.G.14 shall be amended as follows only for a self-service storage use where the storage units are designed solely to accommodate the storage of vehicles in addition to office and/or co-working space.
 - a) Self-service storage bays shall be allowed to be designed to accommodate office space, including co-working space as well as the storage of vehicles. Storage bays shall not be used to manufacture, fabricate or process goods; service or repair small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site;
 - b) A security or caretaker quarters use may be established on the site of a self-storage facility;
 - c) Except as provided in this section, all property stored on the site of a self-service storage facility use shall be entirely within enclosed buildings;
 - d) Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:
 - (i) The storage shall occur only within a designated area. The designated area shall be clearly delineated;
 - (ii) The storage area shall not exceed 25% of the buildable area of the site;
 - (iii) The storage area shall be entirely screened from view from adjacent residential areas and public roads by a building and/or solid fencing with landscaping on the outside of the fence;
 - (iv) Storage shall not occur within the area set aside for minimum building setbacks;
 - (v) No dry stacking of boats shall be permitted on site; and
 - (vi) No vehicle maintenance, washing or repair shall be permitted.
 - e) The minimum lot size for a self-service storage facility shall be three acres. No variance or other relief shall be granted from this standard;
 - f) The development shall not encroach into any buffer required by this Ordinance; the minimum required setback from any property line shall be the greater of any required buffer or setback (Sec. 8.2.6.B).
 - g) If separate structures are constructed, there shall be a minimum separation of 10 feet between the buildings within the facility;
 - h) The maximum size of a storage bay shall be 4,000 square feet;
 - i) The maximum height of a self-service storage facility use shall be 48 feet. Stair structures for roof access shall be allowed to exceed the maximum building height by no more than five (5)

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feet. In addition, a parapet wall shall be constructed to screen roof-mounted heating and air conditioning and other equipment, if any.

- j) The following on-site circulation standards shall apply:
 - (i) Interior parking shall be provided in the form of aiseways adjacent to the storage bays. These aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted;
 - (ii) The one-or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist at a minimum of use of standard directional signage and painted lane markings with arrows;
 - (iii) Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.
- k) Outdoor lighting shall be the minimum necessary to discourage vandalism and theft. If a facility abuts a residential district, outdoor lighting fixtures shall be no more than 15 feet in height;
- l) No exterior loudspeakers or paging equipment shall be permitted on the site;
- m) Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public road; and
- n) The minimum building setback distance from RCA area shall be 5 feet.
- o) Parking internal to each unit shall count as 2 parking spaces towards the minimum parking requirement of the site.

Additional Zoning Conditions

- 8. At least 75% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.
- 9. A minimum of 3 native hardwood tree species shall be used for the landscaping on site.
- 10. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
- 11. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lot.
- 12. The building(s) shall be designed to incorporate passive daylighting techniques, including, but not limited to, southern building orientation, clerestory windows, solar tubes, skylights, light redirection devices, and/or large windows.
- 13. Tree clearing, SCM, or infrastructure shall not occur or be placed in either zone of the riparian buffer, except as necessary for the installation of Town of Apex utilities.
- 14. The project shall install a minimum of two (2) signs adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.

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.

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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 _____ 2022.

TOWN OF APEX

Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney