

**BEFORE THE TOWN COUNCIL OF THE TOWN OF APEX
MAJOR SITE PLAN FOR APEX FRIENDSHIP ELEMENTARY SCHOOL**

FINDINGS OF FACT

Based on the competent and material evidence in the record, the Town Council makes the following findings of fact:

1. Alice Reese, CLH Design, P.A./Wake County Board of Education, owner/applicant (the "Applicant"), submitted a completed application for a major site plan on the 3rd day of August, 2020.
2. Pursuant to G.S. §160A-384, and 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 the major site plan for the Apex Friendship Elementary School before the Town Council on the 4th day of November 2020.
3. The Apex Town Council held a public hearing, including an evidentiary hearing, on the 4th day of November 2020.
4. All persons who desired to present evidence relevant to the major site plan for the Apex Friendship Elementary School were allowed the opportunity to present evidence at the public hearing before the Apex Town Council.
5. The Applicant proposes build a 1 to 3 story elementary school totaling 128,790 square feet with playgrounds, track, exercise fields, separate bus drop-off and carpool lanes, and surface parking.
6. After discussion about the intermittent stream and natural draw for gravity sewer on the western boundary of the property, the Town Council determined that: (1) the natural draw for gravity sewer is split between the Apex Friendship Schools Campus and future Friendship Station PUD properties; (2) the location of the sewer likely would not be constructed on the Applicant's property due to the natural draw split, topography, and other engineering factors; and (3) the burden of the sewer extension should be shared equally between the property owners on both sides of the natural draw for gravity sewer.
7. The Applicant established by competent sworn testimony all matters stated in the application and staff report for the proposed major site plan and established that the proposed major site plan is in compliance with the standards provided in the UDO.

CONCLUSIONS OF LAW

In light of the findings of fact, the Town Council makes the following conclusions of law:

1. The Applicant submitted a completed application for the major site plan for the Apex Friendship Elementary School;
2. The matters stated in the application are established by competent and substantial evidence;
3. The development proposed in the site plan and its general location is compatible with the character of surrounding land uses;
4. The development and uses in the site plan comply with Sec. 4.4 *Supplemental Standards*;
5. The development proposed in the site plan and its general layout and design comply with all appropriate standards in Article 8: *General Development Standards*;
6. The site plan does not propose anything that would be inconsistent with the requirements of Sec. 8.1.4 *Slope Protection Standards*;

FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR APEX FRIENDSHIP ELEMENTARY SCHOOL MAJOR SITE PLAN

7. The development proposed in the site plan conforms to the requirements of Sec. 7.4., *Dedication of ROW for Thoroughfare Streets and Highways*;
8. The development proposed in the site plan with the additional condition to pay a fee-in-lieu for the reasonable cost of the Applicant's fair share of the sewer extension improvements to enable future connection to adjoining property where strict adherence to the requirements for public improvements would cause an unnecessary hardship conforms to the requirements of Sec. 7.5 *Required Improvements*;
9. The development proposed in the site plan and its general layout and design comply with all other relevant standards of this Ordinance;
10. The application and site plan meet the standards for major site plans stated in Sec.2.3.6.E.2;
11. The Applicant is entitled in law and in fact to the approval of the major site plan for the Apex Friendship Elementary School.

DECISION

The Apex Town Council hereby approves the major site plan for the Apex Friendship Elementary School, subject to all of the following conditions which are imposed as part of this major site plan approval:

1. The Applicant is required to pay a fee-in-lieu in the amount of \$57,335 representing the Applicant's fair share of the cost of the sewer extension improvements.

These Findings of Fact, Conclusions of Law and Decision, shall constitute written documentation of Town Council's approval of the major site plan for the Apex Friendship Elementary School.

THE TOWN OF APEX

By: _____
Jacques K. Gilbert
Mayor

(Corporate Seal)
ATTEST:

Donna B. Hosch, MMC, NCCMC, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that Donna B. Hosch, personally came before me this day and acknowledged that she is Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its Town Clerk.

Witness my hand and official stamp or seal, this _____ day _____, 2020.

[Signature of Notary Public]

My Commission Expires: _____