

STAFF REPORT

Rezoning #23CZ23 Saunders Street Parking Lot

February 27, 2024 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 0 Saunders Street, 0 & 211 Templeton Street
Applicant/Owner: Town of Apex

PROJECT DESCRIPTION:

Acreage: ±2.41 acres
PIN: 0742319843, 0742318765, 0742317640
Current Zoning: Medium Density Residential (MD) & Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ #09CZ12)/Small Town Character Overlay District
Proposed Zoning: Downtown Business-Conditional Zoning (B2-CZ)/Small Town Character Overlay District
2045 Land Use Map: Mixed-Use: Commercial Services/Office Employment/Medium Density Residential
Town Limits: Inside

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	High Density Single Family; High Density Single Family-Conditional Use (HDSF-CU #87CU03); Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ #09CZ12)	Single-Family Residential
South:	Medium Density Residential (MD); Downtown Business (B2)	Saunders St; Government Service (Police Station)
East:	Downtown Business (B2)	Public Parking Lot; Commercial
West:	Medium Density Residential (MD); High Density Single Family-Conditional Use (HDSF-CU #87CU03)	Cemetery; Single-Family Residential

Existing Conditions:

The subject properties total +/-2.41 acres and are located on the north side of Saunders Street. Two of the properties are vacant and one has gravel parking.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on November 15, 2023 and a second meeting on January 17, 2024. The neighborhood meeting reports are attached.

2045 Land Use Map:

The 2045 Land Use Map designates the properties as Mixed-Use: Commercial Services/Office Employment/Medium Density Residential. The proposed rezoning to Downtown Business-Conditional Zoning (B2-CZ) is consistent with the Land Use Map designation.

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Permitted 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.

The applicant is proposing the following uses:

- Government Service
- Parking lot, public
- Park, active
- Park, passive

PROPOSED ZONING CONDITIONS:

1. A minimum 7-foot privacy fence shall be provided along the northern property boundary of PIN 0742319843 at the time the lot is developed in accordance with a site plan.

ENVIRONMENTAL ADVISORY BOARD:

This rezoning was exempt from meeting with the Apex Environmental Advisory Board (EAB) per Unified Development Ordinance (UDO) Section 2.1.9.A.2.c. The proposed rezoning is in the Small Town Character Overlay District.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #23CZ23 with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on February 12, 2024 meeting and voted 7 to 1 to recommend approval with the conditions as presented plus additional condition to not wait on installation of proposed fence.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map classifies the subject properties as Mixed-Use: Commercial Services/Office Employment/Medium Density Residential. The proposed rezoning to Downtown Business Conditional Zoning (B2-CZ) is consistent with that land use classification.

The proposed rezoning is reasonable and in the public interest because it will expand the area available for public parking downtown in accordance with the Downtown Master Plan and Parking Study and provide a privacy fence along residential properties to the north.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Downtown Business-Conditional Zoning (B2-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

Legislative Considerations

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do



not exclude the legislative consideration of any other factor that is relevant to the public interest.

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.