

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE TOWN COUNCIL OF THE TOWN OF APEX MAJOR SITE PLAN FOR 540 FLEX & BUSINESS PARK

FINDINGS OF FACT

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

1. Joseph Iannone, 540 Flex & Business Park, LLC and Peter Crossen, Jones and Crossen Engineering, owner/applicant (the "Applicant"), submitted a completed application for a major site plan on the 1st day of April 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 540 Flex and Business Park before the Town Council on the 21st day of July 2020.
3. The Apex Town Council held a public hearing, including an evidentiary hearing, on the 21st day of July 2020.
4. All persons who desired to present evidence relevant to the major site plan for 540 Flex and Business Park were allowed the opportunity to present evidence at the public hearing before the Apex Town Council.
5. The Applicant proposes a revised Major Site Plan which reduces the previously approved building area from 132,568 ft² to 127,876 ft² and reduces the eastern buffer width in the vicinity of Building E from a 60-foot Type A buffer to a 25-foot Type A buffer.
6. 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 540 Flex and Business Park;
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*;

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- 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 conforms to the requirements of Sec. 7.5 *Required Improvements*;
- 9. The development proposed in the site plan does not propose anything that will have a significant adverse impact on public facilities and services, including roads, potable water and wastewater facilities, parks, police, fire, and EMS facilities.
- 10. The development proposed in the site plan and its general layout and design comply with all other relevant standards of this Ordinance;
- 11. The application and site plan meet the standards for major site plans stated in UDO Sec. 2.3.6.E.2;
- 12. The Applicant is entitled in law and in fact to the approval of the major site plan for 540 Flex and Business Park.

DECISION

The Apex Town Council hereby unanimously approves the major site plan for 540 Flex and Business Park.

These Findings of Fact, Conclusions of Law and Decision, shall constitute written documentation of Town Council’s approval of the major site plan for 540 Flex and Business Park.

THE TOWN OF APEX

By: _____
Jacques K. Gilbert
Mayor

(Corporate Seal)

ATTEST:

Donna B. Hosch, CMC, 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: _____