

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 55.345 ACRES LOCATED AT 0 & 2704 NEW HILL OLIVE CHAPEL ROAD; 2504, 2508, 2509, 2513 & 2537 LASHLEE WAY; 8621 ATHLETE DRIVE; AND 3600 & 3700 OLD US 1 HWY FROM PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ #22CZ09), WAKE COUNTY RESIDENTIAL-40 WATERSHED (WAKE COUNTY R-40W), NEIGHBORHOOD BUSINESS-CONDITIONAL ZONING (B1-CZ #21CZ11), & MIXED OFFICE-RESIDENTIAL-RETAIL-CONDITIONAL ZONING (MORR-CZ #19CZ19) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ) #24CZ19

WHEREAS, Barnett Properties, 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 #24CZ19;

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 #24CZ19 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 #24CZ19. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #24CZ19;

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 #24CZ19 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 #24CZ19 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 Office Employment/Commercial Services; Low Density Residential; Low Density Residential/Office Employment and approval of this rezoning will automatically amend the 2045 Land Use Map to Office Employment/Commercial Services and Low Density Residential. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-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 housing of a similar type and density as development to the north and south, while providing for office and commercial uses to serve the proposed and existing residential development in the area. The proposed rezoning will also construct a local connector street with 10-foot side path that will provide vehicular and pedestrian connectivity from Belterra and through the subject property and the Utley Farm subdivision to Old US 1 Hwy.

WHEREAS, the Apex Town Council by a vote of ____ to ____ approved Application #24CZ19 rezoning the subject tracts located at 0 & 2704 New Hill Olive Chapel Road; 2504, 2508, 2509, 2513 & 2537 Lashlee Way; 8621 Athlete Drive; and 3600 & 3700 Old US 1 Hwy from Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ09), Residential-40 Watershed (Wake County R-40W), Neighborhood Business-Conditional Zoning (B1-CZ #21CZ11), and Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ #19CZ19) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Ordinance Amending the Official Zoning District Map #24CZ19

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" Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ09), Wake County Residential-40 Watershed (Wake County R-40W), Neighborhood Business-Conditional Zoning (B1-CZ #21CZ11), and Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ #19CZ19) to Planned Unit Development-Conditional Zoning (PUD-CZ), 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 conditions in Attachment "B" New Hill Commons PUD which are imposed as part of this rezoning:

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