

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383  
ADDRESSING ACTION ON ZONING PETITION #20CZ09**

Alonzo Wilson for ATM Development, LLC, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 3<sup>rd</sup> day of August 2020 (the “Application”). The proposed conditional zoning is designated #20CZ09.

The Planning and Community Development Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #20CZ09 before the Planning Board held on the 9<sup>th</sup> day of November 2020.

The Apex Planning Board held a public hearing on the 9<sup>th</sup> day of November 2020, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #20CZ09. A motion was made at the Apex Planning Board to recommend approval without the perennial buffer condition recommended by staff; the motion passed unanimously for the application for #20CZ09.

Pursuant to G.S. §160A-384 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 #20CZ09 before the Town Council on the 17<sup>th</sup> day of November 2020.

The Apex Town Council held a public hearing on the 17<sup>th</sup> day of November 2020. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #20CZ09 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.

The Town Council, by a vote of 5 and 0, approved Application #20CZ09 rezoning the subject tract located at 5131 and 5145 Church Road from Wake Co. R-30 to Medium Density Residential–Conditional Zoning (MD-CZ), with the addition of conditions regarding affordable housing and perennial stream buffers.

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 as Medium Density Residential adjacent to a Neighborhood Mixed Use Activity Center. This designation on the 2045 Land Use Map includes the zoning district Medium Density Residential–Conditional Zoning (MD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Medium Density Residential–Conditional Zoning (MD-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.

The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: the inclusion of the perennial stream buffer condition will maintain a valuable tool to preserve tree canopy and improve water quality. The further addition of the affordable housing condition will support affordable housing and encourage and permit increased housing options in the New Hill

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area. The rezoning will also permit higher densities necessary to support future non-residential uses in the adjacent Neighborhood Mixed Use Activity Center as identified on the 2045 Land Use Map. The rezoning will encourage compatible development of the property and increase the tax base.

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Jacques K. Gilbert  
Mayor

ATTEST:

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

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Date