

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 4.58 ACRES LOCATED AT 3100 OLIVE CHAPEL ROAD AND 1911 TRANSIT TRAIL (PORTION OF) FROM WAKE COUNTY RESIDENTIAL-80W (R-80W) & RURAL RESIDENTIAL-CONDITIONAL ZONING (RR-CZ#23CZ09) TO OFFICE & INSTITUTIONAL-CONDITIONAL ZONING (O&I-CZ) AND RURAL RESIDENTIAL-CONDITIONAL ZONING (RR-CZ)

#25CZ22

WHEREAS, Jones & Cnossen Engineering, PLLC (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of December 2025 (the “Application”). The proposed conditional zoning is designated #25CZ22;

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 #25CZ22 before the Planning Board on the 13th day of April 2026;

WHEREAS, the Apex Planning Board held a public hearing on the 13th day of April 2026, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #25CZ22. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #25CZ22;

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 #25CZ22 before the Apex Town Council on the 28th day of April 2026;

WHEREAS, the Apex Town Council held a public hearing on the 28th day of April 2026. June Cowles, Senior Planner, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #25CZ22 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 Map and other adopted plans in that the 2045 Land Use Map designates the properties as Rural Density Residential and Rural Transition Residential and approval of this rezoning will automatically amend the 2045 Land Use Map to Office Employment and Rural Transition Residential. These designations on the 2045 Land Use Map include the zoning districts Office & Institutional-Conditional Zoning (O&I-CZ) and Rural Residential-Conditional Zoning (RR-CZ) respectively. The Apex Town Council has further considered that the proposed rezoning to Office & Institutional-Conditional Zoning (O&I-CZ) and Rural Residential-Conditional Zoning (RR-CZ) will 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 it will provide office, government service, and limited retail uses to serve the existing and proposed residential development in the area. The rezoning will also allow for an existing single-family home to remain on a lot that is generally consistent with those to the north. The proposed rezoning will provide roadway frontage widening with a sidewalk along Olive Chapel Road. Furthermore, the proposed rezoning includes stricter architectural conditions than the UDO requires; and

Ordinance Amending the Official Zoning District Map #25CZ22

WHEREAS, the Apex Town Council by a vote of ___ to ___ approved Application #25CZ22 rezoning the subject tract located at 3100 Olive Chapel Road and 1911 Transit Trail (portion of) from Wake County Residential-80W (R-80W) & Rural Residential-Conditional Zoning (RR-CZ #23CZ09) to Office & Institutional-Conditional Zoning (O&I-CZ) and Rural Residential-Conditional Zoning (RR-CZ).

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" from Wake County Residential-80W (R-80W) & Rural Residential-Conditional Zoning (RR-CZ#23CZ09) to Office & Institutional-Conditional Zoning (O&I-CZ) and Rural Residential-Conditional Zoning (RR-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 the conditions in Attachment "B" Rezoning #25CZ22 3100 Olive Chapel Rd 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. Subdivision plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for subdivision 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 _____ 2026.

Ordinance Amending the Official Zoning District Map #25CZ22

TOWN OF APEX

Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney