

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383  
ADDRESSING ACTION ON ZONING PETITION #20CZ13**

Bill Zahn, Humie Olive Associates, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 2<sup>nd</sup> day of November 2020 (the “Application”). The proposed conditional zoning is designated #20CZ13.

The Director of Planning & Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #20CZ13 before the Planning Board held on the 11<sup>th</sup> day of January 2021.

Pursuant to G.S. §160A-384 and Sec. 2.2.11(E) of the Unified Development Ordinance, the Director of Planning & Community Development caused proper notice to be given (by publication and posting), of a public hearing on #20CZ13 before the Town Council on the 26<sup>th</sup> day of January 2021.

The Apex Planning Board held a public hearing on the 11<sup>th</sup> day of January 2021, gathered facts, received public comments and, following a 24-hour public comment period, on the 13<sup>th</sup> day of January 2021, formulated a recommendation regarding the application for conditional zoning #20CZ13. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #20CZ13.

The Apex Town Council held a public hearing on 26<sup>th</sup> day of January 2021. Sarah Van Every, Senior Planner, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #20CZ13 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, following a 24-hour public comment period, on the 1<sup>st</sup> day of February 2021 by a vote of 4 to 1 approved Application #20CZ13 rezoning the subject tract located at 0 and 8633 Humie Olive Road from Wake County Residential (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

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 Low Density Residential. This designation on the 2045 Land Use Map includes the zoning district Low Density Residential-Conditional Zoning (LD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Low Density Residential-Conditional Zoning (LD-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.

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The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that it will allow for future development consistent and compatible with the proposed residential development to the east and south. 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