

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605
ADDRESSING ACTION ON ZONING PETITION #22CZ27**

Jason Barron, Morningstar Law Group, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of December 2022 (the “Application”). The proposed conditional zoning is designated #22CZ27.

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 #22CZ27 before the Apex Planning Board on the 11th day of March 2024.

The Apex Planning Board held a public hearing on the 11th day of March 2024, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ27. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 7-1 for the application for #22CZ27.

Pursuant to 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 #22CZ27 before the Town Council on the 9th day of April 2024.

The Apex Town Council held a public hearing on the 9th day of April 2024. Lauren Staudenmaier, Planner II, presented the Planning Board’s recommendation at the public hearing.

All persons who desired to present information relevant to the application for #22CZ27 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Apex Town Council by a vote of 3 to 2 denied Application #22CZ27 rezoning the subject tract located at 1316, 1314, 0, 1320, 1332, 1400, 1328, and 0 Center Street from High Density Single-Family Residential (HDSF), Residential Agricultural (RA), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), and Light Industrial-Conditional Use (LI-CU #97CU22B) to High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) & Office and Institutional-Conditional Zoning (O&I-CZ).

The 2045 Land Use Map classification for the subject properties is Office Employment. The proposed rezoning of a portion of the properties to Office and Institutional-Conditional Zoning (O&I-CZ) is consistent with that land use classification. However, the proposed rezoning of the remainder of the properties to High Density Multi-Family-Conditional Zoning (HDMF-CZ) is not consistent with that land use classification. Approval of the rezoning is not reasonable and in the public interest because the proposed HDMF-CZ district will have no connectivity to the residential development to the west and the future access to this development will be right-in/right out due to the future median location. Furthermore, the change from Office Employment to High Density Residential affects the economic development potential of the area as it would reduce the amount of land available for Tech Flex and/or Office & Institutional uses near the Investment Boulevard office and industrial park.

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Date