

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605
ADDRESSING ACTION ON ZONING PETITION #21CZ15**

Toll Bros, Inc., owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 3rd day of May 2021 (the "Application"). The proposed conditional zoning is designated #21CZ15.

The Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ15 before the Apex Planning Board on the 9th day of August 2021.

The Apex Planning Board held a public hearing on the 9th day of August 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ15. A motion was made by the Apex Planning Board to recommend approval; the motion passed with a vote 6-0 for the application for #21CZ15.

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ15 before the Town Council on the 24th day of August.

The Apex Town Council voted to continue the public hearing which was held on the 28th day of September 2021. Amanda Bunce, Current Planning Manager, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #21CZ15 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 Apex Town Council by a vote of 3 to 2 rejected Application #21CZ15 rezoning the subject tract located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane; and Barnside Lane right-of-way from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Although the requested zoning is consistent with the 2045 Land Use Map, the denial of the zoning request is reasonable and in the public interest because the proposed zoning continues a piecemeal redevelopment pattern that does not allow for the comprehensive redevelopment of the neighborhood with an opportunity to connect to Beaver Creek Commons Drive. Furthermore, the proposed rezoning does not provide a level of density that would allow for more affordable housing. Finally, the proposed rezoning may result in inadequate public school facilities exist to serve the current and anticipated student population at schools in the current attendance zone.

ATTEST:

Jacques K. Gilbert
Mayor

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date