

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383  
ADDRESSING ACTION ON ZONING PETITION #19CZ02**

Kaplan Residential/Edith S. Morris/ Jason Barron, Morningstar Law Group, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1<sup>st</sup> day of February 2019 (the "Application"). The proposed conditional zoning is designated #19CZ02.

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 #19CZ02 before the Planning Board on the 1<sup>st</sup> day of November 2019.

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 #19CZ02 before the Town Council on the 1<sup>st</sup> day of November 2019.

The Apex Planning Board held a public hearing on the 12<sup>th</sup> day of November 2019, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #19CZ02. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #19CZ02.

The Apex Town Council held a public hearing on the 19<sup>th</sup> day of November 2019. Sarah Rayfield, Senior Planner, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #19CZ02 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 4 to 1 denied Application #19CZ02 to rezone the subject tract located at 0, 7208 and 7208B Morris Acres Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Although the rezoning petition to Planned Unit Development-Conditional Zoning is consistent with the Medium Density Residential designation of the 2045 Land Use Map for the subject properties, the Apex Town Council finds that the proposed rezoning is not consistent with the Apex Peak Plan 2030 in that it does not promote the use of green building techniques and the denial of the proposed rezoning is reasonable and in the public interest in that the proposed rezoning would have negative environmental impacts due to preexisting stormwater conditions.

**STATEMENT OF THE APEX TOWN COUNCIL ZONING PETITION #19CZ02  
PAGE 2**

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Lance Olive  
Mayor

ATTEST:

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

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Date