

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605  
ADDRESSING ACTION ON ZONING PETITION #21CZ21**

AG Wimberly, LLC., owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of September 2021 (the "Application"). The proposed conditional zoning is designated #21CZ21.

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 #21CZ21 before the Planning Board on the 8<sup>th</sup> day of November 2021.

The Apex Planning Board held a public hearing on the 8<sup>th</sup> day of November 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ21. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #21CZ21

Pursuant to N.C.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 #21CZ21 before the Apex Town Council on the 23<sup>rd</sup> day of November 2021.

The Apex Town Council held a public hearing on the 23<sup>rd</sup> day of November 2021. 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 #21CZ21 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 5 to 0 rejected Application #21CZ21 rezoning the subject tract located at 0 Wimberly Road from Rural Residential (RR) to Low Density Residential–Conditional Zoning (LD-CZ).

Although the rezoning is consistent with the 2045 Land Use Map which designates this Low Density Residential, and permits the zoning district Low Density Residential–Conditional Zoning (LD-CZ) within that land use designation, the denial of the zoning request is reasonable and in the public interest because the proposed zoning fails to minimize environmental impacts and to adequately protect environmentally sensitive areas of the subject parcel and adjacent properties.

ATTEST:

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Jacques K. Gilbert  
Mayor

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

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Date