

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF HOPSON GATEWAY (PORTION) APPROXIMATELY 58.54 ACRES LOCATED AT 0, TINGEN ROAD (PORTION OF) AND 1341 PERRY ROAD (PORTION OF) FROM RESIDENTIAL AGRICULTURAL (RA) AND LIGHT INDUSTRIAL-CONDITIONAL ZONING (LI-CZ #24CZ08) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ) AND TOWN OF APEX (PORTION) APPROXIMATELY 39.62 ACRES LOCATED AT 0, TINGEN ROAD (PORTION OF), 1341 PERRY ROAD (PORTION OF), AND 0 PERRY ROAD FROM RESIDENTIAL AGRICULTURAL (RA) AND LIGHT INDUSTRIAL-CONDITIONAL ZONING (LI-CZ #24CZ08) TO LIGHT INDUSTRIAL-CONDITIONAL ZONING.

#24CZ20

WHEREAS, ACRE Manager, LLC (the “Applicant” for Hopson Gateway portion), and Town of Apex (the “Applicant” for Town of Apex portion) submitted a completed application for a conditional zoning on the 1st day of November 2024 (the “Application”). The proposed conditional zoning is designated #24CZ20;

WHEREAS, 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 #24CZ20 before the Planning Board on the 10th day of November 2025;

WHEREAS, the Apex Planning Board held a public hearing on the 10th day of November 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #24CZ20. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 8 to 0 for the application for #24CZ20;

WHEREAS, pursuant to N.C.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 #24CZ20 before the Apex Town Council on the 13th day of November 2025;

WHEREAS, the Apex Town Council held a public hearing on the 13th day of November 2025. June Cowles, Senior Planner, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #24CZ20 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the Town of Apex LI-CZ portion of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans. The Hopson Gateway PUD-CZ portion is not consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates the Hopson Gateway PUD-CZ area as Office Employment and Office Employment/Industrial Employment and approval of this rezoning will automatically amend the Hopson Gateway area on the 2045 Land Use Map to Medium/High Density Residential and Medium/High Density Residential/Commercial Services per NCGS 160D-605(a). The proposed Hopson Gateway Planned Unit Development-Conditional Zoning (PUD-CZ) district includes residential densities between 9.7 units to 11.5 units per acre and an area along Perry Road for live/work townhomes for office and professional uses within townhomes. The Hopson Gateway site is located within the Transit-Oriented Development area which supports the apartment use within the Medium/High Density Residential classification. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will provide the flexibility to accommodate the growth in population and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that the Town of Apex site will include a public works facility, improving the efficiency of Town operations. The proposed Hopson Gateway PUD-CZ portion rezoning provides a minimum of 20% of the total apartment units as income restricted affordable apartment units at 80% AMI for 30 years. In addition, the PUD provides for the realignment and construction of the full Perry Road extension as shown on the Thoroughfare and Collector Street Plan and will help facilitate a permanent sewer solution for the property. The proposed rezoning to PUD-CZ and LI-CZ is compatible with surrounding uses; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #24CZ20 rezoning the subject tract Hopson Gateway portion located at 0 Tingen Road (portion of) and 1341 Perry Road (portion of) from Residential Agricultural (RA) and Light Industrial-Conditional Zoning (LI-CZ #24CZ08) to Planned Unit Development-Conditional Zoning (PUD-CZ) and the Town of Apex portion located at 0 Tingen Road (portion of) and 1341 Perry

Ordinance Amending the Official Zoning District Map #24CZ20

Road (portion of), 0 Perry Road from Residential Agricultural (RA) and Light Industrial-Conditional Zoning (LI-CZ #24CZ08) to Light Industrial- Conditional Zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment "A" – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the "Rezoned Lands."

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" Hopson Gateway portion from Residential Agricultural (RA) and Light Industrial-Conditional Zoning (LI-CZ #24CZ08) to Planned Unit Development-Conditional Zoning (PUD-CZ), and Town of Apex portion from Residential Agricultural (RA) and Light Industrial-Conditional Zoning (LI-CZ #24CZ08) to Light Industrial-Conditional Zoning subject to the conditions stated herein.

Section 3: The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The "Rezoned Lands" are subject to all of the following conditions in Attachment "B" Hopson Gateway PUD-CZ portion and in Attachment "C" Town of Apex LI-CZ portion which are imposed as part of this rezoning:

Section 5: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member _____

Seconded by Council Member _____

With ____ Council Member(s) voting "aye."

With ____ Council Member(s) voting "no."

This the ____ day of _____ 2025.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney