

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383
ADDRESSING ACTION ON ZONING PETITION #20CZ04**

KOBRA LLC/WithersRavenel, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 2nd day of March 2020 (the "Application"). The proposed conditional zoning is designated #20CZ04.

The Planning & Community Development Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #20CZ04 before the Planning Board held on the 14th day of September 2020.

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 #20CZ04 before the Town Council on the 6th day of October 2020.

The Apex Planning Board held a public hearing on the 14th day of September 2020, gathered facts, received public comments and, following a 24 hour public comment period, on the 16th day of September 2020 formulated a recommendation regarding the application for conditional zoning #20CZ04. A motion was made at the Apex Planning Board to recommend approval; the motion passed by a 6-0 vote with 1 abstention due to technical difficulties for the application for #20CZ04.

The Apex Town Council held a public hearing on the 6th day of October 2020. Liz Loftin, Senior Planner, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #20CZ04 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 5 to 0 approved Application #20CZ04 rezoning the subject tract located at 7500 Green Level Church Road & 7501 Jenks Road from Rural Residential (RR) to Planning Unit Development Conditional Zoning (PUD-CZ).

The Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates the northern property of the site as Medium Density Residential/Office Employment and the southern property as Mixed Use: High Density Residential/Office Employment/Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Planning Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

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The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: the site is located between two (2) major commercial areas and along two (2) thoroughfares. The proposed rezoning to Planning Unit Development-Conditional Zoning will have a maximum residential density of 3 dwelling units per acre and designates approximately 5.46 acres or 100% of the southern property as non-residential. The rezoning will encourage compatible development of the property and increase the tax base.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date