

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383
ADDRESSING ACTION ON ZONING PETITION #20CZ07**

Jeff Roach, Peak Engineering/Rich Levert, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of July 2020 (the "Application"). The proposed conditional zoning is designated #20CZ07.

The Planning and 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 #20CZ07 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 #20CZ07 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 #20CZ07. 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 #20CZ07.

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

All persons who desired to present information relevant to the application for #20CZ07 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 #20CZ07 rezoning the subject tract located at 2309 Old US 1 Highway from Rural Residential (RR) & Tech/Flex-Conditional Zoning (TF-CZ #15CZ25) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-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 this area as Office Employment & Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Mixed Office-Residential-Retail (MORR-CZ) and the Apex Town Council has further considered that the proposed rezoning to Mixed Office-Residential-Retail (MORR-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. The Mixed Office-Residential-Retail (MORR) district outside of the Town's corporate limits is permitted for existing homes petitioning to come into the corporate limits in areas depicted as non-residential only; residential densities may be limited.

STATEMENT OF THE APEX TOWN COUNCIL ZONING PETITION #20CZ07

PAGE 2

The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that the proposed Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) district is consistent with the 2045 Land Use Plan and other adopted plans. The 2045 Land Use Map classifies the subject property as Office Employment/Commercial services which includes the Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) district. It will allow the property to maintain the existing single-family residential use while allowing for future non-residential redevelopment options to serve the surrounding area. The proposed rezoning also requires the correction of the nonconforming structure prior to redevelopment. 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