

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383
ADDRESSING ACTION ON ZONING PETITION #19CZ21**

Morning Star Law Group, applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of October 2019 (the "Application"). The proposed conditional zoning is designated #19CZ21.

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 #19CZ21 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 #19CZ21 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 #19CZ21. A motion was made at the Apex Planning Board to recommend approval; the motion passed by a vote of 6-0 with 1 abstention due to technical difficulties for the application for #19CZ21.

The Apex Town Council held a public hearing on the 6th day of October 2020. Amanda Bunce, Current Planning Manager, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #19CZ21 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 #19CZ21 rezoning the subject tracts located at 8824 & 8829 New Hope Farm Road; 3108 & 3120 Olive Farm Road; and 0 Humie Olive Road from Wake Co. Residential – 40W to Planned 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 site as Low Density Residential and Medium Density Residential. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development – Conditional Zoning (PUD-CZ). Density within the region designated as Low Density on the 2045 Land Use Map shall not exceed 3 units per acre, with a maximum of 96 residential units in this area. The overall gross density shall not exceed 3.7 units per acre. The proposed rezoning is consistent with the 2045 Land Use Map designations 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

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the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: it will permit a variety of energy efficient housing types and offer an affordable housing option. The proposed development is consistent with the approved residential developments to the east, south, and west. It will also provide mitigation land needed to release the future Richardson Road corridor from the conservation easement. The IRT expressed appreciation for the proposed mitigation as it provides ecological value. 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