

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 5.60 ACRES LOCATED AT 0 HUMIE OLIVE ROAD FROM PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ #18CZ02) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ) #23CZ16

WHEREAS, Charm City Developers, LLC, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of August 2023 (the “Application”). The proposed conditional zoning is designated #23CZ16;

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 #23CZ16 before the Planning Board on the 13th day of November 2023;

WHEREAS, the Apex Planning Board held a public hearing on the 13th day of November 2023, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #23CZ16. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #23CZ16;

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 #23CZ16 before the Apex Town Council on the 28th day of November 2023;

WHEREAS, the Apex Town Council held a public hearing on the 28th day of November 2023. Amanda Bunce, Current Planning Manager, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #23CZ16 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 rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Mixed Use: High Density Residential/Office Employment/Commercial Services & Medium Density Residential. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further considered that the rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will allow development to accommodate the growth in population, economy, 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 rezoning will provide additional flexibility for architectural design that will maintain compatibility with adjacent developments and a condition was added to address concerns from neighbors that will prevent construction traffic from using Butterfinger Lane (a private road) and the public streets within the newly constructed residential sections of Friendship Station to the south; and

WHEREAS, the Apex Town Council by a vote of 4 to 0 approved Application #23CZ16 rezoning the subject tract located at 0 Humie Olive Road from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ02) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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” from Planned Unit Development-Conditional Zoning (PUD-CZ

Ordinance Amending the Official Zoning District Map #23CZ16

#18CZ02) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, 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 the conditions in Attachment "B" Friendship Station PUD 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 _____ 2024.

TOWN OF APEX

Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney