

STATEMENT OF THE TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 83.53 ACRES LOCATED AT 3204, 3216, & 3312 OLD US 1 HWY FROM WAKE COUNTY RESIDENTIAL-40 WATERSHED (WAKE COUNTY R-40W) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ) #25CZ10

WHEREAS, Tyler Wilson, Lennar Carolinas, LLC; applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of July 2025 (the “Application”). The proposed conditional zoning is designated #25CZ10;

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 #25CZ10 before the Planning Board on the 9th day of March 2026;

WHEREAS, the Apex Planning Board held a public hearing on the 9th day of March 2026, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #25CZ10. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #25CZ10;

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 #25CZ10 before the Apex Town Council on the 24th day of March 2026;

WHEREAS, the Apex Town Council held a public hearing on the 24th day of March 2026. Bruce Venable, Planner III, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #25CZ10 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 the subject properties as Medium Density Residential, Medium Density Residential/Commercial Services, and Park, Public or Private. The Land Use Map will be amended to change the Medium Density Residential/Commercial Services designation to Medium Density Residential to accurately reflect the proposed development. The proposed PUD-CZ district supports and implements these future land use designations by allowing a coordinated, master-planned development pattern consistent with the Town’s adopted policy framework.

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: it allows for residential development, including affordable housing units, that is compatible with the established residential character of properties to the north and west of the site. The development will support continued residential growth in an area identified for such growth, providing additional housing opportunities in an appropriate and planned location. Furthermore, the rezoning promotes compatibility with surrounding land uses and will contribute to the Town’s tax base, thereby supporting long-term fiscal sustainability and the provision of public services. The rezoning also will improve both vehicular and pedestrian connectivity by connecting to roads within the existing Friendship Station and Woodbury subdivisions, providing a new connection to Old US 1 Highway.;

and

WHEREAS, the Apex Town Council by a vote of ____ to ____ approved Application #25CZ10 rezoning the subject tracts located at 3204, 3216, & 3312 Old Us 1 Hwy from Wake County Residential 40-Watershed (R-40W) 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 Wake County Residential 40-Watershed (R-40W) 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 all of the conditions in Attachment “B” Welch Homestead 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 _____ 2026.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney