

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383
ADDRESSING ACTION ON ZONING PETITION #19CZ25**

Jeremy Medlin, Taylor Morrison of Carolinas, Inc., Jason Barron, Morningstar Law Group, Michael & Alison Cleary, Charles & Frances Lewis, Teresa Kirkpatrick, and Richard & Trisha Hinesley owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of November 2019 (the "Application"). The proposed conditional zoning is designated #19CZ25.

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 #19CZ25 before the Planning Board held on the 10th day of February 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 #19CZ25 before the Town Council on the 18th day of February 2020.

The Apex Planning Board held a public hearing on the 10th day of February 2020, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #19CZ25. A motion was made at the Apex Planning Board to recommend approval; the motion passed with a vote 6-2 for the application for #19CZ25.

The Apex Town Council held a public hearing on the 18th day of February 2020. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #19CZ25 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 denied Application #19CZ25 rezoning the subject tract located at 7912, 8000, & 8016 Jenks Road & 1533 Wimberly Road from Rural Residential (RR) to Planned Unit Development–Conditional Zoning (PUD-CZ).

Although the rezoning is consistent with the 2045 Land Use Map which designates this area as Mixed Use: High Density Residential, Office Employment & Commercial Services, and permits the zoning district Planned Unit Development–Conditional Zoning (PUD-CZ) within those land use designations, the Apex Town Council finds that the proposed rezoning is not consistent with the Apex Peak Plan 2030 in that it does not provide sufficient energy efficient housing or affordable housing. The denial of the proposed rezoning is reasonable and in the public interest because the proposed conditions would circumvent the Town's adopted land development regulations for a routine development, instead of delivering the exceptional quality community designs that the Unified Development Ordinance expects in exchange for the greater flexibility of design standards permitted to a PUD-CZ development.

ATTEST:

Jacques K. Gilbert
Mayor

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date