

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383  
ADDRESSING ACTION ON ZONING PETITION #19CZ16**

MFW Investments, LLC, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1<sup>st</sup> day of July 2019 (the "Application"). The proposed conditional zoning is designated #19CZ16.

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 #19CZ16 before the Planning Board held on the 14<sup>th</sup> day of October 2019.

The Apex Planning Board held a public hearing on the 14<sup>th</sup> day of October 2019, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #19CZ16. A motion was made at the Apex Planning Board to recommend denial with the conditions as offered by the applicant; the motion passed with a vote of 5-0 for the application for #19CZ16.

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 #19CZ16 before the Town Council on the 15<sup>th</sup> day of October 2019. The Town Council voted to continue the public hearing until the 6<sup>th</sup> of November 2019.

The Apex Town Council held a public hearing on the 6<sup>th</sup> day of November 2019. 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 #19CZ16 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning was 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 4-0 denied Application #19CZ16 to rezone the subject tract located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; and 8140 (portion of), 8252, 8306, & 8308 Smith Road from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Tech/Flex-Conditional Zoning (TF-CZ).

Although the 2045 Land Use Map designates this area as Medium Density Residential, High Density Residential, High Density Residential/Office Employment, and Office Employment/Industrial Employment, the denial of the rezoning is consistent with the 2045 Land Use Map and other adopted plans in that the proposed increase in permitted units in Phase I precedes other critical road improvements that would relieve congestion in the vicinity. The Apex Town Council finds that denial of the proposed rezoning is reasonable and in the public interest in that the proposed changes in the phasing and timing of road improvements would result in traffic congestion that would negatively impact Smith Road, Stephenson Road, and to a smaller extent roads within the Pemberley and Miramonte subdivisions that connect to E. Williams Street/NC 55. These impacts are further exacerbated by the fact that the State has delayed the start of the Ten Ten Road widening project from 2023 to 2029.

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Lance Olive  
Mayor

ATTEST:

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

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Date