

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 22.71 ACRES LOCATED AT 1200, 1204, 1205, 1209, 1213, 1220, 1225 CHAPEL RIDGE RD AND 1512 CLARK FARM RD FROM RURAL RESIDENTIAL (RR) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#22CZ07

WHEREAS, High Street District Development, Inc., owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of March 2022 (the “Application”). The proposed conditional zoning is designated #22CZ07;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #22CZ07 before the Planning Board on the 10th day of October 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 10th day of October 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ07. A motion was made by the Apex Planning Board to recommend approval; the motion failed by a vote of 3 to 3 for the application for #22CZ07;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #22CZ07 before the Apex Town Council on the 25th day of October 2022;

WHEREAS, the Apex Town Council held a public hearing on the 25th day of October 2022. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #22CZ07 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;

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 High Density Residential. This designation on the 2045 Land Use Map supports apartments at a density of at least 14 dwelling units per acre. Chapel Ridge North PUD proposes 371 dwelling units on 22.71 acres, or approximately 16.34 dwelling units per acre. The Apex Town Council has further considered that the proposed rezoning to Planned Unit Development–Conditional Zoning (PUD-CZ) will provide the flexibility 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: It will provide for infill redevelopment that serves as a transition from the large commercial development to the north while being compatible with the scale of the townhome development to the east. The rezoning will also require more energy efficient housing, improve local transit options, and offer affordable housing units. The proximity to large shopping centers, bus stops, and greenways will encourage residents to walk, bike, or take transit to local destinations and the proximity to regional highways provides easy access to that network, thus reducing the impacts of a similar amount of traffic on the local street network. The compact nature of the proposed development lowers the cost per capita of providing and maintaining public services and infrastructure while also ensuring the protection of open space; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #22CZ07 rezoning the subject tract located at 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Rd and 1512 Clark Farm Road from Rural Residential (RR) to Planned Unit Development–Conditional Zoning (PUD-CZ).

Ordinance Amending the Official Zoning District Map #22CZ07

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 Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

Section 3: The Director of Planning and Community Development 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" Chapel Ridge North 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 _____ 2022.

TOWN OF APEX

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney