

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605
ADDRESSING ACTION ON ZONING PETITION #21CZ10**

AMH Development, LLC/Daniel & Denise Schardt and Barbara Jo W Timberlake, Trustee of Barbara Jo W Timberlake Family Trust owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of April 2021 (the "Application"). The proposed conditional zoning is designated #21CZ10. The 2045 Land Use Map designates this area as Medium Density Residential.

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 #21CZ10 before the Apex Planning Board on the 14th day of June 2021.

The Apex Planning Board held a public hearing on the 14th day of June 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ10. A motion was made by the Apex Planning Board to recommend approval; the motion passed with a vote 7-1 for the application for #21CZ10.

Pursuant to 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 #21CZ10 before the Town Council on the 22nd day of June 2021.

The Apex Town Council held a public hearing on the 22nd day of June 2021. Lauren Staudenmaier, Planner I, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #21CZ10 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 Apex Town Council by a vote of 5 to 0 denied Application #21CZ10 rezoning the subject tract located at 2300 & 2324 Kelly Road from Rural Residential (RR) and Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ).

Although the requested zoning is consistent with the 2045 Land Use Map, the denial of the zoning request is reasonable and in the public interest because the proposed zoning may result in the adjoining lots being undeveloped or underdeveloped leading to inadequate pedestrian connections from the subject area to the west and inadequate public school facilities exist to serve the current and anticipated student population at schools in the current attendance zone.

ATTEST:

Jacques K. Gilbert
Mayor

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date