

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383  
ADDRESSING ACTION ON ZONING PETITION #19CZ23 2524 & 2604 KELLY ROAD**

Brian Griffith, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 29th day of October 2019 (the "Application"). The proposed conditional zoning is designated #19CZ23 2524 & 2604 Kelly Road.

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 #19CZ23 before the Planning Board held on the 8<sup>th</sup> day of June 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 #19CZ23 before the Town Council on the 16<sup>th</sup> day of June 2020.

The Apex Planning Board held a public hearing on the 8<sup>th</sup> day of June 2020, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #19CZ23. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #19CZ23.

The Apex Town Council held a public hearing on the 16<sup>th</sup> day of June 2020. Sarah Van Every, Senior Planner, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #19CZ23 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 4 to 1 approved Application #19CZ23 rezoning the subject tract located at 2524 & 2604 Kelly Road from Rural Residential (RR) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).

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/Office Employment/Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) and the Apex Town Council has further considered that the proposed rezoning to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) will maintain the character and appearance of the area and

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provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

Approval of the rezoning is reasonable because the proposed Mixed Office-Residential-Retail-Conditional Zoning district is generally consistent with High Density/Office Employment/Commercial Services land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will allow the property to maintain the current single-family uses, while allowing future development consistent with approved development adjacent to the subject properties. The proposed rezoning will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map. The rezoning will encourage compatible development of the property and increase the tax base.

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Jacques K. Gilbert  
Mayor

ATTEST:

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

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Date