

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383  
ADDRESSING ACTION ON ZONING PETITION #20CZ05**

Josh Decker, McAdams Company, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1<sup>st</sup> day of May 2020 (the "Application"). The proposed conditional zoning is designated #20CZ05.

The Planning & Community Development Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #20CZ05 before the Planning Board held on the 13<sup>th</sup> day of July, 2020.

Pursuant to G.S. §160A-384 and Sec. 2.2.11(E) of the Unified Development Ordinance, the Planning & Community Development Director caused proper notice to be given (by publication and posting), of a public hearing on #20CZ05 before the Town Council on the 21<sup>st</sup> day of July 2020.

The Apex Planning Board held a public hearing on the 13<sup>th</sup> day of July 2020, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #20CZ05. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #20CZ05.

The Apex Town Council held a public hearing on the 21<sup>st</sup> day of July 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 #20CZ05 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 approved Application #20CZ05 rezoning the subject tract located at 2412 Kelly Road from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33) to Planned Unit Development-Conditional Zoning (PUD-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 Medium Density Residential and Mixed Use: High Density Residential/Office Employment/Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) 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.

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The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that the amendment to the existing PUD condition will allow for disturbance within a buffer in order to reduce the height of a retaining wall as requested by the adjacent property owner. The buffer will be replanted to meet the UDO planting requirements. 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