

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383
ADDRESSING ACTION ON ZONING PETITION #20CZ01**

Stephen Dorn, Lennar, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 2nd day of January 2020 (the "Application"). The proposed conditional zoning is designated #20CZ01.

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 #20CZ01 before the Planning Board held on the 13th day of July 2020.

The Apex Planning Board held a public hearing on the 13th day of July 2020, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #20CZ01. A motion was made at the Apex Planning Board to recommend denial; the motion passed unanimously for the application for #20CZ01.

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 #20CZ01 before the Town Council on the 21st day of July 2020.

The Apex Town Council held a public hearing on the 21st day of July 2020. 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 #20CZ01 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 #20CZ01 rezoning the subject tract located at 0 Kelly Road; 1216, 1300, 1330, 1420, 1525, and 1604 S. Salem Street; 0 and 6401 Apex Barbecue from Residential Agricultural (RA) and Neighborhood Business-Conditional Zoning (B1-CZ #09CZ01) 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 Mixed Use: High Density Residential/Office Employment/Commercial Services; Medium/High Density Residential; 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 approval of the rezoning is reasonable and in the public interest in that the rezoning provides for the following:

1. A commitment to provide a certain number of affordable housing units or a monetary donation to the Town of Apex or non-profit affordable housing developer;
2. Tree canopy preservation and replanting through the provision of street trees along certain roadways and a monetary donation to a local non-profit organization with a mission towards tree preservation and tree replacement;
3. A layout that accommodates an elementary school; and
4. A design that fulfills the intent of the 540/S. Salem Street Small Area Plan.

The rezoning will also encourage compatible development of the property and increase the tax base.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date