

ORDINANCE A
Approving the Application

**AN ORDINANCE AMENDING THE RESIDENTIAL-SPECIAL STANDARDS-
CONDITIONAL ZONING DISTRICT FOR PERRY PLACE, THE PROPERTY LOCATED AT
800 S. MERRITT MILL ROAD, (2022-11-02/O-1)**

WHEREAS, North Carolina Department of Transportation (NCDOT) is considering to reallocate the travel lane on S. Merritt Mill Road to accommodate bike lanes one each side of the street, so the developer would not need to add pavement and create the bike lane at a cost exceeding \$200,000; and

WHEREAS, the previous Council approval was for a Special Use Permit with a Conditional Use Zone. The proposal before Council this evening is a Conditional Zoning due to changes to Chapter 160D of the General Statutes; and

WHEREAS, the Council of the Town of Chapel Hill has considered a modification to an application for a Conditional Zoning Atlas Amendment submitted by CASA to rezone the property located at 800 S. Merritt Mill Road identified as Orange County Property Identifier Number 9778-93-2136, to modify the Special Use Permit approved on April 25, 2018, to modify stipulations #8 and #9 and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purpose of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Chapel Hill has a shortage of affordable rental units, particularly those under 50 percent Area Median Income (AMI). This development will include 24 rental units that are affordable to household under that income level. (Place For Everyone.3)
- If a family cannot afford to live in Chapel Hill, they cannot experience access to opportunities. (Place For Everyone.4)
- The development will convert a vacant, underutilized urban infill lot into a vibrant residential community which connects tenants to walkable amenities in both downtown Chapel Hill and downtown Carrboro as well as convenient transit connectivity to the greater community. (Community Prosperity and Engagement.3)
- The development will activate a vacant urban lot, and the provision of sidewalks and bicycle parking facilities will create non-vehicular connections to the many nearby amenities. (Getting Around.2)
- In order to minimize sprawl outside urban areas, the Town must maximize density within urban areas. The development will be moderate density of approximately 15 units/acres. (Good Places, New Spaces.1)
- Providing more high-quality affordable housing in Chapel Hill is critical to strengthening social equity and economic prosperity for many Chapel Hill households. (Good Places, New Spaces.8)
- While this development will not provide housing to full-time students, it will help to fill a critical need in housing for the many employees of our local institutions who earn less than 60% of AMI such as grounds workers, cafeteria and food service workers, janitorial workers and nursing assistants. (Town Gown Collaboration.4)

WHEREAS, the Residential-Special Standards-Conditional Zoning District (R-SS-CZD) application, if modified, according to the rezoning plan dated October 2, 2022, and the conditions listed below would:

- a) Conform with the applicable provisions of the Land Use Management Ordinance and Town Code
- b) Conform with the Comprehensive Plan
- c) Be compatible with adjoining uses
- d) Mitigate impacts on surrounding properties and the Town as a whole
- e) Be harmonious with existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities
- f) Be harmonious with natural systems such as hydrology, topography, and other environmental constraints

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Zoning Atlas be amended as follows:

SECTION I

LEGAL DESCRIPTION OF A .85 ACRE PARCEL FORMERLY IDENTIFIED AS PARCEL IDENTIFICATION NUMBER 9778-93-3103

The Orange County parcel identified by Parcel Identification Number 9778-93-3103 along with one-half of the abutting right-of-way of S. Merritt Mill Road to be rezoned to Residential-Special Standards-Conditional (R-SS-C) and lying and being in Chapel Hill Township, Orange County North Carolina on the West side of Merritt Mill Road and being a part of Tract 5 of the Subdivision of the property of the National Munitions Corporation, as surveyed by J. Ralph Weaver of May 4, 1964 and more particularly described as BEGINNING at a stake in the centerline of Merritt Mill Road, the Southeast corner of the Jesse Lyons and Marie W. Lyons property; running thence with the centerline of Merritt Mill Road North 85 degrees East 40 feet to another point in the centerline; running thence North 72 degrees 02 minutes East 71.52 feet to a third point in the centerline of said road, a corner with Henry A. Atwater; running thence North 10 degrees 37 minutes West 21.38 feet to a stake in the northern margin of the road; running thence North 120 degrees 37 minutes West 131.30 feet to a stake; running thence North 86 degrees 59 minutes East 94.14 feet to a stake, a corner with Ed Carver; running thence with Carver's line North 20 degrees West 98.47 feet to a stake, a corner with the Town of Chapel Hill; running thence with the Town's line North 53 degrees 19 minutes 30 seconds West 34.60 feet to a stake; running thence North 81 degrees 58 minutes West 50.00 feet to a stake, a corner with Sturdivant and Lyons; running thence South 3 degrees 57 minutes 10 seconds 22.78 feet back to the point and place of BEGINNING and being a part of the property conveyed to Fred Watson by deed of K. B. Cole et al, dated May 16, 1946 and containing .905 acres according to the plan and survey by Clay V. Fulton R. L. S. dated January 6, 1977, entitled "Property of Columbus G. Watson." (TM 7.100.C.17A)

LEGAL DESCRIPTION OF A .25 ACRE PARCEL FORMERLY IDENTIFIED AS PARCEL IDENTIFICATION NUMBER 9778-93-4008

The following metes and bounds within the Orange County parcel identified by Parcel Identifier Number (PIN) 9778-93-4008 along with one-half of the abutting right-of-way of S. Merritt Mill Road to be rezoned to Residential-Special Standards-Conditional (R-SS-C) one half of the certain lot or parcel of land situated, lying and being south of the Town of Carrboro, N.C. on the north side of Merritt Mill Road and being a part of Tract 5 of the subdivision of the property of National Munition Corporation as survey by Ralph Weaver on May 4, 1964, and more particularly described as:

Beginning at a stake or the southwest corner of Willie Carver's property thence running West with the North line of the front lot to a point comprising on half of the said front lot; thence running southward to the north of the right-of-way line of Merritt Mill Road; Thence running eastward with said line to the point and place of beginning, and being a part of the property conveyed to Fred Watson by deed of K. C. Cole et al dated May 16, 1946 then conveyed to Columbus Garrett Watson by deed, and as surveyed by Ralph Weaver, registered surveyor, on May 4, 1964 being also that property conveyed to Henry Anderson Atwater by deed recorded in Book 199, page 557, Orange County registry;

And being more particularly described as beginning at an iron stake located in the Northern margin of the right-of-way of Merritt Mill Road at the Southwest corner of the property or Edward Carver Jr. as described in Book 150, Page 375, Orange County registry (being a control corner, NAS 1983 [corps], N = 793,080.10 feet, E = 1,979,512.62 feet); running thence from such beginning point along the Northern margin of the right-of-way of Merritt Mill Road the following courses and distances; south 67 degrees, 43 minutes, 34 seconds West 51.95 feet to an iron stake and south 74 degrees, 45 minutes, 14 seconds west 56.47 feet to an iron stake; located on the Southeast corner of the property of Sustainable Living, Inc. and in the Northern margin of the right-of-way of Merritt Mill Road as described in Book 3962, Page 305, Orange County registry; running thence with the property of Sustainable Living, Inc. the following courses and distances: North 11 degrees, 57 minutes, 05 seconds West 110.77 feet to an iron stake and North 85 degrees, 31 minutes, 11 seconds East 94.08 feet to a pipe; running thence South 21 degrees, 20 minutes, 06 seconds East 87.15 feet to the point and place of beginning, containing 0.231 acres (10,055 square feet), according to the unrecorded survey prepared by Terry L. Westendorf, PLS, and dated February 24, 2010.

The property described hereon is subject to all rights-of-way, easements and restrictions of record.

SECTION II

1. Existing Permit: The existing Special Use Permit dated April 25, 2018 on file at the Town of Chapel Hill Planning Department, and recorded in the Orange County Registry (Book 6744, Pages 2311-2320) remains in effect except as modified by this ordinance.
2. Stipulation 8. Curb and Pavement Transition Taper: ~~It will be necessary to provide a minimum curb and pavement transition taper length of 50 feet for transitions to and from the bike lane prior to issuance of a Certificate of Occupancy.~~
3. Stipulation 9. Sidewalk and Bicycle Improvement: Prior to issuance of a Certificate of Occupancy, the developer shall construct a 5-foot sidewalk ~~and 5-foot bike lane~~ along the property frontage. That the design and construction details must be approved by the

Town Manager and the North Carolina Department of Transportation prior to issuance of the Zoning Compliance Permit.

BE IT FURTHER ORDAINED that the Council hereby approves the application for an amendment of the Residential-Special Standards-Conditional Zoning District (R-SS-CZD) for the property located at 800 S. Merritt Mill Road.

This the 2nd day of November, 2022.