

DRAFT ORDINANCE A

(Approving the Conditional Zoning Application)

**AN ORDINANCE AMENDING THE PREVIOUSLY APPROVED RESIDENTIAL 6-
CONDITIONAL ZONING DISTRICT (R-6-CZD) (CZD-23-3) FOR THE PROPERTY
LOCATED AT 146 STANCELL DRIVE (MOD-25-8) (2025-XX-XX/O-X)**

WHEREAS, the Council of the Town of Chapel Hill previously considered and approved a Residential-6-Conditional Zoning District for property located at 134 Stancell Drive, 138 Stancell Drive, 146 Stancell Drive, 156 Stancell Drive, 5103 Barbee Chapel Road, 5109 Barbee Chapel Road, 5111 Barbee Chapel Road, and 5119 Barbee Chapel Road on property identified as Durham County Property Identifier Number(s) 9798-04-6093, 9798-04-71-8728, 9798-04-81-1816, 9798-04-82-2139, 9798-04-82-6522, 9798-04-82-9499, 9798-04-92-0839, 9798-04-93-2025 on November 15, 2023; and

WHEREAS, the property owner combined eight parcels into one parcel in a recombination plat, recorded at the Durham County Register of Deeds, and identified as Durham County Property Identifier Number 9798-82-7327; and

WHEREAS, the Council has considered the application to modify the Conditional Zoning District submitted by Northwood Ravin, on behalf of the property owner NR HILLMONT PROPERTY OWNER LP, for the property located at 146 Stancell Drive on property identified as Durham County Property Identifier Number 9798-82-7327 to amend the Affordable Housing Plan, and finds that the amendment is:

- Consistent with the Town's Comprehensive Plan, per NCGS 160D-605; and
- Reasonable and in the public's interest, per NCGS 160D-605;
- Warranted because of changing conditions and warranted to achieve the purposes of the Comprehensive Plan, per LUMO 4.4

WHEREAS, the application to modify the conditional zoning district, if amended according to the district-specific plan previously approved on November 15, 2023, and the conditions listed below would, per LUMO 4.4.3(f):

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

CONDITIONAL ZONING DISTRICT MODIFICATION

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council finds, in this particular case, the proposed rezoning, subject to the conditions below, satisfies the intent and purposes of the Residential-6 Conditional Zoning District (R-6-CZD).

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the following conditions are hereby incorporated by reference:

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by a date precisely 2 years from the date of this approval or the land shall revert to its previous zoning designation. [LUMO 4.4.7(f)]
2. Existing Permit: The existing Conditional Zoning Permit dated November 15, 2023, on file at the Town of Chapel Hill Planning Department, and recorded in the Durham County Registry (Book Type: OPR, Book 10068, Page 744) remains in effect except as modified by this ordinance.
3. Consent to Conditions: This approval is not effective until the property owner(s) provides written consent to the approval. Written consent must be provided within ten (10) business days of enactment by the Town Council.
4. Vested Right: This Conditional Zoning constitutes a site-specific vesting plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160D-108.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.
5. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
6. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
7. Not-Comprehensive: The listing of these specific conditions applicable to this Permit is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the section entitled "Affordable Housing" in the existing Conditional Zoning Permit dated November 15, 2023 is replaced as follows:

Affordable Housing

8. Affordable Housing Plan:
 - a. The developer shall provide a one-time voluntary contribution of \$1.15 million to the Town's Affordable Housing Funding Program.
 - i. The developer shall provide such contribution to the Town within 30 days of the date on which the Affordable Housing Performance Agreement amendment is executed by both parties (Condition 9).
 - ii. The developer shall provide documentation of such contribution to the Town within 45 days of such date.
 - b. The developer shall provide the following Affordable Housing Plan:
 - i. Affordable Units: The number of affordable units shall be at minimum 20 units.

- ii. Unit Size: The affordable units will include a mix of unit sizes comparable to the unit mix of Block E and include studio, 1-bedroom, 2-bedroom, and 3-bedroom units in the approximate same proportion as the market rate units.
- iii. Location: The affordable units will be integrated into the community in Block E as shown on the site plans dated September 5, 2023.
- iv. Pricing: At least 50 percent of the affordable units will be reserved for those households earning 60 percent or less of the area median income (AMI) and the remainder will be made available to those households earning 80 percent or less of the area median income.
 - 1. Maximum rental prices shall be calculated based on 30 percent of monthly household income at the specified AMI levels, adjusted for household size, minus housing-related costs, to be further defined in the Affordable Housing Performance Agreement.
 - 2. Maximum housing costs are based on the Area Median Income for the Durham-Chapel Hill, NC HUD Metro Fair Market Rent Area published annually by the U.S. Department of Housing and Urban Development.
 - 3. Area median income for a given unit size shall be calculated assuming 1.5 persons per bedroom.
- v. Phasing: Affordable housing units shall be completed corresponding with the number of market rate units in that phase of the project. Fifty percent of the affordable housing units in that phase shall be completed prior to the Zoning Final Inspection of 50 percent of the market rate dwelling units. The remaining affordable dwelling units in that phase shall be completed prior to Zoning Final Inspection of 90 percent of the market rate dwelling units. Phasing shall be defined further in the Affordable Housing Performance Agreement.
- vi. Affordability Period: Affordable units offered for rent will be affordable for a period of at least thirty (30) years from the receipt of a Certificate of Occupancy.
- vii. Design:
 - 1. The affordable units will be finished with similar exterior design, trim, materials, and details as the market rate homes.
 - 2. The affordable units will meet the same energy efficiency standards as the market rate homes.

9. Affordable Housing Performance Agreement: Prior to the issuance of a Zoning Compliance Permit, an amended performance agreement that incorporates the approved Affordable Housing Plan (Condition 8) shall be executed by the developer and the Town Manager (or designee).

10. Conversion of Residential Rental Units to Ownership Condominium Units: If the rental development is converted to an ownership condominium development, a revised Affordable Housing Plan shall be approved by the Town Manager prior to the recordation of the condominium plat. The Affordable Housing Plan shall follow LUMO 3.10.

BE IT FURTHER ORDAINED that the Council hereby approves the application for the modification of the Conditional Zoning for Hillmont at 146 Stancell Drive.

This the [] day of [month], 2025.