

ORDINANCE A

(Approving the Conditional Zoning Modification)

AN ORDINANCE AMENDING THE MIXED USE-VILLAGE-CONDITIONAL ZONING DISTRICT (MU-V-CZD) FOR COLUMBIA STREET ANNEX LOCATED AT 1150 SOUTH COLUMBIA STREET (PROJECT #MOD-23-1)(2023-XX-XX/O-X)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Thomas & Hutton, on behalf of both David L. Robert (Owner) and C. H. Hotel Associates, Limited Partnership (Owner and Contract Purchaser), to rezone 4.07 acres located at 1150 South Columbia on property identified as Orange County Property Identifier Numbers 9788-20-4502, 9788-20-5716, and 9788-20-6500, including a portion of Monroe Street Right-of-Way to be abandoned, to allow a mix of multifamily residential units and ground floor non-residential space, 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, if rezoned according to the district-specific plan dated April 26, 2018 and last revised February 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 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

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

SECTION I

The following Orange County parcels identified by Parcel Identifier Numbers (PINs) 9788-20-4502, 9788-20-5716, and 9788-20-6500, described below, along with 0.16 acres of the Monroe Street right-of-way to be abandoned, shall be rezoned to Mixed Use-Village-Conditional Zoning District (MU-V-CZD):

LEGAL DESCRIPTION

Beginning at a point on the southeastern corner of the site on South Columbia Street right of way proceeding clockwise; Thence S21°56’21”W a distance of 56.75’ to a point; Thence with a curve with a length of 190.58’ and a radius of 624.07’ on a chord with a bearing of S73°46’10”W and a length of 189.84’ to a point; Thence N71°07’45”W a distance of 95.08’ to a point; Thence S79°16’08”W a distance of 122.25’ to a point; Thence N73°28’55”W a distance of 136.66’ to a point; Thence N39°12’39”W a distance of 87.02’ to a point; Thence N50°35’02”E a distance of 75.5’ to a point; Thence N14°46’29”E a distance of 120.51’ to a

point; Thence N07°51'23"W a distance of 31.79' to a point; Thence S84°08'40"E a distance of 236.95' to a point; Thence N20°02'39"E a distance of 43.27' to a point; Thence N20°02'47"E a distance of 71.13' to a point; Thence N20°03'12"E a distance of 83.74' to a point; Thence S165°07'37"E a distance of 55.98' to a point; Thence with a curve with a length of 123.96' and a radius of 615.67' on a chord with a bearing of S284°21'48"E a distance of 123.75' to a point; Thence S26°01'25"E a distance of 76.10' to a point; Thence S24°31'26"E a distance of 83.48' to a point; Thence S24°31'26"E a distance of 75.06' to a point; Thence S25°30'25"E a distance of 32.20' to a point; Which is the point of beginning, having an area of 160,985.63 square feet or 3.698 acres, including to the midpoint of the adjoining South Columbia Street right-of-way.

SECTION II

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

1. Existing Permit: The existing Conditional Zoning Permit dated March 24, 2021 on file at the Town of Chapel Hill Planning Department, and recorded in the Orange County Registry (Book 6801, Pages 777-790) remains in effect except as modified by this ordinance.
2. Consent to Conditions: This approval is not effective until the petitioner provides written consent to the approval. Written consent must be provided within ten (10) business days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment Modification authorizes the following:

Land Use Intensity Mixed Use-Village	
Maximum Floor Area	62,188 sq. ft.
Maximum Impervious Surface	50,985 sq. ft.
Permitted Number of Dwelling Units	58-60 total units

4. Resource Conservation District Disturbance and Impervious Area Limitations:

	Maximum Land Disturbance	Maximum Impervious Surface
Stream Side Zone	2,210 sq. ft.	0 sq. ft.
Managed Use Zone	23,100 sq. ft.	12,850 sq. ft.
Upland Use Zone	18,300 sq. ft.	14,950 sq. ft.

BE IT FURTHER ORDAINED that the Council hereby approves the application for the modification of the Conditional Zoning for South Columbia Street Annex at 1150 South Columbia Street.

This the XX day of XXX, 2023.