

# ZONING ATLAS AMENDMENT APPLICATION



9788377517  
**TOWN OF CHAPEL HILL**  
Planning Department  
405 Martin Luther King Jr. Blvd  
phone (919) 969-5066 fax (919) 969-2014  
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9788377517 Date: 2 Mar 2020

## Section A: Project Information


Project Name: 137 E Franklin St Innovation Hub  
Property Address: 136 E. Rosemary & 137 E. Franklin St Zip Code: 27514  
Use Groups (A, B, and/or C): B Existing Zoning District: TC-1, TC-2  
Project Description: Proposed rezoning from TC-1, TC-2 to TC-3 to increase FA allowed

## Section B: Applicant, Owner, and/or Contract Purchaser Information

### Applicant Information (to whom correspondence will be mailed)

Name: Ballentine Associates, attn: George Retschle  
Address: 221 Providence Rd  
City: Chapel Hill State: NC Zip Code: 27514  
Phone: (919) 929-0481 Email: georger@bapa.eng.pro

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied within this application is true and accurate.

Signature:  Date: 2 Mar 2020

### Owner/Contract Purchaser Information:

Owner  Contract Purchaser

Name: Franklin Office Chapel Hill LLC c/o Grubb Properties, LLC  
Address: 113 Edinburgh South Drive Suite 120  
City: Cary State: NC Zip Code: 27511  
Phone: (919) 388-5774 Email: jdye@grubbproperties.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied within this application is true and accurate.

Signature:  Date: 3/2/2020



**ZONING ATLAS AMENDMENT APPLICATION  
SUBMITTAL REQUIREMENTS  
TOWN OF CHAPEL HILL  
Planning Department**

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning Department (Planning) at (919) 969-5066 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org). For detailed information, please refer to the Description of Detailed Information handout.

X	<b>Application fee</b> ( <a href="#">refer to fee schedule</a> )	Amount Paid \$	1,302.90
X	<b>Pre-Application Meeting – with appropriate staff</b>		
X	<b>Digital Files</b> – provide digital files of all plans and documents		
X	<b>Mailing list of owners of property within 1,000 foot perimeter of subject property</b> ( <a href="#">see GIS notification tool</a> )		
X	<b>Mailing fee for above mailing list</b>	Amount Paid \$	\$363.00
X	<b>Written Narrative describing the proposal</b>		
X	<b>Statement of Justification</b>		
X	<b>Digital photos of site and surrounding properties</b>		
X	<b>Legal description of property to be rezoned</b>		
X	<b>Phasing Plan (if applicable) indicating phasing boundaries and phasing notes</b>		
X	<b>Reduced Site Plan Set (reduced to 8.5” x 11”)</b>		

**Plan Sets (10 copies to be submitted no larger than 24” x 36”)**

Plans should be legible and clearly drawn. All plan set sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable

**Area Map**

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) 1,000 foot notification boundary

## **137 E Franklin Street Innovation Hub**

### **Project Narrative**

The 137 E Franklin Street is a comprehensive renovation of two commercial office buildings, the three-story 137 E Franklin Street and the seven-story 136 E Rosemary Street. The two buildings are connected with a shared elevator and stair core forming a single commercial office property on a .66 acre parcel spanning between Franklin and Rosemary Streets. The existing buildings were built over 40 years ago and currently are Class C office space and do not meet modern standards needed to attract and retain office tenants to downtown.

The proposed development is a ground-up renovation of the property that will be transformative in its scope and design. The renovated project will include creative office, research and collaboration space offering a dynamic environment to attract researchers, businesses and entrepreneurs, bringing the potential of hundreds of new jobs to downtown. The project will not only fill a need for additional commercial office space in downtown but will also create an opportunity to engage UNC research programs and bring those into contact with the public.

Significant features of the renovation include:

- Replacing the solid brick elevator and stair core with a transparent, active atrium space.
- Recladding the Rosemary Street building with new curtain wall and metal panels.
- New storefront on the Rosemary Street ground floor.
- Widened sidewalks on the Rosemary Street frontage.
- Re-cladding the Franklin Street elevation with curtain wall and metal panels.
- New handicapped accessible toilets.
- New HVAC and fire suppression systems.
- New roofing.

These renovations will result in a marginal increase of the floor area from 125,600 SF to approximately 126,600 SF, but the FAR will remain in compliance with the requested TC-3 rezoning.

### **Statement of Justification – Zoning Atlas Amendment**

This is a statement of justification to support the request to rezone the .66 acre parcel where the 137 E Franklin Street – 136 E Rosemary Street property. Currently 137 E Franklin Street is zoned TC-1 and 136 E Rosemary Street is zoned TC-2 and this request is to re-zone the entire property to TC-3. The development proposal is for both buildings to be renovated and transformed from class C commercial office space into an innovation hub with office, research and collaboration space to support commercial and university tenancy. A new zoning designation of TC-3 is being requested to bring the existing buildings into conformance with the zoning ordinance.

The Zoning Atlas Amendment is requested to bring the existing structure into conformance with the Chapel Hill Code of Ordinances, as the existing floor area exceeds the allowable Floor Area Ratio (FAR) allowed in TC-1 and TC-2 zoning. This results from the fact that the existing buildings were constructed before the TC-1 and TC-2 zonings were applied to the site. Rezoning the property to TC-3 will bring the property into conformance and will allow the renovation of the property to move forward.

### **Downtown Chapel Hill Small Area Plan Conformance**

*The Downtown Chapel Hill Small Area Plan* is a component of the Comprehensive Plan and is directly applicable to the project. The following passages from The Downtown Small Area Plan illustrate how this project fulfills the goals and objectives of that report for the future of downtown:

**1. Vision Statement**

*“The Downtown Plan will seek to reverse this tide of decentralization by encouraging the ‘incubation’ of vital, well-integrated, mixed-use development ...”*

This project will once again place downtown at the center of business activity in Chapel Hill and will be catalytic in attracting and retaining businesses, helping to reverse the trend of businesses leaving downtown and moving to downtown Durham, Raleigh and the Research Triangle Park.

**2. Downtown Small Area Plan Goals & Objectives**

**Economic Vitality:** *To insure that Downtown Chapel Hill remains the center of the community’s government, commercial, spiritual and cultural activities with appropriate public office, commercial and residential development, thereby continuing its economic vitality.*

*Development and Redevelopment: Encourage development and redevelopment of properties in the downtown area, designed in accordance with this Downtown Plan.*

This project will create a hub of research, innovation and business in downtown, expanding the employment base and significantly increasing the daytime population of pedestrian and business activity in downtown.

***Town Character/Land Use:***

*Maintain existing, and encourage new ‘magnets’ to attract people to downtown.*

The project will create a magnet for new business, providing a place for them to grow.

*Maintain and develop public open space.*

The project includes a new public open space facing Rosemary Street, including the extension of Varsity Alley to Rosemary Street.

***Infrastructure/Public Services:***

*Pedestrian Pathways: Provide continuity of entire pedestrian system in downtown and connectivity with adjacent neighborhoods.*

The project will extend Varsity Alley to Rosemary Street along the edge of a new public open space.

*Streetscape: Complete the improvements proposed in the Downtown Streetscape.*

Streetscape improvements are included in the project for the Rosemary Street frontage of 136 E Rosemary Street including up to the extension of Varsity Alley and the new public open space.

*Bikeways: Encourage bicycling by providing for a coordinated and continuous bicycle path system connecting Downtown to the University and to surrounding neighborhoods.*

Bicycle parking facilities are included in the new public open space on Rosemary Street.

**Transportation:** *Maintain and further develop multiple Downtown transportation systems and facilities to conveniently serve residents, businesses and their employees, customers, and visitors to Chapel Hill.*

**Bicycle Facilities and Safety:** *Improve bicycle access routes and provide additional secure storage facilities.*

Bicycle parking facilities are included in the new public open space on Rosemary Street.

**Transit:** *Encourage the reduction of employee based single occupancy vehicle trips to downtown by encouraging the use of the Public Transit System and other available methods of transportation.*

The project will locate hundreds of new jobs within walking distance of public transit, and equally important within walking distance of other businesses, services and residences, significantly reducing auto-dependency for potential employees working here.

### **Proposed Zoning Atlas Amendment Finding of Fact**

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance (as stated in Section 4.4) shall not be amended except:

- 1) To correct a manifest error in the chapter; or
- 2) Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- 3) To achieve the purposes of the Comprehensive Plan.

Below is the applicant's evaluation of this application based on these three findings.

- 1) **Finding #1:** The proposed zoning amendment is necessary to correct a manifest error.

*Response: We do not believe there is error in the Town's Zoning Atlas Amendment related to the project site.*

- 2) **Finding #2:** The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

*Response: We believe that the conditions have changed in the following respect: The existing buildings were built before the current zoning designation of TC-1 and TC-2 were applied to the site. This created a condition where the existing buildings are non-conforming with the Town's Code of Ordinances.*

- 3) **Finding #3:** The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.

*Response: The proposed rezoning would contribute to the following elements of the Comprehensive Plan:*

*Theme 1: A Place for Everyone*

- A creative place to live, work and play because of Chapel Hill's arts and culture (PFE.2).

*Theme 2: Community Prosperity and Engagement*

- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1).
- Foster success of local businesses (CPE.2).

*Theme 3: Getting Around*

- A connected community that links neighborhoods, businesses and schools through the provision of greenways, sidewalks, bike facilities and public transportation (GA.2).

*Theme 4: Good Places, New Spaces*

- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential and cultural development and activity (GPNS.2).
- A community that welcomes and supports change and creativity (GPNS.6).

*Theme 6: Town and Gown Collaboration*

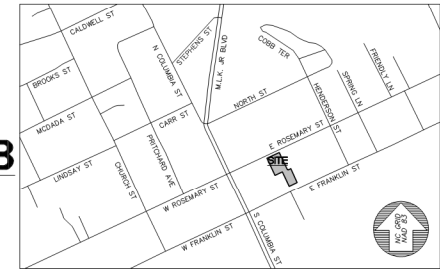
- Take full advantage of ideas and resources to create a thriving economy and incorporate the utilize the intellectual capital that the University and Town create (TGC.1).

# ZONING ATLAS AMENDMENT DRAWINGS

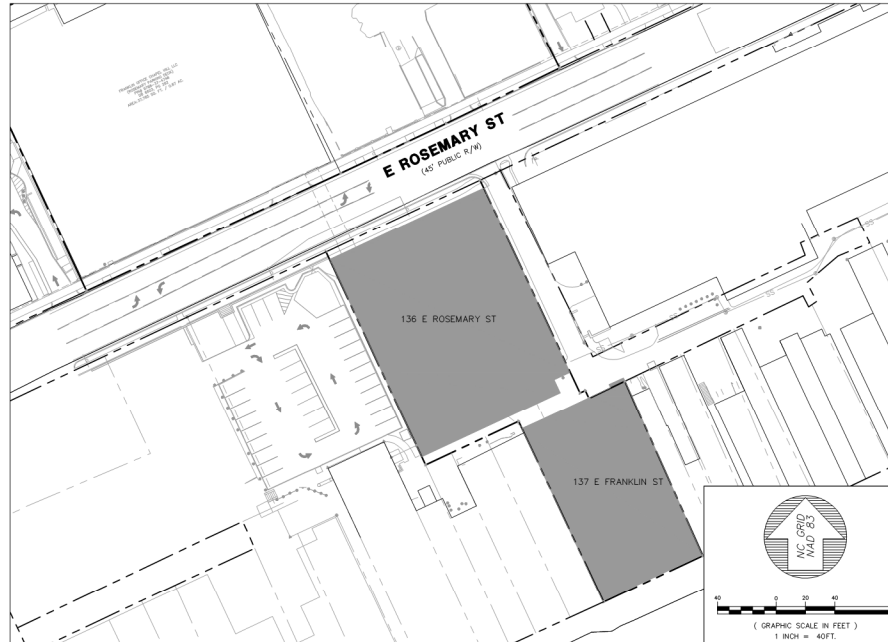
## FOR

# 137 E FRANKLIN STREET INNOVATION HUB

### CHAPEL HILL, ORANGE COUNTY, NORTH CAROLINA



**VICINITY MAP**  
SCALE: 1"=500'



#### DRAWING LIST

SHEET	DRAWING TITLE	LATEST ISSUE DATE
G0001	COVER	02 MAR 20
C0001	AREA MAP	02 MAR 20
C0002	REZONING EXHIBIT	02 MAR 20

**BALLENTINE ASSOCIATES, P.A.**  
221 PROVIDENCE ROAD, CHAPEL HILL, NC 27514  
(919) 929-0481

**REGISTERED PROFESSIONAL ENGINEER**  
STATE OF NORTH CAROLINA  
NO. 029127

**NOT FOR CONSTRUCTION**

DATE	REVISIONS

**OWNER INFORMATION**  
GRUBB PROPERTIES, INC.  
113 Edinboro South Dr.  
Suite 120  
Cary, NC 27511  
OWNERS REPRESENTATIVE:  
JCE DITE  
PH: (919) 388-5774  
FAX: (919) 461-5838  
EMAIL: jce@grubbsp.com

DATE	ISSUED
02 MAR 20 <td>REZONING SUBMITTAL #1</td>	REZONING SUBMITTAL #1

**137 E FRANKLIN STREET INNOVATION HUB**  
**136 E ROSEMARY ST. & 137 E FRANKLIN ST.**  
CHAPEL HILL, NORTH CAROLINA

**ZONING ATLAS AMENDMENT DRAWINGS**

JOB NUMBER: 119016.01  
DATE: 02 MAR 20  
SCALE: AS NOTED  
DRAWN BY: J.B.M.  
REVIEWED BY: G.J.R.

**SHEET**  
**G0001**

ARCHITECTURE:

**Perkins&Will**

411 W CHAPEL HILL STREET, SUITE 200  
DURHAM, NC 27701  
(919) 433-5300

DEVELOPER:

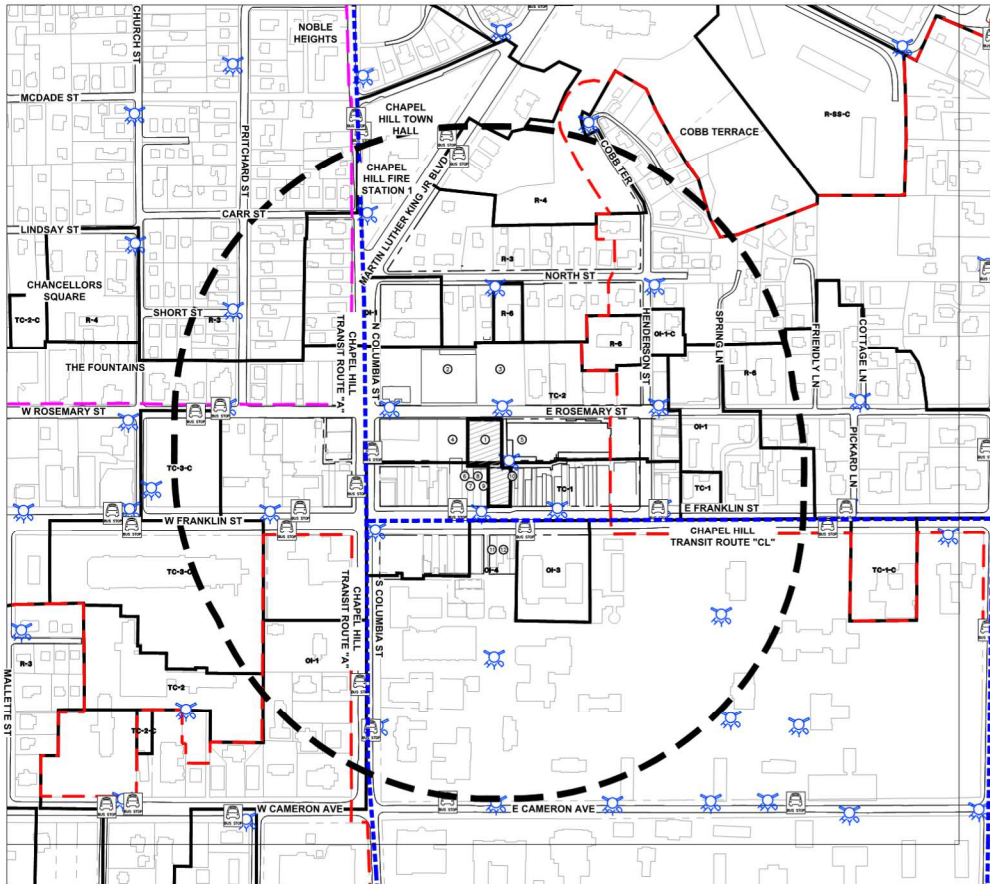
**GRUBB PROPERTIES**  
*People who care. Places that matter.*

113 EDINBORO SOUTH DR. SUITE 120  
CARY, NC 27511  
(919) 388-5772

SITE PLANNING / CIVIL ENGINEERING:

**BALLENTINE ASSOCIATES, P.A.**  
221 PROVIDENCE ROAD, CHAPEL HILL, N.C. 27514  
(919) 929-0481

**REVIEW DRAWING**  
**NOT FOR CONSTRUCTION**



**SITE PARCEL DATA**

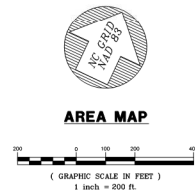
LABEL #	OWNER	PIN #	ZONING	DB./PG.	PARCEL ACRES	CURRENT LAND USE
1	FRANKLIN OFFICE CHAPEL HILL LLC	9788-37-7517	TC-2	6603/282	0.85	OFFICE

**ADJOINER PARCEL DATA**

LABEL #	OWNER(S)	PIN #	ZONING	CURRENT LAND USE
2	FRANKLIN OFFICE CHAPEL HILL LLC	9788-37-4748	TC-2	PARKING LOT
3	INVESTORS TILE COMPANY	9788-37-6817	TC-2	PARKING LOT
4	TOWN OF CHAPEL HILL	9788-37-5557	TC-2	PARKING LOT
5	MIXELL PROPERTIES LLC	9788-37-5461	TC-1	COMMERCIAL
6	WISK LLC	9788-37-6465	TC-1	RESTAURANT
7	LILLY NANCY COBB	9788-37-6486	TC-1	RESTAURANT
8	HARRISON & WOX PROPERTIES LLC	9788-37-7407	TC-1	BUSINESS
9	RABBITS CROSSING PROPERTIES	9788-37-7428	TC-1	BUSINESS
10	GOULD FRANKLIN STREET NC LLC	9788-37-8513	TC-1	RESTAURANT
11	UNIVERSITY OF NC	9788-37-8300	O-4	RESTAURANT
12	UNIVERSITY OF NC	9788-37-8249	O-4	RESTAURANT

**DRAWING LEGEND**

SYMBOL	DESCRIPTION
	1000' NOTIFICATION LINE
	ZONING BOUNDARY
	FRANKLIN-ROSEMARY HISTORIC DISTRICT
	NORTHERNE NEIGHBORHOOD CONSERVATION DISTRICT
	CHAPEL HILL TRANSIT ROUTE
	ZONING CLASSIFICATION
	EXISTING FIRE HYDRANT
	EXISTING BUS STOP
	PROJECT SITE



**REVIEW DRAWING**  
**NOT FOR CONSTRUCTION**

**BALLENTINE ASSOCIATES, P.A.**  
200 PINEWOOD AVENUE, SUITE 200  
CHAPEL HILL, NC 27514  
919.487.1100  
www.ballentineassociates.com



**NOT FOR CONSTRUCTION**

DATE	REVISIONS

**OWNER INFORMATION**  
SUBU, PROPERTIES, INC.  
113 Edingburgh South Dr.  
Suite 120  
Cary, NC 27511  
**OWNER'S REPRESENTATIVE:**  
JOE DITE  
PH: (919) 388-5774  
FAX: (919) 443-3439  
EMAIL: joe@subuproperties.com

DATE	ISSUED
02 MAR 20	

**137 E FRANKLIN STREET INNOVATION HUB**  
**136 E. ROSEMARY ST. & 137 E. FRANKLIN ST.**  
CHAPEL HILL, NORTH CAROLINA

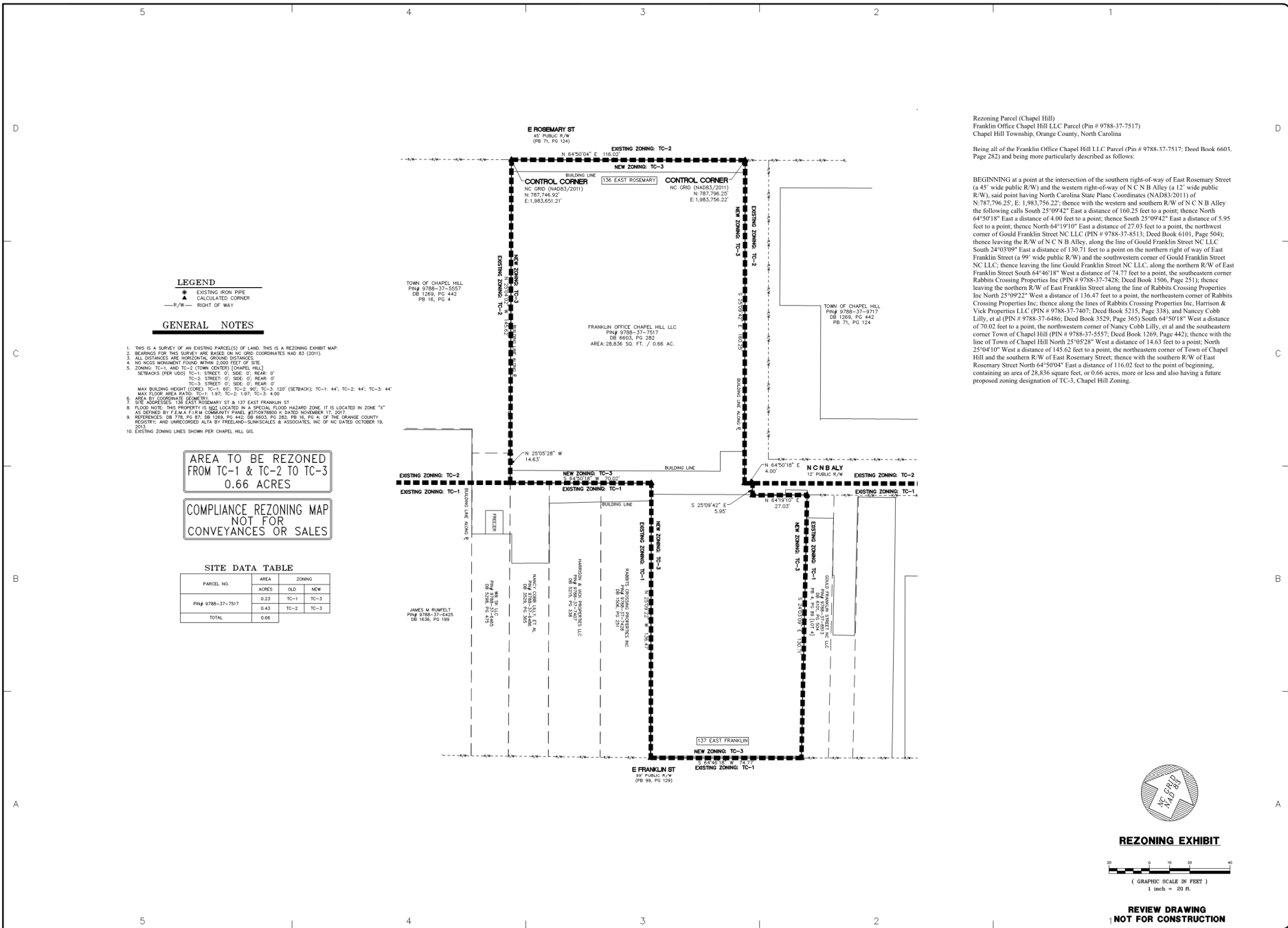
**SPECIAL USE PERMIT DRAWINGS**

JOB NUMBER: 119016.01  
DATE: 02 MAR 20  
SCALE: AS NOTED  
DRAWN BY: J.B.M.  
REVIEWED BY: G.J.R.

**SHEET**  
**C0001**



N:\Projects\18011010\_Rosemary St. Amendment\18011010\_Rosemary St. Amendment.dwg (Plot Date: 02/20/20) - Rosemary St. Amendment.dwg 3/13/2020 10:12 AM, jrbm



**LEGEND**

- EXISTING IRON PIPE
- ▲ CALCULATED CORNER
- R/W — RIGHT OF WAY

**GENERAL NOTES**

1. THIS IS A SURVEY OF AN EXISTING PARCELS OF LAND. THIS IS A REZONING EXHIBIT MAP.
2. BEARINGS FOR THIS SURVEY ARE BASED ON NC GRID COORDINATES NAD 83 (2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. NO IRON MONUMENT FOUND WITHIN 2,000 FEET OF SITE.
5. ZONING: TC-1 AND TC-2 (TOWN CENTER) CHAPEL HILL.
6. SETBACKS (PER UDD): TC-1: STREET 0'; SIDE 0'; REAR 0'; TC-2: STREET 0'; SIDE 0'; REAR 0'.
7. MAX BUILDING HEIGHT (CORE): TC-1: 60'; TC-2: 90'; TC-3: 120' (SETBACK). TC-1: 44'; TC-2: 44'; TC-3: 44'.
8. MAX FLOOR AREA RATIO (FAR): TC-1: 1.875; TC-2: 1.875; TC-3: 4.00.
9. AREA BY CORNER: 1.50 AC.
10. SITE ADDRESSED: 137 EAST ROSEMARY ST & 137 EAST FRANKLIN ST.
11. FLOOD NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY F.E.M.A. F.I.R.M. COMMUNITY PANEL #371078000 X DATED NOVEMBER 17, 2010.
12. REFERENCES: DE 278, PG 16; DE 1259, PG 442; DE 6603, PG 282; PB 16, PG 4 OF THE GRANITE COUNTY REGISTRY; AND UNRECORDED ALTA BY FREELAND-SUNSCALES & ASSOCIATES, INC. OF NC DATED OCTOBER 19, 2015.
13. EXISTING ZONING LINES SHOWN PER CHAPEL HILL GIS.

AREA TO BE REZONED FROM TC-1 & TC-2 TO TC-3  
0.66 ACRES

COMPLIANCE REZONING MAP NOT FOR CONVEYANCES OR SALES

**SITE DATA TABLE**

PARCEL NO.	AREA		ZONING	
	ACRES	OLD	NEW	
PIN# 9788-37-7517	0.23	TC-1	TC-3	
	0.43	TC-2	TC-3	
TOTAL	0.66			

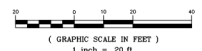
Rezoning Parcel (Chapel Hill)  
Franklin Office Chapel Hill LLC Parcel (Pin # 9788-37-7517)  
Chapel Hill Township, Orange County, North Carolina

Being all of the Franklin Office Chapel Hill LLC Parcel (Pin # 9788-37-7517; Deed Book 6603, Page 282) and being more particularly described as follows:

BEGINNING at a point at the intersection of the southern right-of-way of East Rosemary Street (a 45' wide public R/W) and the western right-of-way of N C N B Alley (a 12' wide public R/W), said point having North Carolina State Plane Coordinates (NAD83/2011) of N 787,796.25; E: 1,983,756.22; thence with the western and southern R/W of N C N B Alley the following calls South 25°09'42" East a distance of 160.25 feet to a point; thence North 64°50'18" East a distance of 4.00 feet to a point; thence South 25°09'42" East a distance of 5.95 feet to a point; thence North 64°19'10" East a distance of 27.03 feet to a point, the northwest corner of Gould Franklin Street NC LLC (PIN # 9788-37-8513; Deed Book 6101, Page 504); thence leaving the R/W of N C N B Alley, along the line of Gould Franklin Street NC LLC South 24°03'09" East a distance of 130.71 feet to a point on the northern right of way of East Franklin Street (a 99' wide public R/W) and the southwestern corner of Gould Franklin Street NC LLC; thence leaving the line Gould Franklin Street NC LLC, along the northern R/W of East Franklin Street South 64°46'18" West a distance of 74.77 feet to a point, the southeastern corner Rabbits Crossing Properties Inc (PIN # 9788-37-7428; Deed Book 1506, Page 251); thence leaving the northern R/W of East Franklin Street along the line of Rabbits Crossing Properties Inc North 25°09'22" West a distance of 136.47 feet to a point, the northeastern corner of Rabbits Crossing Properties Inc; thence along the lines of Rabbits Crossing Properties Inc, Harrison & Vick Properties LLC (PIN # 9788-37-7407; Deed Book 5215, Page 338), and Nancy Cobb Lilly, et al (PIN # 9788-37-6486; Deed Book 3529, Page 365) South 64°50'18" West a distance of 70.02 feet to a point, the northwestern corner of Nancy Cobb Lilly, et al and the southeastern corner Town of Chapel Hill (PIN # 9788-37-5557; Deed Book 1269, Page 442); thence with the line of Town of Chapel Hill North 25°05'28" West a distance of 14.63 feet to a point; North 25°04'10" West a distance of 145.62 feet to a point, the northeastern corner of Town of Chapel Hill and the southern R/W of East Rosemary Street; thence with the southern R/W of East Rosemary Street North 64°50'18" East a distance of 116.02 feet to the point of beginning, containing an area of 28,816 square feet, or 0.66 acres, more or less and also having a future proposed zoning designation of TC-3, Chapel Hill Zoning.



REZONING EXHIBIT



REVIEW DRAWING NOT FOR CONSTRUCTION

**BALLENTRINE ASSOCIATES PA**  
1200 W. HARRISBORO RD.  
SUITE 100  
ORANGE COUNTY, NC 27559  
(919) 461-3636  
www.ballentrine.com



**NOT FOR CONSTRUCTION**  
029127  
NOV 16 2019

DATE	REVISIONS	BY	CHKD

**OWNER INFORMATION**  
RABBIT PROPERTIES, INC  
113 Edenburgh South Dr.  
SUITE 120  
Cary, NC 27511  
OWNERS REPRESENTATIVE:  
JOE DYE  
PH: (919) 388-5774  
FAX: (919) 461-3636  
EMAIL: jrdye@rabbitproperties.com

DATE	ISSUED	REASONING SUBMITTAL #
02 MAR 20		

**137 E FRANKLIN STREET INNOVATION HUB**  
**136 E. FRANKLIN ST.**  
CHAPEL HILL, NORTH CAROLINA

**ZONING ATLAS AMENDMENT DRAWINGS**

JOB NUMBER: 119016.01  
DATE: 02 MAR 20  
SCALE: AS NOTED  
DRAWN BY: J.B.M.  
REVIEWED BY: G.J.R.

**SHEET C0002**