

ORDINANCE A

(Approving the Conditional Zoning Modification)

AN ORDINANCE MODIFYING THE PREVIOUSLY APPROVED OFFICE/INSTITUTIONAL-3-CONDITIONAL ZONING DISTRICT (OI-3-CZD) (PROJECT #20-074) FOR AURA LOCATED AT 1000 MARTIN LUTHER KING JR. BLVD (PROJECT #MOD-23-9)(2024-04-17/O-8)

WHEREAS, the Council of the Town of Chapel Hill previously considered and approved an Office/Institutional-3-Conditional Zoning District (OI-3-CZD) for Aura located at 1000 Martin Luther King Jr. Blvd on June 28, 2021; and

WHEAREAS, the Council has considered the application submitted by Trinsic Residential Group on behalf of PRIII TRG CHAPEL HILL OWNER LP (Owner), to modify the Conditional Zoning District for the property located at 1000 Martin Luther King Jr. Blvd and identified as Orange County Property Identifier Number 9789-35-9617 to accommodate revised lighting plans, 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 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.

MODIFICATIONS TO REGULATIONS

WHEREAS, the Council of the Town of Chapel Hill finds, in this particular case, that the proposed development with the following requested modifications to regulations satisfies public purposes to an equivalent or greater degree:

- 1) LUMO Section 5.11.4 Lighting Standards:** Increase the maximum Offsite Illumination standard to 1.3 foot-candles along the northern property boundary.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the lighting that would be required to achieve an offsite illumination of 0.3 foot candles is not in character with this residential development.

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 Office/Institutional-3-Conditional Zoning District (OI-3-CZD).

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 June 28, 2021, on file at the Town of Chapel Hill Planning Department, and recorded in the Orange County Registry (Book 6750, Pages 1652-1665) remains in effect except as modified by this ordinance.
2. 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.
3. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
4. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER ORDAINED that the Council hereby approves the application for the modification of the Conditional Zoning for Aura at 1000 Martin Luther King Jr. Blvd.

This the 17th day of April, 2024.