

**ORDINANCE A**

(Rezoning from Town Center-1 (TC-1) and Town Center-2 (TC-2) to Town Center-3 (TC-3))

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 137 EAST FRANKLIN STREET AND 136 EAST ROSEMARY STREET (ORANGE COUNTY PARCEL IDENTIFIER #9788-37-7517)(2020-06-24/O-4)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application from George Retschle of Ballentine Associates on behalf of Franklin Office Chapel Hill LLC c/o Grubb Properties, LLC to amend the Chapel Hill Zoning Atlas to rezone property located at 137 East Franklin Street and 136 East Rosemary Street from Town Center-1 (TC-1) and Town Center-2 (TC-2) to Town Center-3 (TC-3);

WHEREAS, on June 2, 2020, the Planning Commission considered the zoning atlas amendment and forwarded a recommendation to the Public Hearing before the Council; and

WHEREAS, on June 10, 2020, the Council opened the Public Hearing, received comments, and moved to close the Public Hearing after a period of 24 hours; and

WHEREAS, upon consideration the Council finds that the ordinance is warranted because of changed or changing conditions in the area or in the jurisdiction generally; and

WHEREAS, the Council further finds that the amendment is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, including but not limited to:

- The intent of the Town Center- 3 (TC-3) district is to support a concentration of many functions in the central area of Chapel Hill. This is consistent with the Town/Village Center designation of the site on the 2020 Land Use Plan. (A Place For Everyone, Goal #1)
- The site is located in the Downtown/Area 1 Future Focus Discussion Area. Chapel Hill 2020 identifies efforts to support a vibrant economy as a focus for Downtown. In addition, the Focus Area description notes that Franklin Street is the center of Chapel Hill's historic downtown. (Good Places, New Spaces, Goal #4)
- The Mobility and Connectivity Plan shows future bike lanes along E. Franklin Street and this block of E. Rosemary Street in the long-term network. Existing buffered bike lanes are located close by on W. Rosemary Street. Both streets have continuous sidewalks on both sides. Improvements to the multimodal network and extension of existing facilities would support increased growth and development in the downtown area. (Getting Around, Goal #3)
- The proposed development will support objectives of the Downtown Small Area Plan, including zoning that enables greater building floor area to support Economic Vitality through more employment and activity (Community Prosperity and Engagement)

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**

### **LEGAL DESCRIPTION OF 9788-37-7517**

LYING AND BEING SITUATE IN CHAPEL HILL, ORANGE COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

#### TRACT 1:

TO LOCATE THE POINT AND PLACE OF BEGINNING COMMENCE AT THE INTERSECTION OF THE ESTERN MARGIN OF THE RIGHT-OF-WAY OF NORTH COLUMBIA STREET WITH THE SOUTHERN MARGIN OF THE SIXTY FOOT (60') WIDE PAVED PUBLIC RIGHT-OF-WAY OF EAST ROSEMARY STREET AND RUN N64°32'00"E 298.67' TO AN IRON PIN MARKING THE POINT AND PLACE OF BEGINNING; AND RUNNING THENCE WITH THE SOUTHERN MARGIN OF THE RIGHT-OF-WAY OF EAST ROSEMARY STREET N64°31'51"E 116.02' TO AN IRON PIN IN THE WESTERN BOUNDARY OF THE LAND CONVEYED TO TOWN OF CHAPEL HILL BY INSTRUMENT RECORDED IN DEED BOOK 1269, PAGE 442, ORANGE COUNTY PUBLIC REGISTRY; THENCE WITH THE WESTERN BOUNDARY OF THE TOWN OF CHAPEL HILL PROPERTY (NOW OR FORMERLY) S25°28'00"E 160.25 TO A NAIL IN AN ALLEY DESCRIBED IN INSTRUMENT RECORDED IN DEED BOOK 278, PAGE 1632, ORANGE COUNTY PUBLIC REGISTRY; THENCE WITH THE SAID ALLEY TWO (2) COURSES AND DISTANCES AS FOLLOWS: (1) N64°32'00"E 4.00' TO A NAIL AND (2) S25°28'00"E 5.95' TO A NAIL IN THE SOUTHERN MARGIN OF THE SAID ALLEY; THENCE WITH THE SOUTHERN MARGIN OF THE SAID ALLEY N64°32'44"E 27.30' TO NEW IRON SPIKE IN THE WESTERN BOUNDARY OF THE LAND CONVEYED TO STEVE KUTAY BY INSTRUMENT RECORDED IN DEED BOOK 886, PAGE 360, ORANGE COUNTY PUBLIC REGISTRY; THENCE WITH THE WESTERN BOUNDARY OF THE KUTAY PROPERTY (NOW OR FORMERLY) S24°07'40"E 130.07' TO A POINT ON THE NORTHERN MARGIN OF THE ONE HUNDRED FOOT (100') WIDE PAVED PUBLIC RIGHT-OF-WAY OF EAST FRANKLIN STREET; THENCE WITH THE NORTHERN MARGIN OF THE RIGHT-OF-WAY OF EAST FRANKLIN STREET S64°28'00"W 74.72' TO A POINT IN THE EASTERN BOUNDARY OF THE LAND CONVEYED TO RABBITS CROSSING PROPERTIES BY INSTRUMENT RECORDED IN DEED BOOK 1506, PAGE 251, ORANGE COUNTY PUBLIC REGISTRY; THENCE WITH THE EASTERN BOUNDARY OF THE RABBITS CROSSING PROPERTIES (NOW OR FORMERLY) N25°22'52"W 136.07' TO A NAIL IN THE AFORESAID ALLEY; THENCE S64°32'00"W 70.03' TO ANOTHER NAIL IN THE ALLEY; AND THENCE CROSSING THE ALLEY AND CONTINUING WITH THE EASTERN BOUNDARY OF THE TOWN OF CHAPEL HILL PROPERTY, N25°22'20" 160.25 TO THE POINT AND PLACE OF BEGINNING, CONTAINING 28,817 SQUARE FEET, MORE OR LESS, ALL AS SHOWN ON SURVEY ENTITLED "FRANKLIN STREET PLAZA LLC", PREPARED BY MARY E. AYERS, NORTH CAROLINA PROFESSIONAL LAND SURVEYOR L-3260, DATED APRIL 22, 2005, REFERENCE TO SAID SURVEY BEING MADE IN AID OF DESCRIPTION.

#### TRACT 2:

TO LOCATE THE POINT AND PLACE OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE EASTERN MARGIN OF THE RIGHT-OF-WAY OF NORTH COLUMBIA STREET WITH THE NORTHERN MARGIN OF THE RIGHT-OF-WAY OF EAST ROSEMARY STREET AND RUN N64°32'00"E 140.00' TO AN IRON PIN ON THE SOUTHEASTERN CORNER OF LAND CONVEYED TO CENTURA BANK BY INSTRUMENT RECORDED IN DEED BOOK 1078, PAGE 71 IN THE ORANGE COUNTY PUBLIC REGISTRY, SAID IRON PIN MARKING THE POINT AND PLACE OF BEGINNING, THENCE RUNNING WITH THE NORTHERN MARGIN OF THE RIGHT-OF-WAY OF EAST ROSEMARY STREET N64°38'44"E 191.29' TO AN IRON PIN LOCATED ON THE SOUTHWESTERN CORNER OF THE LAND CONVEYED TO INVESTORS TITLE COMPANY

BY INSTRUMENT RECORDED IN DEED BOOK 778, PAGE 87 IN THE ORANGE COUNTY PUBLIC REGISTRY; THENCE RUNNING WITH THE WESTERN BOUNDARY OF THE INVESTORS TITLE COMPANY PROPERTY (NOW OR FORMERLY) N26°32'23"W 199.70' TO AN IRON PIN LOCATED ON THE SOUTHEASTERN CORNER OF THE LAND CONVEYED TO SHARON KIRK BY INSTRUMENT RECORDED IN DEED BOOK 1151, PAGE 31 IN THE ORANGE COUNTY PUBLIC REGISTRY; THEN RUNNING WITH THE SOUTHERN BOUNDARY OF THE SHARON KIRK PROPERTY (NOW OR FORMERLY) S64°32'00"W 117.37' TO AN IRON PIN LOCATED ON THE SOUTHEASTERN CORNER OF THE LAND CONVEYED TO BELL FAMILY PROPERTIES BY INSTRUMENT RECORDED IN DEED BOOK 1950, PAGE 204 IN THE ORANGE COUNTY PUBLIC REGISTRY; THENCE RUNNING WITH THE SOUTHERN BOUNDARY OF THE BELL FAMILY PROPERTIES LAND (NOW OR FORMERLY) S64°32'00" 70.18' TO AN IRON PIN LOCATED ON THE NORTHEASTERN CORNER OF THE CENTURA BANK PROPERTY (NOW OR FORMERLY) AND RUNNING THENCE WITH THE EASTERN BOUNDARY OF THE CENTURA BANK PROPERTY (NOW OR FORMERLY) 225°28'00"E 199.29' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 37,785 SQUARE FEET, MORE OR LESS, ALL AS SHOWN ON SURVEY ENTITLED "FRANKLIN STREET PLAZA, LLC" PREPARED BY MARY E. AYERS, NORTH CAROLINA PROFESSIONAL LAND SURVEYOR L-3260, DATED APRIL 22, 2005, REFERENCE TO SAID SURVEY BEING MADE IN AID OF DESCRIPTION.

TRACTS 1 AND 2 ARE CONVEYED TOGETHER WITH, AND SUBJECT TO AN EASEMENT FOR AN OVERHEAD PEDESTRIAN BRIDGE AS MORE PARTICULARLY DESCRIBED IN A DEED OF EASEMENT RECORDED IN BOOK 234, PAGE 654 IN THE ORANGE COUNTY PUBLIC REGISTRY AND THE EASEMENTS DESCRIBED IN THE DEED RECORDED IN BOOK 278, PAGE 1632 IN THE ORANGE COUNTY PUBLIC REGISTRY, ALL AS SHOWN ON SURVEY ENTITLED "FRANKLIN STREET PLAZA, LLC", PREPARED BY MARY E. AYERS, NORTH CAROLINA PROFESSIONAL LAND SURVEYOR L-3260, DATED APRIL 22, 2005, REFERENCE TO SAID SURVEY BEING MADE IN AID OF DESCRIPTION.

## **SECTION II**

One half of the abutting Right-Of-Way on East Franklin Street and East Rosemary Street shall be included in the rezoning.

## **SECTION III**

That all ordinances and portions of ordinances in conflict are hereby repealed.

This the 24<sup>th</sup> day of June, 2020.