

ORDINANCE A
(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 607 MARTIN LUTHER KING JR. BLVD. FROM RESIDENTIAL-4 (R-4) TO RESIDENTIAL-COMMUNITY PRIORITY-CONDITIONAL ZONING DISTRICT (R-CP-CZD) (PROJECT #CZD-24-5) (2025-05-07/O-2)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Taft Mills Group, on behalf of property owner Lawler Development Group, LLC, to rezone a 2.98-acre assemblage of parcels located at 607, 609, 611, 613, 615, and 617 Martin Luther King Jr. Blvd. and 121 Stinson Street on property identified as Orange County Property Identifier Number(s) 9788-39-0351, 9788-39-1558, and 9788-29-9778, to allow development of a multifamily residential building and finds that the amendment to the Zoning Atlas is:

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

WHEREAS, the application, if rezoned according to the Community Priority Rezoning Plan dated November 11, 2024, last revised March 18, 2025, and the conditions listed below would, per LUMO 4.4.5(g):

- 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

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 3.8.2 Dimensional Regulations.

- (e) Maximum Setback Height:** Increase the maximum setback height to 70 feet.
- (f) Maximum Core Height:** Increase the maximum core height to 70 feet.
- (k) Maximum Floor Area Ratio:** Eliminate the maximum floor area ratio and refer to the maximum floor area stated in the Land Use Intensity Table.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the intensity of proposed development is consistent with the Comprehensive Plan, as indicated in the Future Land Use Map, South Martin Luther King Jr. Boulevard Focus Area. The modifications also support a greater number of affordable housing units.

- 2) LUMO Section 5.3.2 Steep Slopes:** Increase the maximum steep slope disturbance to 75 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because disturbance of steep slope locations supports optimal building placement and site access. Disturbance will be limited to these areas to avoid more environmentally sensitive areas of the project area.

- 3) LUMO Section 5.6.2(f) Buffers required:** Eliminate the 10-foot buffer requirement for the west property line north of Isley Street.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because there is existing vegetation off-site to buffer adjacent residential uses from the development. In addition, the developer will preserve the stream buffer in the northwest corner of the property.

- 4) LUMO Section 5.7.2 (a) Minimum canopy coverage standard:** Reduce the minimum canopy coverage to 12 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because there is a 30-foot grade change across the site; in order to tie into the existing grade and construct the building, disturbance of the existing tree canopy, except for the streamside zone, is required. The building footprint must be sized large enough to provide the number of units proposed, making the project viable. The combination of the significant elevation difference across the site and the size of the building footprint will necessitate the use of walls throughout the site and will limit area available for tree plantings. The developer will also provide landscape buffer plantings that contribute to canopy coverage.

- 5) LUMO Section 5.8.1 (g) Traffic Impacts:** Eliminate the requirement for a Traffic Impact Analysis.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the Town is analyzing traffic impacts of the full corridor for a proposed bus rapid transit investment on Martin Luther King Jr. Blvd.

CONDITIONAL ZONING DISTRICT

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 with the following uses, subject to the conditions below, satisfies the intent and purposes of the Residential-Community Priority-Conditional Zoning District (R-CP-CZD).

BE IT FURTHER 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 parcel(s) identified by Parcel Identifier Number (PIN) 9788-39-0351, 9788-39-1558, and 9788-29-9778, described below, along with the area extending to the centerline of the adjoining Isley Street, Stinson Street, and Martin Luther King Jr. Blvd.

rights-of-way, shall be rezoned to Residential-Community Priority-Conditional Zoning District (R-CP-CZD):

PIN 9788-39-0351

BEGINNING AT A STAKE WHICH IS LOCATED IN THE SOUTHEAST INTERSECTION OF THE RIGHT OF WAAY OF ISLEY STREET; RUNNING THENCE SOUTH 10 DEGREES 26' 15" EAST 98.6 FEET TO A POINT; THENCE RUNNING SOUTH 87 DEGREES 50' 31" EAST 261.23 FEET TO A POINT; RUNNING THENCE NORTH 8 DEGREES 35' 59" EAST 96.83 FEET TO A POINT; RUNNING THENCE NORTH 87 DEGREES 50' 31" EAST 293.53 FEET TO A POINT AND PLACE AND OF THE BEGINNING AND BEING ALL OF THE PROPERTY OF LAWLER DEVELOPMENT GROUP LLC AS SHOWN IN THAT SURVEY DATED 22 DEBRUARY 2016 BY COLLTER/JEWELL/THAMES PA..

PIN 9788-39-1558

BEGINNING AT A STAKE WHICH IS LOCATED IN THE CENTER INTERSECTION OF THE RIGHT OF OWAY OF STINSON STREET AND ISLEY STREET; RUNNING THENCE SOUTH 12 DEGREES 37' 13" EAST 15.20 FEET TO A POINT; RUNNING THENCE SOUTH 1 DEGREE 7' 29" EAST 188.60 FEET TO A POINT; RUNNING THENCE SOUTH 87 DEGREES 57' EAST 290.19 DFEET TO A POINT' RUNNING THENCE NORTH 87 DEGREES 27' 36" WEST 260.66 FEET TO A POINT; RUNNING THENCE SOUTH 10 DEGREES 23' 14" EAST 78.5 FEET TO A POINT; RUNNING THENCE SOUTH 85 DEGREES 20' 23" WEST 88.12 FEET TO A POINT AND PLACE AND OF BEGINNING AND BEING ALL OF THE PROPERTY OF LAWLER DEVELOPMENT GROUP LLC AS SHOWN IN THAT SURVEY DATED 22 DEBRUARY 2016 BY COLLTER/JEWELL/THAMES PA..

PIN 9788-29-9778

BEGINNING AT A STAKE WHICH IS LOCATED IN THE NORTHEASTERN INTERSECTION OF THE RIGHT OF WAY OF STINSON STREET; RUNNING THENCE SOUTH 12 DEGREES 37' 13" EAST 15.10 FEET TO A POINT; RUNNING THENCE NORTH 85 DEGREES 20' 23" EAST 88.12 FEET TO A POINT; RUNNING THENCE NORTH 10 DEGREES 23' 49" WEST TO A POINT; RUNNING THENCE SOUTH 66 DEGREES 52' 45" WEST 117.19 FEET TO A POINT; RUNNING THENCE SOUTH 7 DEGREES 0' 32" WEST 52.2 FEET TO A POINT; RUNNING THENCE SOUTH 85 DEGREES 13' 25" EAST 117.09 FEET TO A POINT; RUNNING THENCE SOUTH 5 DEGREES 7' 33" WEST TO A POINT AND PLACE AND OF THE BEGINNING AND BEING ALL OF THE PROPERTY OF LAWLER DEVELOPMENT GROUP LLC AS SHOWN IN THAT SURVEY DATED 22 DEBRUARY 2016 BY COLLTER/JEWELL/THAMES PA..

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. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by a date precisely 4 years from the date of this approval or the land shall revert to its previous zoning designation. [LUMO 4.4.5(l)]

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. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

| Land Use Intensity | |
|---|--|
| Permitted Uses | Dwelling units, multifamily, over 10 units, attached or detached Customary accessory uses |
| Net Land Area (NLA) | Approximately 129,700 sq. ft. |
| Gross Land Area (GLA) | Approximately 142,850 sq. ft. |
| Maximum Floor Area | 250,000 sq. ft. |
| Permitted Dwelling Units | 180 - 200 |
| Dimensional Regulations | Per LUMO, except as modified herein |
| Minimum Tree Canopy Coverage | 12 percent per modification |
| Maximum Building Height, Setback | 70 feet per modification |
| Maximum Building Height, Core | 70 feet per modification |
| Minimum Affordable Units | 100 percent See Affordable Housing Plan herein |
| Minimum and Maximum Vehicular Parking | Per LUMO |
| Minimum Electric Vehicular (EV) Parking | 2 EVSE-equipped parking spaces 25 percent EVSE-capable parking spaces |
| Minimum Bicycle Parking | Per LUMO |
| Maximum Total Impervious Surface | Per LUMO (70% of GLA) |
| Maximum Land Disturbance | 142,876 sq. ft. |
| Maximum Resource Conservation District Land Disturbance | 0 sq. ft. (no disturbance) |
| Maximum Steep Slopes Land Disturbance | 75 percent of slopes with greater than 4:1 (25 percent) slope 12,483 sq. ft. of area |
| Minimum Recreation Area | 12,000 sq. ft. on-site |

4. Modifications to Land Use Intensity: This approval establishes minimums and maximums as indicated in the above Land Use Intensity Table. These amounts apply to the entire project site, including areas within the Resource Conservation District (RCD) and areas containing steep slopes. These amounts may be modified according to the criteria and procedures established in LUMO 4.4.6. Additional modifications to amounts in the Land Use Intensity table shall be considered as follows:
 - a. A change in the net land area or gross land area shall constitute a minor modification, provided the land area is established by a survey or legal description, and provided there is no resulting change to the zoning district boundary approved by the Town Council.

- b. An increase in the RCD maximum impervious surface, RCD maximum land disturbance, or steep slopes maximum land disturbance shall constitute a major modification.
- c. An increase in the maximum land disturbance up to 10 percent shall constitute a minor modification. An increase over 10 percent shall constitute a major modification. All increases shall be considered cumulatively.

Affordable Housing

- 5. Affordable Housing Plan: The developer shall provide the following:
 - a. Affordable Units: 100 percent of the homes will be affordable units.
 - b. Unit Size: The affordable units are planned to include 1-bedroom, 2-bedroom, and 3-bedroom units.
 - c. Pricing: 100 percent of the affordable units will be reserved for those households earning 60 percent or less of the area median income (AMI).
 - i. AMI will be based on income data published annually by the U.S. Department of Housing and Urban Development for the Durham-Chapel Hill Metropolitan Statistical Area.
 - ii. Maximum rental prices shall be calculated based on 30 percent of monthly household income at the specified AMI levels, minus housing-related utilities (heat, water, sewer, electric, and gas) and fees required by the owner or property manager. Area Median income shall be calculated assuming 1.5 persons per bedroom.
 - d. Affordability Period: The affordable units will be affordable for a period of at least thirty (30) years from the receipt of a Certificate of Occupancy.
- 6. Housing Vouchers: The developer agrees to accept Housing Choice Vouchers issued by the Orange County Housing Authority or successor agency for any unit in the project.

Environment

- 7. Undisturbed Area: The developer shall not disturb the area within the Resource Conservation District (RCD) streamside zone southeast of the intermittent stream, the approximate location of which is identified on the Community Priority Rezoning Plan.
- 8. Stormwater Performance Guarantee: A stormwater performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirements of LUMO 4.9.3 prior to the approval of Constructional plans. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125 percent) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The developer shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional

costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

Upon completion of the stormwater control measures(s) and other improvements and acceptance by the Town after final site inspection, the one hundred and twenty-five percent (125 percent) of the performance surety shall be released to the developer and a maintenance bond in an amount of twenty-five (25) percent of the construction cost estimate shall be submitted by the developer prior to the issuance of certificate of occupancy. No sooner than one year after the recording date of the deed(s), easements and maintenance agreement, the owner may request release of the remainder of the maintenance bond. Upon request by the owner, the Stormwater Management Division shall inspect the storm water control structure(s) to determine that the storm water measure(s) are performing as required by this Ordinance. The Stormwater Management Division, upon determining that the storm water control(s) are performing as required by this Ordinance, and after any repairs to the storm water control structure(s) are made by the owner, shall release the remaining maintenance bond.

Following the release of the maintenance bond, the developer and/or Homeowners Association shall continue to have a responsibility and obligation to inspect and maintain the stormwater infrastructure as required by the Town's Land Use Management Ordinance. [LUMO 4.9.3]

Transportation, Access, and Connectivity

9. Existing Sidewalk: The developer is not required to replace or remove the existing 5-foot-wide sidewalk on Martin Luther King Jr. Blvd, except as required to satisfy the terms of ordinance condition 10.
10. Accessible Curb Ramp: The developer shall coordinate with Town staff on a future ADA-accessible curb ramp on the southeast portion of the site, as illustrated on the Community Priority Rezoning Plan.
 - a. Coordination may include the developer either: (1) granting an easement to the Town, or (2) grading the site for an ADA accessible curb ramp.
 - b. If the developer grants an easement to the Town, the easement may include provisions that allow for expiration if the Town has not taken action to pursue the project five years from the date of this approval.
 - c. Any improvements associated with this condition shall be subject to North Carolina Department of Transportation (NCDOT) and the Town review and approval.
 - d. This condition is only applicable if the Triangle West TPO Regional Safety Action Plan is adopted or endorsed by the Chapel Hill Town Council.
11. Traffic Signs: Subject to approval of NCDOT, the developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
12. Street Lighting: The developer shall install street lighting or upgrade existing street lighting along the site frontages as required by the Town Manager with approval by NCDOT, if applicable. The design shall be approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit for building construction. The developer shall complete installation prior to Zoning Final Inspection.

13. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existing on the roadways.
14. Fire Apparatus Access for Chapel Hill Fire Department: All fire department access determinations shall be based upon Chapel Hill Fire Department apparatus specifications (data specifications provided by Office of the Fire Marshal/Life Safety Division) and field verification. All proposed fire department access designs shall be reviewed and shall also pass field inspection.
15. Bicycle Parking: Bicycle parking spaces must comply with the Spring 2015 Association of Pedestrian and Bicycle Professionals Guidelines.

Sustainability

16. Street Trees: The developer may install landscape plantings along the site's Martin Luther King Jr. Blvd frontage, including in the overhead utility easement, subject to utility provider approval.
17. Energy Efficient Building Design: The developer shall design and build a project that meets the National Green Building Standard Bronze Certification Standards.
 - a. Prior to issuance of a Zoning Compliance Permit for commercial or multifamily construction, the developer shall submit to staff for their review and approval documentation that demonstrates compliance with the selected energy efficiency design standard above (e.g., pre-construction energy model).
 - b. For residential construction, the developer commits to a project that meets the certification requirements of the latest North Carolina adopted version of Energy Star Multifamily New Construction version 1.1. Prior to issuance of a Certificate of Compliance for residential construction of a home or low-rise multifamily building, the developer shall submit to staff Energy Star Certified Homes certification.
18. Electric Vehicle Infrastructure: The developer shall ensure that their facilities support the use of current and future levels of electric vehicles by their residents and visitors by supplying the following, consistent with Town Council policy:
 - a. A minimum of two parking spaces EVSE-equipped;
 - b. A minimum of 25 percent of total parking spaces EVSE-Capable. EVSE-Capable means that a continuous raceway or conduit has been installed connecting a parking space to an electrical panel or a space reserved for a future electrical panel.
 - c. All initial and future EV charging designs should ensure that each EVSE-equipped parking space is capable of providing at least 6.6 kW. Designs must also adhere to U.S. Access Board's most recently updated version of the Design Recommendations for Accessible Electric Vehicle Charging Stations.
19. Climate Action Plan: Prior to issuance of a Zoning Compliance Permit for building construction, the developer shall submit a Climate Action Plan on the appropriate form prescribed by the Town Manager that includes, at a minimum, the following climate action commitments:
 - a. All-electric building and site design;
 - b. All-electric appliances;
 - c. Sustainable building materials and resource use equivalent to meeting LEED standard;

- d. LED lighting only for interior spaces;
- e. LED lighting only for exterior spaces, including street/parking lot lighting (3000 Kelvin or lower);
- f. WaterSense-rated appliances and equipment only;
- g. Energy Star-rated appliances and equipment only;
- h. Native and drought-tolerant landscape plantings only;
- i. No irrigation with potable water;
- j. Evidence of pursuing Duke Energy's Energy Design Assistance Program; and
- k. Evidence of pursuing Federal 45L Tax Credit for New Residential Construction.

Homeowner Association

- 20. Applicability: The Homeowner Association conditions shall apply for development with individual ownership. Should a development add for-sale units or convert rental units to ownership, the following conditions shall apply.
- 21. Homeowners' Association: A Homeowners' Association shall be created that has the capacity to place a lien on the property of a member who does not pay the annual charges for maintenance of all common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final plat. The Homeowners' Association documents shall comply with LUMO 4.6.7. The Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.
- 22. Homeowners' Association Responsibilities: The Homeowners' Association shall be responsible for the maintenance, repair, and operation of required bufferyard(s), open space, recreation areas, paths, community garden, and shared stormwater management facilities.
- 23. Dedication and Maintenance of Common Area to Homeowners' Association: The developer shall provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common areas, however designated, including the community garden; recreation space; open space and common areas; the bufferyards; and stormwater management facilities. That the Homeowners' Association shall be responsible for the maintenance of the proposed internal subdivision roads until NCDOT or the Town assumes ownership of the internal streets. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross-referenced on the final plat.
- 24. Solar Collection Devices: The Homeowners' Association, or similar entity, shall not include covenants or other conditions of sale that restrict or prohibit the use, installation, or maintenance of solar collection devices, including clotheslines.

Miscellaneous

- 25. Town Design Manual: Except as specified elsewhere in this Ordinance, the developer shall comply with all standards of the Public Works Engineering Design Manual, as applicable to the project.
- 26. State or Federal Approvals: Any required State or federal approvals, permits, or

encroachment agreements, including but not limited to NCDOT approvals and 401/404 permits, shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.

27. Detailed Plans: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to the district-specific plan approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Public Works Engineering Design Manual. [LUMO 4.4.7]
28. Work in the Public Right-of-Way: Prior to any work in the public right-of-way, the developer shall apply for an Engineering Construction Permit and a Performance Surety Bond.
29. Phasing Plan: If phasing of the project is proposed, then the developer shall provide a Phasing Plan as part of the Zoning Compliance Permit. The Phasing Plan also shall detail which public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase shall not begin until all public improvements in previous phases have been completed, and a note to this effect shall be provided on the final plans.
30. Invasive Exotic Vegetation: The developer shall remove all invasive exotic species of vegetation as identified by the Southeast Exotic Pest Plant Council (SE-EPPC) and in Section 5.7.6 of the Land Use Management Ordinance (LUMO) from all areas located within the limits of disturbance. Prior to issuance of a Zoning Compliance Permit, the developer shall identify all invasive exotic species of vegetation within the limits of disturbance or other areas, as deemed necessary by the Town Manager.
31. Community Design Commission (CDC) Review Not Applicable: No Community Design Commission review or approval is required for this project [LUMO 4.4.5].
32. Construction Sign Required: Prior to starting any land-disturbing activity, the developer shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. The sign shall be non-illuminated and shall consist of light letters on a dark background. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.4]
33. Street Names and Numbers: The development's streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for street construction and/or building construction.
34. 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.

35. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
36. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
37. 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 that the Council hereby approves the application for Conditional Zoning at 607, 609, 611, 613, 615, and 617 Martin Luther King Jr. Blvd. and 121 Stinson Street.

This the 7th day of May, 2025.