

ORDINANCE A

(Approving the Conditional Zoning Modification)

AN ORDINANCE MODIFYING THE LIGHT INDUSTRIAL-CONDITIONAL ZONING DISTRICT (LI-CZD) LOCATED AT 7300 MILLHOUSE ROAD (PROJECT #CZD-23-5) (2023-06-21/O-7)

WHEREAS, the Council of the Town of Chapel Hill has considered the application submitted by McAdams Company, on behalf of Merritt CP1, LLC (Owner), to modify the zoning of a 19.5-acre parcel located at 7300 Millhouse Road on property identified as Orange County Property Identifier Number 9870-89-2007 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 rezoning plan dated April 27, 2018, and last revised May 21, 2018, 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

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 modification to regulations satisfies public purposes to an equivalent or greater degree:

- 1) **Section 5.14.7 Permitted Signs:** One development identification sign measuring no more than 205 inches in width and 85 inches in height shall be permitted. The total sign area shall not exceed 212 square feet across both faces of the sign.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the modified sign regulations further the intent of the Light Industrial-Conditional Zoning District.

CONDITIONAL ZONING DISTRICT

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 parcel identified by Parcel Identifier Number (PIN) 9870-89-2007, described below, including to the centerline of the adjoining right-of-way, shall be rezoned to Light Industrial-Conditional Zoning District (LI-CZD):

LEGAL DESCRIPTION

Beginning at a point on Millhouse Road; thence N89°41'59"E a distance of 1,144.30'; thence S05°09'44"E a distance of 801.07', thence S88°45'20"W a distance of 525.51'; thence N05°05'59"W a distance of 15.39'; thence N05°05'59"W a distance of 139.37'; thence S81°17'27"W a distance of 614.28'; thence with a curve turning to the right with an arc length of 48.05', with a radius of 4,494.24', with a chord bearing of N06°16'16"W, with a chord length of 48.05', thence N05°28'06"W a distance of 559.13'; thence with a curve turning to the right with an arc length of 138.25', with a radius of 2,474.24', with a chord bearing of N04°46'08"W, with a chord length of 138.24' to a point, which is the point of beginning, having an area of 853,293.22 square feet, or 19.5889 acres.

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 District dated June 20, 2018, on file at the Town of Chapel Hill Planning Department, 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: This Conditional Zoning Atlas Amendment Modification authorizes the following uses in addition to those already allowed pursuant to the Conditional Zoning District dated June 20, 2018:
 - a. Supply yard
 - b. Recreation facility: Commercial
 - c. Recreation facility: Non-profit
 - d. Public use facility
 - e. Place of worship
 - f. Place of assembly, up to 2,000 seating capacity
 - g. Maintenance/storage facility
 - h. Child day care

As relevant, the standards found in LUMO Section 6.22 shall apply to uses within this conditional zoning district.

BE IT FURTHER ORDAINED that the Council hereby approves the application for the modification of the Conditional Zoning for 7300 Millhouse Road.

This the 21st day of June, 2023.