

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 7300 MILLHOUSE ROAD TO LIGHT INDUSTRIAL CONDITIONAL ZONING DISTRICT (PROJECT 18-040) (2018-06-20/O-10)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning Atlas Amendment submitted by Coulter Jewell Thames PA on behalf of Project Triumph to rezone a 19.2-acre parcel located at 7300 Millhouse Road and identified as Orange County Parcel Identifier Number 9870-89-2007 to Light Industrial Conditional Zoning District (LI-CZD) to allow 110,000 square feet of light industrial and complimentary uses and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A community that provides all people with access to opportunities (Goal Place for Everyone.4)
- Balance and sustain finances by increasing revenues and decreasing expenses (Goal Community Prosperity and Engagement.1)
- Foster success of local businesses (Goal Community Prosperity and Engagement.2)
- A well-conceived and planned, carefully thought-out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and public transportation options (Goal Getting Around.1)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2).
- A transportation system that accommodates transportation needs and demands while mitigating congestion and promoting air quality, sustainability, and energy conservation (Getting Around.6)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Good Places, New Spaces.8)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Nurturing Our Community.2)
- Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. These spaces could include, among other things, Significant Natural Heritage Areas (SNHA) lands adjacent to and connecting various properties such as riparian lands, etc. (Nurturing Our Community.3)
- Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (Nurturing Our Community.4)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Nurturing Our Community.8)

WHEREAS, the Council of the Town of Chapel Hill finds that an application for Conditional Zoning Atlas Amendment, proposed by Coulter Jewell Thames PA, for the property located 7300 Millhouse Road and identified as Orange County Parcel Identifier Number 9870-89-2007, if rezoned to Innovative, Light Industrial Conditional Zoning District according to the rezoning plan dated April 27, 2018 and last revised May 21, 2018, and the conditions listed below would:

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

### **CONDITIONAL USES**

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that it finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the purposes of the Innovative, Light Industrial Conditional Zoning District (LI-CZD):

*Business, Office Type*, subject to the condition below. This finding is based on the justification that the developer has submitted indicating this use could be directly related to light industrial uses, and would be complimentary to light industrial uses.

- That the total square footage of business, general and business, office type uses is limited to no more than 110,000 square feet of floor area.

*Manufacturing, light*, subject to the condition below. This finding is based on the justification that the developer has submitted indicating this use could be directly related to light industrial uses, and would be complimentary to light industrial uses.

- That the total square footage of manufacturing type uses is limited to no more than 110,000 square feet of floor area.

*Research activities*, subject to the condition below. This finding is based on the justification that the developer has submitted indicating this use could be directly related to light industrial uses, and would be complimentary to light industrial uses.

- That the total square footage of research type uses is limited to no more than 110,000 square feet of floor area.

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 metes and bounds within the Orange County parcel identified by Parcel Identifier Number (PIN) 9870-89-2007, described below, shall be rezoned to the Innovative, Light Industrial Conditional Zoning District (LI-CZD):

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.

The property described hereon is subject to all rights-of-way, easements, and restrictions of record.

**SECTION II**

The following conditions are hereby incorporated by reference into the zoning atlas:

1. Expiration of Conditional Zoning Atlas Amendment: That an application for Zoning Compliance Permit must be filed by June 20, 2020 (2 years from the date of this approval) or the land shall revert to its previous zoning designation. [LUMO 4.4.3(j)]
2. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

<b>Uses: All permitted principal and Accessory uses within LI-CZD</b>	
<b>Conditional Uses: Refer to Section Above</b>	
Gross Land Area	919,125 square feet
Net Land Area	835,568 square feet
Total Floor Area Authorized	110,000 square feet
Maximum Height	90 feet
Maximum Impervious Surface Allowed	60%
Minimum Tree Canopy Preserved	20%

[LUMO Articles 3, 4, and 5]

3. Rezoning Plan: That the Rezoning plan dated April 27, 2018 and last revised May 21, 2018, inclusive of the "Project Data" and "Development Commitments" sections, is hereby incorporated into this particular conditional zoning district and is binding upon the land. All subsequent zoning compliance permit applications must demonstrate compliance with the rezoning plan and text contained on the plan and the thresholds contained in Section 4.4.4 of the Land Use Management Ordinance. [LUMO 4.4.3(i)]
4. Annexation: Prior to submittal of the first Zoning Compliance Permit, the property owner must submit a petition for voluntary annexation. [LUMO 3.4.3(b)]
5. Millhouse Road Multi-Use Path: Prior to issuance of the Certificate of Occupancy for the first building on the east parcel, the developer shall complete the path in accordance with the rezoning plan. [LUMO 5.8.1(e)]
6. Easement for Natural Surface Trail: Prior to issuance of the first Certificate of Occupancy, the developer agrees to dedicate a variable-width easement along the property frontage along Old Field Creek for the purpose of constructing and maintaining a public natural surface path along Old Field Creek. The developer agrees to provide a natural surface connection or easement between developed portions of the site and the natural surface trail. Conditions of the easement will allow for construction and maintenance of a natural surface path, with additional room for other improvements that may be required. The easement will allow access and use by Town maintenance vehicles and personnel, and pedestrians. The Final Plans submitted for the first Zoning

Compliance Permit shall designate the specific location of the area to be dedicated as a variable-width pedestrian and non-motorized vehicle easement.

7. Trip Generation Estimate Required: The developer must submit trip generation estimates with each Zoning Compliance Permit application. The Town Traffic Engineer must determine whether or not the estimate is consistent with the traffic impact analysis or if an update is required. [LUMO 5.8.1(g)]
8. Transit Stop Payment-in-Lieu: Should Chapel Hill Transit initiate or develop a service plan that includes regular bus service along Millhouse Road prior to any application for Final Plans Zoning Compliance Permit, developer must submit a one-time payment-in-lieu of \$10,000 of transit stop improvements, including a bus shelter, real-time bus arrival display, and LED lighting and any related appurtenant features, to the Town of Chapel Hill prior to issuance of the final certificate of occupancy associated with the Zoning Compliance Permit that required the payment-in-lieu. [LUMO 5.8.1(d-e)]
9. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit a Transportation Management Plan, subject to Town Manager approval. [LUMO 4.4.3]
10. Energy Management Plan: Prior to issuance of each Zoning Compliance Permit, the developer shall provide an Energy Management Plan (EMP) for Town approval. The plan shall incorporate a "20 percent more energy efficient" feature to outperform the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) energy efficiency standard in place at the time of approval. The developer shall provide, prior to Certificate of Occupancy, a letter sealed by a licensed professional engineer, showing the anticipated energy performance of the building, as designed and built, which satisfies the "20 percent more energy efficient" expectation. [LUMO 4.4.3]

### **SECTION III**

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

This the 20<sup>th</sup> day of June, 2018.