

ORDINANCE A

(Enacting the Zoning Atlas Amendment)

AN ORDINANCE AMENDING THE TOWN OF CHAPEL HILL ZONING ATLAS TO APPLY THE WC-5 AND WC-7 SUBDISTRICTS TO PROPERTIES IN THE BLUE HILL DISTRICT (2018-06-27/O-6)

WHEREAS, on May 12, 2014, the Town Council amended the Land Use Management Ordinance to establish Form District Regulations for the Ephesus Church Road/Fordham Boulevard area of Chapel Hill; and

WHEREAS, the Council finds that the redevelopment of the Ephesus Church Road/Fordham Boulevard area is appropriate and especially significant to the preservation of the visual character of the Town and is one where a Special Appearance District is appropriate; and

WHEREAS, this area of Chapel Hill was rebranded as the Blue Hill District in August 2017 based on a decision of the area's property owners; and

WHEREAS, the Council has continued to monitor performance measures in the Blue Hill District and has responded to community concern by working to improve the Form District Regulations; and

WHEREAS, on March 14, 2018, Council Members petitioned the Mayor and Town Manager to consider solutions in a timely manner for the Blue Hill District that would address community interests including increasing non-residential development, accomplishing the existing goal of 300 new affordable housing units, and addressing building size and massing concerns; and

WHEREAS, on June 27, 2018, the Council of the Town of Chapel Hill amended the Land Use Management Ordinance to establish new Subdistricts within the Form District Regulations that are intended to increase non-residential development; and

WHEREAS, the Council has considered a Town-initiated proposal to amend the Town of Chapel Hill Zoning Atlas to apply the new Subdistricts to certain properties in the Blue Hill District; and

WHEREAS, upon consideration the Council finds that the amendment is reasonable and is warranted, because of changed or changing conditions in the area or in the jurisdiction generally, and in order to achieve the purposes of the Comprehensive Plan including but not limited to:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal A Place for Everyone.1)
- A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)
- Foster success of local businesses (Goal Community Prosperity and Engagement.2)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal Good Places, New Spaces.5)

- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8).

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Zoning Atlas is amended as follows:

SECTION 1

Legal Description of properties on the southeast side of Franklin Street to be rezoned from Walkable Mixed Use – 7 (WX-7) to Walkable Commercial – 7 (WC-7).

Beginning at a point, said point being on the south right of way of East Franklin Street (15-501A), said point also being the northwest corner of the property now or formerly owned by Little & Cloniger Partnership as shown on Plat Book (PB) 85, Pg. 28 and described in Deed Book (DB) 1665, Pg. 399 as recorded in the Orange County Register of Deeds office located in Hillsborough, NC, said point also being the northeast corner of the property now or formerly owned by Columbia II Village Plaza, LLC as described in DB 5511, Pg. 187 of the aforementioned Orange County Registry; running thence with the property lines of the aforementioned Little & Cloniger Partnership and Columbia II Village Plaza, LLC in southeasterly direction approximately 686 feet to a point, the southeast corner of the aforementioned Columbia II Village Plaza, LLC property, said point also being the northeast corner of the property now or formerly owned by BIR Chapel Hill, LLC as described in DB 6279, Pg. 581 of the aforementioned Orange County Registry; running thence with the east line of the aforementioned BIR Chapel Hill, LLC and the west line of the aforementioned Little & Cloniger Partnership properties in a southeasterly direction approximately 298.94 feet to a point, the southwest corner of the aforementioned Little & Cloniger Partnership; running thence with the property lines of the aforementioned Little and Cloniger Partnership and BIR Chapel Hill, LLC in a northeasterly direction approximately 29.21 feet to a point, said point being on the north line of the property now or formerly owned by RRPIV Village Plaza Chapel Hill LP as described in DB 6458, Pg. 509 of the aforementioned Orange County Registry; running thence with the property lines of the aforementioned Little and Cloniger Partnership and RRPIV Village Plaza Chapel Hill LP in a northeasterly direction approximately 54.31 feet to a point, the southeast corner of the aforementioned Little & Cloniger Partnership property, said point also being the southwest corner of the property now or formerly owned by Federal Realty Investment Trust as shown on PB 90, Pg. 28 and described in DB 621, Pg. 127 of the aforementioned Orange County Registry; running thence with the east line of the aforementioned Little & Cloniger Partnership property and the west line of the aforementioned Federal Realty Investment Trust in a northwesterly direction approximately 551.37 feet to a point; running thence with the aforementioned Little & Cloniger Partnership and Federal Realty Investment Trust property line in a northwesterly direction approximately 131.99 feet to a point; running thence with the aforementioned Little & Cloniger Partnership and Federal Realty Investment Trust line in a northwesterly direction approximately 67.44 feet to a point; running thence with the aforementioned Little & Cloniger Partnership and Federal Realty Investment Trust line in a northeasterly direction approximately 68.26 feet to a point; running thence with the aforementioned Little & Cloniger Partnership and Federal Realty Investment Trust line in a northeasterly direction to a point, said point also being the southeast corner of the property now or formerly owned by Ronald T. and Teresa C. Ragan as shown on PB 11, Pg. 15 and described in DB 1208, Pg. 124 of the aforementioned Orange County Registry; running thence with the west line of the aforementioned Federal Realty Investment Trust property and the east line of the aforementioned Ronald T. and Teresa C. Ragan property in a northeasterly direction approximately 150 feet to a point on the south right of way of the aforementioned East Franklin Street, said point also being the northwest corner of the aforementioned Federal Realty Investment Trust, said point also being the northeast corner of the aforementioned Ronald T. and Teresa C. Ragan property; running thence in a northwesterly direction and perpendicular to the right of way of East Franklin Street to a point in the centerline of East Franklin Street; running thence with the centerline of East Franklin Street in a southwesterly direction to a point, said point being perpendicular to the northwest corner of the property owned by the aforementioned Little & Cloniger Partnership; running thence in a southeasterly direction to a point on the southern right of way of East Franklin Street, the point and place of beginning, including Property PIN's 9799250069 and 9799250408.

SECTION 2

Legal Description of property on the northeast side of Ephesus Church Road to be rezoned from Walkable Mixed Use – 7 (WX-7) to Walkable Commercial – 7 (WC-7).

Beginning at a point, said point being on the north right of way of Ephesus Church Road (NC Secondary Road 1742), said point also being located N 43° 54' 49" W approximately 120.96 feet from an existing iron pipe located on the northwest intersection of the rights of way of the aforementioned Ephesus Church Road and American Legion Road as shown on Plat Book (PB) 114, Pg. 161 as recorded in the Orange County Register of Deeds Office located in Hillsborough, NC, said point also being the southeast corner of the property now or formerly owned by Colonial Motors, Inc. as described in DB 188, Pg. 630 of the aforementioned Orange County Registry, said point also being the northwest corner of the property now or formerly owned by Diako Construction, Inc. as described in DB 3973, Pg. 521 of the aforementioned Orange County Registry; running thence with the property line of the aforementioned Colonial Motors, Inc. and Diako Construction, Inc. in a northeasterly direction approximately 141.62 feet to a point, the northeast corner of the aforementioned Diako Construction, Inc. property, said point also being the northwest corner of the property now or formerly owned by VCA Real Property Acquisition Corp. as described in DB 5793, Pg. 563 of the aforementioned Orange County Registry; running thence with the property line of the aforementioned Colonial Motors, Inc. and VCA Real Property Acquisition Corp. in a northeasterly direction approximately 24.37 feet to a point; running thence with the line of the aforementioned Colonial Motors, Inc. and VCA Real Property Acquisition Corp. along a curve to the left having a radius of 32 feet approximately 50 feet to a point; running thence with the property line of the aforementioned Colonial Motors, Inc. and VCA Real Property Acquisition Corp. in a northeasterly direction approximately 173.50 feet to a point, the northeast corner of the aforementioned VCA Real Property Acquisition Corp. property, said point also being the northwest corner of the property now or formerly owned by REA Landcom, Inc. as described in DB 6125, Pg. 292 of the aforementioned Orange County Registry; running thence with the property line of the aforementioned Colonial Motors, Inc. and REA Landcom, Inc. in a northeasterly direction approximately 235.80 feet to a point in the western line of the property now or formerly owned by DRMTA, LLC as shown on PB 116, Pg. 41 and described in DB 6337, Pg. 503 of the aforementioned Orange County Registry, said point also being the northwest corner of the aforementioned REA Landcom, Inc. property, said point also being the northeast corner of the aforementioned Colonial Motors, Inc. property; running thence with the line of the aforementioned Colonial Motors, Inc. and DRMTA, LLC properties in a northwesterly direction approximately 171 feet to a point, the northwest corner of the aforementioned Colonial Motors, Inc. property; running thence with the line of the aforementioned Colonial Motors, Inc. and DRMTA, LLC properties in a southwesterly direction approximately 597.50 feet to a point on the north right of way of the aforementioned Ephesus Church Road; running thence in a southwesterly direction and perpendicular to the right of way of Ephesus Church Road to a point in the centerline of Ephesus Church Road; running thence with the centerline of Ephesus Church Road in a southeasterly direction to a point, said point being perpendicular to the southeast corner of the property owned by the aforementioned Colonial Motors, Inc.; running thence in a northeasterly direction to a point on the north right of way of Ephesus Church Road, the point and place of beginning, including Property PIN 9799355664.

SECTION 3

Legal description of properties on the northwest side of Legion Road to be rezoned from Walkable Mixed Use – 5 (WX-5) to Walkable Commercial – 5 (WC-5).

Beginning at a point, said point being on the north right of way of Ephesus Church Road (NC Secondary Road 1742), said point also being located N 43° 54' 49" W approximately 120.96 feet from an existing iron pipe located on the northwest intersection of the rights of way of the aforementioned Ephesus Church Road and American Legion Road as shown on Plat Book (PB) 114, Pg. 161 as recorded in the Orange County Register of Deeds Office located in Hillsborough, NC, said point also being the southeast corner of the property now or formerly owned by Colonial Motors, Inc. as described in DB 188, Pg. 630 of the aforementioned Orange County Registry, said point also being the

northwest corner of the property now or formerly owned by Diako Construction, Inc. as described in DB 3973, Pg. 521 of the aforementioned Orange County Registry; running thence with the property line of the aforementioned Colonial Motors, Inc. and Diako Construction, Inc. in a northeasterly direction approximately 141.62 feet to a point, the northeast corner of the aforementioned Diako Construction, Inc. property, said point also being the northwest corner of the property now or formerly owned by VCA Real Property Acquisition Corp. as described in DB 5793, Pg. 563 of the aforementioned Orange County Registry; running thence with the property line of the aforementioned Colonial Motors, Inc. and VCA Real Property Acquisition Corp. in a northeasterly direction approximately 24.37 feet to a point; running thence with the line of the aforementioned Colonial Motors, Inc. and VCA Real Property Acquisition Corp. along a curve to the left having a radius of 32 feet approximately 50 feet to a point; running thence with the property line of the aforementioned Colonial Motors, Inc. and VCA Real Property Acquisition Corp. in a northeasterly direction approximately 173.50 feet to a point, the northeast corner of the aforementioned VCA Real Property Acquisition Corp. property, said point also being the northwest corner of the property now or formerly owned by REA Landcom, Inc. as described in DB 6125, Pg. 292 of the aforementioned Orange County Registry; running thence with the property line of the aforementioned Colonial Motors, Inc. and REA Landcom, Inc. in a northeasterly direction approximately 235.80 feet to a point in the western line of the property now or formerly owned by DRMTA, LLC as shown on PB 116, Pg. 41 and described in DB 6337, Pg. 503 of the aforementioned Orange County Registry, said point also being the northwest corner of the aforementioned REA Landcom, Inc. property, said point also being the northeast corner of the aforementioned Colonial Motors, Inc. property; running thence with the line of the aforementioned REA Landcom, Inc. and DRMTA, LLC properties in a southeasterly direction approximately 169.30 feet to a point on the west right of way of the aforementioned American Legion Road, said point also being the northeast corner of the aforementioned REA Landcom, Inc. property; running thence in a southeasterly direction and perpendicular to the right of way of American Legion Road to a point in the centerline of American Legion Road; running thence with the centerline of American Legion Road in a southwesterly direction to a point in the centerline of the intersection of the aforementioned American Legion Road and the aforementioned Ephesus Church Road; running thence with the centerline of Ephesus Church Road in a northwesterly direction to a point, said point being perpendicular to the southeast corner of the property owned by the aforementioned Colonial Motors, Inc. property, said point also being perpendicular to the northwest corner of the aforementioned Diako Construction, Inc. property; running thence in a northeasterly direction to a point on the north right of way of Ephesus Church Road, the point and place of beginning, including PIN's 9799354382, 9799355461 and 9799358624.

SECTION 4

This ordinance shall be effective upon enactment.

This the 27th day of June, 2018.