

## **ORDINANCE A (APPROVING THE REZONING)**

(Rezoning from Residential-2 (R-2) to Residential-5-Conditional (R-5-C))

### **AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE PROPERTY AT 2217 HOMESTEAD ROAD FROM RESIDENTIAL-2 (R-2) TO RESIDENTIAL-5-CONDITIONAL (R-5-C)(2019-04-10/O-7)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application from Gurlitz Architectural Group, PA, to rezone property, located at 2217 Homestead Road, from Residential-2 (R-2) to Residential-5-Conditional (R-5-C) and finds that the amendment, if enacted, is in the public's interest and is warranted, to achieve the purposes of the Comprehensive Plan, including, but not limited to:

- A range of housing options for current and future residents (Goal-Place for Everyone.3)
- Promote a safe, vibrant, and connected (physical and person) community (Goal-Community Prosperity and Engagement.3)
- 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 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)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal-Nurturing Our Community.8)
- Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (Goal-Town and Gown Collaboration.1)
- Promote access for all residents to health-care centers, public services, and active lifestyle opportunities (Goal-Town and Gown Collaboration.6)

WHEREAS, the Charter of the Town of Chapel Hill allows the Town to grant a density bonus to a developer of housing within the Town if the developer agrees to construct a percentage, as set out in the Charter, of a proposed housing development for persons of low or moderate income; and

WHEREAS, the Town of Chapel Hill Town Council has an adopted policy (See Resolution 2000-03-06/R-4, as modified by Resolution 2009-01-26/R-7) (the Policy) which provides that when an application for rezoning is submitted the Council has an expectation that the applicant will provide a percentage of affordable housing in the increased density allowed by the rezoning; and

WHEREAS, the developer and property owner have agreed, as a condition of this rezoning, to an Agreement Regarding Conditions Pertaining to the Provision of Affordable Housing in Connection with a Proposed Conditional Use District Rezoning that, among other things provides ten (10) percent (twenty (20) dwelling units) of the dwelling units as affordable to households earning no more than 60 percent of the Area Median Income for a period of thirty (30) years; and

WHEREAS, the Council finds that the Agreement Regarding Conditions Pertaining to the Provision of Affordable Housing in Connection with a Proposed Conditional Use District Rezoning is sufficient to meet the Town's Policy and warrant the rezoning of the property requested in this case.

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

### **SECTION 1**

The Orange County parcel identified by Parcel Identification Number 9870-90-7548 along with one-half of the abutting right-of-way of Homestead Road on the north side of the parcel are being rezoned from Residential-2 (R-2) to Residential-5-Conditional (R-5-C).

The following metes and bounds describes the boundaries on PIN 9870-90-7548:

All that certain tract or parcel of land situated, lying and being on the south side of Homestead Road, near the Town of Chapel Hill, N.C. and being part of the Frank C. Maddry farm and adjoining said road, C.Y. Tilson's property, C.F. Lloyd's property and other property of Frank C. Maddry and wife and more particularly described as BEGINNING at an iron stake in the South side of said Homestead Road, the Northeast corner of the Tilson land; running thence from said beginning point and with the said Tilson's Eastern line South  $1^{\circ} 12' 30''$  East 1,310.93 feet to an iron stake in the Northern property line of the property of the University of North Carolina; running thence with the said University's Northern property line, South  $89^{\circ} 44' 33''$  East 382.30 feet to the corner of the C.F. Lloyd property; running thence with the Western property line of said C.F. Lloyd property, North  $2^{\circ} 25' 30''$  West 791.34 feet to a corner of the Lloyd property in the Maddry line; running thence with the said Frank C. Maddry's line South  $85^{\circ} 34' 30''$  West 149.30 feet to an iron and North  $1^{\circ} 58' 30''$  West 521.23 feet to an iron stake in the Southern right-of-way line of said Homestead Road; running thence with the Southern right-of-way line of said Homestead Road North  $86^{\circ} 38'$  West 210.00 feet to an iron, the place and point of BEGINNING.

### **SECTION II**

This rezoning is conditioned on the approval of a Special Use Permit which includes the affordable housing components agreed to by the Developer and the Property Owner and acceptance by the recipient of the Special Use Permit for the development of this Property.

### **SECTION III**

All ordinances and portions of ordinances in conflict are hereby repealed.

This the 20<sup>th</sup> day of March, 2019 (First Reading).

This the 10<sup>th</sup> day of April, 2019 (Second Reading).