

ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 1751 DOBBINS DRIVE TO OFFICE/INSTITUTIONAL-2-CONDITIONAL ZONING DISTRICT (OI-2-CZD) (PROJECT #21-023)

WHEREAS, the Council of the Town of Chapel Hill has considered a modification to an application for a Conditional Zoning Atlas Amendment submitted by Keith Shaw AIA, Shaw Design Associates, to rezone a 0.5-acre parcel located at 1751 Dobbins Drive on property identified as Orange County Property Identifier Number 9799-58-6643, to modify the Conditional Zoning Ordinance approved on November 13, 2019, to allow up to 7,500 square feet of office use 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 welcoming and friendly community that provides all people with access to opportunities (*Goal A Place for Everyone.4*)
- Balance and sustain finances by increasing revenues and decreasing expenses (*Goal Community Prosperity & Engagement.1*)
- Foster success of local businesses (*Goal Community Prosperity & Engagement.2*)
- Promote a safe, vibrant, and connected (physical and person) community (*Goal Community Prosperity & Engagement.3*)
- 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 community that has a parking system based on strategies that support the overall goals of a holistic transportation system (*Goal Getting Around.8*)
- 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 Communities.8*)

WHEREAS, the application, if rezoned to Office/Institutional-2-Conditional Zoning District (OI-2-CZD) according to the rezoning plan dated July 24, 2019, and the conditions listed below would:

- a) Conform with the applicable provisions of the Land Use Management Ordinance and Town Code
- b) Conform with the Comprehensive Plan
- c) Be compatible with adjoining uses
- d) Mitigate impacts on surrounding properties and the Town as a whole
- e) Be harmonious with existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities

- f) 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 Office/Institutional-2-Conditional Zoning District (OI-2-CZD):

Business, Office Type, subject to the condition below.

- That the total square footage of business, general and business, office type uses is limited to no more than 7,500 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) 9799-58-6643, described below, shall be rezoned to Office/Institutional-2-Conditional Zoning District (OI-2-CZD):

All of that certain lot or parcel of land situated, lying and being on the North side of the U.S. 15-501 By-Pass or Durham Boulevard from Chapel Hill N. C., and being on the North side of N.C. State Road No. 1740, and being known and designated as Lot No. 6 in Block "A", Lochern property of Mrs. Martha D. Garrard, and more particularly described as BEGINNING at an iron stake in the Southeast corner of Lot No. 6, said point being the Southwest corner of Lot No. 7 and in the right of way line of the said State Road and also being South 65 deg. 38 min. West 200 feet from the Southwest corner of the Couch property; running thence with the West line of Lot No. 7 North 24 deg. 22 min. West 200 feet to an iron stake in the South line of Lot No. 5; running thence with the South line of said Lot No. 5 South 65 deg. 38 min. West 100 feet to the East line of Ken Drive; running thence with the East line of said Ken Drive South 24 deg. 22 min. East 180 feet to an iron stake; running thence an arc in a Southern and Southeastern direction with a radius of 20 Feet for a distance of 31.4 feet to an iron stake in the North property line of said State Road, running thence with said North line of the State Road, North 65 deg. 38 min. East 80 feet to the Beginning, as re-surveyed by Hugh B. McFarling, R. L. S., in October, 1960, and being part of the same land as described in deed from Grace W. Atwood (widow), dated October 3, 1945, and as recorded in the Office of the Register of Deeds of Orange County in Deed Book 122 at Pages 165.

SECTION II

The following conditions are hereby incorporated by reference:

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

Use: Business, Office Type	
Maximum Floor Area	7,500 sq. ft.

All conditions, modifications, and stipulations contained in the Conditional Zoning Ordinance approved on November 13, 2019 and recorded in Book 6636 Page 2339 in the Orange County Register of Deeds Office shall remain in effect, except as modified by this condition.

SECTION III

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

BE IT FURTHER ORDAINED that the Council hereby approves the application for an amendment of the Chapel Hill Zoning Atlas to rezone the property located at 1751 Dobbins Drive to Office/Institutional-2-Conditional Zoning District (OI-2-CZD).

This the ____ day of _____, 2021.