

## ORDINANCE A

(Approving the Conditional Zoning Modification Application)

### **AN ORDINANCE AMENDING THE PREVIOUSLY APPROVED RESIDENTIAL-6-CONDITIONAL ZONING DISTRICT (R-6-CZD) (PROJECT #CZD-24-6) FOR THE PROPERTY LOCATED AT 11 WHITE OAK DRIVE (PROJECT #MOD-26-2) (2026-05-20/O-1)**

WHEREAS, the Council of the Town of Chapel Hill previously considered and approved a Residential-6-Conditional Zoning District for the property located at 11 White Oak Drive, 76 White Oak Drive, 5520 Old Chapel Hill Road, 5522 Old Chapel Hill Road, 5602 Old Chapel Hill Road, 5604 Old Chapel Hill Road, and 5608 Old Chapel Hill Road on property identified as Durham County Property Identifier Number(s) 0709-09-4874, 0709-09-4378, 0709-09-4101, 0709-09-2143, 0709-09-0300, and 0709-09-0161, on June 18, 2025; and

WHEREAS, the Council has considered the application to modify the Conditional Zoning District submitted by ZOM Living on behalf of property owners John McKee Jr. and Anne McKee, Michele Hodgson, and Arshad Mahmood and Kausar Arshad for the aforementioned properties, and finds that the modification is:

- Consistent with the Town's Comprehensive Plan, per NCGS 160D-905; and
- Reasonable and in the public's interest, per NCGS 160D-605;
- Warranted to achieve the purposes of the Comprehensive Plan, per LUMO 4.4

WHEREAS, the application to modify the Conditional Zoning District would, per LUMO 4.4.5(g):

- 1) Conform with the applicable provisions of the Land Use Management Ordinance (LUMO) 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 modifications to regulations satisfies public purposes to an equivalent or greater degree:

- 1) LUMO Section 3.8.2: Dimensional Regulations: Table 3.8-1 Dimensional Matrix Column E Building Height, Setback and Column F Building Height, Core.**  
Increase maximum setback and core building heights to 69.5 feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the height supports development consistent with the Comprehensive Plan while maintaining adequate solar access, privacy, and access

to and around buildings.

### **CONDITIONAL ZONING DISTRICT MODIFICATION**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council finds, in this particular case, the proposed modification to the Conditional Zoning District, subject to the conditions below, satisfies the intent and purposes of the Residential-6-Conditional Zoning District (R-6-CZD).

#### **SECTION I**

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the following conditions are hereby incorporated by reference:

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by a date precisely 2 years from the date of this approval or the land shall revert to its previous zoning designation. [LUMO 4.4.5(I)]
2. Existing Permit: The existing Conditional Zoning Permit dated June 18, 2025, on file at the Town of Chapel Hill Planning Department, and recorded in the Durham County Registry (Book Type: OPR, Book 10465, Page 104) remains in effect except as modified by this ordinance.
3. Consent to Conditions: This approval is not effective until the property owner(s) provides written consent to the approval. Written consent must be provided within ten (10) business days of enactment by the Town Council.
4. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

<b>Land Use Intensity</b>	
Building Height	See Modification 1 (above) and Condition 4 of Existing Permit

#### Miscellaneous

5. Vested Right: This Conditional Zoning constitutes a site-specific vesting plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160D-108.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.
6. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
7. Non-Severability: If any of the above conditions are held to be invalid, approval in its entirety shall be void.
8. Not-Comprehensive: The listing of these specific conditions applicable to this Permit is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER ORDAINED that the Council hereby approves the application for the modification of the Conditional Zoning District for Old Chapel Hill Road Apartments at 11 White Oak Drive.

This the 20th day of May, 2026.