



COMMUNICATIONS & PUBLIC AFFAIRS

Town of Chapel Hill
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REVISED ORDINANCE A (Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE GIMGHOUL CASTLE LOCATED AT 742 GIMGHOUL ROAD FROM RESIDENTIAL-1 (R-1) TO OFFICE/INSTITUTIONAL-1-CONDITIONAL ZONING DISTRICT (OI-1-CZD) (PROJECT #21-044) (2022-06-15/O-2)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by John Bratton, on behalf of owner Gimghoul Corporation, to rezone a 2.3-acre parcel located at 742 Gimghoul Road and identified as Orange County Parcel Identifier Number 9788-96-2765 to Office/Institutional-1-Conditional Zoning District (OI-1-CZD) to allow the expansion of the club 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 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 (Good Places, New Spaces.5)
- 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)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Nurturing Our Community.8)

WHEREAS, the application, if rezoned to Office/Institutional-1-Conditional Zoning District (OI-1-CZD) according to the district-specific plan last revised dated ~~December 7, 2021~~ March 8, 2022, would address the impacts reasonably expected to be generated by the development or use of the site 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

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. **Section 5.6 Landscaping, screening, and buffering:** Modify the Type 'B' 10 foot landscape buffers to maintain existing forested areas in order satisfy some or all of the required buffer plantings required. This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the proposed buffers meet the intent of reducing the visual impact of unsightly aspects of adjacent development, providing separation of spaces and establishing a sense of privacy.
- 2) **Section 5.9.5 Parking Design Standards.** Modify the parking design standards to allow motorcycles, mopeds, and bicycles share the existing on-site vehicular parking.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the existing parking spaces meet the need of the Order of Gimghoul and requiring additional spaces to accommodate these types of vehicles would increase impervious surface and cause further disturbance to sensitive areas, such as steep slopes, and the wooded areas.

CONDITIONAL ZONING DISTRICT

BE IT ORDAINED by the Council of the Town of Chapel Hill finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the purposes of Office/Institutional-1-Conditional Zoning District (OI-1-CZD).

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 Orange County parcel identified by Parcel Identifier Numbers (PIN) 9788-96-2765, described below, shall be rezoned to Office/Institutional-1-Conditional Zoning District (OI-1-CZD):

BEGINNING at a stake located in the southern property line of the easement which runs in an east-west direction from the easternmost end of Gimghoul Road, said beginning point being located by beginning at the stake located in the southern property line of Gimghoul Road, the northeast corner of the Catholic Church property, said stake being also the southwest corner of the easement hereinabove referred to and running thence along and with the southern property line of said easement south 87 degrees 40 minutes east 208.76 feet to a stake; thence further along and with the southern property line of said easement south 48 degrees 38 minutes east 59.72 feet to a stake, the point and place of BEGINNING; thence running from said point and place of beginning, north 22 degrees 14 minutes east 40.00 feet to a stake; thence south 73 degrees 35 minutes east 216.35 feet to a stake; thence south 26 degrees 43 minutes east 166.39 feet to a stake; thence south 27 degrees 10 minutes west 145.94 feet to a stake; thence south 74 degrees 57 minutes west 152.60 feet to a stake; thence north 55 degrees 36 minutes west 151.14 feet to a stake; thence north 05 degrees 41 minutes west 126.04 feet to a stake; thence north 22 degrees 14 minutes east 141.96 feet to a stake, the point and place of BEGINNING and being the property of The Junior Order of The Gimghoul, containing 2.15 acres, more or less, as shown on plat and survey thereof by John R. Grove, Engineer, dated September, 1957 with latest revision dated December 22, 1975 and recorded in Register of Deeds of Orange County in Plat Book 26, at Page 49, to which plat reference is hereby made for a more particular description of same.

SECTION II

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

[See conditions in Planning or CaPA packet files. Removed from Code Reference because it is specific to project and not general Code.]

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Conditional Zoning for Gimghoul Castle at 742 Gimghoul Road.

This the 15th day of June, 2022.