

MEMORANDUM

TO: All Departments
FROM: Brittney Hunt, Town Clerk
SUBJECT: Update to Code of Ordinances
DATE: April 16, 2025

The attached ordinance(s) amending the Chapel Hill Town Code of Ordinances were enacted.
Please insert the ordinances in your Code book as follows:

Ordinance Number

Insert Before

2025-04-09/O-6

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CDA:294

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REVISED ORDINANCE A
(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 200 SOUTH ELLIOTT ROAD FROM OFFICE/INSTITUTIONAL-2 (OI-2) AND RESIDENTIAL-5 (R-5) TO MIXED USE VILLAGE-CONDITIONAL ZONING DISTRICT (MU-V-CZD) (PROJECT #CZD-24-4) (2025-04-09/O-6)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by McAdams, on behalf of property owner SPIKE LLC, to rezone an 4.01-acre site located at 200 South Elliott Road, 1 Couch Road, and 3 Couch Road on property identified as Orange County Property Identifier Numbers 9799-14-5239, 9799-14-2352, and 9799-14-0340, to allow development of a mixed-use building and finds that the amendment to the Zoning Atlas is:

- Consistent with the Town's Comprehensive Plan, per NCGS 160D-605; and
- Reasonable and in the public's interest, per NCGS 160D-605;
- Warranted because of changing conditions and warranted to achieve the purposes of the Comprehensive Plan, per Land Use Management Ordinance (LUMO) 4.4

WHEREAS, the application, if rezoned according to the district-specific plan dated July 2, 2024 and last revised October 25, 2024, and the conditions listed below would, per LUMO 4.4.3(f):

- 1) Conform with the applicable provisions of the 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 3.4.6 The Mixed Use-Village (MU-V) Conditional Zoning District: Subsection (c) Land use categories:** Decrease the required mix of floor area devoted to office/commercial uses from a minimum of 120,046 sq. ft. (twenty-five (25) percent) to a minimum of 4,000 sq. Ft. (0.8 percent)

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the alternative option would be to rezone to a district without any commercial uses allowed.

- 2) **LUMO Section 3.6.3 Resource Conservation District (RCD): Table 3.6.3-3 Dimensional Regulations in Resource Conservation District:** Modify dimensional regulations as shown below:

Standard	LUMO Standard	Modification Requirement
Stream Side Zone Floor area ratio	1%	25% (2,889 sq. ft.)
Stream Side Zone Impervious surface ratio	10%	75% (8,760 sq. ft.)
Stream Side Zone Disturbed area	20%	100% (11,769 sq. ft.)

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because there are not practical alternatives to develop the site while meeting RCD Dimensional Regulations.

- 3) **LUMO Section 3.6.3 Resource Conservation District: Table 3.6.3-3 Permitted Uses within Resource Conservation District:** Expand uses to include all uses permitted in MU-V-CZD.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because there are not practical alternatives to develop the site while meeting RCD Dimensional Regulations.

- 4) **LUMO Section 3.8 Dimensional Standards: Table 3.8-1: Dimensional Matrix**
Increase the setback building height maximum from 44 feet to 70 feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because an increase in the building height at the setback will align the design of this building with those of the Blue Hill District across South Elliott Road.

- 5) **LUMO Section 3.8 Dimensional Standards: Table 3.8-1: Dimensional Matrix**
Decrease the Solar Setback minimum from 20 feet to 10 feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the properties to the north of this site are developed in a way that would not result in a negative impact from shadows due to this development.

- 6) **LUMO Section 3.8 Dimensional Standards: Table 3.8-1: Dimensional Matrix**
Eliminate the maximum Floor Area Ratio (FAR) and refer to the Maximum Floor Area in Land Use Intensity table

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because more intense development encourages multi-modal transportation options and improves the viability of commercial sites near the

development.

- 7) LUMO Section 5.3.2 Steep Slopes: Subsection (f) Disturbance Limitations:** Increase allowed disturbance of onsite steep slopes from 25 percent to 100 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the existing steep slopes are a small portion of the project area.

- 8) LUMO Section 5.6 Landscaping, screening and buffering: Subsection 5.6.6 Schedule of required buffers:** Modify required buffer widths and planting counts as shown below, and with no modified buffers being eligible for an alternative buffer request:

Buffer	LUMO Standard	Modification Requirement
Signature Healthcare (North)	Type C – 20 ft.	Type C Modified – 0-10 ft.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because a reduction in buffers will increase pedestrian accessibility and aligns with neighborhood character.

- 9) LUMO Section 5.7 Tree Protection: Table 1: Minimum Tree Canopy Coverage Standards:** Decrease Minimum Tree Canopy Coverage from 40 percent to 15 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because reduced tree canopy accommodates the benefits of more intense development.

CONDITIONAL ZONING DISTRICT

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the intent and purposes of the Mixed Use Village-Conditional Zoning District (MU-V-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(s) identified by Parcel Identifier Numbers (PIN) 9799-14-5239, 9799-14-2352, 9799-14-0340, described below, along with the area extending to the centerline of the adjoining South Elliot Road and Couch Road rights-of-way, shall be rezoned to Mixed Use-Village-Conditional Zoning District (MU-V-CZD):

PARCEL 1 – 9799-14-0340 - 1 Couch Road

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN THE TOWN OF CHAPEL HILL, ORANGE COUNTY, NORTH CAROLINA, AND BEGINNING AT A STAKE IN THE NORTHERN LINE OF AN UNNAMED ROAD (COUCH LANE) WHICH STAKE IS LOCATED SOUTH 70° EAST 198 FEET FROM THE EASTERN MARGIN OF U.S. 15-501 (DURHAM ROAD); RUNNING THENCE WITH THE EASTERN MARGIN OF LLOYD PROPERTY NORTH 43° 30' EAST 193 FEET TO AN IRON STAKE; RUNNING THENCE SOUTH 63° 11' EAST 277.80 FEET TO AN IRON STAKE IN THE PROPERTY OF CREEL; RUNNING THENCE SOUTH 9° 03' WEST 89.5 FEET, MORE OR LESS, TO AN IRON STAKE IN THE NORTHERN PROPERTY LINE OF SAID LANE; RUNNING THENCE WITH THE NORTHERN PROPERTY LINE OF SAID UNNAMED ROAD (COUCH LANE) SOUTH 88° 10' WEST 107.3 FEET TO AN IRON STAKE; CONTINUING THENCE ALONG SAID LANE NORTH 70° WEST 280 FEET, MORE OR LESS, TO THE POINT AND PLACE OF BEGINNING AND BEING APPROXIMATELY 1.10 ACRES, MORE OR LESS, LESS AND EXCEPT THAT 10,844 SQ FT PARCEL CONVEYED TO RASHKIS BY DEED OF RECORD AT BOOK 482 PAGE 558, ORANGE COUNTY REGISTRY.

PARCEL 2

TRACT 1 OF PARCEL 2 – 9799-14-5239 - 200 S. Elliott Road

BEGINNING AT A POINT IN THE WESTERN LINE OF SOUTH ELLIOT ROAD IN THE TOWN OF CHAPEL HILL, THE SOUTHEAST CORNER OF FIRST CITIZENS BANK & TRUST COMPANY, RUNNING THENCE ALONG THE WESTERN LINE OF SAID ROAD SOUTH 04° 33' EAST 66.69 FEET TO AN IRON STAKE, SOUTH 59° 34' 30" WEST 11.31 FEET TO AN IRON STAKE, AND SOUTH 02° 09' 47" EAST 477.60 FEET TO AN OLD IRON NEAR THE NORTHERN MARGIN OF COUCH LANE; RUNNING THENCE SOUTH 02° 09' 47" EAST 13.82 FEET TO A POINT IN THE CENTER LINE OF COUCH LANE; RUNNING THENCE WITH THE CENTER LINE OF COUCH LANE NORTH 65° 48' 12" WEST 137.57 FEET, NORTH 40° 45' 59" WEST 103.00 FEET, NORTH 17° 26' 14" WEST 96.16 FEET AND NORTH 39° 08' 57" WEST 29.16 FEET; RUNNING THENCE NORTH 03° 29' 45" EAST 285.55 FEET TO AN IRON STAKE; RUNNING THENCE WITH THE SOUTHERN LINE OF FIRST CITIZENS BANK & TRUST COMPANY SOUTH 87°56'53" EAST 148.64 FEET AND NORTH 59° 34' 30" EAST 69.50 FEET TO THE BEGINNING, CONTAINING 2.30 ACRES, MORE OR LESS, PLUS A SMALL PARCEL OF LAND LYING AT THE NORTHEAST CORNER OF SAID 2.30 ACRES, ALL AS SHOWN ON PLAT OF FREEHOLD LAND SURVEYS, INC., ENTITLED "PROPERTY OF MAMIE YEAGER," DATED DECEMBER 20, 1976.

THIS CONVEYANCE IS MADE SUBJECT TO A THIRTY-FOOT WIDE EASEMENT, MORE OR LESS, ALONG THE NORTHERN LINE OF THE PREMISES FOR A ROAD AND SIDEWALK. THERE IS ALSO CONVEYED HERewith ALL THE RIGHT, TITLE AND INTEREST OF PARTY OF THE FIRST IN EASEMENTS OVER SURROUNDING PROPERTIES WHICH SERVE THE PROPERTIES WHICH SERVE THE PREMISES HEREBY CONVEYED.

TRACT 2 OF PARCEL 2 – 9799-14-5239 - 200 S. Elliott Road

BEGINNING AT AN IRON STAKE LOCATED IN THE NORTHWESTERN CORNER OF THE PROPERTY OF E. AND E. PROPERTIES, INC., ACCORDING TO PLAT BOOK 18, PAGE 100, ORANGE COUNTY REGISTRY; RUNNING THENCE FROM SAID BEGINNING POINT ALONG THE EASTERN PROPERTY LINE OF PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INC. SOUTH 02° 09' 23" EAST 477.79 FEET TO AN IRON STAKE; RUNNING THENCE WITH A NEW LINE NORTH 49° 47' 59" EAST 71.82 FEET TO A STAKE LOCATED IN THE WESTERN RIGHT-OF-WAY ELLIOTT ROAD, RUNNING THENCE WITH THE WESTERN

RIGHT-OF-WAY OF ELLIOTT ROAD THE FOLLOWING COURSES AND DISTANCES; A TONG THE CURVE OF A CIRCLE TO THE RIGHT HAVING A RADIUS OF 219.12 FEET AND A LENGTH OF 145.49 FEET TO A STAKE, AND NORTH 02° 09' 23" WEST 304.32 FEET TO A STAKE; RUNNING THENCE SOUTH 59° 34' 30" WEST 11.31 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 7,595.00 SQUARE FEET, ACCORDING TO THE UNRECORDED PLAT AND SURVEY THEREOF, PREPARED BY FREEHOLD LAND SURVEYS, INC., DATED SEPTEMBER 11, 1981.

LESS AND EXCEPT FROM THE ABOVE DESCRIBED PARCEL 1 AND PARCEL 2, THE FOLLOWING DESCRIBED PROPERTY WHICH WAS CONVEYED BY DEED DATED SEPTEMBER 7 1983 AND RECORDED IN BOOK 435, PAGE 500, WAKE COUNTY REGISTRY, BUT RESERVING AN ACCESS EASEMENT.

BEGINNING AT A STAKE IN THE WESTERN EDGE OF THE RIGHT OF WAY OF ELLIOTT ROAD, THE SOUTHEAST CORNER OF THE PROPERTY OF PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INC., AS SHOWN ON THE PLAT OF THE SURVEY BY FREEHOLD LAND SURVEYS, INC. DATED SEPTEMBER 11, 1981, AND RECORDED IN PLAT BOOK 34, PAGE 106, ORANGE COUNTY REGISTRY; THENCE NORTHWARD ALONG AND WITH THE WESTERN EDGE OF THE RIGHT OF WAY ALONG A CURVE HAVING A RADIUS OF 219.12 FEET A DISTANCE OF 60 FEET TO A STAKE; THENCE A NEW LINE SOUTH 50° 44' 02" WEST 123.07 FEET TO A STAKE IN THE ARGEL M. WOMBLE LINE AS SHOWN ON THE PLAT OF SURVEY BY FREEHOLD LAND SURVEYS, INC. DATED FEBRUARY 18, 1980 OF PROPERTY OF PUBLIC SERVICE COMPANY OF NC, INC.; THENCE ALONG AND WITH THE WOMBLE LINE SOUTH 65° 48' 12" EAST 80 FEET; THENCE NORTH 02° 09' 47" WEST 13.82 FEET; THENCE NORTH 49° 47' 59" EAST 71.82 FEET TO THE STAKE, THE POINT AND PLACE OF BEGINNING, AND BEING A SIXTY FOOT RIGHT OF WAY TO PROVIDE FRONTAGE FOR THE WOMBLE PROPERTY ON ELLIOTT ROAD AND MEANS OF ACCESS.

TRACT 3 – 9799-14-2352 - 3 Couch Road

BEGINNING AT AN IRON LOCATED IN THE WESTERN BOUNDARY OF THAT 2.359 ACRE TRACT CONVEYED TO SPIKE, LLC BY DEED OF RECORD AT BOOK 2167 PAGE 347, ORANGE COUNTY REGISTRY ("THE SPIKE TRACT"); WHICH IRON IS LOCATED SOUTH 02° 45' 00" WEST 122.55 FEET FROM AN IRON AT THE NORTHWEST CORNER OF THE SPIKE TRACT; RUNNING THENCE FROM SAID BEGINNING POINT WITH THE WESTERN BOUNDARY OF THE SPIKE TRACT SOUTH 02° 45' 00" WEST 153.45 FEET TO AN IRON; THENCE NORTH 84° 31' 16" WEST 227.83 FEET TO AN IRON; THENCE NORTH 10° 09' 43" EAST 13.03 FEET TO AN IRON; THENCE NORTH 10° 09' 43" EAST 76.04 FEET TO AN IRON; THENCE NORTH 09° 33' 33" EAST 154.27 FEET TO AN IRON; THENCE SOUTH 60° 41' 00" EAST 221.14 FEET TO AN IRON, THE PLACE AND POINT OF BEGINNING; AND CONTAINING 0.981 ACRES. AS SHOWN BY PLAT OF SURVEY BY FREEHOLD LAND SURVEYS, INC., ENTITLED, "BOUNDARY SURVEY, PROPERTY SURVEYED FOR SPIKE, LLC," DATED JUNE 10, 2004, DESIGNATED 8108B.

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 stipulations in Planning or Governance Services packet file. Removed from Code Reference because it is specific to project and not general code.]

BE IT FURTHER ORDAINED that the Council hereby approves the application for Conditional Zoning for Aura South Elliott at 200 South Elliott Road.

This the 9th day of April, 2025.