



## ZONING AMENDMENT APPLICATION ANALYSIS: 1200 MLK

The following Technical Report provides a staff analysis of the Zoning Atlas Amendment application based on long-range planning considerations, identifying arguments in favor and arguments opposed. The application would effect a change to the current zoning and permitted types and intensities of land uses.

<b>PROPERTY ADDRESS</b> 1200 and 1204 Martin Luther King Jr Blvd	<b>APPLICANT</b> Jeremy Anderson, Coulter Jewell Thames PA
<b>CURRENT ZONING DISTRICT</b> R-4	<b>PROPOSED ZONING DISTRICT</b> NC (Convenience Store portion) OI-2 (Self-Storage portion) OI-2 with PD-H (Mobile Home Park portion)
<b>2020 LAND USE PLAN DESIGNATION</b> Commercial (existing Convenience Store) Medium Residential, 4-8 unit/ac (existing Mobile Home Park)	<b>2020 FUTURE FOCUS AREA</b> S MLK Jr Blvd
<b>APPLICABLE SMALL AREA PLANS</b> None	
<b>SUMMARY OF ARGUMENTS IN FAVOR</b> <ul style="list-style-type: none"> <li>• The proposed rezoning would not significantly change allowable building floor area or building height, and could be considered an incremental change in permitted development intensity</li> <li>• The concurrent SUP process provides an opportunity to establish standards that address any impacts on surrounding properties</li> <li>• The proposed rezoning is consistent with the site’s Land Use Categories as identified on the 2020 Land Use Plan</li> <li>• The 2020 Land Use Plan shows the site within a Focus Area</li> <li>• The proposed NC rezoning is adjacent to other properties zoned NC</li> <li>• The site is located on a major arterial corridor (Martin Luther King Jr Blvd) and near a station for future Bus Rapid Transit service. Transportation infrastructure could support more intense use</li> <li>• The Mobility Plan proposes expansion of the multimodal network in the area, including off-road facilities and connections to BRT stations</li> <li>• The development pattern of the corridor indicates incremental commercial development, along with expansion and redevelopment on underutilized sites</li> <li>• The proposed condition to retain existing mobile homes would support Comprehensive Plan goals for a range of housing options and a range of neighborhood types</li> <li>• The mobile home park is over 35 years old and development conditions in the area have changed since it was established</li> <li>• The proposal adds commercial facilities, which the applicant states are in demand and/or need expansion to meet modern standards</li> </ul>	
<b>SUMMARY OF ARGUMENTS OPPOSED / MORE INFORMATION NEEDED</b> <ul style="list-style-type: none"> <li>• The proposed new uses are typically considered to be vehicle-oriented and not associated with bicycle, pedestrian, or transit activity</li> <li>• The applicant should provide more information in the narrative, including available utilities and site conditions that pose hazards, to demonstrate whether the proposal meets locational criteria for PD-H</li> <li>• The applicant’s mobile home relocation plan proposes homes to be added in the RCD area, which would be in conflict with a Comprehensive Plan goal for protecting waterways</li> <li>• The mobile home relocation plan also proposes removal of the existing community open space, which would be in conflict with a Comprehensive Plan goal for providing common spaces</li> </ul>	

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## APPLICANT PROPOSAL

The applicant proposes multiple zoning districts for the site – an enlargement of the existing area zoned NC along the site frontage, and rezoning of the remainder of the site to OI-2 with PD-H special regulations applied to most of that area. This approach would support a multi-use project that includes a new convenience store (replacing the existing one), a self-storage building, and continued operations of most of the mobile home park area. The applicant notes in the Statement of Justification that “the expansion of the NC rezoning is required to accommodate a gas service station designed to modern standards.” In addition, “the OI-2 zoning is requested accommodate a climate control self-storage building, another commercial service in demand in the area.”

The applicant submitted a Special Use Permit application concurrently with the rezoning applications. The Special Use Permit process will likely establish special development conditions, which could then be incorporated into the site’s zoning entitlement through Conditional Use Zoning. To tie the conditions to the site, the zoning district designations should be NC-C and OI-2-C. Note that the -C suffixes are not explicitly proposed by the applicant, however they are assumed to be part of the rezoning proposal for purposes of analysis in this memo.

The Neighborhood Commercial (NC) Zoning District (proposed for the front portion of the site) is characterized by the following standards:

- **Intent:** Section 3.3.3 of the Land Use Management Ordinance states that the NC district “is intended to provide for the development of low-intensity commercial and service centers that are accessible by pedestrians from the surrounding neighborhoods, serve the daily convenience and personal service needs of the surrounding neighborhoods, and are of such a nature as to minimize conflicts with surrounding residential uses.”
- **Permitted Uses:** As established in LUMO Table 3.7-1, permitted uses include (but are not limited to) various types of retail, services and businesses; offices; single-family and multifamily residential; and public facilities.
  - The associated Special Use Permit application proposes limiting uses on this portion of the site to a convenience store (service station/convenience store per LUMO Table 3.7-1).
  - The existing R-4 zoning generally limits uses to single-family and multifamily residential; or certain public facilities.
- **Dimensional Standards:** As established in LUMO Table 3.8-1, standards include a maximum Residential Density of 10.0 u/ac, maximum Building Height of 34 (setback) to 60 (core) feet, minimum street setbacks of 24 feet, and a maximum Floor Area Ratio of 0.264.
  - The existing R-4 zoning has the same limits on Height and Density, and very similar street setbacks (22 feet minimum) and FAR (0.230). The proposed rezoning would not significantly alter the development potential for the site in terms of building scale.
- **Design and Development Standards:** Other standards (including landscape buffers, parking ratios, etc) are established in LUMO Article 5 and are applicable to both the NC and R-4 districts. The associated SUP application provides an opportunity to establish certain development standards for the site that address potential impacts on surrounding properties, in support of a finding that the permitted development would maintain public health, safety and welfare.

The Office/Institutional-2 (OI-2) Zoning District (proposed between the NC area and the PD-H area) is characterized by the following standards:

- **Intent:** Section 3.3.7 of the Land Use Management Ordinance states that the OI-2 district “is intended to provide for medium-intensity office and institutional development.”
- **Permitted Uses:** As established in LUMO Table 3.7-1, permitted uses include (but are not limited to) self-storage as a special accessory use; offices and research activities; limited types of services and businesses; single-family and multifamily residential; and public facilities.

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- The associated Special Use Permit application proposes limiting uses on this portion of the site to self-storage (self-storage facility, conditioned per LUMO Table 3.7-1).
- The existing R-4 zoning generally limits uses to single-family and multifamily residential; or certain public facilities.
- **Self-storage:** special regulations for 'self-storage facility, conditioned' are listed under LUMO 6.23. Generally, the conformity of the building with these regulations will be evaluated as part of the SUP application. One standard worth noting here is that the facility "shall not be the principal use on a zoning lot, but shall be on the same zoning lot as other office, commercial, and/or institutional uses permitted in the zoning district." The applicant is requesting a Modification to this standard, where the Council would determine that self-storage may be allowed on the same zoning lot as a mobile home park for this project. 'Zoning lot' would need to be interpreted as the entire area zoned OI-2 (with and without PD-H regulations). 'Principal use' would also need to be interpreted as the use taking up the most land area on the lot, or a similar interpretation, so that the self-storage may be considered accessory to the mobile home park.
- **Dimensional Standards:** As established in LUMO Table 3.8-1, standards include a maximum Residential Density of 15.0 u/ac, maximum Building Height of 34 (setback) to 60 (core) feet, minimum street setbacks of 22 feet, and a maximum Floor Area Ratio of 0.264.
  - The existing R-4 zoning has a lower permitted Density (10.0 u/ac), equal limits on height and street setbacks (22 feet minimum), and a very similar FAR (0.230). The proposed rezoning would increase the number of dwellings allowed for the site by about 50%, but would not significantly alter the amount of building floor area allowed.
- **Design and Development Standards:** Other standards (including landscape buffers, parking ratios, etc) are established in LUMO Article 5, including those applicable to both the OI-2 and R-4 districts. The associated SUP application provides an opportunity to establish certain development standards for the site that address potential impacts on surrounding properties, in support of a finding that the permitted development would maintain public health, safety and welfare.

The Office/Institutional-2 (OI-2) Zoning District with special regulations for Planned Development-Housing (PD-H) (proposed for the majority of the site, where the existing mobile home park is proposed to remain) is characterized by the following standards:

- **Intent:** PD-H would overlay on the OI-2 district, specifying that "dwellings and related uses" should be provided to serve "general housing needs in the town as a whole and in the sub-community in which development is proposed, and the need for particular types of housing." The OI-2 and PD-H intent statements suggest diverging intentions being applied to the same property (a focus on office and institutional uses in one case, residential uses in the other).
- **Locational Considerations:** LUMO Section 6.18.1 establishes that a Planned Development such as PD-H must demonstrate the following:
  - Locate with respect to transportation networks; design to provide direct access to the development without creating traffic in residential neighborhoods outside the development; locate and design new streets as necessary to permit unified planning and minimize off-site impacts.
  - Locate in relation to utilities so that neither extension nor enlargement of such systems will have significant public costs.
  - Locate with respect to schools, parks, and playgrounds to provide access; locate and scale development to avoid significant public costs for such public services.
  - Locate to avoid hazards to persons or property, such as flooding, excessive erosion, or soil subsidence.
  - Locate to provide solar access and to promote energy conservation and efficiency.

The applicant should provide more information in the narrative to demonstrate how these criteria are met.

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- **Permitted Uses:** As established in LUMO Table 3.7-1, permitted uses include (but are not limited to) manufactured home parks; single-family and multifamily residential; limited types of services and businesses; and public facilities.
  - The associated Special Use Permit application proposes limiting uses on this portion of the site to a manufactured home park.
  - The existing R-4 zoning generally limits uses to single-family and multifamily residential; or certain public facilities.
- **Dimensional Standards:** As established in LUMO Table 3.8-1, standards include a maximum Residential Density of 15.0 u/ac, maximum Building Height of 34 (setback) to 60 (core) feet, minimum street setbacks of 22 feet, and a maximum Floor Area Ratio of 0.264.
  - The existing R-4 zoning has a lower permitted Density (10.0 u/ac), equal limits on height and street setbacks (22 feet minimum), and a very similar FAR (0.230). The proposed PD-H regulation would make setbacks only applicable at the perimeter of the development. The proposed rezoning would increase the number of dwellings allowed for the site by about 50%, but would not significantly alter the amount of building floor area allowed.
- **Design and Development Standards:** Other standards (including landscape buffers, parking ratios, etc) are established in LUMO Article 5, including those applicable to both the OI-2 and R-4 districts. The proposed PD-H regulation would apply additional standards including minimum land area, transitions to any adjacent single-family housing, and vehicular access. The associated SUP application provides an opportunity to establish certain development standards for the site that address potential impacts on surrounding properties, in support of a finding that the permitted development would maintain public health, safety and welfare.

## SITE CONTEXT

Staff have identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Zoning Atlas Amendment:

- A portion of the development site is already zoned Neighborhood Commercial (NC), and the proposed rezoning would expand the existing NC district to include an area occupied by an existing single-family home
- Several properties on the opposite side of Martin Luther King Jr. Blvd are also zoned NC and are developed as small commercial uses consistent with the intent of the NC district.
- Other property surrounding the site is zoned under a residential district, either R-1, R-2 or R-3-C. Nearby properties zoned R-4 and R-5-C have been developed as multifamily residential through PD-H regulations. Property at the corner of Homestead Rd and Martin Luther King Jr. Blvd is zoned OI-2.
- The majority of the rezoning area is used for an existing mobile home park which has been in operation for over 35 years (per the Statement of Justification). Mobile homes are generally considered to be naturally-occurring affordable housing units. A number of homes in this park are occupied by long-term residents.
- The Kings Branch Stream runs along the northern edge of the site and is subject to stream protection standards. Very little of the stream protection area falls within the proposed boundary of the NC zoning. Most of the stream protection area falls within the parcel proposed for OI-2 with PD-H zoning, where the associated SUP proposes retention of the existing mobile homes.
- The subject site fronts on Martin Luther King Jr. Blvd, which is one of the town's major arterial corridors. There is a high amount of existing vehicular traffic as well as bus service along this corridor. A proposed station for the North-South Bus Rapid Transit project is located just south of the subject site.

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- Existing development along this portion of the Martin Luther King Jr Blvd corridor can be characterized by a mixture of uses, including commercial, developed in an incremental and standalone manner. Nearby underutilized sites have experienced expansion and redevelopment. This suggests that expanded commercial uses and infill development are appropriate for the site. Integrating multiple uses with better connections would be an opportunity for improving the development character of the area.

### CONSISTENCY WITH THE COMPREHENSIVE PLAN

North Carolina General Statute Section 160A-383 requires the Council to approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other applicable officially adopted plan when adopting or rejecting any zoning amendment.

Staff provides the following evaluation of this application's consistency with the 2020 Comprehensive Plan and other adopted plans:

- The intent of the NC district notes low-intensity commercial uses, which is consistent with the Commercial designation of a portion of the site on the 2020 Land Use Plan. The intent of the PD-H special regulation, applied to the OI-2 zoning area, supports housing appropriate to the site which is consistent with the Medium Residential designation of the remainder of the site on the 2020 Land Use Plan.
- The site is located within the S MLK Jr Blvd / Area 3 Future Focus Discussion Area. Chapel Hill 2020 identifies S MLK Jr Blvd as an opportunity to proactively plan for character and to coordinate development with investment in higher capacity bus service. The Statement of Consistency notes that "the project is making significant improvements to the access, commercial services, and streetscape for the projects frontage, which all support these future transit improvements along the corridor."
- The Mobility and Connectivity Plan shows a future trail forming part of the 'Timberlyne Corridor' running along the eastern edge of the site. This bike/ped-focused corridor would provide a parallel route to Martin Luther King Jr Blvd, allowing more safe and comfortable travel between the Timberlyne area and central Chapel Hill. Bicycle and pedestrian facilities are also shown along Martin Luther King Jr Blvd in the Mobility Plan, to support access to local destinations and Bus Rapid Transit stations. A more robust multimodal network would support growth and redevelopment in the corridor. However, it should be noted that new facilities proposed in the associated SUP application (service station and self-storage) do not represent uses typically associated with bicycle, pedestrian, or transit activity.
- The associated SUP application proposes a condition to retain 72 affordable housing units in the existing mobile home park. This condition along with the planned nature of the PD-H overlay would support Comprehensive Plan goals for a range of housing options and a range of neighborhood types. It also would further the theme of making Chapel Hill A Place for Everyone.
- Finding #3 in the next section notes additional purposes of the 2020 Comprehensive Plan which may be achieved through this application, as well as those that would be in conflict with this application.

### FINDINGS OF FACT

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance (as stated in Section 4.4) shall not be amended except:

- A. To correct a manifest error in the chapter; or
- B. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- C. To achieve the purposes of the Comprehensive Plan.

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Below is an evaluation of this application based on the three findings. Further information may be presented for the Council’s consideration as part of the public hearing process, and will be included in the record of the hearing.

**Finding #1:** The proposed zoning amendment is necessary to correct a manifest error.

Arguments	No information provided
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**Finding #2:** The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

Arguments in Support	<p>Staff notes that the Comprehensive Plan identifies the site as part of a Focus Area (S MLK Jr Blvd) which suggests it is an appropriate location for investment, improvement, and/or development.</p> <p>Staff notes that the planned BRT project will be a significant change in transit service for the corridor which would support complementary changes in land use.</p> <p>Staff notes that the mobile home park is over 35 years old and that since its establishment there has been continued development along the MLK Blvd corridor.</p> <p>The applicant notes that generally, new commercial facilities need more space to meet modern standards, and that over time new commercial uses are becoming in demand in Chapel Hill.</p>
Arguments in Opposition	<p>Staff notes that uses proposed in the SUP application, specifically fuel pumps and self-storage, are typically considered more vehicle-oriented and therefore not complementary to transit service such as BRT.</p>

**Finding #3:** The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.

Arguments in Support	<p>The applicant’s Statement of Consistency states that the proposed rezoning would contribute to the following elements of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>• A range of housing options for current and future residents (<i>Goal-Place for Everone.3</i>)</li> <li>• Balance and sustain finances by increasing revenues and decreasing expenses (<i>Goal-Community Prosperity and Engagement.1</i>)</li> <li>• 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. (<i>Goal-Good Places, New Spaces.5</i>)</li> <li>• 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. (<i>Goal-Nurturing Our Community.3</i>)</li> <li>• Housing for students that is safe, sound, affordable, and accessible and meets a demonstrated need conducive to educational and maturational needs of students, and housing for Town, University, and the Health Care System employees that encourages them to reside in the community (<i>Goal-Town and Gown Collaboration.4</i>)</li> </ul>
Arguments in Opposition	<p>The development proposed in the associated SUP application would retain the existing number of mobile homes in a smaller area by relocating some homes. The relocation plan indicates that several homes would be placed close to the Kings Branch Stream, within the Resource Conservation District (RCD). In addition, the existing community open space for the mobile home park would be removed to accommodate relocated homes. Staff notes that these impacts are in conflict with the following elements of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>• Open and accessible common spaces for community gathering, cultural uses, and community development (<i>Goal-Good Places, New Spaces.7</i>)</li> <li>• Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems (<i>Goal- Nurturing Our Community.2</i>)</li> </ul>