

# CONDITIONAL ZONING APPLICATION



TOWN OF CHAPEL HILL  
Planning Department  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514  
phone (919) 969-5040 fax (919) 969-2014  
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9799-58-6643

Date: July 25, 2019

## Section A: Project Information

Project Name: 1751 Dobbins Drive

Property Address: 1751 Dobbins Drive, Chapel Hill, NC Zip Code: 27514

Use Groups (A, B, and/or C): Existing = A // Proposed = B Existing Zoning District: R-4

Project Description: Demolition of a single-family home to allow for a new office build with associated parking, utilities, Etc.

## Section B: Applicant, Owner, and/or Contract Purchaser Information

### Applicant Information (to whom correspondence will be mailed):

Name: Aaron Frank, Womble Bond Dickinson LLP

Address: 555 Fayetteville Street, Suite 1100

City: Raleigh State: NC Zip Code: 27601

Phone: 919-755-8158 Email: aaron.frank@wbd-us.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature:  Date: 7/25/19

### Owner/Contract Purchaser Information:

Owner  Contract Purchaser


Name: James R. and Melissa A. Miller, LLC

Address: 15006 Barnhardt. Ct.

City: Chapel Hill State: NC Zip Code: 27517

Phone: 919-929-2495 Email: jmiller@woodwardadvisors.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature:  Date: 7/24/2019



**Section A: Project Information**

**Use Type:** *(check/list all that apply)*

Office/Institutional     Residential     Mixed-Use     Other: \_\_\_\_\_

**Overlay District:** *(check all that apply)*

Historic District     Neighborhood Conservation District     Airport Hazard Zone

**Section B: Land Area**

Net Land Area (NLA): Area within zoning lot boundaries		NLA=	19,793	sq. ft.
Choose one, or both, of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent frontage) x ½ width of public right-of-way	CSA=	1979	sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=		sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	21,772	sq. ft.

**Section C: Special Protection Areas, Land Disturbance, and Impervious Area**

**Special Protection Areas:** *(check all those that apply)*

Jordan Buffer     Resource Conservation District     100 Year Floodplain     Watershed Protection District

Land Disturbance	Total (sq. ft.)
Area of Land Disturbance (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, and all grading, including off-site clearing)	22,609
Area of Land Disturbance within RCD	
Area of Land Disturbance within Jordan Buffer	

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	4,756	4,756	14,202	14,202
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA)%	21.8%	21.8%	65.23%	65.23%
If located in Watershed Protection District, % of impervious surface on 7/1/1993				



**Section D: Dimensions**

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	1	1,681	1	5,500
Number of Floors	1		2	
Recreational Space				

Residential Space				
Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Floor Area (all floors – heated and unheated)	1	1,681		
Total Square Footage of All Units				
Total Square Footage of Affordable Units				
Total Residential Density				
Number of Dwelling Units				
Number of Affordable Dwelling Units				
Number of Single Bedroom Units				
Number of Two Bedroom Units				
Number of Three Bedroom Units				

Non-Residential Space (Gross Floor Area in Square Feet)					
Use Type	Existing	Proposed	Uses	Existing	Proposed
Commercial					
Restaurant			# of Seats		
Government					
Institutional					
Medical					
Office		5,500 gfa			
Hotel			# of Rooms		
Industrial					
Place of Worship			# of Seats		
Other					

Dimensional Requirements		Required by Ordinance	Existing	Proposed
<b>Setbacks (minimum)</b>	Street	22' (OI-2)	22' (R-4)	20'
	Interior (neighboring property lines)	8' (OI-2)	8' (R-4)	4'
	Solar (northern property line)	9' (OI-2)	9' (R-4)	9'
<b>Height (maximum)</b>	Primary	34'	1- story house	
	Secondary	60'	1- story house	37'8.5"
<b>Streets</b>	Frontages	40' min	79.93'	79.93
	Widths		25' (Dobbins)	25' (Dobbins)



**Section F: Adjoining or Connecting Streets and Sidewalks**

*Note: For approval of proposed street names, contact the Engineering Department.*

Street Name	Right-of-Way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing Curb/Gutter
Dobbins Drive	250' (combined w/ 15-501)	25'	2	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
				<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

**List Proposed Points of Access** (Ex: Number, Street Name):

\*If existing sidewalks do not exist and the applicant is adding sidewalks, please provide the following information:

Sidewalk Information			
Street Names	Dimensions	Surface	Handicapped Ramps
Dobbins Drive (existing sidewalk)	4.7' wide	Concrete	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Section G: Parking Information**

Parking Spaces	Minimum	Maximum	Proposed
Regular Spaces	15	22	19
Handicap Spaces	1		2
Total Spaces	16	22	21
Loading Spaces	N/A	N/A	0
Bicycle Spaces	7		8
Surface Type	2" SF9.5A // 8" ABC in parking spaces		

**Section H: Landscape Buffers**

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
Dobbins Drive // Type C Buffer Req.	20'	10'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
North (Rear) // Type C Buffer Req.	20'	15'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
West // Type B Buffer Required	20'	8'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
East // Type C Buffer Req.	10'	4'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes



**Section I: Land Use Intensity**

Existing Zoning District:  
 Proposed Zoning Change (if any):

Zoning – Area – Ratio			Impervious Surface Thresholds			Minimum and Maximum Limitations	
Zoning District(s)	Floor Area Ratio (FAR)	Recreation Space Ratio (RSR)	Low Density Residential (0.24)	High Density Residential (0.50)	Non-Residential (0.70)	Maximum Floor Area (MFA) = FAR x GLA	Minimum Recreation Space (MSR) = RSR x GLA
OI-2-CZ	.264	N/A	N/A	N/A	N/A	5,747	N/A
<b>TOTAL</b>	.264						
<b>RCD Streamside</b>	N/A	0.01					N/A
<b>RCD Managed</b>	N/A	0.019					N/A
<b>RCD Upland</b>	N/A	N/A					N/A

**Section J: Utility Service**

Check all that apply:

<b>Water</b>	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Well	<input type="checkbox"/> Community Well	<input type="checkbox"/> Other
<b>Sewer</b>	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Septic Tank	<input type="checkbox"/> Community Package Plant	<input type="checkbox"/> Other
<b>Electrical</b>	<input checked="" type="checkbox"/> Underground	<input type="checkbox"/> Above Ground		
<b>Telephone</b>	<input checked="" type="checkbox"/> Underground	<input type="checkbox"/> Above Ground		
<b>Solid Waste</b>	<input checked="" type="checkbox"/> Town	<input type="checkbox"/> Private		

### Written Narrative

This rezoning requests to rezone 1751 Dobbins Drive (the “Property”) from the Residential-4 (R-4) zoning district to the Office Institutional-2 (OI-2) zoning district to allow the development of two office buildings totaling 5,000 square feet. The buildings will be one and two-stories and connected by a shared lobby. The rezoning is requested to develop permanent office space for a local company.

The buildings will be served by 16 parking spaces, 7 bicycle parking spaces, and access will be provided from Dobbins Drive. No access will be provided from the road serving Dobbins Hill Apartments. A bus stop is located at the adjacent property and employees will be encouraged to use transit.

Stormwater management will be provided through underground stormwater retention, and landscaping will be provided around the property to serve as a buffer. The underground cistern is proposed in the front of the site to design with existing topographic patterns.

The building will be two-stories tall, with large windows and a wedge-style roofline will make the structure architecturally interesting and impactful along the 15-501 corridor. Architectural considerations will allow for design of the building that will stimulate interest from 15-501 while remaining compatible with residential uses to the west and north.

## Statement of Justification to Rezone 1751 Dobbins Drive

This application requests to rezone 1751 Dobbins Drive (the “Property”) from the Residential-4 (R-4) zoning district to the Office/Institutional-2 (OI-2) zoning district. The Property is currently used for a single-family residential dwelling in a predominately commercial use area of the Town, along the 15-501 corridor. Zoning amendments are permitted in the Land Use Management Ordinance (LUMO) to a) to correct a manifest error in the appendix; 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. This Statement of Justification demonstrates that this fully satisfies criteria b) and c) of Section 4.4, as described below. Details regarding the design of the site, proposed use, and other features of redevelopment are provided in the Written Narrative.

*b) because of changed or changing conditions in a particular area or in the jurisdiction generally*

The area containing the Property has changed drastically in the previous decades, resulting in a context that is no longer appropriate for single-family residential use. This is evidenced as the Property contains the only remaining single-family residential dwelling in the area; surrounding properties have been recently redeveloped to office, multi-family residential, and retail communities. The Property is adjacent to 15-501, a median-separated arterial and contributes towards noise and light pollution that is incompatible for single-family residential dwelling. This zoning change proposes to change the land use to more appropriately blend in with the non-residential neighborhood, contribute towards the tax base, and capitalize on the strategic location of the property for non-residential development.

The proximity and visibility of the site to large traffic volumes position it advantageously to accommodate non-residential land uses. Access to the site is provided from Dobbins Drive via 15-501 and does not require vehicular traffic to traverse through a residential neighborhood. Bus access to the property is also possible with a bus stop located at the adjacent property, allowing employees and visitors alike to access the property using means other than car. Locating non-residential development near a transit stop demonstrates private investment capitalizing on public investment in transportation.

*c) to achieve the purposes of the comprehensive plan.*

This application will achieve the purposes of the comprehensive plan. The Property is located within the *North 15-501 Future Focus Discussion Area and the*. The request to rezone to the OI-2 zoning designation strives to achieve the stated goals of the Future Focus Area, and will achieve one of the stated preferred land uses for this location in the Comprehensive Plan: *Mixed Use/Office/Commercial Emphasis*. Additional analysis of supporting Comprehensive Plan language is provided in the Comprehensive Plan Letter of Justification.

## Comprehensive Plan Analysis

1751 Dobbins Drive (the “Property”) is located within the *Area 5: North 15-501 Focus Area Future Focus Area* of the Comprehensive Plan, and designated as “Mixed Use, Office/Commercial Emphasis”. Future Focus Discussion Areas are the areas of Chapel Hill most likely to change in the future, and the Comprehensive Plan provides policy guidance specifically for each Future Focus Area. The rezoning application from Residential-4 (R-4) to Office Institutional-2 (OI-2) proposes to achieve the desired goals as outlined in the *Area 5: North 15-501 Focus Area*, and accomplishes numerous goals outlined in the different Themes of the Comprehensive Plan. The proposed land use fulfills the “office” component of the “Mixed Use, Office/Commercial Emphasis” designation.

The guiding principles of the North 15-501 Focus Area is provided below, accompanied by applicant response in italics.

### Guiding Principles

- Enhanced bicycle and pedestrian connections could link existing and new residential and commercial uses in this area.

*The project connects existing residential and commercial uses to a new commercial use, and is located near a transit stop.*

- Redevelopment opportunities exist in this area, which currently have underutilized commercial capacity.

*This application proposes to accomplish exactly this; the existing single-family residential dwelling unit underutilizes a property with proximity to 15-501 and within a growing commercial corridor.*

- The Ephesus Church Road/Fordham Blvd. Small Area Planning and Traffic Analysis was adopted in 2011 and will affect development in this area.

*Not applicable to this application.*

- The area has been identified for investment of expanded transit services to provide improved mobility within and along U.S. 15-501 and Fordham Blvd.

*A bus stop is located within close proximity to this Property. Redevelopment of this property to a higher density use allows private investment to capitalize on public services, making the bus system more efficient by adding a destination and increasing ridership at an existing stop.*

- The area also includes access to the proposed light rail transit service between Durham and Chapel Hill.

*Not applicable to this application.*

Additional comments, as provided in the Comprehensive Plan, are as follows:

- Acknowledged high development potential

*We are proposing a modest change in density to acknowledge increased density potential while maintaining compatibility to adjacent properties.*

- Preference for light rail and bus rapid transit



*The proposal supports transit usage by adding a destination and additional ridership near an existing stop.*

- Gateway site (southwest corner of 15-501 and I-40 intersection) and University Mall major development potential—high-density mixed use/commercial/residential

*Not applicable.*

- High Density towards 15/501 transitioning to medium density towards the neighborhoods and medium density along Franklin Street

*We are proposing a change of use but modest density in consideration of compatibility to adjacent properties.*

- American Legion developed as public open space

*Not applicable.*

- Enhance Connectivity - Circulator road, east-west streets between Franklin Street and 15/501, Connect Legion & Old Chapel Hill

*N/A – The project is located on Dobbins Drive, nearby 15-501. No new roads are planned.*

- Greenways connecting open spaces, existing trails and major development areas

*N/A – The project is not located in the above areas although a sidewalk is provided.*

- Include Blue Cross Blue Shield (and UNC) in discussion about potential collaboration and development.

*Not applicable.*

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The application achieves several Themes and Goals established in the Comprehensive Plan. A list of the applicable Themes and Goals, along with the application response is provided below in italics.

### **Themes and Goals**

#### Theme 1: A Place for Everyone (PFE)

- A welcoming and friendly community that provides all people with access to opportunities (PFE.4)

*This will provide new employment opportunities, strengthening Chapel Hill as a job center.*

#### Theme 2: Community Engagement and Prosperity (CPE)

- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1)

*The proposal will positively affect the Town's property tax revenues by changing low-density residential land to commercial land and allows for building improvements. Additional employment at this location will have multiplier effects that support other local businesses and encourages new residents to live in Chapel Hill.*

- Foster success of local businesses (CPE.2)

*This allows the creation of a local business where one does not currently exist.*

- Promote a safe, vibrant, and connected (physical and person) community (CPE.3)

*This connects residents to nearby employment opportunities. Additionally the increased activity of the site can increase the vibrancy and safety of the surrounding area.*

### Theme 3: Getting Around

- 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 (GA.1)

*The property is transit-adjacent, providing private investment that capitalizes on existing public investment of the transit system. The site is accessible by means other than the automobile and proximity to varying land uses increases the potential for walking, transit, or bicycle trips. Bicycle racks are provided.*

- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (GA.2)

*The site links a new business to the adjacent Dobbins Hill residential neighborhood, and is walkable from the Cosgrove Hill mixed use community. A transit stop is located on the adjacent property.*

- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (GA.8)

*The property is providing the minimum amount of parking as required by the LUMO. This efficiently uses space and we are encouraging non-vehicular access to the property in other ways through providing bicycle racks and locating near a transit stop.*

### Theme 4: Good Places, New Spaces

- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (GPNS.8)

*This land use is anticipated in the North 15-505 Focus Area. The existing single family residential dwelling is no longer an appropriate land use at this location considering the site is adjacent to 15-501. Non-residential land use capitalizes on the economically viable location, adjacent character, and proximity to a mixture of land uses.*

### Theme 5: Nurturing Our Communities

- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (NOC.8)

*Stormwater management will be provided where none currently exists, and traffic generation will be minimal. This site is strategically located off 15-501. The property will be screened with vegetation and will contain glare controlled lighting.*



Womble Bond Dickinson (US) LLP  
555 Fayetteville Street, Suite 1100  
Raleigh, NC 27601

**October 8, 2019**

Submitted Via Rezoning Application Submittal

Judy Johnson, Operations Manager  
Planning Department  
Town of Chapel Hill  
405 Martin Luther King Jr. Blvd  
Chapel Hill, NC 27514

Aaron Frank  
Direct Dial: 919-755-8158  
E-mail: [Aaron.Frank@wbd-us.com](mailto:Aaron.Frank@wbd-us.com)

**Re: Requested Modifications for Rezoning 19-094**

Dear Ms. Johnson,

In association with the conditional rezoning application 19-094 for 1751 Dobbins Drive, we respectfully request modifications to seven regulations of the Land Use Management Ordinance (LUMO). The justification for these requested modifications is as follows. As described in greater detail in the Comprehensive Plan Analysis, the Property is designated as “Mixed Use, Office/Commercial Emphasis” and located within the Area 5: North 15-501 Focus Area Future Focus Area of the Comprehensive Plan. The existing land use, single-family residential, is inconsistent with the Comprehensive Plan, and several modifications to the Land Use Management Ordinance are necessary in order to achieve the desired land use on the Property.

The Property consists of .45 net acres in a parcel that is approximately 100’ wide. This is a small property for non-single-family-residential development, and thoughtful design is necessary to accomplish the desired improvements. The requested modifications to the Ordinance all pertain to dimensional features, such as setbacks, buffers, and landscaping. These modifications are necessary in order to allow for new building development, emergency access to those buildings, vehicular parking, and the landscaping improvements proposed. The application of these modified regulations result in a development that is attractively designed, safe, and offers buffering protection to adjacent properties. Full application of the required setbacks and dimensional landscaping requirements would prohibit use of the Property in the way envisioned by the Comprehensive Plan, given the challenging dimensional characteristics with respect to Ordinance requirements. The site plan associated with the rezoning has been thoughtfully designed to balance the goals of the Comprehensive Plan and result in a project that is harmonious with adjacent properties.

October 8, 2019

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The requested modifications to regulations are as follows:

LUMO Table 3.8-1: Dimensional Matrix:

20' street setback requested. 22' required.

4' interior setback (eastern property line) requested. 8' required.

5.3.2 Steep Slopes Modification

99.7% disturbance of steep slopes is requested. 25% permitted.

The project is of an infill type, and the steep slopes proposed to be disturbed were created during previous development.

Table 5.6.6-1. Schedule of Required Buffers: Modified Buffers

8' Buffer requested along west property line. 20' Type B Buffer required.

5.9.6.c.2.a: Parking Landscaping Standards: Foundation Buffer Strip.

3' Foundation Buffer Strip requested. 5' required.

Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call.

Sincerely,

**Womble Bond Dickinson (US) LLP**

Aaron Frank, AICP