



**CONSIDER AN APPLICATION FOR ZONING ATLAS AMENDMENT – INDEPENDENT SENIOR HOUSING, 2217 HOMESTEAD ROAD (PROJECT #17-107)**

**STAFF REPORT**

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES  
 Ben Hitchings, Director  
 Judy Johnson, Operations Manager  
 Loryn Clark, Executive Director for Housing and Community

<b>PROPERTY ADDRESS</b> 2217 Homestead Road	<b>BUSINESS MEETING DATE</b> February 13, 2019	<b>APPLICANT</b> Gurlitz Architectural Group, PA
--	---	---

**STAFF RECOMMENDATION**

That the Council 1) continue the public hearing; 2) receive public comment; and 3) take action tonight, depending on the Council’s satisfaction with the Applicant’s affordable housing proposal.

**UPDATES SINCE THE OCTOBER 24, 2018 PUBLIC HEARING**

At the January 30, 2019 meeting, Council requested the Applicant to provide additional information in response to comments raised including building elevations. We expect the requested information will be presented to Council prior to tonight’s meeting. Town staff has met with the Applicant on several occasions to discuss the affordable housing component. The Manager continues to negotiate with the Applicant regarding its affordable housing proposal. Additional information may be available from the Applicant prior to the Council’s discussion.

**PROCESS**

The Applicant requests a rezoning with an accompanying Special Use Permit application.

The zoning designation of a property determines the range of land uses and development intensities permitted on the property. The Council may approve a Zoning Atlas Amendment for any of the following reasons:

- a) to correct a manifest error in the ordinance
- b) because of changed or changing conditions in a particular area or in the jurisdiction generally
- c) to achieve the purposes of the Comprehensive Plan

(See accompanying Special Use Permit memorandum)

**DECISION POINTS**

The Council has the discretionary authority to approve or deny a rezoning request. The specific proposal in the accompanying Special Use Permit (SUP) application is related to the rezoning request, and staff believes it is appropriate for the Council to consider the two together. If the Council does not find the SUP proposal to be an acceptable use of the property, staff would recommend that the Council not approve the rezoning request.

The Applicant is seeking to rezone the property from Residential-2 (R-2) to Residential-5-Conditional (R-5-C). The proposed Zoning Atlas Amendment would change the intensity regulations and permitted uses.

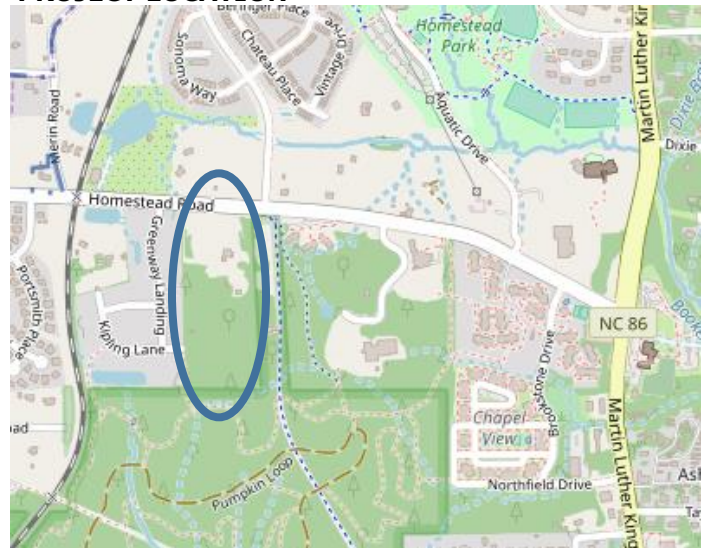
**AFFORDABLE HOUSING**

If the Council determines that the applicant’s revised proposal meets the expectations of the [Affordable Housing Policy<sup>1</sup>](#) and approves the rezoning, we would incorporate these terms into a future Affordable Housing Performance Agreement, as part of a Special Use Permit. The Affordable Housing Performance Agreement would ensure the agreed upon affordable housing standards are met.

To further protect the Town’s interest, the Town Attorney has also prepared an Affordable Housing Agreement related to the rezoning based on the Applicant’s proposal. The purpose of the Agreement is for the Developer and Property Owner to acknowledge that approval of the rezoning is a density bonus and that they are voluntarily providing units on-site to meet the expectations of the Council’s Affordable Housing Policy. The Agreement is referenced in the attached rezoning ordinance and would be signed by the Developer and Property Owner prior to the Council’s voting on the rezoning request. We expect that the Agreement will be presented to Council prior to tonight’s meeting.

If the Applicant and the Council are not able to agree on a revised set of conditions on affordable housing and the Developer and Property Owner do not sign an Agreement, staff would recommend that the rezoning be denied. If the rezoning is denied, the Special Use Permit could not be approved and should be denied. If action on the rezoning is

**PROJECT LOCATION**



<sup>1</sup> <https://www.townofchapelhill.org/home/showdocument?id=24578>

delayed, further consideration of the Special Use Permit should be deferred until action on the rezoning has been taken.

**ATTACHMENTS**

1. Revised Key Issue – Affordable Housing
2. Technical Report
3. Resolution of Consistency with the Comprehensive Plan
4. Draft Revised Ordinance (Approving the Rezoning)
5. Resolution B (Denying the Rezoning)
6. Affordable Housing Agreement (to be distributed)
7. Applicant Materials
8. Plan and Area Maps
9. Letter from the Orange County Affordable Housing Coalition