

Town of Chapel Hill Planning Department Report

TECHNICAL REPORT

September 11, 2019

Concept Plan for 1751 Dobbins Drive is presented to Council. A 2-story office development with 5,747 sq. ft. of floor area was presented.

Connections to other Documents:

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)¹, the standards of the [Land Use Management Ordinance](#)², and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)³ and offers the following evaluation:

Comprehensive Plan Themes: Staff believes the 1751 Dobbins Drive proposal complies with the themes of the 2020 Comprehensive Plan.

Land Use Plan: The [2020 Land Use Plan](#)⁴, a component of the 2020 Comprehensive Plan, designates this site for Mixed Use, Office/Commercial Emphasis. The 2020 Land Use Plan also designates this site as part of the [Area 5. North 15-501 CH 2020 Future Focus Discussion Area](#).⁵

APPLICANT PROPOSAL

The applicant proposes applying the OI-2-Conditional Zoning district in order to redevelop an existing single-family home into an office building. The Statement of Justification describes a "context that is no longer appropriate for single-family residential use."

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal in conjunction with the rezoning, and which allows site-specific standards to be formulated and applied as conditions through a legislative process. A -CZ suffix would be added to the zoning district designation to incorporate the approved conditions.

The Office/Institutional-2 (OI-2) Zoning District is characterized by the following standards:

- **Intent:** Section 3.3.9 of the Land Use Management Ordinance states that the Office/Institutional-2 (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) offices and research activities; limited types of services and businesses; single-family and multifamily residential; and public/institutional facilities.
 - The Conditional Zoning application proposes limiting uses to only office/institutional.
 - The existing Residential-4 (R-4) zoning generally limits uses to single-family and multifamily residential; or certain public/institutional facilities.
- **Dimensional Standards:** As established in LUMO Table 3.8-1, standards include a maximum Residential Density of 15.0 units/acre, maximum Building Height of 34 feet (at

¹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

² https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

³ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

⁴ <http://www.townofchapelhill.org/home/showdocument?id=1215>

⁵ <https://www.townofchapelhill.org/town-hall/departments-services/chapel-hill-2020/future-focus-areas>

setback line) to 60 feet (core), minimum Street Setbacks of 22 feet, and a maximum Floor Area Ratio (FAR) of 0.264.

- The Conditional Zoning application proposes a maximum core Building Height of 38 feet, a minimum Street Setback of 20 feet, and building floor area equal to the maximum Floor Area Ratio.
 - The existing Residential-4 (R-4) zoning has a lower limit on Density and FAR (10.0 units/acre and 0.230, respectively), along with the same Height limits and Street Setbacks as the proposed district. The proposed rezoning would moderately increase 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 Office/Institutional-2 (OI-2) and Residential-4 (R-4) districts. The Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards in order to address impacts reasonably expected to be generated by development. Conditions can also address conformance of the development with town regulations and adopted plans.

SITE CONTEXT

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

- The subject site is located along Dobbins Drive, a service road paralleling US 15-501 that provides access to properties adjacent to this major arterial corridor. The site has visibility to a high traffic volume and is also immediately adjacent to a bus stop for the Chapel Hill Transit 'D' route.
- Property immediately east of the site is also zoned Office/Institutional-2 (OI-2) and is developed with small buildings containing offices, medical offices, and a bank.
- Property west and north of the site is zoned Residential-4 (R-4) and contains multifamily residential uses. The site sits at the intersection of Dobbins Drive and a private street that provides access to two apartment complexes. Property across US 15-501 is zoned Residential-2 (R-2).
- Various office, commercial, and hotel uses are located along Dobbins Drive near the site.
- There are no streams, stream buffers, floodplains, or wetlands affecting the site.

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 Office/Institutional-2 (OI-2) district notes medium-intensity office uses, which is consistent with the 2020 Land Use Plan. The general area that includes Dobbins Hill, Cosgrove Hill, and properties near the Dobbins Drive/Sage Road intersection is designated for Mixed Use, Office/Commercial Emphasis on the Land Use Plan. Office use for

the subject site, in conjunction with surrounding land uses, would provide a mix consistent with this designation.

- The site is located within the North 15-501/Area 5 Future Focus Discussion Area. Chapel Hill 2020 characterizes North 15-501 as an area with opportunities for redevelopment (based on underutilized commercial capacity), enhanced bicycle and pedestrian connections, and expanded transit services. The applicant's Comprehensive Plan Analysis notes that the proposed rezoning would support redevelopment of an underutilized property that is located "within a growing commercial corridor" and within close proximity to an existing transit stop.
- The Mobility and Connectivity Plan shows a future multiuse path along the full length of Dobbins Drive in the long-term network, as well as crossing improvements at the nearby intersection of US 15-501 and Sage Road. There are also existing sidewalks along Dobbins Drive, the private street serving apartments, and other nearby streets. Improvements to the multimodal network would support increased growth and development for the site.
- The applicant notes in the Comprehensive Plan analysis that the proposed rezoning would support the theme of Good Places, New Spaces because "non-residential land use capitalizes on the economically viable location, adjacent character, and proximity to a mixture of land uses."
- The applicant also notes that additional purposes of the 2020 Comprehensive Plan may be achieved through 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) The conformity of the application with the applicable provisions of this appendix and town Code.
- b) The conformity of the application with the comprehensive plan.
- c) The compatibility of the proposed application with adjoining uses.
- d) The impacts of the proposed application on the surrounding properties and town as a whole.
- e) The relationship of the application to existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities.
- f) The relationship of the application to natural systems such as hydrology, topography, and other environmental constraints.

Staff provides below an evaluation of this application based on the six findings. Further information may be presented for the Council's consideration as part of the public hearing process. All information submitted at the public hearing will be included in the record of the hearing.

Finding a: The conformity of the application with the applicable provisions of this appendix and town Code.

Arguments in Support	With the proposed modifications, the plan meets the applicable provisions of the appendix and Town Code.
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the proposed modifications to regulations provide the necessary public purpose.

Finding b: The conformity of the application with 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"> • A welcoming and friendly community that provides all people with access to opportunities (<i>Goal A Place for Everyone.4</i>) • Balance and sustain finances by increasing revenues and decreasing expenses (<i>Goal Community Prosperity & Engagement.1</i>) • Foster success of local businesses (<i>Goal Community Prosperity & Engagement.2</i>) • Promote a safe, vibrant, and connected (physical and person) community (<i>Goal Community Prosperity & Engagement.3</i>) • 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 (<i>Goal Getting Around.1</i>) • A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (<i>Goal Getting Around.2</i>) • A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (<i>Goal Getting Around.8</i>) • Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (<i>Goal Good Places New Spaces.8</i>) • Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (<i>Goal Nurturing Our Communities.8</i>)
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.

Finding c: The compatibility of the proposed application with adjoining uses.

Arguments in Support	Staff notes that the development character of the US 15-501 corridor has evolved over time, and that the existing single-family home is likely inconsistent with the character of the corridor and the level of infrastructure serving the site.
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is compatible with adjoining land uses.

Finding d: The impacts of the proposed application on the surrounding properties and town as a whole.

Arguments in Support	To date, no arguments in support have been submitted or identified by staff.
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, the application will have negligible impacts on surrounding properties and the town as a whole

Finding e: The relationship of the application to existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities.

Arguments in Support	Staff notes that the proposed redevelopment infill project supports the existing built system.
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the redevelopment infill project enhances the existing built systems

Finding f: The relationship of the application to natural systems such as hydrology, topography, and other environmental constraints.

Arguments in Support	To date, no arguments in support have been submitted or identified by staff.
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: No arguments have been entered.

PROPOSED MODIFICATIONS TO REGULATIONS:

1) Section 5.6.6 Buffer Modification: The applicant proposes a modified buffer on the West property line, with an eight-foot width and reduced planting quantities.

Staff Comment: Staff believes that Council could find a public purpose for the reduced buffer width and plantings, as an infill project with existing utility lines and a narrow lot configuration, in addition to existing buffer on adjacent properties to the North and East.

2) Section 3.8.2 Minimum Interior Setback Modification: The applicant proposes to modify the minimum interior setback width. The required interior setback is eight feet wide, and the applicant is proposing four feet.

Staff Comment: Staff believes that Council could find a public purpose for the reduced setback width, as an infill project with a narrow lot configuration.

3) Section 3.8.2 Minimum Street Setback Modification: The applicant proposes to modify the minimum street setback width. The required interior setback is 22 feet wide, and the

applicant is proposing 20 feet.

Staff Comment: Staff believes that Council could find a public purpose for the reduced setback width, as an infill project with a wide North Carolina Department of Transportation Right-of-Way between the building and the street.

- 4) Section 5.3.2 Steep Slopes Modification:** The applicant proposes disturbing nearly all of the steep slopes on the site. There is approximately 663 square feet of steep slopes on the site, with 661 square feet of those proposed to be disturbed.

Staff Comment: Staff believes that Council could find a public purpose for the steep slopes modification, as an infill project with a narrow lot configuration, in addition to previous disturbance of the slopes by the single-family residence on the site.

- 5) Section 5.9.6 Foundation Buffer Strip Modification:** The applicant proposes a modified foundation buffer strip between the parking lot and the building. A five-foot-wide strip is required, and the applicant is proposing a three-foot strip.

Staff Comment: Staff believes that Council could find a public purpose for the foundation buffer strip modification, as the site is an infill project with a narrow lot configuration.



Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.5.6 of the Land Use Management Ordinance. Staff believes that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the developer's alternative is to revise the proposal to comply with the regulations.

For additional information on the proposed modifications, please refer to the developer's attached materials.






Overview

Site Description	
Project Name	1751 Dobbins Drive
Address	1751 Dobbins Drive
Property Description	21,772 sq. ft. (0.5 acres)
Existing	Single-family residence
Orange County Parcel Identifier Numbers	9799-58-6643
Existing Zoning	Residential – 4 (R-4)
Proposed Zoning	Office/Institutional – 2 – Conditional Zoning (OI-2-CZ)

Regulatory Land Use Intensity

Comment		Advisory Board	Status
Use/Density (Sec. 3.7)	Business, Office Type	PC	
Dimensional Standards (Sec. 3.8 and Sec. 6.15)	Required setbacks are a 22' street setback, 8' interior setback, and 9' solar setback; proposing 20' street setback, 4' interior setback, and 9' solar setback.	PC	M
Floor area (Sec. 3.8)	Maximum of 5,747 sq. ft.; 5,747 sq. ft. proposed	PC	
Modification to Regulations (Sec. 4.5.6)	Proposing 8' wide West buffer with reduced plantings; reduced minimum interior setback of 4'; reduced minimum street setback of 20'; disturbance of 99.7% of steep slopes over 25%; reduced 3' foundation buffer strip.	PC	M


Site Design

Standard			Advisory Board	Status
Landscape	Buffer – North (Sec. 5.6.2)	20' External Type "C" (existing on adjacent property)	PC	
	Buffer – East (Sec. 5.6.2)	10' Internal Type "B" (existing on adjacent property)	PC	
	Buffer – South (Street) (Sec. 5.6.2)	No street buffer required on local streets	PC	
	Buffer - West (Sec. 5.6.2)	20' Internal Type "C" required (proposed 8')	PC	M
	Tree Canopy (Sec. 5.7)	Minimum 30% canopy	CDC	
	Landscape Standards (Sec. 5.9.6)	Constructed to Town standards	PC	

Environment	Resource Conservation District (Sec. 3.6)	Not applicable	ESAB	N/A
	Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required.	ESAB	FP
	Steep Slopes (Sec. 5.3.2)	There are 663 square feet of steep slopes over 25% on the site. The applicant proposes to disturb 661 square feet of these.	ESAB	M
	Stormwater Management (Sec. 5.4)	Underground Stormwater treatment measure	ESAB	
	Land Disturbance	22,609 sq. ft. (110% of gross land area, includes off-site work)	ESAB	
	Impervious Surface	14,202 sq. ft. (63% of gross land area)	ESAB	
	Solid Waste & Recycling	Private trash pickup; County recyclable pickup	OCSW	
	Jordan Riparian Buffer (Sec. 5.18)	Not applicable	ESAB	N/A
Access & Circulation	Road Improvements (Sec. 5.8)	None	NCDOT	
	Vehicular Access (Sec. 5.8)	Improved curb cut on Dobbins Drive	TCAB	
	Bicycle Improvements (Sec. 5.8)	Proposing 8 bicycle parking spaces	TCAB	
	Pedestrian Improvements (Sec. 5.8)	Existing sidewalk with ramps	TCAB	
	Traffic Impact Analysis (Sec. 5.9)	TIA exemption due to size	TCAB Staff	
	Vehicular Parking (Sec. 5.9)	21 spaces total, including 2 handicap spaces minimum & Maximum	TCAB, PC	
	Transit (Sec. 5.8)	Served by the Chapel Hill Transit D route	TCAB	
	Bicycle Parking (Sec. 5.9)	8 proposed spaces	TCAB, PC	
	Electric Vehicle Parking	None proposed	TCAB	
	Parking Lot Standards (Sec. 5.9)	Built to Town standards	TCAB	
Technical	Fire	Full fire flow study and report will be provided during the ZCP phase	Staff	FP
	Site Improvements	Driveway access	Staff	

Schools Adequate Public Facilities (Sec. 5.16)	Not applicable	Staff	N/A
Inclusionary Zoning Ordinance (Sec. 3.10)	Not applicable	Staff	N/A
Recreation Area (Sec. 5.4)	Not applicable	PC	N/A
Lighting Plan (Sec. 5.11)	0.3 foot-candles at property line	CDC	FP
Homeowners Association (Sec. 4.6)	Not applicable	Staff	N/A

Project Summary Legend

Symbol	Meaning	Symbol	Meaning
	Meets Requirements	CDC	Community Design Commission
M	Seeking Modification	HAB	Housing Advisory Board
C	Requires Council Endorsement	TCAB	Transportation and Connectivity Board
FP	Required at Final Plan;	ESAB	Environmental and Sustainability Board
NA	Not Applicable	OCSW	Orange County Solid Waste
PC	Planning Commission	NCDOT	North Carolina Department of Transportation