



SECOND READING TO 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

PROPERTY ADDRESS 2217 Homestead Road	BUSINESS MEETING DATE April 10, 2019	APPLICANT Gurlitz Architectural Group, PA
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STAFF RECOMMENDATION

That the Council vote on the second reading of this Zoning Atlas Amendment and, if it is enacted, take up the next agenda item for the proposed special use permit.

UPDATES SINCE THE FEBRUARY 13, 2019 MEETING

At the [March 20, 2019](#)¹ public hearing for the Zoning Atlas Amendment, the Council voted 5-2 in favor of the rezoning. By State Law, an ordinance must receive a 2/3 affirmative vote of the Council (6 votes) to be enacted on the first reading. The Zoning Atlas Amendment application is before Council tonight for a second reading.

At the [February 13, 2019](#)² meeting, the applicant presented an alternative development proposal (3-story building) and requested the Council consider the new proposal. The Applicant agreed to submit the formal proposal for the three story building to the Town within two weeks of the meeting. In return Town staff committed to working expeditiously to review the proposal and begin the official regulatory process with the goal of having the project return to the Town Council for consideration within three months of the submission. The Applicant returned with a request to bring the project back to Town Council before the end of April. Unfortunately that timeline was simply not possible considering the need for review by Town staff, the Community Design Commission, the Planning Commission and then ultimately the Town Council. The Applicant decided not to submit a proposal for the 3-story building and has since requested that Council consider the original submittal (4-story building) at tonight’s meeting.

At the [January 30, 2019](#)³ meeting, Council requested the Applicant provide additional information in response to comments raised by the Council including building elevations. At the February 13, 2019 meeting, the Applicant provided the requested information.

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 legislative 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.

¹ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3891267&GUID=F009B671-DC79-4C12-82C7-B25D71256722>

² <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3857643&GUID=92254F3C-54C7-4079-8965-34128846D8D4&Options=&Search=>

³ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3846763&GUID=D40D7413-F389-492E-9D62-C7A7069C9856&Options=&Search=>

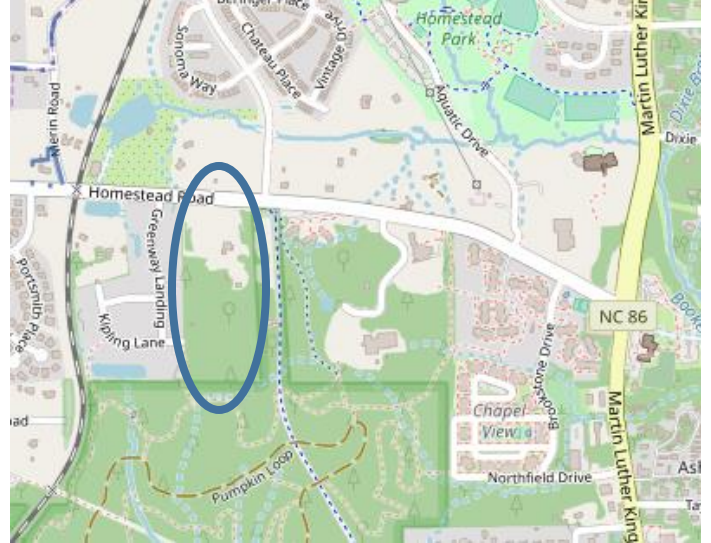
AFFORDABLE HOUSING

If the Council determines that the Applicant’s 4-story proposal meets the expectations of the [Affordable Housing Policy](#)⁴ and approves the rezoning, we would incorporate the terms into a future Affordable Housing Performance Agreement, as a stipulation in 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 (attached) is referenced in the attached rezoning ordinance and has been signed by the Developer and Property.

If the rezoning is denied, the Special Use Permit could not be approved and should be denied. If action on the rezoning is delayed, further consideration of the Special Use Permit should be deferred until action on the rezoning has been taken.

PROJECT LOCATION



ATTACHMENTS

1. Staff presentation
2. Revised Key Issue – Affordable Housing
3. Technical Report
4. Ordinance A (Approving the Rezoning)
5. Resolution B (Denying the Rezoning)
6. Affordable Housing Agreement
7. Applicant Materials
8. Plan and Area Maps
9. Applicant’s request dated 02.19.2019

⁴ <https://www.townofchapelhill.org/home/showdocument?id=24578>