



**OPEN THE LEGISLATIVE HEARING: CONDITIONAL ZONING APPLICATION FOR STANAT'S PLACE LOCATED AT 2516 HOMESTEAD ROAD (PROJECT #21-088)**

**SUMMARY REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
 Colleen Willger, Director  
 Corey Liles, Planning Manager  
 Anya Grahn, Principal Planner  
 Jacob Hunt, Planner II

PROPERTY ADDRESS	MEETING DATE	APPLICANT
2516 Homestead Road	September 14, 2022	Cameron Rice, Advanced Civil Design, Inc., on behalf of Capkov Ventures, Inc. (Contract Purchaser) and Donald and Sylvia Stanat (Property Owners)

**STAFF RECOMMENDATION**

Staff recommends that the Council 1) open the legislative hearing, 2) receive comments on the Conditional Zoning Ordinance, and 3) continue the hearing to October 12, 2022. Please see the attached Advisory Board recommendations.

**PROCESS**

Conditional Zoning is a legislative process that allows Town Council to review the rezoning application for consistency with the Land Use Plan in the Comprehensive Plan and establish standards that address any impacts on surrounding properties.

**PROJECT OVERVIEW**

The applicant proposes rezoning the 8.97-acre property to allow for the construction of a 47-unit townhouse development. The site is located north of Homestead Road, between the Vineyard Square Neighborhood and Homestead Park.

**DECISION POINTS**

Modifications to Regulations: The proposed development requests Modifications to Regulations for the following:

- Land Disturbance in the Resource Conservation District (RCD)
- Inclusionary Zoning
- Disturbance of Steep Slopes
- Landscaping, Screening, and Buffering

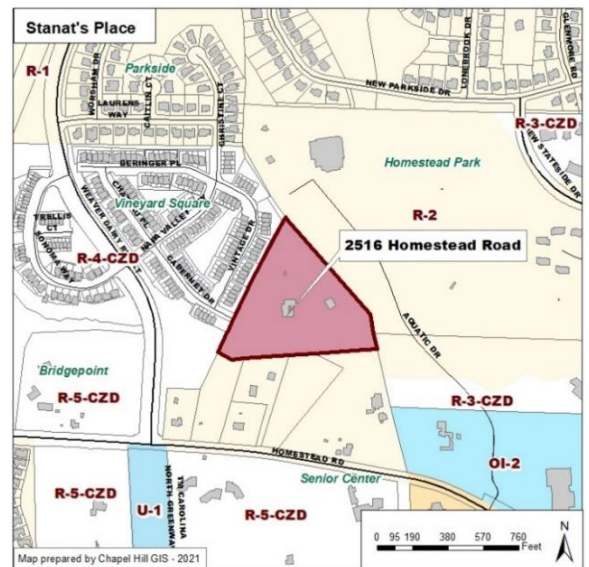
Connectivity: The applicant has proposed a main vehicular access from Aquatic Drive and a secondary vehicular access point at Cabernet Drive. Staff and the developer have heard opposition from the neighbors to a vehicular connection between the neighborhoods. Staff recommends the connection be made, as connectivity aligns with the Town's adopted comprehensive and long-range plans, Council goals, including equitable and resilient planning and development, and improves EMS response times. Please see the Technical Report for further analysis.

Transit voluntary payment: The Town's Transit Department has requested a voluntary \$25,000 payment to improve existing stops in locations that will see an increase in usage related to new development. The applicant has not consented to this. Please see the Technical Report for further analysis.

**ZONING**

Existing: Residential-2 (R-2)  
 Proposed: Residential-5-Conditional Zoning District (R-5-CZD)

**PROJECT LOCATION**



**ATTACHMENTS**

1. Technical Report and Project Fact Sheet
2. Draft Staff Presentation
3. Draft Resolution A, Resolution of Consistency and Reasonableness
4. Draft Ordinance A (Approving the Application)
5. Draft Resolution B (Denying the Application)
6. Advisory Board Recommendations
7. Transportation/Connectivity White Paper
8. Applicant Materials
9. Vineyard Square Response to Capkov Proposal



# TECHNICAL REPORT

## PROCESS

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. Conditions may modify use, intensity, and development standards to address impacts reasonably expected to be generated by the individual development. Conditions may also address conformance of the development with town regulations and adopted plans. A -CZD suffix would be added to the zoning district designation to incorporate the approved conditions.

## PROJECT HISTORY/BACKGROUND

November 10, 2021	Town Council reviewed the proposed development as part of a Concept Plan Review.
December 8, 2021	Applicant submitted a Conditional Zoning application for the development.
Spring 2022	Applicant submits updated application form and materials for advisory board and Council review. Updated plans and application reflect input from the Town's Technical Review Team (TRT).

Information about the site and proposed zoning districts can be found below, as well as a list of proposed Modifications to Regulations, other important considerations that staff has identified, and an analysis of the project's consistency with the Comprehensive Plan and relevant Findings of Fact.

## SITE CONTEXT

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

- The site sits between Vineyard Square, a residential townhome community zoned Residential-4-CZD (R-4-CZD) and Homestead Park. Single-family residential homes exist between the site and Homestead Road, and are zoned Residential-2 (R-2).
- There is stream and Resource Conservation District (RCD) along the southern boundary of the site and a small farm pond in the south-eastern corner of the lot.
- The site is comprised of a working horse farm that includes a single family residence and farm buildings, horse pastures and a yard, as well as wooded areas. The proposed development would remove some tree canopy.
- The site has no street frontage and would require access from Aquatic Drive, with a proposed secondary access point connecting to Cabernet Drive. Aquatic Drive exists

over privately owned property and there is an existing access easement between private property owners and the Town that allows for a street to connect the Homestead Aquatic Center to Homestead Road. Both Cabernet Drive and Aquatic Drive are classified as local roads and maintained by the Town. There is an existing access easement through the property to the south that provides a gravel driveway to the existing house.

## PROPOSED ZONING

The applicant has proposed a Conditional Zoning district for the site, as shown on the site plan: Residential-5-Conditional Zoning District (R-5-CZD).

- The intent of the Residential-5 (R-5) zoning district is “to provide for residential development of appropriate intensities consonant [consistent] with the suitability of land, availability of public services, accessibility to major activity centers and transportation systems, and compatibility with surrounding development ”.<sup>1</sup>

## PROPOSED MODIFICATIONS TO REGULATIONS

### 1) Section 3.6.3 Land Disturbance in the Resource Conservation District (RCD):

The purpose of designating the RCD is to preserve the quality of the town’s water supply sources; minimize impacts of flooding in or near the water courses; preserve the water-carrying capacity of the water courses and to protect them from erosion and sedimentation; retain open spaces and greenways and protect their environmentally-sensitive character; preserve urban wildlife and plant life habitats from urbanization; provide air and noise buffers to offset the effects of development; and preserve and maintain the aesthetic qualities and appearance of the town.

Land disturbance is limited to specific percentages of the total land area in different zones of the RCD. The Upland zone is limited to 40% disturbance. The applicant is proposing to disturb 29,904 sq. ft. (73%) of the Upland zone associated with the perennial stream that runs along the southern portion of the site, to allow grading for the stormwater control measures, street improvements related to Cabernet Drive and Public Street A, as well as the proposed greenway.

*Staff Comment:* Staff believes that the Council could find a public purpose for the increased land disturbance, as the land disturbance is for the construction of stormwater control measures to meet Ordinance standards for the new impervious surface associated with the proposed development. The land disturbance also supports greater connectivity with the construction of streets and the greenway.

- ### 2) Section 3.10 Inclusionary Zoning:
- The purpose of inclusionary zoning is to promote the public health, safety, and welfare of the town by promoting housing of high quality located in neighborhoods throughout the community for households of a variety of income levels, ages, and sizes. This meets the town’s goal of preserving and promoting a culturally and economically diverse population in our community. In addition to creating and preserving housing opportunities for town residents and local employees, the regulations also support the goals of reducing traffic congestion and associated air pollution and preventing sprawl by maintaining the urban services boundary.

The applicant is providing four (4) affordable homes which equates to 9.3 percent of the

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<sup>1</sup>[https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALOUSMA\\_ART3ZODIU\\_SDIST\\_3.3CODI](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA_ART3ZODIU_SDIST_3.3CODI)

total units. This is less than the 15 percent inclusionary zoning requirement; however, the applicant finds that by matching the size of the 1,700 square foot market rate units and dedicating these units to the Community Home Trust as affordable units, they are providing affordable housing to families that may not have considered a Community Home Trust home because of the size. Each affordable townhouse will contain three bedrooms and a two-car garage. In addition, the four homes exceed the minimum net livable square footage requirement associated with the 15 percent inclusionary zoning requirement.

Section 3.10.8(a) of the LUMO requires that at least 50% of the affordable housing units be offered for sale to low-income households with an annual income that is at or below 65% of area median income and that any remaining affordable units be sold to low-income households with an annual income that is at or below 80% AMI. Three (3) homes will be provided at 65% area median income (AMI) and one (1) home will be at 80% AMI.

*Staff Comment:* On [December 9, 2020](#)<sup>2</sup>, the Council approved a similar request for a reduced number of affordable housing units at the Bridgepoint Development as the affordable housing units provided were the same size as the market rate units, and the affordable units exceeded the minimum net livable square footage requirement associated with the 15 percent inclusionary zoning requirement for the number of affordable units. The Council could find that by matching the size of the market rate units, these affordable housing units will provide greater affordability for families that need additional space.

- 3) Section 5.3.2 Steep Slopes:** The purpose of the steep slope regulations is to minimize the grading and site disturbance of steep slopes by restricting land disturbance on these slopes. Specific construction techniques for developments are required to protect water bodies and wetlands from the effects of erosion, protect plant and animal habitats, and preserve the natural beauty and economic value of the town's wooded hillsides. The LUMO states that no more than 25% of the total combined area of slopes measuring 25% or steeper shall be disturbed.

The applicant is proposing to exceed 25% of the area containing slopes measuring 25% or greater. About 96% of the existing steep slopes are manmade and occur along the east side of the property adjacent to the Homestead Aquatics Center. Other portions of steep slopes are around the existing house, and these slopes are proposed to be removed as part of this project. The applicant proposes to disturb 10,937 square feet of the 11,474 square feet of steep slopes. About 95% of slopes that measure 25% or greater are to be disturbed. These are entirely manmade steep slopes.

*Staff Comment:* Staff believes the Council could find a public purpose for exceeding the allowed steep slopes land disturbance, as the slopes to be disturbed are manmade and not natural slopes.

- 4) Section 5.6 Landscaping, screening, and buffering:** Buffers are required to separate a proposed development from adjacent major streets and different adjacent land uses or zoning designations to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces;

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<sup>2</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=802595&GUID=08B36569-331C-4F4F-963E-62CC2EA15A13&Options=info|&Search=>

and to establish a sense of privacy.

The applicant proposes to maintain the existing buffer provided by the wooded areas on the south side of the site. A 10-foot-wide buffer planted with 4 large trees, 7 small trees, and 12 shrubs per 100 linear feet is required along this property line; however, the applicant proposes to maintain the existing 50-feet to 150-feet of existing vegetation along the stream although the applicant does not propose to add new shrubs and trees to this existing buffer in order to meet the specified plant mix.

<b>Buffer</b>	<b>Required</b>	<b>Proposed</b>
Southern Buffer	Type B 10 ft. buffer with a plant mix of 4 large trees, 4 small trees, and 12 shrubs per 100 linear feet	Maintain existing +50 ft. forested areas

*Staff Comment:* Landscape buffers are intended to separate proposed development from different adjacent land uses or zoning designations to minimize potential nuisances, reduce the visual impact of unsightly aspects of adjacent development, provide separation of spaces, and establish a sense of privacy. Existing vegetation can be used to satisfy some or all the required buffer plantings. Where existing vegetation is retained, the Town’s Engineering Design Manual requires that supplemental evergreen shrubs be planted along buffer edges. Staff finds that there is a mix of existing shrubs and trees located in the natural buffer on the southern edge of the property. While this vegetation may not meet the exact planting mix of the Engineering Design Manual, it does provide the required visual barrier to separate future uses. To meet the planting mix prescribed by the Engineering Design Manual, this natural wooded area would need to be disturbed and replanted.

Staff finds that the existing buffers should be maintained. Staff has incorporated the following condition of approval to address this:

#19. Landscape Buffers: The existing vegetation within the Type B 10-foot southern buffer shall remain undisturbed or the developer shall provide a landscape buffer that complies with the Engineering Design Standards. Only hand-clearing of the invasive species within the buffer is permitted.

Staff believes the Council could find a public purpose for maintaining the existing vegetated areas, as the proposed buffer meets the intent of reducing the visual impact of unsightly aspects of adjacent development, providing separation of spaces, and establishing a sense of privacy.

**Council Findings and Public Purpose:** The Council has the ability to modify the regulations according to Section 4.4.5 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 and other considerations on timing and flexibility, please refer to the applicant’s attached materials.

## OTHER CONSIDERATIONS

**1) Extension of Cabernet Drive:** The applicant has proposed connecting the internal street network to the stub-out of Cabernet Drive at the western property line. Staff has heard concerns from the neighbors in Vineyard Square that extending Cabernet Drive to Stanat's Place will create cut-through and delivery truck traffic in their neighborhood. They cited the narrowness of the existing roads due to trash receptacles and parked cars that will lead to vehicular traffic coming into contact with school buses, walkers, and playing children that also utilize the street.

*Staff Comment:* The Transportation Impact Analysis (TIA) has found that the Stanat's Place, with a Cabernet Drive extension, will not produce excessive additional traffic through Vineyard Square. The TIA estimates that Stanat's Place will yield about 314 additional trips per day for the entire development. The TIA provided an analysis of the number of trips that would be generated from Stanat's Place at its closest access points:

<b>Intersection:</b>	<b>AM Peak Flow (7:30am-8:30am)</b>	<b>PM Peak Flow (4:00pm-5:00pm)</b>
Stanat's Place and Aquatic Drive	11 (Approximately 1 car every 5 minutes)	7 (Approximately 1 car every 8.5 minutes)
Weaver Dairy Road Extension and Sonoma Way/Napa Valley Way	8 (Approximately 1 car every 7.5 minutes)	5 (Approximately 1 car every 12 minutes)

Staff finds that the extension of Cabernet Drive, connecting Vineyard Square and Stanat's Place, will provide residents greater access to amenities as well as improve emergency service response time and vehicle access. Transportation Planning staff also find that the connection will improve safety on Homestead Road, identified as part of the town's high crash network (HCN). Per the TIA, the connection will reduce traffic on Homestead Road by 3% and the number of vehicles making left turns onto Homestead Road. Connectivity also reduces standstill traffic and idling.

Staff, the applicant, and Vineyard Square residents also have discussed adding bollards across Cabernet Drive at the property line between Vineyard Square and Stanat's Place. The Fire Department finds that these bollards delay emergency vehicle access when the bollard requires that EMS personnel leave the vehicle to unlock or lay down the bollard for the vehicle to pass. In other cases, driving over plastic or metal bollards can be detrimental to emergency vehicles and cause significant and expensive damage to the undercarriage of a fire truck or other emergency vehicle. Staff recommends an unimpeded connection that will maximize response time and prevent damage to emergency vehicles.

Staff also finds that the connection between the neighborhoods is consistent with the goals expressed by the Town in its adopted long-range plans, including:

<b>Plan</b>	<b>Connectivity Goals</b>
<b>Chapel Hill 2020</b>	<ul style="list-style-type: none"> <li>Emphasizes the need to promote connectivity for bicycles, transits, pedestrians, and vehicles using complete streets.</li> <li>Big Idea for 2020 Plan was to create a more connected, walkable, bikeable, green community with safe connections between neighborhoods, schools, commercial areas, parks, rural bikeways,</li> </ul>

	<p>and farms that promote exercise and environmentally friendly modes of transportation.</p> <ul style="list-style-type: none"> <li>• Within its definition, connectivity is described as physical connections (such as sidewalks, streets, transportation, or transit systems).</li> </ul>
<p><b>Chapel Hill Bike Plan (2014)</b></p>	<ul style="list-style-type: none"> <li>• Chapel Hill residents interested in greater connectivity.</li> <li>• Describes the low level of street connectivity as “a major barrier to making bicycling a convenient choice, as bicyclists must travel on high stress arterials with inadequate bike accommodations for portions of a trip.”</li> <li>• Need to fill gaps in the bicycle network to “create a safer, connected transportation system.”</li> </ul>
<p><b>Mobility &amp; Connectivity Plan</b></p>	<ul style="list-style-type: none"> <li>• Does not propose any bicycle, pedestrian, or multi-use facilities impacting the site. Surrounding streets typically have sidewalk on at least one side. Further discussion is needed around the appropriate alignment of any new connections, and the travel modes that should be served (pedestrian, bicycle, and/or vehicular).</li> <li>•</li> <li>• “By connecting neighborhoods to destinations, residents will be able to access these priority corridors and travel to the places they live, shop, work, and play.”</li> <li>• One of the goals is to reduce barriers by improving crossing between networks and to destinations, and integrate land use development.</li> </ul>
<p><b>Future Land Use Map (FLUM) (North Martin Luther King, Jr. Boulevard Focus Area)</b></p>	<ul style="list-style-type: none"> <li>• The FLUM indicates a Proposed Connection traversing this site, connecting Cabernet Drive east to Aquatics Drive and Homestead Park. Proposed Connections on the FLUM are conceptual features, intended to prompt further discussion during the development review process.</li> <li>• The Future Land Use Map (FLUM) envisions the North MLK Jr Blvd Focus Area as a gateway to the town, with improved east-west connectivity to link development to the future BRT corridor.</li> <li>• Guiding Statement 1: Respond to the threats associated with climate change and environmental stewardship and resiliency by: <ul style="list-style-type: none"> <li>○ Creating compact, walkable communities that require less time and energy to access daily trips</li> <li>○ Supporting transit, transit connections, and integrated transit options to reduce vehicles miles traveled, support additional housing units and intense land uses, and reduce carbon footprints</li> <li>○ Establishing “connected community” with network of streets and multi-modal paths</li> </ul> </li> <li>• Guiding Statement 2: Ensure equitable planning and development by: <ul style="list-style-type: none"> <li>○ Promoting roader mobility and connectivity through public</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Developing healthy and safe communities with access to public amenities, such as parks and walkable neighborhoods</li> <li>○ Creating a fully accessible environment for people of all ages, physical conditions, and languages</li> </ul>
<b>Climate Action and Response Plan</b>	<ul style="list-style-type: none"> <li>• The plan recognizes that the transportation sector is the second largest source of greenhouse gas (GHG) emissions in Chapel Hill. To reduce GHG emissions, it recommends creating walkable, bikeable, transit-served neighborhoods. It also calls for reducing Vehicle Miles Traveled (VMT) through high density development and connectivity.</li> <li>• To increase walking, biking, and transit use, it encourages better connectivity for all transportation modes.</li> <li>• It also proposes expanding transit availability and connectivity, wherever possible.</li> <li>• The site offers an opportunity for infill development next to an existing neighborhood, with transit service and a park nearby. This would support sustainable development and multimodal travel options.</li> </ul>
<b>Northern Area Task Force Report (Focus Area 4, Homestead Road)</b>	<ul style="list-style-type: none"> <li>• Proposes an extension of Cabernet Drive along the southern edge of Stanat's Place to connect Vineyard Square to Homestead Park.</li> <li>• The public comments received at the time of this plan also express interest in preventing deadend streets and promoting street connections.</li> <li>• Goal 6 of the plan proposes improving the road network to provide more connections and safer turning options (e.g. Perkins and Weaver Dairy Road, Westminster and Martin Luther King, Jr. Boulevard).</li> </ul>

**2) Connection to Aquatics Drive:** Currently Aquatics Drive is not a dedicated public right-of-way, but an access easement between the town and private property owners. Aquatic Drive is a town-maintained street. A new access easement is required to connect Stanat's Place with Aquatic Drive. Additionally, a revised access easement is needed for Aquatic Drive to make the development a party to that specific easement.

Alternatively, the Town could work with private property owners that are parties to the Aquatics Drive access easement to obtain fee-ownership of the land; however, Engineering staff finds that this could take years to negotiate the purchase of the land beneath Aquatic Drive.

To address this, staff has included the following condition of approval:

*#15. Connectivity to Aquatics Drive: The developer shall obtain appropriate interest in the easement for Aquatic Drive. The Town of Chapel Hill, as part of the approval, will grant access to Aquatics Drive.*

**3) Transit Voluntary Payment:** The Transit Department requests a \$25,000 voluntary



payment in support of improving existing transit stops in locations that will see an increase in usage related to the new development. Staff find that additional transit infrastructure improvements are needed to accommodate the new Stanat's Place residents. The voluntary payment has been requested as a condition, in lieu of the developer constructing necessary transit infrastructure improvements for public transit serving the proposed development. This request is consistent with the Chapel Hill Town Council's commitment to mobility and sustainability, and these payments are a standard practice for developments that are located on or near transit lines. The \$25,000 request is a minimum for a development in a high frequency service corridor, such as this. The Transit Department has two existing stops along Homestead Road and four stops along Martin Luther King, Jr. Boulevard that will see increased usage due to this development.

The Transit Department appreciates the applicant's commitment to building affordable housing. They find that access to affordable, convenient transportation options is extremely important to supporting the Town's working families and stresses the need for safe, comfortable transit-supported infrastructure. Development impacts on transit infrastructure will unnecessarily burden existing riders if improvements are not made to accommodate the new transit riders. Further, Transit staff advocates that the benefits of this one-time investment in transit are likely to generate significant financial benefits to townhouse purchasers over time, particularly once the planned N-S Bus Rapid Transit is in place.

As described by the applicant's Statement of Consistency, both Transit and the applicant recognize that the Stanat's Place will provide links supporting a holistic transportation system through its pedestrian connections, public roadways, and public sidewalks. The Transit Department finds that while the planned neighborhood roads are not directly served by a transit route, access via existing and proposed connections will link Stanat's Place to several high ridership routes located within the development's quarter-mile transit walkshed including the future BRT route. For Transit staff, the number of residential units, expected new residents, limited opportunities for parking in and near local and regional activity areas, and the proposed development's proximity to existing and proposed transit service all reasonably indicate substantial impacts on transit service and transit supportive infrastructure. They further advocate that transit improvement could help mitigate the potential traffic impacts between Stanat's Place and Vineyard Square by reducing the number of vehicles on the road.

The applicant opposes this payment and has provided a response to this request that is included in Exhibit 8 – Application Materials. The applicant finds that as Stanat's Place does not have direct access to a bus route, they should not be responsible for improving transit stops along Homestead Road and Martin Luther King, Jr. Boulevard. They argue that as outlined in the Traffic Impact Analysis, the development will have little impact on the surrounding areas. They argue that the additional costs are passed along to townhouse purchasers through increases purchase prices. While the cost for transit improvements per unit is small, the sum of payments-in-lieu and voluntary payments for improvements add up to create a significant barrier to developing middle income housing in the community.

- 4) Vineyard Square Greenway Extension:** Staff and the applicant have met to discuss a proposed location of the greenway through Vineyard Square along the top of the Vineyard Square stormwater pond berm. The Vineyard Square HOA board has expressed concerns about this location as it allows greenway users views of their rear decks and yards. They have recommended a natural path located between the berm and the

adjacent property within the wooded area; however, Parks and Recreation staff find that there is not sufficient level space to construct a route between the berm and the adjacent property. If Vineyard Square does not permit the greenway to be extended across their property, greenway users will need to use the public sidewalk along Cabernet Drive as a connection between segments of the greenway.

## KEY CONSIDERATIONS

1. **Environmental Stewardship Advisory Board (ESAB):** At the August 9, 2022, meeting, the ESAB recommended approval with the following conditions to Ordinance A:
  - That the applicant use drought-resistant turf and native plantings, where possible
  - That no permanent irrigation systems be installed
  - That the applicant increase the Seasonal Energy Efficiency Ratio (SEER) rating to 17 or 18

*Staff Response:* Staff has worked with the applicant to revise the Energy Management Plan (EMP) to incorporate feedback received from ESAB by incorporating "Stanat's Place Energy Saving Features." (This item has been included in Attachment 8 – Application Materials.) Staff has incorporated the following condition of approval to address this:

*#5. Energy Efficiency & Management Plan: The developer shall follow the September 7, 2022 amendment to the Energy Management Plan entitled "Stanat's Place Energy Saving Features" (incorporated here by reference) [Town Policy April 2007].*

2. **Housing Advisory Board (HAB):** At the August 9, 2022, meeting, the HAB recommended approval of Ordinance A as proposed.
3. **Community Development Commission (CDC):** At the August 23, 2022 meeting, the CDC recommended approval with the following conditions to Ordinance A as proposed.
4. **Transportation and Connectivity Advisory Board (TCAB):** At the August 23, 2022 meeting, the TCAB recommended approval with the following conditions to Ordinance A:
  - That the connection to Cabernet Drive should be a full vehicle access road. If not a full-access road, the connection should be paved with curb and gutter and have nothing more obtrusive than collapsible plastic bollards to facilitate emergency access.
  - That the developer provides a bike rack inside the garage to residents upon request.
  - That the developer clearly publicizes the availability of bike parking.
  - That the developer provides 220-volt outlets in all garages.
  - That the developer provides conduit or other electrical access to the visitor parking.

*Staff Response:* The applicant has agreed to the conditions above. Staff has incorporated the following conditions of approval in Ordinance A to address these items:

*#9. Bike Racks: The developer shall provide bike racks to all residents upon request as a standard feature.*

*#10. Bike Parking: The developer shall clearly publicize the availability of guest parking.*

*#11. Electrical Outlets: The developer shall provide 220-volt outlets in each garage.*

#12. Electrical Access to Visitor Parking: The developer shall provide electrical access to visitor parking. (Conduit may not be necessary as there is a light pole proposed in the visitor parking area that would provide power.)

5. **Planning Commission:** At the September 6, 2022 meeting, the Planning Commission recommended approval with the following conditions to Ordinance A:

- Stanat's Place have full connectivity to Cabernet Drive, without bollards, notwithstanding strongly felt and understandable concerns of Vineyard Square residents. This recommendation aligns with both staff's and the TCAB's position on the issue.

Staff Response: Staff agrees that Cabernet Drive should be a full vehicle access road. Please see the analysis above.

- Construction vehicles NOT be permitted to use the connection to Cabernet Drive until construction of Stanat's Place is complete. The developer, Capkor Ventures, has agreed to this condition.

Staff Response: Staff agrees with this stipulation as well and has added Condition of Approval #18 to restrict construction vehicles entering the site through Vineyard Square.

- Consistent with the objective of transit-oriented development along major transit corridors, the Council negotiate for a lower on-site parking ratio than the proposed 4.4 spots/unit. This could be achieved by reducing visitor parking (Homestead Aquatic Center has considerable amounts of underutilized visitor parking immediately beside the proposed development) and/or by reducing or removing driveway pads."

Staff Response: The Parks & Recreation Department find that parking is already limited at the Aquatic Center; however, there may be opportunities for visitors to park in the townhouse's individual driveways.

## CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

North Carolina General Statute 160D-605 requires the Town Council to consider a statement of Plan consistency when reviewing any Zoning Atlas Amendment. Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)<sup>3</sup>, the standards of the [Land Use Management Ordinance](#)<sup>4</sup>, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)<sup>5</sup> and provides the following evaluation of consistency for the Stanat's Place proposal.

2050 FUTURE LAND USE MAP (FLUM) ELEMENTS		
FOCUS AREA & SUB-AREA	APPROPRIATE USES	OTHER
North MLK Jr Blvd Sub-Area C 4-6 stories typical height	Multifamily Residential Townhouses/Residences Multifamily/Shops/Offices Parks and Green/Gathering Spaces	Proposed Connection

<sup>3</sup> <http://www.townofchapelhill.org/home/showdocument?id=15001>

<sup>4</sup> [https://www.municode.com/library/#!/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALAUUMA](https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUUMA)

<sup>5</sup> <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

	Institutional/University/Civic	
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**OTHER APPLICABLE ADOPTED SMALL AREA PLANS**  
None

	Description of Plan Element	Staff Evaluation
<b>Focus Area Character</b>	The Future Land Use Map (FLUM) envisions the North MLK Jr Blvd Focus Area as a gateway to the town, with mixed use nodes, and inviting streetscapes that blend the built environment with tree canopies.	The proposed rezoning does not appear to conflict with character envisioned by the FLUM, though supporting that character depends on specific design elements. Zoning conditions would be useful to ensure quality streetscapes and adequate connectivity with the transit network.
<b>Appropriate Uses</b>	The FLUM indicates a range of appropriate Primary and Secondary uses for the Sub-Area where this site is located. Townhomes/Residences is one of the appropriate Primary uses.	R-5 zoning would allow various residential uses that the FLUM indicates are appropriate. The Conditional Zoning application proposes a housing type that falls under the definition of Townhomes/Residences.
<b>Building Height</b>	The FLUM specifies a Typical Height of 4 to 6 stories across the site, with no guidance to step up or step down in height near any site boundaries. Each story is approximately 12 feet in height, meaning the building would measure between 48 feet 72 feet. The appropriate building height for each site requires careful examination of the site and its surrounding context.	R-5 standards would limit height to around 5 stories maximum, consistent with the FLUM guidance. The Conditional Zoning application proposes a housing type that is commonly built at 2-3 stories, lower than the guidance provided in the FLUM.
<b>Mobility And Connectivity</b>	See analysis above in Other Considerations #5 – Extension of Cabernet Drive	See analysis above in Other Considerations #5 – Extension of Cabernet Drive
<b>Climate Action and Response</b>	See analysis above in Other Considerations #5 – Extension of Cabernet Drive	See analysis above in Other Considerations #5 – Extension of Cabernet Drive
<b>Chapel Hill 2020 Goals</b>	Opportunities for this application to support goals of Chapel Hill 2020 include: <ul style="list-style-type: none"> <li>Contributing to a range of housing options for current and future residents, especially given the limited recent production of new townhomes in Chapel Hill. This aligns with the theme of <i>A Place for Everyone</i>.</li> </ul>	

	<ul style="list-style-type: none"> <li>• Locating housing within walking distance of a community park, greenway, trails, and public transit routes. This goal aligns with the theme of <i>Getting Around</i>.</li> <li>• The opportunity to develop a thoughtfully designed neighborhood with central common space for community gathering, and to contribute to a range of neighborhood types. These elements align with the theme of <i>Good Places New Spaces</i>.</li> </ul>
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**REASONABLENESS OF THE ZONING ATLAS AMENDMENT**

Reasonableness is determined by comparing the scale of permissible development under the proposed zoning district to the scale permitted under existing zoning, and by considering characteristics of the site and its surroundings. North Carolina General Statute 160D-605 requires the Town Council to consider a statement of reasonableness when reviewing any Zoning Atlas Amendment.

The analysis below considers the applicant’s proposed zoning district and overall proposed use program. Specific characteristics of the development proposal, compliance with regulations, and appropriate conditions to address potential impacts of the development are evaluated elsewhere.

**SUMMARY OF ANALYSIS FOR REASONABLENESS**

**Supporting Factors**

- The proposed zoning is similar to adjacent zoning (R-5 proposed adjacent to R-4).
- There are multiple residential developments proposed or under construction in the surrounding area, including similar housing types.
- Available existing sidewalks and transit service nearby could support medium-density residential development.
- The proposed zoning is consistent with the Future Land Use Map character for the Focus Area, and with the list of appropriate uses.
- Zoning conditions provide an opportunity to limit intensity and to establish standards that address any impacts on surrounding properties.

**Other Considerations**

- “The Chapel Hill Housing Needs Analysis: 2020-2040” found that there are few owner-occupied townhouses or condominiums being built in the community. A 35% increase in housing production is needed to meet projected jobs and household growth, which includes 440 units/year of new housing for individual households.
- The proposed change in zoning district would allow roughly 3 times the amount of permissible development. However, the proposed development program calls for an intensity that is closer to double what existing zoning allows (measured in terms of floor area).
- The site does not front on existing streets; new street connections will be needed to provide access. Zoning conditions may be useful to address traffic impacts, if warranted by further analysis.
- Existing regulations include measures for protecting environmental features such as steep slopes and the stream corridor. Zoning conditions may be useful for enhanced protection, if warranted by further analysis.

**Comparing Proposed Permissible Development to Existing**

The application to rezone the property from Residential-2 (R-2) to Residential-5-Conditional Zoning District (R-5-CZD) is sought to allow for a greater number and density of townhomes. Under the R-2 zoning, the zone’s density of 4 dwelling units per acre would

only produce about 36 homes on the nine-acre site; however, the R-5-CZD zoning would allow a density of 15 units per acre or 135 townhomes at Stanat’s Place.

The R-5-CZD zoning district allows for residential development of appropriate intensities consonant with the suitability of land, availability of public services, accessibility to major activity centers and transportation systems, and compatible with surrounding development. This site is adjacent to the Vineyard Square townhouse development on its west, the Town-owned Homestead Aquatic Center to its east, and the Maddry property to its south. As indicated by the applicant’s Statement of Reasonableness, there is interest in redeveloping the Maddry property with higher density residential development. There are also a number of apartment complexes and townhouse developments underway along Homestead Road, such as Bridgepoint and the Town-owned 2200 Homestead Road affordable housing development.

	<b>LUMO Standard for R-5-CZD</b>	<b>Staff Evaluation</b>
<b>District Intent</b>	<u>Section 3.3.9</u> : The residential (R-) districts are intended to provide for residential development of appropriate intensities consonant with the suitability of land, availability of public services, accessibility to major activity centers and transportation systems, and compatibility with surrounding development.	The proposed townhome use meets the intent statement, provided Council finds it to be of appropriate intensity and compatible with surroundings.
<b>Permitted Uses</b>	<u>Table 3.7-1</u> : Permitted uses in the R-5 district include (but are not limited to) single-family residential, multifamily residential with up to 7 units per lot, and certain institutional and public facilities.	The associated Conditional Zoning application proposes attached single-family dwelling units (townhomes), one unit per lot, which is a permitted use in the R-5 district. The existing R-2 zoning limits uses to single-family and duplex dwellings, in addition to certain public facilities.

<p><b>Dimensional Standards</b></p>	<p><u>Table 3.8-1</u>: Standards for the R-5 district include:</p> <ul style="list-style-type: none"> <li>• Maximum Residential Density of 15.0 units per acre</li> <li>• Maximum Building Height of 39 ft at the setback line and 60 ft at the site core</li> <li>• Minimum Street Setback of 20 ft</li> <li>• Maximum Floor Area Ratio of 0.303</li> </ul>	<p>The associated Conditional Zoning application proposes:</p> <ul style="list-style-type: none"> <li>• 47 dwelling units, resulting in a Residential Density of 5.2 units/acre</li> <li>• Maximum Building Height equal to what proposed R-5 zoning allows</li> <li>• Minimum Street Setback of 10 ft</li> <li>• 90,000 sq ft, resulting in a Floor Area Ratio of 0.230</li> </ul> <p>The existing R-2 zoning has the following standards:</p> <ul style="list-style-type: none"> <li>• Maximum Residential Density Of 4.0 units/acre</li> <li>• Maximum Building Height of 29 ft at the setback line and 50 ft at the site core</li> <li>• Minimum Street Setback of 26 ft</li> <li>• Maximum Floor Area Ratio of 0.093</li> </ul> <p>Based on the comparison of Floor Area Ratio alone, R-5 allows over 3 times the amount of development potential that currently exists for the site. Zoning conditions would be useful to ensure appropriate development intensity.</p>
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**Design and Development Standards**

Other standards (including landscape buffers, parking spaces, stormwater treatment, etc.) are established in LUMO Article 5 and are applicable to both the R-5 and R-2 districts. A change in zoning district would not change how Article 5 standards apply.

The Conditional Zoning application provides an opportunity to establish conditions that modify development standards in order to address impacts reasonably expected to be generated by development.

**Consideration of the Site and its Surroundings**

	<b>Description</b>	<b>Staff Evaluation</b>
<p><b>Existing Use and Surroundings</b></p>	<p>One dwelling and outbuilding in the middle of a wooded site. Located in between the Vineyard Square neighborhood and Homestead Park. Multiple residential developments are proposed or under construction along or near Homestead Rd.</p>	<p>Changing the zoning of a site with very limited existing development, located in an area with substantial development activity including similar housing types, may be considered reasonable.</p>
<p><b>Adjacent Zoning Districts and Land Uses</b></p>	<p><u>Northwest</u>: R-4-CZD, townhome community (Vineyard Square)  <u>Northeast</u>: R-2, parks &amp; recreation (Homestead Park)  <u>South</u>: R-2, large lot residences and undeveloped properties</p>	<p>Proposed zoning would be similar to zoning of the neighborhood to the northwest and would provide opportunity to create development of a similar character. Locating zoning districts that allow similar development</p>

		potential in proximity to one another may be considered reasonable. Zoning conditions would be useful to ensure that the scale of the proposed dwellings is compatible with the surrounding built environment.
<b>Transit Service</b>	An existing local bus route runs along Homestead Rd, with a stop approximately ¼ mile from the site. Future stations for the North South Bus Rapid Transit project are located within ½ mile of the site.	Available transit service nearby suggests that a change in zoning district to support medium-density residential development is reasonable.
<b>Roads and Vehicular Access</b>	The site does not have any direct street frontage. Cabernet Dr and Aquatic Dr are opportunities to provide access to the site with new streets.	The reasonableness of a change in zoning district may depend on analysis of traffic impacts, given the need to create new access.  Zoning conditions may be warranted to limit traffic impacts on surrounding areas.
<b>Pedestrian &amp; Bike Facilities (existing)</b>	Cabernet Dr, Aquatic Dr, and other nearby streets have existing sidewalk on at least one side.	Available sidewalks nearby, and opportunity to extend existing sidewalks through the site, suggests that a change in zoning district to support medium-density residential development is reasonable.
<b>Streams/ Wetlands/ Floodplain</b>	No floodplain impacts the site. A perennial stream runs along the southern edge of the site, with some associated wetlands and a small existing pond.	The slopes and stream corridor limit development suitability for the southern part of the site. Existing Town and State regulations (RCD, Steep Slopes) include measures for protecting environmental features.
<b>Topography</b>	The site slopes down from gradually north to south. There are intermittent steep slope areas, including some near the stream channel and other areas, likely man-made, around the existing buildings and driveway.	Zoning conditions may be useful for enhanced protection, if warranted by further environmental analysis.

## FINDINGS OF FACT

Staff provides the following evaluation of the application under the three Findings of Fact identified in LUMO Section 4.4. LUMO states that the Zoning Atlas shall not be amended unless at least one of the Findings are made.

<b>FINDING #1:</b>	The proposed zoning amendment is necessary to correct a manifest error.
<b>Arguments</b>	To date, no arguments in support or in opposition have been submitted or identified by staff.
<b>Staff Evaluation</b>	There appears to be no manifest error in the Town's Zoning Atlas.



<b>FINDING #2:</b> The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.	
<b>Arguments</b>	Staff notes that there have been multiple rezonings in recent years to support other residential development within ¼ mile of the site (Independent Senior Housing in 2019; Bridgepoint in 2020; 2200 Homestead in 2021). To date, no arguments in opposition have been submitted or identified by staff.
<b>Staff Evaluation</b>	The Council could make the finding that the proposed zoning amendment is necessary because of changing conditions in Chapel Hill.

<b>FINDING #3:</b> The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.	
<b>Arguments</b>	Staff notes that the Conditional Zoning application could contribute to the purposes of the Comprehensive Plan through the following: <ul style="list-style-type: none"> <li>• Promoting the Focus Area Character for the North MLK Jr Blvd Focus Area as described in the Future Land Use Map</li> <li>• Facilitating development that implements FLUM guidance for Character Types in the Focus Area</li> <li>• Supporting goals of Chapel Hill 2020 including <i>A Place for Everyone, Getting Around, and Good Places-New Spaces</i>.</li> </ul> To date, no arguments in opposition have been submitted or identified by staff.
<b>Staff Evaluation</b>	The Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.














# PROJECT FACT SHEET





## Overview

Site Description	
<b>Project Name</b>	Stanat's Place
<b>Address</b>	2516 Homestead Road
<b>Gross Land Area</b>	391,119 SF (8.97 acres)
<b>Orange County Parcel Identifier Numbers</b>	9788-96-2765
<b>Existing Zoning</b>	Residential-2 (R-2)
<b>Proposed Zoning</b>	Residential-5-Conditional Zoning District (R-5-CZD)


## Site Design

Topic	Comment	Status
<b>Use/Density</b> ( <a href="#">Sec 3.7</a> )	Townhouse Development containing 47 units with a density of 5.2 units/acre (R-5 zone allows up to 15 units/acre)	
<b>Dimensional Standards</b> ( <a href="#">Sec. 3.8</a> )	Comply with LUMO Section 3.8; Dimensional standards (setbacks) only apply to exterior property lines	
<b>Floor area</b> ( <a href="#">Sec. 3.8</a> )	<i>Maximum:</i> N/A (Single Family does not regulate floor area) <i>Proposed new:</i> 101,000 sq. Ft. (+17,600 SF Density Bonus)	
<b>Inclusionary Zoning</b> ( <a href="#">Sec. 3.10</a> )	<i>Required:</i> 6.45 units (15%) <i>Proposed:</i> 4 units (9%)	<b>M</b>
Landscape		
<b>Buffer – East</b> ( <a href="#">Sec. 5.6.2</a> )	<i>Required:</i> 20' Type "C" <i>Proposed:</i> Maintain existing 20' Type "C" Buffer	
<b>Buffer – South</b> ( <a href="#">Sec. 5.6.2</a> )	<i>Required:</i> 10' Type "B" <i>Proposed:</i> Maintain 50' of existing forested areas	<b>M</b>
<b>Buffer - West</b> ( <a href="#">Sec. 5.6.2</a> )	<i>Required:</i> 10' Type "B" <i>Proposed:</i> Maintain existing 10' Type "B" Buffer + plant 1/2 10' Type "B" Buffer	
<b>Tree Canopy</b> ( <a href="#">Sec. 5.7</a> )	<i>Required:</i> 30% <i>Proposed:</i> 30%	
<b>Parking Landscape Standards</b> ( <a href="#">Sec. 5.9.6</a> )	Application must comply	
Environment		
<b>Resource Conservation District</b> ( <a href="#">Sec. 3.6</a> )	<i>Maximum:</i> 40% land disturbance in Upland, 40% in Managed Use, and 20% in Streamside Zone <i>Proposed Maximums:</i> 73% land disturbance in Upland, 40% in Managed Use, and 20% in Streamside Zone	<b>M</b>

<b>Erosion Control</b> ( <a href="#">Sec. 5.3.1</a> )	Orange County Erosion Control permit required	
<b>Steep Slopes</b> ( <a href="#">Sec. 5.3.2</a> )	<i>Maximum:</i> Disturb < 25% of slopes greater than 25% slope <i>Proposed:</i> 95%	<b>M</b>
<b>Stormwater Management</b> ( <a href="#">Sec. 5.4</a> )	Application must comply	
<b>Land Disturbance</b>	325,000 sq. ft. (7.46 acres)	
<b>Impervious Surface</b> ( <a href="#">Sec. 3.8</a> )	<i>Maximum:</i> 50% <i>Proposed:</i> 170,000 SF (43.4%)	
<b>Solid Waste &amp; Recycling</b>	Individual public refuse pickup	
<b>Jordan Riparian Buffer</b> ( <a href="#">Sec. 5.18</a> )	Not applicable	<b>NA</b>
<b>Access and Circulation</b>		
<b>Road Improvements</b> ( <a href="#">Sec. 5.8</a> )	No road improvements proposed.	<b>NA</b>
<b>Vehicular Access</b> ( <a href="#">Sec. 5.8</a> )	Primary access is from a connection to Aquatics Drive and the proposed extension of Cabernet Drive	<b>C</b>
<b>Bicycle Improvements</b> ( <a href="#">Sec. 5.8</a> )	Bicycle storage will be provided on site. If the connection to the existing Cabernet Drive is made, it provides an additional bicycle connection between Vineyard Square and Homestead Park.	
<b>Pedestrian Improvements</b> ( <a href="#">Sec. 5.8</a> )	Pedestrian links throughout the site will help connect this site with adjacent parcels, the Town's greenway trail system, and public street sidewalks and transit.	
<b>Transit</b> ( <a href="#">Sec. 5.8</a> )	No transit improvements proposed. The Transit Department has requested a voluntary payment of \$25,000.	<b>C</b>
<b>Traffic Impact Analysis</b> ( <a href="#">Sec. 5.9</a> )	TIA Executive Summary attached. It recommends a speed table be constructed along Cabernet Drive.	
<b>Bicycle Parking</b> ( <a href="#">Sec. 5.9</a> )	No bicycle parking requirements for single family development. <i>Proposed:</i> 12 spaces	
<b>Parking Design Standards</b> ( <a href="#">Sec. 5.9.5</a> )	Application must comply	
<b>Vehicular Parking</b> ( <a href="#">Sec. 5.9</a> )	No vehicular parking requirements for single family development. <i>Proposed:</i> 206 spaces (including 94 spaces in garages and 94 spaces in driveways and 18 street parking)	
<b>Loading</b> ( <a href="#">Sec. 5.9</a> )	Not applicable	<b>NA</b>
<b>Building Height</b>		

<b>Building Height</b> ( <a href="#">Sec. 3.8</a> )	<i>Required:</i> Setback Building Height: 39 ft.; Core Building Height: 60 ft. <i>Proposed:</i> Setback Building Height: 39 ft.; Core Building Height: 60 ft.	
<b>Technical</b>		
<b>Fire</b>	Meet Town Standards	
<b>Recreation Area</b> ( <a href="#">Sec. 5.5</a> )	<i>Required:</i> 19,556 SF with 25% payment-in-lieu <i>Proposed:</i> 20,326 SF (including a greenway easement) + \$9,063 payment-in-lieu	
<b>Lighting Plan</b> ( <a href="#">Sec. 5.11</a> )	Meet Town Standards; maximum of 0.3 foot-candles at property line	<b>FP</b>
<b>Homeowners Association</b> ( <a href="#">Sec. 4.6</a> )	Yes	
<b>Adequate Public Schools</b> ( <a href="#">Sec. 5.16</a> )	Application must comply	<b>FP</b>

### Project Summary Legend

Symbol	Meaning
	Meets Requirements
<b>M</b>	Seeking Modification
<b>C</b>	Requires Council Endorsement
<b>FP</b>	Required at Final Plan
<b>NA</b>	NA