



CONSIDER AN APPLICATION FOR ZONING ATLAS AMENDMENT - TOWN AND UNIVERSITY JOINT OPERATIONS CENTER

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
 Ben Hitchings, Director
 Judy Johnson, Operations Manager

PROPERTY ADDRESS 1050 Estes Drive Extension	PUBLIC HEARING DATE May 9, 2018	APPLICANT Town of Chapel Hill; University of North Carolina-Chapel Hill; Trustees, University of North Carolina Endowment Fund
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STAFF RECOMMENDATION
 That the Council open the Public Hearing, receive public comment, and continue the public hearing to June 27, 2018.

STAFF ANALYSIS
 The applicant is asking for a rezoning from Office/Institutional-2 (OI-2) to University-1 (U-1). The Zoning Atlas Amendment application would permit a development agreement and effect a change to the permitted types and intensities of land uses.

PROCESS

The zoning designation of a property determines the range of land uses and development intensities permitted on the property. Article 4.4 of the Land Use Management Ordinance establishes the intent of Zoning Atlas Amendments by stating that, "In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town it is intended that this chapter shall not be amended except:

- a) to correct a manifest error in this chapter; 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 Rezoning proposal is accompanied by a draft Development Agreement (see accompanying Development Agreement memorandum).

DECISION POINTS

In Chapel Hill, a rezoning may be requested either as general use rezoning, conditional use, or conditional rezoning. A general use rezoning request is to change the zoning to a different zoning district in which any of several kinds of developments and uses are permitted. A conditional use rezoning request is to allow development and uses only with approval of a Special Use Permit. Conditional zoning request considers the proposed development as part of the zoning.

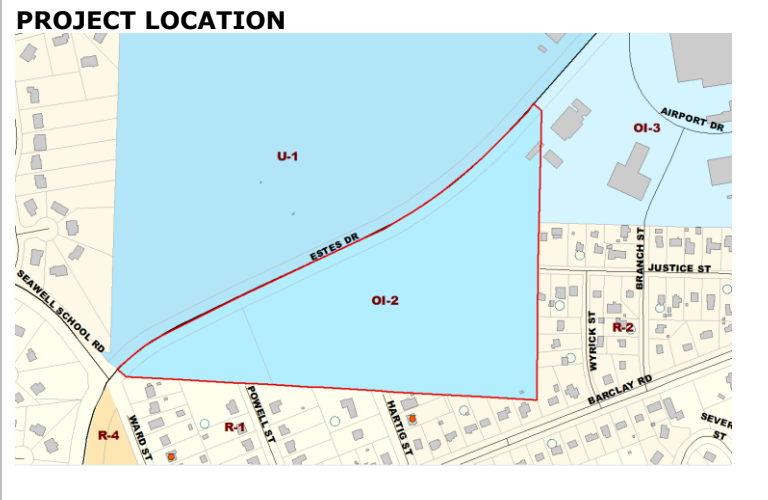
The applicant is requesting a rezoning paired with a Development Agreement which limits the type of development and uses to that authorized by a Development Agreement.

Council has the discretionary authority to approve or deny a rezoning request. The specific proposal in the accompanying Development Agreement application is related to the rezoning request, and we believe it is appropriate for the Council to consider the two together. If the Council does not consider the Development Agreement proposal to be acceptable, we would recommend that the Council not approve the rezoning request.

PROJECT OVERVIEW

The Council authorized the Town Manager and Attorney to negotiate with the University of North Carolina to draft a development agreement that, if approved, would govern and regulate development of this property. This project will contain the Town's future Municipal Services Center and future University uses on an approximately 20-acre site, owned by the University. The Town is pursuing a 99-year lease, and the first phase of development is expected to be the 72,000-square foot Municipal Services Center. There is no current timeline for the other buildings.

The property is zoned Office/Institutional-2 (OI-2) and would be rezoned to University-1 (U-1) to accommodate a development agreement.



ATTACHMENTS

1. Resolution of Consistency with the Comprehensive Plan
2. Ordinance A (Approving the Rezoning)
3. Resolution B (Denying the Rezoning)
4. Planning Commission Recommendation
5. Application Form & Materials

ZONING AMENDMENT APPLICATION ANALYSIS: TOWN AND UNIVERSITY JOINT SERVICES CENTER

The following Technical Report provides a staff analysis of the Zoning Atlas Amendment application based on long-range planning considerations, identifying arguments in favor and arguments opposed. The application would effect a change to the current zoning and permitted types and intensities of land uses.

CURRENT ZONING DISTRICT Office/Institutional-2 (OI-2)	PROPOSED ZONING DISTRICT University-1 (U-1)
2020 LAND USE PLAN DESIGNATION University - other	2020 FUTURE FOCUS AREA S MLK Jr Blvd (Area 3)
OTHER APPLICABLE ADOPTED PLANS None identified	
SUMMARY OF ARGUMENTS IN FAVOR <ul style="list-style-type: none">• Intent of proposed zoning is consistent with the 2020 Land Use Plan, including designation for University use;• The development agreement serves as an instrument to determine a level of development intensity that is appropriate for the site and consistent with the 2020 Comprehensive Plan;• The Future Focus Area designation, other planning efforts and Town infrastructure projects suggest changing conditions in the area;• The proposed development achieves various purposes of the Comprehensive Plan.	
SUMMARY OF ARGUMENTS OPPOSED <ul style="list-style-type: none">• None identified	

APPLICANT PROPOSAL

The applicant proposes applying the University-1 (U-1) district in order to implement a development agreement, as noted in their Statement of Justification: "A rezoning to U-1 is necessary in order to accommodate the Development Agreement proposed between the Town and University. A Development Agreement is the appropriate zoning instrument to facilitate a long-term development partnership between the Town and University."

The University-1 (U-1) zoning district can be characterized by the following standards:

- Section 3.5.5 of the Land Use Management Ordinance states that "The purpose and intent of the University-1 district (U-1) is to establish procedural and substantive standards for the town council's review and approval of development on large tracts of land where the predominant uses are to be public or private development for college/university, research activity, civic, hospital, clinics, cultural, and/or related or support functions with integrated supporting housing, general business, convenience business, office-type business, recreation, utility, and/or open space uses."

Further, "A key feature of this district is the concurrent review of a rezoning application and an initial proposed development agreement within such district that allows the property owner, immediate neighbors, and community to understand the type and intensity of development being proposed, the timing of that development, the potential impacts of the development, the mitigation measures that will be implemented to address those impacts, and the commitments of both the developer and the town regarding public facilities and services needed to support the proposed development."

- Permitted uses for the University-1 (U-1) district are not established in LUMO Table 3.7-1. Uses for each application of the district are instead determined through the development agreement review process. The Office/Institutional-2 (OI-2) district currently in place permits a number of office, institutional, and residential uses, but is more limited in permitting retail, personal service, and industrial uses.

The applicant notes in the Statement of Justification that "certain land uses that are permitted within University-1 (U-1) but generally regarded as more intense, such as General Business, Service Stations, will be prohibited by this Development Agreement."

- Dimensional standards for the University-1 (U-1) district are not listed in LUMO Table 3.8-1. As with permitted uses, dimensional standards are established through the development agreement review process. The Office/Institutional-2 (OI-2) district requires 22 ft. street setbacks, 8 ft. interior setbacks, a maximum core building height of 60 ft., and a maximum floor area ratio of 0.264, among other dimensional standards.
- Other design and development standards such as landscape buffers and parking are also established through the development agreement review process and may vary from the standards of LUMO Article 5.

The applicant notes in the Statement of Justification that in the proposed development agreement, "vehicular access is prohibited to the south through the Elkin Hills neighborhood, buildings have been pushed towards Estes Drive, and a 100'+ vegetated buffer is proposed adjacent to the neighborhood to provide a harmonious transition to the adjacent neighborhood."

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 University-1 (U-1) district notes development of college/university uses, which is consistent with the University designation on the 2020 Land Use Plan. In addition, the applicant notes that university facilities are proposed in the development agreement.
- Dimensional and development standards for the University-1 (U-1) district are established in each application of the district through a development agreement. The development agreement serves as an instrument to determine a level of development intensity that is appropriate for the site and consistent with the 2020 Comprehensive Plan.
- Finding #3 in the next section notes purposes of the 2020 Comprehensive Plan which 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. To correct a manifest error in the chapter; 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.

Staff provides below an evaluation of this application based on the three 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 #1: The proposed zoning amendment is necessary to correct a manifest error.

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, that there is no manifest error in the Town’s Zoning Atlas Amendment related to the project site.

Finding #2: The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

Arguments in Support	Staff notes that the site is within a Future Focus Area, is immediately across Estes Dr from the boundary of the Carolina North development, and is in proximity to the boundary of the Central West Small Area Plan (southeast quadrant of the Estes Dr and MLK Jr Blvd intersection). Further, the site is in proximity to the alignment of the North/South BRT project (following MLK Jr Blvd) and the site’s frontage is part of a programmed project for bicycle and pedestrian facilities along Estes Dr. The applicant’s Statement of Justification does not refer to any additional changed or changing conditions.
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 because of changing conditions in the S MLK Jr Blvd Future Focus Area.

Finding #3: The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.

Arguments in Support	We believe arguments in support of this Finding include following elements of the Comprehensive Plan, based on expectations of development agreement that accompanies this application: <ul style="list-style-type: none"> • The proposed development will allow for family-friendly, accessible exterior and interior places for active uses (Goal-Place for Everone.1) • The proposed development will connect to a well-conceived and planned, carefully thought-out, integrated, and balanced
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	<p>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 (Goal-Getting Around.1)</p> <ul style="list-style-type: none"> • The proposed development will be part of a connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal-Getting Around.2) • The proposed development will be part of a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Goal-Getting Around.5) • The proposed development will contribute to a transportation system that accommodates transportation needs and demands while mitigating congestion and promoting air quality, sustainability, and energy conservation (Goal-Getting Around.6) • The proposed development will allow for a joint Town/University development strategy that aligns initiatives for transportation, housing, environmental protection, and entrepreneurial programs (Goal-Good Places New Spaces.4) • The proposed development will include open and accessible common spaces for community gathering, cultural uses, and community development (Goal-Good Places New Spaces.7) • The proposed development will manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries (Goal-Nurturing Our Community.2) • The proposed development will reduce the carbon footprint of all Town-owned or managed services and properties and/or will meet standards as new development (Goal-Nurturing Our Community.7) • The proposed development will protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal-Nurturing Our Community.8) • The proposed development will allow the University and the Town to coordinate closely to manage development in ways that respect history, traditions, and the environment while fostering revitalization and innovation (Goal-Town and Gown Collaboration.5)
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.