



CONSIDER AN APPLICATION FOR CONDITIONAL ZONING FOR 751 TRINITY COURT FROM RESIDENTIAL-4 (R-4) TO RESIDENTIAL SPECIAL STANDARDS-CONDITIONAL ZONING DISTRICT (R-SS-CZD) (PROJECT 21-086)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
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PROPERTY ADDRESS	MEETING DATE	APPLICANT
751 Trinity Court	April 27, 2022	Timmons Group on behalf of Trinity Court Redevelopment, LLC and the Town of Chapel Hill

TOWN MANAGER’S RECOMMENDATION

That the Council consider closing the legislative hearing, receive the Town Manager’s recommendation and consider adopting Resolution A, the Resolution of Consistency and Reasonableness, and enacting Revised Ordinance A, approving the Conditional Zoning application. Please see the attached revisions and technical report describing updates from the applicant.

UPDATES SINCE THE MARCH 23, 2022 LEGISLATIVE HEARING

Ordinance A has been revised to clarify the access easement condition. The condition requires either amending the current easement or providing a new one that encompasses proposed improvements along the driveway. A condition has also been added to Revised Ordinance A, requiring the developer to paint crosswalks across Pritchard Avenue Extension, connecting Trinity Park to the nearby bus stops.

ZONING

Existing: Residential-4 (R-4)
 Proposed: Residential-Special Standards-Conditional Zoning District (R-SS-CZD)

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. This project is part of an expedited review process the Town piloted to address affordable housing development.

PROJECT OVERVIEW

The site is located on the west side of Pritchard Avenue Extension between Umstead Drive and North Columbia Street. The property currently is the site of the Trinity Court Public Housing development, containing 40 affordable housing units located in two existing buildings. The applicant proposes to demolish the existing buildings and construct 54 new affordable rental dwelling units in two new buildings.

The parcel is bisected with a 50-foot Jordan Buffer zone and Streamside Resource Conservation District (RCD) buffer, as well as an OWASA sewer easement.

Access to the development is through an access easement that connects Trinity Court to Pritchard Avenue Extension. A Traffic Impact Analysis Exemption was granted for this proposal.

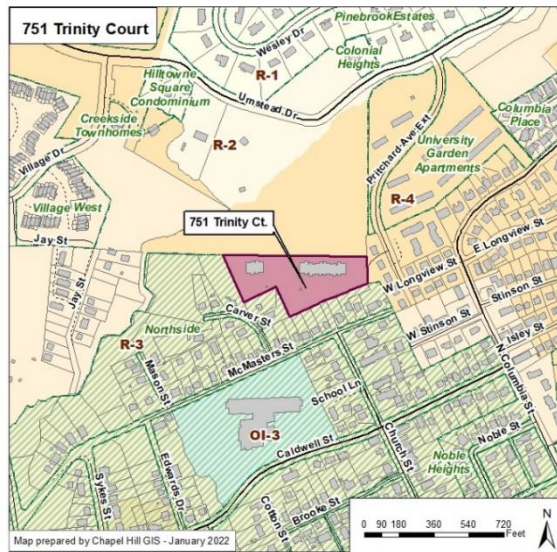
- Floor area: 66,488 sq. ft.
- Lot size: 140,782 sq. ft. (3.2 acres)

DECISION POINTS

The proposed development requests a Modification to Regulations for the following:

- Steep Slopes
- Resource Conservation District (RCD)
- Recreation Space
- Parking Standards
- Required Vehicular and Bicycle Parking
- Lighting
- Entrance Drive Width

PROJECT LOCATION



Map prepared by Chapel Hill GIS - January 2022

ATTACHMENTS

1. Technical Report and Project Details
2. Draft Staff Presentation
3. Resolution A, Resolution of Consistency and Reasonableness
4. Revised Ordinance A (Approving the Application)
5. Resolution B (Denying the Application)
6. Advisory Board Recommendations
7. Applicant Materials
8. Plan Set
9. Trinity Project Summary
10. Responses to Council Affordability Questions for Jay and Trinity
11. Responses to Council Trinity Questions



TECHNICAL REPORT

UPDATES SINCE MARCH 23, 2022 LEGISLATIVE HEARING

Staff has revised the access easement condition to better address amending the current easement or providing a new one. Staff has also clarified the Transportation and Connectivity Advisory Board's (TCAB's) recommendation regarding connectivity to bus stops along Pritchard Avenue. Revised Ordinance A includes the following changes:

#4. Access Easement: Prior to issuance of a Zoning Compliance Permit, an amendment to the existing access easement for Pritchard Avenue Extension, executed on February 12, 1973 as Book 240 Page 1452, and/or additional easements shall be obtained and recorded to address the proposed improvements. These improvements include new street lighting, sidewalk, and expanded drive aisle within the access easement.

#15. Pedestrian Crosswalks: Prior to issuance of a Zoning Final Inspection, the developer shall paint crosswalks across Pritchard Avenue Extension, connecting Trinity Park to the nearby bus stops.

PROJECT OVERVIEW

November 17, 2021 Town Council reviewed a concept plan for 54 new affordable rental dwelling units within two buildings.

December 8, 2021 Applicant submitted a Conditional Zoning District Permit for 54-unit affordable rental housing development.

The application proposes a Residential–Special Standards–Conditional Zoning District (R-SS-CZD) for the site to accommodate 54 affordable multi-family dwelling units. The site currently consists of a single parcel with two existing apartment buildings. More details about the proposed development can be found in the applicant's narrative and statement of justification in the Applicant Materials.

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

- The site contains two existing affordable apartment buildings that have been vacated.
- Properties to the west and south are zoned Residential-3 (R-3) and within the Northside Neighborhood Conservation District (NCD); these properties are primarily

single-family dwellings. Properties to the east of the site are zoned Residential-4 (R-4) and contain a mix of single family, duplex, and multi-family residential developments.

- The property directly north of the site is owned by the Town and includes Umstead Park at its northwest corner. Several trails, including the Tanyard Branch and Bolin Creek Greenways are accessible from the park and informal trails lead from the site to these established trails.
- The site is accessible from Trinity Court, which is governed by an access easement that cuts through the CASA-owned property at 701-719 Pritchard Avenue Extension. The A and N bus lines service Pritchard Avenue Extension.
- The Jordan Buffer and a 50 ft.-wide Resource Conservation District (RCD) divide the property, and an existing vehicular drive connects the west and east sides of the lot.
- The southern end of the site is steep but flattens to accommodate the existing parking lots and apartment buildings.

PROPOSED ZONING

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. 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. A -CZD suffix would be added to the zoning district designation to incorporate the approved conditions. The applicant has proposed a Residential-Special Standards-Conditional Zoning District (R-SS-CZD) for the site.

The Residential – Special Standards Conditional Zoning District (R-SS-CZD) is appropriate for “residential development and the recreational, open space, and other urban amenities associated with such development”, provided that any rezoning to this district shall demonstrate either:

- Provision of 100 percent affordable housing
- Achievement of a combination of special standards that meet community interests

The proposed uses meet the intent statement of Residential-Special Standards-Conditional Zoning District (R-SS-CZD). The Statement of Justification states that 100 percent of the housing proposed will be affordable – aimed at serving households earning less than 80 percent of the Area Median Income (AMI).

PROPOSED MODIFICATIONS TO REGULATIONS

- 1) Section 3.6.3 Resource Conservation District (RCD):** The applicant proposes widening the road and constructing a fire lane that encroaches in the RCD. This additional impervious surface has required the applicant to replace existing discharge points so the existing footprint of the existing road, driveways, parking lot, and buildings can be reutilized to the maximum extent possible. Per LUMO Table 3.6.3-2, the provision of an entitlement can permit the construction of a driveway, street, or similar transportation facilities if there is a practical necessity to their location in the RCD. A

modification is being requested to locate stormwater infrastructure in the streamside zone of the RCD which is not a permitted activity.

The road widening, new fire lane, and other improvements have also exceeded the amount of impervious surface permitted to encroach into the RCD from the allowed 2,458.4 sq. ft. (10 percent) to 3,206 sq. ft. (13 percent). These improvements are necessary to improve driveway conditions and emergency vehicle access on-site.

Staff Comment: Staff believes that the Council could find a public purpose for the RCD encroachment as the intent of increasing land disturbance in these areas is to provide a safe driveway and fire lane that support the affordable housing project.

Because the RCD overlaps the Jordan Riparian Buffer, the applicant will need to also receive federal and state permits for any work within the riparian buffer.

- 2) Section 5.3.2 Steep Slopes:** The applicant is proposing to disturb more than 25 percent of the portions of the site containing slopes with grade change of 25 percent or greater. Almost 43 percent (60,286 square feet) of the site is covered in slopes with grade change greater than 25 percent. Most of the disturbed slopes are naturally occurring as there is a steep downhill slope from McMasters Street north to this site. The existing drive between the parking lots and Pritchard Avenue measures between 10 to 25 percent, exceeding the slope allowed to meet ADA requirements. The applicant also proposes to widen the driveway for traffic safety. To minimize disturbance to the steep slopes, the applicant has largely concentrated new development within the footprints of the existing buildings and parking areas. The new buildings contain more units than the previous development, which has increased parking demand and refuse storage.

The maximum allowed steep slope area disturbance is 15,072 square feet or 25 percent of the total combined steep slope area. The applicant proposes to disturb 20,325 square feet, which is approximately 34 percent of the total combined steep slope area, and more than 5,253 square feet above the limit. The applicant states this land disturbance is necessary to widen the drives; construct retaining walls to accommodate the parking areas; provide refuse storage area; provide a fire lane on the west side of the site; and provide the playground and parking area on the east side of the site.

Staff Comment: Staff believes the Council could find public purposes are satisfied to an equivalent or greater degree since the intent of disturbing these areas is to provide a playground area, fire lane, and dumpster to meet federal housing requirements.

- 3) Section 5.5 Recreation:** The LUMO requires that recreation space be located outside of the RCD and "located on land that is relatively flat and dry." The RCD consumes approximately 17 percent of this lot, and steep slopes with grade change ratios of 15 percent or more cover 60 percent of the site. These site constraints have limited the ability to provide active recreation space on site, and the applicant states that creating spaces suitable for active recreation would require encroachment into the RCD as well as greater disturbance of the steep slopes. The applicant proposes providing 2,252 sq. ft. (1.5 percent) of the 7,039 sq. ft. (5 percent) active recreation space required for this site. On-site active recreation space is proposed as a tot lot and playground.

LUMO 5.5.2(h) permits a developer to make a partial payment-in-lieu in combination with the partial provision of on-site recreation space if the Town Council determines that the combination is in the best interest of the citizens of the area to be served. For this project, the payment in lieu would total \$18,339.25.

The applicant requests that the Town Council approve the active recreation space provided on-site and waive the required payment in lieu. The applicant argues that

providing additional on-site active recreation space would require additional encroachment into the RCD as well disturbance of steep slopes. The applicant has proposed a tot lot and playground, as well as additional passive recreation space including a picnic/grill space, sitting areas, and community rooms on-site. Additionally, the property is connected to Umstead Park through trails. The \$18,339.25 payment in lieu would be an additional expense for this project.

Staff Comment: Staff believes the Council could find a public purpose for reducing the amount of active recreation space provided on-site as increasing the amount of active recreation space provided on site would disturb the RCD and steep slopes of the site. The Council could also find a public purpose for waiving the payment in lieu as its intent is for such payments to be used for the acquisition or development of recreation, park, and open space sites to serve residents of the development or nearby developments; as this site already has access to Umstead Park through its trail network, no new public parks are necessary to serve the needs of the residents.

- 4) Section 5.9.5 Parking Design Standards:** Parking facilities designed to accommodate 5 or more vehicles require designated parking for motorcycles, mopeds, and bicycles. The applicant does not propose any designated parking spaces for these uses because of the reduced number of parking spaces provided on-site. As explained later, parking is limited due to the site constraints caused by the RCD and steep slopes.

Staff Comment: Staff believes the Council could find a public purpose for eliminating the need for designated motorcycle, moped, or bicycle parking as these types of vehicles can share the already limited number of parking spaces provided on-site. Requiring additional parking spaces to accommodate these types of vehicles would increase impervious surface and cause further disturbance to sensitive areas, such as the steep slopes.

- 5) Section 5.9.6 Parking Landscaping Standards:** Entrance drives into parking facilities require a bordered landscape buffer strip measuring a minimum of 8 feet in width. Due to the limited width of the access easement between two existing CASA-owned duplex dwellings, it's difficult to accommodate a landscape buffer at the top of Trinity Court where it meets Pritchard Avenue. The applicant requests that an exemption be granted as there is currently no landscape buffer at the entrance.

LUMO 5.9.6(C)(2)(A) also requires a foundation buffer of five feet between the building and parking facility. Two points exist at Building B where a five-foot wide landscape buffer is not provided between the building and parking area where the sidewalk runs along the building. The applicant is utilizing the footprints of the existing building and parking lot to minimize the impact to the adjacent steep slopes. If Building B were shifted to allow the five-foot wide landscape buffer, there would be greater disturbance to steep slopes.

The LUMO requires a landscape island provided between every 10 parking spaces in excess of 20 spaces. The purpose of these islands is to reduce radiant heat from surfaces, reduce wind and air turbulence, reduce noise, reduce glare from automobile lights, improve stormwater drainage problems, and protect and preserve the appearance, character, and value of adjacent properties. In the western parking lot, the applicant has provided eleven spaces surrounded by natural vegetation to the west, south, and east. The applicant finds that reducing a parking space to provide a landscape island would create less parking for residents.

Staff Comment: Staff believes the Council could find a public purpose for not requiring an eight-foot wide landscape buffer at the entrance due to the limited width of the

access easement and the proximity of the drive to the adjacent CASA-owned properties. The Council could also find a public purpose for not requiring a five-foot wide landscaped foundation buffer between Building B and its parking area as the proposed location of the new building and parking area is largely located within the footprints of the existing building and parking area; relocating the parking or building to create a five-foot wide foundation buffer would impact the adjacent steep slopes. Finally, the Council would find a public purpose for reducing the required landscape island as doing so allows for one more resident parking space. Further, this area is surrounded by natural vegetation that will offset radiant heat, reduce noise and glare from automobile lights, and protect and preserve the separation between the southern edge of the parking lot and the houses above on McMasters Street.

6) Section 5.9.7 Minimum and Maximum Off-Street Parking Requirements: The applicant is requesting to reduce the number of parking spaces provided on-site:

	Allowed:	Proposed:
Vehicular Parking	Min. 77 spaces Max. 98 spaces	63 spaces
Bicycle Parking Min. 14 spaces	Class I spaces: 13 spaces (90%) Class II spaces: 1 space (10%)	Class I spaces: 0 (0%) Class II spaces: 14 (100%)

The reduction to the minimum required number of parking spaces is due in part to the applicant working to reduce impervious surface and steep slope disturbance. To the extent possible, they are reusing the footprint of the existing parking lots. The applicant states that disturbing the steep slopes directly around the western, southern, and eastern perimeters of the parking lot would be difficult and add expense to the project as engineered retaining walls would then be necessary.

The 2005 Design Manual requires that multi-family residential developments provide 90% Class I and 10% Class II bicycle parking spaces. Examples of Class I bicycle parking include lockers, individually locked enclosures, or supervised areas within a building that protect the bicycles from theft, vandalism, and weather. Class II bicycle parking includes stationary racks usable with both U-locks and cable locks.

The applicant has requested an exemption to allow 14 Class II spaces. The applicant finds that only a bicycle locker would be feasible on this site to meet the requirements of Class I parking. They argue that bicycle lockers are expensive and consume space not available on site without disturbing the steep slopes and increasing impervious surface. Further, they received community feedback showing bicycle storage was a low priority to future residents and they credit this to the steep slopes surrounding the site.

Staff Comment: Staff believes the Council could find a public purpose for reducing the amount of vehicular parking and requiring only Class II bicycle parking due to the site limitations that would require increasing steep slope disturbance and impervious surfaces.

7) Town of Chapel Hill Engineering Design Standard Detail, Lane Width: Per the Design Standards Detail D-3, the minimum driveway width requirement is 25 feet back of curb to back of curb. The existing Trinity Court driveway has a width of 18 feet back of curb to back of curb. The applicant is proposing a modification to permit widening of the existing Trinity Court driveway to 20 foot back of curb to back of curb. The applicant argues that the grades on either side of the existing driveway measure between 15 and 25 percent. Should the driveway be widened further, it would result in greater disturbance of the steep slopes as well as retaining walls.

Staff Comment: Staff believes the Council could find a public purpose for reducing the required width of the Trinity Court driveway as the applicant is working to improve the street width while limiting impact to adjacent steep slopes.

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.

KEY CONSIDERATIONS

1. Planning Commission: At the March 1, 2022 meeting, the Planning Commission recommended approval of Ordinance A as proposed. The Planning Commission then followed up with a petition to Council, dated March 8, 2022, advocating for a pedestrian connection within the Church Street right-of-way and McMasters Street to connect Trinity Court.

Staff Response: Town staff has been reviewing the proposal and are working on developing plans. Staff believes the connection proposal should not be part of the entitlement process for Trinity Court and addressed by the Town outside of this process.

2. Community Design Commission (CDC): At the February 22, 2022 meeting, the CDC recommended approval with the following conditions to Ordinance A:

- That the applicant consider other locations for the refuse area. The Commission does not support the proposed location.

Staff Response: The applicant has considered multiple locations for the refuse area as part of their design review process. They find that site constraints such as the RCD and steep slopes limit their ability to relocate the refuse areas. To do so would require greater disturbance of steep slopes and increase in impervious surfaces.

- That the architectural treatment of the exhaust fans and other upper-level mechanical equipment be subject to CDC review and approval at the Final Plans stage.

Staff Response: LUMO 8.5.5(s) and (t) gives the CDC the authority to review, but not approve, lighting plans, building elevations, and alternative landscape bufferyards. The applicant is proposing ground mounted individual units. The applicant has not consented to giving CDC final review authority on their mechanical equipment.

3. Transportation and Connectivity Advisory Board (TCAB): At the February 22, 2022 meeting, the TCAB recommended approval with the following conditions to Ordinance A:

- That the applicant consider a form of micro-mobility solution, like golf carts, operated by building management to provide access to Pritchard Avenue Extension to those with disabilities.

Staff Response: The applicant finds that it is atypical for housing providers to deliver this level of service to their residents. Further, as a housing provider, they cannot

be responsible for on-call transportation needs of residents wishing to climb the hill. The applicant has not consented to this condition.

- That the applicant assesses bike ridership and look for opportunities to provide covered, secure parking, including additional bike parking spaces to correspond with ridership.

Staff Response: The applicant's design includes an exterior storage space outside of each unit measuring 16 square feet that may be utilized for bicycle parking and storage. In order to provide dedicated, covered Class I bicycle storage on-site, bicycle lockers would need to be constructed on the sides or rear of the new buildings. The applicant finds that these areas are too steep for bicycle storage. Construction in these areas would increase encroachments into the RCD, impervious surface, and disturbance of steep slopes. Further, they have found that the steepness of the lot will deter many bicycle riders.

- That the developers and Town staff discuss connectivity around the bus stops on Pritchard Avenue Extension to improve access to bus stops.

Staff Response: The applicant has agreed to paint crosswalks connecting Trinity Court to Pritchard Avenue Extension that will improve pedestrian access to the bus stops, and this has been added to Revised Ordinance A as condition #15.

4. Housing Advisory Board (HAB): At the February 24, 2022 meeting, the HAB recommended approval of Ordinance A as proposed.
5. Environmental Stewardship Advisory Board (ESAB): At the February 24, 2022 meeting, the ESAB recommended approval with the following stipulations to Ordinance A:
 - That the applicant incorporates a vegetative parking island in the steepest portion of the parking area.

Staff Response: The ESAB was interested in promoting softscape to absorb and mitigate stormwater impacts, particularly in areas where water was likely to run the fastest such as steep slopes. The applicant has worked to maximize parking as much as possible. There is existing vegetation that will be maintained to the south of the western parking lot, and the applicant proposes additional plantings to address heat island effect.

OTHER CONSIDERATIONS

- **Easement for access to Pritchard Avenue Extension.** There is an existing 30-foot-wide access easement that connects this property to Pritchard Avenue Extension through the CASA-owned property at 701-719 Pritchard Avenue Extension. The easement was executed in February 1973. The applicant is proposing to make additional improvements along this access route that will require amending the existing easement.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

The following staff analysis of the Zoning Atlas Amendment is based on long-range planning considerations. An amendment to the Zoning Atlas changes the permitted types and intensities of land uses allowed for a site.

Aspects of the application evaluated in this report include:

- **Consistency with the Comprehensive Plan**, based on the applicant’s proposed zoning district and overall proposed use program.
- **Reasonableness** of the change in zoning, based on the same considerations.
- **Findings of Fact** that provide arguments for or against a zoning amendment in accordance with Section 4.4 of the Land Use Management Ordinance (LUMO).

The Town Council must make findings on each of these three items as part of a Zoning Atlas Amendment action.

2050 FUTURE LAND USE MAP (FLUM) ELEMENTS		
FOCUS AREA & SUB-AREA None – outside Focus Areas	APPROPRIATE USES High Residential – generally 8 to 15 units per acre	OTHER None
OTHER APPLICABLE ADOPTED SMALL AREA PLANS None		

North Carolina General Statute 160D-605 requires the Town Council to consider a statement of Plan consistency when reviewing any Zoning Atlas Amendment. Staff provides the following evaluation of this application’s consistency with the 2050 Future Land Use Map and other adopted components of the Chapel Hill 2020 Comprehensive Plan:

	Description of Plan Element	Staff Evaluation
Future Land Use Category	<p>The Future Land Use Map (FLUM) designates the site for High Residential, generally 8-15 units per acre. This category encompasses a variety of multifamily residential building types. Development patterns should activate the street, be walkable and connected, and integrate open spaces. The standard of 8-15 units per acre is characterized as a gross density that does not have to be strictly applied to every parcel.</p> <p>The site is outside of the Focus Areas. The land use guidance provided has been carried forward from the 2020 Land Use Plan.</p>	<p>The proposed rezoning is consistent with the character envisioned by the FLUM because the proposed zoning district allows residential uses.</p> <p>Zoning conditions can limit the scale of development such that the High Residential area maintains a general density consistent with the FLUM.</p>
Building Height	The FLUM does not provide height guidance outside of the Focus Areas.	
Mobility And Connectivity	<p>The Mobility and Connectivity Plan does not propose any bicycle or pedestrian facilities that would impact this site.</p> <p>Surrounding streets typically have sidewalk on at least one side. The site has an existing natural surface path connection to the Tanyard Branch Greenway, located to the north of the site.</p>	The surrounding area has some elements of a multimodal network. It is not clear at this time whether there are adequate facilities to support more intense development.

<p>Climate Action and Response</p>	<p>The Climate Action and Response Plan identifies Sustainable Development as a top strategy to reduce our community carbon footprint and build resiliency. The Transportation and Land Use chapter calls for creating walkable, bikeable, transit-served neighborhoods through strategies such as supportive zoning and integrated land use-transportation planning.</p>	<p>The site offers a redevelopment opportunity that could make more efficient use of a site adjacent to an existing neighborhood.</p>
<p>Chapel Hill 2020 Goals</p>	<p>Opportunities for this application to support goals of Chapel Hill 2020 include:</p> <ul style="list-style-type: none"> • Contributing to a range of housing options for current and future residents. Providing a welcoming and friendly community that provides people with access to opportunities. These elements align with the theme of <i>A Place for Everyone</i>. • Promoting a safe, vibrant, and connected community by revitalizing a previously developed site. This aligns with the theme of <i>Community Prosperity and Engagement</i>. • Locating housing within walking distance of public transit routes and an existing greenway. The location offers multimodal access to employment, parks, schools, services, and shopping, and aligns with the theme of <i>Getting Around</i>. • Expanding housing opportunities adjacent to an existing neighborhood, evolving Chapel Hill’s character for residents, and shaping land use in a way that supports community. These elements align with the theme of <i>Good Places New Spaces</i>. • Reducing carbon footprint and environmental impacts of development by redeveloping an already disturbed site. This aligns with the theme of <i>Nurturing Our Community</i>. 	

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.

<p>SUMMARY OF ANALYSIS FOR REASONABLENESS</p>
<p><u>Supporting Factors</u></p> <ul style="list-style-type: none"> • The proposed zoning is consistent with the Land Use Category shown on the Future Land Use Map, provided that zoning conditions are applied to ensure a compatible density. • Rezoning to accommodate redevelopment may be considered reasonable. • The proposed zoning allows only residential uses, which is consistent with other existing residential uses in the surrounding area.

- Provision of affordable housing in this location aligns with multiple themes of Chapel Hill 2020.
- Zoning conditions are an inherent part of the proposed zoning district (it is only available as a CZD). Conditions provide an opportunity to limit intensity and to establish standards that address any impacts on surrounding properties.

Other Considerations

- The applicant is not seeking to maximize development on this site, but increase the number of affordable housing units provided while still being in scale with the neighborhood.
- Further analysis and/or zoning conditions may be needed to determine whether adequate pedestrian connectivity, vehicular access, and transit service are in place to support the proposed zoning.
- 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 environmental analysis.

APPLICANT PROPOSAL

Project Description	Two affordable housing apartment buildings with parking and amenities. The site is already developed and would be redeveloped to include more units. The site is located in between an existing neighborhood and dedicated open space, away from major roads.	
Proposed Zoning Atlas Amendment (ZAA)	From Residential-4 (R-4) to Residential-Special Standards Conditional Zoning (R-SS-CZD)	Notes: The submittal of a Conditional Zoning application allows review of the development proposal in conjunction with the rezoning and allows site-specific standards to be formulated and applied as conditions through a legislative process.
Applicant Reasoning for ZAA	To allow redevelopment of affordable housing apartments.	

Comparing Proposed Permissible Development to Existing

	LUMO Standard for R-SS-CZD	Staff Evaluation
District Intent	<u>Section 3.4.5</u> : The Residential-Special Standards district (R-SS-CZD) is available only through a conditional zoning application. Proposed development must either promote a 100% affordable on-site component, or meet a series of other objectives related to community goals.	The application states that all of the proposed units will be affordable for community members earning 80% or less of Area Median Income. This meets the primary objective of the proposed zoning district. Zoning conditions would be useful to ensure that performance expectations for affordable housing are achieved.

<p>Permitted Uses</p>	<p><u>Table 3.7-1</u>: Permitted uses in R-SS-CZD include the full range of single-family and multifamily dwelling types. Other uses, including public facilities, are generally not allowed.</p>	<p>The associated Conditional Zoning application proposes Multifamily Dwelling Units with more than 7 units per lot, which is permitted in R-SS-CZD.</p> <p>The existing R-4 zoning limits uses to single-family dwellings, duplexes, and small multifamily developments, in addition to certain public facilities.</p>
<p>Dimensional Standards</p>	<p><u>Table 3.8-1</u>: Standards for R-SS-CZD are broadly permissive for development. The main factor limiting development intensity is Maximum Height.</p> <ul style="list-style-type: none"> • No maximum Residential Density • Maximum Building Height of 39 ft at the setback line and 60 ft at the site core • Minimum Street Setback of 10 ft • Maximum Floor Area Ratio of 1.10 	<p>The associated Conditional Zoning application proposes:</p> <ul style="list-style-type: none"> • 54 dwelling units, resulting in a Residential Density of 16.7 units/acre • Maximum Building Height of 34 ft at the setback line and 60 ft at the site core • Minimum Street Setback of 20 ft • 66,488 sq ft, resulting in a Floor Area Ratio of 0.472 <p>The existing R-4 zoning has the following standards:</p> <ul style="list-style-type: none"> • Maximum Residential Density of 10.0 units/acre • Maximum Building Height of 34 ft at the setback line and 60 ft at the site core • Minimum Street Setback of 22 ft • Maximum Floor Area Ratio of 0.230 <p>Zoning conditions would be useful to ensure appropriate development intensity.</p>

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-SS-CZD and R-4 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

	Description	Staff Evaluation
Existing Use and Surroundings	<p>Two multifamily buildings (40 units) with parking and amenities.</p> <p>Located in between the Northside and neighborhood and open space owned by the Town.</p>	<p>Rezoning a developed site to support and accommodate redevelopment may be considered reasonable.</p>
Adjacent Zoning Districts and Land Uses	<p><u>North</u>: R-4, Town-owned open space and greenway</p> <p><u>East</u>: R-4, duplexes (supportive housing)</p> <p><u>South and West</u>: R-3 with Northside NCD Overlay, mix of single-family and duplex dwellings within Northside neighborhood</p>	<p>R-SS-CZD is a flexible zoning district that typically relies on zoning conditions (e.g. height, setbacks) to ensure compatibility with adjacent zoning districts. It is therefore reasonable to apply in most contexts.</p> <p>The surrounding area has been developed with various smaller scale residential uses. Zoning conditions would be useful to ensure that the scale of the proposed multifamily dwellings is compatible with the surrounding built environment, particularly considering the adjacency to a Neighborhood Conservation District.</p>
Transit Service	<p>The site is within 0.1 miles of bus stops on 2 existing local bus routes. The N route and A route both run along Pritchard Ave. Ext., and both routes provide access to Downtown.</p>	<p>Some available transit service is nearby. It is not clear at this time whether the existing level of service makes a change in zoning for more intense development reasonable.</p>
Roads and Vehicular Access	<p>Access to the site is from Pritchard Ave. Ext., which is classified as a local street (not a collector or arterial). Access is through an adjacent property, and the site does not have any direct street frontage.</p>	<p>Limited access is provided from a minor street. It is not clear at this time whether site access makes a change in zoning for more intense development reasonable.</p> <p>Zoning conditions may be warranted to limit traffic impacts.</p>
Pedestrian & Bike Facilities (existing)	<p>Pritchard Ave. Ext. and other nearby streets have existing sidewalk on at least one side.</p>	<p>The surrounding area has some elements of a multimodal network. It is not clear at this time whether these facilities make a change in zoning for more intense development reasonable.</p> <p>Zoning conditions may be warranted to ensure adequate pedestrian connectivity.</p>

Streams/ Wetlands/ Floodplain	No floodplain impacts the site. An intermittent stream runs south to north through the middle of the site.	The slopes and stream corridor are likely significant limitations on development suitability for portions of the site outside the existing development footprint.
Topography	The site slopes down significantly from south to north. Steep slope areas cover nearly all of the site outside of the existing development footprint.	Existing Town and State regulations (RCD, Steep Slopes) include measures for protecting environmental features. 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.

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

FINDING #2: The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.	
Arguments	The applicant notes that affordable housing is a significant need for Chapel Hill that has grown over time. To date, no arguments in opposition have been submitted or identified by staff.
Staff Evaluation	The Council could make the finding that the proposed zoning amendment is necessary because of changing conditions in Chapel Hill.

FINDING #3: The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.	
Arguments	The applicant notes that the Conditional Zoning application could contribute to the purposes of the Comprehensive Plan through the following: <ul style="list-style-type: none"> Facilitating development that implements the Land Use Category designated on the Future Land Use Map. Supporting goals of Chapel Hill 2020 including <i>A Place for Everyone, Community Prosperity and Engagement, Getting Around, Good Places-New Spaces, and Nurturing Our Community.</i> To date, no arguments in opposition have been submitted or identified by staff.

Staff Evaluation	The Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.
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Further information may be presented for the Council's consideration as part of the legislative hearing process. All information submitted at the legislative hearing will be included in the record of the hearing.















PROJECT FACT SHEET

Overview


Site Description	
Project Name	Trinity Court Affordable Housing
Address	751 Trinity Court
Property Size	140,782 sf (3.2 acres)
Existing	Two 2-story apartment buildings containing 40 units
Orange County Parcel Identifier Number	9888-19-4511
Existing Zoning	Residential-4 (R-4)
Proposed Zoning	Residential-Special Standards-Conditional Zoning District (R-SS-CZD)

Site Design

Topic	Comment	Status
Use/Density (Sec 3.7)	54 units distributed between 2 buildings	
Dimensional Standards (Sec. 3.8)	Comply with LUMO Section 3.8; Dimensional standards (setbacks) only apply to exterior property lines	
Floor area (Sec. 3.8)	<i>Maximum:</i> 125,588 sq. ft. <i>Proposed:</i> 66,488 sq. ft.	
Inclusionary Zoning (Sec. 3.10)	<i>Proposed:</i> 54 units (100%)	
Landscape		
Buffer (Sec. 5.6.2)	<i>Landscape buffers are not required in R-SS-CZD per LUMO 5.6.2(b).</i>	NA
Tree Canopy (Sec. 5.7)	<i>Required:</i> 30% <i>Proposed:</i> 33.4%	
Landscape Standards (Sec. 5.9.6)	Modifications proposed	M
Environment		
Resource Conservation District (Sec. 3.6)	<i>Required:</i> maximum 20% land disturbance; 10% impervious surface <i>Proposed:</i> 17.6% land disturbance; 13% impervious surface	M
Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required	
Steep Slopes (Sec. 5.3.2)	<i>Required:</i> Disturb < 25% of slopes greater than 25% slope <i>Proposed:</i> 33.7% (20,325 sq. ft. total)	M
Stormwater Management (Sec. 5.4)	Applicant is proposing to use existing storm drainage and install an underground and Contech StormFilter System to address runoff from increased impervious surface	

Land Disturbance	94,895 sq. ft. (2.18 acres)	
Impervious Surface (Sec. 3.8)	57,935 sq. ft. (41% of gross land area)	
Solid Waste & Recycling	Public trash and recycling pickup proposed	
Jordan Riparian Buffer (Sec. 5.18)	4,327 sq. ft. of land disturbance and associated encroachments proposed; state will need to approve these encroachments into the Jordan Riparian Buffer	M
Access and Circulation		
Road Improvements (Sec. 5.8)	Proposing to install sidewalks and widen Trinity Court	
Vehicular Access (Sec. 5.8)	Access from Pritchard Avenue Extension	
Bicycle Improvements (Sec. 5.8)	NA	
Pedestrian Improvements (Sec. 5.8)	Pedestrian links throughout the site will help connect this site with public street sidewalks and transit, as well as the Town's greenway trail system and Umstead Park	
Traffic Impact Analysis (Sec. 5.9)	TIA Exemption Granted	NA
Transit (Sec. 5.8)	NA	NA
Bicycle Parking (Sec. 5.9)	<i>Required:</i> 14 spaces <i>Proposed:</i> 14 spaces	
Vehicle Parking (Sec. 5.9)	<i>Required:</i> Minimum 77 spaces <i>Proposed:</i> 63 spaces	M
Parking Lot Standards (Sec. 5.9)	Modifications Requested	M
Technical		
Fire	Meet Town Standards	
Site Improvements	54-unit apartment development	
Recreation Area (Sec. 5.5)	<i>Required:</i> 7,039.1 sq. ft. (5%) <i>Proposed:</i> 2,252 sq. ft. (1.6%)	M
Lighting Plan (Sec. 5.11)	Maximum of 0.3 foot-candles at property line	
Homeowners Association (Sec. 4.6)	N/A	NA
Adequate Public Schools (Sec. 5.16)	Application must comply	

Project Summary Legend

Symbol	Meaning
	Meets Requirements
M	Seeking Modification
C	Requires Council Endorsement
FP	Required at Final Plan;
NA	Not Applicable