



CLOSE THE LEGISLATIVE HEARING AND CONSIDER A CONDITIONAL ZONING APPLICATION FOR SOUTH CREEK LOCATED AT 4511 S. COLUMBIA STREET (PROJECT #CZD-22-1)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
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| PROPERTY ADDRESS | MEETING DATE | APPLICANT |
|-------------------------|--------------|--|
| 4511 S. Columbia Street | June 7, 2023 | Beechwood Obey Creek, LLC, and Town of Chapel Hill |

TOWN MANAGER’S RECOMMENDATION

That the Council 1) close the legislative hearing, 2) adopt the Resolution of Consistency and Reasonableness, and 3) enact the Ordinance approving the Conditional Zoning application.

UPDATES SINCE THE APRIL 19, 2023 LEGISLATIVE HEARING

- **Pedestrian crossing of US 15-501:** The applicant will share information on the challenges of a bridge or tunnel option, as well as potential safety improvements for an at-grade crossing.
- **Residential unit count:** The applicant proposes a maximum of 815 units (increase from 688).
- **Affordable housing:** The applicant proposes shifting more rental affordable units to for-sale. The applicant has committed to providing 15% of for-sale condominiums, 15% of for-sale townhouses, and 10% of rental apartments as affordable units.
- **Commercial space:** The minimum space for retail, restaurant, and office uses would increase in proportion to the increase in total floor area. The request to modify the amount of required commercial space from 25% to a minimum of 2% has not changed.
- **Wilson Creek trails and open space access:** The applicant has provided updated drawings with a trail connecting the development to a crossing of Wilson Creek.
- **US 15-501 landscape buffer/Townhome street configuration:** The applicant considered ways to increase the landscape buffer along US 15-501 by reducing the extent of the townhome street network. The applicant will provide details in their presentation.
- **EV parking:** The applicant has committed to providing EV-charging stations and EV-ready spaces. A condition has been added to Revised Ordinance A which details provisions for EV parking.

ZONING

Existing: Development Agreement-1 (DA-1) and Residential Low-Density-1 (R-LD1)

Proposed: Mixed-Use Village-Conditional Zoning District (MU-V-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.

PROJECT OVERVIEW

This project proposes a mixed-use development on approximately 43 acres of land consisting of:

- Up to 1,090,692 sq. ft. of floor area
- 688 – 815 residential units (for-sale condominiums and townhouses and for-rent apartments)
- 88 – 101 affordable units
- Approximately 19,057 sq. ft. – 54,535 sq. ft. of nonresidential space
- On-street, surface, and structured parking
- Landscaped open spaces and public trails

The Transportation Impact Analysis describes necessary improvements for two limited access driveways and a full access driveway at Market Street and US 15-501.

DECISION POINTS

Modifications to Regulations: The applicant is requesting modifications for the following:

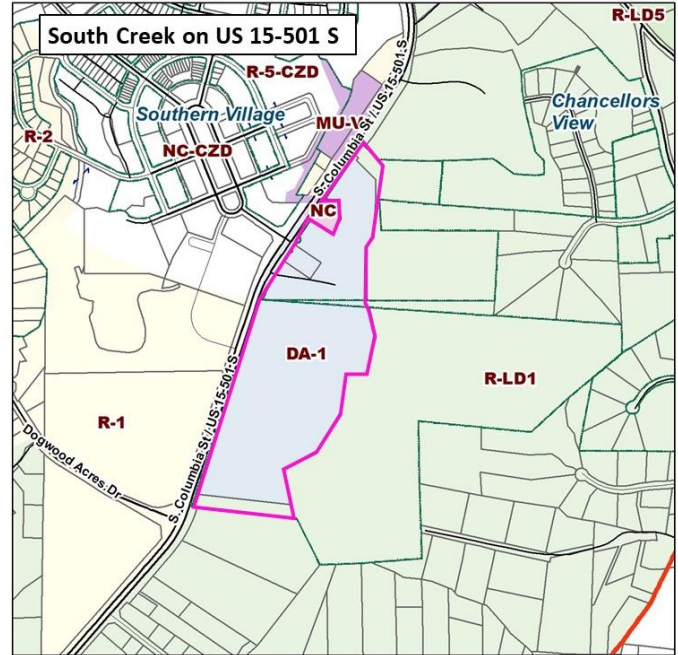
- Reduce the required proportion of nonresidential floor area in Mixed Use-Village-Conditional Zoning District (MU-V-CZD)
- Allow one or more of the required use categories (residential, commercial, and office) be included in the first phase of the project
- Increase land disturbance in the Resource Conservation District (RCD)
- Increase steep slopes land disturbance
- Reduce and modify landscape buffers

Other Considerations:

The proposal includes rezoning a portion of parcel 9787-24-1209, which is currently owned by the Town of Chapel Hill. The applicant proposes an exchange for the entire parcel. A condition is included in the Revised Ordinance regarding the exchange.

The 80 acres of land east of Wilson Creek, including the remaining portion of parcel 9787-24-1209, are not part of this rezoning application. The developer has stated their intent to dedicate the entire area to a conversation easement but did not support requiring its dedication as a condition in the Revised Ordinance.

PROJECT LOCATION



ATTACHMENTS

1. Technical Report & Project Fact Sheet
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. Draft Applicant Presentation
7. Narrative and Modifications to Regulations (Applicant Request)
8. Applicant Materials
9. Traffic Impact Analysis Executive Summary



TECHNICAL REPORT

UPDATES SINCE THE APRIL 19, 2023 LEGISLATIVE HEARING

1. **Pedestrian crossing of US 15-501:** Council requested further study of the crossing treatment at US 15-501 and Sumac Road, particularly information on the feasibility of a pedestrian bridge or tunnel, including an estimated cost, and opportunities to enhance the safety and comfort for an at-grade pedestrian crossing.

Applicant's response: The applicant will share information on the challenges of a bridge or tunnel option in their presentation. Potential safety improvements for an at-grade crossing include options for increased signals, pavement markings, and protective measures for the pedestrian refuge area. These improvements would be subject to North Carolina Department of Transportation (NCDOT) approval.

2. **Residential unit count:** The applicant proposed increasing the unit count through greater building height, in response to the Planning Commission's recommendation for more density along the Bus Rapid Transit corridor. Council members were supportive of this proposal.

Applicant's response: The applicant proposes a maximum of 815 units (increase from 688). The increase would be accomplished by adding stories to some buildings and replacing some townhomes with an additional condo building. A condition has been added to limit the effect this could have on increased trip generation as established in the Traffic Impact Analysis.

3. **Affordable housing:** Council encouraged the applicant to provide more for-sale affordable units and provide a greater proportion of the total unit count as affordable.

Applicant's response: The number of affordable units would increase in proportion to the increase in total residential units. In addition, the applicant proposes shifting rental affordable units to for-sale to comply with LUMO Section 3.10 Inclusionary Zoning. The applicant has committed to providing 15% of for-sale condominiums, 15% of for-sale townhouses, and 10% of rental apartments as affordable units.

Staff Comment: The project now complies with the Town's Inclusionary Zoning ordinance and proposes additional affordable units on the rental portion of the project. The applicant's voluntary proposal to provide 10% of market rate rental units at 65% and 80% Area Median Income (AMI) exceeds what is required in the LUMO. However, it falls short of the Housing Advisory Board's guiding principles for affordable housing in new rental development, which calls for 15% of units to be affordable at 60% AMI.

4. **Commercial space:** Council requested that the applicant consider incorporating more commercial space or space with flexibility to become commercial over time.

Applicant's response: The minimum space requirement for commercial uses would increase in proportion to the total floor area. The applicant's target range is 19,057 sq. ft. to 54,535 sq. ft., with a continued focus on activating Market Street. The applicant has shared additional information on public space improvements that would contribute to making the site a destination.

5. **Wilson Creek trails and open space access:** Council requested details on how the applicant can incorporate trails and similar features to offer the public access to Wilson Creek and the 80 acres of open space east of the creek.

Applicant's response: The applicant has revised the site plan to depict trail access from the development to the Wilson Creek crossing and will provide additional drawings of the proposed internal trail system for the 80 acres. Trails will be integrated into the development with overlooks and trailhead parking for vehicles and bikes.

6. **US 15-501 landscape buffer/Townhome street configuration:** Council requested that the applicant provide more of a buffer between the townhomes and US 15-501, potentially by reexamining and reducing the street configuration for the townhome portion of the development.

Applicant's response: The applicant considered ways to increase the landscape buffer along US 15-501 by reducing the extent of the townhome street network. The applicant will provide details in their presentation.

7. **Electric Vehicular (EV) parking:** The applicant has indicated a commitment to providing spaces for electric vehicles within the development. A condition has been added to Revised Ordinance A requiring 3% of total parking spaces be served by EV-charging stations and 20% be EV-ready spaces.
8. **North Parking Lot Condition:** The Revised Ordinance does not include a condition that the developer construct the north parking lot after demonstrating a need for additional spaces. This condition was removed to meet parking needs for the increased density.

PROPOSED ZONING

The application proposes applying a Mixed-Use Village-Conditional Zoning District (MU-V-CZD) to the site to accommodate the proposed project.

The Land Use Management Ordinance (LUMO) states the intent of the MU-V-CZD district is *"to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections and transit corridors in Chapel Hill...It is further intended that the mixed-use districts shall encourage development within which mutually supporting residential, commercial and office uses are scaled, balanced, and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian and bicycle circulation systems and mass transit to further reduce the need for private automobile usage."* Additional information on intent is provided in LUMO Section 3.4.6.

The application is consistent with this intent statement in proposing a mix of office, commercial, and residential uses along a highway (US 15-501) and transit corridor (future North-South Bus Rapid Transit). The proposed site plan includes housing in proximity to nonresidential uses with a pedestrian network extending throughout the site.

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 are typically used to:

- Address conformance of the development with Town regulations and adopted plans.
- Modify use, intensity, and development standards to be more restrictive when addressing impacts reasonably expected to be generated by development.
- Modify intensity and development standards to be less restrictive when accommodating the applicant's proposed site plan (Modifications to Regulations).

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 consists of 42.8 acres spanning six lots, including a portion of a lot currently owned by the Town of Chapel Hill. The property is vacant except for a few derelict houses and accessory structures.
- The site fronts on US Highway 15-501, a North Carolina Department of Transportation (NCDOT) maintained arterial street and major travel corridor in southern Chapel Hill.
- The site is near a planned station for the North-South Bus Rapid Transit (BRT) corridor.
- This site was previously part of the Obey Creek Development Agreement which approved up to 700 units of residential, 475,000 sq. ft. of retail, 600,000 sq. ft. of office, and 400 hotel rooms and is zoned Development Agreement-1 (DA-1). The applicant proposes to abandon the Obey Creek Development Agreement and have Mixed Use- Village-Conditional Zoning District (MU-V-CZD) approval become the new entitlement.
- The site is adjacent to the following zoning districts and uses:
 - North: The Southern Village Hotel in the Mixed-Use Village-Conditional Zoning District (MU-V-CZD). The site also wraps around an existing church in the Neighborhood Commercial (NC) zoning district.
 - East and South: Existing vacant land in the Residential Low-Density-1 (R-LD1) zoning district.
 - West: Southern Community Park in the Residential-1 (R-1) zoning district and Southern Village in the Residential-5-Conditional Zoning District (R-5-CZD)
- The site contains the following hydrological features:
 - Wilson Creek runs along the eastern edge of the site and flows northward to connect with Morgan Creek with 50 ft. Jordan Buffers and 150 ft. Resource Conservation District Buffers on each side of the stream.
 - Ephemeral and intermittent streams on the southern portion of the site.
 - Portions of the site are in the 100-Year Floodplain.
 - Existing wetlands on the western and northern portions of the site.
- The site is in the Watershed Protection District.
- The site is moderately steep containing slopes between 12% and 30%, generally sloping down from US Highway 15-501 to Wilson Creek.

- The land east of Wilson Creek is owned by Beechwood Obey Creek, LLC, but not included in this rezoning application. However, the developer intends to dedicate that area to a conservation easement.

PROPOSED MODIFICATIONS TO REGULATIONS

Updates to requested modifications since the April 19th hearing are in ***bold and italics***.

- 1) Section 3.4.6(c)(1): Mixed-Use Village-Conditional Zoning District (MU-V-CZD): Land use categories.** Proposed development in the Mixed-Use Village (MU-V) zoning district shall include a mix of office, commercial, and residential uses. A minimum of 25% (238,217 sq. ft. for 952,866 sq. ft. of total floor area and 272,673 sq. ft. for 1,090,692 sq. ft. of floor area) of the total floor area must be devoted to office/commercial uses. ***The applicant is requesting a modification to reduce the requirement from 25% to as low as 2% (19,057 sq. ft. for 952,866 sq. ft. of total floor area and 21,814 sq. ft. for 1,090,692 sq. ft. of total floor area) as office/commercial.***

Staff Comment: MU-V-CZD is intended to provide for the coordinated development of office, commercial, and residential uses, and their necessary support functions in the vicinity of key highway intersections and transit corridors in Chapel Hill. It also encourages scaled and balanced, mutually supporting residential, commercial, and office uses within the development.

Staff notes that the proximity of the site to Southern Village would still provide residents with access to shopping and amenities, provided the multimodal connections across US 15-501 are thoughtfully designed. Additional justification is provided in the applicant's statement on Modifications to Regulations.

Applicant Comment: *The applicant notes the need for more housing in Chapel Hill, and states their intent is to incorporate office and commercial uses that complement the residential program. The applicant also notes that the amount of office/commercial floor area will increase in proportion to the increase in total floor area in response to Council and Planning Commission's request for more density.*

- 2) Section 3.4.6(e)(2): Mixed Use Development Design Standards: The first phase of a mixed-use development project must include all required use categories (residential, commercial, and office uses). The applicant is requesting a modification to allow the first phase to include one or more of the required use categories.**

Applicant Comment: *The modification request is to have flexibility based on market conditions. While the applicant anticipates the first phase would include the buildings around the Market Street node and all of those uses (e.g., residential, commercial, and office), they are concerned about global instability in the office building industry.*

Staff Comment: *Staff notes that this modification would give the applicant flexibility in project phasing considering the development's primary focus is residential and the applicant's request to reduce the amount of required non-residential floor area.*

- 3) Section 3.6.3: Resource Conservation District (RCD) Land Disturbance:** No more than 40% of land area in the Upland Zone shall be disturbed without a modification to regulation or variance. ***The applicant is requesting to increase the amount of proposed land disturbance in the Upland Zone from 55% (81,178 sq. ft.) to 65% (95,937 sq. ft.) for a public greenway.***

Staff Comment: RCD regulations are intended to preserve the water quality of the town's actual or potential water supply sources, minimize danger to lives and properties from flooding in and near the watercourses, preserve the water-carrying capacity of the watercourses, protect watercourses from erosion and sedimentation, retain open spaces and greenways and protect their environmentally-sensitive character, preserve urban wildlife and plant life habitats from the intrusions of urbanization, provide air and noise buffers to ameliorate the effects of development, and preserve and maintain the aesthetic qualities and appearance of the town.

The applicant notes that most of the disturbance is associated with constructing stormwater management facilities. In addition, disturbance would only occur on the west side of Wilson Creek if the land to the east is conserved. Additional justification is provided in the applicant's statement on Modifications to Regulations.

The increase in land disturbance accounts for construction of the public greenway connection from US 15-501 to the open space east of Wilson Creek. Much of the greenway alignment would be in the Upland Zone to minimize impact on other RCD zones and the floodplain.

- 4) Section 5.3.2: Critical Areas: Steep Slopes Land Disturbance.** No more than 25% of areas containing slopes 25% or greater shall be disturbed without a modification to regulation or variance. Approximately 10% (186,436 square feet) of the site contains slopes 25% or greater. ***The applicant is requesting to increase the amount of steep slopes disturbance from 50% (93,218 sq. ft.) to 80% (149,149 sq. ft.) for a proposed greenway.***

Staff Comment: Steep slopes regulations are intended to protect water bodies (streams and lakes) and wetlands from the effects of erosion on water quality and water body integrity; protect the plant and animal habitat of steep slopes from the effects of land disturbance; and preserve the natural beauty and economic value of the town's wooded hillsides.

Staff notes that while steep slopes would be disturbed, the overall landform of the site is proposed to remain generally sloping with buildings terraced into the hillside. This is generally preferable to large, flat areas for meeting the intent of steep slope regulations. Additional justification is provided in the applicant's statement on Modifications to Regulations.

The increase in steep slopes disturbance accounts for the public greenway connection from US 15-501 to the open space east of Wilson Creek. The Revised Ordinance has been updated to limit steep slope disturbance for the greenway to a maximum of 30%.

- 5) Section 5.6.6: Landscaping, screening, and buffering: Required buffers.** The table below shows the buffers required and proposed buffers for this development.

| Location | Required | Proposed |
|---|-----------------|--|
| East (adjoining wooded property and stream zoned R-LD1) | Type 'B' 10 ft. | Minimum 10-ft. width, maintain existing vegetation, and meet canopy tree planting requirements. No understory tree or shrub planting requirements. |
| West (S. Columbia Street/ US 15-501 frontage) | Type 'D' 30 ft. | Modified variable width buffer with a 5-ft. minimum and minimum planting counts and retaining walls as shown on landscape plan dated February 17, 2023, and revised May 31, 2023. |
| North (around existing church) | Type 'B' 10 ft. | Modified Type 'B' 10-foot width, with minimum planting counts as shown on plans dated February 17, 2023, and revised May 31, 2023 |

Staff Comment: Buffers are required to separate a proposed development from adjacent major streets and different adjacent land uses or zoning designations to minimize potential nuisances like noise, dust, odor, litter, and glare of lights. Buffers are also intended to reduce the visual impact of unsightly aspects of adjacent development, provide for the separation of spaces, and to establish a sense of privacy.

Staff notes that the modifications for the eastern buffer, near Wilson Creek, are consistent with typical practices for using existing, mature vegetation as a buffer. The proposed modifications along 15-501, meanwhile, offer opportunity for a more activated street frontage, where buildings are more visible but enhanced by landscape material. Additional justification is provided in the applicant's statement on Modifications to Regulations.

Staff notes that the modification for the western buffer supports the number of townhomes the applicant seeks to develop, while also providing adequate road width for emergency access.

Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.4.5 of the LUMO. 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.

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](#)¹, the standards of the [Land Use Management Ordinance](#)², and the [Town of Chapel Hill, NC](#) :

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

² https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAU5MA

[Design Manual and Standard Details](#)³ and provides the following evaluation of consistency for the South Creek:

| | Description of Plan Element | Staff Evaluation |
|--------------------------|--|--|
| Land Use Category | <p>The Future Land Use Map (FLUM) designation of the site reflects the previous Obey Creek Development Agreement, calling for commercial and high-density residential uses.</p> <p>Chapel Hill 2020 identifies this site as Area 6: South 15-501 and Areas 1 and 2 within this subarea:</p> <ul style="list-style-type: none"> • Meet community needs with new development (mixed use) focused on commercial rather than residential (Area 1) • Promote architectural diversity and quality with design guidelines (Area 1) • Emulate design principles of market area of Southern Village, including building height restrictions (Area 1) • Promote greenways, particularly along and near creeks (Areas 1, 2, and 3) • Utilize clustered, compact development to maximize open space preservation (Areas 1 and 2) • Provide corridor buffer along US 15-501, allowing for visibility and access to retail or commercial development (All areas) • Encourage clustered retail development including any new development toward the county line (Area 1 and county line) • Maximize permanent preservation of open space (Areas 2 and 3) <p>The site is also identified as a potential school site and potential affordable housing site.</p> | <p>The proposed rezoning is consistent with the character envisioned by the FLUM because the proposed zoning district emphasizes concentrating density and development on the west side of the stream. This has allowed the applicant to provide access to a multi-modal path and transit routes along US 15-501 as well as trails throughout the site. While the east side of the stream is not included in this rezoning request, the applicant proposes to dedicate a conservation easement to protect the approximately 80 acres on the east side of the stream as open space.</p> <p>Mixed use and nonresidential buildings will frame Public Road B that aligns with Market Street on the west side of US 15-501.</p> <p>Zoning conditions can limit the scale of development such that the higher density development supported by the FLUM remains consistent with the density, heights, and character of surrounding neighborhoods.</p> |
| Building Height | <p>The FLUM does not provide height guidance outside of the Focus Areas. Chapel Hill 2020 does recommend recognizing and honoring the spirit of the 1992 Southern Small Area Plan. One of the goals of this plan was to maintain the beauty and character of the area by ensuring that buildings are aesthetically integrated with the topography and prohibiting strip commercial development along US 15-501.</p> | <p>The applicant proposes to build multifamily and mixed-use buildings on the lower elevation areas of the site. This allows for more height at the back of the buildings and helps mitigate the perceived heights of the buildings as lower levels are at least partly below grade.</p> |

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

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| Mobility And Connectivity | The Mobility and Connectivity Plan calls for a multi-use path to be constructed along the frontage along US 15-501. | The applicant proposes to construct a new multi-use path along the US 15-501 Frontage. |
| Greenway Master Plan | A planned greenway is identified along Wilson Creek. It recommends Class 6 trail from the vicinity of the Southern fire station southward to Wave Road. It also recognizes that US 15-501 is an impediment to pedestrian and bicycle interconnectivity in the southern area and solutions should be sought by any large-scale development. | <p>The applicant proposes to construct a multi-use path and pedestrian crossing at Public Road A across US 15-501.</p> <p>Additionally, the applicant proposes an internal trail system that will connect to the internal street system. The applicant will provide stub outs for future trail connections to the greenway system.</p> <p>Zoning conditions can address what trail and bicycle/pedestrian improvements are needed to conform to adopted plans.</p> |
| Climate Action and Response | 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. | The applicant is proposing a well-connected mixed-use neighborhood that will include a range of housing types from townhouses to multi-family buildings. The neighborhood has access to transit, trails, greenways, and a new multi-modal path along US 15-501. The applicant also proposes electric vehicle charging stations, an energy-efficient transit shelter, as well as landscaping, building materials, and design elements that will reduce opportunities for heat island effect. |
| Chapel Hill 2020 Goals | <p>Opportunities for this application to support goals of Chapel Hill 2020 include:</p> <ul style="list-style-type: none"> • The applicant proposes to construct up to 815 new housing units including townhouses, condominiums, and an apartment building. This contributes to a range of housing options for current and future residents. (<i>A Place for Everyone.3</i>) • The multi-use path, proposed internal street connectivity, and access to US 15-501 promote a safe, vibrant, and connected community. (<i>Community Prosperity and Engagement.3</i>) • The new housing units are within walking distance to public transit routes along US 15-501 and the multi-modal pathway will connect with nearby trails and greenway that promote alternative forms of transportation. (<i>Getting Around.1</i>) | |

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| | <ul style="list-style-type: none"> • Proposed sidewalks, multi-use path, trails, and access to bus routes along US 15-501 offer multimodal access to employment, parks, schools, services, and shopping. Alternative modes of transportation promote air quality, sustainability, and energy conservation. These strategies align with the theme of <i>Getting Around</i>. • The proposed project is adjacent to Southern Village and provides opportunities for housing, office and commercial spaces, green open spaces, trail connections, and other gathering spaces that align with the goal of <i>Good Places, New Spaces</i>. • The applicant proposes 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 through its design, connections to alternative forms of transportation, and concentrating developments to protect 80 acres of natural open space to the east of the stream protects neighborhoods from the impacts of development but also conserves the natural environment. This aligns with the theme of <i>Nurturing Our Community</i>. | |
| <p>Southern Small Area Plan (1992)</p> | <p>Chapel Hill 2020 includes a principle to honor the spirit of the Southern Small Area Plan from the early 1990s. Goals within this plan include:</p> <ul style="list-style-type: none"> • Protecting environmentally sensitive areas including steep slopes and the Resource Conservation District (RCD). • Preserving the natural beauty of the area. • Protecting the character of the area, including natural views and vistas, wildlife, and historic areas. • Protecting existing neighborhoods by preventing undue disruptions and providing density transitions and vegetative buffers. • Providing a range of housing at different densities, housing types, and cost points. • Limiting increased traffic by encouraging walkability, use of transit, and multimodal transportation. • Maintaining the beauty and character of the area. • Ensuring the development incorporates bicycle and pedestrian systems as well as mass transit systems. | <p>The applicant proposes a mixture of housing types and uses, along with multi-modal improvements.</p> <p>The new development will be located to the west of the stream and along US 15-501.</p> <p>Though not part of their CZD application, the applicant proposes to preserve approximately 80 acres on the east side of the site that includes a stream, RCD, steep slopes, and wooded habitat areas. This 80-acre area contains environmentally sensitive areas, and its conservation would maintain the natural beauty of the site.</p> |

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.

Supporting Factors

- The proposed zoning of Mixed-Use Village-Conditional Zoning District (MU-V-CZD) is appropriate as it facilitates a mix of uses, including commercial and retail uses, as proposed by Chapel Hill 2020.
- The rezoning also facilitates the construction of residential units, and based on recent studies, Chapel Hill needs to create more housing units to meet the housing demands of our workforce.
- Provision of affordable housing in this location aligns with multiple themes of Chapel Hill 2020.
- The proposed Conditional Zoning district would be similar in residential density to the development approved under the Obey Creek Development Agreement but would allow less overall square footage when including nonresidential uses.
- 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 proposed change in zoning district would allow up to 20 dwelling units/acre; however, the applicant is proposing a density of up to 17.3 dwelling units/acre. The Obey Creek Development Agreement associated with existing DA-1 zoning proposed a density of about 6.3 units per acre. The underlying Residential Development-Low Density-1 (R-LD-1) zoning district has a density cap of 1 unit/acre.
- Zoning conditions would be incorporated into the ordinance to ensure adequate pedestrian connectivity, vehicular access, and transit service to support the proposed zoning. The adequacy of these measures will be further analyzed during Final Plans review.
- 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.
- Zoning conditions would be useful to ensure that performance expectations for mixed use development are achieved.

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.

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| 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. |

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| FINDING #2: The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally. | |
| Arguments | Staff notes that affordable housing and greater variety of housing types, including condos and townhouses, are significant needs for Chapel Hill that have 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. |

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| FINDING #3: The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan. | |
| Arguments | 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"> • 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. |





PROJECT FACT SHEET






Project Details

| Site Description | |
|--|--|
| Project Name | South Creek |
| Address | 4511 S. Columbia Street |
| Property Size (NLA) | 1,864,355 sq. ft. (42.8 acres) |
| Gross Land Area (GLA) | 2,050,790 sq. ft. (47.1 acres) |
| Orange County Parcel Identifier Numbers | 9787-13-0667, 9787-14-4852, 9787-24-4637, 9787-13-0667, 9787-24-1209 (Town-owned parcel), 9787-24-4637 |
| Existing Zoning | Development Agreement-1 (DA-1), Residential-Low Density-1 (R-LD1) |
| Proposed Zoning | Mixed-Use Village-Conditional Zoning District (MU-V-CZD) arterial |


Site Development Standards

| Topic | Comment | Status |
|--|---|-----------|
| Development Intensity | | |
| Use (Sec. 3.7) | <i>Proposed Use:</i> Multifamily dwelling units, over 7 units; Single-family dwelling units (townhomes); bank; barber shop/beauty salon; business-convenience; business-general; business, office-type; child/adult day care facility; clinic; recreation facility; commercial; personal service; customary accessory uses | |
| Inclusionary Zoning Ordinance (Sec. 3.10) | <i>Required: 15% of for-sale condos and 15% of for-sale townhomes</i> <i>Total: 82.05 – 90.75 total affordable units</i> <i>Condos (for-sale): 68.7 – 79.05 units</i> <i>Townhomes (for-sale): 11.7 – 13.35 units</i> <i>Proposed total: 88 – 101 affordable units</i> <i>Condos (for-sale): 68 – 79 units</i> <i>Townhomes (for-sale): 11 – 13 units</i> <i>Apartments (for-rent): 5 – 11 units provided on voluntary basis</i> | FP |
| Density (Sec. 3.8) | <i>Residential density: 20 units per acre maximum</i> <i>Maximum Proposed: 17.3 units per acre</i> | |
| Dimensional Standards (Sec. 3.8) | <i>Setbacks: 0 ft. street, 0 ft. interior, 20 ft. solar – all minimums</i> <i>Proposed: Setbacks comply</i> <i>Setback (primary) height: 70 ft. maximum</i> <i>Proposed: Setback (primary) building heights will comply</i> <i>Core (secondary) height: 114 ft. maximum</i> <i>Proposed: 52 ft.</i> | |
| Floor area (Sec. 3.8) | <i>Maximum allowed: 1,704,858 sq. ft.</i> <i>Maximum proposed: 952,866 – 1,090,692 sq. ft. (including townhomes)</i> | |
| Land Use Mix (Sec. 3.4.6) | <i>Minimum: 25% residential floor area and 25% non-residential floor area</i> <i>Proposed: 2% to 5% non-residential floor area</i> | M |

| Landscape | | | | | |
|---|--|----------------------------|-----------------|--|---|
| Buffers (Sec. 5.6.2) | | <u>Adjacent Use/Zoning</u> | <u>Required</u> | <u>Proposed</u> | M |
| | South: | Vacant land / R-LD1 | 20 ft. Type C | 20 ft. Type C | |
| | North: | Church | 10 ft. Type B | Variable width and modified planting count | |
| | East: | Vacant land / R-LD1 | 20 ft. Type C | Maintain existing vegetation | |
| | West: | US 15-501 (arterial) | 30 ft. Type D | Variable width and modified planting count | |
| Tree Canopy (Sec. 5.7) | <i>Minimum required:</i> 745,742 sq. ft. (40% of NLA) <i>Proposed:</i> Application will comply | | | | FP |
| Parking Landscape Standards (Sec. 5.9.6) | Final Plans application must comply | | | | FP |
| Environment | | | | | |
| RCD Dimensional Standards (Sec. 3.6.3) | <i>Impervious surfaces:</i> <i>Required:</i> 10% of Stream Side zone area, maximum 20% of Managed Use and Upland zone areas, maximum <i>Proposed:</i> <ul style="list-style-type: none"> • Stream Side Zone: Application must comply • Managed Use Zone: Application must comply • Upland Zone: Application must comply <i>Land disturbance:</i> <i>Required:</i> 20% of Stream side zone area, maximum 40% of Managed Use and Upland zone areas, maximum <i>Proposed:</i> <ul style="list-style-type: none"> • Stream Side Zone: Application must comply • Managed Use Zone: Application must comply • Upland Zone: up to 95,937 sq. ft. (65%) | | | | M |
| Erosion Control (Sec. 5.3.1) | Orange County Erosion Control permit required | | | | FP |
| Steep Slopes Land Disturbance (Sec. 5.3.2) | <i>Maximum Disturbance allowed:</i> 25% of areas with existing 4:1 slope or greater <i>Proposed:</i> 80% (149,149 sq. ft.) of steep slope areas | | | | M |
| Stormwater Management (Sec. 5.4) | Meet or exceed LUMO standards | | | | FP |
| Land Disturbance | <i>Proposed:</i> 1,438,643 sq. ft. | | | |  |
| Impervious Surface | <i>Existing:</i> 6,400 sq. ft. (0.3%) <i>Maximum allowed:</i> 1,435,553 sq. ft. (70%) <i>Proposed:</i> Application must comply | | | |  |
| Solid Waste & Recycling (Sec. 5.13) | Application must comply | | | | FP |
| Jordan Riparian Buffer (Sec. 5.18) | Application must comply | | | | FP |

| Access & Circulation | | |
|---|---|---|
| Traffic Impact Analysis (Sec. 5.8) | TIA completed |  |
| Road Improvements (Sec. 5.8) | The developer proposes improvements to US 15-501 to accommodate the proposed vehicular access points. The developer also proposes to construct internal roads meeting Town standards with the intent of public dedication. | FP |
| Vehicular Access (Sec. 5.8) | Primary vehicular access points proposed where Sumac Road and Market Street intersect with US 15-501. A third access point is proposed at the north end of the site. NCDOT is supportive of a full movement access at Market Street and a directional median crossover at Sumac Road. | FP |
| Bicycle Improvements (Sec. 5.8) | The developer proposes a multi-modal trail along US 15-501 and a 10 ft. internal trail along the stream buffer. |  |
| Pedestrian Improvements (Sec. 5.8) | The developer proposes a multi-modal trail along US 15-501 as well as internal sidewalks and trails throughout the site. |  |
| Transit Improvements (Sec. 5.8) | A BRT station is identified at the intersection of Market Street and US 15-501. A \$100,000 payment will be required for the BRT station. | C |
| Off-street Vehicular Parking (Sec. 5.9) | <i>Proposed (excluding townhomes):</i> Maximum of 900 off-street vehicular parking spaces or spaces required by LUMO, whichever lesser Applicant also proposes on-street parking spaces. |  |
| Bicycle Parking (Sec. 5.9) | <i>Proposed:</i> 217 or spaces required by LUMO, whichever greater | FP |
| Electric Vehicle Parking | At least 3% of parking spaces will be served by EV-charging stations and 20% of spaces will be EV-ready. | FP |
| Parking Design Standards (Sec. 5.9) | Application must comply | FP |
| Loading (Sec 5.9) | Application must comply | FP |
| Technical | | |
| Fire | Built to Town Standards | FP |
| Recreation Area (Sec. 5.5) | <i>Minimum required:</i> 94,336 sq. ft. <i>Proposed:</i> 100,140 sq. ft. on-site |  |
| Lighting Plan (Sec. 5.11) | Built to Town Standards; not to exceed 0.3 footcandles at property line | FP |
| Signage (Sec. 5.14) | Built to Town Standards | FP |
| Schools Adequate Public Facilities (Sec. 5.16) | Application must comply | FP |
| Homeowners Association (Sec. 4.6) | An entity must be designated to be legally responsible for maintenance and control of common land areas associated with the townhouse development. | FP |

Project Summary Legend

| Symbol | Meaning |
|---|------------------------------|
|  | Meets Requirements |
| M | Seeking Modification |
| C | Requires Council Endorsement |
| FP | Required at Final Plans |
| NA | Not Applicable |