




CONSIDER AN APPLICATION FOR ZONING ATLAS AMENDMENT FOR HOMESTEAD ROAD ACTIVE ADULT HOUSING, 2217 HOMESTEAD ROAD (PROJECT #17-107)

STAFF REPORT

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

<p>PROPERTY ADDRESS 2217 Homestead Road</p>	<p>DATE August 14, 2018</p>	<p>APPLICANT Richard Gurlitz</p>
<p>STAFF RECOMMENDATION That the Planning Commission review the application and make a recommendation to the Town Council.</p>		
<p>STAFF ANALYSIS The applicant proposes to rezone property from Residential-2 (R-2) to Residential-5-C (R-5-C). The applicant intends to utilize bonus density available by providing an affordable housing contribution.</p>		
<p>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:</p> <ul style="list-style-type: none"> • to correct a manifest error in this chapter; • or because of changed or changing conditions in a particular area or in the jurisdiction generally • or to achieve the purposes of the Comprehensive Plan." <p>A Special Use Permit application for multi-family residential development accompanies the rezoning application.</p>	<p>DECISION POINTS</p> <ul style="list-style-type: none"> • Does the rezoning comply with the 2020 Comprehensive Plan and Land Use Plan? 	
<p>PROJECT OVERVIEW The applicant proposes a rezoning to allow construction of a 190-unit, age-restricted multi-family residential development on 15.73 acres located south of Homestead Road. The project proposes 232,000 square feet of floor area, 235 vehicular parking spaces, and 81 bicycle parking spaces. An affordable housing contribution is proposed by payment-in-lieu.</p>	<p>PROJECT LOCATION</p> 	

ATTACHMENTS

Resolution of Consistency with the Comprehensive Plan
Ordinance A (Approving the Rezoning)
Resolution B (Denying the Rezoning)
Application Form & Materials



**ZONING AMENDMENT APPLICATION ANALYSIS:
HOMESTEAD ROAD ACTIVE ADULT HOUSING**

The follow 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 Residential-2 (R-2)	PROPOSED ZONING DISTRICT Residential-5-Conditional Use (R-5-C)
2020 LAND USE PLAN DESIGNATION Medium Residential	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 • The proposed district and the 2020 Land Use Plan designation both call for residential uses on this site. Note that in accordance with state legislation, this rezoning approval would include a statement declaring the Land Use Plan to be amended, with the property to be designated as High Residential to maintain consistency with the density allowed under R-5-C zoning • While the proposed zoning allows more intense development than current zoning, the concurrent SUP process provides an opportunity to establish standards that address any impacts on surrounding properties • The proposed zoning is generally harmonious with the zoning of surrounding properties, including properties falling under the same zoning district and under similar residential districts • No significant environmental constraints have been identified that would suggest less intense development • The location allows future development to take advantage of investment in an expanded transportation network including sidewalks, greenways, bike paths, streets, and transit, all of which could support more intense use • The Future Focus Area designation, recent and proposed development nearby, and Town infrastructure projects nearby suggest changing conditions in the area • The development proposed under an associated SUP application achieves various purposes of the Comprehensive Plan such as increasing the diversity of housing types, promoting connectivity, and sustaining healthy neighborhoods 	
SUMMARY OF ARGUMENTS OPPOSED <ul style="list-style-type: none"> • None identified 	

APPLICANT PROPOSAL

The applicant proposes applying the Residential-5-C (R-5-C) district in order to develop an age-restricted, multi-family residential development, as noted in the applicant’s Statement of Justification: “We believe that providing age restricted rental housing, which is severely under-represented in this market, meets the expectations and accomplishes the goals of the 2020 Comprehensive Plan by introducing an entirely new form of housing into an already undersupplied portion of the local housing market.”

The -C suffix for this proposed rezoning indicates that a Special Use Permit application has been submitted in conjunction with the Zoning Atlas Amendment, and that conditions of the Special Use Permit would become part of the site’s zoning entitlement upon approval.

The R-5 Zoning District can be characterized by the following standards:

- Section 3.3.9 of the Land Use Management Ordinance describes residential districts (R-6, R-5, R-4, R-3, R-2, R-2A, R-1, R-1A, R-LD1, R-LD5) as follows: “The residential districts are

intended to provide for residential development of appropriate intensities consonant with the suitability of land, availability of public services, accessibility to major activity centers and transportation systems, and compatibility with surrounding development.” As this statement applies to both the current and proposed district, there is no change in zoning intent for the site.

- Use considerations:
 - Permitted uses for the R-5 district, as established in LUMO Table 3.7-1, include (but are not limited to) single-family, duplex, and multifamily residential (up to 7 units per lot); day cares; civic and public facilities; non-profit recreation; and essential services.
 - The associated Special Use Permit application proposes limiting the use to multifamily residential. A special standard for Planned Development-Housing (PD-H) is being pursued through the SUP process to allow more than 7 units per lot.
 - The existing R-2 zoning generally limits uses to single-family or two-family residential; or certain public facilities. Under the applicant’s proposal, the range of uses would still be residential but the permitted number of units per building and per lot would increase significantly relative to existing zoning.
- Dimensional standards for the R-5 district, as established in LUMO Table 3.8-1, include the following:
 - Maximum density of 15 residential units per acre
 - Maximum setback building height of 39 ft and maximum core building height of 60 ft.
 - Minimum setbacks of 20 ft. from the street and 6 ft. from other lot lines
 - Maximum floor area ratio of 0.303

The existing R-2 zoning has a lower allowable Density (4.0 u/ac) and Floor Area Ratio (.093), along with lower allowable heights and larger required setbacks. The proposed rezoning would significantly increase the number of units that could be built on site. The associated Special Use Permit application proposes very large setbacks and a density of 11.1 units per acre.

- Other design and development standards as established in LUMO Article 5, including stormwater requirements and parking ratios, are the same for both the R-5 and R-2 districts. The landscape buffer schedule is provided in the table below:

Landscape Buffers		
Location	Ordinance Requirement	Proposed Buffers (SUP application)
North Buffer	30’ Type D buffer	30’ type D buffer
South Buffer	20’ Type C buffer	>220’ of existing forest.
East Buffer	20’ Type C buffer	>60’ of existing forest.
West Buffer	10’ Type B buffer	~ 45’ of existing forest.

The associated SUP application provides an opportunity to establish certain development standards for the site that address potential impacts on surrounding properties, in support of a finding that the permitted development would maintain public health, safety and welfare.

SITE CONTEXT

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

- Existing and proposed development includes a mix of housing types along with public facilities.
- Property to the north across Homestead Rd is zoned R-5-C, associated with an approved (but unbuilt) SUP that allows 32 residential units on a 9.2-acre site.
- Property to the east is zoned R-5-C, encompassing a series of County facilities. This site is separated from the subject site by a property zoned U-1 containing the Carolina North greenway.

- Other property surrounding the site is zoned R-2, R-4-C, and U-1.
- The site is characterized by gentle topography, with no jurisdictional streams or other significant environmental constraints identified.
- The applicant's Written Narrative states that "All public services are available to this site to support an R-5 designation. Sewer, Water and Power are available in Homestead Road, parks and recreational facilities are neighboring, particularly Homestead Park, The Seymour Senior Center, the Orange County Southern Services Center are walkable to this property. City Fire Protection is proximate. As an active adult apartment project, the school systems, although also close to the property, are not further burdened with this use."
- The site is served by the HS bus route, which provides 30-minute peak service, one-way only towards Martin Luther King Jr Blvd.

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.

The property is located within the Comprehensive Plan Future Focus Area 3: South Martin Luther King Jr. Blvd./Homestead Road to Estes Drive. The 2020 Land Use Plan designates this property for Medium Residential, 4-8 du/ac.

Staff provides the following evaluation of this application's consistency with the 2020 Comprehensive Plan and other adopted plans:

- The intent statement for residential districts (including R-5) calls for residential development of appropriate intensity based on land suitability, available public services, access to major activity centers and transportation systems, and compatibility with surrounding development. The R-5 district is broadly consistent, in terms of Use, with the site's Medium Residential designation.
- The permitted maximum density of 15.0 units per acre (and the proposed maximum density of 11.1 units per acre in the SUP application) is inconsistent with the site's designation on the 2020 Land Use Plan. Medium Residential land use is defined by a density of 4-8 units per acre. In accordance with state legislation G.S. 160A-383, approval of a zoning atlas amendment that is not consistent with the Land Use Plan may include a statement declaring that the Plan is also amended in order to maintain consistency. In this case, approval of a rezoning to R-5 would include a statement amending the Land Use Plan to show a High Residential (8-15 units per acre) designation for this site. Staff notes that in the context of the range of land use designations presented on the Plan, this represents only a minor shift in designation.
- The location of this site within a Future Focus Area suggests it is appropriate to give the land use designation further consideration and amend as necessary. In particular for South Martin Luther King Jr. Blvd., the Comprehensive Plan characterizes the Future Focus Area as follows:
 - Proximity to high levels of transit service and "anticipated future investment in higher capacity bus service" along Martin Luther King Jr. Blvd. which "should be coordinated with the potential development."
 - Importance of the Carolina North Forest

The subject site is located just over 0.5 miles from Martin Luther King Jr. Blvd. Development of this site at transit-supportive densities can enhance transit ridership and performance of transit investments, though likely not to the same extent as a site located closer to the transit corridor. The SUP application responds to the adjacency of the Carolina North Forest by providing a significant buffer and a trail connection.

- The applicant's Statement of Justification states that the project furthers goals of the Comprehensive Plan in the following notable ways:

- Diversity of housing types in Chapel Hill: rental units aimed at residence age 55 and above is a currently unmet need.
 - Getting around and sustaining healthy neighborhoods: the project offers proximity and connectivity to existing trails, future multiuse path along Homestead Rd, existing amenities, and the Courtyards at Homestead neighborhood to the west.
 - Balancing respect for the old with the prospect of the new: the project provides new development while maintaining an appropriate density from Homestead Rd to respect the residential character of Homestead Rd (as shown on the SUP application).
- Finding #3 in the next section notes additional 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	<p>Staff notes that the site is located adjacent to a new neighborhood under construction and that multiple development projects are proposed, under construction, or recently completed along Homestead Rd.</p> <p>Staff notes that the Town project for pedestrian and bicycle facilities along Homestead Rd, with construction anticipated in 2019, could support more intense use.</p> <p>Staff notes that the site has reasonable proximity (just over 0.5 miles) to the future Bus Rapid Transit project along Martin Luther King Jr. Blvd., currently in design.</p>
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	<p>The applicant’s Statement of Justification references the following elements of the Comprehensive Plan in discussing the impacts of the proposed development:</p> <ul style="list-style-type: none"> • A range of housing options for current and future residents (Goal-Place for Everyone.3) • Promote a safe, vibrant, and connected (physical and person) community (Goal-Community Prosperity and Engagement.3) • A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal-Getting Around.2) • Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Goal-Getting Around.5) • A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill’s character for residents, visitors, and students (Goal-Good Places, New Spaces.5) • Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal-Good Places, New Spaces.8) • Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. These spaces could include, among other things, Significant Natural Heritage Areas (SNHA) lands adjacent to and connecting various properties such as riparian lands, etc. (Goal-Nurturing Our Community.3) • Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (Goal-Nurturing Our Community.4) • Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal-Nurturing Our Community.8) • Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (Goal-Town and Gown Collaboration.1) • Promote access for all residents to health-care centers, public services, and active lifestyle opportunities (Goal-Town and Gown Collaboration.6)
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.

RESOLUTION OF CONSISTENCY WITH THE COMPREHENSIVE PLAN
(Rezoning from Residential-2 (R-2) to Residential-5-Conditional (R-5-C))

A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR 2217 HOMESTEAD ROAD (ORANGE COUNTY PARCEL IDENTIFIER #9870-90-7548, PROJECT #17-107) AND CONSISTENCY WITH THE CHAPEL HILL 2020 COMPREHENSIVE PLAN (2018-__-/R-#)

WHEREAS, the Council of the Town of Chapel Hill has considered the application from Richard Gurlitz to rezone property, located at 2217 Homestead Road, from Residential-2 (R-2) to Residential-5-Conditional (R-5-C) and finds that the amendment, if enacted, is in the public's interest and is warranted, to achieve the purposes of the Comprehensive Plan, including, but not limited to:

- A range of housing options for current and future residents (Goal-Place for Everyone.3)
- Promote a safe, vibrant, and connected (physical and person) community (Goal-Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal-Getting Around.2)
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Goal-Getting Around.5)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal-Good Places, New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal-Good Places, New Spaces.8)
- Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. These spaces could include, among other things, Significant Natural Heritage Areas (SNHA) lands adjacent to and connecting various properties such as riparian lands, etc. (Goal-Nurturing Our Community.3)
- Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (Goal-Nurturing Our Community.4)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal-Nurturing Our Community.8)
- Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (Goal-Town and Gown Collaboration.1)
- Promote access for all residents to health-care centers, public services, and active lifestyle opportunities (Goal-Town and Gown Collaboration.6)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed zoning atlas amendment to be reasonable and consistent with the Town Comprehensive Plan.

This the _____ day of _____, 2018.

ORDINANCE A (APPROVING THE REZONING)

(Rezoning from Residential-2 (R-2) to Residential-5-Conditional (R-5-C))

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 2217
HOMESTEAD ROAD (ORANGE COUNTY PARCEL IDENTIFIER #9870-90-7548,
PROJECT #17-107) (2018-__-__/O-#)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application from Richard Gurlitz to rezone property, located at 2217 Homestead Road, from Residential-2 (R-2) to Residential-5-Conditional (R-5-C) and finds that the amendment, if enacted, is in the public's interest and is warranted, to achieve the purposes of the Comprehensive Plan, including, but not limited to:

- A range of housing options for current and future residents (Goal-Place for Everyone.3)
- Promote a safe, vibrant, and connected (physical and person) community (Goal-Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal-Getting Around.2)
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Goal-Getting Around.5)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal-Good Places, New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal-Good Places, New Spaces.8)
- Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. These spaces could include, among other things, Significant Natural Heritage Areas (SNHA) lands adjacent to and connecting various properties such as riparian lands, etc. (Goal-Nurturing Our Community.3)
- Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (Goal-Nurturing Our Community.4)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal-Nurturing Our Community.8)
- Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (Goal-Town and Gown Collaboration.1)
- Promote access for all residents to health-care centers, public services, and active lifestyle opportunities (Goal-Town and Gown Collaboration.6)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Chapel Hill Zoning Atlas be amended as described in the legal description provided in the applicant's materials.

This the _____ day of _____, 2018.

Legal Description:

All that certain tract or parcel of land situated, lying and being on the south side of Homestead Road, near the Town of Chapel Hill, N.C. and being part of the Frank C. Maddry farm and adjoining said road, C.Y. Tilson's property, C.F. Lloyd's property and other property of Frank C. Maddry and wife and more particularly described as BEGINNING at an iron stake in the South side of said Homestead Road, the Northeast corner of the Tilson land; running thence from said beginning point and with the said Tilson's Eastern line South $1^{\circ} 12' 30''$ East 1,310.93 feet to an iron stake in the Northern property line of the property of the University of North Carolina; running thence with the said University's Northern property line, South $89^{\circ} 44' 33''$ East 382.30 feet to the corner of the C.F. Lloyd property; running thence with the Western property line of said C.F. Lloyd property, North $2^{\circ} 25' 30''$ West 791.34 feet to a corner of the Lloyd property in the Maddry line; running thence with the said Frank C. Maddry's line South $85^{\circ} 34' 30''$ West 149.30 feet to an iron and North $1^{\circ} 58' 30''$ West 521.23 feet to an iron stake in the Southern right-of-way line of said Homestead Road; running thence with the Southern right-of-way line of said Homestead Road North $86^{\circ} 38'$ West 210.00 feet to an iron, the place and point of BEGINNING.

RESOLUTION B (DENYING THE REZONING)

(Rezoning from Residential-2 (R-2) to Residential-5-Conditional (R-5-C))

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 2217
HOMESTEAD ROAD (ORANGE COUNTY PARCEL IDENTIFIER #9870-90-7548,
PROJECT #17-107) (2018-_-_/O-#)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application from Richard Gurlitz to rezone property, located at 2217 Homestead Road, from Residential-2 (R-2) to Residential-5-Conditional (R-5-C) and finds that the amendment fails to:

- a) corrects a manifest error in the chapter, or
- b) is justified because of changed or changing conditions in the area of the rezoning site or the community in general, or
- c) achieves the purposes of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council denies the Zoning Atlas Amendment request.

This the _____ day of _____, 2018.