

TECHNICAL REPORT

Council Business Meeting – 06/27/2018



TEXT AMENDMENTS TO FORM DISTRICT REGULATIONS

The following Technical Report prepared by Planning staff describes proposed additions to the Form District Regulations of the Blue Hill District including a requirement for non-residential square footage in the WX Subdistricts, an incentive for greater building volume with non-residential uses, and new standards related to recreation space. These would constitute a proposed Text Amendment to Sections 3.4 and 3.11 of the LUMO.

PROJECT TIMELINE

March 14, 2018	Council received a petition regarding potential changes to the Form District Regulations.
April 18, 2018	Council received an email update regarding the status of the petition and potential options for consideration.
May 9, 2018 May 16, 2018	Council received updates regarding the status of the petition and potential options for consideration, and provided feedback.
May 15, 2018	Planning Commission received information and provided comments on the proposed amendments.
May 22, 2018	Community Design Commission received information and provided a recommendation on the proposed amendments.
May 23, 2018	Council opened the Public Hearing to hear the proposed amendments, receive public comments, and provide additional feedback.
June 19, 2018	Planning Commission provided a recommendation on the proposed amendments.

CONNECTIONS TO OTHER DOCUMENTS

Town staff has reviewed the text amendment for compliance with the themes from the [2020 Comprehensive Plan](#)¹ and the standards of the [Land Use Management Ordinance](#)², and offers the following evaluation:

Comprehensive Plan Themes: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

Staff believes the amendments to Form District Regulations comply with the above themes of the 2020 Comprehensive Plan.

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

² https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA

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UPDATES TO DRAFT ORDINANCE SINCE MAY 23 COUNCIL PUBLIC HEARING

The text amendments presented to Town Council at the May 23 Public Hearing included a proposal to create Walkable Commercial (WC) Subdistricts where residential uses were not permitted, along with a zoning map amendment applying the WC Subdistricts to six properties in Blue Hill. Based on feedback received from Council, the Planning Commission (two meetings), and the Community Design Commission, planning staff has revised the proposed text amendments before you tonight in the following ways:

- Eliminated the proposed new WC- Subdistricts
- Recommended denial of associated Zoning Map Amendment (included in agenda item to follow)
- New requirements and incentives for commercial square footage created for the WX- Subdistricts, as outlined under Summary and Table of Proposed Changes below
- Requirements for connectivity added to the standards for Recreation Space, based on recommendations from the Community Design Commission

SUMMARY AND TABLE OF PROPOSED CHANGES

Following is a summary of the proposed updates to the Form District Regulations:

A. Text Amendment

- a. Proposed residential construction in the Walkable Mixed Use (WX) Subdistricts required to include a non-residential component through one of the following approaches as determined by the applicant:
 - i. Vertical mixed-use building
 - ii. Horizontal mixed-use site where uses may be in separate buildings
 - iii. Phased horizontal mixed-use site where a portion of the site may be reserved for a future building with other uses
 - iv. A Special Use Permit or rezoning to allow Council approval of a project with little or no non-residential use
- b. The list of available Conditional Zoning Districts expanded to include districts paralleling the WR- and WX- Subdistricts. This would promote context-sensitive development in cases of a proposed rezoning.
- c. Non-residential square footage in a building credited to the upper floors to allow greater upper story floor plate area, subject to a 20' setback.
- d. Standards for Recreation Space revised to require Recreation Space to be outdoors, at-grade, and at the perimeter of the lot, with pedestrian connections to surrounding public spaces.

B. Map Amendment

- a. The Planning staff no longer recommends the previously proposed zoning map amendment to apply new zoning subdistricts.

The following table provides further description of proposed text amendments:

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TODAY'S REGULATIONS	PROPOSED	IMPROVEMENT AREA
<p>A. <u>Permitted Uses</u></p> <ul style="list-style-type: none"> • Walkable Mixed Use (WX) Subdistricts allow a wide range of residential, public, and commercial uses • No requirement to mix uses within a site or building 	<p>A. <u>Permitted Uses</u></p> <ul style="list-style-type: none"> • Projects in WX Subdistricts must include a non-residential component • Applicants have the choice of vertical mixed use, multiple buildings or phases to achieve horizontal mixed use, or Council approval for a residential-only project 	<p>Encourages a mixture of residential and non-residential uses</p>
<p>B. <u>Conditional Zoning Districts</u></p> <ul style="list-style-type: none"> • Subdistricts of the Blue Hill Form District are not listed as available for conditional zoning 	<p>B. <u>Conditional Zoning Districts</u></p> <ul style="list-style-type: none"> • Conditional Zoning Districts are added to parallel WR-3, WR-7, WX-5, and WX-7 • Rezoning may include conditions, as agreed to by the property owner, that address impacts of allowable development and modify the use, intensity, and/or development standards of the parallel general use subdistrict 	<p>Encourages context-sensitive development</p>
<p>C. <u>Building Mass Requirements</u></p> <ul style="list-style-type: none"> • Maximum Upper Story Floor Plate: starting at the 4th floor, upper stories are limited to an average of 70% and maximum of 80% of the 3rd story floor plate area • Buildings must provide mass variation along street frontages through either a 10' stepback above the 3rd floor or a 80' maximum module length 	<p>C. <u>Building Mass Requirements</u></p> <ul style="list-style-type: none"> • Non-residential square footage in a building can be credited to the upper floors to allow floor plate area exceeding the 70% average and 80% maximum • Buildings that make use of this bonus must then provide a 20' stepback on the primary street frontage to ensure adequate mass variation 	<p>Encourages development of non-residential uses</p> <p>Avoids buildings that 'loom over' their surroundings</p>
<p>D. <u>Recreation Space</u></p> <ul style="list-style-type: none"> • Residential projects must provide 4% (for buildings 1-3 stories) or 6% (for buildings 4+ stories) of the site as recreation space. • Can be located anywhere on site, including indoors or on a rooftop. 	<p>D. <u>Recreation Space</u></p> <ul style="list-style-type: none"> • Require recreation space to be outdoors, at-grade, and at perimeter of lot • No change to percent of site requirement • Paired with required outdoor amenity space required, this would limit lot coverage of residential buildings to 88%-90% of site 	<p>Limits the amount of land area that buildings can occupy on a lot</p> <p>Reinforces a function and design expectation for non-building area</p>

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ZONING AMENDMENT FINDINGS OF FACT

All information submitted at the public hearing will be included in the record of the hearing. Based on the comments and documentation submitted, the Council will consider whether it can make one or more of three required findings (listed below A-C) for enactment of the Land Use Management Ordinance Text Amendment and Zoning Atlas Amendment.

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 and Zoning Atlas 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.

Following is a staff response to the three required considerations:

Finding A: The proposed text amendment is necessary to correct a manifest error.

Planning staff summarizes the information in the record to date as follows:

Arguments in Support	To date, no arguments in support have been submitted.
Arguments in Opposition	To date, no arguments in opposition have been submitted.

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

Planning staff summarizes the information in the record to date as follows:

Arguments in Support	The Blue Hill District was created to foster a balanced mix of uses, both residential and commercial. With the proposed addition of up to 2,000 new residential units in the District, and very little commercial development proposed, Town Council feels that it has become unbalanced. In addition, the size of buildings constructed and proposed has limited the sense of visual and pedestrian permeability in the district.
Arguments in Opposition	Limiting new residential development could slow redevelopment of the district. Slower tax base growth could yield fewer financial resources for the Town to fund infrastructure improvements.

Finding C: The proposed text amendment is necessary to achieve the purposes of the comprehensive plan.

Planning staff summarizes the information in the record to date as follows:

Arguments in Support	Relevant goals and objectives in the Chapel Hill 2020 Comprehensive Plan include, but are not limited to: <ul style="list-style-type: none">▪ Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (<i>Goal A Place for Everyone 1</i>)
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	<ul style="list-style-type: none">▪ A welcoming and friendly community that provides all people with access to opportunities (Goal <i>A Place for Everyone</i> 4)▪ Foster success of local businesses (Goal <i>Community Prosperity and Engagement</i> 2)▪ Promote a safe, vibrant, and connected (physical and person) community (Goal <i>Community Prosperity and Engagement</i> 3)▪ A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal <i>Good Places New Spaces</i> 3)▪ 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 <i>Good Places, New Spaces</i> 5)▪ Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal <i>Good Places, New Spaces</i> 8)
Arguments in Opposition	Prior to revision of text amendments: Zoning certain properties for non-residential use only would run counter to the intent of the district, which calls for a mixed-use environment.