



OPEN THE PUBLIC HEARING: APPLICATION FOR CONDITIONAL ZONING – BRIDGEPOINT, 2214 AND 2312 HOMESTEAD ROAD (PROJECT 20-001)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
 Judy Johnson, Interim Director
 Anya Grahn, Senior Planner

PROPERTY ADDRESS 2214 and 2312 Homestead Road	MEETING DATE(S) September 30, 2020	APPLICANT Advanced Civil Design, Inc., on behalf of owner, Capkov Ventures, Inc.
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STAFF RECOMMENDATION

That the Council open the public hearing and receive comment on the proposed Conditional Rezoning. (Under the recently enacted legislation authorizing public hearings at remote meetings, public comment may continue to be submitted in the hearing record for 24 hours after the September 30th public hearing.)

That the Council then make a motion to schedule the proposed Conditional Rezoning application on October 28, 2020.

STAFF ANALYSIS

The applicant is asking for modifications to regulations. See attached Technical Report for additional information.

PROCESS

The Town Council approved a Special Use Permit (SUP) at this site on May 21, 2010, and the applicant is requesting to replace that entitlement with this Conditional Zoning application.

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.

An SUP holder may request that the Council approve the abandonment of the permit if the development authorized by the permit or modification no longer requires a SUP and all conditions of the SUP have been satisfied.

PROJECT OVERVIEW

The property has an existing 2010 Special Use Permit entitling the site with up to 23 townhomes and 27,400 square feet of commercial space; no construction has begun on this permit. The applicant is proposing to change the project to include construction of 53 individual townhouses with five affordable units. The applicant proposes primary access to the development from Weaver Dairy Road Extension. The applicant proposes a secondary (emergency only) access to Homestead Road on Town-owned property located to the west of the site; this is the proposed location of the Town’s 2200 Homestead Road development project.

Each unit will include a two-car garage with space for two additional parking spaces in the driveway. No on-street parking will be permitted.

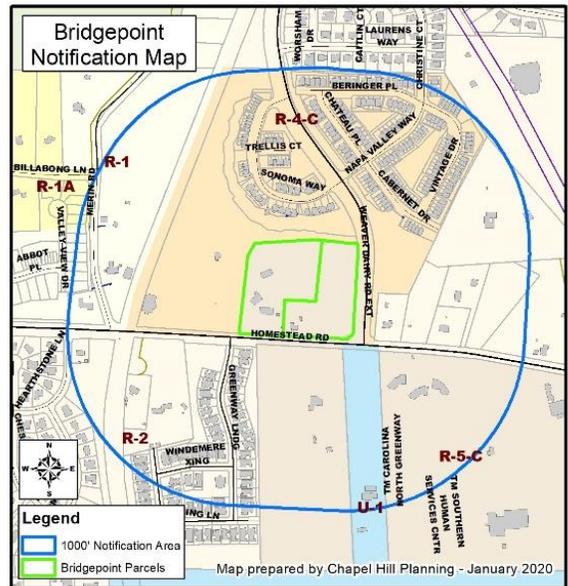
- Existing Zoning: Residential-5-Conditional (R-5-C)
- Proposed Zoning: Residential-5-Conditional Zoning District (R-5-CZD)
- Lot size: 399,975 sq. ft. (9.2 acres)

DECISION POINTS

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

- Inclusionary Zoning
- Steep Slopes
- Recreation Area
- North Carolina Fire Prevention Code

PROJECT LOCATION



ATTACHMENTS

1. Technical Report
2. Draft Staff Presentation
3. Resolution A, Resolving the SUP
4. Resolution B, Resolution of Consistency
5. Ordinance A (Approving the Application)
6. Resolution C (Denying the Application)
7. Advisory Board Recommendations
8. Applicant Materials
9. Plans
10. Applicant Presentation



TECHNICAL REPORT

PROJECT OVERVIEW

May 24, 2010	Town Council approved a Zoning Atlas Amendment and Special Use Permit (SUP) for a mixed use development containing 23 residential dwelling units within mixed use buildings and townhouses and 27,400 sq. ft. of commercial space. The property was rezoned Residential-2 (R-2) and Residential-4-Conditional (R-4-C) to Residential-5-Conditional (R-5-C).
June 19, 2019	Town Council reviewed a concept plan for Bridgepoint for a residential development containing townhomes.
December 2019	Applicant submitted a Special Use Permit (SUP) for 53 townhomes.
July 2020	The applicant submitted a Conditional Zoning permit application to replace the Special Use Permit application and move forward with the project during the COVID 19 pandemic.

The application proposes a Residential-5-Conditional Zoning District (R-5-CZD) to the site to accommodate 53 dwelling units. The site currently consists of two separate parcels with existing single-family homes and outbuildings. More details about the proposed development can be found in Attachment 9 – 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 key considerations, and an analysis of the project’s consistency with the Comprehensive Plan and relevant Findings of Fact.

Recommendations by the Housing Advisory Board (HAB), Environmental Stewardship Advisory Board (ESAB), Transportation and Connectivity Advisory Board (TCAB) and Planning Commission are included as attachments. The Community Design Commission (CDC) reviewed it on September 23, 2020 and will provide recommendations at their next meeting on October 29, 2020.

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 9.2-acre subject site fronts on and has primary access to Weaver Dairy Road Extension and a future (proposed emergency) access to Homestead Road.
- Properties to the north and west are zoned Residential-4-Conditional (R-4-C) and include the Vineyard Square townhouse development and the site of the Town’s future mixed income project at 2200 Homestead Road (to the west).
- Property to the south, across Homestead Road, is zoned Residential-5-Conditional (R-5-C) and was approved in 2019 for the Active Adults development. To the southwest, is the Courtyards at Homestead development zoned Residential-2 (R-2).
- A perennial stream runs along the north portion of the site. The water feature is

subject to stream protection standards. The proposed site layout in the Conditional Zoning application suggests that no buildings and minimal impervious surface will be placed in this sensitive area.

PROPOSED ZONING

The applicant has submitted a Conditional Zoning application, which 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. The Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards 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 proposes a Conditional Zoning district for the site, as shown on the site plan: Residential-5-CZD (R-5-CZD).

The intent of the Residential-5 (R-5) zoning district is "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."¹

PROPOSED MODIFICATIONS TO REGULATIONS

1) Section 3.6.3 Land Disturbance in the Resource Conservation District (RCD):

Land disturbance is limited to specific percentages of the total land area in different zones of the RCD. The Upland and Managed Use zones are limited to 40% disturbance. The applicant is proposing to disturb 26,098 sq. ft. (79%) of the Upland zone and 19,664 sq. ft (55%) of the Managed Use zone associated with the perennial stream in the northwest portion of the site, to allow grading for the stormwater control measures.

Staff Comment: Staff believes that the Council could find a public purpose for the increased land disturbance, as the land disturbance is for the construction of stormwater control measures in order to meet Ordinance standards for the new impervious surface associated with the proposed development. At the time of the Zoning Compliance Permit application, the applicant shall reduce the footprint of the Stormwater Control Measure if the requirements of the LUMO Section 5.4 can be met and land disturbance in the RCD will be reduced as well.

2) Section 5.6.2 Landscape Screening and Buffering:

The applicant is proposing a 15 ft. Type 'B' modified buffer along the west side of the property. The required width of the buffer is 15 ft.; however, the western property line is shared with the Town's 2200 Homestead Road development project. New public streets A and C will extend beyond the west property line to connect with the 2200 Homestead Road development project. There is also a 30 ft. wide storm drainage easement along this property line.

Staff Comment: Staff believes that the Council could find a public purpose for the reduced buffer width and plantings as there will be a shared buffer between Bridgepoint and the 2200 Homestead Road development project. The applicant proposes to construct a fence along the property line to the south of public street C and additional plantings and landscape screening may be provided to the north of public street C.

3) Section 5.3.2 Steep Slopes:

The applicant is proposing to exceed 25% of the area

¹ LUMO Section 3.3.5

containing 25% or greater slopes. A majority of these disturbed slopes occur along the west side of Weaver Dairy Road Extension and were created during the construction of Weaver Dairy Road Extension. Additional slopes 25% or greater that were created during the construction of the existing home site, the existing concrete flume, and the existing asphalt path along the western portion of the property. The total area of disturbed natural slopes 25% or greater is only 2,133 sf. This area of impact is necessary to properly grade the area reserved for the future greenway trail.

Staff Comment: Staff believes the Council could find a public purpose for exceeding the steep slopes, as a majority of the disturbed slopes were created during the construction of Weaver Dairy Road Extension.

- 4) Section 3.10 Inclusionary Zoning:** The applicant is providing five affordable homes which equate to 10.41% of the total units. This is less than the 15% inclusionary zoning requirement; however, the affordable homes are the same size as the market rate units. In addition, the developer exceeds the minimum net livable square footage requirement associated with the 15% inclusionary zoning requirement with only the five homes.

Staff Comment: Staff recommends that the applicant discuss the issue with the Council.

- 5) Section D103 of the North Carolina Fire Prevention Code:** The applicant is proposing street details for a 26-ft with valley curb and 27-ft with standard curb when adjacent to a fire hydrant to meet section D103.1 of the North Carolina Fire Prevention Code. The right-of-way width of 35-ft shall remain unchanged. Further, fire lane signs as specified in Section D103.6 of the North Carolina Fire Prevention Code shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide.

Staff Comment: Staff agrees with the proposal to allow the applicant to not meet the Town of Chapel Hill's standard detail for local streets and comply instead with the North Carolina Fire Prevention Code. The Town's standard detail for local streets calls for a 25-foot back-to-back dimension for the local street (without on-street parking) and the North Carolina Fire Prevention Code allows streets up to 26 feet in width with posted fire lane signs. The applicant's plans have been revised to show this detail.

- 6) LUMO Section 5.4.6(d):** The applicant is proposing to relocate and convey an existing ephemeral stream with a piped stormwater conveyance system. Land disturbance within the stream channel of any ephemeral stream shall be minimized and prohibited unless explicitly authorized by issuance of a zoning compliance permit after demonstration of the necessity for the disturbance.

Staff comment: Staff believes the Council could find a public purpose for the relocation of the existing ephemeral stream, as the development seeks to provide affordable and missing-middle housing.

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.

OTHER CONSIDERATIONS

- **Homestead Road Multi-modal Project:** The applicant has agreed to provide necessary right-of-way associated with the Town’s multi-modal improvement project on Homestead Road.
- **Recreation Area Payment-in-Lieu:** The Town has a policy to request 25% of the Recreation Space requirement in the form of a payment-in-lieu. We understand the applicant is requesting Council to consider a lower amount.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)², the standards of the [Land Use Management Ordinance](#)³, and the [Town of Chapel Hill, NC: Design Manual and Standard Details](#)⁴ and believes the Bridgepoint proposal complies with several themes of the 2020 Comprehensive Plan:

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

<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 checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

Land Use Plan: The [2020 Land Use Plan](#)⁵, a component of the 2020 Comprehensive Plan, designates this site as a “Development Opportunity Area”.

Staff Evaluation: North Carolina General Statute Section 160A-383 requires the Council to approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other applicable officially adopted plan when adopting or rejecting any zoning amendment.

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

- The proposed rezoning is also consistent in intensity with the Land Use Plan. The Medium Residential land use category supports a density of 4-8 units/acre. While the R-5 district allows up to 15 u/ac, the Conditional Zoning application proposes up to 5.7 u/ac for the site overall, which falls within the appropriate range for the Land Use Plan.
- The Mobility and Connectivity Plan shows future improvements along Weaver Dairy Road Extension in the long-term network, including bike lanes and sidewalk to the south. Improvements to the multimodal network would support increased growth and connection to the Town’s Homestead Road multi-modal improvement project.

² <http://www.townofchapelhill.org/home/showdocument?id=15001>

³ https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

⁴ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

⁵ <http://www.townofchapelhill.org/home/showdocument?id=1215>

The proposal would require either construction of a bicycle lane or a multi-modal path from the end of the existing bike lane to Homestead Road.

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:

- 1) To correct a manifest error in the chapter; or
- 2) Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- 3) To achieve the purposes of the Comprehensive Plan.

All information submitted at the public hearing will be included in the record of the hearing.

- 1) 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.

- 2) 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: The applicant's Statement of Justification states that the proposal will fill a need by providing "missing middle" housing as well as five affordable housing units connected to the community's transit system. A critical link of the Chapel Hill Greenway System will be constructed to connect the communities north of Homestead Road and the Green Tract to the Horace Williams/Bolin Creek Trail system. The applicant is also contributing to a multi-use path along Homestead Road.

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 in response to the community's need for diverse housing options connected to the Town's transportation networks.

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

Arguments in Support: The applicant's Findings of Facts state that the proposed rezoning would contribute to the following elements of the Comprehensive Plan:

- Range of housing options for current and future residents (*Goal A Place for Everyone.3*)
- Foster success of local businesses (*Community Prosperity and Engagement.2*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Getting Around.2*)
- Open and accessible common spaces for community gathering, cultural uses, and community development (*Good Places, New Spaces.7*)

- 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. (*Nurturing our Community.3*)

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.



PROJECT FACT SHEET

Overview

Site Description	
Project Name	Bridgepoint
Address	2214 & 2312 Homestead Road
Property Size	399,975 sf (9.2 acres)
Existing	Two existing dwelling units and outbuildings
Orange County Parcel Identifier Numbers	9870-91-4489 and 9870-91-9528
Existing Zoning	Residential-5-Conditional (R-5-C)
Proposed Zoning	Residential-5-Conditional Zoning District (R-5-CZD)

Site Design

Topic	Comment	Status
Use/Density (Sec 3.7)	Townhouse Development (53 lots)	✓
Dimensional Standards (Sec. 3.8)	Comply with LUMO Section 3.8; Dimensional standards only apply to exterior property lines	✓
Floor area (Sec. 3.8)	<i>Maximum:</i> 121,192 sq. ft. <i>Proposed:</i> 99,057 sq. ft.	✓
Inclusionary Zoning (Sec. 3.10)	<i>Required:</i> 7.2 units (15%) <i>Proposed:</i> 5 units (10.4%)	M
Landscape		
Buffer – North (Sec. 5.6.2)	<i>Required:</i> 10' Type "B" <i>Proposed:</i> 10' Type "B" Alternative	✓
Buffer – East (Sec. 5.6.2)	<i>Required:</i> 15' Type "B" <i>Proposed:</i> 15' Type "B" Alternative	✓
Buffer – South (Sec. 5.6.2)	<i>Required:</i> 20' Type "C" <i>Proposed:</i> 20' Type "C" Alternative	✓
Buffer - West (Sec. 5.6.2)	<i>Required:</i> 15' Type "B" <i>Proposed:</i> 15' Type "B" Modified	M
Tree Canopy (Sec. 5.7)	<i>Required:</i> 30% <i>Proposed:</i> 30% with additional plantings	✓
Landscape Standards (Sec. 5.9.6)	Application must comply	✓

Environment		
Resource Conservation District (Sec. 3.6)	<i>Required:</i> Maximum of 40% land disturbance in Upland and Managed Use Zones	M

	<i>Proposed:</i> Disturb 26,098 sq. ft. (79%) of the Upland zone and 19,664 sq. ft (55%) of the Managed Use zone	
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> 55% (9,712 sq. ft. total)	M
Stormwater Management (Sec. 5.4)	One wet detention pond designed to meet the standards of LUMO Section 5.4	
Land Disturbance	374,616 sq. ft. (8.6 acres)	
Impervious Surface (Sec. 3.8)	154,188 sq. ft. (42.4% of net land area)	
Solid Waste & Recycling	Individual public refuse pickup	
Jordan Riparian Buffer (Sec. 5.18)	No disturbance proposed	
Access and Circulation		
Road Improvements (Sec. 5.8)	<ul style="list-style-type: none"> Retiming of Homestead Road and Weaver Dairy Road Extension traffic signal; 175 foot eastbound left turn lane from Homestead Road to Weaver Dairy Road Extension; No parking on interior streets 	
Vehicular Access (Sec. 5.8)	Primary access from Weaver Dairy Road Extension; Emergency (secondary) access through Town-owned property at 2200 Homestead Road.	
Bicycle Improvements (Sec. 5.8)	Extension of southbound bicycle lane along Weaver Dairy Road Extension from where existing bicycle lane ends to Homestead Road	
Pedestrian Improvements (Sec. 5.8)	Installation of signage warning of pedestrians within development; installation of sidewalk connecting parking lot (east end of Street C) to Street A near site entrance	
Traffic Impact Analysis (Sec. 5.9)	TIA Executive Summary attached	
Transit (Sec. 5.8)	NA	NA
Bicycle Parking (Sec. 5.9)	13 spaces	
Parking Lot Standards (Sec. 5.9)	Application must comply	
Technical		
Fire	Meet Town Standards	
Site Improvements	53 townhomes with community amenities including a tot lot and walking path	
Recreation Area (Sec. 5.5)	<i>Required:</i> 19,999 sq. ft. with a Town policy requiring 25% payment-in-lieu <i>Proposed:</i> 25,597 sq. ft. with no payment-in-lieu	
Lighting Plan (Sec. 5.11)	Maximum of 0.3 foot-candles at property line	

Homeowners Association (Sec. 4.6)	Yes	
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