



CONSIDER AN APPLICATION FOR CONDITIONAL ZONING AT WEAVERS GROVE, 7516 SUNRISE ROAD – FROM RESIDENTIAL-2 (R-2) TO RESIDENTIAL-6 CONDITIONAL ZONING (R-6-CZ) AND NEIGHBORHOOD COMMERCIAL CONDITIONAL ZONING (NC-CZ)

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
 Judy Johnson, Interim Director
 Becky McDonnell, Planner II
 Jake Lowman, Senior Planner

PROPERTY ADDRESS	DATE	APPLICANT
7516 Sunrise Road	June 24, 2020	George Retschle, Ballentine Associates

TOWN MANAGER RECOMMENDATION

That the Council adopt the Resolution of Land Use Plan Amendment, the Resolution of Consistency and enact Revised Ordinance A, approving the rezoning.

UPDATES SINCE PUBLIC HEARING

We received some comments from the public and Council members since the Public Hearing. See the attached Technical Report for additional information.

Revised Ordinance A includes the following added stipulations; berm construction and planting; certified foundation design; drainage plans; sediment basin design; Geotechnical engineer certification; Erosion Control Inspections.

ZONING

Current: Residential-2 (R-2) (approx. 32.6 acres)
Proposed: Residential-6-Conditional Zoning (R-6-CZ) (approx. 30.9 acres)
 Neighborhood Commercial-Conditional Zoning (NC-CZ) (approx. 1.7 acres)

PROCESS

Conditional Zoning is a legislative process that allows the Council to review a rezoning application for consistency with the Land Use Plan in the Comprehensive Plan and establish standards that address any impacts on surrounding properties. Because the proposed conditional zoning district is located in a Low Residential Land Use Category, the Council must also approve a Land Use Plan Amendment.

The applicant has submitted an accompanying Land Use Plan Amendment, which will be reviewed by the Council as part of this process, to update the site’s designation to medium-density residential.

PROJECT OVERVIEW

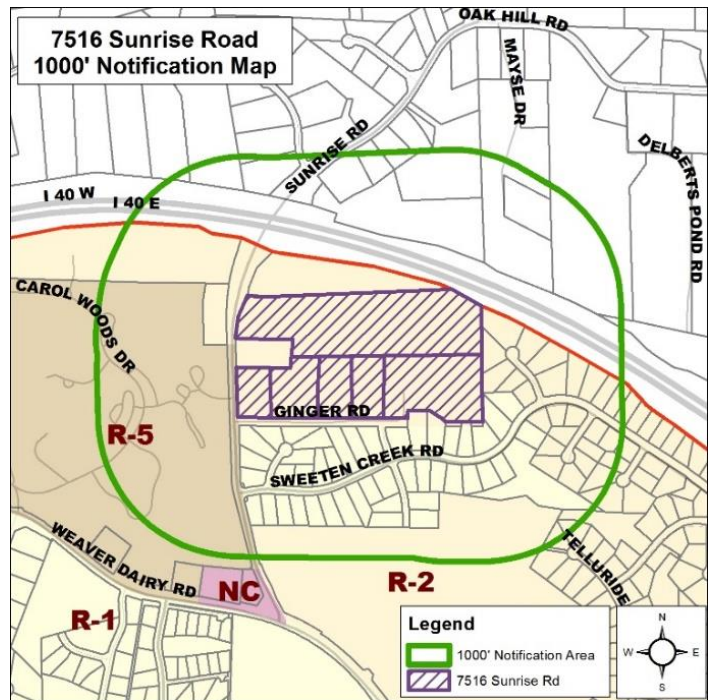
Weavers Grove, a residential community developed by Habitat for Humanity, will provide approximately 99 affordable housing units for those earning between 30% and 80% of the area median income. The community will also include approximately 144 market rate units, for a total of 243 housing units. The units will be a mix of townhomes, duplexes, condominiums, and single-family homes. The development will also include amenities such as a café, community center, garage, dog park, walking trails, a splash pad, playgrounds, and community garden.

DECISION POINTS

The applicant is requesting the following modifications to regulations:

- Restricted uses allowed in the Neighborhood Commercial-CZ (NC-CZ) zoning district
- Alternative dimensional standards to allow for more compact development
- Land disturbance in Resource Conservation District (RCD) zones
- Modified parking landscaping standards

PROJECT LOCATION



ATTACHMENTS

1. Technical Report
2. Project Details Table
3. Draft Staff Presentation
4. Land Use Plan Amendment Technical Report
5. Resolution A (Resolution Approving Land Use Plan Amendment)
6. Resolution B (Resolution of Consistency)
7. Revised Ordinance A (Approving the Application)
8. Resolution C (Denying the Application)
9. Applicant Materials
10. Public Comment received since 6/10/2020



TECHNICAL REPORT

UPDATES SINCE PUBLIC HEARING

The following information includes applicant and staff responses to a series of Council concerns since the June 10, 2020 Public Hearing on a Conditional Zoning application for Weavers Grove, 7516 Sunrise Road.

Council Question: The applicant claims that the noise is fine and just something you can choose to live with, or CHALT's assertion that it is dangerous and damaging, and an equity issue to be subjecting our affordable housing residents to it. Can we get some (preferably independent) guidance here? Whoever weighs in should look at conditions currently and with a widened I-40.

Developer's Response: There is external noise from I-40 as it wraps around Chapel Hill on the north and east. We are taking steps to mitigate I-40 noise even though there is no such I-40 noise requirement in LUMO and as far as we know there has been no other development in town that was required to address I-40 noise. We will build an earth berm with evergreen trees planted on it to help reduce visual and noise impacts from I-40 (see details below). As we move into detailed construction drawings (ZCP) we will see if we can increase the height of the berm to improve its effectiveness. To correct some misinformation presented by others, the top of the berm as currently proposed is not lower than I-40 (the berm as shown is 5' higher than I-40 on the west end and 20' higher on the east end - not including the transition slopes back down to natural grade) and our homesites are not lower than I-40 (the homesites are 11' higher than I-40 on the west end and 20' higher than I-40 on the east end). The I-40 noise heard today is not the noise one would hear after construction of the berm. On the inside of our well-built, energy efficient, tightly and well-insulated homes there will be significantly less I-40 noise than current conditions. The construction of the Weavers Grove homes and other buildings will also provide a noise barrier from I-40 so that there will be significantly less noise than today. With undeveloped, under-developed and available land scarce to non-existent inside our Urban Services Boundary, Habitat is trying to maximize the number of affordable dwellings and meet Chapel Hill's development standards on this unique assemblage of land. That is our goal. We don't want to lose even a single dwelling or add additional time or cost. We ask Council to support us and approve this amazing, creative and exciting new community. Chapel Hill has always claimed they want a connected, vibrant and diverse community. That's what Weavers Grove will bring to Chapel Hill. Once developed our Chandlers Green neighbors will be welcome to come onto our property and enjoy our walking trail, dog park, basketball court, kids play areas and if we are able to raise enough money to also use our cafe and community building.

Proposed Plantings per 100 linear feet of Berm

- (10) Small Deciduous & Evergreen Trees @ 5' ht. (i.e. serviceberry, holly, etc.)
- (20) Large Evergreen Trees @ 5' ht. (i.e. pine, holly, magnolia, etc.)
- (18) Large Evergreen Trees @ 7' ht. (i.e. pine, holly, magnolia, etc.)

Staff Response: The Town does not regulate highway noise or “noises coming from normal operation of motor vehicles” and does not evaluate physical impacts from noise.¹ The Federal Highway Administration states that “the issues of noise costs, noise prediction and desirable noise levels are complex and controversial” and that “the effects of noise on health are both physiological and psychological, though primarily psychological.”² The Town expects that the developer will be responsible for mitigating sound emanating from outside of the site to minimize noise impacts to the new development. The development shall remain in keeping with the Town’s noise ordinance standards and expectations.

Concerns have been raised regarding existing noise impacts from I-40 as well as the future widening. NCDOT states that “noise reduction measures, such as noise walls, are generally considered when the noise level is predicted to be 66 decibels or more – about the level of noise from a normal conversation from 3 feet away. This is the level at which most people tend to have to raise their voice to be heard.”³ However, NCDOT does not evaluate or implement noise barriers for developments that have not received a building permit. Recognizing this, the developer has included plans to build an earth berm along the site’s frontage on I-40 to mitigate noise impacts.

According to the Federal Highway Administration, “a berm can provide noise attenuation of up to 15 dBA if it is several feet higher than the ‘line of sight’ between the noise source and the receiver.”⁴ The developer has provided additional elevation information which indicates that the berm may meet this criteria.

Stipulations included in Revised Ordinance A:

Berm Construction and Planting: The berm shall be constructed in a manner that maximizes screening and will provide the tallest, most opaque natural barrier possible. Solid fill material (i.e. rock, soil, etc.) shall be placed in the lower berm horizons, compacted and plated with a minimum of 2’-3’ of topsoil. Side slopes of the berm shall be tracked horizontally and hydro-seeded. Buffer plantings shall meet or exceed Type ‘E’ buffer standards.

1

https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_CH11MIPROF_ARTIIINO_S11-40EX

2

https://www.fhwa.dot.gov/ENVIRonment/noise/noise_compatible_planning/federal_approach/audible_landscape/al07.cfm

³ <https://www.ncdot.gov/initiatives-policies/environmental/reducing-noise-pollution/Pages/default.aspx>

4

https://www.fhwa.dot.gov/ENVIRonment/noise/noise_compatible_planning/federal_approach/audible_landscape/al04.cfm#:~:text=Because%20of%20the%20amount%20of,practical%20solution%20to%20highway%20noise.&text=A%20berm%20can%20provide%20noise,noise%20source%20and%20the%20receiver.

Council Question: Building townhouses over an ephemeral stream – Again, I don't know enough to say whether you're asking for trouble building over an ephemeral stream, but it seems unwise. The homeowner downstream from this site clearly has mold and water-table issues; are we setting up a similar situation for the three townhomes planned for over the stream? If so, these units should be moved.

Developer's Response: An ephemeral stream by definition is "fleeting and short lived". Think of a typical roadway ditch that is dry most of the time and only carries runoff during and for a short time after a rain, then is dry again. No aquatic life. No aquatic vegetation. Ephemeral streams are not fed by groundwater. Every site of this size in town had ephemeral streams before development. NCDEQ allows ephemeral streams to be regraded and/or piped. This area of Weavers Grove will be regraded with the townhouse pads set at a higher elevation and the ground surface sloped away from the townhouses. After site grading there will be no ephemeral stream in that location and no drainage problems for the residents. There is no comparison between the engineered site for these three Weavers Grove townhouses and the non-engineered house construction in Chandlers Green beside that intermittent stream that has standing water and dampness in their crawl space. The latter is unfortunate but could have been avoided if those house sites had been properly engineered and constructed.

Staff Response: Staff has identified some options to minimize the effects of building on an ephemeral stream that could be included as stipulations:

- Require certification from a geotechnical engineer that the foundation design is compliant with state building code foundation drainage requirements and will prevent any impacts to the building. Depending on the grade and the type of the foundation, the building code has requirements for floodproofing the foundation or devising a drainage system.
- Submit detailed site plans showing how the site will be graded to ensure that there is positive drainage away from the foundation of some or all buildings on site. Positive drainage is a concern for high density sites with narrow width between lot lines. The review of grading and drainage plans will ensure that any water that falls between lot lines will drain towards the front or rear yard and away from the foundation of the building.

Stipulations included in Revised Ordinance A:

Certified Foundation Design: As part of all building permit applications in the location of the (existing condition) ephemeral stream in the SE corner of Weavers Grove, the project geotechnical engineer will certify foundation design in accordance with state building code foundation drainage requirements.

Drainage Plans: As part of the building permit applications for each dwelling/building in Weavers Grove, the project civil engineer will prepare and submit site plan(s) detailing how the dwelling/building sites are to be graded to promote proper drainage and to prevent future drainage problems. Grading will be done to ensure no ponding of water after 48 hours after a 1 inch storm event in proximity to the structure foundation and lot line.

Council Question: Water table – The loss of trees during site preparation can mean disruption of underlying hydrological conditions. We’ve heard that the water table is high in the area at the southeast; can we expect that condition to worsen? Do the current stormwater mitigations address that issue? We can pipe stormwater away from problem runoff areas, but a water table issue is a whole different matter.

Developer’s Response: There is no high water table problem in the area of Weavers Grove proposed for development. The subsurface geotechnical report confirms that. There are several perched water tables due to the presence of underlying partially weathered rock or clay but the permanent water table is deep in the ground. One of the perched water tables is the very small wetland just north of the old abandoned Potted Plant green house. That wetland has been permitted for removal by the Corps of Engineers. After engineered regrading and storm drainage there will be no perched water table wetland in that location and no future drainage problem. More than likely the drainage problems at the Chandlers Green house crawl spaces are also caused by a perched water table that wasn’t properly engineered when the neighborhood was developed and the house constructed. There will be no drainage problems at Weavers Grove after development and Habitat will be improving (not solving) the existing drainage problems at Chandlers Green by detaining for the 100 year rainfall event (requirement is the 25 year rainfall event) in that drainage basin.

Staff Response: The submitted geotechnical reports estimate that the ground water table on the site range from approximately 3 feet to 14 feet below the surface. Measurements of the groundwater table are variable depending on the season and other climatic conditions. Scientific studies indicate that the removal of trees can result in an increase of the ground water table up to half a foot. The resulting groundwater table will be dependent on the types of soil used for infill, the compaction technique, grading, and the capture of stormwater flows to minimize infiltration in certain areas of the site. A groundwater hydrology model is needed to properly evaluate these variables; however, Town does not regulate groundwater hydrology. Properties near streams experience fluctuations in groundwater table and may be a contributing factor to mold.

To address the concerns, staff has included stipulations to:

- Increase the capacity of sediment basins.
- Require certification from a geotechnical engineer that the site is suitable for construction based on the perched water table and permanent water table depth.
- Require weekly inspections of erosion control measures.

Stipulations included in Revised Ordinance A:

Sediment Basin Design: That all sediment basins shall be designed for the 25-year, 24-hour storm event vs. the 10-year, 24-hour storm event as required by Orange County.

Geotechnical Engineer Certification: As part of all building permit applications, the project geotechnical engineer will include a statement addressing the pre-development perched water table(s), that it/they has/have been properly removed in the area of development, that the permanent water table is at a depth in the ground that will not cause problems for the proposed dwellings/buildings and that Weavers Grove is now suitable for construction of dwellings/buildings.

Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the developer shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs. This shall

include weekly invitations to walk erosion control measures to Orange County Erosion Control and Town of Chapel Hill staff.

PROJECT OVERVIEW

The application proposes a Residential-6-Conditional Zoning (R-6-CZ) district as well as Neighborhood Commercial-Conditional Zoning (NC-CZ) district to the site in order to accommodate 243 dwelling units and approximately 19,000 square feet of commercial space for community amenities. The site currently consists of five separate parcels with existing single-family homes and a greenhouse. The Statement of Justification explains that the applicant is seeking a Conditional Zoning in order to develop the site to a greater intensity than what is allowed by the existing Residential-2 (R-2) zoning district. More details about the proposed development can be found in the attached applicant's materials.

Information about the site and proposed zoning districts can be found below, as well as a list of proposed Modifications to Regulations, other important considerations that staff has identified, and an analysis of the project's consistency with the Comprehensive Plan and relevant Findings of Fact.

SITE CONTEXT

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

- The 32.6-acre subject site fronts on and has access to Sunrise Road, a collector street with relatively low traffic volume and no existing bus service.
- Property on the west side of Sunrise Road (Carol Woods) is zoned Residential-5 (R-5) and is developed as a group care facility consistent with the intent of the Residential-5 (R-5) district. The density of this group care facility is around 3.4 units per acre. The Residential-5 (R-5) zoning permits the same amount of density as the Residential-6 (R-6) district.
- Property at the intersection of Sunrise Road and Weaver Dairy Road is zoned Neighborhood Commercial (NC) and is within 1/3 mile of the proposed Neighborhood Commercial (NC) district.
- Where Neighborhood Commercial (NC) zoning currently exists in Chapel Hill, the property either has frontage on an arterial road (this is usually the case) or is integrated with surrounding residential areas through the street and sidewalk network (such as in Southern Village). This application could be considered an instance of the latter. Based on previous zoning practice, the suitability of a Neighborhood Commercial (NC) district located interior to a neighborhood likely depends on having sufficient vehicular and pedestrian connectivity as a condition of the zoning.
- Other property surrounding the site is zoned residential, either Residential-1 (R-1) or Residential-2 (R-2). Existing uses include vacant property and single-family residential.
- A perennial stream runs through the northwest portion of the site, and there is an ephemeral/intermittent stream at the southeast corner of the site. Both features are

subject to stream protection buffers. Wetlands have also been mapped in the northwest portion. The proposed site layout in the Conditional Zoning application suggests that no buildings and minimal impervious surface will be placed in these environmentally sensitive areas.

- A small portion of the site fronts on I-40, a major regional corridor with high traffic volumes. As there is no nearby access to I-40 from the site, the consideration here would be adequate screening and noise abatement for the residential uses.
- The site falls within Chapel Hill municipal limits; the site was annexed in November 2019.
- The site is near the boundary of Chapel Hill's Planning Jurisdiction, which in this area parallels I-40. Outside of the Planning Jurisdiction is the Rural Buffer, where development is limited to a low-density character without water and sewer service.

PROPOSED ZONING

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal as part of a rezoning. It also allows site-specific standards to be formulated and applied as conditions of the rezoning through a legislative process. The Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards in order to address impacts reasonably expected to be generated by development. Conditions can also address conformance of the development with town regulations and adopted plans. A -CZ suffix would be added to the zoning district designation to incorporate the approved conditions. The applicant has proposed two different Conditional Zoning districts for different areas of the site, as shown on the site plan: Residential-6-CZ (R-6-CZ) and Neighborhood Commercial-CZ (NC-CZ).

The intent of the Residential-6 (R-6) 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."⁵

The intent of the Neighborhood Commercial (NC) zoning district is to "provide for the development of low-intensity commercial and service centers that are accessible by pedestrians from the surrounding neighborhoods, serve the daily convenience and personal service needs of the surrounding neighborhoods, and are of such a nature as to minimize conflicts with surrounding residential uses."⁶ This Conditional Zoning application proposes limiting uses to a narrower range of retail/service/business and institutional/public uses while also allowing various residential types.

The applicant has proposed modifications to permitted uses and dimensional standards for the proposed conditional zoning districts for this property, among other requested modifications, as summarized in the Proposed Modifications to Regulations section below.

⁵ LUMO Section 3.3.5:

https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA_ART3ZODIUS_DIST_3.3GEUSD1

⁶ LUMO Section 3.3.3:

https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA_ART3ZODIUS_DIST_3.3GEUSD1

PROPOSED MODIFICATIONS TO REGULATIONS

1) Section 3.8 Dimensional Standards: LUMO Table 3.8-1 specifies dimensional standards for the Residential-6 (R-6) and Neighborhood Commercial (NC) zoning districts, including minimum lot size, frontage, width, setbacks, and more.

The Conditional Zoning application proposes to modify the dimensional standards, as summarized in the table below:

	Lot Size	Frontage	Lot Width	Street Setback	Interior Setback	Solar Setback	Impervious Surface for Single-Family Use
<i>Residential-6 (R-6) Standards</i>	5,500 sf	40'	50'	20'	6'	8'	0.50
<i>Neighborhood Commercial (NC) Standards</i>	5,500 sf	40'	40'	24'	8'	11'	0.50
Proposed Standards	Single-Family	2,000 sf	18'	18'	5'	3'	0.70
	Townhomes	1,100 sf	18'	18'	5'	3'	N/A
	Multi-Family	n/a	20'	20'	0'	3'	N/A

Staff Comment: The applicant requests to reduce dimensional requirements in order to allow for increased density and compact development. The Ordinance allows for reduced lot sizes and setbacks in cluster subdivisions, with an additional reduction allowed for affordable housing to 4,125 square feet. The applicant requests to reduce the minimum lot size further to 2,000 square feet for single-family lots. Additionally, the applicant requests to increase the allowable impervious surface for single-family lots to 70 percent. However, the total impervious surface for the entire Residential-6-CZ zoning district will be limited to 528,590 square feet, which is 36% of the gross land area. Staff believes that Council could find a public purpose for the altered dimensional standards as the increased density will allow for additional affordable housing units, which is a stated goal of the Council. Additionally, the applicant has proposed buffers greater than what is required by the Ordinance in order to reduce impacts on surrounding properties.

2) Section 3.6.3 Land Disturbance in the Resource Conservation District (RCD) (on-site): The Land Use Management Ordinance (LUMO) limits land disturbance to specific percentages of the total land area in different zones of the RCD. The Upland zone is limited to 40% disturbance. The applicant is requesting to disturb 32,236 sq. ft. (47%), of the Upland 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 and to provide a walking path as an additional amenity to the residents.

3) Section 3.6.3 Land Disturbance in the Resource Conservation District (RCD) (off-site): The applicant is requesting to construct a berm along I-40 to help mitigate noise impacts on the residents. The applicant has also obtained an easement from the adjacent property owner to the north in order to extend the berm beyond the property limits and provide additional noise protection. In order to construct the berm, the

applicant is proposing to disturb 7,077 sq. ft. (52%) of the Managed Use zone and 12,322 sq. ft. (97%) of the Upland zone on the adjacent property. Note that these area calculations are based on the easement area, not the entire RCD area on the adjacent property.

Staff Comment: Staff believes that the Council could find a public purpose for the increased land disturbance, as the construction of the berm will allow for improved conditions for the residents and adjacent property owners.

- 4) Section 5.9 Parking and Loading:** The applicant is requesting to modify the minimum five (5) foot wide foundation buffer strip that is required for multifamily buildings to allow an average width of five (5) feet (some areas will have less than a five (5) foot wide buffer strip, while other areas will have greater than a five (5) foot wide buffer strip).

The applicant is also requesting to modify the frequency of landscaped interior islands, which are required for every ten (10) parking spaces. The applicant is proposing three (3) areas where there are eleven (11) and twelve (12) parking spaces between landscaped interior islands. This modification is being proposed in order to maximize parking efficiency, and two (2) of these areas are within Duke Energy and OWASA easements, which prohibit tree planting.

The applicant is also requesting to modify the maximum distance a parking space may be located from a shade tree. Approximately fifteen (15) spaces would be located further than the maximum seventy-five (75) feet away from the trunk of a canopy tree, due to restrictions on tree plantings within easements. The applicant is proposing to plant smaller trees to mitigate the inability to provide canopy trees.

Finally, the applicant is requesting to remove the minimum landscape buffer strip requirement for parking entrance drives. The minimum width requirement is eight (8) feet.

Staff Comment: Staff believes the Council could find a public purpose for these altered parking landscaping standards, as all of the requested modifications are due to the compact nature of the development and site restrictions, in order to allow for a greater number of housing units, including affordable housing units.

- 5) Section 5.4.6, Land Disturbance Within the Stream Channel of an Ephemeral Stream Modification:** The applicant is proposing land disturbance of the ephemeral stream for the development of the walking trail and a townhouse unit.

Staff Comment: Staff believes the Council could find a public purpose for the land disturbance, as the request would allow additional housing units, including affordable housing units, as well as a walking trail which is an amenity for the residents. Additionally, a stipulation has been included to require protection of any housing unit foundations that are built within the ephemeral stream channel to mitigate the impacts of this modification.

Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.5.6 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 attached applicant's materials.

OTHER CONSIDERATIONS

- **Permitted Uses in Neighborhood Commercial (NC) Zoning District:** The applicant is proposing to limit the permitted uses in the Neighborhood Commercial (NC) zoning district as allowed by the Conditional Zoning process, to the following list:
 - Accessory uses
 - Barber shop/beauty salon
 - Business – General
 - Business – Office-type
 - Child day care facility
 - Dwelling Units, single-family
 - Dwelling Units, single-family with accessory apartment
 - Dwelling units, duplex
 - Dwelling units, multi-family
 - Parking, off-street
 - Place of assembly, up to 2,000 seating capacity
 - Public cultural facility
 - Public use facility
 - Recreational facility; non-profit

- **Permitted Uses in Residential-6 (R-6) Zoning District:** The applicant is not proposing to change or limit the permitted uses in the Residential-6 (R-6) zoning district. Permitted uses may be found in the Land Use Management Ordinance Section 3.7.3.⁷

- **Application Fee Waiver Request:** All fees have been waived due to the affordable housing nature of the project per Council policy. Town Staff recommends that if the applicant obtains a market partner, fees will be charged for the market rate portion of the project. For example, if 100% of the residential units are affordable, no additional fee will be required

- **Payment-in-Lieu for Bicycle Improvements:** Although the Town's Mobility Plan calls for bike lanes and sidewalks along Sunrise Road, the applicant will only be providing sidewalks on the east side of Sunrise Road from the existing Ginger Road alignment south to Sweeten Creek Road. The applicant is requesting the payment-in-lieu be waived for the remainder of the improvements.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)⁸, the standards of the [Land Use Management Ordinance](#)⁹, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)¹⁰ and believes the Weavers Grove 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:

<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 checked="" type="checkbox"/>		Grow Town and Gown Collaboration

Land Use Plan: The [2020 Land Use Plan](#)¹¹, a component of the 2020 Comprehensive Plan, designates this site for low density residential. The applicant has submitted an accompanying Land Use Plan Amendment application, requesting to designate the site as medium density residential.

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 Residential-6 (R-6) and Neighborhood Commercial (NC) districts encourage residential and supportive commercial uses, such as single and multi-family dwelling units and general business, public, and institutional uses. These districts also speak to minimizing conflicts with adjacent land uses, which is consistent with the 2020 Land Use Plan.
- 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 per acre. While the Residential-6 (R-6) district allows up to 15 units acre and the Neighborhood Commercial (NC) district allows up to 10 units acre, the Conditional Zoning application proposes up to 6.5 units acre for the site overall, which falls within the appropriate range for the Land Use Plan.
- The applicant states that the project will support the Town's affordable housing goals. The master developer of the project is Habitat for Humanity of Orange County, who will partner with a market rate developer to build moderately priced, market

⁸ <http://www.townofchapelhill.org/home/showdocument?id=15001>

⁹ https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

¹⁰ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

¹¹ <http://www.townofchapelhill.org/home/showdocument?id=1215>

rate homes to create a mixed income and mixed-housing type community. Both the affordable units and market rate units will fill identified housing gaps in the Town.

- The Mobility and Connectivity Plan shows future improvements along Sunrise Road in the long-term network, including bike lanes and sidewalk connecting to Weaver Dairy Road to the south. Improvements to the multimodal network would support increased growth and development in the vicinity of Sunrise Road. The applicant will provide a sidewalk along the eastern side of Sunrise Road south to Sweeten Creek Road.
- The applicant also notes that the development proposal demonstrates internal connectivity for the neighborhood, access to recreation amenities, and a layout that respects the site's natural features. Each of these elements is consistent with goals of the Comprehensive Plan.
- 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:

- 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.

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.

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 in Town for quality affordable housing and moderately priced market-rate housing within the Urban Services Boundary. The site has adequate access to infrastructure and contains natural features that will enhance the development.

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 changing conditions in the northern Chapel Hill area and in the jurisdiction generally.

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

Arguments in Support: The applicant's Statement of Consistency states that the proposed rezoning would contribute to the following elements of the Comprehensive Plan:

- A range of housing options for current and future residents (*Goal: A Place for Everyone.3*)
- A welcoming and friendly community that provides all people with access to opportunities (*Goal: A Place for Everyone.4*)
- Foster success of local businesses (*Goal: Community Prosperity and Engagement.2*)
- Promote a safe, vibrant, and connected (physical and person) community (*Goal: Community Prosperity and Engagement.3*)
- A well-conceived and planned, carefully thought out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and public transportation options (*Goal: Getting Around.1*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Goal: Getting Around.2*)
- 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*)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems (*Goal: Nurturing Our Community.2*)
- 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 (*Goal: Nurturing Our Community.3*)
- Housing for Town, University, and the Health Care System employees that encourages them to reside in the community (*Goal: Town and Gown Collaboration.4*)

Arguments in Opposition: Members of the public have identified concerns related to impacts and noise from I-40, increased traffic in the vicinity, and stormwater runoff.

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



Project Details

Site Description	
Project Name	Weavers Grove
Address	7516 Sunrise Road
Property Size (NLA)	1,418,157 SF (32.6 acres)
Existing	Single-family homes and a greenhouse
Orange County Parcel Identifier Numbers	9890-06-5926, 9890-16-0437, 9890-06-6312, 9890-06-3350, 9890-06-0413
Existing Zoning	Residential-2 (R-2)
Proposed Zoning	Residential-6-Conditional Zoning (R-6-CZ) and Neighborhood Commercial-Conditional Zoning (NC-CZ)


Site Development Standards

Topic	Comment	Status																												
Development Intensity																														
Use/Density (Sec. 3.7)	<p>Uses permitted in Neighborhood Commercial-CZ (NC-CZ) zoning district:</p> <ul style="list-style-type: none"> • Accessory uses • Barber shop/beauty salon • Business – General • Business – Office-type • Child day care facility • Dwelling Units, single-family • Dwelling Units, single-family with accessory apartment • Dwelling units, duplex • Dwelling units, multi-family • Parking, off-street • Place of assembly, up to 2,000 seating capacity • Public cultural facility • Public use facility • Recreational facility; non-profit <p>Uses permitted in Residential-6 (R-6) zoning district:</p> <ul style="list-style-type: none"> • All uses permitted in Residential-6 (R-6) 																													
Dimensional Standards (Sec. 3.8)	<p>Alternative dimensional standards proposed:</p> <table border="1"> <thead> <tr> <th></th> <th>Lot Size</th> <th>Frontage</th> <th>Lot Width</th> <th>Street Setback</th> <th>Interior Setback</th> <th>Solar Setback</th> </tr> </thead> <tbody> <tr> <td>Single-Family</td> <td>2,000 sf</td> <td>18'</td> <td>18'</td> <td>5'</td> <td>3'</td> <td>3'</td> </tr> <tr> <td>Townhomes</td> <td>1,100 sf</td> <td>18'</td> <td>18'</td> <td>5'</td> <td>3'</td> <td>3'</td> </tr> <tr> <td>Multi-Family</td> <td>N/A</td> <td>20'</td> <td>20'</td> <td>0'</td> <td>3'</td> <td>3'</td> </tr> </tbody> </table>		Lot Size	Frontage	Lot Width	Street Setback	Interior Setback	Solar Setback	Single-Family	2,000 sf	18'	18'	5'	3'	3'	Townhomes	1,100 sf	18'	18'	5'	3'	3'	Multi-Family	N/A	20'	20'	0'	3'	3'	M
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Floor area (Sec. 3.8)	<p>Maximum: 406,063 sq. ft.;</p> <p>Proposed: 406,063 sq. ft.</p>																													
Landscape																														

Buffer – North (Sec. 5.6.2)	<i>Required:</i> Type “E” 100’ buffer <i>Proposed:</i> Type “E” 100’ alternate buffer (to be approved by the Community Design Commission)	
Buffer – East (Sec. 5.6.2)	<i>Required:</i> None <i>Proposed:</i> 10 foot type B Buffer (tree plantings proposed)	
Buffer – South (Sec. 5.6.2)	<i>Required:</i> None <i>Proposed:</i> 10 foot type B buffer (shrub plantings proposed)	
Buffer - West (Sec. 5.6.2)	<i>Required:</i> 10 foot type “B” buffer <i>Proposed:</i> 10 foot type B buffer (if multi-family use)	
Tree Canopy (Sec. 5.7)	<i>Required:</i> 30% <i>Proposed:</i> 46.5%	
Landscape Standards (Sec. 5.9.6)	<i>Required:</i> 5-foot wide foundation buffer planting strip <i>Proposed:</i> Average of 5-foot wide foundation buffer planting strip	M
	<i>Required:</i> Landscaped interior islands every 10 spaces <i>Proposed:</i> Landscaped interior islands every 12 spaces	
	<i>Required:</i> Maximum distance of 75’ that a parking space may be located from a shade tree <i>Proposed:</i> Maximum of 120’ from shade tree	
	<i>Required:</i> 8’ wide minimum landscaped buffer strip requirement for parking entrance drives <i>Proposed:</i> No minimum requirement	
Environment		
Resource Conservation District (Sec. 3.6)	<i>Required:</i> Maximum of 40% land disturbed in Upland and Managed Use Zones <i>Proposed:</i> 44,558 sq. ft. land disturbance in Upland Zone and 33,941 sq. ft. land disturbance in the Managed Zone for construction of stormwater control measures; 7,077 sq. ft. (52%) disturbance in Managed Use Zone and 12,322 sq. ft. (97%) disturbance in Upland Use Zone for off-site construction of a berm along I-40	M
Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required	
Steep Slopes (Sec. 5.3.2)	<i>Required:</i> Disturb < 25% of slopes greater than 25% slope <i>Proposed:</i> Disturb 20.6% of steep slope area (2,722 sf)	
Stormwater Management (Sec. 5.4)	9 stormwater control measures (constructed wetlands, permeable pavement, bioretention cell, underground detention) proposed throughout site designed to meet or exceed LUMO 5.4 standards	
Land Disturbance	1,149,818 sq. ft. (26.4 acres)	
Impervious Surface	572,000 sq. ft. (13 acres) (40% of net land area)	
Solid Waste & Recycling	Private trash pickup proposed, Town service for single-family	
Jordan Riparian Buffer (Sec. 5.18)	11,544 sq. ft. of disturbance proposed (8.2% of total) for walking path, sanitary sewer, and storm drainage outfalls	

Access & Circulation		
Road Improvements (Sec. 5.8)	Addition of right turn lane with 75' storage on Sunrise Rd into development	
Vehicular Access (Sec. 5.8)	Access proposed at the Ginger Road intersection with Sunrise Road, and extension of Amesbury Drive	
Bicycle Improvements (Sec. 5.8)	No improvements proposed	
Pedestrian Improvements (Sec. 5.8)	Extend sidewalk south along Sunrise Road to Sweeten Creek Road	
Traffic Impact Analysis (Sec. 5.9)	TIA completed and Executive Summary attached	
Vehicular Parking (Sec. 5.9)	<i>Required:</i> 378 min – 495 max spaces <i>Proposed:</i> 432 spaces	
Transit (Sec. 5.8)	Construct a transit stop with a shelter and request service through Chapel Hill Transit	
Bicycle Parking (Sec. 5.9)	82 spaces required (82 proposed)	
Electric Vehicle Parking	2 spaces proposed	
Parking Lot Standards (Sec. 5.9)	Constructed to Town Standards	
Technical		
Fire	Meet Town Standards	
Site Improvements	243 residential units with community amenities, including a community garden, café, dog park, walking trails, and playground	
Schools Adequate Public Facilities (Sec. 5.16)	Application must comply	
Inclusionary Zoning Ordinance (Sec. 3.10)	A minimum of 99 of 243 residential units are proposed to be affordable units (42%)	
Recreation Area (Sec. 5.5)	<i>Required:</i> 54,810 sq. ft. <i>Proposed:</i> 54,810 sq. ft.	
Recreation Space (Sec. 5.5)	<i>Required:</i> 61,376 sq. ft. <i>Proposed:</i> 61,376 sq. ft.	
Lighting Plan (Sec. 5.11)	Maximum of 0.3 foot-candles at property line	
Homeowners Association (Sec. 4.6)	Yes	

Project Summary Legend

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