

# TECHNICAL REPORT

Planning Commission – 01/07/2020



## ZONING ATLAS AMENDMENT 7516 SUNRISE ROAD

The following Technical Report provides a staff analysis of the Zoning Atlas Amendment application based on long-range planning considerations.

The Town Manager has initiated a proposal to rezone property at 7516 Sunrise Road so that the zoning district classification is applied directly by the Town of Chapel Hill. This rezoning comes in response to provisions of North Carolina General Statute Sec. 160A-360(f) for properties that have been recently annexed into the corporate limits of the Town.

Prior to annexation, the subject property was located in a Transition Area where Chapel Hill and Orange County held joint review authority under the terms of the Joint Planning Agreement. Zoning regulations were applied by the County through adoption by reference of the Chapel Hill Land Use Management Ordinance.

<b>CURRENT ZONING DISTRICT</b> Residential-2 (R-2) – applied by County authority	<b>PROPOSED ZONING DISTRICT</b> Residential-2 (R-2) – applied by Town authority
<b>2020 LAND USE PLAN DESIGNATION</b> Low Residential, 1-4 units/acre	<b>2020 FUTURE FOCUS AREA</b> None
<b>OTHER APPLICABLE ADOPTED PLANS</b> None	

### CHARACTERISTICS OF THE R-2 ZONING DISTRICT

The intent of Residential zoning districts, including Residential-2 (R-2), as stated in Section 3.3.9 of the Land Use Management Ordinance, 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.”

The following standards would apply to the subject property under the proposed R-2 zoning. The same standards are already in effect for the property, through Orange County’s application of Chapel Hill zoning regulations in the Transition Area.

LAND USE/INTENSITY STANDARD	PROPOSED
Minimum Lot Size	10,000 sq. ft.
Maximum Residential Density	4.0 units per acre
Maximum Floor Area	93 sq. ft. per 1,000 sq. ft. of land area
Maximum Height	29 ft. at setback line; 50 ft. interior to site

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<p>Permitted Uses</p> <p>* Permitted only with Special Use Permit approval Other uses permitted by-right</p>	<p>Adult Day Care facility Cemetery* Child Day Care facility Dwelling Unit, single-family Dwelling Unit, accessory apartment Dwelling unit, duplex Essential services Group care facility* Independent Senior living facility* Park and ride* Place of worship Public cultural facility Public service facility* Public use facility Recreation facility, Nonprofit School, elementary/secondary</p>
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The R-2 district is generally characterized by residential development on lots that are about a quarter acre in size or larger. No more than two residential units are allowed on a lot, meaning this zoning district does not support townhomes or multifamily dwellings (without a Planned Development-Housing overlay). Various public and civic facilities are also allowed. Any development proposal exceeding 20,000 sq. ft. of building floor area or 40,000 sq. ft. of land disturbance requires Council approval of a Special Use Permit. In addition, Council would need to approve any proposed subdivision of land that created more than 4 lots from one lot of record and/or extended public infrastructure.

## CONSISTENCY OF PROPOSED REZONING 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 2020 Land Use Plan, a component of the Comprehensive Plan, designates the subject property for Low Residential, 1-4 units per acre. Staff finds that the proposed R-2 zoning is consistent with the Land Use Plan both in terms of use and intensity. The intent of this zoning district is to provide for residential development, and the maximum residential density is four units per acre.

## BACKGROUND

- November 2, 1987 Joint Planning Agreement established between Orange County, Town of Chapel Hill, and Town of Carrboro to provide coordinated planning for unincorporated areas in southern Orange County, including the subject property
- October 15, 2019 Owners of the subject property submit a petition for voluntary annexation
- November 20, 2019 Town Council approves annexation
- December 2019 Town Manager initiates zoning atlas amendment (County R-2 to Town R-2)
- January 7, 2020 Planning Commission recommendation
- January 22, 2020 Council Public Hearing on the proposed zoning atlas amendment, with opportunity for the Council to consider action

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## ZONING AMENDMENT FINDINGS OF FACT

Based on the comments and information submitted, the Council will consider whether it can make one or more of the three required findings (listed below A-C) for enactment of a Land Use Management Ordinance Text 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 (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 the proposed zoning amendment 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.

### A. To correct a manifest error in the chapter

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.

### B. Because of changed or changing conditions in a particular area or in the jurisdiction generally

Arguments in Support:	The subject property was annexed by the Town of Chapel Hill on November 20, 2019, thereby removing it from the JPA Transition Area and adding it to the Town’s zoning jurisdiction.
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 proposed zoning amendment responds to changed conditions in the area and in the Town’s jurisdiction.

### C. To achieve the purposes of the Comprehensive Plan

Arguments in Support:	Staff believes that the proposed rezoning would contribute to the following elements of the Comprehensive Plan: <ul style="list-style-type: none"><li>• A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)</li></ul>
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 proposed zoning amendment achieves the purposes of the Comprehensive Plan.