



CONSIDER AN APPLICATION FOR SPECIAL USE PERMIT – MERRITT MILL EAST, MULTI-FAMILY DEVELOPMENT

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
 Ben Hitchings, Director
 Judy Johnson, Operations Manager
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PROPERTY ADDRESS 800 S. Merritt Mill Road	PUBLIC HEARING DATE March 14, 2018	APPLICANT Ballentine Associates for CASA, Inc.
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TOWN MANAGER’S RECOMMENDATION

- That the Council continue and close the Public Hearing held on March 14, 2018 for Merritt Mill East, Multi-Family development; and
- That the Council adopt Revised Resolution A, approving the application.
- I have reviewed and discussed key issues with Town staff. Based on the information in the record to date, I believe the Council could make the findings required to approve the application with the conditions in the attached Revised Resolution A and approve the requested modifications to regulations.

UPDATES SINCE PUBLIC HEARING

Resolution A has been revised to 1) delete the stipulation requiring a playground fence/gate; 2) require evergreen screen along the property line; 3) amend bicycle parking to reflect what is required by the Ordinance.

PROCESS

The application before Council is for approval of a Special Use Permit. The Council must consider the **four findings** for approval of a Special Use Permit, which indicate that the use or development:

1. is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. would comply with all required regulations and standards of the Land Use Management Ordinance;
3. is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and
4. conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.

DECISION POINTS

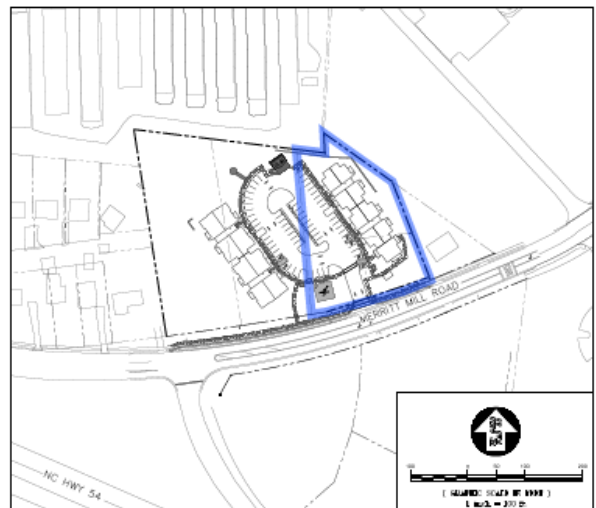
The proposed development requests a Modification to Regulations for the following:

- Reduce the minimum tree canopy coverage to 23 percent;
- Allow solid waste and recycling facilities to be located off-site (on the Carrboro portion of the property);
- Allow the stormwater facilities to be located off-site (on the Carrboro portion of the property);
- Allow the recreation space requirement to be met with both the Chapel Hill and Carrboro portions of the project;
- Allow land disturbance of all steep slopes greater than 25 percent;
- Eliminate the 5-foot planting strip between the parking lot and the building façade.

PROJECT OVERVIEW

The proposal includes a multi-family development that straddles the Chapel Hill and Carrboro town limits line. The Chapel Hill portion is proposed for 25,000 sq. ft. of floor area, 24 affordable apartment units, 24 parking spaces, and a clubhouse. The 1.2-acre site is undeveloped and located on the north side of Merritt Mill Road adjacent to Lincoln Center and a single family home on the east. On the west, and in Carrboro, the developer is proposing to develop the adjacent vacant property with Merritt Mill West containing 24 affordable units, playground and gazebo, and additional parking. The Special Use Permit requires a rezoning (see accompanying Zoning Atlas Amendment memorandum).

PROJECT LOCATION



ATTACHMENTS

1. New and Amended Stipulations included in Revised Resolution A and SUP Findings
2. Draft Staff Presentation
3. Revised Resolution A
4. Resolution B
5. **Draft Memorandum of Understanding**
6. Application Form & Materials

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NEW AND AMENDED STIPULATIONS INCLUDED IN REVISED RESOLUTION A

- ~~1. Playground fence/gate: It will be necessary to provide a fenced and securely gated enclosure around the playground area. All playground equipment shall meet the Town's Design Guidelines.~~

Staff Response: The playground has been relocated from the Chapel Hill side of the development along Merritt Mill Road to the Carrboro side in the rear of the site, away from Merritt Mill Road. Carrboro requirements for the playground safety now apply.

- ~~2. Landscape Buffer Adjacent to Single-Family Home: That an evergreen landscape screen shall be planted along the property line adjacent to the single-family house on the ~~west~~ east to provide privacy and screening of car lights and noise.~~

Staff Response: The single-family house is adjacent to the proposed Merritt Mill East on the east property line.

- 3.

Use: Multi-Family	
Gross Land Area	51,322 square feet (1.2 acres)
Total Floor Area Allowed	119,278 sq. ft.; 25,000 sq. ft. proposed
Minimum Vehicular Parking Spaces	26 spaces proposed; Max is 30 spaces, Min is 24 spaces
Minimum Bicycle Parking Spaces	34 <u>6</u> Spaces: 20% Class I and 80% Class II Seeking modification
Total Impervious Surface Area Allowed	27,500 sq. ft. proposed (48.71%)
Total number apartments	24 1-bedroom apartments
Land Disturbance	135,00 sq. ft. for entire site (includes off-site sewer line extension)

Staff Response: The Land Use Management Ordinance requires 6 bicycle parking spaces for this development. The applicant is proposing 34 bicycle spaces.

4. Water Line Connection: The water service pavement repair design within the NCDOT right-of-way shall be approved by NCDOT prior to issuance of a Zoning Compliance Permit.

Staff Response: We agree with the applicant's request as pavement will likely not be laid prior to issuance of the Zoning Compliance Permit but the design for the pavement repair would be.

5. Electric Car Charging Station: Prior to issuance of a Certificate of Occupancy, the applicant shall dedicate two electric car charging spaces and lay conduit for future electric car station expansion during the parking lot configuration.

Staff Response: We agree that the stipulation should be added to Revised Resolution A. The stipulation is a common one now recommended by the Environmental Stewardship

and supported by council. We believe the need for charging stations will grow as the electric car market expands.

Special Use Permit Modification Findings

Tonight, based on evidence in the record thus far, we provide the following evaluation of this application based on the four findings of fact that the Council must consider for granting a Special use Permit. Council may review further evidence for the Council’s consideration as part of the continued public hearing process. Summary of the evidence in the record to date as follows:

Finding #1: *That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare:*

Evidence in Support	The applicant’s Statement of Justification includes the following: “This project brings high-quality, permanently affordable homes to the Chapel Hill market that are sorely needed by low-income individuals and families in the community.”
Evidence in Opposition	To date, there is no evidence of opposition.

Staff Response: We believe, based on the evidence entered into the record to date, that the Council could make the finding that the development would be operated to maintain or promote the public health, safety, and general welfare. We believe that the Special Use Permit proposes affordable housing to help address a need in the community.

Finding #2: *That the use or development would comply with all required regulations and standards of the Land Use Management Ordinance:*

Evidence in Support	The applicant’s Statement of Justification includes the following: “The site is very unique in that part of the site lies in Chapel Hill and part of the site lies in Carrboro. The applicant, in coordination with staff from both Towns, has worked to create a cohesive development that feels like a unified community both in how the property functions for its residents and how it looks.” “To the greatest extent possible, the applicant has tried to honor the requirements of both Towns while requesting Town flexibility as to where (which jurisdiction) those requirements are borne out (for example: storm water detention), and flexibility in which requirements can be counted as satisfies in just on jurisdiction rather than being duplicated in each. The applicant request that reviewers keep this concept in mind when evaluating compliance with Town standards.”
Evidence in Opposition	To date, there is no evidence of opposition.

Staff Response: We believe, based on the evidence entered into the record to date, that the Council could make the finding that the development would comply with all required regulations and standards, except for the requested modification to regulations. We believe that if the Special Use Permit is approved with the conditions contained in Revised Resolution A, the proposed development would meet all other pertinent regulations and standards of the Land Use Management Ordinance.

Finding #3: That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity:

Evidence in Support	<p>The applicant’s Statement of Justification includes the following:</p> <p>“It is located in a residential area and maintains residential use of the parcel. Denser, more walkable development is found to enhance property values in neighborhoods that have it. Tenants at Merritt Mill Apartments will be able to conveniently patronize nearby businesses, access the Lincoln School on foot, and boost transit use along Merrill Mill Road. The design of Merritt Mill Apartments must pass multiple levels of scrutiny and meet the high design and quality standard of the NC Housing Finance Agency.”</p>
Evidence in Opposition	To date, there is no evidence of opposition.

Staff Response: We believe, based on the evidence entered into the record to date, that the Council could make the finding that the development would maintain or enhance the value of contiguous properties, with the conditions in Revised Resolution A of the Special Use Permit approval.

Finding #4: That the use or development conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan:

Evidence in Support	<p>The applicant’s Statement of Justification includes the following:</p> <p>“The proposed development conforms with the general plans for the physical developing of the Town as embodied in the LUMO and supports the following goals of the Comprehensive Plan:</p> <ul style="list-style-type: none"> • A range of housing options for current and future residents • A welcoming and friendly community that provides all people with access to opportunities • Promote a safe, vibrant and connected (physical and person) community • A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Getting Around.2): • Low density, green Rural Buffers that exclude urban development and minimize sprawl • Future land use, form, and density that strengthens the community, social equity, economic prosperity and natural environment; and • Housing for students that is safe, sound, affordable, and accessible and meets a demonstrated need conducive to educational and maturational needs of students, and housing.”
Evidence in Opposition	To date, there is no evidence of opposition.

Staff Response: We believe the Merritt Mill East multi-family development proposal generally complies with the land use plan and themes in the 2020 Comprehensive Plan. Relevant goals and objectives in the Comprehensive Plan include, but are not limited to the following:

- A range of housing options for current and future residents (Create a Place for Everyone.3);
- A welcoming and friendly community that provides all people with access to opportunities (Create a Place For Everyone.4) ;
- Promote a safe, vibrant and connected (physical and person) community (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 (Getting Around.2):
- Low density, green Rural Buffers that exclude urban development and minimize sprawl (Good Places New Spaces.1);
- Future land use, form, and density that strengthens the community, social equity, economic prosperity and natural environment (Good Places New Spaces.8); and
- Housing for students that is safe, sound, affordable, and accessible and meets a demonstrated need conducive to educational and maturational needs of students, and housing. (Town and Gown.4)

We believe, based on the evidence entered into the record to date, that the Council could make the finding that the proposed Special Use Permit Modification conforms to the general plans for physical development of the Town as embodied in the 2020 Comprehensive Plan.