



**CONSIDER AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR 1200 MLK (PROJECT #19-065)**

**STAFF REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
 Judy Johnson, Interim Planning Director  
 Michael Sudol, Planner II

<b>PROPERTY ADDRESS</b>	<b>DATES</b>	<b>APPLICANT</b>
1200 & 1204 Martin Luther King Jr. Blvd.	Community Design Commission: July 28, 2020 Transportation & Connectivity Advisory Board: August 25, 2020 Housing Advisory Board: September 8, 2020 Environmental Stewardship Advisory Board: September 14, 2020 Planning Commission: September 15, 2020	Jeremy Anderson, Coulter Jewell Thames, PA

**STAFF RECOMMENDATION**

That the Transportation & Connectivity Advisory Board, Community Design Commission, Environmental Stewardship Advisory Board, Housing Advisory Board, and Planning Commission review and make recommendations on the application to the Town Council.

**STAFF ANALYSIS**

An accompanying application to rezone the property from Residential – 4 (R-4) and Neighborhood Commercial (NC) to Office/Institutional – 2 (OI-2) and Neighborhood Commercial (NC), with a Planned Development – Housing (PD-H) overlay for the Mobile Home Park portion of the site.

**PROCESS**

The application will be presented to Council 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**

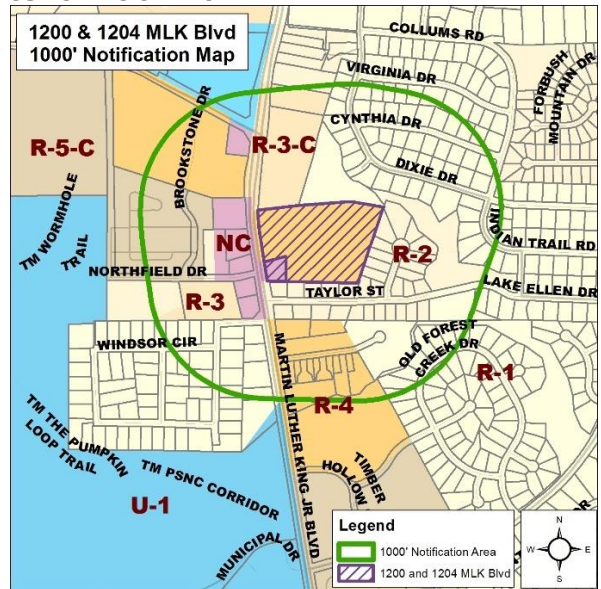
- The applicant is requesting a Special Use Permit modification along with the accompanying rezoning application.

**PROJECT OVERVIEW**

The site consists of two parcels, totaling approximately 13.9 acres. The applicant proposes to replace the existing abandoned gas station/convenience store with a new gas station/convenience store and a 4-story self-storage building. 3 stories of the proposed self-storage building are indicated to be above-grade, with 1 story below-grade. Approximately 16 of the existing 73 dwelling units are proposed to be relocated on-site as part of the redevelopment.

The applicant is requesting multiple modifications to Land Use Management Ordinance (LUMO) regulations, as outlined in the Developer’s Narrative (attached).

**PROJECT LOCATION**



**ATTACHMENTS**

1. Technical Report
2. Resolution A (Approving the SUP Modification)
3. Resolution B (Denying the SUP Modification)
4. Application Form
5. Developer’s Narrative
6. Submitted Plans
7. Traffic Impact Assessment Executive Summary



# TECHNICAL REPORT

## PROJECT OVERVIEW

The application proposes a Special Use Permit modification with a rezoning from Residential – 4 (R-4) and Neighborhood Commercial (NC) to Office/Institutional – 2 (OI-2) and Neighborhood Commercial (NC), with a Planned Development – Housing (PD-H) overlay for the Mobile Home Park portion of the site. The 13.9 acre site currently consists of two parcels with one existing single-family home, 72 mobile home units, and an abandoned gas station/convenience store. The applicant is proposing to replace the existing abandoned gas station/convenience store with a new 5000 square foot gas station/convenience store and a 134,400 square foot 4-story self-storage building. 3 stories of the proposed self-storage building are indicated to be above-grade, with 1 story below-grade. The existing 73 dwelling units will be maintained on site, relocating 16 of the existing units on-site as part of the redevelopment. An additional 10 mobile home units are also proposed.

The Developer's Narrative explains that the applicant is seeking to modernize the service station, add a new self-storage building, and preserve or reposition all of the existing mobile home residential units onsite. The developer understands the significance that the existing affordable housing plays in the Town's variety of housing options, thus retaining as many of the existing units, while redeveloping a portion of the site, is important. More details about the proposed development can be found in the applicant's narrative and statement of justification.

Information about the site and zoning districts can be found below, as well as a list of proposed Modifications to Regulations, and a Technical Report.

## 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 13.9 acre subject site fronts on and has access to Martin Luther King Jr. Blvd., an arterial street with high traffic volume and existing bus service.
- Properties on the opposite side of Martin Luther King Jr. Blvd is zoned Neighborhood Commercial (NC), and consist of an assortment of commercial buildings, including a car wash and gas station.
- The property adjacent to the north is zoned Residential – 3 – Conditional (R-3-C) and contains a place of worship.
- Properties to the south and east are zoned Residential – 2 (R-2) and consist of single-family residences.
- A perennial stream runs through the northern portion of the site, is subject to a 150-foot Resource Conservation District (RCD) and 50-foot Jordan Buffer. Multiple mobile homes are currently located in both the RCD and Jordan Buffer.

## PROPOSED MODIFICATIONS TO REGULATIONS

1. Per LUMO section 6.23, self-storage is only allowed on the same zoning lot as other

office, commercial, or institutional.

- a. A Modification to regulations is requested to allow Self-Storage to be on the same zoning lot and accessory to a Mobile Home Park (in terms of land area)
2. Per LUMO section 6.23, self-storage facilities shall not be permitted on property located at an intersection with any arterial street.
  - a. The applicant contends that the Self-Storage building is not located at an intersection, but across from the intersection of MLK Jr. Blvd and Northfield. A Modification to regulations is requested to allow a Self-Storage building to be located across from an intersection, but not on a corner lot created by two intersecting streets.
3. Per LUMO section 6.12, a service station/convenience store shall not be located within three hundred (300) feet of any intersecting street or within seven hundred fifty (750) feet of driveways intersecting the same street and serving another existing or approved service station.
  - a. A Modification to regulations is requested to allow a service station / convenience store to be located within the thresholds listed above if an existing service station / convenience store was previous approved and permitted on this site.
4. Per LUMO section 3.6.3-2, Permitted Uses within Resource Conservation District
  - a. The applicant requests a modification to allow mobile home residences to remain in or be moved into the RCD, to preserve the residence onsite, within the existing mobile home park.
5. Per LUMO section 5.9.7, Minimum and maximum parking space requirements
  - a. The applicant requests a modification to the required minimum number of parking spaces for a Conditioned Self Storage Facility. Based on the LUMO calculation of a minimum of 1 space per 2,500 sf, the minimum requirement would be 90 spaces. The Developer feels this is almost 5x the actual requirement. Based market experience of other facilities, this facility would require 16-20 spaces during a peak period.
6. Per LUMO section 3.7.3, Use Groups
  - a. The applicant requests a modification to the Use Group Table that would allow existing Class B manufactured homes to be allowed within a PD-H. The exiting mobile home community consists of Class B units, and this modification would allow the existing units to remain onsite, as outlined elsewhere in this Developer Narrative.










# PROJECT FACT SHEET




## Project Details

Site Description	
<b>Project Name</b>	1200 MLK (Tarheel Mobile Home Park)
<b>Address</b>	1200 & 1204 Martin Luther King Jr. Blvd.
<b>Property Size (NLA)</b>	13.9 acres
<b>Existing</b>	Mobile homes and gas station/convenience store
<b>Orange County Parcel Identifier Numbers</b>	9789-29-7279 and 9789-39-2409
<b>Existing Zoning</b>	Neighborhood Commercial (NC) and Residential-4 (R-4)
<b>Proposed Zoning</b>	Neighborhood Commercial (NC) and Office/Institutional-2 (OI-2) with Planned Development – Housing (PD-H) overlay


## Site Development Standards

Topic	Comment	Status
<b>Development Intensity</b>		
<b>Use/Density (Sec. 3.7)</b>	Manufactured Home Park; Service station/convenience store	<b>M</b>
<b>Dimensional Standards (Sec. 3.8)</b>	No change proposed	
<b>Floor area (Sec. 3.8)</b>	139,400 sq. ft. commercial, 52,358 sq. ft. residential	
<b>Landscape</b>		
<b>Buffer – North (Sec. 5.6.2)</b>	<i>Required: None</i>	
<b>Buffer – East (Sec. 5.6.2)</b>	<i>Required: None</i>	
<b>Buffer – South (Sec. 5.6.2)</b>	<i>Required: 20' Type "C"</i>	
<b>Buffer - West (Sec. 5.6.2)</b>	<i>Required: 30' Type "D"</i>	
<b>Tree Canopy (Sec. 5.7)</b>	<i>Required: 30%</i>	
<b>Landscape Standards (Sec. 5.9.6)</b>	<i>Required: 5' foundation buffer planting strip</i> <i>Required: Landscaped interior islands every 10 spaces</i> <i>Required: Maximum distance of 75' that a parking space may be located from a shade tree</i> <i>Required: 8' minimum landscaped buffer strip requirement for parking entrance drives</i>	
<b>Environment</b>		

<b>Resource Conservation District (Sec. 3.6)</b>	<i>Proposed:</i> Existing Mobile Homes to remain, with new disturbance as follows: <ul style="list-style-type: none"> <li>- <i>Streamside Zone:</i> 4,960 sq. ft.</li> <li>- <i>Managed Use Zone:</i> 11,036 sq. ft.</li> <li>- <i>Upland Zone:</i> 21,468 sq. ft.</li> </ul>	<b>M</b>
<b>Erosion Control (Sec. 5.3.1)</b>	Orange County Erosion Control permit required	
<b>Steep Slopes (Sec. 5.3.2)</b>	<i>Required:</i> Disturb < 25% of slopes greater than 25% slope <i>Proposed:</i> Disturb 3.6% (1,269 sq. ft.) of slopes > 25%	
<b>Stormwater Management (Sec. 5.4)</b>	No stormwater measures currently on-site; applicant proposes to install measures, inlets, and piping designed to meet or exceed LUMO 5.4 standards	
<b>Land Disturbance</b>	244,335 sq. ft. (40% of site)	
<b>Impervious Surface</b>	271,416 sq. ft. (45% of site)	
<b>Solid Waste &amp; Recycling</b>	Private trash pickup proposed	
<b>Jordan Riparian Buffer (Sec. 5.18)</b>	<i>Proposed:</i> 4,960 sq. ft. of land disturbance; existing Mobile Homes to remain in Jordan Buffer	<b>M</b>
<b>Access &amp; Circulation</b>		
<b>Road Improvements (Sec. 5.8)</b>	Addition of right turn lane into development	
<b>Vehicular Access (Sec. 5.8)</b>	Two points of access proposed at the intersection with Martin Luther King Jr. Blvd.	
<b>Bicycle Improvements (Sec. 5.8)</b>	No improvements proposed	
<b>Pedestrian Improvements (Sec. 5.8)</b>	5' sidewalk proposed along Martin Luther King Jr. Blvd.	
<b>Traffic Impact Analysis (Sec. 5.9)</b>	TIA completed and Executive Summary attached	
<b>Vehicular Parking (Sec. 5.9)</b>	<i>Required:</i> 68 commercial, 73 residential <i>Proposed:</i> 45 commercial, 158 residential	<b>M</b>
<b>Transit (Sec. 5.8)</b>	Construct a transit stop to accommodate future Bus Rapid Transit service with a shelter	
<b>Bicycle Parking (Sec. 5.9)</b>	<i>Required:</i> 10 spaces <i>Proposed:</i> 10 spaces	
<b>Electric Vehicle Parking</b>	None proposed	
<b>Parking Lot Standards (Sec. 5.9)</b>	Constructed to Town Standards	
<b>Technical</b>		
<b>Fire</b>	Meet Town Standards	
<b>Site Improvements</b>	Not applicable	<b>NA</b>
<b>Schools Adequate Public Facilities (Sec. 5.16)</b>	Application must comply	

<b>Inclusionary Zoning Ordinance (Sec. 3.10)</b>	All mobile home units are proposed to be affordable	
<b>Recreation Area (Sec. 5.5)</b>	<i>Required:</i> 27,887 sq. ft. <i>Proposed:</i> 27,887 sq. ft.	
<b>Lighting Plan (Sec. 5.11)</b>	Maximum of 0.3 foot-candles at property line	<b>FP</b>
<b>Homeowners Association (Sec. 4.6)</b>	Yes	

### Project Summary Legend

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