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### Requested Modifications to Regulations

<i>Project Name</i>	701 MLK Residential	<i>Application Number [Staff to Complete]</i>	<b>CZD-25-2</b>
<i>LUMO Section</i>	Section 3.8.2(e) Maximum Setback Height (building height)		
<i>Requirement</i>	Maximum 70', rising 1' vertical for every 2' horizontal moving into the site core to a maximum of 114' core height		
<i>Requested Modification</i>	Maximum 100' at a point 20' back from property line on both E Longview St and Martin Luther King Jr Blvd frontages.		
<i>Purpose or Intent of Regulation</i>	It is the intent of this article to provide for performance standards which serve to define the development character of an area, and to ensure the compatibility of development both with the environmental characteristics, accessibility levels, and special amenities offered by the development site and with surrounding land uses and development intensities. It is further intended that the establishment of intensity regulations reflect the protection of critical environmental areas and the suitability of land for a particular level of development intensity, in accord with the goals and objectives of the comprehensive plan. The setback and height regulations established in the dimensional matrix are intended to ensure adequate solar access, privacy, and ventilation; access to and around buildings, off-street parking areas, loading space, and service areas; space for landscaping; and spacing between buildings and portions of buildings to reduce potential adverse effects of noise, odor, glare, or fire. Adequate solar access is deemed to consist of varying levels of access ranging from rooftop solar access in high-intensity zoning districts to south wall solar access in low-intensity zoning districts.		
<i>Justification</i>	The increased height is intended to increase unit density in this location. The higher density will encourage the use of the immediately available public transit and the proposed North-South Bus Rapid Transit service. The applicant believes the increased density and height can be accommodated here in a way that fits with the neighborhood by taking advantage of the sloping site to reduce the intensity of the massing. At the southwest property corner, the ground is rising and the building at this location is 68 feet above the sidewalk at this location, well under the 80' that would be allowed at this distance from the property line. But because the building height is measured from the lowest frontage which is on much lower ground fronting Martin Luther King Jr Blvd, the calculation for the building height is 86'. The architect is proposing an undulating parapet design reminiscent of the hilly topography found in this part of Chapel Hill. That parapet will be screening some building mechanics and will in some places be taller than the allowance exempting parapets from total height calculation.		
<i>Evaluation [Staff to Complete]</i>	<b>Refer to Staff Report</b>		

<b>LUMO Section</b>	Section 3.8.2(j) Maximum Impervious Surface Ratio
<b>Requirement</b>	Maximum 70% of gross site area
<b>Requested Modification</b>	Maximum 80% of gross site area
<b>Purpose or Intent of Regulation</b>	It is the intent of this article to provide for performance standards which serve to define the development character of an area, and to ensure the compatibility of development both with the environmental characteristics, accessibility levels, and special amenities offered by the development site and with surrounding land uses and development intensities. It is further intended that the establishment of intensity regulations reflect the protection of critical environmental areas and the suitability of land for a particular level of development intensity, in accord with the goals and objectives of the comprehensive plan.
<b>Justification</b>	There are no jurisdictional streams on the site. The project is located close to downtown and is an infill project with a density to support alternative transportation and public transit. The development will provide up to 175 - 200 residential units in a location where they will be able to access employment, recreations, restaurants and education facilities without driving. The impervious coverage per household will be a fraction of what would be required to house a similar number of households in single family homes.
<b>Evaluation [Staff to Complete]</b>	<b>Refer to Staff Report</b>

<b>LUMO Section</b>	Section 3.8.2(k) Maximum Floor Area Ratio
<b>Requirement</b>	Maximum FAR of 1.2
<b>Requested Modification</b>	Request is to waive the maximum floor area ratio and replace with a maximum floor area of 275,000 sf
<b>Purpose or Intent of Regulation</b>	It is the intent of this article to provide for performance standards which serve to define the development character of an area, and to ensure the compatibility of development both with the environmental characteristics, accessibility levels, and special amenities offered by the development site and with surrounding land uses and development intensities. It is further intended that the establishment of intensity regulations reflect the protection of critical environmental areas and the suitability of land for a particular level of development intensity, in accord with the goals and objectives of the comprehensive plan.
<b>Justification</b>	The proposed project is an infill project taking advantage of its location on an arterial close to downtown to provide 175 - 200 residential units, a density which supports and encourages public transit. Provision of housing in this location allows a large number of new households to have access to downtown and UNC campus facilities without driving. The proposed maximum floor area allows for a project with critical components such as a public plaza, structured parking, affordable housings, and a design that contributes to the overall character of the surrounding community.
<b>Evaluation [Staff to Complete]</b>	<b>Refer to Staff Report</b>

<b>LUMO Section</b>	Section 5.3.2(f) Steep Slopes
<b>Requirement</b>	No more than 25% of the total steep slope area (slopes steeper than 4:1) shall be disturbed

<b>Requested Modification</b>	Disturbance of 100% of steep slopes on site
<b>Purpose or Intent of Regulation</b>	The purpose of this section is to minimize the grading and site disturbance of steep slopes by restricting land disturbance on steep slopes, and by requiring special construction techniques for development on steep slopes. These provisions are intended to:(1)Protect water bodies (streams and lakes) and wetlands from the effects of erosion on water quality and water body integrity,(2)Protect the plant and animal habitat of steep slopes from the effects of land disturbance, and(3)Preserve the natural beauty and economic value of the town's wooded hillsides.
<b>Justification</b>	There are no jurisdictional water bodies or wetlands on-site. A significant portion of the steep slope was manmade when the site was developed for automotive repair use decades ago. The proposed project will take advantage of the 30' elevation difference to bury the lowest levels for underground parking, dual purposed as a retaining wall. This allows a significantly reduced building massing when viewed from the adjacent residential neighborhood to the west.
<b>Evaluation [Staff to Complete]</b>	<b>Refer to Staff Report</b>

<b>LUMO Section</b>	Section 5.6 Landscaping, screening and buffering
<b>Requirement</b>	10' wide landscape buffer along southwest and northwest property lines, 20' wide buffer long northeastern property line, 30' wide landscape buffer along eastern frontage on Martin Luther King Jr Blvd, 15' wide landscape buffer along southern frontage on E Longview Street.
<b>Requested Modification</b>	Reduction of northeastern property line buffer to a 3' width with 50% of shrub plantings and no tree plantings, reduction of eastern buffer along MLK frontage to 75% of required plantings with zero tree planting, and reduction of southern buffer along Longview frontage to 40% of required plants.
<b>Purpose or Intent of Regulation</b>	Buffers shall be required to separate a proposed development from adjacent major streets and different adjacent land uses or zoning designations in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy.
<b>Justification</b>	The buffers against the street frontages are intended to separate the project from the street. However, this project is proposing a public plaza for tenants and the general public, and the intent would be to encourage activity between the street and the plaza area. Additionally there are multiple underground and overhead utilities as well as underground stormwater pipes conveying offsite water through the site. Those underground services with easements and restrictions related to the siting of the building to comply with the NC Fire code for aerial coverage leave no space on this frontage for canopy trees. The project proposes to plant landscape areas with shrubs and grasses. Along the northeastern property line there is a continuation of the underground stormwater pipes and easements. That property line lies against an office parking lot. Shrubs are proposed along the entire length of the property line and fencing will be added to supplement screening.
<b>Evaluation [Staff to Complete]</b>	<b>Refer to Staff Report</b>

<b>LUMO Section</b>	Section 5.7.2 Tree canopy coverage standards
<b>Requirement</b>	40% tree coverage
<b>Requested Modification</b>	17% tree coverage
<b>Purpose or Intent of Regulation</b>	The intent of this section is to preserve, maintain, and increase tree canopy to protect the public health, safety, and welfare and enhance the quality of life in Chapel Hill.
<b>Justification</b>	The project will not retain existing tree coverage and will not be able to replant to the same level due to building coverage, underground utilities, overhead utilities, and offsite water traveling through the site in easements, which restrict tree planting. The project includes 175 – 200 residential units to provide much needed housing in Chapel Hill. The tree removal per household will be a fraction of what would be required to for a similar number of households in single family homes. While the project is dedicated to providing an appropriate amount of tree coverage throughout the site to achieve the goals of Chapel Hill, 40% will not be achievable in order to provide the proposed density, which will promote and encourage the use of public transit and directly support the proposed North-South line of the Bus Rapid Transit transit service. Lastly, the tree removal per household will be a fraction of what would be required to house a similar number of households in single family homes. In general, approximately 4,500 sf of tree clearing would be required to allow for construction of a medium sized sf single family home. For the proposed project at 701 MLK, the amount of tree clearing calculates to approximately 400 sf per residential unit.
<b>Evaluation [Staff to Complete]</b>	<b>Refer to Staff Report</b>

<b>LUMO Section</b>	5.11.4 Offsite Illumination
<b>Requirement</b>	Maximum offsite light spill of 0.3 foot candles
<b>Requested Modification</b>	Up to 1.0 footcandles at residential property lines, up to 2.0 footcandles at non-residential property lines, and up to 5.0 foot candles at right of way.
<b>Purpose or Intent of Regulation</b>	This section provides standards for lighting that shall be designed to minimize spillover of light onto adjacent property, glare that could impair vision, and/or other conditions that deteriorate normally accepted qualities and uses of adjacent property.
<b>Justification</b>	Along the western property line, the proposed project is set at an elevation at least 13' below adjacent residential structures. The project will need some lighting along that property line for safety and for emergency access but will use wall packs or very low height poles with directional hoods to keep light spill toward the ground, and not out toward the adjacent residential users. Along the northwest property line the adjacent property is HOA owned forested open space. At both these property lines the maximum light spill will be 1.0 foot candle (fc) Along the northeast property line the project is adjacent to a commercial parking lot which is lighted and the project use at this location is the aerial access fire lane. The maximum light spill at this property line will be 2 fc. Along the MLK street frontage there will be lighting along the street sidewalk and in the plaza area. For safety the lighting in this area will be between 1 fc and 5 fc, and given that the multi-use sidewalk will straddle the right of way / property line there will be light spillage between 1 fc and 5 fc. Some of that sidewalk will turn the corner onto E Longview street where the pedestrian route feeds into the BRT station on the south side therefore the higher light spill into the right of way is requested for both frontages.

<b>Evaluation [Staff to Complete]</b>	<b>Refer to Staff Report</b>
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<b>LUMO Section</b>	3.4.6 (c) (1) The Mixed-Use Village Conditional Zoning District (MU-V-CZD) – Land Use Categories
<b>Requirement</b>	At least 25% of floor area devoted to residential uses and at least 25% of the floor area devoted to office/commercial uses
<b>Requested Modification</b>	To provide a minimum of 1000 sf retail/commercial space.
<b>Purpose or Intent of Regulation</b>	Purpose statement: The mixed use districts are intended to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections and transit corridors in Chapel Hill. They are designed to facilitate stated public policies to encourage design which emphasizes lively, people oriented environments and compatible, visually interesting development. This district provides areas where moderate scale mixed use centers can locate with an emphasis on development of a balance of residential, office and commercial uses. It is further intended that the mixed use districts shall encourage development within which mutually supporting residential, commercial and office uses are scaled, balanced and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian and bicycle circulation systems and mass transit to further reduce the need for private automobile usage. Mixed use districts are intended to encourage development that allows multiple destinations to be achieved with a single trip. These standards encourage a design such that uses within a mixed use district are arranged in a manner that encourages internal vehicular trip capture and the development patterns that encourage walking, transit and bicycling as alternatives to automotive travel.
<b>Justification</b>	The project intends to provide a small amount of retail space to serve residents and visitors and help activate the plaza space. This will be an amenity for residents and for users of the adjacent BRT system and is also a use combination supported by Town staff and council. The retail space will face the plaza on Martin Luther King Jr Blvd adjacent to the lobby area and set between interior structured parking and the plaza. There will not be any conflict with the residential uses above. There is no residential zoning that allows for any retail activity, therefore the MU-V zoning is the appropriate requested zoning but requires a modification to provide any amount of retail.
<b>Evaluation [Staff to Complete]</b>	<b>Refer to Staff Report</b>

<b>LUMO Section</b>	3.4.6 (d)(2)
<b>Requirement</b>	Permitted density for M-UV-CZD arterial shall not exceed 20 units/acre
<b>Requested Modification</b>	Allow for 100 units/acre based on gross land area.
<b>Purpose or Intent of Regulation</b>	3.4.6 The Mixed-Use Village Conditional Zoning District (MU-V-CZD). Purpose statement: The mixed-use village conditional zoning district (MU-V-CZD) established in 3.4.3 is intended to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections and transit corridors in Chapel Hill. The district is designed to facilitate stated public policies to encourage design which emphasizes lively, people-oriented environments and compatible, visually interesting development. This district provides

	<p>areas where moderate scale mixed use centers can locate with an emphasis on development of a balance of residential, office and commercial uses. It is further intended that the mixed use districts shall encourage development within which mutually supporting residential, commercial and office uses are scaled, balanced and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian and bicycle circulation systems and mass transit to further reduce the need for private automobile usage. Mixed use districts are intended to encourage development that allows multiple destinations to be achieved with a single trip. These standards encourage a design such that uses within a mixed use district are arranged in a manner that encourages internal vehicular trip capture and the development patterns that encourage walking, transit and bicycling as alternatives to automotive travel.</p>
<b>Justification</b>	The higher unit density in this location encourages walking, transit use and bicycling as alternatives to automotive travel, and supports the public transit system.
<b>Evaluation [Staff to Complete]</b>	<b>Refer to Staff Report</b>

<b>LUMO Section</b>	5.14.7.(m) Crown Sign
<b>Requirement</b>	Crown sign may not extend above the roofline.
<b>Requested Modification</b>	Request modification to allow sign to extend above the roofline to the top of the parapet.
<b>Purpose or Intent of Regulation</b>	It is the intent of this section to authorize the use of signs with regard to size, layout, style, typography, legibility, and arrangements compatible with their surroundings; appropriate to the identity of individual properties, occupants, and/or the community; and as appropriate to traffic safety.
<b>Justification</b>	The façade and parapets have not yet been fully designed. Generally there is not enough space between the top of the windows on the top floor, and the roofline behind the parapet. And the roofline is not visible on a building > 55' tall with a parapet surround. The requested modification would allow the signage to extend above the roofline but remain below the visible top of the parapet.
<b>Evaluation [Staff to Complete]</b>	<b>Refer to Staff Report</b>

<b><i>LUMO Section</i></b>	Section 3.8.4(b) Transitional Control Intensity Modifications
<b><i>Requirement</i></b>	MU-V zoned parcels next to residentially zoned land shall provide an interior setback equal to the interior setback applicable in the adjacent residential district. In this case the parcel is adjacent to an R-4 zoned site, which would require an 8' interior setback.
<b><i>Requested Modification</i></b>	Request to require 0' setbacks adjacent to residentially zoned parcels, which includes the western and northwestern property lines. The 0' setback is the requirement for the requested MU-V-CZD zoning.
<b><i>Purpose or Intent of Regulation</i></b>	The setback and height regulations established in the dimensional matrix are intended to ensure adequate solar access, privacy, and ventilation; access to and around buildings, off-street parking areas, loading space, and service areas; space for landscaping; and spacing between buildings and portions of buildings to reduce potential adverse effects of noise, odor, glare, or fire. Adequate solar access is deemed to consist of varying levels of access ranging from rooftop solar access in high-intensity zoning districts to south wall solar access in low-intensity zoning districts.
<b><i>Justification</i></b>	The comprehensive plan does not support this site being a transitional zone. The exemption from a minimum setback is requested in order to maximize the utility of the site and support complete community development. Additionally the minimum landscape buffer width is 10' which becomes the minimum de facto building setback and allows for planting, screening, ventilation, privacy, and solar access as is the intent of the regulation.
<b><i>Evaluation [Staff to Complete]</i></b>	<b>Refer to Staff Report</b>