# TECHNICAL REPORT

Planning Commission – 01/07/2020

## LUMO TEXT AMENDMENT FOR BLUE HILL MASSING STANDARDS

The following Technical Report describes proposed modifications to the Form District Regulations in order to increase visual and pedestrian permeability in the Blue Hill District, in response to a petition from Council members.

### BACKGROUND

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| May 12, 2014 | Ephesus-Fordham (Blue Hill) Form-Based Code adopted |
| March 14, 2018 | Council received a petition regarding potential changes to the Form District Regulations, addressing several topics including building massing concerns |
| June 27, 2018 | Council updated Form District Regulations for recreation space in a way intended to make such space provide more relief to building mass. Council provided direction to continue studying additional strategies |
| June 5, 2019 | Council Work Session to discuss potential approaches on how to regulate building mass |
| Sept – Oct 2019 | Introduction and discussion with the Community Design Commission and Planning Commission |
| January 7, 2020 | Public Information Meeting |

### NEXT STEPS

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| January 7, 2020 | Seeking Planning Commission recommendation |
| January 8, 2020 | Council will open the Public Hearing to hear the proposed amendments and receive public comments |
| January 28, 2020 | Seeking Community Design Commission recommendation |
| February 12, 2020 | Council will meet with the opportunity to take action on the proposed amendments |

## SUMMARY AND OF PROPOSED CHANGES

Based upon the review and feedback received to date, the proposed updates to the Form District Regulations can be broken down into the following general categories:

A. Massing and Building Separation (Core standards): Standards that relate directly to building mass by limiting the horizontal dimensions and creating public space between buildings

   1. Establish maximum dimensions for buildings and structured parking in various contexts
   2. Establish a minimum separation between buildings, with such area serving a pedestrian connectivity function for the public

B. Options for Additional Changes: Standards that indirectly support positive outcomes for building mass and/or accomplish other objectives for the Blue Hill District based on Council interest.

   1. Exempt four-story buildings from having to reduce the area of the upper floor
   2. Allow parking structures closer to the street, when they are thoughtfully designed
   3. Improve feasibility of developing a project with townhomes or stacked townhomes
   4. Expand options for reducing the number of required parking spaces

**TABLE OF PROPOSED CHANGES**

| TODAY'S REGULATIONS | PROPOSED CORE STANDARDS | IMPROVEMENT AREA |
|---|---|---|
| **A-1. Building Mass**<br><br>• **Maximum Upper Story Floor Area:** Fourth floor and above are limited based on floor plate area of third floor<br>– 70% average area over all upper floors<br>– 80% maximum area for any single floor<br>• Possible **Upper Floor Area bonus** for projects where more than 10% of square footage is non-residential<br>• **Mass Variation:** Required along street frontages through either a 10' stepback above the 3rd floor or a 80' maximum module length | **A-1. Building Mass**<br><br>• All existing regulations, and in addition-<br>• **Building Width and Depth:** Maximum dimensions before a separation between buildings is required. Range of dimensions tailored to zoning subdistrict and parking configuration:<br>**i.** 330' x 200' with wrapped parking<br>**ii.** Applicant choice of 330' x 120' or 275' x 210' without wrapped parking<br>**iii.** 220' x 120' in WR-3 Substrict (could also be max for any Subdistrict without wrapped parking, in lieu of ii.)<br>• **Secondary Wings:** Max dimensions of 75' x 100' or 75' x 90' allowed for each situation above, as a way to allow building extensions while limiting the overall footprint<br>• **Structured Parking Width and Depth:** Max dimensions of 230' x 180'<br>• **Administrative Adjustment:** 5% increase of dimensions allowed for unusual site configuration or other special circumstances | Limit the size of a building footprint while providing flexibility for varying site configurations, land uses, and parking approaches |
| **A-2. Building Separation**<br><br>• Not explicitly required<br>• **Building Pass-throughs:** 12' separation required every 330' for the lower one-two stories only; can be covered by built space | **A-2. Building Separation**<br><br>• **Minimum Separation:** 30' between buildings / groups of buildings once the maximum Building Width or Depth is met<br>• **Pedestrian Connection:** 8' sidewalk required in separation area<br>• May count as Outdoor Amenity Space<br>• **Building Articulation:** Balconies, awnings, overhead walkways, etc are allowed to jut into separation area<br>• **Building Pass-throughs:** Covered design no longer applicable – where previously required, buildings must now be separated<br>• **Administrative Adjustment and Design Alternative:** Flexibility allowed for special circumstances, equivalent to what was previously used for Building Pass-throughs | Provide visual and pedestrian permeability around and between buildings<br><br>Ensure such space is reasonably inviting and functional for the public |

| TODAY'S REGULATIONS | OPTIONS FOR ADDITIONAL CHANGES | IMPROVEMENT AREA |
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| **B-1. Maximum Floor Plate**<br>• **Fourth Floor and above:** Limited based on floor plate area of third floor<br>- 70% average area over all upper floors<br>- 80% maximum area for any single floor | **B-1. Maximum Floor Plate**<br>• Same as previous, except –<br>- Max/Avg upper floor area based on ground floor<br>- Four-story buildings can have a full floor plate for the fourth floor (floor plate limits apply at fourth floor and above for buildings five stories or greater) | Encourage four-story buildings to vary heights in areas that allow up to seven stories |
| **B-2. Structured Parking Setback**<br>• **Street Setback:** 30' behind front building façade<br>• **Design Alternative:** Allows smaller setback for second and third levels (ie podium parking with a ground floor use) | **B-2. Structured Parking Setback**<br>• **Design Alternative**: Allow setbacks to be less than 30' behind building façade for **all** levels<br>• Clarification that a parking structure can only count towards build-to percentage for the frontage if it has an active ground floor use | Improve the feasibility of a standalone parking deck, disconnected from buildings, where it can produce a positive outcome for building mass |
| **B-3. Townhomes**<br>• **Nonresidential Requirement:** All residential projects in WX-Subdistricts must include a nonresidential use<br>Minimum 10% of building floor area or 15% of site floor area | **B-3. Townhomes**<br>• **Attached Living:** Townhomes/rowhouses no longer required to include a nonresidential use<br>• **Multifamily Living Exception:** Also allow stacked townhomes (no more than two units vertically stacked) without a nonresidential use<br>• **Other Multifamily Living:** Nonresidential use still required | Encourage housing types that are generally smaller in scale, not currently represented in the District, and could serve a 'missing middle' function for affordability |
| **B-4. Parking Reductions**<br>• Reduction in number of spaces (varying amounts) allowed with:<br>- Motorcycle/scooter parking<br>- Transportation Management Plan<br>- Services for the elderly or handicapped<br>- Off-site shared parking<br>- Analysis of use(s) showing lower parking demand | **B-4. Parking Reductions**<br>• All existing options, and in addition-<br>• **Mixed Use Reduction:** Allow a 50% reduction in required parking spaces for projects that are at least 25% residential and 25% non-residential (same as provision in MU-V District) | Reduce the amount of site area and structure area needed for parking, which can produce positive outcomes for building mass<br>Encourage individual projects to have an integrated mixture of uses |

**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 text 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

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| 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

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| Arguments in Support: | Five years after adoption of the Form-Based Code, the community now has a better understanding of the types of building design that the Blue Hill District encourages, and the associated impacts on the public realm<br><br>Stakeholders have expressed concern over whether the large buildings frequently proposed and constructed in the District are achieving a human scale design that contributes to a walkable environment |
| 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 and changing conditions in the area.

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

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| Arguments in Support: | Staff believes that the proposed text amendment would contribute to the following elements of the Comprehensive Plan:<br>▪ Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (*Goal A Place for Everyone* 1)<br>▪ Promote a safe, vibrant, and connected (physical and person) community (Goal *Community Prosperity and Engagemen*t 3)<br>▪ 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)<br>▪ Open and accessible common spaces for community gathering, cultural uses, and community development (*Goal Good Places New Spaces* 7)<br>▪ Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal *Good Places, New Spaces* 8) |
| 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.