



**CONSIDER AN APPLICATION FOR CONDITIONAL ZONING APPLICATION FOR 307 N. ROBERSON STREET (PROJECT 22-001)**

**SUMMARY REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
 Colleen Willger, Director  
 Judy Johnson, Assistant Director  
 Jacob Hunt, Planner I

PROPERTY ADDRESS	MEETING DATE	APPLICANT
307 N. Roberson Street	May 4, 2022	Richard Turlington, Habitat for Humanity of Orange County Self Help Ventures Fund

**TOWN MANAGER’S RECOMMENDATION**

That the Council close the legislative hearing, receive the Town Manager’s recommendation, and consider adopting Resolution A, the Resolution of Consistency and Reasonableness, and enacting Ordinance A, approving the Conditional Zoning application.

**UPDATES SINCE THE APRIL 6, 2022 LEGISLATIVE HEARING**

Staff is looking into installing traffic calming on North Roberson Street separately from this entitlement process.

**PROCESS**

Conditional Zoning is a legislative process that allows Town Council to review the rezoning application for consistency with the Land Use Plan in the Comprehensive Plan and establish standards that address any impacts on surrounding properties.

At the [November 17, 2021 Council meeting](#)<sup>1</sup>, Council adopted a resolution limiting the scope of review to the Planning Commission and prioritizing the review of this application.

**DECISION POINTS**

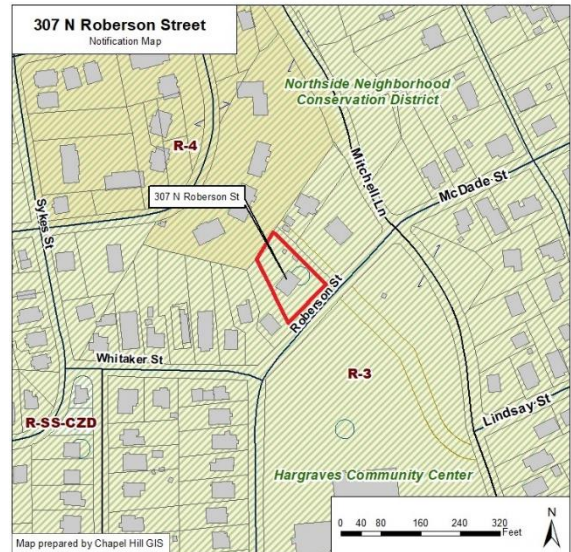
The applicant requests the following modifications to regulations:

- That the active recreation space requirement be waived
- That no sidewalk be provided along the parcel frontage

**PROJECT OVERVIEW**

The 0.29-acre site is in the Northside Neighborhood Conservation District, and the application proposes to construct two affordable duplexes (four units total) to households earning 80 percent of the Area Median Income (AMI) or less. The project will include eight parking spaces and a yard/play area between the two duplexes.

**PROJECT LOCATION**



**ZONING**

- Existing: Residential-3 (R-3)
- Proposed: Residential-Special Standards-Conditional Zoning District (R-SS-CZD)

**ATTACHMENTS**

1. Technical Report and Project Fact Sheet
2. Draft Staff Presentation
3. Resolution A, Resolution of Consistency and Reasonableness
4. Revised Ordinance A (Approving the Application)
5. Resolution B (Denying the Application)
6. Applicant Materials

<sup>1</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=5215740&GUID=4FF0F7D5-E01A-41C5-9F30-05F521A7DE84>



# TECHNICAL REPORT

## UPDATES SINCE APRIL 6, 2022 LEGISLATIVE HEARING

At the April 6, 2022 Legislative Hearing, additional information was requested by Council regarding placement of a stop sign at the intersection of N. Roberson Street and Whitaker Street. Staff is pursuing the placement of the stop sign and will bring forward an amendment to the Town Code separately from this application. A revised condition for a crosswalk at the intersection of Whitaker Street and N. Roberson Street has been added to Revised Ordinance A.

## PROJECT OVERVIEW

November 17, 2021 Town Council adopted a resolution limiting the scope of review to the Planning Commission and prioritizing the review of this application.

December 16, 2021 Community Design Commission reviewed a Concept Plan for 307 N. Roberson Street.

January 5, 2022 Conditional Zoning Application submitted

March 15, 2022 Planning Commission recommended approval

The application proposes applying a Residential-Special Standards-Conditional Zoning District (R-SS-CZD) district to the site to accommodate two duplexes and associated parking. Currently there is a one-story single-family home and a shed on the property. More details about the proposed development can be found in the applicant's narrative and statement of justification.

This report contains information about the site and proposed zoning districts, a list of proposed Modifications to Regulations, other important considerations that staff has identified, and an analysis of the project's consistency with the Comprehensive Plan and relevant Findings of Fact.

## SITE CONTEXT

Staff identified the following physical and regulatory characteristics of the land which are relevant to a Zoning Atlas Amendment:

- The site consists of a 0.29-acre site with the existing single-family home.
- The subject site fronts on N. Roberson Street.
- The property is in the Northside Neighborhood Conservation District (CD-1).
- The properties to the west and east are zoned Residential-3 (R-3), with single-family dwellings.
- The Hargraves Community Center is across N. Roberson Street which is zoned

Residential-3 (R-3).

- The Town-owned Craig-Gomains Community is on the property to the north, which is zoned Residential-4 (R-4).
- There is no Resource Conservation District or floodplain on the site, which slopes to the northwest and contains mostly bamboo, underbrush, and a Willow Oak tree that will be preserved.

## PROPOSED ZONING

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal in conjunction with the rezoning, and which allows site-specific standards to be applied as conditions through a legislative process. The Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards to address impacts reasonably expected to be generated by development. Conditions can also address conformance of the development with town regulations and adopted plans. A -CZD suffix would be added to the zoning district designation to incorporate the approved conditions. The applicant has proposed a Residential-Special Standards-Conditional Zoning District (R-SS-CZD) district for the site.

The Residential – Special Standards Conditional Zoning District (R-SS-CZD) is appropriate for “residential development and the recreational, open space, and other urban amenities associated with such development”, provided that any rezoning to this district shall demonstrate either:

- Provision of 100 percent affordable housing
- Achievement of a combination of special standards that meet community interests<sup>2</sup>

The proposed uses meet the intent statement of Residential – Special Standards Conditional Zoning District (R-SS-CZD). The Statement of Justification states that 100 percent of the housing proposed will serve households earning below 80 percent AMI.

The applicant has proposed modifications to the sidewalk and recreation requirements, as summarized in the Modifications to Regulations section below.

## PROPOSED MODIFICATIONS TO REGULATIONS

- 1) Section 5.5.2(g): Minimum Recreation Area and Recreation Space – Multifamily Dwelling Units:** The minimum active recreation area for this property is 698 sq. ft. The applicant has requested a waiver for this requirement.

*Staff Comment:* The applicant has stated that the proposed modification request is to provide passive recreation space and that nearby recreation space at Hargraves Community Center, Sykes Street Playground, Henry Baldwin Park, and Northside Elementary School will meet the active recreation requirements for the development.

- 2) Section 5.8.1(e): External Circulation:** The applicant has requested a waiver from the requirement that a sidewalk be installed along the public street frontage along N. Roberson Street.

*Staff Comment:* Town staff is considering options to enhance pedestrian safety in

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<sup>2</sup> LUMO Section 3.4.5

response to the Planning Commission’s recommendation (below). A condition has been included to provide a crosswalk to the sidewalk on N. Roberson Street and additional traffic calming measures by the Town are being investigated.

**Council Findings and Public Purpose:** The Council has the ability to modify the regulations according to Section 4.4.5 of the Land Use Management Ordinance. Staff believes that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the developer’s alternative is to revise the proposal to comply with the regulations.

## KEY CONSIDERATIONS

Planning Commission: At the March 15, 2022 meeting, the Planning Commission recommended approval with the following modification to Ordinance A:

Intersection Improvement: In the interest of pedestrian safety, town staff should study the viability of a three-way stop at the intersection of Roberson and Whitaker. If a three-way stop is viable one should be installed.

*Staff Response:* Town staff is pursuing the placement of the stop sign.

## CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

The following staff analysis of the Zoning Atlas Amendment is based on long-range planning considerations. An amendment to the Zoning Atlas changes the permitted types and intensities of land uses allowed for a site.

Aspects of the application evaluated in this report include:

- **Consistency with the Comprehensive Plan**, based on the applicant’s proposed zoning district and overall proposed use program.
- **Reasonableness** of the change in zoning, based on the same considerations.
- **Findings of Fact** that provide arguments for or against a zoning amendment in accordance with Section 4.4 of the Land Use Management Ordinance (LUMO).

The Town Council must make findings on each of these three items as part of a Zoning Atlas Amendment action.

2050 FUTURE LAND USE MAP (FLUM) ELEMENTS		
<b>FOCUS AREA &amp; SUB-AREA</b> None – outside Focus Areas	<b>APPROPRIATE USES</b> Medium Residential – generally 4-8 units per acre	<b>OTHER</b> None
<b>OTHER APPLICABLE ADOPTED SMALL AREA PLANS</b> None		

North Carolina General Statute 160D-605 requires the Town Council to consider a statement of Plan consistency when reviewing any Zoning Atlas Amendment. Staff provides the following evaluation of this application’s consistency with the 2050 Future Land Use Map and other adopted components of the Chapel Hill 2020 Comprehensive Plan:

	<b>Description of Plan Element</b>	<b>Staff Evaluation</b>
<b>Future Land Use Category</b>	<p>The Future Land Use Map (FLUM) designates the site for Medium Residential, generally 4-8 units per acre. This category encompasses a fairly wide spectrum of housing types including multifamily. Development patterns should be compact and well-connected. The standard of 4-8 units per acre is characterized as a gross density that does not have to be strictly applied to every parcel.</p> <p>The site is outside of the Focus Areas. The land use guidance provided has been carried forward from the 2020 Land Use Plan.</p>	<p>The proposed rezoning is consistent with the character envisioned by the FLUM because the proposed zoning district allows residential uses. Zoning conditions can limit the scale of development such that the Medium Residential area maintains a general density consistent with the FLUM.</p>
<b>Building Height</b>	<p>The FLUM does not provide height guidance outside of the Focus Areas.</p>	
<b>Mobility And Connectivity</b>	<p>The Mobility and Connectivity Plan shows an existing sidewalk along N. Roberson Street.</p>	
<b>Climate Action and Response</b>	<p>The Climate Action and Response Plan identifies Sustainable Development as a top strategy to reduce our community carbon footprint and build resiliency. The Transportation and Land Use chapter calls for creating walkable, bikeable, transit-served neighborhoods through strategies such as supportive zoning and integrated land use – transportation planning.</p>	<p>The site offers an opportunity for infill development within an existing neighborhood, with transit service and a greenway nearby.</p>
<b>Chapel Hill 2020 Goals</b>	<p>Opportunities for this application to support goals of Chapel Hill 2020 include:</p> <ul style="list-style-type: none"> <li>• Contributing to a range of housing options for current and future residents. This aligns with the theme of <i>A Place for Everyone</i>.</li> <li>• Locating housing within walking distance of public transit routes, an existing greenway, and parts of Downtown. The location offers multimodal access to employment, parks, services, and shopping, and aligns with the theme of <i>Getting Around</i>.</li> <li>• Expanding available housing types adjacent to existing neighborhoods, evolving Chapel Hill’s character for residents, and shaping land use in a way that supports community, economic prosperity of residents, and protecting the natural environment. These elements align with the theme of <i>Good Places New Spaces</i>.</li> </ul>	

## **REASONABLENESS OF THE ZONING ATLAS AMENDMENT**

Reasonableness is determined by comparing the scale of permissible development under the proposed zoning district to the scale permitted under existing zoning, and by considering characteristics of the site and its surroundings. North Carolina General Statute 160D-605 requires the Town Council to consider a statement of reasonableness when reviewing any Zoning Atlas Amendment.

The analysis below considers the applicant’s proposed zoning district and overall proposed use program. Specific characteristics of the development proposal, compliance with

regulations, and appropriate conditions to address potential impacts of the development are evaluated elsewhere.

<b>SUMMARY OF ANALYSIS FOR REASONABLENESS</b>	
<b><u>Supporting Factors</u></b>	
<ul style="list-style-type: none"> <li>• Available transit service nearby suggests that multifamily development is reasonable.</li> <li>• The proposed zoning is consistent with the Land Use Category shown on the Future Land Use Map.</li> <li>• The uses allowed under the proposed zoning are compatible with existing residential uses in the surrounding area.</li> <li>• Provision of affordable housing in this location aligns with multiple themes of Chapel Hill 2020.</li> <li>• Zoning conditions are an inherent part of the proposed zoning district (it is only available as a CZD). Conditions provide an opportunity to limit intensity and to establish standards that address any impacts on surrounding properties.</li> </ul>	

**APPLICANT PROPOSAL**

<b>Project Description</b>	Multifamily development – two duplexes. The site contains an existing single-family home.	
<b>Proposed Zoning Atlas Amendment (ZAA)</b>	From Residential-3 (R-3) to Residential-Special Standards Conditional Zoning (R-SS-CZD)	<b>Notes:</b> The submittal of a Conditional Zoning application allows review of the development proposal in conjunction with the rezoning and allows site-specific standards to be formulated and applied as conditions through a legislative process.
<b>Applicant Reasoning for ZAA</b>	To accommodate an affordable housing development.	

**Comparing Proposed Permissible Development to Existing**

	<b>LUMO Standard for R-3</b>	<b>Staff Evaluation</b>
<b>District Intent</b>	<u>Section 3.4.5</u> : The Residential-Special Standards district (R-SS-CZD) is available only through a conditional zoning application. Proposed development must either promote a 100% affordable on-site component or meet a series of other objectives related to community goals.	The application states that all of the proposed units will be affordable rentals for families earning less than 80% Area Median Income. This meets the primary objective of the proposed zoning district. Zoning conditions would be useful to ensure that performance expectations for affordable housing are achieved.
<b>Permitted Uses</b>	<u>Table 3.7-1</u> : Permitted uses in R-SS-CZD include the full range of single-family and multifamily dwelling types. Other uses, including public facilities, are generally not allowed.	The associated Conditional Zoning application proposes Multifamily Dwelling Units, which is permitted in R-SS-CZD. The existing R-3 zoning limits uses to single-family and duplex dwellings, in addition to certain public facilities.

<p><b>Dimensional Standards</b></p>	<p>Table 3.8-1: Standards for R-SS-CZD are broadly permissive for development. The main factor limiting development intensity is Maximum Height.</p> <ul style="list-style-type: none"> <li>• No maximum Residential Density</li> <li>• Maximum Building Height of 39 ft at the setback line and 60 ft at the site core</li> <li>• Minimum Street Setback of 10 ft</li> <li>• Maximum Floor Area Ratio of 1.10</li> </ul>	<p>The associated Conditional Zoning application proposes:</p> <ul style="list-style-type: none"> <li>• 4 dwelling units, which is a residential density of 13 units/acre</li> <li>• Maximum Building Height of 16 ft at the setback line and 26 ft at the site core</li> <li>• Minimum Street Setback of 13 ft</li> <li>• 5,824 sq ft, resulting in a Floor Area Ratio of 0.416</li> </ul> <p>The existing R-3 zoning has the following standards:</p> <ul style="list-style-type: none"> <li>• Maximum Residential Density Of 7.0 units/acre</li> <li>• Maximum Building Height of 29 ft at the setback line and 60 ft at the site core</li> <li>• Minimum Street Setback of 24 ft</li> <li>• Maximum Floor Area Ratio of 0.162</li> </ul> <p>Based on the comparison of Floor Area Ratio alone, R-SS-CZD allows around double the amount of development potential that currently exists for the site. Zoning conditions would be useful to ensure appropriate development intensity.</p>
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**Design and Development Standards**

Other standards (including landscape buffers, parking spaces, stormwater treatment, etc.) are established in LUMO Article 5 and are applicable to both the R-SS-CZD and R-3 districts. A change in zoning district would not change how Article 5 standards apply. The Conditional Zoning application provides an opportunity to establish conditions that modify development standards in order to address impacts reasonably expected to be generated by development.

**Consideration of the Site and its Surroundings**

	Description	Staff Evaluation
<p><b>Existing Use and Surroundings</b></p>	<p>Lot containing a single-family dwelling. Located in the Northside Neighborhood Conservation District.</p>	
<p><b>Adjacent Zoning Districts and Land Uses</b></p>	<p><u>North</u>: R-4, Craig-Gomains Community <u>East and West</u>: R-3, single-family dwellings <u>South</u>: Hargraves Community Center (across N. Roberson Street)</p>	<p>R-SS-CZD is a flexible zoning district that typically relies on zoning conditions (e.g. height, setbacks) to ensure compatibility with adjacent zoning districts. It is therefore reasonable to apply in most contexts.</p>



		The surrounding area has been developed with various residential uses. Zoning conditions would be useful to ensure that the scale of the proposed multifamily dwellings is compatible with the surrounding built environment.
<b>Transit Service</b>	The site is within 0.25 miles of bus stops on 4 existing local bus routes. The CW, F, and J routes runs along Franklin Street and the A route runs through the Northside neighborhood.	Available transit service nearby suggests that multifamily development is reasonable.
<b>Roads and Vehicular Access</b>	Frontage on N. Roberson Street, a local neighborhood street.	
<b>Pedestrian &amp; Bike Facilities (existing)</b>	N. Roberson Street has sidewalks along the eastern side.	The lack of sidewalk along the western side of N. Roberson Street suggest the applicant's proposal to waive the sidewalk requirement along the N. Roberson frontage may be reasonable.
<b>Streams/ Wetlands/ Floodplain</b>	No streams or floodplain impacts the site.	
<b>Topography</b>	The site slopes moderately to the northwest.	

## LAND USE MANAGEMENT ORDINANCE FINDINGS OF FACT

Staff provides the following evaluation of the application under the three Findings of Fact identified in LUMO Section 4.4. LUMO states that the Zoning Atlas shall not be amended unless at least one of the Findings are made.

<b>FINDING #1:</b> The proposed zoning amendment is necessary to correct a manifest error.	
<b>Arguments</b>	To date, no arguments in support or in opposition have been submitted or identified by staff.
<b>Staff Evaluation</b>	There appears to be no manifest error in the Town's Zoning Atlas.

<b>FINDING #2:</b> The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.	
<b>Arguments</b>	The applicant notes that affordable housing is a significant need for Chapel Hill that has grown over time. To date, no arguments in opposition have been submitted or identified by staff.
<b>Staff Evaluation</b>	The Council could make the finding that the proposed zoning amendment is necessary because of changing conditions in Chapel Hill.



<b>FINDING #3:</b> The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.	
<b>Arguments</b>	<p>Staff notes that the Conditional Zoning application could contribute to the purposes of the Comprehensive Plan through the following:</p> <ul style="list-style-type: none"> <li>• Facilitating development that implements the Land Use Category designated on the Future Land Use Map.</li> <li>• Obtaining improvements identified in the Mobility and Connectivity Plan (through zoning conditions).</li> <li>• Supporting goals of Chapel Hill 2020 including <i>A Place for Everyone, Getting Around, Good Places-New Spaces, Community Prosperity and Engagement, and Nurturing Our Community.</i></li> </ul> <p>To date, no arguments in opposition have been submitted or identified by staff.</p>
<b>Staff Evaluation</b>	The Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.

Further information may be presented for the Council’s consideration as part of the legislative hearing process. All information submitted at the legislative hearing will be included in the record of the hearing.





















# PROJECT FACT SHEET



## Project Details

Site Description	
<b>Project Name</b>	Gattis Court
<b>Address</b>	307 N. Roberson Street
<b>Property Size (NLA)</b>	12,707 SF (0.29 acres)
<b>Existing</b>	Single-family dwelling
<b>Orange County Parcel Identifier Number</b>	9788-07-9584
<b>Existing Zoning</b>	Residential-3 (R-3) and Northside Neighborhood Conservation District (CD-1)
<b>Proposed Zoning</b>	Residential-Special Standards-Conditional Zoning District (R-SS-CZD)


## Site Development Standards

Topic	Comment	Status
<b>Development Intensity</b>		
<b>Use/Density</b> ( <a href="#">Sec. 3.7</a> )	Existing Use: single-family dwelling Proposed Use: two duplexes (4 units total)	
<b>Dimensional Standards</b> ( <a href="#">Sec. 3.8</a> )	Primary height: 39 ft. Core height: 60 ft. Setbacks: 10 ft. street setback	
<b>Floor area</b> ( <a href="#">Sec. 3.8</a> )	Maximum: 15,375 sq. ft. Proposed: 5,824 sq. ft.	
<b>Landscape</b>		
<b>Buffer</b> ( <a href="#">Sec. 5.6.2</a> )	N/A in Residential-Special Standards district	
<b>Tree Canopy</b> ( <a href="#">Sec. 5.7</a> )	Meet or exceed LUMO 5.7 standards	
<b>Landscape Standards</b> ( <a href="#">Sec. 5.9.6</a> )	Meet or exceed LUMO 5.9 standards	
<b>Environment</b>		
<b>Resource Conservation District</b> ( <a href="#">Sec. 3.6</a> )	N/A	
<b>Erosion Control</b> ( <a href="#">Sec. 5.3.1</a> )	Orange County Erosion Control permit not required	

<b>Steep Slopes</b> ( <a href="#">Sec. 5.3.2</a> )	N/A	
<b>Stormwater Management</b> ( <a href="#">Sec. 5.4</a> )	Meet or exceed LUMO 5.4 standards	
<b>Land Disturbance</b>	11,500 sq. ft.	
<b>Impervious Surface</b> ( <a href="#">Sec. 3.8</a> )	6,927 sq. ft. (49%)	
<b>Solid Waste &amp; Recycling</b>	Public trash and recycling pickup proposed	
<b>Jordan Riparian Buffer</b> ( <a href="#">Sec. 5.18</a> )	N/A	
<b>Access &amp; Circulation</b>		
<b>Road Improvements</b> ( <a href="#">Sec. 5.8</a> )	N/A	
<b>Vehicular Access</b> ( <a href="#">Sec. 5.8</a> )	Access proposed from N. Roberson Street	
<b>Bicycle Improvements</b> ( <a href="#">Sec. 5.8</a> )	N/A	
<b>Pedestrian Improvements</b> ( <a href="#">Sec. 5.8</a> )	Waiver from requirement to provide sidewalk along frontage requested.	<b>M</b>
<b>Traffic Impact Analysis</b> ( <a href="#">Sec. 5.9</a> )	TIA exemption approved	
<b>Transit</b> ( <a href="#">Sec. 5.8</a> )	<i>Required:</i> 0 minimum spaces to 9 maximum spaces <i>Proposed:</i> 8 parking spaces	
<b>Bicycle Parking</b> ( <a href="#">Sec. 5.9</a> )	N/A	
<b>Vehicle Parking</b> ( <a href="#">Sec. 5.9</a> )	<i>Required:</i> 1 space <i>Proposed:</i> 4 spaces	
<b>Parking Lot Standards</b> ( <a href="#">Sec. 5.9</a> )	N/A	
<b>Road Improvements</b> ( <a href="#">Sec. 5.8</a> )	Built to Town Standards	
<b>Technical</b>		
<b>Fire</b>	Built to Town Standards	
<b>Adequate Public Schools</b> ( <a href="#">Sec. 5.16</a> )	N/A	
<b>Inclusionary Zoning</b> ( <a href="#">Sec. 3.10</a> )	100 percent affordable	

<b>Recreation Area</b> ( <a href="#">Sec. 5.5</a> )	Waiver from active recreation space requirement requested.	<b>M</b>
<b>Lighting Plan</b> ( <a href="#">Sec. 5.11</a> )	Built to Town Standards; not to exceed 0.3 footcandles at property line	
<b>Homeowners Association</b> ( <a href="#">Sec. 4.6</a> )	As per Town Standards	

**Project Summary Legend**

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