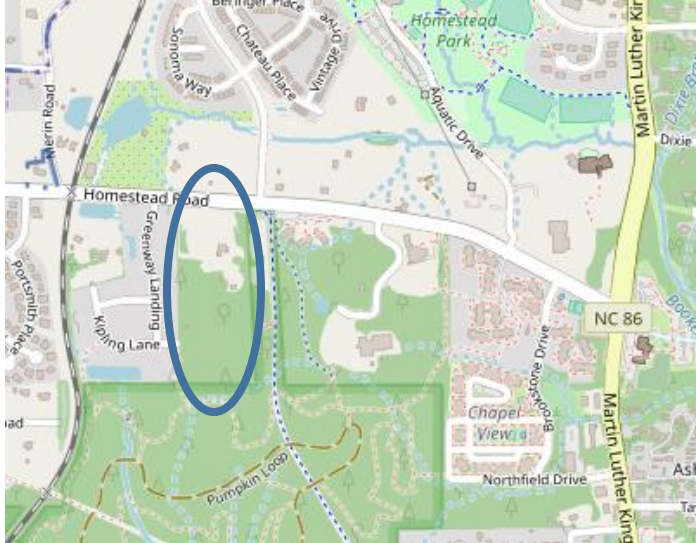




**CONSIDER AN APPLICATION FOR ZONING ATLAS AMENDMENT – INDEPENDENT SENIOR HOUSING, 2217 HOMESTEAD ROAD (PROJECT #17-107)**

**STAFF REPORT**

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES  
 Ben Hitchings, Director  
 Judy Johnson, Operations Manager  
 Loryn Clark, Executive Director for Housing and Community

<p><b>PROPERTY ADDRESS</b> 2217 Homestead Road</p>	<p><b>BUSINESS MEETING DATE</b> January 30, 2019</p>	<p><b>APPLICANT</b> Gurlitz Architectural Group, PA</p>
<p><b>STAFF RECOMMENDATION</b> That the Council 1) continue the public hearing; 2) receive public comment; and 3) take action tonight, depending on the Council’s satisfaction with the applicant’s affordable housing proposal.</p>		
<p><b>UPDATES SINCE THE OCTOBER 24, 2018 PUBLIC HEARING</b> Town staff met with the Applicant on several occasions to discuss the affordable housing component. The Manager continues to negotiate with the Applicant regarding its affordable housing proposal. We will provide details about the Applicant’s proposal prior to the Council’s discussion.</p>		
<p><b>PROCESS</b></p> <p>The Applicant requests a rezoning with an accompanying Special Use Permit application.</p> <p>The zoning designation of a property determines the range of land uses and development intensities permitted on the property. The Council may approve a Zoning Atlas Amendment for any of the following reasons:</p> <ul style="list-style-type: none"> <li>a) to correct a manifest error in the ordinance</li> <li>b) because of changed or changing conditions in a particular area or in the jurisdiction generally</li> <li>c) to achieve the purposes of the Comprehensive Plan</li> </ul> <p>(See accompanying Special Use Permit memorandum)</p>	<p><b>DECISION POINTS</b></p> <p>The Council has the discretionary authority to approve or deny a rezoning request. The specific proposal in the accompanying Special Use Permit (SUP) application is related to the rezoning request, and staff believes it is appropriate for the Council to consider the two together. If the Council does not find the SUP proposal to be an acceptable use of the property, staff would recommend that the Council not approve the rezoning request.</p> <p>The Applicant is seeking to rezone the property from Residential-2 (R-2) to Residential-5-Conditional (R-5-C). The proposed Zoning Atlas Amendment would change the intensity regulations and permitted uses.</p>	
<p><b>AFFORDABLE HOUSING</b></p> <p>If the Council determines that the applicant’s revised proposal meets the expectations of the <a href="#">Affordable Housing Policy<sup>1</sup></a>, and approves the rezoning we would incorporate these terms into an Affordable Housing Performance Agreement, subject to issuance of a special use permit.</p> <p>To further protect the Town’s interest, the Town Attorney has also prepared an Affordable Housing Agreement related to the rezoning based on the applicant’s proposal. The purpose of the agreement is for the applicant to acknowledge that approval of the rezoning is a density bonus and that they are voluntarily providing either units on-site or a payment-in-lieu to meet the expectations of the Council’s Affordable Housing Policy. The Agreement would be signed by the Applicant and Owner prior to the Council’s voting on the rezoning request and referenced in the rezoning ordinance, if enacted.</p> <p>If the Applicant and Council are not able to agree with a revised set of conditions on affordable housing and sign an Agreement, we would recommend that the zoning be denied. The Council also has the option to deny the rezoning or continue this hearing to a date certain and ask the Applicant and Owner to revise its proposal. If the rezoning is denied, the special use permit could not be approved and should be denied. If action on the rezoning is delayed, further consideration of the special use permit should be deferred until action on the rezoning has been taken.</p>	<p><b>PROJECT LOCATION</b></p> 	

<sup>1</sup> <https://www.townofchapelhill.org/home/showdocument?id=24578>

**ATTACHMENTS**

1. Key Issue – Affordable Housing (to be distributed)
2. Technical Report
3. Resolution of Consistency with the Comprehensive Plan
4. Draft Revised Ordinance (Approving the Rezoning)
5. Resolution B (Denying the Rezoning)
6. Applicant Materials
7. Plan and Area Maps
8. Letter from the Orange County Affordable Housing Coalition