

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION FOR 157 EAST ROSEMARY AS A CONDITIONAL ZONING DISTRICT APPLICATION

September 5, 2023

Recommendation: **Approval** ☒ **Approval with Comments** ☐ **Denial** ☐

Motion: Elizabeth Losos moved, and Strother Murray-Ndinga seconded, to recommend that the Council adopt the 157 East Rosemary Conditional Zoning District application as an amendment to the Zoning Atlas.

Vote: 8 – 0

Yeas: Jonathan Mitchell (Chair), Elizabeth Losos (Co-Chair), Wesley McMahon, Strother Murry-Ndinga, Geoff Green, Chuck Mills, and Erik Valera

Nays:

Recommendation: **Approval** ☒ **Approval with Comments** ☐ **Denial** ☐

Motion: Wesley McMahon moved, and Strother Murray-Ndinga seconded, to recommend that the Council find that the proposed 2200 Homestead Road Conditional Zoning District Modification is consistent with the Comprehensive Plan

Vote: 7 – 1

Yeas: Elizabeth Losos (Co-Chair), Wesley McMahon, Strother Murry-Ndinga, Geoff Green, Chuck Mills, and Erik Valera

Nays: Jonathan Mitchell (Chair)

Prepared by: Jacob Hunt, Planner II

Planning Commission Complete Community Matrix for 157 E. Rosemary St.

On September 5, 2023, the Chapel Hill Planning Commission (PC) voted 8-0 to recommend approval of the 157 E. Rosemary conditional rezoning. The matrix below sets out the PC’s analysis. We wish to highlight concerns about the applicant’s request to waive the landscape buffer requirement adjacent to the Phi Mu house, discussed in row 7 below.

The PC also voted 7-1 that the proposal comports with the Comprehensive Plan. Jon Mitchell voted “no” on this point to draw attention to the mixed message conveyed (to residents and potential applicants) when the height guidelines in the FLUM no longer reflect the Town’s actual policies (a point echoed by some other members).

#	Complete Community Criteria	Facts	Analysis	Summary of Concerns
1	Land use efficiency (measured as housing density per acre)	<ul style="list-style-type: none">56 residential units on ~1/3 acre = ~168 units/acre	<ul style="list-style-type: none">The proposal represents an efficient use of land by any measure.	<ul style="list-style-type: none">N/A
2	Mix of housing unit sizes/configurations that address affordability goals	<ul style="list-style-type: none">25% affordable (80% AMI)Affordable units are spread among the first six floors.Affordable units are the same sizes as the market rate units.This is a condo project (owner-occupied).	<ul style="list-style-type: none">The proposal contains an unusually high proportion of designated affordable units, and those units seem to be reasonably located within the building.	<ul style="list-style-type: none">N/A
3	Both walkable and bikable to several daily needs, such as housing, jobs, schools, recreation. Mixed use buildings encouraged	<ul style="list-style-type: none">The site on E. Rosemary Street is within Chapel Hill’s downtown district. It is walkable and bikable to UNC campus and all the amenities of downtown.The proposals contains 3,000 sq. ft. of ground-level retail space, opposite the forthcoming plaza on the south side of E. Rosemary (at the intersection with Henderson St.).	<ul style="list-style-type: none">The proposal is located in a highly walkable and bikable location. It includes an appropriate mix of uses that will enhance the overall neighborhood (i.e., year-round residents to support downtown businesses, on-site retail amenities).	<ul style="list-style-type: none">N/A
4	On bus line	<ul style="list-style-type: none">Various buses pass through downtown.	<ul style="list-style-type: none">The site is readily accessible by bus.	<ul style="list-style-type: none">N/A
5	Parking aligned with Planning Commission recommendations (from 6/21/23 petition to Council)	<ul style="list-style-type: none">The proposal includes a 22-space structured parking deck underneath the building (largely hidden from view).The applicant stated that these spots are “likely” to be unbundled cost-wise.The applicant anticipates that residents may also rent spots in the Town’s new E. Rosemary St. parking deck.	<ul style="list-style-type: none">The low onsite parking ratio reflects transit-oriented-development principles.Per the PC’s June 2023 petition to the Council, we recommend that the 22 spots be unbundled from the cost of housing, and that proportionate discounts be offered to occupants of the designated affordable units. These aspects should be formalized in the rezoning conditions.	<ul style="list-style-type: none">Unbundling of parking cost should be formalized.

Planning Commission Complete Community Matrix for 157 E. Rosemary St.

#	Complete Community Criteria	Facts	Analysis	Summary of Concerns
6	Quality design, place-making, and prioritization of the pedestrian realm	<ul style="list-style-type: none"> The proposal features “class A” construction – concrete construction with extensive use of glass on the outside. As mentioned above, structured parking is largely hidden from view. The ground level features retail amenities and a sizable outdoor patio/gathering space. 	<ul style="list-style-type: none"> The proposed design is architecturally interesting – an example of the kind of design quality made possible by relatively taller building heights (due to concrete/steel construction, which is uneconomical at lower heights). Place-making aspects seem strong. The outdoor patio will dovetail with the forthcoming plaza across the street, creating a semi-continuous outdoor community space. 	<ul style="list-style-type: none"> N/A
7	Reasonably respectful of surrounding neighborhoods	<ul style="list-style-type: none"> The proposed building height is 157ft (12 stories), which is 10ft. taller than the forthcoming wet lab on the south side of E. Rosemary and substantially taller than the forthcoming Town parking garage and the approved Grubb project at the corner of Rosemary and S. Columbia. The FLUM calls for a core height of 6 stories, intended to provide a transition to the single-family neighborhood to the north. The applicant showed one of its shade studies to the PC, and offered to provide others (for various days of the year and times of day). These can be made available to Council members any time. Views of the building as seen from Franklin Street were not available during our hearing. The applicant requests an exemption from the default requirement for a “class B” buffer along the northern edge of the parcel (adjacent to the historic Phi Mu house). Two representatives of Phi Mu spoke at the PC meeting (and others attended). They objected to the proposed building height, buffers, and setbacks – citing concerns that the 42 residents of Phi Mu would experience a loss 	<ul style="list-style-type: none"> PC members discussed the inherent trade-offs that different building heights entail. The relatively tall height of the proposed building seems to enable (economically) a high-quality design and a high proportion of “affordable” units. The narrow profile of the building, and tapering toward the top, mitigates the overall massing impact. Overall, PC members feel that the benefits enabled by the proposed height outweigh concerns about a height transition to the existing low density area to the north. PC members believe that the applicant should do more to address Phi Mu’s request for a landscape buffer at the northern edge of the parcel. This might require more soil depth above the underground parking facility – or some other creative solution. (If we are to make this exception to the FLUM, the applicant should work tirelessly and creatively to alleviate those concerns, including with opaque window coverings on either or both properties.) 	<ul style="list-style-type: none"> The applicant should work harder to alleviate Phi Mu’s concerns about privacy and buffering. The Council should ask for views from Franklin Street.

Planning Commission Complete Community Matrix for 157 E. Rosemary St.

#	Complete Community Criteria	Facts	Analysis	Summary of Concerns
		<p>of privacy given the sight angles from the upper floors of the proposed building down into Phi Mu's courtyard and windows. Regarding buffers, the representatives stated that it's the applicant's responsibility to construct landscape buffers on the applicant's own property.</p> <ul style="list-style-type: none"> Under the current site plan, the northern edge of the property contains no above-ground structure, but the parking facility will be underneath the surface there. During the PC hearing, the applicant agreed to explore the possibility of having sufficient soil depth above that portion of the parking facility to allow for a landscape buffer (either a class B buffer or an alternative buffer). 		
8	Respect for topography and natural landscapes (tree canopy, green space), including any protected natural areas	<ul style="list-style-type: none"> Currently, the property is almost complete impervious. The proposal would add roughly 35 sq. ft. of impervious. 	<ul style="list-style-type: none"> This criterion does not seem germane to this project. The property has little topography and essentially no natural features to preserve. 	<ul style="list-style-type: none"> N/A
9	Responsive to stormwater concerns	<ul style="list-style-type: none"> The patio will be made of permeable pavers, which will treat stormwater The applicant agrees to a 100-year storm standard 	<ul style="list-style-type: none"> The proposal seems responsive to stormwater concerns. 	<ul style="list-style-type: none"> N/A
10	Other	<ul style="list-style-type: none"> The developer proposes multiple building features designed to reduce carbon emissions, including all electric appliances, battery storage in lieu of back-up generators, and EV-charging infrastructure for all parking spaces. 	<ul style="list-style-type: none"> The building design seems to show attention to sustainable building practices. 	<ul style="list-style-type: none"> N/A