

**Date:** October 20<sup>th</sup>, 2020  
**From:** The Chapel Hill Planning Commission  
**To:** The Chapel Hill Town Council  
**Memorandum:** SUP Proposal for 1200/1204 MLK Blvd.

On October 6<sup>th</sup>, 2020, the Chapel Hill Planning Commission voted 5-2 to adopt Resolution B, recommending a denial of the Special Use Permit modification application for 1200/1204 MLK Blvd. Commissioners broadly agreed that the project as proposed presents several significant drawbacks for the residents of the neighborhood, and the Town at large.

The driver of this project is the proposed addition of a large, conditioned, self-storage building on the site, which requires moving several mobile homes, which are currently elsewhere on the site, into the Resource Conservation District to make space for the new building. The proposal prompts numerous requested changes to the Land Use Management Ordinance.

The Commission in no way wants to threaten the existence or location of the familial community in the existing neighborhood, and our decision is based foremost in this belief. We want the town to actively work to help protect this underserved community. This neighborhood is in fact identified on the current draft of the Future Land Use Map as a “Sensitive Displacement Area.” According to the applicant, the new owner of the site purchased the property with the promise that they would preserve the home locations of those that live there. We expect them to honor this promise.

Please note that even the two Commissioners who voted against Resolution B had concerns about the project, and one commented that this was a “bad, bad project.” Their votes reflected a belief that accepting this proposal might be better than waiting for a different proposal that might not retain all current homes on site.

Overall, while we laud the applicant for presenting a plan that does directly displace any residents, we find that the proposal is asking the Town for too much in return.

1. Requested change to LUMO 6.23.4
  - The Commission recommends denial of this request because both the present zoning and the FLUM designate this area for community and residential uses. Self-storage is not an appropriate “community use” for the limited Chapel Hill infill land, especially alongside a future major Bus Rapid Transit line that was designed and funded in order to get cars off the road and foster transit-oriented development. We believe that self-storage as an accessory use is intended exclusively for situations where on-site storage facilities are provided for the use of the residents.
2. Requested change to LUMO 6.23.2
  - The Commission recommends denial of this request because this regulation is intended to be applied regardless of being a “T” intersection or not, and is intended to promote walkable and lively streetscapes. Additionally, the FLUM calls for an active frontage on this portion of MLK, as well as the afore-mentioned BRT stop. A large self-storage building will effectively be dead space. It is distinctly inactive and placing it here will work against the goals of the Town to invigorate this area and make it more pedestrian and bicycle friendly.
3. Requested change to LUMO 6.12(d)
  - The commission has no major objections to the reconstruction of the gas service station and the required access driveway. The developer has agreed to work with the Town

when the BRT stop necessarily changes whatever sidewalk/driveway frontage is in place at the time.

4. Requested change to LUMO 3.6.3-2
  - The Commission recommends denial of this request. The Resource Conservation District was established to protect the Town's waters and water quality and we recommend that the protections of the RCD be respected, there is not substantial justification to grant an exemption. This plan proposes grading nearly 1 acre of the RCD, negatively impacting the water quality and hydrology of the site, which feeds directly into Lake Ellen, and then into Booker Creek and across town. We are not opposed to any homes that currently sit within the RCD remaining where they are. However, a good plan would move homes out of the RCD, and certainly not into it.
  - The developer contends that this relocation is necessary to prevent displacement, but that is only true if the storage building is constructed in the first place, and the assertion presents a false choice for the Town.
  - Additionally, the relocation of homes into the RCD presents potential and unknowable issues for those residents in the long term. The developer cited the testimony of someone who grew up there that "it hadn't flooded" in their memory. However, we know that climate change is creating new patterns of flooding in our area and the past is a poor indicator of what is likely to come. Putting vulnerable mobile homes into what could be an active floodplain is a disservice to those residents.
  
5. Requested change to LUMO 5.9.7
  - Were the project to be built, we agree with the applicant that a reduction in the minimum number of parking spaces is appropriate.
  
6. Requested change to LUMO 3.7.3,
  - Were the project to be built, we agree with the applicant that this modification is appropriate. Otherwise, many of the mobile homes currently on site would be in violation of the LUMO and people would likely be displaced.

In conclusion, the Planning Commission recognizes that the process of matching infill development projects with appropriate locations, and the needs and wants of the Town is difficult. However, we do not believe that making so many significant precedent-setting exceptions in the LUMO is wise or appropriate in this case. Other projects in Chapel Hill would suggest that this proposal is not the only viable commercial option for the applicant. We implore both the Town Council and the project applicant to arrive at better solutions.

Respectfully,  
The Chapel Hill Planning Commission.