

June 30, 2022

Judy Johnson  
Town of Chapel Hill Planning Department  
405 Martin Luther King Jr Boulevard  
Chapel Hill, North Carolina 27514

**Re: Aspen Heights Modifications to Regulations**

Due to site constraints and peculiarities of the Land Use Management Ordinance, modifications to required standards are necessary to create a multi-family development that meets the Town’s vision and intent for such developments. The requested modifications are necessary to allow for a cohesive and well-designed student housing project that achieves the goals of the Chapel Hill Comprehensive Plan. Each of the five modifications below are interconnected, rather than being four isolated requests. To develop this land as multi-family project, modifications to density will be necessary which subsequently require modifications to floor area, building height, parking, steep slopes, and RCD disturbance.

**DENSITY**

**Permitted Density (maximum): 15 DU/AC**

**Proposed Density (maximum): 61 DU/AC**

The Land Use Management Ordinance Article 3.8.2 sets forth density requirements for the Aspen Heights development.

The R-6 zoning district is the densest residential district outside of Town Center districts, and the maximum density is capped at 15 du/ac. This would only allow 28 apartment units on site. The subject site falls within the South Martin Luther King Jr. Boulevard corridor in Sub-area C on Chapel Hill’s Future Land Use Map. This area calls for multi-family residential use with a typical height of 4 to 6 stories and 8 stories for active street frontage. A multi-family project of that size (4 to 8 stories) would include well over 28 apartments. Chapel Hill does not yet have an appropriate zoning district to allow for higher density projects where they are designated on the future land use map, outside of the Town Center areas. While zoning districts such as OI-3 or OI-4 exist that allow unlimited multi-family density, the project team was advised by Planning Staff seek a zoning district that meets the intent of the land use and request a density modification. To meet the goals and intentions of the Future Land Use Map, a higher density allowance is necessary to correspond with the typical and activated street frontage building heights mentioned above.

The applicant is proposing an increased density to 61 dwelling units per acre (based on net land area) to allow for no more than 112 apartment units.

## **FLOOR AREA RATIO**

**Permitted FAR (maximum): .303**

**Proposed FAR (maximum): 1.90**

The Land Use Management Ordinance Article 3.8.2 sets forth floor area requirements for the Aspen Heights development.

Under the proposed R-6 zoning district, the maximum floor area ratio is 0.303. This equates to roughly 26,815 square feet of allowed floor area. As a reference, one level of the proposed apartment building is approximately 27,800 square feet. Meeting the requirement of a 0.303 floor area ratio at this site would warrant a low density, one- or two-story development, not meeting the intent of the Comprehensive Plan.

The applicant is proposing an increased floor area ratio of 1.90 to allow for a 6 story multi-family building.

## **BUILDING HEIGHT**

**Permitted Building Height (maximum): Setback 39'; Core 60'**

**Proposed Building Height (maximum): 81 feet**

The Land Use Management Ordinance Article 3.8.2 sets forth building height requirements for the Aspen Heights development.

Under the R-6 zoning district, the maximum building height at the setback is 39 feet and 60 feet at the core. Provided the topography of the land and environmental features, it will be difficult to meet the 39-foot setback height along Longview Street. On the Future Land Use Map – Update to Chapel Hill 2020, this property falls under the South MLK Boulevard Sub-Area C, which calls for a Typical Height of 4 to 6 stores, Transitional Area Height of 2-4 stories, and Activated Street Frontage Height of 8 stories. Though this building falls on the higher end of each height range, it complies with the ranges given. Height per the LUMO is measured from mean finish grade to parapet.

Adjacent to the duplex residences to the west of the site, two stories of the proposed apartment building will be partially below grade with the steep topography on site. The grade continues ascending toward the duplexes so that the height of the proposed apartment building is generally in line with the height of the adjacent duplex. This change in grade allows the apartment building to fit into its surroundings, while allowing for more height on Martin Luther

King Jr. Blvd where the grade is lower, creating a presence and activated street frontage. A step back of 11.25 feet will be applied to the top floor at the rear elevation to address massing adjacent to the neighboring duplexes. The property's natural grade presents the opportunity for an architectural design that adds density along MLK Jr. Boulevard while maintaining sensitivity to the massing of neighboring properties.

## **PARKING**

**Required Parking (minimum): 173 spaces**

**Proposed Parking (minimum): 70 spaces**

The Land Use Management Ordinance Article 5.9.7 sets forth minimum parking requirements for the Aspen Heights development.

Parking is calculated by land use, and rates for multi-family land use are given per unit bedroom breakdown. The proposed development is a mix one-, two-, three-, and four-bedroom apartments, with the largest percentage of apartments being four-bedroom. The current mix of units warrants a minimum of 173 spaces. A significantly lower parking count is proposed based on several reasons including total unit count, close proximity to campus and downtown Chapel Hill, the proposed BRT routes, and goals of the Town of Chapel Hill Climate Action and Response Plan adopted in April 2021.

At the time of Concept Plan, 127 parking spaces were proposed, and Council responded encouraging this number to be reduced even further. With the close proximity to campus, students can easily utilize alternative forms of transportation such as walking, biking, riding the bus, or riding the future BRT. Encouragement of alternative transportation, especially active transportation, by reducing the availability of parking spaces will further Chapel Hill's goals to reduce greenhouse gas emissions from vehicle use.

## **SETBACKS**

**Required Street Setback (adjacent to Longview Street): 20 feet**

**Proposed Street Setback (adjacent to Longview Street): 15 feet**

The Land Use Management Ordinance Article 3.8.2 sets forth setback requirements for the Aspen Heights development.

A street setback reduction is requested along Longview Street from 20 feet to 15 feet. Typically, a 20-foot setback is required for single family or townhome residential development to allow for enough driveway space to accommodate a parked car. Provided that single family homes are permitted in the R-6 district, it is understandable that the baseline for street setbacks is 20 feet. For a multi-family building such as this, a 15-buffer will not cause any driveway parking issues and will engage the building with the street frontage.

### **STEEP SLOPES**

**Permitted Steep Slopes Disturbance: No more than 25% of slopes greater than 25% may be disturbed.**

**Proposed Steep Slopes Disturbance: No more than 60% of slopes greater than 25% may be disturbed.**

The Land Use Management Ordinance Article 5.3.2 sets forth steep slope requirements for the Aspen Heights development.

The existing development site is approximately 1.85 acres or 80,445 square feet and of that area, 0.61 acres or 26,572 square feet is considered steep slopes > 25%. In order to feasibly develop this parcel the 25% maximum disturbance of steep slopes would need to be increased. The proposed impacts are currently shown at approximately 45%, but 60% is requested for additional buffer to account for any construction activities or Town requests for building services and operations.

The proposed development is requesting the maximum allowable percentage to be increased to 60% in order to allow for the development on the small lot with a majority of area being steep slopes.

The proposed development is preserving existing slopes and vegetation on-site where feasible and will utilize shoring wall systems and/or other means to lessen the impacts of the development in areas unaccounted for in this modification.

### **RCD DISTURBANCE**

**Permitted RCD Disturbance: Maximum 20% of the streamside zone**

**Proposed RCD Disturbance: Maximum 28% of the streamside zone**

In order to provide a pedestrian connection from MLK to the entry of the building, disturbance was required within the RCD. Supportive utility infrastructure for the building also encroaches within the RCD to keep utility impacts out of the 15-ft buffer along Longview Street. After discussions with Town staff and NCDOT regarding the inclusion of the 12-ft multi-use path along the frontage of MLK, additional disturbance was required within the stream side zone to accommodate a retaining wall to support the 12-ft multi-use path. Lastly, the addition of the Town requested pedestrian experience (decking with foundation disturbances) within the RCD prompted disturbance within the stream side zone. As a result of requests from Town staff, a maximum disturbance of 28% of the RCD streamside zone is requested.

### **CONCLUSION**

In conclusion, the requested modifications remain in the spirit of the goals of Chapel Hill and align with the future land use of the Comprehensive Plan. As noted above, to provide density at this site requires modifications to the R-6

zoning district, including increasing density allowance, increasing floor area ratio permitted, increasing building height permitted, reducing parking minimums, and allowing disturbance of steep slopes and RCD to further align with Chapel Hill's goals.

Thank you for your consideration of these requested modifications for the R-6 zoning district as a part of the Aspen Heights CZP application.

Sincerely,

**MCADAMS**



Jessie Hardesty

Planner II, Planning + Design