



**OPEN A PUBLIC HEARING FOR CONDITIONAL ZONING AT 1200 AND 1204 MARTIN LUTHER KING JR. BLVD. FROM RESIDENTIAL-4 (R-4) AND NEIGHBORHOOD COMMERCIAL (NC) TO OFFICE/INSTITUTIONAL-2-CONDITIONAL ZONING DISTRICT (OI-2-CZD) AND NEIGHBORHOOD COMMERCIAL CONDITIONAL ZONING DISTRICT (NC-CZD)(PROJECT #19-065)**

**STAFF REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
 Judy Johnson, Interim Director  
 Michael Sudol, Planner II

PROPERTY ADDRESS	MEETING DATE	APPLICANT
1200 & 1204 Martin Luther King Jr. Blvd.	November 4, 2020	Jeremy Anderson, Coulter Jewell Thames, PA on behalf of Stackhouse Properties, LLC

**STAFF RECOMMENDATION**

That the Council open the Public Hearing and receive public comment on the proposed Zoning Atlas Amendment. (Under the state legislation authorizing public hearings at remote meetings, public comment may continue to be submitted into the hearing record for 24 hours after the November 4 public hearing).  
 That the Council then adopt a motion to schedule the proposed Zoning Atlas Amendment for possible decision on December 9, 2020.

**ZONING**

*Current:* Residential-4 (R-4) and Neighborhood Commercial (NC)

*Proposed:* Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial-Conditional Zoning District (NC-CZD), with a Planned Development-Housing (PD-H)

**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.

**PROJECT OVERVIEW**

The site consists of two parcels, totaling approximately 13.9 acres. The applicant proposes:

- replacing the existing service station/convenience store with a new service station/convenience store and a 4-story self-storage facility, conditioned building.
- relocating approximately 16 of the existing 73 dwelling units on-site.

The applicant requests:

- two access points to Martin Luther King Jr. Blvd.
  - one as a full-access
  - one as a right-in/right-out access only.

Due to NCDOT requirements, the right-in/right-out access has potential conflicts with the proposed Bus Rapid Transit (BRT) system proposed for this corridor. The applicant has indicated a need for the second access point. Staff has been working with NCDOT and the applicant to accommodate the BRT design and the access proposal.

**DECISION POINTS**

The applicant requests the following modifications to allow:

- A conditioned self-storage facility, to be on the same zoning lot as an accessory use to a Mobile Home Park
- A conditioned self-storage facility to be located across from an intersection, but not on a corner lot created by two intersecting streets.
- Service station/convenience store within 300 feet of any intersecting street or within 750 feet of driveways intersecting the same street and serving another existing or approved service station.
- Mobile home residences to remain in or be moved into the RCD
- Modified northern and eastern buffers
- Fewer parking spaces than required (45 commercial spaces)
- Existing Class B manufactured homes to be allowed within a PD-H

**PROJECT LOCATION**



**ATTACHMENTS**

1. Technical Report
2. Project Fact Sheet
3. Draft Staff Presentation
4. Resolution of Consistency
5. Ordinance A (Approval)
6. Resolution B (Denial)
7. Advisory Board Recommendations
8. Applicant materials
9. Plan Set



# TECHNICAL REPORT

## PROJECT OVERVIEW

The application proposes a Conditional Zoning to rezone the property from Residential-4 (R-4) and Neighborhood Commercial (NC) to Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial-Conditional Zoning District (NC-CZD), with a Planned Development-Housing (PD-H) designation for the Mobile Home Park portion of the site. The 13.9-acre site currently consists of two parcels with one existing single-family home, 72 mobile home units, and a gas station/convenience store. The applicant is proposing to replace the existing gas station/convenience store with a new 5,000-square foot gas station/convenience store and a 134,400-square foot 4-story self-storage facility, conditioned, building. Three stories of the proposed self-storage building are indicated to be above-grade, with one story below-grade. The existing 73 dwelling units will be maintained on site, relocating 16 of the existing units on-site as part of the redevelopment. An additional 10 mobile home units are also proposed.

The developer's Narrative explains that the applicant is seeking to modernize the service station, add a new self-storage building, and preserve or reposition all of the existing mobile home residential units onsite. The developer states that they understand the significance that the existing affordable housing plays in the Town's naturally occurring affordable housing, thus retaining as many of the existing units, while redeveloping a portion of the site, is important. More details about the proposed development can be found in the Developer's Program found on page 25 of the applicant materials.

Information about the site and zoning districts can be found below, as well as a list of proposed Modifications to Regulations, and a Technical Report.

## SITE CONTEXT

Staff has identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Conditional Zoning:

- The 13.9-acre subject site fronts on and has access to Martin Luther King Jr. Blvd., an arterial street with high traffic volume and existing bus service.
- The right-in/right-out access, requested by the applicant, has potential conflicts with the Bus Rapid Transit (BRT) system proposed for Martin Luther King Jr. Blvd. Further flexibility of the design is requested by the applicant with minor adjustments to be approved administratively if approved by NCDOT and Town staff.
- Properties on the opposite side of Martin Luther King Jr. Blvd. are zoned Neighborhood Commercial (NC), and consist of an assortment of commercial buildings, including a car wash and service station/convenience store.
- The property adjacent to the north is zoned Residential-3-Conditional (R-3-C) and contains a place of worship.
- Properties to the south and east are zoned Residential-2 (R-2) and consist of single-

family dwelling units.

- A perennial stream runs through the northern portion of the site and is subject to a 150-foot Resource Conservation District (RCD) and 50-foot Jordan Buffer. Multiple mobile homes are currently located in both the RCD and Jordan Buffer.

## PROPOSED ZONING

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal as part of a rezoning. It also allows site-specific standards to be formulated and applied as condition of the rezoning through a legislative process. The Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards in order to address impacts reasonably expected to be generated by the 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 two different Conditional Zoning districts for different areas of the site, as shown on the site plan: Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial Conditional Zoning District (NC-CZD).

The intent of the Office/Institutional-2 (OI-2) zoning district is to “provide for medium-intensity office and institutional development”.

The intent of the Neighborhood Commercial (NC) zoning district is to “provide for the development of low-intensity commercial and service centers that are accessible by pedestrians from the surrounding neighborhoods, serve the daily conveniences and personal service needs of the surrounding neighborhoods, and are of such nature as to minimize conflicts with surrounding residential uses.” This Conditional Zoning application proposes limiting uses to a narrower range of retail/service/business uses.

## PROPOSED MODIFICATIONS TO REGULATIONS

The applicant has proposed modifications to regulations for the proposed conditional zoning districts for this development. These include:

- 1. Section 6.23.4, Self-storage Facility, Conditioned:** Section 6.23 specifies standards requiring self-storage facilities to be only allowed on the same zoning lot as other office, commercial, or institutional. The applicant is requesting to allow self-storage facility, conditioned, to be on the same zoning lot and accessory to a Mobile Home Park (in terms of land area)

*Staff Comment:* Staff believes that the Council could find a public purpose for allowing the additional uses as the proposal will maintain 72 mobile homes, naturally occurring affordable housing, on the site for up to ten years.

- 2. Section 6.23.2, Self-storage Facility, Conditioned:** Section 6.23 requires that self-storage facilities shall not be permitted on property located at an intersection with any arterial street. The applicant contends that the self-storage building is not located at an intersection, but across from the intersection of Martin Luther King Jr. Blvd. and Northfield. The applicant is requesting to allow a self-storage facility, conditioned, building to be located across from an intersection, but not on a corner lot created by two intersecting streets.

*Staff Comment:* Staff believes that the Council could find a public purpose for allowing the site location as the proposal will maintain 72 mobile homes, naturally occurring affordable housing, on the site for up to ten years.

- 3. Section 6.12(d), Service station/convenience store:** Section 6.12 states that service stations shall not be located within three hundred (300) feet of any intersecting street or within seven hundred fifty (750) feet of driveways intersecting the same street and serving another existing or approved service station. The applicant is requesting to allow a service station/convenience store to be located within the thresholds listed above as an existing service station/convenience store was previously approved and permitted on this site.

*Staff Comment:* Staff believes that the Council could find a public purpose for allowing the service station location to continue to operate and provide for economic opportunities.

- 4. Section 3.6.3-2, Permitted Uses within Resource Conservation District:** Section 3.6.3-2 limits uses within the Resource Conservation District. The applicant requests a modification to allow mobile home residences to remain in or be moved into the RCD, to preserve the residences onsite, within the existing mobile home park.

*Staff Comment:* Staff believes that the Council could find a public purpose for allowing the mobile homes to remain providing opportunities to maintain diverse housing stock in the Town limits.

- 5. Section 5.9.7, Minimum and maximum parking space requirements: Section 5.9.7:** The applicant requests a modification to the required minimum number of parking spaces for the Self-storage facility, conditioned. Based on the standards of the Land Use Management Ordinance, a minimum of 1 space per 2,500 sf, the minimum requirement would be 90 spaces. The developer feels this is almost 5 times the actual need, and that based on market experience at other facilities, this facility would require 16-20 spaces during a peak period.

*Staff Comment:* Staff believes that the Council could find a public purpose for reducing the amount of parking and reducing the amount of impervious surfaces and environmental impacts.

- 6. Section 3.7.3, Use Groups:** The applicant requests a modification to the Use Group Table that would allow existing Class B manufactured homes to be allowed within a PD-H. The existing mobile home community consists of Class B units, and this modification would allow the existing units to remain onsite, as outlined elsewhere in this Developer Narrative.

*Staff Comment:* Staff believes that the Council could find a public purpose for allowing the mobile homes to remain providing opportunities to maintain diverse housing stock in the Town limits.

- 7. Section 5.6.6, Schedule of Required Buffers:** The applicant requests to allow a modification to the 10-foot Type B and 20-foot Type C required buffers along the eastern and northern property line. Modified buffers in these areas are to be comprised of existing vegetation and existing fence.

*Staff Comment:* Staff believes that the Council could find a public purpose for allowing the existing mobile homes and existing vegetation to remain.

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

North Carolina General Statute Section 160A-383 requires the Council to approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other applicable officially adopted plan when adopting or rejecting any zoning amendment.

Staff provides the following evaluation of this application's consistency with the 2020 Comprehensive Plan and other adopted plans:

- The intent of the Neighborhood Commercial (NC) district notes low-intensity commercial uses, which is consistent with the Commercial designation of a portion of the site on the 2020 Land Use Plan. The intent of the Planned Development-Housing (PD-H) special regulation, applied to the OI-2 zoning area, supports housing appropriate to the site which is consistent with the Medium Residential designation of the remainder of the site on the 2020 Land Use Plan.
- The site is located within the S MLK Jr Blvd/Area 3 Future Focus Discussion Area. Chapel Hill 2020 identifies S MLK Jr Blvd as an opportunity to proactively plan for character and to coordinate development with investment in higher capacity bus service. The Statement of Consistency notes that "the project is making significant improvements to the access, commercial services, and streetscape for the projects frontage, which all support these future transit improvements along the corridor."
- The Mobility and Connectivity Plan shows a future trail forming part of the 'Timberlyne Corridor' running along the eastern edge of the site. This bicycle/pedestrian-focused corridor would provide a parallel route to Martin Luther King Jr. Blvd., allowing more safe and comfortable travel between the Timberlyne area and central Chapel Hill. Bicycle and pedestrian facilities are also shown along Martin Luther King Jr. Blvd. in the Mobility Plan, to support access to local destinations and Bus Rapid Transit stations. A more robust multimodal network would support growth and redevelopment in the corridor. However, it should be noted that new facilities proposed in the associated application (service station and self-storage) do not represent uses typically associated with bicycle, pedestrian, or transit activity.
- The associated application proposes a condition to retain 72 mobile homes in the existing mobile home park. This condition along with the planned nature of the PD-H overlay would support Comprehensive Plan goals for a range of housing options and a range of neighborhood types. It also would further the theme of making Chapel Hill A Place for Everyone.
- Finding #3 in the next section notes additional purposes of the 2020 Comprehensive Plan which may be achieved through this application, as well as those that would be in conflict with this application.

## **FINDINGS OF FACT**

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance (as stated in Section 4.4) shall not be amended except:

- 1) To correct a manifest error in the chapter; or
- 2) Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- 3) To achieve the purposes of the Comprehensive Plan.

Below is an evaluation of this application based on the three findings. Further information may be presented for the Council’s consideration as part of the public hearing process, and will be included in the record of the hearing.

**Finding #1:** The proposed zoning amendment is necessary to correct a manifest error.

Arguments	No information provided
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**Finding #2:** The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

Arguments in Support	<p>Staff notes that the Comprehensive Plan identifies the site as part of a Focus Area (S MLK Jr Blvd) which suggests it is an appropriate location for investment, improvement, and/or development.</p> <p>Staff notes that the mobile home park is over 35 years old and that since its establishment there has been continued development along the Martin Luther King Jr. Blvd. corridor.</p> <p>The applicant notes that generally, new commercial facilities need more space to meet modern standards, and that over time new commercial uses are becoming in demand in Chapel Hill.</p>
Arguments in Opposition	<p>Staff notes that uses proposed in the application, specifically fuel pumps and self-storage, are typically considered more vehicle-oriented and therefore not complementary to transit service such as BRT.</p>

**Finding #3:** The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.

Arguments in Support	<p>The applicant’s Statement of Consistency suggests that the proposed rezoning would contribute to the following elements of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>• A range of housing options for current and future residents (<i>Goal-Place for Everyone.3</i>)</li> <li>• Balance and sustain finances by increasing revenues and decreasing expenses (<i>Goal-Community Prosperity and Engagement.1</i>)</li> <li>• A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill’s character for residents, visitors, and students. (<i>Goal-Good Places, New Spaces.5</i>)</li> <li>• A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (<i>Goal Getting Around.2</i>)</li> </ul>
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	<ul style="list-style-type: none"> <li>• Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. (<i>Goal-Nurturing Our Community.3</i>)</li> </ul>
<p>Arguments in Opposition</p>	<p>The development proposed in the associated application would retain the existing number of mobile homes in a smaller area by relocating some homes. The relocation plan indicates that several homes would be placed close to the Kings Branch Stream, within the Resource Conservation District (RCD). In addition, the existing community open space for the mobile home park would be removed to accommodate relocated homes. Staff notes that these impacts are in conflict with the following elements of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>• Open and accessible common spaces for community gathering, cultural uses, and community development (<i>Goal-Good Places, New Spaces.7</i>)</li> <li>• Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems (<i>Goal- Nurturing Our Community.2</i>)</li> </ul>



















# PROJECT FACT SHEET







## Project Details

Site Description	
<b>Project Name</b>	1200 MLK (Tarheel Mobile Home Park)
<b>Address</b>	1200 & 1204 Martin Luther King Jr. Blvd.
<b>Property Size (NLA)</b>	13.9 acres
<b>Existing</b>	Mobile home park and service station/convenience store
<b>Orange County Parcel Identifier Numbers</b>	9789-29-7279 and 9789-39-2409
<b>Existing Zoning</b>	Neighborhood Commercial (NC) and Residential-4 (R-4)
<b>Proposed Zoning</b>	Neighborhood Commercial-Conditional Zoning District (NC-CZD) and Office/Institutional-2-Conditional Zoning District (OI-2-CZD) with Planned Development-Housing (PD-H) overlay


## Site Development Standards

Topic	Comment	Status
<b>Development Intensity</b>		
<b>Use/Density (Sec. 3.7)</b>	Mobile home park; Service station/convenience store; Self-storage facility, conditioned	<b>M</b>
<b>Dimensional Standards (Sec. 3.8)</b>	No change proposed	
<b>Floor area (Sec. 3.8)</b>	139,400 sq. ft. commercial, 52,358 sq. ft. residential	
<b>Landscape</b>		
<b>Buffer – North (Sec. 5.6.2)</b>	<i>Required:</i> Internal 20' Type "C"	<b>M</b>
<b>Buffer – East (Sec. 5.6.2)</b>	<i>Required:</i> Internal 10' Type "B"	<b>M</b>
<b>Buffer – South (Sec. 5.6.2)</b>	<i>Required:</i> Internal 20' Type "C"	
<b>Buffer - West (Sec. 5.6.2)</b>	<i>Required:</i> External 30' Type "D"	
<b>Tree Canopy (Sec. 5.7)</b>	<i>Required:</i> 30%	
<b>Landscape Standards (Sec. 5.9.6)</b>	<i>Required:</i> 5' foundation buffer planting strip <i>Required:</i> Landscaped interior islands every 10 spaces	

	<p><i>Required:</i> Maximum distance of 75' that a parking space may be located from a shade tree</p> <p><i>Required:</i> 8' minimum landscaped buffer strip requirement for parking entrance drives</p>	
<b>Environment</b>		
<b>Resource Conservation District (Sec. 3.6)</b>	<p><i>Proposed:</i> Existing Mobile Homes to remain, with new disturbance as follows:</p> <ul style="list-style-type: none"> <li>- <i>Streamside Zone:</i> 4,960 sq. ft.</li> <li>- <i>Managed Use Zone:</i> 11,036 sq. ft.</li> <li>- <i>Upland Zone:</i> 21,468 sq. ft.</li> </ul>	<b>M</b>
<b>Erosion Control (Sec. 5.3.1)</b>	Orange County Erosion Control permit required	
<b>Steep Slopes (Sec. 5.3.2)</b>	<p><i>Required:</i> Disturb &lt; 25% of slopes greater than 25% slope</p> <p><i>Proposed:</i> Disturb 3.6% (1,269 sq. ft.) of slopes &gt; 25%</p>	
<b>Stormwater Management (Sec. 5.4)</b>	No stormwater measures currently on-site; applicant proposes to install measures, inlets, and piping designed to meet or exceed LUMO 5.4 standards	
<b>Land Disturbance</b>	244,335 sq. ft. (40% of site)	
<b>Impervious Surface</b>	271,416 sq. ft. (45% of site)	
<b>Solid Waste &amp; Recycling</b>	Private trash pickup proposed	
<b>Jordan Riparian Buffer (Sec. 5.18)</b>	<i>Proposed:</i> 4,960 sq. ft. of land disturbance; existing Mobile Homes to remain in Jordan Buffer	<b>M</b>
<b>Access &amp; Circulation</b>		
<b>Road Improvements (Sec. 5.8)</b>	Addition of right turn lane into development	
<b>Vehicular Access (Sec. 5.8)</b>	Two points of access proposed at the intersection with Martin Luther King Jr. Blvd.	
<b>Bicycle Improvements (Sec. 5.8)</b>	No improvements proposed	
<b>Pedestrian Improvements (Sec. 5.8)</b>	5' sidewalk proposed along Martin Luther King Jr. Blvd.	
<b>Traffic Impact Analysis (Sec. 5.9)</b>	TIA completed and Executive Summary attached	
<b>Vehicular Parking (Sec. 5.9)</b>	<p><i>Required:</i> 68 commercial, 73 residential</p> <p><i>Proposed:</i> 45 commercial, 158 residential</p>	<b>M</b>
<b>Transit (Sec. 5.8)</b>	Construct a transit stop to accommodate future Bus Rapid Transit service with a shelter	
<b>Bicycle Parking (Sec. 5.9)</b>	<p><i>Required:</i> 10 spaces</p> <p><i>Proposed:</i> 10 spaces</p>	
<b>Electric Vehicle Parking</b>	None proposed	

<b>Parking Lot Standards (Sec. 5.9)</b>	Constructed to Town Standards	
<b>Technical</b>		
<b>Fire</b>	Meet Town Standards	
<b>Site Improvements</b>	As shown on plans	<b>NA</b>
<b>Schools Adequate Public Facilities (Sec. 5.16)</b>	Application must comply	
<b>Inclusionary Zoning Ordinance (Sec. 3.10)</b>	All mobile home units are proposed remain on-site for a minimum of ten years	
<b>Recreation Area (Sec. 5.5)</b>	<i>Required: 27,887 sq. ft. Proposed: 27,887 sq. ft.</i>	
<b>Lighting Plan (Sec. 5.11)</b>	Maximum of 0.3 foot-candles at property line	<b>FP</b>
<b>Homeowners Association (Sec. 4.6)</b>	Yes	

### Project Summary Legend

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