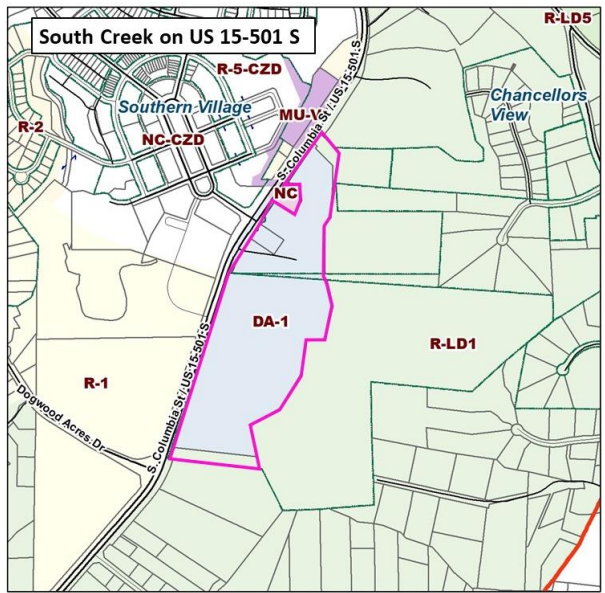




OPEN THE LEGISLATIVE HEARING: CONDITIONAL ZONING APPLICATION FOR SOUTH CREEK LOCATED AT 4511 S. COLUMBIA STREET (PROJECT #CZD-22-1)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
 Britany Waddell, Director
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PROPERTY ADDRESS	MEETING DATE	APPLICANT
4511 S. Columbia Street	April 19, 2023	Beechwood Obey Creek, LLC, and Town of Chapel Hill
STAFF RECOMMENDATION <p>That the Council 1) open the legislative hearing, 2) receive and provide comments on the Conditional Zoning application, and 3) continue the hearing to May 24, 2023.</p>		
ZONING <p><i>Existing:</i> Development Agreement-1 (DA-1) and Residential Low-Density-1 (R-LD1)</p> <p><i>Proposed:</i> Mixed-Use Village-Conditional Zoning District (MU-V-CZD)</p>	PROJECT OVERVIEW <p>This project proposes a mixed-use development on approximately 43 acres of land consisting of:</p> <ul style="list-style-type: none"> 952,866 sq. ft. of floor area 688 residential units (for-sale condominiums and townhouses and for-rent apartments) 88 affordable units Approximately 19,057 sq. ft.–47,643 sq. ft. of nonresidential space On-street, surface, and structured parking Landscaped open spaces and public trails <p>The Transportation Impact Analysis describes necessary improvements for two limited access driveways and a full access driveway at Market Street and US 15-501.</p>	
PROCESS <p>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.</p>	PROJECT LOCATION 	
DECISION POINTS <p><u>Modifications to Regulations:</u> The applicant is requesting modifications for the following:</p> <ul style="list-style-type: none"> Reduce the required proportion of nonresidential floor area in MU-V-CZD Increase land disturbance in the Resource Conservation District Increase steep slopes land disturbance Reduce and modify landscape buffers <p><u>Other Considerations:</u></p> <ul style="list-style-type: none"> The applicant has requested that a recreation payment not be required, given the intent to place land in a conservation easement The applicant proposes at-grade pedestrian crossings of US 15-501, while the Planning Commission recommends a pedestrian tunnel or bridge. The 'North Parking Lot' would not be constructed unless there is demonstrated need at the time Building 12 is built. 		
ATTACHMENTS	<ol style="list-style-type: none"> 1. Technical Report & Project Fact Sheet 2. Draft Staff Presentation 3. Draft Resolution A, Resolution of Consistency and Reasonableness 4. Draft Ordinance A (Approving the Application) 5. Draft Resolution B (Denying the Application) 6. Town Urban Designer Comments 7. Advisory Board Recommendations 8. Draft Applicant Presentation 9. Narrative and Modifications to Regulations (Applicant Request) 10. Applicant Materials 11. Traffic Impact Analysis Executive Summary 	



TECHNICAL REPORT

PROPOSED ZONING

The application proposes applying a Mixed-Use Village-Conditional Zoning District (MU-V-CZD) to the site to accommodate the proposed project.

The Land Use Management Ordinance (LUMO) states the intent of the MU-V-CZD district is *"to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections and transit corridors in Chapel Hill...It is further intended that the mixed-use districts shall encourage development within which mutually supporting residential, commercial and office uses are scaled, balanced, and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian and bicycle circulation systems and mass transit to further reduce the need for private automobile usage."* Additional information on intent is provided in LUMO Section 3.4.6.

The application is consistent with this intent statement in proposing a mix of office, commercial, and residential uses along a highway (US 15-501) and transit corridor (future North-South Bus Rapid Transit). The proposed site plan includes housing in proximity to nonresidential uses with a pedestrian network extending throughout the site.

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal in conjunction with the rezoning, and which allows site-specific standards to be formulated and applied as conditions through a legislative process.

Conditions are typically used to:

- Address conformance of the development with Town regulations and adopted plans.
- Modify use, intensity, and development standards to be more restrictive when addressing impacts reasonably expected to be generated by development.
- Modify intensity and development standards to be less restrictive when accommodating the applicant's proposed site plan (Modifications to Regulations).

SITE CONTEXT

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

- The site consists of 42.8 acres spanning six lots, one of which is currently owned by the Town of Chapel Hill. The property is vacant except for a few derelict houses and accessory structures.
- The site fronts on US Highway 15-501, a North Carolina Department of Transportation (NCDOT) maintained arterial street and major travel corridor in southern Chapel Hill.
- The site is near a planned station for the North-South Bus Rapid Transit (BRT) corridor.

- This site was previously part of the Obey Creek Development Agreement which approved up to 700 units of residential, 475,000 SF of retail, 600,000 SF of office, and 400 hotel rooms and is zoned Development Agreement-1 (DA-1). The applicant proposes to abandon the Obey Creek Development Agreement and have Mixed Use-Village-Conditional Zoning District (MU-V-CZD) approval become the new entitlement.
- The site is adjacent to the following zoning districts and uses:
 - North: The Southern Village Hotel in the Mixed-Use Village-Conditional Zoning District (MU-V-CZD). The site also wraps around an existing church in the Neighborhood Commercial (NC) zoning district.
 - East and South: Existing vacant land in the Residential Low-Density-1 (R-LD1) zoning district.
 - West: Southern Community Park in the Residential-1 (R-1) zoning district and Southern Village in the Residential-5-Conditional Zoning District (R-5-CZD)
- The site contains the following hydrological features:
 - Wilson Creek runs along the eastern edge of the site and flows northward to connect with Morgan Creek with 50-foot Jordan Buffers and 150-foot Resource Conservation District Buffers on each side of the stream.
 - Ephemeral and intermittent streams on the southern portion of the site.
 - Portions of the site are in the 100-Year Floodplain.
 - Existing wetlands on the western and northern portions of the site.
- The site is in the Watershed Protection District.
- The site is moderately steep containing slopes between 12 percent and 30 percent, generally sloping down from US Highway 15-501 to Wilson Creek.
- The land west of Wilson Creek is owned by Beechwood Obey Creek, LLC, but not included in this rezoning application. However, the developer intends to dedicate that area to a conservation easement.

PROPOSED MODIFICATIONS TO REGULATIONS

- 1) Section 3.4.6: Mixed-Use Village-Conditional Zoning District (MU-V-CZD): Land use categories.** Proposed development in the Mixed-Use Village (MU-V) zoning district shall include a mix of office, commercial, and residential uses. A minimum of 25 percent (238,217 square feet) of the total floor area must be devoted to office/commercial uses. The developer is requesting a modification to reduce the requirement from 25 percent to as low as 2 percent (19,057 square feet) of total floor area as office/commercial.

Staff Comment: MU-V-CZD is intended to provide for the coordinated development of office, commercial, and residential uses, and their necessary support functions in the vicinity of key highway intersections and transit corridors in Chapel Hill. It also encourages scaled and balanced, mutually supporting residential, commercial, and office uses within the development.

The applicant notes the need for more housing in Chapel Hill, and states their intent is to incorporate office and commercial uses that complement the residential program. Staff notes that the proximity of the site to Southern Village would still provide residents with access to shopping and amenities, provided the multimodal connections across 15-501 are thoughtfully designed. Additional justification is provided in the applicant's statement on Modifications to Regulations.

- 2) Section 3.6.3: Resource Conservation District (RCD) Land Disturbance:** No more than 40 percent of land area in the Upland Zone shall be disturbed without a modification to regulation or variance. The applicant proposes up to 55 percent of Upland Zone land disturbance.

Staff Comment: RCD regulations are intended to preserve the water quality of the town's actual or potential water supply sources, minimize danger to lives and properties from flooding in and near the watercourses, preserve the water-carrying capacity of the watercourses, protect watercourses from erosion and sedimentation, retain open spaces and greenways and protect their environmentally-sensitive character, preserve urban wildlife and plant life habitats from the intrusions of urbanization, provide air and noise buffers to ameliorate the effects of development, and preserve and maintain the aesthetic qualities and appearance of the town.

The applicant notes that a majority of disturbance is associated with constructing stormwater management facilities. In addition, disturbance would only occur on the west side of Wilson Creek if there is conservation of land to the east. Additional justification is provided in the applicant's statement on Modifications to Regulations.

- 3) Section 5.3.2: Critical Areas: Steep Slopes Land Disturbance.** No more than 25 percent of areas containing slopes 25 percent or greater shall be disturbed without a modification to regulation or variance. Approximately 10 percent (186,436 square feet) of the site contains slopes 25 percent or greater. The developer proposes to disturb approximately 93,218 square feet (up to 50 percent) of those areas.

Staff Comment: Steep slopes regulations are intended to protect water bodies (streams and lakes) and wetlands from the effects of erosion on water quality and water body integrity; protect the plant and animal habitat of steep slopes from the effects of land disturbance; and preserve the natural beauty and economic value of the town's wooded hillsides.

Staff notes that while steep slopes would be disturbed, the overall landform of the site is proposed to remain generally sloping with buildings terraced into the hillside. This is generally preferable to large, flat areas for meeting the intent of steep slope regulations. Additional justification is provided in the applicant's statement on Modifications to Regulations.

- 4) Section 5.6: Landscaping, screening, and buffering: Required buffers.** The table below shows the buffers required and proposed buffers for this development.

Location	Required	Proposed
East (adjoining wooded property and stream zoned R-LD1)	Type 'B' 10 ft.	Maintain existing vegetation, provide 10 ft. minimum width and meet canopy tree planting requirements. No understory tree or shrub planting requirements.
West (15-501 frontage)	Type 'D' 30 ft.	Modified variable width buffer, minimum 5 ft. width, with minimum planting counts as shown on plans
North (around existing church)	Type 'B' 10 ft.	Modified Type 'B' buffer, minimum 10 ft. width, with minimum planting counts as shown on plans

Staff Comment: Buffers are required to separate a proposed development from adjacent major streets and different adjacent land uses or zoning designations to minimize potential nuisances like noise, dust, odor, litter, and glare of lights. Buffers are also intended to reduce the visual impact of unsightly aspects of adjacent development, provide for the separation of spaces, and to establish a sense of privacy.

Staff notes that the modifications for the eastern buffer, near Wilson Creek, are consistent with typical practices for using existing, mature vegetation as a buffer. The proposed modifications along 15-501, meanwhile, offer opportunity for a more activated street frontage, where buildings are more visible but enhanced by landscape material. Additional justification is provided in the applicant's statement on Modifications to Regulations.

Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.4.5 of the LUMO. Staff believes that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the developer's alternative is to revise the proposal to comply with the regulations.

OTHER CONSIDERATIONS

Recreation Payment: The applicant requests Council to waive the payment equivalent to 25 percent of the required recreation area that it typically required for Conditional Zonings. The applicant notes that their intent to dedicate the area west of Wilson Creek into a conservation easement could satisfy the public purposes of a recreation payment to an equivalent or greater degree.

Crossing of US 15-501: There is consensus that safe and adequate pedestrian crossings of US 15-501 are needed, given the proximity of this site to Southern Village and Southern Community Park. Staff recommends ongoing coordination with the applicant and the North Carolina Department of Transportation (NCDOT) for signalized at-grade crosswalks at Market Street/Site Access Drive #2 and Sumac Drive/Site Access Drive #3, with the existing median providing opportunity for pedestrian refuge.

The Planning Commission recommends a pedestrian bridge or tunnel to provide grade-separated crossing of US 15-501 for enhanced safety and walkability. Staff has concerns around the cost and feasibility of such a facility, given the necessary coordination with NCDOT, as well as the possibility that many pedestrians would still cross at grade.

North Parking Lot: Staff evaluated the amount of vehicular parking proposed and worked with the applicant on solutions to avoid excessive parking. The applicant has agreed to a condition that the 'North Parking Lot', located north of Building 12 and behind the existing church, would not be constructed unless there is demonstrated need for the additional parking. This would be evaluated and approved by the Town at the time of Final Plans submitted for Building 12.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

North Carolina General Statute 160D-605 requires the Town Council to consider a statement of Plan consistency when reviewing any Zoning Atlas Amendment. Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](http://www.townofchapelhill.org/home/showdocument?id=15001)¹, the standards of the [Land Use Management Ordinance](https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA)², and the [Town of Chapel Hill, NC : Design Manual and Standard Details](http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details)³ and provides the following evaluation of consistency for the South Creek:

	Description of Plan Element	Staff Evaluation
Land Use Category	<p>The Future Land Use Map (FLUM) designation of the site reflects the previous Obey Creek Development Agreement, calling for commercial and high-density residential uses.</p> <p>Chapel Hill 2020 identifies this site as Area 6: South 15-501 and Areas 1 and 2 within this subarea:</p> <ul style="list-style-type: none"> • Meet community needs with new development (mixed use) focused on commercial rather than residential (Area 1) • Promote architectural diversity and quality with design guidelines (Area 1) • Emulate design principles of market area of Southern Village, including building height restrictions (Area 1) • Promote greenways, particularly along and near creeks (Areas 1, 2, and 3) • Utilize clustered, compact development to maximize open space preservation (Areas 1 and 2) • Provide corridor buffer along 15-501, allowing for visibility and access to retail or commercial development (All areas) • Encourage clustered retail development including any new development toward the county line (Area 1 and county line) • Maximize permanent preservation of open space (Areas 2 and 3) <p>The site is also identified as a potential school site and potential affordable housing site.</p>	<p>The proposed rezoning is consistent with the character envisioned by the FLUM because the proposed zoning district emphasizes concentrating density and development on the west side of the stream. This has allowed the applicant to provide access to a multi-modal path and transit routes along US 15-501 as well as trails throughout the site. While the east side of the stream is not included in this rezoning request, the applicant proposes to dedicate a conservation easement to protect the approximately 80 acres on the east side of the stream as open space.</p> <p>Mixed use and nonresidential buildings will frame Public Road B that aligns with Market Street on the west side of US 15-501.</p> <p>Zoning conditions can limit the scale of development such that the higher density development supported by the FLUM remains consistent with the density, heights, and character of surrounding neighborhoods.</p>

¹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

² https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

³ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

Building Height	The FLUM does not provide height guidance outside of the Focus Areas. Chapel Hill 2020 does recommend recognizing and honoring the spirit of the 1992 Southern Small Area Plan. One of the goals of this plan was to maintain the beauty and character of the area by ensuring that buildings are aesthetically integrated with the topography and prohibiting strip commercial development along 15-501.	The applicant proposes to build the multi-family and mixed-use buildings on the lower elevation areas of the site. This allows for more height at the back of the building and helps mitigate the perceived heights of the buildings as lower levels are at least partly below grade.
Mobility And Connectivity	The Mobility and Connectivity Plan calls for a multi-use path to be constructed along the frontage along 15-501.	The applicant proposes to construct a new multi-use path along the 15-501 Frontage.
Greenway Master Plan	A planned greenway is identified along Wilson Creek. It recommends Class 6 trail from the vicinity of the Southern fire station southward to Wave Road. It also recognizes that US 15-501 is an impediment to pedestrian and bicycle interconnectivity in the southern area and solutions should be sought by any large-scale development.	<p>The applicant proposes to construct a multi-use path and pedestrian crossing at Public Road A across US 15-501.</p> <p>Additionally, a new internal trail system will loop the property and connect to the internal street system. The applicant will provide stub outs for future trail connections to the greenway system.</p> <p>Zoning conditions can address what trail and bike/ped improvements are needed to conform to adopted plans.</p>
Climate Action and Response	The Climate Action and Response Plan identifies Sustainable Development as a top strategy to reduce our community carbon footprint and build resiliency. The Transportation and Land Use chapter calls for creating walkable, bikeable, transit-served neighborhoods through strategies such as supportive zoning and integrated land use – transportation planning.	The applicant is proposing a well-connected mixed-use neighborhood that will include a range of housing types from townhouses to multi-family buildings. The neighborhood has access to transit, trails, greenways, and a new multi-modal path along US 15-501. The applicant also proposes electric vehicle charging stations, an energy-efficient transit shelter, as well as landscaping, building materials, and design elements that will reduce opportunities for heat island effect.

Chapel Hill 2020 Goals	<p>Opportunities for this application to support goals of Chapel Hill 2020 include:</p> <ul style="list-style-type: none"> • The applicant proposes to construct 688 new housing units including townhouses, condominiums, and an apartment building. This contributes to a range of housing options for current and future residents. (<i>A Place for Everyone.3</i>) • The multi-use path, proposed internal street connectivity, and access to 15-501 promote a safe, vibrant, and connected community. (<i>Community Prosperity and Engagement.3</i>) • The new housing units are within walking distance to public transit routes along US 15-501 and the multi-modal pathway will connect with nearby trails and greenway that promote alternative forms of transportation. (<i>Getting Around.1</i>) • Proposed sidewalks, multi-use path, trails, and access to bus routes along US 15-501 offer multimodal access to employment, parks, schools, services, and shopping. Alternative modes of transportation promote air quality, sustainability, and energy conservation. These strategies align with the theme of <i>Getting Around</i>. • The proposed project is adjacent to Southern Village and provides opportunities for housing, office and commercial spaces, green open spaces, trail connections, and other gathering spaces that align with the goal of <i>Good Places, New Spaces</i>. • The applicant proposes expanding housing opportunities adjacent to an existing neighborhood, evolving Chapel Hill's character for residents, and shaping land use in a way that supports community. These elements align with the theme of <i>Good Places New Spaces</i>. • Reducing carbon footprint and environmental impacts of development through its design, connections to alternative forms of transportation, and concentrating developments to protect 80 acres of natural open space to the east of the stream protects neighborhoods from the impacts of development but also conserves the natural environment. This aligns with the theme of <i>Nurturing Our Community</i>. 	
Southern Small Area Plan (1992)	<p>Chapel Hill 2020 includes a principle to honor the spirit of the Southern Small Area Plan from the early 1990s. Goals within this plan include:</p> <ul style="list-style-type: none"> • Protecting environmentally sensitive areas including steep slopes and the Resource Conservation District (RCD). • Preserving the natural beauty of the area • Protecting the character of the area, including natural views and vistas, wildlife, and historic areas. • Protecting existing neighborhoods by preventing undue disruptions and providing density transitions and vegetative buffers. • Providing a range of housing at different densities, housing types, and cost points. • Limiting increased traffic by encouraging walkability, use of transit, and multimodal transportation. 	<p>The applicant proposes a mixture of housing types and uses, along with multi-modal improvements.</p> <p>The new development will be located to the west of the stream along 15-501.</p> <p>Though not part of their CZD application, the applicant proposes to preserve approximately 80 acres on the east side of the site that includes a stream, RCD, steep slopes, and wooded habitat areas. These 80 acres contains environmentally sensitive areas, and is conservation maintains the natural beauty of the site.</p>

	<ul style="list-style-type: none"> • Maintaining the beauty and character of the area. • Ensuring the development incorporates bicycle and pedestrian systems as well as mass transit systems. 	
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REASONABLENESS OF THE ZONING ATLAS AMENDMENT

Reasonableness is determined by comparing the scale of permissible development under the proposed zoning district to the scale permitted under existing zoning, and by considering characteristics of the site and its surroundings. North Carolina General Statute 160D-605 requires the Town Council to consider a statement of reasonableness when reviewing any Zoning Atlas Amendment.

The analysis below considers the applicant's proposed zoning district and overall proposed use program. Specific characteristics of the development proposal, compliance with regulations, and appropriate conditions to address potential impacts of the development are evaluated elsewhere.

Supporting Factors

- The proposed zoning of Mixed-Use Village-Conditional Zoning District (MU-V-CZD) is appropriate as it facilitates a mix of uses, including commercial and retail uses, as proposed by Chapel Hill 2020.
- The rezoning also facilitates the construction of residential units, and based on recent studies, Chapel Hill needs to create more housing units to meet the housing demands of our workforce.
- Provision of affordable housing in this location aligns with multiple themes of Chapel Hill 2020.
- The proposed Conditional Zoning district would be similar in residential density to the development approved under the Obey Creek Development Agreement but would allow less overall square footage when including nonresidential uses.
- Zoning conditions are an inherent part of the proposed zoning district (it is only available as a CZD). Conditions provide an opportunity to limit intensity and to establish standards that address any impacts on surrounding properties.

Other Considerations

- The proposed change in zoning district would allow up to 20 dwelling units/acre; however, the applicant is proposing a density of 15 dwelling units/acre. The Obey Creek Development Agreement associated with existing DA-1 zoning proposed a density of about 6.3 units per acre. The underlying Residential Development-Low Density-1 (R-LD-1) zoning district has a density cap of 1 unit/acre.
- Further analysis and/or zoning conditions may be needed to determine whether adequate pedestrian connectivity, vehicular access, and transit service are in place to support the proposed zoning.
- Existing regulations include measures for protecting environmental features such as steep slopes and the stream corridor. Zoning conditions may be useful for enhanced protection, if warranted by further environmental analysis.
- Zoning conditions would be useful to ensure that performance expectations for mixed use development are achieved.

FINDINGS OF FACT

Staff provides the following evaluation of the application under the three Findings of Fact identified in LUMO Section 4.4. LUMO states that the Zoning Atlas shall not be amended unless at least one of the Findings are made.

FINDING #1: The proposed zoning amendment is necessary to correct a manifest error.	
Arguments	To date, no arguments in support or in opposition have been submitted or identified by staff.
Staff Evaluation	There appears to be no manifest error in the Town's Zoning Atlas.

FINDING #2: The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.	
Arguments	<p>Staff notes that affordable housing and greater variety of housing types, including condos and townhouses, are significant needs for Chapel Hill that have grown over time.</p> <p>To date, no arguments in opposition have been submitted or identified by staff.</p>
Staff Evaluation	The Council could make the finding that the proposed zoning amendment is necessary because of changing conditions in Chapel Hill.

FINDING #3: The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.	
Arguments	<p>Staff notes that the Conditional Zoning application could contribute to the purposes of the Comprehensive Plan through the following:</p> <ul style="list-style-type: none">• Facilitating development that implements the Land Use Category designated on the Future Land Use Map.• Supporting goals of Chapel Hill 2020 including <i>A Place for Everyone, Community Prosperity and Engagement, Getting Around, Good Places-New Spaces, and Nurturing Our Community.</i> <p>To date, no arguments in opposition have been submitted or identified by staff.</p>
Staff Evaluation	The Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.






PROJECT FACT SHEET




Project Details

Site Description	
Project Name	South Creek
Address	4511 and 4210 S. Columbia Street
Property Size (NLA)	1,864,355 sq. ft. (42.8 acres)
Gross Land Area (GLA)	2,050,790 sq. ft. (47.1 acres)
Orange County Parcel Identifier Numbers	9787130667, 9787144852, 9787244637, 9787130667, 9787241209 (Town-owned parcel), 9787244637
Existing Zoning	Development Agreement-1 (DA-1), Residential-Low Density-1 (R-LD1)
Proposed Zoning	Mixed-Use Village-Conditional Zoning District (MU-V-CZD) arterial

Site Development Standards


Topic	Comment	Status
Development Intensity		
Use (Sec. 3.7)	<i>Proposed Use:</i> Multifamily dwelling units, over 7 units; Single-family dwelling units (townhomes); bank; barber shop/beauty salon; business-convenience; business-general; business, office-type; child/adult day care facility; clinic; recreation facility: commercial; personal service; customary accessory uses	✓
Inclusionary Zoning Ordinance (Sec. 3.10)	<i>Required total:</i> 83.25 total affordable units <i>Condos (for-sale):</i> 69.9 units <i>Townhomes (for-sale):</i> 13.35 units <i>Proposed total:</i> 88 affordable units <i>Condos (for-sale):</i> 60 units <i>Townhomes (for-sale):</i> 13 units <i>Apartments (for-rent):</i> 15 units provided on voluntary basis	FP
Density (Sec. 3.8)	<i>Residential density:</i> 20 units per acre maximum <i>Proposed:</i> 15 units per acre	✓
Dimensional Standards (Sec. 3.8)	<i>Setbacks:</i> 0 ft. street, 0 ft. interior, 20 ft. solar – all minimums <i>Proposed:</i> Setbacks comply <i>Setback (primary) height:</i> 70 ft. maximum <i>Proposed:</i> Setback (primary) building heights will comply <i>Core (secondary) height:</i> 114 ft. maximum <i>Proposed:</i> 52 ft.	✓
Floor area (Sec. 3.8)	<i>Maximum allowed:</i> 1,704,858 sq. ft. <i>Proposed:</i> 740,114 sq. ft. (excluding townhomes)	✓
Land Use Mix (Sec. 3.4.6)	<i>Minimum:</i> 25% residential floor area and 25% non-residential floor area <i>Proposed:</i> 2% to 5% non-residential floor area	M

Landscape					
Buffers (Sec. 5.6.2)		<u>Adjacent Use/Zoning</u>	<u>Required</u>	<u>Proposed</u>	M
	South:	Vacant land / R-LD1	20 ft. Type C	20 ft. Type C	
	North:	Church	10 ft. Type B	Variable width and modified planting count	
	East:	Vacant land / R-LD1	20 ft. Type C	Maintain existing vegetation	
	West:	US 15-501 (arterial)	30 ft. Type D	Variable width and modified planting count	
Tree Canopy (Sec. 5.7)	Minimum required: 745,742 sq. ft. (40% of NLA) Proposed: Application will comply				FP
Parking Landscape Standards (Sec. 5.9.6)	Final Plans application must comply				FP
Environment					
RCD Dimensional Standards (Sec. 3.6.3)	Impervious surfaces: Required: 10% of Stream Side zone area, maximum 20% of Managed Use and Upland zone areas, maximum Proposed: <ul style="list-style-type: none">Stream Side Zone: 2,751 sq. ft. (less than 1%)Upland Zone: 8,003 sq. ft. (5%) Land disturbance: Required: 20% of Stream side zone area, maximum 40% of Managed Use and Upland zone areas, maximum Proposed: <ul style="list-style-type: none">Stream Side Zone: 34,031 sq. ft. (12%)Managed Use Zone: 2,087 sq. ft. (1%)Upland Zone: 76,750 sq. ft. to 81,172 sq. ft. (52% to 55%)				M
Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required				FP
Steep Slopes Land Disturbance (Sec. 5.3.2)	Maximum Disturbance allowed: 25% of areas with existing 4:1 slopes or greater Proposed: 47% to 50% of steep slope areas				M
Stormwater Management (Sec. 5.4)	Meet or exceed LUMO standards				FP
Land Disturbance	Proposed: 1,373,643 sq. ft.				
Impervious Surface	Existing: 6,400 sq. ft. (0.3%) Maximum allowed: 1,435,553 sq. ft. (70%) Proposed: 733,239 sq. ft. (40%)				
Solid Waste & Recycling (Sec. 5.13)	Application must comply				FP
Jordan Riparian Buffer (Sec. 5.18)	Application must comply				FP
Access & Circulation					
Traffic Impact Analysis (Sec. 5.8)	TIA completed				

Road Improvements (Sec. 5.8)	The developer proposes improvements to US 15-501 to accommodate the proposed vehicular access points. The developer also proposes to construct internal roads meeting Town standards with the intent of public dedication.	FP
Vehicular Access (Sec. 5.8)	Primary vehicular access points proposed where Sumac Road and Market Street intersect with US 15-501. A third access point is proposed at the north end of the site. NCDOT is supportive of a full movement access at Market Street and a directional median crossover at Sumac Road.	FP
Bicycle Improvements (Sec. 5.8)	The developer proposes a multi-modal trail along US 15-501 and a 10 ft. internal trail along the stream buffer.	
Pedestrian Improvements (Sec. 5.8)	The developer proposes a multi-modal trail along US 15-501 as well as internal sidewalks and trails throughout the site.	
Transit Improvements (Sec. 5.8)	A BRT station is identified at the intersection of Market Street and US 15-501. A \$100,000 payment will be required for the BRT station.	C
Off-street Vehicular Parking (Sec. 5.9)	<p><i>Minimum required by use:</i> <i>Multifamily dwellings (excluding townhomes):</i> 356 spaces <i>Business-convenience:</i> 34 spaces <i>Business-office type:</i> 9 spaces <i>Business general:</i> 27 spaces <i>Minimum total required (excluding townhomes):</i> 426 with 9 accessible spaces (reflects 50% allowable parking reduction for MU-V district)</p> <p><i>Maximum off-street parking allowed (excluding townhomes):</i> 1,095 spaces</p> <p><i>Proposed (excluding townhomes):</i> 843 spaces 698 structured parking spaces, within residential buildings 145 surface parking spaces, including North Parking Lot if constructed</p> <p>Applicant also proposes 188 on-street parking spaces</p>	
Bicycle Parking (Sec. 5.9)	<p><i>Minimum required by use:</i> <i>Multifamily dwellings (excluding townhomes):</i> 147 spaces <i>Business-convenience:</i> 17 spaces <i>Business-office type:</i> 19 spaces <i>Business general:</i> 12 spaces <i>Minimum total required (excluding townhomes):</i> 195 spaces</p> <p><i>Proposed:</i> Application must comply</p>	FP
Electric Vehicle Parking	Applicant acknowledged electric vehicular parking spaces will be provided	FP
Parking Design Standards (Sec. 5.9)	Application must comply	FP
Loading (Sec 5.9)	Application must comply	FP
Technical		
Fire	Built to Town Standards	FP

Recreation Area (Sec. 5.5)	<i>Minimum required:</i> 94,336 sq. ft. <i>Proposed:</i> 100,140 sq. ft. on-site Recreation payment requested equivalent to 25% of required recreation area, or \$283,003.	C
Lighting Plan (Sec. 5.11)	Built to Town Standards; not to exceed 0.3 footcandles at property line	FP
Signage (Sec. 5.14)	Built to Town Standards	FP
Schools Adequate Public Facilities (Sec. 5.16)	Application must comply	FP
Homeowners Association (Sec. 4.6)	An entity must be designated to be legally responsible for maintenance and control of common land areas associated with the townhouse development.	FP

Project Summary Legend

Symbol	Meaning
	Meets Requirements
M	Seeking Modification
C	Requires Council Endorsement
FP	Required at Final Plans
NA	Not Applicable