

ORDINANCE A

(Approving the Conditional Zoning Modification)

AN ORDINANCE MODIFYING THE PREVIOUSLY APPROVED RESIDENTIAL–SPECIAL STANDARDS–CONDITIONAL ZONING DISTRICT (R-SS-CZD) FOR HOMESTEAD GARDENS LOCATED AT 2200 HOMESTEAD ROAD (PROJECT #MOD-23-6) (2023-X-X/O-X)

WHEREAS, the Council of the Town of Chapel Hill previously considered and approved a Mixed Use Village-Conditional Zoning District for Homestead Gardens located at 2200 Homestead Road on May 19, 2021, and

WHEREAS, the Council of the Town of Chapel Hill has considered the modification to the Conditional Zoning District submitted by Thomas & Hutton, on behalf of both Town of Chapel Hill (Owner) and Self-Help Ventures Fund (Developer), for the property located at 2200 Homestead Road and identified as Orange County Parcel Identifier Number 9870-91-2947 to allow a multi-family dwelling unit community and finds that the modification is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (*Goal: Create a Place for Everyone.1*)
- A range of housing options for current and future residents (*Goal: Create a Place for Everyone.3*)
- Promote a safe, vibrant, and connected (physical and person) community (*Goal: Support Community Prosperity and Engagement.3*)
- 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 (*Goal: Develop Good Places, New Spaces.5*)
- Open and accessible common spaces for community gathering, cultural uses, and community development (*Goal: Develop Good Places, New Spaces.7*)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (*Goal: Nurture Our Community.2*)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (*Goal: Nurture Our Community.8*)
- Promote access for all residents to health-care centers, public services, and active lifestyle opportunities (*Goal: Grow Town and Gown Collaboration.6*)

WHEREAS, the application, if rezoned according to the district-specific plan dated October 16, 2023, and the conditions listed below would:

- 1) Conform with the applicable provisions of the Land Use Management Ordinance and Town Code
- 2) Conform with the Comprehensive Plan
- 3) Be compatible with adjoining uses
- 4) Mitigate impacts on surrounding properties and the Town as a whole
- 5) Be harmonious with existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities

- 6) Be harmonious with natural systems such as hydrology, topography, and other environmental constraints

MODIFICATIONS TO REGULATIONS

WHEREAS, the Council of the Town of Chapel Hill finds, in this particular case, that the proposed development with the following requested modifications to regulations satisfies public purposes to an equivalent or greater degree:

- 1. LUMO Section 3.6.3 Land Disturbance in the Resource Conservation District (RCD):** Exceed the maximum allowable Land Disturbance in the RCD per the table below.

	Proposed	Land Uses
Upland Zone	12,600 SF (56.4%)	Nature trail, retaining wall, and stormwater mitigation pond
Managed Use Zone	9,350 SF (55.3%)	Grading for access route, storm pond

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the land disturbance and impervious surface is for the construction of a stormwater mitigation pond, nature trail, as well as a retaining wall that facilitates the construction of two duplex dwellings.

- 2. LUMO Section 5.9.7 Minimum and Maximum Off-Street Parking Requirements.** Reduce the minimum number of parking spaces provided on-site to 85% of the minimum required and provide a maximum of 107 spaces.

	Allowable	Proposed
Vehicular Parking	Min. 126 spaces Max. 160 spaces	85% of the minimum parking spaces required and a maximum of 107 spaces

The reduction to the minimum and maximum required number of parking spaces is due to the developer reducing the overall footprint of the project, providing three (3) parking spaces for community vans that provide alternative transportation options for residents, and parking demands demonstrated at nearby affordable housing projects.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because additional vehicular parking spaces would require increasing impervious surface and land disturbance.

CONDITIONAL ZONING DISTRICT MODIFICATION

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill finds, in this case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the intent and purposes of Residential–Special Standards–Conditional Zoning District (R-SS-CZD).

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the following conditions are hereby incorporated by reference:

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by a date precisely two years from the date of this approval or the land shall revert to its previous zoning designation. [LUMO 4.4.5(f)]
2. Consent to Conditions: This approval is not effective until the property owner provides written consent to the approval. Written consent must be provided within ten (10) days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment Modification authorizes the following:

Land Use Intensity Multi-Family/Townhouse Development	
Gross Land Area	569,445.16 sf
Maximum Floor Area	130,385 sf
Permitted Dwelling Units	65-103
Minimum Affordable Units	100%
Maximum Impervious Surface Area	222,603 sf
Maximum Land Disturbance	470,000 sf
Minimum Tree Canopy Coverage	128,100 sf (30% of NLA)
Maximum Parking Spaces	107
Minimum Recreation Area	29,570 sf
Resource Conservation District Upland Zone land disturbance	12,600 sf (56.4%)
Resource Conservation District Managed Use Zone land disturbance	9,350 sf (55.3%)
Resource Conservation District Streamside Zone land disturbance	14,675 sf (16.5%)

4. Homestead Road Improvements & Construction Mitigation: The developer shall coordinate with the Town's Homestead Road Improvement Project on construction access as well as roadway and pedestrian connections.
5. Greenway Easement: Prior to issuance of a Zoning Compliance Permit, the developer shall submit plans showing a dedicated twenty-foot-wide easement for the greenway trail. Final design and construction details must be approved by the Town Manager.
6. Access to Community Gardens: Prior to issuance of a Zoning Compliance Permit, the developer shall receive approval from the Parks & Recreation Department for the surface treatment of the trail connection between the community garden and the proposed greenway.
7. Jordan Buffer Authorization Letter: Prior to submission of the final plans application, the developer shall provide the Jordan Buffer Authorization Letter issued by the State of North Carolina.
8. Existing Permit: The existing Conditional Zoning District dated May 19, 2021, on file at the Town of Chapel Hill Planning Department, and which was recorded in the Orange County Register of Deeds (Deed Book 6745, Page 514-527) remains in effect except as modified by this ordinance.
9. Continued Validity: Continued validity and effectiveness of this approval shall be

expressly conditioned on the continued compliance with the plans and conditions listed above.

10. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Conditional Zoning District Modification for Homestead Gardens located at 2200 Homestead Road.

This the ____ day of _____, 2023.