

# TECHNICAL REPORT



## **ZONING ATLAS AMENDMENT AND LAND USE PLAN AMENDMENT ANALYSIS: FIRE STATION TRAINING CENTER, 6902 MILLHOUSE ROAD**

The following Technical Report provides a staff analysis of the Zoning Atlas Amendment application based on long-range planning considerations, identifying arguments in favor and arguments opposed. The application would effect a change to permitted types and intensities of land uses, as determined by the site's zoning and Land Use Plan designation.

<b>PROPERTY ADDRESS</b> 6902 Millhouse Rd	<b>APPLICANT</b> Town of Chapel Hill
<b>CURRENT ZONING DISTRICT</b> Mixed Use-Residential-1 (MU-R-1)	<b>PROPOSED ZONING DISTRICT</b> Office/Institutional-1 (OI-1)
<b>2020 LAND USE PLAN DESIGNATION</b> Rural Residential, 1 unit/5 acres  <b>Proposed Land Use Plan Amendment:</b> Institutional	<b>2020 FUTURE FOCUS AREA</b> Area 2: N MLK Jr Blvd/I-40
<b>OTHER APPLICABLE ADOPTED PLANS</b> Northern Area Task Force Report – within Study Area, but no recommendations for land use, mobility, or environment affecting this site.	
<b>SUMMARY OF ARGUMENTS IN FAVOR</b> <ul style="list-style-type: none"><li>• The proposed land use designation (Institutional) is consistent with existing land uses found on adjacent properties;</li><li>• Public ownership of the site offers more direct control over future use, including the opportunity to provide community benefits;</li><li>• Placing institutional uses on this site which are infrequently visited by members of the public creates an opportunity to develop more centrally located sites in Chapel Hill for more appropriate purposes. In addition, if such institutional uses were less harmonious with residential uses, this would support Comprehensive Plan goals for protecting neighborhoods from the impact of incompatible development;</li><li>• Development potential for the site (density, floor area, and height) under the proposed rezoning would not increase over existing zoning, based on the option to develop a more intense mix of uses under the existing MU-R-1 zoning;</li><li>• The site is in close proximity to the Millhouse Enterprise Zone, which has a land use designation that supports more activity in the general area including light industrial uses. This is further supported by recently approved rezonings in the Enterprise Zone;</li><li>• Recently built and proposed transportation improvements nearby support access to the site.</li></ul>	
<b>SUMMARY OF ARGUMENTS OPPOSED</b> <ul style="list-style-type: none"><li>• No arguments opposed have been identified at this time, except that the proposed rezoning would not be considered compatible with the 2020 Land Use Plan if the associated Plan Amendment were not approved.</li></ul>	

### **APPLICANT PROPOSAL**

The applicant proposes rezoning to the OI-1 district in order to support installation of a temporary live fire training facility on the site. As noted in the Project Narrative: "We are requesting the property be re-zoned to OI-1 which will allow for the placement and use of the facility on the zoning lot."

The Office/Institutional-1 (OI-1) Zoning District can be characterized by the following standards:

- Section 3.3.7 of the Land Use Management Ordinance states that "the office/institutional-1 (OI-1) district is intended to provide for low-intensity office and institutional development and, where appropriate, to serve as a transition between residential zoning districts and high-intensity nonresidential zoning districts."

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- Permitted uses for the OI-1 district, as established in LUMO Table 3.7-1, include (but are not limited to) offices and institutional uses; some types of services and businesses; hotel/motel; single-family and multifamily residential; research activities; and public facilities including public service facilities. The existing MU-R-1 zoning generally limits uses to single-family residential along with certain institutional uses and public facilities. However, a site of at least 20 acres in the MU-R-1 district may include a mix of office, residential, and commercial uses, provided a series of standards are met (see LUMO 3.5.1(f)).
- Dimensional standards for the OI-1 district, as established in LUMO Table 3.8-1, include a maximum Residential Density of 10.0 units/acre, a maximum Floor Area Ratio of 0.264, minimum setbacks of 24 (street) and 8 (interior) feet, and maximum Building Height of 29 (setback) to 60 (core) feet. Given the opportunity available to develop a mix of uses under the existing zoning, the proposed rezoning would result in less development potential for the site. The existing MU-R-1 zoning, for development that does not meet the standards for a mix of uses, has a considerably lower allowable Density (3.0 units/acre) and Floor Area Ratio (0.076) with similar required setbacks and lower permitted heights. However, development with a mix of uses in the MU-R-1 district has a maximum density of 15 units/acre and Floor Area Ratio of 0.429, minimum setbacks of 50 feet (perimeter) and 0 feet (internal), and a maximum core height of 90 feet.
- Other design and development standards as established in LUMO Article 5, including landscape buffers, signage, and stormwater management, are generally the same for both the OI-1 and MU-R-1 districts. However, development with a mix of uses in the MU-R-1 district has lower parking ratios and additional standards for site analysis and design criteria for outparcels.

## **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 is adjacent to other properties zoned Mixed Use–Residential-1 (MU-R-1), located to the north, south, and east of the site.
- Uses of adjacent properties include Town of Chapel Hill facilities for Transit and Public Works (the Town Operations Center), along with undeveloped land.
- Property to the west of the site, across Millhouse Road, falls outside of the Chapel Hill Extraterritorial Planning Jurisdiction (ETJ) and is subject to Orange County Zoning.
- The site falls outside of Chapel Hill Municipal Limits but within the Urban Services Boundary.
- The site is owned by the Town of Chapel Hill. This ownership situation offers the Town more direct control over future use of the site and creates opportunity to develop the site in a way that provides community benefits.
- The site is in close proximity to the Millhouse Enterprise Zone, located along Millhouse Road north of Eubanks Road, which encourages a variety of creative, job-creating uses such as research, light manufacturing, light food processing, and flex space.

## **PROPOSED LAND USE PLAN AMENDMENT**

To support the proposed rezoning, staff has determined that it will be necessary to amend the Chapel Hill 2020 Land Use Plan and apply the Institutional designation to this site. Doing so would allow the proposed zoning to be considered compatible with the site's land use designation. An amendment to the Land Use Plan is a separate action from a Zoning Atlas Amendment. However, if the two actions are mutually supportive they may be reviewed concurrently and considered at the same Public Hearing.

The Land Use Management Ordinance specifies four (4) criteria for review of a Land Use Plan Amendment proposal. Staff provides the following evaluation of how these criteria are met:

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- (1) Consistency with the goals and policies of Chapel Hill 2020, including Plans adopted as additions:
  - The goals of the Comprehensive Plan listed under Findings of Fact, Finding #3 would be supported by both the proposed Land Use Plan Amendment and proposed rezoning.
- (2) Addressing significantly changed conditions since the last time the Land Use Plan was adopted and/or amended:
  - The land use designations for this area of Chapel Hill were determined as part of the 2000 Land Use Plan (and carried forward in 2012 as part of Chapel Hill 2020). Since 2000, this area of Millhouse Road has seen an increasing concentration of local government facilities through development of the Town Operations Center just north of the subject site. These facilities are best categorized on the Land Use Plan as Institutional uses.
  - Based on continued growth and development in Chapel Hill, there is value in moving certain Institutional uses (those infrequently visited by members of the public) to more remote locations such as the subject site. Doing so creates opportunity for more fitting and appropriate use of centrally located properties.
  - The Millhouse Enterprise Zone was established for six parcels south of the subject site through a Land Use Plan Amendment in 2017. This decision indicates community support for more activity in this area, including intensive uses such as light industrial. Subsequently, several properties in the Millhouse Enterprise Zone have been rezoned to Light Industrial (LI-CZD).
  - The widening of Eubanks Road nearby and the proposed transportation improvements associated with rezonings in the Millhouse Enterprise Zone provide infrastructure that will improve access to the subject site.
- (3) Suitability of property for development in general conformance with adjacent land use and the existing surrounding development pattern or patterns as envisioned in adopted plans:
  - As previously noted, adjacent properties are used for Institutional purposes (specifically, local government facilities).
- (4) Enhancing the public health, safety, and welfare of the town:
  - Designating the site for Institutional land uses would support the development of public and civic facilities that can enhance public health, safety, and welfare.

### **CONSISTENCY OF PROPOSED REZONING 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.

Subject to approval of a Land Use Plan Amendment to designate the subject site for Institutional use, staff provides the following evaluation of this application's consistency with the 2020 Comprehensive Plan and other adopted plans:

- The intent of the OI-1 district notes development of institutional uses and public facilities, which is consistent with the proposed Institutional designation on the 2020 Land Use Plan.
- The Institutional designation does not have a defined land use intensity that can be evaluated for compatibility of the intensity allowed under the OI-1 district. However, staff notes that a number of other institutional uses in Chapel Hill are located on sites with either OI-1 or OI-2 zoning (the OI-2 district allows equal Floor Area Ratio and greater residential density than the OI-1 district).
- The subject site is located within the Study Area of the Northern Area Task Force Report. However, this site was not part of the Area Considered for Development/Redevelopment. The Report therefore makes no recommendations for this site with regards to land use, environmental protection, or transportation infrastructure.

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- The rezoning would support the relocation of public facilities that are less harmonious with residential areas (and infrequently visited by members of the public) to more remote sites, furthering Comprehensive Plan goals for protecting neighborhoods from the impact of development.
- Findings of Fact, Finding #3 notes additional purposes of the 2020 Comprehensive Plan which may be achieved through 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:

- A. To correct a manifest error in the chapter; or
- B. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- C. To achieve the purposes of the Comprehensive Plan.

Staff provides below 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. All information submitted at the public hearing will be included in the record of the hearing.

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

Arguments in Support	To date, no arguments in support have been submitted or identified by staff.
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

**Staff Response:** We believe, based on the information entered into the record to date, that there is no manifest error in the Town's Zoning Atlas related to the project site.

**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 there has been an increasing concentration of local government facilities along Millhouse Road, and that moving certain institutional uses to more remote locations (i.e. near the boundary of the Town's planning jurisdiction) creates opportunity for more fitting and appropriate use of properties located more centrally.</p> <p>Staff notes that recent nearby rezonings to Light Industrial (LI-CZD) indicate community support for more activity in this area, including more intensive uses such as light industrial.</p> <p>Staff notes that the widening of Eubanks Road and the proposed transportation improvements associated with rezonings along Millhouse Rd would support more ready access to the subject site.</p>
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

**Staff Response:** We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is necessary because of changing conditions in the Millhouse Road area.

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

Arguments in Support	Staff believes the proposed rezoning would contribute to the following elements of the Comprehensive Plan: <ul style="list-style-type: none"><li>• Balance and sustain finances by increasing revenues and decreasing expenses (Goal-Community Prosperity and Engagement.1).</li><li>• Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Goal-Nurturing Our Community.5).</li><li>• A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal-Good Place, New Spaces.3).</li></ul>
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

**Staff Response:** We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.