



CONSIDER AN APPLICATION FOR CONDITIONAL ZONING – 2200 HOMESTEAD ROAD (PROJECT 20-081)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Colleen Willger, Director
Judy Johnson, Assistant Director
Anya Grahn, Senior Planner

PROPERTY ADDRESS 2200 Homestead Road	MEETING DATE(S) April 6, 2021 – Planning Commission	APPLICANT CJT PA on behalf of the Town of Chapel Hill
--	---	---

STAFF RECOMMENDATION

That the Housing Advisory Board, Environmental Stewardship Advisory Board, Community Design Commission, Transportation and Connectivity Advisory Board, and Planning Commission review and make a recommendation on the application to the Town Council.

STAFF ANALYSIS

The applicant is asking for modifications to regulations. See attached Technical Report for additional information.

PROCESS

Town Council approved a Special Use Permit (SUP) at this site on June 25, 2001 as part of the Vineyard Square development, and the applicant is requesting to replace that entitlement with this Conditional Zoning application.

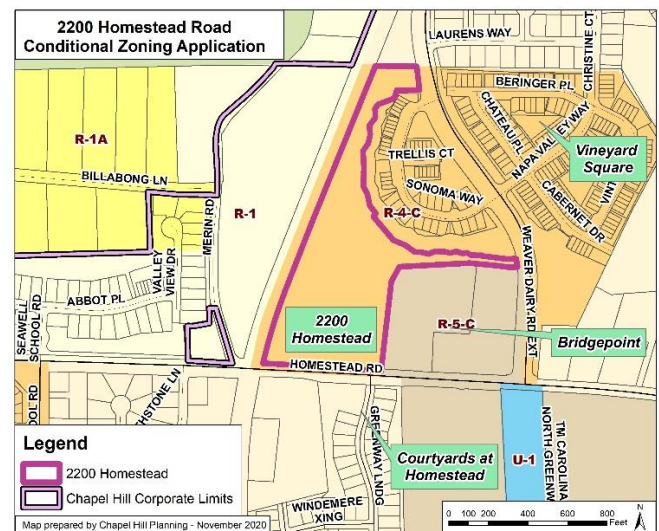
Conditional Zoning is a legislative process that allows Town Council to review the rezoning application for consistency with the Land Use Plan in the Comprehensive Plan. On request by the holder of a SUP, the Town Council can approve the abandonment of the permit if the development authorized by the permit or modification no longer requires a SUP and all conditions of the SUP have been satisfied.

DECISION POINTS

The proposed development requests a Modification to Regulations for the following:

- Land Disturbance in the Resource Conservation District (RCD)
- Steep Slopes
- Stormwater Management
- Recreation Space

PROJECT LOCATION



PROJECT OVERVIEW

In 2001, the Town Council approved a SUP for Vineyard Square, authorizing the construction of a 191-unit multi-family residential development on a 48.11-acre site. As part of the SUP, the applicant deeded this portion of land on the western and southwestern portions of the site to the town for municipal purposes.

The Town is proposing to redevelop this area to include construction of 115 to 129 affordable housing units. Primary access to the development is proposed from Homestead Road. A secondary access is proposed to Weaver Dairy Extension through the approved Bridgepoint development at 2214-2312 Homestead Road, located to the east of the site.

- Existing Zoning: Residential-4-Conditional Zoning District (R-4-CZD)
- Proposed Zoning: Residential-Special Standards-Conditional Zoning District (R-SS-CZD)
- Lot size: 570,066 sq. ft. (13.09 acres)

ATTACHMENTS

1. Project Details Table
2. Resolution A, Resolution of Consistency
3. Ordinance A (Approving the Application)
4. Resolution B (Denying the Application)
5. Applicant Materials



TECHNICAL REPORT

PROJECT OVERVIEW

June 25, 2001	Town Council approved a Special Use Permit (SUP) for the Vineyard Square multi-family development containing 191-units on a 48.11-acre site. As part the SUP, the property owner dedicated a portion of the site to the Town of Chapel Hill for municipal purposes.
June 20, 2018	Town Council reviewed a concept plan for a mixed-income development containing micro-homes, townhomes, apartments, shared housing, and other amenities.
October 29, 2020	Applicant submitted a Conditional Zoning District Permit for 115 to 126 mixed-income housing development containing duplexes, townhomes, apartments, and other amenities.

The application proposes a Residential–Special Standards–Conditional Zoning District (R-SS-CZD) for the site to accommodate 115 to 126 dwelling units. The site currently consists of a single parcel with an existing gym building and community garden. More details about the proposed development can be found in the applicant’s narrative and statement of justification.

Information about the site and proposed zoning districts can be found below, as well as a list of proposed Modifications to Regulations, other important considerations that staff has identified, and an analysis of the project’s consistency with the Comprehensive Plan and relevant Findings of Fact.

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 currently used for a community garden, which the applicant proposes to relocate to the northern end of the site.
- Properties to the east and southeast are zoned Residential-5 (R-5) and include future multi-family and residential townhouse developments. To the south and southwest are single-family dwelling units zoned Residential-2 (R-2). To the north is the Vineyard Square townhouse development, zoned Residential-4-Conditional Zoning District (R-4-CZD). To the west, across the railroad tracks, is a church with on-site housing zoned Residential-1 (R-1).
- The site fronts on Homestead Road, an NCDOT arterial corridor for Chapel Hill with moderate amounts of existing vehicular traffic. Homestead Road is also served by a

weekday bus route. The site is close to where Weaver Dairy Extension, a Town arterial, meets Homestead Road.

- Railroad tracks are located along the western edge of the site. This freight rail line is used infrequently, but the presence of tracks inhibits opportunities for connections to the west.
- The Town has designed a bicycle and pedestrian improvements project for Homestead Road that will include multiuse paths and bike lanes. Construction is anticipated in the near future.
- The application states that the site is generally wooded with some open areas, and that there are short sections of jurisdictional streams near the perimeter of the site – one perennial stream to the east, and two intermittent streams.
- There is also a wetlands area near the middle of the site, which remains after a farm pond was drained. Steeper topography can be found along what used to be the pond banks and dam. The application states that “the soil and topography are conducive to the scale of the proposed housing development.”

PROPOSED ZONING

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. 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 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 a Conditional Zoning districts for the site, as shown on the site plan: Residential–Special Standards–Conditional Zoning District (R-SS-CZD).

The Residential – Special Standards Conditional Zoning District is appropriate for “residential development and the recreational, open space, and other urban amenities associated with such development”, provided that any rezoning to this district shall demonstrate either:

- Provision of 100% affordable housing
- Achievement of a combination of special standards that meet community interests

The proposed uses meet the intent statement of R-SS-CZD. The Statement of Justification states that 100% of the housing proposed will be affordable – aimed at 30%-115% AMI.

PROPOSED MODIFICATIONS TO REGULATIONS

1) Section 3.6.3 Land Disturbance in the Resource Conservation District (RCD):

The applicant is proposing to exceed the allowable Land Disturbance and Impervious Surface Areas in the RCD for the uses described below:

		Allowable	Proposed	Land Uses
Upland Zone:	Land Disturbance	40%	84.7% (22,992 sq. ft.)	

	Impervious Area	20%	30.35% (6,743 sq. ft.)	Dumpster Pads, Nature Trail, Residential Dwelling, and associated Retaining Wall
Managed Use	Land Disturbance	40%	39.5% (8,860 sq. ft.)	Grading for access route, storm pond
	Impervious Area	20%	0.4% (84 sq. ft.)	
Streamside	Land Disturbance	20%	26.2% (22,551 sq. ft.)	Greenway, playground
	Impervious Area	10%	9.7% (8,345 sq. ft.)	

Because the RCD covers almost 29 percent of the site and bisects the site completely, the applicant has located much of the proposed recreational space and other improvements in the RCD areas. The applicant is disturbing a portion of the Upland Zone to maximize protection of the wetland area to the west of the stream.

North Carolina Department of Environmental Quality conducted a stream determination on the project site in August 2020 to identify streams and waterbodies subject to Jordan Riparian Buffer Rules. The stream determination identified an intermittent stream segment on the west side of the project site and a perennial stream segment on the east side. At the time, a connecting wetland was identified between the stream segments, but no identifiable flow path was observed through the wetland. Per the Town of Chapel Hill "Field Procedures for Classification of Streams," this connecting wetland is considered a "Natural Variant Stream" segment which shall be classified the same as the stream segment immediately upslope, which is intermittent. Consequently a 50-foot RCD buffer applies to both sides of the Natural Variant Stream segment. During a January 2021 site visit, Town Stormwater Staff observed that a flow path has formed along the Natural Variant Stream segment. The applicant is proposing land disturbance and impervious surface in the RCD along this segment and will provide final encroachment calculations at the Final Plans stage.

Staff Comment: Staff believes that the Council could find a public purpose for the increased land disturbance, as the land disturbance is for the construction of stormwater control measures, parking spaces for the affordable housing units, and recreational amenities to meet Ordinance standards.

- 2) Section 5.3.2 Steep Slopes:** The applicant is proposing to exceed 25% of the area containing 25% or greater slopes. A majority of these disturbed slopes are associated with the manmade farm pond located in the center of the property. The pond has been drained. The total area of slopes exceeding 25% slope is 13,894 square feet and the applicant proposes to disturb 6,058 square feet or 43.6% of this area.

Staff Comment: Staff believes the Council could find a public purpose for exceeding the steep slopes, as a majority of the disturbed slope is associated with the farm pond. The pond was drained in order to provide additional space for affordable housing units.

- 3) Section 5.5 Recreation:** Because the RCD zones cover almost 29% of the site and bisect the site completely, much of the proposed recreation space is located within the

RCD areas. The Recreation Space Ratio for developments in R-SS-CZD is 0.050 or 28,503 square feet of active, improved space for this site. The applicant is providing 29,570 square feet of active space, which includes the greenway trail, playground, and basketball court. The applicant has also provided 29,400 square feet of other recreation space including a community garden, nature trail, entry park, as well as a common space with a shelter, seating, and grills. Though only 1,000 linear feet within the project site, the nature trail connects off-site trails to the proposed greenway thereby becoming a trail much longer than 3,000 linear feet. The town council may allow up to thirty (30) percent of the recreation space to consist of passive recreation elements if they are located adjacent to and support the more active recreation elements. For example, some picnic facilities, seating, and lawn games could be counted if they are adjacent to a children's play area and support the mission of the play area.

Staff Comment: Staff believes the Council could find a public purpose for reducing the amount of active recreation space provided as the applicant has provided substantial passive recreation areas throughout the site that benefit residents.

Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.5.6 of the Land Use Management Ordinance. 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.

For additional information on the proposed modifications and other considerations on timing and flexibility, please refer to the applicant's attached materials.

OTHER CONSIDERATIONS

- **Homestead Road Multi-modal Project:** The Town will construct improvements associated with the Town's multi-modal improvement project along the Homestead Road frontage of this site.
- **Easement for shared access with Bridgepoint at 2214 and 2312 Homestead Road.** The applicants for the 2200 Homestead and Bridgepoint developments continue to collaborate on an encroachment agreement to share access. The 2200 Homestead development driveway will connect to Street 'C' of the Bridgepoint development to the east and Bridgepoint will access Homestead Road through the 2200 Homestead development. These additional connections will provide a second point of access for each development, as required by Fire Codes. The details of this easement will be worked out in an agreement following approval of this conditional zoning.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS






Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)¹, the standards of the [Land Use Management Ordinance](#)², and the [Town](#)

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

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

of Chapel Hill, NC : Design Manual and Standard Details³ and believes the Weaver's Grove proposal complies with several themes of the 2020 Comprehensive Plan:

Comprehensive Plan Themes: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input checked="" type="checkbox"/>		Grow Town and Gown Collaboration

Land Use Plan: The [2020 Land Use Plan](#)⁴, a component of the 2020 Comprehensive Plan, designates this site as a "Development Opportunity Area".

Future Land Use Map: The Future Land Use Map (FLUM) envisions the North MLK Jr Blvd Focus Area as a gateway to the town, with mixed use nodes, inviting streetscapes that blend the built environment with tree canopies, and improved east-west connectivity to link development to the future BRT corridor. The FLUM indicates a range of appropriate Primary and Secondary uses for the Sub-Area where this site is located, including multifamily residential and townhouses.

Staff Evaluation: 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 proposed rezoning is also consistent in intensity with the Land Use Plan. The proposed R-SS-CZD zoning is compatible with the other residential zoning districts adjacent to the site. Existing and planned housing that immediately surrounds the site exhibits a variety of densities, including townhomes and multifamily dwellings that would be compatible in scale with the housing shown in the associated Conditional Zoning application.
- The Mobility and Connectivity Plan shows a multi-use side path and bike lane for the site's frontage on Homestead Rd. The Plan also shows an off-road multiuse trail running north-south through the site near the western boundary. A more robust multimodal network in this area would support growth and development. Homestead Rd. facilities are included in a bike/ped improvements project that the Town expects to construct in the near future. Zoning conditions would be useful to ensure that the off-road multiuse trail is provided, along with any contribution (easement, payment, or construction) deemed appropriate for the Homestead Rd. facilities.

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

⁴ <http://www.townofchapelhill.org/home/showdocument?id=1215>

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.

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

- 1) 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 Amendment related to the project site.

- 2) 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: Staff finds that recent approval and construction of multiple residential communities along Homestead Road represents changing conditions that could support rezoning the site to a district compatible with its surroundings. Staff also notes that Council has identified a growing need for affordable housing in Chapel Hill based on changes in housing costs. In addition, ongoing development has resulted in limited land availability for new affordable housing.

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 S. Martin Luther King, Jr. Blvd. Future Focus Area.

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

Arguments in Support: The applicant's Statement of Consistency states that the application would contribute to the following elements of the Comprehensive Plan:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (*Goal: A Place for Everyone.1*)
- A range of housing options for current and future residents (*Goal: A Place for Everyone.3*)
- Promote a safe, vibrant, and connected (physical and person) community (*Goal: Community Prosperity and Engagement.3*)
- A well-conceived and planned, carefully thought out, integrated, and balanced

transportation system that recognizes the importance of automobiles but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and public transportation options (*Goal: Getting Around.1*)

- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Goal: Getting Around.2*)
- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (*Goal: Getting Around.8*)
- A joint Town/University development strategy that aligns initiatives for transportation, housing, environmental protection, and entrepreneurial programs (*Goal: Good Places, New Spaces.4*)
- 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: Good Places, New Spaces.5*)
- Open and accessible common spaces for community gathering, cultural uses, and community development (*Goal: 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: Nurturing Our Community.2*)
- Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (*Goal: Nurturing Our Community.4*)
- Support local food producers and access to local foods by encouraging community and backyard gardens, farmers' markets, and community-supported agriculture without encroaching on working farms within or adjacent to the Chapel Hill planning district (*Goal: Nurturing Our Community.6*)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (*Goal: Nurturing Our Community.8*)
- Housing for students that is safe, sound, affordable, and accessible and meets a demonstrated need conducive to educational and maturational needs of students, and housing for Town, University, and the Health Care System employees that encourages them to reside in the community (*Goal: Town and Gown Collaboration.4*)
- Promote access for all residents to health-care centers, public services, and active lifestyle opportunities (*Goal: Town and Gown Collaboration.6*)

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.