

## **MEMORANDUM**

**TO:** Chapel Hill Planning Commission

**FROM:** Gene Poveromo, Development Manager  
Judy Johnson, Principal Planner

**SUBJECT:** Application for Zoning Atlas Amendment, 1165 Weaver Dairy Road (Project No 14-084)

**DATE:** January 6, 2015

### **DESCRIPTION OF THE APPLICATION**

This memorandum describes a request for a Zoning Atlas Amendment at 1165 Weaver Dairy Road:

- Application for Zoning Atlas Amendment for 1.8 acres of land from Mixed Use-Office/Institutional-1 (MU-OI-1) zoning district to Community Commercial (CC) zoning district.

Attached for your consideration is a draft public hearing memorandum on the rezoning proposal. The Planning Commission, as mandated by the Land Use management Ordinance, is asked to make a recommendation to the Town Council on the rezoning application.

### **REZONING REQUEST**

In Chapel Hill, a rezoning may be requested as either a general use rezoning or a conditional rezoning request. This rezoning request is a general use rezoning request.

A general use rezoning request is to change the zoning to a different zoning district in which any of several kinds of developments and uses are permitted. A conditional use rezoning request is to allow development and uses only with approval of a Special Use Permit or Special Use Permit Modification. Based on the proposed use and amount of floor area or land disturbance, future development applications under the general use rezoning could come under the approval authority of the Planning Board. Otherwise development application with either more than 20,000 square feet of floor area or 40,000 square feet of land disturbance would require a Special Use Permit.

If the Planning Commission is interested in recommending a rezoning of this site, as well as recommending that the Council has the opportunity to consider a Special Use Permit sometime in the future, we recommend that the Commission recommend the rezoning as a conditional zoning district. Approving a conditional zoning district would require the submission of a Special Use Permit application for Council's consideration, within one year of rezoning.

## **RECOMMENDATION**

That the Planning Commission recommends that the Council enact an ordinance rezoning this site from Mixed-Use Office/Institutional-1 (MU-OI-1) to Community Commercial (CC) or to Community Commercial-Conditional (CC-C).

This application is proposed to be considered at the Council's public hearing, tentatively scheduled for Monday, February 16, 2015.

## **ATTACHMENTS**

1. Draft Public Hearing Memorandum on the rezoning application, with attachments
2. Applicant's Materials

## DRAFT MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability  
Gene Poveromo, Development Manager  
Judy Johnson, Principal Planner

SUBJECT: Public Hearing: Application for Zoning Atlas Amendment – 1165 Weaver Dairy Road (Project #14-084)

DATE: February 16, 2015

### INTRODUCTION

Attached for your consideration is a Zoning Atlas Amendment application, submitted by Scott Radway, Radway Design which proposes to rezone the site at 1165 Weaver Dairy Road from the existing Mixed Use-Office/Institutional-1 (MU-OI-1) zoning district to Community Commercial (CC) zoning district. The 1.8 acre site is located at south side of the street at 1165 Weaver Dairy Road just east of the intersection with Martin Luther King Jr. Blvd. The parcel identifier number is Orange County 9880-35-0595.



The applicant has proposed a general use rezoning without an accompanying Special Use Permit. This site is adjacent to the proposed [Weaver Crossing Zoning Atlas Amendment and Special Use Permit](#)<sup>1</sup> applications, also on tonight’s agenda.

The Zoning Atlas Amendment application would effect a change to the current zoning and permitted types and intensities of land uses. The proposed rezoning to Community Commercial zoning district will permit land uses including adult day care, automotive repair, bank, business uses including convenience, general, and office, place of worship, as well as other land uses.

Proposed Development Intensity – Zoning Districts			
		Existing MU-OI-1 Zoning District <sup>2</sup>	Proposed CC Zoning District
Floor Area	Maximum Allowed	20,642 sq. ft.	33,543 sq. ft.
Primary Height	Maximum Allowed	29 feet	34 feet
Secondary Height	Maximum Allowed	60 feet	60 feet

The surrounding uses and zoning districts are as follows:

Surrounding Development Patterns	
General Development Pattern	General Business and Commercial area
North	Mixed Use-Office/Institutional-1 (MU-OI-1) Timberhill Place office condominiums
East	Community Commercial (CC) (Timberlyne Shopping Center)
South	Mixed Use-Office/Institutional-1 (MU-OI-1) – trailer park with approximately 25 trailers
West	Weaver Crossing application SUP and Zoning Atlas Amendment to Community Commercial-Conditional (CC-C) in process

## BACKGROUND

The [2020 Land Use Plan](#),<sup>3</sup> a component of the [2020 Comprehensive Plan](#),<sup>4</sup> designates this site as a Town/Village Center use and as a Development Opportunity Area.

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

<sup>1</sup> <http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-activity-report/weaver-crossing-mixed-use-development>

<sup>2</sup> Because the site is less than 20 acres, the OI-1 land use intensities apply to the site; therefore the building heights are less than allowed maximum heights allowed in the MU-OI-1 district

<sup>3</sup> <http://www.townofchapelhill.org/home/showdocument?id=1215>

<sup>4</sup> <http://www.townofchapelhill.org/home/showdocument?id=15001>



Conforms	No.	2020 Comprehensive Plan Themes
√	1.	A Place for Everybody
√	2.	Community Prosperity and Engagement
√	3.	Getting Around
√	4.	Good Places, New Spaces
√	5.	Nurturing Our Community
	6.	Town and Gown Collaboration

The 2020 Comprehensive Plan identifies this area as a Development Opportunity Area. Key considerations include:

- Development opportunities exist in this area near the I-40 interchange
- Development opportunities in this area currently are constrained by circulation and access limitation.
- Existing transit service along Martin Luther King Jr. Blvd and anticipated development of higher capacity bus service could support new development opportunities.

The plan also identifies next steps:

- Evaluate improved access to I-40 and well-designed improvements to access and circulation; consider impacts north of I-40.
- Focus additional efforts, in partnership with property owners in the area, to identify sections to rezone and to provide enhanced connectivity for bicycles, transit, pedestrians, and vehicles using the complete streets approach.
- Use a community-based process to identify areas for new uses and areas where walkable development can enhance the area. Consider design guidelines or a form-based approach to selected sections of the area.

The Northern Area Task Force Report <sup>5</sup> refers to this area as a Gateway Entrance and includes objectives of architecturally interesting buildings and design features. The site is included in Focus Area 3 and the report states the intersection of Martin Luther King Jr. Blvd and Weaver Dairy Road should have “highly visible gateway entrance that contains a retail component. The east side of Martin Luther King Jr. Blvd. should be mixed use.

We believe the proposed zoning atlas amendment complies with the themes of the 2020 Comprehensive Plan. For information on how this proposed development addresses these themes and goals of the Comprehensive Plan, please refer to the Analysis of the Rezoning Application section below and the attached applicant’s Statement of Justification.

## **REZONING REQUEST**

In Chapel Hill, a rezoning may be requested as either a general use rezoning or a conditional rezoning request. A general use rezoning request is to change the zoning to a different zoning district in which any of several kinds of developments and uses are permitted. A conditional use rezoning request is to allow development and uses only with approval of a Special Use Permit or Special Use Permit Modification. This rezoning request is a general use rezoning request.

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<sup>5</sup> <http://www.ci.chapel-hill.nc.us/home/showdocument?id=1050>

Base on the proposed use and amount of floor area or land disturbance, future development applications under the general use rezoning could come under the approval authority of the Planning Board. Otherwise development application with either more than 20,000 square feet of floor area or 40,000 square feet of land disturbance would require a Special Use Permit.

The Council has the discretionary authority to approve or deny a rezoning request. If the Council is interested in approving a rezoning of this site, as well as having the opportunity to considering a Special Use Permit sometime in the future, we recommend that the Council approve the rezoning as a conditional zoning district. Approving a conditional zoning district would require the submission of a Special Use Permit application for Council's consideration, within one year of rezoning.

### **PROTEST PETITION**

Opportunity for a protest petition to a proposed amendment to the Zoning Atlas is provided for under North Carolina Statutes. If a sufficient protest petition is filed with the Town Clerk at least 2 business days prior to the date of the public hearing, the proposed rezoning shall not become effective except by favorable vote of not less than three-fourths of the Town Council. Copies of protest petition forms and additional information are available from Planning and Sustainability or the Town Clerk.

We will report at tonight's Public Hearing regarding any valid protest petition that have been submitted.

### **ANALYSIS OF THE REZONING APPLICATION**

The zoning designation of a property determines the range of land uses and development intensities permitted on the property. Article 4.4 of the Land Use Management Ordinance establishes the intent of Zoning Atlas Amendments by stating that, "In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town it is intended that this chapter shall not be amended except:

- a) to correct a manifest error in this 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."

Each of the findings, with respect to this proposed rezoning application, is discussed below:

**A. An amendment to the Land Use Management Ordinance (rezoning) is warranted to correct a manifest error in the chapter (zoning atlas).**

*Staff Comment:* We believe the information in the record to date can be summarized as follows:

- Argument in Support: The applicant has not offered arguments to support this circumstance. We were unable to identify any arguments in support of a manifest error.
- Argument in Opposition: To date no arguments in opposition have been submitted or identified by staff.

**B. An amendment to the Land Use Management Ordinance (rezoning) is warranted because of changed or changing conditions in a particular area or in the jurisdiction generally.**

*Staff Comment*: We believe the information in the record to date can be summarized as follows:

- Argument in Support: Arguments in support of this finding are offered in the applicant's Statement of Justification (please see attached Statement). Excerpts of the applicant's Statement of Justification follow:

“The town has learned a lot about mixed-use zoning and development, noting more recently that in an areas designated for mixed-use development that the more recently adopted Mixed-Use Village zoning district and existing Community Commercial District (both of which allow office, retail, and residential uses) provide substantially more flexibility and more appropriate floor area ratios for development than the current Mixed-Use Office Institutional-1 zoning district.” *[excerpt from Applicant's Statement]*

- Argument in Opposition: To date no arguments in opposition have been submitted or identified by staff.

**C. An amendment to the Land Use Management Ordinance (rezoning) is warranted to achieve the purposes of the Comprehensive Plan.**

*Staff Comment*: We believe the information in the record to date can be summarized as follows:

- Argument in Support: Arguments in support of this finding are offered in the applicant's Statement of Justification (please see attached Statement) and in the Background section of this memorandum above. The rezoning could be justified based on Finding C because objectives of the Comprehensive Plan are being achieved as described below and in greater detail in the applicant's materials:

“1165 Weaver Dairy when developed as office and/or office-retail property will be complimentary to the immediately adjoining Weaver Crossing development that is planned to include a mixture of uses that serve the daily needs of the neighboring homes and businesses. By utilizing the development standards within the Community Commercial District, 1165 Weaver Dairy will provide a building façade line complimentary to its adjoining properties, with parking and internal connections to its neighbors internal to the site.”

“As a classic urban infill site, 1165 Weaver Dairy will support all the Getting Around principles and goals by being connected to its adjoining properties with internal drives and sidewalks that will permit multiple retail and office visits to be packaged with a single parking event.” *[excerpt from Applicant’s Statement]*

- Argument in Opposition: To date no arguments in opposition have been submitted or identified by staff.

## RECOMMENDATIONS

Planning Commission Recommendation: The Planning Commission is scheduled to consider this application on January 6, 2015.

Staff Recommendation: We recommend that the Town Council open the public hearing, receive comments, and consider the attachments associated with this application. The attached resolution of consistency provides for consistency of the proposed rezoning with the Comprehensive Plan. The attached ordinance would approve the rezoning. The attached resolution would deny the rezoning request.

**RESOLUTION**

(Rezoning From Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial-(CC)

**A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR 1165 WEAVER DAIRY ROAD AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (PINs 9880-35-0595, PROJECT #14-084)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application from Scott Radway, Radway Design to amend the Zoning Atlas to rezone property described in the accompanying rezoning application from Office/Institutional-1 (OI-1) to Community Commercial (CC) and finds that the amendment, if enacted, is in the public's interest and is warranted, to achieve the purposes of the Comprehensive Plan including, but not limited to:

- Increase in commercial tax base;
- Enhances the northern entranceway;
- Expands a necessary use in a Development Opportunity Area;
- Promotes connectivity of all types – social, economic, physical (walkable design);
- Strengthens existing businesses; and
- Efficient use of public facilities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed ordinance to be reasonable and consistent with the Town Comprehensive Plan.

This the \_\_\_\_ day of \_\_\_\_\_, 2015.

**ORDINANCE A**

Rezoning From Office/Institutional-1 (OI-1) to Community Commercial-(CC)

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 1165  
WEAVER DAIRY ROAD PIN 9880-35-0595, PROJECT #14-084)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for 1165 Weaver Dairy Road to amend the Zoning Atlas to rezone property described below from Office/Institutional-1 (OI-1) to Community Commercial (CC) zoning district and finds that the amendment is warranted, because of changed or changing conditions in the area or in the jurisdiction generally, and in order to achieve the purposes of the Comprehensive Plan;

- Increase in commercial tax base;
- Enhances the northern entranceway;
- Expands a necessary use in a Development Opportunity Area;
- Promotes connectivity of all types – social, economic, physical (walkable design);
- Strengthens existing businesses; and
- Efficient use of public facilities.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Zoning Atlas be amended as follows:

**SECTION I**

The Orange County parcel identified by Parcel Identification Number (PIN) 9880-35-0595 along with one-half of the abutting right-of-way of Weaver Dairy Road on the northern side of the parcel to be rezoned to Community Commercial (CC). (See the proposed Rezoning Boundary map.)

The following metes and bounds describe the boundary of PIN 9880-35-0595:

Lying and being in Chapel Hill Township, Orange County, North Carolina and Beginning at a point in the southern R/W of Weaver Dairy Road, the northeast corner of the Walgreen Co. property, and having NC Grid Coordinates (NAD '27) of N = 805,773.03, E = 1,982,969.98; running thence S 88° 58' 38" E 212.63 with the southern R/W of Weaver Dairy Road to a point; thence leaving said R/W and running thence S 08° 36' 10" E 266.37 with the line of NCNB National Bank (D. B. 671 – 467) to a point and continuing thence S 08° 36' 10" E 129.79 with the Timberlyne Professional Center, LLC (D. B. 4435 – 35) to a point; and running thence with the Timberlyne Professional Center, LLC and Walgreen Co. (D. B. 3892 – 210) S 79° 43' 40" W 154.88 to a point; thence continuing with the Walgreen Co. N 10° 19' 55" W 148.38 to a point; and continuing with the Walgreen Co. S 78° 48' 43" W 41.89 to a point; and continuing thence with the Walgreen Co. to the point and place of Beginning N 10° 16' 58" W 289.20 and being all of that land shown belonging to Catherine Beemer, et al, in Plat Book 82, Page 89, less and except that portion of said tract acquired by the NCDOT per consent judgment and recorded in R.B. 5614, page 125 – 131.

SECTION II

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the \_\_\_\_ day of \_\_\_\_, 2015.



**ATTACHMENT 3  
RESOLUTION B**

(Denying Rezoning From Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial (CC)

**A RESOLUTION DENYING AN APPLICATION FOR A ZONING ATLAS  
AMENDMENT FOR 1165 WEAVER DAIRY ROAD (PIN 9880-35-0595, PROJECT #14-  
084)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for 1165 Weaver Dairy Road, to amend the Zoning Atlas to rezone property described below from Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial (CC) zoning district and fails to find that the amendment:

- a) corrects a manifest error in the chapter, or
- b) is justified because of changed or changing conditions in the area of the rezoning site or the community in general, or
- c) achieves the purposes of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the application of 1165 Weaver Dairy Road, to amend the Zoning Atlas to rezone the property identified as now or formerly Orange County Parcel Identifier Numbers 9880-35-0595 that is currently zoned Mixed Use-Office/Institutional-1 (MU-OI-1) and located at 1165 Weaver Dairy Road just east of the intersection with Martin Luther King Jr. Blvd, including half of the Weaver Dairy Road right-of-way within the Chapel Hill Town Limits that is abutting the property frontage, shall not be rezoned to Community Commercial (CC). The description of the entire property is indicated on the attached map.

This the \_\_\_\_ day of \_\_\_\_, 2015.

**ZONING ATLAS AMENDMENT  
APPLICATION**



**TOWN OF CHAPEL HILL**  
Planning Department  
405 Martin Luther King Jr. Blvd  
phone (919) 968-2728 fax (919) 969-2014  
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9880.35.0595 Date: 11.12.2014

**Section A: Project Information**

Project Name: 1165 WEAVER DAIRY ROAD. REZONING  
Property Address: 1165 WEAVER DAIRY ROAD Zip Code: 27514  
Use Groups (A, B, and/or C): N/A Existing Zoning District: MU. 01-1  
Project Description: REZONING OF 1.795 ACRE SITE

**Section B: Applicant, Owner and/or Contract Purchaser Information**

**Applicant Information** (to whom correspondence will be mailed)

Name: SCOTT RADWAY, RADWAY DESIGN  
Address: 2627 MEACHAM ROAD  
City: CHAPEL HILL State: NC Zip Code: 27516  
Phone: 919.880.5579 Email: scott@radwaydesign.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: SCOTT Radway Date: 11.12.2014

**Owner/Contract Purchaser Information:**

**Owner**  **Contract Purchaser**

Name: ELIZABETH MALLET HEIRS & CATHERINE BEEMER  
Address: 50160 412 Nottingham Drive  
City: Chapel Hill State: NC Zip Code: 27517  
Phone: 919.618.1995 Email: jmallett412@yahoo.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: Elizabeth Mallett Date: 11/13/14





ZONING ATLAS AMENDMENT APPLICATION  
SUBMITTAL REQUIREMENTS

TOWN OF CHAPEL HILL  
Planning Department

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning Department (Planning) at (919)968-2728 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org). For detailed information, please refer to the Description of Detailed Information handout.

✓	Application fee ( <a href="#">refer to fee schedule</a> )	Amount Paid \$	1,306.70
✓	Pre-Application Meeting – with appropriate staff		
✓	Digital Files - provide digital files of all plans and documents		
✓	Mailing list of owners of property within 1,000 feet perimeter of subject property ( <a href="#">see GIS notification tool</a> )		
✓	Mailing fee for above mailing list	Amount Paid \$	52.36
✓	Written Narrative describing the proposal		
✓	Statement of Justification		
✓	Digital photos of site and surrounding properties		
✓	Legal description of property to be rezoned		
NA	Phasing Plan (if applicable) indicating phasing boundaries and phasing notes		
N/A	Reduced Site Plan Set (reduced to 8.5"x11")		

Plan Sets (10 copies to be submitted no larger than 24"x36") N/A

Plans should be legible and clearly drawn. All plan sets sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable

Area Map N/A

- Project name, applicant, contact information, location, PIN, & legend
- Dedicated open space, parks, greenways
- Overlay Districts, if applicable
- Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- 1,000 foot notification boundary

1165 Weaver Dairy Road  
Chapel Hill, North Carolina

Proposed Zoning Atlas Amendment

## Zoning Atlas Amendment Statement of Justification

1165 Weaver Dairy Road  
Chapel Hill, North Carolina

Proposed Community Commercial Rezoning  
October 28, 2014

### Narrative Description

For over 30 years the 1.795-acre property for which rezoning is requested was the home of the Chapel Hill Montessori Day School owned and operated by Elizabeth Mallett and Catherine Beemer, who also are owners of the property. Upon their retirement, a new charter for the school was obtained by Melanie Vandermast (a teacher at the school) and her husband, David, and relocated the Montessori Day School to 1702 Legion Road in 2013. By doing so, the subject property is now free to be developed in a manner consistent with the Chapel Hill 2020 Plan, the Northern Area Task Force Report (2008), and surrounding retail and office development.

Beginning with the development of the Timberlyne Shopping Center and its outparcels and then continuing with the development of the Chapel Hill North mixed-use development in the mid 1990's, the area immediately around the subject site converted from low scale residential uses to a more heavily developed commercial area.

In the Chapel Hill 2020 Plan and in the Northern Area Task Force Plan adopted in 2008, and a part of the 2020 Plan, this site and four adjoining properties immediately to its west and south were identified as development opportunity areas for more intense commercial development.

Now that the Montessori School has moved, the owners believe it is appropriate to have the entire property rezoned to Community Commercial. The reasonableness of this request is seen in the application for development of these four adjoining properties. That proposed development, Weaver Crossing, also requests a rezoning to Community Commercial. Together they comprise one block of land that when developed commercial will implement the goals of the 2020 Plan with respect to this corner of the Weaver Dairy Road and MLK Jr. Blvd intersection.

### ***Potential Development of 1165 Weaver Dairy Road***

The following table shows the amount of floor area permitted by the current zoning and the floor area that would be permitted if rezoned to the Community Commercial district, a district that permits office, retail and residential uses but at a slightly higher intensity.

A development of more than 10,000 square feet with surface parking for 30 or more parking spaces within the Community Commercial District will require a Special Use Permit.

Zoning District	Floor Area		Permitted Height		Residential Density
	FAR	Maximum Floor Area	Primary at Setback Line	Secondary	Maximum Permitted
MU-OI-1	.264	20,642	29 ft.	60 ft.	10 DU/Acre
CC	.429	33,543	34 ft.	60 ft.	15 DU/Acre

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### **Zoning Atlas Amendment – Statement of Justification**

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This is a rezoning statement of justification supplied in connection with the rezoning request.

#### **Justification For a Rezoning Request**

Article 4.4 of the Land Use Management Ordinance (LUMO) allows a zoning map and zoning text amendment for any of the 3 following reasons:

- 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.

Both criterion b and c are applicable to this rezoning request. They are addressed individually below, beginning with information applicable to criteria b and concluding with information addressing achievement of purposes of the Comprehensive Plan.

### **REZONING JUSTIFICATION STATEMENT**

The applicant believes that the rezoning is justified because of changed or changing conditions as well as to achieve the purposes of the comprehensive plan.

#### **CHANGED OR CHANGING CONDITIONS**

The Town of Chapel Hill adopted the Chapel Hill 2020 Comprehensive Plan in June 2012 acknowledging that there have been many significant changes since the Year 2000 Plan. Included by reference in the 2020 Plan are the several additional planning initiatives for neighborhood preservation, the approval of the Carolina North Development Plan, the Northern Area Plan, a downtown plan initiative, and a plan for the redevelopment of the Ephesus Church Road – Fordham Boulevard area. These actions and the 2020 Plan all reflect the awareness that a Comprehensive Plan is a guide for growth, but that conditions change and that the specific means and methods for implementation of the goals and objectives of that plan often respond to the changed conditions.

Similarly, the town has learned a lot about mixed-use zoning and development, noting more recently that in an areas designated for mixed-use development that the more recently adopted Mixed-Use Village zoning district and the existing Community Commercial District (both of which allow office, retail, and residential uses) provide substantially more flexibility and more appropriate floor area ratios for development than the current Mixed-Use Office Institutional -1 zoning district.

#### **ACHIVENING THE GOALS OF THE CHAPEL HILL 2020 COMPREHENSIVE PLAN**

The Chapel Hill 2020 Comprehensive Plan articulated in Chapter 3: Themes and Goals, values that are important to the community. As a small parcel within an existing commercial area, the subject site will contribute to the overall improvement and expansion of this area. The parcel at 1165 Weaver Dairy Road will achieve the following purposes of the Comprehensive Plans Themes and Goals.

### **A Place for everyone**

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal PFE.1)
- A creative place to live, work, and play because of Chapel Hill's arts and culture (PFE.2)
- A welcoming and friendly community that provides all people with access to opportunities (Goal PFE.4)

1165 Weaver Dairy when developed as office and/or office-retail property will be complimentary to the immediately adjoining Weaver Crossing development that is planned to include a mixture of uses that serve the daily needs of the neighboring homes and businesses. By utilizing the development standards within the Community Commercial District, 1165 Weaver Dairy will provide a building façade line complimentary to its adjoining properties, with parking and internal connections to its neighbors internal to the site.

### **Community Prosperity and Engagement**

- Balance and sustain finances by increasing revenues and decreasing expenses (Goal CPE.1)
- Foster support of local businesses (Goal CPE.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal CPE.3)

When developed, 1165 Weaver Dairy, will add to the Town's property tax base. Sales tax will also accrue to the benefit of the town if the property contains a retail component.

Now that Weaver Dairy Road has been improved and contains sidewalks that connect parcels along Weaver Dairy directly to nearby commercial uses and the surrounding residential communities, access that will reduce vehicle trips is provided to a large number of residents and employees in the immediate area.

### **Getting Around**

- 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 other public transportation options (Goal GA.1)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal GA.2)
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Goal GA.5)
- A transportation system that accommodates transportation needs and demands while mitigating congestion and promoting air quality, sustainability, and energy conservation (GA.6)
- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (Goal GA.8)

As a classic urban infill site, 1165 Weaver Dairy will support all the Getting Around principles and goals by being connected to its adjoining properties with internal drives and sidewalks that will permit multiple retail and office visits to be packaged with a single parking event.



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**Good Places, New spaces**

- A community that welcomes and supports change and creativity (Goal GPNS.6)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal GPNS.8)

The Town's 2020 Comprehensive Plan includes The Northern Area Task Force Report (2008) and Identify and endorse the 1165 Weaver Dairy property as a part of a larger mixed use town center activity area.

This infill site will compliment the adjoining Weaver Crossing development.

**Nurturing Our Community:**

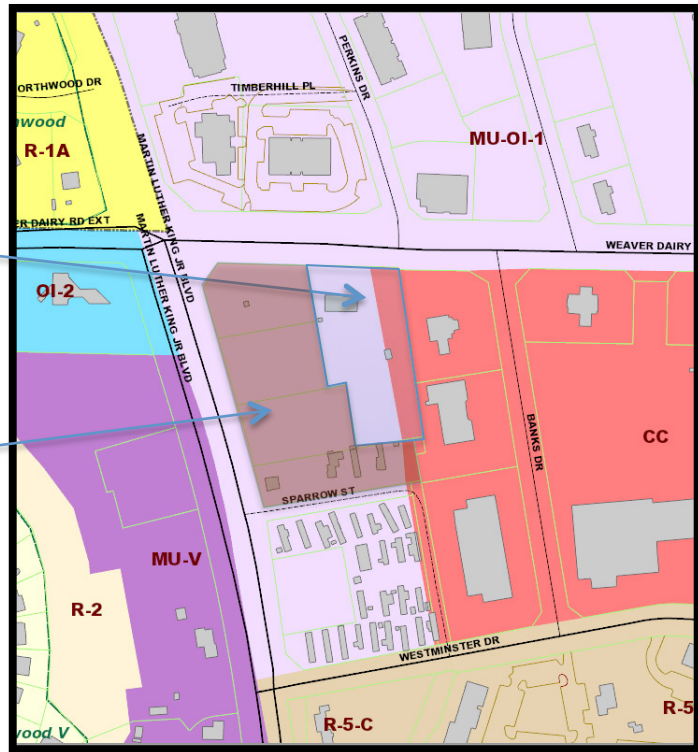
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (NOC.2);
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (NOC.8)

When developed, the subject property will be developed to an intensity that will require a special use permit to be reviewed by the Planning Board and approved by the Town Council. During this process, the SUP will demonstrate that it meets or exceeds the environmental and neighborhood protection goals of the community and the adopted LUMO standards.

**1165 Weaver Dairy Road  
Zoning Atlas Amendment Proposal  
From Mixed Use – Office Institutional – 1  
To Community Commercial**

1165 Weaver Dairy Road, a 1.795 acre property, is zoned Mixed Use – Office Institutional – 1 for the western 2/3<sup>rd</sup>s of the site and zoned CC – Community Commercial for the eastern 1/3<sup>rd</sup>.

Weaver Crossing – Proposed Redevelopment  
Proposed to be rezoned from MU-OI-1 to  
Community Commercial.





1165 Weaver Dairy Road  
Site Photographs



Front • Weaver Dairy Road Elevation  
Buffer Screens School Building and Parking Lot From Street



Rear Elevation





West Elevation



East Elevation