



# TOWN OF CHAPEL HILL NORTH CAROLINA

Meeting Date: 04/07/2015

## MEMORANDUM

**TO:** Planning Commission

**FROM:** Mary Jane Nirdlinger, Planning and Sustainability  
John Richardson, Planning Manager for Sustainability  
Kay Pearlstein, Current Development Senior Planner  
Megan Wooley, Community Sustainability Planner

**SUBJECT:** Elkin Hills Neighborhood Conservation District Zoning Overlay - Feasibility Review

### Purpose

- The purpose of tonight's meeting is for the Planning Commission to provide a recommendation regarding the feasibility of developing a Neighborhood Conservation District (NCD) Zoning Overlay for the Elkin Hills neighborhood. This recommendation will be provided to the Council during the May 11, 2015 Business Meeting.
- We are also requesting that the Planning Commission appoint one or two liaisons to this process.

### Neighborhood Conservation District Zoning Overlays

- The purpose of Neighborhood Conservation Districts is to preserve and protect unique and distinctive older residential neighborhoods or commercial districts which contribute significantly to the overall character and identity of the Town.
- A NCD zoning overlay is created by enactment of an ordinance to designate the zoning district.
- For more information NCD zoning overlays, click [here](#).<sup>1</sup>

### Background on the Elkin Hills Process

- The Land Use Management Ordinance requires a two-phased initiation process to begin the development of a NCD zoning overlay.
  - **Phase One:** The petition to initiate Phase 1 was submitted by the neighborhood in November of 2011. Town staff evaluated the petition and determined that the petition met the criteria to move forward with Phase 1.
  - **Phase Two:** The petition to initiate Phase 2 was submitted by the neighborhood in September of 2014. Town staff evaluated the petition and determined that the petition met the criteria to move forward with Phase 2.
- The following chart provides an overview of the two phases for the Elkin Hills neighborhood.

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<sup>1</sup> <http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/resources/neighborhood-conservation-district-ncd-zoning-overlays>

<b>Phase</b>	<b>NCD Process Steps</b>	<b>Elkin Hills Status</b>
<b>Phase 1: Informational</b>	1. Public Information Meeting	1. Public Information Meeting was held in May 2012.
	<i>Phase 1 is considered complete.</i>	
<b>Phase 2: Development of regulations</b>	1. Planning Commission Feasibility Review	1. Scheduled for this evening.
	2. Possible Council action to begin development of regulations	2. Scheduled for the May 11, 2015 Business Meeting.
	3. Neighborhood meetings to develop regulations	<i>Steps 3-6 are contingent on Council's decision in Step 2.</i>
	4. Planning Commission review of draft regulations	
	5. Public Hearing to receive comments	
	6. Possible Council action for endorsement of regulations	

### Feasibility Review Overview

- The purpose of the Feasibility Review is to discuss whether the development of a NCD zoning overlay can address the goals of the Town and the petitioning neighborhood, and if so, how the process should be structured.
- The chart below outlines the topics that should be considered during the Feasibility Review and our staff recommendation.

<b>Issue</b>	<b>Definition</b>	<b>Staff Comment</b>	<b>Staff Recommendation</b>
Community Goal(s)	The objective for the NCD zoning overlay.	A statement of justification was submitted by the neighborhood as a part of the Phase Two petition. See Attachment 1.	We believe the development of a NCD zoning overlay could assist with accomplishing these goals and recommend initiating the NCD zoning overlay process.
Level of urgency	A description of current development activity in the neighborhood and a potential schedule for the NCD zoning overlay process.	The Elkin Hills neighborhood is located along Martin Luther King Jr. Blvd. and adjacent to Carolina North. For a map, see Attachment 2. These areas may experience development pressures in the future (e.g., Carolina North); however, no development projects are pending in this area.	We do not believe there is an urgent or immediate need to develop a NCD zoning overlay for this neighborhood; however, we do recommend moving forward with the development of a NCD zoning overlay for the neighborhood.

Issue	Definition	Staff Comment	Staff Recommendation
Participation structure	The use of either a plenary or a Council appointed committee structure to organize neighborhood participation in the development process.	<p>The development process for the Town's nine existing NCD zoning overlays included the use of both a consensus and a Council-appointed committee structure to organize neighborhood participation in this process.</p> <p>Committee structures were used for neighborhoods such as Northside and Glen Lennox. Consensus structures were used for neighborhoods such as Highland Woods and Little Ridgefield.</p>	We believe the consensus participation structure is effective in neighborhoods that are overall cohesive in support and share a unified goal for the establishment of a NCD zoning overlay. The Elkin Hills neighborhood has exhibited these characteristics; therefore, we recommend the use of the consensus participation structure for the development process.
Initial boundary	A preliminary map of properties to be included in the NCD zoning overlay.	See Attachment 2 for the initial boundary of the neighborhood; this map was presented as a part of the Phase 2 petition.	We recommend establishing the preliminary boundary illustrated on Attachment 2 as presented by the property owners.

### Planning Commission Liaison

- In the past, the Commission has appointed one or two neighborhood liaisons to actively participate in the process by attending regulation-development meetings and reporting back to the Commission on a regular basis.
- Tonight, we recommend that the Planning Commission appoint one or two liaisons to participate in the process to development NCD zoning overlay regulations for the Elkin Hills neighborhood.

### Next Steps

- Once the Council receives the Planning Commission's recommendation, the Land Use Management Ordinance requires the Council to take action to begin or not begin the development and rezoning process to establish a NCD zoning overlay. This item is on the agenda for the Council's May 11, 2015 Business Meeting.
- If the Council chooses to move forward with the development of a NCD zoning overlay, Elkin Hills residents and property owners will work with Town staff and Planning Commission liaison(s) to develop regulations for the neighborhood which will be provided to the Planning Commission for their review and recommendation.

**Attachments**

- Attachment 1: Statement of Justification from the Elkin Hills neighborhood
- Attachment 2: Map of the Elkin Hills neighborhood

## Attachment 1: Elkin Hills Neighborhood Statement of Justification

*Prepared by: Elkin Hill Neighborhood as a part of the Phase 2 petition*

*Last revised: September 2014*

The unique Elkin Hills neighborhood is characterized by beautiful natural surroundings, safety, affordability, and the creative, bright people who live there.

Many homeowners feel that our neighborhood will face increasing pressure to change and redevelop as Carolina North is built, Central West is developed, and as some of the properties in the neighborhood age. We are concerned about the trend of investors buying smaller or older houses in less expensive neighborhoods and either enlarging them or tearing them down to build much larger houses as multi-tenant rental units.

Because of these concerns, we feel it is time to further pursue the NCD process. We want to focus on how an NCD might help sustain the qualities and spirit of our neighborhood, from the style of our homes to our lush yards full of mature trees, birds, and animals. An NCD should help ensure that any changes from development conform to the existing character of the neighborhood.

Lee Einsweiler, a planning consultant hired by the Town Of Chapel Hill, is also of the opinion that Elkin Hills is an appropriate neighborhood for the NCD zoning overlay. We were encouraged by the memo he wrote to the Town Council on January 24, 2014, part of which is included here:

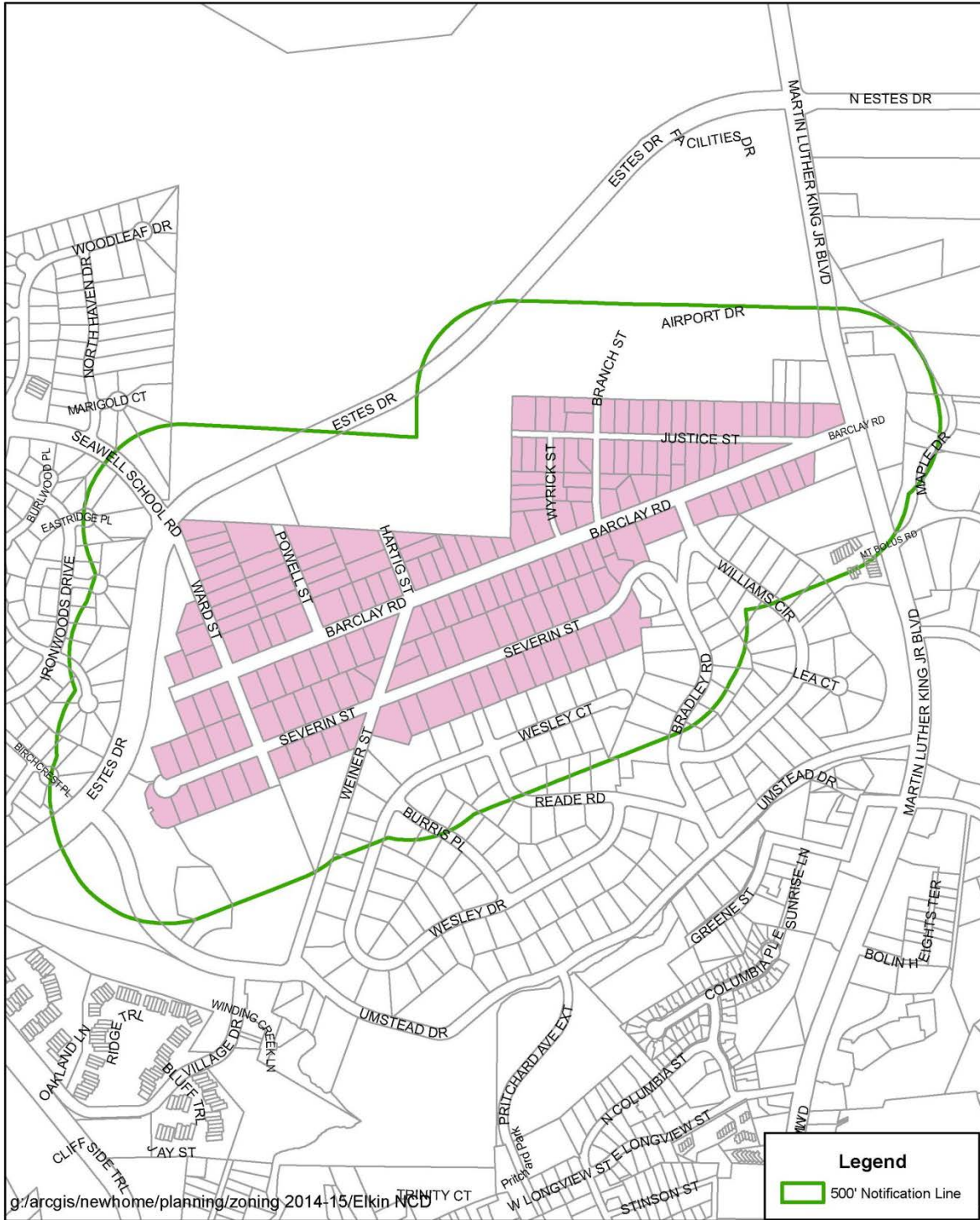
### ***Elkin Hills***

*This neighborhood presents the most complex challenge in considering the appropriateness of an NCD Overlay. The area lies just south of Estes Drive and the future Carolina North project. Today's subdivision contains some unpaved streets, and its character is related to the older, modest homes. Recently, a home targeted for rental to students was erected on Justice Street with a significantly different character and scale, and the neighborhood is reacting to the potential to be over-run by similar homes. From the planner's perspective, neighborhoods should regularly see an infusion of reinvestment to keep them up to date and vibrant. There will be a point in time where substantial additional pressure is put on the Elkin Hills neighborhood to fulfill housing needs for development activity at Carolina North. The neighborhood has not completed the Phase 2 petitions required for request the development of an NCD Overlay for their neighborhood. The Town needs to carefully consider the commitment to protection of the existing mass and scale of the neighborhood (and perhaps to the unpaved streets as well) against the desire for more dense housing products near employment such as Carolina North. Given the long timeline of the Carolina North project, at the present time, **it appears appropriate to preserve the character of the neighborhood with an NCD Overlay.** Phase 2 petitions are required, and then NCD Overlay text would need to be prepared by staff and discussed with the neighborhood prior to adoption.*

## Attachment 2: Map of the Elkin Hills Neighborhood

Prepared by: Office of Planning and Sustainability, Town of Chapel Hill

Last revised: March 13, 2015



Elkin Hills Neighborhood 500' Buffer Map

