



# TOWN OF CHAPEL HILL NORTH CAROLINA

## MEMORANDUM

**TO:** Chapel Hill Planning Commission

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

**SUBJECT:** 1609 E. Franklin St. Zoning Atlas Amendment

### Recommended Commission Action

- That the Planning Commission forward a recommendation to the Council on
  - The Resolution of Consistency; and
  - The proposed Zoning Atlas Amendment.

### Explanation of Recommendation

- Section 4.4.2 of the Land Use Management Ordinance requires the Planning Commission to review and submit a written recommendation to the Town Council.

### Key Considerations

- A valid petition was filed with the Town Clerk, therefore the proposed rezoning shall not become effective except by favorable vote of not less than three-fourths of the Town Council.
- The request to rezoning this property to Mixed-Use Village requires a development with a minimum of 25% residential and 25% non-residential uses.
- The 2020 Land Use Plan designates this site for High Density Residential (8-15 units per acre) as well as a Development Opportunity Area
- Applicable “*Themes and Goals from the 2020 Comprehensive Plan*” include that could support or challenge the argument that a Mixed-Use Village zoning designation complies with the Comprehensive Plan include:
  - Support:
    - High density development can “*Balance & sustain finances by increasing revenues and decreasing expenditures.*”
    - Locating high density in the urban service area result in “*Low density, green Rural Buffers that exclude urban development and minimize sprawl.*”
    - Located on a major thoroughfare with regional transit, the proposed rezoning is “*Connected to a comprehensive regional transportation system.*”
    - The Land Use Plan identifies this area as “*A Development Opportunity Area.*”
  - Challenge:
    - High density development may not “*Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution and traffic.*”
    - The Land Use Plan identifies this site as High Density Residential (8-15 units per acre).

**Staff Preliminary Recommendation**

- Our preliminary recommendation is that on balance, we believe the rezoning could be justified as being in compliance with the Comprehensive Plan. Alternately, the Planning Commission could determine otherwise.
- Based on the recommendation of the Planning Commission, and the information presented to the Town Council during the Public Hearing, our final recommendation to the Council on the proposed rezoning may be reevaluated.

**Fiscal Note**

- None at this time

**Council Goal:**

- Getting Around
- Good Places New Spaces
- Community Prosperity and Engagement

**Attachments**

- Draft Public Hearing Staff Memorandum
- Resolution of Consistency
- Ordinance Enacting the rezoning
- Resolution denying the rezoning
- Protest Petition
- Applicant's Material

## DRAFT MEMORANDUM

TO: Roger L. Stancil, Town Manager

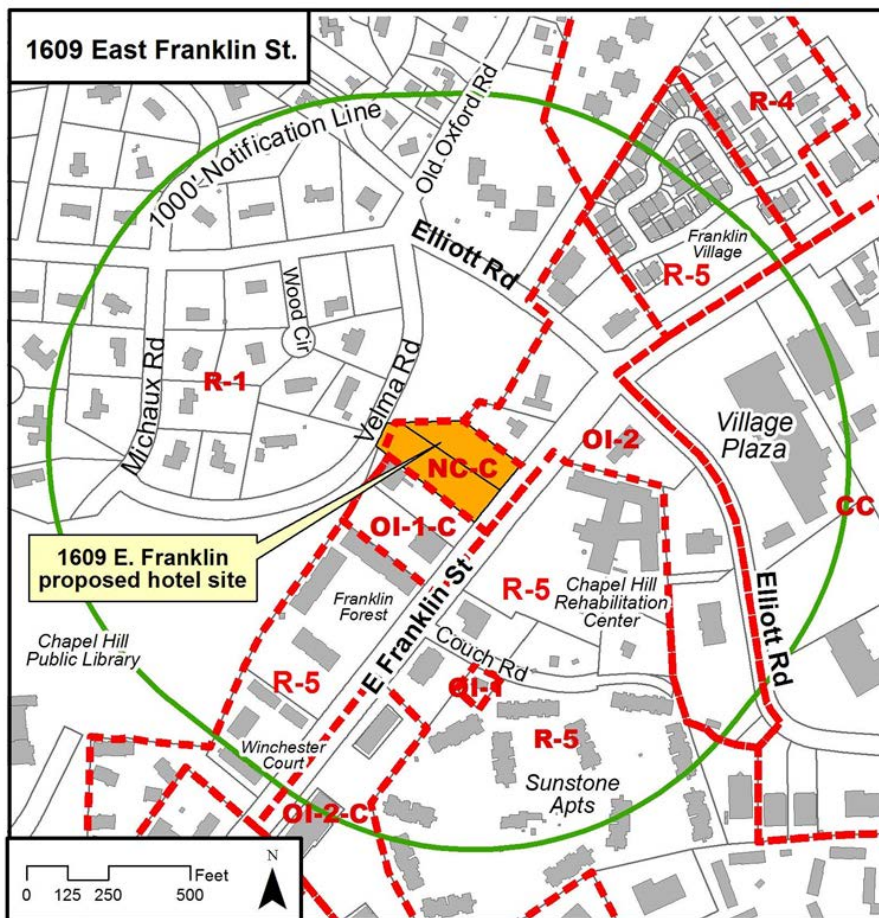
FROM: Mary Jane Nirdlinger, Planning and Sustainability  
Gene Poveromo, Development Manager  
Judy Johnson, Principal Planner

SUBJECT: Public Hearing: Application for Zoning Atlas Amendment – 1609 East Franklin Street (Project #13-089)

DATE: September 21, 2015

### INTRODUCTION

Attached for your consideration is a Zoning Atlas Amendment application, submitted by Charles R. Walker III, which proposes to rezone a portion of a 1.9-acre site from Neighborhood Commercial-Conditional (NC-C) zoning district to Mixed Use-Village (MU-V) zoning district. The existing Residential-1 (R-1) zoning district will remain. The 1.9-acre site is located at 1609 East Franklin Street on the northwest side of the street near the intersection of Elliott Road. The parcel identifier numbers are Orange County 9799-04-6951 and 9799-04-7995.



There is an accompanying Special Use Permit application that proposes development including construction of 67,612 square feet of hotel and apartments along with 123 parking spaces. Please refer to the accompanying staff report for detailed information about the Special Use Permit application.

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 Mixed Use-Village (MU-V) zoning district will accommodate the proposed development intensity including floor area and height.

Proposed Development Intensity – Zoning Districts			
		Existing NC-C and R-1 Zoning Districts	Proposed MU-V and R-1 Zoning District
Floor Area	Maximum Allowed	19,518 sq. ft.	88,216 sq. ft.
	Proposed Development	NA	67,612 sq. ft.
Primary Height	Maximum Allowed	29/34 feet	70 feet
	Proposed Development	NA	NA
Secondary Height	Maximum Allowed	40/60 feet	114 feet
	Proposed Development	NA	70 feet

The surrounding uses and zoning districts are as follows:

Surrounding Development Patterns	
General Development Pattern	General Business and Commercial area with single-family residential
North	Office/Institutional-2 (OI-2) – Psychology Associates and Fire Station Number 3
East	Office/Institutional-2 (OI-2) – Signature Health Care of Chapel Hill
South	Office/Institutional-1 (OI-1) – Ballet School of Chapel Hill
West	Residential-1 (R-1) – Coker Hills neighborhood

### **MIXED USE VILLAGE ZONING AND SPECIAL USE PERMITS**

The Council has the discretionary authority to approve or deny a rezoning request.

The Land Use Management Ordinance mandates that a rezoning request to a Mixed Use Village zoning district is accompanied by a Special Use Permit application. The specific proposal in the accompanying Special Use Permit application is related to the rezoning request. We believe it is appropriate for the Council to consider a specific Special Use Permit proposal on that application in tandem with a rezoning hearing. If the Council does not find the Special Use permit proposal to be an acceptable use of the property, we would recommend that the Council not approve the rezoning request.

## PROTEST PETITION

Opportunity for a protest petition to a proposed amendment to the Zoning Atlas is provided for under North Carolina Statutes. A valid petition was filed with the Town Clerk, therefore the proposed rezoning shall not become effective except by favorable vote of not less than three-fourths of the Town Council. A copy of the valid petition is attached.

### ZONING DESIGNATION AND THE 2020 COMPREHENSIVE PLAN

In order to amend the zoning atlas map, the Council can consider whether the proposal complies with the Comprehensive Plan. Following are elements of the 2020 Comprehensive Plan that relate to the propose rezoning:

*2020 Land Use Plan:* The [2020 Land Use Plan](#),<sup>1</sup> a component of the [2020 Comprehensive Plan](#),<sup>2</sup> designates this site as a High Residential Density with 8 to 15 units per acre use and as a Development Opportunity Area.

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

- Enhanced bicycle and pedestrian connections could link existing and new residential and commercial uses in this area.
- Redevelopment opportunities exist in this area, which currently has underutilized commercial capacity.
- The Ephesus Church Road/Fordham Blvd. Small Area Planning and Traffic Analysis was adopted in 2011 and will affect development in this area.
- The area has been identified for investment of expanded transit services to provide improved mobility within and along U.S. 15-501 and Fordham Blvd.
- The area also includes access to the proposed light rail transit service between Durham and Chapel Hill.

*2020 Action Steps:* The plan also identifies action steps:

- Focus additional efforts, in partnership with property owners in the area, to identify sections to rezone and provide enhanced connectivity for bicycles, transit, pedestrians, and vehicles using the complete streets approach.

*Ephesus-Fordham District:* This development across East Franklin Street, Signature Health Care of Chapel Hill, was initially proposed to be rezoned as part of the Ephesus-Fordham District. The Council is tentatively scheduled to reconsider rezoning the Signature Health Care site sometime this fall.

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<sup>1</sup> <http://www.townofchapelhill.org/home/showdocument?id=1215>

<sup>2</sup> <http://www.townofchapelhill.org/home/showdocument?id=15001>

The applicant believes 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 attached applicant's Statement of Justification.

### **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:

"This area is transitioning from the suburban style of the past and moving towards a more urban based language." [*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). The applicant believes that the finding 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:

“this proposal will bring needed housing and business opportunities that do not currently exist within the Town. This a Mixed-Use Proposal in an transitioning urban redevelopment area served by an existing Arterial while supporting public transportation and affordable housing.” *[Excerpt from Applicant's Statement]*

“Based on the approved TIA, the proposal has no negative level of service effects on the surrounding intersections. The drives will be one way in and one way out. A fee will be paid to upgrade the existing nearby bus stop. A set of public bike racks will be part of the entrance of the building and there will be bike storage included in all residential units..” *[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 consider this application on August 4, 2015.

Staff Recommendation: We recommend that the Town Council open the public hearing, receive comments, and consider the attachments associated with this application. Following the Public Hearing, staff will return to the Council with options for consideration with respect to the rezoning request.

**RESOLUTION A**

(Rezoning From Neighborhood Commercial-Conditional (NC-C) to Mixed Use-Village (MU-V))

**A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR 1609 EAST FRANKLIN STREET AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (PINs 9799-04-6951 and 9799-04-7995, PROJECT #13-089)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application from Charles R. Walker, III to amend the Zoning Atlas to rezone property described in the accompanying rezoning application from Neighborhood Commercial-Conditional (NC-C) to Mixed Use-Village (MU-V) 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:

- Balance & sustain finances by increasing revenues and decreasing expenditures.
- Development in a Development Opportunity Area;
- Balance & sustain finances by increasing revenues and decreasing expenditures.
- Connected to a comprehensive regional transportation system.

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 APPROVING REZONING**

Rezoning From Neighborhood Commercial-Conditional (NC-C) to Mixed Use-Village (MU-V)

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 1609 EAST FRANKLIN STREET (PINs 9799-04-6951 and 9799-04-7995, PROJECT #13-089)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for 1609 East Franklin Street, to amend the Zoning Atlas to rezone property described below from Neighborhood Commercial-Conditional (NC-C) to Mixed Use-Village (MU-V) 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;

- Balance & sustain finances by increasing revenues and decreasing expenditures.
- Development in a Development Opportunity Area;
- Balance & sustain finances by increasing revenues and decreasing expenditures.
- Connected to a comprehensive regional transportation system.

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 parcels identified by Parcel Identification Numbers (PIN) 9799-04-6951 and 9799-04-7995 along with one-half of the abutting right-of-way of East Franklin Street on the eastern side of the parcels are to be rezoned Mixed Use-Village (MU-V).

The following metes and bounds describe the joined boundaries of PIN 9799-04-6951 and 9799-04-7995: Beginning at a point in the northern right of way of East Franklin Street, said point being the north west lot corner of 1609 East Franklin Street and also being the point and place of beginning; thence North 43°30'52" East a distance of 124.82' to a point; thence North 43°31'38" East a distance of 99.42' to a point; thence North 47°17'20" West a distance of 222.14' to a point; thence North 86°22'11" West a distance of 192.06' to point; thence North 86°24'32" West a distance of 16.60' to point; thence South 22°51'47" West a distance of 96.00' to point; thence South 46°53'58" East a distance of 348.32' to point, said point being and point and place of beginning.

**SECTION III**

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

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

**RESOLUTION B**

(Denying Rezoning From Neighborhood Commercial-Conditional (NC-C) to Mixed Use-Village (MU-V))

**A RESOLUTION DENYING AN APPLICATION FOR A ZONING ATLAS AMENDMENT FOR 1609 EAST FRANKLIN STREET (PINs 9799-04-6951 and 9799-04-7995, PROJECT #13-089)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for 1609 East Franklin Street, to amend the Zoning Atlas to rezone property described below from Neighborhood Commercial-Conditional (NC-C) to Mixed Use-Village (MU-V) 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 1609 East Franklin Street, to amend the Zoning Atlas to rezone the property identified as now or formerly Orange County Parcel Identifier Numbers 9799-04-6951 and 9799-04-7995 that is currently zoned Neighborhood Commercial-Conditional (NC-C) and located at 1609 East Franklin Street, including half of the East Franklin Street right-of-way within the Chapel Hill Town Limits that is abutting the property frontage, shall not be rezoned to Mixed Use-Village (MU-V). The description of the entire property is indicated on the attached map.

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



Evaluation of the Protest Petition  
Against the Proposed Atlas Amendment to  
Rezone 1609 E Franklin St. from NC-C and to MU-V

For: Sabrina Oliver, Town of Chapel Hill Clerk

Date: May 22, 2015

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Sabrina:

I have evaluated the protest petition against the Zoning Atlas Amendment to rezone 1609 E Franklin Street from NC-C to MU-V (Mix Use Village), I have reviewed my evaluation and findings with the Town Attorney. You certified receipt of this protest petition on March 13, 2015.

Under State Law G.S. 160A-385 this petition is valid and sufficient to trigger the requirement for the three-quarters majority Council vote in order to approve the proposed rezoning. To be valid the sufficient under State Law, a protest petition must contain the signatures of the owners of 5% or more of the land area within the determined 100' buffer of the proposed rezoning.

This protest petition contains the signatures of the owners of sufficient land within the determined 100' foot buffer of the property as it was identified in the protest petition and now proposed for rezoning.

A handwritten signature in black ink, appearing to read "Deborah Frederick-Squires".

Deborah Frederick-Squires GISP

Town of Chapel Hill

Planning & Sustainability

405 Martin Luther King Jr Blvd

Chapel Hill, NC 27514-5705



Town of Chapel Hill  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514

*Communications and Public Affairs Department (Town Clerk)*  
(919) 968-2743

*Planning Department* (919) 968-2728

www.townofchapelhill.org

## PROTEST PETITION CONCERNING PROPOSED REZONING OF LAND 1609 E. FRANKLIN

### *4.4.2 Procedures*

#### *(i) Protest Petition*

A petition protesting a proposed amendment shall be subject to the provisions of North Carolina General Statutes Sections 160A-385 and 386, as may be amended from time to time. Any petition shall:

- (1) be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed amendment;
- (2) be received by the Town Clerk at least two (2) normal work days prior to the date established for the public hearing on the proposed amendment; and
- (3) be on a form prescribed and provided by the Town Manager and contain all the information requested on the form.

*Excerpt from  
Land Use Management Ordinance  
Chapel Hill, North Carolina*



**PROTEST PETITION CONCERNING PROPOSED REZONING OF LAND**

\* Please see attached general information regarding signatures of co-owners, signatures for corporations, etc.

**II. NAMES AND SIGNATURES OF PROPERTY OWNERS WHO PROTEST REZONING**

We protest the proposed change of zoning on the property described in Section I. hereof.

Name (print)	Signature	Date Signed	Property Owned: Parcel Identifier Number (PIN) or Tax Map, Block, Lot (TMBL)	Proposed Zoning District(s) Protested 1609 E FRANKLIN
1. <sup>Registered Agent/ MANAGER</sup> Andiamo LLC		3-6-15	9799059011	979904 7995
Andiamo LLC <sup>(member)</sup>		3-6-15	9799059011	979904 <sup>AND</sup> 6951
2. Tendu LLC <sup>registered agent/ MANAGER</sup>		3-6-15	9799046830	" "
3. Joel L. Fleckman Revocable Trust		3-6-15	9799057277	" "
4. Patricia J Wright		3-10/15	9799054120	" "
by DAVID C WRIGHT		Power of Attorney 3/10/15	<del>9799042945</del>	" "
5. E. J. McDonald		3/11/15	9799042945	" "

**PROTEST PETITION CONCERNING PROPOSED REZONING OF LAND**

Parcel Identifier  
Number (PIN) or Tax  
Map, Block, Lot  
(TMBL)

District(s) Protested


**III. TOWN CLERK'S CERTIFICATION OF RECEIPT OF PROTEST PETITION:**

I hereby certify that I received this protest petition on MARCH 13, 2015 at 1:37 p.m.  
(Date of Receipt) (Time of Day)



[Signature]  
Town Clerk

#### IV. INFORMATION ON REQUIREMENTS FOR PROTEST PETITIONS

- A. Introduction:** North Carolina law and Chapel Hill zoning regulations allow citizens to formally protest zoning actions. When the criteria described below are met, protest petitions alter the requisite vote necessary to enact zoning regulations.
- B. Deadline for Submittal:** To be valid under State Law, a protest petition must be received by the Town Clerk (405 Martin Luther King Jr. Blvd., Chapel Hill, N.C. 27514) at least two normal work days (excluding Saturdays, Sundays and legal holidays) before the date established for a public hearing. For example, the Town Clerk must receive your protest petition by 5 p.m. of the Wednesday before the date established for a public hearing on a Monday, if the Thursday, Friday and Monday are not holidays.
- C. Signature Requirements for a Valid Protest Petition:** If a partnership or corporation wishes to protest a rezoning, it should consult the Town Clerk well in advance of the protest petition deadline concerning proper signature. Generally, when there are co-owners (including husband and wife), **each individually** must sign. If a corporation wishes to protest, the person signing must be authorized by the Board of Directors and evidence of such authorization (such as a Certified Resolution) must be attached to the protest petition. If a protest petition is signed by a person with power of attorney for someone else, evidence of the power of attorney must be included with the petition. Photo copies or faxes of signatures are not acceptable as valid signatures.
- D. Requirements for an Effective Protest Petition:** The requirements for an effective protest petition include having signatures (see C above) of owners of either:
- Twenty percent (20%) of the land area proposed to be rezoned, or
  - Five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the ‘owners’ of potentially qualifying areas.

Please refer to the attached illustrative diagrams.

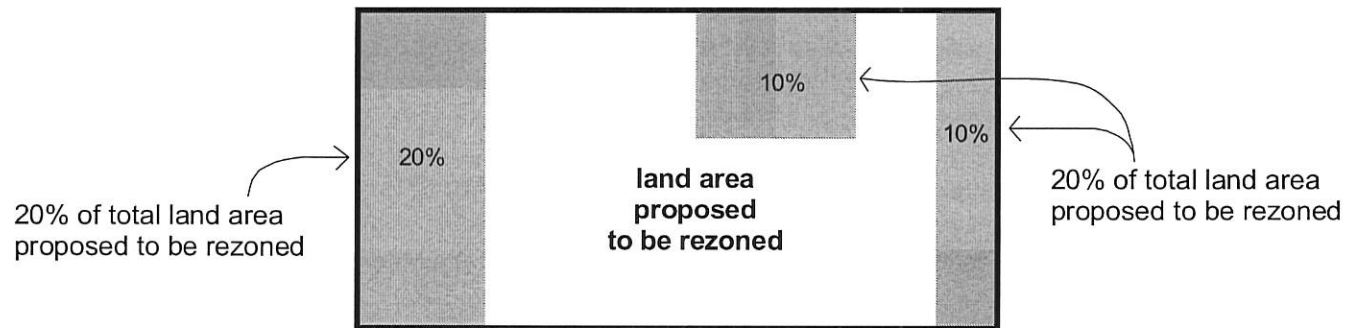


For other requirements in the State law on rezoning protest petitions, please see N.C. General Statutes G.S. 160A-385 and -386. The related section of the Chapel Hill Land Use Management Ordinance is contained on page one of this handout.

- E. Effect of Valid and Effective Protest Petition:** If a valid protest petition is determined by the Town to have the signatures sufficient for it to constitute an effective protest petition, then rezoning can occur only if three-fourths of all the members of the governing body (Mayor and Council) vote in favor of the rezoning. For the purposes of this subsection, vacant positions on the governing body and members who are excused from voting shall not be considered 'members of the governing body' for calculation of the requisite supermajority.
- F. Withdrawing Name from Protest Petition:** A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.
- G. Exception:** The above provisions concerning protest do not apply to any amendment which initially zones property added to the territorial coverage of the Town's ordinance as a result of annexation or otherwise, and under certain other circumstances provided by law.
- H.** These notes and the attached ordinances were current as of October 11, 2007. State statutes and Town ordinances may change and this information may become out of date. These notes are for information purposes and do not alter any provision of NC Statutes or Town Ordinances as they have been, or may in the future be interpreted by the Courts.

Attachments: Illustrative Diagrams I and II

### Illustrative Diagram I Requirements for an Effective Protest Petition by Owners of Land Proposed to be Rezoned



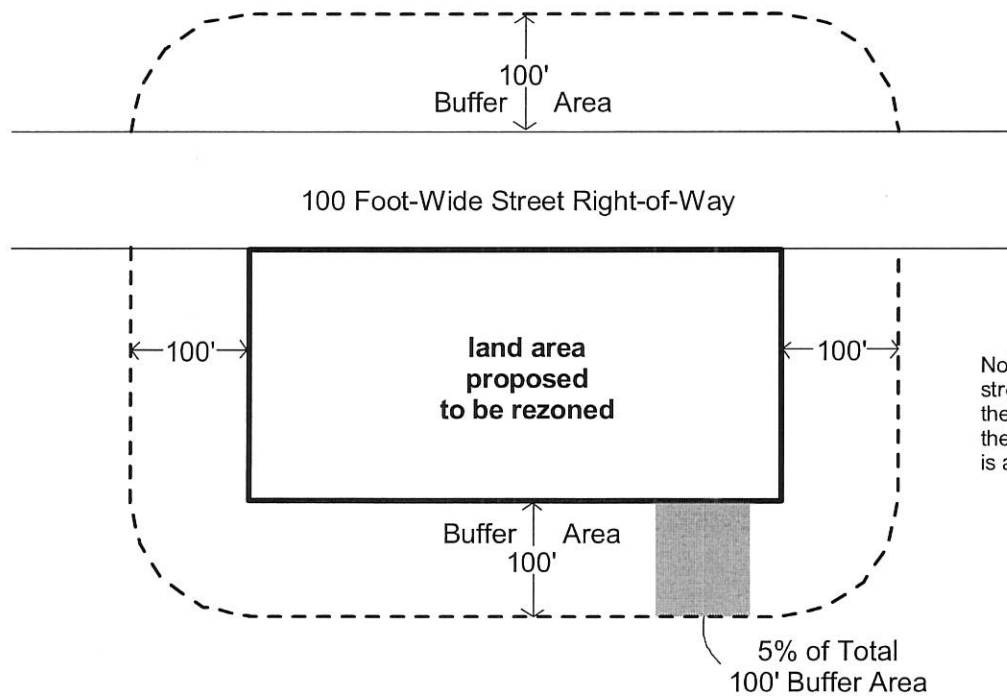
In order to trigger a Town Council three-fourths vote for approval:

An effective protest petition needs the signatures of owners of at least 20% of the land area proposed to be rezoned.

Note: Individual lot lines are not shown in diagram.

January 1, 2006  
Diagram by Chapel Hill  
Planning Department

### Illustrative Diagram II Requirements for an Effective Protest Petition by Neighboring Owners to Land Proposed to be Rezoned



Note: If there are other street right-of-ways abutting the area to be rezoned, the 100 foot-wide buffer is adjusted to them also.

In order to trigger a Town Council three-fourths vote for approval:

An effective protest petition needs the signatures of owners of at least 5% of the land area within a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned.

Note: Individual lot lines are not shown in diagram.

January 1, 2006  
Diagram by Chapel Hill  
Planning Department



**Protest Petition Signatures  
for 1609 E Franklin St**

# 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): 9799-04-7995 and 9799-04-6951

Date: 12/29/2014

## Section A: Project Information

Project Name: E. Franklin Mixed Use

Property Address: 1609 E Franklin and 1605 E Franklin St. Zip Code: 27514

Use Groups (A, B, and/or C): B Existing Zoning District: NC-C / R1

Project Description: Hotel/Residential Mixed Use Bldg  
Surface Parking and Appurtenances

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

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

Name: Charles R. Walker III

Address: 275 North Pea Ridge Rd

City: Pittsboro State: NC Zip Code: 27312

Phone: 919-625-9760 Email: cwalker@epgrouponline.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: \_\_\_\_\_ Date: \_\_\_\_\_

### Owner/Contract Purchaser Information:

**Owner**

**Contract Purchaser**

Name: HPW Properties LLC Attn; Sanjay Mundra

Address: 1001 Wade Avenue

City: Raleigh State: NC Zip Code: 27605

Phone: 919-573-8638 Email: smundra@hpwcommercial.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: \_\_\_\_\_ Date: \_\_\_\_\_



**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.

yes	<b>Application fee</b> ( <a href="#">refer to fee schedule</a> )	Amount Paid \$	1199.00
12/16	<b>Pre-Application Meeting – with appropriate staff</b>		
yes	<b>Digital Files</b> - provide digital files of all plans and documents		
yes	<b>Mailing list of owners of property within 1,000 feet perimeter of subject property</b> ( <a href="#">see GIS notification tool</a> )		
yes	<b>Mailing fee for above mailing list</b>	Amount Paid \$	166.32
yes	<b>Written Narrative describing the proposal</b>		
yes	<b>Statement of Justification</b>		
yes	<b>Digital photos of site and surrounding properties</b>		
yes	<b>Legal description of property to be rezoned</b>		
N/A	<b>Phasing Plan (if applicable) indicating phasing boundaries and phasing notes</b>		
yes	<b>Reduced Site Plan Set (reduced to 8.5"x11")</b>		

**Plan Sets (10 copies to be submitted no larger than 24"x36")**

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**

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

# JUSTIFICATION STATEMENT FOR ZONING ATLAS AMENDMENT 1 609 EAST FRANKLIN MIXED USE BUILDING

FEBRUARY 23, 2015

## INTRODUCTION/BACKGROUND

THIS STATEMENT IS THE JUSTIFICATION TO SUPPORT THE REQUEST TO REZONE THIS APPROXIMATELY 1.7 ACRE PROPOSAL FROM NC-C/R-1 TO MU-V ARTERIAL/R-1. THIS PROJECT IS CURRENTLY A SINGLE HOME RENTAL. A SUP ALLOWING FOR SUBURBAN-STYLE OFFICES IS CURRENTLY IN EFFECT. THIS ZONING REQUEST IS CHANGE THE NC-C PORTION OF THE PROPERTY TO MU-V ARTERIAL, THE R-1 WILL REMAIN IN PLACE AS A BUFFER TO THE NEIGHBORHOOD TO THE REAR OF THIS PROPOSAL.

## JUSTIFICATION FOR REZONING REQUEST

THIS AREA IS TRANSITIONING FROM THE SUBURBAN STYLE OF THE PAST AND MOVING TOWARDS A MORE URBAN BASED LANGUAGE. WHILE THIS PROPERTY IS CURRENTLY SHOWN IN THE FUTURE LAND USE PLAN AS COMMERCIAL, THE TOWN IS TAKING A MORE PROACTIVE FORM BASED REVIEW OF THE REDEVELOPMENT OF THIS PART OF FRANKLIN STREET. THE EPHEBUS-FORDHAM SMALL AREA PLAN SETS GOALS TO MOVE THE MORE "WALKABLE MIXED-USE" DESIGN. WHILE THIS PROPERTY IS ACROSS THE STREET FROM THE PROPOSED NEW DISTRICT (AREA 1), THE APPLICANT IS TRYING TO VISUALLY UNIFY THE STREETScape OF THIS ARTERIAL. THESE DOCUMENTS ARTICULATE SOME SPECIFIC GOALS.

### ***"A RANGE OF HOUSING OPTIONS FOR CURRENT AND FUTURE RESIDENTS"***

THERE ARE CURRENTLY NO TIER B LEVEL HOTEL ROOMS IN TOWN LIMITS. THERE ARE ALSO NO EXECUTIVE RENTAL UNITS FOR USE BY PROFESSIONALS STAYING FOR EXTENDED VISITS/WORK FOR THE BUSINESSES AND THE UNIVERSITY. OUR PROPOSAL ALSO HAS WAYS TO ADDRESS THE TOWN'S DESIRE FOR AFFORDABLE HOUSING WITH IN THE TOWN. SINCE THIS PROPOSAL IS A MIXED-USE WITH A RESIDENTIAL COMPONENT AT TWO OF THE TWENTY EIGHT PROPOSED UNITS WILL BE SET ASIDE FOR HOTEL STAFF AND A CONTRIBUTION WILL BE MADE TO THE HOUSING FUND. THE HOTEL COMPONENT OF THE PROPOSAL WILL NOT BE A BOUTIQUE STYLE DEVELOPMENT, RATHER A CORPORATE, MORE AFFORDABLE LEVEL SERVICE.

### ***"BALANCE AND SUSTAIN FINANCES BY INCREASING REVENUES AND DECREASING EXPENSES"***

THIS PROPOSAL DOES NOT ADDRESS DECREASING EXPENSES; HOWEVER, SINCE WATER AND SEWER ARE ALREADY AVAILABLE TO THE SITE, THE INCREASE IN REVENUES THROUGH AN INCREASED TAX BASE OPPORTUNITY IS A VAST IMPROVEMENT. CURRENTLY THERE IS ONLY A SINGLE RENTED HOUSE ON THE PROPERTY.

***"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 THE USE OF OTHER MEANS OF TRANSPORTATION SUCH AS BICYCLES, PEDESTRIAN, AND OTHER PUBLIC TRANSPORTATION OPTIONS"***

***"A CONNECTED COMMUNITY THAT LINKS NEIGHBORHOODS, BUSINESSES, AND SCHOOLS THROUGH THE PROVISION OF GREENWAYS, SIDEWALKS, BIKE FACILITIES AND PUBLIC TRANSPORTATION"***

BASED ON THE APPROVED TIA, THE PROPOSAL HAS NO NEGATIVE LEVEL OF SERVICE EFFECTS ON THE SURROUNDING INTERSECTIONS. THE DRIVES WILL BE ONE WAY IN AND ONE WAY OUT. A FEE WILL BE PAID TO UPGRADE THE EXISTING NEARBY BUS STOP. A SET OF PUBLIC BIKE RACKS WILL BE PART OF THE ENTRANCE OF THE BUILDING AND THERE WILL BE BIKE STORAGE INCLUDED IN ALL RESIDENTIAL UNITS. THE TOWN STAFF ASKED TO HAVE A CONNECTION TO THE PROJECT WITH PRITCHARD PARK THROUGH A SMALL PATH ALONG VELMA. WE HAVE ADDED STAIRS TO THE REAR OF THE PROJECT THAT WILL GIVE ACCESS TO THE EXISTING PATH ALONG VELMA.

IN SUMMARY, THIS PROPOSAL WILL BRING NEEDED HOUSING AND BUSINESS OPPORTUNITIES THAT DO NOT CURRENTLY EXIST WITHIN THE TOWN. THIS A MIXED-USE PROPOSAL IN AN TRANSITIONING URBAN REDEVELOPMENT AREA SERVED BY AN EXISTING ARTERIAL WHILE SUPPORTING PUBLIC TRANSPORTATION AND AFFORDABLE HOUSING.



### **Metes and Bounds Description for Rezoning**

Beginning at a point in the northern right of way of East Franklin Street, said point being the north west lot corner of 1609 East Franklin Street and also being the point and place of beginning; thence North  $43^{\circ}30'52''$  East a distance of 124.82' to a point; thence North  $43^{\circ}31'38''$  East a distance of 99.42' to a point; thence North  $47^{\circ}17'20''$  West a distance of 222.14' to a point; thence North  $86^{\circ}22'11''$  West a distance of 192.06' to point; thence North  $86^{\circ}24'32''$  West a distance of 16.60' to point; thence South  $22^{\circ}51'47''$  West a distance of 96.00' to point; thence South  $46^{\circ}53'58''$  East a distance of 348.32' to point, said point being and point and place of beginning.