TECHNICAL REPORT

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TEXT AMENDMENTS TO FORM DISTRICT REGULATIONS

The following Technical Report enumerates recommended updates to development standards that would better align the Form-Based Regulations of the Blue Hill District with the Blue Hill Design Guidelines and the recently adopted Mobility Plan. These updates would constitute text amendments to Sections 3.11 and 8.5 of the LUMO. The Final Draft of the Design Guidelines is included as a separate attachment.

STAFF MEMORANDUM SUBSECTIONS

Background
Connections to Other Documents
Updates to Draft Ordinance since Public Hearing
Summary and Table of Proposed Changes
Summary of Advisory Board/Commission Recommendations on Text Amendments
Text Amendment Findings of Fact
Area Map

BACKGROUND

February 2011	Completion of Ephesus Church Road/Fordham Boulevard Small Area Planning/Traffic Analysis
July 2014	Adoption of Form District Regulations for Ephesus-Fordham District
2016-2017	District traffic and infrastructure improvements
March 2017	Form District Regulations amended based on Walkability and Open Space Standards
May 2017	Initiation of Design Guidelines project
August 2017	Rebranding as the Blue Hill District (not yet reflected in LUMO)

CONNECTIONS TO OTHER DOCUMENTS

Town staff has reviewed the text amendment for compliance with the themes from the 2020 Comprehensive Plan[1], the standards of the Land Use Management Ordinance[2], the Chapel Hill Public Works Engineering Design Manual[3], and the Chapel Hill Mobility and Connectivity Plan[4] and offers the following evaluation:

Comprehensive Plan Themes: Staff believes the Blue Hill Design Guidelines and associated amendments to Form District Regulations comply with the themes of the 2020 Comprehensive Plan as indicated in the following table:

☒		Create a Place for Everyone	☒		Develop Good Places, New Spaces
☒		Support Community Prosperity	☐		Nurture Our Community
☒		Facilitate Getting Around	☐		Grow Town and Gown Collaboration

[1] http://www.townofchapelhill.org/home/showdocument?id=15001
[2] https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA
[3] http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details
[4] http://www.townofchapelhill.org/residents/transportation/bicycle-and-pedestrian/chapel-hill-mobility-and-connectivity-plan

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UPDATES TO DRAFT ORDINANCE SINCE PUBLIC HEARING

- Updates to the Design Guidelines revised to require Council approval of major changes; Town Manager approval of technical edits and changes needed to conform to LUMO *(Ordinance Section 5, Code Section 3.11.1.2.G)*
- Type D Frontage standards (suitable for alleys) updated to include sidewalks on both sides, 4' planting zones, and no option for parking in the Build-to-Zone *(Ordinance Section 20, Code Section 3.11.2)*
- Type E Frontage sidewalk width (suitable for non-vehicular thoroughfares) increased to 10' minimum (12' for greenways in a Town Plan) *(Ordinance Section 20, Code Section 3.11.2)*
- Sites not forming a complete block shall locate streets so it is feasible to complete the block on adjacent property (Ordinance Section 23, Code Section 3.11.2.7.D.c)
- Provisions for rooftop amenity space revised to specify high visibility ADA access *(Ordinance Section 24, Code Section 3.11.2.7.4.c)*
- For pass-through proportionality with larger buildings, prominent entries added as criteria for determining suitable width *(Ordinance Section 28, Code Section 3.11.2.7.S.2)*
- Greater clarity on the Certificate of Appropriateness review process and the role of the Design Guidelines in that process *(Ordinance Sections 5, 37, and 38; Code Sections 3.11.1.2.G, 3.11.4.7.D.1, 3.11.4.7.D.4)*
- New language added for Powers of the Community Design Commission, specifying decisions for Certificates of Appropriateness in the Blue Hill District *(Ordinance Section 40, Code Section 8.5.6)*

SUMMARY AND TABLE OF PROPOSED CHANGES

Based upon the review and feedback received to date, the potential updates to the Form-Based Regulations can be broken down into the following general categories:

A. Frontage Types: Broadening the framework of frontage types (which define standards along streets like setback and sidewalk width) to address minor streets and alleys, greenways, and frontages along Booker Creek.

B. Building Massing: Refining the dimensional requirements of a building through step back standards, building module length, and upper-story floor plate size, to ensure these techniques or an equivalent are used to vary building massing.

C. Building Pass-Throughs: Creating dynamic requirements for pass-through dimensions (width and height) to remain in proportion to the building (based on building height, depth, façade length).

D. Variation from Code that Maintains Design Intent: Consider new opportunities for Design Alternatives, where the Design Guidelines provide guidance on meeting the intent of the Code. Examples include criteria for Phased Development, more flexibility on sizing and location for Outdoor Amenity Space and Forecourts, allowing additional Primary Materials, varying the setback of Structured Parking, and flexibility on Street Tree size and spacing that responds to constraints.

E. Adding or Expanding Topics based on Design Guidelines Recommendations: Adding standards to the Code to correspond to new guidance provided by the Design Guidelines. This will assist with implementation of the Design Guidelines. Topics

include Building Entrance locations, restricting the location of Drive-thrus and Service Drives, and appropriate Transitions at the District Edge.

F. More Detail on Review Process, Including CDC Review: Adopting the Design Guidelines and establishing a mechanism for revisions. Updating the list of elements that the Community Design Commission reviews when evaluating a project for a Certificate of Appropriateness. Expanding the ability of the CDC to grant Design Alternatives when innovative approaches still meet the intent of the Design Guidelines. Codifying aspects of the review process that have been used in practice, such as assignment of new street types and completion of an Urban Design Assessment.

G. Miscellaneous Corrections, Clarifications and Minor Changes: Updating references to the name of the Districts, providing a stronger definition of street types and block perimeter measurement, and making technical corrections.

For a more detailed explanation of the general categories and the types of proposed updates, see descriptions in the following table:

TODAY'S REGULATIONS	PROPOSED	IMPROVEMENT AREA
A-1. Type A, B and C Frontages • Defined standards for Type A-1, A-2, B and C Frontages • Appropriate for Local, Collector, and Arterial streets • Frontage standards include setbacks, build-to-zone, sidewalk width, streetscape, and parking location	**A-1. Type A, B and C Frontages** • New Frontage Type A-3 appropriate for District Streets, with 6' sidewalks allowed • Type B and C Frontages require wider sidewalks, consistent with treatment of 15-501 shown in the Mobility Plan	Consistency with Mobility Plan; Context-sensitive regulations
A-2. Type D Frontage • Frontages not appropriate for alley context	**A-2. Type D Frontage** • New Frontage Type D appropriate for alleys • Requires 5' setbacks, 6' sidewalks and 4' planting zones alongside as part of a scaled down street section • When used to meet block length requirements, alley frontages are understood to be visible from the public realm; therefore, these facades are subject to review	Consistency with Mobility Plan; Context-sensitive regulations
A-3. Type E Frontage • Frontages not appropriate for properties along Booker Creek and other non-vehicular thoroughfares	**A-3. Type E Frontage** • New Frontage Type E appropriate for Booker Creek and other non-vehicular thoroughfares • Requires 10'-12' multiuse path centered between 8' tree planting zones • Non-vehicular Frontages are understood to be visible from the public realm; therefore, these facades are subject to review	Improved applicability of Design Guidelines; Consistency with Mobility Plan; Context-sensitive regulations; Orient buildings towards Booker Creek

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TODAY'S REGULATIONS	PROPOSED	IMPROVEMENT AREA
B. Building Mass Requirements • 10' building Step Back above the 2nd or 3rd floor, for all buildings 4+ stories in height • Exempt if building has a 10' setback	**B. Building Mass Requirements** • Maximum Upper Story Floor Plate added. 4th floor and above limited to an average of 70% of lower story floor area • Maximum Module Length added as by-right alternative to Step Back requirement. For every 80' of building length, a 6' offset of at least 12' width is required • Design Alternative allowed when applicants have other effective approaches to varied building mass	Improved applicability of Design Guidelines; Additional tools to ensure varied massing; Avoid buildings that 'loom over' their surroundings
C. Building Pass-Throughs • 330' maximum spacing • 12' minimum width • 1 story minimum height	**C. Building Pass-Throughs** • 2-story minimum height for taller buildings and/or longer pass-throughs • Width increases for 4+ story buildings and/or longer pass-throughs, based on context, to keep proportion with building	Improved applicability of Design Guidelines; Ensure pass-throughs are inviting and in proportion to building
D-1. Phased Redevelopment • Guidance for review and approval not currently provided	**D-1. Phased Redevelopment** • Build-out plan must be submitted, defining phasing and interim buffers • Demonstrate that future compliance with Form-Based regulations is feasible • Design Alternatives in earlier phases for Frontages and other requirements, when there is a build-out plan showing future compliance	Improved applicability of Design Guidelines; Plan for incremental improvements to accommodate future development
D-2. Outdoor Amenity Space, Size and Location • 20' minimum length and width • Publicly accessible • Located adjacent to adjoining right-of-way, greenway, public thoroughfare	**D-2. Outdoor Amenity Space, Size and Location** • Smaller depth allowed in a setback area with a Design Alternative • Width increases for 4+ story buildings, based on context, to keep proportion with building • May be located on rooftops, with a Design Alternative, when clearly visible with exterior access and ADA access	Improved applicability of Design Guidelines; Activate setback areas for pedestrians; Active rooftop areas for public use
D-3. Forecourt Sizing • 35' maximum dimension (width or depth) • Width no more than 1/3 of building face • Allows small open spaces along street	**D-3. Forecourt Sizing** • Maximum dimension can increase to 50' with a Design Alternative	Improved applicability of Design Guidelines; Expand techniques to increase pedestrian interest and break up scale of building

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TODAY'S REGULATIONS	PROPOSED	IMPROVEMENT AREA
D-4. Primary Materials • Permitted materials include Brick and tile masonry, Stone (or synthetic equivalent), Wood, Glass curtain wall, Cementitious siding, and Stucco (cementitious finish) • Must constitute at least 75% of each building wall	**D-4. Primary Materials** • Architectural Metals and Architectural Concrete allowed with a Design Alternative • Should include detailing, small panels, and other visual interest	Improved applicability of Design Guidelines; Allow more variety in the building material palette
D-5. Structured Parking Setback • 30' behind building façade, to encourage wrapped parking	**D-5. Structured Parking Setback** • Reduced setback for 1 or 2 levels of parking with a Design Alternative • Ground floor use required on Type A Frontages • No setback reduction on Type E Frontages	Improved applicability of Design Guidelines; Encourage smaller building footprints through podium construction style
D-6. Street Tree Spacing • 40' or less average tree spacing • Canopy trees required • Smaller trees can be used when utility conflicts exist, with a Design Alternative	**D-6. Street Tree Spacing** • Expand Design Alternative to allow flexible spacing and sizing of trees in certain circumstances • Equivalent plantings provided behind sidewalk or elsewhere on site	Improved applicability of Design Guidelines; Acknowledge flexibility needed for utilities, fire access, and sight lines at intersections
E-1. Building Entrances • Principal entrances must face street • Maximum spacing of 100' between Principal entrances, for both Residential and Nonresidential	**E-1. Building Entrances** • Principal entrances can also face a plaza, open space, or greenway • Entrance can be perpendicular to street if defined by an awning, arcade, etc. • Principal entrances required along Booker Creek frontages • Residential principal entrance spacing reduced to 50' to encourage entries to ground floor units	Improved applicability of Design Guidelines; Allow more variety of entry treatments; Orient buildings towards Booker Creek; Activate residential streetscapes
E-2. Drive-Thru Standards • Permitted at mid-block only for Type A and Type B frontages	**E-2. Drive-Thru Standards** • Only permitted as a Special Use (Council approval)	Reduce the potential presence of drive-thrus
E-3. Service Drive Location • No more than 3 vehicular access points for the site as a whole, and 2 per 200' of street frontage	**E-3. Service Drive Location** • For buildings with multiple street frontages, no vehicular access point on the primary frontage (typically a Type A Frontage) • No vehicular access on Booker Creek frontages • Clarify that drive-thru access counts as a Service Drive	Improved applicability of Design Guidelines; Reduce the visual impact of service drives while allowing connections

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TODAY'S REGULATIONS	PROPOSED	IMPROVEMENT AREA
E-4. Transition at District Edge • 10' Residential Protection Buffer required where Blue Hill District directly abuts a residential district • Landscaping and Wall required within the Buffer • Fences not permitted in the Buffer • No provisions for buildings closest to the District edge	**E-4. Transition at District Edge** • Fences are allowed, to maintain some transparency • When the Buffer includes an outdoor amenity, Landscaping and Fence/Wall requirements may be reduced with a Design Alternative • Building step back requirement also applies at District edge – 10' above the 2nd or 3rd floor, for all buildings 4+ stories in height	Improved applicability of Design Guidelines; Ensure compatibility with adjacent neighborhoods; Encourage connectivity at District edge
F-1. Application and Administration of District Standards • Evaluation for Certificate of Appropriateness broadly includes Exterior architectural features of buildings, Accessory utility structures, and Stormwater control • Design Alternatives generally limited to situations where there is a site constraint • Traffic Impact Analysis and Urban Design Assessment not addressed under review process	**F-1. Application and Administration of District Standards** • Adoption of Design Guidelines, with Council to approve substantive updates and the Town Manager able to approve corrections and improvements which do not modify substantive standards • Specify that evaluation for Certificate of Appropriateness includes the 'COA Review Elements' listed in the Design Guidelines • Design Alternatives expanded to include innovative approaches that still meet the intent of the Design Guidelines • Define Traffic Impact Analysis and Urban Design Assessment as part of review process	Improved applicability of Design Guidelines; Align regulations with practice
F-2. Street Types and Blocks • No clear guidance on how to assign an appropriate Street Type to proposed new streets • No clear guidance on assigning responsibility for improvements when proposed new street is split by a property line	**F-2. Street Types and Blocks** • Additional guidance provided for designating Street Type and associated Frontage, based on proposed development and surrounding context • For a new street at the property line, applicant to construct at least half the right-of-way and improvements	Consistency with Mobility Plan street types; Clarity of street construction requirements; Align regulations with practice
G-1. Name Change • Form-Based Regulations refer to 'Ephesus/Fordham District'	**G-1. Name Change** • Form-Based Regulations refer to 'Blue Hill District' in title and throughout	Align with decision of property owners
G-2. Misc. Clarifications and Corrections	**G-2. Misc. Clarifications and Corrections** • Improved definition of street types and block perimeter measurement • Improved instruction for measurements • Improved organization of standards • Various technical corrections	

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SUMMARY OF ADVISORY BOARD/COMMISSION RECOMMENDATIONS ON TEXT AMENDMENTS

Advisory Board/ Commission	Action Taken
Community Design Commission Video from 3/27/18 (starts at 1:50:40)[1] Minutes from 3/27/18[2]	On March 27, 2018, the Commission unanimously endorsed a motion to support enactment of the text amendments with the following recommended revisions: • Updates to the Design Guidelines require Council approval • Further study of Type D Frontage • 10-foot minimum sidewalks for Type E Frontages along Booker Creek and Non-Vehicular Thoroughfares. • Clearly visible ADA access required for rooftop amenity space • Further study of Phased Redevelopment standards
Planning Commission Video from 4/17/18 (starts at 0:41:58)[3] Minutes from 4/17/18[4]	On April 17, 2018, the Commission unanimously endorsed a motion to support enactment of the text amendments with the following recommended revisions: • Agree with CDC recommendations for Design Guidelines updates, Type D Frontages, Type E Frontages • 70% maximum upper story floor plate should be achieved through a step back on the "front" or most visited façade • Rooftop amenity space encouraged but not to count towards the required outdoor amenity space ratio • Increase outdoor amenity space ratio from 6% to 8% • Determine if there is any disadvantage to removing the maximum dimension requirement for a forecourt • Prohibit drive-thrus The Commission also found the proposed text amendments, with minor changes as recommended, to be consistent with the Comprehensive Plan.

TEXT AMENDMENT FINDINGS OF FACT

All information submitted at the public hearing will be included in the record of the hearing. Based on the comments and documentation submitted, the Council will consider whether it can make one or more of three required findings (listed below A-C) for enactment of the Land Use Management Ordinance Text Amendment.

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 shall not be amended except:

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

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[1] https://chapelhill.legistar.com/DepartmentDetail.aspx?ID=35897&GUID=60D7535E-8FD2-4C4F-B065-903F28578771
[2] https://chapelhill.legistar.com/View.ashx?M=M&ID=584147&GUID=10874176-398F-46BD-A734-F963013FCED0
[3] https://chapelhill.legistar.com/DepartmentDetail.aspx?ID=36025&GUID=C6234EBA-6921-4B40-B028-C09961714CD3
[4] https://chapelhill.legistar.com/View.ashx?M=M&ID=584133&GUID=8DDC9705-2BF0-4D45-AD02-7C6D13B3A8D6

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Following is a staff response to the three required considerations:

Finding A: The proposed text amendment is necessary to correct a manifest error.

Staff believes the information in the record to date can be summarized as follows:

Arguments in Support	To date, no arguments in support have been submitted.
Arguments in Opposition	To date, no arguments in opposition have been submitted.

Finding B: The proposed text amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

Staff believes the information in the record to date can be summarized as follows:

Arguments in Support	To date, no arguments in support have been submitted.
Arguments in Opposition	To date, no arguments in opposition have been submitted.

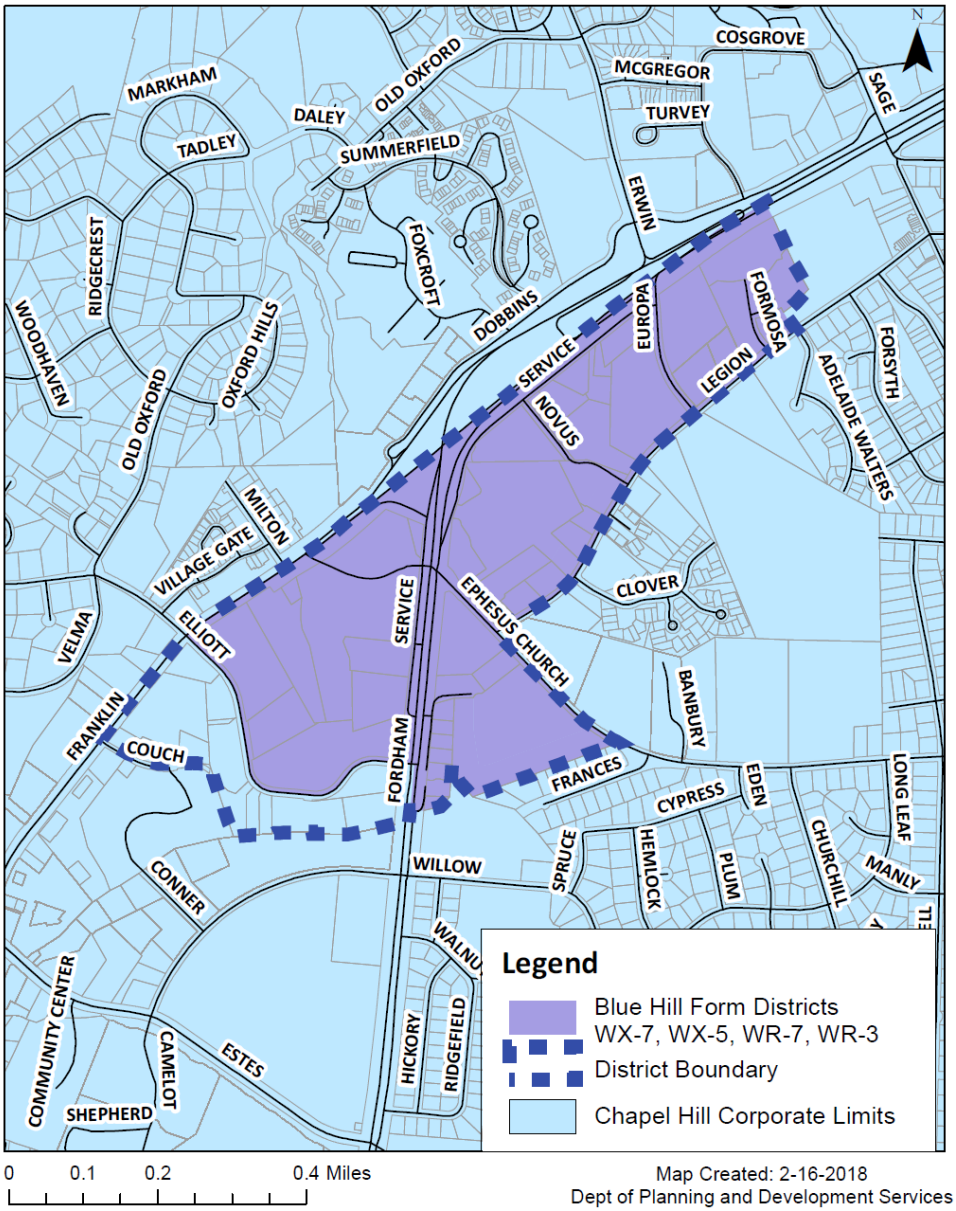
Finding C: The proposed text amendment is necessary to achieve the purposes of the Comprehensive Plan.

Staff believes the information in the record to date can be summarized as follows:

Arguments in Support	Relevant goals and objectives in the Chapel Hill 2020 Comprehensive Plan include, but are not limited to: • Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal *A Place for Everyone*.1) • A welcoming and friendly community that provides all people with access to opportunities (Goal *A Place for Everyone*.4) • Balance and sustain finances by increasing revenues and decreasing expenses (Goal *Community Prosperity and Engagement*.1) • 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 other 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) • Make an adaptable transportation system to support both dense and suburban development (Goal *Getting Around*.4) • Incorporate street planning into zoning code (Goal *Getting Around*.7)

	• A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal *Good Places New Spaces*.3) • Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal *Good Places New Spaces*.8)
Arguments in Opposition	To date, no arguments in opposition have been submitted.

AREA MAP



Note: Form District Regulations apply within the Form Districts WX-7, WX-5, WR-7 and WR-3. Properties with the Blue Hill District boundary but south of Elliott Road are not subject to the Form District Regulations