

1165 Weaver Dairy Road
Chapel Hill, North Carolina

Proposed Zoning Atlas Amendment

Zoning Atlas Amendment Statement of Justification

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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

Zoning Atlas Amendment – Statement of Justification

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.

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.