

*Aydan Court*  
*Townhomes and Condominiums*  
*Chapel Hill, North Carolina*

R-SS-C  
Rezoning Statement of Justification

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*Aydan Court*  
*Townhomes and Condominiums*  
 NC 54 East, Chapel Hill, NC  
 (Durham County)

**Introduction/Background** \_\_\_\_\_

This is a rezoning statement of justification supplied in connection with a request by Cazco, Inc. for approval of a Special Use Permit for a Planned Development Housing application. The proposed Aydan Court Townhome and Condominium development is designed and located to provide a medium density residential development on the north side of the NC 54 entryway corridor to Chapel Hill. The entire site is located in Durham County but lies within the Town Limits of Chapel Hill and is subject to Chapel Hill planning and development regulations.

The 5.8-acre site is currently zoned for residential development as is the University of North Carolina at Chapel Hill Foundation, Inc. property located immediately to the west of the applicant's property.

**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 condition "b" and concluding with information addressing condition "c," achieving the purposes of the Comprehensive Plan.

**Rezoning Criteria: Changed or Changing Conditions** \_\_\_\_\_

The Town of Chapel Hill adopted the current Comprehensive Plan in 2000. Since that time, the Council has undertaken a number of additional planning initiatives. These actions 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. These additional activities have resulted in:

1. the adoption of neighborhood conservation plans and zoning text amendments,
2. the Rogers Road Small Area Plan
3. the Northern Area Task Force report and recommendations for transit oriented development in the northwestern portion of Chapel Hill,
4. the Lot 5 downtown redevelopment initiative and several other select examinations of planning and development policies.

The NC 54 corridor between the NC54/15-501 By-Pass and the eastern boundary of the Town of Chapel Hill is another area in which conditions have changed during the past 6 years. NC 54 is and has been for many years the primary entry to the southern areas of Chapel Hill and particularly to the campus of the University of North Carolina.

As Chapel Hill has grown, re-development at contemporary market density for both residential and non-residential development has been proposed and approved along this NC 54 Corridor. These developments have been approved at densities and floor area intensities that resulted in zoning map and text amendments that increased the amount of activity permitted.

Meadowmont was approved in the mid 1990's. It added office, retail, and residential development at higher intensities in the NC 54 corridor, along with public facilities such as an elementary school and public recreation facilities. Early in 2007, the Council approved a map and text amendment to increase the density of and change the mix of uses for East 54, a higher density mixed-use development.

In September 2008, a Special Use Permit and a Zoning Map Amendment were approved for the Woodmont mixed-use development located on the south side of NC 54 near the Aydan Court proposal.

These previous proposals and Council approvals are the result of changing conditions of several types. The applicant's proposed Aydan Court residential development is also a product of these forces that include:

- a) An increased market demand for more compact development alternatives including more townhome and condominium residential development. Sometimes this is a desire for larger size dwelling units without the burdens of outdoor yard maintenance obligations associated with single-family detached homes.
- b) The location of higher density residential activity (along with other transit-friendly land uses) along the primary transportation corridors in Chapel Hill. This includes NC 54 on which Chapel Hill Transit bus service connects Meadowmont and the Friday Center areas to the UNC campus, downtown Chapel Hill, and the remainder of Chapel Hill.
- c) The limited amount of land area remaining in Chapel Hill for development that addresses current market desires.
- d) The need to include affordable housing within new developments. This desire by itself has created the need for virtually all proposed residential developments to request a higher density zoning district in order to provide the additional floor area and dwelling units needed for private market development to subsidize the below market priced affordable housing units.

Because the primary and very important reasons for approving a proposed zoning map amendment should involve measuring a proposal against the adopted goals of the town and the Comprehensive Plan, the changing policy and market conditions cited above are important to consider and, in the applicant's opinion, strongly justify the request for rezoning.

#### **Rezoning Criteria: Achieving the Purposes of the Comprehensive Plan** \_\_\_\_\_

The Town's Comprehensive Plan identifies a number of major planning themes (Twelve are identified on pp. 4-6 of the Plan) in order to accomplish the goals and objectives of the Comprehensive Plan. The proposed Aydan Court development directly supports 11 of these main themes.

The following material addresses the manner in which Aydan Court satisfies these themes.

1. Maintain the Urban Services/Rural Buffer Boundary

The proposed development lies within the Urban Services Boundary and proposes to develop with public water and sewer services provided by OWASA.

2. Participate in the Regional Planning Process

The Town of Chapel Hill participates actively in the Regional Planning Process, particularly with respect to transportation facilities, greenways, and other matters. This application specifically will be referred to and reviewed by Durham, The Army Corps of Engineers, and North Carolina Department of Transportation.

3. Conserve and protect existing neighborhoods

The proposed development shares a property line with the Army Corps of Engineers Upper Little Creek Waterfowl Impoundment Area and another property line with an undeveloped parcel of property owned by the University of North Carolina at Chapel Hill Foundation Inc. As a result, there are no existing neighborhoods directly abutting Aydan Court. The Sherwood Forest and Downing Creek neighborhoods are on the south side of NC 54 and should not be affected. Meadowmont, to the west, should benefit by this nearby residential development, as Aydan Court residents will use the commercial, office, and banking services within Meadowmont.

4. Conserve and protect the natural setting of Chapel Hill

The Aydan Court site has an intermittent stream with a 50 feet wide buffer on each side. The stream and buffer run parallel with NC 54 at the front of the site. This RCD buffer will need to be crossed by 1 entry/exit to access the developable portion of the property. The 50 feet wide road and pedestrian entry to the site will occupy 10% of the 500 feet of road frontage corridor, leaving 90% of the site's frontage on NC 54 undisturbed to depths between 150-175 feet. This permits the proposed development to take place behind a significant vegetation buffer that will be, with the exception of a split second of interior view, invisible to passing motorists. This allows the entryway corridor along NC 54 to retain the current visual soft entry to Chapel Hill, including maintaining the current Chapel Hill Welcome Monument in an undisturbed condition.

The Upper Little Creek Waterfowl Impoundment Area will be protected by a combination of factors. Primary elements of the protection of the impoundment area are the high standards adopted by the Town of Chapel Hill to regulate the quantity and quality of stormwater run-off from the Aydan Court Site. The applicant proposes to augment these standards by capturing and re-using stormwater on site for landscape irrigation.

5. Identify areas where there are creative development opportunities

Both the town and development applicants play a role in recognizing and taking advantage of creative development opportunities. In this case the property is located at the edge of Chapel Hill on an existing major transportation corridor and near significant UNC and private activity areas.

By recognizing the value of this corridor and by considering favorably other requests for higher density development in this corridor, the Council has acknowledged the appropriateness of creative solutions within the corridor.

The applicant has also recognized the opportunity for creative development and proposes not to extend the sprawl pattern of single-family detached housing at this location, but to provide a compact development plan of a higher density. Aydan Court proposes townhomes and condominium flats at a medium density of 10 dwelling units per acre. The proposed plan includes provisions for the extension of the NC 54 bicycle and pedestrian trail system running parallel with NC 54 and an internal connection to UNC property that will eventually connect directly to Meadowmont and provide an internal pedestrian and vehicular path as an alternative to the NC 54 corridor.

6. Encourage desirable forms of non-residential development

This theme is not applicable for this property. Meadowmont has already been developed as the neighborhood and community retail center for this area of town. It also contains public facilities such as parks, schools, and greenways. As a small site with no visibility from NC 54 and within a corridor that has retail and office uses (and that will have more non-residential uses with the development of 54 East and Woodmont, the Aydan Court property is not appropriate for development with office or retail uses.

7. Create and preserve affordable housing opportunities

The proposed development proposes to contain 4 affordable housing units and provide a payment-in-lieu for 4.7 units.

8. Co-operatively plan with the University of North Carolina at Chapel Hill

The applicant and UNC staff have met a number of times to provide information and share interests about access between one property and the other, utility extension to the Aydan Court site crossing the University of North Carolina at Chapel Hill Foundation, Inc. property, and to review future pedestrian and vehicular connections. The applicant believes that the current plan will be a good neighbor to any future development of the UNC property and that future UNC development will be compatible with Aydan Court.

9. Work toward a balanced transportation system

Automobile, pedestrian, bicycle, and bus transit systems are the primary components of the current transportation systems in Chapel Hill. The geographic location of this development and the current character of NC 54 will require that the automobile continue to play a dominant roll for many trips.

The extension of the "Meadowmont" trail system to Aydan Court and the future connection to the UNC property will provide access to larger, area wide pedestrian and bicycle systems.

Bus service is available within Meadowmont at this time and residents of Aydan Court will be about a 10-minute walk away from this bus service. A location for a future bus stop on NC 54 at the entrance to Aydan Court is proposed. It is expected that the development of Woodmont and future development of the adjoining University of North Carolina at Chapel Hill Foundation Inc. site of 51 acres will help create additional demand for increased frequency of bus service and that the future bus stop will afford the residents of Aydan Court greater opportunities than currently exist.

**10. Complete the bikeway/greenway/sidewalk systems**

Aydan Court will extend the NC 54 bicycle and pedestrian trail on the north side of NC 54 from Meadowmont to the eastern edge of its property, the Chapel Hill Town Limits boundary. This improvement will be done in conjunction with the extension of utilities to the site and will encourage residents of Aydan Court to walk to Meadowmont and provide access for Meadowmont and Aydan Court residents to the Jordan Lake Wildlife Impoundment.

**11. Provide quality community facilities and services**

The applicant will be extending water and sewer facilities to this property as well as providing recreation and other activity locations within the site that are appropriate for the size of the Aydan Court development and the residents.

**12. Develop strategies to address fiscal issues**

As a compact development with a very limited public infrastructure, this development will yield a high per acre tax value and a low demand for public services. As a residential development located in Durham County, the site will not generate a use burden for the Chapel Hill Carrboro School System. Lastly, the residents will bring additional purchasing power to Chapel Hill and support local business as well as add to the sales tax revenue returned to the Town.

**Proposed Zoning District: R-SS-C (Residential-Special Standards-Conditional) \_\_\_\_\_**

The applicant proposes to rezone the site from R-1 (3 dwelling units per acre) to the R-SS-C District.

The R-SS-C district is a conditional use district in which residential development is permitted only when authorized by a Special Use Permit. It is not a district appropriate for all locations, but the applicant believes that it is appropriate for the Aydan Court.

The Aydan Court Townhome and Condominium development is proposed to be a medium density 10 dwelling unit per acre compact residential neighborhood that will be occupied by older adult families, sometimes referred to in real estate terms as empty nesters.

The Floor Area Ratio for the R-SS-C District is 1.100 and therefore provides the amount of square feet per dwelling unit desired by a significant portion of the older adult families.

So, while the proposed density would fit within the existing R-4 Medium Residential District at 10 units per acre, the Floor Area of that district – a standard adopted more than 20 years ago when the housing market in Chapel Hill was substantially less diverse – does not accommodate the Town's desires for Affordable Housing in all new residential development, nor the floor area per unit desired in contemporary townhomes and condominiums.

The additional floor area permitted within the R-SS-C District allows Aydan Court to provide homes consistent with current market desires and town desires for providing affordable housing.