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OPENING

1. Approve Agenda. (no attachment)

PUBLIC FORUMS AND HEARINGS

2. <u>Initial Public Forum on the Annual Budget, Capital Program, Use of Grants and Related Items and Potential Legislative Requests.</u>

PRESENTER: Ken Pennoyer, Business Management Director

PETITIONS FROM THE PUBLIC

Petitions will not be acted upon at the time they are presented. It shall take a unanimous vote of the Council members present for a petition to be acted upon immediately upon its presentation. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular meeting of the Council; or referral to another board or committee for study and report; or referral to the Town Manager for investigation and report; or receive for information. (Receiving does not imply approval, agreement, or consent.)

ANNOUNCEMENTS BY COUNCIL MEMBERS

CONSENT

Items of a routine nature will be placed on the Consent Agenda to be voted on in a block. Any item may be removed from the Consent Agenda by request of the Mayor or any Council Member.

- 3. Approve all Consent Agenda Items. (R-1)
- 4. Adopt a Resolution Supporting the Town's FY2015-2016 Transportation Demand Management (TDM) Grant Application. (R-2)
- 5. <u>Approve All-way Stop Control at the Intersection of Mitchell Lane and McDade</u> Street/North Roberson Street. (O-1)

- 6. <u>Approve Changes to On-Street Parking Regulations on Cedar Fork Trail and Prestwick Road. (0-2)</u>
- 7. <u>Continue Public Hearing: Amending the Orange County-Chapel Hill Joint Land Use Plan</u> Agreement (JPA) for Agricultural Support Enterprises. (R-3)

INFORMATION

These items are reports or information for the Council.

8. <u>Update: Town of Chapel Hill Living Wage Policy Annual Report.</u>

DISCUSSION

9. <u>Consider Proposed Rezoning to Create a Neighborhood Conservation District Zoning</u> Overlay for the Little Ridgefield Neighborhood. (R-4)(O-3)

PRESENTER: Megan Wooley, Community Sustainability Planner Kay Pearlstein, Current Development Senior Planner

- a. Without objection, the Manager's revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendations by the Manager
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to adjourn the Public Hearing
- f. Motion to adopt the Resolution of Consistency with the Comprehensive Plan.
- q. Motion to enact the Ordinance approving the proposed Zoning Atlas Amendment

RECOMMENDATIONS: That the Council enact the attached Ordinance approving the proposed Zoning Atlas Amendment, creating a Neighborhood Conservation District for the Little Ridgefield neighborhood consistent with the Comprehensive Plan and Land Use Plan.

10. Consider Application for Special Use Permit, The Edge-Planned Mixed Use Development. (R-5)(R-6)(R-7)(R-8)

PRESENTER: Gene Poveromo, Development Manager

Swearing of all persons wishing to present evidence

- a. Without objection, the Manager's revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation by the Manager
- c. Presentation of evidence by the applicant
- d. Presentation of evidence by the public
- e. Comments and questions from the Mayor and Town Council
- f. Applicant's statement regarding proposed conditions
- g. Motion to adjourn the Public Hearing
- h. Motion to adopt Revised Resolution A approving the Special Use Permit with stipulations

- i. Motion to adopt Resolution C authorizing the Town Manager and Town Attorney to discuss with the applicant a process to negotiate a supplemental agreement to address a partnership with the applicant for improvements to Eubanks Road
- j. Motion to adopt Resolution D authorizing the Town Manager to study the feasibility of a text amendment and/or map amendment to allow building in the Resource Conservation District (RCD) or, specifically, the RCD on this property.

RECOMMENDATIONS: That the Council continue the public hearing, receive evidence in support of and in opposition to the Special Use Permit application, close the public hearing and:

- a. Adopt Revised Resolution A approving the Special Use Permit with stipulations;
- b. Consider Adopting Resolution C authorizing the Town Manager and Town Attorney to discuss with the applicant a process to negotiate a Development Agreement to address a partnership with the applicant for improvements to Eubanks Road; and
- c. Consider Adopting Resolution D authorizing the Town Manager to study the feasibility of a text amendment and/or map amendment to allow building in the Resource Conservation District (RCD) or, specifically, the RCD on this property.
- 11. <u>Public Hearing: Application for Zoning Atlas Amendment Weaver Crossing, 1171 Weaver Dairy Road.</u>

PRESENTER: Judy Johnson, Principal Planner

- a. Without objection, the Manager's preliminary report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and preliminary recommendation by the Manager
- c. Presentation by the applicant
- d. Recommendation of the Planning Commission
- e. Recommendations of other boards and commissions
- f. Comments from the public
- g. Comments and questions from the Mayor and Town Council
- h. Motion to recess Public Hearing to March 23, 2015
- i. Referral to the Manager and Attorney.
- 12. <u>Public Hearing: Application for Special Use Permit Weaver Crossing, 1171 Weaver Dairy</u> Road.

PRESENTER: Judy Johnson, Principal Planner

Swearing of all persons wishing to present evidence

- a. Without objection, the Manager's preliminary report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and preliminary recommendation by the Manager
- c. Presentation of evidence by the applicant
- d. Recommendation of Planning Commission
- e. Recommendations of other boards and commissions
- f. Presentation of evidence by the public

- g. Comments and questions from the Mayor and Town Council
- h. Applicant's statement regarding proposed conditions
- i. Motion to recess Public Hearing to March 23, 2015
- j. Referral to Manager and Attorney.
- 13. Public Hearing: Application for Zoning Atlas Amendment 1165 Weaver Dairy Road.

PRESENTER: Judy Johnson, Principal Planner

- a. Without objection, the Manager's preliminary report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and preliminary recommendation by the Manager
- c. Presentation by the applicant
- d. Recommendation of the Planning Commission
- e. Recommendations of other boards and commissions
- f. Comments from the public
- g. Comments and questions from the Mayor and Town Council
- h. Motion to recess Public Hearing to March 23, 2015
- i. Referral to the Manager and Attorney.

APPOINTMENTS

14. Appointment to the Justice in Action Committee.

RESERVED FOR DISCUSSION OF CONSENT AGENDA ITEMS IF NECESSARY

REQUEST FOR CLOSED SESSION TO DISCUSS PROPERTY ACQUISITION, PERSONNEL, AND LITIGATION MATTERS



TOWN OF CHAPEL HILL NORTH CAROLINA

EXECUTIVE SUMMARY

Meeting Date: 2/23/2015

AGENDA #2

Title of Agenda Item: Initial Public Forum on the Annual Budget, Capital Program, Use of Grants and Related Items and Potential Legislative Requests.

Background: The purpose of this initial public forum is to provide opportunity for Council to receive comments from the public on the following topics:

- A. Annual Budget: preparing the budget for the service year beginning on July 1, 2015.
- B. Capital Program: capital improvement needs for 2016-2030
- C. Community Development Block Grant for 2015-16 (Initial Public Forum held February 9, 2015)
- D. Federal HOME Program Funding for 2015-16 (Initial Public Forum held February 9, 2015)
- E. Housing Capital Funds Program: use of the 2015-2016 Federal Housing Capital Funds Grant for public housing improvements, renovations and services to public housing residents.
- F. Public Transportation Grants: use of 2015-2016 federal and State grants for transit capital projects, operating costs and transportation planning.
- G. Downtown Service District: potential changes in services for the year beginning on July 1.
- H. Potential Legislative Proposals: suggestions for legislation that might be sought in the 2015 session of the General Assembly.

Fiscal Note: Additional financial information regarding the forum topics will be provided during the development of the FY2014-15 budget.

Recommendations: That the Council refer comments and questions to the Manager for consideration in the budget process.

ATTACHMENTS:

Viewing attachments may require Adobe Acrobat.

Memorandum
FY2014-16 Council Goals
Budget Challenges
Capital Improvements Program

MEMORANDUM

TO: Mayor and Town Council

FROM: Roger L. Stancil, Town Manager

SUBJECT: Initial Public Forum on the Annual Budget, Capital Program, Use of Grants and

Related Items and Potential Legislative Requests

DATE: February 23, 2015

INTRODUCTION

The purpose of this memorandum is to provide background information for the Council's initial public forum for the FY2015-16 budget. We recommend that the Council receive comments at the February 23, 2015 Council meeting in a combined forum format in which citizens may make comments regarding any of the forum topics.

OVERVIEW OF THE BUDGET PROCESS

Through the Town's annual budget process, the Town Council makes decisions on the level and types of services provided to the public with local, State and federal funds. The budget process reflects direction of the Council, beginning with the adopted FY2014-16 Council goals (Attachment 1) and the identification of major budget challenges to be addressed in FY2015-2016 and subsequent years (Attachment 2). The Council provides further guidance during the review of the Manager's Recommended Budget. Adoption of a budget determines the level of resources to be available for Town services over the coming budget year.

BRIEF BACKGROUND

Process for Participation by Citizens

Additional public forums and hearings on the budget and related items will be held at 7:00 p.m. on:

- March 23 Status of development of a budget, preliminary capital program, the Manager's proposed Financing Plan for Capital Projects and proposed grant applications related to housing and community development.
- May 18 Public Hearing on recommended budget for the service year beginning on July 1, 2015; use of public transportation grants; recommended 15-year capital program; Downtown Service District program.

The public may also make comments to the Mayor and Council by letter, fax, or e-mail at any time in the budget process.

Notice of the budget forum was published in the Chapel Hill News. Notice has also been provided on the Town's website.

TOPICS FOR THE PUBLIC FORUM AND HEARING

Information on each topic for the forums tonight is provided below.

Topic

- A. Annual Budget: preparing the budget for the service year beginning on July 1, 2015.
- B. Capital Program: capital improvement needs for 2016-2030
- C. Community Development Block Grant for 2015-16 (Initial Public Forum held February 9, 2015)
- D. Federal HOME Program Funding for 2015-16 (Initial Public Forum held February 9, 2015)
- E. Housing Capital Funds Program: use of the 2015-2016 Federal Housing Capital Funds Grant for public housing improvements, renovations and services to public housing residents.
- F. Public Transportation Grants: use of 2015-2016 federal and State grants for transit capital projects, operating costs and transportation planning.
- G. Downtown Service District: potential changes in services for the year beginning on July 1.
- H. Potential Legislative Proposals: suggestions for legislation that might be sought in the 2015 session of the General Assembly.

MANAGER'S RECOMMENDATION

That the Council refer comments and questions to the Manager for consideration in the budget process.

A. Annual Budget for 2015-2016

This forum provides an opportunity for citizens to comment on any aspect of the Town's budget and budget documents, including services that should be added, eliminated or changed. The Town's 2015-2016 budget and service year will begin on July 1, 2015 in accord with State law.

Purpose

The annual budget includes funding for operating costs for police and fire protection, street maintenance, refuse collection, various other public works services, parks and recreation, public transit, the public library, planning, building inspection, engineering, legal and administrative services.

The annual budget includes one year's funding for cash-financed (pay-as-you-go) small projects such as sidewalks, greenways, street paving, as well as debt service payments on other capital projects.

In addition to setting Town service levels and property tax rates, the Council makes decisions on whether to adjust or adopt service fees for refuse collection, recreation programs, transit, development review, inspections and other services as part of the budget.

Next Steps

On March 23rd, the Council will hold a public forum on preparing the 2015-2016 budget. The forum will provide an opportunity for comments and requests from the public or community groups regarding the budget status, or any aspects of the Town's budget for 2015-2016. In addition, the Manager's proposed Financing Plan for Capital Projects will be introduced.

On May 11th, the Council will receive the Manager's Recommended Budget. The Council will receive comments by the public at a public hearing scheduled for May 18th. The Council's adopted budget calendar includes consideration of adopting a budget on June 8th.

B. 2016-2030 Capital Program

The purpose of this forum is to receive suggestions and comments regarding capital projects proposed for the next 15 years from the public.

Purpose

A capital improvements program is a plan for major projects and purchases including:

- buying land for parks, open space or other Town services;
- sidewalks;
- streetscape;
- bikeways;
- greenways;
- park improvements;
- construction, renovation, expansion and improvement of Town buildings; and
- road, bridge and related improvements.

The Town's capital programs have typically included a list of capital projects with cost estimates, a potential schedule and priorities for 15 years, and existing or potential future funding methods for each project.

Identified funding sources may include current general revenues, money previously reserved for capital projects, grants, gifts and bond issues.

Many projects in the first year of the capital program normally are funded as part of the annual budget. Projects in the second through fifteenth years are normally not funded in the budget for the next year, although some may be financed through bond issues, installment purchase contracts and other sources. Funding for most projects in the second through fifteenth years will be considered in future annual processes.

Planning Process

Each year, the Town Council, residents, boards and commissions, and staff consider the Town's capital project needs and possible funding sources for needed projects. This process results in decisions by the Town Council regarding capital improvements that the Town may undertake as funding becomes available and is appropriated.

2015-2016 Funding

We have not yet established estimates of the amounts which may be allocated in the upcoming proposed annual budget for capital projects. In the current 2014-2015 budget year, \$849,856 was allocated to the annual capital improvement fund.

2014-2029 Capital Program

A summary of the current capital program and long-range projections as adopted by the Council for 2014-2029 is attached as background information (please see Attachment 3).

Referendum Process

Concurrent with the development of the FY2015-16 Capital and Operating Budgets, staff is also working on a capital financing plan that includes a General Obligation Bond referendum in November of 2015. Major steps in the referendum approval process are listed below:

- March 2 Discussion of Capital Program Priorities and Debt Funding of Projects
- March 23 Manager's proposed Financing Plan for Capital Projects
- April 27 Council Adoption of Preliminary Resolution
- May 27 Council introduces Bond Orders and Schedules Public Hearing
- June 22 Public Hearing on Referendum, Adopt Bond Orders, Set Ballot Questions and referendum Date
- July Publish Bond Orders
- September Publish Notice of Referendum (twice)
- November 3 Referendum Occurs

Next Steps

We will submit to the Council a preliminary recommendation for the capital program as a part of the budget process. A public forum to receive comments on the preliminary capital program is scheduled for March 23rd, at which time we will introduce the Manager's recommended Capital Financing Plan, including recommended bond orders for a November 2015 referendum. The capital program will be presented as part of the Manager's Recommended Budget on May 11th and a public hearing on the recommended budget will be held on May 18th.

C. 2015-2016 Community Development Block Grant Program

The initial public forum for the Community Development Block Grant Program was held February 9, 2015.

Next Steps

- On March 23, 2015 the Council will hold a second public forum to receive comments on preliminary plans for use of 2015-2016 CDBG and Home program funds.
- On April 27, 2015 the Council will receive the recommended CDBG and Home Program Plans.
- The Plans will be submitted as part of the 2015-2020 Consolidated Plan for Orange County to the Department of Housing and Urban Development by May 15, 2015.

D. HOME Program

The initial public forum for the HOME Program was held February 9, 2015.

Next Steps

- On March 23, 2015 the Council will hold a second public forum to receive comments on preliminary plans for use of 2015-2016 CDBG and Home program funds.
- On April 27, 2015 the Council will receive the recommended CDBG and Home Program Plans
- The Plans will be submitted as part of the 2015-2020 Consolidated Plan for Orange County to the Department of Housing and Urban Development by May 15, 2015.

E. 2015-2016 Housing Capital Fund Grant

The purpose of this forum is to receive public comments on the use of the 2015-2016 Housing Capital Fund grant.

Purpose

The Town may use the annual Housing Capital Fund grant for renovating and otherwise improving public housing neighborhoods and services for public housing residents.

Federal rules give priority to work needed to meet statutory requirements such as:

- Testing for and removing or otherwise controlling lead-based paint;
- Testing for and removing or otherwise controlling asbestos; and
- Renovations to meet the needs of disabled citizens.

Estimated Grant for 2015-2016

The 2014-2015 grant amount is \$449,057. We have not received notice of the grant amount for 2015-2016 but estimate that it may be somewhat lower.

Current grant funds are being used primarily for partial renovation work at the Trinity Court and Pritchard Park public housing neighborhoods.

PRELIMINARY 2015-2016 CAPITAL FUND PROGRAM

Proposed Sources of Funds

TOTAL	\$614,057
Community Development Program	<u>\$165,000</u>
Capital Fund Program	\$449,057

Proposed Use of Funds

Renovation of Oakwood	\$552,152
Administrative Costs	<u>\$ 61,905</u>

TOTAL \$614,057

The preliminary proposal for the 2015-2016 Capital Fund Program includes the following activities:

1. Renovations at Oakwood

\$552,152

We propose to renovate 30 apartments at the Oakwood neighborhood. Proposed renovation work would include the replacement of furnaces, installation of air conditioning, replacement of windows and screens, replacement of floor tiles, replacement of bathtub liners and surrounds, bathroom fixtures, plumbing and electrical upgrades, interior and exterior painting, replacement of interior and exterior doors and landscaping. Energy Star products will be used for replacement of appliances, fixtures, equipment and systems. This activity also includes the costs for relocating families during the renovation process.

2. Administrative Cost \$61,905

This activity includes the administrative cost for coordinating and implementing the Capital Fund activities and training of maintenance staff.

Next Steps

• Comments received tonight will be taken into consideration in preparing a recommended plan for the 2015-2016 Capital Fund grant. We will present a recommended 2015-2016 Capital Fund Program Annual Statement for the Council's consideration on March 23, 2015.

F. 2015-2016 Public Transportation Grants

The forum tonight is an opportunity for the public to comment on transit services and projects in 2015-2016 including the use of federal and State grants for transit operations, capital projects and transportation planning.

Purpose

Transportation services, projects and planning activities are intended to provide alternatives to the use of single-occupant vehicles, reduce traffic congestion, reduce air pollution and assist people with disabilities affecting their mobility.

Estimated Funding

For 2015-2016, federal funding for transit services is estimated to be about \$1.9 million and State funding is estimated to be about \$2.4 million. Because of the state of the economy and changes at the State and federal levels, it is difficult to predict how much funding will be received. State funding has seen significant decreases, dropping from \$3.4 million in FY12 to \$2.8 million in FY13, and then to \$2.7 in FY14. There are other federal planning funds available to support the transit system that are traditionally allocated by the Metropolitan Planning Organization, but final amounts won't be known until final budgets are developed.

Sharing of Local Costs

The University and Towns of Carrboro and Chapel Hill have agreed to share the local cost for transit services. The cost-sharing formulas are set forth in separate contracts with the University and Carrboro.

2015-2016 Services

Chapel Hill Transit provides:

- Fixed route and express bus service throughout Chapel Hill, Carrboro and the University of North Carolina with additional services to Chatham County and Hillsborough;
- E-Z Rider service for citizens with mobility impairments.

Next Steps

Staff will present the budget to the Public Transit Committee no later than April, 2015. The public will have an opportunity to comment on the transit budget and grants again at the Public Forum in the spring of 2015.

G. Downtown Service District

The purpose of this forum is to receive comments and suggestions from downtown business people, property owners and other interested residents regarding:

- the use of Downtown Service District taxes in 2015-2016;
- the scope of projects and programs in the service plan for the Downtown District.

Purpose

In 1989, the Council established a Downtown Service District in response to requests from several downtown businesses and property owners. State law allows the Council to establish this service district and to apply a supplemental property tax to promote the economic vitality of downtown, enhance Town services in the downtown district and other related activities. Most of the property in the downtown is in the zoning districts Town Center 1, 2 or Town Center 3. Several properties used only for residential purposes are not in the service district.

Estimated Funding in 2015-2016

The Downtown Service District is funded by a dedicated property tax of 7.1 cents on the properties within the District. We estimate that collections will increase about \$30,000 for the Downtown Service District in 2015-2016. Since 2009 the assessed value of the Downtown District has increased about 55% due to new development, including 140 West, Greenbridge and Shortbread Lofts.

Downtown District Services

Currently, downtown district funds are allocated to the Chapel Hill Downtown Partnership, a grounds maintenance employee for the downtown, maintenance costs for public areas of 140 West and other Downtown economic development projects.

Next Steps

We will develop recommendations for use of the downtown district funds and for any changes in the service plan as part of the budget process this spring.

The Council will hold an additional forum on March 23rd and a public hearing on May 18th. The Council normally adopts the downtown district tax rate in June with the overall budget and makes decisions concerning services during June.

H. Potential Legislative Proposals

Tonight's forum is also an opportunity for citizens and Council Members to identify potential local legislative requests for the 2015 session of the North Carolina General Assembly.

The General Assembly convened in January for this year's long session. The Town Council met with members of the Town's Legislative Delegation on January 8 to discuss the 2015 session of the General Assembly and legislative issues of interest to the Town. Thus far, the Council has not identified any specific local legislative requests to propose to members of the Delegation.

Any proposal offered by citizens this evening can be considered at an upcoming Council meeting.

In the State House of Representatives, any local bill must be submitted to Bill Drafting by March 18 and introduced no later than April 1. In the State Senate, all local bills must be filed for

introduction no later than March 3 or submitted to Bill Drafting by that date and filed by March 11.

ATTACHMENTS

- 1. FY2014-16 Council Goals
- 2. Budget Challenges
- 3. Capital Program: Summary Table of 2014-2029 Capital Improvements Fund

Council Goals 2014–16

Chapel Hill 2020: Connections. Choices. Community.

Chapel Hill will be a multicultural university town where each day celebrates connections and choice; where a dynamic downtown and networked community inspire connections among people, ideas, the region, and the world; where innovation, technology, discovery, learning, and the arts continually animate a town alive with choices, options, and opportunities to live, work, play, and prosper.





Create a Place for Everyone

- A. Adopt and implement affordable housing strategies
- B. Initiate planning for new ways to inform residents about Town government
- C. Enhance support for code enforcement
- D. Review and refine focus for youth services and begin planning for youth-centered facilities

Grow Town and Gown Collaboration

- A. Strengthen collaboration with UNC and UNC Healthcare
- B. Adopt downtown master plan

- C. Continue partnership on NCNGN (Regional fiber)
- Initiate strategy for use of fiber with UNC, UNC Health Care, Carrboro (2016 Goal)

Facilitate Getting Around

- A. Adopt a sustainable transit financial plan in partnership with UNC-Chapel Hill and Carrboro
- B. Adopt and implement a Bike Plan

- C. Initiate a Pedestrian Plan (2016 Goal)
- D. Evaluate a transit trolley (2016 Goal)



Develop Good Places, New Spaces

- Initiate planning for new public safety and recreation facilities
- B. Decide asset management recommendations for remaining town-owned property
- C. Use lessons learned from public-private partnerships to develop new partnerships
- D. Approve plan for funding Chapel Hill share of Rogers Road Sewer in partnership with Carrboro and Orange County
- E. Approve an implementation strategy for Northside Community Plan

- F. Approve capital planning strategy and funding for ongoing maintenance of Town facilities such as routine playground maintenance
- G. Approve strategies for increased energy efficiency in local development
- H. Identify and develop prioritization process for a potential bond referendum (2016 Goal)
- I. Initiate future development planning for the Greene Tract with ownership partners (2016 Goal)

Nurture Our Community

- A. Continue development of predictable, streamlined development review processes that result in added value
- B. Decide future Solid Waste Transfer Facility issues
- C. Adopt Revised Personnel Ordinance

- D. Adopt a Stormwater Management Plan strategy
- Create a strategy to impact out of school time, ESL, and vocational classes for youth with non-profit organizations (2016 Goal)

Support Community Prosperity and Engagement

- A. Identify Priorities for Chapel Hill 2020 Focus Area Plans and staff resources for implementation
- B. Expand incubator and co-working spaces in downtown or in development corridors
- C. Continue performance based business recruitment strategies
- D. Adopt strategies for adding office and retail tax base (2016 Goal)
- E. Evaluate optimal ratio for office, retail and residential uses to meet Chapel Hill 2020 plan goals (2016 Goal)
- F. Expand small business loan program (2016 Goal)



Budget Challenges

Capital

Operating

Policy

Transfer Station

Youth Services

Transit Sustainability

Asset Management

CIP Funding Target

Northside Community

16

Town Hall Project

Library Operating

Rogers Road

Ephesus Fordham

Pay 4 Performance

Affordable Housing

Parks Master Plan

Health Care Costs

Referendum

Bike & Pedestrian Plan

Street Resurfacing

Recycling

Parking Fund

Public Safety Facilities

Parks & Rec. Facilities

TABLE 1: Capital Improvements

Reference #	Project	2013-14 Budget Revised	2014-15 Adopted Budget	2015-16	2016-17	2017-18	2018-19	2019-29	Reference #
	Municipal Operations Facilities								
1	Extraordinary Maintenance	\$ 165,454	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 1,000,000	1
2	Town Hall Flood	1,639,576	-	-	-	-	-	-	2
3	Small Capital Improvements	20,000	100,000	100,000	100,000	100,000	100,000	1,000,000	3
4	Facility Condition Assessment	-	85,000	-	-	-	-	-	4
	Public Safety								
5	Fire Truck	844,189	_	_	_	_	_	-	- 5
J	Town Facilities Leased by Others	011,100				<u>I</u>	<u> </u>	<u>I</u>	
6	Housing Maintenance	57,314	14,856	_		_			. 6
0	Infrastructure	37,314	14,050			<u>I</u>		I	
7	Parking Lots/Paths/Trails	72,931	50,000	50,000	50,000	50,000	50,000	500,000	7
8	Neighborhood Traffic Calming, Pedestrian & Bicycle Improvements	-	-	50,000	50,000	50,000	50,000	500,000	
9	Curb Cut Improvements (ADA)	34,332	30,000	30,000	30,000	30,000	30,000	300,000	9
	Cedar Falls Parking Lot		-	80,000	-	80,000	-	80,000	_
	Ephesus Church/Fordham Engineering	150,000	-	-	-	-	-	-	- 11
12	2200 Homestead Road	-	-	30,000	-	-	-	-	12
13	Street Infrastructure Improvements	-	-	-	-	1,400,000	1,300,000	-	. 13
	Communications								
14	Fire Radios	-	49,000	89,750	142,911	147,200	151,615	-	14
15	Fiber Optic Network	532,503	91,000	-	-	-	-	-	. 15
16	Fire House Mobile & GIS System for Response Units	47,946	-	-	-	-	-	-	16
17	Police Technology Upgrades	2,843	-	50,550	-	-	-	-	17
18	In-Car Police Cameras	89,500	-	44,400	-	-	-	-	18
19	Document Management	218,634	-	-	-	-	-	-	. 19
	Parks and Other Public Use Facilities								
20	Cemetery Beautification	85,221	-	20,000	20,000	20,000	20,000	-	20
	Small Parks Improvements	66,253	100,000	150,000	150,000	150,000	150,000	1,500,000	21
22	Northside Gym Roof Replacement	-	-	205,000	-	-	-	-	22
23	Greenways	121,266	80,000	80,000	80,000	80,000	80,000	1,250,000	
24	Design fees for Meadowmont Dam	-	-	125,000	-	-	-	-	24
25	Battle Branch Trail	708	-	-	-	-	-	-	25
	Property Line Marking	-	-	50,000	50,000	50,000	50,000	50,000	
	Accessible Playground	-	50,000	-	300,000	-	-	-	27
	Mobile Stage	74,960	-	-	-	-	-	-	28
29	Playgrounds	203,984	100,000	100,000	100,000	100,000	100,000	1,500,000	
	Total	\$ 4,427,614	\$ 849,856	\$ 1,354,700	\$ 1,172,911	\$ 2,357,200	\$ 2,181,615	\$ 7,680,000	1

^{*}Future years after FY2014-15 are for planning purposes only.



TOWN OF CHAPEL HILL NORTH CAROLINA

EXECUTIVE SUMMARY

Meeting Date: 2/23/2015 AGENDA #3

Title of Agenda Item: Approve all Consent Agenda Items. (R-1)

Council Goal: Govern with Quality, Responsiveness, Efficiency

Background: Items of a routine nature to be voted on in a block. Any item may be removed from the Consent Agenda by the request of the Mayor or any Council Member.

Fiscal Note: Please refer to each agenda item for specific fiscal notes.

Recommendations: That the Council adopt the various resolutions and ordinances.

ATTACHMENTS:

Viewing attachments may require Adobe Acrobat.

Resolution

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES (2015-02-23/R-1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following resolutions and ordinances as submitted by the Town Manager in regard to the following:

- 4. Adopt a Resolution Supporting the Town's FY2015-2016 Transportation Demand Management (TDM) Grant Application. (R-2)
- 5. Approve All-way Stop Control at the Intersection of Mitchell Lane and McDade Street/North Roberson Street. (O-1)
- 6. Approve Changes to On-Street Parking Regulations on Cedar Fork Trail and Prestwick Road. (O-2)
- 7. Continue Public Hearing: Amending the Orange County-Chapel Hill Joint Land Use Plan Agreement (JPA) for Agricultural Support Enterprises. (R-3)

This the 23rd day of February, 2015.



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 02-23-2015

AGENDA #4

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability

Kenneth C. Pennoyer, Business Management Director David Bonk, Long Range and Transportation Manager

Len Cone, Transportation Community Outreach Coordinator

SUBJECT: Transportation Demand Management (TDM) Grant Application for FY2015-

2016

Recommended Council Action

• That the Council adopt the attached resolution supporting the Town's FY2015-2016 Transportation Demand Management (TDM) grant application.

Context with Key Issues

- The Town is reapplying for the TDM grant for fiscal year July 1, 2015 June 30, 2016.
- The Town's TDM program works directly with local employers and employees to expand the use of public transit, bicycling and walking.
- The TDM program provides assistance in developing information regarding alternative transportation mode options to reduce traffic congestion while improving air quality.

Fiscal Note

- The TDM budget will be approximately \$87,500 with 50% (\$43,750) being provided by the TDM Grant and the remaining 50% (\$43,750) being provided through local funding to be determined during the Council's budget discussion.
- If the grant is awarded to the Town, the Town can decide not to accept the grant based on budget issues at the time. The Town may also only use a portion of the funding and not the entire grant amount awarded.

Attachment

• Resolution of Support

A RESOLUTION SUPPORTING AN APPLICATION FOR TRANSPORTATION DEMAND MANAGEMENT GRANT (2015-02-23/R-2)

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization has provided funding to the Triangle J Council of Governments to support Transportation Demand Management Activities in the Region; and

WHEREAS, the Triangle J Council of Governments has issued a call for Transportation Demand Management grant applications for FY2015 – 2016; and

WHEREAS, the Town of Chapel Hill has received Transportation Demand Management funding in FY2014 – 2015 and coordinates with the University of North Carolina and the Town of Carrboro in Transportation Demand Management program promotions; and

WHEREAS, the Town has developed a program of Transportation Demand Management activities as part of the FY2015 – 2016 Transportation Demand Management grant application; and

WHEREAS, Chapel Hill is to staff, support and administer the Transportation Demand Management grant program requiring a 50% match of local funds; and

WHEREAS, a resolution is required from the Town of Chapel Hill supporting the proposed project as part of the TDM grant application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Council supports the FY2015-16 Chapel Hill Transportation Demand Management application to the Triangle J Council of Governments.

This the 23rd day of February, 2015.



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 02/23/2015

AGENDA #5

TO: Roger L. Stancil, Town Manager

FROM: Lance Norris, Public Works Director

Chris Blue, Police Chief

Kumar Neppalli, Traffic Engineering Manager

SUBJECT: Approve All-way Stop Control at the Intersection of Mitchell Lane and McDade

Street/North Roberson Street

Recommended Council Action

• Enact the attached ordinance that would establish all-way stop control at the intersection of Mitchell Lane and McDade Street/North Roberson Street.

Background

• The Town received a request from representatives of Northside Neighborhood for allway stop control at the intersection of Mitchell Lane McDade Street/North Roberson Street. An area map of the intersection is attached.

Context with Key Issues

- Mitchell Lane is designated as a "through" street at its intersection with McDade Street/ North Roberson Street, and vehicles currently continue through the intersection without being required to stop. McDade Street/North Roberson Street is designated as a "stop" street, and vehicles are required to stop at the existing stop sign before continuing through the intersection.
- This intersection has limited sight visibility due to the curvy geometric condition and high embankment of the streets. The required sight distance, 280 feet, is not available for vehicles coming off of North Roberson Street due to the high embankment and curvy nature of the street.
- Town staff visited the site and evaluated conditions at different times of the day. We
 observed approximately equal traffic volume entering the intersections under
 consideration from all directions.

Explanation of Recommendation

- In 1989, the Town Council adopted a policy for the placement of stop signs and assignment of speed limits. A copy of the policy is attached. The policy was adopted to provide guidance and consistency in responding to requests for the installation of stop signs and the assignment of speed limits on public streets.
- We considered this all-way stop control request in light of applicable criteria in the policy.

Fiscal Note

• The estimated cost for installing signs and stop bars, including staff time, is approximately \$1,500. Traffic Engineering annual operating budget have included funds for unplanned traffic control items such as this. If the Council adopts the ordinance, those funds would be used.

Council Goal:

• Facilitate Getting Around

Attachments

- Ordinance
- Area Map
- Town's Policy on Placement of Stop Signs

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES REGARDING RIGHT-OF-WAY AND STOP REGULATIONS (2015-02-23/O-1)

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Section 21-13(a) of the Town Code of Ordinances, "Right-of-way and stop regulations," is hereby amended by deleting the following:

"Through Streets Stop Streets

Mitchell Lane McDade Street

Mitchell Lane North Roberson Street"

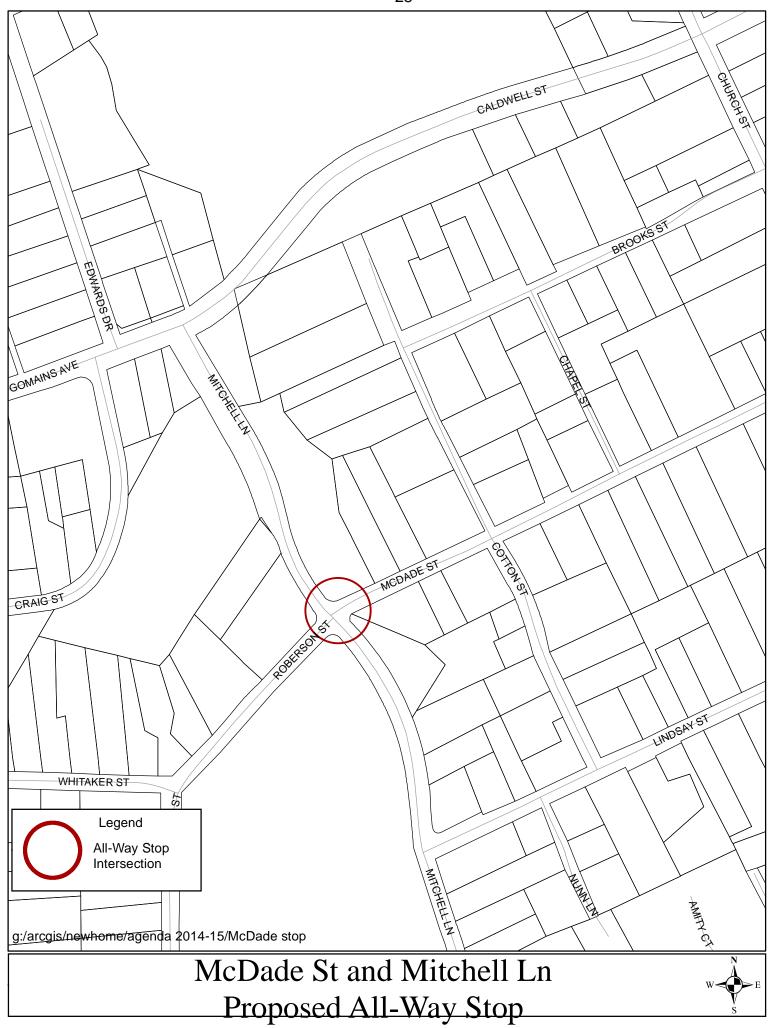
Section 2. Section 21-13(c) of the Town Code of Ordinances, "Right-of-way and stop regulations," is hereby amended by inserting the following, in appropriate alphabetical order:

"Intersection(s)

Mitchell Lane and McDade Street/North Roberson Street"

Section 3. This ordinance shall become effective February 27, 2015.

This the 23rd day of February, 2015.



Adopted by the Chapel Hill Town Council: 04/24/89

Page 1 of 3

TOWN OF CHAPEL HILL POLICY FOR PLACEMENT OF STOP SIGNS AND ASSIGNMENT OF SPEED LIMITS

<u>OBJECTIVE:</u> It is the policy of the Town of Chapel Hill to install stop signs and assign speed limits that will promote the safe, efficient, and orderly movement of vehicles throughout the Town while preserving existing residential neighborhoods and providing safe and accessible means for pedestrian movement adjacent to and across Town streets.

<u>GUIDELINES</u>: The following guidelines shall be considered when evaluating placement of stop signs and assignment of speed limits on Town streets. In general, the Town of Chapel Hill places signs of all types in accordance with the recommendations of the Manual on Uniform Traffic Control Devices for Streets and Highways (M.U.T.C.D.), published by the U.S. Department of Transportation. This policy includes the general M.U.T.C.D. recommendations and supplements them with more specific guidelines directed to situations expected to arise in Chapel Hill.

STOP SIGNS

Stop sign(s) may be warranted at an intersection where one or more of the following conditions exist:

- 1. Intersection of less important road with a main road where application of the normal right-of-way rule is unduly hazardous.
- 2. Intersection of a minor street entering a through highway or street.
- 3. Unsignalized intersection in a signalized area.
- 4. Intersection where a combination of high speed, restricted sight distance, and serious accident record indicates a need for control by stop sign(s).
- 5. Intersection which intercepts identified pedestrian route(s) carrying significant pedestrian volume.
- 6. Intersection on a street without curbs or sidewalks when such streets are carrying traffic volume significantly above that for which the street was designed.
- 7. Intersection with existing irregular stop sign placement, where additional sign(s) would improve safety.

- 8. Unsigned intersection within an existing series of intersections with stop signs.
- 9. Where the interest of public safety dictates.
- 10. Intersection of two collector streets that provide primary service to an area and carry nearly equal traffic volumes, which makes clear assignment of right-of-way difficult.
- 11. Intersection adjacent to facilities such as parks, pools, schools, or other facilities which significantly increase and concentrate pedestrian and vehicular traffic in a localized area.
- 12. Intersection within a specific street network that carries through traffic on a route which is less desirable than on an alternative route or designated thoroughfare.

Stop sign installation will normally <u>not</u> be recommended in the following situations:

- 1. At mid-block locations.
- 2. Solely for the purpose of controlling vehicular speeds.
- 3. At locations where a stop would create a high likelihood of rear-end collisions.
- 4. On major arterials or thoroughfares.
- 5. At locations where yield signs will provide adequate control without requiring full stops.
- 6. At railroad crossings.

Stop sign installations will be evaluated by Town engineering staff and judged in accordance with these guidelines to avoid potentially detrimental use of this highly restrictive traffic control measure. Evaluations will consider alternatives to stop sign installations which may include construction of sidewalks, improvement of sight distance, construction or improvement of alternative traffic routes, or other site-specific improvements in lieu of stop sign placement.

SPEED LIMITS

In general, speed limits will be assigned on the basis of street classification as follows:

Local	25 mph
Collector	25-35 mph
Arterial (Major and Minor)	1

Changes in existing speed limits and/or posting of speed limits other than those generally recommended by street classification will be considered in situations where:

- 1. Changes in use of property adjacent to a street creates changed speed limit conditions.
- 2. Changes in vehicular or pedestrian traffic patterns on a given street creates changed speed limit conditions.
- 3. The proximity or locations of parks, pools, schools, driveways or other facilities increases and concentrates vehicular and pedestrian traffic on a given street or streets.
- 4. Street design will not accommodate the speed limit normally recommended, or the posted speed limit.
- 5. Changes will create a more uniform, continuous speed limit throughout a defined travel corridor.

Speed limits below 25 mph will not be considered on public streets with the exception of special zones such as schools or hospitals.

Speed limits will be evaluated by Town engineering staff to create conditions where the Town street system can be utilized efficiently and safely at speeds that can be adequately enforced. Evaluations will include review of alternatives to speed limit changes which may include street improvements, construction of alternative routes, control of access, or other site-specific improvements in lieu of speed limit changes.



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 02/23/2015

AGENDA #6

TO: Roger L. Stancil, Town Manager

FROM: Lance Norris, Public Works Director

Chris Blue, Police Chief

Brenda Jones, Parking Services Manager Kumar Neppalli, Traffic Engineering Manager

SUBJECT: Approve Changes to On-Street Parking Regulations on Cedar Fork Trail and

Prestwick Road

Recommended Council Action

• That the Council enact the attached ordinance which would establish:

- o No parking anytime on the west side of Cedar Fork Trail for 300 feet north of the cul-de-sac.
- No parking during certain hours except by mixed-use permit on Prestwick Road between Hamilton Road and Finley Golf Course Road, Monday-Friday, 8:00 am to 12:01 pm (currently, 8:00 am to 3:00 pm).

Context with Key Issues

- The Town received requests for changes to on-street parking regulations on Cedar Fork Trail and Prestwick Road. A majority of the property owners supports the proposed changes based on the surveys conducted by the Town.
- Currently the Parking Services Division provides enforcement near or on the subject streets during daytime hours, Monday through Friday on the subject streets.
- Area maps of the streets are attached.

Explanation of Recommendation

- Town staff agrees with the requested changes to on-street parking regulations.
- Majority of the property owners support the requested changes to the on-street parking regulations.
- Town staff recommends enactment of the attached ordinance. We think that the approval of the proposed changes to on-street parking would improve safety and provide more parking for the area residents.

Council Goal:

• Facilitate Getting Around

Fiscal Note

• The estimated cost for changing the existing signs for the new parking regulations, including staff time, is approximately \$2,000. Resources for a limited number of requests such as this are included in the annual Traffic Engineering budget.

• Enforcement: Currently the Parking Services Division provides enforcement near or on the subject streets during the daytime, Monday through Friday. Enforcement at night and on Sunday will be complaint-driven and enforced by the Police Department, based on the available resources.

Attachments

- Ordinance
- Area Map-Cedar Fork Trail
- Area Map-Prestwick Road

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES REGARDING ON-STREET PARKING (2015-02-23/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Section 21-27 of the Town Code of Ordinances, "No Parking as to particular streets" is hereby amended by adding the following in alphabetical order:

"Street Side From To

Cedar Fork Trail West A point 315 feet A point 615 feet

from Kenmore Road from Kenmore Road"

Section 2. Section 21-27.10 (a) of the Town Code of Ordinances, "No parking during certain hours except by mixed use permit" is hereby amended by deleting the following:

"(a) 8:00 a.m. to 3:00 p.m. Monday-Friday

Street Side From To

"Prestwick Road Both Hamilton Road Finley Golf Course Road"

Section 3. Section 21-27.10 of the Town Code of Ordinances, "No parking during certain hours except by mixed use permit" is hereby amended by adding the following:

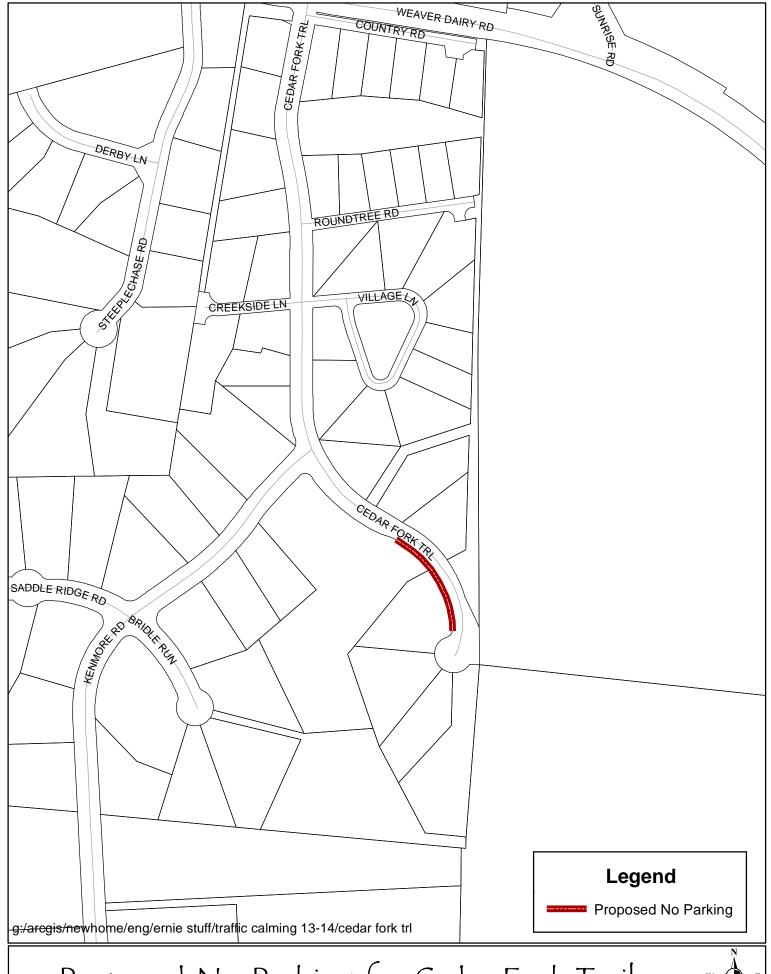
"(a) 8:00 a.m. to 12:01 p.m. Monday-Friday

Street Side From To

"Prestwick Road Both Hamilton Road Finley Golf Course Road"

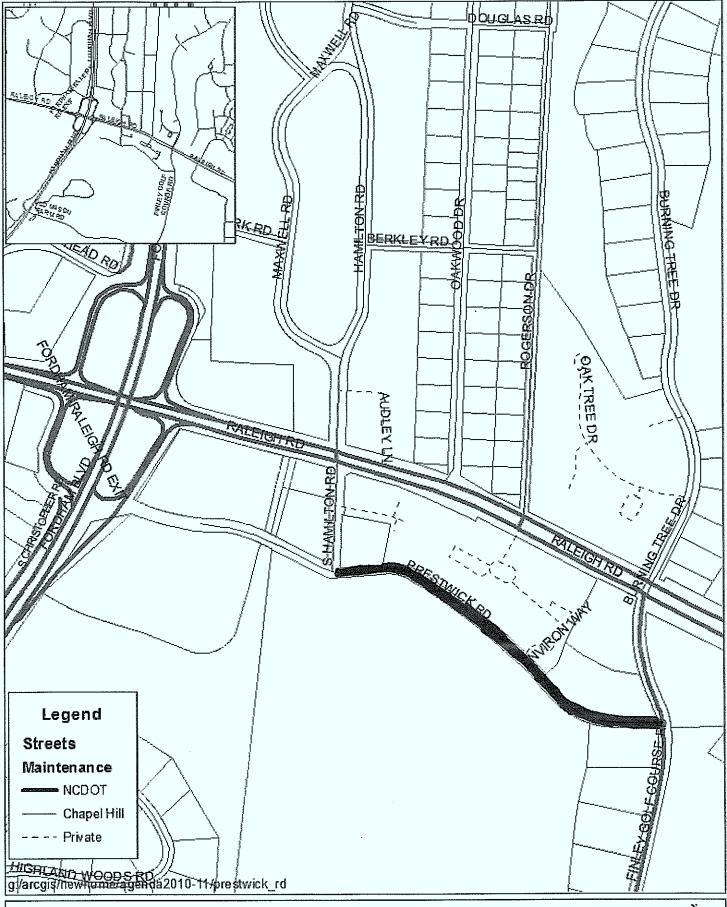
Section 4. This ordinance shall become effective March 6, 2015.

This the 23rd day of February, 2015.



Proposed No Parking for Cedar Fork Trail







Prestwick Road Area Map





TOWN OF CHAPEL HILL NORTH CAROLINA

Meeting Date: 02/23/2015

AGENDA #7

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability

Gene Poveromo, Development Manager

SUBJECT: Continue Public Hearing: Amending the Orange County-Chapel Hill Joint

Land Use Plan Agreement (JPA) for Agricultural Support Enterprises

Recommended Council Action

• That the Council continue the public hearing for amending the Orange County-Chapel Hill Joint Land Use Plan Agreement (JPA) for Agricultural Support Enterprises to March 9, 2015.

Context with Key Considerations

- Beginning on March 27, 2014 and continuing on November 10, 2014, the Council held a public hearing on a proposed amendment to the Joint Land Use Plan. The public hearing was continued to January 26, 2015.
- On November 19, 2014, the Council participated in an Assembly of Government joint meeting with Orange County Commission and the Carrboro Board of Aldermen. During the November 19 joint hearing the Council requested that the staff provides more information on the proposed amendments. The Carrboro Board of Aldermen also noted that they would likely reconsider this item at an upcoming Board of Aldermen meeting.

Explanation of Recommendation

• The Carrboro Board of Aldermen took action on this item on January 27, 2015. Rescheduling this item will provide the staff the necessary time to review the actions taken by the Board of Aldermen and consider this information in staff's recommendation to Council.

Fiscal Note

• There is no fiscal impact identified with continuing the public hearing.

Attachments

Resolution

RESOLUTION

A RESOLUTION TO CONTINUE DISCUSSION OF THE PROPOSED AMENDMENT TO THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT ON AGRICULTURAL ACTIVITIES IN THE RURAL BUFFER TO MARCH 9, 2015 (2015-02-23/R-3)

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro have engaged in a cooperative planning effort for the area known as the Rural Buffer as detailed within a Joint Planning Land Use Plan (hereafter 'the Plan'), adopted October 13, 1986, and amended from time to time; and

WHEREAS, a joint public hearing regarding a proposed Joint Planning Land Use Plan and Agreement amendments was held on March 27, 2014, in accordance with the requirements of the Joint Planning Agreement; and

WHEREAS, the proposed amendments were discussed during the November 19, 2014 Assembly of Government joint meeting and

WHEREAS, the Carrboro Board of Aldermen took action on January 27, 2015; and

WHEREAS, action on the proposed amendment is required by the Town Council in order for Orange County to adopt the proposed amendments to the Plan and Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council recesses Council discussion of the amendments to March 9, 2015.

This the 23^{rd} day of February, 2015.



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 02/23/2015

AGENDA #8

TO: Roger L. Stancil, Town Manager

FROM: Kenneth C. Pennoyer, Business Management Director

Frances Russell, Human Resource Development Director

SUBJECT: Town of Chapel Hill Living Wage Policy Annual Report

Recommended Council Action

• That the Council accept this report on the calculation of the FY2015-16 Town Living Wage as required by the Town's Living Wage Policy.

Context with Key Issues

- On June 8, 2009, the Council adopted a resolution to establish a living wage policy for the Town of Chapel Hill with a living wage rate of \$11.06 per hour for all standard 37.5-and 40-hour per week full time employees of the Town.
- On January 25, 2010, the Council adopted an amended Living Wage Policy that included a provision for adjusting the minimum living wage rate on a yearly basis to an amount not less than seven and one-half percent (7.5%) above the Federal Poverty Guidelines, as defined by the Bureau of Census, for a family of four.
- The net adjusted living wage for the Town of Chapel Hill since the inception of the policy and the rate calculated for next fiscal year are as follows:

Fiscal Year	Net Adjusted Living Wage Rate	Lowest Annual Rate for FT Town Employees
FY2009-10	\$ 11.06	\$ 11.70
FY2010-11	\$ 11.06	\$ 11.70
FY2011-12	\$ 11.55	\$ 11.70
FY2012-13	\$ 11.91	\$ 12.66
FY2013-14	\$ 12.17	\$ 12.91
FY2014-15	\$ 12.33	\$13.12
FY2015-16*	\$ 12.53	\$13.35**

^{*}Effective July 1, 2015

^{**}Based on FY15 Lowest Paid employee working standard 37.5-40.0 hour work week

Explanation of Recommendation

- The 2015 Poverty Guideline for a family of four is \$24,250. Based on this index the Town's Net Adjusted Living Wage for FY2015-16 should be \$12.53. The calculation of the Town's Net Adjusted Living Wage for FY2015-16 is attached.
- Based on a review of current salary levels, all full-time Town employees working a standard (37.5-40.0 hour) work week are currently paid at a rate higher than the existing (FY15) and the proposed (FY16) Town Living Wage. Based on our review, no living wage adjustments will be required in the FY2015-16 pay plan.

Local Comparisons:

	Date of Enactment	2012- 2013 Living Wage Rate	2013- 2014 Living Wage Rate	2014- 2015 Living Wage Rate	Living Wage Rate Adjustment Methodology
Town of Chapel Hill	2009	\$11.91	\$12.17	\$12.33	Reviewed on an annual basis during the budget development process.
Durham County	2004	\$11.91	\$12.17	\$12.33	Automatic 7.5% above the Federal Poverty Guidelines for a family of four.
City of Durham*	1998	\$11.91	\$12.17	\$12.33	Automatic 7.5% above the Federal Poverty Guidelines for a family of four.
Durham County Board of Education	2004	\$11.91	\$12.17	\$12.33	Automatic 7.5% above the Federal Poverty Guidelines for a family of four.
Orange County	1998	\$10.97	\$10.97	\$12.76	Federal poverty level for a family of four as adjusted for the Orange County Region based on the American Chamber of Commerce Research Association's cost of living index.
Town of Carrboro	2001	\$12.74	\$12.74	\$12.74	Federal poverty level for a family of four as adjusted for the Raleigh-Durham Region based on the American Chamber of Commerce Research Association's cost of living index.

On an annual basis, after the release of the Federal Poverty Guidelines, staff reports the calculation of the Town of Chapel Hill's minimum living wage rate consistent with the Council's Living Wage Policy. As has been the case in prior years, the lowest hourly wage the Town pays for employees working a standard workweek is higher than the living wage calculation.

Attachment:

• Calculation of Town's Net Adjusted Living Wage

Living Wage Calculation

	FY2	2009-10	FY2	2010-11 ⁽¹⁾	FY	/2011-12 ⁽²⁾	F۱	/2012-13	F۱	/2013-14	F'	Y2014-15	FY	2015-16
NC Justice Center Living Income Standard	\$	17.73	\$	17.73										
Less: Transportation		1.28		1.28										
Less: Health		3.96		3.96										
Less: Town Benefits		1.43		1.43										
Federal Poverty Guidelines for a family of 4					\$	22,350	\$	23,050	\$	23,550	\$	23,850	\$	24,250
7.5 % above guideline						24,026		24,779		25,316		25,639		26,069
Hourly based on 40 hr workweek														
Net Adjusted Living Wage	\$	11.06	\$	11.06	\$	11.55	\$	11.91	\$	12.17	\$	12.33	\$	12.53
Lowest hourly rate for FT Town employees (3)	\$	11.70	\$	11.70	\$	11.70	\$	12.66	\$	12.91	\$	13.12	\$	13.35

Notes:

- 1. Initial Living Wage Ordinance did not include provision for annual adjustment
- 2. For FY2011-12 Ordinance was amended to change basis of calculation and to provide for annual recalculation
- 3. For employees working 37.5 40.0 hour per week schedules



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 02/23/2015

AGENDA #9

TO: Roger L. Stancil, Town Manager

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: Proposed Rezoning to Create a Neighborhood Conservation District Zoning

Overlay for the Little Ridgefield Neighborhood

Purpose

• The purpose of tonight's meeting is for the Council to consider possible enactment of the attached Ordinance that would amend the Zoning Atlas to create a Neighborhood Conservation District for the Little Ridgefield neighborhood.

• The Council opened the Public Hearing on January 21, 2015, and the hearing has been continued to tonight.

Response to Public Hearing Questions

• During the January 21, 2015 Public Hearing, we received questions from the Council, and our responses are provided in Attachment 3.

Staff Recommendation

• We propose the following change to the minimum street setback regulation presented to the Council at the public hearing:

Regulation	Language Presented at Public Hearing	Proposed Change
Minimum Street Setback	5 feet from the established building line, but not less than 40 feet	30 feet

- After reviewing the existing setbacks in the neighborhood, we believe a minimum setback of 30 feet is more consistent with the character of the neighborhood since approximately two-thirds of the properties have an existing setback that is between 30-40 feet.
- We believe that the proposed rezoning to create a Neighborhood Conservation District for the Little Ridgefield neighborhood is consistent with the Comprehensive Plan and Land Use Plan; therefore, we recommend that the Council enact the attached Ordinance approving the proposed Zoning Atlas Amendment.
- If enacted by the Council, the Ordinance would amend the Town's Zoning Atlas. The Neighborhood Conservation District Plan would also become a component of the Zoning Atlas, and a copy of the District Plan would be incorporated into the Land Use Management Ordinance.

Neighborhood Conservation District Zoning Overlays

- The purpose of Neighborhood Conservation Districts (NCDs) 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.

Little Ridgefield Process

- Phase 1 (the informational phase): Council accepted the Phase 1 petition in February 2011. The Public Information Meeting was held in April of 2011, thus completing the first phase.
- **Phase 2 (development of regulations):** Council passed a resolution to proceed with the development of NCD zoning overlay regulations in April of 2014.
- **Development of Regulations:** Neighborhood residents met on July 21, August 5, and October 15, 2014 to develop proposed regulations for the Neighborhood Conservation District Plan.
- **Planning Commission Recommendation:** On November 18, 2014, the Planning Commission recommended that the Council enact the proposed plan; see Attachment 4 for more information.
- **Public Hearing:** On January 21, 2015, the Public Hearing was opened, at which time the Council did not receive any comments from the public about the proposed Plan.

Neighborhood Conservation District Plan

- The Little Ridgefield Neighborhood Conservation District Plan (see Attachment 2) includes the proposed NCD regulations for the neighborhood.
- The NCD regulations replace or supersede general or otherwise applicable provisions in the Land Use Management Ordinance. For standards that are not specifically identified in this draft plan, provisions of the underlying zoning district shall apply.

Fiscal Note

• Fiscal impacts may include staff time to implement the regulations, if adopted.

Council Goal

• Develop Good Places, New Spaces

Attachments

- Attachment 1: Resolution of Consistency
- Attachment 2: Ordinance
- Attachment 3: Responses to Council Questions
- Attachment 4: Planning Commission Recommendation

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

RESOLUTION OF CONSISTENCY

(Amending the Chapel Hill Zoning Atlas to create a Neighborhood Conservation District for the Little Ridgefield neighborhood)

A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT TO CREATE A NEIGHBORHOOD CONSERVATION DISTRICT FOR THE LITTLE RIDGEFIELD NEIGHBORHOOD AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (2015-02-23/R-4)

WHEREAS, the Council of the Town of Chapel Hill has considered the petition from the Little Ridgefield neighborhood to create a Neighborhood Conservation District and to amend the Zoning Atlas to designate the neighborhood as a Neighborhood Conservation District 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:

- A range of housing options for current and future residents (PFE.3);
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (GPNS.5);
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (NOC.8).

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 23rd day of February, 2015.

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO CREATE A NEIGHBORHOOD CONSERVATION DISTRICT FOR THE LITTLE RIDGEFIELD NEIGHBORHOOD (2015-02-23/O-3)

WHEREAS, the Council of the Town of Chapel Hill has considered a petition to amend the Zoning Atlas to create a Neighborhood Conservation District for the Little Ridgefield neighborhood; and

WHEREAS, the Council of the Town of Chapel Hill finds that the amendment is warranted in order to achieve the purposes of the Chapel Hill 2020 Comprehensive Plan.

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

Properties identified on the attached map (Attachment B) are hereby designated as part of the Little Ridgefield Neighborhood Conservation District, designated on the Chapel Hill Zoning Atlas as Conservation District 9 with special standards as described in the attached Little Ridgefield Neighborhood Conservation District Plan (Attachment A). This Plan (Attachment A) is incorporated as part of this ordinance, shall constitute a part of this Zoning Atlas Amendment, and shall be subject to modification in the same manner as any other amendment to the Zoning Atlas.

The description of the portions of this site to be included in the Neighborhood Conservation District is indicated in Attachment B.

SECTION II

This Ordinance shall be effective upon enactment.

This the 23rd day of February, 2015.

Attachment A: Draft Little Ridgefield Neighborhood Conservation District Plan

DRAFT

LITTLE RIDGEFIELD

NEIGHBORHOOD CONSERVATION DISTRICT

PLAN

CD-9



Prepared by:
Office of Planning and Sustainability, Town of Chapel Hill
and the Little Ridgefield Neighborhood

Last Revised: February 16, 2015

LITTLE RIDGEFIELD NEIGHBORHOOD CONSERVATION DISTRICT PLAN

SUMMARY

This Little Ridgefield Neighborhood Conservation District Plan has been prepared and adopted in accordance with Section 3.6.5 in Chapel Hill's Land Use Management Ordinance, and has been incorporated into the Land Use Management Ordinance by reference.

The purpose of a Neighborhood Conservation District is to establish special regulations especially designed for and intended to help preserve the character of a particular, older residential neighborhood. This Plan contains special regulations for the Little Ridgefield Neighborhood Conservation District (CD-9) as described below.

BOUNDARIES

The Little Ridgefield Neighborhood Conservation District is bound by Fordham Boulevard to the west, Booker Creek to the east, Willow Drive to the north, and South Estes Drive to the south.

Please see Attachment B for a map of the Little Ridgefield Neighborhood Conservation District boundaries. The boundaries shall be indicated on the official Zoning Atlas which accompanies the Land Use Management Ordinance.

SPECIAL DESIGN STANDARDS TO APPLY TO DEVELOPMENT IN THE LITTLE RIDGEFIELD NEIGHBORHOOD CONSERVATION DISTRCT

The following Design Standards shall apply to all development within the Little Ridgefield Neighborhood Conservation District, and are incorporated into Chapel Hill's Land Use Management Ordinance by reference. No application for development shall be approved that does not comply with these standards. For the Little Ridgefield Neighborhood Conservation District, these standards shall replace/supersede general provisions in the Land Use Management Ordinance where such standards differ. For standards that are not specifically identified in this Plan, provisions of the underlying zoning district for a particular parcel shall apply.

The design standards for the Little Ridgefield Neighborhood Conservation District are as follows:

Little Ridgefield Neighborhood Conservation District Plan

Regulation	Standard for Little Ridgefield*
Maximum Building Height (Secondary)	30 feet
Minimum Street Setback	30 feet
Maximum Floor Area Ratio for All Structures	0.21
Maximum Size for All Structures	2,600 square feet; Homeowners may apply to the Board of Adjustment to seek approval of a variance to exceed this standard. This standard excludes the allowable square footage (750 sq. feet) for accessory dwellings.
Maximum Percent of Front-Yard Used For Parking	30%
	Fences located in the front yard and taller than 2.5 feet shall be constructed with a minimum transparency of 50%.
Fences	All fences located in the front yard, with street frontage, shall have a maximum height of 4 feet. An opaque fence of any height enclosing the area behind the front plane of the house (i.e., the back and side yards) is permitted.
Accessory Dwellings	No minimum lot size requirement.
Duplexes	Duplexes are not permitted.

^{*} For the Little Ridgefield Neighborhood Conservation District, these standards replace/supersede general, otherwise applicable provisions in the Land Use Management Ordinance where such standards applicable to the property differ. For standards that are not specifically identified in this Plan, provisions of the underlying zoning district for a particular parcel shall apply.

Attachment B: Map of the Little Ridgefield Neighborhood



Attachment 3: Response to Council Questions Regarding the Proposed Little Ridgefield Neighborhood Conservation District Plan - Received during the January 21, 2015 Public Hearing

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

Last revised: January 30, 2015

1. Question: Please provide a diagram that describes the proposed setbacks and established building line.

Response from Town staff: Please see the diagram in Attachment A.

2. Question: Please provide a diagram that describes how many cars would be allowed by the 30% front yard parking regulation.

Response from Town staff: Please see diagram in Attachment B.

3. Question: Would the proposed NCD have an impact on the multi-use trail being proposed for Fordham Boulevard?

Response from NCDOT: The proposed Neighborhood Conservation District would not have an impact upon a multi-use trail being built on Fordham Boulevard because the proposed regulations would not apply to the right-of-way in which the trail would be built.

4. Question: What is the status of other neighborhoods in the Neighborhood Conservation District process?

Response from Town staff: The Elkin Hills neighborhood is currently the only neighborhood in the Neighborhood Conservation District process. On March 12, 2012, the Town Council accepted a petition from the Elkin Hills residents to begin Phase One of the process (an informational phase); this Phase was considered complete after the Public Information Meeting was held on May 9, 2012.

In September of 2014, the Elkin Hills neighborhood submitted a petition to initiate Phase Two of the process. The neighborhood met the threshold to initiate Phase Two (signatures were received by 51% of the homeowners). We anticipate beginning the NCD process for the Elkin Hills neighborhood in the late spring of 2015.

Below is a map of the proposed Elkin Hills Neighborhood Conservation District.

Elkin Hills Neighborhood

AIRPORT DR **Future** Carolina North 500' Notification Line WOODLEAFOR Stand SCHOOL RO JUSTICE ST BRANCH WILLIAMS CK BARCLAYRO LEACT SEVERIN ST BIRCHCRES WESLEY CT WEINERST READE RD WESLE GIS Map prepared by Town of Chapel Hill Planning Department lFeet March, 2012 1,000 0 250 500

5. Question: Please provide additional information about the length of the Little Ridgefield Neighborhood Conservation District process.

Response from Town staff: Four years was the length of time between the Town staff receiving the Little Ridgefield neighborhood's petition to initiate the Neighborhood Conservation District process (December of 2010) and the draft Little Ridgefield Neighborhood Conservation District Plan being reviewed by the Council at Public Hearing (January 21, 2015).

This process was elongated due to the completion of other planning projects such as the Chapel Hill 2020 comprehensive plan, the Glen Lennox Area Neighborhood Conservation District Plan, the Northside and Pine Knolls Community Plan, and the Central West Small Area Plan. The Roosevelt Drive neighborhood was also in the process to develop a Neighborhood Conservation District, and the Council requested that NCDs be developed one-at-a-time.

The following information provides an overview of the Little Ridgefield Neighborhood Conservation District process.

Year: 2010

- The Little Ridgefield Neighborhood Conservation District process began in December of 2010, when the Little Ridgefield neighbors submitted the petition to begin Phase One (the informational phase).
- The petition was evaluated by Town staff who determined that the petition met the threshold to move forward. (Section 3.6.5 (C)(1) of the Land Use Management Ordinance states:

Phase One [and Phase Two] may be initiated by the Town Council; by property owners representing fifty-one (51) percent of the land area within the proposed district, upon submittal and acceptance of a petition by the Town Council; or by fifty-one (51) percent of property owners in a proposed district upon submittal and acceptance of a petition by the Town Council.

Year: 2011

- The Council received the petition on February 14, 2011; click here for the staff memorandum and click here² for the action agenda.
- In April 13, 2011, the Public Information Meeting was held; at this time, Phase One was considered complete.
- The Little Ridgefield neighborhood submitted the petition to begin Phase Two (the phase to develop the Neighborhood Conservation District regulations.)
- The petition was evaluated by Town staff who determined that the petition met the threshold to move forward.
- On November 15, 2011, Town staff shared the following information via email with the neighborhood:

We have evaluated the Little Ridgefield Neighborhood Phase Two Petition requesting to begin the formal process to create a NCD Zoning Overlay. Of the 64 parcels within the proposed district, the petition contains signatures of owners of 33 parcels, or 51.6% of the properties proposed to be in the district. The land area of the signers constitutes 51.2% of the land area of the proposed district; therefore, the petition meets the threshold needed to move forward with the NCD Zoning Overlay process.

Year: 2012

- On February 20, 2012, the Town Council considered a recommendation to temporarily suspend current Neighborhood Conservation District activity.
 - At the time of this request, the Town was engaged in developing the Chapel Hill 2020 comprehensive plan and the Glen Lennox Area Neighborhood Conservation District Plan. Also, some interests shared by the neighborhoods applying for NCDs could not be addressed by zoning, and Town staff was interested to see if the pilot programs being implemented in Northside and Pine Knolls could be applied to these neighborhoods as well.
 - During the meeting, the Council approved a resolution which stated that the Council would not accept petitions for initiation of new Neighborhood

¹ http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=1167&meetingid=102

http://chapelhill.granicus.com/MinutesViewer.php?view_id=7&clip_id=938&doc_id=562f164a-8a8a-102e-b5c3-16ad23a5d22d

- Conservation Districts. (This did not include Elkin Hills, Roosevelt Drive, and Little Ridgefield which were already in the NCD process.)
- The Council also requested that Town staff return with recommendations about next steps.
- Click <u>here</u>³ for the staff memorandum and click <u>here</u>⁴ for the action agenda.
- On March 12, 2012, staff provided follow-up recommendations to the Council. During this meeting, the Council passed a resolution to:
 - o Initiate Phase Two of the NCD process for the Roosevelt Drive neighborhood;
 - Initiate Phase Two of the NCD process for the Little Ridgefield neighborhood after regulations had been developed for the Roosevelt Drive neighborhood; and
 - o Initiate Phase One of the NCD process for the Elkin Hills neighborhood.
 - Click here⁵ for the staff memorandum and click here for the action agenda.
- During the March 12, 2012 Business Meeting, the Council requested that the Little Ridgefield process begin after the Roosevelt Drive process was complete.

Year: 2013

- Throughout 2013, Town staff held discussions with the Roosevelt Drive neighborhood during which it was determined that Neighborhood Conservation District regulations could not address the highest priority concerns of the neighborhood which included speeding in the neighborhood and cars turning sharply off Franklin Street onto Roosevelt Drive. Town staff from the Planning Department and Traffic Engineering Division worked with the neighborhood to address these concerns.
- In April of 2014, the Council passed a resolution to develop Infill Compatibility Standards, rather than Neighborhood Conservation District regulations, for the Roosevelt Drive neighborhood. Additional information can be found below.

Year: 2014

- During the March 12, 2012 Business Meeting, the Council requested that the Little Ridgefield process begin after the Roosevelt Drive process was complete. The Roosevelt Drive NCD process was considered complete in April of 2014.
- On April 21, 2014, the Council approved a resolution to develop Infill Compatibility
 Standards for the Roosevelt Drive neighborhood. Town staff is currently working with
 Code Studio (the firm that is drafting the rewrite of the Land Use Management
 Ordinance) to develop the Standards for the Council's review.
 - Also during the April 21, 2014 Business Meeting, the Council authorized the Manager to proceed with the development of NCD regulations for the Little Ridgefield neighborhood.
 - Click here⁶ for the Council's resolution.
- On May 6, 2014, the Planning Board was asked to appoint two liaisons to the Little Ridgefield NCD process (this is the first step in the process to develop NCD regulations).
 The Planning Board postponed appointing a liaison to the process since the Planning

³ http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=1687&meetingid=147

⁴ http://chapelhill.granicus.com/MinutesViewer.php?view_id=7&clip_id=1345&doc_id=10d1903f-ae04-102f-b6fc-79f14fb49beb

⁵ http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=1706&meetingid=150

⁶ http://chapelhill.granicus.com/MetaViewer.php?view_id=&clip_id=2072&meta_id=87174

- Board would be disbanded in the summer when the new Planning Commission was established.
- On July 21, 2014, Town staff and neighborhood residents held their first meeting to discuss the Neighborhood Conservation District regulations. Two meetings followed on August 5th and October 15th.
- On November 4, 2014, the Planning Commission reviewed the proposed Neighborhood Conservation District Plan and made recommendations to the neighborhood. The neighborhood revised the proposed plan based on the Commission's recommendation.
- On November 18, 2014, the Planning Commission reviewed the revised plan and made a recommendation to the Council that the plan be enacted.
- On January 21, 2015, the Council opened the Public Hearing for the proposed Little Ridgefield Neighborhood Conservation District.
- The Public Hearing is scheduled to be closed during the February 23, 2015 Council Meeting.

Attachment A: Diagram of Little Ridgefield Established Building Line and Setbacks

The purpose of this diagram is to illustrate the existing setback, proposed setback, and established building line. This diagram shows the proposed setback (30 feet), the existing setback (26 feet for this zoning district – Residential 2), and the established building line (approximately 35 feet from the street property line).



Attachment B: Diagram of Little Ridgefield Front Yard Parking

The purpose of this diagram is to illustrate how many cars would be allowed by a typical 30% front yard parking regulation. In the case illustrated below, three parking spaces would be allowed in the front yard.



Attachment 4: Planning Commission Recommendation - November 18, 2014

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION PROPOSED LITTLE RIDGEFIELD NEIGHBORHOOD CONSERVATION DISTRICT PLAN November 18, 2014

Recomme	ndation: A	Approved	Approval w	vith Conditions		Denied
Motion:	the prop	Parker moved ar osed Little Ridge g statement.	•			1 1
The Planni District as	designed wit	sion recommends th the recommend ght to 30 feet or c	lation that should	l the neighbors d	ecide to	o lower the
Vote:	5-1					
	Ayes:	Travis Crayton, Brian Wittmaye		ough, Michael Pa	arker, A	Amy Ryan, and
	Nays:	Deborah Fulghi	eri			

Amy Ryan, Vice-Chair, Planning Commission

Megan Wooley, Staff

Prepared by:



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 02/23/2015

AGENDA #10

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability

Gene Poveromo, Development Manager

SUBJECT: Consider Application for Special Use Permit, The Edge-Planned Mixed Use

Development

Recommended Council Action

• That the Council continue the public hearing, receive evidence in support of and in opposition to the Special Use Permit application, close the public hearing and:

- a. Adopt Revised Resolution A approving the Special Use Permit with stipulations.
- b. Consider Adopting Resolution C authorizing the Town Manager and Town Attorney to discuss with the applicant a process to negotiate a supplemental agreement to address a partnership with the applicant for improvements to Eubanks Road.
- c. Consider Adopting Resolution D authorizing the Town Manager to study the feasibility of a text amendment and/or map amendment to allow building in the Resource Conservation District (RCD) or, specifically, the RCD on this property.

Background

• On January 26, 2015, the Council continued the public hearing to consider an application for a 55-acre mixed-use development, The Edge, located on the north side of Eubanks Road.

Key Review Considerations

• During the public hearing several key considerations were discussed, most notably encroachment into the I-40 buffer and into the Resource Conservation District. These and other key considerations are addressed in detail in the attached staff report.

Explanation of Recommendations

- Revised Resolution A: We believe there is evidence in the record for the Council to make the required four findings to approve the Special Use Permit
- We believe that the Council may, at its discretion, make specific modifications in this particular case. We believe based on the information presented at the public hearings, that the Council may make the public purpose finding that the economic development potential and the affordable housing opportunities created by granting modifications are warranted based on the public purpose, being served to an equal or greater degree.

- Resolution C: This supplemental agreement would be considered after Council approval of the Special Use Permit and could facilitate further development beyond that which is approved in the Special Use Permit. We believe a supplemental agreement would provide an opportunity for the Council and applicant to enter into a dialogue, apart from the Special Use Permit process, to discuss a mutually beneficial partnership to construct roadway improvements along Eubanks Road.
- Resolution D: If the Council is interested in receiving additional information on building in the Resource Conservation District, this resolution would direct staff to begin working on a text amendment

Fiscal Note

• Approval of the Special Use Permit is expected to result in a net positive financial impact on the Town.

Council Goal:

- Create A Place for Everyone
- Facilitate Getting Around
- Develop Good Places, New Spaces
- Nurture Our Community
- Support Community Prosperity and Engagement

Attachments

- Staff Report, including Exhibits
 - Exhibit 1 Comparing applications and staff recommendations (revised 02.06.15)
 - Exhibit 2 Requested modifications and staff recommendation (revised 02.06.15)
 - o Exhibit 3 List of existing commercial centers in Chapel Hill
- Resolution A, Revised, approving the Special Use Permit
- Resolution B, denying the Special Use Permit
- Resolution C, Authorizing Manager to begin discussing a supplemental Agreement
- Resolution D, Authorizing the Town Manager to begin drafting a text amendment to allow building encroachment into the Resource Conservation District
- Advisory Board Recommendations
- Applicant memorandum describing changes to the application post Jan. 26, 2015 meeting
- Applicant proposed revised language for the affordable housing stipulation
- Revised Site Plans dated February 10, 2015 (1of 2)
- Revised Site Plans dated February 10, 2015 (2 of 2)
- Illustrative exhibit of I-40 buffer
- Illustrative exhibit of building in the Resource Conservation District
- Eubanks Road and Road A Plan
- Eubanks Park and Ride Option 1 Plan
- Design Guidelines Revised February 10, 2015
- October 14, 2014 letter from the Federal Transit Administration

STAFF REPORT

SUBJECT: Considering an Application for Special Use Permit, The Edge-Planned Mixed Use Development

INTRODUCTION

Tonight the Council continues the <u>January 26, 2015</u> Public Hearing on a Special Use Permit Planned Mixed Use Development application from Northwood Ravin. The proposed mixed-use development, The Edge, is located on a 53.75-acre site on the north side of Eubanks Road. Proposed plans include 23 or more low to mid-rise buildings (multi-family, commercial/retail, office, bank, and hotel) with 600,000 to 932,000 square feet of floor area.



¹ http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=3041&meetingid=324

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Subsequent to the January 26, 2015 Public Hearing, the applicant has made some changes to the application. A list of those changes is described in the memorandum attached to this agenda item (Applicant memorandum describing changes to application post Jan. 26, 2015 meeting).

KEY CONSIDERATIONS FROM THE PUBLIC HEARINGS

Below is a list of topics and items of interest that were discussed during the January 26, 2015 public hearing.

Design Guidelines

1. There was interest in having the Community Design Commission play a greater role in the development of the proposed Design Guidelines for The Edge as submitted by the applicant (attached).

Staff Response: Revised Resolution A requires the applicant to seek courtesy review comments and recommendations from the Community Design Commission prior to the issuance of a Zoning Compliance Permit. Any courtesy review comments or recommendations, that the applicant decides to incorporate into the Design Guidelines, shall be reviewed and approved by the Town Manager.

Percentage of Residential Floor Area

2. A general concern was expressed that the project could result in a development with a high percentage of residential floor area with minimal retail floor area.

Staff Response: This project has a maximum permitted residential floor area of 701,100 sq. ft. and a minimum of 200,000 square feet of non-residential space (retail, hotel, office). Although it is possible that a majority of the development, especially during the initial construction phases, would be residential, we note that all of Block 'A' is reserved for non-residential development. We anticipate, especially with increased visibility from I-40, that this area would be developed during the early construction phases. Also, as the residential floor area and population mass increases with each phase, the likelihood of retail development within the site becomes more promising.

The applicant has offered to prohibit residential development from the ground level of any building in Block B. We believe this restriction will further secure additional non-residential floor area within the development. This restriction has been added to Revised Resolution A.

Reducing the Interstate 40 Buffer Area; Additional Signage

3. During the January 26, 2015 public hearing the applicant presented an exhibit (attached) showing a reduction to the 100' wide I-40 buffer width, to a width of 50 feet. The illustrative exhibit also identified potential clearing and grading as well as an illustrative landscaping plan.

Staff Response: As shown by the exhibit, the buffer area under discussion begins immediately at the eastbound I-40 off-ramp and not directly adjacent to the highway travel lanes. Although this

buffer area is part of a buffer that extends beyond this property, we believe the proposed encroachment and landscaping plan for this segment of the buffer is reasonable. We also believe that the clearing, grading, and selective landscaping of this buffer area, as well as locating two "Gateway" signs in the buffer, is critical in order for the developer to meet the Council's desire to attract more non-residential development.

Encroaching into this buffer requires a modification to the regulations. Council may, at its discretion, make specific modifications in this particular case. We believe based on the information presented at the public hearings, that the Council can determine that the economic development potential and affordable housing plan associated with this project, as stipulated in Revised Resolution A is a public purpose, and that said public purpose is satisfied to a greater degree by allowing the modifications requested by the applicant.

These modifications are explicitly indicated in Revised Resolution A.

Building in the Resource Conservation District

4. For Council consideration the applicant also offered an exhibit that included construction within the intermittent portion of the Resources Conservation District (RCD). This would allow greater visibility from I-40 including moving the development closer to the interstate.

Staff Response: This option would require the Council to amend the Land Use Management Ordinance (LUMO) and allow construction within the RCD. We believe that a discussion on this topic should be considered outside this Special Use Permit process. Attached for your consideration is Resolution D directing the Town Manager to work on a text amendment proposal that would consider amending the Resource Conservation District regulations.

Green Roofs

5. Recognizing the applicant's desire to reduce tree canopy on site, one suggestion offered was the idea of including 'green roofs' in the project.

Staff Response: At this time the applicant is unable to commit to using 'green roofs' within the project. Revised Resolution A includes a stipulation stating that the review and approval of building elevations shall not prohibit the applicant from incorporating green roof stormwater structures into the project or building design.

Affordable Housing

6. Affordable housing was identified as a 'high priority' by a Council member.

Staff Response: The current affordable housing proposal, as stipulated in Revised Resolution A includes these main features:

- a. The allocation of land within The Edge to accommodate a minimum of 50 affordable rental housing units.
- b. The applicant shall pursue the financing approval and development of no less than 50 units for a period of no less than 5 years after final approval of the Special Use Permit.

- c. The applicant will provide the town with a yearly report on the status of securing financial approval.
- d. Units must be provided for renters at 80% or less of the area median income.
- e. Units shall remain affordable for a period of 15-30
- f. If financing is not secured within 5 years the applicant may:
 - o Extend the financing period in which case the Town Council, shall determine how the project could support the Town's affordable housing goals; or
 - The applicant shall submit and commit to offer an alternative affordable housing proposal, acceptable to the Town Council, that supports the town affordable housing goals.

In response to an interest expressed by Council during the public hearings, Revised Resolution A includes a stipulation requesting that the applicant not compete with town sponsored projects for tax credits in the same year. The 3 elements of this stipulation include:

- The applicant notifying the Town of intent to submit an application for Low Income Housing Tax Credit financing.
- That, in order not to interfere with a town sponsored project, the applicant's submission could be delayed, upon request by the Town for up to one year.
- If such a delay is requested, the applicant's time period to pursue financial approval set forth above shall be extended by one year.

If the applicant agrees to comply with this stipulation, we believe it would help the Council make the determination that the modifications to regulations, as requested by the applicant, are warranted based on public purposes being achieved. Specifically, this stipulation would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community, a result which the Council has identified as a public purpose.

We note that the applicant does not agree with some of the above stipulations. Attached to this agenda item is alternate language proposed by the applicant. We anticipate that the applicant will offer additional information on this topic at tonight's meeting.

Signature Architecture

7. Because this site is located at a gateway into the community, it was stated that the design of the buildings visible from I-40 should exhibit "significant architectural features."

Staff Response: Revised Resolution A includes a stipulation that in reviewing building elevations, the applicant shall describe how the proposed elevations provides opportunities for incorporating "gateway" architectural features for buildings located along the I-40 buffer area.

Tree Canopy

8. The applicant is seeking to modify the regulations and reduce the required tree canopy coverage from 30% to 25%.

Staff response: Although a reduction in the tree canopy percentage may be warranted, we believe it should be tied to a development intensity threshold. Revised Resolution A includes a

modification that allows the applicant to reduce the tree canopy to 25%, once cumulative project floor area from building permit applications exceeds 600,000 square feet.

Reducing the tree canopy percentage requires a modification to the regulations. Council may, at its discretion, make specific modifications in this particular case. We believe based on the information presented at the public hearings that the Council may determine that the economic development potential and affordable housing plan associated with this project, is a public purpose and that said public purpose is satisfied to a greater degree by allowing the modifications requested by the applicant.

These modifications are explicitly indicated in Revised Resolution A

Supplemental Agreement

9. The January 26, 2015 staff report discussed how some elements of this project should be negotiated as part of a supplemental agreement

Staff Response: Some of the topics associated with this project that might be incorporated into a supplemental agreement include Eubanks Road cost-sharing, transit capacity impacts, and affordable housing. If the Council wishes to discuss these topics with the applicant we recommend that the Council enact Resolution C. Resolution C would authorize the Town Manager and Town Attorney to enter into discussion with the applicant and to return to Council with an outline for a supplemental agreement that would provide an opportunity for the Council and applicant to enter into a dialogue, apart from the Special Use Permit process.

SPECIAL USE PERMIT MODIFICATIONS OF REGULATIONS

The Four Findings of Fact to support the issuance of a Special Use Permit in this case must be based on competent, material and substantial evidence. With respect to the applicant's request for Modifications of Regulations the Council has more discretion and flexibility. The Council may agree with the applicant and grant, in whole or in part, some or all of the requested modifications of regulations, if in its discretion the Council is satisfied that identifiable public purposes are achieved that justify those modifications which are proposed to be granted.

We believe based on the information presented at the public hearings, that the Council may determine that the economic development potential and affordable housing plan, associated with this project, is a public purpose and that said public purpose is satisfied to a greater degree by allowing the modifications requested by the applicant. Alternately, with respect to the proposed public purpose being served, the Council may determine that some or all of the modifications are not warranted, or not fully warranted, and could approve the Special Use Permit without some or all of the requested modifications, or with some adjustments to them.

REVISED RESOLUTION A

Subsequent to the three previous public hearing, Revised Resolution A includes the following changes. Text noted as **bold** and <u>underlined</u> reflect changes to the Resolution following the January 26, 2015 public hearing.

1. <u>Design Guidelines</u>

- a. Requires the Community Design Commission to offer the applicant courtesy comments and recommendations on the Design Guidelines.
- b. Design Guidelines approved as a formal part of the Special Use Permit.
- c. Requires Community Design Commission to review any proposed substantial changes to the Design Guidelines.

2. Modifications

- a. Reducing the I-40 buffer from 100' to 50'. Authorizes clearing, grading and relandscaping in addition to allowing visibility into the site. Landscape plan to be reviewed and approved by the Community Design Commission.
- b. Signage at entrance drives: allow office and residential use on development identification sign.
- c. <u>Interstate 40 and Eubanks Road Gateway Sign</u>: allow 24-hour illumination; allow signs larger than 144 sq. ft., allow encroachment into the I-40 buffer.
- d. <u>Tree Canopy:</u> 30% may be reduced to 25% when cumulative floor area exceeds 600,000 sq. ft. of floor area.
- e. Eubanks Rd. utilities above ground: requires applicant to prove economic hardship or danger to public safety.
- f. Recognizes the affordable housing plan as a public purpose finding and a determination for granting the requested modifications to the regulations.

3. Building Elevations

a. That the applicant shall describe how the proposed elevations along the I-40 buffer includes opportunities for incorporating "gateway" architectural features.

4. Green Roofs

a. That the review and approval of building elevations shall not restrict the applicant from incorporating green roof stormwater features into the project or building design.

5. Affordable Housing

- a. Stipulates applicant's proposed 5-year tax credit program.
- b. Requires applicant not compete with town sponsored projects for tax credits.
- c. Prohibits WRH Realty, <u>or any management company associated with group</u>, from acting as property management company.
- d. The applicant will provide the town with a yearly report on the status of seeking financial approval of the affordable housing community.

6. Pedestrian Improvements

- a. A pedestrian sidewalk along the south side of Eubanks Road, between Martin Luther King Jr. Blvd. and Chapel Watch Village.
- b. A pedestrian crosswalk on Martin Luther King Jr. Blvd. and sidewalk connection to Chapel Hill North commercial center.
- c. A high visibility pedestrian crossing on Eubanks Road at Street #2 (intertie section with traffic signal at Northwood Dr.).
- d. Pedestrian crosswalks on Road A, between residential development and park and ride lot.

7. Energy Management

- a. Each project that includes buildings will obtain a nationally recognized "green" certification (examples include, but are not limited to: LEED, NAHB, Green Globes, etc.). The certification will be obtained within one year of the final certificate of occupancy for the respective project.
- 8. <u>Federal Transit Administration Approval</u>: Because the Town has received a letter from the FTA approving the proposed modifications to the Eubanks Road Park and Ride Lot (attached), this stipulation has been removed.
- 9. Residential Floor Area in Block B: Residential floor area is limited to the 2nd floor and above.

10. Public Open Space

a. Open Public Space: That the project shall provide a minimum of 10,000 square feet of passive recreation, open space, common public squares or green areas.

Text noted as **bold** and <u>underlined</u> reflect changes to the Resolution following the January 26, 2015 public hearing.

EXHIBIT 1- PROPOSED CHANGESComparing the original application, proposed changes and staff recommendation

	Column A	Column B	Staff Recommendation
	Original Application	Revised Application	Revised Resolution A
Open Public Space	5,000 sq. ft.	10,000 sq. ft.	Column B
Tree Canopy	20%	25%	30% (25% with 600,00 sq. ft.
			<u>floor area)</u>
		Located at signalized	
Eubanks Rd Pedestrian	Not located at a signalized	intersection	Column B
Crossing	intersection	(Northwood Dr)	
		Pedestrian crossing on	
Pedestrian Connection to	Not proposed	MLK and sidewalk	Column B
Chapel Hill North		connection to CH North	
		sidewalk	
		(east side of MLK)	
		Approved as part of SUP	
Design Guidelines`	Not approved as part of the	and CDC approval required	Column B
	SUP approval	for significant changes	
	EMP provided with all	In addition to EMP's	
	ZCP's that include	commitment to obtain a	Column B
Energy Management	buildings with goal of	nationally recognized	
Plan (EMP)	providing more efficiency	"green" program	
	than current ASHRAE	certification for each	
		building(s)	
		Re-grade 50' buffer width,	CDC approve landscaping
I-40 100' Buffer	Reduce from 100' – 50 and	clear for visibility and re-	No part of a separate
	re-landscape	landscape to maintain	agreement outside SUP
		visibility.	process
G	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
Gateway Sign #1	Located outside I-40 buffer	I 4 - 1 : - I 40 1 - CC	Cala B
Eubanks Rd), GD G	Located in I-40 buffer	Column B
	No CDC approval	CDC approval	
	,		Column B
Gateway Sign #2	Not proposed	Northeast corner of site	No part of a separate
		inside I-40 buffer	agreement outside SUP
		CDC Approval	process
Limit Residential		Prohibit residential floor	
<u>Development in Areas B</u>	Not proposed	<u>area on ground floor</u>	Column B

EXHIBIT 2 - MODIFICATIONSComparing LUMO Regulations to requested modification

	Land Use Management Regulati	ons	Modification	Staff
	(standard in parentheses)		Request	Recommendations
			Range of	
1	Mix of Uses (MU-R1 &MU-OI)	(varies)	max. & min.	
2	Tree survey	(6" caliper)	12" caliper	YES
3	Building heights Road A & B	(44 feet)	59 feet	
4	Perimeter setbacks			
4a	Parking	(75 feet)	0 feet	
4b	Building	(50 feet)	20 feet	YES
5	Eubanks Rd utilities	(buried)	above ground	
6	Signage			
6a	Development identification signs	(2 signs)	(6 signs)	
6b	Development identification display area	(20 sq. ft.)	40 sq. ft.	YES
6с	Tenants & trademark per sign	(1)	3	
6d	Building & business id sign area	(5% of façade)	10%	YES
6e	Building identification sign height	(24-feet)	top of bldg.	(for buildings facing I-40 ramp)
		(= :) = = -,	10 0 0 0	(1 1 1 3 1 3 1 1 1 1 1 1 1 1 1 1 1 1 1
6f	Anchor tenant sign size (50%	of dev. sign size)	75%	
6g	Register logo size	(50%)	75%	YES
6h	<u> </u>	nax display area)	100%	(with 25,000 sq. ft. of commercial development)
7	Gateway Sign (Commercial center sign)			commercial developments
7a	Height	(14 feet)	30 feet	
7b	Display area	(75 sq. ft.)	200 sq. ft.	YES
7c	Overall Sign Area	(144 sq. ft.)	No limit	(One sign with 50,000 sq. ft. of
7d	Anchor tenant	(unlimited)	5	commercial development)
7e	Illumination during non-business hrs.	(No)	Yes	
7f	-	outside bufferyard)	In I-40 buffer	
8	Landscape buffer widths			
8a	North Property (Park & Ride)	(20 feet)	0 feet	YES
8b	North Property (Erber property)	(20-feet)	10 feet	(with the submission of a Zoning
8c	Eubanks Rd	(30 feet)	10 feet	Compliance Permit for adjacent
8d	Roads A & B	(20 feet)	15 feet	building footprint)
8	Tree canopy coverage	(30%)	25%	30% or payment to the town's tree mitigation fund
9	Interstate 40 buffer	405.0	-0. 0	N=-
9a	Width	(100 feet)	50 feet	YES
9b	Landscaping (7	Type E Plantings)	Graded, replanted	CDC approve landscaping &
9с	_ , , , , ,	.,	Storm water	Gateway Signs
	Encroachments (perpendicular utilities,	paths, greenways)	facility, Gateway	Maintain 100' buffer,
			sign at northeast	retain existing vegetation, no signage
			corner	or storm water encroachments

Text noted as **bold** and <u>underlined</u> reflect changes to the Resolution following the January 26, 2015 public hearing.

EXHIBIT 3 - COMMERCIAL CENTERS Floor area chart

				Floor area ch
	Commercial	Est. square		
	Centers	footage	Thoroughfare	Speed Limit
			Martin Luther	35 mph (WDR to Perkins)
1	Chapel Hill North	95,820	King Jr Blvd	45 mph Perkins to I-40
2	East 54	55,000	NC 54	35 mph
			E Franklin and	35 mph (Franklin)
3	Eastgate	152,603	Fordham Blvd	45 mph (Fordham)
	Elliott Rd		Elliott Rd and	35 mph (Franklin)
4	(Mark Properties)	100,000	Fordham Blvd	45 mph (Fordham)
5	Glenwood Square	53,000	NC 54	35 mph
				35 mph west bound
6	Meadowmont	96,740	NC 54	45 mph east bound
7	Rams Plaza	127,421	Fordham Blvd	45 mph
8	Southern Village	62,500	15-501 South	45 mph
9	Timberlyne	112,925	Weaver Dairy Rd	35 mph
	University Mall		Estes and	35 mph (Estes)
10		400,000	Fordham	45 mph (Fordham)
	Village Plaza		Elliott and	
11	(Whole Foods)	75,000	E Franklin	35 mph

PROJECT FACT SHEET REQUIREMENTS Check List of Regulations and Standards Special Use Permit Application

The Edge Mixed Use	STAFF EVALUATION BASED ON MU-OI-1, MU- R1 and PLANNNED MIXED-USE				
	COMPLIANCE	NONCOMPLIANCE			
Use Permitted	$\sqrt{}$				
Gross Land Area	$\sqrt{}$				
Minimum Lot Width					
Maximum Floor Area	V				
Maximum # Dwelling Units	$\sqrt{}$				
Minimum Recreation Space	\sqrt{w} stipulations				
Impervious Surface Limits	$\sqrt{}$				
Land Disturbance Minimized	$\sqrt{}$				
Minimum # Vehicular Parking Spaces	√ w stipulations				
Minimum # Bicycle Parking Spaces	√ w stipulations				
Minimum Setbacks	$\sqrt{}$				
Maximum Primary Height Limits	$\sqrt{\text{(with modifications)}}$				
Maximum Secondary Height Limits	$\sqrt{}$				
Minimum Landscape Bufferyards	$\sqrt{\text{(with modifications)}}$				
Minimum Land Disturbance in the Resource Conservation District	\checkmark				
Steep Slopes Compliance	V				
Stormwater Management (Including New Jordan Nutrient Loading Regs.)	$\sqrt{\text{(with stipulations)}}$				
Parking Lot Screening	V				
Public Water and Sewer	$\sqrt{}$				
Adequate Public Schools Facilities	√				
Affordable Housing	7-13%				
Signage	$\sqrt{\text{(with modifications)}}$				
Tree Canopy Coverage	$\sqrt{\text{(with modifications)}}$				

NA = Not Applicable

Prepared: September 19, 2014

REVISED RESOLUTION A

A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT PLANNED MIXED-USE DEVELOPMENT FOR THE EDGE (PROJECT #13-104) (2015-02-23/R-5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Planned Development-Mixed Use Special Use Permit application, proposed by Northwood Ravin, for The Edge, located at 1900, 2012, 2014, 2100 Eubanks Road on property identified as Orange County Property Identifier Numbers 9870-98-7045, 9870-98-7294, 9870-99-0117, 9880-07-1883, 9880-07-6840, and 9880-08-4202, located in the Mixed-Use Office-Instutional-1 and Mixed-Use Residential-1, if developed according to the Site Plan dated February 11, 2015 Eubanks Road and Road A site plans, dated January 19, 2015 and the Design Guidelines February 10, 2015 and the Eubanks Road Park and Ride Exhibit Option 1 dated June 2, 2014, the conditions listed below would:

- 1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- 2. Comply with all required regulations and standards of the Land Use Management Ordinance;
- 3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
- 4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

Modifications to Regulations

BE IT FURTHER RESOLVED by the Town Council of Chapel Hill that it finds, in this particular case, that the economic development potential and affordable housing plan associated with this project, is a public purpose and that said public purpose is satisfied to a greater degree by allowing the modifications requested by the applicant.t

1. Modification of Table 3.8-1 of the Land Use Management Ordinance to modify the intensity regulations as regards the primary building height along Public Streets 'A' & 'B' to allow a Primary Building Height of 59 feet instead of 44 feet.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.

2. Modification of Section 3.5.1.e.3.G & I (MU-OI-1 Land Use Intensities) and 5.5.1.f.3.G & I (MU-R-1 Land Use Intensities) of the Land Use Management Ordinance to modify the 75-foot perimeter parking lot setbacks to zero and the 50-foot perimeter setback to

20-foot setbacks

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.

3. Modification of Table 5.6.6-1 of the Land Use Management Ordinance to modify the landscape bufferyards as noted in the below table:

Location	Modified Buffer		
Interstate 40	Reduce from 100' Type E to 50'		
Interstate 40	landscape buffer		
Eubanks Road	Reduce from 30' Type C to 10' Type C		
Park & Ride Lot (north line)	Reduce from 20' Type C to zero		
Erber (north property line)	Reduce from 20' Type C to 10' type C		
Public Street 'A' & 'B'	Reduce from 20' Type C to 15'Type A		

<u>Eubanks Road Gateway Sign</u>: That as recommended in the Northern Area Task Force Report, the Eubanks Road Gateway Sign may be located in the I-40 buffer area.

<u>Interstate 40 Gateway Sign</u>: That the Interstate 40 Gateway sign may be located within the Interstate 40 buffer. Land disturbance activity associated with this sign may not encroach into the Resource Conservation District.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.

- 4. Modification Section 5.14.11 (Sign in Mixed Use O-I and R-1 Districts) and Section 5.14.12 (Commercial Ground Sign) of the Land Use Management Ordinance to modify the sign regulations to clarify applicability as noted below:
 - a. Section 5.14.11.(b).(1) Signs
 - Development identification signs: increase maximum number from 1 to 2 signs at each principal access point, and 1 at each right-in, right-out access point
 - Display areas square footage: increase from 20 sq. ft. to 40 sq. ft.

That that following modifications shall be approved with the submission of a Zoning Compliance Permit application(s) for the project with a cumulative total of 25,000 sq. ft. of commercial floor area:

- Anchor tenant, including office and residential use, names, increase maximum number from 1 to unlimited
- Letters, registered logo: increase percent of the size from 50% to 75%

b. Section 5.14.11. (b) .2.

• Building identification signs: increase maximum display area from 5% of the building façade to 10% for buildings facing the I-40 ramp; and allow the sign height to increase from approximately 24-feet to the top level of the building for building facing the I-40 ramp.

c. Section 5.14.11. (b). (3)

• Identification signs for individual establishments: increase maximum display area from 5% of the building façade to 10% for wall signs facing the I-40 ramp; and allow the sign to be located at the top level of the building for building facing the I-40 ramp

d. Section 5.14.11. (b). (4).

That that following modifications shall be approved with the submission of a Zoning Compliance Permit application(s) for the project with a cumulative total of 25,000 sq. ft. of commercial floor area:

• Internally illuminated sign: maximum size shall be increased from one-half of the maximum to the same as the maximum allowable size

e. Section 5.14.12. (a). (3).

That that following modifications shall be approved with the submission of a Zoning Compliance Permit application(s) for the project with a cumulative total of 50,000 sq. ft. of commercial floor area:

Specifically for the Gateway-sign feature to be located in the southeast corner of the property at the Eubanks Road and Martin Luther King Jr. Blvd. intersection and the sign facing I-40 in the northeast corner of the site:

- Height: increase the maximum height from 14 feet to 30 feet
- Illumination permitted during non-business hours

f. Section 5.14.12.(a).(5)

That that following modifications shall be approved with the submission of a Zoning Compliance Permit application(s) for the project with a cumulative total of 50,000 sq. ft. of commercial floor area:

Specifically for the Gateway-sign feature to be located in the southeast corner of the property at the Eubanks Road and Martin Luther King Jr. Blvd. intersection and the sign facing I-40 in the northeast corner of the property:

 Overall sign area: overall dimensional square footage or sign structure proportions may be greater than the dimension limits for commercial center signage Display area: increase the maximum display area from 75 to 200 sq. ft.; display area may include up to 5 tenants/use signs; project logo/Icon excluded from the 200 sq. ft. display area limit

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-

residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.

- 5. Modification of Section 3.5.1.e.2.C. (Permitted Uses and Development Intensities Mixed Use OI-1); and Section 3.5.1.f.2.C (Permitted Uses and Development Intensities Mixed Use R-1) of the Land Use Management Ordinance to modify the mixed of proposed land uses to allow:
 - a. Minimum of 43% residential, 15% commercial* and 6% office/clinic; and
 - b. Maximum of 75% residential, 44% commercial* and 29% office/clinic *Commercial use includes hotel square footage

Note: Minimum and Maximum use percentages are based on 935,290 sq. ft. of total floor area, as more specifically noted in the Land Use Intensity Stipulation.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.

- 6. Modification of Section 5.7.2.a Table 1 (Tree Canopy Coverage) as allowed in Section 5.7.2.b of the Land Use Management Ordinance to modify the minimum tree canopy requirements to allow a reduction in overall tree canopy coverage to 25% once cumulative project floor area, from Zoning Compliance Permit applications, exceeds 600,000 square feet.
- 7. Modification of Section 5.7.6.a.2.iii. (Rare and Specimen Tree Defined) to increase the diameter at breast height standard for tree survey requirements from 6 inches to 12 inches.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.

8. Modification of Section 5.12.2 (Other Utilities) to limit underground utility installation to the internal development site; work associated with Eubank Road is not required to locate utilities underground if the applicant can demonstrates that the burial would create economic hardship or a danger to public health or safety as it relates to the size, nature, timing, and scope of the proposed development.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community;

BE IT FURTHER RESOLVED, that the Council determines that the public purposes of economic development and affordable housing are both necessary in the judgment of the Council to warrant each of the modifications of regulations set forth above, and that in the absence of the affordable housing provisions described below, the Council would not find that there are sufficient public purposes satisfied to warrant any of these modifications.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for The Edge in accordance with the plans listed above and with the conditions listed below.

Stipulations Specific to the Development

- 1. <u>Construction Deadline</u>: That construction begin by February 23, 2017 (2 years from the date of approval), to be completed by February 23, 2027 (12 years from the date of approval).
- 2. <u>Detailed Plan Review and Approval</u>: Town staff will review the individual building proposals for compliance with the Special Use Permit, including Resolution A, the Land Use Management Ordinance and the applicant's Design Guidelines. The Community Design Commission would then review and approve final building elevations and building lighting for each individual building, and the two Gateway Signs, before construction could begin.

Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved. Such plans shall conform to plans approved by the Council and demonstrate compliance with all applicable regulations and standards of the Land Use Management Ordinance and the Design Manual.

Plans, plats, and associated detailed requirements as set forth in the stipulations of this resolution and incorporated into the Special Use Permit shall be reviewed and approved by the Town Manager, or his designee, as well as outside agencies, such as NCDOT, OWASA and Duke Energy, where indicated.

- 3. <u>Design Guidelines Certification</u>: That the submission of each Final Plan includes a signed and sealed certification that the proposed plans comply with the approved Design Guidelines for The Edge project.
- 4. Petition for Voluntary Annexation: That prior to the issuance of a Zoning Compliance for a building, or prior to recording a newly created subdivision lot, the applicant submit a valid and sufficient Petition for Voluntary Annexation for the entire site, which petition shall not be subsequently withdrawn prior to action by the Town Council on annexation of the property. The property may be recombined prior to the submission of the annexation petition.
- 5. <u>Subdivision of Lots</u>: That all proposed new lots shall front or have direct access to a public street right-of-way, or a public-street easement, or private street easement that is built to Town standards. New lots fronting a private street easement must provide documentation that the lot has direct access to public right of way or public street easement. That review and approval of new subdivision lots shall be processed as an administrative approval of a

minor subdivision or commercial subdivision during Final Plan Review process.

6. Substantial Changes in Vehicular Access or Circulation: If, as determined by the Town Manager, the applicant submits a Final Plan application that proposes substantial changes to internal vehicular access or circulation, including substantial realignment or elimination of Street 1, 2, 3, 4, the Town Manager shall refer the applicant to the Council for a review of a modification of the Special Use Permit. The addition of streets within Blocks shall not be considered a substantial change.

Eubanks Road Park and Ride Lot

- 7. <u>Eubanks Road Park and Ride Lot Site Modifications</u>: That the applicant shall be responsible for all improvements and modification to the Eubanks Road Park and Ride Lot, as shown by site plan Option 1. In addition to the improvements identified by the site plan, the applicant shall also be responsible for the following:
 - a. Construct public Street 'A' including the traffic circle as shown on Option 1 or Option 2;
 - b. Signalize the intersection of Eubanks Road and Street 'A';
 - c. Relocate existing park and ride egress movements away from Eubanks Road;
 - d. Revise the park and ride westernmost entrance to allow only right-in turning movements;
 - e. Survey any required additional right-of-way along the park and ride Eubanks Road frontage and along the park and ride eastern property line.
- 8. Construction Phasing Plan: That the submission of the first Final Plan application shall include a construction phasing plan, demonstrating how the modifications to the park and ride lot, and other construction activities associated with the development of The Edge, will not impede or negatively impact the day to day operations of the park and ride lot. That a construction phasing plan shall be reviewed and approved by the Town Manager, prior to the issuance of the first Zoning Compliance Permit.
- 9. <u>Land Use Intensity</u>: This Special Use Permit authorizes the following:

Land Use Intensity					
Gross Land Area	53.75 acres				
Number of Buildings (Range)	10 to 35 buildings (excluding accessory buildings, garages, etc.)				
Height (Range)	25' to 90'				
Floor Area (Panga)	600,000 to 935,290 sq. ft.				
Floor Area (Range)	Minimum	Maximum			
Residential	400,000 sq. ft.	701,000 sq. ft.			
Commercial	140,000 sq. ft.	416,000 sq. ft.			
Office	60,000 sq. ft.	270,000 sq. ft.			
Maximum # of uses with drive in windows	5 (max. 3 on Eub	anks Rd.)			
Vehicular Parking Spaces (Range)	In accordance with LUMO				
Maximum Impervious Surface	37.63 acres				
Minimum Tree Canopy Coverage	25% based on floor area				

10. <u>Residential Floor Area in Block B</u>: That residential use shall be limited to the 2nd floor and above in the area labeled 'Block B' on the site plans.

11. <u>Permitted Uses</u>: The follow uses are permitted within The Edge development:

. <u>Permitted Uses</u> : The follow uses are permitted within The Edge development:				
USE and Type				
Business, commercial, retail				
ATM – drive up, bank, barber shop, business (convenience, general, wholesale) club,				
daycare, drive in window, funeral home, gasoline sales as an accessory use, hotel, place				
of assembly, publishing, printing, recreation facility, veterinary clinic				
Institutional				
Essential services, place of worship, public cultural facilities, public use & service				
facility, school, vocational school				
Office				
Business – office type, clinic				
Residential				
Duplex, group care, manufactured home park, multi-family, single-family, rooming				
house, tourist home				

12. <u>Uses requiring a Special Use Permit</u>: The following uses are allowed with an approved Special Use Permit: Telecommunication antenna and service stations.

Affordable Housing

- 13. <u>Affordable Housing, 5-year commitment</u>: That the applicant shall allocate land within The Edge to accommodate a minimum of 50 affordable rental housing units. That the applicant or its designee shall pursue the financing approval and development of an affordable rental community of no less than 50 units on the allocated land targeting renters at 80% or less of the area median income. The applicant or its designee shall pursue the financing approval for a period of no less than 5 years after final approval of the Special Use Permit.
 - a. The proposed affordable housing project site shall be designated by the applicant and will be held as such while the applicant or its designee seeks financing approval. The internal location of the affordable site may be adjusted by the applicant as the mixture of uses at The Edge is determined, but land for the affordable project will be held during the financing period.
 - b. That starting in January 2016, the applicant will provide the town with a yearly report on the status of seeking and obtaining financial approval and development of the affordable housing community.
 - c. If financing is secured:
 - i. Units must be provided for households earning 80% or less of the area median income:
 - ii. Rents for the units shall not exceed the limits imposed by the approved financing, which are typically governed by the HUD Fair Market Rent for the Durham-Chapel Hill MSA;

- iii. The affordable units shall remain affordable for a period of 15-30 years based on the requirements of the financing program; and
- iv. Management/monitoring/reporting of the units shall be by a professional management team with the ability to manage affordable housing communities including those financed with Low Income Housing Tax Credits.
- c. Upon a determination by the Town Manager that the applicant's affordable housing proposal meets the criteria set out herein, the applicant and the Town Manager, on behalf of the Town, shall execute an Affordable Housing Performance Agreement incorporating the terms of the proposal prior to issuance of a Zoning Compliance Permit, building permit, certificate of occupancy, or similar regulatory trigger for the affordable housing project, as determined reasonable by the Town Manager. That Agreement, as well as the Special Use Permit herein approved, shall be recorded at the Office of the Orange County Register of Deeds and shall be binding upon the applicant and its successors in interest.
- d. If financing approval for an affordable housing development is not secured within 5 years of final approval of the Special Use Permit, the applicant may request that the Town Manager or his designee, extend the financing period; or the applicant shall submit and commit to offer an alternative affordable housing proposal, acceptable to the Town Council, that supports the town affordable housing goals.
- 14. Commitment not to Interfere with Town-Sponsored Projects: That the applicant will notify the Town Manager or his designee of the applicant's intent to submit an application for Low Income Housing Tax Credit financing to facilitate and complete the applicant's obligation under the Affordable Housing Performance Agreement. That, in order not to interfere with an application for Low Income Housing Tax Credit associated with a different application for such financing for a town-sponsored project, the applicant's submission for tax credit financing shall be delayed, upon request from by the Town Manager, for up to one year.
- 15. <u>Affordable Housing Management</u>: That the affordable housing management service company for this project may not be WRH Realty, or any management company associated with this group.

Transportation

16. Subsequent Transportation Impact Analysis (TIA) Updates: The Edge project will track the number of trips generated by development proposed on each Final Plans (ZCP) submittal against the trip threshold in the approved traffic study dated August 26, 2013 by HNTB. If the number of proposed trips exceeds 500 daily vehicular trips above the maximum in the approved traffic impact study, an updated study may be required. The cost of preparation of the TIA shall be borne by the developer and shall be conducted by the Town's TIA consultant. The Edge project will only be required to address additional roadway mitigation measures found to be required by the increased trip generation from The Edge project and not for additional trips from other developments, increased background traffic or from the Town's facilities.

- 17. <u>Eubanks Road Improvements</u>: That the following improvements, along the Eubanks Road frontage, must be constructed within a publically dedicated right-of-way, prior to the issuance of the second Certificate of Occupancy:
 - a. A 105-foot wide right-of-way, and 89-foot wide cross-section, (or greater to provide for wider bicycle lanes where necessary); if deemed applicable, the Town Manager may approve a variable width right-of-way
 - b. Through lanes, turn lanes, median, 5-foot wide bicycle lanes, standard curb & gutter and 5-foot wide concrete sidewalk;
 - c. A 5-foot wide concrete sidewalk, on the south side of Eubank Road, between the intersection of Martin Luther King Jr. Blvd and the easternmost edge of the existing sidewalk adjacent to the Chapel Watch Village development (sidewalk not required if adjacent to proposed Ramsley Subdivision, if Ramsley sidewalk is constructed prior to this development);
 - d. 5-foot bicycle lane adjacent to the Ramsley Subdivision;
 - e. A high visibility pedestrian crossing between the Eubanks Road south side sidewalk and the intersection of Street #2; and
 - f. Medians wider than 4 feet shall either be planted or have pavers.

The design must be approved by the Town of Chapel Hill and the North Carolina Department of Transportation (NCDOT) prior to issuance of a Zoning Compliance Permit.

- 18. <u>Eubank Road Traffic Signals</u>: That prior to the issuance of the second certificate of occupancy, unless modified by an approved phasing plan, the applicant shall install traffic signals and provide traffic signal timing plans for the intersections of: a) Street #2 and Eubanks Road; and b) Eubanks Road and Public Street 'A.' The timing of the traffic signal installations is subject to approval of the NCDOT and the Town of Chapel Hill.
- 19. <u>Martin Luther King Jr. Blvd. Improvements</u>: That the applicant construct the following improvements at the Martin Luther King Jr. Blvd./Eubanks Rd. intersection within a dedicated public right-of-way, prior to the issuance of the second certificate of occupancy, unless modified by an approved phasing plan:
 - Martin Luther King Jr. Blvd.
 - o Dual northbound left-turn lanes with 300 feet of vehicle storage.
 - o Southbound right-turn lane, including 4-foot wide shoulder, including maximum available storage, subject to NCDOT approval.
 - Eubanks Road
 - o Eastbound left-turn lane with 500 feet of vehicle storage.
 - o Delineate two eastbound lanes as separate left-turn and right-turn lanes only
 - Utilize right-turn overlap signal phasing for the southbound and eastbound turn lanes
 - All required traffic signal modifications, associated with the improvements to the intersection shall be installed by the applicant.

The design, including traffic signal timing, shall be submitted for approval by the NCDOT and the Town prior to issuance of a Zoning Compliance Permit.

20. Construction of Public Street 'A':

- a. That prior to receiving the first Certificate of Occupancy for any structure located within Blocks 'E' or 'F', that the applicant construct, within a publically dedicated right-of-way, Public Street 'A,' from Eubanks Road to the intersection with Public Street 'B.' Public Street 'A' shall have a minimum of:
 - i. Standard curb & gutter,
 - ii. Street tree plantings within a minimum 6-foot wide planting zone with structural soil and supplemental drainage or a minimum 8-foot wide planting zone with native soil,
 - iii. Two 11-foot wide travel lanes,
 - iv. Two 5-foot wide bicycle lanes measured from the curb,
 - v. 5-foot wide concrete sidewalk on the east side,
 - vi. Pedestrian crosswalks.
 - vii. 10-foot wide multi-use path on the west side, with the dedication of a 76 foot wide public right-of-way; if deemed applicable, the Town Manager may approve a variable width right-of-way.

A temporary turnaround at the western end shall be constructed and may be removed when the street is extended.

- b. That prior to receiving the first Certificate of Occupancy for any structure located within Block 'G', that the applicant construct, within a publically dedicated right-of-way, Public Street 'A,' from its intersection with Public Street 'B' to the western property boundary. Public Street 'A' shall have a minimum of:
 - i. Standard curb & gutter,
 - ii. Street tree plantings within a minimum 6-foot wide planting zone with structural soil and supplemental drainage or a minimum 8-foot wide planting zone with native soil.
 - iii. Two 11-foot wide travel lanes.
 - iv. Two 5foot wide bicycle lanes measured from the curb,
 - v. 5-foot wide concrete sidewalk on the east side,
 - vi. Pedestrian cross-walks;
 - vii. 10-foot wide multi-use path on the west side, with the dedication of a variable width (approximately 76 feet wide) public right-of-way; if deemed applicable, the Town Manager may approve a variable width right-of-way
- 21. <u>Eubanks Road/Public Street 'A' Intersection</u>: At the intersection of Public Street 'A' and Eubanks Road, within a 79-foot wide publically dedicated right-of-way, Public Street 'A' shall have:
 - c. One 11-foot wide lane for ingress; and
 - d. Two 11-foot wide lanes for egress.

If deemed applicable, the Town Manager may approve a variable width right-of-way.

22. <u>Eubanks Road Park and Ride Lot and Public Street 'A'</u>: That if deemed necessary by the Town Manager, in order to coordinate the redesign of the Eubanks Road Park and Ride Lot

- ingress and egress lanes, the construction of the portion of Public Street 'A' to its intersection with Public Street 'B' may occur prior to the issuance of the first Certificate of Occupancy for Blocks 'E', 'F' or 'G.'
- 23. <u>Maintaining Access During Construction</u>: The applicant shall maintain transit vehicular and park and ride access to the Eubanks Road Park and Ride Lot during construction activity on The Edge site at all times.
- 24. <u>Construction of Public Street 'B'</u>: That prior to a first Certificate of Occupancy for Block 'G' unless modified by an approved phasing plan, and within a 60-foot wide publically dedicated right-of-way, construct Public Street 'B' from the intersection of Public Street 'A' to the eastern property line as shown on the proposed plans. Public Street 'B' shall be:
 - e. 27 feet wide from back of curb to back of curb;
 - f. Standard curb and gutter, 5-foot wide sidewalk on the south side;
 - g. 10-foot wide multi-use path, on the north side; and
 - h.Street tree plantings within a minimum 6-foot wide planting zone with structural soil with supplemental drainage or a minimum 8-foot wide planting zone with native soil,
- 25. <u>Performance Bond</u>: Prior to commencing construction activity for required improvements in the public right-of-way, a performance bond shall be provided to the Town to ensure that improvements are in accordance with Town standards.
- 26. <u>Public Right-of-Way Dedication Plat</u>: That prior to the issuance of a Certificate of Occupancy, the applicant submit a recorded right-of-way dedicated plat for all required public roadway improvements associated with that phase of the development. That the plat shall be reviewed and approved by the Town Manager and NCDOT prior to recordation.
- 27. <u>Internal Street- Public Access, Private Maintenance</u>: Excluding Public Streets 'A' and 'B', all streets within the development will be privately maintained. Public access easements, providing public ingress and egress, to and connecting all development Blocks, providing access to Streets 'A', 'B' and Eubanks Road, must be recorded prior to the issuance of Certificate of Occupancy for the Block or phase being developed.
- 28. Internal Street Design and Standards: That the design of all internal streets, including Streets 1, 2, 3, and 4, and any streets within Block D or F, shall be consistent with complete streets concepts and constructed to Town standard or greater for safety, geometrics, drainage, and pavement design. Angle parking on streets shall have maximum angle of 45 degrees and shall be designed so vehicles will not back across two lanes of traffic or into pedestrian crossings. That the striping of Streets 2 and 4 will incorporate sharrow lane marking to provide bicycle connection between the Eubanks Road bike lanes, the eastern multi-model path in Block 'D' and the path along Public Street 'A.'
- 29. <u>Internal Sidewalk Widths</u>: Internal streets 1, 2, 3 & 4 fronting commercial space shall have minimum sidewalk widths of 8 feet and minimum planting zone widths of 6 feet between the curb and sidewalk. Sidewalks not fronting commercial space shall have a minimum width of 5 feet. In locations not fronting commercial space, where the adjacent planting width is less

- than 8 feet, trees shall be installed and backfilled with structural soil and supplemental drainage.
- 30. <u>Internal Parking Lots</u>: All parking lots shall be constructed to Town standard for dimensions and pavement design. Pavement designs may be subject to recommendations provided in a geotechnical report provided by the applicant, if site conditions in the opinion of the applicant's engineer and Town staff warrant further analysis to ensure adequate pavement design.
- 31. <u>Parking Space Tally</u>: That the submission of each Final Plan application shall include a cumulative tally of proposed and existing parking spaces verifying that the existing land use and proposed land uses are in compliance with parking regulations in the Land Use Management Ordinance.
- 32. <u>Street Lighting Plan</u>: Prior to the issuance of a Zoning Compliance Permit it will be necessary to submit a street lighting plan meeting Town standard for approval by the Town and Duke Energy.
- 33. <u>Encroachment Agreement Driveway Improvements / NCDOT Right-Of-Way</u>: Prior to the issuance of a Zoning Compliance Permit, an encroachment agreement between the applicant and Town shall be executed for improvements in the NCDOT right-of-way.
- 34. <u>Signal Timing</u>: Prior to the issuance of a Zoning Compliance Permit the applicant shall provide a signal timing fee of \$4,000 to the Town for signals in proximity to the development site.
- 35. Work Zone Traffic Control Plan: Prior to the issuance of a Zoning Compliance Permit for individual buildings, it may be necessary to provide an internal work Zone Traffic Control Plan and a Construction Management Plan for approval. The Work Zone Traffic Control Plan shall comply with the Manual on Uniform Traffic Control Devices.
- 36. <u>Road Stub-Outs</u>: That any proposed road stub-out to a subsequent phase or adjoining property be cleared, graded and constructed. Signage shall be located at each roadway stub-out that indicates the roadway will be extended for future development. The size, text, and color of the signs shall be subject to the Town Manager's approval.
- 37. <u>Vehicle Parking:</u> That for each new building, associated vehicle parking must comply with the Land Use Management Ordinance Section 5.9.
- 38. <u>Bicycle Parking</u>: That for each new building, associated bicycle parking must comply with the Land Use Management Ordinance Section 5.9, the bicycle rack and spacing guidelines in the spring 2010 Association of Pedestrian and Bicycle Professional Guidelines, and the Class I and Class II bicycle parking standards required by the Town Design Manual. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide a description identifying the location, number, and dimensioned details of bicycle parking spaces in compliance with Section 5.9.

- 39. <u>Transportation Management Plan</u>: A Transportation Management Plan, for any non-residential development, shall be approved prior to the issuance of the Zoning Compliance Permit for said development. The required components of the Transportation Management Plan shall include:
 - a. Designation of a Transportation Coordinator to communicate and promote alternate modes of transportation.
 - b. Submission of an Occupancy Survey due 90 days after issuance of the final Certificate of Occupancy.
 - c. Submission of an updated annual Transportation Management Plan Report and Resident and Employee Surveys during survey years.
 - d. Measures to gradually attain the goals of the program.
 - e. Annual survey of employees for any increase demand for additional bicycle parking.

Landscaping and Elevations

40. Landscape Buffers: The following landscape bufferyards shall be provided:

Location	Modified Buffer
Interstate 40	Reduce from 100' Type E to 50'landscape buffer
Eubanks Road	Reduce from 30' Type C to 10' Type C
Park & Ride Lot (north line)	Reduce from 20' Type C to zero
Erber (north property line)	Reduce from 20' Type C to 10' type C
Public Street 'A' & 'B'	Reduce from 20' Type C to 15'Type A

- 41. <u>I-40 Landscape Buffer</u>: That the applicant may clear and re-grade the proposed 50-foot buffer area. That a landscaping plan, as illustratively portrayed in the Design Guidelines, shall be reviewed and approved by the Community Design Commission prior to the issuance of a building permit for any proposed building located in Block A.
- 42. <u>Design Guidelines, Community Design Commission Courtesy Review</u>: That prior to the issuance of a Zoning Compliance Permit for clearing and grading, the applicant shall submit an approved copy of the Design Guidelines to the Community Design Commission seeking courtesy review comments and recommendations. Any courtesy review comments or recommendations, that the applicant decides to incorporate into the Design Guidelines, shall be reviewed and approved by the Town Manager.
- 43. <u>Land disturbance in landscape buffers</u>: That land disturbance associated with reducing the buffer width, as approved by modifications to the regulations, may not occur prior to the issuance of a Zoning Compliance Permit for a building foot print, adjacent to the bufferyard area.

- 44. <u>Parking Landscaping and Shading Standards</u>: Prior to the issuance of a Zoning Compliance Permit, a Parking Lot Landscape, Screening and Shading Plan, in compliance with Section 5.9.6, shall be approved by the Town.
- 45. <u>Landscape Protection</u>: Prior to the issuance of a Zoning Compliance Permit for each phase, a Landscape Protection Plan shall be approved by the Town with details including trees to be removed and preserved, critical root zones of all rare and specimen trees, with names and species.
- 46. <u>Tree Protection Fencing</u>: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide Town standard landscaping protection notes on Final Plans, including that tree protection fencing will be installed and inspected prior to land-disturbing activity. Tree protection fencing shall be provided around construction limits, parking, and staging/storage areas for approval.
- 47. <u>Landscape Planting Plan</u>: Prior to the issuance of a Zoning Compliance Permit for each phase, the applicant shall provide a detailed Landscape Planting Plan for each phase with a detailed planting list, for approval by the Town. The Plan shall show how the tree canopy provided in the particular block or phase fits within the minimum 30% (or 25% if Zoning Compliance Permit applications for more than 600,000 sq. ft. or floor area are submitted) tree canopy coverage requirement of the entire site. The Plan will adhere to screening and shading standards for Section 5.9.6 (a-d) of the Land Use Management Ordinance. Do you want to require some amount of non-residential here and in the next stipulation as well.
- 48. Tree Canopy Coverage: That 30% (or 25% if Zoning Compliance Permit applications for more than 600,000 sq. ft. or floor area are submitted) tree canopy coverage will be met by a combination of retained trees, the installation of new canopy trees or a payment-in-lieu. That the project will meet the minimum parking lot landscape requirements per the Land Use Management Ordinance and Design Manual. That each Final Plan application will identify the minimum amount of tree canopy being provided with that phase at the time of ZCP application as well as a tally of cumulative canopy coverage. In the event that by the last phase of development's Final Plan application, the 30% (or 25% if reduced) tree canopy has not been met for the overall development, the developer may provide a payment-in-lieu or set aside preserved trees to meet the remainder of the required tree canopy requirement.
- 49. <u>Tree, Landscape Plantings in right-of-way or utility easements</u>: That the applicant provides authorization letters or similar documentations from NCDOT, Duke Energy or Piedmont Electric for any landscaping proposed within a right-of-way or utility easement.
- 50. <u>Community Design Commission Approval</u>: That the Community Design Commission shall review and approve building elevations and building lighting. The review shall include special consideration of the location and screening of HVAC. The applicant shall describe how the proposed elevations include opportunities for gateway" architectural features for buildings located along the I-40 buffer area.

That Community Design Commission approval may occurs after the issuance of a Zoning Compliance Permit; however, the submittal of each building permit application shall include a copy of the building and building light plan approval from the Community Design Commission.

- 51. <u>Eubanks Road and I-40 Gateway Signs</u>: That prior to the issuance of a building permit for the Eubanks Road or the I-40 Gateway signs, the Community Design Commission shall review and approved the sign design.
- 52. <u>Design Guidelines Amendments</u>: That any proposed amendment to the Design Guidelines, in the opinion of the Town Manager constitutes a significant change, shall be reviewed and approved by the Community Design Commission.

Energy Management

53. Energy Management Plan: Prior to the issuance of any and all Zoning Compliance Permits within the project area that include buildings, the applicant shall provide an Energy Management Plan (EMP) for Town approval. The plan shall incorporate the goal of achieving a "more energy efficient" feature to outperform the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) energy efficiency standard in place at the time of Special Use Permit approval. The plan shall also consider the following: a) utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; and c) provide for the goal of more efficiency relative to ASHRAE (see above) that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project. Each project that includes buildings will obtain a nationally recognized "green" certification (examples include, but are not limited to: LEED, NAHB, Green Globes, etc.). The certification will be obtained within one-year of the final certificate of occupancy for the respective project.

Stormwater Management

- 54. <u>Stormwater Management Plan</u>: This project shall comply with the *Section 5.4 Stormwater Management* of the Land Use Management Ordinance.
- 55. <u>Green Roofs</u>: That the review and approval of building elevations shall not restrict the application from incorporating green roof stormwater features into the project or building design.
- 56. <u>Resource Conservation District</u>: Significant revisions to the stormwater management plan, requiring additional land disturbance in the Resource Conservation District, may as determined by the Town Manager, require Council approval.
- 57. <u>Jordan Stormwater Management for New Development</u>: That if the total disturbed area exceeds 0.5 acres, this project must comply with *Section 5.19 Jordan Watershed Stormwater Management for New Development* of the Land Use Management Ordinance to provide the

- required reductions in nitrogen and phosphorus loads for new development and redevelopment projects.
- 58. <u>Jordan Surety</u>: That if the total disturbed area exceeds 0.5 acres, prior to the issuance of a Certificate of Occupancy, the owner shall post a maintenance bond or other surety instrument satisfactory to the Town Manager, in an amount equal to one hundred twenty-five (125) percent of the construction cost of each stormwater management facility to assure maintenance, repair, or reconstruction necessary for adequate performance of the stormwater management facility, or establish a stormwater maintenance (sinking fund) budget and escrow account in accordance with the requirements of Section 5.19 of the Land Use Management Ordinance.
- 59. <u>Erosion Control Bond</u>: If one acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities.
- 60. <u>Erosion Control Inspections</u>: That, in addition to the requirement during construction for inspection after every rainfall, the applicant shall inspect the erosion and sediment control devices and offsite roadways daily, make any necessary repairs or adjustments to the devices, remove deposition of wet or dry silt on adjacent roadways and maintain inspection logs documenting the daily inspections and any necessary repairs.
- 61. <u>Erosion Control</u>: That during the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance. The applicant shall inspect erosion and sediment control devices daily, make necessary adjustments to the devices and maintain inspection logs documenting inspections and repairs.
- 62. Stormwater Phasing Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall obtain approval of a Phasing Plan for stormwater that provides details of which improvements are to be constructed during each phase. The phasing plan shall detail public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases are complete, with a note to this effect on the final plans and plats.

Recreation

- 63. Open Public Space: That the project shall provide a minimum of 10,000 square feet of passive recreation, open space, common public squares or green areas. These areas shall not be counted toward meeting Recreation Space requirements. The submission of each Final Plan application shall include a cumulative tally of proposed and existing open public space.
- 64. <u>Recreation Space and Payment-In-Lieu</u>: That prior to the issuance of final Certificates of Occupancy for a residential phase, the applicant shall provide Recreation Space, or a

payment in lieu thereof, in the amounts required for that phase as defined in Section 5.5 of the Land Use Management Ordinance. The formula for determining the amount of Recreation Space for each residential use shall be calculated by using the formula for Recreation Space found in Section 5.5 of the Land Use Management Ordinance. For buildings in which there are both residential and nonresidential components the standard formula shall be modified by multiplying the required Recreation Space, determined by the formula, by the percentage of the building that will be used for residential purposes.

- 65. Active Public and Private Recreation Tally: That the submission of each Final Plan application proposing a residential component, shall include a cumulative tally of proposed and existing residential floor area, and a tally of existing and proposed private and public active recreation improvements or payments-in-lieu that will count toward meeting the active Recreation Space requirement of Section 5.5 of the Land Use Management Ordinance for the site. The tally shall also calculate the square footage of any existing or proposed public passive recreation, open space, common public squares or green areas that will not be counted toward meeting Recreation Space requirements.
- 66. Eastern Multi-Modal Path: That a minimum 10-foot wide paved multi-modal path be constructed in the eastern portion of the property through Block D to the northern property line. The path shall be built to AASHTO standards. The path location shall be reviewed and approved by the Town Manager or his designee. The path shall be owned and maintained by the Owners Association. A public access easement over the path shall be deeded to the Town prior to issuance of a final certificate of occupancy for Block D. That the phased construction of this path shall be reviewed and approved as part of a phasing plan, associated with a Zoning Compliance Permit for Block D.
- 67. Multi-Modal Path along Street B: That a minimum 10-foot wide paved multi-modal path along the north side of Public Street 'B' be constructed in the western portion of the property from Public Street 'A' to the property line. The western end of the path shall intersect with the multi-modal path along Public Street 'A'. The path shall be built to AASHTO standards. The path location shall be reviewed and approved by the Town Manager or his designee. That the path shall be constructed in conjunction with the construction of Public Street 'B.'
- 68. Western Multi-Modal Path: That a minimum 10-foot wide paved multi-modal path along Public Street 'A' be constructed in the western portion of the property from Eubanks Road to the western property line. The southern end of the path shall align with the northern end of the existing Horace Williams Trail within Chapel Watch Village. The path shall be built to AASHTO standards. The path location shall be reviewed and approved by the Town Manager or his designee. That the path shall be constructed in conjunction with the construction with the related sections of Public Street 'A'; the portion from Eubanks Road to its intersection with Public Street 'B' will be built prior to the first certificate of occupancy for a building on Blocks E or F, and the portion from the intersection of Public Street 'B' to the western property line prior to the first certificate of occupancy for a building on Block G.
- 69. <u>Multi-Modal Path Easements</u>: Multi-modal path easements shall be recorded as noted specifically in these sections, at the Orange County Register of Deeds, and shall grant

easements in perpetuity to the Town of Chapel Hill. The recorded easements shall include wording that guarantees public pedestrian, non-motorized vehicle, and motorized wheel chair access consistent with the Town's Greenways Master Plan. The easements must also guarantee the Town of Chapel Hill's right to construct and maintain the path, allow for access of emergency vehicles, signage, removal of dangerous or diseased vegetation, or any other function necessary to guarantee public safety. The recorded easements shall also include sketch maps indicating the location of the path within the easements and nearby points of reference, such as public streets.

70. Future Multi-Modal Path Easement: That prior the issuance of the final Certificate of Occupancy the applicant provide a public multi-modal easement, deeded to the Town, within Block G that connects Public Street 'A' with the Town owned property to the north and the privately owned property to the east. The final size and location of the easement shall be approved by the Town Manager or his designee. Any path within this easement will be constructed and maintained by the Town.

Common Areas and Owners' Association

- 71. Ownership and Responsibilities of Common Areas: That an owners' association(s) be created for the maintenance and regulation of the private (residential, office, park, landscape, and commercial) areas including privately maintained streets and alleys.
 - a. All property owners owning land within the area of the development, excluding governmental bodies, shall be represented in the owners' association.
 - b. This owners' association shall have maintenance responsibilities for commonly owned development elements which affect the entire development, including the stormwater management facilities.
 - c. The document creating this entity shall be reviewed for approval by the Town Manager, and shall be recorded in the Orange County Register of Deeds Office prior to the issuance of a Zoning Compliance Permit.
 - d. The responsibilities of these entities shall include the ownership and maintenance of the private alleys, private green spaces, private parks and recreation space, private retention basins, and the landscape buffers.
 - e. These entities shall also be responsible for any "add-on fees" charged by Duke Power for special street lighting.
 - f. These entities shall have the ability to place a lien on property for nonpayment of dues or fees.

Water, Sewer, and Other Utilities

- 72. <u>Utility/Lighting Plan Approval</u>: Prior to issuance of a Zoning Compliance Permit, the final utility/lighting plan shall be approved by the Town, Orange Water and Sewer Authority, Duke Energy Company, and other local utility service providers.
- 73. <u>Lighting Plan</u>: Prior to the issuance of a Zoning Compliance Permit, the applicant shall submit a lighting plan, sealed by a Professional Engineer, demonstrating compliance with Section 5.11 of the Land Use Management Ordinance and Town standards, for approval.

- 74. <u>Utilities Located Underground</u>: As required by Section 5.12.2 of the Land Use Management Ordinance all utilities, and where applicable three phase electrical lines, shall be located underground.
- 75. <u>Eubanks Road Utilities</u>: Utilities located along Eubanks Road may be located above ground, if the applicant can demonstrates that the burial would create economic hardship or a danger to public health or safety as it relates to the size, nature, timing, and scope of the proposed development.
- 76. <u>Utility Easement Plats</u>: Prior to the issuance of a Certificate of Occupancy, easement plats and associated documentation, for the applicable project or Block, shall be approved by the Town and OWASA and recorded by the applicant.

Fire Safety, Fire Code

- 77. North Carolina Fire Protection Code 2012: That the proposed development shall comply with North Carolina Fire Protection Code 2012 including all applicable, amended or update fire code requirements.
- 78. <u>Automatic Fire Sprinkler System Required</u>: Town Ordinance 7 56. An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 is required to be installed in non-residential construction.
- 79. <u>Emergency Communications System</u>: That the developer shall provide building design features which enable public safety responders' radios to penetrate and provide reliable radio transmissions within the buildings.
- 80. Overhead Power and Utility Line Prohibited: Where a proposed building exceeds 30' in height or 3 stories above the lowest level of Fire Department Access, overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway shall have an unobstructed width of 26' exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15' and maximum of 30' from one complete side of the building. NC FPC 2012 D105.1, D105.2, D105.3
- 81. <u>Fire Hydrants</u>: The addition of any required hydrants to serve the submitted building must flow a minimum of 2500 gpm per Town Engineering Standards unless approved by the fire code official. The farthest hydrant serving a proposed structure must be no more than 500' distant. A maximum distance of 500' spacing between hydrants must be maintained unless otherwise approved by the fire code official. Lesser spacing distances may be required. A minimum working space of 3' must be maintained around all hydrants. Where hydrants are subject to physical impact, physical protection may be required, NC FPC 2012, 507.5.6. The minimum number of required hydrants and their spacing must meet NC FPC 2012, Appendix C, table C105.1.
- 82. <u>Fire Flow Report</u>: Fire protection water supplies shall be in accordance with section 507 AND Appendix 'C' of the 2012 North Carolina Fire Code. Prior to the issuance of a Zoning Compliance Permit, the applicant shall include a fire flow report, with an OWASA flow test

- that meets Town Design Manual standards, sealed by an Engineer registered in the State of North Carolina for approval.
- 83. <u>Fire Hydrant and FDC Locations</u>: Prior to the issuance of a Zoning Compliance Permit, the locations of existing and proposed fire hydrants and Fire Department Connections (FDC) shall be approved. Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be approved prior to issuance of a Zoning Compliance Permit.
- 84. <u>Fire Watch</u>: During construction and demolition where hot work, materials subject to spontaneous combustion, or other hazardous construction or demolition is occurring, the owner or their designee shall be responsible for maintaining a fire watch. The fire watch shall consist of at least one person with a means of communicating an alarm to 911, including posting a written address in a conspicuous location and shall maintain constant patrols. NC FPC 2012 Section 1404.
- 85. <u>Hydrants Active</u>: All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. That fire protection systems shall be installed according to Town Ordinance, the NC Fire Code, and NFPA 13.
- 86. <u>Firefighting Access during Construction</u>: Prior to the issuance of a Certificate of Occupancy, NC Fire Code (Section 1410.1 Required Access), vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions.
- 87. Gates and Barricades: Where required or authorized by the fire code official and permanent or temporary (construction), any gates across fire apparatus access roads shall be a minimum width of 20', be of swinging or sliding type, have an emergency means of operation, shall be operable by either forcible entry or keyed, capable of being operated by one person, and shall be installed and maintained according to UL 325 and ASTM F 2200. NC FPC 2012, 503.5, 503.6, D103.5
- 88. <u>Construction/Demolition</u>: All construction and demolition conducted shall be in compliance of the current edition of Chapter 14 of the NC FPC.
- 89. <u>Open Burning</u>: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.

Solid Waste Management and Recycling

90. <u>Solid Waste Management Plan</u>: Prior to the issuance of a Zoning Compliance Permit, a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved. Each bulk waste container shall be labeled as to type of material to be collected. Prior to the issuance of a Zoning Compliance

- Permit, the developer shall provide documentation of its intention for solid waste collection by a private provider, where necessary.
- 91. <u>Construction Waste</u>: By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled, and haulers of construction waste must be properly licensed. The developer shall provide the name of the permitted waste disposal facility to which any land clearing or demolition waste will be delivered.
- 92. <u>Deconstruction/Demolition</u>: The applicant shall hold a deconstruction assessment meeting with Orange County Solid Waste Management staff (919-968-2800) concerning the buildings to be removed from this site, with the following note on plans: "Prior to any demolition or construction activity on the site the applicant will hold a deconstruction assessment conference with the County's Solid Waste staff concerning buildings to be removed from this site. Prior to the issuance of a Demolition Permit, the developer shall provide a demolition waste management plan.
- 93. <u>Refuse Collection Service</u>: That prior to the issuance of any Zoning Compliance Permit involving a land use that generates refuse or solid waste, it will be necessary to verify that refuse collection service is to be contracted privately, unless the applicant demonstrates that all requirements for public refuse collection have been met in the design and construction of one or more sections of the project.

State and Federal Approvals

- 94. <u>State or Federal Approvals</u>: Prior to the issuance of a Zoning Compliance Permit, any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be provided to the Town of Chapel Hill.
- 95. North Carolina Department of Transportation Approvals: Prior to the issuance of a Zoning Compliance Permit, plans for any improvements to State-maintained roads or in associated rights-of-way shall be approved by the Town and NCDOT.

Miscellaneous

- 96. Phasing Plan: Prior to issuance of a Zoning Compliance Permit, the applicant shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. The phasing plan shall detail public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases are complete, with a note to this effect on the final plans and plats. The applicant may submit at any time for Town review and approval, an application for a revised Phasing Plan
- 97. Schools Adequate Public Facilities Ordinance: That the applicant provides the necessary Certificate of Adequacy of Public Schools prior to the issuance of a Zoning Compliance Permit for any phase proposing residential dwelling units.

- 98. <u>Recombination Plat</u>: Prior to the start of any on-site construction activity, a recombination plat application combining the development site lots shall be approved by the Town and recorded at the County Register of Deeds.
- 99. <u>Temporary Construction Access Agreements</u>: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide construction agreements with adjacent property owners, where necessary, for approval.
- 100. <u>Construction Management Plan</u>: Prior to the issuance of a Zoning Compliance Permit, a Construction Management Plan, that includes the following details, shall be approved: 1) construction vehicle traffic management, 2) on-site construction parking areas including plans to prohibit parking in residential neighborhoods, 3) construction staging and material storage areas, 4) construction trailers and associated temporary structures, and 5) proposed Town Noise Ordinance compliance.
- 101. <u>Street Closure Plan</u>: That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a street closure plan, subject to Town Manager approval, for any work requiring street, sidewalk, or lane closures.
- 102. <u>Heavy Duty Structural Support</u>: Prior to the issuance of a Zoning Compliance Permit, the developer shall provide documentation that, if underground stormwater detention is proposed beneath parking areas or drive aisles, the pavement is designed to structurally support the live loads of fire trucks and garbage trucks.
- 103. <u>Traffic and Pedestrian Control Plan</u>: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a Work Zone Traffic Control Plan for Town approval, for vehicular movement on any public street that will be disrupted during construction, including safe pedestrian circulation. At least 5 working days prior to any proposed lane or street closure the applicant must apply for a lane or street closure permit.
- 104. <u>Addressing</u>: Prior to the issuance of a Zoning Compliance Permit, the Town shall assign address where applicable.
- 105. <u>Construction Sign Required</u>: Prior to the issuance of a Zoning Compliance Permit, a sign detail shall be approved. Prior to the start of land disturbing activities when the Building Permit has been issued, the applicant shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information. Non-illuminated signs with a maximum area of 32 square feet and height of 8 feet are allowed by LUMO Section 5.14.3(g).
- 106. <u>As-Built Plans</u>: Prior to issuance of the first Certificate of Occupancy, the applicant shall provide to the Town certified as-built plans, for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, applicable to the Certificate of Occupancy.

- 107. <u>Vested Right</u>: This Special Use Permit constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and Appendix A of the Town Code.
- 108. <u>Continued Validity</u>: That continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
- 109. <u>Non-Severability</u>: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit for The Edge, located at 1900, 2012, 2014, 2100 Eubanks Road.

This the 23rd day of February, 2015

RESOLUTION B

(Denying the Special Use Permit)

A RESOLUTION DENYING AN APPLICATION FOR SPECIAL USE PERMIT PLANNED MIXED-USE DEVELOPMENT FOR THE EDGE (PROJECT #13-104) (2015-02-23/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Planned Development-Mixed Use Special Use Permit application, proposed by Northwood Ravin, for The Edge, located at 1900, 2012, 2014, 2100 Eubanks Road on property identified as Orange County Property Identifier Numbers 9870-98-7045, 9870-98-7294, 9870-99-0117, 9880-07-1883, 9880-07-6840, and 9880-08-4202, located in the Mixed-Use Office-Institutional-1 and Mixed-Use Residential-1, if developed according to the Site Plan dated February 25, 2014 and revised September 22, 2014 and the Eubanks Road Park and Ride Exhibit Option 1 dated June 2, 2014, the conditions listed below would not:

- 1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- 2. Comply with all required regulations and standards of the Land Use Management Ordinance;
- 3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property nor be a public necessity; and
- 4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Town Council hereby denies the application for a Special Use Permit for The Edge, 1900, 2012, 2100 Eubanks Road.

This the 23^{rd} day of February, 2015.

RESOLUTION C

A RESOLUTION AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DEVELOP A PROCESS FOR INITIATING A SUPPLEMENTAL AGREEMENT ON PROPERTY PROPOSED FOR THE EDGE (2015-02-23/R-7)

WHEREAS, a supplemental agreement has been discussed as a possible regulatory tool between the Town and The Edge applicant to guide future development; and

WHEREAS, the staff recommends that some aspects of The Edge development (Project #13-104) should be negotiated outside the Special Use Permit process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager and Town Attorney to:

- Begin discussing a supplemental agreement with the The Edge applicant and seek assistance as appropriate to accomplish the following:
 - 1. Outline and initiate a supplemental agreement process for The Edge; and
 - 2. Report back to the Council with an update on Town and applicant discussions including an outline of any proposed supplemental agreement.

This the 23rd day of February, 2015.

RESOLUTION D

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO BEGIN DRAFTING A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT TO AMEND THE RESOURCE CONSERVATION DISTRICT REGULATIONS (2015-02-23/R-8)

WHEREAS, in the interest of economic development, the Council has discussed allowing building within the intermittent stream portion of the Resource Conservation District.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to:

• Begin drafting a Land Use Management Text Amendment to amend the Resource Conservation District Regulations.

This the 23rd day of February, 2015.

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION THE EDGE - SPECIAL USE PERMIT – PLANNED MIXED USE November 4, 2014

Recommenda	tion:	Approved \square	Approval with Conditions		Denied
Motion:	Amy I	Ryan moved and Mic	chael Parker seconded to recomn	nend a	pproval of The
	Edge v	with the following st	atements		

Comment to Council

<u>Eubanks Road Cost Sharing</u>: The viability of this development hinges on successful negotiation between the town and applicant on sharing the cost for Eubanks Road improvements.

The Planning Commission is concerned that this important issue has not yet been resolved. We recommend that if Council enters into a cost-sharing negotiation, that they conduct a formal cost-benefit analysis and transit study, determine when the town could expect to recoup its investment, and identify the changes to transit service that would be required and how they would be accommodated.

Recommendations

The Planning Commission voted 7–0 for Resolution A recommending that Council approve the Edge special use permit, with the following stipulations:

- 1. <u>Tree Canopy</u>: We **recommend** a target tree canopy of 30%.
- 2. **Public Space:** We consider the 5000 square feet of public green space proposed to be insufficient for this development, especially given the sizable residential component. We **recommend** that the amount of public green space be increased substantially and include appropriate park and recreation amenities.
- 3. <u>Affordable Housing</u>: We support the Housing Board's **recommendation** to extend the time the applicant has to obtain affordable housing financing to 10 years. If the time expires without the 50 units being built, then the applicant should be required to donate an equivalent amount of land to the town as an affordable housing site or make a payment in lieu.
- 4. <u>Transportation & Connectivity Board Recommendations</u>: We support the five conditions recommended by the Transportation and Connectivity Board with the following amendments:

- a. Condition 1. Because of DOT's rationales against reducing travel lane size on Eubanks, we would support the original 12' travel lanes. Because of space constraints, we believe that a single sidewalk on the north side of Eubanks is sufficient.
- b. Condition 3. We support a pedestrian crossing of MLK at Perkins instead of Eubanks. We also request that the town begin investigating ways to provide a sidewalk along the west side of MLK to connect the Edge pedestrians to this new MLK pedestrian crossing.
- 5. <u>Energy Management</u>: We **recommend** that the applicant exceed the AESHRAE standard of 90.1-2010 at the time of construction by 20% to achieve energy efficiency in their buildings.
- 6. <u>Design Guidelines</u>: We recognize the applicant's need for flexibility and their desire to approve only a block plan at this time, so that they can build to suit potential tenants, but we also believe that the town needs more assurance of good place-making outcomes than the current SUP provides. This could be accomplished either by creating a set of binding, specific design guidelines for site plans, streetscapes, parking lots, and other areas as part of the SUP and then allowing staff to approve individual phases of the project, OR by keeping the current set of nonbinding design guidelines and having the CDC approve individual site plans, streetscapes, etc., as well as elevations. If the second option is chosen, there should be provision for ensuring timely review by the CDC.

If binding guidelines are developed, they should look at height, uses (such as whether drive-throughs are allowed), massing, and other issues and should provide for the kind of walkable, vibrant urban environment illustrated in the SUP application materials.

- 7. *Northwood Traffic Calming:* The applicant should work with the Northwood neighbors and DOT to help facilitate installing traffic calming measures on Northwood Drive.
- 8. <u>Increase Non-Residential Uses:</u> We are concerned that allowing 75 percent residential is inconsistent with the town's extensive planning for this site and with town goals to increase commercial square footage. We also understand that market realities may not support the nonresidential mix required by the underlying zoning. We encourage the applicant to make a good-faith effort to build as much nonresidential square footage as possible.

Vote: 7-0

Ayes: Neal Bench, Travis Crayton, Deborah Fulghieri, Melissa McCullough,

Michael Parker, and Elizabeth Webber

Nays: None

Prepared by: Neal Bench, Chair, Planning Commission

Gene Poveromo, Staff

HOUSING ADVISORY BOARD

The charge of the housing advisory board is to assist the Chapel Hill Town Council in promoting and developing a full spectrum of housing opportunities that meet the needs of the Chapel Hill community.

RECOMMENDATION THE EDGE (PROJECT #) SPECIAL USE PERMIT

October 14, 2014

Recommendation: Approval with Conditions x Denial

Motion: Crystal Fisher made a motion to recommend approval of the Special Use Permit application for The Edge with the stipulation that the time line to obtain financing for the affordable housing development bet extended to 10 years to allow sufficient time for the developer to (jointly or on its own) develop the 50 affordable housing units. Mary Jean Seyda seconded this motion.

Vote: 5-0

Ayes: Holly Fracarro (Chair), Laura Cowan, Crystal Fisher, Ben Perry, Mary Jean Seyda

Nays:

Prepared by: Holly Fraccaro, Chair, Housing Advisory Board

Sarah Vinas, Staff

ENVIRONMENTAL STEWARDSHIP ADVISORY BOARD

The charge of the environmental stewardship advisory board will be to assist the Chapel Hill Town Council in strengthening environmentally responsible practices that protect, promote and nurture our community and the natural world through advice and program support.

RECOMMENDATION THE EDGE (PROJECT #13-104) SPECIAL USE PERMIT

October 14, 2014

Recommendati	ion: A	Approval 🗆	Approval with	Conditions	\square	Denial	
	se Perm	moved and Barbara and twith two primary low.					
Vote:	7-0						
	Ayes:	Barbara Herrera, Do Marilyn Jacobs, Sha	_		nder,	John Wall	ace,
	Nays:						

Conditions

- 1. Improvement to the natural physical amenities (wetlands, greenways & communal space).
- 2. A much deeper commitment to building high energy efficient residential and commercial spaces.

Comments and Key Considerations

- 1. Stormwater: Plans meet expectations that discharged water will meet standards.
- 2. <u>Environmental Equity:</u> There is some effort to tie community with natural resources through expanding the multi-use pathways. We recommend: designing storm water basins to be attractive amenities and the building of more natural pathways <u>and</u> working more to create a sense of community focused on the target audience.

- 3. <u>Mobility:</u> The plans improve the Eubanks user-friendliness and take advantage of public transit amenities (adjacent park & ride).
- 4. Environmentally Responsible Building Practices: We recommend the use of alternative energy sources (solar or geothermal) in buildings and would like to see the development far exceed standards for minimum energy efficiency.
- 5. <u>Natural Environment:</u> Overall, the plan is respectful to the Resource Conservation District and riparian buffers. **We encourage a reduction in the impervious surfaces in order to increase the potential for more green space and tree canopy.**
- 6. <u>Landscaping:</u> We recommend the construction of wetlands rather than just detention ponds, and would like to see maximum canopy cover without sacrificing high density development goals.
- 7. <u>Land Planning:</u> We have a concern about the ability to attract long-term tenants for commercial and office spaces. Incorporating environmentally sustainable practices and more green space for the tenants may add to the viability of the project.
- 8. Waste Management: Unable to make recommendations without any built environment.

Prepared by: Elizabeth Zander, Chair, Environmental Stewardship Advisory Board John Richardson, Staff Liaison

COMMUNITY DESIGN COMMISSION

To assist the Council in guiding the Town's vision on aesthetics, character, and function to focus community growth through advice, advocacy and implementation of the Council's policies and review of proposed development in key areas of the community.

RECOMMENDATION THE EDGE (PROJECT #13-104) SPECIAL USE PERMIT PLANNED MIXED-USE DEVELOPMENT October 28, 2014

Recommendation:	Approved \square	Approval with Conditions	Denied \square

Motion: Laura Moore moved and Lucy Carol Davis seconded to approve the Special Use Permit with the following conditions:

- Reduce Residential component to 55% maximum per current allowable zoning.
- Increase requested modification to regulations for tree canopy coverage to 30%.
- Work with the Community Design Commission to develop the Design Guidelines to ensure cohesive development.
- Community Design Commission to review a comprehensive building signage package inclusive of the sign proposed at the corner of Eubanks Road and Martin Luther King Jr. Blvd. to ensure a level of uniformity.
- Review the Site Plans for blocks A-G including streetscape, green spaces, building arrangement, and pedestrian and vehicular circulation in addition to elevations.

Vote: 7 - 0

Ayes: Unanimous Nays: None

Key Considerations:

- 1. Maintain continuous pedestrian paths uninterrupted by parking lots.
- 2. No sound barrier on-site from I-40 noise.
- 3. Place some parking under buildings.
- 4. Likes the urban streetscape and street grid pattern.
- 5. Good site for this development.
- 6. Use green space as the heart of the site with buildings sited around the green space(s), not centered around parking lots.
- 7. Consider view off Eubanks in all seasons.

Prepared by: Jason Hart, Chair, Community Design Commission

Kay Pearlstein, Staff

TRANSPORTATION AND CONNECTIVITY ADVISORY BOARD

The charge of the Transportation and Connectivity Advisory Board will be to assist the Chapel Hill Town Council in creating an inclusive connected community by recommending, advocating and planning for comprehensive, safe, effective and sustainable multi-modal transportation and connectivity.

RECOMMENDATION The Edge (Project # 13-104) SPECIAL USE PERMIT

October 28, 2014

Recommend	ation: Ap	proval 🗆	Approval with	Conditions	\square	Denial	
		ved and Eric Hy derations (noted	man seconded a mot below).	tion to appro	ove the	Special Us	se
Vote:	7-1						
	Ayes:	•	arles, David Marsh, F Jason Merrill, Chris			ric Hymar	ı, Josh
	Nays:	Mark Stant	on				

Recommended Conditions

- 1. Improvements to Eubanks Road should include two 11' automobile travel lanes in each direction, a separate 5' bicycle lane and 5' sidewalk on each side. The bike lane and sidewalk should be separated from the vehicular travel lanes, located outside the curb and gutter;
- 2. The Town should investigate the provision of bicycle sharrows along Northwoods Drive and the construction of a separate bicycle and pedestrian path from Northwoods Drive, along the Duke Power easement, east to the intersection of Martin Luther King Jr. Blvd and Perkins Drive.
- 3. Crosswalks and pedestrian signals should be provided at the intersection of Martin Luther King Jr. Blvd. and Eubanks Road to improve safety for pedestrians;
- 4. The design of Street A should be revised to eliminate the 4' bikelane and include a 10' multi-use path on the east side of the roadway.

5. The Town should complete a transit capacity analysis to assess the capacity of current transit service to accommodate the anticipated transit demand from the Edge project.

Reasons for Nay Vote:

The Board member expressed concern about the impacts of the project and limited options for address those issues.

Prepared by: Rainer Dammers, Chair Transportation and Connectivity Advisory Board

David Bonk, Staff

From: Mark A. Stanton < singmark1@gmail.com >

Sent: Friday, November 7, 2014 7:59 AM

To: Ryan Mickles; jmc51@ix.netcom.com; marshd@live.unc.edu; jkastrin@gmail.com;

cjpaul@gmail.com; rainer_dammers@yahoo.com; ejhyman011@gmail.com; jason@backalleybikes.net;

mihov001@bellsouth.net; miparker1@aol.com; 'Maria Palmer'; David Bonk

Cc: All Planning; David Bonk; Roger Stancil; Flo Miller; Town Council

Subject: RE: October 28, 2014 Transportation and Connectivity Advisory Board Meeting Packet

T&C Board Colleagues, Town Council & Staff and Other interested Parties:

The purpose of this note is to explain my position on The Edge development special use permit application. At our October 28, 2014 meeting, I voted with my fellow Board members in favor of all proposed amendments, but subsequently voted against recommending that Town Council approve the special use permit at this time.

While generally supportive of the project, I have objections to specifics to the current proposal, as well as a longer term strategic concern. Allow me to briefly summarize these issues and my position:

Specific Objections to The Edge Development Plan

First, the proposal in its current state leaves too many unresolved and open-ended issues related to transportation in the area around this massive development, which will more than double traffic volume along Eubanks Rd., spilling onto MLK Blvd. near the I-40 ramp. The most urgent concerns are:

- 1. Inadequate traffic flow and throughput issues While the proposal includes modifications on Eubanks Rd. and the MLK intersection to address higher traffic volumes, I believe it does not adequately provide for these higher volumes when they spill onto MLK and the nearby I-40 East ramp. I believe there will be serious congestion and safety issues due to this misalignment.
- 2. Insufficient connectivity for multi-modal transportation The T&C Board is committed to ensuring that our streets safely and effectively accommodate multi-modal transportation. All of our recommended modifications would help achieve this goal. However, the project does not encompass the adjoining areas along MLK to fully connect a multi-modal transportation system in this area, specifically creating inadequate bicycle and pedestrian access along MLK. The Board discussed approaches to address these issues, but the potential solutions are complicated and further study is required.
- 3. **Funding of proposed modifications to Eubanks road** My understanding is the modifications to Eubanks Rd. needed to accommodate The Edge development will cost approximately \$3 million. While the developer will assume costs for modifications inside and directly adjoining the property, it will not fund major modifications at the Eubanks-MLK intersection. Instead, the Town would pay for these modifications leveraging State transportation funding. The need for these

modifications is a direct result of this project, which will create a two-fold increase in traffic volume, so the developer should contribute at least some funding to the broader road modifications.

In my view, all of these issues should be more carefully addressed and specific solutions defined BEFORE The Edge development project moves forward. Doing so ultimately will enable the Town and its citizens to reap the benefits of this significant project more quickly and fully.

Broader Strategic Concern: Transportation Infrastructure Lags Badly Behind Development Plans

Next, my vote against recommendation for approval is based on a the broader strategic concern: The Town Council, Staff, Advisory Boards and citizens have created an outstanding strategic roadmap to guide Chapel Hill's growth. Chapel Hill 2020 includes admirable goals for our transportation infrastructure and its impact on the Town's development and quality of life. In practical reality, however, the planning of our transportation infrastructure lags badly behind the needs created by the short- and intermediate-term development plans. The lack of adequate routes for East-West automobile access and the current funding gaps at Chapel Hill Transit are two examples of this problem, which will be acutely worsened by The Edge, Carolina North, Central-West and other concrete projects or blueprints already approved by Town Council.

The solutions to these critical issues will not be easily defined – there are many conflicting priorities and interests, and funding challenges will continue into the foreseeable future despite the possibility of a bond offering. It will take a long time to identify workable solutions, which is precisely why we need to begin these public discussions NOW and, as importantly, more tightly link them with consideration of specific, major development initiatives. Otherwise, our economic growth will come at the expense of quality of life, and may even be significantly impeded by a messy, inadequate transportation system that drives businesses, citizens and potential visitors into adjacent counties for their everyday needs.

Balanced Multi-Modal Transportation Infrastructure:

One last point on this issue: I passionately support the T&C Board's goal of creating a world-class multi-modal transportation system in the Town. However, this multi-modal system must be balanced carefully and REALISTICALLY between automobile, public transit, cycling and pedestrian. We should not aggressively choke off one mode in the hope that people will willingly flock to the others.

This debate focuses mostly on the automobile, which is a mode we all can agree has space, safety and environmental disadvantages. In considering this issue, we must be realistic that our region lacks the population density and dispersion characteristics, as well as a centralized concentration of business activity, necessary to support a 24/7, "from anywhere-to anywhere" public transit system. We do not have the urban layout or density of New York or Chicago, so it is very hard for most people to live without regular use of an automobile. Even if they could do it, many people will choose to live in other places that are friendlier to using a car.

While I'm in favor of a transportation system that constrains growth of automobile traffic capacity below the rate of growth in demand, there are limits to this principle – we should consider this carefully and develop a perspective on the optimal differential based on clear criteria. In my opinion, we're already out of balance, and the optimal policy is not constraining traffic capacity to today's levels, while demand doubles or triples in some areas of town.

Finally, in raising these concerns, let me be clear that I'm a passionate supporter of aggressive plans for economic growth in Chapel Hill. At a Town Council hearing last year, I publicly advocated support of the Central West development blueprint and have voted in favor approving of every development proposal during my three-year tenure on the former Transportation Advisory Board. We need these projects to expand our overall tax base, attract and nurture more businesses, and ensure that Chapel Hill remains a reasonably affordable place to live, one that doesn't place disproportionate financial burden on residential property owners.

But we will not achieve our ultimate vision for our Town without carefully aligning economic growth and development plans with our transportation infrastructure. To do so, we must confront the critical, messy issues like East-West access and transit funding head-on, engaging in the heated debates that must take place to shape workable solutions with broad citizen support.

I look forward to collaboration with you, my T&C Board colleagues, as well as the Town's elected officials, staff and citizens, to help make a difference in shaping this brighter future.

Best regards,

Mark

Mark A. Stanton

Singmark1@gmail.com

(919) 969-2555 (Office)

(919) 967-2333 (FAX)

(919) 951-8382 (Mobile)



3015 Carrington Mill Blvd., Suite 460 Morrisville, NC 27560 Tel: 919-354-3686 Fax: 919-354-3638

To: Chapel Hill Town Council From: Northwood Ravin, Applicant

Date: February 16, 2015

Re: The EDGE Special Use Permit Application

The following is a summary of changes from our last version of the application for the Edge Special Use Permit presented to Council on January 26, 2015:

- I-40 Buffer and Signs:
 - o Exhibit added to both the Design Guidelines and plan set to clearly illustrate the plan for this area.
 - The landscape plan for the I-40 buffer and the design for the additional sign will be reviewed and approved by the Community Design Commission.
- Block B Residential Use Limitation:
 - o To further reserve the prime acreage of the project for commercial use, residential use on Block B will be limited to the 2nd floor and above; residential use will not be permitted on the ground floor.

The following is a list of adjustments made to the application plan set addressing the above items and adding some additional clarifications:

- Sheet C-4 Block Plan
 - o Block B Allowable Uses adjusted to limit residential to 2nd floor and above
 - o Site data table
 - Landscape Buffers: I-40 buffer labeled 50' Landscape Buffer
 - Tree canopy coverage note clarified
 - o I-40 buffer labeled 50' Landscape Buffer
 - o Block A Added second highway sign facing I-40 in northeast corner
 - o Note 17 Village Green minimum size increased to 10,000sf
 - o Block G Minimum Block Frontage Added clarifying note about power lines
- Sheet C-6
 - O Typical sections updated to show 5-ft bike lanes, sidewalks as agreed to and sharrow lanes on internal streets
- Sheet C-8 & C8.1
 - o Revised clearing limits to account for I-40 buffer and I-40 ROW adjustments
- Sheet C-11
 - o Includes latest Eubanks Road layout, also added to other plan sheets
- Sheet L-3 I-40 Off-ramp Landscape Buffer added

Applicant's Proposed Revised Language for the Affordable Housing Stipulation

Affordable Housing

- 13. Affordable Housing, 5-year commitment: That the applicant shall allocate land within The Edge to accommodate a minimum of 50 affordable rental housing units. That the applicant or its designee shall pursue the financing approval and development of an affordable rental community of no less than 50 units on the allocated land targeting renters at 80% or less of the area median income. The applicant or its designee shall pursue the financing approval for a period of no less than 5 years after final approval of the Special Use Permit.
 - a. The proposed affordable housing project site shall be designated by the applicant and will be held as such while the applicant or its designee seeks financing approval. The internal location of the affordable site may be adjusted by the applicant as the mixture of uses at The Edge is determined, but land for the affordable project will be held during the financing period.
 - b. If financing is secured:
 - i. Units must be provided for households earning 80% or less of the area median income:
 - ii. Rents for the units shall not exceed the limits imposed by the approved financing, which are typically governed by the HUD Fair Market Rent for the Durham-Chapel Hill MSA;
 - iii. The affordable units shall remain affordable for a period of 15-30 years based on the requirements of the financing program; and
 - iv. Management/monitoring/reporting of the units shall be by a professional management team with the ability to manage affordable housing communities including those financed with Low Income Housing Tax Credits.
 - c. Upon a determination by the Town Manager that the applicant's affordable housing proposal meets the criteria set out herein, the applicant and the Town Manager, on behalf of the Town, shall execute an Affordable Housing Performance Agreement incorporating the terms of the proposal prior to issuance of a Zoning Compliance Permit, building permit, certificate of occupancy, or similar regulatory trigger for the affordable housing project, as determined reasonable by the Town Manager. That Agreement, as well as the Special Use Permit herein approved, shall be recorded at the Office of the Orange County Register of Deeds and shall be binding upon the applicant and its successors in interest.
 - d. If financing approval for an affordable housing development is not secured within 5 years of final approval of the Special Use Permit, the applicant may choose to extend the financing period in which case the Town Manager, or his designee, shall help the applicant determine how the project could support the Town's affordable housing goals. The applicant may also choose to use the land in accordance with the terms of the Special Use Permit.
- 14. <u>Commitment not to Interfere with Town Sponsored Projects During Calendar Year 2015:</u>
 <u>That the applicant will notify the Town Manager or his designee if the applicant's intent is to</u>

submit an application during the calendar year 2015 for Low Income Housing Tax Credit financing to facilitate and complete the applicant's obligation under the Affordable Housing Stipulation. That, in order not to interfere with an application for Low Income Housing Tax Credit associated with a different application for such financing for a Town sponsored project, the applicant's submission for tax credit financing shall, upon request from the Town Manager, be delayed until the calendar year 2016.

15. <u>Affordable Housing Management</u>: That the affordable housing management service company for this project may not be WRH Realty.

SPECIAL USE PERMIT

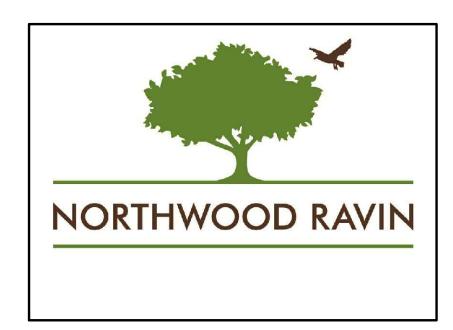
EUBANKS ROAD CHAPEL HILL, NORTH CAROLINA PROJECT NUMBER: RAV-13000

DATE: FEBRUARY 25, 2014 **REVISED: MAY 23, 2014** REVISED: SEPTEMBER 22, 2014 REVISED: FEBRUARY 11, 2015

DEVELOPER:

NORTHWOOD RAVIN 4819 EMPEROR BOULEVARD, SUITE 320 **DURHAM, NC 27703 CONTACT: ADAM GOLDEN**

PHONE: 919-354-3686 EMAIL: agolden@northwoodravin.com





VICINITY MAP NTS

108

SHEET INDEX

AREA MAP EXISTING CONDITIONS (SOILS AND STEEP SLOPES)

SITE ANALYSIS

DEVELOPMENT BLOCK AND STREET GRID PLAN CONCEPTUAL SITE LAYOUT OPTION 1

CONCEPTUAL SITE LAYOUT OPTION 2 CONCEPTUAL SITE LAYOUT OPTION 3 CONCEPTUAL SITE LAYOUT OPTION 4

SUBDIVISION PLAN TYPICAL STREET SECTIONS

ELEVATION OUTLINES GRADING AND STORMWATER MANAGEMENT PLAN

CLEARING AND TREE CANOPY PLAN

UTILITY INFRASTRUCTURE PLAN SOLID WASTE AND CONSTRUCTION MANAGEMENT PLAN

EUBANKS ROAD IMPROVEMENTS OVERALL MASTER LANDSCAPE PLAN **EUBANKS ROAD BUFFER MODIFICATION** I-40 OFF RAMP LANDSCAPE BUFFER

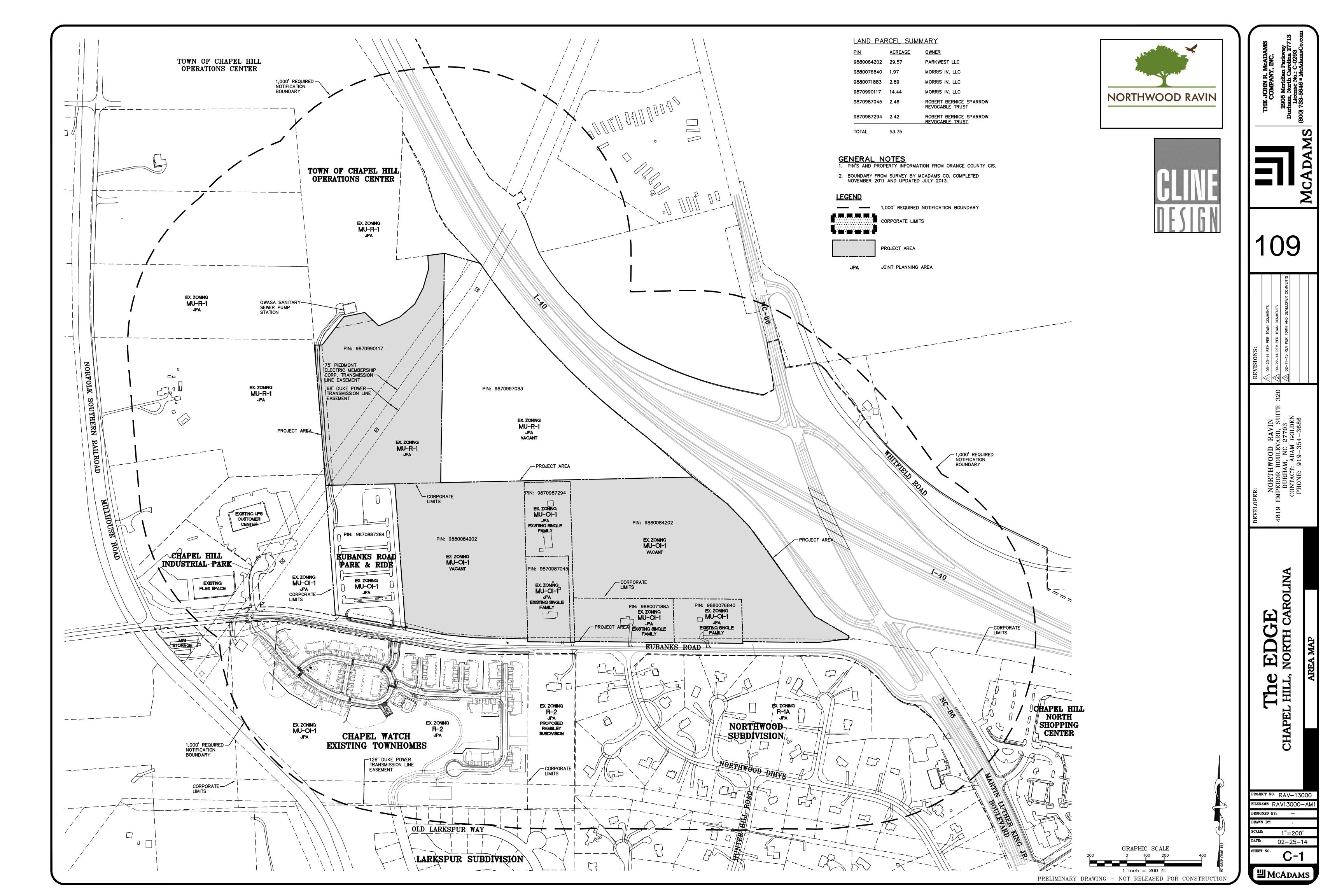
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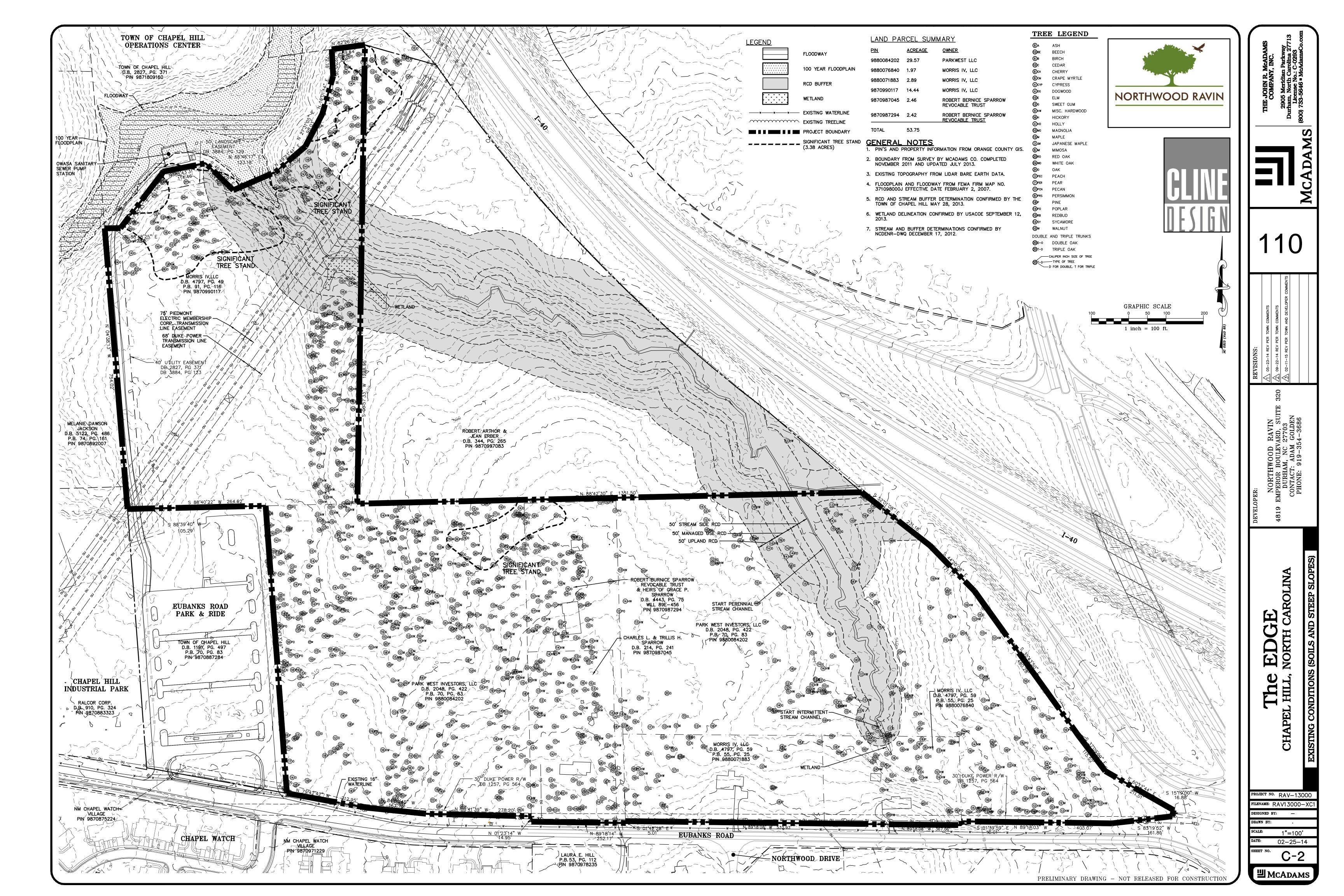


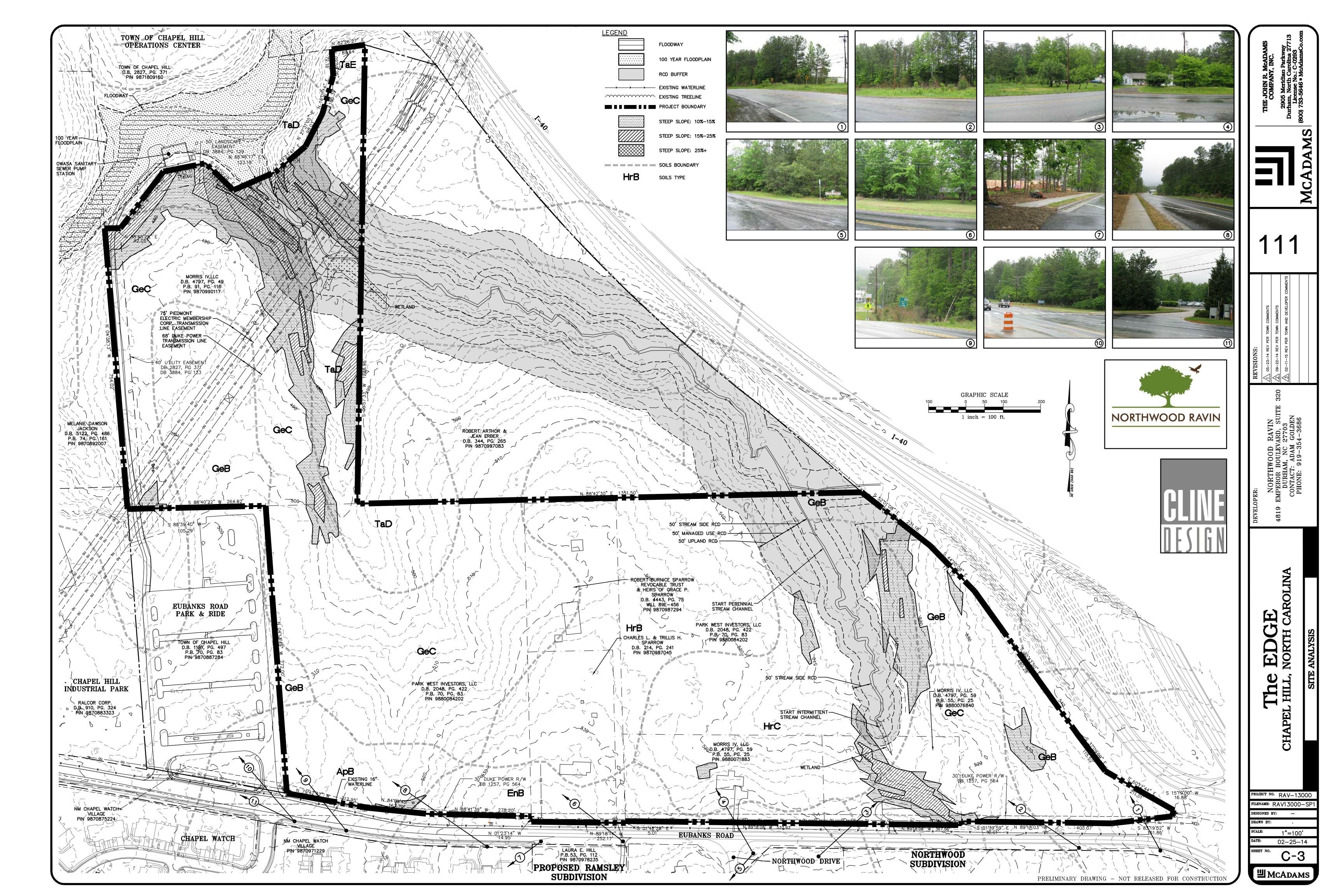


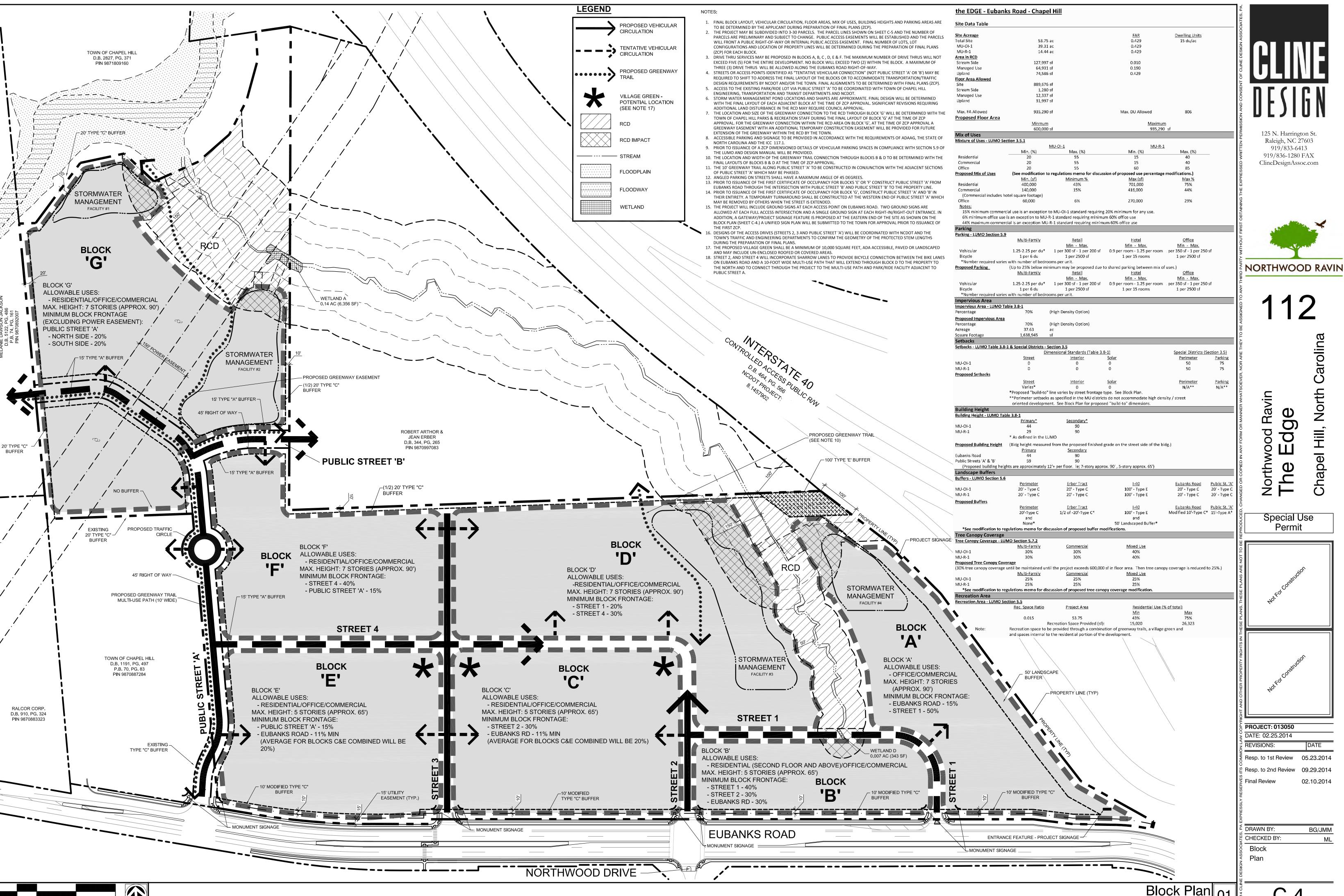
THE JOHN R. McADAMS COMPANY, INC.

2905 Meridian Parkway Durham, North Carolina 27713 License No.: C-0293









125 N. Harrington St. Raleigh, NC 27603 919/833-6413 919/836-1280 FAX

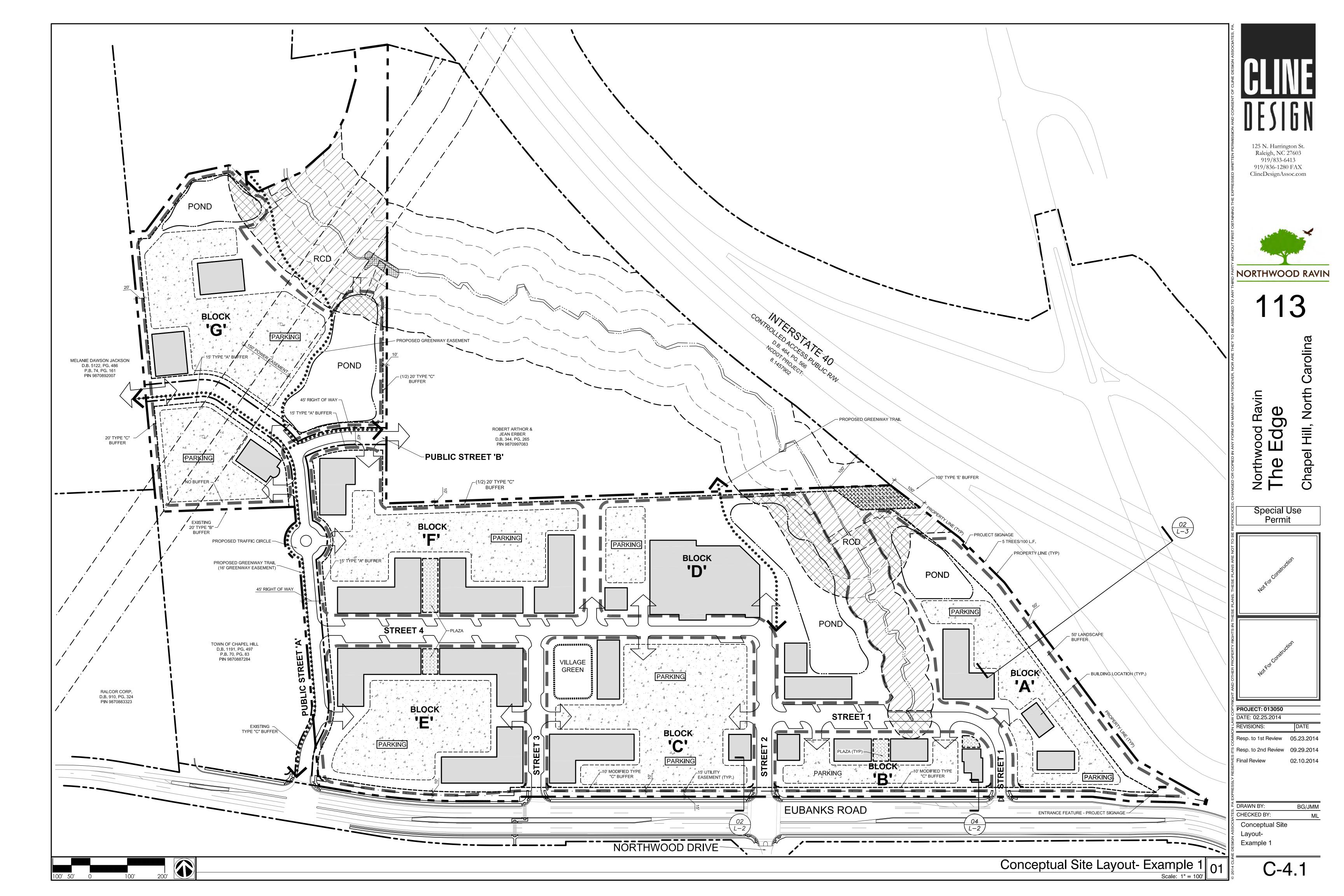


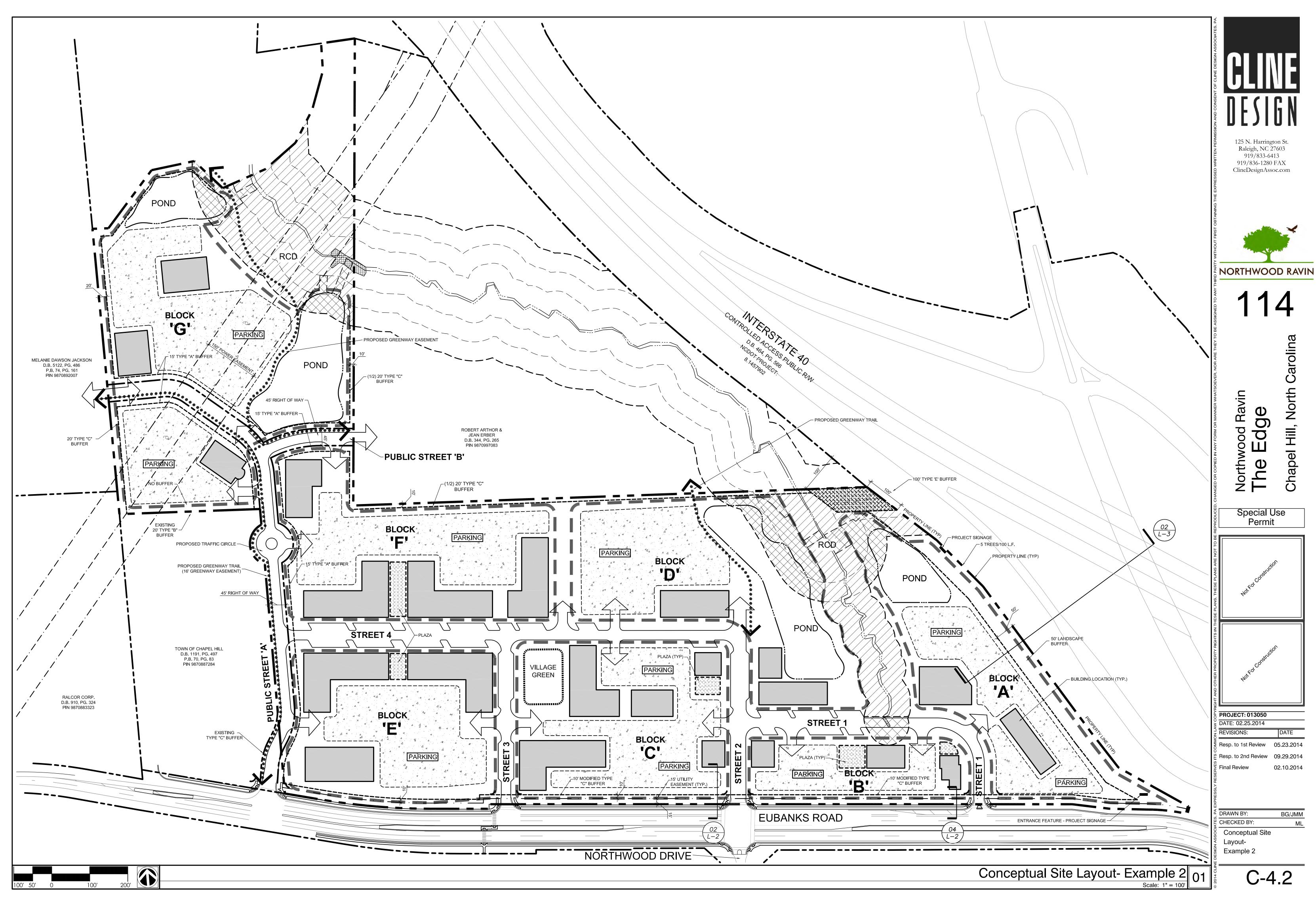
Permit

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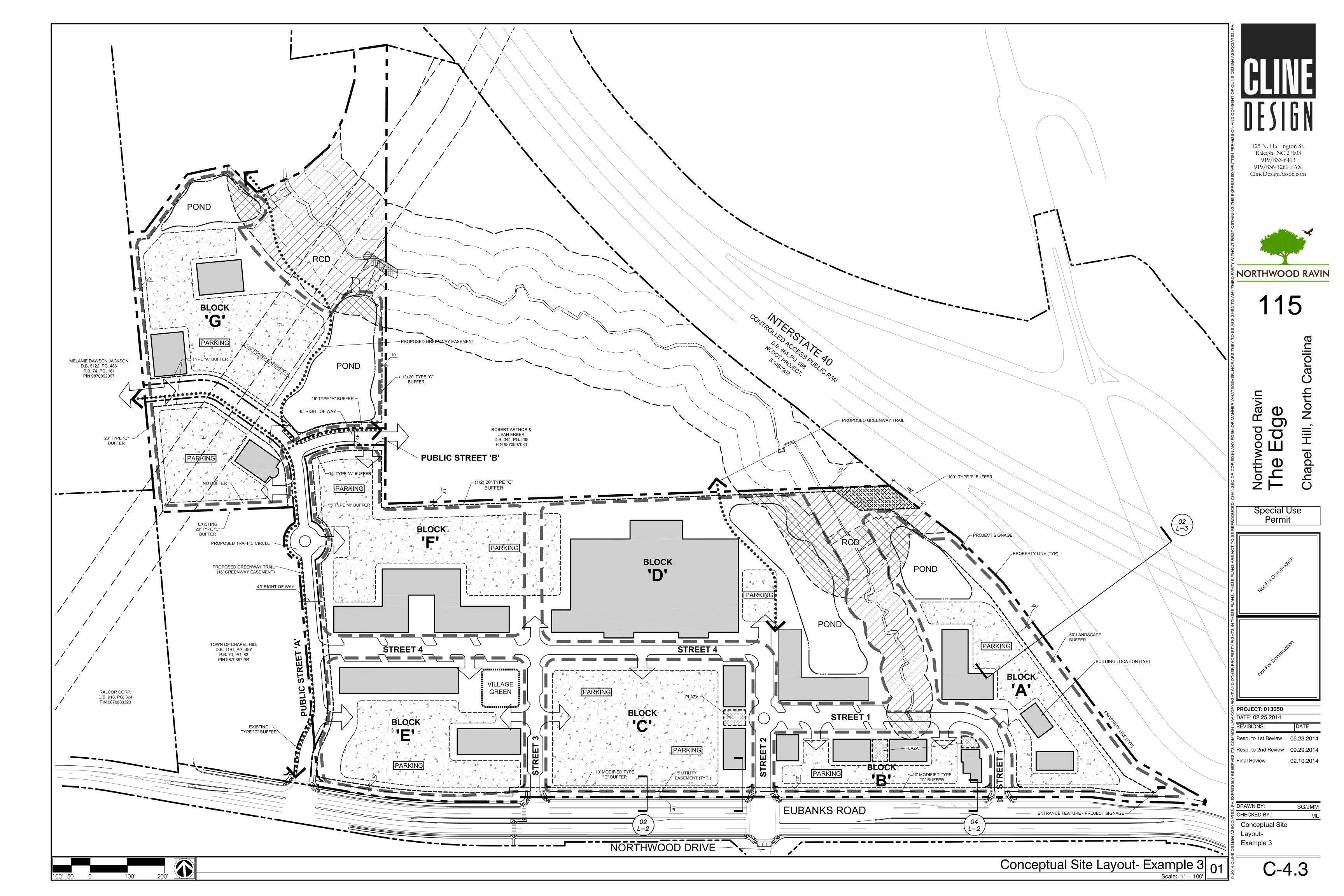
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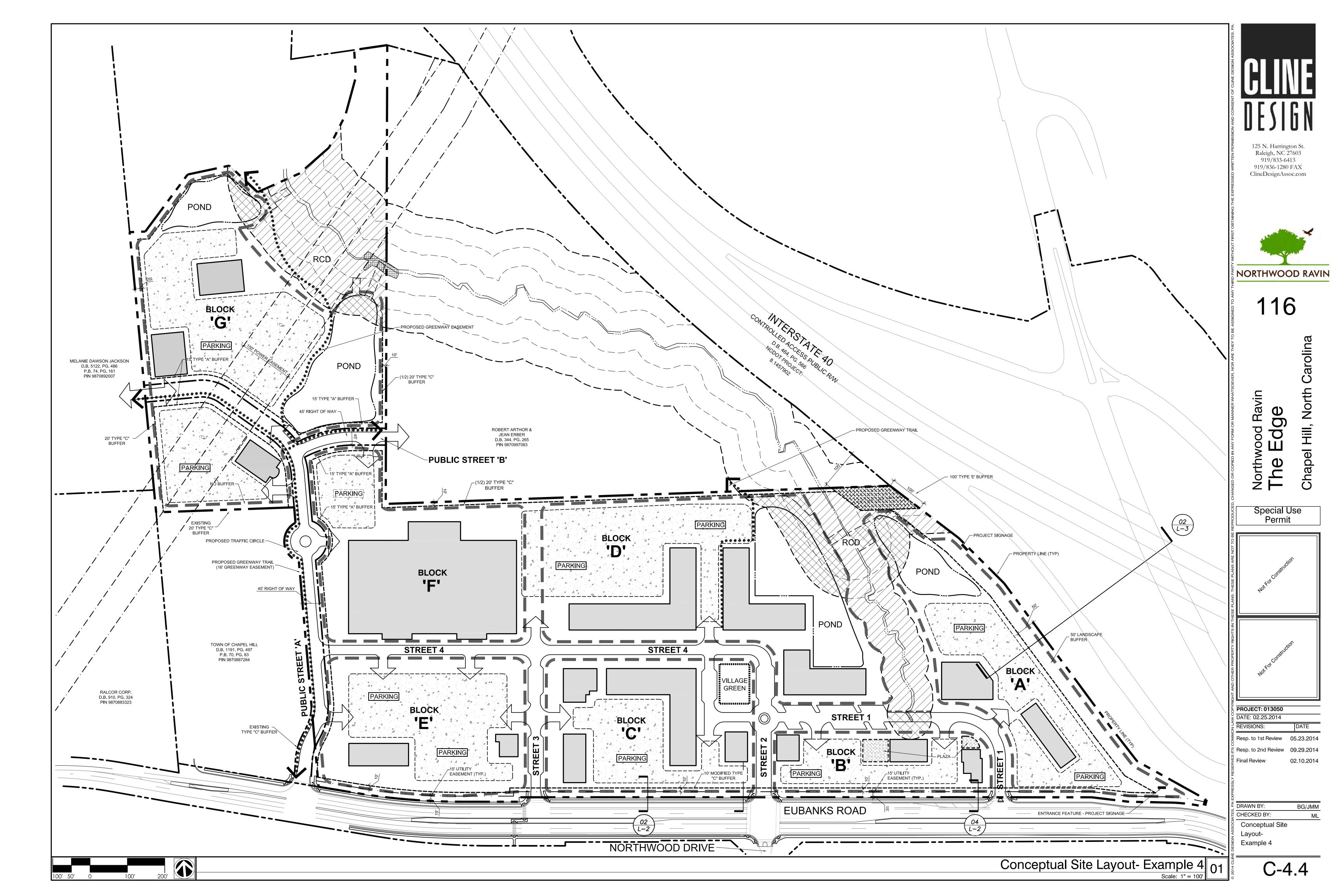
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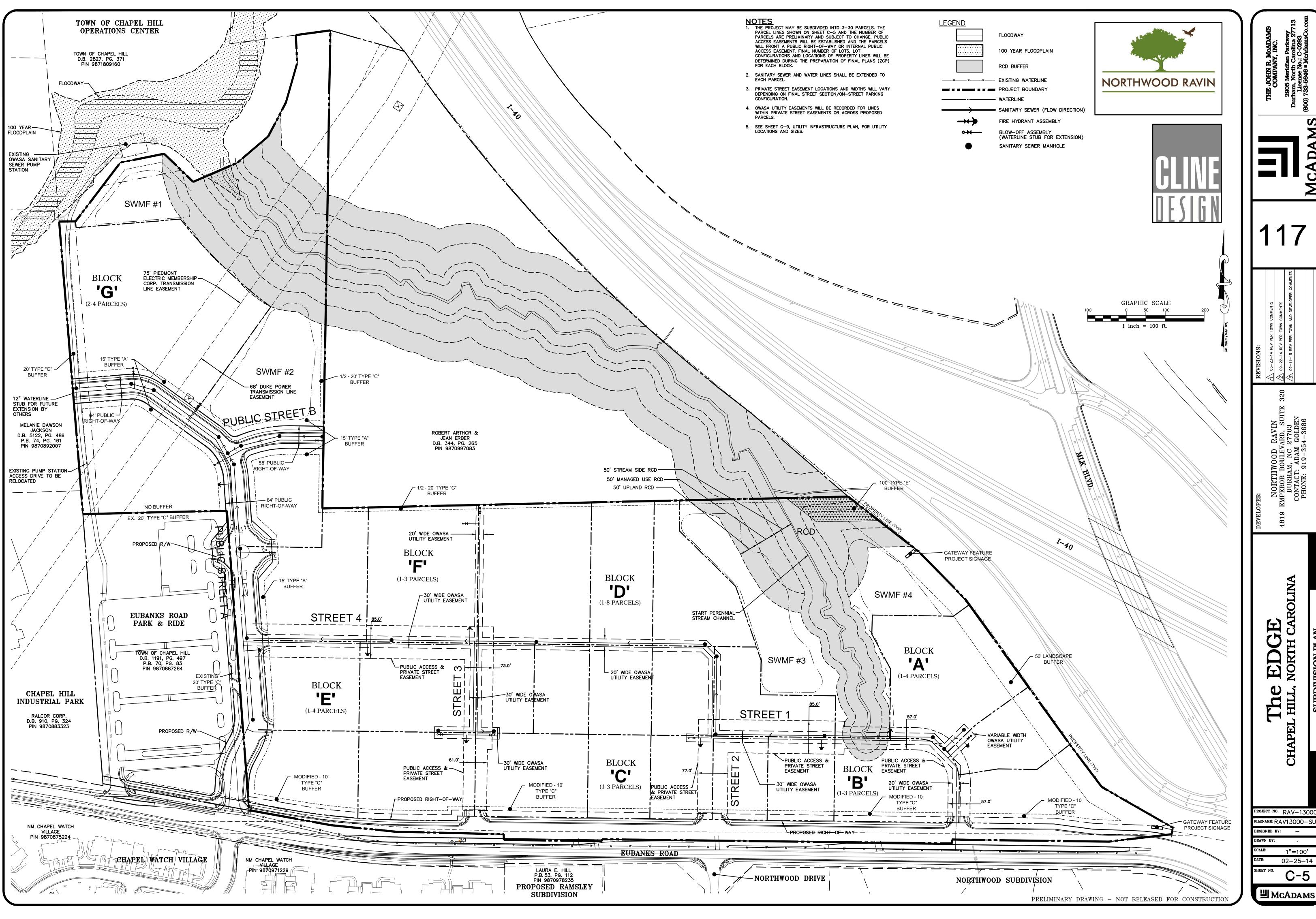






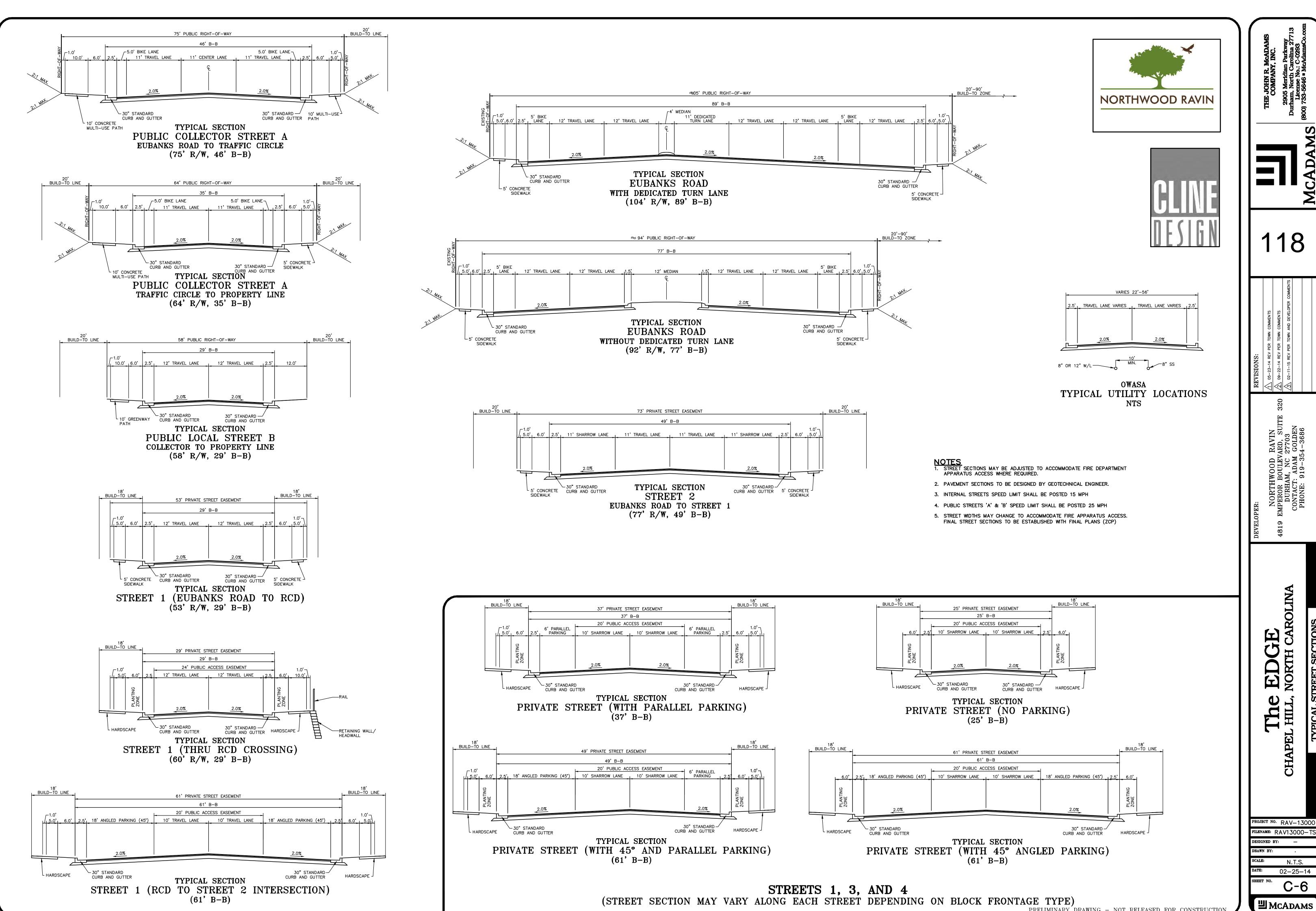




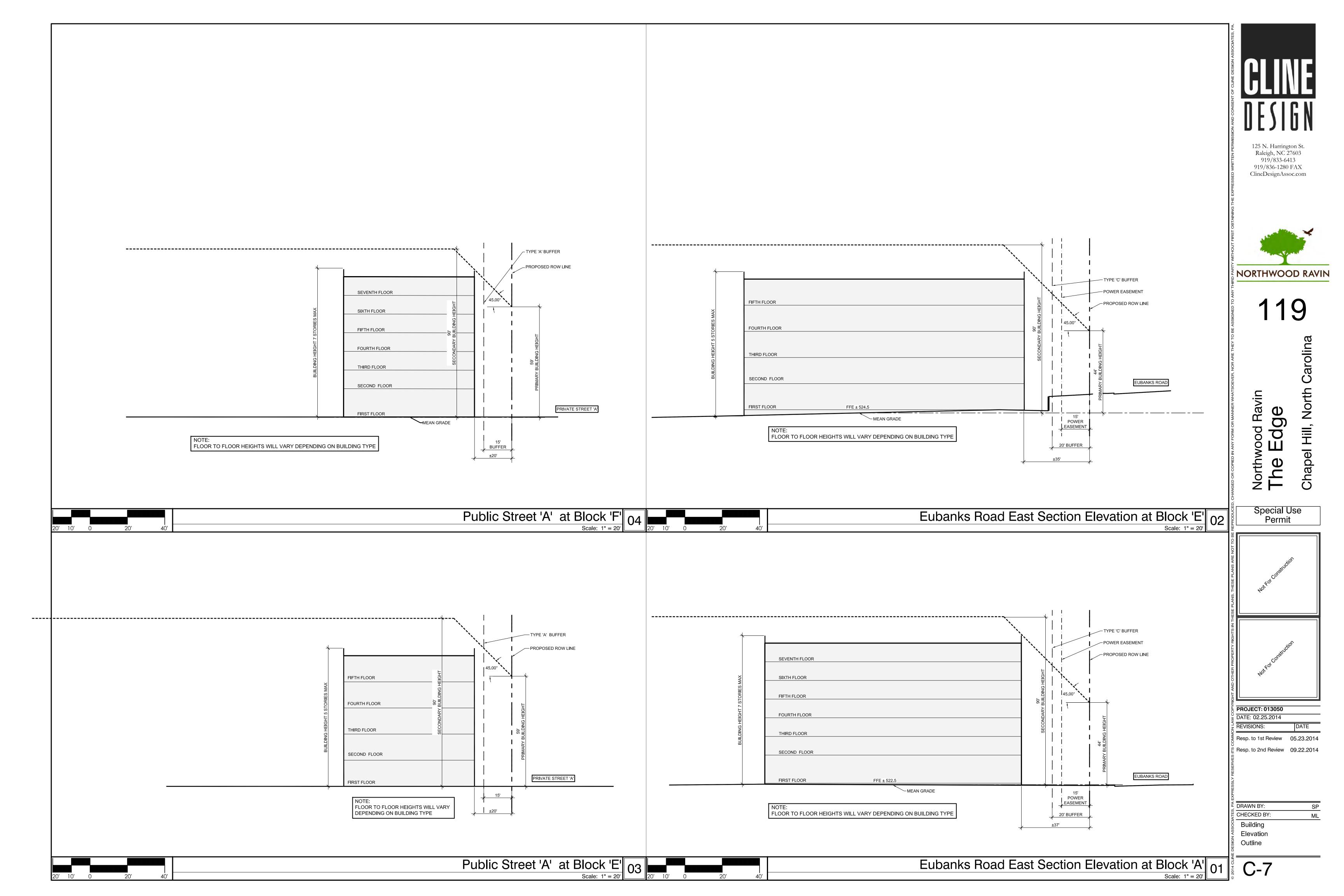


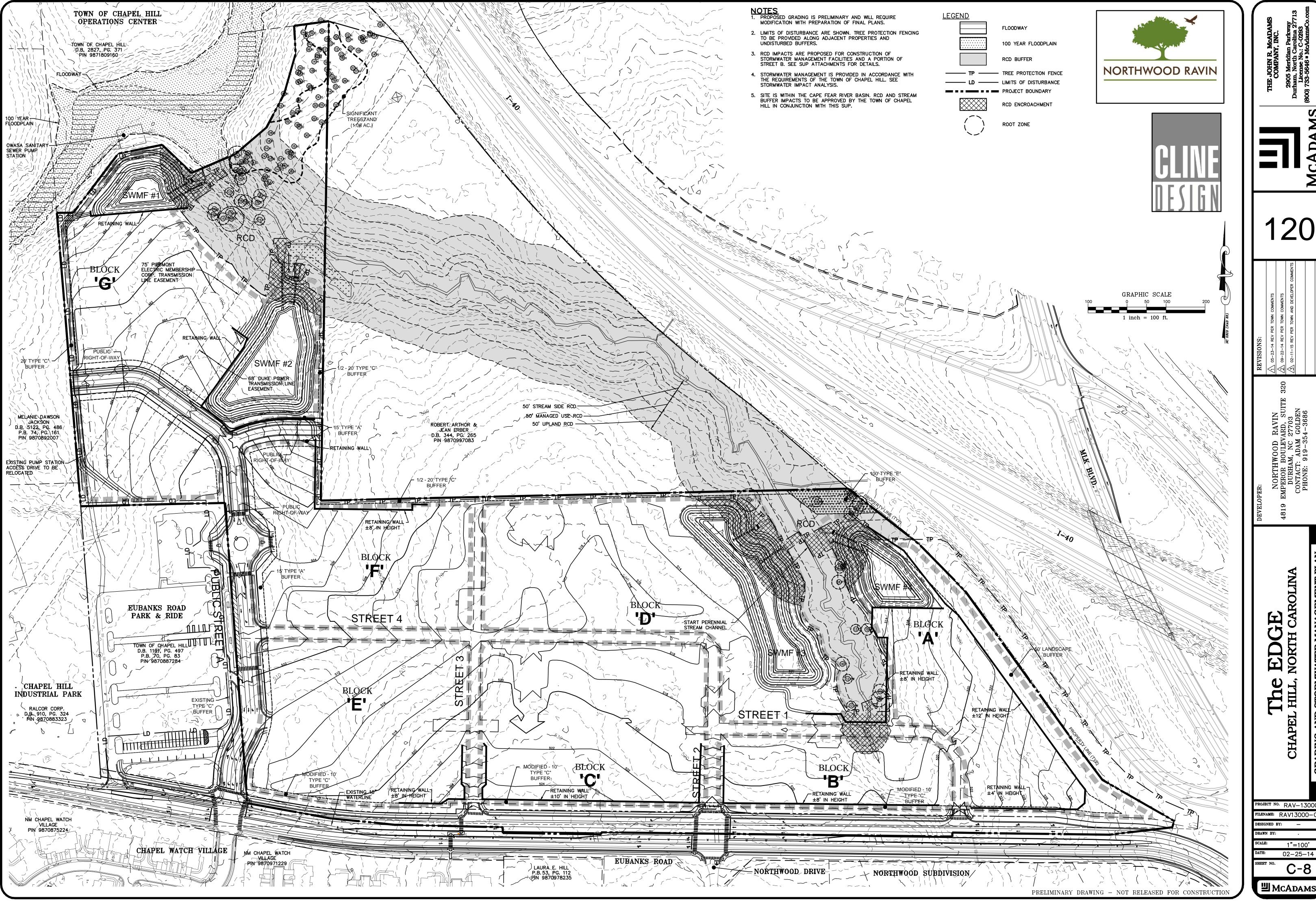
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PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



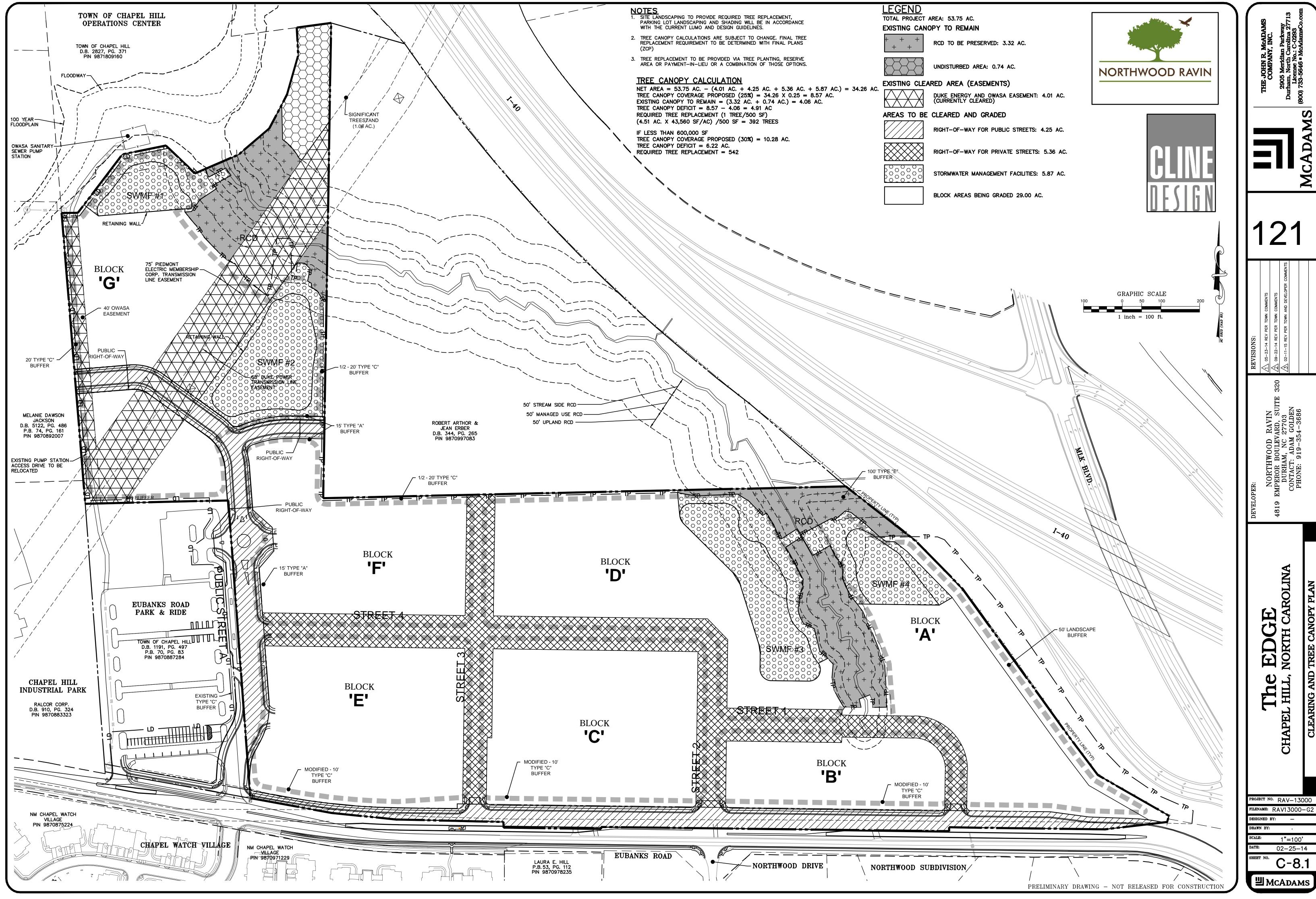


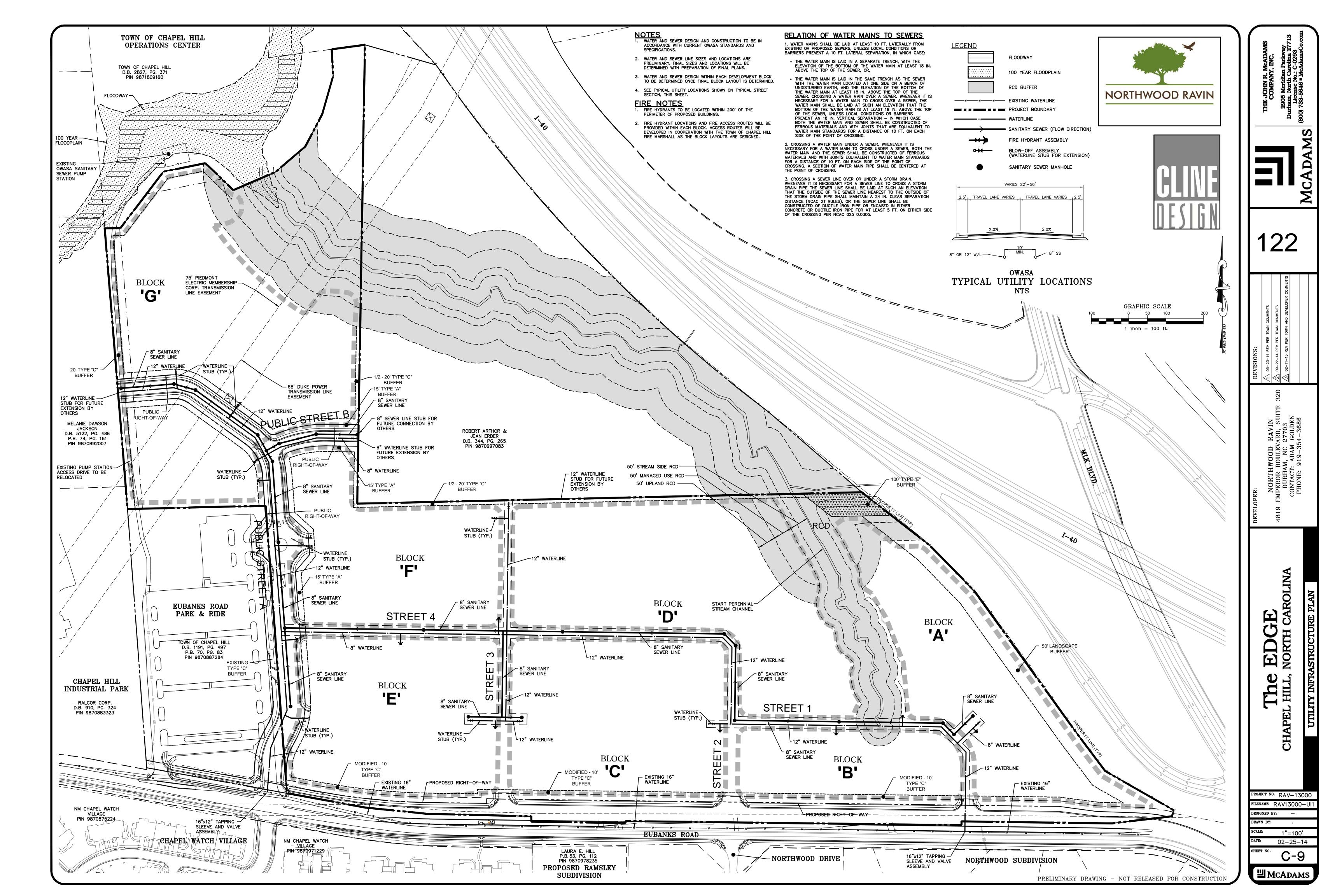
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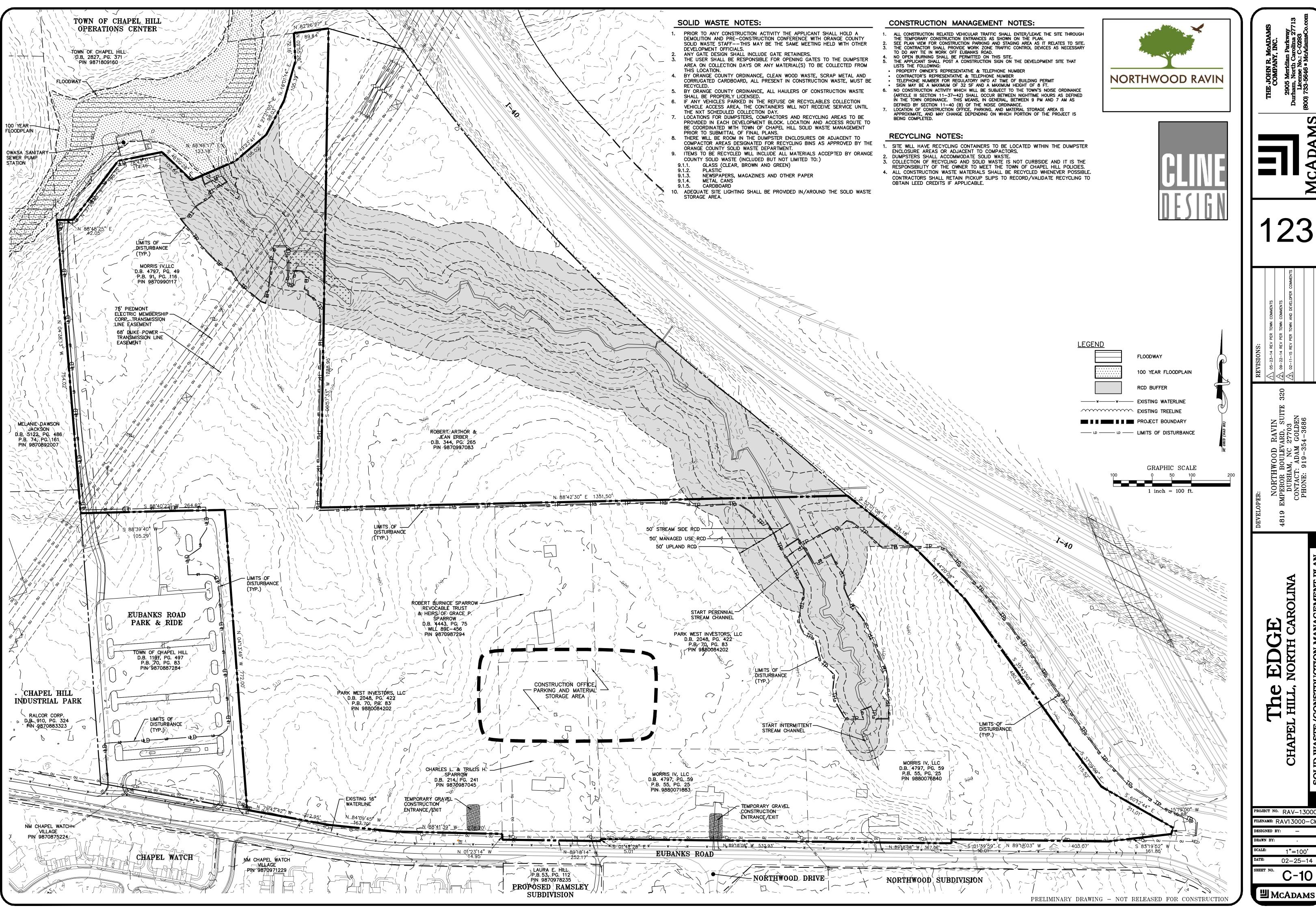
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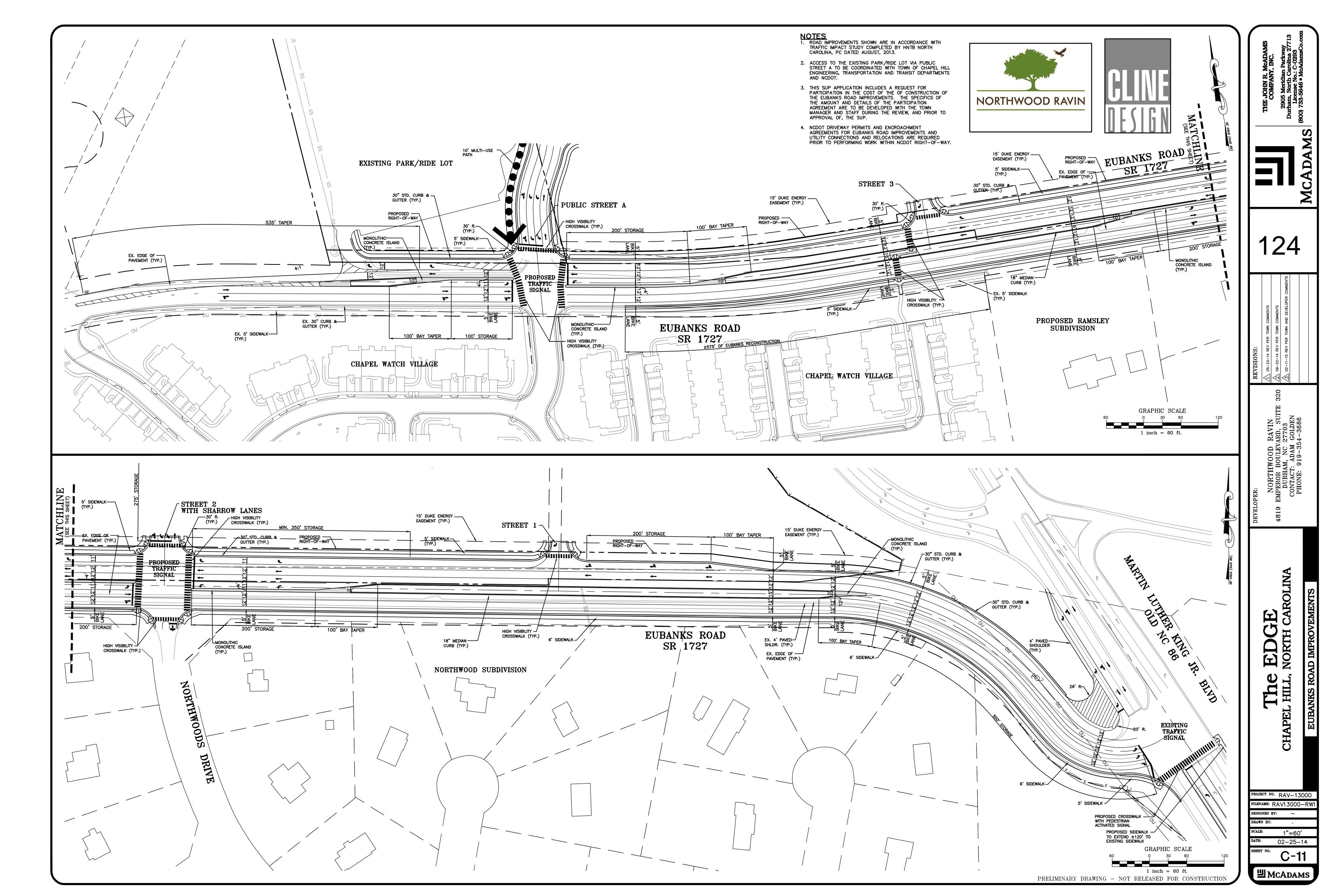


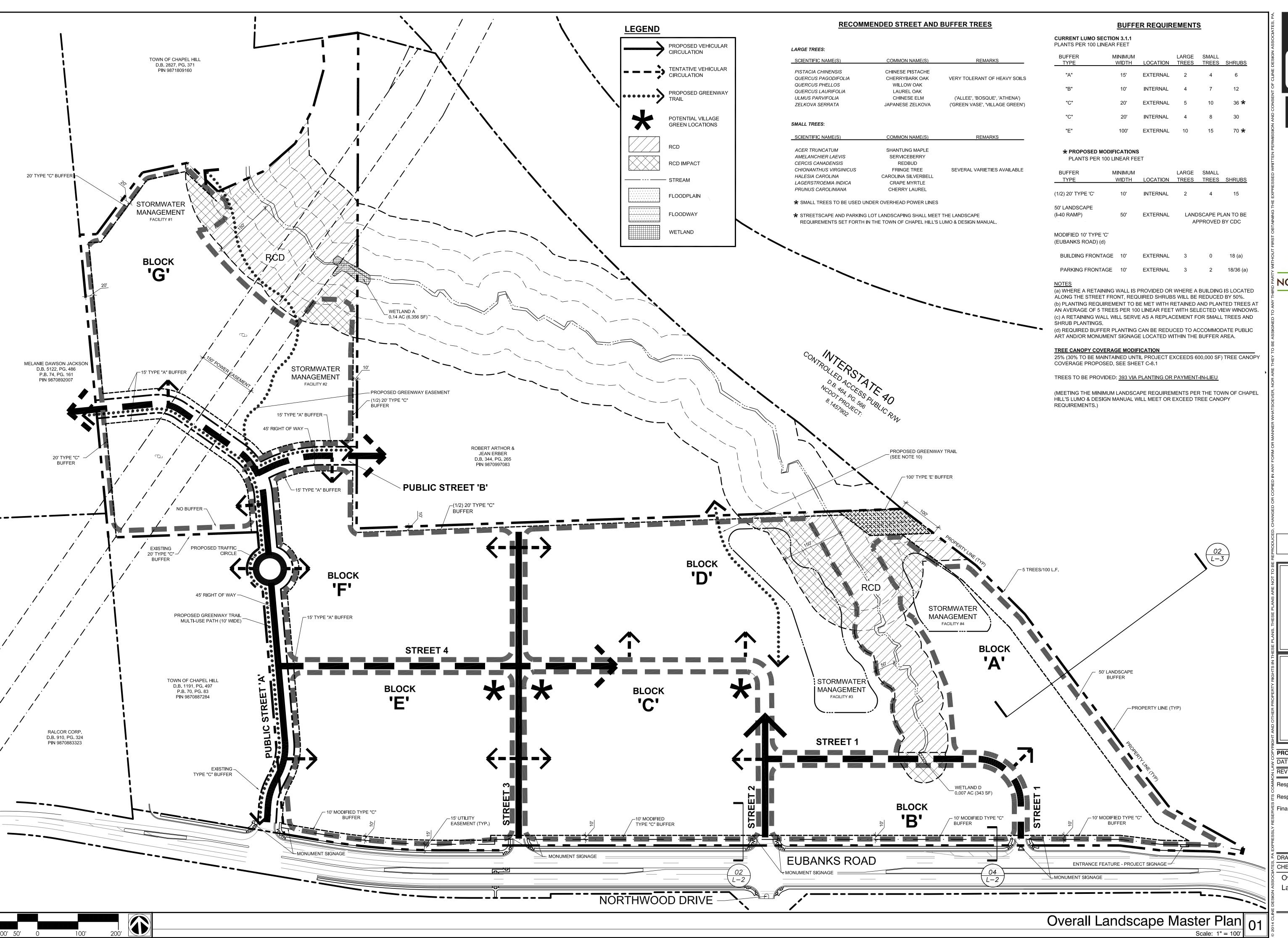


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CLINE DESIGN

125 N. Harrington St. Raleigh, NC 27603 919/833-6413 919/836-1280 FAX ClineDesignAssoc.com



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Northwood Ravin

The Edge

Chapel Hill, North Carolir

Special Use

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PROJECT: 013050

DATE: 02.25.2014

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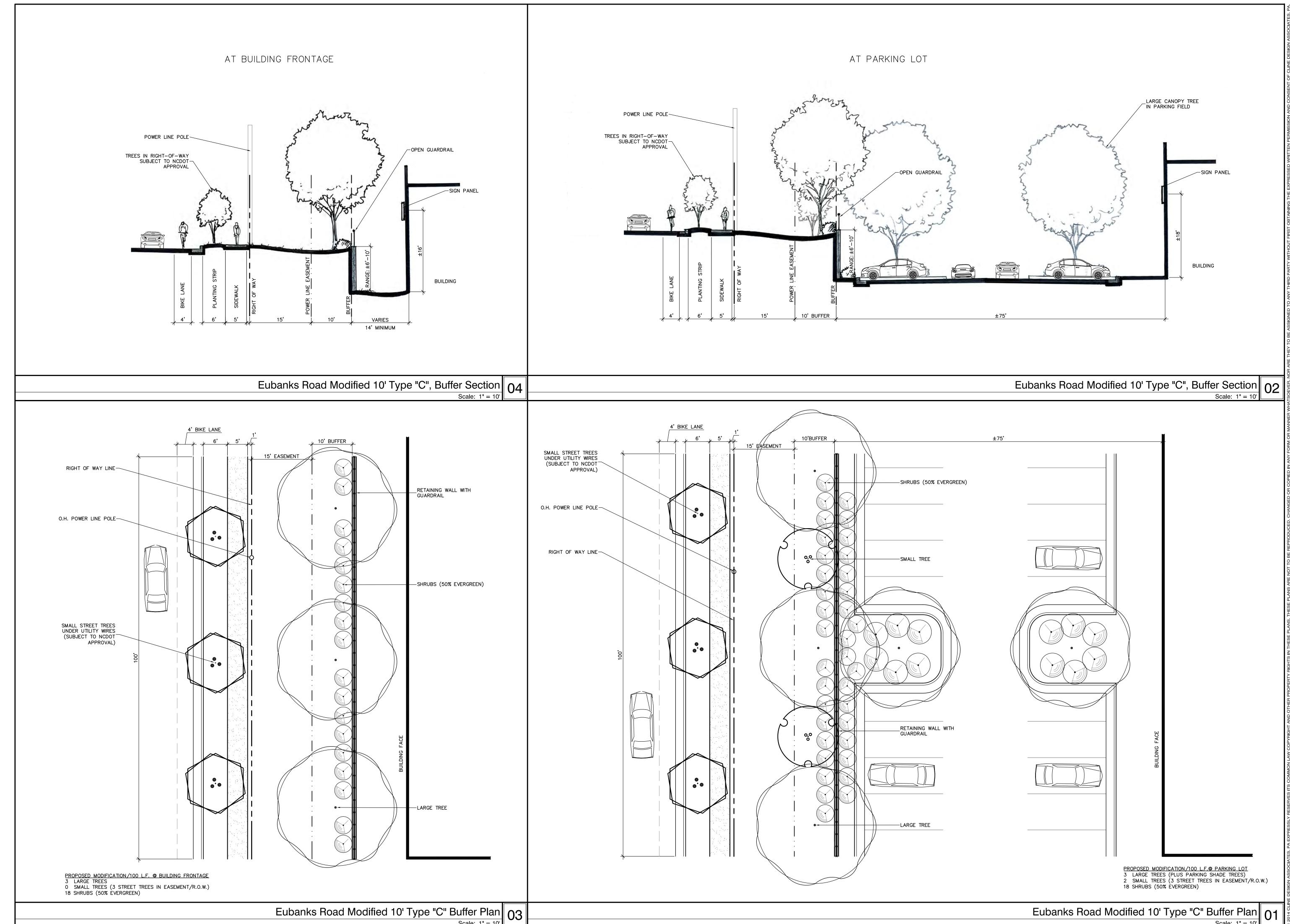
 Resp. to 1st Review
 05.23.2014

 Resp. to 2nd Review
 09.29.2014

 Final Review
 02.10.2014

DRAWN BY: BG/JMM
CHECKED BY: ML
Overall Master
Landscape Plan

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125 N. Harrington St. Raleigh, NC 27603 919/833-6413

919/836-1280 FAX ClineDesignAssoc.com



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Northwood Ravin

The Edge

Chapel Hill, North Carolina

Special Use Permit

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PROJECT: 013050

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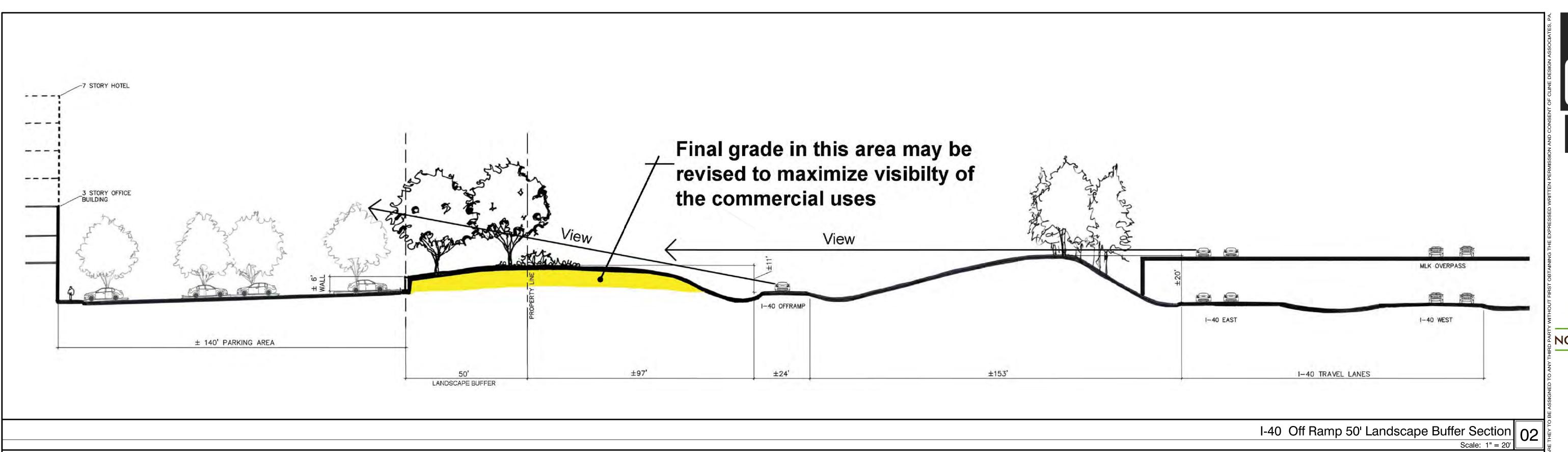
Resp. to 1st Review 05.23.2014
Resp. to 2nd Review 09.10.2014

Resp. to 2nd Review 09.10.2014

DRAWN BY: SP/JMM
CHECKED BY: ML

Eubanks Road Buffer Modification

l -2





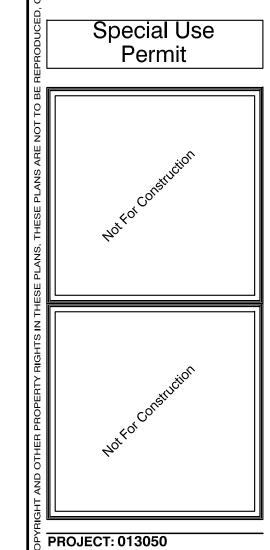


127

Northwood Ravin

The Edge

Chanel Hill North Carolina



PROJECT: 013050

DATE: 02.25.2014

REVISIONS: DATE

Resp. to 1st Review 05.23.201

 Resp. to 1st Review
 05.23.2014

 Resp. to 2nd Review
 09.29.2014

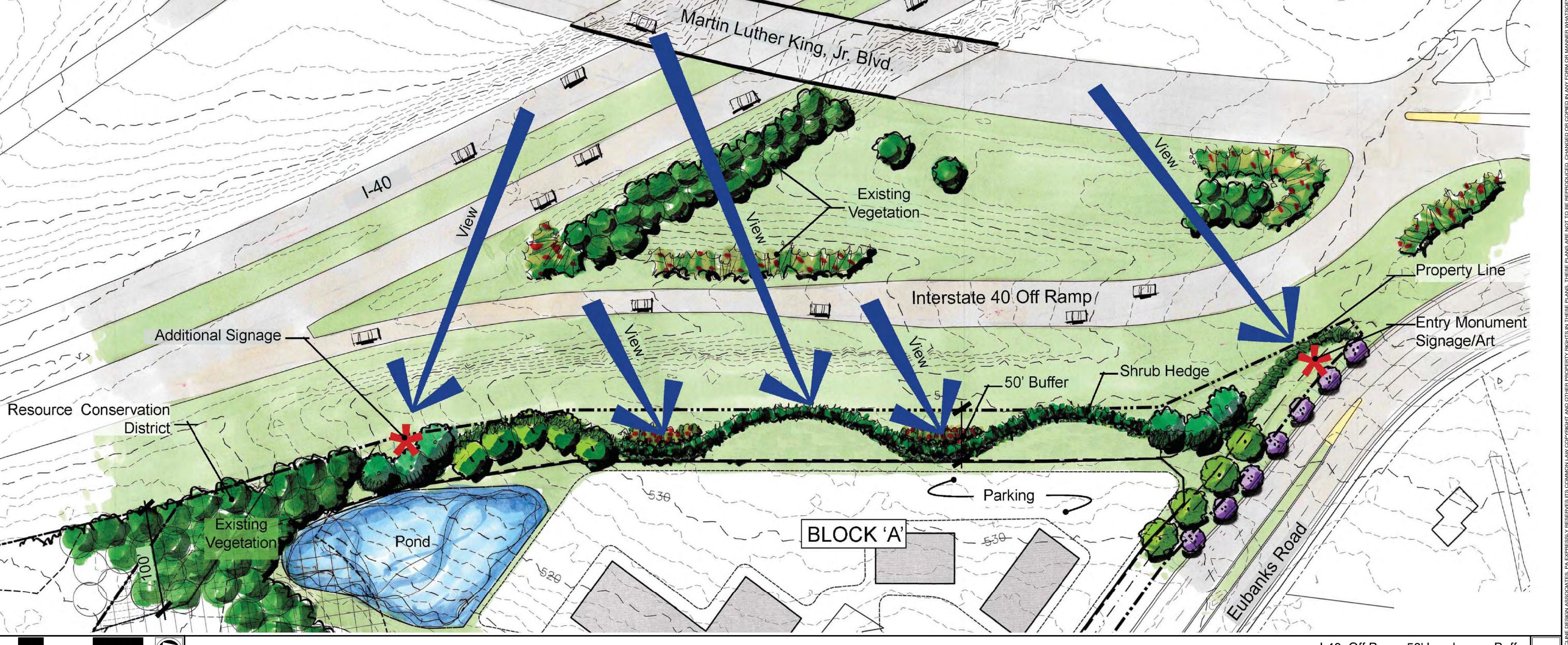
 Final Review
 02.10.2014

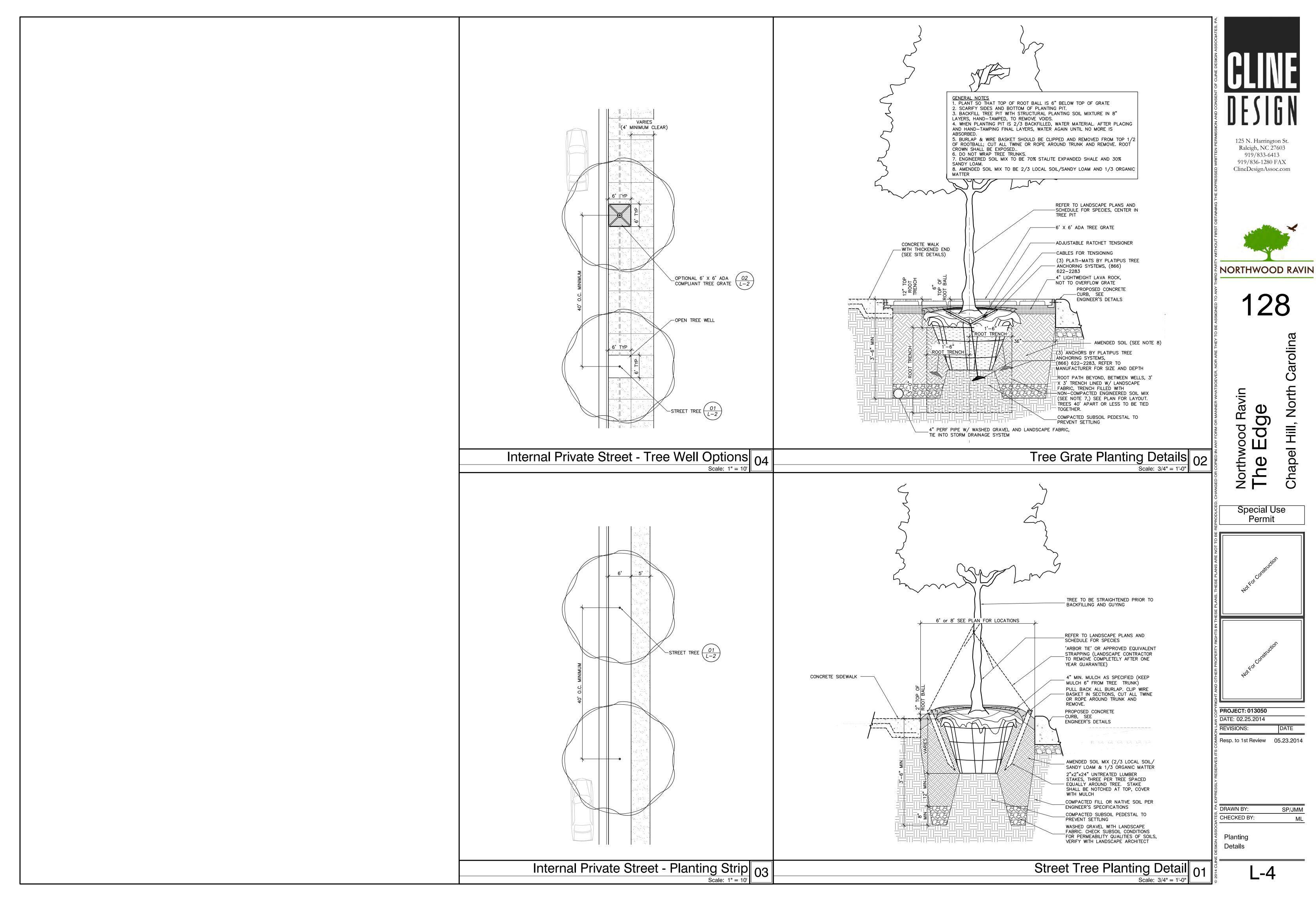
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CHECKED BY: M

I-40 Off Ramp Landscape Buffer

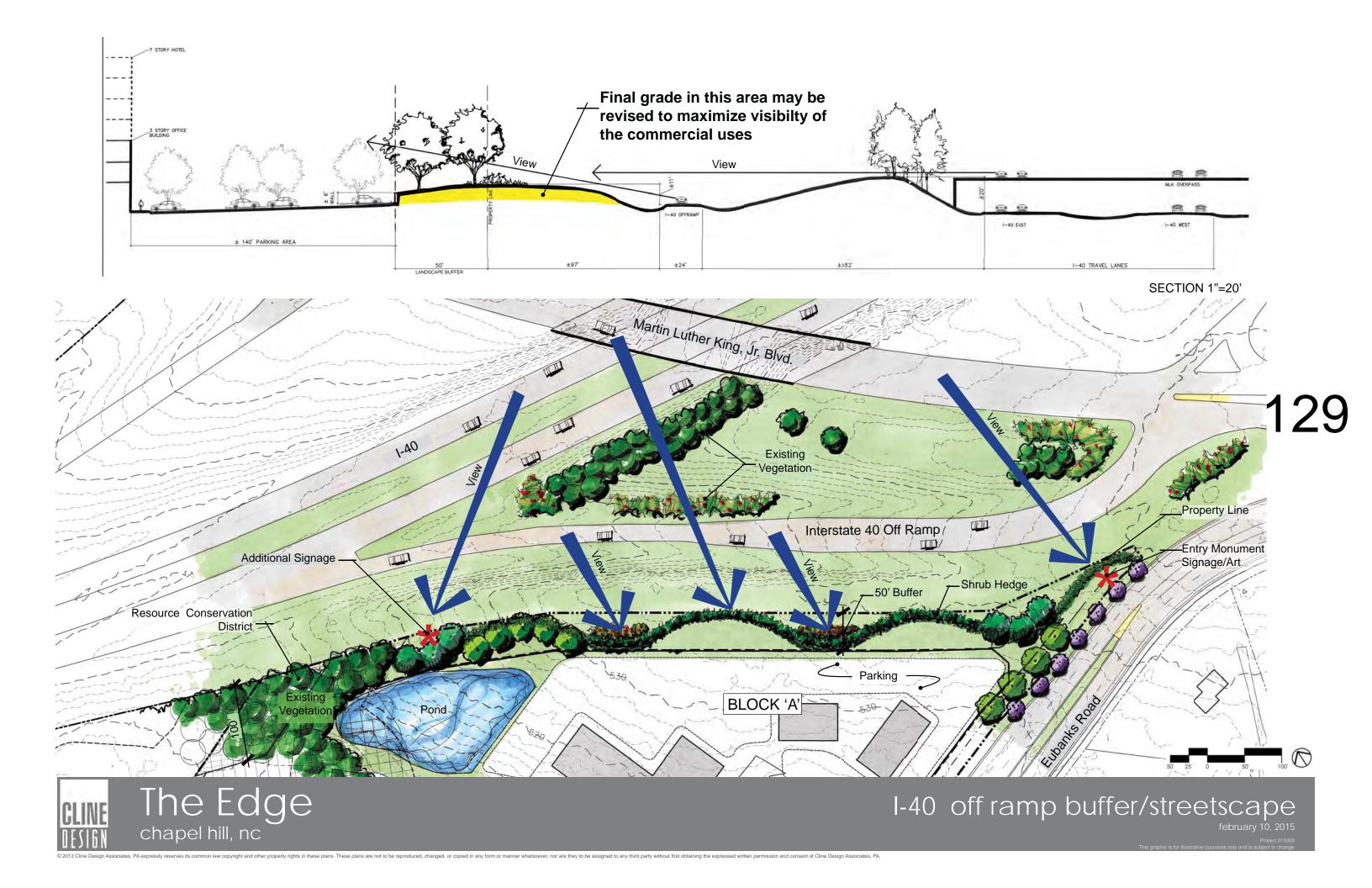
I-40 Off Ramp 50' Landscape Buffer

Scale: 1" = 50'





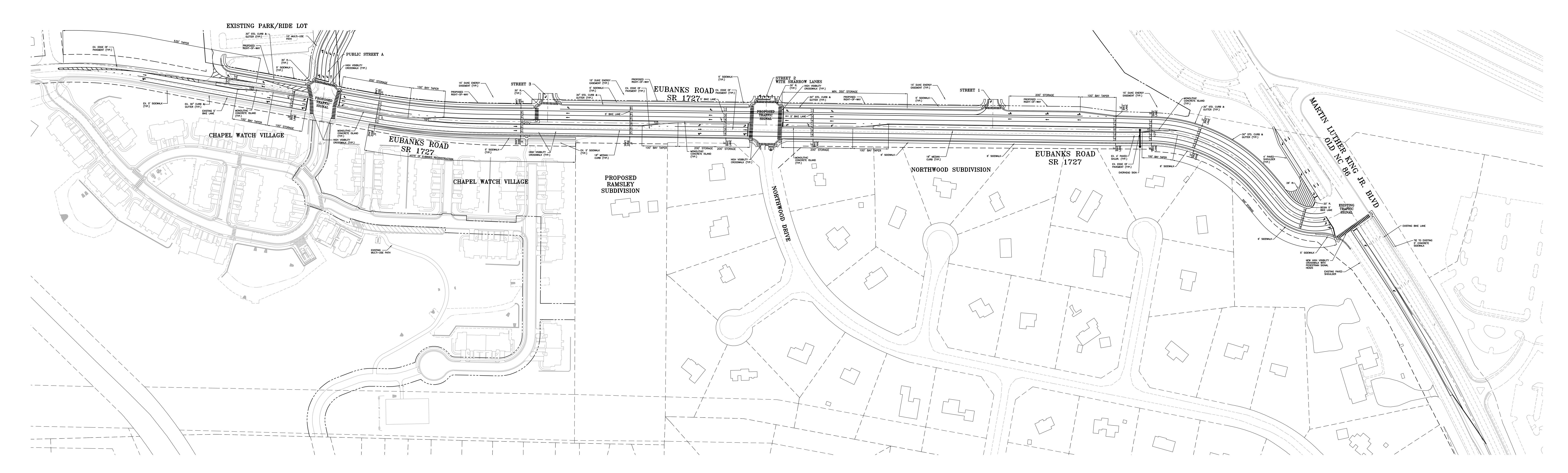


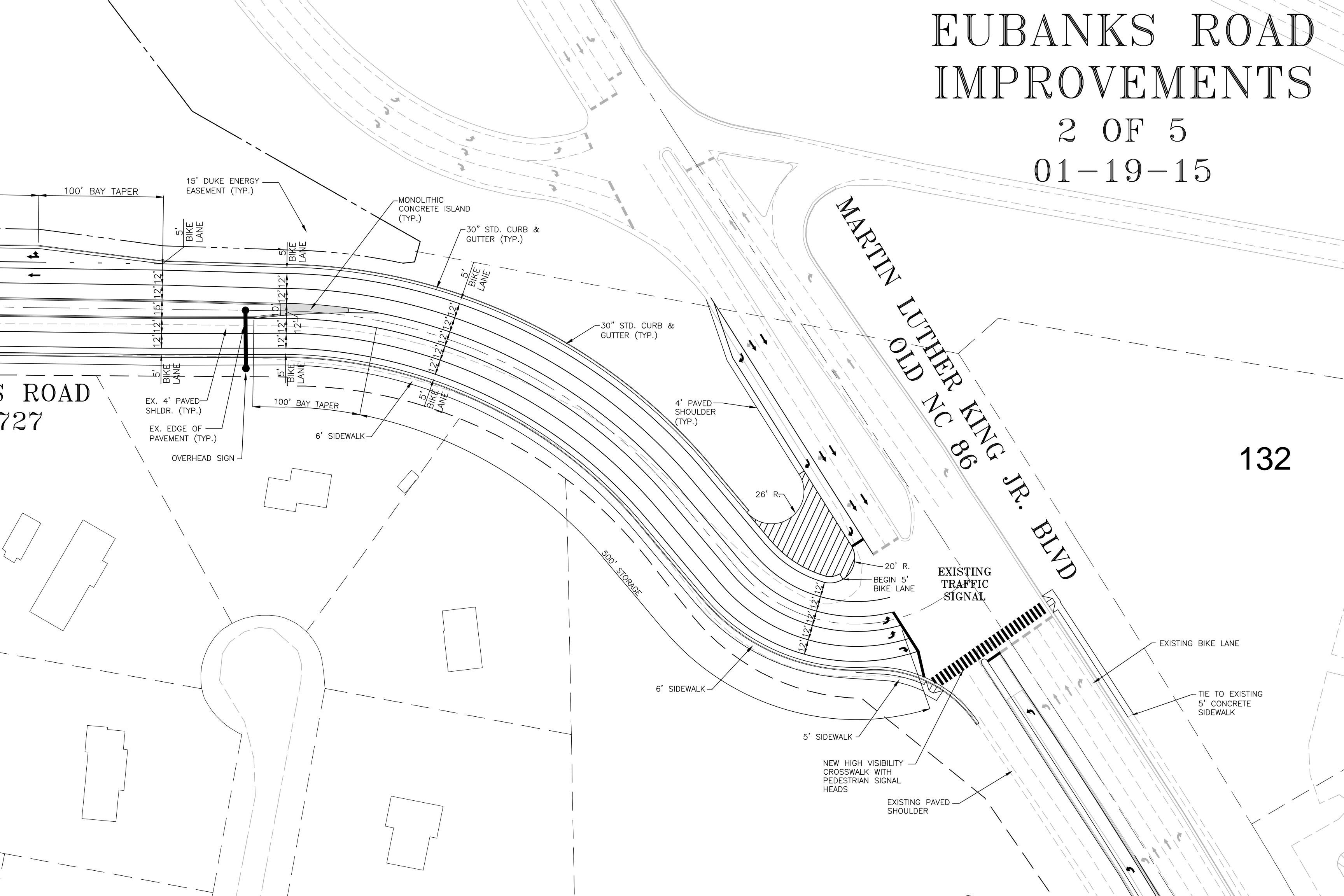




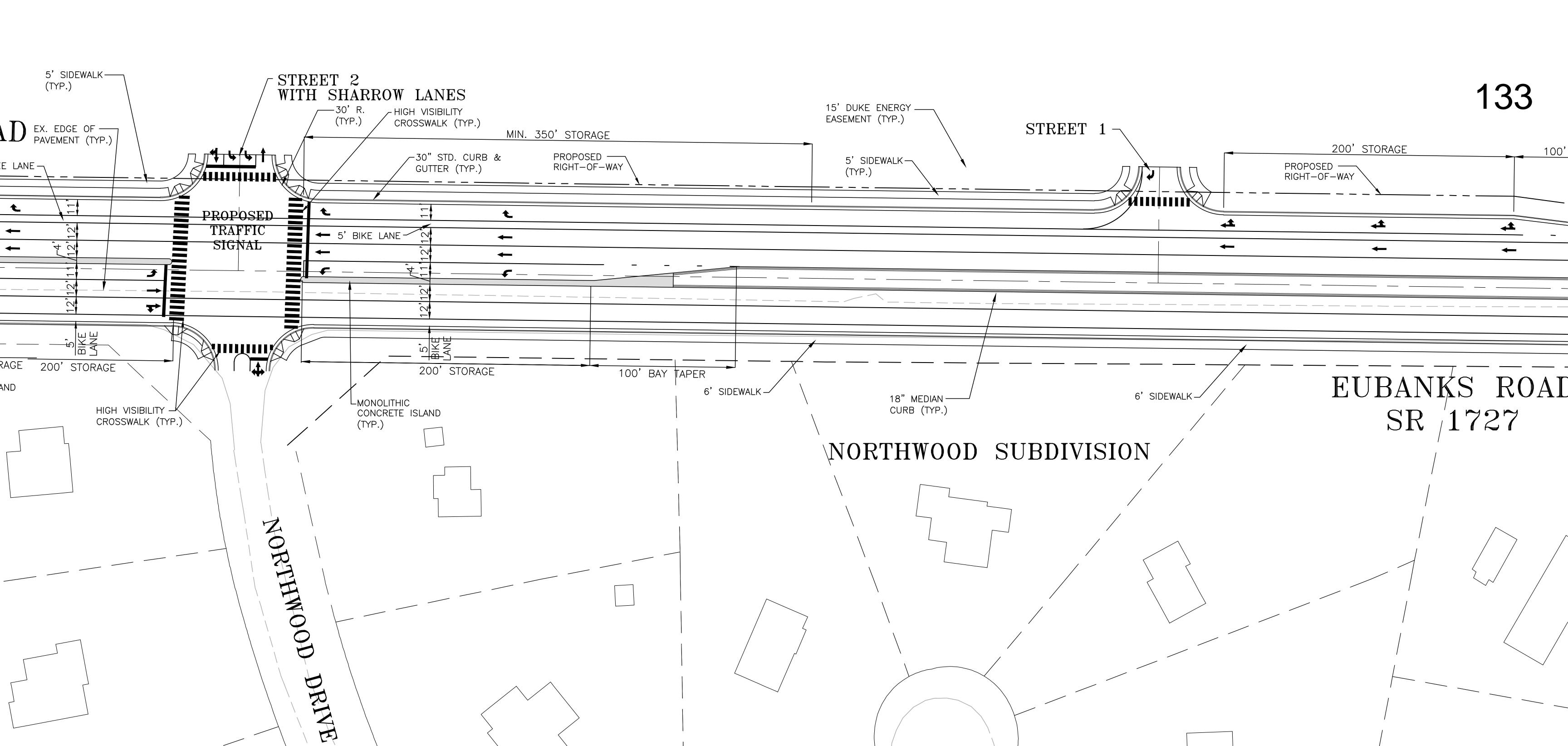


Conceptual Master Plan w/Reduced RCD





EUBANKS ROAD IMPROVEMENTS 3 OF 5 01-19-15

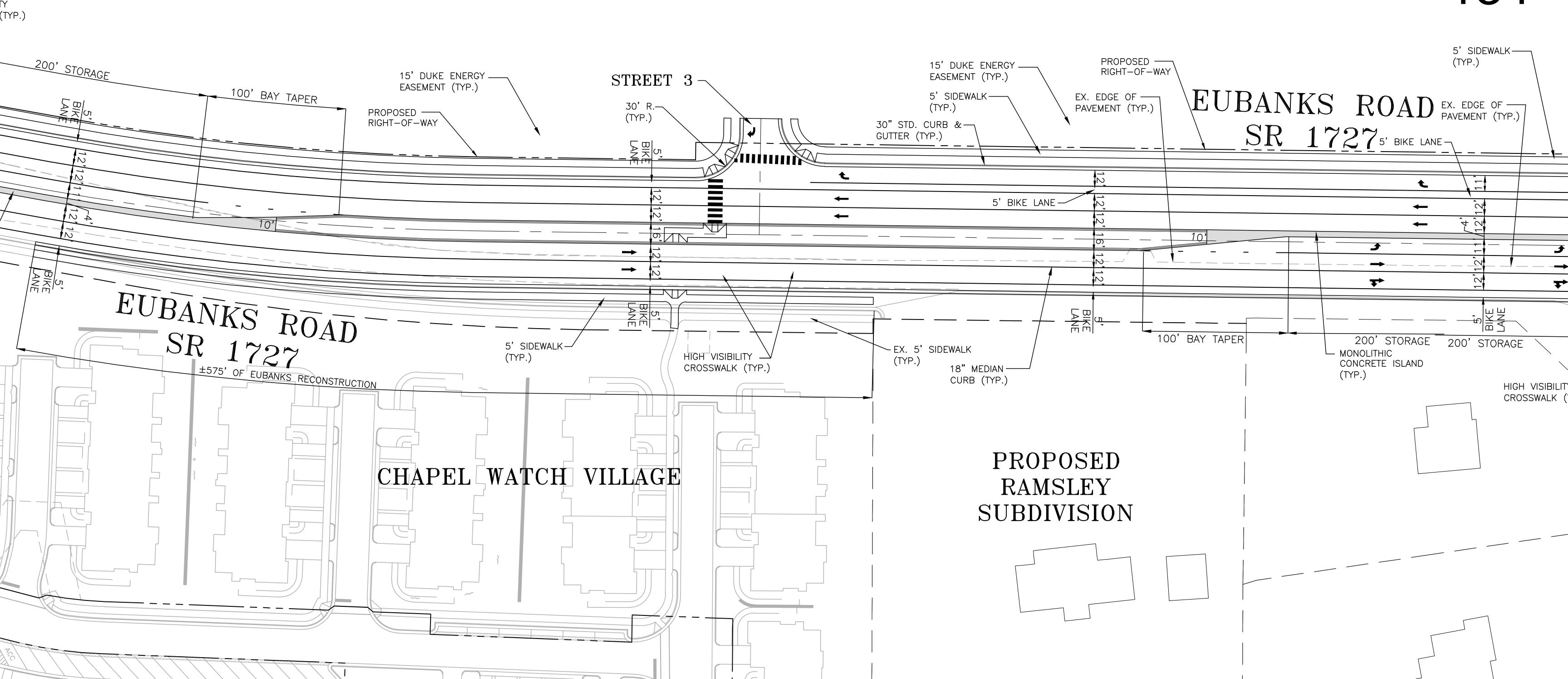


EUBANKS ROAD IMPROVEMENTS

4 OF 5
01-19-15

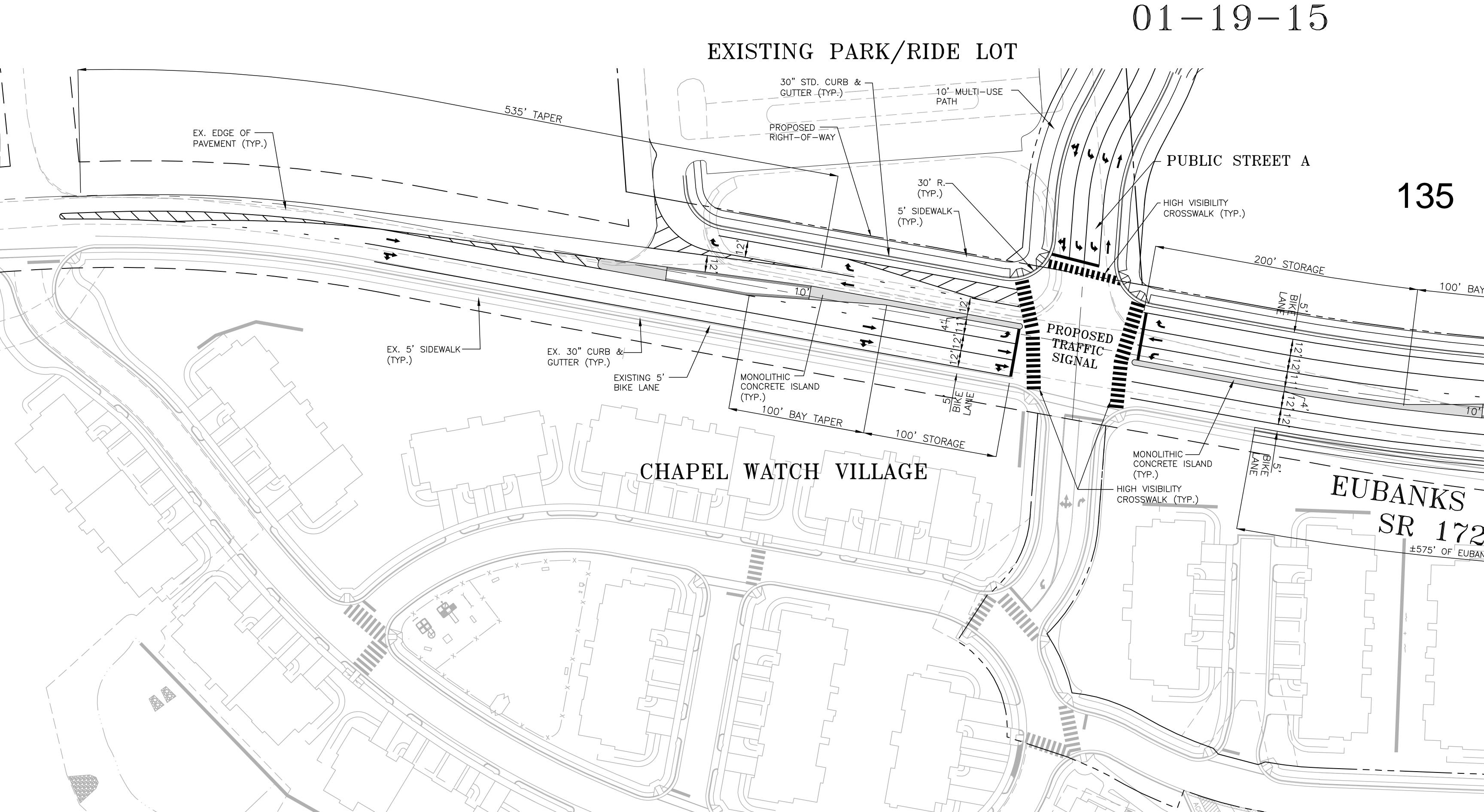
STREET A

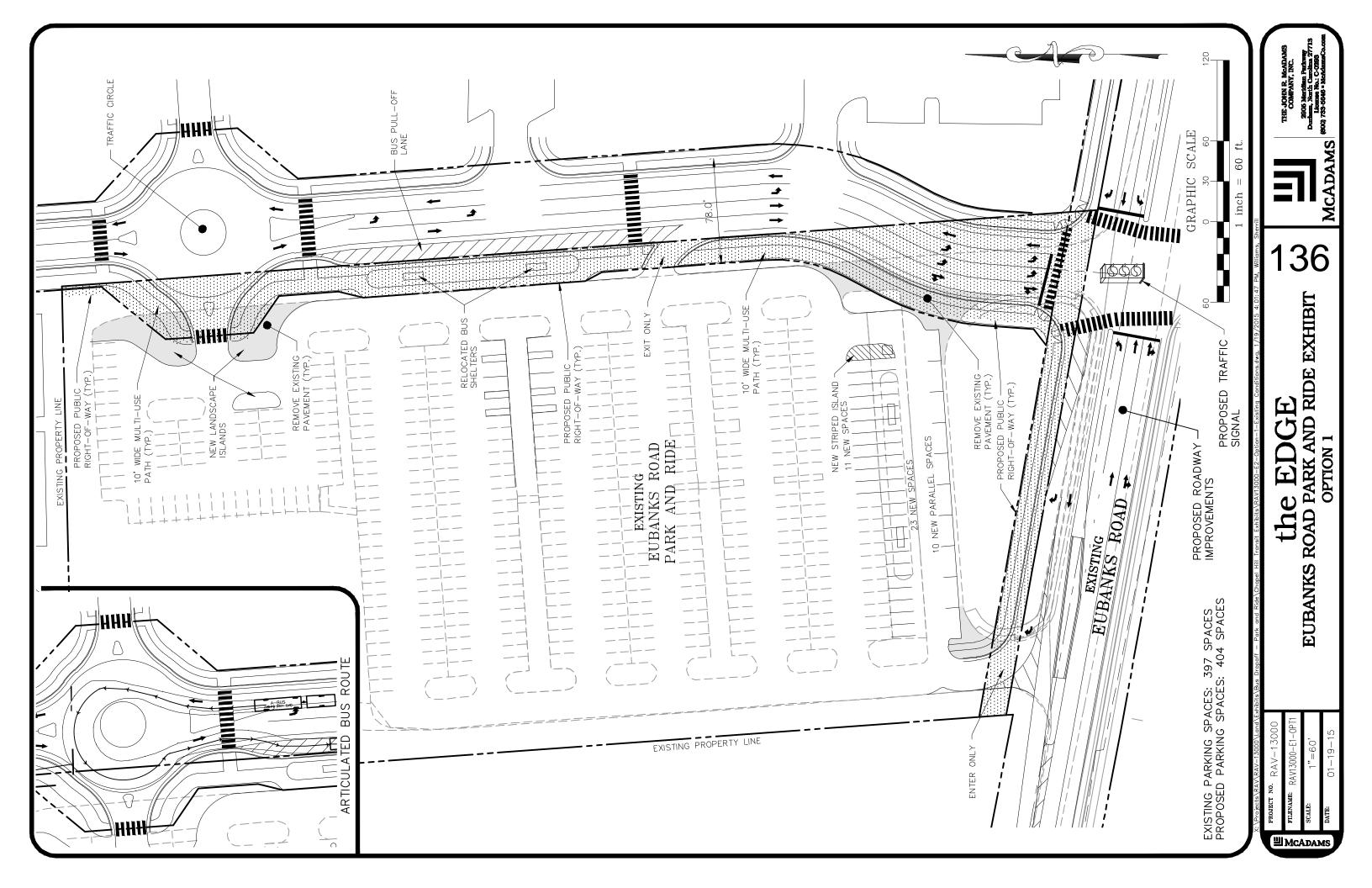
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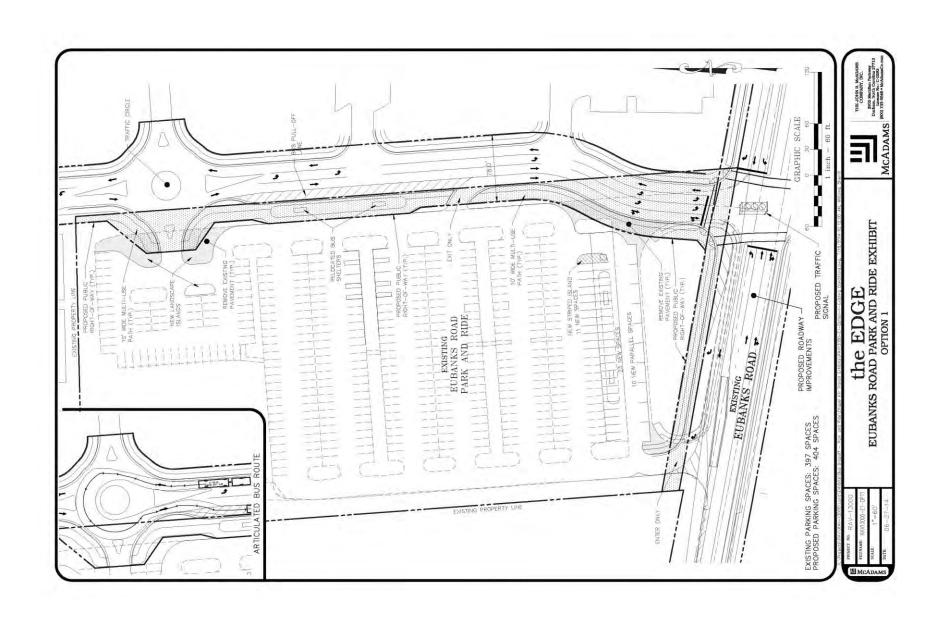


EUBANKS ROAD IMPROVEMENTS

5 OF 5 01-19-15







The EDGE

Chapel Hill, NC

DESIGN GUIDELINES





February 25, 2014
Revised May 23, 2014
Revised September 9, 2014
Revised November 11, 2014
Revised January 20, 2015
Revised February 10, 2015

CONTENTS

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1.3 Development Options	9
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Introduction 1.1

Purpose

These Design Guidelines are intended to guide the basic elements of the built environment within the EDGE. The overall goal is to provide the base framework for the project, but allow the flexibility for great place-making and integrating uses to create a greater sense of community. Emphasis is placed on the design and location of the internal streets and on the form of the buildings as experienced from street-level. The Block Plan and associated street network provide the basic framework that connects the buildings. These Guidelines offer minimal guidance on architectural style, and instead address building massing, building location relative to the street, glazing amounts and building entries. A palette of exterior building materials and color has been developed with the objective of creating visual continuity between buildings with varied uses while providing guidelines for project designers.

Development Framework

The elements of the built environment that are defined in this guideline are as follows:

- Blocks and Streets provide the general structure for the development.
- The building's relationship to the street is controlled by the Street Frontage percentage.
- The vertical mass of building is controlled by Height as measured by stories.
- Building Uses are defined in general terms and are designated per Block.
- Building exterior materials, glazing and entries.

Development Character

The development character will be established through the building massing, building location, and architectural style. As noted above, these Design Guidelines offer limited guidance on specific architectural style; however, designers should considering the following:

- The project area is currently undeveloped and thus offers little existing context to respond to.
- Architecture in the EDGE should reflect modern design trends while allowing for a wide range of building styles.
- The variety of architectural expression will be visually unified by the adoption of a common palette of building materials.
- The intent is for buildings to avoid mimicking period architecture.
- The initial buildings/phases will establish the context for future buildings/phases.



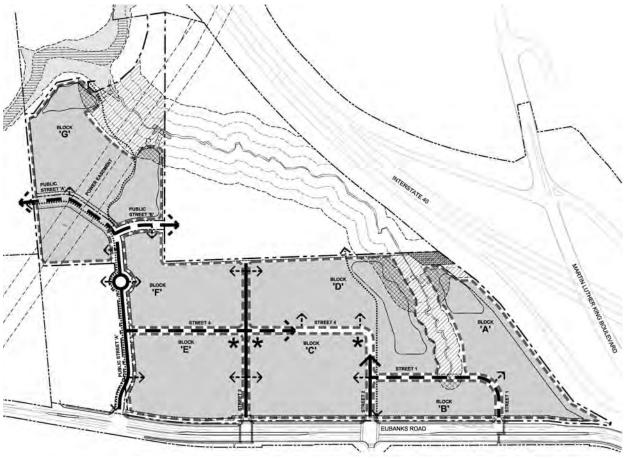
Development Densities

The overall density allowed in the EDGE is set as a maximum floor area for the entire project and not defined at the Block level. Development density is controlled by the dimensional parameters shown in the Site Data Table on the Block Plan, specifically the proposed minimums and maximums for each use.

Block Plan

The "Block Plan" is a layout of the entire development illustrating its separation into development areas called "Blocks." Fixed access locations along Eubanks Road, property lines and the Resource Conservation District (RCD) buffers are factors that determine the geometry of the Blocks. Within each Block the following aspects of the development and buildings are defined:

- Allowable uses
- Maximum building height in stories
- Percentage of building frontage along public and private streets.



Block Plan

Streets

The EDGE development has identified internal private streets that provide the basic grid framework of the development. The street locations have some flexibility in order to accommodate potential variations in development plans of specific Blocks, and to make adjustments if required by NCDOT and the Town's traffic engineers or for emergency access. Using the centerline as an anchor point a variety of street designs can be applied to best compliment the adjacent block development. Depending on the proposed site design and buildings, additional streets may be added to the development.

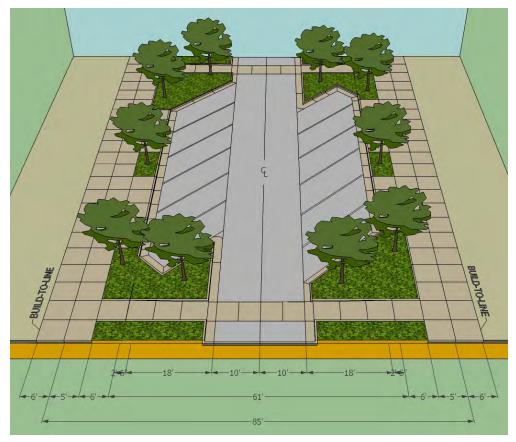


Parallel parking both sides - Tree well options shown



45 ° Angled parking - parking bays

Streets continued:



45 ° Angled parking both sides



Parallel Parking and 45 ° angled parking

Frontage

"Frontage" is used to locate building facades within the Blocks relative to each street front. There are two measurements for Frontage, the first is a "Build-To Zone" where building facades or a qualifying structure must be located in order to qualify as building frontage; the second, is the percentage (%) of linear street frontage that should have a building facade.



Example

Height

"Height" refers to the maximum height of a building in floors or stories. Stories are generally between 11' and 14' floor-to-floor but can be taller to accommodate retail spaces or loft conditions. Basements (defined by building code) are not considered as floors. Height is measured from the median grade on the street side of the building.

Uses

The EDGE development has three general use categories: residential, commercial, and office. Permitted uses in the MU-OI-1 and MU-R-1 districts shall be allowed. Uses not permitted in the MU-OI-1 and MU-R-1 districts including, automotive repair, automotive, trailer and farm equipment (sales or rental), kennel, supply yard and veterinary hospital shall not be permitted in the EDGE.

Parking

Parking is provided based on the Town of Chapel Hill minimum and maximum parking requirements of the Land Use Management Ordinance (LUMO). The EDGE development has the option to utilize parking reductions between shared uses, if necessary.

Landscaping

Landscaping for the street fronts, parking areas, and buffers shall meet requirements set forth in the Town of Chapel Hill Land Use Management Ordinance (LUMO) and Design Manual, with the exception of any modifications or alterations that are approved with the Special Use Permit. See sheet 10 for Block A buffer concept at I-40.

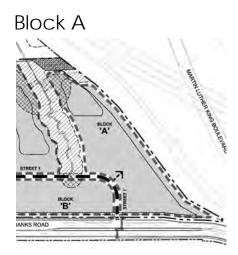
Recreation Area and Outdoor Amenity Space

Recreation area shall be provided at no less than as referenced in the Site Data Table on the Block Plan (C-4). As part of the recreation area, the EDGE will include a central outdoor amenity space or village green. This outdoor amenity space will meet the following criteria:

- A minimum area of 10,000 square feet
- Meet ADA accessibility standards
- May be paved or landscaped
- May be roofed or covered, but not enclosed on all sides
- May not allow permanent vehicular use



In this section each Block is studied, showing one or more potential development examples. These conceptual examples are illustrated in 3-D to assist in visualizing what the buildings and site development could be in each Block.



Allowed Uses:

Commercial & Office
Max Building Height: 7 stories
Max Drive Thru: Two (2)

Minimum Block Frontage:

Eubanks Road – 15% Street 1 – 50%

Development Example 1:

Commercial:

Hotel: 150 Rooms
Commercial: 10,000 sf.
Frontage: 18% Eubanks Road
75% Street 1

Development Example 2:

Commercial:

• Hotel: 130 Rooms

Office: 30,000 sf.

Frontage: 22% Eubanks Road 75% Street 1



Development Example 1

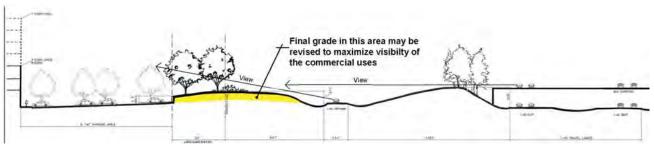


Development Example 2

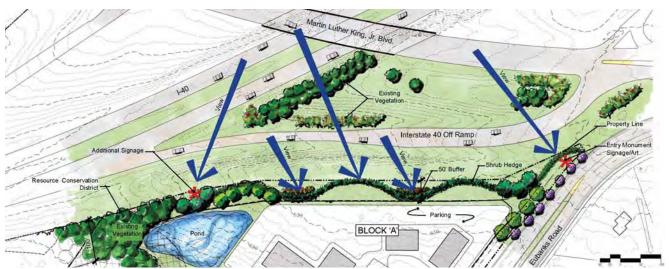
Block A ROCK B' BLOCK B' BANKS ROAD

I-40 Off-Ramp Buffer/Streetscape

The 50-foot I-40 off-ramp buffer and adjacent right-of-way will be cleared and graded to provide critical visibility for The EDGE project. The modification to the buffer will also provide an opportunity to create an attractive landscaped entry way at the Martin Luther King Jr. Boulevard exit, while maintaining the much needed visibility. The buffer planting shall consist of a continuous evergreen shrub hedge with strategically placed landscaping to enhance the visibility of the project.

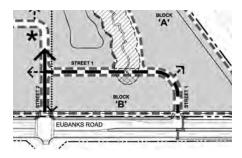


Buffer Section



Buffer Concept Plan

Block B



Allowed Uses:

Commercial, Office & Residential (Note: Residential only allowed on second floor and above) Max Building Height: 5 stories Max Drive Thru: Two (2)

Minimum Block Frontage:

Eubanks Road – 30% Street 1 – 40% Street 2 – 30%

Development Example 1:

Commercial: 20,000 sf.
Frontage: 45% Eubanks Road
50% Street 1
32% Street 2

Development Example 2:

Commercial: 15,000 sf.
Frontage: 38% Eubanks Road
41% Street 1
32% Street 2

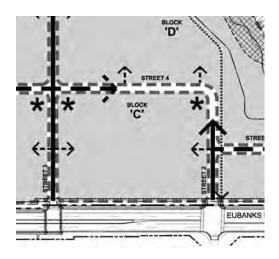


Development Example 1



Development Example 2

Block C



Allowed Uses:

Commercial, Office & Residential Max Building Height: 5 stories Max Drive Thru: One (1)

Minimum Block Frontage:

Eubanks Road – 11% (Avg. for Blocks C & E combined will be 20%) Street 2 – 30%

Development Example:

Commercial: 4,000 sf. Residential: 64 units

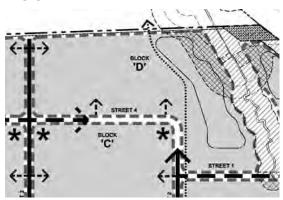
Frontage: 46% Eubanks Road

32% Street 2 61% Street 3



Development Example

Block D



Allowed Uses:

Commercial, Office & Residential Max Building Height: 7 stories Max Drive Thru: Two (2)

Minimum Block Frontage:

Street 1 – 20% Street 4 – 30%

Development Example 1:

Commercial: 90,000 sf.
Potential Residential above
Frontage: 22% Street 1
78% Street 4

Development Example 2:

Commercial: 30,000 sf.
Office: 62,000 sf.
Residential: 60 units
Frontage: 22% Street 1
39% Street 4

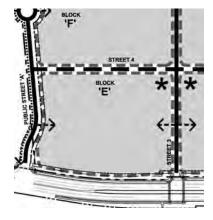


Development Example 1



Development Example 2

Block E



Allowed Uses:

Residential, Commercial & Office Max Building Height: 5 stories Max Drive Thru: One (1)

Minimum Block Frontage:

Eubanks Road – 11% (Avg. for Blocks C & E combined will be

20%)

Public Street 'A' – 15%

Development Example 1:

Residential: 216 units

Frontage: 36% Eubanks Road

68% Street 3 74% Street 4

39% Public Street 'A'

Development Example 2:

Office: 40,000 sf

Residential: 144 units

Frontage: 35% Eubanks Road

40% Street 3 74% Street 4

66% Public Street 'A'

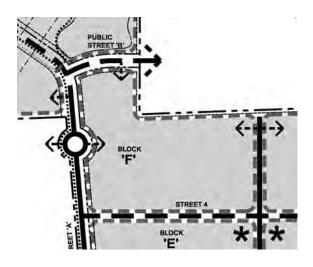


Development Example 1



Development Example 2

Block F



Allowed Uses:

Commercial, Office & Residential Max Building Height: 7 stories Max Drive Thru: Two (2)

Minimum Block Frontage:

Public Street 'A' – 15% Street 4 - 40%

Development Example:

Residential: 282 units

Potential ground floor Commercial

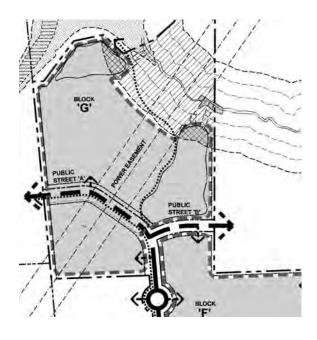
Frontage: 75% Street 4

51% Public Street 'A' 45% Public Street 'B'



Development Example

Block G



Allowed Uses:

Commercial, Office & Residential Max Building Height: 7 stories

Minimum Block Frontage:

Public Street 'A' – 20%

Development Example:

Office: 78,000 sf.

Frontage: 35% Public Street 'A'



Development Example

Use of Guidelines

These Development Guidelines are intended for the use of design professionals, the Town of Chapel Hill and the EDGE Development Review Committee. The guidelines define elements of building design in order to achieve a level of unification of architecture throughout the development. They will not control style, creativity or expression. They are intended to allow for adequate unifying form, elements and materials to create a compatible group of buildings with a strong sense of community and place.

Architectural Expression

The EDGE development will be composed of buildings with a variety of uses that can help influence their design. Each building will be unique and will contribute to the overall character of the development. The buildings, when considered as a whole development, should create a sense that is conventional, yet modern and artful. Conventional in the sense that the design accomplishes its purpose cleanly and efficiently; modern in the sense that there are no unpurposeful references to past architecture periods and current innovative materials and design are allowed to surface; artful in the sense that enhancing the experience of the user is the primary goal and consideration. This variety of architectural expression will be visually unified by the following guiding factors.

- The Street level (base) of the building shall be visually distinct from the levels above.
- Horizontal material changes or expression lines are encouraged.
- Provide articulation in the building facade to address a more "human" scale.
- A common palette of building materials will be adopted to guide design. The common material and color palette will provide a sense of cohesiveness.
- Creative variations in the application of these materials are encouraged.

Building Roofs

- Building roofs should be predominately flat (shallow pitched) with parapet walls on all sides that screen mechanical equipment from public view.
- Pitched roofed areas (single slope, gable, or hipped) can be elements of the larger buildings.

Common Material Palette

Building exterior materials are grouped as follows. A materials list of specific selections will be required as part of the Zoning Compliance Permit (ZCP) approval process.

Masonry:

Brick

- Size B-A
- Color #B-1
- Color #B-2
- Color #B-3
- Size B-B
- Color #B-4
- Color #B-5
- Color #B-6

Stone

- Style S-A
- Color #S-1
- Color #S-2

Precast

- Shape/Style P-A
- Color #P-1
- Shape/Style P-B
- Color #P-1

Secondary:

Stucco

- Texture ST-A
- Color #ST-1
- Color #ST-2
- Color #ST-3
- Texture ST-B
- Color #ST-1
- Color #ST-2
- Color #ST-3

Secondary:

Horizontal Siding, Vertical Siding

- Group Spacing HVS-A
- Color #HVS-1
- Color #HVS-2
- Color #HVS-3
- Group Spacing HVS-B
- Color #HVS-1
- Color #HVS-2
- Color #HVS-3

Cementitious Panel

- Panel Style CP-A
- Color #CP-1
- Color #CP-2
- Color #CP-3

Metal Panel

- Metal Panel Style MP-A
- Finish #MP-1
- Finish #MP-2
- Metal Panel Style MP-B
- Finish #MP-1
- Finish #MP-2

Accent

 Limited to 10% of the exterior skin of a building facade

Building Glazing

Retail Facades

For the primary retail elevations, the masonry and glazing area as measured from the outside of the glazing frame shall equal or exceed 40% of facade area measured from grade to 10' above grade.

- Secondary elevations facing public areas shall have 30% masonry and glazing as measured by the formula above.
- Spandrel panels or similar elements that act as part of the glazing fenestration can be counted toward the percentage.
- Glazing and fenestration above the 10' line can be counted toward the percentage.
- No reflective glass is allowed.
- Glazing and fenestration is required to be recessed a minimum of 8" from the main plane of the building. Bays and projected fenestration designs are an exception.

Residential and Office Facades

- For the street elevation or elevations facing public areas, the glazing area as measured from the outside of the glazing frame shall equal or exceed 30% of facade area measured from floor line to floor or roof line above.
- Street elevations facing parking of service areas shall have 20% glazing as measured by the formula above.
- Spandrel panels or similar elements that act as part of the glazing fenestration can be counted toward the required percentage.
- There are no limitations on glazing and fenestration forms and styles.
- Reflective glass is allowed, but should be limited.

Building Street Front

Residential Street Front

- Residential units within 5' of the sidewalk may have a stoop and steps down from their elevated porches.
- Podium parking exposed by grade shall be screened by a landscape screen along 60% of the portion of the wall that will reach 6' in height at maturity. If openings are required they will have decorative screening.
- Residential entries may be recessed 2' or covered.

Retail Street Front

- Glazing and fenestration should be recessed a minimum of 8" from the main plane of the building. Bays and projected fenestration designs are an exception.
- Awnings, canopies, and arcades are encouraged

Office Street Front

- Glazing and fenestration should to be recessed a minimum of 8" from the main plane of the building at the street level.
- Building entries are to be expresses with an architectural element. A landscape strip at the perimeter of the building along the street front is encouraged.

Entrance Feature

To help ensure the success of the commercial uses at the EDGE, a critical element of the project is to establish a presence and visibility from the primary road frontage. To achieve this, a large entrance feature is planned in the southeast corner of the property at the location shown in Block 'A' on the Block Plan. This entrance feature will be a prominent artistic element that acts as a both a gateway to north Chapel Hill, and to identify the EDGE and the businesses within the project. Given the property's existing topography and orientation to the adjacent primary roads, the entrance feature will need to be large enough in scale and height to be visible from the primary road frontage on Martin Luther King Jr. Boulevard. Additional details of the entrance feature will be developed as part of the ZCP approval process.



U.S. Department of Transportation Federal Transit Administration REGION IV Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands 230 Peachtree St., N.W., Suite 800 Atlanta, GA 30303 404-865-5600 404-865-5605 (fax)

Mr. Brian Litchfield Transit Director Chapel Hill Transit Town of Chapel Hill 6900 Millhouse Rd Chapel Hill, NC 27516

Re: Eubanks P&R Lot

Dear Mr. Litchfield:

OCT 1 4 2014

The Federal Transit Administration (FTA) has received and reviewed Chapel Hill Transit (CHT)'s letter dated August 4, 2014, in which CHT requested to modify the existing Eubank Park & Ride Lot located in the Town of Chapel Hill, NC. FTA also reviewed other documents provided by CHT relevant to the subject property.

The Eubank Park & Ride Lot was built on a 6.223 acres site in 1994 and is currently owned and operated by the Town of Chapel Hill (the Town). The west 1.706 acres of the land was purchased with FTA funds in 1993. The total purchase price was \$200K, 80% of it in the amount of \$160K was funds provided by FTA. The remaining 4.517 acres of the land was donated to the Town by a third party.

According to information provided by CHT, a mixed use development project is proposed adjacent to Eubanks P&R Lot. The project is a high density, transit oriented, mixed use village that includes residential, retail, office and hospitality uses. The proximity to the Eubanks P&R Lot would provide an efficient connection between the development and the transit services. The establishment of the high density residential use and office use in close proximity to the existing park/ride lot will encourage the use of the available transit for residents, workers and visitors. In order to accommodate the future traffic and the entrance/exit point of the proposed development, access to the Eubanks P&R Lot needs to be modified. The modifications will not result in a loss of any parking spaces and cause adverse effect to transit operations.

FTA has no objection to the CHT's proposed improvements to Eubanks P&R Lot as the modifications will improve the ingress/egress route of the existing P&R Lot.

Page 2 of 2

Re: Eubanks P&R Lot

CHT is required to maintain satisfactory continuing control over the property and all improvements. ADA access of the improved Eubanks P&R Lot should be made to comply with the ADA requirements.

If you have any questions, please contact Guanying Lei at (404) 865-5615 or via email at guanying.lei@dot.gov.

Sincerely,

Yvette G. Taylor Ph.D.
Regional Administrator



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 02/23/2015

AGENDA #11

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability

Gene Poveromo, Development Manager

Judy Johnson, Principal Planner

SUBJECT: Public Hearing: Proposal for Zoning Atlas Amendment– Weaver Crossing, 1171

Weaver Dairy Road

Recommended Council Action

• Open the public hearing and receive public comment on the Zoning Atlas Amendment.

Explanation of Recommendation

 We will return to the Council with recommendations for action after the Council has received public comment and evidence this evening and after the hearing has been reconvened.

Key Considerations

• None identified at this time

Planning Commission Recommendation

• Voted 8-0 to enact the proposed rezoning

Fiscal Note

• Fiscal impact not determined.

Council Goal

- Create A Place for Everyone
- Facilitate Getting Around
- Develop Good Places New Spaces
- Nurture Our Community
- Support Community Prosperity and Engagement

Attachments

- Staff Memorandum
- Resolution of Consistency
- Ordinance A, enacting the rezoning, and zoning map
- Resolution B
- Planning Commission's Recommendation
- Applicant's Materials

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 – Weaver Crossing,

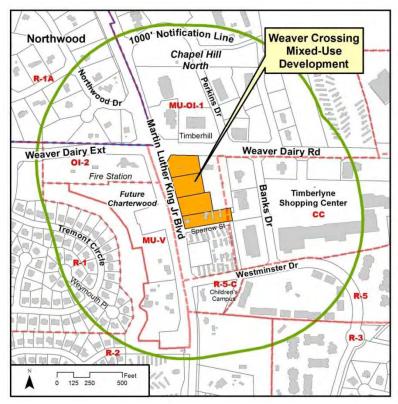
1171 Weaver Dairy Road (Project #14-051)¹

DATE: February 16, 2015 REISSUED: February 23, 2015

INTRODUCTION

Attached for your consideration is a Zoning Atlas Amendment application, submitted by Scott Murray Land Planning, Inc. which proposes to rezone a 3.7 acre site from Mixed Use-Office/Institutional-1 (MU-OI-1) zoning district to Community Commercial-Conditional (CC-C) zoning district. The 3.7 acre site is located at 1171 Weaver Dairy Road at the southeast corner of the intersection with Martin Luther King Jr. Blvd. The parcel identifier numbers are Orange County 9880-25-9676, 9880-25-8495, 9880-25-9324, and 9880-35-0055.

¹ <u>http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-activity-report/weaver-crossing-mixed-use-development</u>



There is an accompanying Special Use Permit application that proposes development including construction of 40,706 square feet of business general and convenience as well as clinic space and one drive-up window (pharmacy) along with 132 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 Community Commercial-Conditional zoning district will accommodate the proposed development intensity including floor area and height.

Proposed Development Intensity – Zoning Districts							
Existing MU-OI-1 Proposed CC-C							
	Zoning District ² Zoning District						
Floor Area	Maximum Allowed	42,558 sq. ft.	69,156 sq. ft.				
Fiooi Alea	Proposed Development	NA	40,706 sq. ft.				
Primary Height	Maximum Allowed	29 feet	34 feet				
Filliary Height	Proposed Development	NA	Not proposed				
Coon down Hoight	Maximum Allowed	60 feet	60 feet				
Secondary Height	Proposed Development	NA	50 feet				

The surrounding uses and zoning districts are as follows:

² Because the site is less than 20 acres, the OI-1 land use intensities apply to the site; therefore, the building heights are less than allowed maximum heights allowed in the MU-OI-1 district

Surrounding Development Patterns				
General Development Pattern General Business and Commercial area				
North Mixed Use-Office/Institutional-1 (MU-OI-1) Timber Place office condominiums				
East Mixed Use-Office/Institutional-1 (MU-OI-1) – vacant Montessori School and Community Commercial (CC beyond (Timberlyne Shopping Center)				
South Mixed Use-Office/Institutional-1 (MU-OI-1) – traile with approximately 25 trailers				
West Mixed Use-Village (MU-V) – the Evolve 1701 North development (formerly known as Charterwood Development); Office/Institutional-2 (OI-2) – Town of Chapel Hill's Fire Station #4.				

BACKGROUND

The 2020 Land Use Plan,³ a component of the 2020 Comprehensive Plan,⁴ designates this site as a Town/Village Center use and as a Development Opportunity Area.

The following are themes from the 2020 Comprehensive Plan, adopted in June 25, 2012:

Conforms	No.	2020 Comprehensive Plan Themes	
	1.	A Place for Everybody	
	2.	Community Prosperity and Engagement	
	3.	Getting Around	
	4.	Good Places, New Spaces	
$\sqrt{}$	5.	Nurturing Our Community	
	6.	Town and Gown Collaboration	

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

- Development opportunities exist in this area near the I-40 interchange.
- Development opportunities in this area currently are constrained by circulation and access limitation.
- Existing transit service along Martin Luther King Jr. Blvd. and anticipated development of higher capacity bus service could support new development opportunities.

The plan also identifies next steps:

Evaluate improved access to I-40 and well-designed improvements to access and circulation; consider impacts north of I-40.

³ http://www.townofchapelhill.org/home/showdocument?id=1215 ⁴ http://www.townofchapelhill.org/home/showdocument?id=15001

- Focus additional efforts, in partnership with property owners in the area, to identify sections to rezone and to provide enhanced connectivity for bicycles, transit, pedestrians, and vehicles using the complete streets approach.
- Use a community-based process to identify areas for new uses and areas where walkable development can enhance the area. Consider design guidelines or a form-based approach to selected sections of the area.

The Northern Area Task Force Report ⁵ refers to this area as a Gateway Entrance and includes objectives of architecturally interesting buildings and design features. The site is included in Focus Area 3 and the report states the intersection of Martin Luther King Jr. Blvd. and Weaver Dairy Road should have "highly visible gateway entrance that contains a retail component. The east side of Martin Luther King Jr. Blvd. should be mixed use".

We believe 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 Analysis of the Rezoning Application section below and the attached applicant's Statement of Justification.

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⁵ http://www.ci.chapel-hill.nc.us/home/showdocument?id=1050

CONDITIONAL USE REZONING REQUEST

In Chapel Hill, a rezoning may be requested as either a general use rezoning or a conditional rezoning request. A general use rezoning request is to change the zoning to a different zoning district in which any of several kinds of developments and uses are permitted. A conditional use rezoning request is to allow development and uses only with approval of a Special Use Permit or Special Use Permit Modification. This rezoning request is a conditional use rezoning request and it is accompanied by a Special Use Permit application.

The Council has the discretionary authority to approve or deny a rezoning request. 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. If a sufficient protest petition is filed with the Town Clerk at least 2 business days prior to the date of the public hearing, the proposed rezoning shall not become effective except by favorable vote of not less than three-fourths of the Town Council. Copies of protest petition forms and additional information are available from Planning and Sustainability or the Town Clerk. We will report at tonight's Public Hearing regarding any valid protest petition that have been submitted.

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:

- <u>Argument in Support</u>: The applicant has not offered arguments to support this circumstance. We were unable to identify any arguments in support of a manifest error.
- <u>Argument in Opposition</u>: 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:

- <u>Argument in Support</u>: 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:
 - "Conditional Use Community Commercial category is recommended which allows of slightly more intense development and more urban forms." [excerpt from Applicant's Statement]
- <u>Argument in Opposition</u>: 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) and in the Background section of this memorandum above. The rezoning 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:

"Weaver Crossing is planned to include a mixture of uses that serve the daily needs of the neighboring homes and businesses. Shops and businesses fronting MLK Jr. Blvd. and Weaver Dairy Rd. will help activate this important entryway intersection." [excerpt from Applicant's Statement]

"Weaver Crossing supports local transportation systems (mass transit, vehicular, bicycle, and sidewalk) by adding important business services and job opportunities at key nodes. Located in close proximity to a substantial number of existing and planned housing, the shops at Weaver Crossing will provide access to residents that either choose not to drive or cannot afford to drive." [excerpt from Applicant's Statement]

"The Northern Area Task Force Report (2008) and the Town's 2020 Comprehensive Plan identifies the subject property as a Development Opportunity Area-Town Village Center. We believe that 2-story architecture on the corner of Weaver Dairy and MLK Jr. Blvd. with vehicular circulation necessary to support the street level businesses is the best way to fulfill this vision." [excerpt from Applicant's Statement]

• <u>Argument in Opposition</u>: To date no arguments in opposition have been submitted or identified by staff.

RECOMMENDATIONS

<u>Planning Commission Recommendation</u>: At the January 6, 2015 Planning Commission meeting, the Commission voted 8-0 to recommend that the Town Council enact the proposed rezoning. The Commission also voted 6-2 on the Resolution of Consistency. The dissenting Commissioners were of the belief that the proposal was not in compliance with the 2020 Comprehensive Plan or the Northern Area Task Force Report. Please see the attached Summary of Action.

<u>Staff Recommendation</u>: We recommend that the Town Council open the public hearing, receive comments, and consider the attachments associated with this application. The attached resolution of consistency provides for consistency of the proposed rezoning with the Comprehensive Plan. The attached ordinance would approve the rezoning. The attached resolution would deny the rezoning request.

RESOLUTION A

(Rezoning From Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial-Conditional (CC-C)

A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR WEAVER CROSSING, 1171 WEAVER DAIRY ROAD, AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (PINs 9880-25-9676, 9880-25-8495, 9880-25-9324, and 9880-35-0055, PROJECT #14-051)

WHEREAS, the Council of the Town of Chapel Hill has considered the application from Scott Murray Land Planning, Inc. to amend the Zoning Atlas to rezone property described in the accompanying rezoning application from Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial-Conditional (CC-C) 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:

- Increase in commercial tax base;
- Enhances the northern entranceway;
- Expands a necessary use in a Development Opportunity Area;
- Promotes connectivity of all types social, economic, physical (walkable design);
- Strengthens existing businesses; and
- Efficient use of public facilities.

	reby finds the prop	-	Council of the Town of Chapel Hill th reasonable and consistent with the To	
This the	day of	, 2015.		

ORDINANCE A

Rezoning From Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial-Conditional (CC-C)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR WEAVER CROSSING, 1171 WEAVER DAIRY ROAD PINs 9880-25-9676, 9880-25-8495, 9880-25-9324, and 9880-35-0055, PROJECT #14-051) [(YEAR-MO-DA]/ O-#)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Weaver Crossing, 1171 Weaver Dairy Road, to amend the Zoning Atlas to rezone property described below from Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial-Conditional (CC-C) 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, including:

- Increase in commercial tax base:
- Enhances the northern entranceway;
- Expands a necessary use in a Development Opportunity Area;
- Promotes connectivity of all types social, economic, physical (walkable design);
- Strengthens existing businesses; and
- Efficient use of public facilities.

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) 9880-25-9324, and 9880-35-0055 along with one-half of the abutting right-of-way of Martin Luther King Jr. Blvd. on the western side of the parcels and one-half of the abutting right-of-way of Sparrow Road on the southern side of the parcels are to be rezoned to Community Commercial-Conditional (CC-C). (See the proposed Rezoning Boundary map.)

The following metes and bounds describe the joined boundaries of PIN 9880-25-9324, and 9880-35-0055: Commencing at North Carolina Geodetic Survey Monument "Ashley", having North American Datum 1983 grid coordinates of N=803,939.947 US Feet and E= 1,983,103.996 US Feet; thence North 05°26'52" West 1247.77 feet to an existing p.k. nail at the northwest corner of the land designated as Sparrow Street as shown on Plat Book 82, Page 89, Orange County Registry, and being on the eastern right of way of North Carolina Highway 86 (variable right of way); thence the following courses and distances along the eastern right of way of North Carolina Highway 86: (1) North 14°28'53" West 100.24 feet to an existing iron rod, (2) North 14°28'53" West65.97 feet to an iron pipe set, and (3) North 16°14'08" West 80.18 feet to an existing iron rod, the point of BEGINNING; thence continuing along the eastern right of way of North Carolina Highway 86 the following courses and distances: (1) North 16°14'08" West 121.79 feet to an iron pipe, (2) North 17°17'47" West 39.66 feet to an iron rod, and (3) North 17°17'47" West 120.34 feet to an iron rod; thence North 28°06' 19" East 73.41 feet to an iron rod

at the intersection of the eastern right of way of North Carolina Highway 86 and the southern right of way of Weaver Dairy Road (SR 1733); thence along the southern right of way of Weaver Dairy Road South 87°57'02" East 206.10 feet to an iron rod at the northwest corner of the property now or formerly owned by Catherine Beemer, *et al.*, as recorded in Deed Book 842, Page 386; thence along the western property line of the said Beemer property the following courses and distances: (1) South 10°16'58" East 132.96 feet to an iron rod, and (2) South 10°16'58" East 157.63 feet to an iron rod; thence South 78°57'15" West 214.78 feet to the point of BEGINNING, and being all of that property shown as Tract A (0.85 acre) and Tract B (0.82 acre) on survey entitled "ALTA/ACSM Land Title Survey, Ram Development Company, NC Highway 86 and Weaver Dairy Road (SR 1733), Chapel Hill, Chapel Hill Township, Orange County, North Carolina" by Mack Gay Associates, P.A dated May 3, 2005 and revised September 29, 2005.

SECTION II

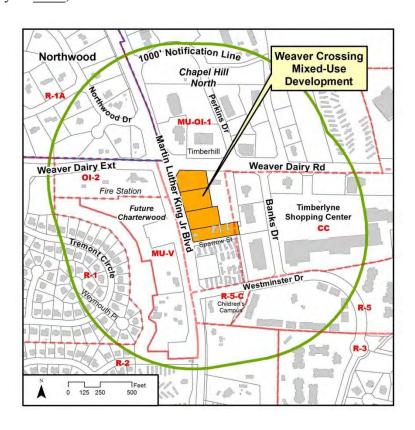
The Orange County parcels identified by Parcel Identification Numbers (PIN) 9880-25-9676 and 9880-25-8495 along with one-half of the abutting right-of-way of Martin Luther King Jr. Blvd. on the western side of the parcels and one-half of the abutting right-of-way of Weaver Dairy Road on the northern side of the parcels are to be rezoned to Community Commercial-Conditional (CC-C). (See the proposed Rezoning Boundary map.)

The following metes and bounds describe the joined boundaries of PIN 9880-25-9676 and 9880-25-8495: Commencing at North Carolina Geodetic Survey Monument "Ashley", having North American Datum 1983 grid coordinates of N=803,939.947 US Feet and E= 1,983,103.996 US Feet; thence North 05°26'52" West 1247.77 feet to an existing p.k. nail at the northwest comer of the land designated as Sparrow Street as shown on Plat Book 82, Page 89, Orange County Registry, and being on the eastern right of way of North Carolina Highway 86 (variable right of way) and being the POINT AND PLACE OF BEGINNING; thence North 14°28'53" West 100.24 feet to an existing iron rod located at the eastern right of way of North Carolina Highway 86 (variable right of way) and also being the southwestern comer of the property now or formerly owned by Dennis H. Howell described in Deed Book 408, Page 638, Orange County Registry, shown as Tract C (0.84 acre) on the survey described below; thence continuing along the eastern right of way of North Carolina Highway 86 the following courses and distances: (1) North 14°28'53" West 65.97 feet to an iron pipe set; and (2) North 16°14'08" West 80.18 feet to an existing iron rod located at the southwestern comer of the property now or formerly owned by Dennis H. Howell, described in Deed Book 408, Page 63 8, Orange County Registry, and shown on Plat Book 37, Page 97, Orange County Registry, shown as Tract B (0. 82 acre) on the survey described below; thence leaving the right of way of North Carolina Highway 86 and along the southern property line of the above-described Tract B North 78°57' 15" East 214.78 feet to an existing iron rod located at a point in the property line of property now or formerly owned by Catherine Beemer, et al., described in Deed Book 842, Page 386, Orange County Registry, and shown on Plat Book 40, Page 68 and Plat Book 3 5, Page 134, Orange County Registry; thence North 79°48'43" East 41.89 feet to an existing iron pipe located at a point on the property line of the above described Beemer property; thence continuing along the western property line of the above described Beemer property South 10°19'55" East 148.38 feet to an existing iron rod located at a point on the northern property line of the property now or formerly owned by Dennis H. Howell described in Deed Book 492, Page 185, Orange County Registry, shown on Plat Book 31, Page 122, Orange County Registry, and shown as Tract D (0.85 acre) on the survey described below; thence along the property line of the Beemer Property North 79° 4 3 '40" East 131.90 feet to an existing iron rod located in the centerline of the abandoned Weaver Street (per council resolution 84-R-196) as shown on Plat Book 82, Page 89, Orange County Registry; thence South 10°12'29" East 99.97 feet to an existing iron rod; thence leaving the centerline of the abandoned Weaver Street South 79°43'40" West 23.58 feet to an existing iron pipe; thence continuing South 79°43'40" West 344.49 feet to the POINT AND PLACE OF BEGINNING, and being all of that property shown as Tract C (0.84 acre) and Tract D (0.85 acre) on survey entitled "ALTA/ACSM Land Title Survey, Ram Development Company, NC Highway 86 and Weaver Dairy Road (SR 1733), Chapel Hill, Chapel Hill Township, Orange County, North Carolina" by Mack Gay Associates, P.A. dated May 3, 2005 and revised September 29, 2005.

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 Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial-Conditional (CC-C)

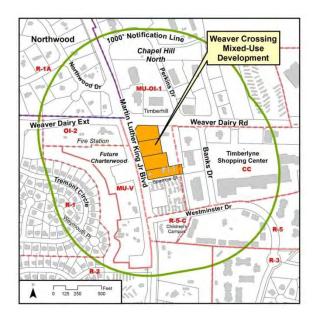
A RESOLUTION DENYING AN APPLICATION FOR A ZONING ATLAS AMENDMENT FOR WEAVER CROSSING, 1171 WEAVER DAIRY ROAD (PINs 9880-25-9676, 9880-25-8495, 9880-25-9324, and 9880-35-0055, PROJECT #14-051)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Weaver Crossing, 1171 Weaver Dairy Road, to amend the Zoning Atlas to rezone property described below from Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial-Conditional (CC-C) 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 Weaver Crossing, 1171 Weaver Dairy Road, to amend the Zoning Atlas to rezone the property identified as now or formerly Orange County Parcel Identifier Numbers 9880-25-9676, 9880-25-8495, 9880-25-9324, and 9880-35-0055 that is currently zoned Mixed Use-Office/Institutional-1 (MU-OI-1) and located at 1171 Weaver Dairy Road at the intersection of Martin Luther King Jr. Blvd., including half of the Weaver Dairy Road and Martin Luther King Jr. Blvd. right-of-way within the Chapel Hill Town Limits that is abutting the property frontage, shall not be rezoned to Community Commercial-Conditional (CC-C). The description of the entire property is indicated on the attached map.

This the _____ day of _____, 2015.



PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION WEAVER CROSSING (PROJECT #14-051) ZONING ATLAS AMENDMENT CONSISTANCY WITH COMPREHENSIVE PLAN January 6, 2015

Recommenda	ation:	Approved		Approval with Con	ditions		Denied \square
Motion:	-	•		Webber seconded to of Consistency:	recomm	end app	proval of
Vote:	6 - 2						
	Ayes:	Neal Bench Ryan, and	*	Crayton, Deborah Ful ebber	ghieri, M	Iichael l	Parker, Amy
	Nays:	Melissa Mc	:Cullough	, and Brian Wittmaye	er		
	Reason	•		he project does not fu or the Northern Area			

Prepared by: Neal Bench, Chair, Planning Commission

Judy Johnson, Staff

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION WEAVER CROSSING (PROJECT #14-051) ZONING ATLAS AMENDMENT January 6, 2015

Recommend	ation:	Approved		Approv	al with Condition	\Box	Denied \square
Motion:	-	yan moved a r Crossing Z			seconded to record lment:	nmend a	pproval of
Vote:	8 - 0						
	Ayes:		•	•	Deborah Fulghieri, Buffie Webber, and		U ,
	Nays:						
Prepared by:		Bench, Chai Johnson, Sta	*	ng Comm	ission		

ZONING ATLAS AMENDMENT APPLICATION

Revised 02.04.14



TOWN OF CHAPEL HILL Planning Department

405 Martin Luther King Jr. Blvd phone (919) 968-2728 fax (919) 969-2014 www.townofchapelhill.org

July 28, 2014 Date: 9880259676, 9880258495, 9880259324, and 9880350055 Parcel Identifier Number (PIN): Section A: Project Information Project Name: Weaver Crossing 27514 Zip Code: 171 Weaver Dairy Road Chapel Hill, NC Property Address: MU O&I-1 (Conditional Use-CC proposed) **Existing Zoning District:** Use Groups (A, B, and/or C): B&C Mixed-Use - Office and Commercial Project Description: Section B: Applicant, Owner and/or Contract Purchaser Information Applicant Information (to whom correspondence will be mailed) Name: Scott Murray Land Planning, Inc. 1450 Environ Way Address: 27517 Zip Code: NC State: City: Chapel Hill smurray@stmlandplan.com Email: Phone: 252-213-9501 The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate. July 28, 2014 Date: Signature: Owner/Contract Purchaser Information: **Contract Purchaser** X Owner's Agent G.H.K. Developments, Inc. for Walgreen Co. Name: Address: 3920 Magazine St. Zip Code: 70115 **New Oleans** State: LA City: gordon@ghkinc.com Email: Phone: 504-866-7300 The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate. on H. Wal 2 Juuy 28, 2014 Date: Signature:

Page 1 of 2

Parcel Identifier Number (PIN):__



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. For detailed information, please refer to the Description of Detailed Information handout.

х	Application fee (refer to fee schedule)	Amount Paid \$
Х	Pre-Application Meeting – with appropriate staff	
Х	Digital Files - provide digital files of all plans and docume	ents
Х	Mailing list of owners of property within 1,000 feet peri	meter of subject property (see GIS notification tool)
Х	Mailing fee for above mailing list	Amount Paid \$
Х	Written Narrative describing the proposal	
Х	Statement of Justification	
Х	Digital photos of site and surrounding properties	
Х	Legal description of property to be rezoned	
n/a	Phasing Plan (if applicable) indicating phasing boundari	es and phasing notes
Х	Reduced Site Plan Set (reduced to 8.5"x11")	

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

Page 2 of 2	
Parcel Identifier Number (PIN):	

Revised 02.04.14

Weaver Crossing

Chapel Hill, North Carolina

Statement of Justification

Zoning Amendment

July 28, 2014

East West Partners Management Co. (Developer)

Scott Murray Land Planning, Inc. (Landscape Architecture)

John R. McAdams Company (Engineering)

Dishner Moore (Architecture)

The Town's Land Use Management Ordinance identifies three conditions which justify possible amendments to zoning. We believe that both "changed conditions" are present and the Community Commercial zoning proposed is necessary to "achieve the purposes of the comprehensive plan".

CHANGED CONDITIONS

The current zoning category Mixed-O&I-1 allowed for a mixture of office, commercial and residential uses but in a form that is characteristic of more suburban office environments. This zoning category is considered to be obsolete and is not being used for future development parcels. Upon the recommendation of Town Staff ca Conditional Use Community Commercial category is recommended which allows of slightly more intense development and more urban forms.

ACHIVENING THE GOALS OF THE COMPREHENSIVE PLAN

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. Weaver Crossing responds to these as described below.

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)
- A community of high civic engagement and participation (PFE.5)

Weaver Crossing is planned to include a mixture of uses that serve the daily needs of the neighboring homes and businesses. Shops and businesses fronting MLK Jr. Blvd and Weaver Dairy Rd. will help activate this important entryway intersection. Office uses above will attract local businesses helping to create a level of activity that is highly desirable for this key entryway focus area. Expanded wellness services are now a key feature of drug stores, as are expanded food sales offering more complete shopping opportunities. Transparency will define the architectural character of the ground floor business which are designed to front on a one-way lane insuring a vibrant business environment.

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)

The proposed development of Weaver Crossing will add to the Town's annual tax base as illustrated in the following table. The total amount of revenue generated from sales tax would be in addition to those listed below.

		Existing Value	Developed Value	Tax Increment
Municipality	Rate	\$1,522,674	\$7,200,000	\$5,677,326
Town	0.5240%	\$7,979	\$37,728	\$29,749
Schools	0.2084%	\$3,173	\$15,005	\$11,832
County	0.8780%	\$13,369	\$63,216	\$49,847
Total	1.6104%	\$24,521	\$115,949	\$91,428

The businesses of Weaver Crossing are easily accessible via sidewalk to low-moderate income housing located to the south of Sparrow Lane and along Westminster Dr.

Residents of Charterwood, when developed, will be able to access these businesses by pedestrian crossings that currently exist along MLK Jr. Blvd. Coupled with existing mass transit routes that now serve the MLK Jr. Blvd. corridor, this level of accessibility promotes a safe, vibrant and connected community focus. Weaver Crossing will provide positive sales and property tax revenue with minimal expense to the Town. The property is currently served by water and sewer.

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)

Weaver Crossing supports local transportation systems (mass transit, vehicular, bicycle and sidewalk) by adding important business services and job opportunities at key nodes. Located in close proximity to a substantial number of existing and planned housing, the shops at Weaver Crossing will provide access to residents that either choose not to drive or cannot afford to drive. The development is proximate to a proposed mass transit stop further enhancing access by alternative transportation modes. The proposed circulation is designed to encourage sidewalk activity for shops and businesses with a one-way street and angled parking. This design concept was encouraged by the Town's EDC and is consistent with a Type 'B' Street being considered for the Fordham-Ephesus Form Based Code. This parking and circulation is essential to support the businesses while the configuration minimizes the cross-section width and visual impact. Designed for slow speeds, its design enhances pedestrian activity as well as access by bicyclists.

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 Northern Area Task Force Report (2008) and the Town's 2020 Comprehensive Plan identifies the subject property as a Development Opportunity Area-Town Village Center. We believe that that 2-story architecture on the corner of Weaver Dairy and MLK Jr. Blvd. with vehicular circulation necessary to support the street level businesses is the best way to fulfill this vision. Additional businesses occupying the 2nd level of the corner building will help to support those located at the street. Exemplary architecture with a high level of transparency at street-level is essential in order to activate the pedestrian realm of this "strategic entranceway gateway". Services and jobs that will locate at Weaver Crossing will help to strengthen the community and economic prosperity of the surrounding community. The businesses will be easily accessible by alternative transportation modes including bus, bicycle and pedestrian, adding to the social equity for those not able to drive.

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)

Provisions are included to manage on-site all stormwater run-off to meet the Town and State requirements. Both stormwater retention and water quality treatment will be sized to meet all State requirements. A subgrade retention structure and sand filter is proposed for this purpose. These facilities constitute the Best Management Practices that will insure that stormwater runoff does not exceed pre-development conditions.

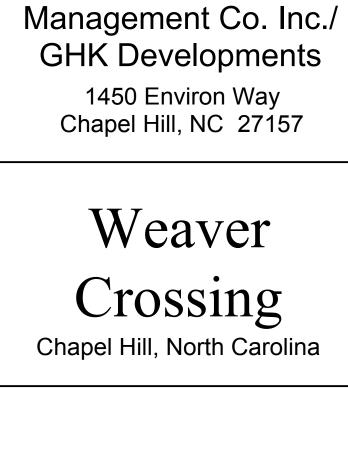
Full cutoff lighting will be used throughout the site and designed in a way to meet all Town requirements. On-site traffic circulation and improvements to Sparrow Lane will insure minimal impact to surrounding properties. Additional traffic mitigations that may be required as a result of the Traffic Impact Analysis will be incorporated into the Special Use Permit Application.























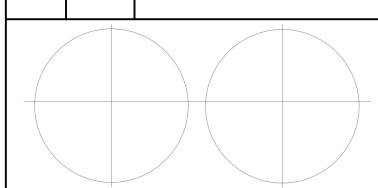
Engineering and Stormwater Consultant:

P.O. Box 14005 Research Triangle Park NC 27709

MCADAMS 2905 Meridian Parkway Durham, NC 27713

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Date: Issue Notes:



Scott Murray Land Planning, Inc. 1450 Environ Way Chapel Hill, NC 27517 252-213-9501 434-689-2925 (fax) www. stmlandplan.com smurray@stmlandplan.com

CAD File:

AS SHOWN 2/19/2014 Drawn By:

CP-3.0

STM Drawing No.:

View South Towards Property Coner MLK Jr. Blvd & Weaver Dairy Rd.























Landscape Architecture | Environmental Design | Project Managemen

Developer:

East West Partners Management Co. Inc./ **GHK Developments**

1450 Environ Way Chapel Hill, NC 27157

Weaver Crossing

Chapel Hill, North Carolina

Photos of Surrounding Properties

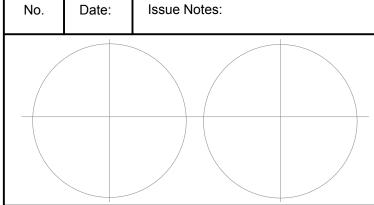
Engineering and Stormwater Consultant:



P.O. Box 14005 Research Triangle Park NC 27709

MCADAMS 2905 Meridian Parkway Durham, NC 27713

182



Design Firm:

Scott Murray Land Planning, Inc. 1450 Environ Way Chapel Hill, NC 27517 252-213-9501 434-689-2925 (fax) www. stmlandplan.com smurray@stmlandplan.com

CAD File:

AS SHOWN 2/19/2014 Drawn By: STM

CP-3.1

Drawing No.: na



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 02/23/2015

AGENDA #12

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability

Gene Poveromo, Development Manager

Judy Johnson, Principal Planner

SUBJECT: Public Hearing: Proposal for Special Use Permit – Weaver Crossing, 1171

Weaver Dairy Road

Recommended Council Action

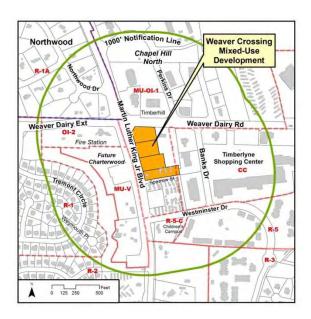
• Open the public hearing and receive public comment and receive evidence on the proposed Special Use Permit.

Explanation of Recommendation

 We will return to the Council with recommendations for action after the Council has received public comment and evidence this evening and after the hearing has been reconvened.

Project Description

- Special Use Permit application, located at the corner of Weaver Dairy Road and Martin Luther King Jr. Blvd. includes retail, office, and medical clinic uses in 40,706 square feet of floor area.
- Accompanied by a Zoning Atlas Amendment application to rezone the property from Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial-Conditional (CC-C).



Background

February 21, 2007
 March 26, 2014
 May 19, 2014
 July 31, 2014
 Concept Plan reviewed by the Community Design Commission.
 Concept Plan reviewed by the Community Design Commission.
 Concept Plan reviewed by Town Council.
 Special Use Permit and Zoning Atlas Amendment Applications submitted.

Key Considerations

- Martin Luther King Jr. Blvd Access The project is proposing two access points to
 Martin Luther King Jr. Blvd., one from Sparrow Road and the second as a right-in/rightout driveway. The proposed right-out configuration is a vehicle stop design, requiring
 exiting vehicles to stop before proceeding onto Martin Luther King Jr. Blvd. This stop
 design should minimize conflicts with bicycle traffic.
- Cross Access Easement The proposed cross-access easement with the property to the east (1165 Weaver Dairy Road also on tonight's agenda) has potential to serve as a shared driveway access for both properties in the future to Weaver Dairy Road.
- Modifications to Regulations The applicant is seeking Council approval of
 modifications to the Land Use Management Regulations for these standards to the
 landscape bufferyards on Weaver Dairy Road, Martin Luther King Jr. Blvd., and Sparrow
 Street, as well as modifications to the parking lot landscaping and off-site illumination.

Advisory Board and Commission Recommendations

- The Planning Commission met and voted 5-3 to recommend that the Council approve Resolution A of the Special Use Permit application with changes.
- Environmental Stewardship Advisory Board met and voted 5-0 to recommend that the Council approve Resolution A of the Special Use Permit application with changes.
- Transportation and Connectivity Advisory Board met and voted 7-0 to recommend that the Council approve Resolution A of the Special Use Permit application with changes.
- Community Design Commission met and voted 4-2 to recommend that the Council approve Resolution A of the Special Use Permit application with changes.

Fiscal Note

• Fiscal Impact not determined.

Council Goal

- Create A Place for Everyone
- Facilitate Getting Around
- Develop Good Places New Spaces
- Nurture Our Community
- Support Community Prosperity and Engagement

Attachments

• Staff Memorandum

- Resolution A
- Resolution B
- Applicant's Materials

STAFF REPORT

SUBJECT: Application for Special Use Permit – Weaver Crossing, 1171 Weaver Dairy

Road¹ (Project No. 14-051)

DATE: February 16, 2015 REISSUED: February 23, 2015

INTRODUCTION

The development includes retail, office, and medical clinic uses in approximately 40,706 s.f. of floor area. The applicant is also proposing to rezone the property from Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial-Conditional (CC-C).

BACKGROUND

February 21, 2007 Concept Plan application reviewed by the Community Design Commission.

March 26, 2014 Concept Plan application reviewed by the Community Design Commission.

May 19, 2014 Concept Plan application reviewed by Town Council.

July 31, 2014 Special Use Permit and Zoning Atlas Amendment Applications submitted.

EXISTING CONDITIONS/DEVELOPMENT PROPOSAL SUMMARY

The Special Use Permit application is proposing the following changes with details indicated in the table below:

Site Description		
Address	1171 Weaver Dairy Road	
Property Description	The parcel is 161,203 square feet (3.7 acres) and located in the southeast corner of the intersection of Weaver Dairy Road and Martin Luther King Jr. Blvd.	
Orange County Parcel Identifier Numbers	9880-25-9676, 9880-25-8495, 9880-25-9324, and 9880-35-0055	
Existing Site Conditions/Proposed Development Description		
Existing use and proposed Special Use Permit	Existing – vacant (previously used as staging area by NCDOT during the improvement project to Weaver Dairy Road and as a Christmas tree sales lot)	

¹ http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-activity-report/weaver-crossing-mixed-use-development

	Proposed – Medical clinic building, retail, and office spaces with		
71	132 parking spaces		
Floor area	A maximum of 69,156 s.f. is allowed under the proposed		
Community Commercial (CC) zoning district. The propos			
A 66 d - 1.1 - 11 11 i.e.	includes a total of 40,706 s.f.		
Affordable Housing Units	Not applicable		
Height	Primary height is 34 feet and secondary height is 60 feet in		
	Community Commercial (CC) zoning district. Proposed height is		
Vacatation	a maximum of 50 feet. The site is predominately open with a small stand of mature pine.		
Vegetation	The site is predominately open with a small stand of mature pine trees in the southern portion of the site.		
Vehicular Parking	Minimum – 161 spaces; Maximum – 224 spaces		
venicular ranking	Provided – 132 parking spaces (see Modifications to Regulations		
	section of this memorandum)		
Bicycle Parking	Required - 28 spaces;		
210 July 1 willing	Provided – 29 spaces (including 15 Class 1)		
Vehicular and Pedestrian	Existing – driveway curb cut to Weaver Dairy Road limited to		
Access	right-in/right-out; Sparrow Street (a public right-of-way) onto		
	Martin Luther King Jr. Blvd limited to right-in/right-out;		
	Proposed – vehicle access to Weaver Dairy Road, limited to right-		
	in/right-out; vehicle access to Martin Luther King Jr. Blvd from		
	an improved Sparrow Street and a new driveway cut, both limited		
	to right-in/right-out.		
Land Disturbance	136,548 s.f.		
Impervious Surface	104,907 s.f. (68%)		
Overlay Zone	None		
Resource Conservation	None		
District overlay zone			
Jordan Riparian Buffer	None		
overlay zone			
Steep Slopes	None		
Zoning	Existing – Mixed Use-Office/Institutional-1 (MU-OI-1);		
	Proposed – Community Commercial-Conditional (CC-C).		
	Requested Modification to Regulations		
Requested Modification to	Parking requirements; Buffer widths and planting materials.		
Regulations			
Community of the contract of t	Surroundings		
General Development			
Pattern North	Mixed Use Office/Institutional 1 (MILOL1) Timberbill Place		
INOIUI	Mixed Use-Office/Institutional-1 (MU-OI-1) Timberhill Place office condominiums		
East	Mixed Use-Office/Institutional-1 (MU-OI-1) – vacant Montessori		
	School and Community Commercial (CC) beyond (Timberlyne		
	Shopping Center		
	Shopping Center		
South	Mixed Use-Office/Institutional-1 (MU-OI-1) – trailer park with		

West	Mixed Use-Village (MU-V) – the Evolve 1701 North	
	development (formerly known as Charterwood Development);	
	Office/Institutional-2 (OI-2) – Town of Chapel Hill's Fire Station	
	#4.	

STAFF ANALYSIS OF APPLICATION

Town staff has reviewed this application for compliance with the themes from the 2020 Comprehensive Plan², the standards of the Land Use Management Ordinance³, and the Design Manual⁴, and offers the following evaluation:

Comprehensive Plan: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

Conforms	No.	2020 Comprehensive Plan Themes	
	1	A Place for Everybody	
	2	Community Prosperity and Engagement	
	3	Getting Around	
	4	Good Places, New Spaces	
	5	Nurturing Our Community	
	6	Town and Gown Collaboration	

We believe that the Weaver Crossing proposal complies with five of the six 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.

Land Use Plan: The 2020 Land Use Plan⁵, a component of the 2020 Comprehensive Plan, designates this site as Town/Village Center and also designated as a development opportunity area as part of the Northern Area Task Force report. The Northern Area Task Force report indicates that this site should be mixed-use with high density residential development. The intersection of Weaver Dairy Road and Martin Luther King Jr. Blvd should also be a highly visible gateway entrance that contains a retail component. The gateway should be connected to the Timberlyne Center by retail uses on the southern side of Weaver Dairy Road.

Zoning: The property is zoned Mixed Use-Office/Institutional-1 (MU-OI-1) and a Zoning Atlas Amendment application accompanies this Special Use Permit application to change the zoning to Community Commercial-Conditional (CC-C).

Intensity – Floor Area, Setbacks, Building Heights, and Building Envelope:

The following analysis is based on the proposed Community Commercial zoning district:

² http://www.ci.chapel-hill.nc.us/town-hall/departments-services/design-chapel-hill/chapel-hill-2020

³ http://www.ci.chapel-hill.nc.us/town-hall/departments-services/planning-and-sustainability/resources/planning-library-plans-regulations-and-guidelines/chapel-hill-land-use-management-ordinance

http://www.ci.chapel-hill.nc.us/home/showdocument?id=2645

⁵ http://www.townofchapelhill.org/home/showdocument?id=1215

Floor Area: The maximum floor area allowed on the 3.7-acre site is 69,156 sq. ft. Setbacks: Setbacks are 22 feet from the street right-of-way and 8 feet from internal property lines.

Building Height: The building primary and secondary height limits are 34 feet and 60 feet.

Comparison of Concept Plan and Special Use Permit Proposals

	Concept Plan	Special Use Permit Application
Floor Area Proposed	38,689	40,706
Vehicular Access	Martin Luther King Jr. Blvd.,	Martin Luther King Jr. Blvd.,
	Sparrow Street, and Weaver	Sparrow Street, and Weaver
	Dairy Road	Dairy Road
Impervious Surface	98,032	104,907
Number of Stories	1-2 stories	1-2 stories

PROPOSED MODIFICATIONS TO REGULATIONS

The applicant requests that the Council approve the following modifications to the Land Use Management Ordinance regulations for parking requirements, minimum buffer widths, and minimum buffer planting requirements.

<u>Table 5.6.6-1</u>: Reduced landscape bufferyards on Weaver Dairy Road from the required 30 feet to a minimum width of between 10 and 13 feet as well as substituting 4" caliper trees in lieu of 2" caliper trees at a 50 percent reduction in quantity.

<u>Table 5.6.6-1</u>: Reduced landscape bufferyards on Martin Luther King Jr. Blvd. from the required 30 feet to a minimum width of between 6.5 feet to 13 feet as well as substituting 4" caliper trees in lieu of 2" caliper trees at a 50 percent reduction in quantity.

<u>Table 5.6.6-1</u>: Reduced landscape bufferyards on Sparrow Street from the required 20 feet to a minimum width of between 8 feet to 16 feet.

<u>Table 5.6.6-1</u>: Reduced landscape bufferyards on eastern interior property line from the required 10 feet to a minimum width of 3 feet.

<u>Section 5.9.6</u>: Eliminating the required minimum five foot wide parking lot screening between the internal parking areas and building facades.

Section 5.9.7: Providing 82 percent of the required minimum parking spaces.

<u>Section 5.11.4</u>: Offsite Illumination allowing for light trespass (1.5 fc maximum) along adjacent NCDOT and Town Arterials. This modification will provide increased illumination of adjacent pedestrian sidewalk areas.

Council Findings and Public Purpose: The Council has the ability to modify the regulations, according to Section 4.5.6 of the Land Use Management Ordinance. We believe that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modification to regulations, the applicant's alternative is to revise the proposal to comply with regulations.

For additional information on the proposed modifications, please refer to the applicants' attached materials.

Transportation

Traffic Impact: A Traffic Impact Study was prepared for the Town by HNTB North Carolina, PC (Executive Summary attached). The study area includes two major signalized intersections along Martin Luther King Jr. Blvd. at Weaver Dairy Road and Westminster Drive as well as several unsignalized intersections. The study assumed that the project would be completed by 2017.

Trip Generation Daily AM Peak Noon Peak PM Peak **Statistics** ITE Trips (Raw) 3,270 123 238 350 Transit/Ped/Bike -245 -12 -12 -35 -0 -135 Pass-by Trips -615 -46 New Trips 2.410 185 111 180

Weekday Trip Generation Summary

TIA Recommended Improvements: Based on traffic capacity analyses for the 2017 design year, and analyses of the existing study area the following improvements are recommended by the TIA as being necessary:

- Retime the Martin Luther King Jr. Blvd traffic signals with Weaver Dairy Road and Westminster Drive to ensure adequate left-turn/u-turn movement signal time.
- The draft traffic impact study analysis considered elimination of the site driveway along Martin Luther King Jr. Blvd. Though traffic operations at this proposed intersection do not indicate any deficiencies in the 2017 build-out scenario, exiting right-turn movements seeking to make a u-turn downstream at Weaver Dairy Road will have to immediately cross three lanes of high volume northbound through traffic. 95th percentile queue estimates in the 2017 PM peak hour indicate that through traffic may potentially block this intersection, as currently located on the site plan. Additional discussions with NCDOT and the Town acknowledge that the potential blocking of this intersection is a worst case scenario, the allowance for the right-turn only ingress and egress is permissible provided adequate internal wayfinding signage is provided directing users to either Sparrow Street or Weaver Dairy Road.

Resolution A includes stipulations requiring the applicant to construct the above improvements.

Vehicular Access: The proposal includes two right-in/right-out driveways, one on Weaver Dairy Road and one on Martin Luther King Jr. Blvd. A third point of access is provided from Sparrow Street. Sparrow Street intersects with Martin Luther King Jr. Blvd as a right-in/right-out intersection. Sparrow Street extends for approximately 330 feet from Martin Luther King Jr. Blvd. as a public street; at approximately the turn in the street, it becomes private property. There is no public access to Westminster Drive. We recommend that a sign be erected indicating that portion of Sparrow Street as private property.

In response to the Traffic Impact Analysis consideration of eliminating the site driveway along Martin Luther King Jr. Blvd. the Town, NCDOT, and the applicant have explored several alternatives. The applicant's design includes a right-in/right-out at the site driveway on Martin Luther King Jr. Blvd. The proposed right-out configuration is a vehicle stop design, requiring exiting vehicles to stop before proceeding onto Martin Luther King Jr. Blvd. This stop design should minimize conflicts with bicycle traffic. The NCDOT and Town believe that with two-way traffic within the site, it would be unsafe to configure the access point on Martin Luther King Jr. Blvd. as an entrance only. There is concern that exiting users could erroneously use an entrance only driveway. In response to this concern, we have included a stipulation requiring a stop sign exit design as well as installation of a concrete pork-chop at the Martin Luther King Jr. Blvd. access point. We have also included a stipulation requiring the use of green paint to delineate the bicycle lane through this area subject to NCDOT approval.

Vehicular Parking: The proposal includes 132 parking spaces. The minimum required is 161 parking spaces and the maximum permitted is 187 spaces. Please refer to the Modifications to Regulations section of this memorandum and the applicant's Statement of Justification for additional information regarding the parking proposal. The applicant states that the property is in a highly active transit corridor with the expectation that a significant number of trips would be accessing the site via public transit.

Cross Access Easement: Prior to issuance of a Zoning Compliance Permit, we recommend that the applicant provide a cross access easement to the property to the east.

Transit: Prior to issuance of a Zoning Compliance Permit, we recommend that the applicant provide a payment-in-lieu of \$16,800 for a bus shelter (with amenities such as a bench, passenger information sign, lighting) at a location to be determined.

Landscape and Architecture

Landscape Bufferyards: The Land Use Management Ordinance requires the following landscape bufferyards:

Location	Required Buffer	Proposed Buffer
West – Martin Luther King Jr. Blvd	30-foot Type 'D'	6.5-13 foot (modified) as well as 50% reduction in tree planting quantities in exchange for an increase in size to 4" total caliper
North – Weaver Dairy Road	30-foot Type 'D'	10-13 foot (modified) as

		well as 50% reduction in plantings in exchange for an increase in size to 4" total caliper
East – Montessori School property	10-foot Type 'B'	3-10 foot (modified)
South – Sparrow Street	20-foot Type 'C'	8-16 foot (modified) with screen wall

The applicant is seeking modifications to the required landscape bufferyard standards. For additional information on the proposed modifications, please refer to the applicant's attached materials.

Parking Lot Shading and Screening: Prior to issuance of a Zoning Compliance Permit, a parking lot landscape, screening, and shading plan in compliance with Section 5.9.6 shall be approved by the Town. The applicant is requesting a modification to regulations for the 5-foot parking lot landscape strip between the parking area and the building. For additional information on the proposed modification, please refer to the above modification to regulations section of this memorandum. The applicant is proposing to add planters, bicycle racks, and lighting to enhance the pedestrian experience. The applicant is also proposing that where there is a significant distance between entrances, that the five-foot minimum landscape standard will be provided.

Building Elevations: Prior to issuance of a Zoning Compliance Permit, the applicant shall obtain Community Design Commission approval of building elevations, and lighting, including special consideration of the location and screening of HVAC.

Environment/Stormwater Management

Stormwater Management: To address the stormwater requirements of the Land Use Management Ordinance, an underground detention facility and sand filters are proposed. Retention and treatment is proposed to be provided beneath the parking areas, minimizing surface ponds. A total of 104,907 square feet of impervious surface is proposed (68% of the site). A total of 136,548 square feet of land disturbance is proposed.

Energy Management Plan: As this Special Use Permit is accompanying a Zoning Atlas Amendment and it is the Council's expectation that an energy efficiency and energy management plan be submitted, the applicant has proposed an Energy Management Plan. The Energy Management Plan details the applicant's proposal for meeting a 20 percent more efficient than ASHRAE as referenced in the 2012 North Carolina Energy Conservation Code standard. Resolution A includes a stipulation requiring an Energy Management Plan.

Recreation

As this development does not have residential component, there is no recreation space requirement.

<u>Fiscal Impact</u>
We anticipate that this development will increase the tax base within the Town but will have increased use of some Town services. Please see the applicant's materials for additional information.

Additional Stipulations in Resolution A (see Resolution A for detailed requirements)

Accessibility Requirements	Prior to issuance of a Certificate of Occupancy, the applicant			
	shall provide the minimum required handicapped facilities			
	and infrastructure required by the American with Disabilities			
	codes and standards.			
Off-Site Construction	Prior to land disturbing activities on adjacent properties			
Easements	associated with construction, the applicant shall provide			
	documentation of approval from property owners affected by			
	off-site construction, if necessary.			
Landscape Protection	We have included our standard stipulation in approval of a			
	Landscape Plan, including screening of parking areas and			
	buildings (as required) as well as a maintenance schedule, and			
	canopy trees.			
Public Art	The applicant is exploring incorporating public art into the			
	design of the bicycle parking facilities. We recommend that			
	applicant work with the Town's Public Arts Officer.			
Erosion Control	Prior to final authorization to begin land disturbing activities,			
	the applicant shall be required to provide a performance bond			
	in accordance with Section 5-97.1 Bonds of the Town Code of			
	Ordinance if more than one acre of land is disturbed. Prior to			
	approval of a Zoning Compliance Permit, the applicant shall			
	provide a copy of the approved erosion and sedimentation			
	control permit from Orange County Erosion Control Division.			
Lighting Plan	Prior to issuance of a Zoning Compliance Permit, the			
	applicant shall submit site plans and other required documents			
	to satisfy the lighting requirements of Section 5.11 of the			
	Land Use Management Ordinance as modified. Following the			
	Advisory Board review, Town staff has recommended			
	inclusion of a stipulation for street lighting.			
Overhead Power Lines	We have included the standard stipulation that all proposed or			
	relocated utility lines comply with section <u>5.12.2 of the Land</u>			
	<u>Use Management Ordinance</u> ⁶			
Fire	Prior to the issuance of a Certificate of Occupancy, the			
	applicant shall be required to obtain Fire Marshal approval for			
	required fire safety features and infrastructure, such as fire			
	hydrants, fire department connections, detailed fire access			
	elements, fire protection devices, heavy-duty pavement, and			
	drive aisle design features. Prior to issuance of a Zoning			

 $^{^6}https://www.municode.com/library/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA_ART$ 5DEDEST_5.12UT

	Compliance Permit, design is subject to Fire Marshal			
D 6 14	approval.			
Refuse Management	Prior to issuance of a Zoning Compliance Permit, the			
	applicant shall provide a letter from a private waste collection			
	service indicating that they have reviewed final plans and are			
	able to provide service.			
Solid Waste Management Plan	Prior to issuance of a Zoning Compliance Permit, the			
	applicant must obtain approval of a Solid Waste Management			
	Plan from Orange County Solid Waste Department.			
Schools Adequate Public	Not applicable.			
Facility Ordinance				
Construction Management	Prior to issuance of a Zoning Compliance Permit, a			
Plan	Construction Management Plan shall be reviewed and			
	approved by the Town Manager.			
Construction Phasing	We recommend that the applicant submit a Phasing Plan with			
8	the Final Plans Zoning Compliance Permit application, if			
	desired. The phasing plan shall detail when public			
	improvements and stormwater management structures shall be			
	completed and inspected as part of that phase prior to			
	requesting a Certificate of Occupancy.			
Traffic and Pedestrian Control	Prior to issuance of a Zoning Compliance Permit, the			
Plan	applicant shall provide a Work Zone Traffic Control Plan for			
	movement of motorized and non-motorized vehicles on any			
	public street that will be disrupted during construction.			
Repairs in the Public Rights-	Prior to issuance of a Certificate of Occupancy, it will be			
of-Ways	necessary to repair all damage for work in the public right-of-			
	way related to the construction of this project. The design			
	must be reviewed and approved by the Town Manager prior to			
	issuance of a Zoning Compliance Permit.			
Street Closure Plan	That prior to the issuance of a Zoning Compliance Permit, the			
Sirce Ciosure I uiii	applicant shall provide a street closure plan, subject to Town			
	Manager approval, for any work requiring street closures.			
	ivialiagor approval, for any work requiring street closules.			

SPECIAL USE PERMIT FINDINGS

The applicant's materials are included as attachments to this memorandum. All information submitted at the public hearing will be included in the record of the hearing. Based on the evidence submitted, the Council will consider whether or not it can make each of the four required findings for the approval of the Special Use Permit. The four findings are:

Finding #1: That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

Finding #2: That the use or development would comply with all required regulations and standards of the Land Use Management Ordinance;

Finding #3: That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and

Finding #4: That the use or development conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.

ADVISORY BOARD AND COMMISSION RECOMMENDATIONS

<u>Planning Commission</u>: The Planning Commission met on January 6, 2015 and voted 5-3 to recommend that the Council approve Resolution A of the Special Use Permit application with the following changes:

• Signalize Sparrow Road.

Staff Comment: The distance separating the intersections of Martin Luther King Jr. Blvd. with Sparrow Road and Westminster Drive do not meet the standards for signalization. We have not included this as a stipulation.

• Add stipulation requiring cross-access easement between this property and the adjoining property to the east.

Staff Comment: We agree and have added a stipulation to Resolution A requiring a cross-access easement to the adjoining property to the east as well as requiring a stub-out of the driveway to the property line.

- Endorse the Transportation and Connectivity Advisory Board's recommendations:
 - O An extended channelized island should be provided at the proposed driveway entrance/exit along Martin Luther King Jr. Blvd. to ensure automobile traffic leaving the site would not have the ability to immediately cross the bikelane and adjacent through lane. The bicycle lane, located between the travel lane and dedicated right turn lane should be highlighted with green paint along the property frontage to alert drivers to the transition with the right turn lane.

Staff Comment: The Town and NCDOT believe the applicant's designed pork-chop, with the stop sign for exiting traffic is more desirable. The extended channelized island would create a situation that exiting drivers would not be stopping and viewing oncoming traffic and bicyclists through the rear of their vehicles increasing the potential for conflicts. Please see the Vehicle Access section of this memorandum for additional information. We have included a stipulation to highlight the bicycle lane, with NCDOT approval.

• With concerns about the potential turning conflicts, the operation of the intersection with Martin Luther King Jr. Blvd and the site driveway should be

revisited after a reasonable period and changes to ingress and egress should be implemented if necessary.

Staff Comment: We believe if the applicant is willing to pay for the study that Resolution A should be revised to include a stipulation requiring such a study within one year of Certificate of Occupancy.

Please see the attached Planning Commission Summary of Action.

Environmental Stewardship Advisory Board: The Environmental Stewardship Advisory Board met on December 9, 2014 and voted 5-0 to recommend that the Council approve Resolution A of the Special Use Permit application with the following changes:

• Maintain the proposed green space and adjust the landscaping as an employee amenity. The proposed green space better integrates the new development into the adjacent neighborhood, considering the reduced buffer and wall area.

Staff Comment: We encourage the applicant consider this recommendation.

Please see the attached Environmental Stewardship Advisory Board Summary of Action.

<u>Transportation and Connectivity Advisory Board</u>: The Transportation and Connectivity Advisory Board met on December 16, 2014 and voted 7-0 to recommend that the Council approve Resolution A of the Special Use Permit application with the following changes:

• An extended channelized island should be provided at the proposed driveway entrance/exit along Martin Luther King Jr. Blvd. to ensure automobile traffic leaving the site would not have the ability to immediately cross the bikelane and adjacent through lane. The bicycle lane, located between the travel lane and dedicated right turn lane should be highlighted with green paint along the property frontage to alert drivers to the transition with the right turn.

Staff Comment: Please see the response under the Planning Commission.

• With concerns about the potential turning conflicts, the operation of the intersection with Martin Luther King Jr. Blvd and the site driveway should be revisited after a reasonable period and changes to ingress and egress should be implemented if necessary.

Staff Comment: We believe if the applicant is willing to pay for the study that Resolution A should be revised to include a stipulation requiring such a study within one year of Certificate of Occupancy.

Please see the attached Transportation and Connectivity Advisory Board Summary of Action.

<u>Community Design Commission</u>: The Community Design Commission met on December 18, 2014 and voted 4-2 to recommend that the Council approve Resolution A of the Special Use Permit application with the following changes:

• Add stipulation requiring cross-access easement between this property and the adjoining property to the east.

Staff Comment: We agree and have added a stipulation to Resolution A requiring a cross-access easement to the adjoining property to the east as well as requiring a stub-out of the driveway to the property line.

• Relocate dumpster to be separated from the pedestrian areas

Staff Comment: We encourage the applicant consider this recommendation.

• Add architectural feature between buildings and make a strong pedestrian connection between the two buildings.

Staff Comment: We encourage the applicant consider this recommendation.

Please see the attached Community Design Commission Summary of Action.

STAFF RECOMMENDATION

<u>Preliminary Recommendation</u>: Our preliminary recommendation is that the Council open the public hearing and receive evidence in support of and in opposition to the Special Use Permit application. Following tonight's public hearing and public comment, we will prepare an evaluation of the evidence submitted in support of and in opposition to this application. We will return to the Council with a recommendation for action after the Council reconvenes the public hearing.

PROJECT FACT SHEET REQUIREMENTS Check List of Regulations and Standards Special Use Permit Application

Weaver Crossing 1171 Weaver Dairy Road	STAFF EVALUATION BASED ON CC-C ZONING	
-	COMPLIANCE	NONCOMPLIANCE
Use Permitted	$\sqrt{}$	
Gross Land Area (3.7 acre)	$\sqrt{}$	
Minimum Lot Width	$\sqrt{}$	
Maximum Floor Area	$\sqrt{}$	
Maximum # of Dwelling Units	n/a	
Minimum Recreation Space	n/a	
Impervious Surface Limits	V	
Land Disturbance Minimized	V	
Maximum # of Vehicular Parking Spaces	√ (with modification to regulations)	
Minimum # of Bicycle Parking Spaces	$\sqrt{}$	
Minimum # of Loading Spaces	n/a	
Minimum Street Setbacks	n/a	
Minimum Interior Setbacks	$\sqrt{}$	
Minimum Solar Setbacks	n/a	
Maximum Primary and Secondary Height limits	V	
Minimum Landscape Bufferyards	$\sqrt{\text{(with modifications to regulations)}}$	
Steep Slope Compliance	n/a	
Parking Lot Screening	√(with modifications to regulations)	
Public Water and Sewer	$\sqrt{}$	
Adequate Public Schools Facilities	n/a	

Prepared February 2015

RESOLUTION A

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR WEAVER CROSSING (PROJECT #14-051)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit application, proposed by Scott Murray Land Planning, Inc., for Weaver Crossing, located at 1171 Weaver Dairy Road on property identified as Orange County Property Identifier Numbers 9880-25-9676, 9880-25-8495, 9880-25-9324, and 9880-35-0055, located in the Community Commercial-Conditional (CC-C) zoning district, if developed according to the Site Plan dated July 28, 2014 and revised October 2, 2014, November 17, 2014, and February 6, 2015, the conditions listed below would:

- 1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- 2. Comply with all required regulations and standards of the Land Use Management Ordinance;
- 3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
- 4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

Modifications to Regulations

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that it finds, in this particular case, that the proposed development with the following requested modifications to regulations satisfy public purposes to an equivalent or greater degree:

1. Modification of Table 5.6.6-1 of the Land Use Management Ordinance to modify the landscape bufferyards as noted in the below table:

Location	Modified Buffer	
West – Martin Luther King Jr. Blvd	6.5-13 foot as well as 50% reduction in tree planting quantities in exchange for an increase in size to 4" total caliper; Buffer plantings include the plantings along the buildings.	
North – Weaver Dairy Road	10-13 foot as well as 50% reduction in plantings	
East – Montessori School property	3-10 foot	
South – Sparrow Street	8-16 foot with screen wall	

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the proposal would provide more visual connectivity to the business entrances and be more in keeping with an urban streetscape along the public realm.

2. Modification of Section 5.9.6 of the Land Use Management Ordinance to not provide the required minimum five-foot parking lot screening between the internal parking areas and building facades.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the proposal would provide more visual connectivity to the business entrances and be more in keeping with an urban streetscape along the public realm.

3. Modification of Section 5.9.7 of the Land Use Management Ordinance to reduce the number of minimum parking spaces from 161 to 132.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the proposal is located in a highly-active transit corridor with expectation that a significant number of trips would be accessing the site via public transit.

4. Modification of Section 5.11.4 of the Land Use Management Ordinance to increase off-site illumination from 0.3 foot-candle to a maximum of 1.5 foot-candles along Weaver Dairy Road and Martin Luther King Jr. Blvd.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the modification will provide increased illumination of adjacent pedestrian sidewalk areas.

BE IT FURTHER RESOLVED that the Council of the Town of Chapel Hill hereby approves the application for a Special Use Permit for Weaver Crossing, 1171 Weaver Dairy Road, in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1.	<u>Construction Deadline</u> : That construction	begin by	_(2 years from the date of
	approval), to be completed by	(4 years from the c	date of approval).

2. Land Use Intensity: This Special Use Permit authorizes the following:

Use: Business Convenience, Business General, Clinic				
Gross Land Area	161,203 square feet			
Total Floor Area Allowed	40,706 square feet			
Maximum # Drive-up windows	1 pharmacy			
Minimum Vehicular Parking Spaces	132 spaces			
Minimum Bicycle Parking Spaces	28 spaces			
Impervious Surface	104,907 square feet			

3. <u>Subsequent Transportation Impact Analysis (TIA) Updates</u>: The project will track the number of trips generated by development proposed on each Final Plans (ZCP) submittal or

for each change of use against the trip threshold and proposed uses in the approved traffic study dated November 2014 by HNTB. If the number of proposed trips exceeds 500 daily vehicular trips above the maximum in the approved traffic impact study, an updated study may be required. The cost of preparing the TIA shall be borne by the developer and shall be conducted by the Town's TIA consultant. The project will only be required to address additional roadway mitigation measures found to be required by the increased trip generation from the project and not for additional trips from other developments, increased background traffic or from the Town's facilities.

4. <u>Detailed Plan Review and Approval</u>: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved. Such plans shall conform to plans approved by the Council and demonstrate compliance with all applicable regulations and standards of the Land Use Management Ordinance and the Design Manual.

Plans, plats, and associated detailed requirements as set forth in the stipulations of this resolution and incorporated into the special use permit shall be reviewed and approved by the Town Manager, or his designee, as well as outside agencies, such as NCDOT, OWASA and Duke Energy, where indicated.

5. <u>Performance Bond</u>: Prior to commencing construction activity for required improvements in the public right-of-way, a performance bond shall be provided to the Town to ensure that improvements are in accordance with Town standards.

Access

- 6. <u>Off-site Construction Easements</u>: Prior to any land disturbance on abutting properties it will be necessary to provide documentation of approval from the affected property owner(s).
- 7. <u>Cross-Access Easement and Driveway Stub-out</u>: That the applicant shall construct a stub-out driveway to the adjoining property as shown on the plans. That a vehicular and pedestrian cross-access easement for ingress and egress to and through the site from the adjoining property to the east be recorded with Orange County prior to issuance of a Certificate of Occupancy. The proposed easement and documents shall be reviewed and approved by the Town Manager prior to recordation.
- 8. Accessibility Requirements: That prior to issuance of a Certificate of Occupancy, the applicant shall provide the minimum required handicapped parking spaces and design all handicapped parking spaces, ramps, and crosswalks, and associated infrastructure according to Americans with Disabilities Act standards, North Carolina Building Code, American National Standards Institute (ANSI) Code, and Town standards.
- 9. <u>Low Vision Design Features</u>: Pedestrian facilities that incorporate low vision design features are encouraged.

Transportation

- 10. <u>Public Right-of-Way Dedication Plat</u>: That prior to the issuance of a Certificate of Occupancy, the applicant submit a recorded right-of-way dedication plat for all required public roadway improvements associated with the development. That the plat shall be reviewed and approved by the Town Manager and NCDOT prior to recordation.
- 11. <u>Sidewalks</u>: Prior to issuance of a Certificate of Occupancy, the developer shall provide a five-foot wide concrete sidewalk constructed to Town standards along the Weaver Dairy Road frontage.
- 12. <u>Traffic Signal Payment-in-Lieu</u>: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a \$5,000 payment to the Town for retiming traffic signals in proximity to the site.
- 13. <u>Martin Luther King Jr. Blvd. Improvements</u>: Prior to issuance of a Certificate of Occupancy, the developer shall extend the right turn lane taper on Martin Luther King Jr. Blvd. along the property frontage. The bicycle lane shall be highlighted with green paint, subject to NCDOT approval.
- 14. <u>Repairs in Public Right-of-Way</u>: Prior to issuance of a Certificate of Occupancy, it will be necessary to repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design must be reviewed and approved by the Town Manager prior to a Zoning Compliance Permit.
- 15. <u>Street Closure Plan</u>: That prior to the issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager approval, for any work requiring street, sidewalk, or lane closures.
- 16. <u>Bus Stop and Shelter</u>: That prior to issuance of a Zoning Compliance Permit, the developer shall provide a \$16,800 payment-in-lieu for a bus stop, shelter, lighting, and amenities at a location to be determined by the Town Manager.
- 17. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, it will be necessary to provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager. The Work Zone Traffic Control Plan shall comply with the Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction.
- 18. <u>Wayfinding signage</u>: Prior to issuance of a Certificate of Occupancy, the developer shall provide wayfinding signage throughout the site directing users to either Sparrow Street or Weaver Dairy Road for exiting. Prior to issuance of a Zoning Compliance Permit, the wayfinding signage shall be reviewed and approved by the Town Manager.

- 19. <u>Heavy Duty Structural Support</u>: Prior to issuance of a Zoning Compliance Permit, the developer shall provide documentation that, if underground stormwater detention is proposed beneath parking areas or drive aisles, the pavement is designed to structurally support the live loads of fire trucks and garbage trucks.
- 20. <u>Bicycle Parking</u>: That prior to the issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details for a bicycle parking space for each unit that comply with Town parking standards. The bicycle parking design must comply with the spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines, and the Class I and Class II bicycle parking standards required by the Town Design Manual.
- 21. <u>Sparrow Street</u>: Prior to issuance of a Certificate of Occupancy, the developer shall improve Sparrow Street with 20 feet of pavement, curb and gutter, and a five-foot wide sidewalk along the site frontage.
- 22. <u>Parking Lot Standards</u>: Prior to issuance of a Certificate of Occupancy, the developer shall construct the parking lot and drive aisles to Town standards for pavement design and dimensions.
- 23. <u>Fire Flow</u>: Prior to issuance of a Zoning Compliance Permit, the developer shall submit a fire flow report prepared and sealed by a professional engineer licensed in North Carolina. The report must show the available fire flow will meet Town standards.

Landscape and Architecture

24. <u>Landscape Bufferyards</u>: That the developer shall provide the following bufferyards:

Location	Required Buffer		
	Modified Type 'D' with reduced widths to 6.5		
	feet and a 50 percent reduction in tree		
West – Martin Luther King Jr.	planting quantities in exchange for an		
Blvd	increase in size to 4" total caliper. Buffer		
	plantings include the plantings along the		
	buildings.		
	Modified Type 'D' with reduced widths to 10		
North Wasser Daim Day 1	feet and a 50 percent reduction in tree		
North – Weaver Dairy Road	planting quantities in exchange for an		
	increase in size to 4" total caliper		
East – Montessori School	Modified Type 'B' with reduced widths to 3		
property	feet minimum at driveway connection to east		
South Sparray Street	Modified Type 'C' with reduced widths to 8		
South – Sparrow Street	feet including screen wall		

25. <u>Landscape Protection</u>: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include which trees will be

- removed and which will be preserved, critical root zones of all rare and specimen trees, and clearly indicate names and species.
- 26. Tree Protection Fencing Prior to Construction: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. Tree protection fencing shall be provided around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval.
- 27. <u>Landscape Planting Plan</u>: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. The Plan shall include canopy trees that are proposed to shade any surface parking areas.
- 28. <u>Lighting Plan Approval</u>: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve a lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) off-site spillage of light.
- 29. <u>Community Design Commission Approval</u>: That the applicant obtain Community Design Commission approval of building elevations and lighting, including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit. That prior to issuance of a Zoning Compliance Permit the Commission shall approve a lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) off-site spillage of light.
- 30. <u>Alternative Buffer</u>: That prior to the issuance of Zoning Compliance Permit, the Community Design Commission approve any proposed alternate buffer. The approval shall determine that the alternate buffer along Sparrow Street will provide the same degree of visual and noise obstruction as the required buffer.

Environment

31. Energy Management Plan: That prior to issuance of a Zoning Compliance Permit, the applicant shall provide an Energy Management Plan (EMP) for Town approval. The plan shall incorporate a "20 percent more energy efficient" feature to outperform the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) energy efficiency standard in place at the time of approval. The property owner shall provide, by the Certificate of Occupancy date, a letter sealed by a licensed professional engineer showing the anticipated energy performance of the buildings, as designed and built, satisfies the "20 percent more energy efficient" expectation.

Stormwater Management

- 32. <u>Stormwater Management Plan</u>: That this project must comply with the Section 5.4 Stormwater Management of the Land Use Management Ordinance.
- 33. <u>Jordan Watershed Stormwater Management for New Development</u>: That if the total disturbed area exceeds 0.5 acres, this project must comply with Section 5.19 Jordan Watershed Stormwater Management for New Development of the Land Use Management Ordinance to provide the required reductions in nitrogen and phosphorus loads for new development and redevelopment projects.
- 34. <u>Silt Control</u>: That the applicant takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
- 35. <u>Jordan Surety</u>: That if the total disturbed area exceeds 0.5 acres, prior to issuance of a Certificate of Occupancy, the owner shall post a maintenance bond or other surety instrument satisfactory to the Town Manager, in an amount equal to one hundred twenty-five (125) percent of the construction cost of each stormwater management facility to assure maintenance, repair, or reconstruction necessary for adequate performance of the stormwater management facility, or establish a stormwater maintenance (sinking fund) budget and escrow account in accordance with the requirements of Section 5.19 of the Land Use Management Ordinance.
- 36. Erosion Control Bond: If one (1) acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. This financial guarantee is intended to cover the costs of restoration of failed or failing soil erosion and sedimentation controls, and/or to remedy damages resulting from land-disturbing activities, should the responsible party or parties fail to provide prompt and effective remedies acceptable to the Town.
- 37. <u>Erosion Control</u>: The applicant shall provide a copy of the approved erosion and sediment control permit from Orange County Erosion Control Division prior to receiving a Zoning Compliance Permit. During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance.
- 38. <u>Erosion Control Inspections</u>: That, in addition to the requirement during construction for inspection after every rainfall, the applicant shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs.
- 39. <u>Curb Inlets</u>: The applicant shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way.
- 40. <u>As-Built Plans</u>: That prior to the issuance of a Certificate of Occupancy, the applicant shall provide certified as-built plans for building footprints, parking lots, street improvements,

- storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88.
- 41. Phasing Plan: That prior to issuance of a Zoning Compliance Permit, the applicant shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. The phasing plan shall detail public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases are complete, with a note to this effect on the final plans and plats.
- 42. On-Site/Adjacent Stormwater Features: That the final plans locate and identify existing site conditions including all on-site and adjacent stormwater drainage features on the plans prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris.
- 43. <u>P.E. Certification</u>: That prior to the issuance of a Certificate of Occupancy for any phase, the applicant shall provide a certification, signed and sealed by a North Carolina-licensed Professional Engineer, that the stormwater management facilities are constructed in accordance with the approved plans and specifications.
- 44. <u>Repair/Replacement of Damaged Stormwater Infrastructure</u>: Existing stormwater infrastructure that is damaged as a result the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy.
- 45. <u>Contamination Assessment</u>: That prior to issuance of a Zoning Compliance Permit, the applicant shall provide a plan for mitigating subsurface contamination, if encountered, during site redevelopment, including specific procedures for addressing contaminated ground water and/or soils, and proper transportation and disposal of contaminated material or groundwater, if needed. If groundwater contamination is indicated, the final plans must address the proper treatment and disposal of groundwater generated by any proposed foundation drains. The plan shall be reviewed and approved by the Town Manager.

Water, Sewer, and Other Utilities

46. <u>Utility/Lighting Plan Approval</u>: That the final utility/lighting plan shall be approved by Orange Water and Sewer Authority, Duke Energy Company, and other local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit.

- 47. <u>Lighting Plan</u>: That prior to issuance of a Zoning Compliance Permit, the applicant shall submit site plans and other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including submission of a lighting plan, providing for adequate lighting on public sidewalks, including driveway crossings, and beneath awnings, demonstrating compliance with Town standards, sealed by a Professional Engineer, for Town Manager approval.
- 48. <u>Street Lighting</u>: That the applicant/developer work with the Duke Energy to design and install AASHTO standard street lighting along all public streets on the side of the applicant's development. The design and construction details are subject to approval by the Town Manager and N.C. Department of Transportation. The applicant/developer is responsible for the design and initial construction cost of the street lighting. The Town is responsible for future operating cost of the street lighting.
- 49. <u>Relocation of Overhead Utilities Underground</u>: Prior to issuance of a Certificate of Occupancy, it will be necessary to provide for the underground installation of all public utilities as specified by Section 5.12.2 in the Land Use Management Ordinance.
- 50. Water/Sewer Line Construction: That all public water and sewer plans be approved by OWASA and constructed according to their standards. Where sewer lines are located beneath drive aisles and parking areas, construction methods approved by OWASA shall be employed to ensure that sewer lines will not be damaged by heavy service vehicles. That prior to issuance of a Zoning Compliance Permit, final plans shall be approved by OWASA and the Town Manager.
- 51. <u>OWASA Approval</u>: That prior to issuance of a Zoning Compliance Permit, easement plats and documentation as required by OWASA and the Town Manager shall be recorded if necessary.

Fire Safety

- 52. <u>Fire Sprinklers</u>: That the applicant shall install sprinklers under the North Carolina Fire Code prior to a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems.
- 53. <u>Hydrants Active</u>: That the applicant shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. That fire protection systems shall be installed according to Town Ordinance, the NC Fire Code, and NFPA 13.
- 54. <u>Fire Hydrant and FDC Locations</u>: That the Final Plans shall indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant.

- Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 55. <u>Firefighting Access during Construction</u>: That as required by NC Fire Code (Section 1410.1 Required Access), vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions.
- 56. <u>Fire Flow Report</u>: That the Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. An OWASA flow test must be provided with the report. Fire flow shall meet the 20 psi or exceed the requirements set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 57. <u>Heavy-Duty Paving</u>: That prior to issuance of a Certificate of Occupancy the applicant shall provide heavy duty paving designed and built to withstand fire apparatus weighing at least 75,000 pounds.
- 58. <u>Fire Lane</u>: Prior to issuance of a Certificate of Occupancy, the fire lane shall be marked and signed in accordance with Town standards, with the associated plans approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Solid Waste Management and Recycling

- 59. Solid Waste Management Plan: That prior to issuance of a Zoning Compliance Permit a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager. The plan shall include dimensioned, scaled details of any proposed refuse/recycling collection areas, associated screening, and protective bollards, if applicable. Each bulk waste container shall be labeled as to type of material to be collected. Prior to issuance of a Zoning Compliance Permit, the developer shall provide documentation of an agreement for solid waste collection by a private provider.
- 60. <u>Construction Waste</u>: Clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled. All haulers of construction waste must be properly licensed. The developer shall provide the name of the permitted waste disposal facility to which any land clearing or demolition waste will be delivered.

State and Federal Approvals

- 61. <u>State or Federal Approvals</u>: That any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
- 62. <u>North Carolina Department of Transportation Approvals</u>: Prior to issuance of a Zoning Compliance Permit, plans for any improvements to State-maintained roads or in associated rights-of-way shall be approved by NCDOT.

Miscellaneous

- 63. <u>Recombination Plat</u>: That a recombination application combining the 4 lots shall be reviewed and approved by the Town Manager. The recombination plat shall be recorded prior to issuance of a Zoning Compliance Permit.
- 64. <u>Temporary Construction Access Agreements</u>: Prior to issuance of a Zoning Compliance Permit, the applicant shall provide construction agreements with adjacent property owners, where necessary, subject to Town Manager approval. If the abutting property is to be used as part of construction access, provide documentation of permission from the owner of said property.
- 65. Construction Management Plan: That a Construction Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance.
- 66. <u>Traffic and Pedestrian Control Plan</u>: That the applicant shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least 5 working days prior to any proposed lane or street closure the applicant must apply to the Town Manager for a lane or street closure permit.
- 67. <u>Construction Sign Required</u>: That the applicant shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. (§5.14.3(g) of Land Use Management

Ordinance). The sign shall be non-illuminated, and shall consist of light letters on a dark background. That prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager.

- 68. <u>Open Burning</u>: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
- 69. <u>Detailed Plans</u>: That prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Land Use Management Ordinance and the Design Manual.
- 70. <u>As-Built Plans</u>: That prior to issuance of a Certificate of Occupancy, the applicant shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. The applicant shall also contact the Town's Engineering and Design Services Division for address assignment of each unit.
- 71. <u>Vested Right</u>: This Special Use Permit constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance.
- 72. <u>Continued Validity</u>: That continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
- 73. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for	a Special
Use Permit for Weaver Crossing at 1171 Weaver Dairy Road.	

	vicaver crossing at	11/1 Weaver Burry Roud.
This the	_day of	_2015.

RESOLUTION B

(Denying the Special Use Permit Application)

A RESOLUTION DENYING AN APPLICATION FOR SPECIAL USE PERMIT FOR WEAVER CROSSING (PROJECT #14-051)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit application, proposed by Scott Murray Land Planning, Inc., for Weaver Crossing, located at 1171 Weaver Dairy Road on property identified as Orange County Property Identifier Numbers 9880-25-9676, 9880-25-8495, 9880-25-9324, and 9880-35-0055, located in the Community Commercial-Conditional (CC-C) zoning district, if developed according to the Site Plan dated July 28, 2014 and revised October 2, 2014, November 17, 2014, and February 6, 2015, the conditions listed below would not:

- 1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- 2. Comply with all required regulations and standards of the Land Use Management Ordinance;
- 3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
- 4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

BE IT FURTH	ER RESOLVED that the Town Council hereby denies the application for a Special Use Permit
for Weaver Cro	ossing, 1171 Weaver Dairy Road.
This the	day of

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION WEAVER CROSSING (PROJECT #14-051) SPECIAL USE PERMIT

January 6, 2015

Recommen	dation:	Approved \square	Approval	with Conditions	s =	Denied
Motion:		el Parker moved and er Crossing with the			ecomme	nd approval o
Vote:	5 - 3					
	Ayes:	Neal Bench, Trav Brian Wittmayer	is Crayton, Mi	chael Parker, Eli	zabeth \	Webber, and
	Nays:	Deborah Fulghieri	, Melissa McC	Cullough, and An	ny Ryan	l

Reason for Nay vote: That the project does not fulfill the vision of the comprehensive plan; concern over the access from the project to Martin Luther King Jr. Blvd; violates #1 of the four findings as it does not maintain or promote safety with the conflicts of traffic and u-turns.

Recommended Conditions:

- Signalize Sparrow Road;
- Add stipulation requiring cross access easement between this property and adjoining property to the east;

Endorse the following Transportation and Connectivity Advisory Board's recommended conditions:

A extended channelized island should be provided at the proposed driveway entrance/exit along Martin Luther King Jr. Blvd. to ensure automobile traffic leaving the site would not have the ability to immediately cross the bikelane and adjacent through lane. The bicycle lane, located between the travel lane and dedicated right turn lane should be highlighted with green paint along the property frontage to alert drivers to the transition with the right turn lane.

Concern about the potential turning conflicts at the proposed driveway along Martin Luther King Jr. Blvd. particularly for automobiles leaving the site. The operation of this intersection should be revisited after a reasonable period and changes to ingress and egress should be implemented if necessary.

Prepared by: Neal Bench, Chair, Planning Commission

Judy Johnson, Staff

COMMUNITY DESIGN COMMISSION

To assist the Council in guiding the Town's vision on aesthetics, character, and function to focus community growth through advice, advocacy and implementation of the Council's policies and review of proposed development in key areas of the community.

RECOMMENDATION WEAVER CROSSING, MIXED-USE DEVELOPMENT SPECIAL USE PERMIT (PROJECT #14-051) December 17, 2014

Recommend	dation:	Approved \square	Approval with Conditions	Denied		
Motion:		Moore moved and I llowing conditions:	Dixon Pitt seconded to approve Weav	ver Crossing with		
	1.	1. Provide an eastern access-easement for future connection.				
	2.	2. Locate the architecture feature between the two buildings for pedestrian appreciation.				
	3.	Strengthen the ped	lestrian connection between buildings	A and B.		
	4.	Relocate the dump	oster/service area away from rear door	rs.		
Vote:	4 - 2					
	Aye	s: Susana Dancy, L	aura Moore, Dixon Pitt, and Polly va	ın de Velde		
	Nay	s: Lucy Carol Dav	is and Chris Berndt			
		Reason for Nav	votes: Lucy Carol Davis wanted the	southern vehicular		

Key Considerations

- 1. The Commissioners were of mixed opinions on whether to pull the buildings closer to the street with parking behind or have the site as proposed, with parking and drive aisle between street and buildings.
- 2. Pedestrian circulation is an issue. Suggested pulling the buildings together, providing pedestrian amenities along building facades, and providing a pedestrian connection to Banks Drive
- 3. Too much pavement. Supports using pervious pavement where possible.

dominated.

Prepared by: Polly van de Velde, Vice Chair, Community Design Commission Kay Pearlstein, Staff

drive eliminated and both Chris Berndt and Lucy Carol Davis want the buildings to move closer to the road so the site would not be as car-

ENVIRONMENTAL STEWARDSHIP ADVISORY BOARD

The charge of the environmental stewardship advisory board will be to assist the Chapel Hill Town Council in strengthening environmentally responsible practices that protect, promote and nurture our community and the natural world through advice and program support.

RECOMMENDATION WEAVER CROSSING (PROJECT # 14-051) SPECIAL USE PERMIT

December 9, 2014

Recommendation	on: A	Approval 🗆	Approva	al with Condition	is 🗸	Denial	
		gton moved and B nit with the condit					roval
Aye	5 - 0						
	Ayes:	Barbara Herrera, William Kaiser	, Britt Storck	, Denise Bevingto	n, Eliza	beth Zande	r,
	Nays:						

Conditions

1. Maintain the proposed green space and adjust the landscaping as an employee amenity. The proposed green space better integrates the new development into the adjacent neighborhood, considering the reduced buffer and wall area.

Special Considerations

The items below include project considerations of which the Committee is particularly supportive/encouraging.

- Stormwater: Permeable parking is a positive design feature.
- Environmental Equity: The Board encourages the applicant to consider maintaining and integrating the green space as an open natural space (see above condition).

- Mobility: Class I covered bicycle parking is a significant feature of the project and we
 note the availability of transit service. The Board encourages the applicant to study
 the potential for greater ease of site entry for cyclists.
- Environmentally Responsible Building Practices: Efforts to incorporate tubular daylight
 devices and energy efficient lighting (fluorescent & LED) are positive lighting design
 features. The Board is supportive of the applicant's pursuit of a LEED certified (Silver
 level) drug store.
- <u>Preservation of the Natural Environment:</u> The Boards views the project as an enhancement to the community without eliminating undisturbed habitat.
- Landscaping: The Board is impressed by the substantial addition of tree canopy, especially along pedestrian walkways and is supportive of the applicant's decision to begin with more mature trees (4"). We are satisfied with the choices for trees, shrubs and grass, particularly the inclusion of drought tolerant and native species. The Board notes that the heavily landscaped narrow buffer along Sparrow Lane helps to reduce negative visual and auditory effects of the wall, and is balanced by what will be managed green space to the east. The Board encourages the applicant to adjust the proposed green space landscaping so that the area becomes more open and welcoming to employees and the adjacent neighborhood (see above condition).
- <u>Land Planning</u>: The Board supports the reduced buffers because the planting strip between the sidewalk and street enhances the pedestrian experience. The decision to include front-side parking does not detract from the pedestrian experience.

Solid Waste Management: N/A.

Prepared by: Elizabeth Zander, Chair, Environmental Stewardship Advisory Board (ESAB)

Barbara Herrera, Vice Chair, ESAB

John Richardson, Planning Manager, Staff Liaison to ESAB

TRANSPORTATION AND CONNECTIVITY ADVISORY BOARD

The charge of the Transportation and Connectivity Advisory Board will be to assist the Chapel Hill Town Council in creating an inclusive connected community by recommending, advocating and planning for comprehensive, safe, effective and sustainable multi-modal transportation and connectivity.

RECOMMENDATION Weaver Crossing (Project # 14-051) SPECIAL USE PERMIT

December 16, 2014

Recommen	dation:	Approval		Approv	al with Cond	ditions		Denial	
		Paul moved rith special co			ovic seconded d below).	d a moti	on to a	approve th	ne
Vote:	7-0								
	Ayes				Dammers, E				nsky,
	Nays	s: Non	ie						

Recommended Conditions

- An extended channelized island should be provided at the proposed driveway
 entrance/exit along Martin Luther King Jr. Blvd. to ensure automobile traffic leaving the
 site would not have the ability to immediately cross the bikelane and adjacent through
 lane. The bicycle lane, located between the travel lane and dedicated right turn lane
 should be highlighted with green paint along the property frontage to alert drivers to the
 transition with the right turn lane.
- 2. The Board expressed concern about the potential turning conflicts at the proposed driveway along Martin Luther King Jr. Blvd. particularly for automobiles leaving the site. The operation of this intersection should be revisited after a reasonable period and changes to ingress and egress should be implemented if necessary.

Prepared by: Rainer Dammers, Chair Transportation and Connectivity Advisory Board

David Bonk, Staff

Revised February 6, 2015

SPECIAL USE PERMIT APPLICATION



TOWN OF CHAPEL HILL Planning Department

405 Martin Luther King Jr. Blvd

Chapel Hill, NC 27514

phone (919) 968-2728 fax (919) 969-2014

www.townofchapelhill.org

	Information			20000	
Project Name:	Weaver Cross	ing			
Property Address:	1171 Weaver I	Dairy Road C	Chapel Hill, NC	Zij	o Code: 27514
Use Groups (A, B, and	d/or C): B&C		Existing Zoning District:	MU-0&I-1	(Conditional Use-CC proposed
E CONTROL STATE	Mixed-Use -	Office and Co	ommercial	*	
Project Description:					
ection B: Applica	nt. Owner and/o	r Contract P	urchaser Information	Carrier Contract	
Applicant Informat	tion (to whom corr	espondence v	will be mailed)		
Name: Scot	t Murray Land Plan	ning, Inc.			
Address: 1450	Environ Way				
City: Cha	pel Hill	State:	NC	Zip Code:	27517
Phone: 252-	213-9501	Email:	smurray@stmlandpla	n.com	
411 July 198					
this application is t Signature: Owner/Contract P	urchaser Informati	on:	Contract Purcha	Date:	all information supplied with July 28, 2014
this application is t Signature: Owner/Contract P	rue and accurate.	on:	Contract Purcha	Date:	
this application is t Signature: Owner/Contract Po Owner's Ager Name: G.	urchaser Informati	on:	Contract Purcha	Date:	July 28, 2014
this application is t Signature: Owner/Contract Policy Owner's Ager Name: G. Address: 393	urchaser Informati	on:	Contract Purcha	Date:	
this application is t Signature: Owner/Contract Policy Owner's Ager Name: G. Address: 392 City: Ne	urchaser Information H.K. Developments 20 Magazine St.	on:	Contract Purcha	Date:	July 28, 2014

Revised 02.04.14

Permit Number:_____



TOWN OF CHAPEL HILL Planning Department

Section A: Project	ct Information								
Application type:	Special Use Permit			Date:	July 28	3. 2014			
Project Name:	•								
	Weaver Crossing								
Use Type: (check/lis	st all that apply)								
Office/Institutional Residential X Mixed-Use Other:									
Overlay District: (cl	Overlay District: (check all those that apply) Historic District Neighborhood Conservation District Airport Hazard Zone								
Section B: Land	Area								
Net Land Area (NLA	A): Area within zoning lot bound	aries				NLA=	146,548	sq. ft.	
	a) Credited Street Area	a (total adjacent fron	tage) x ½ width	of publi	c right-		11055		
Choose one, or bot the following (a or l	l ot-way					CSA=	14,655	sq. ft.	
to exceed 10% of N	LA b) Credited Permanen	t Open Space (total a	idjacent frontage	e) x ½ p	ublic or	COS=	0	sq. ft.	
	dedicated open space								
TOTAL: NLA + CSA a	and/or COS = Gross Land Area (I	not to exceed NLA +	10%)			GLA=	161,203	sq. ft.	
Section C: Specia	al Protection Areas, Land I	Disturbance, and	Impervious A	rea					
	Areas: (check all those that app								
Jordan Buffer	Resource Conservation I	District 10	0 Year Floodplair	n	Wate	rshed Pr	otection Disti	rict	
Land Disturbance						Т	otal (sq ft)		
Area of Land Distur	hance						rtai (sq it)		
(Includes: Footprint	of proposed activity plus work area	a envelope, staging are	a for materials, ac	cess/equ	uipment pa	ths,	36,548		
all grading, including									
Area of Land Distur							0		
Area of Land Distur	bance within Jordan Buffer						0		
Imporvious Areas		Existing (sa ft)	Domolition (se	, ft)	Proposed	(ca ft)	Total (se	. ft\	
	Impervious AreasExisting (sq ft)Demolition (sq ft)Proposed (sq ft)Total (sq ft)Impervious Surface Area (ISA)14,545*14,545*104,907**104,907**								
Impervious Surface Patio: Percent Impervious									
Surface Area of Gross Land Area (ISA/GLA) % 10.2% 10.2% 68.4%*** 68.4%***								***	
If located in Watershed Protection District									
	% of impervious surface on 7/1/1993 n/a n/a n/a n/a								
* Does not include	area within proposed R/W d								
_	ated R/W and road improvem	•	ane or other off	site im	proveme	nts			
_	or existing impervious surfac	e Page 2 of	10						
Revised 02.04.14 Permit Number:									



TOWN OF CHAPEL HILL Planning Department

Section D: Dimensions

Dimensional Unit (sq ft)	Existing (sq ft)	Demolition (sq ft)	Proposed (sq ft)	Total (sq ft)
Number of Buildings	2,560	2,560	40,706	40,706
Number of Floors	1	n/a	1 & 2	1 & 2
Recreational Space	0	n/a	0	0

Residential Space						
Dimensional Unit (sq ft)	Existing (sq ft)	Demolition (sq ft)	Proposed (sq ft)	Total (sq ft)		
Floor Area (all floors – heated and unheated)						
Total Square Footage of All Units						
Total Square Footage of Affordable Units						
Total Residential Density						
Number of Dwelling Units						
Number of Affordable Dwelling Units						
Number of Single Bedroom Units						
Number of Two Bedroom Units						
Number of Three Bedroom Units						

Non-Residential Space (Gross Floor Area in Square Feet)							
Use Type	Existing	Proposed	Uses	Existing	Proposed		
Commercial		40,706					
Restaurant			# of Seats				
Government							
Institutional							
Medical							
Office							
Hotel			# of Rooms				
Industrial							
Place of Worship			# of Seats				
Other							

Note: North building may be used for medical clinic in whole or in part.

	Dimensional Requirements	Required by Ordinance	Existing	Proposed
	Street	22'	14'	35' min.
Setbacks (minimum)	Interior (neighboring property lines)	8'	34'	40' min.
(1111111111111111)	Solar (northern property line)	9'	34'	40' min.
Height	Primary	34'	12'	0'
(maximum)	Secondary	60'	16'	50'
a	Frontages	40'	807.7' *	200' min.
Streets	Widths	50'	550' combined	200'

^{*} Combined frontage and width of four parcels. A recombination into two lots is being proposed.

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Revised 02.04.14 Permit Number:_____



TOWN OF CHAPEL HILL Planning Department

Section F: Adjoining or Connecting Streets and Sidewalks

(Note: For approval of proposed street names, contact the Engineering Department)

Street Name	Right-of-way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing curb/gutter
Martin Luther King Jr. Blvd	140'	115' b/b	5 + turn	XYes	XYes
Weaver Dairy Rd.	110'	89'	4 + turn	XYes	XYes
Sparrow Lane (not a publicly dedicated R/W)	30'	none	2-way	no	no

List Proposed Points of Access (Ex: Number, Street Name):

*If existing sidewalks do not exist and the applicant is adding sidewalks, please provide the following information:

Sidewalk Information							
Street Names Dimensions Surface Handicapped Ramps							
Sparrow Lane	5'	Concrete	▼Yes □No □N/A				
			☐Yes ☐No ☐N/A				

Section G: Parking Information

Parking Spaces	Minimum	Maximum	Proposed		
Regular Spaces	156	197	125		
Handicap Spaces	5	7	7		
Total Spaces	161	204	132		
Loading Spaces	2	n/a	2		
Bicycle Spaces	18	n/a	22 (including 8 Class-I)		
Surface Type	asphalt with some areas of pervious pavers or pervious concrete				

Section H: Landscape Buffers

Revised 02.04.14

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
West - MLK Jr. BlvdType D Modified	30'	6.5'-13.0'	Yes	x Yes
North - Weaver Dairy RdType D Mod.	30'	9'-10'	Yes	X Yes
East - Interior-Type B	10'	3'-10'+	Yes	X Yes
South - Sparrow Lane-Type C Modified	20'	8.0'-16.0'+	Yes	X Yes

Note: Widths noted are minimum widths and do not include full dimension of planting area adjacent to rights-of way. Buffer widths vary.

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TOWN OF CHAPEL HILL Planning Department

Section I: Land Use Intensity

Existing Zoning District:	
Proposed Zoning Change	(if any):

Note: Refer to Table 3.8-1 (Dimensional Matrix) in the Land Use Management Ordinance for help completing this table.

Zoning – Area – Ratio			Impervious Surface Thresholds			Minimum and Maximum Limitations	
Zoning District(s)	Floor Area Ratio (FAR)	Recreation Space Ratio (RSR)	Low Density Residential (0.24)	High Density Residential (0.50)	Non- Residential (0.70)	Maximum Floor Area (MFA) = FAR x GLA	Minimum Recreation Space (MSR) = RSR x GLA
CU-CC*	.429	n/a			90,164 sf	69,156 sf	n/a
* Proposed zo	ning district.						
TOTAL					90,164 sf	69,156 sf	n/a
RCD Streamside		0.01					
RCD Managed		0.019					
RCD Upland							

Section J: Utility Service

Check all that apply					
Water	X OWASA	☐ Individual Well	Community Well	Other	
Sewer	X OWASA	☐ Individual Septic Tank	Community Package Plant	Other	
Electrical	x Underground	X Above Ground (3-phase distribution line exists along Weaver Dairy Rd.)			
Telephone	X Underground	Above Ground			
Solid Waste	Town	X Private			

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Revised 02.04.14 Permit Number:_____



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.

Х	Application fee (including Engineering Review fee) (refer to fee schedule) Amount Paid \$
х	Pre-application meeting – with appropriate staff
х	Digital Files - provide digital files of all plans and documents
х	Recorded Plat or Deed of Property
х	Project Fact Sheet
х	Traffic Impact Statement – completed by Town's consultant (or exemption)
х	Description of Public Art Proposal
х	Statement of Justification
х	Response to Community Design Commission and Town Council Concept Plan comments
n/a	Affordable Housing Proposal, if applicable
х	Provide existing Special Use Permit, if Modification
х	Mailing list of owners of property within 1,000 feet perimeter of subject property (see GIS notification tool)
х	Mailing fee for above mailing list (mailing fee is double due to 2 mailings) Amount Paid \$
х	Written Narrative describing the proposal
х	Resource Conservation District, Floodplain, & Jordan Buffers Determination - necessary for all submittals
n/a	Jurisdictional Wetland Determination – if applicable
n/a	Resource Conservation District Encroachment Exemption or Variance (determined by Planning)
n/a	Jordan Buffer Authorization Certificate or Mitigation Plan Approval (determined by Planning)
х	Reduced Site Plan Set (reduced to 8.5"x11")

Stormwater Impact Statement (1 copy to be submitted)

- a) Written narrative describing existing & proposed conditions, anticipated stormwater impacts and management structures and strategies to mitigate impacts
- b) Description of land uses and area (in square footage)
- c) Existing and proposed Impervious surface area in square feet for all subareas and project area
- d) Ground cover and uses information
- e) Soil information (classification, infiltration rates, depth to groundwater and bedrock)
- f) Time of concentration calculations and assumptions
- g) Topography (2-foot contours)
- h) Pertinent on-site and off-site drainage conditions
- i) Upstream and/or downstream volumes
- j) Discharges and velocities
- k) Backwater elevations and effects on existing drainage conveyance facilities
- I) Location of jurisdictional wetlands and regulatory FEMA Special Flood Hazard Areas

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- m) Water quality volume calculations
- n) Drainage areas and sub-areas delineated
- o) Peak discharge calculations and rates (1, 2, and 25-year storms)
- p) Hydrographs for pre- & post-development without mitigation, post-development with mitigation
- q) Volume calculations and documentation of retention for 2-year storm
- r) 85% TSS removal for post-development stormwater run-off
- s) Nutrient loading calculations
- t) BMP sizing calculations
- u) Pipe sizing calculations and schedule (include HGL & EGL calculations and profiles)

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
- Revision dates and professional seals and signatures, as applicable

Cover Sheet

a) Include Project Name, Project fact information, PIN, Design team

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) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names.
- f) 1,000' notification boundary

Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines

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Revised 02.04.14 Permit Number:_____



- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries

Detailed Site Plan

- a) Existing and proposed building locations
- b) Description & analysis of adjacent land uses, roads, topography, soils, drainage patterns, environmental constraints, features, existing vegetation, vistas (on & off-site)
- c) Location, arrangement, & dimension of vehicular parking, width of aisles and bays, angle of parking, number of spaces, handicapped parking, bicycle parking . Typical pavement sections & surface type
- d) Location of existing and proposed fire hydrants
- e) Location and dimension of all vehicle entrances, exits, and drives
- f) Dimensioned street cross-sections and rights-of-way widths
- g) Pavement and curb & gutter construction details
- h) Dimensioned sidewalk and tree lawn cross-sections
- i) Proposed transit improvements including bus pull-off and/or bus shelter
- j) Required landscape buffers (or proposed alternate/modified buffers)
- k) Required recreation area/space (including written statement of recreation plans)
- Refuse collection facilities (existing and proposed) or shared dumpster agreement
- m) Construction parking, staging, storage area, and construction trailer location
- n) Sight distance triangles at intersections
- o) Proposed location of street lights and underground utility lines and/or conduit lines to be installed
- p) Easements
- q) Clearing and construction limits
- r) Traffic Calming Plan detailed construction designs of devices proposed & associated sign & marking plan

Stormwater Management Plan

- a) Topography (2-foot contours)
- b) Existing drainage conditions
- c) RCD and Jordan Riparian Buffer delineation and boundary (perennial & intermittent streams, note ephemeral streams on site)

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- d) Proposed drainage and stormwater conditions
- e) Drainage conveyance system (piping)
- f) Roof drains
- g) Easements
- h) BMP plans, dimensions, details, and cross-sections
- i) Planting and stabilization plans and specifications

Permit Number:

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Landscape Protection Plan

- a) Rare, specimen, and significant tree survey within 50 feet of construction area
- b) Rare and specimen tree critical root zones
- c) Rare and specimen trees proposed to be removed
- d) Certified arborist tree evaluation, if applicable
- e) Significant tree stand survey
- f) Clearing limit line
- g) Proposed tree protection /silt fence location
- h) Pre-construction/demolition conference note
- j) Landscape protection supervisor note
- k) Existing and proposed tree canopy calculations, if applicable

Planting Plan

- a) Dimensioned and labeled perimeter landscape bufferyard
- b) Off-site buffer
- c) Landscape buffer and parking lot planting plan (including planting strip between parking and building, entryway planting, and 35% shading requirement

Steep Slope Plan

- a) Classify and quantify slopes 0-10%, 10-15%, 15-25% and 25% and greater
- b) Show and quantify areas of disturbance in each slope category
- c) Provide/show specialized site design and construction techniques

Grading and Erosion Control Plan

- a) Topography (2-foot contours)
- b) Limits of Disturbance
- c) Pertinent off-site drainage features
- d) Existing and proposed impervious surface tallies

Streetscape Plan, if applicable

Revised 02.04.14

- a) Public right-of-way existing conditions plan
- b) Streetscape demolition plan
- c) Streetscape proposed improvement plan
- d) Streetscape proposed utility plan and details
- e) Streetscape proposed pavement/sidewalk details
- f) Streetscape proposed furnishing details
- g) Streetscape proposed lighting details

Permit Number:



Solid Waste Plan

- a) Preliminary Solid Waste Management Plan
- b) Existing and proposed dumpster pads
- c) Proposed dumpster pad layout design
- d) Proposed heavy duty pavement locations and pavement construction detail

Construction Management Plan

- a) Construction trailer location
- b) Location of construction personnel parking and construction equipment parking
- c) Location and size of staging and materials storage area
- d) Description of emergency vehicle access to and around project site during construction
- e) Delivery truck routes shown or noted on plan sheets

Energy Management Plan

- a) Description of how project will be 20% more energy efficient than ASHRAE Standards
- b) Description of utilization of sustainable forms of energy (Solar, Wind, Hydroelectric, and Biofuels)
- c) Participation in NC GreenPower program
- d) Description of how project will ensure indoor air quality, adequate access to natural lighting, and allow for proposed utilization of sustainable energy
- e) Description of how project will maintain commitment to energy efficiency and reduced carbon footprint over time
- f) Description of how the project's Transportation Management Plan will support efforts to reduce energy consumption as it affects the community

Exterior Elevations

a)	An outline of each elevation of the building, including the finished grade line along the foundation (height of
	building measured from mean natural grade).

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Revised 02.04.14 Permit Number:_____

Weaver Crossing

Chapel Hill, North Carolina

Statement of Justification

Special Use Permit

July 28, 2014

Revised October 3, 2014 November 17, 2014 February 6, 2015

East West Partners Management Co. Inc. and GHK Developments (Developer)

Scott Murray Land Planning, Inc. (Landscape Architecture)

McAdams Company (Engineering)

Dishner Moore (Architecture)

Summary	
3 41111141 y	

Weaver Crossing is an important entranceway into the Town of Chapel Hill. Meetings with the Economic Development Commission revealed a preference for active business frontage along a tree-lined service slip lane. A two-story building is planned for the northern half of the site fronting on Martin Luther King, Jr. Blvd. and Weaver Dairy Rd. with a one-story drugstore planned adjacent to this building extending south to Sparrow Street. Both buildings will be designed using similar materials and architectural design features reinforcing a cohesive architectural statement. The vertical massing of both buildings will approximate 2-1/2 to 3 story buildings with maximum heights reaching almost 50 feet at the corner. The commercial uses housed in the northern most building, combined with signature architecture, will invigorate the street corner. The architecture will be stimulating and refreshing in order to activate the corner site and will include tree-canopied seating area within an outdoor patio. This building will also include architectural massing that extends the height of the building to better define and anchor the southeast corner of the intersection as an entrance gateway.

Basis for Justification – Key Points

- BALANCES FISCAL NEEDS
- INCORPORATES ENERGY MANAGEMENT PLAN GREEN AND ECOLOGICALLY SOUND DEVELOPMENT
- BALANCED TRANSPORTATION SYSTEM
- NO EXTENSION OF OFFSITE INFRASTRUCTURE IS NEEDED
- EMBRACES TOWN'S PUBLIC ART POLICY
- PROTECTS ADJOINING RESIDENTIAL USES AND NEIGHBORHOODS
- PROPOSES SIGNATURE ARCHITECTURE THAT ENHANCES COMMUNITY CHARACTER
- PROPOSES USES THAT ENCOURAGE ECONOMIC VITALITY
- ACTIVATES AN IMPORTANT ENTRANCE GATEWAY
- PROVIDES FOR A 40% TREE CANOPY ENHANCING ECOLOGY (CURRENTLY ONLY 17% CANOPY)
 & STORMWATER QUALITY ENHANCEMENT
- PROVIDES FOR A STREET TREE EDGE ALONG MAJOR ROADS ENHANCING PEDESTRIAN EXPERIENCE
- PROVIDES AN IMPORTANT SERVICE NODE ALONG EXISTING MASS TRANSIT ROUTE

Special Use Permit – Required Findings of Fact

Finding #1: That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

The findings that are necessary to support this Special Use Permit request consider issues related to promoting the public's health safety and welfare. The following describes how Weaver Crossing is located, designed and proposed to be operated to ensure that these objectives are achieved.

General Site Design - The commercial uses proposed for Weaver Crossing totaling 40,706 sf. Walgreens, the drug store anchor, is the owner of the property. Similar to other facilities in town, signature architecture will define the character of Weaver Crossing along with the tree-lined pedestrian-friendly sidewalk setting. A one-way slip lane with parallel and angled parking wraps the corner and continues along the street frontage to provide important access to the building entrances.

A single drive through window that is critical to the successful operations of the anchor tenant is planned in a way that buffers it from public street views, minimizing the visual impact. Canopy tree plantings are proposed which exceed the minimum 30% requirement and parking lot shading will exceed 40% at maturity. Currently only a 17% tree canopy currently exists. Evergreen plantings are proposed along the eastern boundary to help buffer adjacent properties while maintaining visual and pedestrian connections.

Access to the site is proposed from Sparrow Lane along the south, a mid-site access drive and an existing access along Weaver Dairy Rd. Improvements are proposed to Sparrow Lane including the dedication of additional right-of-way and the provision of a 5' sidewalk along the property frontage. Left turn movements from the drive closest to MLK, Jr. Blvd. are essential for loop circulation. This movement will enable motorist to loop back through the site without having to exit on to MLK Jr. Blvd. in order to find a parking space. All proposed access points and turning movements proposed have been reviewed by NCDOT and found to be acceptable.

Architecture - The architecture of the buildings will respond to this important entranceway into Chapel Hill and will be designed to complement one another. Bold architectural massing will extend the height of the north building to almost 50 feet creating a more dramatic architectural statement. An adjacent patio will provide an inviting gathering space for outdoor seating. This objective is integral to the Northern Area Task Force Report adopted by the Town.

Reduced Vehicular Parking and Increased Bicycle Parking and Awareness – Vehicular parking is proposed to be reduced to 82% of the minimum requirement and fragmented to avoid large expansive parking areas. A narrow one-way lane with angled and parallel parking will make access to the street level businesses convenient while creating a character for this street corner that is human scale. Bicycle parking is provided throughout the proposed site and conveniently located at principal entryways to buildings. A high percentage of covered bicycle parking (Class I) spaces

and a proposal to incorporate public art into the design of these site elements will serve to celebrate bicycle modality and enhance its awareness. The site plan proposed meets the guidelines established by the Town's Bicycle Facilities Plan.

Pedestrian Access and Mass Transit – The adjacent sidewalks provide access to and from the site by pedestrians. Connecting walkways and strategically placed crosswalks complete the system of pedestrian access throughout the site and connect with neighboring development to the east anticipated for the future. Discussions with Town Transit Officials suggest that the preferred Mass Transit Loading Station would be located north of the Weaver Dairy intersection. To facilitate safe and convenient pedestrian movements to and from this location and for those crossing MLK Jr. Blvd. a principal sidewalk is proposed from the gathering space to this corner. A reduction in the required minimum buffer widths coupled with increased tree sizes at the time of planting will provide more visual connectivity to the businesses that is more keeping with an urban streetscape along the public realm.

Solid Waste, Recycling and Utility Areas – Areas required for the collection of solid waste, recycling and other service utilities have been located to the rear (east) of the site. They have been designed to be convenient, safe and screened from view from the public R/W.

Pedestrian/Vehicle Separation and Traffic Calming — Sidewalks serving the businesses are designed to be in excess of 14' in width at the principal entrances with street tree plantings within grated tree pits. Pole mounted area lights, bicycle racks and street amenities will be provided to complete the interior streetscape. Through a combination of street tree plantings within adjacent R/W, enhanced connectivity with business entrances along sidewalk, increased tree sizes and increased shrub sizes proposed for parking lot screening, the site is designed to embrace urban site forms rather than the suburban forms currently prescribed by the LUMO. The public realm is enhanced by increased shading, rhythm of plantings, visual connectivity. Essential screening is proposed to exceed Town Standards to better mitigate the impact of automobiles as seen from the public R/W. A low masonry entrance wall is proposed for the street corner to reinforce the pedestrian connectivity and access.

Utilities – No off-site utility extensions are required for the development of Weaver Crossing.

Public Art - The Developer recognizes and embraces the Town's policy to encourage public art throughout the Town. Public Art serves an important function by energizing public spaces and expressing a commitment in support of the local artist community. Art can either be purely aesthetic or functional in nature. The Developers of Weaver Crossing propose the following two options for the Council's consideration (a) artist designed bicycle racks for three different locations on the street sides of the proposed north building or (b) stand-alone public art at intersection corner or within gathering space. All artist proposals would be subject to approval by Owner and an individual Planning Staff Representative appointed by the Town Manager. Developer shall make available funds not to exceed \$10,000.00 and shall be suitable for parking 12 bicycles OR \$7,000 if the stand-alone option is selected by Council.

Proposed Buffers – Buffer widths and plantings are proposed that offer visibility into the site and the sliplane configuration while relegating essential truck and emergency access towards the rear of the site. In keeping with this more urban streetscape concept, all canopy trees are proposed to be a minimum of 4"

caliper at the time of planting (double the required minimum size of 2" in favor of a 50% reduction in quantity). This allows for the street trees along both arterial streets to be planted at an average of 40' oncenter allowing for better canopy form and tree health at maturity. This modification also provides for more visual connectivity to business entrances and facades, and is in keeping with urban streetscape standards. Shrub plantings within buffers needed to screen vehicles are proposed to be 24" at the time of planting. It is proposed that all trees between the adjacent roadways and building facades be credited towards buffer plantings since they contribute to the vertical plane for which buffer tree plantings are intended. Only shrubs planted between the vehicles and the adjacent roadways are counted towards required buffer plantings since their intended purpose is to screen vehicles from the public R/W. Tree plantings proposed within the NCDOT R/W meet NCDOT Guidelines and are counted towards required buffer plantings as permitted by the LUMO.

Tenant Mix – A mix of tenants within Weaver Crossing will make available essential services to the surrounding residents, convenient and accessible by non-vehicular modes of transportation. The retail component of Walgreens as a corner market provides a broader range of available products in s smaller neighborhood store format. Essential grocery products in addition to the traditional line of dry goods and pharmaceuticals will mean shorter trips for residents and more convenient access by alternative modes of non-vehicular transportation. Weaver Crossing is situated on an existing mass transit route and is in close proximity to the recently approved Charterwood and Carolina North.

Energy Management Plan – The following performance standards and commitments will be incorporated into the design of the buildings and site for Weaver Crossing.

a) Description of how project will be 20% more energy efficient than ASHRAE Standards.

Project will be 20% more energy efficient than ASHRAE 90.1-2007 as referenced in the 2012 NC Energy Conservation Code. Energy modeling will be used to maximize building performance and focus funding on solutions that are effective in reducing heating/cooling loads and energy usage. The building thermal envelope will be designed to surpass the prescriptive requirements of the NC Energy Conservation Code. More efficient mechanical equipment will reduce the energy usage. A combination of fluorescent and LED lighting will reduce the power usage and the heat load generated from lighting. Exterior perimeter glazing will daylight the interior office perimeter. Tubular daylight devices (Solatubes or similar) or skylights will provide daylighting to the interior office spaces. A lighting controls system and daylight sensors will further reduce the need for artificial lighting during daylight hours. Geothermal is also under strong consideration and will be incorporated into the project if the payback period is acceptable to the building owner. Another innovative concept being considered is a centralized vampire shut-off system to disconnect a percentage of outlets (plug loads) at night to reduce energy consumed by electrical devices, such as cell phone chargers and computers on standby power.

b) Description of utilization of sustainable forms of energy (Solar, Wind, Hydroelectric, and Biofuels).

We will study incorporating sustainable forms of energy, but based on discussions with the energy consultant it is unlikely that sustainable forms of energy will be financially feasible due to the size and scope of this project.

c) Participation in NC Green Power Program.

We will explore participation in the NC Green Power Program.

d) Description of how project will ensure indoor air quality, adequate access to natural lighting, and allow for a proposed utilization of sustainable energy.

The HVAC system will include air filtration and meet or exceed Ventilation for Acceptable Indoor Air Quality requirements in accordance with ASHRAE 62.1-2004 as referenced in the 2012 NC Mechanical Code. All interior building finishes for the shell and tenant improvements will be low-VOC to limit airborne contaminants. CO2 sensors will be installed. Daylighting will be provided as noted in the answer to item a above.

e) Description of how project will maintain commitment to energy efficiency and reduced carbon footprint over time.

Commissioning, a building automation system, and post-occupancy evaluation will be used to monitor energy performance and operations.

f) Description of how the project's Transportation Management Plan will support efforts to reduce energy consumption as it affects the community.

By reducing vehicular parking and increasing bicycle parking and awareness will encourage visitors to the site to explore alternative modes of transportation. Vehicular parking is proposed to be reduced to 82% of the minimum requirement. Bicycle parking is provided throughout the proposed site and conveniently located at principal entryways. A high percentage of covered bicycle parking (Class I) spaces and a proposal to incorporate public art into the design of these site elements will serve to celebrate bicycle modality and enhance its awareness.

The adjacent sidewalks provide access to and from the site by pedestrians. Connecting walkways and strategically placed crosswalks complete the system of pedestrian access throughout the site and connect with neighboring development to the east anticipated for the future. Discussions with Town Transit Officials suggest that the preferred Mass Transit Loading Station would be located north of the Weaver Dairy intersection. To facilitate safe and convenient pedestrian movements to and from this location and for those crossing MLK Jr. Blvd. a principal sidewalk is proposed from the gathering space to this corner.

Balancing the Budget – The proposed development of Weaver Crossing will add to the Town's annual tax base as illustrated in the following table. The total amount of revenue generated from sales tax would be in addition to those listed below.

- Current Tax Value \$ 1,522,674.00 Projected Tax Value \$ 12,000,000.00
- Annual Tax Increase \$ 168,726.00 +/- (Including County, City & School Benefit)

Finding #2: That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of articles 3 and 5, the applicable specific standards contained in the supplemental use regulations (article 6), and with all other applicable regulations;

The Town of Chapel Hill Land Use Management Ordinance prescribes standards for the development of Weaver Crossing. These standards help to ensure that that businesses, the adjacent neighborhoods and members of the general public are protected, and that transit supportive uses are developed in close proximity to transit facilities.

Land Use Management Ordinance

Article 3 – Zoning Districts, Uses and Dimensional Standards

Existing Zoning and Proposed Dimensional Standards – Weaver Crossing is a part of a larger MU OI-1 Zoning District which includes all of Timberhill Office Complex and Chapel Hill North. MU OI-1 is a zoning category that was developed for suburban office parks with commercial or residential uses included. It is no longer used for new districts and is considered obsolete. The Town is proposing a change in the zoning to Conditional Use – Community Commercial (CU-CC) which along with proposed modifications will enable the urban form of development that is recommended by the Northern Area Task Force Report and what is being proposed.

Dimensional Standards – Pursuant to Article 3.8-Dimensional Standards the following table identifies the requirements and how they are proposed to be met by the proposed development.

Dimensional Standard	LUMO Requirement (CC)	Proposed	Notes
Minimum Tract Size	5,500 sf	1.5 ac (see note)	Four parcels will be
			recombined into two parcels
Setbacks			
Street – MLK, Jr.	22'	35' min.	
Street – Weaver D.	22'	35' min.	
Street – Sparrow	22'	35' min.	
Interior/Solar	8'/9'	40' min.	
Parking Setback	4' (min. median to allow	3'	Planting areas adjacent to
	for plantings adjacent		MLK, Jr Blvd. vary 15'-28' (15'
	to public streets) 3' at		min. include combined planting
	driveway connect to east		areas within R/W)
Max. Bldg. Ht.			
Primary	34'	0'	
Secondary	60'	50' max.	
Permitted Uses	Office, retail, residential	Office, medical clinic and	
		retail	
Permitted Floor Area	69,156 sf	40,706 sf	
Max FAR Ratio Limits	n/a	n/a	

Buffers			
MLK Jr. Blvd Arterial	30' Type 'D' (arterial)	6.5'-13.0' on-site + Alternative buffers a	
		additional planting areas	to provide for required street
		within R/W= 15' min.	tree plantings and screening
		planting area (20' avg.)	hedges
Weaver Dairy Rd.	30' Type 'D' (arterial)	9' on-site +	Alternative buffers are proposed
		additional planting areas	to provide for required street
		within R/W=10' min.	tree plantings and screening
		planting area (12' avg.)	hedges
Sparrow Lane	20' Type 'C'	8.0'-16.0' at parking and	Includes screen wall and
		service areas + other	plantings
		open space to 80' +/-	
Interior	10' Type 'B'	3'-10' (minimum only at	Evergreen trees and a mixed
		driveway connection to	shrub hedge is proposed along
		East (9' avg.)	eastern boundaries
Parking Permitted	161 spaces (min)	132 spaces	82% of minimum
Bicycle Parking	18 spaces	22 spaces	Includes 8 Class I spaces (36%)

Resource Conservation District - The Stream Determination conducted by the Town of Chapel Hill Staff has confirmed that no streams or RCD exist on the subject property. The proposed development has been designed to provide stormwater best management practices including a subgrade sand filter for mitigating the effects of the anticipated runoff. This system design will comply with all stormwater regulations.

Proposed Modifications –

1. Modification of Table 5.6.6-1of the Land Use Management Ordinance to modify the landscape buffervards as noted in the above table and further described below.

A reduction in the buffer widths is being proposed in order to accommodate a slip-lane configuration while still providing for essential truck and emergency access towards the rear of the site. In keeping with a more urban streetscape concept, all canopy trees are proposed to be 4" caliper minimum at the time of planting (double the required minimum size of 2" in favor of a 50% reduction in quantity). This provides a 40' O.C. spacing on average of street trees along MLK Jr. Blvd. Somewhat smaller deciduous magnolias are proposed at 30' on-center along Weaver Dairy Rd. due to the limitations posed by the overhead 3-phase electrical distribution line. Small trees are also proposed to be doubled in size (from 5' to 10' min. height) at the time of planting. This LUMO provision can be applied at the Manager's discretion to provide for more immediate shading and tree canopy coverage. At maturity canopy trees will provide for 43% shading, exceeding the minimum 30% requirement. Total tree canopy coverage will increase from an existing 17% to over 40% at maturity.

These buffer modifications provide for more visual connectivity to businesses and are more in keeping with an urban streetscape along the public realm. By including areas within the NCDOT R/W that are suitable for planting, the average parking setback along MLK Jr. Blvd is 27' and 17' along Weaver Dairy Rd. These dimensions are measured from the proposed back-of-curb of the parking to the back of curb along the adjacent roadway and include the 5' sidewalk located within this area. The quantity of shrub plantings proposed exceeds the minimum requirements established by the LUMO along the east and south buffers. The minimum sizes at the time of planting will be increased from 18" to 24" (min.). The increase in shrub sizes will provide for more immediate screening of parking up to a 36"- 42" height. The proposed Sparrow

Street buffer exceeds any existing buffer between the residents and businesses that currently front on Sparrow Street. By incorporating an 8' masonry screen wall and extensive landscape plantings the buffer in this area will be significantly enhanced. The minimum width buffers are proposed only at the intersection where two corners of the parking extend within 8' and 11' from the back-of-curb and the new sidewalk. This condition accounts for the dedication of additional R/W along Sparrow. The eastern most 35% of the Sparrow frontage is proposed to be left as a grassed open space.

For purposes of calculating buffer plantings in the urban context, all plants located between the street and the proposed building façade have been included since they contribute towards the vegetated vertical plane. This streetscape planting design and buffer widths are consistent with other generally accepted urban streetscape standards. Representative sections of buffers and setbacks are included on the following page.)

Modification of Section 5.9.6 of the Land Use Management Ordinance to not provide the required minimum five foot parking lot screening between the internal parking areas and building facades.

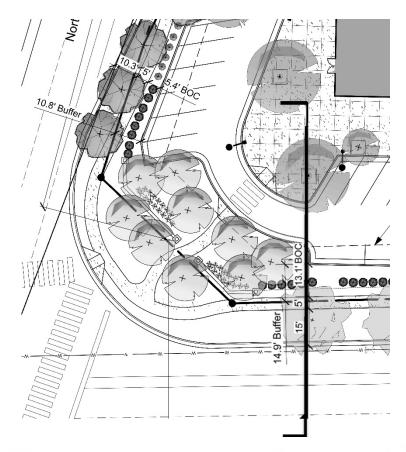
A tree lined sidewalk (14' minimum width average) is proposed for the north building along MLK, Jr. Blvd. and Weaver Dairy Rd. frontages. Planters, benches, bike racks and street lights will enhance the pedestrian experience adding to the vibrancy of the sidewalk. Where building facades do not have entrances for significant distances the 5' minimum planting area is provided and exceeded in most situations.

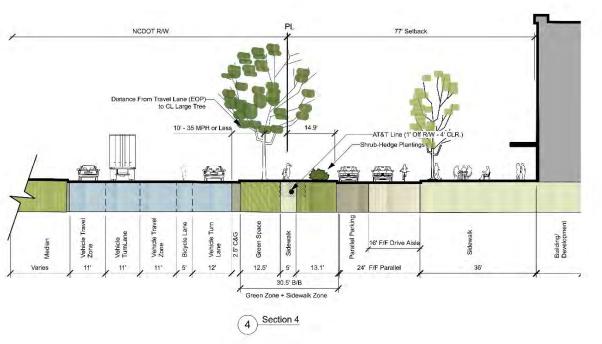
3. Modification of Section 5.9.7 of the Land Use Management Ordinance to providing 82 percent of the required minimum parking spaces.

Weaver Crossing is located in a highly-active transit corridor with expectation that a significant number of trips would be accessing the site via public transit. Coupled with enhanced bicycle parking and connecting sidewalks a reduction in the amount of parking is proposed (82% of the minimum required).

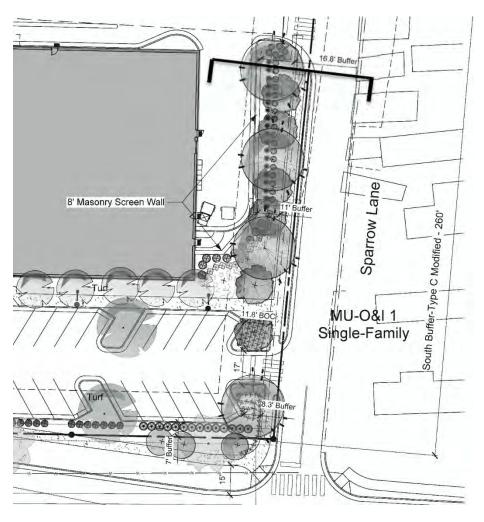
4. Modification of Section 5.11.4. Offsite Illumination allowing for light trespass (1.5 fc maximum) along adjacent NCDOT and Town Arterials. This modification will provide increased illumination of adjacent pedestrian sidewalk areas.

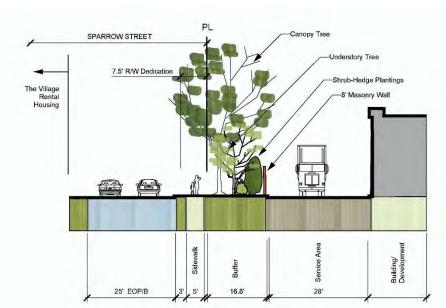
Increased nighttime illumination of adjacent sidewalks and roadway shoulders adds to the safety and enjoyment of pedestrians and bicyclists. By allowing some light throw (1.5 fc max) beyond the property line along major roadways captures light provided for the adjacent parking areas that would otherwise have to be shielded. By limiting light throw and adherence to NCDOT guidelines will insure that the light trespass does not adversely impact adjacent properties or passing motorists. For reference Twilight = 1 fc, Dusk = 10 fc.



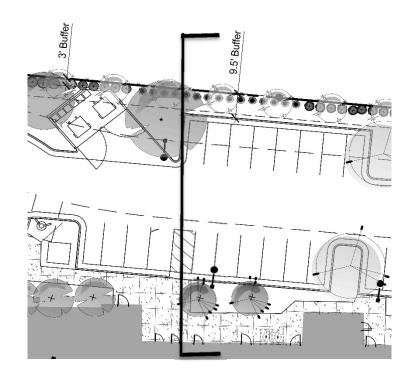


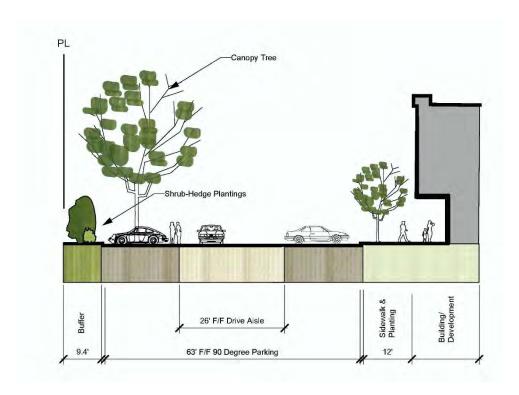
Northwest Corner of Site - MLK Jr. Blvd. and Weaver Dairy





Southwest Corner – MLK Jr. Blvd. and Sparrow Lane





Interior Vehicular and Pedestrian Connector

Article 4 - Procedures

The developer first meet with Town Staff and the Committee on Economic Development in June 2013 to explore the Town's needs and to discuss ideas for possible development options. At that time a desire for a more active streetscape with "principal" businesses entrances facing MLK Jr. Blvd. and Weaver Dairy Road was unanimously expressed. The discussion addressed concerns where visions for businesses along arterials fell short due to a lack of parking in front to make them viable in the marketplace. Encouragement given to rethink the traditional Chapel Hill model of all parking in the back but rather to provide a more viable, active streetscape along the public realm.

Subsequently, revised concept plans were drafted and submitted to the CDC (March 2014) and Council (May 2014) for Concept Plan review. Responses to comments made at these reviews are included with this application. Highlights of the reviews and discussions:

Chapel Hill Northern Area Task Force

- It was explained by the Developer that the Northern Area Task Force's vision for this property would require the assemblage of multiple properties, many of which were not on the market and were not likely to be for many years to come.
- The site is a suburban sub-market and comparisons to downtown areas of Chapel Hill are made without consideration for actual market forces.

Market Conditions

- The current inventory of vacant office space and multi-family residential that is under development and that scheduled to begin would satisfy the market demand in this sub-market for 10 to 15 years.
- Current Tax Value \$ 1,522,674.00 Projected Tax Value \$ 12,000,000.00 Annual Tax Increase \$ 168,726.00 +/- (Including County, City & School Benefit)
- Revenue generated from Sales Tax not included in the above amounts

Site Constraints

- The site owned proposed for development is 3.36 acres, consisting of 4 parcels.
- Numerous attempts have been made over the past 18 months to assemble the adjacent commercial parcel without success.
- The depth of the property allows for a site design with an active slip-lane made possible by reducing buffer widths. Sufficient adjacent R/W allows for plantings that are consistent with the LUMO requirements allowing for buffer with and plant size modifications.

Opportunities and General Comments

- Pedestrian connections with a larger patio developed for a gathering space on the corner. Most important for residents arriving on foot or by bicycle for resting. "Make a Space at the Corner",
- Need vehicular and pedestrian connections to adjoin property to the east so future development can comingle. No heavy buffers separating uses,
- Mixed opinions on architectural style but generally a more contemporary, iconic style was favored. Transparency on buildings was very important,

- Need pedestrian circulation thru the north building to connect parking in rear,
- Some preferred more parking in front at corner and some preferred less,
- Must comply with stormwater regulations, no variance here is acceptable,
- Would like to see a second story balcony or feature overlooking corner patio,
- No objection to buffer modifications in this context was raised
- Buildings to provide human activity in all parts of the building, clear second story glass, and shaded rest areas.
- Create buildings to human scale provide overhead protection from sun.
- Rear of buildings as important as fronts.
- Make the development a destination and make it exciting, playful, and striking.
- Use Chapel Hill vernacular and modernist architecture.
- Don't create a "beige" strip mall.

Article 5 - Design and Development Standards

Overall Site design — Weaver Crossing has been designed to meet and exceed all of the Town's Development Standards allowing for the buffer modifications proposed herein. Planting standards are designed to provide for early shade and tree canopy coverage far in excess of the existing coverage. Improvements to Sparrow Lane, including dedication of the R/W and sidewalk construction are proposed.

Lot-Layout Standards – The following supportive diagrams illustrate how the intent of the Lot Layout-Standards is proposed to be met:

Street Setbacks for Buildings – The Community Commercial Zone establishes a Street Setback of 22' for all streets. This dimension is indicated by the dashed line in the image below. Parking setbacks are not established however buffers are prescribed for adjacent uses. Plantings in adjacent R/W that comply with NCDOT Planting Guidelines are allowed for credit.

In all cases Minimum Building Setbacks are exceeded (ranging from 39' – 55'). Other standards for development and how they are being met are noted below.

Protect and conserve environmental resources – Current site conditions do not contribute favorably towards protecting natural resources with respect to urban heat island effects or stormwater runoff. The lack of tree canopy coverage (total current canopy coverage is 17% +/-) does little to shade the ground surface in the summer months or block winds during the winter months. The proposed canopy tree plantings will increase this canopy coverage to more than 40% at maturity. Stormwater detention and treatment will provide for higher water quality and no increased run-off.

The Town of Chapel Hill has developed design guidelines that serve to communicate what is expected of 'good design'. Their purpose is 'to assure that new designs remain in continuity with the town's existing design 'successes,' and at the same time inspire exciting and creative additions to the community's blend of distinctive buildings from many eras.' The following Statement of Compliance identifies areas where these principals are integral in the proposed plans for the Weaver Crossing. The bold typeface highlights wording extracted from the Town's Design Guidelines document.

GENERAL GUIDELINES

• Livability: Buildings and outdoor spaces should be designed to fit human scale, harmonize with design of streets, and accommodate pedestrian traffic.

Weaver Crossing is designed to animate the street level activity with a robust workplace environment. Human scale architecture with individual entrances, awnings and business entrances will front on sidewalks with street trees, benches and other street amenities. The design of the one-way street incorporates angled parking helping to slow vehicle speeds and minimize the cross-section width. This design solution promotes pedestrian and bicycle activity and safety.

• Visual Impact: New public and private projects should be visually appealing, and compatible with other development in the surrounding area.

Signature architecture with a high level of transparency at street-level will define the character of Weaver Crossing. Adjacent properties to the north include Timberhill a 2-story office complex and other 1-story offices located along Perkins Dr. Timberlyne Shopping Center includes predominately 1-story businesses along Banks Drive. The drugstore proposed for the south frontage along MLK Jr. Blvd provides a transition to the adjacent residences and will be architecturally significant to provide a strong architectural edge fronting the street.

 Vegetation: Landscape design concepts should preserve existing trees and incorporate native new trees and shrubbery. The landscape theme should be aesthetically compatible with that of the surrounding neighborhood.

The site is predominately open and grassed with the exception of a small stand of pines and some hardwoods near the southern boundary. A narrow stand of pines separates the site from the rear of the Banks Rd. shops of Timberlyne. Significant new street tree plantings are proposed along MLK Jr. Blvd. and Weaver Dairy frontages. Coupled with the Town's vehicular parking and tree coverage requirements over 80 trees will be planted to create a new tree canopy over much of the site.

 Mobility: Land design concepts should provide a network of roads, bicycle paths and lanes, and sidewalks that give strong consideration to the safety of motorists, cyclists, joggers, and walkers.

The one-way lane accessing the street-level businesses is designed to limit speeds thereby promoting pedestrian and bicycle safety. The proximity of a proposed mass-transit stop will encourage access by residents choosing non-vehicular modes of transportation.

 Activity Centers: Structures and complexes should enhance community life by use of "destination points" such as arcades, lobbies, and ground-level businesses, while at the same time providing for safe movement of vehicles and pedestrians.

Ground (street) level business entrances and sidewalks are planned to encourage access by pedestrians and enhancing Weaver Crossing's destination character.

 Views: Streets, buildings, and parking lots should enhance the urban environment by providing pleasant vistas and geographic orientations.

The one-way lane planned for Weaver Crossing, follows generally accepted urban standards. This Street Type is designed to support businesses and maximize the level of pedestrian sidewalk activity. Views from MLK Jr. Blvd. will be filtered through street trees with evergreen shrubs to soften the impact of vehicular space.

SITE DEVELOPMENT

PRESERVATION OF NATURAL DRAINAGE PATTERNS

• Design so as to prevent stormwater from flowing over sidewalks and paths.

Stormwater management facilities are located in a low area of the site that connect to existing stormwater facilities traversing MLK Jr. Blvd. The subsurface design helps to maximize the site area available for a higher level of urban development. All collected run-off will be directed away from sidewalks and pedestrian areas. Significant areas of pervious paving will be utilized for vehicular parking.

SITING OF BUILDINGS

 Buildings should harmonize with neighboring areas; this is achieved through careful attention to elements such as size, style, form, color, and materials.

The design of the buildings will provide a signature architectural form and character worthy of the entranceway. A two-story façade is envisioned with individual storefronts facing MLK Jr. Blvd. will characterize Weaver Crossing. Vertical architectural features will serve to extend the massing and to create a façade that is more typical of a 3-story building. Materials, color and details will embrace an urban form consistent with the Chapel Hill vernacular.

STREETS, PARKING AND CIRCULATION

Internal Circulation: Streets and Driveways

- Safety and convenience of automobile, bicycle and pedestrian movements are critical considerations.
- Automobiles should be able to enter a site safely and then move to parking areas. Particular
 attention should be paid to the location of dumpsters for trash collection. Dumpsters should be
 completely screened, located behind buildings, and accessible to Town service vehicles.
- Roads and other internal driveways should be designed to accommodate a variety of vehicles in addition to passenger cars, including delivery trucks, sanitation trucks, and emergency vehicles.

Weaver Crossing is planned for a one-way circulation loop to access businesses. Restricted to angled parking along one side and parallel along the public street front, this traffic configuration limits the impact of the vehicular space, and enhances pedestrian and bicycle safety and movements to and from the intersection. Located in close proximity to a proposed mass transit stop, alternative modes of transportation are supported and encouraged. Service areas (dumpsters) and delivery access is relegated to the rear of the development where a drive-thru service window is proposed. The drive-through window is essential for service to the sick and elderly for pharmacies of today. The size and number of lanes has been limited to the greatest degree possible. Improvements are proposed for Sparrow Lane with the intent to provide a paved connection to Westminister Rd. R/W for the southerly connection to Westminister Rd. is not within the developer's control however attempts will be made to procure sufficient width for emergency vehicles.

STORMWATER MANAGEMENT

- Detention ponds for run-off and sedimentation should be located where a natural holding pond already exists.
- Retention and/or detention ponds on wooded sites should be located in existing ponds or drainage tributaries that subsequently feed into major valleys.
- Ponds should be designed as part of the landscape with grades so gradual that no fencing is required.

The stormwater management program for Weaver Crossing provides for capture and treatment of stormwater before it is released at pre-development rates. Retention and treatment will be provided below parking areas to minimize surface ponds and their associated hazards. Ultimately the treated stormwater will be released to an 18" concrete pipe that exist under MLK Jr. Blvd. From this point the treated stormwater travels through a stone lined channel leading to Booker Creek. The released stormwater will be retained per Town requirements. The proposed impervious surface (70%) will be treated with no increase in the pre-development release rate.

UTILITIES

- Underground installation of all lines is encouraged.
- Landscaping in the vicinity of surface mounted transformers and switching boxes should allow for sufficient distance to perform routine maintenance of these facilities.
- Combining Utilities Easements with Site Access Drives

 Soft utilities (power, telephone, communications, etc.) will be located underground to the greatest extent practical and aligned with vehicular travel ways to avoid tree planted areas.

ARCHITECTURAL CHARACTER

KEY DESIGN OBJECTIVES

- Buildings should be designed and located so that they provide visual interest and create enjoyable, human-scale spaces.
 - A 2-story building with signature architecture is planned to accentuate the MLK Jr. Blvd. and Weaver Dairy Rd. corner. The drug store located on the southern portion of the site will be scaled up architecturally to provide an appropriate transition as one moves south and away from the intersection. Frontage along the tree-lined pedestrian sidewalk will be characterized by transparency to engage the pedestrian.
- Building design should blend with the natural terrain by means such as terracing or other techniques that minimize grading.
 - The site will be graded to bring the southern building to a near street-level elevation. This is necessary for ADA accessibility requirements and to 'connect' with the sidewalk along the adjacent pubic roadways.
- Designs should be compatible, in form and proportion, with the neighboring area.
- Designers should strive for creativity in form and space wherever contrast and variety are appropriate to the larger environment.
 - The architectural character of Weaver Crossing will capture the Chapel Hill vernacular through the use of important corner elements and roof forms. Creating street-level interest and activity appropriate for this entryway is the principal that will guide the architecture and outdoor space. An important gathering space is proposed for the corner.

ARCHITECTURAL DETAILS

Entrances

Entrances should clearly identify important access points.

• Entrances should provide an introductory statement for a building, and should be landscaped with plants complementary to the building's architecture and style.

Individual business entrances along a one-way tree-lined lane will define the street-level architecture on MLK Jr. Blvd. Street furniture, signage and window graphics will combine to provide a lively promenade.

Facade Treatment

- All elevations of a building's exterior design should be coordinated with regard to color, materials, architectural form and detailing.
- The number of different materials on exterior facades should be limited.

 The diversity offered in the elevations and the carefully selected range of harmonious colors will combine to create a unified streetscape.

Setbacks

 Building setback (distance from street) should be compatible with positioning of existing buildings on the block or street.

The minimum building setbacks for the proposed buildings are in excess of those required by the LUMO. This allows for the one-way slip lane along the two arterial roads needed to activate the businesses that will occupy the street level.

Buffer modifications are being proposed that are appropriate for urban streetscapes. These include linear street tree plantings and shrub plantings that soften the impact of vehicular areas while allowing views into the public space from the street. All canopy trees will be a minimum of 4" caliper at the time of planting.

Roof Design

- Roof shape, color, and texture should be coordinated with treatment of the building's perimeter walls.
- Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts and other utility structures together.

Roof forms will consider both the architectural style and the need to conceal rooftop equipment.

LIGHTING

 Exterior lighting and site furniture should be architecturally integrated with the building's style, material, and color.

Exterior street lights will meet Town standards for pedestrian sidewalks and parking area lighting as well as limiting light trespass adjacent to residential uses. Energy consumption, accent lighting and light fixture style will also be important design considerations. Street furniture will be selected to compliment the architectural style selected.

LANDSCAPE CHARACTER

KEY DESIGN OBJECTIVES

 A landscape theme should foster unity of design and reinforce existing vegetation with compatible plantings. (For example, new seedling plantings could expand an existing tree canopy.)

Vehicular area shading and tree coverage requirements establish important minimum planting requirements. A linear planting of large growing canopy trees is being proposed along the adjacent street frontage and at strategic points throughout the parking areas. At maturity these plantings will provide a pleasant tree canopy for pedestrian activities during the summer months but allow sunlight to bath the sidewalks during the colder months. Smaller flowering accent trees are proposed where appropriate. Very little tree canopy currently exists on the property (17%) and is limited to a tall stand of pines in the south central area of the site and along the southeast corner. While these trees will mostly be removed the replacement tree canopy coverage will exceed 40% at maturity.

BUFFERS

Developers are encouraged to provide street tree plantings that establish an attractive and consistent streetscape and scale.

The street tree plantings proposed along MLK Jr. Blvd. and Weaver Dairy Rd. will provide important separation for the pedestrian spaces and this major arterial (NC 86). Buffer modifications are proposed that are consistent with urban streetscapes.

PLANT SELECTION AND MAINTENANCE

- Indigenous and/or regionally grown plants are preferred.

 Both native and regionally adapted plant material will be used for the landscape. All plants will be selected for their drought tolerance, durability and appropriateness.
- Tree and shrub plantings should be grouped together to create strong accent points.
- Landscaping should be of sufficient size so that mature appearance will be achieved within three to five years of planting.
 - Plant material will be sized to provide a maturing form within 5 years of planting. Canopy trees will be a minimum of 4" caliper at the time of planting.
- Deciduous trees should be provided along a building's southern exposure, and conifers and broad evergreen trees along east and west exposures. Such plantings help to lower a building's energy requirements.
 - Deciduous street trees are planned for the front yard/sidewalk environment. Evergreen plantings will be provided in areas where screening is needed or where accent plantings are appropriate.

Finding #3: That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and

Several planning concepts have been incorporated into the design for Weaver Crossing in order to ensure that the values of adjacent properties is maintained or enhanced. The following is a list of each.

Enhance Streetscape and Pedestrian Activities – By creating a setting for businesses that serve the daily needs of the neighboring community and doing so in a from that promotes street level activity, the human scale of this important entranceway into Town is greatly enhanced. The separation of pedestrian sidewalk from MLK, Jr. Blvd by large street tree plantings facilitates a safer route along this arterial travel corridor. The buffer modifications proposed would provide more visual connectivity to the business entrances and more keeping with an urban streetscape along the public realm.

Architectural Compatibility and **Connectivity** – Several architectural styles were explored during the Concept Plan Review. Though not unanimous a significant majority expressed preference for a modernist style that was noteworthy and still compatible with the neighborhood. Attention will be given to all sides of the buildings and connections are provided to the east for both pedestrians and vehicles. The verticality of the buildings will be emphasized to increase the massing at the street corner and along this wide arterial corridor.

Buffers - Buffers are proposed that soften the uses but do so in a way that the visual connectivity is emphasized, enhancing the urban streetscape. A masonry screen wall with tiered landscaping is proposed along Sparrow Lane to screen service areas to a greater degree than the minimum 20' Type C buffer. The eastern most 1/3 of the Sparrow Lane frontage will remain as open space with depths up to 80 feet on average. Visual connectivity is enhanced at sidewalk connections to Sparrow Lane through accent plantings layered with evergreen hedges.

Sustainability – A preliminary Energy Management Plan is provided with this application and will be refined once the building design process is begun. Highlights of the plan include: energy modeling (i.e. building thermal envelope, glazing, etc.) consideration of renewable energy sources (geo-thermal and NC Green Power), energy efficient lighting, and building automation. The Transportation Management Plan includes the extension of the multi-use path along MLK Jr. Blvd, a higher percentage of Class I bicycle parking spaces, interconnectivity with adjacent properties, and a reduction in the vehicular parking to 82% of the minimum requirement.

Finding #4: That the use or development conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan as embodied in this appendix and in the comprehensive plan.

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. Weaver Crossing responds to these as described below.

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)
- A community of high civic engagement and participation (PFE.5)

Weaver Crossing is planned to include a mixture of uses that serve the needs of the neighboring community. Retail uses including a drug store, coupled with other commercial uses will create a high level of activity that is desirable for this key entryway focus area. Expanded wellness services are now a key feature of drug stores, as are expanded food sales offering more complete shopping opportunities. Transparency will define the architectural character of the ground floor business entrances which are designed to front on a one-way lane insuring a vibrant business environment. Public art from the local art community will complement the sidewalk street corner and gathering space.

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)

Weaver Crossing businesses are designed to front a tree-lined sidewalk with benches and other sidewalk amenities. These businesses will be easily accessible via sidewalk, bicycle or mass transit to/from low-moderate income housing located south of Sparrow Lane and along Westminster Dr.

Residents of Charterwood, when developed, will be able to access these businesses by pedestrian crossings that currently exist along MLK Jr. Blvd. Coupled with existing mass transit routes that now serve the MLK Jr. Blvd. corridor, this level of accessibility promotes a safe, vibrant and connected community focus. Weaver Crossing will provide positive sales and property tax revenue with minimal expense to the Town. The property is currently served by water and sewer.

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)

Weaver Crossing supports local transportation systems (mass transit, vehicular, bicycle and sidewalk) by adding important business services and job opportunities at key nodes. Located in close proximity to a substantial number of existing and planned housing, the businesses at Weaver Crossing will provide access to residents that either choose not to drive or cannot afford or choose not to drive. The development is adjacent to a proposed mass transit stop further enhancing access by alternative transportation modes. The proposed circulation is designed to animate the sidewalk activity with a one-way street and angled parking. This parking and circulation is essential to support the businesses while the configuration minimizes the cross-section width and visual impact. Designed for slow speeds, its design enhances pedestrian activity as well as access by bicyclists.

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 Northern Area Task Force Report (2008) and the Town's 2020 Comprehensive Plan identifies the subject property as a Development Opportunity Area-Town Village Center. We believe that that 2-story architecture (3-story massing) on the corner of Weaver Dairy and MLK Jr. Blvd. with vehicular circulation necessary to support the street level commercial activity, is the best way to fulfill this vision for the foreseeable future. Additional commercial uses occupying the 2nd level of the corner building will help to support those located at the street. Exemplary architecture with a high level of transparency at street-level is essential in order to activate the pedestrian realm of this "strategic entranceway gateway". Services and jobs that will locate at Weaver Crossing will help to strengthen the community and economic prosperity of the surrounding community. The businesses will be easily accessible by alternative transportation modes including bus, bicycle and pedestrian, adding to the social equity for those not able to drive.

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)

Provisions are included to manage on-site all stormwater run-off with water quality treatment sized to meet all State requirements. A subgrade retention structure and sand filter is proposed for this purpose. These facilities constitute the Best Management Practices that will insure that stormwater runoff does not impact neighboring properties.

Full cutoff lighting will be used throughout the site and designed in a way to meet all Town requirements. On-site traffic circulation and improvements to Sparrow Lane will insure minimal impact to surrounding properties. A Traffic Impact Statement has been included with this SUP Application

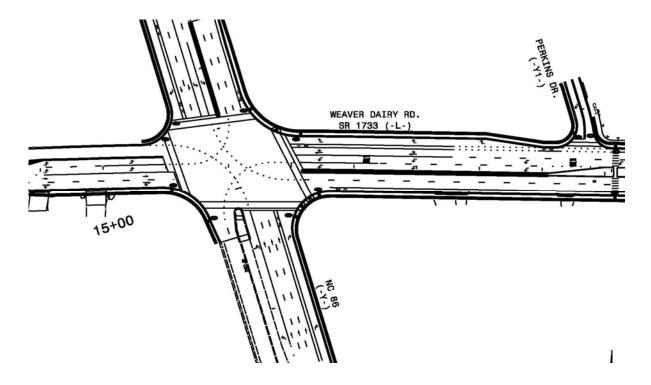
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Weaver Crossing

Developer's Program – Written Narrative July 28, 2014

Revised October 3, 2014 February 6, 2015

Location – Weaver Crossing is located at the southeast corner of the intersection of Martin Luther King, Jr. Blvd. and Weaver Dairy Rd. MLK Jr. Blvd/NC86 is owned by NCDOT (140' R/W) and serves as a major arterial leading into the Town of Chapel Hill from Interstate 40, less than ½ mile to the north. Recent improvements include the widening of Weaver Dairy Road to four travel lanes + turn lanes and the addition of a dedicated turn lane on to Weaver Dairy from MLK Jr. Blvd. Weaver Dairy Rd. is within a 110' R/W at the intersection. Other improvements included full signalized pedestrian crosswalks throughout the intersection in addition to one located east of the property nearer to Perkins Dr.



Project Description — Weaver Crossing is an important entranceway into the Town of Chapel Hill. Meetings with the Economic Development Commission revealed a preference for active business frontage along a tree-lined service slip lane. A two-story, mixed-use building (3-story massing) is planned for the northern corner and an adjacent one-story drugstore (2-story massing) south of the intersection. Both buildings will be designed using similar materials and architectural design features. The business uses housed in the north building combined with the bold exterior architecture will invigorate the corner. The architecture will be stimulating and refreshing to activate the streetscape and will include an outdoor seating area within the large corner patio. The design of this building will also incorporate architectural massing that extends the height of the building as noted above. This will serve to define and anchor the southeast corner of the intersection as an entrance gateway. The floor area for the uses proposed for Weaver Crossing total 40,706 sf.

A one-way slip lane with angled parking along one side wraps the corner and continues along the street frontage to provide important access to the business entrances. A drive through window that is critical to the successful operations of drug store pharmacy is planned in a way that buffers it from public street view to the greatest degree possible, minimizing the visual impact. Over 80 trees will be planted to create a tree canopy over all of the open portions of the site where only a 17% tree canopy exists today. Evergreen plantings are proposed along the eastern boundary to help buffer adjacent properties while maintaining visual and pedestrian connections.

Access to the site is proposed from Sparrow Street along the south, a mid-site access drive and an existing access along Weaver Dairy Rd. Improvements are proposed to Sparrow Street including the dedication of additional right-of-way.

Existing Zoning and Proposed Dimensional Standards – Weaver Crossing is a part of a larger MU OI-1 Zoning District which includes all of Chapel Hill North. MU OI-1 is a zoning category that was developed for suburban office parks with commercial or residential uses included. It is no longer used for new districts and is considered obsolete. The Town is proposing a change in the zoning to Conditional Use – Community Commercial (CU-CC). Dimensional standards prescribed by the Town's LUMO are listed below along with proposed standards and modifications where noted.

Dimensional Standard	LUMO Requirement (CC)	Proposed	Notes
Minimum Tract Size	5,500 sf	1.5 ac (see note)	Four parcels will be
			recombined into two parcels
Setbacks			
Street – MLK, Jr.	22'	35' min.	
Street – Weaver D.	22'	35' min.	
Street – Sparrow	22'	35' min.	
Interior/Solar	8'/9'	40' min.	
Parking Setback	4' (min. median to allow	3'	Planting areas adjacent to
	for plantings adjacent		MLK, Jr Blvd. vary 15'-28' (15'
	to public streets) 3' at		min. include combined planting
	driveway connect to east		areas within R/W)
Max. Bldg. Ht.			
Primary	34'	0'	
Secondary	60'	50' max.	
Permitted Uses	Office, retail, residential	Office, medical clinic and	
		retail	
Permitted Floor Area	69,156 sf	40,706 sf	
Max FAR Ratio Limits	n/a	n/a	
Buffers			
MLK Jr. Blvd Arterial	30' Type 'D' (arterial)	6.5'-13.0' on-site +	Alternative buffers are proposed
		additional planting areas	to provide for required street
		within R/W= 15' min.	tree plantings and screening
		planting area (20' avg.)	hedges
Weaver Dairy Rd.	30' Type 'D' (arterial)	9' on-site +	Alternative buffers are proposed
		additional planting areas	to provide for required street
		within R/W=10' min.	tree plantings and screening
		planting area (12' avg.)	hedges
Sparrow Lane	20' Type 'C'	8.0'-16.0' at parking and	Includes screen wall and
		service areas + other	plantings

		open space to 80' +/-	
Interior	10' Type 'B'	3'-10' (minimum only at	Evergreen trees and a mixed
		driveway connection to	shrub hedge is proposed along
		East (9' avg.)	eastern boundaries
Parking Permitted	161 spaces (min)	132 spaces	82% of minimum
Bicycle Parking	18 spaces	22 spaces	Includes 8 Class I spaces (36%)

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Existing Site Conditions - The 3.36 acre is gently sloping and predominately open with a small stand of mature pine trees in the southern portion of the site. Most of the site drains to a low point along MLK Jr. Blvd. just north of Sparrow St. From here it enters an 18" concrete pipe where it drains under the Blvd. to Booker Creek. A small portion of the site drains to the south east through Timberlyne Shopping Center. Public sewer and water currently serve the site and are adequate for the uses proposed.

Proposed Modifications –

1. Modification of Table 5.6.6-1of the Land Use Management Ordinance to modify the landscape bufferyards as noted in the above table and further described below.

A reduction in the buffer widths is being proposed in order to accommodate a slip-lane configuration while still providing for essential truck and emergency access towards the rear of the site. In keeping with a more urban streetscape concept, all canopy trees are proposed to be 4" caliper minimum at the time of planting (double the required minimum size of 2" in favor of a 50% reduction in quantity). This provides a 40' O.C. spacing on average of street trees along MLK Jr. Blvd. Somewhat smaller deciduous magnolias are proposed at 30' on-center along Weaver Dairy Rd. due to the limitations posed by the overhead 3-phase electrical distribution line. Small trees are also proposed to be doubled in size (from 5' to 10' min. height) at the time of planting. This LUMO provision can be applied at the Manager's discretion to provide for more immediate shading and tree canopy coverage. At maturity canopy trees will provide for 43% shading, exceeding the minimum 30% requirement. Total tree canopy coverage will increase from an existing 17% to over 40% at maturity.

These buffer modifications provide for more visual connectivity to businesses and are more in keeping with an urban streetscape along the public realm. By including areas within the NCDOT R/W that are suitable for planting, the average parking setback along MLK Jr. Blvd is 27' and 17' along Weaver Dairy Rd. These dimensions are measured from the proposed back-of-curb of the parking to the back of curb along the adjacent roadway and include the 5' sidewalk located within this area. The quantity of shrub plantings proposed exceeds the minimum requirements established by the LUMO along the east and south buffers. The minimum sizes at the time of planting will be increased from 18" to 24" (min.). The increase in shrub sizes will provide for more immediate screening of parking up to a 36"- 42" height. The proposed Sparrow Street buffer exceeds any existing buffer between the residents and businesses that currently front on Sparrow Street. By incorporating an 8' masonry screen wall and extensive landscape plantings the buffer in this area will be significantly enhanced. The minimum width buffers are proposed only at the intersection where two corners of the parking extend within 8' and 11' from the back-of-curb and the new sidewalk. This condition accounts for the dedication of additional R/W along Sparrow. The eastern most 35% of the Sparrow frontage is proposed to be left as a grassed open space.

For purposes of calculating buffer plantings in the urban context, all plants located between the street and the proposed building façade have been included since they contribute towards the vegetated vertical plane. This streetscape planting design and buffer widths are consistent with other generally accepted

urban streetscape standards. Representative sections of buffers and setbacks are included on the following page.)

2. Modification of Section 5.9.6 of the Land Use Management Ordinance to not provide the required minimum five foot parking lot screening between the internal parking areas and building facades.

A tree lined sidewalk (14' minimum width average) is proposed for the north building along MLK, Jr. Blvd. and Weaver Dairy Rd. frontages. Planters, benches, bike racks and street lights will enhance the pedestrian experience adding to the vibrancy of the sidewalk. Where building facades do not have entrances for significant distances the 5' minimum planting area is provided and exceeded in most situations.

3. Modification of Section 5.9.7 of the Land Use Management Ordinance to providing 82 percent of the required minimum parking spaces.

Weaver Crossing is located in a highly-active transit corridor with expectation that a significant number of trips would be accessing the site via public transit. Coupled with enhanced bicycle parking and connecting sidewalks a reduction in the amount of parking is proposed (82% of the minimum required).

4. Modification of Section 5.11.4. Offsite Illumination allowing for light trespass (1.5 fc maximum) along adjacent NCDOT and Town Arterials. This modification will provide increased illumination of adjacent pedestrian sidewalk areas.

Increased nighttime illumination of adjacent sidewalks and roadway shoulders adds to the safety and enjoyment of pedestrians and bicyclists. By allowing some light throw (1.5 fc max) beyond the property line along major roadways captures light provided for the adjacent parking areas that would otherwise have to be shielded. By limiting light throw and adherence to NCDOT guidelines will insure that the light trespass does not adversely impact adjacent properties or passing motorists. For reference Twilight = 1 fc, Dusk = 10 fc.

Basis for Justification – Key Points

- BALANCES FISCAL NEEDS
- INCORPORATES ENERGY MANAGEMENT PLAN GREEN AND ECOLOGICALLY SOUND DEVELOPMENT

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- BALANCED TRANSPORTATION SYSTEM
- NO EXTENSION OF OFFSITE INFRASTRUCTURE IS NEEDED
- EMBRACES TOWN'S PUBLIC ART POLICY
- PROTECTS ADJOINING RESIDENTIAL USES AND NEIGHBORHOODS
- PROPOSES SIGNATURE ARCHITECTURE THAT ENHANCES COMMUNITY CHARACTER
- PROPOSES USES THAT ENCOURAGE ECONOMIC VITALITY
- ACTIVATES AN IMPORTANT ENTRANCE GATEWAY
- PROVIDES FOR A 40% TREE CANOPY ENHANCING ECOLOGY (CURRENTLY ONLY 17% CANOPY) & STORMWATER QUALITY ENHANCEMENT
- PROVIDES FOR A STREET TREE EDGE ALONG MAJOR ROADS ENHANCING PEDESTRIAN EXPERIENCE
- PROVIDES AN IMPORTANT SERVICE NODE ALONG EXISTING MASS TRANSIT ROUTE

WEAVER CROSSING TRAFFIC IMPACT STUDY

EXECUTIVE SUMMARY



Prepared for:

The Town of Chapel Hill Engineering Department

Prepared by:

HNTB North Carolina, PC

343 East Six Forks Road Suite 200 Raleigh, NC 27609

NCBELS License #: C-1554

November 2014



WEAVER CROSSING

COMMERCIAL DEVELOPMENT TRAFFIC IMPACT STUDY

EXECUTIVE SUMMARY



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November 2014





Weaver Crossing - Proposed Commercial Development

EXECUTIVE SUMMARY

Project Overview

A new commercial development named Weaver Crossing, to be located along N.C. 86 (Martin Luther King, Jr. Boulevard) at Weaver Dairy Road, is being proposed in Chapel Hill. The project will primarily develop vacant land with a small redevelopment of an existing business and several mobile homes along Sparrow Lane. **Figure ES-1** shows the general location of the site. The project is anticipated to be fully complete by 2016. This report analyzes the full build-out scenario for the year 2017 (one year after anticipated completion), the no-build scenario for 2017, as well as 2014 existing year traffic conditions.



The proposed site concept plan shows restricted right-turn in/right-turn out only (RIRO) driveways along NC 86 and Weaver Dairy Road, with a one-way southbound exit driveway and one full movement service access driveway along Sparrow Lane. **Figure ES-2** displays the preliminary concept plan of Weaver Crossing and nearby land uses and roadways. The current plan includes several commercial buildings to be developed into a pharmacy, retail shops, a bank, and office space. 136 on-site surface parking spaces will also be provided.

This report analyzes and presents the transportation impacts that Weaver Crossing will have on the following intersections in the project study area:

- NC 86 (Martin Luther King, Jr. Boulevard) and Weaver Dairy Road
- NC 86 (Martin Luther King, Jr. Boulevard) and Sparrow Lane
- NC 86 (Martin Luther King, Jr. Boulevard) and Westminster Drive
- Weaver Dairy Road and Banks Drive
- NC 86 (Martin Luther King, Jr. Boulevard) and Site Access Driveway #1 (RIRO)
- Weaver Dairy Road and Site Access Driveway #2 (RIRO)
- Sparrow Lane and Site Access Driveway #3 (Southbound One-Way Exit Only)
- Sparrow Lane and Full Access Service Driveway #4

The impacts of the proposed site at the study area intersections will be evaluated during the AM, noon, and PM peak hours of an average weekday.

Existing Conditions

Study Area

The study area contains two signalized intersections along Martin Luther King, Jr. Boulevard at Weaver Dairy Road and Westminster Drive. It also includes several unsignalized stop-controlled intersections along and just to the east of the NC 86 corridor in this vicinity. Site traffic is expected use four proposed access driveways, with external u-turn movements necessary at study area intersections due to access restrictions along NC 86 and Weaver Dairy Road. Internal driveways on the preliminary site plan will circulate site traffic to designated parking areas.



Weaver Crossing - Proposed Commercial Development

N.C. 86 (Martin Luther King, Jr. Boulevard) is a major north-south arterial providing connectivity between downtown Chapel Hill, north and south Chapel Hill, the I-40 corridor and Hillsborough. Weaver Dairy Road is a minor east-west arterial providing connectivity through northern Chapel Hill. Remaining study area network roadways are either suburban collector streets or local neighborhood/commercial access streets.

Site Traffic Generation

With the addition of new peak hour trips during the weekday AM, noon, and PM peak hours, there are potential site traffic impacts to the study area intersections. **Table ES-1** shows the site trip generation details, with generation rates taken from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, Volume 9, 2012 and modified for the potential effects of transit, pedestrian and bicycle trips, as well as vehicular "pass-by" trips that are not new trips added to the external network.

Table ES-1
Weekday Vehicle Trip Generation Summary
Proposed Weaver Crossing

Trip Generation Statistic	Dail	ly Volun	nes	_	AM Peak Noon Peak Hour Iour Trips Trips			PM Peak Hour Trips				
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
ITE "Raw" Trip Generation	1,635	1,635	3,270	74	49	123	122	116	238	168	182	350
Transit/Bike/Ped Trip Reductions	-123	-123	-245	-7	-5	-12	-6	-6	-12	-17	-18	-35
External Vehicle Trips (Driveway Volumes)	1,512	1,512	3,025	67	44	111	116	110	226	151	164	315
Pass-By Trips	-307	-307	615	-0	-0	-0	-23	-23	-46	-65	-65	-130
External Vehicle Trips Added To Adjacent Streets (New Trips)	1,205	1,205	2,410	67	44	111	93	87	180	86	99	185

Background Traffic

Background traffic growth for the 2017 analysis year is expected to come from two sources - ambient regional traffic growth and specific development-related traffic growth. Town staff provided information for development-related traffic growth for seven Town-approved sites in the north Chapel Hill area near the project study area. All remaining estimated growth is assumed to occur due to overall region-wide ambient growth.

An ambient area-wide traffic growth percentage of 1.0 percent per year was applied to existing traffic volumes based on information from the historic daily traffic growth patterns in the project study (NCDOT and Town of Chapel Hill daily traffic information) and consistent with recent traffic impact studies completed in the project study area.



Weaver Crossing - Proposed Commercial Development

Impact Analysis

Peak Hour Intersection Level of Service

Existing traffic operations at all study area intersections are acceptable during all three peak hours analyzed. The projected ambient and background development traffic growth will increase impacts by 2017. Even with the addition of peak hour site-generated trips to the projected 2017 background traffic volumes, no study area intersections are expected to experience deficient traffic operations in any peak hour. A summary of the traffic operations for each intersection, related to vehicular delays (intersection average as a whole if signalized, critical movement if stop-controlled) and the corresponding Level-of-Service (LOS) is shown in **Table ES-2**.

In several cases, intersection delay at NC 86 & Weaver Dairy Road decreases between 2014 existing conditions, 2017 No-Build conditions, and 2017 Build conditions. This occurs due to effects of retiming/optimization at the nearby Westminster Drive intersection or because additional traffic is being routed through the coordinated north-south movements at the intersection, which in some cases can increase overall intersection efficiency.

Access Analysis

Vehicular site access is to be accommodated via four driveways connecting to external study area roadways. Single right-turn in/right-turn out only (RIRO) driveways are proposed along NC 86 and Weaver Dairy Road, respectively. Two additional driveways are shown on concept plans connecting with existing Sparrow Lane. A defined driveway access system internal to the site is also shown on the concept plan, showing internal connectivity to surface parking areas and one-way and two-way circulation patterns within the site development (see **Figure ES-2**).

Site Driveway #1 has a current design where exiting vehicles may conflict with a pedestrian crosswalk at the driveway throat. The internal circulation intersection is very close (25-50 feet) to the driveway connection with NC 86, but the one-way circulation pattern should prevent any blockages, provided adequate internal wayfinding signage and stop signs control movements at the internal four-way circulation intersection.

Driveway distances from intersections and adjacent driveways are acceptable, based on thresholds set forth in the 2003 NCDOT Policy on Street and Driveway Access to North Carolina Highways and the 2005 Town of Chapel Hill Design Manual. The distance between Site Driveway #1 and Sparrow Lane is approximately 225 feet, slightly less than Town standards. Table 4-A-1 of the Town of Chapel Hill Design Manual also specifies access control standards for driveways accessing arterials, stating "No access if alternative is possible to street of lower classification". This needs to be clarified for the Weaver Crossing project, as it proposes to access both a major arterial facility and a street of lower classification.

Access for pedestrians and bicyclists is excellent in the project study area. Sidewalk is present on both sides of NC 86 (Martin Luther King, Jr. Boulevard) throughout the study area and connectivity is available on at least one side of the street along many facilities in the project study area that connect to NC 86. Crosswalk exists across the NC 86 and Weaver Dairy Road signalized intersection and across Weaver Dairy Road immediately adjacent to the site. The recommended improvements included in the Charterwood development traffic study also include the upgrade for full pedestrian crosswalk and pedestrian signals at the NC 86 and Westminster Drive intersection adjacent to the site. Striped bicycle lanes along NC 86, Weaver Dairy Road, Westminster Drive and the Weaver Dairy Road Extension currently exist in the





Weaver Crossing - Proposed Commercial Development

project study area. The Weaver Crossing concept plans include pedestrian crosswalks at driveways and across Sparrow Lane, along with inclusion of sidewalk along the north side of Sparrow Lane.

Table ES-2. Weaver Crossing LOS and Delay (Seconds/Vehicle) Summary

Interesting	Peak	2014 I	Existing	2017 N	lo-Build	2017	Build	2017 Mi	tigated
Intersections	Hour	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
NC 86 (Martin Luther	AM	D	35.7	D	39.3	D	41.0	N/A	N/A
King Jr. Blvd) and	NOON	D	35.1	С	32.9	D	35.8	N/A	N/A
Weaver Dairy Road	PM	D	44.0	D	46.0	D	47.8	N/A	N/A
NC 86 (Martin Luther	AM	В	10.2	В	10.6	В	10.9	N/A	N/A
King, Jr. Blvd) and	NOON	Α	9.8	В	10.3	В	10.8	N/A	N/A
Sparrow Lane#	PM	В	11.5	В	12.4	В	13.1	N/A	N/A
NC 86 (Martin Luther	AM	Α	8.4	С	21.4	С	21.9	N/A	N/A
King, Jr. Blvd) and	NOON	Α	7.0	В	16.3	В	17.5	N/A	N/A
Westminster Drive	PM	В	15.2	С	24.6	С	24.4	N/A	N/A
Was as Dain Basalas I	AM	В	11.1	В	11.5	В	11.5	N/A	N/A
Weaver Dairy Road and Banks Drive#	NOON	В	10.2	В	10.5	В	10.5	N/A	N/A
Barino Brivo	PM	В	10.3	В	10.7	В	10.8	N/A	N/A
NC 86 (Martin Luther	AM	N/A	N/A	N/A	N/A	В	10.9	N/A	N/A
King, Jr. Blvd) and	NOON	N/A	N/A	N/A	N/A	В	10.9	N/A	N/A
Site Driveway #1 (RIRO)#	PM	N/A	N/A	N/A	N/A	В	14.6	N/A	N/A
Was as Dain Basalas I	AM	N/A	N/A	N/A	N/A	В	110.0	N/A	N/A
Weaver Dairy Road and Site Driveway #2 (RIRO)#	NOON	N/A	N/A	N/A	N/A	Α	10.0	N/A	N/A
one Briveway #2 (runte)	PM	N/A	N/A	N/A	N/A	В	10.4	N/A	N/A
Sparrow Lane and	AM	N/A	N/A	N/A	N/A	Α	8.4	N/A	N/A
Site Driveway #3	NOON	N/A	N/A	N/A	N/A	Α	8.5	N/A	N/A
(Exit Only) #	PM	N/A	N/A	N/A	N/A	Α	8.5	N/A	N/A
Sparrow Lane and	AM	N/A	N/A	N/A	N/A	Α	8.3	N/A	N/A
Site Driveway #4	NOON	N/A	N/A	N/A	N/A	Α	8.4	N/A	N/A
(Full Access) #	PM	N/A	N/A	N/A	N/A	Α	8.4	N/A	N/A

N/A – Not Applicable or No Improvements Necessary

BOLD/ITALICS - Critical Movement or Overall Intersection Requires Mitigation Per Town TIS Guidelines

Signal Warrant Analysis

Based on projected 2017 traffic volumes and current/proposed access plans, no unsignalized intersection in the project study area would potentially warrant the installation of a traffic signal based on the 2009 *Manual on Uniform Traffic Control Devices (MUTCD)* signal warrant methodology.



^{# -} Worst-Case LOS/Delay for Unsignalized/Stop-Controlled Critical Movement



Weaver Crossing - Proposed Commercial Development

Crash Analysis

Crash data for the project study area was provided by the NCDOT Traffic Safety Unit, covering the five-year period 6/1/2009 to 5/31/2014 for the segments of N.C. 86 (Martin Luther King, Jr. Boulevard) and Weaver Dairy Road in the vicinity of the proposed site and for all existing major study area intersections. There were 20 crashes reported along the N.C. 86 (Martin Luther King, Jr. Boulevard) study area corridor between Weaver Dairy Road and Westminster Drive over the five year period and 36 crashes along Weaver Dairy Road between NC 86 and Banks Drive. Primary crash types included angle crashes and rear end crashes. Overall, the number and severity of crashes along NC 86 in the project study area is lower than state-wide averages for similar facilities. Crash rates along Weaver Dairy Road are higher than state-wide averages, but this can be attributed to the previous three-lane undivided roadway and road construction in this vicinity that occurred during the five year time period that data was taken from.

Other Transportation-Related Analyses

Other transportation-related analyses relevant to the 2001 Town of Chapel Hill Guidelines for the preparation of Traffic Impact Studies were completed as appropriate. The following topics listed in **Table ES-3** are germane to the scope of this study.

Table ES-3. Other Transportation-Related Analyses

Analysis	Comment
Generalized Peak Hour and/or Daily V/C Analysis	Daily Volume/Capacity Ratio and generalized planning-level peak hour roadway link LOS analyses were not conducted for this study, as the proposed site is not expected to generate a significant amount of daily vehicular trips (less than 2,500 new trips) compared to existing daily vehicular trips along NC 86 (25,000 AADT), Weaver Dairy Road (12,000 AADT) and other study area roadways.
Turn Lane Storage Requirements	Storage bay lengths at study area intersections were analyzed using Synchro and HCS 95 th percentile (max) queue length estimates for the 2017 Build Scenario. No recommendations for improvements to storage bays are expected, based on the analysis results.
Appropriateness of Acceleration/ Deceleration Lanes	The site concept plan shows no specifics related to acceleration/deceleration lanes. NC 86 in the vicinity of the site driveway has a 35 mph speed limit with no special acceleration or deceleration lanes for other development driveways. No other specific acceleration/deceleration lane issues were analyzed in the project study area.
Pedestrian and Bicycle Analysis	Existing pedestrian and bicycle access and connectivity is excellent along the NC 86 and Weaver Dairy Road corridors adjacent to the site, and provides connectivity for these modes to other locations in the project study area. Sidewalk exists along major thoroughfares and into several neighborhoods/commercial areas. Bicycle lanes extend along NC 86 through the study area, as well as on Westminster Drive and Weaver Dairy Road.
Public Transportation Analysis	Public transportation service to the study area, and to the proposed site is excellent with bus stops and multiple local and regional bus routes on both NC 86 and Weaver Dairy Road proximate to the site.

Mitigation Measures/Recommendations

Planned Improvements

There are no Town of Chapel Hill or North Carolina Department of Transportation improvement projects for study area facilities within the analysis year time frame of 2014-2017.





Weaver Crossing - Proposed Commercial Development

Background Committed Improvements

There are two specific private development projects (Charterwood and The Children's Campus of Chapel Hill) that have been approved and are expected to be complete by the 2017 analysis year that would impact project study area transportation facilities. The proposed site plan information for Charterwood and corresponding *Charterwood Traffic Impact Study*, completed by HNTB in April 2011 included the addition of three site driveways along NC 86 (Martin Luther King, Jr. Blvd), one of which would form the fourth (western) leg of the existing NC 86 intersection with Westminster Drive. This intersection would also be modified for recommended improvements from that study (see **Figure ES-3** for schematic details):

The Children's Campus of Chapel Hill TIS, completed by HNTB in May 2013, recommended an additional mitigation improvement of retiming the traffic signal at NC 86 (Martin Luther King, Jr. Blvd) and Westminster Drive to provide ½ cycled coordinated operation to reduce potential queues on Westminster Drive from blocking the proposed Children's Campus of Chapel Hill site access driveway during peak hours. All of the proposed recommended improvements listed above were included in the 2017 No-Build and Build analyses for the Weaver Crossing project.

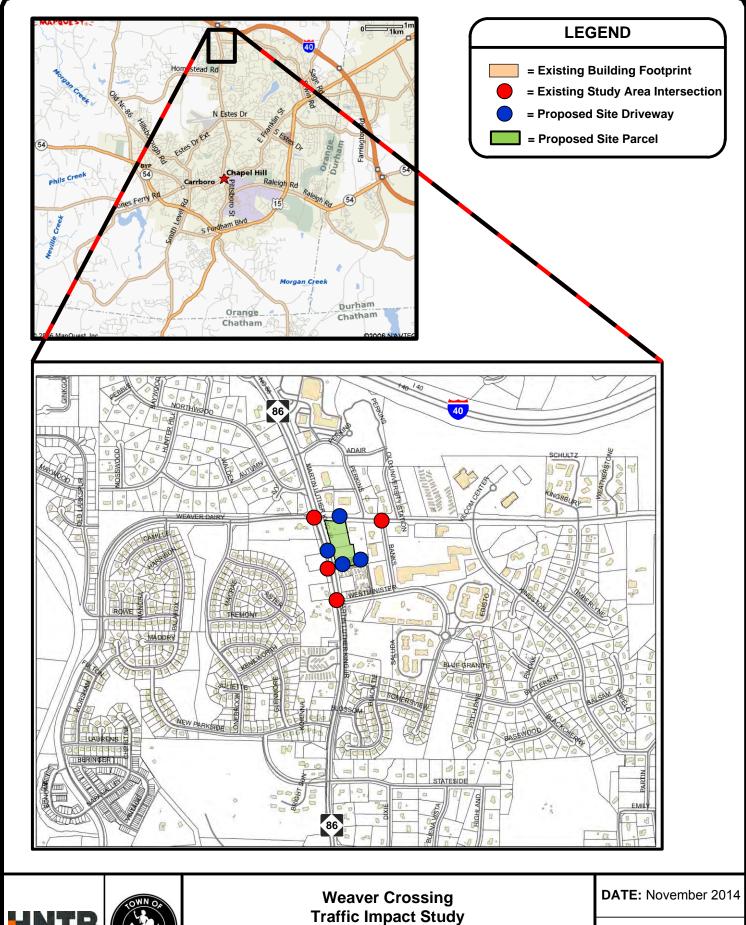
Applicant Committed Improvements

Based on the preliminary site plan and supporting development information provided, the only transportation improvement to be made external to the site itself would be upgrading existing Sparrow Lane (an unpaved roadway) to Town of Chapel Hill standards for a local street.

Necessary Improvements

Based on traffic capacity analyses for the 2017 design year, and analyses of existing study area turning bay storage lengths and site access, the following improvements are recommended as being necessary for adequate transportation network operations (see **Figure ES-3**).

- 1) Monitor and retime the NC 86 (Martin Luther King, Jr. Boulevard) traffic signals with Weaver Dairy Road and Westminster Drive to ensure adequate left-turn/u-turn movement green time for the movements impacted by u-turns due to the Weaver Crossing project. This improvement is recommended if the Weaver Crossing site is developed.
- 2) The draft traffic impact study analysis for this report considered the elimination of the Site Driveway #1 RIRO access along NC 86. Though traffic operations at this proposed intersection do not indicate any deficiencies in the 2017 build-out scenario, exiting right-turn movements seeking to make a u-turn downstream at Weaver Dairy Road will have to immediately cross three lanes of high volume northbound through traffic in the PM peak hour. 95th percentile queue estimates in the 2017 PM peak hour indicate that through traffic may potentially block this intersection, as currently located on the site plan. Additional discussions with Town and NCDOT staff acknowledged that though exiting right-turn blockage may represent a "worst-case" scenario, the allowance for right-turn only ingress and egress at this location is permissible provided adequate internal wayfinding signage is provided to delineate that the Sparrow Lane exit is also an option and that appropriate stop signs and pavement markings control and direct traffic movements at the internal four-way circulation intersection located adjacent to this driveway connection with NC 86.

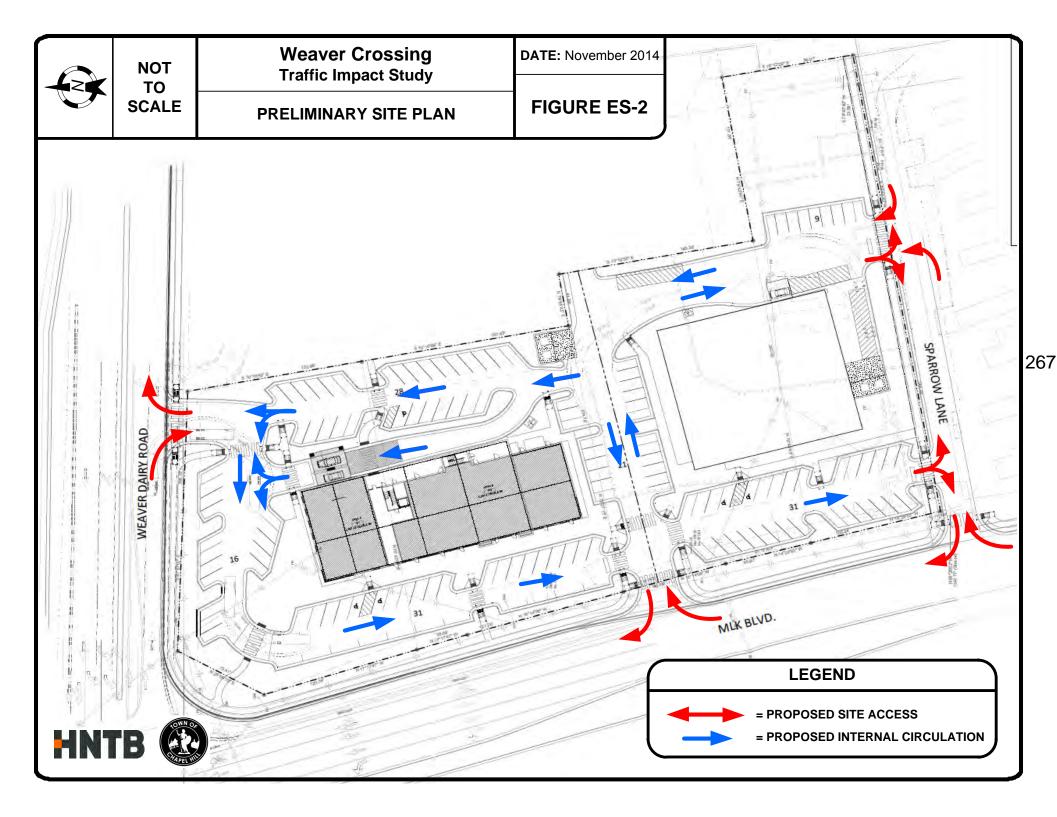


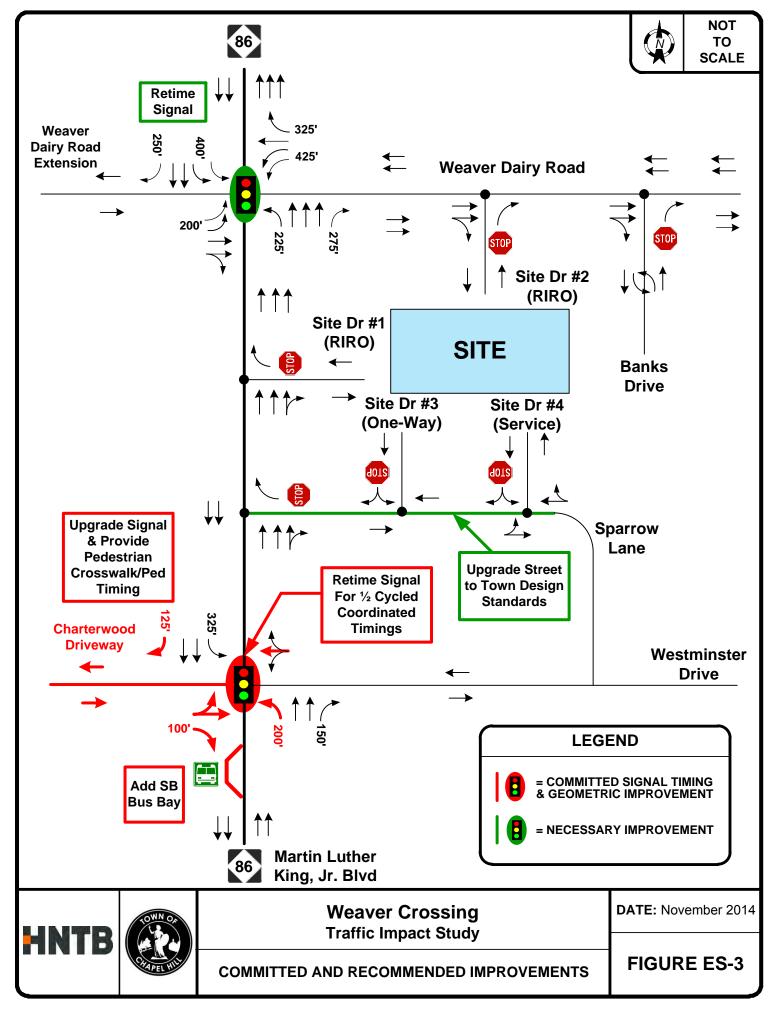
HNTB



PROJECT STUDY AREA MAP

FIGURE ES-1







Weaver Crossing

Chapel Hill, North Carolina

Special Use Permit

July 28, 2014

WEAVER CROSSING

Special Use Permit

July 28, 2014 Revised: October 2, 2014, November 17, 2104

APPLICANT:

Scott Murray Land Planning, Inc.

1450 Environ Way
Chapel Hill, NC 27517
Contact: Scott Murray
252-213-9501
smurray@stmlandplan.com

DEVELOPER:

East West Partners Mangement Co. Inc./

GHK Developments

1450 Environ Way Chapel Hill, NC 27517 Contact: Lee Perry (919) 929-0660 lperry@ewp-nc.com

OWNER:

Walgreen Co.

140 Wilmont Rd. Deerfield, IL 60015

OWNERS AGENT:

GHK Developments, Inc.

3920 Magazine Street New Orleans, LA 70115 Contact: Gordon Kolb (504) 866-7300 gordon@ghkinc.com

ENGINEERING:

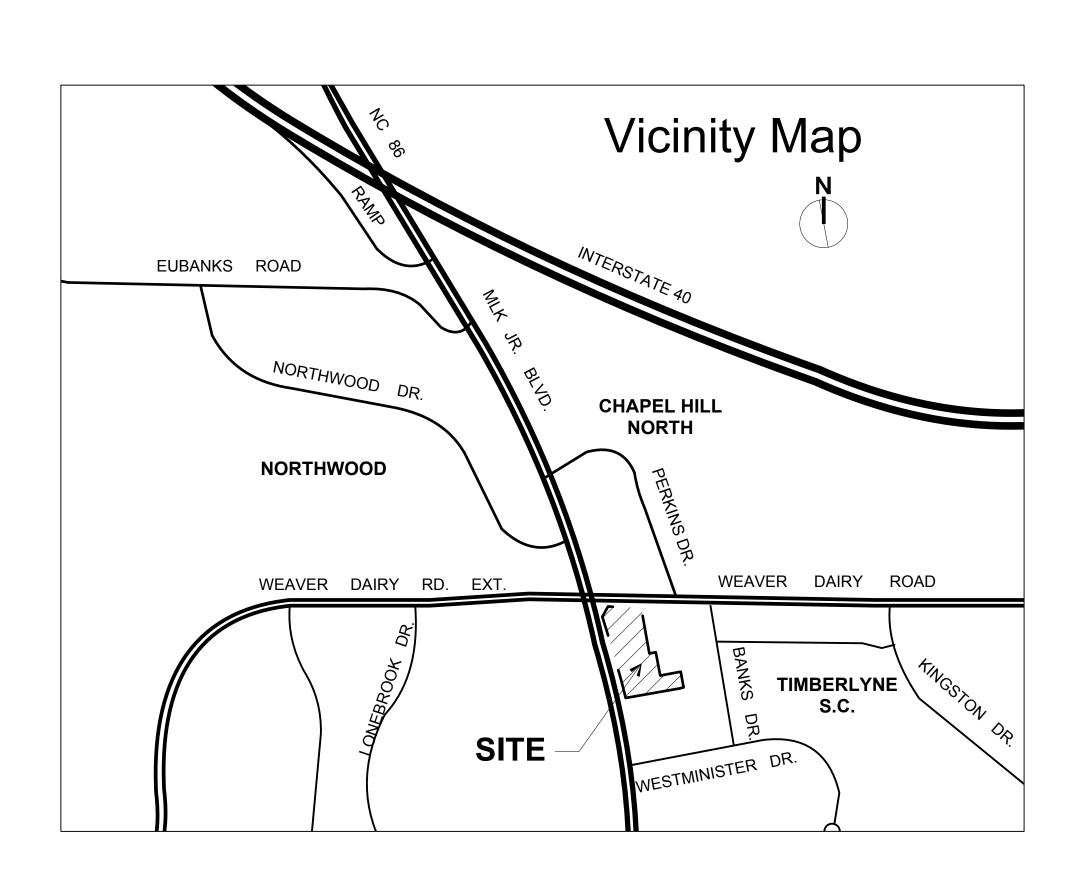
McAdams

P.O. Box 14005
Research Triangle Park, NC 27709
Contact: Bill Derks
(800) 733-5646
derks@johnrmcadams.com

ARCHITECT:

DMA Architecture PLLC

380-H Knollwood Street Suite 174
Winston Salem, NC 27103
Contact: Craig Dishner
(336) 723-6360
craig@dishnermoore.com



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Sheet Index

C-0.0	Cover Sneet
C-1.0	Area Map
C-2.0	Existing Conditions - Tree Survey / Steep Slopes / Site Analysis Map
C-3.0	Site Plan
C-3.1.1	Site Details
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C-3.1.1 Site Details
C-3.1.2 Site Details
C-3.1.3 OWASA Details

C-3.2 Site Details
C-3.3 Buffer Sections

C-4.0 Erosion Control / Tree Protection / Grading / Storm Drainage Plan

C-5.0 Overall Utility Plan

C-6.0 Construction Access and Solid Waste Management Plan

LA-1.0 Planting & Buffers Plan

LA-1.1 Tree Canopy Coverage and Shading Plan

LA-1.2 Planting Details and Maintenance Schedule

A-1.0 Building Envelopes A-1.1 Building Envelopes

Modifications Proposed

1. Minimum Buffer Widths As Shown

2. 50% of Required Tree Quantities With Increase of MinimumTree Caliper to 200%

3. Credit All Trees Between Adjacent Roadways and Building Facades to Buffer Requirements

CONSTRUCTION WASTE:

a. By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled.

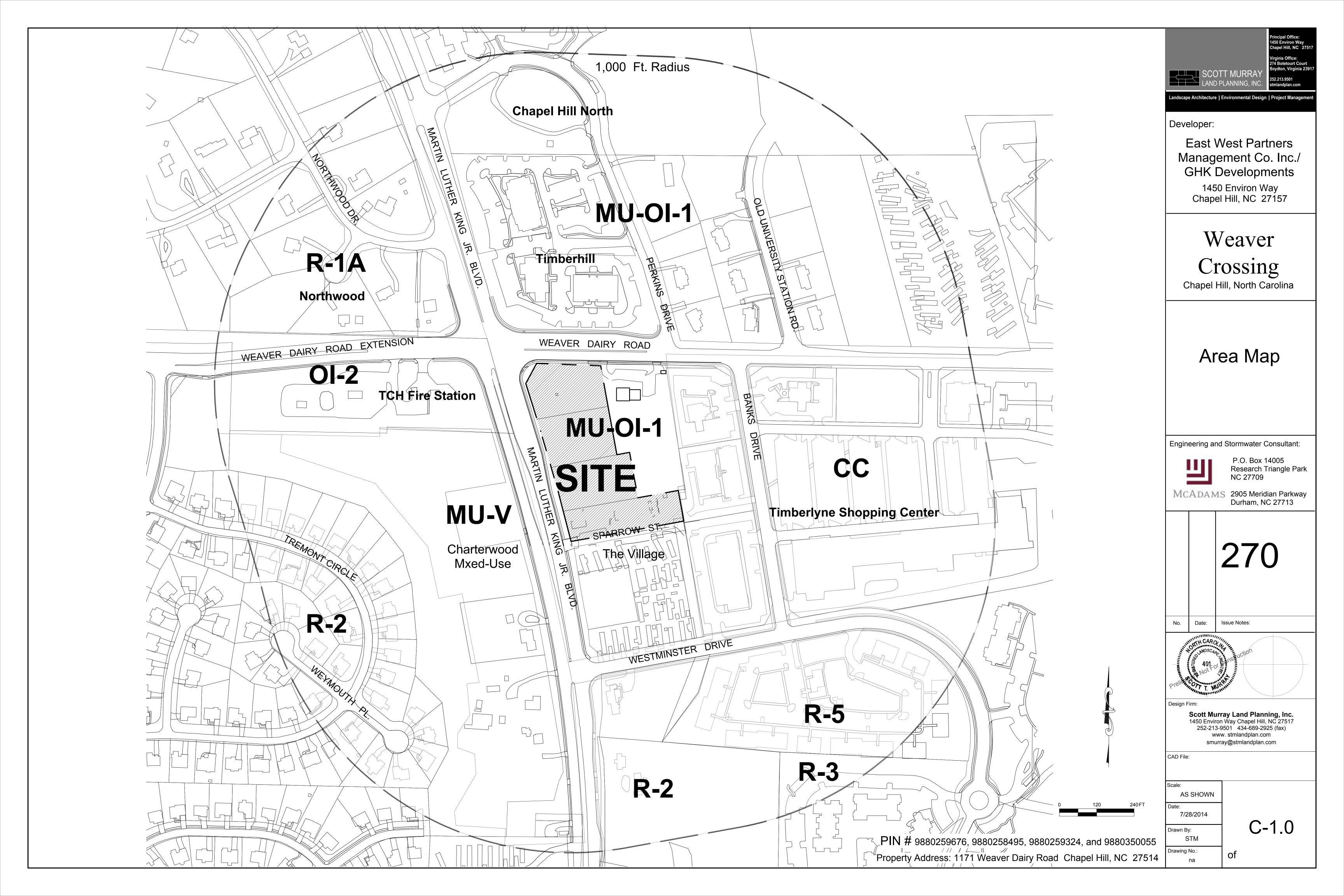
b. By Orange County Ordinance, all haulers of construction waste must be properly licensed.

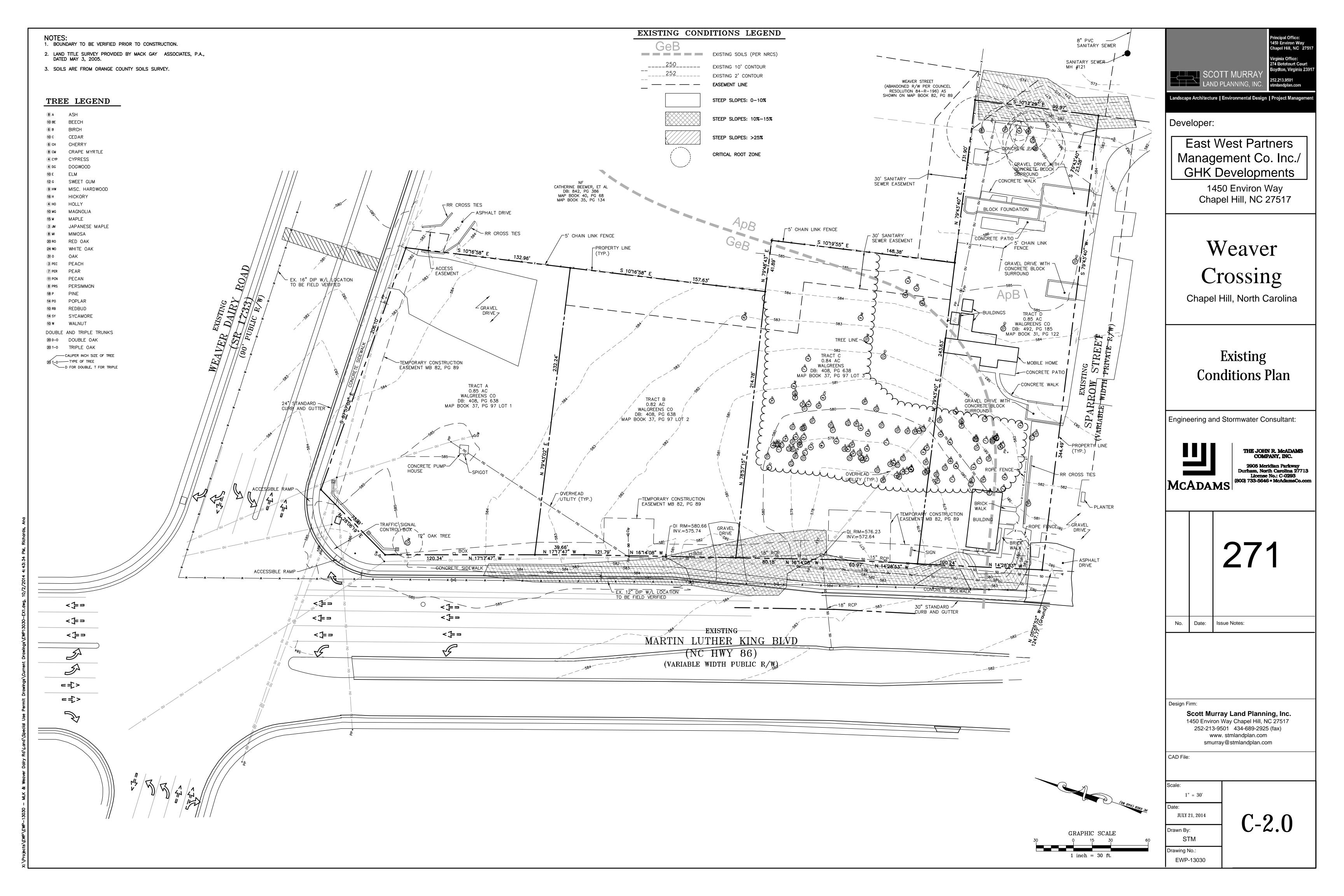
c. Prior to any demolition or construction activity on the site the applicant will hold a pre-demolition/pre-construction conference with the County's Solid Waste staff. This may be the same meeting held with other development officials.

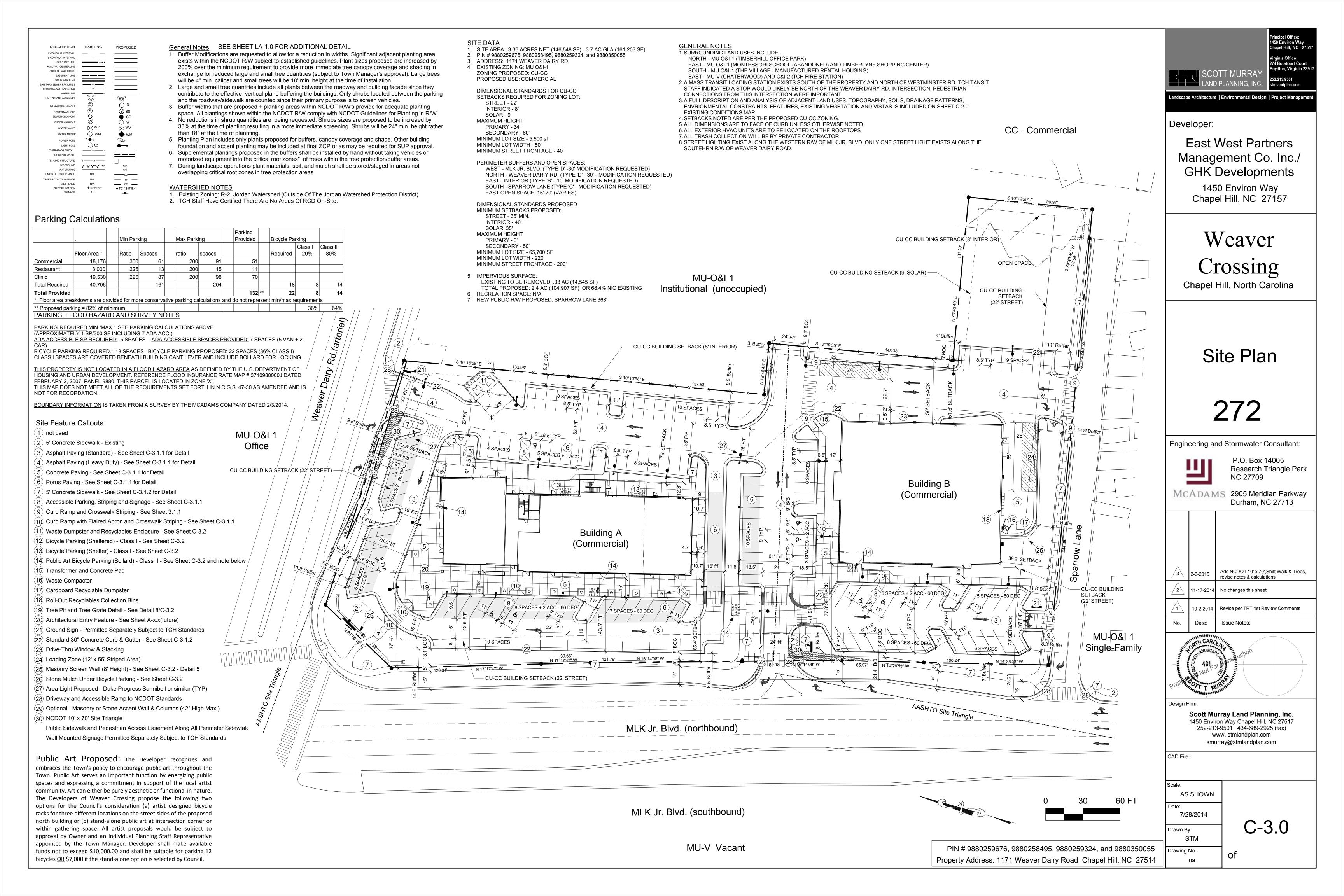
PIN # 9880259676, 9880258495, 9880259324, and 9880350055

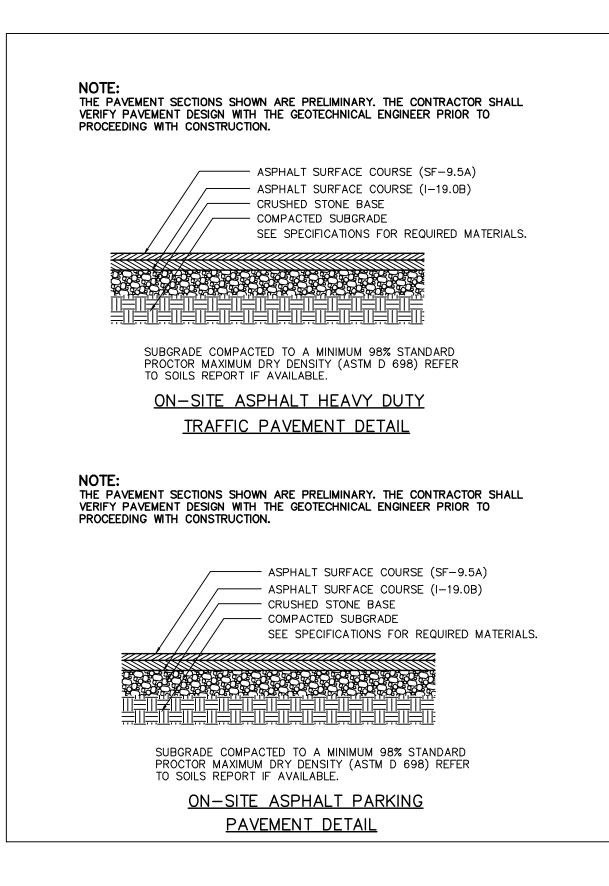
Property Address: 1171 Weaver Dairy Road Chapel Hill, NC 27514

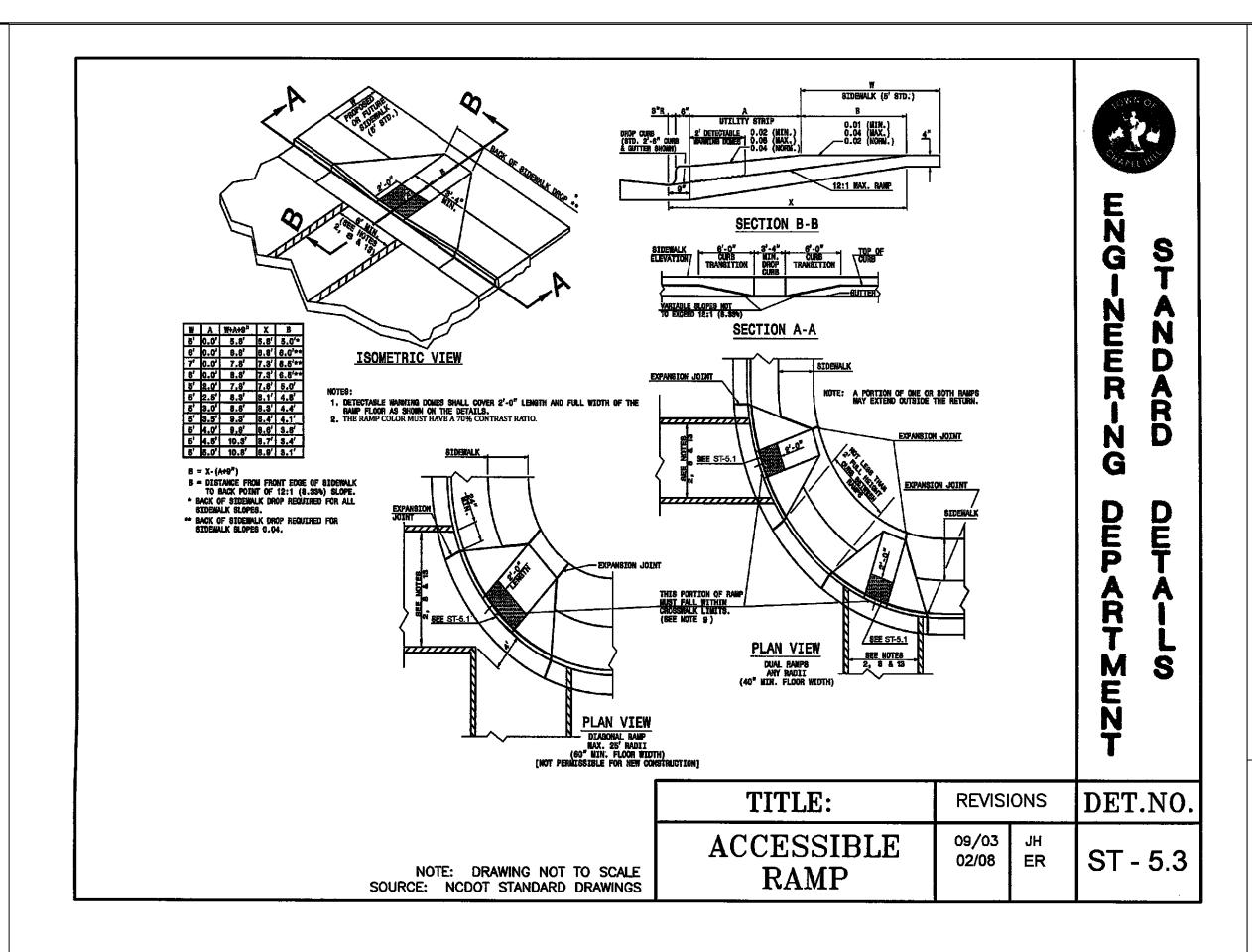
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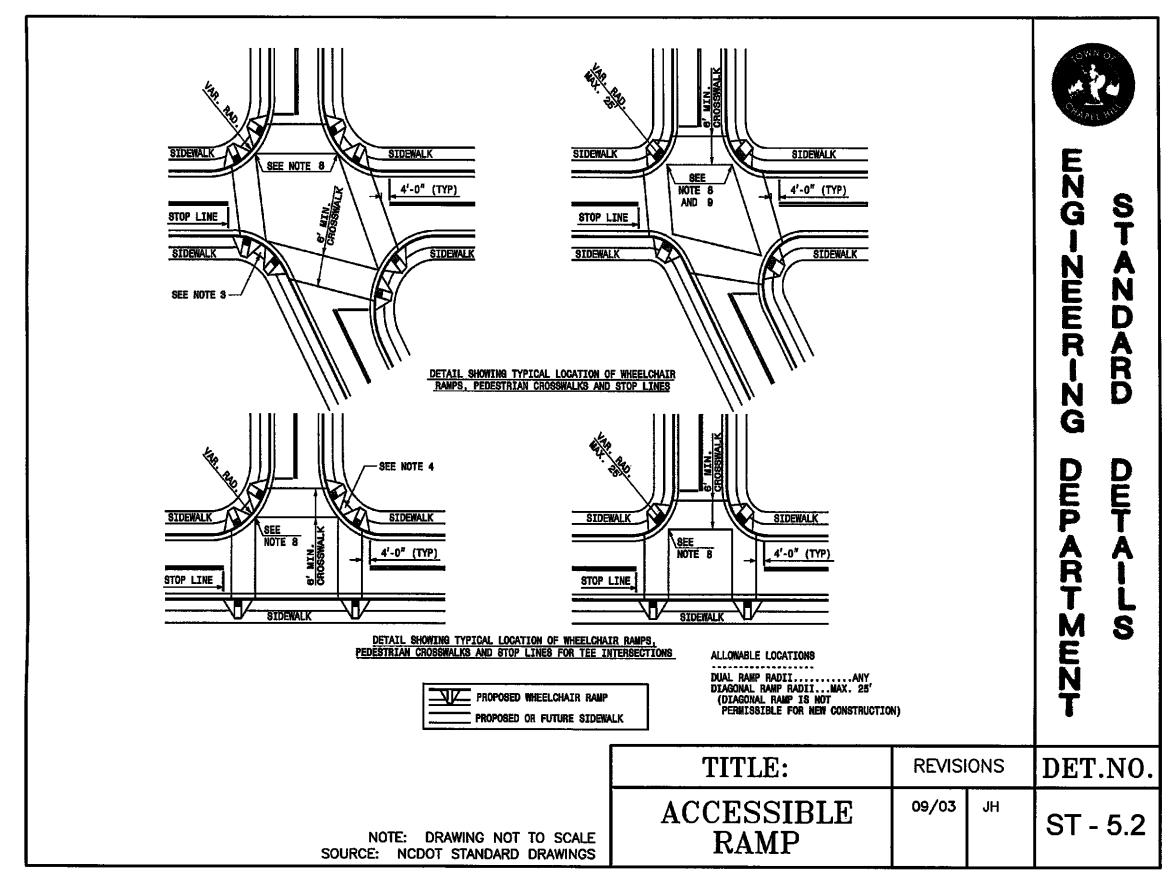


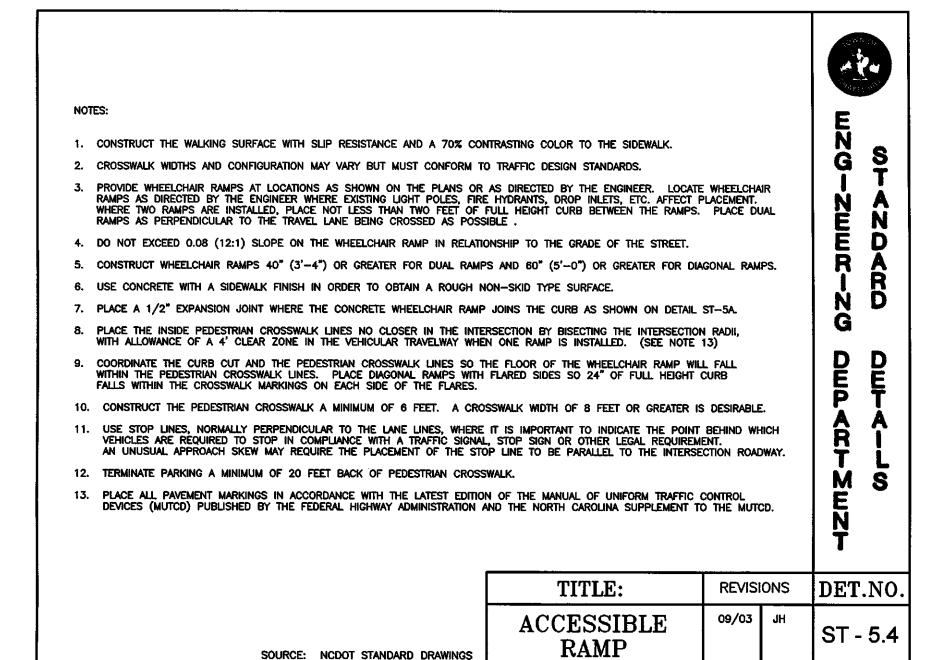












SEE NOTE 1

CURB RAMP .

بهما المرابطة والمنافي المنافي المحادث وأواله والأواج والمرافية والمرابع والمرابع المرابطة والمنافي المحادث

المتعاج ويموم ويجوا والمواد والمجاد والأجامية والمطواء والأحادي والأوادي والماري والمارو والمواد والمحاد

5' CONCRETE SIDEWALK 3000 PSI W/ FIBER

SEE NOTE 1

VAN ACCESSIBLE SIGN 9"H x 12"W R7-8F - SEE SITE PLAN FOR LOCATION

- 1/4" DIA. X 2 1/2" LONG

TRUSS HEAD GALVANIZED BOLTS THRU SIGN AND POST, TOP AND BOTTOM

-1/2" HELVETICA MEDIUM LETTERS

-18 GAUGE GALVANIZED SHEET METAL SIGN 18"H x 12"W R7–8D. NOTE: SIGN R7–8E MAY

— LETTERS, BORDERS AND ARROWS — GREEN

ON BLUE BACKGROUND

-BACKGROUND - WHITE

9"H × 12"W

- 2" STEEL TUBE POST PAINT FLAT BLACK RUSTOLEUM - 2 COATS

NOTE: FURNISH AND INSTALL

SET POST IN 12" DIAMETER

BE USED IN PLACE OF SIGN R7-8/R7-8D

HANDICAP SYMBOL - WHITE

AT EACH PARKING SPACE MARKED H.C. ON SITE PLAN

ACCESSIBLE PARKING SPACE SIGN

T-5' MINIMUM A

MINIMUM 3° COMPACTED A.B.C. STONE

VAN

ACCESSIBLE

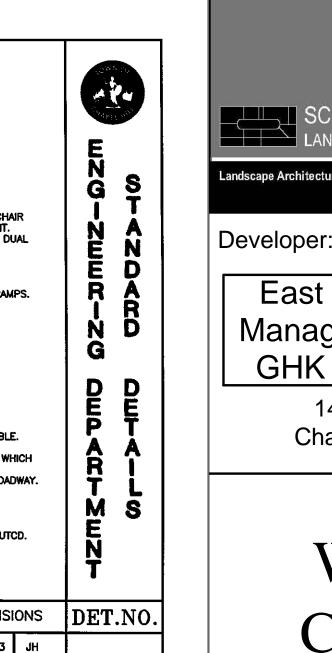
RESERVED

PARKING

MAXIMUM -

PENALTY

\$250



1'-3000 PSI CONCRETE W/ FIBER

CONSTRUCTION

1. USE ADAM'S PRODUCT DETECTABLE

NOTE: DRAWING NOT TO SCALE

ACCESSIBLE RAMP

WITH DETECTABLE **WARNING DOMES**

TITLE

NOTE: FOR THIS APPLICATION

A POST, THE BUILDING FACE,

A COLUMN OR OTHER FIXED

MOUNTING SURFACE.

THE SIGN MAY BE MOUNTED ON

WARNING DOMED BRICK (RED) OR EQUAL DOMES TO MEET CURRENT A.O.A. SPECIFICATIONS.

| E

REVISIONS DET.NO

4/11/06 MCR ST-5.

NO DATE BY

-VAN ACCESSIBLE SIGN

(AS REQUIRED)

HEIGHT TO BOTTOM OF SIGN

FROM CAR DOES NOT PASS

(AS REQUIRED)

HEIGHT TO BOTTOM OF SIGN WHEN PEDESTRIAN PATH FROM CAR TO WALK PASSES

BY OR UNDER THE SIGN.

-VAN ACCESSIBLE SIGN

-TYPE R7-8 SIGNS

APPROVED FOR USE

WHEN PEDESTRIAN PATH

BY OR UNDER THE SIGN.

-TYPE R7-8 SIGNS

APPROVED FOR USE



East West Partners Management Co. Inc./ **GHK Developments**

> 1450 Environ Way Chapel Hill, NC 27517

Weaver Crossing

Chapel Hill, North Carolina

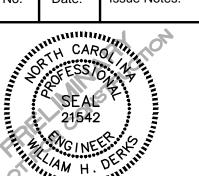
Site Details

Engineering and Stormwater Consultant:



THE JOHN R. McADAMS COMPANY, INC. Durham, North Carolina 27713 License No.: C-0293 (800) 733-5646 = McAdamsCo.com

Issue Notes: Date:



Design Firm: **Scott Murray Land Planning, Inc.** 1450 Environ Way Chapel Hill, NC 27517 252-213-9501 434-689-2925 (fax) www. stmlandplan.com

smurray@stmlandplan.com

CAD File:

EWP13030-D1

N.T.S. JULY 21, 2014 Drawn By:

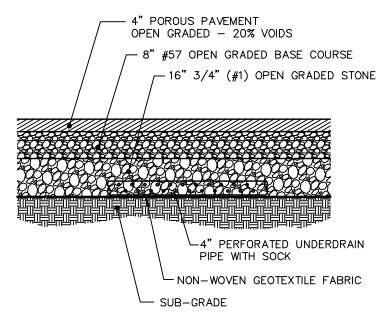
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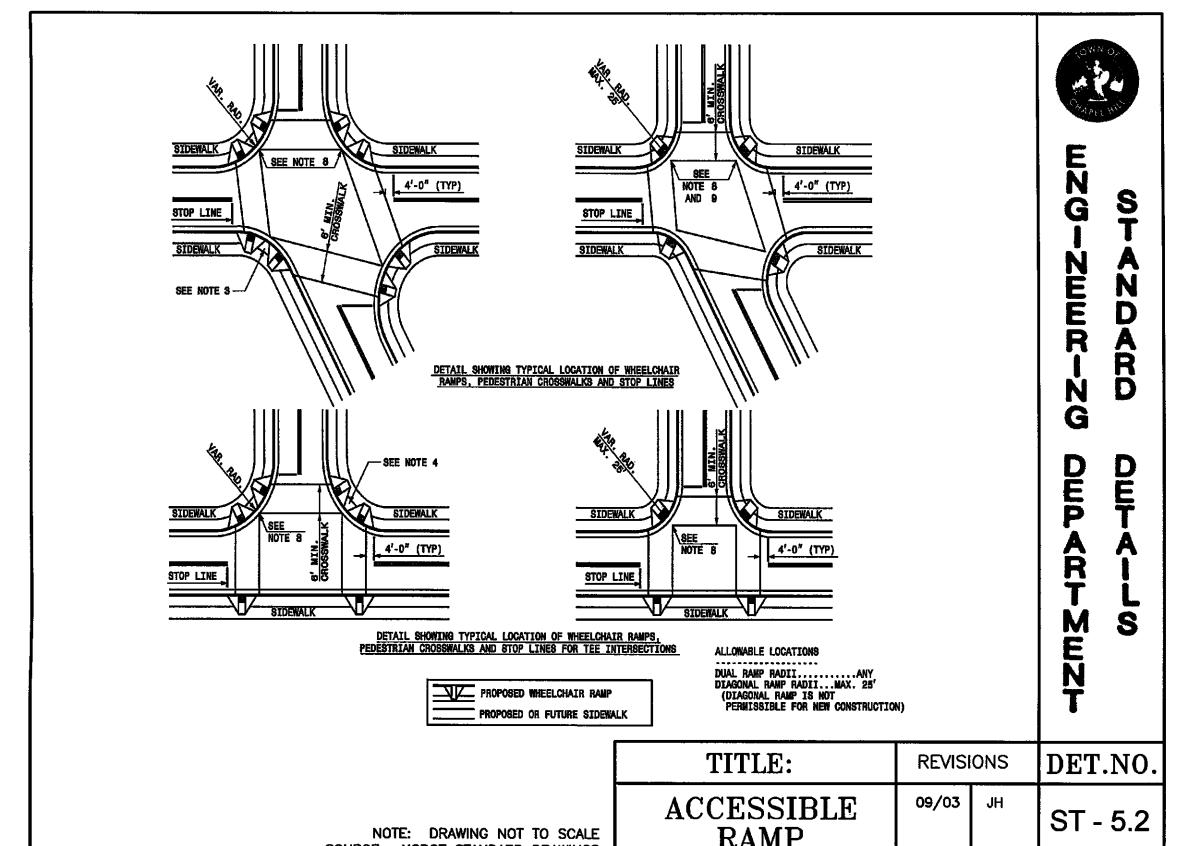
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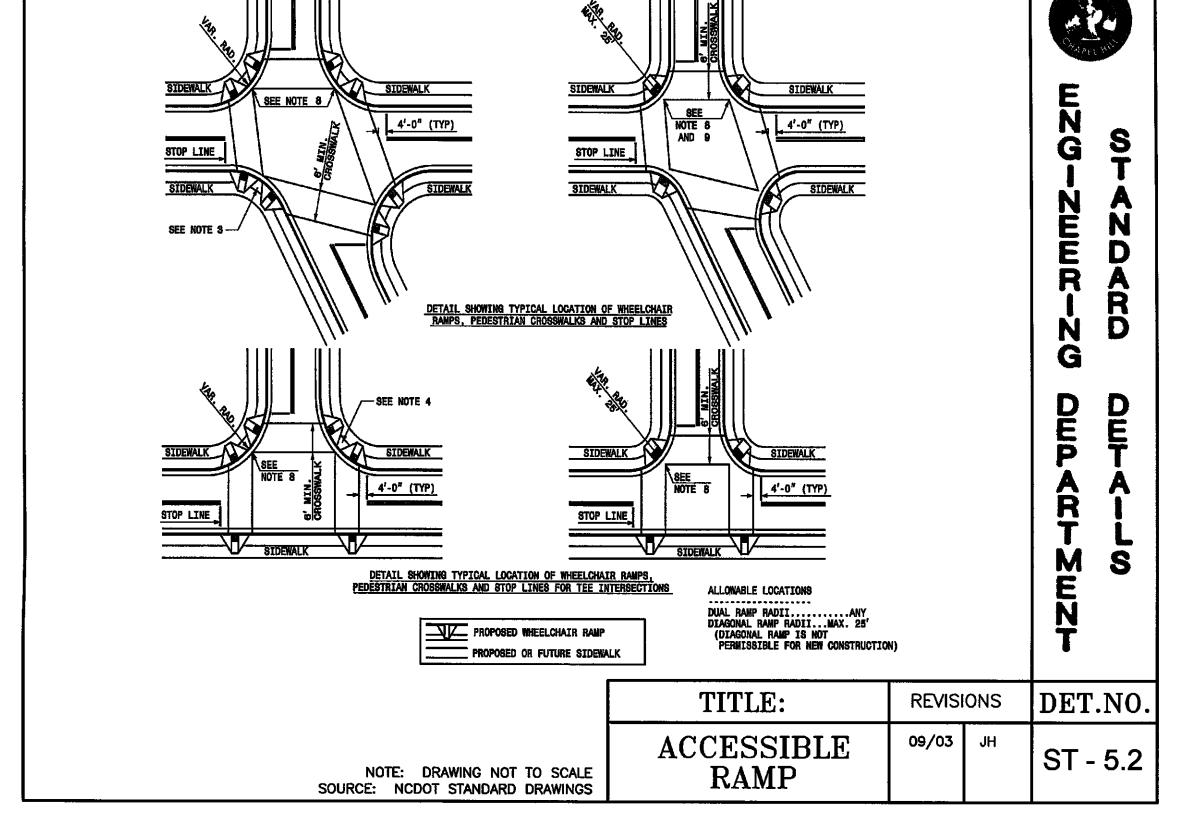
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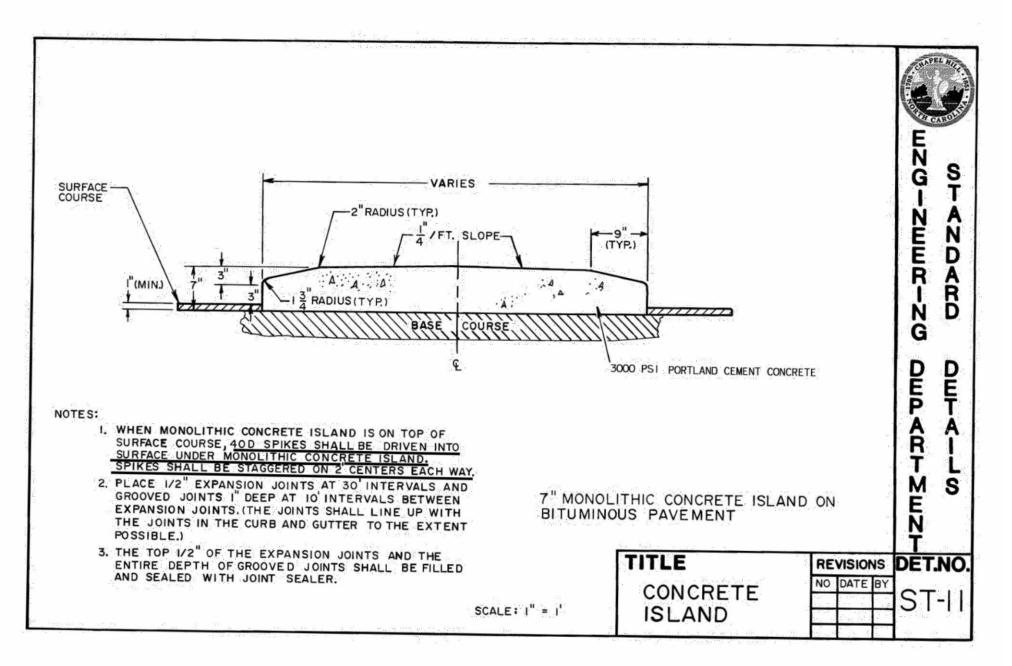


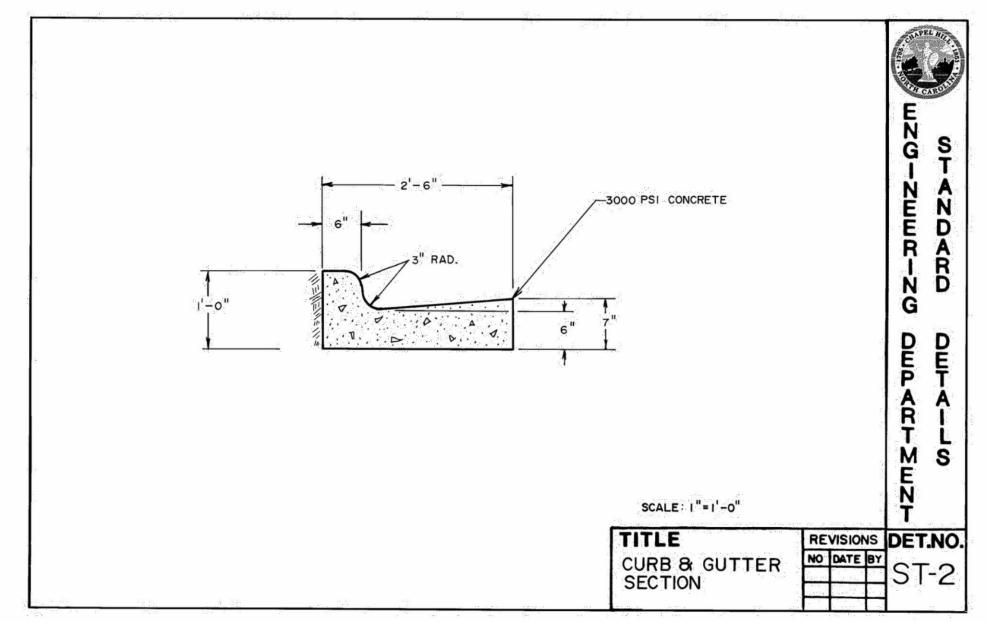
SUBGRADE COMPACTED TO A MINIMUM 98% STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D 698) REFER TO SOILS REPORT IF AVAILABLE.

POROUS PAVEMENT DETAIL











Landscape Architecture | Environmental Design | Project Managemen

Developer:

East West Partners Management Co. Inc./ **GHK Developments**

> 1450 Environ Way Chapel Hill, NC 27517

Weaver Crossing

Chapel Hill, North Carolina

Site Details

Engineering and Stormwater Consultant:



THE JOHN R. McADAMS COMPANY, INC. 2905 Meridian Parkway
Durham, North Carolina 27713
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Issue Notes: Date:



Scott Murray Land Planning, Inc. 1450 Environ Way Chapel Hill, NC 27517 252-213-9501 434-689-2925 (fax) www. stmlandplan.com

CAD File:

EWP13030-D1

smurray@stmlandplan.com

N.T.S. JULY 21, 2014

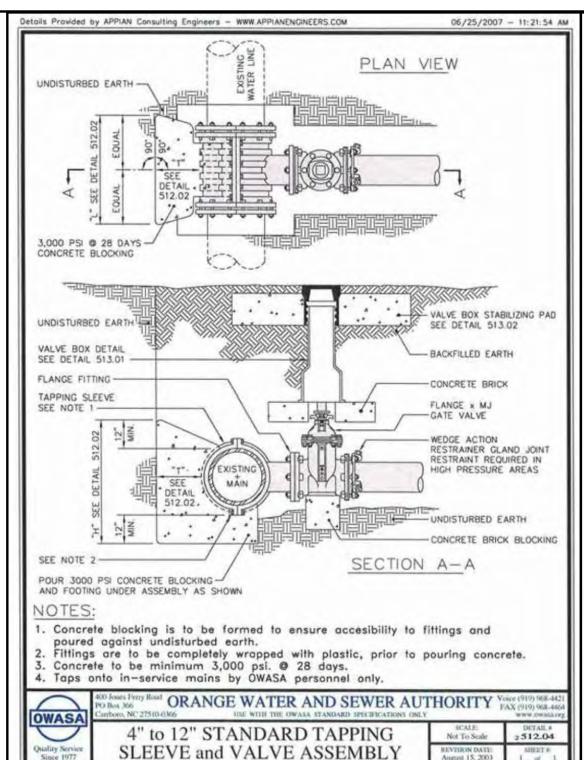
STM

EWP-13030

Drawn By:

Drawing No.:

C-3.1.2



3/4" x 3/4" METER

-3/4" x 3/4" METER BY OWASA (SEE NOTE 3)

BRONZE FLARE TEE-

3/4" x 3/4" METER

ORANGE WATER AND SEWER AUTHORITY

(PER MANUFACTURER)

3/4" SINGLE & 1" DUAL COMBINED DOMESTIC

AND FIRE PROTECTION SERVICE INSTALLATION

(PER MANUFACTURER)

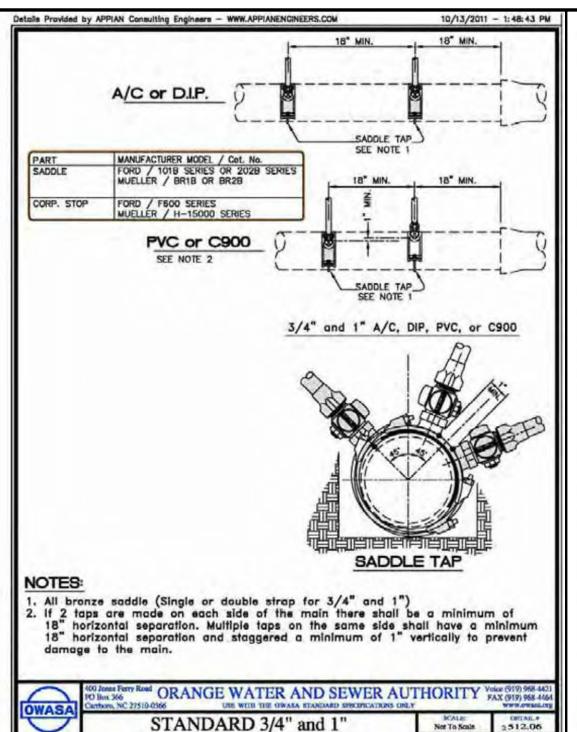
Details Provided by APPIAN Consulting Engineers - WWW.APPIANENGINEERS.COM

PROPERTY LINE

4"x8" CONCRETE BLOCK (TYPICAL 4)

PROPERTY LINE

4"x8" CONCRETE BLOCK (TYPICAL 4)



WATER TAPPING DETAIL

Quality Service Since 1977

SINGLE ASSEMBLY

DRAWN COPPER SERVICE LINE -

3/4" CORPORATION-

SEE DETAIL 512.06

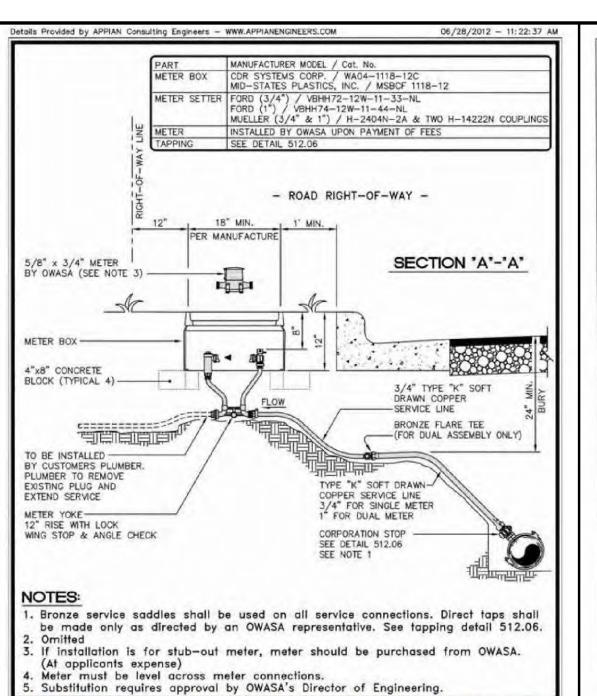
SEE NOTE 1 -

1" TYPE "K" SOFT

DRAWN COPPER SERVICE LINE -

1" CORPORATION -

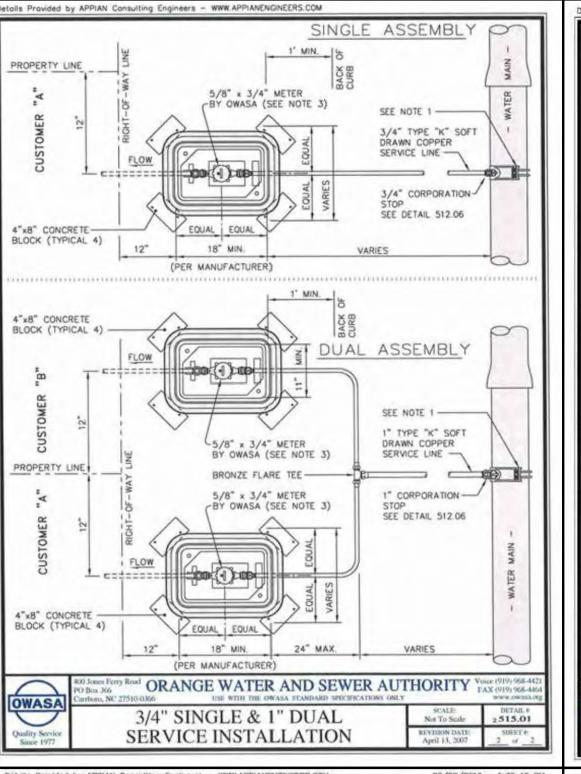
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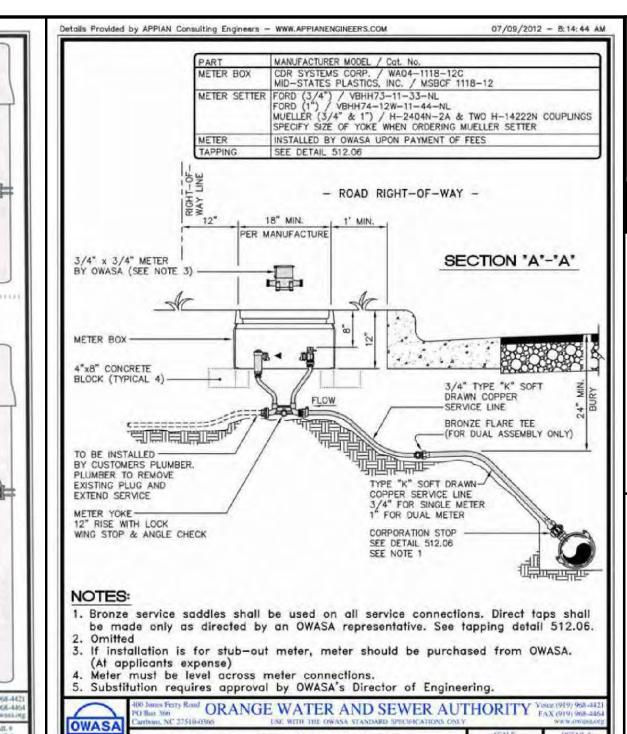


ORANGE WATER AND SEWER AUTHORITY

3/4" SINGLE & 1" DUAL

SERVICE INSTALLATION





AND FIRE PROTECTION SERVICE INSTALLATION



Weaver Crossing

Chapel Hill, North Carolina



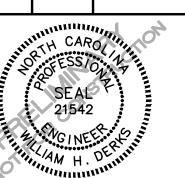
Engineering and Stormwater Consultant:



THE JOHN R. McADAMS COMPANY, INC. Durham, North Carolina 27713 License No.: C-0293 (800) 733-5646 = McAdamsCo.com

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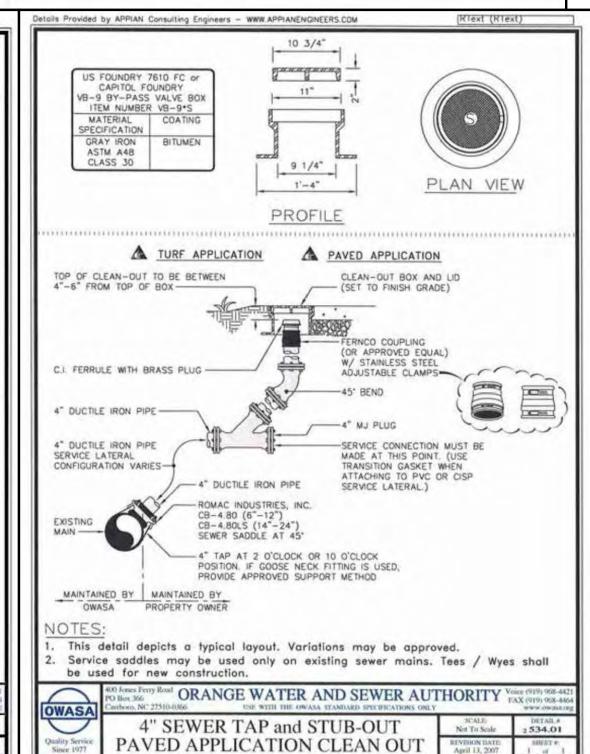
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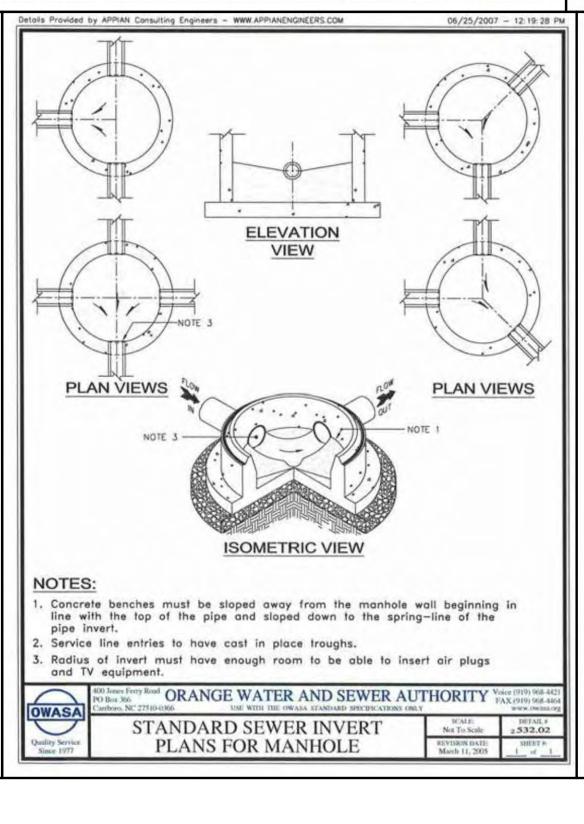


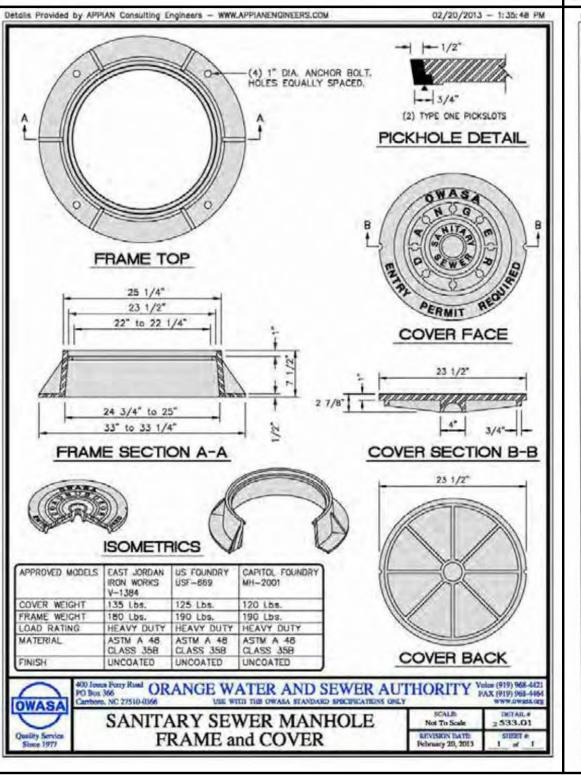
Scott Murray Land Planning, Inc.

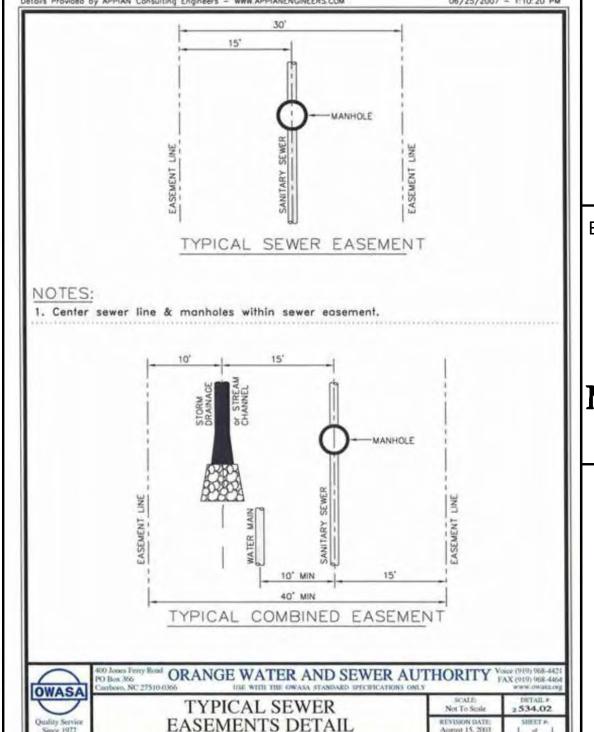
1450 Environ Way Chapel Hill, NC 27517 252-213-9501 434-689-2925 (fax) www. stmlandplan.com smurray@stmlandplan.com

C-3.1.3







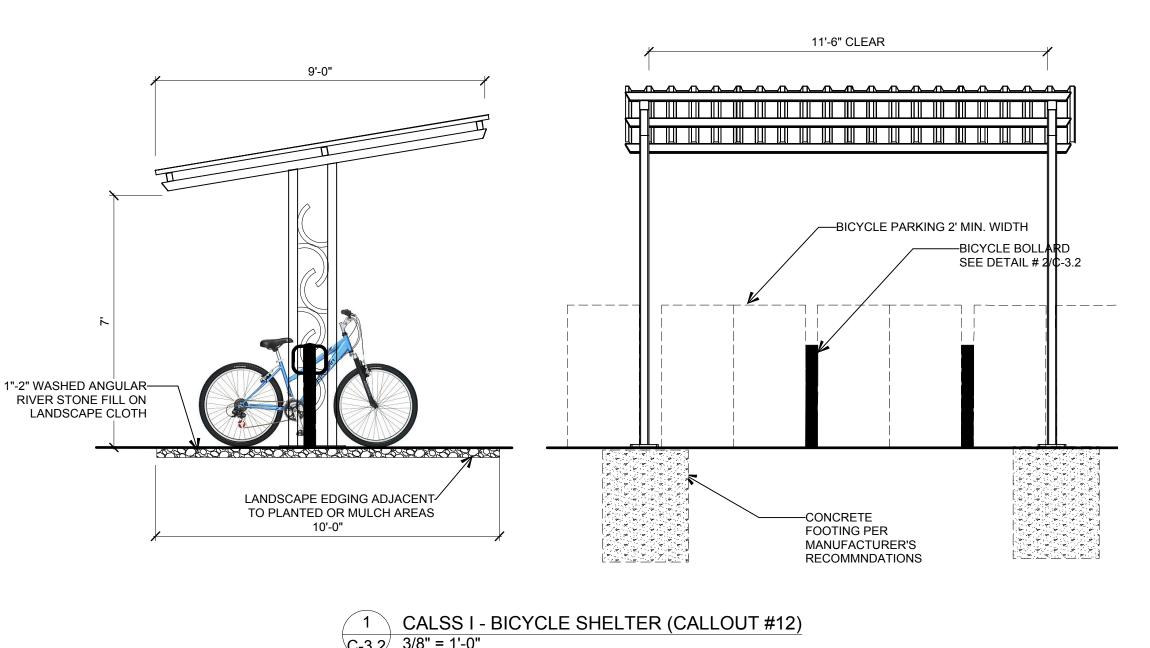


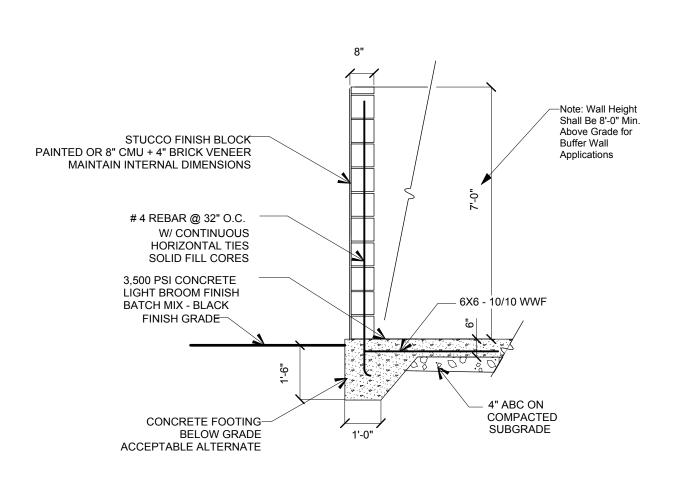
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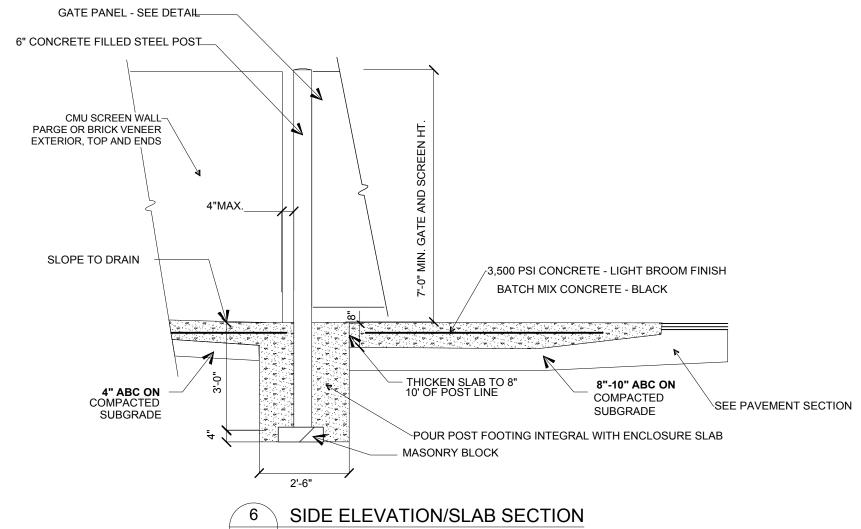
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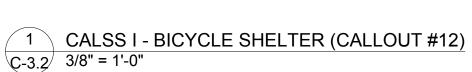
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STM EWP-13030

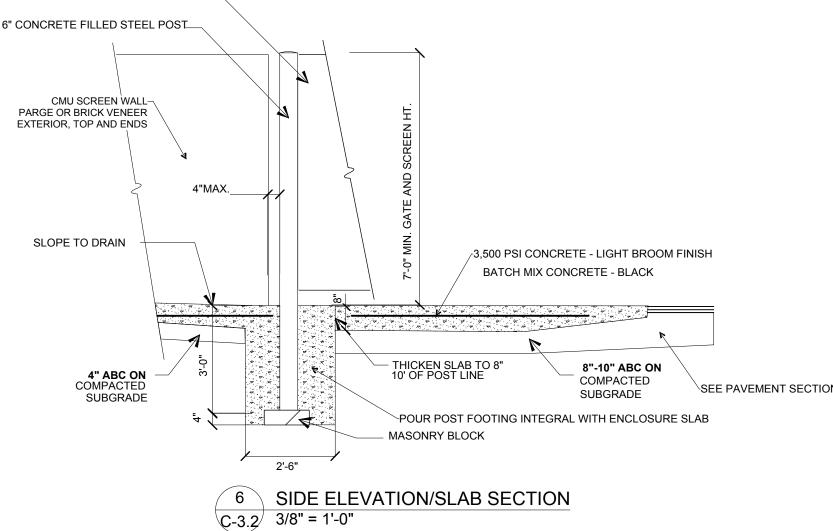


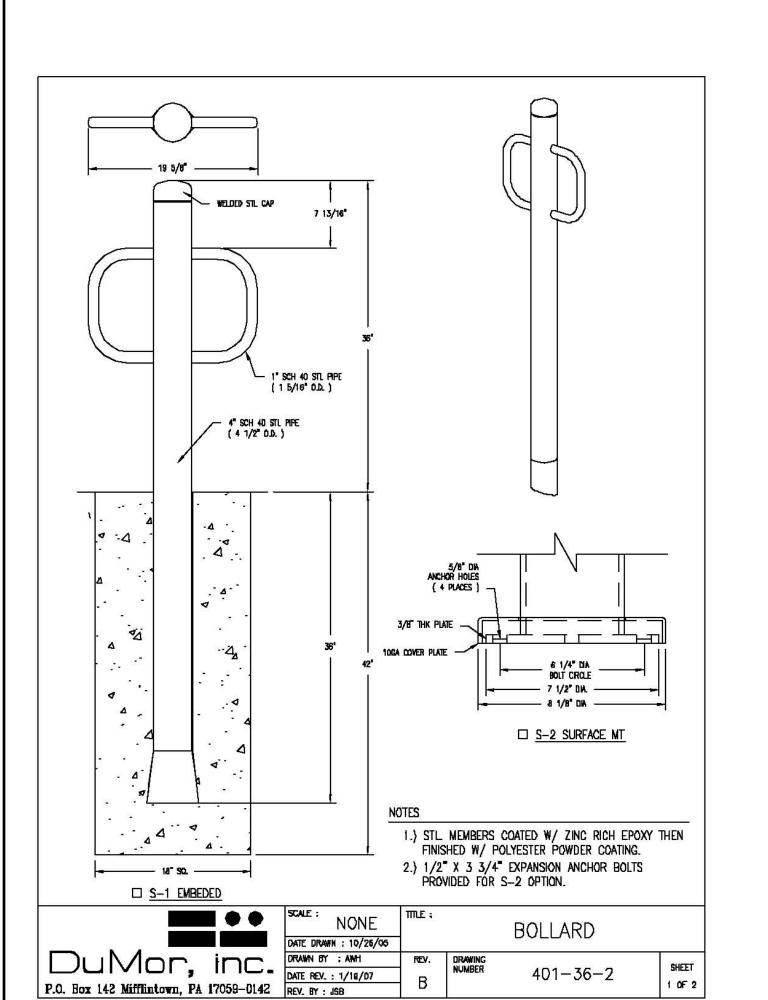






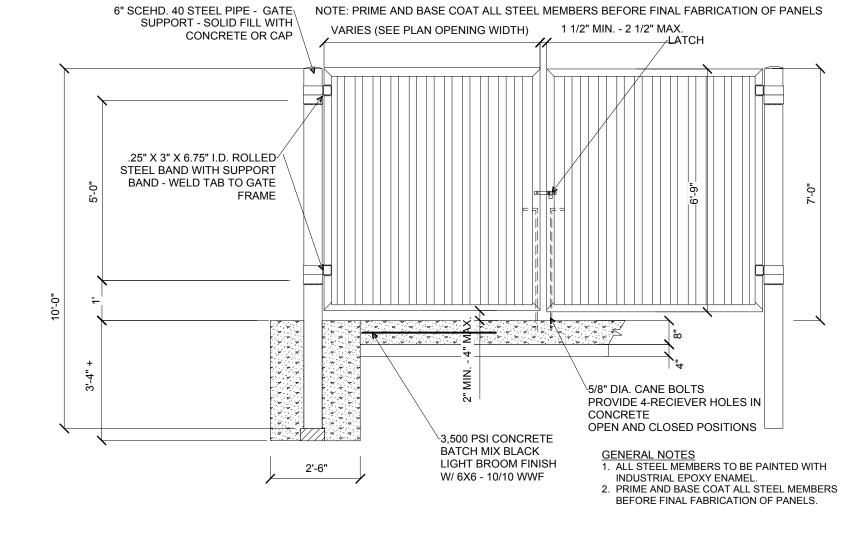






BICYCLE BOLLARD

Sportsplay Model #801-173-S or equal



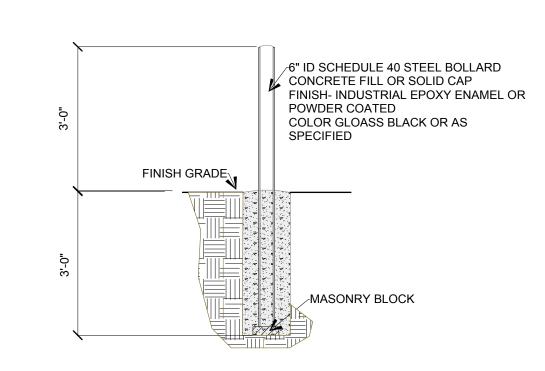
NOTE: PRIME AND BASE COAT ALL STEEL MEMBERS BEFORE FINAL FABRICATION OF PANELS

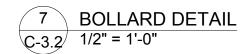


SOLID WASTE MANAGEMENT The proposed development is designed for a solid waste dumpster, a cardboard dumpster and recyclables bins. Similar facilities are provided within the enclosed service area for the south building

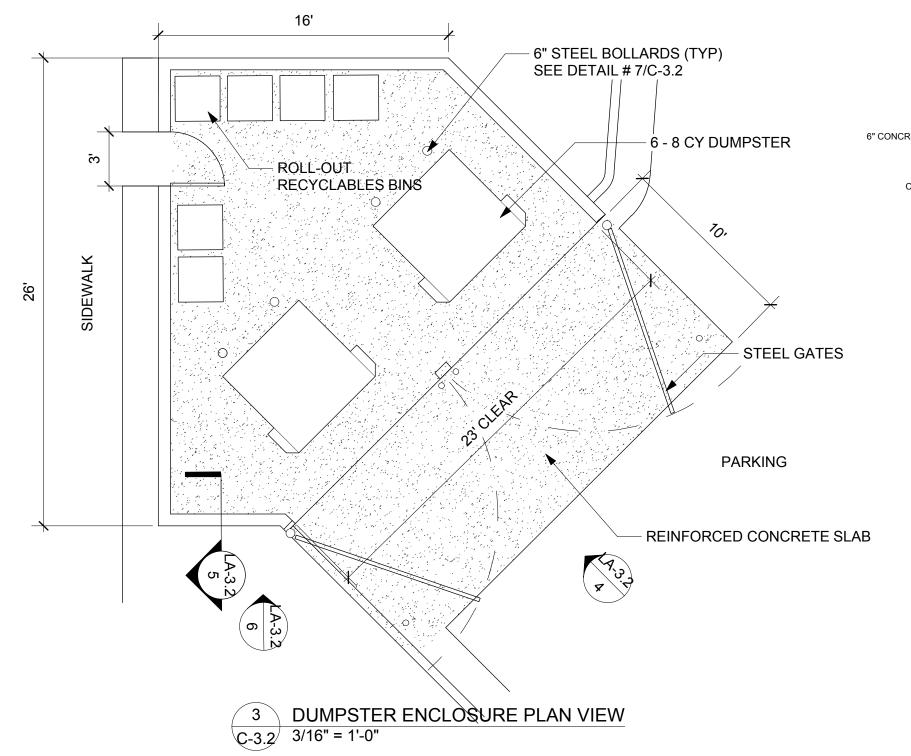
adjacent to Sparrow Lane. Waste, cardboard and recyclables collection will be by private contractor (Waste Industries or equal).

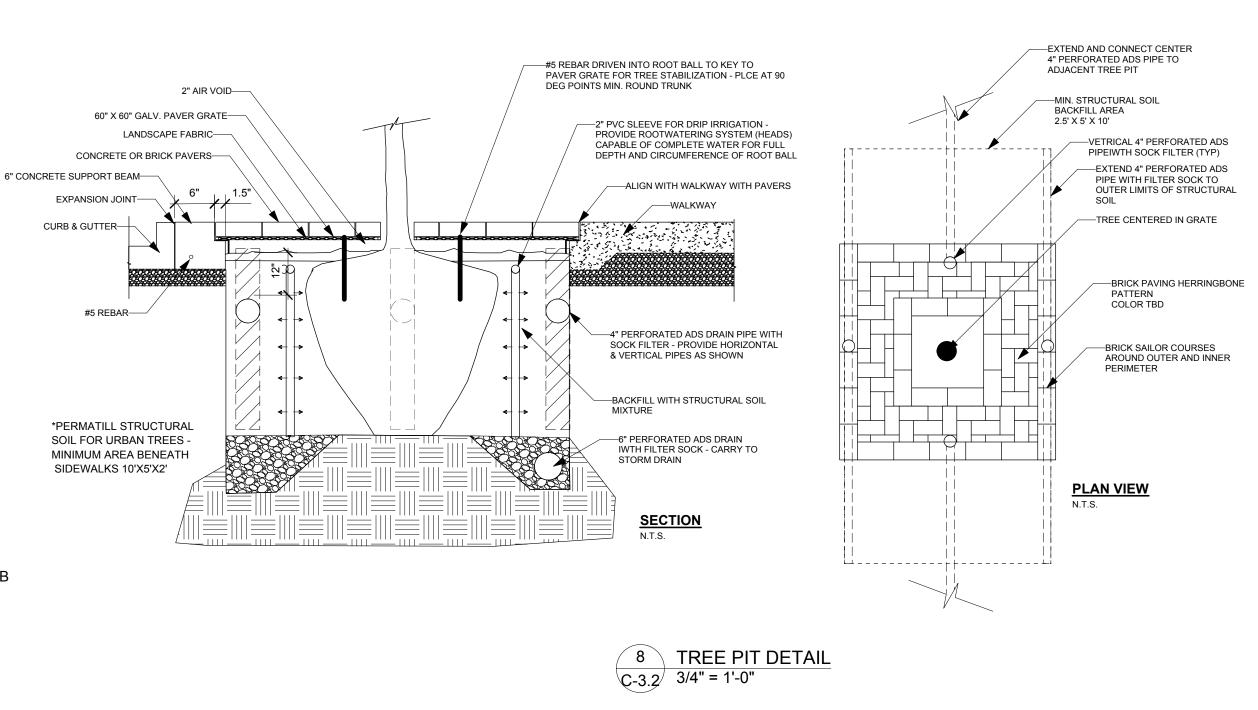
All construction debris that can be recycled (wood, scrap metal, etc.) to be brought to an Orange County certified co-mingled recycling facility by a licensed waste hauler.





4 DUMPSTER ENCLOSURE GATE ELEVATION/SLAB SECTION C-3.2 3/8" = 1'-0"





PIN # 9880259676, 9880258495, 9880259324, and 9880350055 Drawing No.: Property Address: 1171 Weaver Dairy Road Chapel Hill, NC 27514



andscape Architecture | Environmental Design | Project Manageme

Developer:

East West Partners Management Co. Inc./ **GHK Developments**

1450 Environ Way Chapel Hill, NC 27157

Weaver Crossing

Chapel Hill, North Carolina

Site Details

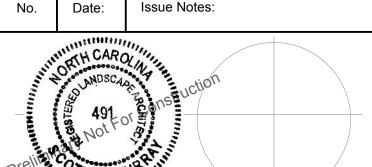
Engineering and Stormwater Consultant:



P.O. Box 14005 Research Triangle Park NC 27709

MCADAMS 2905 Meridian Parkway Durham, NC 27713

276



10-2-2014 Revise per TRT 1st Review Comments

Design Firm:

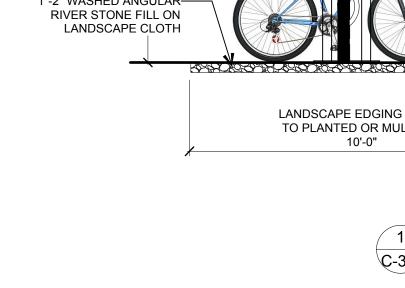
Scott Murray Land Planning, Inc. 1450 Environ Way Chapel Hill, NC 27517 252-213-9501 434-689-2925 (fax) www. stmlandplan.com smurray@stmlandplan.com

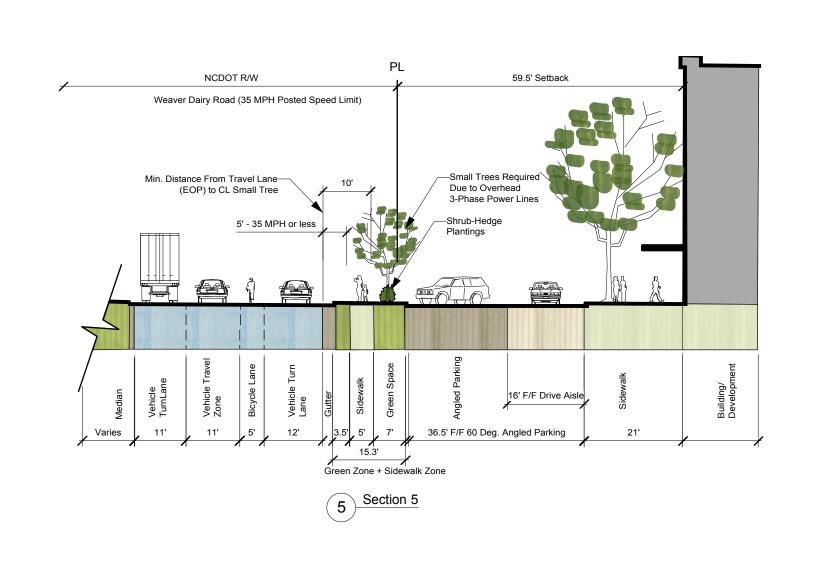
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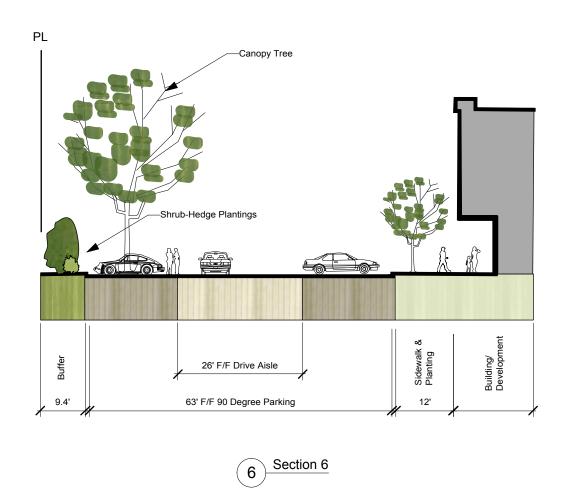
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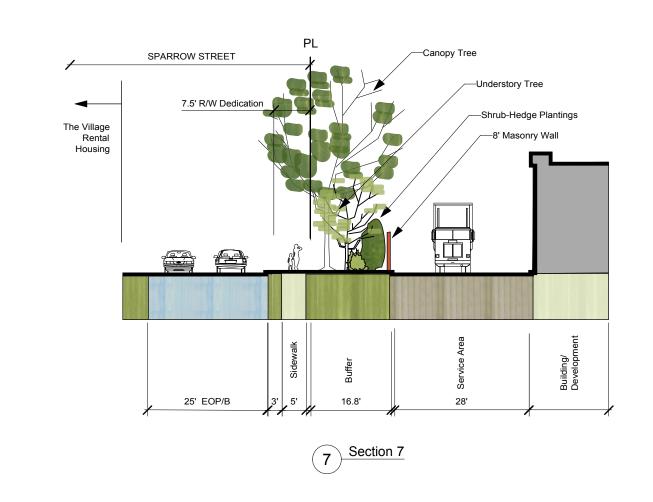
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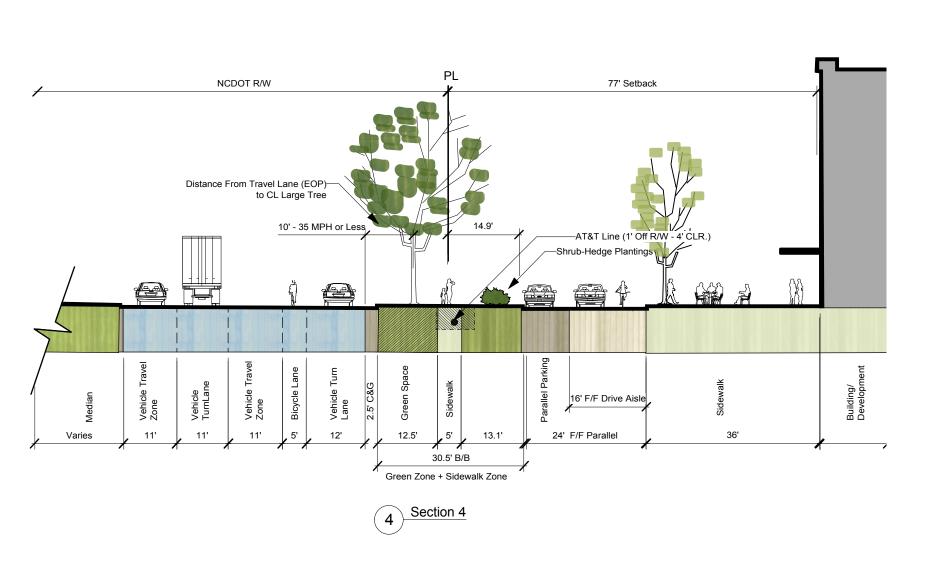
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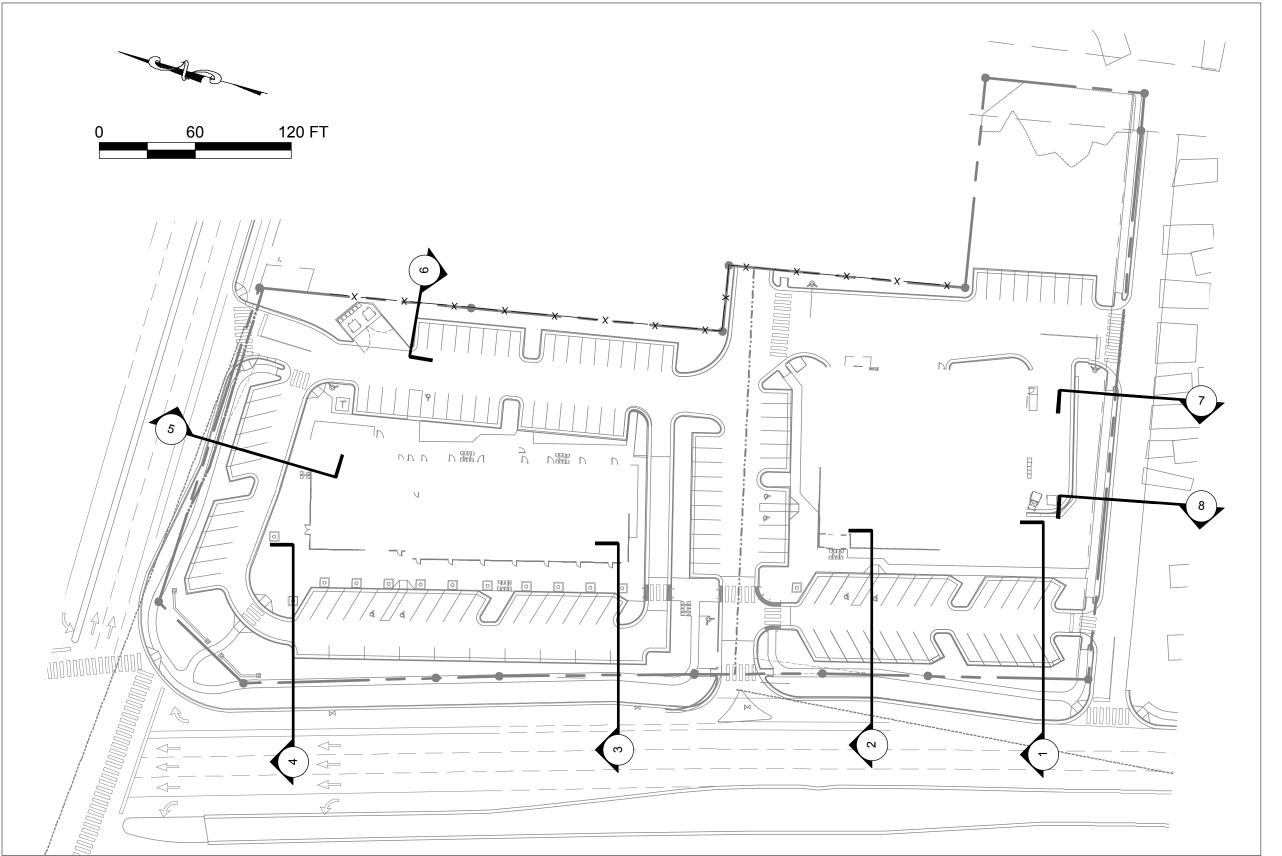


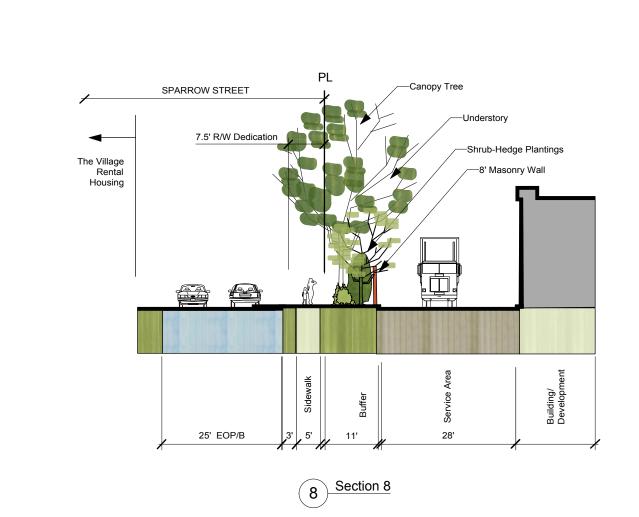


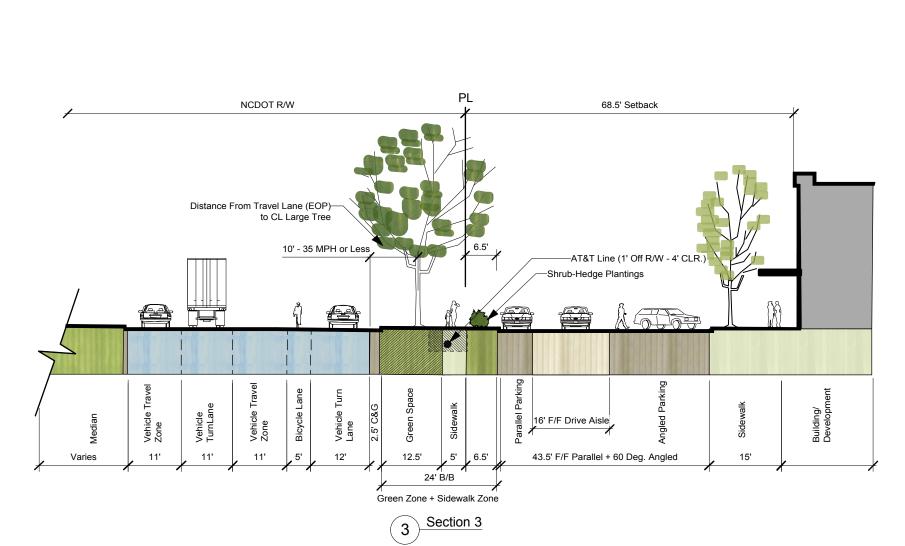


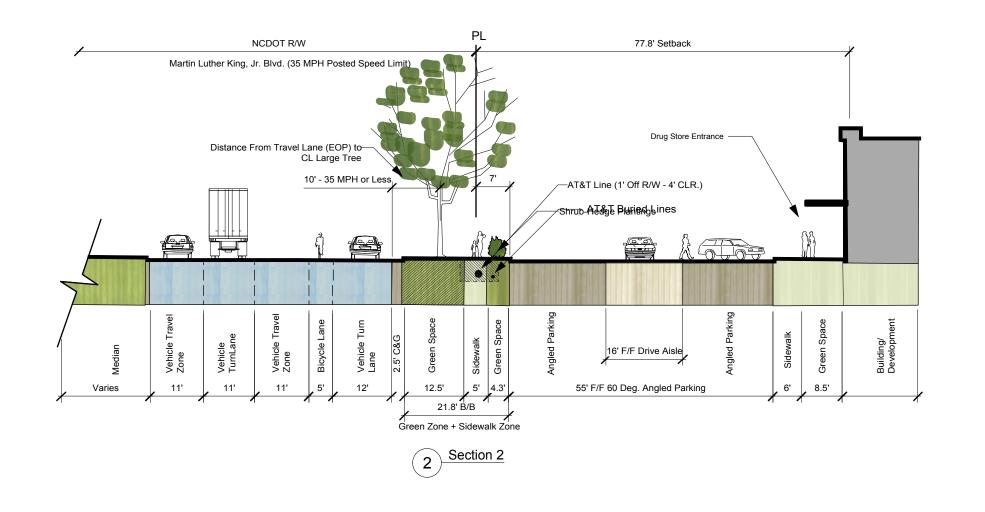


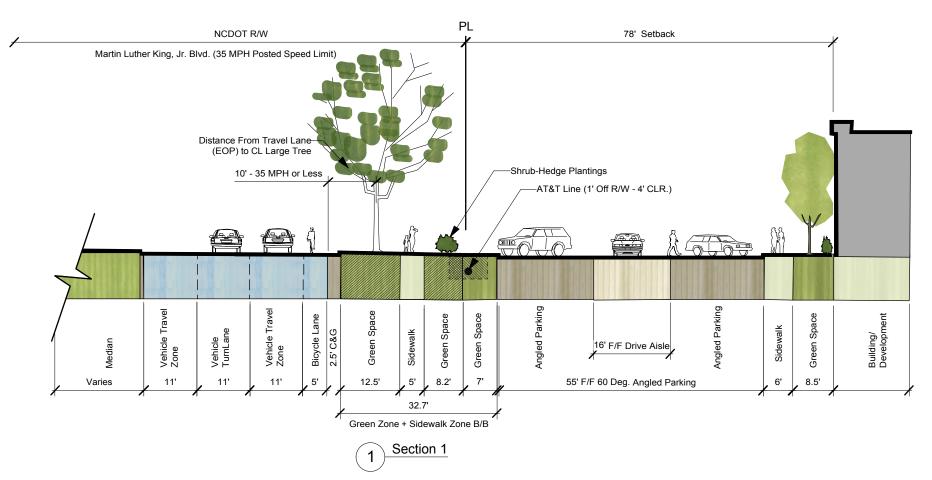












PIN # 9880259676, 9880258495, 9880259324, and 9880350055 Property Address: 1171 Weaver Dairy Road Chapel Hill, NC 27514



Developer:

East West Partners Management Co. Inc./ **GHK Developments**

1450 Environ Way Chapel Hill, NC 27157

Weaver Crossing Chapel Hill, North Carolina

Buffer Sections

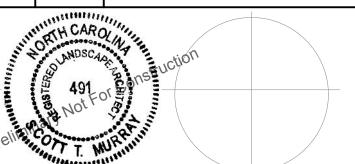
Engineering and Stormwater Consultant:



P.O. Box 14005 Research Triangle Park NC 27709

MCADAMS 2905 Meridian Parkway

		Durham, NC 27713
		277
3	2-6-2015	Revise for NCDOT 10' x 70',Shift Walk & Trees
No.	Date:	Issue Notes:



Design Firm:

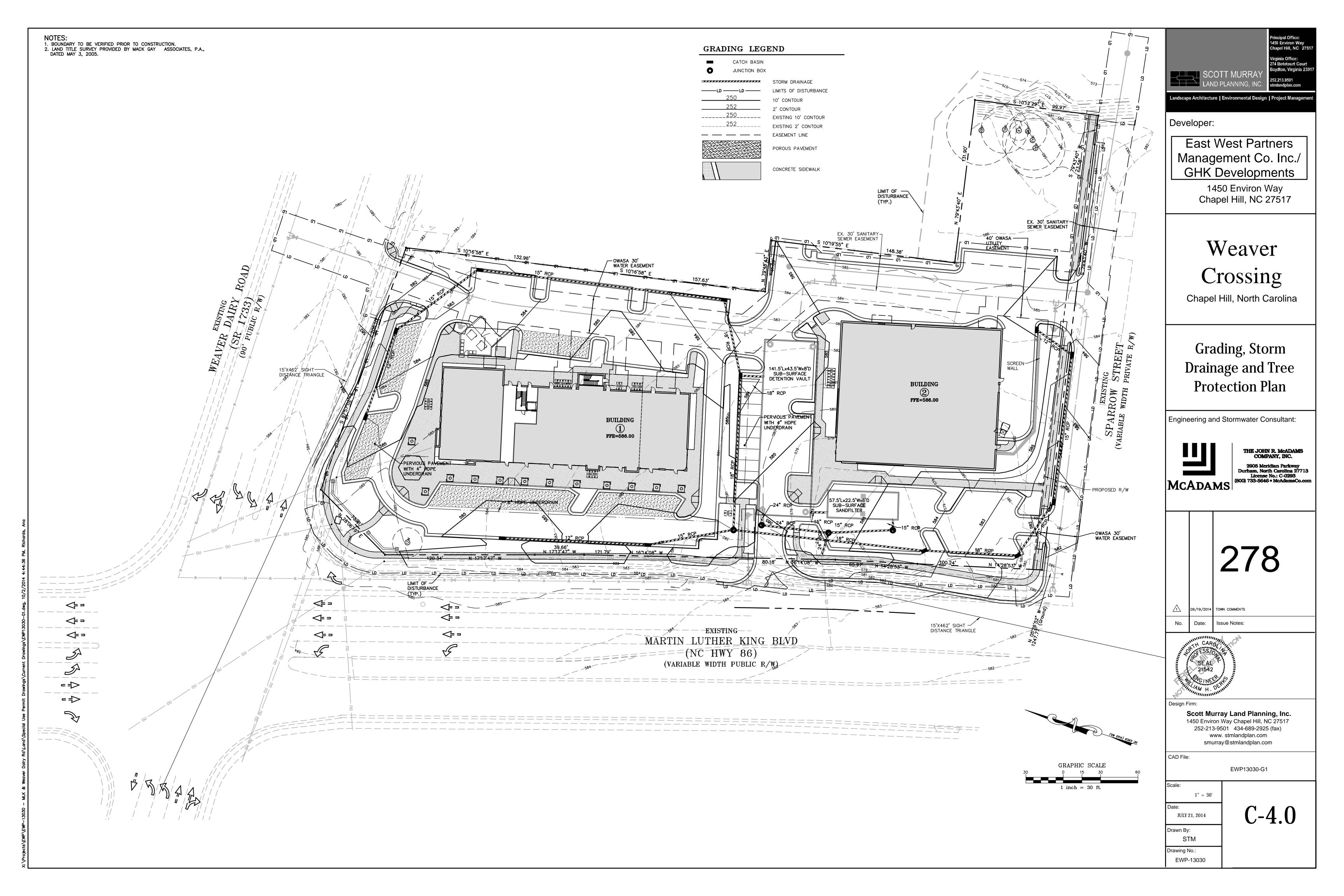
Scott Murray Land Planning, Inc. 1450 Environ Way Chapel Hill, NC 27517 252-213-9501 434-689-2925 (fax) www. stmlandplan.com smurray@stmlandplan.com

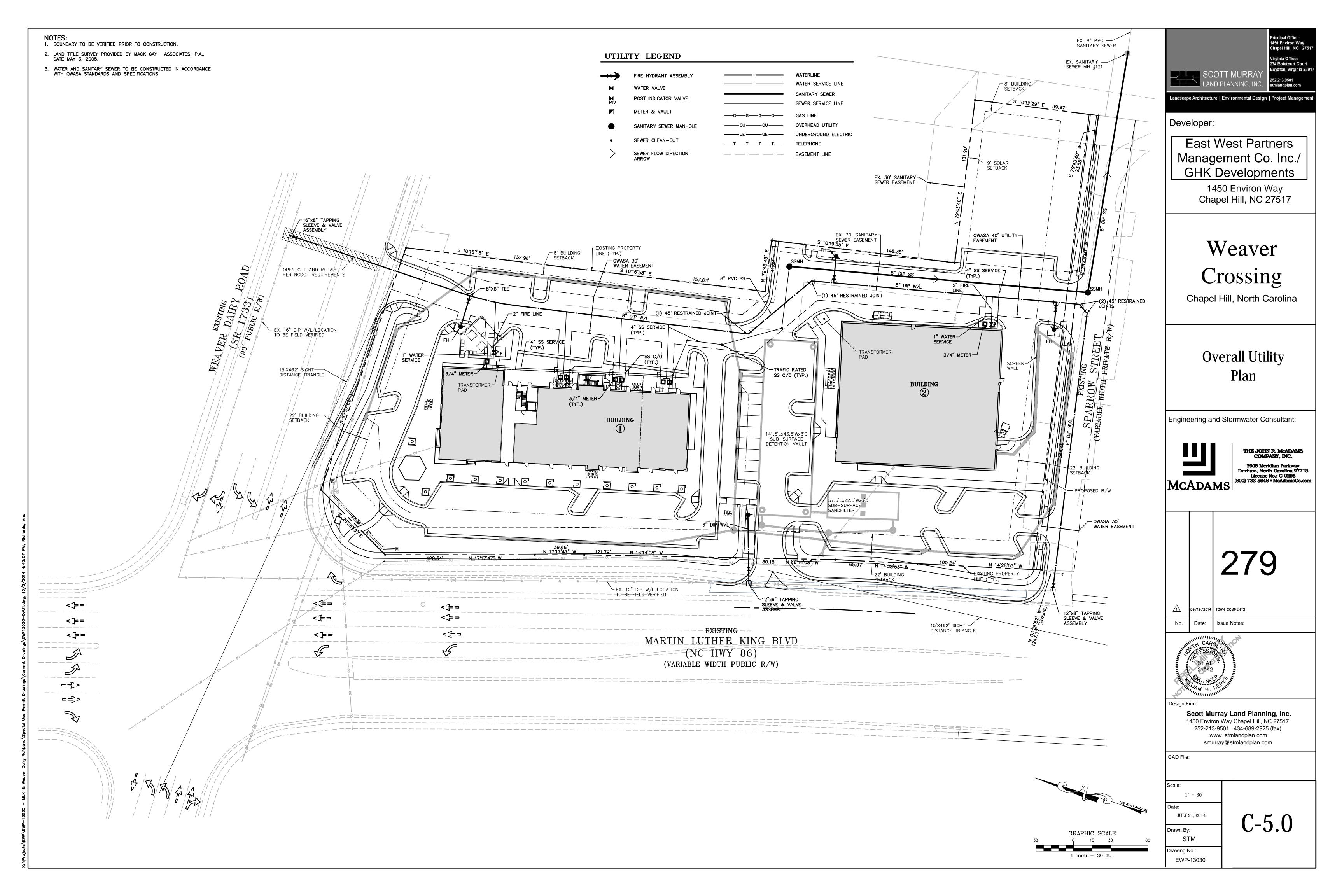
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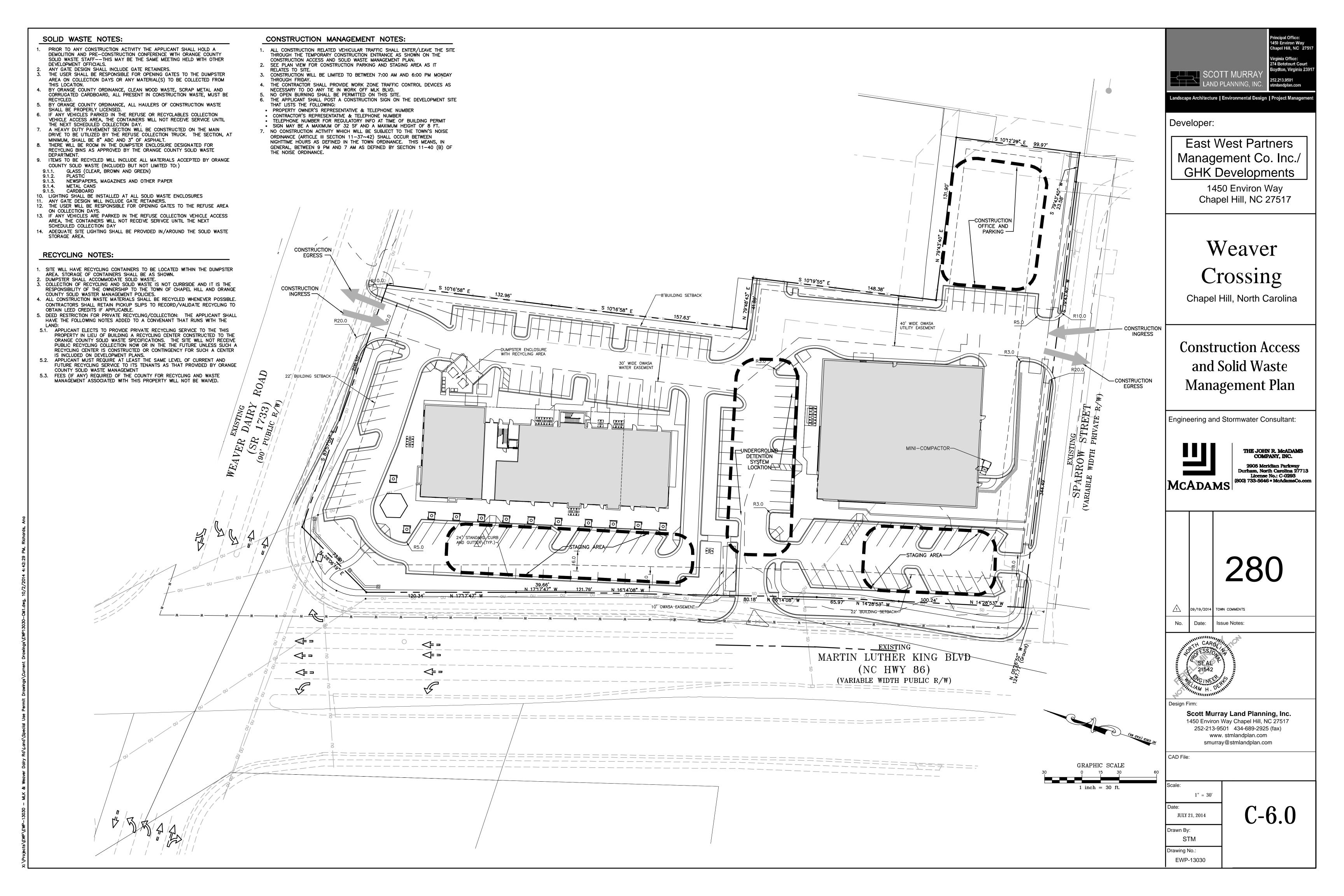
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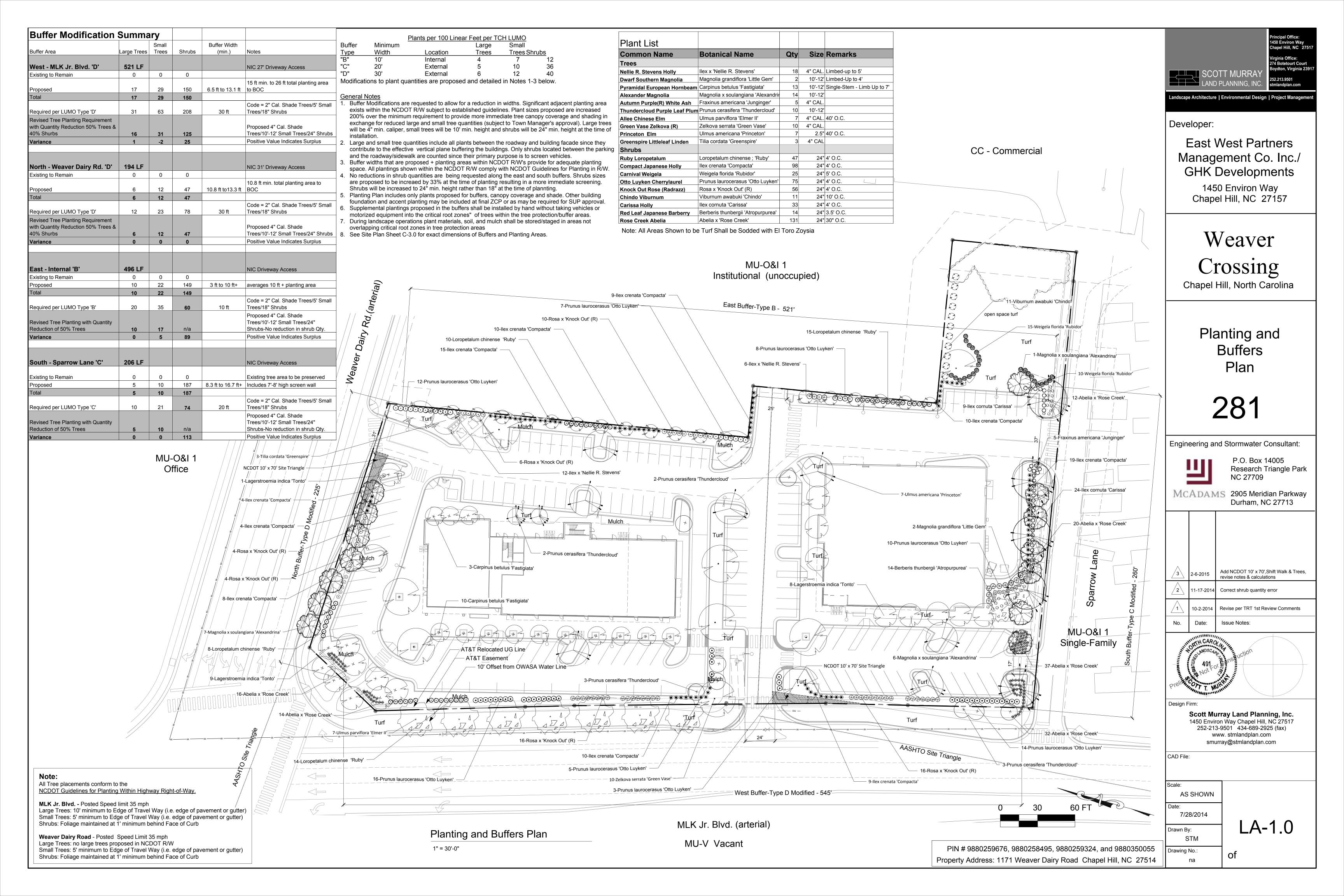
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AS SHOWN	
Date:	
10/2/2014	
Drawn By:	
STM	

C-3.3









NOTES:

1. <u>UNDERGROUND UTILITY VERIFICATION</u>

Landscape contractor to verify location of underground untilities before beginning work.

2. SOIL PREPARATION

Where existing vegetation remains in areas to be seeded, eradicate existing vegetation by having a licensed spray technician apply an approved herbicide; i.e., glyphosate (Roundup®), or tilling the weeds into the soil. Good pre-seeding weed control may require spraying two applications of glyphosate (at least two weeks apart). Close mowing two weeks prior to spraying is recommended to stimulate weed growth. Glyphosate must be applied to vegetative growth in order to kill undesirable plants and their roots. The second application is needed only if the first application is insufficient.

Test soil qualified laboratory tests and amend with lime and fertilizer as needed. Achieve a pH of at least 6.0

For heavy compacted clay soils - Organic matter must be added in order to prevent the clay from hardening after rain events, to the point where emergent seedlings will be unable to push through the soil surface. Organic matter, such as straw, compost, mulch, leaf litter, etc., must be added in order to increase soil organics to at least 1%. The organics must be worked into the top-most soil prior to planting using a tiller, harrow, disk, or similar implement. Cultivating the top 6" of soil will aid in root development of emergent seedlings, and will allow some percolation of rain water that would otherwise run off the surface with little to no infiltration, likely carrying the seed away with it.

If heavy soil conditions are encountered where percolation is not adequate to prevent ponding after a normal rainfall event then the following procedures supersede those illustrated in the accompanying details. Where subgrade does not allow for natural drainage through amendments or subsurface drainage, rootballs shall be set at a depth not to exceed 1/2 of the total rootball depth. Provide additional amendments or drainage as needed to ensure survival of the plant after consulting with landscape architect.

Tracking slopes with mechanized equipment should be done perpendicular to fall line to minimize runoff and erosion.

See Tree Pit Detail for structural soil backfill, tree aeration and stabilization and deep root watering.

3. IRRIGATION

All new plant areas of site as shown on the plans are to be irrigated. Design-Build system design to be submitted to the landscape architect for review and approval prior to installation. Irrigation design shall provide high efficiency drip or spray irrigation to all tree and shrub areas and rotary or spray irrigation to all turf areas. Irrigation design shall incorporate a Root Watering System (RWS) capable of complete deep root watering of root balls. Irrigation Contractor shall be liscensed as required by the State in which the work is to be conducted.

4. PLANT MATERIAL STANDARDS

All plant material and planting standards specified shall meet the minimum standards for nursery stock- ANSIZ60.1-2004 or the County whichever is stricter. Any material with evidence of disease or pest infestations will be rejected. All rework will be at the expense of the Contractor. Substitutions will be permitted only upon prior approval by the Landscape Architect or Owner's Representative. Contractor shall be responsible for furnishing all seed tags and plant tags affirming origin and species. Plant tags shall not be removed prior to final inspection and acceptance. Contractor is responsible for the health of all plant material for a minimum of 30 days following final acceptance. If contractor is awarded a contract for maintenance then he/she shall be responsible for the health and/or replacement of all material as set forth by the maintenance contract.

5. MISCELLANEOUS NOTES - ANNUALS, MULCH & PLACEMENT OF PLANTS

a. Landscape contractor shall submit a schedule of proposed plantings for all annual beds and planters providing for spring and fall plant rotations. Select plants to provide variety and unity. Submittal shall be made to Landscape Architect or Owner's Representative for approval prior to installation

b. Tree placement and landscape bed layout to be approved by landscape architect prior to installation.

c. All disturbed areas are to be stabilized with lawn, plantings, or mulch.

Mulch around all plants as specified. trees shall be mulched with pine straw except within 6' of builings or as prohibited by local ordinances. shreaded harwood bark mulch shall be used for all perennials and annual beds. Stone much areas beneath bicycle parking as noted on Site Plan Sheet C-3.0 shall consist of 1"-2" angular washed river stone (dark gray-tan-brown in color) 4" depth. Place landscape fabric beneath stone mulch and retain with steel or aluminum landscape edging (dark green in color) when adjacent to turf or other mulch areas.

d. See SEEDING SPECIFICATIONS for seed mix and schedules.

SEEDING SPECIFICATIONS AND BEHEDULES

All areas disturbed by construction will be stabilized with temporary seeding immediately following grading. Seeding will comply with the standards and specifications of the latest edition of the Erosion and Sediment Control Regulations for the State or jursidiction in which the project is located. Seeded areas will be maintained in keeping with accepted practices and care.

Permanent Seeding:

STEEP SLOPE AREAS

August 15th - April 1st - Hydro Seed Steep Slope Areas (>2.5:1 H:V) with Sericea Lespedeza (Lespedeza cuneata Dumont") - 30 lbs/ac (un-hulled)+ Red Top Grass 2 lbs/ac + Pensacola Bahiagrass 50 lbs/ac + Kentucky 31 Fescue 50 lbs/ac + Annual rye 20lbs/ac (winter rye November 1st-February 15th) - hydro seed with NA Green HydraCX2 mulch (or equal) and recommended soil amendments and inoculants.

April 1st - May 1st - Hydro Seed Steep Slope Areas (>2.5:1 H:V) with Sericea Lespedeza (Lespedeza cuneata Dumont") - 30lbs/ac (un-hulled)+ Red Top Grass 2 lbs/ac + Pensacola Bahiagrass 50 lbs/ac + Kentucky 31 Fescue 50 lbs/ac + Fox Tail Millet 20 lbs/ac - hydro seed with NA Green HydraCX2 mulch (or equal) and recommended soil amendments and inoculants.

May 1st - August 15th - Hydro Seed Steep Slope Areas (>2.5:1 H:V) with Sericea Lespedeza (Lespedeza cuneata Dumont") - 30 lbs/ac (hulled)+ Red Top Grass 2 lbs/ac + Pensacola Bahiagrass 50 lbs/ac + Kentucky 31 Fescue 50 lbs/ac + Fox Tail Millet 20 lbs/ac - hydro seed with NA Green HydraCX2 mulch (or equal) and recommended soil amendments and inoculants.

<u>TURF AREAS</u> - (reduce seeding rates by 35% for overseeding)

August 15th - April 1st

Cool Season Turf Grass - Seed with Kentucky 31 Fescue 100 lbs/ac + 75 lbs/ac Creeping Fescue (Rubra rubra) + Kentucky Bluegrass 10 lbs/ac; straw and tack all newly seeded areas not hydro seeded.

Sod - as noted

Sod - as noted

April 1st - May 1st Cool Season Turf Grass - Seed with Kentucky 31 Fescue 100 lbs/ac + 75 lbs/ac Creeping Fescue (Rubra rubra) + Kentucky Bluegrass 10 lbs/ac; straw and tack all newly seeded areas not hydro seeded.

May 1st - August 15th Warm Season Turf Grass - Sunsport Improved Bermuda - 3 lbs/1,000 sf

Wildflower Areas - Southeastern Wildflower Mix - 24 lbs/ac

NATIVE GRASSES AND WILDFLOWER AREAS

Seed Mixes (Available from John Deere Landscapes 704-823-0613 or Ernst Seed Company)

Native Grass Areas - Little Blue Stem (The Blues) 3 lbs/ac + Broomsedge (Silver Beauty) 3 lbs/ac + Side Oats Grama 3 lbs/ac + Prairie Dropseed 3 lbs/ac

Seeding Schedule

- if project schedule requires seeding of Native Grass Areas prior to March15th, then seed, straw and tack disturbed areas with annual rye at a rate of 300 lbs./ac.

- Seed Native Grass Areas in early spring as soon as average daytime temperatures reach 60-65 deg. Seed Wildflower Areas May 1st - July 1st. - If temporary seeding is required as noted above, contractor shall eradicate cover grass as needed prior to seeding native grass and wildflower areas.

General Stabilization and Seeding Notes

- Prep and seed all areas disturbed by construction that are not seeded for Steep Slopes, Native Grass Areas or Wildflower Seed Areas, with Warm Season or Cool Season turf grasses as specified above.

- Do not cover seed more than 1/4 inch

LANDSCAPE MAINTENANCE OUTLINE

The following outline describes the basic elements of work that will be performed throughout the calendar year:

I. LAWNS - WARM SEASON TURF

All lawns will be mowed as needed throughout the year in order to maintain a clean, neat appearance. Typically all lawns will be cut at a height of 2" for warm season grasses and 3"- 4" for cool season grasses.

B. Fertilization and Weed Control

February/March: All lawns will be treated with a pre-emergent herbicide for the prevention of annual weed grasses and broadleaf weeds March: All lawns will be treated with a high-density fertilizer to promote Spring plant growth and replace nutrients lost due to leaching May: All lawns will be treated with a post-emergent herbicide for control of broadleaf weeds and weed grasses, plus a slow-release

fertilizer to maintain a healthy turf during the Summer months. <u>September:</u> All lawns will have a Fall application of fertilizer to replace nutrients lost during the Summer months.

November: All lawns will be treated with a slow-release fertilizer with Iron-Plus to promote Winter hardiness.

C. Insects and Disease Control

All lawn areas will be monitored for infestation of insects or appearance of turf diseases. Due to the unpredictable nature of these problems, treatments will be performed on an "as needed" basis to prevent and control infestations. All insecticides/ fungicides will be applied under the supervision of a Certified Pesticide Applicator. Vertebrate pests such as deer, beaver, vols, and moles shall be monitored and reported to property manager when occurances are noted.

II. EDGING

A. Lawns

All curbs and sidewalks will be edged, as needed, throughout the year in order to maintain a clean cut, crisp edge.

B. Shrub Beds

All bed lines will be edge cut once a year

III. PLANTING

March: all bed areas will be treated with a pre-emergent herbicide to control weed seed germination (Ex. Barricade, Snapshot, pendulum)

When needed, all beds will be treated with the selective post-emergent herbicide, (Ex. Finale, Roundup, Reward,) to control weed seeds, which have germinated.

Additional hand weeding and selective spraying of herbicides such as ROUND-UP will be performed as needed

All applications will be applied under the supervision of a licensed Certified Pesticide Applicator.

All evergreen shrub beds will be fertilized in the early Spring according to soil test results and plant /fertilizer recommendations.

All blooming trees and shrubs (i.e., azalea, rhododendron, dogwoods, redbud) will be fertilized with a complete analysis fertilizer 4 to 5 weeks after blooming.

Deciduous trees and shrubs except blooming species will be fertilized with a complete slow release fertilizer in the early Spring and two additional times during the growing season.

All plantings will be pruned at the appropriate time of the year according to type / species. For example, Spring blooming trees and shrubs will be pruned after flowering while Summer blooming species will be pruned in Winter or early Spring

D. Insect and Disease Control

All plantings will be monitored for infestation of insect or appearance of disease. Once identified, chemical treatments will be applied. All applications will be performed under the supervision of a licensed Certified Pesticide Applicator.

IV. CLEAN-UP

A. Grounds

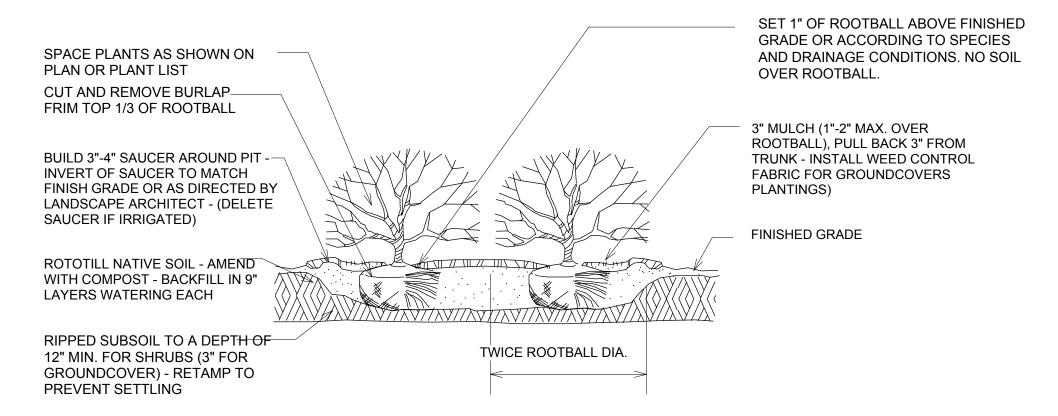
All grounds will be policed on a bi-weekly basis.

Major damage due to high winds, ice, snow, or other unpredictable acts of nature is not included but shall be offered on an hourly basis. Contractor shall provide property manager with hourly rates for labor and equipment at the time of contract acceptance/renewal.

Leaf clean-up of walks, turf areas, shrub beds and other high visibility areas is to be provided weekly. Leaf cleanup in out lying natural areas is to be provided twice per year in the fall.

V. IRRIGATION (if provided)

All Irrigation will be monitored on a weekly basis to insure coverage per the irrigation design. Repairs made as needed. Cost for repairs shall be specified in Landscape Contract. Provisions shall be made to draindown in the fall to insure against freezing.





SHRUB PLANTING AND GROUNDCOVER PLANTINGS

DO NOT WRAP TRUNK UNLES DIRECTED TO DO SO BY LANDSCAPE STAKE TREES AS **ARCHITECT** REQUIRED BY OWNER /WITH GUYS AS SHOWN, PROTECTING TRUNK FROM GUYS, 3" MULCH - PULL MULCH 6" FROM BASE GROUND ANCHORS OF TRUNK ∠MAY BE SUBSTITUTED FOR VERTICAL ROTOTILLED NATIVE SOIL STAKES AMENDED AS NEEDED SAUCER AROUND TREE PIT DELETE-WITH IRRIGATION CUT AND REMOVE TOP 1/3 OF WIRE BASKET, BURLAP AND ALL TIES RIP SUBSOIL (18" DEPTH) FOR FLATBOTTOM TREE ROOTBALLS, SUPPORT REST ON UNDISTURBED PEDESTAL **ROOTBALL WITH** COMPACTED AMENDED PLANTING MIX SET ROOTBALL 2"-4" ABOVE PROPOSED GRADE DEPENDING ON SOIL/DRAINAGE CONDITIONS. REST BALL ON UNDISTURBED SUBSOIL OR DIG TAPERED PLANTING HOLE 2 TAMPED BASE TO PREVENT SETTLING. TIMES THE SIZE OF ROOT BALL (3 TIMES THE SIZE IN HIGHLY COMPACTED CLAY SOILS) AND SCARIFY SIDES TREE PLANTING

\LA-1.1

SET ROOTBALL 2"-4" ABOVE PROPOSED GRADE DEPENDING ON SOIL/DRAINAGE CONDITIONS. REST BALL ON UNDISTURBED SUBSOIL OR TAMPED BASE TO PREVENT SETTLING.

3" MULCH CUT AND REMOVE BURLAP WIRE BASKET AND TIES FROM TOP 1/3 OF ROOTBALL

NEVER CUT LEADER

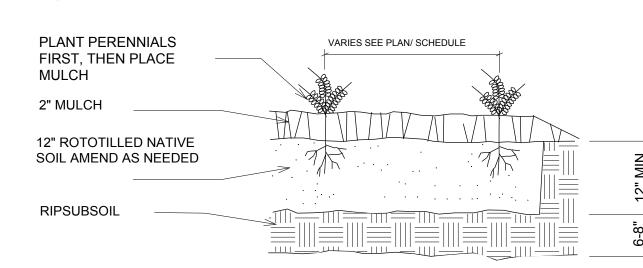
FORM SAUCER AROUND PIT (DELETE WITH IRRIGATION) ROTOTILLED NATIVE SOIL

AMENDED AS NEEDED

\LA-1.1/

SCARIFY SUBSOIL

EVERGREEN TREE PLANTING

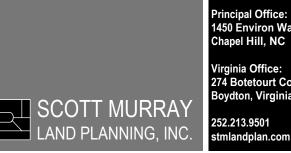


PERENNIAL PLANTING \LA-1.1/ LAWN PLANT BED NOTE: PINE STRAW MULCH MAY BE PROHIBITED WITHIN CLOSE PROXIMITIES OF

BUILDINGS IN CERTAIN JURISDICTIONS. CONSULT CURRENT LOCAL ORDINANCES.

MULCH EDGE \LA-1.1/

PIN # 9880259676, 9880258495, 9880259324, and 9880350055 Property Address: 1171 Weaver Dairy Road Chapel Hill, NC 27514



andscape Architecture | Environmental Design | Project Managemen

Developer:

East West Partners Management Co. Inc./ **GHK Developments**

1450 Environ Way Chapel Hill, NC 27157

Weaver

Chapel Hill, North Carolina

Planting Details & Maintenance Schedule

Issue Notes: No. Date:

Design Firm:

Scott Murray Land Planning, Inc. 1450 Environ Way Chapel Hill, NC 27517 252-213-9501 434-689-2925 (fax) www. stmlandplan.com smurray@stmlandplan.com

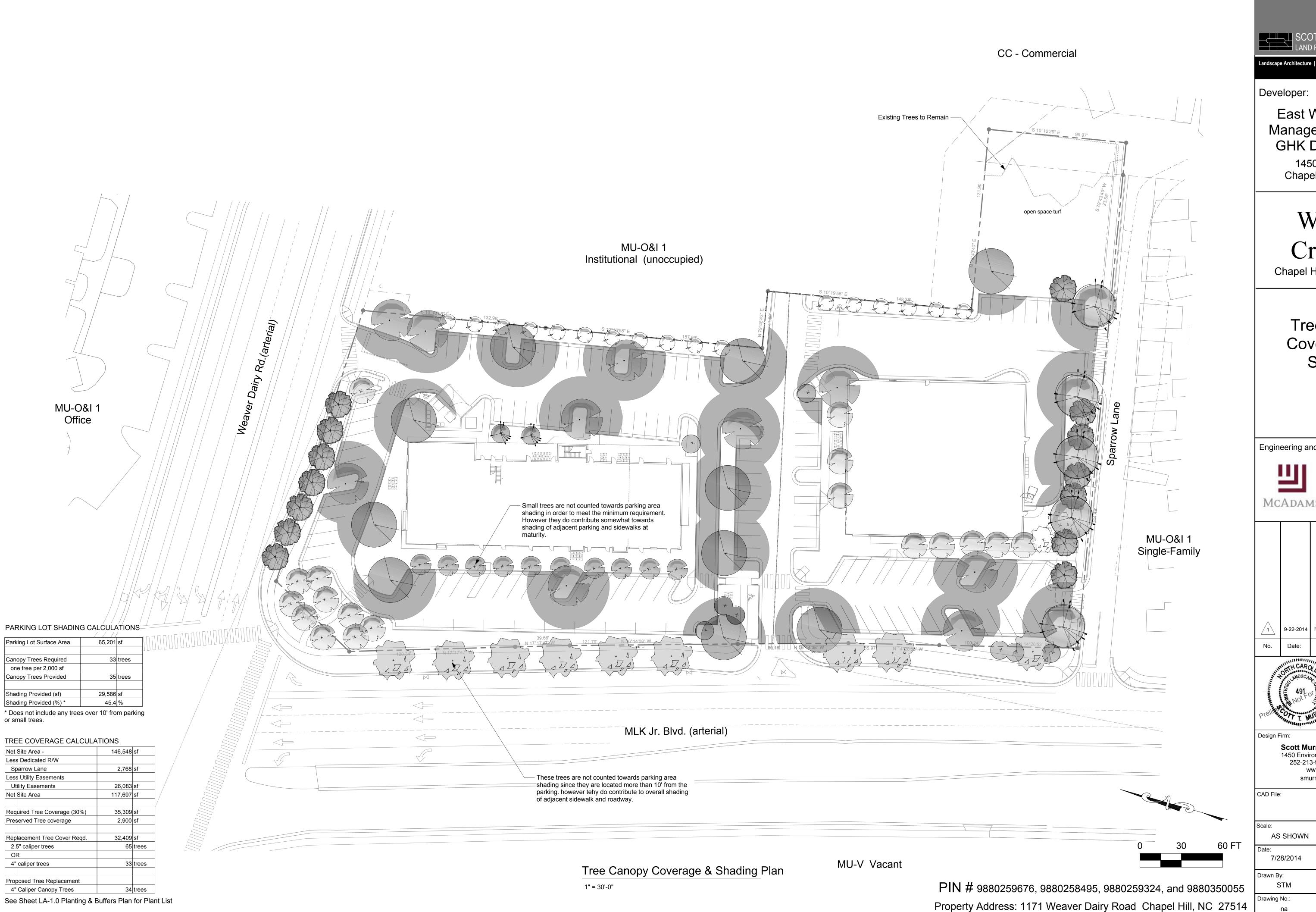
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andscape Architecture | Environmental Design | Project Managem

East West Partners Management Co. Inc./ **GHK Developments**

1450 Environ Way Chapel Hill, NC 27157

Weaver Crossing

Chapel Hill, North Carolina

Tree Canopy Coverage and Shading Plan

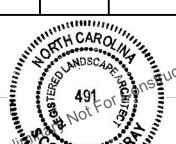
Engineering and Stormwater Consultant:

P.O. Box 14005 Research Triangle Park NC 27709

MCADAMS 2905 Meridian Parkway Durham, NC 27713

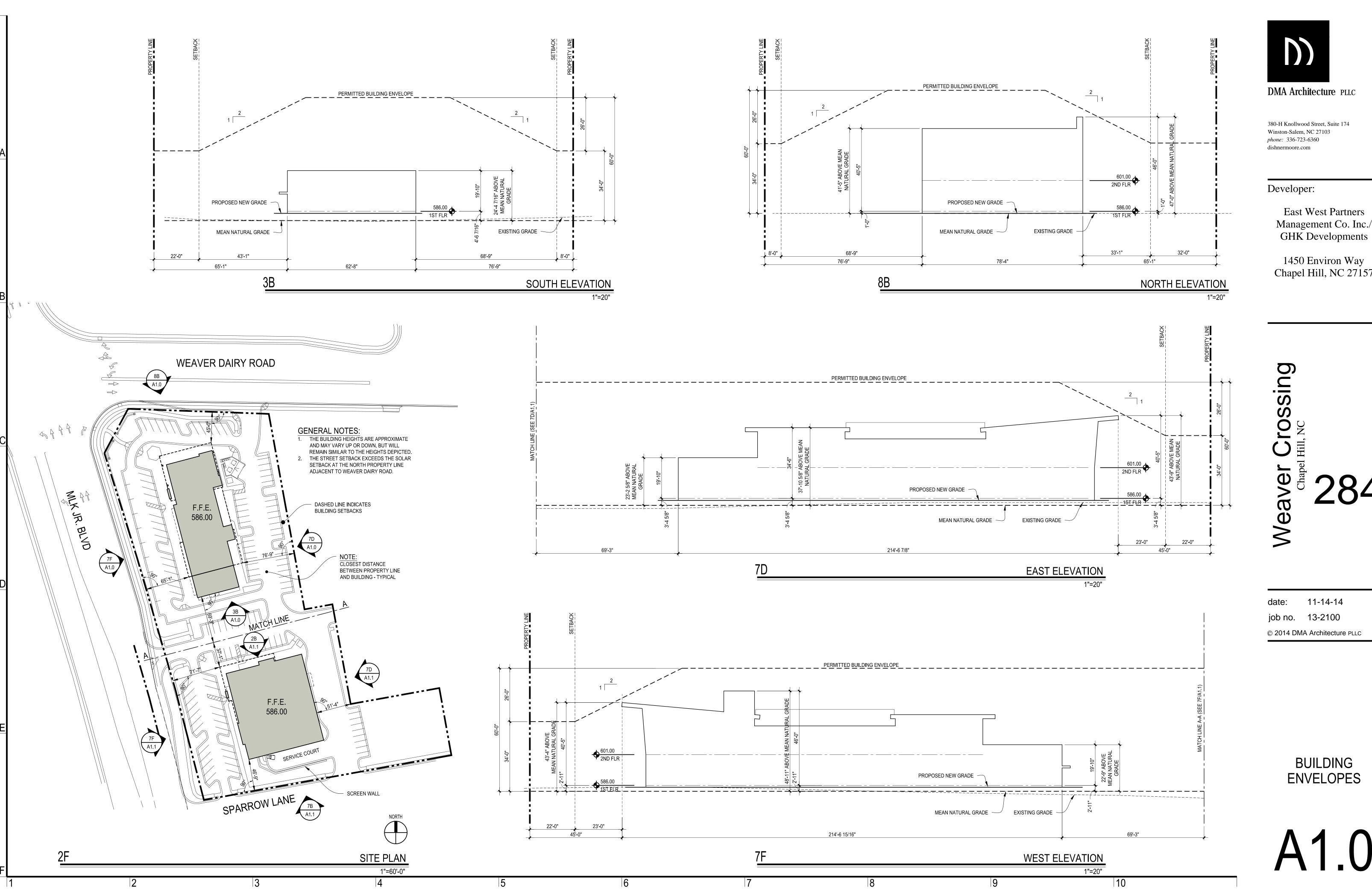
283

9-22-2014 Revise base layout and related shading



Scott Murray Land Planning, Inc. 1450 Environ Way Chapel Hill, NC 27517 252-213-9501 434-689-2925 (fax) www. stmlandplan.com smurray@stmlandplan.com

LA-2.0

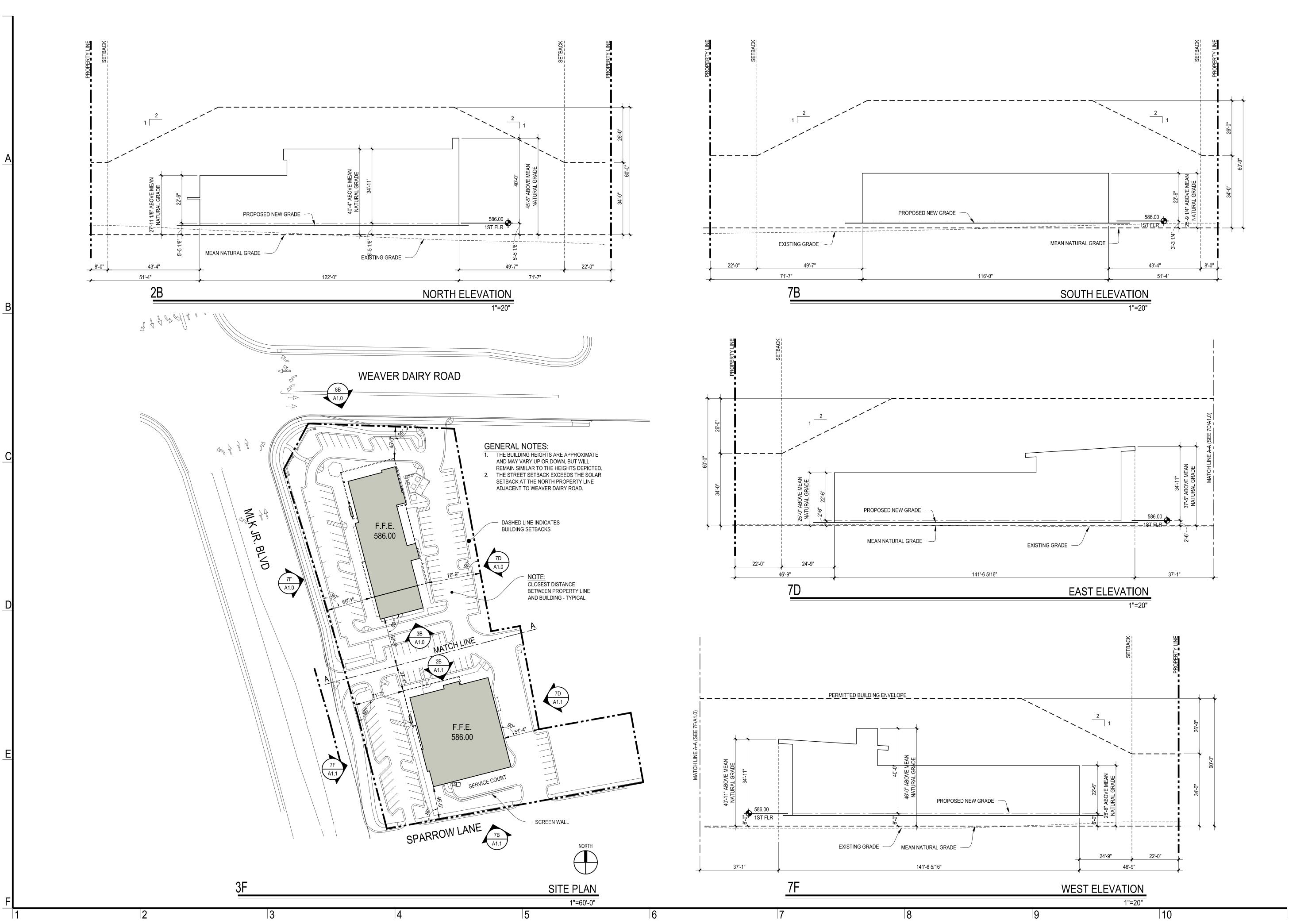


380-H Knollwood Street, Suite 174

East West Partners Management Co. Inc./

1450 Environ Way Chapel Hill, NC 27157

11-14-14





DMA Architecture PLLC

380-H Knollwood Street, Suite 174 Winston-Salem, NC 27103 *phone:* 336-723-6360 dishnermoore.com

Developer:

East West Partners Management Co. Inc./ GHK Developments

1450 Environ Way Chapel Hill, NC 27157

Meaver Crossing
Chapel Hill, NC
Chapel Hill, N

date: 11-14-14 job no. 13-2100 © 2014 DMA Architecture PLLC

> BUILDING ENVELOPES

A1.1



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 02/23/2015

AGENDA #13

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability

Gene Poveromo, Development Manager

Judy Johnson, Principal Planner

SUBJECT: Public Hearing: Proposal for Zoning Atlas Amendment–1165 Weaver Dairy

Road

Recommended Council Action

• Open the public hearing and receive public comment on the Zoning Atlas Amendment.

Explanation of Recommendation

• We will return to the Council with recommendations for action after the Council has received public comment this evening and after the hearing has been reconvened.

Key Review Considerations

 Rezoning application does not propose rezoning to a conditional zoning district. If enacted, new zoning district could allow development without the submission of a Special Use Permit

Planning Commission Recommendation

• Voted 8-0 to enact the proposed rezoning

Fiscal Note

• Fiscal impact not determined.

Council Goal

- Create A Place for Everyone
- Facilitate Getting Around
- Develop Good Places New Spaces
- Nurture Our Community
- Support Community Prosperity and Engagement

Attachments

- Staff Memorandum
- Resolution of Consistency
- Ordinance A, enacting the rezoning, and zoning map
- Resolution B
- Planning Commission's Recommendation
- Applicant's Materials

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 – 1165 Weaver Dairy

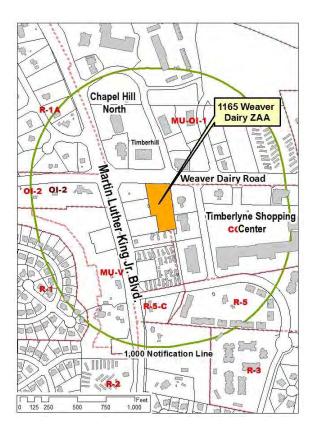
Road¹ (Project #14-084)

DATE: February 16, 2015 REIUSSED: February 23, 2015

INTRODUCTION

Attached for your consideration is a Zoning Atlas Amendment application, submitted by Scott Radway, Radway Design, which proposes to rezone the site at 1165 Weaver Dairy Road from the existing Mixed Use-Office/Institutional-1 (MU-OI-1) zoning district to Community Commercial (CC) zoning district. The 1.8-acre site is located at south side of the street at 1165 Weaver Dairy Road, just east of the intersection with Martin Luther King Jr. Blvd. The parcel identifier number is Orange County 9880-35-0595.

¹ http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-activity-report/1165-weaver-dairy-road



The applicant has proposed a general use rezoning without an accompanying Special Use Permit. This site is adjacent to the proposed <u>Weaver Crossing Zoning Atlas Amendment and Special Use Permit</u>² applications, also on tonight's agenda.

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 Community Commercial zoning district will permit land uses including adult day care, automotive repair, bank, business uses including convenience, general, and office, place of worship, as well as other land uses.

Proposed Development Intensity – Zoning Districts							
Existing MU-OI-1 Proposed CC Zoning							
Zoning District District							
Floor Area	Maximum Allowed	20,642 sq. ft.	33,543 sq. ft.				
Primary Height	Maximum Allowed	29 feet	34 feet				
Secondary Height	Maximum Allowed	60 feet	60 feet				

The surrounding uses and zoning districts are as follows:

² http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-activity-report/weaver-crossing-mixed-use-development

³ Because the site is less than 20 acres, the OI-1 land use intensities apply to the site; therefore the building heights are less than allowed maximum heights allowed in the MU-OI-1 district

Surrounding Development Patterns				
General Development Pattern	General Business and Commercial area			
North	Mixed Use-Office/Institutional-1 (MU-OI-1) Timberhill Place office condominiums			
Community Commercial (CC) (Timberlyne Shonning				
East	Center)			
South	Mixed Use-Office/Institutional-1 (MU-OI-1) – trailer park with approximately 25 trailers			
	Weaver Crossing application SUP and Zoning Atlas			
West	Amendment to Community Commercial-Conditional (CC-C) in process			

BACKGROUND

The Zoning Atlas Amendment application was submitted on November 14, 2014.

The <u>2020 Land Use Plan</u>,⁴, a component of the <u>2020 Comprehensive Plan</u>,⁵, designates this site as a Town/Village Center use and as a Development Opportunity Area.

The following are themes from the 2020 Comprehensive Plan, adopted in June 25, 2012:

Conforms	No.	2020 Comprehensive Plan Themes
$\sqrt{}$	1.	A Place for Everybody
	2.	Community Prosperity and Engagement
	3.	Getting Around
	4.	Good Places, New Spaces
	5.	Nurturing Our Community
	6.	Town and Gown Collaboration

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

- Development opportunities exist in this area near the I-40 interchange
- Development opportunities in this area currently are constrained by circulation and access limitation.
- Existing transit service along Martin Luther King Jr. Blvd and anticipated development of higher capacity bus service could support new development opportunities.

The plan also identifies next steps:

• Evaluate improved access to I-40 and well-designed improvements to access and circulation; consider impacts north of I-40.

⁴ http://www.townofchapelhill.org/home/showdocument?id=1215

⁵ http://www.townofchapelhill.org/home/showdocument?id=15001

- Focus additional efforts, in partnership with property owners in the area, to identify sections to rezone and to provide enhanced connectivity for bicycles, transit, pedestrians, and vehicles using the complete streets approach.
- Use a community-based process to identify areas for new uses and areas where walkable development can enhance the area. Consider design guidelines or a form-based approach to selected sections of the area.

The Northern Area Task Force Report⁶ refers to this area as a Gateway Entrance and includes objectives of architecturally interesting buildings and design features. The site is included in Focus Area 3 and the report states the intersection of Martin Luther King Jr. Blvd and Weaver Dairy Road should have "highly visible gateway entrance that contains a retail component. The east side of Martin Luther King Jr. Blvd. should be mixed use.

We believe 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 Analysis of the Rezoning Application section below and the attached applicant's Statement of Justification.

⁶ http://www.ci.chapel-hill.nc.us/home/showdocument?id=1050

REZONING REQUEST

In Chapel Hill, a rezoning may be requested as either a general use rezoning or a conditional rezoning request. A general use rezoning request is to change the zoning to a different zoning district in which any of several kinds of developments and uses are permitted. A conditional use rezoning request is to allow development and uses only with approval of a Special Use Permit or Special Use Permit Modification. This rezoning request is a general use rezoning request.

Base on the proposed use and amount of floor area or land disturbance, future development applications under the general use rezoning could come under the approval authority of the Planning Board. Otherwise development application with either more than 20,000 square feet of floor area or 40,000 square feet of land disturbance would require a Special Use Permit. Based on the lot size, we would anticipate that any new development on the lot would require a Special Use Permit.

The Council has the discretionary authority to approve or deny a rezoning request. The Council does not have the ability to subject this property to a conditional rezoning. A conditional zoning is only applicable if initiated by the property owner.

PROTEST PETITION

Opportunity for a protest petition to a proposed amendment to the Zoning Atlas is provided for under North Carolina Statutes. If a sufficient protest petition is filed with the Town Clerk at least 2 business days prior to the date of the public hearing, the proposed rezoning shall not become effective except by favorable vote of not less than three-fourths of the Town Council. Copies of protest petition forms and additional information are available from Planning and Sustainability or the Town Clerk. We will report at tonight's Public Hearing regarding any valid protest petition that have been submitted.

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:

- <u>Argument in Support</u>: The applicant has not offered arguments to support this circumstance. We were unable to identify any arguments in support of a manifest error.
- <u>Argument in Opposition</u>: 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:

- <u>Argument in Support</u>: Arguments in support of this finding are offered in the applicant's Statement of Justification (please see attached Statement). Excepts of the applicant's Statement of Justification follow:
 - "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 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." [excerpt from Applicant's Statement]
- <u>Argument in Opposition</u>: 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) and in the Background section of this memorandum above. The rezoning 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:
 - "1165 Weaver Diary 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."

"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." [excerpt from Applicant's Statement]

 Argument in Opposition: To date no arguments in opposition have been submitted or identified by staff.

RECOMMENDATIONS

<u>Planning Commission Recommendation</u>: At the January 6, 2015 Planning Commission meeting, the Commission voted 6-2 to recommend that the Town Council adopt the Resolution of Consistency with the Comprehensive Plan.

The Planning Commission also voted 8-0 to recommend that the Town Council enact the proposed rezoning in Ordinance A.

Please see the attached Planning Commission summary of action.

<u>Staff Recommendation</u>: We recommend that the Town Council open the public hearing, receive comments, and consider the attachments associated with this application. The attached resolution of consistency provides for consistency of the proposed rezoning with the Comprehensive Plan. The attached ordinance would approve the rezoning. The attached resolution would deny the rezoning request.

RESOLUTION A

(Rezoning From Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial-(CC)

A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR 1165 WEAVER DAIRY ROAD AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (PIN 9880-35-0595 AND PROJECT #14-084)

WHEREAS, the Council of the Town of Chapel Hill has considered the application from Scott Radway, Radway Design to amend the Zoning Atlas to rezone property described in the accompanying rezoning application from Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial (CC) 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:

- Increase in commercial tax base;
- Enhances the northern entranceway;
- Expands a necessary use in a Development Opportunity Area;
- Promotes connectivity of all types social, economic, physical (walkable design);
- Strengthens existing businesses; and
- Efficient use of public facilities.

NOW, THI	EREFORE, BE IT	RESOLVED by the Council of the Town o	f Chapel Hill that the
Council he	reby finds the prop	osed ordinance to be reasonable and consis	stent with the Town
Compreher	nsive Plan.		
This the	day of	, 2015.	

ORDINANCE A

Rezoning From Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial-(CC)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 1165 WEAVER DAIRY ROAD PIN 9880-35-0595, PROJECT #14-084)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for 1165 Weaver Dairy Road to amend the Zoning Atlas to rezone property described below from Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial (CC) 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;

- Increase in commercial tax base;
- Enhances the northern entranceway;
- Expands a necessary use in a Development Opportunity Area;
- Promotes connectivity of all types social, economic, physical (walkable design);
- Strengthens existing businesses; and
- Efficient use of public facilities.

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

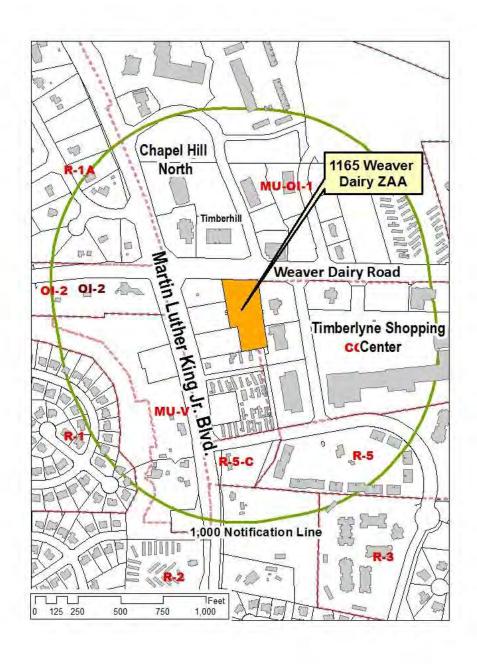
The Orange County parcel identified by Parcel Identification Number (PIN) 9880-35-0595 along with one-half of the abutting right-of-way of Weaver Dairy Road on the northern side of the parcel to be rezoned to Community Commercial (CC). (

The following metes and bounds describe the boundary of PIN 9880-35-0595: Lying and being in Chapel Hill Township, Orange County, North Carolina and Beginning at a point in the southern R/W of Weaver Dairy Road, the northeast corner of the Walgreen Co. property, and having NC Grid Coordinates (NAD '27) of N = 805,773.03, E = 1,982,969.98; running thence S 88° 58' 38" E 212.63 with the southern R/W of Weaver Dairy Road to a point; thence leaving said R/W and running thence S 08° 36' 10" E 266.37 with the line of NCNB National Bank (D. B. 671 – 467) to a point and continuing thence S 08° 36' 10" E 129.79 with the Timberlyne Professional Center, LLC (D. B. 4435 – 35) to a point; and running thence with the Timberlyne Professional Center, LLC and Walgreen Co. (D. B. 3892 – 210) S 79° 43' 40" W 154.88 to a point; thence continuing with the Walgreen Co. N 10° 19' 55" W 148.38 to a point; and continuing with the Walgreen Co. S 78° 48' 43" W 41.89 to a point; and continuing thence with the Walgreen Co. to the point and place of Beginning N 10° 16' 58" W 289.20 and being all of that land shown belonging to Catherine Beemer, et al, in Plat Book 82, Page 89, less and except that portion of said tract acquired by the NCDOT per consent judgment and recorded in R.B. 5614, page 125 - 131. The description of the entire property is indicated on the attached map.

SECTION II

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

This the _____ day of _____, 2015.



RESOLUTION B

(Denying Rezoning From Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial (CC)

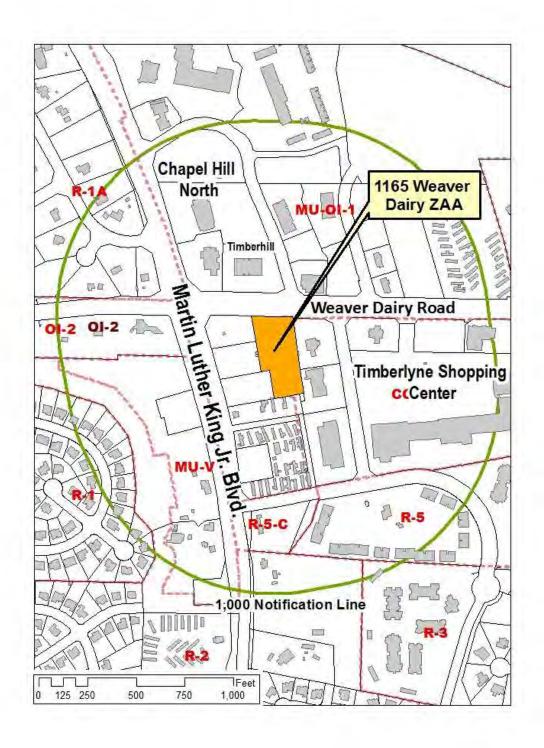
A RESOLUTION DENYING AN APPLICATION FOR A ZONING ATLAS AMENDMENT FOR 1165 WEAVER DAIRY ROAD (PIN 9880-35-0595, PROJECT #14-084)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for 1165 Weaver Dairy Road, to amend the Zoning Atlas to rezone property described below from Mixed Use-Office/Institutional-1 (MU-OI-1) to Community Commercial (CC) 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 1165 Weaver Dairy Road, to amend the Zoning Atlas to rezone the property identified as now or formerly Orange County Parcel Identifier Numbers 9880-35-0595 that is currently zoned Mixed Use-Office/Institutional-1 (MU-OI-1) and located at 1165 Weaver Dairy Road just east of the intersection with Martin Luther King Jr. Blvd, including half of the Weaver Dairy Road right-of-way within the Chapel Hill Town Limits that is abutting the property frontage, shall not be rezoned to Community Commercial (CC). The description of the entire property is indicated on the attached map.

This the	day of	, 2015.
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PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION 1165 WEAVER DAIRY ROAD (PROJECT #14-084) ZONING ATLAS AMENDMENT January 6, 2015

Recommenda	ation:	Approved		Appro	val with	Conditi	ions		Denied [
Motion:	Weave	Lyan moved an r Crossing Zon Insititutional-	ning Atla	as Amei	ndment f	rom Mix	ked U	se-	1
Vote:	8 - 0								
	Ayes:	Neal Bench, Michael Parl		,		_			_
	Nays:								
Prepared by:		Bench, Chair, Johnson, Staff		ıg Comr	nission				

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): 9880 · 3	5.0595	Date: 11. 12. 2014
Section A: Project Information		
Property Address: II65 WEAVE Use Groups (A, B, and/or C): N/A	ER DAIRY ROA R DAIRY ROA Existing Zoning District: OF 1.795 ACRE	D Zip Code: 27514 MU. OI - 1
Section B: Applicant, Owner and/or Contrac	t Purchaser Information	
Applicant Information (to whom correspondence Name: SUCTT RAD WAY Address: City: City: CHA PEL HILL State Phone: 919, 880. 55 79 Emain The undersigned applicant hereby certifies that, this application is true and accurate. Signature: Cowner/Contract Purchaser Information:	PADWAY J POAD III Scott o radu to the best of his knowledge	zip Code: 27516 raydes yn .com
Owner	Contract Purcha	ser
Name: EUZABETH MAL	LETT HEIRS &	CATHERINE BEENER
City: Chapel HILL State	NC NC	Zip Code: 27517
The undersigned applicant hereby certifies that, this application is true and accurate.	J Marie 11912	1 - 1
Signature:		Date: ///3/14

Page 1 of 2

Parcel Identifier Number (PIN): <u>9880.35.0595</u>



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. For detailed information, please refer to the Description of Detailed Information handout.

Application fee (refer to fee schedule)

Amount Paid \$

Pre-Application Meeting - with appropriate staff

Digital Files - provide digital files of all plans and documents

Mailing list of owners of property within 1,000 feet perimeter of subject property (see GIS notification tool)

Mailing fee for above mailing list

Amount Paid \$

NIA

Written Narrative describing the proposal

Statement of Justification

Digital photos of site and surrounding properties

Legal description of property to be rezoned

Phasing Plan (if applicable) indicating phasing boundaries and phasing notes

Reduced Site Plan Set (reduced to 8.5"x11")

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

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

Parcel Identifier Number (PIN): 9880 · 35.0595

1165 Weaver Dairy Road Chapel Hill, North Carolina

Proposed Zoning Atlas Amendment

Zoning Atlas Amendment Statement of Justification

1165 Weaver Dairy Road	Proposed Community Commercial Rezoning
Chapel Hill, North Carolina	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.

	Floor Area		Permitted Height		Residential Density
Zoning District	FAR	Maximum Floor Area	Primary at Setback Line	Secondary	Maximum Permitted
MU-OI-1	.264	20,642	29 ft.	60 ft.	10 DU/Acre
СС	.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 <u>Chapel Hill 2020 Comprehensive Plan</u> 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.

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1165 Weaver Dairy Road
Zoning Atlas Amendment Proposal
From Mixed Use – Office Institutional – 1
To Community Commercial

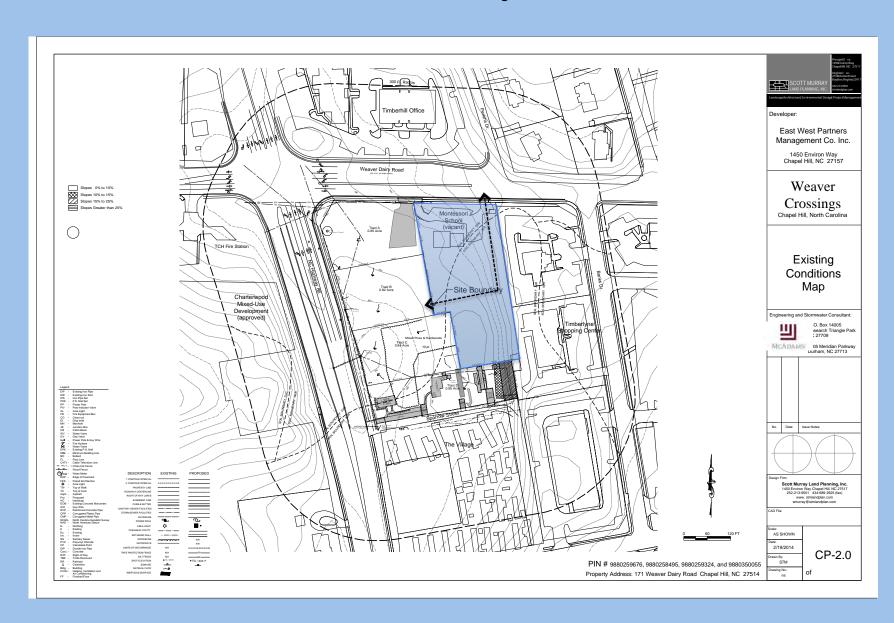
1165 Weaver Dairy Road, a 1.795 acre property, is zoned Mixed Use – Office Institutional – 1 for the western 2.3^{rds} of the site and zoned CC – Community Commercial for the eastern 1/3rd.

Weaver Crossing – Proposed Redevelopment
Proposed to be rezoned from MU-OI-1 to
Community Commercial.



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1165 Weaver Dairy Road



1165 Weaver Dairy Road Site Photographs



Front • Weaver Dairy Road Elevation
Buffer Screens School Building and Parking Lot From Street



Rear Elevation



West Elevation



East Elevation



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 02/23/2015

AGENDA #14

TO: Roger L. Stancil, Town Manager

FROM: Sabrina M. Oliver, Communications and Public Affairs Director/Town Clerk

SUBJECT: Appointment to Justice in Action Committee

Recommended Council Action

• That the Council make an appointment to the Justice in Action Committee.

Explanation of Recommendation

- There is currently one (1) Town Resident vacancy on the Justice in Action Committee.
- Currently 29% of appointed Justice in Action members live outside the corporate limits of the Town of Chapel Hill.
- If both applicants are appointed, then the residency status of the appointed members would be 29% non-Town resident.
- The Council Procedures Manual states that "in considering appointments to any board, committee or task force where the membership is not otherwise restricted by law or ordinance, the Council may appoint non-residents, not to exceed 40% of membership." Council has never established the membership size of the Justice in Action Committee.

Council Goal:

• Create A Place for Everyone

Attachments

- Ballot
- Application
- Recommendation

BALLOT

JUSTICE IN ACTION COMMITTEE

FEBRUARY 23, 2015

Total Membership:	TBD (Composed of one or more Town Council members, citizens and others as determined by the Council)
Current Membership:	7 (5 Females, 2 Males; 1 Multi-ethnic; 1 Hispanic, 4 Caucasian; 1 not reported, 2 non-Town Residents)
Number of Vacancies:	TBD
Number of Applicants:	1
You may vote for as many a	pplicants as you like. Please sign your ballot.
	APPLICANTS
Rev. Robert Ca	mpbellOther; please list:
	Council Member Signature

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APPLICATION FOR MEMBERSHIP ON TOWN OF CHAPEL HILL ADVISORY BOARD, COMMISSION, COMMITTEE OR TASK FORCE

This application requests some general information based on your interest in applying for a position on a Chapel Hill Town Advisory Board, Commission, Committee or Task Force. Please type or use dark ink.

Applicant's Legal Name: LoberTL. Can	Phell Date of Application: 0/106/201
Home Address: 1711 Pure Foy De. C	Pale 11/11 NC 27576
Street Address, C	ity, Zip Code
Home Phone: 919-933-6210 Business/C	Other Phone: 919-918-2822
FAX Number: Email Add	ress: YPL Campbell @gmail. Con
In order to consider this application and provide so information is required:	ome balance to the various boards, this personal
Male: ☐ Female: ☐ Ethnicity: 4-4 (African Ar Date of Birth: O/ 124 19419 Occupation:	nerican Asian, Caucasian, Hispanic, Native American)
Residency within the Town limits is required for member of some committees and task forces may be composed of	그게 휴가입니다. 이러는 이번 이번 시간
Do you reside within the Town Limits of Chapel Hill: Yes Length of residence in Chapel Hill: Years	No D & TS Months
How did you find out about this Board? (please circle or under Newspaper, Email, Friend, TV, Internet, Current Member Event, Other of Goard member	
The Council encourages you to visit a meeting of the group that	you are interested in serving on.
Please indicate your preferences by number (first choice	being "1") and choose no more than two, along with
category, if applicable.	
COUNCIL ADVISORY BOAR	RDS AND COMMISSIONS
Board of Adjustment	Historic District Commission
Cemeteries Advisory Board	Human Services Advisory Board
Chapel Hill Downtown Partnership	Library Board of Trustees
Chapel Hill Public Arts Commission	Orange Water & Sewer Authority (OWASA)
Community Design Commission	Parks & Recreation Commission
Community Policing Advisory Committee	Personnel Appeals Committee
Environmental Stewardship Advisory Board	Planning Commission
Greenways Commission	Stormwater Management Utility Advisory Board
Housing Advisory Board	Transportation and Connectivity Advisory Board
OTHER COUNCIL COMMITT	
	TEES AND TASK FORCES
(Please Specify): Z	

ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

(Please check if you agree.)

Ves, if appointed, I pledge to comply with the following ethics guidelines for advisory boards and commissions as adopted by the Chapel Hill Town Council. (Other Council committees and OWASA are excluded.)

Members of advisory boards and commissions shall not discuss, advocate, or vote on any matter in which they have a conflict of interest or an interest which reasonably might appear to be in conflict with the concept of fairness in dealing with public business. A conflict of interest or a potential conflict occurs if a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. Any member who violates this provision may be subject to removal from the board or commission.

If the advisory board or commission member believes he/she has a conflict of interest then that member should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. In cases where the individual member or the advisory board or commission establishes a conflict of interest, then the advisory board or commission member shall remove themselves from the voting area.

Any advisory board or commission member may seek the counsel of the Town Attorney on questions regarding the interpretation of these ethics guidelines or other conflict of interest matters. The interpretation may include a recommendation on whether or not the advisory board or commission member should excuse himself/herself from voting. The advisory board or commission member may request the Town Attorney respond in writing.

Please provide a brief statement outlining why you wish to serve on the Advisory Board(s), Commission(s)
Committee(s) or Task Force(s) to which you are applying.
To advocate for Social SUSTICE IN A FAIR
and resonable mems and to be The voice and
eye's for A Community neighbord That Hade not
Always been At the table when 155 ve or Confinit
is about THE ALL IN WHICH WE Live To being A
Ugosous voice for political retion.
3155-Day 10 11 11 11 11 11 11 11 11
Applicant's Signature Required Date

Applications will be kept on file from July 1^a to June 30^{th} of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.

Please return form to:

Communications and Public Affairs Department, 405 Martin Luther King, Jr. Blvd., Chapel Hill, NC 27514

Email clerk@townofchapelhill.org or FAX 919-967-8406

MEMORANDUM

TO: Mayor and Town Council

FROM: Will Hendrick, Chair, Justice in Action Committee

SUBJECT: Recommendation for the Justice in Action Committee vacancy(s)

DATE: 2/1/2015

RECOMMENDATION: The Justice in Action Committee met on Tuesday, February 10, 2015 and voted unanimously to recommend the appointment of Rev. Robert Campbell to the Town Council for consideration:

• Rev. Robert Campbell

This appointment will further enable the Committee to fulfill its mission "to adequately and effectively reflect the Town of Chapel Hill's integrity and commitment to preserving racial, economic, and social justice within the community."

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