



TOWN OF CHAPEL HILL
Town Council Public Hearing
Town Hall Council Chamber
405 Martin Luther King Jr. Blvd., Chapel Hill, NC 27514
7:00 P.M., APRIL 20, 2015

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AGENDA ITEMS

1. Approve Agenda. (no attachment)
2. Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.11 (Ephesus/Fordham Form District Regulations).

PRESENTER: John Richardson, Planning Manager for Sustainability

- a. Introduction and preliminary recommendations
- b. Comments from the public
- c. Comments and questions from the Mayor and Town Council
- d. Motion to recess Public Hearing to September 21, 2015
- e. Referral to Manager and Attorney.

3. Continue Public Hearings: Proposed Land Use Management Ordinance Text Amendment and Zoning Atlas Amendments for the Ephesus Church Road/Fordham Focus Area. (R-1)

PRESENTER: Loryn Clark, Housing and Community

- a. Introduction
- b. Adopt a resolution continuing the Public Hearing to October 19, 2015
- c. Referral to Manager and Attorney.

4. Continue the Public Hearing on Amendments to the Land Use Management Ordinance and the Northside Neighborhood Conservation District to June 15, 2015 (R-2)

PRESENTER: Gene Poveromo, Development Manager

- a. Introduction
- b. Adopt a resolution continuing the Public Hearing to June 15, 2015
- c. Referral to Manager and Attorney.

CONCEPT PLAN REVIEWS

Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

As a courtesy to others, a citizen speaking on an agenda item is normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.

5. Concept Plan: Merin Road Community, 8201 Merin Road. (R-3)

PRESENTER: Gene Poveromo, Development Manager

- a. Review of process
- b. Presentation by the applicant
- c. Comments from the Community Design Commission
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Adopt a resolution transmitting Council comments to the applicant.

6. Concept Plan: Chapel Hill Retirement Residence, 700 Weaver Dairy Road. (R-4)

PRESENTER: Gene Poveromo, Development Manager

- a. Review of process
- b. Presentation by the applicant
- c. Comments from the Community Design Commission
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Adopt a resolution transmitting Council comments to the applicant.



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 04/20/2015
AGENDA #2

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning & Sustainability
John Richardson, Planning Manager
Eric Feld, Planner II

SUBJECT: Public Hearing: Proposed Land Use Management Ordinance Text Amendment to the Ephesus/Fordham Form District Regulations

Recommended Council Action

Following the conclusion of tonight's discussion about this item, the staff's preliminary recommendation is for the Council to:

1. Open the public hearing to receive comments from the public on the staff's proposed Land Use Management Ordinance Text Amendment (LUMOTA);
2. Receive the staff's introductory report and presentation on the proposed text amendment; and
3. Continue the public hearing for the proposed LUMOTA to the Council Public Hearing on September 21, 2015 to allow the Planning Commission sufficient time to review the materials and make a recommendation.

Context with Key Issues

- On May 12, 2014, the Council enacted a Land Use Management Ordinance Text Amendment to create Section 3.11 (Ephesus/Fordham Form District Regulations) and Zoning Atlas Amendments to apply new zoning districts throughout the Ephesus Church Road/Fordham Boulevard Focus Area. That same evening, the Council also adopted a resolution on continued action. This resolution is a series of directives to the Town Manager, including one which asks for recommended updates to Section 3.11 (the Ephesus/Fordham Form District) of the Land Use Management Ordinance.
- On October 27, 2014, the Council received a work session-style presentation about the staff review of the first project application under the form-based code (Village Plaza Apartments).
- On January 26, 2015, the staff provided a comprehensive report about the Ephesus/Fordham Form District. Included with the report was a resolution to open a public hearing on April 20, 2015 to consider a text amendment for Section 3.11. That same evening the Council also received an email from the Community Design Commission which highlights some suggested changes to the Ephesus/Fordham development process and form-based code. (The staff's response to that information is found in an attachment to the staff report.)
- On February 9, 2015, the Council received a work session-style presentation about the staff review of the second project application under the form-based code (CVS at Rams Plaza).

Explanation of Recommendation

- As part of the Council's reporting process for ongoing activities in the Ephesus District, the technical review staff has shared some of its experiences working with the Ephesus regulations. This includes two project applications and the first progress report for the District. The Council and the Community Design Commission have each provided feedback. We have learned from this feedback and see opportunities to further clarify and improve the regulations. The proposed LUMOTA represents a package of text changes that reflects our learning and attempts to respond to the Council's interest in recommended updates to the regulations.
- The staff provided the Planning Commission with a brief introduction to the proposed text amendment on April 7, 2015. We plan to return to the Commission at their April 21, 2015 meeting to begin the discussion on this item. Because the Commission has not yet had enough time to review this information and formulate a recommendation, the staff has proposed a preliminary recommendation which asks to the Council to consider receiving information (both from the staff and the public) and continuing the hearing to the fall (September 21, 2015) so that the Planning Commission has enough time to complete its work.

Fiscal Note

- There are no fiscal impacts associated with this item.

Council Goal:

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

Attachments

- Manager's Memorandum
- Staff Report
- Resolution of Consistency
- Ordinance A – Enacting the Text Amendment
- Draft Ordinance Text Amendment
- Resolution A – Denying the Text Amendment
- Staff Response to 1.26.15 CDC Letter re FBC

MEMORANDUM

TO: Mayor and Town Council

FROM: Roger L. Stancil, Town Manager

SUBJECT: Public Hearing: Proposal for Land Use Management Ordinance Text Amendment—Ephesus/Fordham Form District Regulations

DATE: April 20, 2015

PURPOSE

Tonight the staff will present the Council with a package of updates to the Ephesus/Fordham Form District Regulations (form-based code). This proposal responds to a specific Council directive described in the May 12, 2014 [Resolution on Continued Action](#)¹ for the Ephesus/Fordham District.

OVERVIEW

There is early evidence that the Ephesus Form District regulations are facilitating a more predictable process which attracts redevelopment interest in underutilized properties. Ten months since the new regulations went into effect, three project applications have been received and one has been approved and is now entering the construction phase. For comparison, only two project applications of a similar nature were approved within the district over the last several years.

The staff has previously presented information about the first two permit applications and the [first district progress report](#)². We have received feedback from the Council, the Community Design Commission and the technical review staff. We have learned from this feedback and we see opportunities to further clarify and improve the usability and standards established by the code. The package of updates included in this agenda item reflects our learning. We have submitted this same information to the Planning Commission and will provide those recommendations as they become available.

¹ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2096&meta_id=88595

² <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=3053&meetingid=324>

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning & Sustainability
John Richardson, Planning Manager
Eric Feld, Planner II

SUBJECT: Public Hearing: Proposed Land Use Management Ordinance Text Amendment to the Ephesus/Fordham Form District Regulations

DATE: April 20, 2015

PURPOSE

The Council is opening tonight's public hearing to begin receiving comments on a proposed Land Use Management Ordinance Text Amendment (LUMOTA) for a package of general updates to Section 3.11—the Ephesus/Fordham Form District Regulations (i.e. form-based code).

INTRODUCTION

The Council's May 12, 2014 [Resolution on Continued Action](#)¹ directs the Town Manager to "recommend to the Council whether any future updates to the Land Use Management Ordinance (LUMO) should also be incorporated in form district regulations." Over the last ten months, the staff has presented information about our experiences with the Ephesus District. During that time we have also received feedback from the Council, the Community Design Commission and the technical review staff. We have learned from this feedback and see some opportunities to improve the usability and outcomes prescribed by the code. The staff's preliminary recommendation is for the Council to: (1) open the public hearing to begin receiving public comments on the staff's proposed LUMO text amendment; (2) receive the staff's introductory report and presentation on the proposed text amendment; and (3) continue the public hearing to the Council Public Hearing on September 21, 2015 in order to allow the Planning Commission sufficient time to review the materials and make a recommendation.

BACKGROUND

Following Council enactment of the Ephesus/Fordham Form District Regulations at the May 12, 2014 meeting, members of the Council expressed interest in directing the Town Manager to take subsequent actions to renew the Ephesus/Fordham District. In response, the Council adopted a Resolution on Continued Action. Action listed in the Resolution includes providing regular progress updates to the Council on renewal of the Ephesus/Fordham District and opportunities for the Council to hold work sessions for Form District Permit applications.

The Council provided feedback about the regulations following a work session-style presentation for the proposed Village Plaza Apartments on [October 27, 2014](#)², a work session-style

¹ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2096&meta_id=88595

² <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2926&meetingid=303>

presentation for the proposed CVS at Rams Plaza on [February 9, 2015](#)³ and the first Ephesus/Fordham District progress update on [January 26, 2014](#)⁴. Additionally, the Community Design Commission provided feedback regarding the Ephesus/Fordham Form District regulations in an [email to the Council](#)⁵ on January 26, 2014. A staff response to the Community Design Commission's email is attached to this memorandum.

Tonight the Council is opening the public hearing on an amendment package that reflects our learning based on Council and Community Design Commission feedback as well as the staff's experience reviewing the first two Form District Permit applications.

TEXT AMENDMENT SUMMARY

The proposed text amendment is a reflection of what we have learned to this point. The majority of the proposed text changes could be considered general “clarifications”: edits designed to improve the clarity, consistency and predictability of the language used in the Ephesus/Fordham Form District regulations. One example would be a change that adds the specific section or subsection number of the code (e.g., 3.11.2.7.) where it currently says “this Code”; another is a definition to support a term that is used throughout Section 3.11 (e.g., calendar days). Proposed clarifications also include edits to improve the way terms are described. For example, we propose to replace the term “No Frontage” street type with “Type C” street type in order to avoid confusion with other internal streets which do not have street frontage designations (i.e., those that are truly “no frontage”). These and other proposed changes can be found in the attached ordinance to this memorandum.

In addition to clarifying changes generally described above and found in the attached draft ordinance, we have learned that there are a series of possible edits that could improve the usability and outcomes prescribed by the regulations. We refer to these edits as “key considerations.” The topics for key considerations—as well as the specific text edit numbers from the attached draft ordinance—are listed in more detail below:

1. **Application of Adopted Town Plans:** New language is proposed to more clearly connect the guidance of the Town's comprehensive plan and other adopted plans with the Ephesus regulations. The purpose of this change would be to state the expectation that development will accommodate planned public amenities that are described in adopted Town Plans (e.g., Greenways Master Plan, Bicycle Plan, Parks Master Plan, and the Stormwater Master Plan). Whereas the current version of the regulations has a provision for applicants to provide greenway facilities shown on the Town's Greenway Master Plan, the revised language expands on this to include the accommodation of bicycle facilities, parks, and other amenities shown on other existing or future Council-adopted plans. (6)
2. **Application of Design Guidelines:** New language is proposed which describes the use of design guidelines within the district, for both the Community Design Commission and

³ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=3057&meetingid=325>

⁴ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=3053&meetingid=324>

⁵ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2293&meta_id=94870

developers. This change could provide greater clarity and consistency about the application and maintenance of design guidelines, further reinforcing the existing language in subsection 4.b. on page 62. (7)

3. **Creation of Design Alternative:** This new subsection would provide for a design alternative that can only be approved by the Town Manager or Community Design Commission, as appropriate. Where approved, this provision would offer some flexibility for instances where site-related constraints make it difficult to meet the prescriptive regulations. (8)
4. **Use of Design Alternative for Utility Conflicts:** The existing regulations allow understory trees along road frontage only in areas where there are utility conflicts with three-phase power lines. We believe that cases of utility conflicts should be broadened to allow for a design alternative, approvable by the Town Manager or Community Design Commission, as appropriate, where any type of utility conflict may exist. Similar to #3 above, this would provide greater flexibility for properties or portions of properties for which utility conflicts present a challenge to meeting the prescriptive standards of the code. (28, 31, 37)
5. **Mechanism to Accept Proposed Greenway Alternatives:** We believe it is important under an administrative review process for the Town Manager to have the express authority to determine whether an applicant's proposed greenway alternative is acceptable to the Town in accordance with the Council's guidance (e.g., an adopted plan). This proposed change would accommodate that interest. (42, 44)
6. **Reduction of Recreation Fee Alternative where Public Facilities are Proposed:** For instances where an applicant's proposed recreation facility is made available to the general public, we believe it is important to provide the Town Manager with the flexibility to help achieve the publicly available facility by lowering the minimum fee requirement (as appropriate). This proposed change would allow the applicant to consider dedicating more of the required financial obligation to the construction of a publically available facility. (43)
7. **Definition of Build-to Zone with Consideration of Site Constraints:** This edit would allow for site constraints (the "buildable" conditions of a site) to be considered when determining how much of a frontage is suitable for development (see related proposal for definition of "buildable" in section 3.11.4.8.B.). In a related clarification, we also recommend changing the front line of the build-to zone (the minimum setback) to zero feet for Type A and Type B Frontages in order to simplify how buildings relate to streetscapes and rights-of-way. (47)
8. **Creation of Parking Reduction Incentive with an Approved Transportation Management Plan:** We recommend adding a new compliance mechanism for meeting minimum parking standards. The new provision would allow the applicant to reduce parking with an approved Transportation Management Plan (TMP)—a plan that identifies efforts to promote the use of alternative modes of transportation and may include a

payment to the Town's Parking Fund. The LUMO provides for a similar parking reduction option in the Downtown parking standards. (50)

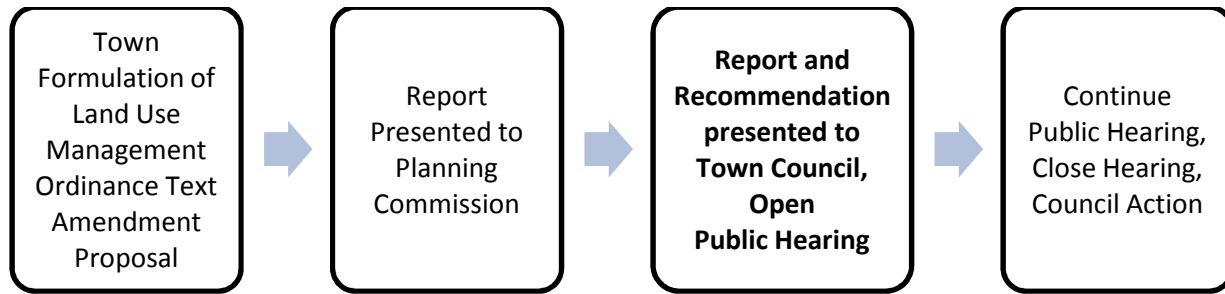
9. **Clarification of Drive-thru Screening in Relation to Public Realm:** We recommend updating the existing standards to clarify the applicant's need to screen drive-thru windows along Type A and Type B frontages, as well as any adjacent ground floor residential uses. This change clarifies and uses language consistent with Section 3.11 to ensure that drive-thrus are screened from the public realm. (52)
10. **Application of Stormwater Nutrient Credit:** For consistency with the Jordan New Development regulations are applied in the Ephesus/Fordham Form District regulations, it is recommend that the nutrient credit provision under section 3.11 apply to all projects (not just those with a net increase in built upon area). This change would also eliminate a possible incentive to increase impervious area in order to qualify for this provision. (57)
11. **Application of Sign Standards Consistent with LUMO:** In response to Council feedback, we have added language to clarify that sign regulations apply to signage visible from the public right-of-way. This proposed change is consistent with the sign regulations found elsewhere in the Land Use Management Ordinance. We have also included proposed language to clarify that a unified sign plan must be filed for an addition where the site is occupied by more than one tenant. (60)
12. **Application of Form District Permits:** Because Form District Permits are intended to enhance the public experience of the public realm, we believe ordinary repairs, interior upfits, and other renovations which do not increase or decrease floor area by more than 5% of the permitted amount or 2,500 square feet (whichever is larger) can be more effectively and efficiently managed through a Zoning Compliance Permitting process, where applicable. Changes that increase the footprint or number of stories of a building would still require a Form District Permit. (70)
13. **Longer Review Period for Final Action Deadlines:** In response to feedback from the Council and the Community Design Commission—as well as staff experiences with the first development applications—we recommend lengthening the maximum timeline for review of Form District Permit and Certificate of Appropriateness applications. The proposed update would extend the final action date for a Form District Permit from 45 calendar days to 75 working days. The change from calendar days to working days is consistent with other Town processes and also helps to account for times of the year when there are more observed holidays. Because the Community Design Commission currently has 60 calendar days from the acceptance of an application to make a decision on a Certificate of Appropriateness, the Commission review would be extended to 100 working days to maintain the same proportionate timing. Ultimately, the proposed change allows a maximum of approximately 112 calendar days for a decision on a Form District Permit and 150 calendar days for a decision on a Certificate of Appropriateness. (71, 75)
14. **Creation of Thresholds and Process for Permit Modification:** This series of proposed changes attempts to clarify the regulations by distinguishing between minor versus more

significant modifications that require a Form District Permit. Floor area thresholds (5% or 2,500 square feet) are consistent with other parts of the LUMO, and a process using the term/definition “substantial conformance” is proposed to help further distinguish between minor versus more significant modifications. Similar to #12 above, changes that increase the footprint or number of stories of a building would still require a Form District Permit. (72, 77, 85)

15. **Review of All Building Facades by Community Design Commission:** In response to Council and advisory board feedback, we recommend clarifying the Community Design Commission’s purview when reviewing Certificate of Appropriateness applications. The updated language would require the Commission to review elevations for all sides of a proposed addition, not just those visible from the public right-of-way. (74)
16. **Consideration of Street Type Hierarchy by Community Design Commission:** The intent of the Regulating Plan within the Ephesus/Fordham Form District regulations is to identify streets of highest walkability and potential for activating street frontages. Under this convention “Type A” street frontages create “main street” environments, “Type B” street frontages create quiet pedestrian settings at the building, and streets like Fordham Boulevard allow high traffic volumes. If the Community Design Commission is required to review all sides of a proposed addition, we believe it is important for the regulations to recognize a hierarchy of street frontages, such that facades along “Type A” streets should be emphasized for their prominence, followed by facades along “Type B” streets, facades along “no frontage” streets (i.e. “Type C” streets as proposed) and then backs of buildings. (74)
17. **Definitions:** We are recommending additional definitions for terms that are used throughout the Ephesus/Fordham Form District regulations, such as: “public realm”, “right-of-way”, “buildable” and “street-facing façade.” Many of these proposed definitions are for terms that reinforce how buildings relate to the pedestrian environment under a form-based code. Other definitions like “substantial conformance” or “working day” relate to proposed changes that would improve procedural and administrative requirements of the regulations. A full explanation of these definitions appears in the attached draft ordinance amendment. (80, 81, 82, 83, 85)

PROCESS

A proposed text amendment to the Land Use Management Ordinance requires the Town Manager to: 1) conduct an evaluation of the proposed text amendment; 2) present a report to the Planning Commission; 3) notify property owners of the proposal; 4) hold a public hearing; and 5) present a report and recommendation to the Town Council.



Public Notice

On October 3, 2014 and March 2, 2015 notice of the public hearing was sent to the property owners and owners of property within 1,000 feet of the properties proposed for rezoning. Notice of the proposed text amendment and rezoning was also included in the Classifieds section of the Chapel Hill News on October 5, 2014, October 12, 2014, April 5, 2015, and April 12, 2015. Also, signage was posted in the neighborhood. Copies of the agenda materials for the proposed text amendment are available in the Communications and Public Affairs Department. Documents are also available on the Town's website at the following link: www.townofchapelhill.org/councilvideo

ANALYSIS OF THE PROPOSAL

[Article 4.4 of the Land Use Management Ordinance](#)⁶ (Appendix A of the Town Code) establishes the intent of Zoning Amendments (including both atlas and text amendments to the Ordinance) 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 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.

Article 4.4 further indicates:

It is further intended that, if amended, this chapter be amended only as reasonably necessary to the promotion of the public health, safety, or general welfare, and in conformance with the Comprehensive Plan.

Following is a staff response to the three required considerations:

A) To correct a manifest error in the appendix:

⁶

https://www.municode.com/library/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA_ART4PR_4.4ZOAM

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: To date no arguments in support have been submitted.

Argument in Opposition: To date no arguments in opposition have been submitted.

B) Because of changed or changing conditions in a particular area or in the jurisdiction generally:

Staff Comment: We believe the information in the record thus far can be summarized as follows:

Argument in Support: During the adoption of the Ephesus/Fordham Form Base Code regulations residents and Council expressed interest in incorporating future updates to the Land Use Management Ordinance into the Form District Regulations. The Council approved a resolution directing the Town Manager on continued action for renewal of the Ephesus/Fordham District.

Argument in Opposition: To date no arguments in opposition have been submitted.

C) To achieve the purposes of the Comprehensive Plan.

Staff Comment: We believe the information in the record thus far can be summarized as follows:

Argument in Support: We believe that the proposed text amendment can be justified to achieve the purposes of the goals and objectives from the 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 Everyone
✓	2	Community Prosperity and Engagement
✓	3	Getting Around
✓	4	Good Places, New Spaces
✓	5	Nurturing Our Community
	6	Town and Gown Collaboration

Based on our preliminary review, we believe the Council could make the finding that the proposed text amendment is in compliance with the Comprehensive Plan. Relevant goals and objectives in the Comprehensive Plan include, but are not limited to:

A Place for Everyone

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal PFE.1)
- A range of housing options for current and future residents (Goal PFE.3)

- A welcoming and friendly community that provides all people with access to opportunities (Goal PFE.4)

Community Prosperity and Engagement

- Balance and sustain finances by increasing revenues and decreasing expenses (Goal CPE.1)
- Promote a safe, vibrant, and connected (physical and person) community (Goal CPE.3)

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)
- Make an adaptable transportation system to support both dense and suburban development (Goal GA.4)

Good Places, New Spaces

- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal GPNS.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 (Goal GPNS.5)
- 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)

Nurturing Our Community

- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (NOC.8)

Argument in Opposition: To date no arguments in opposition have been submitted.

OPTIONS FOR POSSIBLE ACTION

The package of updates to the Ephesus/Fordham Form District regulations can be considered as a whole or in part. We offer the Council the following options for consideration:

1. Enact an ordinance and approve all proposed updates to the regulations;
2. Enact an ordinance and approve some proposed updates to the regulations as determined by the Council; or
3. The Council could choose to take no action to update the regulations.

RECOMMENDATIONS

Planning Commission Recommendation: The Planning Commission was introduced to the proposed text amendment on April 7, 2015 and is expected to continue reviewing the staff's

proposal at their April 21, 2015 meeting. We will provide the Council with the Commission's recommendation once it becomes available.

Preliminary Staff Recommendation: Our preliminary recommendation is that the Council:

- (1) Open the public hearing to begin receiving public comments on the staff's proposed Land Use Management Ordinance Text Amendment;
- (2) Receive the staff's introductory report and presentation on the proposed text amendment; and
- (3) Continue the public hearing to the Council Public Hearing on September 21, 2015 in order to allow the Planning Commission sufficient time to review the materials and make a recommendation.

ATTACHMENT RESOLUTION OF CONSISTENCY

(Adopting the Land Use Management Ordinance Text Amendment proposal)

A RESOLUTION REGARDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE AMENDMENT TO IMPROVE CLARITY, CONSISTENCY, AND PREDICTABILITY IN THE REGULATIONS AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (2015-_-_-)

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update the Ephesus/Fordham Form District regulations to improve clarity, consistency, and predictability and better align the regulations with the Council's vision for the Ephesus/Fordham District and finds that the amendment, if enacted, is reasonable and in the public's interest and is warranted, to achieve the purposes of the Comprehensive Plan, including the Ephesus Church Road/Fordham Boulevard Small Area Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal PFE.1)
- A range of housing options for current and future residents (Goal PFE.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal PFE.4)
- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1)
- Foster support of local businesses (Goal CPE.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal CPE.3)
- A well-conceived and planned, carefully thought-out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and other public transportation options (Goal 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)
- Connect to a comprehensive regional transportation system (Goal GA.3)
- Make an adaptable transportation system to support both dense and suburban development (Goal GA.4)
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Goal GA.5)
- Incorporate street planning into zoning code (Goal GA.7)
- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (Goal GA.8)

- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal GPNS.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 (Goal GPNS.5)
- 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)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal NOC.8)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed zoning text amendment to be reasonable and consistent with the Town Comprehensive Plan.

This the _____ day of _____, 2015.

ORDINANCE

Enacting the Land Use Management Text Amendment

AN ORDINANCE ENACTING A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT TO THE EPHEBUS/FORDHAM FORM DISTRICT REGULATIONS TO IMPROVE THE CLARITY, CONSISTENCY, AND PREDICTABILITY IN THE REGULATIONS (2015-_-_-)

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update the Ephesus/Fordham Form District regulations to improve clarity, consistency, and predictability and better align the regulations with the Council's vision for the Ephesus/Fordham District and finds that the amendment is reasonable and 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 but not limited to:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal PFE.1)
- A range of housing options for current and future residents (Goal PFE.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal PFE.4)
- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1)
- Foster support of local businesses (Goal CPE.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal CPE.3)
- A well-conceived and planned, carefully thought-out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of the 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)
- Connect to a comprehensive regional transportation system (Goal GA.3)
- Make an adaptable transportation system to support both dense and suburban development (Goal GA.4)
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Goal GA.5)
- Incorporate street planning into zoning code (Goal GA.7)
- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (Goal GA.8)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal GPNS.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 (Goal GPNS.5)
- 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)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (NOC.8), and

WHEREAS, the Town staff has suggested updates based on the review of the first two Form District Permit applications in the Ephesus/Fordham District, and

WHEREAS, the Town Council provided feedback on the regulations following the January 26, 2015 progress update and following the work session-style presentations on Form District Permit applications on October 27, 2014 and February 9, 2015, and

WHEREAS, the Council finds that the redevelopment of the Ephesus Church Road/Fordham Boulevard area is appropriate and especially significant to the preservation of the visual character of the Town and is one where a Special Appearance District is appropriate, and

WHEREAS, with the establishment of this form district code, the staff shall provide regular reports to the Council on the progress of the associated work, with said reports provided to the Council over the course of ten years, beginning with biannual reports delivered during the first two years, and annual reports during the subsequent eight years.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Land Use Management Ordinance be amended as follows:

SECTION I

An amendment to Section 3.11 of the Land Use Management Ordinance is enacted to read as indicated in the Ephesus/Fordham Form District regulations (see Ordinance Attachment).




SECTION II

This ordinance is effective upon enactment.




This the _____ day of _____, 2015.



PROPOSED TEXT AMENDMENT LANGUAGE TO:


[Land Use Management Ordinance Section 3.11 – Ephesus/Fordham Form District¹](#)




No.	Reference	Proposed Change	Explanation	Planning Commission Comment
	Page 4			
1	3.11.1.1. Purpose	The Ephesus/Fordham Form District established in this Section (3.11) Code is intended for the specific area of the Town designated as a focus areas in the Comprehensive Plan 2020. This Form District fosters a series of residential , mixed use and pedestrian-friendly area districts .	 Clarification – provides section number and offers clarity and consistency about the purpose statement (see existing language in District Summary page 6).	
2	3.11.1.2.A Overall Site Design, Purpose	... produces an environment of stable and desirable character, consistent with the Ephesus/Fordham Form District. These standards are implemented to ensure that development within this Form District will be designed, arranged, phased and constructed in a safe, orderly, energy-efficient...	 Clarification – provides clarity and consistency by adding the name of the form district and phasing to its purpose statement (see existing language about Additions and New Buildings page 64).	
3	3.11.1.2.D Overall Site Design, Application of	For development standards not covered by this Section 3.11 Code , the other applicable sections	 Clarification – provides section number.	




¹ <http://www.townofchapelhill.org/home/showdocument?id=23416>





	Town Code	in the Town's Code of Ordinances shall be used as the requirement. Similarly...		
4	3.11.1.2.C Overall Site Design, Application of LUMO Requirements	<p>[MOVE edited text to below the list of LUMO provisions that do not apply]</p> <p>Where sections of the Land Use Management Ordinance, other than those listed above, expressly conflicts with a standard set out in this Sec. Section 3.11, the standards of this Section control.</p>	 Clarification – provides new language for (but doesn't change) how the provisions of the Land Use Management Ordinance pertain to the Ephesus/Fordham Form District regulations.	
	Page 5			
5	3.11.1.2.E Overall Site Design, Design Manual	<p>E. Application of Town Design Manual. The Town Council may adopt and maintain a Design Manual which contains specific design and construction standards. Such standards must be...</p>	 Clarification – provides consistency for the subsection header and clarifies that the Town's Design Manual already exists.	
6		<p><u>F. Application of Town Comprehensive Plan. Unless otherwise provided in this Section 3.11, the Ephesus/Fordham Form District regulations shall serve as a mechanism for accommodating and implementing the guidance of the Town's adopted Comprehensive Plan, which includes but is not limited to other plans related to greenways,</u></p>	 Key Consideration – a new subsection (F) would provide clarity about the application of the Comprehensive Plan and any existing or future plan incorporated by reference.	




7	<p><u>bicycle facilities, parks and stormwater.</u></p> <p><u>G. Application of Ephesus/Fordham Design Guidelines. For the purposes of maintaining a consistent and cohesive design aesthetic in the Ephesus/Fordham Form District, the Town will maintain an adopted set of design guidelines. Applicants for development should use this guidance in preparing projects for the Community Design Commission's review.</u></p>	<p> Key Consideration – a new subsection (G) would provide clarity and consistency about the application and maintenance of design guidelines (see existing language in subsection 4.b. on page 62).</p>	
8	<p><u>H. Application of Design Alternatives. 1) Section 3.11.4.7 describes what elements of a project application should be reviewed and approved by the Town Manager and the Community Design Commission. Where a proposed design alternative is required to be reviewed as part of a Certificate of Appropriateness, the Community Design Commission will have the sole authority to review and approve such a proposal. Where a proposed design alternative is not required to be reviewed as part of</u></p>	<p> Key Consideration – a new subsection (H) would provide for a design alternative that can only be approved by the Community Design Commission. Where approved, this provision would offer some flexibility for instances where site-related constraints make it difficult to meet the prescriptive regulations.</p>	





		<p><u>a Certificate of Appropriateness, the Town Manager will have the sole authority to review and approve such a proposal. 2) Where physical conditions or other characteristics of a development site pose a constraint making it difficult to meet the requirements of Section 3.11 (e.g., topography, lot size and shape, etc.), and where the Town Manager or Community Design Commission, as appropriate, makes a finding that a proposed design alternative could provide an equivalent or better result that meets the purpose and intent of Section 3.11, the Town Manager or Community Design Commission may approve such an alternative as part of a Form District Permit or Certificate of Appropriateness, as appropriate under 3.11.4.7.</u></p>		
	Page 6			
9	3.11.2.1.D.3 Districts and Frontages, Frontages Established	<p>3. <u>Type C Frontage</u> Streets with significant traffic volumes that are not conducive to <u>sustained</u> pedestrian activity have been designated with <u>a Type C</u> Frontage.</p>	 Clarification – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	





10	3.11.2.1.D.4.a Districts and Frontages, Corner Lot Application of Frontages	Where a corner lot has a Type A Frontage and a Type B Frontage, Type C Frontage or no designated frontage requirements, the Type A Frontage requirements must be continued a minimum of 75 feet around the corner, measured from the intersection of the two right-of-way lines.	 Clarification – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	
11	3.11.2.1.D.4.b Districts and Frontages, Corner Lot Application of Frontages	Where a corner lot has a Type B Frontage, Type C Frontage or and no designated frontage requirements, the Type B Frontage requirements must be continued a minimum of 75 feet around the corner, measured from the intersection of the two right-of-way lines.	 Clarification – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	
	Page 7			
12	3.11.2.2. Regulating Plan	The Walkable Residential (WR-), Walkable Mixed Use (WX-) subdistricts are identified and located designated Frontages apply to property as shown on the Town of Chapel Hill Official Zoning Map. The Regulating Plan is map below shows the general areas of each district for illustrative purposes only and is intended to show the general areas of each subdistrict and associated road frontage(s). Additional street right-of-way or	 Clarification – provides clearer and more consistent language about how the zoning districts and frontages of the Regulating Plan apply, as well as how the subdistricts relate to the Town’s Official Zoning Map.	





13		public easement may be required at the time of development, in accordance with the Ephesus Church/Fordham Boulevard Small Area Plan, and this Regulating Plan.		
14		[ADD major street names to the Regulating Plan – Fordham Boulevard, Franklin Street, Elliott Road, Ephesus Church Road]	 Clarification – provides information about the location of the district.	
15		[MAKE the edit below in the key and ADD a new color on the regulating plan for Frontage Type C] Type C No Frontage	 Clarifications – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	
	Page 8			
16	3.11.2.3. Walkable Residential (WR-3 and WR-7), Lot	Lot Dimensions (A) Net land lot area (min) 1,700 SF Lot Parameters (C) Outdoor amenity space ratio (min, applies to non-residential portion of building 0.20 Recreation space ratio (min), applies to residential portion of building. 1-3 story building 0.08	 Clarification – applies terminology consistent with other parts of Section 3.11 (e.g., “gross land area”); does not change the meaning.	


17		<p>4+ story building 0.12</p> <p>[ADD the following text below the table for Lot Parameters]</p> <p><u>Outdoor amenity space and recreation space are ratios of gross land area.</u></p>	 Clarifications – provides consistent guidance about how the ratios are determined (see connection in 4.a. Standards on pages 19 and 20)	
18	3.11.2.3. Walkable Residential (WR-3 and WR-7), Placement	<p>Building Setbacks (A) Front -Type A frontage (min/max) 5'-<u>0</u>/10' -Type B frontage (min/max) 5'-<u>0</u>/85' -<u>Type C</u> No Frontage</p> <p>Build-to Zone (BTZ) (D) Building façade in BTZ (min. % of lot width) -<u>Type C</u> No Frontage</p>	 Clarifications – changes the minimum setback to zero feet to simplify how buildings relate to streetscapes and rights-of-way.  Clarifications – helps avoid confusion by assigning a name ("Type C Frontage") to what is currently a frontage type called "No Frontage".	
19				
	Page 9			
20	3.11.2.3. Walkable Residential (WR-3 and WR-7), Mass	<p>Building Height (B) Building step back above 2nd or 3rd floor (min) <u>in build-to zone</u> - <u>3 story buildings 10' or less from front property line</u> 10' <u>step back above 2nd floor</u> - <u>4+ story buildings or greater</u> More than 10' from front property</p>	 Clarification – simplifies (without limiting) how the step back provision applies, and how it relates to rights-of-way and streetscapes.	


		line <u>10' step back above 2nd or 3rd</u> floor n/a		
	Page 10			
21	3.11.2.4. Walkable Residential (WX-5 and WX-7), Lot	<p>Lot Dimensions (A) <u>Net land</u> lot area (min) 1,700 SF</p> <p>Lot Parameters (C) Outdoor amenity space ratio (min, applies to non-residential portion of building 0.20</p> <p>Recreation space ratio (min), applies to residential portion of building. 1-3 story building 0.08 4+ story building 0.12</p>	 Clarification – applies terminology consistent with other parts of Section 3.11 (e.g., “gross land area”); does not change the meaning.	
22		<p>[ADD the following text below the table for Lot Parameters]</p> <p><u>Outdoor amenity space and recreation space are ratios of gross land area.</u></p>	 Clarifications – provides consistent guidance about how the ratios are determined (see connection in 4.a. Standards on pages 19 and 20)	
23	3.11.2.4. Walkable Mixed Use (WX-5 and WX-7), Placement	<p>Building Setbacks (A) Front -Type A frontage (min/max) 5'- <u>0</u>/10' -Type B frontage (min/max) 5'- <u>0</u>/85'</p>	 Clarification – changes the minimum setback to zero feet to simplify how buildings relate to streetscapes and rights-of-way.	




24		<p>-Type C No Frontage</p> <p>Build-to Zone (BTZ)</p> <p>(D) Building façade in BTZ (min. % of lot width)</p> <p>-Type C No Frontage</p>	 Clarifications - helps avoid confusion by assigning a name ("Type C Frontage") to what is currently a frontage type called "No Frontage".	
	Page 11			
25		<p>(B) Building step back above 2nd or 3rd floor (min) in build-to zone</p> <p>- 3 story buildings 10' or less from front property line</p> <p>10' step back above 2nd floor</p> <p>- 4+ story buildings More than 10' from front property line</p> <p>10' step back above 2nd or 3rd floor n/a</p>	 Clarification – simplifies (without limiting) how the step back provision applies and how it relates to rights-of-way and streetscapes.	
	Page 12			
26	3.11.2.5. Frontages, Type A Frontage	<p>Building Location</p> <p>(A) Front Setback (min/max) 5 0'/10'</p>	 Clarification – changes the minimum setback to zero feet to simplify how buildings relate to streetscapes and rights-of-way.	
27		<p>[MOVE note about canopy trees to the bottom to make it clear that it applies to the entire frontage]</p>	 Key Consideration – broadens the definition of utility-related conflicts and allows for a design alternative, where approved. This relates to proposed edit #8 above.	
28		<p>(C) Canopy trees are required unless utility conflicts exist three phase or greater power lines are involved, in which case an equivalent or better</p>		




		<u>alternative can be reviewed and approved in accordance with Section 3.11.1.2.H.</u> understory trees are permitted		
	Page 13			
29	3.11.2.5. Frontages, Type B Frontage	Building Location (A) Front Setback (min/max) 5 0 '/85'	 Clarification – changes the minimum setback to zero feet to simplify how buildings relate to streetscapes and rights-of-way.	
30		[MOVE note about canopy trees to the bottom to make it clear that it applies to the entire frontage]	 Key Consideration – broadens the definition of utility-related conflicts and allows for a design alternative, where approved. This relates to proposed edit #8 above.	
31		{C} Canopy trees are required unless <u>utility conflicts exist</u> three phase or greater power lines are involved, in which case an <u>equivalent or better alternative can be reviewed and approved in accordance with Section 3.11.1.2.H.</u> understory trees are permitted		
32		Vehicular Way (E) Hedge <u>planting</u> or wall {36" min} <u>planting</u> Zzone (36" min <u>height</u>) 5' <u>(min width)</u>	 Clarification – adds language to clarify that 36" is a minimum height standard and that 5' is a minimum zone width standard.	
33		Streetscape: (G) Tree planting zone (min) 6' <u>With grates</u> 6'	 Clarification – provides consistency with other tree planting zone provisions	



		<u>Without grates 8'</u>	(see existing Streetscape standards on pages 12 and 14).	
	Page 14			
34	3.11.2.5. Frontages, No Frontage	[Heading] <u>Type C No Frontage</u>	 Clarifications – describes the third frontage type (currently called “No Frontage”) by assigning a name which differentiates it from streets that have no assigned frontage.	
35		[Subheading] <u>TYPE C NO FRONTAGE</u>		
36		Vehicular Way (E) Hedge <u>planting</u> or wall (36" min) <u>planting zone</u> (36" min <u>height</u>) 5' (<u>min width</u>)	 Clarification – adds language to clarify that that 36” is a minimum height standard and that 5’ is a minimum zone width standard.	
37		[<u>MOVE note about canopy trees to the bottom to make it clear that it applies to the entire frontage</u>]	 Key Consideration – broadens the definition of utility-related conflicts and allows for a design alternative, where approved. This relates to proposed edit #8 above.	
38		(C) Canopy trees are required unless <u>utility conflicts exist</u> three phase or greater power lines are involved, in which case <u>an equivalent or better alternative can be reviewed and approved in accordance with Section 3.11.1.2.H.</u> understory trees are permitted		
	Page 19			
39	3.11.2.7.A Measurements	<u>Net Land</u> Lot Area. <u>Net land</u> Lot area is the area included within the	 Clarification – applies terminology consistent	



		<p>Town's adopted Greenway Master Plan must be designed to accommodate the extension of that greenway in accordance with the Greenway Master Plan. A developer's financial obligation to contribute to the dedication and construction of the greenway is based on the formulas for calculation of amenity space and recreation space provided in <u>Section 3.11.2.7</u> this Code. Land dedicated for a public pedestrian and non-motorized vehicle easement or deeded to the Town along the greenway may be substituted for required improved outdoor amenity or recreation space, <u>where deemed acceptable by the Town Manager.</u></p>	<p>Town Manager does not have the express authority to deem a proposal acceptable; it must be accepted as proposed.</p>	
43	3.11.2.7.D.2 Measurements and Exceptions, Fee Alternative	<p>Fee Alternative. In lieu of providing recreation space, an applicant may, with the approval of the Town Manager, make a payment to the Town whereby the Town may acquire or develop recreation land or greenways to serve the development. A minimum of 50% of the required recreation space must be met through a payment in lieu. <u>The Town Manager may reduce the minimum requirement of a 50% payment in lieu if the</u></p>	<p> Key Consideration – authorizes the Town Manager to reduce the minimum payment in lieu requirement (50%) where a proposed recreation facility is made available to the general public; provides flexibility where a public benefit could be achieved by lowering the minimum requirement.</p>	





		<p><u>proposed recreation facilities are made available to the general public.</u> The amount of the payment is the product of the amount of recreational space required multiplied by a dollar amount established by the Town Council annually as part of the budget process. The applicant must make the payment before issuance of a Form District Permit, provided, however, that the Town Manager may allow phasing of payments consistent with the approved phasing of the development.</p>		
44	3.11.2.7.C.3 Measurements and Exceptions, Greenway Alternative	<p>Greenway Alternative. Form District development applications for sites that include any land which overlaps a portion of a proposed greenway shown on the Town's adopted Greenway Master Plan must be designed to accommodate the extension of that greenway in accordance with the Greenway Master Plan. A developer's financial obligation to contribute to the dedication and construction of the greenway is based on the formulas for calculation of amenity space and recreation space provided in <u>Section 3.11.2.7</u> this Code. Land dedicated for a public pedestrian</p>	<p> Key Consideration – under an administrative review process, this change provides express authority for the Manager to determine whether an applicant's proposed greenway alternative is acceptable to the Town in accordance with the Council's guidance (e.g., an adopted plan).</p>	




		and non-motorized vehicle easement or deeded to the Town along the greenway may be substituted for required improved outdoor amenity or recreation space, <u>where deemed acceptable by the Town Manager.</u>		
	Page 21			
45 46	3.11.2.7.E. Measurements and Exceptions, Building Setbacks	<p>2. Front setbacks are measured from the edge of the <u>nearest</u> right-of-way <u>line</u>.</p> <p>5. When the side interior or rear setback is 0 or 5 feet, the building or structure must be placed on the side or rear property line or be placed a minimum of 5 feet from the side or rear property line <u>or the edge of the right-of-way line where applicable.</u></p>	<p> Clarification – adds language to clarify the location of the right-of-way line.</p> <p> Clarification – provides consistent language with the other inline definitions for side interior and rear setbacks.</p>	
47	3.11.2.7.F.2 Measurements and Exceptions, Built-to Zone (BTZ)	The required percentage specifies the amount of the front building facade that must be located in the build-to zone, measured based on the width of the building divided by the <u>buildable</u> width of the lot.	<p> Key Consideration – allows for site constraints to be considered when determining how much of a frontage is suitable for development (see related proposal for definition of “buildable” in section 3.11.4.8.B.)</p>	
	Page 26			




48	3.11.3.1.B Permitted Uses	Any one or more uses permitted in a Form District may be established on any lot within the subdistrict, subject to the permitted use table, and in compliance with all other applicable requirements of this <u>Section 3.11</u> Code.	 Clarification – provides section number.	
	Page 30			
49	3.11.4.1.A.2.c Parking Standards, Additions	When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the parking requirements of this <u>3.11.4.1</u> Code.	 Clarification – provides section number.	
	Page 31			
50	3.11.4.1.C.1. Parking Standards, Reductions	<u>[ADD a new subsection D as written below]</u> <u>d. A reduction of up to 20% of the minimum parking requirements may be achieved by providing a transportation management plan subject to approval by the Town Manager or subject to approval by the Town Council if the proposed use requires Town Council approval. The transportation management plan shall identify efforts to promote the use of alternate modes of transportation and may include required parking</u>	 Key Consideration – encourages the use of alternative transportation by allowing a 20% parking reduction with a transportation management plan.	






		<u>and/or payment to the Town of Chapel Hill Parking Fund in accord with Chapter 11A of the Chapel Hill Code of Ordinances for a portion of the required spaces.</u>		
	Page 33			
51	3.11.4.1.F Parking Standards, Drive-Thru Standards	1. Location. Drive-thru's must be located are only permitted at the mid-block along all Type A and Type B Frontages. Drive-thru areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru, must be located to the rear of the building and interior to the site. Drive-thru windows and lanes may not be placed along a street-facing façade between a street (not including an alley) and the associated building.	 Clarification – uses language more consistent with Section 3.11 to improve clarity and ensure that drive thru windows and lanes are not to be positioned adjacent to streets shown on the Regulating Plan.	
52		4. Screening a. Where drive thru windows and lanes are permitted to be placed between a public street (not including an alley) or ground floor residential use and the associated building. Drive-thru windows and lanes must be screened from the public realm along Type A and	 Key Consideration – clarifies and uses language consistent with Section 3.11 to ensure that drive thrus are fully screened from the public realm.	



		<u>Type B Frontages and adjacent ground floor residential uses for</u> the entire length of the drive-thru lane, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru.		
	Page 34			
53	3.11.4.2.C.1.a Landscaping Standards, Surface Parking Lots, Applicability	New Construction. All new surface parking lots with more than 10 spaces must provide parking lot landscaping in accordance with this <u>Section 3.11.4.2 Code</u> . Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.	 Clarification – provides section number.	
54	3.11.4.2.A Landscaping Standards, Perimeter Screening	A minimum 5-foot wide, landscaped area with a continuous row of shrubs must be provided between the street and parking lot. For the Type C <u>No Frontage area along Fordham Boulevard, the Community Design Commission</u> CDC will review and have the discretion to increase the required planting zone up to 12' (twelve feet).	 Clarification – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”; offers consistent language about the applicability of the Community Design Commission’s role in perimeter screening.	
	Page 35			



55	3.11.4.2.E.1 Landscaping Standards, Applicability	Applicability. All new service areas and the installation of new mechanical equipment must provide screening in accordance with this Section 3.11.4.2 Code .	 Clarification – provides section number.	
	Page 36			
56	3.11.4.2.G.1 Landscaping Standards, Fence and Walls, Applicability	Applicability. All new fence and walls must be installed in accordance with this Section 3.11.4.2 Code .	 Clarification – provides section number.	
	Page 38			
57	3.11.4.3.F.4.d Stormwater Management, Design and Performance Standards	Notwithstanding 15A NCAC 2B. 104(q), redevelopment subject to this section that would replace or expand existing structures or improvements and would result in a net increase in built-upon area shall have the option of either meeting the loading standards identified in subsections 3.11.4.3.F.4.b. and c. above, or achieve 35% and 5% reduction for nitrogen and phosphorus, respectively, compared to the existing development.	 Key Consideration – clarifies that this provision under section 3.11 applies to all projects (not just those with a net increase in built upon area); eliminates a possible incentive to increase impervious area in order to qualify for this provision.	
	Page 42			
58	3.11.4.4.A.2 Sign Standards, Applicability	No sign may be erected, altered, refurbished or otherwise modified after the effective date of this the Ephesus/Fordham Form District regulations Code except in accordance with the requirements	 Clarification – provides clarity and consistency about the name of the form district and the section number.	


		of this Section 3.11.4.4 Code.		
	Page 43			
59	3.11.4.4.F Sign Standards, Permitted Signs	<p>[CHANGE the text in the table of permitted signs as shown below]</p> <p>WR-Subdistricts: Type B or <u>C</u> No Frontage</p> <p>WX-Subdistricts: Type B or <u>C</u> No Frontage</p>	 Clarifications – helps avoid confusion by assigning a name (“Type C Frontage”) to what is currently a frontage type called “No Frontage”.	
	Page 46			
60	3.11.4.4.A.2 Sign Standards, Applicability	<p><u>Unless specifically exempted, no sign visible from the public right-of-way, whether exterior to or interior to a structure,</u> No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Code except in accordance with the requirements of this Code.</p>	 Key Consideration – clarifies the application of the sign code in a manner that is consistent with the broader Land Use Management Ordinance.	
61	3.11.4.4.B Sign Standards, Permit Required	<p>Permit Required. Except as specifically excluded in the Land Use Management Ordinance, Sec. 5.14.3, it is unlawful for any person to post, display, substantially change, or erect a sign or advertising device without first having obtained a Form District <u>Sign</u> Permit.</p>	 Clarification – provides the language to make it clear that Form District <u>Sign</u> Permits are required for signage; Form District Permits apply to development projects.	




62	3.11.4.4.D Sign Standards, Unified Sign Plan	Existing unified sign plans approved prior to the effective date of this Article 3 remain in full force and effect for any building located in an existing development. Where an addition to an existing development occurs, a separate unified sign plan that complies with Section 3.11.4.4 must be filed for the addition where the site is occupied by more than one tenant .	 Clarification – provides the language to better explain that a new unified sign plan is only required when there are multiple tenants in an addition.	
	Page 55			
63	3.11.4.5.A.1.a Site Lighting, Applicability	The installation of site lighting, replacement of site lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location must be made in compliance with this Section 3.11.4.5 Code . Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures.	 Clarification – provides section number.	
64	3.11.4.5.A.2.a-c Site Lighting, Additions	a. When a building or site is renovated, any new or replaced outdoor light or lighting fixture must conform to the requirements of Section 3.11.4.5 this Code .	 Clarification – provides section number.	





65		b. When the gross floor area or improved site area is increased, the additional floor or site area must conform to the lighting requirements of Section 3.11.4.5 this Code.	 Clarification – provides section number.	
66		c. When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the lighting requirements of Section 3.11.4.5 this Code.	 Clarification – provides section number.	
	Page 56			
67	3.11.4.5.D.1-2 Site Lighting, Design and Installation Requirements	1. The maximum light level of any light fixture cannot exceed 5.0 footcandles measured at the back of curb in relation to right-of-way line of a street.	 Clarification – provides clearer guidance without changing the intent of the language.	
68		Where a the Ephesus/Fordham Form District adjoins a residential district, the maximum light level of any light fixture cannot exceed 2.0 footcandles measured at that property line.	 Clarification – provides clarity and consistency about the name of the form district.	
	Page 59			
69	3.11.4.7 Administration of Form Districts	[If WX-5A is approved, REASSIGN “Administration of Form Districts” section to new section 3.11.4.8]	 Clarification – reassigns subsection numbers as appropriate.	






70	3.11.4.7.C.1.a Administration of Form Districts, Review Required	It is unlawful to begin any excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development, or to begin any construction, moving, <u>or</u> alteration, or renovation, except for ordinary repairs, of any building or other structure, including accessory structures and signs, until the Town Manager has issued a Form District Permit for such action, certifying that the development complies with the applicable provisions of this Section. <u>Form District Permits are not required for minor modifications such as ordinary repairs, interior upfits or other renovations which do not increase or decrease floor area by more than 5% of the permitted amount or 2,500 square feet, whichever is greater. A Zoning Compliance Permit or other permits may be required for such changes consistent with Section 4.9.</u>	 Key Consideration – consistent with other proposed changes, these amendments clarify the language by distinguishing between minor versus more significant modifications that require a Form District Permit; floor area thresholds (5% or 2,500 square feet) are consistent with other parts of the LUMO. Changes that increase the footprint or number of stories of a building would still require a Form District Permit.	
71	3.11.4.7.C.4.c Administration of Form Districts, Action of the Application	Final action must be taken within <u>75 45 working</u> days of the acceptance of an application or 15 <u>working</u> days from approval of a Certificate of Appropriateness	 Key Consideration – modifies the maximum number of days allowed for final action to be taken and clarifies that they are working (business)	



		(whichever is later), or within such further time consented to by written notice from the applicant or by Town Council resolution. Failure of the Town Manager to reach a decision within the prescribed time limit, or any extension, will result in the approval of the application as submitted.	days; these changes better reflect our experience with the process to date.	
	Page 60			
72	3.11.4.7.C.7 Administration of Form Districts, Action of the Application	Modification of Form District Permits. The Town Manager may approve a modification of a Form District Permit. <u>A change from what is included in an approved Form District Permit will be considered a modification if it would render a building approved under a Form District Permit out of substantial conformance as defined in subsection 3.11.4.8.B. Any other changes may be approved by the Town Manager or his designee and shall not constitute a modification. The application fee for a modification to a Form District Permit is established by the Council as part of the budget process.</u>	 Key Consideration – consistent with other changes proposed, this text provides a process for distinguishing between minor versus more significant modifications.	
	Page 61			
73	3.11.4.7.D.1.a Administration of	No exterior portion of any building or other <u>related</u> structure	 Clarification – adds language to make it clear	

	Form Districts, Certificate of Appropriateness	(including masonry walls, fences, light fixtures, steps and pavement), or any above-ground utility structure, may be erected, altered, restored or moved within the Form District until an application for a certificate of appropriateness as to exterior architectural features has been approved. <u>The above requirements do not apply to the demolition of any buildings or structures.</u>	that a demolition would not require a certificate of appropriateness; a zoning compliance permit is required for a demolition.	
74	3.11.4.7.D.1.b Administration of Form Districts, Certificate of Appropriateness	For purposes of this Section 3.11, "exterior architectural features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure visible from any street right-of-way or public easement , including the kind and texture of the building material, and the type and style of all windows, doors and light fixtures. <u>Review should give consideration toward the hierarchy of street-facing facades as they relate to the different frontage types (A to B to C to no frontage).</u> For development along streets with <u>Type C</u> No Frontage requirements, the <u>Community Design Commission</u> shall review and approve <u>certificates of</u>	 Key Considerations – broadens the review of the Community Design Commission by removing any limitations on the number or types of facades that can be reviewed; adds language which asks the Commission to consider the prominence of a building façade (e.g., high visibility) as part of its review; clarifies the third frontage type (currently called “No Frontage”) by assigning a name which differentiates it from streets that have no assigned frontage; spells out acronyms.	

		appropriateness COA's consistent with 3.11.4.2.C.2.a.		
	Page 62			
75	3.11.4.7.D.4.a Administration of Form Districts, Certificate of Appropriateness, Action on the Application	Within 100 60 working days of the acceptance of an application, or within such further time consented to by written notice from the applicant, the Town Manager or the Community Design Commission shall issue a Certificate of Appropriateness, issue a Certificate of Appropriateness with conditions, or deny the application.	 Key Consideration – modifies the maximum number of days allowed for a certificate of appropriateness determination to be taken and clarifies that they are working (business) days; these changes better reflect our experience with the process to date.	
76	3.11.4.7.D.4.d Administration of Form Districts, Certificate of Appropriateness, Action on the Application	The Town Manager or the Community Design Commission may impose such reasonable conditions with the issuance of a Certificate of Appropriateness as will ensure that the spirit and intent of this Section 3.11 Code are achieved.	 Clarification – provides section number.	
	Page 63			
77	3.11.4.7.D. Administration of Form Districts, Certificate of Appropriateness, Action on the Application	[ADD a new subsection as written below] <u>8. Modification of Certificate of Appropriateness. The Community Design Commission may review and approve a modification of a Certificate of Appropriateness. A</u>	 Key Consideration - provides a process for the Community Design Commission to review Certificate of Appropriateness modifications, consistent with Section 3.11 and other changes proposed.	

		<u>modification of this kind is defined as any change that exceeds “minor work” as it is defined in subsection 3.11.4.7.D.1.e. The application fee for a modification to a Certificate of Appropriateness is established by the Council as part of the budget process.</u>		
	Page 65			
78	3.11.4.8.A.1.a Defined Terms, General Provisions	[If WX-5A is approved, REASSIGN “Defined Terms” section to new section 3.11.4.9] All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this <u>Section 3.11.4.9 Code</u> or the context in which they are used clearly indicates to the contrary.	 Clarification – reassigns subsection numbers as appropriate.  Clarification – provides section number.	
79	3.11.4.8.A.2 Defined Terms, General Provisions	Graphics, Illustrations and Photographs. The graphics, illustrations and photographs used to visually explain certain provisions of this <u>Section 3.11.4.9 Code</u> are for illustrative purposes only.	 Clarification – provides section number.	
80	3.11.4.8.B Defined Terms, Defined Terms	<u>Public Realm means the streetscape or any other non-vehicular, publically accessible area located along a designated</u>	 Key Consideration – defines a term specific to the form district which is used throughout section 3.11 to	

81	<u>frontage.</u>		reinforce the importance of how buildings relate to the pedestrian environment.	
82	<u>Right-of-way means a fee simple dedication of private property or an easement, whereby public access and utility easements are granted.</u>		 Key Consideration – describes different ownership models under which streetscapes and streets may accommodate public access and utility easements.	
83	<u>Buildable means land area that is suitable and available for development unconstrained by physical layout, topography, regulatory factors, existing or planned public facilities, utilities and the like.</u>		Key Consideration – provides a definition to support the use of this term as it is proposed for the description of the build-to zone (see Section 3.11.2.7.F.2 on page 21). 	
84	<u>Street-facing façade means a building façade which directly abuts a street.</u>		 Key Consideration – provides a definition to support the use of this term as it is used throughout Section 3.11.	
85	<u>This Section means Section 3.11 of the Land Use Management Ordinance.</u>		 Clarification – where a subsection is not specified this language applies to the entire Section 3.11	
86	<u>Substantial conformance means conformance which leaves a reasonable margin for minor modification provided that:</u>		 Key Consideration – provides a process for distinguishing between minor versus more significant	

		<p><u>such modification is consistent with and does not materially alter the character of the approved development including the uses, layout and relationship to adjacent properties depicted on the approved Form District Permit or Certificate of Appropriateness; such modification does not increase or decrease floor area by more than 5% of the permitted amount or 2,500 square feet (whichever is greater); such modification is consistent with any proffered or imposed conditions that govern development of the site; and, such modification is in accordance with the requirements of the Town of Chapel Hill Land Use Management Ordinance.</u></p>	<p>modifications, consistent with other changes proposed.</p>	
86		<p><u>Working Day means a day that the Town of Chapel Hill is open during normal business hours. This excludes weekends and observed holidays.</u></p>	<p> Clarification – defines what is meant as a working day</p>	
87		<p><u>Day means one calendar day.</u></p>	<p> Clarification – removes confusion between the terms “Day” and “Working Day”</p>	

RESOLUTION

(Denying the Land Use Management Text Amendment proposal)

**A RESOLUTION DENYING A PROPOSAL FOR A LAND USE MANAGEMENT
ORDINANCE TEXT AMENDMENT TO IMPROVE THE CLARITY, CONSISTENCY,
AND PREDICTABILITY IN THE REGULATIONS (2015-__-__ /R-#)**

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update the Ephesus/Fordham Form District regulations to improve clarity, consistency, and predictability and better align the regulations with the Council's vision for the Ephesus/Fordham 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 Town-initiated proposal to amend the Land Use Management Ordinance to improve clarity, consistency, and predictability in the regulations.

This the ____ day of ____, 2015.

Staff Response to 1/26/15 Community Design Commission Letter

Response prepared by the Planning & Sustainability Department Staff

At the January 26, 2015 Town Council Meeting, the Chair of the Community Design Commission, Mr. Jason Hart, provided a letter on behalf of the Commission which included the specific suggestions below. The staff responds with the comments below (in bold).

Review Process Suggestions

- 1) Consider adding a concept stage review prior to official submission. The current total review time allotted only allows the CDC to see projects twice during their regular meetings; once to provide initial comments, and a second time a final decision (approve / deny) must be issued regardless of changes (expected / unexpected) made after the initial comments. A concept review would allow a more integrated approach and save both the applicant and CDC revision time.

Staff Comment: *We agree that the Certificate of Appropriateness review process can be improved with more meeting opportunities than are currently possible with a 60-day review timeline for the Community Design Commission to review a proposed development. In response to Council, Community Design Commission and applicant feedback, we are recommending that the regulatory review process be extended to 100 working days, which would allow the Community Design Commission additional time to consider approving a Certificate of Appropriateness application. This recommendation would involve a change to the Ephesus/Fordham Form District regulations. If the Community Design Commission needs more time, the applicant has the ability grant an extension to the review timeline.*

Consistent with other Town review processes that do not include Town Council approval, no formal "Concept Plan" is required as part of the Ephesus review process. However, the current process does allow for applicants to seek courtesy review comments from the Commission prior to a formal application submittal. We encourage applicants to consider requesting courtesy review comments from the Community Design Commission prior to a formal application submittal.

- 2) Require review of all building facades visible from any current and future public way – not just street frontage.

Staff Comment: *In response to this comment, the staff is proposing a text amendment to Section 3.11 of the Land Use Management Ordinance (Ephesus/Fordham Form District) which would enable the Community Design Commission to review all building facades regardless of their relationship to a current or future public way (street or right-of-way).*

Additionally, because the Ephesus/Fordham Form District Regulations place an emphasis on the importance of the public realm experience from “Type A” and “Type B” street frontages, we propose new text recognizing the hierarchy of building facades such that “Type C” street frontages (currently “No Frontage”) or frontages with no designation be the preferable location for any necessary back-of-building features.

- 3) Require 3D views from street level be submitted.

Staff Comment: *Current submittal requirements for Certificate of Appropriateness applications in the Ephesus/Fordham District are consistent with submittal requirements for other applications reviewed by the CDC. Detailed exterior building elevations showing building facades are required, as well as color renderings, sketches, or perspective drawings. While we recommend maintaining the existing submittal requirements, we will continue to look to the Community Design Commission for feedback on the quality of application submittals and associated exhibits.*

- 4) Require material samples be submitted as they are with other developments.

Staff Comment: *We agree with this suggestion and have added it as a submittal requirement on the Certificate of Appropriateness application form.*

Code Revision Suggestions

- 1) Establish a smaller maximum block size to avoid massive buildings and create more human scaled streets.

Staff Comment: *We believe that block size was considered in the early planning of the district. The Regulating Plan found within the Ephesus/Fordham Form District regulations is reflective of a visioning process that was designed to create a more connected pattern of development conducive to a walkable, pedestrian-oriented environment with buildings designed to activate street frontages.*

- 2) Consider stepped zoning or other alternatives to reduce building massiveness and allow more sunlight to the street as buildings rise to the allowed seven stories.

Staff Comment: *We agree that transitions in zoning intensity are important for the success of the District and adjacent neighborhoods. The regulating plan found in the Ephesus/Fordham Form District Regulations is designed to focus more intense development along major transportation corridors and transition to lower intensity as one moves further from the district core. The Ephesus/Fordham Form District*

regulations include provisions to create a more comfortable pedestrian environment. For example, the regulations require that a building be stepped back (above the 2nd or 3rd floor) by an additional 10' from an adjacent street when the building is positioned 10' or less from the property line. Another example is the streetscape requirements that provide for required setbacks, tree planting zones, sidewalks, and other features depending upon the road frontage. The staff is proposing a text amendment that would maintain these requirements and modify the language so that it is consistent with the definitions and terms proposed for other related text amendments. As development progresses in the District, we will continue to check in with the Council and Community Design Commission regarding the quality of the public experience along streets and frontages.

- 3) Consider publically accessible open space provisions and easy pedestrian connectivity to adjacent properties to increase pedestrian activity and create periodic places / destinations.

Staff Comment: *The intent of the Ephesus/Fordham Form District regulations is to foster a more walkable, pedestrian-friendly environment by requiring that new development provides streetscapes and pedestrian ways along all identified frontages in the District. By requiring streetscapes and pedestrian ways (sidewalks and tree planting zones), new development will work to create a more active street front that also improves pedestrian connections within the district. The current regulations have requirements for amenity space, recreation space and greenway extensions. The staff is proposing a text amendment that would further require development to support all adopted planning initiatives of the Town's Comprehensive Plan, including but not limited to the Parks Master Plan, Bike Plan and Stormwater Master Plan. As part of a Council adopted action item, the staff continues to look for opportunities to create parks and open space within the district.*

- 4) Consider additional architectural design guidelines that may account for form, proportion, and context beyond the planning footprint of the building.

Staff Comment: *The staff is drafting a Request for Proposals (RFP) to create design guidelines for the district. As part of this process, the staff will seek input and recommendations from the Community Design Commission for both the RFP as well as any proposals that are submitted in response.*

- 5) Consider adding standards for parking structures, i.e. wrapping them with function or otherwise avoiding exposed utilitarian decks.

Staff Comment: *We are proposing a change to the Ephesus/Fordham Form District Regulations which would allow the Community Design Commission to review all building elevations as part of a Certificates of Appropriateness review. Under the proposed changes, if the Commission believes a design for an exposed parking structure to be inappropriate for any proposed elevation, it may work with the applicant on a more aesthetically appropriate design.*

- 6) Consider incentives (density or height bonuses) for community amenities such as affordable housing, pedestrian malls, quantifiable water and energy savings beyond an acceptable standard (such as ASHREA 90.1 2010), etc.

Staff Comment: *Upon approval of the Form District Regulations on May 12, 2014, the Council approved a [resolution](#)¹ directing the Town Manager to take continued action toward the renewal of the Ephesus/Fordham District. In the resolution, the Council expressed interest in pursuing options for affordable housing for a range of incomes, sustainable design principles that target water and energy use and provision of public amenities. The staff provided the Council with a progress report toward these objectives at the January 26, 2015 meeting.*

In response to Council feedback, the staff is proposing an option to partner with UNC School of Government's Development Finance Initiative to explore strategies for providing affordable housing in the District.

In November of 2014, the Town Council adopted an energy and water incentive which rebates construction permitting fees up to 35% for projects that meet or exceed established Energy Star and water performance standards.

The current regulations do not preclude a property owner from constructing a pedestrian mall.

¹ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2096&meta_id=88595



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 04/20/2015
AGENDA #3

TO: Roger L. Stancil, Town Manager

FROM: Loryn B. Clark, Housing and Community

SUBJECT: Continue Public Hearings: Proposed Land Use Management Ordinance Text Amendment and Zoning Atlas Amendments for the Ephesus Church Road/Fordham Focus Area

Recommended Council Action

- That the Council continue the public hearings until October 19, 2015.

Context with Key Issues

- On October, 20, 2014, the Council held public hearings to receive comments on:
 1. A proposed [Land Use Management Ordinance Text Amendment](#)¹ to the Ephesus Fordham form-based zoning district to establish a new zoning district, Walkable Mixed Use-5A (WX-5A), to create incentives for the development of affordable housing; and
 2. [Rezoning Areas 1, 2, 3 and 4](#)² in the Ephesus Church Road/Fordham Focus Area to WX-5A.

The Council asked for more information on this and other alternatives that could incentivize development of affordable housing in these areas, and continued the public hearings until November 24, 2014.
- On November 24, 2014, the Council continued the public hearings until February 9, 2015.
- On February 9, 2015 the Council continued the hearings until April 20, 2015 to allow the time to research and consult with housing professionals to determine what level of incentives could effectively create affordable housing opportunities in the identified areas and throughout Town. Staff also had planned to provide the Council with an update on discussions, pilot programs, and affordable housing initiatives underway in other areas of Town.
- Since the fall, Town staff has been meeting with representatives from the UNC School of Government's [Development Finance Initiative](#)³ (DFI). Established in 2011, DFI assists North Carolina communities with goals related to community development, downtown revitalization, economic development, neighborhood redevelopment and small business finance.
- DFI specializes in the coordination of private investment for transformative projects.

¹ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2921&meetingid=294>

² <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2920&meetingid=294>

³ <http://ced.sog.unc.edu/category/development-finance-initiative/>

- Staff believes it would be valuable to engage DFI to assist in pre-development planning and in coordination to attract private redevelopment that incorporates an affordable housing component consistent with the Council's direction.
- Raleigh based non-profit developer DHIC continues its pursuit of Low Income Housing Tax Credit financing to construct affordable rental units on Town-owned land within the district.

Explanation of Recommendation

- Continuing the public hearing will allow continued conversations with property owners, DFI and other development professionals to determine what level of incentives could effectively create affordable housing opportunities.
- We recognize that it has taken longer than anticipated to develop a proposal. We have used our time to refine our approach and partnership to produce a thoughtful, fact-based, responsive set of options and pilot projects for Council consideration. We believe the additional time is a good investment in creating new affordable housing opportunities throughout the Town.
- Additional time will allow staff to:
 - better understand the development potential of the properties in these areas;
 - identify the challenges and risks that a private developer would encounter with the redevelopment of the areas;
 - analyze the best economic use of these properties that incorporates public interests and minimizes public investment;
 - identify potential partners with relevant experience to carry out a proposed project.
 - consider whether some of the best practices discussed during our Come Learn With Us Series could be implemented within the district and/or throughout Town.
- This approach would be consistent with goals and strategies identified in the Affordable Housing Strategy and the Affordable Rental Housing Strategy.

Fiscal Note

- No fiscal impact has been identified with continuing the public hearings.

Council Goal:

- Create A Place for Everyone

Attachment

- Resolution

**A RESOLUTION CONTINUING THE PUBLIC HEARINGS FOR THE LAND USE
MANAGEMENT ORDINANCE TEXT AMENDMENT AND ZONING ATLAS
AMENDMENTS FOR THE EPHEsus CHURCH ROAD/FORDHAM BOULEVARD
FOCUS AREA (2015-04-20/R-1)**

WHEREAS, on October 20, 2014, the Town Council opened the Public Hearings to receive comment on a Land Use Management Ordinance Text Amendment and Zoning Atlas Amendments for the Ephesus/Fordham District to create incentives for the development of affordable housing and continued the hearings to November 24, 2014; and

WHEREAS, on November 24, 2014 the Council continued the public hearings until February 9, 2015;

WHEREAS, on February 9, 2015 the Council continued the public hearings until April 20, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council continues the Public Hearings, to be reconvened at 7:00 p.m. on October 19, 2015.

This the 20th day of April, 2015.



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 04/20/2015
AGENDA #4

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability
Judy Johnson, Planning and Sustainability

SUBJECT: Continuation of the Public Hearing on Amendments to the Land Use Management Ordinance and the Northside Neighborhood Conservation District

Recommended Council Action

- That the Council continue tonight's public hearing to the June 15, 2015 Public Hearing.

Explanation of Recommendation

- We believe that additional meetings with the neighborhood and stakeholders are necessary to review the proposed changes to the regulations, prior to recommending any amendments to the Land Use Management Ordinance and the Northside Neighborhood Conservation District

Background

- On February 23, 2004, in order to encourage compatible development, the Council enacted the Northside Neighborhood Conservation District regulations. These regulations established limits on the size of new homes, prohibited new duplexes, as well as created other building standards.
- Since 2004, we have continued to work with the neighborhood and stakeholders to consider the impact of the regulations. As a result, the Northside and Pine Knolls Community Plan was adopted by Town Council in [January, 2012](http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=1598&meetingid=141)¹. This plan was intended to develop solutions to parking, enforcement, education and outreach, affordable housing, cultural and historic preservations, and establish new zoning regulations. Additional changes to the regulations were enacted by Town Council on [June 12, 2012](http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=1888&meetingid=165)².
- Over time, neighbors, stakeholders, and staff identified some concerns about the existing regulations.
- During a neighborhood Public Information meeting (April 6, 2015) and a Planning Commission meeting (April 7, 2015), staff offered some proposed amendments to the Northside regulations.
- Receipt of a petition at the April 13, 2015 Council meeting from Mr. Mark Patmore regarding continued existence of the Northside Neighborhood Conservation District and the formation of a Neighborhood Committee.

¹ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=1598&meetingid=141>

² <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=1888&meetingid=165>

Key Considerations

- Initially tonight's public hearing was intended to offer for Council's consideration some text amendments. Following the Public Information Meeting and the Planning Commission review, additional work with the neighborhood and stakeholders is necessary.
- The Planning Commission recommended changes to the energy efficiency standards, streamlining the review process, and consider reducing the application fees.
- Although the Planning Commission recommended moving forward on three of the proposed text amendments, staff recommends that the Council continue the public hearing to June 15, 2015.
- At the June 15, 2015 Public Hearing, staff anticipates bringing a response to Mr. Mark Patmore's petition as well developing an action plan for any proposed amendments.

Fiscal Note

- The proposed zoning amendment to the Northside Neighborhood Conservation District will continue to require additional staff review and enforcement.

Council Goal:

- Create A Place for Everyone
- Develop Good Places, New Spaces

Attachments

- Resolution
- Planning Commission Recommendation

**A RESOLUTION CONTINUING THE PUBLIC HEARING TO AMEND THE LAND
USE MANAGEMENT ORDINANCE NORTHSIDE NEIGHBORHOOD
CONSERVATION DISTRICT-1 (CD-1) ZONING OVERLAY TO JUNE 15, 2015 (2015-
04-20/R-2)**

WHEREAS, following a public information meeting and Planning Commission meeting and the information exchanged, we believe additional meetings with the neighborhood and stakeholders are necessary to review the proposed changes to the regulations; and

WHEREAS, we will respond to the receipt of a petition received by the Council on April 13, 2015 from Mr. Mark Patmore regarding a Neighborhood Committee and the existence of the Northside Neighborhood Conservation District regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council continues the public hearing on the Northside Neighborhood Conservation District to be reconvened at 7:00 p.m. on Monday, June 15, 2015.

This the 20th day of April, 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 NORTHSIDE NEIGHBORHOOD CONSERVATION DISTRICT LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT April 7, 2015

Recommendation: **Approved** ☐ **Approval with Conditions** ☒ **Denied** ☐

Motion: Brian Wittmayer moved and Michael Parker seconded to recommend approval of:

- Changes to Energy Efficiency Standards
- Streamlining the Review Process
- Reducing the fees

The Planning Commission recommended that the other elements of the proposal be reviewed by a stakeholder/community discussion group before proceeding.

Vote: 6 - 0

Ayes: Neal Bench, Travis Crayton, Deborah Fulghieri, Michael Parker, Amy Ryan, and Brian Wittmayer

Nays:

Prepared by: Neal Bench, Chair, Planning Commission
Judy Johnson, Staff



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 04/20/2015
AGENDA #5

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability
Gene Poveromo, Development Manager
Kay Pearlstein, Senior Planner

SUBJECT: Concept Plan: Merin Road Community, 8201 Merin Road

Recommended Council Action

- That the Council review this Concept Plan submittal, receive comments from the public, and adopt the attached resolution transmitting comments to the applicant for future development of the Merin Road Community.

Background

- The proposed development includes 65 single-family homes with detached garages and 10 affordable townhomes on a 25-acre site. Vehicular access points are planned along Merin Road and Homestead Road. The Community Design Commission reviewed a Concept Plan on March 2, 2015.

Key Review Considerations

- The development is outside the Town limits and is inside the Historic Rogers Road Neighborhood Task Force Small Area Plan.
- Because the development is proposed with lot sizes smaller than the current Residential-1 zoning, we anticipate the applicant submitting a Planned Development Housing Special Use Permit. If that is the case, the proposed project would not require a rezoning.

Explanation of Recommendation

- Because this proposed project includes more than 50 dwelling units, Concept Plan Review by the Town Council is required per Section 4.3.1b.1 of the Land Use Management Ordinance.

Fiscal Note

- Fiscal impacts 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
- LUMO Concept Plan Review
- Minutes from the Neighborhood Meeting
- Citizen Emails
- Email, Church of the Advocate Vicar
- Applicant's Materials
- Area, Aerial, Land Use, and Development Activity Maps

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability
Gene Poveromo, Development Manager
Kay Pearlstein, Senior Planner

SUBJECT: Concept Plan: [Merin Road Community](#)¹, 8201 Merin Road

DATE: April 20, 2015

PURPOSE

Tonight's Concept Plan presentation provides an opportunity for the Council to consider a multi-family development proposed at 8201 Merin Road, between Rogers Road and Merin Road.

Because this is a Concept Plan submittal, nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted to the Council for formal consideration. This proposed project will require Special Use Permit approval by the Town Council. A rezoning is not required.

In accordance with [Article 4.3](#)² in the Land Use Management Ordinance, there has been no formal staff review of this Concept Plan submittal. When the Town receives a formal application, another notice will be mailed to property owners within 1,000 feet of the site and staff will begin its formal review.

BACKGROUND

March 2, 2015: [The Community Design Commission reviewed a concept plan](#)³. Summary comments from the Community Design Commission review are listed below:

- Supports the community garden and recycling of existing dwellings;
- Vary setback on the north to preserve trees;
- Consider installing a fence on the north property line along the rear of the Billabong Lane properties;
- Wide buffer next to the Billabong Lane properties;
- Install sidewalks along Homestead and Merin Road;
- Pathways to adjacent property and rights-of-way;

¹ <http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-activity-report/merin-road-community-2795>

² http://library.municode.com/HTML/19952/level3/CO_APXALAUSMA_ART4PR.html

³ <http://www.townofchapelhill.org/home/showdocument?id=26437>

- Multi-modal path along Homestead Road;
- Allow stormwater management to be a feature; and
- Important to look at relationship between front doors and the street.

The Concept Plan has been unchanged since review by the Community Design Commission.

March 9, 2015 Neighborhood Meeting: Neighbors of the development requested that the applicant hold a second concept plan meeting for them due to the Town's rescheduling the meeting because of the weather and because of misunderstanding of the development review process on the part of the neighbors. The applicant agreed to hold another meeting at the Homestead Road Fire Station for the neighbors. A copy of the minutes of that meeting is attached.

Historic Rogers Road Neighborhood Task Force Final Report⁴: On November 14, 2014 the Historic Rogers Road Neighborhood Task Force was asked to explore extending sewer service into the Historic Rogers Road Neighborhood. At this time, we anticipate that the developer of this site will be providing sewer service directly to this property.

The 2020 *Land Use Plan⁵* identifies this parcel as part of Low Residential, 1-4 units/acre and as a Focus Area 2, N. Martin Luther King Jr. Blvd./I-40 (see attached map) identifying next steps as creating walkable development and considering design guidelines in selected sections of the area.

PROJECT DESCRIPTION

The Concept Plan has been submitted by Capkov Ventures, Inc. The property is located outside of the town limits on the north side of Homestead Road between Merin Road and Rogers Road. Glenbrooke Subdivision is on the west and homes on Billabong Lane are to the north of the site. The 25-acre property contains three existing dwellings and is proposed as an assemblage of three lots. The site is in the Residential-1 (R-1) zoning district on properties located in Orange County with Parcel Identifier Numbers 9870-71-0609, 9870-81-1605, and 9870-82-2048 (Project #15-007).

The application proposes residential development for 65 single-family homes and 10 affordable townhomes. Vehicular access is proposed from Merin Road and Homestead Road. Recreation space (42,000 sq. ft.) includes a community garden and playground. Please see the applicant's attached materials for additional information.

PROCESS

The Council has the opportunity tonight to hear this applicant's presentation, receive a set of comments from the Community Design Commission, hear public comments, and offer suggestions to the applicant for consideration as further plans are drawn.

⁴ <http://intranet/team/Agenda/Agenda%20Items/CP-Merin%20Rd%20Subdivision/Final>

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

RECOMMENDATION

We recommend that the Council review this Concept Plan, receive comments from the public, and adopt the attached resolution transmitting comments to the applicant for the Concept Plan for the Merin Road Community.

**A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN
FOR THE MERIN ROAD COMMUNITY, 8201 MERIN ROAD (2015-04-20/R-3)**

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill, for the Merin Road Community at 8201 Merin Road; and

WHEREAS, the Council has heard presentations from the applicant and citizens; and

WHEREAS, the Council has discussed the proposal, with Council members offering reactions and suggestions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmit comments to the applicant regarding this proposal, as expressed by Council members during discussions on April 20, 2015 and reflected in minutes of that meeting.

This the 20th day of April, 2015.

4.3 Concept Plan Review

Purpose Statement: *It is the intent of the Site Analysis Data and Conceptual Development Plan process to provide an opportunity for the Town Council, Town Manager, the Community Design Commission and citizens to review and evaluate the impact of a major development proposal on the character of the area in which it is proposed to be located. This process is intended to take into consideration the general form of the land before and after development as well as the spatial relationships of the proposed structures, open spaces, landscaped areas, and general access and circulation patterns as they relate to the proposed development and the surrounding area.*

4.3.1 Applicability

(a) *Proposals Subject to Review by Community Design Commission*

This Section applies to any:

- (1) Special Use Permit or a Special Use Permit Modification; or
- (2) Master Land Use Plan or a Master Land Use Plan Modification; or
- (3) Major Subdivisions.

(b) *Proposals Subject to Additional Review by Town Council*

- (1) An application that meets any of the minimum thresholds established in subsections (1) or (2), below, shall require Town Council review as provided in Section [4.3.2](#)¹, below, in addition to Community Design Commission review:

Thresholds (minimum)	TC-1, TC-2 Zoning Districts	All Other Zoning Districts
Land Area	15,000 square feet	5 acres
Floor Area	20,000 square feet	100,000 square feet
Dwelling Units	35 dwelling units	50 dwelling units

- (2) If an application does not meet the thresholds established in subsection (1), above, the applicant may request review by the Town Council. The Town Council may determine to review the application, or it may decline to review the application. Such request shall be filed at least fifteen (15) days in advance of a regular meeting of the Town Council. The Town

¹https://library.municode.com/HTML/19952/level3/CO_APXALAU_SMA_ART4PR.html#CO_APXALAU_SMA_ART4PR_4.3COPLRE

Council's determination shall be rendered at its next regular meeting after receiving a complete request for Town Council review.

4.3.2 Procedures

(a) Application Submittal Requirements

Applications for Site Analysis Data and Conceptual Development Plan review shall be filed with the Town Manager. The Town Manager shall prescribe the form(s) on which information shall be submitted. Forms shall include the name and address of the applicant, the name and address of the owner of each zoning lot involved, and the relationship of the applicant and property owner in connection with the plan. If the applicant or property owner is an entity other than an individual, the plans shall also include detailed information regarding the principals of the entity. Forms shall include the name of the project principals and indicate the project principals development experience. The Town Manager shall prescribe any other material that may reasonably be required to determine compliance with this Chapter and relationship to the Town's Comprehensive Plan with sufficient copies for necessary referrals and records.

No application shall be accepted by the Town Manager unless it complies with such submittal requirements. Applications that are not complete shall be returned forthwith to the applicant, with a notation of the deficiencies in the applications

(b) Time Frame for Action on Concept Plans

Upon receipt of a complete Concept Plan, the Town Manager shall forward all information submitted by the applicant for review by the Community Design Commission within thirty (30) days.

(c) Aspects of Review

The Town Council and Community Design Commission, in examining development applications, are to consider the various aspects of design, with special emphasis on whether the proposed development is consistent with the Town's Design Guidelines and the Goals and Objectives of the Town's Comprehensive Plan.

(d) Community Design Commission Review

- (1) The Community Design Commission shall review the application and shall submit its written recommendation to the applicant and Town Council, if applicable.
- (2) The Community Design Commission shall consider public comments and shall base its recommendation on its determination of whether or not the application conforms to applicable provisions of this Chapter.

- (3) The Community Design Commission shall provide its recommendations to the applicant within thirty-five (35) days of the meeting at which a complete application is considered, or within such further time consented to in writing by the applicant or by Town Council resolution. If the Community Design Commission fails to prepare its recommendation to the applicant within this time limit, or extensions thereof, that agency shall be deemed to recommend the application without conditions.

(e) Town Council Review

- (1) After receiving the recommendations of the Community Design Commission, the Town Council shall review the application in the same manner as prescribed in subsection (d), above. The Town Council may appoint a subcommittee to review the application. The Mayor shall determine the membership of the subcommittee.
- (2) The Town Council may conduct its review concurrent with the Community Design Commission.
- (3) After considering public comments and the recommendations of the Community Design Commission, the Town Council shall adopt a resolution transmitting its preliminary recommendations to the applicant.

4.3.3 Criteria

The Concept Plan is a preliminary step toward the preparation of a formal development plan. All Concept Plans should demonstrate a high quality of overall site design. The design and construction of site elements should include appropriate descriptions and explanations of the relationship and balance among site elements, the relationship of the development to natural features, neighboring developments and undeveloped land, access and circulation systems, retention of natural vegetation, minimal alteration of natural topography, mitigation of erosion and sedimentation, mitigation of stormwater drainage and flooding, arrangement and orientation of buildings and amenities in relation to each other and to neighboring developments and streets, landscaping, preservation or enhancement of vistas, and mitigation of traffic impacts.

Meeting of Billabong Lane Neighbors with Eric Chupp of Merin Road Development
March 9, 2015, at Homestead Road Fire Station

Notes on Discussion

Present: Jean Levi, Beverly Ferriero, Sally Council, Monica Ferrell, James Morgan, Farhad Imani, Tom Gerakaris Perry Miller, Ruth Miller, Sylvia Lacey, Sam Ebi

Eric Chupp works with Scott Kovens Construction. He does site development; his co-worker does design and construction of homes. They're a relatively small local company and only build in Chapel Hill and Carrboro. Examples: Winmore on Homestead Road (they developed but didn't design); Cedars of Bolin Creek on Weathervane and Stable streets in Carrboro—49 lots developed 15 years ago—is most similar to Merin Road concept.

Photos of houses in Cedars of Bolin Creek, the development model for Merin Road:

Detached garages set back from houses: provide more driveway space for parking, allow more light into house, garage doesn't dominate entrance and front of house.

Lots are 50'x125'; in comparison, Merin Road lots are minimum 55'x125', provides ability to build 2-car garage if homeowner wants.

Cedars began with 5 basic floor plans, 2,000-3,000 sq. ft., 50'x30' footprint, hip roofs, 2 stories, 3rd story can be finished or left unfinished, some homes more contemporary than others.

65 single family homes at \$450,000-500,000 proposed for Merin Development.

Billabong Concerns with Site Plan:

1. Jim Love's lot. Vacant many years (Jean Levi: since '83?), though neighbors have relayed multiple inquiries about purchasing or renting the property. Concern that development proposal for Love property is too congested and confusing: a cul-de-sac surrounded by 8 lots which "turn their backs" to Billabong and Merin. Corner entrance onto Billabong Lane becomes jumble of backsides of development houses.

Suggestion to remove cul-de-sac and instead create higher-value (1/2-acre or so) lots fronting Billabong, with access onto Billabong, or fronting Merin, with access onto Merin, and increased green space around Jean Levi's property. The shortened internal street would serve the town homes. Eliminating the cul-de-sac reduces infrastructure expense, keeps entrance to Billabong intact and compatible.

Eric Chupp said that members of the CDC had also asked that both cul-de-sacs, the one near Billabong and the one near Homestead, be pulled back. Thank you, CDC!

2. Storm water management. Jean Levi expressed concern about the possibility of increased water flow onto her property, which she said floods even now. She is especially worried about a large water-filled hole in her backyard which she thinks could be a spring. Eric Chupp said that storm water would be managed throughout the development. He suspects the large hole may be related to septic field issues and offered to check it out.

There is general concern about water runoff throughout the development, as it adds much impervious surface uphill from Billabong residences and flood-prone lowland.

3. Much concern raised about lack of green space/buffer for property owners at the lower (western) end of Billabong and about no rear setback on adjacent development properties. Eric Chupp explained that the design proposal was determined by “staying off steep slopes” and “respecting the RCD (Resource Conservation District)” but that the proposal can be adjusted to improve buffers with Billabong neighbors. He suggested a combination of a 15’ setback and an additional 15’ buffer (total of 30’ buffer). The homeowners would own the setback area as part of their property but be restricted from building on it. The buffer area would be a permanent easement that maintains trees and other vegetation. He thinks he can find additional buffer area by decreasing the depth of lots on both sides of the street. He said the CDC comments also included concern about buffers for these properties. Thank you again, CDC!

4. Density of development. Eric Chupp explained that what he cannot do is reduce the number of houses, because of the high cost of land and the slim margins for builders of single family homes. The two development lots on Homestead are zoned R-1, which allow 3 units/acre. Jim Love’s 2-acre lot is zoned R-1A, which allows 2 units/acre. They’re all lumped together in the 25-acre development package proposing 65 single family houses and 10 town homes (density of 2.88 units/acre).

5. Clear cutting. Eric Chupp was asked if the development property would be clearcut, and he responded that it would not. He noted that standing trees add to the value of the property.

6. Merin Road entrance to the development. Eric Chupp said that the town requires two entrances, and there is no alternative to the Merin Road entrance being one of the two. Seawell School Road will be extended into the development at the stoplight on Homestead Road to form the other entrance. Increased traffic on Merin Road is a strong concern for current residents. Eric Chupp said that clearing and construction traffic could be prohibited from using Merin Road into and out of the development.

7. The Church of the Advocate. The church has not been included in development planning and could have questions/concerns/suggestions regarding the Merin Road entrance and other impacts. Eric Chupp plans to meet with church representatives, as well as residents of the Glenbrooke neighborhood.

8. Discussion of Town Homes. Town homes are size-restricted; market rate \$165,000-200,000. As proposed, the town homes face Merin Road, and parking is in the back. There was concern expressed about (a) safety issues of fronting the busier Merin Road versus the internal street, (b) sense of inclusion in the development community versus openness to the larger Billabong/Merin community, and (c) the whole of the development “turning its back” should the town homes be turned to face inward. There was some discussion about integrating the town homes more within the whole development. (a suggestion of perhaps placing along the Homestead side beginning behind the yellow house westward) Eric Chupp said the CDC also commented on bringing the town homes farther into the development (did I hear this right?)

9. Sound and light pollution. Currently, Billabong is a very quiet street—even the closest neighbors don’t hear traffic sounds from Homestead Road—and the surrounding woods are dark at night. Neighbors worry about losing these intangibles and dread clearing, earth-moving, and construction noises. Eric Chupp said that Chapel Hill dictates night lights which are shielded to direct light downward. Could these be placed as far away from Billabong as possible? Also the question of flood lights shining from back of homes on north side of development onto those homes on the south side of Billabong.

10. Water and sewer. Public water and sewer is available to the development. The suggestion was made that Billabong residents investigate the possibility of water and/or sewer connections while construction is ongoing. Eric Chupp said the person he talked with at OWASA is Todd Spencer.

11. Fencing. The developer fences between development lots. Fencing in back of the property is up to the home owner, although in other developments that they have done the homeowners association has the authority to approve fencing decisions such as uniformity, materials, etc.

12. Bike paths and sidewalks. Eric Chupp said that the development plans to put in a 4' bike path and 5' sidewalk along Homestead Road and a sidewalk along Merin Road, as well as interior sidewalks.

February 24, 2015

Burch Family Properties LLC
2907 Hostetler Street
Raleigh, NC 2709

Kay Pearlstein
Planning and Sustainability Department
Community Design Commission
Town of Chapel Hill
North Carolina

Reference Project 15-007

Dear Ms. Pearlstein:

We are writing in support of the Capkov Ventures project on the north side of Homestead Road between Merin Road and Rodgers Road. A portion of the property under development is owned by Burch Family Properties LLC. Nearly all of the proposed development was once owned by the Burch family and it is where we grew up.

We have reviewed the proposed plans with Scott Kovens and Eric Chupp and believe their plans work well on the property and will benefit the community. Specifically we like these aspects of the development:

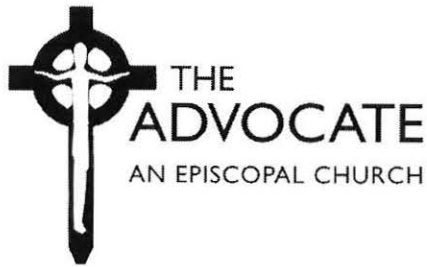
- The use of multiple cul-de-sacs that have a nice layout within the development.
- The mix of single family and townhomes for a variety of housing choices.
- The location of recreational areas, open space, community garden and the essential storm water collectors.

The proposed community garden is adjacent to an existing home on the corner of Merin and Homestead Road. We had a positive conversation with Scott and Eric about the possibility of allowing the occupants of that home to use the garden to give them a sense of inclusion with the development. We think that will enrich the feeling of community for this development.

We're pleased to see these plans moving forward and hope they will meet with approval of the Community Design Commission.

Best regards,

Lena B. Gallitano
William H. Burch



April 6, 2015

Dear Mayor and Members of Council,
RE: Merin Road Community ~ Concept Plan

We are sorry for the late response to you about this Plan. Because the Advocate is a mission of the Episcopal Diocese of North Carolina, the Diocese officially owns the property at 8410 Merin Road rather than the Advocate itself. As a result, mail about the property does not come directly to us. So we did not receive your mailing about this proposed Concept Plan.

We do have several concerns about the Plan:

- 1) The church owns long narrow strips of frontage on the west side of Merin. The developer has been provided with the recorded boundary survey, which shows this ownership. There are proposed entry roads and lots that appear to have frontage on Merin, but do not. This could require a significant change in the Concept Plan.
- 2) The proposed street connection to Merin does not line up with our existing driveway. We own the frontage on both sides of the road at this location. We do not see a compelling reason to allow a street stubout to Merin where shown.
- 3) We are concerned about the visual impact of the townhouses and parking lots on Merin Road, and would like to request that consideration be given to placing the townhouses in the midst of the proposed development instead.
- 4) We are concerned about driveways on Merin Road and request that consideration be given to having all of the lots in the development front on new interior streets in the Community.
- 5) We are concerned about density on Merin Road, and request that consideration be given to requiring that all proposed lots adjoining Merin and Billabong be R-1 single family lots which conform to all the dimensional requirements for R-1 (80' width; 17,000 SF area).
- 6) We are concerned about traffic patterns and safety along Merin Road, and request consideration of a new street stubout to Billabong. This would provide a circuitous route thru the new development, which we hope might substantially reduce traffic pressure at the Merin/Homestead intersection.
- 7) Our approved Special Use Permit driveway aligns with Billabong and we foresee the Billabong /Merin intersection as the safest place to have left turn lanes from Merin leading to the new development.

Thank you for the chance to express our concerns about this Concept Plan.

The Rev. Lisa G. Fischbeck, Vicar
8410 Merin Road Chapel Hill, N.C. 27516

telephone: 919-933-3221
TheAdvocateChurch.org

Concept Plan Application

For:

MERIN ROAD COMMUNITY

**75 UNIT SUBDIVISION
HOMESTEAD AND MERIN ROAD
CHAPEL HILL, NC**

Applicant:

Capkov Ventures

Developing Homes And Communities Since 1954, In Chapel Hill Since 1972.

a Kovens Company

P.O. Box 16815
Chapel Hill, NC 27516
919-942-8005

Civil Engineer:



ADVANCED
CIVIL DESIGN

**ENGINEERS & SURVEYORS
51 KILMAYNE DRIVE
SUITE 105
CARY, NC 27511**

CONCEPT PLAN 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): 9870-71-0609, 9870-81-1605, 9870-82-2048

Date: 1-26-15

Section A: Project Information

Project Name: Merin Road Community

Property Address: Homestead Rd & Merin Rd Chapel Hill, NC

Zip Code: 27516

Existing Zoning District: R-1

Project Description:

A Residential Community with 65 single family lots and 10 townhome style affordable housing units.

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

Applicant Information (to whom correspondence will be mailed)

Name: James D. Whitacre, PE

Address: 51 Kilmayne Dr., Ste. 105

City: Cary

State: NC

Zip Code: 27511

Phone: 919.481.6290

Email: JWhitacre@AdvancedCivilDesign.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:

Date: 1/26/15

Owner/Contract Purchaser Information:

☐ Owner

☒ Contract Purchaser

Name: Capkov Ventures, Inc.

Address: 202 E. Winmore Ave.

City: Chapel Hill

State: NC

Zip Code: 27516

Phone: 919-942-8430

Email: ericbchupp@bellsouth.net

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:

Date: 1/26/2015

ERIC B CHUPP For Capkov Ventures Inc.



**CONCEPT PLAN APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning Department**

Section C: Project Information

Project Size (acres)	24.70	Square feet	1,075,932
Floor Area (permitted)	N/A	Proposal	N/A
Proposed number of dwelling units	75	Units per Acre	2.88
Existing Impervious Surface	5,626 sf	Proposed Impervious Surface	355,000 sf

Please indicate which organization should receive this application for review

☒ Community Design Commission ☐ Historic District Commission ☒ Town Council

Section D: Submittal Requirements

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.

- | | | | |
|-------------------------------------|--|----------------|--|
| <input checked="" type="checkbox"/> | Application fee (<u>refer to fee schedule</u>) | Amount Paid \$ | <div style="border: 1px solid black; padding: 2px;">360</div> |
| <input checked="" type="checkbox"/> | Pre-Application meeting – with appropriate staff | | |
| <input checked="" type="checkbox"/> | Digital Files - provide digital files of all plans and documents | | |
| <input checked="" type="checkbox"/> | Mailing list of owners of property within 1,000 feet perimeter of subject property (<u>see GIS notification tool</u>) | | |
| <input checked="" type="checkbox"/> | Mailing fee for above mailing list | Amount Paid \$ | <div style="border: 1px solid black; padding: 2px;">150.15</div> |
| <input checked="" type="checkbox"/> | Application Cover Sheet (8 copies) (on top of application) | | |
| <input checked="" type="checkbox"/> | Statement of Compliance with Design Guidelines (8 copies) | | |
| <input checked="" type="checkbox"/> | Statement of Compliance with Comprehensive Plan (8 copies) | | |
| <input checked="" type="checkbox"/> | Digital Photographs of site and surrounding properties (8 copies) | | |
| <input checked="" type="checkbox"/> | Developer's Program: | | |
| | A brief written statement of the development program, including developer's goals and objectives. The development program should be based on the constraints of the site as identified by the site analysis and include marketing objective of the developer. This preliminary development program will help evaluate the conceptual plan for the site, while also determining traffic impact and demand on community facilities and infrastructure. | | |
| <input checked="" type="checkbox"/> | Reduced Site Plan Set (reduced to 8.5"x11") | | |



**CONCEPT PLAN APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning Department**

Plan Sets (8 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 Wetland Boundaries, where applicable

Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, and 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, vehicle parking areas, bicycle parking, handicapped parking, street names
- f) 1,000 foot 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
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Existing topography at minimum 2-foot intervals and finished grade
- f) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries

Proposed Plan

- a) General location of proposed structures
- b) Parking areas
- c) Open spaces and landscaped areas
- d) Conceptual recreation areas
- e) Conceptual building masses
- f) Conceptual utility locations (optional)
- g) Conceptual grading plan (optional)



Developers Program

Developers Background: Capkov Ventures Inc. is a Chapel Hill owned and operated development company that has been building communities in Chapel Hill and Carrboro for the last 25 years. Capkov Ventures is owned by Scott Kovens who has lived in Chapel Hill for his entire adult life. Communities that have been designed and developed by Capkov Ventures Inc. include;

- 1) Weatherhill Pointe, Carrboro
- 2) Bolin Forest, Carrboro
- 3) Erwin Village, Chapel Hill
- 4) Columbia Place, Chapel Hill
- 5) Pickard Oaks, Chapel Hill
- 6) The Cedars at Bolin Forest, Carrboro
- 7) Franklin Grove, Chapel Hill
- 8) Chancellors View, Chapel Hill
- 9) Winmore, Carrboro
- 10) The Goddard School, Chapel Hill
- 11) Burch Kove, Chapel Hill (design and entitlements only)

Overview: Capkov Ventures is proposing a residential community which includes new 65 single family homes with detached garages, and 10 townhomes made available to families earning less than the median income for the area. The proposed community is located on the north side of Homestead Road, between Merin Road and Rodgers Road. Seawell School Road would be extended into the new community at roughly the center of the site and serve as one of two entrances into the community. The second entrance would be off of Merin Road. The surrounding uses are primarily comprised of residential homes, the one exception being the recently developed Church of the Advocate complex directly to the east of the proposed community. Single family homes off Billabong Road adjoin the site to the north, Glenbrooke residential subdivision lies to the west of the proposed site, Homestead Village residential subdivision is located to the south of the site across Homestead Road as is the currently being developed Burch Kove townhome site. The site, approximately 25 acres, is zoned R-1 and has three existing homes. Two of the existing homes are rental homes and the third has remained vacant for several years.

Proposal Specifics: The proposed community will fall under the Town of Chapel Hill's Land Use Management Ordinance as a Special Use Permit, Planned Development Housing (PDH). As proposed, the 25 acre community is consistent with the existing R-1 zoning and the surrounding residential uses. Dual access points would be provided to the community from Seawell School Road and Merin Road. Both access points will connect to the newly constructed road that will run parallel with Homestead Road. The proposed site has substantial road frontage along Homestead Road (2150 lf.), and approximately 800 lf on Merin Road. All public utilities are either on the site or immediately adjacent to the site. Public sewer is available through an existing easement set up to serve the property at the southwestern corner of the site. Water is available on both Homestead Road and Merin Road.

Access and Circulation: As stated, entrances to the community are proposed from both Merin Road and Seawell School Road. The intersection at Homestead and Seawell School will be converted into a (4) way intersection with upgrades to the existing traffic signals. Along Homestead Road we are proposing to widen the existing roadway cross section to accommodate a 4' asphalt bike lane. In addition a 5' sidewalk will be constructed along Homestead Road; set back approximately 30' from the edge of the pavement. Sidewalk is also being proposed along the Merin Road frontage and along the streets within the community. With the completion of the Burch Kove site across Homestead Road from the proposed community, public sidewalk will extend from the new community all the way to Seawell Elementary School, Smith Middle School, and Chapel Hill High School. We will install appropriate pedestrian signalization to allow safe crossing across Homestead Road at the intersection. This will be a big plus for families with children which comprise a significant share of our target market. Other amenities within a mile of the site include: the new Robert and Pearl Seymour Center, the Orange County Health and Human Services Complex, the Chapel Hill Aquatic Center, Homestead Park, and eventually the University of North Carolina's next campus on the Horace Williams tract. All will be within a short walk from the proposed community.

Buffers and Natural Constraints: The proposed plan calls for type "A" landscape buffers to be planted between the community and all existing uses. Extensive type "D" landscape buffers are to be planted between Homestead Road and Merin Road and the new homes. We will focus heavily on using native evergreen planting materials using the list developed by the Town of Chapel Hill as a guide. The site is flat to moderately sloped, generally sloping to the northwest. The most significant slopes are located in the northeastern portion of the site as you approach the rear of the homes along Billabong Road. An ephemeral stream lies at the bottom of the slope traveling in a northwestern direction. A perennial stream runs along the western edge of the property. Both will be buffered in accordance with the current Chapel Hill stream buffer requirements. The stream buffers will also provide an opportunity to expand the natural buffer space between the proposed community and our neighbors to the north and west.

Stormwater Management: The proposed community will include two stormwater management ponds to collect water at the natural low points of the site. One will be located just north of the Seawell School Road extension near the middle of the site, and the other will be located along the western edge of the site adjacent to the open space of the Glenbrooke

subdivision. We will propose that the larger of the two ponds, the one adjacent to Glenbrooke, be constructed as a wet pond making it an amenity for both communities.

Recreational Amenities: We have designed the proposed community to have a large playground as well as a community garden. We have found that in single family residential communities having the recreational amenities on site often make a big difference in the level of activity a homeowner participates in. The convenience of being able to walk to the playground or garden without packing the kids and all of their stuff, or gardening tools into a car makes all the difference in the world. Having Capkov Venture's development and construction offices located within the communities we build gives us firsthand information regarding what gets used and what does not. Playgrounds and community gardens get used. We are proposing a 31,000 square foot (approximately 3/4th of an acre) community garden to be located at the southeastern corner of the site. The garden will have an irrigation meter and spigot, a shed for tools, supplies and equipment, composting bins and benches for gardeners. We will also construct a walking path to the garden from the community's internal sidewalk system and provide truck access through community open space for delivering supplies. We will surround the garden with heavy duty deer fencing and build a double gate for vehicular access. The playground will be located in the northeastern corner of the site apart from heavy vehicular traffic. The design will be similar to a very popular playground constructed in our Winmore community located along Homestead Road west of the proposed site. The heavy duty playground will be designed to have a large central play apparatus, two sets of swings (2 universal, 1 toddler, 1 infant), and benches for the adults to sit placed overlooking the play apparatus and swings.

Affordable Housing: We are proposing to develop and construct 10 townhomes within the community located just north of the Merin Road entrance, and make them available to those families making less than the median income for the area. This works out to 15.4 % of the market rate homes available in the community, exceeding the Town of Chapel Hill's affordable housing requirement. The townhomes will be located adjacent to the playground and with all three of the public schools within walking distance they will be great for young families. The owners of the townhomes will have all of the rights and privileges that all homeowners will have to the recreational facilities but will have their dues structure reduced to 25% of the market rate units.

Home Design: The single family homes in the proposed community will be a traditionally designed home with detached garages. The lots will be approximately 55' wide by 125' deep and the homes will range between 2000 square feet and 3500 square feet. The garages will be recessed to the area of the rear wall of the home to serve as a privacy wall along one side of the back yard. Recessing the garages also avoids having the architecture of the home dominated by the garage. We propose an architectural style very similar to a community we developed in Carrboro 15 years ago called the Cedars at Bolin Forest. It is a delightful community that I call home and one of the most sought after communities in the area. The typical resale last only weeks on the market and the last listing that hit the market was rumored to have gone under contract in a single day.

We are very excited about the possibility of having an opportunity to bring another community to Chapel Hill. We believe the single family and townhome markets are currently underserved and looking ahead at the development proposals being discussed in Chapel Hill there is nothing to reverse the trend. The State of the Community Report and Development Briefing recently put on by the Chapel Hill/ Carrboro Chamber of Commerce showed us that of the 4075 future residences being planned for Chapel Hill and Carrboro none were single family and only a handful were townhomes. We believe that our proposed community of single family homes and affordable townhomes will fill an essential part of the communities' housing needs- homes built for families.

Thank you,

Eric Chupp
Director of Development
Capkov Ventures Inc.
(919) 260-7262
ericbchupp@bellsouth.net



Merin Road Proposed Residential Community Statement of Compliance with the Comprehensive Plan

The proposed Merin Road residential community has been designed to comply with the themes found in the Town of Chapel Hill's Comprehensive Plan. Some of the primary objectives of the Comprehensive Plan have been advanced through the design of the Merin Road community in the following ways;

1) A Place For Everyone

One of major goals under the theme "A Place for Everyone" is to provide "A range of housing options for current and future residents". The proposed Merin Road community will provide 65 single family homes and 10 affordable townhomes at a time when virtually all development plans being proposed in Chapel Hill are for multi-family and condominiums. Of the 4075 housing units being discussed or proposed for development in Chapel Hill and Carrboro none are for single family homes and only a handful are townhomes. The Merin Road community will fill an essential component of the communities housing needs that are not being provided for, homes built for families and children. As the University of North Carolina tries to attract the best and the brightest to Chapel Hill those potential employees who have children or anticipate having children will have as one of their primary considerations the availability of family oriented housing. The same is true for the wider community as Chapel Hill tries to encourage businesses to locate in Chapel Hill. While the Merin Road community will not solve the future under supply of single family homes it will provide some additional options for families who for whatever reason are looking for a single family home.

2) Community Prosperity and Engagement

One of the major goals under the theme "Community Prosperity and Engagement" is to "Foster success of local businesses." The Town of Chapel hill has consistently expressed the desire to promote our world class university and to attract new employers who can utilize the talents and technologies developed at UNC to launch new and creative businesses. As

mentioned in the preceding paragraph to successfully attract such businesses the Town must provide housing to meet the needs of the prospective employees. The Merin Road community will add housing diversity to the existing stock in a housing type that is underserved. The location of the Merin Road site adjacent to the Horace Williams site, the University of North Carolina's next big campus, makes the contribution to the diversity of housing all that more significant.

3) *Getting Around*

While most of the goals under the major theme "Getting Around" involve mass transit systems and comprehensive transportation planning the second goal listed is supported by various elements of the Merin Road plan. The goal is to promote "A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation." The Merin Road community proposes sidewalks along both sides of all interior streets. This is not a requirement in the Town of Chapel Hills Land Use Ordinance but as community developers we believe that it promotes walking in a community making the pedestrian links to adjacent facilities and neighborhoods safer to get to. Our proposal calls for constructing a 5' sidewalk across the properties extensive Homestead Road frontage which is over a third of a mile. The sidewalk will be set back from Homestead Road approximately 30' feet providing a safe walking experience. Our proposal also calls for the construction of a 4' bike path for the entire Homestead Road frontage. The most significant feature of our Merin Road plan for pedestrian travel is the upgraded pedestrian signals that we will install at the intersection of Homestead Road and Seawell School Road. The pedestrian activated signal heads will allow people to cross from the North side of Homestead Road to the South side safely thereby linking our proposed community with the sidewalks currently being constructed as part of the Burch Kove community. The end result being that children will be able to walk on a public sidewalk all the way to school from the Merin Road community whether they attend the elementary school, the middle school, or the high school.

4) *Good Places, New Spaces*

The proposed Merin Road community promotes several of the goals of the theme "Good Places, New Spaces" including the goal of providing "Open and accessible common spaces for community gathering, cultural uses, and community development." We have proposed a large community garden located at the southeast corner of the site that will include heavy duty deer fencing, irrigation meter and spigot, tool barn, and benches for tired gardeners to rest. We have found that community gardens are used by a large percentage of a communities residents, facilitate neighbors getting to know each other, and are enjoyed by young and old alike. We have also proposed a playground which will include two double swing sets, a large playground structure, a zip line or tram, and benches for parents watching their children. We believe it is important in family oriented communities to have recreational amenities within the community so packing the kids and or tools into the car is not

necessary. The convenience factor often determines whether recreation is part of a daily routine or not.

5) *Nurturing Our Community*

The proposed Merin Road community has made a conscious effort to keep development off the steeper slopes on the property, and as a result has provided larger than required buffers around the ephemeral, and perennial streams located on the site. We will observe the new Lake Jordan Watershed rules requiring the removal of both nitrogen and phosphates from storm water runoff in addition to the previously required removal of sediments. We will use both a wet pond and a reconstructed wetland to store storm water runoff. We propose locating both facilities in the natural low points on the site. Street lights will all have downward focused light to minimize light pollution. The community garden referenced in the preceding paragraph fits perfectly into the goal expressed under this theme of “encouraging community and backyard gardens, farmers’ markets, and community supported agriculture without encroaching on working farms within or adjacent to the Chapel Hill planning district”.

6) *Town and Gown Collaboration*

While the proposed Merin Road community may not directly affect the operations of the University of North Carolina, or their relationship with the Town of Chapel Hill we believe that adding to the stock of single family homes near the Universities’ future northern campus on the Horace Williams site will provide opportunities for the families who move to Chapel Hill to work at the University. With the future of single family homes trending downward this may be important factor in the Universities ability to attract the best and the brightest work force.

Thank You,

Eric Chupp
 Director of Development
 Capkov Ventures Inc.
 (919) 260-7262
ericbchupp@bellsouth.net



Merin Road Proposed Residential Community Statement of Compliance with Design Guidelines

The proposed Merin Road residential community has been designed to comply with all of the Town of Chapel Hill's design guidelines as expressed by the Land Use Management Ordinance and related materials. The following are a few of the substantive ways we have designed the community in observance of the design guidelines.

Density: The 25 acre site has been designed to conform to the existing R-1 zoning proposing 65 market rate single family homes and 10 affordable townhomes. The proposed community will be submitted for review as a Special Use Permit Planned Development Housing and adhere to the guidelines and requirements of such a submission.

Access and Circulation: The proposed plan will offer two street connections into the community and provide all required upgrades to the immediately adjacent roadways including widening Homestead Road for appropriate turn lanes, upgrading intersection signaling, and providing bike lanes. Sidewalks are proposed on internal streets and along existing roadway frontages which will be tied into existing sidewalk infrastructure leading to three of Chapel Hill's public schools.

Buffers and Natural Constraints: The proposed community will provide the required class "A" buffers between the site and its residential neighbors and class "D" buffers between the existing roadways and the new homes. The plan will use the list of native plants developed by the Town of Chapel Hill as a guide in choosing planting for the buffers. All current stream buffer regulations have been observed in the communities design, and steep slopes have been avoided where possible and left undisturbed as community open space.

Stormwater Management: The proposed community has included two stormwater management ponds located at the natural low points of the site. All of the most current stormwater design standards and regulations will be observed and best management practices consistently used.

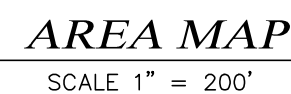
Recreational Amenities: The proposed development will provide high quality, time tested recreational amenities for the convenient use of the community. A 31,000 square foot community garden has been located in the southeastern corner of the site and a playground has been located away from heavy vehicular traffic in the north eastern section of the site. The recreational amenities, and land area used for recreational space exceed the requirements set forth in the design guidelines.

Affordable Housing: The proposed plan provides affordable housing within the community. The 10 townhomes proposed exceed the 15% required by the design guidelines and will be made affordable to those making less than the median income for the area. The townhome design provides an attractive and successfully marketed home conveniently located within walking distance to Chapel Hill's public schools for all grades, Homestead Park, The Aquatic Center, Senior Center, and Orange County Health and Human Services Complex.

Thanks,

Eric Chupp
Director of Development
Capkov Ventures Inc.
(919) 260-7262
ericbchupp@bellsouth.net

O:\14-0001-651NC\DWG\Production Drawings\CONCEPT PLAN\14-0001-651-CP01.dwg Jan 26, 2015 - 3:07:07pm jwhitacre






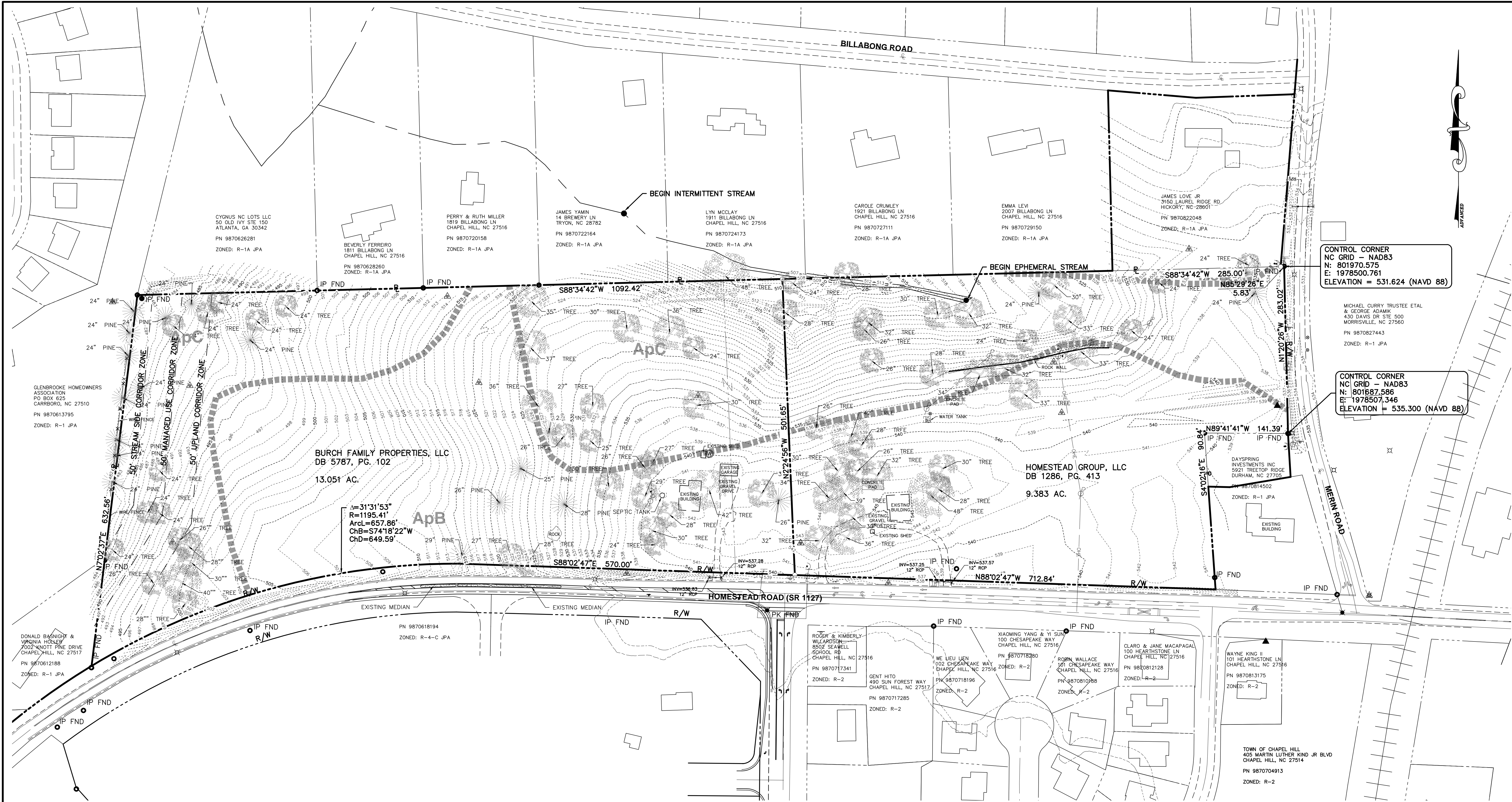
- 1 AREA MAP
2 EXISTING CONDITIONS PLAN
3 PROPOSED PLAN

SITE DATE TABLE

SITE ACREAGE:	24.70 ACRES (GROSS) 0.89 ACRES (PROPOSED HOMESTEAD R/W) 23.81 ACRES (NET) 1.34 ACRES (EXISTING HOMESTEAD R/W) 26.04 ACRES USED FOR DENSITY CALCULATION
ZONED:	R-1
EXISTING LAND USE:	SINGLE FAMILY
PROPOSED LAND USE:	R-1 WITH SPECIAL USE PERMIT
PROPOSED LOTS:	65
DENSITY:	2.88 UNITS PER ACRE
MINIMUM LOT SIZE:	55' x 110' (6,050 SF)
RECREATION SPACE REQUIRED:	0.61 ACRES (2.5%)
RECREATION SPACE PROVIDED:	0.9± ACRES

LEGEND

	ZONING BOUNDARY
	1000' NOTIFICATION LINE
	PROPERTY'S WITHIN NOTIFICATION AREA
	PROPOSED SITE



LEGEND

	Concrete Post		Electric Manhole		Gas Meter		Fire Hydrant
	Tacked Hub / Trav Pt		Electric Transformer		Underground Line Marker		Water Valve
	Post Sign / Lamp		Comm Manhole		Sprinkler Valve Box		Mailbox
	Sign		Tel Pedestal		Misc. Manhole		Monitoring Well
	Billboard / OH Sign		Pole Elec		Iron Pipe Found		Iron Pin Set
	Deciduous Tree		Pole Elec Tel		Iron Rod Found		PK Nail Set
	Pine Tree		Pole Elec Tel Light		PK Nail Found		RR Spike Set
	Shrub		Pole Tel		RR Spike Found		Fence Post Found
	Sanitary Manhole		Pole Tel Light		Stone Found		Conc. Monument Found
	Cleanout Access		Pole Light		Monument Box Found		Guy Pole
	Storm Manhole		Pole Signal		Guy Wire		Overhead Telephone
	Catch Basin		Traffic Box		Ex. Property Boundary		Overhead Electric
	Curb Inlet W / Grate		Ex. Edge of Road		Ex. Soil Type Boundary		
	Gas Valve		Ex. Edge of Pavement		Ex. Stream		
					Fence		
					Denotes Record Call		

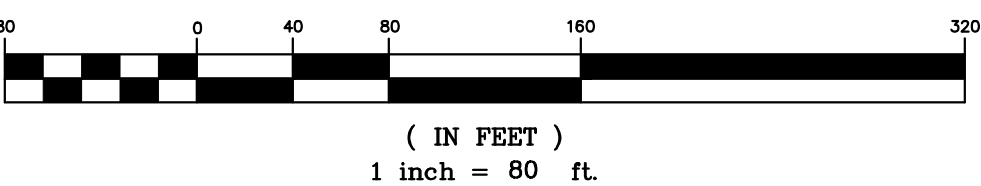
EXISTING IMPERVIOUS SURFACES

MISCELLANEOUS	= 1,628 SF
BUILDINGS	= 3,998 SF
TOTAL	= 5,626 SF

FLOOD NOTE

By graphic plotting only this property is located in Zone X (areas determined to be outside of the 0.2% annual chance floodplain) by the Federal Emergency Management Agency on Flood Insurance Rate Map, Community Panel No. 3710987000J, with an effective date of 02/02/2007, in Orange County, North Carolina. No field surveying was performed to determine this zone

GRAPHIC SCALE



GENERAL NOTES

- Areas calculated by coordinate geometry.
- All distances are horizontal ground distances.
- Basis of Bearing NC GRID 1983 Horizontal Datum & Vertical Datum NAD-88.
- Boundary information shown hereon was prepared from an actual field survey and from existing records as referenced hereon.
- Dimensions on this plot are e expressed in feet and decimal parts thereof unless otherwise noted. Monuments were found at points where indicated.
- Survey was performed without the benefit of a title search. Property is subject to all facts disclosed by a full and accurate title report.

STATEMENT OF ENCROACHMENTS

None Apparent

REFERENCES

D.B. 1286, Pg. 413
D.B. 5787, Pg. 102

PLAN PREPARED BY:

ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS

PLAN PREPARED FOR:
CAPKOV VENTURES, INC.
202 E WINNIE AVE
CHAPEL HILL, NC 27515
PHONE: 919.942.8005

ISSUE DATES:

01/26/2015	Scale: 1" = 80'
02/02/2015	Scale: 1" = 80'

Drawn By: STB
Checked By: JDW

Project Number:
14-0003-515

Drawing Number:
2 / 3

PLAN PREPARED BY:
51 Kilmorye Drive, Suite 105
Cary, North Carolina 27511
919.481.6890
919.481.6890
919.481.6890

PLAN PREPARED FOR:
CAPKOV VENTURES, INC.
202 E WINNIE AVE
CHAPEL HILL, NC 27515
PHONE: 919.942.8005

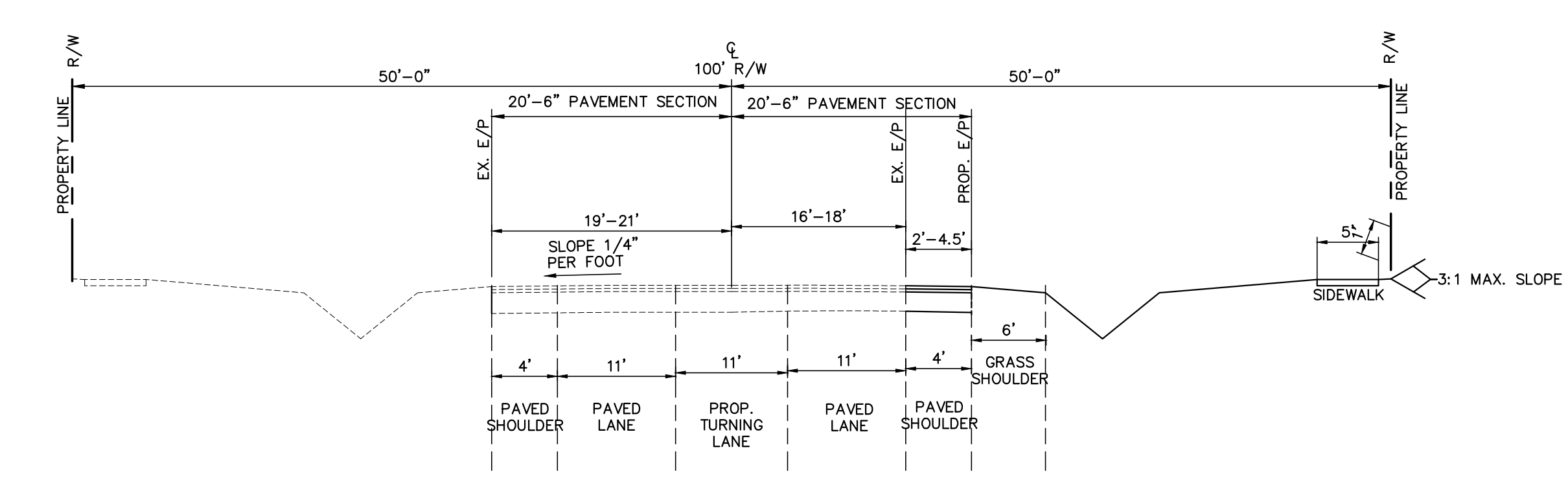
ISSUE DATES:

01/26/2015	Scale: 1" = 80'
02/02/2015	Scale: 1" = 80'

Drawn By: STB
Checked By: JDW

Project Number:
14-0003-515

Drawing Number:
2 / 3



GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.

LEGEND

	24" Curb and Gutter
	Property Line
	Prop. R/W
	Prop Detention Basin
	Setback
	Homestead Rd. Improvements

MIN STREET FRONTAGE.....	50 FT
MIN CUL-DE-SAC FRONTAGE.....	35 FT
MIN SIDE YARD SETBACK.....	0 FT
MIN FRONT YARD SETBACK.....	10 FT
MIN REAR YARD SETBACK.....	0 FT



PIN 9870811605
Burch Family Properties, LLC
DB 5787, PG. 102

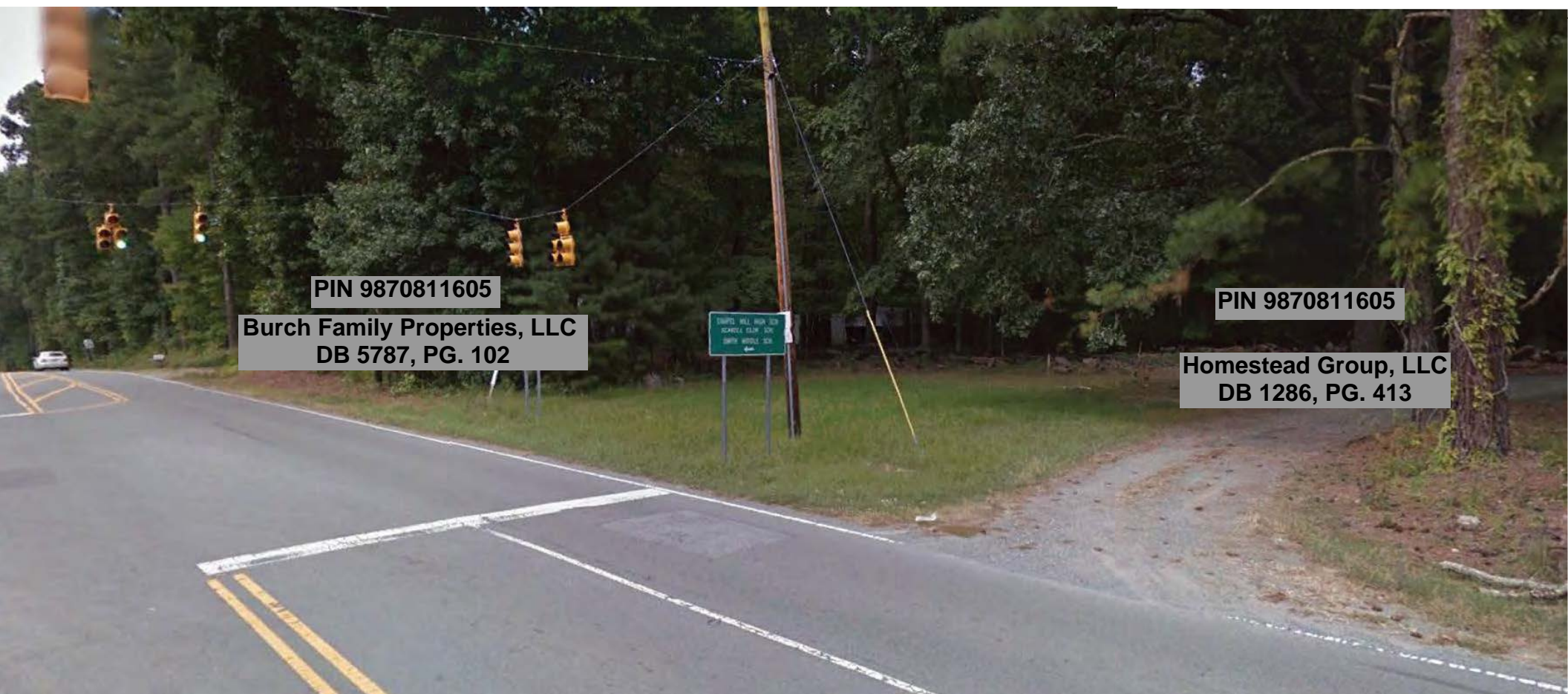
HOMESTEAD ROAD



PIN 9870811605

Burch Family Properties, LLC
DB 5787, PG. 102

HOMESTEAD ROAD



PIN 9870811605

**Burch Family Properties, LLC
DB 5787, PG. 102**

PIN 9870811605

**Homestead Group, LLC
DB 1286, PG. 413**

HOMESTEAD ROAD



PIN 9870811605

Homestead Group, LLC
DB 1286, PG. 413

HOMESTEAD ROAD



Homestead Group, LLC
DB 1286, PG. 413

PIN 9870811605

HOMESTEAD ROAD



HOMESTEAD ROAD



PIN 9870814502

Dayspring Investments, Inc.
DB 3852, PG. 392

MERIN ROAD

HOMESTEAD ROAD



PIN 9870822048

James Thomas Jr.
DB 322, PG. 646

MERIN ROAD



PIN 9870822048

James Thomas Jr.
DB 322, PG. 646

BILLABONG LANE

MERIN ROAD



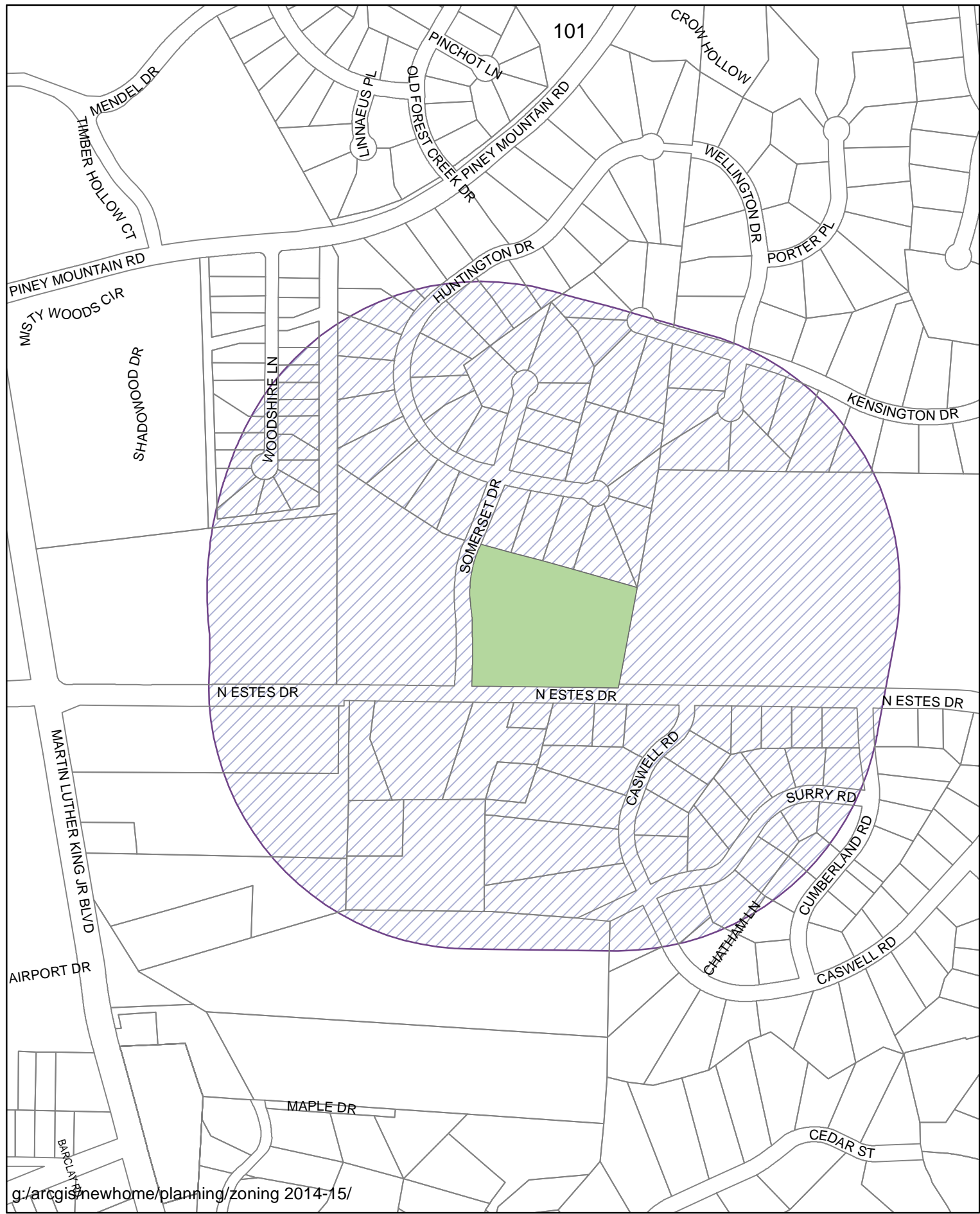
PIN 9870822048

James Thomas Jr.
DB 322, PG. 646

BILLABONG LANE



BILLABONG LANE



g:/arcgisnewhome/planning/zoning 2014-15/

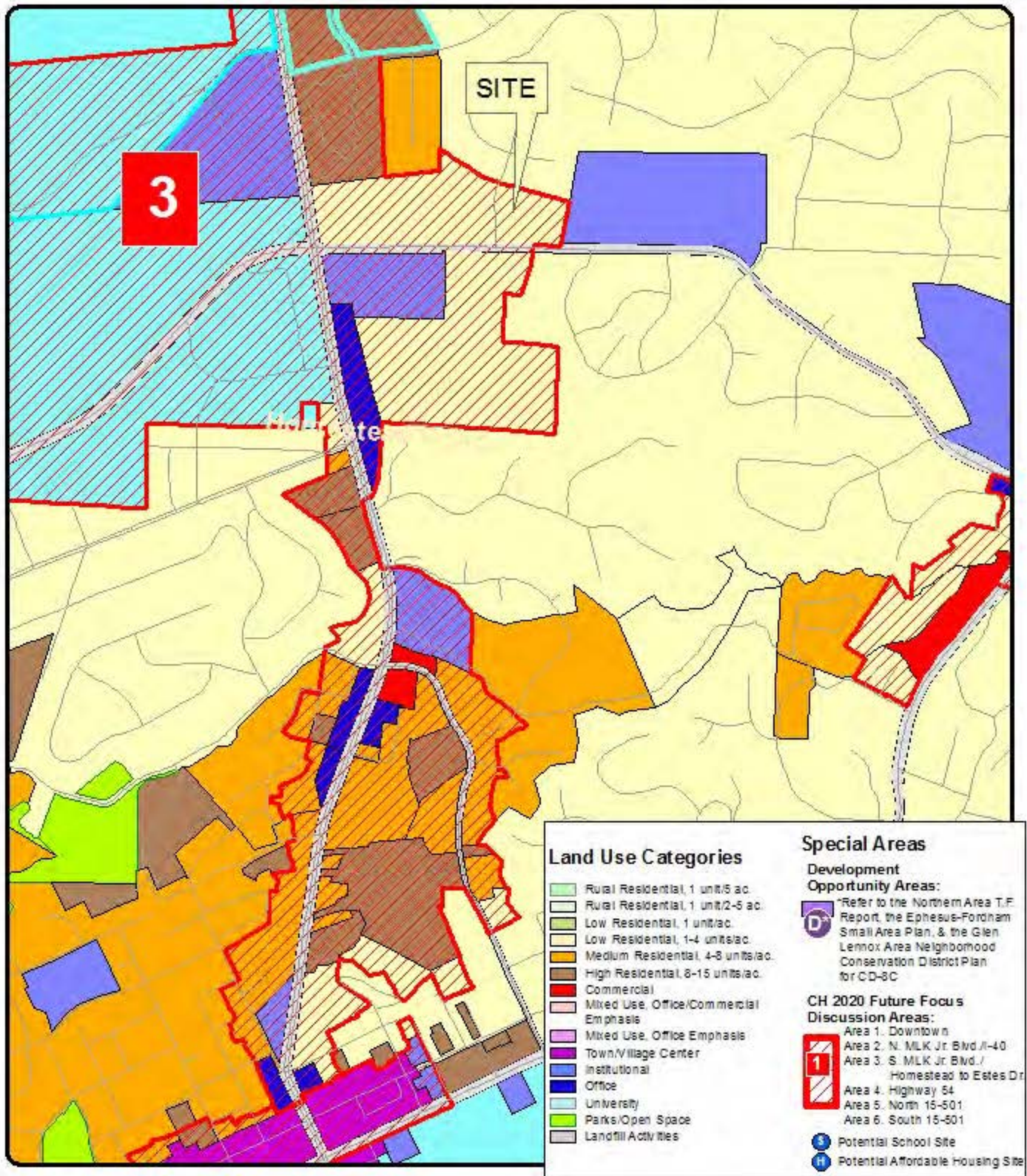
Chapel Hill Retirement Residents 700 N Estes Drive

1000' Buffer Map

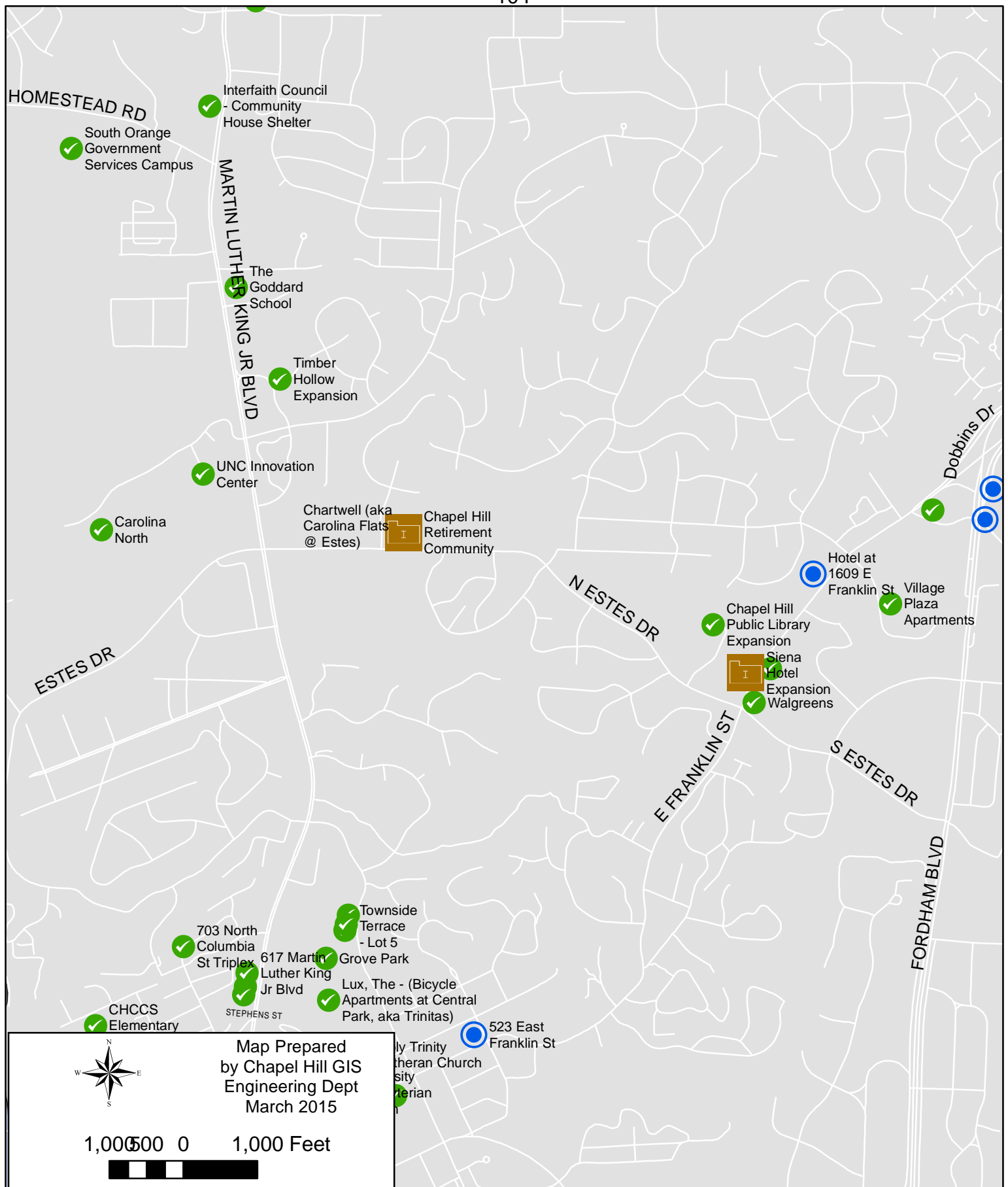




Excerpt from Chapel Hill 2020 Land Use Plan Chapel Hill Retirement Residence



0 0.25 0.5 Miles

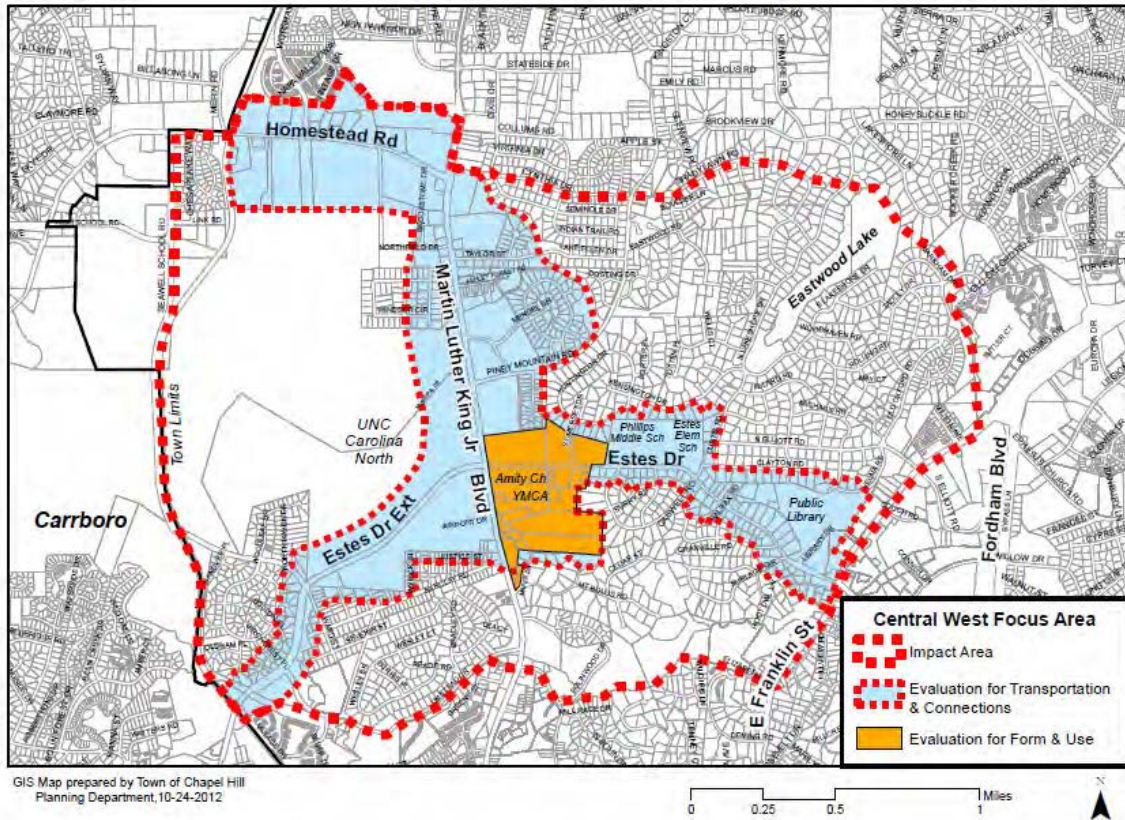


Development Activity Context Map

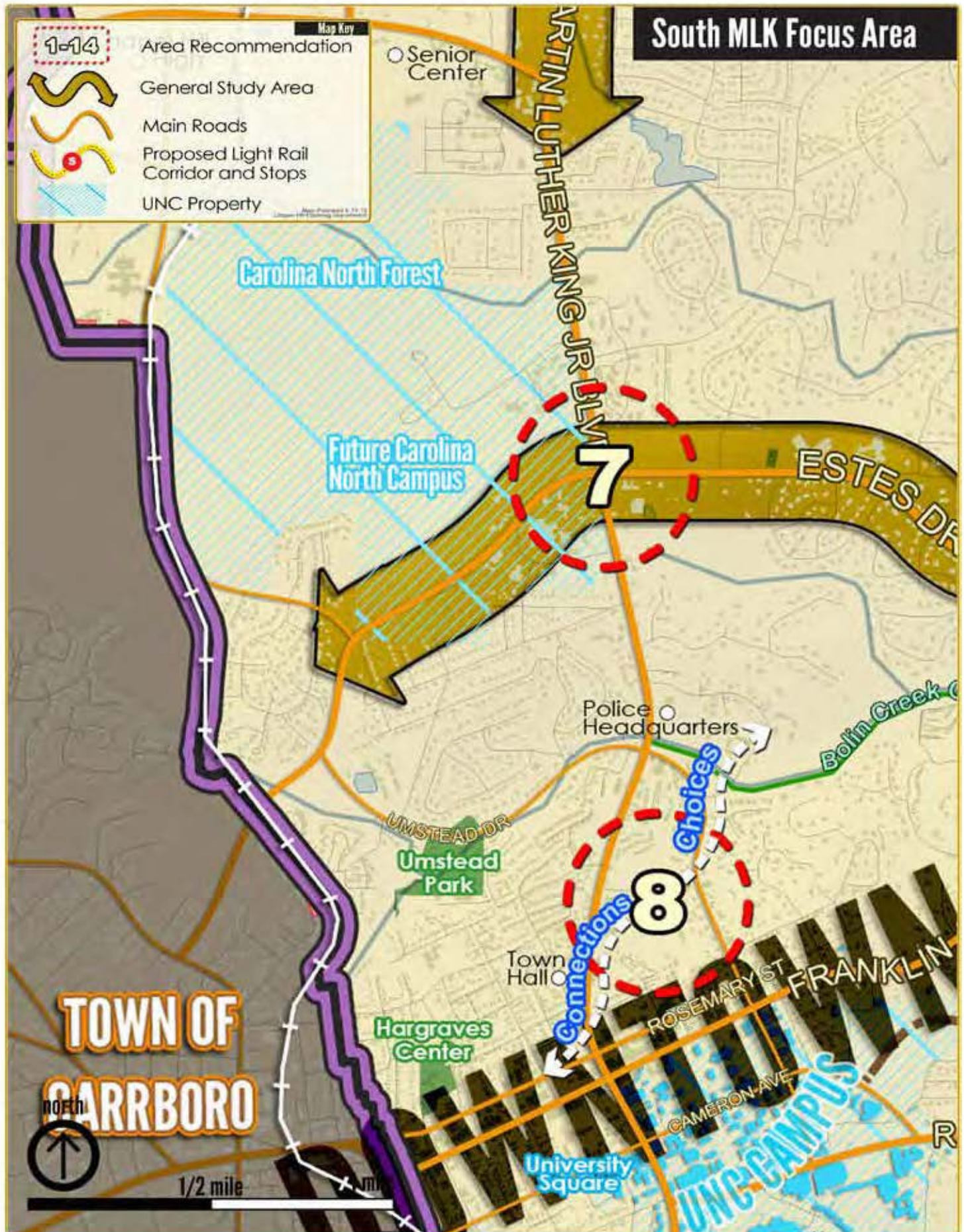
Chapel Hill Retirement Residence 700 N Estes Dr



Central West Focus Area Boundaries
Adopted by Town Council on October 24, 2012



Area 3: South Martin Luther King Jr. Blvd./Homestead Road to Estes Drive





TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 04/20/2015
AGENDA #6

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability
Gene Poveromo, Development Manager
Kay Pearlstein, Senior Planner

SUBJECT: Concept Plan: Chapel Hill Retirement Residence, 700 Estes Drive

Recommended Council Action

- That the Council review this Concept Plan submittal, receive comments from the public, and adopt the attached resolution transmitting comments to the applicant for future development of the Chapel Hill Retirement Residence.

Background

- The Community Design Commission reviewed a Concept Plan on March 2, 2015. Their comments are included in the Memorandum.

Key Review Considerations

- The development is within the 2020 Central West Small Area and Airport Hazard Overlay District.
- The 2020 Central West Small Area Plan identified future land uses in this area with emphasis on coordinating future development with an expanded transportation network including sidewalks, greenways, bike paths, streets, and transit.
- Anticipated improvement to Estes Drive frontage includes a sidewalk, a bike lane and a traffic circle at the Somerset Road intersection.
- The proposed project requires a rezoning and Special Use Permit application.
- The proposed project will likely require three Text Amendments:
 - 1) Adjusting the Airport Hazard Overlay District building envelope and floor area limits;
 - 2) Adding a new land use type (Retirement Residence) to the list of permitted land uses; and
 - 3) Creating a new residential zoning district, or amending an existing district (Residential-6 for example) in order to accommodate the proposed 120,000 sq. ft. of floor area.

Explanation of Recommendation

- Because this site is greater than 5 acres, Concept Plan Review by the Town Council is required per Section 4.3.1 b.1 of the Land Use Management Ordinance.

Fiscal Note

- Fiscal impacts 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
- LUMO Concept Plan Review
- Residents Letter to Applicant and CDC
- Applicant's Materials
- Area, Aerial, , Land Use, Development Activity Maps, Central West, and Focus Area 3

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability
Gene Poveromo, Development Manager
Kay Pearlstein, Senior Planner

SUBJECT: Concept Plan: Chapel Hill Retirement Residence, 700 Estes Drive

DATE: April 20, 2015

PURPOSE

Tonight's Concept Plan presentation provides an opportunity for the Council to consider a group care facility for retired residents proposed at 700 Estes Drive on the northeast corner of Somerset Drive, adjacent to Philips Middle School.

Because this is a Concept Plan submittal, nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted to the Council for formal consideration. This proposed project will require a Special Use Permit, rezoning and three Text Amendments.

In accordance with [Article 4.3¹](#) in the Land Use Management Ordinance, there has been no formal staff review of this Concept Plan submittal. When the Town receives a formal application, another notice will be mailed to property owners within 1,000 feet of the site and staff will begin its formal review.

BACKGROUND

[*November 26, 2013*](#)²: The Council adopted the Central West Small Area Plan. The plan was designed to provide a vision and act as a guide for future development in this area. The Chapel Hill Retirement Residence is within this Area Plan (see attached Central West Small Area Plan map). The Central West Plan identified the future land use on this site as Low Residential 1-4 units/acre and as within the Chapel Hill 2020 Land Use Plan Focus Area 3.

[*March 2, 2015*](#)³: The Community Design Commission reviewed a concept plan. A summary of comments from the Community Design Commission review is listed below:

¹ http://library.municode.com/HTML/19952/level3/CO_APXALAUSMA_ART4PR.html

² <http://www.townofchapelhill.org/town-hall/departments-services/chapel-hill-2020/future-focus-areas/central-west-small-area-plan>

³ <http://www.townofchapelhill.org/home/showdocument?id=26437>

- Show site sections demonstrating relationship with adjacent neighborhood and street;
- Maintain as many trees as possible, with emphasis on the northern property line adjacent to the Coker Woods West neighborhood;
- Connectivity to the streets, school, and neighborhood is important;
- Materials used on the building façade will be important; and
- The building height could be an issue; maybe step the building down adjacent to the neighbors.

The 2020 [Land Use Plan](#)⁴ identifies this parcel as Low Residential 1-4 units/acre and the site is part of Focus Area 3, South Martin Luther King Jr. Blvd./Homestead Road to Estes Drive, of the Chapel Hill 2020 Comprehensive Plan (see attached map) with emphasis on coordinating future development with an expanded transportation network including sidewalks, greenways, bike paths, streets, and transit.

PROJECT DESCRIPTION

The Concept Plan has been submitted by Lenity Architecture for Hawthorn Retirement LLC from Vancouver, Washington. The property is located on the northeast corner of N. Estes Drive and Somerset Drive at 700 N. Estes Drive, adjacent to Phillips Middle School. The property is located in the Residential-1 (R-1) zoning district, the Airport Hazard Overlay district associated with the Horace Williams Airport, and Chapel Hill 2020 Focus Area 3. The property is identified as Orange County, Parcel Identifier Number 9789-55-1528 and Project #14-151.

The Concept Plan has been unchanged since review by the Community Design Commission.

The application proposes construction of a 3-story group care facility for retired senior citizens with 120,000 s.f. of floor area and 136 dwelling units. The proposed site includes parking for 93 vehicles with 12 spaces in a garage on 6.3 acres. On-site shuttle buses are proposed as a regular mode of transportation for day-to-day activities. A drop-off with overhead canopy is proposed at the main entrance. Single vehicular ingress/egress is proposed from Somerset Drive as a right-in and left-out. Please see the applicant's attached materials for additional information.

PROCESS

The Council has the opportunity tonight to hear this applicant's presentation, receive a set of comments from the Community Design Commission, hear public comments, and offer suggestions to the applicant for consideration as further plans are drawn.

⁴

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

RECOMMENDATION

We recommend that the Council review this Concept Plan, receive comments from the public, and adopt the attached resolution transmitting comments to the applicant for the Concept Plan for The Chapel Hill Retirement Residence.

A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR THE CHAPEL HILL RETIREMENT RESIDENCE, 700 ESTES DRIVE (2015-04-20/R-4)

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill for the Chapel Hill Retirement Residence, 700 Estes Drive; and

WHEREAS, the Council has heard presentations from the applicant and citizens; and

WHEREAS, the Council has discussed the proposal, with Council members offering reactions and suggestions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmit comments to the applicant regarding this proposal, as expressed by Council members during discussions on April 20, 2015 and reflected in minutes of that meeting.

This the 20th day of April, 2015.

4.3 Concept Plan Review

Purpose Statement: *It is the intent of the Site Analysis Data and Conceptual Development Plan process to provide an opportunity for the Town Council, Town Manager, the Community Design Commission and citizens to review and evaluate the impact of a major development proposal on the character of the area in which it is proposed to be located. This process is intended to take into consideration the general form of the land before and after development as well as the spatial relationships of the proposed structures, open spaces, landscaped areas, and general access and circulation patterns as they relate to the proposed development and the surrounding area.*

4.3.1 Applicability

(a) *Proposals Subject to Review by Community Design Commission*

This Section applies to any:

- (1) Special Use Permit or a Special Use Permit Modification; or
- (2) Master Land Use Plan or a Master Land Use Plan Modification; or
- (3) Major Subdivisions.

(b) *Proposals Subject to Additional Review by Town Council*

- (1) An application that meets any of the minimum thresholds established in subsections (1) or (2), below, shall require Town Council review as provided in Section [4.3.2](#)¹, below, in addition to Community Design Commission review:

Thresholds (minimum)	TC-1, TC-2 Zoning Districts	All Other Zoning Districts
Land Area	15,000 square feet	5 acres
Floor Area	20,000 square feet	100,000 square feet
Dwelling Units	35 dwelling units	50 dwelling units

- (2) If an application does not meet the thresholds established in subsection (1), above, the applicant may request review by the Town Council. The Town Council may determine to review the application, or it may decline to review the application. Such request shall be filed at least fifteen (15) days in advance of a regular meeting of the Town Council. The Town

¹https://library.municode.com/HTML/19952/level3/CO_APXALAU_SMA_ART4PR.html#CO_APXALAU_SMA_ART4PR_4.3COPLRE

Council's determination shall be rendered at its next regular meeting after receiving a complete request for Town Council review.

4.3.2 Procedures

(a) Application Submittal Requirements

Applications for Site Analysis Data and Conceptual Development Plan review shall be filed with the Town Manager. The Town Manager shall prescribe the form(s) on which information shall be submitted. Forms shall include the name and address of the applicant, the name and address of the owner of each zoning lot involved, and the relationship of the applicant and property owner in connection with the plan. If the applicant or property owner is an entity other than an individual, the plans shall also include detailed information regarding the principals of the entity. Forms shall include the name of the project principals and indicate the project principals development experience. The Town Manager shall prescribe any other material that may reasonably be required to determine compliance with this Chapter and relationship to the Town's Comprehensive Plan with sufficient copies for necessary referrals and records.

No application shall be accepted by the Town Manager unless it complies with such submittal requirements. Applications that are not complete shall be returned forthwith to the applicant, with a notation of the deficiencies in the applications

(b) Time Frame for Action on Concept Plans

Upon receipt of a complete Concept Plan, the Town Manager shall forward all information submitted by the applicant for review by the Community Design Commission within thirty (30) days.

(c) Aspects of Review

The Town Council and Community Design Commission, in examining development applications, are to consider the various aspects of design, with special emphasis on whether the proposed development is consistent with the Town's Design Guidelines and the Goals and Objectives of the Town's Comprehensive Plan.

(d) Community Design Commission Review

- (1) The Community Design Commission shall review the application and shall submit its written recommendation to the applicant and Town Council, if applicable.
- (2) The Community Design Commission shall consider public comments and shall base its recommendation on its determination of whether or not the application conforms to applicable provisions of this Chapter.

- (3) The Community Design Commission shall provide its recommendations to the applicant within thirty-five (35) days of the meeting at which a complete application is considered, or within such further time consented to in writing by the applicant or by Town Council resolution. If the Community Design Commission fails to prepare its recommendation to the applicant within this time limit, or extensions thereof, that agency shall be deemed to recommend the application without conditions.

(e) Town Council Review

- (1) After receiving the recommendations of the Community Design Commission, the Town Council shall review the application in the same manner as prescribed in subsection (d), above. The Town Council may appoint a subcommittee to review the application. The Mayor shall determine the membership of the subcommittee.
- (2) The Town Council may conduct its review concurrent with the Community Design Commission.
- (3) After considering public comments and the recommendations of the Community Design Commission, the Town Council shall adopt a resolution transmitting its preliminary recommendations to the applicant.

4.3.3 Criteria

The Concept Plan is a preliminary step toward the preparation of a formal development plan. All Concept Plans should demonstrate a high quality of overall site design. The design and construction of site elements should include appropriate descriptions and explanations of the relationship and balance among site elements, the relationship of the development to natural features, neighboring developments and undeveloped land, access and circulation systems, retention of natural vegetation, minimal alteration of natural topography, mitigation of erosion and sedimentation, mitigation of stormwater drainage and flooding, arrangement and orientation of buildings and amenities in relation to each other and to neighboring developments and streets, landscaping, preservation or enhancement of vistas, and mitigation of traffic impacts.

To: Development Team for Hawthorn Retirement LLC
Mark Lowen, Dan Roach, Susana Dancy, Krista Lake, Kim Griffin

cc: Community Design Commission Members Chris Berndt, Susana Dancy, Lucy Carol Davis, John Gualtieri, Jason Hart, Laura Moore, Dixon Pitt, and Polly van de Velde

Date: 3/20/2015

The long-established Huntington-Somerset Neighborhood appreciates your early request for community feedback and input on your proposed development of a senior residential housing facility with an entrance on Somerset Drive. As you know from your development experience, a positive working relationship with neighbors contributes to a project that will make all affected parties happy and could in fact reduce time spent in the review process and lead to a successful outcome for all.

Many of the neighbors were able to attend at least one of the two informational meetings held at the library, and others have met with you individually. After these meetings, we have concurred on the items listed below. Our goal is for the requests to be included with the application at the time it is filed with the Town and for the requests to be embodied in special use conditions if needed.

We are so pleased that you have reached out to the affected neighborhoods. The willingness of the developer to listen and make changes based on Neighborhood concerns – particularly adjacent neighbors – helps to support the ultimate goal stated by the developer's representatives: that the facility would become a part of the Neighborhood. Our requests follow:

Specific Requests

- **Zoning:** the neighbors support maintaining a residential zoning with only the minimum change necessary to accommodate the adult senior 'congregate care' residential facility. Any special use permit for senior congregate care would be approved only for this explicit project so that no other projects can be approved without a subsequent rezoning, regardless of the change.
- **Vegetative Buffer:** a dense vegetative buffer which includes existing and/or new trees and plants consistent with the present neighborhood greenery. As noted in the Central West Plan, these buffers create a forested "backyard" for both existing residential neighborhoods and proposed land uses and help to preserve the natural woodland aesthetic that currently characterizes the Central West Focus Area. To be consistent with the Central West Plan, this buffer would be at least 80 feet wide and would preserve much of the woodland view from the north side of the development.
- **Height:** no greater than three stories, including the atrium and placement of highest points of the building on the lowest levels of the property, thereby conserving the woodland perspective from the north.

- Stormwater: compliance with the Town's stormwater ordinances and no further increase in downstream flooding. The Huntington-Somerset neighborhood has seen a substantial increase in flooding due to surrounding developments (e.g., Timber Hollow Apartments). This has caused damage to adjacent homeowners. In the case of the proposed development, adjacent neighbors are downhill from the proposed site and have concerns about managing stormwater run-off. It is possible that site specific controls over and above what the ordinance requires will be needed to avoid damage to nearby homes and the neighborhood as a whole.
- Entrance to Somerset: maintain existing stone pillars and lighting.
- Entrance to the facility:
 - Location: far enough up on Somerset to ensure visibility for traffic turning right from Estes onto Somerset.
 - Signage: a discreet announcement, possibly a smaller version of the stone pillars and down pointed lighting at the entrance to the facility.
 - Vegetation: a low-profile entrance to the property with vegetation consistent with that of the neighborhood.
- General lighting: low impact, non-intrusive property lighting that will not spill over to neighboring homes
- Traffic: mitigate overall impact of increased traffic particularly at the corner of Estes and Somerset. At our previous meetings, the facility representatives' made a commitment to staff change-over hours scheduled during off-peak Estes traffic times, and we would like for the commitment to be made a condition of the permit.

The neighbors note that Estes Drive is at capacity during peak times and that the intersection of Somerset and Estes is already tricky, especially when making a left turn. As a result, we recommend that the applicant communicate these concerns to the Town and work with them towards obtaining appropriate traffic management (e.g., traffic light or turn lane) on Estes.

- Trees: incorporate existing hardwoods into the landscaping. The lot has a number of aesthetically pleasing large hardwoods which serve as stormwater and neighborhood buffers. We urge you to protect the wooded character, especially trees larger than 10 inches in diameter, and to plan the cuttings so that the large hardwoods are incorporated into the new landscaping. Preservation of the large hardwoods which are not on the footprint of the building is consistent with the Central West Plan which endorses the concept of tree canopy higher than buildings.

The Neighborhood appreciates your consideration of these important issues. If you have questions about our requests or feel that they could not be met, please contact us. We could then meet in order to understand one another's concerns and discuss alternatives. Helen Tauchen has agreed be our contact person (107 Huntington Drive, 919-929-3664 , tauchen.helen@gmail.com)

Sincerely,

Residents of the Huntington-Somerset Neighborhood

Marsha Horowitz	100 Huntington	Claire Dees	222 Huntington
Samuel Horowitz	100 Huntington	Michael Felker	222 Huntington
Helen Tauchen	107 Huntington	Holly Cartner	224 Huntington
George Tauchen	107 Huntington	Uli Schempp	224 Huntington
Cheryl Filpus	109 Huntington	Ann Petersen	227 Huntington
Elise Fradin	204 Huntington	Jim Glover	227 Huntington
Anna Grofic	204 Somerset	Viravan Maixner	228 Huntington
Edward Grofic	204 Somerset	Leland Webb	229 Huntington
David Delong	205 Somerset	Deborah Hylton	229 Huntington
Elizabeth Delong	205 Somerset	Vera Kornylak	231 Huntington
Watson Bowes	211 Huntington	Jennifer A Runquist	233 Huntington
Anne Peery	216 Huntington	Alfonse W Runquist	233 Huntington
Andrew Peery	216 Huntington	Theresa Raphael-Grimm	234 Huntington
David Kimball	217 Huntington	Ian S Grimm	234 Huntington
Mary Ann Kimball	217 Huntington	Jarrett Grimm	234 Huntington
Glen H Elder, Junior	219 Huntington	Reed Grimm	234 Huntington
Sandy Turbeville	219 Huntington		

CONCEPT PLAN 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): 9789551528

Date: 2/16/15

Section A: Project Information

Project Name: Chapel Hill Retirement Residence

Property Address: NE corner of N. Estes Drive and Somerset Drive, Chapel Hill NC Zip Code: 27514

Existing Zoning District: R-1 Residential

Project Description: 3 Story, 120,000 Sq Ft. Group Care Facility / Retirement Residence

6.26 acres

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

Applicant Information (to whom correspondence will be mailed)

Name: Mark D. Lowen, Land Use Mgr. for Dan Roach Architect obo Hawthorn Retirement LLC

Address: 3150 Kettle Court SE

City: Salem State: Oregon Zip Code: 97301

Phone: 503-399-1090 office 503-586-4104 cell Email: markl@lenityarchitecture.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: [Signature] Date: 2-13-15

Owner/Contract Purchaser Information:

☒ Owner

☐ Contract Purchaser

Name: Witcomb Rummel

Address: 201 Hillcrest Rd

City: Chapel Hill State: North Carolina Zip Code: 27514

Phone: Email:

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: Date:

CHAPEL HILL RETIREMENT RESIDENCE – DEVELOPERS PROGRAM

CONCEPT

The Chapel Hill Retirement Residence is a 3 story, 136-suite facility for seniors. Our senior housing concept is designed for those who are still ambulatory, but in need of some support. Private rooms afford the advantages of independent living while the services included provide support, security, and friendship. The private suites include studio, one, and two bedroom versions. Each is similar to a conventional dwelling unit except a kitchen is not included. The square footage of suites varies from a minimum of 350 SF for smaller studios to over 1000 SF for larger two bedrooms.

Services include three prepared meals daily, housekeeping, laundering, private bus transportation, and various activities. Staff is “in house” 24 hours a day. The monthly rent payment covers the private room, all services and utilities. This will be month-to-month tenancy, not a “buy in”.

Typically, our resident will be a single person in their late 70’s or 80’s. We estimate 10% of the rooms will be rented by couples which would result in a total building population of roughly 147. Fewer than 25% of the residents will be driving their own cars.

TRAFFIC

The Retirement Residence will generate approximately 250 trips per day with less than 30 peak hour trips.

These numbers are based upon the “Congregate Care Facility (253)” classification from the Institute of Transportation Engineers “Trip Generation” report, which states a 2.02 average Trip Generation per suite per day. This report concludes that the Retirement Residence would generate only 7 weekday morning and 20 weekday afternoon peak hour trips. This is significantly lower than a conventional residential or commercial development.

To help you understand the traffic loadings, we have provided examples of the types of traffic existing facilities generate:

service trips	5 deliveries per day
van trips	3 or 4 excursions with around 20 residents each time
resident trips	under 25% of residents may have cars
resident visitors	approximately 20% have visitors per day
staff trips	18 staff members to and from work

PARKING

Because most of our residents do not drive, we provide private van transportation for their use. The van is available to take the residents to places they need to visit, such as banks, medical offices, shopping areas, etc.

Normally we request a parking ratio of .60, parking spaces per suite. The principals of Hawthorn Development LLC have developed over 350 retirement residences. Experience from this extensive portfolio has shown that .60 parking space per suite is adequate for our residents, staff and visitors.

The parking ratio allows us to increase landscaping and open space to create a better residential environment for our residents and adjacent property owners.

BUILDING DESIGN

The exterior siding materials will include brick/stone, stucco and horizontal siding. The roof will be architectural composition shingle.

The building interior design has common areas for a variety of uses. There will be a common dining room and kitchen for shared meals. There will be a multi-purpose room, beauty shop, crafts room, TV room, media/computer room, movie theater lounges, and an exercise room. The interior circulation is organized around a central atrium.

Residents will be able to contact the manager with both emergency pull cords and voice communications in each room. The building will be fully fire sprinklered.

SITE DESIGN

Neighborhood compatibility is achieved in the site planning and building design. The wing ends and building center step down from three to two and one story. This arrangement provides for privacy and a gentle change of scale. Care is taken to minimize the impact to the existing community.

The site is to be extensively landscaped. Usable outdoor spaces include extensive lawn and a partially covered patio off the craft/exercise room. There will be paths, which connect all exits from the building to provide walking areas for the residents.

Chapel Hill Retirement Residence – Design Guidelines

February 16, 2015

Concept Plan Statement of Compliance with Design Guidelines

The developers and designers appreciate that the Town of Chapel Hill has committed to “good design” standards for all future development in Chapel Hill.

The following Statement of Compliance identifies areas where these principals are integral in the proposed plans for the Chapel Hill Retirement Residence.

The **bold** typeface highlights wording extracted from the Town’s Design Guidelines document, standard type is our response to these design expectations:

GENERAL GUIDELINES

☐ Livability: Buildings and outdoor spaces should be designed to fit human scale, harmonize with design of streets, and accommodate pedestrian traffic.

The Chapel Hill Retirement Residence is designed to fit the needs of the active Chapel Hill Senior while allowing them to remain in the community that they been vested in for many years.

The Chapel Hill Retirement Residence consists of a 3 story building with the wing ends and the building center stepping down from three to two and one story. This arrangement provides for privacy and a gentle change of scale. The buildings facades are carefully articulated with materials including brick/stone, stucco and horizontal siding complementing the Chapel Hill architectural vernacular and the surrounding development.

The floor plan is designed to cater to the needs of our senior residents, with 30% of the Retirement Residence devoted to common areas providing a variety of uses and activates. These include: a common dining room for shared meals, a multi-purpose room, beauty shop, crafts room, TV room, media/computer room, movie theater lounges, and an exercise room. The interior circulation is organized around a central atrium.

Private suites include studio, one, and two bedroom versions. Each is similar to a conventional dwelling unit except a kitchen is not included. The square footage of suites varies from a minimum of 350 SF for smaller studios to over 1000 SF for larger two bedrooms.

Pedestrian access is provided via a network of interconnecting pedestrian pathways from the building entrances and community areas and private patios to the extensively landscaped site with its park like setting. These paths will be linked to the sidewalks along Somerset and North Estes Drives. Usable outdoor spaces include extensive lawn and a partially covered patio off the craft/exercise room. There will be paths, which connect all exits from the building to provide walking areas for the residents.

Parking is oriented away from abutting residential uses and in convenient proximity to the entrances for or residents and their visitor/guests.

Chapel Hill Retirement Residence – Design Guidelines

Visual Impact: New public and private projects should be visually appealing, and compatible with other development in the surrounding area.

Care is taken to integrate into the existing community design and vibe with this three story building. Its wing ends and the building center step down from three to two and one then story. Its many articulated facades, gable ends, porches, balconies and alcoves create a soft, welcoming residential feel. By using exterior siding materials that include brick/stone, stucco and horizontal siding and complementing color pallet while respecting the greater Chapel Hill design vernacular.

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 existing vegetation on the forested site is a combination of pines and hardwood trees. The plan for the site preserves as many evergreen and deciduous trees as possible by incorporating them into the overall site and landscape design. Future plantings will include additional trees, understory plantings and low growing vegetation with the objective of creating a park like setting for our residents and the surrounding community.

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.

As stated earlier this site provides a network of interconnecting pedestrian pathways from the building entrances and community areas and private patios, these paths will be linked to the sidewalks along Somerset and North Estes Drives. Usable outdoor spaces include extensive lawn and a partially covered patio off the craft/exercise room. There will be paths, which connect all exits from the building to provide walking areas for the residents and the surrounding community. Additionally we welcome the possibility of providing a connection between Somerset Drive Easterly to the school property with its ball fields and other recreation opportunities along the Northerly edge of our site. Understanding that this access will need to be agreeable to other abutting and affected property owners, the school district etc. With possible future inclusion in the Chapel Hill Greenway Trails System

Activity Centers: Structures and complexes should enhance community life by use of "destination points" such as arcades, lobbies, and ground-level retail stores, while at the same time providing for safe movement of vehicles and pedestrians.

The Chapel Hill Retirement residence is built around a central core consisting of approximately 30% of the structure. This area hosts its many internal community activity spaces including: a common dining room, a multi-purpose room, beauty shop, crafts room, TV room, media/computer room, movie theater lounges, and an exercise room all locate off of the central atrium. These common areas within the facility are designed to encourage social interaction among residents. As well as and providing common meeting spaces for community meetings and activities.

Views: Streets, buildings, and parking lots should enhance the urban environment by providing pleasant vistas and geographic orientations.

The access to the Chapel Hill Retirement residence will be off of Somerset Drive with the parking and driveway designs and grades will be to lessen impact on surrounding uses and enhance the buildings while not impeding the pedestrian environment

Chapel Hill Retirement Residence – Design Guidelines

SITE DEVELOPMENT

OPEN-SPACE - MULTI-FAMILY DWELLINGS AND PLANNED DEVELOPMENT HOUSING PROJECTS

☐ **Consider combining the recreation area with existing off-site open space and recreation space.** Possible development of a trail way along the Northerly edge of this site would provide connectivity between the Somerset Drive and other communities and the open space/recreational areas northeast of the site.

☐ **Be sure that both open space and recreation amenities are easily accessible to residents, including the handicapped.** All drives, sidewalks, trails and other pedestrian access will meet ADA design standards to accommodate residents of all abilities and disabilities.

☐ **Design and locate recreation amenities so that they provide service without disturbing residents.** Outside activity areas are designed operated in such a manner as to minimize the disturbance of adjacent neighbors. Additional landscape screening will be provided to help buffer the activity and parking areas.

☐ **Offer an acceptable balance of active and passive recreation opportunities.** The community patio, fire pet area, raised flower beds for flower and vegetable gardening and Bocce court combined with the network of sidewalks, pedestrian trails help to create a community that responds to the lifestyle preferences for our active seniors.

PRESERVATION OF NATURAL DRAINAGE PATTERNS

- **Capitalize on natural drainage ways through innovative building and site design that transforms steep slopes and edges into major site amenities.**
- **Preserve natural drainage patterns where practical.**
- **Design so as to prevent stormwater from flowing over sidewalks and paths.**

Based on the natural drainage pattern of the site, stormwater management facilities are proposed to be located in the low lying area towards the southern portion of the site. The proposed stormwater management will outlet into the existing 24" storm sewer pipe underneath N. Estes Drive. The site grading and storm sewer system will be designed in a fashion to minimize sheet flow over sidewalks and paths.

SITE DESIGN

☐ **Isolated pockets of existing trees should be protected, and used to enhance the site's visual impact.** The layout of the site important trees along the entire northerly and westerly lot lines with the exception of the access drive onto Somerset Drive and approximately 2/3^{rds} of the existing trees along the southerly (North Estes Drive) lot line. This will help to preserve the streetscape along Somerset and North Estes Drives as well as providing buffered views from the adjacent homes north of the site. One section of trees along the southern boundary will be removed to accommodate for a stormwater pond.

Chapel Hill Retirement Residence – Design Guidelines

GRADING

- **Buildings should be designed to harmonize with existing topography, thereby minimizing land disruption.**
- **Grading should be held to a minimum and should complement natural land forms.**
- **"Stepping-back"-terracing of buildings on hillsides-should follow the slope in order to complement natural contours.**

The proposed site has approximately 35' to 40' of elevation change. The intent of the use for the proposed development is for seniors. Based upon this, ADA requirements need to be taken into careful consideration as the site is being engineered. There may be situations where terracing of the parking lot in comparison of the building will be needed. Every effort will be made to minimize grading to help maintain the existing vegetation that is in place throughout the proposed site.

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 intent of the Chapel Hill Retirement Residence is to integrate into the existing community design and vibe. This is accomplished by having the wing ends and the building center step down from three to two and one then story. Providing its many articulated facades, gable ends, porches, balconies and alcoves come together to create a soft, welcoming residential feel. By using exterior siding materials that include brick/stone, stucco and horizontal siding and a complementing color pallet. Tying together the greater Chapel Hill design vernacular and complementing the surrounding neighborhood.

☐ Building placement should ensure privacy, as well as individual site and architectural identity.

The placement of the building and its amenities has been carefully coordinated between the surrounding neighbors and our design team for a design that provides inviting outdoor living spaces that share a connection with the public realm. Private patios and balconies for our residence while respecting our abutting and nearby neighbor's privacy and recreational space needs.

STREETS, PARKING AND CIRCULATION

Internal Circulation: Streets and Driveways

☐ Safety and convenience of automobile, bicycle and pedestrian movements are critical

Considerations

The design of all sidewalks, pathways and the parking areas are designed for ease of access and use for automobile, bicycle and pedestrian uses.

☐ 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.

Safe vehicle access for residents, visitors and service vehicles is a critical part of the overall site plan with special attention given to turning radiuses and site triangles.

Chapel Hill Retirement Residence – Design Guidelines

The Trash / Recycling Center for the facility will be located away from abutting residential properties and site amenities. It will be screened by both a split face CMU block enclosed with solid gating and appropriate landscape buffering.

- **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.**

The driveways and parking areas for the proposed development are planned in a way to allow for adequate access for passenger vehicles, delivery trucks, and emergency vehicles. During the design phase turning movements will be provided to show that adequate access is being provided. The walking paths and amenity areas are designed in a fashion to concentrate residence away from travel areas.

STORMWATER MANAGEMENT

- **Detention ponds for run-off and sedimentation should be located where a natural holding pond already exists.**

Stormwater Management is planned to be located in the natural low area, at the southern portion of the property adjacent to N. Estes Drive. This location allows for the natural drainage pattern to remain in place. The proposed stormwater management will outlet into the existing 24" storm sewer pipe underneath N. Estes Drive which naturally flows to the south.

UTILITIES

- ☐ **Underground installation of all lines is encouraged.**

All utilities will be located underground

- ☐ **Landscaping in the vicinity of surface mounted transformers and switching boxes should allow for sufficient distance to perform routine maintenance of these facilities.**

Landscape buffers around and near on site utility facilities will be designed in cooperation with the local utility for reasonable access while reducing the visual impact of these areas.

- ☐ **Combining Utilities Easements with Site Access Drives**

Soft utilities (power, telephone, communications, etc.) will be located in common easements whenever possible and within the parameters allowed by each utility provider.

ARCHITECTURAL CHARACTER

KEY DESIGN OBJECTIVES

- ☐ **Buildings should be designed and located so that they provide visual interest and create enjoyable, human-scale spaces.**

The main entrance with its Grand Porte Cochere provides an excellent focal point for the building. As the wing ends and building center stepping down from three to two and one story provides for privacy and a gentle change of scale. By using exterior siding materials that include brick/stone, stucco and horizontal siding with a color pallet that complements the surrounding community.

Chapel Hill Retirement Residence – Design Guidelines

- **Building design should blend with the natural terrain by means such as terracing or other techniques that minimize grading.**

The proposed site has approximately 35' to 40' of elevation change. The intent of the use for the proposed development is for seniors. Based upon this, ADA requirements need to be taken into careful consideration as the site is being engineered. There may be situations where terracing of the parking lot in comparison of the building will be needed. Every effort will be made to minimize grading to help maintain the existing vegetation that is in place throughout the proposed site.

- ☐ **Designs should be compatible, in form and proportion, with the neighboring area.**

Site and Building design will work toward blending with and complementing neighboring area

- ☐ **Designers should strive for creativity in form and space wherever contrast and variety are appropriate to the larger environment.**

The Chapel Hill Retirement Residence building design with its variety of building facades and intergraded site amenities, including; poaches, patios and walkways allow for a creative interaction between the improvements and the surrounding site environment.

ARCHITECTURAL DETAILS

Entrances

- ☐ **Entrances should clearly identify important access points.**

The Grand Porte Cochere provides a clearly identified main entrance to the Chapel Hill Retirement Residence. All other access points will be clearly identified with access walks and site lighting.

- ☐ **Entrances should provide an introductory statement for a building, and should be landscaped with plants complementary to the building's architecture and style.**

The entranceways to the building will be enclashed by landscape features to help identify and create a welcoming access point.

.Facade Treatment

- ☐ **All elevations of a building's exterior design should be coordinated with regard to color, materials, architectural form and detailing.**

The building's exterior will follow a set design patter and color materials pallet

- ☐ **The number of different materials on exterior facades should be limited.**

The diversity offered in the elevations and the carefully selected range of materials and colors will combine to create an attractive and welcoming streetscape

Setbacks

- ☐ **Building setback (distance from street) should be compatible with positioning of existing buildings on the block or street.**

Ample setback are provided on all sides of the site, in order to proved the maximum amount of tree preservation and lessen any impact on our residential neighbors North of the site.

Chapel Hill Retirement Residence – Design Guidelines

Roof Design

- **Roof shape, color, and texture should be coordinated with treatment of the building's perimeter walls.**

The roof design with its many gables, hips and valleys helps lessen the overall mass and impact of the building. All building colors including the roof are coordinated together in the color pallet for this development

- ☐ **Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts and other utility structures together.**

Roof forms and materials will complement the architectural style and design of the buildings. Roof penetrations will be restricted to areas away from view, in the mechanical well(s) or painted to blend with the roof material.

LIGHTING

- ☐ **Exterior lighting and site furniture should be architecturally integrated with the building's style, material, and color.**

Site Lighting will be based on a “Dark Sky’s and within the requirements of Town of Chapel Hill policy. All other exterior lights will be selected to integrate with the building exterior design.

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.)**

The perimeter of the site will consist largely of preserved native plantings and/or enhanced with predominantly native trees and shrub masses to achieve a natural appearance from the public view and transition to more ornamental plantings around the building providing a “homelike” environment for residents.

- ☐ **Landscaping should be massed or clustered-not spread out in thin, linear patterns.**

The landscaping will be largely massed and/or layered to provide a natural appearance. Layering shall consist of larger predominantly evergreen background plants behind successively lower contrasting plants. Contrast will be achieved through texture, color and form.

BUFFERS

Developers are encouraged to provide street tree plantings that establish an attractive and consistent streetscape and scale.

The building and parking areas will be placed a considerable distance back of both street frontages to preserve the stands of existing trees and native vegetation on the site maintaining a predominantly natural condition. Street trees will be selected and placed to complement but not compete with the numerous existing native trees planned for preservation.

Chapel Hill Retirement Residence – Design Guidelines

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.

☐ Tree and shrub plantings should be grouped together to create strong accent points.

Tree and shrub plantings shall be grouped to provide interest at key locations and for wayfaring value. The project entrance shall have interesting and colorful planting and a colonnade of medium canopy trees shall be placed on both sides of the driveway drawing visitors into the site. Colorful plantings will be provided at the building entrance, patios, key viewing areas from inside the facility and at intervals along the pedestrian sidewalks. Fragrant plants will be occasionally included in these locations as well.

☐ 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 and spaced to provide a maturing form within 5 years 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 canopy trees will be provided for shading the parking lot and along the southern and western building exposures providing shade in the summer months while providing light and some warmth to the building in the winter. Evergreen plantings will be provided in areas to provide visual screening and buffering of wind where needed. Evergreen trees may be provided as a backdrop for deciduous trees where ample room is available.

Chapel Hill Retirement Residence - Concept Plan

February 16, 2015

Statement of Compliance with 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. The Chapel Hill Retirement Residence will meet or exceed these goals as well as those expressed in the previous 2000 Comprehensive Plan all as described below.

A Place for everyone:

A range of housing options for current and future residents (PFE.3)

The Chapel Hill Retirement Residence will meet the needs of many of the Chapel Hill Seniors typically in their late 70's and 80's, this development is designed for those who are still ambulatory, but in need of some support. Private rooms (Suites) afford the advantages of independent living while the services included provide support, security, and friendship. Services include three prepared meals daily, housekeeping, laundering, private bus transportation, and various activities. Staff is "in house" 24 hours a day. Providing active seniors the opportunity to remain in Chapel Hill or relocate to Chapel Hill to be near their children and enjoy the Chapel Hill lifestyle. The private suites include studio, one, and two bedroom versions. Each is similar to a conventional dwelling unit except a kitchen is not included.

As of 2021 this segment of the Orange County population numbers approximately 23,700 (57% % of which live in the Chapel Hill Township) 13509. This is expected to increase by 31% by 2017 to over 31,063 (CHT 17,706).

Community Prosperity and engagement: Promote a safe, vibrant, and connected (physical and person) community (CPE.3)

The Chapel Hill Retirement Residence will be a closely-knit community where our senior residents are provided a catered lifestyle with services that fees up their day to day activities to those of their choosing by taking away the "daily grind" of maintaining a household thus allowing them to focus on social and personal interests. Services provided include all prepared meals, housekeeping, and laundering, private bus transportation. An onsite activity coordinator providing an endless variety of choices of social and physical activities for the residents helps create an active community / social environment. Additionally, residence are encourage to foster and maintain relationships and activities outside their new home by continuing their church, volunteer and community involvements

Getting Around:

A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (GA.2); Connect to a comprehensive regional transportation system (GA.3); a transportation system that accommodates transportation needs and demands while mitigating congestion and promoting air quality, sustainability, and energy conservation (GA.6)

Chapel Hill Retirement Residence - Concept Plan

This site is located on the “G” Line of the Chapel Hill Transit System with a stop at the intersection of North Estes Drive and Somerset Drive service is approximately once an hour. The Chapel Hill Retirement Residence understands that most of our residents do not drive, because of that regular daily private van transportation is provided at no cost for their use. The van is available to take the residents to places they need to visit, such as banks, medical offices, shopping areas, etc. Van services are provided on an on demand basis 24/7.

The nearby access to the Horace Williams Trail System as well as the possible access to the school properly with its ball fields and other recreation opportunities via a pathway connection between Somerset Drive Easterly along the Northerly edge of our site to the school property provides great links for our senior residents and the surrounding community.

Good Places, New spaces:

Low density, green Rural Buffers that exclude urban development and minimize sprawl (GPNS.1); 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) The Town’s 2020 Comprehensive Plan targets the need for Medium Density Residential (4-8 du/ac).

The Developer, Hawthorn Retirement, represented by Lenity Architecture has been working closely with the surrounding neighbors and representatives of the nearby neighborhood associations to review and discuss any concerns they may have about this proposed development. In summary the site plan has been revised based on input from the neighbors and is generally accepted. The need for senior housing in the area is well accepted and the understanding that this use will provide less impact and demands on traffic, services and community resources compared with other possible uses for this site. While providing a much needed housing type for the Chapel Hill market.

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); Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (NOC.4); Protect neighborhoods from the impact of development such as stormwater runoff, light and noise Pollution, and traffic (NOC.8)

Provisions are included in the land plan to meet all stormwater management requirements on-site filtering the Stormwater runoff of any harmful pollutants. The stormwater pond along the southerly boundary of the property will also serve as a buffer to North Estes Drive.

On site lighting will be installed in strict accordance of Town policies including provisions to protect against off-site light pollution by designing tor “Dark Skies” standards.

Traffic impact from this type of use is generally low compared with other uses of similar density and also provided for low “Peak Hour’ Trips based on the ITE classification of “Congregate Care Facility (253)” showing approximately 2.02 average daily trips per suite with less than 30 daily peak hour trips.

Chapel Hill Retirement Residence - Concept Plan

CHAPEL HILL 2000 COMPREHENSIVE PLAN

The Chapel Hill Retirement Residence is also consistent with principals of the Chapel Hill 2000 Comprehensive Plan. These provisions are described in the following text.

Maintain the Urban Services/Rural Buffer Boundary:

The Chapel Hill Retirement Residence located within the Town's Urban Services/Rural Buffer Boundary. It is located on a Chapel Hill transit line providing residents with convenient access to essential service via alternative modes of transportation.

Conserve and protect existing neighborhoods:

This Concept Plan is submitted for review and input by the Chapel Hill community at large. The Developer has met with residents living within the Somerset Neighborhood and repeatedly with those neighboring property owners abutting the northerly boundary of the site and we have been and continue to incorporate provisions to mitigate their concerns.

Conserve and protect the natural setting of Chapel Hill:

Substantial amounts of the existing trees (evergreen and deciduous) are being preserved on the site and are being included into the setback and buffer areas. Additional landscape planning, tree, understory and low growing, will be added to further enhance the tree canopy and buffers.

Create and preserve affordable housing opportunities:

Even though the use of "Group Care Facility" with its full services does not apply to affordable housing standards, many of the studio and one bedroom units provide an economical housing option to meet the needs for seniors in the Chapel Hill area.

Cooperatively plan with the University of North Carolina at Chapel Hill:

This parcel does not abut or does directly affect the UNC at Chapel Hill nor will its housing use impact the University.

Work toward a balanced transportation system:

This site is located on the "G" Line of the Chapel Hill Transit System with a stop at the intersection of North Estes Drive and Somerset Drive. Additionally, the Chapel Hill Retirement Residence will provide private van transportation for the use of our residents. The van is available to take the residents to places they need to visit, such as banks, medical offices, shopping areas, etc. on an on demand basis 24/7.

Complete the bikeway/greenway/sidewalk systems:

Within the site pedestrian access is provided via a network of interconnecting pedestrian pathways from the building entrances and community areas and private patios. These paths will be linked to the sidewalks along Somerset and North Estes Drives. There will be paths, which connect all exits from the building to provide walking areas for the residents. Additionally we welcome the possibility of providing a connection between Somerset Drive Easterly to the school property with its ball fields and other recreation opportunities. This trail could be located along the Northerly edge of our site, with possible future inclusion in the Chapel Hill Greenway Trails System.

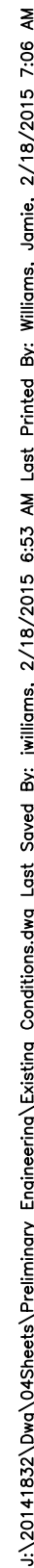
Chapel Hill Retirement Residence - Concept Plan

Provide quality community facilities and services:

The Chapel Hill Retirement Residence is designing a site with the intent to connect with its surrounding community and will make its park like grounds available for the community to enjoy along with our senior residents. The architectural design will incorporate materials consistent with the Chapel Hill architectural vernacular. Internal community spaces can be made available as venues for community gatherings.

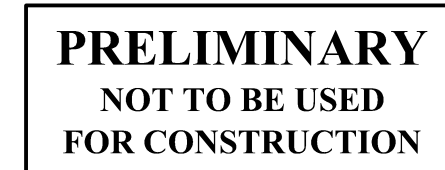


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Soil Survey Legend		
Symbol	Unit Name	Hydrologic Soil Group
EnB	Enon loam, 2 to 6 percent slopes	C
EnC	Enon loam, 6 to 12 percent slopes	C

Soil Boundary





138

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E# 2115-1550
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TOWN OF CHAPEL HILL, ORANGE COUNTY,
NORTH CAROLINA

**CHAPEL HILL
RETIREMENT RESIDENCE
PHOTOS OF PROPERTY**

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Phone: 704.548.0333 Toll Free: 888.775.3648
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DATE
February 16, 2015

SCALE

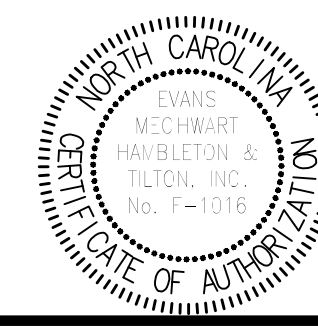
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JOB NO.
2014-1832

SHEET

CP3.2

PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION



77 OPEN SPACES
12 COVERED SPACES
4 ACCESSIBLE SPACES
93 SPACES TOTAL

CP4.0

1

Chapel Hill, North Carolina

77 OPEN SPACES
12 COVERED SPACES
4 ACCESSIBLE SPACES
93 SPACES TOTAL

140

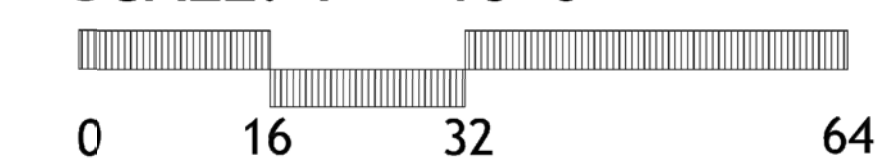
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Exterior Elevations

DATE: 01-22-15

SCALE: 1" = 16'-0"



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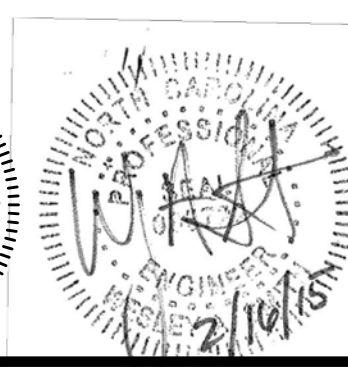
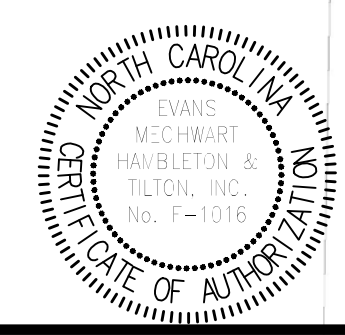
315♦ Kettle Court SE, Salem, Oregon 97301

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Chapel Hill Retirement Residence

Chapel Hill, North Carolina

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TOWN OF CHAPEL HILL, ORANGE COUNTY,
NORTH CAROLINA

**CHAPEL HILL
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DATE _____

February 16, 2015

SCALE

As Noted

JOB NO.	

2014-1832

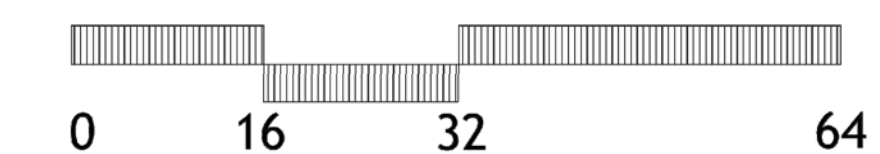
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CP5.0

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DATE: 01-22-15
SCALE: 1" = 16'-0"



142

Daniel Roacharchitect

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Chapel Hill Retirement Residence

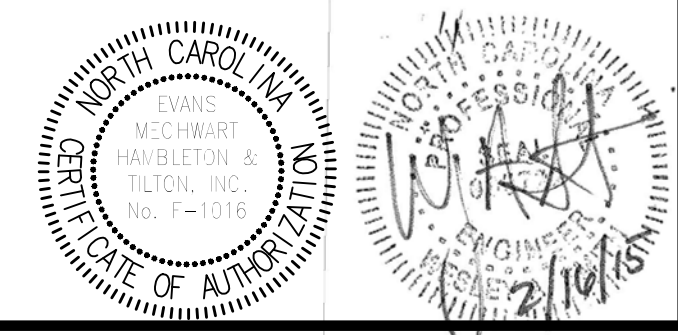
Chapel Hill, North Carolina



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TOWN OF CHAPEL HILL, ORANGE COUNTY,
NORTH CAROLINA

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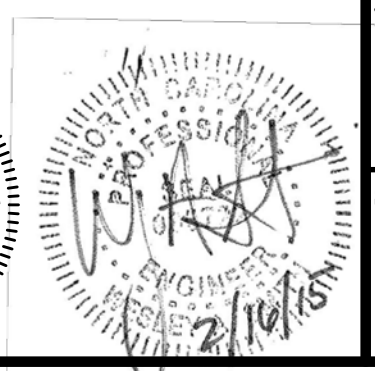
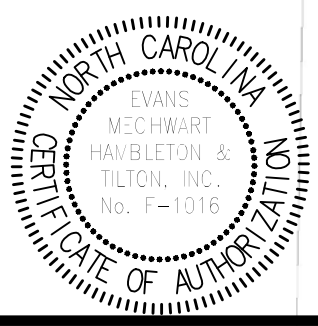


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DATE
February 16, 2015

February 18, 2018

SCALE

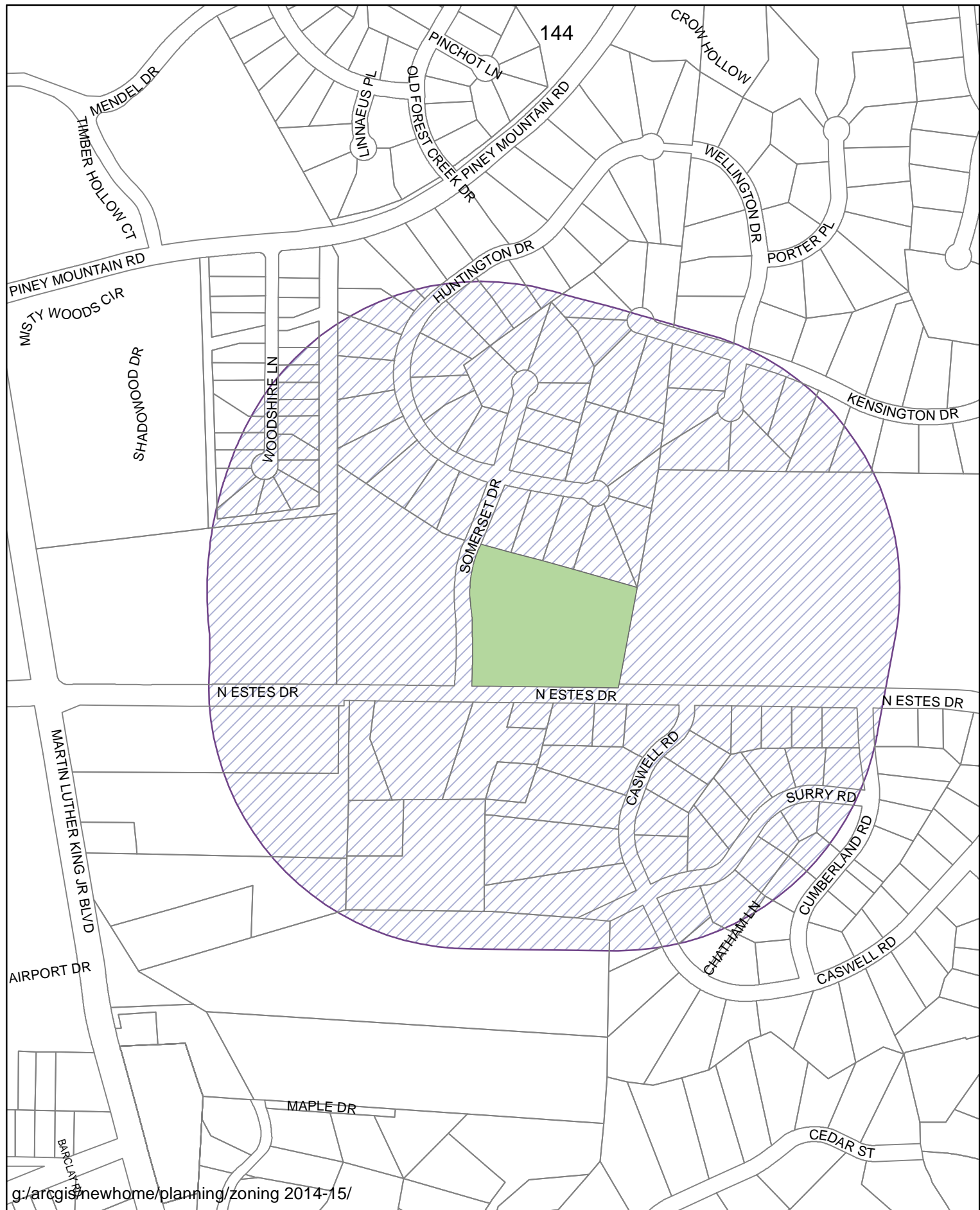
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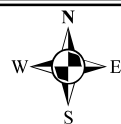
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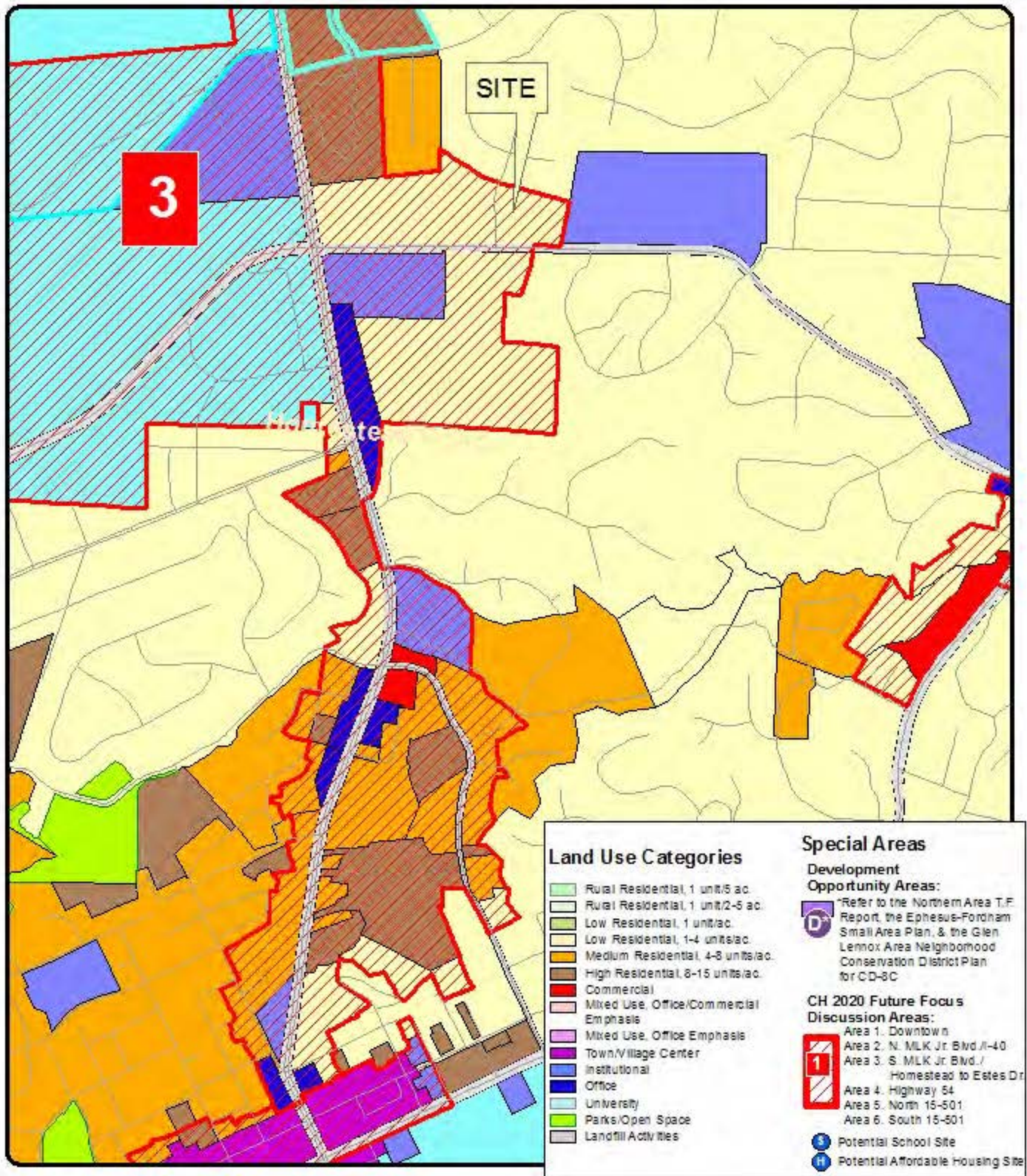


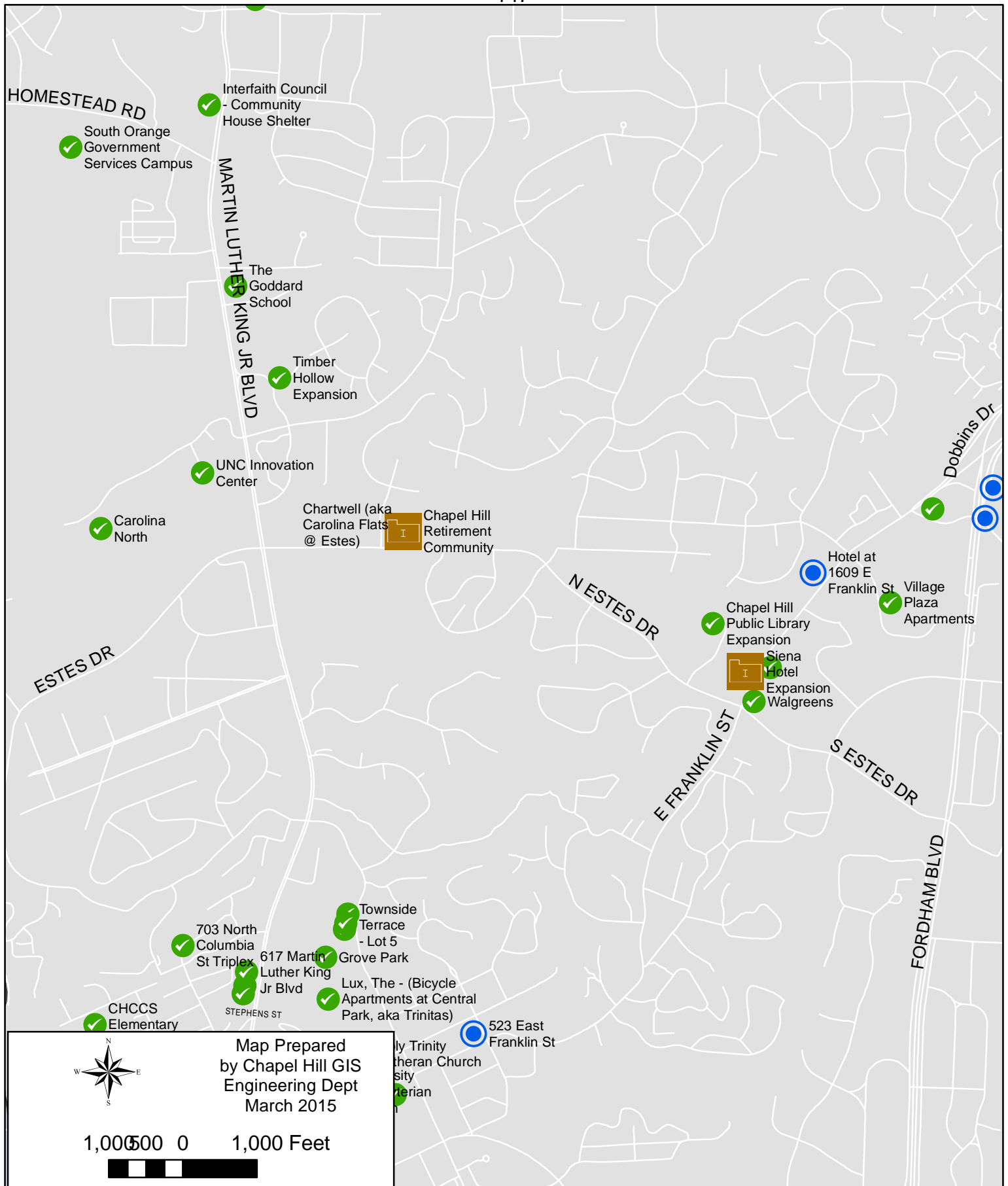
Chapel Hill Retirement Residents 700 N Estes Drive 1000' Buffer Map





Excerpt from Chapel Hill 2020 Land Use Plan Chapel Hill Retirement Residence



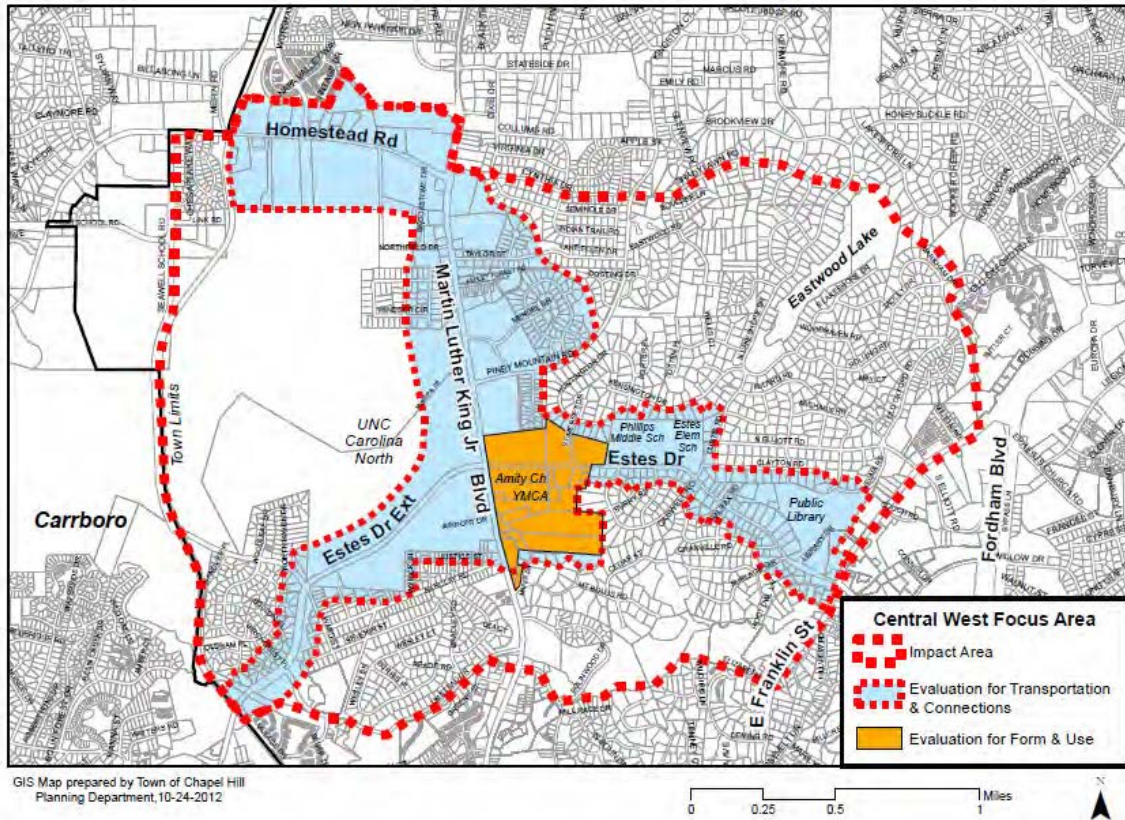


Development Activity Context Map

Chapel Hill Retirement Residence 700 N Estes Dr



Central West Focus Area Boundaries
Adopted by Town Council on October 24, 2012



Area 3: South Martin Luther King Jr. Blvd./Homestead Road to Estes Drive

