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ATTACHMENT 9

MEMORANDUM

March 28, 2006

To: Gene Poveromo

From: Jim Baker

Re: MLUP Statement of Justification

Below is a Statement of Justification for the request for modification to the Meadowmont Master Land Use Plan (MLUP). Please let me know if I can provide any additional detail.

Castalia Project MLUP Change – Statement of Justification

The request is to modify the MLUP for Meadowmont to allow for the transfer of 11 residential units from elsewhere in Meadowmont to this Castalia site. This has two impacts to the MLUP

1. It requests the approval to increase the approved square feet of use on this site from the current approved 52,500 square feet of commercial/retailspace to 76,000 of office and residential space.
2. It creates a mixed use project involving residential on the top floor and office on the bottom two floors. This changes the approved use away from commercial and retail to office.

Three findings are required to approve the change to the MLUP. The justification for these findings is detailed below. Additional background information is available for any of the points made.

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

This MLUP designated this site for 52,500 square feet of office retail or commercial development as part of the overall planning of Meadowmont. This plan was thoroughly

examined for its promotion of public health, safety and general welfare. It is using the guidance from this plan that Castalia was designed.

The Castalia project is designed to have 52,000 of only office space. The submitted project is not designed to have commercial or retail space. This provides for a direct reduction in car trips that would have been generated with 17,333 square feet of approved retail or commercial space. The impact of the reduction in traffic or vehicle trips is estimated to reduce traffic from 967 vehicle trips per day for retail or commercial down to 655 trips per day for the office. This is a direct benefit to the public welfare.

The design for Castalia includes the re-allocation of residential units from elsewhere in Meadowmont to the top floor. This addition reflects the new urban planning that is a stated desire - to include residential on the top floor to make Castalia a true mixed use project. This re-allocation of 11 residential units has been approved by Meadowmont and but increases the size of the project to 76,000 square feet.

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

The site is sized appropriately for the building providing ample areas for landscaping, plantings and green environments. The sloping nature of the site allows for the placement of the building and parking so that it is an enhancement to the Meadowmont community for those who wish to walk to work, ride bicycles or drive a car. The main site entrance will utilize an existing curb cut on Barbee Chapel Road across from Oval Park Place. The location of the entrance to the project from West Barbee Chapel Road was placed as far south as possible to provide maximum site distance to the north. The siting of the building off Barbee Chapel Road and into the site was designated as part of the MLUP. The architectural style of the project meets the requirements of Meadowmont as stated in the MMLUP and affirmed by Roger Perry to be striking and unique.

The proposed use is consistent with the MLUP and with other uses on contiguous property. It is a specific intent of Meadowmont to "work where you live and live where you work". The true mixed use nature of this project accomplishes this intent. The mixed use is desirable and enhances the value of the project to Meadowmont, the surrounding property and the adjacent property.

The land, use and development complies with all required rules and regulations outlined in the Development Ordinance and the Master Land Use Plan for Meadowmont and also complies with the newly revised LUMO regulations regarding storm water retention. Supporting letters are included from Meadowmont to this effect. Landscape plans provide for appropriate buffer, screening and other requirements. Because the MLUP anticipated this use, no additional street improvements are needed. The setbacks, height, parking intensity and other design aspects comply with the MLUP and the Development Ordinance.

Public spaces are being designed into the project with the most visible being the pedestrian entrance from West Barbee Chapel Road. This is designed as the focal point and open seating area for tenants and area pedestrians.

It should be noted that the MU-R-1 zoning area was intended to have not less than 60% office or more than 85% office. At this time it is our understanding the office portion is 61%, almost at the minimum level. Currently there is an excess of retail & other space in this zoning area. By approving Castalia with its office and residential, it will increase the office portion to 63% while adding residential which will help balance the amount of retail & other space..

The residential units proposed will include one of two alternatives to address the affordable housing requirement. One alternative is to build two units that can comply with the requirements for affordable or work force housing. A second alternative is to partner with one of the agencies working with affordable housing and make a contribution to their construction of affordable units in lieu of providing the two units.

The parking exceeds the minimum requirement by 6 spaces. 17 parking spaces are located beneath the building for the residents use. 11 residential units require secure parking for residents but also visitor's spaces that do not conflict with the business use of the rest of the building. The additional 6 spaces above the minimum are intended for residential visitor use separate from the business use of employees and clients of the office tenants.

Recreation space for the residential space exists within Meadowmont's extensive infrastructure of paths, trails and amenities such as the swim club (sized for the residential that is being transferred), UNC Wellness Center and others., These residential units are being relocated from within Meadowmont and have already been included in the overall recreational space provisions.

#3 That the use or development conforms with the general plans for the physical development of the Town as embodied in the Comprehensive Plan

The MLUP of the Meadowmont development conforms to the Comprehensive Plan for Chapel Hill. Castalia is consistent with the zoning and the other plans including but not limited to the Greenway Plan, the Land Use Plan, the Urban Services Area and the Thoroughfare Plan. The project contributes to achieving the mix of office and residential within the zoning area that is currently below desired levels.

This concludes the statement of justification.