



February 6, 2007

J. B. Culpepper
 Planning Director
 Town of Chapel Hill
 405 Martin Luther King Jr. Blvd.
 Chapel Hill, NC 27514

RE: The Residences at Chapel Hill North
 Proposed LUMO Text Amendment – MU-OI-1 District

Dear Ms. Culpepper:

The MU-OI-1 District LUMO text amendment currently before the Town Council was submitted by the applicant, after a number of consultations over several months with the Town Planning Staff. As you will recall, the language that eventually became the LUMO text amendment proposal was recommended to the applicant by the staff.

Since the January 8, 2007 Public Hearing on this item, the applicant has been in contact with both the Town Planning Department and neighbors of Chapel Hill North to evaluate the proposed text amendment for its impact on other properties zoned MU-OI-1.

A primary concern of neighbors is that the currently proposed LUMO changes would create a condition wherein a new development (a proposal other than Chapel Hill North) could have an 85% residential component at a higher density than currently permitted within the MU-OI-1 District.

After talking and meeting with neighbors, the applicant agrees with their interpretation of the proposed LUMO text amendment with respect to mixed use developments. As proposed the LUMO text amendment would appear to permit a significant increase in the amount of residential development permitted for a new development on 10 or more acres adjacent to an existing mixed-use development (or a new development on 20 acres or more of land).

Current MU-OI-1 Structure and Permitted Uses

- The ordinance now permits, by-right, the non-residential uses permitted in the OI-1 District as well as single-family and duplex residential uses.
- A Property over 20 acres may have, upon approval of a Special Use Permit or Master Land Use Plan, a mixture of uses that includes multi-family residential development, office, and commercial uses. Residential uses can constitute no more than 40% of such a development. *“Business, Office Type”* uses must be at least 60% of the site and no more than 85%.

- A property over 10 acres is eligible for the same mixture of uses as a property over 20 acres, provided it is adjacent to an existing mixed-use development. (A term somewhat loosely defined in the LUMO).
- The clear intent of the MU-OI-1 District was to emphasize office uses and subordinate residential and commercial uses.
- The MU-OI-1 District is not an overlay district. It is a “*Special District*” in which smaller lots are permitted less intensity than larger lots. The goal of such a structure is to encourage owners of small lots to collectively apply for coordinated developments that have greater permitted intensities once they are 10 acres in size or larger.

Purpose of the Proposed LUMO Amendment

After positive Concept Plan reviews by the CDC and Council regarding the appropriateness of increasing the amount of residential development within Chapel Hill North specifically and the MU-OI-1 District in general the applicant worked with Town Staff to provide a text amendment that would:

1. Provide a more strategic balance of uses (Office, Commercial, and Residential) within mixed-use development in the MU-OI-1 Zoning District.
2. Define “Clinic” uses as permitted within the MU-OI-1 District as Office for the purpose of attributing “Clinic” uses to the larger Office use category.

Issue Raised at Public Hearings

Residents speaking at the Public Hearings have observed that the proposed changes would appear to permit residential development in new mixed-use developments on sites over 10 acres to be up to 85% high density residential (15 DU/Acre). If true, this would be a significant change to the current standards wherein only 40% of the floor area can be residential in use.

Applicant Response

The applicant has reviewed in detail these concerns with the neighbors and concludes that the currently proposed LUMO text amendment would create the situation they are concerned about.

We do believe that the proposed change has the significant unintended consequence of allowing a mixed-use development to swing from the currently imbalanced favoritism of office uses to an imbalance favoring high density residential. It was not the intent of the applicant, nor do we believe town staff, to provide for such an imbalance.

Revised LUMO Amendment Proposal

Based upon Public Hearing comments and testimony and further research on this legislative matter, the applicant is hereby submitting a revised LUMO Text Amendment proposal. We believe

this new proposed text amendment provides the type of mixed-use balance desired by the Council, the CDC and Planning Board, the neighbors, and the applicant.

The proposed changes would:

1. Create a desirable mix of uses.

No category of use in one of the permitted mixed use combinations (Office, Commercial, or Residential) would be less than 20% nor more than 55% of the approved floor area. This relationship encourages mixed-use development, but not an imbalanced mix.

Prior information provided in application for The Residences at Chapel Hill North shows that if the current Crosland Inc. proposal is approved the resultant use relationships would fit within this revised proposal. The table showing these relationships is reproduced below.

Table 2
Chapel Hill North Proposed Mix of Uses

Land Use	1990 Master Plan	Constructed & Occupied	Crosland Phase II Development	End Phase II Development	Future Development Potential	Revised Total Development
Office	374,200 59%	102,713 41%		102,713 23% Total	132,000	234,713 37% Total
Retail	259,200 41%	147,807 59%		147,807 33% Total	50,000	197,807 31% Total
Residential		0	200,880 123 DU	200,880 44% Total		200,880 32% Total
TOTAL SF	633,400	250,520	200,880	451,400	182,000	633,400

2. Explicitly permit "Clinic" uses within the Office general use category.

After detailed analysis of the existing regulations (specifically §3.5.1(e)(3)(C) we conclude that "Clinic" uses are presently permitted. The text of that section states:

"For office floor area, permitted uses shall be those listed in Section 3.7 as permitted uses in the OI-1 District."

Table 3.7-1: Use Matrix lists "Clinic" as a permitted use in the OI-1 District. Nevertheless, the revised proposal provides language that would specifically include "Clinic" as a permitted use within a mixed-use development within the general "Office" use category.



Accompanying this letter is a revised proposal for a LUMO Text Amendment. The base document is the Mixed Use District section of the LUMO with proposed amendments shown on pages 5-8 of this document. For reference, the header shows pages, date and author to keep this from being confused with other earlier documents.

Crosland Inc. and its consultants believe the revised, proposed LUMO Text Amendments will achieve the goal of creating a better mixture of uses in mixed-use developments. In addition to clarifying the balance of permitted uses, this proposal recognizes the benefits of placing residential development of appropriate density near commercial and office uses in ways that help decrease reliance upon single occupant vehicular trips and increase potential ridership on the Chapel Hill North Transit System.

As always, we are prepared to answer questions and provide additional information at your request.

Sincerely,

Scott Radway

Scott Radway, AICP

cc: David Ravin
Del Snow

Encl. LUMO Text Amendment Proposal

Residences at Chapel Hill North
Staff Revised Recommendation – Affordable Housing
February 12, 2007

- Provision of Affordable Housing: That the developer shall provide Affordable Housing that includes the following items:
 - a. Required Affordable Units: Provision of 15% (19) of the proposed dwelling units as affordable dwelling units.
 - b. Eligibility of Renters or Owners: Eligible low and moderate income households must have annual income between 60 and 70 percent of the area median 3-person family income for the Durham Metropolitan Statistical Area (MSA). Section 8 vouchers may be accepted for these units. If units are converted to condominiums, for ownership, eligible low and moderate income households must have annual income no greater than 80 percent of the area median 3-person family income for the Durham Metropolitan Statistical Area (MSA).
 - c. Rental Rates of Affordable Units: Rental rates shall not exceed current Section 8 Fair Market rents (including utilities) as published by the U.S. Department of Housing and Urban Development, according to the number of bedrooms in each unit.
 - d. Marketing of Affordable Units: That the owner or management company shall enter into a “good faith” marketing agreement, with one or more local non-profit affordable housing organizations, to ensure that the affordable units intended for rent are rented to eligible low-income renters. As a component of the agreement, the owner or management company shall work with local non-profit affordable housing organizations to advertise affordable units and recruit eligible renters. That the owner and management company may rent to non-qualified renters if after 90 days of advertising to qualified households, there are no qualified renters available, if the participating local nonprofit organization agrees that an appropriate effort to market the affordable unit to qualified renters.

Units may be rented to non-qualified renters for up to one year at which point the owner and management company may rent to non-qualified renters again if after 60 days of advertising to qualified households, there are no qualified renters available, if the participating local nonprofit organization agrees that an appropriate effort to market the affordable unit to qualified renters.

- e. Size and Distribution of Affordable Units: The units shall be located throughout the development, dispersed among the market units, and shall be 65% 1-bedroom dwelling units and 35% 2-bedroom dwelling units.

(4)

- f. Affordable Unit Deed Restrictions: That the applicant shall record deed restrictions to ensure that the affordable units remain affordable in perpetuity to low income tenants, whether rental or for sale units, including a mechanism to minimize the impact of monthly fees (such as a “transfer fee” to supplement condominium fees), said restrictions to be approved by the Town Manager prior to the issuance of the first Certificate of Occupancy.
- g. Construction Timeline for Affordable Units: That Certificates of Occupancy shall not be issued until a proportionate percentage of affordable units (15%) are available for occupancy, compared to the number of market units constructed.
- h. Affordable Housing Annual Report: That the applicant shall provide an annual report to the Town including detailed historical data in tabular format that includes, for example, units rented, unit rates, incomes of renters, units not rented to qualified renters, date of lease expiration, and other data the Town may determine necessary.
- i. Minor Changes to Affordable Housing Program: Minor changes to the affordable housing program proposed by the property owner, as conditioned in the approved Special Use Permit, in consultation with one or more local affordable housing advocacy organizations, of the Town Manager’s choosing, and may be approved by the Town Manager if consistent with the Town’s adopted Affordable Housing goals and guidelines.

(3.5 Special Districts

Special Districts have been created to deal with unique, location-specific situations where special standards and procedures are appropriate. The following Special Districts are defined below: Mixed Use Districts, Office/Institutional-4 District, Traditional Neighborhood Development District, and Transit Oriented Development District.

3.5.1 Mixed Use Districts

Purpose Statement: The Mixed Use Districts are intended to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections and transit corridors in Chapel Hill. They are designed to facilitate stated public policies to encourage design which emphasizes lively, people oriented environments and compatible, visually interesting development. This district provides areas where moderate scale mixed use centers can locate with an emphasis on development of a balance of residential, office and commercial uses.

It is further intended that the Mixed Use Districts shall encourage development within which mutually supporting residential, commercial and office uses are scaled, balanced and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian and bicycle circulation systems and mass transit to further reduce the need for private automobile usage. Mixed Use Districts are intended to encourage development that allows multiple destinations to be achieved with a single trip. These standards encourage a design such that uses within a Mixed Use District are arranged in a manner that encourages internal vehicular trip capture and the development patterns that encourage walking, transit and bicycling as alternatives to automotive travel.

When such districts adjoin residential development or residential zoning districts, it is intended that arrangement of buildings, uses, open space, and vehicular or pedestrian and bicycle access shall be such as to provide appropriate transition and reduce potentially adverse effects.

(a) Establishment of Mixed Use Districts

Three Mixed Use (MU) districts are hereby established. The boundaries of the Mixed Use Districts are as shown on the official Zoning Atlas. The districts are identified as Mixed Use-OI-1 (MU-OI-1), Mixed Use-R-1 (MU-R-1), and Mixed Use-Village (MU-V).

It is the intent of the Town of Chapel Hill to reserve the MU-OI-1 and MU-R-1 designations and regulations for areas already so zoned as of September 2002. The policy of the Town is to grant no further rezonings to MU-OI-1 or MU-R-1, and to reserve future Mixed Use Zoning designations for MU-V.

(b) Permitted Uses and Development Intensities – Mixed Use-Village (MU-V)

- (1) The uses permitted in the MU-V districts include the following:
 - A. Vertical mixed use buildings, or
 - B. Uses listed in subsection (2), below, which are mixed horizontally. Uses are considered to be “mixed horizontally” where:
 1. Such uses comprise not less than the minimum, and not more than the maximum, percentage of floor area prescribed in subsection (b)(2)A, below; and
 2. Uses within a land use category set forth below, are located not further than eight hundred (800) feet from the uses located within another land use category; and
 3. The uses within separate land use categories, as set forth below, are linked by a continuous system of sidewalks or trails. Sidewalks or trails shall be considered “continuous” if they are interrupted only by street intersections, but shall not be considered “continuous” if interrupted by natural or man-made barriers to pedestrian and bicycle movement or by a street consisting of more than two lanes of traffic, unless a pedestrian and bicycle island is provided.
- (2) Land Use Categories
 - A. An MU-V shall include Office, Commercial, and Residential uses as described below. The mix of floor area within a proposed development shall contain at least 25 percent of the floor area devoted to residential uses and at least 25 percent of the floor area devoted to office/commercial uses.
 - B. For purposes of this Section:
 1. Uses within the “Residential” land use category include the following:
 - Dwelling Units, Single Family
 - Dwelling Units, Two-Family with Accessory Apartments
 - Dwelling Units, Duplex
 - Dwelling Units, Multi-Family, 3 to 7 dwelling units
 - Dwelling Units, Multi-Family, over 7 dwelling units
 2. Uses within the “Non-Residential” land use category include the following:
 - Business, Office-Type

- Child/Adult Day Care Facility (See Section 3.6)
- Clinic
- College or University
- Fine Arts Educational Institution
- Hotel or Motel
- Research Activities
- Bank
- Barber Shop/Beauty Salon
- Business – Convenience
- Business – General
- Business – Wholesale
- Manufacturing, Light
- Personal Services
- Public Service Facility
- Publishing and/or Printing
- Recreation Facility: Commercial

3. Uses not enumerated above shall not be considered to be within a residential or non-residential land use category within the meaning of this Section.

(c) Dimensional Restrictions

- (1) Except as otherwise specifically provided in this Section, regulations governing the dimensions of lots and buildings are hereby established as shown in Table 3.8-1.
- (2) Permitted density shall not exceed 15 dwelling units per acre and permitted intensity and impervious surface restrictions shall be as established in Section 3.8, Table 3.8-1 unless development rights are transferred pursuant to Section 3.9.2 of this Chapter. The frontage and setback requirements shall not apply to Parks and Open Space.

(d) Mixed Use Development Design Standards – MU-V

- (1) All design standards specified in Article 5 of this Chapter and in the Town's Design Guidelines in effect at the time a proposal is being reviewed shall apply to the design of development proposed as a mixed use development as defined by this Article along with the provisions of subsections (2) through (5), below.
- (2) Any application for mixed use development shall include a Concept Plan as provided in Section 4.3 and a Site Plan as provided in Section 4.7 of this Chapter. The Site Plan shall include a phasing plan that specifies the stages of development build out. The Phasing Plan shall identify the sequence of development for the land uses shown on the Site Plan. The Phasing Plan information may be prepared as a plan, a table, or a report. It

shall include general phasing of internal and external traffic circulation systems, amenities, and utility improvements that will be constructed concurrent with the land use development. Land use development scheduling shall include a general indication of size, either in square footage or acres. The plan shall also indicate the expected impact of the development on existing or proposed public facilities, including but not limited to, streets, transit, schools, water and sewer systems, and public safety. The applicant shall provide assurances that all the use categories will be constructed and that the project will, in fact, result in a mixed use development satisfying the Purpose section of this district. The applicant shall include all of the required use categories (residential, commercial, and office uses) in the first phase of the project.

- (3) Outparcels are hereby defined as development or parcels of land generally located at the perimeter boundary of a mixed use development. All plans for outparcels within a mixed use development proposal shall include a set of design criteria for the outparcel(s). These design criteria shall be prepared to maintain visual compatibility and overall design compatibility with the entire development. The criteria shall address the location, form, scale, materials and colors of structures as they relate to the design concept of the entire development, and shall be consistent with the Design Guidelines.
- (4) Off-street parking requirements shall be 50% of the minimum parking requirements listed in the Parking and Loading Standards (Section 5.9 of this Chapter).
- (5) The applicant shall provide a bus stop consistent with the design criteria of Sections 21-7 and 21-28.1 of the Town Code of Ordinances. Such stops shall be located within one-half (½) of a mile of all dwelling units or office buildings. Notwithstanding the provisions of Section 21-7 of the Town Code of Ordinances, a resolution of the Town Council shall not be required prior to the designation of bus stops. Instead, this Section only requires that bus stops be indicated on the subdivision plat or site plan. Different locations may be designated by resolution(s) of the Town Council following approval of the mixed use development.
- (6) Buffers are not required between different uses or use categories within the MU-V District.

(e) Permitted Uses and Development Intensities - Mixed Use-OI-1

- (1) The uses permitted in the Mixed Use OI-1 Zone, except in situations described in subsection (2) below, are single and two family dwellings, and those other non-residential uses listed in Section 3.7 as permitted in the OI-1 zone, except that "Medical Aircraft Hangar" is not permitted. The land use intensity ratios, setbacks, and height limitations that apply in

the Mixed Use Zone, except in situations described in subsection (2) below, are those that apply to the OI-1 zone, as set forth in Section 3.8.

(2) If development of property in a Mixed Use-OI-1 zone is proposed, and the proposal meets all of the following thresholds, then the set of permitted use and intensity regulations described in subsection (3) shall apply. Those thresholds are:

- A. Minimum lot size of 20 contiguous acres (may include parcels on both sides of a street).
- B. Uses proposed in one of the following mixed-use combinations:
 - 1) Office, Commercial, and Residential uses
 - 2) Office and Commercial uses
 - 3) Office and Residential uses.
- C. Office, Commercial, and Residential uses, as defined and permitted in Section 3.5.1(e)(3), individually shall not utilize more than 55% of the approved floor area nor less than 20% of the approved floor area. ~~At least 60% of floor area devoted to "business, office-type" uses, as defined in this Land Use Management Ordinance.~~
- D. ~~No more than 85% of floor area devoted to "business, office-type" uses.~~

(3) If a development proposal in a Mixed Use-OI-1 District meets all of the thresholds listed in subsection (2), then the following use and intensity regulations shall apply:

- A. For commercial floor area, permitted uses shall be those listed in Section 3.7 as permitted uses in the Community Commercial (CC) District, except as noted in paragraph D below.
- B. For residential floor area, permitted uses shall be those listed in Section 3.7 as permitted uses in the R-5 District, except that in addition, multifamily development of more than 7 units shall be permitted.
- C. For office floor area, permitted uses shall be those listed in Section 3.7 as permitted uses in the OI-1 District, including Business, Office Type and Clinic.
- D. The following uses are not permitted in the Mixed Use-OI-1 Zone:

- Automotive Repair
 - Automotive, Trailer, and Farm Implement Sales or Rental
 - Kennel
 - Supply Yard
 - Veterinary Hospital
- E. Dimensional Standards shall be those listed in Section 3.8, for the Community Commercial (CC) Zone.
- F. For the portions of a site devoted to residential development, the density limitations described in ~~Section 3.7~~ Section 3.8 for the R-5 zone shall apply.
- G. Minimum Setbacks from the perimeter boundary of the specified development tract shall be as follows:
- Street: 50 feet
 - Interior: 50 feet
 - Immediately Adjacent to Residential Use or Residentially Zoned Property: 50 feet
- H. Minimum Setbacks internal to the specified development tract shall be as follows:
- Street: 0 feet
 - Interior: 0 feet
- I. The Minimum Setback parking area from the perimeter boundary of the specified development tract shall be 75 feet from the street.
- J. Maximum Height Limits shall be as follows:
- Primary: 44 feet
 - Secondary: 90 feet
- K. Type "C" buffers shall be required around all perimeters of the development tract, except in circumstances where a higher level of buffer is required. A Type "D" buffer with a minimum width of 50 feet shall be required adjacent to a non-interstate arterial street.
- (4) All design standards specified in Article 5 of this Chapter and in the Town's Design Guidelines in effect at the time a proposal is being reviewed shall apply to the design of development proposed as a mixed use development as defined by this Article with the following special provisions:

- A. Site Analysis: Any application for mixed use development shall include a site evaluation analysis which identifies the physical character of the site. Elements of the site to be investigated include topography, slope conditions, soil characteristics and subsurface constraints, drainage patterns, vegetation, and other existing conditions.
 - B. Outparcels: Outparcels are hereby defined as development or parcels of land generally located at the perimeter boundary of a mixed use development. All plans for outparcels within a mixed use development proposal shall include a set of design criteria for the outparcel(s). These design criteria shall be prepared to maintain visual compatibility and overall design compatibility with the entire development. The criteria shall address the location, form, scale, materials and colors of structures as they relate to the design concept of the entire development, and shall be consistent with the Design Guidelines.
 - C. Off-street parking requirements shall be 80% of the minimum requirements listed in Section 5.9.
- (5) Development tracts of between ten (10) and twenty (20) acres can meet the Mixed Use Threshold in the following manner. If development of property in a Mixed Use-OI-1 zone is proposed, and the proposal meets all the following thresholds, then the set of permitted use and intensity regulations described in subsection (3) shall apply. Those thresholds are:
- A. Development is proposed on tracts of size between ten (10) and twenty (20) contiguous acres (may include parcels on both sides of a public street if at least five acres of the total are located on both sides of the street).
 - B. The proposed development tract is adjacent to, or across a public street from, a Mixed Use Development that has been approved by the Town Council in accordance with the provisions of this Article.
 - C. The proposed uses, circulation patterns and buffers are demonstrated to be compatible with the adjacent approved Mixed Use Development. In addition, landscape treatments and architecture shall be demonstrated to be compatible with the adjacent approved Mixed Use Development to the extent such landscape treatments and architecture have been specified in the adjacent Special Use Permit approved by the Town Council.

- D. Uses proposed in one of the following mixed-use combinations:
- 1) Office, Commercial, and Residential uses
 - 2) Office and Commercial uses
 - 3) Office and Residential uses.
- E. Office, Commercial, and Residential uses, as defined and permitted in Section 3.5.1(e)(3), individually shall not utilize more than 55% of the approved floor area nor less than 20% of the approved floor area. ~~At least 60% of floor area devoted to "business, office-type" uses, as defined in this Land Use Management Ordinance.~~
- F. ~~No more than 85% of the proposal's floor area shall be devoted to "business, office-type" uses.~~

(f) Permitted Uses and Development Intensities - Mixed Use-R-1

- (1) Permitted Uses and Intensities. The uses permitted in the Mixed Use-R-1 Zone, except in situations described in subsection (2) below, are single-family dwellings, and those other non-residential uses listed in Section 3.7 as permitted in the R-1 zone. The land use intensity ratios, setbacks, and height limitations that apply in the Mixed Use Zone, except in situations described in subsection (2) below, are those that apply to the R-1 zone, as set forth in Section 3.8.
- (2) Mixed Use Threshold. If development of property in a Mixed Use-R-1 Zone is proposed, and the proposal meets all of the following thresholds, then the set of permitted use and intensity regulations described in subsection (3) shall apply. Those thresholds are:
 - A. Minimum lot size of 20 contiguous acres (may include parcels on both sides of a street).
 - B. Uses proposed in one of the following combinations:
 - Office, Commercial, and Residential uses
 - Office and Commercial uses
 - Office and Residential uses
 - C. At least 60% of floor area devoted to "business, office-type" uses, as defined in this Land Use Management Ordinance.
 - D. No more than 85% of floor area devoted to "business, office-type" uses.

(23)

- (3) Mixed Use Development Intensity and Use Regulations. If a development proposal in a Mixed Use-R-1 District meets all of the thresholds listed in subsection (2), then the following use and intensity regulations shall apply:
- A. For commercial floor area, permitted uses shall be those listed in Section 3.7, as permitted uses in the Community Commercial District, except as noted in paragraph D, below.
 - B. For residential floor area, permitted uses shall be those listed in Section 3.7 as permitted uses in the R-5 District, except that in addition multifamily development of more than 7 units shall be permitted.
 - C. For office floor area, permitted uses shall be those listed in Section 3.7 as permitted uses in the OI-1 District.
 - D. The following uses are not permitted in the Mixed Use Zone:
 - Automotive Repair
 - Automotive, Trailer, and Farm Implement Sales or Rental
 - Kennel
 - Supply Yard
 - Veterinary Hospital
 - E. Dimensional Standards shall be those listed in Section 3.8, in a Community Commercial (CC) Zone.
 - F. For the portions of a site devoted to residential development, the density limitations described in Section 3.8 for the R-5 zone shall apply.
 - G. Minimum Setbacks from the perimeter boundary of the specified development tract shall be as follows:
 - Street: 50 feet
 - Interior: 50 feet
 - Immediately Adjacent to Residential Use or Residentially Zoned Property: 50 feet
 - H. Minimum Setbacks internal to the specified development tract shall be as follows:
 - Street: 0 feet
 - Interior: 0 feet

- I. The Minimum Setback for any parking area from the perimeter boundary of the specified development tract shall be 75 feet from the street.
 - J. Maximum Height Limits shall be as follows:
 - Primary: 29 feet
 - Secondary: 90 feet
 - K. Type "C" buffers shall be required around all perimeters of the development tract, except in circumstances where a higher level of buffer is required. A Type "D" buffer with a minimum width of 50 feet shall be required adjacent to a non-interstate arterial street.
- (4) Mixed Use Development Design Standards. All design standards specified in Article 5 of this Chapter and in the Town's Design Guidelines in effect at the time a proposal is being reviewed shall apply to the design of development proposed as a mixed use development as defined by this Article with the following special provisions:
- A. Site Analysis: Any application for mixed use development shall include a site evaluation analysis which identifies the physical character and structure of the site. Elements of the site to be investigated include topography, slope conditions, soil characteristics and subsurface constraints, drainage patterns, vegetation, and other existing conditions.
 - B. Outparcels: Outparcels are hereby defined as development or parcels of land generally located at the perimeter boundary of a mixed use development and physically separated from the remainder of the development. All plans for outparcels within a mixed use development proposal shall include a set of design criteria for the outparcel(s). These design criteria shall be prepared to maintain visual compatibility and overall design compatibility with the entire development. The criteria shall address the location, form, scale, materials and colors of structures as they relate to the design concept of the entire development, and shall be consistent with the Design Guidelines.
 - C. Off-street parking requirements shall be 80% of the minimum requirements listed in Section 5.9.
- (5) Additions to Approved Mixed Use Developments. Development tracts of between ten (10) and twenty (20) acres can meet the Mixed Use Threshold in the following manner. If development of property in a Mixed Use-R-1 zone is proposed, and the proposal meets all the following thresholds, then

the set of permitted use and intensity regulations described in subsection (3) shall apply. Those thresholds are:

- A. Development is proposed on tracts of size between ten (10) and twenty (20) contiguous acres (may include parcels on both sides of a public street if at least five acres of the total are located on both sides of the street).
- B. The proposed development tract is adjacent to, or across a public street from, a Mixed Use Development that has been approved by the Town Council in accordance with the provisions of this Article and Section 4.8.
- C. The proposed uses, circulation patterns and buffers are demonstrated to be compatible with the adjacent approved Mixed Use Development. In addition, landscape treatments and architecture shall be demonstrated to be compatible with the adjacent approved Mixed Use Development to the extent such landscape treatments and architecture have been specified in the adjacent Special Use Permit approved by the Town Council.
- D. Uses for the proposed tract are proposed in one of the following combinations:
 - Office, Commercial, and Residential Uses,
 - Office and Commercial uses, or
 - Office and Residential uses.
- E. At least 60% of the proposal's floor area shall be devoted to "business, office-type" uses, as defined in this Land Use Management Ordinance.
- F. No more than 85% of the proposal's floor area shall be devoted to "business, office-type" uses.

(g) Review and Approval Procedure

Review and approval procedures specified in Section 4.5 shall apply to applications for development approval in a Mixed Use Zoning District. All development proposed under the conditions specified in subsections (b)(1), (d)(2), (d)(3), (e)(2), and (e)(3) shall be considered to be Special Uses.