

## Memorandum

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To: Chapel Hill Town Manager  
 From: Scott Radway, AICP  
 Date: January 5, 2009  
 Subject: Aydan Court R-SS-C Zoning Map Amendment Request  
 Statement of Compliance

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The applicant believes that the proposed Aydan Court medium density development meets the goals for residential development in the R-SS-C district.

**Cazco Inc., the applicant for Aydan Court proposes to develop under Option B identified below.**

***For each of the items to be considered in Option B, the applicant has provided information for consideration by the Council.***

### **“3.4.1 Residential-Special Standards-Conditional Zoning Districts**

A Residential-Special Standards-Conditional (R-SS-C) is hereby established, pursuant to North Carolina General Statutes Section 160A-382. Uses allowed in this district shall be those described in Section 3.7 and Table 3.7-1 (Use Matrix) of this Chapter, and are permitted only upon issuance of a Special Use Permit by the Town Council pursuant to Section 4.5 of this Chapter.

Residential development and the recreational, open space, and other urban amenities associated with such development when located within the Residential- Special Standards-Conditional district shall, to the extent practical, comply with the goals and objectives of the Comprehensive Plan. Zoning Atlas amendment applications, proposing to rezone a site to the Residential-Special Standards-Conditional district shall comply with A or B below:

- A. An applicant must demonstrate that the associated Special Use Permit application complies with the following objective:
1. Promotion of a 100% affordable on-site housing component.

OR



B. An applicant must demonstrate that the associated Special Use Permit application complies with each of the following objectives:

1. Promotion of affordable housing on-site, and off-site when appropriate, that complies with or exceeds the Council’s current affordable housing policy.

*Aydan Court proposes to provide four affordable housing units on-site and a payment in lieu to the Town Housing Trust Fund for the equivalent of 4.8 affordable housing units.*

2. Implementation of an energy management and conservation plan that addresses carbon reduction, water conservation and other conservation measures that comply with or exceed the Council’s current energy management/ conservation policies.

**Energy Management and Conservation – Carbon Reduction** - *Aydan Court will comply with the Council resolutions for complying with energy reduction of 20% above ASHAE as proposed in the applicant’s Energy Management Plan of November 6, 2007. (Attached) It identifies energy saving appliances, lighting fixtures, HVAC systems and other measures that will reduce per capita energy use.*

*The plan also identifies a homeowners association Energy Management Plan for the ongoing use of the Condominium Association in maintaining the commitments to lowering per capita energy use.*

**Water Conservation Measures** - *The applicant has proposed and will implement a stormwater collection and re-use program for Aydan Court. It will provide for (1) collection of and retention of stormwater for on-site for irrigation and (2) collection and retention of stormwater that will be used for flushing toilets in the condominium-flats building.*

*These measures will result in (1) lowering the amount of energy and potable water used by residents and (2) reducing the amount of stormwater run-off from the site.*

3. Encouragement of a balanced private and public transportation system that promotes connectivity and safety for vehicles, bicycles, and pedestrians including direct and/or indirect improvements to the community’s transportation systems.

*Aydan Court is located in the NC 54 roadway corridor that enters Chapel Hill from the southeast.*



***Public roadway, transportation system, pedestrian, and bicycle facilities improvements by Aydan Court include:***

- A) Paired “leftover” directional left turning lanes at the entrance to Aydan Court and the entrance of Downing Creek. This improvement will also eliminate the unsafe median break at Little John Street. These improvements provide more convenient and safer access to the existing Downing Creek and Sherwood Forest residential neighborhoods.***
- B) The paired leftover turning lanes provide a U-Turn location within Chapel Hill for public, emergency, and service vehicles that eliminates the need to travel 1 mile into Durham before reaching the U-Turn location at Huntingridge Road. This is a major improvement for the fire, police and emergency vehicles.***
- C) The paired leftover also provides for U-Turn options for Chapel Hill Transit Buses.***
- D) A \$17,000 payment for Transit System Improvements will be made as part of the volunteered stipulations and will be for the construction of a bus shelter that will serve Aydan Court and adjoining properties when and where the Town determines.***
- E) The internal private roadway in Aydan Court is designed to provide a future connection to the UNC-Chapel Hill Foundation Inc. property immediately to the west of the site and by extension to Meadowmont. This future connection will eliminate auto trips that would otherwise use NC 54 and will encourage pedestrian and bicycle use for trips going to the town center and public facilities (parks/greenway) in Meadowmont.***
- F) Aydan Court will also extend the existing public NC 54 bicycle and pedestrian path about 1/4<sup>th</sup> mile from its current terminus on the north side of NC 54 to the eastern property line of Aydan Court. This will extend the safe walking and biking path to the Upper Little Creek Waterfowl Impoundment area located east of Aydan Court.***

***In summary, Aydan Court will provide significant improvements to the public circulations systems.***



4. Support of a healthy downtown district by identifying or providing reasonable accessible pedestrian/bicycle and non-vehicular access to downtown.

*Aydan Court is located near the Meadowmont Village Center and will be connected to it by the extension of the NC 54 bikeway and pedestrian trail as well as by Highway NC 54. The Council has acknowledged that this district could be appropriate for support of neighborhood centers in addition to its use for development in and near the downtown.*

*The applicant believes that Meadowmont is one of the neighborhood centers around which medium density residential development is appropriate and that approval of Aydan Court would be in keeping with the Council's existing zoning and planning initiatives that support mixed-use neighborhood centers in Chapel Hill.*

5. Promotion of Art (Private or Public) in private development that is visually accessible to the public and/or providing direct/indirect opportunities for public art.

*Public Art, as has been seen in Southern Community Park, the Greenway System and 140 West Franklin, can take a variety of forms. For Aydan Court - visually screened from the traveling public by the NC 54 embankment - the internal landscape forms and highly developed common area designs provide the public art element of the proposed development.*

6. Protection of adjoining residential uses and neighborhoods with appropriate screening/buffering and/or architectural design elements that is congruous and sensitive to the surrounding residential areas.

*Aydan Court has no adjoining residential uses or neighborhoods and is unlikely to have a residential neighborhood located on the UNC-Chapel Hill Foundation Inc. land to its west. Therefore, this item is not applicable to the proposed development.*

7. Protection/restoration of the natural environment by implementing program(s) addressing stream restoration, wildlife habitat, woodland, meadow restoration, steep slope protection, and exotic invasive vegetation management, including programs that encourage private/public partnership to restore and enhance environmental resources.

*Aydan Court is a site that was partially used for farming, left fallow for many years, and on which volunteer native evergreens and hardwoods have grown during the past 35-50 years. The intermittent stream corridor at the front of the site is the primary area of older hardwoods.*



**Preservation of Intermittent Stream Corridor**

*The Aydan Court proposal is designed to protect this intermittent stream and its RCD buffer by using an entry road with a bridge over the stream crossing, collecting all the stormwater falling on the roadway and sidewalks, and directing this stormwater away from the stream corridor and into the on-site stormwater management facilities.*

**Erosion and Sediment Control During Construction**

*Erosion Control Plan meeting all Chapel Hill and Orange County Erosion Control standards will be part of the Final Construction Plans. No site activity can occur until all erosion control measures are approved and on-site meetings with inspectors have been completed. Construction will move by stages over the course of several years within the site, each stage having a distinct erosion control plan that will be required to have town and county approval prior to the beginning of that phase of construction. The details of this plan will also account for the extension of the sanitary sewer to the site, the roadway improvements in the NC 54 right-of-way, and the construction taking place on-site.*

**Erosion and Sediment Control Post Development**

*After construction is completed, the stormwater management facilities will limit the discharge of stormwater to the approved locations that utilize dissipater devices to reduce the rate of stormwater flow, thereby eliminating the possibility of soil erosion on the adjoining property. Performance bonds that guarantee the functioning of the system after development are required prior to the issuance of occupancy permits.*

**Steep Slope (25%+) Protection Considerations**

*Slopes in excess of 25% comprise less than 8% (20,005 SF) of the Aydan Court site. The site plan proposed by the applicant disturbs 10,712 SF, about 4% of the total site.*

*The accompanying November 6, 2008 memo to the Chapel Hill Town Manager about steep slopes was provided in response to questions by the Council about the reasons for the proposed disturbance. The memo provides in depth information about the publicly required roadway and utility service that accounts for about 90% of the proposed steep slope disturbance.*

*All designs require the balancing of competing goals and standards. The applicant acknowledges that for the Aydan Court site the Town and Council goals for the provision*



*of water and sewer services, NC 54 access, and connection to the UNC – Chapel Hill Foundation Inc. property are requirements for connectivity and community building that result in an additional small amount of steep slope disturbance.*

**Organic Landscape Practices**

*Organic landscape practices are proposed for this site, including the use of low impact natural fertilizers. These also include the use of non-invasive and native plant materials.*

8. Promotion of green and ecologically sound developments.

*Aydan Court incorporates and promotes sound green building and ecologically sound development practices in the following ways:*

**Limiting Off-Site Impacts – Reducing Stormwater Discharge Affects**

- a) *Reducing the amount of stormwater permitted to leave the site and enter the Upper Little Creek Impoundment and Jordan Lake by re-using stormwater harvested on-site for landscaping and flushing of toilets.*
- b) *Exceeding the Town’s requirement for removing of 85% of the temporary suspended solids on site with single stormwater management devices by locating additional surface and underground facilities throughout the site for additional removal of temporary suspended solids.*

**Carbon Reduction and Energy Conservation**

- a) *Reducing the per capita demand for electricity generated by carbon producing power plants by incorporating energy saving appliances and interior lighting fixtures, using high efficiency HVAC systems, utilizing building façade materials that reduce thermal loading, using insulation with high R ratings, and other materials and devices that reduce energy consumption.*
- b) *Providing an on-going Home Owners Association maintenance manual for continuation of energy management practices for the life of the community.*

**Solid Waste Reduction**

*Encourage recycling by providing the easiest storage and collection systems for the respective types of dwelling units: (1) Indoor storage and individual floor recycling loca-*



*tions for the Condominium building residents and (2) indoor storage and curbside pickup for the townhome residents.*

9. Encouragement of a community character that promotes economic vitality, economic protection and social equity.”

***Community Character*** - *The location of Aydan Court in the NC 54 corridor and the goals for any development in the corridor, place the highest emphasis on maintaining a green front yard for development to continue the open, green, visual landscape when entering Chapel Hill. Aydan Court accomplishes this more than any existing or proposed development along the NC 54 corridor by developing residentially with buildings that are visually screened by existing vegetation.*

***Economic Vitality – Economic Protection*** – *The addition of residential development at Aydan Court will provide additional tax base for Chapel Hill and provide additional purchasing power within Chapel Hill. This will aid to the overall economic strength of the town and will support existing businesses, rather than providing competition from new, outlying business.*

***Social Equity*** – *As a residential use, Aydan Court will provide two types of employment opportunities. First, the site and building construction employment available during construction and second, the service and maintenance jobs required by the homeowners association for the upkeep of the buildings and landscaping owned in common.*

*Aydan Court also contributes to social equity by providing both on-site affordable housing and a proportional affordable housing payment-in-lieu. The on-site housing will be able to address housing for households of 1-2 persons. The payment-in-lieu can be flexibly used to provide housing for families with children in other locations within Chapel Hill.*