

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: J.B. Culpepper, Planning Director
Gene Poveromo, Development Manager
Kendal Brown, Principal Planner

SUBJECT: Elementary School at 350 Caldwell Street Extension - #11 Special Use Permit Modification Application

DATE: October 28, 2009

INTRODUCTION

Tonight the Town Council continues the public hearing from September 21, 2009. Adoption of the attached Revised Resolution A would approve a Special Use Permit Modification to allow a three story 100,000 square foot elementary school and 85 parking spaces on 8 acres between McMasters Street and Caldwell Street Extension west of Church Street. The site is identified as Orange County Parcel Identifier Number 9788-18-1797.

The attached Resolution B would direct the Town Manager to monitor and take appropriate action on pavement damage on Church Street and/or on street parking problems that may arise on surrounding streets due to increased traffic related to the school's operation.

DISCUSSION

At the September 21, 2009 public hearing, several issues were raised. Each is discussed below.

Linking School Use to Office/Institutional-3 (OI-3): A Council member asked if there was a way to stipulate that if at some point in the future the school were no longer in use, the property could revert to its previous zoning.

Staff Response: In Revised Resolution A, we have included a stipulation which provides that the School Board, for itself and any successors in title to this property, waives any objection to a future rezoning of this property back to Residential-3 (R-3). The developer has agreed to this stipulation. For additional discussion on this topic, please refer to the accompanying rezoning memorandum.

2. Traffic Calming and Pedestrian Improvements: The chair of the Greenways Commission asked that Stipulation #14B be revised to be more specific about including a crosswalk on Caldwell Street Extension at the trailhead of the greenway. (Please see the attached summary of Greenways Commission action.) In addition, questions have arisen among the staff as to the number and type of traffic calming measures most appropriate for the neighborhood.

Staff Response: At the Planning Board meeting, in response to Planning Board comments, the applicant agreed to construct pedestrian and traffic calming improvements on Caldwell Street Extension near the school site and on Church Street between Caldwell Street Extension and Rosemary Street. These proposed installations were identified on the Northside Pedestrian Mobility Plan adopted by the Council in January, 2007. The plan called for the installation of painted crosswalks, a raised mid-block crosswalk, and speed tables on Caldwell Street Extension and Church Street.

In the past, public safety personnel have expressed concerns about the use of speed tables on primary emergency routes such as Church Street. In reviewing the proposed traffic calming measures associated with this project, public safety staff has specific concerns about the number of traffic calming devices now proposed on Church Street. In response, we now propose a test project to install “speed cushions” instead of the speed table design now installed at other locations in Town. (Speed cushions are speed tables that have been modified with wheel paths across them to allow emergency vehicles with wide axles to straddle the raised section.) We expect speed cushions to have less impact on emergency vehicle response times than speed tables. We recommend two installations of speed cushions on Church Street instead of the three typical speed tables originally proposed on Church Street.

We recommend that the speed cushions be in place on a trial basis. If the Town Manager were to determine that the speed cushions were detrimental to public safety response time or public safety vehicles, the Town would replace the speed cushions with at-grade crosswalks.

Traffic calming measures are included in Stipulations #15 (formerly #14) and #16 (formerly #15), which address the following measures in specific locations, including a raised crosswalk at the greenway trailhead on Caldwell Street Extension:

- Crosswalks at grade (7 total):
 - Church Street at Caldwell Street Extension (4);
 - Church Street at Lindsay Street (1);
 - Church Street at McDade Street (1); and
 - Church Street at West Rosemary Street (1).
- Raised crosswalk (1 total)
 - Caldwell Street Extension at the greenway trailhead.
- Speed cushions (4 total):
 - Caldwell Street midblock between North Columbia Street and Church Street;
 - Caldwell Street Extension at the main vehicular entrance to the school;
 - Church Street just south of the Brooks Street intersection; and
 - Church Street just north of the Short Street intersection.

Please see the attached map for the pedestrian and traffic calming improvements recommended by the staff and agreed to by the developer.

The school, Department of Public Instruction, and the Town will need to coordinate on exact locations of the crosswalks. The crosswalk at the greenway trailhead will also need to be coordinated with the relocation of the bus shelter in that vicinity, if shelter relocation is called for.

Stipulation #14B did include the crosswalk location at/near the greenway trailhead on Caldwell Street Extension. The revised stipulations (renumbered to #15 and #16) now include all 7 crosswalk locations, a single raised crosswalk, and 4 speed cushions.

3. **Bicycle Rack Installation:** A Council member requested assurance that the bicycle racks would be properly installed such that the maximum number of bicycles could be stored.

Staff Response: The developer has indicated he will use the Town's specifications for bicycle rack installation. In addition, we have included in Revised Resolution A a stipulation with the provision that the bicycle racks will be installed with orientation and spacing to maximize the number of bicycles that can be parked.

4. **Alternative Student Drop-Off Plans:** A Council member requested that the school develop an alternative to the proposed vehicular student drop-off loop, with the goal of minimizing the duration of car idling so that carbon emissions could be reduced. One suggestion was to have student drop-off available at the Caldwell Street Extension curb, and set up a student assist program in which older students would escort younger students from the Caldwell Street Extension curb to the building.

Staff Response: The developer is investigating other possible configurations and locations for student drop-off. We anticipate that the developer will provide the Council with a response to this comment at tonight's meeting.

5. **Consequences if Student Drop-Off Loop Were Shortened:** A Council member asked what the consequences would be if the proposed student drop-off loop were shortened, specifically whether the Department of Public Instruction would deny approval of the school proposal.

Staff Response: The 969 foot length was a recommendation of the Town's traffic impact consultant, who had consulted the NCDOT standards for elementary schools of this size (please see the attached chart from the traffic consultant). Regarding consequences of shortening the queuing length, the developer has responded that the Department of Public Instruction and the NCDOT can make recommendations, but neither has the authority to deny the project. We note that generally speaking, adequate stacking room on-site could reduce stacking on neighborhood streets.

6. **Energy Management:** A Council member asked the applicant to accept the challenge of a 50% energy savings over ASHRAE standards, saying new technology has made such a savings achievable. In addition, the applicant has been developing an energy management strategy during the review process. Upon closer review, the developer has suggested minor changes to one of the energy related stipulations.

- Regarding the energy efficiency standard in Stipulation #44, in response to the Council member's suggestion that the applicant agree to achieve over 20% energy efficiency relative to ASHREA 90.1-2004 standard, the applicant states:

Applicant's response:

- "Our projections on energy use show that ES11 will be more energy efficient than Carrboro HS. "
- The applicant has stated that by achieving a 30% reduction from ASHRAE 90.1-2004, the building will meet the 2030 Challenge of 50% reduction in fossil fuel use. The applicant has stated a goal of 37% reduction from ASHRAE 90.1-2004.

Staff response: We note the following points:

- Although a project of this type is not required to meet SB 668 (energy performance for state construction projects), the energy performance of this project is expected to exceed the state's policy for energy conservation in state buildings (i.e., 30% greater energy efficiency than ASHRAE 90.1 – 2004).
- The American Institute of Architects (AIA) 2030 Challenge recognizes that buildings which perform 30% better than ASHRAE 90.1 – 2004 are equivalent to those that perform at 25% better than ASHRAE 90.1 – 2007. Because the applicant anticipates a 37% better energy performance relative to ASHRAE 90.1 – 2004, this performance would also exceed the Town's energy policy for rezoning applications (20% better than ASHRAE 90.1 – 2007).
- When asked if the performance could meet the Council member's challenge of 50% under the current design, the applicant explained that nearly all options have been exhausted within the current scope of the project.

With this information in mind, we find the applicant's response to be reasonable.

The developer, after discussions with the Town's Sustainability Officer, has responded to the following in subsections Stipulation #43 (formerly #42) regarding the Energy Management Plan and to the Energy Efficiency stipulation #44 (formerly #43):

- #43 (a) consider utilizing sustainable energy, currently defined as solar, wind, biofuels, and hydroelectric power.
 - *Applicant's response:* "The proposal includes the use of solar thermal sustainable energy. We have considered the use of wind, however determined that it is not appropriate for this location. We are not considering biofuels and hydroelectric power."
 - *Staff response:* Given the comments noted above for Stipulation #44, we believe this is reasonable.
- #43 (b) consider the purchase of carbon offset credits and green power production through coordination with the NC GreenPower program.
 - *Applicant's response:* "We will consider it, but more than likely will be too expensive for the District to afford."

- *Staff response:* Given the comments noted above for Stipulation #44, we believe this is reasonable.
- #43 (c) provide for 20 percent more efficiency that ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project.
 - *Applicant's response:* The applicant suggested rewording this subsection for clarification purposes to “provide an indoor air quality management plan during construction and design spaces to allow users adequate access to natural lighting and views to the outside.”
 - *Staff response:* We believe the “20 percent more efficiency” phrase can be removed because it is included in the stipulation immediately following in Revised Resolution A (#44). Additionally, the applicant is providing an air quality management plan.
- #43 (d) that the property owner reports to the Town of Chapel Hill the actual energy efficiency achieved with the plan, as implemented, during the period ending one year after occupancy.
 - *Applicant's response:* No changes suggested.
 - *Staff response:* No changes suggested.

PROCESS

We anticipate that further evidence may be presented for the Council’s consideration as part of the continued public hearing process.

The Land Use Management Ordinance requires the Town Manager to conduct an evaluation of this Special Use Permit application, to present a report to the Planning Board, and to present a report and recommendation to the Town Council. We have reviewed the application and evaluated it against Town standards; we have presented a report to the Planning Board; and tonight we submit our report and recommendation to the Council.

The standard for review and approval of a Special Use Permit application involves consideration of four findings (description of the findings follows below). Additional evidence will be presented tonight. If, after consideration of the evidence, the Council decides that it can make each of the four findings, the Land Use Management Ordinance directs that the Special Use Permit shall then be approved. If the Council decides that the evidence does not support making one or more of the findings, then the application cannot be approved and, accordingly, should be denied by the Council.

EVALUATION OF THE APPLICATION

Tonight, based on the evidence in the record thus far, we provide the following evaluation of this application based on the four findings of fact that the Council must consider for granting a Special Use Permit. We believe the evidence in the record to date can be summarized as follows:

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

Evidence in support: Evidence in support of this finding includes the following point from the applicant's Statement of Justification:

- “The proposed elementary school will promote the public’s general welfare by providing high-quality public education for local children. The school building and grounds will be a safe and healthy environment for students, workers, and visitors, in accordance with all applicable zoning, building, health, food-service, and life-safety codes.”
[Applicant’s Statement]

Evidence in opposition: We have not identified any evidence offered in opposition to Finding #1.

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

Evidence in support: Evidence in support of this finding includes the following points from the applicant's Statement of Justification:

- “The proposed project will comply with all applicable regulations and standards.”
[Applicant’s Statement]
- “The new facility will provide for adequate access and circulation for both pedestrians and vehicles, in accordance with the recommendations of a traffic

Evidence in opposition: We have not identified any evidence offered in opposition to Finding #2. However, we note the applicant requests two modifications to the regulations – one to exceed by 10 feet the building height limit for the extreme northwest corner of the building, and one to permit a 12-foot encroachment into the street setback for a canopy over the sidewalk in the school bus waiting area.

Staff Comment: We believe the Council could make the finding that in this particular case, the modifications would serve public purpose to an equivalent or greater degree. The height limit modification would allow the northwest corner of the building to vertically exceed the building envelope by about 10 feet. The proposed vertical extension would allow a more compact building form, which would retain more outdoor area for vehicle stacking and play areas. The 12-foot horizontal encroachment of the sidewalk canopy into the street setback on the McMasters Street frontage would provide rain protection for children awaiting school buses.

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

Evidence in support: Evidence in support of this finding includes the following points from the applicant's Statement of Justification:

- “The existing land use is a well established and significant non-residential fixture in the neighborhood, and the presence of this type of land use is already reflected in the market value of contiguous properties.” [*Applicant's Statement*]
- “The school building and site will be a physically attractive facility that sensitively responds to site conditions and to the concerns of local residents.” [*Applicant's Statement*]
- “New schools, particularly within school systems that are known to provide high-quality educational services, are generally considered to have a positive effect on the real estate value of nearby properties. The proposed school facility will be a beneficial addition to the local community. It will provide a local source of quality public education, provide job opportunities for neighborhood residents and other citizens, and be a venue for a wide range of community activities and gatherings.” [*Applicant's Statement*]

Evidence in opposition: We have not identified any evidence offered in opposition to Finding #3.

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

Evidence in support: Evidence in support of this finding includes the following points from the applicant's Statement of Justification:

- “The proposed elementary school use will be consistent with the Town's Land Use Management Ordinance (LUMO) and Comprehensive Plan (CP).” [*Applicant's Statement*]
- “The new elementary school will provide a protective effect within the Northside neighborhood by increasing the attractiveness of the neighborhood for families and owner-occupants, and encouraging longer-term residents to occupy the neighborhood residences, naturally leading to a neighborhood population that is more stable and invested.” [*Applicant's Statement*]
- “The proposed school will reinstate the historic educational usage of the property and will support the historic family-oriented composition of the neighborhood.” [*Applicant's Statement*]
- “This collaboration with the neighborhood will continue through the final design phase, giving voice and investment to the neighborhood residents, and promoting an interactive community spirit in the design process.” [*Applicant's Statement*]

Staff Comment: We have not identified any evidence offered in opposition to Finding #4. We note that the Land Use Plan, an element of the Comprehensive Plan, designates this site for Institutional Use.

We anticipate that further evidence may be presented for the Council's consideration as part of the continued public hearing process. Please see the applicant's Statement of Justification for additional evidence in support of the four findings.

SUMMARY

We have attached Revised Resolution A that includes standard conditions of approval as well as special conditions that we recommend for this application. With these conditions, and the two proposed modifications of the regulations, we believe that the Council could make the four required findings necessary to approve the application. Our recommendation, Revised Resolution A, incorporates input from all Town departments involved in review of the application.

RECOMMENDATION

Revised Staff Recommendation: We recommend that the Council approve the Special Use Permit application with the adoption of Revised Resolution A, which includes the following revised stipulations following the September 21, 2009 public hearing:

- Stipulation #1 - Waiving Right to Protest Petition: That in the future, should the school be closed or the school not be built, the School Board (for itself or any successors in title to the property) waives its right to file a protest petition in response to a future request to rezone the property to Residential-3 (R-3).
- Stipulation #16 - Traffic Calming: That the developer shall install the following traffic calming measures at the following locations:
 - Crosswalks at grade (7 total):
 - Church Street at Caldwell Street Extension (4);
 - Church Street at Lindsay Street (1);
 - Church Street at McDade Street (1); and
 - Church Street at West Rosemary Street (1).
 - Raised crosswalk (1 total)
 - Caldwell Street Extension at the greenway trailhead.
 - Speed cushions (4 total):
 - Caldwell Street midblock between North Columbia Street and Church Street;
 - Caldwell Street Extension at the main vehicular entrance to the school;
 - Church Street just south of the Brooks Street intersection; and
 - Church Street just north of the Short Street intersection.

Resolution C would deny the application.

A matrix comparing the differences between staff and advisory board recommendations is included at the end of this memorandum.

ATTACHMENTS

1. Summary of Greenways Commission action (p. 27).
2. Traffic calming measures in proposed locations (p. 28).
3. Vehicle queuing chart for elementary schools (29).
4. Applicant's materials on sustainable building practices (30).
5. Applicant's Statement of Justification (p. 40).

Elementary School #11 Special Use Permit Modification
DIFFERENCES AMONG RECOMMENDATIONS

ISSUES Resolution A	Staff	Planning Board	Transportation Board	Comm Design Comm	Greenways Comm	Parks & Rec Comm	Bicycle & Pedestrian Adv Board
Developer waives right to protest petition re: future rezoning to Residential-3	Yes	*	*	*	*	*	*
<u>ROAD IMPROVEMENTS</u>							
Caldwell St. & widening on McMasters St. to withstand bus traffic	Yes	Yes	*	*	*	*	*
Repairs to Caldwell, Church or McMasters Street if pavement damaged by construction or school buses	Yes, monitor annually	Yes, monitor every 6 months	*	*	*	*	*
Extend bond for r.o.w. improvements to 2 years	Yes	Yes	*	*	*	*	*
<u>BIKE/PED IMPROVEMENT</u>							
# of bike parking spaces	80-120	80-120	120	*	*	*	Yes
Bike rack orientation & spacing to maximize parking	Yes	*	*	*	*	*	*
Annual report on bike parking usage	Yes	Yes	*	*	*	*	Yes
Extend Caldwell Street sidewalk to Mitchell Lane	Yes	*	*	*	Yes	*	*
Extend greenway trail from Caldwell St. to Cotton St.	Yes	*	*	*	Yes	*	Yes, & others to connect to Tanyard
Handicap access at Caldwell Street Ext. frontage	Only if feasible	*	*	*	*	Yes	*
Traffic calming	Per attached map	*	*	*	Crosswalks at Specific locations	*	On Caldwell & street to the west
Provide school walk zone	Yes, at final plans	*	*	*	*	*	Yes
4 parking spaces dedicated to parents of pre-K students	Yes	*	*	Yes	*	*	*
<u>RECREATION</u>							
Add backstop, other formal play feature to grass area	No	No	*	*	*	Yes	*
Provide basketball court	Yes	Yes	*	*	*	Yes	*
Mix of surfaces in pre-K play area if budget allows	Yes	Yes	*	*	*	Yes	*

Protective fencing around play areas	Yes	Yes	*	*	*	Yes	*
ISSUES Resolution B	Staff	Planning Board	Transportation Board	Commun Design Board	Greenway Commission	Parks & Recreation Commission	Bicycle & Pedestrian Advisory Board
Town Manager to monitor and address condition of pavement of Church Street	Yes	Yes	*	*	*	*	*
Town Manager to monitor and address on-street parking problems, if any	Yes	Yes	*	*	*	*	*

* not discussed

prepared October 20, 2009