

ATTACHMENT 1**STAFF REPORT**

SUBJECT: Public Hearing: Murray Hill at Meadowmont, 201 Meadowmont Lane -
Application for Special Use Permit

DATE: March 15, 2010

INTRODUCTION

Attached for consideration is an application for a Special Use Permit, submitted by Scott Murray Land Planning, Inc. concerning a site of just over an acre in the Meadowmont development on the north side of Highway 54 East. Fifteen multi-family dwelling units totaling 66,000 square feet would be constructed on four lots with 34 parking spaces at 201 Meadowmont Lane, adjacent to the Meadowmont Wellness Center. The site is located in the Residential-5-Conditional (R-5-C) zoning district and is identified as Orange County Parcel Identifier Number 9798-75-3407.

BACKGROUND

October 23, 1995 Town Council approved the 400-plus acre Meadowmont Master Land Use Plan. A portion of the Master Plan included a 48-acre site for a congregate care retirement or multi-family use, a wellness center, Meadowmont Lane right-of-way corridor, and an easement for a transit corridor as uses adjacent to this site.

July 3, 1997 Meadowmont Infrastructure Special Use Permit was approved, including realignment of the transit corridor easement and Meadowmont Lane. The realignments relocated a portion of the congregate care/multi-family (approximately one acre) to the west side of Meadowmont Lane. This resulted in the creation of the proposed Murray Hill parcel ("Parcel 20") between the transit easement and Meadowmont Lane.

REGULATORY RELATIONSHIP TO MEADOWMONT MASTER LAND USE PLAN

Because a Master Land Use Plan has been approved by the Council, this application must meet only one of four Special Use Permit findings: that the proposed development complies with all applicable sections of the Chapel Hill Land Use Management Ordinance (LUMO) requirements. (For more discussion, please see the section on Special Use Permit findings later in this report.)

Of all the Master Plan conditions, those pertinent to development of this project have been repeated in the attached Resolution A which would approve this Special Use Permit.

EXISTING CONDITIONS

The following summarizes key features of *existing* conditions:

Existing Permits, Land Use Intensities: Meadowmont Master Land Use Plan – Mixed Use Planned Development:

- “Parcel 20” – congregate care/multi-family;
- impervious surface high density option re: impervious surface (up to 36,000 s.f.)
- floor area limitation of 66,000 square feet.

Location, Acreage: 201 Meadowmont Lane, 1.17 acres within Meadowmont Development in the town’s Urban Services Boundary, in the town limits, north of Highway 54 East, near the Durham County line.

Zoning: Residential-5-Conditional (R-5-C).

Overlay District(s): None.

Existing Structures: None.

Surrounding Uses: Single-family, Rosemary Place Townhomes, Meadowmont Village Center, and Meadowmont Wellness Center.

Road Frontage(s): Meadowmont Lane/Sprunt Street.

Bus Routes and Stops: “V” and “safe G.” Two stops on Sprunt Street south of the Wellness Center and north of Rosemary Townhomes; two stops on West Barbee Chapel Road south of the Harris Teeter grocery store in the Meadowmont Village.

Pedestrian Amenities: Sidewalks exist along both sides of Meadowmont Lane and Sprunt Street.

Infrastructure: Meadowmont Lane 4 lanes, median divided, with curb, gutter, and bikelane; Sprunt Street 2 lane, with curb, gutter.

Vegetative Cover: Wooded, mostly pines, understory (6 large oaks, some cedars).

Topography: Slight downward slope west to east. 85% of site at < 10%. Steep embankment along Meadowmont Lane.

Impervious Surface and Stormwater: High Density Option (50%) within Meadowmont Mixed Use Development; this site subject to Meadowmont site-specific allocation scheme. Retention ponds throughout Meadowmont. Site drains to Pond 5.

Utilities: Water and sewer main extension required to serve site.

Proposed Murray Hill Development

Use: Fifteen multi-family residential units on four lots.

Density: 12.8 dwelling units per acre.

Setbacks: None required by Meadowmont Master Land Use Plan.

Number of Buildings: 4.

Height: 39' primary/60' secondary maximum. Proposed building heights: 39' primary/52' secondary. Request includes modifications of Meadowmont Design Guidelines at 3 locations for peaks of gable roofs.

Floor Area: 66,000 s.f. allocated to this site via previous Meadowmont approvals; 66,000 s.f. proposed.

Modifications: Parking lot screening and parking lot buffers.

Vehicular Parking: Required minimum: 27; maximum allowed 34; proposed: 34 (30 spaces located under the buildings).

Handicap Parking Required/Provided: 2 required; 2 proposed.

Bicycle Parking: Required: 3 spaces; proposed: 1-2 per unit, all proposed in underground parking area (Class I covered). Two outdoor bike racks (four spaces) for visitors.

Pedestrian Amenities: Raised cross-walks proposed at entrance drives, with contrasting color and material.

Access Drives: 2 on Meadowmont Lane.

Anticipated Daily Vehicular Trips: 135. Traffic Impact Analysis (TIA) exemption granted, as traffic impact accounted for in previous Meadowmont approvals.

Relation to current/future transportation infrastructure: Previous discussion of Meadowmont projects (Village Center, Rosemary Townhomes) included reference to possible Triangle Transit mass transit station between NC 54 and Sprunt Street.

Affordable Housing: Payment-in-lieu of \$191,250 (2.25 units) and a 1% transfer fee.

Recreation Space: Requirements for overall Meadowmont development fulfilled previously.

Public Art: Two art pieces proposed in common area, which may also serve as benches.

Refuse Service Area: Individual bins for refuse and most recyclable materials underground parking areas. Curbside service for each proposed lot. Cardboard dumpster less than 700 feet

away near Village Center grocery store.

EVALUATION

The Town staff has reviewed this application for compliance with the standards of the Town's Comprehensive Plan, the Land Use Management Ordinance, and Design Manual, based on the standards for the Residential-5-Conditional zoning district and the Meadowmont Master Land Use Plan. We offer the following evaluation:

Consistency with Meadowmont Approvals

Meadowmont Master Land Use Plan: We believe the proposed use and development is consistent with previous Town Council approval of the Meadowmont Master Land Use Plan and Meadowmont Infrastructure Special Use Permit.

The original Meadowmont Master Land Use Plan approved by the Town Council in 1995 showed this site as part of "Parcel 20" which was designated for use as congregate care/multi-family use. The configuration of this lot was not then contemplated, but rather resulted from a subsequent action to realign Meadowmont Lane and the transit corridor as requested by Triangle Transit. The Meadowmont Infrastructure Special Use Permit approved by the Town Council in 1997 showed the infrastructure realignments and the resultant crescent-shaped lot that is now the Murray Hill site. (The remainder of "Parcel 20" is now The Cedars Congregate Care Retirement Community.) Please refer to the developer's Statement of Justification for a more detailed history of the relationship between the Meadowmont Master Land Use Plan and this site.

Regarding use of the site, we believe the proposed development is consistent with what was conceptually contemplated, as Murray Hill is proposed for multifamily use. We believe that the Murray Hill proposal is in keeping with the Master Plan approved by the Council.

Comparison with Concept Plans

A concept plan proposal for this project was reviewed by the Community Design Commission on January 28, 2009 and by the Town Council on February 16, 2009. The summary of Community Design Commission comments is attached. The Town Council had the following comments:

1. Ensure that buyers/residents are made aware of future transit in adjacent transit corridor easement.
2. Question the need for 32 parking spaces.
3. Respond to Community Design Commission comments as much as possible (for example, consolidate the building masses to allow for more green area on the site)
4. Attenuate noise through design and construction.

The above Town Council comments are addressed in pertinent sections of this report and in the applicant's materials, attached.

Overall developer response to the concept plan review comments: following Concept Plan

Review, the developer has changed the site plan in the following ways:

- Reduced the number of units from 16 to 15;
- Consolidated the building mass to create more green area;
- Removed the access and alley from Sprunt Street;
- Created a second access point onto Meadowmont Lane, facilitated by a median cut in Meadowmont Lane;
- Removed the alley and parking from the western side of the buildings;
- Proposed a landscaped area with pedestrian path to the west of the buildings;
- Added two parking spaces; and
- Added 15,134 square feet of floor area.

Concept Plan/Special Use Permit Application Comparison

	1/28/09 CDC	2/16/09 Council	Special Use Permit
Floor Area (sq. ft.)	50,866	50,866	66,000
Dwelling Units	16	16	15
Buildings	4	4	4
Parking spaces	32	32	34
Vehicular Access	Meadowmont Ln, and Sprunt St	Meadowmont Ln, and Sprunt St	Meadowmont Ln only

Please see the attached developer responses to the Town Council and Community Design Commission comments.

Land Use Management Ordinance:

Density/Intensity/Scale: Community Design Commission members, at their February 17, 2010 meeting, expressed concern as to the scale, mass, and density of the proposal relative to the location and size of the site. They also stated their opinions that relative to visual context, the scale and intensity was unlike any other multifamily component nearby within Meadowmont. In response to questions about the height of the buildings and number of units, the developer noted that the building roofs would be lower than the top of the Wellness Center and stated that the project had already been scaled back from 16 units to 15 – any fewer would render the project unviable. Commission members stated that while the density might be appropriate for transit oriented development, mass transit was not yet operational in this location.

We believe the proposed density complies with the Meadowmont Master Land Use Plan and the Town’s Land Use Management Ordinance. Further, we believe mass transit at this site is a matter of time and that the project’s density is appropriate for its proximity to the transit corridor.

Modifications to the Regulations: The applicant is requesting that the Council approve three modifications to the landscaping regulations (Section 5.9.6) for:

- Parking lot screening from adjacent properties and streets ;
- Eight-foot landscape buffer at entry drives; and
- Five-foot landscape strips between buildings and parking area.

The Council has the ability to modify the regulations, according to Section 4.5.6 of the Land Use Management Ordinance. The Council could modify the regulations if it makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree. The Council may deny the proposed modification of regulations at its discretion. If the Council chooses to deny a request for modification of regulations, the applicant's alternatives are to comply with regulations or request a variance from regulations.

- a) Parking lot screening: Four of the 34 proposed parking spaces will be partially visible from that street. Because the visible parking spaces are few and are tucked between the buildings, and because the remaining spaces (30) are under the building and would not be visible from adjacent properties and streets, we believe the request to provide atypical screening for four of the 30 spaces is appropriate.
- b) Eight-foot landscaped areas at entry drive and five-foot landscape areas at building edges: The site design and spacing between buildings does not provide room for full width planting strips (5 feet for building/parking separation and 8 feet for entrance drive plantings). We believe the narrowed entrance drives proposed and the walkways from the public sidewalk to the building front entrances serve a greater public purpose to the overall function of the site than having full width plantings in these particular locations.

Affordable Housing: The Town's Comprehensive Plan goal of 15% affordable housing would in this case equate to 2.25 housing units (15% of proposed 15 condos = 2.25 units). The applicant proposes to make a payment-in-lieu of \$191,250 instead of providing units on site. The applicant is also proposing a 1% transfer fee.

In keeping with the Town's Comprehensive Plan, we recommend provision of 2 units of affordable housing on site. For the fractional unit of 0.25, we recommend the applicant provide a payment in lieu of \$21,250. (Using the Town's subsidy value formula, 0.25 units would equate to \$21,250 in subsidy.) We believe this combination of two on-site units and partial payment-in-lieu for the 0.25 unit is appropriate. We also recommend the 1% transfer fee being offered. We have incorporated these recommendations as stipulations in Resolution A. The Planning Board recommended accepting the developer's offer of no on-site units, a payment-in-lieu to the Town of \$191,250, and the 1% transfer fee. For additional discussion of this issue please refer to the attached staff memorandum.

Access and Circulation

Traffic Impact: The application anticipates 135 daily weekday trips to be generated by the proposed site. The requirement for a Traffic Impact Analysis (TIA) was waived for this project, as a comprehensive TIA was submitted and approved in previous Meadowmont development approvals. The TIA exemption letter is attached to this report.

The Community Design Commission was concerned about the traffic impact of this development. For additional discussion of this issue, please refer to the attached staff memorandum.

Traffic Signal Timing Payment-in-Lieu: We recommend that the applicant provide a payment-in-lieu of \$1,000 to revise traffic signal timing for existing traffic signals at the intersection of Sprunt Street and Meadowmont Lane. The applicant is agreeable to this recommendation and we have included a stipulation to this effect in Resolution A.

Vehicular Access and Meadowmont Lane Median: Access is proposed from two points along Meadowmont Lane. A cut in the median in Meadowmont Lane is proposed to allow northbound traffic to make left turns into the site. We recommend that the Town Manager approve plans for the proposed improvements in the right-of-way of Meadowmont Lane prior to issuance of a Zoning Compliance Permit. It will also be necessary to obtain an encroachment permit authorizing work in the public right-of-way. We have included these as stipulations in Resolution A.

Pedestrian Access and Crosswalks: Pedestrian access to the proposed buildings are shown as sidewalks from the Meadowmont Lane sidewalk, alongside the driveways to the entrances to the buildings and underground garages. Pedestrian access is also shown through the landscaped area to the west of the buildings. Raised crosswalks, with contrasting materials and/or colors, are proposed across the two driveways entrances on Meadowmont Lane.

Vehicular Parking: Based on floor area of 66,000 square feet, the number of required vehicular parking spaces for 15 residential units is a minimum of 27; the maximum number of permitted spaces is 34. The applicant is proposing 34 parking spaces, 30 of which are underground. Four above ground parking spaces, including 2 handicapped spaces, are near the back entrances of the buildings.

Handicapped Parking and Access: The applicant must comply with Americans with Disabilities Act standards, North Carolina Accessibility Code, and Town standard for handicapped parking and access. The applicant is proposing to meet this requirement by providing 2 handicapped van parking spaces near the rear building entrances. We have included a stipulation in Resolution A to this effect.

Bicycle Parking: The Land Use Management Ordinance requires that the proposed development provide a minimum of 3 bicycle parking spaces for the 15-unit project. The applicant is proposing 1-2 bicycle parking spaces per unit (15-30 spaces) in the underground garage areas and 4 above-ground spaces within the entry court for public use. All underground bike parking spaces qualify as “covered,” or Class I. We have included these provisions for bicycle parking as a stipulation in Resolution A.

Internal Cross Access: The applicant proposes to record cross access easements prior to building occupation so that residents and their visitors can freely access the underground parking areas, refuse and service areas, landscaped area on the west side of the buildings, and bicycle parking. We have included a stipulation to this effect in Resolution A.

Bus Stops, Routes: Because the Meadowmont Infrastructure approval required the developer of Meadowmont to provide a payment-in-lieu for bus stop shelters throughout the Meadowmont community, this applicant is not proposing any additional improvements to the transit infrastructure.

TT Easement: A 50-foot easement for future rapid transit corridor is located on the adjacent site to the west. The transit infrastructure is anticipated to occupy about 28 feet of the easement. At Building 4, the closest to the easement, the building's western façade and patios are proposed at 9.6 - 16 feet from the easement edge. Triangle Transit (TT) recommends additional setback from the transit corridor easement (please see courtesy review comments from TT). We believe this narrow site does not allow for much, if any, additional setback. Resolution A does not recommend additional setback.

We have included in Resolution A a stipulation providing for recorded documents (plats, Homeowners Association Documents) in the County Register of Deeds Office which would alert prospective condominium buyers to the close proximity of the units to the reserved transit corridor easement. The Planning Board recommended and we included a stipulation calling for 3 signs to be posted on this property at the edge of the transit corridor easement. Triangle Transit supports inclusion of these stipulations.

Landscape, Architecture, Recreation, Public Art

Landscape Bufferyards: No perimeter landscape buffers are required with this application, as the site is internal to the overall Meadowmont Development.

Landscape Protection, Screening and Shading Plan: We have included our standard stipulation in approval of a Landscape Plan, including maintenance schedule and shading plan. The requisite parking lot shading will be achieved by the buildings' shadow patterns as well as parking lot landscaping.

The applicant requests modifications of the screening and separation of pavement from buildings (please refer to the description offered in the section on Modification of Regulations). In Resolution A, we have included stipulations calling for modified widths for the required landscaping plantings and for review by the Community Design Commission.

Building Elevation, Lighting, and Landscaping Plans: We recommend that detailed building elevations, lighting plans, and landscape plans be approved by the Community Design Commission, prior to the issuance of a Zoning Compliance Permit.

Recreation: The recreation requirements for the residential components of the overall Meadowmont development have already been fulfilled via the construction of parks neighborhood parks and multi-use trails throughout. No additional recreation space or facilities are required or proposed.

Public Art: Resolution A includes a stipulation calling for more detail on the applicant's proposal to include public art in two locations in the landscaped area to the west of the buildings.

Environmental

Land Disturbance: Of the entire site, 45,000 square feet (88%) is proposed to be disturbed.

Impervious Surface: The site is currently vegetated with trees and understory. The application proposes 35,586 square feet of impervious surface (69% of the gross land area). The Land Use Management Ordinance limited new impervious surface to 50% of the Meadowmont development site overall, and the Meadowmont impervious surface allocation system has allocated 36,000 s.f. of impervious surface for this 1.17 acre site. We believe that the proposal conforms with the Ordinance and previous Meadowmont approvals in this regard.

Significant Trees and Tree Protection Plan: The site is wooded mostly with pines and understory. There are several hardwoods (mostly oaks and cedars) in the 18-22-inch size range. A few large hardwoods are proposed to remain. Due to the proximity of building construction to tree protection areas, we recommend that woven wire fencing at least 4 feet tall be installed at the western edge of the construction area.

Canopy Trees: In response to staff's recommendation to add canopy trees to the site, the applicant plans to provide replacement canopy tree coverage of 50%. Replacement tree locations, species, size, and spacing are shown on the submitted site Plan Sheet LA-1.0. We believe that replacement of 50% coverage via all on-site plantings may not be feasible. If not all the trees can be planted on-site, the applicant has agreed to re-plant some of the canopy trees on-site and some off-site on Meadowmont common area. We recommend that a detailed planting plan be provided for Town Manager approval prior to issuance of a Zoning Compliance Permit. These recommendations have been included in Resolution A.

Watershed Protection District: This property is within the Watershed Protection District. Impervious surface restrictions have been met in the approval of the overall Meadowmont Development. We recommend that prior to issuance of a Zoning Compliance Permit, the applicant provide an updated tally sheet showing current impervious surface coverage as compared to impervious surface area approved.

Resource Conservation District and Wetlands: None.

Stormwater Management: The Meadowmont Master Land Use Plan required installation of a series of retention ponds to mitigate stormwater runoff of the entire Meadowmont development. This site drains to Pond 5 to the east. The developer proposes to improve the discharge outlets at Pond 5 as part of this project.

The developer proposes to capture rainwater for re-use in irrigating the landscape plantings.

The submitted Stormwater Impact Statement indicates that the rate and volume of the proposed post-development discharge will be no higher than the existing pre-development rate and volume of discharge. We have included our standard stormwater stipulations, among others, in Resolution A.

Erosion Control: We recommend that an erosion and sedimentation control plan for the site be approved by Orange County and a copy of the approval be provided to the Town Manager prior to the issuance of a Zoning Compliance Permit. We have included a stipulation to this effect in

Resolution A.

Steep Slopes: Approximately 85 percent of the site has slopes of less than 10 percent. As a result of Meadowmont Lane construction, there is a steep embankment along the eastern property line. This area would be regraded in the site development.

Lighting: We recommend that prior to the issuance of a Zoning Compliance Permit that the applicant submit site plans and other required documents to satisfy the lighting requirements in Section 5.11 including the submission of a lighting plan sealed by a Professional Engineer. We have included these provisions as a stipulation in Resolution A.

Increases in illumination on off-site property may not exceed 0.3 foot-candles, measured at ground level. Where existing ambient off-site lighting levels are in excess of 0.3 foot-candles, no increase in measurable off-site lighting levels will be allowed as a result of outdoor lighting in the development. It will be necessary to submit a lighting plan as part of the Final Plan approval process. These stipulations have been included in Resolution A.

Noise: The Town of Chapel Hill Code of Ordinance allows for construction operations between the hours of 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for projects which building permits have been issued.

Regarding noise anticipated with the future operation of rapid transit in the nearby corridor to the west, the developer proposes several building design and interior features to mitigate the sight and sound impacts, including insulated glass, masonry walls, foam sheathing, acoustical sealants, and indoor window shutters. For more information please refer to the developer's Statement of Justification.

We recommend that prior to issuance of a Zoning Compliance Permit, the developer shall provide documents such as deeds or plats, to be recorded in the Orange/Durham County Register of Deeds Office, which, at the time of property sale for each dwelling unit, alert prospective buyers of the site's close proximity to the easement reserved as a future transit corridor. The developer shall also install signage at the edge of the transit corridor easement, stating the anticipated use of the corridor for transit.

Stipulations regarding the use of noise-abating building design and construction, documents to be recorded in the Register of Deeds Office, and signage have been included in Resolution A.

Energy Management: The applicant has developed an Energy Management Plan (EMP) which addresses each of the primary areas noted in the Town's energy policy and notes that the project is committed to LEED-Homes Silver Certification. The applicant is proposing that the buildings be designed be a minimum of 20 percent more energy efficient than the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE). It will be necessary to submit a more detailed Energy Management Plan for review and approval prior to issuance of a Zoning Compliance Permit. We recommend that the detailed EMP include a revised EMP framework, a USGBC LEED credit checklist, and pre-construction energy models to demonstrate the anticipated energy efficiency as compared to base building. These recommendations have been addressed in stipulations in Resolution A.

Utilities and Services:

Refuse Management: Curbside refuse service is available to multi-family developments of 5 or fewer dwelling units. The developer proposes to subdivide the property into four separate zoning lots, each containing a building with 3-4 dwelling units. Each of the four lots qualifies for individual curbside refuse service from the Town. Individual refuse and recycling bins are to be provided for each resident in the underground parking areas. It will be necessary for the site to comply with the Town of Chapel Hill and Orange County disposal ban on corrugated cardboard. At the nearby grocery store, less than ¼ mile to the south, the residents can recycle cardboard at the cardboard recycling containers.

Solid Waste Management Plan: We have included our standard stipulation in Resolution A requiring Town Manager approval of a Solid Waste Management Plan prior to issuance of a Zoning Compliance Permit.

Utility Plans: Most of the necessary utilities are existing adjacent to the site. Sewer mains will be extended 1,200 feet in order to serve the site. Water mains would be extended across Meadowmont Lane. The property owner will be responsible for assuring that these utilities are extended to serve the development. We have included a stipulation to this effect in Resolution A.

Sewer Line Construction: We recommend all plans be approved by OWASA and constructed according to OWASA standards. Where sewer lines are located beneath drive aisles and parking areas construction methods approved by OWASA shall be employed, to ensure that sewer lines will not be damaged by heavy service vehicles. Final plans must be approved by OWASA and the Town Manager prior to issuance of a Zoning Compliance Permit. We have included a stipulation to this effect in Resolution A.

Overhead Power Lines: Two transformers approximately 4 feet tall and 5 feet wide are to be located at the extreme north and south ends of the site. We recommend that all proposed or relocated utility lines other than 3-phase electric power distribution lines be located underground. We have included a stipulation to this effect in Resolution A.

Miscellaneous

Construction Management and Traffic and Pedestrian Control Plans: We recommend that a Construction Management Plan and a Traffic and Pedestrian Control Plan be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. We have adjusted our standard stipulation to require information about how the project construction will comply with the Town's Noise Ordinance. We have included a stipulation to this effect in Resolution A.

Fire: There is a fire hydrant on Sprunt Street and one on Meadowmont Lane. We recommend that the Fire Department Connection (FDC), facing the driveway between the buildings, be relocated to face Meadowmont Lane. We also recommend that the FDC facing Sprunt Street be relocated to the Meadowmont Lane façade and the fire hydrant to the south be relocated to the Meadowmont Lane frontage to meet the 100 foot fire hose distance limit.

It will also be necessary that the applicant install fire protection systems as required by Town Ordinance, the NC Fire Code, and in accordance with NFPA 13. We also recommend that the fire access surface support fire apparatus weighing at least 75,000 pounds. We have included these as stipulations in Resolution A.

Adequate Public Facilities Ordinance: The proposed development is subject to the provisions of the Schools Adequate Public Facilities Ordinance. We recommend that the applicant provide the necessary Certificates of Adequacy of Public Schools. We have included this standard stipulation in Resolution A.

Special Use Permit Findings:

In a typical Special Use Permit proceeding, the burden is on the applicant to present a case, demonstrating why the Council should make the four findings required for approval of a Special Use Permit. With Council approval of a conceptual Master Plan, however, if the Special Use Permit application is found to be consistent with the Master Plan, the burden regarding three of the four findings then shifts to those opposed to the approval of the Permit. A “rebuttable presumption” is established that three of the four findings can be made. The Council must only make the finding that the proposed development complies with all applicable sections of the Land Use Management Ordinance.

Evidence will be presented at the public hearing for this application. If the Council decides that the evidence does not support making the fourth finding, or if evidence is presented which indicates the application is inconsistent with the Master Plan, then the application cannot be approved and accordingly should be denied by the Council.

Upon review of the application and information that has been submitted to date, our preliminary recommendation is that the Council can find that the proposed Special Use Permit:

1. Complies with all required regulations and standards of the Land Use Management Ordinance; and
2. Is consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

CONCLUSION

Based on information available at this stage of the application review process, we believe that the proposal, with the conditions in Resolution A, and approval of the proposed modifications to regulations and the Meadowmont Design Guidelines, meets the requirements of the applicable sections of the Land Use Management Ordinance and Design Manual, fulfills the purposes of the Comprehensive Plan, and meets the conditions of the approved Meadowmont Master Land Use Plan.

Resolution A would approve the application with conditions.

Resolution B would deny the application.

PROJECT FACT SHEET REQUIREMENTSCheck List of Regulations and Standards – *Murray Hill Special Use Permit Application*

MURRAY HILL	STAFF EVALUATION	
	COMPLIANCE	NONCOMPLIANCE
Use Permitted	X	
Minimum Gross Land Area	X	
Minimum Lot Width	X	
Maximum Floor Area	X	
Minimum Recreation Space	Already met for Meadowmont Mixed Use Development	
Impervious Surface Limits	X	
Land Disturbance in RCD	N/A	
Minimum # Vehicular Parking Spaces	X	
Maximum # Vehicular Parking Spaces	X	
Minimum # Bicycle Parking Spaces	X	
Minimum # Loading Spaces	N/A	
Minimum # Handicapped Spaces	X	
Maximum # Dwelling Units	X	
Minimum Street Setbacks	N/A	
Minimum Interior Setback	N/A	
Minimum Solar Setback	X	
Maximum Height Limit	X	
Minimum Landscape Bufferyards	X	
Steep Slopes	N/A	
Parking Lot Landscaping	X, with requested modifications of regulations	
Public Water and Sewer	X	
Adequate Public School Facilities	X	

N/A = Not Applicable

Prepared: February 23, 2010