

Capkov Ventures

Developing Homes And Communities Since 1954, In Chapel Hill Since 1972.



a Kovens Company 

October 4, 2004

Town Manager
Planning Staff
Town of Chapel Hill
306 N. Columbia St.
Chapel Hill, NC 27516

Dear Town Manager and Planning Staff,

On September 20, 2004, a public hearing was initiated for Chancellors View subdivision in accordance with procedures set out in Chapel Hill's Land Use Management Ordinance. At that public hearing there were several concerns that were voiced by either the general public or the Council itself. The concerns as we have identified them include the following:

1. Traffic Problems: There is concern that existing traffic safety problems along Old Lystra Road may be compounded by the additional trips generated by Chancellors View.
2. Bright Lights: There is concern by some adjacent property owners that Chancellors View may cause unacceptable levels of light to be emitted into the night sky.
3. Cluster Provisions: There is concern that the Chancellors View site plan may not fit the definition of "proper clustering" that the Town Council envisions.
4. Affordable Housing: There is concern that Chancellors View's proposal to provide six size restricted homes does not go far enough toward advancing the Town's desire for affordable housing. In additions, while the ordinance remains silent on the issue, the Council would prefer that any affordable housing be integrated into the community.

We have investigated all of these concerns thoroughly and offer the following replies to those concerns.

1. Traffic Problems : When planning to develop a subdivision in Chapel Hill, traffic patterns and increases in volume are one of the first considerations that must be thoroughly investigated. Upon submission of the formal application for Chancellors View, Kumar Neppalli of the Town's Engineering Department hired a firm specializing in traffic engineering to provide an analysis of the current traffic conditions surrounding the proposed subdivision and the implications the additional new homes may have on those existing conditions.

The Town of Chapel Hill requires these traffic analysis reports and has for a number of years. Recently, the Town has taken the responsibility of choosing a qualified engineering group to prepare the report and requires the consultant to report directly to the Town. The developer reimburse the Town for its expense in having the traffic analysis prepared. It is important that any conflicts or concerns be flushed out early so that a developer has a chance to modify his plan before substantial time, effort and resources are expended on a plan with inherent traffic problems.

In the case of Chancellors View, the consultant hired by the Town concluded that the additional automobile traffic caused by the proposed community would have no significant impact on the current traffic conditions at or in the vicinity of Zapata Lane or Old Lystra Road. At the request of the Town's Traffic Engineer, this report was extended to nearby intersections that may have been impacted and the same result was found.

We have relied on the traffic report commissioned by the Town of Chapel Hill in moving forward with our proposal to develop the Chancellors View community. We have no reason to believe the report was erroneous or that conditions have changed.

2. Bright Lights: City lights are a concern of many who recognize the importance to nature and humanity of dark skies at night. We applaud the efforts of our neighbors at Chancellors View in trying to ensure the night skies are preserved. Unfortunately, in more urban areas, lights at night are hard to avoid. Within the city limits, the design specifications enforced by the Engineering Department require that the streets be illuminated to certain levels to promote driving safety. We have no control over the standards. Nor do we have any control over the type of fixture the Town of Chapel Hill has picked as its standard fixture. For the time being however, Chancellors View falls outside the city limits and is therefore not required to have street lights. We will not install street lights in Chancellors View.

In terms of the individual homes, we must let the homeowners preferences guide what fixtures they choose. As you can understand, some homeowners place a high value on safety while others may plan on making use of outside living areas such as patios and porches. We can't deny them of their concerns. While lighting preferences are highly individualistic, we as developers can voice a preference for light fixtures that emit light downward as opposed to upward in our covenants and conditions. In addition the Town currently has as part of its Land Use Management Ordinance very specific limitations on the level of light emitted from and individual lot. Each homeowner would be responsible for conforming to these regulations currently in place.

3. Cluster Provisions: For many years now, Capkov Ventures, Inc. has been a big proponent of clustering homes in residential communities. Generally speaking, they allow us to limit the intrusion of infrastructure on the land to be developed by consolidating the homes on a smaller portion of the land. The benefits are obvious. It allows more land to be allocated as permanent open space. Sensitive areas can be spared development altogether, including steep slopes, streams and natural resources. The extension of water, sewer, electric power and such can all be reduced by clustering. Impervious surfaces can be substantially reduced by the clustering of homes as opposed to conventional lot layout by shortening the road network and bringing the housing closer to the road. We have successfully utilized clustering in several of our recent developments where all of these advantages have been realized.

Chancellors View is a model example of a cluster development where all these advantages are found. The site plan proposed places the homes on a narrow but flat ridge that extends about three fourths of the way through the property. The lots are then pulled closer toward the single roadway. This has allowed us

to dedicate over half of the site to open space. The lots are moved completely out of the Resource Conservation Districts and extensions into steep slopes are substantially reduced. Reduced land disturbance, dedication of larger tracts of open space, limited infrastructure, limited impervious surface and respect for natural constraints have all been achieved by way of clustering at our proposed Chancellors View community.

4. Affordable Housing: Our proposal as presented to the Town Council on September 20 dedicated six lots within Chancellors View as size restricted homes. This proposal was supported by the six Chapel Hill advisory boards with unanimous approval and no significant stipulations.

The Council however has requested we go back and reconsider our affordable housing component. The preference of the Council would be that we provide units affordable to eighty percent of the median income and that those units be integrated into the community. After consulting with Robert Dowling about the pros and cons of different alternatives, we reached the joint conclusion that the goal of affordable housing would be best served by building the affordable homes as opposed to size restricted, but placing them on Lystra Road where the practical advantages of the site will allow a higher quality home with lower overall costs for the affordable client. We suggest placing three cottage homes adjacent to two existing homes at the southeast corner of the site. These neighboring homes are in the range of 1300 to 1400 square feet, which would be very similar to the size of the cottages we propose. There are several cost advantages to building the affordable homes at this particular location. It has the unique advantage of being relatively flat in comparison with much of the site which will enable us to provide the most house for the dollar for the new owners. Topography is a huge cost concern for the lots within Chancellors View. By using a common drive we could further limit cost by limiting infrastructure. In addition, by placing the new affordable cottage homes along Old Lystra Road, we could eliminate the homeowners dues and restrictive covenants that would apply within Chancellors View. These could otherwise pose a substantial burden to the homeowner.

We believe that building three cottage style homes along Old Lystra Road would be consistent with the neighboring homes. All three would back up to large open spaces and be set back from Old Lystra Road to provide ample front yards. If built as suggested, we could seamlessly integrate them into the established Old Lystra Road community and within a short time after construction they would appear as though they had always been there. It will be much more effective to integrate the affordable homes into the existing Old Lystra Road community than within the Chancellors View community. When considering the cost of construction, homeowners dues and maintenance, placing the homes along Old Lystra Road provides a practical alternative that will result in a more sustainable setting for the immediate and future homeowners.

We believe that this option embraces the Town's affordable housing goals and we trust that our creativity and willingness to search for alternative solutions will lead to support for our proposal.