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For Immediate Release
Chapel Hill, North Carolina
June 14, 2003
Sunrise Coalition

The Sunrise Coalition welcomes an affordable housing development on Habitat's Sunrise Road site. The Coalition believes that if such a site is designed correctly, it can provide a good environment for families and be an asset to the surrounding community.

Accordingly, the Coalition has developed an alternate concept for the Sunrise Road development. The Sunrise Coalition plan is in response to the four proposed concept plans presented by Habitat for Humanity of Orange County for the Sunrise Road development in March 2004. Members of the Sunrise Coalition developed the concept plans based on input from the surrounding community. Because no single affordable housing development can solve the problem of affordable housing by itself, the Sunrise Coalition's plans emphasize livability and sustainability over density. The Sunrise Coalition concept plans considers factors such as the existing neighbors, character of the surrounding community, environmental constraints, parking, and overall quality of life for those living in the proposed development as well surrounding community.

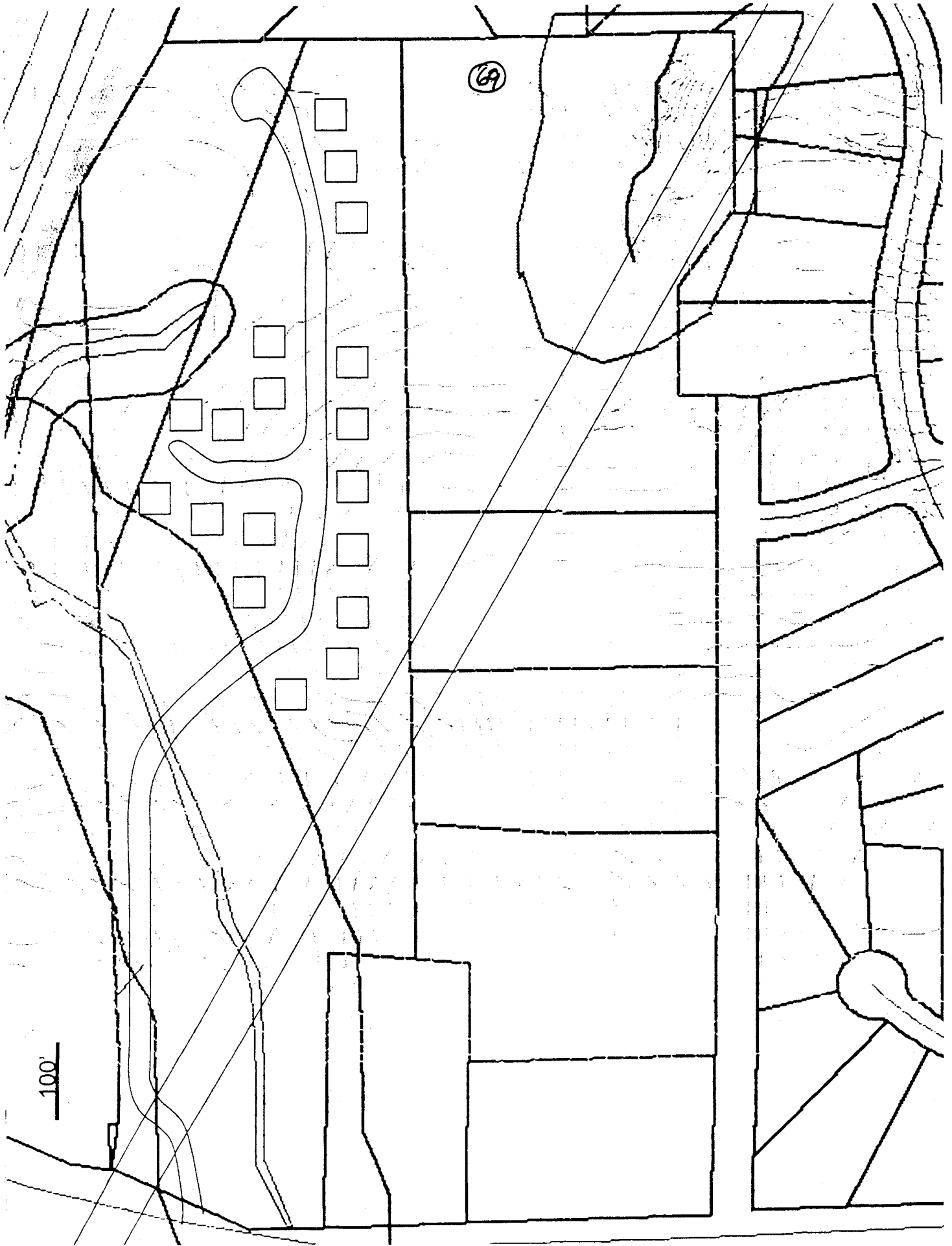
Highlights of the Sunrise Coalition Plan are:

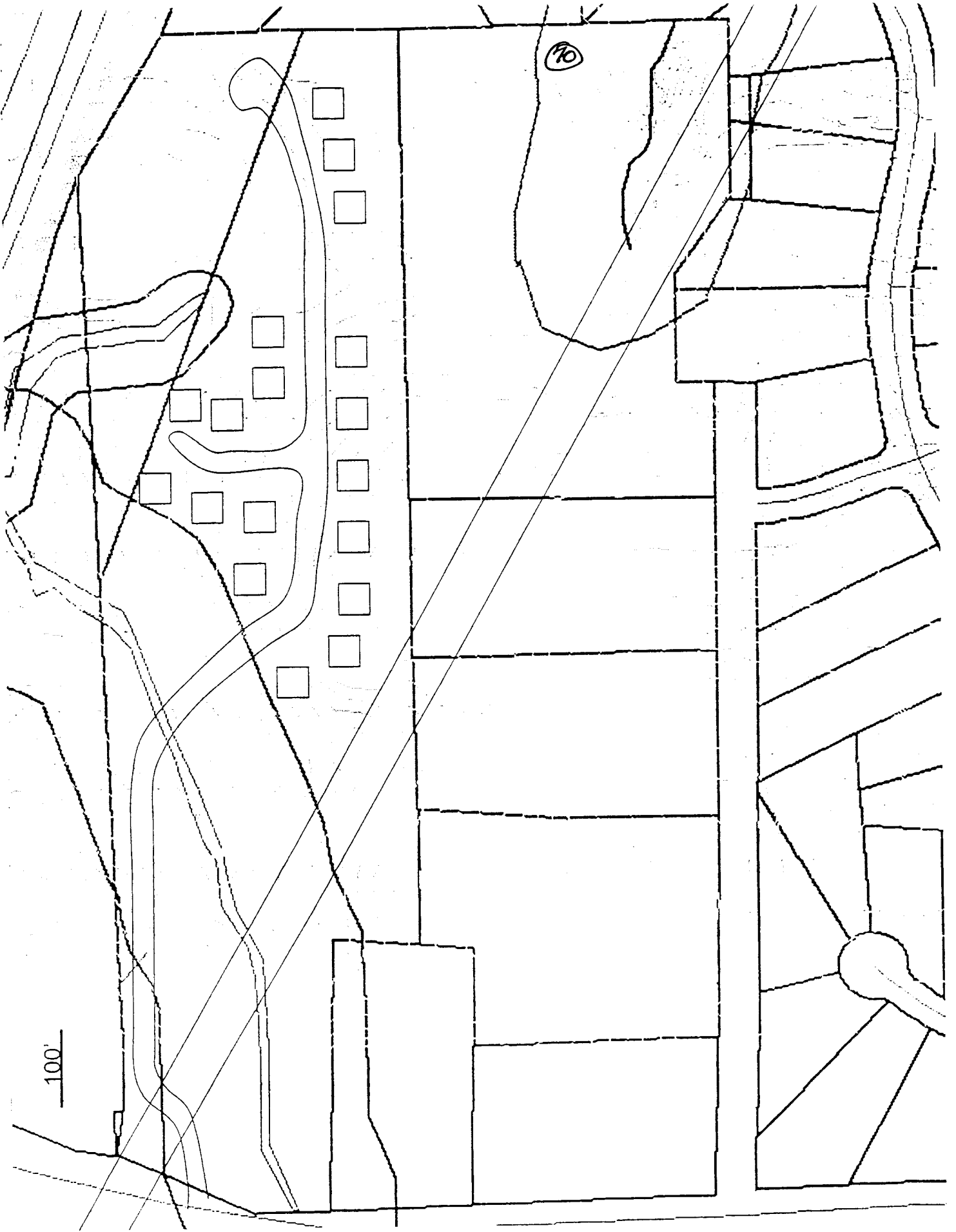
- * 18-22 single family detached homes on approximately 5-6 acres consistent with Habitats operating model
- * Each home would have adequate yard space for families and their children to gather and/or participate in activities
- * Orange County Land trust homes would be detached single family homes consistent with the overall design of the development
- * All homes would have off street parking
- * A recreation and park area is planned
- * No homes would be build in areas where the NC DOT noise levels are likely to be environmentally unsafe in the future
- * The proposed developed limits the amount of impervious space to minimize storm water run off to both the proposed development and surrounding community at large
- * Adequate land is available for walkways and pathways.

The Sunrise Coalition looks forward to working with Habitat for Humanity in realizing a community like the ones proposed.

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100'





100'

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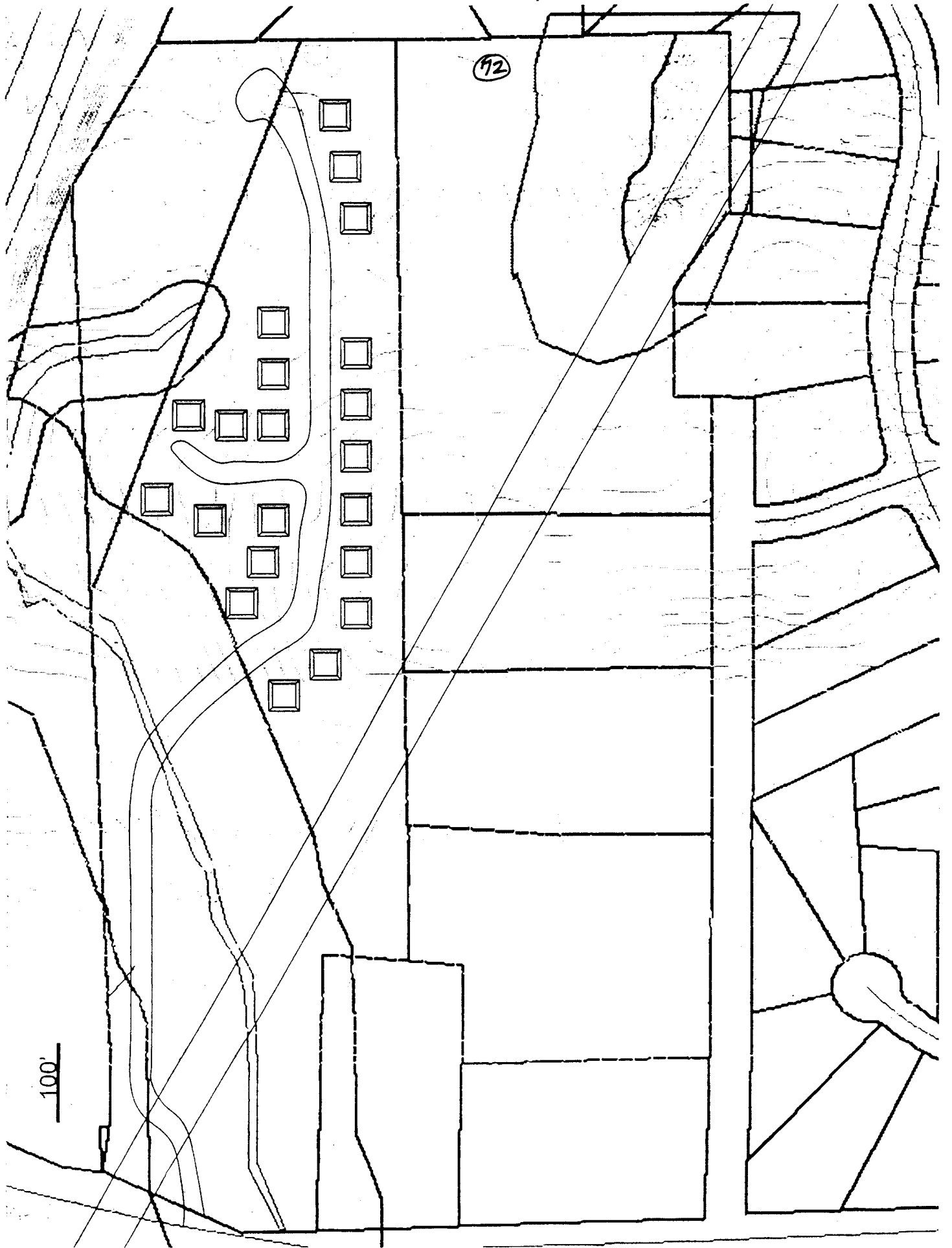


71

100'

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100'



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To: Chapel Hill Planning – Gene Poveromo

From: Doug Schworer

Subject: Distribution Material Sunrise Road Development September 22, 2004 CDC Meeting

Date: September 8, 2004

Please distribute the following material to all Community Design Committee (CDC) members. We plan to discuss and reference this material at the September 22, 2004 CDC meeting – agenda item (1) Sunrise Road.

1. Memorandum dated May 12, 2004 from Mayor's Committee on Proposed Habitat Development to Mayor and Town Council. The document includes key facts, major themes of the comprehensive plan, committee process, suggested goals/principles and a Town Council resolution endorsing these goals and principles (2003-0512/R-4.1)
2. Petition dated May 21, 2003 from Sunrise Coalition to Cal Horton, Roger Waldon, Mayor and Town Council Members. Subject: Sunrise Road Development – Sunrise Coalition Noise Submission. This petition was submitted to Town Council on June 9, 2003 Agenda 3a(1).
3. Memorandum dated June 9, 2003 from Cal Horton to the Mayor and Town Council. Additional Materials Agenda 3a(1). This memo list eight (8) Federal (FHWA) and State NCDOT documents submitted to the Town in support of the June 9, 2003 petition submitted by Doug Schworer. The documents support the position that approximately one quarter of the developable acres of the site will be subject to noise level over 67 dBA or a level at which NO homes should be build.
4. Memorandum dated September 8, 2003 from Cal Horton to Mayor and Town Council Agenda item 5F. Response to Petition From Sunrise Coalition Regarding Potential Habitat Development. The memorandum recommends the following:

"We expect full discussion of all issues to unfold as a Concept Plan application and subsequent Special Use Permit application are prepared and submitted for consideration by the Council and the community."

5. Summary minutes of a Public Forum and Hearing of the Chapel Hill Town Council Monday, February 2, 2004. (Rescheduled from January 28, 2004, due to Weather). Items Carried Forward from January 28, 2004 Business Meeting. Item 4g – Response to Petition from Sunrise Coalition: Potential Habitat Development and I-40 Noise. The minutes include a summary of staff discussion, staff discussion, and a Town Council resolution endorsing a new noise study to be performed by the state along the Interstate I-40 corridor in Chapel Hill (2004-02-02/R-1). The resolution further states:

“Be it Further Resolved that the Council intends to consider noise analysis and abatement issues at public hearings for all development applications that are proposed in the I-40 corridor.”

6. Copy of a News and Observer article titled, “State see life in fast lane”, date May 17, 2004.

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AGENDA #6

MEMORANDUM

TO: Mayor and Town Council

FROM: Mayor's Committee on Proposed Habitat Development
Council Member Flicka Bateman, Chair
Council Member Mark Kleinschmidt
Council Member Jim Ward
Council Member Edith Wiggins

SUBJECT: Recommended Community Goals for Consideration in Preparing Development Plans for a Site on Sunrise Road

DATE: May 12, 2003

As the Council knows, the local chapter of Habitat for Humanity has purchased land on Sunrise Road, in anticipation of submitting a development application for Council consideration. In order to help Habitat identify community goals that we hope can be incorporated into such a development proposal, Mayor Foy appointed a Mayor's Committee to gather facts and suggest ideas for the Council's consideration, in offering guidance to the Habitat organization.

KEY FACTS

The site is located on the east side of Sunrise Road, south of Interstate 40. It is approximately 17 acres in size. A map is attached. The property is currently outside Chapel Hill Town limits within the Urban Services Boundary, and is in the area designated as Transition Area under the Joint Planning Agreement between the Town and Orange County.

Land uses nearby the site include residential dwellings, the Carol Woods community, a service station and small retail center, Cedar Falls Park, East Chapel Hill High School, a retail/wholesale nursery business, and Interstate 40. Zoning in the vicinity of this site is a combination of the following districts: Residential-1, Residential-2, Redidential-5, and Neighborhood Commercial.

There are several existing conditions that need to be considered when preparing development plans for this property. The attached map shows the location of an existing overhead electric transmission line that enters the property at its northwest corner, and continues in a southeast direction. There are two stream segments that establish Resource Conservation District areas on the property: (1) A perennial stream that enters the property at its southwest corner and flows to the northeast, establishing a 300-foot wide corridor of protected Resource Conservation District; and (2) An intermittent stream that exists in the northeast portion of the site, establishing a 100-foot wide protected corridor in that location. A portion of the property abuts Interstate 40 in the northeast segment of the site, triggering requirements for a 100 buffer at the site's perimeter in that location.

Chapel Hill's 2000 Comprehensive Plan shows a designation for this property as "Low Residential - 1-4 units per acre." However, because Orange County has not yet adopted Chapel Hill's May 8, 2000 Land Use Plan for application in transition areas such as this, the Town's 1986 Land Use Plan applies. The 1986 Land Use Plan designation for this property is similar: "Low Density, 0-4 units per acre." The Town's 2000 Comprehensive Plan outlines community goals, objectives, and strategies; these are

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summarized in the twelve major themes of the Comprehensive Plan listed below:

- Maintain the Urban Services Area/Rural Buffer Boundary
- Participate in the regional planning process
- Conserve and protect existing neighborhoods
- Conserve and protect the natural setting of Chapel Hill
- Identify areas where there are creative development opportunities
- Encourage desirable forms of non-residential development
- Create and preserve affordable housing opportunities
- Cooperatively plan with the University of North Carolina
- Work toward a balanced transportation system
- Complete the bikeway/greenway/sidewalk systems
- Provide quality community facilities and services
- Develop strategies to address fiscal issues.

Current zoning of the site is Residential-2, which permits up to 4 units per acre. Under provisions of Chapel Hill's Land Use Management Ordinance, a property owner may apply for approval of a subdivision or a Special Use Permit for this property. In the context of a Special Use Permit, the Council has authority to modify regulations if it finds that public purposes are satisfied to a degree equivalent to that satisfied by full adherence to regulations. A property owner may request rezoning to a designation other than the currently-applicable Residential-2. A rezoning request could be to another general use district or to a conditional use district, in which any proposed development would require a special use permit.

Pursuant to the terms of the Joint Planning Agreement, if a rezoning request is submitted, the application would need to be reviewed and approved by both the Chapel Hill Town Council and the Orange County Board of Commissioners because the site is outside Town limits, in the Transition Area. Review and approval authority of a development proposal, whether or not in conjunction with a rezoning, (for example, a subdivision or special use permit) rests with the Town Council.

Habitat officials inform us that one of the organization's eligibility criteria for moving a family into a Habitat home is that the family has resided in Orange County for 12 months.

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COMMITTEE PROCESS

Subsequent to a Town Council decision to provide a loan to Habitat for Humanity to assist in the purchase of this property, Mayor Foy appointed a Mayor's Committee to study the site, and engage in conversation with Habitat representatives and neighbors of the property. The Mayor asked this Committee to consider the site and its development possibilities, and to suggest a set of goals/principles that the full Town Council might consider adopting. In the past, Council adoption of such goals/principles regarding specific properties has proven useful as development plans were subsequently drawn.

The Committee met with representatives from Habitat and representatives from surrounding neighborhoods, walked the site, and sponsored two community meetings to hear comments about this property and possible development plans. Residents from surrounding neighborhoods and representatives of Habitat have presented the Committee with suggested parameters for development of this site that have been reviewed and considered in preparation of the following suggested goals and principles. Copies of correspondence and documents submitted to the Committee are included here as Attachment 6.

SUGGESTED GOALS/PRINCIPLES

We suggest that it would be desirable for Habitat, in preparing development plans for this property, to consider the following goals and principles that, based on our Committee's work, we believe reflect community interest in the development of this property. We note that these would be guidelines only, to help in the development of specific plans. We are not suggesting that non-compliance with any of these goals would be a basis for denial of an application.

1. Retain present zoning: The present zoning of this property is Residential-2. For a property of this size in this district, development applications can be filed for either subdivision or Special Use Permit that would accommodate most of the possible development scenarios that have been discussed. We suggest that development plans be drawn in a manner that meets the requirements of this zoning district.
2. Compliance with regulations: Plans should be drawn in a manner that would meet all regulations in the Land Use Management Ordinance at the time that an application is considered by the Council. We note that the Council is continuing to monitor and evaluate the new Land Use Management Ordinance, and that there may be adjustments made to the Ordinance in the future. (Please see the attached resolution adopted by the Town Council on January 27, 2003, Attachment 6.)
3. Consider Clustering Development: Whatever density and/or intensity is permitted on this site under existing zoning should be clustered so as to take advantage of buildable areas and minimize disturbance to sensitive areas.
4. Consider Developing Housing for Varied Income Levels: Prepare plans, perhaps in cooperation with other agencies, such that the development provides housing opportunities for homeownership for persons of low and moderate income. Various building types and designs would be allowed in the present zoning district under the Land Use Management Ordinance in a manner that would be consistent with the Comprehensive Plan. (Please see Item 3 in Attachment 4 for further discussion of townhouse development on this site.)

5. Provide Recreation Amenities: If a subdivision application is prepared, it is required that land be set aside for recreation; if a Special Use Permit application is prepared, it is required that amenities for active recreation be provided. Regardless of the type of application, plans for development of this site should include active recreational amenities. (Please see Item 6 in Attachment 4 for further discussion of recreation issues.)
6. Consider Public Transit: Plans for development of this property should explicitly consider current and proposed transit routes, and provide reasonable access and sidewalks to public transit locations. If amenities are needed (e.g., a bus shelter), they should be included in the proposal and provided by the applicant.
7. Provide Sidewalks and Pedestrian Paths: Provide adequate pedestrian paths to destinations in all directions from the site, including connection to a future greenway along I-40.
8. Building and Site Design: Careful attention should be given to site and building design, with sensitivity to the environment. Development should avoid the power line and Resource Conservation District corridors and result in buildings that are attractive.
9. Minimize Impacts on RCD for Road Construction: Design the street network and utility systems so as to cross the Resource Conservation District in the least disruptive locations, and with the fewest possible crossings.
10. Possible Development Partners: Partnerships with other nonprofit organizations may enhance the variety of housing opportunities that are developed on this site. It is expected that all housing built on this site will be affordable to individuals and families with income below 80% of the area median income.
11. Develop Designs that Promote Inclusion: Seek designs that will promote interaction between this proposed development and surrounding areas; avoid designs that would serve to isolate residents of this proposed development. (Please see Item 1 in Attachment 4 for further discussion of surrounding area.)
12. Provide Corridor for I-40 Greenway: Chapel Hill's Greenways Plan contemplates a trail along the south side of Interstate 40. This proposal should provide easements along the portion of that trail that will cross this property.
13. Study Sunrise Road Access: Study the Sunrise Road corridor to select an access point for this development that addresses sight-distance concerns for ingress and egress.
14. Consider How Best to Provide Sewer Service: Seek designs that minimize RCD disruption and allow for future extension of utilities to nearby properties.
15. High-Voltage Power Line: Prepare designs that minimize proximity of dwellings to the power line corridor.
16. Consider Stub-outs: Review adjacent development patterns, existing and potential, to determine if it is desirable/feasible to stub-out streets at the edges of this property, for possible future extension.
17. Future Workshop: It would be desirable for Habitat to sponsor a workshop, involving neighbors of this property, to consider possible designs for use of this property prior to preparation and

submittal of a Concept Plan.

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RECOMMENDATION

We recommend that the Council consider endorsing this set of principles for use and consideration by Habitat for Humanity as plans for development of its Sunrise Road property are pursued.

ATTACHMENTS

1. Area Map (p. 7).
2. Map of Property (p. 8).
3. Comments in Response to Questions (p. 9).
4. Council Resolution Regarding Monitoring Land Use Management Ordinance (p. 12).
5. Correspondence (Email, letters, photographs) (p. 13).



A RESOLUTION ENDORSING GOALS AND PRINCIPLES FOR DEVELOPMENT OF PROPERTY ON SUNRISE ROAD (2003-05-12/R-4.1)

WHEREAS, the Orange County Chapter of Habitat for Humanity has indicated intent to develop a 17-acre property on Sunrise Road in Chapel Hill, for the purpose of creating affordable housing opportunities; and

WHEREAS, a Mayor's Committee has reviewed the subject site and engaged Habitat representatives and neighbors in discussions about development possibilities; and

WHEREAS, the Mayor's Committee has prepared, for the Council's consideration, a set of "Suggested Goals/Principles" to serve as guidelines as plans for this property are further developed; and

WHEREAS, the Council finds that these goals and principles would be useful guidelines to use and refer to as discussions proceed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council endorses the "Suggested Goals/Principles" as contained in a May 12, 2003 memorandum from the Mayor's Committee to the Council, for use and consideration by Habitat for Humanity as plans for development of its Sunrise Road property are pursued.

This the 12th day of May, 2003.

AGENDA #3a(1)

(3)

Petition

From: DSchworer@aol.com [mailto:DSchworer@aol.com]
Sent: Wednesday, May 21, 2003 9:02 AM
To: Town Council
Subject: Sunrise Road Development - Sunrise Coalition Noise Submission

To: Cal Horton, Roger Waldon, Mayor and Town Council Members
From: Sunrise Coalition
Contact: Doug Schworer Dschworer@AOL.COM, 919 401-3554
Date: May 21, 2003

Item 5 of the draft guidelines for Sunrise Road included the requirement for an acoustical study. Specifically, "Retain Services of Acoustical Engineer: It would be highly desirable for Habitat to arrange for analysis of the impacts of I-40 noise by a noise expert, who can offer the applicant, the neighbors, and the Council analysis and recommendations. This analysis should be performed and presented as part of a "Concept Plan". At the request of Habitat, this was removed from the final draft. Reasoning for removing this item was based on the fact that; (1) other developers are not required to conduct noise studies and (2) stated but erroneous non-fact that the amount of property line on the I-40 Right-of-Way was only about 100 feet.

It was correctly stated at the May 12, 2003 Town Council meeting agenda item #6 that noise studies are not required, as a general condition. However, future noise due to the planned I-40 widening at the site is a special condition which is only applicable to properties immediately adjacent to I-40 and under development after the publication of NCDOT's Categorical Exclusion. At the Mayor's Committee meeting on May 5, 2003 and in a letter to the Town, the Habitat representative erroneously placed the 100 feet of Right-of-Way on the record, whereas the property line survey indicates the correct distance is 281.95 feet. The exposure to I-40 traffic noise is far greater than even this figure indicates since the property at the corner does not fall back from I-40 at right angles. The West ROW corner forms an approximate 156 degree angle and the East ROW corner forms an approximate 134 degree angle. The entire north property line of the developable area (approximately 700 lineal feet) will be subjected to noise impacts of between 67+ and 74 decibels after the widening is completed.

Based on studies conducted by the NCDOT relevant to future noise due to the widening of I-40, in the immediate area we believe it is the local authority's responsibility to review noise and prevent inappropriate development based on these studies. The responsibility clearly falls with the local authorities since they have jurisdiction over land use.

The most relevant information with respect to future I-40 noise at the Habitat site is the NCDOT and FHWA "Categorical Exclusion; Interstate 40 Widening to six-lanes From I-85 to NC 147 (Buck Dean Freeway); Durham and Orange Counties," dated March 29, 2000, Federal-Aid project NHF-40-4(107)259, State Project 8.1501601, TIP Project Number I-3306. In it NCDOT predicts noise levels will rise 3-4 decibels when this work is completed.

Page 34 of the Categorical Exclusion contains "Table 11, FHWA Noise Abatement Criteria Summary." The table predicts that maximum noise levels in decibels (dBA) for the area, "From

NC 86 to US 15-501, to be expected at various distances from the center of nearest travel lane (83.9 @ 15m, 79.8 @ 30m, and 73.5 @ 60m). It also predicts maximum noise distances from center of roadway for 72 dBA (82.0m), and for 67 dBA (126.4m). NCDOT states on page 34: "This information should assist local authorities in exercising land use control over the remaining undeveloped lands adjacent to the roadway within local jurisdictions. For example, with the proper information on noise, the local authorities can prevent further development of incompatible activities and land use with the predicted noise levels of an adjacent highway". We believe approximately one quarter of the developable acres of the site will be subject to noise levels over 67 dBA., and the remainder to slightly less. NCDOT Noise Abatement Criteria consider abatement must be considered for levels over 67 dBA.

NCDOT in widening the road is responsibly advising the local authorities that the noise will get worse, and we believe it is advising the local authorities to review the noise situation prior to any development. In this regard, it appears that the Town of Chapel Hill is responsible for an acoustical study and assuring that noise levels are considered in the development of the concept plan. In our opinion, this study should be conducted prior to any submission of the developer's concept plan. Given the predicted noise levels, is the site in whole, or in part, suitable for this project?

We as a community should be concerned about the safety and quality of life for all of our citizens. The Town has an obligation to determine whether or not noise levels along I-40 are within NCDOT guidelines prior to review or approval concept plans and other development proposals.

The Coalition is requesting a written response outlining the Town's position on this issue.



83 ADDITIONAL MATERIALS
AGENDA 3a(1)

MEMORANDUM

TO: Mayor and Town Council
FROM: W. Calvin Horton, Town Manager
SUBJECT: Petition from Mr. Doug Schworer
DATE: June 9, 2003

Mr. Doug Schworer provided the attached materials for your information related to his petition on tonight's agenda, #3a(1).

1. FHWA Noise Projections: From NC 86 to US 15-501 (chart)
2. FHWA Environmental Documents: Categorical Exclusion
3. Categorical Exclusion: Interstate 40 Widening to Six Lanes, March 2000
4. NCDOT Memo re Highway Traffic Noise/Construction Noise Analysis, March 4, 2000
5. FHWA Report: Highway Traffic Noise in the United States, Problem and Response, April 2000
6. Excerpt from NCDOT Policy and Procedure Manual: Chapter 21, Abatement of Highway Traffic Noise and Construction Noise, April 2001
7. FHWA 23 CFR Part 722 – Procedures for Abatement of Highway Traffic Noise and Construction Noise
8. NCDOT Traffic Noise Abatement Policy

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AGENDA #5f

MEMORANDUM

TO: Mayor and Town Council

FROM: W. Calvin Horton, Town Manager

SUBJECT: Response to Petition From Sunrise Coalition Regarding Potential Habitat Development

DATE: September 8, 2003

This memorandum responds to a petition from the Sunrise Coalition, brought to the Council by Mr. Doug Schworer on behalf of the Coalition on June 9, 2003. A copy of the petition is attached (Attachment 1, dated May 21, 2003).

BACKGROUND

On July 25, 2002 Habitat for Humanity entered into an Offer to Purchase and Contract to purchase a 16-acre parcel on Sunrise Road in Chapel Hill. Habitat requested funding from the Chapel Hill Town Council (\$50,000) to be matched with funds provided by Orange County (\$250,000), to assist in the purchase of the property. On November 25, 2002, the Town Council voted to approve a loan of \$50,000 to assist Habitat in the purchase, for development of affordable housing.

Subsequent to the November 25 action, Mayor Foy appointed a Mayor's Committee on the Proposed Habitat Development on Sunrise Road. The purpose of the Committee was to engage Habitat and neighboring residents in discussion about potential development of this property. The Committee was asked to discuss issues that had been raised in November, and recommend a set of goals and principles for development of this property that could be considered by the full Council. The committee was made up of Council Members Flicka Bateman, Mark Kleinschmidt, Jim Ward, and Edith Wiggins.

On May 12, 2003, the Town Council received a report from a Mayor's Committee. The Committee met with Habitat representatives and neighbors and walked the proposed development site, and submitted a report to the Council with a set of 17 Goals/Principles for the Council's consideration (Attachment 2). On May 12, the Council adopted the set of principles for use and consideration by Habitat for Humanity as plans for development of its Sunrise Road property are pursued. An excerpt of minutes from May 12 is attached, indicating discussion that evening (Attachment 3). A representative of the Sunrise Coalition spoke at the meeting and stated that the Coalition supported the 17 principles and asked the Council to adopt them with no change. The Council adopted the principles without change.

No development applications have yet been submitted for this property. The first step in seeking development approval would be the submittal of a Concept Plan for development of the property,

followed by either a Subdivision or Special Use Permit application.

PETITION

The attached petition was presented to the Council on June 9, offering the following comments:

- An early draft of the Goals/Principles included a recommendation that the applicant (Habitat) retain the services of an acoustical engineer to study impacts of I-40 noise, and report these at the time a Concept Plan is reviewed by the Council.
- This recommendation was not included in the final report of the Mayor's Committee, and was not included in the set of principles adopted by the Town Council.
- Future noise due to the planned I-40 widening is a special condition which is only applicable to properties immediately adjacent to I-40 newly being developed.
- A Habitat representative stated at a meeting of the Mayor's Committee that the subject site has 100 feet of frontage on the I-40 right-of-way; the petition says the correct distance is 281.95 feet.
- The entire north property line of the subject property will be subjected to noise impacts of between 67+ and 74 decibels after the widening is completed.
- It is the Town's responsibility to review noise and prevent inappropriate development.
- One quarter of the developable acreage of the site will be subject to noise levels over 67 dBA, a criterion for considering noise abatement.
- The Town of Chapel Hill should be responsible for an acoustical study and assuring that noise levels are considered in the development of a concept plan for this property.
- Such an acoustical study should be conducted prior to any submission of a concept plan for this property.
- The Town has an obligation to determine whether or not noise levels along I-40 are within NCDOT guidelines prior to review or approval of concept plans and other development proposals.

Subsequent to the submittal of this petition to the Town Council, additional information was submitted to the Planning Department in support of attention to I-40 noise. This additional information is included here as Attachment 4, and includes the following:

- A memorandum to the Chapel Hill Town Council (dated August 10, 2003) from Mr. Seymour Freed, a Carol Woods resident, arguing that local governing bodies are

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- responsible to insure that noise compatible designs are utilized along the I-40 widening project. This 6-page memorandum is accompanied by 31 pages of attached documents,
- including Mr. Freed's estimate of probable decibel readings on the Habitat site following a future widening of I-40, based on Mr. Freed's applying NCDOT general distance-noise data to the

Habitat site.

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- A memorandum from Mr. Freed dated August 17, 2003 in which he argues that NCDOT provided an inadequate base for assessing the impact of future noise levels related to the proposed I-40 widening.
- A memorandum from Mr. Freed dated August 18, 2003. This 2-page memorandum has 23 pages of attachments, and argues that local governments should practice noise-compatible land use planning.
- A memorandum from Mr. Freed dated August 18, 2003. This 2-page memorandum has 14 pages of attachments, and argues that it was not correct when a statement was made at the May 12, 2003 Town Council meeting that noise studies have never been required of Chapel Hill developers.
- A 3-page paper prepared by Mr. Freed, dated August 18, 2003, with 18 pages of attachments, arguing that NCDOT is committed to constructing High Occupancy Vehicle Lanes alongside the Habitat project, and that as a result the nearest traffic lane will be 45-50 feet closer to the property line than it is at present.

DISCUSSION

We note that no application for development of the proposed site has yet been filed. Based on discussions during the work of the Mayor's Committee, we would expect a Concept Plan to be submitted at some point as a first step, likely followed by preparation and submittal of a Special Use Permit application.

The Council discussed the idea, on May 12, of suggesting to Habitat that Habitat arrange for an acoustical study of I-40 noise. The Council decided not to include that suggestion in the set of principles that it adopted and forwarded to Habitat. The Council could choose to re-open that discussion and consider again whether or not to suggest that Habitat conduct acoustical studies.

Whether or not that suggestion is made, and whether or not Habitat decides to conduct acoustical studies, we expect that the issue of I-40 noise will be raised at any Public Hearing for any development abutting I-40. The Council could decide in the course of such Public Hearing that information on noise impacts is necessary, or could decide that I-40 noise is not a factor in consideration of a particular application. An application for development would be considered in the Council's normal quasi-judicial process, with a decision based on evidence and sworn testimony.

3.1

We also note that future widening of Interstate 40, between US 15-501 and Interstate 85 in Orange County, has not been approved by either the State or the Metropolitan Planning Organization for funding, and is an unscheduled project on the State's Transportation Improvement Program. The regional Metropolitan Planning Organization (MPO) has stated its expectation that new noise studies would be need to be performed along the I-40 corridor in Orange County prior to the MPO agreeing to a schedule and funding plan for the project. We expect that the concerns raised by Mr. Freed and others regarding noise impacts of I-40 widening would be addressed in a new noise study.

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RECOMMENDATION

We recommend that the Council take no action at this time. The Council has already prepared a non-binding list of topics it would like to be considered as plans are drawn for this Sunrise Road property. We expect full discussion of all issues to unfold as a Concept Plan application and subsequent Special Use Permit application are prepared and submitted for consideration by the Council and the community.

ATTACHMENTS

1. Petition from Sunrise Coalition, dated May 21, 2003 (p. 4).
2. Council Memorandum on Report from Mayor's Habitat Committee, May 12, 2003 (p. 6).
3. Excerpt of Council Minutes from May 12, 2003 (p. 13).
4. Materials prepared and submitted by Mr. Seymour Freed (p. 23). Part A, Part B

**SUMMARY MINUTES OF A PUBLIC FORUM AND HEARING
OF THE CHAPEL HILL TOWN COUNCIL
MONDAY, FEBRUARY 2, 2004, AT 7:00 P.M.
(Rescheduled from January 28, 2004, due to Weather)**

Mayor Kevin Foy called the meeting to order at 7:00 p.m.

Council members present were Sally Greene, Ed Harrison, Cam Hill, Mark Kleinschmidt, Dorothy Verkerk, Jim Ward, and Edith Wiggins.

Council Member Bill Strom was absent, excused.

Staff members present were Acting Town Manager Florentine Miller, Assistant Town Manager Bruce Heflin, Town Attorney Ralph Karpinos, Planning Director Roger Waldon, Transportation Planner David Bonk, Senior Long Range Planning Coordinator Chris Berndt, and Town Clerk Joyce Smith.

Items Carried Forward From January 28, 2004 Business Meeting:

**Item 4g - Response to Petition from Sunrise Coalition:
Potential Habitat Development and I-40 Noise**

Planning Director Roger Waldon explained that the Council's packet included a staff response to a petition from the Sunrise Coalition in response to an earlier staff report, which had been a response to another Sunrise Coalition petition brought on September 8, 2003. This has been a "rolling topic," he remarked, adding that the issue was noise generated by traffic along I-40 both now and in the future.

Mr. Waldon told Council members that the staff had concluded earlier in the year that any further widening of I-40 would have to be accompanied first by a renewed study of the noise impact on adjacent properties. In response to the Sunrise Coalition's first petition, the Manager had recommended that the Council adopt a resolution asking the regional Metropolitan Planning Organization (MPO) to ensure that the State performs new noise studies before funding is provided or authorization given for future widening of I-40. Members of the Sunrise Coalition have come back to the Council tonight with comments about that report from the Manager, Mr. Waldon said.

Sandra Cummings, speaking on behalf of the Sunrise Coalition, stated that the Manager's resolution had addressed issues in the future but did not examine what was happening between the present and the actual road widening. The Coalition possessed official government documents that include a "categorical exclusion" by the North Carolina Department of Transportation (NCDOT) and the Federal Highway Administration (FHWA), she said. On behalf of the Sunrise Coalition, Ms. Cummings asked the Town Council to use the existing documents and develop a policy that would apply to all development in the area.

Sunrise Coalition Member Rob Nelson stated that when the Coalition agreed to drop their request to have Habitat for Humanity perform noise studies before developing their project on Sunrise Road, they had requested that the Town take on the responsibility for doing so. He explained that the Coalition could not respect the resolution before the Council because it does not address their June petition to develop a policy of noise analysis and abatement for all future development along the I-40 corridor. Mr. Nelson argued that dealing with noise abatement on a project-by-project basis, as the staff had recommended, would not be good public policy. Doing so would not be compatible with the Land Use Management Ordinance's (LUMO's) support for the notion of a comprehensive and rational review of all development, he said. Mr. Nelson stressed the Sunrise Coalition's belief that the Town needed a policy or ordinance that addresses noise for the entire I-40 corridor.

Doug Schworer expressed support for a policy or ordinance for the entire I-40 corridor similar to that which the Town already has for the Resource Conservation District (RCD). He argued that every developer along that corridor should be treated similarly and that there should be no guesswork regarding what can or cannot be built in certain areas based on noise level. Mr. Schworer recommended using the "categorical exclusion," which had been jointly published by the FHA and NCDOT, as the basis for determining a policy and ordinance.

Mayor Foy clarified that the MPO had not agreed to fund the widening of I-40 from U.S. 15-501 westward. It is not a coincidence that the widening stops at U.S.15-501, he said, because that's where Orange County begins. Mayor Foy emphasized that Chapel Hill and Orange County had not agreed to the widening and that he did not know if and when they would. The petition before the Council was asking them not to adopt a resolution that would endorse the noise study but to take another action instead, he pointed out.

Council Member Ward inquired about the financial, time, and process differences between the Manager's recommendation and the petitioners' request. Town Transportation Planner David Bonk agreed with Mayor Foy's assessment of the project's status. The MPO had made it clear that they were uncomfortable approving any widening of I-40 from the Durham Freeway to I-85, he said. Mr. Bonk acknowledged that the MPO had approved the funding for widening from U.S. 15-501 westward, but explained that they had made it clear to NCDOT that approval of widening throughout Orange County would be contingent upon more progress on the High Occupancy Vehicle (HOV) project and a new noise study.

Council Member Ward asked if the MPO had any real leverage. Mr. Bonk replied that they could refuse to approve that project in the Transportation Improvement Program, and then no funding would be expended for it. Mr. Bonk explained that there had been no proposal from NCDOT to fund a road widening from U.S. 15-501 to I-85. Until they do, there is no reason to revisit that noise study, which must precede construction funding, he said. There is a shelf life of such studies, Mr. Bonk pointed out, so if NCDOT proposed a road widening then the earliest it could occur would be 2012.

Mayor pro tem Wiggins asked Mr. Waldon how development of policy guidelines for noise, such as the petitioners had requested, would be incorporated in the LUMO. Mr. Waldon replied that it was not a LUMO issue, but was a Land Use Plan issue. Mayor pro tem Wiggins asked whether

or not policies relating to noise along major corridors would fit. Mr. Waldon replied that he was not sure it would. But, speaking hypothetically, he said, you could say that a piece of land too close to an interstate highway could not be developed. Mr. Waldon commented that he was not sure how an ordinance would be constructed that would prohibit building on a property if decibel levels were above a certain level.

Mayor pro tem Wiggins stated that she was trying to understand what the petitioners were requesting and whether it would be useful to the Town or would create problems. Town Attorney Ralph Karpinos replied that he was not sure what use such an ordinance would have. He was leaning more toward the idea of dealing with the issues as applications come in, he said.

Council Member Ward asked for more specifics on what could presently be required. Mr. Waldon explained that there already were 100-foot buffer requirements along I-40. The Council could consider expanding that, he said, but noted that doing so would make other properties within the 100-foot buffer nonconforming. The Town could also rezone all of the undeveloped properties along I-40, Mr. Waldon pointed out.

Council Member Harrison explained that "categorical exclusions" means that NCDOT is telling the FHA that the project should be excluded from any kind of significant environmental review because it has no significant impact. He noted that there would be noise impact, but not until the highway was widened and that such a widening had not been agreed upon. The petitioners had mentioned both a policy and an ordinance, he said, pointing out that the two differ from each other. Council Member Harrison said that this would not come under the LUMO because it would not be generated by an applicant to the Town. After hearing tonight's discussion, he said, he had concluded that the best way to approach the issue was application by application.

Mayor Foy outlined the Council's options: to adopt R-1, which would seek a noise study prior to any approval for widening of I-40; to do nothing; or, to take other action with regard to developing a policy, ordinance, or further review of the matter.

COUNCIL MEMBER WARD MOVED R-7, ARGUING THAT THE ORDINANCES IN PLACE COULD PROTECT EXISTING HOMEOWNERS THROUGH THE SUP PROCESS, WHICH, AS IT STANDS, CAN REQUIRE NOISE ABATEMENT. COUNCIL MEMBER KLEINSCHMIDT SECONDED THE MOTION.

Council Member Harrison proposed an amendment to include the second sentence in the second part of the resolution. Council Members Ward and Kleinschmidt accepted the amendment.

COUNCIL MEMBER WARD MOVED, SECONDED BY COUNCIL MEMBER KLEINSCHMIDT, TO ADOPT R-1, AS AMENDED BY COUNCIL MEMBER HARRISON TO SAY, "BE IT FURTHER RESOLVED THAT THE TOWN COUNCIL INTENDS TO CONSIDER NOISE ANALYSIS AND ABATEMENT ISSUES AT PUBLIC HEARINGS FOR ALL DEVELOPMENT APPLICATIONS THAT ARE PROPOSED IN THE I-40 CORRIDOR." THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

including Interstate 40, U.S. 15-501, Highway 54 and other major corridors, and to offer comments to the Town Council.

This the 2nd day of February, 2004.

MAYOR PRO TEM WIGGINS MOVED A FRIENDLY AMENDMENT TO REFER THE PETITION TO THE TRANSPORTATION BOARD AS WELL, AND COUNCIL MEMBER HARRISON SECONDED.

Council Member Kleinschmidt asked for clarification on what exactly the Council would be asking of the Transportation Board. Mayor Foy replied that the Town had more than one corridor and there might be some way in which those corridors have common interests. The Transportation Board might have an idea that bears further scrutiny, Mayor Foy said.

MAYOR PRO TEM WIGGINS MOVED, SECONDED BY COUNCIL MEMBER HARRISON, TO AMEND THE PREVIOUSLY ADOPTED MOTION TO REFER THE PETITION TO THE TRANSPORTATION BOARD AND TO ADD "BE IT FURTHER RESOLVED THAT THE TOWN COUNCIL ASKS THE CHAPEL HILL TRANSPORTATION BOARD TO LOOK AT CORRIDORS IN TOWN WHERE THERE COULD BE PROBLEMS WITH TRAFFIC NOISE FROM THE ROADS, INCLUDING INTERSTATE 40, U.S. 15-501, HIGHWAY 54 AND OTHER MAJOR CORRIDORS, AND TO OFFER COMMENTS TO THE TOWN COUNCIL. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ENDORSING A NEW NOISE STUDY TO BE PERFORMED BY THE STATE ALONG THE INTERSTATE-40 CORRIDOR IN CHAPEL HILL (2004-02-02/R-1)

WHEREAS, the Town Council has received a petition from the Sunrise Coalition regarding noise issues along the Interstate-40; and

WHEREAS, the Town Council believes that it would be beneficial for additional studies of noise impacts associated with future widening of Interstate-40 to be conducted prior to approval of funding for such widening;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town hereby encourages the Durham-Chapel Hill Metropolitan Planning Organization to work with the North Carolina Department of Transportation to assure that new noise studies are performed by the State along the Interstate-40 corridor in Chapel Hill, prior to any approvals for funding a widening of the road.

BE IT FURTHER RESOLVED that the Council requests Mayor Foy to bring this issue to the attention of the Metropolitan Planning Organization.

BE IT FURTHER RESOLVED that the Council intends to consider noise analysis and abatement issues at public hearings for all development applications that are proposed in the I-40 corridor.

BE IT FURTHER RESOLVED that the Council asks the Chapel Hill Transportation Board to look at corridors in Town where there could be problems with traffic noise from the roads,

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State sees life in fast lanes

By BRUCE SICELOFF, Staff Writer

Triangle leaders are taking a new look at two highway projects that have received little support in the past: adding express lanes for carpools and buses to Interstate 40 – perhaps with local money – and building a toll road through Research Triangle Park.

Congestion on I-40 is increasing faster than the state can buy asphalt and pave new lanes. The state is looking for community help in devising solutions and paying for them.

State Transportation Secretary Lyndo Tippet is asking local governments to consider financing high-occupancy vehicle, or HOV, lanes on I-40 from U.S. 1 in Cary to N.C. 86 in Orange County. By the latest estimates, the cost could run as high as \$1.2 billion.

Drivers might be asked to pay directly for the other commuter project: a 4.5-mile toll road through RTP, connecting N.C. 147 to I-540. Known as the Triangle Parkway, the road appeared on 1958 blueprints for RTP, but it was never built. Proponents say the parkway would serve thousands of RTP workers and other paying customers.

Paying for paving

The Greater Raleigh Chamber of Commerce last week said the Triangle Parkway should be one of three state road projects the N.C. Turnpike Authority will finance with tolls. Other supporters include the Regional Transportation Alliance, a business group, and organizations representing RTP owners and tenants.

Political leaders who have disdained toll roads are finding it hard to oppose this one. They cite a projected \$8 billion deficit in transportation funding needed to keep up with Triangle growth over the next 25 years.

"If you had asked me this last year, I would have said I would never support toll roads," Chapel Hill Mayor Kevin C. Foy said. He will ask his town council to consider endorsing the Triangle Parkway proposal, which is to be aired June 10 at a meeting of the Turnpike Authority.

At the same time, Tippet is asking local transportation planning agencies to help design the HOV project on I-40 and make it a top priority.

"There is no funding at the moment for this thing," Tippet said. "This is another reason for looking for community support. If we call on them to help provide funding, it's got to be pretty much the consensus that this is the way we want to go."

Tippet's plan calls for adding simple HOV service from Cary to Chapel Hill within a few years, then upgrading the lanes on the busiest stretches. On a four-mile section around N.C. 147 and I-540, HOV lanes would be elevated above the I-40 shoulders and interchanges.

DOT engineers say the whole project could be built by 2012 for about \$1.2 billion. That would make it more expensive than the Triangle's 35-mile commuter rail project, now pegged at \$844 million and scheduled to start up in late 2007.

North Carolina's first HOV lanes will open to traffic in October along a five-mile stretch of I-77 near Charlotte.

Tippet and others who support HOV lanes say they bolster rapid bus service and give solo drivers, mired in traffic, new incentives to ride with friends or use public transit.

(44)

"Instead of driving about 30 mph, you can drive 60," Tippett said in an interview. "If you've got a 25-mile trip, you're saving 12 minutes. Plus, you're not worrying about stop-and-go traffic."

Triangle commuters enjoyed some relief from congestion when a fourth lane opened on I-40 last year between RTP and Raleigh. Next year the state will finish widening I-40 west of RTP in Durham County to three lanes each way and begin adding more lanes through Orange County.

Still, I-40 traffic is expected to increase. For every two cars sputtering today through the most congested stretches – 150,000 vehicles daily – there will be three cars by 2025, a projected 233,000 vehicles per day.

"We've just about finished widening I-40, and it's full now," said Becky M. Heron, a Durham County commissioner. "From 5 to 6 [p.m.], it's bumper-to-bumper. You have one accident out there, and it's backed up for miles and miles."

Highway use has more than doubled over the past 20 years, Tippett said, but the state can't keep up. Revenues for transportation improvements have grown during the same time by only 19 percent.

"The congestion on I-40 has diminished somewhat in the past three years," Tippett said. "But with the economy rebounding, it might get right back – worse than it was before."

Municipal officials and business groups have talked about raising local fuel or sales taxes or auto registration fees to help pay for transportation improvements the state can't afford.

Raleigh Mayor Charles C. Meeker, a member of a committee studying urban transportation needs statewide, last month called for legislation to give counties more local tax options for streets, highways and public transit.

Local leaders agreed the move would fall flat without broad support, and the committee did not vote on it.

Buying out of traffic

Some Triangle leaders are interested in adding a toll option to the proposed HOV lanes on I-40, meaning the HOV lanes would be free for carpools and buses and open for other drivers willing to pay a toll. That could help defray the cost of the added lanes, but it would require changing a state law that bans tolls on existing roads.

HOV lanes have had more support in Orange and Durham counties than in Wake. Chapel Hill and southern Durham are not included in the first phase of regional rail service to be launched in 2007, and they could use the I-40 lanes for rapid bus service to RTP and the rail line.

Joe Bryan of Knightdale, a Wake County commissioner who chairs the Capital Area Metropolitan Planning Organization, said it will take time to decide whether HOV lanes are as important for Wake County as for Orange and Durham.

"This is a billion-dollar solution that's not in our long-range transportation plan yet," Bryan said.

Supporters agree that finding money for HOV lanes won't be easy.

Ellen W. Reckhow, chairwoman of the Durham County commissioners, grew up in the northeastern United States, where she hated paying money at tollbooths. But toll financing, she said, could be the most practical way to help pay for HOV lanes and the Triangle Parkway.

"It's not the ideal," Reckhow said. "But given the options, I think we need to consider tolls."

From: James Carnahan [mailto:jcarnahan@mindspring.com]
Sent: Wednesday, September 08, 2004 10:41 AM
To: Town Council
Subject: Sunrise Rd Habitat Site

Mr Manager: please forward these comments to the members of the Community Design Commission, as well as to Mayor Foy and Members of the Council:

Mayor Foy, Members of the Council, and Members of the Community Design Commission:

I am on the Sunrise Habitat design team, as well as a member of their Advisory Board. I am Chair of the Village Project, Inc, a local non-profit advocacy group working for sustainable, walkable urban form. I serve also on Carrboro's Planning Board. I am deeply interested in, and concerned about, the land-use issues facing our community & Nation.

I attended the CDC's August 18 review of the Sunrise Road Habitat site plan; the following are my comments on remarks presented by the neighbors who oppose the project.

1) Density & the Urban Growth Boundary

It is not true that this project is "high density." It would be a grievous mistake to reduce the proposed 50-unit yield of the Habitat project on that basis. For one thing, the project is in fact quite a bit less dense than what current zoning allows. Sunrise Habitat is a little over 3 DU/AC, vs 4DU/AC allowed in the R-2 zone.

The case for providing affordable housing is very strong, and our need has been inadequately met by the small-scale projects that have been implemented thus far. At the Sunrise site the community has the opportunity to make a significant dent with 50 units. Building fewer units is a poor way to capitalize the investment Orange County citizens have made in this property.

But more important still, there are powerful reasons, above and beyond our need for affordable housing, to maximize the yield of high-quality housing at this site (as well at any other that may be developed in the future in our community). These reasons have to do with creating sustainable land use patterns at the end of the age of the automobile.

Humanity, and our nation in particular, have realized enormous benefits over the past 150 years (since oil was first drilled in Pennsylvania in 1857) from the abundance of fossil fuel energy resources. We have become accustomed to patterns of land use supported by cheap gasoline that made it easy for us to travel among the widely spread places where we live, work, shop, learn, worship and play.

But the evidence is accumulating not only that there is a wide spectrum of environmental, fiscal & public health impacts from this kind of land use, but also that we will run out of easily extracted & processed fuels within the next few decades, at the present, accelerating rates of consumption. As the price of gas rises, we will see more and more demand for residence and employment within compact, mixed use urban centers. Deflecting this demand by constantly reducing the yield of residential projects only exacerbates demands for oil resources and creates more sprawl, and more sprawl impacts.

Our Urban Services Limit and Rural Buffer were not intended to repel growth within our towns. They were meant to focus growth within boundaries where urban services and infrastructure already exist; partly to achieve a larger tax base that would spread the costs of those services among more people; and partly to prevent sprawl outside those limits in rural Orange County.

Chandler's Green residents keep saying that the Habitat build-out is inconsistent with its location at the edge of our Urban Growth Boundary (UGB). That is partly simply an accident, because this site had yet to be developed. But it is also true that *everywhere* within the UGB, with the exception of lands we designate for open space, is destined for urban use.

The UGB functions somewhat like the walls surrounding Mediterranean Hilltowns. These walls were erected primarily for defense, to keep invaders out. As they filled up over time, and new walls were built, and those lands filled, a very distinctive, compact, human-scaled, environmentally sensitive urban form arose.

The residential density of these incredibly liveable places ranges from 30 to 50 dwelling units to the acre - *medium* density when compared to *high*-density places like Hong Kong or the island of Manhattan with 200-300 DU/AC. The claim that the Sunrise 3DU/AC is "high density" is simply false. The fact of the matter is that Chapel Hill/Carrboro's combined gross residential density of under 3DU/AC is very, very low density, viewed against the spectrum of urban settlements in the US and elsewhere.

2) "The American Dream"

One of the CDC members referred to the "American Dream" - a detached single-family house on a piece of land. In an ideal world, where we could count on an unending supply of resources to meet the energy needs of this sub-urban form, continuing to promote this dream might be feasible. [Assuming we were able to avoid all the other impacts - the effects of all that impervious surface, the epidemic of obesity that goes with car-dependence, the impacts on air quality, the costs to the community of serving a spread-out population.]

This "dream" did not spring from grass roots America. It was the vision of a group of powerful economic interests - mortgage bankers, oil & automobile companies, road builders - that was vigorously promulgated, especially after World War II. See *America's Undeclared War* by Daniel Lazare for an analysis of the forces that led to the abandonment of the compact, transit-oriented urban form that had dominated our landscape prior to the mass production of cars. FHA rules, for instance, pretty much restricted mortgage lending to single family detached structures. That was really the only housing option available to families of returning servicemen in the late 40's and throughout the 50's. Cheap gasoline & government support for highway building made this "American Dream" the only reasonable choice for new home buyers.

Today, we stand at the threshold of a huge economic & lifestyle change, because, at current rates of use we will exhaust the petroleum & natural gas over the next 50 years or so. New discoveries of reserves do not begin to keep pace with rapidly increasing global demand.

The question for decision makers at the local level, where critical land use decisions are made

regularly, is whether we'll continue business as usual, because it is so much easier, so uncontroversial, or will we take steps that anticipate the huge change that is coming and resume the creation of urban forms that don't require so much fuel. Taking this route, we might perhaps even delay the inevitable depletion of those fuels, and insure the possibility of a sustainable human presence on the planet. And we would avoid many of the other environmental and public health impacts that accompany sprawl.

We need to re-define the so-called "American Dream" in order to reduce the unsustainable demands we place on global resources. That includes allowing greater density and finding good ways to have more multi-family structures. The CDC's and the Council's approach to the Sunrise project should not be about *whether* to maximize the utilization of this parcel (and every other project that comes before you); it must be about *how* to achieve more dense land use that is attractive, high-quality, and liveable.

3) Is this a Ghetto?

As the CDC and Council members receive and process the comments of Ms Battle, who asserts the Sunrise project resembles the Winston-Salem development she grew up in, here are some questions to consider:

*Was Derry St (the neighborhood she grew up in) a stand-alone project in the midst of several acres of undeveloped open space, or, as appears from a map of Winston-Salem, one impoverished block in the midst of many in a multi-block area of low-income property at that city's urban core?

*Did the residents of Derry St have immediate access to open space, with a shared commons the size of a football field just outside their doors, as well as walking trails on another 7 acres surrounding them? Was Kimberly Park park a quarter mile away from Derry St. easy to get to, or a harrowing passage through more poverty, and so poorly maintained and policed that there was no incentive to go there anyway?

*Was Derry St, like the Habitat site, surrounded by a diversity of income levels? Did it (like the Habitat site) have a thriving Senior living center within walking distance, as well as a high school that is part of a nationally-renowned public school system? Or were Winston's inner-city schools more typical of the under-funded big-city systems?

I do not question that her ideas about the Sunrise project have stimulated a flood of unpleasant memories for Ms Battle, but I wonder whether comparing Derry St to Sunrise Habitat, and comparing Chapel Hill to Winston-Salem, is like comparing apples and oranges. I think the similarities are superficial. Ms Battle's concerns give us more reasons to tend to the details, but they do not make a case for reducing the size of the Habitat project.

I for one am far more apprehensive about the future that lies ahead for us and for our children if we do not address the global energy questions confronting us, questions whose answers will be found in decisions we make locally. The ghetto-ization of our car-dependent nation, should we fail to produce the dense urban fabric that supports walking and transit and reduces our need for fuels, will be harsh and profound, even for the wealthiest among us.

4) Responsiveness of the Charrette Process.

Neighbors complain that the Charrette process has been unresponsive to their wishes, but in fact the primary reason the designers reduced density from the maximum allowed in the R-2 zone was in response to their concerns. The problem here has been that the neighbors decided in advance they would be comfortable with no more than 20-some odd units, and have not budged.

Looking at the plans you can see that duplexes and triplexes having footprints and mass similar to houses on adjoining Chandler's Green lots are proposed. The designers felt that this was a creative response to neighbors concerns about Habitat structures being out of character with the neighboring homes. These will be "townhouse" homes configured to look like large single family detached homes.

I think the design team has responded positively to input from the neighbors as well as to the principles set forth by the Council, and continuing dialog about this project will result in a great new neighborhood and an important land use model.

5) The NIMBY Effect

As our nation has suburbanized, and as much of this development has lacked the character we like so much in earlier urban forms, citizens have come together to oppose new development. Their complaints have not been unreasonable, either, viewed in their immediate context. Developers anxious to avoid confrontations have resorted to going further out, "leap-frogging" over built-up areas and areas with growth controls. This effect has exacerbated the tendency toward sprawl development. Arguments about increased traffic and local environmental impacts make sense only as long as larger-context concerns are excluded from the debate, which is usually the case.

But as long as the demand to reduce density to prevent traffic congestion prevails, it is unlikely we will reach the density necessary to support public transit and pay for bike and pedestrian infrastructure. As long as stormwater concerns are addressed by lowering density rather than adopting suitable & effective "best management practices," equally serious regional water quality problems will be created because the growth pressures don't magically go away, they just get dispersed elsewhere. And this dispersal leads to more dependence on cars and fossil fuels.

The accumulation of thousands of local land use decisions over the last 30 years in which density has been reduced in order to satisfy these kinds of reasonable arguments from neighbors has been a powerful force in the creation of Sprawl.

For the achievement of sustainable land use forms it is imperative that larger-context issues receive the same consideration as do the concerns of immediate neighbors.

James Carnahan
Carrboro, NC
9/8/04

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September 8, 2004

Ms. Charlotte Newby, Chair
Chapel Hill Community Design Commission
Town of Chapel Hill
306 N. Columbia Street
Chapel Hill, NC 27516

On August 18th, I attended the meeting on Habitat's Sunrise Road development proposal. As you know, the meeting went very long due to opposition to this proposal. I was prepared to speak but due to the lateness of the hour I decided not to. Those of us opposed to Habitat's design had agreed to limit our time to about 30 minutes and we exceeded that limit. I understand that public input will be limited at the continuation meeting on September 22nd. Therefore, I would like to present the attached written statement and ask that it be made part of the public record. Please distribute it to all members of the Commission.

If you have any questions or concerns, please feel free to contact me at home (403.1270), work (933-9044) or e-mail us at smythepnpd@earthlink.net.

Sincerely,


Patrick C. Smythe and Family
3820 Sweeten Creek Road

100

August 18, 2004

Statement To: Members of the Chapel Hill Community Design Commission

My name is Patrick Smythe and I live at 3820 Sweeten Creek Road with my wife and two children. We are within the 1000 foot zone of the proposed high-density Habitat development on Sunrise Road. We are adamantly opposed to this project as designed for a myriad of reasons but mostly because it is simply too dense. This project is too dense to be in keeping with the surrounding neighborhoods. It is too dense to be safe for our children and those who will have to live in it. This project is too dense for the number of cars which it will generate on Sunrise road and on the streets of the project itself. It is too dense for our already overcrowded schools, too dense for the sensitive environment in which it is sited and too dense for the developer to manage now and in the future.

We opponents have been accused of many evils especially NIMBYism. That argument is ridiculous in Chapel Hill which prides itself on the strict zoning and coding and regulations designed to protect us all from undesirable projects. The Town doesn't want a nuclear facility or a private landfill or a big box commercial enterprise in our "back yard". We neighbors do not want a high-density, low-income housing project in our back yard, especially when it is admittedly a new "experiment" for Habitat. My family does not want this project in our back yard either.

We have attended dozens of meetings and studied volumes of material on this project and yet have never been afforded an opportunity by Habitat to have meaningful input into what could be reasonably built on this parcel. The design charrette was indeed a charade. I was "assigned" to a table and given the task of designing at least 50 dwellings when I knew this was not realistic. I wanted to use our time to design a community of 20 to 22 single-family homes with driveways which would make their owners proud. My public objections and suggestions were overruled by Habitat representatives clearly intent on generating maximum density projects.

The high-density design which Habitat's people generated was not shared first with its Board and the neighbors as Habitat states but was released to the Press hours before the public meeting. This was presumably an attempt to blunt the obvious dismay of neighbors and put maximum public spin on the high-density of the design which they know we do not support. Orange County Habitat has been especially effective at using the good will and reputation of its national parent in the local media to portray us neighbors as evil and uncaring. I care about my family, my neighbors, Chandlers Green and my Town and I know this project is far too dense.

Habitat does not have experience with projects of this size. Smaller projects have been undertaken in more rural areas and these still have many problems. Wake County's Habitat does not support developments on this scale because of issues of crime and quality of life for residents and surrounding neighbors. Habitat does not have the experience or the budget to provide the enormous support that will be required to be a good steward to this development in the future. Such stewardship is key to protecting this development and the surrounding neighborhoods. Yet we do not know what Habitat's plans are for continuing stewardship.

We (and you) also do not know what Habitat's plans are for the actual ownership and occupancy of the proposed units. Habitat requires "sweat equity" hours of its clients but not necessarily work on this exact project. Presumably hours could be accumulated for clerical work in Habitat's offices. We simply do not know. Orange County Housing Authority will control some of these buildings and they do not have such requirements. Their clients may simply move in. Who will actually own the land and who will maintain the common areas? What legal arrangements will protect the sale and transfer of these units? Please ask Habitat specifically how many units they will control and how many hours a potential owner must work on their actual unit. Will there really be the pride of ownership that traditional Habitat clients exhibit? We think not. Habitat has been particularly evasive about these issues in past public meetings and I challenge you to try to clarify these concerns.

On a more personal note, I would like to ask you to specifically address a concern I have about potential trespassing. My lot transits the entire Duke Power right of way. We must give access to employees and agents of Duke Power only. Many people erroneously believe such ROW's are public. We work hard to maintain this property and it is sometimes damaged by quad vehicles, motorbikes and others unlawfully trespassing. Duke Power does not permit erection of permanent fences and because this space is open and attractive, people will use it as a thoroughway or recreational or gathering area. This is just human nature. I would ask that any development by Habitat include specific measures designed to discourage such uses. These measures might include fences, signs, plantings or other barriers to access. Potential residents should be carefully educated about the legal status of transiting this corridor. We do not wish to be put in the uncomfortable position of regularly summoning police to address these problems.

I have not studied the mission statement for this Commission but I know you work hard and get involved in very complex and sometimes minute details of development. I know that your very task is to prevent many undesirable things from happening or being built in our backyards. We ask that you treat this project the same as any other development. Do not give Habitat a pass just because they are Habitat. Please help us protect the beauty, safety, health, integrity, environment and very nature of our wonderful neighborhood. Send this plan back to the drawing board. It has many, many problems but mostly it is just too dense.

Thank you,

The Smythe Family
3820 Sweeten Creek Road
Chapel Hill, NC 27514

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From: Larry Band
3812 Sweeten Ck. Rd.
Chapel Hill, 27514
493-7546
lband@email.unc.edu

To: Community Design Committee
Town of Chapel Hill

Re: Proposed development off of Sunrise Rd.

In my brief presentation to the CDC in the last meeting I spoke exclusively about environmental impact of the proposed development, with specific reference to site drainage, vegetation, soils and wetlands on the eastern end of the property. I am providing a summary of major points I brought up, without commenting on the viability of the full project. For context, I am also summarizing the development process to date with reference to these issues.

I am a Professor of Geography at UNC specializing in forest and urban hydrology. My involvement in this issue is solely in response to the request for input by the CDC from local residents and does not involve the university in any manner.

Presence of wetlands on the property

In December 2002, the Orange County Board of Supervisors considered a funding request from Habitat for Humanity of Orange County (HHOC) to help with the purchase of the property. At the time the property was being considered for purchase, HHOC had a local environmental consultant evaluate the property for development restrictions. The consultant found no major restrictions other than an intermittent stream (what is now mapped as the perennial stream on the property). However, a map provided to Orange County as part of the funding request by HHOC suggests the site was not carefully reviewed. The map shows the stream as emanating from a pond on the Henry property (see figure 1), with the stream marked as a "dry creek bed." The "pond" is actually the Henry's front lawn, directly adjacent to Sunrise Road. Extensive wetlands surrounding the stream were also not mapped, nor were wet areas on the eastern end of the property. It is understandable that HHOC personnel, not trained in environmental impact assessment, may not have recognized the more severe limitations of the site at this time. They were made aware of the property and considered its potential at the end of an extreme drought that ended in Fall 2002, at which time the property was likely at its driest state in decades.

In response to local residents (and others) pointing out inconsistencies with the first representation of the property filed with Orange County, HHOC had a second consultant

come in to map wetlands. The second HHOC consultant mapped extensive wetlands around the perennial and intermittent streams, and these maps were used in presentations for the design charrette HHOC ran last year. While I have no direct knowledge of the criteria the consultant used for wetland designation, the presence of numerous soil borings and my knowledge of the site suggests wetlands were mapped on the basis of evidence of high water tables and surficial soil properties that show features of extended periods of saturation. Subsequently, and also after requests from the town and local residents, HHOC requested the US Army Corps of Engineers to evaluate the site for regulatory wetlands. The USACE interpretation was less extensive than the HHOC consultant mapping, restricting *regulatory* wetland designation to a set of areas around the perennial stream and a pocket in the eastern section bordering the Potted Plant.

It is important to understand why the wetland mappings varied so significantly between the HHOC consultant and the USACE. The USACE is charged with protecting navigable waters, and as part of that has an interest in watershed and wetland protection. The definition of "regulatory wetlands" used by the USACE requires evidence of site inundation, soil saturation and wetland vegetation. Other agencies (e.g. Fish and Wildlife) do not have as restrictive criteria. As the site had been farmed and ditched in the past, the eastern end of the property is dominated by loblolly pine with some broadleaf mixed in. Loblolly is not indicative of wet or dry conditions, and without clear wetland vegetation, the USACE criteria would not be met. In addition, the Bush administration recently removed from regulation upland wetland sites that are not directly connected to perennial streams. However, the site is still seasonally wet, with the presence of areas that are inundated to depths of 6" and extensive evidence of seasonally high water tables.

Note that the area is mapped on the Orange County Soil Report as Appling Silt Loam (as represented on the HHOC submission to the CDC). The Appling is considered suitable for urban development. However, the Appling occurs in association with the Helena silt loam, another soil that is poorly drained with high seasonal water tables, and is considered to be severely restricted for urban development. Soil maps typically contain a set of soil series included in any "mappable unit," but with the soil designation as that soil covering the largest area. A soil unit mapped as Appling can also contain a set of other soils, such as Helena, just as a soil unit mapped as Helena can contain sections with Appling soils. The types of soils in the eastern end of the property and particularly around the intermittent stream, mapped by the second HHOC consultant, are consistent with the Helena soil. These can pose both important constraints to development, and potentially ongoing problems for residents. One of the stormwater detention ponds is sited directly in one of the seasonally inundated areas, and this can lead to significant reductions in the effectiveness of this facility without extensive fill and drainage engineering. While this area has been declared "high and dry," there is clear evidence of seasonal inundation, saturated soils and seepage present.

The Appling soil is predominantly present in the broad slope towards the central part of the property, and this is a good area for development. This is the area that is "high and dry."

Intermittent stream designation

As part of the LUMO requirements for perennial and intermittent stream designation, in 2003 the town engineer determined the presence of the perennial stream entering the property from across Sunrise Road, and another short section of intermittent stream in the eastern end of the property (see figure 2). Last spring, HHOC, with a new consultant, requested the town reconsider its interpretation of the intermittent stream designation for the reach on the eastern end of the property. Another inspection by the town engineer found the reach to have channel and site properties sufficient for intermittent stream designation, but to be disconnected from the drainage network. On this latter basis, the intermittent designation was removed. This interpretation is questionable as a section of the LUMO does account for special cases of urban streams that are disconnected from downstream sections due to disturbance, sedimentation, and other features characteristic of streams in developed areas. This section was added to the LUMO in recognition that these streams still perform important functions in retaining sediment, nutrients and other contaminants. Inspection of the disconnected portion of the stream on the HHOC property shows that it becomes diffuse in an area that was previously developed either as a terrace, stocking pond or roadway when the area was farmed (the remnants of a retaining wall are present), with the area just below this adjacent to and disturbed by construction of I-40. It appears that this reach meets the standards of the LUMO. As a case in point, an intermittent designation was given to a reach of stream adjacent to Morgan Creek (in Morgan Ck Hills) draining street runoff, although it is similarly disconnected from the mainstream by sedimentation.

However, even if the reach is not formally designated an intermittent stream, it is still a wet swale with a channel running through it and high groundwater tables. Placing a foundation in this area will require ongoing drainage maintenance as it is an active seepage area. At best, the area might be used as a swale drain BMP for stormwater management.

Removal of forest stands

The dominantly loblolly pine stand, which is estimated to be 40-50 years old will be clear cut in the current plans. While this is to a great extent necessary for the current design, it will increase runoff. This is the drainage area of the intermittent stream. The pine stand currently evaporates significant amounts of water, with the evergreen trees functioning throughout the year. Loss of the pine stand will result in greater runoff and recharge towards this wet zone in and surrounding the intermittent drainage. We have a good idea of how much water is removed by these types of pine stands – a good estimate would be 60-70% of the annual precipitation is evaporated by these stands. Replacement of the stands with turf and pavement would more than cut this evaporation in half, leaving the remaining water as increased runoff and wetness in the low lying areas of the already wet

portions of the eastern end of the property. Therefore, clear cutting can augment the saturation levels around the swales and low lying areas.

Finally, I point out that nesting a residential development, and specific residences, in the midst of a set of wetlands (regulatory and non-regulatory) and seasonally wet pockets has the potential to create a mosquito exposure problem with associated health hazards. It is important for the CDC to consider elements of the development not only in terms of off site effects, but also in terms of on site effects for the residents.

There may be a greater responsibility to avoid these problems for assisted housing developments. Unfortunately, these developments are often sited in substandard locations as property costs are lower, or they are extended into areas that are marginal for development to maximize development numbers. However, the net effect of locating communities in these settings is often to set up problems in terms of exposure and ongoing structural (foundation and drainage) maintenance requirements.

I would be happy to speak with members of the CDC further about these issues.

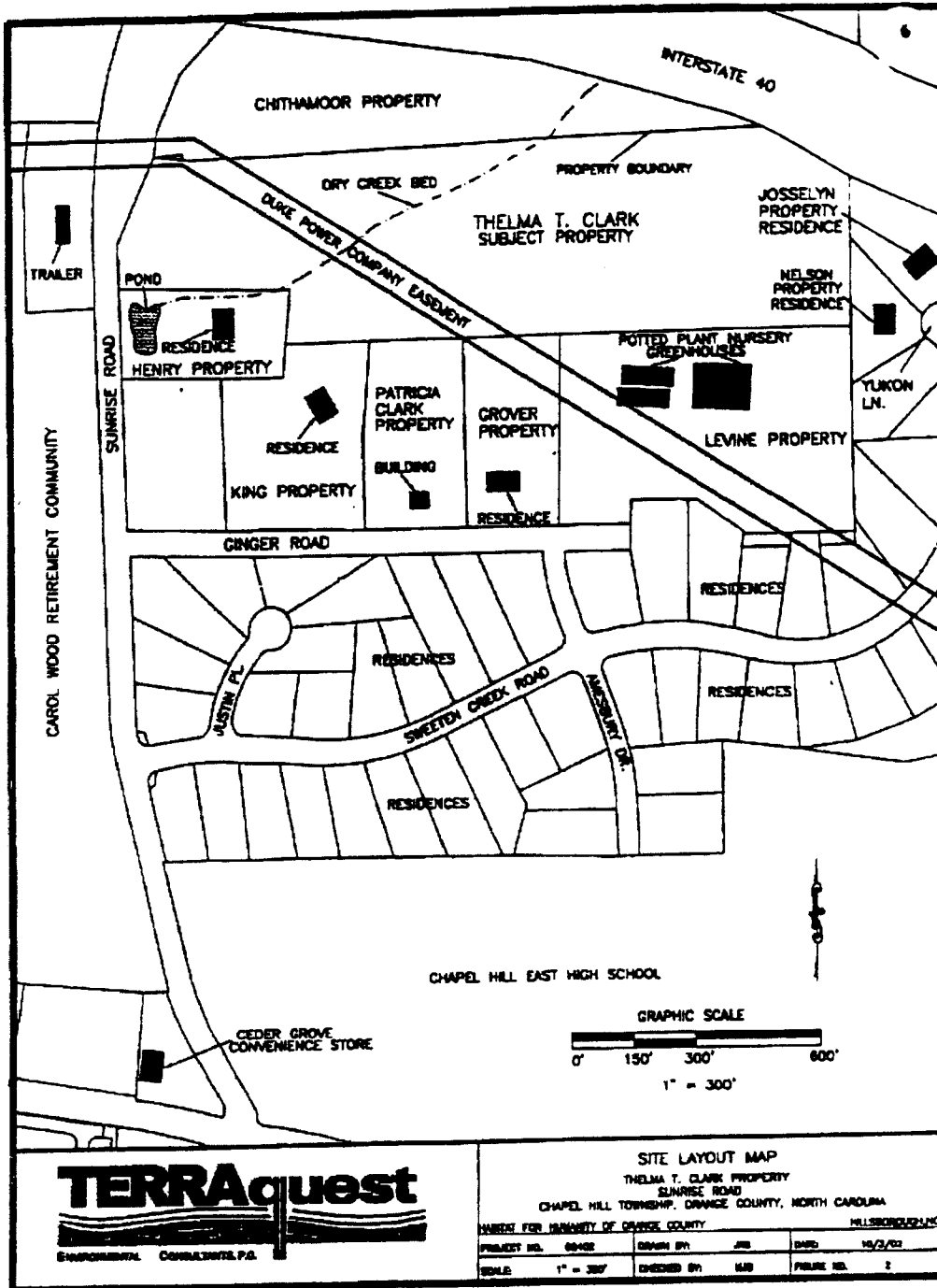


Figure 1: Initial map of the HHOC property submitted to Orange County as part of a funding request in December 2002.

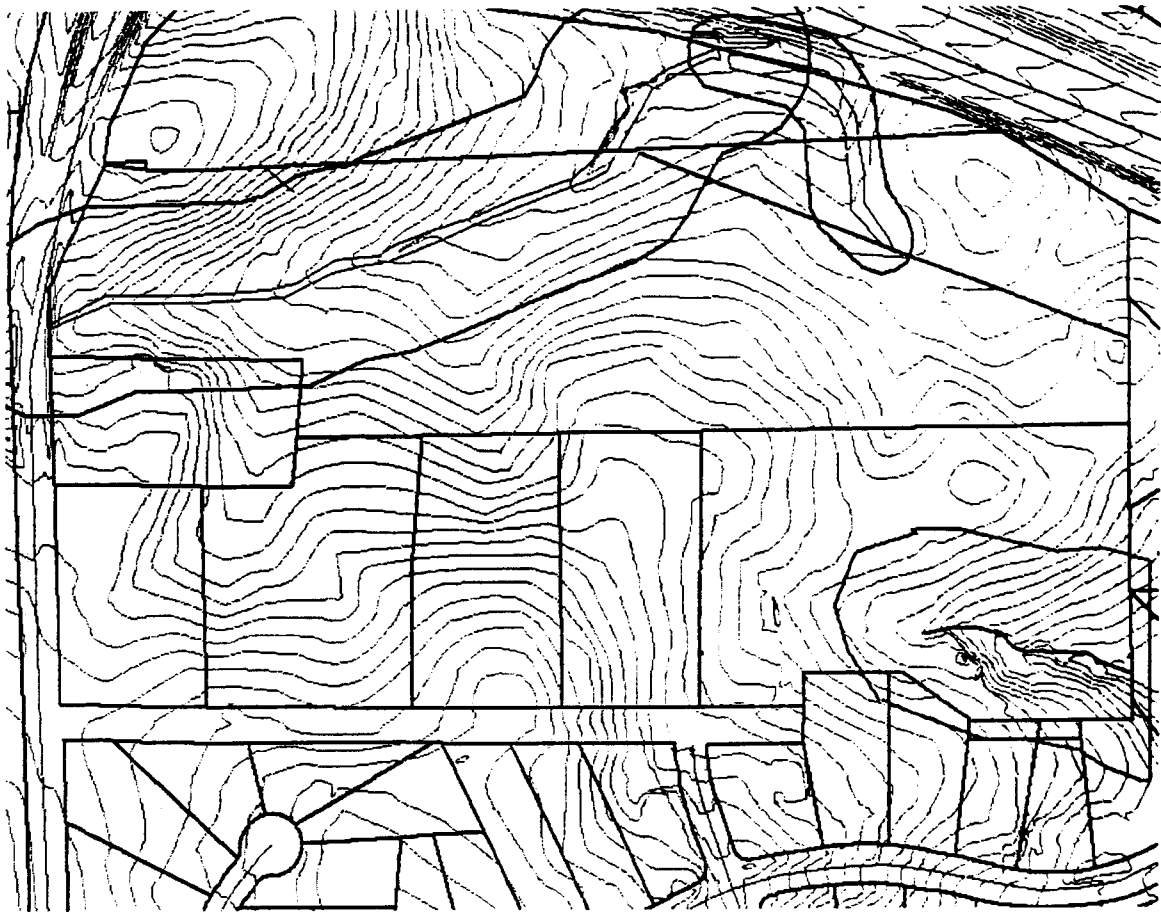


Figure 2: Perennial and intermittent drainages with approximate set backs. The red line is the approximate extent of the 67 db contour.