

Reclaiming the POWER of our Communities

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DATE: March 4, 2004

TO: Chapel Hill Planning Department

FROM: EmPOWERment Inc.

RE: Special Use Permit Statement of Justification

Background

In May 2002, the Town of Chapel Hill assisted EmPOWERment Inc. in purchasing 229 N. Graham Street. 229 N. Graham Street was purchased as part of a larger plan to improve the living environment in the Sykes Street area of the Northside neighborhood. As Town staff are well aware this particular property and the intersection where the property is located has been a troubled area. Often times, groups congregate at this location loitering around and individuals in the group are seen buying and selling drugs.

Initially, we proposed that the existing two bedrooms, one bath structure at 229 N. Graham Street be renovated and resold as a Land Trust home. During the planning phase of the project several discoveries caused us to change our mind on renovating the existing structure. The condition of the home at 229 N. Graham was worse than initially determined and more importantly, we became aware of the possibility for subdividing the lot and placing two homes at the site (229 & 231 N. Graham Street). It was a compelling opportunity to more fully utilize the northern end of the lot at 229 N. Graham Street, which has traditionally been one of the major gathering spots for drug dealers and intransigent crowds.

In July 2002, we began discussing with the Town of Chapel Hill the possibility of seeking a rezoning and a Special Use Permit to subdivide the existing lot and build two (2) new affordable homes. In September of 2002, EmPOWERment, Inc.'s former Director, Mark Chilton petitioned the Town Council and was granted expedited review. Subsequently, we have met with the Town's planning staff on several occasions and discussed the intricacies of our plan. We are now submitting an updated proposal incorporating the revisions requested as a result of the 1/22/04 Tow of Chapel hill Department Head Review.

Current Proposal

EmPOWERment Inc. proposes to demolish the existing structure at 229 N. Graham Street, subdivide the existing lot, and build two new homes on the site. The home at the southern end of the existing lot (229 N. Graham Street) will be 1208 square feet and have three (3) bedrooms and two (2) bathrooms. The home at the northern end of the lot (231 N. Graham Street) will be 979 sq. ft. and have two (2) bedrooms and two (2) bathrooms.

In order to justify a Special Use Permit the proposed project must make four (4) findings contained in Section 18.3 of the Town of Chapel Hill Development Ordinance.

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

The proposed project will promote public health, safety, and general welfare by offering two newly constructed, well designed, and energy efficient homes that conform to and exceed local building codes, Land Use Management Ordinance (LUMO) requirements, and the proposed Northside Neighborhood Conservation District regulations. The construction of two homes might add slightly to motor vehicular traffic, but will most likely decrease significantly the undesirable and dangerous loitering of many individuals on the property and the adjacent streets at all times of the day. The project will not interfere with current street intersections or sight lines from the intersections. The proposed project will have electricity and gas service, water and sewer connections, curbside garbage and recycling pick-up, and Town of Chapel Hill police and fire protection. The two lots will have easements to accommodate a sidewalk and curb and guttering. To prevent adverse impacts to runoff generated by stormwater Chapel Hill has developed performance standards that must be met for development and redevelopment of sites. Certain activities are exempt from these stormwater performance requirements. Section 5.4.2 (b) of the Land Use Management Ordinance (LUMO) lists the three circumstances that allow for exemption. Paragraph (2) provides for an exemption for "Single-family and two-family developments and redevelopments that do not disturb more than 5,000 square feet of land area, provided they are not part of a larger common development plan;" These 2 lots are proposed to be 2,685 sq. ft. and 3,592 sq. ft. respectively, each well under the afore mentioned 5,000 sq. ft. disturbance threshold. Therefore we petition the Town Council of Chapel Hill to find that these lots are not part of a larger common development plan and that they further find that the exemption to the stormwater performance criteria contained in Section 5.4.2(b)(2) applies to each of these lots individually. To achieve the purpose of the LUMO, of not negatively impacting stormwater runoff, each lot will be developed in a way so that runoff flows through lawn and landscaped areas at a very mild slope. By flowing stormwater through vegetated material at low velocities, a positive effect is reached in removing urban pollutants generated by development activities. Denuded areas will be stabilized with ground cover as soon as possible after construction activities have ceased.

Finding 2: That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Article 12, 13, and 14 and the applicable specific standards contained in Sections 18.7 and 18.8, and with all other applicable regulations

The proposed project will conform to all Development Ordinance and land development regulations. As mentioned above land will be available through easements to accommodate sidewalks and curb and guttering. No street improvements are being recommended by the Town's Engineering Department. The two homes will be sited to meet all setback requirements, parking requirements, and the designs of the two homes are within the height requirements, floor area ratios, and building size restrictions per the Northside Neighborhood Conservation District.

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

The proposed development will not only integrate well into the surrounding neighborhood, but will also enhance the value of contiguous properties. The scale, design and general appearance of the two proposed single-family detached homes will fit the character of the Northside neighborhood very well, especially neighboring properties on N. Graham Street, Whitaker Street, Nunn Street and Sykes Street. The sale of the homes to low to moderate-income families as a place of residence fits very well with the usage of neighboring properties. The proposed projects conform very well with the Zoning Atlas and Comprehensive Plan by promoting a consistent use of residential development, while helping preserve the character of a downtown neighborhood, providing affordable housing, and incorporating