



**Development Ordinance Workshop Summary
May 11, 2002**

Staples @ Gateway Commons – Impervious Surface/Watershed Protection

Group # 1

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Description:

The group discussed the Staples site according to regulations in the existing Development Ordinance as well as the Second Draft of the Proposed Development Ordinance as they pertain to impervious surface and watershed protection regulations.

A Special Use Permit for this project was approved in 1998. The site is located on East Franklin Street, between the Village Plaza Shopping Center and the Eastgate Shopping Center. The 4.9-acre site is located in the Community Commercial (CC) zoning district. The southeastern edge of the site is located in the Town's Resource Conservation District (11,900 square feet). One large retail building and several smaller retail and office buildings were approved, with a maximum of 39,225 square feet of floor area and 167 parking spaces. Approximately 3.1 acres (65%) of the site is covered with impervious surface. The site is not located in the Town's Watershed Protection District.

Key Issues:

- **Existing Watershed Protection District:** Currently the Town's Development Ordinance restricts impervious surface to low density (24% impervious surface) and high density (50% impervious surface) options in the southern portion of Chapel Hill that drains to Jordan Lake. In the Watershed Protection District it is permitted to build up to 24% impervious surface *without* structural stormwater controls, such as a retention basin, to manage runoff quality. It is permitted to build up to 50% impervious surface *with* structural controls to manage runoff quality. The impervious surface restrictions of the Watershed Protection District would be extended town wide and would therefore include the Staples site.

We note that the current Development Ordinance has a livability space requirement that acts to limit impervious surface.

- **Grandfathering:** When a site is redeveloped any impervious surface that existed prior to July 1, 1993 is exempted when performing impervious surface calculations for new development. A developer is only required to calculate the new impervious surface they add to the existing pervious surface. The grandfathering feature of the existing ordinance is included in the proposed ordinance but only in the area that is currently classified at Watershed Protection District. Therefore, the Staples site would be required to meet the 24% and 50% impervious surface thresholds under the proposed ordinance.

- **Setbacks:** The building is currently setback approximately 170 feet from the street. The existing Development Ordinance only has minimum street setback distances, in this case 22 feet. The proposed Development Ordinance has minimum and maximum setback distances, which would be 0 and 28 feet respectively, for the Community Commercial (CC) zoning district.

The maximum street setback of 28 feet would have altered the site design dramatically. Connectivity to the existing Wellspring development to the southwest was important for this development and the proposed minimum setback would not allow for that. The group agreed that a minimum setback requirement such as this would be useful for encouraging parking behind buildings for new development but that it could be detrimental to good design opportunities when applied to some redevelopment sites. Therefore, maximum setbacks may be more appropriate as a design guideline or applied according to site characteristics.

- **Site Redesign:** The group redesigned the site with the intent of reducing the impervious area from 65% to 50% impervious surface limitation imposed by the second draft of the Development Ordinance. We found that we had to eliminate about 25,000 square feet of impervious surface and accomplished this by removing 70 parking spaces.

- 167 parking spaces exist on the site and a minimum of 151 spaces are required by the existing ordinance. The existing ordinance does not have a maximum parking requirement; however the Council has a policy of allowing 10% additional parking spaces above the minimum, or 166 in this case.

The proposed Development Ordinance has minimum and maximum parking requirements and for the Staples site the minimum would be 84 and the maximum would be 151. By removing approximately 67 parking spaces and associated drive aisles it would be possible to eliminate about 25,000 square feet of impervious surface.

- **Other Issues:** The group discussed various means of minimizing impervious surface on sites through use of pervious pavements. It was agreed that there have been very few applications of such pavements in the Piedmont region due to the exceptionally poor soils and inherent drainage problems. It was also noted that these applications generally cost 3 to 4 times as much as traditional pavements and would require special engineered substrates with drainage pipes to even function in the Piedmont area. This discussion led to the following suggestions:

- The proposed Development Ordinance should allow for density bonuses when impervious surface is reduced with pervious surface treatments.
 - The proposed Development Ordinance should contain language that anticipates technological advances in pervious treatments and encourages their application in this region.

(157)

- If the intent of the minimizing impervious surface is to control stormwater quantity and quality then allow for more impervious surface than 50% (which seems like an arbitrary limit) and the appropriate engineered solutions to achieve the water quantity and quality performance outcomes required.
- The proposed Development Ordinance should contain language that requires shared parking rather than letting it be an incidental benefit.
- Why are land use intensity ratios necessary at all when the proposed impervious surface limits seem to be the controlling factor in site intensity?