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**FOR IMMEDIATE RELEASE****March 4, 2003**

Contact: Glen Greenstreet, Chair  
Site Planning Committee  
Habitat for Humanity of Orange County  
(919)933-2525

**Public Statement Regarding the Use of the Habitat for Humanity  
17 Acre Sunrise Road Property**

On February 3<sup>rd</sup>, 2003 the Board of Directors of Habitat For Humanity of Orange County appointed a Site Planning Committee for the purpose of planning its newest neighborhood to be located on Sunrise Road in Chapel Hill. On February 20, 2003 the Board agreed on a process and guidelines for the committee. The Board's direction to the committee was based on its previous discussions and debate, as well as the interests and concerns of neighbors to the property as expressed to date.

On February 26<sup>th</sup> the Site Planning Committee held its first meeting and prepared this document for public distribution. These guidelines, as reviewed by the Board's Executive Committee, express the Board's intent and vision for the property. The outcome of this vision will be shaped by the stewardship of the Committee and the Board, by the expertise of a variety of professionals, by ongoing input and feedback from interested parties, including local neighborhood groups, and by the guidelines and review provided for in the development approval process of The Town of Chapel Hill and Orange County.

**Planning Guidelines for the Sunrise Road Property:**

- The design for the Habitat for Humanity 17 acre Sunrise Road property shall include no more than 68 homes to be built and sold as owner-occupied homes. The design is to encompass architectural variety to allow the best opportunities to create housing for homeowners of mixed income levels, and to create visual interest and harmony.
- At the Board's request, the Committee is to explore the feasibility and benefits of building approximately 1/3 (one third) of the homes as attached single-family town homes and approximately 2/3 (two thirds) as detached single-family homes.
- The neighborhood is to employ a clustered design to allow for increased buffer areas, green space, and common space for community activities. This design will also reduce costs and provide environmental advantages.

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- It is the Board's intention that the Habitat for Humanity Sunrise Road property be a mixed income neighborhood, including homes for homeowners earning up to 50% of the median income, homes for homeowners earning up to 80% of the median income, and possibly modestly appointed homes sold at market rate to owners of unrestricted incomes. This heterogeneous mix of income levels is intended to broaden and strengthen the community of the Sunrise Road property. To this end, the Board intends to explore the cooperative involvement of other non-profit builders or possibly for-profit builders.

Habitat for Humanity of Orange County is excited about this opportunity to provide affordable housing on the Sunrise Road property so that the people who provide essential services to our community can afford to live and work in Chapel Hill.

(14)

**From:** Milbrey Starnes [milbreystarnes@earthlink.net]  
**Sent:** Wednesday, March 12, 2003 5:31 PM  
**To:** JB Culpepper  
**Subject:** Fw: Habitat's Sunrise property

----- Original Message -----

**From:** Milbrey Starnes

**To:** Kevin Foy

**Cc:** Margaret Rees ; Kathy Abrahams ; Ralph Abrahams ; Austin ; Bailin ; Balcom ; Larry Band ; Vickie Band ; Ralph Bass ; Bassett ; Jill Batchelor ; Kevin Beasley ; Teresa Beasley ; David Bookhout ; Lynne Bookhout ; Breaux ; Brecheisen ; Dan Breen ; Kathy Breen ; Steve&Sally Brown ; Teresa Brown ; Melissa Cain ; Dana Cattani ; Chan/Chiu ; Cianciolo ; Cianciolo ; Sandra Cummings ; Davies ; Davis ; Joanne DeVeaigh-Geiss ; Joe DeVeaigh-Geiss ; Diane Dissel ; Fox ; Franczak ; Bill Furman ; Mary Furman ; Lola Furth ; Mark Furth ; Dick Gaillard ; Harriet Gaillard ; Greenberg ; Michael Greenberg ; Robin Greenberg ; Kathy Grichnik ; Haystead ; Hoffman ; Bob Hogan ; Cathy Hogan ; Holdaway/Bailey ; Jackson ; Josselyn ; Kang ; Dave Kleckner ; Kramon ; Gwil Law ; Janice Law ; Lee ; Naipo Lee ; John&Molly Lewis ; Li ; Roni Liberman ; Lopez-Claros ; Lowrie ; Jerry Marin ; Kay Marin ; Mascianica ; Meyer Liberman ; Morgan ; Morgan ; Murphy ; Katie Murphy ; Nelson ; O'Brien ; Park ; Parker ; Jeff Pickering ; Rob Reda ; Richmond ; Sandy Roberts ; Lindsay Schworer ; Stefan Sieradzan ; Nancy Smythe ; Lori Sogol ; Sunu ; Liz Sweeney ; Lesli Taylor ; Bob Valley ; Ellen Valley ; Vancil ; VanHee ; Wilder/Cain ; John York ; Yost ; Stephanie Yost ; Zarkin ; Darryl Zeldin ; Marie Zeldin ; Milbrey Starnes ; Bill Starnes ; Smythe ; Michele Kleckner ; McNulty ; Wilkins

**Sent:** Wednesday, March 12, 2003 1:38 PM

**Subject:** Habitat's Sunrise property

Dear Mayor Foy,

I am very disappointed that you continue to deny that the Town Council was aware of specific plans for the Habitat property off Sunrise Road at the time it provided funds for purchase of the property. To quote your recent correspondence, you state, "The bottom line is that the Council has not seen any kind of proposal for the use of the property".

I have before me a copy of a memorandum from Cal Horton to the Mayor and Town Council dated November 25, 2002. Below are two passages from that memorandum:

In a letter dated October 31, 2002, Habitat requests \$300,000 from the Town and Orange County to purchase a 16-acre parcel of property off Sunrise Road (please see Attachment 1). An addendum to the purchase contract contemplates that Habitat will obtain commitments from Orange County for the purchase price by December 31, 2002 (please see Attachment 2). Habitat plans to partner with Orange Community Housing and Land Trust and Orange-Person-Chatham Mental Health Association to construct affordable rental and homeownership units on this site. Habitat intends to request that the Council rezone this property from R-2 to the Residential Special Standards – Conditional (R-SS-C) zoning district so that more units can be built on the property than allowed under the current zoning. Habitat estimates that the variety of units that they propose to construct would serve households earning between 15% and 80% of the area median income.

The October 31 petition included a preliminary description of Habitat's proposal for development of this property. Habitat's proposal for this site includes 90-95 dwelling units on the 16 acre tract (approximately six units per acre). The petition suggests that an application will be prepared to seek rezoning of the site to the Residential-Special Standards zoning district, along with an accompanying

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application for a Special Use Permit to authorize construction of the proposed development.

The above quotes from Cal Horton's memorandum make it clear that you either did know or should have known about Habitat's plans for the Sunrise property. The first attachment to this memorandum is Habitat's Request for Funds, including a Land Use Concept Plan, which shows where the proposed 90 to 95 units, including attached housing and rental units, would be situated on the property.

A more recent proposal by Habitat include up to 68 units on the property. Current R2 zoning allows a maximum of four units per acre, a density already far greater than surrounding developments and semi-rural communities. Since the 17-acre property consists of a 6-acre Resource Conservation District and 11 acres of buildable land, the maximum number of units allowed under current zoning must be less than 44. It is disturbing that Habitat has not proposed a single plan that fits within current zoning guidelines. Why would this be the case if they are not confident they can get a change in zoning? Many people in our community, myself included, would be happy to help build a Habitat development that conforms to existing zoning and that fits within Habitat's own mission, to build affordable single family homes in partnership with the people who will both own and live in them.

Milbrey Starnes

[milbreystarnes@earthlink.net](mailto:milbreystarnes@earthlink.net)

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**From:** Sandra Cummings [sandracummings@nc.rr.com]  
**Sent:** Wednesday, March 12, 2003 3:18 PM  
**To:** JB Culpepper  
**Subject:** Questions re Habitat Project

Ms. Culpepper,

Please find the attached questions for the meeting tomorrow night.

I would like to request that environmental, soil, and noise studies be done to see exactly what land Habitat would have left to work with, and then to place a concept plan on a map with all identified constraints clearly marked. Only then can we determine the appropriate number of units to put on the property. How do these studies normally occur, and would Habitat be exempt from any of these studies? When Dr. Bland offered to walk the land and point out areas of concern for soil quality and standing water, Glen Greenstreet implied that Habitat doesn't have to worry about that because they are not building apartment buildings. Is it true that they can ignore soil issues when building single family homes or townhouses? What about traffic impact studies?

Habitat seems to think that they can easily rezone the land to RSSC. This is THE major concern of the neighbors. Can the town council assure us that they will follow the same strict procedures in evaluating a potential rezoning that they would with any other developer? How can the neighbors ensure that their concerns are not ignored throughout this process? Please explain the roles of the Town Council and County Commissioners in the decision of whether or not to rezone this property in the joint planning district.

If I understand it correctly, the land in question is part of the rural buffer and should be of less density than the land to the south of it. Is this true? If so, can you explain why we have rural buffers and what they mean?

Who will be financially responsible for building sidewalks and bike lanes from the property to Sweeten Creek Road? Is the town planning to extend bus service up Sunrise Road to this property in Orange County? If so, would the town consider extending bus services to all neighborhoods in this area?

Will development here be governed by the Adequate Facilities Ordinance?

Thank you.  
Sandra Cummings



**From:** DSchworer@aol.com  
**Sent:** Wednesday, March 12, 2003 6:36 PM  
**To:** JB Culpepper  
**Subject:** Questions for 3-13 - Habitat

**ZONING:**

Habitat set the maximum figure of 68 dwelling units, which was derived by multiplying 17 (the number of acres) times 4 (the number of dwellings allowed per acre under the current R-2 zoning). Is this a correct conclusion, given that the presence of protected wetlands reduces the amount of buildable land to about 11 acres? Or is the correct number 44 (11 x 4)?

Is there any way that up to 68 dwelling units could be sited on the property under current R-2 zoning? Does use of clustering affect the maximum number of units that can be built on the property? If this is so, how is the determination made to allow or disallow clustering? Can it be justified when the purpose and/or effect of clustering is to increase the allowed density of the project beyond what is permitted under standard zoning? Or, rather, is the purpose of the clustering option to mitigate undesirable consequences of development on an environmentally vulnerable site (such as the Sunrise Rd property)? If the latter, would it not be counterproductive to use clustering as a condition for permitting increased density of habitations on the property?

What kind of zoning change would be required in order to build attached housing on the property? What is the difference, if any, between clustered and attached housing?

**OWNERSHIP:**

The latest project description implies there will be no rental properties, and that all dwellings will be inhabited by the owners. We have been assured by Habitat that the conditions set out for the owners of Habitat-built homes guarantee that the people who live in the house will be the same people whose name appears on the deed. But is there any guarantee of this for the houses built by agencies other than Habitat? What would prevent a social agency, for example, from purchasing some of the other homes and using them to house its clients?

**DESIGN:**

There is skepticism about how 68 homes can be built on the property and still have buffer areas, green space, and common space. How does the Planning Department evaluate the environmental appropriateness of a siting proposal? Would the criteria be the same whether or not it is an "affordable housing" development?

What design restrictions result from the presence of high voltage electrical lines and towers through the front half of the property? Are there any guidelines for siting housing units in the vicinity of these?

How will the development be accessed (off of Sunrise, through Chandler's Green, or both)?

**TRAFFIC SAFETY:**

Has a traffic study been done to see what the impact of a 68 unit development would be on Sunrise Rd?

Has there been an assessment of the safety issues raised by the fact that the property's Sunrise Rd frontage is situated entirely on a curve in a high speed travel area and is partially obscured in the southbound direction by the I-40 overpass with its concrete guard walls?

**I-40 NOISE:**

What plans are there to assess the effect of current and future noise pollution from I-40 on the habitability of various sites on the property? What about the impact of construction-related tree removal on transmission of highway noise to neighboring properties to the south?

Current DOT regulations clearly state that federal and state governments carry no responsibility for sound attenuation remedies for residential developments built after the "Date of Public Knowledge" for a Type I highway project. This leaves the financial burden of sound attenuation for the Habitat project with the developer and local government. When it proves necessary, is the Town, the County, and/or the developer prepared to build sound attenuating walls between the development and I-40 as has been done in other communities sited immediately adjacent to heavily trafficked highways?

We request that the Planning Office provide us with a copy of the report from NCDOT regarding the traffic noise analysis for the I-40 widening project in Orange County, along with an indication of the "Date of Public Knowledge" attached to this project.

**PARTNERS:**

Is Habitat under any obligation--implicit or explicit--to fulfil the goals and objectives of the Town of Chapel Hill, Orange County, or any other organization or group as it formulates plans for the Sunrise Rd property?

Given the fact that Habitat was granted land purchasing funds by both the Town of Chapel Hill and by Orange County PRIOR TO any professional assessment of the suitability of the site for increased density development, how do you assure that the applications for rezoning or development will be reviewed in a neutral, unbiased manner? Is there not a degree of conflict of interest when the City and County's own planning offices are the ones to review the merits of applications for speculative land developments in which these governmental bodies are the major financial backers?

Steve Hermon



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**From:** DSchworer@aol.com  
**Sent:** Thursday, March 13, 2003 11:05 AM  
**To:** JB Culpepper  
**Subject:** Questions for 3/18

JB:

Here are a couple of questions. Sorry about being so late with them....

Based on recent local construction, it would appear that 1 to 2 acres will be required for the construction of bio-retention ponds and related erosion and sedimentation control swales. Will retaining walls be allowed in order to minimize the required acreage? Is it permissible to build these in the RCD?

Is it anticipated that there will be buildings exceeding 30 feet in height above the lowest level of fire department access? If so, what length of buildings will require aerial fire access roads parallel to and the length of the buildings?

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**From:** Rob Nelson [rnelson@northcarolina.edu]  
**Sent:** Thursday, March 13, 2003 12:33 PM  
**To:** JB Culpepper  
**Subject:** Re: Sunrise

Ms. Culpepper:

I have one more. ..

A lot of concern and anxiety in the surrounding neighborhoods has been caused by the fact that the Town and the County have both voted to support the developer of this project (Habitat) financially (through a loan).. We have heard that a request from the developer is pending for more public funding for design and other up-front cost (perhaps this is a request to the county and we have heard future financial aid will be requested from a variety of governmental units). I think the concern is this: What can the Town do to ensure some confidence in concerned tax payers who think it will difficult for the Town to perform and balance the two roles it seemingly has entered itself into, i.e., financing and encouraging affordable housing on the one hand, while also being a regulatory body and making difficult decisions about re-zoning, or density, or clustering, and other land use factors?

JB Culpepper wrote:

Mr. Nelson -- Thank you for your email. I will forward the questions to our Planning Director so he can be better prepared for questions at the meeting this evening. J.B. Culpepper

5/7/2003



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**From:** Sally York [syork@biochem.duke.edu]  
**Sent:** Thursday, March 13, 2003 9:05 AM  
**To:** JB Culpepper  
**Subject:** Habitat project meeting

Ms. Culpepper,

I appreciate your effort to inform the neighbors of Sunrise with respect to the Habitat proposed development. My questions relate to what type of development is allowed under R2 zoning. Some of the ideas advanced by Habitat include attached housing units like townhomes, houses with rental units included (for instance over-the-garage apartments), and transitional homes owned by a public entity (like Orange County Mental Health) where people live for a few months at a time. Do any or all of these proposals meet R2 zoning restrictions? What does it take to get the property rezoned, if in fact that request is initiated by Habitat? Thank you again for your help. Sally York



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**From:** DSchworer@aol.com  
**Sent:** Thursday, March 13, 2003 12:34 PM  
**To:** JB Culpepper  
**Subject:** Question for 3/13

JB:

One more question...Hope this is the last one..

NCDOT should have provided to the Town of Chapel Hill some time back a traffic noise analysis covering the projected impact of widening I-40 to 6 lanes, and this document should contain projections of highway noise levels at 20 years subsequent to the date of project completion. Can they provide us with a copy of that document, along with the "Date of Public Knowledge" that applies to this highway widening project?





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**From:** DSchworer@aol.com  
**Sent:** Wednesday, March 12, 2003 1:15 PM  
**To:** JB Culpepper  
**Subject:** Questions - 3/13 Meeting

JB...These are the additional questions --

- 1..We have been told by Glen Greenstreet that R-SS-C is an overlay of or R-2. We do not believe this is the case. This should be clarified when Glen is at the meeting.
2. Determinations from the property walk on 3-11...We understand that wetland determinations can only be made by Corp of Eng. Can we request a determination by the Corp.
- 3 Special use permits as it applies to 1/3 attached and 2/3 detached.
4. Bridge over the RCD for access.
5. Noise study. who do we call and can we get one arranged.
6. Soil samples. We believe some of the soil will not allow building.
7. General process of a developer. How does a developer generally spec a development. eg. no contract until lots of this work is done.
8. Power lines and past testimony.

I thinks that's all..

Doug  
401-3554



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**Roger Waldon**

**From:** Cal Horton  
**Sent:** Monday, March 31, 2003 4:18 PM  
**To:** Roger Waldon  
**Subject:** FW: Funding to Habitat of Humanity for Sunrise

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W. Calvin Horton, Town Manager  
 306 North Columbia Street  
 Chapel Hill, North Carolina 27516  
 919-968-2744 Bell South  
 919-682-8636 Verizon  
 919-969-2063 FAX  
 919-967-2626 Home  
 <mailto:calhorton@townofchapelhill.org>

**Note:** Mail sent to or received from the Town Manager is subject to publication under the provisions of the North Carolina open records law.

-----Original Message-----

**From:** Carol Abernethy **On Behalf Of** Cal Horton**Sent:** Monday, March 31, 2003 11:08 AM**To:** 'Jim Richmond'

**Cc:** Mayor pro tem Pat Evans (patevans@bellsouth.net); Council Member Bill Strom (billstrom@nc.rr.com); Council Member Dorothy Verkerk (dverkerk@mindspring.com); Council Member Ed Harrison (ed.harrison@mindspring.com); Council Member Flicka Bateman (fbateman@unch.unc.edu); Council Member Jim Ward (W) (wardjl@email.unc.edu); Council Member Mark Kleinschmidt (mark@cdpl.org); Mayor Kevin C. Foy (TCH) (kevinfoy@townofchapelhill.org); Council Member Jim Ward; Council Member Edith Wiggins (new) (Ewigg123@aol.com); Toni Pendergraph (ToniPendergraph); Cal Horton (CalHorton); Flo Miller (fmiller); Joyce Smith (JoyceSmith); Ralph Karpinos (RalphKarpinos); Sonna Loewenthal (SonnaLoewenthal); Emily Dickens; Bill Stockard

**Subject:** RE: Funding to Habitat of Humanity for Sunrise Road

A copy of your email message has been forwarded to each Council Member.

*Carol Abernethy*

*Exec. Asst., Manager's Office*

*Town of Chapel Hill*

-----Original Message-----

**From:** Jim Richmond [mailto:JR@HealthiNNOVATIONS.COM]**Sent:** Friday, March 28, 2003 8:08 PM**To:** Town Council**Subject:** Funding to Habitat of Humanity for Sunrise Road

Dear Mayor and Town Members:

We are writing to let you know that we oppose approving the subject funding until the Mayor's Committee, Council and Surrounding Community have an opportunity to complete and discuss the "goals" of this project.

4/28/2003

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Documentation supporting the loan application suggest rezoning of the property. We view funding approval as defacto acceptance of rezoning.

We have identified specific references from the CDBD application supporting documentation. *The source of these references are the appraisal document.*

p. 14 "It is our understanding that the purchasers of the property, HHOC, **will apply for rezoning to a higher density.** Due to the need of more affordable housing in the area coupled with HHOC's reputation, it is assumed that a zoning allowing higher density development will be approved."

p. 16 "As noted in the discussion of zoning on page 14, CH's acute need for affordable housing along with HHOC's excellent reputation **would most likely weigh substantially in favor of an effort to have the site rezoned to a higher density classification.**"

p. 17 "Of the feasible uses, the use that produces the highest value, consistent with the rate of return warranted by the market, is considered the highest and best use....It is our opinion that the development of residential lots of the **highest density allowed** for the site meets the criteria for maximum production for this site"

*Here is the Town Manager's Recommendation as it will be presented to the Town Council on 3-26-03. Early in the meeting Habitat opted to go for the Housing Loan Trust...Council is moving forward with their request.*

#### 1. Habitat for Humanity of Orange County

Habitat for Humanity requested \$40,000 of Community Development funds for planning costs related to the development of property it recently purchased on Sunrise Road. Habitat intends to develop the property and sell homes to first time buyers earning less than 50% of the area median income.

Staff Comment: Using funds for architectural design costs for new construction projects is not an eligible Community Development activity. This request could be considered for funding from a Housing Loan Trust Fund allocation already available to Habitat for the Rusch Road subdivision.

Thanks in advance for your assistance. Jim and Olga Richmond

James P. Richmond  
Professional Coach,  
Consultant & Trainer  
919-403-5615  
JR@SoarPerformance.c  
"Soaring Your  
Performance to New

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Heights! ®

"If one advances confidently in the direction of their dreams and endeavors to live the life they have imagined, they will meet with a success unexpected in common hours." - Henry David Thoreau

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I support high potential healthcare professionals who want to dramatically transition their career, their business and/or their lives to new heights.

What would you like to accomplish, balance or learn? Call me for a free collaborative interview. Be blessed!

© James P. Richmond  
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*"Feed My lambs..."*



(27)

**Roger Waldon**

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**From:** Cal Horton  
**Sent:** Monday, March 31, 2003 4:37  
**To:** Roger Waldon  
**Subject:** FW: Sunrise/Habitat

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 W. Calvin Horton, Town Manager  
 306 North Columbia Street  
 Chapel Hill, North Carolina 27516  
 919-968-2744 Bell South  
 919-682-8636 Verizon  
 919-969-2063 FAX  
 919-967-2626 Home  
 <mailto:calhorton@townofchapelhill.org>

**Note:** Mail sent to or received from the Town Manager is subject to publication under the provisions of the North Carolina open records law.

-----Original Message-----

**From:** Carol Abernethy **On Behalf Of** Cal Horton

**Sent:** Monday, March 31, 2003 11:07 AM

**To:** 'Airdeputy@aol.com'

**Cc:** Mayor pro tem Pat Evans (patevans@bellsouth.net); Council Member Bill Strom (billstrom@nc.rr.com); Council Member Dorothy Verkerk (dverkerk@mindspring.com); Council Member Ed Harrison (ed.harrison@mindspring.com); Council Member Flicka Bateman (fbateman@unch.unc.edu); Council Member Jim Ward (W) (wardjl@email.unc.edu); Council Member Mark Kleinschmidt (mark@cdpl.org); Mayor Kevin C. Foy (TCH) (kevinfoy@townofchapelhill.org); Council Member Jim Ward; Council Member Edith Wiggins (new) (Ewigg123@aol.com); Toni Pendergraph (ToniPendergraph); Cal Horton (CalHorton); Flo Miller (fmiller); Joyce Smith (JoyceSmith); Ralph Karpinos (RalphKarpinos); Sonna Loewenthal (SonnaLoewenthal); Emily Dickens; Bill Stockard

**Subject:** RE: Sunrise/Habitat

A copy of your email message has been forwarded to each Council Member.

*Carol Abernethy*

*Exec. Asst., Manager's Office*

*Town of Chapel Hill*

-----Original Message-----

**From:** Airdeputy@aol.com [mailto:Airdeputy@aol.com]

**Sent:** Saturday, March 29, 2003 11:45 AM

**To:** Town Council

**Subject:** Sunrise/Habitat

Council Members and Mr. Mayor

What don't I understand. Our state has no money. Our town has no money. We have lost many basic services.....twice a week garbage pick up on our driveway.....road repairs .....our taxes have increased 2 1/2 fold in 8 years.....BUT we have the **extra funds** to give a group **posing** as Habitat \$300,000 for a housing **project** with no plan. Now.....we are considering giving them another \$40,000 from the town grant fund.....to do design work on a parcel of land.....and we still have seen no plan.

4/28/2003

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There are two possible explanations for this behavior.....if we make the assumption that our council members are intelligent people.

- 1) Chapel Hill really has plenty of money...in which case please advise me as soon as possible when you are lowering my taxes.
- 2) There is a plan already made.....being kept elusively from the public....that will allow rezoning....high density cluster construction on what is about 5 acres.

I would bet on option 2!

As a citizen of Chapel Hill, ***I want to make clear my extreme opposition*** to any more funds being given to this group of developers (lets stop calling them Habitat...since it is clear from their behavior they are not )....until all city council members have met.....and the public has had a chance to voice its opinion....after it has seen the final plan for this land.

Until then....I will certainly will be ***willing and able*** to help fund any group that is going to help protect the surrounding community.

Gordon Kramon  
Chapel Hill



Roger Waldon

From: Cal Horton  
Sent: Monday, March 31, 2003 4:20 PM  
To: Roger Waldon  
Subject: FW: Habitat

\*\*\*\*\*  
W. Calvin Horton, Town Manager  
306 North Columbia Street  
Chapel Hill, North Carolina 27516  
919-968-2744 Bell South  
919-682-8636 Verizon  
919-969-2063 FAX  
919-967-2626 Home  
<mailto:calhorton@townofchapelhill.org>

Note: Mail sent to or received from the Town Manager is subject to publication under the provisions of the North Carolina open records law.

-----Original Message-----

From: Carol Abernethy On Behalf Of Cal Horton  
Sent: Monday, March 31, 2003 11:02 AM  
To: 'EMSWI55@aol.com'  
Cc: Loryn Barnes; Mayor pro tem Pat Evans (patevans@bellsouth.net); Council Member Bill Strom (billstrom@nc.rr.com); Council Member Dorothy Verkerk (dverkerk@mindspring.com); Council Member Ed Harrison (ed.harrison@mindspring.com); Council Member Flicka Bateman (fbateman@unch.unc.edu); Council Member Jim Ward (W) (wardjl@email.unc.edu); Council Member Mark Kleinschmidt (mark@cdpl.org); Mayor Kevin C. Foy (TCH) (kevinfoy@townofchapelhill.org); Council Member Jim Ward; Council Member Edith Wiggins (new) (Ewigg123@aol.com); Toni Pendergraph (ToniPendergraph); Cal Horton (CalHorton); Flo Miller (fmiller); Joyce Smith (JoyceSmith); Ralph Karpinos (RalphKarpinos); Sonna Loewenthal (SonnaLoewenthal); Emily Dickens; Bill Stockard  
Subject: Habitat

A copy of your email message has been forwarded to each Council Member.  
Carol Abernethy  
Exec. Asst., Manager's Office  
Town of Chapel Hill

-----Original Message-----

From: EMSWI55@aol.com [mailto:EMSWI55@aol.com]  
Sent: Sunday, March 30, 2003 1:37 PM  
To: Town Council  
Subject:

To the Mayor and Town Council Members

I would like to inform you of my opposition to approving any further tax money for the Habitat for Humanity project until the Mayor's Committee, Council and Surrounding Community have and opportunity to complete and discuss the "goals".

It is my understanding that the documentation supporting the loan application suggests re zoning of the property. Any funding would give an indication to the project the acceptance of re zoning.

Thank you for your consideration.

Elliott M. Sogol

Chapel Hill



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**MEMORANDUM**

TO: Mayor's Habitat Committee  
FROM: Roger Waldon  
SUBJECT: Handouts from 4/21/03 Meeting with Sunrise Coalition Members  
DATE: April 23, 2003

Here is a copy of the materials that were handed out at Monday's meeting.



3)

**Sunrise property development:  
hydrology and stormwater impacts**

**Larry Band  
3812 Sweeten Creek Rd.**

This report summarizes a set of observations and computer modeling of the potential development of the property off of Sunrise Road. The nature of the topography, soils and vegetation are first described, along with existing drainage lines. Previous information presented as part of the development funding requests are also reviewed and evaluated. A set of scenarios for development using ¼ acre and 1/8 acre parcels for a portion of the property are evaluated for stormwater increases using standard urban stormwater models. These models are widely available and web-enabled (<http://www.ecn.purdue.edu/runoff/>), so that comparisons and additional scenarios can be specified. It is important to note that this report makes no recommendations regarding development, but attempts to describe potential impacts of alternative development strategies.

The area of the parcel is between 16 and 17 acres, located immediately adjacent to I-40. Noise from the interstate is high. The property contains a set of perennial and intermittent streams which drain through a culvert under I-40. In addition to the streams which would require setbacks according to Chapel Hill stormwater regulations, there are a few acres of wetlands, complicating or reducing the area of potential construction. The soils are made up of a mix of the Appling and Helena soil series. The Appling forms the upland regions and is described as a well drained to moderately well drained soil with good potential for urban development. The Helena soil is described as a poorly drained soil with low development potential due to seasonally high water tables. The area was formerly farmed and is now largely forested with a mix of broadleaf and pines, as well as wetlands surrounding the drainage lines.

An important point to make is that the property was first inspected by the current developers towards the end of an historic drought, when the site appeared to be significantly drier than its normal state. While the property was evaluated by an environmental consultant (Terraquest) for HH, the presence of a perennial stream, wetlands and hydromorphic soils was apparently not noted, and the hydrographic mapping of the site that was prepared was in serious error. A map submitted to Orange County of the property (see attachment) listed the perennial stream as a “dry stream bed” flowing out of a pond, which does not exist. The “pond” drawn in on the map submitted as part of the funding request was apparently mistakenly interpreted from air photographs, and is actually a lawn directly off of Sunrise Road. This indicates that the site may not have been inspected by the environmental consultants hired by HH. No wetlands were noted on the map despite the presence of wetland vegetation. Apparently no investigation of the soils were made as hydromorphic soils are easily seen in parts of the property (even under dry conditions), but were not reported. At the present time, the lack of a carefully done environmental assessment is an impediment to both site planning and the evaluation of site feasibility for development.

Stormwater runoff from Sunrise Road and potentially Carol Woods have contributed to erosion in the perennial stream and is likely to be exacerbated by the addition of additional storm runoff by development. Stormwater experts (e.g. Center for Watershed Protection [www.cwp.org](http://www.cwp.org)) commonly cite 25% impervious surfaces as a threshold for significant stream erosion to initiate.

Model simulations using standardly available and used urban runoff models indicates significant increases in stormwater runoff generation, as well as nitrogen and phosphorus, which should be expected of any development. However, there is a significant increase in runoff, nitrogen and phosphorus generation between 1/4 acre parcel development and 1/8 acre development. On both an annual basis and for the two year storm, expected increases range from 50-100% in runoff and nutrients.

Computations for the short term hydrologic impacts of design storms have been run using the TR-55 method. Here we show only the 2 year event under the following assumptions:

1. Land use is 6 acres of developed land (1/4 acre or 1/8 acre scenarios on hydrologic B soils)
2. 7 acres of residual forest (hydrologic B soils)
3. 4 acres of wetlands and seasonal wetlands (hydrologic D soils).

Figure 1: Simulated change in runoff from current conditions to 1/4 acre development on 6 acres for the two year storm.

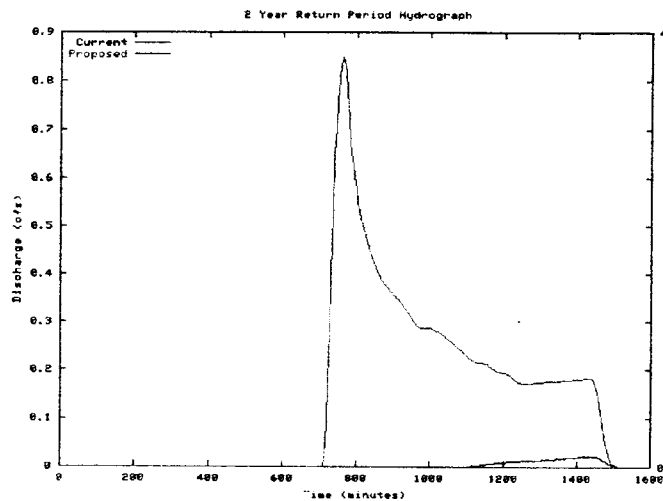
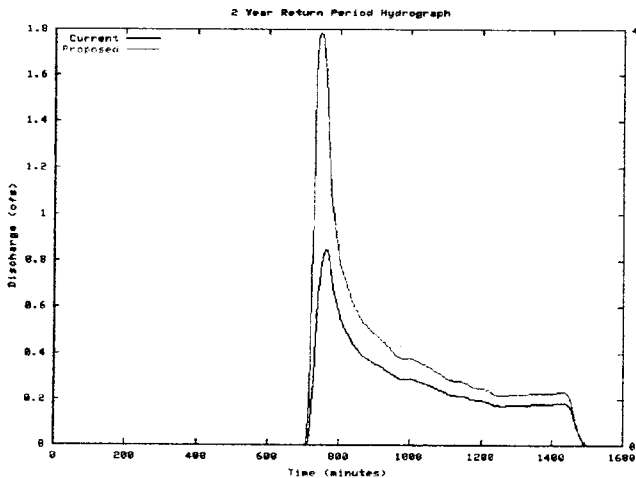


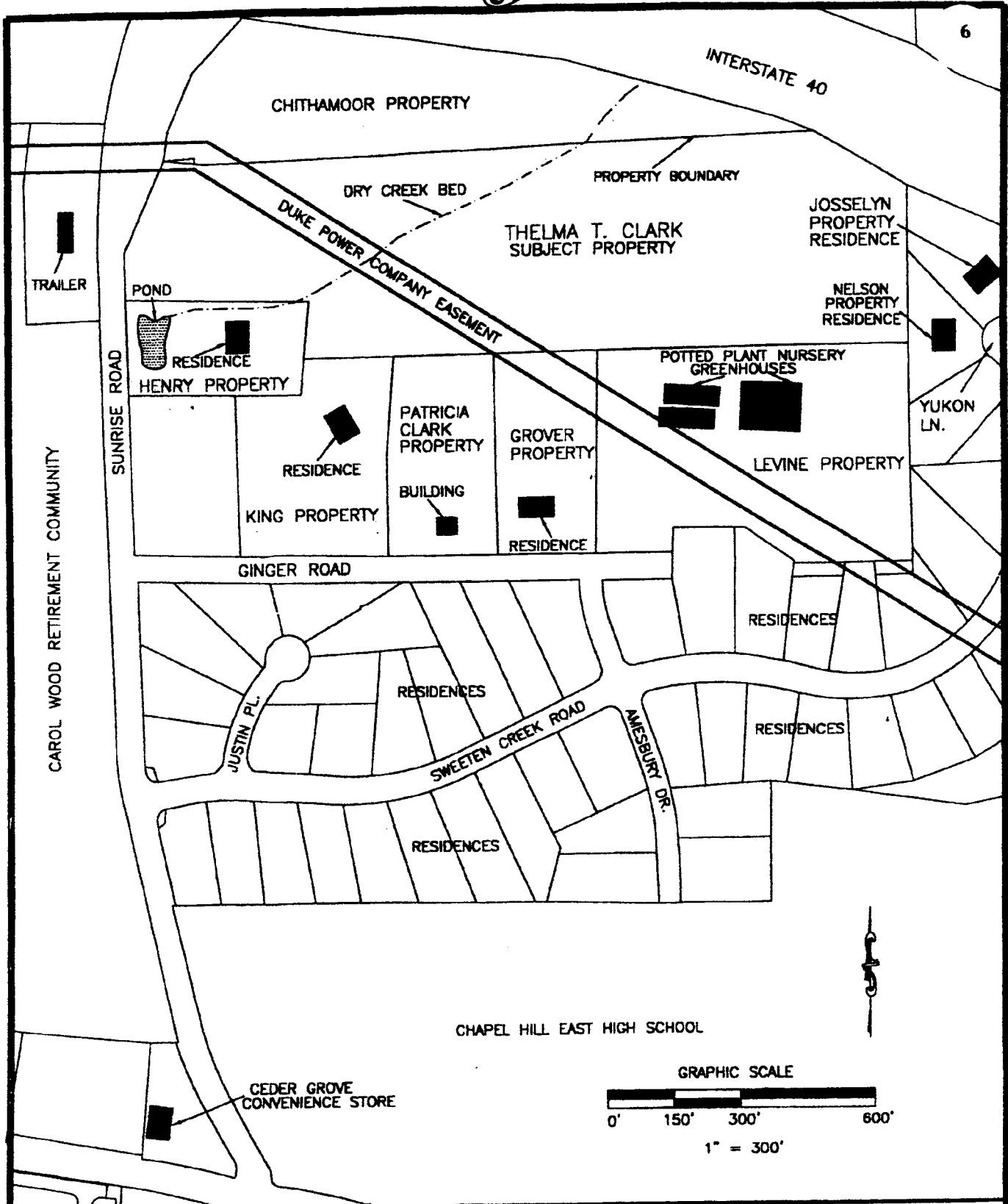
Figure 2: Simulated difference in runoff between 1/4 acre and 1/8 acre development on 6 acres.



Under progressively wetter antecedent conditions or longer return periods, the differences between  $\frac{1}{4}$  acre and  $\frac{1}{8}$  acre development persist, although they are not as pronounced.

Long term differences in runoff and nutrient generation under each scenario computed with standardly used runoff and loading estimation methods (e.g. curve numbers and land use loading coefficients), show significant increases from current conditions to  $\frac{1}{4}$  acre development in both runoff and nutrients.  $\frac{1}{8}$  acre development is estimated to show an approximate doubling of runoff, nitrogen and phosphorus loading compared to  $\frac{1}{4}$  acre development.

The combination of short term (design storm) and long term increases in runoff and nutrient generation under higher density development will require corresponding extensions of best management practices to accommodate additional flow and loading. This would require either a detention pond of twice the volume (increased area and depth) or other BMPs that would require additional area set aside.



CAROL WOOD RETIREMENT COMMUNITY

SUNRISE ROAD

JUSTIN PL.

SWEETEN CREEK ROAD

AMESBURY DR.

YUKON LN.

INTERSTATE 40

CHITHAMOR PROPERTY

THELMA T. CLARK SUBJECT PROPERTY

JOSSELYN PROPERTY RESIDENCE

NELSON PROPERTY RESIDENCE

POND

HENRY PROPERTY

PATRICIA CLARK PROPERTY

GROVER PROPERTY

POTTED PLANT NURSERY GREENHOUSES

LEVINE PROPERTY

GINGER ROAD

RESIDENCES

RESIDENCES

RESIDENCES

RESIDENCES

CHAPEL HILL EAST HIGH SCHOOL

CEDER GROVE CONVENIENCE STORE

GRAPHIC SCALE



1" = 300'



ENVIRONMENTAL CONSULTANTS, P.C.

SITE LAYOUT MAP

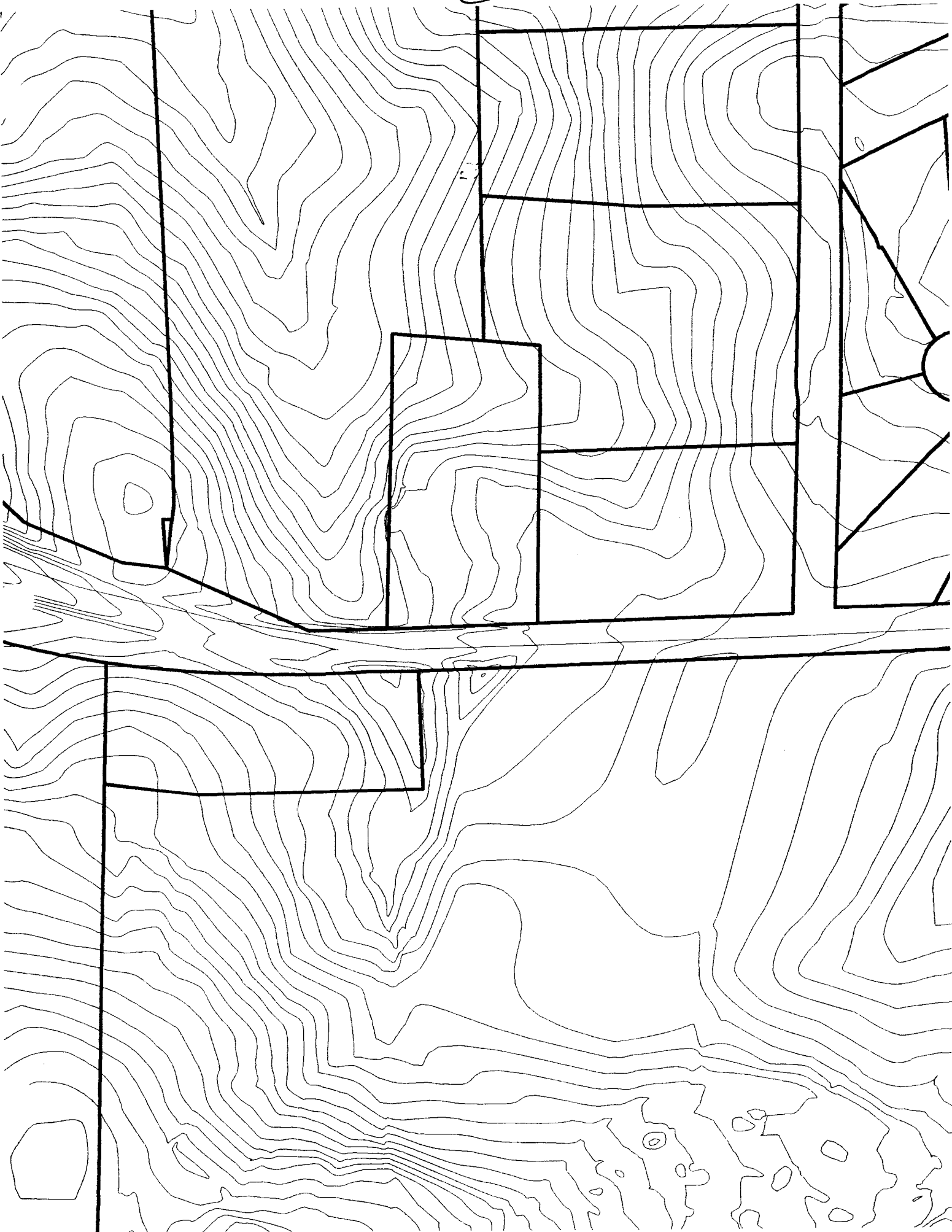
THELMA T. CLARK PROPERTY  
SUNRISE ROAD  
CHAPEL HILL TOWNSHIP, ORANGE COUNTY, NORTH CAROLINA

HABITAT FOR HUMANITY OF ORANGE COUNTY HILLSBOROUGH, NC

PROJECT NO. 02402	DRAWN BY: JMG	DATE: 10/3/02
SCALE: 1" = 300'	CHECKED BY: MJB	FIGURE NO. 2



35





April 21, 2003

To the Mayor's Committee on Sunrise Road Project

Members of the committee:

Thank you for meeting with us today. Please find attached the guiding principles supported by the Sunrise Coalition regarding the Sunrise Road Project. We sincerely hope that you will consider these principles as you develop committee goals for the project in the coming weeks. We continue to be concerned about the developer's intentions regarding this land. All documentation submitted to date, including the original proposal in November, and the appraisal attached to the most recent request for funding in March, supposes a rezoning of the property to allow increased density. We have neither heard nor seen anything that refutes this assumption.

As our elected officials you have an obligation to protect existing neighborhoods when you consider new developments. It is time to openly and honestly address the issues pertaining to the Sunrise Road property so that we can reach a solution that benefits all affected citizens.

Sincerely,

The Sunrise Coalition



## The Sunrise Coalition Guiding Principles

- The Coalition agrees with the need for affordable housing in the Chapel Hill area, and is willing to support an affordable housing development and/or Habitat homes being built on the Sunrise Road site, provided that such a development is consistent with the existing character of the surrounding area and holds to current R-2 zoning standards and associated environmental protections. The Coalition believes that any development—whether affordable housing or not—must *not* have a negative impact on the immediately surrounding neighborhood. This includes, but is not limited to, real estate value, quality of life, and safety.
- The neighborhood surrounding the proposed site consists of single-family resident-owned homes on lots ranging in size from a minimum of ¼ acre to several acres. To maintain the prevailing character of the neighborhood future developments should be held to this same standard of density, namely, a maximum of four single-family homes per build-able acre.
- Clustering of homes is an appropriate and useful land use principle when used for its intended purpose—which is to preserve the greatest degree of green space for the benefit of residents. The Coalition opposes, however, the use of clustering as a means of increasing the number of dwelling units on the property beyond the limits it would otherwise support. For example, if half of the land is not build-able, the Coalition strongly opposes calculating the maximum number of units based on the entire acreage of the land, and squeezing 100% of that density into the remaining 50% of the land.
- The developer—Habitat—shall conform to all land use management ordinances (LUMO) currently established by the Town of Chapel Hill. A preliminary environmental study of the land, based on current LUMO standards adopted by the Town in February 2003, is being provided at this meeting. More detailed studies will be required to determine overall environmental impact. These should include a noise analysis, addressing measures to protect the project and surrounding neighborhoods from I-40 noise; soil analysis; assessment of environmental constraints and requirements, such as wetlands & retention ponds; and traffic studies. The Town should consult environmental experts, such as the Army Corps of Engineers, whenever possible.
- The developer (Habitat) should be given no preferential treatment in the development of the property as it relates to zoning, density, or other constraints; nor shall expedited applications be processed. The developer purchased the property knowing it to be zoned as R-2 and has publicly acknowledged that this is a viable project under current zoning. In regard to processing of the application and review, every effort must be made to treat this developer the same as any other developer would be treated.
- The Coalition requests that no additional funding be approved by the Town or the County until Habitat and members of the surrounding community have agreed to a set of principles/goals developed in conjunction with the Mayor's committee and discussed in public forum.

The Board of Directors of the Sunrise Coalition  
April 18, 2003



# Triangle

SATURDAY, APRIL 19, 2003

## Habitat plans neighborhood of mixed-cost housing

By CINDY GEORGE  
STAFF WRITER

**RALEIGH** — A creative land sale has given Habitat for Humanity of Wake County enough space to mix it up in Southeast Raleigh, an approach that may satisfy concerns that too much low-cost housing is concentrated in the area.

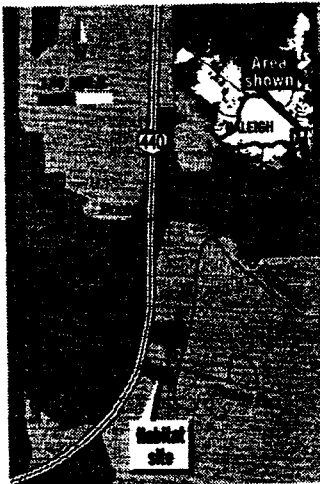
Habitat plans to create a neighborhood of 70 houses — 30 of them low-cost homes the non-profit group usually builds and another 40 market-rate houses built by a private developer.

The mix would make the neighborhood more "sustainable over a long period of time," said Joyce Watkins King, Habitat marketing and development director.

"We didn't want to build tomorrow's ghettos with people of all the same income," King said. "Other Habitats have gone in and built 100 homes and are beginning to see some problems."

The nearly 20 acres Habitat has acquired off Poole Road is the group's largest tract of land. Joe Lee, a tobacco farmer's son, intended to raise muscadine grapes on the land before the Beltline cut through.

Joe and Ruth Lee placed their



The News & Observer

property in a charitable remainder unitrust, which allows donors to transfer cash, securities or property and receive tax benefits. Habitat bought the land from the trust for \$600,000. The Lees get payments from the trust and, when they die, its assets transfer to Habitat.

The project would be the fourth Habitat venture in Southeast Raleigh in recent years. Biltmore Trace, a 28-house neighborhood, is under construction off Waters Drive. And 11 new Habitat homes are on

Darby Street, just blocks away from the newest project.

Habitat also plans to build about 40 houses on Rose Lane, also off Poole Road.

Tyler Toulon, a member of the Southeast Raleigh Assembly, a group appointed by the Raleigh City Council to steer economic development in the area, believes the area needs quality, mixed-income neighborhoods and welcomes Habitat's latest proposal.

"One of the things we've been trying to do is get the market-rate housing. That is key," said Toulon, the assembly's housing committee chairman. "For a long time, nobody did anything over here and when they did, it was the worst substandard construction. If they mix it, then that's fine. More than half of it will be market rate and that's good. You have to start somewhere."

The large tracts of vacant land in Southeast and East Raleigh attracted Habitat's interest, but some have criticized efforts to concentrate affordable housing of any kind, rental or owner-occupied, in Southeast Raleigh.

Staff writer Cindy George can be reached at 829-4656 or [cgeorge@newsobserver.com](mailto:cgeorge@newsobserver.com).





**Roger Waldon**

(39)

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**From:** DSchworer@aol.com  
**Sent:** Monday, May 05, 2003 10:18 AM  
**To:** Roger Waldon; slhabitat@earthlink.net  
**Subject:** I-40 Noise Study - Sunrise Road

Roger and Susan:

Enclosed find the results of a noise study conducted as part of the I-40 expansion. I believe the study was conducted in 2000 and 2001. This information should be filed with the Town and could be used by Habitat in support of item 5 - Retain Services of Acoustical Engineer.

Doug Schworer  
401-3554

8 PAGES ATTACHED





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STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
Governor

1501 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1501  
August 16, 2001

LYNDO TIFFETT  
Secretary

Chapel Hill, North Carolina

Dear

Thank you for your letter regarding concerns about traffic noise levels along I-40.

A noise analysis was performed as part of the Categorical Exclusion (CE) Document for the Transportation Improvement Plan (TIP) Project I-2306 for I-40 between I-85 in Orange County to NC 147 in Durham County. The proposed improvements to this section of I-40 will be conducted in phases. Project I-3306A, in the vicinity, is not funded in the 2002-2008 TIP.

Based on Federal Highway Administration (FHWA) recommended guidelines for conducting noise analysis, the CE indicated that no receptors in Carol Woods in design year 2020 would approach or exceed noise levels that indicate a traffic noise impact. The analysis was based on "worst case" conditions such as a flat section with no reduction in noise levels provided by existing natural features. On January 10, 2001 North Carolina Department of Transportation (NCDOT) staff measured I-40 traffic noise levels. On March 14, 2001 your consultant:

measured the I-40 traffic noise levels in the area. The two sets of data show close correlation. The highest exterior noise level measured by NCDOT was 60.9 dBA. The highest noise level measured by was 61.0 dBA. The proposed widening of I-40 would increase exterior noise levels by 7.4 dBA.

If the highest measured existing noise level of 61.0 dBA and a proposed increase of 4 dBA exterior noise level are added together to obtain the future design year noise level, the design resultant noise level is 65.0 dBA. When this traffic noise level is compared to the FHWA regulations (23 CFR, Part 772) and NCDOT Traffic Noise Abatement Policy for Activity Category "B" (exterior condition), a traffic noise impact is not indicated in

In your correspondence, you requested that NCDOT consider "cumulative" noise impacts. Such analysis is neither practical nor required by FHWA guidelines. The NCDOT Traffic Noise Abatement Policy requires noise abatement measures when a maximum sound level is encountered or when the design year noise level exceeds existing noise levels by a predetermined quantitative amount. My staff has consulted with legal counsel and feels confident we are in compliance with the federal laws you mentioned in your letter. We believe, and FHWA agrees, that the Categorical Exclusion is the proper document for this type of project. At this time, does not qualify for noise abatement under the NCDOT Traffic Noise Abatement Policy. Therefore, no traffic noise abatement measures are proposed as part of I-3306.

PHONE 919-733-2520 FAX 919-733-9130

August 16, 2001  
Page 2

(41)

You noted in your letter that the final design plans for the road were not identical to the proposed road design plans. The I-9 (I-40 Original Construction) Final Environmental Impact Statement which was approved February 16, 1979 estimates for right of way and median widths were NCDOT's best approximation at the time of the document approval. When the change occurred, our staff determined that the changes to the right of way and median widths had no added impacts on the environment. The Design Noise Report (DNR) was completed using the final design plans which reflected changes in the horizontal alignment.

The vertical elevation of I-40 was raised approximately three feet during construction. The height of the earth berms parallel to I-40 were increased three to four feet so the relationship between the road surface and the top of the berms remained as originally proposed. These berms were raised to offset any increased noise levels resulting from the change in vertical elevation but were not part of noise abatement measures for the I-9 construction project. Also, as mentioned in the April 11, 1989 letter from D. R. Morton to our analysis indicated the noise level at Receptor #35C (closest to I-40) experienced an increase of only 0.1 dBA with the change in vertical elevation. This analysis indicates that raising the berms nearly offsets the entire increase in noise caused by the change in vertical elevation.

I hope this letter fully responds to the issues you raised. I understand your personal concern regarding the impacts NCDOT projects will have on you and

NCDOT is committed to applying FHWA noise regulations consistently and fairly in all affected communities. NCDOT has developed a Traffic Noise Abatement Policy which is applied uniformly throughout the state.

If I can be of any further assistance, please contact me.

Sincerely,



Lynda Tippet

LT/wdg

cc: Tyrone Y. Cox, Member, Board of Transportation  
Nina S. Szlosberg, Member, Board of Transportation  
Emily Lawton, FHWA



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STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
Governor

1501 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1501

LYNDO TIPPETT  
SECRETARY

December 11, 2001

Chapel Hill, NC

Dear

Thank you for your letter concerning traffic noise levels along I-40 near

A noise analysis was performed as part of the Categorical Exclusion (CE) Document for the Transportation Improvement Plan (TIP No. I-3306) for I-40 between I-85 in Orange County to NC 147 in Durham County.

This analysis was completed following FHWA regulations (23 CFR, Part 772) and NCDOT Traffic Noise Abatement Policy. The results indicated that no receptors in design year 2020 would approach or exceed noise levels that indicate a traffic noise impact. Therefore, no traffic noise abatement measures are proposed as part of I-3306. Since no such measures are proposed, NCDOT cannot consider use of an earthen berm, or any type of material for noise abatement.

According to the NCDOT Traffic Noise Abatement Policy, neither federal nor state funds can be provided for noise abatement measures unless it is part of a highway improvement project. This, however, does not preclude a locality from funding noise-reducing measures independent of a highway improvement project. Such funding depends on the views and budget of the local government. NCDOT will consider administering the construction contract for the locality if provided with funding for this oversight.

NCDOT is committed to applying FHWA noise regulations consistently and fairly in all affected communities. NCDOT has developed a Traffic Noise Abatement Policy which is applied uniformly throughout the state.

Sincerely,

Lyndo Tippett

LT/wdg

PHONE 919-733-2520 FAX 919-711-9150

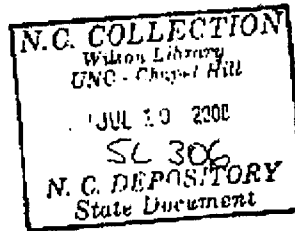
306

Interstate 40  
Widening to six-lanes  
From I-85 to NC 147 (Buck Dean Freeway)  
Durham and Orange Counties  
Federal-Aid Project NHF-40-4(107)259  
State Project 8.1501601  
TIP Project Number I-3306

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CATEGORICAL EXCLUSION

U. S. Department of Transportation  
Federal Highway Administration  
And  
N. C. Department of Transportation  
Division of I Highways



APPROVED:

3-28-00  
Date

William D. Gilmore, P. E.

William D. Gilmore, P. E., Manager  
Project Development and Environmental Analysis Branch, NCDOT

3/29/00  
Date

Nicholas L. Graf, P. E.

Nicholas L. Graf, P. E.  
Division Administrator, FHWA

Table 13 44  
Traffic Noise Barrier Summary

Site	Description	Receptor #s	Average Reduction	Benefitted Receptors	Barrier Length (m)	Barrier Height (m)	Approx. Cost	Cost per Receptor
1	East of SR 1006 (Orange Grove Rd.) along SR 1133 (Oakdale Dr. & Blair Dr.)	4-21	6.7	14	277	6.5	\$906,400	\$64,743
2	Chandler Green Subdivision: East of SR 1732 (Sunrise Rd.) along Sweet Creek Rd. and Yukon Dr.	70-86A	6.1	14	310	6.5	\$1,014,100	\$72,436
3	Between US 15-501 and SR 2220 (Old Chapel Hill Rd.) along SR 2294 (Mt. Memorial Rd.)	94-99A	7.5	4	139	6.5	\$454,300	\$113,575
4	East of SR 2220 (Old Chapel Hill Rd.) along Pin Oak Dr.	100-122, 166	6.1	17	263	6.5	\$860,700	\$50,629
5	North of SR 1113 (Pope Rd.) along SR 2297 (Olde Couch Rd.) and Crystal Oaks Ct.	98, 123-156	6.1	16	257	6.5	\$841,100	\$52,569
6	North of SR 1113 (Pope Rd.) along SR 1283 (Beaumont Dr.), SR 1285 (Randall Rd.), & SR 2709 (Daker Mill Dr.)	157-167	6	4	173	6.5	\$566,700	\$141,675
7	Erwinwood Subdivision: West of SR 1106 (Barbec Rd.) along SR 2239 (Forge Rd.)	223-240	5.8	12	288	6.5	\$941,400	\$78,450

All the noise barriers were determined to be unreasonable, due to the cost of the abatement measures per benefitted receptor. At all locations, the cost per receptor exceeds NCDOT's policy of \$ 25,000 maximum per benefitted receptor. Based on the studies completed to this date, it is unlikely that the NCDOT will install noise abatement measures in the form of a barrier along I-40.

Other Mitigation Measures Considered

The acquisition of property in order to provide buffer zones to minimize noise impacts is not considered to be a feasible noise mitigation measure for this project. The

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Page 3

TABLE N4  
TRAFFIC NOISE EXPOSURES  
I-40 Widening, Orange/Durham Counties, TTP # I-3306

RECEPTOR INFORMATION	NEAREST EXISTING ROADWAY	AMBIENT NOISE LEVEL	NEAREST PROPOSED ROADWAY NAME	CL. DIST.(m)	PREDICTED NOISE LEVELS		NOISE LEVEL INCREASE
					-L-	-Y-	
From SR 1723 to NC 86 (CmtU)							
50 Residence	1240	64	"	116.0 L	"	67	+ 3
51 Residence	"	65	"	110.0 L	"	68	+ 3
52 Residence	"	67	"	89.0 L	"	70	+ 3
53 Residence	"	70	"	74.0 L	"	72	+ 2
54 Residence	"	73	"	51.0 L	"	76	+ 3
55 Residence	"	68	"	75.0 L	"	71	+ 3
56 Residence	"	65	"	100.0 L	"	68	+ 3
57 Residence	"	66	"	92.0 L	"	69	+ 3
From NC 86 to US 73-501							
58 Residence	1240	70	"	72.0 L	"	73	+ 3
59 Residence	"	60	"	164.0 L	"	63	+ 3
60 Residence	"	63	"	135.0 L	"	66	+ 3
61 Residence	"	70	"	70.0 L	"	73	+ 3
62 Residence	"	69	"	80.0 L	"	72	+ 3
63 Residence	"	65	"	110.0 L	"	68	+ 3
64 Residence	"	64	"	118.0 L	"	67	+ 3
65 Residence	"	64	"	115.0 L	"	68	+ 4
66 Apartments	"	61/<40	"	148.0 R	"	64/<40	+ 3/3
67 Apartments	"	63/<40	"	126.0 R	"	67/42	+ 4/2
68 Apartments	"	60/<40	"	160.0 R	"	64/<40	+ 3/0
69 Church	"	69/<40	"	75.0 L	"	73/<40	+ 4/0
70 Residence	"	58	"	158.0 R	"	62	+ 4
71 Residence	"	60	"	145.0 R	"	63	+ 3
72 Residence	"	64	"	120.0 R	"	67	+ 3
73 Residence	"	67	"	82.0 R	"	70	+ 3
74 Residence	"	68	"	77.0 R	"	71	+ 3
75 Residence	"	65	"	100.0 R	"	68	+ 3

Unless proposed roadway's noise level contribution mid -Y- denotes contributions from other roadways.  
Values in noise in parentheses per 23 CFR Part 772 and Category II noise levels shown as exterior/facility (68/48).



(46)

June 21, 2001

Mr. Lynde Tippet, Secretary of Transportation  
State of North Carolina

Department of Transportation  
1501 Mail Service Center  
Raleigh, NC 27699-1501

Dear Mr. Tippet:

Enclosed herewith is a request to the North Carolina Department of Transportation for noise abatement for

in 1979. Many of the residents today are people who lived here well before the construction of I-40, when the ambient noise level was 42 dBA.

As the enclosure indicates, residents are concerned about I-40 noise. Their concerns fall into several categories:

- At least residences that are currently noise impacted.
- At least residences that will probably be noise impacted after the widening of I-40.
- Pre-construction failure of NCDOT to comply with its I-40 Final Environmental Impact Statement commitment to provide a 400-foot right-of-way and an 88-foot median.
- Pre-construction Design Noise Report errors in consistently underestimating the I-40 noise impact on our community, and failure to consider the use of an adequate earth berm.
- Construction change made by NCDOT field supervision which raised over a half-mile of I-40 elevations in backyard without (a) any public notification; (b) adequate consideration of the differences the changes would make in noise levels; (c) any supplemental Environmental Impact Statement (EIS).
- Failure of NCDOT to consider the cumulative noise impact of the I-40 widening.



*Carol Winds is an non-medical, non-for-profit community*

(47)

- Apparent noncompliance by NCDOT with Federal laws – such as Title VI of the Civil Rights Act of 1965; 40CFR Part 1500, the Council on Environmental Quality National Environmental Protection Act Regulations (CLEQ NEPA); 23 CFR part 772 Procedures for Abatement of Highway Traffic Noise; 23 CFR 771.117, Categorical Exclusions; as well as NCDOT Traffic Noise Abatement Policy.

Each of these concerns is discussed fully in attachment to this letter.

We propose that NCDOT build an adequate earth berm with the spoil to be removed from the 42-foot median during widening construction. Our request to NCDOT is that, before widening of the highway, there be a complete new FIS and plan to abate the effects of both the existing noise levels and the future increase in noise from I-40.

The Categorical Exclusion (CE) of adverse environmental impact is totally inappropriate in the present situation.

We understand that Federal funds for 90% of the cost of noise abatement barriers are available for interstate highways, and we believe that they should be requested for this future construction. They can be justified by correct analysis of the commitment to in 1984 that "after the road has been constructed, if there is unacceptable noise, the Transportation Department will help us, as they have listed us in the category will

Encl.

Cc

William D. Gilmore, P.E., Manager, w/encl.  
Project Development and Environmental Analysis Branch  
1544 Mail Service Center  
Raleigh, NC 27699-1544

Doug Jeremiah, Project Development Engineer, w/encl.  
Stephen E. Walker, Traffic Noise/Air Quality Section, w/encl.  
Addresses same as William D. Gilmore, P.E.

Nicholas L. Graf, P.E., Division Administrator, w/encl.  
Federal Highway Administration – NC Division  
310 New Bern Avenue, Suite 410  
Raleigh, NC 27601-1415

Sincerely,

Roger Waldon

48

**From:** Susan Levy [slhabitat@earthlink.net]  
**Sent:** Monday, May 05, 2003 2:33 PM  
**To:** Ward, Jim; Wiggins, Edith; Kleinschmidt, Mark; Bateman, Flicka  
**Cc:** Roger Waldon; Cal Horton; Herman, Steve; Schworer, Doug  
**Subject:** Letter from Habitat for Humanity to Mayor's Committee



LettertoMayorsCom  
mittee.doc (5...

Dear Members of the Mayor's Committee,

I am attaching a letter from Habitat for Humanity's Executive Committee in response to your draft memorandum on Recommended Community Goals for the Sunrise Road site.

We look forward to seeing you at this evening's meeting.

Susan Levy, Executive Director  
Habitat for Humanity, Orange County, NC

HANDOUT TO COMMITTEE  
5/5/03



May 5, 2003

Dear Committee Members:

On behalf of Habitat for Humanity of Orange County (HHOC), we want to thank you for your steadfast commitment to affordable housing and for your hard work on Habitat's Sunrise Road development ("the Sunrise Neighborhood" or "the Neighborhood"). Through the Committee's leadership, and the dedicated work of the Town's Planning Department, the Town has facilitated discussions with the surrounding neighbors and helped us reach a set of recommendations to guide the design of what will be a model community for affordable housing.

This first part of this letter will touch on a few of the reasons why, with the Town's and County's assistance, this neighborhood will truly be a model community. The second part of this letter will address, item by item, the suggested goals/principles contained in the Committee's April 30, 2003 draft memorandum.

### The Sunrise Neighborhood – A Model Affordable Housing Community

There are several reasons why the Sunrise Neighborhood will be a model affordable housing community. First, it will be the largest affordable housing subdivision in Chapel Hill. The Town Council has worked diligently to encourage for-profit developers to set aside 15% of their homes for affordable housing. Your efforts have yielded much success. Yet the affordable homes that usually are built by these for-profit developers typically have not been affordable for families who make less than 50% of the median income (i.e., \$31,500 per year for a family of four). We are very excited about the Sunrise Neighborhood because it will contribute significantly to the stock of affordable housing available in Chapel Hill for these families.

Second, the Sunrise Neighborhood plans to provide different levels of affordable housing, bringing together families from different socioeconomic levels as well as different cultural and racial backgrounds. The way we hope to do this is by entering into a partnership with Orange Community Housing and Land Trust (OCHLT). As you know, OCHLT builds permanently affordable homes for families earning 80% or less than the median income. We are excited about our intent to include these families in the Sunrise Neighborhood. (Although this is our goal, we have no formal plans with OCHLT at this time.) Together, the Habitat and OCHLT families will form a Homeowners Association and community that bridges socioeconomic, cultural, and racial differences. A true melting pot.

Third, the Sunrise Neighborhood will be unlike most affordable housing developments because it will be nestled among open space and woods. The Habitat homeowners in our Richmond Hills neighborhood in Mebane, which also is wooded, love the fact that their homes are built among the trees. Fortunately, the Sunrise Neighborhood will have an abundance of woods and open space due to the Resource Conservation District ("RCD") and the Committee's recommendation that the homes be

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clustered. When we first looked at this property, we recognized that a portion of it would be within the RCD – that was fine with us because it is wonderful for low-to moderate-income families to have the opportunity to live in a wooded environment. Learning about nature, and how important it is to protect the environment, will be just out their back doors! We will be offering presentations to our homeowners (and their children) about stream quality and about the flora and fauna surrounding them. We also will explain to our homeowners about the strict environmental standards we followed to build this neighborhood, and how issues like storm water management are important to our community at large.

Fourth, the Neighborhood is located within one of the best school districts in the country and is within walking distance to one of the nation's top high schools. Yes, the property was more expensive for Habitat for Humanity to purchase because it is in this highly desirable school district. But we think it is important for the children of low-to-moderate income families to have access to the best education possible. By buying this land and helping these families own a home in Chapel Hill, we know we are changing lives.

Fifth, the Neighborhood is located within walking and biking distance to Cedar Falls Park, the commercial center on the corner of Sunrise and Weaver Dairy, and the terrific athletic facilities of East Chapel Hill High School. These are important amenities that the location of the site offers to our future homeowners.

Sixth, the residents of the Sunrise Neighborhood will be able to take the bus to work – for free. There are not many affordable housing communities in this country that are fortunate enough to be located in a town that is committed to public transit the way Chapel Hill is. Owning a car is expensive. Owning two cars is even more expensive, yet families with two wage earners often need two cars. Many of our Habitat homeowners earn about 30% of the median income (about \$21,000 for a family of four) and the expense of car payments, maintenance expenses, and gas costs can be very difficult for them. We are excited that our homeowners in the Sunrise Neighborhood will have the ability to reduce their reliance on a car or cars, and take the bus instead. Indeed, we expect that the great majority of the Sunrise homeowners will work in Chapel Hill (currently, 30% of our homeowners throughout Orange County are either UNC-CH or UNC Hospital employees).

So we are very pleased to have this opportunity to provide such a positive living environment for our Habitat homeowners – an environment that has been made possible because of Chapel Hill's commitment to the environment, good schools, a strong public transit system, affordable housing, and socioeconomic diversity. We recognize that many of the Committee's guidelines for the Sunrise Neighborhood were founded on the Town's continuing commitment to these principles.

As members of this community, we will be pleased to work with the Town and the County to incorporate these principles into the development of the Sunrise Neighborhood. Yet meeting some of these will require financial expenditures in excess of what Habitat for Humanity spends on its Habitat developments in other parts of the county. We will be advising you of those additional expenditures as we identify them and will be asking for your help in identifying funding sources and in requesting the utilization of Town and County funds earmarked for affordable housing endeavors, to help cover those additional costs.

As you know, affordable housing organizations like Habitat for Humanity are reliant on community support as well as governmental support. Habitat for Humanity could not achieve its mission without volunteer labor, contributions from individuals and organizations, and public subsidies. Orange County Habitat for Humanity is grateful for the strong financial support it has received from

Orange County, the Town of Chapel Hill, and the federal government (through affordable housing program grants to the County and the Town) since HHOC's inception in 1984. With that support, we have been able to build twenty-two homes in Chapel Hill and more than eighty homes in the rest of Orange County. In order to build more homes in Chapel Hill – and to meet the Town's environmental and connectivity standards – we will need additional financial support from the Town and the County, as well as the federal government, through its program grants.

We are excited about working together with the County and Town governments, and with the residents of Chapel Hill and our larger community, to realize the dream that is the Sunrise Neighborhood.

### Suggested Goals/Principles

1. Retain present zoning: Under the current R-2 zoning, we believe the site provides the potential for 68 homes (4 homes per acre x 17+ Acres). However, we recognize that constraints presented by the property may impose limits on what the resultant outcome will be. Designated RCD areas, setback requirements, utility line location, topography, etc. are all limiting factors that will ultimately determine the maximum number of homes. Should we discover during site design that these site constraints significantly reduce the total number of homes from the already established maximum of 68, we may determine that a rezoning request to the R-SS-C zoning specifically designed for affordable housing is desirable and appropriate.
2. Compliance with regulations: The Sunrise Neighborhood development will be one of the first communities developed under the new Land Use Management Ordinance ("LUMO"). When the LUMO was adopted, the Town Council recognized that slight adjustments might need to be made here and there within the ordinance in order to make it workable. Council also recognized that these necessary adjustments would become evident only through the course of trying to apply the regulations to real-life developments. We will make every effort to comply with the new LUMO regulations and will work with the Planning Department if we identify particular provisions within the LUMO that might need some slight adjustment. Since this will likely be the first, or one of the first applications of LUMO, we ask that the "without need to request exceptions or modifications" provision be removed.
3. Consider Clustering Development: We agree with the Committee that we should cluster the home sites in order to take advantage of buildable areas and to minimize disturbance to sensitive areas.
4. Consider Developing Housing for Varied Income Levels: We agree with the Committee that it would be highly desirable to have some socioeconomic diversity within the Sunrise Neighborhood. We already have begun discussions with OCHLT about building some homes in the Neighborhood for families whose incomes are 80% or less than median income. As you are aware, OCHLT typically builds attached housing, like the town homes in Meadowmont and on Legion Road. OCHLT has indicated its interest in building town homes on the Sunrise property. We therefore would request that the Committee specifically address whether the Town will support the inclusion of town homes on the Sunrise Property. We would limit the town homes to approximately 30% of the homes in the Neighborhood; the remaining 70% of the homes would be single-family homes owned by Habitat for Humanity families.

5. Retain Services of Acoustical Engineer: We understand that the Committee is concerned about noise from I-40. The Sunrise property, though, has only 100 feet of frontage on I-40 and we already plan to have a good buffer of trees along that area. If the Town is interested in addressing the I-40 noise issue, we would be happy to participate in a Town-sponsored dialogue with other neighborhoods, such as Chandler's Green, that have frontage on I-40 (Chandler's Green has about a 1,000 foot frontage on I-40).
6. Provide Recreation Amenities: We agree that our homeowners should have recreation facilities located nearby. We are pleased that the Sunrise Property is located near Cedar Falls Park, ECHHS's athletic facilities, and the natural walking environment of the RCD. We request that the Committee clarify whether we will be able to locate additional active recreational amenities on the open space that will be created on the Sunrise Property when we cluster the homes.
7. Consider Public Transit: We agree that our homeowners should have easy access to public transit, given that many of them will be working in Chapel Hill and may not be able to own more than one car. And, of course, having fewer cars on our roads improves air quality for the whole community. We would like to work with the County and the Town to further clarify this goal/principle and to identify additional financial resources to help us realize this goal. For example, DOT funding and involvement may very well be required for this item.
8. Provide Sidewalks and Pedestrian Paths: We agree that our homeowners should be connected to the larger community. And we agree that our homeowners – and their children -- should be able to walk, safely, from the entrance to the Sunrise Neighborhood down to the park, the school, and the commercial center on the corner of Weaver Dairy and Sunrise. We would like to work with the County and the Town to further clarify this goal/principle and to identify additional financial resources to help us realize this goal relative to the portion of the expense that will be allocable to the Sunrise Neighborhood frontage.
9. Building and Site Design: We will pay careful attention to site and building design, with sensitivity to the environment. We also will make our homes attractive to our homeowners and neighbors. And, in accordance with LUMO, we will develop our home site plan so that no homes are sited within the power line right of way or the RCD.
10. Minimize Impacts on RCD for Road Construction: We assume that what the Committee means by this item is that we are to build the street network and utility systems in accordance with the LUMO provisions for road and utility line construction within RCDs.
11. Possible Development Partners: We are concerned about the Committee's suggestion that we avoid "partnerships with for-profit organizations" for several reasons. First, we hope to partner with OCHLT, but OCHLT uses for-profit builders such as RESOLUTE to build its town homes. Second, some of our Habitat for Humanity "partnerships" in Orange County include for-profit corporations such as Glaxo SmithKline and Cisco Systems. Third, we of course hire for-profit organizations – like landscapers, engineers, etc. – to help develop and build our neighborhoods. We believe that another interpretation of "partnerships with for-profit organizations" may simply mean that the homes built at Sunrise will all be "affordable" and that they will be sold to those whose incomes fall below the 50% area median income levels (Habitat) or the 80% area median income levels (OCHLT).



12. Develop Designs that Promote Inclusion: We agree with the Committee that we should consider designs that will promote interaction between the Sunrise Neighborhood and the surrounding area.
13. Provide Corridor for I-40 Greenway: Our residents will benefit greatly by having a Town greenway running along the south side of I-40. We are pleased to provide easements for that portion of the greenway that will cross our property.
14. Study Sunrise Road Access: We will, as an integral part of the design process, study the Sunrise Road corridor to select an access point, addressing sight distance concerns for ingress and egress.
15. Consider How Best to Provide Sewer Service: We will seek designs that minimize RCD disruption and allow for future extension of water and sewer services to nearby properties.
16. High-Voltage Power Line: We agree that high-voltage power lines are unsightly and, frankly, we would prefer that they were not on the Sunrise Property. But the presence of these power lines on the property is one of the reasons why Habitat for Humanity could afford to buy the property. We will endeavor, just as Chandler's Green has and Silver Creek has, to locate our homes in compliance with the governing ordinances that have been established regarding proximity of homes to a power line corridor.
17. Consider Stub-Outs: We will review adjacent development patterns, existing and potential, to determine if it is desirable/feasible to stub out streets to the edges of this property for future extension.
18. Future Workshops: We will continue to host meetings involving the Sunrise neighbors, as well as other community members, as we progress with possible designs for the Sunrise Neighborhood. We are hopeful that our continued efforts to involve the community in our hopes and plans will result in an affordable housing neighborhood of which we all can be proud.

Finally, in the introduction to the memorandum, we suggest that language be added that acknowledges that the Sunrise Road Neighborhood will be an affordable housing development and that it contributes to the goals and objectives established by the Town of Chapel Hill in Section 7 of the Comprehensive Plan. For example, a stated goal of the Town is to "increase the availability of well-designed, affordable, safe, and sanitary housing for all citizens of Chapel Hill." A strategy for accomplishing this goal is stated in 7A-1: "Work with housing providers to aggressively develop affordable housing in Chapel Hill."

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We have identified several areas in the Committee's draft recommendations where we believe clarification or revisions are necessary for us to understand the Committee's intent. We hope that the Committee will incorporate the clarifications and changes we are requesting in their final recommendations to the Council, and request that the Committee send us your final recommended goals by fax or e-mail at the same time that they go out to the Council.

Again, we thank you for your work on this Committee, and your strong support for affordable housing.

On behalf of the Executive Committee  
of the Board of Directors of Habitat for Humanity of Orange County,

Richard King  
President

Cc via e-mail:

Cal Horton  
Roger Waldon  
Doug Schworer, Sunrise Coalition  
Steve Hermann, Sunrise Coalition

**Roger Waldon**

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**From:** DSchworer@aol.com  
**Sent:** Monday, May 05, 2003 10:30 AM  
**To:** Roger Waldon  
**Subject:** Mayor Memoradum - Draft  
Roger:

Is it possible to add the following language?

9. Building and Site Design. *Add: Avoid any encroachment by the Bio-Retention (Area(s)) on the Resource Conservation District corridors.*

15. Consider How Best to Provide Sewer Service. *Add: Avoid any encroachment by the Bio-Retention (Area(s)) on the Resource Conservation District corridors.*

10. Minimize Impacts on RCD for Road Construction. *Add: Because of the gully at the perennial stream, the Sunrise Road access should also provide an acceptable safe horizontal and vertical alignment for fire and rescue equipment, as well as resident access.*

6. Provide Recreation Amenities: *Add: Avoid any encroachment on either the Bio-Retention (Area(s)) on the Resource Conservation District corridors.*

Thanks

Doug Schworer  
401-3554



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-----Original Message-----

From: Steve Herman [mailto:herma007@mc.duke.edu]  
Sent: Tuesday, May 06, 2003 7:28 AM  
To: wardjl; Ewigg123@aol.com; mark@cdpl.org; fbateman@unch.unc.edu; Roger Waldon; Cal Horton  
Cc: slhabitat@earthlink.net; kink@unc.edu  
Subject:

Dear Members of the Mayor's Committee,

We have all had a chance to sleep on the ideas and issues that were aired last night at the Sunrise Project meeting, and I find myself in the not unfamiliar position of waking up with something in mind I should have taken the opportunity last night to express.

It feels very clear to me, and it is very important, so I beg another moment of your time.

Habitat, despite the noblest of intentions, appears to be pursuing a path that is an enormous mistake. They are certainly correct in their view that the Sunrise Road area is an exceptional environment for raising a family, and thus an ideal location for affordable housing (nobody knows this better than those of us who live here). But Habitat unfortunately is determined to cram as many families as possible onto their available land, driven by a combination of altruism and financial realities: they can't bear the thought of turning down some deserving families, and they need the extra units to help cover infrastructure costs.

This position has blinded them to the obvious: creating a densely packed "mini-community" on their 6-8 buildable acres would inevitably undermine the very qualities that make life in our neighborhood so fulfilling. It is not enough just to be able to sit on your front porch and see some trees. The pleasures of rural home ownership involve having a reasonable-sized piece of your own land where you can do what you want with a feeling of freedom and privacy. It involves having room to expand and enhance your home as family needs evolve. It's the feeling of being part of a community of neighbors who care about and help each other.

These very special qualities of rural living would be undermined, however, by the kind of crowding that Habitat is embracing under the guise of "clustering". The project they envision would not be an extension of the idyllic Sunrise neighborhood--it would be nothing more than a new kind of ghetto, one surrounded by trees.

Your committee has an opportunity to avoid such a disaster by setting a more appropriate path for Habitat to follow. I beg you to stick with your original judgment to reject any rezoning, and consider being even more specific in your recommendations that clustering be used for its proper purpose--to enhance the environment, not to permit higher levels of density.

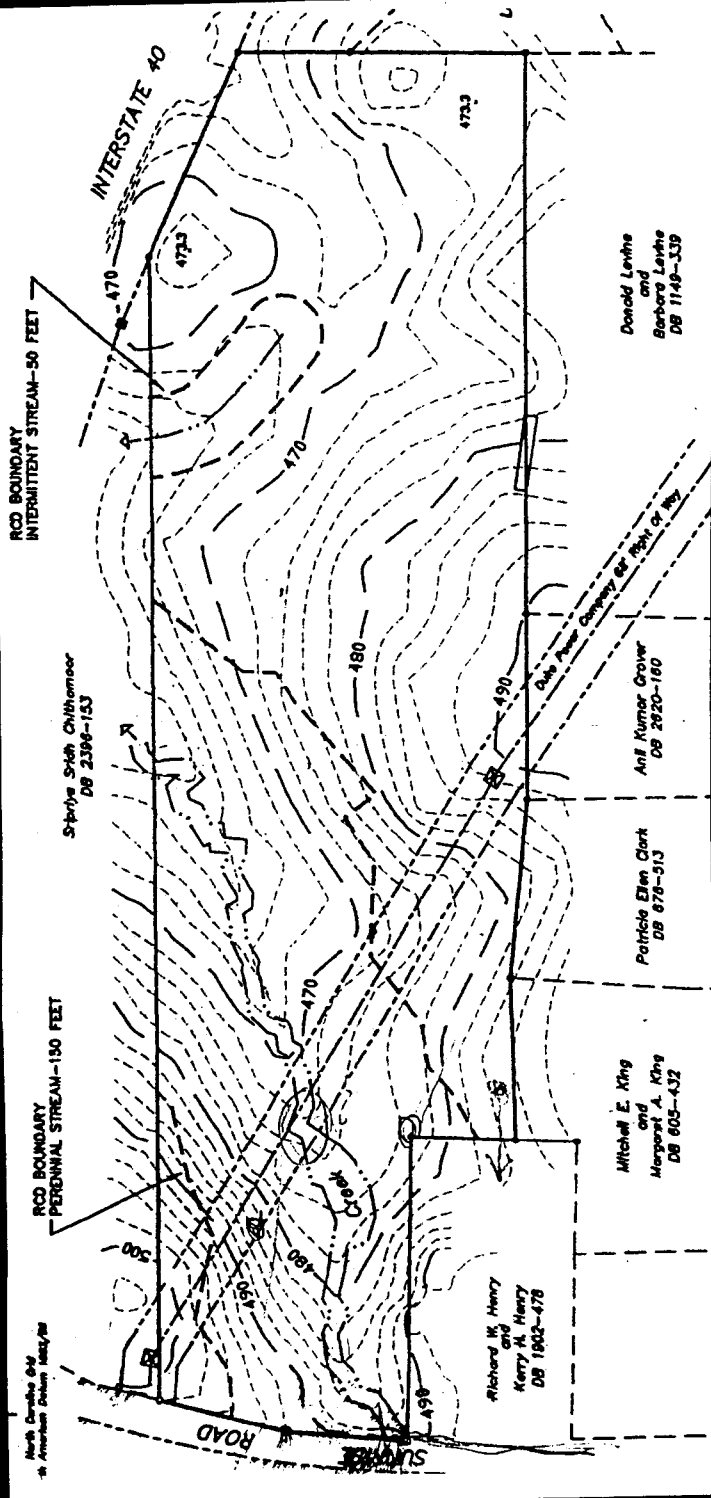
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If we can get past this one issue of disagreement with Habitat I believe it will be possible for our neighborhood group to join Habitat in working towards a successful affordable housing project on Sunrise Road. But it will require a very decisive stance by the Council in order to shake Habitat free of its delusion that a high density project is the right approach.

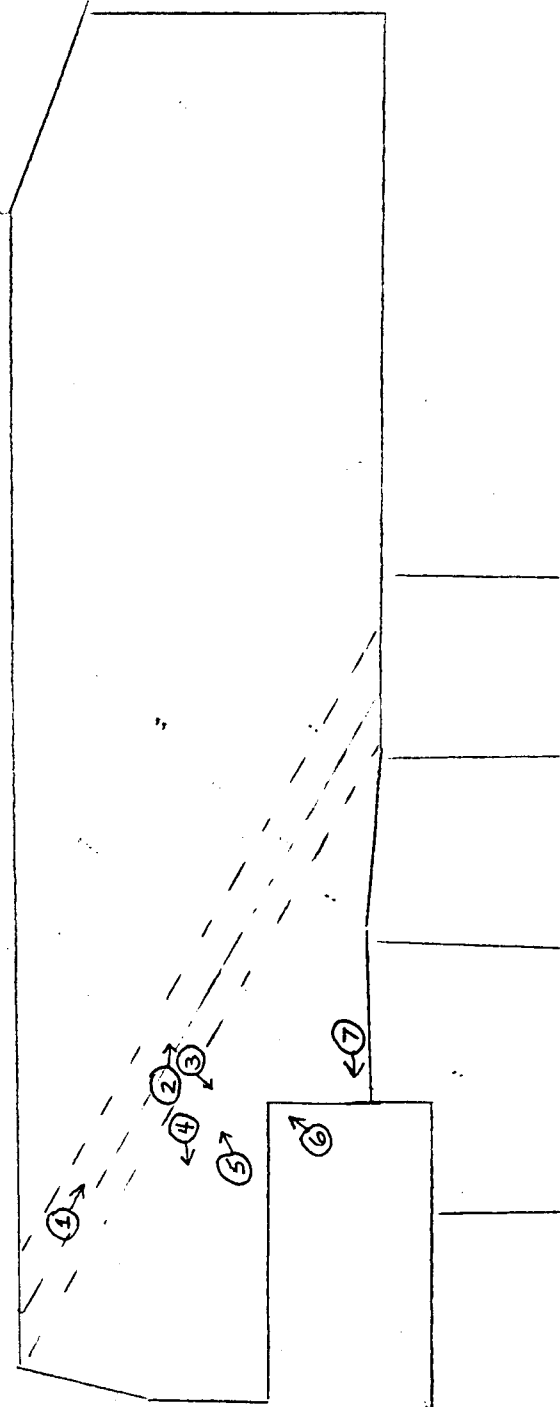
Thank you for your consideration,

Steve Herman

cc: Susan Levy  
Richard King



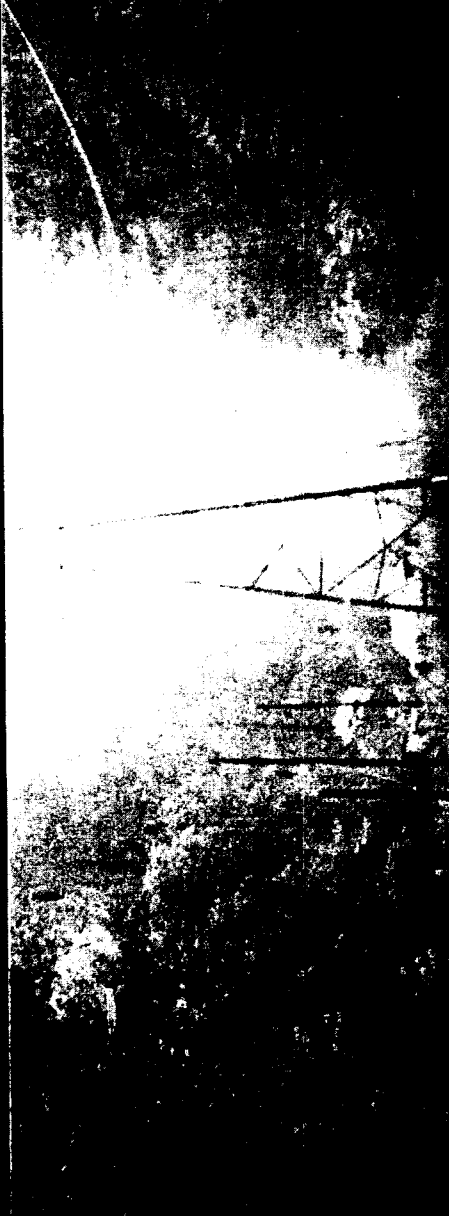
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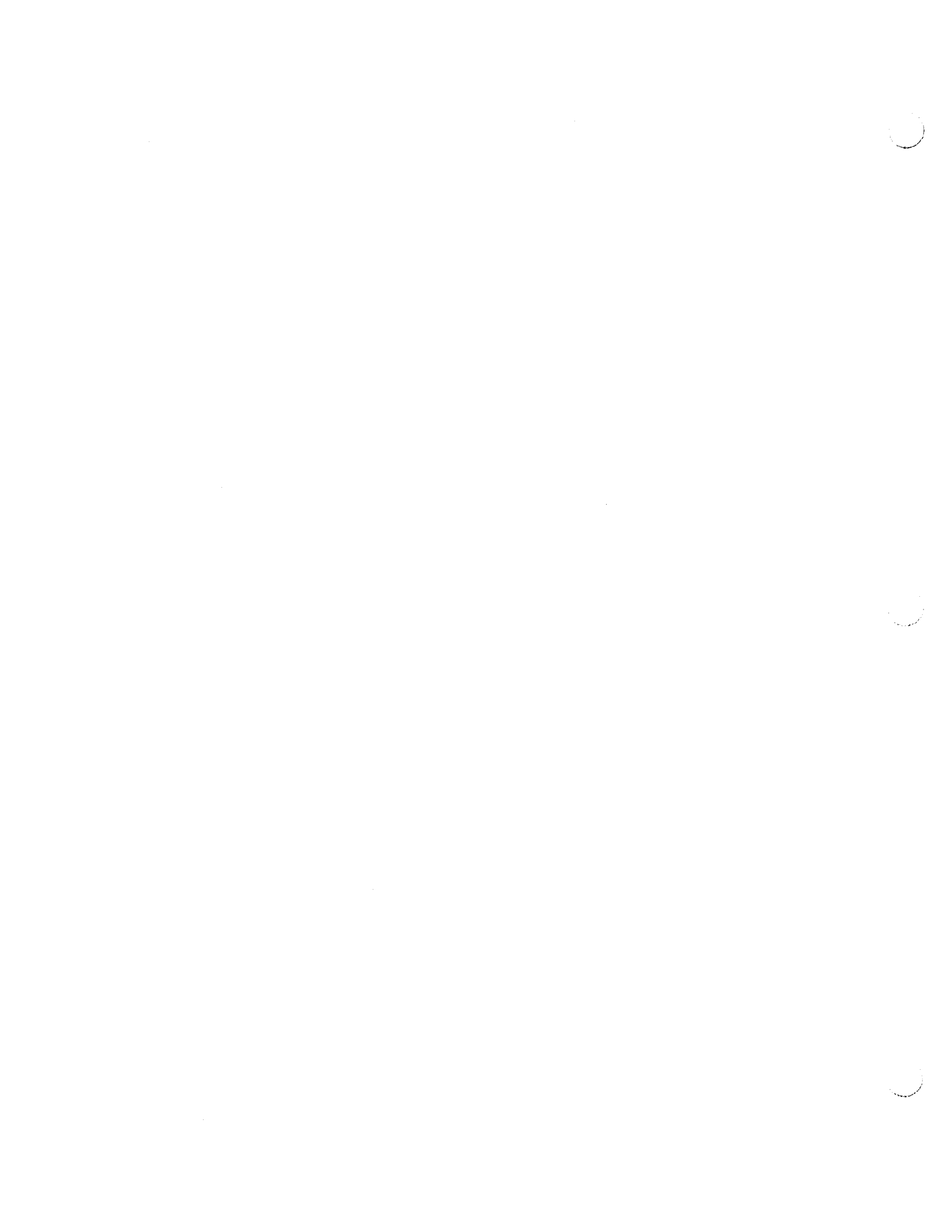
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