

## UPDATES SINCE PUBLIC HEARING

PROPERTY ADDRESS	BUSINESS MEETING DATE	APPLICANT
2217 Homestead Road	February 13, 2019	Gurlitz Architectural Group, PA

The following summarizes concerns raised at the Public Hearing and provides staff and applicant responses. This report includes:

- Responses to questions from the Public Hearing including:
  - traffic concerns,
  - affordable housing,
  - stormwater,
  - parking, and
  - land use.
- New and Amended Stipulations
- Special Use Permit Findings.

## RESPONSES TO QUESTIONS FROM PUBLIC HEARING

### TRAFFIC CONCERNS

1. What is the Institute of Transportation Engineers (ITE) definition of the Land Use Code used for the project:

*Staff Response:* The Land Use Code 252 Senior Adult Housing-Attached was used for the traffic generation. This land use code is defined as:

*Senior adult housing consists of attached independent living developments, including retirement communities, age-restricted housing, and active adults communities. These developments may include limited social or recreation services. However, they generally lack centralized dining and onsite medical facilities. Residents in these communities live independently, are typically active (requiring little to no medical supervision) and may or may not be retired. Senior adult housing-detached (Land Use 251), congregate care facility (Land Use 253), assisted living (Land Use 254), and continuing care retirement community (Land Use 255) are related uses.*

The overall peak hours for the morning and afternoon are centered around the noon hour with the morning peak between 11:45 a.m. and 12:45 p.m. and the afternoon peak between 12:00 and 1:00 p.m.

2. What is the comparison of an age-restricted community and a traditional unrestricted age development?

*Staff Response:* The table below, provided by the Town's traffic consultant, compares the amount of trips generated by the different land uses (based on the *Institute of Transportation Engineer's Trip Generation Manual* 10<sup>th</sup> Edition):

ITE Land Use Code	AM TRIPS	PM TRIPS	DAILY TOTAL
Senior Adult Housing- Attached (198 units) Land Use Code 252	39	50	772
Multi-Family (190 units) Land Use Code 221	67	85	1,078

Senior Adult Housing-Detached (70 units) Land Use Code 251	17	21	299
Single-family (70 units) Land Use Code 210	52	69	661

3. Did the Traffic Impact Analysis include all of the approved but not yet constructed developments in the corridor?

*Staff Response:* It has come to our attention that the Traffic Impact Study, dated December 2017, conducted for this project did not include Chandler Woods (formerly Merin Road Development) which is approved but not yet constructed. A revised Traffic Impact Study is attached to this memorandum.

4. Can a connection be provided to the UNC Greenway?



*Staff Response:* Staff has had preliminary discussions with the applicant and the University of North Carolina regarding a pedestrian and bicycle connection to the adjoining UNC greenway. The adjoining map indicates a proposed location for the connection. We have added a stipulation to Revised Resolution A, requiring a pedestrian connection to the Greenway, subject to UNC approval.

(See "NEW AND AMENDED STIPULATIONS INCLUDED IN REVISED RESOLUTION A" below.)

*Applicant response:* "The Applicant fully supports connecting by trail to the UNC property at any location deemed appropriate by Council and staff and agreed to by UNC."

## **AFFORDABLE HOUSING**

Please see the Key Issue-Affordable Housing memorandum in the accompanying Zoning Atlas Amendment Item.

The Applicant has revised their original proposal and, at this writing, is continuing to negotiate with the Town Manager regarding its affordable housing proposal. Additional details about the Applicant's proposal will be provided prior to the Council's considering the accompanying Zoning Atlas Amendment request. Action on the zoning request should be taken before discussing the Special Use Permit. The following options, in addition to affordable housing provisions, are under consideration for the Special Use Permit:

- Providing all recreation area on-site (instead of a payment-in-lieu estimated to be \$106,000);
- Capping building permit fees to \$10,000 for building permit fees (total fees estimated otherwise to be \$93,000); and

- Eliminating solar roofs from the project design. Applicant would install conduit to allow for the option of installing roof solar units in the future.

## **STORMWATER**

5. Council members expressed concern over the amount of impervious surface and the impacts on stormwater. Council also questioned the impact on the adjoining neighborhood, Courtyards at Homestead.

*Staff Response:* The proposal is requesting 196,940 square feet of impervious surface, a total of 26.4 percent of the site. The proposed stormwater facility, located in the northwest corner of the site, has been designed to comply with Land Use Management Ordinance Section 5.4 – Stormwater Management. Section 5.4 requires developments to be designed such that the increases in flow volumes and flow rates, at each point it leaves the site, are minimized; the runoff volume leaving the site post-development remains at or below pre-development values for the 2-year, 24-hour storm event; and the flow rate leaving the site post-development remains at or below pre-development values for the 1-year, 2-year, and 25-year 24-hour storm events. Engineering/Stormwater control plans have not been submitted yet as they are part of the Final Plan Review.

*Applicant response:* “The stormwater management developed for this project addresses the Council member’s concerns directly. Firstly, the design as submitted has significantly less impervious surface than any of the adjoining residential communities, and secondly, the stormwater management designed on this site will greatly help the current condition of the Courtyards.

- a) The design of this site as submitted has significantly less impervious surface than any of the adjoining residential communities. As example, the Courtyards has 43% impervious versus 26.4% for this proposal. Both the underlying R-2 zoning for this site as well as the R-5-C zoning requested allows for impervious surface of 50%. A typical R-2 zone single family project typically approaches the 50% threshold. Reference Oxford Reserve at R-3 zoning and achieving 47.9% impervious surface. This project has a total of 26.4% impervious – roughly half that permitted. The low impervious surface characteristic reduces the stormwater impact of the project significantly.
- b) The installation of the stormwater management on this site will immediately provide a measure of relief for the neighboring properties as all water in the 1, 2, 10 and 25 year 24-hour events will be captured on site and directed to the on-site detention system. That is not happening currently. As indicated by neighboring photographs at the public hearing, the current condition is that water flows from this site to the neighboring Courtyards site directly with no stormwater management.”

## **PARKING**

6. Can some of the parking be placed under the building?

*Staff Response:* The applicant has indicated that parking cannot be placed under the building. The Land Use Management Ordinance has parking requirements for the proposed use. The parking space standard is a minimum of 232 and a maximum of 289. The applicant is proposing 280 parking spaces. The applicant has agreed to provide a phasing plan for the proposed parking spaces with some of the 280 spaces to be built at a later date, if necessary. We have included a stipulation in Revised Resolution A, allowing some of the parking spaces to be deferred to a later date.

*Applicant Response:* “The applicant proposes to provide the minimum number of parking spaces allowed under the ordinance at 232 spaces. We will construct the minimum but request allowance to build an additional 32 spaces should the need arise. Stormwater and impervious will be designed for 264 spaces. Construction of the additional 32 spaces will only require a building permit. It will already have zoning compliance permit approval and not require any additional permitting.”

**LAND USE**

- 7. Is the proposal consistent with the 2020 Comprehensive Plan?

*Staff Response:* The 2020 Comprehensive Plan indicates this property as a medium density site, 4-8 dwelling units per acre. The plan before the Council is proposed as high density with 11.6 dwelling units per acre. The proposed district and the 2020 Land Use Plan designation both call for residential uses on this site. Note that in accordance with state legislation, this rezoning approval would include a statement declaring the Land Use Plan to be amended, with the property to be designated as High Residential to maintain consistency with the density allowed under Residential-5-Conditional (R-5-C) zoning.

The accompanying Zoning Atlas Amendment item’s Resolution of Consistency addresses the consistency with the Comprehensive Plan.

*Applicant Response:* Please see the attached Applicant’s Four Findings of Fact in the Applicant’s materials.

- 8. How binding is it if Council approves it as a 55+ community that it will remain a 55+ community? Can it be sold as yet another luxury high-rise without the age restriction? Given the demand for 55+ residences, this seems a red flag to me that one potential buyer backed out and the developers have not found another.

*Staff Response:* We have added language to the Land Use Intensity stipulation in Revised Resolution A limiting the land use to an age restricted (age 55 plus) community. Any change to this in the future would require a modification to the Special Use Permit.

<b>Use: Age Restricted (Age 55 plus) Planned Development-Housing Multi-family Residential</b>	
Minimum Resident Age	Minimum of 55 years old
Gross Land Area	746,726 (17.1 acres)
Maximum Units	198
Total Impervious Surface	196,940 sq. ft.
Land Disturbance	387,684 sq. ft.
Maximum Floor Area	240,000 sq. ft.
Minimum Parking Spaces	232
Maximum Parking Spaces	298
Minimum Bicycle Parking Spaces	38 (with modification)

- 9. Can this project be rezoned using the senior apartments zoning we created for the Hawthorne project on Estes Drive? Wouldn't that require that the apartment building would have to be for seniors and could not be switched down the road to

students/young professionals/families?

*Staff Response:* The proposed rezoning to Residential-5-Conditional (R-5-C) is a conditional use district and is subject to Town Council approval of an application for a Special Use Permit. The age restricted land use in the Special Use Permit would need to be modified in the future to change to a different type of user.

### **NEW AND AMENDED STIPULATIONS INCLUDED IN REVISED RESOLUTION A**

(Changes in the Revised Resolution A are delineated with underline and strikethroughs)

Kipling Lane Connection: Prior to issuance of a Certificate of Occupancy, the developer shall construct the extension of Kipling Lane, from the existing terminus in the Courtyards at Homestead development, as a one-way street, from Courtyards at Homestead to Independent Senior Housing. Appropriate signage as required shall be installed.

Greenway Connection: Prior to issuance of a Certificate of Occupancy, the developer shall construct a sidewalk to the adjoining eastern property greenway to be located along the eastern edge of the site near the proposed sewer easement. Design details and plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The connection is subject to the University of North Carolina Chapel Hill's approval.

Deferred Parking: The parking may be phased with a minimum of 232 parking spaces being constructed as part of the first phase. The remaining parking may be constructed later upon demonstration to the Town Manager that need for additional parking spaces exists. Demonstration of need shall take the form of surveys of lot utilization, recorded incidence of the lot being full, and documentation of overflow parking. The deferred parking spaces shall be shown on an approved phasing plan.

Traffic Calming: The developer shall install crosswalks with a change of texture ~~a minimum of two traffic-calming devices~~ along the western leg of the driveway prior to issuance of a Certificate of Occupancy. The proposed design ~~devices~~ may include ~~speed tables~~, raised crosswalks, or other such devices. The design details and plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Development Update: Town staff shall prepare a report to the Town Council, one year following issuance of a Certificate of Occupancy for the 2217 Homestead Road development detailing impacts of the connection and identify any potential next steps. The report will include information on bicycle parking demands and necessary changes to the number of bicycle parking spaces.

Affordable Housing On-Site: The developer will provide a minimum of ten percent (twenty (20) units based on an approval of 198 dwelling units) dwelling units on-site for households earning up to 60 percent of the Area Median Income (AMI) for a minimum of 30 years from issuance of a Certificate of Occupancy.

Affordable Dwelling Unit Mix: The affordable dwelling units will be 12 one-bedroom units and 8 two-bedroom units (a total of twenty units).

Affordable Housing Plan/Performance Agreement: Prior to the issuance of a Zoning Compliance Permit, the developer must submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the developer, the Town Manager (or designee), and the non-profit agency, if applicable, that

will administer the affordable housing units. The Plan will contain the following information about the nature and scope of the covered development, including:

- Ten percent of the market rate units (a minimum of 20 dwelling units based on the proposed project size of 198 units);
- The affordable units will be undesignated and no distinction between the affordable and market rate units.
- The developer will construct affordable unit(s) on-site that will be priced available to households earning no more than 60 percent of the AMI;
- The Plan will include information on:
  - The total number of market rate units and Affordable Dwelling Units in the development.
  - The number of bedrooms and bathrooms in each Affordable Dwelling Unit.
  - The approximate square footage of each Affordable Dwelling Unit.
  - The pricing for each Affordable Dwelling Unit. The pricing of each unit or lot shall be determined prior to issuing a Zoning Compliance Permit. At the time of sale, this price may be adjusted if there has been a change in the median income or a change in the formulas used in this ordinance.
  - Documentation and plans regarding the exterior appearance, materials and finishes of the development for each of the Affordable Dwelling Units.
- Size of the affordable units meet or exceed the minimum size requirements found in Table 3.10-2 of the Land Use Management Ordinance.
- The affordable units to be placed within an organization ensuring their continued affordability for at least thirty years.
- Any and all other information that the Town Manager may require that is needed to demonstrate compliance with the Council's Affordable Housing Policies.
- Annual update to the Town of Chapel Hill on occupancy of the affordable units.

The Affordable Housing Plan and Performance Agreement shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Conversion of Residential Rental Units to Ownership Condominium Units: If the rental development is converted to an ownership condominium development, the current or future developer/owner of Independent Senior Housing Chapel Hill may request approval from the Council to provide either 1) for sale affordable housing units; or 2) a payment-in-lieu as follows:

- For Sale Affordable Condominium Units:
  - A revised Affordable Housing Plan shall be approved by the Town Manager prior to recordation of the condominium plat.
  - The required number of affordable on-site units shall be 15 percent of the total amount of net new market rate dwelling units constructed in Independent Senior Housing Chapel Hill and the fractional amount provided as a payment-in-lieu.
- Payment-in-lieu at time of conversion:
  - If a payment-in-lieu of providing affordable ownership units is proposed, the payment shall be calculated based on the payment-in-lieu, as established by the Town Council, at such time as the development converts to condominium ownership.
  - The payment-in-lieu shall be provided to the Town's Affordable Housing Fund prior to recordation of the condominium plat.

- The total payment shall be equal to the funding rate which is 15 percent of the total new market rate dwelling units constructed in Independent Senior Housing Chapel Hill.

Recreation Area: All of the required recreation area shall be provided on-site. No recreation payment-in-lieu is required.

Town Building Permit Fees: Town building permit fees for the project will be limited to a maximum of \$10,000.

Solar Conduit: No roof solar units are required. Conduit will be installed to allow for the option of installing roof solar units in the future. Appropriate locations will be identified and provided for solar unit batteries to be installed.

**SPECIAL USE PERMIT FINDINGS**

Tonight, based on evidence in the record thus far, we provide the following evaluation of this application based on the four findings of fact that the Council must consider for granting a Special Use Permit. Council may review further evidence as part of the continued public hearing process. A summary of the evidence in the record to date is as follows:

**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:***

Evidence in Support	The applicant’s Statement of Justification includes the following:  “The <b>public health</b> of the community will be maintained and promoted through this project by providing moderately priced rental housing with features that will allow independent and active adults to age in place and participate fully in the cultural diversity of Chapel Hill.”
Evidence in Opposition	To date, there is no evidence of opposition.

**Staff Response:** We believe, based on the evidence entered into the record to date, that the Council could make the finding that the development would be operated to maintain or promote the public health, safety, and general welfare. We believe that if the Special Use Permit proposes housing, it would to help satisfy a need in the community.

**Finding #2: *That the use or development would comply with all required regulations and standards of the Land Use Management Ordinance:***

Evidence in Support	The applicant’s Statement of Justification includes the following:  “The Project as submitted is in full compliance with all of the regulations and standards in the Land Use Management Ordinance. There are no variances or appeals requested by the applicant. All components of the project meet or exceed the stated regulations in the Ordinance.”
Evidence in Opposition	To date, there is no evidence of opposition.

**Staff Response:** We believe, based on the evidence entered into the record to date, that the Council could make the finding that the development would comply with all required regulations and standards, except for the requested modification to regulations. We believe that if the Special Use Permit is approved with the conditions contained in Revised Resolution A, the proposed development would meet all other pertinent regulations and standards of the Land Use Management Ordinance.

**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:***

Evidence in Support	<p>The applicant’s Statement of Justification includes the following:</p> <p>“The development is located and designed to have a positive impact on the contiguous property. In addition to providing needed emergency and fire access to the adjoining property, its operation is aimed at supporting an aging in place strategy that complements the adjoining 55+ neighborhood. The development is designed to provide excessive buffers between it and the adjoining single family housing- more than 85 feet of existing natural and planted buffers – considerably more than required. The building is set back over 400 feet from Homestead Road to similarly respect the character of the existing neighborhood.”</p>
Evidence in Opposition	To date, there is no evidence of opposition.

**Staff Response:** We believe, based on the evidence entered into the record to date, that the Council could make the finding that the development would maintain or enhance the value of contiguous properties, with the conditions in Revised Resolution A of the Special Use Permit approval.

**Finding #4: *That the use or development conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan:***

Evidence in Support	<p>The applicant’s Statement of Justification includes the following:</p> <p>“Rental apartment housing aimed at the targeted range of age restricted to 55 years old and above is a currently unmet need, fulfilling the requested goal of a diversity of housing types in Chapel Hill. This project provides that housing opportunity to Chapel Hill residents.”</p>
Evidence in Opposition	To date, there is no evidence of opposition.

**Staff Response:** We believe the Independent Senior Housing multi-family development proposal generally complies with the land use plan and themes in the 2020 Comprehensive Plan. Relevant goals and objectives in the Comprehensive Plan include, but are not limited to the following:



- A range of housing options for current and future residents (Goal-Place for Everyone.3)
- Promote a safe, vibrant, and connected (physical and person) community (Goal-Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal-Getting Around.2)
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Goal-Getting Around.5)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal-Good Places, New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal-Good Places, New Spaces.8)
- Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. These spaces could include, among other things, Significant Natural Heritage Areas (SNHA) lands adjacent to and connecting various properties such as riparian lands, etc. (Goal-Nurturing Our Community.3)
- Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (Goal-Nurturing Our Community.4)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal-Nurturing Our Community.8)
- Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (Goal-Town and Gown Collaboration.1)
- Promote access for all residents to health-care centers, public services, and active lifestyle opportunities (Goal-Town and Gown Collaboration.6)

We believe, based on the evidence entered into the record to date, that the Council could make the finding that the proposed Special Use Permit conforms to the general plans for physical development of the Town as embodied in the 2020 Comprehensive Plan.