

TECHNICAL REPORT

- 1971 Special Use Permit approved for The Oaks Condominiums with the approved plans noting two natural areas along Burning Tree Drive to remain undisturbed.
- 1974 Special Use Permit Modification approved with additional landscaping between the buildings and Hwy. 54.
- June 20, 2018 Concept Plan for The Oaks Condominiums presented to Council.

Connections to other Documents:

Town staff reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)¹, the standards of the [Land Use Management Ordinance](#)², and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)³ and offers the following evaluation:

Comprehensive Plan Themes: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

Council Goals:

<input type="checkbox"/>		Create a Place for Everyone	<input type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

Staff believes The Oaks Condominium stormwater improvement proposal complies with the above themes of the 2020 Comprehensive Plan.

Land Use Plan: The [2020 Land Use Plan](#)⁴, a component of the 2020 Comprehensive Plan, designates this site for Medium Residential (4-8 units per acre).

Resource Conservation District and Jordan Buffer Encroachments:

There is Resource Conservation District (RCD) where the drainage improvements are proposed. Table 3.6.3-2 of the Land Use Management Ordinance allows driveways and utility service lines in all three zones of the Resource Conservation District where there is a practical necessity. The proposal includes removing two maple trees and installing a 36-inch pipe and end wall with riprap in a portion of a 50-foot Streamside RCD zone.

There is a 50-foot Jordan Buffer where the stormwater drainage system is proposed. A Jordan Buffer Authorization is needed for land disturbance for the drainage system in the 50-foot protected area on each side of the stream bank. The Town’s Stormwater staff has issued Jordan Buffer Authorization.

Proposed Modification for Approval:

- 1) **Section 5.6.6 Buffer Modification:** The Land Use Management Ordinance requires a 20-foot Type C landscape buffer with 6 large trees, 10 small trees and 36 shrubs per 100 linear feet. The applicant proposes a modified Type “C” buffer adjacent to Burning Tree Drive, classified as a

¹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

² https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA

³ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

⁴ <http://www.townofchapelhill.org/home/showdocument?id=1215>

Collector Road, on the east edge of the property. The requested modification proposes less plant material and less width than required due to conflicts with the proposed stormwater system.

The canopy trees include oak, cedar, hickory, mulberry, and elm. To install the drainage system, the applicant proposes to remove a total of 30 trees, 23 of which are in the Burning Tree Drive buffer. The applicant proposes to replant 15 trees.

Staff Comment: Staff believes that Council could find a public purpose for fewer plantings and less buffer width. The stormwater system improvements will reduce flooding on the property, make the area safer during rain events, reduce flood damage to homes, and reduce the need for flood-prone property owners to obtain Flood Insurance.

Council Findings and Public Purpose: The Council may modify the regulations according to Section 4.5.6 of the Land Use Management Ordinance. Staff believes that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the applicant's alternative is to revise the proposal to comply with the regulations.

For additional information on the proposed modifications, please refer to the applicant's attached materials.