

UPDATES SINCE PUBLIC HEARING

PROPERTY ADDRESS	BUSINESS MEETING DATE	APPLICANT
2217 Homestead Road	December 5, 2018	Gurlitz Architectural Group, PA

RESPONSES TO QUESTIONS FROM PUBLIC HEARING

The following summarizes concerns raised at the Public Hearing and provides staff and applicant responses:

TRAFFIC

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 recreations 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 during the morning and afternoon are between 11:45 a.m. and 12:45 p.m. and 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 amount of trips generated by the different land uses (based on the *Institute of Transportation Engineer's Trip Generation Manual* 10th Edition):

ITE Land Use Code	AM	PM	DAILY TOTAL
Senior Adult Housing- Attached (190 units) Land Use Code 252	38	44	654
Multi-Family (190 units) Land Use Code 221	68	81	1,034
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 expected to be completed by December 4, 2018 and will be distributed when received. Staff does not anticipate the revisions to the Traffic Impact Study will have substantial impact on the proposed mitigation measures.

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

5. Why not provide on-site affordable housing?

Staff Response: The Council policy resolution on residential rezoning offers alternatives to providing on-site affordable housing units. The Policy indicates that the Council would consider a voluntary offer of a payment in lieu as an option to provision of affordable housing units on site as a way to achieve the goals, objectives and policies of the comprehensive plan.

Applicant Response: The applicant has offered a Payment-in-Lieu. The payment-in-lieu as developed by the Housing Advisory Board (HAB) is a clean exchange that does not present an on-going operational and contractual encumbrance to the project. For underwriting, the fewer obligations that survive the financing the easier and less complicated the underwriting process. The applicant believes that the \$315,000 suggested payment-in-lieu is higher than any previously paid payment-in-lieu per unit for a rental facility in Chapel Hill. The applicant also believes that they are satisfying the requirements of Inclusionary Zoning based on consistency with HAB's approach. The applicant describes this approach as one that includes providing a PIL amount based on a subsidy for 14 rental units for a period of 10 years. The Purpose Statement in the Ordinance for Section 3.10-Inclusionary Zoning states: "***This section promotes the public health, safety and welfare of the Town by promoting housing of high quality located in neighborhoods throughout the community for households of a variety of income levels, ages, and sizes in order to meet the town's goal of preserving and promoting a culturally and economically diverse population in our community.***" While affordable housing efforts in Chapel Hill have primarily focused on providing for households of varying income levels, little attention has been paid to providing for households of age with specific life needs. This project does provide housing for a specific aging population that plays an important part in our cultural diversity.

STORMWATER

6. 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 194,940 square feet of impervious surface, a total of 26.1% of the site. The proposed stormwater facility, located in the northwest corner of the site, has been designed to comply with LUMO 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 shall remain at or below pre-development values for the 2-year, 24-hour storm event; the flow rate leaving the site post-development shall remain 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.

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 26.1% 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 26.1% 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

7. 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 223 and a maximum of 279. The applicant is proposing 254 parking spaces. The applicant has agreed to provide a phasing plan for the proposed parking spaces with some of the 254 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 222 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 254 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

8. Is the proposal compliant 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 proposing approximately 11 dwelling units per acre. 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.

9. 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 revision to the Special Use Permit.

Use: Age Restricted (Age 55 plus) Planned Development-Housing Multi-family Residential	
Minimum Resident Age	55 years old
Gross Land Area	746,726 (17.1 acres)
Maximum Units	190
Total Impervious Surface	194,940 sq. ft.
Maximum Floor Area	232,000 sq. ft.
Maximum Parking Spaces	235
Minimum Bicycle Parking Spaces	81 spaces (43 Class I)
Land Disturbance	387,684 sq. ft. (8.90 acres)

10. 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

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 Active Adults 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 222 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 a minimum of two traffic calming devices along the western leg of the driveway prior to issuance of a Certificate of Occupancy. The proposed 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.

Affordable Housing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a \$315,000 payment-in-lieu to the Town’s Affordable Housing Fund.

SPECIAL USE PERMIT MODIFICATION 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 public health 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	The applicant's Statement of Justification includes the following: "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."
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	The applicant's Statement of Justification includes the following: "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."
Evidence in Opposition	To date, there is no evidence of opposition.

Staff Response: We believe the Active Adults 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.