



# TOWN OF CHAPEL HILL

## Town Council Meeting Agenda

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

Mayor Pam Hemminger  
Mayor pro tem Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

Council Member Nancy Oates  
Council Member Michael Parker  
Council Member Rachel Schaevitz  
Council Member Karen Stegman

**Wednesday, November 13, 2019 7:00 PM**

**RM 110 | Council Chamber**

### OPENING

### PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS

*Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions to Council webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.*

1. Sylvia Steere Regarding Fordham Side Path.

[\[19-0930\]](#)

### ANNOUNCEMENTS BY COUNCIL MEMBERS

### CONSENT

*Items of a routine nature will be placed on the Consent Agenda to be voted on in a block. Any item may be removed from the Consent Agenda by request of the Mayor or any Council Member.*

2. Approve all Consent Agenda Items.

[\[19-0931\]](#)

By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.

3. Grant a Private Sewer Easement over Town Property

[\[19-0932\]](#)

to the Owners of 200 Perry Creek Road.

By adopting the resolution, the Council authorizes the Town Manager to execute a private sewer easement agreement with the owners of 200 Perry Creek Road for a sewer line extension across Town open space to the existing OWASA sewer manhole along Dry Creek.

4. Authorize the Town Manager to Seek an Affordable Housing Partner for Town-Owned Land on Jay Street and Begin Negotiating an Agreement under which the Parties would Prepare a Proposed Development Project. [\[19-0933\]](#)

By adopting the resolution, the Council authorizes the Town Manager to seek an affordable housing partner for Town-owned land on Jay Street and begin negotiating an agreement under which the parties would prepare a proposed development project.

5. Adopt a Calendar of Council Meetings through June 2020. [\[19-0934\]](#)

By adopting the resolution, the Council adopts its meeting calendar through June 2020.

6. Adopt Minutes from September 11 and 18, 2019 Meetings. [\[19-0935\]](#)

By adopting the resolution, the Council approves the summary minutes of past meetings which serve as official records of the meetings.

## INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[19-0936\]](#)

By accepting the report, the Council acknowledges receipt of the Scheduled Public Hearings and Status of Petitions to Council lists.

## DISCUSSION

8. Discuss On-Street Parking Regulations in the Burch Kove Neighborhood. [\[19-0937\]](#)

PRESENTER: Matthew J. Sullivan, Fire Chief

RECOMMENDATION: That the Council provide direction regarding parking regulations that will allow emergency and other service vehicles to safely traverse the Burch Kove neighborhood.

9. Initial Public Forum: Housing and Community [\[19-0938\]](#)

Development Needs Assessment for the Community Development Block Grant Program.

PRESENTER: Renée Moye, Community Development Program Manager

RECOMMENDATION: That the Council receive comments on housing and community development needs for the annual and 5-year Community Development Block Grant (CDBG) program plan.

**10. Consider Approving the Language Access Plan.**

**[19-0939]**

PRESENTER: Sarah Osmer Viñas, Assistant Director  
Megan Peters, Community Connections Coordinator

RECOMMENDATION: That the Council approve the Language Access Plan (LAP).

### **ZONING ATLAS AMENDMENT**

*Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.*

**11. Consider an Application for Conditional Zoning Atlas Amendment at 1751 Dobbins Drive from Residential-4 (R-4) to Office/Institutional-2 Conditional Zoning (OI-2-CZ).**

**[19-0940]**

PRESENTER: Judy Johnson, Interim Planning Director

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Presentation by the applicant
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Motion to adjourn the Public Hearing
- g. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- h. Motion to enact an Ordinance to rezone the property.

RECOMMENDATION: That the Council close the Public Hearing, adopt the Resolution of Consistency, and enact Ordinance A, approving the Conditional Rezoning.

### **SPECIAL USE PERMITS**

*Special Use Permit: The Application for a Special Use Permit is Quasi-Judicial.*

*Persons wishing to speak are required to take an oath before providing factual evidence relevant to the proposed application.*

*Witnesses wishing to provide an opinion about technical or other specialized subjects should first establish that at the beginning of their testimony.*

- 12.** Consider an Application for Special Use Permit Modification - Wegmans Food Market Street Improvements, 1810 Fordham Boulevard. **[19-0941]**

PRESENTER: Judy Johnson, Interim Director

Swearing of all persons wishing to present evidence

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Presentation of evidence by the applicant
- d. Presentation of evidence by the public
- e. Comments and questions from the Mayor and Town Council
- f. Applicant's statement regarding proposed conditions
- g. Motion to close the public hearing
- h. Motion to adopt a resolution approving the Special Use Permit modification.

RECOMMENDATION: That the Council close the Public Hearing and adopt Resolution A, approving the Special Use Permit Modification.

### **CONTINUED DISCUSSION**

- 13.** Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3 and 4 Pertaining to Conditional Zoning. **[19-0942]**

PRESENTER: Kari Grace, Senior Planner

- a. Introduction and preliminary recommendation
- b. Recommendation of the Planning Commission
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to recess the Public Hearing to January 8, 2020
- f. Referral to the Manager and Attorney.

RECOMMENDATION: That the Council open the public hearing on the Land Use Management Ordinance text amendment, receive public comment, and continue the public hearing to January 8, 2020.

- 14.** Consider Expanding the Length of Term That a Member May Serve as an Officer on a Board. **[19-0943]**

PRESENTER: Pam Hemminger, Mayor

RECOMMENDATION: That the Council expand the length of term that a member may serve as an officer on a board by adopting a resolution to amend the Advisory Board Membership Policy, calling a public hearing to amend the Land Use Management Ordinance and enacting amendments to the Town Code of Ordinances.

### CONCEPT PLAN REVIEWS

*Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.*

*Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.*

*As a courtesy to others, people speaking on an agenda item are normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.*

- 15.** Concept Plan Review: West Rosemary Street Hotel,  
108/114 West Rosemary Street. (Project #19-107)

[\[19-0944\]](#)

PRESENTER: Kari Grace, Senior Planner

- a. Review of process
- b. Presentation by the applicant
- c. Comments from the Community Design Commission
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Motion to adopt a resolution transmitting Council comments to the applicant.

RECOMMENDATION: That the Council adopt the resolution transmitting comments to the applicant.

- 16.** Concept Plan Review: Evolve, 1701 Martin Luther King Jr. Blvd. (Project #19-111)

[\[19-0945\]](#)

PRESENTER: Kari Grace, Senior Planner

- a. Review of process
- b. Presentation by the applicant
- c. Comments from the Community Design Commission

- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Motion to adopt a resolution transmitting Council comments to the applicant.

RECOMMENDATION: That the Council adopt the resolution transmitting comments to the applicant.

**REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS**



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

**Item #:** 1., **File #:** [19-0930], **Version:** 1

**Meeting Date:** 11/13/2019

### Sylvia Steere Regarding Fordham Side Path.

**Staff:**

Sabrina M. Oliver, Director and Town Clerk  
Amy T. Harvey, Deputy Town Clerk

**Department:**

Communications and Public Affairs

**Overview:** Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the [Status of Petitions to Council <http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/petition-status>](http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/petition-status) webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.



**Recommendation(s):**

That the Council consider the petition.



**Attachments:**

- Sylvia Steere Request

**Amy Harvey**

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**From:** Sylvia Steere <steere.sylvia@gmail.com>  
**Sent:** Sunday, October 27, 2019 1:53 PM  
**To:** Town Council; All Agenda Materials; Manager  
**Subject:** Petition to Mayor and Council

**External email:** Don't click links or attachments from unknown senders. To check or report forward to [reportspam@townofchapelhill.org](mailto:reportspam@townofchapelhill.org)

I would like to submit a petition to be added to the agenda on the November 13th City Council meeting regarding the proposed Fordham Side Path project.

As a neighborhood our concerns for safety have not been addressed, we have submitted repeated concerns and there is no evidence that town staff have taken them into consideration.

-Sylvia Steere  
414 Hickory Drive  
Chapel Hill, NC 27517

# Shared Street Solution for Bike and Walkability

The residents of the Little Ridgefield neighborhood, including those on the Fordham side of Hickory Street who are directly impacted by the proposed Fordham Sidepath project, and other residents of Chapel Hill and Little Ridgefield not directly affected but having knowledge of the specific conditions, petition the Town Council to direct Town staff to pursue what is described in the current Fordham Sidepath Project planning documents as "Option 3" or a close variation of it.

The below-signed individuals endorse and support a safe, welcoming, sustainable, cost-effective, and efficient interconnected system of bike and pedestrian facilities. Options 1 and 2 fail in important ways, while Options 3 and 4 support all of those goals:

- First, an expert in design of these facilities has illustrated that the originally-proposed path (options 1 and 2) would not be safe for bike and pedestrian traffic, and no proposals yet have solved those safety issues. In fact, proposal 2 which purports to improve safety is actually a less-safe option than option 1. With an expert on the record with these safety issues, the Town should consider the liability problem of creating a known-unsafe path rather than a demonstrably-safer shared-street in option 3 (or option 4, with the sidewalk placed in front of the curb, heretofore "4-modified")
- Second, the loss of mature tree canopy along Fordham from Estes to Elliott is unavoidable with options 1 and 2, and can be entirely avoided with option 3 (or 4). Town climate goals, (as well as simple attractiveness of the entire stretch, visible to every user of Fordham) should make this a high priority. Any reasonable option to avoid loss of mature trees should be taken. Options 3 and 4-modified require no tree removal.
- Third, the impact of losing tree buffer would be a serious harm to impacted homeowners. These impacts include elevated energy costs, direct exposure to traffic pollution, loss of privacy exacerbated by anticipated construction of multi-story buildings in University Place, and substantial loss of property value. Options 3 and 4 improve safety and convenience for Hickory residents who walk/bike, and have minimal impact on those who drive.
- Fourth, options 1 and 2 would be expensive to build and maintain. Option 3 would have minimal costs: only paint, signs, and speed tables or other traffic-calming measures. Option 4-modified would add the cost of a sidewalk on top of existing pavement. The project has inexplicably avoided even estimating those costs, though alone they should be a deciding factor. Any comparable option an order of magnitude less expensive should be taken by responsible stewards of tax funds.

- Fifth, the stormwater issues in this area, exacerbated by Blue Hill development, send water directly down the channel along Fordham into the area of Chapel Hill most prone to flooding. This is now occurring in any heavy rain. Removal of the vegetation, as well as the necessary back-filling and grading to produce a ten-foot space for a path, plus the addition of ten feet of impervious surface along that downflow, would exacerbate these stormwater issues probably extensively, endangering residents in Little Ridgefield, Camelot Village, and Estes Extension as well as commercial property at University Place. But the degree of harm has not been studied in this project. Options 3 and 4-modified would have no impact on stormwater runoff.

- Sixth, the proposed path is entirely redundant with the proposed path on the West side of Fordham. So a lower-impact approach would not affect the walk/bikeability of the area, other than for the better, by making a more inviting and safe facility on the East side of Fordham. Options 3 and 4 would also allow a more efficient and effective connection with the adjacent planned Greenway at Willow Drive, which would be closer and more useful for residents of Blue Hill and adjoining neighborhoods. Rather than being a "detour," the shared Hickory route is a more direct route to that intended Greenway connection, closer to all residents on the East side of Fordham.

- Seventh, the Little Ridgefield neighborhood is comprised of cyclists and walkers who understand and wholeheartedly support the creation of connected facilities, and who have proposed the shared-street option out of knowledge of the specific conditions of this section of Chapel Hill. A success here will provide a model for solving similar issues in other areas of Chapel Hill, as residents of cities like Portland, Boulder, and many European cities have already done.

We therefore petition the Chapel Hill Town Council to curtail additional expense from additional efforts on Options 1 and 2 of the plan, and to adopt a version of Option 3 (or a modified version of Option 4 which places a sidewalk in front of the curb) including to move forward quickly with this project, in keeping with Town goals and shared values.



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
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Chapel Hill, NC 27514

## Item Overview

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**Item #:** 2., **File #:** [19-0931], **Version:** 1

**Meeting Date:** 11/13/2019

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### Approve all Consent Agenda Items.

**Staff:**

Sabrina M. Oliver, Director and Town Clerk  
Amy T. Harvey, Deputy Town Clerk

**Department:**

Communications and Public Affairs

**Overview:** Items of a routine nature to be voted on in a block. Any item may be removed from the Consent Agenda by the request of the Mayor or any Council Member.

**Recommendation(s):**

That the Council adopt the various resolutions and ordinances.

**Fiscal Impact/Resources:** Please refer to each agenda item for specific fiscal notes.

**Attachments:**

- Resolution

**A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES  
(2019-11-13/R-1)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following resolutions and ordinances as submitted by the Town Manager in regard to the following:

3. Grant a Private Sewer Easement over Town Property to the Owners of 200 Perry Creek Road. (R-2)
4. Authorize the Town Manager to Issue a Request for Qualifications and Begin Negotiations to Identify a Potential Development Partner for Town-Owned Land at Jay Street. (R-3)
5. Adopt a Calendar of Council Meetings through June 2020. (R-4)
6. Adopt Minutes from September 11, and 18, 2019 Meetings. (R-5)

This the 13<sup>th</sup> day of November, 2019.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
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Chapel Hill, NC 27514

## Item Overview

**Item #:** 3., **File #:** [19-0932], **Version:** 1

**Meeting Date:** 11/13/2019

### **Grant a Private Sewer Easement over Town Property to the Owners of 200 Perry Creek Road.**

**Staff:**

Phillip Fleischmann, Director  
William Webster, Planning and Development Manager

**Department:**

Parks and Recreation

**Overview:** A private home in the Springcrest neighborhood was constructed in 1998 and connected to an OWASA sewer main located on Town property without the necessary sewer easement. The attached resolution would grant an approximately 40-foot-long and 20-foot-wide private sewer easement across Town property to the homeowners of 200 Perry Creek Road. The Town property is located adjacent to Perry Creek Road and Dry Creek in the Springcrest neighborhood.

Attached is the property owner's survey of the requested easement.



**Recommendation(s):**

That the Council adopt the attached resolution granting a sewer easement across Town property to the owners of the home at 200 Perry Creek Road.

**Key Issues:**

- Town staff granted the homeowners temporary access across Town property in 2018 in order to allow repair of a leaking sewer line
- The proposed private sewer easement overlays the pipe that was installed across Town property at the time the home was built
- Lack of a permanent sewer easement could complicate sale or transfer of the 200 Perry Creek Road property in the future

**Fiscal Impact/Resources:** No Town funding was used to make the sewer repairs or prepare the easement documents. We anticipate no future Town expenditures.



**Attachments:**

- Resolution
- Map Showing Approximate Location of Proposed Private Sewer Easement
- Survey

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AN EASEMENT AGREEMENT WITH THE OWNERS OF 200 PERRY CREEK ROAD TO ALLOW A PRIVATE SEWER LINE ON TOWN PROPERTY ALONG DRY CREEK (2019-11-13/R-2)**

WHEREAS, a home was built at 200 Perry Creek Road without the required private sewer easement across Town property; and

WHEREAS, the Town granted a temporary access in 2018 in order to allow the owners of the property to make repairs to the sewer line; and

WHEREAS, it was determined at that time that the owners of 200 Perry Creek Road require a permanent easement across Town property; and

WHEREAS, granting of such an easement would be done without cost to the Town; and

WHEREAS, the easement will have no negative impact to the Town property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorize the Town Manager to execute a private sewer easement agreement with the owners of 200 Perry Creek Road for a sewer line extension across Town open space from the owners property to the existing OWASA sewer manhole along Dry Creek, provided that the preparation and recording of said easement shall be the responsibility of the landowners and at no cost to the Town.

This the 13<sup>th</sup> day of November, 2019.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council authorizes the Town Manager to execute a private sewer easement agreement with the owners of 200 Perry Creek Road for a sewer line extension across Town open space to the existing OWASA sewer manhole along Dry Creek.

**200 Perry Creek Road**

15

**Town Open Space  
Property**



**Approximate Location  
Private Sewer Easment**



50 100ft

35.958 Degrees

## SURVEYOR'S CERTIFICATE

I, PHILLIP W. RILEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND PLATS AS FOUND IN THE DURHAM COUNTY REGISTRY RECORDED IN BOOK 1724, PAGE 131; THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: 10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN REFERENCES AS NOTED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

PROFESSIONAL LAND SURVEYOR

LICENSE NUMBER

I, PHILLIP W. RILEY, PLS., L-3066, FURTHER CERTIFY TO ANY ONE OF THE FOLLOWING AS INDICATED BY AN "X":

- A. THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- B. THIS SURVEY IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- C. ANY ONE OF THE FOLLOWING:
1. ☒ THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
  2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE; OR
  3. THAT THE SURVEY IS A CONTROL SURVEY.
  4. THAT THE SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.
- D. THIS SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- E. THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF HIS OR HER PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

# PRELIMINARY PLAT NOT FOR RECORDATION, CONVEYANCES OR SALES

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

I, \_\_\_\_\_, REVIEW OFFICER OF ORANGE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE OF CERTIFICATION

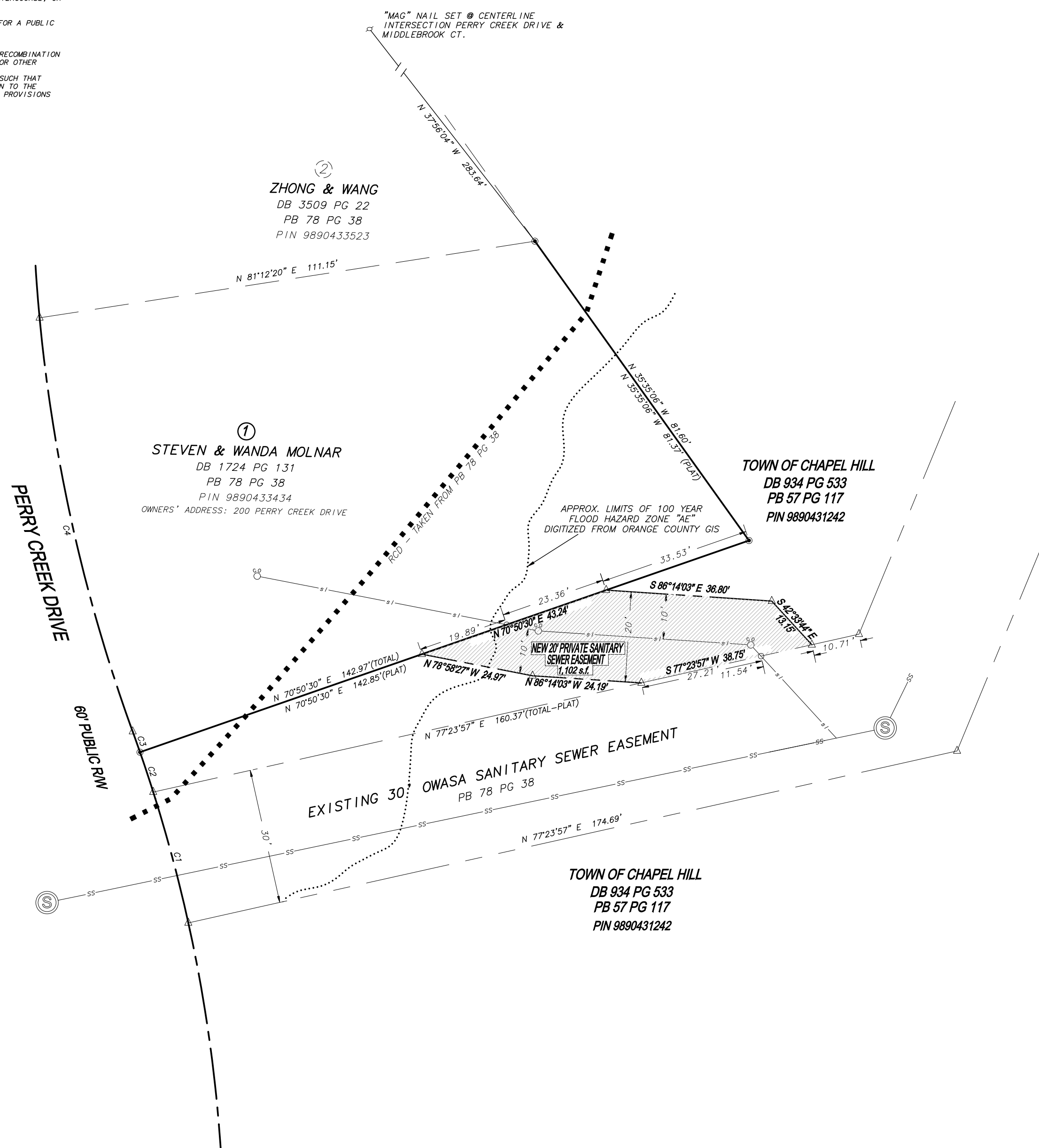
REVIEW OFFICER  
ORANGE COUNTY LAND RECORDS/GIS

VICINITY MAP NTS

## NOTES

- 1) HORIZONTAL GROUND DISTANCES SHOWN UNLESS OTHERWISE NOTED.
- 2) THESE PROPERTIES ARE LOCATED IN THE CAPE FEAR RIVER BASIN.
- 3) PORTIONS OF THE SUBJECT PROPERTIES ARE LOCATED IN A DESIGNATED FLOOD HAZARD ZONE AS DETERMINED BY F.E.M.A.. SEE FEMA PANEL 3710989000M DATED 10/19/18.
- 4) UNLESS NOTED OTHERWISE, ALL REFERENCES ARE ORANGE COUNTY.
- 5) AREA BY THE CO-ORDINATE METHOD.
- 6) THIS IS NOT A BOUNDARY SURVEY. BOUNDARY AND OTHER PERTINENT DATA TAKEN FROM DEEDS/PLATS NOTE HEREON.

**NEW 20' PRIVATE  
SANITARY SEWER EASEMENT  
ON THE PROPERTY OF  
THE TOWN OF CHAPEL HILL  
FOR THE BENEFIT OF  
STEVEN & WANDA MOLNAR  
LOT 1 SPRINGCREST PHASES 5 & 6  
CHAPEL HILL TOWNSHIP  
ORANGE COUNTY, NC**



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	336.66'	30.00'	29.99'	N 15°01'26" W
C2	336.66'	9.31'	9.31'	N 18°22'08" W
C3	336.66'	4.85'	4.85'	N 19°33'09" W
C4	370.00'	94.26'	94.01'	S 12°41'11" E

20 10 0 20 40 60  
SCALE: 1"= 20'  
SCALE IN FEET  
JUNE 12, 2019

RECORDING OF THIS DOCUMENT DOES NOT REQUIRE SUBDIVISION APPROVAL OF THE TOWN OF CHAPEL HILL AS PROVIDED IN SECTION 17.2 OF THE TOWN OF CHAPEL HILL DEVELOPMENT ORDINANCE.

## LEGEND

- △ CALCULATED POINT
- EXISTING IRON ROD(1/2")
- SET "MAG" NAIL
- IRON PIPE SET(5/8")
- SEWER LATERAL CLEAN-OUT
- ⊙ SANITARY SEWER MANHOLE
- PUBLIC ROADWAY RIGHT OF WAY LIMITS
- LOT LINE PLOTTED BY DEED - NOT SURVEYED
- SS — SS — SANITARY SEWER MAIN PIPE
- NEW 20' PRIVATE SANITARY SEWER EASEMENT
- s1 — s1 — SANITARY SEWER LATERAL PIPE
- EX. 30' OWASA SANITARY SEWER EASEMENT

**RILEY SURVEYING, P.A.**  
3326 DURHAM CHAPEL HILL BLVD. STE B-100  
DURHAM, N.C. 27707  
919-667-0742 C-1281 rileysurveyingpa.com



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
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Chapel Hill, NC 27514

## Item Overview

Item #: 4., File #: [19-0933], Version: 1

Meeting Date: 11/13/2019

### **Authorize the Town Manager to Seek an Affordable Housing Partner for Town-Owned Land on Jay Street and Begin Negotiating an Agreement under which the Parties would Prepare a Proposed Development Project.**

#### **Staff:**

Loryn Clark, Executive Director  
Sarah Osmer Viñas, Assistant Director  
Nate Broman-Fulks, Affordable Housing Manager  
Emily Holt, Affordable Housing Development Officer

#### **Department:**

Housing and Community

**Overview:** In [June 2018 <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3531760&GUID=13618DD7-534B-4D67-8BD4-E1F9564701A1&Options=&Search=>](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3531760&GUID=13618DD7-534B-4D67-8BD4-E1F9564701A1&Options=&Search=>), the Town Council prioritized three Town-owned sites for affordable housing, including a seven-acre parcel on Jay Street (PINs: 9778-99-9279, 9788-09-1257, 9788-09-1232), and authorized the Town Manager to pursue affordable housing on those sites. At the [September 18, 2019 <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4135814&GUID=964ED0B2-5590-4A53-A7A5-E09507E79EB5&Options=&Search=>](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4135814&GUID=964ED0B2-5590-4A53-A7A5-E09507E79EB5&Options=&Search=>) Council Work Session, staff presented the results of a feasibility analysis conducted by local engineering firm Ballentine Associates. At that meeting the Town Council supported moving forward with planning for the Jay Street site, starting with establishing goals for the project and searching for a developer partner.

Staff proposed the following goals for the Jay Street site, which the Town Manager shared with Council via email on October 23, 2019:

1. Provide housing affordable to a range of income levels with priority for units serving households earning 60% or less of Area Median Income
2. Maintain long term affordability
3. Minimize need for Town funding through leverage of outside funding
4. Utilize environmentally friendly and sustainable principles for development
5. Facilitate connections within the community and surrounding neighborhood

#### **Proposed Next Steps:**

- With Town Council authorization, staff will issue a solicitation for proposals and qualifications.
- Staff will then work with an evaluation team and the Manager to select a potential partner with whom the Town will begin negotiating an agreement to prepare a proposed development project.
- Staff will return to Council with a recommendation to approve the partner and the terms of an agreement to develop the property.

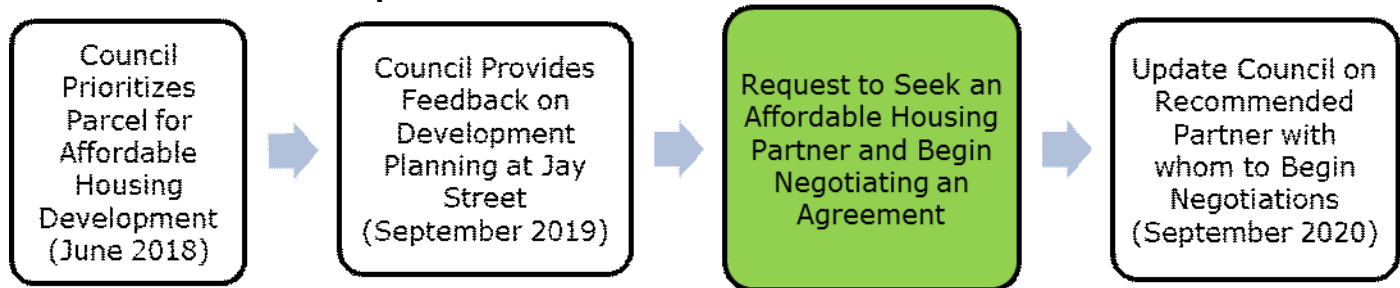


#### **Recommendation(s):**

That the Council authorize the Town Manager to seek an affordable housing partner for Town-owned land on Jay Street and begin negotiating an agreement under which the parties would prepare a proposed development project. Once the parties have reached an agreement and it has been approved by the Town Council the development project would then be reviewed by the Council in its role as regulator under the Town's Land Use Management Ordinance.

**Fiscal Impact/Resources:** There is no fiscal impact anticipated with authorizing the Manager to seek an affordable housing partner or to begin negotiations.

**Where is this item in its process?**



**Attachments:**

- Resolution
- Jay Street Affordable Housing Partner Background Memorandum
- Jay Street Property Map

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SEEK AN AFFORDABLE HOUSING PARTNER FOR TOWN-OWNED LAND ON JAY STREET AND BEGIN NEGOTIATING AN AGREEMENT UNDER WHICH THE PARTIES WOULD PREPARE A PROPOSED DEVELOPMENT PROJECT. (2019-11-13/R-3)**

WHEREAS, one of the Town Council's Strategic Goals & Objectives for FY2020-22 is to increase access to housing for individuals across a range of incomes; and

WHEREAS, on June 20, 2018, the Town Council prioritized the Jay Street parcel for affordable housing and authorized the pursuit of affordable housing on the Jay Street site; and

WHEREAS, on September 18, 2019, the Town Council heard the feasibility report on development potential for prioritized Town-Owned affordable housing sites.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to seek an affordable housing partner for Town-owned land on Jay Street; and

BE IT FURTHER RESOLVED that the Town Manager is authorized to begin negotiating an agreement under which the parties would prepare a proposed development project; and

BE IT FURTHER RESOLVED that staff will return to the Council with a recommendation to approve the proposed agreement with the selected affordable housing partner; and

BE IT FURTHER RESOLVED that the parties will then submit an application for the Council to consider in its role as regulator under the Land Use Management Ordinance.

This the 13<sup>th</sup> day of November, 2019.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council authorizes the Town Manager to seek an affordable housing partner for Town-owned land on Jay Street and begin negotiating an agreement under which the parties would prepare a proposed development project.



## Jay Street Request to Seek an Affordable Housing Partner and Begin Negotiating an Agreement: Background Memo

**Purpose:** This memorandum outlines the proposed process to seek an affordable housing partner for Town-owned land on Jay Street (PINs: 9778-99-9279, 9788-09-1257, 9788-09-1232) and begin negotiating an agreement under which the parties would prepare a proposed development project.

### ❖ Proposed Process for Identifying a Partner for the Site

At the [September 18, 2019](#) Council Work Session, staff recommended engaging a partner early in the planning process for the Jay Street site. The project's smaller size and alignment with uses in the surrounding neighborhood is expected to benefit from the time savings typically associated with having a developer lead the project visioning process.

The proposed selection process will begin with the issuance of a solicitation for proposals and qualifications that describes the parcel, provides the results of the feasibility study conducted on the site, explains the project goals, and lays out the anticipated roles of the developer and the Town in developing the site. The Solicitation will ask respondents to describe their experience developing similar projects and to provide preliminary proposals for development of the site, including the financing sources envisioned to support the housing program they propose.

Evaluation criteria included in the Solicitation will include:

- Management capacity
- Prior performance
- Experience developing comparable residential projects
- Experience designing and implementing a community visioning process
- Proposed plan for the site
- Capacity to secure financing for the site

Staff will work with an evaluation team and the Town Manager to conduct a comprehensive assessment of responses and select a potential partner with whom to negotiate an agreement under which the parties would prepare a proposed development project.

### ❖ Additional Opportunity for Council Feedback on Development Planning

Staff expects to engage Council several times during the development planning process for Jay Street:

- Town Manager will recommend to Council that the Town enter into a Memorandum of Understanding (MOU) to negotiate an agreement with the selected development partner to prepare a proposed development project.
- Staff will update Council on the execution of an MOU with the selected partner and the next steps in the planning process.
- Council will review a Concept Plan for the site.
- Staff will seek Council approval of the selected partner and the terms of an agreement to prepare a development plan for the site.
- Staff will seek Council input on and approval of any development applications for the site.

# Public Properties Near Jay Street





# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

Item #: 5., File #: [19-0934], Version: 1

Meeting Date: 11/13/2019

### Adopt a Calendar of Council Meetings through June 2020.

#### Staff:

Sabrina Oliver, Director/Town Clerk  
Amy Harvey, Deputy Town Clerk

#### Department:

Communications and Public Affairs

**Overview:** The [Town Charter <https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=SUA\\_CH\\_CHIIIMACO\\_S3.3RESPEMME>](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=SUA_CH_CHIIIMACO_S3.3RESPEMME) and the [Town Code <https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_CH2AD\\_ARTIINGE\\_S2-3REMECO>](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTIINGE_S2-3REMECO) state that the Council shall fix suitable times for its regular meetings. Adopting the calendar establishes Regular meetings, Work Sessions and other meetings.

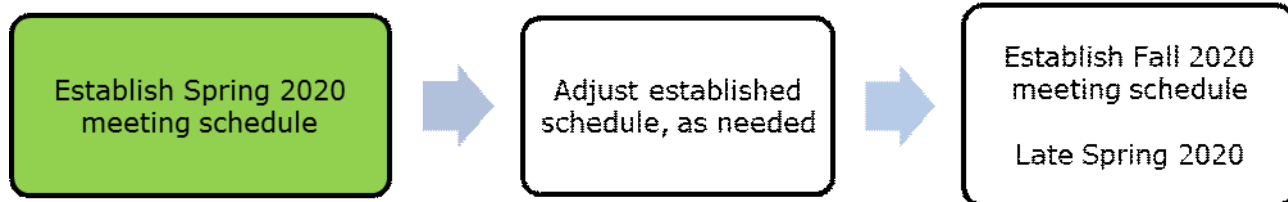


#### Recommendation(s):

That the Council adopt the attached resolution establishing the Council calendar through June 2020.

**Fiscal Impact/Resources:** Fiscal impact not determined.

#### Where is this item in its process?



#### Attachments:

- Resolution
- Proposed Chapel Hill Town Council 2020 Meeting Calendar

**A RESOLUTION ADOPTING A CALENDAR OF COUNCIL MEETINGS THROUGH JUNE 2020 (2019-11-13/R-4)**

WHEREAS, the [Town Charter <https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=SUA\\_CH\\_CHIIIMACO\\_S3.3RESPEMME>](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=SUA_CH_CHIIIMACO_S3.3RESPEMME) and the [Town Code <https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_CH2AD\\_ARTIINGE\\_S2-3REMECO>](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTIINGE_S2-3REMECO) state that the Council shall fix suitable times for its regular meetings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopt the following meeting schedule for January through June of 2020.

Unless otherwise noted, Council Regular meetings start at 7:00 p.m. and are held in the Chapel Hill Town Hall, Council Chamber (405 MLK Jr Blvd, Chapel Hill, NC 27514); Council Work Sessions start at 6:30 p.m. and are held at the Chapel Hill Public Library, Meeting Room B, (100 Library Drive, Chapel Hill, NC 27514)

**January 2020**

- 8-W-Regular Meeting
- 15-W-Work Session
- 22-W-Regular Meeting
- 28-T-Assembly of Governments Meeting, 7 PM, Whitted Building, 300 West Tryon Street, Hillsborough
- 29-W-*Weather Makeup day, if needed, otherwise meeting will be canceled*
- 31-F-Retreat, Time and Location TBD

**February 2020**

- 1-Sa- Retreat, Time and Location TBD
- 12-W-Regular Meeting
- 19-W-Work Session
- 26-W-Regular Meeting

**March 2020**

- 4-W-Regular Meeting
- 18-W-Budget Work Session
- 25-W-Regular Meeting

**April 2020**

- 1-W-Regular Meeting
- 13-M-Work Session
- 22-W-Regular Meeting

**May 2020**

- 6-W-Regular Meeting
- 13-W-Budget Work Session
- 20-W-Regular Meeting
- 27-W-Budget Work Session (Tentative)

**June 2020**

- 3-W-Budget Work Session (Tentative)
- 10-W-Regular Meeting
- 17-W-Work Session
- 24-W-Regular Meeting

This the 13<sup>th</sup> day of November, 2019.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council adopts its meeting calendar through June 2020.

## PROPOSED Chapel Hill Town Council 2020 Meeting Calendar

JANUARY								FEBRUARY								MARCH						
Su	Mo	Tu	We	Th	Fr	Sa		Su	Mo	Tu	We	Th	Fr	Sa		Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4								1		1	2	3	4	5	6	7
5	6	7	8	9	10	11		2	3	4	5	6	7	8		8	9	10	11	12	13	14
12	13	14	15	16	17	18		9	10	11	12	13	14	15		15	16	17	18	19	20	21
19	20	21	22	23	24	25		16	17	18	19	20	21	22		22	23	24	25	26	27	28
26	27	28	29	30	31			23	24	25	26	27	28	29		29	30	31				
APRIL								MAY								JUNE						
Su	Mo	Tu	We	Th	Fr	Sa		Su	Mo	Tu	We	Th	Fr	Sa		Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1	2			1	2	3	4	5	6
5	6	7	8	9	10	11		3	4	5	6	7	8	9		7	8	9	10	11	12	13
12	13	14	15	16	17	18		10	11	12	13	14	15	16		14	15	16	17	18	19	20
19	20	21	22	23	24	25		17	18	19	20	21	22	23		21	22	23	24	25	26	27
26	27	28	29	30				24	25	26	27	28	29	30		28	29	30				
								31														

12	Regular Meetings 7 pm @ Town Hall	4	Council Work Sessions 6:30 pm @ Library	7	Other Meetings *Check web calendar for time/location
23	Total Number of Meetings	4	Town Holidays		

### List of Meetings <sup>1</sup>by Date

#### January 2020

- 8-W-Regular Meeting
- 15-W-Work Session
- 22-W-Regular Meeting
- 28-T-Assembly of Governments Meeting,  
7 PM, Whi? ed Building, 300 West Tryon St., Hillsborough
- 29-W-Weather Makeup day, if needed, otherwise  
meeting will be canceled
- 31-F-Retreat, Time and Location TBD

#### February 2020

- 1-Sa- Retreat, Time and Location TBD
- 12-W-Regular Meeting
- 19-W-Work Session
- 26-W-Regular Meeting

#### March 2020<sup>2</sup>

- 4-W-Regular Meeting
- 18-W-Budget Work Session
- 25-W-Regular Meeting

#### April 2020<sup>3</sup>

- 1-W-Regular Meeting
- 13-M-Work Session
- 22-W-Regular Meeting

#### May 2020

- 6-W-Regular Meeting
- 13-W-Budget Work Session
- 20-W-Regular Meeting
- 27-W-Budget Work Session (Tentative)

#### June 2020

- 3-W-Budget Work Session (Tentative)
- 10-W-Regular Meeting
- 17-W-Work Session
- 24-W-Regular Meeting

<sup>1</sup> Unless otherwise noted, Council Regular and Organizational meetings start at 7:00 p.m. and are held in the Chapel Hill Town Hall, Council Chamber (405 MLK Jr Blvd, Chapel Hill, NC 27514); Council Work Sessions start at 6:30 p.m. and are held at the Chapel Hill Public Library, Meeting Room B, (100 Library Drive, Chapel Hill, NC 27514)

<sup>2</sup> UNC Spring Break is March 6 - 15

<sup>3</sup> CHCCS Spring Break is April 6-10, and Passover is April 9-16



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

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**Item #:** 6., **File #:** [19-0935], **Version:** 1

**Meeting Date:** 11/13/2019

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### **Adopt Minutes from September 11 and 18, 2019 Meetings.**

**Staff:**

Sabrina M. Oliver, Director  
Amy Harvey, Deputy Town Clerk  
Nikki Catalano, Transcriptionist

**Department:**

Communications and Public Affairs

**Overview:** These minutes are prepared for the meetings listed below.



**Recommendation(s):**

That the Council approve the attached summary minutes of past meetings.



**Attachments:**

- Resolution
- September 11, 2019 Business Meeting
- September 18, 2019 Work Session

**A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2019-11-13/R-5)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts summary minutes for meetings held on September 11 and 18, 2019.

This the 13th day of November, 2019.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council approves the summary minutes of past meetings which serve as official records of the meetings.



## TOWN OF CHAPEL HILL

### Town Council

#### Meeting Minutes - Draft

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

Mayor Pam Hemminger  
Mayor pro tem Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

Council Member Nancy Oates  
Council Member Michael Parker  
Council Member Rachel Schaevitz  
Council Member Karen Stegman

**Wednesday, September 11, 2019 7:00 PM RM 110 | Council Chamber**

#### Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

#### Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrner, Fire Inspector Donnie Morrissey, Communications Manager Catherine Lazorko, Planning Operations Manager Judy Johnson, Senior Planner Anya Grahm, Community Resilience Officer John Richardson, Principal Planner Corey Liles, and Assistant Town Clerk Christina Strauch.

#### OPENING

Mayor Hemminger opened the meeting at 7:00 p.m.

##### 0.01 Success Video: Summer Youth Employment Program. [\[19-0741\]](#)

The Council viewed a Celebrating Successes video about the Town's Summer Youth Employment Program, which is sponsored by a Community Development Block Grant and open to Chapel Hill and Carrboro residents who meet certain federal guidelines.

##### 0.02 Moment of Silence for September 11 Remembrance. [\[19-0742\]](#)

Mayor Hemminger noted the names of those who had lost their lives at the World Trade Center on September 11, 2001, which were listed on the Flag of Heroes.

##### 0.03 Mayor Statement Regarding Events in Hillsborough. [\[19-0743\]](#)

Mayor Hemminger said that a recent rally in Hillsborough had been deeply disturbing and that the Town Council was proud of those who had marched

#### Town Council

#### Meeting Minutes - Draft

September 11, 2019

against white supremacy. Chapel Hill wanted to be clear that there was no place for hatred or discrimination of any kind and that it was vitally important for all to stand against that, she said.

##### 0.04 Proclamation: 400th Anniversary of Slavery. [\[19-0744\]](#)

Council Member Buansi read a proclamation on the 400th Anniversary of Slavery. The proclamation explained how African Americans had performed hundreds of years of uncompensated work since first being brought to Virginia as slaves in 1619. It noted that segregation continued under the Jim Crow era and had prevented African Americans from fully participating in economic, political, and social life.

The proclamation stated that African Americans had overcome that adversity and helped to shape the Town, and Chapel Hill had made efforts to recognize their leadership and critical contributions. The Town proclaimed August 1, 2019 through July 31, 2020 to be a Year of Remembrance as the Town continued to work toward ending racism, healing society, and embracing efforts to win freedom and equality, Council Member Buansi said.

Anna Richards accepted the proclamation on behalf of the NAACP. She expressed gratitude to Chapel Hill, Carrboro, Orange County and the U.S. Congress for the recognition and said she hoped the Year of Remembrance would provide an opportunity for increased education, understanding and truth.

Ted Shaw, representing the UNC Center for Civil Rights, characterized the 400th Anniversary as a commemoration of the presence of people of African descent in the United States and their contributions to building the United States in so many ways. He confirmed with Mayor Hemminger that a series of events had been planned to remember and educate the community about the contributions that African Americans had made.

##### 0.05 Proclamation: Constitution Week. [\[19-0745\]](#)

Council Member Gu read a proclamation declaring the week of September 17 through 23, 2019 to be Constitution Week in the Town of Chapel Hill in order to commemorate the 231st anniversary of the U.S. Constitution's adoption. The Town Council was encouraging all to reaffirm the ideals of liberty, equity and justice by vigilantly protecting the freedoms that the Constitution guaranteed, she said.

Barbara Post received the proclamation on behalf of the Davie Poplar Chapter of the Daughters of the American Revolution (DAR). She provided information about the DAR and encouraged all to study the historical events that had led to the framing and signing of the Constitution in 1787.

0.06 Proclamation: Drive Electric Week. [\[19-0746\]](#)

Mayor Hemminger read a proclamation for Drive Electric Week (September 14-22, 2019) and said the Town would be participating in a nationwide effort to raise awareness of the benefits of electric vehicles. She emphasized the Town's commitment to upholding the Paris Climate Agreement and noted efforts to reduce greenhouse gas emissions.

Pamela Schultz, a member of the Stormwater Management Utility Advisory Board, commented on the convenience and cost benefits of electric cars and the importance of renewable energy.

**PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS**

Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions to Council webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.

0.07 Grubb Properties Request Regarding 137 E. Franklin Street & 136 E. Rosemary Street Limited Scope SUP. [\[19-0747\]](#)

A motion was made by Mayor pro tem Anderson, seconded by Council Member Bell, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

0.08 East Franklin Neighborhood Steering Committee & Neighbors Request Regarding Neighborhood Preservation. [\[19-0748\]](#)

Shelley DeFosset and Janet Smith, representing the Cobb Terrace/Tenney Circle neighborhood, asked that an anticipated task force on short-term rentals include a representative from their neighborhood and address student rentals.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

**ANNOUNCEMENTS BY COUNCIL MEMBERS**

0.09 Mayor pro tem Anderson Regarding New Podcast, Re-Collecting Chapel Hill. [\[19-0749\]](#)

Mayor pro tem Anderson, the Council's liaison to the Library Board, mentioned a new podcast called "Re-Collecting Chapel Hill", which was being co-hosted by Molly Luby and Denita Mason Hogans.

0.10 Mayor pro tem Anderson Regarding the Recording of Council Work Sessions and Council Committee on Economic Sustainability Meetings. [\[19-0750\]](#)

Mayor pro tem Anderson pointed out that Council work sessions and Economic Sustainability Committee meetings would be recorded and available on the Town's website.

0.11 Mayor Hemminger Regarding Charting Our Future Public Meeting. [\[19-0751\]](#)

Mayor Hemminger announced a Charting our Future public meeting on the Town's Future Land Use Map on September 12 at 5:30 p.m. at Extraordinary Ventures. There would also be a series of lunchtime sessions on September 12, 17 and 18 at the Carolina Co-working Space, she said. For more information, go to [Chartingourfuture.info](http://Chartingourfuture.info).

0.12 Mayor Hemminger Regarding Next Council Work Session. [\[19-0752\]](#)

Mayor Hemminger said that the next Council work session would be on September 18th at 6:30 p.m. in the Public Library and would address updates on connected communities, affordable housing sites, and technology.

0.13 Mayor Hemminger Regarding Two Items Pulled from Consent Agenda. [\[19-0753\]](#)

Mayor Hemminger noted that Items 6 and 7 had been removed from the Consent Agenda and would be addressed at a future Council meeting.

6. Amend Chapter 21 of the Code of Ordinances on Turn Regulations to Prohibit Right Turns on a Red Signal at Several Intersections. (Reissued from September 11, 2019) [\[19-0733\]](#)

This item was deferred.

7. Amend Chapter 21 of the Town Code of Ordinances for On-Street Parking Regulations in the Burch Kove Neighborhood. [\[19-0705\]](#)

This item was deferred.

**CONSENT**

Items of a routine nature will be placed on the Consent Agenda to be voted on in a block. Any item may be removed from the Consent Agenda by request of the Mayor or any Council Member.

*Approval of the Consent Agenda*

A motion was made by Mayor pro tem Anderson, seconded by Council Member Buansi, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[19-0729\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
2. Enact the Annual Budget Ordinance Amendment to Re-appropriate Funds for Prior Year Encumbrances and Other Commitments. [\[19-0730\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Award a Bid and Authorize the Town Manager to Execute a Contract for the Construction of Variable Message Sign Project. [\[19-0706\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Authorize the Town Manager to Negotiate and Execute a Sole Source Contract to Purchase Replacement Mobile Data Terminals for EZ Rider Transit Vehicles. [\[19-0731\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Award the Same Pay Increase Approved for all Employees to the Town Manager. [\[19-0732\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
8. Call a Public Hearing on October 30, 2019 for Amendments to Land Use Management Ordinance Sections 3.6.2 and 8.4 Pertaining to the Historic District. [\[19-0734\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
9. Recommend Appointment to the Chapel Hill/Orange County Visitors Bureau Board of Directors. [\[19-0735\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
10. Adopt Minutes from July 10, 2018, September 5 and 19, 2018, October 10, 17, and 24, 2018 and November 7 and 14, 2018 Meetings. [\[19-0736\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

**INFORMATION**

11. Receive Upcoming Public Hearing Items and Petition Status [\[19-0737\]](#)

List.

This item was received as presented.

**DISCUSSION**

12. Consider Endorsing a Public Engagement Process and Create a Task Force for a Text Amendment Addressing Short Term Rentals (STRs). [\[19-0738\]](#)

Senior Planner Anya Grahm explained that Resolution 8 would endorse a public engagement process and create a task force to work on a text amendment to address short-term rentals (STRs). She made recommendations regarding the task force and said that next steps after Council approval would include opening an online application process from September 12-24 and having staff check-in with Council on November 18, 2019.

Council members clarified with Ms. Grahm that efforts would be made to have a variety of interests represented on the task force and that staff had been discussing issues related to applicants with Town boards. The Council confirmed that STRs would have to conform to both Homeowner Association and Town regulations, and they talked about the timeline and goals for each meeting. Council members confirmed with Ms. Grahm that the Planning Department would lead the effort but that guest speakers from other Town departments might participate as well.

The Council asked that the task force have a clear schedule with specific deadlines. Council members agreed that it would be wise to divide STR issues into three categories: room rental in a home, owner occupied/occasional rental, and investor owned rentals.

Mayor Hemminger pointed out that noise, trash, and parking incidents would not be part of the task force's charge because those would take a criminal path. There would need to be a series of public hearings if the Council wanted to change those from criminal to civil offenses, she pointed out.

Some Council members proposed that the task force include representatives from the Historic District Commission, and Visitors Bureau, and they confirmed with Ms. Grahm that the Transportation and Connectivity Advisory Board, if included, could address on-street parking, traffic issues, and identify strangers in the neighborhood with out-of-state license plates.

Mayor Hemminger confirmed with Town Attorney Ralph Karpinos that a new ordinance creating a category for STRs of 30 days or less might make other ordinances irrelevant but those ordinances would not need to remove those.

Mayor Hemminger proposed forming a Council subcommittee to go over applications with her to make sure that there was a balance of perspectives before bringing a recommended list to the full Council.

Alexon Nota, a Chapel Hill resident and President of the Short Term Rental Alliance, expressed support for the task force and said that any discussion about student rentals deserved a separate dedicated effort.

Chapel Hill residents Eric Plow and David Hartman described their individual experiences with renting out their homes and explained the benefits of allowing STRs. Mr. Plow said that Airbnbs collected occupancy taxes from guests and sent it to the Town. Mr. Hartman talked about his need for the rental income.

Katie Loois, representing Chapel Hill-Carrboro Chamber of Commerce, hoteliers, and CHALT (Chapel Hill Alliance for a Livable Town), stressed the importance of giving the task force a clear focus, streamlining the process, and expediting the schedule.

Harvey Krasny, a Chapel Hill resident, spoke about the negative effects of STRs on hotels and said that the City of Raleigh did not allow them. STRs could raise the tax valuation of other homes in the neighborhood, he said, adding that hotels, homeowners, the Town, and the state would all lose if STRs were allowed.

Mary Stowe, a Stormwater Management Utility Advisory Board member who periodically rents out her home, spoke about the positive aspects of STRs. She said that hoteliers should adapt to competition by changing the way they do business.

Shelley DeFosset, a Chapel Hill resident, said that addressing what happens within the Historic District was not part of HDC tasks. HDC members would not represent STR issues unless they lived in a district that had STRs, she said.

The Council agreed to limit the task force's scope to a focus on investor-owned homes only. The task force should focus on defining goals, enforcing laws, ensuring health and safety, and making sure that appropriate taxes were being paid, the Council said. Council members stressed the importance of getting community input and of making sure that staff and task force time was being used narrowly and efficiently.

Council members agreed that the task force should provide clear deadlines and that Rebecca Badgett should provide options for the task force to consider. Council Member Buansi suggested adding two alternates to the task force and that the task force review its proposed STR regulations as a last step before sending a report to the Council.

Council Member Oates suggested adding "accessory dwellings" to the task

force's charge. She said that the previous Council's goal, when approving those, had been to increase affordable housing and that STRs would undercut that purpose.

Council Member Bell said that the previous Council, of which she had been a member, had not defined how affordability was created when it approved accessory dwelling units. The Council had discussed how allowing those units would let people bring in family members, which would create extra income, she said.

Council Member Oates argued that STRs would take opportunities away from people who might want to live in Chapel Hill because homeowners would make more money with STRs.

Mayor Hemminger confirmed that the Council's consensus was to not regulate accessory dwelling units. Mayor pro tem Anderson said that allowing STRs would contribute to affordable housing by enabling people to stay in their homes.

Council Member Oates replied that the highest percentage of accessory units were in fairly well-off neighborhoods and that allowing STRs would impact affordable housing.

Council Member Parker proposed that the task force address less controversial issues first and that the Council decide later on whether it wanted the task force to address accessory dwelling units as well.

The Council generally agreed with that suggestion and recommended that the task force address only the third category (investor-owned rentals).

Mayor Hemminger verified that the Council wanted to reduce the number of advisory board champions to three and remove the Historic District Commission member. They decided to increase the number of community members at large from two to four and to add two alternates. They also recommended defining the three categories of STRs in the "BE IT FURTHER RESOLVED" paragraph, and made other minor edits and additions.

Council Members Stegman, Buansi and Parker volunteered to be on the Council subcommittee.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-8 be adopted as amended. The motion carried by the following vote:

**Aye:** 8 - Mayor Hemminger, Mayor pro tem Anderson, Council Member Bell, Council Member Buansi, Council Member Gu, Council Member Parker, Council Member Stegman, and Council Member Schaevitz

**Nay:** 1 - Council Member Oates

### CONCEPT PLAN REVIEW(S)

Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

As a courtesy to others, a person speaking on an agenda item is normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.

#### 13. Concept Plan Review: Wegmans Food Market and SECU Street Connection (Project #19-089).

[\[19-0739\]](#)

Planning Operations Manager Judy Johnson gave a PowerPoint presentation on a concept plan related to a Special Use Permit (SUP) modification regarding road improvements between Wegmans Food Market and the State Employee Credit Union (SECU).

Ms. Johnson provided background on Wegmans's original SUP application to build a 130,000 square-foot building with 750 parking spaces, which the Council had approved in October 2017. The concept plan currently before the Council proposed a shared access using a portion of SECU property and changes to a service road, she said. Ms. Johnson showed the location on a map and recommended that the Council adopt Resolution 9, transmitting its comments to the applicant.

Council Member Parker confirmed with Ms. Johnson that the NC Department of Transportation had agreed to accept the new construction and would be responsible for road maintenance.

Justin Brown, an engineer with Pennoni Associates, gave a PowerPoint presentation regarding the Wegmans project. He compared the proposed access and traffic circulation plan to the one proposed in 2017 and indicated where truck delivery access would go to in the rear of the building.

Council members confirmed with Mr. Brown that HNTB was doing a traffic impact analysis (TIA) of the area. In response to Council questions, Mr.

Brown indicated where a five-foot sidewalk and a multi-use path would be constructed. He said that the SECU had no current plans to develop anything on its site.

Ms. Johnson pointed out that the plan before the Council did not require approval of any project in an SECU "donut area" but that the TIA would include potentials. She agreed to check with HNTB about trip generation from that parcel.

Council Member Gu asked about traffic management at the intersection between Eastowne and the proposed new connection. Mr. Brown said that a proposed crosswalk enhancement would be built across Highway 15-501 and on three legs of the intersection. He pointed out that the TIA would analyze pedestrian crossings in the context of everything that was under construction or in the planning stages of the area.

Mayor Hemminger said that the agreement with SECU would allow much better movement and would help to protect the neighborhoods.

Ms. Johnson confirmed with the Council that it was amenable to staff returning with a limited scope in October. That staff report would focus on the change being presented not the entire project, she said.

A motion was made by Council Member Bell, seconded by Council Member Stegman, that R-9 be adopted. The motion carried by a unanimous vote.

#### 14. Concept Plan Review: 1751 Dobbins Drive Office Building (Project #19-023).

[\[19-0740\]](#)

Ms. Johnson explained that the Community Design Commission had reviewed the application in March, but it was currently before the Council because the applicant was requesting that the site be conditionally rezoned from Residential 4 to Office/Institutional 2. She noted that the applicant had been unable to secure a cross-access agreement with an adjoining property but said that a connection would be indicated on the plan for future possibilities. Ms. Johnson recommended that the Council adopt Resolution 10, transmitting its comments to the applicant.

Mayor Hemminger pointed out that a public hearing in November would address a possible text amendment to Conditional Zoning regarding small concept plans.

Council Member Oates asked if commercial trucks would come in to pick up trash, and Ms. Johnson replied that staff had not yet reviewed such plans.

Aaron Frank, a land planner with Womble Bond Dickinson, spoke on behalf of applicants Shaw Design and Jim Miller. He gave a PowerPoint review of the concept plan, showing that the Office Institutional 2 zoning district extended to the site's property line. The property was surrounded by apartments and office buildings and the proposal would achieve the mixed

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use/office land use for the area that had been outlined in the Town's Comprehensive Plan, he said.

Mr. Frank discussed how the applicant had not been able to secure secondary access from nearby apartments. He noted several design challenges, and said that the applicant was making an effort to meet the intent of buffers regulations without meeting the exact width because of the narrow site.

Council members asked about the feasibility of moving a 2,000 square-foot brick house to another location. They discussed the proposed process for trash collection, the width of buffers, and the feasibility of adding building height to compensate for the narrow site.

Mr. Krasny raised concerns about increased traffic on Dobbins Drive. He said that 15 parking spaces was not too bad, but urged the Council to permanently cap parking at that number.

Council members emphasized the importance of green design, including EV charging stations. They asked the applicant to look into a better plan for trash collection and confirmed that the number of parking spaces would be tied to the conditional zoning permit. Council Member Buansi offered a friendly amendment to omit a reference to the Housing Advisory Board that had been inadvertently put in Resolution 10.

Mr. Frank said that there would be a dedicated pad for street-side trash pickup by a private company, but Mayor Hemminger strongly encouraged the applicant to look at other locations, such as the back of the parking lot for trash collection and pickup. Mr. Frank agreed to look into other options.

A motion was made by Council Member Bell, seconded by Mayor pro tem Anderson, that R-10 be adopted. The motion carried by a unanimous vote.

#### **REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS**

A motion was made by Council Member Parker, seconded by Council Member Buansi, that the Council enter into closed session as authorized by General Statute Section 143-318.11(a)(3). The motion carried by a unanimous vote.

#### **ADJOURNMENT**

The meeting was recessed at 10:12 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session.



## TOWN OF CHAPEL HILL

### Town Council

#### Meeting Minutes - Draft

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

Mayor Pam Hemminger  
Mayor pro tem Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

Council Member Nancy Oates  
Council Member Michael Parker  
Council Member Rachel Schaevitz  
Council Member Karen Stegman

**Wednesday, September 18, 2019      6:30 PM      Library Meeting Room B**

#### Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

#### Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Housing and Community Executive Director Loryn Clark, Housing and Community Assistant Director Sarah Viñas, Community Connections Coordinator Megan Peters, Affordable Housing Manager Nate Broman-Fulks, Affordable Housing Development Officer Emily Holt, Police Officer Rick Fahrner, Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

#### OPENING

Mayor Hemminger welcomed everyone to the Town's work session which opened at 6:32 p.m.

Mayor Hemminger gave a friendly reminder that the work session was being videotaped and mentioned the set-up was a work in progress. She said future adjustments could be made as needed.

#### ANNOUNCEMENTS

Mayor Hemminger said there would be a Weavers Crossing Project community meeting held September 19th at 5:30 p.m. at the Chapel Hill Public Library, Room A. A short-term rental open house for next Monday, September 23rd from 5:30 p.m. to 7:30 p.m. will be held at the Seymour Senior Center.

Mayor Hemminger mentioned the Town was forming a short-term rental task force to look at how to address whole house or whole-unit rentals. Applications are being accepted through September 24 and information can be found on the Town's website.

#### Town Council

#### Meeting Minutes - Draft

September 18, 2019

Mayor Hemminger mentioned Chapel Hill celebrating its 200th birthday as a town with various installments such as walking events, trivia nights, and other activities. She mentioned other events could be found on the Town's 2018/2019 Event's webpage.

An update to UNC's Campus Master Plan and Eastowne's Master Plan development process will take place at the next Council meeting scheduled for Wednesday, September 25th at 7 p.m. at Town Hall.

Mayor Hemminger said the State of the Community meeting would be held on September 19th at 7:30 a.m. at the Friday Center.

Mayor Hemminger mentioned that Presidential Candidate Bernie Sanders will be in Chapel Hill on September 19th, and said she invited him to the Good Neighbor Cookout Event.

#### AGENDA ITEMS

##### 1. Presentation: Overview of Technology in the Town.

[\[19-0754\]](#)

Scott Clark, Executive Director of Technology Solutions, provided an overview of what technology solutions (TS) is working on throughout the Town. Mr. Clark said that the purpose of TS is to provide technology to the various departments throughout the Town, digital solutions, and to provide help with the functions they provide to citizens, helping to support and promote both the public and businesses.

Mr. Clark informed the Council that his presentation would detail six components: data centers, workspaces, security, construction projects, digital transformation, and smart cities.

#### Data Centers

Mr. Clark mentioned that the Town operates three independent data centers throughout the Town. They provide cloud services, which is a vendor provided service that enables the Town to spread things out as much as possible for added security and backup. Mr. Clark said that this provides the Town the ability to operate from different locations if needed. Additionally, the Town provides Wi-Fi by fiber loop to its buildings which allows one end to remain connected if the other side loses connection. Mr. Clark provided an illustration of both equipment and connectivity offered by TS to the Town.

#### Workspaces

Technology Solutions provides a variety of workspaces for both the staff and public. This allows staff to work at the front-end and provides the items necessary for cash management such as credit card payments, security, and the ability to capture personally identifiable information that citizens have to provide in order to use the services.

Mr. Clark mentioned that TS provides the connectivity needed by police officers to access the Bureau of Motor Vehicles and the Criminal Justice Information System and provides connectivity for the Fire Department to have access to the 911 center and dispatch throughout the county. Additionally, they provide needed information on buildings and various routes throughout the buildings for Fire Department personnel. Other supported workspaces include: the transit department - for their demand response, security, and the Wi-Fi offered at major stops; public works - for their vehicle maintenance, dispatching through the SeeClickFix system, and automated vehicle locations.

Mr. Clark said that as construction projects come about, TS provides secured and appropriate connectivity for those projects.

### **Security**

Mr. Clark spoke on the topic of security and said this is a top priority for TS. The security offered by the Town is a multilayered approach starting with an awareness that staff is provided training to understand the dangers of phishing and inconsistencies in emails. Mr. Clark said the Town uses a process called least-privileged access, limiting access only to information needed for a person to perform their duties; thereby, limiting potential problems only to the spaces accessible and not the whole system. He said vendor management and risk management are also performed by the Town ensuring all vendors follow required compliance rules. Mr. Clark explained that the Town does have business continuity plans in place to help correct technological issues and informed the Council that all backups are stored offline so they are kept isolated for a good start-up point.

Mr. Clark mentioned that October will be cyber-awareness month and said the Town will be working with the public on the cyber-awareness program. He informed the Council that last year, the Town had 125 million probes and peaks at its firewall. The Town maintains 1,077 mailboxes with 750 users, and in a span of 30 days, there are roughly 490,000 emails with 197,918 allowed through, 288,797 blocked, and 8,039 quarantined for review. The Town works with state and federal agencies and others to make sure the firewall on the Town's systems are kept up-to-date to prevent bad things from getting through.

### **Construction**

Mr. Clark said that TS works with the Planning Department on use of the GIS geospatial system which enables individuals to monitor projects interactively. Additionally, the engineering division of the Public Works department and the road maintenance team both work with Google to perform shallow depths at worksites for a cleaner, faster, and a less destructive method of installing ribbon fiber within the Town.

### **Digital Transformation**

Mr. Clark explained that digital transformation involves a strategy for rolling out systems to the various departments and mentioned there are two components involved: Intersystem Operability and Data Governance. Currently, there are projects going on with every department in the Town, from websites and upgrades to developmental services.

Mr. Clark mentioned four points that TS looks at for new systems.

- Cybersecurity and Risk Avoidance
- Project Partnerships
- Resilience Cost Sustainability, Upgrades
- Regional Partnerships

Mr. Clark explained the details of various projects completed by TS; the Hive program for internal services, the geospatial system currently being piloted with the emergency management department, and support for the emergency operations center.

### **Smart Cities**

Mr. Clark said the Town is looking to prepare for the future. He said that Chapel Hill is one of AT&T's Spotlight cities, and as a partner city, AT&T has provided the Town with pilot equipment to try a variety of setups. Areas of concern noted were, parking and pedestrian traffic so these would be highlighted as focus areas for the Town and AT&T.

Among the various setups performed, Mr. Clark addressed the utilization of optics for parking management. He said the Town found problems when using optics, as the landscape blocked parking visuals, and the telephone poles are owned by Duke Energy. He said the Town is hoping to use sensor docks and attachments in the future. Mr. Clark said the use of traffic analysis cameras have been a success for the Town, and an array-of-things, sensor cluster will soon be implemented.

The following outreach efforts were discussed.

- Smart City Outreach - Working with Carrboro and Chapel Hill students on their Next Tech Showcase
- Code for Chapel Hill - Civic Hack-A-Thon Pitches
- Town's First Annual Recycling Program partnered with the Kramden Institute and the University Mall.

### **Council Questions**

Council Member Stegman asked about the data that the Town is collecting and wanted to know if there is training, support or education on how to

use it or what to do with it. Mr. Clark said there is a data analytics group that went through an inventory of the systems and categorized all the data that was being collected. He said they work with the departments under the data governance plan about what can be done with the data and how it can be secured.

Council Member Oates asked about messages from Barracuda and asked if they could be deleted automatically or if the user had to open the email, access management, and then delete. Mr. Clark said that these messages could be deleted.

Council Member Oates asked for more information about the photos of the on-street sensors and images. Mr. Clark said that the photo was of public works attaching an analytics camera to determine the count of everything within its field of view: cars, a truck, a person or bicycle. Information captured on the camera is not recorded anywhere.

Council Member Parker asked what level of collaboration exists and would it be more efficient to collaborate with lots of other places to do things collectively. Mr. Clark said the Town is currently working with all of the municipalities in the Research Triangle area and the County to improve what we get as far as data for GIS systems.

Council Member Parker asked if the Town periodically reviews what is being used and not being used to manage investments, resources, imaging our portfolio IT assets. Mr. Clark said there is an inventory of systems of what is being used and how much money is spent on the system. This is an on-going effort and will be tied into the five-year plan that is being worked on for budgeting.

Council Member Buansi asked about the shelf life of the underground fiber cables, their maintenance needs, and how often replacement will be needed. Mr. Clark said that the underground fiber cables have a very long life expectancy. There is a maintenance budget along with insurance and if fiber is accidentally cut by a developer, the Town will work with the developer to repair it. Mr. Clark said most traffic cameras are owned by DOT and they have the maintenance plan on them. Those do need replacing more often than the fiber cables.

Council Member Gu spoke on open data. She said from her experiences she has the impression that it is being updated less frequently than in past years and asked if there had been a change in the policy. Mr. Clark said that each one of the data sets is supposed to have been updated on a schedule. He said some have not been updated within the specific time frames. He said the staff and open-data crew will be looking at that.

Council Member Gu asked about the digitalization of Town services and said she has attempted to access forms and applications and they seem to be dated. Mr. Clark said the Town is working with different

departments on the processes and what is needed to correct processes. He said the belief is that this will lead to a better system for the folks who use the services.

Council Member Gu said it is important to update the interface with people and said she would like some type of timeframe on when this would occur. Mr. Jones said part of that will depend on the budget because of the significant costs associated with updating systems. This will be part of the five-year budget strategies discussion to identify the cost and then there will be a discussion with Council.

## 2. Receive Update on Building Integrated Communities Initiative and Provide Input on Draft Language Access Plan. [\[19-0755\]](#)

Sarah Viñas, Housing and Community Assistant Director, highlighted that her presentation would contain two parts: A brief update on the Building Integrated Communities (BIC) Initiatives and an overview of the Proposed Language Access Plan. She said that staff was asking for the Council's input on the draft Language Access Plan and the components of the plans listed in the PowerPoint.

Ms. Viñas said the department's focus is on immigrant and refugee engagement and the development of a Language Access Plan (LAP) aligns with Council's Vibrant and Inclusive goal as well as the Community Connection Strategy and the New Strategic Plan goal. She said the department's work in the area is a key way for the Town to facilitate further engagement with residents with language barriers. As a reminder, she said the BIC Initiatives is a statewide community planning effort out of UNC Chapel Hill that works with local governments across the state to help facilitate and engage with foreign-born residents to improve relationships, enhance communications, and develop leadership.

Ms. Viñas said that the department has developed a BIC action plan outlining five key areas for the Town to focus on to better serve and connect with refugee and immigrant residents. These key areas are: Public transportation, Housing, Public Safety, Law Enforcement, Leadership, and Government Communication. Ms. Viñas noted that a detailed timeline for implementation was included on page 80 and 81 of the Council's packet.

A main area of focus highlighted by Ms. Viñas was making Town meetings more accessible. She said the Town provides language interpretation for Council meetings and that the Town has purchased interpretation equipment for future use. In working with Communications and Public Affairs, she said another area of focus was the development of multilingual emergency messages for use during critical situations. She said that the department had recently received a grant from Duke in support of the Town's emergency multilingual communications.

Other initiatives included The Chapel Hill Library for their recently added world language collection, the police department for their extensive outreach to Latino residents in hosting Know Your Rights and ID events, the variety of Town held festivals and events to support building relationships with immigrant and refugee focused organizations, and the improvement of signage at Town Hall and other Town facilities.

Dr. Hannah Gill, Associate Director of the Institute for the Study of America, UNC Chapel Hill and Principal Investigator for the BIC Initiative, provided a brief overview of the Language Access Plan. Dr. Gill said that her team at UNC works with many municipalities across the state and the partnership with Chapel Hill has been one of the most productive due to the Town's commitment to its goals. She said she was looking for the Council's feedback on a very critical aspect of the action plan, language access.

Dr. Gill said the language access plan establishes policies and procedures ensuring limited English proficient (LEP) residents the ability to communicate with the Town in their preferred language, complied with federal requirements, aligns with the Town's values, and responds to the highest priority of immigrant and refugee residents.

Megan Peters, Community Connections Coordinator, said that several Town departments received federal funding and are taking steps on an ad-hoc basis towards language access. She said one of the benefits of the proposed Language Access plan is that it will be performed Town-wide to streamline language access across all departments. The proposed plan will involve three key components:

#### **Needs Assessment**

- Several departments have frequent contact with residents that are limited English proficient and the Town provides many vital services that are important to an individual's daily quality of life.
- There are currently existing resources within the FY20 budget.
- In communications with over 250 residents, there is an interest in language accessibility.

#### **Policies and Procedures**

- Proposal for the Town provide interpretation and translation services free of charge.
- Proposal that the Town use a variety of methods to notify residents of the services.
- Proposal for the Town to offer language service training with a pay incentive to bilingual employees who speak detailed primary languages with a 2.5 percent annual pay incentive.

#### **What's Next**

- Continue to develop LAP based on Council and community input.

- Present the revised LEP to Council for consideration by end of the year.

#### **Council Questions**

Council Member Parker asked if the staff should link the need for bilingual and trilingual employees when recruiting. Ms. Viñas replied that this is one of the strategies in the BIC action plan but is not something that is specifically highlighted in the language plan.

Council Member Buansi asked if there was any way to capture the number of folks who were requesting certain languages. Ms. Viñas said that they do have the data and that the number was detailed in the PowerPoint presentation with the number of Facebook views.

Council Member Buansi said he wanted to know if there was a way to further investigate these numbers. Ms. Viñas replied that the refugee and immigrant populations use different technology tools to communicate among their language groups. She said some messages are pushed out through agency partners and recommended gathering the number information from the partners.

Council Member Oates asked if this would start in July 2020 or the budget year. Ms. Viñas said they are proposing to come back before the end of the calendar year. The staff is asking for the pay incentive to be considered in the budget process for a rollout next fiscal year. Ms. Viñas said there are resources within the housing and community's budget for BIC implementation and if Council agrees then we would use the money put aside for BIC implementation for that purpose.

Council Member Schaevitz asked about the potential to use communication feeds for other messages such as, emergencies, land-use plans, and festivals. Ms. Viñas said the hope is to start with the vital documents and then building it out.

Council Member Schaevitz recommended saving time and resources by creating videos language free and then dubbing the needed language onto the video. Ms. Viñas said this aligns with the Town's interest in using more plain language.

Council Member Stegman said she wanted to see how the different programs connect and a big picture view on how the Town is working towards their aspirations. Ms. Viñas said that the overarching strategy that gets at what Council Member Stegman is referring to is the Communications Strategy which includes racial equity work and the BIC strategies. She said it has been revisited based on the Council's feedback and the department has made its focus on community engagement.

Council Member Gu said she has an interest in providing more targeted services and would like to know how this can be accomplished. Ms. Viñas

said there was a survey done with Town departments to determine how frequently they get requests for language services and which languages are requested. She said there is not a ton of historical data, but is something that is being worked on.

Mayor Hemminger asked if there has been any thought into updating the website and the Connect app with the resources available. Ms. Viñas said that this will be part of the website redesign and mentioned a translate feature that will be added.

### 3. Discuss Affordable Housing Prioritized Sites Analysis.

[19-0756]

Nate Broman-Fulks, Affordable Housing Manager, said he would continue a conversation on the three Town-owned sites that were being prioritized for housing development. He said staff would like Council's feedback and guidance on the next steps for how to move forward with the proposed sites and pathways.

As a brief background, Mr. Broman-Fulks said that utilizing Town-owned land for AH development has been a key policy of the Town. The AH strategy was approved in 2013 and outlined this topic as a key strategy. Additionally, the use of Town-owned land was recently listed as a key initiative in the Council's strategic goals and objectives for the coming years.

Mr. Broman-Fulks said that in June 2019, the Council prioritized three Town-owned parcels for AH development: Jay Street, Bennett Road, and Dogwood Acres Drive. He said his department has followed a three-step process by identifying sites, analyzing development potential, and design and implement - developing a planning process for the sites.

To help create a report for analyzing the development potential, staff procured a local engineering team to help explore if residential construction was feasible on the proposed sites, the number of units possible, and what housing types were possible. The following was determined in the feasibility analysis:

#### Jay Street

50 homes / apartments and duplex homes / steep terrain limiting the footprint

#### Bennett's Road

60+ homes / townhomes and apartment homes / steep slopes with development challenges.

#### Dogwood Acres Drive

100+ homes on North parcel / 70+ homes on the South parcel / townhomes and apartment homes / possible LIHTC property.

Emily Holt, Affordable Housing Development Officer, summarized two

pathway the Town could consider when moving forward with development. She noted that both pathways involve bringing on a development partner.

- Pathway 1 - The Town leads the initial planning and vision for the site and then bringing in a development partner to finance and implement division; and
- Pathway 2 - The Town would bring in a partner in right away having them transition as the leader of that plan and vision process from the beginning.

Ms. Holt noted that community and stakeholder engagement is a key factor in both pathways and plays a big role in shaping the vision regardless of the choice.

Staff provided the following recommendations:

#### Jay Street - Pathway 2

- Project has lower yield for staff investment.
- Project similar to surrounding area.
- Smaller usable footprint has potential to deliver homes faster.

#### Bennett Road - Pathway 1

- Consider community discussion on desired number of units on site.
- May want high-level of Town control and visibility in early stages of planning.

#### Dogwood Acres Drive - additional analysis

- Large contribution toward Town's affordable housing needs.
- Project changes use of site.
- Impact on existing community benefits on site.

Ms. Holt highlighted the proposed initial next steps for all three properties. She said staff was seeking Council's guidance on next steps and proposed pathways.

### Council Questions

Council Member Parker commented and said he likes the approach but wanted to know if the timeline could be performed faster. Mr. Broman-Fulks said the timeline was created based on staff's experience on Homestead Road and the knowledge of the existing development review process. If Council would like staff to look into a more expedited process for one or more of the projects, this is something staff could do.

Mayor Hemminger asked about Jay Street and asked if staff was thinking a RFQ or separate lots. Ms. Holt replied that the feasibility analysis identified the two in the middle too steep for a building, but a good place to bring in water and sewer.

Council Member Stegman referred to Council Member Parker's comment about the timeline and said there should be a created sense of urgency. Council Member Bell said she agrees with Council Member Stegman and feels that should be a Council policy decision and not something for staff to consider. She said Jay Street didn't meet the smell test on her side of the table and said she doesn't want it to feel like we are not having a consistent conversation about how to think about AH development as a policy.

Council Member Oates asked if Dogwood Acres and Bennett Road are in the swath of land that was supposed to be preserved to offset the high density of Southern Village. Mr. Karpinos said the property on Bennett Road was donated to the Town as a gift as open space. The property on Southern Village was a park so there was no issue about changing the density. It was not factored into the density, it was condensed.

Council Member Gu asked about transit and asked if transit was a consideration in how these sites would be connected with the rest of Town. Mr. Fulks said proximity to bus stops was one of the key criteria used.

Mayor Hemminger asked Council if they were ready to move ahead with trying to find a process for Jay Street. There was a consensus.

Mayor Hemminger asked if the Council was good with the other two after more analysis. There was a consensus.

#### **Public Comment**

Dolores Bailey expressed her thanks for moving ahead on this. She said her real concern is about the folks living in the mobile homes and again thanked the staff for looking into the three lots.

#### **ADJOURNMENT**

The meeting was adjourned at 8:36 p.m.



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

**Item #:** 7., **File #:** [19-0936], **Version:** 1

**Meeting Date:** 11/13/2019

### Receive Upcoming Public Hearing Items and Petition Status List.

**Staff:**

Sabrina Oliver, Director and Town Clerk  
Amy Harvey, Deputy Town Clerk

**Department:**

Communications and Public Affairs



**Recommendation(s):**

That the Council accept the reports as presented.

**Background:**

Two pages on our website have been created to track:

- public hearings scheduled for upcoming Council meetings; and
- petitions received, including their status and who you can call for information.

The goal is to provide, in easily available spaces, information that allows people to know when Council will be seeking their comments on a particular topic of development and to know the status of a petition submitted at Council meetings.

In addition to being on the website, these pages will be included in each agenda for Council information,

**Fiscal Impact/Resources:** Staff time was allocated to create the semi-automated web pages, and additional staff time will be needed for maintenance.



**Attachments:**

- Scheduled Public Hearings <<http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/scheduled-agenda-items>>
- Status of Petitions to Council <<http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/petition-status>>

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By accepting the report, the Council acknowledges receipt of the Scheduled Public Hearings and Status of Petitions to Council lists.

## Scheduled Public Hearings

This webpage lists public hearings that are scheduled for a *specific Council meeting date*, although periodically, some may be continued to a future date. Public hearings may relate to the Land Use Management Ordinance (LUMO), Residential or Commercial Development, Budget, Transportation, or Housing issues. Meeting materials are posted at [Council Meeting Agendas, Minutes and Videos](#).

Interested in a development project not yet scheduled for Council review? See the [Development Activity Report](#) for the project's current status.

November 13

- Initial Public Forum: [Housing and Community Development Needs for 2020 2025 Orange County HOME Consortium Consolidated Plan and Use of 2020 2021 Community Development Block Grant Funds](#)
- Consider an Application for Conditional Rezoning at [1751 Dobbins Dr.](#) from Residential 4 (R-4) to Office Institutional 2 Conditional Zoning (OI- 2-CZ)
- Consider an Application for [Wegmans- SECU Street Connection](#), Commercial - Retail Development, 1820 Fordham Blvd.
- Open the Public Hearing for Amendments to Land Use Management Ordinance Articles 3, 4, and 6 Pertaining to Conditional Zoning
- Concept Plan Review: [West Rosemary Street Hotel](#) (Project #19-107)
- Concept Plan Review: [Charterwood](#) (Project #19-111)

November 20

- Consider Amendments to Land Use Management Ordinance [Sections 3.6.2 and 8.4](#) Pertaining to the Historic District.
- Open the Public Hearing and Consider Action on a Petition for Annexation of Properties at Sunrise Road and Ginger Road.

January 8

- Open the Public Hearing; Land Use Management Ordinance Text Amendment for [Blue Hill Massing and Permeability](#)

# STATUS OF PETITIONS TO COUNCIL

Petitions submitted during the Town Council meetings are added to the list below, typically within five business days of the meeting date.

To contact the department responsible, click on the department name. Meeting materials are posted at [Council Meetings, Agendas, Minutes and Videos](#).

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
10/30/2019	Chapel Hill Public Library Advisory Board	<a href="#">Request Regarding Library Fines</a>	<a href="#">Library Susan Brown</a> , Library Director Phone: 919-969-2034 <a href="#">Business Management Amy Oland</a> , Business Management Director Phone: 919-969-5017	Staff is preparing information to respond to this request.
10/30/2019	Julie McClintock	<a href="#">Regarding MPO Plans for 15-501</a>	<a href="#">Planning &amp; Development Services Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
10/02/2019	Susan Smith	<a href="#">Request Regarding Advisory Board Vote Policy.</a>	<a href="#">Planning &amp; Development Services Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	At their 10/30/19 meeting, the Council opened a public hearing that includes a proposed text amendment to clarify Historic District Commission voting procedures. The Council will consider taking action on 11/20/19.
10/02/2019	Parks, Greenways, and Recreation Commission	<a href="#">Request to Permit Current Commission Officers to Serve an Additional Year and a Recommendation to Change the Policy.</a>	<a href="#">Communications &amp; Public Affairs Sabrina Oliver</a> , Communications & Public Affairs Director Phone: 919-968-2757	At a regular meeting in November, the Council will consider amending the Advisory Board Membership Policy to adjust term limitations for advisory board officers.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
10/02/2019	Daniel Dunn	<a href="#">Request Regarding Government Transparency.</a>	Technology Solutions <a href="#">Scott Clark</a> , CIO Phone: 919-968-2735 Communications & Public Affairs <a href="#">Sabrina Oliver</a> , Communications & Public Affairs Director Phone: 919-968-2757	Staff is preparing information to respond to this request.
10/02/2019	Parks, Greenways, and Recreation Commission	<a href="#">Request to Reconsider the Designation of a Cemetery Champion Seat on the Commission.</a>	Communications & Public Affairs <a href="#">Sabrina Oliver</a> , Communications & Public Affairs Director Phone: 919-968-2757	Staff is preparing information to respond to this request.
09/25/2019	Chapel Hill Downtown Partnership	<a href="#">Request Regarding Franklin Street Restriping.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078 Public Works <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Staff shared information with the Council at the Council's 10/16/19 work session. Staff will request scopes and cost estimates from engineering firms to complete a traffic analysis and prepare design alternatives prior to NCDOT's April 1, 2020 deadline.
09/11/2019	East Franklin Neighborhood Steering Committee & Neighbors	<a href="#">Request Regarding Neighborhood Preservation.</a>	Police <a href="#">Chris Blue</a> , Police Chief Phone: 919-968-2766 Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
06/26/2019	Community Design Commission	<a href="#">Request for Modifications to the Concept Plan Review Process.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	At their 10/04/19 meeting, the Council Committee on Economic Sustainability received a staff update on the response to this request.
06/26/2019	Julie McClintock	<a href="#">Request Regarding the Blue Hill Form Based Code.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
06/26/2019	Burwell Ware	<a href="#">Request to Place a Moratorium on the Construction of New Fast-Food Drive-Throughs Until Future Town Councils Decide to Repeal the Moratorium.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
06/26/2019	Community Design Commission	<a href="#">Request to Authorize the CDC to Create and Facilitate a Chapel Hill Design Award Program.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	At their 10/04/19 meeting, the Council Committee on Economic Sustainability received a staff update on the response to this request.
05/08/2019	Rebecca Ceresse	<a href="#">Regarding Resolution in Support of HR1384.</a>	Town Manager <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707 Mayor <a href="#">Pam Hemminger</a> , Mayor Phone: 919-968-2714	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
04/24/2019	Cobb Terrace Residents	<a href="#">Petition Regarding Rooming Houses in the R-3 Zoning Districts.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff shared some preliminary information with the Council at the 06/07/19 Council Committee on Economic Sustainability meeting.
04/24/2019	Board of Adjustment	<a href="#">Request Regarding Neighborhood Conservation District Ordinances.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
04/17/2019	Amy Ryan for Planning Commission	<a href="#">Commission Regarding Site Plan Review Process.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
03/20/2019	Cheri Hardman	<a href="#">Request to Explore Local Control over Transit Planning and Funding.</a>	Transit <a href="#">Brian Litchfield</a> , Transit Director Phone: 919-969-4908	The public comment period for the FY20 Work Plan closed 05/30/19. The Town also submitted a funding request for North South BRT project from the Orange County Transit Plan; all of the governing bodies (Orange County, GoTriangle, and DCHC MPO) approved it.
03/06/2019	Environmental Stewardship Advisory Board	<a href="#">Request to Modify the Blue Hill Form Based Code to Include a Requirement for Installing Roof-Mounted Solar Energy Systems</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078 Town Manager <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	As discussed at the 04/24/19 Council meeting, staff will develop options aimed at achieving the Council's energy efficiency goals for new development.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
02/13/2019	Citizens	<a href="#">Request Regarding Coal Use and Coal Ash.</a>	<b>Town Manager</b> <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	The Town plans to fund interim remedial measures based on recommendations from the human health and ecological risk assessment performed at the coal ash site. The Town continues to monitor NC Division of Air Quality's review of the power plant permit.
02/13/2019	David Adams and Julie McClintock	<a href="#">Regarding Evaluation of Town Transportation Needs.</a>	<b>Transit</b> <a href="#">Brian Litchfield</a> , Transit Director Phone: 919-969-4908 <b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	The Town's request for an additional \$8 million from the Orange County Transit Plan for the North South Bus Rapid Transit Project was approved by the OC Board of Commissioners, the GoTriangle Board, and the DCHC MPO.
01/16/2019	John Morris	<a href="#">Regarding GoTriangle Meetings and Materials.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078 <b>Transit</b> <a href="#">Brian Litchfield</a> , Transit Director Phone: 919-969-4908	Staff is preparing information to share with GoTriangle.
12/05/2018	Paul Pritchard	<a href="#">Request to Defer Reforestation at Cleland, Rogerson, and Oakwood Intersection.</a>	<b>Parks &amp; Recreation</b> <a href="#">Phillip Fleischmann</a> , Director Parks and Recreation Phone: 919-968-2785	This topic was added to the 01/15/19 agenda of the Parks, Greenways and Recreation Commission, with time allocated for the neighbors to speak. Another public meeting will be scheduled later in the year.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
10/24/2018	Justice in Action Committee	<a href="#">Request Regarding a New Location for the Teen Center of Chapel Hill.</a>	<b>Housing &amp; Community</b> <a href="#">Loryn Clark</a> , Executive Director Phone: 919-969-5076 <b>Community Arts and Culture</b>	A staff workgroup, in coordination with the Mayor's Office, has been gathering data and seeking input from teens, service providers, and other stakeholders. The Council received an update on this initiative at their 01/30/19 business meeting.
10/24/2018	Jeff Charles	<a href="#">Regarding Extended Speaking Time for Individuals with Disabilities.</a>	<b>Mayor</b> <a href="#">Pam Hemminger</a> , Mayor Phone: 919-968-2714 <b>Town Manager</b> <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	Staff will update the "Comment at Council Meetings" web page to clarify the Town's willingness to extend speaking time and how to request this extension.
10/10/2018	Jeff Charles	<a href="#">Regarding Creating Citizen Advisory Board for Seniors.</a>	<b>Town Manager</b> <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	The Town will engage this group for additional input on the need and how the Town can best respond.
09/19/2018	Julie McClintock of CHALT	<a href="#">Regarding Land Use Intensification.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078 <b>Public Works</b> <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	The Town's Resiliency Map is part of the map series for the Future Land Use Map. On 06/12/19, the Council received a presentation on the Town's Stormwater program. Staff is preparing information to respond to the additional requests in this petition.
06/27/2018	Susanne Kjemtrup / Brian Hageman	<a href="#">Transportation and Connectivity Advisory Board Request for an Electric Vehicle Provision in the Land Use Management Ordinance.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Referred to the Future Land Use Map and Land Use Management Ordinance rewrite process, which began in Fall 2017 and is expected to be completed in 2020.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
06/13/2018	Mayor pro tem Jessica Anderson	<a href="#">Request to Amend Bus Advertising Policy.</a>	Transit <a href="#">Brian Litchfield</a> , Transit Director Phone: 919-969-4908	At their 01/22/19 meeting, the Chapel Hill Transit Public Transit Committee considered the draft nonpublic forum transit advertising policy in order to provide feedback to the Chapel Hill Town Council on the option of amending the policy.
06/13/2018	Ondrea Austin	<a href="#">CHALT's Request to Revise the Tree Ordinance.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
06/13/2018	Mayor Pam Hemminger	<a href="#">Regarding Reviewing Policies, Procedures, and Practices for Development.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	A Town web page with TIA exemption requests is available. Staff continues to look for ways to apply the LUMO clearly and consistently for all stakeholders in the development process.
03/14/2018	Council Members Anderson, Gu, and Schaevitz	<a href="#">Request Regarding Addressing Blue Hill District Community Interests.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	The Council enacted ordinance amendments to improve outcomes for stormwater management and affordable housing, to encourage non-residential development, and to address building size. Staff will return to Council in Fall 2019 to discuss building massing.
09/06/2017	Tom Henkel from the Environmental Stewardship Advisory Board	<a href="#">Request for Modification to the Ephesus-Fordham Form-Based Code for the Purposes of Energy Efficiency.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Where feasible, modifications will be considered as part of the development process for the Blue Hill Design Guidelines.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
01/23/2017	Transportation and Connectivity Advisory Board	<a href="#">Request to Support Low/No Vision Guidelines to be Included in the Town's Engineering Manual as Stated in the April 11, 2016 Petition to Council</a>	Public Works <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100 Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Request incorporated into process to update Public Works Engineering Design Manual.
11/07/2016	Mayor Hemminger	<a href="#">Regarding Parking and Transit Needs in Downtown Area.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078 Police <a href="#">Chris Blue</a> , Police Chief Phone: 919-968-2766 Public Works <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Recent actions include replacing parking pay stations, implementing Downtown Ambassadors program, and including additional parking with required Wallace Parking Deck repairs. Next steps include parking payments-in-lieu and public/private partnerships.
05/09/2016	Stormwater Management Utility Advisory Board	<a href="#">Request for Orange County Commissioners to Increase Staffing in Soil and Erosion Control Division and Improve Efficiency of Temporary Soil Erosion and Sediment Controls During Construction.</a>	Public Works <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Petition forwarded to Orange County. Consider changes to soil erosion and sediment control as part of Public Works Engineering Design Manual updates.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
04/11/2016	Transportation and Connectivity Advisory Board	<a href="#">Request to Incorporate Proposed No-Vision and Low-Vision Pedestrian Facilities Guidelines into Design Manual and Development Code as Required</a>	Public Works <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Request incorporated into process to update Public Works Engineering Design Manual.
04/11/2016	Transportation and Connectivity Advisory Board	<a href="#">Request for Senior Citizen Pedestrian Mobility and Complete Street Implementation</a>	Public Works <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Request incorporated into process to update Public Works Engineering Design Manual.

Last modified on 11/7/2019 3:15:06 AM



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

**Item #:** 8., **File #:** [19-0937], **Version:** 1

**Meeting Date:** 11/13/2019

### Discuss On-Street Parking Regulations in the Burch Kove Neighborhood.

#### Staff:

Matt Sullivan, Chief  
Chris Blue, Chief/Executive Director of Community Safety  
Lance Norris, Director  
Kumar Neppalli, Traffic Engineering Manager  
Tommy Gregory, Fire Marshal

#### Department:

Fire  
Police  
Public Works  
Public Works  
Fire

**Overview:** On-street parking in the Burch Kove neighborhood has created conditions that prevent the safe traverse of emergency and other service vehicles through the neighborhood. Staff have met with community members, assessed the conditions and developed several recommendations that attempt to balance community safety interests and requirements of the North Carolina Fire Code with the community need for parking.

Staff will provide an overview of current parking conditions in Burch Kove, discuss related fire code requirements and provide potential solutions that will address the issues. Council input and feedback will provide direction for the development of an ordinance establishing parking restrictions.



#### Recommendation(s):

That the Council provide direction related to parking regulations in the Burch Kove neighborhood.

#### Background and Key Issues

- An application to develop Burch Kove, a Planned Unit Development-Housing (PD-H), was submitted to the Town of Chapel Hill in February of 2006. Council approved the development in May of 2007. At the time of approval the development was located in our Extra Territorial Planning Jurisdiction.
- The development consists of 72 units (duplex) and pool/pool house over 19.5 acres.
- The Town of Chapel Hill annexed the development in October of 2014. Since annexation, all streets within the neighborhood are Town right-of-way.
- Over the past 18 months, the Town has received multiple concerns about on-street parking in the neighborhood. In addition to impeding emergency vehicle access, school buses and delivery vehicles have also experienced problems traversing the neighborhood.
- Currently parking occurs on both sides of the street. This practice has not been addressed by Town ordinance; however, the neighborhood covenants prohibit on-street parking.
- After review of the development documents that were submitted with initial application materials and the neighborhood covenants, it appears that when developed it was the intention of the developer that each unit only have two parking spaces. This was accomplished with a single car garage and driveway or a driveway and an on-street parking space.
- In September, after discussions with the neighborhood association and some residents and at the request of the neighborhood association, staff were prepared to propose an ordinance prohibiting all on-street parking in the neighborhood. The potential substantial impact created by this action, coupled with additional inquiry from some neighbors highlighted the need for additional communication, its impacts upon neighbors and potential solutions.

- With the assistance of the Burch Kove neighborhood association, Town Staff held a community meeting in the neighborhood on September 24, 2019. 33 of the 72 households were represented at this meeting. Representatives from the Chapel Hill-Carrboro City Schools also attended the meeting to discuss the parking impacts upon school bus routes. The meeting provided an opportunity for Town staff to provide information concerning emergency and service vehicle access issues and for neighbors to discuss personal impacts and propose solutions. In addition to increased general awareness the following topics surfaced during the conversation:
  - Impacts upon families with differently-abled students
  - Parking impacting egress of individual unit owners
  - Access requirements of the North Carolina Fire Code
  - Restrictions in the Neighborhood Covenants
  - The necessity of safe and unimpeded emergency and service vehicle access
  - The possibility that non-residents are parking in the neighborhood
  - Parking for visitors and temporary guests
  - Impacts of complete no-parking upon homeowners who either by usage or by lack of a garage (Home Trust properties) are limited to one parking space on their lot
  - General concerns surrounding traffic safety and vehicular speed
  - An informal agreement among some neighbors to communicate directly with vehicle owners who are parking in a manner that impedes the quiet enjoyment or safety of other residents
- Staff received at least three follow-up phone calls after the meeting from neighborhood residents who wanted to ask additional questions or had other ideas.
- North Carolina Fire Code requires a 20' wide unimpeded roadway for a fire engine and a 26' wide unimpeded roadway for fire aerial apparatus. The types of buildings in Burch Kove require only fire engine access.

**Fiscal Impact/Resources:** Cost for the purchase and installation of the new signs is minimal.



**Attachments:**

- Draft Staff Presentation

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

**PRESENTER:** Matthew J. Sullivan, Fire Chief

**RECOMMENDATION:** That the Council provide direction regarding parking regulations that will allow emergency and other service vehicles to safely traverse the Burch Kove neighborhood.



# Burch Kove On-Street Parking

November 13, 2019



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# Overview

- Why we are hear tonight
- Neighborhood Development History
- The Issue
  - Code Requirements
  - Current Conditions
- Proposed Solutions
- Council Feedback

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# The Neighborhood

- Burch Kove (initially Homestead Twins)
- 36 Duplex Structures, 72 Units
- ETJ development application submitted in 2006
- Approved 2007
- Annexation Fall of 2014
- Neighborhood Covenants “No On-Street Parking”
- Unit Parking Space Allotment

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# Issue

- On-Street Parking Conflicting With Larger Vehicles Traversing The Neighborhood
  - School Busses
  - Emergency Vehicles
  - Delivery Trucks

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# The Numbers

- NC Fire Code
  - Fire Engines: 20' unobstructed fire access road
- Standard Parking Space = 8'
- Burch Kove Street Width = 24' (to curb backs)
- Town Standard: 15' clearance from driveway corners for sight distance.

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- 24' Curb Back to Curb Back
- 8' Parking Space
- 16' Navigable ROW
- 9'9" to 10'2" apparatus width
- 2.5' Clearance

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# Community Meeting/ Information

- September 24 Neighborhood Meeting
  - Door to door canvassing
  - CHCCS Transportation Represented
  - 33 households represented
- Yes, there is an issue
- Multiple Interests Represented

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# Possible Solutions

- Town Staff have identified 20 additional potential parking spaces in the community. Temporary solution balancing access, safety and neighborhood need.
- Restrict to neighborhood parking only and enforce.
- Creation of additional parking areas and spaces for longer term solution. Neighborhood driven with Town assistance.
- Explore possibility of spaces on Seawell School Road.

DRAFT





# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

Item #: 9., File #: [19-0938], Version: 2

Meeting Date: 11/13/2019

### Initial Public Forum: Housing and Community Development Needs Assessment for the Community Development Block Grant Program.

#### Staff:

Loryn B. Clark, Executive Director  
Sarah Osmer Viñas, Assistant Director  
Nate Broman-Fulks, Affordable Housing Manager  
Renée Moye, Community Development Program Manager

#### Department:

Housing and Community

**Overview:** The purpose of this item is to open the public forum for the Community Development Block Grant (CDBG) Program and receive comments from the public to guide the development of strategic goals and funding priorities for the CDBG program plan.



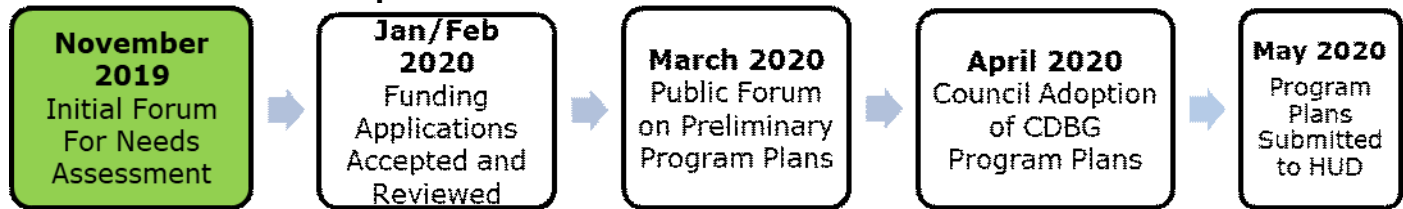
#### Recommendation(s):

That the Council receive comments on housing and community development needs for the annual and 5-year Community Development Block Grant (CDBG) program plans.

#### Overview of the CDBG Program and Needs Assessment

- The Town of Chapel Hill receives an annual allocation of Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) to address community development and affordable housing needs.
- HUD requires communities that receive federal CDBG funds to hold two public forums during the development of a plan for use of funds. The Council will hold a second public forum in March 2020.
- Staff will use comments received to help develop strategic goals and funding priorities for both the annual and 5-year Community Development Block Grant (CDBG) program plans.
- Eligible activities, described in the attached document, must serve households earning less than 80% of the area median income, or \$67,850 for a household of four in our area.
- We included notice of tonight's forum in the Herald Sun on October 27, October 30, November 3, and November 6, 2019, in the Town's e-news, and on the Town's webpage.
- The annual Community Development Program Plan, submitted to HUD, will include all comments received in writing and at public forums.
- As in previous years, we recommend that an Application Review Committee, consisting of Town staff and representatives of the Housing Advisory Board and Human Services Advisory Board, review applications for CDBG Program funding.

**Fiscal Impact/Resources:** The Town of Chapel Hill is a CDBG Entitlement Community and receives an annual allocation from HUD. The Town provides CDBG funds through performance agreements with agencies that implement approved programs and services. We anticipate that the Town's FY20-21 allocation will be similar to the FY19-20 allocation of \$386,584. HUD typically notifies the Town of the amount of the grant allocation in the spring.

**Where is this item in its process?****Attachments:**

- Draft Staff Presentation
- National Objectives of Community Development Legislation

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

**PRESENTER:** Renée Moye, Community Development Program Manager

**RECOMMENDATION:** That the Council receive comments on housing and community development needs for the annual and 5-year Community Development Block Grant (CDBG) program plan.

# Public Forum: Needs Assessment

## Community Development Block Grant (CDBG) Program



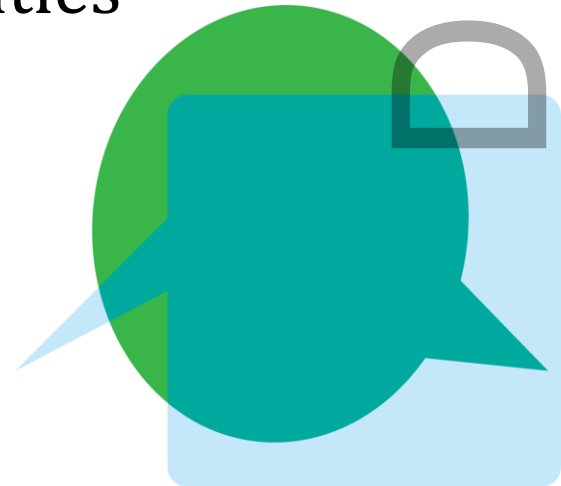
Council Business Meeting  
November 13, 2019

## Purpose of Tonight's Public Forum

*No Council action required*

Receive public comment on Town's Housing and Community needs for:

- Use of 2020-2021 CDBG funds
- 2020-2025 Consolidated Plan Goals and Priorities



Affordable Housing Work Plan FY18-20												
PROJECTS	FY 2018				FY 2019				FY 2020			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>DEVELOPMENT</b>												
Develop Town-Owned Property at 2200 Homestead Road				★			★		★			
Pursue Affordable Housing on Prioritized Town Properties		★		★			★			★		★
Acquire Properties for Affordable Housing Development		★										
<b>PRESERVATION</b>												
Implement Manufactured Home Communities Strategy			★	★			★					
Naturally Occurring Affordable Housing (NOAH) Preservation Strategy												
Acquire and Rehab Properties for Affordable Housing Preservation					★							
<b>POLICY</b>												
Explore the Creation of Employee Housing Incentives			★			★						
Participate in the LUMO Re-Write Project							★					
Develop a Payment-in-Lieu Formula for Rental Housing			★									
Update Payment-in-Lieu for Homeownership Units												
Explore Affordable Housing Incentive Options							★					
<b>FUNDING</b>												
Implement Investment Plan for Affordable Housing - Affordable Housing Bond	★	★					★					
Manage the Affordable Housing Development Reserve	★	★	★			★	★	★				
Manage the Affordable Housing Fund												
Jointly Manage the HOME Program				★				★				★
Manage the Community Development Block Grant Program		★	★	★		★	★	★				
<b>MANAGING TOWN-OWNED HOUSING</b>												

## Manage the Community Development Block Grant Program

<b>MEASUREMENT &amp; REPORTING</b>												
Provide an Affordable Housing Quarterly Report		★	★	★	★	★	★	★	★	★	★	★
Provide an Annual Housing & Community Report	✓				★				★			
Update the County-wide Affordable Housing Database					✓							
Implement the Loans and Grants Tracking Tool			✓									
<b>COLLABORATIONS</b>												
Expand Collaboration with Developers, Providers, and Regional Partners												
Participate in the Affordable Housing Collaborative		★		★				★				★
Engage UNC, the School System, and UNC Health Care												
Serve as a Partner on the Northside Neighborhood Initiative			★									
<b>COMMUNICATIONS</b>												
Implement a Communications and Marketing Strategy				★								



★ Council Item Scheduled  
★ Council Item Heard and/or Action Taken



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# CDBG Program Overview

- U.S. Department of Housing and Urban Development (HUD) created CDBG for the purposes of:
  - Providing decent affordable housing
  - Creating suitable living environments
  - Expanding economic opportunity
- Entitlement community designation

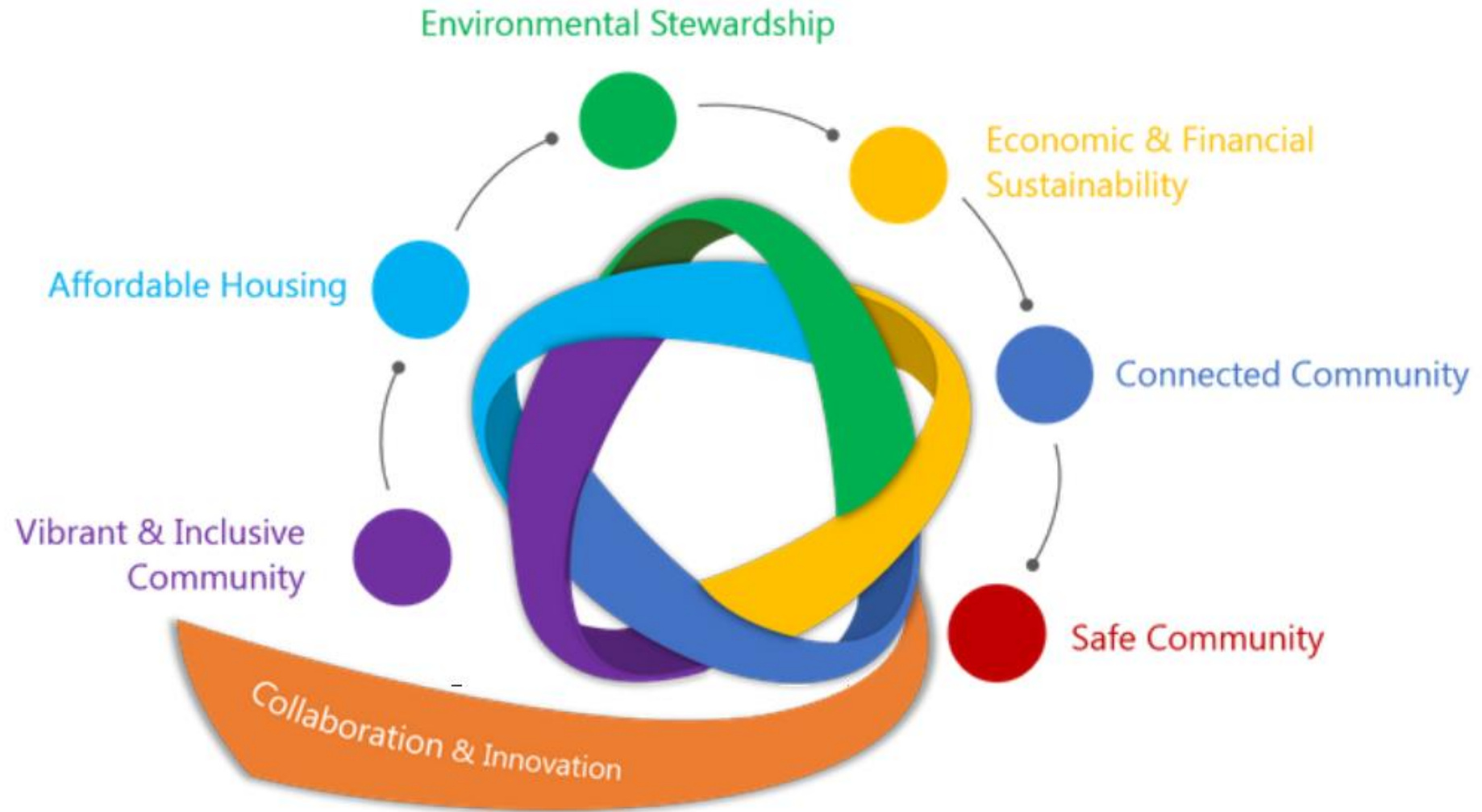


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# CDBG Program National Objectives

- Benefit low/moderate income households
  - Households earning less than 80% Area Median Income (AMI=\$84,800; 80% AMI = \$67,850/household of 4)
- Aid in the prevention or elimination of slum or blight
- Meet an urgent need





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### **Strategic Goals and Objectives**

On June 26, 2019, the Town Council approved seven goal areas and nineteen objectives as an operational framework for the Council's strategic work plan.

# Connections

**Affordable Housing Strategy**

The Town of Chapel Hill's goal is to increase the availability of and access to housing for households and individuals with a range of incomes, from those who are homeless to those in middle-income households. The Town of Chapel Hill will work with for-profit and non-profit housing providers to offer a variety of housing opportunities that will promote socioeconomic diversity, reduce homelessness, and improve the ability to remain in Chapel Hill through different stages in their lives, and support employee relocation and retention.

**Affordable Housing Strategy Statement:**

The Town of Chapel Hill recognizes that affordable housing options along the entire continuum of housing need are essential to the economic vitality and location of affordable housing units that are needed and desired by the community.

**Goal Statement:** The Town of Chapel Hill will support and encourage the development of affordable housing opportunities for all income levels, including:

- 1) Support solutions that address the need for affordable housing units, including:
  - a) Research and quantify the need for affordable housing units in the community
  - b) Monitor the development of affordable housing units in the community
  - c) Focus on the development of affordable housing units for a variety of income levels, including:
    - i) Support the development of affordable housing units for low-income households
    - ii) Support the development of affordable housing units for middle-income households
    - iii) Support the development of affordable housing units for high-income households
  - d) Support the development of affordable housing units that are located in the community
  - e) Support the development of affordable housing units that are located in the community
  - f) Support the development of affordable housing units that are located in the community
  - g) Support the development of affordable housing units that are located in the community
  - h) Support the development of affordable housing units that are located in the community
  - i) Support the development of affordable housing units that are located in the community
  - j) Support the development of affordable housing units that are located in the community
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  - m) Support the development of affordable housing units that are located in the community
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  - v) Support the development of affordable housing units that are located in the community
  - w) Support the development of affordable housing units that are located in the community
  - x) Support the development of affordable housing units that are located in the community
  - y) Support the development of affordable housing units that are located in the community
  - z) Support the development of affordable housing units that are located in the community
- 2) Advocate for a sustainable tax burden by:
  - a) Establish the impact of adopted policies and programs on the community
  - b) Evaluate the impact of adopted policies and programs on the community
  - c) Link affordable housing policies with transportation, economic development, and other community goals
  - d) Work with community partners to support the development of affordable housing
  - e) Develop affordable, off-campus, student rental housing
  - f) Work with affordable housing providers to reduce the cost of non-mortgage related housing costs such as energy expenses, conversion of single-family properties into student rentals
  - g) Advance the development program in the neighborhoods
  - h) Advance the development program in the neighborhoods
  - i) Advance the development program in the neighborhoods
  - j) Advance the development program in the neighborhoods
  - k) Advance the development program in the neighborhoods
  - l) Advance the development program in the neighborhoods
  - m) Advance the development program in the neighborhoods
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  - o) Advance the development program in the neighborhoods
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  - q) Advance the development program in the neighborhoods
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  - u) Advance the development program in the neighborhoods
  - v) Advance the development program in the neighborhoods
  - w) Advance the development program in the neighborhoods
  - x) Advance the development program in the neighborhoods
  - y) Advance the development program in the neighborhoods
  - z) Advance the development program in the neighborhoods
- 3) Pursue creative partnerships on a local and regional level:
  - a) Continue efforts to streamline the Town's development review process to reduce the cost of development
  - b) Research and develop local funding sources
  - c) Identify innovative solutions to support the development of affordable housing
  - d) Explore innovative solutions to support the development of affordable housing
  - e) Explore innovative solutions to support the development of affordable housing
  - f) Explore innovative solutions to support the development of affordable housing
  - g) Explore innovative solutions to support the development of affordable housing
  - h) Explore innovative solutions to support the development of affordable housing
  - i) Explore innovative solutions to support the development of affordable housing
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  - q) Explore innovative solutions to support the development of affordable housing
  - r) Explore innovative solutions to support the development of affordable housing
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  - t) Explore innovative solutions to support the development of affordable housing
  - u) Explore innovative solutions to support the development of affordable housing
  - v) Explore innovative solutions to support the development of affordable housing
  - w) Explore innovative solutions to support the development of affordable housing
  - x) Explore innovative solutions to support the development of affordable housing
  - y) Explore innovative solutions to support the development of affordable housing
  - z) Explore innovative solutions to support the development of affordable housing

**Affordable Rental Housing Strategy**

**Preface:** Chapel Hill residents value an inclusive community and want to support a broad range of housing options affordable by all. Those unable to find affordable rental housing include people we encounter every day. They are, for example, young entrepreneurs, senior citizens, people who serve us in our essential positions, creative artists, nonprofit social workers, and doctors' offices. Increasing our stock of affordable rental housing is a key goal of the Town's Comprehensive Plan's (2012) emphasis on the need for affordable housing. The Affordable Rental Housing Strategy (2011) states:

**Statement:** The goal of the affordable rental housing strategy is to increase the availability of and access to affordable rental housing for all who want to live in Chapel Hill. The strategy focuses on the development of new units and preserving existing units.

**Northside and Pine Knolls Community Plan**

**Overview**

During the summer and early fall of 2011, the Town of Chapel Hill worked with the Sustaining Ourselves Coalition and the Northside and Pine Knolls communities to jointly develop solutions to the issues of incompatible development and student rental development on the neighborhoods.

**Comprehensive Approach**

The Northside and Pine Knolls Community Plan sets forth solutions to address the following:

1. Affordable Housing
2. Cultural and Historic Preservation
3. Enforcement
4. Education and Outreach
5. Parking
6. Zoning

**Format**

The Community Plan solutions are described in each section along with the following information:

- **Action Steps:** a description of those actions that would be necessary to implement the solutions.
- **Goal:** a purpose against which to measure the success of the solution, action steps and estimated cost.
- **Potential Partners:** a list of parties that could partner to implement the solutions. The Community Plan was developed by the Town of Chapel Hill and participants from the Sustaining Ourselves Coalition and the Northside and Pine Knolls communities. Outreach to other potential partners would need to occur to establish their involvement.
- **Estimated Cost:** a projection of cost should the solution be pursued. Affordable Housing costs were determined using input from affordable housing providers about subsidy needs and using information about homes that were recently sold in the neighborhoods.

January 9, 2012

**ORANGE COUNTY NORTH CAROLINA**

**Town of Hillsborough**

**ORANGE COUNTY HOME CONSORTIUM**

300 W. Tryon Street  
Hillsborough, North Carolina 27278

**PROGRAM YEAR 2015-2020  
FIVE YEAR CONSOLIDATED  
PLAN AND FY 2015 ANNUAL  
ACTION PLAN**

Consortium Members: Orange County,  
the Town of Carrboro, the Town of Chapel Hill,  
and the Town of Hillsborough

**URBAN DESIGN VENTURES**

**EQUAL HOUSING OPPORTUNITY**

**CHAPEL HILL**

**2020**

**CONNECTIONS  
CHOICES  
COMMUNITY**

**DRAFT**

# CDBG Program Eligible Activities



**Acquisition**



**Public Services**



**Public Facilities Improvements**



**Homebuyer Assistance**



**Rehabilitation**

## Approved 2019-2020 CDBG Program Plan

■ Neighborhood Revitalization	\$ 169,728
■ Habitat for Humanity Home Preservation	27,000
■ Community Home Trust Homebuyer Assistance	30,000
■ Code Enforcement	25,000
■ Public Services	57,540
■ Administration	<u>77,316</u>
TOTAL	\$ 386,584

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# FY 20 Annual Affordable Housing Projection

20

Development



50

Preservation



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## Next Steps

- January 14, 2020 Funding applications due
- February 2020 Application Review by Committee
- March 2020 Public Forum
- April 2020 Council Action
- May 2020 Annual Plans Submitted to HUD



## Recommendation

Open the public forum and receive comment on the Town's Housing & Community Needs for:

- Use of 2020-2021 Community Development Block Grant (CDBG) funds
- 2020-2025 Consolidated Plan Goals and Priorities



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## *National Objectives of Community Development Legislation*

### *(Community Development Block Grant Program)*

---

The primary objective of the Community Development Block Grant (CDBG) Program is the “...development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunity, principally for persons of low and moderate-income” (Housing and Community Development Act of 1974).

According to the Code of Federal Regulations (CFR), Title 24, Subpart B, Chapter V, Subchapter C, Part 570:

- The Town of Chapel Hill must certify that its overall program carries out this primary objective. In addition, each Community Development Block Grant activity must:
  - Benefit low- or moderate-income persons (80% of median income and below);
  - Aid in the prevention or elimination of slums and blight; or
  - Treat urgent needs posing an immediate threat to public health and welfare.
- Eligible activities for Community Development Block Grant funding include:
  - Acquisition of property
  - Disposition of property
  - Public facilities and improvements
  - Clearance, demolition and removal of buildings
  - Site improvements
  - Some public services (subject to a cap)
  - Housing rehabilitation, preservation and code enforcement
  - Economic development activities
  - Planning and administrative costs (subject to a cap)
- Activities that are generally not eligible include:
  - Buildings used for the general conduct of government
  - New housing construction (allowed in special circumstances)
  - General government expense
  - Political activities
  - Purchase of equipment and personal property
  - Operating and maintenance expenses



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

Item #: , File #: [19-0939], Version: 1

Meeting Date: 11/13/2019

### Consider Approving the Language Access Plan.

#### Staff:

Loryn B. Clark, Executive Director  
Sarah Osmer Viñas, Assistant Director  
Megan Peters, Community Connections Coordinator

#### Department:

Housing and Community



**Overview:** Tonight Council will consider approving a Language Access Plan (LAP), a key recommendation identified through the Building Integrated Communities (BIC) community planning process.

#### Recommendation:

That the Council approve the Language Access Plan (LAP).

#### Overview of the [Building Integrated Communities \(BIC\)](#) Initiative:

BIC is a multi-year planning process that helps North Carolina local governments successfully engage with immigrant and refugee residents to improve relationships, enhance communication, and promote civic participation and leadership in local government. The BIC project aligns with the Town's goal to make Chapel Hill a *Place for Everyone*.

#### Overview of the Proposed Language Access Plan (LAP):

- Over the past six months, the BIC Implementation Team prioritized the development of a Town-wide Language Access Plan (LAP), consistent with Strategy 10.1 of the Action Plan: *Create a Town-wide Language Access Plan, in partnership with community organizations serving residents with low English proficiency, with particular focus on language justice and legal compliance.*
- A LAP outlines policies and procedures to provide the most effective services for limited English proficient (LEP) residents. The federal government requires that organizations that receive federal funding take reasonable steps to ensure access to services for LEP individuals, which is typically articulated through a LAP.
- The BIC Implementation Team developed a draft LAP that includes language access policies and procedures related to:
  - 1) Language assistance services, and
  - 2) Employee training and incentive
- Staff presented the draft LAP to Council at a work session in September 2019, and the feedback offered by Council is reflected in the LAP before Council tonight.

**Fiscal Impact/Resources:** Staff estimate the total cost of LAP implementation to be: \$23,600 in

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**Item #: , File #: [19-0939], Version: 1****Meeting Date: 11/13/2019**

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FY20, \$26,500 in FY21, and \$28,500 in FY22 (see attachment). There are sufficient resources available in this year's budget (FY20) within Housing and Community and Police to implement the proposed LAP, including the recent Duke Energy Foundation grant award of \$4,000. Staff propose that Council consider the pay incentive detailed in the LAP and other potential resource needs for LAP implementation as part of the FY21 budget process. Staff will continue to explore opportunities for leveraging funding from private foundations to support LAP implementation.

**Attachments:**

- Draft Staff Presentation
- Resolution
- Language Access Plan
- Language Access Plan Proposed Budget
- Language Access Plan Implementation Timeline

---

**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

PRESENTER: Sarah Osmer Viñas, Assistant Director  
Megan Peters, Community Connections Coordinator

RECOMMENDATION: That the Council approve the Language Access Plan (LAP).



## **CONSIDER APPROVING THE LANGUAGE ACCESS PLAN**

**Council Business Meeting  
November 13, 2019**

DRAFT



# Council Considerations

- Consider approving the Language Access Plan (LAP)



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# Consistent with Council's Goals and Priorities

- **Council Goal:** *Create a Vibrant and Inclusive Community*
- **Strategic Plan Objective:** *Improve connections and partnerships with historically disengaged and marginalized populations*
- *Consistent with equitable community engagement goals outlined in our Community Connections Strategy*

## Vibrant & Inclusive Community

To enrich the lives of those who live, work, and visit Chapel Hill by building community and creating a place for everyone



OBJECTIVES	INITIATIVES		
1. Create diverse opportunities for community to engage with the arts	1. Improve festivals and events with a focus on spaces, policies, partners, sponsorship, content and infrastructure	2. Increase engagement with community history	3. Increase public art in both public and private spaces
2. Improve connections and partnerships with historically disengaged and marginalized populations	1. Advance Youth Initiatives	2. Continue People's Academy	3. Implement Building Integrated Communities Action Plan
3. Preserve the history of Chapel Hill and embrace the future needs of the community	4. Implement Community Connections Strategy	5. Increase after-school and recreation programming Access	6. Increase diversity of Council-appointed boards and commissions
	1. Strengthen urban design focus	2. Advance Charting our Future	3. Implement Rogers Road Community First Plan
	4. Conduct Blue Hill code refinements	5. Effectively collaborate with UNC Hospitals on the Eastowne Master Planning Project	



# Building Integrated Communities



PUBLIC TRANSPORTATION



HOUSING



PUBLIC SAFETY & LAW ENFORCEMENT



LEADERSHIP



GOVERNMENT COMMUNICATION

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# Why develop a Language Access Plan?

- Ensure residents can communicate with the Town in their preferred language
- Respond to the highest priority of immigrant and refugee residents
- Reduce barriers to access and participation
- Comply with federal requirements
- Align with Town values



# Our Proposed Language Access Plan (LAP)



## Key Components

- Needs Assessment
- Policies & Procedures
- Monitoring & Updating

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# Updates to LAP Since September Work Session

- Incorporated input from community partners
- Developed Implementation section
- Built out the appendices



# Proposed Language Access Plan Policies

1

Language Assistance Services

2

Employee Training & Incentive

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## Language Assistance Services

**Town will provide interpretation and translation services free of charge:**

- Across the organization
- Use a variety of methods to notify residents
- Translate vital documents and emergency communications into primary languages
- Provide on-demand interpretation for public meetings, one-on-one interactions, and small group meetings
- Use competent, trained, and culturally sensitive interpreters and translators

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# 1

## Language Assistance Services

### Translations

- In the Town's primary languages
  - Burmese
  - Karen
  - Mandarin Chinese
  - Spanish
- For vital documents and emergency communications

### Interpretation

- For any language available
  - Public meetings: in-person
  - One-on-one/small group interactions: in-person or telephone
- Residents requested to provide at least 48 hour notice

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# 2

## Employee Training & Incentive

### **Town will offer training and pay incentive to bilingual employees**

- Available to employees who:
  - fluently speak Town's primary languages
  - successfully complete training and language assessment
  - commit to using their skills on an as-needed basis
- Pay incentive modeled off of existing Police Department incentive
- Evaluate need for dedicated staff to serve as interpreters and translators

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# Monitoring & Updating the LAP

Annual review of:

- Demographic data
- Usage of Town language assistance services
- Internal staff capacity
- Community feedback



# Estimated Resource Needs

- Sufficient resources identified for current year estimated costs
- Evaluate future year resource needs as part of FY21 budget process

	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022
<b>Interpretation Services</b>	\$7,000	\$5,000	\$5,000
<b>Translation Services</b>	\$5,000	\$2,500	\$2,500
<b>Employee Training</b>	\$2,000	\$2,000	\$2,000
<b>Employee Pay Incentive</b>	\$9,600	\$17,000	\$19,000
<b>TOTAL</b>	\$23,600	\$26,500	\$28,500

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# Council Considerations

- Consider approving the Language Access Plan as outlined in R - #





## **CONSIDER APPROVING THE LANGUAGE ACCESS PLAN**

**Council Business Meeting  
November 13, 2019**

DRAFT



# Key Definitions

- **Limited English Proficiency (LEP):** Describing people with limited ability to communicate effectively in English.
- **Meaningful Access:** Ability to use resources without significant restriction from language barriers.
- An **interpreter** converts **oral messages** from one language to another.
- A **translator** converts **written text** from one language to another.

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A RESOLUTION TO APPROVE A LANGUAGE ACCESS PLAN (2019-11-13/R-6)

WHEREAS, the Council established a goal of creating a Vibrant and Inclusive Community and the Town has a long-standing commitment to diversity and inclusion; and

WHEREAS, the Council is committed to reducing barriers to participation among populations that historically have been disconnected from the Town and experienced institutionalized barriers to participation, including immigrants and refugees; and

WHEREAS, Chapel Hill has experienced an influx in immigrants and refugees in recent years and 16% of residents are born in countries outside of the U.S.; and

WHEREAS, 20% of Chapel Hill residents speak a language other than English at home; and

WHEREAS, the Council believes that the community would benefit from a Language Access Plan to provide Limited English Proficient (LEP) residents with meaningful access to Town information and services in their preferred language; and

WHEREAS, Chapel Hill residents identified language access as a key issue for the Town to focus on, as outlined in the Building Integrated Communities (BIC) Action Plan; and

WHEREAS, Title VI of the Civil Rights Act of 1964 states that no person shall on the ground of national origin "be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the attached Language Access Plan as provided in the November 13, 2019 meeting materials.

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to implement the Language Access Plan and make minor changes as needed to support the implementation of the Plan.

BE IT FURTHER RESOLVED that the Council will consider providing resources during development and adoption of the Fiscal Year 2021 Town Budget to include the proposed pay incentive portion of the Language Access Plan and other resource needs required for Plan implementation.

This the 13th day of November, 2019



## TOWN OF CHAPEL HILL

# LANGUAGE ACCESS PLAN

DRAFT November 2019

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## Introduction

### Why Does Chapel Hill Need Language Access?

The Town's mission is to create a community where people thrive.<sup>1</sup> As part of that commitment, the Town Council established a [goal](#)<sup>2</sup> to *Create a Place for Everyone* and build a *Vibrant and Inclusive Community*. To achieve this goal, the Town must continue to strengthen connections and partnerships with historically disengaged and marginalized populations and reduce barriers to participation. One crucial step towards this end is ensuring meaningful access to Town information and services, regardless of language.

The Town of Chapel Hill is increasingly aware of the communication gap with limited English proficient (LEP) residents. Through extensive community engagement during the Town's [Building Integrated Communities](#)<sup>3</sup> Initiative, immigrant and refugee residents identified language access as a key strategy for the Town to more effectively reach them. Communications that are accessible to the whole community will help Chapel Hill be more inclusive and welcoming to all.

In addition to advancing the Town's goal, language access is required for legal compliance with federal regulations, which require organizations that receive funding from the Federal Government to take reasonable steps to ensure meaningful access to services for LEP individuals.

These regulations ensure that no person – on the ground of race, color, or national origin – is excluded from, denied benefits of, or subjected to discrimination under any services receiving federal financial assistance. The regulations include, but are not limited to, [Title VI of the Civil Rights Act of 1964](#)<sup>4</sup>, the [1987 Civil Rights Restoration Act](#)<sup>5</sup>, and [Executive Order 13166](#)<sup>6</sup>. Refer to Appendix A for additional details on legal compliance and requirements.

### Purpose

The Town of Chapel Hill's Language Access Plan (LAP) is an action-oriented implementation plan to guide the Town towards language justice. More specifically, the LAP establishes policies and procedures to ensure access to Town resources and services for LEP residents. These policies and procedures will apply to all Town programs and services, unless otherwise indicated. Through consistent monitoring and updating of this LAP, the Town will better serve and understand the needs of residents and improve the accessibility of services and resources. Further, the Town will ensure it moves towards policies and procedures supporting the right of all residents to communicate with the Town in the language they prefer.

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<sup>1</sup> [www.townofchapelhill.org/town-hall/departments-services/human-resource-development/mission-and-values](http://www.townofchapelhill.org/town-hall/departments-services/human-resource-development/mission-and-values)

<sup>2</sup> [www.townofchapelhill.org/town-hall/mayor-and-council/town-strategic-goals-objectives](http://www.townofchapelhill.org/town-hall/mayor-and-council/town-strategic-goals-objectives)

<sup>3</sup> [www.townofchapelhill.org/bic](http://www.townofchapelhill.org/bic)

<sup>4</sup> [www.justice.gov/crt/fcs/TitleVI-Overview](http://www.justice.gov/crt/fcs/TitleVI-Overview)

<sup>5</sup> [www.congress.gov/bill/100th-congress/senate-bill/557](http://www.congress.gov/bill/100th-congress/senate-bill/557)

<sup>6</sup> [www.justice.gov/crt/executive-order-13166](http://www.justice.gov/crt/executive-order-13166)

## Demographics

**Chapel Hill is diverse<sup>7</sup>:** Chapel Hill has experienced an influx of immigrants and refugees in recent years. From 2000 to 2017, the percentage of Chapel Hill residents born outside of the U.S. steadily increased from 11.2% to 15.7%, an increase of over 40%. Chapel Hill has a variety of living, learning, and working opportunities that contribute to the Town's increasing international diversity.

**Chapel Hill residents come from many countries across the world<sup>7</sup>:** In 2017, Chapel Hill's population of 59,234 included 9,307 (16%) people born in over 78 countries outside of the U.S.<sup>7</sup> The top five countries of origin are China, India, South Korea, Mexico, and the United Kingdom. In addition, since 2005, 1,177 refugees have arrived in Orange County, primarily from Burma/Myanmar, Cameroon, and the Democratic Republic of the Congo.

Chapel Hill residents are from all over the world. Here are just a few places:



China



India



S. Korea



Mexico



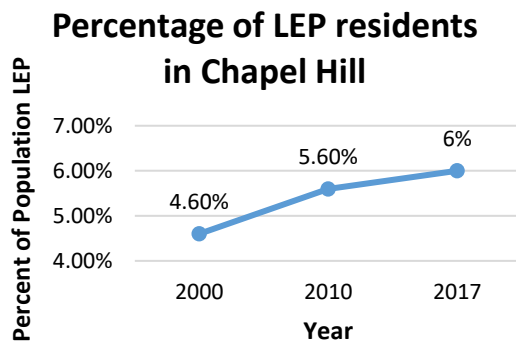
United Kingdom



Democratic Republic of the Congo



Myanmar



**Chapel Hill residents speak languages other than English<sup>7</sup>:** Among Chapel Hill residents ages 5 and over, 20% (11,611) report speaking languages other than English. In Chapel Hill, 6% (3,465) of residents report their English-speaking ability as “less than very well”. This number has gradually increased over time from 4.6% in 2000 and 5.6% in 2010. For this LAP, we identify LEP individuals as those who describe their English-speaking ability as “less than very well”.

**More LEP residents are foreign-born<sup>7</sup>:** Among Chapel Hill's foreign-born population, nearly 34% reported having “less than very well” English-speaking ability, compared to only 0.8% of those who are native of the United States. The top non-English languages spoken by residents of Chapel Hill are Spanish, Mandarin Chinese, Korean, and other Asian languages, including Burmese and Karen.

<sup>7</sup> U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates.

## Town of Chapel Hill Language Access Plan

## Definitions

**Interpretation:** The process of adapting oral speech from one language to another, either simultaneously or delayed (consecutive), without loss or change in meaning.

**Language Access Plan (LAP):** A set of policies and procedures established to provide the most effective services for those with limited English proficiency.

**Limited English Proficiency (LEP):** Describing persons with limited ability to communicate (e.g. speak, read, write, or understand) effectively in English. When reviewing data, we will follow the U.S. Census Bureau classification for LEP individuals.<sup>8</sup> According to the Bureau, an LEP individual is anyone above the age of 5 who reported speaking English less than “very well”. The Bureau’s classifications are “very well”, “well”, “not well”, and “not at all”.

**Language Justice:** The right for all people to communicate in the language they prefer.

**Meaningful Access:** Ability to use resources without significant restriction from language barriers.

**Primary Language:** The non-English language groups most commonly used in Chapel Hill. For this current Plan, the languages are Burmese, Karen, Mandarin Chinese, and Spanish.

**Translation:** The process of adapting written text in one language to other language(s), with consistent and accurate meanings.

**Vital Document:** Document that is necessary or significant towards using or receiving any activity, service, program, or other resource offered by the Town.

---

<sup>8</sup> <https://www.lep.gov/>

## Developing the Language Access Plan

In developing the LAP, Chapel Hill Town staff completed a needs assessment, gathered information from stakeholder groups, and reviewed language assistance services. Our process for developing the LAP is outlined below.

### Needs Assessment: Completing a Four-Factor Analysis

As a starting point to creating a LAP, the U.S. Department of Justice recommends completing a [Four-Factor Analysis](#).<sup>9</sup> The Four-Factor Analysis helps the Town plan and provide language access based on:

1. Number or proportion of LEP individuals in the community
2. Frequency with which LEP individuals come in contact with Town services
3. Nature and importance of the services
4. Resources available and costs

These factors create a picture of the needs in the community. The greater the number of LEP individuals, the greater the frequency of contact with the Town, and the greater the importance of the service, the more likely language services will be needed. Findings can change over time based on changing community demographics.

#### Factor 1: Number or proportion of LEP individuals in the community

Data for this analysis was gathered from the U.S. Census Bureau's American Community Survey.<sup>7</sup>

**6% of Chapel Hill residents are defined as LEP individuals:** LEP residents are those who reported speaking English less than "very well" in the U.S Census Bureau's American Community Survey (See Table 1). The U.S. Department of Housing and Urban Development (HUD) provides guidance for providing accommodations for written materials to language groups (see Appendix A).<sup>10</sup> For certain Town services, such as Public Housing, we surpass HUD's threshold (5%), highlighting the importance of implementing this LAP.

Table 1. Language Spoken at home by Chapel Hill residents

Languages	Population Estimate	Percent
<b>Total Population</b>	57,402	--
Speak only English	45,791	79.8%
Speak languages other than English	11,611	20.2%
Speak English less than "very well" (LEP)	3,465	6.0%

Source: ACS 2017 (5 Year Estimates), Table B16005

<sup>9</sup> [https://ojp.gov/fedregister/fr\\_2002-06-18.pdf](https://ojp.gov/fedregister/fr_2002-06-18.pdf)

<sup>10</sup> [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh/lep-faq#q20](https://www.hud.gov/program_offices/fair_housing_equal_opp/promotingfh/lep-faq#q20)

## Town of Chapel Hill Language Access Plan

**According to the 2017 American Community Survey (ACS), residents speaking Asian and Pacific Islander languages make up Chapel Hill’s largest LEP group (Table 2).** The U.S. Census groups several languages into subgroups outlined in Table 2. Examples of Asian and Pacific Islander languages include Chinese, Vietnamese, Hmong, Korean, Burmese, and Karen. Examples of “other” Indo-European languages spoken (besides Spanish) include French, Haitian, Portuguese, Hindi, Russian, and German.

Table 2. Language Spoken at home by Chapel Hill residents

Language and English speaking ability	Population Estimate	Percent
<b>Speak Spanish</b>	3,079	5.36%
Speak English “very well”	2,253	3.92%
<b>(LEP) Speak English less than “very well”</b>	<b>826</b>	<b>1.44%</b>
<b>Speak other Indo-European languages</b>	3,202	5.58%
Speak English “very well”	2,741	4.78%
<b>(LEP) Speak English less than “very well”</b>	<b>461</b>	<b>0.80%</b>
<b>Speak Asian and Pacific Islander languages</b>	4,934	8.60%
Speak English “very well”	2,775	4.83%
<b>(LEP) Speak English less than “very well”</b>	<b>2,159</b>	<b>3.76%</b>
<b>Speak other languages</b>	396	0.69%
Speak English “very well”	377	0.66%
<b>(LEP) Speak English less than “very well”</b>	<b>19</b>	<b>0.03%</b>

Source: ACS 2017 (5 Year Estimates), Table B16005

*Examples of **Asian and Pacific Island languages** include: Chinese, Vietnamese, Hmong, Korean, Iloko, Burmese, and Chuukese.*

*Examples of **“other” Indo-European languages spoken** (besides Spanish) include: French, Haitian, Gujarati, Portuguese, Polish, Hindi, Russian, German, Urdu, Bengali, Nepali, and Persian.*

**For the purposes of this LAP, we also looked at data to identify which specific languages are most prominent.** Chapel Hill residents’ top languages are Spanish, Chinese, Korean, Other Asian Languages, and French (see Table 3, next page). From our community partners and interactions with residents through Town services and programs, we know that the Other Asian Languages most often encountered in Chapel Hill are Burmese and Karen - the common Asian languages spoken by refugee residents in the community.

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Table 3. Top 5 of non-English languages and percent of LEP population in Chapel Hill

Non-English Language	Estimated Number of Speakers	Percent of Total Population	Percent LEP of Total Population
Spanish or Spanish Creole	3,206	5.63%	1.92%
Chinese	2,727	4.79%	2.15%
Korean	987	1.73%	1.06%
Other Asian languages	852	1.50%	0.61%
French (incl. Patois, Cajun)	613	1.08%	0.14%

Source: ACS 2015 (5 Year Estimates), Table B16001

**Refugee arrival data further informs our understanding of the most common languages spoken in Chapel Hill.**

Since 2005, 1,177 refugees have arrived in Orange County (See Table 4). Burma (Myanmar) is one of the most common countries of arrival, with many of those residents speaking Burmese or Karen.

Table 4. Total number of refugee arrivals in Orange County by country from 2005-2019

Country	# of Refugee Arrivals
Burma	999
Democratic Republic of the Congo (DRC)	86
Syria	34
Iran	13
Iraq	12
Laos	8
Bhutan	5
El Salvador	5
Colombia	4
Cuba	4
Nepal	4
Cameroon	1
Haiti	1
Russia	1
<b>Total</b>	<b>1,177</b>

Data provided by the Orange County Health Department in September, 2019.

\*NOTE: Unable to measure in and out migration. These data reflect direct arrivals to Orange County, NC.

**Factor 2: Frequency of Contact**

**Several Town departments, such as Public Housing, Housing and Community, Police, Fire, and Parks and Recreation have frequent contact with LEP residents.** For example, approximately 35% of public housing residents have a preferred language other than English. The largest non-English preferred language is Burmese, consisting of over 17% of the 283 total public housing households (See Table 5 on next page). Police and Fire regularly interact with LEP residents through routine traffic stops, emergency response calls, etc. where communication is critical. Housing and Community and Parks and Recreation also have frequent contact with LEP

## Town of Chapel Hill Language Access Plan

residents through their various program offerings. To learn more about Town services and language access, refer to Appendix C for a departmental survey report.

Table 5. Chapel Hill Public Housing Households Preferred Language (July, 2019)

Language	Number	% of Total
English	183	64.7%
Burmese	50	17.6%
Karen	27	9.5%
Rohingya	8	2.8%
Spanish	7	2.5%
Arabic	3	1.1%
Chin	2	0.7%
French	1	0.4%
Mandarin	1	0.4%
Swahili	1	0.4%

Source: Chapel Hill Public Housing

### Factor 3: Nature and importance of the services

The Town of Chapel Hill offers many services and programs to residents, such as public safety services, ownership and management of public housing, management of a public transit system and infrastructure where communication with residents is critical to effective delivery of services. The nature of these services are important to an individual's day-to-day quality of life. By improving language access for Town services we can improve the quality of life of our residents.

### Factor 4: Resources Available and Costs

The Town will continually assess the resources available for interpretation and translation. Assessment includes identifying appropriate documents for translation, assistance in implementing the LAP, developing contracts with local language service organizations, and more. For professional translation, the cost is per-word and rates can vary by language, turnaround times, and specialized content. For a drafted LAP budget, refer to the Appendix.

## Stakeholder Engagement

Through the Building Integrated Communities (BIC) Initiative, Chapel Hill engaged with over 250+ immigrant and refugee residents beginning in 2018 to understand their experiences and develop recommendations for the Town Council to consider that support their integration, wellbeing, and leadership development. The BIC team gathered data from community meetings with 160 immigrant and refugee residents, the U.S. Census, analysis of 25+ oral histories, 13 interviews with organizations and businesses that work with immigrant and refugee residents, and surveys of 74 refugees.

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One of the key recommendations that the Town heard was to improve accessibility to Town communications. A first step in this process is creating a LAP. Resident recommendations Town staff considered when developing the LAP included:

- Translate Town resources such as bus schedules, public housing applications and materials, public meeting materials, permits, and the Town website
- Provide interpretation for public meetings
- Hire more bilingual staff

Staff also surveyed all Town departments to learn about their experiences engaging with LEP residents and language access needs. See Appendix C for the survey report.

The BIC Implementation Team, comprised of immigrant and refugee residents, community organization representatives, and Town staff, provided significant input into the policies and procedures of the LAP and will continue to play a central role in evaluating the plan's effectiveness should we move forward with implementation.

## Approaches to Providing Language Assistance

There are a variety of established language assistance approaches that the Town can use to meet the language needs of the community.<sup>11</sup> The most common approaches include:

- In-person interpretation
- Remote interpretation (e.g. telephonic, video)
- Translation of written materials

Table 6 (next page) details the differences between these approaches, including the benefits and drawbacks.<sup>11,12</sup> This information has informed the Town's thinking about the recommended language assistance services outlined in the Language Access Plan.

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<sup>11</sup> <https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Lessons-from-the-Field-508.pdf>

<sup>12</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4059012/>

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**Table 6: Approaches to Language Assistance Services**

<b>In-person interpretation</b>		
<i>Pros</i>	<i>Cons</i>	<i>Preferred Application</i>
<ul style="list-style-type: none"> <li>▪ In-person interpreters can take into account nonverbal cues (body language, facial expressions, etc.).</li> <li>▪ In-person interpreters can build rapport with community members and staff members.</li> <li>▪ Can be very helpful in all situations, especially long meetings, instances where complex or sensitive information will be discussed, and for group settings.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Requires advance notice to schedule an interpreter.</li> <li>▪ Interpreters may not always be available in the language requested and at the time needed.</li> <li>▪ Interpreter training programs can vary in certification standards.</li> <li>▪ More costly than other language assistance alternatives (depending on need).</li> <li>▪ When contracting with an outside organization, interpreter training programs can vary in quality.</li> <li>▪ If using staff, need them to have time and flexibility to serve in this role.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Planned meetings and appointments</li> <li>▪ Large scale public meetings</li> </ul>
<b>Remote interpretation (telephonic, video, etc.)</b>		
<i>Pros</i>	<i>Cons</i>	<i>Preferred Application</i>
<ul style="list-style-type: none"> <li>▪ Allows an interpreter to be available at all times</li> <li>▪ Convenient, and sometimes necessary, for immediate or emergency needs.</li> <li>▪ Helpful when working with less common languages because a wide variety of languages are often available.</li> <li>▪ Cost effective for short conversations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Less personal than in-person interpretation</li> <li>▪ Interpreter cannot refer to nonverbal cues and may miss the full context of the interaction, may not always be briefed on the circumstance.</li> <li>▪ Can be helpful for sharing general administrative or informational items, but other more complex/sensitive items may benefit more from an in-person interpreter.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Unplanned meetings or interactions when an in-person interpreter is not available</li> </ul>
<b>Translation of Written Materials</b>		
<i>Pros</i>	<i>Cons</i>	<i>Preferred Application</i>
<ul style="list-style-type: none"> <li>▪ Written translations can reach a large audience.</li> <li>▪ Improves access to documents and information in peoples' preferred language.</li> <li>▪ Allows for content to be translated and saved for future use.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The document may still be confusing to the reader (e.g. original content does not translate well in another language, topic not easy to understand, etc.).</li> <li>▪ Can be cost prohibitive, as typically translation charges are calculated per word in the document.</li> <li>▪ May not be the most effective approach for populations with low literacy.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Written materials, including vital documents and emergency messages (see Appendix D)</li> </ul>

## Language Access Policies and Procedures

This section outlines key policies and procedures that the Town of Chapel Hill will implement to improve language access for LEP residents to Town programs, processes, and services. These policies and procedures are based on the recommended policy directives put forth in the [Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs](#)<sup>13</sup>, a document prepared by the U.S. Department of Justice, Civil Rights Division. Additionally, the four-factor analysis described above informed our approach to the policies and procedures, as well as a review of model LAPs from local governments across the nation (See Appendix).

### Policies

#### Policies for Notice of Availability of Language Assistance Services

**The Town will notify LEP individuals of their right to language assistance services.**

- Town departments and staff will let LEP individuals know they have the right to language services at no charge to the resident requesting assistance. Notices will include information about available language services.
- Notices will be translated into the Town's identified primary languages.

**Language assistance notices will be provided in a variety of ways, including, but not limited to:**

- Flyers or posters in appropriate Town reception areas and other points of entry at facilities.
- Notice of free language services on the Town website.
- Standard translated notice in Town outreach documents for public meetings.
- Using a telephone voicemail menu in the most common languages encountered.
- Including notices in local newspapers in languages other than English.
- Airing notices on non-English language radio and television stations.
- Working with cultural community organizations and other stakeholders to inform Chapel Hill residents of their right to language access services.

#### What are the Town's primary languages?

**The Town's primary languages are Burmese, Mandarin Chinese, Karen, and Spanish.** From the American Community Survey data, Town service data, and information gathered through Building Integrated Communities community engagement, we have identified these are the most common language groups in Chapel Hill.

The U.S. Department of Health and Human Services has translated notices that the Town will use as templates found at <https://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/index.html>

<sup>13</sup> [https://www.lep.gov/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)

## Policies for Interpretation & Translation

**Interpretation and translation will be offered free of charge.**

- The Town will provide interpreters at no charge to the resident requesting interpretation for Town services or programs.
- The Town will provide translation of vital documents and emergency communications at no charge to the resident requesting translation.
- The Town will make its best effort to ensure timely access to interpretation and translation services.

### What is the difference between interpretation and translation?

The difference is in how messages are delivered.

An **interpreter** is trained to convert **oral messages** from one language to another. They are often used for meetings.

A **translator** is trained to convert **written text** from one language to another. They help with converting text in documents to another language.

**The Town will translate vital documents and emergency communications into the Town's identified primary languages.**

- Vital documents are those that are necessary to use or receive Town services or programs. The Town will create and maintain an inventory of vital documents.
- The Town will distribute key messages in the identified primary languages during emergency situations, such as natural disasters, wide-spread utility service outages, etc.
- When possible, the Town will use cost-effective language services, such as Google Translate, to translate other Town communications and documents.

**Town departments will be responsible for securing interpretation and translation services. Assistance in securing services will be provided by Housing & Community staff.**

- Interpretation and translation requests should be submitted as far in advance as possible to allow adequate time for language assistance services to be arranged.
- If departments need assistance setting up language services, Housing & Community staff can provide guidance.

**On-demand interpretation will be available for public meetings, small group, and one-on-one interactions.**

- LEP individuals may request interpretation for public meetings, small group meetings, or one-on-one interactions with Town staff. Such requests should be made at least 48 hours in advance to ensure adequate time to make arrangements for interpreters.
- Public meeting notices will include statements in the Town's primary languages announcing on-demand interpretation for public meetings.

**The Town will use competent, trained, and culturally sensitive interpreters and translators.**

- For the provision of language services, the Town will use professional interpreters and translators who abide by a code of ethics and professional practice standards and are trained in their field.
- The Town commits to *not* using untrained interpreters and translators to assist with language services, such as residents' family members or friends or persons under the age of 18.
- Interpretation and translated materials will be randomly evaluated for accuracy.

**The Town will support the training of bilingual staff as interpreters and translators and offer a pay incentive to those who satisfy criteria for serving as an interpreter or translator for the Town.**

- The Town will offer language service training and assessments to multi-lingual staff who speak the Town's primary languages and are willing to use their language skills as an interpreter or translator for the Town on an as needed basis.
- Employees who successfully complete the required training and assessment to serve as an interpreter or translator for the Town on an as-needed basis will receive an annual pay incentive.
- The pay incentive will be equivalent to that currently offered in the Chapel Hill Police Department (2.5% per language annually).
- The Town will regularly evaluate the need for dedicated staff to serve as interpreters and translators and coordinate LAP implementation.

## Procedures

### Procedures for Determining the Need for Language Assistance

The procedures detailed below provide a big picture summary for how the LAP policies will be implemented. The Town will jointly design detailed procedural steps for accessing and using language with LEP community members.

#### **At point of first contact with LEP individual**

- Staff will make reasonable efforts to assess the need of language assistance. Staff can determine language assistance needs in several ways, including:
  - Self-identification by the LEP individual
  - Inquiring as to the primary language of the individual if they have self-identified as needing language assistance services
  - Using "I Speak" language identification cards or posters
- Staff should notify the individual of the right to an interpreter at no charge.

#### **At public meetings**

- Free, demand-based interpretation for public meetings will be advertised in notices prior to the meeting. LEP individuals will be asked to give at least 48 hour notice to allow adequate time for scheduling interpreters for the requested meeting.
  - If a LEP individual arrives to a public meeting without providing notice to the Town, staff will make their best effort to provide access to language assistance. However, due to limited notice, service may not be available in such cases.
  - If a Town department is planning a community meeting where they expect community members from a LEP population to attend, staff will secure appropriate language services in advance of the meeting. For these meetings, staff should advertise availability of language services in multilingual outreach materials.
- If the language requested is not available through a local language service, Town staff will work with the requesting individual to determine what options are available.

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- To request interpretation for a public meeting, residents should call the Town at 919-968-2743 or email [housingandcommunity@townofchapelhill.org](mailto:housingandcommunity@townofchapelhill.org).

### For one-on-one and small group interactions

- The Town requests that LEP individuals give at least 48 hour notice to allow adequate time for scheduling interpreters for the requested meeting. If the language requested is not available through a local language service, Town staff will use a phone-based language line.
- If a LEP resident does not provide notice at least 48 hour notice, Town staff will use a phone-based language line.
- The Chapel Hill Police and Fire departments will continue to provide interpretation services through a phone-based language line Telelanguage (<https://telelanguage.com>).

## Procedures for Scheduling Interpretation & Translation

### How to request interpretation or translation services

- Housing & Community staff will assist departments in scheduling interpretation & translation services as needed.
- The Town will use a variety of interpretation and translation services, including:
  - Professional interpretation and translation through contract services with local language service organizations
  - Professional telephone interpreters
  - Trained Town staff
- Town staff should allow as much time as possible in advance of needed language services to secure interpretation and translation services.

### Prioritization for type of interpretation service

- The Town will aim to use the following order of priority when scheduling interpreters:
  - First, use trained, multilingual Town staff
  - If Town staff are not available, look for an in-person, contracted interpreter
  - Lastly, if neither of the above are available, use a telephone interpreter

### Identifying the type of interpretation service needed

- There are two types of interpretation services – simultaneous and consecutive. The format of interpreting services is dependent on the context.
  - Consecutive language interpretation: Suitable for one-on-one or small group meetings in which the speakers will pause after each sentence to allow the interpreter to communicate their statement.
  - Simultaneous language interpretation: Suitable for large group meetings in which the speaker does not pause for the interpreter. Typically, simultaneous interpretation is provided through interpretation equipment (radio headsets).

## Procedures for Training

### Town-wide Staff Training

- The Town will provide periodic training for all Town staff to familiarize departments with the LAP policies and procedures.
- This training's offerings may include, but not be limited to, topics such as:
  - Language Access Plan Overview
  - Skill building on how to identify individual's primary language, how to respond to LEP callers, how to obtain language assistance services, etc.
- All new employees will receive the language access and assistance training as part of orientation.
- Language assistance training will be updated with the Plan, regarding changes in demographic and community data.

### Additional Staff Training

- Additional training may be provided for staff and employees who:
  - have frequent interaction with residents or LEP individuals
  - are multilingual staff and provide translation or interpretation services as part of their job
- These trainings may be more focused on topics that will assist staff in effectively interacting with LEP individuals.

## Carrying Out the Language Access Plan

### Monitoring and Updating the LAP

The Town's LAP will be reviewed annually to assess its relevance and effectiveness. Staff's annual monitoring of the LAP will include review of:

- Data related to the number of residents who are LEP or speakers of languages other than English
- Reporting on the Town's language assistance services, including the usage of language services and tracking of language assistance requests
- Reporting on Town staff capacity to serve LEP residents including the language skills of Town employees and LAP training of Town employees
- Feedback from residents who are LEP and speakers of languages other than English, including community-based organizations and groups, regarding effectiveness of the LAP and language services provided by the Town
- Review of the Town's language contract with local vendors
- Review of Town engagement strategies and communication pathways advertising language access and assistance

Based on this review, Town staff will update the LAP, as needed.

## Resolving Complaints about Language-Based Services

The Town of Chapel Hill Title VI complaint process covers complaints filed by an individual or group of individuals under Title VI of the Civil Rights Act of 1964. Title VI ensures that no person – on the ground of race, color, or national origin – be excluded from, denied benefits of, or be subjected to discrimination under any services receiving federal financial assistance.

Any person who believes they have been mistreated by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the Town of Chapel Hill. The person or organization filing the complaint does not need to be the victim, but may complain on behalf of another person or group.

The preferred method to file a complaint is in writing using the Title VI Complaint Form. Complaints may be sent to the Office for Housing and Community. Complaints must be filed within 180 days following the alleged discrimination occurrence. The Town will follow the established complaint procedures for Title VI and will document actions taken to resolve each complaint in a timely manner.

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## Appendix A: Legal Information

### [Title VI of the Civil Rights Act of 1964<sup>4</sup>](#)

- [Title VI of the Civil Rights Act of 1964 \(42 U.S.C Section 2000d\) states:](#)

*“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”*

- Federal financial assistance means more than just money. It includes any aid that enhances the ability to improve or expand allocation of a recipient’s own resources. This can include: grants and loans, tax-exempt bonds, loan of personnel, property, tax incentives and tax-exempt status, technical assistance and other similar types of assistance, training of employees that permits better use of the employer, etc.
- Federally assisted recipients should make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the recipient's programs and activities. To do this, the recipient should: conduct the four-factor analysis (described in a subsequent section), develop a Language Access Plan (LAP), and provide appropriate language assistance.
- The goal of Title VI is voluntary compliance. Recipients must be given opportunity to voluntarily comply when violations are found. But if this cannot be achieved federal financial assistance may be withdrawn.

### [1987 Civil Rights Restoration Act<sup>5</sup>](#)

- This Act expanded the definition of “programs and activities” to include all programs and activities of federal aid recipients, sub-recipients or contractors, whether such programs and activities are federally assisted or not.

### [Executive Order 13166<sup>6</sup>](#)

- This Order, signed in 2000, better enforces and implements Title VI of the Civil Rights Act of 1964. It requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

*[Continued on next page]*

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[HUD Safe Harbor Guidelines](#)<sup>10</sup>

- HUD has adopted "safe harbor" guidelines that provides starting point numbers for recipients to consider when translating written materials. The Four-Factor Analysis does not provide benchmark numbers, so this guidance can be helpful for some organizations in setting priorities. It is not required to follow these guidelines.
- To note, the HUD Safe Harbor Guidelines make a distinction between the eligible population (e.g. all of Chapel Hill) and the beneficiaries (e.g. occupants of, or applicants to public housing for instance). Failure to provide written translations under this guidance does not mean the recipient is in noncompliance.

The table below sets forth HUD's safe harbors for written translations.

<b>Size of Language Group</b>	<b>Recommended Provision of Written Language Assistance</b>
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

## Appendix B: Additional Demographics

This appendix provides additional data on Chapel Hill residents, specifically data related to country of origin and language spoken at home.

To find even more information about the Town's immigrant and refugee communities, as well as how the Town is supporting these communities, refer to the Town's Building Integrated Communities Reports.

- [BIC Community Assessment Report](#)
- [BIC Action Plan](#)

You can find these at [www.townofchapelhill.org/bic](http://www.townofchapelhill.org/bic)



### COUNTRY OF ORIGIN

Chapel Hill residents come from all over the world.

Table 1. Top 10 countries of origin for Chapel Hill residents born outside the U.S.

Country	Population Estimate	Percentage
China, excluding Hong Kong & Taiwan	2,109	22.7%
India	875	9.4%
Korea	678	7.3%
Mexico	612	6.6%
United Kingdom	409	4.4%
Canada	296	3.2%
Argentina	220	2.4%
Taiwan	216	2.3%
Germany	215	2.3%
Philippines	200	2.1%

Source: ACS 2017 (5-year Estimates), Table B05006

Table 2. Refugee Direct Arrivals in Orange County, Trends 2005-2019

Fiscal Year (July 1- June 30)	Refugee Arrivals	Countries of Origin
2005-2006	19	Burma, Cuba, Iran
2006-2007	55	Burma
2007-2008	255	Burma, Iran, Colombia
2008-2009	194	Burma, Bhutan, Iran, Iraq
2009-2010	57	Burma, DRC (Congo), Haiti
2010-2011	86	Burma, Laos
2011-2012	53	Burma
2012-2013	83	Burma, DRC, Iraq
2013-2014	80	Burma, Iran, Cameroon
2014-2015	54	Burma, Iraq, Iran, DRC
2015-2016	83	DRC, Burma, Iraq, Russia
2016-2017	102	Burma, Syria, DRC, El Salvador
2017-2018	22	Burma, DRC, Nepal
2018-2019 (as of Sept 2019)	34	Burma, DRC, Syria, El Salvador

Source: Orange County Health Department

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**LANGUAGE SPOKEN AT HOME**

The number of Chapel Hill residents speaking a language other than English at home has increased over time. The number of LEP residents has also increased.

Table 3. Language spoken at home other than English for Chapel Hill residents age 5+

Year	Population 5 years and over	# who speak a language other than English at home	% of population age 5+	# who are LEP	% of population who are LEP
2000	47,226	6,808	14.4%	2,163	4.6%
2010	52,892	9,229	17.4%	2,957	5.6%
2017	57,402	11,611	20.2%	3,465	6.0%

Sources: U.S. Census Bureau (2000 Census SF3, Table DP-2);

ACS 2010 (5-year Estimates), DP02

ACS 2017 (5-year Estimates), DP02

**REMINDER: Limited English Proficiency, or LEP**, describes persons with limited ability to communicate (e.g. speak, read, write, or understand) effectively in English. When reviewing data, the U.S. Census bureau classifies LEP individuals as anyone above the age of 5 who reported speaking English less than 'very well.' The Bureau's classifications are 'very well', 'well', 'not well', and 'not at all.'

Table 4. Language spoken at home and ability to speak English for Chapel Hill residents age 5+

Native Residents			Foreign Born Residents		
	Estimate	Percent		Estimate	Percent
Total Population (age 5+)	48,249	84.1%	Total Population (age 5+)	9,153	16.0%
Speak Only English	43,905	76.5%	Speak Only English	1,886	3.3%
<b>Speak Spanish</b>	1,802	3.1%	<b>Speak Spanish</b>	1,277	2.2%
Speak English "very well"	1,683	2.93%	Speak English "very well"	570	1.0%
Speak English less than "very well"	119	0.2%	Speak English less than "very well"	707	1.2%
<b>Speak other Indo-European languages</b>	1,042	1.8%	<b>Speak other Indo-European languages</b>	2,160	3.8%
Speak English "very well"	965	1.7%	Speak English "very well"	1,776	3.1%
Speak English less than "very well"	77	0.1%	Speak English less than "very well"	384	0.7%
<b>Speak Asian and PI languages</b>	1,332	2.3%	<b>Speak Asian and PI languages</b>	3,602	6.3%
Speak English "very well"	1,158	2.0%	Speak English "very well"	1,617	2.8%
Speak English less than "very well"	174	0.3%	Speak English less than "very well"	1,985	3.5%
<b>Speak other languages</b>	168	0.3%	<b>Speak other languages</b>	228	0.4%
Speak English "very well"	168	0.29%	Speak English "very well"	209	0.4%
Speak English less than "very well"	0	0.0%	Speak English less than "very well"	19	0.03%

Source: ACS 2017 (5-year Estimates), Table B16005

## Town of Chapel Hill Language Access Plan

*Starting with the ACS 2016 (5-year Estimates), the Census no longer released the data shown below in Table 5. Rather, the information is summarized, as shown above in Table 4 of the 2017 ACS. This change was due to new restrictions applied out of concern for respondent privacy protection. For this Appendix, we have included the 2015 ACS data on detailed language spoken as a reference.*

Table 5. Language spoken at home by ability to speak English for the population 5 years and over

	Estimate	% of total population		Estimate	% of total population
<b>Total Population</b>	<b>56,903</b>				
<b>English only</b>	<b>45,000</b>	<b>79.08%</b>			
<b>Spanish or Spanish Creole</b>	<b>3,206</b>	<b>5.63%</b>	<b>Polish</b>	<b>39</b>	<b>0.07%</b>
Speak English "very well"	2,116	3.72%	Speak English "very well"	39	0.07%
Speak English less than "very well"	1,090	1.92%	Speak English less than "very well"	0	0.00%
<b>French (inc. Patois, Cajun)</b>	<b>613</b>	<b>1.08%</b>	<b>Serbo-Croatian</b>	<b>0</b>	<b>0.00%</b>
Speak English "very well"	532	0.93%	Speak English "very well"	0	0.00%
Speak English less than "very well"	81	0.14%	Speak English less than "very well"	0	0.00%
<b>French Creole</b>	<b>44</b>	<b>0.08%</b>	<b>Other Slavic languages</b>	<b>263</b>	<b>0.46%</b>
Speak English "very well"	44	0.08%	Speak English "very well"	214	0.38%
Speak English less than "very well"	0	0.00%	Speak English less than "very well"	49	0.09%
<b>Italian</b>	<b>71</b>	<b>0.12%</b>	<b>Armenian</b>	<b>0</b>	<b>0.00%</b>
Speak English "very well"	35	0.06%	Speak English "very well"	0	0.00%
Speak English less than "very well"	36	0.06%	Speak English less than "very well"	0	0.00%
<b>Portuguese or Portuguese Creole</b>	<b>25</b>	<b>0.04%</b>	<b>Persian</b>	<b>56</b>	<b>0.10%</b>
Speak English "very well"	25	0.04%	Speak English "very well"	56	0.10%
Speak English less than "very well"	0	0.00%	Speak English less than "very well"	0	0.00%
<b>German</b>	<b>465</b>	<b>0.82%</b>	<b>Gujarati</b>	<b>84</b>	<b>0.15%</b>
Speak English "very well"	431	0.76%	Speak English "very well"	67	0.12%
Speak English less than "very well"	34	0.06%	Speak English less than "very well"	17	0.03%
<b>Yiddish</b>	<b>0</b>	<b>0.00%</b>	<b>Hindi</b>	<b>295</b>	<b>0.52%</b>
Speak English "very well"	0	0.00%	Speak English "very well"	215	0.38%
Speak English less than "very well"	0	0.00%	Speak English less than "very well"	80	0.14%
<b>Other West Germanic languages</b>	<b>58</b>	<b>0.10%</b>	<b>Urdu</b>	<b>187</b>	<b>0.33%</b>
Speak English "very well"	58	0.10%	Speak English "very well"	187	0.33%
Speak English less than "very well"	0	0.00%	Speak English less than "very well"	0	0.00%
<b>Scandinavian languages</b>	<b>70</b>	<b>0.12%</b>	<b>Other Indic languages</b>	<b>252</b>	<b>0.44%</b>
Speak English "very well"	58	0.10%	Speak English "very well"	237	0.42%
Speak English less than "very well"	12	0.02%	Speak English less than "very well"	15	0.03%
<b>Greek</b>	<b>118</b>	<b>0.21%</b>	<b>Other Indo-European languages</b>	<b>114</b>	<b>0.20%</b>
Speak English "very well"	118	0.21%	Speak English "very well"	108	0.19%
Speak English less than "very well"	0	0.00%	Speak English less than "very well"	6	0.01%

*This table is continued on the next page*

## Town of Chapel Hill Language Access Plan

Source: ACS 2015 (5-year Estimates), Table B16001

Table 5 cont.

	Estimate	% of total population
<b>Russian</b>	<b>368</b>	<b>0.65%</b>
Speak English "very well"	311	0.55%
Speak English less than "very well"	57	0.10%
<b>Japanese</b>	<b>268</b>	<b>0.47%</b>
Speak English "very well"	196	0.34%
Speak English less than "very well"	72	0.13%
<b>Korean</b>	<b>987</b>	<b>1.73%</b>
Speak English "very well"	384	0.67%
Speak English less than "very well"	603	1.06%
<b>Mon-Khmer, Cambodian</b>	<b>22</b>	<b>0.04%</b>
Speak English "very well"	0	0.00%
Speak English less than "very well"	22	0.04%
<b>Hmong</b>	<b>41</b>	<b>0.07%</b>
Speak English "very well"	41	0.07%
Speak English less than "very well"	0	0.00%
<b>Thai</b>	<b>31</b>	<b>0.05%</b>
Speak English "very well"	15	0.03%
Speak English less than "very well"	16	0.03%
<b>Laotian</b>	<b>0</b>	<b>0.00%</b>
Speak English "very well"	0	0.00%
Speak English less than "very well"	0	0.00%
<b>Vietnamese</b>	<b>161</b>	<b>0.28%</b>
Speak English "very well"	96	0.17%
Speak English less than "very well"	65	0.11%
<b>Other Asian languages</b>	<b>852</b>	<b>1.50%</b>
Speak English "very well"	503	0.88%
Speak English less than "very well"	349	0.61%
<b>Tagalog</b>	<b>149</b>	<b>0.26%</b>
Speak English "very well"	78	0.14%
Speak English less than "very well"	71	0.12%

Source: ACS 2015 (5-year Estimates), Table B16001

	Estimate	% of total population
<b>Chinese</b>	<b>2,727</b>	<b>4.79%</b>
Speak English "very well"	1,503	2.64%
Speak English less than "very well"	<b>1,224</b>	<b>2.15%</b>
<b>Other Pacific Island languages</b>	<b>30</b>	<b>0.05%</b>
Speak English "very well"	30	0.05%
Speak English less than "very well"	0	0.00%
<b>Navajo</b>	<b>0</b>	<b>0.00%</b>
Speak English "very well"	0	0.00%
Speak English less than "very well"	0	0.00%
<b>Other Native North American languages</b>	<b>7</b>	<b>0.01%</b>
Speak English "very well"	7	0.01%
Speak English less than "very well"	0	0.00%
<b>Hungarian</b>	<b>35</b>	<b>0.06%</b>
Speak English "very well"	35	0.06%
Speak English less than "very well"	0	0.00%
<b>Arabic</b>	<b>96</b>	<b>0.17%</b>
Speak English "very well"	68	0.12%
Speak English less than "very well"	28	0.05%
<b>Hebrew</b>	<b>10</b>	<b>0.02%</b>
Speak English "very well"	10	0.02%
Speak English less than "very well"	0	0.00%
<b>African languages</b>	<b>155</b>	<b>0.27%</b>
Speak English "very well"	146	0.26%
Speak English less than "very well"	9	0.02%
<b>Other and unspecified languages</b>	<b>4</b>	<b>0.01%</b>
Speak English "very well"	0	0.00%
Speak English less than "very well"	4	0.01%

## Town of Chapel Hill Language Access Plan

**TOWN SERVICES**

The data below provides some information for certain Town services where data on interactions with LEP residents is tracked.

Table 6. Chapel Hill Public Housing Households Preferred Language (July, 2019).

Language	Number	Percent
English	183	64.7%
Burmese	50	17.7%
Karen	27	9.5%
Rohingya	8	2.8%
Spanish	7	2.5%
Arabic	3	1.1%
Chin	2	0.7%
French	1	0.4%
Mandarin Chinese	1	0.4%
Swahili	1	0.4%
<b>Total</b>	<b>283</b>	

Source: Chapel Hill Public Housing

Table 7: Change in Chapel Hill Public Housing Residents' Preferred Language

Language	Oct, 2018		July, 2019		Change over time	
	Number	Percent	Number	Percent	Number	Percent
English	199	68.9%	183	64.7%	-16	-8%
Karen	72	24.9%	27	9.5%	-45	-63%
Burmese	9	3.1%	50	17.7%	+41	+456%
Spanish	6	2.1%	7	2.5%	+1	+17%
Arabic	1	0.3%	3	1.1%	+2	+200%
Mandarin Chinese	1	0.3%	1	0.4%	0	0%
Swahili	1	0.3%	1	0.4%	0	0%
Rohingya	0	0	8	2.8%	+8	-
Chin	0	0	2	0.7%	+2	-
French	0	0	1	0.4%	+1	-
<b>Total</b>	<b>289</b>		<b>283</b>		<b>-6</b>	<b>-2%</b>



Some departments use remote **telephone interpretation** when needed. In fiscal year 2019 the Police Department used telephone interpretation for a total of 262 minutes (4.35 hours) and Building and Development Services used telephone interpretation for 3 minutes.

## Appendix C: Town Departmental Language Access Survey

### 2019 TOWN OF CHAPEL HILL DEPARTMENT LANGUAGE ACCESS SURVEY

**BACKGROUND & PURPOSE:** In 2019, the Chapel Hill [Building Integrated Communities](#) (BIC) Team gathered information from each Town department to learn about their need and use for language services. This Departmental Language Access survey will help inform the development and implementation of the Town-wide [Language Access Plan](#).

**SURVEYED DEPARTMENTS:** 100% of Town departments participated in the Language Access Survey (See appendix for list of departments). Department directors or senior managers completed the survey on behalf of their department.

#### SUMMARY OF KEY FINDINGS:

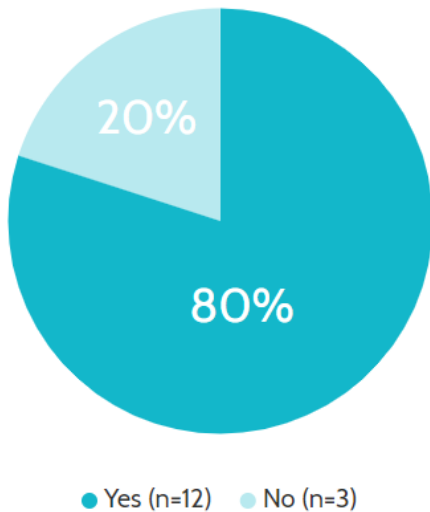
1. **Internal capacity to provide language services within our existing workforce is very limited.**
  - 12 of 15 departments (80%) have at least one employee that speak a language(s) other than English. However, only x% of our total workforce (59) reported speaking a language in addition to English.
2. **While limited in number, departments are using their employees to provide language assistance.**
  - 40% of departments have employees who use a language other than English as part of their job.
  - Only the Police Department has a pay incentive for employees who use this skill while working.
3. **Language assistance services are not standardized across departments.**
  - Departments use a variety of methods for language assistance – from using employees as interpreters, community volunteers, and professional interpreters.
  - Various communications are translated, but there is no current procedure on identify which documents to translate.
4. **Several departments are receiving federal funding, highlighting the importance of developing a Town-wide Language Access Plan that will comply with federal requirements.**

The following pages provide a detailed response analysis.

## SECTION 1: Town employees who speak languages other than English

**80% of departments have employees that speak languages other than English.**

Do you have employees in your department that speak languages other than English?



Departments reporting 'no': Human Resource, Manager's Office, and Communications and Public Affairs.

However, there **not many employees speaking languages other than English**. Only an estimated **59 Town employees speak a language other than English**.

Language Spoken	# of departments with employees speaking the language	Estimated # of total employees
Spanish	10	42
Mandarin	2	2
Korean	1	1
Burmese	0	0
Karen	0	0
Other Languages	7	14

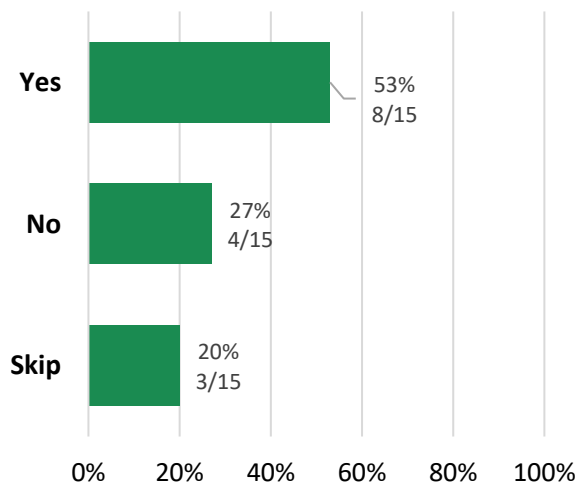
Estimated number of employees who **speak a language other than English**: **59**

Number of Town employees as of Nov 6, 2019\* **701**

\*Includes full-time and part-time staff only

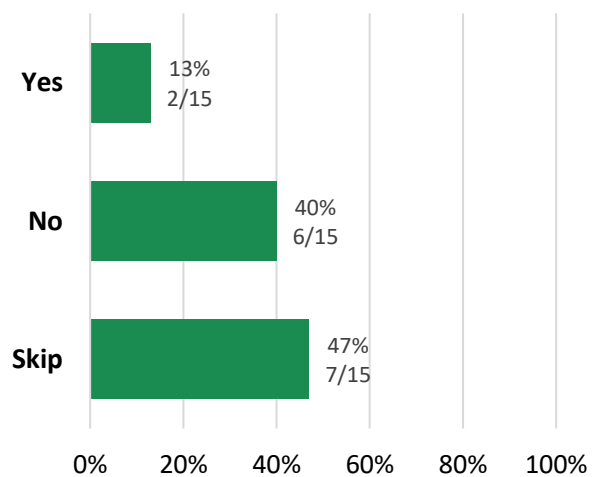
**Over 50% of departments have employees who speak English as a second language.**

Do any of your employees speak English as a second language? (n=15)



**2 departments have employees who would benefit from translation/interpretation services.**

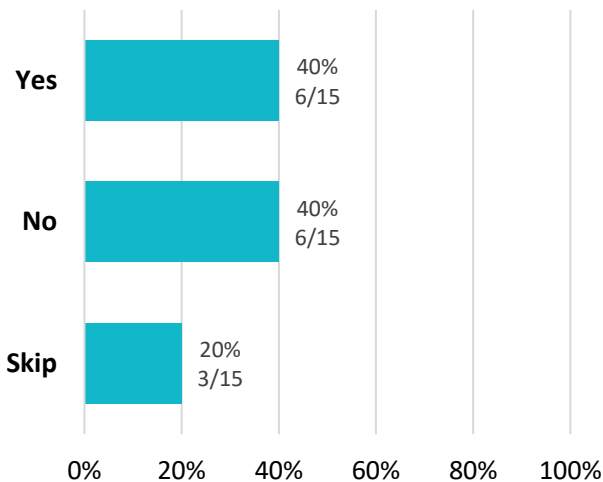
Would your employees benefit from translation/interpretation services?



## SECTION 2: Employees using a language other than English as part of their job

**40% of departments have employees who use a language other than English as part of their job.**

Do any of your employees use a language other than English as part of their job?



**Employees use their language skills to varying degrees.**



Degree to which employees use language as part of their job	# of Departments	Department
Everyday	2	Fire, Parks and Recreation
At least 1x per week	2	Police, Library
At least 1x per month	2	Business Management, Housing and Community
Less than 1x per month	1	Public Works,
Skipped	9	--

**Spanish is the most common language used.**  
Language skills are often used informally, such as when interacting with residents in the field.

**Recruitment, training, evaluation, and/or incentives for language skills are not common among departments.**

- Parks and Recreation recently hired an employee(s) with language skills as part of their job description.
- Parks and Recreation had an employee with translation or interpretation certification (seasonal summer staff member, certification not a requirement).
- Police evaluates the non-English language capabilities of their employee(s).
- Police offers incentives to employees for speaking language(s) other than English as part of their job and promotes this in recruiting materials, visits, etc.



### SECTION 3: Town translation and interpretation services

Departments use **different types of language services.**

**11 departments have provided language services at some point in time.**

Type of Service	# of Departments	Department
Telephone interpreter	4	Building and Development Services, Fire, Public Housing, Police
Staff serving as interpreter	5	Building and Development Services, Fire, Library, Parks & Recreation, Police
Community member(s)	4	Fire, Parks and Recreation, Public Housing, Town Manager
Language Service organization	8	Building and Development Services, Communications and Public Affairs, Fire, Housing and Community, Library, Public Housing, Transit



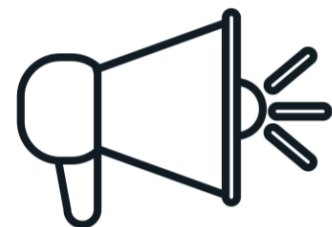
Departments typically **identify a need for language services** through:

- Difficulty in communicating with residents, patrons, etc.
- Knowledge of primary languages of target audience
- Requests from partnering agencies and groups
- Staff identification



Translation and interpretation **services are typically used for:**

- Community meetings
- Activities or programs
- Public communication
- Translating documents
- Crime reports



## Town of Chapel Hill Language Access Plan

**SECTION 4: Communications and services currently offered by departments**

Department	Communications in Other Languages	Services Offered in Other Languages
<b>Building and Development Services</b>	<ul style="list-style-type: none"> <li>Notices, working on permit applications and other information</li> </ul>	<ul style="list-style-type: none"> <li>Interpreters for services, as needed</li> </ul>
<b>Business Management</b>	<ul style="list-style-type: none"> <li>None, but department mostly interfaces with internal customers and those communications are in English</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
<b>Communications and Public Affairs</b>	<ul style="list-style-type: none"> <li>Video spots on Facebook and Twitter regarding emergency notifications</li> </ul>	<ul style="list-style-type: none"> <li>Interpreters for meetings can be provided</li> </ul>
<b>Fire</b>	<ul style="list-style-type: none"> <li>Working on emergency communications in other languages</li> </ul>	<ul style="list-style-type: none"> <li>Public education events in Spanish where Spanish-speaking employees provided the program or public education event</li> </ul>
<b>Housing &amp; Community</b>	<ul style="list-style-type: none"> <li>Translate flyers and notices, as needed</li> </ul>	<ul style="list-style-type: none"> <li>Interpretation and translated materials for community events, as needed</li> </ul>
<b>Human Resource Development</b>	<ul style="list-style-type: none"> <li>Only as requested</li> </ul>	<ul style="list-style-type: none"> <li>Only as requested</li> </ul>
<b>Library</b>	<ul style="list-style-type: none"> <li>Self-checkout interface (Chinese, French, and Spanish)</li> <li>Some promotions in Spanish</li> <li>For outreach events library card application forms are in Burmese, Karen, and Spanish</li> </ul>	<ul style="list-style-type: none"> <li>Spanish language story times (occasional)</li> <li>Spanish language book club</li> </ul>
<b>Manager's Office</b>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
<b>Parks &amp; Recreation</b>	<ul style="list-style-type: none"> <li>Caution signs, fee reduction forms, registration forms, all camp communications (parent packets, fact sheets, cancellation forms, daily notices, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
<b>Planning</b>	<ul style="list-style-type: none"> <li>Very occasional translations of meeting announcement flyers for special projects</li> </ul>	<ul style="list-style-type: none"> <li>Very occasional meeting translation</li> </ul>
<b>Police</b>	<ul style="list-style-type: none"> <li>Newsletters when needed</li> </ul>	<ul style="list-style-type: none"> <li>All services on an as needed basis</li> </ul>
<b>Public Housing</b>	<ul style="list-style-type: none"> <li>Some notices regarding emergent issues: weather conditions, OWASA concerns, safety issues.</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
<b>Public Works</b>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
<b>Technology Solutions</b>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
<b>Transit</b>	<ul style="list-style-type: none"> <li>Notices</li> </ul>	<ul style="list-style-type: none"> <li>Transit</li> </ul>

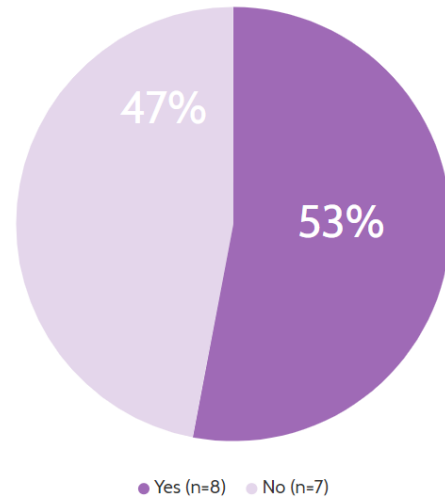
## SECTION 5: Funding

**Over 50% of departments have **received** federal funding (now or in the past).**

- These departments should be taking steps to provide meaningful access to resources and services to limited English speaking proficient communities, based on Title VI of the Civil Rights Act of 1964.



Does your department receive federal funding?



Federal **funds come from various sources** and are used in various ways.

Department	Federal Funding Source	What are funds used for?
<b>Library</b>	LSTA grant funding from IMLS, administered through State Library	Variety of grant projects: Circulator, Explore More, podcast, etc.
<b>Public Works</b>	FHWA, FEMA, etc.	Capital projects
<b>Transit</b>	Department of Transportation	Capital and maintaining capital
<b>Housing &amp; Community</b>		
<i>Public Housing</i>	Housing & Urban Development	Operations and Maintenance of Chapel Hill Public Housing apartments
<i>Affordable Housing &amp; Community Connections</i>	Community Development Block Grant (CDBG)	Community development activities
<b>Police</b>	Federal grants	Purchasing equipment
<b>Fire</b>	Federal grants	Purchasing equipment

Currently, **only Police and Housing and Community** have dedicated funding in their budget for language access and assistance.

## Town of Chapel Hill Language Access Plan

**Departmental Survey**

Two years ago, the Town's [Building Integrated Communities](#) (BIC) Team asked for your help in gathering information about your department's interpretation and translation services. We are back for an update!

The information gathered from this updated survey will help us as we advance a key strategy of BIC – developing a Town-wide Language Access Plan. With this Plan, we aim to make Town communications and in-person interactions with the Town accessible to Chapel Hill's low English proficient residents in their preferred languages.

As we develop the Language Access Plan, we will follow-up with you in August to share a draft and seek your input. Thank you!

**Your Info**

1. **Your Name:**
2. **Your Department:**

**Employees****1. Do you have employees in your department that speak languages other than English?**

If yes →

- a. How many employees by language spoken (insert # of employees in blank space provided)?  
 Spanish \_\_\_\_\_  
 Mandarin \_\_\_\_\_  
 Korean \_\_\_\_\_  
 ADD OTHER LANGUAGES \_\_\_\_\_
- b. Do any of your employees speak English as a second language? Y/N
  - i. If yes → Would they benefit from translation or interpretation services?

**2. \*\*Do any of your employees use a language other than English as part of their job?**

If yes →

- a. How many of each language?
- b. Were they hired with this as part of their job description? Y/N
- c. To what degree do they use this language as part of their job?
  - i. Everyday
  - ii. at least 1x per week
  - iii. at least 1x per month
  - iv. less than 1x per month
- d. Do you evaluate their language capabilities? Y/N  
 If yes → How?

## Town of Chapel Hill Language Access Plan

e. Do they have translation or interpretation certification?

**3. Do you offer incentive(s) to employees for speaking languages other than English, including American Sign Language?**

If yes → What type of incentive(s)?

**Departmental Translation & Interpretation Services**

**4. What communications (newsletters, notices, signage, etc.) does your department currently offer in languages other than English?**

**5. What services does your department currently offer in languages other than English?**

**6. How frequently do you encounter a need for translation/interpretation services?**

- a. Never
- b. Not Frequently
- c. Somewhat frequently
- d. Frequently
- e. Very frequently

If answer anything other than “never” → **How do you identify a need for translation and/or interpretation services? What are these services used for?**

**7. \*\*If your department provides translation or interpretation services, how do you provide it?**

**Select all that apply.**

- a. Telephone interpreter
- b. Staff interpreter
- c. Language Service organization (Please indicate who you use: \_\_\_\_\_)
- d. Community member(s)
- e. We currently do not provide these services

**8. \*\*Does your department receive federal funding?**

- a. If so, where does this funding come from?
- b. What does it go towards?

**9. \*\*Does your department have funding dedicated to language access / assistance?**

**10. Do you have any other comments?**

**Town Departments who completed survey**

- Building and Development Services
- Business Management
- Communications and Public Affairs
- Fire
- Housing and Community
  - *Affordable Housing & Community Connections*
  - *Planning*
  - *Public Housing*
- Human Resource Development
- Library
- Manager's Office
- Parks and Recreation
- Police
- Public Works
- Technology Solutions
- Transit

## Appendix D: Vital Documents

The Town of Chapel Hill will provide written translation of vital documents into the Town's primary languages: Burmese, Karen, Mandarin Chinese, and Spanish. Vital documents are those that are necessary for residents to use Town services or programs and to access Town information.

The Town will create and maintain an inventory of vital documents. Town staff will develop policies and procedures for consistently determining and updating the vital documents inventory. General document guidelines for vital documents will include, but not be limited to:

- Consent forms
- Complaint/feedback forms
- Eligibility criteria for Town services (e.g. Public Housing, etc.)
- Applications to participate in programs or to receive benefits or services
- Notices of rights, denial, loss or decreases in benefits or services
- Notices of Eviction, Leases ("for information purposes only") and Tenant Rules
- Notices of free language assistance
- Emergency, fire, and public safety information
- Any forms with the potential for significant community impact

## Appendix E: Language Access Plans

### Local NC Jurisdiction Plans

Orange County, NC Limited English Proficiency Policy: <http://orangecountync.gov/1920/LEP-Policy>

Winston-Salem LEP Policy and Procedures: <http://www.cityofws.org/Portals/0/pdf/human-relations/LEP%20Policy%20and%20ProceduresR.pdf>

City of Durham draft Language Access Plan:

[https://cityordinances.durhamnc.gov/OnBaseAgendaOnline/Documents/ViewDocument/WS-Published%20Attachment%20-%2013238%20-%20OTHER%20-%20PROPOSED%20LANGUAGE%20ACCESS%20PLAN%20-%206\\_.pdf?meetingId=310&documentType=Agenda&itemId=11421&publishId=52347&isSection=false](https://cityordinances.durhamnc.gov/OnBaseAgendaOnline/Documents/ViewDocument/WS-Published%20Attachment%20-%2013238%20-%20OTHER%20-%20PROPOSED%20LANGUAGE%20ACCESS%20PLAN%20-%206_.pdf?meetingId=310&documentType=Agenda&itemId=11421&publishId=52347&isSection=false)

City of Fayetteville: <https://fayettevillenc.gov/government/city-departments/human-relations/about-our-department>

City of Greensboro Language Access Program: <https://www.greensboro-nc.gov/departments/human-relations/education-and-outreach/language-access-program>

### Other Plans

Minneapolis 2015 Language Access Plan:

<http://www.minneapolismn.gov/www/groups/public/@ncr/documents/webcontent/wcmstp-172695.pdf>

City of Madison, Wisconsin Language Access Plan:

<https://bloximages.chicago2.vip.townnews.com/madison.com/content/tncms/assets/v3/editorial/a/76/a768f98d-e61f-5658-bb64-6db36de4537d/5a970d56432a7.pdf.pdf>

Atlanta Regional Commission Limited English Proficiency Plan: <https://cdn.atlantaregional.org/wp-content/uploads/lep-plan-final-2017.pdf>

City of Cleveland Language Access Plan:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/LanguageAccessPlan#definitions>


City of Detroit Limited English Proficiency Plan: <https://detroitmi.gov/document/limited-english-proficiency-plan>

City of San Francisco Language Access: <https://sfgov.org/oceia/language-access>

NYC Department of Citywide Administrative Services: <https://www1.nyc.gov/site/dcas/about/language-access-plan.page>

Town of Chapel Hill Language Access Draft Budget			
	Fiscal Year 2020	Fiscal Year 21	Fiscal Year 22
Item			
<b>Interpretation Service</b> <i>Assumes interpretation services for 15 public meetings (\$5,000), and 40 individual meetings with Town staff (\$2,000) by language service contractor; cost estimated to decrease over time as internal capacity increases for the provision of language services.</i>	\$7,000	\$5,000	\$5,000
<b>Translation Services</b> <i>For translation of vital documents, meeting notices, etc by language service; cost estimated to decrease over time as internal capacity increases for the provision of language services and most vital documents are translated in first year of implementation.</i>	\$5,000	\$2,500	\$2,500
<b>Employee Training</b> <i>Most training would be led by Town employees, with one offering by an outside contractor.</i>	\$2,000	\$2,000	\$2,000
<b>Employee Pay Incentive</b> <i>Current year incentive only available in Police Department, 7 employees receiving incentive; Proposed budget assumes 5 additional employees (not in Police) receive incentive in FY21 year and 2 additional employees (not in Police) in subsequent years.</i>	\$9,600	\$17,000	\$19,000
<b>TOTAL</b>	<b>\$ 23,600</b>	<b>\$ 26,500</b>	<b>\$ 28,500</b>

\*\* We have sufficient resources to cover the costs associated with LAP implementation in Fiscal Year 2020 through the Town's General Fund budget and the recent Duke Energy grant award.

 <b>Proposed Language Access Plan (LAP) Implementation Timeline</b>								
	FY20				FY21			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>COMMUNITY OUTREACH</b>								
Partner with community members, community partners, and Town staff to jointly design detailed procedures for LAP implementation		◆		◆				
Design communications and marketing materials for LAP		◆		◆				
Share LAP with community members and community partners		◆						◆
<b>BUILDING STAFF CAPACITY</b>								
Identify potential partners to develop LAP training			◆	◆				
Co-lead Town-wide LAP staff training				◆		◆		
Town Council consider approval of pay incentive in FY21 budget process				★				
Implement employee pay incentive program					◆			◆
Provide technical assistance to Town Departments	◆							◆
<b>TRANSLATION AND INTERPRETATION</b>								
Translate vital documents		◆						◆
Establish contract for language services		◆						
<b>MONITORING AND UPDATING LAP</b>								
Create processes for tracking language access and assistance data	◆							◆
Update reporting measures, as needed	◆							◆

★ Council Consideration



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

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**Item #:** 11., **File #:** [19-0940], **Version:** 1

**Meeting Date:** 11/13/2019

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**Consider an Application for Conditional Zoning Atlas Amendment at 1751 Dobbins Drive from Residential-4 (R-4) to Office/Institutional-2 Conditional Zoning (OI-2-CZ).**

See the Staff Report on the next page.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

**PRESENTER:** Judy Johnson, Interim Planning Director

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Presentation by the applicant
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Motion to adjourn the Public Hearing
- g. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- h. Motion to enact an Ordinance to rezone the property.

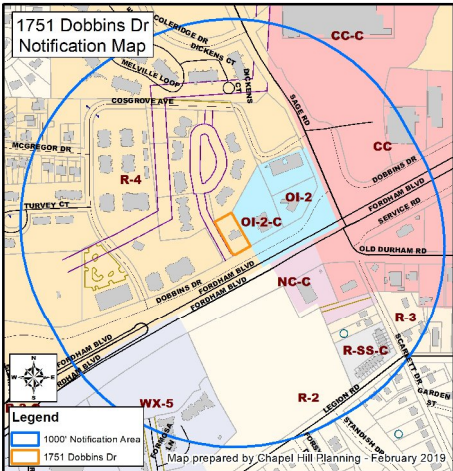
**RECOMMENDATION:** That the Council close the Public Hearing, adopt the Resolution of Consistency, and enact Ordinance A, approving the Conditional Rezoning.



CONSIDER AN APPLICATION FOR CONDITIONAL ZONING ATLAS AMENDMENT AT  
1751 DOBBINS DRIVE FROM RESIDENTIAL-4 (R-4) TO OFFICE/INSTITUTIONAL-  
2-CONDITIONAL ZONING (OI-2-CZ)

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
Judy Johnson, Interim Director  
Michael Sudol, Planner II

<p>PROPERTY ADDRESS 1751 Dobbins Drive</p>	<p>DATE November 13, 2019</p>	<p>APPLICANT Aaron Frank, Womble Bond Dickinson LLP on behalf of James R. and Melissa A. Miller, LLC</p>
<p><b>STAFF RECOMMENDATION</b> That the Council close the Public Hearing, adopt the Resolution of Consistency, and enact Ordinance A, approving the Conditional Zoning Atlas Amendment.</p>		
<p><b>UPDATES SINCE OCTOBER 30 PUBLIC HEARING</b></p> <ul style="list-style-type: none"> <li>The condition requiring a future alternate buffer between adjacent properties has been clarified to state that an alternate buffer is only required if redevelopment of the adjacent properties results in buffers that are less than the LUMO requirements: <ul style="list-style-type: none"> <li>The LUMO specifies that the first zoning lot to develop must build the full required buffer. The alternate buffer proposed here is in addition to that requirement, which has already been fulfilled by the adjacent properties.</li> <li>The current 20 foot buffers between the adjacent commercial properties and the existing single-family home could be reduced to 10 feet with the property developed as a commercial property. In this way, redevelopment of this property as an office reduces the required buffer for the adjacent properties.</li> </ul> </li> <li>A condition requiring rooftop electric conduit for solar readiness has been discussed with the applicant. The applicant has not agreed to the condition, but the Council may discuss it with them further.</li> </ul>		
<p><b>PROCESS</b> Conditional Zoning is a legislative process that allows Town Council to review the zoning application for consistency with the Land Use Plan in the Comprehensive Plan. A Conditional Zoning District is deemed consistent if the proposed District will be located in conformance with an adopted small area plan and/or in one of the following Land Use Categories:</p> <ul style="list-style-type: none"> <li>- Medium and High Residential</li> <li>- Commercial</li> <li>- Mixed Use, Office and Office/Commercial Emphasis</li> <li>- Town/Village Center</li> <li>- Institutional Office</li> <li>- University</li> <li>- Development Opportunity Area</li> <li>- Light Industrial Opportunity Area</li> </ul>	<p><b>DECISION POINTS</b> The applicant requests:</p> <ul style="list-style-type: none"> <li>Modifications to landscape buffer on west property line.</li> <li>Modification to minimum interior and street setback widths.</li> <li>Modification to steep slopes requirement.</li> <li>Modification to foundation buffer strip.</li> </ul>	
<p><b>PROJECT OVERVIEW</b> The applicant proposes construction of a two-story, 5,747 square foot office with 21 parking spaces.</p> <ul style="list-style-type: none"> <li>Existing Zoning: Residential-4 (R-4)</li> <li>Proposed Zoning: Office/Institutional-2-Conditional Zoning (OI-2-CZ)</li> <li>Lot size: 0.5 acres</li> </ul>	<p><b>PROJECT LOCATION</b></p> 	

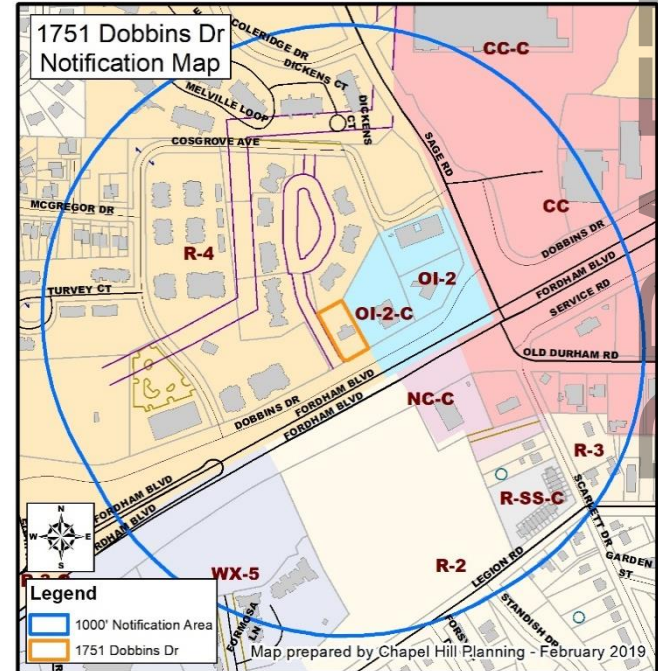
ATTACHMENTS	<ol style="list-style-type: none"><li>1. Draft Staff Presentation</li><li>2. Resolution A, Resolution of Consistency</li><li>3. Ordinance A</li><li>4. Resolution B</li><li>5. Technical Report and Project Summary</li><li>6. Applicant's Materials</li><li>7. Submitted Plans</li></ol>
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# 1751 Dobbins Drive Conditional Rezoning

Town Council  
Public Hearing

November 13, 2019



- Condition requiring an alternate buffer has been clarified
- Condition regarding solar conduit has been discussed with applicant

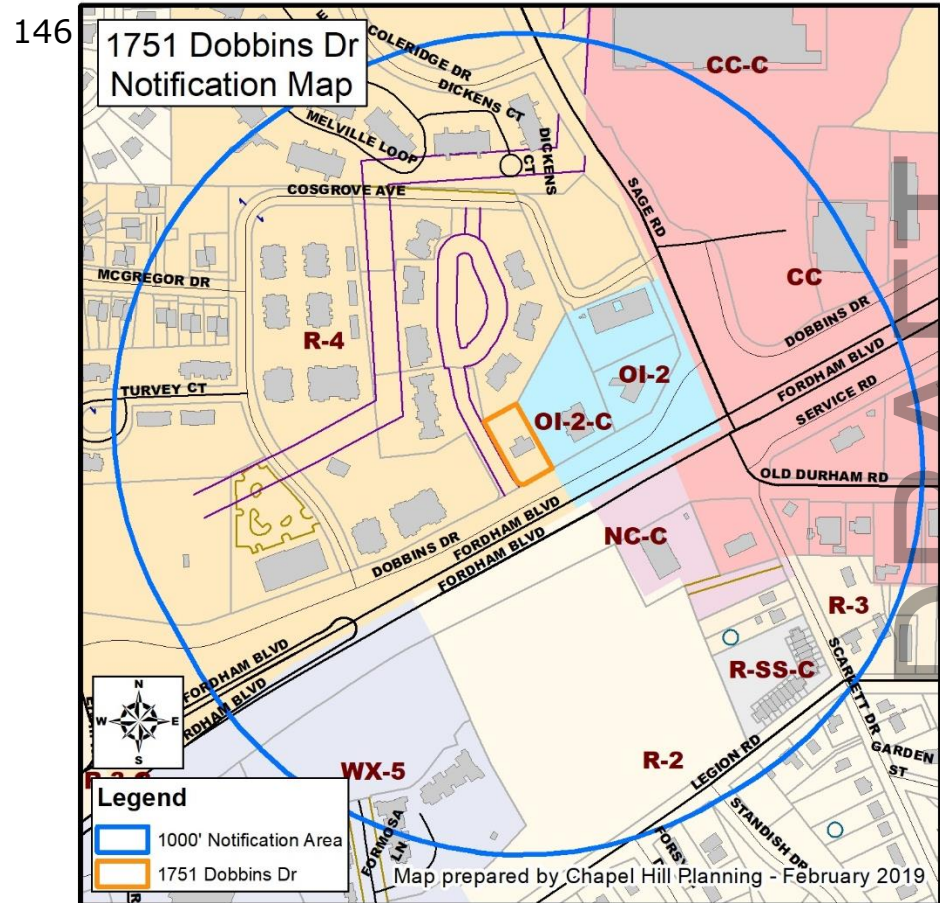
DRAFT

- Close the Public Hearing;
- Adopt the Resolution of Consistency;
- Enact Ordinance A, approving the Conditional Rezoning

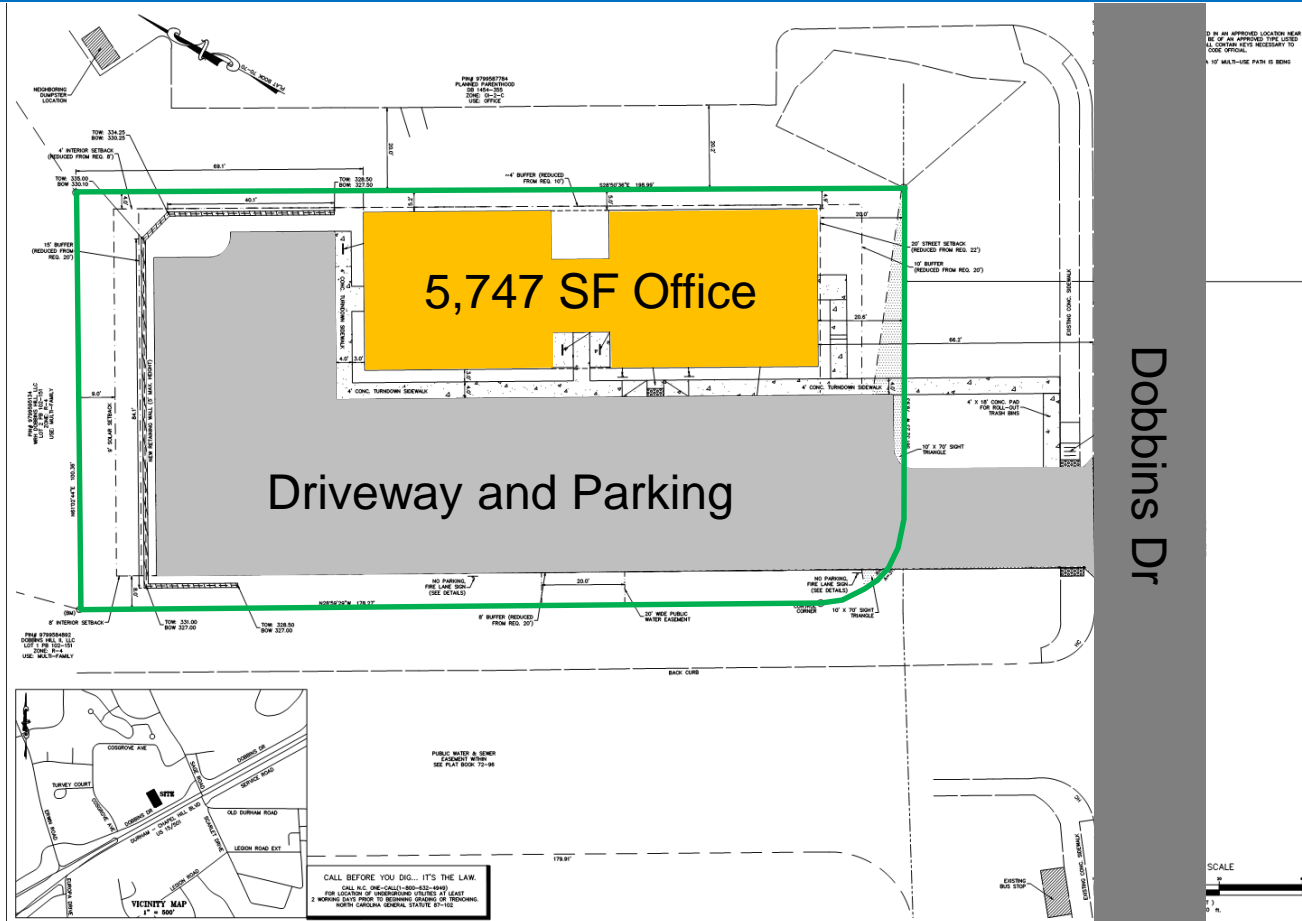
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# 1751 Dobbins Dr – Project Summary

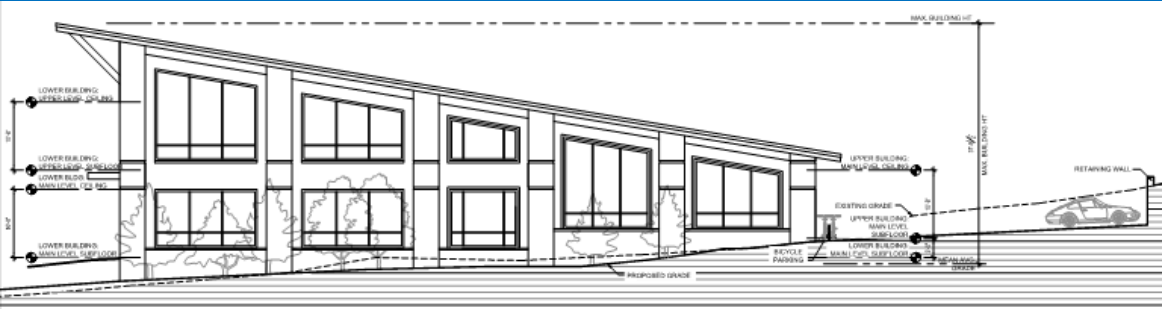
- 0.5 acre site
- Conditional Zoning
  - Currently R-4
  - Proposing OI-2-CZ
- Construct 5,747 SF office
- Parking:
  - 21 automobile spaces
  - 8 bicycle spaces





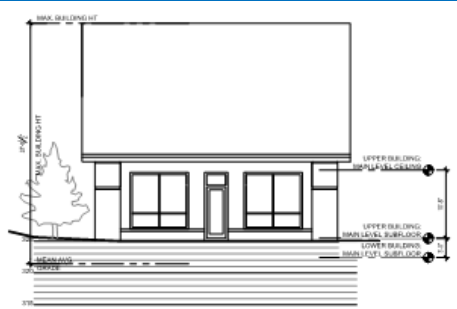


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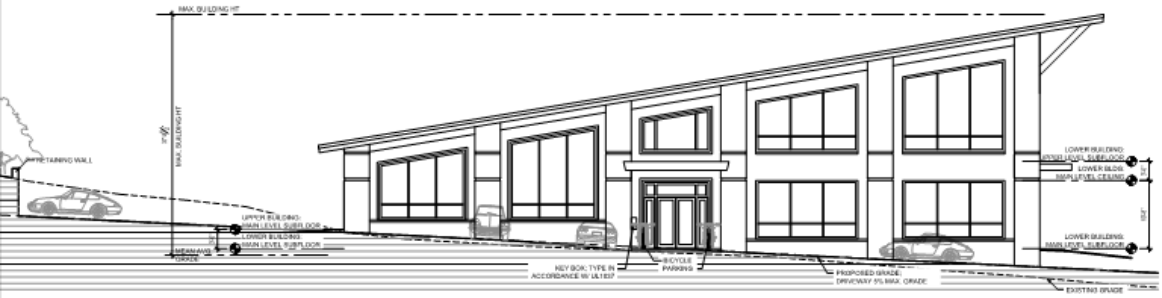
2-A201 LEFT ELEVATION (FACING COMMERCIAL PARKING LOT)

1/8" = 1'-0"



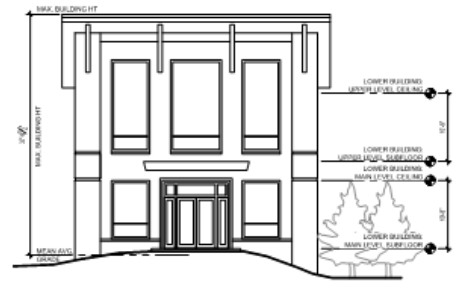
3-A201 REAR ELEVATION

1/8" = 1'-0"



2-A201 LEFT ELEVATION (FACING PRIVATE DR.)

1/8" = 1'-0"



1-A201 FRONT ELEVATION (FACING DOBBINS DR.)

1/8" = 1'-0"

DRAFT

Advisory Boards/Commissions	Recommendation	Conditions
Planning Commission	Approval	None
Community Design Commission	Approval	None
Transportation and Connectivity Board	Approval	1 EV space, 20% conduit, green space
Environmental Stewardship	Approval	Architecture 2030

- Close the Public Hearing;
- Adopt the Resolution of Consistency;
- Enact Ordinance A, approving the Conditional Rezoning

DRAFT

A RESOLUTION REGARDING THE APPLICATION FOR CONDITIONAL ZONING ATLAS AMENDMENT AT THE PROPERTY LOCATED AT 1751 DOBBINS DRIVE TO OFFICE/INSTITUTIONAL-2-CONDITIONAL ZONING DISTRICT (OI-2-CZ) AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (2019-11-13/R-7)

WHEREAS, Womble Bond Dickinson LLP has filed an application for Conditional Zoning Atlas Amendment on behalf of James R. and Melissa A. Miller, LLC to rezone a 0.5-acre parcel located at 1751 Dobbins Drive and identified as Orange County Parcel Identifier Number 9799-58-6643 to Office/Institutional-2-Conditional Zoning District (OI-2-CZ) to allow 5,747 square feet of business, office-type use; and

WHEREAS, the Town staff have completed a review of the application for compliance with the Land Use Management Ordinance, Town Code, and for Consistency with the Comprehensive Plan; and

WHEREAS, the Planning Commission reviewed the application on October 15, 2019 and recommended that the Council enact the Conditional Zoning Atlas Amendment rezoning the property; and

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning Atlas Amendment on behalf of James R. and Melissa A. Miller, LLC to rezone and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A welcoming and friendly community that provides all people with access to opportunities (*Goal A Place for Everyone.4*)
- Balance and sustain finances by increasing revenues and decreasing expenses (*Goal Community Prosperity & Engagement.1*)
- Foster success of local businesses (*Goal Community Prosperity & Engagement.2*)
- Promote a safe, vibrant, and connected (physical and person) community (*Goal Community Prosperity & Engagement.3*)
- A well-conceived and planned, carefully thought out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and public transportation options (*Goal Getting Around.1*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Goal Getting Around.2*)
- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (*Goal Getting Around.8*)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (*Goal Good Places New Spaces.8*)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (*Goal Nurturing Our Communities.8*).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed Conditional Zoning Atlas Amendment to be reasonable and consistent with the Town Comprehensive Plan.

This the 13<sup>th</sup> day of November, 2019.

ORDINANCE A  
(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 1751 DOBBINS DRIVE TO OFFICE/INSTITUTIONAL-2-CONDITIONAL ZONING (OI-2-CZ) (PROJECT #19-094) (2019-11-13/O-1)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning Atlas Amendment submitted by Aaron Frank, Womble Bond Dickinson LLP on behalf of James R. and Melissa A. Miller, LLC, to rezone a 0.5-acre parcel located at 1751 Dobbins Drive on property identified as Orange County Property Identifier Number 9799-58-6643, to allow 5,747 square feet of office use and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A welcoming and friendly community that provides all people with access to opportunities (*Goal A Place for Everyone.4*)
- Balance and sustain finances by increasing revenues and decreasing expenses (*Goal Community Prosperity & Engagement.1*)
- Foster success of local businesses (*Goal Community Prosperity & Engagement.2*)
- Promote a safe, vibrant, and connected (physical and person) community (*Goal Community Prosperity & Engagement.3*)
- A well-conceived and planned, carefully thought out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and public transportation options (*Goal Getting Around.1*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Goal Getting Around.2*)
- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (*Goal Getting Around.8*)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (*Goal Good Places New Spaces.8*)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (*Goal Nurturing Our Communities.8*)

WHEREAS, the application, if rezoned to Office/Institutional-2-Conditional Zoning (OI-2-CZ) according to the rezoning plan dated July 24, 2019, and the conditions listed below would:

- a) Conform with the applicable provisions of the Land Use Management Ordinance and Town Code
- b) Conform with the Comprehensive Plan
- c) Be compatible with adjoining uses
- d) Mitigate impacts on surrounding properties and the Town as a whole
- e) Be harmonious with existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities

- f) Be harmonious with natural systems such as hydrology, topography, and other environmental constraints

#### MODIFICATIONS TO REGULATIONS

WHEREAS, the Council of the Town of Chapel Hill finds, in this particular case, that the proposed development with the following requested modifications to regulations satisfies public purposes to an equivalent or greater degree:

Section 5.6.6 Buffer Modification: Modify the western property line buffer from the required minimum 20-foot Type "C" buffer to a buffer eight feet in width with reduced planting quantities.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff acknowledges the reduced buffer is adjacent to a street that contains trees and other plantings along the property line, effectively increasing the size of the buffer.

Section 3.8.2 Minimum Interior Setback Modification: Modify the minimum interior setback from the required minimum eight feet to four feet in width.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff acknowledges the narrow shape of the lot and that buffers are being provided on site and on adjacent properties.

Section 3.8.2 Minimum Street Setback Modification: Modify the minimum street setback from the required minimum 22 feet to 20 feet in width.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff acknowledges the narrow shape of the lot and the large North Carolina Department of Transportation Right-of-Way between the proposed building and the street.

Section 5.3.2 Steep Slopes: Modify the maximum 25 percent disturbance of the areas with slopes exceeding 25 percent. The applicant proposes to disturb 661 sq. ft., which is 99.7% of the steep slopes.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff believes the steep slopes on this site have been partially disturbed by the existing single-family residence on the site and are not necessary to protect water bodies, to protect plant and animal habitats, or to preserve the natural beauty and economic value of the Town's wooded hillsides.

Section 5.6.6 Foundation Buffer Strip Modification: Modify the foundation buffer strip between the parking lot and the building from a required five-foot wide strip to a three-foot wide strip.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff acknowledges that the site is an infill project with a narrow lot configuration.

## CONDITIONAL USES

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that it finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the purposes of Office/Institutional-2-Conditional Zoning (OI-2-CZ):

*Business, Office Type*, subject to the condition below.

- That the total square footage of business, general and business, office type uses is limited to no more than 5,747 square feet of floor area.

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Zoning Atlas be amended as follows:

### SECTION I

The following metes and bounds within the Orange County parcel identified by Parcel Identifier Number (PIN) 9799-58-6643, described below, shall be rezoned to Office/Institutional-2-Conditional Zoning (OI-2-CZ):

All of that certain lot or parcel of land situated, lying and being on the North side of the U.S. 15-501 By-Pass or Durham Boulevard from Chapel Hill N. C., and being on the North side of N.C. State Road No. 1740, and being known and designated as Lot No. 6 in Block "A", Lochern property of Mrs. Martha D. Garrard, and more particularly described as BEGINNING at an iron stake in the Southeast corner of Lot No. 6, said point being the Southwest corner of Lot No. 7 and in the right of way line of the said State Road and also being South 65 deg, 38 min. West 200 feet from the Southwest corner of the Couch property; running thence with the West line of Lot No. 7 North 24 deg. 22 min. West 200 feet to an iron stake in the South line of Lot No. 5; running thence with the South line of said Lot No. 5 South 65 deg. 38 min. West 100 feet to the East line of Ken Drive; running thence with the East line of said Ken Drive South 24 deg. 22 min. East 180 feet to an iron stake; running thence an arc in a Southern and Southeastern direction with a radius of 20 Feet for a distance of 31.4 feet to an iron stake in the North property line of said State Road, running thence with said North line of the State Road, North 65 deg. 38 min. East 80 feet to the Beginning, as re-surveyed by Hugh B. McFarling, R. L. S., in October, 1960, and being part of the same land as described in deed from Grace W. Atwood (widow), dated October 3, 1945, and as recorded in the Office of the Register of Deeds of Orange County in Deed Book 122 at Pages 165.

### SECTION II

The following conditions are hereby incorporated by reference:

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by November 13, 2021 (2 years from the date of this approval) or the land shall revert to its previous zoning designation. [LUMO 4.4.5(f)]
2. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

Use: Business, Office Type	
Number of Buildings	1
Gross Land Area	21,772 sq. ft.
Maximum Floor Area	5,747 sq. ft.
Total Impervious Surface	15,240 sq. ft.
Maximum Land Disturbance	22,609 sq. ft.

Maximum Parking Spaces	21 spaces
Minimum Parking Spaces	16 spaces
Minimum Bicycle Parking Spaces	8 spaces

3. Pedestrian Crosswalk: Prior to issuance of Zoning Compliance Permit, the design for upgrading the existing crosswalk across the driveway entrance or other similar traffic control devices shall be approved by the Town and N.C. Department of Transportation. Prior to issuance of a Certificate of Occupancy, the crosswalk shall be improved with the approved design.
4. Landscape Bufferyards: The following landscape bufferyards shall be provided:

Location	Type	Vegetation
West	8' Internal Type "C" (Modified)	4 large trees, 6 small trees, and 42 shrubs
North	N/A	N/A
East	N/A	N/A
South	N/A	N/A

Should existing buffers located on adjacent properties to the north (PIN 9799595134) and east (PIN 9799587784) be reduced as a direct result of development such that the total buffer widths required by the Chapel Hill Land Use Management Ordinance are no longer satisfied between 1751 Dobbins Drive (PIN 9799586643) and adjacent properties to the north (PIN 9799595134) and east (PIN 9799587784), the owner of 1751 Dobbins Drive (PIN 9799586643) will submit for courtesy review to the Community Design Commission an alternative buffer. The alternative buffer shall be deemed to satisfy and conform to the Chapel Hill Land Use Management Ordinance as to Buffer and Screening requirements applicable to 1751 Dobbins Drive (PIN 9799586643) unless the Community Design Commission determines unanimously in writing within thirty (30) days of submission of that alternative buffer that the alternative buffer is "in wanton disregard of the purpose and intent" of the Chapel Hill Land Use Management Ordinance.

5. Payment-In-Lieu: Prior to the issuance of a certificate of occupancy for 1751 Dobbins Drive (PIN 9799586643), the developer shall submit to the Town a payment-in-lieu (PIL) of constructing an eight-foot wide multi-use path along the Dobbins Drive frontage. The dollar amount of the PIL shall be no more than the dollar amount of the estimate of the actual cost to construct an eight-foot wide multi-use path along the Dobbins Drive frontage, which estimate shall be developed by a North Carolina licensed engineer selected by the developer.
6. Electric Conduit: The developer shall provide electric conduits to serve electric vehicle charging stations at no fewer than four (4) parking spaces located at 1751 Dobbins Drive (PIN 9799586643), the sufficiency of which shall be determined by a North Carolina licensed engineer selected by the developer. The electric conduits shall be installed prior to the issuance of a certificate of occupancy.
7. Stormwater Structures: No stormwater management structures are permitted in the rights-of-way, except as approved by the North Carolina Department of Transportation and shown on the approved rezoning plan dated July 24, 2019. This includes the outlet

structure and stabilization, any underdrains, side slopes, and the downgradient toe of french drains.

8. Stormwater Control Measures: The proposed stormwater control measures for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual.
9. Vested Right: This Conditional Zoning constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance.
10. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
11. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

#### TOWN OF CHAPEL HILL – CONDITIONAL ZONING STANDARD STIPULATIONS

Unless modified by the site-specific conditions noted above, these standards apply to all development permitted by Conditional Zoning Atlas Amendment. The following standard stipulations are supplemental to site-specific conditions as set by Town Council-approved ordinance.

#### Access

12. Accessibility Requirements: Prior to issuance of a Certificate of Occupancy, the developer shall provide the minimum required handicapped infrastructure according to the Americans with Disabilities Act and associated codes and standards.

#### Transportation

13. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit a Transportation Management Plan, subject to Town Manager approval. The Transportation Management Plan shall include monitoring of electric vehicle parking spaces usage. [LUMO 4.5.2]
14. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details that comply with the Town parking standards for required and/or proposed bicycle parking spaces. Bicycle parking spaces should be placed near building entrances. The spaces must comply with the Spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual. [LUMO 4.5.2]
15. Parking Lot: Any newly proposed parking lots, including additions to existing parking lots, shall be constructed to Town standards for dimensions and pavement design. [LUMO 5.9.5]
16. Parking Lot Landscape and Screening: The parking lot landscape design shall adhere to the standards of the Chapel Hill Land Use Management Ordinance. [LUMO 5.9.6]

17. Driveway Permit: The developer must obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the design and construction of stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.
18. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existed on the roadways.
19. Off-Site Construction Easements: Prior to any development associated land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
20. Sight Distance Triangles: Prior to issuance of a Certificate of Occupancy, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. [Town Design Manual]
21. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
22. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, the developer shall repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design of such repairs must be reviewed and approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. [Town Code 17-40]
23. Street Closure Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager and NCDOT approval, for any work requiring street, sidewalk, or lane closure(s). [Town Code 21-7.1]
24. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. The Work Zone Traffic Control Plan shall comply with the U.S. Department of Transportation Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [Town Code 17-47]

#### Landscaping and Building Elevations

25. Invasive Exotic Vegetation: Prior to issuance of a Zoning Compliance Permit, the developer shall identify on the planting plan any known invasive exotic species of vegetation, as defined by the Southeast Exotic Pest Plant Council (SE-EPPC), and provide notes indicating removal of these species from the landscape buffer areas prior to planting. [Town Design Manual]
26. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, approval shall be required from the Community Design Commission for any proposed alternate buffer. [LUMO 5.6.8]

27. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include a complete and currently updated tree survey showing critical root zones of all rare and specimen trees and labeled according to size and species. The plan shall also indicate which trees will be removed and which will remain. The plan shall also include standard notes, fencing details, and location of fencing. [LUMO 5.7.3]
28. Tree Protection Fencing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detail of a tree protection fence and a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. The plans shall include continuous tree protection fencing around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval. [LUMO 5.7.3]
29. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. [LUMO 4.5.3]
30. Tree Canopy: A minimum of tree canopy coverage shall be provided through a combination of retained and replanted trees, unless a modification to regulations is approved. Calculations demonstrating compliance with Chapel Hill Land Use Management Ordinance Section 5.7.2 shall be included. [LUMO 5.7.2]
31. Retaining Wall Construction: If applicable, the final design and location of all retaining walls shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
32. Demolition Plan: Prior to beginning any proposed demolition activity, the developer must obtain demolition permits from both the Planning and Inspections departments. While the demolition component may be submitted to Planning in tandem with the Zoning Compliance Permit for new construction, a separate stand-alone demolition permit shall be issued prior to an Inspection's Demolition permit.
33. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve a lighting plan and shall take additional care during review to ensure that the proposed lighting plan will minimize upward light pollution and off-site spillage of light. [LUMO 8.5.5]
34. Community Design Commission Approval: The developer shall obtain Community Design Commission approval of building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit. [LUMO 8.5.5] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission. [LUMO 8.4.6]

#### Environment

35. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance.
36. Phasing Plan: If phasing of the project is proposed, then, prior to issuance of a Zoning Compliance Permit, the developer shall obtain approval of a Phasing Plan that

provides details of which improvements are to be constructed during each phase. The Phasing Plan also shall detail which public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases have been completed, with a note to this effect on the final plans and plats. [LUMO 4.5.3]

37. Erosion Control Bond: If one acre or more is to be uncovered by land-disturbing activities for the project, then a performance guarantee in accordance with *Section 5-97.1 Bonds* of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. [Town Code 5-98]
38. Silt Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent roadways. [Town Code 5-86]
39. Erosion Control Inspections: In addition to the requirement during construction for inspection after every rainfall, the developer shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs. [Orange County Erosion Control]
40. Curb Inlets: The developer shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
41. On-Site/Adjacent Stormwater Features: The final plans shall locate and identify existing site conditions, including all on-site and adjacent stormwater drainage features, prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris. [Town of Chapel Hill Design Manual]
42. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy. [Town Design Manual Chapter 10]
43. Energy Efficiency: Prior to issuance of a Zoning Compliance Permit, an energy efficiency plan shall incorporate a "20 percent more energy efficient" feature relative to the 90.1 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of this Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the "20 percent more energy efficient" feature into the final plans. An energy model should be used to demonstrate that the design will meet the aforementioned energy performance target. [Town Policy April 2007]
44. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit an Energy Management Plan (EMP) for Town approval. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) consider purchase of carbon offset

credits and green power production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; and (d) if requested, provide for the property owner to report to the Town of Chapel Hill the actual energy performance of the plan, as implemented, during the period ending one year after occupancy. [Town Policy April 2007]

#### Recreation

45. Recreation Space (Multi-Family): A minimum of 25 percent of the required Recreation Space for the project shall be provided in the form of a payment in lieu. The payment in lieu shall be paid prior to the issuance of a Zoning Compliance Permit.
46. Recreation Area (Subdivision): A minimum of 25 percent of the required Recreation Area for the project shall be provided in the form of a payment in lieu. The payment in lieu shall be paid prior to the issuance of a Zoning Compliance Permit.

#### Water, Sewer, and Other Utilities

47. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, other applicable local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The developer shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit. [LUMO 4.5.3]
48. Lighting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans, sealed by a Professional Engineer, for Town Manager approval, as well as other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including: submission of a lighting plan; providing for adequate lighting on public sidewalks, including driveway crossings; and demonstrating compliance with Town standards. [LUMO 5.11]
49. Relocation of Overhead Utilities Underground: Prior to issuance of a Certificate of Occupancy, the developer will install underground all public utilities that are currently located overhead on the site except for 3 phase or greater electric lines. [LUMO 5.12.2]
50. Water/Sewer Line Construction: All public water and sewer plans shall be approved by and constructed according to OWASA standards. Where sewer lines are located beneath drive aisles and parking areas, construction methods approved by OWASA shall be employed to ensure that sewer lines will not be damaged by heavy service vehicles. [LUMO 5.12.1]
51. OWASA Approval: Prior to issuance of a Zoning Compliance Permit, any easement plats and documentation as required by OWASA and the Town Manager shall be recorded. [LUMO 5.12]

52. Irrigation: If permanent irrigation is proposed to support landscaping, an irrigation plan shall be submitted which includes the use of smart technologies to conserve water and energy.

### Fire Safety

53. Fire Sprinklers: The developer shall install sprinklers under the North Carolina Fire Protection Code (NC FPC) prior to issuance of a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems. [TOWN CODE 7-56]
54. Gates and Barricades: Where required or authorized by the fire code official and permanent or temporary (construction), any gates across fire apparatus access roads shall be a minimum width of 20 feet, be of swinging or sliding type, have an emergency means of operation, shall be openable by either forcible entry or keyed, capable of being operated by one person, and shall be installed and maintained according to UL 325 and ASTM F 2200. [NC FPC 2018, 503.5, 503.6, D103.5]
55. Grade and Approach: Fire apparatus access roads shall not exceed 10 percent in grade unless approved by the fire chief, and all approach and departure angles shall be within the limits established based on the Fire Department's apparatus. [NC FPC 2018, 503.2.7, 503.2.8 and D103.2]
56. Fire Protection and Utility Plan: A fire flow report for hydrants within 500 feet of each building shall be provided and demonstrate the calculated gallons per minute with a residual pressure of 20 pounds per square inch. The calculations should be sealed by a professional engineer licensed in the State of North Carolina and accompanied by a water supply flow test conducted within one year of the submittal. Refer to the Town Design Manual for required gallons per minute.
57. Fire Department Connections and Standpipes: When the building being constructed requires standpipes, a temporary standpipe connection will be constructed with ready Fire Department Access when the building is not more than 40 feet in height. Such standpipes shall provide usable connections adjacent to the stairs and shall continue with building progression always being not more than one floor below the highest floor of the building. [NC FPC 912 & NC FPC 2018 3313]
58. Fire Command Center: Where required in the North Carolina Fire Protection Code and in all high rise buildings, a fire command center must be constructed in accordance with Section 508, NC FPC 2018.
59. Aerials: Where a building exceeds 30 feet in height OR 3 stories above the lowest level of Fire Department Access, overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway shall have an unobstructed width of 26 feet exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15 feet and maximum of 30 feet from one complete side of the building. [NC FPC 2018 D105.1, D105.2, D105.3, D105.4]
60. Fire Apparatus Access Road: Any fire apparatus access roads (any public/private street, parking lot access, fire lanes and access roadways) used for fire department access shall be all-weather and designed to carry the imposed load of fire apparatus weighing at least 80,000 lbs. Fire apparatus access roads shall have a minimum width

of 20 feet exclusive of shoulders with an overhead clearance of at least 13 feet 6 inches for structures not exceeding 30 feet in height and shall provide access to within 150 feet of all exterior portions of the building. Structures exceeding 30 feet in height shall be provided with an aerial apparatus access road 26 feet in width in the immediate vicinity of the building or portion thereof and shall provide at least one of the required access roads to be located not less than 15 feet and not more than 30 feet from the structure parallel to one entire side of the structure. [NC FPC 2018 502.1, 503.1.1, 503.2.1, D102.1 SECOND ACCESS DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVAL]

61. Dead End Access Roads: Dead end fire apparatus access roads exceeding 150 feet shall have a designated turn around. The turnaround shall meet one of the design standards of NC FPC 2018, Appendix D table D 103.4.
62. Building Height: Buildings exceeding 30 feet or three stories in height must have at least two means of fire apparatus access separated by at least one half the diagonal distance of the building. [NC FPC 2018, D104.1, D104.3 DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVAL]
63. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
64. Fire Apparatus Access Road Authority: The fire code official shall have the authority to increase the minimum access widths where they are deemed inadequate for fire and rescue operations. [NC FPC 2018 503.2.2]
65. Hydrants Active: The developer shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. Fire protection systems shall be installed according to Town Ordinance, the NC Fire Protection Code, and National Fire Protection Association Standard #13. [NC Fire Protection Code 2018 Section 501.1 & 3312]
66. Fire Hydrant and FDC Locations: The Final Plans shall indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [NC FPC 2018 Section 501.5.1.1]
67. Firefighting Access During Construction: Vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. [NC FPC 2018, Section 3310.1]
68. Premise Identification: Approved building address numbers, placed in a position acceptable to the fire code official, shall be required on all new buildings. [NC FPC 2018, 505.1]

69. Key Boxes: Where required by the fire code official, a secure key box, mounted on the address side of the building, near the main entrance, shall be provided to ensure adequate access to the building based on life safety and/or fire protection needs. [NC FPC 2018, 506]
70. Automatic Fire Sprinkler System Required: An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 and Town Code 7-56 is required to be installed in non-residential construction.
71. Fire Department Connections, Locations: Any required FDCs for any buildings shall meet the design and installation requirements for the current, approved edition of NFPA 13, 13D, 13R, or 14 of the NC FPC 2018 and Town Code 7-38 for location. FDCs shall be installed within 100 feet of a hydrant or unless otherwise approved by the fire code official and shall not be obstructed or hindered by parking or landscaping. FDCs shall be equipped with National Standard Thread (NST) and be a 2.5" siamese.
72. Fire Department Connections, Installation: A working space of not less than 36 inches in width and depth and a working space of 78 inches in height shall be provided on all sides with the exception of wall mounted FDCs unless otherwise approved by the fire code official. The FDCs where required must be physically protected from impacts by an approved barrier. [NC FPC 2018, 912.1, 912.2 912.2.1, 312]
73. Fire Apparatus Access for Chapel Hill Fire Department: All fire department access determinations shall be based upon Chapel Hill Fire Department apparatus specifications (data specifications provided by Office of the Fire Marshal/Life Safety Division) and field verification. All proposed fire department access designs shall be reviewed and shall also pass field inspection.
74. Fire Flow Report: The Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. An OWASA flow test must be provided with the report. Fire flow shall meet the 20 psi or exceed the requirements set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [Town Design Manual]
75. Fire Lane: Prior to issuance of a Certificate of Occupancy, any fire lane shall be marked and signed in accordance with Town standards, with the associated plans approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [NC FPC, Sections 2018 503.3, D103.6, D103.6.1, D103.2]
76. Emergency Responder Radio Coverage in New Buildings: All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. [NC FPC 2018 Section 510.1]

#### Solid Waste Management and Recycling

77. Solid Waste Management Plan: Prior to issuance of a Zoning Compliance Permit, a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager and Orange County Solid Waste (OCSW). The plan shall include dimensioned, scaled details of any proposed refuse/recycling collection areas,

associated screening, and protective bollards, if applicable. Each bulk waste container shall be labeled as to type of material to be collected. If a refuse compactor is proposed or if the collection enclosure is not accessible by Town vehicles, the developer shall provide documentation of an agreement for solid waste collection by a private provider prior to issuance of a Zoning Compliance Permit. [Orange County Solid Waste]

78. Construction Waste: Clean wood waste, scrap metal and corrugated cardboard (Regulated Recyclable Materials), all present in construction waste, must be recycled. All haulers of construction waste containing Regulated Recyclable Materials must be properly licensed with Orange County Solid Waste. The developer shall provide the name of the permitted waste disposal facility to which any land clearing or demolition waste will be delivered. [Orange County Solid Waste]
79. Deconstruction Assessment: For any existing structure 500 square feet or larger a deconstruction assessment shall be conducted by OCSW staff prior to the issuance of a demolition permit pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO). Prior to any demolition or construction activity on the site, the developer shall hold a pre-demolition/pre-construction conference with Solid Waste staff. This may be held at the same pre-construction meeting held with other development/enforcement officials.

#### State and Federal Approvals

80. State or Federal Approvals: Any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit. [NC State; Federal Permits]
81. North Carolina Department of Transportation Approvals: Prior to issuance of a Zoning Compliance Permit, plans for any improvements to State-maintained roads or in associated rights-of-way shall be approved by NCDOT. [NC Department of Transportation]

#### Miscellaneous

82. Construction Management Plan: A Construction Management Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance. [Town Design Manual Chapter 10]
83. Traffic and Pedestrian Control Plan: The developer shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least 5 working days prior to any proposed lane or

street closure the developer must apply to the Town Manager for a lane or street closure permit. [Town Code 17-42]

84. Construction Sign Required: The developer shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. The sign shall be non-illuminated, and shall consist of light letters on a dark background. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.4]
85. Schools Adequate Public Facilities Ordinance: If applicable, the developer shall provide the necessary Certificates of Adequacy of Public Schools or an exemption prior to issuance of a Zoning Compliance Permit. [LUMO 5.16]
86. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
87. Detailed Plans: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Design Manual. [LUMO 4.5.3]
88. Certificates of Occupancy: No Certificates of Occupancy shall be issued until all required public improvements are complete. A note to this effect shall be placed on the final plats.  
  
If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete, and no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase. A note to this effect shall be placed on the final plats.
89. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
90. New Street Names and Numbers: The name of the development and its streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
91. As-Built Plans: Prior to the issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. [Town Design Manual Chapter 10]

92. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
93. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
94. Not-Comprehensive: The listing of these standard stipulations, and the specific stipulations applicable to this Permit, is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

### SECTION III

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that the Council hereby approves the application for an amendment of the Chapel Hill Zoning Atlas to rezone the property located at 1751 Dobbins Drive to Office/Institutional-2-Conditional Zoning (OI-2-CZ).

This the 13<sup>th</sup> day of November, 2019.

RESOLUTION B  
(Denying the Conditional Zoning Application)

A RESOLUTION DENYING AN AMENDMENT OF THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 1751 DOBBINS DRIVE TO OFFICE/INSTITUTIONAL-2-CONDITIONAL ZONING (OI-2-CZ) (PROJECT #19-094) (2019-11-13/R-8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Conditional Zoning application, proposed by Aaron Frank, Womble Bond Dickinson LLP on behalf of James R. and Melissa A. Miller, LLC, to rezone a 0.5 acre parcel located at 1751 Dobbins Drive on property identified as Orange County Property Identifier Number 9799-58-6643, if rezoned to Office/Institutional-2-Conditional Zoning (OI-2-CZ) according to the rezoning plan dated July 24, 2019, and the conditions listed below would not:

- a) The conformity of the application with the applicable provisions of this appendix and town Code.
- b) The conformity of the application with the comprehensive plan.
- c) The compatibility of the proposed application with adjoining uses.
- d) The impacts of the proposed application on the surrounding properties and town as a whole.
- e) The relationship of the application to existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities.
- f) The relationship of the application to natural systems such as hydrology, topography, and other environmental constraints.

BE IT FURTHER RESOLVED that the Council hereby denies the application for an amendment of the Chapel Hill Zoning Atlas to rezone the property located at 1751 Dobbins Drive to Office/Institutional-2-Conditional Zoning (OI-2-CZ).

This the 13<sup>th</sup> day of November, 2019.

## Town of Chapel Hill Planning Department Report

TECHNICAL REPORT

September 11, 2019

Concept Plan for 1751 Dobbins Drive is presented to Council. A 2-story office development with 5,747 sq. ft. of floor area was presented.

Connections to other Documents:

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

Comprehensive Plan Themes: Staff believes the 1751 Dobbins Drive proposal complies with the themes of the 2020 Comprehensive Plan.

Land Use Plan: The [2020 Land Use Plan](#)<sup>4</sup>, a component of the 2020 Comprehensive Plan, designates this site for Mixed Use, Office/Commercial Emphasis. The 2020 Land Use Plan also designates this site as part of the [Area 5. North 15-501 CH 2020 Future Focus Discussion Area](#).<sup>5</sup>

## APPLICANT PROPOSAL

The applicant proposes applying the OI-2-Conditional Zoning district in order to redevelop an existing single-family home into an office building. The Statement of Justification describes a "context that is no longer appropriate for single-family residential use."

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal in conjunction with the rezoning, and which allows site-specific standards to be formulated and applied as conditions through a legislative process. A -CZ suffix would be added to the zoning district designation to incorporate the approved conditions.

The Office/Institutional-2 (OI-2) Zoning District is characterized by the following standards:

- Intent: Section 3.3.9 of the Land Use Management Ordinance states that the Office/Institutional-2 (OI-2) district "is intended to provide for medium-intensity office and institutional development."
- Permitted Uses: As established in LUMO Table 3.7-1, permitted uses include (but are not limited to) offices and research activities; limited types of services and businesses; single-family and multifamily residential; and public/institutional facilities.
  - The Conditional Zoning application proposes limiting uses to only office/institutional.
  - The existing Residential-4 (R-4) zoning generally limits uses to single-family and multifamily residential; or certain public/institutional facilities.
- Dimensional Standards: As established in LUMO Table 3.8-1, standards include a maximum Residential Density of 15.0 units/acre, maximum Building Height of 34 feet (at

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

<sup>2</sup> [https://www.municode.com/library/#!/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALAUSMA](https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA)

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

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

<sup>5</sup> <https://www.townofchapelhill.org/town-hall/departments-services/chapel-hill-2020/future-focus-areas>

setback line) to 60 feet (core), minimum Street Setbacks of 22 feet, and a maximum Floor Area Ratio (FAR) of 0.264.

- The Conditional Zoning application proposes a maximum core Building Height of 38 feet, a minimum Street Setback of 20 feet, and building floor area equal to the maximum Floor Area Ratio.
  - The existing Residential-4 (R-4) zoning has a lower limit on Density and FAR (10.0 units/acre and 0.230, respectively), along with the same Height limits and Street Setbacks as the proposed district. The proposed rezoning would moderately increase the development potential for the site in terms of building scale.
- Design and Development Standards: Other standards (including landscape buffers, parking ratios, etc.) are established in LUMO Article 5 and are applicable to both the Office/Institutional-2 (OI-2) and Residential-4 (R-4) districts. The Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards in order to address impacts reasonably expected to be generated by development. Conditions can also address conformance of the development with town regulations and adopted plans.

#### SITE CONTEXT

Staff has identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Zoning Atlas Amendment:

- The subject site is located along Dobbins Drive, a service road paralleling US 15-501 that provides access to properties adjacent to this major arterial corridor. The site has visibility to a high traffic volume and is also immediately adjacent to a bus stop for the Chapel Hill Transit 'D' route.
- Property immediately east of the site is also zoned Office/Institutional-2 (OI-2) and is developed with small buildings containing offices, medical offices, and a bank.
- Property west and north of the site is zoned Residential-4 (R-4) and contains multifamily residential uses. The site sits at the intersection of Dobbins Drive and a private street that provides access to two apartment complexes. Property across US 15-501 is zoned Residential-2 (R-2).
- Various office, commercial, and hotel uses are located along Dobbins Drive near the site.
- There are no streams, stream buffers, floodplains, or wetlands affecting the site.

#### CONSISTENCY WITH THE COMPREHENSIVE PLAN

North Carolina General Statute Section 160A-383 requires the Council to approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other applicable officially adopted plan when adopting or rejecting any zoning amendment.

Staff provides the following evaluation of this application's consistency with the 2020 Comprehensive Plan and other adopted plans:

- The intent of the Office/Institutional-2 (OI-2) district notes medium-intensity office uses, which is consistent with the 2020 Land Use Plan. The general area that includes Dobbins Hill, Cosgrove Hill, and properties near the Dobbins Drive/Sage Road intersection is designated for Mixed Use, Office/Commercial Emphasis on the Land Use Plan. Office use for

the subject site, in conjunction with surrounding land uses, would provide a mix consistent with this designation.

- The site is located within the North 15-501/Area 5 Future Focus Discussion Area. Chapel Hill 2020 characterizes North 15-501 as an area with opportunities for redevelopment (based on underutilized commercial capacity), enhanced bicycle and pedestrian connections, and expanded transit services. The applicant's Comprehensive Plan Analysis notes that the proposed rezoning would support redevelopment of an underutilized property that is located "within a growing commercial corridor" and within close proximity to an existing transit stop.
- The Mobility and Connectivity Plan shows a future multiuse path along the full length of Dobbins Drive in the long-term network, as well as crossing improvements at the nearby intersection of US 15-501 and Sage Road. There are also existing sidewalks along Dobbins Drive, the private street serving apartments, and other nearby streets. Improvements to the multimodal network would support increased growth and development for the site.
- The applicant notes in the Comprehensive Plan analysis that the proposed rezoning would support the theme of Good Places, New Spaces because "non-residential land use capitalizes on the economically viable location, adjacent character, and proximity to a mixture of land uses."
- The applicant also notes that additional purposes of the 2020 Comprehensive Plan may be achieved through this application.

#### FINDINGS OF FACT

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance (as stated in Section 4.4) shall not be amended except:

- a) The conformity of the application with the applicable provisions of this appendix and town Code.
- b) The conformity of the application with the comprehensive plan.
- c) The compatibility of the proposed application with adjoining uses.
- d) The impacts of the proposed application on the surrounding properties and town as a whole.
- e) The relationship of the application to existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities.
- f) The relationship of the application to natural systems such as hydrology, topography, and other environmental constraints.

Staff provides below an evaluation of this application based on the six findings. Further information may be presented for the Council's consideration as part of the public hearing process. All information submitted at the public hearing will be included in the record of the hearing.

Finding a: The conformity of the application with the applicable provisions of this appendix and town Code.

Arguments in Support	With the proposed modifications, the plan meets the applicable provisions of the appendix and Town Code.
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the proposed modifications to regulations provide the necessary public purpose.

Finding b: The conformity of the application with the comprehensive plan.

Arguments in Support	<p>The applicant's Statement of Consistency states that the proposed rezoning would contribute to the following elements of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>• A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)</li> <li>• Balance and sustain finances by increasing revenues and decreasing expenses (Goal Community Prosperity &amp; Engagement.1)</li> <li>• Foster success of local businesses (Goal Community Prosperity &amp; Engagement.2)</li> <li>• Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity &amp; Engagement.3)</li> <li>• A well-conceived and planned, carefully thought out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and public transportation options (Goal Getting Around.1)</li> <li>• A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)</li> <li>• A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (Goal Getting Around.8)</li> <li>• Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)</li> <li>• Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal Nurturing Our Communities.8)</li> </ul>
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.

Finding c: The compatibility of the proposed application with adjoining uses.

Arguments in Support	Staff notes that the development character of the US 15-501 corridor has evolved over time, and that the existing single-family home is likely inconsistent with the character of the corridor and the level of infrastructure serving the site.
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is compatible with adjoining land uses.

Finding d: The impacts of the proposed application on the surrounding properties and town as a whole.

Arguments in Support	To date, no arguments in support have been submitted or identified by staff.
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, the application will have negligible impacts on surrounding properties and the town as a whole

Finding e: The relationship of the application to existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities.

Arguments in Support	Staff notes that the proposed redevelopment infill project supports the existing built system.
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the redevelopment infill project enhances the existing built systems

Finding f: The relationship of the application to natural systems such as hydrology, topography, and other environmental constraints.

Arguments in Support	To date, no arguments in support have been submitted or identified by staff.
Arguments in Opposition	To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: No arguments have been entered.

#### PROPOSED MODIFICATIONS TO REGULATIONS:

- 1) Section 5.6.6 Buffer Modification: The applicant proposes a modified buffer on the West property line, with an eight-foot width and reduced planting quantities.

Staff Comment: Staff believes that Council could find a public purpose for the reduced buffer width and plantings, as an infill project with existing utility lines and a narrow lot configuration, in addition to existing buffer on adjacent properties to the North and East.

- 2) Section 3.8.2 Minimum Interior Setback Modification: The applicant proposes to modify the minimum interior setback width. The required interior setback is eight feet wide, and the applicant is proposing four feet.

Staff Comment: Staff believes that Council could find a public purpose for the reduced setback width, as an infill project with a narrow lot configuration.

- 3) Section 3.8.2 Minimum Street Setback Modification: The applicant proposes to modify the minimum street setback width. The required interior setback is 22 feet wide, and the

applicant is proposing 20 feet.

Staff Comment: Staff believes that Council could find a public purpose for the reduced setback width, as an infill project with a wide North Carolina Department of Transportation Right-of-Way between the building and the street.

- 4) Section 5.3.2 Steep Slopes Modification: The applicant proposes disturbing nearly all of the steep slopes on the site. There is approximately 663 square feet of steep slopes on the site, with 661 square feet of those proposed to be disturbed.

Staff Comment: Staff believes that Council could find a public purpose for the steep slopes modification, as an infill project with a narrow lot configuration, in addition to previous disturbance of the slopes by the single-family residence on the site.

- 5) Section 5.9.6 Foundation Buffer Strip Modification: The applicant proposes a modified foundation buffer strip between the parking lot and the building. A five-foot-wide strip is required, and the applicant is proposing a three-foot strip.

Staff Comment: Staff believes that Council could find a public purpose for the foundation buffer strip modification, as the site is an infill project with a narrow lot configuration.

Council Findings and Public Purpose: The Council has the ability to 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 developer's alternative is to revise the proposal to comply with the regulations.

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

# CONDITIONAL ZONING APPLICATION



TOWN OF CHAPEL HILL  
Planning Department  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514  
phone (919) 969-5040 fax (919) 969-2014  
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9799-58-6643

Date: July 25, 2019

## Section A: Project Information

Project Name: 1751 Dobbins Drive

Property Address: 1751 Dobbins Drive, Chapel Hill, NC Zip Code: 27514

Use Groups (A, B, and/or C): Existing = A // Proposed = B Existing Zoning District: R-4

Project Description: Demolition of a single-family home to allow for a new office build with associated parking, utilities, Etc.

## Section B: Applicant, Owner, and/or Contract Purchaser Information

### Applicant Information (to whom correspondence will be mailed):

Name: Aaron Frank, Womble Bond Dickinson LLP

Address: 555 Fayetteville Street, Suite 1100

City: Raleigh State: NC Zip Code: 27601

Phone: 919-755-8158 Email: aaron.frank@wbd-us.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature:  Date: 7/25/19

### Owner/Contract Purchaser Information:

☐ Owner

☒ Contract Purchaser

Name: James R. and Melissa A. Miller, LLC

Address: 15006 Barnhardt. Ct.

City: Chapel Hill State: NC Zip Code: 27517

Phone: 919-929-2495 Email: jmill@woodwardadvisors.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature:  Date: 7/24/2019



**PROJECT FACT SHEET**  
**TOWN OF CHAPEL HILL**  
 Planning and Development Service

### Section A: Project Information

**Use Type:** (check/list all that apply)

☒ Office/Institutional    ☐ Residential    ☐ Mixed-Use    ☐ Other: \_\_\_\_\_

**Overlay District:** (check all that apply)

☐ Historic District    ☐ Neighborhood Conservation District    ☐ Airport Hazard Zone

### Section B: Land Area

Net Land Area (NLA): Area within zoning lot boundaries		NLA=	19,793	sq. ft.
Choose one, or both, of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent frontage) x ½ width of public right-of-way	CSA=	1979	sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=		sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	21,772	sq. ft.

### Section C: Special Protection Areas, Land Disturbance, and Impervious Area

**Special Protection Areas:** (check all those that apply)

☐ Jordan Buffer    ☐ Resource Conservation District    ☐ 100 Year Floodplain    ☐ Watershed Protection District

Land Disturbance	Total (sq. ft.)
Area of Land Disturbance (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, and all grading, including off-site clearing)	22,609
Area of Land Disturbance within RCD	
Area of Land Disturbance within Jordan Buffer	

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	4,756	4,756	14,202	14,202
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA)%	21.8%	21.8%	65.23%	65.23%
If located in Watershed Protection District, % of impervious surface on 7/1/1993				

**PROJECT FACT SHEET****TOWN OF CHAPEL HILL**

Planning and Development Service

**Section D: Dimensions**

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	1	1,681	1	5,500
Number of Floors	1		2	
Recreational Space				

**Residential Space**

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Floor Area (all floors – heated and unheated)	1	1,681		
Total Square Footage of All Units				
Total Square Footage of Affordable Units				
Total Residential Density				
Number of Dwelling Units				
Number of Affordable Dwelling Units				
Number of Single Bedroom Units				
Number of Two Bedroom Units				
Number of Three Bedroom Units				

**Non-Residential Space (Gross Floor Area in Square Feet)**

Use Type	Existing	Proposed	Uses	Existing	Proposed
Commercial					
Restaurant			# of Seats		
Government					
Institutional					
Medical					
Office		5,500 gfa			
Hotel			# of Rooms		
Industrial					
Place of Worship			# of Seats		
Other					

Dimensional Requirements		Required by Ordinance	Existing	Proposed
<b>Setbacks (minimum)</b>	Street	22' (OI-2)	22' (R-4)	20'
	Interior (neighboring property lines)	8' (OI-2)	8' (R-4)	4'
	Solar (northern property line)	9' (OI-2)	9' (R-4)	9'
<b>Height (maximum)</b>	Primary	34'	1- story house	
	Secondary	60'	1- story house	37'8.5"
<b>Streets</b>	Frontages	40' min	79.93'	79.93
	Widths		25' (Dobbins)	25' (Dobbins)



**PROJECT FACT SHEET**  
**TOWN OF CHAPEL HILL**  
 Planning and Development Services

### Section F: Adjoining or Connecting Streets and Sidewalks

*Note: For approval of proposed street names, contact the Engineering Department.*

Street Name	Right-of-Way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing Curb/Gutter
Dobbins Drive	250' (combined w/ 15-501)	25'	2	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
				<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

**List Proposed Points of Access** (Ex: Number, Street Name):

\*If existing sidewalks do not exist and the applicant is adding sidewalks, please provide the following information:

Sidewalk Information			
Street Names	Dimensions	Surface	Handicapped Ramps
Dobbins Drive (existing sidewalk)	4.7' wide	Concrete	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

### Section G: Parking Information

Parking Spaces	Minimum	Maximum	Proposed
Regular Spaces	15	22	19
Handicap Spaces	1		2
Total Spaces	16	22	21
Loading Spaces	N/A	N/A	0
Bicycle Spaces	7		8
Surface Type	2" SF9.5A // 8" ABC in parking spaces		

### Section H: Landscape Buffers

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
Dobbins Drive // Type C Buffer Req.	20'	10'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
North (Rear) // Type C Buffer Req.	20'	15'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
West // Type B Buffer Required	20'	8'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
East // Type C Buffer Req.	10'	4'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes



**PROJECT FACT SHEET**  
**TOWN OF CHAPEL HILL**  
 Planning and Development Services

### Section I: Land Use Intensity

Existing Zoning District:

Proposed Zoning Change (if any):

Zoning – Area – Ratio			Impervious Surface Thresholds			Minimum and Maximum Limitations	
Zoning District(s)	Floor Area Ratio (FAR)	Recreation Space Ratio (RSR)	Low Density Residential (0.24)	High Density Residential (0.50)	Non-Residential (0.70)	Maximum Floor Area (MFA) = FAR x GLA	Minimum Recreation Space (MSR) = RSR x GLA
OI-2-CZ	.264	N/A	N/A	N/A	N/A	5,747	N/A
<b>TOTAL</b>	.264						
<b>RCD Streamside</b>	N/A	0.01					N/A
<b>RCD Managed</b>	N/A	0.019					N/A
<b>RCD Upland</b>	N/A	N/A					N/A

### Section J: Utility Service

Check all that apply:

<b>Water</b>	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Well	<input type="checkbox"/> Community Well	<input type="checkbox"/> Other
<b>Sewer</b>	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Septic Tank	<input type="checkbox"/> Community Package Plant	<input type="checkbox"/> Other
<b>Electrical</b>	<input checked="" type="checkbox"/> Underground	<input type="checkbox"/> Above Ground		
<b>Telephone</b>	<input checked="" type="checkbox"/> Underground	<input type="checkbox"/> Above Ground		
<b>Solid Waste</b>	<input checked="" type="checkbox"/> Town	<input type="checkbox"/> Private		

### Written Narrative

This rezoning requests to rezone 1751 Dobbins Drive (the “Property”) from the Residential-4 (R-4) zoning district to the Office Institutional-2 (OI-2) zoning district to allow the development of two office buildings totaling 5,000 square feet. The buildings will be one and two-stories and connected by a shared lobby. The rezoning is requested to develop permanent office space for a local company.

The buildings will be served by 16 parking spaces, 7 bicycle parking spaces, and access will be provided from Dobbins Drive. No access will be provided from the road serving Dobbins Hill Apartments. A bus stop is located at the adjacent property and employees will be encouraged to use transit.

Stormwater management will be provided through underground stormwater retention, and landscaping will be provided around the property to serve as a buffer. The underground cistern is proposed in the front of the site to design with existing topographic patterns.

The building will be two-stories tall, with large windows and a wedge-style roofline will make the structure architecturally interesting and impactful along the 15-501 corridor. Architectural considerations will allow for design of the building that will stimulate interest from 15-501 while remaining compatible with residential uses to the west and north.

Statement of Justification to Rezone 1751 Dobbins Drive

This application requests to rezone 1751 Dobbins Drive (the “Property”) from the Residential-4 (R-4) zoning district to the Office/Institutional-2 (OI-2) zoning district. The Property is currently used for a single-family residential dwelling in a predominately commercial use area of the Town, along the 15-501 corridor. Zoning amendments are permitted in the Land Use Management Ordinance (LUMO) to a) to correct a manifest error in the appendix; or b) because of changed or changing conditions in a particular area or in the jurisdiction generally; or c) to achieve the purposes of the comprehensive plan. This Statement of Justification demonstrates that this fully satisfies criteria b) and c) of Section 4.4, as described below. Details regarding the design of the site, proposed use, and other features of redevelopment are provided in the Written Narrative.

*b) because of changed or changing conditions in a particular area or in the jurisdiction generally*

The area containing the Property has changed drastically in the previous decades, resulting in a context that is no longer appropriate for single-family residential use. This is evidenced as the Property contains the only remaining single-family residential dwelling in the area; surrounding properties have been recently redeveloped to office, multi-family residential, and retail communities. The Property is adjacent to 15-501, a median-separated arterial and contributes towards noise and light pollution that is incompatible for single-family residential dwelling. This zoning change proposes to change the land use to more appropriately blend in with the non-residential neighborhood, contribute towards the tax base, and capitalize on the strategic location of the property for non-residential development.

The proximity and visibility of the site to large traffic volumes position it advantageously to accommodate non-residential land uses. Access to the site is provided from Dobbins Drive via 15-501 and does not require vehicular traffic to traverse through a residential neighborhood. Bus access to the property is also possible with a bus stop located at the adjacent property, allowing employees and visitors alike to access the property using means other than car. Locating non-residential development near a transit stop demonstrates private investment capitalizing on public investment in transportation.

*c) to achieve the purposes of the comprehensive plan.*

This application will achieve the purposes of the comprehensive plan. The Property is located within the *North 15-501 Future Focus Discussion Area and the*. The request to rezone to the OI-2 zoning designation strives to achieve the stated goals of the Future Focus Area, and will achieve one of the stated preferred land uses for this location in the Comprehensive Plan: *Mixed Use/Office/Commercial Emphasis*. Additional analysis of supporting Comprehensive Plan language is provided in the Comprehensive Plan Letter of Justification.

### Comprehensive Plan Analysis

1751 Dobbins Drive (the “Property”) is located within the *Area 5: North 15-501 Focus Area Future Focus Area* of the Comprehensive Plan, and designated as “Mixed Use, Office/Commercial Emphasis”. Future Focus Discussion Areas are the areas of Chapel Hill most likely to change in the future, and the Comprehensive Plan provides policy guidance specifically for each Future Focus Area. The rezoning application from Residential-4 (R-4) to Office Institutional-2 (OI-2) proposes to achieve the desired goals as outlined in the *Area 5: North 15-501 Focus Area*, and accomplishes numerous goals outlined in the different Themes of the Comprehensive Plan. The proposed land use fulfills the “office” component of the “Mixed Use, Office/Commercial Emphasis” designation.

The guiding principles of the North 15-501 Focus Area is provided below, accompanied by applicant response in italics.

#### Guiding Principles

- Enhanced bicycle and pedestrian connections could link existing and new residential and commercial uses in this area.

*The project connects existing residential and commercial uses to a new commercial use, and is located near a transit stop.*

- Redevelopment opportunities exist in this area, which currently have underutilized commercial capacity.

*This application proposes to accomplish exactly this; the existing single-family residential dwelling unit underutilizes a property with proximity to 15-501 and within a growing commercial corridor.*

- The Ephesus Church Road/Fordham Blvd. Small Area Planning and Traffic Analysis was adopted in 2011 and will affect development in this area.

*Not applicable to this application.*

- The area has been identified for investment of expanded transit services to provide improved mobility within and along U.S. 15-501 and Fordham Blvd.

*A bus stop is located within close proximity to this Property. Redevelopment of this property to a higher density use allows private investment to capitalize on public services, making the bus system more efficient by adding a destination and increasing ridership at an existing stop.*

- The area also includes access to the proposed light rail transit service between Durham and Chapel Hill.

*Not applicable to this application.*

Additional comments, as provided in the Comprehensive Plan, are as follows:

- Acknowledged high development potential

*We are proposing a modest change in density to acknowledge increased density potential while maintaining compatibility to adjacent properties.*

- Preference for light rail and bus rapid transit

*The proposal supports transit usage by adding a destination and additional ridership near an existing stop.*

- Gateway site (southwest corner of 15-501 and I-40 intersection) and University Mall major development potential—high-density mixed use/commercial/residential

*Not applicable.*

- High Density towards 15/501 transitioning to medium density towards the neighborhoods and medium density along Franklin Street

*We are proposing a change of use but modest density in consideration of compatibility to adjacent properties.*

- American Legion developed as public open space

*Not applicable.*

- Enhance Connectivity - Circulator road, east-west streets between Franklin Street and 15/501, Connect Legion & Old Chapel Hill

*N/A – The project is located on Dobbins Drive, nearby 15-501. No new roads are planned.*

- Greenways connecting open spaces, existing trails and major development areas

*N/A – The project is not located in the above areas although a sidewalk is provided.*

- Include Blue Cross Blue Shield (and UNC) in discussion about potential collaboration and development.

*Not applicable.*

The application achieves several Themes and Goals established in the Comprehensive Plan. A list of the applicable Themes and Goals, along with the application response is provided below in italics.

### **Themes and Goals**

#### **Theme 1: A Place for Everyone (PFE)**

- A welcoming and friendly community that provides all people with access to opportunities (PFE.4)

*This will provide new employment opportunities, strengthening Chapel Hill as a job center.*

#### **Theme 2: Community Engagement and Prosperity (CPE)**

- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1)

*The proposal will positively affect the Town's property tax revenues by changing low-density residential land to commercial land and allows for building improvements. Additional employment at this location will have multiplier effects that support other local businesses and encourages new residents to live in Chapel Hill.*

- Foster success of local businesses (CPE.2)

*This allows the creation of a local business where one does not currently exist.*

- Promote a safe, vibrant, and connected (physical and person) community (CPE.3)

*This connects residents to nearby employment opportunities. Additionally the increased activity of the site can increase the vibrancy and safety of the surrounding area.*

### Theme 3: Getting Around

- A well-conceived and planned, carefully thought out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and public transportation options (GA.1)

*The property is transit-adjacent, providing private investment that capitalizes on existing public investment of the transit system. The site is accessible by means other than the automobile and proximity to varying land uses increases the potential for walking, transit, or bicycle trips. Bicycle racks are provided.*

- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (GA.2)

*The site links a new business to the adjacent Dobbins Hill residential neighborhood, and is walkable from the Cosgrove Hill mixed use community. A transit stop is located on the adjacent property.*

- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (GA.8)

*The property is providing the minimum amount of parking as required by the LUMO. This efficiently uses space and we are encouraging non-vehicular access to the property in other ways through providing bicycle racks and locating near a transit stop.*

### Theme 4: Good Places, New Spaces

- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (GPNS.8)

*This land use is anticipated in the North 15-505 Focus Area. The existing single family residential dwelling is no longer an appropriate land use at this location considering the site is adjacent to 15-501. Non-residential land use capitalizes on the economically viable location, adjacent character, and proximity to a mixture of land uses.*

### Theme 5: Nurturing Our Communities

- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (NOC.8)

*Stormwater management will be provided where none currently exists, and traffic generation will be minimal. This site is strategically located off 15-501. The property will be screened with vegetation and will contain glare controlled lighting.*



Womble Bond Dickinson (US) LLP

555 Fayetteville Street, Suite 1100

Raleigh, NC 27601

**October 8, 2019**

Submitted Via Rezoning Application Submittal

Judy Johnson, Operations Manager  
Planning Department  
Town of Chapel Hill  
405 Martin Luther King Jr. Blvd  
Chapel Hill, NC 27514

Aaron Frank  
Direct Dial: 919-755-8158  
E-mail: [Aaron.Frank@wbd-us.com](mailto:Aaron.Frank@wbd-us.com)

**Re: Requested Modifications for Rezoning 19-094**

Dear Ms. Johnson,

In association with the conditional rezoning application 19-094 for 1751 Dobbins Drive, we respectfully request modifications to seven regulations of the Land Use Management Ordinance (LUMO). The justification for these requested modifications is as follows. As described in greater detail in the Comprehensive Plan Analysis, the Property is designated as “Mixed Use, Office/Commercial Emphasis” and located within the Area 5: North 15-501 Focus Area Future Focus Area of the Comprehensive Plan. The existing land use, single-family residential, is inconsistent with the Comprehensive Plan, and several modifications to the Land Use Management Ordinance are necessary in order to achieve the desired land use on the Property.

The Property consists of .45 net acres in a parcel that is approximately 100’ wide. This is a small property for non-single-family-residential development, and thoughtful design is necessary to accomplish the desired improvements. The requested modifications to the Ordinance all pertain to dimensional features, such as setbacks, buffers, and landscaping. These modifications are necessary in order to allow for new building development, emergency access to those buildings, vehicular parking, and the landscaping improvements proposed. The application of these modified regulations result in a development that is attractively designed, safe, and offers buffering protection to adjacent properties. Full application of the required setbacks and dimensional landscaping requirements would prohibit use of the Property in the way envisioned by the Comprehensive Plan, given the challenging dimensional characteristics with respect to Ordinance requirements. The site plan associated with the rezoning has been thoughtfully designed to balance the goals of the Comprehensive Plan and result in a project that is harmonious with adjacent properties.



October 8, 2019

Page 2

The requested modifications to regulations are as follows:

LUMO Table 3.8-1: Dimensional Matrix:

20' street setback requested. 22' required.

4' interior setback (eastern property line) requested. 8' required.

5.3.2 Steep Slopes Modification

99.7% disturbance of steep slopes is requested. 25% permitted.

The project is of an infill type, and the steep slopes proposed to be disturbed were created during previous development.

Table 5.6.6-1. Schedule of Required Buffers: Modified Buffers

8' Buffer requested along west property line. 20' Type B Buffer required.

5.9.6.c.2.a: Parking Landscaping Standards: Foundation Buffer Strip.

3' Foundation Buffer Strip requested. 5' required.

Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call.

Sincerely,

**Womble Bond Dickinson (US) LLP**

Aaron Frank, AICP



1751 DOBBINS DRIVE  
1751 DOBBINS DRIVE, CHAPEL HILL, NC 27514

# EXISTING CONDITIONS & DEMOLITION PLAN

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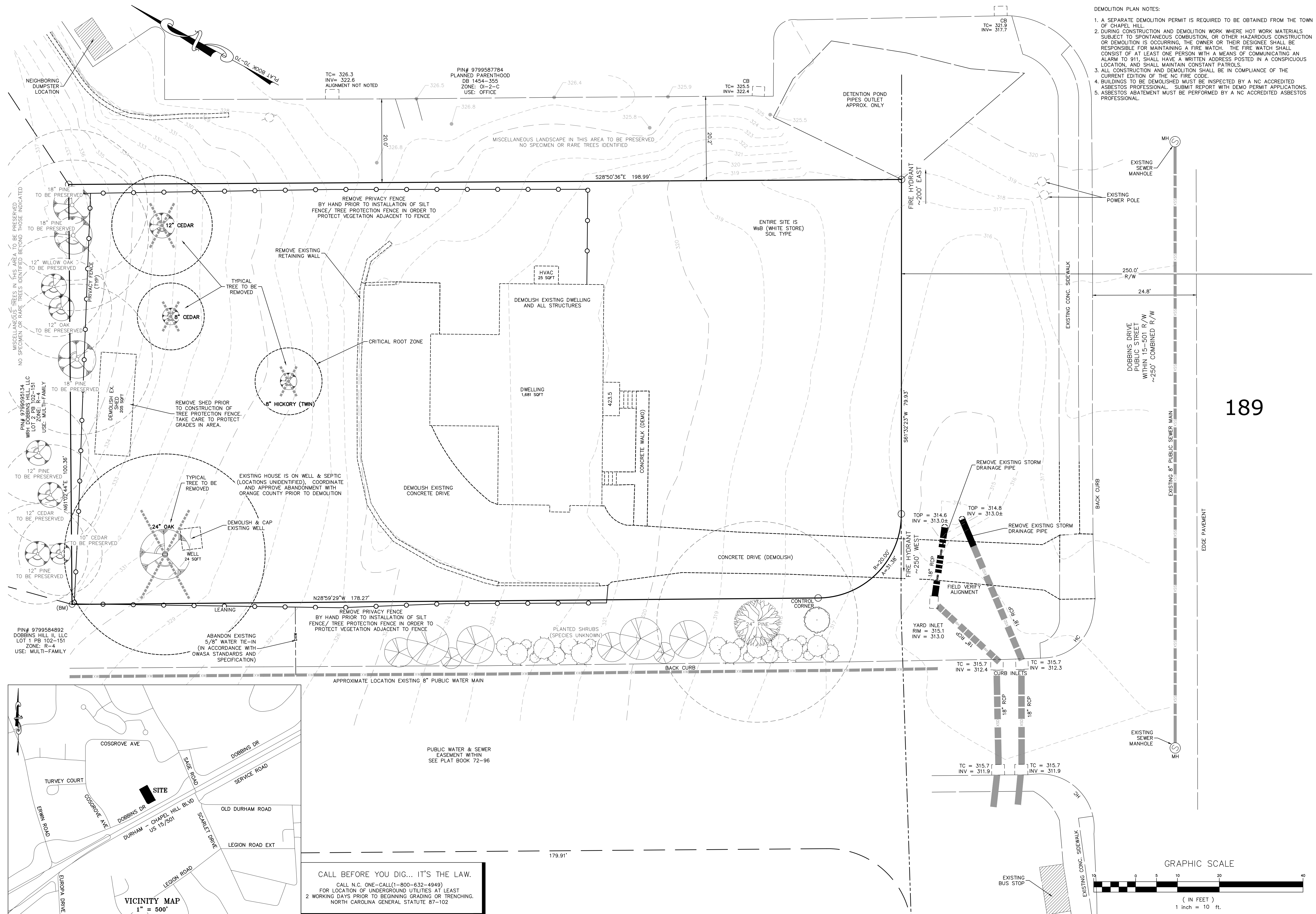
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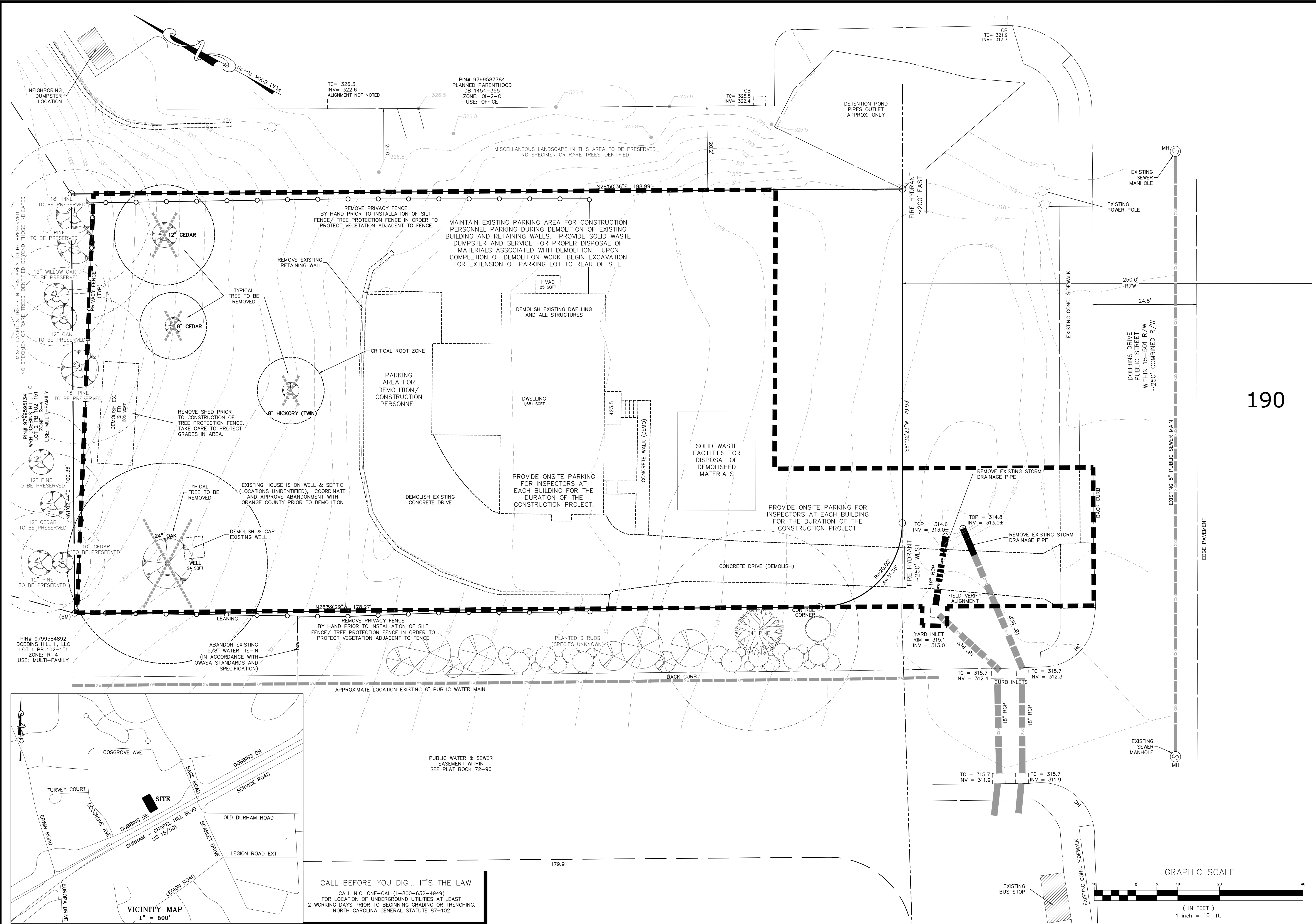
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PRELIMINARY SITE PLAN





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204 W. Clay Street  
Mebane, NC 27302  
Phone: (919) 563-9041  
Fax: (919) 304-3234  
E-Mail: Phil.Koch@EarthCentric.com



1751 DOBBINS DRIVE  
1751 DOBBINS DRIVE, CHAPEL HILL, NC 27514  
CONSTRUCTION MANGEMENT PLAN  
DEMOLITION & INITIAL CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
1	09/03/2019	PER CITY REVIEW COMMENTS	CPK

DATE: JULY 24, 2019  
HORIZONTAL SCALE: 1" = 10'  
VERTICAL SCALE: N/A  
PROJECT MANAGER: CPK  
DRAWN BY: CPK  
PROJECT NO: 19-011  
DRAWING NAME: 19-011 REVIEW

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PRELIMINARY SITE PLAN



1751 DOBBINS DRIVE  
1751 DOBBINS DRIVE, CHAPEL HILL, NC 27514  
CONSTRUCTION MANAGEMENT PLAN:  
SITE CONSTRUCTION

[illegible]

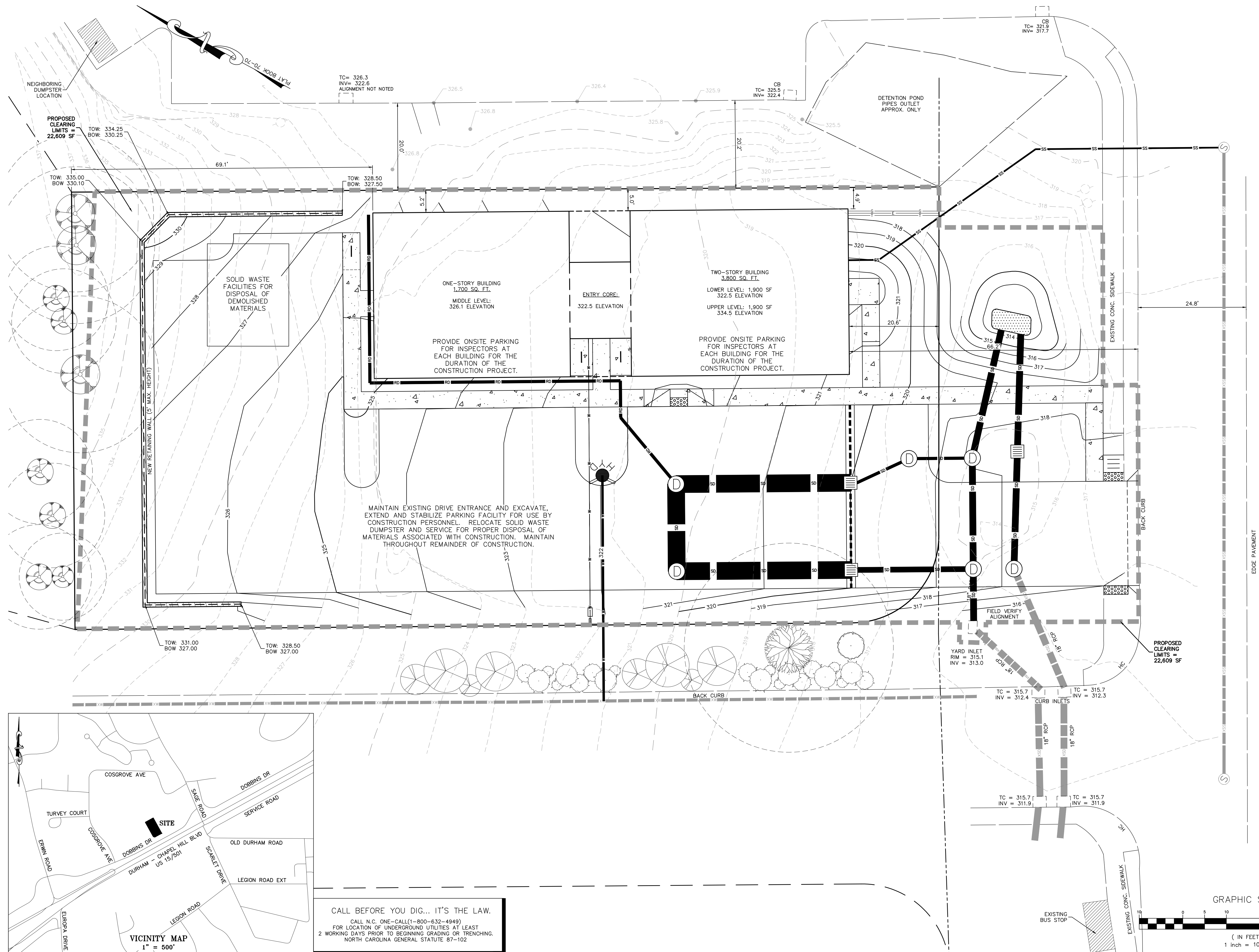
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22.2

### ELIMINARY SITE PLAN





1751 DOBBINS DRIVE  
1751 DOBBINS DRIVE, CHAPEL HILL, NC 27514  
SITE & SOLID WASTE PLAN

	REV.	DATE	DESCRIPTION	DY
	1	09/03/2019	PER CITY REVIEW COMMENTS CPK	

DATE:	JULY 24, 2019
HORIZONTAL SCALE:	1" = 10'
VERTICAL SCALE:	N/A
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DRAWN BY:	CPK
PROJECT NO:	19-011
DRAWING NAME:	19-011 REVIEW

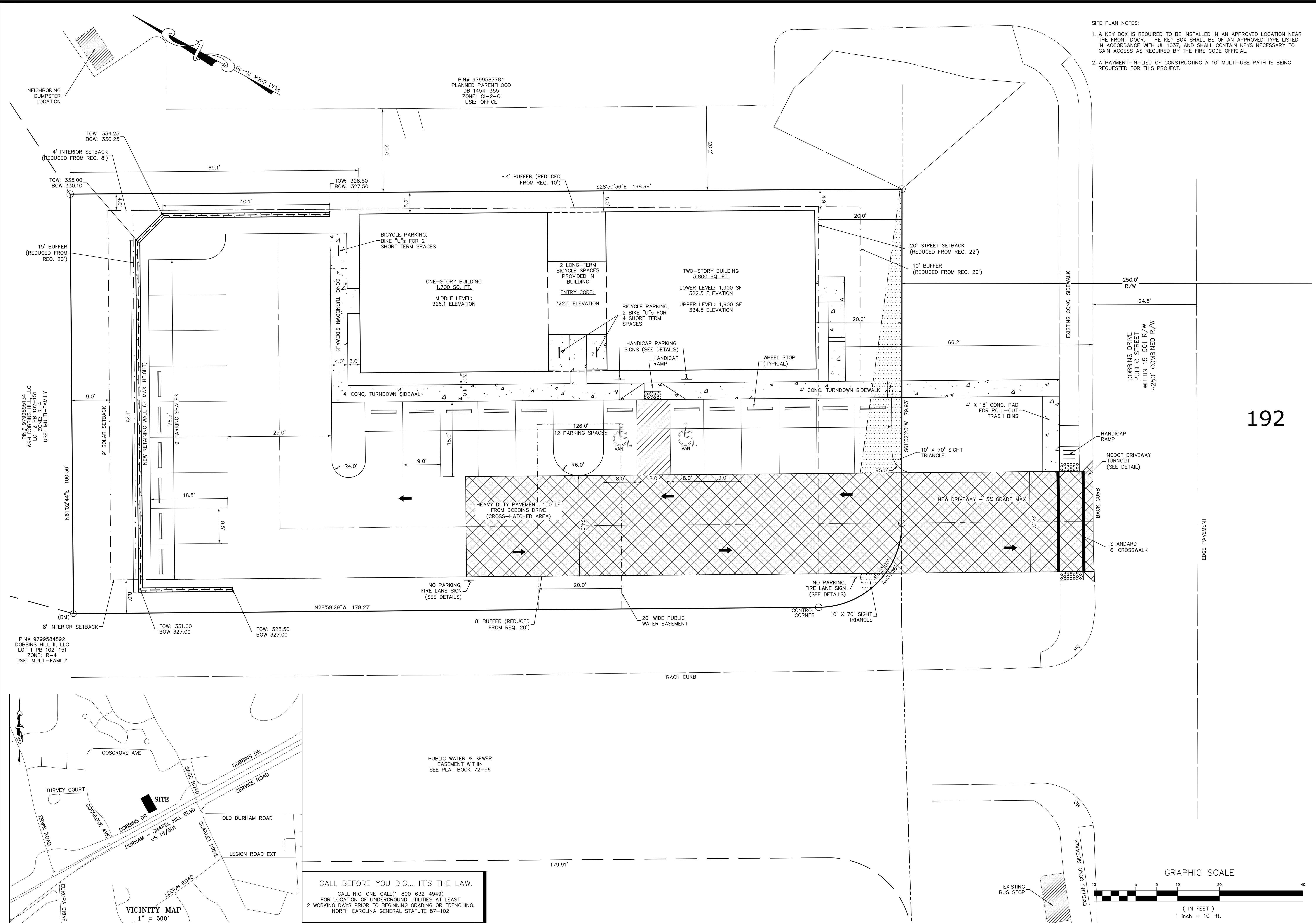
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PRELIMINARY SITE PLAN



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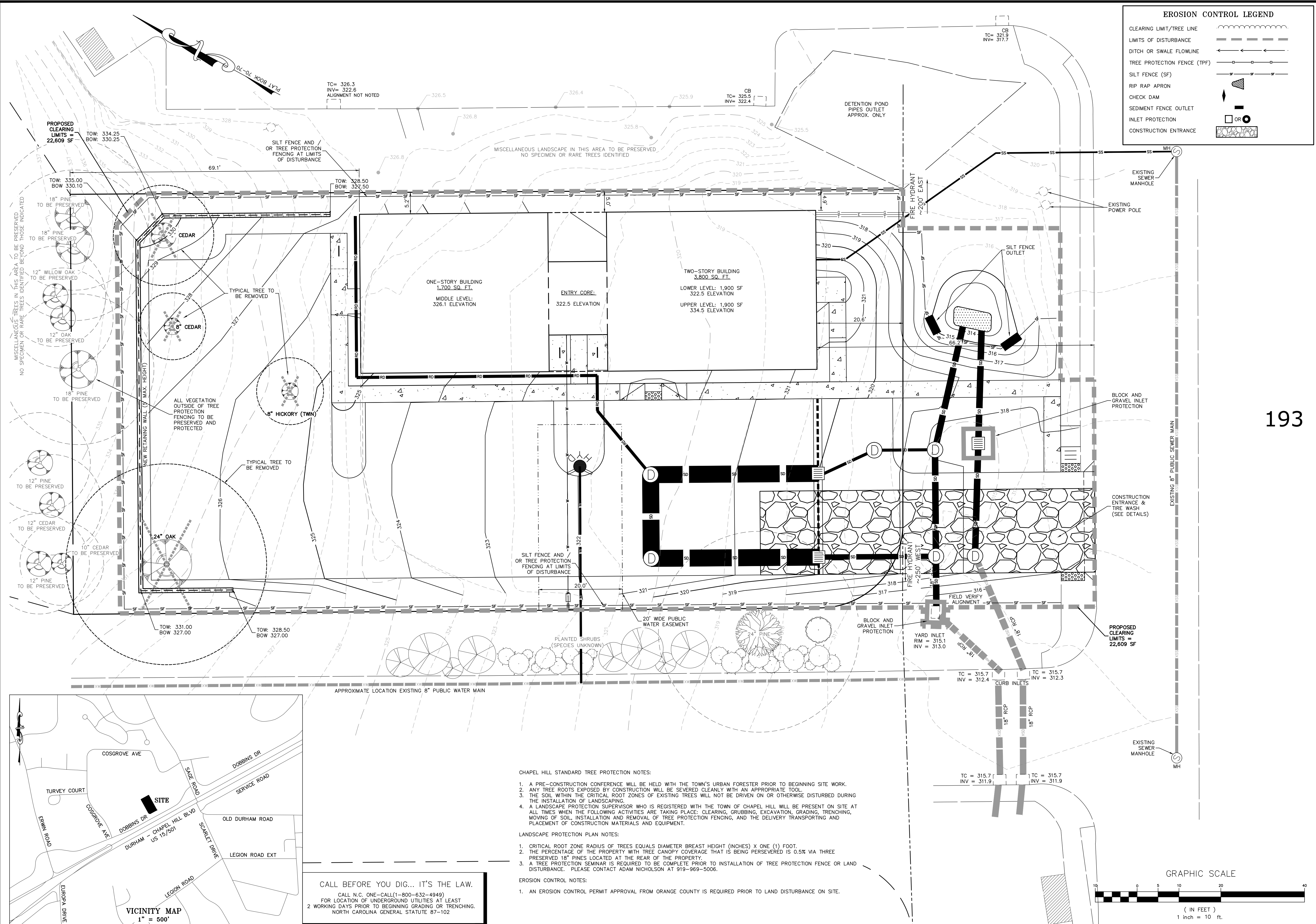
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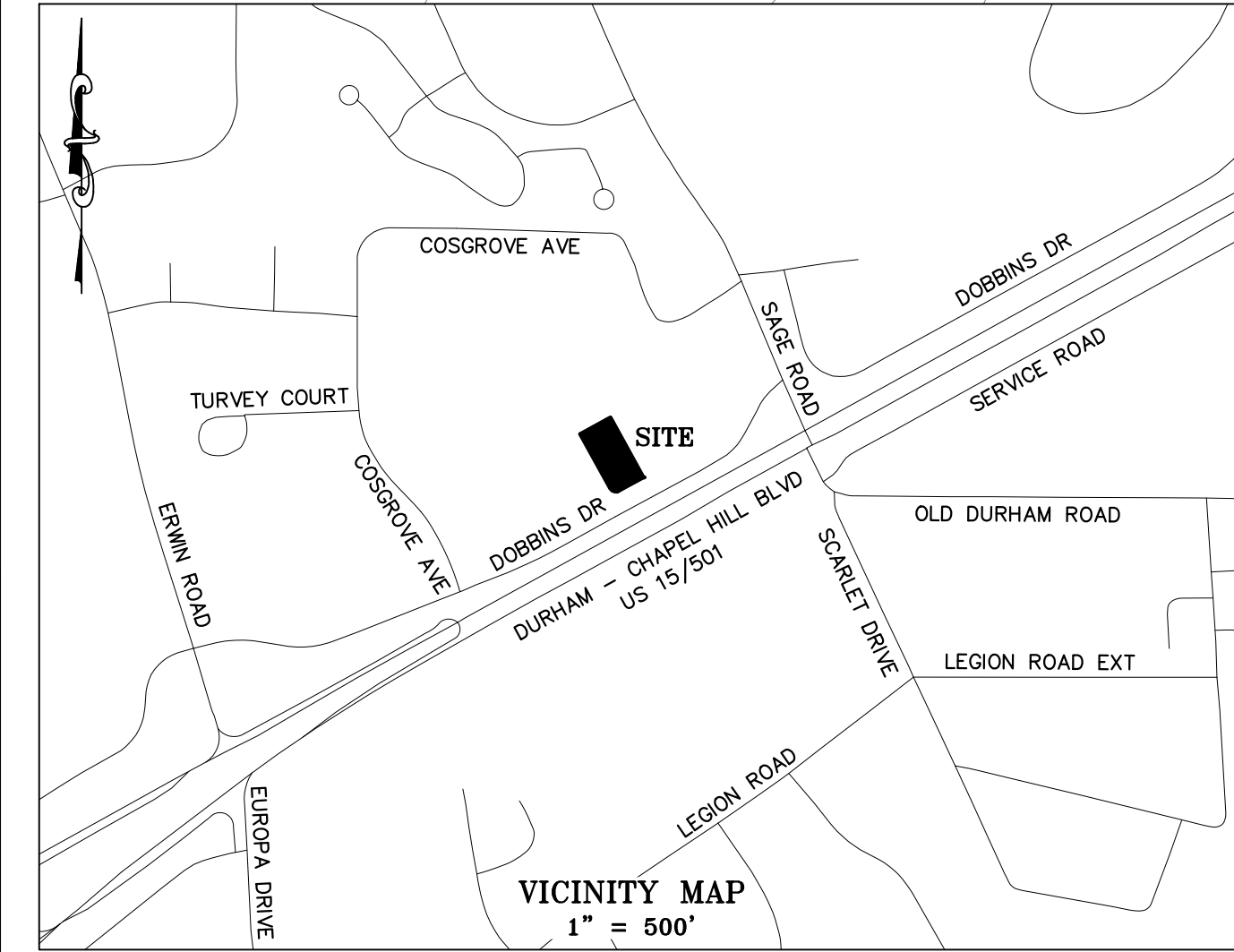
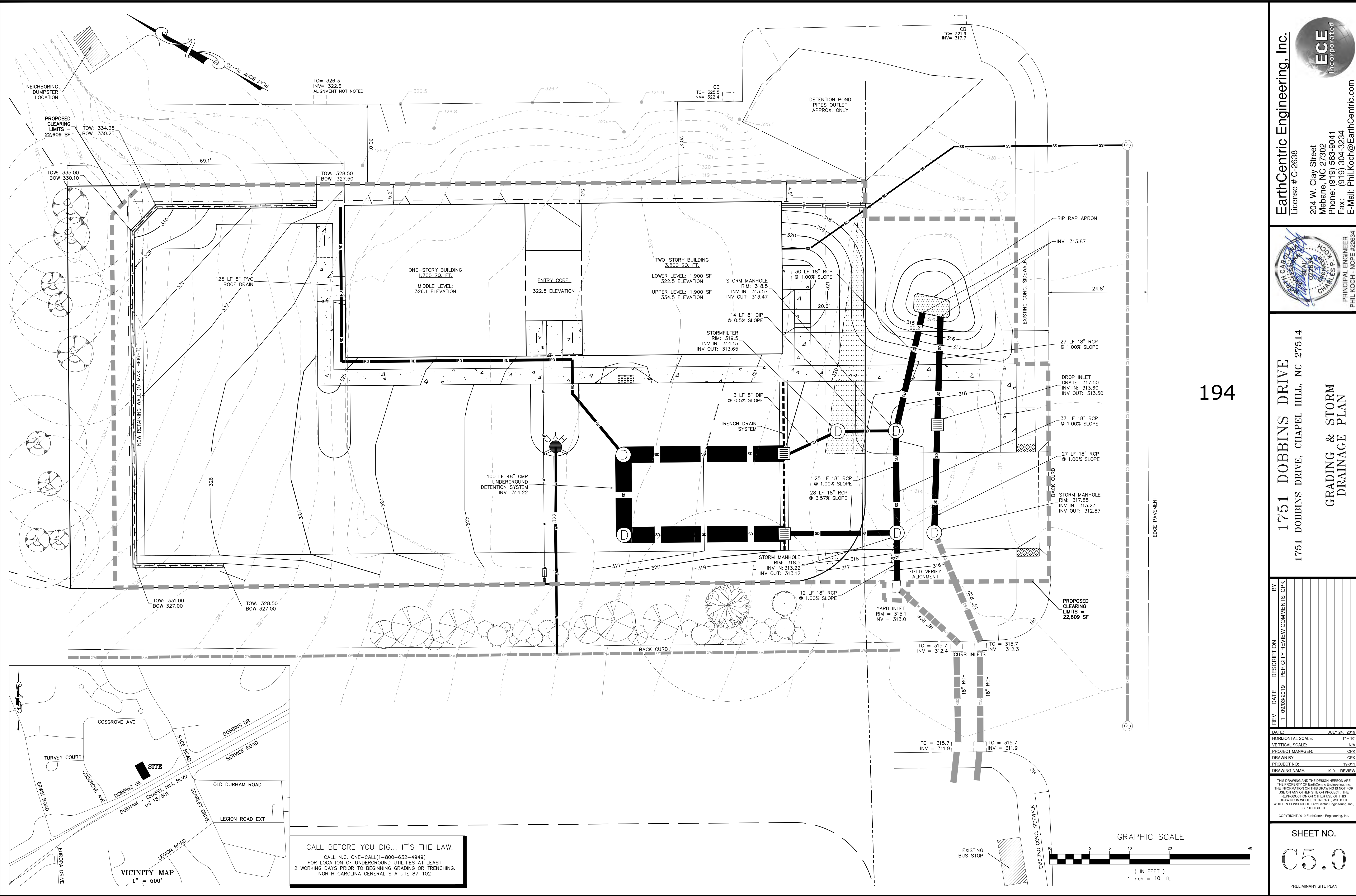
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SHEET NO.

C4.0

PRELIMINARY SITE PLAN





CALL BEFORE YOU DIG... IT'S THE LAW.  
CALL N.C. ONE-CALL(1-800-632-4949)  
FOR LOCATION OF UNDERGROUND UTILITIES AT LEAST  
2 WORKING DAYS PRIOR TO BEGINNING GRADING OR TRENCHING.  
NORTH CAROLINA GENERAL STATUTE 87-102

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EarthCentric Engineering, Inc.  
License # C-2638

204 W. Clay Street  
Mebane, NC 27302  
Phone: (919) 563-9041  
Fax: (919) 304-3234  
E-Mail: Phil.Koehn@EarthCentric.com



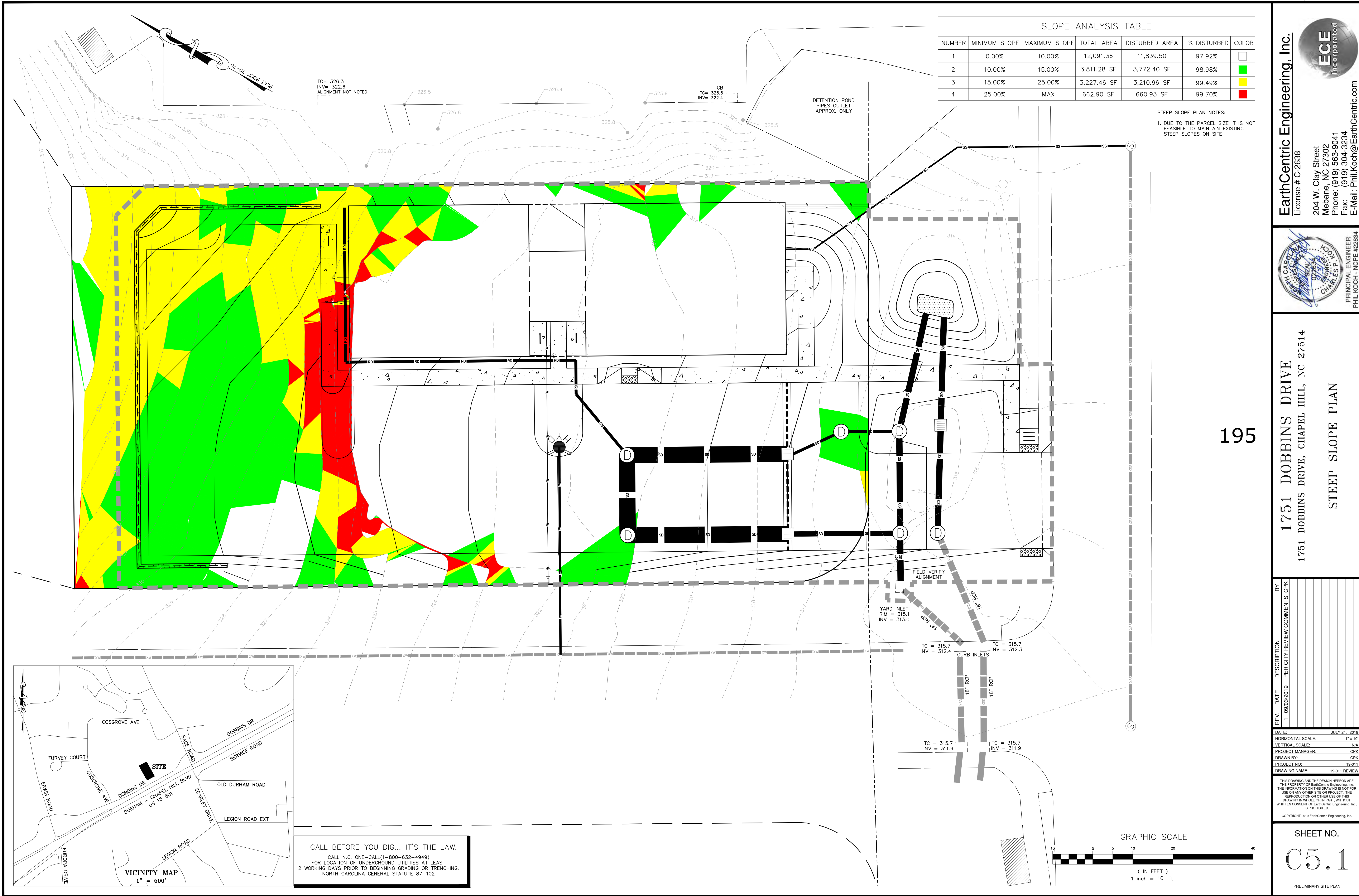
1751 DOBBINS DRIVE  
1751 DOBBINS DRIVE, CHAPEL HILL, NC 27514  
GRADING & STORM  
DRAINAGE PLAN

REV.	DATE	DESCRIPTION	BY
1	09/03/2019	PER CITY REVIEW COMMENTS	CPK
DATE: JULY 24, 2019			
HORIZONTAL SCALE: 1" = 10'			
VERTICAL SCALE: N/A			
PROJECT MANAGER: CPK			
DRAWN BY: CPK			
PROJECT NO: 19-011			
DRAWING NAME: 19-011 REVIEW			

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SHEET NO.  
C5.0  
PRELIMINARY SITE PLAN



SLOPE ANALYSIS TABLE					
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	TOTAL AREA	DISTURBED AREA	% DISTURBED
1	0.00%	10.00%	12,091.36	11,839.50	97.92%
2	10.00%	15.00%	3,811.28 SF	3,772.40 SF	98.98%
3	15.00%	25.00%	3,227.46 SF	3,210.96 SF	99.49%
4	25.00%	MAX	662.90 SF	660.93 SF	99.70%

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License # C-2638  
204 W. Clay Street  
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Fax: (919) 304-3234  
E-Mail: Phil.Koch@EarthCentric.com

**PHIL KOCH**  
PRINCIPAL ENGINEER  
N.C. PROFESSIONAL ENGINEER  
077634  
PHIL KOCH - NCPPE #22634

**1751 DOBBINS DRIVE**  
1751 DOBBINS DRIVE, CHAPEL HILL, NC 27514  
**STEEP SLOPE PLAN**

REV.	DATE	DESCRIPTION	BY
1	09/03/2019	PER CITY REVIEW COMMENTS	CPK

DATE: JULY 24, 2019  
HORIZONTAL SCALE: 1" = 10'  
VERTICAL SCALE: N/A  
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PROJECT NO: 19-011  
DRAWING NAME: 19-011 REVIEW

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SHEET NO.  
**C5.1**  
PRELIMINARY SITE PLAN



1751 DOBBINS DRIVE  
1751 DOBBINS DRIVE, CHAPEL HILL, NC 27514

# CHILD FLAIN

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DATE:	JULY 24, 2019
HORIZONTAL SCALE:	1" = 10'
VERTICAL SCALE:	N/A
PROJECT MANAGER:	CPK
DRAWN BY:	CPK
PROJECT NO:	19-011
DRAWING NAME:	19-011 REVIEW

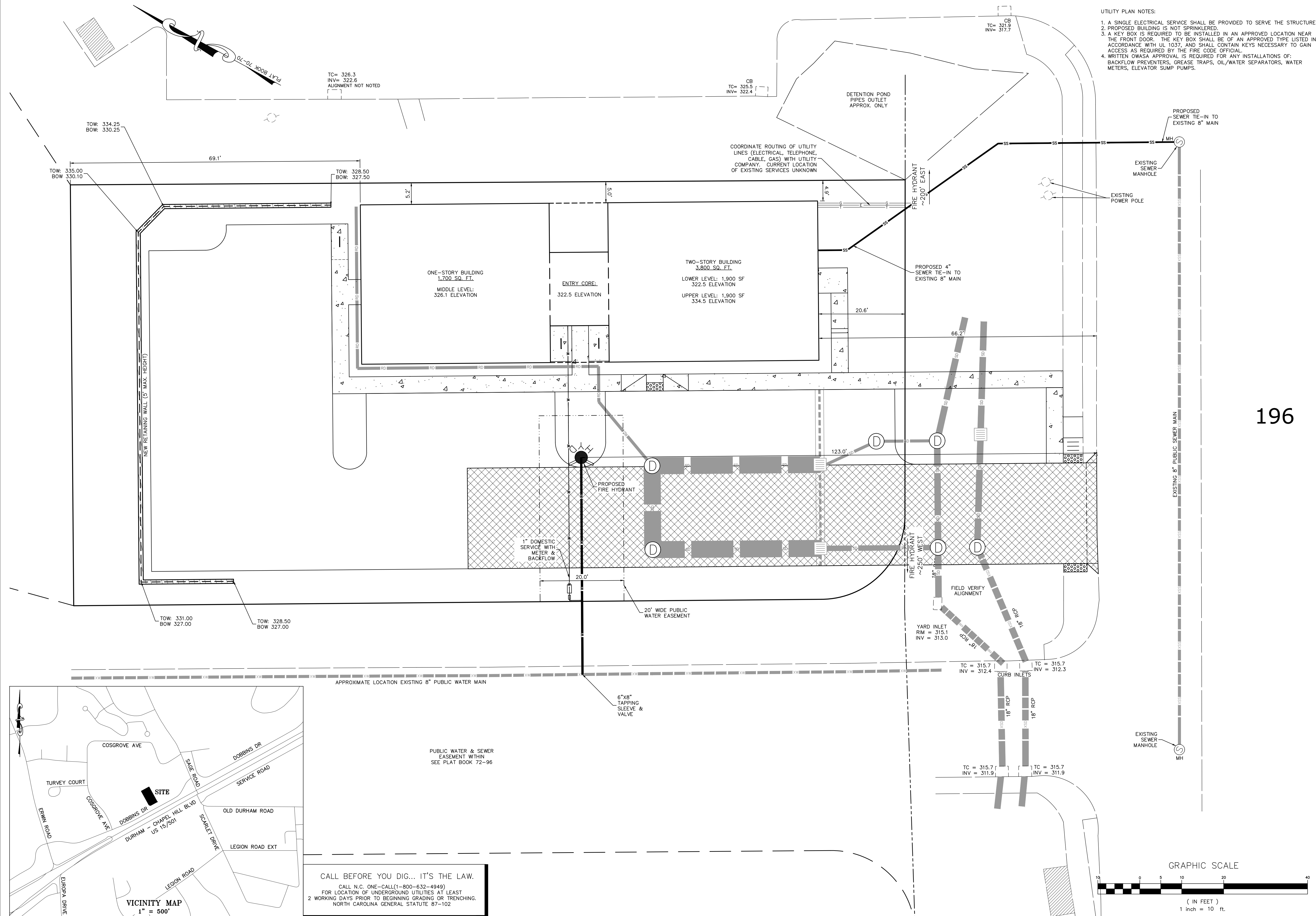
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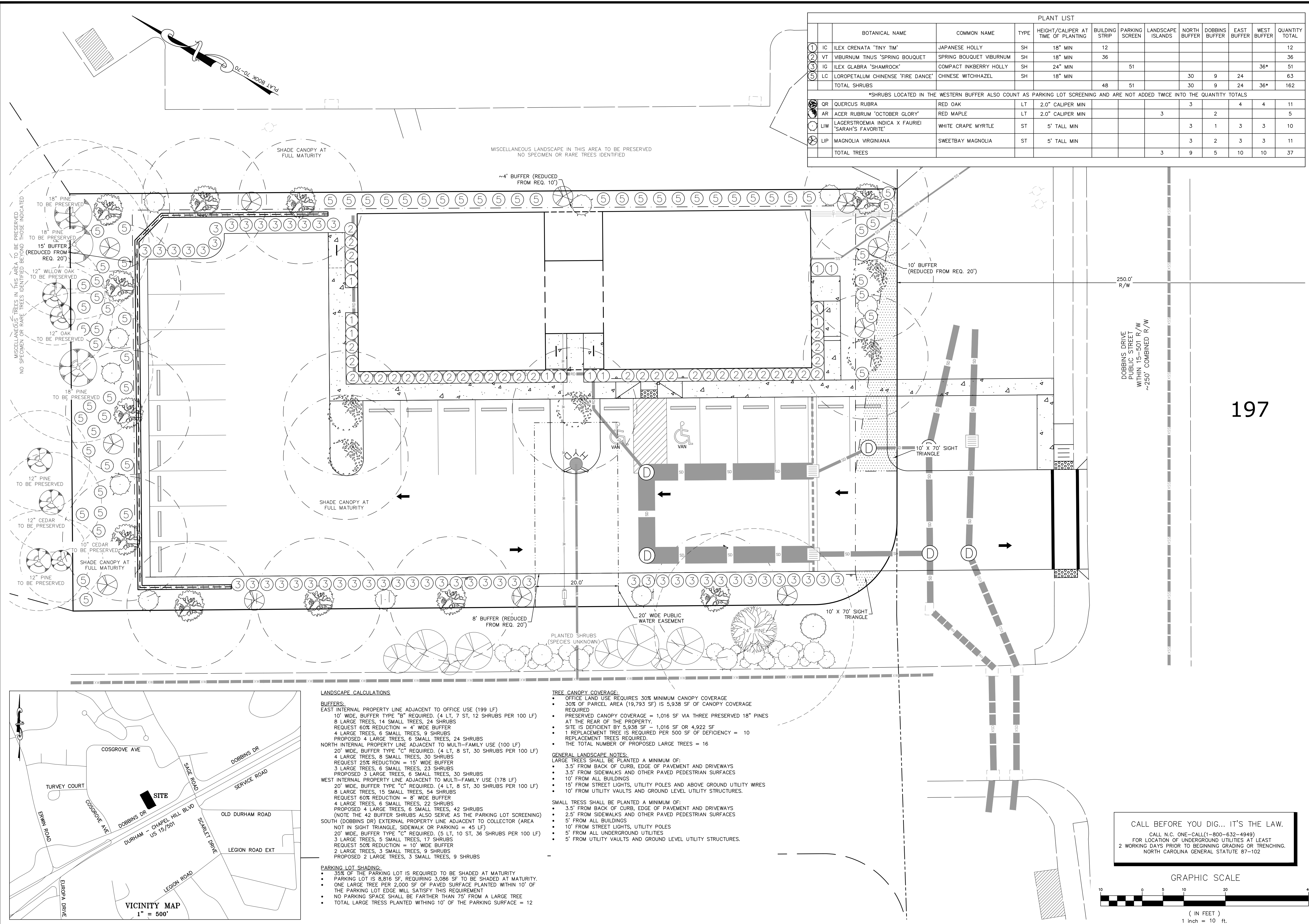
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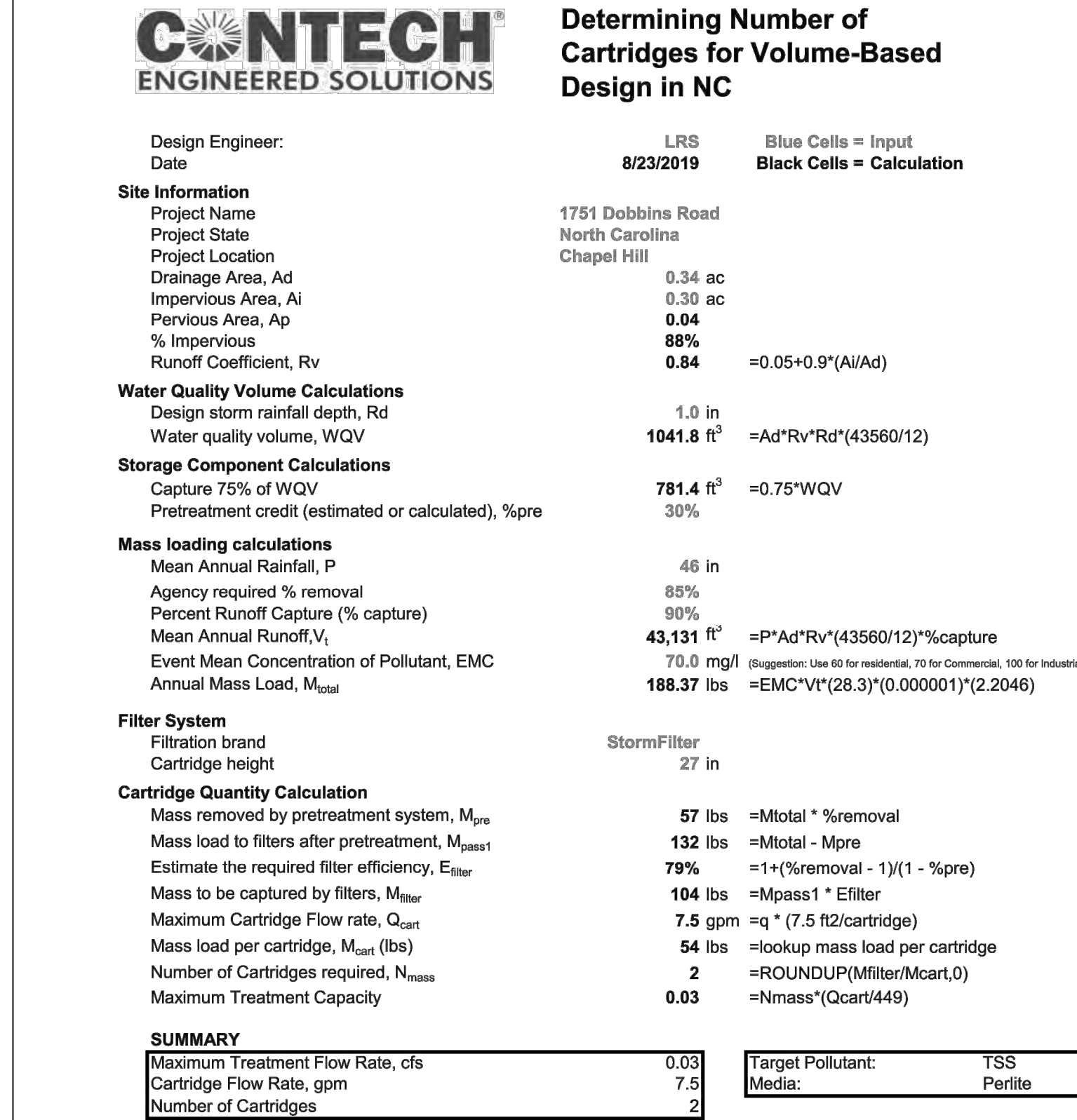
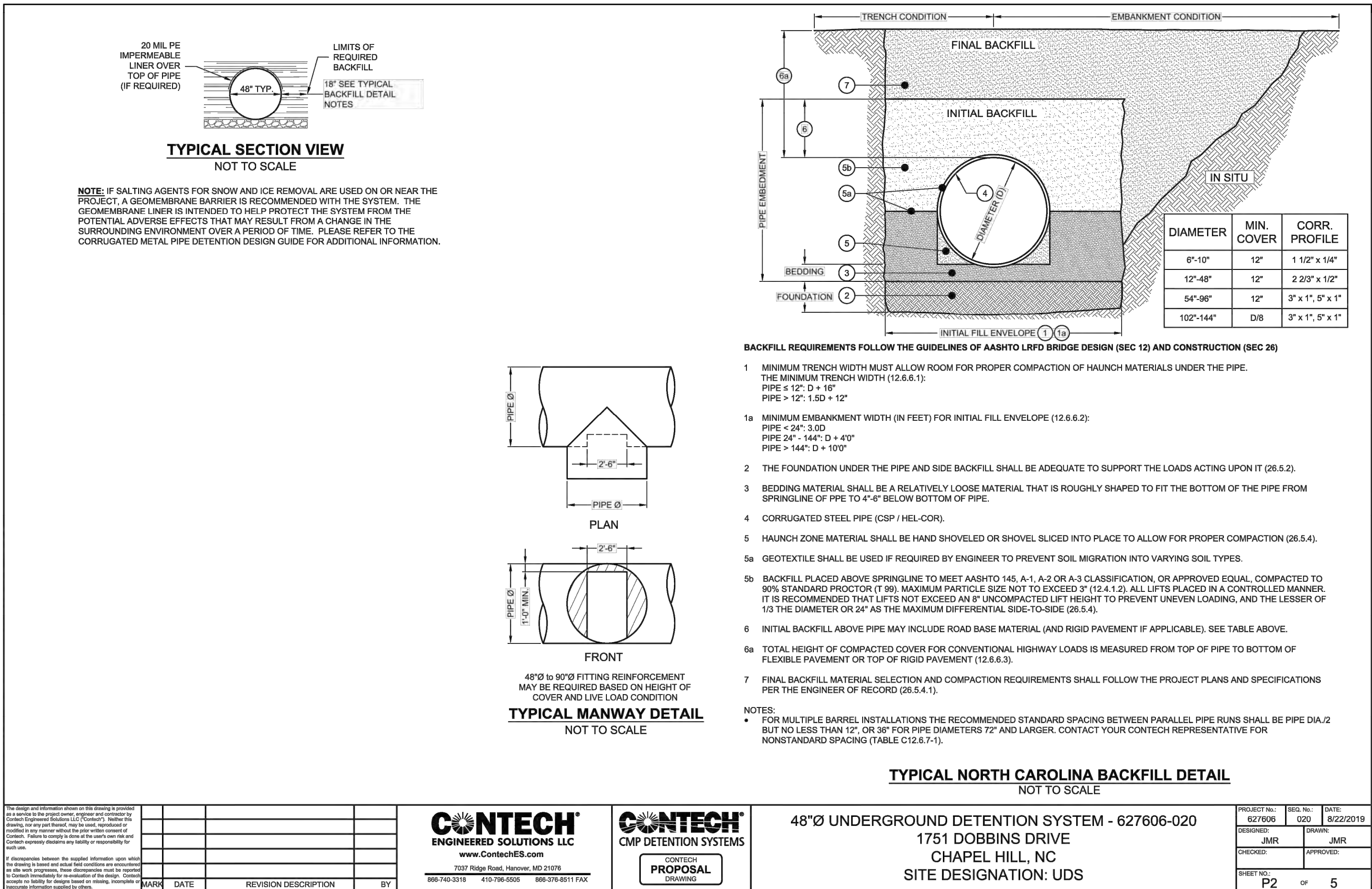
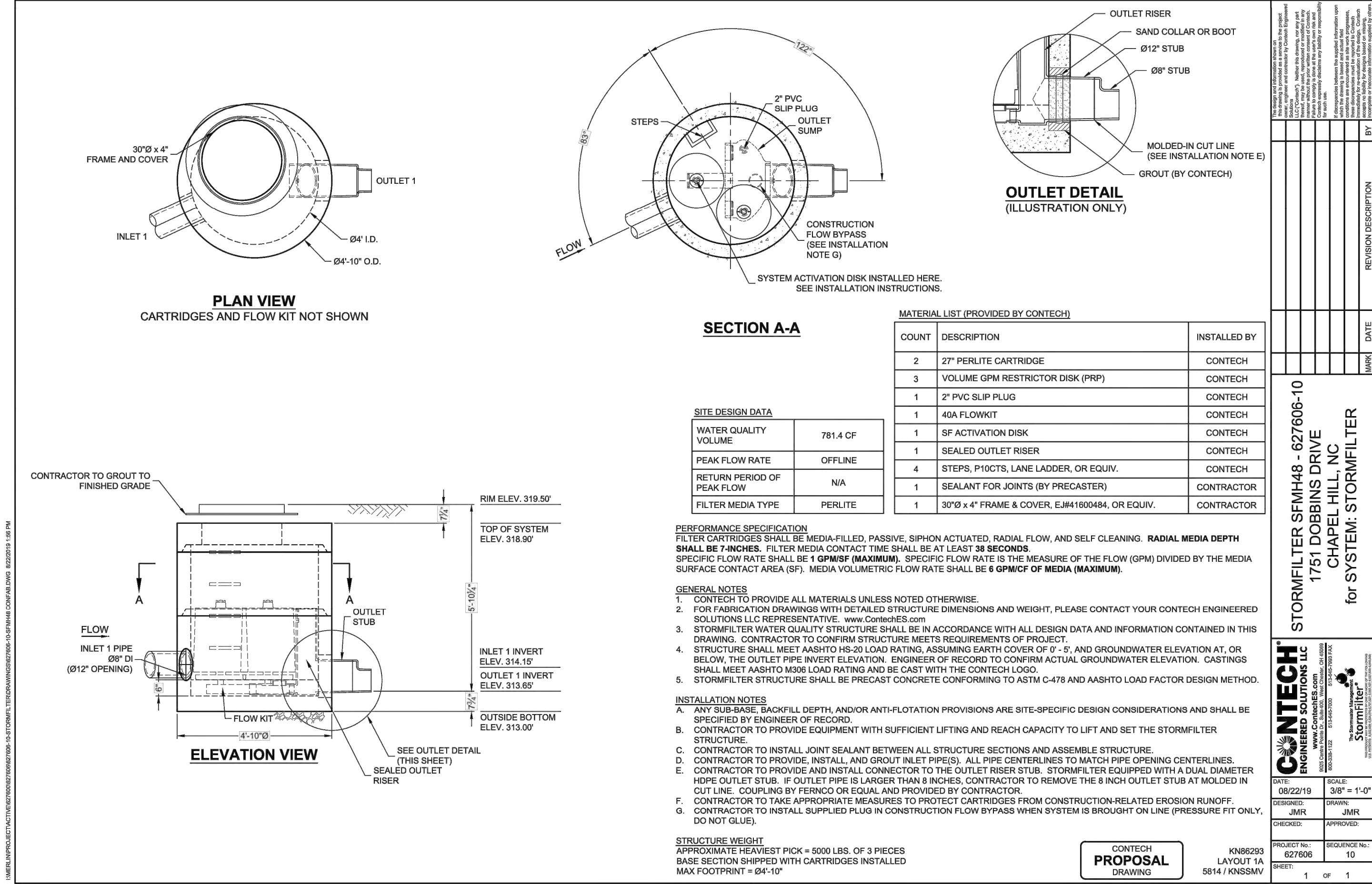
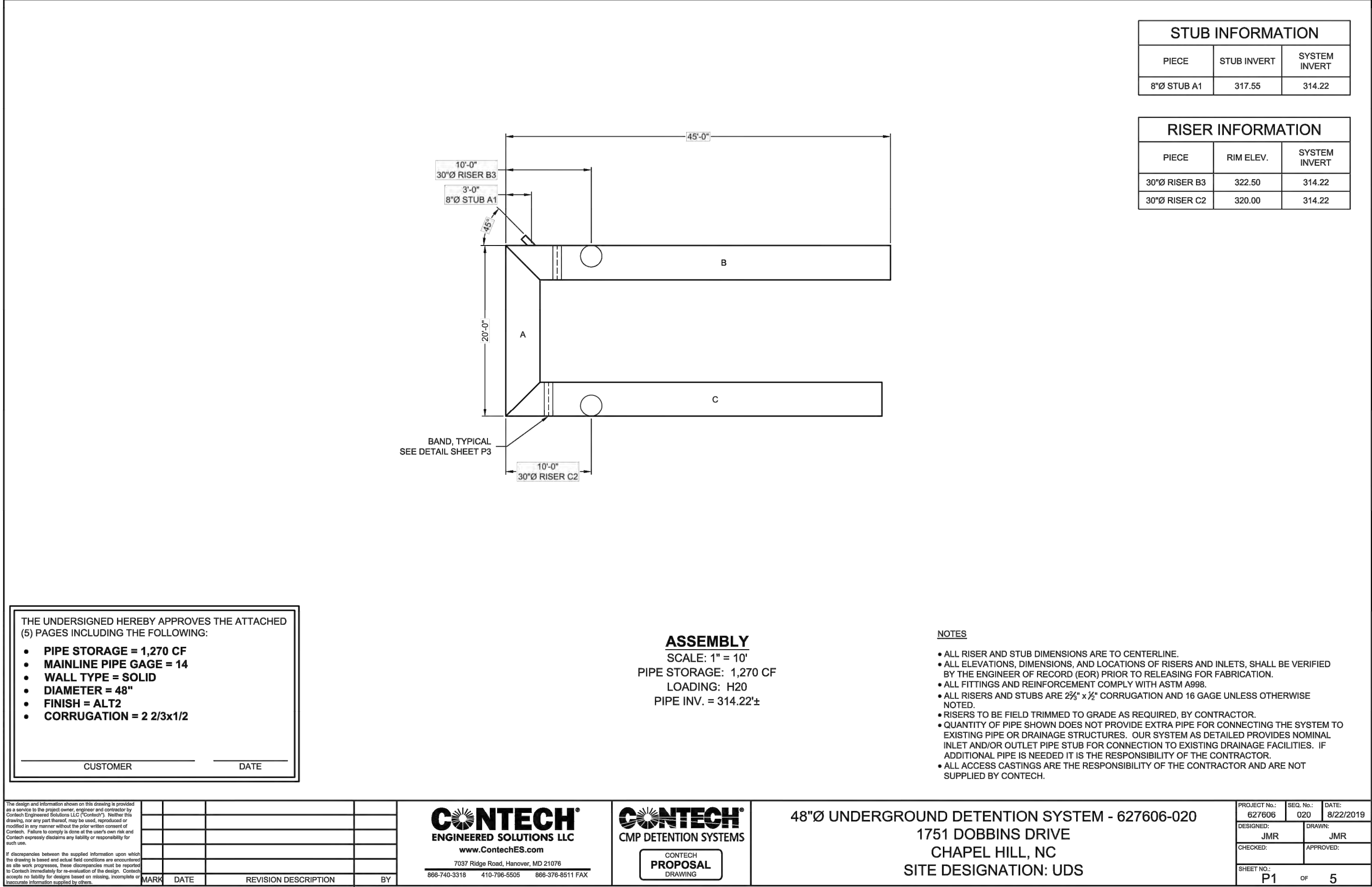
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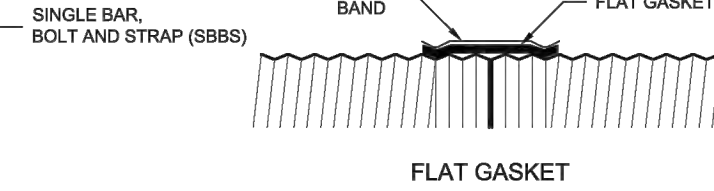
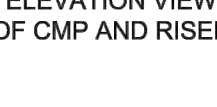
### ELIMINARY SITE PLAN











2 2/3"x1/2" RE-ROLLED END HEL-COR PIPE

GENERAL NOTES:

1. JOINT IS TO BE ASSEMBLED PER AASHTO BRIDGE CONSTRUCTION SPECIFICATION SEC 26.4.2.4.
2. BAND MATERIALS AND COATING CAN VARY BY LOCATION. CONTACT YOUR CONTECH REPRESENTATIVE FOR AVAILABILITY.
3. BANDS ARE SHAPED TO MATCH THE PIPE-ARCH WHEN APPLICABLE.
4. BANDS ARE NORMALLY FURNISHED AS FOLLOWS:
  - 12" THRU 48" 1-PIECE
  - 54" THRU 80" 2-PIECES
  - 102" THRU 144" 3-PIECES
5. BAND FASTENERS ARE ATTACHED WITH SPOT WELDS, RIVETS OR HAND WELDS.
6. ALL CMP IS REROLLED TO HAVE ANNUAL END CORRUGATIONS OF 2 23/32"
7. DIMENSIONS ARE SUBJECT TO MANUFACTURING TOLERANCES.
8. ORDER SHALL DESIGNATE GASKET OPTION, IF REQUIRED (SEE DETAILS ABOVE).

**H-12 HUGGER BAND DETAIL**  
NOT TO SCALE

200

**CONTECH**  
ENGINEERED SOLUTIONS LLC  
www.ContechES.com  
7037 Ridge Road, Hanover, MD 21076  
866-740-3318 410-798-5505 866-376-8511 FAX

48"Ø UNDERGROUND DETENTION SYSTEM - 627606-020  
1751 DOBBINS DRIVE  
CHAPEL HILL, NC  
SITE DESIGNATION: UDS

PROJECT No.: 627606	SEQ. No.: 020	DATE: 8/22/2019
DESIGNED: JMR	DRAWN: JMR	
CHECKED:	APPROVED:	
SHEET NO.: P3 OF 5		

PIPE SPAN, INCHES	AXLE LOADS (kips)			
	18-50	50-75	75-110	110-150
	MINIMUM COVER (FT)			
12-42	2.0	2.5	3.0	3.0
48-72	3.0	3.0	3.5	4.0
78-120	3.0	3.5	4.0	4.0
126-144	3.5	4.0	4.5	4.5

**CONSTRUCTION LOADING DIAGRAM**  
NOT TO SCALE

**MATERIAL SPECIFICATION**  
NOT TO SCALE

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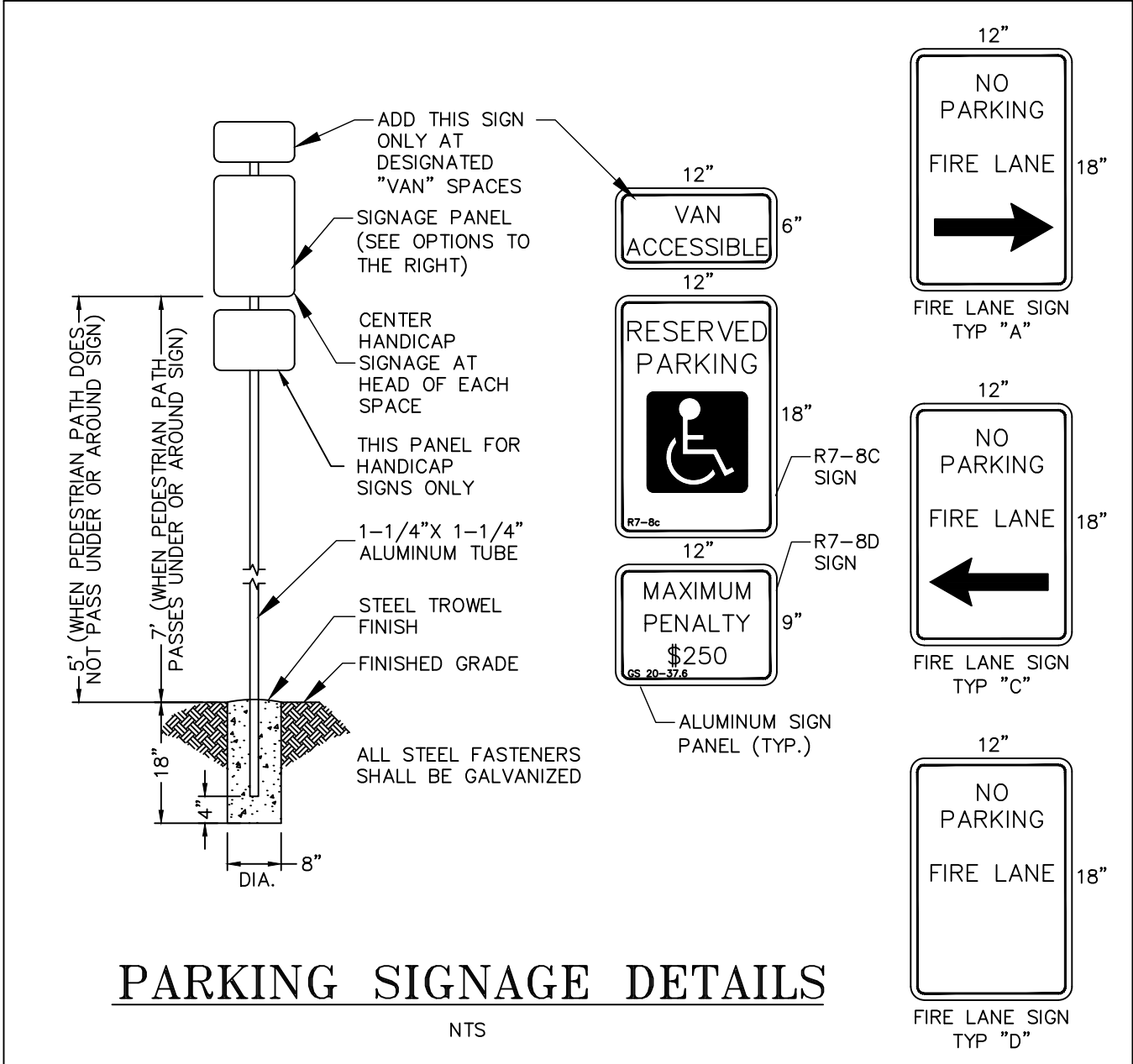
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**CONTECH**  
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DRAWING

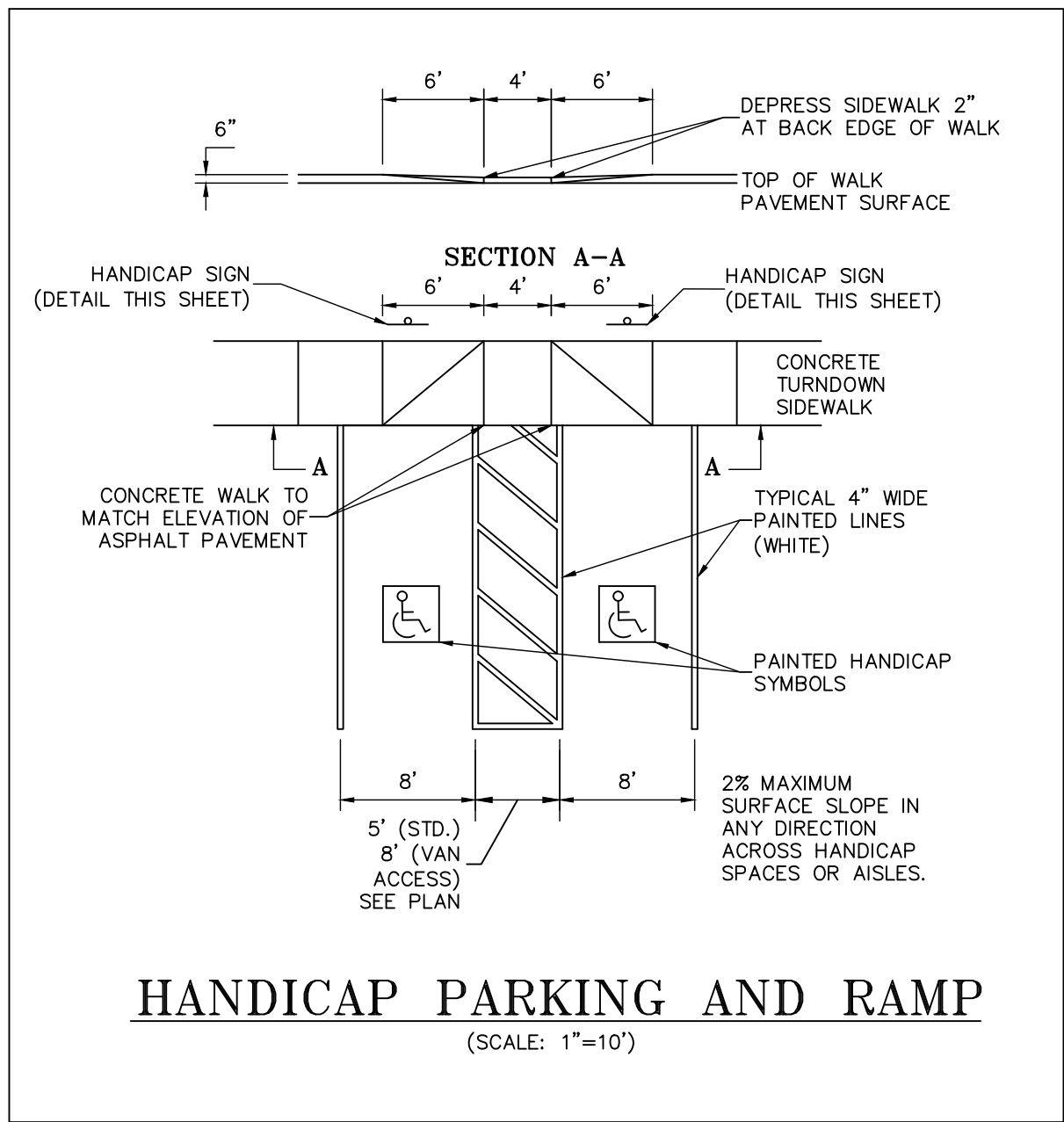
48"Ø UNDERGROUND DETENTION SYSTEM - 627606-020  
1751 DOBBINS DRIVE  
CHAPEL HILL, NC  
SITE DESIGNATION: UDS

PROJECT No.: 627606	SEQ. No.: 020	DATE: 8/22/2019
DESIGNED: JMR	DRAWN: JMR	
CHECKED:	APPROVED:	
SHEET NO.: P4 OF 5		



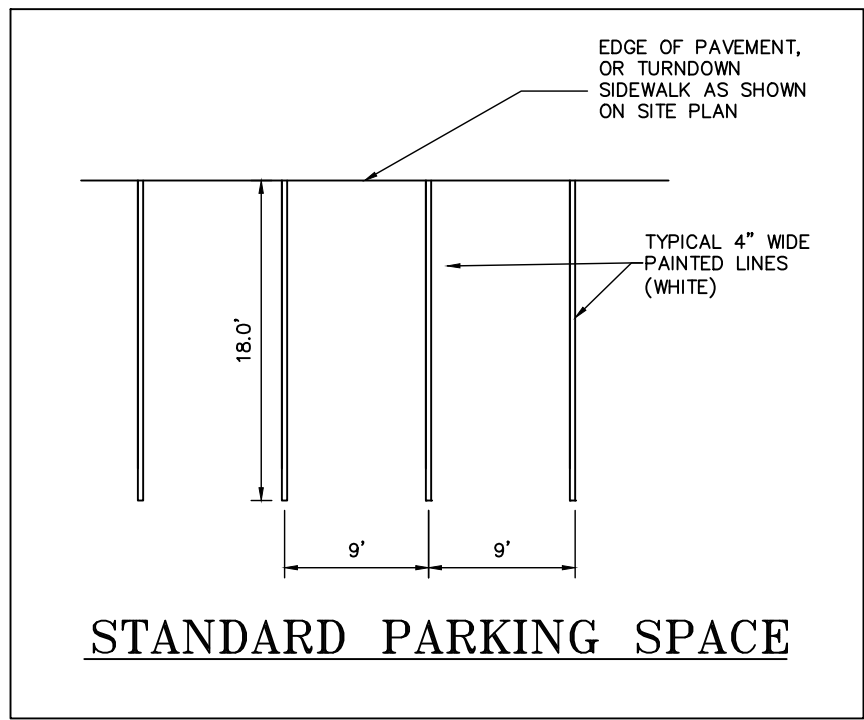
PARKING SIGNAGE DETAILS

NTS

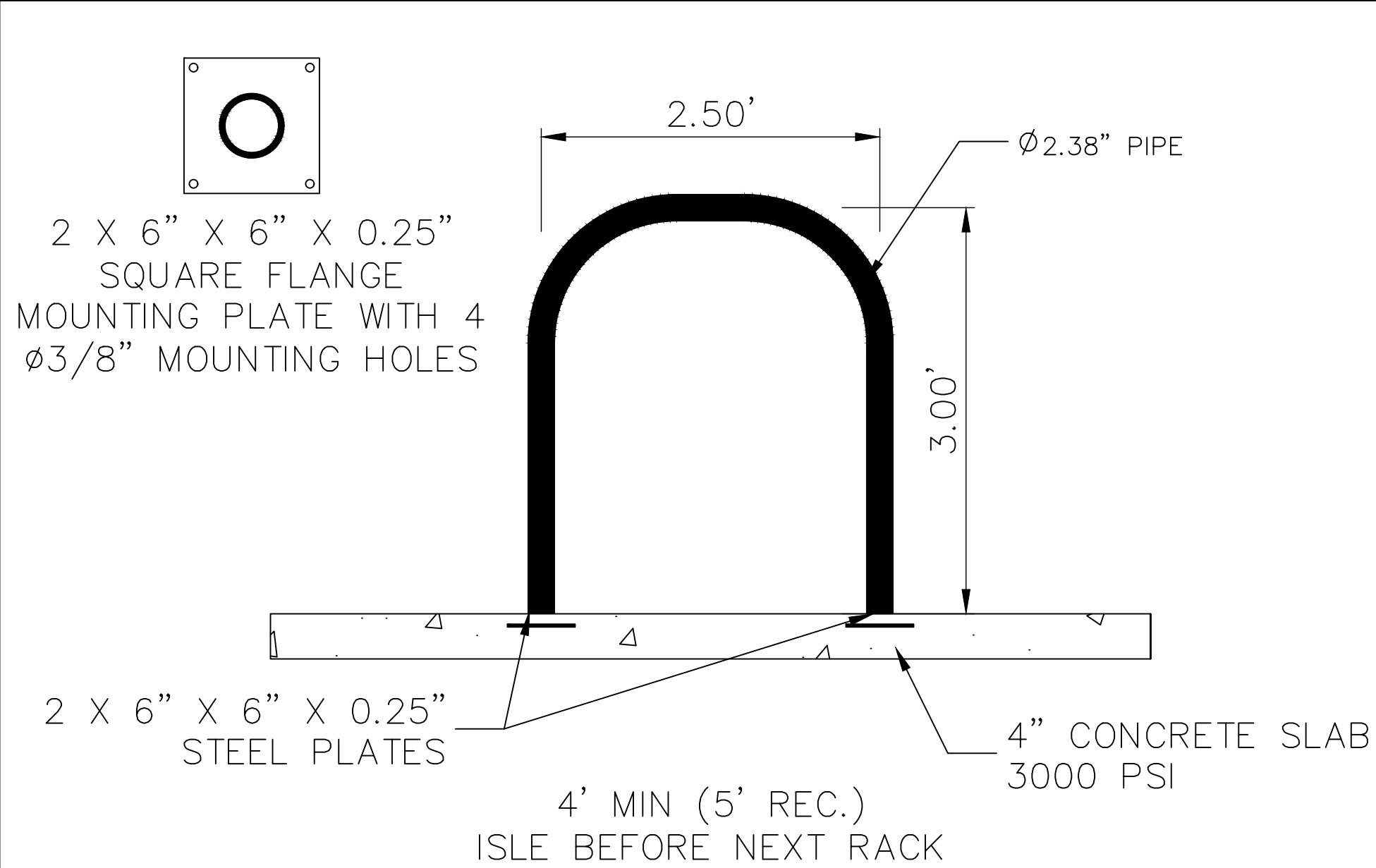


HANDICAP PARKING AND RAMP

(SCALE: 1"=10')

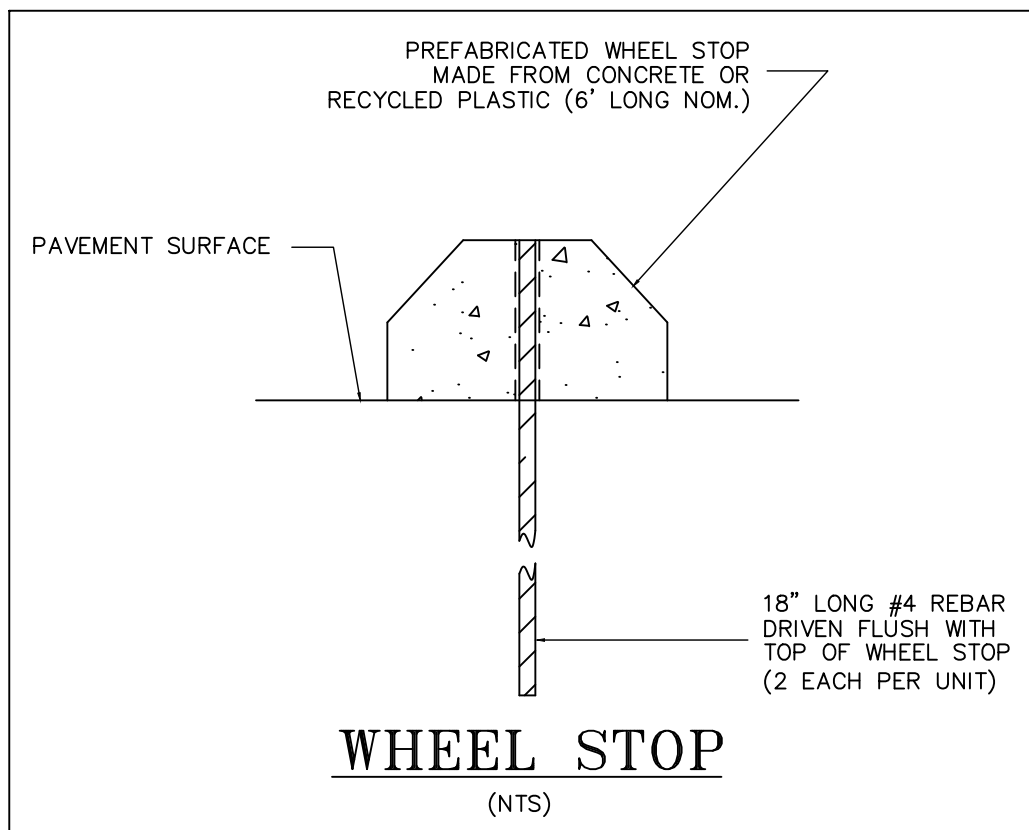


STANDARD PARKING SPACE



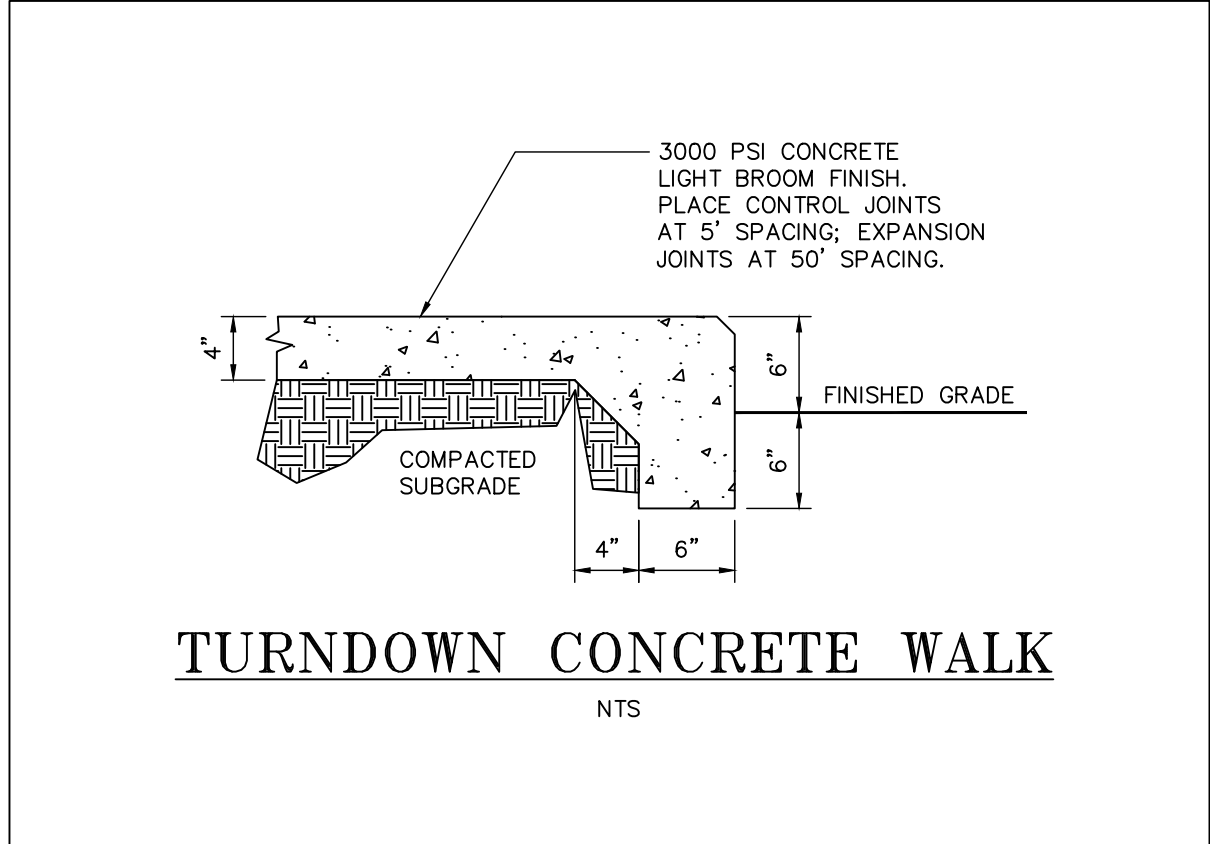
BIKE PARKING DETAIL

NTS



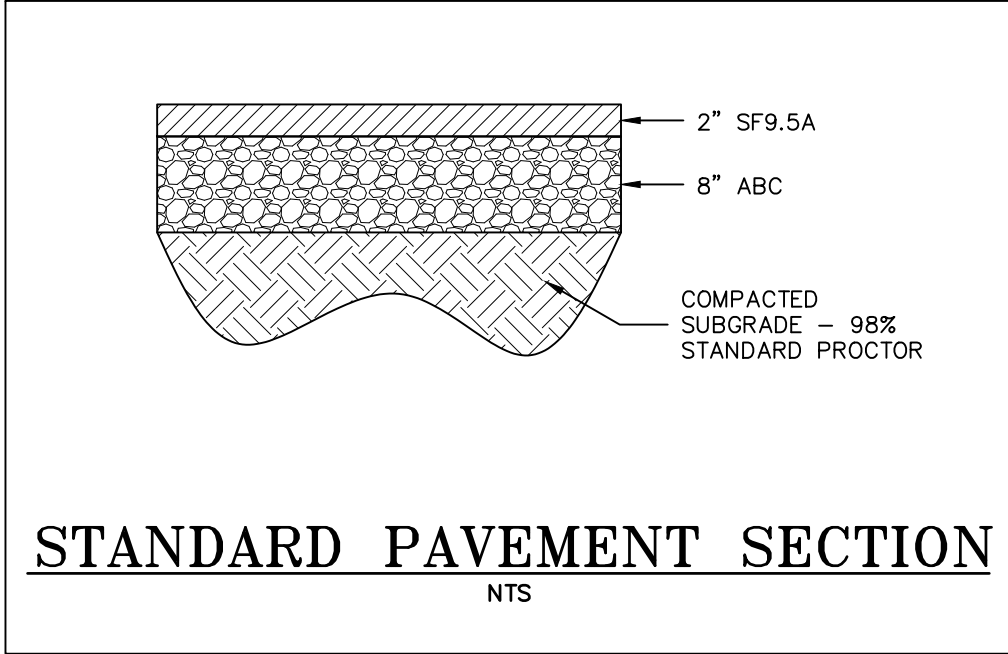
WHEEL STOP

(NTS)



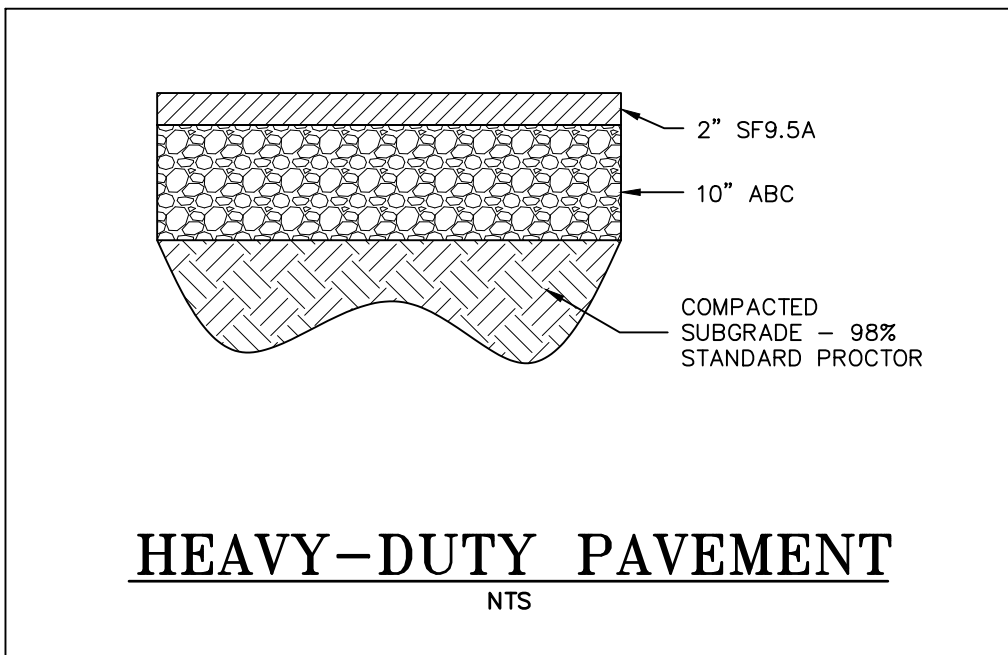
TURNDOWN CONCRETE WALK

NTS



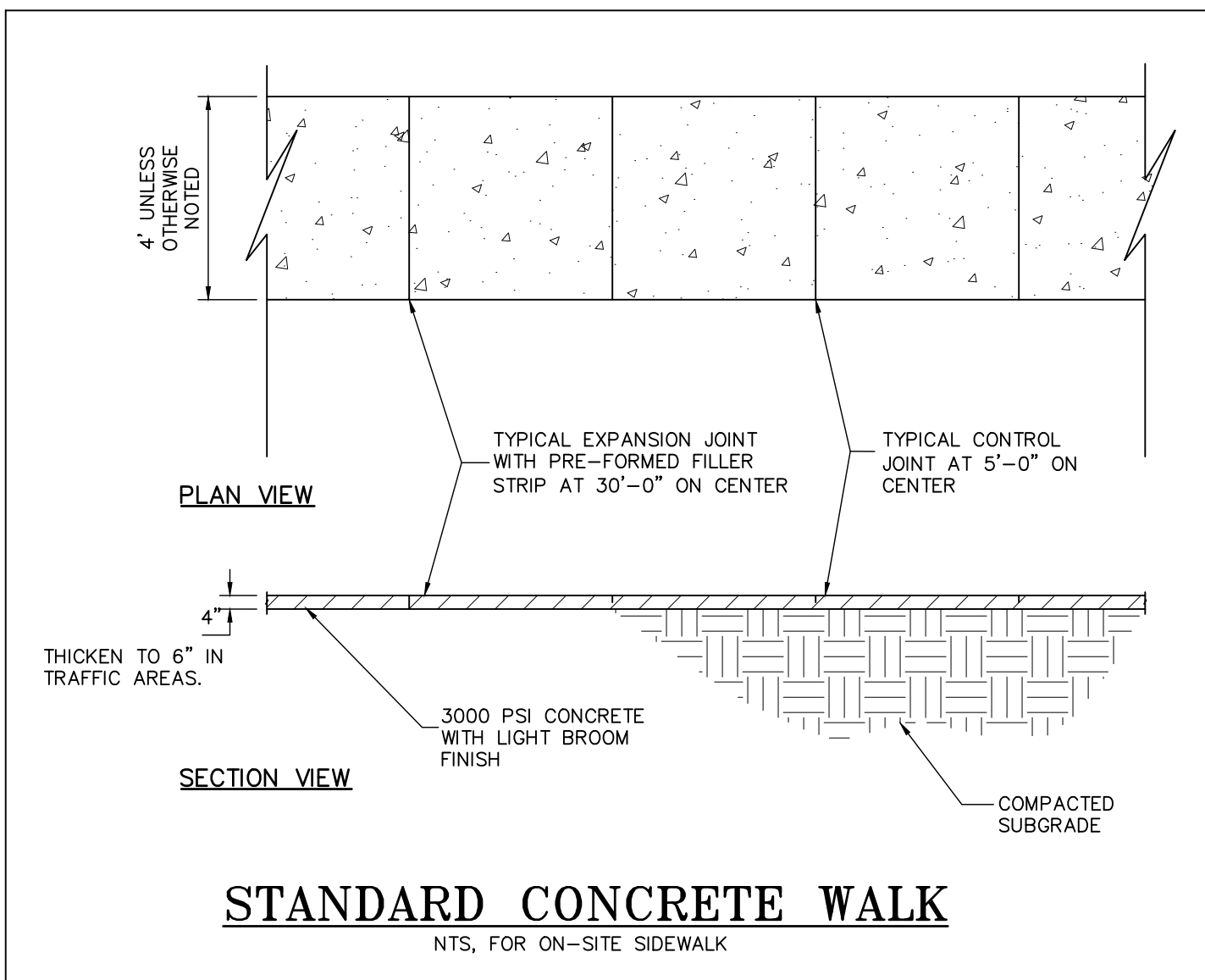
STANDARD PAVEMENT SECTION

NTS



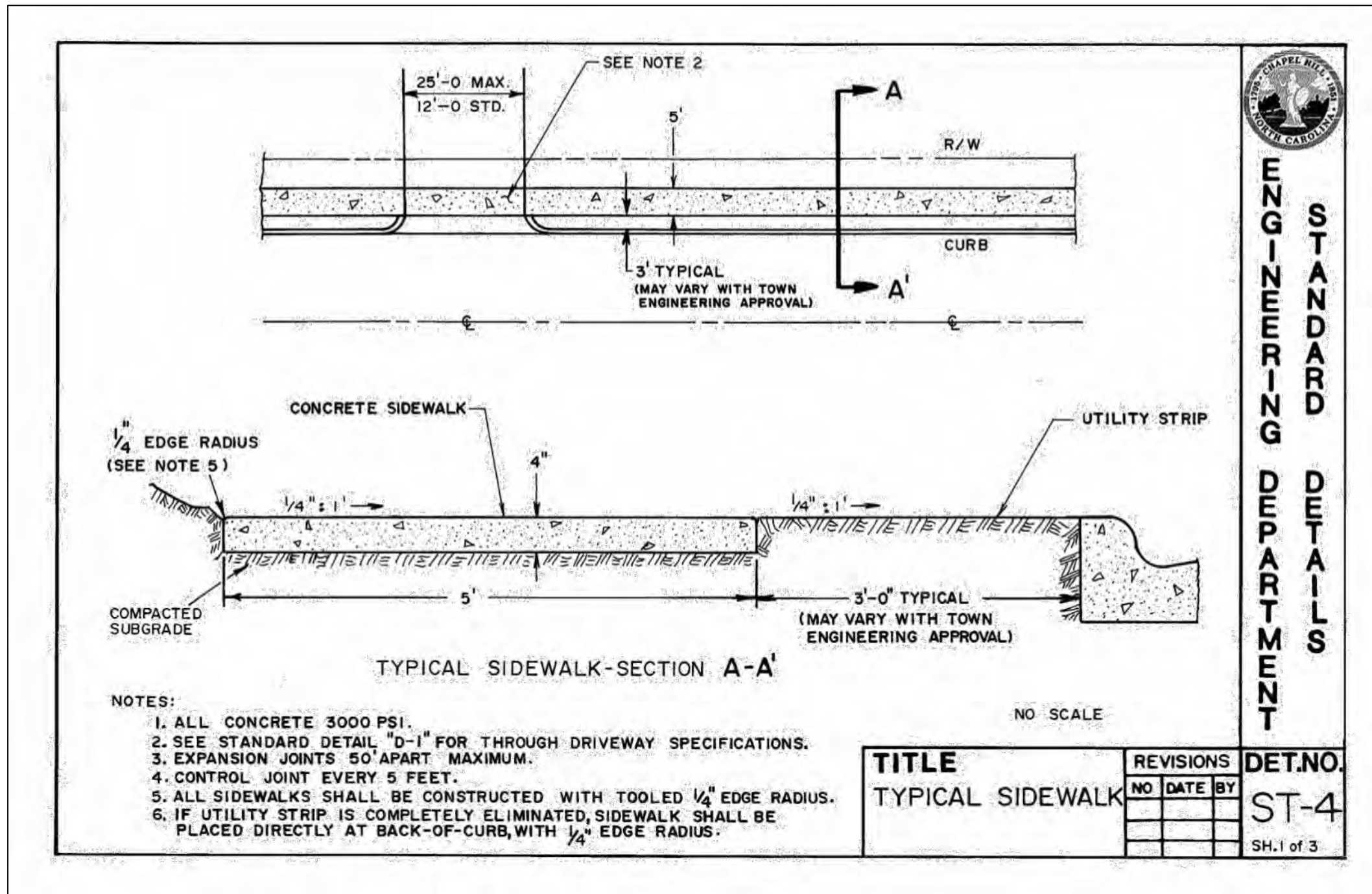
HEAVY-DUTY PAVEMENT

NTS



STANDARD CONCRETE WALK

NTS, FOR ON-SITE SIDEWALK



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Mebane, NC 27302

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201

1751 DOBBINS DRIVE

1751 DOBBINS DRIVE, CHAPEL HILL, NC 27514

SITE DETAILS

REV.	DATE	DESCRIPTION	PER CITY REVIEW COMMENTS	CPK
1	09/03/2019			

DATE:	JULY 24, 2019
HORIZONTAL SCALE:	1" = 10'
VERTICAL SCALE:	N/A
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DRAWING NAME:	19-011 REVIEW

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PRELIMINARY SITE PLAN

PERMANENT SEEDING SCHEDULE:

SEEDING MIXTURE:		
SPECIES	RATE (LB/AC)	
TALL FESCUE	80	
SERICEA LESPEDEZA	20	
KOBE LESPEDEZA	10	

SEEDING NOTES:  
1. AFTER AUGUST 15, USE UN-SCARIFIED SERICEA SEED.  
2. WHERE PERIODIC MOWING IS PLANNED OR A NEAT APPEARANCE IS DESIRED, OMIT SERICEA AND INCREASE KOBE LESPEDEZA TO 40 LB/ACRE.  
3. TO EXTEND SPRING SEEDING DATES INTO JUNE, ADD 15 LB/ACRE HULLED BERMUDA GRASS. HOWEVER, AFTER MID-APRIL IT IS PREFERABLE TO SEED TEMPORARY COVER.

NURSE PLANTS:  
BETWEEN MAY 1 AND AUG. 15, ADD 10 LB/ACRE GERMAN MILLET OF 15 LB/ACRE SUDAN GRASS. PRIOR TO MAY 1 OR AFTER AUG. 15 ADD 40 LB/ACRE RYE (GRAIN).

SEEDING DATES:		
	BEST	POSSIBLE
FALL:	AUG. 25 - SEPT. 15	AUG. 20 - OCT. 25
LATE WINTER:	FEB. 15 - MAR. 21	FEB. 1 - APR. 15

FALL IS BEST FOR TALL FESCUE AND LATE WINTER FOR LESPEDEZAS.

SOIL AMENDMENTS:  
APPLY LIME AND FERTILIZER ACCORDING TO SOIL TESTS, OR APPLY 4,000 LB/ACRE GROUND AGRICULTURAL LIMESTONE, AND 1,000 LB/ACRE 10-10-10 FERTILIZER, EXCEPT, APPLY NO FERTILIZER TO AREAS WITHIN THE NEUSE RIVER RIPARIAN BUFFERS.

MULCH:  
APPLY 4,000 LB/ACRE GRAIN STRAW OR EQUIVALENT COVER OF ANOTHER SUITABLE MULCH. ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING, OR ROWING OR BY CRIMPING WITH A MULCH ANCHORING TOOL. A DISK WITH BLADES NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.

TEMPORARY SEEDING SCHEDULES

TABLE 6-10A:  
TEMPORARY SEEDING RECOMMENDATIONS FOR LATE WINTER AND EARLY SPRING

SEEDING MIXTURE	
SPECIES	RATE (LB/ACRE)
RYE (GRAIN)	120
ANNUAL LESPEDEZA (KOBE IN PIEDMONT AND COASTAL PLAIN, KOREAN IN MOUNTAINS)	50

OMIT ANNUAL LESPEDEZA WHEN DURATION OF TEMPORARY COVER IS NOT TO EXTEND BEYOND JUNE.

SEEDING DATES:  
MOUNTAINS - ABOVE 2500 FT: FEB. 15 - MAY 15  
                  BELOW 2500 FT: FEB. 1 - MAY 1  
PIEDMONT - JAN. 1 - MAY 1  
COASTAL PLAIN - DEC. 1 - APR. 15

SOIL AMENDMENTS  
FOLLOW RECOMMENDATIONS OF SOIL TESTS OR APPLY 2,000 LB/ACRE GROUND AGRICULTURAL LIMESTONE AND 750 LB/ACRE 10-10-10 FERTILIZER.

MULCH  
APPLY 4,000 LB/ACRE STRAW. ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING, OR A MULCH ANCHORING TOOL. A DISK WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.

MAINTENANCE  
RE-FERTILIZE IF GROWTH IS NOT FULLY ADEQUATE. RESEED, RE-FERTILIZE AND MULCH IMMEDIATELY FOLLOWING EROSION OR OTHER DAMAGE.

TABLE 6.10B  
TEMPORARY SEEDING RECOMMENDATIONS FOR SUMMER

SEEDING MIXTURE	
SPECIES	RATE (LB/ACRE)
GERMAN MILLET	40

IN THE PIEDMONT AND MOUNTAINS, A SMALL-STEMMED SUDAN GRASS MAY BE SUBSTITUTED AT A RATE OF 50 LB/ACRE.

SEEDING DATES:  
MOUNTAINS - MAY 15 - AUG.15  
PIEDMONT - MAY 1 - AUG.15  
COASTAL PLAIN - APR. 15 - AUG. 15

SOIL AMENDMENTS  
FOLLOW RECOMMENDATIONS OF SOIL TESTS OR APPLY 2,000 LB/ACRE GROUND AGRICULTURAL LIMESTONE AND 750 LB/ACRE 10-10-10 FERTILIZER.

MULCH  
APPLY 4,000 LB/ACRE STRAW. ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING, OR A MULCH ANCHORING TOOL. A DISK WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.

MAINTENANCE  
RE-FERTILIZE IF GROWTH IS NOT FULLY ADEQUATE. RESEED, RE-FERTILIZE AND MULCH IMMEDIATELY FOLLOWING EROSION OR OTHER DAMAGE.

TABLE 6.10C  
TEMPORARY SEEDING RECOMMENDATIONS FOR FALL

SEEDING MIXTURE	
SPECIES	RATE (LB/ACRE)
RYE (GRAIN)	120

SEEDING DATES:  
MOUNTAINS - AUG. 15 - DEC 15  
COASTAL PLAIN AND PIEDMONT - AUG. 15- DEC. 30

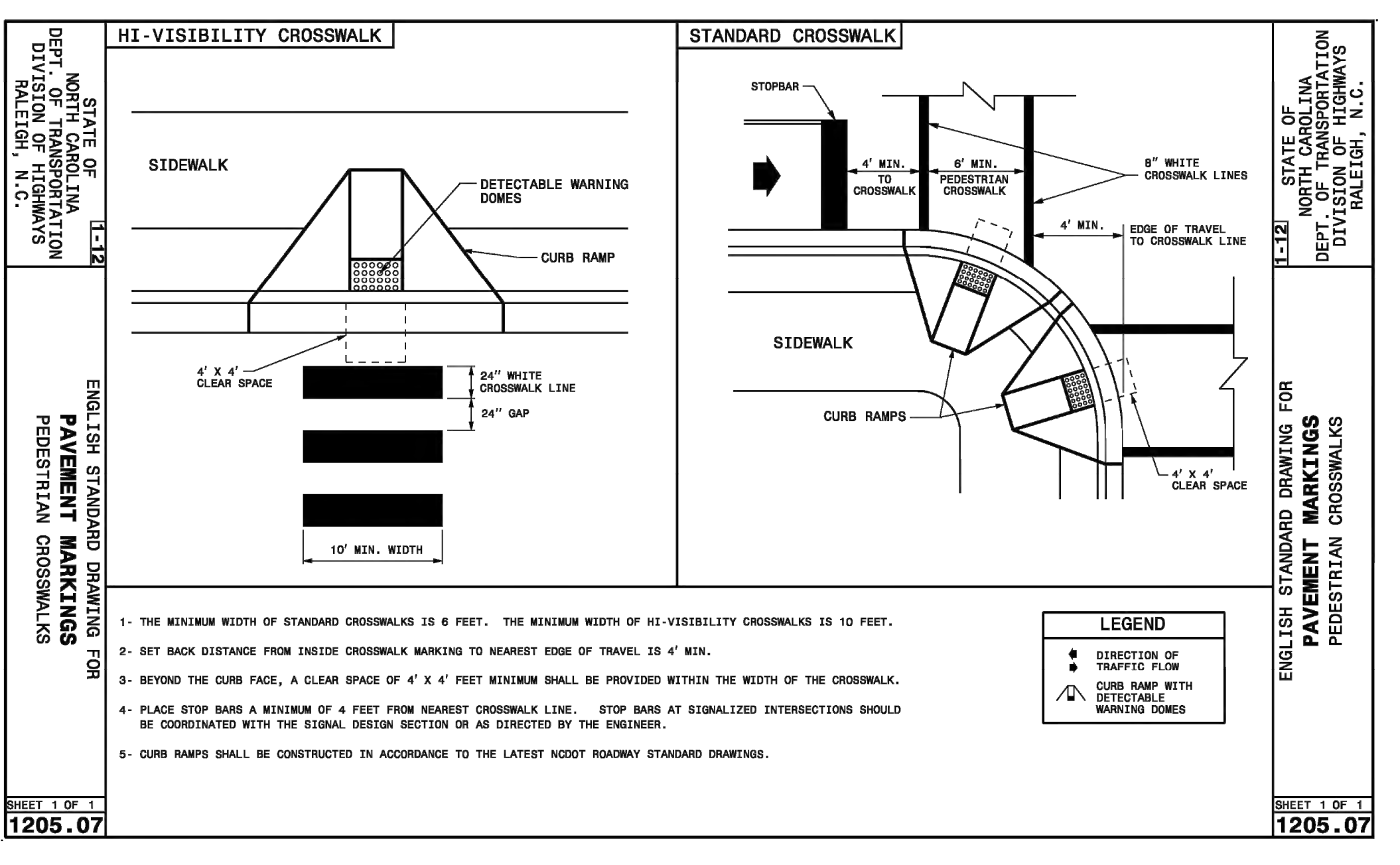
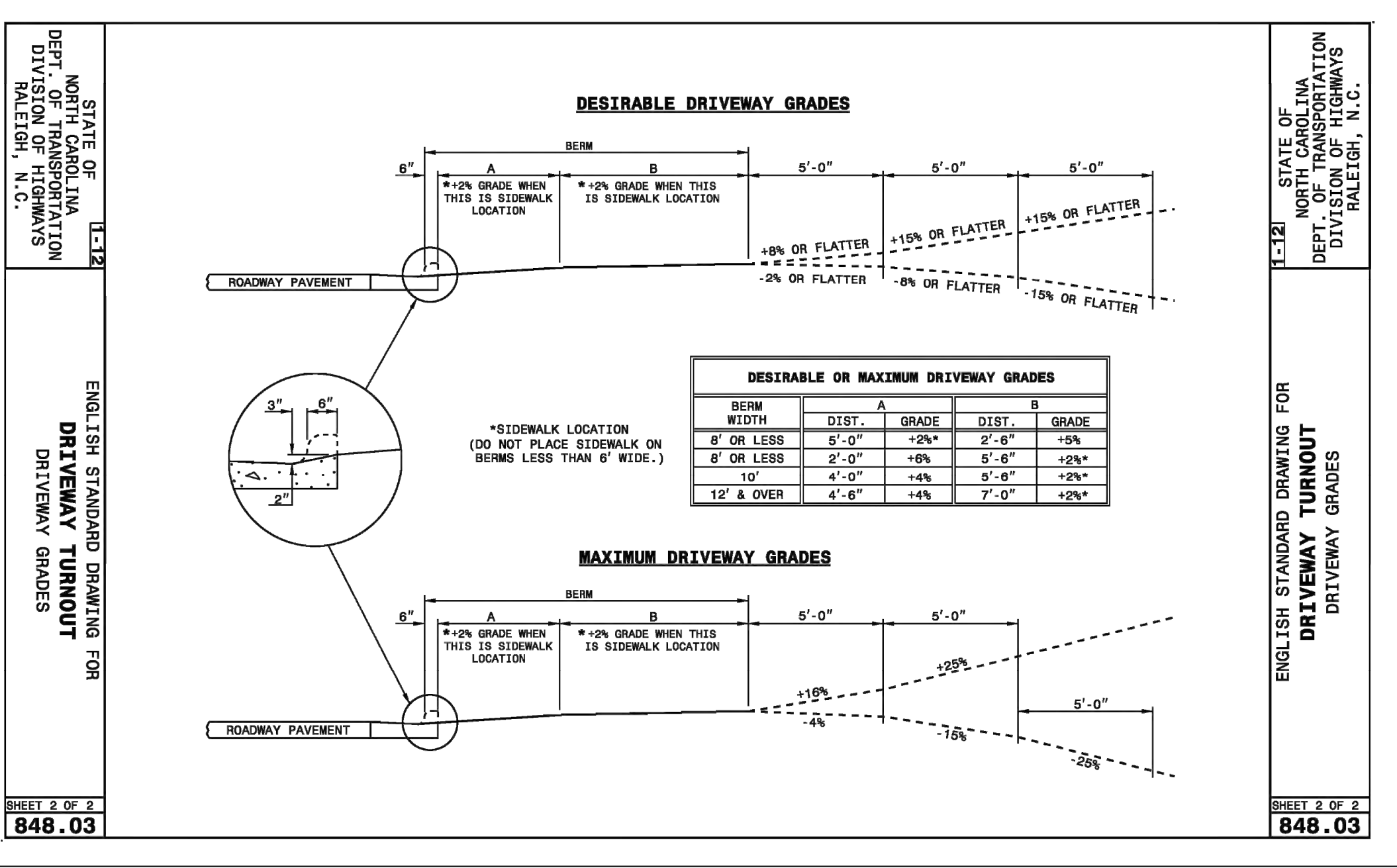
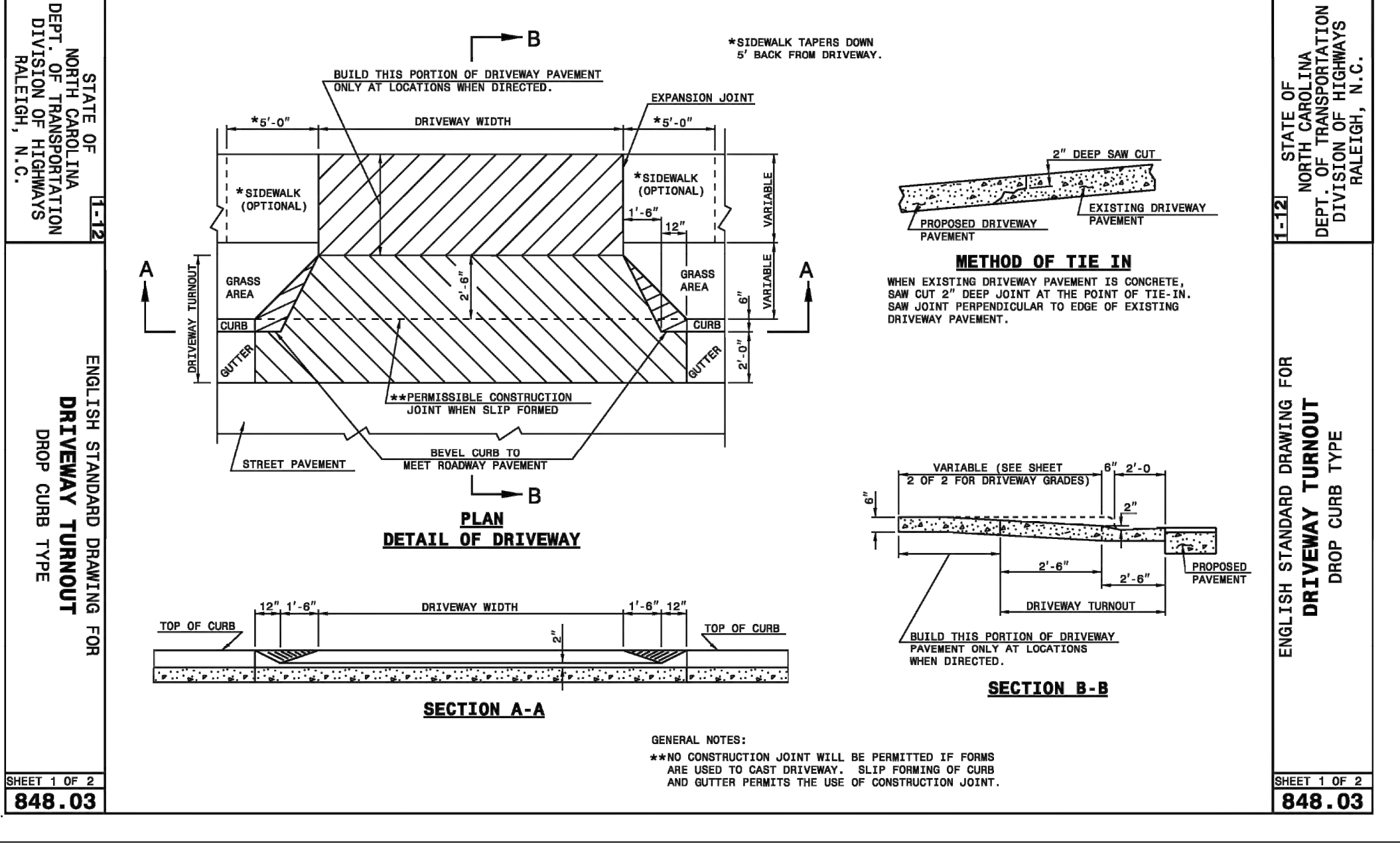
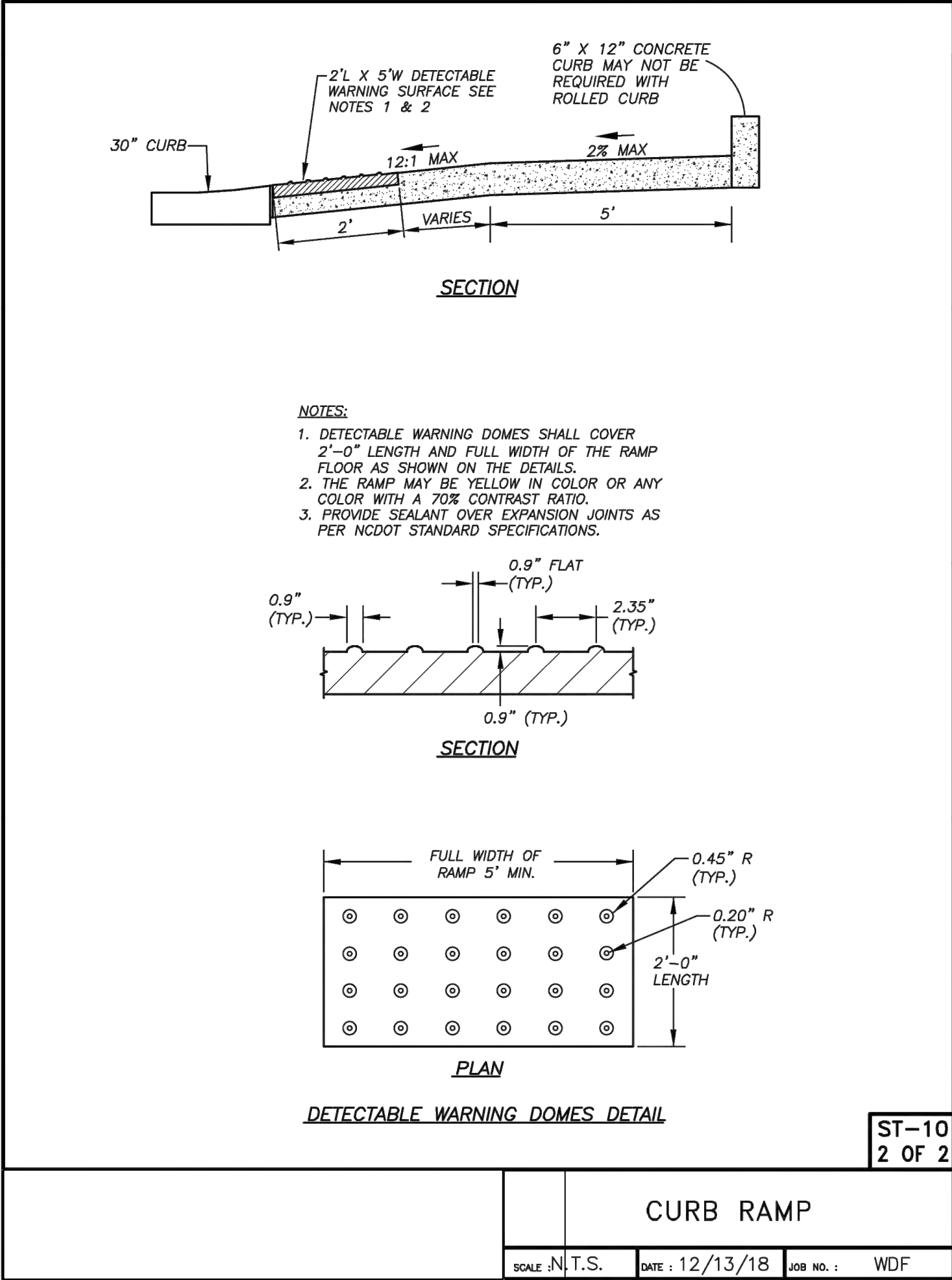
SOIL AMENDMENTS  
FOLLOW SOIL TESTS OR APPLY 2,000 LB/ACRE GROUND AGRICULTURAL LIMESTONE AND 1,000 LB/ACRE 10-10-10 FERTILIZER.

MULCH  
APPLY 4,000 LB/ACRE STRAW. ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING, OR A MULCH ANCHORING TOOL. A DISK WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.

MAINTENANCE  
REPAIR AND RE-FERTILIZE DAMAGED AREAS IMMEDIATELY. TOP-DRESS WITH 50 LB/ACRE OF NITROGEN IN MARCH. IF IT IS NECESSARY TO EXTEND TEMPORARY COVER BEYOND JUNE 15, OVER-SEED WITH 50 LB/ACRE KOBE (PIEDMONT AND COASTAL PLAIN) OR KOREAN (MOUNTAINS) LESPEDEZA IN LATE FEBRUARY OR EARLY MARCH.

STABILIZATION TIME TABLE

SITE AREA DESCRIPTION	STABILIZATION	TIMEFRAME EXCEPTIONS
PERIMETER DIKES, SWALES, DITCHES AND SLOPES	7 DAYS	NONE
HIGH QUALITY WATER (HWQ) ZONES	7 DAYS	NONE
SLOPES STEEPER THAN 3:1	7 DAYS	IF SLOPES ARE 10' IN LENGTH AND ARE NOT STEEPER THAN 2:1, 14 DAYS ARE ALLOWED
SLOPES 3:1 OR FLATTER	14 DAYS	7 DAYS FOR SLOPES > 50' IN LENGTH
ALL OTHER AREAS WITH SLOPES THAN 4:1	14 DAYS	NONE, EXCEPT FOR FLATTER PERIMETERS & HWQ ZONES



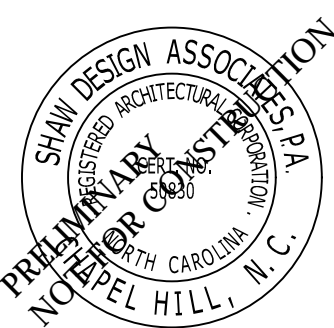
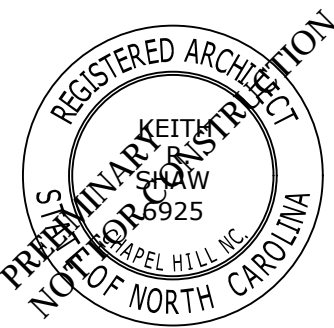


THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. RE-USE, REPRODUCTION, OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. TITLE TO THE DESIGNS, PLANS AND SPECIFICATIONS REMAIN IN THE ARCHITECT WITHOUT PREJUDICE. VISUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL NOT CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.

# EXTERIOR ELEVATIONS

DOBBINS DRIVE OFFICE BUILDING

1751 DOBBINS DRIVE  
CHAPEL HILL NORTH CAROLINA

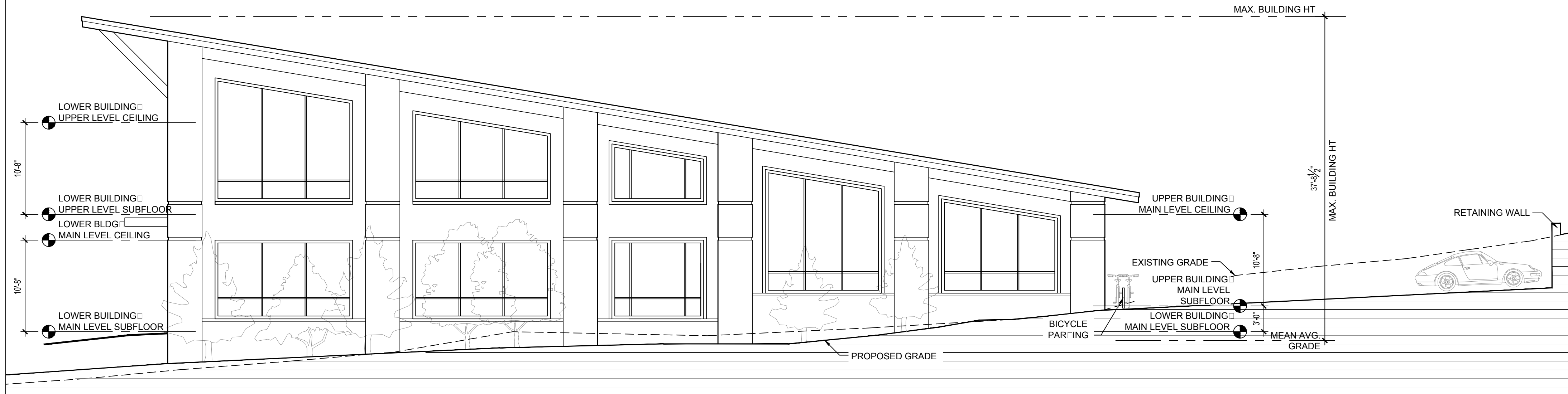


## REVISIONS

DATE	9/4/2019
DRAWN	-
FILE #	1826

A201

SHEET - OF -

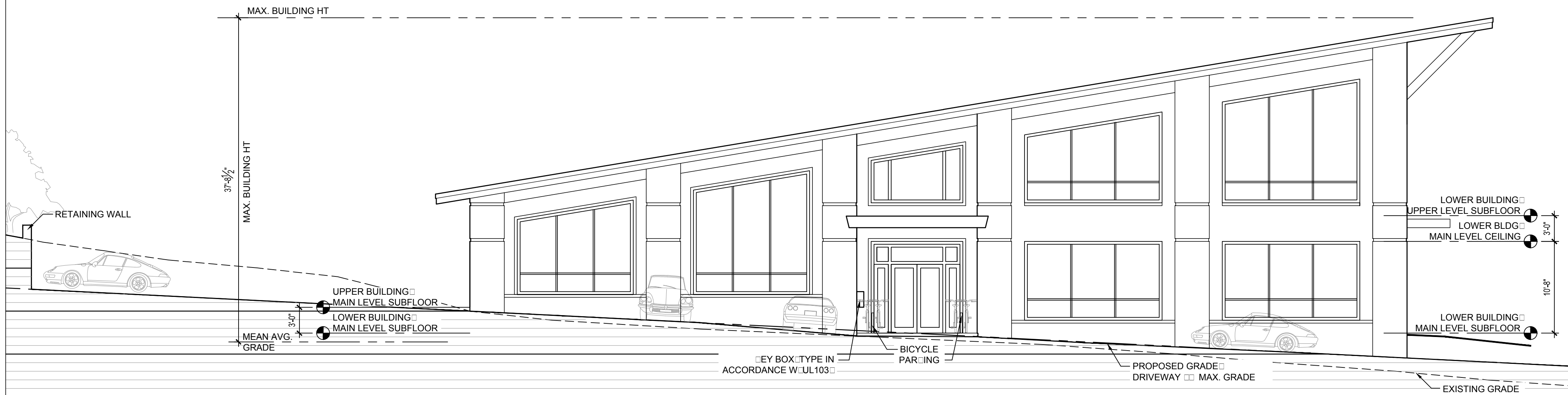


2-A201

LEFT ELEVATION (FACING COMMERCIAL PARKING LOT)

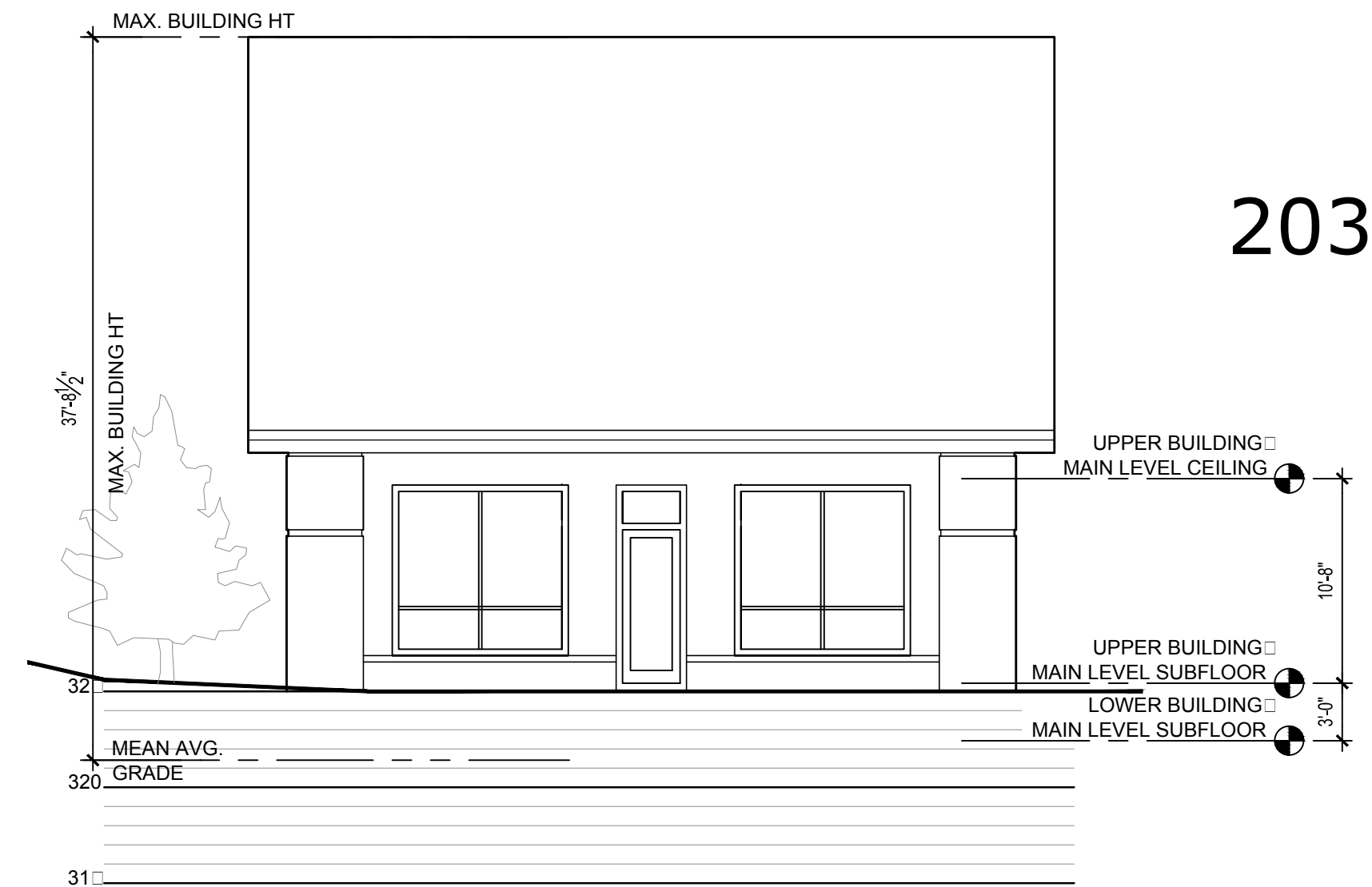
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1/8" = 1'-0"



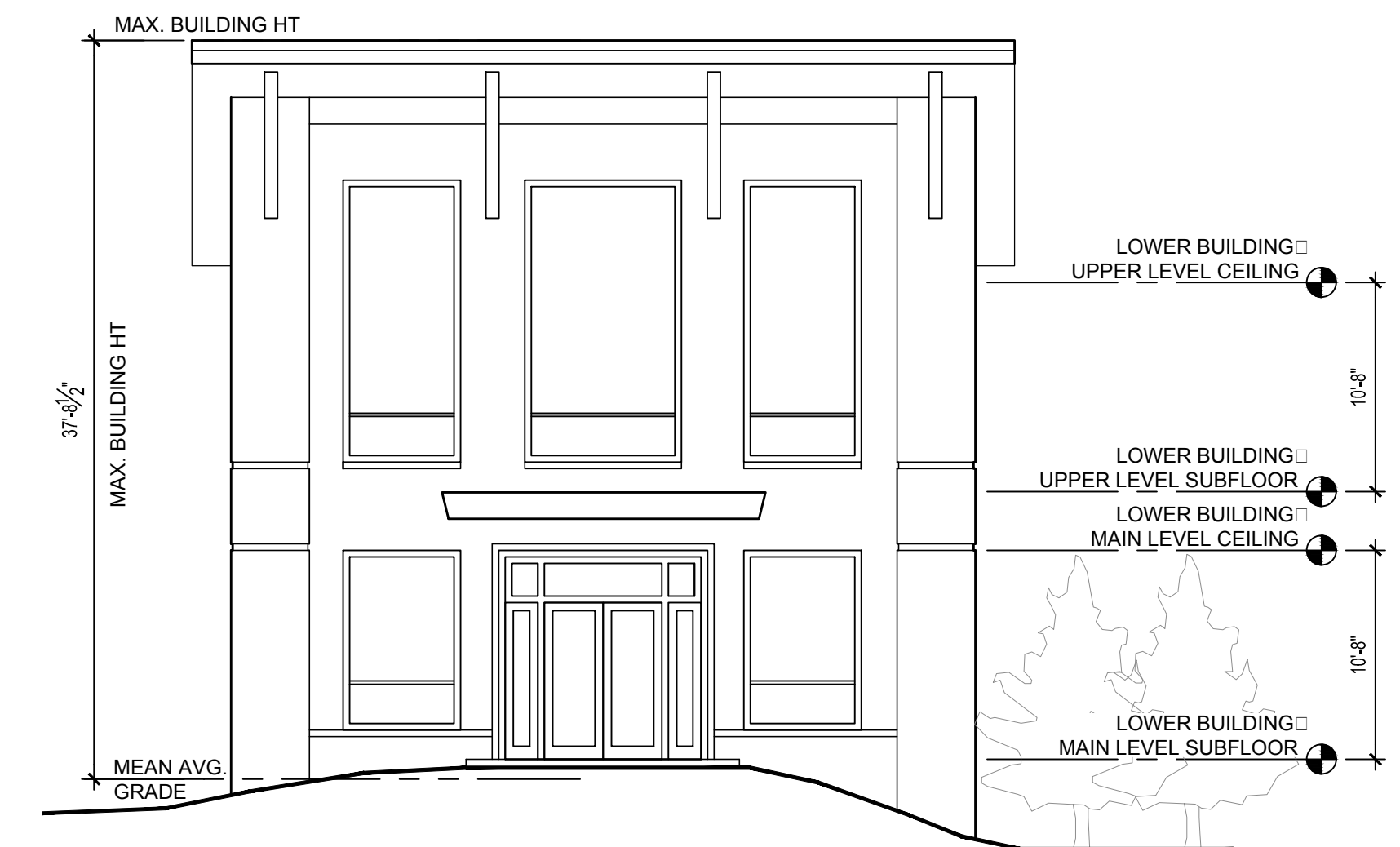
2-A201

LEFT ELEVATION (FACING PRIVATE DR.)

$$1/8'' = 1'-0''$$


3-A201

REAR ELEVATION

$$1/8'' = 1'-0''$$


1-A201

FRONT ELEVATION (FACING DOBBINS DR.)

$$1/8'' = 1'-0''$$



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

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**Item #:** 12., **File #:** [19-0941], **Version:** 1

**Meeting Date:** 11/13/2019

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**Consider an Application for Special Use Permit Modification - Wegmans Food Market Street Improvements, 1810 Fordham Boulevard.**

See the Staff Report on the next page.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

**PRESENTER:** Judy Johnson, Interim Director

Swearing of all persons wishing to present evidence

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Presentation of evidence by the applicant
- d. Presentation of evidence by the public
- e. Comments and questions from the Mayor and Town Council
- f. Applicant's statement regarding proposed conditions
- g. Motion to close the public hearing
- h. Motion to adopt a resolution approving the Special Use Permit modification.

**RECOMMENDATION:** That the Council close the Public Hearing and adopt Resolution A, approving the Special Use Permit Modification.



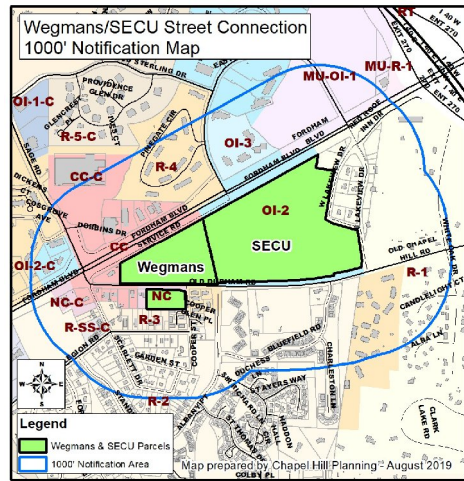
CONSIDER AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION - WEGMANS  
FOOD MARKET STREET IMPROVEMENTS, 1810 FORDHAM BOULEVARD

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

Judy Johnson, Interim Director

Michael Sudol, Planner II

PROPERTY ADDRESS 1810 Fordham Boulevard	DATE November 13, 2019	APPLICANT Justin Brown, Pennoni on behalf of LG1810 Fordham Blvd, LLC
<p>UPDATES SINCE THE OCTOBER 30 PUBLIC HEARING</p> <p>The following stipulation was added regarding driveway cuts shown on the SECU property:</p> <ul style="list-style-type: none"> <li><u>Service Road Driveways</u>: There is no implied approval for any connection to the Service Road at the driveway cuts shown on the site plan. Access to the Service Road will be dependent upon Town of Chapel Hill and NCDOT approval at time of future development.</li> </ul>		
<p>RECOMMENDATION</p> <p>That the Council adopt Resolution A, approving the Special Use Permit Modification</p>		
<p>STAFF ANALYSIS</p> <p>The Council adopted a <a href="#">resolution</a><sup>1</sup> on October 2, 2019 limiting the scope of the Special Use Permit Modification to the new road access. See attached Key Considerations for additional information.</p>		
<p>PROCESS</p> <p>The application before Council is for approval of a Special Use Permit Modification. The Council must consider the four findings for approval, which indicate that the use or development:</p> <ol style="list-style-type: none"> <li>1. is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;</li> <li>2. would comply with all required regulations and standards of the Land Use Management Ordinance;</li> <li>3. 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; and</li> <li>4. 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.</li> </ol>		<p>DECISION POINTS</p> <ul style="list-style-type: none"> <li>Does the proposal satisfy the four findings of fact required for the Council to approve a Special Use Permit Modification?</li> </ul>
<p>PROJECT OVERVIEW</p> <p>The applicant proposes a realignment of the US 15-501 Service Road across the adjacent State Employees Credit Union property, creating a full-access connection from the Wegmans development at 1810 Fordham Boulevard to US 15-501. The former Service Road location would be repurposed as a multi-use path.</p>		<p>PROJECT LOCATION</p> 
ATTACHMENTS	<ol style="list-style-type: none"> <li>1. Key Considerations</li> <li>2. Draft Staff Presentation</li> <li>3. Resolution A</li> <li>4. Resolution B</li> <li>5. Applicant's Materials</li> <li>6. Submitted Plans</li> </ol>	

<sup>1</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4148998&GUID=EDE1C694-F720-454F-92AE-5D70AF54B821&Options=&Search=>

### KEY CONSIDERATIONS

#### Special Use Permit Modification Findings

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 development will provide roadway improvements that will offset the traffic that the use will generate. Additionally, pedestrian connections (sidewalks and bicycle lanes) will be provided to link retail with the surrounding neighborhood areas in connection with the Old Durham Chapel Hill Road roadway improvements. The applicant coordinated with the adjoining property to the east (State Employee Credit Union) for an alternative approach to mitigate the traffic at the intersection of US 15/501 and the Eastowne Drive (Service Road) intersection. This effort has resulted in an agreement between Wegmans and SECU so that driveway access to 15-501 can be provide through SECU's property (via a dedicated NCDOT ROW)." (The applicant's Statement of Justification)
Evidence in Opposition	None to date.
Staff Response	Based on the evidence entered into the record to date, the Council could make the finding. Based on the Transportation Impact Analysis, we believe that the Special Use Permit Modification would provide relief from traffic on Old Durham Road.

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

Evidence in Support	Application form, project fact sheet, and site plan (as attached).
Evidence in Opposition	None to date.
Staff Response	Based on the application and evidence entered into the record to date, the Council could make the finding.

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 of development is a public necessity.

Evidence in Support	"The development will provide a retail destination for the surrounding community, in addition to patrons from other counties. Furthermore, the Marketplace Café and Pub restaurant will provide access to a wide variety of lunch and dinner options. The store's proximity to the local office parks and residences will provide walkability to the surrounding development and neighborhoods. Lastly, the project will provide a significant increase in commercial tax base and sales revenue." (The applicant's Statement of Justification)
Evidence in Opposition	None to date.

Staff Response	We believe, based on the evidence entered into the record to date, that the Council could make the finding that the accessibility of the site to adjacent properties would maintain or enhance their value.
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Finding #4: That the use 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.

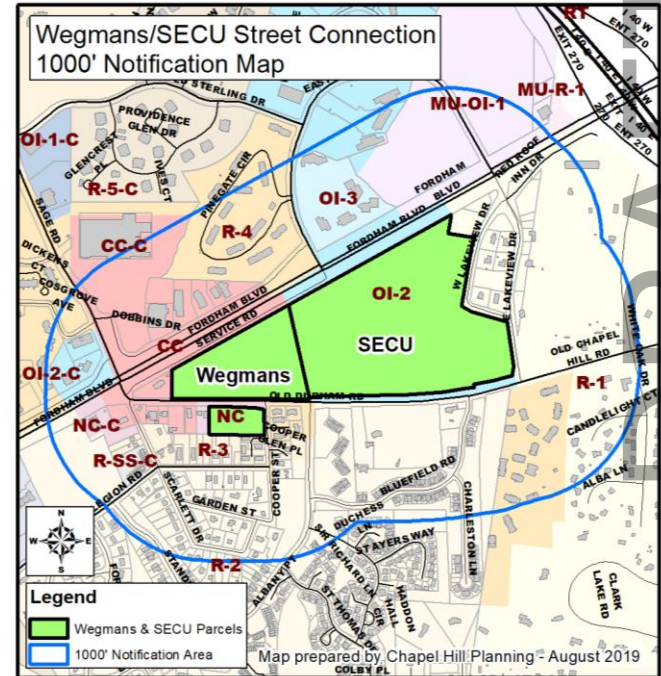
Evidence in Support	No change proposed to the use, zoning, or density for this Special Use Permit Modification.
Evidence in Opposition	None to date.
Staff Response	<p>We believe the SUP modification complies with the Land Use Plan and themes in the 2020 Comprehensive Plan. Relevant goals and objectives in the Comprehensive Plan include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)</li> <li>• Balance and sustain finances by increasing revenues and decreasing expenses (Goal Community Prosperity &amp; Engagement.1)</li> <li>• Promote a safe, vibrant and connected (physical and person) community (Goal Community Prosperity and Engagement.3);</li> <li>• A well-conceived and planned, carefully thought out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and public transportation options (Goal Getting Around.1)</li> <li>• A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)</li> <li>• Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)</li> </ul>



# Wegmans Street Improvements SUP Modification

Town Council  
Public Hearing

November 13, 2019



- On October 2, 2019, Council adopted a resolution limiting the scope of the Special Use Permit Modification to:
  - New street improvements; and
  - Review by the Transportation and Connectivity Advisory Board and the Planning Commission.

DRAFT

- A stipulation was added to clarify that the driveway cuts shown on the SECU site do not imply approval of any connections to the Service Road.

DRAFT

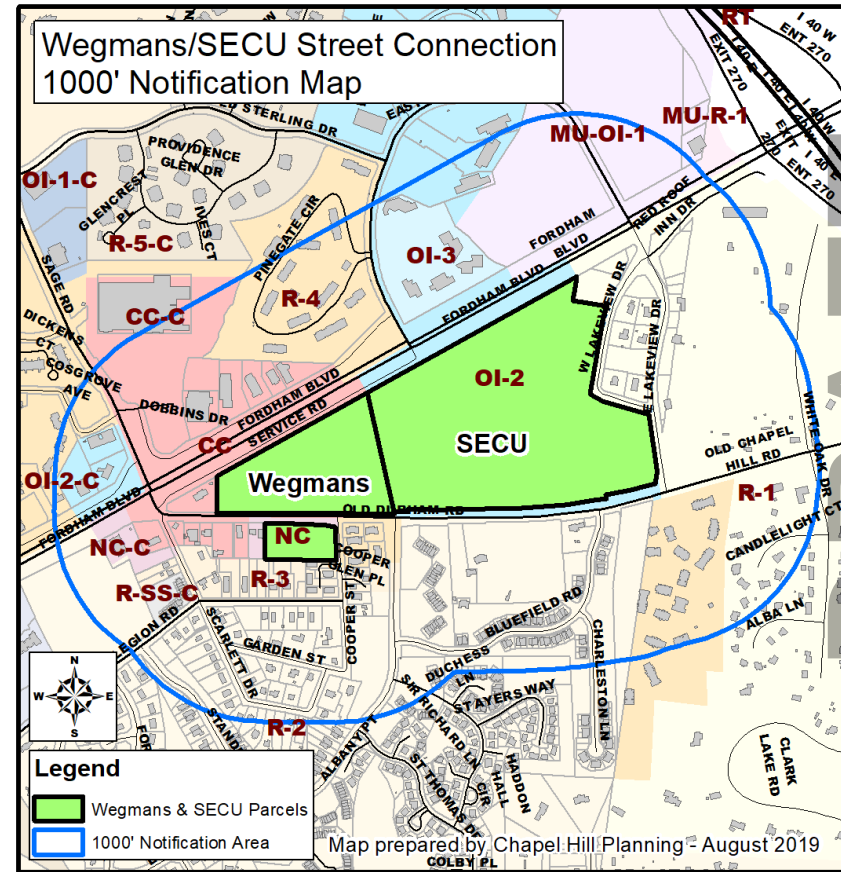
- Close the Public Hearing; and
- Adopt Resolution A, approving the Special Use Permit Modification

DRAFT

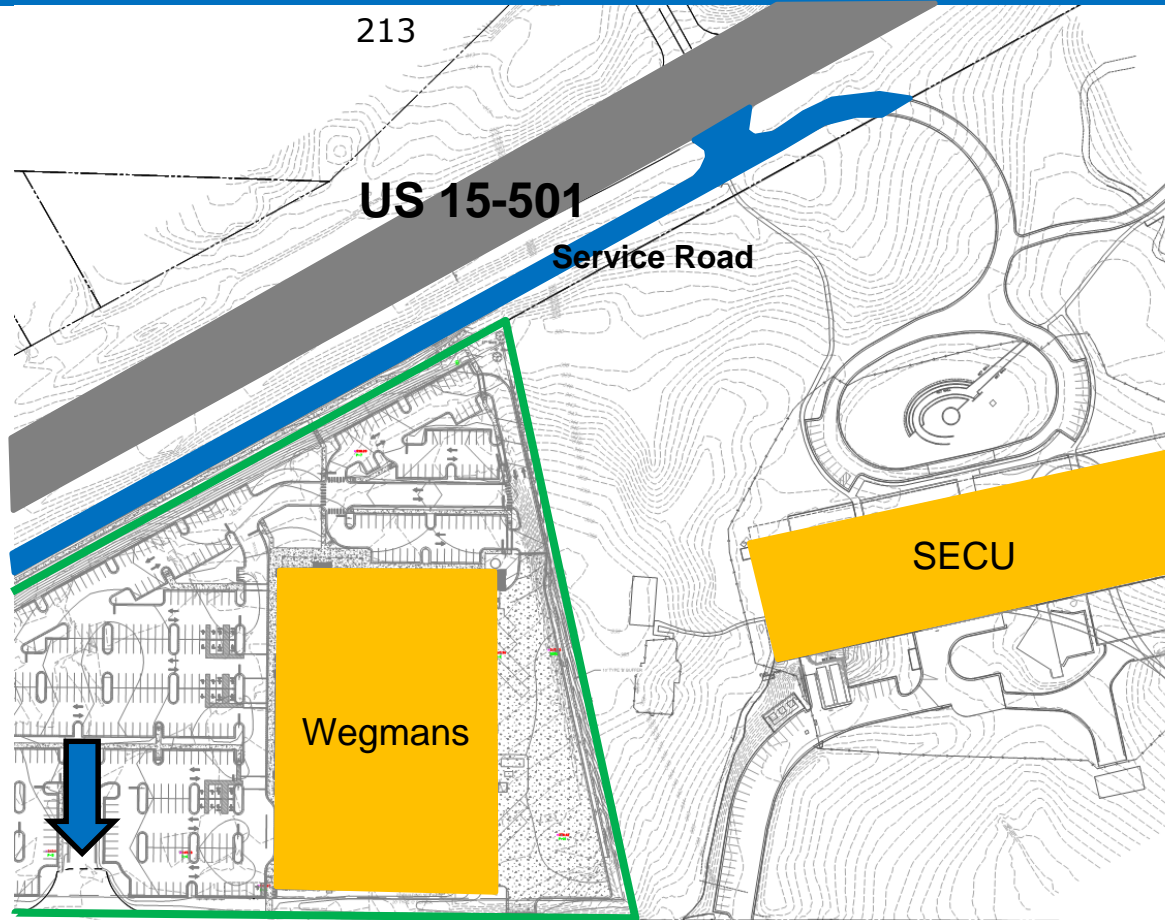
# Wegmans Street Improvements – Project Summary

212

- Wegmans SUP approved in October 2017
  - 130,000 SF building
  - 750 parking spaces
- Full access limited to Old Durham Rd traffic circle
- Traffic calming measures required on adjacent streets

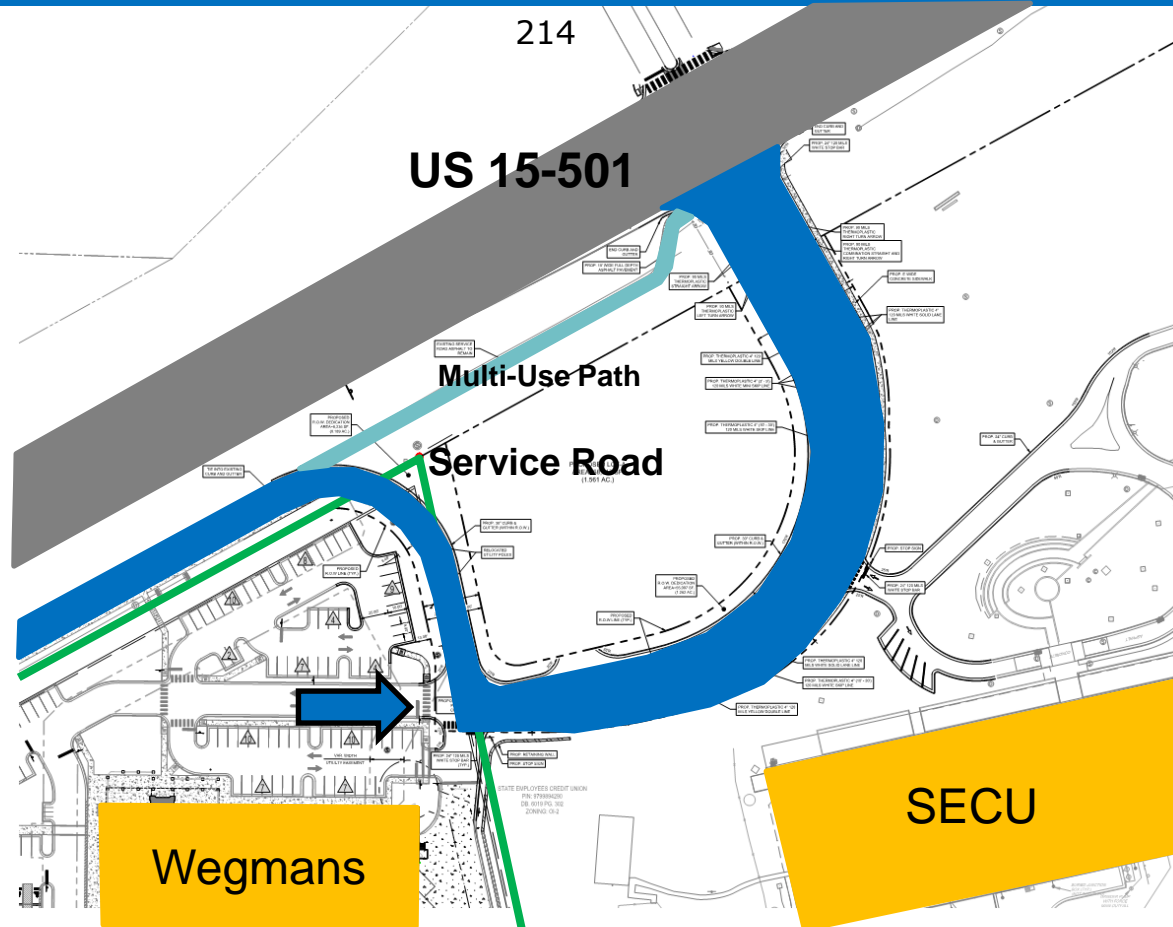


# Wegmans Street Improvements – Existing Conditions



DRAFT

# Wegmans Street Improvements – Site Plan



DRAFT

- Added stipulation:
  - Service Road Driveways: There is no implied approval for any connection to the Service Road at the driveway cuts shown on the site plan. Access to the Service Road will be dependent upon Town of Chapel Hill and NCDOT approval at time of future development.

DRAFT

# Wegmans Street Improvements – Advisory Boards

216

Advisory Boards/Commissions	Recommendation
Planning Commission	Approval with conditions
Transportation and Connectivity Board	Approval with conditions

- Close the Public Hearing; and
- Adopt Resolution A, approving the Special Use Permit Modification

DRAFT

RESOLUTION A  
(Approving the Special Use Permit Modification Application)

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT  
MODIFICATION FOR WEGMANS FOOD MARKET (PROJECT #19-117) (2019-11-13/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed by Justin Brown of Pennoni on behalf of LG1810 Fordham Blvd, LLC, located at 1810 Fordham Boulevard on property identified as Orange County Property Identifier Numbers 9799-78-2879 and 9799-78-1484, if developed according to the Site Plan dated September 16, 2019 and the conditions listed below would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

STIPULATIONS SPECIFIC TO WEGMANS

1. Land Use Intensity: This Special Use Permit Modification authorizes the following:

Use: Commercial	
Additional Land Disturbance	256,377 sq. ft.

2. Existing Permit: The existing Special Use Permit Modification dated October 25, 2017 on file at the Town of Chapel Hill Planning Department, and recorded in the Orange County Registry (Book 6536, page 399) remains in effect except as modified by these stipulations.
3. US 15-501 and Service Road Intersection Improvements: The Service Road is to be extended as shown on the plan sheets dated September 16, 2019. No additional driveway cuts are permitted on the adjacent State Employees Credit Union property.
4. Dedication of Right-of-Way: Prior to conducting a Zoning Final Inspection, a right-of-way plat dedicating the relocated Service Road shall be recorded in the Orange County Registry.
5. Pedestrian Crosswalk: Prior to issuance of a Zoning Final Inspection, the developer shall add a pedestrian crosswalk on the western side of the Eastowne Drive and US 15-501 intersection.
6. Service Road Driveways: There is no implied approval for any connection to the Service Road at the driveway cuts shown on the site plan. Access to the Service Road will be dependent upon Town of Chapel Hill and NCDOT approval at time of future development.

7. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
8. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit Modification for 1810 Fordham Blvd.

This the 13<sup>th</sup> day of November, 2019.

RESOLUTION B  
(Denying the Special Use Permit Modification)

A RESOLUTION DENYING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR WEGMANS FOOD MARKET (PROJECT #19-117) (2019-11-13/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed by Justin Brown of Pennoni on behalf of LG1810 Fordham Blvd, LLC, located at 1810 Fordham Boulevard on property identified as Orange County Property Identifier Numbers 9799-78-2879 and 9799-78-1484, if developed according to the Site Plan dated September 16, 2019 and the conditions listed below would not:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council hereby denies the application for a Special Use Permit Modification for 1810 Fordham Boulevard.

This the 13<sup>th</sup> day of November, 2019.

# SPECIAL USE PERMIT APPLICATION



**TOWN OF CHAPEL HILL**  
**Planning Department**  
 405 Martin Luther King Jr. Blvd  
 Chapel Hill, NC 27514  
 phone (919) 968-2728 fax (919) 969-2014  
 www.townofchapelhill.org

Parcel Identifier Number (PIN): 9799782879 & 9799781484

Date: 9/10/19

## Section A: Project Information

Project Name: Wegmans Food Market Street Improvements

Property Address: 1810 Fordham Boulevard - Chapel Hill, NC Zip Code: 27514

Use Groups (A, B, and/or C): C Existing Zoning District: OI-2 / CC-C

Project Description: Development of a street section to provide access to SECU and Wegmans Development

## Section B: Applicant, Owner and/or Contract Purchaser Information

### Applicant Information (to whom correspondence will be mailed)

Name: Pennoni - Justin Brown, PE

Address: 5430 Wade Park Blvd, Suite 106

City: Raleigh State: NC Zip Code: 27607

Phone: 919-230-9211 Email: jjbrown@pennoni.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:  Date: 9/13/19

### Owner/Contract Purchaser Information:

☒ **Owner** ☐ **Contract Purchaser**

Name: LG1810 Fordham Blvd, LLC. c/o Will Tolliver

Address: 3500 Maple Avenue, Suite 1600

City: Dallas State: TX Zip Code: 75219

Phone: 214-865-8090 Email: wtolliver@leoncapitalgroup.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:  Date: 9/13/19



# PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

## Section A: Project Information

Application type: Special Use Permit Modification Date: 9/10/19

Project Name: Wegmans - Driveway Modification

**Use Type:** (check/list all that apply)

☐ Office/Institutional ☐ Residential ☐ Mixed-Use ☒ Other: Grocery Store

**Overlay District:** (check all those that apply)

☐ Historic District ☐ Neighborhood Conservation District ☐ Airport Hazard Zone

## Section B: Land Area

Net Land Area (NLA): Area within zoning lot boundaries		NLA=	582,567	sq. ft.
Choose one, or both, of the following (a or b,) not to exceed 10% of NLA	a) Credited Street Area (total adjacent frontage) x ½ width of public right-of-way	CSA=	58,257	sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=	0	sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	640,824	sq. ft.

## Section C: Special Protection Areas, Land Disturbance, and Impervious Area

**Special Protection Areas:** (check all those that apply)

☐ Jordan Buffer ☐ Resource Conservation District ☐ 100 Year Floodplain ☐ Watershed Protection District

Land Disturbance	Total (sq ft)
Area of Land Disturbance (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, all grading, including off-site clearing)	256,377
Area of Land Disturbance within RCD	N/A
Area of Land Disturbance within Jordan Buffer	N/A

Impervious Areas	Existing (sq ft)	Demolition (sq ft)	Proposed (sq ft)	Total (sq ft)
Impervious Surface Area (ISA)	464,546	464,546	462,657	462,657
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA) %	76.9%	76.9%	72.2%	72.2%
If located in Watershed Protection District, % of impervious surface on 7/1/1993	N/A	N/A	N/A	N/A



# PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

## Section D: Dimensions

Dimensional Unit (sq ft)	Existing (sq ft)	Demolition (sq ft)	Proposed (sq ft)	Total (sq ft)
Number of Buildings	N/A		N/A	
Number of Floors	N/A		N/A	
Recreational Space	N/A		N/A	

Residential Space				
Dimensional Unit (sq ft)	Existing (sq ft)	Demolition (sq ft)	Proposed (sq ft)	Total (sq ft)
Floor Area (all floors – heated and unheated)				
Total Square Footage of All Units				
Total Square Footage of Affordable Units				
Total Residential Density				
Number of Dwelling Units				
Number of Affordable Dwelling Units				
Number of Single Bedroom Units				
Number of Two Bedroom Units				
Number of Three Bedroom Units				

Non-Residential Space (Gross Floor Area in Square Feet)					
Use Type	Existing	Proposed	Uses	Existing	Proposed
Commercial	103,733	102,010			
Restaurant	N/A	N/A	# of Seats		
Government	N/A	N/A			
Institutional	N/A	N/A			
Medical	N/A	N/A			
Office	N/A	N/A			
Hotel	N/A	N/A	# of Rooms		
Industrial	N/A	N/A			
Place of Worship	N/A	N/A	# of Seats		
Other	N/A	N/A			

Dimensional Requirements		Required by Ordinance	Existing	Proposed
Setbacks (minimum)	Street	22 ft and 20 ft	40.98 ft.	31.26 ft.
	Interior (neighboring property lines)	8 ft.	74.80 ft.	65.46 ft.
	Solar (northern property line)			
Height (maximum)	Primary	34 ft.	N/A	28.67 ft.
	Secondary	60 ft.	N/A	80.00 ft.
Streets	Frontages			
	Widths			



# PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

## Section F: Adjoining or Connecting Streets and Sidewalks

(Note: For approval of proposed street names, contact the Engineering Department)

Street Name	Right-of-way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing curb/gutter
Fordham Blvd - Service Rd.	Variable	24'	2	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
Old Durham Chapel Hill Blvd.	Variable	48'	3	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes

List Proposed Points of Access (Ex: Number, Street Name):

\*If existing sidewalks do not exist and the applicant is adding sidewalks, please provide the following information:

Sidewalk Information			
Street Names	Dimensions	Surface	Handicapped Ramps
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

## Section G: Parking Information

Parking Spaces	Minimum	Maximum	Proposed
Regular Spaces	332	741	711
Handicap Spaces	X	9	25
Total Spaces	340	750	736
Loading Spaces	2	N/A	5
Bicycle Spaces	13	N/A	14
Surface Type	Asphalt and concrete		

## Section H: Landscape Buffers

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
Service Road	20'	8.48'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
Old Durham Road	20'	6.00'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
East	10'	20.12'	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
West	10'	10'	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
Overflow Lot				
North (Old Durham)	20 ft	5.05 ft	X Yes	X Yes
West	10 ft	4.38 ft	X Yes	X Yes
South	20 ft	20.23 ft	Yes	Yes
East (Cooper)	20 ft	12 ft	X Yes	X Yes



# PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

## Section I: Land Use Intensity

Existing Zoning District:

Proposed Zoning Change (if any):

Note: Refer to Table 3.8-1 (Dimensional Matrix) in the Land Use Management Ordinance for help completing this table.

Zoning – Area – Ratio			Impervious Surface Thresholds			Minimum and Maximum Limitations	
Zoning District(s)	Floor Area Ratio (FAR)	Recreation Space Ratio (RSR)	Low Density Residential (0.24)	High Density Residential (0.50)	Non-Residential (0.70)	Maximum Floor Area (MFA) = FAR x GLA	Minimum Recreation Space (MSR) = RSR x GLA
CC	0.429						
<b>TOTAL</b>	0.429					274,913	N/A
RCD Streamside		0.01					
RCD Managed		0.019					
RCD Upland							

## Section J: Utility Service

Check all that apply

<b>Water</b>	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Well	<input type="checkbox"/> Community Well	<input type="checkbox"/> Other
<b>Sewer</b>	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Septic Tank	<input type="checkbox"/> Community Package Plant	<input type="checkbox"/> Other
<b>Electrical</b>	<input checked="" type="checkbox"/> Underground	<input type="checkbox"/> Above Ground		
<b>Telephone</b>	<input checked="" type="checkbox"/> Underground	<input type="checkbox"/> Above Ground		
<b>Solid Waste</b>	<input type="checkbox"/> Town	<input checked="" type="checkbox"/> Private		



**SPECIAL USE PERMIT APPLICATION  
SUBMITTAL REQUIREMENTS  
TOWN OF CHAPEL HILL  
Planning Department**

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning Department (Planning) at (919)968-2728 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org).

X	<b>Application fee</b> (including <a href="#">Engineering Review fee</a> ) ( <a href="#">refer to fee schedule</a> )	Amount Paid \$	8,175.00
X	<b>Pre-application meeting</b> – with appropriate staff		
X	<b>Digital Files</b> - provide digital files of all plans and documents		
X	<b>Recorded Plat or Deed of Property</b>		
X	<b>Project Fact Sheet</b>		
	<b>Traffic Impact Statement</b> – completed by Town’s consultant (or exemption)		
N/A	<b>Description of Public Art Proposal</b>		
X	<b>Statement of Justification</b>		
X	<b>Response to Community Design Commission and Town Council Concept Plan comments</b>		
N/A	<b>Affordable Housing Proposal, if applicable</b>		
X	<b>Provide existing Special Use Permit, if Modification</b>		
X	<b>Mailing list of owners of property within 1,000 feet perimeter of subject property</b> ( <a href="#">see GIS notification tool</a> )		
X	<b>Mailing fee for above mailing list (mailing fee is double due to 2 mailings)</b>	Amount Paid \$	139.00
X	<b>Written Narrative describing the proposal</b>		
X	<b>Resource Conservation District, Floodplain, &amp; Jordan Buffers Determination</b> - necessary for all submittals		
N/A	<b>Jurisdictional Wetland Determination</b> – if applicable		
N/A	<b>Resource Conservation District Encroachment Exemption or Variance (determined by Planning)</b>		
N/A	<b>Jordan Buffer Authorization Certificate or Mitigation Plan Approval (determined by Planning)</b>		
X	<b>Reduced Site Plan Set (reduced to 8.5"x11")</b>		

**Stormwater Impact Statement (1 copy to be submitted)**

- Written narrative describing existing & proposed conditions, anticipated stormwater impacts and management structures and strategies to mitigate impacts
- Description of land uses and area (in square footage)
- Existing and proposed Impervious surface area in square feet for all subareas and project area
- Ground cover and uses information
- Soil information (classification, infiltration rates, depth to groundwater and bedrock)
- Time of concentration calculations and assumptions
- Topography (2-foot contours)
- Pertinent on-site and off-site drainage conditions
- Upstream and/or downstream volumes
- Discharges and velocities
- Backwater elevations and effects on existing drainage conveyance facilities
- Location of jurisdictional wetlands and regulatory FEMA Special Flood Hazard Areas

**SPECIAL USE PERMIT APPLICATION  
SUBMITTAL REQUIREMENTS  
TOWN OF CHAPEL HILL  
Planning Department**



- m) Water quality volume calculations
- n) Drainage areas and sub-areas delineated
- o) Peak discharge calculations and rates (1, 2, and 25-year storms)
- p) Hydrographs for pre- & post-development without mitigation, post-development with mitigation
- q) Volume calculations and documentation of retention for 2-year storm
- r) 85% TSS removal for post-development stormwater run-off
- s) Nutrient loading calculations
- t) BMP sizing calculations
- u) Pipe sizing calculations and schedule (include HGL & EGL calculations and profiles)

**Plan Sets (10 copies to be submitted no larger than 24"x36")**

Plans should be legible and clearly drawn. All plan sets sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable
- Revision dates and professional seals and signatures, as applicable

**Cover Sheet**

- a) Include Project Name, Project fact information, PIN, Design team

**Area Map**

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names.
- f) 1,000' notification boundary

**Existing Conditions Plan**

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines

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Planning Department**



- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries

### Detailed Site Plan

- a) Existing and proposed building locations
- b) Description & analysis of adjacent land uses, roads, topography, soils, drainage patterns, environmental constraints, features, existing vegetation, vistas (on & off-site)
- c) Location, arrangement, & dimension of vehicular parking, width of aisles and bays, angle of parking, number of spaces, handicapped parking, bicycle parking . Typical pavement sections & surface type
- d) Location of existing and proposed fire hydrants
- e) Location and dimension of all vehicle entrances, exits, and drives
- f) Dimensioned street cross-sections and rights-of-way widths
- g) Pavement and curb & gutter construction details
- h) Dimensioned sidewalk and tree lawn cross-sections
- i) Proposed transit improvements including bus pull-off and/or bus shelter
- j) Required landscape buffers (or proposed alternate/modified buffers)
- k) Required recreation area/space (including written statement of recreation plans)
- l) Refuse collection facilities (existing and proposed) or shared dumpster agreement
- m) Construction parking, staging, storage area, and construction trailer location
- n) Sight distance triangles at intersections
- o) Proposed location of street lights and underground utility lines and/or conduit lines to be installed
- p) Easements
- q) Clearing and construction limits
- r) Traffic Calming Plan – detailed construction designs of devices proposed & associated sign & marking plan

### Stormwater Management Plan

- a) Topography (2-foot contours)
- b) Existing drainage conditions
- c) RCD and Jordan Riparian Buffer delineation and boundary (perennial & intermittent streams, note ephemeral streams on site)
- d) Proposed drainage and stormwater conditions
- e) Drainage conveyance system (piping)
- f) Roof drains
- g) Easements
- h) BMP plans, dimensions, details, and cross-sections
- i) Planting and stabilization plans and specifications



**SPECIAL USE PERMIT APPLICATION  
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Planning Department**

### **Landscape Protection Plan**

- a) Rare, specimen, and significant tree survey within 50 feet of construction area
- b) Rare and specimen tree critical root zones
- c) Rare and specimen trees proposed to be removed
- d) Certified arborist tree evaluation, if applicable
- e) Significant tree stand survey
- f) Clearing limit line
- g) Proposed tree protection /silt fence location
- h) Pre-construction/demolition conference note
- j) Landscape protection supervisor note
- k) Existing and proposed tree canopy calculations, if applicable

### **Planting Plan**

- a) Dimensioned and labeled perimeter landscape bufferyard
- b) Off-site buffer
- c) Landscape buffer and parking lot planting plan (including planting strip between parking and building, entryway planting, and 35% shading requirement)

### **Steep Slope Plan**

- a) Classify and quantify slopes 0-10%, 10-15%, 15-25% and 25% and greater
- b) Show and quantify areas of disturbance in each slope category
- c) Provide/show specialized site design and construction techniques

### **Grading and Erosion Control Plan**

- a) Topography (2-foot contours)
- b) Limits of Disturbance
- c) Pertinent off-site drainage features
- d) Existing and proposed impervious surface tallies

### **Streetscape Plan, if applicable**

- a) Public right-of-way existing conditions plan
- b) Streetscape demolition plan
- c) Streetscape proposed improvement plan
- d) Streetscape proposed utility plan and details
- e) Streetscape proposed pavement/sidewalk details
- f) Streetscape proposed furnishing details
- g) Streetscape proposed lighting details



**SPECIAL USE PERMIT APPLICATION  
SUBMITTAL REQUIREMENTS  
TOWN OF CHAPEL HILL  
Planning Department**

### **Solid Waste Plan**

- a) Preliminary Solid Waste Management Plan
- b) Existing and proposed dumpster pads
- c) Proposed dumpster pad layout design
- d) Proposed heavy duty pavement locations and pavement construction detail

### **Construction Management Plan**

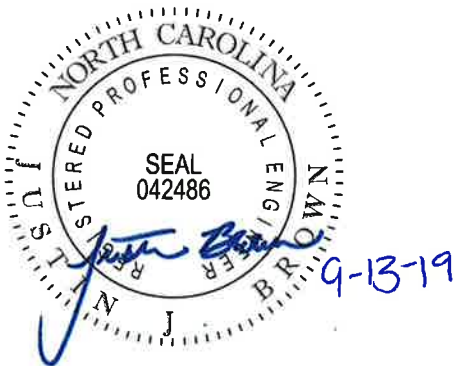
- a) Construction trailer location
- b) Location of construction personnel parking and construction equipment parking
- c) Location and size of staging and materials storage area
- d) Description of emergency vehicle access to and around project site during construction
- e) Delivery truck routes shown or noted on plan sheets

### **Energy Management Plan**

- a) Description of how project will be 20% more energy efficient than ASHRAE Standards
- b) Description of utilization of sustainable forms of energy (Solar, Wind, Hydroelectric, and Biofuels)
- c) Participation in NC GreenPower program
- d) Description of how project will ensure indoor air quality, adequate access to natural lighting, and allow for proposed utilization of sustainable energy
- e) Description of how project will maintain commitment to energy efficiency and reduced carbon footprint over time
- f) Description of how the project's Transportation Management Plan will support efforts to reduce energy consumption as it affects the community

### **Exterior Elevations**

- a) An outline of each elevation of the building, including the finished grade line along the foundation (height of building measured from mean natural grade).

**Proposed Wegmans Grocery Store Development****Town of Chapel Hill****Orange County, North Carolina****STATEMENT OF JUSTIFICATION****SPECIAL USE PERMIT MODIFICATION****Prepared By:****Pennoni Associates****5430 Wade Park Blvd., Suite 106****Raleigh, NC 27607****(919) 929-1173****Firm License: F-1267****Project #WGMNS19001****Date: September 13, 2019****Professional Engineer: Justin J. Brown, PE****NC License #042486**

### **General Project Description**

The subject property is located along the Town of Chapel Hill's northeastern gateway on 15/501 (Fordham Boulevard). The site is situated to the north of the intersection of Scarlett Drive and Old Durham Chapel Hill Road. The existing site consists of a Hendrick automobile dealership, commonly known as The Performance Auto Mall. Leon Capital Group proposes to redevelop the existing Performance Auto Mall dealership (PIN: 9799782879) and the adjoining parcels across Old Durham Chapel Hill Road (PIN: 9799781484). The proposed development will consist of the demolition and removal of all existing buildings and infrastructure within the site, and the construction of a +/- 102,010 SF Wegmans grocery store development. The construction will also include the installation of landscaping, lighting, stormwater management and utilities necessary to support the development as well as providing driveway access to the adjacent State Employee Credit Union site (SECU) to the east. This driveway will provide access to 15-501 through the SECU property via a dedicated right-of-way to NCDOT. The development on the south side of Old Durham Chapel Hill Road will be the construction of a surface parking field to support the intended development.

### **Project Surroundings**

The main Hendrick automobile dealership site is currently zoned partially CC – Community Commercial (western portion of property) and CC-C – Community Commercial – Conditional (remaining property). The existing Hendrick automobile dealership employee parking lot across Old Durham Road (PIN: 9799782464) is zoned NC – Neighborhood Commercial. The property directly to the west of the employee parking lot (PIN: 9799780316) is zoned NC- Neighborhood Commercial.

The main development portion of the site is bounded to the north by the Service Road and US 15/501 (Fordham Boulevard); to the west by an existing Hardees restaurant with drive-thru; to the east by the previous Blue Cross/Blue Shield building which is now owned by State Employee Credit Union; and to the south by Old Durham Chapel Hill Road.

The overflow parking field is adjacent to Old Durham Road to the north; to the west by an existing violin shop that is currently under contract by the developer; to the east by Cooper Street; and to the south by existing residential (R-3) structures.

### **Findings of Fact**

The applicant hereby justifies the request for Special Use Permit Modification application as per the Town of Chapel Hill's Land Use Management Ordinance, Appendix A, section 4.5.2(a):

- ***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.***

General Statement – The Wegmans will promote the redevelopment of an existing auto dealership that is scheduled to be relocated to their existing South Point facility in Durham County. This redevelopment will include the cleanup of an environmentally contaminated site.

Emergency Services – The nearest fire station (Station #3) is located less than 2 miles from the proposed development site. It is anticipated that fire protection and first responder response will be provided by the Town of Chapel Hill. The Wegmans grocery store will include provisions for a sprinkler system and will be designed in accordance with applicable safety and fire codes as part of the building permit review and approval.

Utilities – The existing development is served by public water and sewer services of Orange County Water & Sewer Authority (OWASA). It is anticipated that the existing water and sewer services that surround the development will be adequate to support the proposed development. The refuse will

be collected by the Town of Chapel Hill and the recycling will be collected by the Orange County Solid Waste Management. The development has been designed in accordance with the OWASA, the Town of Chapel Hill and Orange County Solid Waste regulations and requirements.

Transportation and Pedestrian Movements – The development will provide roadway improvements that will offset the traffic that the use will generate. Additionally, pedestrian connections (sidewalks and bicycle lanes) will be provided to link retail with the surrounding neighborhood areas in connection with the Old Durham Chapel Hill Road roadway improvements and the future proposed light-rail transit development. The developer has collaborated with the Town of Chapel Hill Public Works, NCDOT and the Town's traffic consultant (HNTB) to review and analyze the existing surrounding roadway networks. Additionally, a conceptual plan has been developed that mitigates the additional traffic associated with the development. The off-site roadway improvements are shown on the Special Use Permit Plans, dated 11/22/16. The applicant coordinated with the adjoining property to the east (State Employee Credit Union) for an alternative approach to mitigate the traffic at the intersection of US 15/501 and the Eastowne Drive (Service Road) intersection. (Information concerning the transportation analysis can be found in the Gateway Grocery Draft Traffic Impact Study, prepared by HNTB, dated August 2016; Technical Memo – Draft, prepared by HNTB, dated 8/24/16 and the Option "B" minimum design level of service results, dated 8/30/16). This effort has resulted in an agreement between Wegmans and SECU so that driveway access to 15-501 can be provide through SECU's property (via a dedicated NCDOT ROW), consequently Wegmans is requesting to modify the SUP currently in place.

Parking – The current development has space to accommodate approximately 790 vehicles (taken from a plan entitled, "Site Plan - Performance BMW ZCP Plan", prepared by Philip Post & Associates, dated 08/23/04, last revised 08/31/06), including the employee parking lot. The proposed development requires a minimum of 736 spaces (7.22 spaces/ 1,000 SF GFA) in accordance with the Wegmans criteria. This request is above the maximum permitted parking spaces within the LUMO that permit a maximum of 5 spaces/ 1,000 SF GFA (102,010SF x 5 spaces/1,000 SF = 510 spaces). Fourteen (14) bicycle parking spaces will be provided in connection with the development.

Stormwater – As illustrated in FEMA FIRM 3710979900, the site is located in Zone X. A Stream Determination request has been filed with the Town of Chapel Hill. It is anticipated that the site will not include a regulated stream and associated buffers and RCD. The proposed stormwater will maintain existing drainage patterns. The stormwater conveyance is proposed to be connected to the existing stormwater conveyance facilities that exist along the Service Road roadway. The development proposed a reduction in overall impervious surfaces associated with the development. Therefore, peak flow attenuation, TSS and Nutrient requirements will be met through the implementation of additional pervious surfaces associated with the development.

Public Art – The applicant is currently coordinating with Wegmans Food Markets to discuss implementing certain artistic schemes associated with the building.

- ***Finding #2: That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of articles 3 and 5, the applicable specific standards contained in the supplemental use regulations (article 6), and with all other applicable regulations.***

General – It is intended that all improvements will be coordinated to meet or exceed, to the best of the development’s capabilities, the intent of the current Town of Chapel Hill Design Manual and the Chapel Hill Land Use Management Ordinance. The proposed development will require a Special Use Permit associated with the underlying zoning district of the subject property (CC-C and NC). It is intended that the proposed development will be in accordance with the following LUMO criteria:

- Building setbacks and coverage
- Impervious surface threshold
- Tree canopy coverage
- Stormwater will be designed to mimic the existing drainage patterns
- All utilities will be underground

Modifications to Landscape Requirements – The following modification(s) to the landscape requirements for Interior planting and buffers have been previously approved (Project 16-121) on 10/25/17.

Sustainability – The new building and infrastructure improvements will be designed and implemented to enhance the existing environmental impact. The development will include the removal of several underground storage tanks that currently hold contaminants associated with the current use of the property. Furthermore, the site will require environmental cleanup associated with the under lying soils and groundwater of the site.

Demolition and Construction Waste – The development requires the demolition of the existing buildings and infrastructure in order to clear the site for environmental cleanup. Waste materials associated with the demolition will be handled in accordance with local and State requirements.

- ***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.***

The current use of the property consists of three (3) automobile dealerships and associated service departments. With the departure of the Performance Auto Mall to their South Point mall facility in Durham County, this property has the ability to remain vacant or developed into a used-car dealership.

The development will provide a retail destination for the surrounding community, in addition to patrons from other counties. The Wegmans development will attempt to partner with local, family farms near the store to provide fresh produce in addition to providing local beef, pork and cheese. Furthermore, the Marketplace Café and Pub restaurant will provide access to a wide variety of lunch and dinner options. The store’s proximity to the local office parks and residences will provide walkability to the surrounding development and neighborhoods. Lastly, the project will provide a significant increase in commercial tax base and sales revenue.

- ***Finding #4: That the use or development conforms with the general plans for the physical development of the town as embodied in this appendix and in the comprehensive plan.***

The Chapel Hill 2020 Comprehensive Plan adopted six (6) themes. Below is a list of each theme is integrated within the proposed development:

1. **A Place for Everyone** – The Wegmans development offers up a wide array of career opportunities; inclusive of part-time, entry-level positions for high school and college students. Additionally, full-time employment opportunities will be available, including management-level positions.

Wegmans also strives to support the community through feeding the hungry, encouragement of healthy eating & activities, enrichment of neighborhoods in which they serve, helping young people succeed and supporting the United Way.

2. **Community Prosperity and Engagement** – The Wegmans development will attempt to partner with local, family farms near the store to provide fresh produce in addition to providing local beef, pork and cheese. Additionally, the project will provide a significant increase in commercial tax base and sales revenue.
3. **Getting Around** – The Wegmans development will provide pedestrian connection to link retail with the surrounding neighborhood areas to the south of the property and office to the north and east of the site. Additionally, the planned Old Durham Road roadway improvements near the Interstate 40 interchange will provide future pedestrian links to the subject development and surrounding community.
4. **Good Places, New Spaces** – The Wegmans development will replace the relocation efforts of Performance Auto Mall to their Southpoint Mall existing auto dealerships. The project will consist of the redevelopment of a currently under-utilized commercial development (Performance Auto) into a community and regional specialty grocery store development.
5. **Nurturing Our Community** – The Wegmans will promote the redevelopment of an existing auto dealership that is scheduled to be relocated with or without the development of the Wegmans store. This redevelopment will also include the cleanup of an environmentally contaminated site.
6. **Town and Gown Collaboration** – The Wegmans development is proposed to the south of the current location of UNC Healthcare Eastowne Campus. The development will provide a retail destination for the employees within the Eastowne Campus. Furthermore, the Marketplace Café and Pub restaurant will provide access to a wide variety of lunch and dinner options for employers and employees.

The project is located within the North 15/501 Focus Area. The proposed development will provide and enhance this area in accordance with the goals stated within the focus area. Specifically, the development will employ the following:

1. Redevelopment of a currently underutilized commercial development (Performance Auto) into a community and regional grocery store development
2. Provides pedestrian connection to link retail with the surrounding neighborhood areas in connection with the Old Durham Chapel Hill Road roadway improvements.

OWNER'S CERTIFICATE

THE UNDERSIGNED PARTY, BEING DULY SWORN, CERTIFIES THAT HE/SHE IS THE OWNER OR DULY AUTHORIZED REPRESENTATIVE OF THE OWNER OF THE PROPERTY DESIGNATED ON THIS PLAT AS DESCRIBED BELOW, AND HE/SHE HEREBY FREELY DEDICATES ALL RIGHTS-OF-WAY, EASEMENTS, STREETS, RECREATION AREA, OPEN SPACE, COMMON AREA, UTILITIES, AND OTHER IMPROVEMENTS TO PUBLIC OR PRIVATE COMMON USE AS NOTED ON THIS PLAT, AND FURTHER ASSUMES FULL RESPONSIBILITY FOR THE MAINTENANCE AND CONTROL BY AN APPROPRIATE PUBLIC BODY OR, BY AN INCORPORATED NEIGHBORHOOD OR HOMEOWNER'S ASSOCIATION OR SIMILAR LEGAL ENTITY.

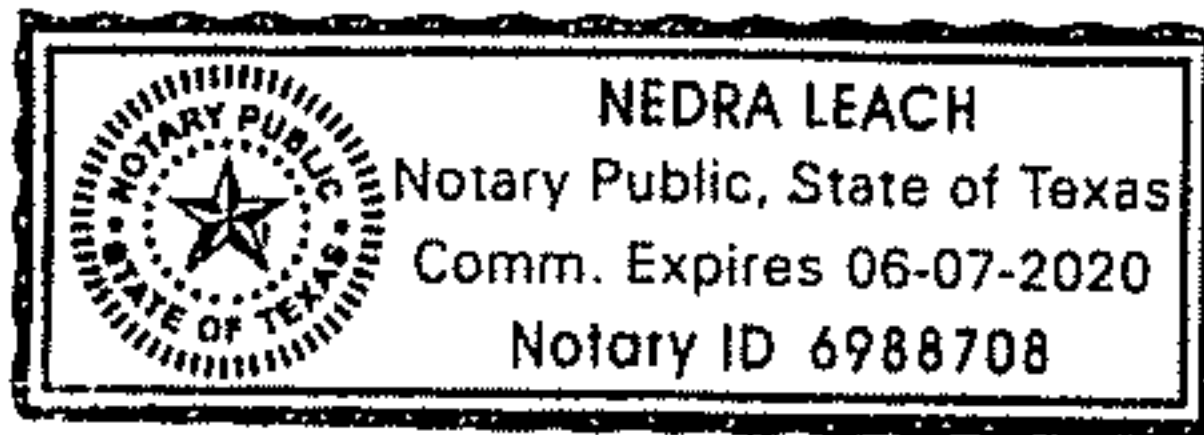
PIN: 9799-78-2879

Will Toller 12/12/18  
DATE  
LG 1810 FORDHAM  
BLVD. LLC

NOTARY CERTIFICATE

Texas STATE  
Dallas COUNTY  
I, Nedra Leach, A NOTARY PUBLIC OF SAID COUNTY, DO  
HEREBY CERTIFY THAT Will Toller DID PERSONALLY  
APPEAR BEFORE ME THIS THE 7th DAY OF December, 2018.

Nedra Leach  
NOTARY PUBLIC (SIGNATURE)  
MY COMMISSION EXPIRES: 6/17/2020



STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

I,                      REVIEW OFFICER OF ORANGE COUNTY, CERTIFY  
THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS  
ALL STATUTORY REQUIREMENTS FOR RECORDING FOR WHICH THE REVIEW  
OFFICER HAS RESPONSIBILITY AS PROVIDED BY LAW.

                      
REVIEW OFFICER  
ORANGE COUNTY LAND RECORDS/GIS

DATE OF CERTIFICATION:                     

RECORDING OF THIS DOCUMENT DOES NOT REQUIRE  
SUBDIVISION APPROVAL OF THE TOWN OF CHAPEL HILL, AS  
PROVIDED IN SECTION 4.6.1 OF THE CHAPEL HILL LAND USE  
MANAGEMENT ORDINANCE.

                      
12/12/2018 DATE

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY  
MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN DEED BOOK AND PAGE  
6253-243 & PLAT BOOK AND PAGE 100-37; THAT THE BOUNDARIES NOT SURVEYED ARE  
INDICATED AS DRAWN FROM SOURCES NOTED HEREON; THAT THE RATIO OF PRECISION IS  
MAXIMUM OF 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS  
AMENDED.

FURTHER CERTIFY:  
THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING  
PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF  
SUBDIVISION.

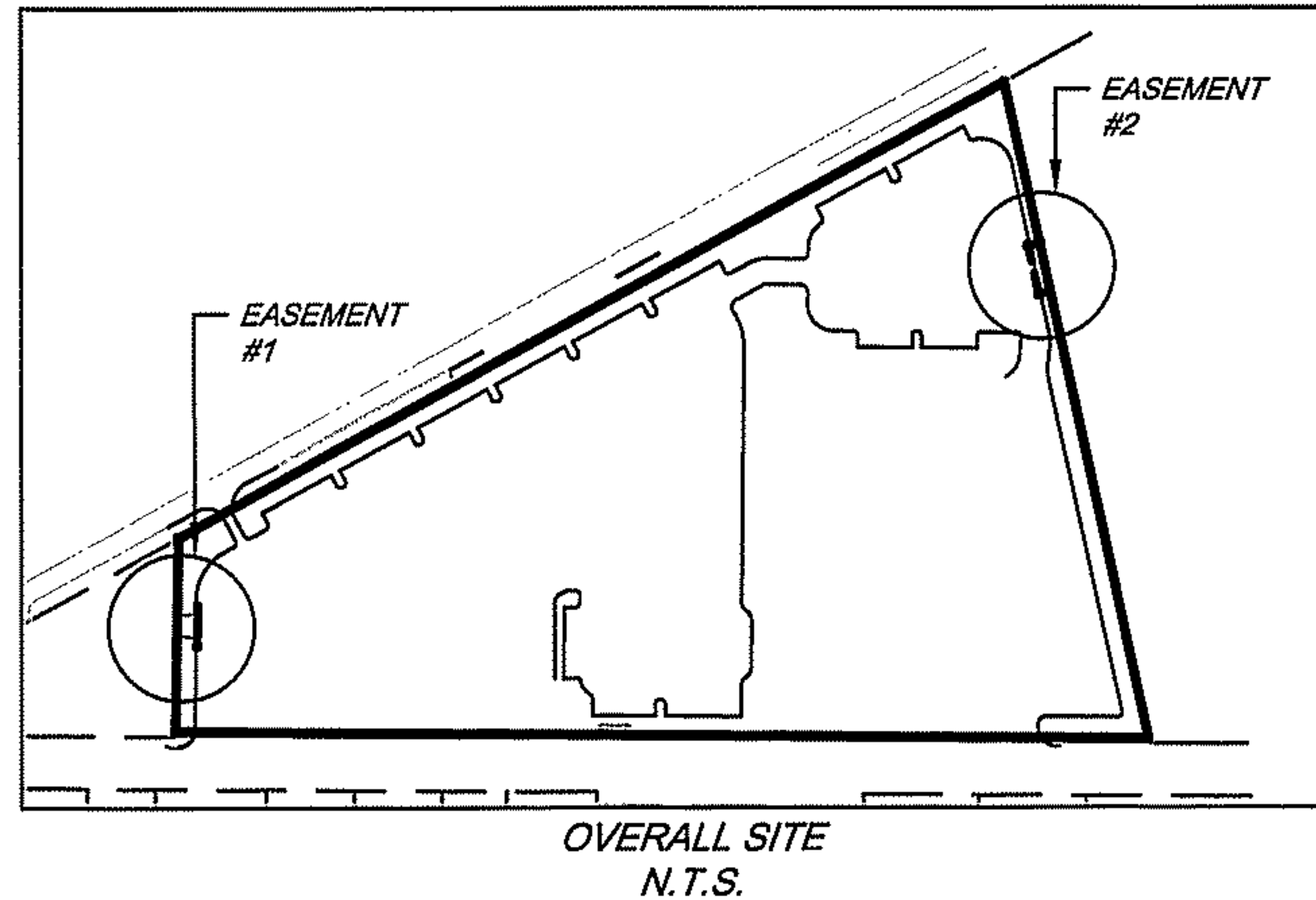
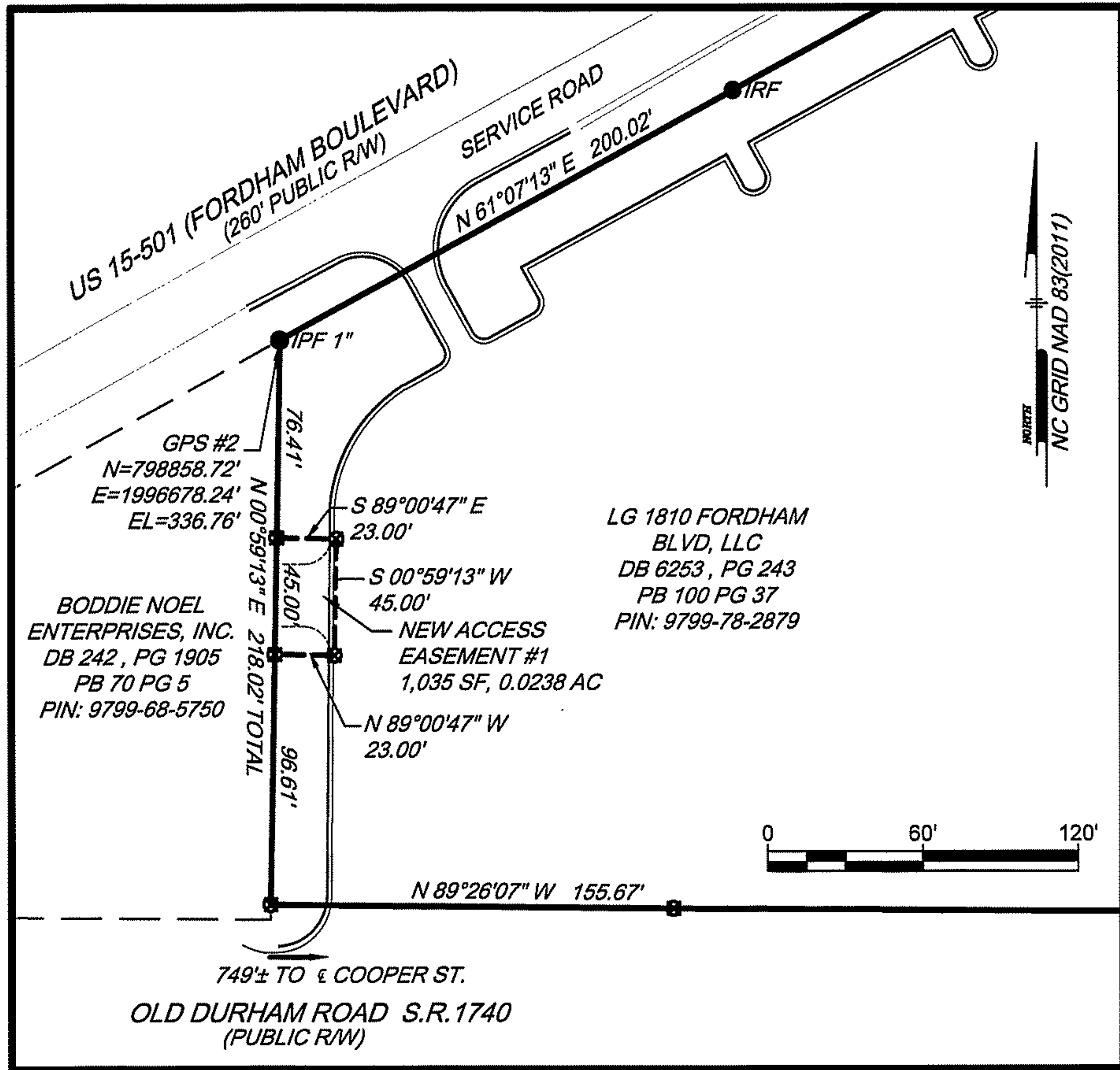
WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER,  
AND SEAL THIS 8TH DAY OF NOVEMBER, 2018.

Bruce J. Frederick  
BRUCE J. FREDERICK PROFESSIONAL LAND SURVEYOR  
L-4246



NOTES:

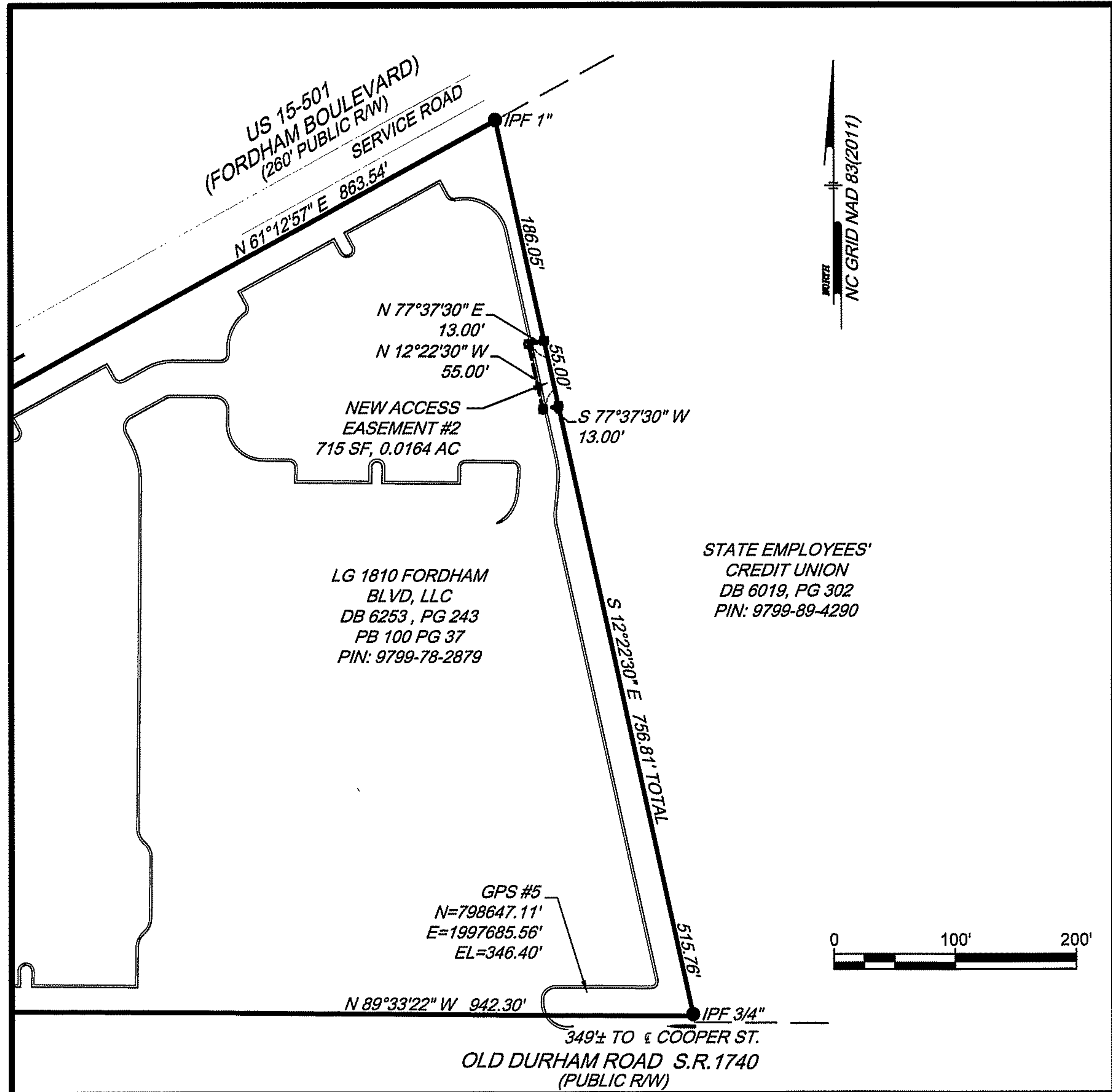
- THIS PLAT IS INTENDED TO REPRESENT A NEW ACCESS EASEMENT ON THE PROPERTY OF LG 1810 FORDHAM BLVD, LLC AND IS NOT INTENDED TO BE A BOUNDARY SURVEY.
- HORIZONTAL DATUM - NC NAD 83 (2011) BASED ON GPS OBSERVATIONS USING THE NORTH CAROLINA GNSS REAL TIME NETWORK.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US SURVEY FEET UNLESS SHOWN OTHERWISE.
- AREA BY COORDINATE METHOD.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS SURVEY IS SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
- THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, BUFFERS AND RESTRICTIONS SHOWN HEREON AND ALL OTHERS OF RECORD NOT SHOWN HEREON.



LEGEND

- PROPERTY LINE SURVEYED
- PROPERTY LINE NOT SURVEYED
- EASEMENT LINE
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- COMPUTED POINT

236



20181212000232080 PLAT  
Bk: PL 119 Pg: 119  
12/12/2018 02:53:27 PM 1/1

FILED Mark Chilton  
Register of Deeds, Orange Co., NC  
Recording Fee: \$21.00  
NC Real Estate TX: \$ 00



PENNONI ASSOCIATES INC.  
5430 WADE PARK BOULEVARD  
SUITE 106  
RALEIGH, NC 27607  
T 919.929.1173 F 919.493.6548

ACCESS EASEMENT PLAT  
FOR  
LG 1810 FORDHAM BLVD, LLC  
DB 6253, PG 243  
PIN 9799782879  
Chapel Hill Township  
125 OLD DURHAM RD & 1820 FORDHAM BLVD  
CHAPEL HILL, ORANGE COUNTY, NC

NO.	DATE	REVISIONS	BY


ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.


PROJECT	LCGR1601
DATE	2018-08-28
DRAWING SCALE	AS SHOWN
DRAWN BY	RWP
APPROVED BY	RWP
LCGR-VF-EASE-PLAT	
SHEET	1 OF 1



<div>ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.</div>										DATE		NO.		REVISIONS		BY	
PROJECT		WGMSNS19001															
DATE		2019-09-16															
DRAWING SCALE		AS SHOWN															
DRAWN BY		C.JJ															
APPROVED BY		JJB															
CS0002																	
SHEET 2 OF 10																	

WEGMANS/SECU DRIVEWAY IMPROVEMENTS		238		GENERAL NOTES & LEGENDS		WEGMANS FOOD MARKET	
1810 FORDHAM BLVD CHAPEL HILL, NC 27514						1500 BROOKS AVE. ROCHESTER, NY 14624	

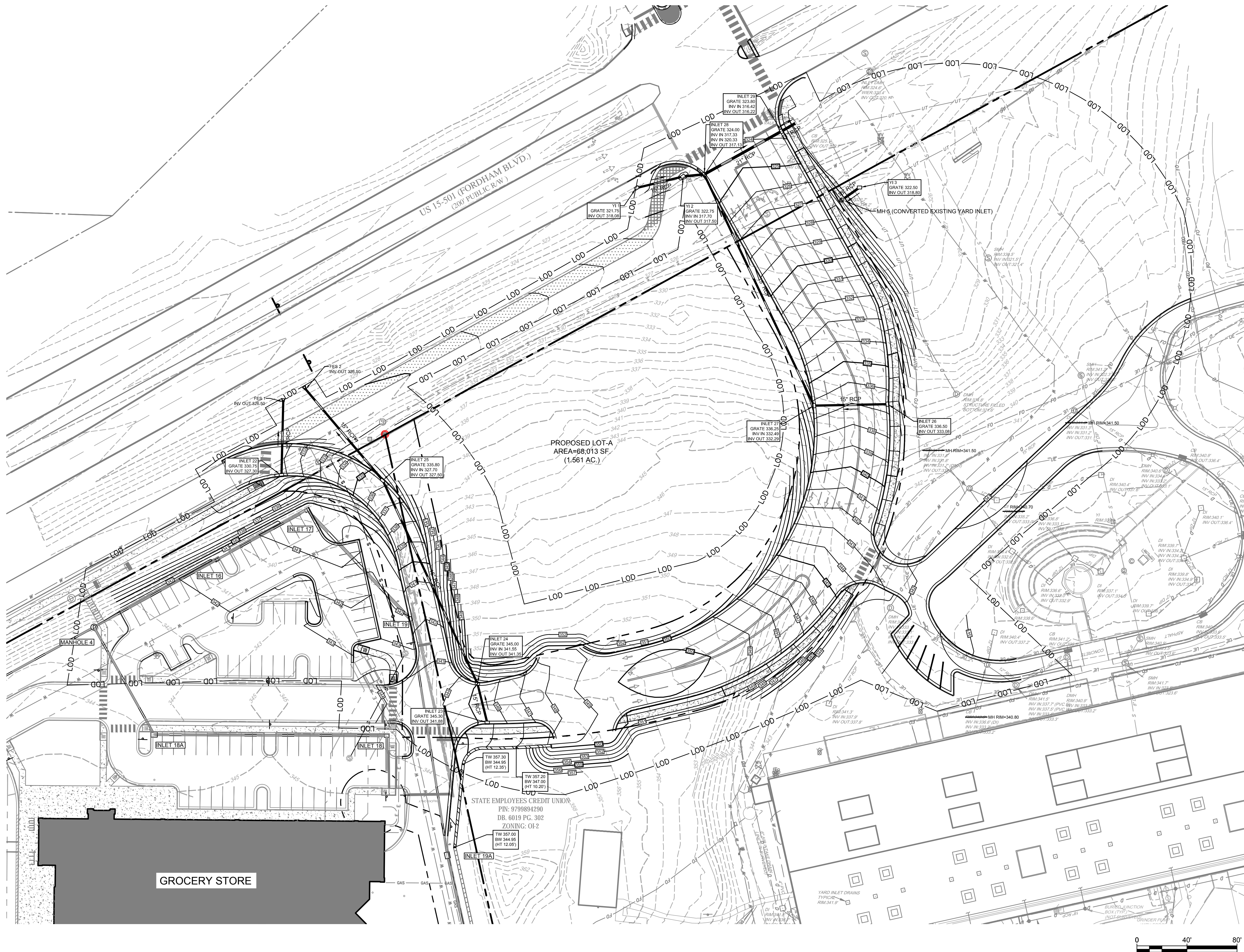
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK			
---------------------------------------------------------------------------------------------------------------------------	--	-------------------------------------------------------------------------------------	--

		Firm License F-1207	
PENNON ASSOCIATES NC. 5430 Wade Park Boulevard, #106 Raleigh, NC 27607		T 919.929.1173 F 919.493.6548	





U:\Account\WEGMANS\WEGMANS 19001 - Wegmans Driveaway with SECOURS/STANISLAWSKI, C2 - GRADING BASE.dwg PLOTTED: 4/20/14 4:40 PM BY: Jueli Bunn PLOT STYLE: Pennon VCS.dsh PROJECT STATUS: SPECIAL USE PERMIT SUBMISSION





U:\acsoft\pennoni\cs2001 - wgmns driveway w/ landscape\cs2001 - wgmns driveway w/ landscape.dwg PLOTTED: 4/25/16 4:40 PM BY: Justin Dunn PROJECT STATUS: SPECIAL USE PERMIT SUBMISSION



NOT FOR CONSTRUCTION

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR  
AND OWNER MUST BE NOTIFIED OF ANY  
DISCREPANCIES BEFORE PROCEEDING WITH WORK


WEGMANS/SECU DRIVEWAY IMPROVEMENTS 243  
1810 FORDHAM BLVD  
CHAPEL HILL, NC 27514  
LANDSCAPE PLAN  
WEGMANS FOOD MARKET  
1500 BROOKS AVE.  
ROCHESTER, NY 14624

NO.	DATE	NO.	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES  
ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE  
PROJECT. THEY ARE NOT INTENDED OR REPRESENTED  
TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON  
THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER  
PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION  
OR ADAPTATION BY PENNONI ASSOCIATES FOR THE  
SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS  
SOLE RISK AND WITHOUT LIABILITY OR LEGAL  
EXPOSURE TO PENNONI ASSOCIATES, AND OWNER  
SHALL INDEMNIFY AND HOLD HARMLESS PENNONI  
ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND  
EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	WGMNS19001
DATE	2019-09-16
DRAWING SCALE	1" = 20'
DRAWN BY	HSW
APPROVED BY	HSW

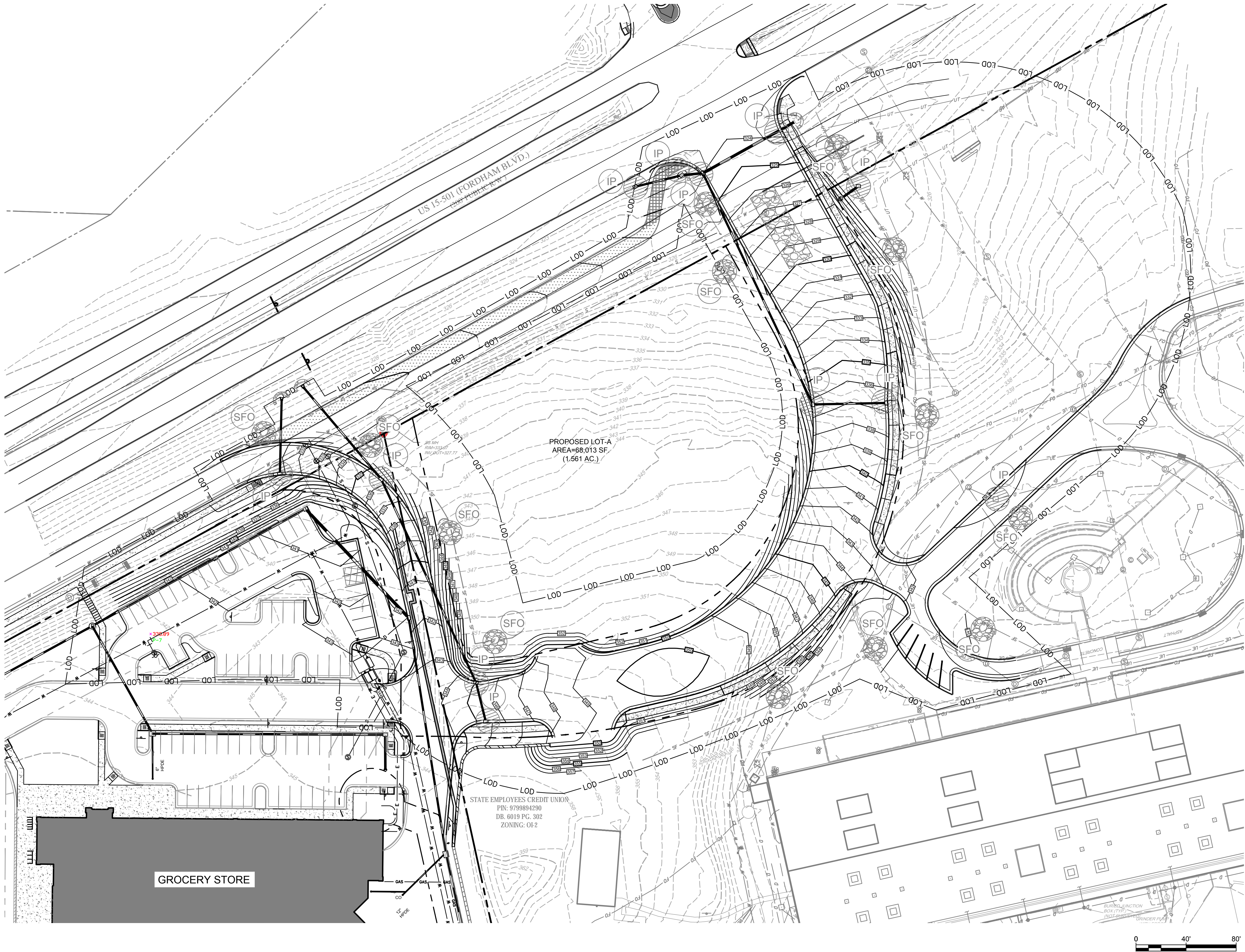
CS2001  
SHEET 7 OF 10



Firm License  
F-1287

**PENNON ASSOCIATES, INC.**  
5430 Wade Park Boulevard, #106  
Raleigh, NC 27607  
T 919.929.1173 F 919.493.6548

U:\Account\WEGMANS\WEGMANS 8001 - Wegmans Driveaway with SECOURS\WEGMANS\CS - GRADING BASE.dwg PLOTTED: 4/8/2016 4:40 PM BY: Jueli Bunn PLOT STYLE: Pennon VCS.dsh PROJECT STATUS: SPECIAL USE PERMIT SUBMISSION



EROSION LEGEND	
SYMBOL	DESCRIPTION
	LOD PROPOSED LIMIT OF DISTURBANCE
	SF PROPOSED SILT FENCE
	TP PROPOSED TREE PROTECTION FENCE
	PROPOSED HORSESHOE OUTLET PROTECTION
	PROPOSED SILT FENCE OUTLET
	PROPOSED CONCRETE WASHOUT
	PROPOSED INLET PROTECTION

NOT FOR CONSTRUCTION

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR  
AND OWNER MUST BE NOTIFIED OF ANY  
DISCREPANCIES BEFORE PROCEEDING WITH WORK

WEGMANS/SECU DRIVEWAY IMPROVEMENTS 244

EROSION CONTROL PLAN

1810 FORDHAM BLVD  
CHAPEL HILL, NC 27514

WEGMANS FOOD MARKET  
1500 BROOKS AVE.  
ROCHESTER, NY 14624

DATE	NO.	REVISIONS	BY

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THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER  
PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION  
OR ADAPTATION BY PENNONI ASSOCIATES FOR THE  
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SOLE RISK AND WITHOUT LIABILITY OR LEGAL  
EXPOSURE TO PENNONI ASSOCIATES, AND OWNER  
SHALL INDEMNIFY AND HOLD HARMLESS PENNONI  
ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND  
EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	WGMNS19001
DATE	2019-09-16
DRAWING SCALE	1"=40'
DRAWN BY	CJJ
APPROVED BY	JJB

CS8001

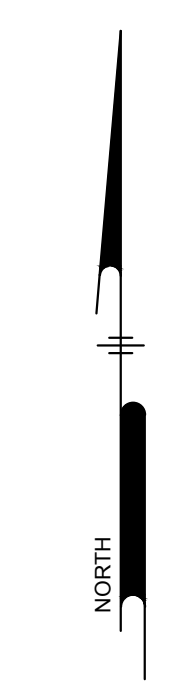
SHEET 8 OF 10

**Pennon**

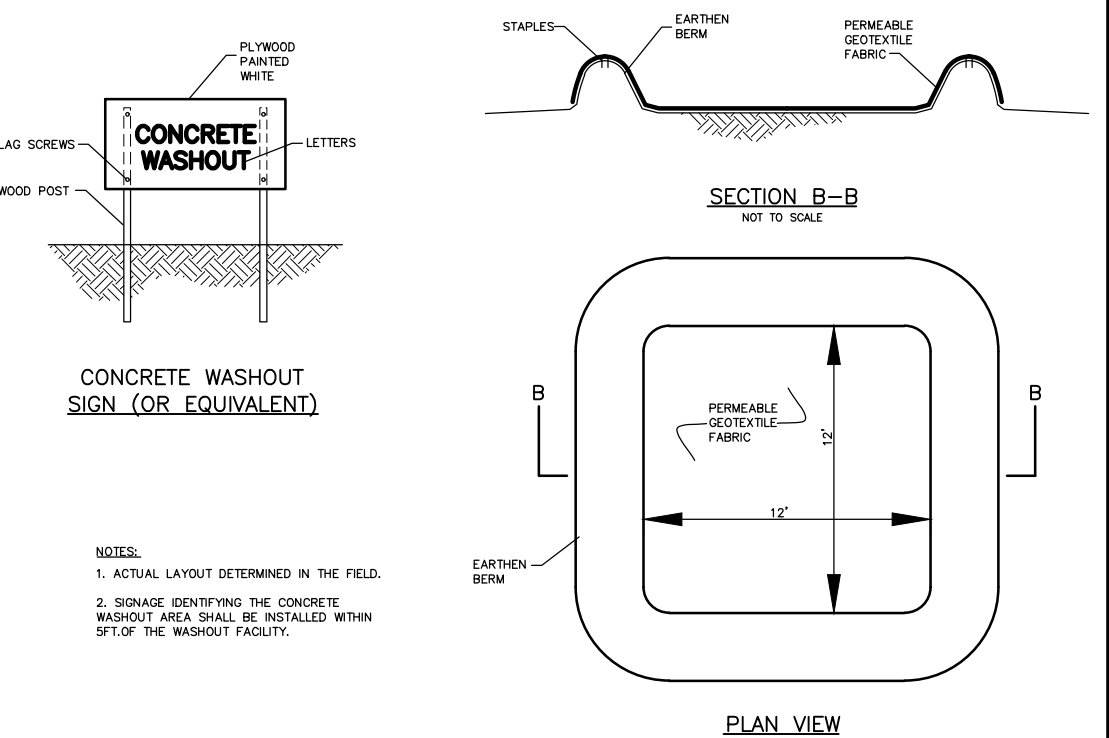
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5430 Wade Park Boulevard, #106  
Raleigh, NC 27607  
T 919.929.1173 F 919.493.6548





245



CONCRETE WASHOUT  
TYPE "ABOVE GRADE" WITH EARTHEN  
BERMS

NOT FOR CONSTRUCTION





# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

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**Item #:** 13., **File #:** [19-0942], **Version:** 1

**Meeting Date:** 11/13/2019

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**Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3 and 4 Pertaining to Conditional Zoning.**

See the Staff Report on the next page.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

**PRESENTER:** Kari Grace, Senior Planner

- a. Introduction and preliminary recommendation
- b. Recommendation of the Planning Commission
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to recess the Public Hearing to January 8, 2020
- f. Referral to the Manager and Attorney.

**RECOMMENDATION:** That the Council open the public hearing on the Land Use Management Ordinance text amendment, receive public comment, and continue the public hearing to January 8, 2020.



OPEN THE PUBLIC HEARING: LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT –  
PROPOSED CHANGES TO ARTICLES 3 AND 4 PERTAINING TO CONDITIONAL ZONING

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

Judy Johnson, Interim Director

Kari Grace, Senior Planner

AMENDMENT REQUEST		PUBLIC HEARING DATE	APPLICANT
Amend portions of Articles 3 and 4 of the Land Use Management Ordinance (LUMO) to allow additional uses as part of conditional zoning and make changes to concept plans related to conditional zoning requests.		November 13, 2019	Planning Department
STAFF'S RECOMMENDATION			
That the Council open the public hearing regarding the Land Use Management Ordinance text amendment, receive public comment, and continue the public hearing to January 8, 2020.			
PROCESS		DECISION POINTS	
The Council must consider whether one or more of the three findings for enactment of the Land Use Management Ordinance Text Amendment:		<ul style="list-style-type: none"><li>• The proposed changes to the Ordinance are to provide consistency regarding Concept Plans and to allow multi-family development as conditional zoning applications.</li><li>• The Planning Commission recommended that the Council enact the proposed amendments.</li></ul>	
<ol style="list-style-type: none"><li>1. To correct a manifest error in the chapter; or</li><li>2. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or</li><li>3. To achieve the purposes of the Comprehensive Plan.</li></ol>			
TEXT AMENDMENT OVERVIEW			
<p>On November 29, 2017, the Council <a href="#">adopted amendments</a><sup>1</sup> to the zoning amendment procedures and conditional district text of the LUMO to allow conditional zoning. On May 1, 2019, the Council <a href="#">adopted an administrative procedural change</a><sup>2</sup> to the conditional zoning procedures to allow concurrent consideration of land use plan amendments proposed alongside conditional zoning applications.</p> <p>Current concept plan procedures for conditional zoning are inconsistent with concept plan procedures for special use permits. At the time of concept plan, applicants may not know whether or not they will submit future applications as a special use permit or conditional zoning. Different concept plan thresholds create confusion later. The proposed text amendment seeks to make the thresholds for both application types the same.</p> <p>Additionally, there is currently not an application path that would allow multifamily development without a special use permit. The proposed text amendment would allow multifamily development with an approved conditional zoning in the Residential-6 (R-6) district.</p>			
ATTACHMENTS	<ol style="list-style-type: none"><li>1. Text Amendment Summary</li><li>2. Draft Staff Presentation</li><li>3. Resolution of Consistency (for proposed Land Use Management Ordinance amendment)</li><li>4. Ordinance A (Enactment of Land Use Management Text Amendment Proposal)</li><li>5. Resolution B (Deny Land Use Management Text Amendment Proposal)</li><li>6. Planning Commission Recommendation</li></ol>		

<sup>1</sup> [https://library.municode.com/nc/chapel\\_hill/ordinances/code\\_of\\_ordinances?nodeId=886103](https://library.municode.com/nc/chapel_hill/ordinances/code_of_ordinances?nodeId=886103)

<sup>2</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3931188&GUID=F1CD29B8-F6D3-4DC6-8573-EFFD72309476>



## PROPOSED CHANGES: TEXT AMENDMENTS TO THE LAND USE MANAGEMENT ORDINANCE ARTICLES 3 AND 4 REGARDING CONDITIONAL ZONING

The following is a summary of the proposed text amendments to revise concept plan procedures, allow additional uses as part of Conditional Zoning, and clarify other development application processes with housekeeping of the Ordinance regarding the Conditional Zoning process as detailed below.

1. Section 3.7.2 Use Matrix – add C-Z as a permitted use in the Use Matrix table for the Residential-6 (R-6) zoning district

Table 3.7-1: Use Matrix																																		
		General Use Zoning District																				Historic Rogers Road Neighborhood District			Planned Development (PD-)									
Uses	Use Group	R-ID5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-C	TC-1, TC-2	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-C7D	MH	HR-I	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1
Dwelling units, multifamily, over 7 dwelling units	A	—	—	—	—	—	—	—	—	—	—	NC	S	P	P	P	P	P	P	P	—	—	—	—	—	—	—	P	—	—	—	P	—	P

### KEY:

"—" Not Permitted;

"S" Permitted as a special use;

"A" Permitted as an accessory use; In LI-CZD refer to Article 6 of this appendix for standards applicable to accessory uses labeled as "AY".

"P" In OI-3, OI-4, LI-CZD and MH: Permitted as a principal use;

"CZ" Permitted as a principal use in the parallel Conditional Zoning District;

"Y" In LI-CZD, permitted under additional prescribed standards in section 6.22

2. Section 4.3.1 Applicability – changes to Concept Plan thresholds for consistency.

(a) Proposals subject to review by community design commission.

This section applies to any:

- (1) Special use permit or a special use permit modification; or
- (2) Master land use plan or a master land use plan modification; or

- (3) Major subdivisions; or
  - (4) Conditional zoning, except for the light-industrial conditional zoning district (LI-CZD).
- (b) Proposals subject to additional review by town council.
  - (1) ~~All conditional zoning applications except for the light-industrial conditional zoning district (LI-CZD), and Those applications listed in subsection 4.3.1.(a)~~ that meets any of the minimum thresholds established in subsections (1) or (2), below, shall require town council review as provided in section 4.3.2, below, in addition to community design commission review:
- 3. Section 4.6.3 Classification of Subdivision – changes to section to include conditional zoning applications
  - (a) Minor subdivision—Administrative review.
    - (1) The minor subdivision—administrative review approval process is a one-step procedure involving town manager approval of a final plat. A "minor subdivision—administrative review" includes any subdivision pursuant to an approved zoning compliance permit for a two-family or multifamily townhouse development, an approved special use permit for a planned development, an approved conditional zoning, or an approved commercial subdivision.
- 4. Section 4.6.4.1. Procedures for Approval of Minor Subdivisions— changes to section to include conditional zoning applications
  - (b) Action on application.
    - (1) When he/she accepts an application, the town manager shall evaluate the plat for compliance with all applicable regulations, including any applicable conditions of an approved zoning compliance permit, special use permit, or conditional zoning. He/she shall take action on an application based solely on his/her findings as to compliance with applicable regulations and conditions. He/she shall:
- 5. Section 4.6.4.2 Procedures for approval of minor subdivisions—Planning commission review -changes to section to include conditional zoning applications
  - (b) Action on application.
    - (1) When he/she accepts an application, the town manager shall evaluate the plat for compliance with all applicable regulations, including any applicable conditions of an approved zoning compliance permit, special use permit, or conditional zoning. The town manager shall forward his/her report to the planning commission with a recommendation.
- 6. 4.7.1. Applicability - changes to section to include conditional zoning applications
  - (d) Any development pursuant to an approved certificate of appropriateness, conditional zoning, or special use permit including special use permits that are no longer necessary and have therefore been abandoned, provided the town manager finds that no modifications are proposed to the plans and conditions in the area have not changed significantly;
- 7. Section 4.9. - Zoning compliance permit - changes to section to include conditional zoning applications
  - (b) Action on the application. The town manager shall take final action on the application. Final action on an application shall be based solely on findings as to compliance with all applicable

provisions of this chapter, including all applicable conditions of an approved special use permit, conditional zoning, major or minor subdivision, site plan review, or certificate of appropriateness, and shall be one of the following:

- (e) Modification of zoning compliance permits.
  - (1) The town manager may approve a modification of zoning compliance permit for changes to plans approved under site plan review, special use permit, conditional zoning, major or minor subdivision, as long as such changes continue to comply with the approving action and all other applicable requirements. The town manager shall not have the authority to approve a modification for any substantial changes to plans approved under site plan review unless such changes are specifically required by a condition of approval.



# Land Use Management Ordinance Text Amendment Conditional Zoning

November 5, 2019

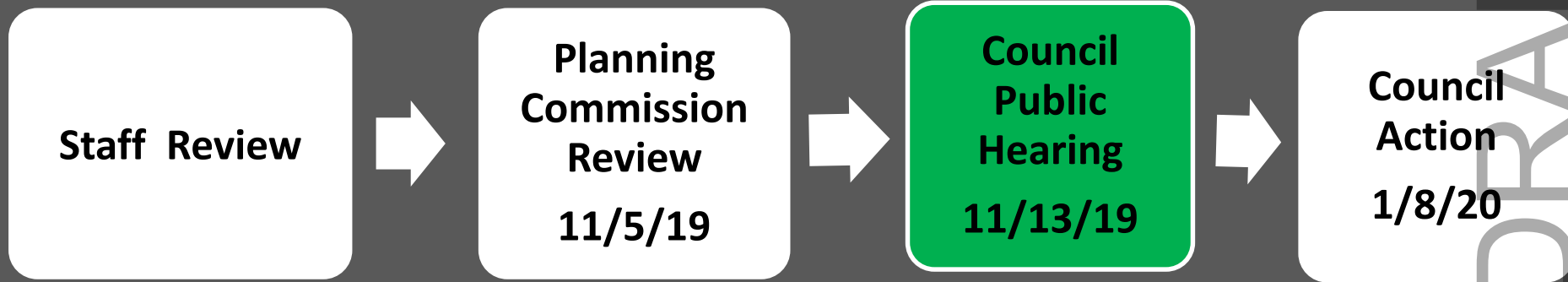
DRAFT

## RECOMMENDATION

Open the public hearing, receive comments, and continue the public hearing to the January 8, 2020 meeting.

DRAFT

# Text Amendment Process



# Text Amendment Background

**November 2017:** Council adopted LUMOTA for zoning amendment procedures and conditional districts to allow conditional zoning

**May 2019:** Council adopted LUMOTA for conditional zoning administrative procedures to allow for concurrent consideration of land use plan amendments and conditional zoning

**November 5, 2019:** Planning Commission review

**November 13, 2019:** Council Public Hearing

**January 8, 2020:** Council Business meeting

The proposed changes to the Ordinance are to provide consistency regarding Concept Plans and to allow multi-family development as conditional zoning applications.

DRAFT

## What's in your packet?

- Resolution of Consistency with the Comprehensive Plan to allow a text amendment of the LUMO
- Ordinance A
- Resolution B
- Planning Commission Recommendation

DRAFT

# Conditional Zoning Background

Conditional Zoning	Special Use Permit
Legislative	Quasi-judicial
Discretionary	Findings of fact
Communication outside of public hearing allowed	No ex-parte communication
Anyone	Parties with standing or witnesses
Fact or opinion based information	Fact-based evidence only

DRAFT

## Conditional Zoning Amendment | *Section 3.7.2 Use Matrix*

- Multifamily developments with >7 dwelling units require SUP
- Proposed amendment adds “CZ” to the R-6 district
- Would allow use as a principal use in an R-6-CZ district without necessitating SUP

DRAFT

# Conditional Zoning Amendment | *Section 4.3.1 Concept Plan Review Applicability*

- Concept plans reviewed by CDC
- All concept plans for conditional zoning (except LI-CZD) reviewed by Council
- Different review thresholds contribute to confusion later
- Proposed amendment would make thresholds consistent

DRAFT

- Housekeeping of LUMO
- Reference to conditional zoning as approval process in other development application procedure sections:
  - Subdivision
  - Site Plan
  - Zoning Compliance Permit

DRAFT

## RECOMMENDATION

Open the public hearing, receive comments, and continue the public hearing to the January 8, 2020 meeting.

DRAFT

## RESOLUTION OF CONSISTENCY

(Enacting the Land Use Management Ordinance Text Amendment)

A RESOLUTION REGARDING AMENDING ARTICLES 3 AND 4 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE RELATED TO CONDITIONAL ZONING AND CONSISTENCY WITH THE CHAPEL HILL 2020 COMPREHENSIVE PLAN (2020-\_\_-\_\_/R-#)

WHEREAS, the Planning Commission reviewed the text amendment to Articles 3 and 4 on November 5, 2019 and recommended that the Council enact the text amendment at its meeting on January 8, 2020; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Articles 3 and 4 related to the conditional zoning, and finds that the amendment, if enacted, is reasonable and in the public's interest and is warranted, to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- A range of housing options for current and future residents (PFE.3)
- 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 (GPNS.5)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (GPNS.3)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed text amendment to be reasonable and consistent with the Town Comprehensive Plan.

This the \_\_ day of \_\_\_, 2020.

WHEREAS, the Council called a Public Hearing to amend subsections of Articles 3 and 4 of the Land Use Management Ordinance as it relates to conditional zoning for the Council's November 13, 2019 meeting; and

- A range of housing options for current and future residents (PFE.3)
- 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 (GPNS.5)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (GPNS.3)

Section 1. Section 3.7.2 Use Matrix, the Dwelling units, multifamily, over 7 dwelling units use and definitions following the table are hereby revised to read as follows:

		General Use Zoning District																Historic Rogers Road Neighborhood District	Planned Development (PD-)															
Uses	Use Group	R-ID5	RT	R-ID1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-C	TC-1, TC-2	CC	NC	OI-1	OI-2	OI-3	OI-4	I	LI-C7D	MH	HR-I	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	PA-1
Dwelling units, multifamily, over 7 dwelling units	A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	P	—	P

## KEY:

"—" Not Permitted;

"S" Permitted as a special use;

"A" Permitted as an accessory use; In LI-CZD refer to Article 6 of this appendix for standards applicable to accessory uses labeled as "AY".

"P" In OI-3, OI-4, LI-CZD and MH: Permitted as a principal use;

"CZ" Permitted as a principal use in the parallel Conditional Zoning District;

"Y" In LI-CZD, permitted under additional prescribed standards in section 6.22 "

Section 2. Section 4.3.1 Applicability, subsections a. and b. are hereby revised to read as follows:

"(a) Proposals subject to review by community design commission.

This section applies to any:

- (1) Special use permit or a special use permit modification; or
- (2) Master land use plan or a master land use plan modification; or
- (3) Major subdivisions; or
- (4) Conditional zoning, except for the light-industrial conditional zoning district (LI-CZD).

(b) Proposals subject to additional review by town council.

- (1) ~~All conditional zoning applications except for the light-industrial conditional zoning district (LI-CZD), and~~ Those applications listed in subsection 4.3.1.(a) that meets any of the minimum thresholds established in subsections (1) or (2), below, shall require town council review as provided in section 4.3.2, below, in addition to community design commission review."

Section 3. Section 4.6.3 Classification of Subdivision, subsection a. is hereby revised to read as follows:

"(a) Minor subdivision—Administrative review.

- (1) The minor subdivision—administrative review approval process is a one-step procedure involving town manager approval of a final plat. A "minor subdivision—administrative review" includes any subdivision pursuant to an approved zoning compliance permit for a two-family or multifamily townhouse development, an approved special use permit for a planned development, an approved conditional zoning, or an approved commercial subdivision."

Section 4. Section 4.6.4.1. Procedures for Approval of Minor Subdivisions—Administrative Review, subsection b. is hereby revised to read as follows:

"(b) Action on application.

- (1) When he/she accepts an application, the town manager shall evaluate the plat for compliance with all applicable regulations, including any applicable conditions of an approved zoning compliance permit, special use permit, or conditional zoning. He/she shall take action on an application based solely on his/her findings as to compliance with applicable regulations and conditions. He/she shall:"

Section 5. Section 4.6.4.2 Procedures for approval of minor subdivisions—Planning commission review, subsection b.(1) paragraph 1 is hereby revised to read as follows:

“(b) Action on application.

- (1) When he/she accepts an application, the town manager shall evaluate the plat for compliance with all applicable regulations, including any applicable conditions of an approved zoning compliance permit, special use permit, or conditional zoning. The town manager shall forward his/her report to the planning commission with a recommendation.”

Section 6. Section 4.7.1. Applicability subsection d. is hereby revised to read as follows:

“(d) Any development pursuant to an approved certificate of appropriateness, conditional zoning, or special use permit including special use permits that are no longer necessary and have therefore been abandoned, provided the town manager finds that no modifications are proposed to the plans and conditions in the area have not changed significantly;”

Section 7. Section 4.9. - Zoning compliance permit, subsections 4.9.2. b. and e.1. are hereby revised to read as follows:

“(b) Action on the application. The town manager shall take final action on the application. Final action on an application shall be based solely on findings as to compliance with all applicable provisions of this chapter, including all applicable conditions of an approved special use permit, conditional zoning, major or minor subdivision, site plan review, or certificate of appropriateness, and shall be one of the following:”

“(e) Modification of zoning compliance permits.

- (1) The town manager may approve a modification of zoning compliance permit for changes to plans approved under site plan review, special use permit, conditional zoning, major or minor subdivision, as long as such changes continue to comply with the approving action and all other applicable requirements. The town manager shall not have the authority to approve a modification for any substantial changes to plans approved under site plan review unless such changes are specifically required by a condition of approval.”

Section 8. This ordinance shall be effective upon enactment.

This the \_\_\_ day of \_\_\_, 2020.

## RESOLUTION B

(Denying the Land Use Management Ordinance Text Amendment Proposal)

A RESOLUTION DENYING AMENDING THE LAND USE MANAGEMENT ORDINANCE  
ARTICLES 3 AND 4 RELATED TO CONDITIONAL ZONING (2020-\_\_-\_\_/R-#)

WHEREAS, the Planning Commission reviewed the draft text amendment to amend the Land Use Management Ordinance on November 5, 2019 and recommended that the Council enact the text amendment at its meeting on January 8, 2020; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposal to amend the Land Use Management Ordinance related to conditional zoning, and finds that the amendment, if enacted, are unreasonable, not in the public's interest, and inconsistent with the Town's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed Land Use Management Text Amendment to be unreasonable, not in the public interest, and inconsistent with the Town's Comprehensive Plan.

This the \_\_ day of \_\_\_\_, 2020.

## PLANNING COMMISSION

*The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.*

### RECOMMENDATION FOR LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT REGARDING CONDITIONAL ZONING

November 5, 2019

#### **Resolution of Consistency:**

**Recommendation:**    Approval ☒                      Approval with Conditions ☐                      Denial ☐

**Motion:** Michael Everhart moved and Whit Rummel seconded a motion to find that the Land Use Management Ordinance Text Amendment regarding Conditional Zoning is consistent with the Chapel Hill 2020 Comprehensive Plan.

**Vote:**                      8-0

**Yeas:** John Rees (Chair), Neal Bench, Michael Everhart, Melissa McCullough, Louie Rivers, Whit Rummel, Buffie Webber, Stephen Whitlow

**Nays:**

#### **Ordinance A:**

**Recommendation:**    Approval ☒                      Approval with Conditions ☐                      Denial ☐

**Motion:** Melissa McCullough moved and Michael Everhart seconded a motion to recommend that the Council approve the Land Use Management Ordinance Text Amendment regarding Conditional Zoning.

**Vote:**                      8-0

**Yeas:** John Rees (Chair), Neal Bench, Michael Everhart, Melissa McCullough, Louie Rivers, Whit Rummel, Buffie Webber, Stephen Whitlow

**Nays:**

Prepared by:    Michael Sudol, Planner II



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

**Item #:** 14., **File #:** [19-0943], **Version:** 1

**Meeting Date:** 11/13/2019

### Consider Expanding the Length of Term That a Member May Serve as an Officer on a Board.

**Staff:**

Ralph Karpinos, Attorney  
Amy Harvey, Deputy Town Clerk

**Department:**

Town Attorney's Office  
Communications and Public Affairs

**Overview:** Several advisory boards cite challenges fulfilling the officer roles due in part to the defined term limitations. The Council Committee on Boards and Commissions recommends an expansion of the term length for the Council's consideration.



**Recommendation(s):**

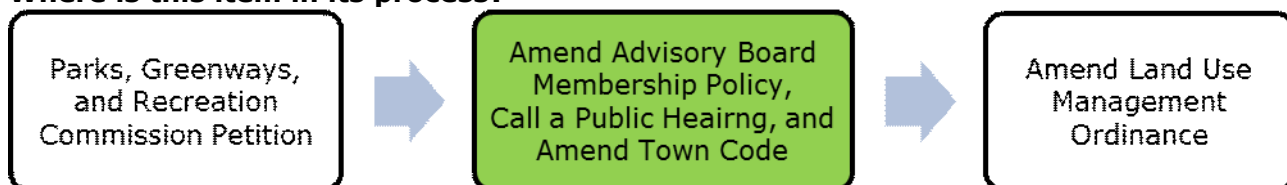
That the Council expand the length of term that a member may serve as an officer on a board by:

amending the Advisory Board Membership Policy;  
calling a public hearing to amend the Land Use Management Ordinance (LUMO); and,  
enacting amendments to the Town Code of Ordinances.

The recommended changes to the LUMO and Town Code would make the rules on terms more consistent among the boards. (The Grievance Hearing Board (which hears employee cases) is not included in this proposed amendment because it does not hold regular meetings.)

Relocating the length of term standards from the LUMO to the Council's policy will allow further adjustments to terms of officers, if deemed by the Council to be appropriate, without going through the public hearing steps required by law to amend the LUMO.

### Where is this item in its process?



**Attachments:**

- Resolution
- Ordinance

**A RESOLUTION AMENDING THE ADVISORY BOARD ROLES CLAUSE IN THE ADVISORY BOARD MEMBERSHIP POLICY AND CALLING A PUBLIC HEARING TO AMEND THE LAND USE MANAGEMENT ORDINANCE PERTAINING TO THE BOARD OF ADJUSTMENT AND HISTORIC DISTRICT COMMISSION (2019-11-13/R-11)**

WHEREAS, the Parks, Greenways, and Recreation Commission petitioned the Town Council to permit the current officers to serve an additional year and recommended a change to policy; and

WHEREAS, on September 23, 2019, the Council Committee on Boards and Commission discussed adjusting the term limitations for advisory board officers after individual Council members heard from multiple boards regarding their challenges to fill the officer positions; and

WHEREAS, the Council Committee on Boards and Commissions recommended that the full Council consider amending the Advisory Board Membership Policy to allow a member to serve as a Vice-Chair for a maximum of two consecutive years, and also be eligible to serve as a Chair for a maximum of two consecutive years (thus no officer would serve more than four consecutive years) and further, recommended that the Council amend the relevant sections of the Town Code of Ordinances to refer to the Advisory Board Membership Policy; and

WHEREAS, approval for the change for the Board of Adjustment and Historic District Commission requires amendment of the Land Use Management Ordinance through a public hearing process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council amends the Advisory Board Membership Policy, section under Advisory Board Roles as follows:

**"Advisory Board Roles**

Every September, advisory boards shall elect a Chair and Vice-Chair to serve a one year term. No one shall serve more than two consecutive terms as Vice-Chair and no more than two consecutive terms as a Chair. ~~as an officer on an advisory board or commission for more than two consecutive full terms. No one shall serve more than a total of four consecutive terms as an officer. Following a one-year absence, a~~ An individual is eligible to serve again as an officer on the same board or commission after one year in a non-officer role or one year not serving on that board."

BE IT FURTHER RESOLVED that the Council calls a Public Hearing on January 8, 2020 to amend the Land Use Management Ordinance Section 8.3.3 Officers and Section 8.4.4 Officers to apply the change listed above to the Board of Adjustment and Historic District Commission.

This the 13<sup>th</sup> day of November, 2019.

## **AN ORDINANCE AMENDING THE ADVISORY BOARD OFFICER CLAUSES FOR THE ADVISORY BOARDS (2019-11-13/O-2)**

WHEREAS, the Parks, Greenways, and Recreation Commission petitioned the Town Council to permit the current officers to serve an additional year and recommended a change to policy; and

WHEREAS, on September 23, 2019, the Council Committee on Boards and Commission discussed adjusting the term limitations for advisory board officers after individual Council members heard from multiple boards regarding their challenges to fill the officer positions; and

WHEREAS, the Council Committee on Boards and Commissions recommended that the full Council consider amending the Advisory Board Membership Policy to allow a member to serve as a Vice-Chair for a maximum of two consecutive years, and also be eligible to serve as a Chair for a maximum of two consecutive years (thus no officer would serve more than four consecutive years) and further, recommended that the Council amend the relevant sections of the Town Code of Ordinances to refer to the Advisory Board Membership Policy; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

**Section 1.** Article XIII, Chapter 2, Section 2-179 of the Town Code of Ordinances pertaining to the Cultural Arts Commission is here by revised to read as follows:

### **"Sec. 2-179. - Meetings, chairperson.**

The cultural arts commission shall regularly hold meetings at such times and places as it shall determine. Meetings of the commission shall be in compliance with the Open Meetings Law of North Carolina. ~~It shall select a chair from its members, and such other officers as it deems appropriate, to serve for a term of one (1) year.~~

A quorum of the commission, necessary to take an official action, shall consist of a majority of the current membership of the commission, not counting any vacant seats. The concurring vote of a simple of those members present shall be necessary to take any official action.

Officers and terms of officers shall be in accordance with the council's advisory board membership policy."

**Section 2.** Article XII, Chapter 2, Section 2-173 of the Town Code of Ordinances pertaining to the Environmental Stewardship Advisory Board is here by revised to read as follows:

### **"Sec. 2-173. - Meetings, chairperson.**

The environmental stewardship advisory board shall regularly hold meetings at such times and places as it shall determine. ~~In September of each year, it shall select a chair and a vice chair from its members to serve for a term of one (1) year.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy."

All meetings of the board shall be open to the public in accordance with the Open Meetings Law of North Carolina, and reasonable notice of the time and place thereof shall be given to the public in accordance with Chapter 143, Article 33C of the North Carolina General Statutes. The board shall keep a record of its meetings, including attendance of its members and actions. A quorum of the board, necessary to take an official action, shall consist of a majority of members excluding any vacant seats. The concurring vote of a simple majority of those members present shall be necessary to take any official action."

**Section 3.** Article XI, Chapter 2, Section 2-163 of the Town Code of Ordinances pertaining to the Housing Advisory Board is here by revised to read as follows:

**"Sec. 2-163. - Meetings, chairperson.**

The housing advisory board shall regularly hold meetings at such times and places as it shall determine. ~~In September of each year, it shall select a chair and vice chair from its members to serve for a term of one (1) year.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy.

All meetings of the board shall be open to the public in accord with the Open Meetings Law of North Carolina, and reasonable notice of the time and place thereof shall be given to the public in accord with Chapter 143, Article 33C of the North Carolina General Statutes. The board shall keep a record of its meetings, including attendance of its members and actions. A quorum of the board, necessary to take an official action, shall consist of a majority of members excluding any vacant seats. The concurring vote of a simple majority of those members present shall be necessary to take any official action. "

**Section 4.** Article VII, Chapter 2, Section 2-123 of the Town Code of Ordinances pertaining to the Human Services Advisory Board is here by revised to read as follows:

**"Sec. 2-123. - Meetings; chairperson.**

The human services advisory board shall regularly hold meetings at such time and places as it shall determine. ~~It shall annually elect one member to serve as chairperson and preside over its meetings. It may create and fill such other offices and committees as it may deem necessary.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy.

All meetings of the board shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public in accord with Chapter 143, Article 33C of the North Carolina General Statutes.

The board shall keep a record of its meetings, including attendance of its members; its resolutions, findings, recommendations and actions.

A quorum of the board, necessary to take any official action, shall consist of a majority of members excluding any vacant seats . The concurring vote of a simple majority of those members present shall be necessary to take any official action. "

**Section 5.** Article IX, Chapter 2, Section 2-143 of the Town Code of Ordinances pertaining to the Chapel Hill Public Library Advisory Board is here by revised to read as follows:

**"Sec. 2-143. - Meetings; chairman.**

The Chapel Hill Public Library Advisory Board shall regularly hold meetings at such times and places as it shall determine. ~~It shall select from its membership a member to serve as chairman and such other officers as it deems appropriate to serve for a term of two (2) years.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy."

**Section 6.** Article II, Chapter 12, Section 12-20 of the Town Code of Ordinances pertaining to the Parks, Greenways and Recreation Commission is here by revised to read as follows:

**"Sec. 12-20. - Meetings; chairman.**

The parks, greenways and recreation commission shall hold meeting at such time and places as it shall determine, and shall adopt by laws, rules and regulations governing its procedure. ~~It shall select from its membership a commissioner to serve as chair, and such other officers as it deems appropriate to serve for a term of one year.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy."

**Section 7.** Article I, Chapter 23, Section 23-13 of the Town Code of Ordinances pertaining to the Stormwater Management Utility Advisory Board is here by revised to read as follows:

**"Sec. 23-13. - Officers.**

The board shall elect one member to serve as chair and to preside over its meetings, and shall create and fill such offices and committees as it may deem necessary. ~~The term of the chair and other officers shall be one (1) year, with eligibility for re-election to a second term.~~ The chair or any member acting as chair is authorized to administer oaths to witnesses coming before the board.

Officers and terms of officers shall be in accordance with the council's advisory board membership policy."

**Section 8.** Article VIII, Chapter 2, Section 2-133 of the Town Code of Ordinances pertaining to the Transportation and Connectivity Advisory Board is here by revised to read as follows:

**"Sec. 2-133. - Meetings; chairman.**

The transportation and connectivity advisory board shall regularly hold meetings at such times and places as it shall determine. ~~In September of each year, it shall select a chair and vice chair from its members to serve for a term of one (1) year.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy.

All meetings of the board shall be open to the public in accordance with the Open Meetings Law of North Carolina, and reasonable notice of the time and place thereof shall be given to the public in accordance with Chapter 143, Article 33C of the North Carolina General Statutes. The board shall keep a record of its meetings, including attendance of its members and actions. A quorum of the board, necessary to take an official action, shall consist of a majority of members excluding any vacant seats. The concurring vote of a simple majority of those members present shall be necessary to take any official action. "

**Section 9.** This ordinance shall become effective November 13, 2019.

This the 13<sup>th</sup> day of November, 2019.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

PRESENTER: Pam Hemminger, Mayor

RECOMMENDATION: That the Council expand the length of term that a member may serve as an officer on a board by adopting a resolution to amend the Advisory Board Membership Policy, calling a public hearing to amend the Land Use Management Ordinance and enacting amendments to the Town Code of Ordinances.



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

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**Item #:** 15., **File #:** [19-0944], **Version:** 1

**Meeting Date:** 11/13/2019

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**Concept Plan Review: West Rosemary Street Hotel, 108/114 West Rosemary Street. (Project #19-107)**

See the Staff Report on the next page.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

**PRESENTER:** Kari Grace, Senior Planner

- a. Review of process
- b. Presentation by the applicant
- c. Comments from the Community Design Commission
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Motion to adopt a resolution transmitting Council comments to the applicant.

**RECOMMENDATION:** That the Council adopt the resolution transmitting comments to the applicant.



# CONCEPT PLAN REVIEW: WEST ROSEMARY STREET HOTEL, 108-114 W ROSEMARY STREET

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

Judy Johnson, Interim Director

Kari Grace, Senior Planner

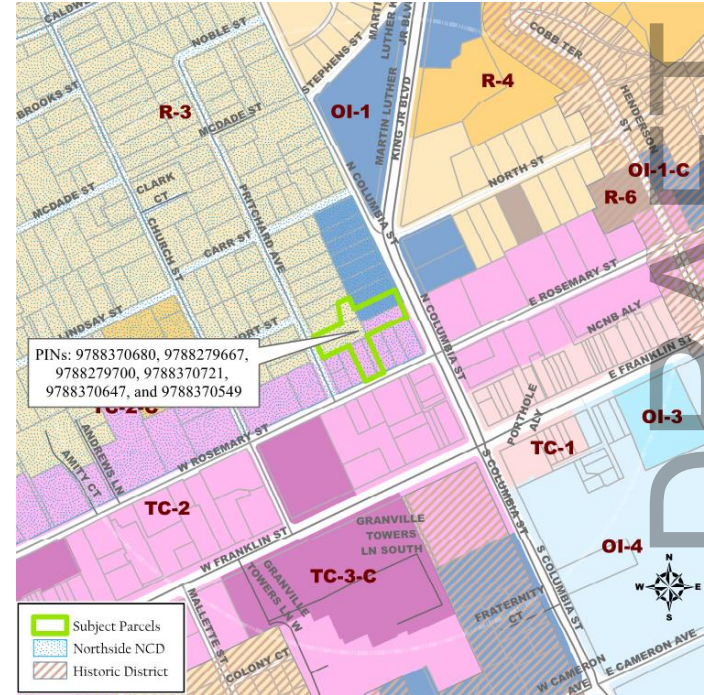
<b>ADDRESSES</b> 108 and 114 W. Rosemary Street, 208 Pritchard Avenue, and 205 N. Columbia Street	<b>DATE</b> November 13, 2019	<b>APPLICANT</b> Wendi Ramsden, Coulter Jewell Thames, PA
<b>STAFF'S RECOMMENDATION</b> That the Council adopt the resolution transmitting comments to the applicant.		
<b>PROCESS</b> <ul style="list-style-type: none"> <li>Hear the applicant's presentation</li> <li>Receive Community Design Commission comments (October 22, 2019 meeting)</li> <li>Hear public comments tonight</li> <li>Offer suggestions to the applicant</li> </ul> <p>Comments Statements by individual Council members on a concept plan are not a commitment on an official position for a formal application.</p>	<b>DECISION POINTS</b> <p>The Applicant requests a rezoning and special use permit, which requires a Concept Plan review by Council.</p> <p>Staff advised the applicant to discuss their preferred process with Council.</p>	
<b>PROJECT OVERVIEW</b> <p>Floor Area: approximately 95,000 SF, 140 rooms</p> <p>Land Area: 1.1 acre</p> <p>Current zoning: Town Center-2 (TC-2), Office/Institutional-1 (OI-1), Residential-3 (R-3), and Northside Neighborhood NCD Overlay</p> <p>Proposed zoning: Town Center-2 (TC-2) and Residential-3 (R-3)</p> <p>The Concept Plan includes:</p> <ul style="list-style-type: none"> <li>Rezoning majority of site to TC-2</li> <li>Demolition of two structures</li> <li>Construction of a new 95,000 SF hotel</li> </ul>	<b>PROJECT LOCATION</b> 	
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>Draft Staff Presentation</li> <li>Resolution A</li> <li>Community Design Commission Comments from October 22, 2019</li> <li>Applicant's Response to CDC Comments 11.6.2019</li> <li>Application</li> <li>Developer's Program and Statements of Compliance</li> <li>Plan Set</li> </ol>	

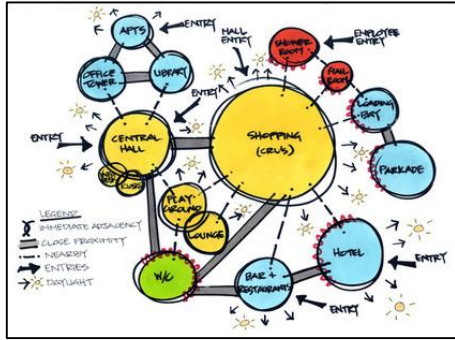


# W. Rosemary Street Hotel Concept Plan

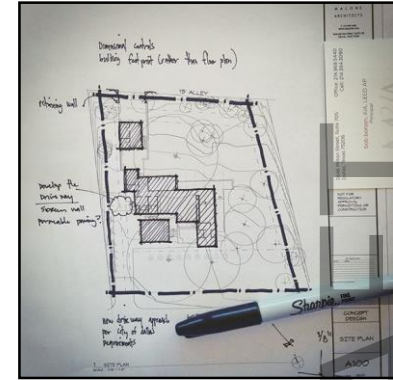
Town Council  
Public Hearing

November 13, 2019

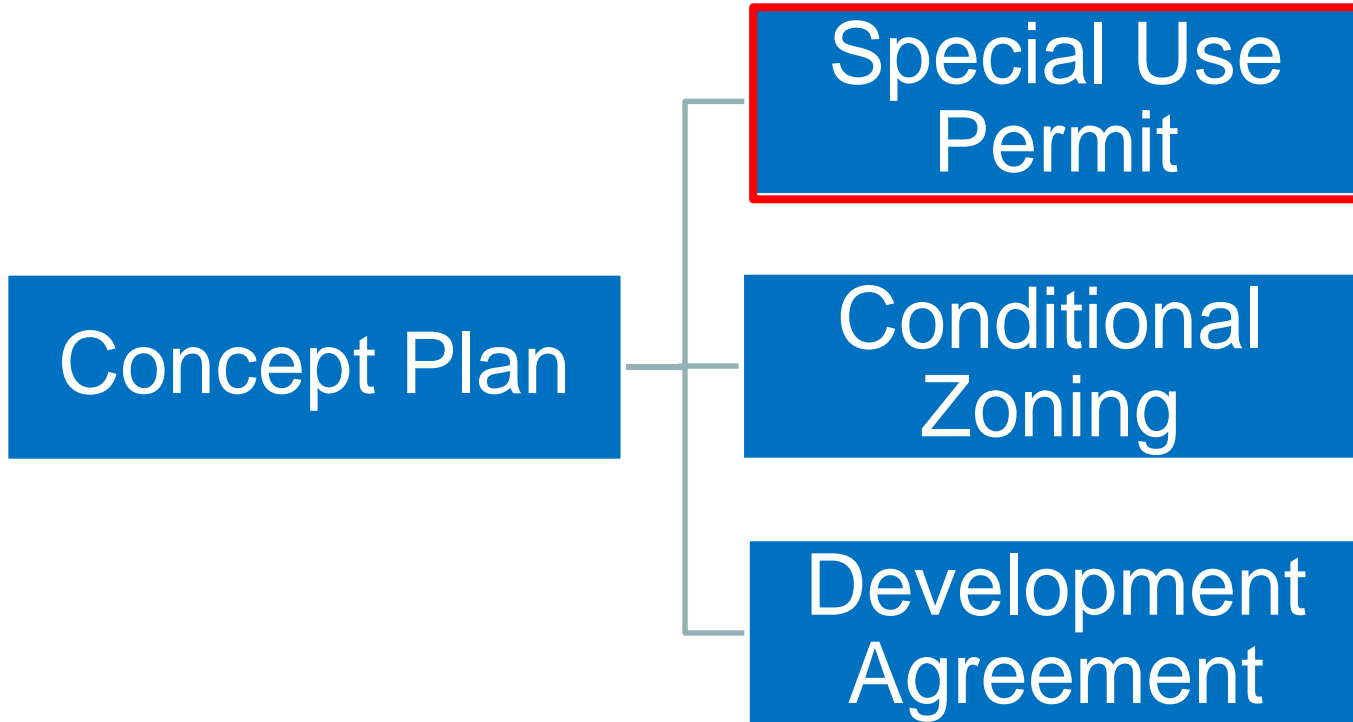




## Concept Plans



- **No Decision; Feedback Only**
  - Applicant presents rough initial sketch
  - Staff does not conduct formal review of concept
  - Instead forwards sketch for preliminary feedback



DRAFT

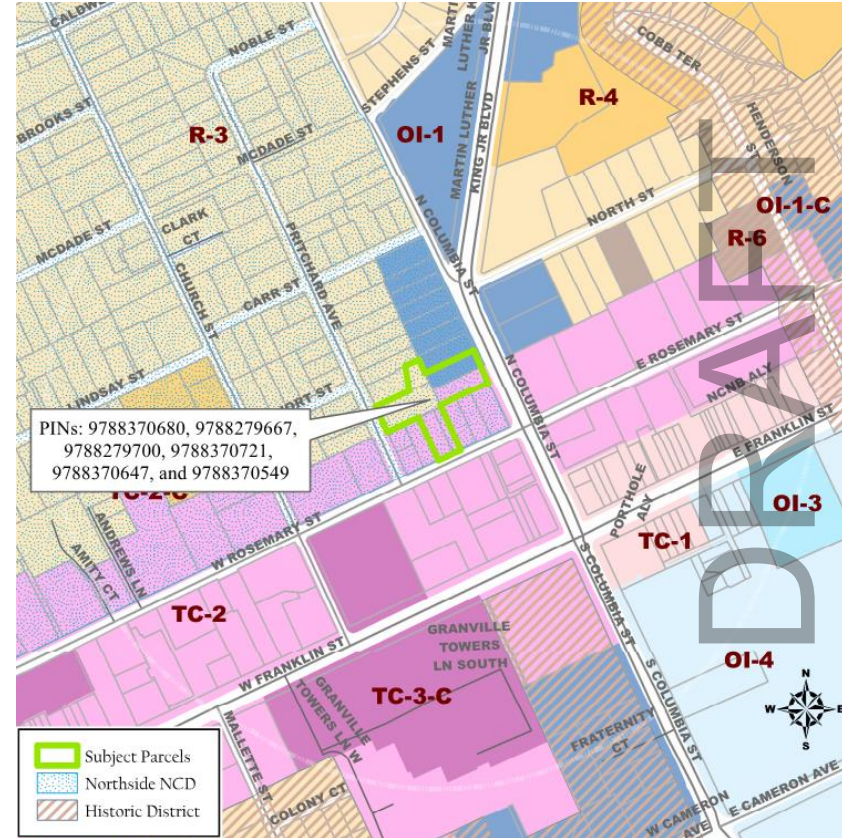
- Adopt a Resolution, transmitting comments to the applicant regarding the proposed development.

DRAFT

# W. Rosemary Street Hotel – Project Summary

279

- 1.1 acre site
- Zoning
  - Currently TC-2, OI-1, R-3, and Northside NCD
  - Proposing TC-2
- West Rosemary Street Design Guidelines
- Demolish 2 existing structures
- Construct ~95,000 SF hotel



# W. Rosemary Street Hotel – Existing Conditions



# W. Rosemary Street Hotel – Concept Plan

## Developer → Town

Pritchard Ave.

281

N. Columbia St.

## Historic Town Hall

## Town → Developer

W. Rosemary St.

## Community Design Commission

October 22, 2019

DRAFT

- Adopt a Resolution, transmitting comments to the applicant regarding the proposed development.

DRAFT

A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR W. ROSEMARY STREET HOTEL, 108/114 W. ROSEMARY STREET (2019-11-13/R-12)

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill for W. Rosemary Street Hotel, PINs 9788-37-0549, 9788-37-0680, 9788-37-0647, 9788-37-0721, 9788-27-9667, and 9788-27-9700; and

WHEREAS, the Council has the opportunity tonight to hear this applicant's presentation, receive a set of comments from the Community Design Commission, hear public comments, and offer suggestions to the applicant; and

WHEREAS, the Council has heard presentations from the applicant and members of the public; and

WHEREAS, statements by individual Council members this evening are not an official position or commitment on the part of a Council member with respect to the position he or she may take when and if a formal application for development is subsequently submitted to the Council for formal consideration; and

WHEREAS, the Council has discussed the proposal, with Council members offering reactions and suggestions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmits comments to the applicant regarding this proposal, as expressed by Council members during discussions on November 13, 2019 and reflected in minutes of that meeting.

This the 13th day of November, 2019.

SUMMARY OF A CONCEPT PLAN REVIEW  
WEST ROSEMARY STREET HOTEL  
COMMUNITY DESIGN COMMISSION

October 22<sup>nd</sup>, 2019

The Community Design Commission conducted a concept plan review for West Rosemary Street Hotel on October 22<sup>nd</sup>, 2019. The project proposed construction of a hotel located in downtown. Key points made by members of the Commission and Public about the concept plan include:

- Multiple members expressed appreciation to the applicant for efforts on such a complicated project.
- One member suggested framing the cupola of the existing Old Town Hall as you drive up Martin Luther King Jr. Blvd.
- Multiple members expressed their desires to see the building not exceed the constraints of the Neighborhood Conservation District.
- Multiple members expressed their desire to see any new architecture reflect the Old Town Hall, to honor the existing structure.
- Commission agreed that a TIA would be an importance piece of this project as the applicant moves forward.
- One commission expressed concern that adequate parking was being provided.
- Multiple members expressed the desire to see true underground parking.
- Multiple members expressed the desire to see an elegant building drawing on historic and artistic themes found around Town.
- Multiple members wanted to see art integrated into the blank facades, particularly along the Columbia Street wing.
- One member encouraged the applicant to review potential office/commercial use along Columbia Street.
- One member was concerned about the potential developments impacts on large trees in/around the project site.
- Multiple members suggested expanding the park space to the Columbia Street frontage.

SUMMARY OF A CONCEPT PLAN REVIEW  
WEST ROSEMARY STREET HOTEL  
COMMUNITY DESIGN COMMISSION

- Multiple members were in agreement that special attention should be paid to the scale, massing and design of the facades that face the adjoining residential districts.
- One commission expressed concern in the rezoning of lots to OI and R-3 which the intention that if left in place that they would serve as a buffer to the Northside community.
- The commission encourages the applicant to consult the West Rosemary Street Guidelines and its recommendations for building green technologies.
- Multiple members encouraged the applicant to engage the community through public meetings regarding the projects design.

DRAFT

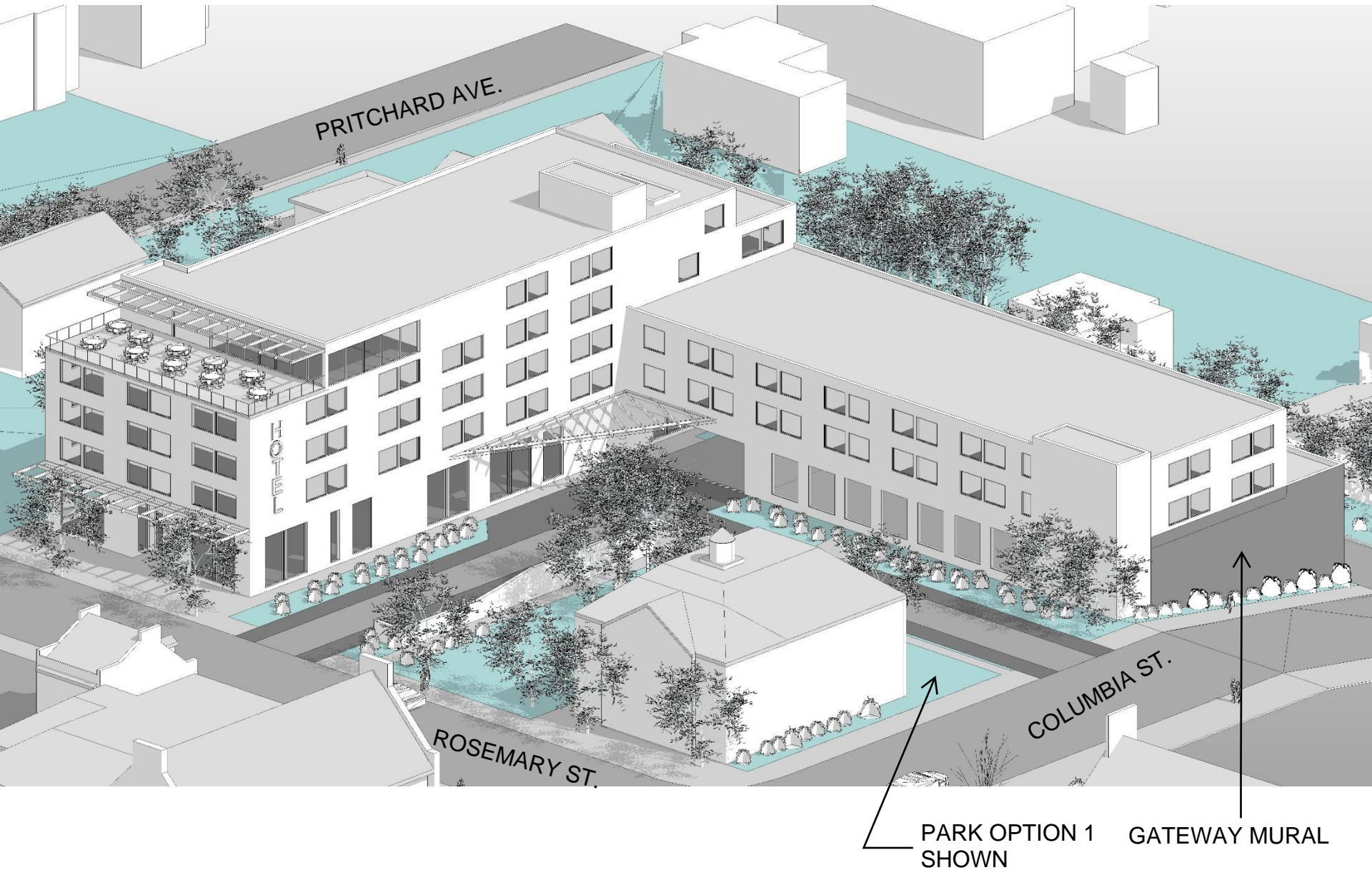
# W. Rosemary St. Hotel - Revisions from CDC Concept Options

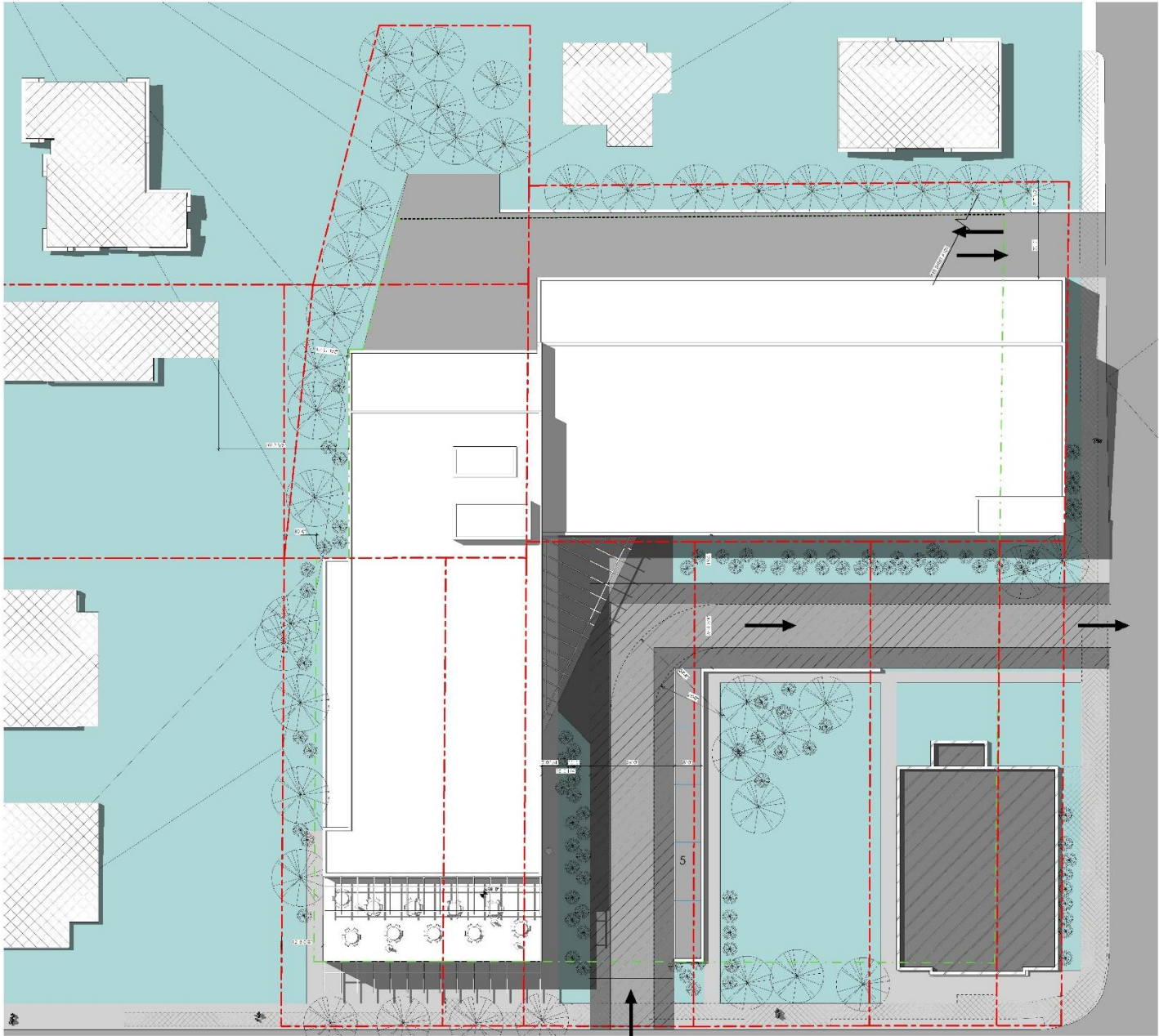
287

- Height
  - Was 7/4 stories; now 5/4/3 stories
  - Revised option is within solar overlay except for single story penetration on Rosemary wing
- Massing - West Rosemary Guide
  - Maintain 20' building setback at Rosemary St.
  - Step down to 4 stories at north adjacent to residential
  - Step down at Columbia entry view
  - Ground floor use encourages pedestrian activity
- Concealed parking and service functions
  - Structured parking / valet solution
  - Refuse under roof
- Place-making improvements around Historic Town Hall
  - 2 parking /park options for consideration
    - Option 1: Provide more Town parking
    - Option 2: Provide more pocket park

# Concept Plan - Current Height and Massing

288

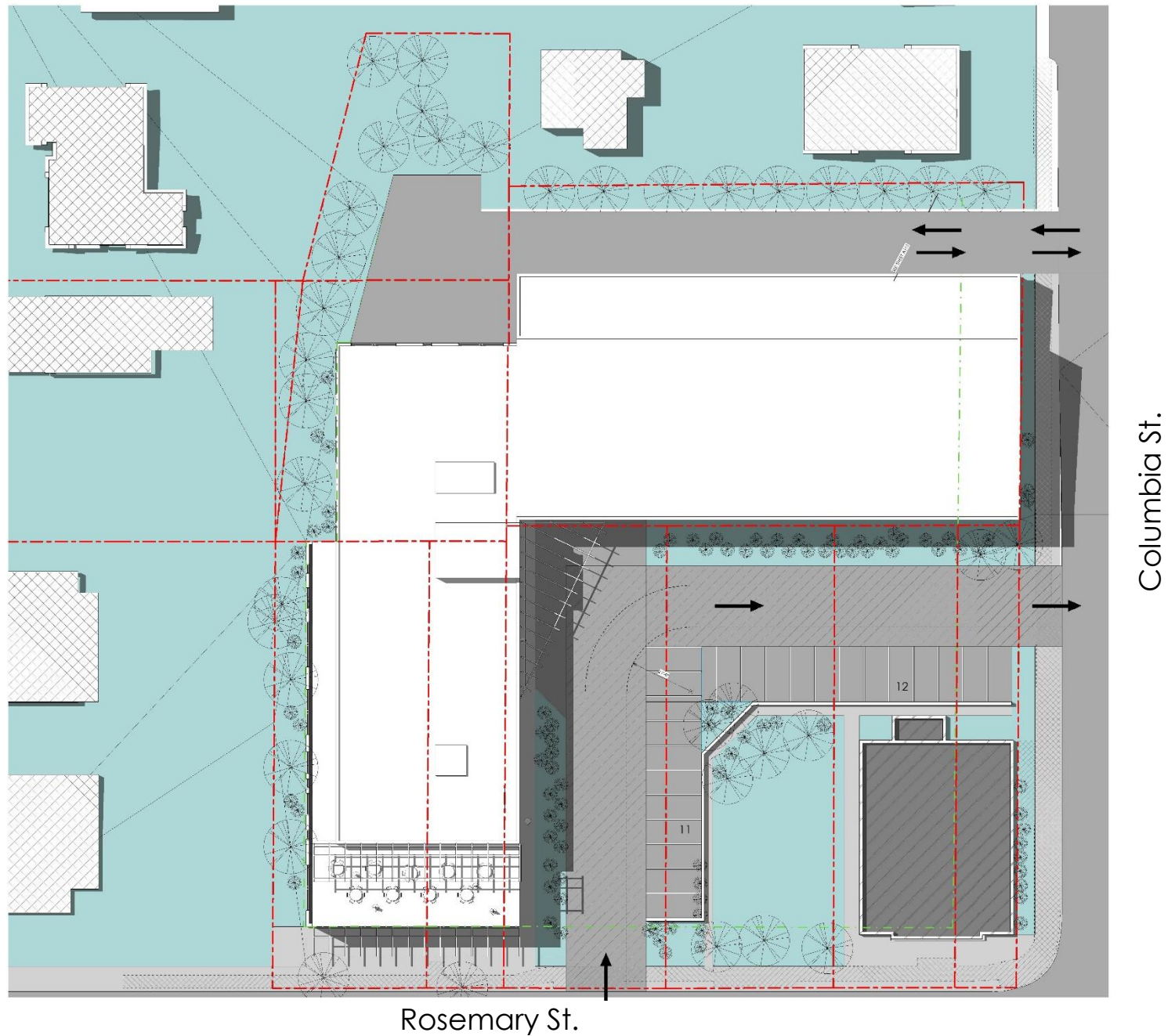




Rosemary St.

Columbia St.

# Concept Plan - Park and Parking Option 2 290





## CONCEPT PLAN APPLICATION

Parcel Identifier Number (PIN): 9788-37-0549, -0680, -0647, -0721, -27-9667, -9700

Date: 8-27-19

### Section A: Project Information

Project Name: W Rosemary Street Hotel Project

Property Address: 108/114 W Rosemary Street

Zip Code:

Use Groups (A, B, and/or C): B Existing Zoning District: 27515 TC-2, OI-1, R-3

Project Description: 4-7 story hotel with surface parking, including a land swap with the Town

### Section B: Applicant, Owner and/or Contract Purchaser Information

#### Applicant Information (to whom correspondence will be mailed)

Name: Coulter Jewell Thames, PA Attn W Ramsden

Address: 111 W Main Street

City: Durham

State: NC

Zip Code: 27701

Phone: 919-682-0368

Email: wramsden@cjtpa.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:

Date:

#### Owner/Contract Purchaser Information:

☒ Owner

☐ Contract Purchaser

Name: Smart Olympia Carolina LLC

Address: 20600 Chagrin Blvd, Suite 705

City: Shaker Heights

State: OH

Zip Code: 44122

Phone: 216-533-0500

Email: esmall@smarthotelsgroup.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:

Date:



## Concept Plan Project Fact Sheet

Site Description	
Project Name	W. ROSEMARY ST. HOTEL PROJECT
Address	108/114 WEST ROSEMARY STREET
Property Description	6 LOTS
Existing Land Use	2 SMALL NON-RESIDENTIAL BLDGS, SURFACE PARKING
Proposed Land Use	HOTEL
Orange County Parcel Identifier Numbers	9788-37-0549      9788-37-0647      9788-27-9667 -0680      - 0721      - 9700
Existing Zoning	TC-2, OI-1, R-3
Proposed Zoning	TC-2, REDUCED AMOUNT OF R-3
Application Process	CONCEPT PLAN
Comprehensive Plan Elements	
Overlay Districts	NCD, WEST ROSEMARY

Topic	Requirement	Proposal	Status
<b>Use/Density</b> (Sec. 3.7)	HOTEL PERMITTED	HOTEL	✓
<b>Dimensional Standards</b> (Sec. 3.8)	12' FRONTAGE 15' WIDTH	127' FRONTAGE	✓
<b>Floor area</b> (Sec. 3.8)	1.97 ⇒ 96,800SF in TC-2		✓
<b>Modifications to Regulations</b> (Sec. 4.5.6)	REQUIRED	BUFFERS BUILDING HEIGHT	M
<b>Adequate Public Schools</b> (Sec. 5.16)	N/A		N/A
<b>Inclusionary Zoning</b> (Sec. 3.10)	N/A		N/A
<b>Landscape</b>			
<b>Buffer – North</b> (Sec. 5.6.2)	C-20' & B-10'	PARTIAL LENGTH 5'	M
<b>Buffer – East</b> (Sec. 5.6.2)	D-30'	REDUCTION TO 0	M
<b>Buffer – South</b> (Sec. 5.6.2)	C-20'	REDUCTION	M
<b>Buffer – West</b> (Sec. 5.6.2)	B-10' & C-20'	10' / 20'	✓



Tree Canopy (Sec. 5.7)	0 IN TC ZONES	0	✓
Landscape Standards (Sec. 5.9.6)		BUFFER MODIFICATIONS	M
<b>Environment</b>			
Resource Conservation District (Sec. 3.6)	N/A		N/A
Erosion Control (Sec. 5.3.1)	REQUIRED	DETERMINED AT SUP	✓
Steep Slopes (Sec. 5.3.2)	N/A		N/A
Stormwater Management (Sec. 5.4)	REQUIRED	DETERMINED AT SUP	✓
Land Disturbance	ALLOWED	✓	✓
Impervious Surface (Sec. 3.8)	NO LIMIT IN TC ZONE		N/A
Solid Waste & Recycling	REQUIRED	WILL MEET REQUIREMENTS	✓
Jordan Riparian Buffer (Sec. 5.18)	N/A		N/A
<b>Access and Circulation</b>			
Road Improvements (Sec. 5.8)			
Vehicular Access (Sec. 5.8)			
Bicycle Improvements (Sec. 5.8)			
Pedestrian Improvements (Sec. 5.8)	SIDEWALKS	WILL BE PROVIDED	✓
Traffic Impact Analysis (Sec. 5.9)	UNK		UNK
Vehicular Parking (Sec. 5.9)	MIN 0, MAX 124	APPROXIMATELY 70	✓
Transit (Sec. 5.8)			
Bicycle Parking (Sec. 5.9)	REQUIRED	PROV. DED	✓
Parking Lot Standards (Sec. 5.9)		WILL MEET TOWN STANDARDS	✓
<b>Technical</b>			



<b>Fire</b>	REQUIRED 26'	ACCESS PROVIDED	✓
<b>Site Improvements</b>			
<b>Schools Adequate Public Facilities</b> (Sec. 5.16)	N/A		N/A
<b>Recreation Area</b> (Sec. 5.5)	N/A		N/A
<b>Lighting Plan</b> (Sec. 5.11)	REQUIRED	PROVIDED AT SUP	
<b>Homeowners Association</b> (Sec. 4.6)	N/A		N/A

Symbol	Meaning	Symbol	Meaning
	Meets Standard	M	Modification necessary
NA	Not Applicable	UNK	Not known at this time



## Checklist

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning and Sustainability at (919)968-2728 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org).

paid	<b>Application fee</b> ( <a href="#">refer to fee schedule</a> )	Amount Paid \$	<input type="text"/>
X	<b>Pre-application meeting</b> – with appropriate staff		
X	<b>Digital Files</b> - provide digital files of all plans and documents		
X	<b>Concept Project Fact Sheet</b>		
X	<b>Statement of Compliance with Design Guidelines</b> (1 copies)		
X	<b>Statement of Compliance with Comprehensive Plan</b> (1 copies)		
N/A	<b>Affordable Housing Proposal, if applicable</b> (Rezoning Policy or Inclusionary Ordinance)		
X	<b>Mailing list of owners of property within 1,000 feet perimeter of subject property</b> ( <a href="#">see GIS notification tool</a> )		
X	<b>Mailing fee for above mailing list</b>	Amount Paid \$	<input type="text" value="223.00"/>
X	<b>Developer's Program – brief written statement explaining how the existing conditions impact the site design. Including but not limited to:</b>		
	<ul style="list-style-type: none"> <li>• Natural features of site</li> <li>• Access, circulation, and mitigation of traffic impacts</li> <li>• Arrangement and orientation of buildings</li> <li>• Natural vegetation and landscaping</li> <li>• Impact on neighboring properties</li> <li>• Erosion, sedimentation, and stormwater</li> </ul>		
N/A	<b>Resource Conservation District, Floodplain, &amp; Jordan Buffers Determination</b> - necessary for all submittals		
X	<b>Reduced Site Plan Set (reduced to 8.5"x11")</b>		

## Plan Sets (1 copies to be submitted no larger than 24"x36")

Plans should be legible and clearly drawn. All plan sets sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks and buffers
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable



## Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names.
- f) 1,000' notification boundary

## Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries

## Proposed Site Plan

- a) Existing building locations
- b) General location of proposed structures
- c) Parking areas
- d) Open spaces and landscaped areas
- e) Access points and circulation patterns for all modes of transportation
- f) Approximate locations of trails, pedestrian and bicycle connections, transit amenities, and parking areas
- g) Approximate location of major site elements including buildings, open areas, natural features including stream buffers, wetlands, tree stands, and steep slopes
- h) Proposed land uses and approximate location

# W. Rosemary St. Hotel Project

## Concept Plan Application

12 September 2019

### Developer's Program

The proposed W. Rosemary Hotel project will redevelop a site currently dominated by surface parking and non-descript single story buildings and replace that with a high quality, custom-designed hotel in downtown Chapel Hill. The hotel will front on West Rosemary Street and wrap around the historic Town Hall building to S Columbia Street. Site improvements, including a pocket park, will add a "Gateway" quality to the project. A rooftop terrace will invite visitors and residents to enjoy the downtown view. The developers, Smart Hotels and The Olympia Companies, develop sustainable hotels tailored to the unique context of each campus community.

The parcel has frontage for potential vehicular access to both West Rosemary Street and South Columbia Street. It is within walking distance of downtown amenities and the UNC campus.

The property is an L-shaped composite of 6 separate lots. The project assumes and requires a parcel exchange with the Town in order to develop the hotel while including an appropriate buffer to the adjacent neighborhood to the north, and enhancing the space around the historic Town Hall building. In the parcel exchange process, the Town would convey the surface parking lot located at 110 W Rosemary Street to the Developer, and the Developer would convey to the Town a parcel of comparable size comprising the majority portion of the 208 Pritchard Avenue parcel, including a house of historic construction.

The current concept includes plans for an L-shaped hotel building with approximately 140 guest rooms, and building massing varying in height between 4 and 7 stories. There will be some underground and surface parking, approximately 70 spaces, with an additional 18-20 spaces in an adjacent parking lot on the Town-owned parcel to the east. The project is intended to include streetside improvements to West Rosemary Street, and improvements to the existing Town-owned parking lot west of the historic Town Hall to include a pocket park for public gathering.

Stormwater mitigation will be accommodated in an underground facility, thereby meeting storm management requirements.

We look forward to working with the town in obtaining approvals of this exciting new downtown hotel facility to serve the UNC and Chapel Hill community.

# W. Rosemary St. Hotel Project

## Concept Plan Application

12 September 2019

Statement of Compliance with Comprehensive Plan and Small Area Plans

### *2020 PLAN*

The proposed West Rosemary Hotel project is being designed to comply with the Town's 2020 Comprehensive Plan. We believe the development will meet the 6 goals identified.

- **A Place for Everyone**

The proposed hotel project will provide hotel rooms and public gathering amenities in a site that has the potential to serve as a Gateway to downtown Chapel Hill. It will provide full time and part time employment opportunities, and will complement business, retail and dining uses already existing downtown. The project will include enhancement of Rosemary Street for pedestrians, and will also include enhancement of the space around the historic Town Hall building by creating a public gathering space. At the interior of the ground floor, meeting room space will be provided for public use. (PFE.5)

- **Community Prosperity and Engagement**

The West Rosemary Hotel development will increase revenues for the town by creating employment opportunities, increasing the real estate tax valuation, and by bringing visitors who will support local businesses and the university. Further, it will provide hotel accommodations, meeting spaces for downtown businesses and their neighborhood groups, a rooftop terrace for public gathering, and a public pocket park. (CPE.1, CPE.2)

- **Getting Around**

The hotel project will be located within walking distance of all the downtown businesses, and also within walking distance to the UNC campus. It is located at a principal intersection that serves as an entryway into downtown, and resides on multiple bus lines so that many non-car transportation alternatives are available. (GA.1, GA.6) Bicycle parking will be available on site for employees and guests.

The project proposes to improve the pedestrian experience on W Rosemary Street and S Columbia Street by the improvement of the sidewalk, reduction of driveway curb cuts to one on W Rosemary and two on S Columbia, addition of street plantings, and the creation of a public gathering space at the historic Town Hall building. (GA.2)

- **Good Places, New Spaces**

The proposed hotel project will provide a pedestrian friendly vibrant space for visitors and residents. It will provide a space for people to work and socialize. (GPNS.2) It will be an infill project in the downtown area, located where infrastructure already exists, and will provide active interior and exterior spaces on properties that are currently surface parking. (GPNS.1, GPNS.8) The project will improve the pedestrian experience on W Rosemary street by enlarging the sidewalk, reducing curb cuts in this area from three to one, and adding street-side plantings.

- **Nurturing Our Community**

The proposed hotel project will redevelop land that is currently mostly surface gravel parking lot. The project will be designed to reflect local architecture, and the addition of public gathering amenities including a rooftop terrace and a pocket park adjacent to the historic Town Hall will enhance the opportunities to repurpose that local historic structure.

The West Rosemary Hotel project is being developed by Smart Hotels and The Olympia Companies, which share a commitment to support local business and to develop and operate in an environmentally responsible way. (NOC.1) The project will efficiently use the site by incorporating parking under the multi-story building, and by using valet service so that some of the parking can be double loaded spaces, thereby reducing the impervious footprint. The developer will also enter into agreements to utilize offsite shared parking opportunities with local businesses and the Town. The project will meet Town standards in the treatment of stormwater runoff. (NOC.2)

- **Town and Gown Collaboration**

The project will provide a hotel with local flavor located within walking distance of downtown Chapel Hill and the UNC campus. The hotel will provide employment opportunities and will also provide short-term accommodation for university related visits. Smart Hotels and Olympia specialize in projects that serve both campus and community. (TGC.6)

## *WEST ROSEMARY DEVELOPMENT GUIDE*

The West Rosemary Development Guide was adopted by the Town May 2017.

The proposed project may not strictly meet all guidelines but clearly meets the intent of the guidelines in the following ways:

- The building height transitions from the street frontages down toward the residential uses to the north. The building height is greater on W Rosemary Street where other taller buildings already exist, and lower on S Columbia Street.
- The building architectural design and materials will reflect local spirit
- The non-residential uses increase daytime activity
- The project provides public green spaces and meeting spaces
- The project improves the pedestrian experience and increases pedestrian safety along the street frontage
- The project includes enhancement of the historic Town Hall building setting
- The project leaves the R-3 zone intact at the existing residential uses in the northwest corner of the parcel where the hotel use does not extend
- The project incorporates many of the sustainability recommendations such as a higher density and more efficient use of the land, non-surface parking, underground stormwater management, and promotion of alternative forms of transit

Additionally, the project does not encourage negative intrusion into the Northside neighborhood:

- The use is not geared toward student housing
- The project does not increase pedestrian access from W Rosemary Street into the residential neighborhood
- The project directs vehicular traffic toward W Rosemary and S Columbia Streets and not toward the smaller residential streets. Valet service will control the flow and placement of vehicles.

# W. Rosemary St. Hotel Project

## Concept Plan Application

12 September 2019

### Statement of Compliance with Design Guidelines

The project site is an irregular group of 5 parcels adding up to a little over 1 acre with frontage on both W Rosemary Street and S Columbia Street. The site is located at the central north part of downtown Chapel Hill, and wraps around the historic Town Hall site. The parcel development will be affected by the West Rosemary Development Guide, by the Northside Neighborhood Conservation District document, and by the Town's overall design guidelines as defined in the Design Manual.

#### West Rosemary Development Guide

The West Rosemary Development Guide was adopted by the Town in May 2017. The project meets the intent of this plan.

#### Northside Neighborhood Conservation District

The Northside NCD plan was adopted by the Chapel Hill Town Council in early 2004, with amendments in early 2012. It is a set of land use regulations applied to the development of properties within the district. The proposed development parcel is located at the southeast corner of this district which in this area is bounded by Rosemary Street and South Columbia Street.

#### Town Design Guidelines

**Stormwater Treatment** - The project will meet stormwater quantity and quality controls at the time of final plan development and approval. It is expected that an underground storage/treatment facility will be required and this facility has been accommodated on the proposed layout plan.

**Landscaping and tree protection** - The project will meet tree coverage requirements, and will meet landscape buffer requirements against the residential properties at the northwest corner of the parcel. Otherwise we will be requesting landscape buffer modifications.

**Access and circulation** - The project will be designed to comply with Town standards for circulation, parking, emergency access, and access for services such as utility maintenance and trash collection. We have started discussions with the Town Fire Department to ensure adequate fire coverage.

**Parking and loading** - The LUMO has no minimum parking requirement for hotels in the TC-2 zone. The parking provided on site will not exceed the maximum allowed by the LUMO. There will be underground and surface parking, approximately 70 spaces on site with an additional 18-20 spaces in an adjacent parking lot on the Town-owned parcel to the east.

**Street lights, signs and markings** - It is not anticipated that public street improvements will be required beyond the standard sidewalk and street plantings along the W Rosemary Street frontage.

**Utilities and easements** - Utilities are available to the site.

**Solid waste management** - Trash and recycling collection facilities will be provided on site in an underground space accessible to collection trucks through the north 2-way driveway. It is expected that the project will utilize a trash compactor and private trash collection service.

# W. Rosemary St. Hotel Project

## Concept Plan Application

12 September 2019

### Response to Project Summary Questions

#### Would this project demonstrate compliance with the Comprehensive Plan?

The project site is located in a Neighborhood Conservation District (Northside) and on W Rosemary Street. The applicable small area plan is the West Rosemary Development Guide, and there are also special considerations detailed in the LUMO for the NCD overlay.

The West Rosemary Development Guide was adopted by the Town in May 2017. It indicates non-residential redevelopment of the site and does not preclude a hotel use. The massing of the project is proposed to be higher at the primary street frontages (W Rosemary and S Columbia) and decrease adjacent to the residential neighborhood. To accommodate the lower massing of the building near the residential areas, the building is proposed to rise at the site interior. The project would not include affordable housing, but would offer to convey a parcel and historic home fronting on Pritchard Avenue to the Town who may elect to use the property for this use. The project would provide employment opportunities and will provide street-side improvements and public spaces. The building will consist of vertical articulation, ground floor accessibility, and variable setbacks so the development does not read as one large building against the street. The proposed design allows for the preferred street profile providing 20' public space from back of curb to face of building to allow for sidewalks and plantings.

The project is located at the southeast boundary of the Northside Neighborhood Conservation District. The land at W Rosemary Street is already zoned TC-2 and this proposal would involve extending that more intensive zone further north into portions of OI-1 and R-3. The project would need a modification to allow for increased building height.

#### Would the proposed project comply with the Land Use map?

The property is made up of six smaller parcels and there are three different land uses indicated. The land use map indicates Town/Village Center on the W Rosemary frontage, office use in the northeast corner fronting S Columbia Street, medium residential in the interior portion of the site.

#### Would the proposed project require a rezoning?

Yes.

What is the proposed zoning district?

The portion of the parcel fronting Rosemary Street and Columbia Street is currently zoned TC-2. The northeast portion of the lot is zoned OI-1. The two lots on the northwest portion of the site are currently zoned R-3. The majority of the site would be rezoned to TC-2 to allow the density and height of the proposed hotel project. The tab extending north, and the portion of the lot with Pritchard Street frontage would remain R-3.

Would the proposed project require modifications to the existing regulations?

The applicant will be asking for modifications to landscape buffers and to building height.

If there is a residential component to the project, does the applicant propose to address affordable housing?

There is no proposed residential component.

Are there existing conditions that impact the site design (i.e. environmental features such as RCD, slopes, erosion and sedimentation, retention of trees and tree stands, stormwater drainage patterns, significant views into and out of the site)?

The existing site slopes downhill to the north. The proposed design makes best use of this change in grade while maintaining connectivity between the W Rosemary Street and S Columbia Street frontages by incorporating structured parking for the hotel into the northern portion of the site. The existing site is primarily comprised of surface parking and there are no distinguishing features that would require protection or retention.

The built project will be visible to traffic traveling southbound on S Columbia Street as it ascends the hill into the downtown area. The project site assemblage is also adjacent to the historic Town Hall property and Town owned surface parking areas.

Has the applicant addressed traffic impact? Traffic and circulation issues?

The applicant will address traffic issues at the Special Use Permit phase of planning and design. The applicant has started discussions with the Chapel Hill Fire Department to ensure adequate emergency access.

Vehicular access is expected to be one way from the entry off W Rosemary to the exit through the Town-owned parking lot onto S Columbia. A third driveway access to the north will be two-way and provide access to a lower level service area for deliveries, trash collection, etc, and will also provide an exit for the parking deck.

Has the applicant discussed the project with adjacent neighbors?

The applicant anticipates meeting with neighbors in the weeks between the Community Design Commission Concept Plan presentation, and the Council Concept Plan presentation.

# West Rosemary Street Hotel

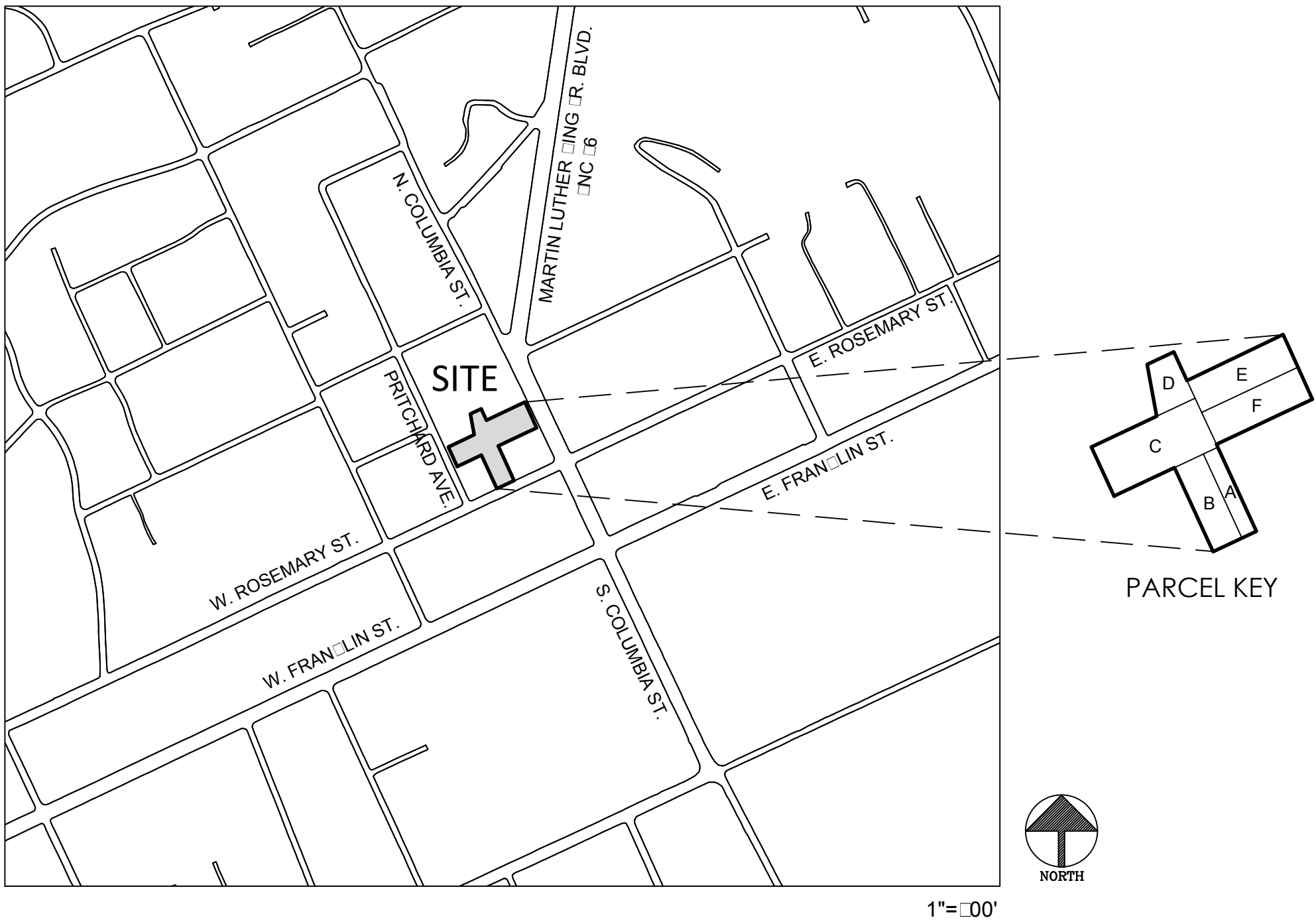
CONCEPT PLAN APPLICATION  
CHAPEL HILL, NORTH CAROLINA

CONTRACT PURCHASER / CLIENT:

SMART OLYMPIA CAROLINA LLC  
20600 CHAGRIN BOULEVARD, SUITE 705  
SHAKER HEIGHTS, OH 44122  
216-533-0500  
CONTACT: ED SMALL

APPLICANT / CONSULTANT:

LANDSCAPE ARCHITECT / LAND PLANNER:  
COULTER JEWELL THAMES, PA  
111 WEST MAIN STREET  
DURHAM, NC 27701  
919-682-0368  
CONTACT: WENDI RAMSDEN



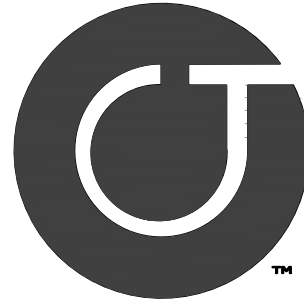
LIST OF SHEETS:

CP-0	COVER SHEET
CP-1	AREA MAP
CP-2	EXISTING CONDITIONS PLAN
CP-3	CONCEPT PLAN

PROJECT DATA:

PARCEL A:	108 WEST ROSEMARY STREET
ADDRESS	9788-37-0680
PIN	JOSEPH POLCARO TRUSTEE
OWNER	3,624.9 SF
ACREAGE	TC-2
ZONING	
PARCEL B:	114 WEST ROSEMARY STREET
ADDRESS	9788-37-0549
PIN	JOSEPH POLCARO TRUSTEE
OWNER	7,249.8 SF
ACREAGE	TC-2
ZONING	
PARCEL C:	208 PRITCHARD AVENUE
ADDRESS	9788-27-9667
PIN	JOSEPH POLCARO TRUSTEE
OWNER	15,262.3 SF
ACREAGE	R-3
ZONING	
PARCEL D:	N/A (NO STREET FRONTAGE)
ADDRESS	9788-27-9700
PIN	JOSEPH POLCARO TRUSTEE
OWNER	4,527.3 SF
ACREAGE	R-3
ZONING	
PARCEL E:	205 NORTH COLUMBIA STREET
ADDRESS	9788-37-0721
PIN	JOSEPH POLCARO TRUSTEE
OWNER	9,320.0 SF
ACREAGE	OI-1
ZONING	
PARCEL F:	205 NORTH COLUMBIA STREET
ADDRESS	9788-37-0647
PIN	JOSEPH POLCARO TRUSTEE
OWNER	9,166.9 SF
ACREAGE	TC-2
ZONING	
GROSS LAND AREA:	49,151.2 SF / 1.128 AC
LAND USE:	
EXISTING	VACANT COMMERCIAL, CONVERTED RESIDENCES, ONE SINGLE FAMILY RESIDENTIAL HOTEL
PROPOSED	
ZONING:	
PROPOSED	OI REZONE TO TC-2 R-3 REZONE TO TC-2
ALLOWABLE FAR FOR PROPOSED ZONE:	1.97 MAX.
EXISTING BUILDINGS:	- 1,250 SF ONE STORY BRICK BUILDING TO BE REMOVED - 1,114 SF TWO STORY WOOD FRAME HOUSE TO BE REMOVED - 1,435 SF TWO STORY WOOD FRAME HOUSE TO BE REMOVED
PROPOSED BUILDINGS:	HOTEL +/- 25,300 SF FOOTPRINT (+/- 95,000 SF TOTAL) +/- 140 ROOMS
BUILDING HEIGHT:	4-7 STORIES
VEHICULAR PARKING:	
REQUIRED	N/A (TOWN CENTER DISTRICT)
MAXIMUM	126 (0.9 PER LODGING UNIT - 140 X 0.9 = 126)
PROPOSED	APPROX 70 SPACES ON-SITE
BICYCLE PARKING:	
REQUIRED	9 (1 PER 15 LODGING UNITS - 140 / 15 = 9)
PROPOSED	10 SPACES (5 LOOPS)

ENGINEERING · PLANNING · LANDSCAPE ARCHITECTURE



Coulter  
Jewell  
Thames<sup>PA</sup>

111 West Main Street  
Durham, N.C. 27701  
p 919.682.0368  
f 919.688.5646  
www.cjtpa.com

NC BOARD OF EXAMINERS FOR  
ENGINEERS AND SURVEYORS  
LIC # C-1208  
NC BOARD OF LANDSCAPE  
ARCHITECTS LIC # C-104

305

Project:

West  
Rosemary  
Street  
Hotel

108 W. Rosemary St.

Orange County,  
North Carolina

PIN:  
9788-37-0680  
9788-37-0549  
9788-27-9667  
9788-27-9700  
9788-37-0721  
9788-37-0647



PRELIMINARY-DO NOT  
USE FOR CONSTRUCTION

Job Number: 1963

Drawn	WLR, MTC
Checked	WLR
Date	9-12-19 Concept Submittal
Revisions	

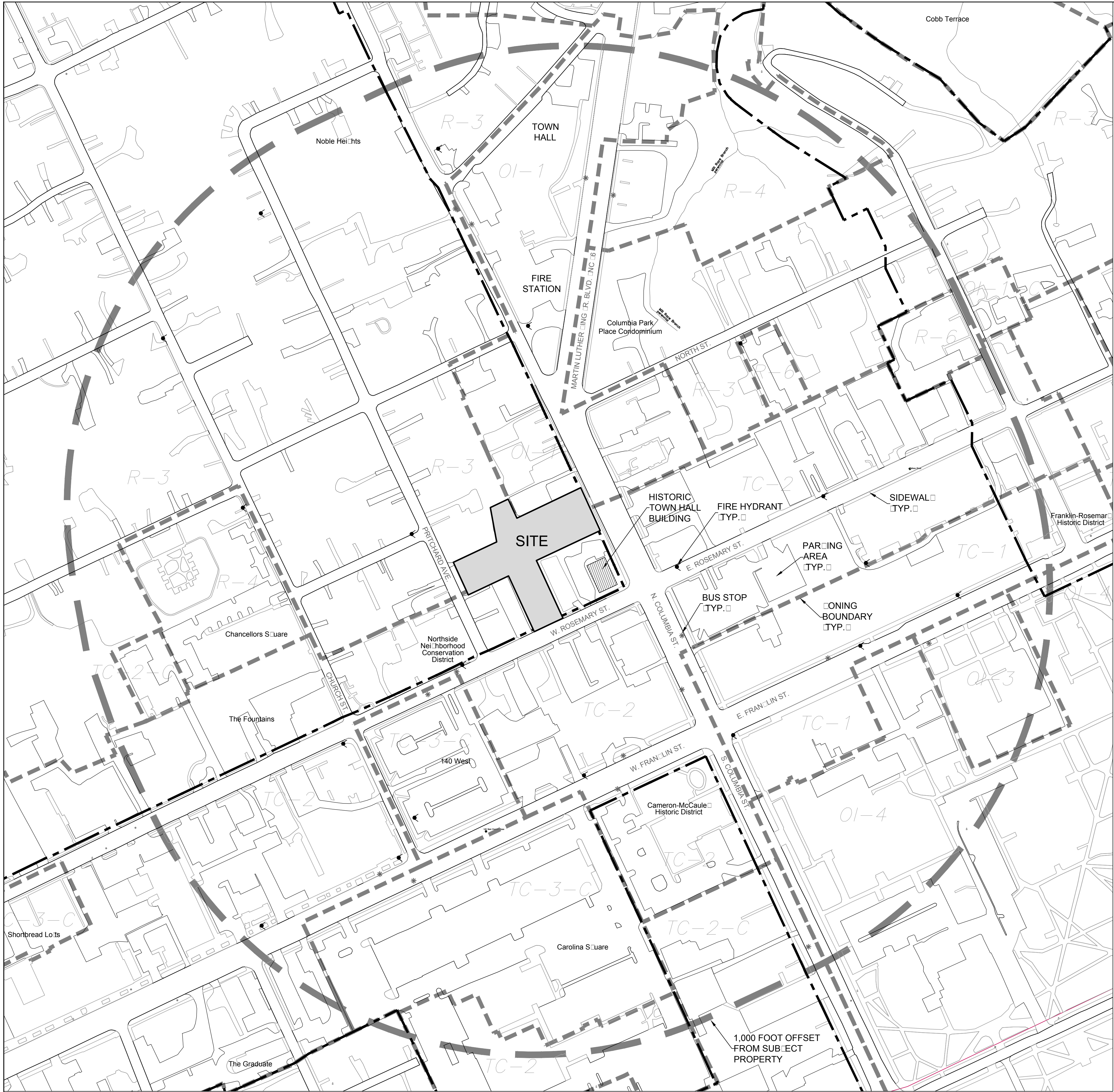

concept plan

Sheet Title:

COVER  
SHEET

Sheet Number

CP-0





**LEGEND**

Water Valve  
Yard Inlet  
Curb Inlet/Catch Basin  
Mail Box  
Traffic Signal Box  
Electric Transformer  
Electric Junction Box  
Gas Meter  
Sanitary Sewer Manhole  
Storm Sewer Manhole  
Telephone Manhole  
Electric Manhole  
Sign  
Telephone Pedestal  
Fire Hydrant  
Fire Department Connection  
Post Indicator Valve  
Water Manhole  
Water Meter  
Hot Box  
Utility Pole  
Guy Wire  
Light Pole  
Sewer Cleanout  
Flared End Section  
Gas Valve  
Existing Iron Pipe (3/4" unless noted)  
1/2" Rebar  
1/2" Iron Pipe Set  
Existing PK Nail  
PK Nail Set  
Computed Point  
Concrete Monument  
Tree Line

Fences  
Underground Electric  
Underground Telephone  
Gas Line  
Water Line  
Overhead Utilities  
Storm Sewer  
Sanitary Sewer  
Guard Rail

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NC BOARD OF EXAMINERS FOR  
ENGINEERS AND SURVEYORS  
LIC # C-1208  
NC BOARD OF LANDSCAPE  
ARCHITECTS LIC # C-104

307

Project:

West  
Rosemary  
Street  
Hotel

108 W. Rosemary St.  
Orange County,  
North Carolina

PIN:  
9788-37-0680  
9788-37-0549  
9788-27-9667  
9788-27-9700  
9788-37-0721  
9788-37-0647

PRELIMINARY-DO NOT  
USE FOR CONSTRUCTION

Job Number: 1963

Drawn: WLR, MTC  
Checked: WLR  
Date: 9-12-19 Concept Submittal  
Revisions:

Concept Plan

Sheet Title:

ESTIMATED  
CONDITIONS

Sheet Number  
CP-2





# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

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**Item #:** 16., **File #:** [19-0945], **Version:** 1

**Meeting Date:** 11/13/2019

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**Concept Plan Review: Evolve, 1701 Martin Luther King Jr. Blvd. (Project #19-111)**

See the Staff Report on the next page.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

**PRESENTER:** Kari Grace, Senior Planner

- a. Review of process
- b. Presentation by the applicant
- c. Comments from the Community Design Commission
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Motion to adopt a resolution transmitting Council comments to the applicant.

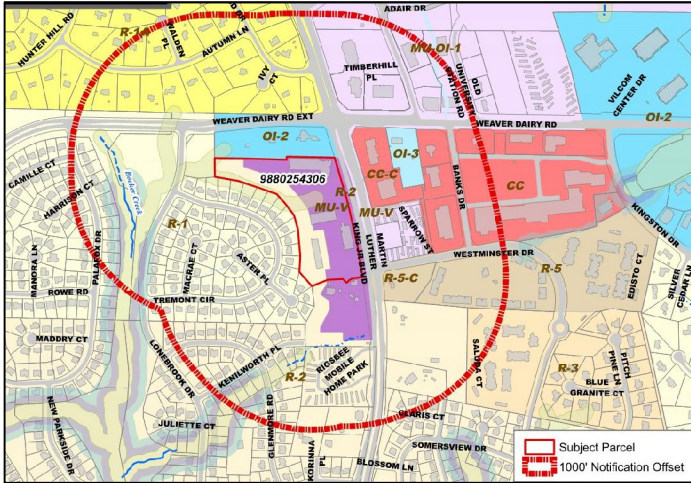
**RECOMMENDATION:** That the Council adopt the resolution transmitting comments to the applicant.



# CONCEPT PLAN REVIEW: Evolve 1701 North, 1701 Martin Luther King Jr. Blvd.

## STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
Judy Johnson, Interim Director  
Kari Grace, Senior Planner

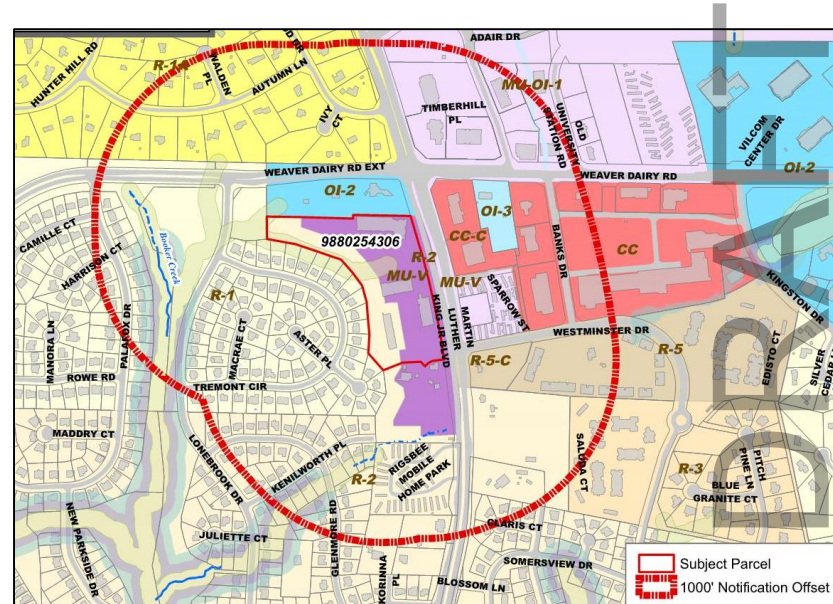
<b>ADDRESS</b> 1701 Martin Luther King Jr. Blvd.	<b>DATE</b> November 13, 2019	<b>APPLICANT</b> Thomas Johnson, Williams Mullen
<b>STAFF'S RECOMMENDATION</b> That the Council adopt the resolution transmitting comments to the applicant.		
<b>PROCESS</b> <ul style="list-style-type: none"> <li>Hear the applicant's presentation</li> <li>Receive Community Design Commission (September 24, 2019 meeting) and Housing Advisory Board (November 12, 2019) comments</li> <li>Hear public comments tonight</li> <li>Offer suggestions to the applicant</li> </ul> <p>Comments Statements by individual Council members on a concept plan are not a commitment on an official position for a formal application.</p>	<b>DECISION POINTS</b> <p>The Applicant requests a special use permit modification, which requires a Concept Plan review by Council. Rezoning may be needed if requirements of the MU-V zoning district are not met.</p> <p>Staff advised the applicant to discuss their preferred process with Council.</p>	
<b>PROJECT OVERVIEW</b> <p>Floor Area: approximately 206,000 SF Acres: approximately 10 AC Current zoning: Mixed Use-Village (MU-V) and Residential-1(R-1)</p> <p>The Concept Plan includes:</p> <ul style="list-style-type: none"> <li>Modification to SUP</li> <li>Re-allocation of 5,800 SF of commercial use to residential use</li> </ul>	<b>PROJECT LOCATION</b> 	
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>Draft Staff Presentation</li> <li>Resolution A</li> <li>Community Design Commission comments from September 24, 2019</li> <li>Application</li> <li>Developer's Justification</li> <li>Plan Set</li> </ol>	

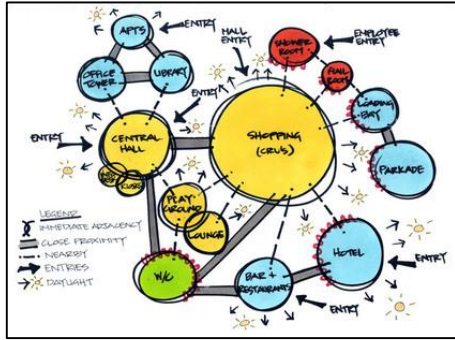


# Evolve 1701 North Concept Plan

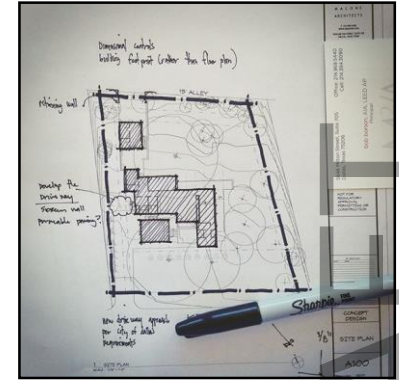
# Town Council Public Hearing

# November 13, 2019



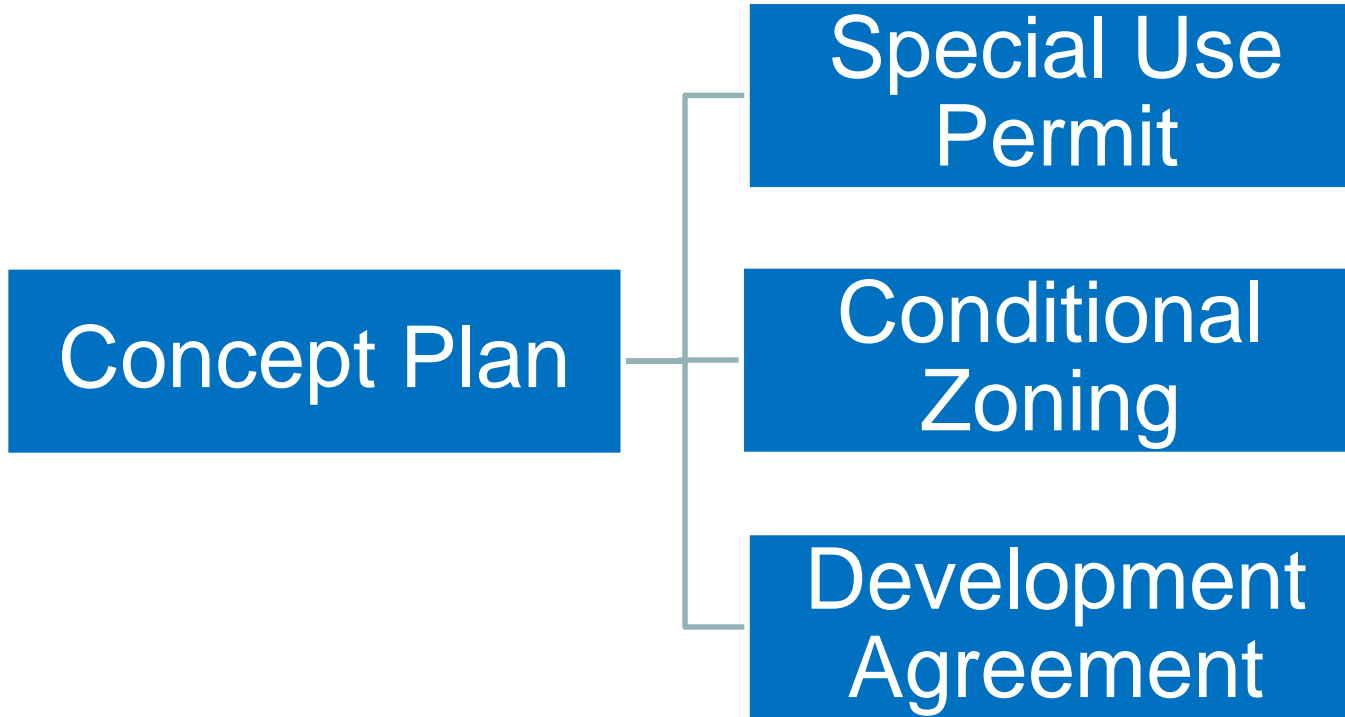


## Concept Plans



- **No Decision; Feedback Only**
  - Applicant presents rough initial sketch
  - Staff does not conduct formal review of concept
  - Instead forwards sketch for preliminary feedback

313



DRAFT

Adopt a Resolution, transmitting comments to the applicant regarding the proposed development.

DRAFT

# Evolve 1701 North – Existing Conditions

315

- Existing development with approved Special Use Permit
- SUP requires a minimum of 25% of floor area in MU-V be office/commercial uses at build out
- 145 dwelling units in MU-V portion
- Vacant 5,800 SF space designated for commercial in approval



- # 300 SF space in Building A to

- Receive Community Design Commission comments
- Receive Housing Advisory Board comments

DRAFT

Adopt a Resolution, transmitting comments to the applicant regarding the proposed development.

DRAFT

A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR EVOLVE 1701 NORTH, 1701 MARTIN LUTHER KING JR. BLVD. (2019-11-13/R-13)

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill for Evolve 1701 North, 1701 Martin Luther King Jr. Blvd.; and

WHEREAS, the Council has the opportunity tonight to hear this applicant's presentation, receive a set of comments from the Community Design Commission, the Housing Advisory Board, hear public comments, and offer suggestions to the applicant; and

WHEREAS, the Council has heard presentations from the applicant and members of the public; and

WHEREAS, statements by individual Council members this evening are not an official position or commitment on the part of a Council member with respect to the position he or she may take when and if a formal application for development is subsequently submitted to the Council for formal consideration; and

WHEREAS, the Council has discussed the proposal, with Council members offering reactions and suggestions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmits comments to the applicant regarding this proposal, as expressed by Council members during discussions on November 13, 2019 and reflected in minutes of that meeting.

This the 13th day of November, 2019.

SUMMARY OF A CONCEPT PLAN REVIEW-Change of Use  
1701 Martin Luther King Jr. Boulevard-Evolve  
COMMUNITY DESIGN COMMISSION

September 24<sup>th</sup>, 2019

The Community Design Commission conducted a concept plan review for 1701 MLK-Evolve on September 24<sup>th</sup>, 2019. The project proposes an interior change of use from commercial to residential space. Key points made by members of the Commission and Public about the concept plan include:

- Multiple commissioners expressed support of the change if the residential units are classified for converted to affordable housing.
- One commissioner expressed caution to endorse the change given the recent approval of SECU-Charterwood on the adjacent property.
- One commissioner encouraged the applicant to investigate neighborhood service/retail or consider flex-space for start-ups
- One commissioner was supportive of the change given the existing retail has remained vacant and referenced the timid approach to providing retail as the root cause for current vacancy.





TOWN OF CHAPEL HILL  
 Planning Department  
 405 Martin Luther King Jr. Blvd.  
 Chapel Hill, NC 27514  
[www.townofchapelhill.org](http://www.townofchapelhill.org)  
 phone (919) 969-5040

Concept Plans are intended to be an opportunity for the Town Council and some Boards and Commissions, and the community to review and consider major development proposals and their potential benefits and impacts. Applicants propose a Concept Plan with the expectation of receiving feedback on their development idea.

The following are questions that the Council may ask of an applicant during the discussion of a Concept Plan. The attached application addresses the topics below. Please contact our staff if you have any questions or if we can provide additional information ([planning@townofchapelhill.org](mailto:planning@townofchapelhill.org))

1. Would this project demonstrate compliance with the Comprehensive Plan?
  - a. Compliance with:
    - Small Area Plan
    - Overlay Zone / NCD
    - Study Area:
    - Land Use Plan
2. Would the proposed project comply with the Land Use map?
3. Would the proposed project require a rezoning?
4. What is the proposed zoning district?
5. Would the proposed project require modifications to the existing regulations?
6. If there is a residential component to the project, does the applicant propose to address affordable housing?
  - Has the applicant presented its Concept Plan to the Housing Advisory Board (this is a voluntary step in the process)?
  - Has the applicant met with appropriate Town staff to discuss affordable housing policy, expectations and options?
  - Is the project for ownership or rental?
7. Are there existing conditions that impact the site design (i.e. environmental features such as RCD, slopes, erosion and sedimentation, retention of trees and tree stands, stormwater drainage patterns, significant views into and out of the site)
8. Has the applicant addressed traffic impacts? Traffic and circulation issues?
9. How is the application compatible with the surrounding neighborhood and/or district?
10. Has the applicant discussed the project with adjacent neighbors?



## CONCEPT PLAN APPLICATION

Parcel Identifier Number (PIN): 9880254306

Date: 8/27/2019

### Section A: Project Information

Project Name: Evolve 1701 North

Property Address: 1701 N. Martin Luther King Jr Blvd. Zip Code: 27516

Use Groups (A, B, and/or C): A,B & C Existing Zoning District: MU-V

Project Description: Mixed use development with multi-family, office & commercial space

### Section B: Applicant, Owner and/or Contract Purchaser Information

#### Applicant Information (to whom correspondence will be mailed)

Name: Thomas H. Johnson, Jr. - Williams Mullen (Attorney & Agent for owner)

Address: 301 Fayetteville Street, Suite 1700

City: Raleigh State: NC Zip Code: 27601

Phone: 919-981-4006 Email: tjohnson@williamsmullen.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:  Date: 8/27/19

#### Owner/Contract Purchaser Information:

☒ Owner

☐ Contract Purchaser

Name: Chapel Hill Housing, LLC

Address: 111 Princess Street

City: Wilmington State: NC Zip Code: 28402

Phone: 910-763-4669 Email: adamtucker@zdc.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:  Date: 8/27/19



## Concept Plan Project Fact Sheet

Site Description	
Project Name	Evolve 1701 North
Address	1701 N Martin Luther King Jr Blvd
Property Description	10 acre site near MLK Jr Blvd & Weaver Dairy Rd.; Currently built with 145 apartments, 9 townhomes and 1 Commercial space
Existing Land Use	Multi-family residential apartments, townhomes and commercial space
Proposed Land Use	Multi-family residential apartments, townhomes and commercial space
Orange County Parcel Identifier Numbers	9880254306
Existing Zoning	MU-V
Proposed Zoning	MU-V (Conditional)
Application Process	Special Use Modification
Comprehensive Plan Elements	1.) Complements surrounding developments; 2.) No additional impervious area; 3.) Encourage mass transit along main thoroughfares and 4.) Maintain green/recreation space with higher density housing
Overlay Districts	

Topic	Requirement	Proposal	Status
Use/Density ( <a href="#">Sec 3.7</a> )	Mixed Use with 25% office / commercial space	Mixed Use with approx. 7.5% office / com. space	
Dimensional Standards ( <a href="#">Sec. 3.8</a> )	Density = 20 units/ acre	Max = 20 units/acre	
Floor area ( <a href="#">Sec. 3.8</a> )	250,000 sq. ft.	206,000 sq. ft. (no change to existing)	
Modifications to Regulations ( <a href="#">Sec. 4.5.6</a> )	25% of floor space must be office/ commercial space	5% of floor space to be office/commercial space	
Adequate Public Schools ( <a href="#">Sec. 5.16</a> )	Required for approval of SUP modification	Pending review of original certificate	
Inclusionary Zoning ( <a href="#">Sec. 3.10</a> )	Required	Included in original SUP	
Landscape			
Buffer – North ( <a href="#">Sec. 5.6.2</a> )	Type C required	20' Type C Buffer existing	
Buffer – East ( <a href="#">Sec. 5.6.2</a> )	Type C Required	20' Type C Buffer existing	
Buffer – South ( <a href="#">Sec. 5.6.2</a> )	Type C Required	20' Type C Buffer existing	
Buffer - West ( <a href="#">Sec. 5.6.2</a> )	Type C required	Consent order tree buffer existing	



Tree Canopy ( <a href="#">Sec. 5.7</a> )	30%	No changes proposed	
Landscape Standards ( <a href="#">Sec. 5.9.6</a> )	Required	Type C buffer existing, no changes proposed	
<b>Environment</b>			
Resource Conservation District ( <a href="#">Sec. 3.6</a> )	N/A	N/A	
Erosion Control ( <a href="#">Sec. 5.3.1</a> )	Required for land disturbances	No additional land disturbing work proposed	
Steep Slopes ( <a href="#">Sec. 5.3.2</a> )	N/A	N/A	
Stormwater Management ( <a href="#">Sec. 5.4</a> )	Stormwater management system required	Existing, no additional required or proposed	
Land Disturbance	N/A	No additional land disturbances proposed	
Impervious Surface ( <a href="#">Sec. 3.8</a> )	Maximum 0.70 impervious surface ratio	227,446 sf existing, no additional proposed (Gross land area = 686,143sf)	
Solid Waste & Recycling		Existing, no changes proposed	
Jordan Riparian Buffer ( <a href="#">Sec. 5.18</a> )	N/A	N/A	
<b>Access and Circulation</b>			
Road Improvements ( <a href="#">Sec. 5.8</a> )	Improvements to roadway for smooth traffic flow and turning points	Existing, no changes proposed	
Vehicular Access ( <a href="#">Sec. 5.8</a> )	Access to publicly maintained road required	2 ingress/egress locations existing	
Bicycle Improvements ( <a href="#">Sec. 5.8</a> )	Bicycle access improvements required	Existing, no changes proposed	
Pedestrian Improvements ( <a href="#">Sec. 5.8</a> )	Access to pedestrian walkways required	Existing, no changes proposed	
Traffic Impact Analysis ( <a href="#">Sec. 5.9</a> )	N/A	N/A	
Vehicular Parking ( <a href="#">Sec. 5.9</a> )	For Commercial: 17 spaces required For Residential: 224 spaces required	304 spaces existing, no additional required	
Transit ( <a href="#">Sec. 5.8</a> )	Access to public transit required	Existing, no changes proposed	
Bicycle Parking ( <a href="#">Sec. 5.9</a> )	1 space/ 4 dwelling units	86 spaces existing, no additional required	
Parking Lot Standards ( <a href="#">Sec. 5.9</a> )	Off street parking for vehicles and bicycles required	Existing, no additional required or proposed	
<b>Technical</b>			



Fire			
Site Improvements			
Schools Adequate Public Facilities ( <a href="#">Sec. 5.16</a> )	Required for approval of SUP modification	Pending review of original certificate	
Recreation Area ( <a href="#">Sec. 5.5</a> )	0.218 ratio required	20,986 sq. ft. existing	
Lighting Plan ( <a href="#">Sec. 5.11</a> )	Standards for outdoor lighting required	Existing, no changes proposed	
Homeowners Association ( <a href="#">Sec. 4.6</a> )	N/A	N/A	

Symbol	Meaning	Symbol	Meaning
	Meets Standard	<b>M</b>	Modification necessary
NA	Not Applicable	UNK	Not known at this time



## Checklist

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning and Sustainability at (919)968-2728 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org).

<input checked="" type="checkbox"/>	<b>Application fee</b> <u>(refer to fee schedule)</u>	Amount Paid \$ <input type="text" value="380"/>
<input checked="" type="checkbox"/>	<b>Pre-application meeting</b> – with appropriate staff	
<input checked="" type="checkbox"/>	<b>Digital Files</b> - provide digital files of all plans and documents	
<input checked="" type="checkbox"/>	<b>Concept Project Fact Sheet</b>	
<input checked="" type="checkbox"/>	<b>Statement of Compliance with Design Guidelines</b> (1 copies)	
<input checked="" type="checkbox"/>	<b>Statement of Compliance with Comprehensive Plan</b> (1 copies)	
<input type="text" value="N/A"/>	<b>Affordable Housing Proposal, if applicable</b> (Rezoning Policy or Inclusionary Ordinance)	
<input checked="" type="checkbox"/>	<b>Mailing list of owners of property within 1,000 feet perimeter of subject property</b> <u>(see GIS notification tool)</u>	
<input checked="" type="checkbox"/>	<b>Mailing fee for above mailing list</b>	Amount Paid \$ <input type="text" value="235"/>
<input checked="" type="checkbox"/>	<b>Developer's Program – brief written statement explaining how the existing conditions impact the site design. Including but not limited to:</b>	
	<ul style="list-style-type: none"> <li>• Natural features of site</li> <li>• Access, circulation, and mitigation of traffic impacts</li> <li>• Arrangement and orientation of buildings</li> <li>• Natural vegetation and landscaping</li> <li>• Impact on neighboring properties</li> <li>• Erosion, sedimentation, and stormwater</li> </ul>	
<input checked="" type="checkbox"/>	<b>Resource Conservation District, Floodplain, &amp; Jordan Buffers Determination</b> - necessary for all submittals	
<input checked="" type="checkbox"/>	<b>Reduced Site Plan Set (reduced to 8.5"x11")</b>	

2012-09-24 / R-6  
(included in original submission)

## Plan Sets (1 copies to be submitted no larger than 24"x36")

Plans should be legible and clearly drawn. All plan sets sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks and buffers
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable



## Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names.
- f) 1,000' notification boundary

## Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries

## Proposed Site Plan

- a) Existing building locations
- b) General location of proposed structures
- c) Parking areas
- d) Open spaces and landscaped areas
- e) Access points and circulation patterns for all modes of transportation
- f) Approximate locations of trails, pedestrian and bicycle connections, transit amenities, and parking areas
- g) Approximate location of major site elements including buildings, open areas, natural features including stream buffers, wetlands, tree stands, and steep slopes
- h) Proposed land uses and approximate location

JUSTIFICATION FOR MODIFICATION TO SPECIAL USE PERMIT  
FOR EVOLVE 1701 NORTH (the "Project")

This Special Use Permit was approved for this Project as mixed-use with 25% office and commercial. The owner has aggressively tried to lease the commercial space without success. Therefore, the owner is requesting the Special Use Permit be modified to convert the commercial space to six additional one-bedroom apartments. The Project is not otherwise being modified.

In looking at the area, an 8,000 square foot bank is to be constructed on the adjacent property which will more than compensate for the loss of 5,800 in commercial space on this site. The area is already well served by existing commercial and office space in the to the east and northeast of the project located at the intersection of MLK Jr. Boulevard and Weaver Dairy Road. Such abundant existing space has prevented the owner from leasing its commercial space as the market in this area is saturated with existing office and commercial uses. As a result, the Project already has significant office and commercial uses in close walking distance to serve its residents. In addition, the Project is at the intersection of two major thoroughfares with convenient access to public transit. In this instance the area when viewed as a whole has an excellent mix of uses without the need for any commercial space within this Project.

This request is consistent with good planning and the comprehensive plan by providing residential properties in close proximity to commercial and office properties which reduces trips. Also, converting the commercial space to residential will reduce traffic as well.

