

Amy Harvey

From: Jeanette Coffin
Sent: Wednesday, October 11, 2023 3:48 PM
To: halister@bellsouth.net
Cc: Adam Searing; Amy Ryan; Camille Berry; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Paris Miller-Foushee; Tai Huynh; Amy Harvey; Ann Anderson; Carolyn Worsley; CHRIS BLUE; James Baker; Loryn Clark; Mary Jane Nirdlinger; Ross Tompkins; Sabrina Oliver; Shay Stevens
Subject: FW: Hillmont materials for Town Council meeting 10/11
Attachments: Presentation 231011.docx; Proposed Pedestrian path.png; Brenda to TC.pdf; Layton to TC.pdf; Lodge_Town_Council.docx; Traffic at Woodmont.docx; 8b-Woodmont.MLUP.9.08.doc; Durham Woodmont Comments.pdf; Woodmont MLUP map.pdf

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin



Jeanette Coffin
Office Assistant
[Town of Chapel Hill Manager's Office](#)
[405 Martin Luther King Jr. Blvd.](#)
[Chapel Hill, NC 27514](#)
(o) 919-968-2743 | (f) 919-969-2063

From: Henry Lister <halister@bellsouth.net>
Sent: Wednesday, October 11, 2023 2:58 PM
To: All Agenda Materials <allclerk@townofchapelhill.org>; Town Council <mayorandcouncil@townofchapelhill.org>
Subject: Hillmont materials for Town Council meeting 10/11

External email: Don't click links or attachments from unknown senders. To check or report click the [Phish Alert Button](#)

To the Town Clerk,
Please accept and distribute to members of the Town Council the attached materials in anticipation of tonight's meeting regarding Hillmont.
Thank you very much.

Henry Lister
123 Little John Rd.
Sherwood Forest
919-215-9030 c

"At times our own light goes out & is rekindled by a spark from another person. Each one of us has cause to think with deep gratitude of those who have lighted the flame within us." Albert Schweitzer

This is a detailed site plan for a proposed development, likely a school or community center. The plan shows a central area with several building footprints, parking lots, and green spaces. The development is bounded by Barker Chapel Road to the north and east, and Finley Forest Drive to the south. To the west, it is adjacent to a road labeled 'BARKER CHAPEL ROAD EAST'. The plan includes various landscaping elements, such as trees, shrubs, and ponds. Existing structures and roads are shown in a lighter color, while the proposed development is highlighted in a darker color. The plan also shows a network of roads, including 'BARKER CHAPEL ROAD', 'FINLEY FOREST CR', and 'FINLEY FOREST DRIVE'. The overall layout suggests a well-planned, integrated development that blends with the surrounding environment.

Traffic Concerns Regarding the Hillmont Proposal
Submitted by Henry Lister, supported by residents of Sherwood Forest
October 11, 2023

No discussion of the effect of Hillmont has included a discussion of what 3000 daily vehicle trips do to the area's environment except for how the traffic has affected the flow of traffic through intersections. We contend that such illustrations, such TIAs, ignore or gloss over the effect of pedestrian uses. This essay explains the problems, and proffers a solution, to the current traffic problems.

When NC-54 was realigned and made a 4-lane road, what is now Stancell Road was left intact from Barbee Chapel Road to Downing Creek. This "service" road provided access to what is now the Hillmont property where a small landscape business, a private home in the back of the now Hillmont property, and a couple of passive warehouses sat. Additionally, the road provided access a convenience market, a photo studio, a car wash, Sherwood Forest and Downing Creek. The road was never intended to support constant traffic. Now, hundreds of people in the residential communities use Stancell Road to exercise or walk to Meadowmont, or the bus at the Friday Center, or to the University, often competing with automobile traffic.

As development in the area has increased, so has the use of Stancell Road to access the gas station, or as is more common, to avoid having to wait traffic light to turn left onto Barbee Chapel Road. This use often involves cars speeding along Stancell Road and driving through the stop signs at Little John Rd. intersection, creating increasingly dangerous conditions for cars and people using Stancell Road. The letter by Evan Lodge gives a clear picture of the conflict between cars and people.

The proposed Hillmont development would contain a maximum of 500 units. A project of this size will generate over 3000 daily trips in and out of the development directly onto Stancell Road. When the previous project (Woodmont) was awarded an SUP, the staff at the Durham Planning Department (included in Council packet 10/11/23) provided a courtesy review of traffic issues. Item #2 stated that many of the recommended or required roadway improvements appear:

"impracticable [sic] or infeasible to construct, therefore we cannot provide final comments about the potential traffic impacts and needed mitigation improvements until NCDOT (Congestion Management and District Engineer) has completed their review of the TIA. Once NCDOT has completed their review of the TIA, we recommend a meeting be held with municipalities, NCDOT, and the applicant to determine the required roadway improvements."

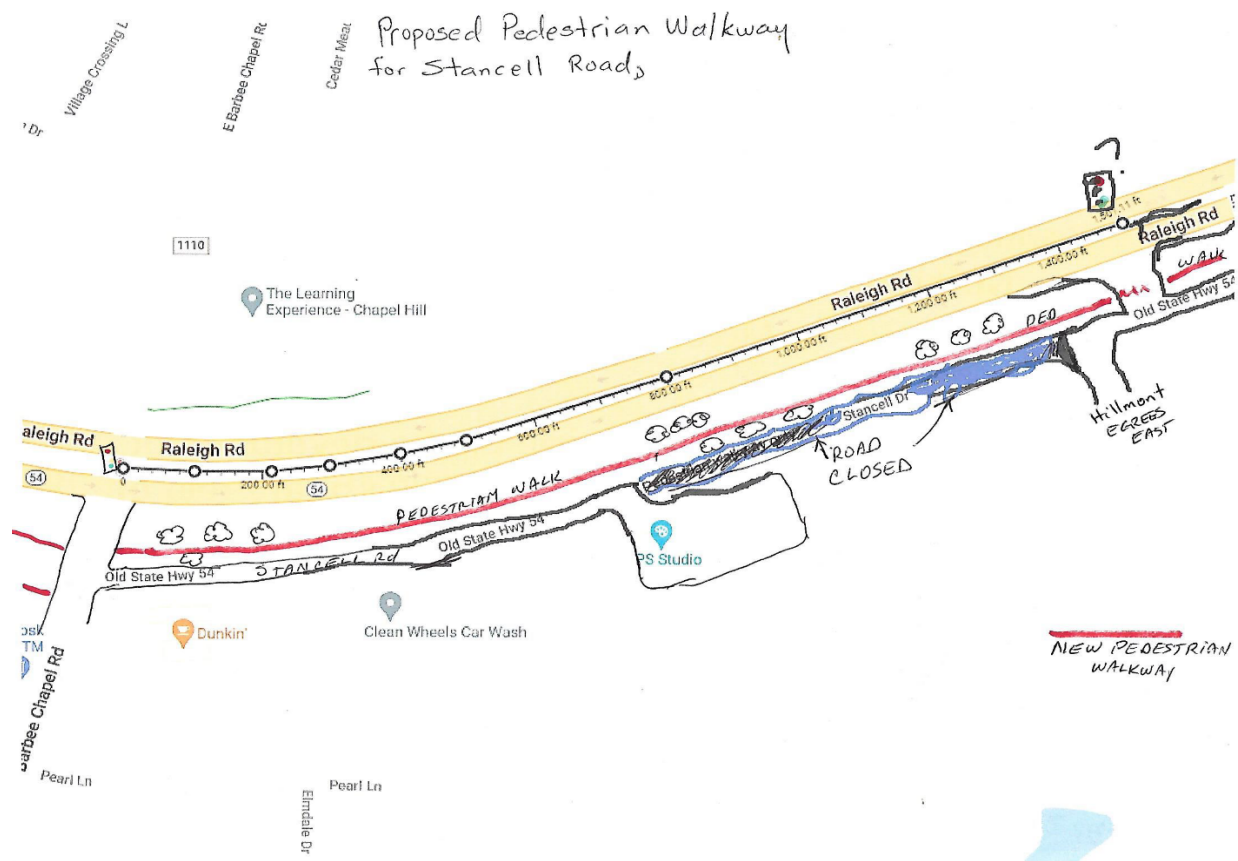
**Traffic Concerns Regarding the Hillmont Proposal
Submitted by Henry Lister, supported by residents of Sherwood Forest
October 11, 2023**

While any TIA describes the effect of traffic on intersections, there is no description of characterization of the effect of the traffic on local conditions. TIAs are designed to describe the effect on the efficiency of traffic movement. But what is lacking is a description of the effect on the human environment.

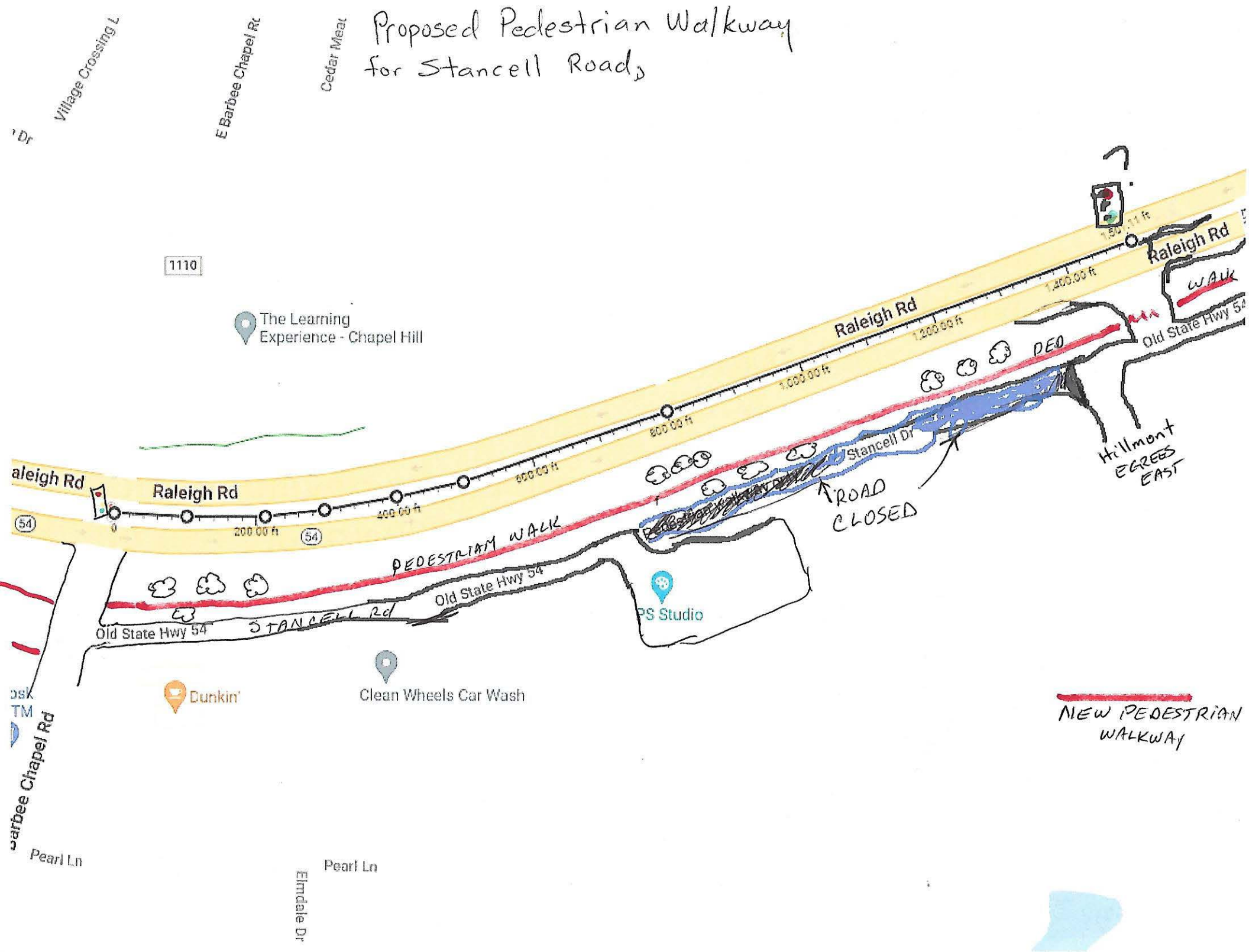
Therefore, we have proposed the following (see below).

1. Close Stancell Road between the PhotoShop and the east egress proposed by Hillmont. Close Little John Road's access to NC-54, and create a new traffic lighted outlet onto NC-54 to accommodate Sherwood Forest and Hillmont traffic.
2. Create a pedestrian pathway through the verge between NC-54 and Stancell Road extending from Barbee Chapel Road to Downing Creek. This path would be 6-foot wide and landscaped like much of the path adjacent to the 54 East office buildings.

The goal of these recommendations is to mitigate the extensive traffic created by the Hillmont development while creating new pedestrian opportunities. We hope that you appreciate the difficulty any new traffic poses to an already vexing problem in this area that would be exacerbated by Hillmont.



Proposed Pedestrian Walkway for Stancell Roads



The residents of Sherwood Forest agree that affordable housing be built, especially as close to the University as it is. The presentation is not in opposition to the project per se but illustrates serious concerns in the hope that this Council will join with us to make Hillmont the best development project it can be. There are numerous concerns from residents in Sherwood Forest and Downing Creek, but here I will make a point of three vital concerns regarding neighborhood safety and preservation.

1. It is hoped that this Council honors the work and arrangements agreed to by previous Councils. In 2008, this Council granted a set-back between residents on the west side of Little John Road to a significant buffer of at least 75 feet. The Morgan apartments, to our south, granted Sherwood Forest a 100-foot setback. A 20- to 30-foot buffer is insufficient to protect homeowners from being overwhelmed by a 4-story building essentially in their back yard and parking lot that points headlights directly into people's homes. You can refer to the exhibit labelled "Woodmont on 54 East Master Land Use Plan" to see the buffers granted in 2008. As we have mentioned at multiple board and commission hearings, switching the location of the apartments and townhomes would reduce the pressure for large buffers for Sherwood Forest homeowners. We request reasonable buffers.
2. Pedestrian and bicycle paths. Most of NC 54 has an asphalt path, well maintained and amidst trees and bushes along the south border from Barbee Chapel Road to where the 54-501 bypass bridge crosses Raleigh Road. However, from Barbee Chapel Rd to Downing Creek pedestrians use

Stancell Road. (See accounts provided to you by residents about the problems between cars and pedestrians on Stancell Rd.)

A suitable solution is to extend a path in the verge between NC54 and Stancell Road. This pathway could be landscaped and provide a much needed and safer pedestrian walkway to Downing Creek and Sherwood Forest. (See handout drawing, "Proposed Pedestrian Walkway for Stancell Road").

3. Having two egresses onto Stancell Road to accommodate over 500 vehicles will add significantly to the traffic problems and pedestrian risk, since many people use Stancell to walk to the bus stop at the Friday Center and bike to UNC. The **Memorandum** to the Town Manager from senior staff of September 8, 2008 (Woodmont on NC 54 East Application for Master Land Use Plan (File No. 9798-04-71-8729, in your information packet) spells out numerous traffic and pedestrian requirements required at that time for the MLUP approval. NONE of the conditions spelled out in that memorandum for the Woodmont SUP have improved or been addressed. However, the expiration of the SUP should not negate the concerns of previous council members who spent considerable time working with the then developer to attempt to resolve pressing issues. The truth is that it would be irresponsible to put over 3000 daily trips onto Stancell Road, old NC54, now reduced to a service road used by innumerable pedestrians who already compete with automobiles. I have submitted a more comprehensive overview of the impact of Hillmont traffic on Stancell Road.

We humbly ask this Council to seriously consider these, and other concerns, as you work toward improving Hillmont's proposal. Please preserve and protect our neighborhood, in place for 75 years, and seek a mutual resolution to so many important issues.

Issues with Hillmont deserving discussion.

- Buffers
- Traffic
- Pedestrian mobility
- Size of buildings
- Protection of tree canopy
- Stormwater effects on culvert through Sherwood Forest
- Stormwater effects on homes on west side of Little John Road
- Light pollution
- Location of trash compactor and collection
- School impacts
- Lack of public transportation/ car centric housing
- Inaccessible to buses

unconscious, bleeding from multiple injuries on her head and extremities, and she was visibly pregnant. The car that had just run her over was pulled over on the shoulder, the driver exiting to call 911. As someone near the end of my medical training, I pulled off the road, dropped my bike in the grass, and hurried over to examine my neighbor and instruct the driver (who was noticeably panicking) on what to communicate to EMS regarding her condition. I stayed with her for 20 minutes before watching her speed away in the back of an ambulance, bound for the same place I was now late for work.

I was shaken – while I didn't know this neighbor by name at the time, I *knew*, in some sense, her experience. Not the crash, but I have commuted by bike full time in multiple different cities since 2012 I have rarely biked a road that feels as unsafe for pedestrians as Stancell. The spot where she was struck while walking on the minimal shoulder, a place directly in front of the proposed development, is a place I have almost been hit many times despite wearing the brightest lights and clothing I can muster.

I am in favor of any development in Chapel Hill that will increase housing availability and decrease costs. But the current proposition, with two egresses onto Stancell that will add thousands of daily trips is asking for more serious pedestrian injuries and, god forbid, fatalities. I would invite any of the Council members who have not visited this location to come and spend a day watching the pedestrians along Stancell Dr. You will see babies in strollers, young children on bikes, commuters walking and biking to work or the Friday Center bus, retirees getting their exercise. And all of us will have our heads on a swivel because we know the road is not safe.

I urge the council to think seriously about the traffic and pedestrian safety implications of this development, which must rely on already constrained entrances to 54 via Stancell Dr. At the very least, extend the public walk-way from Barbee Chapel to Downing Creek along Stancell. The land is available between 54 and Stancell and would certainly be improved by a new walk-way and additional trees to provide noise protection and cooling shade. I would also urge the Council to consider other changes, including restructuring of the entrances to 54 from Stancell to encourage less, and slower, traffic along our small access road. I understand that the Council and developers cannot change history and are, in some sense, boxed in by prior developments. But they can ensure that Chapel Hill residents remain safe by taking the time to seriously consider what the proposed development will mean for everyone already living in this area (as well as those who will, one day, inhabit the new development itself).

Thank you.

Re: Hillmont and Town Council

From: Jennifer Layton (jenn@allcreaturesrescue.org)

To: halister@bellsouth.net

Date: Thursday, April 7, 2022 at 04:17 PM EDT

Henry thanks (as always) for your work on this and your thoughtful updates.

I listened through the presentation and I didn't hear this addressed. Have they mentioned anything about the swamp directly behind our home/the rental house? They spend a lot of time addressing the 'creek' toward the top of the street but seem to have ignored the swampy bottom behind our house with standing water which looks like it would be directly next to the building they've oddly placed on that steep embankment.

Jenn



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Durham Staff Comments on Chapel Hill Development Applications Courtesy Review

Woodmont—Office/Residential Development (File No. 9798-04-71-8729)

1. Durham Comprehensive Plan Policy 8.1.2m recommends denial of any zoning map change that would result in the average daily trips exceeding 110 percent of the adopted level of service standard of any adjacent road, unless the impacts are mitigated. Projects are exempt from this policy if they result in a change in the average daily trips of no more than three percent. This exemption does not apply if the current traffic volume is above 120 percent of the adopted level of service standard. NC 54 is currently operating at 117% of Durham's adopted standard of LOS D.
2. Many of the recommended/required roadway improvements appear impracticable or infeasible to construct, therefore we cannot provide final comments about the potential traffic impacts and needed mitigation improvements until NCDOT (Congestion Management and District Engineer) has completed their review of the TIA. Once NCDOT has completed their review of the TIA, we recommend a meeting be held with municipalities, NCDOT, and the applicant to determine the required roadway improvements.
3. To provide adequate infrastructure to serve this development all of the required roadway improvements identified in the TIA review (including the additional through lanes along NC 54 must be constructed). We recommend the construction of all of these improvements prior to the first certificate of occupancy be made a condition of the proposed rezoning.
4. The proposed traffic signal and median break along NC 54 to serve this development does not meet NCDOT's minimum spacing requirements. To meet the minimum spacing requirements the existing median opening at Little John Road should remain open and access from this site via the two R-2 lots along Little John Road should be provided.
5. The proposed left-over median increases the potential for cut-through traffic from westbound NC 54 to southbound Barbee Road. The proposed removal of the existing Service Road to the west of Downing Creek Parkway will restrict the Downing Creek Parkway residents from being able to access the full access median opening along NC 54. Have the residents along Downing Creek Parkway been advised of the proposed left-over median and Service Road changes to be constructed at NC 54? An opportunity for public

comment/review of this access change should be provided to these residents before a final determination is made on the proposed change in access.

Re: Hillmont preparation

From: Brenda VanLunen (cwjbev@gmail.com)

To: halister@bellsouth.net

Date: Tuesday, October 3, 2023 at 05:11 PM EDT

Hi Henry -

Unfortunately I will be out of town next week and will miss the meeting. I think you have summed up the major problems well, although the 2 entrances on Stancell don't seem as important to me as just the volume of traffic, 99% of which will be going to either the Barbee Chapel intersection or the Littlejohn intersection. Both those intersections are already complex and dangerous. I see someone run the stop sign at Littlejohn almost every day (and no reply from the town of CH when I've complained).

Regarding a walkway / bike path on the Stancell verge, yes that would be great. It's currently not very safe for walking. I think it's very weird how the current bike path stops just after the car wash. Did they run out of money???

Brenda

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: J.B. Culpepper, Planning Director
George Small, Engineering Director
Gene Poveromo, Development Manager
Kumar Neppalli, Engineering Services Manager

SUBJECT: Woodmont on NC 54 East Application for Master Land Use Plan
(File No. 9798-04-71-8729)

DATE: September 8, 2008

PURPOSE

The purpose of this report is to follow up from the May 12, 2008 Public Hearing for a Master Land Use Plan application from Capital Associates to allow 601,000 square feet of mixed use floor area (427,100 square feet of office; 150,400 square feet of residential, and 23,500 square feet of retail) on the site located on the south side of NC 54, between Barbee Chapel Road and Little John Road.

Accompanying this application are applications for a Zoning Atlas Amendment and a Phase I Special Use Permit. Please refer to the accompanying memoranda for additional information. Based on the information in the record to date, we believe that the Council could make the findings required to approve the Master Land Use Plan application. We recommend that the Council adopt Resolution A, approving the application, with a short effective date.

DISCUSSION

We have identified several key issues related to this development. A brief discussion on each follows.

- 1. Master Land Use Plan Flexibility:** At the May 12, 2008 Public Hearing, the Council discussed the Master Land Use Plan, its potential for modification, and its relation to the Special Use Permit and rebuttable presumption. The purpose of a Master Land Use Plan was questioned due to the fact that it can be modified with every phase.

Comment: A Master Land Use Plan approval is intended to provide some assurance regarding how the property will develop. A rebuttal presumption is established regarding three of the four Special Use Permit findings when a Master Land Use Plan is approved. Because of concerns about the functionality of a Master Land Use Plan, and the desire for flexibility in planning for this site along NC 54, we offer three options:

- 1) Approve the Mixed Use-Village rezoning and Special Use Permit (Phase I), but not the Master Land Use Plan application.

- 2) Approve all three applications, but impose a certain, set expiration date (such as seven years) on the Master Land Use Plan.
- 3) Approve all three applications, and adopt flexibility language as proposed by the applicant as a stipulation of the Master Land Use Plan to provide the ability to adjust future phases.

We recommend that the Council approve the application for a Master Land Use Plan with a short expiration date, such as seven years. An expiration date for the Master Land Use Plan would allow the Council more discretion in future approvals that would no longer have the presumption of three of the four findings. This option will provide some idea of a potential development form. Because of the size of subsequent phases, the Council will review and approve subsequent development as Special Use Permit applications. Revised Resolution A includes an expiration date of seven years.

2. Pedestrian Connectivity to Meadowmont: A Council member asked about pedestrian connectivity to Meadowmont, including the possibility of a tunnel under Highway 54.

Comment: We do not believe that a tunnel would be economically feasible to construct at this location on NC 54.

In lieu of a pedestrian tunnel, we recommend that the applicant upgrade the traffic signal at NC 54 and Barbee Chapel Road (Phase I) to include pedestrian amenities on all approaches with:

- street imprinted crosswalks,
- countdown pedestrian heads, and
- bicycle activated loops.

We also recommend at the main entrance on NC 54 (Phase II) that the applicant install:

- a traffic signal with pedestrian amenities and
- bicycle activated loops.

Revised Resolution A includes a stipulation to this effect.

3. Access to NC 54/Little John Road: A citizen described the process of exiting and entering the Sherwood Forest neighborhood from NC 54, indicating concerns about safety and delay.

Comment: We believe that a traffic signal at the entrance to the site and NC 54 will greatly improve accessibility and safety for the residents of Sherwood Forest, as well as Woodmont. Revised Resolution A includes the recommendation for a traffic signal at this intersection (subject to NCDOT approval).

- 4. Stancell Drive Closure:** The applicant is proposing that two sections of Stancell Drive be closed to traffic (with Phase II of the Master Land Use Plan), just west of the main entrance drive, and just west of Downing Creek Parkway.

Comment: We do not recommend the elimination of the existing street connections now provided by Stancell Drive. The removal of sections of Stancell Drive as proposed by the applicant would:

- Eliminate an existing means of access for the commercial properties located west of the Woodmont site and prevent future access to the proposed signalized intersection for the same properties.
- Reduce flexibility to provide access for any future development of property between Woodmont and Barbee Chapel Road
- Reduce access points for firefighters, police and ambulance service with possible increased response times
- Potentially increase costs to provide routine services such as garbage collection by increasing travel time and mileage
- The reduction of east-west connectivity would also further isolate the eastern most areas of Chapel Hill from the larger part of the town.

If the Woodmont development is approved with a new street connection to NC 54 then Stancell Drive should be realigned to provide a greater distance between NC 54 and Stancell Drive.

Adequate separation between the streets would increase the operational efficiency of the intersection. A re-alignment similar to the Dobbins Drive/Erwin Road intersection would provide east-west street connectivity and an acceptable distance from NC 54. This is included in Revised Resolution A.

- 5. Concerns about Traffic Impact Analysis:** A citizen presented comments on the Traffic Impact Analysis, including concerns about the likelihood of NCDOT approving the traffic signal recommended by the Traffic Impact Analysis, the growth rate used, and the omission of planned development in southwest Durham.

Comment: Traffic Impact Analyses for the proposed Woodmont development were prepared by the Town's Consultant in 2007 in accordance with the Town Traffic Impact Analysis guidelines and procedures. Traffic generated by the following approved or planned development area included as background developments for both analyses: East 54, UNC Hospital Clinic Facility, Gateway Bank, and Aydan Court. We believe that the Traffic Impact Analysis is acceptable.

- 6. Transit/ Park Ride:** Council members asked about the potential for voluntary contribution to transit for Phase I of the project (prior to implementation of the transit payment-in-lieu ordinance) as well as payment for operating costs. Questions were raised about a contribution toward a shuttle to Meadowmont as proposed during the Concept Plan Review.

Comment: The applicant has offered a voluntary combined contribution toward transit and a future park/ride facility in the amount of \$100,000 for Phase I. The applicant's argument supporting the payment-in-lieu is that although the Woodmont Master Land Use Plan has been designed as a transit-friendly campus with an extensive sidewalk system connecting each building to bus stop facilities, the Phase I plans do not include a connection to NC 54 and will therefore not be suitable for transit service. We have included such a stipulation in Resolution A.

Although the idea of a park/ride facility had been discussed with the applicant for several months, its recent inclusion was due to increased emphasis on providing park/ride facilities along major transit corridors (as referenced in the Chapel Hill Long Range Transit Plan).

We have provided a list of advantages and disadvantages of a park/ride facility at this location:

Advantages	Disadvantages
<ul style="list-style-type: none"> - Helps to support concept that development is transit-friendly - Good location (at edge of Town, on major corridor) - Ability to draw ridership from the surrounding area including Alta Springs 	<ul style="list-style-type: none"> - Woodmont will not be conducive for transit service until the road is connected with NC 54 and has a traffic signal - A park/ride facility at this location may increase traffic congestion on NC 54 and Barbee Chapel Road and within the site during peak hours

We believe bus transit service would be impractical in Phase I (due to the lack of connection to NC 54). Later phases (II and III) would have a limited number of space locations that theoretically could be designated for park/ride, but these would be a significant distance from the bus stop area(s). They would also not be useable until the completion of Phase II at the earliest, and would likely need to be returned to Woodmont use after a relatively short time as park and ride use. For these reasons we recommend a \$100,000 voluntary combined contribution to transit/park/ride, to be used for transit and/or park-ride land acquisition and matching funds. This initial contribution would be provided in Phase I.

Woodmont plans to operate and fund the private shuttle to Meadowmont as a function of the development's owners association.

Revised Resolution A includes stipulations requiring the transit and park/ride \$100,000 contribution for Phase I and the implementation of the shuttle service to Meadowmont at such time as the Town Manager determines necessary as part of an approved Transportation Management Plan.

7. Submetering: A Council member asked about the possibility of using submetering as a method of raising awareness of water consumption among residents.

Comment: Following discussion with OWASA, we recommend the inclusion of the following stipulation:

Per unit Water Consumption Management: That the applicant provide a system and management arrangement to ensure billing for water use by each dwelling unit within the development. The system and arrangements must be approved by the Town Manager prior to issuance of a Certificate of Occupancy, and must meet the requirements of the Orange Water and Sewer Authority and North Carolina Utilities Commission.

8. Adding Lanes on Barbee Chapel: A Council member asked about adding lanes on Barbee Chapel Road.

Comment: With the current application, no additional lanes are proposed, except for turn lanes and stacking at the Barbee Chapel Road/ NC 54 intersection. We note, however, that the MPO (Metropolitan Planning Organization) Farrington Road Corridor Study includes the widening of Barbee Chapel Road from Farrington Road to NC 54 in its “Long Term Capacity Improvements.”

9. Greenway realignment at Barbee Chapel Road/NC 54: A Council member drew attention to the alignment of the proposed greenway crossing at Barbee Chapel Road and the difficulty of crossing multiple lanes of traffic.

Comment: We believe the existing bicycle path is currently in the appropriate location for crossing Barbee Chapel Road. The proposed plans show a crossing farther to the south. The plans should be corrected to show existing conditions and alignment to continue the trail to the east. Revised Resolution A includes a stipulation to this effect.

We recommend that the intersection of Barbee Chapel Road and NC 54 be improved with pedestrian amenities on all approaches. Therefore, if the Council approves the staff-recommended improvements at this intersection, pedestrian-actuated signals with countdown heads and street-imprinted crosswalks would be provided for bicyclists and pedestrians crossing Barbee Chapel Road at this location.

10. Barbee Chapel Road Entrance – traffic signal: A Council member questioned whether the Resolution includes a stipulation regarding a payment-in-lieu for a traffic signal at the intersection of the Phase I entrance and Barbee Chapel Road (across from Finley Forest).

Comment: The Resolution presented to the Council on May 12, 2008 included a stipulation to this effect (stipulation #7).

11. Proximity to Reclaimed Water – A Council member asked about the potential for the applicant to connect to the reclaimed water system being developed by the University.

Comment: According to OWASA representatives, based on the very high expected cost to extend reclaimed water lines to and within the development, the developer would probably find such an investment to be economically infeasible unless the infrastructure costs are shared by other private and public parties.

The reclaimed water distribution system now under construction by OWASA will be more than 2 miles from the proposed Woodmont project, and therefore a major new reclaimed water line would be required to serve this project. We understand that line would cost several million dollars to build. OWASA's 15-year Capital Improvements Program does not include funding for further extensions of the reclaimed water system by OWASA. OWASA policy requires developers to pay the cost of extending utility lines required to serve their projects.

12. Irrigation: A Council member asked about the potential for minimizing the use of potable water for irrigation, mentioning xeriscaping and cisterns as potential options.

Comment: The applicant has indicated that they will be incorporating several strategies for using rainwater and minimizing the use of potable water. These strategies include:

- 1) Collecting water from rooftops in cisterns for use in irrigating ground level plant materials.
- 2) Utilizing the site's retention ponds for irrigating ground level plant materials.
- 3) Collecting water from rooftops in cisterns for use in evaporative cooling Heat and Air Conditioning systems, on buildings where these systems are used.
- 4) Specifying native plants, which are acclimated to local wet and dry cycles, and xerophytic landscaping in areas that are not intended to be wet. The applicant proposes to use plants that thrive in wet conditions at the proposed water retention basins, similar to plantings at the Exchange office complex.

Revised Resolution A includes a stipulation to this effect. Further, recent legislation enacted by the General Assembly requires restrictive covenants established after October 1, 2008 to specifically state that any requirements for irrigation are suspended during declared periods of drought. We have added a stipulation to this effect in Resolution A.

13. Public Art: A Council member asked the applicant to meet with the new Public Art Administrator to discuss a voluntary contribution.

Comment: The Public Art Administrator has met with the applicant and determined the following:

All Phases: An artwork construction and installation plan shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. Request for Qualifications/Request for Proposals and method of artist selection shall be agreed upon by the applicant and the Public Art Administrator. Should the applicant choose to employ an outside public art consultant, said consultant, the initiated process, and contract must be approved by the Public Art Administrator.

Phase I: The applicant shall provide an initial payment of \$25,000 to the Town of Chapel Hill for public artwork at the development site prior to the issuance of a Zoning Compliance Permit for Phase I. Prior to the issuance of a Certificate of Occupancy for Phase I, the applicant shall provide an additional \$50,000 for public artwork for Phase I.

Phase II: Prior to the issuance of a Zoning Compliance Permit for Phase II, the applicant shall provide an additional \$25,000 toward public artwork at the development site. Prior to the issuance of a Certificate of Occupancy for Phase II, the applicant shall provide an additional \$50,000 for public artwork.

Phase III: The applicant shall provide the \$100,000 for public artwork prior to the issuance of a Zoning Compliance Permit for Phase III.

14. Bicycle Facilities on Barbee Chapel Road: A Council member asked about the potential for bicycle facilities on Barbee Chapel Road.

Comment: Staff recommends that the applicant provide additional pavement width along the Barbee Chapel Road frontage to provide for the future installation of a bicycle lane. The Woodmont street frontage on Barbee Chapel Road is not long enough to provide for a striped bicycle lane at this time. Therefore, a short section of wider, un-marked pavement is recommended which could be designated as a bicycle lane if future right-of-way and street widening is provided by others along the frontage of abutting properties and connected to the Woodmont road improvements. Revised Resolution A includes this stipulation.

EVALUATION OF THE APPLICATION

The standard for review and approval of a Master Land Use Plan application involves consideration of the following three findings of fact that the Council must consider.

Master Land Use Plan – Required Findings of Fact

Finding #1: *Maintain the public health, safety, and general welfare;*

Finding #2: *Maintain or enhance the value of contiguous property, or be a public necessity; and*

Finding #3: *Conform to the Comprehensive Plan.*

Based on the evidence that is accumulated during the Public Hearing, the Council will consider whether it can make each of the three required findings for the approval of a Master Land Use Plan. If, after consideration of the evidence submitted at the Public Hearing, the Council decides that it can make each of the three findings, the Land Use Management Ordinance directs that the Master Land Use Plan shall then be approved. If the Council decides that the evidence does not support making one or more of the findings, then the application cannot be approved and, accordingly, should be denied by the Council.

Tonight, based on the evidence in the record thus far, we provide the following evaluation of this application based on the three findings of facts that the Council must consider to approve a Master Land Use Plan. We believe the evidence in the record to date can be summarized as follows:

Finding #1: That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

Evidence in support: Evidence in support of this finding includes the following point from the applicant's Statement of Justification:

"A significant element of the Woodmont development proposal calls for the extension of the Town's bicycle/pedestrian pathway along the south side of NC 54 from its existing terminus at Barbee Chapel Road to Downing Creek Parkway. This will provide convenient pedestrian access to the Sherwood Forest and Downing Creek neighborhoods. Woodmont will also develop an extensive system of internal pedestrian/exercise trails and sidewalks that will be available for use by the public."

[Applicant's Statement of Master Land Use Plan Design Criteria Conformance]

Evidence in opposition: We have not identified any evidence offered in opposition to Finding #1.

Finding #2: That the use would be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity.

Evidence in support: Evidence in support of this finding includes the following points from the applicant's Statement of Justification.

"The existing tracts comprising Woodmont contain a number of older structures, most of which are showing significant signs of deterioration. These include warehouse and storage structures and associated unpaved parking and loading areas that are clearly visible from NC 54. The contiguous properties consist of single family residences along Little John Road to the east, single family residences along Barbee Chapel Road and Pearl Lane to the west, a commercial photography studio along Stancell Drive to the northwest, and a 300 unit apartment complex along Barbee Chapel Road to the south. It can be asserted with a high degree of certainty that the value of none of these contiguous properties is currently being enhanced by the nature of the existing Woodmont structures."

[Applicant's Statement of Master Land Use Plan Design Criteria Conformance]

Evidence in opposition: We have not identified any evidence offered in opposition to Finding #2.

Finding #3: That the use or development conforms with 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: Evidence in support of this finding includes the following point from the applicant's Statement of Justification.

"The proposed Woodmont Master Land Use Plan supports all applicable objectives of the Comprehensive Plan. A detailed discussion of Woodmont's conformance to this criteria is included in the Rezoning Statement of Justification." *[Applicant's Statement]*

Evidence in opposition: Evidence in opposition to this finding are offered in the Citizen's

Response, April 1, 2008. Please see rezoning memorandum for additional arguments. Below are arguments from the April 1, 2008 Citizen's Response:

"To support the objectives of the NC 54 East Entryway Goals (a component of the Comprehensive Plan) – 'Streets and parking should be designed to promote easy, safe pedestrian and bicycle traffic, and to inhibit fast traffic in both residential and retail/office segments of neighborhoods.: The NC 54 East Entranceway Goals clearly enumerates that proposed projects should "avoid placing driveways on the main collector road (ie, NC 54). Since the applicant intends for the main entrance to Woodmont to be a major intersection on NC 54 East, the applicant's plan is in direct conflict with the second stipulation 10 of the Attachment 2 from the Planning Department staff.'"

"Promote transit facilities, including preserving the potential for regional transit in this corridor: 'The applicant provides no evidence that Chapel Hill Transit has any plans or funding to extend service to the applicant's proposed project. In fact, no plans or funding are available in the Chapel Hill Transit budget for service extension.'"

[Citizen Statement]

We anticipate that further evidence may be presented for the Council's consideration as part of the continued Public Hearing process. Please see the applicant's Statement of Justification for additional evidence in support of the three findings.

SUMMARY

We have attached a revised resolution that includes standard conditions of approval as well as special conditions that we recommend for this application. With these conditions, we believe that the Council could make the findings regarding health, safety and general welfare, maintaining or enhancing the value of contiguous property, and consistency with the Comprehensive Plan. The Manager's recommendation incorporates input from all Town departments involved in review of the application.

RECOMMENDATION

Based on our evaluation of the application and the information in the record, our recommendation is that, with the stipulations in Revised Resolution A, the application complies with the standards and regulations of the Land Use Management Ordinance.

The Community Design Commission, Transportation Board, Greenways Commission, Parks and Recreation Commission, and Bicycle and Pedestrian Advisory Board recommended that the Town Council approve the Master Land Use Plan. The Planning Board recommended that the Town Council deny the Master Land Use Plan. For additional information on their recommendations, please refer to the matrix in the report and to May 12, 2008 Public Hearing memorandum.

Revised Staff Recommendation: We recommend that the Council approve the Master Land Use Plan application with the adoption of Revised Resolution A. Since the May 12, 2008 Public Hearing, the following stipulations have been incorporated into the Revised Resolution A:

- Per unit Water Consumption Management: That the applicant provide a system and management arrangement to ensure billing for water use by each dwelling unit within the development. The system and arrangements must be approved by the Town Manager prior to issuance of a Certificate of Occupancy, and must meet the requirements of the Orange Water and Sewer Authority and North Carolina Utilities Commission.
- Public Art:
All Phases: An artwork construction and installation plan shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. Request for Qualifications/Request for Proposals and method of artist selection shall be agreed upon by the applicant and the Public Art Administrator. Should the applicant choose to employ an outside public art consultant, said consultant, the initiated process, and contract must be approved by the Public Art Administrator.

Phase I: The applicant shall provide an initial payment of \$25,000 to the Town of Chapel Hill for public artwork at the development site prior to the issuance of a Zoning Compliance Permit for Phase I. Prior to the issuance of a Certificate of Occupancy for Phase I, the applicant shall provide an additional \$50,000 for public artwork for Phase I.

Phase II: Prior to the issuance of a Zoning Compliance Permit for Phase II, the applicant shall provide an additional \$25,000 toward public artwork at the development site. Prior to the issuance of a Certificate of Occupancy for Phase II, the applicant shall provide an additional \$50,000 for public artwork.

Phase III: The applicant shall provide the \$100,000 for public artwork prior to the issuance of a Zoning Compliance Permit for Phase III.

- Irrigation: That the applicant incorporate several strategies for using rainwater and minimizing the use of potable water. These strategies include:
 - 1) Collecting water from rooftops in cisterns for use in irrigating ground level plant materials.
 - 2) Utilizing the site's retention ponds for irrigating ground level plant materials.
 - 3) Collecting water from rooftops in cisterns for use in evaporative cooling Heat and Air Conditioning systems, on buildings where these systems are used.
 - 4) Specifying native plants, which are more acclimated to local wet and dry cycles, and xeriscopic landscaping in areas that are not intended to be wet. The applicant proposes to use plants that thrive in wet conditions at the proposed water retention basins, similar to plantings at the Exchange office complex.
 - 5) Restrictive covenants established after October 1, 2008 shall specifically state that any requirements for irrigation are suspended during declared periods of drought.
- Expiration Date for Master Land Use Plan: We recommend amending stipulation 1 to reflect an expiration date of 7 years. Only Special Use Permits approved within 7 years would have the benefit of the rebuttal presumption established with approval of a Master Land Use Plan. We recommend this shorter expiration date in order to provide some assurance of the form of the development, should it occur within 7 years, but allows for

subsequent adjustment potential for future undeveloped phases. An expiration date for the Master Land Use Plan would allow the Council more discretion in future approvals that would no longer have the presumption of three of the four findings. Revised Resolution A includes this provision.

Revised Resolution A would approve the application with conditions.

Resolution B would deny the application.

ATTACHMENTS

1. May 6 Summary of Planning Board Action (p. 21).
2. Robert Dowling (Orange Community Housing and Land Trust) Letter, 5/12/08 (p. 22).
3. John Ager Letter, 5/12/08 (p. 23).
4. Henry Lister Letter, 5/12/08 (p. 25).
5. Pendergraft Email, 5/13/08 (p. 30).
6. Applicant's Traffic Impact Analysis Summary (p. 31).
7. May 12, 2008 Public Hearing Memorandum (begin new page 1).
<http://townhall.townofchapelhill.org/agendas/2008/05/12/3/3b/>

Woodmont*DIFFERENCES AMONG RESOLUTIONS-RECOMMENDATIONS*

ISSUES	Staff's Revised	Planning Board	Bicycle/Pedestrian Advisory Board	Greenways/Parks and Recreation Commission	Community Design Commission
Angled Parking	No angled on-street parking	*	Angled on-street parking permitted	*	*
Recreation Space Paymt-in-lieu	Yes	*	*	Yes	*
Additional Retail Floor Area	Yes, authorized	*	*	*	Yes
Specific No. of Parking Spaces Approved	No (to allow more flexibility)	*	*	*	*
Park and Ride/Transit Paymt-in-lieu	Yes	*	*	*	*
Master Land Use Plan Flexibility	No, short time limit	*	*	*	*
Public Art Paymt-in-lieu	Yes	*	*	*	*
Irrigation Strategies	Yes	*	*	*	*
Sub-metering	Yes	*	*	*	*

*= Issues not raised at Advisory Board meeting

REVISED RESOLUTION A**A RESOLUTION APPROVING AN APPLICATION FOR A MASTER LAND USE PLAN FOR WOODMONT DEVELOPMENT (2008-09-08/R-12a)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that the Master Land Use Plan application, proposed by Capital Associates, on property identified as Durham County Parcel Identifier Numbers 9798-04-93-2035, 9798-04-92-0930, 9798-04-82-9499, 9798-04-82-6093, 9798-04-81-1816, 9798-04-71-8729, and 9798-04-82-6534, if developed according to the site plan dated November 21, 2007 and revised January 10, 2008, March 10, 2008, March 13, 2008, March 27, 2008, and August 5, 2008, and the conditions listed below:

- 1) Would maintain or promote the public health, safety, and general welfare;
- 2) Would maintain or enhance the value of contiguous property, and
- 3) Would conform to the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for the Master Land Use Plan for the Woodmont Development in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. Master Land Use Plan Expiration: That the Master Land Use Plan expire on September 8, 2015.
2. Land Use Intensity: That this Master Land Use Plan approves a total Floor Area of 601,000 square feet with 427,100 square feet of office-type business, 150,400 square feet of residential, and 23,500 square feet of general/convenience business uses.
3. Master Land Use Plan Modification: That this Master Land Use Plan may be modified by the procedures described in Section 4.8 of the Land Use Management Ordinance, and that any future Master Land Use Plan Modification shall include:
 - i. A revised Traffic Impact Analysis
 - ii. Energy Management Plan (or other Sustainability Plan)
 - iii. Transportation Management Plan
 - iv. Stormwater Management Plan

Access and Circulation**Phase One Roadway and Greenway Improvements:**

4. Traffic Signal Payment-in-Lieu: Prior to a Zoning Compliance Permit for Phase I, the applicant shall provide a payment-in-lieu of \$5,000 to the Town to review and revise the traffic signal timing plans at the following intersections:

- 1) NC 54/Barbee Chapel Road/E. Barbee Chapel Road
- 2) NC 54/Meadowmont Lane/Friday Drive
- 3) NC 54/W. Barbee Chapel Road
- 4) NC 54/Burning Tree Drive/Finley Golf Course Road
- 5) NC 54/Hamilton Road

5. Barbee Chapel Road and Finley Forest Road/Site Entrance Intersection: Prior to the first Certificate of Occupancy for Phase I, the applicant shall:
- Construct a right turn lane with appropriate storage and appropriate taper on northbound of Barbee Chapel Road.
 - Construct a left turn lane with appropriate storage and appropriate taper on southbound of Barbee Chapel Road.
 - Improve the frontage along Barbee Chapel Road with the above travel lanes, concrete sidewalk, standard curb & gutter, utility strip, and additional pavement width for a bicycle lane.
 - Construct a three (3) lane cross-section consisting of one ingress lane and two egress lanes on Westbound of Site Entrance. The egress lanes should consist of an exclusive right-turn lane and a combination of through/left-turn lane.

The design and construction details of the above improvements must be reviewed and approved by the Town Manager and the North Carolina Department of Transportation prior to the issuance of a Zoning Compliance Permit.

6. Raleigh Road (NC 54) and Barbee Chapel Road Intersection: Prior to the first Certificate of Occupancy for Phase I, the applicant shall:
- Construct an additional exclusive left-turn lane with appropriate storage and appropriate taper on northbound of Barbee Chapel Road.
 - Convert the existing through-right lane into exclusive through-left lane on northbound of Barbee Chapel Road.
 - Construct an exclusive right-turn lane with appropriate storage and appropriate taper on northbound of Barbee Chapel Road.
 - Upgrade the traffic signal to include the above roadway improvements with pedestrian amenities on all approaches with street imprinted crosswalks, countdown pedestrian heads, and bicycle activated loops.

The design and construction details of the above improvements must be reviewed and approved by the Town Manager and the North Carolina Department of Transportation prior to the issuance of a Zoning Compliance Permit.

7. Traffic Signal Payment-in-Lieu: Prior to issuance of a Zoning Compliance Permit for the first phase of development, the applicant shall submit a payment-in-lieu for the installation of a traffic signal at the intersection of Barbee Chapel Road and the new street proposed as part of this development. The cost estimate shall provide for the installation of mast arms and pedestrian signals. If a traffic signal is not warranted within five years after full build-out of the project, the payment will be returned to the applicant.

8. Greenway and Bike Path: Prior to issuance of a Zoning Compliance Permit for first phase of development the applicant shall submit final greenway/bike path plans for approval by the

North Carolina Department of Transportation and the Town Manager. The greenway/bike path shall be installed prior to a Certificate of Occupancy for the second phase of the project.

Phase Two Roadway and Greenway Improvements:

9. Greenway Hike/Bike Trail: That the portion of the existing hike/bike trail that runs along the NC 54 frontage from Barbee Chapel Road to Little John Road be constructed as part of Phase II of the development. That the trail be located outside of any landscaped buffers, and that signage be included at entrances to the trail. Final Plans shall be approved by the Town Manager. That the greenway intersecting Barbee Chapel Road shall be aligned towards the north in order to line up with the existing NC 54 greenway on the west side of Barbee Chapel Road.

If the Woodmont development is approved with a new street connection to NC 54 then Stancell Drive should be realigned to provide greater distance between NC 54 and Stancell Drive.

10. Public Street through the Site connecting Barbee Chapel Road and Raleigh Road: The main internal street transecting the site must be a public street. Construct the proposed internal street to Town of Chapel Hill standard:
- With a 27 foot wide public street cross-section with standard 30 inch curb & gutter, 3 foot wide utility strip, 5 foot wide concrete sidewalk on both sides of the street, traffic calming, and dedication of a 45 foot wide right-of-way to the Town.
 - The section from NC 54 to a point approximately 300 feet south shall be constructed as a 3 lane section.
 - No angled on-street parking is permitted.
 - The distances between the driveways must be consistent with Town of Chapel Hill public street design.

The design and construction details of the above improvements must be reviewed and approved by the Town Manager and the North Carolina Department of Transportation prior to the issuance of a Zoning Compliance Permit.

11. Little John Road: Prior to the issuance of a Certificate of Occupancy for Phase II, the applicant shall:
- Improve the Little John Road frontage to Town Standard with 20 feet of strip asphalt paving and shoulder, roadside ditch.
 - Dedicate public right-of-way to a point eight feet behind the back of ditch.
 - Provide payment-in-lieu to the Town for construction of sidewalk along the site frontage on Little John Road.
12. Pedestrian Connection and Easement: Prior to a Certificate of Occupancy for phase two, provide a pedestrian connection and easement between Little John Road and the proposed internal street. The details of connection and easement are subject to approval by the North Carolina Department of Transportation and the Town Manager.
13. Raleigh Road (NC 54) and Site Entrance Intersection: Prior to a Certificate of Occupancy for Phase II:

- *New Crossover*: That the applicant shall install a new crossover, subject to the approval of N.C. Department of Transportation.
- If the crossover is approved by the N.C. Department of Transportation:
 - Construct an exclusive left-turn lane with 300 feet of full storage and appropriate transitional taper on westbound NC 54. This recommendation is conditioned on N.C. Department of Transportation approval of closing the median break at Little John Road and the construction of a left-over type intersection at the Downing Creek Parkway and NC 54.
 - Construct an exclusive right-turn lane with 200 feet of full storage and appropriate transitional taper.
 - Install a traffic signal with pedestrian amenities and bicycle activated loops. If a traffic signal is not approved by the N.C. Department of Transportation, a payment-in-lieu for the installation of a traffic signal shall be made to the Town. The cost estimate shall provide for the installation of mast arms and pedestrian and bicycle amenities. If a traffic signal is not warranted within five years after full build-out of the project the payment will be returned to the applicant.
 - Construct a three (3) lane cross-section consisting of one ingress lane and two egress lanes. The egress lanes shall consist of an exclusive right-turn lane and an exclusive left-turn lane.

The design and construction details of the above improvements must be reviewed and approved by the Town Manager and the North Carolina Department of Transportation prior to the issuance of a Zoning Compliance Permit.

14. Raleigh Road (NC 54) and Meadowmont Lane/Friday Center Drive: Prior to the Certificate of Occupancy for the second phase, the applicant shall upgrade the traffic signal at this intersection to include pedestrian crosswalks and countdown heads crossing NC 54 and install bicycle activated loops. The design and construction details of the signal upgrades must be reviewed and approved by the Town Manager and the North Carolina Department of Transportation prior to the issuance of a Zoning Compliance Permit.
15. Stancell Drive: Prior to the Certificate of Occupancy for Phase II, the applicant shall relocate Stancell Drive to the south of the existing alignment with NC 54 and the Site Entrance (creating a “jug handle”) including dedication of necessary public right-of-way. This realignment will provide necessary separation between Stancell Drive and the new NC 54 intersection that is proposed as part of this application. The design and construction details of the relocation of Stancell Drive must be reviewed and approved by the Town Manager and the North Carolina Department of Transportation prior to the issuance of a Zoning Compliance Permit.

16. Stancell Drive Improvements: That the portion of Stancell Drive, along the property frontage be improved to Town standard, with standard 30" curb and gutter, five-foot concrete sidewalks, and three-foot wide utility strip.
17. Payment-In-Lieu for Park-Ride/Transit: Prior to the Zoning Compliance Permit for Phase I, the applicant shall provide a payment-in-lieu of \$100,000 to be used for transit and park/ride.

Other Roadway Stipulations for all phases:

18. Additional Subsequent Roadway Improvements: Other roadway improvements may be required depending on the revised transportation analyses as part of a Master Land Use Plan or Special Use Permit approval for Phases II and III.
19. Access Easements: That the applicant shall provide public access easements to the east, south and west of the site, subject to Town Manager approval.
20. Internal Pedestrian Trail: That the connections identified on the approved plans to the west and the south remain in place.
21. Sight Distance: That the applicant shall provide sight distance triangles and provide clear lines of sight where the proposed street would intersect with the public streets and private driveways, subject to Town Manager approval.
22. Street Sign, Street Light, Pavement Marking Plan: Prior to a Zoning Compliance Permit for each phase, the applicant shall provide a street sign, pavement marking and street light plan for approval by the Town Manager.
23. Heavy Duty Pavement: A heavy duty pavement design shall be provided for all driveways and drive aisles that will provide access for solid waste collection.
24. Shuttle: That when determined necessary by the Town Manager, the applicant will provide shuttle service between the Woodmont site and Meadowmont.

Buffers and Landscaping

25. Buffer Requirements:

Location	Bufferyard Required
Portion of Southern Property Line; Portion of Property Line south of Pearl Lane	Type "B" / 10' wide
All other Boundaries	Type "C" / 20' wide

26. Hike/Bike Path and Buffers: That the hike/bike path be located outside of any required buffers.

27. Tree Preservation: That at the Final Plan stage the applicant shall provide a comprehensive tree planting plan showing the amount of the site that will ultimately be covered by tree canopy, in order for the staff to do an analysis of net loss of trees.

Stormwater

28. Watershed Protection/Impervious Surface: That the impervious surface associated with the development shall not exceed 50%.
29. Stormwater Management Plan: That future Special Use Permit applications be subject to the Town's most recent stormwater management ordinance. That low impact design stormwater management techniques be integrated into future submittals.
30. Resource Conservation District: That no land disturbance be permitted in the Resource Conservation District.

Energy Management Plan

31. Energy Management/ Sustainability: That future Special Use Permit applications be subject to the Council's most recent policy or ordinance regarding energy management and/or sustainability.
32. Energy Management Plan Matrix: That the applicant provide a matrix for all Energy Management Plan specifics for each building in each phase.
33. Energy Management Plan Engineering Calculations: That sealed engineering calculations which demonstrate the actual performance of each building compared to ASHRAE standards be submitted to the Planning Department and the Inspections Department no more than 30 days after the Certificate of Occupancy for each building has been issued.

Miscellaneous

34. Public Art:
All Phases: An artwork construction and installation plan shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. Request for Qualifications/Request for Proposals and method of artist selection shall be agreed upon by the applicant and the Public Art Administrator. Should the applicant choose to employ an outside public art consultant, said consultant, the initiated process, and contract must be approved by the Public Art Administrator.

Phase I: The applicant shall provide an initial payment of \$25,000 to the Town of Chapel Hill for public artwork at the development site prior to the issuance of a Zoning Compliance Permit for Phase I. Prior to the issuance of a Certificate of Occupancy for Phase I, the applicant shall provide an additional \$50,000 for public artwork for Phase I.

Phase II: Prior to the issuance of a Zoning Compliance Permit for Phase II, the applicant shall provide an additional \$25,000 toward public artwork at the development site. Prior to the issuance of a Certificate of Occupancy for Phase II, the applicant shall provide an additional \$50,000 for public artwork.

Phase III: The applicant shall provide the \$100,000 for public artwork prior to the issuance of a Zoning Compliance Permit for Phase III.

35. Irrigation: That the applicant incorporate several strategies for using rainwater and minimizing the use of potable water. These strategies include:
 - 1) Collecting water from rooftops in cisterns for use in irrigating ground level plant materials.
 - 2) Utilizing the site's retention ponds for irrigating ground level plant materials.
 - 3) Collecting water from rooftops in cisterns for use in evaporative cooling Heat and Air Conditioning systems, on buildings where these systems are used.
 - 4) Specifying native plants, which are more acclimated to local wet and dry cycles, and xerophytic landscaping in areas that are not intended to be wet. The applicant proposes to use plants that thrive in wet conditions at the proposed water retention basins, similar to plantings at the Exchange office complex.
 - 5) Restrictive covenants established after October 1, 2008 shall specifically state that any requirements for irrigation are suspended during declared periods of drought.
36. Recreation Space: That the applicant provide active recreation space to meet the Land Use Management Ordinance requirements, with the option for payment-in-lieu, subject to Town Manager approval.
37. Water Transmission Easement: That the applicant adjust the proposed water/sewer lines to reserve a corridor for combined utilities, as proposed by OWASA.
38. Per unit Water Consumption Management: That the applicant provide a system and management arrangement to ensure billing for water use by each dwelling unit within the development. The system and arrangements must be approved by the Town Manager prior to issuance of a Certificate of Occupancy, and must meet the requirements of the Orange Water and Sewer Authority and North Carolina Utilities Commission.
39. Future Water Pump Station: That the applicant reserve an easement in the northeast corner of the site (Phase II) for a future water pump station.
40. Parking Requirements: That future Special Use Permit applications meet the Land Use Management Ordinance requirements subject to Town Manager approval.
41. Continued Validity: The continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
42. Non-severability: That if any of the above conditions is held to be invalid.

This the 8th day of September, 2008.

REVISED RESOLUTION B**A RESOLUTION DENYING A MASTER LAND USE PLAN APPLICATION FOR WOODMONT DEVELOPMENT 2008-09-08/R-12b)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Master Land Use Plan application, proposed by Capital Associates, on property identified as Parcel Identifier Numbers 9798-04-93-2035, 9798-04-92-0930, 9798-04-82-9499, 9798-04-82-6093, 9798-04-81-1816, 9798-04-71-8729, and 9798-04-82-6534, if developed according to the plans dated November 21, 2007, and revised January 10, 2008, March 10, 2008, March 13, 2008, March 27, 2008, and August 5, 2008, and the conditions listed below:

1. Would not maintain or promote the public health, safety, and general welfare:
2. Would not maintain or enhance the value of contiguous property; and
3. Would not conform to the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council finds:

(INSERT ADDITIONAL REASONS FOR DENIAL)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the application for the Master Land Use Plan for the Woodmont Development as proposed by Capital Associates.

This the 8th day of September, 2008.