



Staff Memorandum

Public Hearing – 03/14/2018

Key Considerations

1. Planning Commission Recommendation:

At the March 6, 2018, the Planning Commission unanimously recommended approval with adoption of Resolution A.

2. Transportation and Connectivity Recommendation:

At the February 27, 2018, the Transportation and Connectivity Board unanimously recommended approval with adoption of Resolution A.

3. Community Design Commission Recommendation:

At the February 27, 2018 meeting, the Community Design Commission unanimously recommended approval with adoption of Resolution A.

They added two Special Considerations: to consider minor site plan changes to allow a 5-foot planting area adjacent to the building wall and parking lot and consider additional windows to the south-facing façade of the clubhouse.

4. Environmental Stewardship Consideration:

At the February 20, 2018 meeting, Environmental Stewardship Board unanimously recommended approval with adoption of Resolution A.

The Board listed seven Special Considerations: Meet AIA 2030 above current target of achieving 20% better than ASHRAE; explore utilizing natural gas for heating purposes; rooftop or carport canopy solar PV systems; interior LED lighting; encourage the Town to extend the bike facilities north of the project site on Merritt Mill Road; use of stormwater storage for graywater use within buildings, and natural daylighting for the clubhouse.

5. Housing Board Recommendations:

At the February 13, 2018 meeting, the Housing Board unanimously recommended approval with adoption of Resolution A.

The Board listed two Special Considerations: that the Council look into having sidewalks extended beyond the project site to better facilitate pedestrian access and to consider enhanced bus routing and schedules near the site.

6. The proposal is contingent upon approval of a rezoning for the project area.

Staff Comment: The proposal is contingent upon a conditional rezoning to Residential-Special Services-Conditional (R-SS-C) that would allow a higher maximum floor area ratio than the current Residential-3 (R-3) zoning district allows. Please see the accompanying rezoning application for more information.

7. The developer is proposing to use entire site to meet regulations, requiring Modifications to Regulations.

Staff Comment: Because the development is proposed in two different municipalities, some of the Town's ordinance requirements are being met on the Carrboro side of the development. A draft Memorandum of Understanding with Carrboro, CASA, and Chapel Hill accompanies this application and identifies those ordinance requirements that are being met



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when the entire site is considered or identifies those requirements that are not met. The applicant is requesting that the Council approve three modifications that are being met when considering the entire CASA site: tree canopy coverage, stormwater management, recreation space, and solid waste management. Two additional modifications are requested (occurring on the Chapel Hill side only): reducing the 5-foot planting strip between building wall and parking areas to allow for fire access to the building, and land disturbance on steep slopes exceeding what is permitted.

8. Off-site sewer main installed on south side of Merritt Mill Road for 670 feet.

Staff Comment: The property is not connected to sewer. The applicant proposes a sewer main on the south side of S. Merritt Mill Road and to go under Merritt Mill Road and a new manhole will provide sewer connection to Chapel Hill and Carrboro sides of the development. We have included a stipulation in Resolution A. [Stipulation 18]

Discussion items

Traffic Impact Analysis: The Town's Traffic Engineer granted a Traffic Impact Exemption as trips per day were below the 500 trips, the threshold requiring a traffic analysis. The exemption is included with the applicant's materials.

Land Use Plan: The [2020 Land Use Plan](#)¹, a component of the 2020 Comprehensive Plan, designates this site as Medium Residential 4-8 units/acre. This multi-family development is proposed by CASA, Inc. an affordable housing builder, providing housing for families below 60% of the Area's Median Income (AMI).

Zoning: The property is proposed to be rezoned to Residential-Special Standards-Conditional (R-SS-C) available to developments meeting special standards including affordable housing. This project is proposed to be 100% affordable. The proposed zoning district does not have a requirement for minimum lot size, density cap, street frontage, lot width, sideyard or solar setback or landscape buffers. A maximum of 56,545 sq. ft. of floor area is allowed and the proposed floor area is 25,000 sq. ft. The area is also part of the Pine Knolls Neighborhood Conservation District. As a multi-family development, no Conservation District regulations apply to this site.

Concept Plan Review

The Community Design Commission reviewed a Concept Plan on March 28, 2017. The Council has not reviewed this concept plan application because it does not meet the threshold requiring review by Council (more than 100,000 sq. ft., more than 30 dwelling units, or more than 5 acres). The Housing Advisory Board reviewed the Concept Plan on December 12, 2017.



¹ <http://www.townofchapelhill.org/home/showdocument?id=1215>



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Special Use Permit Findings:

The applicant's materials are included as attachments to this memorandum. All information submitted at the public hearing will be included in the record of the hearing. Based on the evidence submitted, the Council will consider whether it can make each of the four required findings for the approval of the Special Use Permit. Following the public hearing, staff will evaluate the evidence and comments received at the public hearing and will offer the Council a recommendation on the status of the Four Findings as they relate to this Special Use Permit application.

Proposed Modifications to Regulations:

The applicant seeks Council approval for six modifications to the following regulations:

1. Land Use Management Ordinance Section 5.5.2: Allow a minimum of 23% Tree Canopy Coverage on the site. This Finding is based on the determination that 30% coverage, though not met on the Chapel Hill side of the development, is met when inclusion of the Carrboro parcel is allowed, approximately 34% tree coverage. Section 5.7.2(b) allows Council to allow a modification to canopy coverage when public purposes are met with Affordable Housing.

Staff Comment: We support the modification because we believe public purposes are met with this 100% affordable apartment development. Additionally, when the entire CASA project is considered, the required 30% tree canopy coverage is met. With the Memorandum of Understanding, each municipality must notify the other if any trees are removed or fall and appropriate action taken to restore the canopy coverage approved. Staff supports the modification.

2. Land Use Management Ordinance Section 5.13: Allow Solid Waste Collection and Recycling facilities to be located off-site on the adjacent Carrboro parcel with a Shared Dumpster Agreement. A sidewalk connecting Chapel Hill residential units to the solid waste/recycling area is proposed as well as the enclosure to be constructed to Town of Chapel Hill standards.

Staff Comment: We support the Carrboro location for solid waste and recycling facilities. The facilities are approximately five feet outside the Chapel Hill town limits line. The location is immediately off the parking lot and is easily accessible to the apartment units. Collection is proposed to be by a private servicer (see applicant's materials). A stipulation [stipulation 27] requires the developer to provide a "Will Serve" letter from the contractor prior to approval. Staff supports the modification.

3. Land Use Management Ordinance Section 5.4.5: Stormwater Management facilities to be constructed and treated off-site on adjacent Carrboro property. Section 5.4.5(a) allows the Council to waive the stormwater management requirements if alternative measures for off-site management of stormwater has been proposed. The Carrboro parcel is located downhill of the Chapel Hill site.

Staff Comment: Since the Chapel Hill side of the overall development is located uphill from the Carrboro side, stormwater runoff will be collected and treated on the Carrboro side in a bioretention basin, underground detention, and sand filter. As part of the Memorandum of Understanding, Chapel Hill will have the responsibility to review the Stormwater facility's Operations and Maintenance Plans for the entire project and notify municipalities of any



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violations. Staff supports a shared stormwater management plan and notes that the Ordinance provides for requesting a modification for off-site management. Staff believes that cooperative monitoring of the stormwater management plan will be satisfactory and supports the modification.

4. Land Use Management Ordinance Section 5.5.2: Allow the Recreation Space requirement to be met with both Chapel Hill and Carrboro sides of the project. The Community building is proposed on the Chapel Hill side and the playground, picnic area, and seating area, are proposed on the Carrboro side. The Recreation Space requirement for 2,964 feet of recreation space is met using both all parcels.

Staff Comment: We believe that locating the recreational amenities for playground and picnic area to the rear of the Carrboro parcel is a safe and good use of the site. The Chapel Hill side of the development had few options for locating the playground, all at the front of the site adjacent to Merritt Mill Road. We support providing the Recreation Space requirement on both side of the development.

5. Land Use Management Ordinance Section 5.3.2: Allow land disturbance on all steep slopes (greater than 25%) to exceed the maximum land disturbance of 25% to allow a maximum usage of the site using retaining walls.

Staff Comment: The site contains steep slopes, greater than 25%. Most of these slopes occur along the southern and central portions of the property. Most of the site is proposed to be graded including all 2,000 sq. ft. of the steep slopes. The Ordinance only allows 25% of the steep slopes to be disturbed. In this case all steep slopes will be disturbed and regraded. Both building pad and parking lot are proposed to be relatively flat with soil pushed to the edges of the property. A retaining wall is proposed along the western and northern perimeter to contain the steep slopes. Staff supports exceeding the land disturbance allowed on steep slopes in order to build affordable housing and make the best use of the site.

6. Land Use Management Ordinance Section 5.9: Allow reduction of 5-foot planting strip between the parking lot and building façade (exclusive of sidewalk) to allow safe emergency fire department access to the front of the building. [LUMO 5.9.2c.2(a)]

Staff Comment: The Ordinance requires a 5-foot grass or planting strip between building and parking areas, exclusive of sidewalks. A 5-foot sidewalk is proposed between the building wall and parking lot. There is no room for an additional 5-foot vegetated area because fire access to the 3-story building requires having access to one entire face of a wall no closer than 15 feet and no further than 30 feet from one side of the building. Planting areas are proposed at the ends of the building and along the front of the building where the building wall is recessed. Staff supports this modification.

Energy Management Report:

The applicant has submitted an Energy Management Plan and proposing to exceed ASHRAE standards, use LED lighting of exterior lights, use low-flow toilets, use durable materials in construction and site, and will consider the life cycle of materials. Staff supports the energy-saving measures proposed.