

CONSIDER AN APPLICATION FOR SPECIAL USE PERMIT MODIFICATION - The Oaks **Condominiums Stormwater Drainage Improvements**

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES

Ben Hitchings, Director

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PROPERTY ADDRESS

101 Oak Tree Drive, PIN 9798-45-1394

DATE

APPLICANT

September 5, 2018 John R. McAdams Company for The Oaks HOA

STAFF RECOMMENDATION

That the Council open the public hearing, receive comments and evidence on the proposed Special Use Permit Modification, and recess the Public Hearing to September 19, 2018.

The applicant is asking for a modification to the landscape buffer regulations. See attached Technical Report for additional information.

PROCESS

The Special Use Permit (SUP) Modification application is before the Council for approval. The Council must consider the *four findings* for approval, which indicate 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:
- would comply with all required regulations and standards of the Land Use Management Ordinance;
- 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
- 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.

DECISION POINTS

- Modifications to the landscape buffer on Burning Tree Drive.
- To install the drainage system, the applicant proposes removing a total of 30 trees; 23 are within the Burning Tree Drive buffer.
- The applicant is proposing to replant 15 trees in the buffer and along the drainage easement.

The 1971 SUP landscape plan prohibited disturbing the trees in this area, which have since matured into large shade trees. Installing the upgraded stormwater drainage system triggers the threshold for a major change to the landscape conditions of the original SUP.

PROJECT OVERVIEW

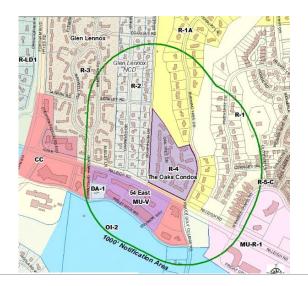
The Oaks Condominiums is an existing multifamily development at the intersection of Burning Tree Drive and NC 54. This application proposal is to install a storm drainage conveyance system to reduce existing flooding issues on site. The design and layout of the proposed system are constrained by the existing buildings and infrastructure for the Condominiums.

This project may disturb approximately 34,000 square feet of land to install stormwater infrastructure including concrete pipes, junction boxes, culverts, and swales. A 77foot section of 24-inch pipe is proposed under Burning Tree Drive and within an existing storm drain easement.

As part of the original SUP for the site, a landscape plan must be provided and approved by the CDC.

The site is currently zoned Residential-4 (R-4).

PROJECT LOCATION



ATTACHMENTS

- 1. Technical Report
- 2. Draft Staff Presentation
- 3. Resolution A
- 4. Resolution B
- 5. **Project Details**
- Application Form & Materials
- Submitted Plans

TECHNICAL REPORT

1971 Special Use Permit approved for The Oaks Condominiums with the approved

plans noting two natural areas along Burning Tree Drive to remain

undisturbed.

1974 Special Use Permit Modification approved with additional landscaping between

the buildings and Hwy. 54.

June 20, 2018 Concept Plan for The Oaks Condominiums presented to Council.

Connections to other Documents:

Town staff reviewed this application for compliance with the themes from the <u>2020 Comprehensive Plan¹</u>, the standards of the <u>Land Use Management Ordinance</u>², and the <u>Town of Chapel Hill, NC:</u> <u>Design Manual and Standard Details</u>³ and offers the following evaluation:

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

Council Goals:

		Create a Place for Everyone			Develop Good Places, New Spaces
\boxtimes	9	Support Community Prosperity	\boxtimes	No.	Nurture Our Community
	2	Facilitate Getting Around		P	Grow Town and Gown Collaboration

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

Land Use Plan: The 2020 Land Use Plan⁴, a component of the 2020 Comprehensive Plan, designates this site for Medium Residential (4-8 units per acre).

Resource Conservation District and Jordan Buffer Encroachments:

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

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

Proposed Modification for Approval:

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

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

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

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

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

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

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

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

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

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