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**ADDITIONAL INFORMATION FOR THE SPECIAL USE PERMIT  
MODIFICATION FOR UNIVERSITY PLACE, 201 S. ESTES DRIVE (PROJECT #  
19-130)**

MAY 19, 2021

TOWN OF CHAPEL HILL PLANNING  
Colleen Willger, Director  
Judy Johnson, Assistant Director

## KEY CONSIDERATIONS

**Planning Commission:** At their [April 6, 2021 meeting](#)<sup>1</sup>, the Planning Commission **recommended** approval with the following modifications to Resolution A:

- Decrease the allowed impervious surface area to meet current ordinance standard of 70% maximum impervious surface ratio.

*Staff Response:* The applicant is proposing to reduce the amount of impervious surface on the parcel from 78 percent impervious to 75 percent impervious, a reduction of approximately 55,000 square feet. The Land Use Management Ordinance (LUMO) limits impervious surface to 70 percent and the applicant has requested a modification to regulations for the amount of impervious surface.

*Applicant Response:* LUMO ordinance is intended for greenfield development and is not well suited for redevelopment projects. Actual impervious area requirements for this site are to not increase over existing as controlled by the stormwater regulations. For other redevelopment projects, including the Station at East 54 (Town's fire station) and others, the Town has allowed the existing impervious to be grandfathered and the development to build 70% impervious on the remaining area resulting in projects that were well over 70%. University Place is proposing reducing the impervious area on site by approximately 55,000 SF or 1.2 acres.

- Increase the amount of required tree canopy coverage to meet the current required ordinance standard of 30% minimum tree canopy coverage.

*Staff Response:* The applicant is proposing a modification to regulations to reduce the 30 percent tree canopy standard to 20 percent. The LUMO sets forth public purposes standards for a reduction in tree canopy:

- a. Goals of Comprehensive Plan
- b. LEED or "green" building and low impact development
- c. Affordable housing
- d. Stormwater management
- e. Community character of adjoining property, or established managed landscapes, or established streetscapes

Staff understands that the development was constructed prior to the standards of the current LUMO and believes that the Council could find that the modifying the standard is reasonable.

*Applicant Response:* It is worth noting that the current tree canopy is 13%. Therefore, an increase to 20% is an addition of approximately 250 trees.

- Further reduce parking totals and reduce required minimum parking on-site.

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<sup>1</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829635&GUID=69079523-A7C3-4357-99C6-973E680DEA22&Options=&Search=>

*Staff Response:* The applicant has requested flexibility on the number of parking spaces based on the uses that will be present. The applicant has requested to modify the minimum and maximum parking requirements for several uses including 2- bedroom dwelling units, all commercial uses, and all office uses. Additionally, the applicant is requesting a 30 percent reduction in parking for parking areas to be shared by multiple users.

- Greatly increase the amount of bicycle parking on-site.

*Staff Response:* We would encourage the applicant to consider adding additional bicycle parking spaces as the need is determined. We have included the following stipulation in Revised Resolution A:

Bicycle Parking Monitoring: That the developer annually monitor the available bicycle parking spaces as part of the annual Transportation Management Plan. If additional bicycle parking spaces are necessary, the developer shall install the racks in locations subject to review and approval by the Town Manager.

- Provide unbundled parking options, granting tenants the option of paying for parking spaces or not.

*Staff Response:* If the developer concurs, the following stipulation to Revised Resolution A could be added:

Residential Parking: That as part of the individual lease arrangements with tenants, the unit parking spaces shall be unbundled from the dwelling units.

This stipulation has not been added to Revised Resolution A.

*Applicant Response:* This creates a challenging situation given the mixed-use nature of this project and therefore we cannot agree to this request. Because there are surface parking lots adjacent to the proposed apartments, it will result in multifamily residents electing not to pay for parking and then parking their vehicles in the retail surface parking areas to avoid paying, thereby reducing available parking for retail uses.

- Engage with the Chapel Hill Farmers Market to provide permanent and shared-use infrastructure that suits their long-term needs.

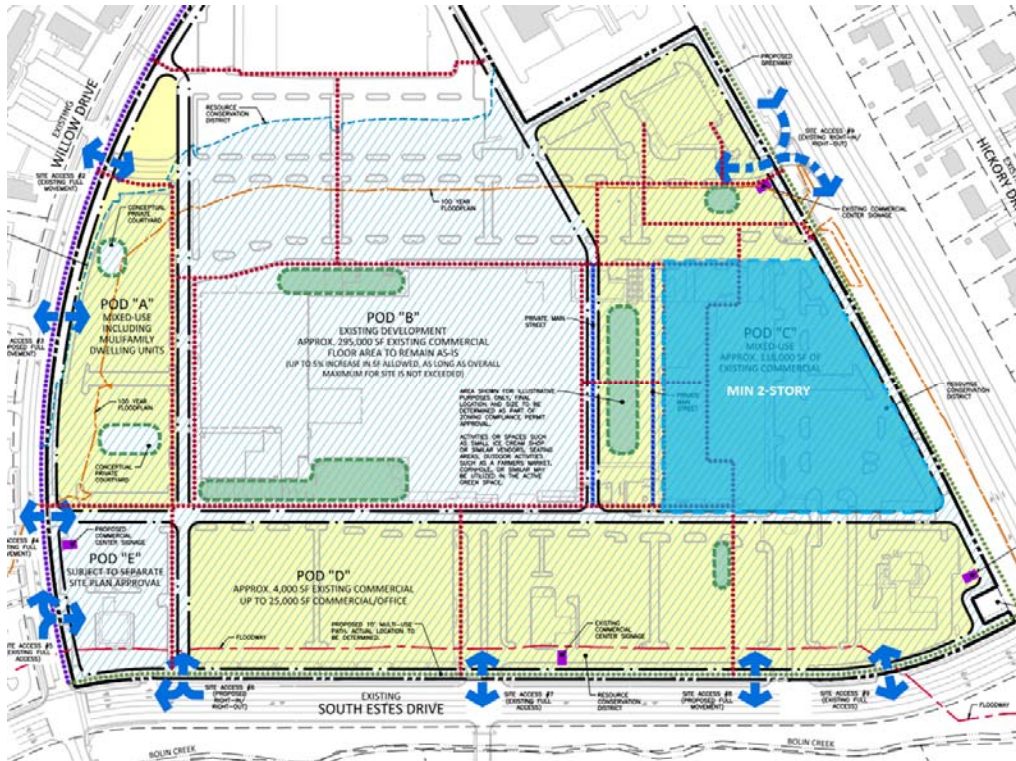
*Staff Response:* We understand the developer is working with the Farmers Market to develop a permanent location on the site.

- New constructed stand-alone buildings shall be more than one story in height.

Staff Response: The following stipulation has been added to Revised Resolution A:

Building Heights: Any new stand-alone building, to be constructed in Pod C, shall be constructed at a minimum height of two-story building.

*Applicant Response:* We have proposed requiring two story buildings only within the specified area of Pod C. This was the area where the board was requesting 2-story. Please see the diagram below indicating Pod C.



- Reduce the number of proposed signs and sign size along Fordham Boulevard.

*Staff Response:* The applicant has requested a modification to regulations to increase the number as well as the size of signs. The Council has the ability to make a finding that in this particular case that the public purposes are satisfied to an equivalent or greater degree, the Council may make specific modifications to regulations in the particular case. We have modified the condition in Revised Resolution A based on the applicant's response.

*Applicant Response:* We are willing to remove the Gateway sign from the requested modifications.

**Transportation and Connectivity Advisory Board:** At the [March 23, 2021 meeting](#)<sup>2</sup>, the Transportation and Connectivity Advisory Board recommended approval with the following modifications to Resolution A:

- That the developer coordinate with Chapel Hill Transit to explore additional bus stop(s) within the development

*Staff Response:* We have added the following stipulation to Revised Resolution A:

**Chapel Hill Transit:** Prior to issuance of a Zoning Compliance Permit, the developer shall coordinate with Chapel Hill Transit to explore additional bus stop(s) within the development.

*Applicant Response:* We have met with Chapel Hill Transit, who did not recommend an additional stop or relocation of the existing stop at this time. A future stop would be likely on Fordham with planned BRT.

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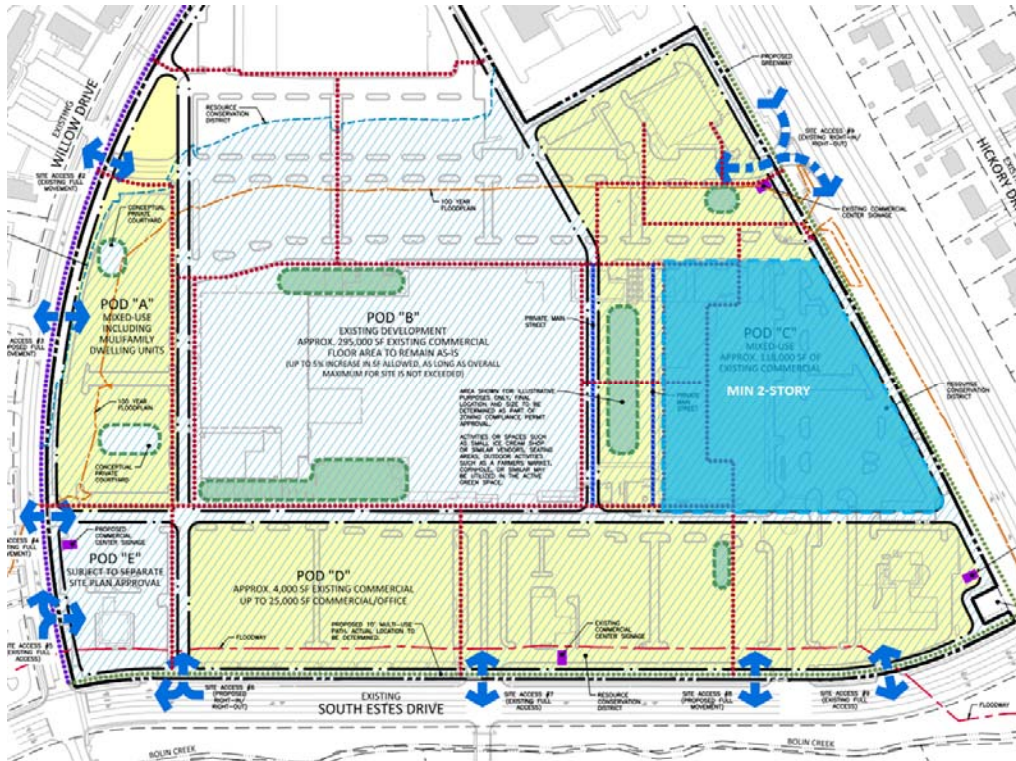
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- Developer meets with community bicycle advocacy groups to determine ideal bicycle parking locations

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*Applicant Response:* We would ask that this be revised to be a ZCP for any proposed buildings as we would not want bicycle parking requirement if just infrastructure work.

- Developer install additional traffic calming treatments on the interior roadway network.

*Staff Response:* We have added the following stipulation to Revised Resolution A:

Traffic Calming: That prior to a Zoning Compliance Permit, the developer review the interior roadway network with Town staff, including emergency responders, to determine traffic calming treatments.

- Developer coordinate with Town staff to consider pedestrian, bicycle, and non-motorized routes within the development to prioritize safety, directness, and experience for all ages and abilities.

*Staff Response:* We have added the following stipulation to Revised Resolution A:

Pedestrian and Bicycle Safety: That prior to a Zoning Compliance Permit, the developer coordinate with Town staff to consider pedestrian and bicycle routes for safety and accessibility.

**Environmental Stewardship Advisory Board:** At the [March 30, 2021 meeting](#)<sup>3</sup>, the Environmental Stewardship Advisory Board recommended approval with the following modifications to Resolution A:

- Present more detail about energy consumption, types of energy used, rainwater and stormwater

*Staff Response:* We have revised the following stipulation to Revised Resolution A to include additional information:

74. 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 include additional information regarding energy consumption, types of energy used, rainwater and stormwater. 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]

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<sup>3</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=853077&GUID=929FC572-0F65-4A58-A4C0-66B39C2A3C60&Options=&Search=>

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- Meet with the Stormwater Management Utility Advisory Board

*Staff Response:* The applicant has met with the Stormwater Management Utility Advisory Board at their April 27 meeting. The SMUAB recommendations are included in the Advisory Board recommendations.

- Utilize solar energy to reduce greenhouse gas emissions

*Staff Response:* We have added the following stipulation to Revised Resolution A:

Solar Readiness: That the developer consider installing solar conduit below the roof of the buildings to serve photovoltaic solar panels of dimensions adequate to service each individual building.

Due to heat and environmental health concerns, plant only natural vegetation and if an artificial turf is used, avoid crumb rubber base.

*Staff Response:* We have added the following stipulation to Revised Resolution A:

Artificial Turf Alternatives: If artificial turf is installed, that the developer avoid use of crumb rubber based turf. Prior to issuance of a Zoning Compliance Permit including artificial turf installation, the plans include specifications for alternate artificial turf materials.

- Support the increase in tree canopy and encourage a higher percentage than the proposed 20%, which is below the 30% standard.

*Staff Response:* The applicant is proposing a modification to regulations to reduce the 30 percent tree canopy standard to 20 percent. The LUMO sets forth public purposes standards for a reduction in tree canopy:

- a. Goals of Comprehensive Plan
- b. LEED or "green" building and low impact development
- c. Affordable housing
- d. Stormwater management
- e. Community character of adjoining property, or established managed landscapes, or established streetscapes

Staff understands that the development was constructed prior to the standards of the current LUMO and believes that the Council could find that the modifying the standard is reasonable.

- Upon termination of leases, explore opportunities for additional green spaces

*Staff Response:* Please see the applicant's response below.

*Applicant Response:* Due to the confidentiality clauses in each of the existing tenant leases, we are unable to disclose the specific protected areas for each tenant, making it extremely difficult to craft a stipulation around this request. However, the design guidelines include language stating that any modifications to parking areas require these areas to be brought further into compliance, thereby increasing landscape islands, trees and green space over time.

- Support the decrease in impervious surface and encourage a lower percentage than the proposed 75%, which is above the 70% standard

*Staff Response:* The applicant is proposing to reduce the amount of impervious surface on the parcel from 78 percent impervious to 75 percent impervious, a reduction of

approximately 55,000 square feet. The Land Use Management Ordinance (LUMO) limits impervious surface to 70 percent and the applicant has requested a modification to regulations for the amount of impervious surface.

Applicant Response: See comments above.

- Place reflective surfaces on roofs before installing solar

*Staff Response:* We encourage the applicant to consider installation of reflective surfaces on rooftops if photovoltaic solar panels are installed.

- Install rooftop rainwater capture for irrigation and non-potable water use and to reduce stormwater impacts

*Staff Response:* We encourage the applicant to install cistern-type devices to capture rainwater for irrigation and non-potable water uses throughout the site. We encourage the applicant to develop their final plans with accommodations for these types of uses.

- Build structured parking to reduce impervious surface and increase area for tree plantings

*Staff Response:* The applicant has proposed structured parking in some areas of the development. We have included the following condition in Revised Resolution A encouraging the conversion of surface parking areas into structure parking if possible:

Structured Parking: That the applicant consider converting surface parking areas into structured parking if possible. Conversion of the surface parking areas would be subject to review and approval by the Town Manager, with no increase in the amount of parking spaces.

- Install stormwater retention tanks to moderate runoff

*Applicant Response:* The property is 39-acres of a 7,500 acre drainage basin. Retention of stormwater would have no impact on the flooding experienced in this location. Underground tanks cannot practically be installed and outlet into Bolin Creek due to the level of groundwater and the flows in the creek that would backflow into an underground device. Retention tanks above ground would impact the flood storage volume.

- Suggest that Council ask for additional details about the multi-family units

*Staff Response:* We believe the Council has requested additional details about the multi-family dwelling units.

*Applicant Response:* The ~250 units proposed in Pod A include an average unit size of approx. 775 SF and include a mix of studios, 1BR & 2BR units.

**Housing Advisory Board:** At the [March 9, 2021 meeting](#)<sup>4</sup>, the Housing Advisory Board recommended approval of the project.

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<sup>4</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829628&GUID=87C0A97D-10A6-4174-A887-3144DEC15784&Options=&Search=>

**Community Design Commission:** The application was discussed at the [March 23, 2021](#)<sup>5</sup> and [April 27, 2021](#)<sup>6</sup> meetings. The Community Design Commission recommended approval of the project.

**Stormwater Management Utility Advisory Board:** The application was discussed at the [April 27, 2021 meeting](#)<sup>7</sup>. The Stormwater Management Utility Advisory Board recommended approval with the following modifications to Resolution A:

- The Board does not support the modification to the impervious surface ratio (75%). The Board supports the reduction in the impervious ratio to 70%.

*Staff Response:* The applicant is proposing to reduce the amount of impervious surface on the parcel from 78 percent impervious to 75 percent impervious, a reduction of approximately 55,000 square feet. The Land Use Management Ordinance (LUMO) limits impervious surface to 70 percent and the applicant has requested a modification to regulations for the amount of impervious surface.

- If the 70% impervious area ratio can not be met, then the use of green roof or rainwater harvesting should be included to account for the difference

*Applicant Response:* We agree to the use of alternative measures where practical as currently proposed and supported by the Stormwater Mgt. Utility Advisory Board. However, the applicant cannot commit to a 70% requirement.

- Future phases should incorporate additional measures to further meet the 70% impervious area ratio requirement.

*Applicant Response:* Future development will continue to reduce the impervious area on-site and provide additional measures to reduce the stormwater impact of the site. However, the applicant cannot commit to a 70% requirement.

- There should be no loss of effective flood storage on this site, which is in addition to meeting the no-rise in the Base Flood Elevation requirement.

*Applicant Response:* Agree that there will be no net reduction in flood storage volume.

- The Board supports the use of pervious pavement and the approximately 30,000 sf of additional impervious area that is proposed to be treated in the enlarged and improved bioretention basins.

*Staff Response:* The applicant has agreed to the use of alternative measures where practical.

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<sup>5</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829633&GUID=9B4EBCC1-4FFE-43F5-A0A0-EA7F41A0C183&Options=&Search=>

<sup>6</sup> <https://chapelhill.legistar.com/DepartmentDetail.aspx?ID=35897&GUID=60D7535E-8FD2-4C4F-B065-903F28578771&Search=>

<sup>7</sup> <https://www.townofchapelhill.org/home/showpublisheddocument/48787/637546157362500000>