

MEMORANDUM

TO: Chapel Hill Planning Board
Chapel Hill Transportation Board
Chapel Hill Community Design Commission
Chapel Hill Parks and Recreation Commission
Chapel Hill Bicycle and Pedestrian Advisory Board

FROM: J. B. Culpepper, Planning Director
Gene Poveromo, Development Coordinator

SUBJECT: South Grove Planned Development-Housing Special Use Permit Application
(File No. 9776-89-7469)

DATE: February 5, 2008 (Planning Board)
February 14, 2008 (Transportation Board)
February 20, 2008 (Community Design Commission)
February 20, 2008 (Parks and Recreation Commission)
February 26, 2008 (Bicycle and Pedestrian Advisory Board)

PURPOSE

The Town has received an application from Oldham Associates for the South Grove Planned Development-Housing Special Use Permit on the east side of U.S. Highway 15-501 South. Associated with the Special Use Permit application is an application for a text amendment to the Land Use Management Ordinance. Please refer to the accompanying memorandum for a discussion of the text amendment application.

The Planning Board, Transportation Board, Community Design Commission, Parks and Recreation Commission, and Bicycle and Pedestrian Advisory Board are asked to make a recommendation to the Council on the Special Use Permit application. A Public Hearing has been tentatively scheduled for March 10, 2008.

RECOMMENDATION

We recommend that the Planning Board, Transportation Board, Community Design Commission, Parks and Recreation Commission, and Bicycle and Pedestrian Advisory Board recommend that the Council adopt Resolution A, approving the application with conditions.

ATTACHMENTS

1. Planning Staff Report
2. Project Fact Sheet Checklist
3. Resolution A
4. Resolution B
5. Summaries of Town Council and Community Design Commission Concept Plan Review

6. Statement of Justification
7. Project Fact Sheet
8. Area Map
9. Reduced Plans

ATTACHMENT 1

STAFF REPORT

SUBJECT: South Grove Planned Development-Housing Special Use Permit Application
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INTRODUCTION

The South Grove Planned Development-Housing Special Use Permit application would create 26 single-family lots on 40 acres. The site is located on the east side of U.S. Highway 15-501, just south of Cole Road and the Town's Southern Community Park.

The site is located in the Residential-Low Density-1 (R-LD1) zoning district, outside the Town of Chapel Hill's corporate limits, outside the Urban Services Boundary, and in the Watershed Protection District. Part of the site is in the Town's Extraterritorial Jurisdiction and part is in the Chapel Hill/Orange County Joint Planning Area.

BACKGROUND

In 2006, the applicant submitted a Concept Plan proposal. Comments from the Community Design Commission review (August 16, 2006) and the Council's review (October 4, 2006) are attached.

EXISTING CONDITIONS

Location: The 40-acre site is located on the east side of U.S. Highway 15-501 South, just south of Cole Drive and the new Southern Community Park. Surrounding property is in low density residential use and in the Residential Low Density-1 (R-LD1) zoning district.

Existing Structures and Manmade Features: There are no buildings on the site. However, there appears to be a small unmarked cemetery in the northwest corner of the site.

Pedestrian Circulation: There are currently no sidewalks along either side of U.S. Highway 15-501 South.

Bus Stops, Routes: There is currently no Town of Chapel Hill transit service in this area.

Topography, Drainage, Vegetative Cover: The site gently slopes downward from the west to east, the western two-thirds predominantly at slopes of 10 per cent or less. The eastern third of the site has slopes ranging from 10 to 20 percent or greater. The site is located with the Town's

Watershed Protection District and contains two areas of Resource Conservation District. One, in the northwestern corner, is associated with perennial and intermittent streams. The other is along the eastern property line, which coincides with the centerline of an intermittent stream.

The western two-thirds of the site have been timbered in recent years and are vegetated with extremely dense emergent forest growth dominated by sweet gum, pine, and other native tree species. The eastern third of the site contains mature woodlands with a hardwood canopy and limited undergrowth.

EVALUATION

Town staff has reviewed this application for compliance with the standards of the Land Use Management Ordinance and the Design Manual and offers the following evaluation.

Development Description

The Special Use Permit application entails creation of 26 single-family lots, including 4 affordable housing lots, on approximately 40 acres. The 26 lots vary in size from 18,190 square feet (less than 0.5 acre) to 207,929 square feet (4.8 acres). The applicant is proposing 35,158 (0.8 acre) square feet as improved recreation area and approximately 350,213 square feet (8.04 acres) as common area.

The applicant is proposing a stormwater facility in the northwest portion of the site for managing stormwater runoff from the new internal streets and some of the individual lots.

Vehicular access would be provided via a new cul-de-sac off U.S. Highway 15-501 South. The application includes one connector road stub-out to the northern property line. The applicant is proposing that the internal connector street network be constructed to NCDOT street standards and be dedicated as public right-of-way.

Septic systems and a community water well would serve the proposed lots. The developer proposes no disturbance to an unmarked cemetery in the proposed common area in the northwest quadrant of the site.

Concept Plan/Special Use Permit Application Comparison

The plans are similar to the 2006 Concept Plans reviewed by the Community Design Commission and the Town Council, except that 4 additional lots are now proposed.

Ordinance Requirements

Zoning: The site is zoned Residential-Low Density-1 (R-LD1). The applicant has applied for a Special Use Permit, Planned Development-Housing approval. Adjacent property is also in the Residential-Low Density-1 (R-LD1) zoning district.

Planned Development-Housing: Because the application is a Special Use Permit, Planned Development-Housing, setbacks and primary height regulations of the underlying Residential Low Density-1 (R-LD1) zoning district would apply only to lots on the perimeter of the development site.

There are floor area limits for single family homes proposed as part of a Planned Development-Housing. The applicant proposes to exceed this floor area. Please see the section below.

Dimensional Standards: In a Planned Development-Housing, only individual lots at the perimeter of the development are subject to setbacks or primary height regulations. The application meets the dimensional standards (other than floor area) outlined in the Dimensional Matrix (Table 3.8-1) of the Land Use Management Ordinance for the Residential- Low Density-1 (R-LD1) zoning district.

For this development, the floor area limit would be restricted to be no more than 79,095 square feet. The applicant wishes to remove the floor area restrictions for this zoning district (floor area ratio of .047). Because modification of intensity standards is not appropriate in this case, the applicant has submitted a separate application for a text amendment to the Land Use Management Ordinance which proposes to remove floor area restrictions for Planned Developments. If enacted as proposed, this text amendment would apply to all Planned Development applications. Please see the accompanying memorandum on the proposed text amendment.

Modifications to the Regulations: The Special Use Permit application does not comply with the Land Use Management Ordinance regarding internal bufferyard requirements. The applicant is asking for modification to the regulations with respect to the bufferyards. The applicant is also requesting that the Council modify the regulations pertaining to approval of building elevations and lighting plans by the Community Design Commission. The proposed modifications are discussed below.

Modification to Internal Bufferyard Requirements

Table 5.6.6.-1 of the Land Use Management Ordinance specifies that a 10-foot Type B landscape bufferyard is required along the northern, eastern, and southern property lines, all of which abut properties now in residential use and located in residential zoning districts. The Orange County Health Department requires a ten foot separation between property lines and septic fields. If the 10-foot buffer were to be part of Homeowners' Association property, an additional ten foot separation would be required according to County Health Department requirements, reducing the lot areas available for septic systems. The applicant is requesting a modification to the regulations to eliminate this buffer requirement.

Staff considered the circumstances, the intent of landscape buffers, and the nature of the development. Surrounding property is under residential use in rural residential zoning districts. We believe that because the development will appear and function like a traditional subdivision, which would require no buffers along property lines abutting residential uses, this development should not be required to include these 10-foot buffers. We believe the size and topography of the lots will generally allow for retention of vegetation without the buffer requirement. Since many of the lots will require on-site septic fields, we believe it would be advantageous to retain flexibility as to where clearing within the lots can occur. We recommend approval of the applicant's request to modify the regulations to exclude the buffer requirement along these three property lines.

Modification to the Community Design Commission Review of
Building Elevations and Lighting Plans

For Special Use Permit applications, Section 4.5.3.(n) of the Land Use Management Ordinance requires Community Design Commission review and approval of detailed building elevations and lighting plans. The applicant requests modification of the regulations to eliminate this requirement. The buildings proposed with this development are 26 single-family homes. Conventional street lighting is not proposed; rather the applicant proposes that the Homeowners' Association act as an approval body for individual property owners' plans for low-level lighting where driveways meet the new internal street, and within the picnic area which is centrally located within the development. We believe that this proposed development will look and function like a traditional single-family subdivision, which would not require Community Design Commission review and approval of the elevations of single-family homes. We agree with the applicant that Community Design Commission review of each single family home and the proposed driveway lighting plan should not be required.

Modification of Regulations by the Council

The Council has the ability to modify the regulations, according to Section 4.5.6 of the Land Use Management Ordinance. The Council could modify the regulations if it makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree. We believe that with respect to the applicant's request to modify the bufferyard regulations, the Council could make a finding that public purposes are satisfied to an equivalent or greater degree because the nature of the development – similar to a traditional single-family subdivision - and its surroundings do not warrant a 10-foot landscape buffer on its northern, eastern, and southern perimeter.

We believe that with respect to the applicant's request to modify the review procedure, the Council could make a finding that public purposes are satisfied to an equivalent or greater degree because the subdivision-like character of the development does not warrant Community Design Commission review of the exterior details of individual homes, driveway entrance lighting, and recreation area lighting which is centrally located within the development.

The Council may deny one or more of the proposed modifications to regulations at its discretion. If the Council chooses to deny a request for modification to regulations, the applicant's alternatives are to comply with regulations or request a variance from regulations.

Affordable Housing

The applicant has proposed entering into an agreement with the Orange Community Housing and Land Trust to convey 4 affordable single-family dwelling units (15% of the total units) to the Land Trust upon completion of the homes. The four lots (#5, #6, #18, and #24) are distributed throughout the neighborhood and each is proposed to have a house with at least 1,300 square feet of floor area, with 3 bedrooms and 2 bathrooms.

Under the applicant's phasing plan, the first affordable home would be completed within 18 months of recordation of the final plat, with one of the three remaining affordable homes to be completed and conveyed every six months thereafter. The applicant also states that the

affordable units will be exempt from paying landscape maintenance fees for the common areas.

The applicant's Statement of Justification describes his offer as follows:

"The applicant proposes to contract with one or more home builders to deliver four finished housing units that will be designated for purchase by individuals or families with low to moderate income levels." *[Applicant's Statement]*

We and the Orange Community Housing and Land Trust recommend the applicant's affordable housing proposal. Resolution A includes a stipulation requiring that the applicant submit, for Town Manager review and approval, copies of the deed restrictions addressing the affordability component of this proposed development. The documents must be approved by the Orange Community Housing and Land Trust and the Town Manager prior to the recordation of a final plat.

Access and Circulation

Traffic Impact: The Traffic Impact Analysis was waived for this development in accordance with Town guidelines because the total number of trips for the proposed development is projected to be 260 trips per day. We believe there will be no significant traffic impact on the surrounding street network (U.S. Highway 15-501).

Vehicular Access: Vehicular access is to be accommodated through a right-turn in/right-turn out to U.S. Highway 15-501 South. We are not recommending any improvements to U.S. Highway 15-501 South.

Internal Streets: This site is outside the Town limits, and therefore the roads would be dedicated to the North Carolina Department of Transportation (NCDOT). The applicant is proposing the internal streets be constructed to NCDOT subdivision street standards with 11-foot travel lanes and an all-weather surface (asphalt or concrete) 5-foot wide sidewalk meandering along one side within a 50-foot right-of-way.

We recommend the following improvements to all internal streets:

- That all internal roads be constructed to NCDOT's subdivision street standards, including sidewalk on one side; and
- That all internal streets be situated within a minimum 50-foot wide right-of-way.

These recommendations have been included as stipulations in Resolution A.

Road Stub-Out: The applicant is proposing a road stub-out to the northern property line for future access to the north. There are several large lots in this area with no direct street access. The proposed stub-out would provide an opportunity for logical street and pedestrian connectivity if and when the adjacent properties to the north are developed. Resolution A includes a stipulation requiring a road stub-out to the north property line.

Road Stub-Out Signage and Notification: We recommend that signage be placed at the end of the road stub-out upon completion of roadbed clearing and grading, indicating that the road will be extended for future development. The size, text, and color of the signs shall be subject to the Town Manager's approval. If the project and street construction is to be constructed as a phased development, we also recommend that the signage be installed at the end of the road in each phase.

We recommend that the final plans, final plats, and Homeowners' Association documents include a note stating that "Future development of the adjoining property will include the extension of the road stub-out along the northern property line." We also recommend that the applicant submit to all purchasers of property and residential units a statement that discloses the that the road will be extended for future development.

We have included stipulations to this effect in Resolution A.

Pedestrian Circulation: There are currently no sidewalks along either side U.S. Highway 15-501 South. The applicant is proposing to construct asphalt or concrete sidewalks along one side of all internal connector streets. As the property lies outside the Urban Services Boundary and is not a candidate for annexation into the Town, the applicant is proposing that the internal sidewalks be located within a pedestrian easement controlled and maintained by the Homeowners' Association. The applicant also proposes a curvilinear sidewalk layout, which we support in this rural neighborhood. These features are included as stipulations in Resolution A.

Public Improvements: We recommend that, until the internal streets are accepted by NCDOT, the Homeowners' Association be responsible for the maintenance of the internal streets. We also recommend that the Homeowners' Association be responsible for maintenance of the sidewalks.

Bus Stops and Routes: The nearest bus stops are within Southern Village, approximately a mile away (NS Route and V Route). Since this site is outside the Urban Services Area, and does not receive Chapel Hill Transit service, we do not recommend installation of a bus stop on this property's frontage.

Recreation

Recreational Requirements: Section 5.5.2 of the Land Use Management Ordinance requires that the applicant provide 34,841 square feet of recreation space for this Special Use Permit application to meet the active recreation needs of the residents. The applicant is proposing to satisfy the recreation requirement by providing 35,158 square feet of improved recreation space, including a basketball court, lawn area, picnic area, playground structure, and gazebo. We believe the proposed constellation of improvements is weighted too heavily towards passive recreation, and so recommend provision of more active recreation amenities. We believe the developer should provide infrastructure for more active recreation, and/or make a partial payment-in-lieu which could be applied to Town active recreation facilities. We recommend that prior to issuance of a Zoning Compliance Permit, the numbers, configuration, and type of amenities in the recreation space be approved by the Town Manager. We have included a stipulation to this effect in Resolution A.

Landscape and Architecture

Specimen Trees: A significant number of specimen trees have been identified on the Landscape Plan. In the young emergent forest on the western two-thirds of the site, we anticipate that only a few significant trees will be removed as part of the residential construction. However, for the total site, the applicant predicts that approximately 40-45 significant trees will be removed for roadway construction and clearing for well and septic areas.

Buffers: The table below outlines the minimum landscape buffer requirements for the proposed Special Use Permit and the buffers proposed by the applicant.

South Grove Special Use Permit Buffers Requirements

Location	Ordinance Requirement	Proposed Buffers
western boundary (U.S. Highway 15-501 South)	30' Type "D" external buffer	30' Type "D" external buffer
southern, northern, and eastern boundary	10' Type "B" internal buffer	None

The applicant is proposing that the buffer along the frontage of U.S. Highway 15-501 be owned and maintained by the Homeowners' Association.

Regarding the 10-foot bufferyards along the northern, eastern, and southern property lines, the applicant is requesting modifications to the regulations to eliminate the buffer requirements along the northern, eastern, and southern property lines. For further discussion of this issue, please see the above section on modifications to the regulations.

We recommend that the proposed bufferyard along the highway frontage be identified on the final plans and plat as common area to be deeded to the Homeowners' Association. We recommend that provisions for the maintenance of the highway frontage landscape buffer be incorporated into the Homeowners' Association covenants. These recommendations have been incorporated into Resolution A.

Landscape Protection Plan: We recommend that a detailed Landscape Protection Plan for the proposed development of the streets, sidewalk, recreation area, community well, and other public improvements be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan must show all critical root zones of any rare or specimen trees likely to be affected by proposed construction. The plan shall indicate which trees are proposed for removal, and where tree protection fencing and silt fencing will be installed. We recommend that detailed landscape planting plans and landscape maintenance plans for the proposed buffer be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The landscape plan shall indicate the size, type, and location of all plantings. We have included these recommendations as stipulations in Resolution A.

Building Elevations and Lighting Plan: The Ordinance requires that detailed building elevations and a lighting plan be approved by the Community Design Commission prior to the issuance of a Zoning Compliance Permit or Building Permit. The applicant proposes a

modification to the regulations which would eliminate this requirement. For further discussion of this issue, please see the section above on modifications to the regulations.

Environmental

Resource Conservation District: The property contains two areas of Resource Conservation District totaling 163,781 square feet (3.76 acres), one area in the northwestern portion of the site associated with perennial and intermittent streams. The other is along the eastern property line which is the centerline of an intermittent stream. The applicant proposes no land disturbance in the Resource Conservation District. A stipulation has been included in Resolution A that states that, prior to issuance of a Zoning Compliance Permit, requirements and standards of Section 3.6.3 of the Land Use Management Ordinance and all other applicable Resource Conservation District regulations must be met.

We recommend that no lot be created that would require a Resource Conservation District Variance in order to be built upon. We recommend that all residential construction, including clearing, grading, and construction, be located entirely outside the Resource Conservation District. In addition, for each lot, it must be demonstrated that there is sufficient buildable area outside the Resource Conservation District, slopes of 25 percent or greater, vegetated buffers, easements, and any applicable building setback limits. A stipulation regarding the buildable area of each lot has been included in Resolution A.

We recommend that the boundaries of the Resource Conservation District be shown on the final plat and final plans with a note indicating that "Development in the Resource Conservation District shall be in accordance with Land Use Management Ordinance." This recommendation has been incorporated into Resolution A.

Watershed Protection District: The proposed development is located in the Watershed Protection District, where impervious surface area (i.e. built-upon area) is restricted by Section 3.6.4 of the Land Use Management Ordinance.

Development with a proposed density not exceeding 2 units/acre or 24 percent built-upon area (impervious surface area) would satisfy the Low-Density Option of the Watershed Protection District regulations. This development is proposed to be 0.20 units per acre and therefore satisfies the Low Density Option. No further impervious surface limits are required.

Impervious Surface: The applicant is proposing 288,030 square feet of impervious surface, 58,500 square feet of which is associated with the proposed streets, sidewalks, and recreation area. The applicant is also proposing that each lot be allocated impervious surface limitations on a lot-by-lot basis for a total of 153,000 square feet of impervious surface for the lots. (We note that impervious surface for the individual lots and for the entire project could be increased as long as stormwater management facilities are expanded or added to handle the additional impervious surface.) We recommend that the final plans and final plat identify this proposed impervious surface limit on each lot. We recommend that an impervious surface tally sheet be submitted with all final plans and with all Single-Family Zoning Compliance Permit, Building Permits, and Certificates of Occupancy applications. We also recommend that the applicant submit to all purchasers of property and residential units a statement that discloses the

impervious surface limits associated with each lot. We have incorporated these recommendations into Resolution A.

Stormwater Management: The applicant has proposed a stormwater management facility which will store excess stormwater and release it at a rate at or below the pre-development rates for the site. This facility is proposed to be located in the northwestern portion of the site.

The Land Use Management Ordinance requires that each residential lot manage stormwater rate, quality, and volume. Stormwater from most of the lots would be handled by the common stormwater management facility. The remaining lots would be provided with individual facilities to manage stormwater run-off from the residences. We recommend that for each of these lots, the individual stormwater management statement, plan, and facility(ies) be reviewed and approved the Town Manager prior to issuance of a Single Family Zoning Compliance Permit. We recommend that a statement of this intent be included on the final plans and on the recorded final plat. We also recommend that these stormwater management features be prohibited within an approved bufferyard area and Resource Conservation District. We have include stipulations incorporating these recommendations in Resolution A.

Erosion Control: We recommend that a Soil and Erosion Control Plan for the site be approved by the Orange County Erosion Control Office and the Town Manager prior to issuance of a Zoning Compliance Permit. This stipulation is included in Resolution A.

Energy Management: We recommend that the applicant include an Energy Management Plan in the Final Plan application. We understand that the applicant is currently working with Town staff on this matter. We believe that the applicant will have a draft Energy Management Plan for the Public Hearing.

Cemetery: There is a small undocumented cemetery in the northwest quadrant of the site, within the proposed common area, near the northern property lines of proposed Lots 1 and 2. The applicant proposes no construction-related disturbance in this area. We recommend that the applicant fence the cemetery to separate it and protect it from activities in the recreation area. In addition, we recommend the applicant provide evidence that all applicable state and federal regulations regarding cemeteries have been researched and complied with. We have included a stipulation in Resolution A calling for permanent fencing and for compliance with all applicable local, state, and federal regulations regarding protection of cemeteries and burial grounds.

Utilities and Service

Refuse Management: Because this site is outside the Urban Service Boundary, Town refuse collection services will not be available to this development. We recommend that the Homeowners' Association contract for private collection service.

Orange Community Recycling intends to provide regular curbside recycling services to this development in the future, when its service area expands to include this area. Until then, residents will need to recycle at dropoff sites, such as the University Mall recycling site. The Solid Waste Management Plan has been conditionally approved by Solid Waste staff. We recommend that pre-demolition and pre-construction conferences be held with Orange County

Solid Waste staff. Included in Resolution A are the above recommendations, as well as notes to be placed on the final plans regarding materials to be recycled and licensing of waste haulers. We have included refuse collection-related stipulations in Resolution A.

Water Wells and Septic Tanks: Because the property is located outside the Town's Urban Services Boundary, public water and sewer service cannot be extended to this site. The applicant is proposing to use a community water well to provide water to the single-family lots. The applicant proposes to use individual subsurface wastewater systems for each lot. Each residential lot is proposed to have a separate and distinct septic field as well as a reserve field area. Some of the lots will have septic systems and septic fields in easements offsite in the common area. All lots and septic systems are subject to review by the Orange County Health Department for approval of septic service and septic fields. Resolution A includes a stipulation addressing water and septic system requirements.

Urban Service Boundary-Utility Easement: The Orange Water and Sewer Authority recommends that the applicant provide a 30-foot sanitary sewer easement along the eastern and southern property lines. This proposed development is located outside the Urban Service Boundary, and so extension of water and sewer lines is not permitted here. Resolution A does not include a requirement to provide a sewer easement along the eastern and southern property lines.

Utilities: The Ordinance requires that detailed utility plans be reviewed and approved by Duke Energy Company or Progress Energy, Public Service Company, BellSouth, Time Warner Cable, and the Town Manager prior to issuance of a Zoning Compliance Permit. No streetlights are proposed.

Underground Utilities: Except for three phase power lines, the Ordinance requires that all new or relocated utility lines be located underground. We have this standard stipulation in Resolution A.

Fire District: The subject site is located outside of the Town's Urban Services Boundary. Fire protection will be provided via an existing joint agreement between Orange County, Chatham County, and the towns of Carrboro and Chapel Hill.

Residential Sprinkler Systems: The nearest fire hydrant is approximately 3,100 feet to the north. Town staff believes this hydrant is not feasible for fire suppression within this development. The Town's Fire Marshall has reviewed the plans in light of the fact that water mains cannot be extended to the site at this time. For protection of individual homes, the Fire Marshall recommends the applicant provide for each house a residential sprinkler system meeting the requirements of Section 13D of the National Fire Protection Association standards. We also recommend that the recorded final plat and Homeowners' Association documents include notes alerting potential lot owners to the fact that water and sewer lines cannot be extended to these lots. We have included stipulations in Resolution A to include these recommendations.

The applicant is exploring other fire protection options with the fire departments from Chapel Hill and Chatham County, either of which may be the first responders to a fire in this

development. Options may include installing hydrant(s) on the proposed water well system; or finding another way to store and pressurize water (water tanks, towers, or ponds).

Miscellaneous

Homeowners' Association: We recommend that a Homeowners' Association be created for the purpose of owning and maintaining common areas, however designated, including bufferyards, common area, recreation spaces, sidewalks, community water well, any shared fire protection facilities such as water tanks or reservoirs, septic system easements, and stormwater management basins. We recommend that the Homeowners' Association be responsible for the maintenance of the internal streets until NCDOT accepts the internal streets. We also recommend that the Association documents note the proposed extension of the street stub-out, specifying that the street will be extended for future development.

We recommend that the Homeowners' Association and applicable documents be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office, and that the Homeowners' Association document be cross-referenced on the final plat. We have included stipulations to this effect in Resolution A.

Construction Management Plan: We recommend that the applicant provide a Construction Management Plan, indicating how construction vehicle traffic will be managed, subject to approval by the Town Manager, prior to the issuance of a Zoning Compliance Permit.

Traffic and Pedestrian Control Plan: We recommend that the applicant provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

Street Lighting Plan: As the proposed development is outside the Urban Services Boundary, street lights are not required. The applicant proposes that the Homeowners' Association act as an approval body for individual lot owners' plans for low level lighting of their driveway entrances and the common picnic area.

Schools Adequate Public Facilities Ordinance: The proposed development is subject to the provisions of the Schools Adequate Public Facilities Ordinance. We have included this as a stipulation in Resolution A.

Comprehensive Plan: The adopted Land Use Plan, a component of the Comprehensive Plan, classifies the site as "Rural Residential" indicated as 1 unit to 2 to 5 acres.

Single Family Zoning Compliance Permits: We recommend that prior to the issuance of a building permit for each individual lot, the applicant obtain a Single-Family Zoning Compliance Permit. We have included this as a stipulation in Resolution A.

Open Burning and Plant Rescue: We have included stipulations in Resolution A prohibiting open burning associated with this development, and encouraging the applicant to conduct a

“plant rescue” after the issuance of a Zoning Compliance Permit and prior to start of construction.

Special Use Permit Findings

For approval of a Special Use Permit, the Council must make the following findings, as set forth in Article 4.5.2 of the Land Use Management Ordinance:

- (a) 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;
- (b) That the use or development complies with all required regulations and standards of this Chapter, including all applicable provisions of the Land Use Management Ordinance;
- (c) That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and
- (d) 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.

Upon review of the application and information that has been submitted to date, our preliminary assessment is that these findings can be made.

CONCLUSION

Based on information available at this stage of the application review process, we believe that the proposal, with the conditions in Resolution A and the proposed modification to the buffer regulations and to the requirement for Community Design Commission review of building elevations and lighting plan, meets the requirements of the applicable sections of the Land Use Management Ordinance and Design Manual, and that the proposal conforms to the Comprehensive Plan.

Resolution A would approve the application with conditions. Resolution B would deny the application.

ATTACHMENT 2

PROJECT FACT SHEET REQUIREMENTS

Check List of Regulations and Standards

Special Use Permit Application

South Grove Development	Compliance	Non-Compliance
Use Permitted	√ (with approval of PD-H)	
Minimum Gross Land Area	√	
Minimum Lot Size	√ (with approval of PD-H)	
Minimum Lot Width	√ (with approval of PD-H)	
Maximum Floor Area	√ (with approval of LUMOTA)	
Impervious Surface Limits	√	
Treatment of Stormwater Quality, Volume, and Rate	√ (with conditions)	
Minimum Recreation Space	√ (with conditions)	
Minimum # Vehicular Parking Spaces	*	
Minimum # Bicycle Parking Spaces	N/A	
Maximum # Dwelling Units	√	
Minimum Street Setback	√ (with approval of PD-H)	
Minimum Interior Setback	√ (with approval of PD-H)	
Minimum Solar Setback	√ (with approval of PD-H)	
Maximum Height Limit	√	
Minimum Landscape Buffers	√ (with modification of regulations)	
Steep Slopes	√	
Resource Conservation District	√ (with conditions)	
Watershed Protection District	√	
Adequate Public Schools Facilities	√ (with conditions)	
Section 6.18 (Planned Developments)	√	

N/A = Not Applicable

Prepared: January, 2008

* To be determined at the time of Zoning Compliance Permit for individual lot development

RESOLUTION A
(Approving the Special Use Permit Application)

A RESOLUTION APPROVING AN APPLICATION FOR A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT FOR SOUTH GROVE DEVELOPMENT

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Planned Development-Housing Special Use Permit application proposed by the Oldham Associates, LLC, on property identified as Orange County Parcel Identifier Numbers 9776-89-7469; if developed according to the site plans dated May 22, 2007 and revised January 28, 2008 would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED by the Town Council of Chapel Hill that it finds, in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Modification of Table 5.6.6-1 of the Land Use Management Ordinance, to delete the requirement for internal bufferyards along the northern, eastern and southern property lines.
2. Modification of 4.5.3(n) of the Land Use Management Ordinance, to delete the requirement for Community Design Commission review of building elevations and lighting plans.

This finding is based on a determination that public purposes are satisfied to an equivalent of greater degree in order to provide four affordable housing units.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit, Planned Development-Housing, for the South Grove Development in accordance with the plans listed above and with the conditions listed below:

Development

1. That construction begin by _____ (two years from approval date) and

be completed by _____ (ten years from approval date).

2. Land Use Intensity:

Gross Land Area	39.99 Acres
Total Maximum Floor Area	77,095 *
Maximum Residential Units	26 units
Number of Residential Lots	26
Affordable Residential Units as a Percentage of Total Residential Units	15% (4 units)
Minimum Recreation Space	34,841 sq. ft.
Maximum Impervious Surface Area	288,030 square feet, unless stormwater facilities are expanded or added

* Floor area limit may be increased or unlimited in accordance with the Planned Development-Housing intensity provisions in the Land Use Management Ordinance in effect at the time of the Special Use Permit approval.

3. No Water and Sewer Extension: That final plans and plats shall include notes alerting potential lot owners that public water and public sewer service from the Orange Water and Sewer Authority cannot be extended to this site.
4. Septic System Areas: The design and siting of individual and shared septic system sites, including reserve fields, must be approved by the Orange County Health Department and must meet all applicable county and state regulations.

Septic area easements and related access easements for septic areas not located on a residential lot must be deeded to the Homeowners' Association, and the Homeowners' Association shall be responsible for the maintenance and operation of the systems and easements. A tri-party agreement, to be recorded with the final plat, shall address responsibilities for ownership, maintenance, operation, and repairs of the shared system and easements.

The septic system shall be subject to regular inspection, monitoring, testing, and reporting by a state-certified system operator, and must remain in compliance with all applicable state and county regulations.

5. Community Water Well: The siting and design of the well must be approved by the State's Division of Water Quality, Public Water Supply Section. The area of a radius of at least 100 feet around the well must be owned, controlled, and maintained by the Homeowners' Association. The potable water system shall be designed and constructed in accordance with state and county regulations, and operated, monitored, tested, and maintained by a licensed public utility company, with oversight by the county and state.

6. Cemetery Protection: That the cemetery be fenced to protect it from recreation activities; and that the applicant demonstrate compliance with all applicable local, state, and federal regulations regarding cemetery preservation.

Affordable Housing

7. Provision of Affordable Housing: That prior to Town approval of a plat for recordation of the new lots, the applicant shall provide, for Town Manager review and approval, deed restrictions guaranteeing the affordability component of the development. The deed restrictions must, at a minimum:
- a. Include 15% of the housing units in Oldham Development as long-term affordable housing, specifically lots 5, 6, 18, and 24;
 - b. Offer for sale all of the units to households earning at or below 80% of the area median income. These units must remain affordable for at least ninety-nine years;
 - c. Require that the units be sold over a ninety-nine year period only to households that earn 80% or less than the area median income.

These restrictions shall be recorded and cross referenced on the final plat.

The first affordable home shall be completed within 18 months of recordation of the final plat, with one of the three remaining affordable homes to be completed and conveyed every six months thereafter.

8. Fee Exemption for Owners of Affordable Housing: That owners of affordable housing shall be exempt from Homeowner Association fees for landscape maintenance. This provision shall be included in the recorded Homeowners' Association documents.

Fire Protection

9. Sprinkler System for Each House: That prior to issuance of a Certificate of Occupancy, each single family dwelling unit must be equipped with a residential sprinkler system meeting the requirements of Section 13D of the National Fire Protection Association Standards.

Transportation

10. Driveway Restrictions: There shall be no driveway access from U.S. Highway 15-510 South.
11. Shared Driveway Access Easements: That shared driveway access easements shall be included on the final plans and the recorded final plat.
12. Internal Streets: That all new internal streets shall be built to North Carolina Department of Transportation subdivision street standards, with a minimum 22-foot wide road within a 50-foot wide public right-of-way. The final design and construction of the roadway will be

reviewed and approved by the NCDOT and the Town Manager prior to the issuance of a Zoning Compliance Permit.

13. Sidewalk Improvements: That a 5-foot wide sidewalk of all-weather surface shall be built along one side of each internal road, in a pedestrian easement. The sidewalk shall be maintained by the Homeowners' Association.
14. Right-of-way Dedication: That prior to the issuance of a Zoning Compliance Permit, the Town Manager shall review and approve a plat dedicating a 50-foot public right-of-way for the internal streets. That the plat shall be recorded prior to the issuance of a Zoning Compliance Permit.
15. Road Stub-outs to Adjacent Property: That the applicant shall construct a road stub-out to the northern property line.
16. Road Stub-out Signage: At such time as the applicant completes construction activity associated with the clearing and grading for the street road bed, signage shall be located at the northern end of the road stub-out. The signage shall indicate that the roadway will be extended for future development. The size, text, and color of the signs shall be subject to the Town Manager's approval. The final plat, final plans, and Homeowners' Association documents shall include a note stating that "Future development of the adjoining property will include the extension of the road stub-out as show on this final plan/plat."
17. Road Stub-out Notification: That the applicant shall submit to all purchasers of property and residential units a statement that discloses the proposed extension of the road stub-out, specifying that the road will be extended for future development into the adjoining properties.
18. Road and Sidewalk Maintenance: Until such time that NCDOT assumes ownership of the internal streets, the Homeowners' Association shall be responsible for the maintenance of the proposed internal subdivision roads. The Homeowners' Association shall be responsible for maintenance of the sidewalks. A copy of the maintenance agreement with the Homeowners' Association shall be reviewed and approved by the Town Manager prior to the issuance of Zoning Compliance Permit.
19. North Carolina Department of Transportation Approvals: That plans for improvements to State-maintained roads be approved by North Carolina Department of Transportation prior to issuance of a Zoning Compliance Permit for the subject phase of development.
20. Pavement Marking Plan: That the applicant submits a signage and pavement marking plan to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The signs and pavement markings shall be installed by the applicant prior to issuance of the first Certificate of Occupancy for a structure on the new lots.

Recreation

21. Recreation Space: That prior to issuance of a Zoning Compliance Permit, the location of the recreation space, and location, number, configuration, and type of amenities in the recreation space to be provided on-site shall be reviewed and approved by the Town Manager.

Landscaping and Architecture

22. Required Buffers: That the following landscape buffer be provided on land owned and controlled by a Homeowners' Association. If any existing vegetation is to be used to satisfy the buffer requirements, the vegetation will be protected by tree or silt fencing from adjacent construction:

Landscape Buffer

Location	Required Buffer
Western Boundary (US 15-501 South)	30' Type "D" External Buffer

23. Landscape Bufferyard Plan and Landscape Maintenance Plan: That a detailed Landscape Bufferyard Plan and a Landscape Maintenance Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The plan shall indicate the size, type, and location of all proposed plantings in the bufferyard.
24. Landscape Protection Plan: That a detailed Landscape Protection Plan, for development of the street, sidewalks, recreation area, community water well and other public improvements, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The plan shall identify all significant trees to be saved and removed. The plan shall also include the limits of land disturbance, proposed and tree protection fencing.
25. Undisturbed Buffers: All required buffer areas shall remain undisturbed, unless determined otherwise by the Town Manager. Stormwater control structures shall not be placed in landscape buffer areas.
26. Utility Easements: All utility easements shall be located outside the required buffers, except for perpendicular crossings, subject to Town Manager approval.

Environment

27. Stormwater Management Plan: That prior to the issuance of a Zoning Compliance Permit, the applicant shall submit a Stormwater Management Plan for review and approval by the Town Manager. The plan shall be based on the 1-year, 2-year, and 25-year frequency, 24-hour duration storms, where the post-development stormwater run-off rate shall not exceed the pre-development rate and the post-development stormwater runoff volume shall not exceed the pre-development volume for the local 2-year frequency, 24-hour duration storm event. Engineered stormwater facilities shall also remove 85% total suspended solids and treat the

first inch of precipitation utilizing North Carolina Division of Water Quality design standards.

28. Stormwater Facility Prohibited in the Public Right-of-Way: That all detention/retention basins, stormwater facilities, including residential stormwater control features, and associated infrastructure be located outside of existing or proposed rights-of-way as well as outside of all building setbacks.
29. Storm Drainageway Easement: That all stormwater management improvements, outside the public right-of-way, shall be located inside reserved storm drainageway easements and shown on the final plans and final plat, per Town guidelines.
30. Stormwater Operations and Maintenance Plan: That the applicant shall provide a Stormwater Operations and Maintenance Plan for all engineered stormwater facilities. The plan shall include the owner's financial responsibility and include the maintenance schedule of the facilities to ensure that it continues to function as originally intended and shall be approved by the Town Manager, prior to the issuance of a Zoning Compliance Permit. The Stormwater Operations and Maintenance Plan shall be referenced in the Homeowners' Association documents.
31. Comprehensive Stormwater Management Plan: That a comprehensive Stormwater Management Plan be developed for the shared stormwater management facilities. In addition, some lots will require individual stormwater facilities. The shared stormwater management facility shall be designed to handle stormwater from all of the site except for these particular lots. An individual stormwater management plan must be submitted and approved by the Town Manager prior to issuance of a Single-Family Zoning Compliance Permit for each of the lots requiring its own stormwater management facility.
32. Impervious Surface Limit and Notification: The final plans and final plat shall identify the impervious surface limit for each lot. An impervious surface tally sheet shall be submitted with all final plans, plats, Single-Family Zoning Compliance Permits, Building Permits, and Certificates of Occupancy applications. The applicant shall submit to all purchasers of property and residential units a statement that discloses the impervious surface limits associated with each lot. Impervious surface limits may be later adjusted with final plans or Single-Family Zoning Compliance Permit with Town Manager approval.
33. State or Federal Approvals: That any required state or federal permits or encroachment agreements must be approved by the appropriate agencies and copies of the approved permits be submitted to the Town Manager prior to the issuance of a Zoning Compliance Permit.
34. Erosion Control: That a detailed soil erosion and sedimentation control plan for the site and the off-site utility work, including provision for monitoring and maintenance of facilities and modifications of the plan if necessary, be approved by the County Erosion Control Officer and the Town Manager prior to issuance of a Zoning Compliance Permit.

If one (1) acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. This financial guarantee is intended to cover the costs of restoration of failed or failing soil erosion and sedimentation controls, and/or to remedy damages resulting from land-disturbing activities, should the responsible party or parties fail to provide prompt and effective remedies acceptable to the Town.

35. Silt Control: That the applicant takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

Stipulations Related to Steep Slopes

36. Steep Slopes: That all Final Plan applications, including the Single-Family Zoning Compliance Permits, shall demonstrate compliance with the steep slopes regulations in the Land Use Management Ordinance. The application shall include a plan showing residential building areas and street segments on slopes of 10% or more. The plan shall indicate how the development and construction will comply with the steep slopes regulations in the Land Use Management Ordinance including:
- a. for slopes of 10 – 15%, site preparation techniques shall be used which minimize grading and site disturbance;
 - b. for slopes of 15 – 25%, demonstrate specialized site design techniques and approaches for building and site preparation; and
 - c. for slopes of 25% or greater, provide a detailed site analysis of soil conditions, hydrology, bedrock conditions, and other engineering or environmental aspects of the site.

Prior to the issuance of a Zoning Compliance Permit the Town Manager shall approve a steep slope plan.

Steep slope restrictions shall be referenced in the Homeowners' Association documents.

Homeowners' Association

37. Homeowners' Association: That a Homeowners' Association be created that has the capacity to place a lien on the property of a member who does not pay the annual charges for maintenance of all common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final plat. The Homeowners' Association documents shall comply with Section 4.6.7 of the Land Use Management Ordinance.
38. Homeowners' Association Responsibilities: The Homeowners' Association shall be responsible for the maintenance, repair, and operation of required bufferyard(s), open space, recreation areas, sidewalks, community water well, shared stormwater management facilities,

septic system easements and related access easements, and fire protection facilities such as hydrants, shared water tanks or reservoirs.

39. Dedication and Maintenance of Common Area to Homeowners' Association: That the applicant provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common areas, however designated, including the cemetery, recreation space, open space and common areas, the bufferyard along the highway frontage, and stormwater management facilities. That the Homeowners' Association shall be responsible for the maintenance of the proposed internal subdivision roads and sidewalks until the NCDOT assumes ownership of the internal streets. The Homeowners' Association shall be responsible for sidewalk maintenance. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross-referenced on the final plat.

Utility and Services

40. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for recycling, and for managing and minimizing construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Solid waste shall be provided by a private contractor.

41. Solid Waste Final Plan Details: That final plans shall include the following notes:
- a. By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, shall be recycled;
 - b. By Orange County Ordinance, all haulers of construction waste shall be properly licensed; and
 - c. Prior to any demolition or construction activity on site the applicant shall hold a pre-demolition/pre-construction conference with the County's Solid Waste staff. This may be the same meeting held with other development officials.
42. Utility Plan Approval: That the final Utility Plan shall be approved by Duke Energy or Progress Energy, BellSouth, Public Service Company, Time Warner Cable, and the Town Manager prior to issuance of a Zoning Compliance Permit.
43. Utility Line Placement: That except for three phase electrical distribution line, all new and relocated utility lines shall be placed underground. The applicant shall indicate proposed off-site utility line routing and upgrades required to service the site on Final Plans, to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
44. Energy Management Plan: That the applicant shall include an Energy Management Plan in the Final Plan application, to include consideration of utilizing sustainable energy, currently defined as solar, wind, biofuels, and hydroelectric power, in the proposed development. That the Energy Management Plan would include consideration of the purchase of carbon offset credits and green power production through coordination with the NC GreenPower program.

That the Energy Management Plan shall provide for an acceptable level of increased energy efficiency that ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in a development. The Energy Management Plan shall be subject to approval by the Town Manager.

Miscellaneous Stipulations

45. Solar Collection Devices: That the Homeowners' Association, or similar entity, shall not include covenants or other conditions of sale that restrict or prohibit the use, installation, or maintenance of solar collection devices, including clotheslines.
46. Construction Management Plan: That a Construction Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. That the construction management plan: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, and 4) identify construction trailers and other associated temporary construction management structures.
47. Traffic and Pedestrian Control Plan: That a Traffic and Pedestrian Control Plan be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. That the plans include a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. At least 5 working days prior to any proposed lane or street closure the applicant must apply to the Town Manager for a lane or street closure permit.
48. Schools Adequate Public Facilities Ordinance: That the applicant provide the necessary Certificate of Adequacy of Public Schools prior to the issuance of a Zoning Compliance Permit.
49. Single-Family Zoning Compliance Permit: That prior to construction of each single-family structure, a Single-Family Zoning Compliance Permit shall be obtained for each newly created lot.
50. Open Burning: That the open burning of trees, limbs, stumps and construction debris association with this development is prohibited.
51. Plant Rescue: That the applicant consider conducting plant rescue activities on the site prior to initiation of development activity.
52. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans conform to the plans approved by this application

and demonstrate compliance with all applicable conditions and the design standards of the Land Use Management Ordinance and the Design Manual.

53. Final Plat Recordation: That prior to issuance of the first Zoning Compliance Permit or Building Permit, a final plat for the residential lots and public right-of-way shall be reviewed and approved by the Town Manager and recorded in the Orange County Register of Deeds office.
54. As-Built Plans: That as-built plans in DWF binary format using State plane coordinates, shall be provided for street improvements and all other existing or proposed impervious surfaces prior to issuance of the first Certificate of Occupancy.
55. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are completed; and that a note to this effect shall be placed on the final plans and plat.

That if the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for an individual phase until all required public improvements for that phase are complete; no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase, and if applicable a note to this effect shall be placed on the final plan and/or plat.

56. New Streets - Traffic Signs: That the property owners shall be responsible for placement and maintenance of temporary regulatory signs, including street name signs, before issuance of any Certificates of Occupancy until such time that the street system is accepted for maintenance by the Town.
57. New Street Names and Numbers: That the name of the development and its streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
58. Construction Sign: That the applicant shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 16 square feet of display area and may not exceed 6 feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background. That a detail of the sign shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
59. Vested Rights: This Special Use Permit constitutes a site specific development plan establishing a vested rights as provided by N.C.G.S. Sec. 160A-185.1 and Appendix A of the Chapel Hill Land Use Management Ordinance.
60. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.

61. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the Special Use Permit, Planned Development-Housing for the South Grove Development.

This the ____ day of _____, 2008

RESOLUTION B
(Denying the Special Use Permit Application)

A RESOLUTION DENYING AN APPLICATION FOR A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT FOR THE SOUTH GROVE DEVELOPMENT

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Planned Development-Housing Special Use Permit application proposed by the Oldham Associates, LLC, on property identified as Orange County Parcel Identifier Numbers 9776-89-7469; if developed according to the site plans dated May 22, 2007 and revised January 28, 2008, would not:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of Land Use Management Ordinance;
3. Be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Town Council hereby denies the application for a Planned Development-Housing Special Use Permit for the South Grove Development in accordance with the plans listed above and with the conditions listed below:

(INSERT ADDITIONAL REASONS FOR DENIAL)

BE IT FURTHER RESOLVED that the Council hereby denies the application for the Planned Development-Housing Special Use Permit application for the South Grove Development.

This the ____ day of _____, 2008.

SUMMARY MINUTES OF A BUSINESS MEETING

Page 1 of 10

**SUMMARY MINUTES OF A PUBLIC HEARING
OF THE CHAPEL HILL TOWN COUNCIL
WEDNESDAY, OCTOBER 4, 2006, AT 4:00 P.M.**

Mayor Kevin Foy called the meeting to order at 7:00 p.m.

Council members present were Laurin Easthom, Sally Greene, Cam Hill, Mark Kleinschmidt, Bill Strom, and Jim Ward.

Council Member Bill Thorpe was absent, excused.

Council Member Harrison arrived at 7:04 p.m.

Staff members present were Town Manager Roger Stancil, Deputy Town Manager Florentine Miller, Assistant Town Manager Bruce Heflin, Town Attorney Ralph Karpinos, Town Information Officer Catherine Lazorko, Planning Director J.B. Culpepper, Development Coordinator Gene Poveromo, Principal Planner Phil Mason, and Town Clerk Sabrina Oliver.

Item 3 - Concept Plan: Oldham Subdivision

Ms. Culpepper introduced the item. She explained that the concept plan consisted of 39 acres, with 22 single-family lots, on one-acre minimum lots. Ms. Culpepper said the project was outside the Town limits and Urban Services Area.

Tony Whitaker, on behalf of the applicant, said the project was a low impact design with large lots, public street standards, and grass drainage ditches. He said they were trying to avoid steep slope areas, and took the approach of locating the home sites instead of the lots, then structuring the lots around the home sites taking into consideration the natural features and the soil locations.

Mr. Whitaker called attention to the site map that depicted shaded areas. He said those shaded areas noted where a soil expert had indicated that sanitary sewer was suitable. Mr.

Whitaker said that drove the lot layout and parameters.

Council Member Harrison asked if they had communication with NCDOT that the location of the road was approved. Mr. Whitaker said not yet, but he knew through experience what would be required and was comfortable that this was the "no brainer" location. Council Member Harrison said he believed they would want to acquire a median cut and well as a driveway cut from NCDOT.

Council Member Easthom said the houses were in the \$1 million range, and she would like to hear about the affordable housing proposed.

Bill Spang, the applicant, addressed questions asked by the Council. He said the project was designed for a right-in/right-out entrance. Mr. Spang said he was very cognizant that this was the first development with septic and wells that the Council had seen in some time. Mr. Spang said the development contained 22 lots done in rural style, similar to Creekside. He said he had talked with the Land Trust about affordability and they said they would not like to have units in this location due to the large lot size and high cost of maintaining them, as well as the septic and well situation. Mr. Spang asked for Council suggestions.

Council Member Kleinschmidt said he appreciated Mr. Dowling's concerns and suggestions, although he was not sure he agreed with the assessment. Council Member Kleinschmidt said it was the Council's wish to have some affordability built into the project, preferably at 15 percent. He said although the Land Trust was the preferred method, there were other organizations that could be considered as an option, such as EmPOWERment, Inc.

Mayor pro tem Strom said he appreciated that Mr. Spang had spoken to staff prior to coming to the Council. He suggested that Mr. Spang look at the Larkspur development, since that developer had set the bar the highest. Mayor pro tem Strom also suggested that he would be willing to be flexible on the 15 percent requirement due to the well and septic issues.

Council Member Greene said she agreed with both statements on affordable housing. She said the policy guidance was clear; in that affordable housing would be in the project. Council Member Greene questioned if they would be permanently affordable. She said Council interest was in the real units on the ground and permanent affordability.

Council Member Ward said that Mr. Spang needed to look at ways to protect this property due to its location in a conservation district. He said the eastern property was not built upon and was preserved. Council Member Ward asked that Mr. Spang look at reducing the number of houses on the property, eliminate lots 10 and 11, and reduce the size of some adjacent lots so they were not considered buildable.

COUNCIL MEMBER HILL MOVED, SECONDED BY COUNCIL MEMBER KLEINSCHMIDT, ADOPTION OF RESOLUTION R-2. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

The meeting was adjourned at 9:47 p.m.

CONCEPT PLAN REVIEW SUMMARY MINUTES
COMMUNITY DESIGN COMMISSION
WEDNESDAY, AUGUST 16, 2006, 7:00 P.M.

Chairperson Jonathan Whitney called the meeting to order at 7:00 p.m. Commissions attending the meeting were Mary Margaret Carroll, George Cianciolo, Chris Culbreth, Kathryn James, Gretchen MacNair, Scott Nilsen, Amy Ryan, and Robin Whitsell. Staff members present were Senior Planner Kay Pearlstein and Planning Technician Kay Tapp.

THE OLDHAM PROPERTY
(File No.128.B.23; PIN # 9776-89-7469)

A request for a Concept Plan has been submitted for a 22 single-family dwelling unit subdivision. All lots are proposed to be served by individual wells and septic systems. The development is proposed to be located on the east side of U.S. 15-501 across from Cole Drive. A single access road is proposed to serve the site from U.S. 15-501 South. The 39-acre site is located in the Residential-Low Density 1 (R-LD1) zoning district with portions in the Resource Conservation District. The property is outside the Town limits and Urban Services Area. The proposal is located in Chapel Hill's Extraterritorial Jurisdiction Area and Chapel Hill/Orange County Joint Planning Area. The site is identified as Chapel Hill Township Tax Map 128, Block B, Lot 23.

APPLICANT PRESENTATION

The applicant presented a Concept Plan for a major subdivision for 22 lots on a 39-acres site.

CITIZEN QUESTIONS AND COMMENTS

An adjacent property owner was concerned about the minimum lot size proposed with the subdivision and believed that the lots should be larger.

COMMISSIONER COMMENTS AND QUESTIONS

Affordable Housing

1. A Commissioner asked how the applicant was proposing to meet the affordable housing component. The applicant was unsure how that would be accomplished.

Stormwater

2. The applicant was asked how stormwater was proposed to be managed on the site. The applicant responded that a retention pond was proposed on Homeowner's Association Land in the northeast corner of the site.

The applicant stated that stormwater runoff from the subdivision road is proposed in swales, in keeping with the rural nature of the area.

Subdivision Layout

3. A Commissioner suggested that the subdivision road line up with Cole Road across Hwy 15-501. The applicant responded that the slopes are steep in that area and NCDOT would likely require a guard rail in that location.

4. A Commissioner noted that Lot 15 contains large areas of RCD and looked like house citing could be a problem.
5. Commissioners noted that additional buffering for lots abutting Hwy. 15-501 would require landscape buffering for noise and a fence would not be a good solution.
6. It was suggested that the entrance to the subdivision should be in keeping with the surroundings and decorations should not be "splashy."
7. A Commissioner asked if the septic tank proposed on Lot 11 is pumping up hill to Lot 10. The applicant replied that it was.
8. It was noted that the slopes on the proposed subdivision road were not available and asked how that was to be managed. The applicant did not have a completed Grading Plan and was working on the plan.

Prepared by: Jonathan Whitney, Chair *KP for JW*
Kay Pearlstein, Staff Liaison

**CIVIL CONSULTANTS** INC.

Civil Engineers

Land Development Consultants

SOUTH GROVE

STATEMENT OF JUSTIFICATION

SPECIAL USE PERMIT APPLICATION

May 25, 2007
Revised October 8, 2007
Revised January 30, 2008

Project No. 13010

Prepared for:
Oldham Associates, LLC
111 Cloister Ct.
Suite 114
Chapel Hill, NC 27514

**South Grove
Statement of Justification
Special Use Permit Application to the Town of Chapel Hill**

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

General

The Applicant proposes to create a low-density residential community on the east side of Highway 15-501 in the southern portion of the Town's extraterritorial jurisdiction area. The neighborhood, named South Grove, will have a semi-rural character, with 26 single-family homes on 38 acres. Neighborhood design will reflect and promote high aesthetic standards, with emphasis on maintaining a beneficial and sustainable environment for residents and the larger community. The proposed housing types will respond to known housing needs within the Chapel Hill community, including housing needs for citizens in the low-to-moderate income range.

Traffic and Streets

The proposed street system is designed with direct access to Highway 15-501, so no new traffic from the neighborhood will be directed through any existing neighborhood. The proposed use will be a relatively low traffic generator, producing only a very small impact on current traffic volumes along the highway.

The street connection to Highway 15-501 will be located and designed to provide safe conditions, with adequate sight lines for comfortable entry and exit. An existing grass-and-curb median along the highway will restrict inbound and outbound traffic movements to right turns only, virtually eliminating the potential for accidents related to left-turning movements.

The Applicant proposes to remove the existing highway guardrail in the area of the new street connection. To mitigate the guardrail removal, additional soil material will be placed on the existing highway embankment slope, to create a flatter and safer slope condition. This work will require no removal of large or significant trees. The improved area will then be substantially landscaped to provide enhanced visual appeal. Rather than trying to create a formal streetscape in this area, the landscaping strategy will focus on maintaining the semi-rural character of the site, using natural planting forms and species.

The entry street has been strategically located to take advantage of site topographic conditions. The first few hundred feet of this street will occur in a natural low area, with the existing ground rising upward on each side of the street. The roadway cross-section will "tie in" to the rising elevations on each side, creating home sites

positioned above the roadway, while avoiding large excavated slopes along the lot frontages.

A public street stubout is proposed as part of the internal street system, for possible future extension to the north. Several parcels on the north side of the site are accessed by private driveways, without direct public street access. The proposed stubout will provide an opportunity for logical street and pedestrian connectivity if the adjacent property is developed, and will have potential to benefit multiple other properties in this area as the street is incrementally extended.

Since South Grove will not be a candidate for Town annexation, the neighborhood streets will be designed in accordance with NCDOT standards for residential subdivision streets. The Applicant will submit the street design to NCDOT for review, to assure conformance to their criteria, and to secure their approval of the design. This procedure will set the stage for ultimate street acceptance and maintenance by NCDOT. The Applicant proposes to follow NCDOT criteria for street construction and testing, and to actively manage the NCDOT street acceptance process after the required neighborhood occupancy thresholds are attained. The Applicant will maintain a management role within the Homeowners Association (HOA) during the buildout phase of the neighborhood, to better facilitate and manage the street acceptance process. NCDOT acceptance of the streets will provide orderly and dependable street maintenance, and relieve neighborhood residents of street maintenance responsibilities.

Pedestrian Facilities

The Applicant proposes to install a pedestrian path system along the public streets in the neighborhood. Since the project is not a typical suburban curbed street, a typical concrete sidewalk in the street shoulder is not an appropriate design solution. Moreover, NCDOT will not maintain sidewalks within their street rights-of-way.

So instead of a typical suburban street sidewalk, a meandering path is proposed within the designated landscape zone of each lot frontage. The walkway will be 5 feet wide, and paved with bituminous surfacing. It will be contained within a pedestrian easement controlled by the HOA, and will be maintained by the HOA. Existing trees and supplemental tree and shrub plantings within this landscaped zone will provide a more pleasant walking environment than would otherwise be available within the street right-of-way.

Potable Water Service

The subject property lies outside the Urban Services boundary, allowing no opportunity for connections to any public water or sanitary sewer systems. Therefore, the project proposes to use a community water supply well and distribution system for potable water service. The system will be designed and constructed in accordance with State regulations, and will be operated and maintained by a licensed public

utility company. System design will be reviewed and permitted by the N.C. Department of Environment and Natural Resources (DENR), and operated under the perpetual oversight of this agency. The Applicant believes that a single water supply well will be more protective of groundwater quality, drinking water quality, and public health; than would 26 individual, less-restricted well sites. In addition, the common well will be subject to regular monitoring and testing for water quality, and will be fitted with treatment systems to increase water quality. Individual wells do not require, nor do they generally have, these components. In addition to monitoring by the State-licensed public utility company, and oversight by DENR, the Orange County Health Department will provide limited oversight for system operation and water quality.

Wastewater Service

Again, since the property lies outside the Urban Services boundary, no opportunity exists for connection to any public sanitary sewer system. Therefore, the project proposes to use individual subsurface wastewater systems for each lot. These systems will use standard time-tested technology, typical of systems widely used for residences throughout the country. Each system will be individually designed and constructed according to State of North Carolina and Orange County Health Department standards and site-specific requirements, with individualized approval and oversight of each system by the Health Department.

No common or shared wastewater systems are proposed, so there will be no interdependency between septic systems for separate lots. Each residential lot will have a separate and distinct septic field, which may be located on the lot that it serves, or on a nearby dedicated area. In addition to the "primary" septic field area, a designated "reserve" field area will be provided for every lot, containing at least the same capacity as the primary field. These reserve areas will not generally be available for system expansion, but are merely reserved for redundancy of the primary area. This feature is provided for any unanticipated future condition that requires a partial or full system repair.

After construction, each wastewater system will be subject to regular monitoring by a State-certified system operator. This operator will be required to perform onsite inspections of each system, and provide reports to the Orange County Health Department according to their specific requirements and protocols. Any system irregularities or maintenance needs will be identified by this procedure, and managed through the County's normal processes.

Other Services

Solid waste collection for each lot will be provided by private contractor. The neighborhood's restrictive covenants will require each lot owner to contract with a pre-approved contractor for this service, and to conform to minimum standards for solid waste containment and management.

Fire protection service for South Grove will be provided by Orange County, which currently contracts with the North Chatham Fire Department for fire protection service in the project area.

Surface Drainage

Site drainage will generally follow natural patterns. Stormwater runoff from the Highway 15-501 corridor currently discharges onto the property in several locations. This offsite stormwater will be allowed to naturally flow across the property (at the north edge of the site), or piped through the property (at the project entrance). Generally, stormwater runoff will leave the site in the same locations, rates, and quantities as it does currently.

Stormwater runoff from onsite improved areas will be directed and managed to meet or exceed Town requirements for runoff quantity, rate, and quality. A centralized common stormwater management area will provide runoff control for most of the site, while a limited number of supplemental, individualized systems will serve lots that are not tributary to the common facility. The common facility will be constructed in conjunction with initial street construction, and maintained by the HOA. Individualized systems will be designed, approved, and constructed as each lot is developed, and will be maintained by the respective property owner.

No published floodplain exists on the property, and no roadway or structure is proposed in any floodprone area. Several areas of Resource Conservation District (RCD) exist on the property, but no RCD impact is proposed nor anticipated for construction of site improvements. In addition, no house site is proposed closer than 100 feet to an RCD area.

Landscape Buffer – Street Frontage

A landscape buffer is proposed along the property's frontage with Highway 15-501. The Applicant proposes that this buffer will exist as part of the neighborhood's common open space, rather than being located on individual residential lots. This distinction will provide a more protective environment for the buffer zone and vegetation, and should reduce the potential for any confusion about buffer restrictions and uses.

Modification of Regulations - Landscape Buffers

The proposed development will essentially be a large-lot residential subdivision adjoining other large-lot residential uses, for which perimeter buffers are not generally required. Given the spacious lot sizes and the presence of existing vegetation along the perimeter property lines, the Applicant feels that the buffers are not required for screening purposes; and therefore requests elimination of the perimeter buffer requirement. This modification will also help to maximize usage of

the best soil areas for septic fields which adjoin certain portions of the development's perimeter.

Conservation Area

Approximately 1200 linear feet of stream and associated Resource Conservation District exist along the property's eastern boundary. No land disturbance is proposed in any portion of this area; but in order to provide an enhanced means for preservation of this natural area, the Applicant proposes to establish a conservation easement that will encompass the onsite portions of the stream and adjoining RCD.

Cemetery Protection

A small undocumented cemetery exists on the property near Highway 15-501. This cemetery is located within proposed common area, and will not be disturbed by construction activities. A dedicated cemetery easement will be shown on the final plat for the project, to perpetually document the cemetery's location and extent.

Recreation Space

The neighborhood will contain common recreational amenities in a central, pedestrian-friendly location. The amenity area and facilities will be commonly owned and maintained by the HOA. These amenities will provide active and passive recreational and gathering venues for neighborhood citizens and their guests.

Restrictive Covenants and Community Governance

Appropriate regulations and limitations for neighborhood uses and activities will be established by restrictive covenants, customized for the neighborhood. These covenants will be designed to provide an orderly and protective environment for neighborhood residents and their guests, and will prohibit activities and conditions that would normally be considered offensive or inappropriate in residential areas. In this way, the covenants will contribute to increased security and well-being for citizens within the neighborhood, as well as the larger community.

The Applicant will establish a neighborhood HOA that will have administrative authority and duties related to common area ownership and maintenance, financial administration, appearance and security issues, and other items of common interest. The Applicant will maintain a significant role within the HOA until it is stabilized and self-sustaining, in order to fully establish the HOA as an effective neighborhood asset.

Modification of Regulations – CDC Review

The Applicant proposes a modification to the typical SUP requirements, eliminating the review of building and lighting plans by the Town's Community Design

Commission (CDC). Instead, the Applicant proposes that the neighborhood HOA will perform this function. The development will look and feel like a typical residential subdivision, for which the CDC does not generally review lot-by-lot building and lighting plans. This revised protocol will relieve the CDC of the time-consuming burden of reviewing individual building and lighting plans for 26 residential lots and common facilities, while vesting this responsibility in the most appropriate review entity.

Affordable Housing

The Applicant proposes to contract with one or more home builders to deliver four finished housing units that will be designated for purchase by individuals or families with low to moderate income levels. Specifically, Lots #5, #6, #18, and #24 are designated for this purpose. These lots are distributed throughout the neighborhood, rather than being clustered in any single area.

Prior to application for Final Plan approval, the Applicant will enter into a memorandum of understanding with Orange Community Housing and Land Trust, to convey the homes on these four lots to the Trust upon completion. The first such home will be completed within eighteen months of the start of subdivision street construction; and one additional home will be completed and conveyed every six months thereafter, until all four have been completed and conveyed.

Lot # 6 will have no allocated driveway cost, since its driveway will be constructed as part of the common improvements associated with the community water supply well and the stormwater management facility.

Each affordable home will contain at least 1300 square feet of conditioned floor area, and include 3 bedrooms and 2 bathrooms. These homes will be constructed by builders that are also building other homes within South Grove, giving them a strong sense of compatibility, architecturally and otherwise, with other homes in the neighborhood.

To help manage the operational and maintenance expenses for the affordable units, they will be exempted from paying landscape maintenance fees for the neighborhood's common areas and streetscape areas. This exemption is a significant expense-reduction initiative, because these costs are both substantial and recurring.

Finding # 2: That the use or development complies with all required regulations and standards of this Chapter, including all applicable provisions of Articles 3 and 5, the applicable specific standards contained in the Supplemental Use Regulations (Article 6), and with all other applicable regulations.

General

The proposed project will comply with all applicable regulations and standards. The Applicant requests a minor text amendment to the Land Use Management Ordinance (LUMO) in conjunction with this Special Use Permit (SUP) application. This text amendment is discussed in detail in a separate Statement of Justification.

Density

The zoning classification for the property allows a maximum density of 1 residential unit per acre. The project anticipates the development of 26 single-family residences on the 38-acre parcel, for a density of 0.68 units per acre, or about 2/3 of the maximum zoning allowance.

Creative Design Approaches

The project has been designed as a Planned Development-Housing (PD-H), which requires SUP review and approval. The Applicant voluntarily submits the project to the higher standards of review associated with the SUP process, in order to achieve the purposes outlined in Article 4.5 (b) of the LUMO. Specifically, the Applicant proposes creative design approaches that will “(i) accomplish a more desirable environment than would be possible through the strict application of the generally applicable requirements... ; (ii) provide for an efficient use of land and arrangement of land uses, buildings, circulation systems, and utilities; (iii) promote an improved level of amenities; and (iv) provide an environment of stable character compatible with surrounding areas”.

The application of PD-H criteria and the SUP process allows lot sizes and dimensions to be customized for better land use efficiency and homesite quality. This flexibility essentially allows a clustering of lots in a manner that increases beneficial usage of the upland areas, while leaving the more sensitive site areas undisturbed. This approach also has the advantage of allowing the street length to be substantially reduced, along with the associated land disturbance and impervious surface area. In these ways, application of the PD-H concept to this site allows a much better balance of resource usage and resource preservation than could otherwise be accomplished.

For similar reasons, the Applicant proposes that access to the two eastern-most lots be accessed by a shared private driveway. This type of access is appropriate in this case, because it allows the public street length to be reduced, consolidates the need for two driveways into a single location, and allows the access route to be more sensitively placed in its environment than would otherwise be allowed.

Another shared driveway is proposed on Lot # 6. This driveway will serve the normal residential access needs of the lot, but will also serve as a maintenance access for the community water supply well and for the common stormwater management

facility. This common driveway is a good example of appropriate resource-sharing, resulting in fewer driveway cuts, less disturbed area, an enhanced recreational space largely devoid of vehicular area, and a significant cost reduction for the affordable home on Lot # 6.

As mentioned earlier, the proposed use of a single community water supply well provides a much more sustainable and high-quality design solution than the alternative of 26 individual wells. This type of private community well system is only allowed with SUP approval. In addition, the alternative design approaches for both water supply and wastewater service for this project will result in significantly less public costs for furnishing and maintaining these services, than is customary for a more conventional subdivision.

In addition, the proposed pedestrian path system is an appropriate, although non-typical, solution to the unique needs and characteristics of a community of this type. The Applicant feels that the meandering pathway within the well-landscaped and commonly-maintained lot frontages will provide a more enjoyable pedestrian experience than would otherwise be provided in a conventional suburban subdivision.

Not only does the application of the PD-H concept allow better home sites for this neighborhood, it will also allow the development of more home sites than would otherwise be prudent with a conventional residential subdivision. This is an important factor, because it allows the necessary lot yield for the project to reasonably accommodate a number of affordable housing units within the project. These affordable single-family homes will be interspersed throughout the neighborhood, and will be architecturally compatible with other houses within the neighborhood. Appropriate restrictions will be placed on these units to ensure their ownership by families with lower income levels.

The Applicant feels that this method of providing affordable housing is generally preferred to mere floor area limits or payments-in-lieu. In this way, the flexible design criteria allowed under the SUP process creates this important opportunity to provide a more sustainable and integrated affordability component within the neighborhood, and promote a more diverse resident base.

Infrastructure

New streets within the neighborhood will conform to applicable NCDOT standards, and will be available for ultimate acceptance by NCDOT. In addition, a street stubout to the north will provide the opportunity for logical and orderly street extension in the future for the benefit of several parcels that currently do not have direct public street access. Potable water, wastewater, and other utility systems will be designed, constructed, and operated to meet or exceed all applicable standards. Common recreational area and improvements will be provided to offer meaningful

active and passive recreational and social opportunities for neighborhood residents, fulfilling the LUMO requirements for Recreation Space.

Environmental Protection

The project's design will conform to all applicable environmental regulations, including but not limited to, regulations and policies relative to streams, Resource Conservation District, steep slope areas, significant and specimen trees, and cemeteries. Stormwater management methods and facilities will be provided to meet or exceed Town requirements pertaining to qualitative and quantitative stormwater parameters.

The proposed site design responds to the desire to preserve significant trees and tree clusters. Extensive tree survey work has been provided to document significant trees, and site improvements have been generally configured to avoid the removal of large trees. The design drawings indicate tree protection measures, and also describe tree planting strategies for individual lot areas.

Since the site lies within a protected watershed zone, the Applicant proposes low-impact development approaches to site design. The low-density project will utilize shoulder-and-ditch roadway design to reduce the need for structural stormwater collection devices and piping. In addition, a section of private shared driveway will be used to minimize the length of public street onsite, contributing to less required pavement and disturbed area. The total amount of impervious surfaces within the neighborhood will about one-half of the 24% limit allowed under the "Low-Density Option" for development within protected watersheds.

Construction Waste Management

During project construction, solid waste materials will be reduced, recycled, and/or disposed in a manner consistent with Orange County and Town of Chapel Hill requirements. Topsoil removed from new street areas will be re-used in appropriate locations on the site.

Energy Efficiency

The primary street and lot orientation is generally along an east-west axis, allowing most homesites to have a southern exposure along the length of the house (either front or rear), thereby providing very good opportunities for energy efficiency related to solar access.

Homes within the neighborhood will be constructed to include substantial energy efficiency measures. The Applicant will only sell the residential lots to builders who will agree to construct homes that will qualify for ENERGY STAR, or equal, certification. These homes will incorporate energy-efficient features such as increased insulation, high-performance windows, tightly sealed exterior surfaces,

very efficient heating and cooling equipment, low-leakage ductwork, and ENERGY STAR qualified lighting and appliances.

Finding # 3: That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity.

The subject property is proposed to be developed as a high quality, low density residential neighborhood. The proposed large-lot, single family use is consistent with the current zoning classifications of the subject property and adjacent properties, and consistent with current usage of contiguous developed properties. Development and usage of the property as intended is not expected to create any condition that would be normally associated with diminished property values.

The proposed public street stubout to the north is expected to provide additional value to several neighboring properties, by providing enhanced public street access where none currently exists.

The neighborhood will be designed, developed, and regulated as a beneficial addition to the local community. It will provide attractive and well-maintained landscape and architectural elements, internal public street improvements, and preservation of environmentally sensitive areas, contributing to a positive and responsible community presence. In addition, restrictive covenants will promote an orderly and protective environment for neighborhood residents and their guests, prohibiting offensive or inappropriate activities and conditions. The Applicant believes that these beneficial improvements and characteristics will contribute to an increased sense of property value within, and adjacent to, the proposed neighborhood.

Finding # 4: That the use or development conforms with the general plans for the physical development of the Town as embodied in this Chapter and in the Comprehensive Plan.

The proposed neighborhood use is consistent with land use and development density guidelines outlined for the site in the Comprehensive Plan, Small Area Plan, Southern Area (CP). According to the CP, the upland portions of the subject property are designated as "Prime Buildable" and "Secondary Buildable" area, indicating that the land is physically suitable for the type of development proposed. The proposed use is permitted and anticipated by the current R-LD1 zoning, and the proposed density is only about two-thirds of the maximum allowable density permitted by the zoning district.

The proposed project will not require the extension of public water and sewer facilities beyond the Urban Services Boundary. Since the subject property does not lie within this boundary, the project will provide alternate means for furnishing adequate and safe potable water and wastewater treatment for each residential lot.

Summary

South Grove will be a unique new residential community located on the southern edge of Chapel Hill. This special neighborhood will be comfortably situated in its natural environment, providing homes for 26 families on 38 spacious acres. While the neighborhood will exhibit high standards of appearance and architecture, the structural and landscape improvements will be in harmony with the property's mostly-rural character. The project will make generous use of creative design approaches to provide reasonable density and sustainable public benefits, while preserving important natural resources.

South Grove residents will benefit from a strong sense of community, the neighborhood's natural setting, energy-wise homes, onsite recreational amenities, and effective community governance. In addition, community diversity will be enhanced by inclusionary and sustainable housing strategies, woven into the very fabric of neighborhood design. South Gove will provide excellent life-quality benefits to its residents, and will be a positive and responsible addition to the larger Chapel Hill community.

TOWN OF CHAPEL HILL - PROJECT FACT SHEET

www.townofchapelhill.org/planning/index.htm

A. IDENTIFICATION OF DEVELOPMENT

Date: 1/30/08

Plans dated: 1/28/08 Tax Map 128, Block B, Lot 23

Parcel Identification Numbers (PINs) 9776-89-7469

Name of Project: South Grove

Proposal Summary: PD-H for 26 single-family homes on 39 acres

Use Group (Sec. 3.7-1): A Zoning District(s): R-LD1

GROSS LAND AREA (Sec. 3.8-1)

Net Land Area (App. A) NLA 1,671,724 SF

♦ Choose one of the following, or a combination, not to exceed 10% of the net land area figure.

Credited Street Area (App. A) Total adjacent frontage x 1/2 width of the dedicated public right-of-way CSA 70,328

Credited Open Space (App. A) Total adjacent frontage x 1/2 public or dedicated open space COS 0

TOTAL: GROSS LAND AREA (Sec. 2.51) NLA + (CSA and/or COS) = GLA (not to exceed NLA + 10%) GLA 1,742,052 SF

REQUIRED LAND USE INTENSITY (Sec. 3.8-1, 5.5)

(For multiple zoning districts, please attach a separate sheet with calculations)

Floor Area Ratio FAR Varies Maximum Floor Area (FAR x GLA) MFA 77,095*

Impervious Surface Ratios (see Attachment)

• Low Density Option ISR 0.24 Maximum Impervious Surface or (ISR x GLA) MIS 418,092

• High Density Option ISR 0.5 Maximum Impervious Surface or (ISR x GLA) MIS -

• High Density Non Residential Option SR 0.7 Maximum Impervious Surface or (ISR x GLA) MIS -

Recreation Space Ratio RSR Minimum Recreation Space (RSR x GLA) RSR 34,841

D. DIMENSIONAL MATRIX REQUIREMENTS (Based upon proposed plans)

DIMENSIONAL MATRIX REQUIREMENTS			Existing (sq.ft.)	Proposed (sq.ft.)	Total (sq.ft.)
Floor area	Floor Area on all Floors	FA	0	77,095*	77,095*
Principal Building Area	Floor Area on Ground Level	BA(1)	0	77,095*	77,095*
Garage Building Area	Enclosed Car Parking Area	BA(2)	0	20,000	20,000
Other Enclosed Building Area	Community Building, Storage, Etc.	BA(3)	0	20,000	20,000
Other Ground Level Building Area	Covered Porches, Breezeways, Car Parking (if underneath), Etc.	BA(4)	0	40,000	40,000
Building Area	BA(1)+BA(2)+BA(3)+BA(4)	BA	0	157,095	157,095
Basic Uncovered Area	GLA-BA	UA	1,742,052	1,584,957	1,584,957
Recreational Space (Sec. 5.5)	0.02	RS	34,841	35,158	35,158
Number of Seats			0	0	0
*Gross Land Area with Impervious Surface			35,000	[Not Required due to]
*Percentage of Gross Land area with Impervious Surface (Imper÷GLA)			2.0%	< 2.0 DU/acre]%
*If Located in the Watershed Protection District, Percentage of Impervious Surface on July 1, 1993					1.0%

*Only if lot is less than 21,780sq.ft.

LOT SIZE	Required By Ordinance	Existing / Proposed
Lot Size (Sec. 3.8-1)	5.0 Ac.	39.99 Ac. (GLA)
Lot width (Sec. 3.8-1)	ft.	± 1200 ft
Street Frontage Width (Sec. 3.8-1)	100 ft.	± 1200 ft

Revised 10/12/06

* LUMO Text Amendment is requested in conjunction with this SUP application, to remove Floor Area Limits for PD-H developments.

D. DIMENSIONAL MATRIX REQUIREMENTS (Cont.)

SETBACKS AND HEIGHT		Required By Ordinance	Existing / Proposed
Setbacks (Sec 3.8, Table 3.8-1)	Street	30'	30' (Perimeter)
	Interior	16'	16' (")
	Solar	19'	19' (")
Maximum Height (Sec. 3.8-1)	Primary	29'	29'
	Secondary	35'	35'

BUILDINGS/DWELLING UNITS	Required		PARKING SPACES	Required		Percent of Total Spaces
	Required	Proposed		Required	Proposed	
Number of Buildings		27	Regular Spaces	26	52	200
Number of Floors	NA	Varies	Compact Spaces	0	0	0
Number of Dwelling Units		26	Handicap Spaces	0	0	0
Number of Efficiency Units		0	Total Spaces	26	52	NA
Number of Single Bedroom Units		0	Loading Spaces	0	0	NA
Number of 2 Bedroom Units		0	Bicycle Spaces	0	0	0
Number of 3 Bedrooms Units		26				

E. LANDSCAPE BUFFERYARDS (Sec 5.6)

Location	Required Minimum Width	Proposed Width
1. Street Frontage	30'	30'
2.		
3.		
4.		
5.		
6.		

UTILITIES (✓ which applies)				
Water	Sewer	Electric Service	Telephone Service	Solid Waste Collection
OWASA	OWASA	Underground X	Underground X	Town
# Well(s) 1	# Septic Tank(s) 26	Above Ground	Above Ground	Private X
Community Well(s) X	Comm. Package Plant			

*NOTE: Public water and sewer required if located inside Urban Service Boundaries.

Other	10 - 15%	>15-25%	>25%
Area in Slope Interval*	25%	15%	10%
Soil Type(s) On Lot	Appling, Louisburg		

• Only required for lots created after January 27, 2003.

G. ADJOINING or CONNECTING STREETS

STREET NAME	Right-of-Way Width	Pavement Width	No. of Lanes	Paved or Unpaved?	Existing Sidewalk (Yes/No)	Existing Curb/Gutter (Yes/No)
U.S. Hwy. 15-501	118' ±	48' ±	4	Paved	No	Yes

CIVIL CONSULTANTS, INC.

3708 Lyckan Parkway Suite 201
DURHAM, NC 27707
(919) 490-1645
Fax (919) 403-0336

JOB South Grove

SHEET NO. _____ OF _____

CALCULATED BY _____ DATE _____

CHECKED BY _____ DATE _____

SCALE _____

RCD Summary

	<u>FAR</u>	<u>Area(SF)</u>	<u>FA (SF)</u>
Stream Side	.010	107,178	1072
Managed Use	.019	29,153	554
Upland	.047	27,450	<u>1290</u>
			2916 SF from RCD

Non RCD GLA

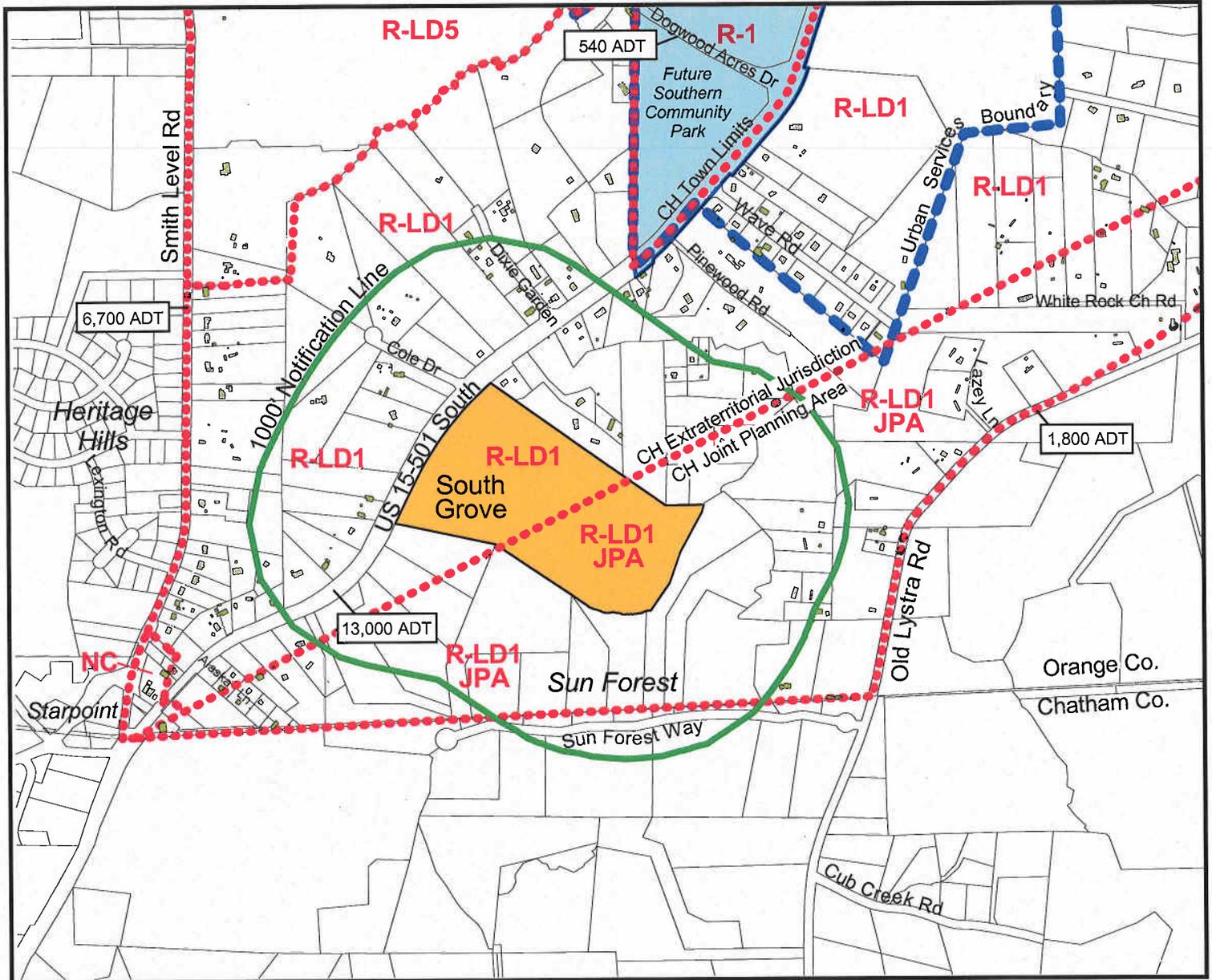
$$1,578,271 \text{ SF} \times 0.047 = 74,179 \text{ SF}$$

$$\text{Total FA Allowed} = 74,179 + 2916 = 77,095 \text{ SF}$$



Area Map

South Grove (formerly the Oldham Property) Planned Development - Housing



- South Grove
- Urban Services Boundary
- Buildings
- Chapel Hill Zoning
- Chapel City Limits

Average Daily Traffic Count (ADT)
2005 D.O.T. Data



500 0 500 1000 Feet

GIS Map prepared by
Chapel Hill Planning
January, 2008

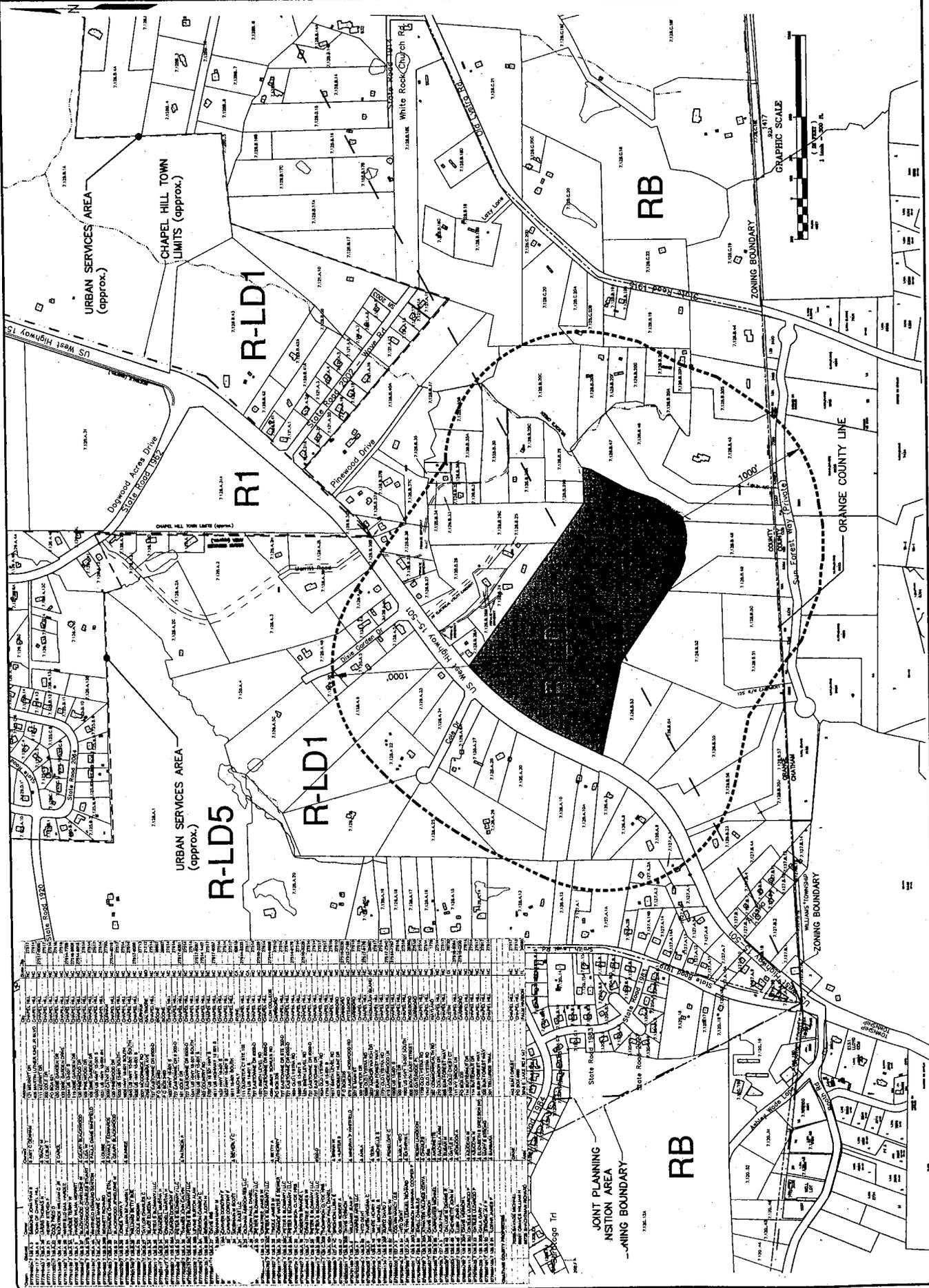
CIVIL CONSULTANTS INC.
 Land Development Consultants
 3708 Lyndon Parkway, Suite 201, Durham, NC 27707
 P.O. Box 1000, Durham, NC 27707
 P.O. Box 1000, Durham, NC 27707
 P.O. Box 1000, Durham, NC 27707



AREA MAP
 SOUTH GROVE
 ORANGE COUNTY, NORTH CAROLINA

REV.	DATE	DESCRIPTION
1	01/28/08	PROJECT NAME CHANGE
2		
3		
4		
5		
6		
7		
8		
9		
10		

SHEET NO.
C2

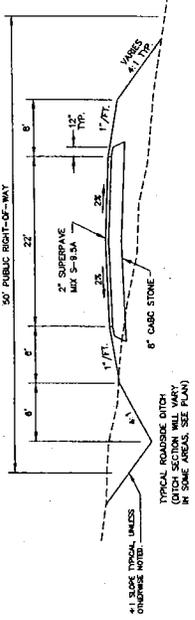


Parcel No.	Area (Acres)	Zoning District	Notes
1000000001	0.15	R-RLD1	...
1000000002	0.15	R-RLD1	...
1000000003	0.15	R-RLD1	...
1000000004	0.15	R-RLD1	...
1000000005	0.15	R-RLD1	...
1000000006	0.15	R-RLD1	...
1000000007	0.15	R-RLD1	...
1000000008	0.15	R-RLD1	...
1000000009	0.15	R-RLD1	...
1000000010	0.15	R-RLD1	...
1000000011	0.15	R-RLD1	...
1000000012	0.15	R-RLD1	...
1000000013	0.15	R-RLD1	...
1000000014	0.15	R-RLD1	...
1000000015	0.15	R-RLD1	...
1000000016	0.15	R-RLD1	...
1000000017	0.15	R-RLD1	...
1000000018	0.15	R-RLD1	...
1000000019	0.15	R-RLD1	...
1000000020	0.15	R-RLD1	...
1000000021	0.15	R-RLD1	...
1000000022	0.15	R-RLD1	...
1000000023	0.15	R-RLD1	...
1000000024	0.15	R-RLD1	...
1000000025	0.15	R-RLD1	...
1000000026	0.15	R-RLD1	...
1000000027	0.15	R-RLD1	...
1000000028	0.15	R-RLD1	...
1000000029	0.15	R-RLD1	...
1000000030	0.15	R-RLD1	...
1000000031	0.15	R-RLD1	...
1000000032	0.15	R-RLD1	...
1000000033	0.15	R-RLD1	...
1000000034	0.15	R-RLD1	...
1000000035	0.15	R-RLD1	...
1000000036	0.15	R-RLD1	...
1000000037	0.15	R-RLD1	...
1000000038	0.15	R-RLD1	...
1000000039	0.15	R-RLD1	...
1000000040	0.15	R-RLD1	...
1000000041	0.15	R-RLD1	...
1000000042	0.15	R-RLD1	...
1000000043	0.15	R-RLD1	...
1000000044	0.15	R-RLD1	...
1000000045	0.15	R-RLD1	...
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1000000047	0.15	R-RLD1	...
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1000000051	0.15	R-RLD1	...
1000000052	0.15	R-RLD1	...
1000000053	0.15	R-RLD1	...
1000000054	0.15	R-RLD1	...
1000000055	0.15	R-RLD1	...
1000000056	0.15	R-RLD1	...
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1000000099	0.15	R-RLD1	...
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SOUTH GROVE
 ORANGE COUNTY, NORTH CAROLINA
GRADING AND STORM DRAINAGE PLAN

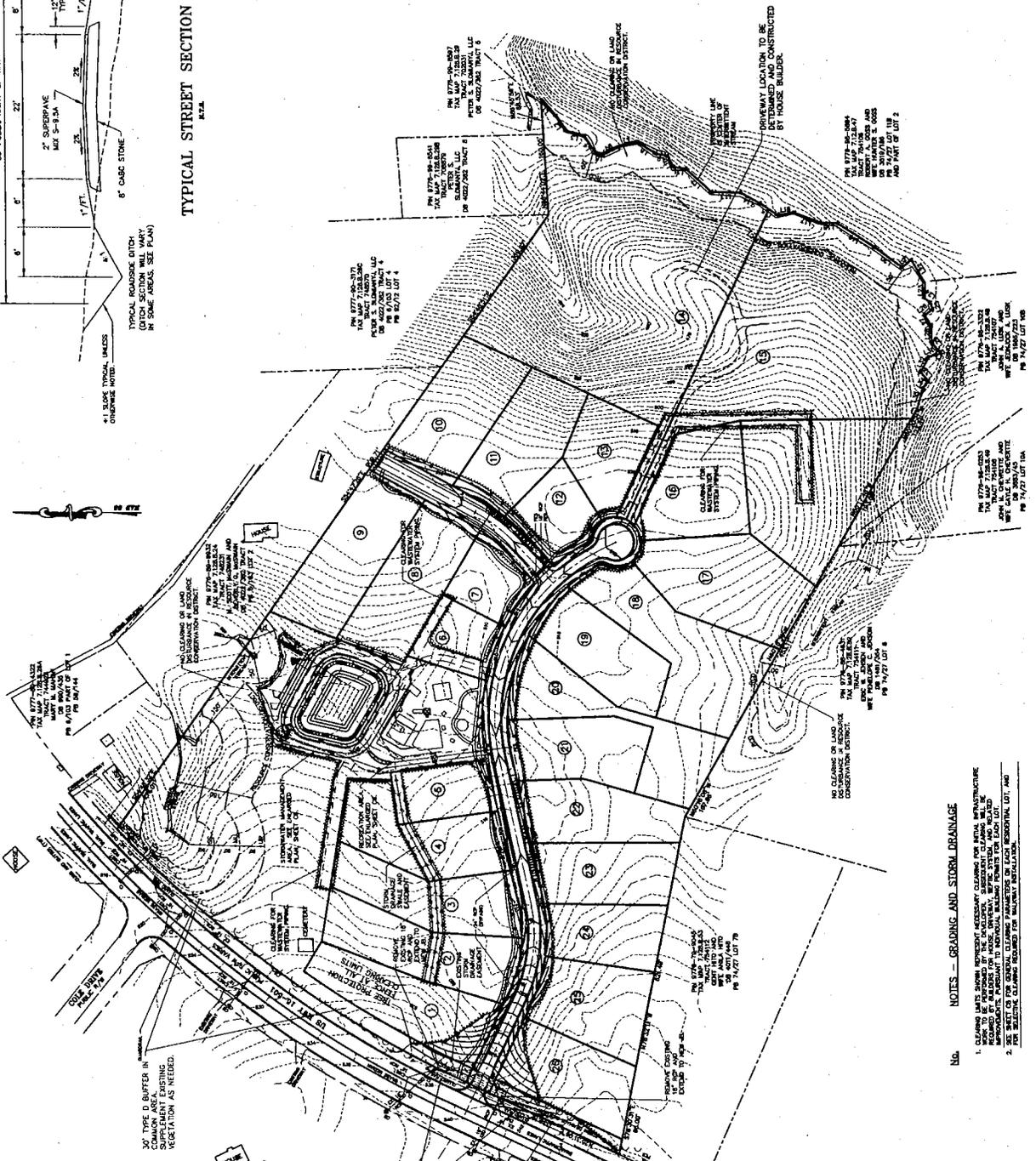
REV.	DATE	DESCRIPTION
1	10/06/07	CHANGES TO PLAN
2	01/08/08	PROJECT NAME CHANGE



TYPICAL STREET SECTION



LINE	LENGTH	SEATING
1	15.28	15.28
2	15.28	15.28
3	15.28	15.28
4	15.28	15.28
5	15.28	15.28
6	15.28	15.28
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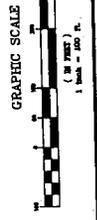
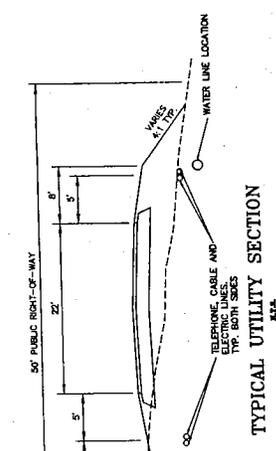
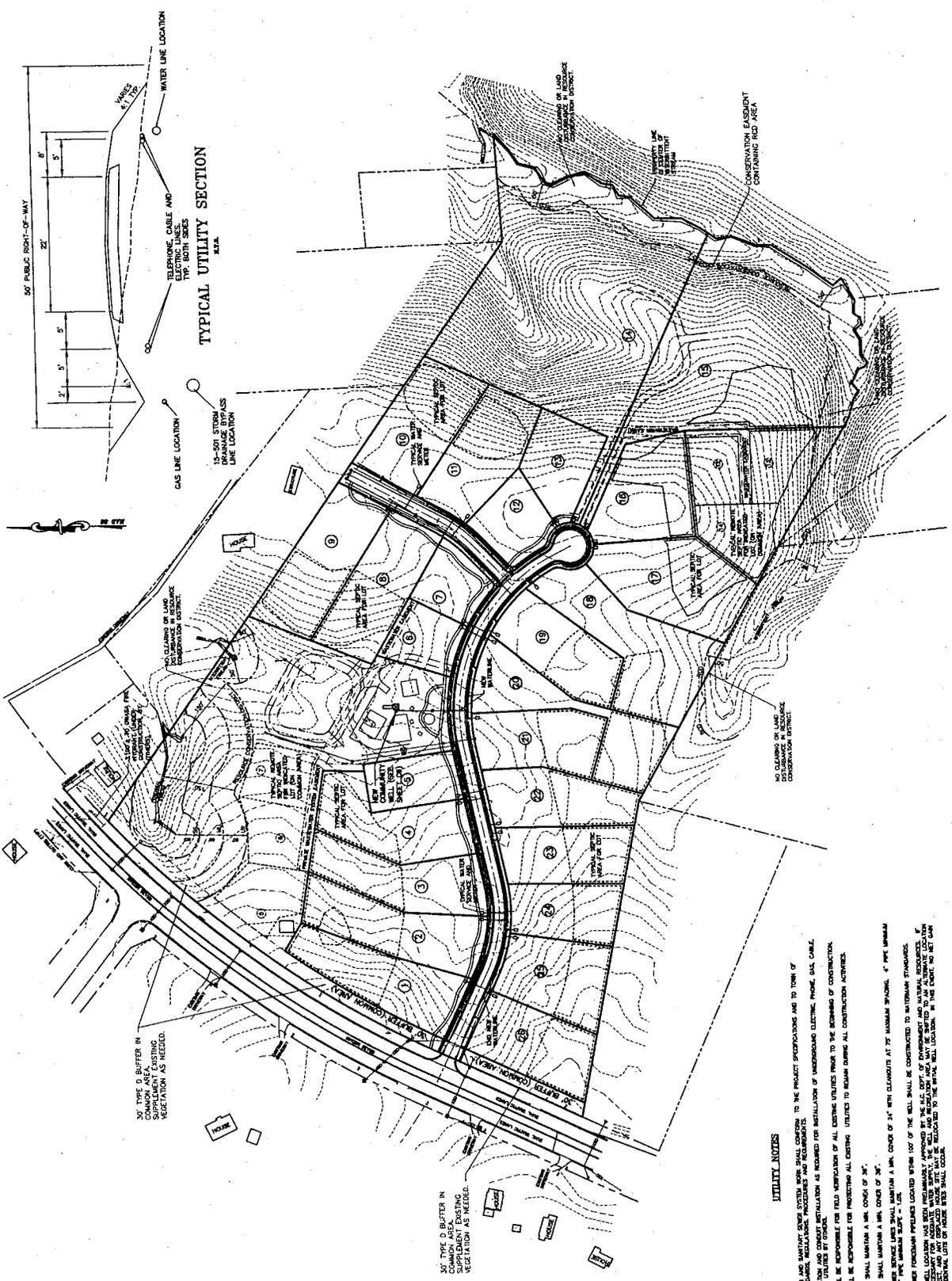


- NOTES - GRADING AND STORM DRAINAGE**
- CLEARING DATA SHOWN REPRESENTS MINIMUM CLEARING TO BE PERFORMED TO OBTAIN THE GRADING AND STORM DRAINAGE PLAN. SEE PLAN FOR DETAILED CLEARING DATA. SEE PLAN FOR DETAILED CLEARING DATA. SEE PLAN FOR DETAILED CLEARING DATA.
 - SEE SHEET C6 FOR GENERAL CLEARING PARAMETERS ON EACH RESIDENTIAL LOT. AND FOR SELECTION CLEARING REQUIRED FOR MAINTENANCE INSTALLATION.



UTILITY PLAN
 SOUTH GROVE
 ORANGE COUNTY, NORTH CAROLINA

REV.	DATE	DESCRIPTION
1	10/06/07	CHANGE TIE COMMENTS
2	01/28/08	PROJECT NAME CHANGE



UTILITY NOTES

1. ALL WATER UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE PROJECT SPECIFICATIONS AND TO THE TOWN OF SOUTH GROVE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
2. PROVIDE COORDINATION AND CONDUIT INSTALLATION AS REQUIRED FOR INSTALLATION OF UNDERGROUND ELECTRIC, PHONE, GAS, CABLE, AND STC LINES UTILITIES IN OTHER.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION OF ALL EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES TO REMAIN DURING ALL CONSTRUCTION ACTIVITIES.
4. ALL WATER MAINS SHALL MAINTAIN A MIN. COVER OF 36".
5. ALL SANITARY SEWER MAINS SHALL MAINTAIN A MIN. COVER OF 36".
6. ALL SANITARY SEWER SERVICE LINES SHALL MAINTAIN A MIN. COVER OF 24" WITH CLEARANCE AT 75' MAXIMUM SPACING. 4" PIPE MAXIMUM SIZE - 2.0% TO FIVE MAXIMUM SLOPE - 1.0%.
7. ALL SANITARY SEWER SERVICE LINES LOCATED WITHIN THE LOT OF THE WELL SHALL BE CONSTRUCTED TO MAINTAIN STANDARDS.
8. ALL SANITARY SEWER FOREMAN PRESSURE LOCATED WITHIN THE LOT OF THE WELL SHALL BE CONSTRUCTED TO MAINTAIN STANDARDS.
9. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES TO REMAIN DURING ALL CONSTRUCTION ACTIVITIES.
10. INFORMATION PROVIDED ON THIS PLAN IS BASED ON SURFACE CONDITIONS INDICATED ON THE DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES TO REMAIN DURING ALL CONSTRUCTION ACTIVITIES.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES TO REMAIN DURING ALL CONSTRUCTION ACTIVITIES.
12. FINAL LOT BOUNDARIES MAY VARY UPON FINAL APPROVAL BY THE ORANGE COUNTY HEALTH DEPARTMENT OF ALL EXISTING SYSTEM ANALYSIS.

