

History and Overview of Area

TOWN OF CHAPEL HILL

SMALL AREA PLAN

SOUTHERN AREA

JUNE 23, 1992

EXECUTIVE SUMMARY

Where We Are

The Chapel Hill Town Council has created an Urban Services Area around Chapel Hill which is proposed to eventually be developed to urban densities. This land is now, for the most part, undeveloped. The Small Area Plan addresses the question of how this land could best be developed.

Where We Want To Go

The Small Area Plan for the Southern Area presents a plan for preservation and development of the land generally south of Morgan Creek and north of Chatham County.

Preservation is a primary objective of the Plan. The Plan is designed to preserve the natural beauty and character of the area. It is designed to protect environmentally sensitive areas and to protect the water quality of Jordan and University Lakes. The Plan is designed to preserve the existing neighborhoods.

The Plan proposes low density residential development for most of the land, with a village of higher density between Culbreth Road and the Town park.

The village is an alternative to traditional subdivision development. The village is designed to encourage people to walk, ride bicycles and use public transit. It is designed so that all residents have easy

access to the village center which will have neighborhood stores, a central transit stop and possibly other facilities, such as a day care center.

The Plan proposes a system of local streets crossing the area east and west, north and south. Smith Level Road, Culbreth Road, 15-501 South, Mt. Carmel and Old Lystra Roads remain as they are and serve as collector roads. Many bike paths and pedestrian trails are proposed throughout.

How To Get There

The Strategies Section of the Plan presents a number of ideas on how to make the Plan a reality. Zoning the land for the proposed use and density is a major strategy proposed. Conditional Use Zoning or use of the Non-contiguous Special Use Permit is proposed for the village. Specific design guidelines and a comprehensive transportation plan would also need to be developed.

The Process

In January, 1990, the Town Council initiated the Small Area Planning process. As the first step, the planning staff wrote an evaluation and description of the existing conditions in the three Small Areas to be studied. The Town Manager

presented the Analysis of Existing Conditions to the Town Council in June, 1990. In September, 1990, the Town Council established a Small Area Plan Work Group and charged it with developing a Small Area Plan for the Council's consideration. At that time the Council also selected the Southern Area as the first area to be planned.

The Work Group met and deliberated monthly from December, 1990, to October, 1991. During that time the Work Group held three meetings designed to give the public information and to hear their ideas and reactions. These meetings were held on December 11, 1990, June 18, 1991, and October 15, 1991.

On October 28, 1991, the Work Group presented its recommended Plan to the Town Council. The Council held a public meeting on the plan on January 21, 1992. At that time, it asked the Small Area Plan Work Group for additional work. On June 23, 1992, the Council adopted the Small Area Plan as a component of the Town's Comprehensive Plan.

PURPOSE

The Plan and the Process

In June, 1989, the Chapel Hill Town Council adopted a new Comprehensive Plan. The Comprehensive Plan identified the goals of encouraging citizen participation, providing adequate opportunities for employment, preserving the natural environment, providing adequate housing, maintaining the Town character, developing a comprehensive transportation system, insuring adequate community facilities and encouraging orderly development.

The Small Area Planning process is one of the next steps in carrying out the goals of the Comprehensive Plan. The Small Area Plans are intended to be more detailed land use plans for the undeveloped portions of the Town's Urban Services Area.

The Small Area Plans are designed to provide a thorough description of the environmental constraints to development. The plans will enable potential developers to propose and the Council to evaluate and approve sensitive and desirable land development proposals.

The Small Area Plans will provide the long term community benefit of a more attractive community. Further they will help insure that public facilities are

coordinated with the land uses and provided in a timely fashion.

The Small Area Plans will give the community a sense of the costs of major public facilities and will give the Council better control over the timing of development and related facilities.

The Small Area Planning process will give the residents who live in the area and the citizens of the broader community a voice in the way the Small Areas develop. The Plans will also provide a means for discussion and cooperation between the Town government and the various special purpose governments that serve the area.

Objectives - Southern Area Plan

The goals of the Comprehensive Plan are considered and applied in the context of several important facts:

- * That this entire area is to ultimately become part of the corporate limits of Chapel Hill as urban development occurs.
- * That the entire area drains north toward Morgan Creek, making it possible to provide gravity sewer to the entire area with orderly extensions to the existing gravity systems.
- * That a large portion of this area is environmentally sensitive.

Objectives of the plan therefore become:

- * To identify areas to be protected from development.
- * To set forth guidelines for development of land not to be protected.
- * To describe transportation systems needed to support the development that will occur.
- * To suggest a network of green space and public facilities.

Goals of the Comprehensive Plan

Ensure town government that maximizes citizen participation, is representative and responsive, and serves and governs the population in an honest, efficient, and equitable manner.

Provide adequate, varied and stable opportunities for livelihood and commerce.

Encourage development that protects the natural and built environment and provides for appropriate location of land uses.

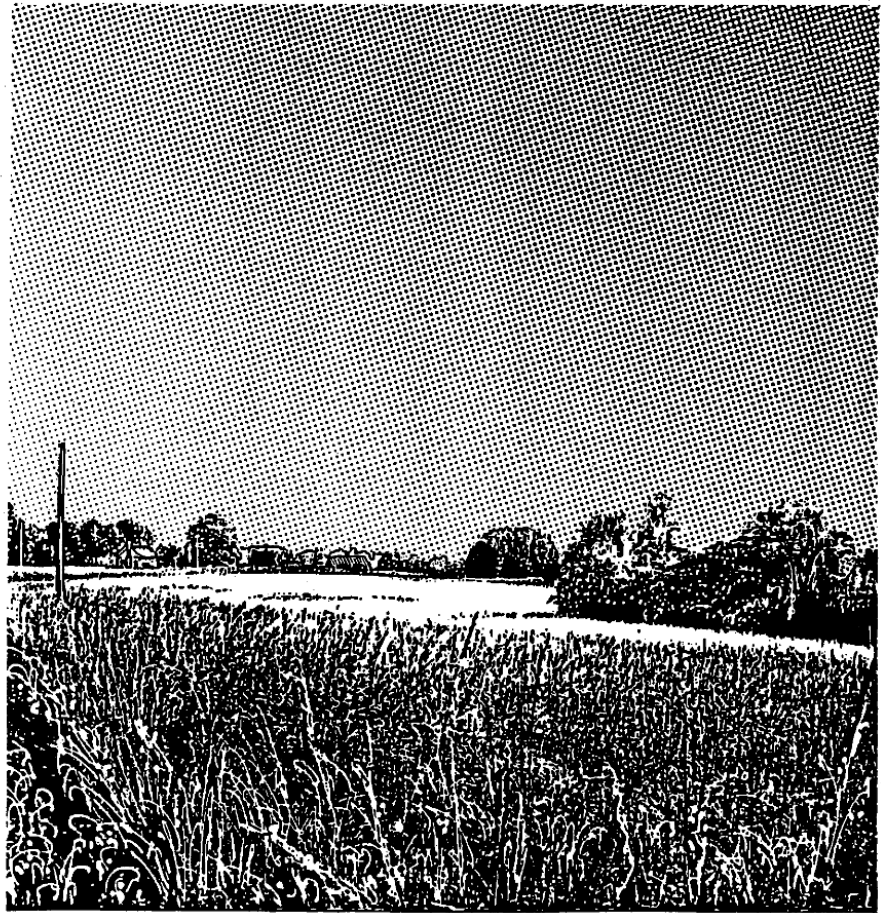
Promote the availability of safe, sanitary, decent, well-designed and affordable housing for all.

Retain and enhance areas and features of the community which define the identity and contribute to the image of the Town.

Develop a comprehensive transportation system that will enhance the mobility of all citizens by offering a variety of transportation options and reducing dependence on the automobile.

Provide community facilities and services which meet the physical, social, and cultural needs of the population and which are available to all residents.

Promote orderly development which provides for attractive, appropriate location and compatibility of land uses.



HISTORY OF THE AREA

History

The history of the Southern Area is characterized by a long and stable lifestyle of rural and agricultural pursuits. From the time of European and African habitation during the middle of the 18th Century until the 1960's, this section of Orange County remained largely in its natural state of deciduous forest land. Over 5,000 years ago, the area was sporadically inhabited by wandering bands of Native Americans who found the combination of climate, topography, and water supply suitable to sustain their hunting-gathering society. As white settlement in the area continued to expand, the Indians moved westward, virtually disappearing by the time of the American Revolution.

Land grants establishing private ownership in the names of Hogan, Blackwood and Strayhorn are found dating to the 1750's. These colonial settlers of Scotch-Irish descent established small, self-sustaining farms along what are now Smith Level and Mt. Carmel Church Roads.

Small farm activity continued through the Civil War period, and while available records show 48% of Orange County property owners had slaves in 1860, most owned only a few to help with household and farming operations. Land holdings were generally in the 100 to 500 acre

range and crop production consisted primarily of tobacco, cotton, and corn with occasional holdings of dairy cattle. The beginnings of prosperity for this part of Orange County were abruptly halted with the outbreak of the Civil War and the ensuing Reconstruction period.

The closures of the University in 1868 and 1870 and the general post-war economic downturn slowed further growth until the coming of the railroad to Carrboro in 1882. For example, a land use map completed in 1891 by George W. Tate of Bingham School showed only a schoolhouse on the road to Mt. Carmel Church, Purefoy's Mill near what is now the 15-501 bridge over Morgan Creek, and six residences in the names of Cole, Cook, Parton, Merritt, Sparrow, and Smith within the study area.

The pre-WWII period was characterized by the subdivision of some of the larger farms and the accompanying construction of vernacular farmhouses to accommodate the new residents.

Little of the post-WWII rapid growth in Chapel Hill and environs occurred in the study area. A 1962 land use map prepared for Chapel Hill's first comprehensive plan shows virtually no development within the study area's

boundaries with the exception of parts of Dogwood Acres.

During the last twenty years, however, numerous changes in both the physical and social composition of the Southern Area have occurred. External factors such as continued growth in the towns of Chapel Hill and Carrboro, the addition of improved transportation systems, and rapid expansion of the Research Triangle Park have combined to change land use patterns from agricultural to residential. Since 1970, several major subdivisions have been approved and developed adjacent to Morgan Creek along most of the area's northern boundary. In addition, many new lower density residential units, primarily single family dwellings but a few duplex townhouses as well, have been constructed in the study area.

Sources:

Lefler, Hugh & Paul Wager, eds.; ORANGE COUNTY 1752-1952, Chapel Hill, The Orange Printshop (1952).

Other materials are on file.

MEMORANDUM

TO: Mayor and Town Council

FROM: Mayor's Obey's Creek Committee
Council Member Jim Ward, Chair
Council Member Cam Hill
Council Member Bill Strom
Council Member Edith Wiggins

SUBJECT: Report on Discussions about Proposed Development on US 15-501 South

DATE: September 7, 2004

This memorandum reports on the discussions of this Committee over the summer, and transmits comments and recommendations.

BACKGROUND

On May 10, 2004, Mr. Scott Kovens and Mr. Eric Chupp brought a petition to the Town Council, seeking discussion of a proposed Obey's Creek development. The site is on the east side of Highway 15-501 South, across from Southern Village. A copy of the May 10 petition is attached (Attachment 1).

In response to the petition, Mayor Foy appointed a Mayor's Committee to consider the petition, hear from the petitioners, and bring recommendations back to the Council.

The Committee met, heard a presentation from the petitioners describing plans for this property, and tonight offers suggestions to the Town Council regarding next steps.

DESCRIPTION OF PROPOSAL

The May 10 petition focuses on a site that is approximately 150 acres in size, with frontage along U.S. Highway 15-501 South. The site is south of the Town's newest fire station, across the road from Southern Village. The petition includes maps that show the properties that would be included, but does not offer a specific development proposal.

At the request of the Committee, the petitioners brought forward preliminary details about what they envision for this property. At a July 16 meeting, the petitioners presented information about the site and the reasons they believe permitted density and permitted uses on the site should be increased. Handouts and background materials were presented to the Committee and are attached (Attachment 2).

A summary of the proposed development, as described on July 16, is as follows:

- 150-acre site, made up of several existing parcels of land
- 30-40 acres of site is in Resource Conservation District (RCD)
- Steep slopes exist in parts of site
- Mixed-use development plan proposed
- Seeking equivalent of Residential-2 zoning (up to 4 units per acre)
- 450 – 500 residential dwelling units, with emphasis on moderately-priced housing
- Price range of dwelling units - \$300,000 range
- 11-12 acres devoted to commercial uses

- Greenway trails along an estimated 4,000 linear feet of stream

Drawings in Attachment 2 offer preliminary ideas from the petitioners about how the project might be designed.

The site is currently designated as “Low Density Residential” on Chapel Hill’s Land Use Plan, along with designations indicating the location as a possible school site, and as a possibility for development of affordable housing. Current zoning of the site is R-LD1 (low density residential, with a 1-acre minimum lot size and a maximum floor area ratio of .047). The property is also in the Watershed Protection District. A copy of Chapel Hill’s Land Use Plan for this area is attached (Attachment 3), along with a copy of Chapel Hill’s zoning map for this area (Attachment 4).

COMMITTEE COMMENTS

What is permitted now?

The Committee asked Town staff for a summary of the existing regulatory environment for this site, with a description of what might be developed on the site under current policies and ordinances. The staff has offered the following scenarios based on existing regulations:

Single-family Subdivision: Maximum of 150 lots on a 150-acre site. 25% of the lots would be required to be restricted in size (37-38 lots, each with a maximum house size of 1,350 square feet of floor area for a period of 30 months). In lieu of 37 size-restricted lots, a developer would have the option of proposing (with the Council deciding whether or not to accept), 15% of the houses financed as affordable housing (22-23 houses) or a payment-in-lieu of providing 22-23 affordable houses. A cluster subdivision could be proposed, wherein individual lots might be smaller than one acre each, with the balance added to required open space.

Duplex Subdivision: Duplexes are not permitted in the R-LD1 zoning district unless they are part of a Planned Development.

Planned Development – Housing Special Use Permit: A Planned Development-Housing may be proposed in any residential zoning district, as long as the parcel size for the development is at least 5 acres in size. A Planned Development typically offers a variety of housing types including single-family and multi-family dwellings. The maximum number of units that could be developed on this property as a Planned Development would be 150 (maximum density = 1 per acre). The maximum floor area that could be developed would also be a constraint. If there were no RCD on this property, the maximum amount of floor area that could be built would be 307,000 square feet (150 acres multiplied by the floor area ratio of .047). Considering the likelihood that at least 30 acres of this site might be encumbered by RCD regulations, the maximum floor area that would be permitted drops to approximately 270,000 square feet. The Comprehensive Plan would suggest that 15% of the dwelling units that are developed be affordable to individuals/families making 80% or less of the area median income. If the average size of dwelling units were to be 2,000 square feet, then 135 dwellings could be constructed and it would be expected that 20 of those units meet the affordable definition.

Mixed-Use Planned Development: A Planned Development-Mixed Use may be proposed in any zoning district, as long as the parcel size for the development is at least 5 acres. The calculations for maximum allowable floor area are the same as described above. A mixed use development under existing regulations on this site would be limited to 270,000 square feet for all uses. For example, a proposal might be constructed with 120,000 square feet of retail and office space, and 100 units of housing averaging 1,500 square feet per dwelling. In this scenario, it would be expected that 15 of the dwelling units meet the affordable definition.

Comparison of Existing Regulations to Proposed Development

The petitioners suggest an intensity of use on this site that is approximately three to four times that which would be permitted by existing regulations. Accommodating a proposal of that nature would involve rezoning the property and/or amending regulations. Prior to consideration of action of that kind, a process to revise the existing policy framework for the Southern Area would be appropriate, including provisions for citizen involvement.

Comments on Existing Land Use Policies and Regulations

The existing policies that apply to this site and surrounding land were carefully put in place through a widely participatory process. Key policy documents are the Southern Small Area Plan, the existing Comprehensive Plan (with its component Land Use Plan), and the Land Use Management Ordinance. One reason to consider revisiting (or revising) those policies would be if a significant public objective would be advanced by making a change.

In the case of this property, one possible public objective that might be considered is the development of a significant quantity of affordable housing, beyond that which would typically be expected from all new residential development proposals.

Comments on Affordable Housing

Description of the proposal as envisioned by the petitioners has included reference to moderately-priced housing. If affordable housing were to be identified as the public policy reason to consider policy changes, it should be made clear that the Council's definition of affordable housing is that which is affordable to individuals/families making 80% or less of the area's median income. Recent estimates of a benchmark housing price that is affordable for purchase by such individuals/families range from \$130,000 - \$150,000.

It is the Council's expectation that 15% of all new housing developments will be affordable according to this definition. One possible justification for higher intensity of use on this site could be a proposal that includes housing at currently permitted intensities, with 15% of that amount being available at affordable prices, and then allow additional intensity with all such additional units meeting the affordable definition.

Strip of Land, Bisecting the Site

There is a narrow strip of land that runs approximately in an east-west direction, bisecting this site. The land in question was deeded to the Town for Parks and Recreation purposes, as part of the recreation area requirement for an adjacent subdivision application (Zapata Lane subdivision, subsequently developed and built). A legal question emerges as to the ability of (and process for) the Town to consider making that land available for another development. If the Council wishes to pursue this possibility, the next step would likely be a request to the Town Attorney for procedural advice.

RECOMMENDATIONS FOR NEXT STEPS

The Committee's conclusion regarding existing land use policies in the Southern Area is that the existing policies were put in place thoughtfully and with benefit of a highly participatory process, and that no policy change should be considered absent a new process that examines the full array of policies and circumstances for this area. An argument can be made that all policies can benefit from periodic review; however, there is not evidence that current conditions warrant such a policy review for the Southern Area at this time.

One reason to consider revisiting (or revising) a set of policies would be if a significant public objective would be advanced by making a change. In the case of this property, one possible public objective that might be considered is the development of a significant quantity of affordable housing beyond that which would typically be expected.

The petitioners have asked for feedback from the Council regarding how they might proceed with preparation of development plans for this site. We offer the following recommendations to the Council:

- If the Council believes that there is reason to revisit and revise the land use policies that are currently in place for the Southern Area, the Council should ask the Town Manager for a proposed process and schedule to accomplish that policy review.
- If the Council wishes to make the Town-owned strip of land that bisects the Obey's Creek site available for

development as part of a proposal for the site, the Council should ask the Town Attorney for procedural advice.

Regarding feedback to the petitioners, we suggest that the Council offer the following guidance:

- Development plans should be drawn for this property in accordance with existing land use policies and regulations.
- The Council encourages development of affordable housing on this site, and encourages the petitioners to develop plans in accordance with existing regulations that make provisions for 15% of the housing that is developed to be affordable to individuals and families making 80% or less of the area median income; the Council invites the petitioners to propose development intensities greater than current regulations permit, with all such increases in intensity devoted to provision of affordable housing beyond that which typically would be expected. The Council encourages the applicant to pursue opportunities for partnership with a local housing not-for-profit organization such as Orange Community Housing and Land Trust, or Habitat for Humanity.

Adoption of the attached resolution would offer this guidance to the petitioners.

ATTACHMENTS

1. [Petition presented to Town Council on May 10, 2004](#) (p. 7).
2. [July 16 materials presented to Committee](#) (p. 9).
3. [Excerpt from Chapel Hill Land Use Plan](#) (p. 21).
4. [Excerpt from Chapel Hill Zoning Atlas](#) (p. 22).

A RESOLUTION OFFERING GUIDANCE TO PETITIONERS SEEKING TO PREPARE DEVELOPMENT PLANS FOR PROPERTY KNOWN AS OBEY'S CREEK (2004-09-07/R-15)

WHEREAS, on May 10, 2004, Mr. Scott Kovens and Mr. Eric Chupp brought a petition to the Town Council, seeking discussion of a proposed Obey's Creek development. The site is on the east side of Highway 15-501 south, across from Southern Village; and

WHEREAS, a Mayor's Committee was appointed to pursue discussions of this proposed development, and to bring suggestions back to the Town Council; and

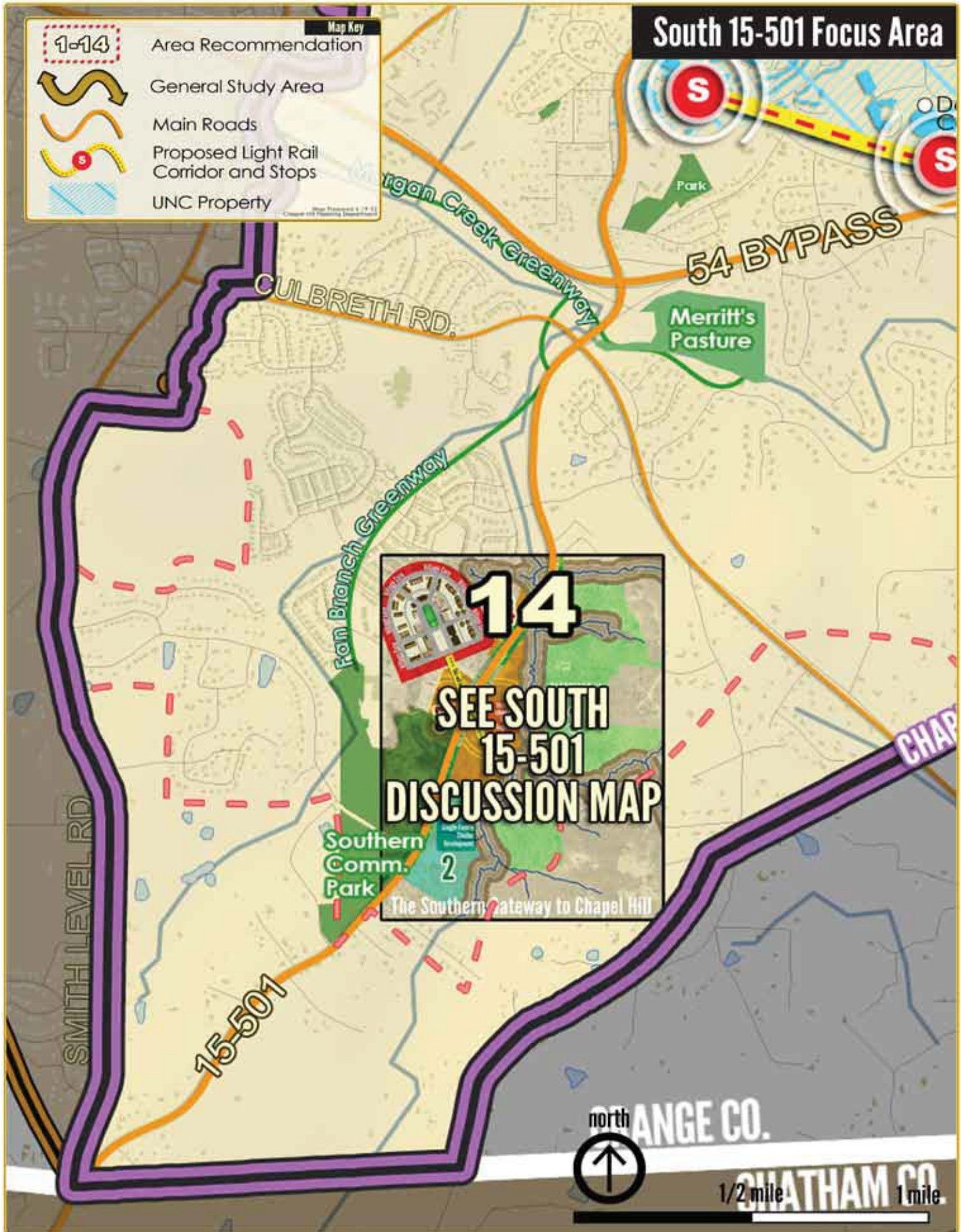
WHEREAS, the Committee has completed and presented its work, and the Town Council has reviewed the circumstances of this site and this proposed development;

NOW, THEREFORE BE IT RESOLVED, by the Council of the Town of Chapel Hill that the Council offers the following guidance regarding potential development plans for this property:

- Development plans should be drawn for this property in accordance with existing land use policies and regulations.
- The Council encourages development of affordable housing on this site, and encourages the petitioners to develop plans in accordance with existing regulations that make provisions for 15% of the housing that is developed to be affordable to individuals and families making 80% or less of the area median income; the Council invites the petitioners to propose development intensities greater than current regulations permit, with all such increases in intensity devoted to provision of affordable housing beyond that which typically would be expected. The Council encourages the applicant to pursue opportunities for partnership with a local housing not-for-profit organization such as Orange Community Housing and Land Trust, or Habitat for Humanity.

This the 7th day of September, 2004.

Area 6: South 15-501



Area 6: South 15-501

Approximately located between Mount Carmel Church Road (north), Edgewater Circle (west), and the urban services boundary (south and east)

Area 6 Key Considerations:

- A discussion group met to identify principles for this area that should be considered in future development proposals.
- The area is identified as a retail development opportunity by the Town.
- Future growth must address traffic, connectivity, environmental, and design concerns.

Next Steps:

14. Projects requiring concept plan review should respond to the general principles and relevant area-specific principles and discussion group map identified by the 15-501 South Discussion Group.

South 15-501 Discussion Group Principles:

General Principles

- Preserve and enhance natural resources (make public) including water quality and stormwater
- Recognize and honor the spirit of the Southern Small Area Plan from the early 1990s
- Ensure that there is significant community process and community benefit in all future development plans
- Minimize traffic impact on neighborhoods surrounding the study area
- Minimize the impact of development on schools
- Plan collaboratively for the 15-501 corridor with Orange County and Chatham County (including transit planning)
- Improve bicycle and pedestrian connectivity among neighborhoods, schools, community facilities, and parks
- Plan for increased use of transit
- Preserve and enhance the “Green Gateway”
- Respond to demonstrated needs of the greater Chapel Hill community

Area-Specific Principles
 (see discussion group map for area designations)



- Meet community needs with new development (mixed use) focused on commercial rather than residential (Area 1)
- Promote architectural diversity and quality with design guidelines (Area 1)
- Emulate design principles of market area of Southern Village, including building height restrictions (Area 1)
- Promote greenways, particularly along and near creeks (Areas 1, 2, and 3)
- Utilize clustered, compact development to maximize open space preservation (Areas 2 and 3)
- Evaluate increased transit use at park-and-ride lot (Area 5)

- Promote possibility of workforce housing or accommodations for other identified community needs, such as senior citizen housing (Areas 4 and 5)
- Provide corridor buffer along 15-501, allowing for visibility and access to retail or commercial development (All areas)
- Encourage clustered retail development including any new development toward the county line (Area 1 and county line)
- Maximize permanent preservation of open space (Areas 2 and 3)