



Item Overview

Public Hearing – 03/14/2016

Agenda #3

Subject: Public Hearing: Land Use Management Ordinance Text Amendment- Proposed Changes to Section 3.11 (Ephesus/Fordham Form District)

Staff:

Mary Jane Nirdlinger, Executive Director
 John Richardson, Planning Manager for Sustainability
 Eric Feld, Community Sustainability Planner II

Department:

Planning and Sustainability

Overview: In response to [recent petitions and feedback](#)¹ from advisory boards regarding the Ephesus/Fordham Form District, the staff is developing a list of short-term zoning code modifications for Council consideration. The majority of the modifications are proposed as a Text Amendment to Section 3.11 (Ephesus/Fordham Form District). One of these modifications is proposed as a Zoning Atlas Amendment to change the location of street frontage requirements in the Ephesus/Fordham Form District. The Zoning Atlas Amendment is the subject of a separate public hearing before the Council tonight. In addition to this proposal, the staff will work with the advisory boards to continue evaluating other interests that require further review and possible technical support.



Recommendation

That the Council open tonight's Public Hearing, receive public comment, and discuss the proposed Land Use Management Ordinance Text Amendment.

Fiscal Impact/Resources: Impacts to future investment are unknown. Priority attention to this item shifts staff resources away from a rewrite of the Land Use Management Ordinance.

Council Goals:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



Attachments:

- Manager's Report
- Staff Memorandum
- Resolution of Consistency with the Comprehensive Plan
- Ordinance A (Enactment of Text Amendment Proposal)
- Resolution A (Denial of Text Amendment Proposal)
- Technical Report
- March 1st Public Information Meeting Notes
- March 1st Planning Commission Meeting Notes

¹ (see item #3, A-D) <http://www.townofchapelhill.org/Home/Components/Calendar/Event/8456/15?curm=3&cury=2016>

Manager's Report

Public Hearing – 03/14/2016



Overview: In response to [recent petitions and feedback](#)¹ from advisory boards regarding the Ephesus/Fordham Form District, the staff is developing a list of short-term zoning code modifications for Council consideration. The majority of the modifications are proposed as a Text Amendment to Section 3.11 (Ephesus/Fordham Form District). One of these modifications is proposed as a Zoning Atlas Amendment to change the location of street frontage requirements in the Ephesus/Fordham Form District. The Zoning Atlas Amendment is the subject of a separate public hearing before the Council tonight. In addition to this proposal, the staff will work with the advisory boards to continue evaluating other interests that require further review and possible technical support.

The Land Use Management Ordinance requires a Manager's recommendation for a Text Amendment and Rezoning.

Manager's Recommendations

- That the Council open tonight's Public Hearing, receive public comment, and discuss the proposed Land Use Management Ordinance Text Amendment.
- After completion of the initial public hearing, the Town Attorney and I will review the record of the public hearing, and I will offer the Council my analysis and recommendation when this item returns to the Council for action at the March 21, 2016 business meeting.

For context:

- The proposed modifications respond to interests expressed by the Planning Commission and Community Design Commission. Although the staff has not had time to fully evaluate these modifications and their possible impacts, such changes can be made without significant adjustment to the Town's Zoning Atlas as well as Section 3.11 (Ephesus/Fordham Form District) of the Land Use Management Ordinance.
- The manner in which these text and zoning atlas amendments have come before you reflects a new process for reviewing and responding to petitions from the public. The Mayor and I met to discuss the attached January 11, 2016 petitions from the Community Design Commission and the Transportation and Connectivity Advisory Board. The Mayor then set a meeting on February 2, 2016 to hear from representatives of these advisory boards as well as the Chair and Vice-Chair of the Planning Commission. The meeting notes from February 2 (and the follow-up meeting on February 16) can be found in the Planning Commission's March 1 agenda ([Business Item #3, item A](#)²).
- On [March 1, 2016](#)³, the Planning Commission began reviewing the proposed changes. The Commission will consider a recommendation at their March 15, 2016 meeting.

¹ (see item #3, A-D)

<http://www.townofchapelhill.org/Home/Components/Calendar/Event/8456/15?curm=3&cury=2016>

² <http://www.townofchapelhill.org/Home/Components/Calendar/Event/8456/15?curm=3&cury=2016>

³ <http://www.townofchapelhill.org/Home/Components/Calendar/Event/8456/15>

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- Although it is not required of a Text Amendment, the Community Design Commission reviewed the list of short-term modifications at their meeting on [February 23, 2016](#)⁴. The Commission had a representative attend the [March 1, 2016](#)⁵ Public Information Meeting and Planning Commission meeting to continue following the discussion and providing feedback.

⁴ http://chapelhill.granicus.com/MetaViewer.php?view_id=&clip_id=2691&meta_id=121946

⁵ <http://www.townofchapelhill.org/Home/Components/Calendar/Event/9215/15?curm=3&cury=2016>



Staff Memorandum

Public Hearing– 03/14/2016

Overview: In response to [recent petitions and feedback](#)¹ from advisory boards regarding the Ephesus/Fordham Form District, the staff is developing a list of short-term zoning code modifications for Council consideration. The majority of the modifications are proposed as a Text Amendment to Section 3.11 (Ephesus/Fordham Form District). One of these modifications is proposed as a Zoning Atlas Amendment to change the location of street frontage requirements in the Ephesus/Fordham Form District. The Zoning Atlas Amendment is the subject of a separate public hearing before the Council tonight. In addition to this proposal, the staff will work with the advisory boards to continue evaluating other interests that require further review and possible technical support.

Recommendations

- *Staff:* That the Council open tonight’s public hearing and receive public comment on the zoning text amendment.
- *Advisory Board/Commission Recommendations:*

Advisory Board/Commission	Recommendation	Notes/Edits
Planning Commission	To be determined	The Planning Commission will consider a recommendation at their March 15, 2016 meeting.
Community Design Commission	The Land Use Management Ordinance does not require these advisory boards and commissions to review or forward a recommendation regarding a text amendment to the Council.	
Transportation & Connectivity Advisory Board		
Environmental Sustainability Advisory Board		
Housing Advisory Board		
Key: ✓ : Approval recommended X: Denial recommended ✎ : Comments		

Key Issues:

- *Planning Commission Recommendation:* On March 1, 2016, the Planning Commission discussed the proposed text amendment and postponed considering a recommendation to the Council until the Commission’s March 15, 2016 meeting. We will share the Planning Commission’s recommendation with the Council when it becomes available.
- *Short-Term Changes:* At the January 11, 2016 Council meeting, the chairs of the Community Design Commission and the Transportation and Connectivity Advisory Board petitioned the Council to consider changes to the Ephesus/Fordham Form District. Additionally, the Planning Commission Chair provided the staff with a list of recommendations issued by the former Planning Board² on February 18, 2014.

¹ (see item #3, A-D)

<http://www.townofchapelhill.org/Home/Components/Calendar/Event/8456/15?curm=3&cury=2016>

² Resulting from the Council’s advisory board reorganization initiative, the Council replaced the Planning Board with the Planning Commission on March 10, 2014.

Staff Memorandum

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In response to petitions and feedback from the Community Design Commission, the Transportation and Connectivity Advisory Board, and members of the Planning Commission³, we have identified eight items for possible modification in the near-term:

- 1) Regulating Plan – The Community Design Commission recommended changing the Type C frontage designation to enhance the aesthetics and activation of the gateway area along Fordham Boulevard. In response, we are proposing to reclassify both sides of Fordham Boulevard from Rams Plaza to the southern end of the Ephesus/Fordham District as Type B street frontages. Because these frontages are shown on the official zoning atlas, an accompanying proposed zoning atlas amendment reflects the described regulating plan changes.

The following illustrations from the Ephesus/Fordham Form District Regulations depict Type A, Type B, and Type C street frontage requirements:

3.11.2.5. Frontages

Type A With On-Street Parking

(A) | (B) | (C) | (D) |

Type A Without On-Street Parking

(A) | (B) | (C) | (D) |

TYPE A FRONTAGE	
Building Location	
(A) Front setback (min/max)	0 / 10'
Building facade in BTZ (min % of lot width)	80%
Streetscape	
(B) Sidewalk (min)	10'
Tree planting zone (min)	
(C) With grates	6'
Without grates	8'
Tree spacing (on center, avg)	40'
Canopy trees are required unless three phase or greater power lines are involved, in which case under-story trees are permitted	
(D) On-street parking, where provided (min)	8'
Parking Location	
Surface parking: Not permitted between building and street	
Structured parking: 30' minimum behind front building facade for all floors	

³ During the February 16, 2016 Planning Commission meeting, the Commission reviewed the former Planning Board's February 14, 2014 recommendations to Council regarding the initial draft of the text amendment creating the Ephesus/Fordham Form District Regulations but did not agree with the Planning Board's suggested considerations.

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Type B Frontage

(A) (B) (C) (D) (E) (F) (G)

TYPE B FRONTAGE	
Building Location	
(A) Front setback (min/max)	0 / 85'
Building facade in BTZ (min % of lot width)	60%
Pedestrian Way	
(B) Sidewalk (min)	8'
Tree planting zone (min)	
(C) With grates	6'
Without grates	8'
Tree spacing (on center, avg)	40'
Canopy trees are required unless three phase or greater power lines are involved, in which case under-story trees are permitted	
Vehicular Way	
(D) Parking area (max)	60'
(E) Hedge or wall (36" min) planting zone	5'
Streetscape	
(F) Sidewalk (min)	6'
(G) Tree planting zone (min)	6'
Tree spacing (on center, avg)	40'
Parking Location	
Surface parking: 2 bays maximum permitted between building and street	
Structured parking: 30' minimum behind front building facade for all floors	

No Frontage

(A) (B) (C) (D)

NO FRONTAGE	
Building Location	
Front setback (min)	5'
Building facade in BTZ (min % of lot width)	n/a
Vehicular Way	
(A) Parking area (min)	Unlimited
(B) Hedge or wall (36" min) planting zone	5'
Streetscape	
(C) Sidewalk (min)	6'
Tree planting zone (min)	
(D) With grates	6'
Without grates	8'
Tree spacing (on center, avg)	40'
Canopy trees are required unless three phase or greater power lines are involved, in which case under-story trees are permitted	
Parking Location	
Surface parking: No restriction	
Structured parking: No restriction	

- 2) *Lot Parameters* – In the interest of facilitating greater pedestrian and bicycle mobility, the Community Design Commission recommended setting a maximum block length and width. In response, we are proposing a maximum building perimeter of 1,000 feet. As proposed, the maximum building perimeter would not apply to building elements (e.g. forecourts) or walls used to wrap structured parking.

- 3) *Building Height* – To improve the urban fabric of the Ephesus/Fordham District, the Community Design Commission expressed an interest in implementing a minimum building height provision. In response, we have added language requiring a minimum of 2 stories and 35 feet for new principal structures throughout the District.

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- 4) *Streetscape* – Petitions from the Community Design Commission and the Transportation and Connectivity Board expressed interest in comfortable sidewalk spaces with room for amenities. We have revised the streetscape provisions along Type A and Type B street frontages to require a minimum clear zone width of 10 feet and 8 feet, respectively, where sidewalks must be unobstructed for pedestrian travel. Outdoor dining may be established interior to the clear zone, either as additional sidewalk (a vertically open forecourt) or an arcade (a recessed and covered area at ground level). New arcades can be created when a ground floor space is renovated for a new tenant.
- 5) *Outdoor Amenity Space* – Representatives from the Planning Commission and the Community Design Commission identified provision of green spaces as a priority to enhance the aesthetic appeal of the District. In response, we have included language in the proposed ordinance that would require that any vegetation or landscaping used to meet outdoor amenity space requirements be visible from the public realm.
- 6) *Setback Encroachments* – In the interest of eliminating (to the greatest degree possible) visible mechanical equipment, the Community Design Commission petitioned the Council to prohibit exposed service functions and utilities. In response, we have proposed amending the existing setback encroachments subsection to clarify that above-ground mechanical equipment (including ground-mounted and wall-mounted equipment) and minor structures associated with utilities (such as transformers) should not be visible along a Type A or a Type B street frontage. This does not preclude an applicant from siting mechanical equipment along a Type A or a Type B street frontage, so long as they install proper screening.
- 7) *Vehicle Parking* – The Community Design Commission requested new language to prevent exposed ground-level parking garages. In response, we have drafted language to emphasize that structured parking shall be screened or architecturally treated. This new provision supplements existing rules, which requires structured parking to be at least 30 feet behind the front building façade for all floors along Type A and Type B street frontages.
- 8) *Certificate of Appropriateness* – The Community Design Commission petition recommended that the Commission approve any visible stormwater retention areas. We have added language to the proposed ordinance that would clarify that the Commission’s purview in reviewing Certificate of Appropriateness applications also includes the appearance of aboveground stormwater control measures. This provision does not apply to stormwater control measures that are not visible from the public realm.



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- *Long-Term Solutions:* We will continue to work with the advisory boards to evaluate other possible modifications to the regulations. These changes, which will require additional research and planning, may relate to the other ongoing staff activities, including the staff's work on a set of Design Guidelines for the District. The Town has selected Winter and Company for this project.
- *Zoning Amendment Findings of Fact:* All information submitted at the public hearing will be included in the record of the hearing. Based on the evidence submitted, the Council will consider whether it can make one or more of three required findings (listed below A-C) for enactment of the Land Use Management Ordinance Text Amendment. In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance shall not be amended except:
 - A. To correct a manifest error in the chapter; or
 - B. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
 - C. To achieve the purposes of the Comprehensive Plan.

Staff will provide an evaluation of the Zoning Amendment findings of fact when this item returns to the Council on March 21, 2016.

Fiscal Impact/Resources: Impacts to future investment are unknown. Priority attention to this item shifts staff resources away from a rewrite of the Land Use Management Ordinance.

RESOLUTION OF CONSISTENCY

A RESOLUTION TO AMEND SECTION 3.11 EPHEBUS/FORDHAM FORM DISTRICT REGULATIONS OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE IN RESPONSE TO ADVISORY BOARD PETITIONS AND FEEDBACK CONSISTENT WITH THE COMPREHENSIVE PLAN (2016-MM-DD/R-)

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update the Ephesus/Fordham Form District regulations to improve clarity, consistency, and predictability and better align the regulations with the Council's vision for the Ephesus/Fordham District; and

WHEREAS, upon consideration the Council finds that the amendment, if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, including the Ephesus Church Road/Fordham Boulevard Small Area Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal PFE.1)
- A range of housing options for current and future residents (Goal PFE.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal PFE.4)
- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1)
- Foster support of local businesses (Goal CPE.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal CPE.3)
- A well-conceived and planned, carefully thought-out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and other public transportation options (Goal GA.1)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal GA.2)
- Connect to a comprehensive regional transportation system (Goal GA.3)
- Make an adaptable transportation system to support both dense and suburban development (Goal GA.4)
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Goal GA.5)
- Incorporate street planning into zoning code (Goal GA.7)
- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (Goal GA.8)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal GPNS.3)

- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal GPNS.5)
- A community that welcomes and supports change and creativity (Goal GPNS.6)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal GPNS.8)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal NOC.8)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed zoning text amendment to be reasonable and consistent with the Town Comprehensive Plan.

This the _____ day of _____, 2016.

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING THE SECTION 3.11 EPHEBUS/FORDHAM FORM DISTRICT REGULATIONS OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE IN RESPONSE TO ADVISORY BOARD PETITIONS AND FEEDBACK (2016-MM-DD/O-#)

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend Section 3.11 of the Land Use Management Ordinance to update the Ephesus/Fordham Form District regulations in response to advisory board petitions and feedback; and

WHEREAS, upon consideration the Council finds that the amendment is reasonable and is warranted, because of changed or changing conditions in the area or in the jurisdiction generally, and in order to achieve the purposes of the Comprehensive Plan including but not limited to:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal PFE.1)
- A range of housing options for current and future residents (Goal PFE.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal PFE.4)
- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1)
- Foster support of local businesses (Goal CPE.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal CPE.3)
- A well-conceived and planned, carefully thought-out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of the means of transportation such as bicycle, pedestrian, and other public transportation options (Goal GA.1)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal GA.2)
- Connect to a comprehensive regional transportation system (Goal GA.3)
- Make an adaptable transportation system to support both dense and suburban development (Goal GA.4)
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Goal GA.5)
- Incorporate street planning into zoning code (Goal GA.7)
- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (Goal GA.8)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal GPNS.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal GPNS.5)
- A community that welcomes and supports change and creativity (Goal GPNS.6)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal GPNS.8)

- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (NOC.8); and

WHEREAS, with enactment of the Ephesus/Fordham Form District Regulations (i.e., form district code) on May 12, 2014, the Council adopted a complementary series of directives to the Town Manager to guide further renewal of the District known as the “Resolution on Continued Action for Renewal of the Ephesus Church Road/Fordham Boulevard Form District”; and

WHEREAS, to address the Resolution on Continued Action for Renewal of the Ephesus Church Road/Fordham Boulevard Form District, the staff shall provide regular reports to the Council on the progress of the associated work, with said reports provided to the Council over the course of ten years, beginning with biannual reports delivered during the first two years and annual reports during the subsequent eight years; and

WHEREAS, on January 11, 2016, the Chair of the Community Design Commission petitioned the Council to consider recommendations for enhancing the Ephesus/Fordham Form District Regulations in response to the first Certificate of Appropriateness applications; and

WHEREAS, on January 11, 2016, the Chair of the Transportation and Connectivity Advisory Board petitioned the Council to consider congestion, safety, and connectivity improvements along East Franklin Street and through the Ephesus/Fordham Form District in response to higher density development activities; and

WHEREAS, on February 2, 2016, the Mayor of the Town of Chapel Hill hosted a meeting with the chairs of the Community Design Commission, the Transportation and Connectivity Advisory Board, and the Planning Commission to explore their interests in the Ephesus/Fordham Form District and to develop a deeper understanding of the petitions received; and

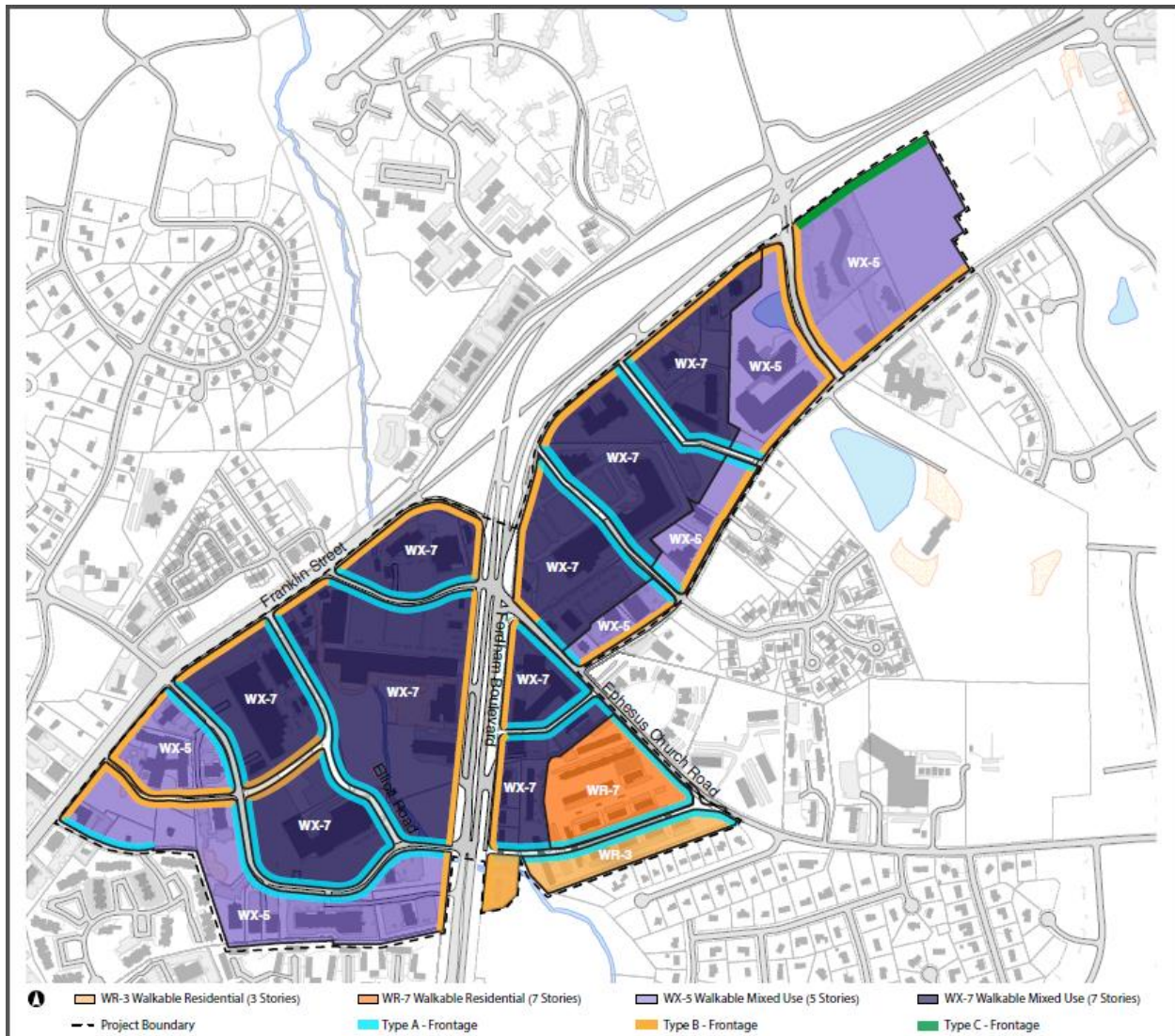
WHEREAS, the Council finds that the redevelopment of the Ephesus Church Road/Fordham Boulevard area is appropriate and especially significant to the preservation of the visual character of the Town and is one where a Special Appearance District is appropriate.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Land Use Management Ordinance, Appendix A of the Town Code, is amended as follows:

SECTION I

Sec. 3.11.2. District Character, Subsection 3.11.2.2. Regulating Plan and official zoning map are hereby revised to read as follows:

“The Walkable Residential (WR-), Walkable Mixed Use (WX-) subdistricts are identified and located on the Town of Chapel Hill Official Zoning Map. The Regulating Plan is for illustrative purposes and is intended to show the general areas of each subdistrict and associated road frontage(s). Additional street right-of-way or public easement may be required at the time of development, in accordance with the Ephesus Church/Fordham Boulevard Small Area Plan, ~~and~~ this regulating plan or this Section 3.11.”



[The image of the map above is revised to show a Type B frontage in orange along both sides of Fordham Boulevard. The Type C frontage is now shown in green.]

SECTION II

Sec. 3.11.2. District Character, Subsection 3.11.2.3. Walkable Residential (WR-3 and WR-7), Subsection 1. Lot is hereby revised to add a new subsection D under **Table Section Lot Parameters** and subsequent text to read as follows:

Lot Parameters		
(D)	<u>Maximum building perimeter, as measured by the total length of all building sides at ground level not including interior walls (e.g., 200' x 200' = a building perimeter of 800')</u>	<u>1,000'</u>
	<u>Maximum building façade length, as measured by the length of any one side of a building or structure at ground level</u>	<u>400'</u>

Outdoor amenity space and recreation space are ratios of gross land area.

A building perimeter shall be bordered by some form of architectural permeability (a break between buildings), including but not limited to a street, bicycle and pedestrian pass-through, trail, greenway or other similar area between buildings which accommodates the movement of motorized vehicles and/or pedestrians and bicycles. Walls used to wrap structured parking do not count toward maximum building perimeter. An area used to address architectural permeability shall be a minimum width of 15', or 26' where fire service is required. Where the Community Design Commission makes a finding that a proposed design alternative for the maximum building perimeter could provide an equivalent or better result that meets the purpose and intent of Section 3.11, the Community Design Commission may approve such an alternative design as part of a Certificate of Appropriateness.

SECTION III

Sec. 3.11.2. District Character, Subsection 3.11.2.3. Walkable Residential (WR-3 and WR-7), Subsection 3. Mass, Table Section Building Height is hereby revised to read as follows:

Building Height		
(A)	Building height (max)	
	- WR-7	7 stories, not to exceed 90'
	- WR-3	3 stories, not to exceed 45'
(B)	<u>Building height for principal structures (min)</u>	<u>2 stories and 35' measured to finished grade</u>
(B) (C)	Building step back above 2 nd or 3 rd floor (min) if building is placed within first 10' of the build-to zone	
	- 3 story buildings or less	
	- 4 story buildings or greater	10' step back above 2 nd or 3 rd floor

SECTION IV

Sec. 3.11.2. District Character, Subsection 3.11.2.3. Walkable Residential (WR-3 and WR-7), Subsection 4. Form, is hereby revised to include changes to row D under **Table Section Pedestrian Access** and add subsequent text to read as follows:

Pedestrian Access		
(D)	Principal entrance facing street	
	- <u>Residential</u>	<u>Required for each unit</u>
	- <u>Nonresidential</u>	<u>Required</u>
(E)	Principal entrance spacing along street (max)	
	- Residential	100'
	- Nonresidential	100'

Where the Community Design Commission makes a finding that a proposed design alternative for the residential pedestrian access requirements could provide an equivalent or better result that meets the purpose and intent of Section 3.11, the Community Design Commission may approve such an alternative design as part of a Certificate of Appropriateness.

SECTION V

Sec. 3.11.2. District Character, Subsection 3.11.2.4. Walkable Mixed Use (WX-5 and WX-7), Subsection 1. Lot, is hereby revised to add a new subsection D to **Table Section Lot Parameters** and subsequent text to read as follows:

Lot Parameters		
(D)	<u>Maximum building perimeter, as measured by the total length of all building sides at ground level not including interior walls (e.g., 200' x 200' = a building perimeter of 800')</u>	<u>1,000'</u>
	<u>Maximum building façade length, as measured by the length of any one side of a building or structure at ground level</u>	<u>400'</u>

Outdoor amenity space and recreation space are ratios of gross land area.

A building perimeter shall be bordered by some form of architectural permeability (a break between buildings), including but not limited to a street, bicycle and pedestrian pass-through, trail, greenway or other similar area between buildings which accommodates the movement of motorized vehicles and/or pedestrians and bicycles. Walls used to wrap structured parking do not count toward maximum building perimeter. An area used to address architectural permeability shall be a minimum width of 15', or 26' where fire service is required. Where the Community Design Commission makes a finding that a proposed design alternative for the maximum building perimeter could provide an equivalent or better result that meets the purpose and intent of Section 3.11, the Community Design Commission may approve such an alternative design as part of a Certificate of Appropriateness.

SECTION VI

Sec. 3.11.2. District Character, Subsection 3.11.2.4. Walkable Mixed Use (WX-5 and WX-7), Subsection 3. Mass, Table Section Building Height is hereby revised to read as follows:

Building Height		
(A)	Building height (max)	
	- WR-7	7 stories, not to exceed 90'
	- WR-3	3 stories, not to exceed 45'
(B)	<u>Building height for principal structures (min)</u>	<u>2 stories and 35' measured to finished grade</u>
(B) (C)	Building step back above 2 nd or 3 rd floor (min) if building is placed within first 10' of the build-to zone	
	- 3 story buildings or less	
	- 4 story buildings or greater	10' step back above 2 nd or 3 rd floor

SECTION VII

Sec. 3.11.2. District Character, Subsection 3.11.2.4. Walkable Mixed Use (WX-5 and WX-7), Subsection 4. Form, is hereby revised to include changes to row D under **Table Section Pedestrian Access** and add subsequent text to read as follows:

Pedestrian Access		
(D)	Principal entrance facing street	required
	- <u>Residential</u>	<u>Required for each unit</u>
	- <u>Nonresidential</u>	<u>Required</u>
(E)	Principal entrance spacing along street (max)	
	- Residential	100'
	- Nonresidential	100'

Where the Community Design Commission makes a finding that a proposed design alternative for the residential pedestrian access requirements could provide an equivalent or better result that meets the purpose and intent of Section 3.11, the Community Design Commission may approve such an alternative design as part of a Certificate of Appropriateness.

SECTION VIII

Sec. 3.11.2. District Character, Subsection 3.11.2.5. Frontages, Table Type A Frontage is hereby revised to read as follows:

TYPE A FRONTAGE

Building Location		
(A)	Front setback (min/max)	0'/10'
	Building façade in BTZ (min % of lot width)	80%
Streetscape		
(B)	Sidewalk (min)	10' <u>minimum clear zone</u>
(C)	Tree Planting Zone (min)	
	With grates	6'
	Without grades	8'
	Tree spacing (on center, avg)	40'
(D)	On-street parking, where provided (min)	8'
Parking Location		
Surface parking: Not permitted between building and street		
Structured parking: 30' minimum behind front building façade for all floors		

Canopy trees are required unless utility conflicts exist, in which case an equivalent or better alternative can be reviewed and approved by the Community Design Commission.

SECTION IX

Sec. 3.11.2. District Character, Subsection 3.11.2.5. Frontages, Table Type B Frontage is hereby revised to read as follows:

TYPE B FRONTAGE

Building Location		
(A)	Front setback (min/max)	0'/85'
	Building façade in BTZ (min % of lot width)	60%
Pedestrian Way		
(B)	Sidewalk (min)	8' <u>minimum clear zone</u>
(C)	Tree Planting Zone (min)	
	With grates	6'
	Without grates	8'
	Tree spacing (on center, avg)	40'
Vehicular Way		
(D)	Parking area (max)	60'
(E)	Hedge planting or wall zone (36" min height)	5' (min width)
Streetscape		
(F)	Sidewalk (min)	6'
(G)	Tree Planting Zone (min)	
	With grates	6'
	Without grates	8'
	Tree spacing (on center, avg)	40'
Parking Location		
Surface parking: 2 bays maximum permitted between building and street		
Structured parking: 30' minimum behind front building façade for all floors		

Canopy trees are required unless utility conflicts exist, in which case an equivalent or better alternative can be reviewed and approved by the Community Design Commission.

SECTION X

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection D. Outdoor Amenity Space, Subsection 4. Standards, is hereby amended to add a new Subsection h. to read as follows:

“h. Outdoor amenity space that includes vegetation and/or landscaping should be visible from street rights-of-way or public easements.”

SECTION XI

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection H. Setback Encroachments, Subsection 2. Mechanical Equipment and Utility Lines is hereby amended to add a new Subsection d. to read as follows:

“d. Aboveground mechanical equipment and minor structures accessory to utilities, excluding equipment and structures necessary for life safety, shall not be placed within 10’ of a sidewalk for a Type A or a Type B street frontage.”

SECTION XII

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions, Subsection O. Building Entrances is hereby revised to read as follows:

“O. Building Entrances

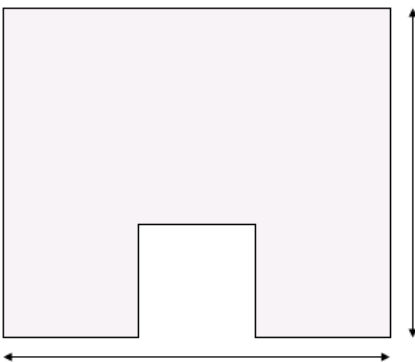
1. An entrance providing both ingress and egress, operable to residents at all times or to customers during normal business hours, is required to meet the street facing entrance requirements. Additional entrances are permitted.
2. The entrance separation requirements must be met for each development, but are not applicable to adjacent (existing) development.
3. An angled (clipped corner) entrance may be provided at any corner of a building along the street to meet the street entrance requirements, provided the applicable entrance spacing requirements can still be met.
4. Ground floor residential units shall have direct external access along a Type A or Type B Frontage. Stoops and porches are permitted building elements, which may be shared between no more than two units.”

SECTION XIII

Sec. 3.11.2. District Character, Subsection 3.11.2.7. Measurements and Exceptions is hereby revised to add a new subsection Q. Building Perimeter to read as follows:

“Q. Building Perimeter

1. The building perimeter is measured by summing the lengths of all outer walls of a building at the street level.
2. Where the outer wall of a building is not uniform, the length is measured at street level using a line drawn parallel to the exterior wall the building that is closest to the front setback. The length of this line begins and ends when it crosses the same setback line on the other two adjoining sides of the building as shown in image.



3. Building elements as described in Section 3.11.2.6. and the portions of outer walls used to wrap structured parking do not apply to the maximum building perimeter.”

SECTION XIV

Sec. 3.11.4. Design and Development Standards, Subsection 3.11.4.1. Parking Standards, Subsection B. Vehicle Parking is hereby revised to read as follows:

“B. Vehicle Parking

1. *Required Spaces.* The minimum and maximum parking spaces are provided in the Table below and are required unless an alternative is approved by the Town Manager.

2. *Outdoor Dining.* Outdoor dining located in the build-to zone or a forecourt permitted under Sec. 3.11.2.6 are exempt from the calculation of required vehicle parking spaces.

3. *Parking Maximums.* Parking spaces provided in an underground or structured parking garage do not count toward the maximum number of spaces permitted.

4. *Structured Parking.* Structured parking visible from the public realm shall be screened or otherwise architecturally compatible with the principal building. Screening for structured parking may include but is not limited to green screens and other architectural features as deemed appropriate by the Community Design Commission.”

SECTION XV

Sec. 3.11.4. Design and Development Standards, Subsection 3.11.4.2. Landscaping Standards, Subsection E. Service and Mechanical Screening, Subsection 4. Wall-Mounted Equipment is hereby amended to add a new Subsection d. to read as follows:

“d. Wall-mounted mechanical equipment and minor structures accessory to utilities, excluding equipment and structures necessary for life safety, shall not be placed within 10’ of a sidewalk for a Type A or a Type B street frontage.”

SECTION XVI

Sec. 3.11.4. Design and Development Standards, Subsection 3.11.4.2. Landscaping Standards, Subsection E. Service and Mechanical Screening, Subsection 5. Ground-Mounted Equipment is hereby amended to add a new Subsection d. to read as follows:

“d. Ground-mounted mechanical equipment and minor structures accessory to utilities, excluding equipment and structures necessary for life safety, shall not be placed within 10’ of a sidewalk for a Type A or a Type B street frontage.”

SECTION XVII

Sec. 3.11.4. Design and Development Standards, Subsection 3.11.4.7. Administration of Form Districts, Subsection D. Certificate of Appropriateness, Subsection 1. Review Required is hereby revised to read as follows:

“D. Certificate of Appropriateness

1. Review Required

a. No exterior portion of any building or related structure (including masonry walls, fences, light fixtures, steps and pavement), or any aboveground utility structure or stormwater control measure may be erected, altered, restored or moved within the Form District until an application for a certificate of appropriateness as to exterior architectural features and accessory utility features have ~~has~~ been approved. The above requirements do not apply to the demolition of any buildings or structures.

b. For purposes of this Section 3.11, “exterior architectural features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, and the type and style of all windows, doors and light fixtures. Accessory utility features further includes the screening of transformers and cabinet structures, as well as the appearance of visible stormwater control measures. Review should give consideration toward the hierarchy of street-facing facades as they relate to the different frontage types. For development along streets with Type C frontage requirements, the Community Design Commission shall review and approved Certificates of Appropriateness consistent with 3.11.4.2.C.2.a.

c. A certificate of appropriateness shall be issued prior to the issuance of a Form District Permit, zoning compliance permit or any other permit granted for purposes of constructing or altering buildings or structures.

d. The Town and all public utility companies shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of structures and buildings on property owned or franchised by the Town of Chapel Hill or public utility companies, excluding street paving, sidewalks, utility installations, lighting, walls, fences, regulatory signs, other traffic control measures and devices, and utility distribution systems located in public right-of-way.

e. A certificate of appropriateness application may be reviewed and approved by the Town Manager according to specific review criteria contained in state law and guidelines approved by the Community Design Commission when the application is determined to involve minor work. Minor works are defined as those exterior changes that do not involve any substantial alterations. Such minor works shall be limited to those listed in the Community Design Commission's Rules of Procedure, or a successor document. No application involving minor work may be denied without the formal action of the Commission. Ordinance requirements for notification of affected property owners must be met for all applications.”

SECTION XVIII

This ordinance is effective upon enactment.

This the ____ day of ____, 2016.

RESOLUTION A

(Denying the Land Use Management Text Amendment proposal)

A RESOLUTION DENYING A PROPOSAL FOR A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT IN RESPONSE TO ADVISORY BOARD PETITIONS AND FEEDBACK REGARDING THE EPHEBUS/FORDHAM FORM DISTRICT REGULATIONS (2016-MM-DD/R-)

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update the Ephesus/Fordham Form District regulations to improve clarity, consistency, and predictability and better align the regulations with the Council's vision for the Ephesus/Fordham District and fails to find that the amendment:

- a) corrects a manifest error in the chapter, or
- b) is justified because of changed or changing conditions in the area of the rezoning site or the community in general, or
- c) achieves the purposes of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the Town-initiated proposal to amend the Land Use Management Ordinance in response to advisory board petitions and feedback regarding the Ephesus/Fordham Form District Regulations.

This the _____ day of _____, 2016.

Technical Report

Public Hearing— 03/14/2016

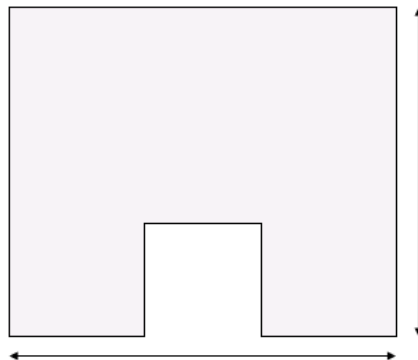


Topic Overview: The Technical Report discusses the proposed updates to the Ephesus/Fordham Form District Regulations (see Ordinance A) and how the proposed ordinance complies with the Comprehensive Plan.

Text Amendment Summary: This proposal would modify the regulations in the Ephesus/Fordham Form District Regulations (Section 3.11) only for the topics in the text amendment details described directly below and in Ordinance A.

Text Amendment Details

- 1) *Regulating Plan:* Type C street frontages shown in the Regulating Plan—those found along both sides of Fordham Boulevard, spanning from Rams Plaza to the southern end of the Ephesus/Fordham Form District—are reclassified to Type B in the proposed ordinance (see also accompanying zoning atlas amendment).
- 2) *Lot Parameters:* The proposed ordinance adds a new maximum building perimeter standard throughout the Ephesus/Fordham Form District of 1,000 feet. The perimeter is measured by summing the lengths of all outer walls of a building at the street level. Interior walls, building elements described in Section 3.11.2.6. and walls used to wrap structured parking do not count toward maximum building perimeter. Where the outer wall of a building is not uniform, the length is measured at street level using a line drawn parallel to the exterior wall the building that is closest to the front setback. The length of this line begins and ends when it crosses the same setback line on the other two adjoining sides of the building. See image below.



- 3) *Building Height:* The proposed ordinance establishes a minimum building height of 2 stories and 35 feet throughout the Ephesus/Fordham Form District.
- 4) *Streetscape:* For sidewalks along Type A and Type B frontages, the proposed ordinance establishes a new required clear zone of 10 feet and 8 feet, respectively, where there may be no impediments to pedestrian travel. Outdoor dining may be established interior to the clear zone, either as additional sidewalk (a vertically open

Technical Report

Public Hearing– 03/14/2016



forecourt) or an arcade (a recessed and covered area at ground level). New arcades can be created when a ground floor space is renovated for a new tenant.

- 5) *Outdoor Amenity Space*: Outdoor amenity space that includes vegetation or landscaping should be visible from the public realm where practicable.
- 6) *Setback Encroachments*: Except when necessary for life safety, aboveground mechanical equipment (including wall-mounted and ground-mounted equipment) and minor structures associated with utilities (such as transformers) should not be visible along a Type A or a Type B street frontage.
- 7) *Vehicle Parking*: Where visible from the public realm, the proposed ordinance emphasizes that structured parking shall be screened or otherwise architecturally compatible with the principal building. The Community Design Commission may determine the appropriateness of any architectural features used to screen structured parking.
- 8) *Certificate of Appropriateness*: The proposed ordinance would clarify that the Community Design Commission's purview in reviewing Certificate of Appropriateness applications includes the appearance of aboveground stormwater control measures. This provision does not apply to stormwater control measures that are not visible from the public realm.

Compliance with the Comprehensive Plan:

- Relevant goals and objectives in the Chapel Hill 2020 Comprehensive Plan include, but are not limited to:
 - Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Theme: A Place For Everyone)
 - A range of housing options for current and future residents (Theme: A Place For Everyone)
 - A welcoming and friendly community that provides all people with access to opportunities (Theme: A Place For Everyone)
 - Balance and sustain finances by increasing revenues and decreasing expenses (Theme: Community Prosperity and Engagement)
 - Foster support of local businesses (Theme: Community Prosperity and Engagement)
 - Promote a safe, vibrant, and connected (physical and person) community (Theme: Community Prosperity and Engagement)
 - A well-conceived and planned, carefully thought-out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of the means of transportation such as bicycle, pedestrian, and other public transportation options (Theme: Getting Around)

Technical Report

Public Hearing– 03/14/2016



- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Theme: Getting Around)
- Connect to a comprehensive regional transportation system (Theme: Getting Around)
- Make an adaptable transportation system to support both dense and suburban development (Theme: Getting Around)
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Theme: Getting Around)
- Incorporate street planning into zoning code (Theme: Getting Around)
- A community that has a parking system based on strategies that support the overall goals of a holistic transportation system (Theme: Getting Around)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Theme: Good Places New Spaces)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Theme: Good Places New Spaces)
- A community that welcomes and supports change and creativity (Theme: Good Places New Spaces)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Theme: Good Places New Spaces)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Theme: Nurturing Our Community)

[Ephesus/Fordham Public Information Meeting](#)¹

March 1, 2016

6:00 – 7:00 pm

Links: [Video](#)² | [Meeting Handouts](#)³ (see Business Item #3, B-D)

29 in attendance

Neal Bench: On perimeter as a point of reference, the Village Plaza Apartments, someone said footprint is 1200 (200 x 400), so that would exceed the 1000' proposed

Neal Bench: For clear walkways, I see an issue with implementation. After all is complete, what is the chance to remedy situations where tables and chairs block parts of the sidewalk?

[Staff Response: Outdoor dining areas may be designed as spaces that are recessed from the building façade. These dining areas also require a permit.]

Susana Dancy: When we look at 140 West, one of the issues is the roll up doors for trash. Will code changes address the trash enclosures (and other types of back of house things)? The assumption is that they would be screened, but a roll up door that screens the dumpster isn't sufficient. It would seem that the preferred solution would be to have those accessed from side or back of building from a private alley or driveway at the side.

Susana Dancy: When SW is aboveground, is it countable toward Outdoor Amenity Space?

[Staff Response: We will need to check on that and provide an answer.]

Julie McClintock: Code lacked good urban design. I appreciate changes being brought forward. We need to remember big picture. One is to address stormwater problems—to mitigate flooding. It's important for people to know that the Town has a subwatershed study going forward that will inform improvements. The other goal was to better connect the area and not just make it a suburban shopping area. There is something in this that goes toward that but only goes partway. It's the intent of boards to forge ahead and come up with a comprehensive transportation plan. You need to have that in place before you go about improving projects as they come in. The last item is to create urban vital spaces. These changes will help, but will only go partway.

Joan Guilkey: Fix the code so that green space is visible and available to the public. Present code did not benefit from expertise of an urban designer. Green areas are private and enclosed within structures. I strongly endorse the need for more connectivity and support modifications that would reduce super block size. Modifying will help but more work is needed to include comprehensive transportation plan

¹ <http://www.townofchapelhill.org/Home/Components/Calendar/Event/9215/15?curm=3&cury=2016>

² http://chapelhill.granicus.com/MediaPlayer.php?view_id=11&clip_id=2689

³ <http://www.townofchapelhill.org/Home/Components/Calendar/Event/8456/15?curm=3&cury=2016>

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with bus stops, bike trails, etc. Elliott Road structure is a bad example and doesn't have room for a decent sidewalk. The Town needs a regulating plan with green space. Booker Creek should be a daylighted amenity space. It may not be possible to daylight entire creek, but eventually leases expire. That space should be left vacant to be a natural draw for visitors all over town. Please don't forget about public green areas.

Molly McConnell: A number of fixes are needed. This matter is urgent, because any moment an application could come in to replace the Park Apartments, which is an important source of affordable housing. There are no provisions for affordable workforce housing.

Chris Connorly: It is important to be able to walk short distances without getting in a car.

Chris Berndt: Rams Plaza has no frontage requirements. Would there be frontage requirements now? What happens up at DHIC site?

[Staff Response: The Type C Frontage along Rams Plaza is proposed to become a Type B designation. There is no proposed change for the frontage along the DHIC property.]

Terry Vance: Want to talk about requiring green spaces to be visible to the public. Charlotte has a lot of fountains and useable pocket parks where people can congregate, play music. This business about being visible to the public is not enough. It needs to be useable to the public. Green is good for public health. School scores go up with light and green—makes people happier and healthier. If Charlotte can do it, so can we.

Lynne Kane: I'm all for connected and walkability. I want to point out that we hear that we don't want to be like a big city. A lot of people talk about alleys and cut-throughs. I'm not comfortable in alleyways. We need LED lighting and we need passageways that are comfortable at night. It does get dark here early in the winter. Here and all through this area, you walk through parking lots very easily not to just get to your car but to get from one commercial venue to another. We have a lot of existing parking lots that are walkable and pedestrian friendly. As a frequent pedestrian, I try to be courteous to vehicles. I don't push the button. It's also incumbent upon bicyclists to not impede vehicular traffic. Business is sustained by traffic. We need to make vehicular traffic attractive and friendly.

Dave Adams: I live in Colony Woods. Thank you for trying to improve the code. To go back to what Julie mentioned: it seems like transportation issues need to be worked out first. The map shows [Regulating Plan] that we're going to put a lot of apartments in a small area—about 1000 apartments—but I don't see how additional traffic will move if Fordham Boulevard will stay the same number of lanes. Going forward, it looks like 15-501 will stay the same number of lanes but we're proposing to put a lot more traffic on the road.

Molly McConnell: What happened to the pedestrian bridge from Ephesus across Fordham Boulevard?

[Staff Response: Crossings and places for connections were explored by a consultant and shown as to the Council as preliminary options back in March of 2015. Options continued to be studied through a new Mobility and Connectivity Study that is currently underway.]

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Diane Willis: Fordham Boulevard is one lane in front of Rams Plaza. That's where bottleneck occurs. About the mobility plan, I saw a pink line on a map called the mobility plan. It doesn't cross Fordham Boulevard. Staff didn't put anything on the opposite side.

[Staff Response: I believe the line to which you are referring is a new multimodal path that is being provided as part of the new development in Rams Plaza. This path was shown at the February 15, 2016 meeting where the Council awarded a construction bid.]

Diane Willis: Did we agree that there needs to be a comprehensive transportation plan? Do we have agreement about that?

Amy Miller: What is the plan about these other concerns and when they might be addressed? The point being made here tonight is that even these small things are questionable if transportation is not clarified. Can you say that there was a strong citizen concern that it's hard for us to deal with things without transportation plan.

[Staff Responses: In addition to your feedback about the proposed modifications to the regulations, we are also capturing your feedback about other interests. (See image of big paper below.)]

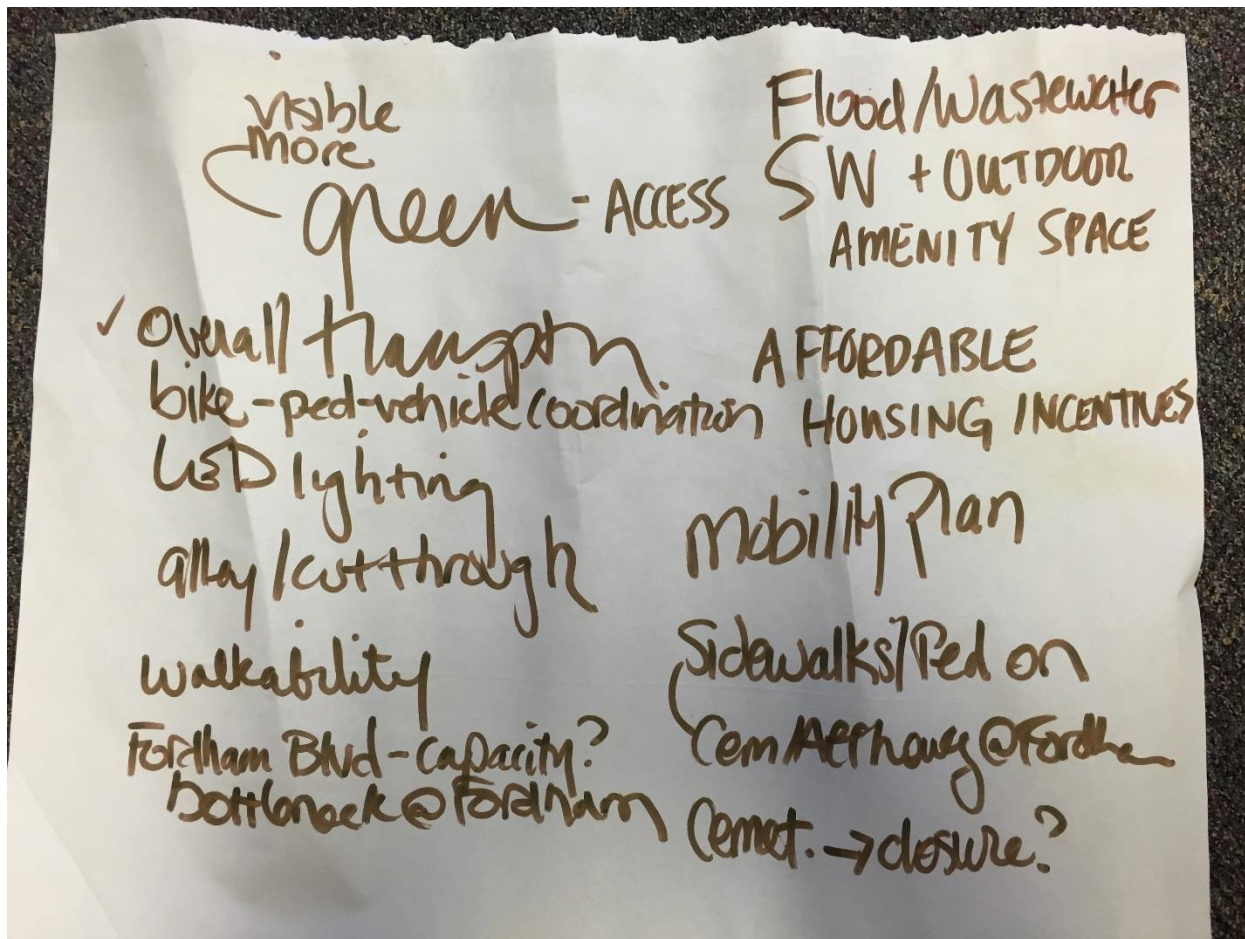
Joan Guilkey: Talking about the transportation plan that's needed. Ideally before the transportation plan, you need to deal with the water situation. How do we treat flood water, wastewater, etc. so we don't address things many times over?

Chris Berndt: Back to my first question. Does the regulating plan say no frontage by affordable housing site? I'd like long term list to show that area will be evaluated for sidewalks.

[Staff Responses: Correct, however, you may be interested to know that a Type C Frontage requires a perimeter sidewalk.]

Amy Miller: I do query the closure of the town cemetery. We shouldn't have to have affordable housing at the town cemetery. The transaction happened too quickly.

(See image of meeting paper below.)



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Planning Commission – March 1, 2016

Notes from Business Item #3 -

“Options for Improving the Ephesus/Fordham Code and Regulating Plan”

Links: [Video](#)¹ | [Meeting Materials](#)² (see Business Item #3, A-D)

Street frontage classification change

Amy Ryan: Changing it to a B frontage is great.

Neal Bench: On a lot of proposals, it shows a decent openness to review this code and others to see if there are improvements prior to application of the code and seeing in reality what should have been changed. It's a good idea to review the code and look at it with an open mind to look for improvements to create better results. Changing to a Type B is one of them.

Maximum block length and width

Neal Bench: Might be adjusted to say “but no longer than X continual feet”

Amy Ryan: I second. Add specification like Neal was suggesting.

[Staff Response: A maximum building side length of 400' is also proposed.]

Buffie Weber: Part of the dorm-based code is that the code could include stipulations about how internal roadway would work along with what would be required for parking so that we would not set ourselves up to duplicate what we currently have. I understand that this could be part of the code—where you could travel throughout the district without moving a car. If everyone has to get in their car to get place to place, that defeats the purpose of having it be walkable.

Amy Ryan: It would be good for staff to reach out to Lee Einsweiler before Council discussion.

Susana Dancy: Because on-site parking is required by code, it impacted the way that the project at BP was implemented. That building could have had a larger footprint. A code change should be implemented to allowed parking agreements.

Buffie Weber: I understand that the Town could mandate it.

Susana Dancy: I don't know about the legality. There is an opportunity in the first phase, though, to allow for shared parking if they'd like.

¹ http://chapelhill.granicus.com/MediaPlayer.php?view_id=11&clip_id=2691

² <http://www.townofchapelhill.org/Home/Components/Calendar/Event/8456/15?curm=3&cury=2016>

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Neal Bench: It would be useful if this issue was brought to the awareness of the Council, and if they felt the urgency to add it they could.

[Staff Response: The code currently contains provisions for shared and remote parking. We can provide more details.]

Building Height Minimum

Neal Bench: The Community Design Commission initially requested a minimum of two stories and not a minimum building height. The goal was a better chance at a combination of retail and office. Staff came back, though, and said that a requirement of that nature couldn't be worded in terms of stories.

Amy Ryan: If we can do stories, that would be preferable.

[Staff Response: We will continue to research what standards are within our zoning authority.]

Minimum Sidewalk Clear Zone

Neal Bench: There are endless items that exist in the sidewalk. Very quickly, the walkway gets chewed up. It's important that once walkway is built that it be left open and that there be a minimum footprint at the sidewalk.

Whit Rummel: Outside seating and dining is helpful for creating connectivity. Ten feet doesn't allow outside dining. Bringing people outside and interacting is what we're looking for. Is outdoor dining allowed?

Neal Bench: Once the building is built, flexibility is gone. Sidewalk is there.

[Staff Response: Outdoor dining areas may be designed as spaces that are recessed from the building façade.]

Visibility of Green Outdoor Amenity Spaces

Neal Bench: Are you putting together a list of items that came up during the Public Information Meeting that are not part of the 8?

[Staff Response: Yes, we have captured that information.]

Travis Crayton: How does this language square with language in 4c about rooftop language? That shouldn't be visible from ROW.

Neal Bench: It should be ground level green space.

Travis Crayton: My concern is the conflict about interpreting green areas allowed above ground level.

Amy Ryan: I think that was the intention.

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Travis Crayton: We shouldn't say that we don't want rooftop green spaces. The interest is that we want more public green spaces, but we shouldn't prevent non-public green spaces.

Amy Ryan: Would be interesting for staff to explore accessibility beyond visual accessibility.

Neal Bench: Would be better for developer to incorporate open public green space.

Neal Bench: If District is going to be pleasant and attract people, it would be desirable for District to have open greenways and green spaces. That doesn't necessarily have to do with proposed developments.

[Staff Response: The modification is intended to apply to ground level open space visible from the right-of-way. We will take another look at the language to see if we can be clearer. It's helpful that you've pointed this out.]

Prohibition on Service Equipment on A, B Streets

Neal Bench: From Public Information Meeting, did we officially include alternative services (dumpsters like at 140 West)? Anything utilitarian is what we're talking about.

Susana Dancy: The point is that it's not an active use that belongs on an A or B frontage. It's a non-pedestrian oriented activity. An A street should never have back of building functions like the current code allows. Those components could be put at the side of the building. Having it at the front helps to maximize square footage for the developer.

Amy Ryan: I share interest in not having service functions on A frontages.

Neal Bench: Useful to change from transformers and utilities to utilities and services.

Access Points to Ground Floor Residential

Review of Stormwater Retention Areas

Neal Bench: It would be useful for adding info whether or not stormwater facility could be classified as outdoor amenity space. If more clarifications or a list of the times when that could be classified as open space.

Amy Ryan: Something that would be flooded quite a deal of the time shouldn't be counted as outdoor amenity space. It gets to the issue of how useable these areas are for their intent.

Neal Bench: The goal of designated pathways is to be walkable.

Amy Ryan: Do stormwater facilities need to be fenced?

Structured Parking

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Amy Ryan: There are parking decks in Raleigh that aren't screened but are handled architecturally so that they are pleasing even though there are open sides. They can be treated architecturally but shouldn't necessarily be hidden.

Susana Dancy: People don't feel safe in parking decks because they're dark or enclosed. Language about screening makes me ask the question if we are perpetuating questions about safety. I like what Amy is suggesting about architectural treatment as a way to address instead of the screening requirement.

Travis Crayton: Does staff have a thought about where spaces would go if there were not an exception for structured parking?

[Staff Response: It's probably site dependent.]

Susana Dancy: Typically when you have a wrapped parking garage, it's exclusively for the use of that building. If we agree it's more efficient to have shared parking, then totally wrapping with a "Texas donut" doesn't make parking accessible to other uses at other times of day. The same is true with office buildings. Those tend to push parking underground or adjacent rather than being wrapped.

Neal Bench: Clearly people living in an apartment need to be able to park their cars and not hunt for a parking spot. The idea of open parking availability is the nature of some sort of municipally-owned parking structure.

Comments:

Diane Willis: You've had good discussion about these points. My comment is about green space. The whole idea with this District was to make it people-friendly, connected, etc. The form-based code has no requirement for public green space. I'd still like to point out that we need some public green space. How you build that in there is something you could do now rather than after the buildings are all there.

Paul Meder: I am working with a client interested in building a multifamily development in the District. I'm speaking with regard to the ramifications on a residential area. The area we're looking at is entirely commercial, and we'd be first residential development of any significance. What's been discussed largely pertains to commercial development. You need residential to have the District—it's integral to what you're looking for in a mixed use district. With regard to sidewalk minimums, we're okay with an 8-10' clear zone. There are no anticipations of obstructions, but to increase to 15' is more than what is necessary on the perimeter of a residential development. Minimum building height—we ask that you exclude accessory buildings (like a pool club house or a pump building) that are almost exclusively one story buildings. On page 12 at the bottom of the page it's talking about ground floor residential having direct access—when you say that, you are dictating the type of building is going in there instead of leaving it open to multiple types of residential buildings. Not all lend themselves to having stoops in front of the door. If the purpose is to activate the street frontage, simply forcing people to build a building that looks like it fits a certain fashion doesn't activate the street. You get people in the street by building developments that bring density into the mixed use district. I request that you consider looking at that further. Not sure that the goal is being met by coercing a particular type of building. With

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wrapped buildings people are coming and going through the garage—concern is that you’re just creating back porches fronting on the street. On building block perimeter, you are limiting the size of the building. I understand not wanting giant whole block buildings. Better happy medium, though, exists by saying you can only have 1,000’. The best screening for a parking garage is a building façade, and that’s what wrapped buildings do. There’s talk about a pass through every 400’—if you have a wrapped building, your pass through goes through the garage, and then you have to do architectural treatment of the garage. Not sure perimeter is a good idea. Better to consider that in the case of a wrapped building, maybe 1,200 feet is a more reasonable number than 1,000. Also, consider some method of giving credit to the developer for the perimeter of the parking garage. This goes back to the structure of the garage. Developers don’t want to build more parking than they need to. The idea is to build the smallest garage they can to support the units.

Travis Crayton: Are we anticipating revisions?

[Staff Response: On March 7, 2016, the Council can consider calling a public hearing for these modifications. Staff can return at your next meeting on March 1, 2016.]