

From: Roger Stancil
To: Donna Bell; Ed Harrison; George Cianciolo; Jeanne Brown; Jess Anderson; Town Council; Michael Parker; Maria Palmer; Nancy Dales; Pam Hemminger; Roger Stancil; Ross Tompkins; Sally Greene; Allen Buans; Carl Schuler; Hongbin Gu; Karen Stegman; Rachel Schaeffler
Cc: Lynn Clark; Ben Hitchings; Amy Harvey; Beth Vazquez; Carolyn Worsley; Catherine Lazorko; Christina Strauch; Dwight Bassett; Flo Miller; Mary Jane Nirdlinger; Rae Buckley; Ralph Karpinos; Ben Northam; Roger Stancil; Sabrina Oliver
Subject: FW: FOR COUNCIL: Staff Response to Comments on Cooperative Preschool SUP
Date: Thursday, October 12, 2017 9:54:36 PM

We have received a number of questions regarding the Cooperative Preschool SUP. I am forwarding our staff responses.

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From: Ben Hitchings
Sent: Wednesday, October 11, 2017 9:11 AM
To: Roger Stancil <rstancil@townofchapelhill.org>
Cc: Ralph Karpinos <rkarpinos@townofchapelhill.org>
Subject: FW: FOR COUNCIL: Staff Response to Comments on Cooperative Preschool SUP

The following comments are in response to recent questions regarding the Cooperative Preschool project.

Regulatory Framework for a "Limited SUP:" As mentioned at the September 12, 2017 Community Meeting, the Land Use Management Ordinance (LUMO) does not include a definition or process for a limited Special Use Permit (SUP) application. Once the Cooperative Preschool submits an SUP application, the full project and set of plans will be reviewed by staff, advisory boards and Town Council in accordance with the SUP process outlined in the LUMO. The concept of a "limited" SUP derives from the Site Plan approval that was granted by the Planning Commission and upheld and modified by the Board of Adjustment on April 26, 2017. Since the preschool has this approval, the net effect of a decision on the SUP application would be to approve or deny an amendment to the preschool's approved plans to allow for additional parking and other site modifications. Should the Council approve the SUP, we anticipate that the preschool would agree to a revocation of the original site plan approval consistent with section 4.7.7 of the LUMO, making the SUP the controlling approval. On the other hand, if the special use permit were to be denied by the Council or were, as approved, to include conditions unacceptable to the school, the school could proceed under the terms of its site plan approval.

Stipulations to Site Plan: Yes, the Board of Adjustment (BOA) decision included stipulations capping enrollment at 80 students and 20 staff, and requiring a minimum of 31 parking spaces. The requirement for a Special Use Permit (SUP) if land disturbance is greater than 40,000 square feet is in the original Planning Commission decision, and is a requirement of the Land Use Management Ordinance (LUMO).

- 1) **Original Comment:** Because there has been no ruling on the Preschool's Appeal to Superior Court, these stipulations remain in place and must be adhered to by the town staff and advisory boards.

Staff Response: Yes, the Board of Adjustment included these conditions in their April 26, 2017 decision when it voted to uphold the Planning Commission's January 25, 2017 decision to approve the Site Plan Review application. Conditions #1 and #2 were added by the Board of Adjustment, and condition #3 was carried over from the Planning Commission's decision.

- 2) **Original Comment:** The Concept Plan and accompanying information that is set to come before the Community Design Commission fails to meet these criteria and is inaccurate in several key aspects: Total land disturbance under the new plan is 50,150 sq. ft. which requires a full Special Use Permit process.

Staff Response: Yes, the new plan requires a full SUP process. The concept plan is a preliminary step in the special use permit application process. The preschool has taken this step in response to the resolution that the Town Council adopted on June 11, 2017 whereby the Council waived the SUP application fee and the preschool agreed to submit an SUP application to add parking spaces to address concerns from neighboring residents.

- 3) **Original Comment:** The item is being listed as a "Parking Lot Expansion" and the CDC is being limited to giving input only on the parking.

Staff Response: Review of this application encompasses the entire site. However, since the preschool has lawfully obtained an approved Site Plan, the net effect of a decision on the SUP application would be to approve or deny an amendment to the preschool's approved plans. The name "Chapel Hill Cooperative Preschool Parking Lot Expansion" was intended to distinguish it from the approved application and to describe what is being proposed relative to what has already been approved.

- 4) **Original Comment:** The material is misleading the public and the committee by saying that that the applicant already has an approved site plan for 31 spaces when in fact the approval is for only 23 spaces. As shown on the Town's website and confirmed by Town Staff on September 12, 2017; no amended site plan requesting 31 spaces has ever been received or approved by the Town.

Staff Response: As noted, the Board of Adjustment upheld and modified the Planning Commission's approval by adding two conditions to the approval, including the requirement for a minimum of 31 parking spaces. The approval both requires and approves 31 spaces although only 23 are shown on the site plan referenced in the approval. The applicant must demonstrate compliance with all conditions of approval and requirements of the LUMO prior to staff review and decision on a Final Plans Zoning Compliance Permit, the next step of the Site Plan Review application process.


Original Comment: There are other changes to the site plan that are not accurately reflected in the comparison that may have a material impact to the review.

Staff Response: At this time, the applicant has only submitted a Concept Plan application, which is a pre-requisite step for a SUP application. The application is consistent with the requirements for concept plans included in Section 4.3 of the LUMO, as well as the submittal requirements listed on the application form. We expect that the applicant will submit a complete SUP application soon, which would denote all proposed changes.

- 5) **Original Comment:** The Traffic Impact Analysis which is needed to determine appropriate circulation needs has not been completed and the plan is not compliant with the current NCDOT requirement for a deceleration lane along Mt. Carmel Church Road. As of the current rulings this is a requirement by the NCDOT and should be shown.

Staff Response: At this time, the applicant has only submitted a Concept Plan application, which is a pre-requisite step for a SUP application. The application is consistent with the requirements for concept plans included in section 4.3 of the LUMO as well as the submittal requirements listed on the application form. We expect that the applicant will submit a traffic impact analysis with their SUP application submittal.

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**Pam Hemminger**
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From: Monte Brown <monte.brown@duke.edu>
Sent: Sunday, September 24, 2017 11:59 PM
To: Town Council; Pam Hemminger
Cc: Julie Richardson; Richard Andrews; Kay Pearlstein; Ben Hitchings; Roger Stancil; dixonbpitt@gmail.com

Subject: Request to pull CDC agenda item for 9 25 2017

September 24, 2017

Mayor and Council

The purpose of this e-mail is to share concerns regarding plans for the Community Design Commission (CDC) to consider a Concept Plan for expanded parking for the Chapel Hill Cooperative Preschool during the meeting scheduled for Tuesday, September 26, 2017 and to ask that this item be postponed to ensure that town follows the stipulations required by the Board of Adjustments and allow the Town Staff to correct the errors in the information that were provided to the public and this Committee.

Background:

As you know, on April 26, 2017, the Board of Adjustments added three stipulations to Site Plan approval previously granted by the Planning Commission.

Limited enrollment to 80 students and 20 faculty, in keeping with data and testimony provided by the Preschool Board and staff

Required an increase to 31 parking spaces, including two handicap spaces

Stipulated that land disturbance greater than 40,000 sq. ft. would require a full SUP process

Because there has been no ruling on the Preschool's Appeal to Superior Court, these stipulations remain in place and must be adhered to by the town staff and advisory boards.

The Concept Plan and accompanying information that is set to come before the Community Design Commission fails to meet these criteria and is inaccurate in several key aspects:

Total land disturbance under the new plan is 50,150 sq. ft. which requires a full Special Use Permit process

The item is being listed as a "Parking Lot Expansion" and the CDC is being limited to giving input only on the parking

The material is misleading the public and the committee by saying that that the applicant already has an approved site plan for 31 spaces when in fact the approval is for only 23 spaces. As shown on the Town's website and confirmed by Town Staff on September 12, 2017; no amended site plan requesting 31 spaces has ever been received or approved by the Town.

There are other changes to the site plan that are not accurately reflected in the comparison that may have a material impact to the review

The Traffic Impact Analysis which is needed to determine appropriate circulation needs has not been completed and the plan is not compliant with the current NCDOT requirement for a deceleration lane along Mt. Carmel Church Road. As of the current rulings this is a requirement by the NCDOT and should be shown.

To insure the integrity of this process and follow existing regulatory rulings, we urge you to pull this item from the agenda and provide the Committee and the Public complete and accurate information on which to make these decisions. Based upon the Board of Adjustments stipulations, the Town is obligated to follow the SUP process as outlined in the Town's Ordinances.

Cc: CDC Chair, Staff
See attachment for exhibits