

SPECIAL USE PERMIT APPLICATION



TOWN OF CHAPEL HILL
Planning Department
405 Martin Luther King Jr. Blvd
Chapel Hill, NC 27514
phone (919) 968-2728 fax (919) 969-2014
www.townofchapelhill.org

Parcel Identifier Number (PIN): N/A

Date: 12/5/2012

Section A: Project Information

Project Name: Modification to the Special Use Permit for the Southern Village - Village Core Storefront District and Village Green Entranceway District

Property Address: Market Street, Chapel Hill Zip Code: 27516

Use Groups (A, B, and/or C): A & B Existing Zoning District: NC-C

Project Description: Request to modify existing SUP by eliminating square footage caps for office, retail, and residential - and apply the Mixed Use Village standard: at least 25% residential and at least 25% non-residential

Section B: Applicant, Owner and/or Contract Purchaser Information

Applicant Information (to whom correspondence will be mailed)

Name: Redwing Land, LLC, an affiliate of Bryan Properties

Address: 400 Market Street, Ste. 115

City: Chapel Hill State: NC Zip Code: 27516

Phone: (919) 933-4422 Email: rosemary.waldorf@gmail.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: _____ Date: _____

Owner/Contract Purchaser Information:

Owner

Contract Purchaser

Name: Redwing Land, LLC, an affiliate of Bryan Properties

Address: 400 Market Street, Ste. 115

City: Chapel Hill State: NC Zip Code: 27516

Phone: (919) 933-4422 Email: rosemary.waldorf@gmail.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: _____ Date: _____



PROJECT FACT SHEET
 TOWN OF CHAPEL HILL
 Planning Department

Section A: Project Information

Application type: Modification to the Special Use Permit for the Southern Village: Village Core Storefront District and Village Green Entranceway District Date: 12/5/2012

Project Name: Modification to the Special Use Permit for the Southern Village: Village Core Storefront District and Village Green Entranceway District

Use Type: (check/list all that apply)

Office/Institutional Residential Mixed-Use Other: _____

Overlay District: (check all those that apply)

Historic District Neighborhood Conservation District Airport Hazard Zone

Section B: Land Area

Net Land Area (NLA): Area within zoning lot boundaries		NLA=	N/A	sq. ft.
Choose one, or both, of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent frontage) x ½ width of public right-of-way	CSA=	N/A	sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=	N/A	sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	N/A	sq. ft.

Section C: Special Protection Areas, Land Disturbance, and Impervious Area

Special Protection Areas: (check all those that apply)

Jordan Buffer Resource Conservation District 100 Year Floodplain Watershed Protection District

Land Disturbance	Total (sq ft)
Area of Land Disturbance (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, all grading, including off-site clearing)	N/A
Area of Land Disturbance within RCD	N/A
Area of Land Disturbance within Jordan Buffer	N/A

Impervious Areas	Existing (sq ft)	Demolition (sq ft)	Proposed (sq ft)	Total (sq ft)
Impervious Surface Area (ISA)	N/A	N/A	N/A	N/A
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA) %	N/A	N/A	N/A	N/A
If located in Watershed Protection District, % of impervious surface on 7/1/1993	N/A	N/A	N/A	N/A



PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

Section D: Dimensions

Dimensional Unit (sq ft)	Existing (sq ft)	Demolition (sq ft)	Proposed (sq ft)	Total (sq ft)
Number of Buildings	N/A	N/A	N/A	N/A
Number of Floors	N/A	N/A	N/A	N/A
Recreational Space	N/A	N/A	N/A	N/A

Residential Space

Dimensional Unit (sq ft)	Existing (sq ft)	Demolition (sq ft)	Proposed (sq ft)	Total (sq ft)
Floor Area (all floors – heated and unheated)	N/A	N/A	N/A	N/A
Total Square Footage of All Units				
Total Square Footage of Affordable Units				
Total Residential Density				
Number of Dwelling Units				
Number of Affordable Dwelling Units				
Number of Single Bedroom Units				
Number of Two Bedroom Units				
Number of Three Bedroom Units				

Non-Residential Space (Gross Floor Area in Square Feet)

Use Type	Existing	Proposed	Uses	Existing	Proposed
Commercial	N/A	N/A			
Restaurant			# of Seats	N/A	N/A
Government					
Institutional					
Medical					
Office					
Hotel			# of Rooms	N/A	N/A
Industrial					
Place of Worship			# of Seats	N/A	N/A
Other					

Dimensional Requirements		Required by Ordinance	Existing	Proposed
Setbacks (minimum)	Street	N/A	N/A	N/A
	Interior (neighboring property lines)			
	Solar (northern property line)			
Height (maximum)	Primary			
	Secondary			
Streets	Frontages			
	Widths			

Request for Special Use Permit Modification

Modification of Southern Village -- Village Core Storefront District and Village Green Entranceway District

December 12, 2012

Applicant: Bryan Properties, Inc.
400 Market Street, Suite 115
Chapel Hill, NC 27516

Project Narrative

This is a request for a modification of the Special Use Permit for the Southern Village - Village Core Storefront District and Village Green Entranceway District. The original SUP was modified in 1998 and a copy of that SUP modification is attached.

We seek only one change, and it is best viewed as a “text amendment”. We are not seeking permission to create new space.

Specifically, we request removal of the square footage caps in the existing SUP to permit the level of flexibility that is now in place for the Meadowmont Village Center, which is zoned Mixed Use Village Arterial.

Currently the Village Core (Village Center) has the following caps (upper limits) on square footage as follows:

Office	145,000 SF
Retail	62,500 SF
Residential	162,500 SF
Total	370,000 SF

Attached is a chart showing the current allocation of office, retail and residential space in the Village Center.

We would like to retain the existing limit on square footage, or 370,000 SF. We are not asking permission to create any new built space beyond this limit. However, it is important to relax the absolute caps on each type of use. The Village Center now functions as a downtown, and needs the flexibility to adapt to market changes.

We request that the SUP be modified as follows: Remove the language establishing these caps and replace it with language requiring the Mixed Use Village standard of having at least 25 percent residential and at least 25 percent non-residential.

Here are examples of situations that might make such flexibility essential.

The Lumina Theatre is a retail use. If movie-going habits change, or competition for the local audience intensifies, a movie theater in this location (620 Market Street) may no longer be economically viable. Should that occur, we would like the flexibility to convert that space to office, if that is what the market would allow.

Another example: Let's say that we have retail uses occupying 62,500 SF in the Village Center, and a pharmacist approaches us with a plan to open an independent pharmacy in Southern Village. Although this is the retail use Southern Village residents request most often, we would not be able to accommodate this request if we already were at our current retail SF capacity.

A final example: Should the Chapel Hill Public Library decide that it wished to locate a small branch library in the Village Center, we would want regulatory flexibility to allow that to happen. The MUV allocation standard of at least 25% residential and at least 25% non-residential would provide this regulatory flexibility regarding uses.

These Village Core caps initially were the Council's way of ensuring that the Village Center be truly mixed use. This plan succeeded. However, for the Village Center to continue to thrive, it needs the flexibility to respond to market conditions and desires of Chapel Hill residents rather than somewhat arbitrary square footage caps that were established almost 20 years ago.

Southern Village has evolved over the last two decades, as the chart below illustrates. The most dynamic area is the Village Center, because it is home to local businesses, a theater, stores and restaurants. We believe the MUV 25%/25% rule will serve to maintain mixed use and support economic viability in the Village Center of Southern Village.

Southern Village Evolution

1992

Chapel Hill Southern Area Plan

2012

Chapel Hill 2020 Plan

1993

SV approvals granted

1994

Infrastructure begins

Collaboration begins for Scroggs School

First lots sold to builders

1995

First home occupied

Day care approved

Phase 1 townhomes approved

Corner Cafe opens

2012

Corner Cafe becomes Edward D. Jones office

Park-Ride Lot opens

Southern Village Apartments open

Infrastructure for Market Street begins

Park-Ride lot at capacity

1996

Day care opens

2011

Day care expands

Other residential and village center approvals granted

1997

Phase 2 residential begins

Greenway construction begins

2011 SV greenway connects to Morgan Creek GW and SC park

1998

SV Racquet and Swim Club opens

Condominium Phase 1 begins

1999

Christ Church opens

700 Market Street opens

Mary Scroggs School opens

Market Street infrastructure complete

2000

Lumina Theater opens

2001

Condominium final phase complete

Bike and pedestrian improvements complete

2002

Weaver Street Market opens

Several Market Street buildings completed

2003

Last new home sale

2005

410 Market Street completed

2008

Hotel proposal for Village Center
parking lot

2012

Hotel and apartment proposal for 15-501 South, adjacent to Village Center

Project Fact Sheet

Statement of Justification

The applicant, Bryan Properties, Inc., submits the following information as evidence that this requested Special Use Permit modification meets the four Special Use Permit findings of fact.

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

This requested modification -- to increase flexibility in amount of square feet devoted to residential and non-residential uses in the Village Core Storefront District -- will have no different impact on the public health, safety and general welfare than the current uses operating under the SUP as modified in 1998. No new types of uses are being requested. No additional square footage is being sought beyond the limit established by the 1998 SUP modification approved by the Town. This modification would affect only ALLOCATION OF EXISTING SPACE AMONG EXISTING USES.

Finding # 2: The the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of articles 3 and 5, the applicable specific standards contained in the supplemental use regulations (article 6), and all other applicable regulations.

Article 3
Zoning Districts, Uses and Dimensional Standards

This modification makes no request for change in zoning, uses or dimensional standards.

Article 5
Design and Development Standards

This modification makes no request for additional built space. Therefore, issues related to site layout and design, RCD, recreation, buffering, landscaping, tree canopy, access and circulation, parking, solid waste collection and recycling, utilities and stormwater management are not affected by this modification.

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

The proposed change would maintain or enhance the value of contiguous properties. Greater flexibility in the amount of space that could be devoted to office or retail, depending on market demand, would enhance the economic viability of the Village Center as a whole. Maintaining the current fixed caps does not allow the Village Center to respond nimbly to market changes. In certain circumstances, this could result in longer term vacancies.

A vibrant and economically vital Village Center has an indirect beneficial effect on the values of all properties in Southern Village. Local realtors report that homebuyers considering Southern Village place a high value on being able to walk to restaurants, shops and services.

Finding # 4: That the use or development conforms with the general plans for the physical development of the town as embodied in this chapter and in the comprehensive plan.

This modification request does not involve any new built space or differentiation in uses; it merely asks for more flexibility in the ratio of already permitted uses within the Village Center.

This modification would support goals of the Comprehensive Plan in the following ways:

1. Strengthens existing local businesses.
2. Supports commercial tax base.
3. Promotes connectivity of all types -- social, economic and physical, through walkability.
4. Compatible with transit use.
5. Efficient use of public facilities.
6. Strengthens mixed-use area.

Southern Village -- Village Core Cumulative Tally of Land Uses in Square Feet

April 2012

	<u>Office</u>	<u>Retail</u>	<u>Residential</u>	<u>Vacant</u>	<u>Total</u>
Daycare	6,000				6,000
Main St. 1 and 2	33,000				33,000
300 Market Street	33,185	5,000		3,680	41,865
400	11,463	4,172		980	16,615
Harrington Building	3,984	4,000			7,948
410	30,528	9,720			40,248
610 14,995	0	3,250	11,745		
600	8,700	1,000			9,700
620 (Lumina Theater)		10,800			10,800
700	2,295	14,452	15,200		31,947
VC Townhomes			34,330		34,330
Copperline Square			77,224		77,224
Total	129,155	52,594	138,499	4,660	324,908

SUP CAP

145,000

62,500

162,500

370,000