



February 25, 2014

STATEMENT OF JUSTIFICATION

The Edge – Eubanks Road Chapel Hill, North Carolina

Summary

The Edge project is an assemblage of six parcels totaling 53.75 acres that currently have a MU-OI-1 or a MU-R-1 designation on the north side of Eubanks Road between Martin Luther King Jr. Boulevard on the east and the Town of Chapel Hill's park/ride lot on the west. The proposed PD-MU development will include residential, commercial and office uses in a walkable mixed use community providing the high density development that has been designated for this property as a "Development Opportunity Area" in the Land Use Plan and in the Northern Area Task Force Plan. This plan addresses the comments and concerns from Town Council and the public on the original concept plan approved for this site in 2011 and recognizes the design principles from the Kling Stubbins (KS) study commissioned by the Town for this site.

Special Use Permit – Required Findings of Fact

Finding #1 – *“That the use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare”;*

Traffic

A traffic impact study has been completed for this project by the Town's consultant and a preliminary design for the improvements to Eubanks Road vetted through both the Town of Chapel Hill Transportation Division and NCDOT District 5 staff. The improvements proposed to Eubanks Road and Martin Luther King Jr. Boulevard at the intersection with Eubanks Road not only address the daily volumes from this development but also incorporate thru lanes, turn lanes and storage volumes to improve the corridor for existing traffic.

Access to the site will occur via two right-in/right-out entrances and two signalized intersections. One signal is at the Eubanks Road / Northwood Drive intersection and the second is at the entrance to the Town's park/ride

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lot. The signal at the entrance to the park/ride lot will significantly increase the safety for the bus traffic in and out of the park/ride lot and provide more reliable timing for exiting the lot to proceed east on Eubanks Road.

A public street connection will be provided through the project connecting to undeveloped property to the west and the property to the north. These will provide a future interconnection allowing vehicular, bicycle and pedestrian access through the project and to the west without utilizing Eubanks Road.

The internal street grid system will encourage movement between the uses within the site via the streets and sidewalks, again limiting the use of Eubanks Road as a means to move through-out the project.

Utilities & Town Services

Water and sewer service will be provided by OWASA. Both water and sewer are adjacent to the site. An existing 16” water main in Eubanks Road will be more than adequate to serve the project and a large, underutilized existing sanitary sewer pump station at the northwest corner of the project also has available capacity. Electricity will be provided by Duke Energy through existing facilities that already run down the project frontage on Eubanks Road.

Fire protection and emergency services will be provided by the Town.

Solid waste management and recycling will be administered by Orange County as well as a private waste service provider.

Stormwater Management

Stormwater management facilities will be provided to meet the requirements of the Town of Chapel Hill’s ordinance. The project will have a maximum 70% impervious coverage under the high density option.

Floodway/Floodplain & Resource Conservation District(RCD)

No floodway/floodplain exists on the site.

A RCD does exist on the site. It exists around an intermittent stream on the eastern half of the property and a perennial stream at the very northwestern side of the project. While these areas are largely left as they exist, some permitted encroachments into the Managed Use and Upland zones of the RCD are necessary, primarily for stormwater management facilities, in order to develop this site as the Town has envisioned. The locations of the

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encroachments are shown on the SUP plan and a description of these encroachments is included as an attachment to the SUP submittal.

By addressing the traffic, utility and stormwater impacts of the proposed project while also providing relief to the existing traffic issues on Eubanks Road, adding bike lanes and sidewalks along Eubanks Road, and extending greenways through the development this project will maintain or promote the public health, safety and general welfare.

Finding #2 – *“That the use or development would comply with all the required regulations and standards of the Land Use Management Ordinance”;*

The Edge is designed to meet the intent of the LUMO and other Town standards and largely follows the prescribed dimensional standards of the MU-OI-1 and MU-R-1 districts. However, this type of development doesn’t fit exactly into the boxes created by the LUMO that was originally adopted in 2003 which is currently undergoing an update. The Town’s website describes the reason for the update.

“Land Use Management Ordinance (LUMO) Update”, is to once again align town development regulations with the community’s vision for the future of Chapel Hill.”

The project therefore proposes modifications to the dimensional standards of the MU-OI-1 and MU-R-1 through the PD-MU (Section 6.18.7.) overlay as a means to meld and update the requirements of the MU-OI-1 and MU-R-1 districts and revised some of the dimensional standards of the LUMO. The PD-MU section in the LUMO defines the intent:

“It is the intent of these regulations to provide for development of such mixed uses at locations appropriate in terms of the comprehensive plan and the thoroughfare plan, and in proximity to public transportation facilities, in accord with standards set forth herein.

It is further intended that PD-MU development shall be in complexes within which mutually supporting residential, commercial, and office uses are scaled, balanced, and located to reduce general traffic congestion and the need for private automobiles by providing housing close to principal destinations, convenient pedestrian circulation systems, and public transportation devices.

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Within such developments, it is intended that uses shall be arranged horizontally or vertically so that:

- (1) Residential uses are so separated from major vehicular traffic flows and other disquieting influences as to protect privacy and tranquility;*
- (2) General commercial and service uses are concentrated for maximum pedestrian and bicycle convenience, and located for easy accessibility by residents of the development, workers within the development, and visitors arriving public transportation, and that commercial frontage is uninterrupted by residential or office uses; and*
- (3) Major office uses are so located as to be convenient to public transportation.*

The Edge fully meets the intent of the PD-MU overlay. Its' adjacency to the Town's Park/Ride lot, the location of high density residential and office uses next to the Park/ride lot and the grouping of commercial uses with connected internal streets for easy accessibility are all in accordance with the intent of a PD-MU development.

Some plan requirements and process changes are proposed that have been closely coordinated with the Town's Planning Director, Assistant Planning Director and staff. The revised process, recently developed by the Town staff, provides a coordinated approach between the developer, their consultants, the Town staff and NCDOT through multiple check-ins with the Technical Review Team (TRT) to ensure concerns are being adequately addressed.

The plans and documents will promote flexibility at the SUP stage to allow flexibility in the final plans to allow the project to respond to the market demands and the demands of specific as tenants they are identified. The SUP includes design guidelines that define both the horizontal parameters of the development as well as the architectural character of the project. The unique form based approach for the SUP drawings along with the accompanying guidelines will provide the structure while accommodating changes that will be necessary as the commercial users, final building footprints and peculiarities associated with each tenant and use are identified. These details will be worked out through the Town staff without requiring, or bogging down, Town Council with the requirement to re-review multiple SUP modifications to address this minutia. As these specifics are confirmed, layouts for each block, or combination of blocks, will be brought to the Town staff to confirm the design meets the intent of the SUP approval as well as meeting the requirements for solid waste, emergency access, landscaping, lighting and utilities.

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Similarly, the building elevations for the development will be designed in accordance with the Design Guidelines. Buildings adjacent to public streets (Eubanks Road, I-40, Martin Luther King Jr. Boulevard and the proposed public street) will be submitted to the Community Design Commission for review and approval. Buildings within the development will be review by staff to confirm conformance with the Design Guidelines, but the CDC will not be required to review each and every internal building as the plans are developed. The internal building elevations will be brought to the Town staff for their review and confirmation that the designs are keeping with the approved Design Guidelines and the vision for the overall development.

Dimensionally the project will utilize “build-to lines” that will pull the buildings closer to the proposed grid of pedestrian friendly streets rather than building setbacks. The project also defines street frontage parameters, including; required percentages of buildings fronting the streets, street sections that allow for street trees between the back-of-curb and the sidewalk and open spaces in plazas and greens within the proposed development blocks. These modifications to the current standards are in concert with the intentions of the LUMO update and the current Ephesus/Forham form based overlay district being considered by the Council.

For a summary of proposed dimensional modifications see the attached information.

The project as proposed under the PD-MU overlay complies with all the required regulations and standards of the Land Use Management Ordinance.

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

The project is an assemblage of six parcels, one currently within the Town limits of the Town of Chapel Hill. The remaining five parcels will be voluntarily annexed into the Town prior to the approval of the Final Plans (Zoning Compliance Permit) is received for the project.

The properties contiguous to The Edge, some within the Town limits and some outside it, include the Town’s park/ride lot to the west, undeveloped lands to the northwest and existing residential or proposed residential

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development to the south across Eubanks Road. Not only will this project be a significant economic contributor to the Town, one would expect that the proposed development would increase the value of the adjacent properties by:

- Following the vision of the established Comprehensive and small area plans, which were developed under the specified goals of protecting existing residences and preserving property values
- improving the existing vehicular and pedestrian infrastructure and interconnection,
- providing commercial and office uses that support the existing neighbors and community
- and setting the stage for development of adjacent properties.

Therefore, in following the Town’s vision for this area, providing public improvements that address current deficiencies and setting the stage for future development of surrounding properties, this project will maintain or enhance the value of contiguous property

Finding #4 – *“That the use or development conforms with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.”*;

The Edge property has been shown by the Town as a future Development Opportunity Area in the Northern Area Task Force report published in August, 2007, the latest revision to the Land Use Plan adopted in June, 2011 and as re-established in the 2020 Comprehensive Plan adopted on June 25, 2012. The goals of each of these efforts have been to provide a guiding vision for how new development could integrate into the existing community and respect existing residents in both physical and financial impacts.

The plans set out a vision for this property as a high density, transit oriented, mixed use village that includes residential, retail, office and hospitality uses. As the plans have noted, the proximity to the Town’s park/ride facility would provide an efficient connection between the development and the transit services. The establishment of the high density residential use and office uses adjacent to the existing park/ride lot will encourage the use of the available transit for residents, workers and visitors to The Edge.



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While many potential developers have looked at the property, in 2011 the Town initiated a coordinated a process by hiring an independent consultant to work with the Town staff and a potential developer to come to a consensus on a concept plan for this property. That process was very successful and the resulting concept plan was unanimously accepted by Town Council in June 2011.

The current plan submitted for a Special Use Permit follows the design principles established in the Town's plans for this site and follows through on the vision provided by the Town and will deliver the high quality live-work environment that this area has been wanting since 2007.