

**Proposed Wegmans Grocery Store Development**

**Town of Chapel Hill**

**Orange County, North Carolina**

**STATEMENT OF JUSTIFICATION**

**SPECIAL USE PERMIT**

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### **General Project Description**

The subject property is located along the Town of Chapel Hill's northeastern gateway on 15/501 (Fordham Boulevard). The site is situated to the north of the intersection of Scarlett Drive and Old Durham Chapel Hill Road. The existing site consists of a Hendrick automobile dealership, commonly known as The Performance Auto Mall. Leon Capital Group proposes to redevelop the existing Performance Auto Mall dealership (PIN: 97997828859 & 9799782464) and the adjoining parcels across Old Durham Chapel Hill Road (PIN: 9799780316 & 9799780414). The proposed development will consist of the demolition and removal of all existing buildings and infrastructure within the site, and the construction of a +/- 130,000 SF grocery store development. The construction will also include the installation of landscaping, lighting, stormwater management and utilities necessary to support the development. The development on the south side of Old Durham Chapel Hill Road will be the construction of a surface parking field to support the intended development.

### **Project Surroundings**

The main Hendrick automobile dealership site is currently zoned partially CC – Community Commercial (western portion of property) and CC-C – Community Commercial – Conditional (remaining property). The existing Hendrick automobile dealership employee parking lot across Old Durham Road (PIN: 9799782464) is zoned NC – Neighborhood Commercial. The properties directly to the west of the employee parking lot (PIN: 9799780316 & 9799780414) are zoned NC- Neighborhood Commercial.

The main development portion of the site is bounded to the north by the Service Road and US 15/501 (Fordham Boulevard); to the west by an existing Hardees restaurant with drive-thru; to the east by the previous Blue Cross/Blue Shield building which is now owned by State Employee Credit Union; and to the south by Old Durham Chapel Hill Road.

The overflow parking field is adjacent to Old Durham Road to the north; to the west by an existing office space; to the east by Cooper Street; and to the south by existing residential (R-3) structures.

### **Findings of Fact**

The applicant hereby justifies the request for Special Use Permit application as per the Town of Chapel Hill's Land Use Management Ordinance, Appendix A, section 4.5.2(a):

- ***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.***

General Statement – The Wegmans will promote the redevelopment of an existing auto dealership that is scheduled to be relocated to their existing South Point facility in Durham County. This redevelopment will include the cleanup of an environmentally contaminated site.

Emergency Services – The nearest fire station (Station #3) is located less than 2 miles from the proposed development site. It is anticipated that fire protection and first responder response will be provided by the Town of Chapel Hill. The Wegmans grocery store will include provisions for a sprinkler system and will be designed in accordance with applicable safety and fire codes as part of the building permit review and approval.

Utilities – The existing development is served by public water and sewer services of Orange County Water & Sewer Authority (OWASA). It is anticipated that the existing water and sewer services that surround the development will be adequate to support the proposed development. The refuse will be collected by the Town of Chapel Hill and the recycling will be collected by the Orange County Solid Waste Management. The development has been designed in accordance with the OWASA, the Town of Chapel Hill and Orange County Solid Waste regulations and requirements.

Transportation and Pedestrian Movements – The development will provide roadway improvements that will offset the traffic that the use will generate. Additionally, pedestrian connections (sidewalks and bicycle lanes) will be provided to link retail with the surrounding neighborhood areas in connection with the Old Durham Chapel Hill Road roadway improvements and the future proposed light-rail transit development. The developer has collaborated with the Town of Chapel Hill Public Works, NCDOT and the Town's traffic consultant (HNTB) to review and analyze the existing surrounding roadway networks. Additionally, a conceptual plan has been developed that mitigates the additional traffic associated with the development. The off-site roadway improvements are shown on the Special Use Permit Plans, dated 03/15/17. Information concerning the transportation analysis and associated mitigation improvements can be found in the Traffic Impact Study, prepared by HNTB.

Parking – The current development has space to accommodate approximately 790 vehicles (taken from a plan entitled, "Site Plan - Performance BMW ZCP Plan", prepared by Philip Post & Associates, dated 08/23/04, last revised 08/31/06), including the employee parking lot. The proposed development requires a minimum of 750 spaces (5.76 spaces/ 1,000 SF GFA) in accordance with the Wegmans criteria. This request is above the maximum permitted parking spaces within the LUMO that permit a maximum of 5 spaces/ 1,000 SF GFA (130,000SF x 5 spaces/1,000 SF = 650 spaces). Fourteen (14) bicycle parking spaces will be provided in connection with the development.

Stormwater – As illustrated in FEMA FIRM 3710979900, the site is located in Zone X. A Stream Determination request has been filed with the Town of Chapel Hill. It is anticipated that the site will not include a regulated stream and associated buffers and RCD. The proposed stormwater will maintain existing drainage patterns. The stormwater conveyance is proposed to be connected to the existing stormwater conveyance facilities that exist along the Service Road roadway. The development proposed a minor increase (+/-1,164 SF) in overall impervious surfaces associated with the development. Therefore, peak flow attenuation, TSS and Nutrient requirements will be met through the implementation of stormwater management controls associated with the development.

Public Art – The applicant is currently coordinating with Wegmans Food Markets to discuss implementing certain artistic schemes associated with the building.

- ***Finding #2: That 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 with all other applicable regulations.***

General – It is intended that all improvements will be coordinated to meet or exceed, to the best of the development's capabilities, the intent of the Town of Chapel Hill Design Manual, dated 2005; and the Chapel Hill Land Use Management Ordinance. The proposed development will require a Special Use Permit associated with the underlying zoning district of the subject property (CC-C and NC). It is intended that the proposed development will be in accordance with the following LUMO criteria:

- Building setbacks and coverage
- Tree canopy coverage
- Stormwater will be designed to mimic the existing drainage patterns
- All utilities will be underground

The following modifications are necessary as part of the development:

Modifications to Slope Disturbance Requirements – The following modifications to the maximum slope disturbance is requested:

The site's topography is part of the existing developed property and is currently developed to promote steep slopes along the outer frontages of the site. These steep sloped areas will be disturbed in their entirety to ensure adequate grading from the proposed development to the existing street elevations. The affects felt from this development will mimic the current on site conditions of the property and no adverse effects are foreseen.

Modifications to Building Height Requirements – The following modifications to the maximum building is requested:

The maximum allowable primary building height for the property is 34 feet as detailed on Table 3.8-1. The secondary building height may reach as high as 60 feet and meet the required design standards for the Town. The proposed, primary building height for the site is 31 feet from mean natural grade meeting the requirement of 34 feet. The secondary height is exceeded, with a maximum height of 80 feet to the top of the tower of the building. This tower is a standard design feature of a majority of the existing Wegmans Food Markets within their portfolio of stores. A modification is necessary to allow the construction of the building.

Modifications to Landscape Requirements – The following modification(s) to the landscape requirements for Interior planting and buffers are requested:

1. North (Service Road frontage) – To provide clear visual corridors to the upper portion of the Shopping Center signage, which will reduce the time drivers will need to distinguish / recognize the store, thus creating a safer driving condition, the required Type "C" buffer has been reduced from the current requirements of 5 Large Trees, 10 Small Trees and 36 Shrubs per 100 linear feet of frontage to 3.5 Small Trees and 36 Shrubs per 100 linear feet of frontage. This modified buffer will work in tandem with the interior parking landscape plantings to screen vehicles and meet the intent of the buffer requirement.
2. South (Old Durham Road frontage) – To provide clear visual corridors to the upper portion of the Shopping Center signage, which will reduce the time drivers will need to distinguish / recognize the store, thus creating a safer driving condition, the required Type "C" buffer has been reduced from the current requirements of 5 Large Trees, 10 Small Trees and 36 Shrubs per 100 linear feet of frontage to 3.5 Small Trees and 36 Shrubs per 100 linear feet of frontage. This modified buffer will work in tandem with the interior parking landscape plantings to screen vehicles and meet the intent of the buffer requirement. Additionally, the landscape buffer width has been reduced to a variable width buffer along the frontage. This is due to the implementation of a traffic circle as part of the development.
3. North Side of Overflow Parking – In an effort to match the landscape buffering on the main parking area and due to the road widening, and in keeping with the original landscape in this area of 1 tree per 30' +/-, the buffer has been reduced to 3.5 Small trees and 36 shrubs per 100 linear feet of frontage. Additionally, the landscape buffer width has been reduced to a variable width buffer along the frontage. This is due to the implementation of a traffic circle as part of the development.
4. East side of Overflow parking – The East side of the Overflow parking faces Cooper Street. In keeping with the original landscape in this area of 1 tree per 30' +/-, the landscape buffer has

- been reduced to 3 large trees and 17 shrubs per 100 linear feet. Additionally, the landscape buffer width has been reduced to a variable width buffer along the frontage of approximately 12 feet.
5. West side of Overflow parking – The West side of the Overflow parking faces an existing office building. The landscape buffer has been reduced to 3 large trees and 17 shrubs per 100 linear feet. Additionally, the landscape buffer width has been reduced to a 5-foot width buffer along the property line.
  6. Tree radii from parking space and Shading – To provide clear visual corridors to the upper portion of the Shopping Center signage, which will reduce the time drivers will need to distinguish / recognize the store, thus creating a safer driving condition, the parking area on the West side of the building has planted islands; however, the trees have been omitted to provide a clear visual corridor to the front of the building identity sign. This will have a minimal impact on the required tree canopy and shading requirements (137 trees req., 128 trees provided). Refer to the visual window exhibit provided within the appendix at the end of the Statement of Justification.
  7. Foundation buffer strip – A foundation landscape strip is not proposed in order to provide Wegmans standard congregation area, outdoor displays and outdoor seating areas. However, the parking spaces are separate by a 10 foot wide landscaped island at the end of each corresponding parking row and the main entrances to the building.

Modifications to Signage Requirements – The following modification(s) to the signage requirements for the building mounted signage is hereby requested:

- The ordinance permits the installation of three (3) building mounted wall signs per façade. The proposed signage package for the subject development incorporates four (4) proposed building mounted signage on the main façade of the building. These signs include a sign to identify “Wegmans”, “Market Café”, “Pharmacy” and “Wine & Beer”. These signs are considered identifiers as they tell Wegmans patrons where the areas are located within the store for proper entrance location identification for the associated services within the store.
- The ordinance does not permit the installation of off-premise signage. The applicant requests that an off-premise sign be permitted to allow for an off-premise sign to be installed in accordance with the standards for the subject parcel.

Modifications to Impervious Surface Coverage – The following modification to the impervious surface coverage requirements is hereby requested:

The maximum allowable impervious surface coverage for a commercial development is 70% of the gross land area (GLA). The existing site consists of an impervious surface area of 464,546 SF. This equates to an impervious surface ratio of 76.9%. The proposed development includes the implementation of 465,710 SF of impervious surface area. The proposed development’s impervious surface area increase is approximately 1,164 SF. This equates to an increase of 0.25% of the gross land area. This increased impervious surface area will be managed through stormwater management and water quality controls.

Sustainability – The new building and infrastructure improvements will be designed and implemented to enhance the existing environmental impact. The development will include the removal of several underground storage tanks that currently hold contaminants associated with the current use of the

property. Furthermore, the site will require environmental cleanup associated with the underlying soils and groundwater of the site.

Demolition and Construction Waste – The development requires the demolition of the existing buildings and infrastructure in order to clear the site for environmental cleanup. Waste materials associated with the demolition will be handled in accordance with local and State requirements.

- ***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.***

The current use of the property consists of three (3) automobile dealerships and associated service departments. With the departure of the Performance Auto Mall to their South Point mall facility in Durham County, this property has the ability to remain vacant or developed into a used-car dealership.

The development will provide a retail destination for the surrounding community, in addition to patrons from other counties. The Wegmans development will attempt to partner with local, family farms near the store to provide fresh produce in addition to providing local beef, pork and cheese. Furthermore, the Marketplace Café and Pub restaurant will provide access to a wide variety of lunch and dinner options. The store's proximity to the local office parks and residences will provide walkability to the surrounding development and neighborhoods. Lastly, the project will provide a significant increase in commercial tax base and sales revenue.

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

The Chapel Hill 2020 Comprehensive Plan adopted six (6) themes. Below is a list of each theme is integrated within the proposed development:

1. **A Place for Everyone** – The Wegmans development offers up a wide array of career opportunities; inclusive of part-time, entry-level positions for high school and college students. Additionally, full-time employment opportunities will be available, including management-level positions.

Wegmans also strives to support the community through feeding the hungry, encouragement of healthy eating & activities, enrichment of neighborhoods in which they serve, helping young people succeed and supporting the United Way.

2. **Community Prosperity and Engagement** – The Wegmans development will attempt to partner with local, family farms near the store to provide fresh produce in addition to providing local beef, pork and cheese. Additionally, the project will provide a significant increase in commercial tax base and sales revenue.
3. **Getting Around** – The Wegmans development will provide pedestrian connection to link retail with the surrounding neighborhood areas to the south of the property and office to the north and east of the site. Additionally, the planned Old Durham Road roadway improvements and future light-rail transit station development near the Interstate 40 interchange will provide future pedestrian links to the subject development and surrounding community.
4. **Good Places, New Spaces** – The Wegmans development will replace the relocation efforts of Performance Auto Mall to their Southpoint Mall existing auto dealerships. The project will consist

of the redevelopment of a currently under-utilized commercial development (Performance Auto) into a community and regional specialty grocery store development.

5. **Nurturing Our Community** – The Wegmans will promote the redevelopment of an existing auto dealership that is scheduled to be relocated with or without the development of the Wegmans store. This redevelopment will also include the cleanup of an environmentally contaminated site.
  
6. **Town and Gown Collaboration** – The Wegmans development is proposed to the south of the current location of UNC Healthcare Eastowne Campus. The development will provide a retail destination for the employees within the Eastowne Campus. Furthermore, the Marketplace Café and Pub restaurant will provide access to a wide variety of lunch and dinner options for employers and employees.

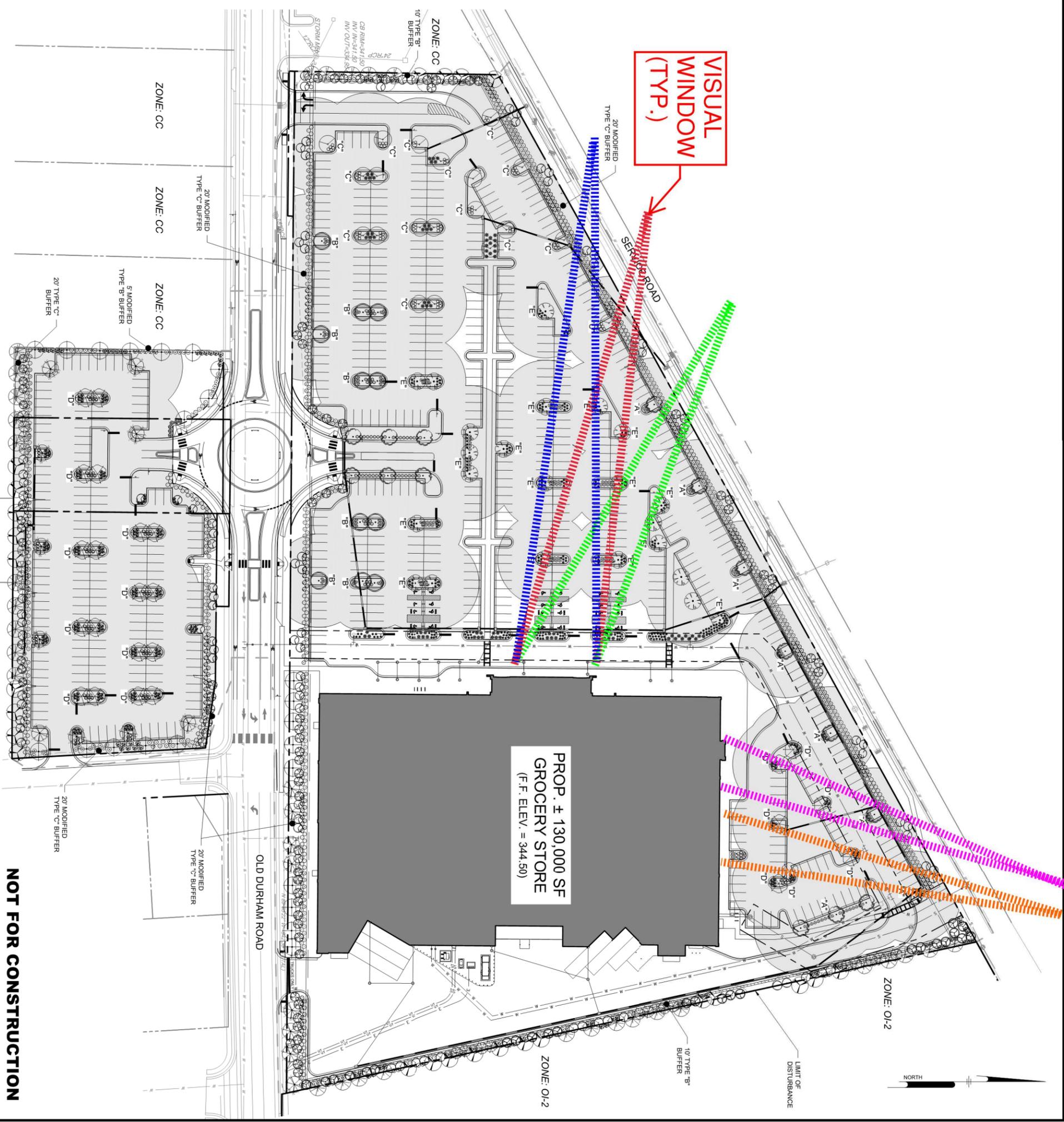
The project is located within the North 15/501 Focus Area. The proposed development will provide and enhance this area in accordance with the goals stated within the focus area. Specifically, the development will employ the following:

1. Redevelopment of a currently underutilized commercial development (Performance Auto) into a community and regional grocery store development
2. Provides pedestrian connection to link retail with the surrounding neighborhood areas in connection with the Old Durham Chapel Hill Road roadway improvements and the future proposed light-rail transit development

# **APPENDIX**

**Landscape Visual Windows Exhibit**

SECTION	REQUIREMENT	PROVIDED	COMPLET./ MODIFICATION
Section 5.1.2 Shading and Standards	All parking lots are required to be shaded to achieve a minimum of 35% shading at maturity. Total lot area 590,803 S.F. requires 206,781 S.F. shaded area minimum	Provided 343,077 S.F. of total site. (58% shaded area of Landscape Plan)	Complies
Table 5.6.6-1 Buffer (Grocery Store Parcel)	East: Type "B" Buffer (external) 670 trees, 91 shrubs West: Type "B" Buffer (external) 218 trees, 26 shrubs North: Type "C" Buffer (external) 432 trees, 50 shrubs South: Type "C" Buffer (external) 1,015 trees, 102 shrubs, 365 shrubs	10ft buffer with provided trees, 53 small trees, 87 shrubs 10ft buffer with provided trees, 15 small trees, 26 shrubs 20ft buffer with provided trees, 33 small trees, 432 shrubs 20ft buffer with provided trees, 218 trees, 248 shrubs	Complies Modification Modification Modification
Table 5.6.6-1 Buffer (Overflow Parking Lot)	East: Type "C" Buffer (external) 207 trees, 18 shrubs West: Type "B" Buffer (external) 232 trees, 28 shrubs North: Type "C" Buffer (external) 111 trees, 50 shrubs South: Type "C" Buffer (external) 208 trees, 29 shrubs, 110 shrubs	Buffer width requested: 11 large trees, 50 shrubs Buffer width requested: 20ft buffer with provided trees, 89 shrubs 20ft buffer with provided trees, 19 large trees, 24 small trees, 121 shrubs	Modification Modification Complies
Section 5.2 Tree Canopy	Tree Canopy Coverage: minimum 30% total lot area 590,803 S.F. requires 177,241 S.F. canopy area minimum.	405 Trees provided on site, 402,500 S.F. = 34% of total lot area. 405 trees will remain with this project (See Demonstration Plan for tree removal)	Complies
Section 5.3.6(C)(2)(A) Landscape Buffer Strip	5ft Landscape Buffer Strip with continuous row of shrubs between streets and parking lots	Painted buffers provided	Complies
Section 5.3.6(C)(2)(B) Perimeter Screening	No parking spaces shall be further than 50 feet from the perimeter of the site.	Paint shown for view	Modification
Section 5.3.6(C)(2)(H) Evergreen hedge with minimum height of 5ft at parking or a fence to Residential Zoning	N/A	N/A	Complies



**NOT FOR CONSTRUCTION**

<p><b>PROPOSED GROCERY STORE</b> 1814 DURHAM-CHAPEL HILL BLVD CHAPEL HILL, NC 27514</p> <p><b>VISUAL WINDOW EXHIBIT</b></p> <p>LEON CAPITAL GROUP 5970 FAIRVIEW ROAD, SUITE 450 CHARLOTTE, NC 28210</p>		<p>ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK</p>
<p>DATE: 03/15/2017</p> <p>DATE: 01/09/2017</p>	<p>NO. 2</p> <p>NO. 1</p>	<p>REVISIONS PER TOWN OF CHAPEL HILL COMMENTS</p> <p>REVISIONS PER TOWN OF CHAPEL HILL COMMENTS</p>
<p>PROJECT: LCGR1601</p> <p>DATE: 2017-05-15</p> <p>DRIVING SCALE: TLM</p> <p>APPROVED BY: SLS</p>	<p>PROJECT: LCGR1601</p> <p>DATE: 2017-05-15</p> <p>DRIVING SCALE: TLM</p> <p>APPROVED BY: SLS</p>	<p>ALL DOCUMENTS PREPARED BY PENNON ASSOCIATES PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE USED FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF PENNON ASSOCIATES. PENNON ASSOCIATES SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES, LOSSES AND EXPENSES INCURRED BY ANY PARTY USING THESE DOCUMENTS FOR ANY PURPOSES OTHER THAN THAT AUTHORIZED BY PENNON ASSOCIATES.</p>
<p>SHEET 1 OF 2</p> <p><b>SK-1</b></p>		

**Bicycle and Pedestrian Network Plan**

