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Planning for the Future

11SIXTY5 WEAVER DAIRY ROAD

1165 Weaver Dairy Road

SPECIAL USE PERMIT APPLICATION

STATEMENT OF JUSTIFICATION

25 January 2018

PROJECT SUMMARY

The project site is located on the south side of Weaver Dairy Road east of Martin Luther King Jr Blvd between Timberlyne Shopping Center and the recently completed Weaver Crossing. The proposed use is a mixed commercial / retail center with a parking deck.

The parcel is owned by Comprop, a business located in Chapel hill. The 1.98 acre parcel is currently vacant, but is the former location of a small Montessori preschool. The site was very under-developed compared with the new building that has occurred over the past 10 years.

There has been a lot of recent development in the surrounding area over the past 10 years. Within 1000 feet of the project site those new developments have included expansion of Chapel Hill North retail center, clinic and office space on the north side of Weaver Dairy Road, 1701 North Apartments, a new daycare center, and the Weaver Crossing development. The site is currently zoned MU-OI-1. A concurrent rezoning is being requested to allow a higher density on the site.

SPECIAL USE PERMIT – REQUIRED FINDINGS OF FACT

We believe the project satisfies all the required findings as stated in section 4.5.2 of the Town's Land Use Management Ordinance. These findings and our responses to how we address each finding are submitted as follows:

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

The project will be operated as a commercial and retail center with on-site parking. The buildings will comply with all current building and safety codes. There will be good visual and pedestrian connectivity between the public right of way and the entry plaza, walls will have railings, sidewalk will have curb edges, and there will be provision for bicycle parking. There is existing sidewalk on the street frontage, and new pedestrian paths will be created between the street and the plaza, the street and the entry, and between this site and the adjacent development.

Traffic and Pedestrian Circulation

There are currently two vehicular entries to the site from Weaver Dairy Road. The western entry will be closed to reduce conflict between turning vehicles and through traffic on the street. The access easement between the site and the adjacent Weaver Crossing will be utilized to aid vehicular circulation.

A traffic study was completed in relation to this project. The study found no intersections that would experience deficit traffic operations due to the development of this project. The study also finds that the proposed vehicular entry, in its current location, will meet or exceed acceptable conditions.

There is an existing sidewalk on Weaver Dairy Road. The project includes a public plaza accessible from the sidewalk. There is also pedestrian access midway through the site between the proposed project and the adjacent Weaver Crossing. The project scope includes improvement of the existing crosswalk across Weaver Dairy Road with the addition of warning signage and LED lighting. Along the east side of the site is a topographic drop into a Duke Energy easement and a fenced property line backing up to the service areas of adjacent Timberlyne Plaza building. The owner will grant a reasonable easement to any future redeveloper of the parcels to the east. In addition, the site stormwater treatment facility has been sized to accommodate 300 sf of additional pavement to allow for a future conveniently located sidewalk from the adjacent site.

Utilities

The project parcel is well serviced and ideally sited for denser development. Water is available from Weaver Dairy Road. Sanitary sewer service is available at the south edge of the parcel. And electric service runs through the eastern edge of the parcel. The area is service by natural gas. There will be no need for public upgrades to utilities to serve the new facility.

The project will include the addition of a fire hydrant at the street and the new building will be sprinklered. There is a fire station location approximately 1000 feet to the west.

Refuse will be collected by Orange County (recycling) and by the Town of Chapel Hill (trash). Should the Town not be able to satisfactorily collect refuse, the owner will contract with a private collection service.

The project has been reviewed by the Town Public Works Dept, Planning, Solid Waste, Orange County Solid Waste, and by OWASA. In addition, the applicant has been consulting with Duke Energy and with PSNC and design is conforming to existing utility rules and requirements.

Stormwater Management

The site is currently 16% impervious with no stormwater management. The proposed condition is 66% impervious. The project site generally drains from the southwest to the northeast. There are no streams or wetlands on site. Stormwater detention and treatment will be included on site in underground filters and holding vaults. Stormwater treatment will conform with state regulations as administered by the Town Stormwater Department.

Finding #2: The use complies with all required regulations and standards of the LUMO 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.

The 1165 Weaver Dairy development is designed to be in conformance with Town regulations and development standards. All dimensional, design, and development standards are in conformance with applicable LUMO standards except for landscape buffers and steep slope disturbance for which we are requesting modifications. We are requesting a concurrent zoning amendment to allow for more built square footage than would currently be allowed, and the application also requests modifications to three of the four landscape buffers, and to the amount of steep slope disturbance.

Section 4.5.6 of the LUMO allows for modification to the regulations.

4.5.6 Permitted Modifications of Regulations.

Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable special use regulations, general regulations, or other regulations in this appendix, but the town council makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the town council may make specific modification of the regulations in the particular case. Any modification of regulations shall be explicitly indicated in the special use permit, or modification of special use permit.

- ***Modification to Steep Slope Disturbance***

LUMO section 5.3.2 specifies that the disturbance of steep slopes is to be minimized in order to protect water bodies from the effects of erosion on water quality, to protect plant and animal habitat, and to preserve the natural beauty and economic value of the Town's wooded hillsides.

The stated limit to disturbance of steep slopes is one quarter of existing steep slopes on site.

In this case the total amount of steep slope on site is 5,735 square feet, entirely located alongside the Duke Energy transmission line. This steep slope was created when dirt was pushed aside to create a more level area under the power lines for ease of utility maintenance. The steep slopes on site are not related to water bodies or wetlands, and there are not wooded. When the project is complete there will still be evidence of elevation change. The final grading will include a parking deck where the steep slope exists and the top of that slope at the foot of the parking deck will be replanted with columnar trees, understory trees, and shrubs acceptable to both the Town and to Duke Energy. The street plaza will also show elevation change. The western portion of the plaza will sit flush with the street, but the eastern corner will sit above the street behind a short retaining wall to provide separation from the vehicular entry drive.

- *Modification to North / Street Landscape Buffer*

The requirement at the street edge of the property is a 30' wide buffer with 13 large trees, 26 small trees, and 85 shrubs. The modification is requested for both the buffer width and the plant quantity. During Concept review, both the Planning Commission and Council advocated for a pedestrian plaza between the building and the street. This space has been designed as an urban plaza with some amount of hardscape. Additional to the hardscape area, there are limitations on planting in the 30' wide power easement at the east, the 26' wide access driveway next to the easement, and the utility service easement area at the northwest corner of the site. This reduces the plantable frontage from 213 feet to 128' - an 85' or 40% reduction.

The applicant is requesting a reduction of width to approximately 18' – the width varies between 11' and 25'. We are also requesting a reduction of plant materials to 6 large trees and 14 small trees – 50% of the tree requirement. All the required shrubs will be installed. The proposed planting will produce a sense of separation from street traffic while keeping the connection between the plaza and the street sidewalk.

- *Modification to East / Utility Easement Landscape Buffer*

The requirement to the east is a 10' wide buffer with 16 large trees, 28 small trees, and 48 shrubs. The modification is requested for buffer location and the plant quantity. This section of the site is located in a 30' wide electric utility easement. The request is to install the buffer at the western edge of the easement between the power lines and the parking deck structure. The adjacent land use is retail and general business, similar to the proposed project uses. As such the need for separation of spaces and privacy is lessened.

The applicant is requesting a reduction of plant materials to 28 columnar and understory trees and 14 small trees – 64% of the tree requirement. All the required shrubs will be installed. The proposed planting will be located 25'-35' from the property line.

- *Modification to West Landscape Buffer*

The requirement to the west is a 10' wide buffer with 18 large trees, 31 small trees, and 53 shrubs. The modification is requested for both buffer width and the plant quantity. This section of the site is located adjacent to the parking lot of Weaver Crossing, a development of retail and general business uses similar to the proposed project uses. As such the need for separation of spaces and privacy is lessened. The adjacent owner has planted a 10' wide area with shrubs and midsize evergreens to screen their parking area. The project site is narrow and limited to the east by the power easement. In order to reduce impervious on site and provide parking for the proposed building the developer is proposing parking in a deck structure behind the building. Deck parking is only efficient at a dimension allowing double loaded aisles and side by side ramps. This leaves the buffer area between 7 and 10' wide with structures at the edge of the buffer.

The applicant is requesting a reduction of buffer width to 7' wide, and a one third reduction of plant materials to 12 large trees (many columnar), 20 understory trees and 35 shrubs. The reduced buffer alongside existing adjacent buffer would provide some separation between the two developments, but as both are commercial uses and pedestrian and vehicular cross connection is expected, the proposed buffers would provide appropriate screening and privacy.

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

The current use is a vacant site left after the closing of a small Montessori pre-school. It is expected that the new project will maintain or enhance the value of contiguous property for the following reasons:

- The proposed mixed use commercial and retail would complement the adjacent office, commercial, clinic and retail uses and serve the nearby residential areas as well as the larger Town population.
- Located near the MLK intersection with Hwy I-40 it is also well-sited to serve the larger community.
- The project will provide commercial and office space that supports existing area development.
- It is in line with more dense development as called out in the Town's 2020 Comprehensive Plan and area study. The proposed use is allowed in the current

MU-OI-1 zone but a rezoning application is being submitted concurrently to allow for a denser development.

- The proposed project will provide significant aesthetic improvements: a new building compatible with recent nearby development, public pedestrian spaces, parking in a deck barely visible from the street.
- The new project will improve pedestrian infrastructure and connections in the area.
- Stormwater mitigation will meet the current Town requirements.
- The new project will add to the Town's commercial tax base.

Finding #4: The use conforms with the general plans for the physical development of the town as embodied in the appendix and in the comprehensive plan.

The project site is located on the south side of Weaver Dairy Road just east of Martin Luther King Jr Blvd. It is in the Future Focus Discussion Area 2 called out in the 2020 Comprehensive Plan, and is also in the area studied by the Northern Area Task Force.

- *2020 Comprehensive Plan*

The proposed project complies with the all applicable goals as specified in the 2020 Plan.

Theme 1: A Place For Everyone - The proposed development will be a non-residential mixed use building with public plaza accessible from the street. The infill building between Tymberline Shopping Center and Weaver Crossing will allow for businesses to develop in north Chapel Hill. Specific goals addressed include:

- The plaza provides and exterior space of public use (PFE.1)
- Pedestrian access through the site and improvement of the Weaver Dairy crosswalk add to the area pedestrian connectivity (PFE.1)

Theme 2: Community Prosperity and Engagement - The project site is located at the southeast corner of Martin Luther King Jr Blvd and Weaver Dairy Road. The proposed development represents an increased intensity of use in an area that is already fully serviced with infrastructure. The Owner is a local business owner with a desire to develop within Chapel Hill and attract expanding and new business to the area.

Specific goals addressed include:

- The project adds to the Town's commercial tax base (CPE.1)
- The developer is a local Chapel Hill business (CPE.2)
- Pedestrian access through the site and improvement of the Weaver Dairy crosswalk add to the area pedestrian connectivity (CPE.3)

Theme 3: Getting Around - The project site has frontage on Weaver Dairy Road and is already connected to the rest of the community by sidewalks, bike lanes, and local and regional bus service. There is an existing Chapel Hill Transit stop just east of the site, and two Triangle Transit routes operate on Martin Luther King Jr. Blvd to the west. Additionally, the project is located very close to many residential units which will allow some users to access the site on foot or by bicycle. The project will provide covered bicycle parking.

Specific goals addressed include:

- The project serves users of all modes of transit (GA.1, GA.3)
- Pedestrian access through the site and improvement of the Weaver Dairy crosswalk add to the area pedestrian connectivity (GA.2)
- The parking deck allows for enough parking to serve the tenants while using less land area and limited the impervious surface (GA.6)
- The project location supports bicycle and moped/motorcycle use as well as public transit and car (GA.6, GA.8)

Theme 4: Good Places, New Spaces - The project site is located in an area identified as a Development Opportunity Area – Town Village Center in the 2020 Plan. The denser development promotes pedestrian and bicycle use. And the public plaza on the street frontage creates a space for community use.

Specific goals addressed include:

- The plaza provides open and accessible common space for individual and community use (GPNS.7)
- Easy access from the highway and from public transit, walking and biking make this business location accessible to people who do not have cars (GPNS.8)

Theme 5: Nurturing Our Community - The proposed development will provide tree coverage and stormwater management on site to meet or exceed the Town's standard requirements. The design takes advantage of the long narrow site to put the building and public plaza at the street, thereby screening a parking garage at the back of the site. The multi-level parking deck provides accommodation for the building tenants and visitors, thereby reducing impervious area. The architect plans for use of local materials, energy efficiency, a high albedo (reflecting) roof, as well as the stormwater treatment and planting to reduce the impact of the building on the environment.

Specific goals addressed include:

- Stormwater management, use of local materials, high efficiency building systems, and high reflectivity roofing improve water quality and reduce heat island effect. (NOC.2, NOC.7, NOC.8)
 - While not adding to the park system, the bicycle friendly nature of the location and facility encourage the use of Town trails and bike lanes. (NOC.4)
- The plaza provides open and accessible common space for individual and community use (GPNS.7)

Theme 6: Town and Gown Collaboration - The proposed development will be designed to allow flexibility of fit up and is open to all general business uses.

Specific goals addressed include:

- The building is designed to accommodate many general business users including University related uses. (TGC.6)

- *Northern Area Task Force Report*

The Northern Area Task Force Report calls for this parcel to be developed in a commercial use. The proposed development meets the Plan's goals as follows:

Goal 1 – Gateway Entrance The parcel is located in the portion of the neighborhood which is designated as a Gateway Entrance. The architecture will be compatible with recent development at the corner, and the entry plaza will contain public art and provide a community gathering spot. The development specifically conforms with:

- Objective 1 - Public art and interesting architectural design will be visible from the street. The plaza will serve as a small gathering place and be accessible to the public.

Goal 2 – Neighborhood Protection The development as designed will focus activity on the street. Vehicular access only from Weaver Dairy Road and from the adjacent commercial Weaver Crossing development will keep vehicular traffic away from nearby residential streets. It will continue to focus commercial and retail uses on the Weaver Dairy arterial and buffer vehicular circulation from the nearby residential neighborhoods, as well as providing commercial and retail opportunities for nearby residents. The development specifically conforms with:

- Objective 1 – The development facing and oriented toward Weaver Dairy protects existing residential neighborhoods from light, noise, and visual impacts of the new development.
- Objective 3 – The density of the project is oriented toward Weaver Dairy Road and not toward the residential uses south of the site.
- Objective 6 – Vehicle access to the site is from Weaver Dairy Road and from the adjacent commercial development and does not encourage traffic through nearby residential neighborhoods.

Goal 3 – Protect, Restore and Enhance the Environmental Quality of the Area The site is currently vacant with gravel and asphalt remnants from previous development, and surface stormwater runoff. The new development will provide underground stormwater mitigation. It will also increase the tree coverage on site. There will be publicly accessible pedestrian gathering space near the street. The development specifically conforms with:

- Objective 4 – The development's plaza area is publicly accessible open space.
- Objective 8 – Redevelopment of this site will eventually result in more vegetation and stormwater management than currently exist there.

- Objective 9 – Power lines will be buried.

Goal 4 – Development that Supports Active Pedestrian Environment and Promotes Transit Use

The site is on Weaver Dairy Road near Martin Luther King Jr Blvd – streets supported by public bus service, both Chapel Hill Transit and Go Triangle commuter service. The project will also add to pedestrian connectivity in the area with additional sidewalk routes off the street. There will be bicycle parking provided on site and uses within walking distance to serve nearby commercial and health care users and residents. The development specifically conforms with:

- Objective 1 – The development works toward concentrating commercial development at an existing commercial center.
- Objective 2 – The higher density use encourages public transit use.
- Objective 3 – The 3 story building is appropriately scaled for the area.
- Objective 4 – The development is oriented to the transit corridor – Weaver Dairy Road and parking is out of site from the street, encouraging public transit use.
- Objective 6 – The development does not include drive through services.
- facing and oriented toward Weaver Dairy protects existing residential neighborhoods from light, noise, and visual impacts of the new development.

Goal 5 – Pedestrian and Bicycle Mobility Pedestrian amenities will be provided just off the right of way with the installation of a welcoming pedestrian plaza. The development specifically conforms with:

- Objective 3 – The plaza will provide publicly accessible benches, lighting and shade.
- Objective 4 – The existing crosswalk across Weaver Dairy Road will be made safer with warning signage and LED lighting.
- Objective 5 – The new development has off street connectivity with Weaver Crossing commercial center to the west, and is providing for future connectivity to its eastern neighbor.
- Objective 8 – The space between the street sidewalk and the building will have trees, plantings, and hardscape areas scaled to the street. The building has a front façade with two planes for interest.

Goal 6 – Comprehensive Transportation System Promoting Bicycling, Walking, and Transit Use

The site is located within easy walking distance of public bus service and will provide bicycle parking and interior sidewalks. There will be shading and benches for pedestrian use with appropriate night lighting for safe after-hours use. The development specifically conforms with:

- Objective 1 – The development has located most of the parking away from and hidden from the street in a structured parking deck.
- Objective 3 – The use of space between the building and street for pedestrian plaza only, and not for parking, creates a pleasing shaded usable streetscape. The overhang of upper floors adds to this visual interest and creates some sheltered pedestrian space.

- Objective 5 – The removal of one existing driveway curb cut allows for better sidewalk function (fewer driveway crossings) and encourages the use of cross access between this property and the development to the west.

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Goal 7 – Promotion of Design of Safe, Comfortable, Active and Visually Interesting Buildings and Streetscapes

The building is being designed to be visually compatible with recent area construction and that architecture will be reviewed by the Community Design Commission at the SUP and Final Plan stages. The building is being set back on the site to provide for a generous pedestrian use area between the building and the street, with multiple access points from the existing public sidewalk. There will be no parking in front of the building, minimal surface parking in general, and the parking deck will be located behind the building to reduce its visual impact and create a more pedestrian friendly atmosphere. The development specifically conforms with:

- Objective 1 – The plaza encourages ground level pedestrian activity.
- Objective 3 – Lighting at the plaza area creates a safe pedestrian environment for day or night use.
- Objective 4 – The break in the front building façade create a form to reflect the street angle and the transition between this project and adjacent projects with larger setbacks.
- Objective 5 – The bicycle parking on site encourages bicycle pathways into the commercial development.
- Objective 6 – The 19’ setback with modified landscape buffer at the street brings this building close to the street.
- Objective 8 – The development includes a public plaza with seating.
- Objective 10 – The street tree plantings continue some of the street trees used on the adjacent site to the west.
- Objective 11 – The development includes a landscaped streetside area between the building and the sidewalk.
- Objective 13 – Parking is located away from the street, and circulation between this and adjacent property is encouraged by parking deck access from both the Weaver Dairy driveway and from the adjacent development parking lot.
- Objective 14 – The service area for this building is located both within the parking deck, and also at the back of the building away from streets and most pedestrian ways.