



Statement of Justification for Special Use Permit

Project Description:

The applicant Federal Realty Investment Trust, owners of then Eastgate Shopping Center, respectfully requests a modification to the existing Special Use Permit to convert an existing automobile filling station into a general business/convenience – business use.

This request does not seek to create new additional building area but rather the adaptive reuse of the existing structure. The redevelopment concept proposes to improve the aesthetic appearance of both the interior and exterior of the building as well as improve the parking facilities and landscaping immediately surrounding the facility.

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.

This is an existing building and is currently served by existing town services and utilizes. The adaptive re-use of the site in a developed community retail center helps to reduce the potential of suburban sprawl by alleviating the burden of extending public facilities. A Traffic Impact Statement (T.I.S.) was prepared for this application. It concluded that the overall trip generation for the proposed use is less than those generated by the former gas station. The T.I.S. recommends that no external roadway improvements are necessary to mitigate trips generated by the proposed coffee shop.

Finding #2: That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Articles 3, 4 and 5 and the applicable standards contained in Section 6, and with all other applicable regulations.

This redevelopment proposes to convert the former gas station use to a coffee shop. No additional building area will be created. The Community Center Zoning District is intended to provide for the development of high intensity commercial establishments serving the community wide needs. The proposed use is a permitted use in the underlying district. In furtherance of the goals of the RCD, this development proposal will convert 3,200 SF of impervious surface to a vegetative buffer adjacent to Booker Creek. While the parking facilities for this use will be pulled back to more than 100 linear feet from the edge of pavement for US 15-501A (East Franklin Street) an alternative buffer is requested. At the suggestion of the Community Design Commission the development plan proposes additional landscaping in the NC DOT right-of-way for newly created greenspace. Applicant agrees to obtain a landscape and maintenance easement from NC DOT. This application will comply with all applicable provisions of

Articles 3, 4, and 5 of the Land Use Management Ordinance including but not limited to building height, floor area, impervious area and stormwater management regulations among others.

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 site is part of a larger integrated community shopping and the proposed coffee shop will be complementary to the other uses located on the property. It is also consistent with adjacent contiguous properties located to the East and South, which are both commercial in nature. The aesthetic enhancements proposed by this application will at the very least maintain and more probably enhance the value of adjacent businesses and properties.

Finding #4: That the use or development conform with the general plans for the physical development of the Town as embodied in this chapter and in the Comprehensive Plan.

The existing site is zoned Community Commercial (CC) and the proposed use is consistent with that zoning classification. The site is also overlain by the Chapel Hill Resource Conservation District (RCD). As noted earlier, no new building area is proposed by this application. Approximately 3,200 SF of existing paved impervious area will be removed and re-established as a landscaped open space buffer to the Stream Valley. In addition to the proposed aesthetic improvements to the site, the proposed use is a reduction in "use intensity" over the previous gas station. The scale of the proposed aesthetic improvements is consistent with the desirable character of Chapel Hill and the increased landscaping will convey a more pleasing visual character along the 15-501 & Franklin Street corridors.