

## MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: J.B. Culpepper, Planning Director  
Gene Poveromo, Development Manager  
Kumar Neppalli, Engineering Services Manager  
Judy Johnson, Senior Planner

SUBJECT: Walgreens - Special Use Permit Modification Application

DATE: March 8, 2010

## INTRODUCTION

Tonight the Town Council continues the public hearing for the proposed development from January 20, 2010. Adoption of the attached Revised Resolution A would approve a Special Use Permit Modification to allow a two-story 13,650 square foot convenience business and 24 parking spaces on 0.83 acres at 1500 East Franklin Street. The site is identified as Orange County Parcel Identifier Number 9788-93-9143.

## DISCUSSION

At the January 20, 2010 public hearing, several issues related to traffic and surrounding development were raised. Each is discussed below.

1. **Accident Information and Left Turn Safety Comparison:** Several Council Members requested additional information regarding accident statistics at the intersection and the anticipated impact of the proposed medians on the types and severity of accidents. A Council member also requested a comparison of the safety of the left turn into Caribou Coffee from South Estes Drive and the safety of the left turn into Caribou Coffee from East Franklin Street.

*Staff Response:* As part of the application, medians are proposed on both East Franklin Street and South Estes Drive along this development's frontage. We obtained accidents reports over a three year period from January 1, 2007 through December 31, 2009. A collision diagram, summarizing relative crash locations, crash types, and severity, is attached to this memorandum.

A total of 51 reported crashes occurred over the three year period. Of these crashes, 27 occurred during peak AM (7:00-9:00), noon (11:30-1:30), and PM (4:00-6:00) peak travel periods. Approximately one half of all crashes (25) were rear-end type crashes. There were nine side-swipe crashes and nine left-turn type crashes. The remaining crashes included vehicles running off the roadway and hitting fixed objects, right-turn crashes, angle crashes and backing-up crashes. One crash involved a bicyclist. There were no pedestrian-related

crashes. Two accidents involved left-turning vehicles from the driveway of Caribou Coffee to East Franklin Street. The data did not include accidents involving left-turning vehicles from the Caribou Coffee driveways along South Estes Drive.

The types of crashes, and the fact that a high percentage of them occurred during peak travel periods, suggest that the causes stem from high traffic volumes and congestion in the intersection area during the peak travel periods, particularly the PM peak. The data does not link crash patterns (insignificant), direction, or location to vehicular speeds, limited sight distances, or other roadway geometric issues.

Although the presence of multiple full access driveways in close proximity to the intersection does produce the potential for crashes (due to the multiple vehicular conflict points for left-turning vehicles into and out of the driveways) no significant incidence of crashes associated with a particular driveway was evident in the data.

2. **Alternative Designs for Intersection:** Council Members requested that staff and the applicant explore alternative designs for the intersection, and identify the advantages and disadvantages of these alternatives.

*Staff Response:* The applicant, NCDOT, and Town staff has met several times since the Public Hearing to explore alternative designs for the intersection. This memorandum provides a revised recommendation.

#### **South Estes Drive**

<b>Alternative Options</b>	<b>Description</b>
<b>Existing Conditions</b>	There is currently 14' of continuous asphalt for both of the outside travel lanes (this cross-section is actually paved from face-of-curb to face-of-curb) that presently functions like a wide outside lane and is identified as such an existing facility on the Town's Adopted Bicycle Facilities Plan.
<b>Option A – No Median</b>	No median but includes a “pork- chop” island in the access drive with the inclusion of a 14' wide westbound through travel lane (outside of the curb).
<b>Option B – 4' Median</b>	A 4' median with a 14' wide westbound through travel lane, a 14' wide eastbound outside lane, and the remaining lanes are 12'.
<b>Option C – 3' Median</b>	A 3' median with the same westbound configuration but increases the width of the eastbound through lane next to the median on South Estes Drive from 12' to 13'.

Please refer to the attached South Estes Drive design scenarios for more information.

The Town and NCDOT staff recommendation has changed. Town staff and NCDOT staff recommend Option A for South Estes Drive: no median, a pork chop island and 14-foot wide

bike lane. This recommendation has been incorporated into Revised Resolution A. Please see the attached letter from NCDOT.

#### **East Franklin Street**

<b>Alternative Options</b>	<b>Description</b>
<b>Existing Conditions</b>	All of the lanes along this frontage are 12' in width including 4 travel lanes and one left turn lane. This section is identified on the Town's Adopted Bicycle Facilities Plan as an area for Corridor Improvements.
<b>Option A – No Median</b>	No median, includes a “pork- chop” island in the access drive
<b>Option B – 4' Median</b>	A 4' median with a northbound 14' wide outside lane, an 11' northbound travel lane, an 11' southbound left turn lane, and two 12' southbound travel lanes (unchanged from the Existing Conditions).
<b>Option C – 3' Median</b>	A 3' median with a northbound 14' wide outside lane and alternatively uses the additional space to increase the width of the eastbound through lane next to the median from 11' to 12'. The southbound lanes remain unchanged from Option B.

Please refer to the attached East Franklin Street design scenarios for more information.

Town and NCDOT staff recommends Option C for East Franklin Street: a three foot wide median along the East Franklin St frontage. This recommendation has been incorporated into Revised Resolution A. Please see attached letter from NCDOT. Median installation on East Franklin Street will not affect any adjacent properties as the existing access at the Kangaroo site is currently restricted to right in/right out only.

3. **Traffic Impact Analysis Study**: A Council member asked if a Traffic Impact Analysis (TIA) study was required.

*Staff Response:* Town staff recommended to the Applicant that a TIA be prepared for the proposed Walgreens because of the traffic congestion and operations issues at Estes Drive and East Franklin Street.

The difference in number of trips for the existing use (gas station) and proposed use of the site (Walgreens) is approximately 120 trips. The requirement to prepare a full traffic impact analysis may be waived by the Town Manager only if all of the following conditions are met:

- Daily trip generation is less than 500 (or, for a change to an existing property that does not requiring rezoning, difference in daily trip generation is less than 500); and
- No more than 250 vehicles per day (or, for a change to an existing property that does not requiring rezoning, no more than 250 vehicles per day in difference) access an existing collector or local road; and

- The total traffic, including background traffic and additional traffic from proposed new site or redeveloped property does not exceed an average of 150 vehicles per day on any unpaved road; and
- The applicant submits a written request for a Traffic Impact Analysis waiver with appropriate supporting documentation including pedestrian/bicycle analysis, if applicable; and
- The Town Manager concurs with the request.

The difference in number of trips for the subject project meets the trip generation criteria for a TIA exemption.

A TIA for the Walgreens development was conducted in 2007 and provides the following analysis:

East Franklin Street/Estes Drive Intersection Level of Service

Scenario	AM Peak	Noon Peak	PM Peak
Existing (2007)	D	D	E
2011 No-Build	D	D	F
2011 Build	D	D	F

The proposed access improvements for the Walgreens should improve overall vehicular safety in the immediate vicinity of the East Franklin Street and Estes Drive intersection, for a number of reasons. First, the limitations on the left-turn access into and out of the site should eliminate the potential for left-turn type crashes at the driveways. Reducing the number of driveways from four to two will also serve to better organize traffic flow into and out of the site.

Since the overall traffic volumes in the 2011 Build Condition are essentially the same as the 2011 No-Build Condition (with the existing gas station still in operation), levels of traffic congestion will not be a factor in traffic safety at the intersection, regardless of whether the Walgreens is built or not.

4. **Carolina North Traffic Impact Analysis:** A Council member asked if the Carolina North Traffic Impact Analysis included analysis of the East Franklin Street and Estes Drive intersection and if it did, to provide additional information.

*Staff Response:* The Carolina North Transportation Impact Analysis performed in 2009 included the East Franklin Street and Estes Drive intersection and had the following information:

East Franklin Street/Estes Drive Intersection Level of Service

Scenario	AM Peak	Noon Peak	PM Peak
Existing (2009)	C	C	D
2015 No-Build	D	D	F
2015 Build	D	E	F
2030 No-Build	E	F	F
2030 Build	F	F	F

The Transportation Impact Analysis for the Carolina North Development indicated the need for construction of an exclusive southbound right-turn lane on East Franklin Street as part of the traffic mitigation for the Carolina North development.

5. **Bicycle Loops Payment-in-lieu:** A Council Member stated that the proposed bicycle loops payment-in-lieu for the intersection was not needed as cars are typically stacked at all intersection approaches.

*Staff Response:* Because a current traffic signal upgrade project includes bicycle activated loops on Estes Dr at East Franklin St, we have removed the stipulation requiring a \$4,000 payment-in-lieu for bicycle loops. Instead, we recommend that prior to the issuance of a Zoning Compliance Permit, the applicant provide a \$4,000 payment-in-lieu to be used towards future traffic studies on crash data and turning movement counts for all driveways near the East Franklin/Estes Dr intersection. This recommendation has been incorporated into Revised Resolution A.

6. **Bicycle Traffic Safety:** A Council Member stated that the existing cross-section of South Estes Drive is narrow with limited space for bicycle traffic, and noted concern that the proposed median would reduce this available space.

*Staff Response:* Revised Resolution A does not include a recommendation for a median along South Estes Drive. For additional information, please refer to the discussion on Alternative Design for Intersection in this memorandum.

7. **U-turn Safety Concerns:** A Council Member expressed safety concerns about U-turns around medians and requested additional information on U-turns.

*Staff Response:* Research studies indicate that signalized intersections with double left-turn lanes, protected right-turn overlap, or high left-turn and conflicting right-turn traffic volumes were found to have a significantly greater number of U-turn collisions. U-turns are not recommended at locations such as high through traffic volumes, heavy right-turns with high pedestrian volumes and limited pavement width/radius. However, median U-turn treatment such as Superstreet design is recommended for location with heavy traffic congestion and significant accident history with left-turning vehicles.

8. **Traffic Impact on Caribou Coffee:** Council Members discussed the impact of the proposed South Estes Dr. median on Caribou Coffee, which is located in the southwest corner of the East Franklin Street/South Estes Drive intersection. Noting that the proposed median on

South Estes Drive would eliminate left turns including those into Caribou Coffee from South Estes Drive, and alternatively force these drivers to travel through the left turn signal at the intersection and subsequently turn left into the site from East Franklin Street. Council members requested additional information regarding the current traffic patterns for Caribou Coffee, an analysis of the impact of the proposed median on the existing traffic pattern, and the impact of the additional left turns at the intersection and into the site from East Franklin Street.

*Staff Response:* Peak hour driveway turning movement counts were collected at the four adjacent development parcels at the East Franklin Street/South Estes Drive intersection. All four parcels have multiple driveway access points, with at least one full access driveway connection at each parcel. Data was collected for the AM, noon, and PM peak periods by HNTB on February 10, 2010. Driveway volumes are shown in the attached document entitled Walgreens TIA Addendum Tech. Data was only collected for turning movements into and out of each driveway. This attachment also shows peak hour turning movement counts at the intersection approaches. This data was taken from counts conducted in the Fall of 2009 for the *Carolina North Transportation Impact Analysis*. Through traffic volumes at the driveway connections upstream and downstream of the intersection were calculated from the intersection volume data.

In general, most driveways do not experience exceptionally heavy peak hour traffic volumes. The driveways connecting to the commercial office building on the southwest quadrant were virtually unused, since the building is vacant. Traffic volumes at the Kangaroo Gas Station and Caribou Coffee developments were the highest recorded and fairly constant throughout the peak hours. Left-turn volumes out of the driveways were consistently lower than right-turn volumes, as patrons of the businesses likely avoid attempting a left-turn exit maneuver during peak travel periods because of lengthy delays and the lack of safe turning gaps in traffic that would queue at the signalized intersection.

9. **Caribou Coffee Site Development History:** A Council Member requested additional information regarding the development of the Caribou Coffee site.

*Staff Response:* In 1977, a Special Use Permit was issued for this site to be used as a drive-in business. From 1977 until 2000, the property had been used for banking purposes with a drive-thru window. The property was sold in December 2001. Following a Court Order, a Zoning Compliance Permit for the Caribou Coffee was issued by the Planning Department on September 4, 2002.

## PROCESS

We anticipate that further evidence may be presented for the Council's consideration as part of the continued public hearing process.

The Land Use Management Ordinance requires the Town Manager to conduct an evaluation of this Special Use Permit Modification application, to present a report to the Planning Board, and to present a report and recommendation to the Town Council. We have reviewed the application

and evaluated it against Town standards; we have presented a report to the Planning Board; and tonight we submit our report and recommendation to the Council.

The standard for review and approval of a Special Use Permit Modification application involves consideration of four findings (description of the findings follows below). Additional evidence will be presented tonight. If, after consideration of the evidence, the Council decides that it can make each of the four findings, the Land Use Management Ordinance directs that the Special Use Permit Modification shall then be approved. If the Council decides that the evidence does not support making one or more of the findings, then the application cannot be approved and, accordingly, should be denied by the Council.

### EVALUATION OF THE APPLICATION

Tonight, based on the evidence in the record thus far, we provide the following evaluation of this application based on the four findings of fact that the Council must consider for granting a Special Use Permit. We believe the evidence in the record to date can be summarized as follows:

**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;*

Evidence in support of this finding includes the following point from the applicant's Statement of Justification:

- "The site is located such that it has direct access to two public streets and the proposed site plan has been designed so that citizens will be able to readily access the proposed use by car, bus, bicycle, or on foot." [*Applicant's Statement*]
- "Access and circulation for the existing site currently occurs through four (4) full-access driveways. The proposed site plan closes the two full-access driveways that are closest to the East Franklin Street/South Estes Drive intersection, and converts the other two full-access driveways into right-in/right-out points of ingress and egress by utilizing four-foot wide monolithic concrete median on both East Franklin Street and South Estes Drive to limit turning movements.

The removal of the two full-access driveways that are closest to the East Franklin Street/South Estes Drive intersection will not only improve the safety of vehicles traveling through the intersection, but will also increase pedestrian safety by eliminating turning movements and providing a much longer, continuous sidewalk network in this quadrant of the intersection for pedestrian circulation. The conversion of the remaining two full-access driveways to right-in/right-out points of ingress and egress will also improve safety by preventing left-turn movements from vehicles accessing or departing the site.

Consequently, by design, the proposed development's access and circulation patterns will serve to improve and promote the public health, safety and general welfare." [*Applicant's Statement*]

- “Two bus stops are currently located within 300 feet of the site, and two additional bus stops are located within one-quarter mile of the site. Consequently, the site is located in a manner that maximizes mass transit opportunities, thereby promoting public health, safety and general welfare by reducing automobile trips related to the project.” *[Applicant’s Statement]*
- “Bicycle parking, which is not currently provided on the existing site, will be provided in a convenient location near the building’s entrance, maximizing opportunities for citizens who wish to ride their bicycles to the site.” *[Applicant’s Statement]*
- “The existing development on the site is 95.2% impervious surface (net land area), and does not have any stormwater management facilities. The proposed site plan reduces the amount of impervious surface by over 20% (to 74.4% of net land area), and the developer is voluntarily proposing to install a Stormceptor® unit that would be located within the lower portion of the site in order to improve the water quality of the stormwater runoff from the parking lot and access drive areas. Accordingly, the proposed development is designed and proposed to be operated in a manner that will significantly improve the quality of stormwater leaving the site.” *[Applicant’s Statement]*
- “The existing development on the site does not include landscaped buffers along East Franklin Street or South Estes Drive (the two crepe myrtles and grass along East Franklin Street are located in the public right-of-way). The proposed site plan is designed to create 20-foot wide landscaped buffers along both the site’s East Franklin and South Estes Drive frontages. The addition of new trees and landscape plantings in these buffer areas will serve to promote public health and enhance general welfare.” *[Applicant’s Statement]*

Evidence in opposition: No evidence has been offered in opposition to Finding #1.

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

Evidence in support of this finding includes the following points from the applicant’s Statement of Justification:

- “The proposed Walgreens Pharmacy at 1500 East Franklin Street is in compliance with all of the required regulations and standards of the Land Use Management Ordinance, with the exception of the following requested modifications;” *[Applicant’s Statement]*

Evidence in opposition: No evidence has been offered in opposition to Finding #2. However, we note the applicant requests several modifications to the regulations – including minimum parking requirement and setbacks for street, interior, and solar.

*Staff Comment:* We believe the Council could make the finding that in this particular case that the minimum parking requirement modification would serve public purpose to an equivalent or greater degree because the proposed development is adjacent to transit opportunities and highly accessible for pedestrians and bicyclists. Employees and visitors have the opportunity to arrive at the site via alternative means of transportation. We believe that public purposes would be



satisfied to an equivalent or greater degree for the requested modification to setback regulations for the following reasons:

- the dedication of the additional right-of-way is desired for future roadway improvements to this intersection;
- the existing property boundary in this area is unusual and the proposed design of the building offers an aesthetically pleasing alternative to meeting the setback;
- locating the bicycle parking adjacent to the building's entrance will enhance and promote alternate forms of transportation;
- the view of the collection area from East Franklin Street and South Estes Drive will be minimized and by locating this waste facility in close proximity to a similar facility on the adjoining property; and
- the proposed design of the building potentially would be more energy efficient.

**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;*

Evidence in support of the finding that the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property includes the following points from the applicant's Statement of Justification:

- "The value of contiguous property is currently based on the presence of the existing service station and car wash, which were built on the site in the late 1960's and have been operating on the site since that time. The replacement of the existing service station and car wash with another retail business use will serve to maintain or enhance the value of contiguous property." *[Applicant's Statement]*
- "The replacement of the existing service station (with six gas pump locations, three open service bays, and four car wash bays) with an enclosed business operation should serve to reduce noise for adjoining property owners, thereby maintaining or enhancing the value of contiguous property." *[Applicant's Statement]*
- "New 20-foot wide landscaped buffers will be created along the site's East Franklin and South Estes Drive frontages (where there are currently no landscaped buffer areas), thereby enhancing the value of contiguous property." *[Applicant's Statement]*
- "Adjacent landscape buffers for the adjacent properties to the north and east will be supplemented with additional landscape area, thereby enhancing the value of these contiguous properties." *[Applicant's Statement]*

Evidence in opposition: No evidence has been offered in opposition to Finding #3.

**Finding #4:** *That the use or development conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.*

Evidence in support of this finding includes the following points from the applicant's Statement of Justification:

- "The Town's Land Use Plan, which is a component of the approved 2000 Comprehensive Plan (Figure 11), specifically identifies this site as being appropriate for commercial land uses." [*Applicant's Statement*]

*Staff Comment:* As noted above the Land Use Plan, an element of the Comprehensive Plan, designates this site for commercial use.

Evidence in opposition: No evidence has been offered in opposition to Finding #4. We anticipate that further evidence may be presented for the Council's consideration as part of the continued public hearing process. Please see the applicant's Statement of Justification for additional evidence in support of the four findings.

## SUMMARY

We have attached Revised Resolution A that includes standard conditions of approval as well as special conditions that we recommend for this application. With these conditions, and the two proposed modifications of the regulations, we believe that the Council could make the four required findings necessary to approve the application. Our recommendation, Revised Resolution A, incorporates input from all Town departments involved in review of the application.

## RECOMMENDATION

Revised Staff Recommendation: We recommend that the Council approve the Special Use Permit Modification application with the adoption of Revised Resolution A, which includes the following revised conditions following the January 20, 2010 public hearing:

- South Estes Dr cross section and restricted access: a) remove the recommendation for an Estes Drive median; and b) add a requirement for a right-in/right-out pork-chop island in the South Estes Dr access drive.
- East Franklin St cross section: Reduce the previously required four-foot wide median to a three-foot wide median.
- Adjustment to payment-in-lieu funds: Redirect recommended \$4,000 payment in lieu from bicycle activated loops towards additional traffic studies.

Resolution B would deny the application.

A matrix comparing the differences between staff and advisory board recommendations is included at the end of this memorandum.

**ATTACHMENTS**

1. Applicant's Statement of Justification (p. 27).
2. Letter from NCDOT (p. 44).
3. 2007-2009 Collision Diagram (p. 47).
4. South Estes Drive Design Scenarios (p. 48).
5. East Franklin Street Design Scenarios (p. 53).
6. Walgreens TIA Addendum Tech (p. 56).
7. 2010 Existing Traffic Volumes (p. 60).

**Walgreens Special Use Permit Modification - DIFFERENCES AMONG RECOMMENDATIONS**

<b>ISSUES Resolution A</b>	<b>Staff's Revised</b>	<b>Planning Board</b>	<b>Transportation Board</b>	<b>Community Design Commission</b>	<b>Bicycle &amp; Pedestrian Adv Board</b>
Redirect \$4,000 bicycle loop payment-in-lieu to additional traffic study	Yes	*	*	*	*
Reduce Franklin St median width from 4 to 3 feet	Yes	*	*	*	*
Replace Estes Dr median with pork-chop island in Estes Dr access drive	Yes	*	*	*	*
Estes Drive Median extend to east	No	Issue Discussed	Yes, Town & NCDOT should investigate	Issue Discussed	Issue Discussed (prohibit left turns at CH Center)
Pedestrian Access Path to Chapel Hill Center Offices	Yes, with striped crosswalk	Yes	*	Yes	Yes, with striped crosswalk
Development of Stormceptor Maintenance Plan to maintain water quality specifications	Yes	Yes	*	Yes	*
Underground gas tank removal	Yes, unless removal requires additional mitigation	Issue Discussed	*	*	*
Rain Cistern Management development of maintenance plan	Yes	Yes	*	Yes	*
Encourage use of LED Lighting	Yes, as part of Energy Management Plan	*	Yes	*	*
Bicycle lanes on both sides of South Estes Drive	Restriping and the Town and NCDOT to conduct evaluation separate from this application	*	*	*	Yes
Construct level curb cuts/sidewalks	Yes	*	*	*	Yes
Reduce radius at curb cuts	Yes	*	*	*	Yes
Crosswalk at curb cuts	Yes	*	*	*	Yes
Complete Streets Design	Town and NCDOT to conduct complete evaluation separate from this application	*	*	*	Yes

\*Not discussed

Matrix Revised February, 2010