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June 14, 2005

Mayor Foy & Chapel Hill Council  
Town of Chapel Hill, NC  
306 North Columbia Street  
Chapel Hill, NC 27516

**RE: PERFORMANCE AUTO MALL – SPECIAL USE PERMIT**

Dear Mayor Foy and Council Members:

I am writing in support of the proposed Performance Auto Mall expansion. During the 15 years I have lived in Chapel Hill, this facility has been upgraded several times and the general appearance of this entrance to Chapel Hill has been improved each time. I believe that this proposal continues that pattern.

**PERFORMANCE SITE PLAN - RESPONSE TO COUNCIL AND CDC COMMENTS AT CONCEPT PLAN REVIEW**

The applicant's SUP proposal has responded positively to the comments provided by both the Community Design Commission and the Town Council when they reviewed the Concept Plan. In fact, the Applicant returned to the CDC for an additional courtesy review to show how the site plan had changed due to the Concept Plan review comments. And, the plan has evolved in a positive manner since then.

The applicant had initially proposed a more linear building facing US 15-501 with substantial parking and automobile display areas between the building and US 15-501. The applicant has taken to heart the comments by CDC members and the specific comments of Mayor Foy and Council Members Verkerk and Greene and has responded in the following key ways:

- A. The proposed new BMW sales and service building has been reduced in width and increased in depth with regard to its US 15-501 orientation. This allows the service bay doors that were facing US 15-501 in the Concept Plan to now be visually sheltered on the sides of the building.
- B. The proposed new BMW building has been pulled forward on the site. It now follows the pattern of the existing buildings that are also set close to the street with the vast majority of customer parking and new car vehicle display areas located to the side or rear of the front facades of these buildings.
- C. The internal flow of traffic for customers of new vehicles, parts purchasing, and service as well as for the dealership itself appear to be greatly improved with this plan.

**APPLICANTS PROPOSED BUFFERS & STAFF RECOMMENDATIONS ON BUFFER & SPECIMEN TREES**

- A) It appears that the staff believes that the existing widths of the alternative buffers for the eastern 2/3rds of the site are sufficient. I agree with this assessment.
- B) I also agree with the portion of Stipulation 18 that will require additional vegetation to be planted within these alternative buffers to help keep vehicles from being displayed within the landscape buffer. Stipulation 19 further specifies that vehicles shall not be displayed or stored within these

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buffers. Together these stipulations will provide an additional visual and character upgrade to the US 15-501 Corridor.

- C) With regard to buffers for “New Development,” the staff and applicant disagree about how to treat the western 1/3<sup>rd</sup> of the site.
- 1) The staff recommends that the full 30 feet wide Type D Landscape Buffer be provided along US 15-501 and Old Durham Road wherever new development takes place. This buffer is what we expect of “new development,” but as we know it is not always possible with redevelopment.
  - 2) The applicant proposes Alternative Buffers that are less than the required 30 feet width buffers. However, at 20 – 40 wide the proposed alternative buffers are as wide or wider than the existing alternative buffers on the eastern 2/3rds of the site.

#### **MEASURING THE EFFECTS OF THE STAFF RECOMMENDED BUFFERS**

The staff uses the phrase “new development” in stipulations 18, 19, and 22. However, it is not entirely clear what “new development” means specifically. I have taken it to mean the area outlined in dashed lines on the plan and described in the applicant’s legend as the “project limit line.” If this is correct, the stipulations would seem to require a 30 feet buffer as shown on my Figure 1 drawing attached to this letter.

The primary affects of the staff recommendations, including the recommendations to save the 22 inch oak tree at the front of the side, would be:

- A) Push the proposed building away from the US 15-501 service road by about 15 feet. Combined with a 30 feet buffer on Old Durham road, these buffers would reduce the useable depth of the lot from 280 feet to 235 feet. It appears that the applicant would need to reduce the building depth by about 35-40 feet, the service area by about 30%, and the overall building’s area by 10-15% or widen the building along the US 15-501 axis.
- B) Reduce parking by about 38 - 40 spaces.
- C) Cause a substantial design change for the western 1.3<sup>rd</sup> of the site. The applicant’s plan provides a way for internal traffic to pass from the eastern portion of the site to the western portion behind the proposed new BMW building. Requiring a 30 feet buffer along the Old Durham Road side of the site would seem to severely complicate internal traffic on the site. Depending upon the form of the re-design it is possible to expect traffic that is internal on the applicant’s plan to be forced onto either Old Durham Road or the Service Road to go from one portion of the site to another.

#### **APPLICANT’S DESIGN AND REQUEST FOR ALTERNATIVE BUFFERS IS REASONABLE**

The applicant has developed a plan that has responded positively to comments by the CDC and the Town Council with respect to the size and placement of the proposed new buildings and with regard to placing customer parking and vehicle storage areas behind the front facades of the buildings. Likewise service bay doors no longer face US 15-501.

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**EVALUATION OF PROPOSAL AND STAFF PROPOSED STIPULATIONS**

**It is my conclusion that the applicant's proposed alternative buffers - with some modifications - should be approved.**

Strictly enforcing the 30 feet buffers as recommended by the staff would seem to force the applicant to redesign the site to reproduce a plan that neither the Council or the CDC liked when they reviewed the Concept Plan.

This appears to be a situation where strict adherence to the required minimum buffer will not result in a better retrofit and improvement of the site, but a lesser result than would be achieved by providing for an alternative buffer.

**SUGGESTION TO TOWN COUNCIL**

I suggest that alternative buffers as described below and shown on Figure 2 be considered.

A) Buffer along US 15-501 Service Road

- A 30 feet buffer as required by the LUMO to the west of the entry drive serving the new BMW Sales and Service Building.
- A 40 feet buffer as offered by the Applicant (and shown on the submitted plans) to the east of the new BMW Sales and Service Building.
- A 20 feet alternative buffer in front of the new BMW Sales and Service Building.

B) Buffer along Old Durham Road

- The alternative buffer proposed by the applicant with 2 modifications:
  1. The expansion of the buffer at the entrance from Old Durham Road by removing 2 of the proposed parking spaces and increasing the area for landscaping, and
  2. Enlarging the interior planting island immediately inside this entrance by removing 1 parking space thereby improving the traffic flow and safety of the entrance and the drive aisle.

**COMMENT**

I believe the changes shown on Figure 2 are modest in area, but significant in visual impact. And, as stated earlier, I believe that if the applicant is required to provide a full 30 feet buffer on both Old Durham Road and on the Service Road that it will force a redesign of the site that will inadvertently – but surely – push the applicant toward the original Concept Design that neither the Council nor the CDC liked.

Sincerely,

  
Scott Radway



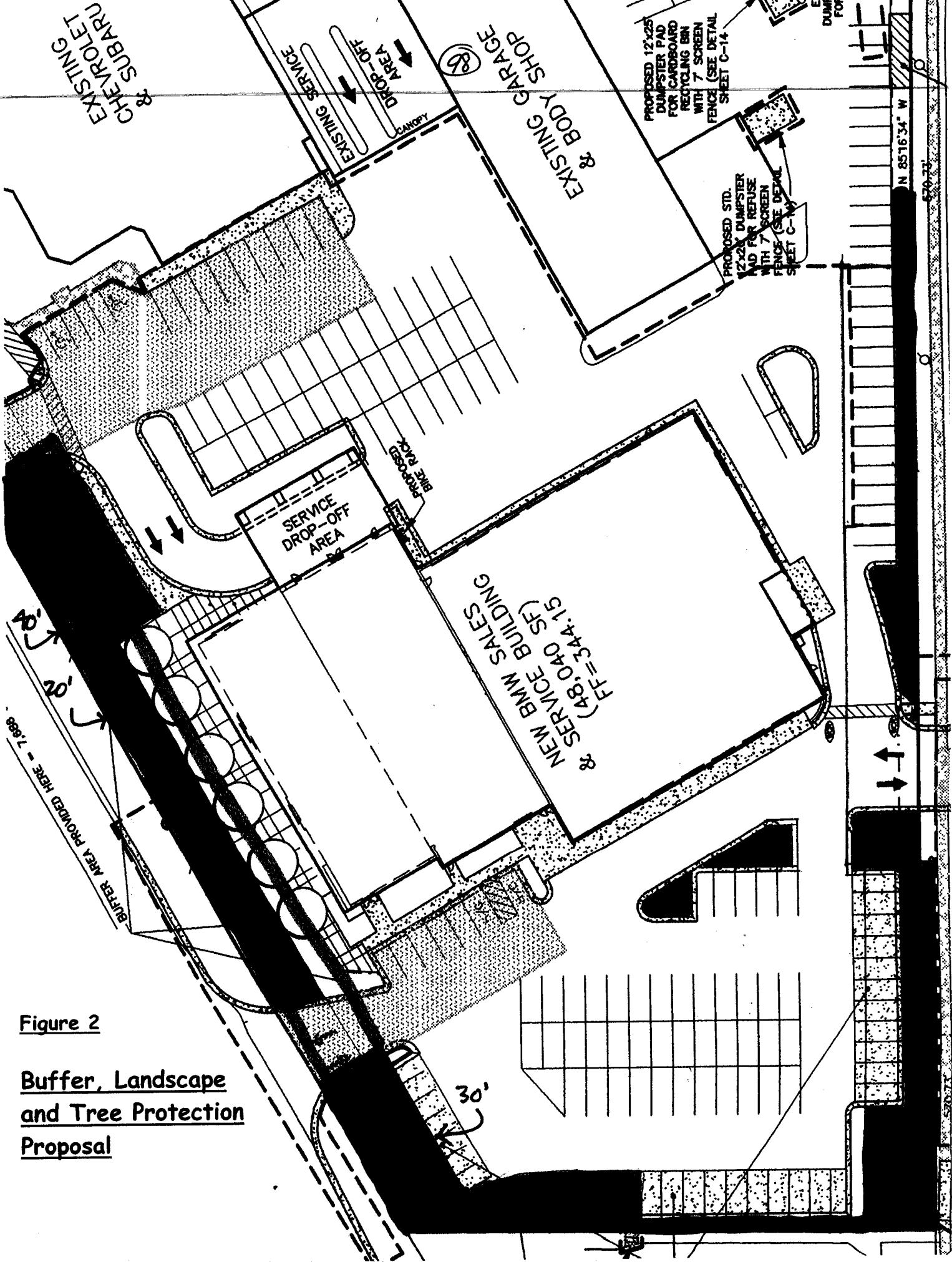


Figure 2

Buffer, Landscape and Tree Protection Proposal