

5. STATEMENT OF JUSTIFICATION (SPECIAL USE)

In order to grant a Special Use Permit, the Town Council must make the required four findings contained in Section 4.5 of the Land Use Management Ordinance. The applicant shall submit a statement entitled Statement of Justification prepared by the applicant, presenting factual information supporting each of the four required findings.

The four required findings and suggested considerations to be addressed (as per the Town's Description of Required Information) are listed below, along with the applicant's detailed responses:

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

- a. **Traffic conditions in the vicinity, including the effect of additional traffic on streets, street intersections, and sight line at street intersections and driveways.** No permanent additional vehicular traffic will be generated as a result of the Cogeneration Facility Turbine Generator Upgrade Projects and no changes to traffic conditions are expected. Some additional traffic is anticipated during the construction period for the Turbine Generator projects, but that traffic will be limited to daylight hours only.
- b. **Provision for services and utilities, including sewer, water, electric, garbage collection, and fire protection.** Adequate utility services already exist at the Cogeneration Facility site to accommodate all projects.
- c. **Drainage plans.** No changes or alterations to existing site drainage and stormwater retention systems are required as a result of the Turbine Generator Upgrade Projects. Only a very small (1.4%) increase in impervious surface area at the Cogeneration Facility site will be added. Land disturbance will be limited to the footprint areas only for the various project components. Existing drainage patterns will not be affected or impacted by any of the project work.
- d. **Relationship of the site to the Chapel Hill Floodway/Floodplain/Resource Conservation District.** The Cogeneration Facility site is not located in a floodway, floodplain or resource conservation district.
- e. **Other considerations relevant to the proposed use.** All applicable State and Federal environmental standards will be met with this project. The University plans to use noise control methodology on these Turbine Generator upgrade projects similar to what has been successfully utilized in the past to retrofit existing facilities and achieve consistent compliance with the Chapel Hill Noise Ordinance. This includes the use of acoustical engineering consultants to analyze noise emissions potential and to incorporate noise abatement provisions into the project design.

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

- a. **Compliance with Development Ordinance and land development regulations and standards, including street improvements, screening and landscape buffer requirements, setbacks, height, parking and intensity regulations.** Improvements planned for the Cogeneration Facility complex are consistent with the Special Use Permit approved for the site.
- b. **Provision of recreation and open space.** Not Applicable

Other considerations relevant to the proposed use.
This project requires several modifications to the regulations:

FAR
The Council approved a Special Use Permit in 1986 that permitted 39,240 square feet to be built on the ground level and a total of 90,035 SF of Principal Building Area on the site. A subsequent modification to the SUP, approved by the Council in 2000, reduced the floor area to 89,664 SF. This modification proposes an additional 27,472 SF, bringing the total proposed Floor Area to 117,136 SF. The proposed improvements are necessary improvements to an existing public utility.

Setback
The Gas Insulated Switchgear (GIS) Building must be located 20' from the street right-of-way, requiring a variance from the required 26' setback. The location of the GIS Building is determined by other constraints and cannot be moved.

Buffer
The location of the GIS Building does not allow us to provide the required 20' wide landscaped buffer between the building and the right-of-way. The University requests that alternate buffered be allowed. For that buffer, the University proposes to provide a screening fence and additional plantings at the GIS building frontage. The Eastern, Southern and Western property lines have variable width buffers that were approved by the Council in the 1986 SUP have remained unchanged in subsequent modifications.

Building Height
In addition to the setback and buffer variances related to the GIS Building, several of the proposed structures exceed the primary height permitted by the LUMO. None of these buildings are located at the property setback line; only the storage building exceeds both the primary and secondary height requirements. The reasons for the height variances are as follows:

- The Turbine Generator Addition has been designed to match the existing generator building.
- The Cooling Towers and Storage Building have been sized to accommodate their intended use in the space available at the Cogeneration facility site.
- The Screen Wall has been designed to buffer neighboring properties from acoustical and visual impacts of the Cooling Tower; the height of the screen wall is in direct relation to the size of the cooling towers.

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With the variances requested above, and as discussed in our response to department comments numbers 1 and 2, these proposed projects will comply with the required regulations.

Finding #3: That the use of 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.

- a. **Relationship of the proposed use and the character of development to surrounding uses, including possible conflicts between uses and how conflicts will be handled.** The steam and power generation facilities located now and previously at the Cogeneration Facility site have co-existed with surrounding residential properties for almost 65 years. The University has gone to great lengths to make and keep the present Cogeneration Facility as clean, quiet and non-disruptive as possible.
- b. **Conformance of the proposed use with the Zoning Atlas and the Comprehensive Plan for development of Chapel Hill and its environs.** The Cogeneration Facility site is zoned industrial. The required replacement of existing facilities at this site would, therefore, be in conformance with the general plans for the physical development of the Town in that the use conforms with the current zoning district. The proposed improvements do not alter the character of the site, and mitigation measures are in keeping with the goals of the Comprehensive Plan.
- c. **Affect on the value of surrounding properties.** The value of properties located near the main UNC-Chapel Hill campus, including those surrounding the Cogeneration Facility, benefit greatly from their close proximity to the campus. Since construction began on the Cogeneration Facility in the fall of 1988, numerous improvements to surrounding properties followed and continue to occur. Property value appreciation is the continuing trend.
- d. **If the use is a public necessity, state the reasons for this designation.** The Cogeneration Facility is a public necessity. The Cogeneration Facility serves as the sole source of steam and as a back-up source of electrical power for critical utility requirements at the University campus and at the UNC Hospitals. The facility exists as a distinct, vital and indispensable supporting function for campus and hospital operations.
- e. **Other considerations relevant to the proposed use.** The physical facilities that make up the University campus and the UNC Hospitals complex represent a vast capital investment. The quality and value of both contiguous and surrounding properties benefit tangibly from the regular and substantial expenditures that are used to build, preserve and maintain all University facilities and supporting services.

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

- a. **Conformance of the proposed development with the Zoning Atlas and the Comprehensive Plan for development of Chapel Hill and its environs.** The Cogeneration Facility site is zoned industrial. The planned improvements for the existing industrial facilities on this site would, therefore, be in conformance with the general plans for the

physical development of the Town. The proposed improvements do not alter the character of the site, and mitigation measures are in keeping with the goals of the Comprehensive Plan.

- b. **Relationship of the site to the Chapel Hill Resource Conservation District, the Chapel Hill Thoroughfare Plan, the Greenways Plan, the Land Use Plan, and the Urban Services Area.** As a long established and existing support function for the University, the Turbine Generator Upgrade Projects will have no affect on any of these listed plans.
- c. **Other considerations relevant to the proposed use.** One component of the Cogen Facility is the electrical substation owned by Duke Power and located on the Cogen site. This substation is an integral part of the Cogen operation. The physical opportunities to make the necessary expansions of this 100,000 volt electrical substation are greatly restricted. The connections from the existing substation to the new equipment must be made in a straight line, and fire safety clearances between the GIS building and the transformers dictate the spacing between structures. We have thoroughly analyzed this portion of the proposed expansion and the physical constraints of the site and the equipment preclude all options other than what is proposed.