

MEMORANDUM

TO: Mayor and Town Council

FROM: Roger L. Stancil, Town Manager

SUBJECT: Concept Plan: Village Plaza Office and Retail Project at 141 South Elliott Road

DATE: June 16, 2008

PURPOSE

Tonight, the Council considers a Concept Plan for the Village Plaza Office and Retail Project at 141 South Elliott Road. The applicant's proposal involves modification of the Village Plaza Movie Theatre Special Use Permit approved by the Town Council on January 27, 2003. The Concept Plan proposes three new buildings: two on the past Village Plaza movie theater site and one on the adjacent Village Plaza Shopping Center site, owned by Mark Properties. The proposal also includes a redesign of adjacent parking spaces on the Whole Foods site.

The [attached memorandum](#) for the Concept Plan proposal includes background information on the Concept Plan process, the applicant's materials, and additional related information.

RECOMMENDATION

We recommend that the Council consider the Concept Plan, and adopt the [attached Resolution](#) transmitting comments to the applicant. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

CONCEPT PLAN PROPOSAL

TO: Roger L. Stancil, Town Manager

FROM: J.B. Culpepper, Planning Director
Gene Poveromo, Planning Manager

SUBJECT: Concept Plan: Village Plaza Office and Retail Project at 141 South Elliott Road
(File No. 9799-14-8584)

DATE: June 16, 2008

INTRODUCTION

Attached is a proposal for a Concept Plan for the Village Plaza Office and Retail Project. The applicant's proposal involves a modification of the Village Plaza Special Use Permit approved by the Town Council on January 27, 2003. The Special Use Permit encumbers two adjacent lots: property owned by Eastern Federal Company and property owned by Mark Properties. The Eastern Federal Company property is currently vacant. Mark Properties contains the southern portion of the Village Plaza Shopping Center. The Council has the opportunity tonight to hear this applicant's presentation, receive a set of comments from the Community Design Commission, hear public comment, and offer suggestions to the applicant for consideration as further plans are drawn. At the conclusion of the evening's discussion, we recommend that the Council adopt the attached Resolution transmitting comments to the applicant.

BACKGROUND

February 5, 2002	An application for a Special Use Permit was submitted to expand Village Plaza Theaters.
January 27, 2003	The Special Use Permit was approved for Phase I (demolition of the existing theater) and Phase II (construction of a 10-screen theater with 1,600 seats).
September 11, 2003	A Demolition Permit for the Village Plaza Theaters was issued.
January 26, 2004	The Council granted expedited review to Village Plaza Theaters for an application to modify the 2003 Special Use Permit regarding improvements to Driveway "D." The work associated with the driveway improvements was never begun.
April 16, 2008	The Community Design Commission reviewed a Concept Plan on for an Office-Retail Project with 58,193 square feet of floor are proposed for three buildings.

Summary Minutes from the April 16, 2008 Community Design Commission meeting are attached. The proposal reviewed by the Community Design Commission is identical to the proposal before the Council tonight.

The Land Use Plan, a component of the Comprehensive Plan, identified the site as Commercial. The site is currently vacant; the Village Plaza Theaters have been demolished. The Village Plaza Shopping Center exists on both sides of the vacant theater site.

PROJECT DESCRIPTION

This Concept Plan proposal is for an office and retail development. The proposed project includes 58,193 square feet of floor area for: 1) two buildings on the Eastern Federal site, and 2) one building on the Mark Properties site. The largest building is proposed on the Eastern Federal site, previous location of the Village Plaza Theater. A 3-story building is proposed to contain 54,000 square feet of floor area in two separate structures connected on the second and third floors. An open air plaza is proposed between the two connected sections of the building at the ground level. Retail area is proposed on the first floor. The second and third floors are proposed for office use.

Two single-story outbuildings are proposed along S. Elliott Road. One on the Eastern Federal site is proposed to contain 2,193 square feet of floor area. The other building on the adjacent property owned by Mark Properties is proposed to contain 2,000 square feet of floor area.

The applicant proposes 80 parking spaces using existing parking spaces on the Village Plaza site and redesigning adjacent parking spaces on the Whole Foods. The 10.9-acre site is located in the Community Commercial (CC) zoning district. The site is identified as Orange County Parcel Identifier Numbers 9799-14-8584 and 9799-24-2361.

ELEMENTS OF REVIEW

The Town Council and Community Design Commission, in examining Concept Plan proposals, are to consider the various aspects of design, with special emphasis on whether the proposed development is consistent with the Town's Design Guidelines and the Goals and Objectives of the Town's Comprehensive Plan.

The Concept Plan review process does not involve staff evaluation of the proposal. Review of the submitted Concept Plan is conducted by the Community Design Commission and, in some instances, the Town Council.

Pursuant to the provisions of Section 4.3 of the Town's Land Use Management Ordinance, tonight's Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application.

RECOMMENDATION

We recommend that the Council review this Concept Plan, receive comments from citizens, and adopt the [attached Resolution](#) transmitting comments to the applicant.

ATTACHMENTS

1. [Section 4.3 Concept Plan Review, Land Use Management Ordinance](#) (p. 5).
2. [April 16, 2008 Community Design Commission Concept Plan Summary](#) (p. 8).
3. [January 27, 2003 Special Use Permit](#) (p. 11). [[PDF version also available](#) (58 KB)]
4. [Concept Plan application materials](#) (7 MB pdf) (p. 16).
5. [Area Map](#) (p. 26).

A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR THE VILLAGE PLAZA OFFICE AND RETAIL PROJECT AT 141 SOUTH ELLIOTT ROAD (2008-06-16/R-2)

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill, for the Village Plaza Office and Retail Project; and

WHEREAS, the Council has heard presentations for the applicant, and citizens; and

WHEREAS, the Council has discussed the proposal, with Council members offering reactions and suggestions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmits comments to the applicant regarding this proposal, as expressed by Council members during discussions on June 16, 2008, and reflected in minutes of that meeting.

This the 16th day of June, 2008.

4.3 Concept Plan Review

Purpose Statement: *It is the intent of the Site Analysis Data and Conceptual Development Plan process to provide an opportunity for the Town Council, Town Manager, the Community Design Commission and citizens to review and evaluate the impact of a major development proposal on the character of the area in which it is proposed to be located. This process is intended to take into consideration the general form of the land before and after development as well as the spatial relationships of the proposed structures, open spaces, landscaped areas, and general access and circulation patterns as they relate to the proposed development and the surrounding area.*

4.3.1 Applicability

(a) Proposals Subject to Review by Community Design Commission

This Section applies to any:

- (1) Special Use Permit or a Special Use Permit Modification; or
- (2) Master Land Use Plan or a Master Land Use Plan Modification; or
- (3) Major Subdivisions.

(b) Proposals Subject to Additional Review by Town Council

- (1) An application that meets any of the minimum thresholds established in subsections (1) or (2), below, shall require Town Council review as provided in Section [4.3.2](#), below, in addition to Community Design Commission review:

Thresholds (minimum)	TC-1, TC-2 Zoning Districts	All Other Zoning Districts
Land Area	15,000 square feet	5 acres
Floor Area	20,000 square feet	100,000 square feet
Dwelling Units	35 dwelling units	50 dwelling units

- (2) If an application does not meet the thresholds established in subsection (1), above, the applicant may request review by the Town Council. The Town Council may determine to review the application, or it may decline to review the application. Such request shall be filed at least fifteen (15) days in advance of a regular meeting of the Town Council. The Town Council's determination shall be rendered at its next regular meeting after receiving a complete request for Town Council review.

4.3.2 Procedures

(a) Application Submittal Requirements

Applications for Site Analysis Data and Conceptual Development Plan review shall be filed with the Town Manager. The Town Manager shall prescribe the form(s) on which information shall be submitted. Forms shall include the name and address of the applicant, the name and address of the owner of each zoning lot involved, and the relationship of the applicant and property owner in connection with the plan. If the applicant or property owner is an entity other than an individual, the plans shall also include detailed information regarding the principals of the entity. Forms shall include the name of the project principals and indicate the project principals development experience. The Town Manager shall prescribe any other material that may reasonably be required to determine compliance with this Chapter and relationship to the Town's Comprehensive Plan with sufficient copies for necessary referrals and records.

No application shall be accepted by the Town Manager unless it complies with such submittal requirements. Applications that are not complete shall be returned forthwith to the applicant, with a notation of the deficiencies in the applications

(b) Time Frame for Action on Concept Plans

Upon receipt of a complete Concept Plan, the Town Manager shall forward all information submitted by the applicant for review by the Community Design Commission within thirty (30) days.

(c) Aspects of Review

The Town Council and Community Design Commission, in examining development applications, are to consider the various aspects of design, with special emphasis on whether the proposed development is consistent with the Town's Design Guidelines and the Goals and Objectives of the Town's Comprehensive Plan.

(d) Community Design Commission Review

- (1) The Community Design Commission shall review the application and shall submit its written recommendation to the applicant and Town Council, if applicable.
- (2) The Community Design Commission shall consider public comments and shall base its recommendation on its determination of whether or not the application conforms to applicable provisions of this Chapter.
- (3) The Community Design Commission shall provide its recommendations to the applicant within thirty-five (35) days of the meeting at which a complete application is considered, or within such further time consented to in writing

by the applicant or by Town Council resolution. If the Community Design Commission fails to prepare its recommendation to the applicant within this time limit, or extensions thereof, that agency shall be deemed to recommend the application without conditions.

(e) Town Council Review

- (1) After receiving the recommendations of the Community Design Commission, the Town Council shall review the application in the same manner as prescribed in subsection (d), above. The Town Council may appoint a subcommittee to review the application. The Mayor shall determine the membership of the subcommittee.
- (2) The Town Council may conduct its review concurrent with the Community Design Commission.
- (3) After considering public comments and the recommendations of the Community Design Commission, the Town Council shall adopt a resolution transmitting its preliminary recommendations to the applicant.

4.3.3 Criteria

The Concept Plan is a preliminary step toward the preparation of a formal development plan. All Concept Plans should demonstrate a high quality of overall site design. The design and construction of site elements should include appropriate descriptions and explanations of the relationship and balance among site elements, the relationship of the development to natural features, neighboring developments and undeveloped land, access and circulation systems, retention of natural vegetation, minimal alteration of natural topography, mitigation of erosion and sedimentation, mitigation of stormwater drainage and flooding, arrangement and orientation of buildings and amenities in relation to each other and to neighboring developments and streets, landscaping, preservation or enhancement of vistas, and mitigation of traffic impacts.



PLANNING
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**CONCEPT PLAN REVIEW SUMMARY MINUTES
COMMUNITY DESIGN COMMISSION
WEDNESDAY, APRIL 16, 2008, 7:00 P.M.**

Chairperson Jonathan Whitney called the meeting to order at 7:00 p.m. Commission members present were Mark Broadwell, George Cianciolo, Chris Culbreth, Kathryn James, Gretchen MacNair, Glenn Parks, Amy Ryan, and Jonathan Whitney (Chair) Staff members present were Kay Pearlstein, Senior Planner and Kay Tapp Senior Planning Technician.

VILLAGE PLAZA OFFICE-RETAIL PROJECT at 141 SOUTH ELLIOTT ROAD
File No. 9799-14-8584

The Town has received a request from EFC Village Plaza Development LLC for review of the Village Plaza Office-Retail Project at 141 South Elliott Road. The Concept Plan proposes to redevelop portions of the Village Plaza Shopping Center. The 10.92-acre site is located at 141 S. Elliott Road and encumbers the Village Plaza Shopping complex and the former location of the Village Plaza Movie Theater. The Concept Plan proposes construction of three buildings including 58,193 square feet of floor area for office and retail use. Two of the three buildings are propose as outbuildings along Elliott Road. The proposal includes using existing parking spaces on the Village Plaza site. Some redesign of adjacent parking spaces on the Whole Foods site is also proposed. The 10.92-acre site is located in the Community Commercial (CC) zoning district and is identified as Orange County Parcel Identifier Numbers 9799-14-8584 and 9799-24-2361.

CONCEPT PLAN PRESENTATION

The applicants for the Village Plaza Shopping Center presented a power point presentation of the proposed buildings, access, and parking locations. A Concept Plan was presented for an office/retail building and two buildings proposed on outparcels.

CITIZEN COMMENTS

No citizens spoke on the Concept Plan.

COMMISSION COMMENTS

1. Commissioner Amy Ryan liked the greenway connection from the proposed office/retail building though she wanted to see the building tied to the adjacent retail developments. She stated that it should read as a whole site rather than three different developments and that

parking lots should appear unified as well. The appearance of the buildings should use similar materials and other unifying features to improve the appearance of the overall site. She wanted the parking lots to flow together to improve internal circulation rather be disjointed.

Commissioner Ryan stated that the two outbuildings should be within the same two Elliott Road driveways and not separated by driveways.

2. Commissioner Jonathan Whitney supported the close proximity of the outbuildings to each other and suggested that they be located within the same landscaped island along Elliott Road.
3. Commissioner Glenn Parks wanted to understand why the applicant chose to located the buildings at the rear of the lot rather than pulled closer to Elliott Road. He recommended that parking be located at the rear of the new buildings rather than front. The applicant replied that the buildings were located to the rear of the lot in order to improve vehicular circulation throughout the entire Village Plaza site, since all parking lots are in the front of the existing buildings.

Commissioner Parks stated that the infill development appeared “hostile” and not part of the overall development. He supported the relationship of the buildings to the greenway connection that was proposed.

Commissioner Parks also wanted to know the applicant’s goals for energy management for the project. The applicant replied that he had not yet worked that out.

4. Commissioner Kathryn James wanted the applicant to design longer parking bays rather than short rows. She liked the design of the buildings and the marking proposed between the office/retail building to the greenway.
5. Commissioner Chris Culbreth thought that the layout of the office/retail building and parking areas would work well on the site; however he wanted to see the outbuildings connected and not separated as proposed.
6. Commissioner Gretchen MacNair thought that a 3-story building, as proposed by the applicant, would be imposing if located along the Elliott Road frontage. She supported the location and design as proposed.
7. Commissioner Mark Broadwell thought that the office/retail buildings should be brought closer to Elliott Road. He stated that the applicant’s reason for keeping the buildings to the

rear of the site to allow for improved vehicular circulation does not work. He stated that when he visits the site, he always returns to Elliott Road to get to another part of Village Plaza and does not drive through the site because it is too difficult and faster to use Elliott Road.

SUMMARY COMMENTS

The Commission generally supported the applicant's Concept Plan for Village Plaza Office/Retail building and outbuildings. There was disagreement concerning the layout of the site: 1) to bring the office/retail building closer to Elliott Road or to keep to the rear of the lot as proposed by the applicant. It was also recommended that the outbuildings be located closer to each other with a strong relationship to one another. The Commission believed that vehicular circulation within the site will be an issue.

Prepared by:

Jonathan Whitney, Chair

Kay Pearlstein, Staff



TOWN OF CHAPEL HILL

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s), Eastern Federal Corporation and Triangle V II L. P., having applied to the Town of Chapel Hill for a Special Use Permit for the use and development of the property hereinafter described the same was issued by the Town of Chapel Hill on January 27, 2003, the terms of which are as follows:

NAME OF PROJECT: Village Plaza Shopping Center Renovation
NAME OF DEVELOPER: Eastern Federal Corporation and Triangle V II L. P.

DESCRIPTION OF PREMISE

LOCATION: Village Plaza Shopping Center on South Elliott Road.

TAX MAP REFERENCE: The site is identified as Chapel Hill Township Tax Map 46, Block B, Lot 11, PIN 9799242361, Tax Map 46, Block B, Lot 11B, PIN 9799148584.

DESCRIPTION OF DEVELOPMENT

Net Land Area:	475,632 s.f.	Total # of Buildings:	10 (8 existing, 2 new)
Maximum # of Parking Spaces:	490	Minimum Number of Bicycle Spaces:	87
Maximum Floor Area Total:	110,034 s.f.	Minimum Outdoor Space:	407,920 s.f.
Maximum # of Movie Theater Screens:	10	Minimum Livability Space:	154,242 s.f.
Maximum # of Movie Theater Seats:	1,600		

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan dated July 17, 2002 (on file in the Chapel Hill Planning Department), with the following modifications of regulations:

1. Modification of Subsection 13.11.1 and 5.5.2.1 to allow a minimum of 154,242 square feet of livability space.
2. Modification of Subsection 14.6.6 (a) to allow less than a five-foot landscape strip between portions of the buildings and adjacent parking areas.
3. Modification of Subsection 14.6.7 to allow a minimum of 490 parking spaces.
4. Modification of Subsection 5.5.2.2 to allow impervious surface areas associated with this development to encumber 24% of the Resource Conservation District.

Stipulation Specific to the Development

1. That construction begin by January 27, 2005 and be completed by January 27, 2006.
2. Land Use Intensity: This Special Use Permit authorizes business-convenience use and the demolition of 24,797 square feet of floor and land use intensity requirements as specified below:

Net Land Area:	475,632 s.f.	Total Number of Buildings:	10 (8 existing, 2 new)
Maximum Floor Area:	110,034 s.f.	Maximum # of Movie Theater Screens:	10
Maximum # of Movie Theater Seats:	1,600	Minimum Outdoor Space:	407,920 s.f.
Minimum Livability Space:	154,242 s.f.	*Minimum # of Parking Spaces:	490
Minimum # of Bicycle Spaces:	87		

Prepared by: Gene Poveromo, Planning Department

*Parking spaces may be decreased in order to accommodate pedestrian crosswalks/walkways between the proposed Elliott Road sidewalk and the shopping center buildings.

3. That the location of the box office be shifted to the southern edge of the theater building.

Stipulations Related to Access and Circulation

4. Elliott Road Access Driveway "C and D": That the applicant improve the two northern most driveways (driveway "C and D") along Elliott Road to provide 30-foot wide driveways with striped left and right turn lanes exiting the site, stop signs and one lane entering the site. That, if practical, the reconstructed driveways shall intersect Elliott Road at a 90 degree angle. The final design and configuration of these two reconstructed driveways along Elliott Road shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
5. Elliott Road Sidewalk: That the applicant:
 - a) Construct a minimum width five-foot wide sidewalk along the Elliott Road frontage of the Village Plaza site beginning on the south side of access driveway "D" and terminating on east side of access driveway "A". The sidewalk shall connect to the proposed Booker Creek Greenway trail spur near the east side of access drive "A."
 - b) That the sidewalk be installed directly adjacent to the parking lot curb rather than adjacent to Elliott Road. If deemed necessary by the Town Manager in order to minimize the impact on the street trees and to provide suitable space for supplemental planting necessary to screen the parking lot, the applicant shall adjust the existing parking lot curb location. The final location and design of the sidewalk and parking lot curb, including wheel stops shall be reviewed and approved by the Town Manager.
 - c) That the installation of the sidewalk includes a connection to the Elliott Road bus stops.
 - d) That, if a portion of the sidewalk is constructed outside of the public right-of-way, prior to the issuance of a Zoning Compliance Permit, the applicant shall submit a copy of a recorded pedestrian access and public maintenance easement for the portion of the sidewalk outside of the public right-of-way. The maintenance easement shall extend to a point one-foot behind the inside edge of the sidewalk. The easement document shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds.
 - e) That the final plans include signage, to be approved by the Town Manager, indicating that the sidewalk connection provides access to the Booker Creek Greenway and US 15-501.
6. Pedestrian Connection to Booker Creek Greenway: That the applicant construct a pedestrian connection between the Booker Creek Greenway and the back of the movie theater. The location and design of this pedestrian connection shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
7. Traffic Signal Timing Plans: That prior to the issuance of a Zoning Compliance Permit, the applicant provide a payment-in-lieu of \$5,000 for the design and implementation of a traffic signal timing plan.
8. Elliott Road Bus Shelters: That prior to the issuance of a Zoning Compliance Permit the applicant provide a payment-in-lieu of \$10,000 for two bus shelters, and associated improvements, at the existing bus stops in front of the Village Plaza Shopping Center. The applicant may provide the approved shelter prior to issuance of a Certificate of Occupancy instead of providing the payment-in-lieu.
9. Booker Creek Greenway Easements: That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide recorded copies of the following easements, as reviewed and approved by the Town Manager:
 - a) Temporary construction access easement across the eastern entrance drive and parking lot that lies east of the Spa Health Club;
 - b) Temporary construction access and staging easements over the portion of the property that lies east of Booker Creek; and
 - c) Permanent public greenway easement that would allow the Town to construct, access and maintain a continuation of the existing trail across the property.

Exact dimensions and specific location of these easements shall be determined, through discussion between staff and the developer, prior to the issuance of a Zoning Compliance Permit. The easement document(s) shall be recorded with the Orange County Register of Deeds Office and a copy of the recorded document shall be submitted to the Town. This easement shall be reviewed and approved by the Town Manager prior to recordation.
10. Booker Creek Greenway Cost Sharing Payment: That the applicant agrees to participate in cost sharing for the construction of the Booker Creek Greenway by providing a \$10,000 payment.
11. New Vehicular Connection to the Whole Foods Shopping Center: That the applicant provide a service vehicle access driveway connection between the proposed development and the Whole Foods shopping center. The access drive shall permit uninterrupted travel between Village Plaza driveway "A" on Elliott Road and the Whole Foods shopping center. The access drive shall be located behind the Village Plaza shopping center, adjacent to the site's eastern property line.
12. Construction Access and Maintenance Easements: That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a temporary construction and permanent maintenance easement for off-site improvements associated with the proposed Village Plaza Development.

The easement document(s) shall be recorded with the Orange County Register of Deeds Office and a copy of the recorded document shall be submitted to the Town. This easement shall be reviewed and approved by the Town Manager prior to recordation.

13. Ingress, Egress Easement: That the applicant shall provide an ingress and egress access on Village Plaza site (aka Lot #1 and Lot #2 Village Plaza) permitting tenants and customers from the Whole Foods and Gateway Commons properties vehicular and service vehicle ingress, egress and regress across and between the Whole Foods/Gateway Commons properties and Lot #1 and Lot #2 Village Plaza. The easement shall be approved by the Town Manager and recorded at the Orange County Register of Deeds Office, and copies of the agreement shall be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
14. That the property owner provide at least two on-site security monitors during the hours 6:00 p.m.-9:00 p.m. on Friday and Saturday nights, and from 1:00 p.m.-6:00 p.m. on Saturday and Sunday afternoons, to direct traffic flows for the purpose of directing theater patrons to park on the applicant's site and discourage theater patrons from parking on adjacent properties. The cost for providing such monitors shall be the responsibility of this property owner.
15. Parking Lots: That all parking lots, drive aisles and parking spaces associated with the proposed development shall be constructed to Town standards.
16. Parking Lot Crosswalks/Walkways: That two additional crosswalks/walkways shall be provided in the parking lot for pedestrian movements between the proposed Elliott Road sidewalk and the shopping center buildings. The crosswalks/walkways shall be located at or near Driveway "B" and "C." Parking lot landscaping shall not be modified however, parking spaces may be decreased in order to accommodate the crosswalks/walkways. Final crosswalk/walkway locations shall be reviewed and approved by the Town Manager.
17. Park and Ride Spaces: The applicant shall reserve a minimum of 20 parking spaces for the Town's Park and Ride program. Spaces shall be reserved between 6:00 a.m. and 6:00 p.m. Monday through Friday. The parking spaces shall be located within 200 feet of a bus stop and adjacent to the proposed Elliott Road sidewalk. Prior to the issuance of a Certificate of Occupancy, the applicant shall install signage, approved by the Town Manager, for the reservation and designation of these parking spaces.
18. Transportation Management Plan: That the applicant provide a Transportation Management Plan to be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. The required components of the Transportation Management Plan shall include:
 - a. Provision for designation of a Transportation Coordinator;
 - b. Provision for an annual Transportation Survey and Annual Report to the Town Manager;
 - c. Quantifiable traffic reduction goals and objectives;
 - d. Ridesharing incentives; and
 - e. Public transit incentives.

The plan shall be updated and approved annually by the Town Manager.

19. Bicycle Parking: That the development shall comply with the Town's Design Manual for bicycle parking standards as follows:

Total Number or Required Spaces:	87
Number of Class I Spaces:	18
Number of Class II Spaces:	69

The 87 bicycle parking spaces, including the Class I Spaces, shall be distributed proportionally around the site. The applicant shall install signage identifying the location of Class I spaces. The applicant provide shower and locker facilities.

Stipulations Related to Landscape and Architectural Elements

20. Required Landscape Bufferyard: That the following landscape buffers are required:

Elliott Road: between US 15-501 and Driveway 'A':	Minimum 15' Type 'A' Buffer
Remaining Elliott Road frontage:	Alternative Type 'A' Buffer (as authorized by the Town Council)
US 15-501 frontage:	Minimum 75' Type 'D' Buffer
Whole Foods property line:	Alternate Type 'B' Buffer (as authorized by the Town Council)
Staples & Eastgate property lines:	Existing off-site buffer
Days Inn property line:	Existing off-site buffer and Minimum 30' on site Type 'B' Buffer
21. Alternative Landscape Bufferyards: That the details for all alternate landscape bufferyards shall be reviewed and approved by the Community Design Commission prior to the issuance of a Zoning Compliance Permit.
22. Landscape Protection Plan: That a detailed landscape protection plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall include a detail of protective fencing; and construction parking and materials staging/storage areas. This plan shall also indicate which labeled trees are proposed to be removed and where tree protection fencing will be installed.
23. Landscape Plan Approval: That detailed landscape plans (including buffers), landscape maintenance plans, and parking lot shading requirements be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The landscape plan shall indicate the size, type, and location of all proposed plantings.
24. Parking Lot Screening: That all parking areas shall be screened from view in accordance with the provisions of Section 14.12.7 of the Development Ordinance. The screening plans shall be approval by the Town Manager.
25. Community Design Commission Approval: That the Community Design Commission shall review and approve details for all authorized alternative bufferyards, building elevation details, and lighting plans prior to the issuance of a Zoning Compliance Permit.

Stipulations Related To Stormwater Management

26. Stormwater Management Plan: That a Stormwater Management Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. Based on the 1-year, 2-year and 25-year storms, the post-development stormwater run-off rate shall not exceed the pre-development rate. Depending on the development site location, size in area and the condition of the existing conveyance system and associated lands, the Manager may waive or change the peak discharge rate criteria in part or in whole if, based on an approved Stormwater Management Plan, it is demonstrated that detention would intensify existing peak discharges or may cause other problems on abutting or downstream properties. In addition, the plans shall show all storm drainage outlets and address any impact the stormwater from these outlets may have on abutting properties.
27. Operations and Maintenance Plans: That an Operations and Maintenance Plan for all engineered structures shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
28. Stormwater Easements: That the final plans and final plat include an easement titled "Reserved Storm Drainageway." The easement shall be included on all engineered stormwater features located above and below ground including pipes, streams, and ditches that carry water to and from abutting properties. All said easement shall be located on a plat and recorded at the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit.

Unless specifically designated by the Town as "Public," drainage features and infrastructure, within the "Reserved Storm Drainageway" shall be considered private and the responsibility of the property owner. Drainage easements are not required for drainage structures and conveyance systems that handle internal stormwater runoff within a single lot or parcel. This detail shall be noted on the final plans.

29. Best Management Practices: That the applicant provide verification that the proposed bio-retention facility will provide for the removal of at least 85% of the suspended solids in the stormwater runoff prior to the stormwater run-off leaving the site. If practical, the facility shall be designed to capture and treat runoff from that portion of the parking area located down slope from the underground stormwater units ("stormceptor").

That the underground units proposed at drop inlet #3 shall be relocated to drop inlet #4. The unit (closest to the bio-retention area) shall be relocated to the junction box, location on-line with the existing drainage system. Both units must be sufficiently sized to remove 85% total suspended solids, subject to Town Manager approval.

The proposed bio-retention facility location and design, and the installation of the other underground stormwater units, or similar Best Management Practice design, be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

30. Performance Guarantee: That if more than one acre of land is disturbed, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities.

Stipulations Related to Resource Conservation District

31. Impervious Surface Limits: Booker Creek Greenway: That any impervious surface added to the site within the Resource Conservation District caused by the Town's Booker Creek Linear Park project shall not be counted toward the Village Plaza amount of impervious surface and/or land disturbance for regulatory purposes.
32. Boundaries: That the boundaries of the Resource Conservation District be indicated on the final plans and final plat. A note shall be added to all final plans and plats, indicating, "Development shall be restricted within the Resource Conservation District in accordance with the Chapel Hill Development Ordinance."
33. Variances: That all variances necessary for development within the Resource Conservation District be obtained before application for final plat or Final Plan approval for the subject phase(s) of development.
34. Construction Standards: That for encroachment(s) into the Resource Conservation District, the requirements and standards of subsections 5.6 and 5.8 of the Development Ordinance and all other applicable Resource Conservation District regulations must be adhered to, unless the application is granted administrative exemptions from subsection 5.8.

Stipulations Related to Refuse and Recycling Collection

35. Redesigned Refuse/Parking Area: That the final plans indicate where a refuse compactor and recycling containers will be located to service this proposed development. The applicant shall provide a refuse/recycling collection facility for this development that coordinates the refuse needs of the businesses sharing the zoning lot. The refuse compactor shall be at a central location to service all of the affected businesses. The plan shall include the construction of accessible compactor and recycling dumpster pads, constructed to Town standards. The plan must note the existing sewer line under the driveway along the eastern property and address how the line that may impact the placement of dumpsters in this area.

The redesigned refuse/parking area must provide a minimum of 33 parking spaces and adequate loading areas. The final parking lot and refuse area design must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

36. Approval of Shared-Container and Joint Access Agreements: That a shared-container and joint refuse vehicle access and construction agreement shall be provided between the property owner of Lot #1 Village Plaza and Lot #2 Village Plaza. The agreement shall be approved by the Town Manager and recorded at the Orange County Register of Deeds Office; and copies of the agreement shall be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
37. Heavy Duty Pavement: That all drive aisles needed to access refuse containers shall be constructed of heavy duty pavement. The final plans must include a detail of this pavement section. It will also be necessary to include the following note on the final plans: "The Town of Chapel Hill, its' assigns or Orange County shall not be responsible for any pavement damage that may result from service vehicles.
38. Overhead Utility Wires: That the final plan confirm that no overhead obstruction or utility wires will interfere with service vehicle access or operation.

39. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for recycling and for the management and minimizing of construction debris, and demolition waste shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Utilities

40. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by Orange Water and Sewer Authority (OWASA), Duke Power Company, BellSouth, Public Service Company, Time/Warner Cable and the Town Manager before issuance of a Zoning Compliance Permit. The final plans shall demonstrate that there is no conflict between utility lines, easements, and other site elements.
41. Utility Lines: That except for existing 3-phase electric utility lines, all new or relocated utility lines shall be installed underground and shall be indicated on final plans.

Stipulations Related to Fire Protection/Fire Safety

42. Fire Flow: That a fire flow report prepared by a registered professional engineer and demonstrating compliance with the provisions of the Design Manual be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
43. Fire Department Connection and Fire Hydrant: That the final proposed location for all Fire Department connections and the location and number of new fire hydrants shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
44. Sprinkler System: That the new building shall have a sprinkler system in accordance with Town Code, which shall be approved by the Town Manager.

Miscellaneous Stipulations

45. Taxation of Office and Commercial Property: That arrangement be made by the applicant such that proposed office and commercial buildings be subject to local and State property and sales taxes, or that provisions be made for annual payment in lieu of such taxes in the event that such properties become tax exempt. The arrangement shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
46. Off-Site Easements: That all necessary off-site utility, construction, access, maintenance, or other required easements shall be obtained and a recorded copy of such easements shall be submitted to the Town Manager prior to the issuance of a Zoning Compliance Permit.
47. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are complete, and that a note to this effect shall be placed on the final plans.

That if the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete; no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase, and that a note to this effect shall be placed on the final plans.

48. Detailed Plans: That the final detailed site plan, grading plan, utility/lighting plans, stormwater management plan (with hydraulic calculations), and landscape plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans shall conform to the plans approved by this application and demonstrate compliance with all applicable conditions and design standards of the Development Ordinance and Design Manual.
49. As-Built Plans: That as-built plans in DXF binary format using State plane coordinates, shall be provided for buildings, parking lots, street improvements and all other existing or proposed impervious surfaces prior to issuance of the first Certificate of Occupancy.
50. Construction Management Plan: That a Construction Management Plan, indicating how construction vehicle traffic will be managed, shall be approved by the Town Manager prior to the beginning of construction.
51. Erosion Control: That a detailed soil erosion and sedimentation control plan, including provision for a maintenance of facilities and modification of the plan if necessary, be approved by the Orange County Erosion Control Officer, and that a copy of the approval be provided to the Town Manager prior to issuance of a Zoning Compliance Permit.
52. Silt Control: That the developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
53. Construction Sign Required: That the developer shall post a construction sign that lists the property owner's representative, with a telephone number; the contractor's representative, with a telephone number; and a telephone number for regulatory information at the time of issuance of a Zoning Compliance Permit. The construction sign may have a maximum of 32 square feet of display area and may not exceed 8 feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background.
54. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
55. Vested Rights: This special use permit constitutes a site specific development plan establishing vested rights as provided by N.C.G.S. Sec. 160A-385.1 and Section 2.121.1 of the Chapel Hill Development Ordinance.
56. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

TOWN OF CHAPEL HILL

CONCEPT PLAN PROPOSAL

Applicant Information

Name: Richard Gurlitz, Gurlitz Architectural Group, PA

Address: 5310 South Alston Avenue, Suite 220

City: Durham State: NC Zip: 27713

Phone (Work): 919-489-9000 FAX: 919-493-8937 E-Mail: richard@gurlitzarchitects.com

Property Owner Information (included as attachment if more than one owner)

Name: Eastern Federal Corporation Phone 704-377-3495

Address: 901 East Boulevard

City: Charlotte State: NC Zip: 28203-5203

Development Information

Name of Development: Village Plaza Office and Retail

Tax Map: 7.46 Block: B Lot(s): 11 & 11B Parcel ID #: 9799242361 & 9799148584

Address/Location: 141 South Elliott Road, Chapel Hill, NC 27514

Existing Zoning: CC New Zoning District if Rezoning Proposed _____

Proposed Size of Development (Acres / Square Feet): 10.919Ac / 475,632 SF

Permitted / Proposed Floor Area (Square Feet): 204,046 SF / 128,227 SF

Minimum # Parking Spaces Required: 453 # Proposed: 503

Proposed Number of Dwelling Units: N/A # Units per Acre: N/A

Existing / Proposed Impervious Surface Area (Square Feet): 374,935 SF / 353,492 SF

Is this Concept Plan subject to additional review by Town Council? Courtesy Review

Fee \$311

The undersigned applicant hereby certifies that: a) the property owner authorizes the filing of this proposal b) authorizes on-site review by authorized staff; and c) to the best of his/her knowledge and belief, all information supplied with this proposal is true and accurate.

Signature: _____ Date: _____

Presentations must be kept under 15 minutes as required by Town Council

Village Plaza Office and Retail

Developers Program

The developer of the Village Plaza Office and Retail project is EFC Village Plaza Development LLC. The development is a modification of an existing Special Use Permit. The existing SUP covers both this property – the former Eastern Federal Theater property – as well as the adjoining Village Plaza shopping center to the south from the ABC store to the Spa. The Village Plaza shopping center is owned and managed by Mark Properties. The Whole Foods shopping center is not a part of this existing Special Use Permit.

The program requests a 56,193SF project in two buildings on the Eastern Federal site. The main building is three stories to total +/- 54,000 SF. The first floor is retail. The floors above are office. There is an additional one story +/- 2,193 SF building along Elliot Road on the Eastern Federal site.

Additionally, this modification of the existing SUP is requesting an outparcel to accommodate a +/- 2000 SF building on the Village Plaza Shopping Center site along Elliot road in front of the ABC store.

These square footages are in addition to the existing 70,034 SF.

Statement of Compliance

This project is consistent with the Town of Chapel Hill's Design Guidelines.

The project complies with the underlying zoning applicable to the site and is not requesting any modification to the ordinance specified floor area ratios, buffers, and height or setback requirements.

The building has been located on the lot roughly where the previous theater stood. The massing and planar quality of the front facing Elliot Road is segmented and stepped to allow a transition from the ABC store face to the south and the Whole Foods center to the north. The building is bisected to allow pedestrian access through the site and through the building. This is primarily to allow access from the rear parking to the front of the stores and also serves to connect the bus stop on Elliot to the greenway trail.

The site is organized to place a majority of the parking to the rear and reduce the parking lot at the front of the site. The reduction of parking along Elliot is further defined by the introduction of a one story building that fronts directly on Elliot and provides landscape and streetscape opportunities to the design. Vehicular and pedestrian cross access between this site, Village Plaza and the Whole Foods center is accommodated and improved from the existing condition.

The building requested for the Village Plaza site is similarly located along Elliot reducing the parking area creating the opportunity for streetscape and landscape along Elliot Road.

All of the above are consistent with the Design Guidelines.



1



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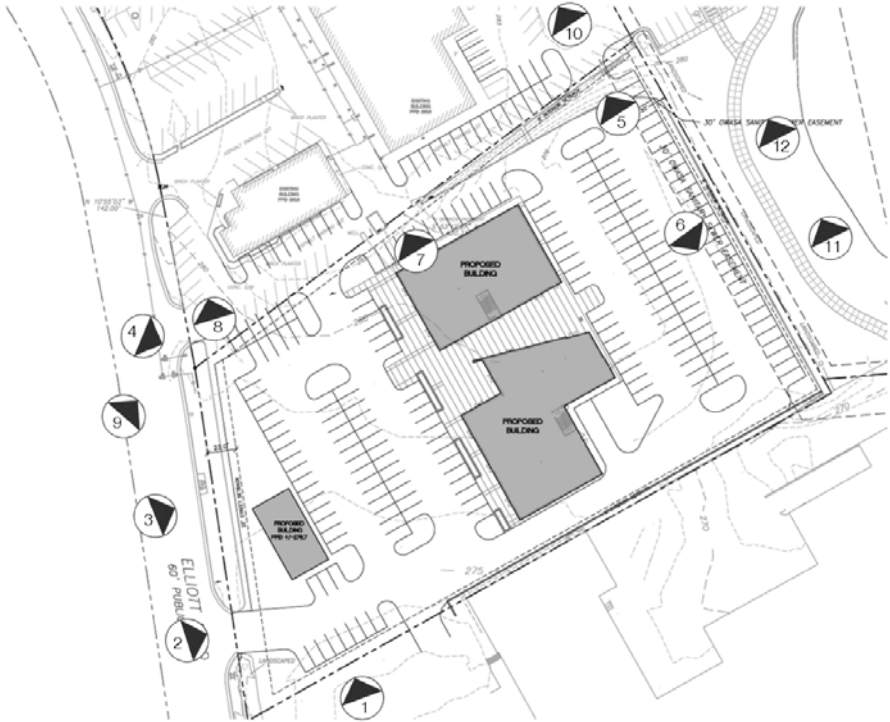
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11



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7



8

Gurlitz
Architectural Group, PA

5310 South Alston Ave
Durham, NC 27713
919.489.9000 phone
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gurlitzarchitects.com



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Village Plaza
Mixed Use
Chapel Hill, NC

APN# 07006

Schematic Set
Not For Construction

March 19, 2008

Scale: NTS

Site Photos

S1.01



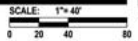
**Cole Jenest
& Stone**

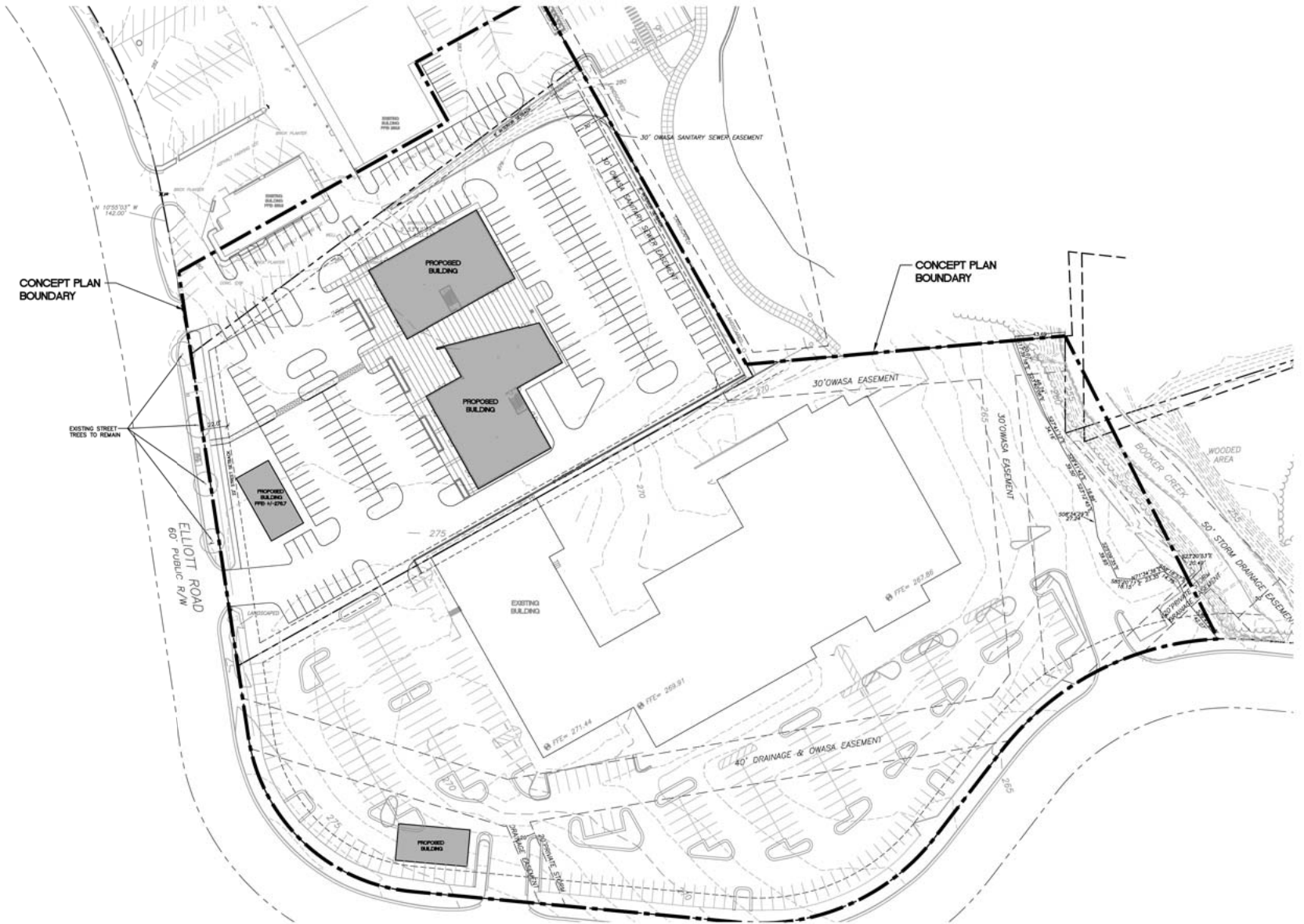
- Planning and Development
- Architecture
- Interior Architecture
- Site Planning
- Site Engineering
- Urban Design

VILLAGE PLAZA - OFFICE AND RETAIL
GURLITZ ARCHITECTURAL GROUP

SCHEMATIC SITE PLAN - RETAIL/OFFICE/SURFACE PARKING - AERIAL

Project No. 50191 Issued 04.07.08





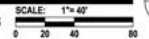
Cole Jenest & Stone

Planning, Site Development
 Surveying, Civil Engineering
 Landscaping, Architecture
 Civil Engineering
 Other Design

VILLAGE PLAZA - OFFICE AND RETAIL
GURLITZ ARCHITECTURAL GROUP

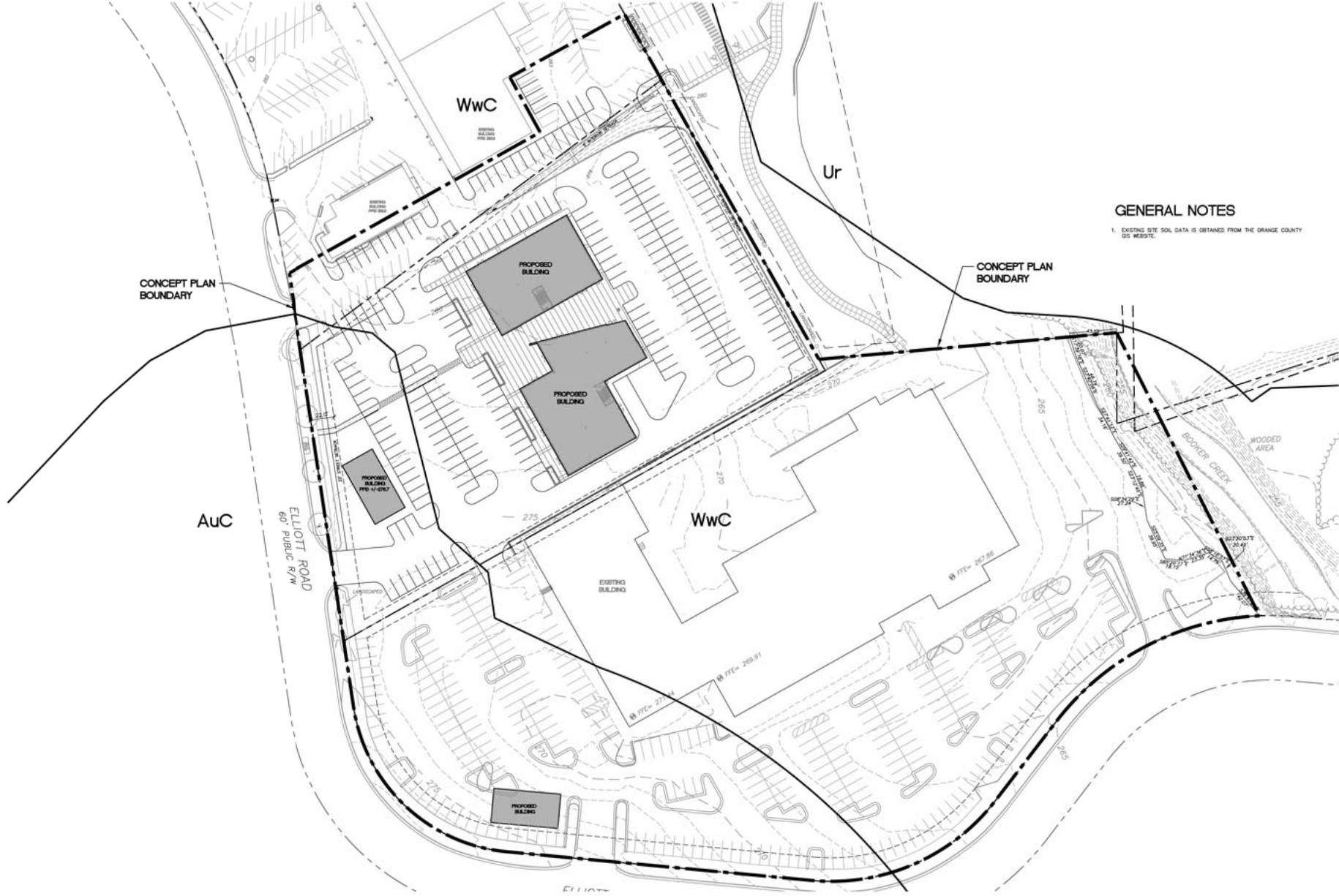
SCHEMATIC SITE PLAN - RETAIL/OFFICE/SURFACE PARKING

Project No. 50191 Issued 04.07.08



GENERAL NOTES

1. EXISTING SITE SOIL DATA IS OBTAINED FROM THE ORANGE COUNTY GIS WEBSITE.



Cole Jenest & Stone

Shaping the Environment
 Building the Possibilities

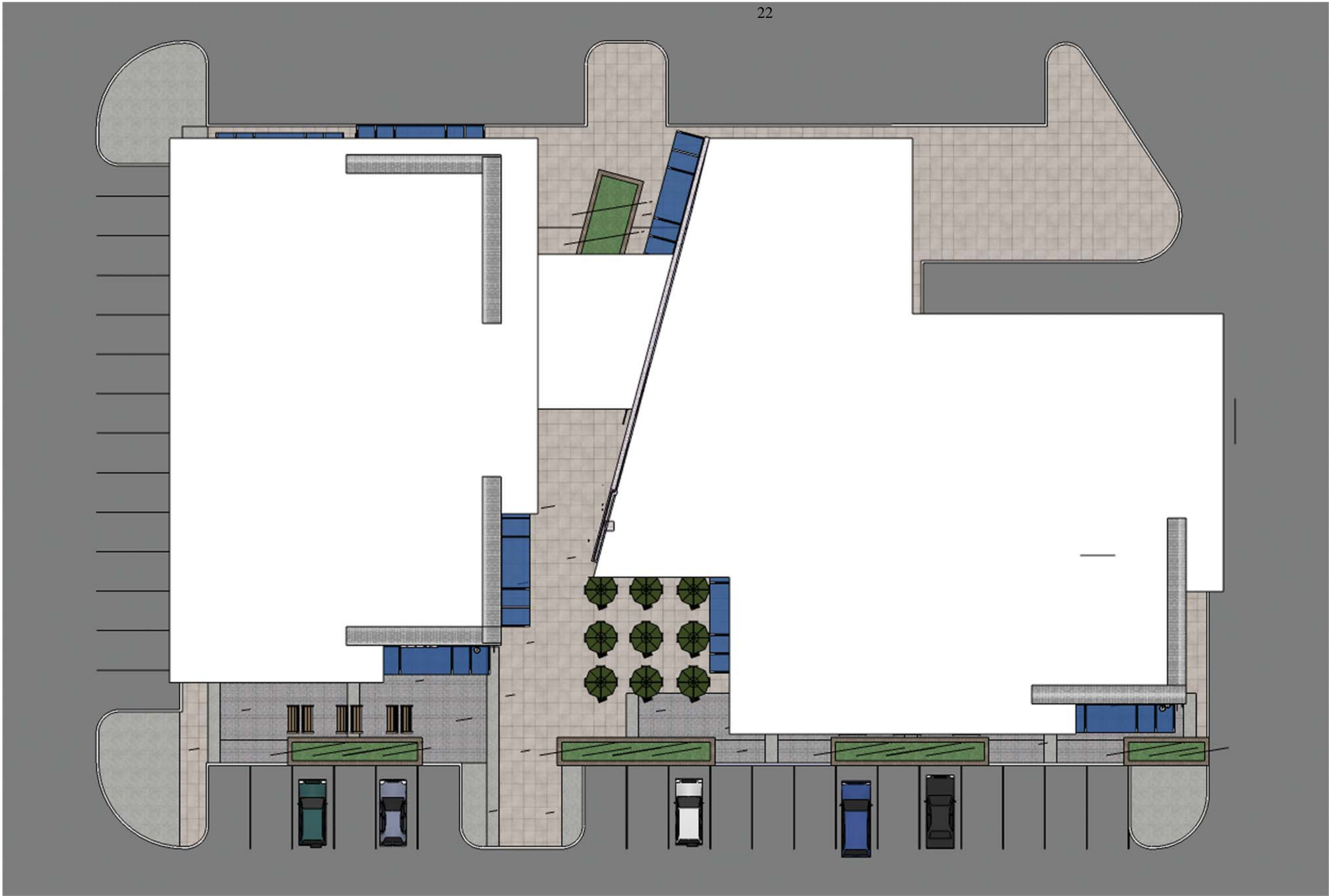
Land Planning
 Landscape Architecture
 Civil Engineering
 Urban Design

VILLAGE PLAZA - OFFICE AND RETAIL
GURLITZ ARCHITECTURAL GROUP

EXISTING SITE CONDITION - SOIL TYPES

Project No. 50191 Issued 04.07.08 SCALE: 1"= 40'





VILLAGE PLAZA OFFICE AND RETAIL



Cole Jenest & Stone
 Shaping the Environment
 Realizing the Possibilities

Land Planning
 Landscape Architecture
 Civil Engineering
 Urban Design

VILLAGE PLAZA - OFFICE AND RETAIL
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NEIGHBORHOOD CONTEXT PLAN

Project No. 50191 Issued 04.07.08





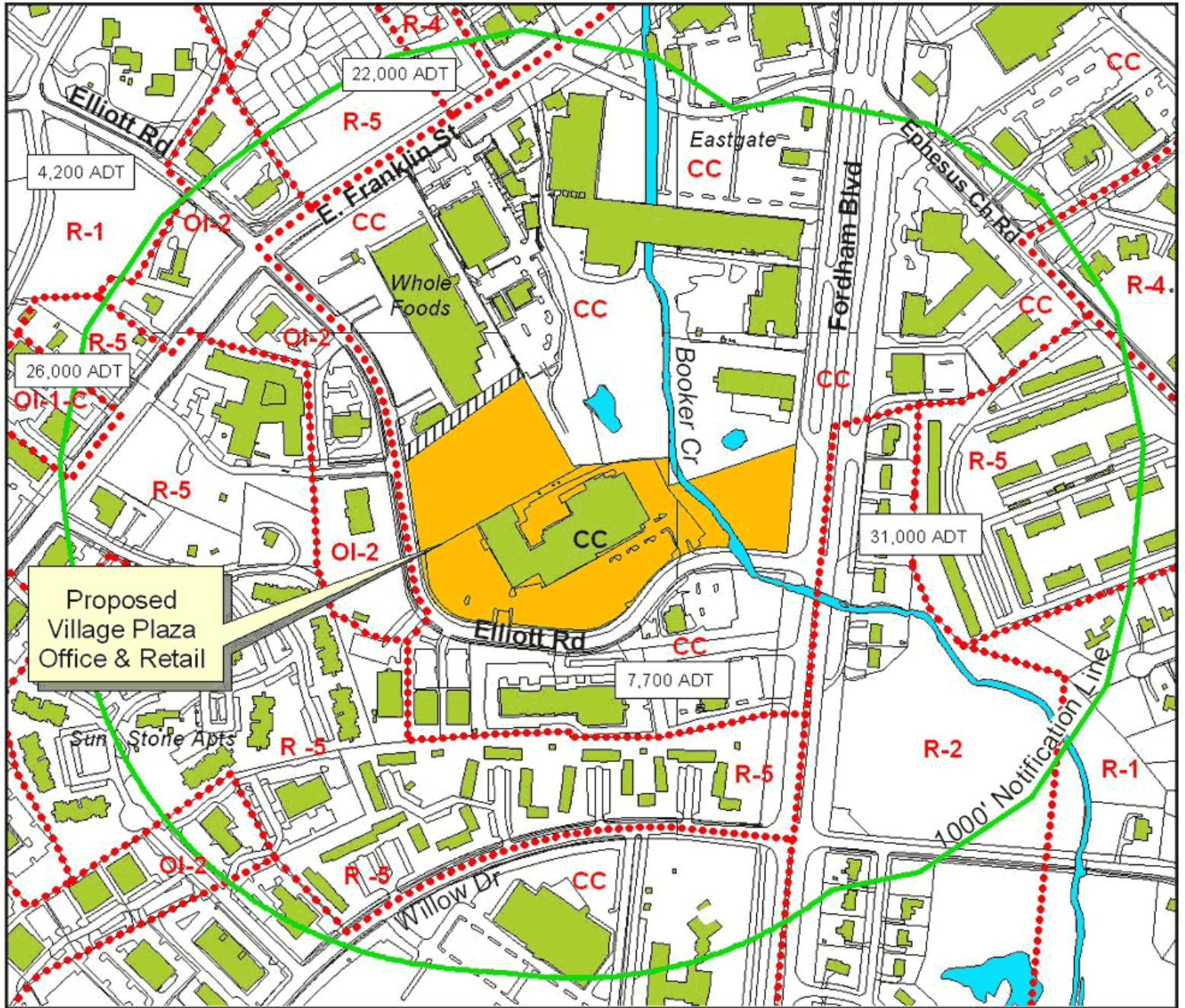
VILLAGE PLAZA OFFICE AND RETAIL



VILLAGE PLAZA OFFICE AND RETAIL



Area Map Village Plaza Office and Retail



	Site of Village Plaza Office and Retail
	Redesign of section of parking of Whole Foods
	Buildings
	Chapel Hill Zoning
	Average Daily Traffic Count (ADT) 2005 DOT Data

GIS Map prepared by
Chapel Hill Planning
April, 2008