

STAFF REPORT

SUBJECT: Walgreens, 1500 East Franklin Street - Application for Special Use Permit Modification

DATE: January 20, 2010

INTRODUCTION

Attached for your consideration is an application for a Special Use Permit Modification, submitted by The Design Response, representing Walgreens. The application proposes demolition of the existing service station and construction of a two-story retail building on 0.83 acres of land at the intersection of East Franklin Street and South Estes Drive. The application proposes 13,650 square feet of convenience business floor area and a 24-space parking lot. The site is located in the Community Commercial (CC) zoning district and identified as Orange County Parcel Identifier Number 9789-93-9143.

BACKGROUND

A service station (aka Walker's BP Service Station) has been located on this property for many years. Our files do not indicate what year the building was constructed.

Mid-1960's	Service Station constructed.
January 6, 1969	Special Use Permit granted by the Board of Adjustment for drive-through car wash.
December 20, 2006	Community Design Commission Concept Plan Review of Walgreens.
March 20, 2007	The applicant submitted a Special Use Permit Modification application for Walgreens to construct a store at 1500 East Franklin Street.

EXISTING DEVELOPMENT

Location: The site contains 0.83 acre of land at 1500 East Franklin Street at the northeast corner of the intersection with South Estes Drive. The site is located in the Community Commercial (CC) zoning district.

Existing Structures: A service station, with 3 service bays, 3 islands of gas pumps, storage sheds, a car wash, and car vacuums, is currently located on the site. The building and associated facilities are proposed for demolition with the re-development of this property. There are three underground storage tanks for gasoline. One of these tanks is located between the building and East Franklin Street, while the other two are located between the building and South Estes Drive.

There are also two underground storage tanks located behind the building. One of these tanks is for heating oil, while the other tank is for used motor oil. These tanks each have a 500 gallon capacity.

Surrounding Neighborhood: The Chapel Hill Center office buildings are located immediately to the east of the site and zoned Office/Institutional-2 (OI-2). Commercial uses including a restaurant, hair salon, and Army recruiting center are located to the north of the proposed development. Also within the Community Commercial (CC) zoning district, are the Kangaroo Gas Station and the Sienna Hotel on the opposite side of East Franklin Street and Caribou Coffee and the Prudential Offices on the opposite side of South Estes Drive. The Chapel Hill Public Library is located to the west of the site on Estes Drive.

Vehicular, Bicycle, and Pedestrian Circulation: Vehicular access to the site is from two full-access driveways from East Franklin Street and two full-access driveways from South Estes Drive. There are currently sidewalks on the East Franklin Street and South Estes Drive frontages of the site. The East Franklin Street and South Estes Drive intersection currently includes crosswalk striping and pedestrian-activated signals on three legs of the intersection that are located closest to the proposed site.

Transit Bus Stops, Routes: The site is served by Chapel Hill Transit (weekday routes include CL, D, F, and M and the DM and FG Saturday routes). Two bus stops are located about 300 feet to the south on East Franklin Street and two bus stops are located approximately one-quarter mile to the north on East Franklin Street.

Vegetative Cover, Significant Trees: A three-foot landscape buffer exists along the site's eastern border and a small island of landscaping is located in the western corner of the site's northern boundary.

Topography, Drainage: The topography of the site slopes gently from north to south with an average grade of three percent. The site is not located within the Resource Conservation District or within the Jordan Lake Watershed Protection District.

Utilities, Infrastructure: There is a storm sewer line running through the site which is proposed to be relocated to the perimeter of the site. The site is served by utilities within the public right-of-way on both East Franklin Street and South Estes Drive.

PROPOSED DEVELOPMENT

Development Description: The applicant proposes to construct a two-story building with 13,650 square-feet of floor area for a Walgreens, a convenience business use, with a 24-space parking lot and 7 bicycle parking spaces. The proposed development does not include a drive-through window.

The applicant is proposing to close the two full-access driveways that are closest to the East Franklin Street and South Estes Drive intersection. The two other full-access driveways are proposed to be converted into right-in/right-out driveways. The applicant is proposing to construct a four-foot wide concrete median on both East Franklin Street and South Estes Drive to

limit the turning movements at the planned two access points. The applicant is proposing to construct new sidewalks along the frontages of East Franklin Street and South Estes Drive. The site plan indicates a future, vehicular cross-access easement with the adjoining Chapel Hill Center property.

A screened dumpster enclosure is shown on the plans and located in the northeast corner of the site. The enclosure would provide a refuse dumpster and recycling containers. The applicant is proposing that cardboard be recycled within the proposed building.

The applicant proposes to install a Stormceptor unit to improve the water quality of the run-off from the parking lot and driveway.

Demolition: The applicant proposes to demolish the existing service station, gas pumps, storage sheds, a car wash, and car vacuums, along with removal of five underground storage tanks on the site.

Off-Site Improvements: The applicant is not proposing any off-site improvements associated with this project.

Payments-in-lieu: The applicant is proposing to provide a \$10,500 payment-in-lieu for the installation of bicycle activated loops, the installation of the crosswalk striping and a pedestrian-activated signal for the southern leg of the East Franklin Street/South Estes Drive intersection, and to revise the traffic signal timing for three signalized intersections along East Franklin Street. The applicant is also proposing a \$10,500 payment-in-lieu for improvements to the bus stop on the northwest side of East Franklin Street.

EVALUATION

The Town staff has reviewed this application for compliance with the standards of the Land Use Management Ordinance and Design Manual, based on the standards for the Community Commercial (CC) zoning district, and offers the following evaluation:

Comprehensive Plan: The Land Use Management Ordinance identified the following themes from the Comprehensive Plan:

1. Maintain the Urban Services/Rural Buffer boundary;
2. Participate in the regional planning process;
3. Conserve and protect existing neighborhoods;
4. Conserve and protect the Town's existing natural setting;
5. Identify areas where there are creative development opportunities;
6. Encourage desirable forms of non-residential development;
7. Create and preserve affordable housing opportunities;
8. Cooperatively plan with the University of North Carolina at Chapel Hill;
9. Promote the vitality of downtown;
10. Work toward a balanced transportation system;
11. Complete the bikeway/greenway/sidewalk systems;

12. Provide quality facilities and services; and
13. Develop strategies to address fiscal issues.

For additional information on how this proposed development intends to address these and other goals and objective of the Comprehensive Plan, please refer to the applicant's Statement of Justification (Attachment 8).

Land Use Plan: The Land Use Plan, a component of the Comprehensive Plan, designates the subject site for Commercial Use. The applicant's proposed use is convenience business which is a commercial use.

East Franklin Street Corridor Study: The East Franklin Street Corridor Study was adopted October 14, 1991, as a component of the Town's Comprehensive Plan, and applies to this property. A copy of the study is provided as Attachment 7. The study was revised (to include an expanded geographical area) on October 16, 1996. Below are several statements from the applicant describing how this proposal complies with the preceding bulleted text taken from the corridor study:

- Restrict visibility of parking lots by placing parking in the rear of buildings or screening them from view.

“We have placed our parking lot behind the building, in an effort to minimize visibility from the streets and adjoining intersection.” – *Applicant's Response*

- Minimize curb cuts onto East Franklin Street/Consolidate and reduce existing curb cuts where possible.

“The existing site has two driveway entrances on East Franklin Street. This project proposes to remove the driveway entrance closest to the intersection reducing the number of curb cuts and improving both vehicular and pedestrian safety. In addition, the remaining driveway entrance on East Franklin Street will be limited to right-in and right-out movements only.” – *Applicant's Response*

- Enhance the village pedestrian character of East Franklin Street as a major entranceway into the center of Chapel Hill which expresses a human scale.

“By removing a driveway and replacing it with sidewalk, incorporating a landscape buffer where one did not previously exist, and by adding bicycle parking, we are enhancing the village pedestrian character of our site's frontage. Also, the building's entrance will face Franklin Street and provide an inviting appearance both aesthetically (view from the street) and functionally (pedestrians and bicyclists) at a human scale. In addition, we will also be adding bicycle parking at the building's entrance in order to encourage alternative forms of transit – an element that will further express the human scale of the site.” – *Applicant's Response*

- Encourage diversity of design, variation of building heights, and energy-efficient features such as solar applications.

“The proposed Walgreens will not be a prototypical store. It will utilize a creative and unique design. The building will also incorporate many energy-efficient features so that it can be a minimum of 20 percent more energy efficient than the energy efficient standards of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE).” – *Applicant’s Response*

Concept Plan/Special Use Permit Modification Application Comparison

A Concept Plan proposal for this project was reviewed by the Community Design Commission. It was not reviewed by the Town Council as the project did not meet the intensity threshold for Council Concept Plan Review. The table below compares some of the differences between the Concept Plan proposal with the current Special Use Permit Modification application.

Concept Plan/Special Use Permit Modification Application Comparison		
	December 20, 2006 CDC Concept Plan Proposal	Special Use Permit Modification
Floor Area	12,000 SF	13,650 SF
No. of Buildings	1	1
No. of Vehicular Parking Spaces	30	24
No. of Bicycle Parking Spaces	5	7

Ordinance Requirements

Zoning: The Community Commercial (CC) zoning district allows office-type business office, convenience business, general business (retail), hospital, and clinic uses. Convenience business use is proposed with this application. We have included a stipulation in Resolution A which would authorize typical retail use such as convenience business use and general business use.

Intensity Standards (floor area): The maximum floor area allowed in the Community Commercial (CC) zoning district is 15,488 square feet. The applicant is proposing 13,650 square feet of convenience business floor area, which complies with the maximum permitted floor area.

Dimensional Standards (setbacks): The minimum setbacks required in the Community Commercial (CC) zoning district are a 22-foot street setback, an 8-foot interior setback, and 9-foot solar setback. The application complies with these minimum interior and solar setback requirements. The applicant is requesting modifications from the regulations for the street setbacks (see discussion on Modifications to Regulations).

Dimensional Standards (height): The maximum primary and secondary height (at the setback line) allowed in the Community Commercial (CC) zoning district, are 60 and 34 feet respectively. The application complies with the maximum height requirements.

Please refer to checklist of Project Fact Sheet requirements for additional information about Ordinance requirements (Attachment 2).

Modifications to the Regulations: The applicant is requesting that the Council approve several modifications to Land Use Management Ordinance regulations, including: Section 5.9.7 for Vehicular Parking Quantity Standards; and Section 3.8 for Dimensional Setback Standards. Additional discussion regarding the proposed modifications of regulations is provided below.

Vehicular Parking Quantity Standards

The applicant is requesting a modification of regulations to provide 24 parking spaces rather than the minimum requirement of 36 parking spaces. Section 5.9.7 of the Land Use Management Ordinance, Parking Quantity Standards, for the proposed business convenience use requires a minimum parking space requirement of 36 and a maximum of 54. The applicant states that two-thirds of the building will be used for retail sales, with the remaining portion to be used for inventory storage. The applicant believes that public purposes would be satisfied regarding the request for modification to regulations to fall short of the minimum number of parking spaces by 12 spaces because:

“this location (1) has excellent sidewalk access for both pedestrians and bicyclists, (2) has two bus stops that are located within 300 feet of the site, and (3) has two more bus stops that are located within one-quarter mile of our site.” *[Applicant Statement]*

We believe that public purposes would be satisfied to an equivalent or greater degree for the requested modification to regulations 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. Please refer to the vehicular parking section for additional information.

Setbacks (Dimensional Standards)

Table 3.8-1 of the Land Use Management Ordinance, Dimensional Matrix, for the Community Commercial (CC) zoning district, has a minimum street setback of 22 feet. The applicant is requesting two modifications from this standard.

South Estes Drive Frontage: The applicant is requesting to reduce the street setback from 22 feet to 20 feet in response to a request from the North Carolina Department of Transportation (NCDOT) for additional right-of-way dedication.

The Traffic Impact Analysis conducted for this development states that the intersection currently faces peak hour congestion and will experience even higher levels of congestion in the 2011 analysis year. To significantly improve the operations at the East Franklin Street and South Estes Drive intersection, additional roadway widening to install dual left-turn lanes would be necessary. The Town and the NCDOT indicated that an additional two (2) feet of right-of-way would be necessary to accommodate this proposed future widening of South Estes Drive. The applicant is willing to dedicate the additional two feet of right-of-way if regulations are modified

for the minimum street setback along the South Estes Drive frontage. The applicant states that modifying:

“the required minimum street setback from 22 feet to 20 feet for the site’s South Estes Drive frontage by making the finding that public purposes are satisfied to an equivalent or greater degree as a potentially expensive strip of right-of-way is obtained by the Town at no cost to be used for public benefit without noticeably changing the spatial relationship between the proposed building and the street.” *[Applicant Statement]*

We believe that public purposes would be satisfied to an equivalent or greater degree for the requested modification to regulations because the dedication of the additional right-of-way is desired for future roadway improvements to this intersection.

East Franklin Street/South Estes Drive Setback: The applicant is requesting to reduce the street setback at the intersection of East Franklin Street and South Estes Drive from 22 feet to 19.6 feet. The applicant notes that the property line in this corner of the property does not meet at a point, but rather as a line segment (approximately 20 feet long). The applicant is requesting modification of the:

“minimum street setback from 22 feet to 19.6 feet for the corner property line that faces the intersection by making the finding that public purposes are satisfied to an equivalent or greater degree as the building’s East Franklin Street and South Estes facades will have a conventional and more aesthetically pleasing appearance from the adjoining streets without significantly changing the spatial relationship between the proposed building and intersection.” *[Applicant Statement]*

We believe that public purposes would be satisfied to an equivalent or greater degree for the requested modifications to the setback because 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.

East Franklin Street Setback: The applicant is requesting to reduce the minimum street setback near the proposed building entrance on East Franklin Street in order to locate the bicycle parking rack near the store entrance. The Land Use Management Ordinance’s definition of a structure would include the proposed bicycle parking rack. The applicant is requesting this modification stating that providing bicycle parking in this area:

- “Maximizes proximity to the store’s entrance, and provides parking for bicycles that is closer to the entrance than the closest regular (non-handicap) vehicular parking space;
- Provides easy access to East Franklin Street sidewalk and driveway entrance, thereby maximizing convenience while minimizing conflicts between bicycles and vehicular traffic in the parking lot;
- Offers the ability to shade the proposed location with a large shade tree in order to protect bicycles from the sun;” *[Applicant Statement]*

We believe that public purposes would be satisfied to an equivalent or greater degree for the requested modification to the setback because locating the bicycle parking adjacent to the building's entrance will enhance and promote alternate forms of transportation.

Interior and Solar Setbacks: The applicant is requesting to modify the minimum interior and solar setback in the northeast corner of the site. The applicant is proposing to locate the refuse and recycling collection area in the northeast corner of the site. Although the refuse and recycling containers are not considered structures according to the Land Use Management Ordinance, the Town's Design Guidelines for Solid Waste Management Areas require screening of these areas with a minimum of a seven-foot fencing. Fences six feet in height or lower are not subject to the minimum setbacks. The applicant is proposing to locate:

“The store's refuse and recycling area in the northeast corner of the property, in close proximity to the dumpster that serves the restaurant on the adjoining property. As proposed, the two facilities would be within 20 feet of each other.” *[Applicant Statement]*

We believe that public purposes would be satisfied to an equivalent or greater degree for the requested modification to the interior and solar setback in the northeast corner of the site by minimizing the view of this collection area from East Franklin Street and South Estes Drive and by locating this facility in close proximity to a similar facility on the adjoining property.

Exceptions to Setback Standards

Section 3.8.3 of the Land Use Management Ordinance provides for exceptions to the setback and height regulations. These exceptions include roof overhangs which do not exceed 36 inches in length, free-standing signs, fences and walls not exceeding six feet in height, flagpoles, and decks not exceeding three feet in height. The applicant is requesting a modification from this standard. The applicant is anticipating that the proposed building will not have roof overhangs but may utilize similar architectural elements including awnings, trellis, cantilevered overhangs, or a Greenscreen®-like product. The applicant requests modification to:

“the minimum street setbacks for this site to allow these architectural design elements, which do not extend more than 36 inches from the building façade, to occur in the street setback, subject to the approval of the Community Design Commission. This modification is supported by the finding that public purposes are satisfied to an equivalent or greater degree as the building's East Franklin and South Estes facades will have a more aesthetically pleasing appearance from the adjoining streets and can also utilize architectural design elements that will incorporate green building techniques, promote greater energy efficiency, and help with late afternoon sun angles without changing the spatial relationship between the proposed wall of the building and the street.” *[Applicant Statement]*

We believe that public purposes would be satisfied to an equivalent or greater degree for the requested modification to regulations to fall short of the minimum street setback because the proposed design of the building potentially would be more energy efficient.

Access and Circulation

Traffic Impact: The Town Consultant prepared the Traffic Impact Analysis (TIA) for this development, which examines the no-build and build-out scenarios (Attachment 6). The report analyzes transportation impacts on the signalized intersection of East Franklin Street and South Estes Drive.

The analysis predicts a total of 1,081 daily weekday trips to be generated by the proposed site. The analysis indicates that the current gas station generates approximately 917 daily weekday trips. The TIA recommends the following off-site improvements:

South Estes Street Right-of-Way Dedication: We concur with the TIA recommendation that the applicant provide an additional two feet of right-of-way along the property's South Estes Drive frontage in anticipation of future improvements to this intersection. No additional roadway improvements beyond the right-of-way dedication are recommended at this time. We understand the applicant is agreeable to this recommendation if the setback regulations are modified and we have include a stipulation to the effect in Resolution A

Traffic Signal Timing Payment-in-Lieu: We concur with the TIA recommendation that the applicant provide a payment-in-lieu of \$3,000 to revise traffic signal timing for three traffic signals along East Franklin Street prior to issuance of a Zoning Compliance Permit. We understand the applicant is agreeable to this recommendation and we have included a stipulation to this effect in Resolution A.

Vehicular Access: Vehicular access to the development is proposed from East Franklin Street and South Estes Drive. These proposed right-in/right-out driveways are located in the approximate location of the existing driveways furthest from the intersection. The two existing driveways closest to the intersection are proposed to be closed.

Cross Section: East Franklin Street currently has two 12 foot travel lanes in each direction within a 100 foot right-of-way with a 12 foot center turn lane. To accommodate constructing the median, the applicant is not proposing to change the travel lanes widths but to relocate the existing sidewalk to within one foot from the edge of right-of-way and widen the pavement width. South Estes Drive currently is similar in profile to East Franklin Street with two 12 foot travel lanes in each direction within a 100 foot right-of-way with a 12 foot center turn lane. The applicant is proposing to construct a median along the property's frontage on South Estes Drive and to construct a 14 foot wide outside travel lane in the western direction. As part of this improvement, the applicant is dedicating an additional two feet of right-of-way, increasing the right-of-way to 102 feet. The applicant is proposing to relocate the existing sidewalk to within one foot of the new right-of-way line.

We have included these as stipulations in Resolution A.

The Bicycle and Pedestrian Advisory Board recommended that the applicant or NCDOT provide bicycle lanes on both sides of South Estes Drive. For additional information on this issue, please refer to the Advisory Board Recommendation section of the Public Hearing memorandum.

East Franklin Street and South Estes Drive Medians: The applicant is proposing to construct a four-foot wide concrete median on both East Franklin Street and South Estes Drive to limit the turning movements at the two future access points in response to the North Carolina Department of Transportation's request.

We recommend that the applicant include necessary signage to prevent left turns in the appropriate locations as part of the detailed construction plans to be approved prior to issuance of a Zoning Compliance Permit.

At the Planning Board, Community Design Commission, and Transportation Board meetings, the boards discussed extending the median on South Estes Drive further to the east to alleviate turning conflicts in this area. The Bicycle and Pedestrian Advisory Board also recommended redesign of the Chapel Hill Center driveway to reduce conflicts with bicycles by eliminating left turns. For additional information on this issue, please refer to the Discussion section of the Public Hearing memorandum.

We recommend that the North Carolina Department of Transportation approve plans for the proposed improvements in the rights-of-ways of East Franklin Street and South Estes Drive prior to issuance of a Zoning Compliance Permit. It will also be necessary to obtain a North Carolina Department of Transportation driveway and encroachment permit authorizing work in the public rights-of-ways.

We have included these as stipulations in Resolution A.

Internal Cross Access: During staff's pre-application meetings with the applicant, staff encouraged the applicant to meet with the owners of Chapel Hill Center and discuss a possible cross-access driveway between the two properties. This vehicular cross-access would eliminate the need for the proposed South Estes Drive driveway.

We understand that, after significant effort, the applicant has been unsuccessful in obtaining a cross-access easement on the adjacent property for vehicular and pedestrian access through the adjoining property to the east, Chapel Hill Center. In lieu of this connection and the elimination of the driveway on this site, we recommend that the applicant provide a cross access easement on this property that would accommodate a future cross access driveway between the two parcels.

We have included stipulations to this effect in Resolution A.

Pedestrian Access: Pedestrian access to the proposed building is via a main doorway on East Franklin Street. The applicant is proposing to construct a 5-foot wide sidewalk along the East Franklin Street and South Estes Drive frontages. We recommend the new sidewalks be located within one foot of the inside edge of the right-of-way lines.

The Planning Board and the Community Design Commission recommended that the application provide a low-impact (mulch) pedestrian pathway through the landscape buffer to access the adjoining property to the east, the Chapel Hill Center. For additional information on this issue, please refer to the Advisory Board Recommendation section of the Public Hearing memorandum.

The Bicycle and Pedestrian Advisory Board recommended a striped pedestrian crosswalk from the proposed path to the building and pedestrian warning signage. For additional information on this issue, please refer to the Advisory Board Recommendation section of the Public Hearing memorandum.

Pedestrian Crosswalks: The East Franklin Street and South Estes Drive intersection currently include crosswalk striping and pedestrian-activated signals on the three legs of the intersection located closest to the proposed Walgreens site. The fourth leg of the intersection, which connects the Prudential Office Building with Caribou Coffee, does not presently have crosswalk striping or pedestrian-activated signal. Walgreens has agreed to cover the cost to purchase and install the crosswalk striping and pedestrian-activated signals with a \$3,500 payment-in-lieu. The Town would need to procure the necessary engineering and NCDOT approval through the ongoing NCDOT & Town Traffic Signal System Upgrade Analysis. We recommend that the applicant provide a payment-in-lieu of \$3,500 prior to issuance of a Zoning Compliance Permit. We have included a stipulation to this effect in Resolution A.

The Bicycle and Pedestrian Advisory Board recommended pedestrian safety features including level curb cuts/sidewalks and reduced radii at the curb cuts. For additional information on this issue, please refer to the Advisory Board Recommendation section of the Public Hearing memorandum.

Vehicular Parking: Based on floor area of 13,650 square feet, the minimum number of required vehicular parking spaces for convenience business use is a minimum of 36 spaces and a maximum of 54 spaces. The applicant is proposing 24 parking spaces. This proposal does not meet the minimum vehicular parking requirements of the Land Use Management Ordinance. The applicant is requesting a Modification to Regulations for vehicular parking quantity standards. We recommend that the requested modification to parking regulations be approved. Please refer to the Modification to Regulations section for additional information.

Loading/Unloading: The applicant is proposing a loading or unloading area to be located adjacent to the eastern side of the building. The Land Use Management Ordinance requires off-street loading space be provided when the use requires regular delivery or shipping of goods to the site by semi-trailer trucks. The applicant anticipates that delivery of goods will occur outside of normal business hours.

Handicapped Parking and Access: The applicant must comply with Americans with Disabilities Act standards, North Carolina Accessibility Code, and Town standard for handicapped parking and access. The applicant is proposing to meet this requirement by providing 2 handicapped parking spaces. We have included a stipulation in Resolution A to this effect.

Bicycle-activated Loops: The applicant has agreed to provide a payment-in-lieu of \$4,000 to

install bicycle-activated loops at all four legs of the intersection of East Franklin Street and South Estes Drive. We have included a stipulation in Resolution A to this effect.

Bicycle Parking: Section 5.9.7 of the Land Use Management Ordinance requires that the proposed development provide a minimum of 5 bicycle parking spaces. The applicant is proposing seven bicycle parking spaces, including six Class II parking spaces and one Class I space.

We have included this as a stipulation in Resolution A.

Bus Stops, Routes: There are two bus stops located approximately 300 feet from the site and two additional bus stops located within one-quarter mile of the site.

We recommend that prior to issuance of a Zoning Compliance Permit, that the applicant provide a payment-in-lieu of \$10,500 for improvements to the bus stop on the northwest side of East Franklin Street, in front of the Prudential Office Building. We recommend that the improvements include lighting and an Advance Passenger Information (APL) screen. The applicant has requested that if the improvements to the bus stop have not been installed within three years following the issuance of a Certificate of Occupancy, that the applicant may request the return of the payment-in-lieu.

We have included stipulations to this effect in Resolution A.

Transportation Management Plan: A Transportation Management Plan is a plan designed to decrease the amount of traffic generated by each site by promoting policies that will result in the reduced use of automobiles. We recommend, and have included our standard stipulation in Resolution A, that a Transportation Management Plan be developed for this site according to the Town's Transportation Management Plan Guidelines and approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that the plan be updated and approved on an annual basis.

Landscape, Architecture, Public Art

Buffers: Following are the Land Use Management Ordinance standards for landscape bufferyards on this site, and the bufferyards proposed by the applicant:

Location	Bufferyard Required	Buffer Reduction 5.6.6 of LUMO	Proposed Bufferyard
Southern Property Line (South Estes Drive)	30 ft Type D	20 ft Type C	20 ft Type C Alternate
Western Property Line (East Franklin Street)	30 ft Type D	20 ft Type C	20 ft Type C Alternate
Southwestern Property Line	30 ft Type D	20 ft Type C	19.6 ft Type C Alternate
Eastern Property Line (Chapel Hill Center)	10 ft Type B	n/a	5 ft Type B Shared
Northern Property Line	10 ft Type B	n/a	5 ft Type B Shared

East Franklin Street/South Estes Drive Bufferyards: Section 5.6.6 of the Land Use Management Ordinance provides that the buffer requirement may be reduced by one grade of intensity if the development is designed such that there is no parking between the buildings located on the site and the adjacent street. The site plan submitted indicates no parking in this area and the required bufferyards along East Franklin Street and South Estes Drive have been reduced from the required 30-foot Type “D” buffer to a 20-foot Type “C” buffer. The applicant proposes a 20-foot wide Type “C” alternative bufferyard along these two street frontages due to existing constraints, like overhead utility lines, that will prevent the applicant from being able to install the required plant materials in these spaces. The applicant also requesting an alternate bufferyard at the intersection East Franklin Street and South Estes Drive property line for buffering and screening. We recommend that the Council approve these alternative buffers for reduced planting requirements and a reduction in buffering to 19.6 feet at the intersection of East Franklin Street and South Estes Drive with the condition that the Community Design Commission approve the final details of the alternative buffers.

Northern/Eastern Bufferyards: The applicant is proposing that a portion of the required northern buffer width be located off-site on the adjacent property to the north. Section 5.6.5 of the Land Use Management Ordinance allows for the shared use of a buffer between adjoining lots. The adjoining property to the north has a 10-foot Type “B” buffer along this shared property line. The applicant is proposing to provide a 5-foot Type “B” shared buffer along this property line.

The applicant is also proposing that a portion of the required eastern buffer width be located off-site on the adjacent property to the east. Section 5.6.5 of the Land Use Management Ordinance allows the shared use of an adjacent lot’s buffers. The Chapel Hill Center has already provided a 20-foot Type “B” buffer along this shared property line. The applicant is voluntarily proposing to provide a supplemental 5-foot Type “B” buffer on this site along this property line.

We have included these as stipulations to this effect in Resolution A.

Landscape Protection Plan: We have included our standard stipulation in Resolution A requiring Town Manager approval of a Landscape Plan, including landscape maintenance schedule, prior to issuance of a Zoning Compliance Permit.

Landscape Screening and Shading Plan: In addition to buffer requirements, we note that the applicant’s proposal must meet the Land Use Management Ordinance landscaping standards for Section 5.9.6(a-d), requires landscape areas between parking areas and buildings, landscape screening of ground-level parking facilities, and parking lot shading. We have included stipulations requiring compliance with these requirements in Resolution A.

Building Elevation, Lighting, and Alternative Buffer Plans: We recommend that detailed building elevations, lighting plans, and alternative landscape buffer plan be approved by the Community Design Commission, prior to the issuance of a Zoning Compliance Permit. We have included a stipulation for Community Design Commission approval of: 1) building elevations, including the location and screening of all HVAC/Air Handling Units, 2) a lighting plan to ensure that the proposed lighting plan will minimize a) upward light pollution and b) offsite spillage of light; 3) an alternative landscape buffer plan; and 4) an exception to setbacks.

Public Art: During our staff meetings with the applicant, we encouraged the applicant to

consider opportunities to incorporate public art at this highly visible, urban intersection. The applicant has proposed that the building will not be a prototypical Walgreens but rather a uniquely designed structure. Resolution A does not include any stipulations with respect to Public Art.

Environmental

Land Disturbance: The entire developed site, net land area of 32,820 square feet, is proposed to be disturbed as part of this proposed redevelopment.

Impervious Surface: There is currently 31,265 square feet of impervious surface on the site (86.6% of the site's Gross Land Area). The Walgreens application proposes to reduce the amount of impervious surface to 24,436 square feet (67.7% of the Gross Land Area). The Land Use Management Ordinance limits new impervious surface to 70% of a lot. The Ordinance also states that "existing impervious surface on a lot as of January 27, 2003, shall not be included in impervious surface calculations, and shall not be considered to be a non-conforming feature." Because the application does not create any new impervious surface and actually proposes to decrease the amount of existing impervious surface on the site, we believe that the proposal is in conformance with the Ordinance.

Significant Trees: There are no identified significant trees on the site.

Watershed Protection District: The proposed development is not located in the Watershed Protection District.

Resource Conservation District: No portion of the proposed development lies within the Resource Conservation District.

Wetlands: There are no wetlands on the site.

Stormwater Management: The proposed redevelopment of the site would reduce the existing impervious surface from 31,265 square feet (95.2%) to 24,436 square feet (74.5%). The submitted Stormwater Impact Statement indicates that the rate and volume of the proposed post-development discharge will be lower than the existing pre-development rate and volume of discharge.

Although no additional stormwater management is required, the applicant has proposed to provide and install a Stormceptor unit that will improve the water quality of the stormwater run-off from the site. This project must comply with the stormwater management requirements of the Land Use Management Ordinance to provide for 85 percent total suspended solids removal for any additional suspended solids that are the result of the new development. In addition, if the post-development stormwater run-off volume or rate exceeds the pre-development run-off volume or rate, the development must provide for the retention of stormwater run-off for the 2-year storm, and control the stormwater run-off rate leaving the site for the 1-year, 2-year, and 25-year storms.

The Planning Board and Community Design Commission recommended that the applicant provide documentation verifying the water quality capabilities for the proposed Stormceptor. The Boards also recommended that the applicant provide a management plan for the proposed stormwater

cistern. For additional information on this issue, please refer to the Advisory Board Recommendation section of the Public Hearing memorandum.

Erosion Control: We recommend that an erosion and sedimentation control plan for the site be approved by Orange County and a copy of the approval be provided to the Town Manager prior to the issuance of a Zoning Compliance Permit. We have included a stipulation to this effect in Resolution A.

Steep Slopes: Approximately 93 percent of the site has been identified with slopes of less than 10 percent. The remaining portion of the site, the southeast corner of the site, has slopes ranging from 10 to 15 percent slopes.

Lighting: Section 5.11 of the Land Use Management Ordinance requires that “all streets, driveways, bikeways, sidewalks, pedestrian paths, parking areas, and other common areas and facilities shall be lighted where necessary to ensure the security of property and the safety of persons using such streets, driveways, bikeways, sidewalks, pedestrian paths, parking areas, and other common areas and facilities.” We recommend that prior to the issuance of a Zoning Compliance Permit that the applicant submit site plans and other required documents to satisfy the lighting requirements in Section 5.11 including the submission of a lighting plan sealed by a Professional Engineer. We have included these provisions as a stipulation in Resolution A.

It will be necessary that increases in illumination on off-site property shall not exceed 0.3 foot-candles, measured at ground level. Where existing ambient off-site lighting levels are in excess of 0.3 foot-candles, no increase in measurable off-site lighting levels will be allowed as a result of outdoor lighting in the development. It will be necessary to submit a lighting plan as part of the Final Plan approval process.

Noise: The Town of Chapel Hill Code of Ordinance allows for construction operations between the hours of 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for projects which building permits have been issued.

Energy Management: The applicant has incorporated energy efficient features as part of the submitted plans. The applicant is proposing that the building will be designed be a minimum of 20 percent more energy efficient than the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE). The applicant is also proposing that the building be designed to perform at a level comparable to the Silver LEED standard. Although Walgreens is not proposing to complete the LEED certification process, the applicant is proposing to provide documentation of the various LEED categories being achieved by the proposal as part of the Zoning Compliance Permit process.

It will be necessary to submit a detailed Energy Management Plan for review and approval prior to issuance of a Zoning Compliance Permit. We have included this as a stipulation in Resolution A.

The Transportation Board recommended that the applicant also consider the use of LED lighting both internally and externally to the facility. For additional information on this issue, please refer to the Advisory Board Recommendation section of the Public Hearing memorandum.

Underground Fuel Tanks: The site includes 5 underground fuel tanks. In order to redevelop the site, the applicant is proposing to remove these underground tanks. Prior to removing the underground storage tanks, the applicant will be required to submit a Notice of Intent to the Division of Solid Waste Management at the North Carolina Department of Environmental and Natural Resources (DENR). Soil testing will occur as part of the removal process. If contaminated soil is identified, the applicant will work with the State regarding appropriate remediation steps. We recommend that the applicant be required to meet all State of North Carolina requirements and obtain any necessary approvals for removal of the underground fuel tanks and any associated site remediation actions. We have included this as a stipulation in Resolution A.

The Planning Board recommended that the applicant postpone the demolition of the building until all underground gas tanks are removed. For additional information on this issue, please refer to the Advisory Board Recommendation section of the Public Hearing memorandum.

Utilities and Services:

Refuse Management: A screened dumpster enclosure is proposed to be located in the northeast corner of the site. The enclosure will include a refuse dumpster and containers for recycling. The applicant is proposing that cardboard recycling be located within the building. It will be necessary for the site to comply with the Town of Chapel Hill and Orange County disposal ban on corrugated cardboard. Refuse and recycling collection services are proposed to be provided by the Town of Chapel Hill and Orange Community Recycling.

We recommend that all drive aisles accessing the proposed refuse/recycling area be constructed of heavy-duty pavement, and have included these as stipulations in Resolution A.

Solid Waste Management Plan: We have included our standard stipulation in Resolution A requiring Town Manager approval of a Solid Waste Management Plan prior to issuance of a Zoning Compliance Permit.

Utility Plans: All of the necessary utilities are existing adjacent to the site and in some cases, may require relocation as part of the construction process. We recommend that the applicant provide final utility/lighting plans to be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, Time Warner Cable, Public Service Company, AT&T, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner will be responsible for assuring that these utilities are extended to serve the development. We have included a stipulation to this effect in Resolution A.

Sewer Line Construction: We recommend all plans be approved by OWASA and constructed according to their standards. Where sewer lines are located beneath drive aisles and parking areas construction methods approved by OWASA shall be employed, to ensure that sewer lines will not be damaged by heavy service vehicles. Final plans must be approved by OWASA and the Town Manager prior to issuance of a Zoning Compliance Permit. We have included a stipulation to this effect in Resolution A.

Overhead Power Lines: We recommend that all proposed or relocated utility lines other than 3-phase electric power distribution lines be located underground. We have included a stipulation to this effect in Resolution A.

Miscellaneous

Construction Management and Traffic and Pedestrian Control Plans: We recommend that a Construction Management Plan and Traffic and Pedestrian Control Plan be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. We have adjusted our standard stipulation to require information about how the project construction will comply with the Town's Noise Ordinance. We have included a stipulation to this effect in Resolution A.

Demolition Plan: The existing service station on the site is proposed to be demolished. If the applicant's construction plans include a phasing plan that delays the construction of the proposed building following the demolition of the existing structure, then a Demolition Plan will be required as well as plans for the stabilization of the site during and following demolition. A stipulation has been included in Resolution A requiring a Demolition Plan. We have also included a stipulation requiring the applicant to work with Orange County Solid Waste staff regarding demolition of the existing structure to maximize recycling of demolition waste.

Fire: We recommend that a fire flow report, showing that flows meets the minimum requirements of the Design Manual, be submitted for review and approval by the Town Manager prior to issuance of a Zoning Compliance Permit.

It will also be necessary that the applicant install fire protection systems as required by Town Ordinance, the NC Fire Code, and in accordance with NFPA 13.

We also recommend that the fire access surface support fire apparatus weighing at least 75,000 pounds.

We have included these as stipulations in Resolution A.

Special Use Permit Modification Findings: For approval of a Special Use Permit Modification, the Council must make the following findings, as set forth in Article 4.5.2 of the Land Use Management Ordinance:

- (a) 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;
- (b) That the use or development complies with all required regulations and standards of this Chapter, including all applicable provisions of the Land Use Management Ordinance;
- (c) 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; and
- (d) That the use or development conforms with the general plans for the physical development of

the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.

Upon review of the application and information that has been submitted to date, our preliminary recommendation is that these findings can be made.

CONCLUSION

Based on information available at this stage of the application review process, we believe that the proposal, with the conditions in Resolution A, and approval of the proposed modification to regulations, meets the requirements of the applicable sections of the Land Use Management Ordinance and Design Manual, and that the proposal fulfills the purposes of the Comprehensive Plan.

Resolution A would approve the application with conditions.

Resolution B would deny the application.

PROJECT FACT SHEET REQUIREMENTSCheck List of Regulations and Standards - *Special Use Permit Modification Application*

WALGREENS 1500 EAST FRANKLIN STREET	STAFF EVALUATION	
	COMPLIANCE	NONCOMPLIANCE
Use Permitted	X	
Minimum Gross Land Area	X	
Minimum Lot Width	X	
Maximum Floor Area	X	
Minimum Recreation Space	N/A	
Impervious Surface Limits	X	
Land Disturbance in RCD	N/A	
Minimum # Vehicular Parking Spaces	X (With Requested Modification to Regulations)	
Maximum # Vehicular Parking Spaces	N/A	
Minimum # Bicycle Parking Spaces	X	
Minimum # Loading Spaces	X	
Minimum # Handicapped Spaces	X	
Maximum # Dwelling Units	N/A	
Minimum Street Setbacks	X (With Requested Modification to Regulations)	
Minimum Interior Setback	X(With Requested Modification to Regulations)	
Minimum Solar Setback	X(With Requested Modification to Regulations)	
Maximum Height Limit	X	
Minimum Landscape Bufferyards	X (With Alternate buffers)	
Steep Slopes	N/A	
Parking Lot Screening	X	
Public Water and Sewer	X	
Adequate Public School Facilities	N/A	

N/A = Not Applicable

Prepared: November 17, 2009