

Walgreens

1500 East Franklin Street
Chapel Hill, NC 27514

DEVELOPER'S PROGRAM

Town of Chapel Hill
Special Use Permit Modification
October 21, 2009

Prepared by:



THE DESIGN RESPONSE

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Walgreens

1500 East Franklin Street
Chapel Hill, NC

I. Background

History

In 1956, the Gulf Oil Corporation opened a service station, managed by Mr. Earl Walker, close to downtown Chapel Hill. In the mid-1960s, Gulf Oil Corporation moved this service station business to its current location in the southeast quadrant of the intersection of East Franklin Street and South Estes Drive, which was zoned “Suburban Commercial” at the time.

Mr. Earl Walker, on behalf of Gulf Oil Corporation, subsequently submitted an application to the Town of Chapel Hill on December 23, 1968, for permission to add a car wash on the site. On January 6, 1969, a Public Hearing was held and the Town’s Board of Adjustment subsequently approved a Special Use Permit to allow a car wash (which was a Special Use in the Suburban Commercial zoning district).

Since 1969, the Walker family has been leasing the property and operating a service station and a car wash on the premises. During this period of time, BP Oil purchased Gulf Oil and the service station assumed its current identity of “Walker’s BP Service Station.” Also, during this period of time, Mr. Walker’s son, Mr. David Walker, has taken over the business and is presently the manager of the service station and car wash business that operates on the site.

In May of 2007, Walgreens purchased the property from the former property owner, United Energy, Inc. Recognizing (1) that it takes a significant amount of time to apply for and receive approval of a Special Use Permit and to then subsequently navigate the Town’s Zoning Compliance Permit review process, and (2) that the existing service station provides a service to the community and is a desirable use of the property while the permitting processes are being navigated, Walgreens has continued to lease the property to Walkers’ BP Service Station.

Existing Conditions

The site as currently developed includes the following facilities:

- Service Station (includes 3 Service Bays)
- Gas Pumps (3 Islands with 6 Fueling positions)
- Car Wash (includes 4 Bays)
- Car Vacuums (3)

Several aluminum storage sheds are located behind the existing one-story brick service station, and a canopy extends over the gas pump island that is located closest to the front of the service station. Used tires are stored on the north end of the service station building prior to being transported off-site.

Access and circulation occurs through four (4) existing full-access driveways. Two of these full-access driveways are located on East Franklin Street, and the other two full-access driveways are located on South Estes Drive. Parking is scattered throughout the site, with a total of 25 spaces (some are delineated and others are not) that are used by customers and for vehicle storage. Bus stops exist on both sides of East Franklin Street approximately 200 and 300 feet from the site (distances reflect pedestrian travel distance on sidewalks and designated crosswalks).

There are no existing landscaped buffers along the site's East Franklin Street or South Estes Drive frontages. In fact, impervious surface and parking spaces currently extend into the public right-of-way on the site's South Estes Drive frontage. A three-foot landscaped buffer currently exists along the site's eastern border. The adjoining office and commercial subdivision (the Chapel Hill Center) has provided the required 10-foot landscaped buffer on its side of the property line. A small island of landscaping is located in the western corner of the site's northern boundary; however, asphalt extends to the property line for the remainder of the northern boundary.

The site gently slopes from north to south, with a cumulative drop in elevation of approximately 10 feet across the site (an average slope of just over 3%). No portion of the site is located in the Town's Resource Conservation District. Over 95% of the lot's net land area is currently covered by impervious surface.

II. Developer's Program

Overview

The developer, G.H.K. Developments, Inc., is proposing to redevelop the existing site and construct a new building for Walgreens. The developed site will be owned and operated by Walgreens. The proposed new store will include a pharmacy and a photography department, as well as other retail items typically associated with a drugstore. There is no drive-in window proposed for this building.

The new building will include a total of 9,800 SF of retail floor area and inventory storage on the ground floor, with an additional 3,850 SF of floor area located on a second floor mezzanine that will offer additional space primarily utilized for inventory storage. The portion of the ground floor area not covered by the mezzanine level will be vaulted upward to help day-light the interior of the building and to create the general impression of a two-story appearance from the exterior view.

Access & Circulation

The site as currently developed has four full-access driveway entrances. The Walgreens site plan proposes to close the two full-access driveways that are closest to the East Franklin Street/South Estes Drive intersection, and convert the other two full-access driveways into right-in/right-out points of ingress and egress. A four (4) foot wide concrete median will be constructed on both East Franklin Street and South Estes Drive to guide driver decision-making and limit turning movements, thereby making these points of ingress and egress safer.

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

Vehicular Parking

With a proposed total of 13,650 SF of floor area, the Town's Land Use Management Ordinance requires that a total of 36 parking spaces be provided. The developer however, does not believe that this requirement for "Other Convenience Business" uses (one space for every 375 SF of floor area), is the best fit for the proposed pharmacy/drugstore use at this particular location.

It is worth noting that this parking requirement does not distinguish as to the type of floor area for which parking is being provided. A detailed examination of the preliminary floor-plan reveals that the rear portion of the ground floor and the entire upstairs mezzanine area are being proposed for inventory storage rather than retail sales area. This minimum parking space requirement (36 spaces) could be lowered by one-third (to the proposed 24 spaces) and meet the purpose of the parking requirement since only approximately two-thirds of the building will be used for actual retail sales.

Accordingly, the site plan alternatively proposes 24 parking spaces for the proposed use. The developer believes that this ratio (one parking space for every 400 SF of ground floor area) is a more desirable allocation and appropriate fit for the proposed land use in this specific location. In particular, 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 of a mile of the site. These characteristics serve to maximize the chance that many patrons will utilize alternative forms of transportation to access the site.

Therefore, based on the reasons identified above, the developer is requesting that the Town Council grant a modification of the LUMO regulations to accept a minimum of 24 parking spaces for this particular site plan.

Bicycle Parking

The Land Use Management Ordinance also requires bicycle parking to be provided for all commercial and retail uses. The number of bicycle parking spaces required for this particular use is one space for every 2,500 square feet of floor area. Thus, with a total of 13,650 square feet of floor area, five (5) bicycle parking spaces are required. In an effort to encourage bicycle usage and provide ample bicycle parking however, the developer is proposing to provide seven (7) bicycle parking spaces.

Per the Town's Design Manual, one (1) of these bicycle parking spaces will be a Class I parking space, while the other six (6) spaces will be Class II spaces. The Class I space will be provided inside the building in the rear storage area, while the six (6) Class II spaces will be provided by three inverted 'U' racks located next to the sidewalk by the entrance to the building. The proposed landscape planting program also includes a shade tree that is strategically located adjacent to the bicycle parking area in order to offer shade for the exterior bicycle parking spaces during warmer months. Please note that a detailed site plan for the bicycle parking area is provided on Sheet 8 of the submitted plans.

Stormwater Management

The proposed development site is a redevelopment site that has the following characteristics:

- (1) The site drains to a single location;
- (2) The site is currently developed with 95.2% of the net land area being impervious surface (86.6% of the site's gross land area); and
- (3) The existing development does not include any stormwater management facilities.

Given that the proposed development would reduce the overall impervious surface on the lot's net land area to 74.5% (67.7% of the site's gross land area), resulting in a decrease of approximately 20%, the redevelopment of the site will not increase stormwater runoff rates, runoff volumes, or non-point source pollution. As is documented in the Stormwater Impact Statement, the rate and volume of the proposed post-development discharge will actually be lower than the existing, pre-development rate and volume of discharge.

Since the proposed redevelopment of the site will result in approximately 20% less impervious surface and a net decrease in stormwater run-off from developed (i.e. impervious) area, the development does not generate additional suspended solids, and thus water quality management is not required. However, in an effort to be environmentally proactive, the developer has voluntarily agreed to provide a Stormceptor® unit that would be located within the downstream portion of the site in order to improve the water quality of the stormwater runoff from the parking lot and access drive areas.

Solid Waste & Recycling

A screened dumpster enclosure is provided in the northeast corner of the site. This enclosure will include a refuse dumpster and containers for recyclable items, in accordance with Orange County's recycling policies. Corrugated cardboard will be recycled utilizing a cardboard baler located in the rear stockroom.

Building Elevations

Although Walgreens does have a building prototype that it frequently utilizes, the developer recognizes that the Town of Chapel Hill has its own creative architectural vernacular and that this site represents a visible location at a prominent Town intersection. Accordingly, the developer understands that the Town desires a unique building that is (a) attractive, (b) designed to provide visual interest, and (c) that incorporates architectural elements that achieve a human scale. Therefore, the developer is not proposing to impose Walgreens' architecture, building materials or colors on this site.

Alternatively, through collaborative efforts between the Town and this developer, this building can take on a form and appearance that complements this intersection. We look forward to continuing our dialogue with the Community Design Commission in order to discuss potential architectural options for this site and pursue the creation of appropriate building elevations for this site.

Energy Efficiency

The developer has observed that the Town is very interested in sustainability, as evidenced by a strong interest in green buildings and energy efficiency. In particular, the developer has noted that the Town Council has expressed a lot of interest in the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system and the American Society of Heating, Refrigeration and Air Conditioning Engineers' (ASHRAE) Standard 90.1-2004. In this regard, we note that the site plan has already been designed to orient the building in such a manner that it can take advantage of the sun to reduce energy consumption while providing natural light.

We are pleased to note that we have retained a local architect, Louis Cherry of Cherry Huffman Architects), who has taken the lead regarding the building's appearance and design. He has been working on conceptual designs with Walgreens, and he engaged in a Courtesy Review with the Community Design Commission on February 18, 2009, in order to begin a dialogue with the Commission as part of determining an appropriate building design for this site.

Mr. Cherry is very familiar with LEED criteria, and will be working with Walgreens to design the building and incorporate key features such that it performs at a level comparable to the Silver LEED standard. Although Walgreens is not planning to complete the actual LEED certification

process, the developer will provide documentation to the Town as part of the Zoning Compliance Permit review process and prior to the issuance of a Certificate of Occupancy in order to document the various LEED categories that are being achieved with this project.

The proposed building will also be designed to incorporate features such that the building is a minimum of 20 percent more energy efficient than the energy efficiency standards of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE).

Buffers & Landscaping

The site as currently developed does not have any landscaped buffers along its East Franklin Street or South Estes Drive frontages. The only existing vegetated areas on the site's East Franklin Street frontage are located in the public right-of-way (including grass and two small crepe myrtles), while parking spaces along the site's South Estes Drive frontage actually extend into the public right-of-way to the edge of the sidewalk.

The Land Use Management Ordinance (LUMO) typically requires a 30-foot Type 'D' buffer between the proposed land use and an Arterial Street (both East Franklin Street and South Estes Drive are classified as arterial streets). The LUMO also notes however that "*the buffer requirement...may be reduced by one grade of intensity (e.g., C to a B) if the development is designed such that there is no parking between the buildings located on the site and the adjacent street.*" The proposed building has been pulled forward to the intersection, and there is no parking located between the proposed building and the adjacent streets. Therefore, the LUMO indicates that a 20-foot Type 'C' buffer is the actual requirement for this particular situation.

Based on the small size of the site and its associated geometric constraints (sight triangles, overhead three-phase power lines and underground utilities), the developer is requesting permission to create a 20-foot alternative landscaped buffer along both the East Franklin Street and South Estes Drive frontages (the buffer would actually only be 19.6 feet at the short corner property line that faces the intersection) in lieu of a typical 20-foot Type 'C' buffer. The developer's intent is that the landscaping plan associated with the Alternative Buffer could then be shared with the Community Design Commission in coordination with the approval of the building elevations as part of the Zoning Compliance Permit review process. We believe that this approach will enable the building's architectural design and landscaping program to be viewed and approved by the Community Design Commission in coordination with each other, resulting in a better outcome.

Most of the site's northern boundary currently consists of asphalt to the property line and does not include a buffer, although there is a small landscaped island located in the western corner of the site's northern boundary. The development on the adjoining property has provided a 5-7 foot wide landscaped area on its side of the property line. The LUMO requires a total of a 10-foot Type 'B' buffer between the proposed land use on this site and the adjoining land use. Walgreens is proposing to provide a five (5) foot wide shared buffer along its northern border that will supplement the existing landscaping on the adjoining property and cumulatively achieve the 10-foot minimum width between uses that is required by the LUMO.

We note that since the northern buffer faces the rear of the adjacent restaurant building, it is the developer's intention to generally pursue a semi-opaque evergreen hedge for this buffer in order to screen Walgreens' view of the utility and service area located along the rear of the restaurant.

A three-foot wide landscaped buffer currently exists along the site's eastern border. However, the 10-foot wide Type 'B' buffer that is required by the LUMO has been fulfilled by a 20-foot wide strip of existing vegetation provided by the adjoining development on its side of the property line. Nonetheless, in order to provide additional ground-level landscaping and to screen car headlights from the view of adjoining properties, the developer is voluntarily proposing to provide a 5-foot on-site landscaped buffer along the eastern property boundary, in addition to the 20 feet of existing vegetation that has been provided off-site by the adjoining development.

Finally, in accordance with Section 5.9.6 of the LUMO, a five-foot wide, landscaped buffer strip has been provided between the parking facilities and the proposed building.

III. Statement of Compliance with the Town's Design Guidelines

We note that the proposed redevelopment project has been designed in accordance with the Town's Design Guidelines in the following manner:

- The site is characterized as Prime Buildable (with over 90% of the site having slopes of less than 10 percent).
- Parking has been located away from the street, behind the building, thereby using the building as an effective visual barrier.
- The building will be designed and has been located so as to provide visual interest at the East Franklin/South Estes intersection and to create an enjoyable, human-scale space. In particular, the building's design will "incorporate architectural elements that give scale, or a sense of scale" to the building.
- The closure of two full-access driveway entrances and the conversion of the other two full-access driveway entrances to right-in/right-out with the installation of concrete medians on both East Franklin Street and South Estes Drive to control turning movements will serve to restrict and control vehicular ingress and egress, thereby improving safety and "promoting smooth circulation of people and traffic."
- The closure of the full-access driveways and conversion of the other two driveways to right-in/right-out driveways creates a more continuous sidewalk network along the site's street frontages that not only provides more linear feet of sidewalk, but also increases the safety of bicycles and pedestrians. Accordingly, the proposed development seeks to be "pleasant in character and human in scale, while promoting smooth circulation of people and traffic."

- Two means of access are provided in order to assure “an efficient circulation pattern” for employees, customers, service vehicles, and emergency access vehicles, as needed.
- The proposed dumpster and recycling facility is completely screened, located behind the building, and is accessible to service vehicles.
- In order to attract and maximize convenience for bicycle traffic, bicycle parking has been provided adjacent to the store entrance (three inverted ‘U’ racks provide six bicycle parking spaces). Space will also be available inside the store where employees who bicycle to work can store their bicycles.
- Handicap parking is conveniently located next to the store’s entrance.
- HVAC equipment is proposed to be located on the roof of the building and will be screened from the view of people on the street.
- Interior planter islands and landscape islands at the ends of parking aisles have been sized to be ten feet in width (exceeding the 8-foot guideline) in order to accommodate and sustain canopy tree growth.

TOWN OF CHAPEL HILL - PROJECT FACT SHEET

www.townofchapelhill.org/planning/index.htm

A. IDENTIFICATION OF DEVELOPMENT

Date: October 21, 2009

Plans dated: March 9, 2009 Tax Map 47, Block A, Lot 14

Parcel Identification Number (PIN) 9789 – 93 – 9143

Name of Project: Walgreens Pharmacy @ 1500 East Franklin Street

Type of Request: Special Use Permit Modification

Use Group (Sec. 3.7-1): C Zoning District(s): Community Commercial (CC)

B. GROSS LAND AREA (Sec. 3.8-1)

Net Land Area (App. A) NLA 32,820 SF (0.75 AC)

- ◆ Choose one of the following, or a combination, not to exceed 10% of the net land area figure.

Credited Street Area (App. A) Total adjacent frontage x ½ width of the right-of-way CSA 16,800 SF (0.39 AC)

Credited Open Space (App. A) Total adjacent frontage x ½ public or dedicated right-of-way COS n/a

TOTAL: GROSS LAND AREA (Sec. 2.51) NLA + (CSA and/or COS) = GLA (not to exceed NLA + 10%) GLA 36,102 SF (.083 AC)

C. REQUIRED LAND USE INTENSITY (Sec. 3.8-1, 5.5)

(For multiple zoning districts, please attach a separate sheet with calculations)

Floor Area Ratio FAR .429 Maximum Floor Area (FAR x GLA) MFA 15,488 SF

Impervious Surface Ratios

- Low Density Option ISR 0.24 Maximum Impervious Surface or (ISR x GLA) MIS 8,665 SF
- High Density Option ISR n/a Maximum Impervious Surface or (ISR x GLA) MIS n/a
- High Density Non Residential Option ISR 0.70 Maximum Impervious Surface or (ISR x GLA) MIS 25,271 SF

Recreation Space Ratio RSR n/a Minimum Recreation Space (RSR x GLA) RSR n/a

D. DIMENSIONAL MATRIX REQUIREMENTS

(Based upon proposed plans)

| DIMENSIONAL MATRIX REQUIREMENTS | | | Existing (sq.ft.) | Proposed (sq.ft.) | Total (sq.ft.) |
|--|--|-------|-------------------|-------------------|----------------|
| Floor area | Floor Area on all Floors | FA | 2,091 | 13,650 | 13,650 |
| Principal Building Area | Floor Area on Ground Level | BA(1) | 2,091 | 9,800 | 9,800 |
| Garage Building Area | Enclosed Car Parking Area | BA(2) | 1,704 | 0 | 0 |
| Other Enclosed Building Area | Community Building, Storage, Etc. | BA(3) | 120 | 0 | 0 |
| Other Ground Level Building Area | Covered Porches, Breezeways, Car Parking (if underneath), Etc. | BA(4) | 462 | 0 | 0 |
| Building Area | BA(1)+BA(2)+BA(3)+BA(4) | BA | 4,377 | 9,800 | 9,800 |
| Basic Uncovered Area | GLA-BA | UA | 31,725 | 26,302 | 26,302 |
| Recreational Space (Sec. 5.5) | | RS | n/a | n/a | n/a |
| *Gross Land Area with Impervious Surface | | | 31,265 | 24,436 | 24,436 |
| *Percentage of Gross Land area with Impervious Surface (Imper÷GLA) | | | 86.6% | 67.7% | 67.7% |
| *If Located in the Watershed Protection District, Percentage of Impervious Surface on July 1, 1993 | | | n/a | | |

| LOT SIZE | Required | Existing/Proposed |
|------------------------------------|----------|-------------------|
| Lot Size (Sec. 3.8-1) | 5,500 SF | 36,102 SF (GLA) |
| Lot width (Sec. 3.8-1) | 50 Feet | 161 Feet |
| Street Frontage Width (Sec. 3.8-1) | 40 Feet | 141 Feet |

Area of Land Disturbance (associated with this proposal) 32,820 square feet

D. DIMENSIONAL MATRIX REQUIREMENTS (Cont.)

| SETBACKS AND HEIGHT | | Required | Proposed |
|------------------------------------|-----------|----------|--|
| Setbacks (Sec 3.8, Table 3.8-1) | Street | 22 Feet | 22' on East Franklin, 20' on South Estes and 19.6' at Intersection |
| | Interior | 8 Feet | 8 Feet |
| | Solar | 9 Feet | 9 Feet |
| Maximum Height (Sec. 3.8-1) | Primary | 34 Feet | 34 Feet |
| | Secondary | 60 Feet | 34 Feet |

| BUILDINGS/DWELLING UNITS | Required | Proposed | PARKING SPACES | Required | Proposed | Percent of Total Spaces |
|--------------------------------|---------------------|----------|---------------------|-----------|----------------|-------------------------|
| | Number of Buildings | --- | | 1 | Regular Spaces | |
| Number of Floors | --- | 2 | Compact Spaces | 0 | 0 | 0.0% |
| Number of Dwelling Units | --- | n/a | Handicap Spaces | 1 | 2 | 8.3% |
| Number of Efficiency Units | --- | n/a | Total Spaces | 36 | 24 | 100.0% |
| Number of Single Bedroom Units | --- | n/a | Loading Spaces | 1 | 1 | n/a |
| Number of 2 Bedroom Units | --- | n/a | Bicycle Spaces | 5 | 7 | n/a |
| Number of 3 Bedrooms Units | --- | n/a | | | | |

E. LANDSCAPE BUFFERYARDS (Sec 5.6)

| Location | Required Minimum Width | Proposed Width |
|------------------------------|------------------------|--|
| 1. North | 10' Type 'B' | 5-7' existing buffer provided on adjacent lot, 5' shared buffer provided on site |
| 2. East | 10' Type 'B' | 20' existing buffer provided on adjacent lot, 5' voluntary buffer provided on site |
| 3. South (S. Estes Drive) | 20' Type 'C'*** | 20' Alternative Buffer (to be approved by CDC) |
| 4. West (E. Franklin Street) | 20' Type 'C'*** | 20' Alternative Buffer (to be approved by CDC) |
| 5. Southwest (Intersection) | 20' Type 'C'*** | 19.6' Alternative Buffer (to be approved by CDC) |

*** Per LUMO Section 5.6.6, the minimum buffer width is reduced by one grade of intensity since no parking is located between building and adjacent street.

F. UTILITIES (✓ which applies)

| Water | Sewer | Electric Service | Telephone Service | Solid Waste Collection |
|-------------------|---------------------|------------------|-------------------|------------------------|
| OWASA ✓ | OWASA ✓ | Underground ✓ | Underground ✓ | Town |
| # Well(s) | # Septic Tank(s) | Above Ground | Above Ground | Private ✓ |
| Community Well(s) | Comm. Package Plant | | | |

*NOTE: Public water and sewer required if located inside Urban Service Boundaries.

G. SLOPES (Sec. 5.3.2) and SOIL TYPE(S)

| Other | 10 – 15% | >15 – 25% | >25% |
|-------------------------|--|-----------|------|
| Area in Slope Interval* | 2,371 SF (7.2% of lot) | n/a | n/a |
| Soil Type(s) On Lot | WwC – White Store –Urban Land Complex (2-8% typical) | | |

- Only required for lots created after January 27, 2003.

H. ADJOINING or CONNECTING STREETS

| STREET NAME | Right-of-Way Width | Pavement Width | No. of Lanes | Paved or Unpaved? | Existing Sidewalk (Yes/No) | Existing Curb/Gutter (Yes/No) |
|----------------------|--------------------|----------------|--------------|-------------------|----------------------------|-------------------------------|
| East Franklin Street | 100 Feet | 60 Feet | 5 | Paved | Yes | Yes |
| S. Estes Drive | 100 Feet | 60 Feet | 5 | Paved | Yes | Yes |
| | | | | | | |

Walgreens Pharmacy
1500 East Franklin Street
Chapel Hill, NC 27514

SPECIAL USE PERMIT MODIFICATION

STATEMENT OF JUSTIFICATION

Standards and Findings of Fact

Section 4.5.2 of the Town of Chapel Hill's Land Use Management Ordinance states that "*No Special Use Permit shall be recommended by the Town Manager or Planning Board for approval and no Special Use Permit shall be approved by the Town Council unless each of the following findings is made concerning the proposed special use or planned development:*

- (1) *That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;*
- (2) *That the use or development complies with all required regulations and standards of this Chapter, including all applicable provisions of Articles 3 and 5, the applicable specific standards contained in the Supplemental Use Regulations (Article 6), and with all other applicable regulations;*
- (3) *That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and*
- (4) *That the use or development conforms with the general plans for the physical development of the Town as embodied in this Chapter and in the Comprehensive Plan."*

The applicant hereby submits the following evidence that the proposed Walgreens Pharmacy at 1500 East Franklin Street meets the standards and findings of fact necessary for approval by the

Town of Chapel Hill, as identified in Section 4.5.2 of the Town's Land Use Management Ordinance.

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

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

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

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

- Two bus stops are currently located within 300 feet of the site, and two additional bus stops are located within one-quarter mile of the site. Consequently, the site is located in a manner that maximizes mass transit opportunities, thereby promoting public health, safety and general welfare by reducing automobile trips related to the project.
- Bicycle parking, which is not currently provided on the existing site, will be provided in a convenient location near the building's entrance, maximizing opportunities for citizens who wish to ride their bicycles to the site.
- The existing development on the site is 95.2% impervious surface (net land area), and does not have any stormwater management facilities. The proposed site plan reduces the amount of impervious surface by over 20% (to 74.4% of net land area), and the developer is voluntarily proposing to install a Stormceptor® unit

that would be located within the lower portion of the site in order to improve the water quality of the stormwater runoff from the parking lot and access drive areas. Accordingly, the proposed development is designed and proposed to be operated in a manner that will significantly improve the quality of stormwater leaving the site.

- The existing development on the site does not include landscaped buffers along East Franklin Street or South Estes Drive (the two crepe myrtles and grass along East Franklin Street are located in the public right-of-way). The proposed site plan is designed to create 20-foot wide landscaped buffers along both the site's East Franklin and South Estes Drive frontages. The addition of new trees and landscape plantings in these buffer areas will serve to promote public health and enhance general welfare.

Finding # 2: "That the use or development complies with all required regulations and standards of this Chapter, including all applicable provisions of Articles 3 and 5, the applicable specific standards contained in the Supplemental Use Regulations (Article 6), and with all other applicable regulations."

- The proposed Walgreens Pharmacy at 1500 East Franklin Street is in compliance with all of the required regulations and standards of the Land Use Management Ordinance, with the exception of the following requested modifications:

(1) Minimum Parking Space Requirement

In accordance with the site's existing Community Commercial (CC) zoning district, as regulated in Article 5 of the Land Use Management Ordinance, for an "Other Convenience Business" use, a minimum of one parking space is required for every 375 square feet of floor area. Consequently, based on a combined floor area of 13,650 square feet (includes downstairs retail area and storage space as well as upstairs inventory storage), Section 5.9.7 of the Ordinance requires that a minimum of 36 parking spaces be provided for the site.

However, this requirement does not distinguish as to the type of floor area for which parking is being provided. A detailed examination of the preliminary floor plan reveals that the rear portion of the ground floor and the entire upstairs mezzanine area are proposed for inventory storage rather than retail sales area. Therefore, based on the intended purpose of the minimum parking space requirement (matching the amount of provided parking to the amount of needed parking), one-third of the required minimum of 36 parking spaces are not needed since only approximately two-thirds of the building's overall floor area will actually be used for retail sales. Therefore, only 24

parking spaces are needed to serve the real parking need generated by the building's actual retail floor area.

Accordingly, the site plan alternatively proposes to provide 24 parking spaces for the proposed use. The developer believes that this ratio, one parking space for every 400 SF of ground-level retail floor area (a portion of which is used for inventory handling) is a more desirable allocation and appropriate fit for the proposed land use in this specific location. In particular, 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 of a mile of our site. These site specific characteristics serve to maximize the chances that patrons will utilize alternative forms of transportation to access the site.

Therefore, in accordance with Section 4.5.6 of the Land Use Management Ordinance, Walgreens requests that the Town Council modify the required amount of parking for the site by making the finding that public purposes are satisfied to an equivalent or greater degree based on the nature of the proposed land use, the nearby availability of mass transit opportunities, and the high accessibility of the site for pedestrians and bicyclists.

(2) Minimum Street Setback for South Estes Property Line

Per the site's existing Community Commercial (CC) zoning district, as regulated in Table 3.8-1 of the Land Use Management Ordinance, a minimum Street Setback of 22 feet is required for this site. Therefore, the building is required to be set back 22 feet from the edge of the public right-of-way for both East Franklin Street and South Estes Drive.

We note however, that the Town and NCDOT staffs have recommended preserving sufficient right-of-way that intersection improvements (the installation of dual left-turn lanes) could potentially be made in the future if desired by the Town Council and NCDOT. Our detailed analysis of the existing right-of-way and desired cross-section indicates that sufficient right-of-way currently exists on East Franklin Street to make such symmetrical improvements in the future. However, our detailed analysis also indicates that an additional two (2) feet of right-of-way is desirable on South Estes Drive in order to preserve the capability to make such symmetrical improvements in the future.

In exchange for agreeing to dedicate two (2) feet of additional public right-of-way along South Estes Drive to ensure that potential intersection improvements can be made in the future if desired, Walgreens will need the Town Council to modify 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.

(3) Minimum Street Setback & Corner Property Line

Rather than meeting at a common point, the site's East Franklin Street property line and South Estes property line stop short of intersecting with each other and alternatively have another property line segment (a chord) connecting them. The result is a short diagonal property line (about 20 feet long) that is located at the corner of the property that faces the intersection.

In the Community Commercial (CC) zoning district, as regulated in Table 3.8-1 of the Land Use Management Ordinance, a minimum Street Setback of 22 feet is required for this corner property line. Therefore, the building is required to be set back 22 feet from the edge of the public right-of-way for both East Franklin Street and South Estes Drive and is also required to be set back 22 feet from the edge of this corner property line.

If the building is built to the street setbacks (which is what is being proposed in this case in accordance with Town Design Guidelines), the result of literally applying this street setback to the corner property line is that it prevents the East Franklin and South Estes building facades from intersecting in a point, and alternatively dictates that a short additional side (about 7 feet long) is needed at the corner of the building facing the intersection. The required setback and resulting building envelope are illustrated in Exhibit 'A.'

Walgreens would like to have the opportunity to build at the proposed setbacks on East Franklin Street (22') and on South Estes Drive (20') and have these two facades meet at a common point rather than being truncated by the application of the required minimum street setback from this somewhat unusual corner property line. In order to have these two facades meet at a common point, the street setback from the corner property line would need to be reduced from 22 feet to 19.6 feet. The result of this change would be an increase of 8.3 square feet of floor area for the building and the ability to avoid having to join the building's two major street façades with a short façade that would only be about seven (7) feet wide. The proposed building design and setback modification is illustrated in Exhibit 'B.'

Accordingly, Walgreens requests that the Town Council modify the required 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 and South Estes façades will have a conventional and more aesthetically pleasing appearance from the adjoining streets without significantly changing the spatial relationship between the proposed building and the intersection.

(4) Minimum Street Setbacks & Architectural Elements (e.g. Awnings, Cantilevered Overhangs, Trellis or Greenscreen®-like product)

Per the definition in Appendix A of the Land Use Management Ordinance, the Street Setback is “the horizontal distance between the street lot line of a zoning lot and any structure on such zoning lot, measured perpendicular to the street lot line.” Accordingly, the street setback helps determine the closest point that any structure (e.g. building) can be to the property line.

Section 3.8.3 of the Land Use Management Ordinance addresses permissible exceptions to the setback requirements, and does specifically note that “roof overhangs which do not exceed 36 inches in length” are allowed to protrude into the setback. Free-standing signs and fences (not exceeding 6’ in height) are examples of other features that are also not subject to the required minimum setbacks.

This particular Walgreens is proposing customized architecture, and will not look like a prototypical store. As part of the store’s conceptual building design exercises, we do not anticipate that the building will have traditional roof overhangs or eaves. Alternatively, we do anticipate that the building may utilize one or more of the following design elements (awnings, cantilevered overhangs, trellis, or Greenscreen®-like product) in order to provide visual and aesthetic interest to the building. We note that these architectural elements do protrude from the building in a manner very similar to roof overhangs (up to but not more than 36 inches), although these architectural features are not specifically identified in the LUMO’s list of permissible exceptions to the setback requirements.

Accordingly, Walgreens requests that the Town Council modify 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.

(5) Minimum Street Setbacks & Bicycle Racks

The Land Use Management Ordinance defines a structure as “anything constructed or erected which requires location on the ground or attachment to something having a fixed location on the ground, including but not limited to principal and accessory buildings, signs, fences, walls, bridges, monuments,

flagpoles, antennas, and transmission poles, towers, and cables.” The Ordinance further defines an Accessory Structure as “a subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.”

Based on these definitions and our conversations with Town staff, we believe that the proposed bicycle parking rack (standard ‘U’ rack) for the Walgreens Pharmacy may meet the definition of an Accessory Structure.

Per the definition in Appendix A of the Land Use Management Ordinance, the Street Setback is “the horizontal distance between the street lot line of a zoning lot and any structure on such zoning lot, measured perpendicular to the street lot line.” Accordingly, the street setback helps determine the closest point that any structure (e.g. building) can be to the property line.

Section 3.8.3 of the Land Use Management Ordinance does address permissible exceptions to the setback requirements, and specifically notes that free-standing signs and fences (not exceeding 6’ in height) are examples of features that are not subject to the required minimum setbacks. However, in no place does the Ordinance expressly exempt accessory structures such as bicycle parking racks from the setback requirements.

Walgreens would like to make bicycle parking as convenient and as accessible as possible to customers in order to encourage this alternative form of transportation. Accordingly, Walgreens is proposing to locate a standard ‘U’ rack for bicycle parking in the East Franklin Street Setback near the store’s proposed front door. This specific location is proposed for the following reasons:

- 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 E. 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; and
- Being situated in the northern corner of the site, offers the ability for the building to shade the proposed location from the sun during late afternoon and evening hours.

Accordingly, Walgreens requests that the Town Council modify the minimum street setbacks for this site to allow bicycle parking to occur in the portion of the street setback near the store entrance as illustrated in the plans, by making the finding that public purposes are satisfied to an equivalent or greater degree by providing bicycle parking in close proximity to the

building's entrance, enhancing and promoting an alternative form of transportation, and maximizing public safety by minimizing the likelihood of bicycle/vehicular interaction in the proposed parking lot.

(6) Minimum Interior & Solar Setbacks and the Dumpster/Recycling Fence

Per the definition in Appendix A of the Land Use Management Ordinance, an Interior Setback is "the horizontal distance between the interior lot line of a zoning lot and any structure on such zoning lot, measured perpendicular to the interior lot line." Appendix A of the Ordinance similarly describes a Solar Setback as being "the horizontal distance between the interior lot line of a zoning lot and any structure on such zoning lot, measured perpendicular to the interior lot line." Accordingly, the interior and solar setbacks help determine the closest point that any structure (e.g. building) can be to the applicable property line.

Section 3.8.3 of the Land Use Management Ordinance does address permissible exceptions to the setback requirements, and specifically notes that free-standing signs and fences (not exceeding 6' in height) are examples of features that **are not** subject to the required minimum setbacks. However, the Town's Design Guidelines for Solid Waste Management Areas actually require the screening (fencing) for a refuse and recycling collection area to be a minimum of seven (7) feet in height.

Walgreens is proposing to locate the store's refuse and recycling collection 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. The fencing around Walgreens' proposed collection area would be five (5) feet off of the northern property line (where a 9-foot solar setback is normally required, and five (5) feet off of the eastern property line (where an 8-foot interior setback is normally required). If the fencing were 6 feet or less in height, this would be a permissible exception per the Ordinance, however because Town Guidelines require a minimum of a 7-foot tall fence, the proposed fencing is not in compliance with the Ordinance's requirements

We note that even though the restaurant's dumpster on the adjoining property is very close to the proposed collection area for Walgreens store, Walgreens is still proposing to install a 5-foot alternative buffer between the fencing for its refuse and recycling collection area and the shared northern property line between these two similar facilities. Walgreens is also proposing to voluntarily install a 5-foot wide buffer along the eastern property line to provide additional screening to supplement the existing 20-foot buffer previously provided by the Chapel Hill Center on the adjoining property (a 10-foot buffer is actually the Ordinance-required buffer between these non-residential uses).

Accordingly, Walgreens requests that the Town Council modify the minimum interior and solar setbacks for the northeast corner of the site to allow the fencing for the refuse and recycling collection area (which will exceed the exempted 6-foot height requirement by the minimum amount needed to receive approval from the Town staff and Orange County Solid Waste) to be located five feet off of the northern and eastern property lines. This modification is supported by making the finding that public purposes are satisfied to an equivalent or greater degree by minimizing the view of this collection area from East Franklin Street and South Estes Drive, by locating this facility in very close proximity to an identical facility on the adjoining property, and by providing a voluntary 5-foot buffer along the eastern property line to supplement the existing 20-foot buffer on the adjacent property and collectively provide a 25-foot buffer in an area where only a 10-foot buffer is required by the Ordinance.

- With approval of the requested modifications, the proposed Walgreens Pharmacy at 1500 East Franklin Street is in compliance with all of the required regulations and standards of the Land Use Management Ordinance as demonstrated by the following illustrative examples:
 - The proposed lot complies with the dimensional requirements listed in Table 3.8-1.
 - The proposed building size does not exceed the maximum permitted floor area designated in Table 3.8-1.
 - The proposed building complies with the primary and secondary height requirements identified in Table 3.8-1.
 - The proposed development does not add any new impervious surface to the site, and actually reduces the amount of existing impervious surface on the site by approximately 20%. Consequently, the proposed development conforms to the limitations regarding new impervious surface for non-residential uses as delineated in Table 3.8-1.
 - The site is designed in conformance with the design and development standards prescribed in Article 5 of the Land Use Management Ordinance. In particular, the development seeks to follow steep slope regulations prescribed in Section 5.3.2 of the Ordinance
 - Landscaping, screening and buffering are provided in accordance with the requirements and options discussed in Section 5.6 of the Land Use Management Ordinance.

- Access, circulation, and off-street parking are proposed in accordance with Sections 5.8 and 5.9 of the Land Use Management Ordinance.
- Parking lot landscaping and screening is proposed in conformance with Section 5.9.6 of the Ordinance.

Finding # 3: “That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity.”

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

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

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

Applicant’s Response: The proposed site plan includes a commercial land use in conformance with this land use designation.

- Section 2.0 of the Comprehensive Plan includes several major themes reflecting identified community values, and, using those themes, seeks to form a strategy

for future growth and development in the community. The proposed Walgreens supports several of these themes, as identified below:

➤ *“Encourage desirable forms of non-residential development”*

Applicant’s Response: The existing service station, which was built in the late 1960s, is the antithesis of the Town’s Design Guidelines (which in all fairness, did not come along until the mid-1980s). The existing development includes a building located in the rear of the site, with parking located between the building and the street. Furthermore, the existing site is 95% impervious surface; with no landscape buffers along East Franklin Street or South Estes Drive (the two small crape myrtles and small areas of grass are actually located in the right-of-way)

The proposed Walgreens building is located near both streets and places parking behind the building in an effort to screen it from the view of each street. The proposed store will be non-prototypical in appearance, incorporate desirable energy efficiency elements, and will have a custom design that will be approved by the Town’s Community Design Commission. The proposed site plan also includes 20-foot buffers (except for a short 19.6-foot segment at the corner) along East Franklin Street and South Estes Drive, which will provide a landscaped edge and significantly improve the appearance of the site.

In addition, the proposed site plan reduces the impervious surface to 74.5% of the site, and converts over 6,800 square feet (0.16 acres) of impervious surface into pervious landscaped areas. This reduction in impervious surface (over 20% of the site) will improve stormwater quality. The voluntary provision of an inline Stormceptor® unit will also further serve to improve stormwater quality.

In summary, the proposed Walgreens will redevelop an existing commercial site with a new commercial use that will be designed and built in accordance with the Town’s Design Standards, improving both the aesthetic appearance and environmental functionality of the site.

➤ *“Work towards a balanced transportation system”*

Applicant’s Response: The proposed Walgreens site is located in close proximity to several bus stops along East Franklin Street that serve multiple routes. Recognizing the proximity of multiple bus routes, Walgreens is proposing a reduction in the number of minimum vehicular parking spaces required by the Land Use Management Ordinance. By providing a reduced number of parking spaces and placing bicycle

parking spaces in very close proximity to the store's entrance, Walgreens is attempting to promote alternative forms of transportation and work towards a balanced transportation system.

➤ *“Complete the bikeway/greenway/sidewalk systems”*

Applicant's Response: The existing service station site currently has four full-access driveway entrances along its East Franklin and South Estes frontages. By removing the two driveway entrances closest to the intersection, the proposed development will not only improve vehicular safety, it will also add more continuous sidewalk along the site's frontage, improving the existing sidewalk system and providing a more complete and safer pedestrian environment. The addition of a landscaped buffer where none currently exists, will also improve the quality of this pedestrian experience.

South Estes Drive is also a designated bicycle corridor on the Town's adopted bicycle facilities plan. Since additional lane space for bicycles does not exist along this portion of the corridor, Walgreens is proposing to construct a wide outside lane along its South Estes frontage in order to help complete this portion of the Town's bicycle system.

➤ *“Provide quality facilities and services”*

Applicant's Response: The proposed Walgreens will not only offer attractive customized architecture at a prominent street corner in Chapel Hill; it will bring an established and successful store that offers quality pharmaceutical goods and associated services to the greater Chapel Hill community. In particular, the store is situated and designed to maximize the opportunity to utilize alternative forms of transportation and also offers handicap parking within 25 feet of the store's entrance for the segment of the community's population that has limited mobility.

- The Comprehensive Plan identifies the goal to *“increase employment opportunities for residents and satisfy local demand for commercial and retail services.”*

Applicant's Response: The proposed Walgreens will increase employment opportunities in Chapel Hill. With several condominium and apartment communities located within one-fourth of a mile of the site (Wilshire Place, Sherwood Colony, Winchester Court, Sunstone Apartments, Camelot Village, and Camelot Village), this proposed use will provide employment opportunities for nearby residents who can actually walk or bicycle to work. Four (4) bus stops within a one-quarter mile radius also provide opportunities for employees who may live elsewhere in town to ride the bus to and from work.

The proposed Walgreens will also help satisfy local demand for commercial and retail services, by providing a store that offers a drugstore items and a pharmacy, photography supplies and film development, a limited selection of food products, and other general convenience retail items under one roof. This development will also introduce a new retail tenant that does not currently exist in the Chapel Hill market.

- One of the objectives identified in the Comprehensive Plan is to move “*towards a more balanced transportation system that improves mobility and choice for residents.*”

Applicant’s Response: The proposed site plan proposes to close two full-access driveways and replace them with curb and gutter and sidewalk. In addition, the site plan proposes to convert the remaining two full-access driveways into right-in/right-out points of ingress and egress, utilizing physically raised medians on both East Franklin Street and South Estes Drive to limit turning movements.

These physical improvements will eliminate certain turning movements and provide a much longer, continuous sidewalk network on this site. All of these changes will significantly improve mobility for the southeast quadrant of this intersection, while also greatly increasing pedestrian and bicycle safety.

The site plan also incorporates a bicycle parking area adjacent to the front door of the building, in order to improve mobility and offer transportation choices to potential customers, especially those who live near the site.

Furthermore, by locating this land use in an area with two existing bus stops within 300 feet of the site and two more bus stops within one-quarter mile of the site, the use of mass transit as a means of accessing the retail services offered by this land use is feasible and convenient, thereby improving mobility and choice for residents.

- One of the strategies noted in the Comprehensive Plan is to “*improve existing stormwater management practices.*”

Applicant’s Response: This development proposes to take a site that is currently 95.2% impervious surface (net land area) with no stormwater management facilities, and reduce impervious surface by 6,829 SF (a reduction of over 20%) while also simultaneously installing a stormwater management device that will improve the water quality of the stormwater runoff from the parking lot and access drive areas, thereby improving existing stormwater management practices (or lack thereof) on the site.

- The Comprehensive Plan also discusses the need for “*comprehensive parking strategies that balance parking supply with demand.*”

Applicant’s Response: Recognizing that the minimum of 36 parking spaces that is required by the Town’s Land Use Management Ordinance based on the store’s overall floor area exceeds the actual needs for this site, the site plan proposes to provide parking (24 spaces) at a level that is commensurate with the store’s anticipated amount of retail floor area (approximately one-third of the proposed floor area is for inventory and storage purposes). Accordingly, the developer is seeking to “balance parking supply with demand.” In addition, the developer is seeking to promote alternative modes of transportation by providing bicycle parking adjacent to the front door, in order to help further reduce demand for vehicular parking spaces.

- The Master Plan for Entranceway Corridors, which is an adopted component of the Town’s Comprehensive Plan, identifies the portion of East Franklin Street between Eastgate Shopping Center and the Bolin Creek Bridge as a “*Developed Corridor.*” This document acknowledges that Developed Corridors “*represent the most difficult streetscape image problem to resolve*” due to the “*incremental nature*” of new development and redevelopment. Furthermore, “*a narrow planting strip [between the sidewalk and the curb], overhead utilities, existing sidewalks and other infrastructure severely limit the ability to make significant landscape improvements within the existing public right-of-way.*”

Recognizing that existing development in this area “*has created a streetscape which displays little connection with the traditional Chapel Hill character,*” the plan notes that “*the ultimate objective is to create some degree of visual unification and consistent streetscape improvements which will bring these areas back into a condition at least compatible with other more attractive streetscapes in Chapel Hill.*”

Applicant’s Response: The existing development on the site does not include any landscaped buffers along East Franklin Street. The proposed site plan incorporates a combination of street trees and smaller flowering trees as part of the site’s proposed 20-foot alternative buffer. The re-vegetation of this area and subsequent planting with landscaping materials utilized by other developments in this developed corridor will create a more attractive streetscape for this site and contribute towards the ultimate objective of creating some degree of visual unification and continuity of streetscape in this corridor.

- The Town’s Comprehensive Plan also identifies the objective to “*protect the visual character and design quality of entranceways into Chapel Hill.*”

Applicant's Response: Although we do not believe that the existing development on the site includes any visual character and design quality that warrants protection, we do believe that the proposed new building and its associated architectural character and appearance, when combined with the creation of a landscaped buffer will serve to enhance the visual character of this particular entranceway corridor.

Furthermore, the decision to move the building up close to the street and to locate (or screen) the parking behind the building achieves goals delineated in the Town's Design Guidelines and embodies the quality of design that is envisioned for entranceways into Chapel Hill.

The applicant hereby requests that the Town Council make the required findings of fact and approve the requested modifications of Town standards, as identified and justified above.

E. Franklin Street

Entrance

Walgreens

22.0'
Setback

22.0'
Setback

20.7'

20.0'
Proposed
Setback

Dedicate 2'
of Additional
R/W

Proposed
Property
Line

Existing
Property
Line

S. Estes Dr.

WALGREENS
Chapel Hill, North Carolina

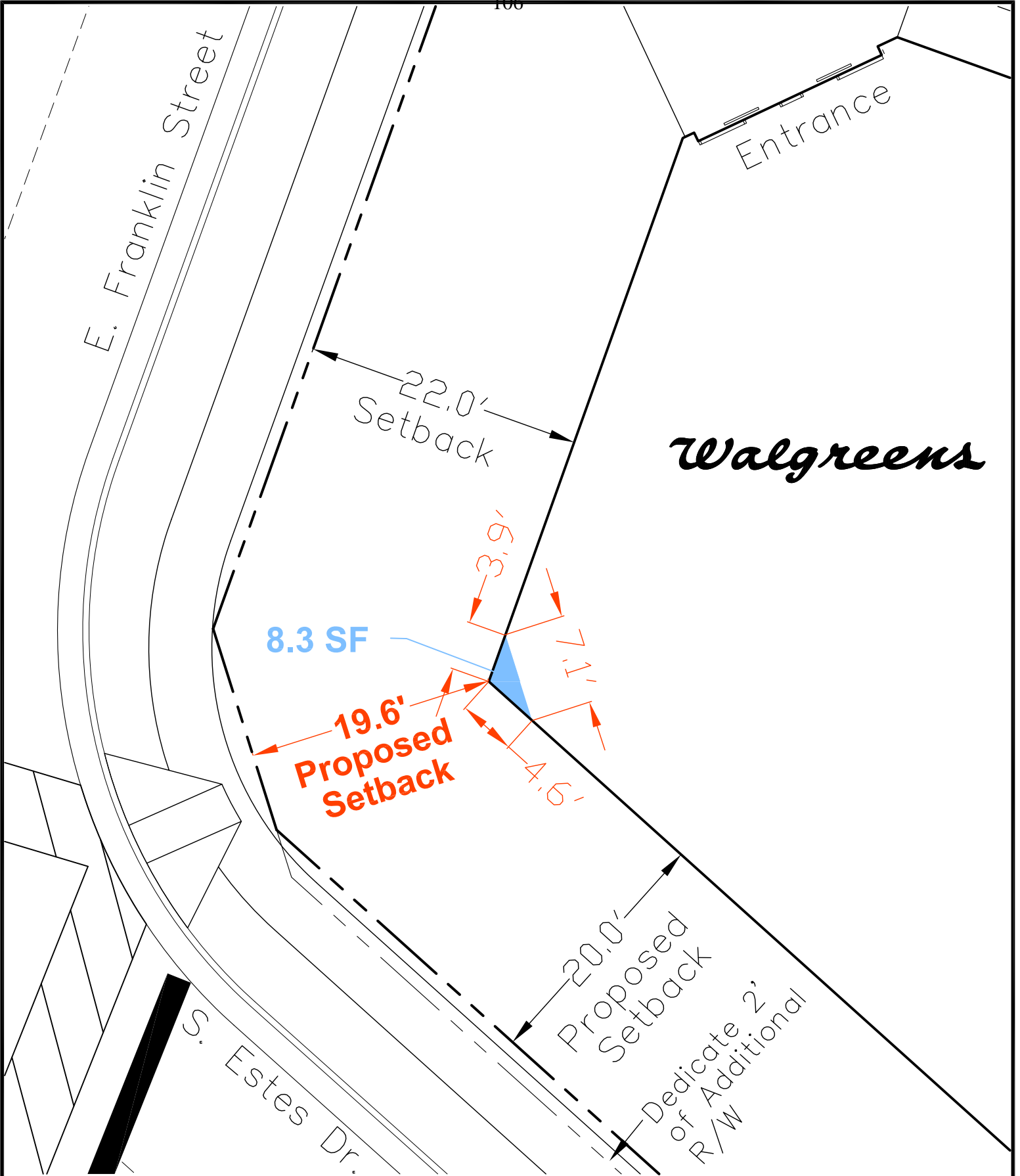
Setback for Corner Property Line



THE DESIGN RESPONSE
1616 Evans Road, Suite 205
Cary, NC 27513
(919) 678-8050 Fax (919) 678-8150



| | |
|-------------|----------|
| DATE: | 12/23/08 |
| SCALE: | 1"=10' |
| DRAWN BY: | EJK |
| JOB NO.: | 037-001 |
| SHEET NO.: | 1 |
| OF 2 SHEETS | |



Walgreens

8.3 SF

19.6'
Proposed
Setback

22.0'
Setback

20.0'
Proposed
Setback

Dedicate 2'
of Additional
R/W

WALGREENS
Chapel Hill, North Carolina

Proposed Setback for Corner Property Line



THE DESIGN RESPONSE
 1616 Evans Road, Suite 205
 Cary, NC 27513
 (919) 678-8050 Fax (919) 678-8150



| | |
|-------------|----------|
| DATE: | 12/23/08 |
| SCALE: | 1"=10' |
| DRAWN BY: | EJK |
| JOB NO.: | 037-001 |
| SHEET NO.: | 2 |
| OF 2 SHEETS | |

Walgreens

1500 EAST FRANKLIN STREET
CHAPEL HILL, NORTH CAROLINA

SPECIAL USE PERMIT MODIFICATION

A DEVELOPMENT BY:

G.H.K. Developments, Inc.

170 Broadway Street, Suite 227

New Orleans, LA 70118

and

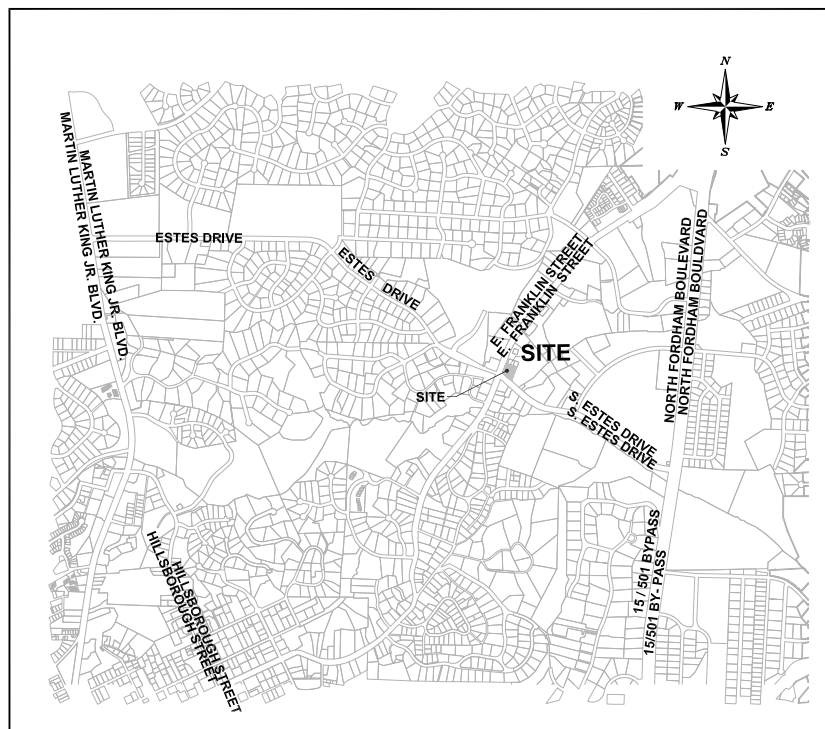
Walgreen Co.

104 Wilmot Road

Deerfield, IL 60015

Vicinity Map

1"=1500'



WALGREENS Special Use Permit Modification

1500 East Franklin Street
Chapel Hill, North Carolina

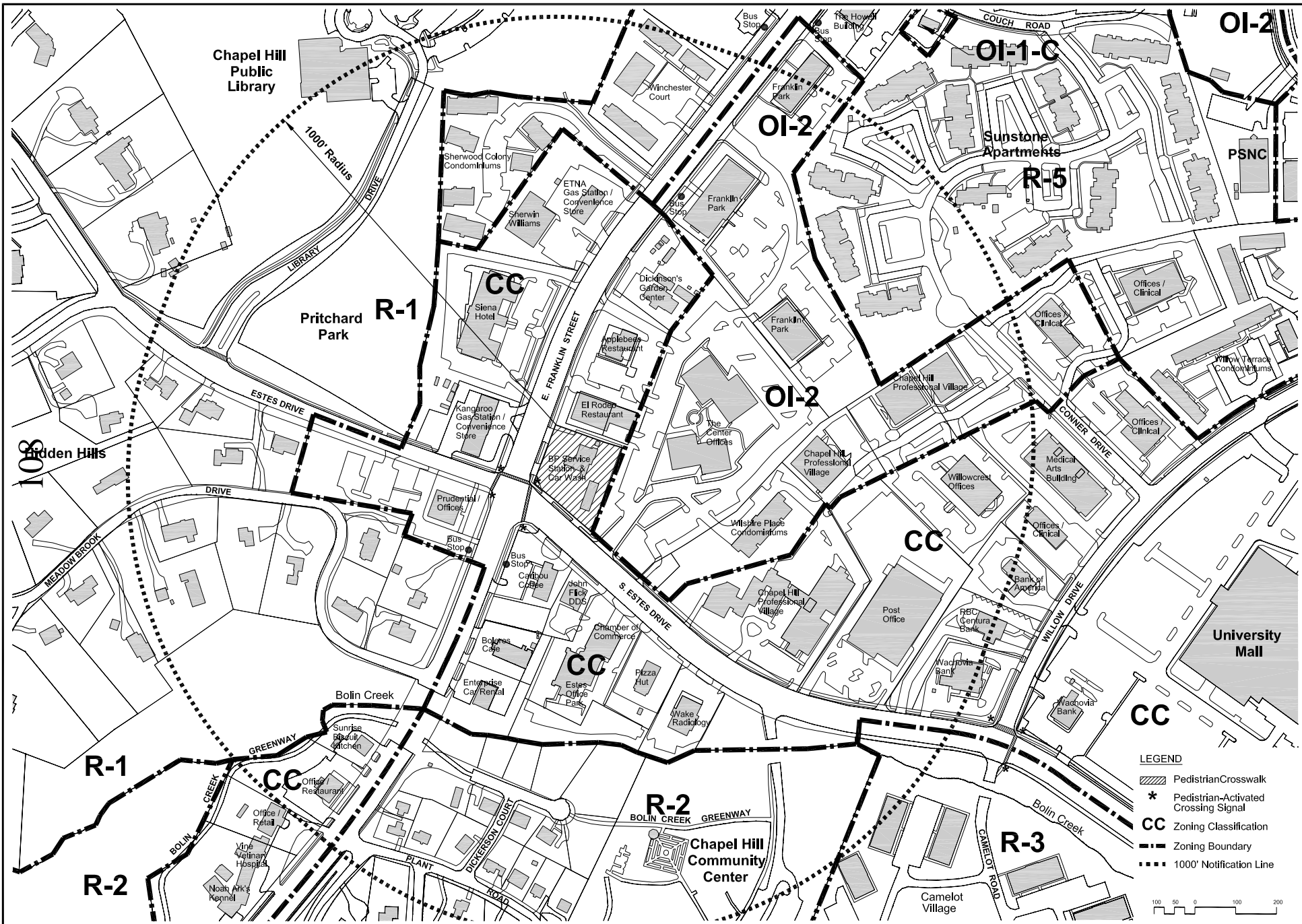
| Sheet | Description |
|-------|---------------------------------------|
| 1 | COVER SHEET |
| 2 | AREA MAP |
| 3 | AERIAL PHOTOGRAPH |
| 4 | EXISTING CONDITIONS / SITE ANALYSIS |
| 5 | SITE PLAN |
| 6 | GRADING / STORM DRAINAGE / UTILITY |
| 7 | LANDSCAPE / LANDSCAPE PROTECTION |
| 8 | BICYCLE PARKING / PARKING LOT SHADING |



THE DESIGN RESPONSE
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Cary, NC 27513
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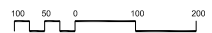


ARCADIS G&M of North Carolina, Inc.
801 Corporate Center Drive, Suite 300
Raleigh, NC 27607
Tel: 919-854-1282 Fax: 919-854-5448
www.arcadis-us.com



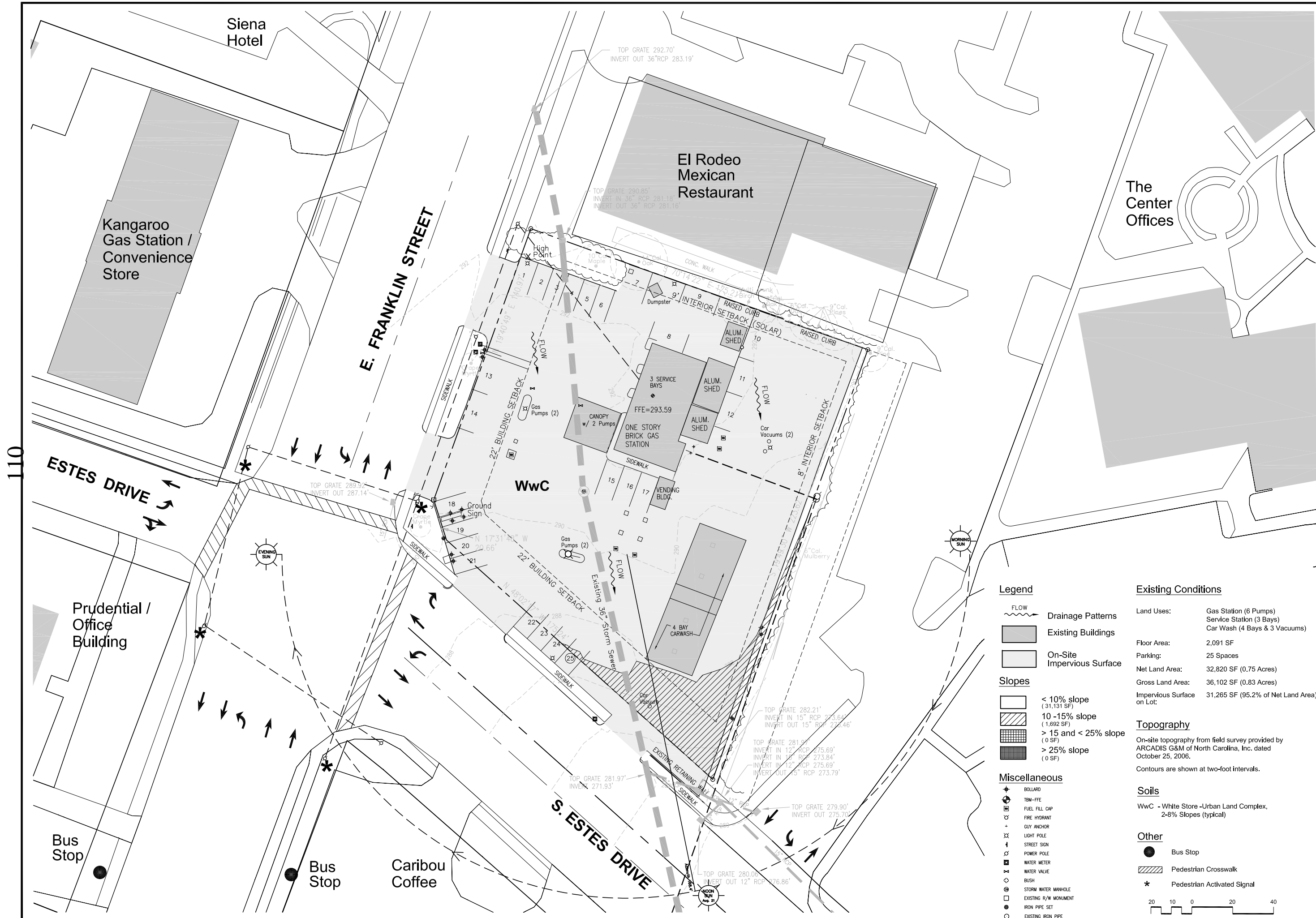
Walgreens
 Chapel Hill, North Carolina
 Area Map

- LEGEND**
- Pedestrian Crosswalk
 - Pedestrian-Activated Crossing Signal
 - CC** Zoning Classification
 - Zoning Boundary
 - 1000' Notification Line



| DATE: | DHR Comments |
|----------|--------------|
| 12/18/08 | REVISION: |

| | |
|------------|---------|
| DATE: | 3/20/07 |
| SCALE: | 1"=100' |
| DRAWN BY: | |
| JOB NO.: | 037-001 |
| SHEET NO.: | |



110

Siena Hotel

Kangaroo Gas Station / Convenience Store

El Rodeo Mexican Restaurant

The Center Offices

ESTES DRIVE

E. FRANKLIN STREET

Prudential / Office Building

WwC

Bus Stop

Bus Stop

Caribou Coffee

S. ESTES DRIVE

Legend

- FLOW
- Drainage Patterns
- Existing Buildings
- On-Site Impervious Surface
- Slopes
 - < 10% slope (31,131 SF)
 - 10 - 15% slope (1,692 SF)
 - > 15 and < 25% slope (0 SF)
 - > 25% slope (0 SF)
- Miscellaneous
 - BOLLARD
 - TBM-FFE
 - FUEL FILL CAP
 - FIRE HYDRANT
 - GUY ANCHOR
 - LIGHT POLE
 - STREET SIGN
 - POWER POLE
 - WATER METER
 - WATER VALVE
 - BUSH
 - STORM WATER MANHOLE
 - EXISTING R/W MONUMENT
 - IRON PIPE SET
 - EXISTING IRON PIPE

Existing Conditions

Land Uses: Gas Station (6 Pumps)
Service Station (3 Bays)
Car Wash (4 Bays & 3 Vacuums)

Floor Area: 2,091 SF

Parking: 25 Spaces

Net Land Area: 32,820 SF (0.75 Acres)

Gross Land Area: 36,102 SF (0.83 Acres)

Impervious Surface on Lot: 31,265 SF (95.2% of Net Land Area)

Topography

On-site topography from field survey provided by ARCADIS G&M of North Carolina, Inc. dated October 25, 2006.

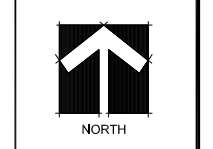
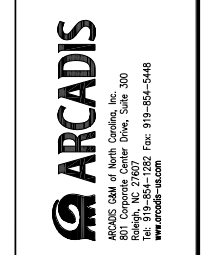
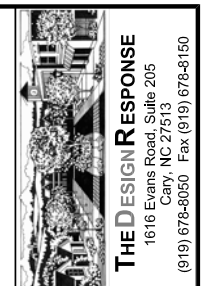
Contours are shown at two-foot intervals.

Soils

WwC - White Store - Urban Land Complex, 2-8% Slopes (typical)

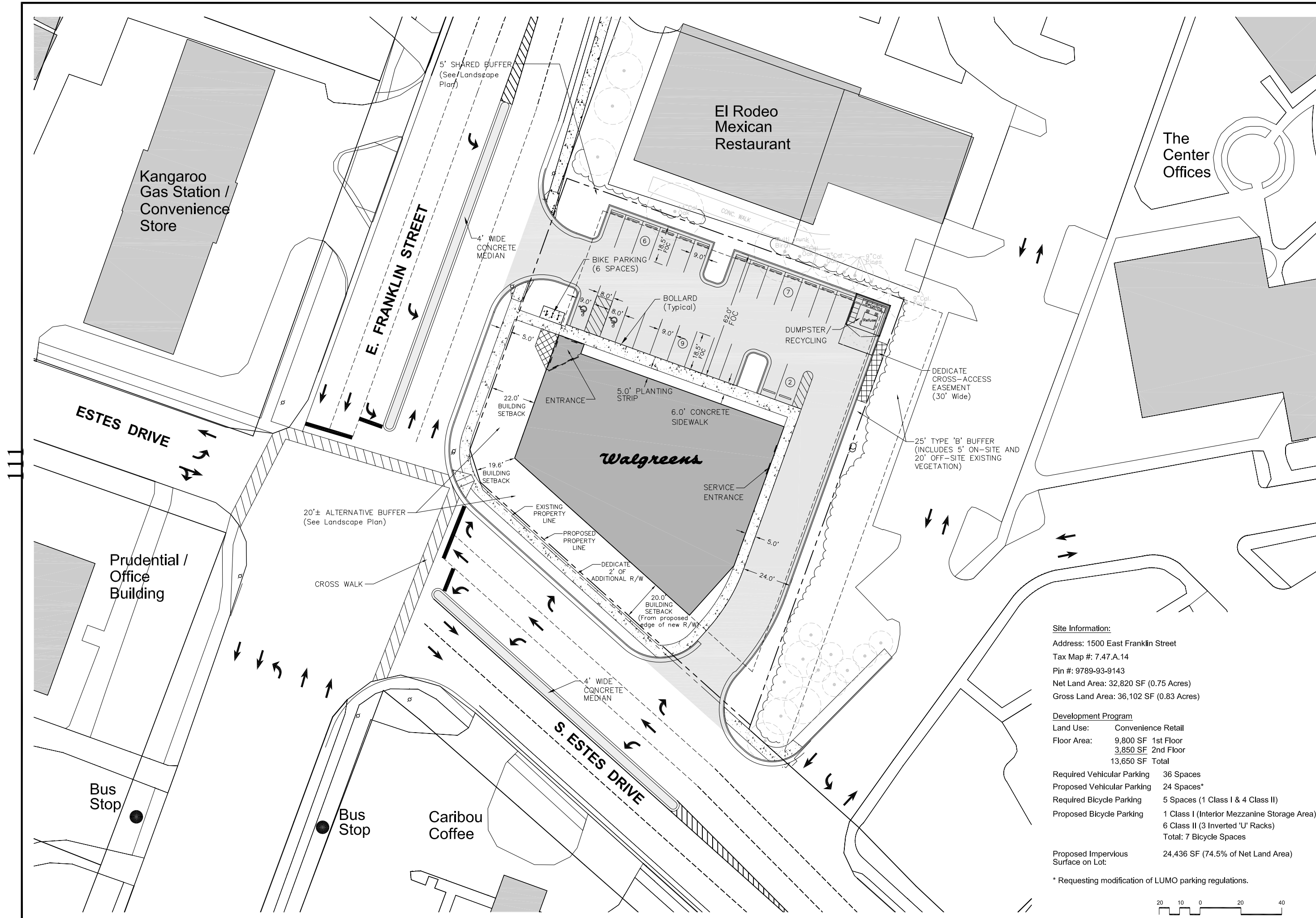
Other

- Bus Stop
- ▨ Pedestrian Crosswalk
- * Pedestrian Activated Signal



Walgreens
Chapel Hill, North Carolina
Existing Conditions / Site Analysis

| | |
|-----------|--------------|
| 3/9/09 | Labels |
| 12/19/08 | DHR Comments |
| DATE: | REVISION: |
| DATE: | 3/20/07 |
| SCALE: | 1"=20' |
| DRAWN BY: | |
| JOB NO.: | 037-001 |
| SHEET NO. | 4 |



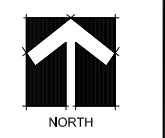
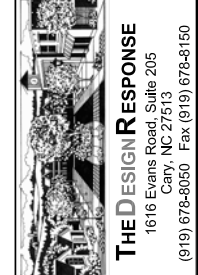
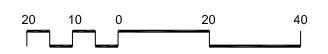
Site Information:
 Address: 1500 East Franklin Street
 Tax Map #: 7.47.A.14
 Pin #: 9789-93-9143
 Net Land Area: 32,820 SF (0.75 Acres)
 Gross Land Area: 36,102 SF (0.83 Acres)

Development Program
 Land Use: Convenience Retail
 Floor Area: 9,800 SF 1st Floor
 3,850 SF 2nd Floor
 13,650 SF Total

Required Vehicular Parking 36 Spaces
 Proposed Vehicular Parking 24 Spaces*
 Required Bicycle Parking 5 Spaces (1 Class I & 4 Class II)
 Proposed Bicycle Parking 1 Class I (Interior Mezzanine Storage Area)
 6 Class II (3 Inverted 'U' Racks)
 Total: 7 Bicycle Spaces

Proposed Impervious Surface on Lot: 24,436 SF (74.5% of Net Land Area)

* Requesting modification of LUMO parking regulations.

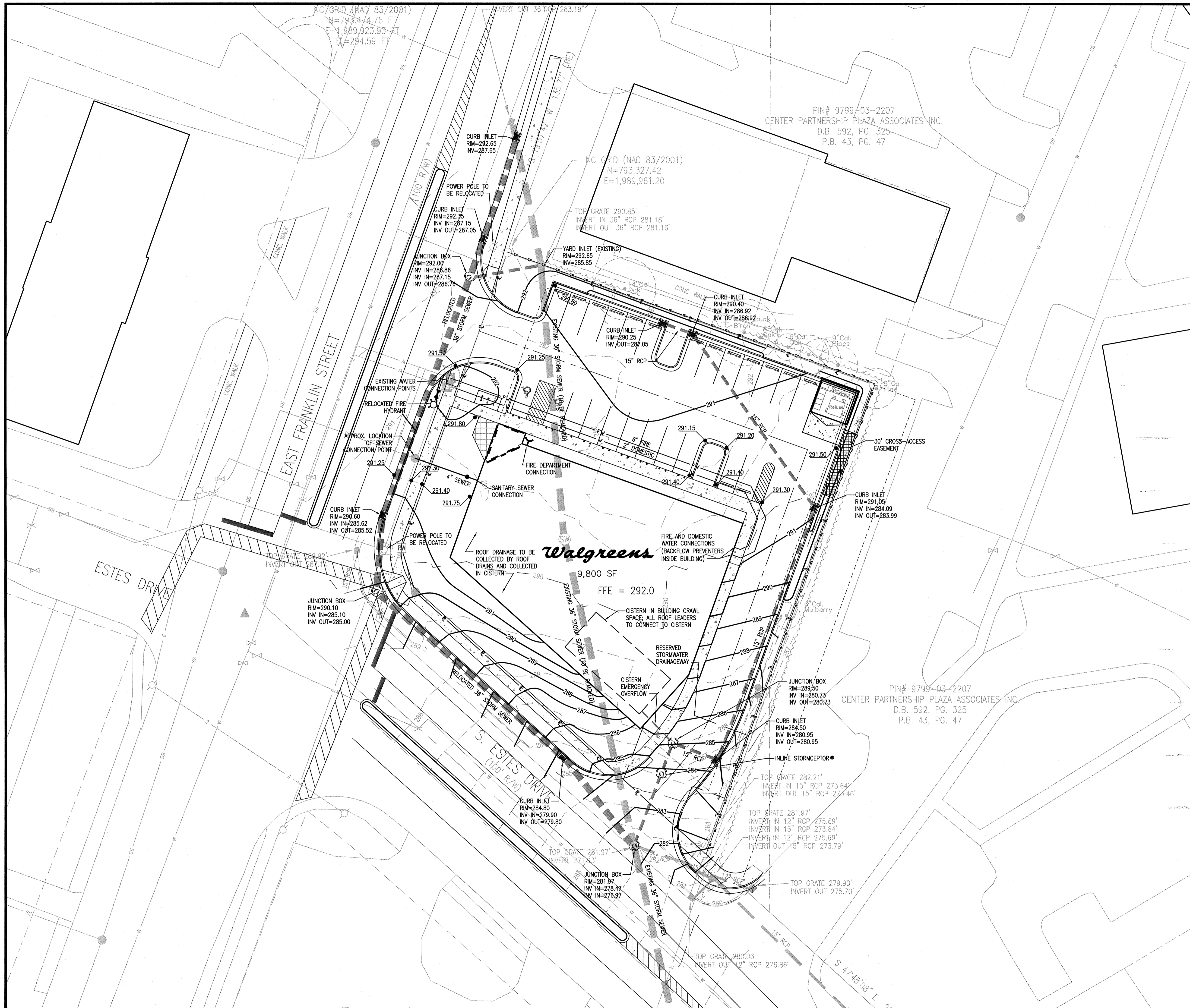


Walgreens

Chapel Hill, North Carolina

Site Plan

| | |
|-----------|-------------------|
| 10/21/09 | Building Entrance |
| 3/9/09 | Building Entrance |
| 12/19/08 | DHR Comments |
| DATE: | REVISION: |
| DATE: | 3/20/07 |
| SCALE: | 1"=20' |
| DRAWN BY: | |
| JOB NO.: | 037-001 |
| SHEET NO. | |



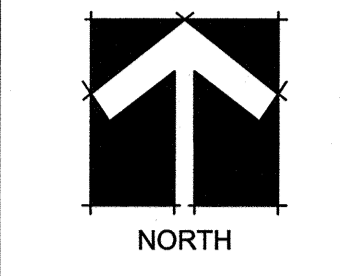
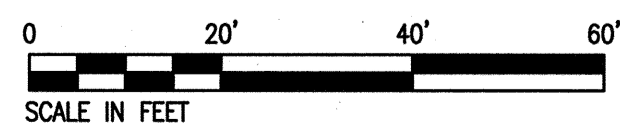
- NOTES:**
- PROPERTY INFORMATION BASED ON SURVEY BY ARCADIS AND INFORMATION OBTAINED FROM ORANGE COUNTY GEOGRAPHICAL INFORMATION SYSTEMS.
 - CONTRACTOR SHALL HAVE ALL ON-SITE UTILITIES LOCATED BY A UTILITY LOCATOR SERVICE PRIOR TO ANY CONSTRUCTION OR DEMOLITION. NOTIFY OWNER OF ANY DISCREPANCIES PRIOR TO COMMENCING WORK. EXISTING UTILITY INFORMATION PROVIDED BY OWNER (ORANGE WATER AND SEWER AUTHORITY).
 - PROPOSED UTILITY SIZES ARE PRELIMINARY AND WILL BE CONFIRMED PRIOR TO SUBMITTAL OF CONSTRUCTION PLANS.
 - THE IN-LINE STORMCEPTOR WILL BE UTILIZED TO REMOVE GRIT, FINE SEDIMENT AND FREE OIL FROM STORMWATER. THESE POLLUTANTS WILL BE STORED INSIDE THE UNIT AND WILL BE REMOVED AS PART OF A SCHEDULED MAINTENANCE PROCEDURE.
 - THE SIZE AND LOCATION OF THE STORMCEPTOR WILL BE DETERMINED PRIOR TO THE ISSUANCE OF A ZONING COMPLIANCE PERMIT.
 - PRIOR TO ANY DEMOLITION OR CONSTRUCTION ACTIVITY ON THE SITE, THE DEVELOPER WILL HOLD A DECONSTRUCTION ASSESSMENT CONFERENCE WITH THE COUNTY'S SOLID WASTE STAFF CONCERNING BUILDINGS TO BE REMOVED FROM THIS SITE.
 - PRIOR TO ANY DEMOLITION OR CONSTRUCTION ACTIVITY ON THE SITE, THE DEVELOPER WILL HOLD A PRE-DEMOLITION/ PRE-CONSTRUCTION CONFERENCE WITH THE COUNTY'S SOLID WASTE STAFF.
 - BY ORANGE COUNTY ORDINANCE, CLEAN WOOD WASTE, SCRAP METAL AND CORRUGATED CARDBOARD, ALL PRESENT IN CONSTRUCTION WASTE, MUST BE RECYCLED.
 - BY ORANGE COUNTY ORDINANCE, ALL HAULERS OF CONSTRUCTION WASTE MUST BE PROPERLY LICENSED.

PRELIMINARY - ISSUED FOR REVIEW - DO NOT USE FOR CONSTRUCTION

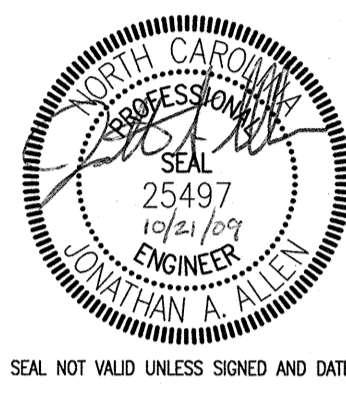
- OWASA UTILITY NOTES:**
- STANDARDS AND SPECIFICATIONS - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH OWASA STANDARDS AND SPECIFICATIONS DATED AUGUST 2003, LATEST REVISED VERSION.
 - SEWER USE ORDINANCE - DISCHARGE FROM THIS PROJECT MUST BE IN COMPLIANCE WITH THE OWASA SEWER USE ORDINANCE. A GREASE INTERCEPTOR SHALL BE PROVIDED WHEN IN THE OPINION OF OWASA IT IS NECESSARY FOR THE PROPER HANDLING OF WASTEWATER CONTAINING EXCESSIVE AMOUNTS OF GREASE. ALL INTERCEPTION UNITS MUST BE OF THE TYPE AND CAPACITY WHICH IS CERTIFIED BY THE PROJECT ENGINEER AS MEETING THE REQUIREMENTS OF OWASA.
 - SEWER SERVICES - EACH BUILDING CONNECTED TO THE SEWER SYSTEM SHALL BE SERVED BY A SEPARATE BUILDING SEWER OF NOT LESS THAN 4" IN DIAMETER. SEWER SERVICES LOCATED WITHIN PUBLIC RIGHT-OF-WAYS OR OWASA SEWER EASEMENTS MUST BE CONSTRUCTED OF DUCTILE IRON PIPE FROM THE TAP UP TO AND INCLUDING THE FIRST CLEAN-OUT. EXCEPT FOR DEAD END MANHOLES, ALL 4" SEWER SERVICES MUST BE TAPPED INTO THE SEWER MAIN. ALL 6" SERVICES MUST BE CONNECTED TO A MANHOLE.
 - DECHLORINATION REQUIREMENTS - THE CONTRACTOR SHALL BE RESPONSIBLE FOR NEUTRALIZATION OF CHLORINATED WATER AT THE POINT OF DISCHARGE FROM THE MAIN BEING TESTED. THIS SHALL OCCUR FOLLOWING CHLORINATION TO DISINFECT A MAIN OR ANY OTHER TIME WHEN ELEVATED LEVELS OF CHLORINE COULD POTENTIALLY BE DISCHARGED INTO THE ENVIRONMENT BY THE CONTRACTOR. AT THE TIME THE DISINFECTION AND PURITY TESTING PROCEDURES ARE DISCUSSED WITH THE OWASA CONSTRUCTION INSPECTOR, THE PROCEDURE FOR DECHLORINATION WILL BE COVERED. ABSOLUTELY NO FLUSHING, DISINFECTION, OR PURITY SAMPLING IS TO TAKE PLACE WITHOUT PRIOR APPROVAL OF A SAMPLING PLAN BY THE OWASA INSPECTOR.
 - CROSS-CONNECTION CONTROL ORDINANCE - BACKFLOW PREVENTION WILL BE REQUIRED IN ACCORDANCE WITH OWASA CROSS-CONNECTION CONTROL ORDINANCE AND MANUAL.

LEGEND

- ⊗ SEWER CLEAN OUT
- ⊕ FIRE HYDRANT
- ⊙ GUY ANCHOR
- ⊕ LIGHT POLE
- ⊕ SIGN
- ⊕ POWER POLE
- ⊕ WATER METER
- ⊕ WATER VALVE
- ⊕ STORM WATER MANHOLE
- ⊕ EXISTING R/W MONUMENT
- ▲ NEW PK NAIL IN INTERSECTION

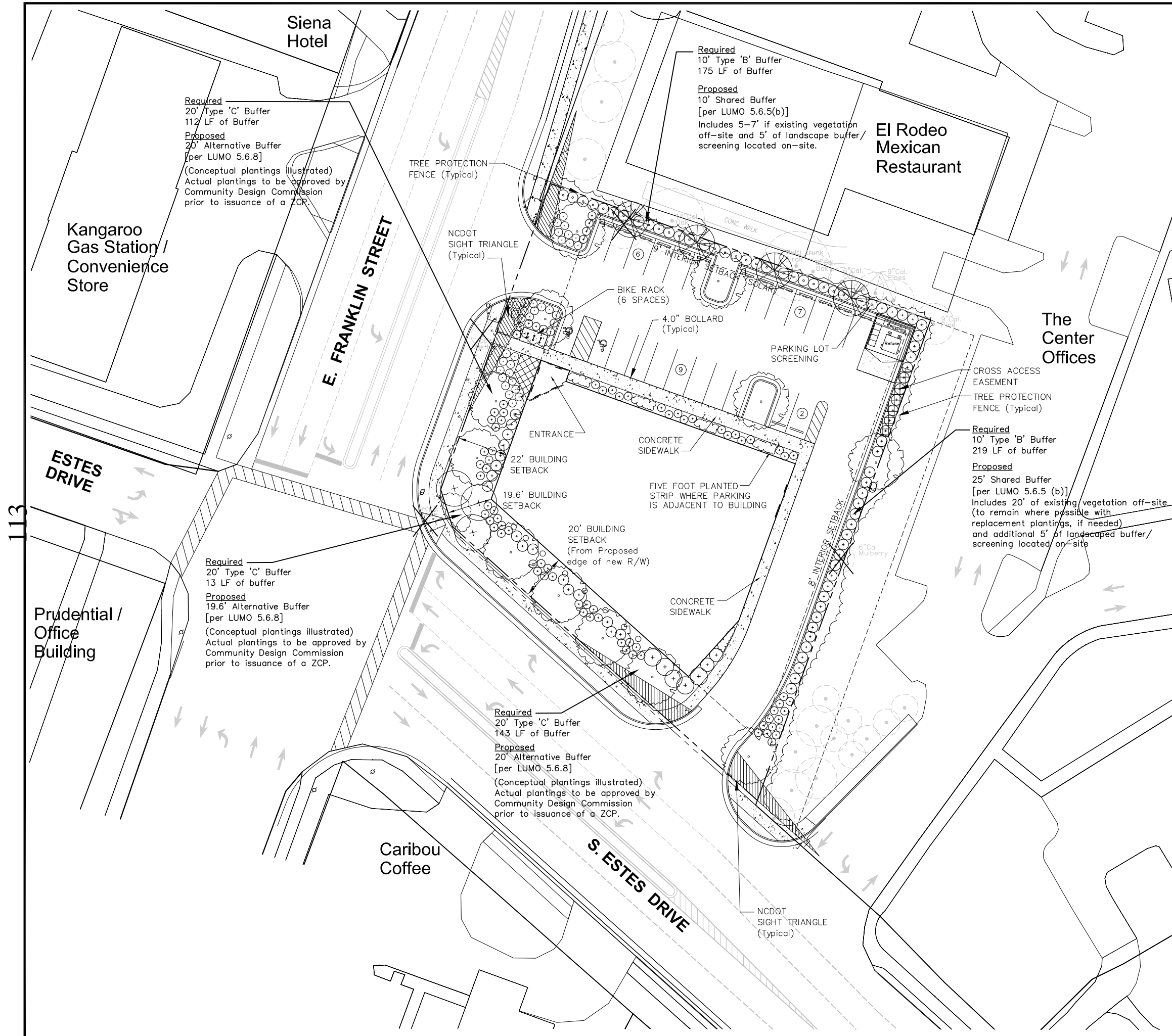


ARCADIS
 ARCADIS USA of North Carolina, Inc.
 8000 Research Triangle Drive, Suite 300
 Raleigh, NC 27607
 Tel: 919-854-1982 Fax: 919-854-4448
 LICENSE NUMBER: C-1689



Walgreens
 Chapel Hill, North Carolina
Grading / Storm Drainage / Utility

| | |
|------------|-------------------|
| 10/21/09 | BUILDING ENTRANCE |
| 12/19/08 | SUP RESUBMITTAL |
| 3/20/07 | SUP SUBMITTAL |
| DATE: | REVISION: |
| DATE: | 3/20/07 |
| SCALE: | 1"=20' |
| DRAWN BY: | |
| JOB NO.: | 037-001 |
| SHEET NO.: | |



Required
20' Type 'C' Buffer
112 LF of Buffer
Proposed
20' Alternative Buffer
[per LUMO 5.6.8]
(Conceptual plantings illustrated)
Actual plantings to be approved by
Community Design Commission
prior to issuance of a ZCP.

Required
10' Type 'B' Buffer
175 LF of Buffer
Proposed
10' Shared Buffer
[per LUMO 5.6.5(b)]
Includes 5-7' if existing vegetation
off-site and 5' of landscape buffer/
screening located on-site.

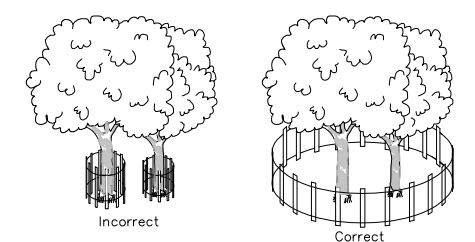
Required
20' Type 'C' Buffer
13 LF of Buffer
Proposed
19.6' Alternative Buffer
[per LUMO 5.6.8]
(Conceptual plantings illustrated)
Actual plantings to be approved by
Community Design Commission
prior to issuance of a ZCP.

Required
20' Type 'C' Buffer
143 LF of Buffer
Proposed
20' Alternative Buffer
[per LUMO 5.6.8]
(Conceptual plantings illustrated)
Actual plantings to be approved by
Community Design Commission
prior to issuance of a ZCP.

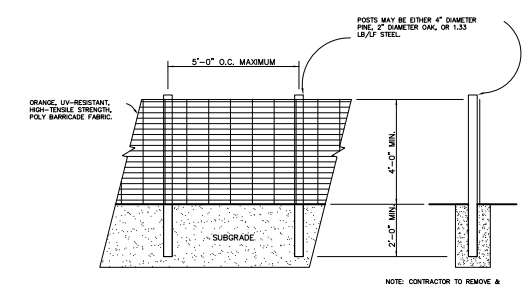
Required
10' Type 'B' Buffer
219 LF of Buffer
Proposed
25' Shared Buffer
[per LUMO 5.6.5 (b)]
Includes 20' of existing vegetation off-site
(to remain where possible with
replacement plantings, if needed)
and additional 5' of landscaped buffer/
screening located on-site

Notes

1. A pre-construction meeting shall be held with the Town's Urban Forester.
2. In spite of precautions, some damage to protected trees may occur. In such cases repair any damage to the crown, trunk or root system immediately.
 - Repair roots by cutting off the damaged areas and painting them with tree paint. Spread peat moss or moist topsoil over exposed roots.
 - Repair damage to bark by trimming around the damaged areas taper the cut to provide drainage.
 - Cut off all damaged tree limbs above the tree collar at the trunk or main branch. Use three separate cuts to avoid peeling bark from healthy areas of the tree.



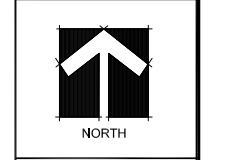
EXAMPLE OF INDIVIDUAL TREE FENCING
N.T.S.



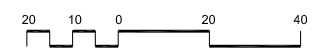
TEMPORARY TREE PROTECTION FENCE
N.T.S.

LEGEND

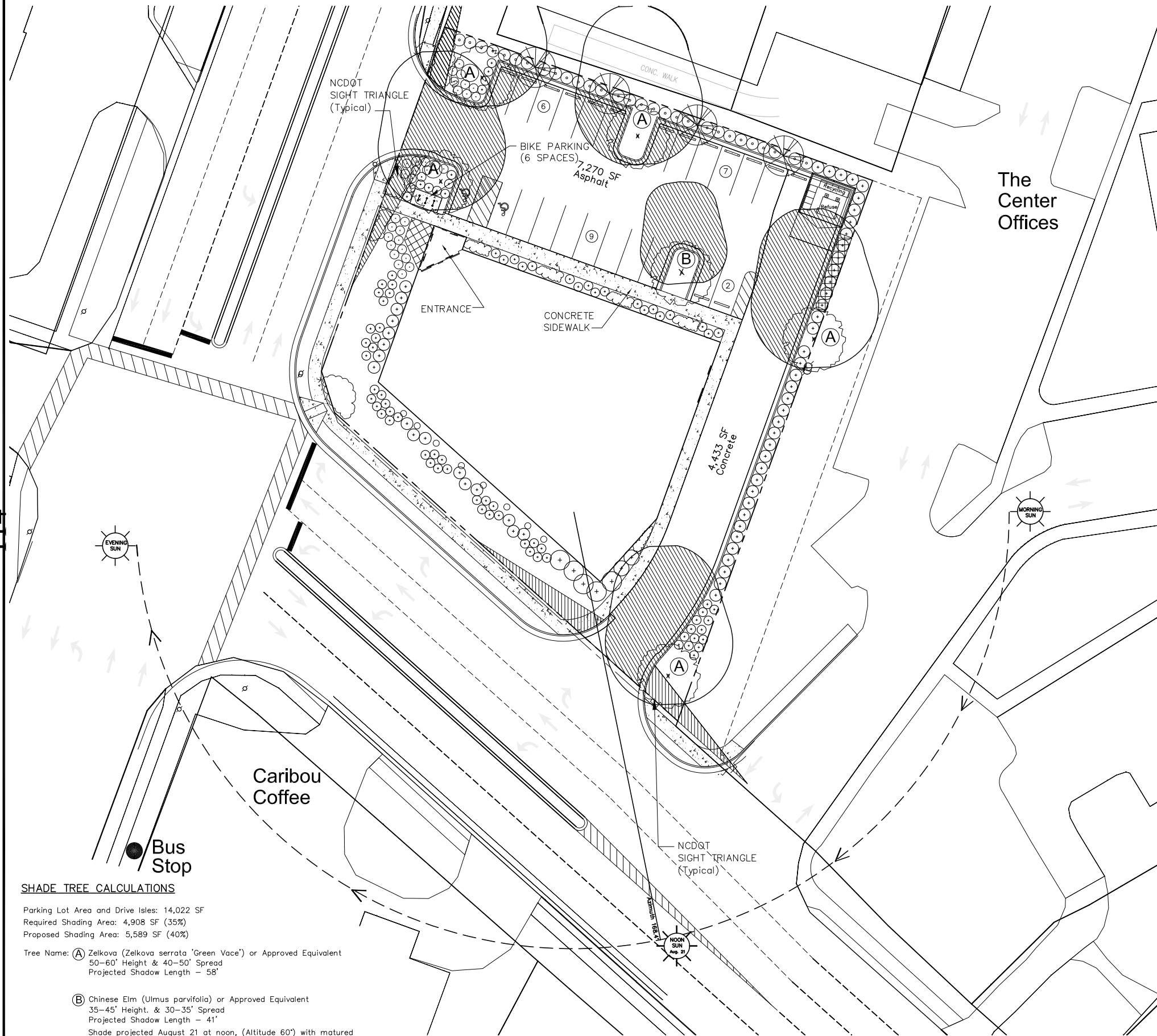
- Existing Trees to be removed
- Existing Trees adjacent to site
- Tree Protection fencing
- Proposed Shade Tree



| | |
|-----------|-------------------|
| 10/21/09 | Building Entrance |
| 3/9/09 | Building Entrance |
| 12/19/08 | DHR Comments |
| DATE: | REVISION: |
| DATE: | 3/20/07 |
| SCALE: | 1"=20' |
| DRAWN BY: | |
| JOB NO.: | 037-001 |
| SHEET NO. | 7 |



Parking Lot Shading Plan



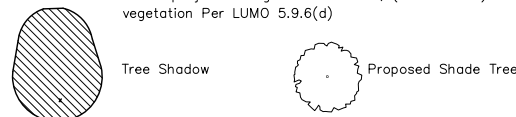
SHADE TREE CALCULATIONS

Parking Lot Area and Drive Isles: 14,022 SF
 Required Shading Area: 4,908 SF (35%)
 Proposed Shading Area: 5,589 SF (40%)

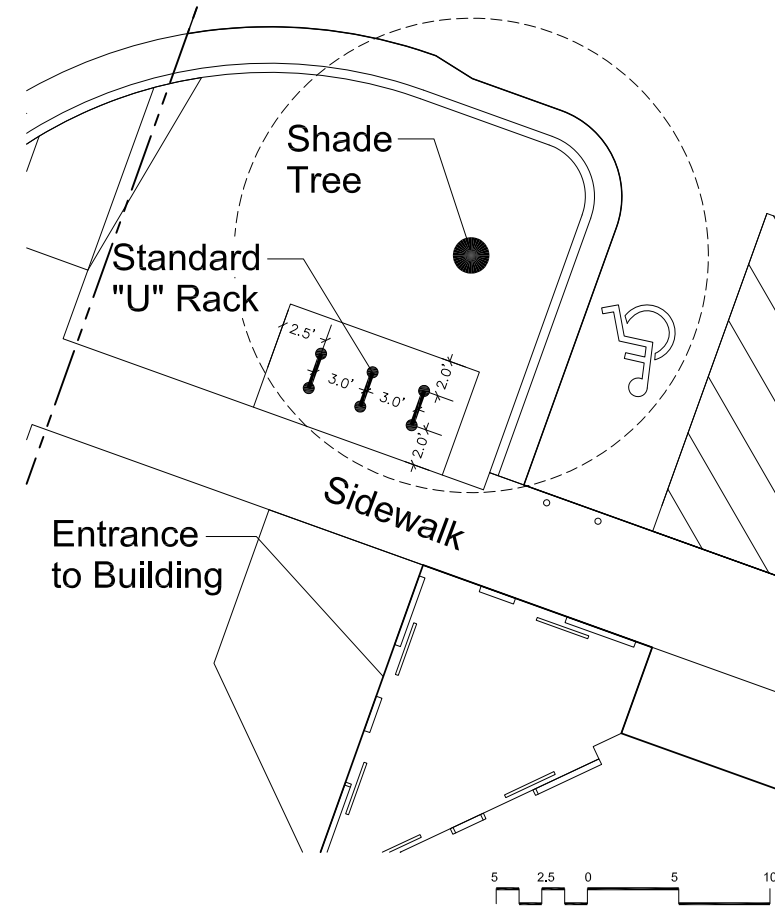
Tree Name: **(A)** Zelkova (*Zelkova serrata* 'Green Vace') or Approved Equivalent
 50-60' Height & 40-50' Spread
 Projected Shadow Length - 58'

(B) Chinese Elm (*Ulmus parvifolia*) or Approved Equivalent
 35-45' Height, & 30-35' Spread
 Projected Shadow Length - 41'

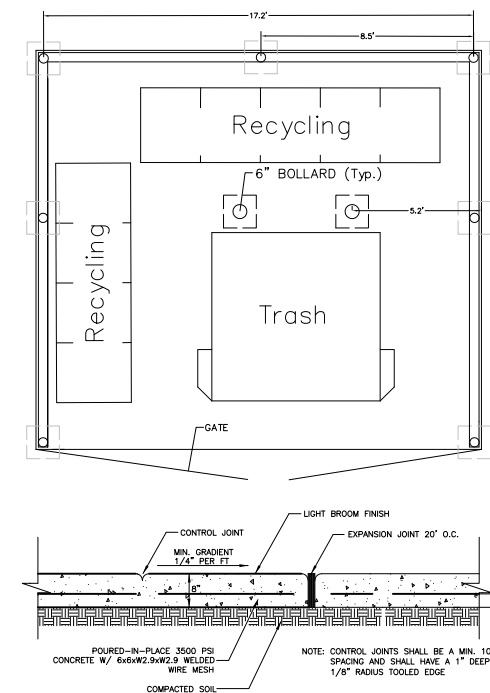
Shade projected August 21 at noon, (Altitude 60°) with matured vegetation Per LUMO 5.9.6(d)



Bicycle Parking Plan

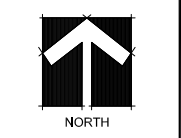
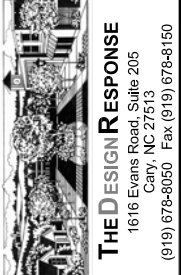


Dumpster Detail



Notes

- Any gate design will include gate retainers.
- The user will be responsible for opening gates to the dumpster area on collection days of any material(s) to be collected from this location.
- If any vehicles are parked in the refuse or recyclable collection vehicle access area, the containers will not receive service until the next scheduled collection day.



Walgreens
 Chapel Hill, North Carolina
Bicycle Parking / Parking Lot Shading

| | |
|------------|-------------------|
| 10/21/09 | Building Entrance |
| 3/9/09 | Building Entrance |
| 12/19/08 | DHR Comments |
| DATE: | REVISION: |
| DATE: | 3/20/07 |
| SCALE: | Varies |
| DRAWN BY: | |
| JOB NO.: | 037-001 |
| SHEET NO.: | |