

## **MEMORANDUM**

TO: Roger L. Stancil, Town Manager

FROM: J. B. Culpepper, Planning Director  
Gene Poveromo, Development Manager  
Judy Johnson, Senior Planner

SUBJECT: Public Hearing: Walgreens – 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, to construct a two-story 13,650 square-foot convenience business building on 0.83 acre of land at 1500 East Franklin Street (aka Walker's BP Service Station). The property is identified as Orange County Parcel Identifier Number 9789-93-9143. The site was encumbered in 1969 by a Special Use Permit for construction of a drive-through car wash. The original service station was constructed in the mid-1960s.

Tonight's public hearing has been scheduled to receive evidence in support of and in opposition to approval of the Special Use Permit Modification application.

### **DESCRIPTION OF THE APPLICATION**

The application proposes to demolish the existing service station and to construct a two-story building with 13,650 square feet of floor area for a Walgreens, a convenience business use, with 24 parking spaces and 7 bicycle parking spaces. The applicant is proposing to close the full-access driveways that are closest to the East Franklin Street and Estes Drive intersection. The two remaining 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. The applicant is proposing to construct new sidewalks along the frontages of East Franklin Street and South Estes Drive.

The applicant is proposing to provide a payment-in-lieu for improvements to the traffic signal at the East Franklin Street and Estes Drive intersection. These improvements include bicycle-activated loops, crosswalk striping, a pedestrian-activated signal for the southern leg of the intersection, and revision to the traffic signal timing. The applicant is also proposing to provide a payment-in-lieu for improvements to the bus stop located on the northwest side of East Franklin Street, in front of the Prudential Office Building.

## DISCUSSION

During staff and advisory board review, we identified the following key issues related to this project:

1. **Estes Drive Median:** Several Advisory Boards expressed concern that the proposed median in South Estes Drive did not extend far enough. The boards believe that the proposed Walgreens project provides an opportunity to restrict full-access vehicle movement at the adjacent Chapel Hill Center and the Chamber of Commerce driveways. The boards requested that the staff and the NCDOT explore opportunities to extend the median further to the east on South Estes Drive to reduce potential traffic conflicts at the Chapel Hill Center driveway. The Bicycle and Pedestrian Advisory Board also requested staff investigate the possibility of prohibiting left turns from the Chapel Hill Center driveway in order to help reduce bicycle conflicts.

We have also received a letter from a nearby property owner (Caribou Coffee) regarding concerns over the proposed median that would restrict turning movements into and out of that site. A copy of the letter is attached to this memorandum.

*Staff comment:* The Town's Engineering staff and NCDOT discussed the issue of a proposed median on South Estes Drive. The discussion focused on the following points: a) Extending the median beyond the Walgreen's property line; b) Restricting vehicular turning movements at an adjacent property; and c) Reducing the width of the South Estes Drive and East Franklin Street medians in order to accommodate bicycle lanes. Each of these points is discussed below.

a) Extension of median on South Estes Drive beyond the Walgreen's property line

This route serves a highly developed area. A large number of access points are present. The restriction of left turns by the installation of an island would result in a significant redistribution of traffic along South Estes Drive and adjacent roadways. The Traffic Impact Analysis for this proposed development did not provide evaluation of further left turn restrictions for drives and/or intersections beyond the Walgreen's site. Additional traffic analysis is needed in order to properly evaluate further extension of the island on this corridor. It is the Town's general practice that we only recommend restrictions to movements along the proposed developments and any restrictions to movements beyond the proposed development area should be studied separately.

We do not believe that there is a rational nexus to require this applicant to extend the median on South Estes Drive beyond their frontage. We do not recommend extension of the proposed South Estes Drive median as part of this development evaluation. We recommend that the Town and NCDOT staff study the corridor and make recommendations for additional safety improvements at a later date.

b) Restricting vehicular turning movements at adjacent property

The Traffic Impact Analysis proposed access configuration of two right-in/right-out drives that will serve to improve overall safety and operation in the immediate area of the intersection by a

substantial reduction in the left turn conflict points and more organized flow in and out of the site. Consistent with the NCDOT guidelines, NCDOT has required that monolithic islands be installed along the property frontage in order to provide more positive guidance and more effective restriction of undesirable left turn movements. This proposed island does affect two nearby properties by restricting left turns at these existing drives. However, each of these properties are served by an additional full movement access which appears to provide sufficient access for the given land use.

c) Reducing the width of the South Estes Drive and East Franklin Street medians in order to accommodate bicycle lanes

According to NCDOT guidelines, the minimum desirable island width is four feet with an additional one foot offset to the travel lanes. Islands less than this width may not provide sufficient room for installation of required signs in the island resulting in reduced clearance to the adjacent traffic and the potential for motorist to "shy" away from the island possibly encroaching on adjacent vehicles or bicycles. We do not recommend islands less than four feet at this location.

Roadway cross-sections provided by the applicant for existing conditions indicate that the current travel lane widths are twelve feet with no designated bicycle accommodation. In order to better accommodate bicycle traffic on Estes Drive and East Franklin Street, we are recommending revisions to the existing pavement markings along the property's frontage. The existing and proposed pavement widths do not allow the provision of striped bicycle lanes.

Although we do not recommend further widening at this intersection beyond what the applicant has proposed, we recommend that along the Walgreen's frontage, the through-travel lane on South Estes Drive and the outside lane on East Franklin Street be striped at 14 feet to better accommodate bicycle traffic as shown on the attached cross-section sheets. As noted earlier, we also recommend that the Town and NCDOT staff study this corridor and make recommendations for further safety improvements at a later date.

We have included a new stipulation in Resolution A requiring the applicant provide a pavement marking plan for the intersection of East Franklin Street and Estes Drive prior to issuance of a Zoning Compliance Permit. We also recommend that prior to the issuance of a Certificate of Occupancy, the applicant restrip the intersection as shown on the approved restriping plan.

2. **Underground Gas Tank Removal:** The Planning Board expressed concern over the potential financial impact of removal of the five underground storage tanks and associated potential soil contamination remediation. The Planning Board suggested that the demolition of the existing service station building be delayed until such time that the applicant commits to the required remediation.

*Staff comment:* Removal of underground gas tanks is governed by state regulations and the removal of these tanks will be subject to state regulations. We believe that the applicant has agreed to removing the underground gas tanks prior to demolition of the on-site gas station/building unless contaminated soil is discovered that would require the existing gas station

to be removed. We have included a stipulation in Resolution A requiring removal of the gas tanks prior to demolition of the buildings unless additional mitigation is necessary.

### **PROPOSED MODIFICATIONS OF THE REGULATIONS**

The applicant is requesting the Council approve several modifications including minimum parking requirement, minimum street, interior, and solar setbacks, and exceptions to setbacks to the Land Use Management Ordinance regulations including vehicle parking quantity standards and dimensional setback standards. For additional information, please refer to the attached staff report.

### **EVALUATION OF THE APPLICATION**

Tonight the Council receives our attached evaluation and information submitted by the applicant. The applicant's materials are included as attachments to this memorandum. All information that is submitted at the hearing will be included in the record of the hearing. Based on the evidence that is submitted, the Council will consider whether or not it can make each of four required findings for the approval of a Special Use Permit Modification. The four findings are:

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;

Finding #2: That the use or development would comply with all required regulations and standards of the Land Use Management Ordinance;

Finding #3: That the use or development is located, designated, 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

Finding #4: That the use or development conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.

Following the public hearing, we will prepare an evaluation of the evidence submitted in support of and in opposition to this application.

### **ADVISORY BOARD RECOMMENDATIONS**

Planning Board: The Planning Board met on November 17, 2009 and voted 8-0 to recommend that the Council approve the Special Use Permit Modification application with Resolution A, with the following changes:

1. Pedestrian Access Path to Chapel Hill Center: That the applicant provide a low-impact (mulch) pedestrian pathway through the landscape buffer to access the adjoining property to the South. The design and location of the path would be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

2. Cistern Management: That prior to issuance of a Zoning Compliance Permit, a maintenance plan for the proposed stormwater cistern shall be submitted for review and approval by the Town Manager.
3. Stormceptor Water Quality Specifications: That in order to determine if the proposed Stormceptor feature complies with the Town's stormwater water quality standards, the applicant shall submit detailed information verifying the water quality capabilities for the proposed Stormceptor, prior to the issuance of a Zoning Compliance Permit.

*Staff comment:* We have incorporated the recommendations as stipulations in Resolution A with some modification to the third stipulation.

A Summary of Planning Board Action is attached to this memorandum.

Community Design Commission: The Community Design Commission met on November 18, 2009 and voted 7-0 to recommend that the Council approve the Special Use Permit Modification application with Resolution A. The Commission's recommendation included the stipulations recommended by the Planning Board.

*Staff comment:* For additional information on these recommended stipulations, please refer to the discussion under Planning Board recommendation above.

A Summary of the Community Design Commission Action is attached to this memorandum.

Transportation Board: The Transportation Board met on December 10, 2009 and voted 8-0 to recommend that the Council approve the Special Use Permit Modification application with Resolution A, with the following changes:

1. South Estes Drive Median: To greater control left turn movements, the median on South Estes Drive should be extended from the proposed terminus to the western property line of the current Chamber of Commerce.

*Staff comment:* Please refer to the Discussion section of this memorandum for information regarding the proposed South Estes Drive median.

2. LED Lighting: That the applicant considers LED lighting for the Walgreens facility.

*Staff comment:* We recommend that as part of the submittal of an Energy Management Plan during Final Plan review, that the applicant investigate opportunities for the use of LED lighting. As part of the Energy Efficiency stipulation in Resolution A, we recommend that the applicant describe how LED lighting might be used as a component of an overall plan. We have adjusted our standard Energy Efficiency stipulation to include this recommendation.

A Summary of Transportation Board Action is attached to this memorandum.

Bicycle and Pedestrian Advisory Board: The Bicycle and Pedestrian Advisory Board met on December 15, 2009 and voted 7-0 that the Council approve the Special Use Permit Modification application with Resolution A, with the following changes:

1. Curb-cuts and pedestrian interface. The driveway cuts should be level and aligned with a crosswalk and clearly delineated as pedestrian areas. Curb cuts should have the radius reduced as much as possible to slow vehicles at the sidewalk.

*Staff comment:* The applicant has agreed to construct the curb cuts as requested by the Board. We have included this as a stipulation in Resolution A.

2. Marked Pedestrian Access to Chapel Hill Center: The pedestrian cross access from the Chapel Hill Center property should be a striped crosswalk marked with a “Watch for Pedestrians” sign.

*Staff comment:* We recommend that a striped pedestrian cross-walk and signage be provided in the proposed parking lot between the internal sidewalk and the mulch path. We have included this as a stipulation in Resolution A.

3. Complete Streets Planting Strip: That the proposed sidewalks along the East Franklin Street and South Estes Drive frontages should include a planting strip in keeping with Complete Streets.

*Staff comment:* The Complete Streets concept encourages wide planting strips between sidewalks and roadways. We recommend accommodation of sidewalks in public right-of-way. This proposal provides a five and a half foot wide utility strip between the sidewalk and the road along East Franklin Street and South Estes Drive. Given the existing conditions at this intersection, we support the applicant’s proposal.

We recommend that the Town and study the corridor and make recommendations for a Complete Streets concept at this location at a later date.

4. Bicycle Improvements to South Estes Drive: That the applicant and NCDOT provide bicycle lanes on both the eastbound and westbound side of South Estes Drive to accommodate current and future bicycle traffic in that location.

*Staff comment:* Please refer to the Discussion section of this memorandum for information regarding the proposed South Estes Drive median.

A Summary of Bicycle and Pedestrian Advisory Board Action is attached to this memorandum.

### **STAFF RECOMMENDATION**

Preliminary Staff Recommendation: Following tonight’s Public Hearing, we will prepare an evaluation of the evidence submitted in support of and in opposition to this application. Our preliminary recommendation is that the Council open the Public Hearing and receive evidence in

support of and in opposition to the Walgreens Special Use Permit Modification application. We will return to the Council with a recommendation for action after the Council has received public comment this evening and reconvene the hearing.

### SUMMARY

Subsequent to the Advisory Board meetings, the following changes have been incorporated into Resolution A:

1. Curb Cuts: That the proposed driveway cuts and sidewalk be constructed level where aligned with the crosswalk and clearly delineated as pedestrian areas.
2. Pedestrian Access Path to Chapel Hill Center: That the applicant provided a low-impact (mulch) pedestrian pathway through the landscape buffer to access the property to the east.
3. Pedestrian Cross Access: The pedestrian cross access to the Chapel Hill Center property shall include a striped crosswalk marked with a watch for pedestrian sign.
4. Pavement Marking Plan: Prior to issuance of a Zoning Compliance Permit provide a pavement marking plan for the intersection of East Franklin Street and Estes Drive. The plan is subject to the review and approval of the North Carolina Department of Transportation (NCDOT) and Town Manager.
5. Setback Exceptions: That the Community Design Commission shall approve exceptions to setbacks including the use of architectural elements such as awnings, trellis, or cantilevered overhangs.
6. Stormceptor Maintenance: That the applicant shall provide a detailed maintenance plan for the proposed stormceptor.
7. Cistern Management: That a maintenance plan for the proposed stormwater cistern shall be submitted for review and approval by the Town Manager.
8. Energy Efficiency: That the Energy Management Plan shall discuss the feasibility and practical use of interior and exterior LED lighting.
9. LEED Certifiable Construction: The applicant shall provide evidence from a LEED certified consultant that they have provided a minimum of 33 LEED standard performance credits, at a level comparable to the Silver LEED standard.
10. Underground Fuel Tank Removal: That the applicant shall remove the underground fuel tanks prior to removal/demolition of the existing gas station building unless the required soil clean-up requires additional mitigation efforts.

We have attached Resolution A and Resolution B to this memorandum. Resolution A, to approve the application, includes standard conditions of approval as well as specific conditions, incorporating input from all Town departments involved in the review of this application. Resolution A would approve the application with conditions. Resolution B would deny the application.

### **ATTACHMENTS**

1. Staff Report (p. 10).
2. Draft Resolution A Approving Application (p. 29).
3. Draft Resolution B Denying Application (p. 42).
4. Advisory Board Summaries of Action (p. 43).
5. Summary of Community Design Commission Comments (p. 48).
6. Traffic Impact Analysis Executive Summary (p. 52).
7. East Franklin Street Corridor Study (p. 64).
8. Letter From Nearby Property Owner - Caribou Coffee (p. 73).
9. Street Cross-Sections (p. 74).
10. Applicant's Materials (p. 78).
11. Area, Aerial and Color Exhibit (p. 115).



**Walgreens Special Use Permit Modification**  
*DIFFERENCES AMONG RECOMMENDATIONS*

<b>ISSUES Resolution A</b>	<b>Staff's Preliminary</b>	<b>Planning Board</b>	<b>Transportation Board</b>	<b>Community Design Commission</b>	<b>Bicycle &amp; Pedestrian Adv Board</b>
Estes Drive Median extend to east	No	Issue Discussed	Yes	Issue Discussed	Issue Discussed (prohibit left turns at CH Center)
Pedestrian Access Path to Chapel Hill Center Offices	Yes, with striped crosswalk	Yes	*	Yes	Yes, with striped crosswalk
Stormceptor Water Quality specifications	Yes	Yes	*	Yes	*
Underground gas tank removal	Yes, unless removal requires additional mitigation	Issue Discussed	*	*	*
Cistern Management development of maintenance plan	Yes	Yes	*	Yes	*
LED Lighting	Yes, as part of Energy Management Plan	*	Yes	*	*
Bicycle lanes on both sides of South Estes Drive	Restriping and the Town and NCDOT to conduct evaluation separate from this application	*	*	*	Yes
Construct level curb cuts/sidewalks	Yes	*	*	*	Yes
Reduce radius at curb cuts	Yes	*	*	*	Yes
Crosswalk at curb cuts	Yes	*	*	*	Yes
Complete Streets Design	Town and NCDOT to conduct complete evaluation separate from this application	*	*	*	Yes

\*Not discussed

Matrix Prepared December, 2009