

(145)

STAFF REPORT

SUBJECT: Public Hearing: Village Plaza Shopping Center Renovation - Application for a Special Use Permit (File No. 7.46.B.11, 7.46.B.11B; PIN# 9799242361, 9799148584)

DATE: October 16, 2002

INTRODUCTION

Attached for your consideration is an application for a Special Use Permit for the Village Plaza Shopping Center located on South Elliott Road. The proposal includes the demolition of the 18,497 square foot Village Plaza Theater and the demolition of the 6,300 square feet of adjoining retail space. Proposed improvements include a 40,000 square foot movie theater, 2,840 square feet of retail and office floor area and a 2,000 square foot outbuilding. This proposed development is divided into Phase I and Phase II.

The Phase I portion of this proposal includes the demolition of the theater and retail space and construction of a 40,000 square foot, 1,928 seat movie theater and a 55 space parking lot. Other improvements proposed with Phase I include a 2,000 square foot detached retail building, a sidewalk along Elliott Road, modifications to the parking lot, changes to access and circulation between the site and a neighboring development, and improvements to refuse, recycling, and stormwater facilities.

The Phase II portion of this proposal includes a 2-story, 24,840 square foot office and retail building. The proposed location for this Phase II structure is above the Phase I, 55 space parking lot. As proposed, Phase II improvements will add an additional 19 parking spaces to the 55 space Phase I parking lot. An elevated 8,500 square foot outdoor plaza is also proposed as part of Phase II improvements.

We note that as an existing development, this site has several nonconforming features with regard to the Town's Development Ordinance. We also note that the proposed development would create additional conditions that do not comply with regulations. The applicant is requesting modifications of regulations for this site as a part of this application. In this set of circumstances, the Town Council has the ability to so modify the regulations if it finds a justification related to public purpose.

EVALUATION

The Town staff has reviewed this application for compliance with the standards of the Development Ordinance and Design Manual and offers the following evaluation:

Existing Conditions

Location: The Village Plaza retail center is located on the east side of South Elliott Road, between US 15-501 and East Franklin Street. South of and adjoining the Whole Foods shopping complex (aka Wellspring), the Village Plaza center is surrounded on several sides by similar shopping centers. Eastgate and Staples adjoin the site to the northeast, and the Galleria shopping complex is to the south across Elliott Road. Several nearby restaurant and service oriented businesses, located outside of the Village Plaza development, include Burger King, Red Hot and Blue, Vacuum Cleaner Hospital, and Kindercare Day Care. A recently vacated office building, previously occupied by Public Service Company, is also located across Elliott Road.

A small undeveloped portion of the site, approximately 2 acres, is located between US 15-501 and Booker Creek. This area includes a portion of Booker Creek and is entirely located in the federally regulated 100 year floodplain.

Existing Structures: The 10.9 acre Village Plaza retail center zoning lot has been divided as a commercial subdivision and contains two separate commercial subdivision lots (legal description #1 and #2 Village Plaza). According to Orange County Tax Assessor records, the 10.9-acre site includes 11 attached buildings. The site contains a total of 94,831 square feet of floor area and 436 parking spaces.

Access: Primary vehicular access to the site is from four driveways on Elliott Road. The southern most driveway (Driveway "A") is approximately 300 feet west of US 15-501 and directly across from the access drive into the Burger King restaurant. Driveway A provides access along the eastern edge of the development as well as access to a refuse and loading courtyard behind the businesses.

The next driveway into the Village Plaza center (Driveway "B") is approximately 1,000 feet west of US 15-501, and between the driveway entrance to the Galleria and the Vacuum Cleaner Hospital. The third access drive (Driveway "C") is across from the vacant Public Service Company office building, approximately 850 feet south of East Franklin Street. The fourth primary access drive for the Village Plaza site on Elliott Road is located on the adjacent property to the north (Whole Foods). This drive (Driveway "D") is approximately 550 feet south of East Franklin Street and just south of the Red, Hot and Blue Restaurant.

In addition to these four driveways along Elliott Road, secondary internal access to the Theater is provided from the adjacent parking lot (Whole Foods shopping center).

Topography, Drainage, Vegetative Cover: Most of the Village Center site slopes from the buildings towards Elliott Road. The easternmost parking lot, between US 15-501 and the Spa Health Club slopes away from the building towards Booker Creek. The highest elevation on the site (282 feet) is at the northeast corner of the Village Plaza Theater, adjacent to the Staples retail development. The lowest elevation (approximately 250 feet) is near the southeast corner of the property where Booker Creek leaves the property

before flowing under Elliott Road.

An underground series of stormwater drainage pipes collect and discharge the development's stormwater runoff into Booker Creek. Runoff from a portion of the eastern most parking lot area enters Booker Creek as surface sheet flow runoff.

Booker Creek crosses the southeastern most portion of the site. After leaving the Eastgate Shopping Center, the creek crosses approximately 350 feet of the Village Plaza site before flowing under Elliott Road and US 15-501. Approximately 2 acres of the Village Plaza property is located in the Booker Creek floodplain. Resource Conservation District associated with the Booker Creek floodplain is approximately 106,000 square feet in area.

Except for the natural vegetative cover associated with the Booker Creek floodplain portion of the site, most of the existing site is covered by impervious surfaces. The Elliott Road frontage of the site is landscaped. The landscaped area along Elliott Road contains some well-established street trees and shrubs.

Development Description

The proposed Special Use Permit application includes a Phase I and Phase II development plan. The Phase I portion of this application includes:

1. Demolition of the 18,497 square foot Village Plaza movie theater and 6,300 square feet of retail space between the theater and the ABC Store;
2. A new 40,000 square foot movie theater;
3. Net addition of 21 parking spaces;
4. Construction of a 2,000 square foot detached retail building in the parking lot;
5. Construction of a public sidewalk along the site's Elliott Road frontage;
6. Modification to the parking lot design, including installation of parking lot landscape islands and changes to internal access between the Whole Foods site;
7. Improvements to the refuse/recycling area behind the retail center;
8. Improvements to the storm water drainage system including installation of a bio-retention facility and two stormceptors units;
9. Construction of a continuous service access drive, along the east property line, between Elliott Road and the Whole Foods shopping center;
10. Installation of 87 bicycle parking spaces including racks and lockers;

11. Reservation for 20 Park and Ride spaces;
12. Dedication of construction, access and maintenance easements for a portion of the future Booker Creek greenway.
13. Modifications to vehicular circulation between the site the adjacent Whole Foods shopping center (off-site on the Whole Foods property);
14. Extension of sewer lines (off-site on the Staples retail property);
15. Construction of a pedestrian connection between the movie theater and the Booker Creek Greenway (off-site on the Staples property); and
16. Dedication of a service vehicle and cross access easement between the Village Plaza site and the Whole Foods site (off-site on the Whole Foods property).

The Phase II portion of this application includes:

1. Construction of an elevated 2-story, 24,840 square foot office and retail building;
2. Construction of an 8,500 square foot outdoor elevated pedestrian plaza;
3. Expansion of the Phase I parking lot from 55 to 74 spaces; and
4. Off-site extension of sewer utilities.

Ordinance Requirements

Zoning: Except for a parcel zoned Office/Institutional-2 (OI-2) across Elliott Road (previously occupied by the Public Service Company), and a portion of the property occupied by the Kindercare day care (zoned OI-2 and Residential-5), the Village Plaza site and all adjacent properties are zoned Community Commercial (CC).

Comprehensive Plan: The Chapel Hill Land Use Plan, a component of the Comprehensive Plan, identifies the old Public Service Company site and the Kindercare day care site as office use. The Village Plaza site and all remaining adjacent properties are identified on the Land Use Plan as commercial use.

Intensity Standards: Land use intensity standards for the proposed Special Use Permit in a Community Commercial (CC) zoning district, including 105,974 square feet of Resource Conservation District, are shown in the table on the following page.

CC Zoning & RCD Land Use Intensity Standards For :	Permitted Square Footage	PHASE I		PHASE I & II	
		Proposed Square Footage	Overage (+) or Deficit (-)	Proposed Square Footage	Overage (+) or Deficit (-)
Maximum Floor Area	111,368 sq. ft	112,034 sq. ft	666 (+) sq. ft	136,874 sq. ft	25,506 (+) sq. ft
Minimum Outdoor Space	405,079 sq. ft	408,160 sq. ft	Meets Minimum	405,920 sq. ft	Meets Minimum
Minimum Livability Space	201,917 sq. ft	154,242 sq. ft	47,675 (-) sq. ft	152,200 sq. ft	49,717 (-) sq. ft

As indicated in the table, the Village Plaza Phase I and Phase II proposals exceed the maximum permitted floor area and do not meet the minimum livability space requirements. As part of this development application, the applicant is requesting modification of Development Ordinance regulations as it relates to floor area limitations and minimum livability space requirements on this site.

We also note that as an existing development, this site has several nonconforming features with regard to the Town's Development Ordinance. The existing nonconforming features include: (1) Minimum livability space; (2) Minimum number of required parking spaces; (3) Parking lot shading requirements; (4) Required landscape strips between parking facilities and the exterior wall of a building; and (5) Landscape buffers.

Consequently, as part of this development application, the applicant is requesting permission to modify the Development Ordinance regulations, with regard to some of these existing nonconforming features.

We believe that the Village Plaza application may be considered under the provisions of Subsection 18.7.1 as a Special Use Permit for an existing development and that the Council may find that the modifications to some or all of the regulations satisfy public purposes to an equivalent or greater degree.

We note that Subsection 18.7.1 of the Development Ordinance states:

“Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable special use regulations, general regulations, or other regulations in this Ordinance, but the Council makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the Council may make specific modification of the regulations in the particular case for Modification of Special Use Permit applications, or in approving a new Special Use Permit for existing development that requires a Special Use Permit.”

These modifications are being requested by the applicant in order to promote high intensity infill, follow the recommendation of the Community Design Commission to provide mixed-use on the site, promote pedestrian traffic and alternative means of transportation, maintain landscaping along Elliott Road and provide increased landscaping in the parking lot.

Access and Circulation

Access and Circulation: Existing primary vehicular access to the site is from four driveways along Elliott Road (identified as Driveways “A, B, C or D” in the discussion above under *Access*). Secondary internal access is provided from the adjacent Whole Foods parking lot.

This Special Use Permit proposal includes:

- a) Improvements to one access drive (driveway “C”) on Elliott Road;
- b) Modifying an internal driveway connection (between the Whole Foods parking lot near Red, Hot and Blue); and
- c) Construction of a service access drive along the east property line.

These improvements are described below.

As recommended by the Transportation Impact Analysis, the applicant is proposing to reconstruct one of the four access drives (driveway “C”) on Elliott Road. The proposed reconstruction will provide a 30-foot wide driveway with striped left and right turn lanes exiting the site, and one lane entering the site. We also note that the Traffic Impact Analysis recommended that a second driveway (driveway “D”) along Elliott Road be reconstructed to the same standards. Although the site plan provided in tonight’s packet does not reflect the redesign off driveway “D” as recommended by the Transportation Impact Analysis, we understand, based on staff discussion with the applicant, that the applicant intends to make this improvement also.

Resolution A includes a stipulation that the applicant improve the two northern most driveways (driveway “C and D”) along Elliott Road to provide 30-foot wide driveways with striped left and right turn lanes exiting the site, stop signs and one lane entering the site. We also recommend that if practical, the reconstructed driveways shall intersect Elliott Road at 90 degree angles. We recommend that the final design and configuration of these two reconstructed driveways along Elliott Road be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

With respect to existing internal vehicular circulation, the applicant is proposing to modify an internal driveway connection behind the Red, Hot and Blue Restaurant. The proposed realignment of this driveway, between the two properties, is necessary in order to accommodate an outdoor pedestrian plaza near the northwest corner of the proposed movie theater.

A second change to internal vehicular circulation involves the construction of a continuous service vehicle access drive along the east property line. Currently, due to topographic differences in elevations, vehicular access along the eastern property line, between Elliott Road and the Whole Food site, is not possible. The applicant is proposing to modify the topography along the eastern property line and construct a service drive.

The proposed service drive would permit uninterrupted travel, behind the Village Plaza development and the Whole Food Center. Once constructed, the proposed access would permit service vehicles to enter the Village Plaza site from the Elliott Road driveway nearest to US 15-501 (driveway "A"), access a refuse/recycling center behind the shopping center, and continue north behind the proposed movie theaters. From this point vehicular travel could turn left to exit on Elliott Road or continue due north, between the Whole Food and Staples retail centers, turn right into the parking lot behind Staples. At this point, a right turn movement would allow a vehicle to eventually exit onto East Franklin Street and a left turn movement would allow access to Elliott Road.

We recommend that prior to the issuance of a Zoning Compliance Permit, the applicant submit a recorded copy of an ingress, egress and regress easement between the Village Plaza and Whole Foods shopping centers. We recommend that the easement permit vehicular travel, including service vehicles between and across the Village Plaza site and the Whole Food development. We recommend that the document be reviewed and approved by the Town Manager prior to recordation.

Traffic Impact: The Traffic Impact Analysis (TIA) was prepared by the Town Consultant in accordance with the Town's new TIA guidelines. The purpose of this study is to determine the impact to the surrounding transportation system caused by the additional traffic generated by the proposed revisions to Village Plaza Shopping Center, which is anticipated to be fully built out as early as the year 2004. The proposed development would generate 495 additional vehicle trips daily. Traffic volumes from other proposed developments (Franklin Grove Townhomes, Chapel Hill Center II, and University Mall Expansion) in the immediate area were included in the analysis of future conditions. We also note that future traffic conditions were calculated by applying an annual growth of 4%.

Traffic flow conditions were analyzed at the following intersection:

- East Franklin Street and South Elliott Road
- US 15-501 and South Elliott Road
- South Elliott Road at driveways "C and D"

The findings of Traffic Impact Analyses indicate that the additional traffic generated by the renovations to the Village Plaza Shopping Center is expected to have minimal impact to the surrounding roadway network.

As noted earlier, the Traffic Impact Analysis recommended that in order to accommodate peak hour exiting traffic at the theaters, the two northern most driveways (driveway “C and D”) on Elliott Road be widened to 30 feet and striped for two exiting lanes. Except for this recommended no changes to nearby intersections were recommended to accommodate the proposed change in traffic conditions.

For additional information on the Traffic Impact Analysis please see the attached *Summary of the February 2002 Village Plaza Theater Traffic Impact Analysis* prepared by the Town’s Engineering Department.

Although the findings of the Traffic Impact Analysis indicate that the additional traffic generated by this development would not necessitate physical upgrades to the affected signalized intersections, we believe that, because of the additional traffic, that the timing of these signals be revised. We recommend that the applicant submit a \$5,000 payment to the Town for design and implementation of a revised traffic signal timing plan. This recommendation is included in Resolution A.

Parking: The Village Plaza retail center presently has 436 parking spaces. According to the Town’s Development Ordinance, a minimum of 638 spaces are required for the existing development. As proposed, the Phase I and Phase II development will have 476 parking spaces on the site. The Town’s Development Ordinance requires a minimum of 870 parking spaces for the Phase I and II development. Additional information concerning parking number is provided in the table below.

	Minimum Number of Parking Spaces Required By Development Ordinance Based on Type of Use		
	Development	Required for Phase I	Required for Phase I & II
Office/ Retail/ Restaurant (1 per 250 sq ft)	305 spaces	288 spaces	388 spaces
Theater (1 per 4 seats)	333 spaces	482 spaces	482 spaces
Total Req. Spaces	638 spaces	770 spaces	870 spaces
	Number of Parking Spaces Existing or Proposed		
	Existing	Proposed Ph I	Proposed Ph I & II
	436 spaces	457 spaces	476 spaces
Difference between Minimum Req.	(-) 202	(-) 313	(-) 394
Existing/Proposed as a Percentage of Minimum Req.	68 %	59%	54%

We note that the applicant has indicated intent to seek Council approval of modification of the Development Ordinance regulations with respect to minimum parking space requirements with the justification that the retail space and theater can share parking

because their peak parking space demands are different.

The applicant is proposing to reserve 20 parking spaces along Elliott Road for the Town's Park and Ride program. We recommend that the applicant reserves a minimum of 20 parking spaces for the Town's Park and Ride program and that the spaces be located within 200 feet of a bus stop and adjacent to the proposed Elliott Road sidewalk. We also recommend that prior to the issuance of a Certificate of Occupancy, the applicant install signage, to be reviewed and approved by the Town Manager, for the reservation and designation of the Park and Ride spaces.

We recommend that the applicant construct the parking lot to Town Standard. We also recommend that prior to the issuance of a Zoning Compliance Permit that the applicant submit detailed construction plans showing proposed clearing, grading, stormwater drainage and paving of the parking lot and drive aisles.

Bicycle Parking: Based on the minimum required number of parking spaces for the proposed (870 spaces: see table above under ***Parking***) the Town's Design Manual for bicycle parking standards suggests that the Village Plaza applicant provide a minimum of 87 bicycle parking spaces. Eighteen (18) of the spaces must meet Class I requirements and 69 spaces must meet Class II requirements.

The Design Manual suggests that the 18 Class I bicycle parking spaces should have accessibility to a locker, an individually locked enclosure or supervised area within a building providing protection for bicycles therein from theft, vandalism and weather. In order to satisfy the Class II bicycle parking space requirements, the applicant is proposing several outdoor bicycle racks throughout the retail center.

We note that the current proposal does not include Class I bicycle parking spaces, however we understand after discussing the issue with the applicant, that an area for bicycle lockers or similar type facility can be accommodated along the north wall of the proposed movie theater.

We recommend, and Resolution A stipulates, that the applicant comply with the Town's Design Manual standards for bicycle parking. We recommend that the applicant provide a minimum of 18 Class I bicycle parking spaces and a minimum of 69 Class II bicycle parking spaces. The final design and location of the 87 bicycle spaces shall be reviewed and approved by the Town Manager.

Sidewalks: The Elliott Road frontage of this site does not contain a sidewalk. The applicant is proposing to construct a six-foot wide sidewalk, along the site's frontage, beginning at the driveway south of Red Hot and Blue (driveway "D") and terminating at US 15-501.

We recommend that the applicant construct a sidewalk along the Elliott Road frontage of the Village Plaza site as proposed with one exception. We recommend that the sidewalk begin at the driveway south of Red Hot and Blue (driveway "D"), and continue along

Elliott Road until it intersects with a proposed spur trail from the Booker Creek Greenway. The proposed greenway includes a short trail spur connecting to Elliott Road, just prior to the greenway trail crossing Booker Creek. We believe that it is appropriate for the proposed Elliott Road sidewalk to connect to this trail spur and for the trail to function as greenway and pedestrian sidewalk between this sidewalk/spur connection and US 15-501. We also recommend that the final plans include signage indicating that the sidewalk connection provides access to the Booker Creek Greenway and US 15-501.

For additional information on the greenway trail please refer to the discussion below under *Booker Creek Greenway*.

To reduce the impact of the Elliott Road sidewalk construction on the adjacent street trees, we recommend that the sidewalk be a minimum five-foot wide and installed directly adjacent to the parking lot curb rather than adjacent to Elliott Road. In order to minimize the impact on these trees and to provide suitable space for supplemental planting needed to screen the parking lot, we also recommend that, if deemed necessary by the Town Manager, the applicant adjust the existing parking lot curb location. We also recommend that, if the sidewalk is constructed out of the public right-of-way, a pedestrian access and maintenance easement be recorded prior to the issuance of a Zoning Compliance Permit.

Booker Creek Greenway: An undeveloped portion of the Booker Creek Greenway is proposed within the Village Plaza site. The location for a portion of this segment of greenway is proposed between the eastern parking lot and Booker Creek. The remaining Village Plaza section of this proposed trail bridges Booker Creek near Elliott Road and continues due east terminating near the intersection of US 15-501 and Elliott Road.

On September 13, 1999 the Town Council adopted the "*Booker Creek Linear Park Advisory Committee's Report to the Town Council*" which included recommendations for trail improvements and associated easements adjacent to and on the Village Plaza site. Based on that report, and subsequent minor revisions to the report, as reviewed by the Town Council, we recommend that the following easements on the Village Plaza site be dedicated to the Town and recorded prior to the issuance of a Zoning Compliance Permit:

- a) Temporary construction access easement across the eastern entrance drive and parking lot that lies east of the Spa Health Club;
- b) Temporary construction access and staging easements over the portion of the property that lies east of Booker Creek; and
- c) Permanent public greenway easement that would allow the Town to construct a continuation of the existing trail across the property.

The exact dimensions and specific location of these easements will be determined through discussion between staff and the developer prior to the issuance of a Zoning Compliance Permit. We also note that the Town's surveyor will prepare the legal metes and bounds description of the noted easements.

We note that due to the topographic conditions (steep grades) along Booker Creek, the section of greenway proposed adjacent to the creek must be shifted in a western direction towards the parking lot and away from the banks of the creek. In order to construct this section of greenway in the preferred location, it will be necessary for a portion of the eastern parking lot to be relocated away from the creek. We believe that a minor shifting of the eastern edge of the parking lot, away from the banks of the creek, will provide adequate room for constructing the greenway and will not result in reducing the total number of parking spaces.

The Town has proposed that these minor parking lot adjustments and the greenway construction be the responsibility of the Town. We recommend that, in order to accommodate the construction of the proposed greenway trail along Booker Creek, the applicant note on the final plan submission the portion of the eastern parking to be removed and reconstruct. This recommendation has been stipulated in Resolution A.

Bus Stops: There are two bus stops along the Elliott Road frontage of this site. One bus stop includes a pad and bench, the other bus stop contains a pad. This application does not propose improvements to these bus stops.

Due to the recent increase in bus ridership Town wide, the applicant's proposal to provide 20 Park and Ride spaces and the reduced number of on-site parking spaces, we recommend that prior to the issuance of a Zoning Compliance Permit the applicant provide a payment-in-lieu of \$10,000 for two bus shelters, including, if necessary, benches for the above described Elliott Road bus stops. We also recommend that instead of providing the payment-in-lieu the applicant may provide the shelter and associated improvements prior to issuance of a Certificate of Occupancy.

As discussed above, the applicant is proposing to construct a sidewalk along the site's Elliott Road frontage. We recommend that this sidewalk, or a sidewalk segment, connect the two existing bus stop pads to the proposed Elliott Road sidewalk. This recommendation has been incorporated into Resolution A.

Transportation Management Plan: We recommend that the applicant provide a Transportation Management Plan to be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. The required components of the Transportation Management Plan shall include:

- a. Provision for designation of a Transportation Coordinator;
- b. Provision for an annual Transportation Survey and Annual Report to the Town Manager;
- c. Quantifiable traffic reduction goals and objectives;
- d. Ridesharing incentives; and
- e. Public transit incentives.

This recommended condition would require that the plan be updated and approved annually by the Town Manager. The required components of the Transportation Management Plan are included as a stipulation in Resolution A.

Landscape and Architecture

Buffers and Landscaping: The table below outlines the minimum landscape bufferyard requirements for the Village Plaza site and the bufferyards proposed by the applicant.

Location of Bufferyard	Required Landscape Bufferyards	Proposed Landscape Bufferyards
Elliott Road frontage	Min. 15' Type 'A' Buffer	Alternate Type 'A' Buffer, varied width
US 15-501 frontage	Min. 30' Type 'D' Buffer	75' Type 'D' Buffer
Whole Foods property line	Min 10' Type 'B' Buffer	Alternate Type 'B' Buffer, varied width
Staples & Eastgate property line	Min. 10' Type 'B' Buffer	Existing off-site buffer
Days Inn property line	Min. 10' Type 'B' Buffer	Existing off-site buffer and 30' on-site Type 'B' Buffer

For landscape bufferyard requirements along the Staples, Eastgate and Days Inn property lines, the applicant is proposing to use the existing landscaping in these developments' landscape buffers to satisfy the Village Plaza bufferyard standards. Most of the vegetation along these common property lines is either in a floodplain, Resource Conservation District, or along the Booker Creek Greenway. We believe that in this particular case, it is appropriate for this applicant to use the existing vegetation on neighboring properties in order to comply with the minimum bufferyard requirements. Resolution A includes a stipulation, authorizing the Village Plaza applicant to use the shared landscape bufferyards on the Staples, Eastgate and Days Inn properties to satisfy the bufferyard requirements.

This proposed development includes two alternate bufferyards. The first proposed alternate bufferyard (alternate Type 'A' bufferyard) is along the site's Elliott Road frontage. We believe that the applicant is proposing an alternate bufferyard along Elliott Road because in some locations the proposed bufferyard width is less than the minimum 15 foot requirement. We believe that, except for the portion of Elliott Road between US 15-501 and driveway 'A' and for a 120 foot section in front of the proposed 2,000 square foot detached retail building, an alternate bufferyard, less than 15 feet in width, along Elliott Road is appropriate.

The second proposed alternate bufferyard is located along the Whole Foods property line. We note that the full size Landscape Plan (Sheet SD-5A) included in tonight's packet does not include a landscape bufferyard between the Village Plaza site and the Red, Hot and Blue Restaurant. Please refer to attachment titled Additional Parking Lot Buffer for a landscape plan adjacent to the Red, Hot and Blue Restaurant.

The applicant is proposing an alternate bufferyard long this property line because the

proposed bufferyard width, in some areas, is less than the 10 foot width minimum. We believe that in this transition area between two adjoining commercial shopping center, an alternate bufferyard is appropriate. No vegetation exists in this area now.

Resolution A includes a stipulation authorizing alternate bufferyards, as described above, along portions of Elliott Road and along the north property line. Resolution A also requires that the Community Design Commission approve the details of these alternative bufferyards along portions of Elliott Road and along the northern property line

Landscape Buffer Strip: The Town's Development Ordinance (Subsection 14.6.6(a)) requires that five (5) foot landscaped buffer strips be provided between parking facilities and the exterior walls of a building. The proposed plan includes this buffer strip along portions of the new movie theater. As part of this development application, the applicant is requesting modification of Development Ordinance regulations as it relates to the portion of the movie theater that does not include this landscape buffer strip. The applicant also notes that most if not all of that portion of the Village Plaza retail building that will remain after the existing movie theater portion is demolished, will continue to not comply with this buffer requirement.

The applicant already has fewer than the minimum number of parking spaces required by the Development Ordinance for this site. In addition, in order to provide the five (5) foot landscaped buffer strip as required by the Development Ordinance, the applicant would have to give up additional parking spaces. The proposal includes the addition of landscape islands throughout the parking lot.

Given the space constraints on the site, the reduced number of parking spaces, and the proposed landscape islands in the parking lot, we believe that the Council could find that it is appropriate to not require a five foot landscaped strip between the wall of the building and the parking facilities in the above mentioned areas.

Parking Lot Shading: We do not believe that the proposed parking lot shading meets the Development Ordinance requirement for 35% shading of the parking area surface. We recommend that compliance with this Development Ordinance requirement be demonstrated with the submission of the Landscape Planting Plan.

Resolution A requires that detailed, landscape planting plans (including buffers), landscape maintenance plans, parking lot shading and screening plan and building buffer plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The landscape plan shall indicate the size, type, and location of all proposed plantings.

We recommend that a Landscape Protection Plan be developed for this project. The Landscape Protection Plan must show all construction limits (including any proposed off-site construction) associated with infrastructure construction and indicate where tree protection, silt fencing and/or continuous flagging is proposed to be installed. An area of specific concern is how the existing street trees along Elliott Road, that are proposed to

be retained, will be protected.

Building Elevations, Landscaping and Lighting Approval: We believe that most if not all building facades of the proposed development will be visible from numerous view points. The movie theater and the Phase II building will also be visible from the Booker Creek Greenway trail. We have included our standard stipulation regarding approval of these building elevations.

We recommend that the detailed building elevations, authorized alternate landscape bufferyards details and lighting plans be approved by the Community Design Commission, prior to the issuance of a Zoning Compliance Permit. These recommendations are stipulated in Resolution A.

ENVIRONMENT

Watershed Protection District: This area is not in a critical or protected watershed district. There is approximately 371,350 square feet of existing impervious surface on the Village Plaza site. The applicant is proposing to reduce the amount of impervious surface by 10,445 square feet. New pervious surface will be created by installing landscaped islands in the parking lot, and adding landscape buffer areas along the north property line. This net reduction in impervious surface will change the percentage of impervious surface from 71.3% to 69.4%

Resource Conservation District: As previously noted, 105,974 square feet (2.45 acres) of the site is located in the Resource Conservation District. The Resource Conservation District is located in the southeast corner of the property, between US 15-501 and the eastern edge of the building (Spa Health Club). This Resource Conservation District is associated with the Booker Creek floodplain.

The applicant is proposing land disturbance within the Resource Conservation District. Land disturbance (approximately 3,000 square feet) within the Resource Conservation District is associated with the following improvements: 1) Replacing a portion of the eastern most parking lot with pervious surface; 2) Constructing approximately 60 feet of public sidewalk along Elliott Road; and 3) Making improvements to an existing stormwater discharge outlet. We believe these improvements are justified.

We note that Section 5.5.1 of the Development Ordinance lists sidewalks and stormwater infrastructures as permitted uses in the Resource Conservation District where there is a practical necessity to their location. In order to construct these facilities within the Resource Conservation District, the applicant must comply with Section 5.6 (Standards for Development in Resource Conservation District) of the Development Ordinance.

We recommend that prior to the issuance of a Zoning Compliance Permit, all proposed encroachment(s) into the Resource Conservation District comply with the requirements and standards of Subsections 5.6 and 5.8 of the Development Ordinance. We also recommend that all applicable Resource Conservation District regulations be adhered to.

We recommend that the boundaries of the Resource Conservation District be shown on the final plans with a note indicating that "Development shall be in accordance with Development Ordinance."

These recommendations have been incorporated into Resolution A.

Stormwater Management: An underground series of stormwater drainage pipes collect and discharge the development's stormwater runoff into Booker Creek. The eastern most parking lot slopes away from the building and the runoff across this parking area enters Booker Creek as surface sheet flow runoff.

This proposed development includes installation of additional stormwater drainage pipes along the eastern property line between the new movie theater and the Booker Creek Greenway.

We recommend that a Stormwater Management Plan shall be approved the Town Manager prior to issuance of a Zoning Compliance Permit. Based on the 1-year, 2-year and 25-year storms, the post-development stormwater run-off rate shall not exceed the pre-development rate. Depending on the development site location, size in area and the condition of the existing conveyance system and associated lands, the Manager may waive or change the peak discharge rate criteria in part or in whole if, based on an approved Stormwater Management Plan, it is demonstrated that detention would intensify existing peak discharges or may cause other problems on abutting or downstream properties. In addition, the plans shall show all storm drainage outlets and address any impact the stormwater from these outlets may have on abutting properties.

We recommend that all stormwater management improvements, including those within the Resource Conservation District, be located within dedicated maintenance easements. We also recommend that prior to the issuance of a Zoning Compliance Permit, the applicant submit an Operations and Maintenance Plan for all engineered stormwater facilities. These stipulations have been incorporated into Resolution A.

Best Management Practices: This proposal includes a bio-retention facility and two stormceptor units. The proposed bio-retention facility is in a portion of the parking lot, near Elliott Road, adjacent to the eastern most access drive. These stormceptor units are located along two new proposed storm drainage pipes.

We recommend that the applicant provides verification that the proposed bio-retention facility will provide for the removal of at least 85% of the suspended solids in the stormwater runoff prior to the stormwater run-off leaving the site. We also recommend that if practical the facility shall be designed to capture and treat runoff from that portion of the parking area located down slope from the stormceptor units.

We recommend that the stormceptor unit proposed at drop inlet #3 shall be relocated to drop inlet #4 and that the stormceptor unit (closest to the bio-retention area) shall be relocated to the junction box, location on-line with the existing drainage system. We also

recommend that both stormceptor units must be sufficiently sized to remove 85% total suspended solids.

We recommend that the proposed bio-retention facility location and design and the installation of the stormceptor units be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. These recommended have been stipulated in Resolution A.

UTILITY AND SERVICES

Refuse Management: Refuse collection containers are located behind the Village Plaza retail buildings in two locations. Please refer to the attachment titled Existing Refuse Container Layout. As proposed, the refuse containers currently located behind the movie theater, will be relocated to the larger refuse area.

We recommend that the final plans provide detailed information about the proposed refuse area. We believe that the applicant's proposal, that refuse collection for this development be coordinated with the refuse needs of the other businesses sharing the zoning lot is desirable. We recommend that the combined refuse/recycling area include the construction of accessible dumpster pads, constructed to Town standards, or the installation of a refuse compactor at this central location to service all of the affected businesses. We also note that there is a sewer line under the driveway along the eastern property line that may affect the placement of dumpsters in this area.

We recommend that all drive aisles needed to access refuse containers be constructed of heavy-duty pavement. We recommend that the final plans include a detail of this pavement section. It will also be necessary to include a note on the final plan stating that the Town of Chapel Hill, its assigns or Orange County shall not be responsible for any pavement damage that may result from service vehicles.

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

Utilities: We recommend that detailed utility plans be reviewed and approved by OWASA, Duke Power Company, BellSouth, Public Service Company, and the Town Manager prior to issuance of a Zoning Compliance Permit. We recommend that all new and relocated utility lines, other than three phase electrical distribution lines, be installed underground. We also recommend that the lines be routed to minimize impact on existing trees and that the final plans show the location of these proposed underground utilities. We have included these standard stipulations in Resolution A.

Fire Safety: We have included our standard stipulation in Resolution A requiring that a fire flow report sealed by a professional engineer which demonstrates compliance with Town standards, be submitted for review and approval by the Town Manager prior to the issuance

of a Zoning Compliance Permit. Resolution A also includes a stipulation requiring that all Fire Department connections must be on the street side of the new building and that a fire hydrant must be located no more than 50 feet from each Fire Department connection.

Erosion Control: We recommend that an soil erosion and sedimentation control plan (including provisions for maintenance of facilities and modification of the plan if necessary), be approved by the Orange County Erosion Control Officer, and that a copy of the approval be provided to the Town Manager prior to the issuance of a Zoning Compliance Permit. This stipulation is present in Resolution A. We also note that a letter of credit is now required as part of this approval.

Special Use Permit Findings: For approval of a Special Use Permit, the Council must make the following findings, as set forth in Section 18.2 of the Development Ordinance:

- (a) That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.
- (b) That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Articles 12, 13, and 14 and with all other applicable regulations.
- (c) That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity;
- (d) 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.

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

CONCLUSION

Based on information available at this stage of the application review process, and except for the particular requests for modification to the regulations, we believe that the proposal, with the conditions in Resolution A, meets the requirements of the applicable sections of the Development Ordinance and Design Manual, and that the proposal fulfills the purposes of the Comprehensive Plan.

Resolutions A, B, C, and D, E and F would approve the application and the requested modifications to the regulations, with conditions.

Resolution G would deny the application.

Resolution H would define contiguous property.

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PROJECT FACT SHEET REQUIREMENTS
Check List of Regulations and Standards
Special Use Permit Application

VILLAGE PLAZA SHOPPING CENTER RENOVATION	STAFF EVALUATION	
	Compliance	Non-Compliance
Use Permitted	√	
Min. Gross Land Area	√	
Min. Lot Width	√	
Max. Floor Area	√ (with modification of the regulations)	√ (if no modification of regulations granted)
Min. Outdoor Space	√	
Min. Livability Space	√ (with modification of the regulations)	√ (if no modification of regulations granted)
Min. Recreation Space	N/A	
Impervious Surface Limits	N/A	
Min. # Parking Spaces	√ (with modification of the regulations)	√ (if no modification of regulations granted)
Min. # Loading Spaces	√	
Max. # Dwelling Units	N/A	
Min. Street Setback	√	
Min. Interior Setback	√	
Min. Solar Setback	√	
Max. Height Limit	√	
Min. Landscape Buffers	√ (with approved alternate landscape bufferyards)	√ (if alternate landscape bufferyards denied)
5-Foot Planting Strip Requirement	√ (with modification of the regulations)	√ (if no modification of regulations granted)
Parking Lot Screening	√	
Parking Lot Shading Requirement	√	
Public Water and Sewer	√	
Underground Utility Lines	√	

N/A = Not Applicable

Prepared: August 29, 2002