



STATEMENT OF JUSTIFICATION FOR SPECIAL USE PERMIT

ROSEMARY STREET MIXED USE DEVELOPMENT

Rosemary Street and Mitchell lane, Chapel Hill

October 10, 2000

Project Description

The applicant, Thomas Tucker, requests a Special Use Permit to construct a Mixed Use Residential and Commercial Development at the northwest corner of Rosemary Street and Mitchell Lane. This proposed use is in keeping with the comprehensive plan of the Town of Chapel Hill.

The site currently contains four (4) primary structures which consist of a vacant single-family residence, a small one-story apartment building, and two old houses which are used for a hairstylist and a video store. There are also two small sheds, and the site is mainly covered with gravel and used for informal parking. The site is two doors to the east of the new Dips Kitchen, which was completed three years ago. The majority of the site is zoned TC-2 with a very small portion in the northwest corner adjacent to the Hargraves Center tennis court being zoned R3. All public utilities are available to the site including water, sewer, storm drainage, gas and electric.

The proposed new construction would consist of a row of small retail shops fronting on both Rosemary Street and Mitchell Lane with townhouses above. Behind this new streetscape structure will be two rows of townhouses served by driveways, which enter from Mitchell Lane. Two additional townhouses and additional parking will be located in the northwest corner of the site in the R3 zoned portion. The buildings will generally be four stories in height but meet the height limitations set forth in the Development Ordinance. The site generally slopes from Rosemary Street to the rear of the property at the north side. The structures to be built along Rosemary and Mitchell will provide a substantial street presence and will be designed so as to provide a very pedestrian scale treatment along the sidewalk. The street level will consist of small retail shops with storefronts and pedestrian level details such as street trees, awnings, and furnishings including benches and trash cans. The building will step back from the street at the second story line so that from the sidewalk it appears to be only two stories in scale. The building façade will be articulated so as to create interest and avoid a monolithic appearing wall along the sidewalk. Due to the sloping nature of the site, the interior buildings should not be visible from Rosemary Street or Mitchell Lane even though they will have the same architectural treatment as the exterior buildings.

Sufficient parking is provided on site for the residential units in the form of both garages beneath the townhouse units and some surface parking spaces. Twenty-one (21) additional parking places to meet the requirements for the commercial space as well as

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some additional tenant parking will be made available at an existing parking lot which the applicant owns on Merritt Mill Road three doors south of Franklin Street. This off site parking is approximately 1000 feet from the project site. The parking at this remote site will be encumbered by this application solely for the use of this project. The project will consist of 47 residential units and approximately 6,300 square feet of commercial area.

The proposed development meets the floor area ratio and open space ratios as stipulated in the Development Ordinance. Recreation space requirements are not met on site due to the intensity of development. However, the applicant is proposing to provide payment in lieu to meet the recreation requirements. We feel this is most appropriate on this project since the property abuts the Hargraves Community Center, and is only about a 2 minute walk away. We are also requesting a reduction in the livability space requirements for the project. Although balconies and some outdoor areas will be provided on the project, we still fall about 30 percent shy on meeting the livability requirements for the zoning district as set forth in the Development Ordinance. Again, as we abut the Hargraves Community Center we would suggest that nearby open space and recreational opportunities are readily available to the residents of this new facility. All building setbacks and maximum height limitations are also met under this proposal. A traffic impact analysis has been prepared for this project and is included with this submittal. This analysis shows no undo impact on the intersections or street system in the study area.

In addition, the proposed new facilities will meet the following four findings as listed in Section 18.3 of the Development Ordinance and as described below:

Findings of Fact

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 proposal will further the revitalization of the West Rosemary Street Community as is envisioned in the comprehensive plan. As the Town promotes a more compact urban form of development, higher density infill projects such as this will help fill the need for additional quality housing in the Town of Chapel Hill without contributing to suburban sprawl.
- Previously developed urban sites such as this already have all public utilities and services in place. Streets, curbs, sidewalks, water, sewer, gas, power and storm drainage have been in place for many years and will be sufficient to serve the new development proposed for this site. Although water demand and wastewater discharge will be somewhat higher than previously needed for the site, we anticipate that exiting utilities will adequately serve the need.
- As the site is already substantially covered with either pavement or buildings, even a development of the intensity proposed under this application will only

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increase the total impervious surface by a small percentage. Therefore it is a relatively easy matter to control and retain any additional stormwater run off which is generated by this project. This will prevent any increases to the amount of run off already being contributed to the town storm drainage system.

- The site is not affected by flood plains or resource conservation districts.
- Refuse pickup and recycling will be consolidated into one central facility, as opposed to the separate trash facilities for the different buildings which now exist on the site.
- The project location in the town center should promote the ideal of a live, work, and shop concept without the need for using an automobile. Residents will be limited to one vehicle on site per unit, thus limiting the number of trips per day which could conceivably be generated by the 47 residential units. We anticipate that many if not most of the residents who buy these homes will actually work within walking distance or a short bus ride from this facility, thus further reducing the need for automobiles. In essence the parking spaces and garages will become long term car storage areas.
- This site is within walking distance of the major employment centers in Chapel Hill including the University, the Hospital, Town Hall, downtown businesses and Carr Mill Mall.

Finding #2:

That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of article 12, 13 and 14, and the applicable specific standards contained in Sections 18.7 and 18.8, and with all other applicable regulations.

- The proposed uses are permitted uses in the two zoning districts. Building setbacks are met.
- The proposed structures are within the maximum allowed floor area. The proposal provides the minimum outdoor space required.
- The proposal falls short of meeting the livability space requirements by approximately 30 percent. We would offer that the proximity to the adjacent Town Community Center, other downtown public spaces within walking distance of the site, and generally the ability to be part of the downtown environment with restaurants, shopping, stores, and public and private gathering areas more than offsets this matter.
- The proposal does not meet the recreation space requirements. The applicant proposes to provide payment in lieu as allowed under the Development Ordinance for this component of the land use regulations. The adjacency of Hargraves Community Center provides an exemplary recreational opportunity for the residents of the proposed development.
- The proposed buildings meet the height regulations.

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- The structures are sited along the main streets to provide a pleasing pedestrian scale façade. These buildings will help to make the intersection of Rosemary and Mitchell a landmark corner in this portion of downtown Chapel Hill and would with future development create an interesting spatial relationship with structures on the surrounding corners.
- There is no resource conservation district or flood plain on the site. The site is relatively flat and easily developed.
- External circulation will not be adversely affected by the development.
- Driveway connections to the units will be internal to the site so as not to require backing and turning movements onto the main streets.
- The public sidewalks will be rebuilt into a pleasing streetscape. Ample interior sidewalks will be provided for safe and convenient pedestrian circulation.
- Bike racks will be provided.
- Sufficient off street parking is provided to meet the ordinance requirement.
- Landscape buffers will be provided as required.
- Additional plant materials will be added to provide street trees and internal shading of the parking areas.
- Stormwater will be managed to prevent any increase in current run off levels.
- The property will be lighted for the safety and convenience of its residents and customers. Lighting sources shall be shielded and arranged so as not to contribute to off site glare.
- The proposed development will be handicapped accessible as stipulated by the Development Ordinance and the Americans with Disabilities Act.

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 proposed uses are in keeping with the existing uses on the site although at a higher density. The existing uses on the site consist of small commercial and multi-family residential, the same as the proposed development.
- The adjacent neighborhood is comprised of small commercial and office spaces along Rosemary Street on either side of the property.
- The property to the north along Mitchell Lane is single family residential. This is in keeping with the zoning district line which runs along the northern boundary of the subject property.
- The proposed construction will be in keeping with the type of architecture which has been built along Rosemary and West Franklin Streets over the last three or four years, although taller than most of the existing structures in the immediate vicinity.
- The pedestrian scale of the store fronts and the manner in which the building steps back from the street at the second floor will provide a strong two story element

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along Rosemary Street and Mitchell Lane, therefore in keeping with some of the existing architecture on this street.

- The project will further the development of the Rosemary Street Corridor in accordance with the Town of Chapel Hill's Comprehensive Plan while maintaining an owner occupied residential component adjacent to the important Northside neighborhood.
- The project will be developed to emphasize the perspective of the building surfaces leading to a building composition, which reduces the mass of the building to a human scale. The architecture will be developed with varying planes along the façade, use of varied window styles, different color in shades to emphasize the perspective of the wall surfaces; this attention to detail will result in a harmonic and contextual building composition.
- We are using the architectural vocabulary of the commercial and residential properties in the town center to compliment the built environment.

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 use complies the Zoning Atlas and Comprehensive Plan for Chapel Hill.
- The site is not affected by the Town Greenways Plan.
- There are no Resource Conservation Districts or flood plain areas on the site which will be affected by the development.
- The site and proposed use comply with the Chapel Hill Thoroughfare Plan and is located within the Urban Services Area.
- The proposed use is in harmony with the neighboring commercial districts and single-family residential neighborhood.
- The proposed use will not add undo impacts on the existing public facilities.
- The project reinforces the Town's stated goals of creating a more compact urban form of development by proposing an infill project on a site which currently has all existing infrastructure in place and is substantially covered with impervious surface.
- In addition, the project reinforces the linear street context of the neighboring small businesses and also accommodates and encourages retail pedestrian traffic with ground level stores, new street trees and sidewalks.

(Lda)

Rosemary Mitchell/Mixed Use Project
Addendum #1 to Statement of Justification
Response to Town Staff Comments -- Comprehensive Plan

1. **Physical Environment:** The project design captures the historic and unique features of downtown by emulating the spatial characteristics and liveliness of the Franklin Street Business district as well as the historic and culturally significant Midway business District. The placement of multi-story buildings containing first floor retail/commercial at the sidewalk creates a vibrant streetscape by encouraging people to interact between the public sidewalk and the semi-public first floor businesses. The placement of buildings at the street helps to create an outdoor room along Rosemary Street which forms a gateway to the Northside Community and west Rosemary Street, as well as gives the feeling of semi enclosure which give both the Midway and Franklin Street districts their unique charm. The location of residential above the first floor commercial is also evocative of both of the other districts, and the residents of these dwellings will further add to the vibrancy of the street. A model of the proposed development is being prepared and will be available for the Town Advisory Board and Council meetings.
2. **Neighborhoods:** The physical and social fabric of the Northside Neighborhood will be protected by both good land planning and responsible local interaction during the approval process. Mr. Tom Tucker has met with hundreds of neighbors individually and in groups to discuss the various aspects of the plan. The physical land planning aspects will be handled by several design factors.

Parking – each resident will be assigned one space on-site for personal vehicles. If a resident needs an additional parking space, it can be provided at the lot on Merritt Mill Road. A Transportation Management Plan will illustrate how parking will be effectively managed through the use of remote lots and public resources. On-site parking will be screened from view of adjacent properties and streets. This is accomplished partially by the location of the buildings and site arrangement, particularly the fact that 60% of the on-site spaces will be in garages. A solid wood fence with supplemental landscape plantings will be built along the northern and western property lines to ensure total visual screening of the parking from adjacent residential properties.

Both the visual impact of trash facilities and any noise generated on site by various activities will also be screened by the site design and fencing.

The effects on adjacent properties have been diminished from the initial plan by pulling the northernmost building on Mitchell lane farther away from the property. As previously mentioned, a solid wood fence will be built along the property lines to hide the view of cars and garages near the northern areas from the adjacent properties. In addition, the only adjacent single family property owner has accepted the Developers offer to install and maintain additional plantings along the contiguous property lines. Although the commercial space on Mitchell Lane has been slightly reduced, we feel that it is in keeping with the existing commercial use of the Realty Office directly across the street. We would also point out that there are existing business uses on our site fronting on Mitchell Lane in the same location as the proposed structures.

3. **Downtown:** The project will enhance the pedestrian experience of street retail/commercial along both Rosemary Street and Mitchell Lane and will create greater opportunities for people to come downtown. The project evokes an era within the Northside Community when many small businesses that served the Northside Community were located on West Rosemary and Franklin Streets. This project provides an opportunity to recreate this ambiance. The retail/commercial spaces have been specifically designed to be smaller and more intimate in order to provide smaller more affordable places of business for local merchants. These same merchants cannot compete with higher lease rates on Franklin Street.
4. Although no additional public space is planned for this project, the project is directly adjacent to the Hargraves Center, which provides access to tennis, playground, ball fields and community meeting space. The project is also located within close proximity to numerous walking trails and bike paths that pass through the downtown area. The close proximity to the University of North Carolina also provides many opportunities to interact in public spaces.
5. **Diversity:** The project will provide employment opportunities for small businesses in the available commercial spaces located at street level. This will provide an opportunity to reach out to the local community for employment and by providing space for neighborhood oriented businesses. As mentioned in the Downtown section, the size of the retail/commercial spaces are scaled to be smaller and more affordable to local merchants who would like a presence in the community. The developer has made a commitment to the Northside Community not to locate businesses on this property that encourage loitering, or other negative effects to the community.

6. **Vehicular Impacts:** We have provided sufficient parking on site to achieve the ordinance requirements for the residential portions of the project. Providing adequate on site parking will alleviate pressure on adjoining neighborhoods, Parking for commercial tenants and their employees as well as any residents with additional cars is provided at the Merritt Mill Lot. The intent of the commercial space is that customers will be shopping in Downtown as a destination, rather than specifically driving to one of the businesses in this development, and would walk to the site rather than drive. We would also anticipate that a good percentage of the business would come from the Northside and Pritchard Avenue neighborhoods, as well as residents of this development, all within a short walk of the site. We note that there are at least 3 public parking lots within ¼ mile of the site, and that it is but 350' and a clear line of sight to the West Franklin Business district. The Transportation Management Plan also illustrates how the use of offsite parking and public infrastructure in the downtown area will help minimize the effects of vehicular traffic.

7. **Land Use and Development:** High density is a relative term. If you are in Manhattan or the Chicago Loop high density has a different value than if you are in Chapel Hill. Although we would agree that Chapel Hill's version of high density should not that of a big City, it still connotes intense urban development on a site with existing infrastructure available and in place. This project proposes 48 dwelling units on a bit less than an acre of land. Although it has a high number of dwelling units it also has a lower floor area ratio and less required parking than several other developments. We feel that this is remarkable since it meets all provisions of the existing development ordinance requirements. The issue of density in Chapel Hill seems to be more of a perception of green space or open space. We fully admit that the proposal does not leave significant areas of green space intact, nor is it practicable to save the existing trees on the site. However, if Chapel Hill is serious about moving toward urban infill in older areas, and to provide residential and service opportunities other than more spreading suburban sprawl type development, a more vertical and intense development structure is needed. We feel very strongly that this is the intent of the Comprehensive Plan for this portion of Downtown. It is apparent that the current development ordinance is more conducive to dealing with suburban "green fields" type development and densities rather than urban infill and redevelopment. We further feel that the Town Council and many of the Planning Staff feel that this is a weakness in the current development ordinance, which is in fact evidenced by the current draft of the new development ordinance.

8. **Affordable Housing:** Mr. Tom Tucker is currently engaged in discussion for a proposal with Mr. Robert Dowling of Orange Community Housing Board. Mr. Dowling is discussing various options with his Board. Mr. Tucker will make a formal proposal to the Chapel Hill Town Council for how the project will meet the stated goal of providing affordable housing.

9. **Growth Management Protocol:** The following information briefly outlines the impact of the project on the critical components of infrastructure. Any negative impacts of the project will be mitigated.
 - a. **Water and Sewer:** There currently are services available for both sewer and water along Rosemary Street and Mitchell Lane. The Utility plan provided shows the connections required for the project. The flows on existing fire hydrants located near the project site indicate adequate water flow and pressure.
 - b. **Street Capacity:** Per the detailed Traffic Impact Analysis there will be no change in level of service for either Rosemary Street or Mitchell Lane.
 - c. **School Capacity:** Of the three schools impacted, Sewell Elementary, Smith Middle School and East Chapel Hill High School, only the elementary school is overcapacity. Both the Middle and High School are not yet at capacity. It is not expected that this project will substantially add to the school population. The Owner will pay any required impact fees.