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Village Plaza Theatres
Eastern Federal Corporation
December 23, 2002

Statement of Justification for Special Use Permit Project Description

7.46.B.11 & 11B

The applicant, Eastern Federal Corporation, requests a Special Use Permit for 141 S. Elliott Road. The intention of the applicant is for movie theatre, low-intensity office and restaurant uses that are accessible by pedestrians from surrounding neighborhoods, and of such a nature to minimize conflicts with surrounding residential and commercial uses.

The project consists of two phases. Phase I is demolishing the existing 1332 seat (18,497 sf) theatre and 6,300 sf retail and constructing a new 1718 seat (38,000 sf) theatre and 2,000 sf retail outparcel. Phase II will construct an adjoining 24,840 sf building (residential, office, and/or retail) with an 8,500 sf raised outdoor plaza. The theatre and outparcel will be one story at street level and the proposed 24,840 sf building will be two stories raised above the street level parking lot. It is the intent of the applicant to construct the Phase I immediately upon obtaining all necessary approvals and permits. It is further the intent of the applicant to undertake construction of Phase II at a later date and upon their sole discretion as the economic environment allows.

In addition, proposed uses for this site must meet the following four findings listed in Section 18.3 of the Development Ordinance 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 current convoluted and disconnected pedestrian, vehicular, and service traffic patterns are hazardous to customers, employees, and city service providers. The Town has asked for a rear service linkage between all three properties, which is being provided to rectify this problem. A co-use refuse/recycling easement is being negotiated with the property to the south to consolidate refuse pick-up.

In light of the recent flood of Eastgate Mall, stormwater management improvements are being actively pursued in cooperation with the Town and neighboring property owners.

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Finding # 2: 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 the applicable specific standards contained in Sections 18.7 and 18.8 and with all other applicable regulations.

It is understood by the applicant that the additional proposed floor area of the two phases exceeds that which is permitted by the current development ordinance. Similarly, the proposed Livability Space does not meet the required Minimum Livability Space as calculated by the current development ordinance. A modification is requested in light of the intent of the proposed development ordinance which promotes higher infill intensity as well as the recommendation of the Community Design Commission to provide mixed-use on this site. A modification of the required parking spaces is also requested, as the project is short of the number required by the current ordinance. We believe the intent of the proposed development ordinance is to promote alternative means of transportation, such as pedestrian, carpool, and public transportation, all of which are provided in the proposed application.

The applicant would like to request a variance for the 20% maximum impervious surface requirement for land within in the RCD (5.5.2.2). The impervious surface as existing is approximately 25% of the land within the RCD, and the current Special Use Permit proposal would reduce that amount to about 24%. Most of the impervious surface is being utilized for multi-site vehicular circulation and thus is necessary for public safety and service functions. We feel that both the reduction in the amount of impervious surface as well as the critical public value of the driveways as they exist warrant the requested variance.

The applicant would like to state that if a residential component is included in this Special Use Permit, it will comply with applicable regulations in place at the time of development

An alternative buffer is requested between the project property and the property to the north. We believe the traffic and pedestrian flow between the properties, as well as site constraints point to a reduced buffer as the best option. The vision of the three neighboring properties as a single mixed use community should allow for modified side buffers in the context of overall site considerations. The applicant also requests a variance on the 5 foot planting strip requirement between the existing building to remain and the new parking lot. We believe the large amount of new vegetation being proposed in the parking lot itself and along the street frontage is a better use of this resource and keeps the integrity of the current highly functional pedestrian walkway intact. The rest of the site's non-conformance with current Town shading, buffer, green space and planting standards will be brought into conformance.

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 mixed use nature of this project enhances the already varied retail and commercial uses extant on the site. By considering the alternating peak hours of usages for the different components, the pedestrian and vehicular traffic volumes will be efficiently interwoven. The proposal is of a character and scale that will maintain and improve surrounding property values, as well as augmenting the current pedestrian and vehicular traffic flow patterns to tie into adjacent properties and uses. Village Plaza Theatres is an already existing improvement in Chapel Hill. It has been in existence for thirty years. The nature of the Special Use Permit is not to create a new project on virgin ground, but to improve an existing part of the fabric of Chapel Hill that is in need of repair.

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

This development maintains the current successful theatre usage and adds a mixed use office and restaurant component that complements the peak hours of theatre operation. Rather than increasing impervious area, this project will add to the outdoor livability space on the site while simultaneously furthering pedestrian friendly urban infill and densification as recommended by the Community Design Commission. The rear of the existing theatres currently turns its back on the Booker Creek Linear Park and hampers ongoing efforts to provide a safe and pleasing connection that the Greenway project is attempting to create. A new pedestrian linkage to the Booker Creek Linear Park will be provided as well as a sensitively scaled building façade to face the park.