

September 19, 2022

Judy Johnson
Town of Chapel Hill Planning Department
405 Martin Luther King Jr Boulevard
Chapel Hill, North Carolina 27514

RE: Starpoint Refuel Market Statement of Justification and Statements of Compliance with the Comprehensive Plan and Design Guidelines

STATEMENT OF JUSTIFICATION

The proposed zoning request is in conformance with the Town’s Comprehensive Plan. The Town’s Future Land Use Map calls for commercial development on the subject parcel, and the intent of the Conditional Zoning Permit (CZP) request is to redevelop the existing commercial site as a new and improved gas station. While this could be done through a Special Use Permit, at the suggestion of the mayor, the applicant team has decided to pursue a CZP to allow for transparency and communication throughout the process. Statements below further support the case for the requested NC-CZ zoning district.

STATEMENT OF COMPLIANCE WITH COMPREHENSIVE PLAN

Refuel is proposing a new gas station and convenience store located off 15-501 and Smith Level Rd in accordance with the CH2020 Comprehensive Plan. The proposed plan addresses the Comprehensive Plan goals, with an emphasis on the following themes: Community Prosperity and Engagement, Getting Around, and Nurturing our Community. Similarly, it aligns with the commercial future land use map designation for the parcel.

THEME 2: COMMUNITY PROSPERITY AND ENGAGEMENT

Refuel plans to redevelop the site located at the intersection of 15-501 and Smith Level Rd that currently exists as a gas station, convenient store, truck rental business, and upholstery business. The future development will limit uses to a gas station and convenient store and will update the site to be more visually pleasing for its visitors. Enhancing the appearance and layout of the site will contribute to the safer and more vibrant community that Chapel Hill describes specifically in Theme 2 of the Comprehensive Plan. Similarly, the redevelopment presents an opportunity to improve economic vitality in the area.

THEME 3: GETTING AROUND

Given the location along 15-501, a major corridor leading into the Town, redevelopment as a gas station and convenient store is an appropriate use of the site and becomes a part of the holistic transportation system that Chapel Hill strives towards. Located at the southern boundary of Chapel Hill, the site will serve as a link for those headed into or out of the community with an updated design to fuel your car along the way.

THEME 5: NURTURING OUR COMMUNITY

Redeveloping the subject property will reduce impervious area by over 9,000 square feet, which will lessen stormwater runoff from the site. Furthermore, stormwater management practices will be in compliance with the LUMO and best practices.

A cemetery was identified in the eastern corner of the site and will be left entirely undisturbed in accordance with best practices, as advised by the Office of State Archaeology. Coordination with the Office of State Archaeology has already occurred to notify and officially record the plat with their office.

STATEMENT OF COMPLIANCE WITH DESIGN GUIDELINES

Refuel's redevelopment project will be built in compliance with the Town's Design Guidelines.

The architecture will be designed to upgrade the site and fit within its surroundings. Landscaping will be provided throughout the property to soften the appearance and create an inviting space. Appropriate buffers will be maintained and/or planted adjacent to single family properties, while reductions in landscape buffers along the road frontages will be requested given the nature of gas station and its required visibility from the street.

Vehicular connectivity will be provided to both 15-501 and Smith Level Road. Stormwater management facilities, water, sewer, and other utilities will be provided in accordance with the applicable guidelines, standards, and regulations.

Sincerely,

MCADAMS



Jessie Hardesty
Planner II, Planning + Design

CONDITIONAL ZONING APPLICATION



TOWN OF CHAPEL HILL
Planning Department
405 Martin Luther King Jr. Blvd.
(919) 968-2728 fax (919) 969-2014
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9776-68-0129

Date: 9/20/2022

Section A: Project Information

Project Name: Starpoint - Refuel Market

Property Address: 1950 US Hwy 15-501 N Zip Code: 27516

Use Groups (A, B, and/or C): C Existing Zoning District: NC and R-LD1

Project Description: Redevelopment of gas station and convenience store

Section B: Applicant, Owner, and/or Contract Purchaser Information

Applicant Information (to whom correspondence will be mailed):

Name: McAdams - Spencer Christiansen

Address: 621 Hillsborough Street, Suite 500

City: Raleigh State: NC Zip Code: 27603

Phone: 919-287-0722 Email: christiansen@mcadamsco.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature:  Date: 9/20/2022

Owner/Contract Purchaser Information:

Owner

Contract Purchaser

Name: Refuel Operating Company, LLC

Address: 547 Long Point Rd, Suite 103

City: Mt. Pleasant State: SC Zip Code: 29464

Phone: 865-337-9372 Email: rrobinson@refuelmarket.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature:  Date: 9/21/2022

Click [here](#) for application submittal instructions.



CONDITIONAL ZONING

TOWN OF CHAPEL HILL
Planning Department

Conditional Rezoning applications are reviewed by staff, Planning Commission, and Town Council. The application is part of an open public process that enables Town Council to discuss and decide on the key issues of a rezoning proposal. If a rezoning is approved, the applicant may then submit a detailed final plan application to staff for compliance review with the technical development standards and with the Council rezoning approval.

The establishment of a Conditional Zoning District shall be consistent with the Land Use Plan in the Comprehensive Plan. A proposed Conditional Zoning District is deemed consistent if the proposed District will be located in conformance with an adopted small area plan and/or in one of the following Land Use Categories:

- Medium Residential
- High Residential
- Commercial
- Mixed Use, Office/Commercial Emphasis
- Mixed Use, Office Emphasis
- Town/Village Center
- Institutional
- Office
- University
- Development Opportunity Area
- Light Industrial Opportunity Area

If the proposed conditional zoning districts is located in a Low Residential or a Rural Residential Land Use Category, the Town Council must approve a Land Use Plan amendment prior to proceeding.

SIGNED CONDITIONS: All conditions shall be in writing, prepared by the owner of the property or an attorney and must be signed by all property owners and contract purchasers, if applicable. The Town Attorney may require additional signatures if necessary and will determine whether or not the conditions statement is legally sufficient. Within thirty (30) days after receipt of the conditions the Planning Division Manager will notify the applicant of any deficiencies in the conditions statement or if any additional information is needed. The applicant may make changes to the written conditions statement provided it is submitted at least thirty (30) prior to Planning Commission meeting or thirty (30) days prior to Town Council public hearing.

RECORDATION OF CONDITIONS: After a rezoning has been approved by the Town Council, the conditions statement shall be recorded with the Register of Deeds Office. After a rezoning has been approved by Town Council and recorded by the Register of Deeds Office, the conditions may not be amended except through a new rezoning application.



PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

Section A: Project Information

Use Type: (check/list all that apply)

Office/Institutional Residential Mixed-Use Other: _____

Overlay District: (check all that apply)

Historic District Neighborhood Conservation District Airport Hazard Zone

Section B: Land Area

Net Land Area (NLA): Area within zoning lot boundaries		NLA=	49,876	sq. ft.
Choose one, or both, of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent frontage) x ½ width of public right-of-way	CSA=	4,988	sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=		sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	54,864	sq. ft.

Section C: Special Protection Areas, Land Disturbance, and Impervious Area

Special Protection Areas: (check all those that apply)

Jordan Buffer Resource Conservation District 100 Year Floodplain Watershed Protection District

Land Disturbance	Total (sq. ft.)
Area of Land Disturbance (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, and all grading, including off-site clearing)	48,600
Area of Land Disturbance within RCD	0
Area of Land Disturbance within Jordan Buffer	0

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	38,747	38,747	29,619	29,619
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA)%	70.6	70.6	54.0	54.0
If located in Watershed Protection District, % of impervious surface on 7/1/1993	N/A	N/A	N/A	N/A



PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

Section D: Dimensions

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	2	2	1	1
Number of Floors	1	1	1	1
Recreational Space	0	0	0	0

Residential Space				
Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Floor Area (all floors – heated and unheated)	0	0	0	0
Total Square Footage of All Units	0	0	0	0
Total Square Footage of Affordable Units	0	0	0	0
Total Residential Density	0	0	0	0
Number of Dwelling Units	0	0	0	0
Number of Affordable Dwelling Units	0	0	0	0
Number of Single Bedroom Units	0	0	0	0
Number of Two Bedroom Units	0	0	0	0
Number of Three Bedroom Units	0	0	0	0

Non-Residential Space (Gross Floor Area in Square Feet)					
Use Type	Existing	Proposed	Uses	Existing	Proposed
Commercial	5,773	3,270			
Restaurant	0	0	# of Seats	0	0
Government	0	0			
Institutional	0	0			
Medical	0	0			
Office	0	0			
Hotel	0	0	# of Rooms	0	0
Industrial	0	0			
Place of Worship	0	0	# of Seats	0	0
Other	0	0			

Dimensional Requirements		Required by Ordinance	Existing	Proposed
Setbacks (minimum)	Street	24'	N/A	Varies
	Interior (neighboring property lines)	8'	N/A	8'
	Solar (northern property line)	11'	N/A	11'
Height (maximum)	Primary	60'	17'	27'
	Secondary	N/A	17'	N/A
Streets	Frontages	40'	~650'	~650'
	Widths	40'	~200'	~200'



PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

Section F: Adjoining or Connecting Streets and Sidewalks

Note: For approval of proposed street names, contact the Engineering Department.

Street Name	Right-of-Way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing Curb/Gutter
US HWY 15-501 N	Varies	80'	6	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
Smith Level Road	Varies	Varies 24'-80'	2	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

List Proposed Points of Access (Ex: Number, Street Name):

*If existing sidewalks do not exist and the applicant is adding sidewalks, please provide the following information:

Sidewalk Information			
Street Names	Dimensions	Surface	Handicapped Ramps
US HWY 15-501	N/A	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Smith Level Road	N/A	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Section G: Parking Information

Parking Spaces	Minimum	Maximum	Proposed
Regular Spaces	9	14	9
Handicap Spaces	1	N/A	1
Total Spaces	10	14	10
Loading Spaces	0	0	0
Bicycle Spaces	4	N/A	8
Surface Type	Asphalt		

Section H: Landscape Buffers

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
Northeast (vacant land)	10'	10'	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
East (single family)	20'	12'-20'	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
East (15-501)	30'	0'	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
West (Smith Level Rd)	30'	0'-30'	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes



Section I: Land Use Intensity

Existing Zoning District: NC
 Proposed Zoning Change (if any): NC-CZ

Zoning – Area – Ratio			Impervious Surface Thresholds			Minimum and Maximum Limitations	
Zoning District(s)	Floor Area Ratio (FAR)	Recreation Space Ratio (RSR)	Low Density Residential (0.24)	High Density Residential (0.50)	Non-Residential (0.70)	Maximum Floor Area (MFA) = FAR x GLA	Minimum Recreation Space (MSR) = RSR x GLA
NC	0.264	N/A			0.70	14,484	N/A
TOTAL	0.264				0.70	14,484	N/A
RCD Streamside		0.01					
RCD Managed		0.019					
RCD Upland							

Section J: Utility Service

Check all that apply:

Water	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Well	<input type="checkbox"/> Community Well	<input type="checkbox"/> Other
Sewer	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Septic Tank	<input type="checkbox"/> Community Package Plant	<input type="checkbox"/> Other
Electrical	<input type="checkbox"/> Underground	<input checked="" type="checkbox"/> Above Ground		
Telephone	<input type="checkbox"/> Underground	<input checked="" type="checkbox"/> Above Ground		
Solid Waste	<input type="checkbox"/> Town	<input checked="" type="checkbox"/> Private		



**CONDITIONAL ZONING APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning Department**

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning Department (Planning) at (919) 968-2728 or at planning@townofchapelhill.org.

x	Application fee (including Engineering Review fee) (refer to fee schedule)	Amount Paid \$	
x	Pre-application meeting –with appropriate staff		
x	Digital Files – provide digital files of all plans and documents		
x	Recorded Plat or Deed of Property		
x	Project Fact Sheet		
	Traffic Impact Statement – completed by Town’s consultant (or exemption)		
n/a	Description of Public Art Proposal , if applicable		
x	Statement of Justification		
x	Response to Community Design Commission and Town Council Concept Plan comments , if applicable		
n/a	Affordable Housing Proposal , if applicable		
x	Statement of Consistency with Comprehensive Plan or request to amend Comprehensive Plan		
x	Mailing list of owners of property within 1,000 feet perimeter of subject property (see GIS notification tool)		
x	Mailing fee for above mailing list (mailing fee is double due to 2 mailings)	Amount Paid \$	138.00
x	Written Narrative describing the proposal, including proposed land uses and proposed conditions		
x	Resource Conservation District, Floodplain, & Jordan Buffers Determination – necessary for all submittals		
n/a	Jurisdictional Wetland Determination – if applicable		
n/a	Resource Conservation District Encroachment Exemption or Variance (determined by Planning)		
n/a	Jordan Buffer Authorization Certificate or Mitigation Plan Approval (determined by Planning)		
n/a	Reduced Site Plan Set (reduced to 8.5” x 11”)		

Stormwater Impact Statement (1 copy to be submitted)

- a) Written narrative describing existing & proposed conditions, anticipated stormwater impacts and management structures and strategies to mitigate impacts
- b) Description of land uses and area (in square footage)
- c) Existing and proposed impervious surface area in square feet for all subareas and project area
- d) Ground cover and uses information
- e) Soil information (classification, infiltration rates, depth to groundwater and bedrock)
- f) Time of concentration calculations and assumptions
- g) Topography (2-foot contours)
- h) Pertinent on-site and off-site drainage conditions
- i) Upstream and/or downstream volumes
- j) Discharges and velocities
- k) Backwater elevations and effects on existing drainage conveyance facilities
- l) Location of jurisdictional wetlands and regulatory FEMA Special Flood Hazard Areas
- m) Water quality volume calculations
- n) Drainage areas and sub-areas delineated
- o) Peak discharge calculations and rates (1, 2, and 25-year storms)
- p) Hydrographs for pre- & post-development without mitigation, post-development with mitigation
- q) Volume calculations and documentation of retention for 2-year storm



**CONDITIONAL ZONING APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning and Development Services**

- r) 85% TSS removal for post-development stormwater runoff
- s) Nutrient loading calculations
- t) BMP sizing calculations
- u) Pipe sizing calculations and schedule (include HGL & EGL calculations and profiles)

Plan Sets (10 copies to be submitted no larger than 24" x 36")

Plans should be legible and clearly drawn. All plan set sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable
- Revision dates and professional seals and signatures, as applicable

Cover Sheet

- a) Include Project Name, Project fact information, PIN, and Design Team

Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names
- f) 1,000' notification boundary

Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries



**CONDITIONAL ZONING APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning and Development Services**

Detailed Site Plan

- a) Existing and proposed building locations
- b) Description & analysis of adjacent land uses, roads, topography, soils, drainage patterns, environmental constraints, features, existing vegetation, vistas (on and off-site)
- c) Location, arrangement, & dimension of vehicular parking, width of aisles and bays, angle of parking, number of spaces, handicapped parking, bicycle parking. Typical pavement sections & surface type.
- d) Location of existing and proposed fire hydrants
- e) Location and dimension of all vehicle entrances, exits, and drives
- f) Dimensioned street cross-sections and rights-of-way widths
- g) Pavement and curb & gutter construction details
- h) Dimensioned sidewalk and tree lawn cross sections
- i) Proposed transit improvements including bus pull-off and/or bus shelter
- j) Required landscape buffers (or proposed alternate/modified buffers)
- k) Required recreation area/space (including written statement of recreation plans)
- l) Refuse collection facilities (existing and proposed) or shared dumpster agreement
- m) Construction parking, staging, storage area, and construction trailer location
- n) Sight distance triangles at intersections
- o) Proposed location of street lights and underground utility lines and/or conduit lines to be installed
- p) Easements
- q) Clearing and construction limits
- r) Traffic Calming Plan – detailed construction designs of devices proposed & associated sign & marking plan

Stormwater Management Plan

- a) Topography (2-foot contours)
- b) Existing drainage conditions
- c) RCD and Jordan Riparian Buffer delineation and boundary (perennial & intermittent streams; note ephemeral streams on site)
- d) Proposed drainage and stormwater conditions
- e) Drainage conveyance system (piping)
- f) Roof drains
- g) Easements
- h) BMP plans, dimensions, details, and cross-sections
- i) Planting and stabilization plans and specifications

Landscape Protection Plan

- a) Rare, specimen, and significant tree survey within 50 feet of construction area
- b) Rare and specimen tree critical root zones
- c) Rare and specimen trees proposed to be removed
- d) Certified arborist tree evaluation, if applicable
- e) Significant tree stand survey
- f) Clearing limit line
- g) Proposed tree protection/silt fence location
- h) Pre-construction/demolition conference note
- i) Landscape protection supervisor note
- j) Existing and proposed tree canopy calculations, if applicable



**CONDITIONAL ZONING APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning and Development Services**

Planting Plan

- a) Dimensioned and labeled perimeter buffers
- b) Off-site buffer easement, if applicable
- c) Landscape buffer and parking lot planting plan (including planting strip between parking and building, entryway planting, and 35% shading requirement)

Steep Slope Plan

- a) Classify and quantify slopes 0-10%, 10-15%, 15-25%, and 25% and greater
- b) Show and quantify areas of disturbance in each slope category
- c) Provide/show specialized site design and construction techniques

Grading and Erosion Control Plan

- a) Topography (2-foot contours)
- b) Limits of Disturbance
- c) Pertinent off-site drainage features
- d) Existing and proposed impervious surface tallies

Streetscape Plan, if applicable

- a) Public right-of-way existing conditions plan
- b) Streetscape demolition plan
- c) Streetscape proposed improvement plan
- d) Streetscape proposed utility plan and details
- e) Streetscape proposed pavement/sidewalk details
- f) Streetscape proposed furnishing details
- g) Streetscape proposed lighting detail

Solid Waste Plan

- a) Preliminary Solid Waste Management Plan
- b) Existing and proposed dumpster pads
- c) Proposed dumpster pad layout design
- d) Proposed heavy duty pavement locations and pavement construction detail
- e) Preliminary shared dumpster agreement, if applicable



**CONDITIONAL ZONING APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning and Development Services**

Construction Management Plan

- a) Construction trailer location
- b) Location of construction personnel parking and construction equipment parking
- c) Location and size of staging and materials storage area
- d) Description of emergency vehicle access to and around project site during construction
- e) Delivery truck routes shown or noted on plan sheets

Energy Management Plan

- a) Description of how project will be 20% more energy efficient than ASHRAE standards
- b) Description of utilization of sustainable forms of energy (Solar, Wind, Hydroelectric, and Biofuels)
- c) Participation in NC GreenPower program
- d) Description of how project will ensure indoor air quality, adequate access to natural lighting, and allow for proposed utilization of sustainable energy
- e) Description of how project will maintain commitment to energy efficiency and reduced carbon footprint over time
- f) Description of how the project's Transportation Management Plan will support efforts to reduce energy consumption as it affects the community

Exterior Elevations

- a) An outline of each elevation of the building, including the finished grade line along the foundation (height of building measured from mean natural grade)