



**SUP MODIFICATION FOR CHAPEL
HILL NORTH (HARRIS TEETER FUEL
CENTER AND PHARMACY
EXPANSION)
(PROJECT #21-007)**

November 16, 2022



LUMO Sec. 4.5.2. SUP Standards

“[N]o special use permit shall be approved by the town council unless each of the following findings is made . . .

(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;

(2) That the use or development complies with all required regulations. . .

(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 . . .; and

(4) That the use or development conforms with the general plans for the physical development of the town as embodied in this appendix and in the comprehensive plan.”



The Staff Report

“If the Council finds that the proposal is consistent with the Master Land Use Plan, a rebuttable presumption is established that the proposed development:

- Maintain or promote the public health, safety, and general welfare;
- Maintain or enhance the value of contiguous property, or be a public necessity;
and
- Conform to the Comprehensive Plan.”

*Staff Report, page 1.



The Staff Report

“Council’s consideration of the proposal is focused only on the **one additional finding** in order to approve the SUP modification:

- Complies with all required regulations and standards of the Land Use Management Ordinance.”

*Staff Report, page 1.



LUMO Requirements

Buffer – North (Sec. 5.6.2)	<i>Required:</i> Type 'E' Buffer with width of at least 100 ft. <i>Proposed:</i> Type 'D' Buffer of 30 ft.	M
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- LUMO Sec. 5.6.6.:

“ . . . The buffer requirement noted in the schedule of required buffers may be reduced by one grade of intensity (e.g., C to a B) if the development is designed such that there is no parking between the buildings located on the site and the adjacent street.”

- The applicant meets this standard.
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LUMO Requirements

Buffer - West (<u>Sec. 5.6.2</u>)	<i>Required:</i> Type 'D' Buffer of 30 ft. <i>Proposed:</i> Type 'D' Buffer with viewpoints.	M
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- The applicant meets this buffer standard, and the request is being made solely to allow additional visibility for the Harris Teeter grocery store through a heavily wooded area.
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LUMO Requirements

**Bicycle Improvements
(Sec. 5.8)**

The applicant has declined to construct a raised bicycle lane along the Martin Luther King Jr. Blvd.

C

- The applicant has not “declined” to provide an improvement.
- It is unclear what LUMO standard obligates the applicant to provide this improvement.
- There are already existing bicycle and pedestrian facilities near the site, but the requested improvement would require the destruction of buffer, which is required by the LUMO.
- Harris Teeter is offering an easement so that Town can construct the facility in the future.