



**CONSIDER AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION - WEGMANS FOOD MARKET STREET IMPROVEMENTS, 1810 FORDHAM BOULEVARD**

**STAFF REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
 Judy Johnson, Interim Director  
 Michael Sudol, Planner II

<b>PROPERTY ADDRESS</b> 1810 Fordham Boulevard	<b>DATE</b> November 13, 2019	<b>APPLICANT</b> Justin Brown, Pennoni on behalf of LG1810 Fordham Blvd, LLC
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**UPDATES SINCE THE OCTOBER 30 PUBLIC HEARING**

The following stipulation was added regarding driveway cuts shown on the SECU property:

- Service Road Driveways: There is no implied approval for any connection to the Service Road at the driveway cuts shown on the site plan. Access to the Service Road will be dependent upon Town of Chapel Hill and NCDOT approval at time of future development.

**RECOMMENDATION**

That the Council adopt Resolution A, approving the Special Use Permit Modification

**STAFF ANALYSIS**

The Council adopted a [resolution](#)<sup>1</sup> on October 2, 2019 limiting the scope of the Special Use Permit Modification to the new road access. See attached Key Considerations for additional information.

**PROCESS**

The application before Council is for approval of a Special Use Permit Modification. The Council must consider the **four findings** for approval, which indicate that the use or development:

1. is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. would comply with all required regulations and standards of the Land Use Management Ordinance;
3. 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; and
4. conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.

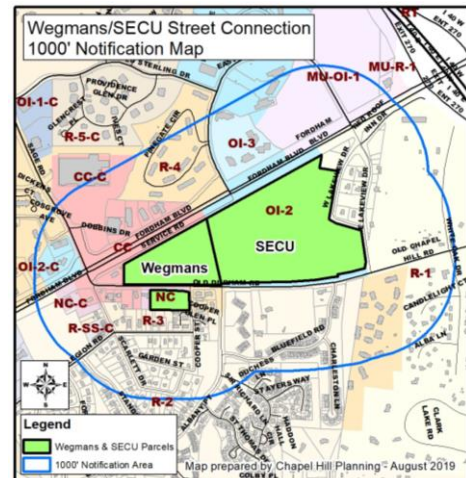
**DECISION POINTS**

- Does the proposal satisfy the four findings of fact required for the Council to approve a Special Use Permit Modification?

**PROJECT OVERVIEW**

The applicant proposes a realignment of the US 15-501 Service Road across the adjacent State Employees Credit Union property, creating a full-access connection from the Wegmans development at 1810 Fordham Boulevard to US 15-501. The former Service Road location would be repurposed as a multi-use path.

**PROJECT LOCATION**



**ATTACHMENTS**

1. Key Considerations
2. Draft Staff Presentation
3. Resolution A
4. Resolution B
5. Applicant's Materials
6. Submitted Plans

<sup>1</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4148998&GUID=EDE1C694-F720-454F-92AE-5D70AF54B821&Options=&Search=>

## KEY CONSIDERATIONS

### Special Use Permit Modification Findings

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**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

Evidence in Support	“The development will provide roadway improvements that will offset the traffic that the use will generate. Additionally, pedestrian connections (sidewalks and bicycle lanes) will be provided to link retail with the surrounding neighborhood areas in connection with the Old Durham Chapel Hill Road roadway improvements. The applicant coordinated with the adjoining property to the east (State Employee Credit Union) for an alternative approach to mitigate the traffic at the intersection of US 15/501 and the Eastowne Drive (Service Road) intersection. This effort has resulted in an agreement between Wegmans and SECU so that driveway access to 15-501 can be provide through SECU’s property (via a dedicated NCDOT ROW).” (The applicant’s Statement of Justification)
Evidence in Opposition	None to date.
Staff Response	Based on the evidence entered into the record to date, the Council could make the finding. Based on the Transportation Impact Analysis, we believe that the Special Use Permit Modification would provide relief from traffic on Old Durham Road.

**Finding #2:** That the use or development would comply with all required regulations and standards of the Land Use Management Ordinance

Evidence in Support	Application form, project fact sheet, and site plan (as attached).
Evidence in Opposition	None to date.
Staff Response	Based on the application and evidence entered into the record to date, the Council could make the finding.

**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 of development is a public necessity.

Evidence in Support	“The development will provide a retail destination for the surrounding community, in addition to patrons from other counties. Furthermore, the Marketplace Café and Pub restaurant will provide access to a wide variety of lunch and dinner options. The store’s proximity to the local office parks and residences will provide walkability to the surrounding development and neighborhoods. Lastly, the project will provide a significant increase in commercial tax base and sales revenue.” (The applicant’s Statement of Justification)
Evidence in Opposition	None to date.

Staff Response	We believe, based on the evidence entered into the record to date, that the Council could make the finding that the accessibility of the site to adjacent properties would maintain or enhance their value.
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**Finding #4:** That the use conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.

Evidence in Support	No change proposed to the use, zoning, or density for this Special Use Permit Modification.
Evidence in Opposition	None to date.
Staff Response	<p>We believe the SUP modification complies with the Land Use Plan and themes in the 2020 Comprehensive Plan. Relevant goals and objectives in the Comprehensive Plan include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• A welcoming and friendly community that provides all people with access to opportunities (<i>Goal A Place for Everyone.4</i>)</li> <li>• Balance and sustain finances by increasing revenues and decreasing expenses (<i>Goal Community Prosperity &amp; Engagement.1</i>)</li> <li>• Promote a safe, vibrant and connected (physical and person) community (<i>Goal Community Prosperity and Engagement.3</i>);</li> <li>• A well-conceived and planned, carefully thought out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and public transportation options (<i>Goal Getting Around.1</i>)</li> <li>• A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (<i>Goal Getting Around.2</i>)</li> <li>• Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (<i>Goal Good Places New Spaces.8</i>)</li> </ul>