



**CONTINUE THE EVIDENTIARY HEARING: SPECIAL USE PERMIT MODIFICATION FOR UNIVERSITY PLACE, 201 S. ESTES DRIVE (PROJECT # 19-130)**

**SUMMARY REPORT**

TOWN OF CHAPEL HILL PLANNING  
 Colleen Willger, Director  
 Judy Johnson, Assistant Director

<b>PROPERTY ADDRESS</b> 201 S. Estes Drive	<b>MEETING DATE</b> May 5, 2021	<b>APPLICANT</b> Jessie Hardesty, McAdams, on behalf of RRPV University Chapel Hill Limited Partnership
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**STAFF RECOMMENDATION**  
 That the Council 1) continue the ongoing Evidentiary Hearing by receiving additional evidence; 2) continue the Evidentiary Hearing to May 19, 2021. Since the April 7 meeting, the Community Design Commission and the Stormwater Management Utility Advisory Board reviewed the application on April 27 and their recommendations are attached.

**PROCESS**  
 The application is a Special Use Permit Modification. The Council must consider the **four findings of fact** for approval of a Special Use Permit, 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**  
 The applicant requests modifications of regulations to the following categories:

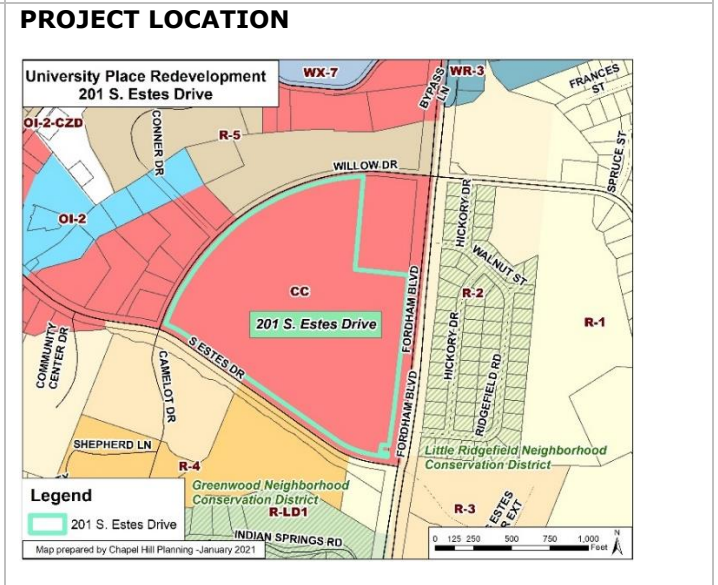
- setbacks,
- buffers,
- tree canopy coverage,
- building height,
- impervious surface coverage,
- parking standards,
- signage, and
- Resource Conservation District.

Design Standards have been proposed to shape and refine the block style development plan.

This approval would supersede the previous Special Use Permit Modification granted in 2000.

**PROJECT OVERVIEW**  
 The Special Use Permit Modification defines uses and building area within a block plan, including accompanying Design Standards that will guide the development standards. No exact building layout is proposed at this time. The applicant has proposed limited uses as compared to what is allowed by the Community Commercial (CC) zoning designation.

- Floor area: up to 810,914 sq. ft.
- Gross Land area: 43.4 acres
- Existing zoning: Community Commercial (CC)
- Permitted Uses are outlined in the Design Standards and include residential uses, office uses, hotel, commercial, and wireless communication facilities.
- The Transportation Impact Study conveys impacts related to each phase of the project build-out



<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Technical Report and Project Fact Sheet</li> <li>2. Draft Staff Presentation</li> <li>3. Resolution A (Approving the Application)</li> <li>4. Resolution B (Denying the Application)</li> <li>5. Advisory Board Recommendations</li> <li>6. Town's Urban Designer Review Summary November 13, 2020</li> <li>7. Draft Applicant Presentation</li> </ol>
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|  | <ol style="list-style-type: none"><li>8. Application Materials</li><li>9. Block Plan</li><li>10. Design Standards</li><li>11. Traffic Impact Study – Executive Summary</li></ol> |
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# TECHNICAL REPORT

## KEY CONSIDERATIONS

**Planning Commission:** At their [April 6, 2021 meeting](#)<sup>1</sup>, the Planning Commission recommended approval with the following modifications to Resolution A:

- Decrease the allowed impervious surface area to meet current ordinance standard of 70% maximum impervious surface ratio.
- Increase the amount of required tree canopy coverage to meet the current required ordinance standard of 30% minimum tree canopy coverage.
- Further reduce parking totals and reduce required minimum parking on-site.
- Greatly increase the amount of bicycle parking on-site.
- Provide unbundled parking options, granting tenants the option of paying for parking spaces or not.
- Engage with the Chapel Hill Farmers Market to provide permanent and shared-use infrastructure that suits their long-term needs.
- New constructed stand-alone buildings shall be more than one story in height.
- Reduce the number of proposed signs and sign size along Fordham Boulevard.

**Transportation and Connectivity Advisory Board:** At the [March 23, 2021 meeting](#)<sup>2</sup>, the Transportation and Connectivity Advisory Board recommended approval with the following modifications to Resolution A:

- That the developer coordinate with Chapel Hill Transit to explore additional bus stop(s) within the development
- Developer meets with community bicycle advocacy groups to determine ideal bicycle parking locations
- Developer install additional traffic calming treatments on the interior roadway network
- Developer coordinate with Town staff to consider pedestrian, bicycle, and non-motorized routes within the development to prioritize safety, directness, and experience for all ages and abilities.

**Environmental Stewardship Advisory Board:** At the [March 30, 2021 meeting](#)<sup>3</sup>, the Environmental Stewardship Advisory Board recommended approval with the following modifications to Resolution A:

- Present more detail about energy consumption, types of energy used, rainwater and stormwater
- Meet with the Stormwater Management Utility Advisory Board

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<sup>1</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829635&GUID=69079523-A7C3-4357-99C6-973E680DEA22&Options=&Search=>

<sup>2</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829632&GUID=D46F6713-4D34-4611-9CB0-10706B952834&Options=&Search=>

<sup>3</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=853077&GUID=929FC572-0F65-4A58-A4C0-66B39C2A3C60&Options=&Search=>

- Utilize solar energy to reduce greenhouse gas emissions
- Due to heat and environmental health concerns, plant only natural vegetation and if an artificial turf is used, avoid crumb rubber base
- Support the increase in tree canopy and encourage a higher percentage than the proposed 20%, which is below the 30% standard
- Upon termination of leases, explore opportunities for additional green spaces
- Support the decrease in impervious surface and encourage a lower percentage than the proposed 75%, which is above the 70% standard
- Place reflective surfaces on roofs before installing solar
- Install rooftop rainwater capture for irrigation and non-potable water use and to reduce stormwater impacts
- Build structured parking to reduce impervious surface and increase area for tree plantings
- Install stormwater retention tanks to moderate runoff
- Suggest that Council ask for additional details about the multi-family units

**Housing Advisory Board:** At the [March 9, 2021 meeting](#)<sup>4</sup>, the Housing Advisory Board recommended approval of the project.

**Community Design Commission:** The application was discussed at the [March 23, 2021](#)<sup>5</sup> and [April 27, 2021](#)<sup>6</sup> meetings. The Community Design Commission recommended approval of the project.

**Stormwater Management Utility Advisory Board:** The application was discussed at the [April 27, 2021 meeting](#)<sup>7</sup>. The Stormwater Management Utility Advisory Board recommended approval with the following modifications to Resolution A:

- The Board does not support the modification to the impervious surface ratio (75%). The Board supports the reduction in the impervious ratio to 70%.
- If the 70% impervious area ratio can not be met, then the use of green roof or rainwater harvesting should be included to account for the difference
- Future phases should incorporate additional measures to further meet the 70% impervious area ratio requirement.
- There should be no loss of effective flood storage on this site, which is in addition to meeting the no-rise in the Base Flood Elevation requirement.
- The Board supports the use of pervious pavement and the approximately 30,000 sf of additional impervious area that is proposed to be treated in the enlarged and improved bioretention basins.

## PROJECT OVERVIEW

The application proposes modifying the existing Special Use Permit on the site to accommodate a block-style plan with a mix of uses, ultimately configured and constructed based on the attached set of Design Standards proposed by the applicant. Currently existing on the 43.4-acre site is the University Place Mall. More details about the proposed

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<sup>4</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829628&GUID=87C0A97D-10A6-4174-A887-3144DEC15784&Options=&Search=>

<sup>5</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829633&GUID=9B4EBCC1-4FFE-43F5-A0A0-EA7F41A0C183&Options=&Search=>

<sup>6</sup> <https://chapelhill.legistar.com/DepartmentDetail.aspx?ID=35897&GUID=60D7535E-8FD2-4C4F-B065-903F28578771&Search=>

<sup>7</sup> <https://www.townofchapelhill.org/home/showpublisheddocument/48787/63754615736250000>

development can be found in the applicant's narrative and statement of justification in the Application Materials.

Information about the site and proposed zoning districts can be found below, as well as a list of proposed Modifications to Regulations, other important considerations that staff has identified, and an analysis of the project's consistency with the Comprehensive Plan and relevant Findings of Fact.

## **SITE CONTEXT**

Staff has identified the following physical and regulatory characteristics of the land:

- The site consists of 43.4 acres of gross land area and is the site of the existing University Place Mall and other surrounding commercial establishments.
- The site fronts on and has access to S. Estes Drive, Fordham Boulevard, and Willow Drive. Both Fordham Boulevard and S. Estes Drive are maintained by the North Carolina Department of Transportation (NCDOT) and Willow Drive is maintained by the Town of Chapel Hill.
- The site is relatively flat with Resource Conservation District (RCD) determined by floodplain on the southern portion of the property.
- Willow Terrace Condominiums are to the north and are zoned Residential-5 (R-5).
- Little Ridgefield subdivision is to the east and is zoned Residential-2 (R-2).
- The properties to the south are zoned Residential-1 (R-1), Residential-3 (R-3), and Residential-4 (R-4), and consist of Brookwood Condominiums, Camelot Village, and vacant land.
- The properties to the west are zoned Community Commercial (CC) and consist of a variety of commercial establishments.

## **PROPOSED SPECIAL USE PERMIT MODIFICATION**

The applicant has submitted a Special Use Permit Modification application, for review of the development proposal, without the need for rezoning, and which allows site-specific standards to be formulated and applied as conditions through a quasi-judicial process. The application provides an opportunity to establish agreed-upon conditions that modify use, intensity, and development standards in order to address impacts reasonably expected to be generated by development. Conditions can also address conformance of the development with Town regulations and adopted plans.

The block style development plan provides a general overview of the built environment for the 43.4-acre site; thus the need for design standards, as proposed by the applicant.

The applicant has proposed modifications to permitted uses and dimensional standards for the zoning district, among other requested modifications, as summarized in the Proposed Modifications to Regulations section below.

## **PROPOSED MODIFICATIONS TO REGULATIONS**

### **1) Section 3.8.2 Dimensional Regulations:**

**Setbacks:** The applicant requests the following proposed minimum setbacks for development in the Community Commercial (CC), zoning district:

YARD	REQUIRED SETBACK	PROPOSED SETBACK
Street Setback (Willow Drive)	22'	0-20' (build-to-zone (BTZ))
Street Setback (Fordham Blvd)	22'	0' min Max with parking: 77' Max
Interior Setback	8'	0'
Solar Setback	9'	0'

*Staff Comment:* The standard setback requirements would be replaced with build-to-zone requirements outlined in the attached proposed Design Standards. Build-to Zone is defined as the area on the lot where a certain percentage of the front building façade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

**Building Height Maximums:** The applicant requests the following proposed modifications to maximum building height:

BUILDING HEIGHT	MAXIMUM	PROPOSED POD A AND C	PROPOSED POD D
Setback Height	34'	75' (5 stories)	34' (3 stories)
Core Height	60'	90' (7 stories)	45' (3 stories)

The application refers to the attached Design Standards (Section III. Design Criteria - Building Mass & Form) for details.

The application states the proposed modification would:

- allow increased maximum building heights to reduce the building footprints on the parcel while still creating a high-density, high-intensity, mixed-use center;
- allow for vertically mixed-use buildings that would create more interesting spaces and places while reducing building footprints to conserve the available land area; and
- give the development a sense of place and identity that would enhance the vibrancy and long-term viability of the project.

**Section 3.8.2 Impervious Surface Ratio:**

Section 3.8.2 limits the maximum impervious surface ratio in the Community Commercial (CC) zoning district to 70 percent of the total lot area. The applicant is requesting a modification to increase the maximum impervious surface ratio to 75 percent.

The application states current impervious surface standards were not in place when University Place was constructed over 40 years ago. Currently approximately 78 percent of the site is covered with impervious surfaces. As part of the redevelopment of this parcel, the applicant is proposing to remove some of the existing impervious surfaces and replace them with open spaces, landscaping, or other permeable features. The application states reducing 3 percent of the existing impervious surface would result in over 52,000 square feet of land being converted to pervious surfaces while allowing the redevelopment of the proposed mixed-use center at the density and intensity envisioned by the Future Land Use Map.

**2) Section 5.6.6 Schedule of Required Buffers**

The applicant requests the following proposed modifications to perimeter:

LOCATION	REQUIRED BUFFER	PROPOSED BUFFER
East (Fordham Blvd.)	30' TYPE D	0' (NO BUFFER REQUIRED)
South (S. Estes Drive)	30' TYPE D	0' (NO BUFFER REQUIRED)
West (Willow Drive)	20' TYPE D	0' (NO BUFFER REQUIRED)
North (Binkley Baptist Church)	20' TYPE B	10' TYPE B

In place of buffers, the applicant proposes the following perimeter streetscape configurations:

**Willow Drive Streetscape:**

- Sidewalk (minimum): 5 feet (existing sidewalk to remain)
- Planting strip (minimum): 3 feet
- Outdoor Amenity Space/Tree Planting Zone (minimum): 8 feet (preserve existing mature trees where possible)
- Tree Spacing (on center, average): 40 feet (space proposed trees around and between existing mature trees as needed)
- Bike Lane (minimum): 4.5 feet

**Fordham Boulevard Streetscape:**

- Sidewalk (minimum): N/A (Multi-use path proposed as alternative to sidewalk)
- Multi-use Path: 10 feet (with 2 feet clear zone)
- Tree Planting Zone (minimum): 8 feet (preserve existing mature trees where possible)
- Tree Spacing (on center, average): 40 feet (space proposed trees around and between existing mature trees as needed)

**S. Estes Drive Streetscape:**

- Sidewalk (minimum): N/A (Multi-use path proposed as alternative to sidewalk)
- Multi-use Path: 10 feet (with 2 feet clear zone)
- Tree Planting Zone (minimum): 8 feet (preserve existing mature trees where possible)
- Tree Spacing (on center, average): 40 feet (space proposed trees around and between existing mature trees as needed)

*Staff Comment:* Required buffers would impact the proposed Build-to-Zones and would separate uses from the adjoining streets.

**3) Section 5.7.2 Tree Protection:**

The applicant requests the following proposed modifications to the required tree canopy coverage:

TREE CANOPY COVERAGE		
PROPOSED USE	REQUIRED	PROPOSED
MULTIFAMILY	30%	20%
COMMERCIAL	30%	20%
OFFICE	30%	20%

MIXED-USE	40%	20%
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The application states:

- The requested reduction would be a more reasonable tree canopy coverage requirement given the existing development on the parcel.
- LUMO tree canopy coverage requirements were not in place at the time of the original approval of University Place.
- Meeting existing tree canopy coverage during redevelopment of the parcel would be problematic when the applicant’s intention is to increase the density and intensity of the development.
- The requested reduction would be the minimum necessary to create a substantial tree canopy cover without limiting the ability to redevelop the site.
- The scope of the proposed development would require impervious surfaces that would not be suitable for the planting of vegetation.

**4) Section 5.9.7 Minimum and Maximum Off-Street Parking Space Requirements**

The applicant is requesting a proposed modification to allow for a 30 percent reduction in parking for parking areas that will be shared by multiple uses.

The application states a reduction in parking requirements would:

- reduce impervious surface while increasing the density of uses on the site;
- benefit the overall site design, intent of the site, and Town goals.

In addition, the application states improved bicycle and pedestrian connectivity through added sidewalks, multi-use paths, and bike lanes would allow for alternative modes of transportation to and from the site, benefiting both the environment and visitor experience.

In addition to shared parking for the project, the following modifications to parking requirements for specific uses are requested:

VEHICLE PARKING REQUIREMENTS	REQUIRED		PROPOSED	
	MIN.	MAX.	MIN.	MAX.
<b>RESIDENTIAL USES</b>				
2 bedrooms	1.4 per dwelling unit	1.75 per dwelling unit	1.25 per dwelling unit	1.75 per dwelling unit
Independent Senior Living Facility	0.5 per Senior unit	0.7 per Senior unit	0.5 per Senior unit	1 per Senior unit
<b>COMMERCIAL USES</b>				
All Commercial Uses, except:	LUMO standards vary by use type		1 per 300 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Business, Convenience Restaurant	1 per 110 sq. ft. of floor area	1 per 75 sq. ft. of floor area	1 per 150 sq. ft. of floor area	1 per 75 sq. ft. of floor area
<b>OFFICE USES</b>				
All Office Uses	1 per 350 sq. ft. of floor area	1 per 250 sq. ft. of floor area	1 per 300 sq. ft. of floor area	1 per 200 sq. ft. of floor area

The applicant is requesting the following modification to bicycle parking requirements for specific uses:



BICYCLE PARKING REQUIREMENTS	REQUIRED		PROPOSED	
	MIN.	SHORT/LONG TERM	MIN.	SHORT/LONG TERM
<b>RESIDENTIAL USES</b>				
Residential	As per LUMO	As per LUMO	As per LUMO	As per LUMO
Independent Senior Living Facility	1 per 1 unit	As per LUMO	1 per 2 units	As per LUMO
<b>COMMERCIAL USES</b>				
All Commercial Uses	LUMO standards vary by use	As per LUMO	1 per 2,500 SF	As per LUMO
<b>OFFICE USES</b>				
All Office Uses	LUMO standards vary by use	80% / 20%	1 per 2,500 SF	50% / 50%

### 5) Section 5.14 Signs

The applicant is requesting modifications to commercial sign regulations to allow for a Gateway sign in addition to the permitted commercial center signs. Currently, the maximum number of commercial center signs per street frontage is one (1). This request would allow for one additional sign on Fordham Boulevard. The proposed modifications would apply only to the Gateway sign.

COMMERCIAL SIGN	REQUIRED	PROPOSED
Height	14'	24'
Width	10'	12'
Thickness	12"	24"
Sign Structure Plus Display Surface	144 SF	288 SF
Max # Per Street Frontage	1	2 (Fordham Blvd only)
Illumination	Permitted during business hours only	Permitted during business hours and non-business hours

The applicant also is requesting the following proposed modifications for outparcel ground signs regulations:

GROUND SIGN	REQUIRED	PROPOSED
Distance (From Other Commercial Ground Signs)	150'	100'
Max # Per Street Frontage	1	No max; must have minimum 100' spacing
Max # Per Lot	1	No max; must have minimum 100' spacing
Ground Signs Permitted On The Same Zoning Lot With A Projecting Sign	No, unless signs are located on different street frontages	Yes; must have minimum 100' spacing

The application states this request is in line with the current approved unified sign plan, which allows for five (5) ground signs for outparcels (K&W, Harris Teeter, Fuel, SunTrust, and former Wells Fargo bank) in addition to the three (3) commercial center signs. The

application notes these changes will ultimately be incorporated into a revised unified signage package to be submitted and approved before any of the signage modifications are permitted to be constructed.

### **6) Section 3.6.3 Resource Conservation District (RCD)**

The applicant is requesting modification to application of the RCD ordinance to University Place to allow the expansion of University Place within the existing floodplain and RCD associated with proposed buildings, and other improvements.

The application states:

- The proposed buildings and site improvements will be required to meet the requirements of the FEMA regulations and the Town's Flood Damage Prevention Ordinance.
- These requirements include the modelling of the floodplain of Bolin Creek to show that the improvements have no impact to, and create no increase to, the existing floodplain elevation.
- The redevelopment of University Place will reduce the impervious area within the floodplain and RCD.
- The redevelopment will reduce nutrient run-off associated with impervious surfaces as well as the water quantity run-off from the site.

**Council Findings and Public Purpose:** The Council has the ability to modify the regulations according to Section 4.5.6 of the Land Use Management Ordinance. Staff believes that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the developer's alternative is to revise the proposal to comply with the regulations.

## **FINDINGS OF FACT**

No Special Use Permit Modification shall be recommended by the Town Manager or Planning Commission for approval and no Special Use Permit Modification shall be approved by the Town Council unless each of the following findings is made concerning the proposed Special Use or Planned Development:

**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;

**Finding #2:** That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of articles 3 and 5, the applicable specific standards contained in the supplemental use regulations (article 6), and with all other applicable regulations;

**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; and







**Finding #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.

Staff will provide an evaluation of this application based on the four findings. Further information may be presented for the Council's consideration as part of the public hearing process. All information submitted at the public hearing will be included in the record of the hearing.

## CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)<sup>8</sup>, the standards of the [Land Use Management Ordinance](#)<sup>9</sup>, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)<sup>10</sup> and believes the University Place proposal complies with several themes of the 2020 Comprehensive Plan:

**Comprehensive Plan Themes:** The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

**Land Use Plan:** The [Future Land Use Map](#)<sup>11</sup>, a component of the 2020 Comprehensive Plan, designates this site for multifamily, shops and offices, and commercial/office and primary uses, with Multifamily residential as secondary.

University Place is an existing non-residential development constructed prior to the current Land Use Management Ordinance. University Place is envisioned as a mixed-use community with up to 600,000 square feet of non-residential uses, up to 300 residential dwelling units, and up to 150 hotel rooms. The redevelopment of University Place is in keeping with the goals of the Town of Chapel Hill Comprehensive Plan.

**A Place for Everyone:** The applicant states that “University Place is, and will continue to be, a part of the fabric of Chapel Hill. The redevelopment and increased square footage for non-residential uses will create even more places and spaces for residents and visitors.”

**Community Prosperity and Engagement:** University Place is an aging mall at a time when traditional malls all across the country are failing. The applicant states “the redevelopment of University Place will allow it to prosper into the future, which will ultimately contribute to the success and prosperity of Chapel Hill as a whole.”

**Getting Around:** The requested Special Use Permit Modification will enhance the ability of pedestrians, bikes, and vehicles to move around Chapel Hill. Greenways, walking trails, and sidewalks will be constructed as part of the redevelopment. Additionally, improvements to the transportation network will be constructed as required by the Traffic Impact Analysis.

**Good Place, New Spaces:** The requested Special Use Permit Modification allows for a new mixed-use center where an aging commercial mall is located. The redeveloped University

<sup>8</sup> <http://www.townofchapelhill.org/home/showdocument?id=15001>

<sup>9</sup> [https://www.municode.com/library/#!/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALAUSMA](https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA)

<sup>10</sup> <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

<sup>11</sup> <https://online.flippingbook.com/view/26191/>

Place will be a 'good space' and will include new open spaces in areas that will add interest throughout the site and allow residents and visitors to gather and enjoy the outdoors while staying on site.

**Nurturing Our Community:** University Place was constructed prior to modern environmental regulations intended to protect and preserve natural resources, which means that stormwater treatment and impervious surfaces do not meet the modern standards for environmental protection. As part of the redevelopment, impervious surfaces will be removed from the site to provide some increased level of environmental protection.

## **Affordable Housing Evaluation**

The applicant has offered the following affordable housing program:

- If affordable dwelling units are designated as "for sale", they shall be subject to the requirements of Section 3.10, Inclusionary Zoning, of the Land Use Management Ordinance (LUMO).
- If residential uses are constructed on site, a minimum of 15 percent of all residential units constructed must be designated as affordable dwelling units.
- All affordable dwelling units designated as "rental units" shall remain affordable for a period of 30 years from certificate of occupancy.
- The affordable dwelling units shall be available for households earning 80% or less of the area median income (AMI).
- If the required number of affordable dwelling units includes a fraction, the applicant shall have the option to round up and provide one additional affordable dwelling unit or provided the fraction amount in the form of a payment-in-lieu.
- If residential uses are constructed and designated as "senior housing/senior living" with minimum age requirements (typically 55+), the affordable dwelling unit requirements outlined above shall not apply so long as the units remain age restricted.
- Each rental unit designated as an affordable dwelling unit must meet the following minimum floor area:
  1. Studio/Efficiency – 500 SF\*
  2. 1 Bedroom – 700 SF\*
  3. 2 Bedroom – 850 SF\*
  4. 3 Bedroom – 1,100 SF\*
  5. 4 Bedroom – 1,200 plus 250 SF per additional bedroom above 4\*

\*If unrestricted market rate units in a building are constructed at sized below those stated above, the minimum floor area for affordable units may be reduced to the size of such comparable unrestricted units in the building.

Although the Inclusionary Zoning Ordinance is only applicable to for sale dwellings, the Ordinance requires half of the units available to households earning 65 percent of the Area Median Income (AMI) and half to households earning 80 percent. Additionally, the Inclusionary Zoning Ordinance applies to all housing, not excluding age-restricted housing.

## **Stormwater Evaluation**

The University Place building, sidewalk, parking, and drive aisle with exception to the Harris Teeter and K&W buildings all lie in the floodplain and the Resource Conservation District (RCD) based on the North Carolina Flood Risk Information System (NCFRIS).

The developer proposes to reduce the existing impervious area on the site by 52,466 square feet, which will contribute to the improvement in water quality and stormwater runoff rate leaving the site. The impact of proposed buildings on the floodplain storage should be taken into consideration when designing the proposed improvements. The proposed development shall meet the requirements of Section 3.6.3 and 5.4 of the Land Use Management Ordinance.

The RCD boundary for the site is computed by adding 2 feet to the FEMA regulated base flood elevation and, in this case, the boundary of the RCD extends beyond 150 feet stream buffer. The area of the RCD beyond the 150 feet stream buffer boundary and within the RCD will be regulated as an Upland Zone in the RCD.

The proposed development in the floodplain shall meet the requirements of Chapter V, Article IV of the Town’s Flood Damage Prevention Ordinance and FEMA regulation.

The Town’s Flood Damage Prevention Ordinance requires proposed new non-residential construction in the floodplain to be elevated or floodproofed two (2) feet above the base flood elevation; however, due to the flooding situation in this area, instead of floodproofing the building, Town staff recommend elevating the building on piers and putting parking of vehicles under the building to minimize the loss of flood storage and diversion of flood waters onto nearby properties. To ensure a “No Adverse Impact of Flooding” on the neighboring properties, the development should ensure that it meets the No-Rise requirement of the Flood Damage Prevention Ordinance.

## Traffic Evaluation

The redevelopment of the current University Place site is expected to be constructed in three (3) phases. The phases and anticipated uses are identified as follows:

Category	Use	Existing	Phase 1 (2023)	Phase 2 (2025)	Phase 3 (2027)
Residential	Multifamily dwelling	0 units	255 units	255 units	300 units
Lodging	Hotel	0 rooms	0 rooms	0 rooms	150 rooms
Office	Office	0 sf	0 sf	50,000 sf	150,000 sf
Commercial	Movie Theatre	55,929 sf	55,929 sf	55,929 sf	55,929 sf
	General Retail	302,237 sf	225,000 sf	225,000 sf	325,000 sf
	Supermarket	53,371 sf	53,371 sf	53,371 sf	53,371 sf
	Bank	4,578 sf	7,950 sf	7,950 sf	7,950 sf
	Restaurant	0 sf	7,000 sf	7,000 sf	7,000 sf
	Gas Station	8 fueling positions	8 fueling positions	8 fueling positions	8 fueling positions

The applicant has requested some flexibility for the future phases of the development. The intensities identified in the above table indicate the proposed build out of the site. As the need for flexibility in the future is key factor for the applicant, the Traffic Impact Study (TIS) has identified a guide to compare the traffic generation rates between the different land

uses. The TIS includes an equivalency table (Table ES-5) to equalize the different traffic impacts of different land uses.

Street and intersection improvements, as indicated in the TIS, are tied to phases of the development.

Phase 1:

- 450 ft dual EB left-turn lanes at Fordham Blvd/Willow Drive
- 700 ft dual NB left-turn lanes at Fordham Blvd/Estes Drive
- 100 ft WB right-turn lane at Site Access #2
- Continuous WB right-turn lane at Site Access #3
- Right-in, right-out restrictions at Access points #2, #5, and #9

Phase 2 – No additional improvements

Phase 3:

- 850 ft dual NB left-turn lanes at Fordham Blvd/Estes Drive
- 100 ft WB right-turn lane at Site Access #4

The applicant has proposed maximum of 300 residential units shall be permitted. In the event that less than 600,000 square feet of office and commercial are constructed at the property, unused commercial and office square footage may be converted to additional residential units at a rate of one (1) additional residential unit per 1,000 square feet of unused commercial or office square footage; however, the total number of residential units shall not exceed 500 total units including conversions and no single pod shall contain more than 300 units.

Additionally, a maximum of 150 hotel rooms shall be permitted in Phase 3. In the event that less than 300 residential units are constructed at the property, unused residential units may be converted to additional hotel rooms at a rate of one (1) additional hotel room per one (1) unused residential unit; however, the total number of hotel rooms shall not exceed 275 rooms including conversions.

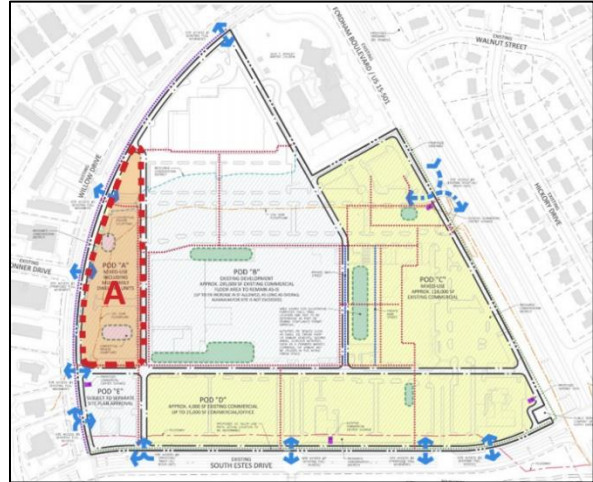
The maximum commercial square footage shall not exceed 450,000 square feet, the maximum office square footage shall not exceed 150,000 square feet and the combined commercial and office square footage shall not exceed 600,000 square feet. Up to 50,000 square feet may be converted between office and commercial; however, the total combined square footage shall not exceed 600,000 square feet including conversions.

## **Design Evaluation**

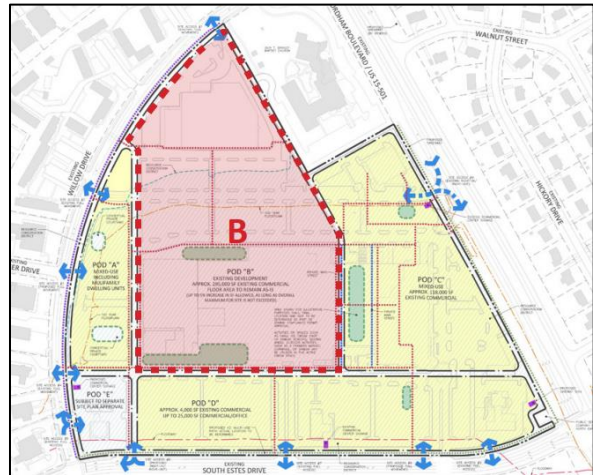
The applicant has proposed Design Standards as a guide to building mass, form, uses, location and relationship to the street frontages, entrance locations and glazing. The site plan has been configured into different development areas referred to as "Pods". The Design Standards will serve as the framework for the development within each Pod. The Town's Urban Designer has reviewed the Design Standards and comments are attached.

Excerpts from the Design Standards are shown below for each of the five Pods.

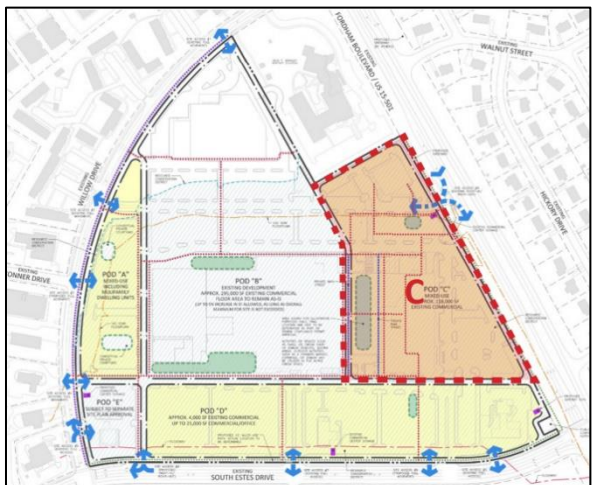
**Pod A:** converts an existing surface parking area into a more dense, multi-use part of the site. A new parking structure is proposed with a residential wrap screen. Given the significant grade change along Willow Drive and the interior street being a service alley for trash and deliveries, no building pass-through shall be required on Pod A; however, a public outdoor amenity space will be provided in lieu of the building pass-through along Willow Drive.



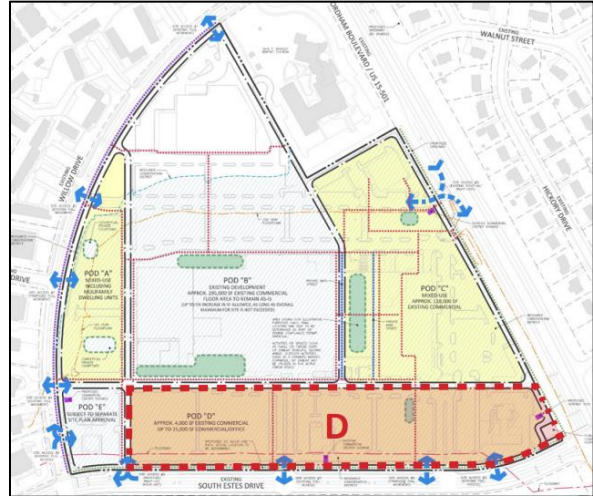
**Pod B:** There is ±295,000 SF of existing commercial to remain and be renovated, with conversion of interior mall space into exterior space. Enhanced outdoor amenity and green spaces are to be provided throughout Pod B along with parking improvements.



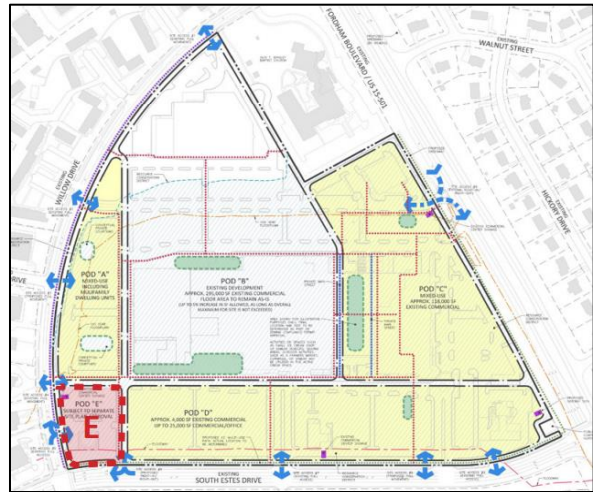
**Pod C:** Pod C will be focused around a central park or green space that will be pedestrian focused and include programmed space for the farmers market and other recurring events. The central park area will be flanked by urban 'main streets' with a consistent streetscape experience that is designed to promote safety and minimize pedestrian-vehicle conflicts. This area will act as the heart of the project, with pathways busy during the day and into the evening in this vibrant urban environment.



Pod D: Pod D includes existing parking areas and buildings to remain, amongst 2 proposed commercial buildings lining a relocated driveway. Note that this pod faces limitations to major design changes because of sensitivity to being in a floodplain. The proposed development should assist with flooding concerns because it overall reduces the amount of impervious area on site.



Pod E: In Pod E, the Zoning Compliance Permit (ZCP) is under review for minor modifications to the existing SUP. The bank use is to remain and only parking modifications and potential driveway relocation are to occur in Pod E.



Following action by the Council, the Design Standards would be reviewed by the Community Design Commission, the Town's Urban Designer, and other Town staff prior to approval by the Town Manager.














# PROJECT FACT SHEET









## Project Details

Site Description	
<b>Project Name</b>	University Place – Special Use Permit Modification
<b>Address</b>	201 S. Estes Drive
<b>Property Size</b>	Net Land Area 1,718,402 (39.4 acres) Gross Land Area 1,890,243 (43.4 acres)
<b>Existing</b>	University Place Mall
<b>Orange County Parcel Identifier Number</b>	9799-12-5797
<b>Existing Zoning</b>	Community Commercial (CC)


## Site Development Standards

Topic	Comment	Status
<b>Development Intensity</b>		
<b>Use/Density (Sec. 3.7)</b>	Residential – Maximum 300 Dwelling Units Commercial – Maximum 450,000 SF* Minimum 300,000 SF Office - Maximum 150,000 SF* Hotel- Maximum 150 Rooms*	
<b>Dimensional Standards (Sec. 3.8)</b>	<ul style="list-style-type: none"> <li>Reduce setbacks to allow Build-to-zones along Willow Drive and Fordham Blvd, Decrease the interior setbacks to 0’;</li> <li>Increase in height to 90’;</li> <li>Modification to allowable impervious surface</li> </ul>	<b>M</b>
<b>Floor area (Sec. 3.8)</b>	Maximum: 810,914 sq. ft. FAR=0.429	
<b>Landscape</b>		
<b>Buffer – Fordham (Sec. 5.6.2)</b>	<i>Required: 30’ Type “D”</i> <i>Proposed: 0’</i>	<b>M</b>
<b>Buffer – Estes (Sec. 5.6.2)</b>	<i>Required: 30’ Type “D”</i> <i>Proposed: 0’</i>	<b>M</b>
<b>Buffer – Willow (Sec. 5.6.2)</b>	<i>Required: 20’ Type “D”</i> <i>Proposed: 0’</i>	<b>M</b>
<b>Buffer – Binkley Baptist Church (Sec. 5.6.2)</b>	<i>Required: 20’ Type “B”</i> <i>Proposed: 10’ Type “B”</i>	<b>M</b>
<b>Tree Canopy (Sec. 5.7)</b>	<i>Required: 30% and 40%</i> <i>Proposed: 20%</i>	<b>M</b>
<b>Landscape Standards</b>	Application must comply	<b>FP</b>

<b>(Sec. 5.9.6)</b>		
<b>Environment</b>		
<b>Resource Conservation District (Sec. 3.6)</b>	<i>Required:</i> Maximum of 40% of land disturbance in upland zone <i>Proposed:</i> Development within the floodplain	<b>M</b>
<b>Erosion Control (Sec. 5.3.1)</b>	Orange County Erosion Control permit required	
<b>Steep Slopes (Sec. 5.3.2)</b>	<i>Required:</i> Disturb less than 25% of slopes exceeding 25% <i>Proposed:</i> No disturbance	
<b>Stormwater Management (Sec. 5.4)</b>	Meet or exceed LUMO 5.4 standards Decrease in impervious by approximately 52,466 (3%) RCD Modification to develop in floodplain	<b>M</b>
<b>Land Disturbance</b>	653,400 sq. ft. (15 acres)	
<b>Impervious Surface</b>	1,417,682 sq. ft. (32.5 acres) – 75% of land area	
<b>Solid Waste &amp; Recycling</b>	To be provided	<b>FP</b>
<b>Jordan Riparian Buffer (Sec. 5.18)</b>		<b>N/A</b>
<b>Access &amp; Circulation</b>		
<b>Road Improvements (Sec. 5.8)</b>	Improvements to be completed in accordance with TIA findings, including: Phase 1 - (2024) 830 AM trips 2,521 PM trips <ul style="list-style-type: none"> <li>• 450 ft dual EB left-turn lanes at Fordham Blvd/Willow Drive</li> <li>• 700 ft dual NB left-turn lanes at Fordham Blvd/Estes Drive</li> <li>• 100 ft WB right-turn lane at Site Access #2</li> <li>• Continuous WB right-turn lane at Site Access #3</li> <li>• Right-in, right-out restrictions at Access points #2, #5, and #9</li> </ul> Phase 2 - (2026) 871 AM trips 2,589 PM trips <ul style="list-style-type: none"> <li>• None</li> </ul> Phase 3 - (2028) 1,025 AM trips 2,959 PM trips <ul style="list-style-type: none"> <li>• 850 ft dual NB left-turn lanes at Fordham Blvd/Estes Drive</li> <li>• 100 ft WB right-turn lane at Site Access #4</li> </ul>	
<b>Vehicular Access (Sec. 5.8)</b>	Ten points of access, including existing and proposed movements	
<b>Bicycle Improvements (Sec. 5.8)</b>	Bicycle improvements along Estes Drive frontage including 10' multi-use path; 4.5' bicycle lane on Willow Drive	
<b>Pedestrian Improvements (Sec. 5.8)</b>	Pedestrian improvements along Estes Drive frontage including 10' multi-use path	
<b>Traffic Impact Analysis (Sec. 5.9)</b>	TIA completed	

<b>Vehicular Parking (Sec. 5.9)</b>	<i>Proposed:</i> Modification to standards, see chart in application	<b>M</b>
<b>Transit (Sec. 5.8)</b>	Incorporate bus stop and related amenities	
<b>Bicycle Parking (Sec. 5.9)</b>	<i>Proposed:</i> Modification to standards, see chart in application	M
<b>Electric Vehicle Parking</b>	Minimum of 20% of the new surface parking spaces provided will be prewired for electric charging stations. In all pods, new parking spaces in parking lots with more than 50 spaces shall have electric vehicle charging stations provided on at least 3% of all new parking spaces. The internal main street driveway shall be exempt from this requirement.	
<b>Parking Lot Standards (Sec. 5.9)</b>	Built to Design Standards	M
<b>Technical</b>		
<b>Fire</b>	Built to Town Standards	
<b>Site Improvements</b>	Built to Design Standards	
<b>Schools Adequate Public Facilities (Sec. 5.16)</b>	Application must comply	
<b>Inclusionary Zoning Ordinance (Sec. 3.10)</b>	<i>Required:</i> 15% <i>Proposed:</i> 15%	
<b>Recreation Area (Sec. 5.5)</b>	<i>Required:</i> 1.81 Acres <i>Proposed:</i> 1.81 Acres	
<b>Lighting Plan (Sec. 5.11)</b>	Built to Town Standards; Maximum of 0.3 footcandles at property line	<b>FP</b>
<b>Homeowners Association (Sec. 4.6)</b>	Required for Residential	

### Project Summary Legend

Symbol	Meaning
	Meets Requirements
<b>M</b>	Seeking Modification
<b>FP</b>	Required at Final Plan
<b>NA</b>	Not Applicable