



CONSIDER AN APPLICATION FOR 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

PROPERTY ADDRESS 201 S. Estes Drive	MEETING DATE June 28, 2021	APPLICANT Jessie Hardesty, McAdams, on behalf of RRPV University Chapel Hill Limited Partnership
---	--------------------------------------	---

TOWN MANAGER’S RECOMMENDATION
 After reviewing and discussing key issues with Town staff and based on evidence in the record to date, I believe that the Council could make the findings required to approve the requested Special Use Permit Modification.

UPDATES SINCE THE JUNE 9, 2021 HEARING
 The attached key considerations memorandum provides updates on the Farmer’s Market; transportation/traffic; stormwater, design of Pod A building; affordable housing, conversion rates, and design standard analysis.

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.

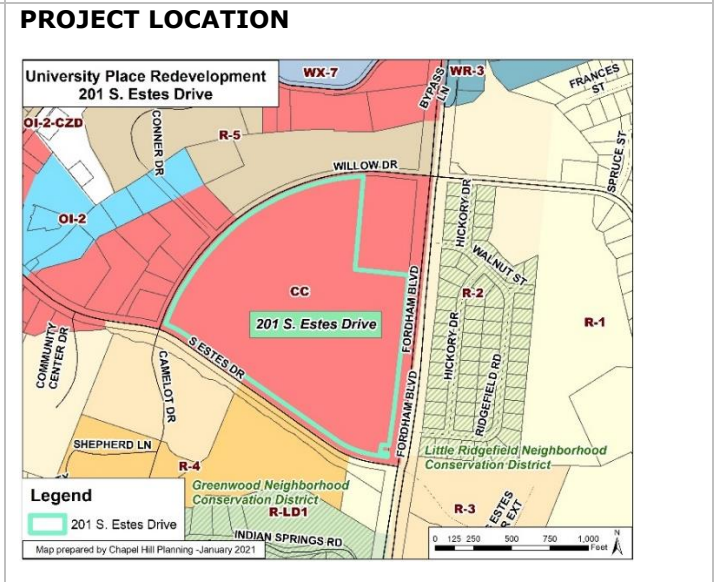
DECISION POINTS
 The applicant requests modifications of regulations to the following categories:

- setbacks,
- buffers,
- 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



ATTACHMENTS	<ol style="list-style-type: none"> 1. Technical Report and Project Fact Sheet 2. Draft Staff Presentation (<i>to be distributed</i>) 3. Revised Resolution A (Approving the Application) 4. Resolution B (Denying the Application) 5. Advisory Board Recommendations 6. Town’s Urban Designer Review Summary November 13, 2020
--------------------	--

- | | |
|--|---|
| | <ol style="list-style-type: none">7. Applicant Letter dated 06.23.20218. Applicant Letter dated 06.04.20219. Application Materials10. Block Plan11. Design Standards12. Traffic Impact Study – Executive Summary |
|--|---|



**ADDITIONAL INFORMATION FOR THE SPECIAL USE PERMIT
MODIFICATION FOR UNIVERSITY PLACE, 201 S. ESTES DRIVE (PROJECT #
19-130)**

June 28, 2021

KEY CONSIDERATIONS

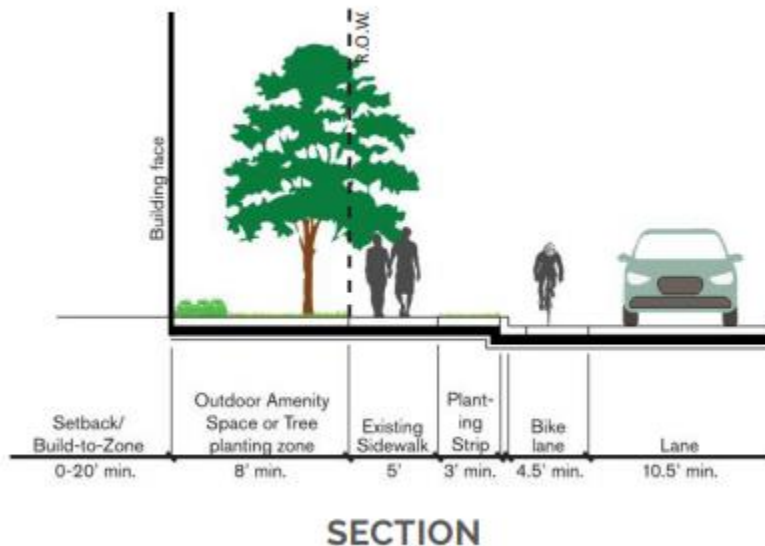
Farmers Market

The developer shall provide adequate space to accommodate a farmer's market or a substantially similar business and to negotiate in good faith a lease or other appropriate agreement with a local farmer's market entity.

This has been included as stipulation #13 in Revised Resolution A.

Transportation/Traffic

Council discussed additional width for Willow Drive sidewalk. The existing five (5) foot sidewalk is proposed to remain along the Willow Drive frontage as shown in the cross-section below:



The developer has indicated that widening the sidewalk beyond the existing five (5) feet may jeopardize the existing trees lining Willow Drive. Additionally, the developer has proposed ten (10) foot multi-use paths along both Estes Drive and Fordham Boulevard (US 15-501). The developer has provided additional cross-section details that can be found in the Applicant's Materials.

Since the June 9 Evidentiary Hearing, staff has met with members of the Binkley Baptist Church regarding the concerns raised at the hearing. Staff has been working with the developer regarding concerns raised. The Traffic Impact Analysis recommends the Willow

Drive and Access Driveway #9 (closest to Binkley Baptist Church) be converted to a right-in/right-out only. This proposed restriction in access is due to the potential conflicts with the Willow Drive left turn queue lengths for the Fordham Boulevard (US 15-501) intersection. A 2006 cross-access agreement between the University Place and Binkley Baptist Church is a perpetual agreement for ingress, egress, and regress through the University Place property. Staff believes the proposed closure of the adjacent driveway to a right-in/right-out only would have a detrimental impact on access for Binkley Baptist Church. The limitation of access was to avoid possible impacts with the left turn queue from Willow Drive to Fordham Boulevard (US 15-501). Staff believes it is appropriate to adjust the condition to continue to have full-access at this driveway. The stipulation (#291) in Revised Resolution A has been adjusted to reflect this change.

Stormwater

The developer has proposed the following improvements to the stormwater plan and these have been included as a condition in Revised Resolution A:

23. Stormwater Improvements: The developer shall submit a stormwater design plan and analysis, flood study, and additional supporting information meeting the following commitments prior to receiving a Zoning Compliance Permit.
 - a. A minimum of 90,000 sq. ft. of impervious area to be treated using green stormwater infrastructure (GSI) designed to the current NCDEQ Minimum Design Criteria to the maximum extent practicable.
 - b. No adverse flood impact to offsite properties during the 100-year storm.
 - c. 4% reduction in peak flow rates from the property for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year return periods
 - d. 1% Reduction in runoff volume from the property for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year return periods
 - e. Minimum of 3 educational signs, to be located at GSI installation locations prior to issuance of a Zoning Final Inspection
 - f. Operations and maintenance plan for existing and proposed GSI devices to be recorded prior to the certificate of occupancy. New devices shall be located within a stormwater easement to be recorded prior to the certificate of occupancy. Documents to be submitted for review and approval prior to recordation.

The Town's Stormwater Management Division is not set up to undertake field verification of the hydrologic and hydraulic models used for estimating stormwater runoff volume and discharge rate because we don't have the needed equipment for field monitoring of the estimated designed results. The stormwater runoff leaves the University Place site at more than one location, which means that all stormwater runoff discharge point on the site will require a monitoring device to ascertain the commitment made by McAdams.

The hydrologic and hydraulic software models used for the stormwater analysis have been calibrated by the inventors and vetted by FEMA and other Engineering Certification Boards through field verification to ensure computed stormwater runoff estimates mimic what happens in the real world.

Stormwater Impact Statement provided for this project will be required to be signed and sealed by a North Carolina-registered Professional Engineer. After construction is completed for this project, an as-built showing impervious tabulation, stormwater conveyance and control measures will be provided by a North Carolina-registered Professional Engineer. The engineer is required to certify that the completed project was constructed as approved

during the zoning compliance permit review stage. Any modification to the design whilst the project is being built is verified in the engineering design model to ensure the project complies with the zoning compliance permit approval.

The LUMO states "All stormwater management facilities must be inspected by the responsible party, in accordance with the approved schedule in the stormwater operation and maintenance plan, to identify maintenance and repair needs, and to ensure compliance with the requirement of the recorded operation and maintenance plan." Following completion of the project, the recorded Stormwater Operations and Maintenance Plan provides details on inspections, maintenance, repair, and replacement of all stormwater control structures.

Affordable Housing

At the June 9 Evidentiary Hearing, the Council requested 10 percent of the market rate units designated as affordable units for residents with incomes up to 65 percent of the Area Median Income (AMI). The affordable units would be available for thirty (30) years. The sizes of the affordable units will be comparable to the market rate units. Revised Resolution A has been modified to these terms.

Design of Pod A Building



Council provided feedback to the developer regarding the layout of the proposed building in Pod A. Council questioned the design decisions to orient the pool and recreation areas facing Willow Drive.

As part of the review into the Design Standards for the University Place Redevelopment, additional standards could be added requiring external recreation spaces to be oriented inwards to the site.

Conversion Rates

At the Evidentiary Hearing on June 9, the Council requested additional information regarding the proposed conversion rates (converting commercial floor area to residential dwelling units). The applicant is proposing to modify the conversion rate for "unused" commercial space to residential units from 1 unit per 1,000 sq. ft. of unused commercial space to 1 unit per 800 sq. ft. of unused commercial space. The commercial space requirement is a minimum of 375,000 sq. ft. to a maximum of 600,000 sq. ft. There is a maximum of 200 additional residential units allowed, if less than 600,000 sq. ft. of commercial space is built.

With these parameters, the difference between the two rates is minimal. The largest difference between the two rates would occur if the developer built approximately 440,000 sq. ft. of commercial space, which would leave 160,000 sq. ft. of unused commercial space. At 1 unit/800 sq. ft., that would allow the maximum of 200 additional residential units to be built. At 1 unit/1,000 sq. ft., that would allow 160 additional residential units, a difference of 40 units. In every other development scenario for commercial space within the allowed range, the difference in additional residential units allowed is less than 40 units.

However, a 1 unit/500 sq. ft. conversion rate would allow the maximum 200 additional residential units to be built under any scenario with less than 500,000 sq. ft. of built commercial space. For example, if 500,000 sq. ft. of commercial space was built, a 1

unit/500 sq. ft. rate would allow 200 residential units to be built, while a 1 unit/800 sq. ft. would allow 125 units, and a 1 unit/1000 sq. ft. rate would only allow 100 units.

Design Standards Analysis

Council requested additional staff review of the proposed Design Standards for the University Place Development project. Staff has put together the following analysis for your consideration.

A. General comments on University Place proposed [Design Standards](#)¹

The project proposes use of a development framework site plan to guide future phases. This framework is being overlaid on an existing shopping mall which the owner will redevelop incrementally over time, with some existing parts of the mall possibly remaining. This is a fundamentally challenging context in which to overlay a regulating plan, with a need to balance flexibility with predictability. Following are several comments that touch on this challenge.

Block sizes: The ultimate scale of an urban environment is largely determined by the size of the blocks. There is no block size requirement for the University Place framework. It is defined by the framework site plan; however, the framework site plan is divided into five large "Pods," not individual blocks. Discussion of a maximum building length/footprint may be warranted, with the possible exception of the actual mall building.

Street Character: The design of the street type "Internal Typical Driveway" will contribute significantly to the place character of the redeveloped mall. In the ultimate buildout of University Place, all of these internal streets should resemble typical urban streets with sidewalks, street trees, and other streetscape amenities such as bike racks, trash receptacles, urban pedestrian-scaled street lighting, etc. Additional language to address the passage "Pedestrian accommodation and enhancements will be provided along of all the Internal Typical Driveways, according to the specific cross-sectional properties of each street segment as future redevelopment occurs with flexibility for alternatives per staff review and approval".

Open Space Connectivity: The "Internal Pedestrian Connectivity" network (shown as a red dotted line on the Development Framework Site Plan) will be one of the most important aspects to connecting the future redeveloped mall to the community, and will help break down the scale of the development pods. While acknowledging some flexibility is needed as to the ultimate location, it would be advisable to have more definition of the character of these sidewalks/paths by having some prototype cross sections of the paths to insure safe and comfortable pedestrian accommodation, even for portions of routes that extend through surface parking lots.

B. Landscape Considerations

Tree Canopy Coverage: The tree canopy coverage standard for the development is 30 percent. The developer is proposing compliance with the standard with a combination of retaining existing trees, new plantings, and tree mitigation payments as provided by the Land Use Management Ordinance Section 5.7.2.

¹ <https://www.townofchapelhill.org/home/showpublisheddocument?id=48366>

It is estimated that the proposed 20 percent tree canopy coverage would require an additional 270 trees (if all existing trees remained). To meet the 30 percent tree canopy coverage standard, an additional 644 trees would be required if all the existing trees remained. The tree canopy mitigation fee is \$525 per tree.

The developer has committed to keeping as many as possible of the existing trees on the site. It will be necessary to remove some trees as driveway entrances are proposed to shift. As the development occurs, the tree allocations should be based on per-pod land area to ensure continued compliance with the required tree canopy standard (requiring more trees be planted in the larger pods and monitored throughout development).

Staff has provided an amended stipulation regarding tree canopy coverage:

12. Tree Canopy: A minimum of tree canopy coverage shall be provided through a combination of retained and replanted trees, or tree mitigation payments as per LUMO 5.7.2(c). Calculations demonstrating compliance with Chapel Hill Land Use Management Ordinance Section 5.7.2 shall be included.

Staff offers several suggestions for consideration in the Design Standards:

1. Design Standards should be used to develop character references including architecture material palette, landscape palette, and paving/hardscape materials.
2. Landscape architecture materials including paving palette could be used to identify each pod with common themes among each. Landscape architecture to be used as a means to define spaces
 - a. East/West streets/pedestrian ways could be identified with a particular treatment
 - b. North/South streets/pedestrian ways could be done similarly but with a slight modification to fit within the overall character.
3. Internal main street driveway could be a location to consider using larger plant material.
4. Breaking streets or potential circulation into a pattern that can enhance design, orientation or 'feel' of a particular pod.
5. Group amenities based on the 'intensity' of a pod (development footprint).
6. In lieu of outlining tree spacing at 40 feet in each pod, consider using landscape architecture to establish pod identities (possibly based on material use).
7. Willow Drive, Fordham Boulevard (US 15-501) and Estes Drive could have a particular treatment that complements the roads and creates an 'entrance' aesthetic for the development. Using an upper canopy tree at a larger caliper could assist in establishing this mature entrance.
8. Pod A outdoor amenity space. Develop specific language on the development of the outdoor amenity space adjacent to Willow Drive. As linear spaces are harder to define, provide additional language to better define the programmed uses around the space, not to design the space but to better focus the intent.

C. Key Differences between the Blue Hill Form Based Code and University Place Design Standards

Staff has analyzed the similarities and differences between the Blue Hill Form Based Code and the University Place Design Standards. While many of the requirements are the same or similar, staff has identified some key differences:

1. The Blue Hill code requires both publicly accessible outdoor amenity space for all uses and recreation space for residential uses, University Place only addresses outdoor amenity spaces. The Design Standards define outdoor amenity space as

must be provided on the lot or lands permanently designated as publicly accessible open space, and must be available as unenclosed exterior space appropriately improved as pedestrian amenity or for aesthetic appeal and can not include areas used for vehicles, except for incidental service, maintenance or emergency actions. Outdoor amenity space shall be made available to the general public.

2. There is a distinction in how each set of rules addresses massing, including step back or module offsets. The Blue Hill code requires mass variations for any building elevations facing any street frontage, except for alleys or service drives; whereas, University Place require mass variation for the sides of buildings facing public streets, but not private streets.
3. The Blue Hill code provides specific tree planting zones based on different street frontages; The University Place standards includes a tree planting zone behind the sidewalk.
4. The General Statutes require that stormwater treatment is limited to the net increase in impervious structure; however, Blue Hill incentivizes water quality treatment for pre-existing impervious surface. The University Place Design Guidelines do not address stormwater or provide guidance for the appearance of stormwater features.
5. The Blue Hill code also allows higher increases of off-site lighting when the site boundary is adjacent to a public street. This development would be limited to the Land Use Management Ordinance Section 5.11 Lighting Standards. These standards limit off-site lighting to 0.3 foot-candles.
6. The University Place Design Guidelines do not address the following:
 - o Parking Standards for surface and structured/covered parking as well as the appearance of structured parking
 - o Design elements such as stoops, balconies, galleries, arcades, awnings/canopies, and forecourts that add architectural interest and relief to buildings
 - o Loading dock access
 - o Stormwater Management
 - o Site Lighting
 - o Outdoor display and storage of merchandise

Amended Stipulation:

8. Design Standards: Prior to issuance of the first Zoning Compliance Permit, the developer shall receive input from the Community Design Commission (CDC), and work with the Town's Urban Designer, and other Town staff to review and evaluate the Design Standards subject to approval by the Town Manager. The approved documents will be recorded and cross-referenced with this Special Use Permit prior to issuance of the first Zoning Compliance Permit. CDC input, and Town review and approval of the Design Standards shall not exceed a total of 75 working days from a complete initial final plan submission, or within such further time consented to by written notice from the applicant. Should the Town Manager deny the Design Standards, unless such development complies with the dimensional requirements of the Land Use Management Ordinance and complies with the Special Use Permit, a Zoning Compliance Permit shall not be issued.



TECHNICAL REPORT

KEY CONSIDERATIONS

Updates since the May 19, 2021 Hearing: At the hearing, Council members raised several topics for additional consideration including:

- Multi-family conversion rights,
- Fordham Boulevard multi-use path,
- Solar installation,
- Transit considerations, and
- Affordable housing

Multi-family conversion rights: The following condition has been added to Revised Resolution A to include a proposed change to the conversion rate. The proposed change is increasing the conversion rate to 1 residential unit per 800 sq. ft. of commercial area (an increase from 1 residential unit per 1,000 sq. ft. of commercial area). The conversion rates for the additional multi-family units shall only be available if the project includes at least 375,000 sq. ft. of commercial floor area and if the additional multi-family units are to be vertically integrated with ground floor commercial space. The condition will also limit the total dwelling units to 500 units.

Multi-family conversion rights: Pods A and C are limited to a maximum of 300 dwelling units. If the project limits entitled by this permit exceeds 375,000 sq. ft. of commercial floor area, the developer may apply a conversion rate of 1 dwelling unit per 800 sq. ft. of commercial floor area. If the developer chooses to use the conversion rights for additional multi-family dwelling units, the buildings will be vertically integrated buildings with ground floor commercial space. The number of dwelling units in Pod A or C shall not exceed 500 dwelling units.

Fordham Boulevard Multi-Use Path: The following condition has been added to Revised Resolution A:

Fordham Boulevard Multi-Use Path: The developer shall construct a multi-use path along the Fordham Boulevard frontage from Estes Drive to Willow Drive, including along the Binkley Baptist Church property.

Solar Installation: The following condition has been added to Revised Resolution A:

Solar Installation: The developer shall install sufficient solar voltaic panels to power all common areas within Pod A.

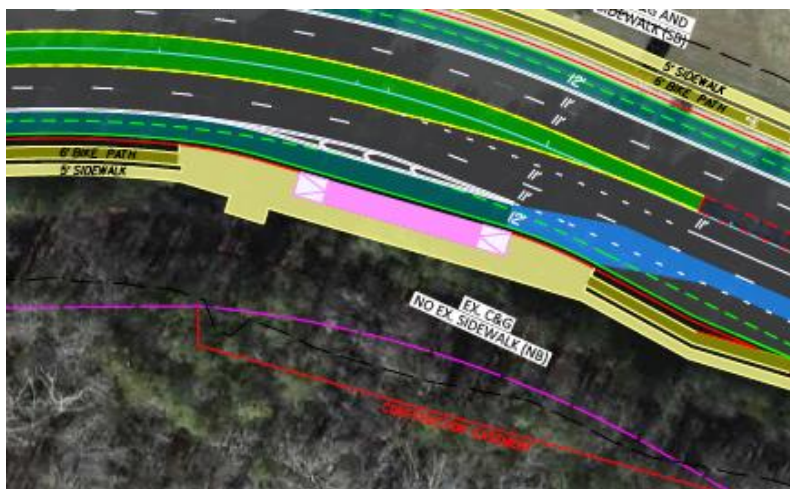
Transit: Following conditional recommendations from the Chapel Hill Transportation and Connectivity Advisory Board (TCAB), Chapel Hill Transit staff has reviewed the recommendation for additional bus stop(s) within the proposed development.

Based on the plans for the proposed redevelopment, staff recommends maintaining the existing stop, shelter and amenities. While staff appreciate the interests expressed by the recommendation, staff do not feel that additional stops are viable due to safety and other concerns:

- Current onsite stop provides a protected waiting area and is positioned to provide access to/from the main building on the site and to the Harris Teeter store.
- Adding stops on the Harris Teeter side of the property would require buses to circle the property before serving the main stop. This would be frustrating to customers on the bus and those waiting for the bus and would not be operationally efficient. This would also increase the opportunity for negative interactions between buses-pedestrians and buses-vehicles, while trying to maneuver around a challenging site. It would also require the area traveled to be built to Town standards and the developer to hold Chapel Hill Transit harmless from wear and tear from bus trips and turning movements. Additionally, using the entrance off of Willow near Harris Teeter is not an option for buses due to its design.
- The site is also served by the Senior Shuttle, that provided direct access to Harris Teeter and EZ Rider, that provides direct access for customers with mobility challenges.

Staff would recommend that applicant continue to work with staff to develop drop off/pickup zones or areas for the Senior Shuttle and EZ Rider vehicles and that you include wayfinding signage to help customers locate these and the main bus stop.

Chapel Hill Transit also has longer range plans for a future Bus Rapid Transit (BRT) project along Fordham Boulevard. Staff would recommend reserving space/ROW for a BRT station and pull-off along the property frontage on Fordham Boulevard between the current exit on Fordham and the Estes intersection. Estimated design space for these stations are 12'x80' with the ADA ramps extending 15' on each side of the station (depending on topography). An example of the station dimensions is below.



Affordable Housing: The developer has provided two options for the Council's consideration for affordable housing. The options are:

- 15 percent of the market rate units as affordable units for residents with incomes at 80 percent of the Area Median Income (AMI)
or

- 10 percent of the market rate units as affordable units for residents with incomes at 65 percent of AMI.

The rental term under either option would be for a minimum of thirty (30) years. The occupancy of the affordable units would be concurrent with the market unit occupancy. An Affordable Housing Performance Agreement would be a condition of a Zoning Compliance Permit.

ADVISORY BOARD RECOMMENDATIONS

Planning Commission: At their [April 6, 2021 meeting](#)², 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.

Staff Response: The applicant is proposing to reduce the amount of impervious surface on the parcel from 78 percent impervious to 75 percent impervious, a reduction of approximately 55,000 square feet. The Land Use Management Ordinance (LUMO) limits impervious surface to 70 percent and the applicant has requested a modification to regulations for the amount of impervious surface.

Applicant Response: LUMO ordinance is intended for greenfield development and is not well suited for redevelopment projects. Actual impervious area requirements for this site are to not increase over existing as controlled by the stormwater regulations. For other redevelopment projects, including the Station at East 54 (Town's fire station) and others, the Town has allowed the existing impervious to be grandfathered and the development to build 70% impervious on the remaining area resulting in projects that were well over 70%. University Place is proposing reducing the impervious area on site by approximately 55,000 SF or 1.2 acres.

- Increase the amount of required tree canopy coverage to meet the current required ordinance standard of 30% minimum tree canopy coverage.

Staff Response: The applicant is proposing a modification to regulations to reduce the 30 percent tree canopy standard to 20 percent. The LUMO sets forth public purposes standards for a reduction in tree canopy:

- a. Goals of Comprehensive Plan
- b. LEED or "green" building and low impact development
- c. Affordable housing
- d. Stormwater management
- e. Community character of adjoining property, or established managed landscapes, or established streetscapes

Staff understands that the development was constructed prior to the standards of the current LUMO and believes that the Council could find that the modifying the standard is reasonable.

Applicant Response: It is worth noting that the current tree canopy is 13%. Therefore, an increase to 20% is an addition of approximately 250 trees.

² <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829635&GUID=69079523-A7C3-4357-99C6-973E680DEA22&Options=&Search=>

- Further reduce parking totals and reduce required minimum parking on-site.

Staff Response: The applicant has requested flexibility on the number of parking spaces based on the uses that will be present. The applicant has requested to modify the minimum and maximum parking requirements for several uses including 2- bedroom dwelling units, all commercial uses, and all office uses. Additionally, the applicant is requesting a 30 percent reduction in parking for parking areas to be shared by multiple users.

- Greatly increase the amount of bicycle parking on-site.

Staff Response: We would encourage the applicant to consider adding additional bicycle parking spaces as the need is determined. We have included the following stipulation in Revised Resolution A:

Bicycle Parking Monitoring: That the developer annually monitor the available bicycle parking spaces as part of the annual Transportation Management Plan. If additional bicycle parking spaces are necessary, the developer shall install the racks in locations subject to review and approval by the Town Manager.

- Provide unbundled parking options, granting tenants the option of paying for parking spaces or not.

Staff Response: If the developer concurs, the following stipulation to Revised Resolution A could be added:

Residential Parking: That as part of the individual lease arrangements with tenants, the unit parking spaces shall be unbundled from the dwelling units.

This stipulation has not been added to Revised Resolution A.

Applicant Response: This creates a challenging situation given the mixed-use nature of this project and therefore we cannot agree to this request. Because there are surface parking lots adjacent to the proposed apartments, it will result in multifamily residents electing not to pay for parking and then parking their vehicles in the retail surface parking areas to avoid paying, thereby reducing available parking for retail uses.

- Engage with the Chapel Hill Farmers Market to provide permanent and shared-use infrastructure that suits their long-term needs.

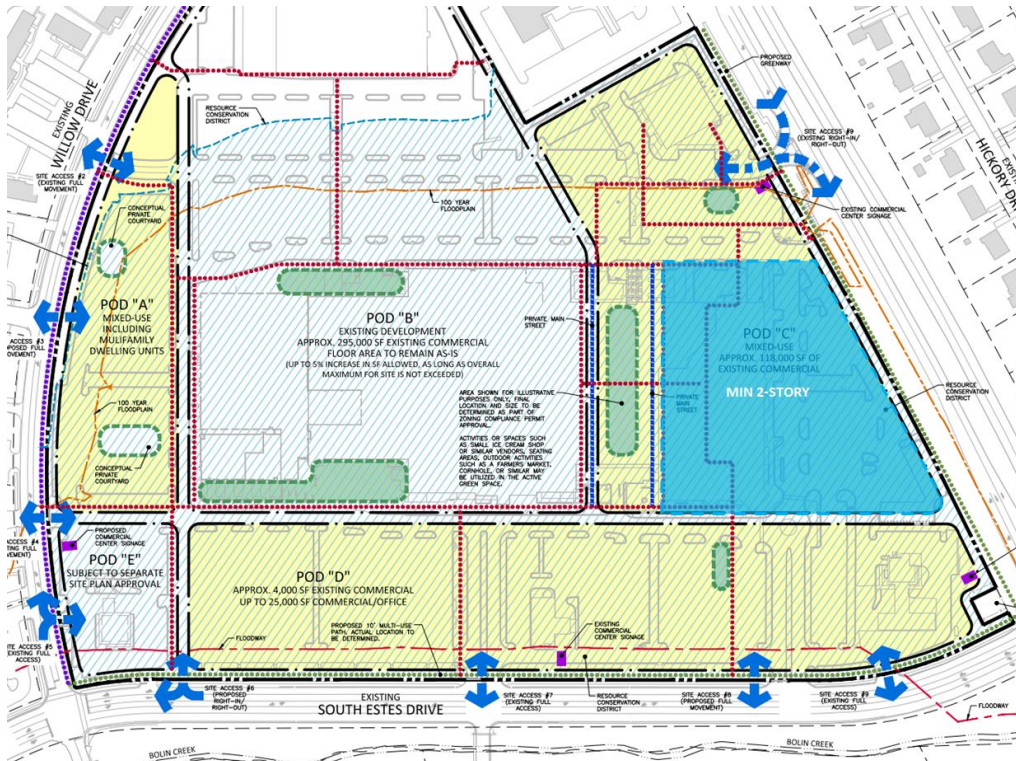
Staff Response: We understand the developer is working with the Farmers Market to develop a permanent location on the site.

- New constructed stand-alone buildings shall be more than one story in height.

Staff Response: The following stipulation has been added to Revised Resolution A:

Building Heights: Any new stand-alone building, to be constructed in Pod C, shall be constructed at a minimum height of two-story building.

Applicant Response: We have proposed requiring two story buildings only within the specified area of Pod C. This was the area where the board was requesting 2-story. Please see the diagram below indicating Pod C.



- Reduce the number of proposed signs and sign size along Fordham Boulevard.

Staff Response: The applicant has requested a modification to regulations to increase the number as well as the size of signs. The Council has the ability to make a finding that in this particular case that the public purposes are satisfied to an equivalent or greater degree, the Council may make specific modifications to regulations in the particular case. We have modified the condition in Revised Resolution A based on the applicant's response.

Applicant Response: We are willing to remove the Gateway sign from the requested modifications.

Transportation and Connectivity Advisory Board: At the [March 23, 2021 meeting](#)³, 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

Staff Response: We have added the following stipulation to Revised Resolution A:

Chapel Hill Transit: Prior to issuance of a Zoning Compliance Permit, the developer shall coordinate with Chapel Hill Transit to explore additional bus stop(s) within the development.

³ <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829632&GUID=D46F6713-4D34-4611-9CB0-10706B952834&Options=&Search=>

Applicant Response: We have met with Chapel Hill Transit, who did not recommend an additional stop or relocation of the existing stop at this time. A future stop would be likely on Fordham with planned BRT.

- Developer meets with community bicycle advocacy groups to determine ideal bicycle parking locations

Staff Response: We have added the following stipulation to Revised Resolution A:

Bicycle Parking: Prior to issuance of each Zoning Compliance Permit for building construction, the developer shall meet the local community bicycle advocacy groups and Town staff to determine ideal bicycle parking locations.

Applicant Response: We would ask that this be revised to be a ZCP for any proposed buildings as we would not want bicycle parking requirement if just infrastructure work.

- Developer install additional traffic calming treatments on the interior roadway network.

Staff Response: We have added the following stipulation to Revised Resolution A:

Traffic Calming: That prior to a Zoning Compliance Permit, the developer review the interior roadway network with Town staff, including emergency responders, to determine traffic calming treatments.

- 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.

Staff Response: We have added the following stipulation to Revised Resolution A:

Pedestrian and Bicycle Safety: That prior to a Zoning Compliance Permit, the developer coordinate with Town staff to consider pedestrian and bicycle routes for safety and accessibility.

Environmental Stewardship Advisory Board: At the [March 30, 2021 meeting](#)⁴, 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

Staff Response: We have revised the following stipulation to Revised Resolution A to include additional information:

74. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit an Energy Management Plan (EMP) for Town approval. The plan shall include additional information regarding energy consumption, types of energy used, rainwater and stormwater. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) consider purchase of carbon offset credits and green power

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

production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; and (d) if requested, provide for the property owner to report to the Town of Chapel Hill the actual energy performance of the plan, as implemented, during the period ending one year after occupancy. [Town Policy April 2007]

- Meet with the Stormwater Management Utility Advisory Board

Staff Response: The applicant has met with the Stormwater Management Utility Advisory Board at their April 27 meeting. The SMUAB recommendations are included in the Advisory Board recommendations.

- Utilize solar energy to reduce greenhouse gas emissions

Staff Response: We have added the following stipulation to Revised Resolution A:

Solar Readiness: That the developer consider installing solar conduit below the roof of the buildings to serve photovoltaic solar panels of dimensions adequate to service each individual building.

Due to heat and environmental health concerns, plant only natural vegetation and if an artificial turf is used, avoid crumb rubber base.

Staff Response: We have added the following stipulation to Revised Resolution A:

Artificial Turf Alternatives: If artificial turf is installed, that the developer avoid use of crumb rubber based turf. Prior to issuance of a Zoning Compliance Permit including artificial turf installation, the plans include specifications for alternate artificial turf materials.

- Support the increase in tree canopy and encourage a higher percentage than the proposed 20%, which is below the 30% standard.

Staff Response: The applicant is proposing a modification to regulations to reduce the 30 percent tree canopy standard to 20 percent. The LUMO sets forth public purposes standards for a reduction in tree canopy:

- a. Goals of Comprehensive Plan
- b. LEED or "green" building and low impact development
- c. Affordable housing
- d. Stormwater management
- e. Community character of adjoining property, or established managed landscapes, or established streetscapes

Staff understands that the development was constructed prior to the standards of the current LUMO and believes that the Council could find that the modifying the standard is reasonable.

- Upon termination of leases, explore opportunities for additional green spaces

Staff Response: Please see the applicant's response below.

Applicant Response: Due to the confidentiality clauses in each of the existing tenant leases, we are unable to disclose the specific protected areas for each tenant, making it extremely difficult to craft a stipulation around this request. However, the design guidelines include language stating that any modifications to parking areas require these areas to be brought

further into compliance, thereby increasing landscape islands, trees and green space over time.

- Support the decrease in impervious surface and encourage a lower percentage than the proposed 75%, which is above the 70% standard

Staff Response: The applicant is proposing to reduce the amount of impervious surface on the parcel from 78 percent impervious to 75 percent impervious, a reduction of approximately 55,000 square feet. The Land Use Management Ordinance (LUMO) limits impervious surface to 70 percent and the applicant has requested a modification to regulations for the amount of impervious surface.

Applicant Response: See comments above.

- Place reflective surfaces on roofs before installing solar

Staff Response: We encourage the applicant to consider installation of reflective surfaces on rooftops if photovoltaic solar panels are installed.

- Install rooftop rainwater capture for irrigation and non-potable water use and to reduce stormwater impacts

Staff Response: We encourage the applicant to install cistern-type devices to capture rainwater for irrigation and non-potable water uses throughout the site. We encourage the applicant to develop their final plans with accommodations for these types of uses.

- Build structured parking to reduce impervious surface and increase area for tree plantings

Staff Response: The applicant has proposed structured parking in some areas of the development. If the applicant proposes additional structured parking, it would be necessary to obtain additional entitlements.

- Install stormwater retention tanks to moderate runoff

Applicant Response: The property is 39-acres of a 7,500 acre drainage basin. Retention of stormwater would have no impact on the flooding experienced in this location. Underground tanks cannot practically be installed and outlet into Bolin Creek due to the level of groundwater and the flows in the creek that would backflow into an underground device. Retention tanks above ground would impact the flood storage volume.

- Suggest that Council ask for additional details about the multi-family units

Staff Response: We believe the Council has requested additional details about the multi-family dwelling units.

Applicant Response: The ~250 units proposed in Pod A include an average unit size of approx. 775 SF and include a mix of studios, 1BR & 2BR units.

Housing Advisory Board: At the [March 9, 2021 meeting](#)⁵, the Housing Advisory Board recommended approval of the project.

Community Design Commission: The application was discussed at the [March 23, 2021](#)⁶ and [April 27, 2021](#)⁷ 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](#)⁸. 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%.

Staff Response: The applicant is proposing to reduce the amount of impervious surface on the parcel from 78 percent impervious to 75 percent impervious, a reduction of approximately 55,000 square feet. The Land Use Management Ordinance (LUMO) limits impervious surface to 70 percent and the applicant has requested a modification to regulations for the amount of impervious surface.

- 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

Applicant Response: We agree to the use of alternative measures where practical as currently proposed and supported by the Stormwater Mgt. Utility Advisory Board. However, the applicant cannot commit to a 70% requirement.

- Future phases should incorporate additional measures to further meet the 70% impervious area ratio requirement.

Applicant Response: Future development will continue to reduce the impervious area on-site and provide additional measures to reduce the stormwater impact of the site. However, the applicant cannot commit to a 70% 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.

Applicant Response: Agree that there will be no net reduction in flood storage volume.

- 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.

⁵ <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829628&GUID=87C0A97D-10A6-4174-A887-3144DEC15784&Options=&Search=>

⁶ <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829633&GUID=9B4EBCC1-4FFE-43F5-A0A0-EA7F41A0C183&Options=&Search=>

⁷ <https://chapelhill.legistar.com/DepartmentDetail.aspx?ID=35897&GUID=60D7535E-8FD2-4C4F-B065-903F28578771&Search=>

⁸ <https://www.townofchapelhill.org/home/showpublisheddocument/48787/637546157362500000>

Staff Response: The applicant has agreed to the use of alternative measures where practical.

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 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 5.9.7 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.
RESIDENTIAL USES				
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
COMMERCIAL USES				
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
OFFICE USES				
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
RESIDENTIAL USES				
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
COMMERCIAL USES				
All Commercial Uses	LUMO standards vary by use	As per LUMO	1 per 2,500 SF	As per LUMO
OFFICE USES				
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 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](#)⁹, the standards of the [Land Use Management Ordinance](#)¹⁰, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)¹¹ 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](#)¹², 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

⁹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

¹⁰ https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA

¹¹ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

¹² <https://online.flippingbook.com/view/26191/>

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 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

(This section has not been updated with the most recent proposal – see above)

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.

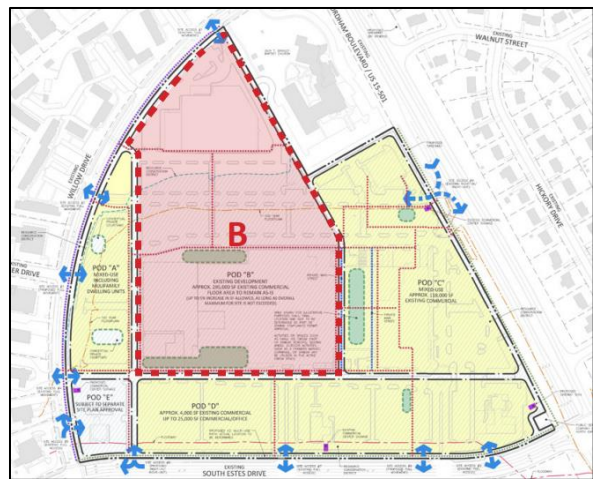
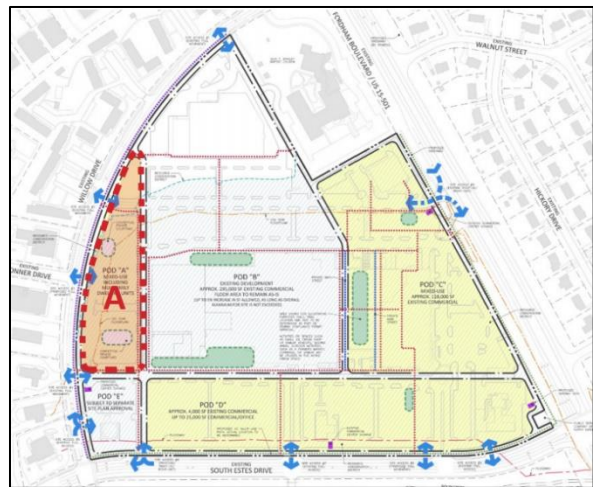
Design Evaluation

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.

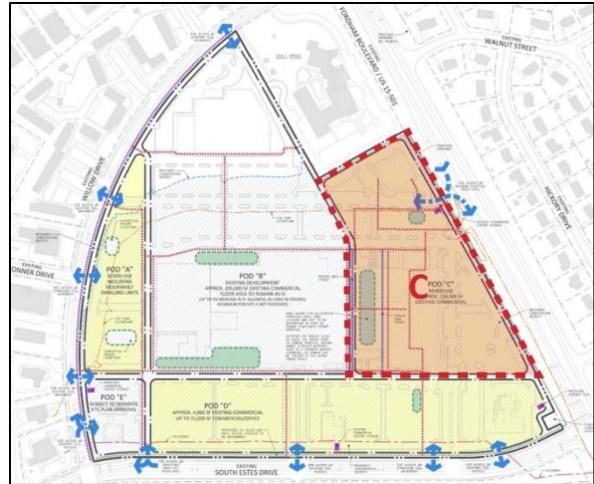
Excerpts from the Design Standards are shown below for each of the five Pods.

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.

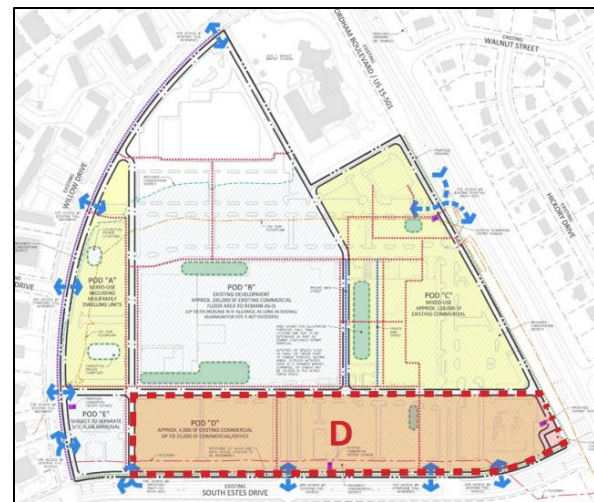
Pod B: There is ±295,000 SF of existing commercial to remain and be renovated, with conversion of interior mall space into exterior space. Enhanced outdoor amenity and green spaces are to be provided throughout Pod B along with parking improvements.



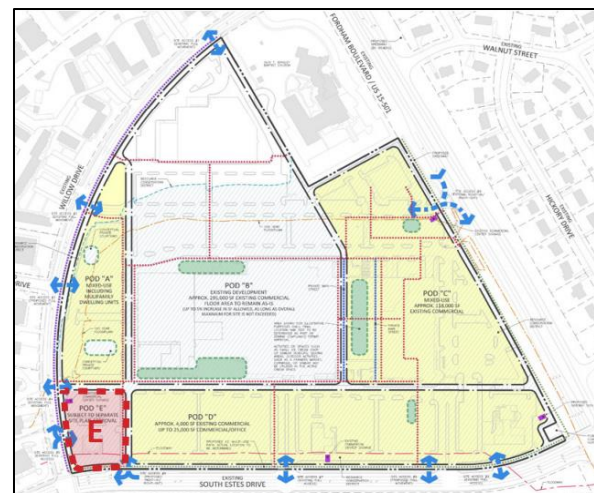
Pod C: Pod C will be focused around a central park or green space that will be pedestrian focused and include programmed space for the farmers market and other recurring events. The central park area will be flanked by urban 'main streets' with a consistent streetscape experience that is designed to 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	
Project Name	University Place – Special Use Permit Modification
Address	201 S. Estes Drive
Property Size	Net Land Area 1,718,402 (39.4 acres) Gross Land Area 1,890,243 (43.4 acres)
Existing	University Place Mall
Orange County Parcel Identifier Number	9799-12-5797
Existing Zoning	Community Commercial (CC)


Site Development Standards

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

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

Vehicular Parking (Sec. 5.9)	<i>Proposed:</i> Modification to standards, see chart in application	M
Transit (Sec. 5.8)	Incorporate bus stop and related amenities	
Bicycle Parking (Sec. 5.9)	<i>Proposed:</i> Modification to standards, see chart in application	M
Electric Vehicle Parking	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.	
Parking Lot Standards (Sec. 5.9)	Built to Design Standards	M
Technical		
Fire	Built to Town Standards	
Site Improvements	Built to Design Standards	
Schools Adequate Public Facilities (Sec. 5.16)	Application must comply	
Inclusionary Zoning Ordinance (Sec. 3.10)	<i>Required:</i> 15% <i>Proposed:</i> 10 or 15% depending on income levels	
Recreation Area (Sec. 5.5)	<i>Required:</i> 1.81 Acres <i>Proposed:</i> 1.81 Acres	
Lighting Plan (Sec. 5.11)	Built to Town Standards; Maximum of 0.3 footcandles at property line	FP
Homeowners Association (Sec. 4.6)	Required for Residential	

Project Summary Legend

Symbol	Meaning
	Meets Requirements
M	Seeking Modification
FP	Required at Final Plan
NA	Not Applicable