



**OPEN THE PUBLIC 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  
 Jake Lowman, Senior Planner

<b>PROPERTY ADDRESS</b> 201 S. Estes Drive	<b>MEETING DATE</b> April 7, 2021	<b>APPLICANT</b> Jessie Hardesty, McAdams, on behalf of RRPV University Chapel Hill Limited Partnership
---	--------------------------------------	--

**STAFF RECOMMENDATION**  
 That the Council 1) open the public hearing; 2) receive evidence; 3) continue the Public Hearing to May 5, 2021. The Community Design Commission and the Stormwater Utility Advisory Board review (or continue their review) on April 27. At the May 5 continuation of the Public Hearing, staff will provide a summary of the Advisory Board recommendations.

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

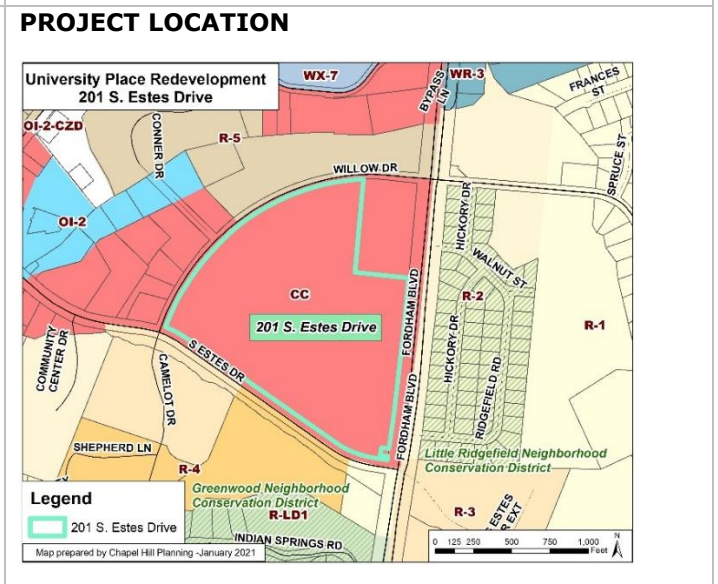
- setbacks,
- buffers,
- tree canopy coverage,
- building height,
- impervious surface coverage,
- Parking standards,
- Signage, and
- Resource Conservation District.

Design Standards have been proposed to accommodate 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 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> </ol>
--------------------	--

- |  |  |
|--|--|
|  | <ol style="list-style-type: none"><li>4. Resolution B (Denying the Application)</li><li>5. Transportation and Connectivity and Environmental Stewardship Advisory Boards Recommendations</li><li>6. Application Materials</li><li>7. Block Plan</li><li>8. Design Standards</li><li>9. Traffic Impact Analysis – Executive Summary</li></ol> |
|--|--|



# TECHNICAL REPORT

## PROJECT OVERVIEW

The application proposes modifying the existing Special Use Permit on the site to accommodate a block-style plan with a wide mix of uses, ultimately configured and constructed based on a 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 Blvd., and Willow Drive. Both Fordham Blvd. 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), 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 little detail 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 Modifications to Regulations section below.

## PROPOSED MODIFICATIONS TO REGULATIONS

### 1) Section 3.8.2 Dimensional Regulations:

**Setbacks:** The following 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 proposed Design Standards.

### **Building Height Maximums**

Requested Modifications to Regulations for 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)

*Please refer to Design Standards for details.*

In an effort to reduce the building footprints on the parcel while still creating a high-density, high-intensity, mixed-use center, University Place is requesting a modification to allow increased maximum building heights. This modification will allow for vertically mixed-use buildings that will create more interesting spaces and places while reducing building footprints to conserve the available land area. This modification will also give the development a sense of place and identity that will 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. As part of the approval of the requested Special Use Permit Modification, University Place is requesting a modification to increase the maximum impervious surface ratio to 75 percent.

The 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. Reducing 3 percent of the existing impervious surface would result in over 55,000 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 Land Use Management Ordinance Article 5.6.6 sets forth the following required perimeter buffers for the redevelopment of University Place:

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, requested streetscape configurations are described for each street below:

**Willow Drive Streetscape:**

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

**Fordham Boulevard Streetscape:**

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

**S. Estes Drive Streetscape:**

- Sidewalk (min): N/A\* (\*Multi-use path proposed as alternative to sidewalk)
- Multi-use Path: 10 feet (with 2 feet clear zone)
- Tree Planting Zone (min): 8 feet - (preserve existing mature trees where possible)
- Tree Spacing (on center, avg): 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:**

Section 5.7.2 sets forth the following minimum tree canopy coverage requirements. As part of the approval of the requested Special Use Permit Modification, University Place is requesting the following 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%

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

As part of the approval of the requested Special Use Permit Modification, University Place is requesting a modification to allow for a 30 percent reduction in parking for parking areas to be shared by multiple uses.

In effort to reduce impervious surface on the site while increasing the density of uses on the site, allowing for a parking reduction will serve to benefit the overall site design, intent of the site, and Town goals. Improved bicycle and pedestrian connectivity through added sidewalks, multi-use paths, and bike lanes allows 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:

Required by LUMO:

PARKING REQUIREMENTS	VEHICLE		BICYCLE	SHORT/LONG TERM
	MIN.	MAX.	MIN.	
<b>RESIDENTIAL USES</b>				
Multifamily Dwelling Units, as follows:				
Studio / 1 Bedroom	1.0/Unit	1.25/Unit	1 per 4 units	20% / 80%
2 Bedroom	1.4/Unit	1.75/Unit	1 per 4 units	20% / 80%
3 Bedroom	1.75/Unit	2.25/Unit	1 per 4 units	20% / 80%
4+ Bedroom	2.0/Unit	2.5/Unit	1 per 4 units	20% / 80%
Independent Senior Living Facility	0.5/Unit	0.7/Unit	Min. 4; 1 per senior unit	20% / 80%
<b>COMMERCIAL USES</b>	<b>MIN.</b>	<b>MAX.</b>	<b>MIN.</b>	<b>SHORT/LONG</b>
All Commercial Uses:				
Business, general	1 per 300 SF	1 per 200 SF	Under 100,000 sq. ft. floor area: Min 4; 2 additional spaces per every 2,500 sq. ft. of floor area for 1st 10,000 sq. ft.; then 1 additional space per 5,000 sq. ft.; Over 100,000 sq. ft. floor area: 1 space per 10,000 sq. ft. floor area	80% / 20%
Bank	1 per 250 SF	1 per 150 SF	Min 4; 2 additional spaces per every 2,500 sq. ft. of floor area	80% / 20%
Other Convenience	1 per 375 SF	1 per 250 SF	Min 4; 2 additional spaces per every 2,500 sq. ft. of floor area	80% / 20%

Manufacturing, Light (accessory use only)	1 per 1,250 SF	1 per 9,000 SF	Min 4	80% / 20%
Movie Theater	1 per 5 seats	1 per 4 seats	Min 8; 1 per 50 seats	80% / 20%
Personal Services	1 per 375 SF	1 per 250 SF	Min 4; 2 additional spaces per every 2,500 sq. ft. of floor area	80% / 20%
Place of Assembly	1 per 4 persons	1 per 2.5 persons	Min 8; 1 per 40 seats	80% / 20%
Restaurant/Bar	1 per 110 SF	1 per 75 SF	Min 4; 2 additional spaces per every 1,000 sq. ft. of floor area	80% / 20%
<b>OFFICE USES</b>	<b>MIN.</b>	<b>MAX.</b>	<b>MIN.</b>	<b>SHORT/LONG</b>
All Office Uses:				80% / 20%
Business, office type	1 per 350 SF	1 per 250 SF	Min 4; 2 additional spaces per every 2,500 sq. ft. of floor area	80% / 20%
Clinic	1 per 225 SF	1 per 200 SF	Min 4; 2 additional spaces per every 2,500 sq. ft. of floor area	80% / 20%
Place of Worship	1 per 5 seats	1 per 2 seats	Min 8; 1 per 50 seats	80% / 20%
Public Cultural Facility	1 per 500 SF	1 per 350 SF	Min 8; 2 additional spaces per every 5,000 sq. ft. of floor area	80% / 20%
Public Use Facility	1 per 350 SF	No max	Min 8; 2 additional spaces per every 4,000 sq. ft. of floor area	80% / 20%
Research Activities	1 per 350 SF	1 per 225 SF	Min 4; 2 additional spaces per every 4,000 sq. ft. of floor area	80% / 20%
School - Elementary/Middle	1 per staff member	1 per 1.25 staff members	Min 8; 1 per 10 students	80% / 20%
School - High School	1 per 4 students	1 per 3 students	Min 8; 1 per 10 students	80% / 20%
<b>HOTEL USES</b>	<b>MIN.</b>	<b>MAX.</b>	<b>MIN.</b>	<b>SHORT/LONG</b>
Hotel or Motel	0.9/Lodging Unit	1.25/Lodging	1 per 15 Lodging Units	20% / 80%

Proposed:

\*Denotes a modification from LUMO Standards.

<b>PARKING REQUIREMENTS</b>	<b>VEHICLE</b>		<b>BICYCLE</b>	
<b>RESIDENTIAL USES</b>	<b>MIN.</b>	<b>MAX.</b>	<b>MIN.</b>	<b>SHORT/LONG</b>
Multifamily Dwelling Units, as follows:				
Studio / 1 Bedroom	1.0/Unit	1.25/Unit	1 per 4 units	20% / 80%
2 Bedroom	1.25/Unit*	1.75/Unit	1 per 4 units	20% / 80%
3 Bedroom	1.75/Unit	2.25/Unit	1 per 4 units	20% / 80%
4+ Bedroom	2.0/Unit	2.5/Unit	1 per 4 units	20% / 80%
Independent Senior Living Facility	0.5/Unit	1.0/Unit*	1 per 2 units*	20% / 80%
<b>COMMERCIAL USES</b>	<b>MIN.</b>	<b>MAX.</b>	<b>MIN.</b>	<b>SHORT/LONG</b>
All Commercial Uses, Except:	1 per 300 SF*	1 per 200 SF*	1 per 2,500 SF*	80% / 20%
Restaurant/Bar	1 per 150 SF*	1 per 75 SF*	1 per 2,500 SF*	80% / 20%
<b>OFFICE USES</b>	<b>MIN.</b>	<b>MAX.</b>	<b>MIN.</b>	<b>SHORT/LONG</b>
All Office Uses	1 per 300 SF*	1 per 200 SF*	1 per 2,500 SF*	50% / 50%*
<b>HOTEL USES</b>	<b>MIN.</b>	<b>MAX.</b>	<b>MIN.</b>	<b>SHORT/LONG</b>
Hotel or Motel	0.9/Lodging Unit	1.25/Lodging Unit	1 per 15 Lodging Units	20% / 80%

### 5) Section 5.14 Signs

Modifications are requested to allow for a modification to the number of commercial center signs permitted. Currently, the maximum number of commercial center signs per street frontage is one (1), and this request would allow for one additional sign on Fordham Blvd. As part of the approval of the requested Special Use Permit Modification, University Place is

requesting the following modifications to the commercial sign regulations, applicable only to the additional commercial center 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

Additionally, modifications are requested for outparcel ground signs. As part of the approval of the requested Special Use Permit Modification, University Place is requesting the following modifications to the ground sign 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 current approved unified sign plan allows for five (5) ground signs for outparcels (K&W, Harris Teeter, Fuel, SunTrust, and former Wells Fargo bank as the five (5) in addition to the three (3) commercial center signs, therefore the request is in line with what is currently permitted. 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)**

Modification is requested to the 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 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. Furthermore, the redevelopment of University Place will reduce the impervious area within the floodplain and RCD. Therefore, 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>1</sup>, the standards of the [Land Use Management Ordinance](#)<sup>2</sup>, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)<sup>3</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:

☒		Create a Place for Everyone	☒		Develop Good Places, New Spaces
---	---	-----------------------------	---	--	---------------------------------

<sup>1</sup> <http://www.townofchapelhill.org/home/showdocument?id=15001>

<sup>2</sup> [https://www.municode.com/library/#!/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALOUSMA](https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA)

<sup>3</sup> <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

<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>4</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. A development of this scope requires impervious surfaces that are not suitable for the planting of vegetation. The requested reduction is the minimum necessary to create a substantial tree canopy cover without limiting the ability to redevelop the site.

The redevelopment of University Place is in keeping with the goals of the Town of Chapel Hill Comprehensive Plan.

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

**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

<sup>4</sup> <https://online.flippingbook.com/view/26191/>

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.

Section 3.6.3 of the Land Use Management Ordinance allows development in the RCD if it is permitted by the subsection (e) and meets the design standard of subsection (g) of the section or if it is permitted by a variance authorized by the Board of Adjustment or modification of the regulations by the Town Council.

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.

Section 5.4.6 of the of Land Use Management Ordinance requires the following stormwater performance criteria.

- Stormwater treatment shall be designed to achieve average annual eighty-five (85) percent total suspended solids (TSS) removal and must apply to the volume of post-development runoff resulting from the first one-inch of precipitation. Alternative treatment methods to achieve eighty-five (85) percent average annual TSS removal may be acceptable. The eighty-five (85) percent requirement applies the additional suspended solids that are the result of the new development.
- The stormwater runoff volume leaving the site post-development shall not exceed the stormwater runoff volume leaving the site pre-development (existing conditions) for the local 2-year frequency, 24-hour duration storm event for all development. This may be achieved by hydrologic abstraction, recycling and/or reuse, or drawdown with 2-5 days.
- The stormwater runoff rate leaving the site post-development shall not exceed the stormwater runoff rate leaving the site pre-development (existing conditions) for the local 1-year, 2-year, and 25-year 24-hour storm events.

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 constructions 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.












# 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	<b>M</b>
<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 applicant has asked that the new parking along the internal main street driveway shall be exempt from this requirement.	
<b>Parking Lot Standards (Sec. 5.9)</b>	Built to Design Standards	<b>M</b>
<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