



**OPEN THE EVIDENTIARY HEARING: SPECIAL USE PERMIT MODIFICATION FOR TIMBERLYNE OFFICES, 120 BANKS DRIVE (PROJECT # 20-087)**

**SUMMARY REPORT**

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

<b>PROPERTY ADDRESS</b> 120 Banks Drive	<b>MEETING DATE</b> May 26, 2021	<b>APPLICANT</b> Pamela Porter, TMTLA Associates on behalf of Parkway Holdings Phase Two LLC, Owner
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**STAFF RECOMMENDATION**  
 That the Council 1) open the evidentiary hearing; 2) receive evidence; and 3) continue the hearing to June 23, 2021.

**PROCESS**  
 The application before Council is 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:

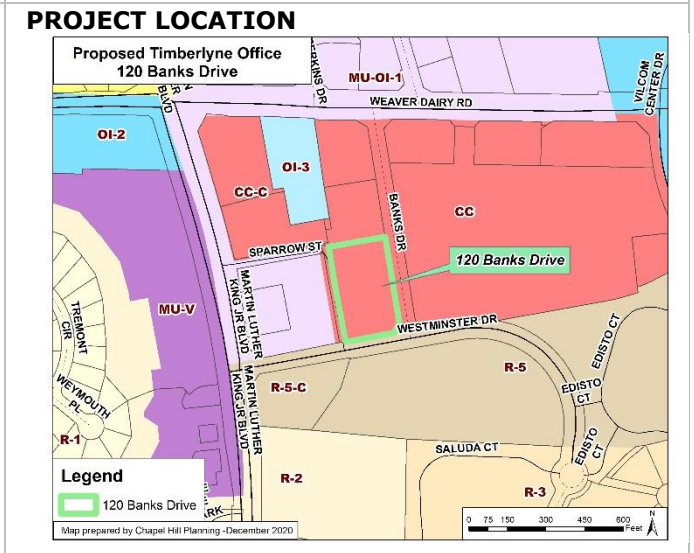
1. is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. would comply with all required regulations and standards of the Land Use Management Ordinance;
3. is located, designed, and proposed to be operated so as to maintain or 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 Special Use Permit Modification is limited to the following modification by the applicant:

1. Revise the allowed use from Movie Theater to Medical Offices/Clinic.
2. Remove the shared parking agreement with Timberlyne Shopping Center and revise the on-site parking from 73 spaces to 91 spaces.
3. Reduce the requirement for 20 bicycle parking spaces. A total of 12 spaces will be provided.
4. Reduce the floor area of the building from 22,724 sq. ft. to 19,930 sq. ft.
5. Remove reference to recombination of lots, which has already occurred.

**PROJECT OVERVIEW**  
 The existing Special Use Permit granted in 1992 allows:

- Permitted Uses: Movie Theater only
- Current zoning: Community Commercial (CC)
- Floor area: 22,724 sq ft
- Shared parking agreement with the Timberlyne Shopping Center



<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Technical Report and Project Fact Sheet</li> <li>2. Draft Staff Presentation</li> <li>3. Resolution A (Approving the Application)</li> <li>4. Resolution B (Denying the Application)</li> <li>5. Advisory Board Recommendations</li> <li>6. Applicant Materials</li> <li>7. Draft Applicant Presentation</li> </ol>
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# TECHNICAL REPORT

## KEY CONSIDERATIONS

**Planning Commission:** At their [May 18, 2021 meeting](#)<sup>1</sup>, the Planning Commission recommended approval of Resolution A.

**Transportation and Connectivity Advisory Board:** At the [April 27, 2021 meeting](#)<sup>2</sup>, the Transportation and Connectivity Advisory Board recommended approval of Resolution A with the following conditions:

- Work with Chapel Hill Transit to include electronic digital signage to alert riders to when the next bus will arrive.

Applicant Response: We will work with Chapel Hill Transit to see if this is feasible.

- Use a comfortable bench without a central divider in the bus shelter.

Applicant Response: The bus shelter we are showing is the approved Town detail. We will follow the guidance and recommendation of the Town regarding what detail they would like us to use for the bus shelter.

**Environmental Stewardship Advisory Board:** At the [April 13, 2021 meeting](#)<sup>3</sup>, the Environmental Stewardship Advisory Board recommended approval of Resolution A with the following conditions:

- Use of permeable materials for parking areas and new sidewalk

Applicant Response: We looked into this and since we don't have a stormwater device to tie the permeable pavement into we decided it was best to use standard paving (asphalt and concrete) for the newly paved areas.

- Make the building solar ready

Applicant Response: We will make the building solar ready by providing the space for the wiring for solar panels if the owner decides to install solar panels in the future.

Staff Response: We have include the following stipulation in Resolution A:

Solar Readiness: Prior to issuance of a Zoning Final Inspection, conduit infrastructure will be run to the roof the building to support solar photovoltaics.

- More information regarding the interior planning prior to a decision

Applicant Response: Each tenant will be designing and upfitting the space prior to constructing their space so we do not have any additional information regarding interior

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<sup>1</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4950613&GUID=C9F0C016-F9FD-4B3E-8C0F-7A0A94D8A7B0&Options=&Search=>

<sup>2</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4924752&GUID=0F4241D4-0777-4ABB-8313-5FA641EB24BA&Options=&Search=>

<sup>3</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4905259&GUID=3E9F0EF0-73B5-4BF9-9889-40B14DB06F37&Options=&Search=>

planning at this time. This detail will be available for review during building permit submittal to the Town.

- Use the Town's Climate Action Plan as a guideline for further construction within the building.

Applicant Response: We will use the Climate Action Plan as a guideline for further construction.

**Community Design Commission:** The application was discussed at the [April 27, 2021](#)<sup>4</sup> meeting. The Community Design Commission recommended approval of Resolution A.

## PROJECT OVERVIEW

The application proposes modifying the existing special use permit on the site in order to accommodate the changes to the proposed existing building. The building has been the Timberlyne Movie Theatre and the proposal is to convert the space to a medical office building. More details about the proposed development can be found in the applicant's narrative and statement of justification in the Applicant Materials.

Information about the site and proposed changes can be found below, as well as 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 1.9 acres of gross land area and is the site of the existing Timberlyne Movie Theatre.
- The site fronts on and has access to Banks Drive and Westminster Dr. There are two access points that will remain, one off each street. No change to site access is proposed.
- The site is relatively flat with no hydrology features identified.
- Properties to the north are zoned Community Commercial (CC) and consist of a variety of commercial establishments.
- Timberlyne Shopping Center is to the east and is zoned Community Commercial (CC)
- The property to the south is zoned Residential-5 (R-5) and is the 86 North Apartment complex.
- The property to the west is zoned Mixed Use-Office/Institutional-1 (OI-MU-1) and consists of a small mobile home park.

## 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

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<sup>4</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4919346&GUID=76896A02-5D50-4AE4-B50D-E5B3551AB4D5&Options=&Search=>







be generated by development. Conditions can also address conformance of the development with town regulations and adopted plans.

## 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>5</sup>, the standards of the [Land Use Management Ordinance](#)<sup>6</sup>, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)<sup>7</sup> and offers the following evaluation:

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

### Council Goals:

<input 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 type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

Staff believes the Timberlyne Offices proposal complies with the above themes of the 2020 Comprehensive Plan.

**Land Use Plan:** The [Future Land Use Plan](#)<sup>8</sup>, adopted December 9, 2020 and a component of the 2020 Comprehensive Plan, includes this site in the North Martin Luther King Jr. Boulevard focus area. The focus area indicates land uses including multifamily, shops and offices, multifamily residential, commercial/office, and parks and green/gathering spaces.

<sup>5</sup> <https://www.townofchapelhill.org/home/showdocument?id=15001>

<sup>6</sup> [https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALAU5MA](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAU5MA)

<sup>7</sup> <https://www.townofchapelhill.org/home/showdocument?id=2645>

<sup>8</sup> <https://online.flippingbook.com/view/26191/>
























# PROJECT FACT SHEET

## Overview


Site Description	
<b>Project Name</b>	Timberlyne Offices
<b>Address</b>	120 Bank Drive
<b>Property Description</b>	92,014 SF (2.1 acres)
<b>Existing Use</b>	Movie theatre
<b>Orange County Parcel Identifier Number</b>	9880-35-3244
<b>Zoning</b>	Community Commercial (CC)

Topic	Comment	Status	
<b>Use</b> ( <a href="#">Sec 3.7</a> )	Medical Office		
<b>Dimensional Standards</b> ( <a href="#">Sec. 3.8</a> )	Required	Proposed	
	Height	60 ft. / Less than 60 ft.	
	Street	22 ft. / 22 ft.	
	Interior	8 ft. / More than 8 ft.	
	Solar	9 ft. / More than 9 ft.	
<b>Lot Size</b> ( <a href="#">Sec. 3.8</a> )	Minimum: 10,000 SF		
	Proposed: 92,014 SF (2.1 acres)		
<b>Floor area</b> ( <a href="#">Sec. 3.8</a> )	Maximum floor area: 22,359 square feet		
	Proposed floor area: 19,930 square feet		
<b>Modifications to Regulations</b> ( <a href="#">Sec. 4.5.6</a> )	N/A	<b>N/A</b>	
<b>Adequate Public Schools</b> ( <a href="#">Sec. 5.16</a> )	N/A	<b>N/A</b>	
<b>Inclusionary Zoning</b> ( <a href="#">Sec. 3.10</a> )	N/A	<b>N/A</b>	
<b>Landscape</b>			
<b>Buffer – North</b> ( <a href="#">Sec. 5.6.2</a> )	Required: 10 ft. Type B buffer		
	Provided: 10 ft. Type B buffer utilizing existing vegetation		
<b>Buffer – East</b> ( <a href="#">Sec. 5.6.2</a> )	Required: 10 ft. Type B buffer		
	Provided: 10 ft. Type B buffer utilizing existing vegetation		
<b>Buffer – South</b> ( <a href="#">Sec. 5.6.2</a> )	Required: 10 ft. Type C buffer		
	Provided: 10 ft. utilizing existing vegetation		

<b>Buffer - West</b> ( <a href="#">Sec. 5.6.2</a> )	Required: 20 ft. Type C buffer Provided: 20 ft. Type C buffer	
<b>Tree Canopy</b> ( <a href="#">Sec. 5.7</a> )	Required: 40% Proposed: >40%	
<b>Landscape Standards</b> ( <a href="#">Sec. 5.9.6</a> )	Constructed to Town standards	
<b>Environment</b>		
<b>Resource Conservation District</b> ( <a href="#">Sec. 3.6</a> )	No RCD is present.	
<b>Erosion Control</b> ( <a href="#">Sec. 5.3.1</a> )	If more than 1 acre of land disturbance proposed, a performance bond required.	
<b>Steep Slopes</b> ( <a href="#">Sec. 5.3.2</a> )	The application must comply.	
<b>Stormwater Management</b> ( <a href="#">Sec. 5.4</a> )	Stormwater management will be provided with underground sand filter	
<b>Jordan Riparian Buffer</b> ( <a href="#">Sec. 5.18</a> )	N/A	<b>N/A</b>
<b>Land Disturbance</b>	6,000 SF	
<b>Impervious Surface</b> ( <a href="#">Sec. 3.8</a> )	62,393.9 SF (67.8%)	
<b>Solid Waste &amp; Recycling</b>	A Solid Waste Management Plan has been submitted.	
<b>Access and Circulation</b>		
<b>Road Improvements</b> ( <a href="#">Sec. 5.8</a> )	N/A	
<b>Vehicular Access</b> ( <a href="#">Sec. 5.8</a> )	Full access to Banks Drive, full access to Westminster Drive and provide ½ of access connecting to parcel to the west	
<b>Bicycle Improvements</b> ( <a href="#">Sec. 5.8</a> )	N/A	<b>N/A</b>
<b>Pedestrian Improvements</b> ( <a href="#">Sec. 5.8</a> )	N/A	<b>N/A</b>
<b>Traffic Impact Analysis</b> ( <a href="#">Sec. 5.9</a> )	TIA exemption	
<b>Vehicular Parking</b> (Sec. 5.9)	Minimum: 88 parking spaces Maximum: 100 parking spaces Proposed: 91 parking spaces	
<b>Transit</b> ( <a href="#">Sec. 5.8</a> )	None	
<b>Bicycle Parking</b> ( <a href="#">Sec. 5.9</a> )	Minimum: 12 Proposed: 12	
<b>Parking Lot Standards</b> ( <a href="#">Sec. 5.9</a> )	Construct to Town standards.	
<b>Electric Vehicle Parking</b>	Three electric vehicle charging and parking spaces and 12 EV ready parking spaces	
<b>Technical</b>		

<b>Fire</b>	N/A	
<b>Site Improvements</b>	ADA compliant	
<b>Recreation Area</b> ( <a href="#">Sec. 5.5</a> )	N/A	
<b>Lighting Plan</b> ( <a href="#">Sec. 5.11</a> )	0.3 foot-candles at property line is required. Street lighting is required.	<b>FP</b>

## Project Summary Legend

Symbol	Meaning
	Meets Requirements
<b>M</b>	Seeking Modification
<b>C</b>	Requires Council Endorsement
<b>FP</b>	Required at Final Plan;
<b>NA</b>	Not Applicable