



# CONSIDER AN APPLICATION FOR SPECIAL USE PERMIT MODIFICATION FOR THE HARRIS TEETER EXPANSION AND FUEL CENTER AT 1800 MARTIN LUTHER KING JR. BLVD (PROJECT 21-007)

## SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

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<b>PROPERTY ADDRESS</b> 1800 Martin Luther King Jr. Blvd.	<b>MEETING DATES</b> April 14, 2022 – Environmental Stewardship Advisory Board April 26, 2022 – Transportation and Connectivity Advisory Board April 26, 2022 – Community Design Commission May 3, 2022 – Planning Commission	<b>APPLICANT</b> Harris Teeter Properties, LLC
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## STAFF RECOMMENDATION

Staff recommends that the Advisory Board open the preliminary forum to discuss the application and provide comments to the applicant.

## PROCESS

The application is before the Council for approval of a Special Use Permit (SUP) 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. Complies 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.

The existing SUP is accompanied by a Master Land Use Plan (MLUP) in the accompanied memorandum.

## KEY POINTS

The proposed development requests the following modifications to the existing SUP:

- Expand the boundaries of the 1991 SUP to extend to the Harris Teeter fuel center lot (PIN 9880-27-0438)
- Modify the landscape buffers prescribed by the SUP
- Allow a drive thru
- Allow a fuel center per LUMO 6.12
- Encroach into the Resource Conservation District

## NEXT STEPS

A preliminary forum is an informal opportunity for advisory boards to review and discuss the project with the applicant. The applicant may consider recommendations received from the advisory boards and will continue working with staff as during the technical review of the application.

No comments or recommendations may be made part of the evidentiary record, in accordance with North Carolina General Statutes for quasi-judicial procedures (§ 160D-301(b), § 160D-406).

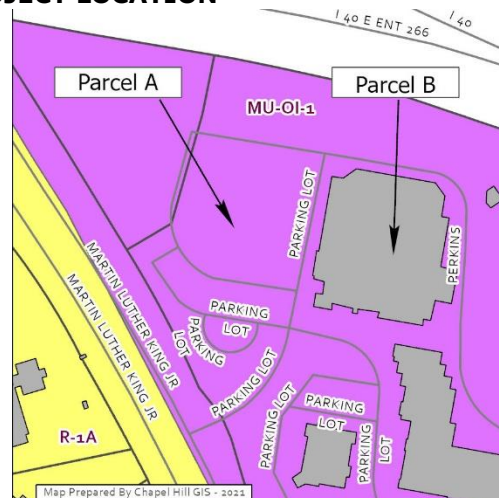
## PROJECT OVERVIEW

### Existing Special Use Permit

The applicant proposes to expand the Harris Teeter grocery store by constructing:

- 11,572 sq. ft. expansion to the grocery store building
- Pharmacy drive thru at the north end of the building
- New fuel center with 7 fuel pumps (14 fueling positions) and a 240 sq. ft. kiosk
- Additional parking and drive aisles

## PROJECT LOCATION



## ATTACHMENTS

1. Technical Report and Project Details
2. Resolution A (Approving the Application)
3. Resolution B (Denying the Application)
4. Applicant Materials
5. Submitted Plans



# TECHNICAL REPORT

## SITE CONTEXT

Staff have identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Special Use Permit Modification:

- On April 22, 1991, the Council approved the existing Special Use Permit (SUP). The SUP included the following stipulations related to development of a fuel center as part of
- The parcels are zoned Mixed Use–Office/Institutional-1 (MU-OI-1). This zoning district is intended to provide for the coordinated development of office, commercial, and residential uses, and their necessary support functions in the vicinity of key highway intersections and transit corridors in Chapel Hill.
- The northern parcel with the proposed fuel center is contiguous to the existing Harris Teeter property.
- The site is in the North MLK (Sub-Area D), a focus area identified in the Future Land Use Map (FLUM).
- The site is bordered by Interstate 40 to the north, Martin Luther King Jr. Blvd. to the west, and Perkins Drive. Access to the site is from Martin Luther King Jr. Blvd. and Perkins Drive.
- The site has hydrological features.
- The proposed development would add 69,000 sq. ft. of new impervious surface area.

## PROPOSED MODIFICATIONS TO REGULATIONS

The requested modifications to the 1991 SUP for this development have been outlined below:

**1. Modify the Buffer Width Stipulated by the SUP:** The SUP requires the applicant provide a 100-foot Type E buffer along I-40; the applicant proposes modifying this to a 30-foot Type D Buffer to accommodate the building expansion.

Staff Comment: Under Review

## OTHER CONSIDERATIONS:

### 4. Extend to SUP to encumber fuel center parcel

The applicant proposes modifying the existing SUP so that Parcel A (PIN 9880270438) be encumbered under the SUP.

Staff Comment: Under Review

### 5. Modify the SUP to allow a drive-in window use for the proposed pharmacy

The applicant proposes modifying stipulation 37 of the SUP to allow a non-banking retail use drive-in window. The applicant proposes that a pharmacy drive-in window addition to Harris Teeter will be a positive contribution to the store and its customers. The applicant states that:

- The pharmacy drive-in window would provide more convenient pickup for any prescriptions Harris Teeter's existing customers may need.
- The facility will not provide any kind of negative stacking or site impacts that a typical fast food restaurant drive-thru would provide.
- The pharmacy would be located off to the side of the grocery store, have two separate lanes for faster service, and would stack in the rear of the store as to not disrupt any circulation within the shopping center.

Staff Comment: Under Review

## CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff are currently reviewing 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>.

### **Comprehensive Plan Themes:**

<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

Staff believes the Harris Teeter Addition and Fuel Center proposal complies with the above themes of the 2020 Comprehensive Plan.

<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\\_APXALAUSMA](https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA)

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

**Land Use Plan:** The [2020 Land Use Plan](#)<sup>4</sup>, a component of the 2020 Comprehensive Plan, designates this site for multi-family, shops, and offices; multifamily residential; commercial/office, and parks and green/gathering spaces.

## FINDINGS OF FACT

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town and ensure that Special Use Permits (SUP) demonstrate a high quality of overall site and building design, the Council must make the following findings of fact (as stated in Section 4.5) prior to approving a SUP:

- 1) 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;
- 2) 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;
- 3) 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
- 4) 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.

All information submitted at the public evidentiary hearing will be included in the record of the hearing.

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<sup>4</sup> <http://www.townofchapelhill.org/home/showdocument?id=1215>












# PROJECT FACT SHEET




## Overview

Site Description	
<b>Project Name</b>	Harris Teeter Expansion and Fuel Center
<b>Address</b>	1800 Martin Luther King Jr Boulevard
<b>Property Size (GLA)</b>	736,884 sq. ft.
<b>Project Area</b>	221,285 sq. ft. (5.08 acres)
<b>Existing</b>	Grocery Store, Parking, and Vacant Lot
<b>Orange County Parcel Identifier Numbers</b>	9880-27-0438 and 9880-27-5036
<b>Existing Zoning</b>	Mixed Use-Office/Institutional-1 (MU-OI-1)


## Site Design

Topic	Comment	Status
<b>Use/Density (Sec 3.7)</b>	Grocery Store with pharmacy drive-thru and Fuel Center	✓
<b>Dimensional Standards (Sec. 3.8)</b>	Comply with LUMO Section 3.8; Dimensional standards (setbacks) only apply to exterior property lines	✓
<b>Floor area (Sec. 3.8)</b>	<i>Maximum:</i> 259,200 sq. ft. of retail per MLUP <i>Existing:</i> 167,301 sq. ft. <i>Proposed:</i> 12,029 sq. ft. <i>Total</i> 179,330 sq. ft.	✓
<b>Inclusionary Zoning (Sec. 3.10)</b>	NA	NA
Landscape		
<b>Buffer – North (Sec. 5.6.2)</b>	<i>Required:</i> Type 'E' Buffer with width of at least 100 ft. <i>Proposed:</i> Type 'E' Buffer of 30 ft.	M
<b>Buffer – East (Sec. 5.6.2)</b>	<i>Required:</i> Type 'C' Buffer of 20 ft. <i>Proposed:</i> Type 'C' Buffer of 20 ft.	✓
<b>Buffer – South (Sec. 5.6.2)</b>	<i>Required:</i> Type 'C' Buffer of 20 ft. <i>Proposed:</i> Type 'C' Buffer of 20 ft.	✓
<b>Buffer - West (Sec. 5.6.2)</b>	<i>Required:</i> Type 'D' Buffer of 30 ft. with 50 ft. buffer in front of gas station <i>Proposed:</i> Type 'D' Buffer of 54 ft.	✓
<b>Tree Canopy (Sec. 5.7)</b>	<i>Required:</i> 40% <i>Proposed:</i> 40%	✓
<b>Parking Landscape Standards (Sec. 5.9.6)</b>	Under staff review	

Environment		
<b>Resource Conservation District (Sec. 3.6)</b>	<i>Required:</i> Maximum of 20% land disturbance, 10% impervious surface <i>Proposed:</i> 5,908 sq. ft. (4.2%) land disturbance, 2,150 sq. ft. (1.5%) impervious surface	<b>M</b>
<b>Erosion Control (Sec. 5.3.1)</b>	Orange County Erosion Control permit required	<b>FP</b>
<b>Steep Slopes (Sec. 5.3.2)</b>	Not applicable	<b>NA</b>
<b>Stormwater Management (Sec. 5.4)</b>	Use existing stormwater pond, evaluate and modify as needed to incorporate impervious surface	<b>FP</b>
<b>Land Disturbance</b>	224,334 sq. ft. (5.15 acres)	
<b>Impervious Surface (Sec. 3.8)</b>	<i>Existing:</i> 405,108 sq. ft. (60.3%) <i>New:</i> +64,904 sq. ft. <i>Total:</i> 470,012 sq. ft. (70.0%)	
<b>Solid Waste &amp; Recycling</b>	Public trash and recycling pickup proposed	
<b>Jordan Riparian Buffer (Sec. 5.18)</b>	Not applicable	<b>NA</b>
Access and Circulation		
<b>Road Improvements (Sec. 5.8)</b>	Proposing to improve internal accessible sidewalk connections to Martin Luther King, Jr. Blvd.	
<b>Vehicular Access (Sec. 5.8)</b>	Access from Perkins Drive	
<b>Bicycle Improvements (Sec. 5.8)</b>	The applicant has declined to construct a raised bicycle lane along the Martin Luther King Jr. Blvd.	<b>X</b>
<b>Pedestrian Improvements (Sec. 5.8)</b>	Pedestrian links throughout the site will help connect the shopping center with public street sidewalks and transit	
<b>Transit (Sec. 5.8)</b>	No transit improvements proposed.	<b>NA</b>
<b>Traffic Impact Analysis (Sec. 5.9)</b>	Completed	
<b>Vehicular Parking (Sec. 5.9)</b>	<i>Required by SUP:</i> 1,016 spaces <i>Existing:</i> 484 spaces (including 19 accessible spaces) <i>Proposed:</i> 534 spaces (including 20 accessible spaces)	
<b>Bicycle Parking (Sec. 5.9)</b>	<i>No change</i>	<b>NA</b>
<b>Parking Design Standards (Sec. 5.9.5)</b>	Application must comply	
<b>Loading Space Requirements (Sec. 5.9)</b>	<i>No change to 2 existing loading docks</i>	<b>NA</b> 
Building Height		
<b>Building Height (Sec. 3.8)</b>	<i>Required:</i> Primary Building Height: 44 ft.; Secondary Building Height: 90 ft.	

	<i>Proposed:</i> Primary Building Height: Less than 34 ft.; Secondary Building Height: 34 ft.	
<b>Technical</b>		
<b>Fire</b>	Meet Town Standards	
<b>Site Improvements</b>	11,800 sq. ft. expansion to the grocery store building; pharmacy drive-in window; new fuel center with 7 fuel pumps (14 fueling positions) and a 240 sq. ft. kiosk; additional parking and drive aisles	
<b>Recreation Area (Sec. 5.5)</b>	Not required for commercial uses	<b>NA</b>
<b>Lighting Plan (Sec. 5.11)</b>	Maximum of 0.3 foot-candles at property line	
<b>Homeowners Association (Sec. 4.6)</b>	Not applicable	<b>NA</b>
<b>Adequate Public Schools (Sec. 5.16)</b>	Not applicable	<b>NA</b>

#### Project Summary Legend

<b>Symbo l</b>	<b>Meaning</b>
	Meets Requirements
<b>M</b>	Seeking Modification
<b>C</b>	Requires Council Endorsement
<b>FP</b>	Required at Final Plan;
<b>NA</b>	NA