

TOWN OF CHAPEL HILL

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s); Taylor Oil Company having applied to the Town of Chapel Hill for a Special Use Permit for the use and development of the property hereinafter described, the same was granted by the Town of Chapel Hill on July 28, 1975, the terms of which are as follows:

NAME OF PROJECT: ETNA Automobile Service Station

TYPE OF SPECIAL USE: Automobile Service Station

NAME OF DEVELOPER: Taylor Oil Company

DESCRIPTION OF PREMISES

LOCATION: 1509 East Franklin Street

TAX MAP REFERENCE: Part of Map 38, Block B, Lot 13

AREA OF PROPERTY: 20,473 square feet

DESCRIPTION OF DEVELOPMENT

NUMBER OF BUILDINGS: one NUMBER OF DWELLING UNITS: N.A.

FLOOR AREA: Approx. 659 sq. ft. NUMBER OF PARKING SPACES: 4 req.

SPECIAL TERMS AND CONDITIONS

Refer to plans submitted by the Taylor Oil Company and approved by the Board of Aldermen on July 28, 1975.

1. That an approved Final Plat for the subdivision of the service station lot be obtained from the Board of Aldermen and recorded at the Office of the Orange County Register of Deeds prior to issuance of the special use permit.
2. That a ten (10) foot wide landscaped planting strip be provided abutting the Franklin Street right-of-way as required by the suburban commercial district regulations.
3. That a detailed landscape plan showing all proposed screening and planting be submitted to and approved by the Appearance Commission prior to issuance of the Certificate of Occupancy. Such landscape plans shall include screening of the parking area from the view of abutting properties on the east side of the lot by solid continuous walls or fences or by solid appearing evergreen hedges; such screen walls or fences shall be constructed not less than six (6) feet high, and hedges shall be six (6) feet high within two years after planting. Any and all planting which dies during the life of the Special Use Permit shall be replaced with planting of the same species or species approved by the Appearance Commission and approximately the same height during the next planting season.
4. The detailed landscape plan shall include a landscaped planting strip along the western property line of the ETNA Service Station lot. Such planting strip may be left open to provide a 20-foot wide driveway connecting the ETNA Station with the Taylor Oil Company lot to the west.
5. That the six-inch high curb be constructed along both sides of the sidewalk.

*** END ***

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR ETNA SERVICE STATION (83-R-56)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Service Station Special Use Permit granted to Taylor Oil Company on July 28, 1975 for Etna Service Station on Chapel Hill Township Tax Map 38, Block B, Lot 13A is hereby modified to a Planned Development-Shopping Center (Community) Special Use Permit to allow an additional 400 square feet of floor space and to change the on-site vehicular circulation on Chapel Hill Township Tax Map 38, Block B, Lot 13A and part of 13, in accord with the plans submitted by the developer on March 1, 1983, and subject to the following:

1. That striping, as approved by the Town Manager, be provided to channelize traffic around the rear of the service station.
2. That the dumpster location be shown on revised plans and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
3. That a plat recombining the property into one lot be submitted to and be approved by the Town Manager and recorded with the Orange County Register of Deeds prior to issuance of a Zoning Compliance Permit.
4. That the plans be revised to comply with Section 6.6.6c (parking lot screening) and 6.6.6d (parking lot shading) of the Development Ordinance.
5. That a revised site plan incorporating all of the above conditions be submitted to and be approved by the Town Manager prior to issuance of the Zoning Compliance Permit.
6. That construction begin by April 30, 1985, and be completed by April 30, 1988.
7. That, except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the special use permit be continued in effect.

BE IT FURTHER RESOLVED that the Council finds the public purposes to be achieved by requiring that a service station be located at least 750 feet from another service station are served to an equivalent degree by granting a Special Use Permit to this existing service station which cannot meet this standard, but which, if developed according to plans submitted March 1, 1983, would improve traffic safety on and adjacent to the site.

BE IT FURTHER RESOLVED that the Council finds that with all stipulations and conditions as modified, this project meets the four requisite findings as set forth below:

- a. That the development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- b. That the development complies with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5 and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
- c. That the development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
- d. That the development conforms with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

This the 11th day of April, 1983.

I hereby certify that this is a true and correct copy of the resolution adopted by the Council of the Town of Chapel Hill on the 11th day of April, 1983.

Brenda P. Cherry 4-22-83
Brenda P. Cherry, Deputy Town Clerk



PLANNING
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

phone (919) 968-2728 fax (919) 969-2014
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February 27, 2015

Jack Smyre, The Design Response
P.O. Box 3585
Cary, NC
27519-3585

Subject: Minor Change to Special Use Permit – 1507 & 1509 E Franklin St. (PIN 9789-93-9745, Project No. 14-094)

Dear Jack:

I am writing in response to your request for a minor change to the Special Use Permit Modification for the Taylor Family Property at 1507 and 1509 E Franklin St., approved by the Town Council on March 1, 1983. We hereby approve the minor change to allow all proposed changes according to the application, narrative description of the proposal, statement of justification, site plan set dated December 23, 2014 and other materials on file in the Chapel Hill Planning Department.

The Land Use Management Ordinance provides guidance for minor changes to Special Use Permits that may be approved administratively. Under the regulations in the Land Use Management Ordinance, the Town Manager is authorized to make minor changes to Special Use Permit approvals according to Section 4.5.4 of the Land Use Management Ordinance.

After review of the attached application materials, the request is considered a minor change to the approved Special Use Permits as the request *does not propose*:

- A change the Special Use Permit boundaries;
- A change of use;
- An increase in floor area;
- An increase in parking beyond the maximum 5% increase allowed;
- Substantial changes to principal or accessory structures;
- Substantial alterations significantly affecting size, form, style ornamentation and appearance of accessory structures;
- Substantial changes in pedestrian, bicycle or pedestrian access or circulation; or
- Substantial changes to landscaping.

A detailed response to each of these thresholds is provided in the attached applicant's Statement of Justification. We think that the attached application provides justification for the requested minor change to the Special Use Permits.

The minor change request includes a proposal to redevelop the site, replacing the existing 943 s.f. vacant convenience store/gas station with a 2,060 s.f. Dunkin' Donuts restaurant use. The applicant is proposing to demolish the existing vacant building and rotate the footprint of the proposed building 90 degrees.

A comparison of existing and proposed floor area and parking is indicated in the table below and is within the thresholds for minor changes to a Special Use Permit. The revised elevations must be approved by the Community Design Commission prior to approval of the Final Plan application.

Proposed Changes						
	Sherwin Williams Store		Existing: Vacant Service Station / Proposed: Dunkin' Donuts Restaurant		TOTALS	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Retail (sf)	8,606	No Change	943	2,060	9,549	10,666
Parking Spaces					42	43

*Both existing and proposed uses are classified as Business Convenience (Use Group C)

We think that the requested change to the approved Special Use Permit Modification does not change the substance or intent of the approved permit. We think that the request is a minor change and that it would also be reasonable to conclude that the requested change would not require evidentiary support in addition to that presented at the Public Hearing for the original Special Use Permit or modification thereof.

Approval of a Zoning Compliance Permit will be required prior to obtaining Building Permits.

If you have further questions, please do not hesitate to call.

Sincerely,



Phil Mason, AICP
Development Services Manager

cc: Mary Jane Nirdlinger, Planning and Sustainability
Gene Poveromo, Development Manager
Lance Norris, Director of Public Works
Dan Jones, Fire Chief
Jay Gibson, Town Engineer

Attachment

Taylor Family Property
1507 & 1509 E. Franklin Street
Chapel Hill, NC 27514

December 23, 2014

PROJECT NARRATIVE

I. Background

History

In 1967, retail space of just under 3,000 SF was constructed at 1507 East Franklin Street. In 1971 that building increased in size by just over 5,600 SF for a total of 8,606 SF. In 1975 an adjacent lot, 1509 E. Franklin Street, was developed via a Special Use Permit (SUP) as an Automobile Service Station with a building size of approximately 660 SF. In 1983 a SUP modification was granted to allow an additional 400 SF of floor space to be built on the 1509 East Franklin Street parcel and to combine the two formerly separate parcels into one zoning lot within the existing Community Commercial (CC) zoning district encumbered by a Planned Development - Shopping Center SUP.

The combined zoning lot is 1.53 acres in size and is bound by the terms of the 1983 Special Use Permit Modification, which also references certain conditions found within the language of the 1975 Special Use Permit which was being modified by the 1983 SUP Modification.

Since the time of the original development the Land Use Management Ordinance has replaced the Development Ordinance in effect at that time and some of the Town design guidelines have also changed. However it is the intent of the property owner to meet or exceed the terms of the previous SUP's to the extent practicable, while mindful of remaining a minor change to the existing Special Use Permit. As an example, alternate landscape buffers will be proposed for Community Design Commission review and approval so as to deliver an appropriate buffer along all edges that exceeds the previous expectations of the SUP's.

Existing Conditions

The existing site includes the following facilities:

- Service Station Convenience Store (vacated)
- Gas Pumps / Canopy (removed)
- Retail Building (Sherwin-Williams as tenant)

There is a loading area adjacent to the Sherwin-Williams building. Adjacent to the loading area are two dumpsters within a fenced area.

Access and circulation occurs through three (3) full-access driveways. Parking is scattered throughout the site, with a total of 42 spaces (some of which are delineated) that are used by customers and for commercial vehicle storage. Bus stops for the CL, D and F lines exist on both sides of East Franklin Street. One stop is located directly across East Franklin Street from the property and another is located just north of the northernmost driveway.

There is currently a 10-foot deep mowed-grass buffer along the site's East Franklin Street frontages with some shrub plantings within the right-of-way along the northern portion of the street frontage. A variable width landscaped buffer currently exists along the site's western and northern border, along with a 30-foot wide sanitary sewer easement. The adjoining Siena Hotel has provided the required 10-foot landscaped buffer adjacent to the southern property line.

The site gently slopes from north to south, with a cumulative drop in elevation of approximately 17 feet across the site (an average slope of just over 5%). The developed (paved) portion of the site has a slope of less than 2%. The majority of the elevation gain is located in the northwest corner with a rise of 6' in a length of 75' (8% slope). No portion of the site is located in the Town's Resource Conservation District. Approximately 58.6% of the lot is currently covered by impervious surface based on calculations from GIS mapping.

II. Developer's Program

Overview

The developer, Taylor Family Properties, LLC is proposing to redevelop the existing site by demolishing the existing gas mart and constructing a new building in approximately the same location for restaurant use, initially as a build-to-suit for an identified tenant. The developed site will be owned and operated by Taylor Family Properties, LLC as the landlord with the two buildings being leased to two separate commercial entities. The proposed new building will include approximately 50 indoor seats and an outdoor patio in front of the portion of the building that faces East Franklin Street.

The existing retail (Sherwin-Williams) building on the property contains 8,606 SF of floor area. The new restaurant building will include a total of 2,060 SF of floor area. This will be an increase of 1,117 SF from the 943 SF gas mart, however less than the 2,500 SF of additional building allowed as a minor change to the SUP and represents only about 10% of the total square footage. The total floor area for the two buildings is therefore anticipated to be approximately 10,666 SF.

Access & Circulation

The site currently has three full-access driveways entrances ranging from 30 feet to 36 feet in width. The proposed site plan eliminates the middle driveway and retains the northernmost and southernmost full-access driveway. The two driveways allows the commercial trucks that must access the site to still be able to do so without having to turn around, allows somewhat separate

entrances for each of the two commercial entities, and minimizes conflict points along East Franklin Street. It is noted that there is a center turn lane provided for the full length of the property within the East Franklin Street right-of-way, which extends far enough to allow full utilization for left turns into the site.

Vehicular Parking

With a proposed total of 10,666 SF of floor area, the Town's Land Use Management Ordinance requires a minimum total of 48 parking spaces. The proposed parking spaces for the site are 43 spaces, which is just over the same number of parking spaces provided by the previous development program for the site. The property owner believes that with the mix of uses anticipated on this Planned Development–Shopping Center that the proposed number of parking spaces will be adequate to serve employees and customers. It is also noted that Section 5.9.3 (Shared Parking) of the Land Use Ordinance allows for reductions in required parking if there are shared uses on the property.

Loading Spaces

The Town's Land Use Management Ordinances requires one loading space be provided for convenience or general business use with a floor area between 10,000 and 29,999 square feet. The proposed combined square footage for the property is 10,666 so the Sherwin-Williams store loading area will remain in its current location and also serve as an area for the truck to park for delivery to the restaurant.

Bicycle Parking

The Land Use Management Ordinance also requires bicycle parking to be provided for all commercial and retail uses. In particular, the number of bicycle parking spaces required is equal to 4 spaces plus 2 spaces per 1,000 SF for restaurant uses and 4 spaces plus 1 space per 2,500 SF for the retail uses. Accordingly, the property owner is proposing to provide six (6) bicycle parking spaces for the restaurant use building and seven (7) spaces for the existing retail building currently leased to Sherwin-Williams.

Per the Town's Design Manual, two (20%) of these bicycle parking spaces will be a Class I parking space, while the other 11 (80%) of these spaces will be Class II spaces. The Class I spaces will be provided inside the buildings or in a locker or sheltered outside the building, while the eleven (11) Class II spaces will be provided by inverted 'U' racks located next to the sidewalk near the entrance of the buildings.

Stormwater Management

The proposed development site is a redevelopment site that (1) predominantly drains to a single location, (2) is currently 58.6% impervious (net land area), and (3) does not currently include any stormwater management facilities. Given that the proposed development would reduce the overall impervious surface on the lot to 55% (net land area), resulting in a decrease of 3.6%. Therefore, the proposed redevelopment of the site will not increase stormwater runoff rates, runoff volumes, or non-point source pollution.

Since the proposed redevelopment of the site will result in a net decrease in run-off from developed (i.e. impervious) area, and the development does not generate additional suspended solids, stormwater quality management is not required. However the property owner is open to working with the Town to determine if a small bio retention area, rain garden, or other stormwater management feature can be incorporated into the site.

Solid Waste & Recycling

A screened dumpster enclosure is provided next to the loading area at the rear of the site. This dumpster will be shared by the two uses on the property, acting as a central refuse location. In addition to a refuse dumpster and a dumpster for recycling corrugated cardboard, facilities will also be provided for other recyclable items, in accordance with Orange County's recycling policies.

Building Elevations

The Taylor Family will be constructing a restaurant building on the property in the location of the existing Etna Gas Station / Canopy. The building will have a similar form as the existing gas mart building, but will be rotated ninety degrees to allow for better vehicular circulation around the building. The property owner will be working with an architect to construct a building suitable for the needs of a specific tenant, but will also have an interest in making sure that the commercial space would work for other future tenants, as well.

In the coming months, as discussed during the SUP minor change pre-application meeting, the applicant will meet with the Community Design Commission (CDC) in order to discuss potential architectural design approaches and options for this site, culminating in formal applications for building elevation and materials review by the CDC.

Energy Efficiency

The property owner is aware that the Town is very interested in sustainability, as evidenced by a strong interest in green buildings and energy efficiency. In this regard, the property owner and the initial tenant will work with a local architect to incorporate energy efficient features into the building and system designs.

Although it is anticipated that due to the small size of the building, and therefore the inability to achieve certain economies of scale, may serve as a constraint with regard to the achievement of certain LEED-derived point models and perhaps even potential reductions in ASHRAE standards. However, the property owner and prospective tenant are receptive to pursuing and implementing green design goals to the greatest extent practicable. Accordingly, we will work closely with the project architect in an effort to integrate sustainable systems and material choices while pursuing energy efficient design.

Buffers & Landscaping

The property currently has a 10' grassed buffer along its East Franklin Street frontage.

The Land Use Management Ordinance (LUMO) typically requires a 30-foot Type 'D' buffer between the proposed land use and an arterial street (East Franklin Street is classified as arterial streets). In order to provide the adequate amount of parking for this parcel, and keep the changes to a minimum, some of the East Franklin Street buffer will remain at 10 foot as specifically stated in the existing SUP for this property. However that buffer, to the extent practicable, will be expanded to 20 feet and in some cases even 30 feet, and be planted to provide screening. It is important to note that the LUMO stipulates a 22-foot setback for the building and the developer will keep the building set back accordingly. The proposed building will be set back approximately 30' but will have an outdoor dining area with some tables and chairs. The developer believes this will enhance the East Franklin Street streetscape and blend with other uses along East Franklin Street.

Based on the small size of the site and its associated geometric constraints (sight triangles, overhead power lines, and underground utilities), the developer is requesting permission to create a variable-width landscaped buffer along the East Franklin Street frontages in lieu of the required 30-foot Type 'D' buffer. The intent is that the landscape plan associated with the alternate buffer and the building elevations and site lighting plan could then be simultaneously considered for approval by the Community Design Commission as part of the Zoning Compliance Permit review process.

The northern property line is adjacent to the access driveway to the Retreat Apartments that also share the western property line with this parcel. The LUMO requires a 20-foot Type 'C' buffer between the proposed land use and the adjoining land use. The property owner is proposing an alternate buffer to create a variable width landscaped buffer along the western and northern edge of the site, which also includes a portion of the sanitary sewer easement. Existing landscape in those areas will be preserved to the extent practicable and supplemental planting will be provided to achieve Type 'C' buffer performance.

A variable width landscaped buffer currently exists along the site's southern border. However, the 10-foot Type 'B' buffer that is required by the LUMO has been fulfilled by a 20-foot wide strip of existing vegetation provided by the adjoining development (Siena Hotel) on its side of the property line. Nonetheless, in order to provide additional ground-level landscaping and to screen car headlights from the view of adjoining properties, the property owner will voluntarily propose to provide additional planting along the southern property boundary, in addition to the 20 feet of existing vegetation that has been provided off-site by the adjoining development.

Finally, in accordance with Section 5.9.6 of the Land Use Management Ordinance, a five-foot, landscaped buffer strip has been provided between the parking facilities and the proposed restaurant building.

III. Statement of Compliance with the Town’s Design Guidelines

We note that the proposed redevelopment project has been designed and developed in accordance with the Town’s Design Guidelines in the following manner:

- The site is characterized as Prime Buildable (with over 90% of the site having slopes of less than 10 percent).
- The building will be designed and has been located so as to provide visual interest along the East Franklin Street corridor and to create an enjoyable human-scale space. In particular, the building’s design will “incorporate architectural elements that give scale, or a sense of scale” to the building.
- The reduction from three full-access driveway entrances to two full-access driveways, one in front of the Sherwin-Williams retail store and the other north of the proposed restaurant, not only is in keeping with the minor change to the SUP request being made but also allows truck circulation between the two commercial uses on this compact site, thereby improving safety and “promoting smooth circulation of people and traffic.”
- Two means of access are provided in order to assure “an efficient circulation pattern” for employees, customers, service vehicles, and emergency access vehicles, as needed.
- The proposed dumpster and recycling facility is completely screened, located behind the building, and is accessible to service vehicles.
- In order to attract and maximize convenience for bicycle traffic, bicycle parking has been provided adjacent to the store entrance (inverted ‘U’ racks will provide bicycle parking spaces). Space will also be available inside the store and restaurant or in a secure locker or shelter where employees who bicycle to work can store their bicycles.
- Handicap parking is conveniently located close to the restaurant’s entrance as well as near the entry to the retail store.
- HVAC equipment is proposed to be located on the roof of the restaurant building and will be screened with a parapet from street views.
- Interior planter islands and landscape islands at the ends of parking aisles have been sized to be ten feet in width (exceeding the 8-foot guideline) in order to accommodate and sustain canopy tree growth.

Taylor Family Property
1507 & 1509 E. Franklin Street
Chapel Hill, NC 27514

SUP Minor Change
December 23, 2014

STATEMENT OF JUSTIFICATION

This particular request is for a Special Use Permit minor change from the current Special Use Permit modification from 1983 in which a Planned Development-Shopping Center (Community) Special Use Permit was granted.

Article 4 section 4.5.4 of the Land Use Ordinance establishes the intent of Modification of Special Use Permits by stating that:

“A Special Use Permit modification can be one of two types of requests in Chapel Hill. Either the request is for a minor change, in which the town manager is authorized to approve minor changes in the approved final plans as long as such changes continue to comply with the approving action of the town council and all other applicable requirements, or it is a major modification, in which the following changes constitute a modification of the special use permit.”

In italic below are the justifications as to why the applicant believes this proposal would be a minor change to the approved Planned Development-Shopping Center (Community) Special Use Permit.

(1) A change in the boundaries of the site approved by the town council.

The property boundary of the Taylor Family Property will not be changed in this request.

(2) A change from the use approved by the town council.

The use will remain Planned Development-Shopping Center (Community). Although a Business Convenience (restaurant) use will be introduced, the use group (Use Group C) for the restaurant use will remain the same as the service station / convenience store use approved on the site. It is also important to note that the restaurant use is an allowed use in the Planned Development district afforded by the Special Use Permit Modification made in 1983 for this property, as well as an allowed use within the underlying Community Commercial (CC) zoning district.

- (3) An increase of five (5) percent or more in the floor area approved by the town council, unless proposed additions is two thousand, five hundred (2,500) square feet or floor area or less, whether such addition is proposed at one (1) time or over an extended period of time.**

With the removal of the gas mart building and the addition of the restaurant building the increase in enclosed floor area will be approximately 10%, although the 1,117 square feet increase in floor area will be much less than the 2,500 square feet threshold for a major modification to the SUP. In addition it is important to note the building size will be much the same as the existing service station / convenience store and canopy structure (See (6) below).

- (4) An increase of five (5) per cent or more in the number of parking spaces approved by the town council, whether such addition is proposed at one (1) time or over an extended period of time.**

This proposed minor change to the Special Use Permit requires a parking count that is similar to the approved 1983 Special Use Permit. The existing parking count on the site is 42 spaces, not including those that are under the gas mart canopy. The required parking count for the proposed uses under the LUMO is 48 spaces. For the proposed SUP minor the applicant proposes to provide 43 parking spaces, which are located in approximately the same location as the existing layout, resulting in a 5-space reduction from the LUMO requirements. The applicant believes with the shared use on the property and the addition of bicycle parking spaces as well as the close proximity to public transportation this will be a suitable amount of parking spaces for this property and will also not trigger the five (5) percent increase to parking threshold.

The current Land Use Management Ordinance- Article 5, Section 5.9.3 also allows for a reduction in spaces in a shared use situation. The applicant believes the proposed use will work well with the current, and/or future, retail use(s) existing on the property. The restaurant use will also provide the patrons and employees of the retail center a place to dine in close proximity.

- (5) Substantial changes in the location of principal and/or accessory structures approved by the town council.**

The proposed restaurant building will be located in approximate the same location as the existing service station / convenience store building. The building will be rotated 90 degrees on the site to allow for better vehicular circulation and an outdoor patio that will be visible from East Franklin Street. The existing retail building on the property as well as the loading area and solid waste collection area will remain in the same location. In addition it is important to note that two of the driveways will remain in the same location

and one driveway will be removed to better match current Town and NCDOT standards and to avoid conflicts with driveways across East Franklin Street.

(6) Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal and/or accessory structures as shown on the plans approved by the town council.

The structural alterations to the proposed building will be similar in form, and basic size as the existing service station / convenience store and canopy. The existing service station / convenience store enclosed building is 943 square feet, but the entire form / size including the canopy is approximately 3,600 square feet. The proposed building will be approximately 2,060 square feet and the patio will be approximately 613 square feet for a total of 2,672 square feet. The small reduction in overall square footage will allow for additional landscape around the building – breaking up the sea of asphalt that was required for the service station / convenience store use.

The style of the building will be one-story, therefore the appearance will be similar to the existing service station / convenience store approved in 1983 by the Town Council. The Community Design Commission must also approve the ornamentation and appearance of the building as a component of the Final Plans process.

(7) Substantial changes in pedestrian and bicycle or vehicular access or circulation approved by the town council. Examples of substantial changes include, but are not limited to:

A. A change in trip distribution occurs that involves more than five (5) percent of all projected trips; or

The existing gas station use had an approximate trip generation of 153 trips during the peak hour. The restaurant use is expected to generate 83.95 to 132.27 trips during the peak hour. (reference 9th Edition ITE Trip Generation Manual). Additionally, the distribution of these trips is not expected to change, as it is a commercial use that is still focused on capturing pass-by traffic and from the immediate neighborhood. Therefore the projected trip distribution change is expected to be less than five (5) percent.

B. The change results in a reduction in the level of service (LOS) of a street link or intersection within one-quarter (1/4) of a mile from the boundaries of the proposed development.

The level of service of the street link intersections within one-quarter of a mile from the boundaries of this development is believed to be not affected by this minor change. Two of the full-access driveways will remain in the same locations and the center driveway will be eliminated to better adhere to the Town of Chapel Hill and

NCDOT current design guidelines. It is important that the remaining driveways are oriented in the same manner to allow for the flow of trucks servicing the current retail use.

The driveways on this property are located 580' to 730' from the nearest intersection. (Estes Drive and E. Franklin Street) Although the property is located within one-quarter (1/4) of a mile from the intersection the traffic count and circulation will not be substantially different. Therefore it is believed there will not be a reduction in the level of service (LOS).

(8) Substantial changes in the amount or location of landscape screens approved by the town council shall constitute a modification.

The landscape on the site will be in accord with the existing Special Use Permit. The applicant believes the minor change will bring the landscape intent back to what was approved by the Town Council in the 1983 Special Use Permit. The existing plant material has aged out and it is time for an upgrade. Therefore this minor change will improve the appearance of the site. Additional planting will also be added to the foundation of the new building in accordance with the current Land Use Management Ordinance.

The applicant will be proposing alternate buffers, reviewed and approved by the Community Design Commission, due to the constraints that exist on the site and the changes that have been made in the Land Use Management Ordinance since the approval of the Special Use Permits in 1975 and 1983. The applicant understands it is bound by the terms, conditions and stipulations of the existing Special Use Permit, including those terms that were included by reference from the 1975 Special Use Permit, but hopes to go beyond those stipulations and create a pleasing landscape that provides screening from East Franklin Street for the existing and proposed parking areas.

COMPREHENSIVE PLAN 2020 (Themes and Goals)

Listed below are some of the ways this restaurant development works with the themes and goals of the Town 2020 Comprehensive Plan.

(1) A Place for Everyone

- Diversity of place to gather and dine

- Dining for people of all ages
- Indoor and outdoor dining opportunities
- A place to work for students and others needing part time employment

(2) Community Prosperity and Engagement

- Support and improve economic vitality for the town
- Nurturing retail – restaurant (symbiotic uses) on one lot
- Increase revenue for Town by replacing an abandoned use
- Building and patio with an East Franklin Street presence (patio 20' from R/W)
- Vibrant and connected place to socialize
- Promote local business

(3) Getting Around

- Pedestrian / bicycle / auto and public transit friendly location
- Providing bicycle parking spaces
- Pedestrian access to nearby neighborhood / businesses / hotel / Town library

(4) Good Places, New Spaces

- Community gathering area
- Student third place
- Indoor and outdoor seating area

(5) Nurturing Our Community

- Infill redevelopment / environmentally sensitive growth
- Reducing impervious surface from existing conditions
- Landscaping revitalized / refreshed
- LED site lighting
- State of the art appliances with new green building materials
- Bicycle and pedestrian friendly access

(6) Town and Gown Collaboration

- Provide work opportunities for students and town residence
- Provide management opportunities for local work force
- Located on a public bus line – accessible to those without car