

September 23, 2022

Judy Johnson  
 Town of Chapel Hill Planning Department  
 405 Martin Luther King Jr Boulevard  
 Chapel Hill, North Carolina 27514

**Re: Starpoint Refuel Modifications to Regulations**

Due to site constraints and peculiarities of the Land Use Management Ordinance, modifications to required standards are necessary to redevelop a convenience store and gas station at the US 15-501 and Longview Street intersection that meets the Town’s goals and needs of the developer. The requested modifications are necessary to allow for a functional, safe commercial property. Specifically, modifications requested include perimeter buffer and setback requirements as described below.

**BUFFERS – LUMO Article 5.6.6**

LOCATION OF BUFFER	EXISTING BUFFER	REQUIRED BUFFER	PROPOSED BUFFER
Northeast Buffer (vacant land)	Natural vegetation	10’ Type B	10’ Type B
Eastern Buffer (single-family)	None	20’ Type C	12-20’ Type C
Eastern Buffer (15-501)	None	30’ Type D	None (street trees)
Western Buffer (Smith Level Rd)	None	30’ Type D	0-30’ Type D

Buffer modifications are requested as a result of site constraints and visibility needs for the development. Gas stations require visibility to operate successfully, and a 30-foot, dense Type D buffer would hinder that on each street frontage. The site exists as a gas station and convenience store today, along with other uses, where there are no buffers along either US 51-501 or Smith Level Road. Redevelopment of the site will enhance the exterior appearance so visibility from the adjacent frontages will have a positive impact on the area. Plantings are proposed at the frontages as shown on the Landscape Plan; however, these are to enhance the overall appearance of the site rather than buffer it from the adjacent streets.

Existing topography and easements limit the placement of the building and fuel canopy while still allowing for vehicular circulation. Specifically, the entrance from Smith Level Road had to be significantly reconfigured to decrease the slope from approximately 20% to 8%. Consequently, the building had to shift to the north from its current location. To allow for all necessary components such as parking, trash, circulation, etc., it became necessary that the buffer on the northeast side of the property be variable. At no point will the buffer adjacent to single family be less than 12 feet and will be kept to a Type C opacity as required by the LUMO regardless of the width.

Currently, the truck rental building and associated storage shed sit right on the property line adjacent to the single-family property to the northeast. Redevelopment of the property will improve this condition by complying with the setbacks along this property boundary and replanting a buffer between the two uses.

**SETBACKS – LUMO Article 3.8.2**

LOCATION OF SETBACK	EXISTING SETBACK	REQUIRED SETBACK	PROPOSED SETBACK
Street Setback (15-501)	11.5'	24'	24'
Street Setback (Smith Level Rd)	21'	24'	16'
Solar	0'	11'	11'
Interior	n/a	n/a	n/a

Due to site constraints, a setback reduction is requested from Smith Level Road. All other setbacks will comply with LUMO requirements. Similar to the buffer modification request, a setback modification is requested due to the site constraints and the necessary reconfiguration. Existing topography and easements limit the placement of the building and fueling canopy while still allowing for vehicular circulation. Consequently, the convenience store would fall within the required 24-foot building setback from Smith Level Road, and a 16-foot setback is needed. A majority of the building will be well within this setback, and within 24 feet as well, but because a small portion of the building does not comply, the reduction is needed.

As a part of this reduction, it is also requested that a retaining wall be permitted within the 16-foot setback along Smith Level Road. A retaining wall will be necessary to allow for a gradual 8% slope (as compared to the existing 20% slope) at the entrance from Smith Level Road. Provided the other constraints mentioned for the site, a retaining wall is necessary to allow for safe circulation through the site.

The site as a whole will be brought into greater compliance with the LUMO. Currently, the existing convenience store encroaches into the Smith Level Road setback, the fueling canopy is within the US 15-501 setback, and the truck rental building is within the interior lot setback. Redevelopment of the site will pull the fueling canopy outside of the US 15-501 setback and will remove any buildings from the interior/solar setbacks adjacent to the single-family parcel.

**CONCLUSION**

In conclusion, the requested modifications remain in the spirit of the goals of Chapel Hill and align with the future land use of the Comprehensive Plan. Redevelopment of the site will ultimately allow it to be in greater conformance with the LUMO. It will provide more appropriate setbacks and buffers, specifically to the adjacent single-family

home, and create a more visually pleasing commercial parcel. In order to redevelop the site, modifications to buffers and setbacks will be necessary.

Thank you for your consideration of these requested modifications for the NC zoning district as a part of the Starpoint Refuel CZP application.

Sincerely,

**MCADAMS**



Jessie Hardesty  
Planner II, Planning + Design