



CONSIDER AN APPLICATION FOR SPECIAL USE PERMIT – 11SIXTY5, MIXED-USE DEVELOPMENT.

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
Ben Hitchings, Director
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PROPERTY ADDRESS 1165 Weaver Dairy Road	DATE June 13, 2018	APPLICANT Coulter Jewell Thames, PA for COMPRO, LLC
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TOWN MANAGER'S RECOMMENDATION

- That the Council continue and close the Public Hearing held on April 18, 2018 for 11Sixty5, Mixed-Use Development; and
- That the Council adopt Revised Resolution A, approving the application.

UPDATES SINCE PUBLIC HEARING

No updates.

PROCESS

The application is before the Council for approval of a Special Use Permit. 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

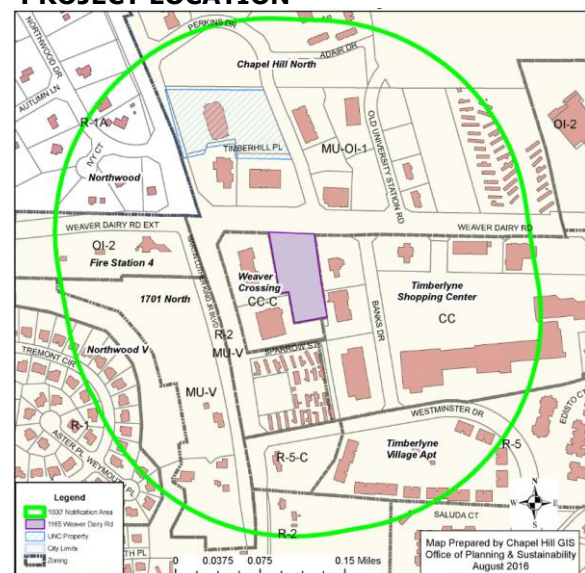
The proposed development requests a Modification to Regulations for the following:

- Modifications to landscape buffers on three sides, with reduced tree sizes.
- Modification to steep slope requirements, with more than 25 percent of steep slopes being disturbed on site.
- The proposal is contingent upon approval of a rezoning for the project area.

PROJECT OVERVIEW

The applicant proposes constructing a 3-story building for office, retail, and medical clinic uses, with an attached 231-space parking deck. The applicant also proposes a landscaped plaza along the street frontage of the property.

PROJECT LOCATION



ATTACHMENTS

1. Special Use Permit Findings
2. Draft Staff Presentation
3. Resolution A
4. Resolution B
5. Project Summary Form
6. Application Form, Materials, and Submitted Plans

Special Use Permit Findings

Tonight, based on evidence in the record thus far, we provide the following evaluation of this application based on the four findings of fact that the Council must consider for granting a Special Use Permit. Council may review further evidence for the Council's consideration as part of the continued public hearing process. Summary of the evidence in the record to date is as follows:

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:*

Evidence in Support	The applicant's Statement of Justification includes the following: "There will be good visual and pedestrian connectivity between the public right-of-way and the entry plaza, walls will have railings, sidewalk will have curb edges, and there will be provision for bicycle parking."
Evidence in Opposition	To date, there is no evidence of opposition.

Staff Response: We believe, based on the evidence entered into the record to date, that the Council could make the finding that the development would be operated to maintain or promote the public health, safety, and general welfare. We believe that the Special Use Permit proposes affordable housing to help address a need in the community.

Finding #2: *That the use or development would comply with all required regulations and standards of the Land Use Management Ordinance:*

Evidence in Support	The applicant's Statement of Justification includes the following: "All dimensional, design, and development standards are in conformance with applicable LUMO standards except for landscape buffers and steep slope disturbance for which we are requesting modifications. We are requesting a concurrent zoning amendment to allow for more built square footage than would currently be allowed, and the application also requests modifications to three of the four landscape buffers, and to the amount of steep slope disturbance."
Evidence in Opposition	To date, there is no evidence of opposition.

Staff Response: We believe, based on the evidence entered into the record to date, that the Council could make the finding that the development would comply with all required regulations and standards, except for the requested modification to regulations. Those modifications include:

Proposed Modifications to Regulations:

- 1) Section 5.6.6 Buffer Modification:** The applicant proposes modified buffers on the eastern, northern, and western property lines. The eastern buffer is proposed to be the required width but without tall canopy trees due to conflicts with overhead power lines. The proposed planting materials are acceptable to Duke Energy. The northern buffer (street) is proposed to meet the required width but with fewer plantings to accommodate hardscape. This buffer is proposed with 50% of the required trees and all the required shrubs. The western buffer is proposed with reduced plantings and reduced widths. The adjacent property, Weaver Crossing, has a planted buffer along this shared

property line.

Staff Comment: Staff believes that Council could find a public purpose for the reduced plantings and buffer widths, since this is an infill project with existing utility lines and a narrow lot configuration.

- 2) Section 5.3.2: Steep Slopes:** The total amount of steep slopes on the site is 5,735 sq. ft., entirely located within the Duke Energy easement. The developer is proposing to disturb 100 percent of the steep slopes. It appears that these slopes are man-made and not related to water bodies or wetlands and are not wooded.

Staff Comment: Staff believes that Council could find a public purpose to allow a Modification to Regulations to allow a disturbance of greater than 25 percent of the steep slopes on the site as they are not naturally occurring slopes.

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 if Council 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.

For additional information on the proposed modifications, please refer to the developer's attached materials.

We believe that if the Special Use Permit is approved with the conditions contained in Resolution A, the proposed development would meet all other pertinent regulations and standards of the Land Use Management Ordinance.

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:*

Evidence in Support	The applicant's Statement of Justification includes the following: "The proposed mixed use commercial and retail would complement the adjacent office, commercial, clinic and residential uses and serve the nearby residential areas as well as the larger Town population. Located near the MLK intersection with HWY I-40 it is also well-sited to serve the larger community. It is in line with more dense development as called out in the town's 2020 Comprehensive Plan and area study."
Evidence in Opposition	To date, there is no evidence of opposition.

Staff Response: We believe, based on the evidence entered into the record to date, that the Council could make the finding that the development would maintain or enhance the value of contiguous properties, with the conditions in Resolution A of the Special Use Permit approval.

Finding #4: *That the use or development 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:*

Evidence in Support	The applicant's Statement of Justification includes the following:
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	<p>"It is in the Future Focus Discussion Area 2 called out in the 2020 Comprehensive Plan, and is also in the area studied by the Northern Area Task Force. The proposed development conforms with the general plans for the physical developing of the Town as embodied in the LUMO and supports the following goals of the Comprehensive Plan:</p> <ul style="list-style-type: none"> • The plaza provides an exterior space of public use • The project adds to the Town's commercial tax base • The parking deck allows for enough parking to serve the tenants while using less land area and limits the impervious surface • Easy access from, the highway and public transit, walking and biking make this business location accessible to people who do not have cars. • Stormwater management, use of local materials, high efficiency building systems, and high reflectivity roofing improve water quality and reduce heat island effect. • The building is designed to accommodate many general business users including University related uses."
Evidence in Opposition	To date, there is no evidence of opposition.

Staff Response: We believe the 11Sixty5, Mixed-Use development proposal generally complies with the land use plan and themes in the 2020 Comprehensive Plan. Relevant goals and objectives in the Comprehensive Plan include, but are not limited to the following:

- A welcoming and friendly community that provides all people with access to opportunities (Create a Place for Everyone.3);
- Balance and sustain finances by increasing revenues and decreasing expenses. (Create a Place For Everyone.1);
- Promote a safe, vibrant and connected (physical and person) community (Community Prosperity and Engagement.3);
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Getting Around.2);
- A transportation system that accommodates transportation needs and demands while mitigating congestion and promoting air quality, sustainability, and energy conservation (Getting Around.6);
- Future land use, form, and density that strengthens the community, social equity, economic prosperity and natural environment (Good Places New Spaces.4); and
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Nurturing Our Community.8).

We believe, based on the evidence entered into the record to date, that the Council could make the finding that the proposed Special Use Permit conforms to the general plans for physical development of the Town as embodied in the 2020 Comprehensive Plan.