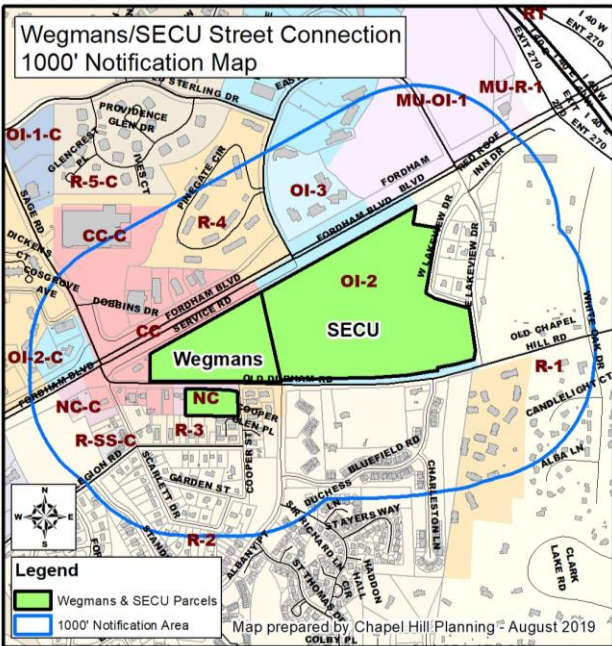




CONSIDER AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION – WEGMANS FOOD MARKET STREET IMPROVEMENTS

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
Judy Johnson, Interim Planning Director
Michael Sudol, Planner II

PROPERTY ADDRESS 1810 Fordham Boulevard	DATE October 30, 2019	APPLICANT Justin Brown, Pennoni on behalf of LG1810 Fordham Blvd, LLC.
STAFF RECOMMENDATION That the Transportation and Connectivity Advisory Board and Planning Commission review and make a recommendation on the application to the Town Council.		
STAFF ANALYSIS The Town Council passed a resolution on October 2, 2019 limiting the scope of the Special Use Permit Modification to the new road access. See attached Staff Analysis for additional information.		
PROCESS The application is before the Council for approval of a Special Use Permit Modification. The Council must consider the four findings for approval, which indicate that the use or development: <ol style="list-style-type: none"> 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 <ul style="list-style-type: none"> • Does the proposal satisfy the four findings of fact required for the Council to approve a Special Use Permit Modification? 	
PROJECT OVERVIEW The applicant proposes a realignment of the US 15-501 Service Road across the adjacent State Employees Credit Union property, creating a full-access connection from the Wegmans development at 1810 Fordham Boulevard to US 15-501. The former Service Road location would be repurposed as a multi-use path.	PROJECT LOCATION 	
ATTACHMENTS	<ol style="list-style-type: none"> 1. Project Summary Form 2. Resolution A 3. Resolution B 4. Application 5. Statement of Justification 6. Submitted Plans 7. Council Resolution to Limit Scope 	

TECHNICAL REPORT







- October 25, 2017 Chapel Hill Town Council approved a Special Use Permit Modification for construction of a +/-130,000 SF grocery store and 750 parking spaces.
- September 22, 2019 Chapel Hill Town Council heard and provided comments on a Concept Plan for a Special Use Permit Modification to provide access to the Wegmans site from US 15-501.
- October 2, 2019 Chapel Hill Town Council approved a resolution to limit the scope of a Special Use Permit Modification to a realignment of the US 15-501 Service Road across the State Employees Credit Union property; connection from the Wegmans development at 1810 Fordham Boulevard to the realigned Service Road; and review by the Transportation and Connectivity Advisory Board and the Planning Commission.

Connections to other Documents:

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)¹, the standards of the [Land Use Management Ordinance](#)², and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)³ and offers the following evaluation:

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

Council Goals:

<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 checked="" type="checkbox"/>		Grow Town and Gown Collaboration

Staff believes the Wegmans Special Use Permit Modification proposal complies with the above themes of the 2020 Comprehensive Plan.

Land Use Plan: The [2020 Land Use Plan](#)⁴, a component of the 2020 Comprehensive Plan, designates this site for Commercial use. The site is also included in Future Focus Area 5: North 15-501.

¹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

² https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA





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

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

Overview

Site Description	
Project Name	Wegmans Food Market Street Improvements
Address	1810 Fordham Boulevard
Property Description	640,824 sq. ft. (14.7 acres)
Existing	Grocery store under construction (previous site of Performance Auto Mall)
Orange County Parcel Identifier Numbers	9799-78-2879 & 9799-78-1484
Existing Zoning	Office/Institutional-2 (OI-2) and Community Commercial-Conditional (CC-C)
Proposed Zoning	No change proposed.

Regulatory Land Use Intensity

Comment		Advisory Board	Status
Use/Density (Sec. 3.7)	No change proposed.	PC	
Dimensional Standards (Sec. 3.8 and Sec. 6.15)	No change proposed.	PC	
Floor area (Sec. 3.8)	No change proposed.	PC	
Modification to Regulations (Sec. 4.5.6)	No new modifications proposed.	PC	


Site Design

Comment			Advisory Board	Status
Landscape	Buffer – North (Sec. 5.6.2)	No change proposed.	PC	N/A
	Buffer – East (Sec. 5.6.2)	No change proposed.	PC	N/A
	Buffer – South (Sec. 5.6.2)	No change proposed.	PC	N/A
	Buffer – West (Sec. 5.6.2)	No change proposed.	PC	N/A
	Tree Canopy (Sec. 5.7)	No change proposed.	CDC	N/A
	Landscape Standards (Sec. 5.9.6)	No change proposed.	PC	N/A
Environ	Resource Conservation District (Sec. 3.6)	Not applicable	ESAB	N/A

	Erosion Control (Sec. 5.3.1)	More than 1 acre of land disturbance proposed; Performance bond required.	ESAB	FP
	Steep Slopes (Sec. 5.3.2)	No change proposed.	ESAB	N/A
	Stormwater Management (Sec. 5.4)	No change proposed.	ESAB	N/A
	Land Disturbance	256,377 sq. ft. (Off-site work)	ESAB	✓
	Impervious Surface	No change proposed onsite; all new impervious will be in the NCDOT Right-of-Way.	ESAB	✓
	Solid Waste & Recycling	No change proposed.	OCSW	N/A
	Jordan Riparian Buffer (Sec. 5.18)	Not applicable	ESAB	N/A
Access & Circulation	Road Improvements (Sec. 5.8)	Realignment of US 15-501 Service Road and construction of multi-use path.	NCDOT	✓
	Vehicular Access (Sec. 5.8)	New access point at US 15-501/Eastowne Dr. intersection.	TCAB	✓
	Bicycle Improvements (Sec. 5.8)	Multi-use path proposed along current Service Road alignment.	TCAB	✓
	Pedestrian Improvements (Sec. 5.8)	Sidewalk along Service Road realignment and multi-use path along current alignment.	TCAB	✓
	Traffic Impact Analysis (Sec. 5.9)	Currently underway.	TCAB Staff	✓
	Vehicular Parking (Sec. 5.9)	No change proposed.	TCAB, PC	N/A
	Transit (Sec. 5.8)	No change proposed.	TCAB	N/A
	Bicycle Parking (Sec. 5.9)	No change proposed.	TCAB, PC	N/A
	Electric Vehicle Parking	No change proposed.	TCAB	N/A
	Parking Lot Standards (Sec. 5.9)	No change proposed.	TCAB	N/A
Technical	Fire	No change proposed.	Staff	N/A
	Site Improvements	Driveway access and connection to adjoining SECU property.	Staff	✓
	Schools Adequate Public Facilities (Sec. 5.16)	Not applicable	Staff	N/A
	Inclusionary Zoning Ordinance (Sec. 3.10)	Not applicable	Staff	N/A
	Recreation Area (Sec. 5.4)	Not applicable	PC	N/A

	Lighting Plan (Sec. 5.11)	No change proposed.	CDC	N/A
	Homeowners Association (Sec. 4.6)	Not applicable	Staff	N/A

Project Summary Legend

Symbol	Meaning	Symbol	Meaning
	Meets Requirements	CDC	Community Design Commission
M	Seeking Modification	HAB	Housing Advisory Board
C	Requires Council Endorsement	TCAB	Transportation and Connectivity Board
FP	Required at Final Plan;	ESAB	Environmental and Sustainability Board
NA	Not Applicable	OCSW	Orange County Solid Waste
PC	Planning Commission	NCDOT	North Carolina Department of Transportation

RESOLUTION A

(Approving the Special Use Permit Modification Application)

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR WEGMANS (PROJECT #19-117)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed Justin Brown of Pennoni on behalf of LG1810 Fordham Blvd, LLC., located at 1810 Fordham Boulevard on property identified as Orange County Property Identifier Numbers 9799-78-2879 and 9799-78-1484, if developed according to the Site Plan dated September 16, 2019 and the conditions listed below would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

STIPULATIONS SPECIFIC TO WEGMANS

1. Construction Deadline: That construction begin by _____ (one year from the date of approval) to be completed by _____ (two years from the date of approval). [LUMO 4.5.5]
2. Land Use Intensity: This Special Use Permit Modification authorizes the following:

Use: Commercial	
Additional Land Disturbance	256,377 sq. ft.

3. Existing Permit: The existing Special Use Permit Modification dated October 25, 2017 on file at the Town of Chapel Hill Planning Department, remains in effect except as modified by these stipulations.
4. Continued Validity: That continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
5. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit Modification for 1810 Fordham Blvd.

This the ____ day of _____, 2019.

RESOLUTION B

DENYING THE SPECIAL USE PERMIT MODIFICATION

**A RESOLUTION DENYING AN APPLICATION FOR A SPECIAL USE PERMIT
MODIFICATION FOR WEGMANS (PROJECT #19-117)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed Justin Brown of Pennoni on behalf of LG1810 Fordham Blvd, LLC., located at 1810 Fordham Boulevard on property identified as Orange County Property Identifier Numbers 9799-78-2879 and 9799-78-1484, if developed according to the Site Plan dated September 16, 2019 and the conditions listed below would not:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council hereby denies the application for a Special Use Permit Modification for 1810 Fordham Boulevard.

This the ____ day of _____, 2019.