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Planning for the Future

COLUMBIA STREET ANNEX

1150 South Columbia Street

SPECIAL USE PERMIT APPLICATION - **STATEMENT OF JUSTIFICATION**

26 April 2018

REVISED 20 May 2019

The project site is located at the northwest corner of South Columbia Street and the NC54 westbound entry ramp. The proposed use will be a mix of 40-54 residential units and some office/retail/commercial space in a 64,050 sf building. Stormwater control and tree coverage will meet Town standards. We will be asking for 4 modifications: 1- Reduction of the width and plantings in the landscape buffer on South Columbia Street 2- Potential reduction of parking from the requirement 3- Permission to build in the managed use and upland RCD zones and 4-Permission to disturb steep slopes.

We believe the project satisfies all the required findings as stated in section 4.5.2 of the Town's Land Use Management Ordinance. These findings and our responses to how we address each finding are submitted as follows:

- 1. The use is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.***

The project will be designed with open public space on the South Columbia frontage and more private space for residents on the west facing part of the building and site. Parking and plaza areas will be well lighted to meet the Town's lighting codes. Public sidewalk and handicap accessibility will be provided. The new building will comply with all current building and safety codes.

A traffic impact study has been completed for this project, and the owner will work with Town Transportation to update counts as relevant during the final plan application phase. The proposed access to the site has been located at the north end of the whole parcel, across from Purefoy Road and as far from the highway overpass as possible. The drive would be located 420 feet away from the 15/501/54 / Columbia intersection. And street improvements by NC DOT are now complete in this area

providing space for a shared left turn lane at this driveway location. There is no other possible frontage for vehicular access to or from the site. The south end of the property fronts the NC 54 entry ramp. The Monroe Street right of way is not improved, topographically doesn't meet the South Columbia Street pavement elevation, and to the west crosses a jurisdictional stream buffer into a quiet residential street. The closing of this right of way will be taken to Council prior to the final SUP and Rezoning presentations. When the right of way closing is recorded, an access easement will be recorded at the same time with boundaries to align with the project's proposed driveway and the remaining Monroe Street right of way at the site's western property line.

The project will have minimal impact on utility demands. The site is already serviced with water, sanitary sewer, power, and natural gas. There will be no need for public upgrade of utilities to service this site. The project will add a fire hydrant on South Columbia Street which will directly serve the new facility but which will also be an appropriate additional streetside and publicly accessible hydrant for the area.

2. The use complies with all required regulations and standards of the LUMO 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.

We are requesting a concurrent zoning amendment to allow for more built square footage and a taller building than would currently be allowed. All dimensional, design, and development standards are in conformance with applicable LUMO standards for the proposed zone except for a request for four modifications outlined above: streetside landscape buffer, potential parking reduction, building in the managed and upland RCD zones, and disturbance of steep slopes.

3. The use is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property, or the use is a public necessity.

It is expected that the new project will maintain or enhance the value of contiguous property. The site is currently forested but is quite overgrown at the street edges. The streets have been built up over time in order to allow enough elevation for an overpass at the NC 54 intersection. Because of this, the property sits as much as 25' below street level. It would be difficult to fill the site to make it usable for single family homes as there is a jurisdictional stream buffer 200-300' inside the site which runs the entire length north to south. The proposed design will create a building which takes advantage of the elevation changes by putting underground parking on the lowest level (away from street view), and creating a pedestrian connection at street level to a commercial/retail use space. The upper floors and the space facing west toward the stream and lower slopes would be used for residential purposes. In this way the building itself acts as beacon at the gateway into Town, and provides a transition between the busy arterial street on the east facing side, and the residential neighborhood to the west. Additionally because the space is constructed in a 6 story building, an economically efficient density can be reached while leaving more than half the site undisturbed in existing forest. The concurrent rezoning would support the taller structure of mixed commercial and residential uses that are being proposed.

4. The use conforms with the general plans for the physical development of the town as embodied in the appendix and in the comprehensive plan.

The project site is located at the northwest corner of South Columbia Street and NC 54. Though not in an area specifically identified for future development, the area has definitely changed since the residential zoning was instated. The topographic constraints and the location of the parcel facing two arterial roads make it less attractive for single family home development than for a mix of other uses.

2020 Comprehensive Plan

The proposed project complies with all six goals as specified in the 2020 Plan.

Theme 1: A Place For Everyone - The proposed development will add to the diversified housing types in town. (PFE.3)

Theme 2: Community Prosperity and Engagement - The project site is a vacant lot in a gateway location at the south end of town. The proposed development will increase the value of the land in a place where infrastructure is already completely in place. Because the site is so far below the street (25') and is limited by a stream and associated buffer only 200-300 feet inside the site, there is a limit to the R-2 potential building in this location. By recombining the parcels and creating access to the whole piece from the most northerly point, the lot will become more valuable by being fully developed, but only if the increased density and building height can be built. (CPE.1) The small size commercial space available within the building will foster small and start-up businesses, and the project provides housing and work space within walking distance of the hospital and science buildings on campus. (CPE.3)

Theme 3: Getting Around - The project site has accessible frontage on one public street and is already connected to the rest of the community by sidewalks, bike lanes, and local bus service. (GA.2) There is an existing Chapel Hill Transit stop at the north end of the site which is serviced by 4 local bus routes. (GA.4) The developer proposes to install a shelter, solar lighting, and a passenger information sign to improve the existing bus stop at the Purefoy / Columbia intersection. The project is located very close to schools, the University, and the Morgan Creek Greenway Trail, allowing users to access the site on foot or by bicycle as well as public transit or private car. The project will provide underground and open car parking, and covered bicycle parking. (GA.8)

Theme 4: Good Places, New Spaces - The proposed development increases density in a well-serviced area, which helps minimize sprawl. (GPNS.1) Development of these lots was made difficult years ago when the raised South Columbia / NC 54 intersection was installed, creating a site located as much as 25' below street level at points, and with no possible access from the south end. Additionally, more stringent stormwater and stream protection requirements adopted during the past 15 years have severely limited the building envelope on site. The proposed development works within these

limitations. The underground parking takes advantage of land below street level and the building itself acts as a transition providing a public street front on the east side and a more private space overlooking the natural environment of stream and forest toward the west. (GPNS.2 and GPNX.6) This development will be a signature building visible to everyone entering Town at this location. At the same time, the project is protecting the stream and buffer area, and by increasing the density on the east portion of the site is able to leave a large treed area protected in the western half of the site, thereby fully utilizing the site while protecting environmental elements. (GPNS.8)

Theme 5: Nurturing Our Community - The proposed development will provide tree coverage and stormwater management on site to meet or exceed the Town's standard requirements. (NOC.2) The steep difference between the street elevation and the stream elevation only 200-300 feet away creates a challenge to development that would require either fill or very high retaining walls to create a level building envelope. The building design takes advantage of this elevation difference by setting the building into the slope and allowing the building to become the transition between the street and stream as fixed elements. The site allows for building access on at least two levels and the development takes advantage of that by tucking two thirds of the parking under the building, thereby reducing impervious area and screening the parking from the street view. There will be a pedestrian plaza at street level providing an urban feel for the pedestrian and creating a gracious visual and pedestrian entry into the building. The west facing side of the building will have views of the stream and forest and allow the building to create a noise and visual buffer from the busy street. This is the direction many of the residential units will face. (NOC.7) The high density of the building itself allows the footprint to remain small and therefore allows a large portion of the site to remain undisturbed in existing forest and stream buffer. (NOC.3) The siting of the building also creates a transition between the noise and commotion of Columbia Street and the quieter residential neighborhood to the west. (NOC.8)

Theme 6: Town and Gown Collaboration - Though the project is not being built in collaboration with the University, it's location within easy walking distance of the south end of campus will make it an attractive support facility for University employees and students and people whose business is connected with the University. (TGC.4 and TGC.6)

Requested Modifications

The applicant is requesting 4 modifications.

1. Reduction of the width and plantings in the streetside landscape buffer on South Columbia Street. The required buffer would be 30' wide and planted to 'D' level opacity. The Owner is creating a pedestrian plaza at the street level which is being partially built on top of underground parking and that roof system will not support the full landscape buffer. Additionally the design intent is to create an open space for pedestrians to transition between the public sidewalk and the streetside plaza. Parking near the street will be located 16' below street level and retaining walls and landscaping will be used to screen that parking which will not be visible from the street. We will work with NC DOT and are requesting permission from them to plant some trees the Columbia Street DOT right of way. The buffer as currently

designed will vary in width between zero and 30' with an average width of 12'. The modification also requests a 70% reduction in plant material from the required 23 canopy trees, 47 understory trees and 156 shrubs to 7 canopy trees, 15 understory trees, and 50 shrubs within the project site.

2. Potential Parking Reduction

The unit mix and quantity within the building has not been finalized by the owner. Project minimum parking is 50 spaces, and if the unit count is kept to the low end the 60-70 spaces that can be provided on site will satisfy the requirement. But the project is accessible to multiple alternate forms of transit, and if at the time of final design the market does not demand as much parking the total count may fall below the current LUMO requirement. The 61 spaces shown on the current plan are expected to satisfy the parking demand at this location. There are 34 double stacked spaces in the underground garage, suiting parking needs for 17 two-bedroom residential units. With the existing sidewalk system in place, the bike lanes, public transit service, and the location of this project close to campus and downtown Chapel Hill, it is expected that 80% of the parking requirement will fulfil the user demands and encourage alternative forms of transportation. The owner is requesting a modification to allow a reduction to 80% of the required spaces as the minimum standard.

3. Modification to allow structures and parking in the managed and upland RCD zones

There is only 120-320 feet between the right of way and the existing stream on site. There is no associated flood plain on this property or within 300' of the parcel. The developer is requesting permission to construction the building and parking in the outer RCD zones and to concentrate development on the east side of the stream, thereby leaving over half the site in undisturbed forest.

RCD Buffer Impact Justification

The Special Use Permit Application for this project was first submitted in April, 2014. At that time, the subject stream was identified by the Town as being **Intermittent** in nature, and the resulting 50' RCD line was incorporated into the project design. The advancement of the SUP was then stalled by delays created over indecision by NCDOT and the Town about potential future right of way taking needed for a S. Columbia/Fordham Blvd. Interchange improvement precipitated by the Obey Creek Project south on NC 15/501. The Applicant subsequently withdrew the application and then re-submitted in order to try and force the issue on the right of way acquisition.

In the interval between the initial submittal and the recent submittal, Town Staff re-evaluated the stream and subsequently determined that it is now a **perennial** stream, which by LUMO requires a 150' RCD from top of bank. The developer is puzzled by this, as the stream and surrounding environment have not changed since the last application. This determination now essentially renders the land area between the eastern side of the stream and South Columbia unusable, absent consideration of an RCD Encroachment.

Further, the location of the stream channel bisecting the site north to south, along with the constraint along Fordham Blvd on-ramp means that the land on the west side of the stream is challenging at best to access. This is further exacerbated by the steep slopes to the east and west of the channel. The site is for all intents and purposes rendered un-buildable given a 300' plus wide swath of RCD through the property

We would suggest that proposed project has too many positive benefits to the goals of the Town to remain undeveloped. Those include creation of a mixed-use building that has the inherent efficiencies of live/work opportunities; the millions of dollars in tax base created for the Town and County; the additional jobs that can be added to the Town's economic base through the construction of the office space component, and not least the construction of a significant well-designed building that can further enhance the southern gateway into Town.

We would also suggest that there are negligible if any adverse environmental impacts that would be created by granting our RCD encroachment request. The lowest floor elevation will still be well above the above the stream channel. There is no flood plain on the site that would be impacted. Stormwater will be treated in an underground detention facility to meet State and Town standards. This facility will be reviewed and approved by the Town Stormwater Department prior to construction and will mitigate increased runoff conditions caused by the increase in impervious surface on the site.

For these and other reasons we are therefore requesting that the project as proposed be allowed to be constructed in the location shown on the SUP Plans.

4. Modification to steep slope disturbance

LUMO section 5.3.2 specifies that the disturbance of steep slopes is to be minimized in order to protect water bodies from the effects of erosion on water quality, to protect plant and animal habitat, and to preserve the natural beauty and economic value of the Town's wooded hillsides. And the stated limit to disturbance of steep slopes is one quarter of existing steep slopes on site.

Basically all the land between the stream and the street will be disturbed to install the project. The majority of steep slope on the site is located in this area and was man-made during the South Columbia Street/15/501/NC54 interchange construction over 20 years ago.

The steep slopes on site are not related to water bodies or wetlands. And the terracing of the site and stormwater mitigation of all impervious area will protect the stream area. When the project is complete there will still be evidence of steep slopes and elevation change throughout the site.