



**OPEN THE PUBLIC HEARING: CONDITIONAL ZONING FOR PUTT PUTT FUN CENTER, 2200 EUBANKS ROAD (115/135 CHAPEL POINT ROAD) (PROJECT # 20-062)**

**SUMMARY REPORT**

TOWN OF CHAPEL HILL PLANNING  
 Colleen Willger, Director  
 Judy Johnson, Assistant Director  
 Becky McDonnell, Planner II

PROPERTY ADDRESS	MEETING DATE	APPLICANT
2200 Eubanks Road (115/135 Chapel Point Road)	May 26, 2021	Wendi Ramsden, Coulter Jewell Thames on behalf of Optimal Ventures, LLC, Contract Purchase and ERBER LLC, Property Owner

**STAFF RECOMMENDATION**

Staff recommends that the Council 1) open the public hearing 2) receive comment on the Conditional Zoning Ordinance, and 3) close the public hearing Under the recently enacted legislation authorizing public hearings at remote meetings, public comment may continue to be submitted in the hearing record for 24 hours after the May 26, 2021 public hearing.

That the Council then make a motion to schedule the proposed Zoning Atlas Amendment for possible decision on June 23, 2021.

**ZONING**

*Current:* Mixed-Use Residential-1 (MU-R-1)  
(Approximately 19.35 acres)

*Proposed:* Community Commercial-Conditional Zoning District (CC-CZD)  
(Approximately 15.1 acres)

Office/Institutional-2-Conditional Zoning District (OI-2-CZD)  
(Approximately 4.2 acres)

**DECISION POINTS**

The applicant has requested the following modifications through the Conditional Zoning process:

1. Reduce the southern landscape buffer width by 10 feet, as a portion of the buffer is being provided by the adjacent development.
2. Construct a portion of the stormwater pond in the managed and upland RCD zones. An RCD Encroachment application has been submitted concurrently with this Conditional Zoning application.
3. Increase the floor area ratio on the Office/Institutional-2 (OI-2) portion of the site.
4. Reduce the minimum number and size of large loading spaces for the self-storage building.

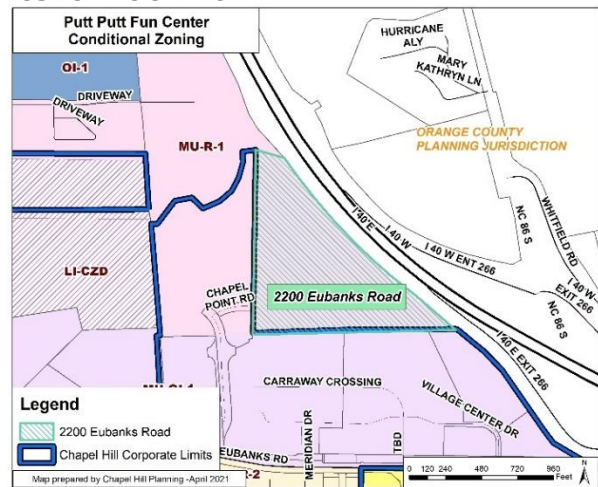
**PROCESS**

Conditional Zoning is a legislative process that allows Town Council to review the rezoning application for consistency with the Land Use Plan in the Comprehensive Plan and establish standards that address any impacts on surrounding properties. No accompanying Land Use Plan Amendment is proposed with this application, as commercial uses are proposed within Sub Area B of the North MLK Boulevard Focus Area.

**PROJECT OVERVIEW**

The Putt Putt Fun Center project is sited north of Carraway Village and west of Interstate 40. The parcel has access to Eubanks Road from Chapel Point Rd. The development proposes both indoor and outdoor commercial recreation facilities, including electric go-karts and mini-golf. The site also proposes 84,000 sq. ft. of floor area for a three-story conditioned self-storage facility on the southwest corner of the site.

**PROJECT LOCATION**



**ATTACHMENTS**

1. Technical Report and Project Fact Sheet
2. Draft Staff Presentation
3. Resolution A (Resolution of Consistency)
4. Ordinance A (Approving the Application)
5. Resolution B (Denying the Application)
6. Advisory Board Recommendations
7. Applicant Materials
8. Traffic Impact Analysis



# TECHNICAL REPORT

## KEY CONSIDERATIONS

**Planning Commission:** At their [May 18, 2021 meeting](#), the Planning Commission recommended approval of Ordinance A with the following conditions:

- Integrate additional green infrastructure around the Go-Cart track and Putt Putt course such that the detention pond may be reduced in size or pulled out of the RCD altogether.
- Remove the minimum parking requirement for the storage facility.
- Continue to pursue a pedestrian connection to Carraway Village apartment and pursue additional pedestrian connection to the current Drive-In movie theatre lot.
- Add additional bicycle parking spaces

**Transportation and Connectivity Advisory Board:** At the [April 27, 2021 meeting](#)<sup>1</sup>, the Transportation and Connectivity Advisory Board recommended approval with the following conditions:

- That the applicant ensures that pedestrian lighting along Chapel Point Drive connection is sufficient.
- The applicant coordinates with the Town of Chapel Hill and Carraway Village (to the extent possible) on sidewalks and greenway connections between the sites and to provide access to businesses.

**Environmental Stewardship Advisory Board:** At the [April 13, 2021 meeting](#)<sup>2</sup>, the Environmental Stewardship Advisory Board recommended approval with the following conditions:

- Add zoning conditions that ensure that the northern portion of the site remains open space
- Use plant species that are non-invasive
- For the mini golf course area, use reclaimed water, native/non-invasive plant species, and as much permeable materials as possible
- Add zoning conditions that restrict the use of potable water irrigation and require the proper use of fertilizers, with sensitivity to nearby wetlands
- Ask that the Stormwater Management Utility Advisory Board review the project

**Community Design Commission:** The application was discussed at the [May 10, 2021](#)<sup>3</sup> meeting. The Community Design Commission recommended approval of the project with the following conditions:

- Enhancing the buffer adjacent to the future affordable housing site to the west
- Limiting the commercial re-zoning boundary to the foot print of the buildings and not

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<sup>1</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829640&GUID=93AE8C74-5F9A-41F0-8659-B154294899E3&Options=&Search=>

<sup>2</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=829638&GUID=B8C2F033-661C-43AE-87A3-05E65B29385B&Options=&Search=>

<sup>3</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=860475&GUID=71350B0E-7669-4F96-BCE0-17470B6A1833&Options=&Search=>

the entire site.

## **PROJECT OVERVIEW**

The application proposes applying the Office/Institutional-2-Conditional Zoning District (OI-2-CZD) to the site to accommodate the self-storage facility, conditioned, and Community Commercial-Conditional Zoning District (CC-CZD) for the recreation facility. The site proposal includes a 1½ story building, approximately 28,500 square feet, which will house the amusements and public spaces for the Putt Putt Fun Center. The area will also include outdoor facilities including a mini golf facility and a go-kart track. The self-storage facility is proposed as a three-story building of approximately 84,000 square feet. More details about the proposed development can be found in the applicant's narrative and statement of justification in the Application Materials.

Information about the site and proposed zoning districts can be found below, as well as a list of proposed Modifications to Regulations, other important considerations that staff has identified, and an analysis of the project's consistency with the Comprehensive Plan and relevant Findings of Fact.

## **SITE CONTEXT**

Staff has identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Zoning Atlas Amendment:

- The site consists of a 21.3-acre forested site.
- The site is located at the end of Chapel Point Road, a local street maintained by the Town of Chapel Hill.
- The site is located north of the future Bus Rapid Transit (BRT) terminus adjoining the Town's park/ride lot.
- Carraway Village is to the south and is zoned Mixed Use-Office/Institutional-1 (MU-OI-1).
- The site is triangular-shaped bisected with a stream running southeast to northwest and the associated Resource Conservation District (RCD).

## **PROPOSED ZONING**

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal in conjunction with the rezoning, and which allows site-specific standards to be formulated and applied as conditions through a legislative process. The Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards in order to address impacts reasonably expected to be generated by development. Conditions can also address conformance of the development with town regulations and adopted plans. A -CZ suffix would be added to the zoning district designation to incorporate the approved conditions. The applicant proposes to zone 15.1 acres as Community Commercial-Conditional Zoning District (CC-CZD) and 4.2 acres as Office/Institutional-2-Conditional Zoning District (OI-2-CZD).

The intent of the Community Commercial (CC) zoning district is to provide for the development of high-intensity commercial and service centers that serve community-wide or regional commercial and service needs. The intent of the Office/Institutional-2 (OI-2) zoning district is to provide for medium-intensity office and institutional development.

The applicant has proposed modifications to permitted uses and dimensional standards for the proposed zoning districts, among other requested modifications, as summarized in the Modifications to Regulations section below.

## **PROPOSED MODIFICATIONS TO REGULATIONS**

- 1) Section 5.6.6 Schedule of Required Buffers:** The applicant is requesting proposed modifications to perimeter buffer standards to reduce the southern perimeter buffer width by ten (10) feet due to the adjoining development providing a buffer.

*Staff Comment:* Section 5.6.5 of the Land Use Management Ordinance allows that where a buffer meeting the requirements of the Ordinance is provided on an adjacent zoning lot, the screening and/or land within that buffer may be counted as contributing to the total buffer required between the adjacent land uses.

- 2) Section 3.6.3-2 Permitted Uses within Resource Conservation District:** The Ordinance specifies that storm drainage facilities and stormwater mitigation facilities are allowed uses in the streamside, managed use, and upland Resource Conservation District zones. The applicant is proposing to place the storm mitigation pond in the managed use and upland Resource Conservation District (RCD) zones.

*Staff Comment:* In both zones, the land disturbance will be below the 20 percent standard. No impervious surface is proposed for the RCD as part of this project.

- 3) Section 3.8.2(I) Maximum Floor Area Ratio:** The maximum floor area ratio for the Office/Institutional-2 zoning district is 0.264. The applicant is requesting an increase to this ratio to 0.73. The existing floor area ratio would allow a 31,677-square-foot building, and the applicant is proposing an 84,000-square-foot building.

*Staff Comment:* The applicant states that the area proposed to be zoned Office/Institutional-2 is limited to a specific area of the site with the remaining portion of the site to be used for outdoor recreation activities. This will ensure that the self-storage facility use does not extend beyond the portion of the site that is well screened from public rights-of-ways.

- 4) Section 5.9 Parking and Loading:** The applicant is requesting a reduction of large loading spaces for the self-storage facility.





*Staff Comment:* The applicant states that one of the largest self-storage operators on the East coast is involved in the project and, based on their business model, does not need loading spaces 55 feet long. The project proposes two loading spaces that are 30 feet long instead of three loading spaces that are 55 feet long.

**Council Findings and Public Purpose:** The Council has the ability to modify the regulations according to Section 4.4.5 of the Land Use Management Ordinance. Staff believes that the Council could modify the regulations if it 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.

## CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)<sup>4</sup>, the standards of the [Land Use Management Ordinance](#)<sup>5</sup>, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)<sup>6</sup> and believes the Putt Putt Fun Center, 2200 Eubanks Road (115/135 Chapel Point Road) complies with several themes of the 2020 Comprehensive Plan:

**Comprehensive Plan Themes:** The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012 and the applicant has indicated the themes this project is meeting:

<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 type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

- Unique and Inclusive Recreation Facility (*Create A Place for Everyone.1*)
- Entertainment Facilities generally not offered in Chapel Hill (*Support Community Prosperity and Engagement.1*)
- Sidewalk access, transit access (*Facilitate Getting Around.1,.2*)
- Entertainment use for surrounding developments (*Develop Good Places, New Spaces.6,.8*)
- Natural area preservation and high quality Stormwater control measures (*Nurture Our Community.2,.3*)

**Land Use Plan:** The Future Land Use Map adopted in December 2020 identifies this area as a multi-family development with shops and offices near the Bus Rapid Transit (BRT) within the Central West Focus Area.

## FINDINGS OF FACT

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance (as stated in Section 4.4) shall not be amended except:

- A. To correct a manifest error in the chapter; or
- B. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- C. To achieve the purposes of the Comprehensive Plan.

Staff provides below an evaluation of this application based on the three findings. Further information may be presented for the Council's consideration as part of the public hearing process. All information submitted at the public hearing will be included in the record of the hearing.

<sup>4</sup> <http://www.townofchapelhill.org/home/showdocument?id=15001>

<sup>5</sup> [https://www.municode.com/library/#!/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALAUSMA](https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA)

<sup>6</sup> <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

**1) Finding #1:** The proposed zoning amendment is necessary to correct a manifest error.

*Arguments in Support:* To date, no arguments in support have been submitted or identified by staff.

*Arguments in Opposition:* To date, no arguments in opposition have been submitted or identified by staff.

*Staff Response:* We believe, based on the information entered into the record to date, that there is no manifest error in the Town's Zoning Atlas Amendment related to the project site.

**2) Finding #2:** The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

*Arguments in Support:* Staff notes that recent development surrounding the site, including Carraway Village and the Millhouse Enterprise Zone, represents changing conditions in the area.

*Arguments in Opposition:* To date, no arguments in opposition have been submitted or identified by staff.

*Staff Response:* We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is necessary because of changing conditions in the North MLK Jr Blvd Focus Area.

**3) Finding #3:** The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.

*Arguments in Support:* The applicant's Statement of Consistency states that the application would contribute to the following elements of the Comprehensive Plan:

- Unique and Inclusive Recreation Facility (*Create A Place for Everyone.1*)
- Entertainment Facilities generally not offered in Chapel Hill (*Support Community Prosperity and Engagement.1*)
- Sidewalk access, transit access (*Facilitate Getting Around.1,.2*)
- Entertainment use for surrounding developments (*Develop Good Places, New Spaces.6,.8*)
- Natural area preservation and high quality Stormwater control measures (*Nurture Our Community.2,.3*)

*Arguments in Opposition:* Members of the public have identified concerns related to traffic and stormwater impacts.

*Staff Response:* We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.



## PROJECT DETAILS




### Overview

Site Description	
<b>Project Name</b>	Putt Putt Fun Center
<b>Address</b>	2200 Eubanks Road (115/135 Chapel Point Road)
<b>Property Description</b>	Approximately 21.3 acres located north of Carraway Village and south of Interstate 40
<b>Existing</b>	Vacant/Wooded
<b>Orange County Parcel Identifier Numbers</b>	9870997083
<b>Zoning</b>	Mixed Use – Residential – 1 (MU-R-1)
<b>Proposed Zoning</b>	Office/Institutional-2-Conditional Zoning District (OI-2-CZD); Community Commercial-Conditional Zoning District (CC-CZD)


Topic	Comment			Status	
<b>Use/Density</b> ( <a href="#">Sec 3.7</a> )	Applicant is proposing 112,500 sq ft of conditioned self-storage space and an indoor and outdoor commercial recreation facility with mini-golf and electric go-karts.				
<b>Dimensional Standards</b> ( <a href="#">Sec. 3.8</a> )		<i>Required (CC-CZD)</i>	<i>Required (OI-2-CZD)</i>	<i>Proposed (OI-2-CZD)</i>	
	Frontage	40 ft	40 ft	174 ft	
	Lot Width	50 ft	40 ft	28 ft	
	Building Height, Setback	34 ft	34 ft	>800 ft	
	Building Height, Core	60 ft	60 ft	>60 ft	
	Street Setback (min. ft.)	22 ft	22 ft	>22 ft	
	Interior Setback (min. ft.)	8 ft	8 ft	58 ft	
Solar Setback (min. ft.)	9 ft	9 ft	614 ft		
<b>Floor area</b> ( <a href="#">Sec. 3.8</a> )	<i>Allowed:</i> OI-2-CZD: 31,677 sf CC-CZD: 211,641 sf Total: 243,318 sf		<i>Proposed:</i> OI-2-CZD: 84,000 sf CC-CZD: 28,500 sf Total: 112,500 sf		<b>M</b>
<b>Modifications to Regulation</b>	Modifications: <ul style="list-style-type: none"> <li>• RCD encroachment for stormwater pond</li> <li>• Reduced landscape buffer</li> <li>• Modified minimum loading spaces</li> <li>• Increased floor area ratio for OI-2-CZD</li> </ul>			<b>M</b>	
<b>Inclusionary Zoning</b> ( <a href="#">Sec. 3.10</a> )	None			<b>NA</b>	
<b>Landscape</b>					
<b>Buffer – North</b> ( <a href="#">Sec. 5.6.2</a> )	Required: 20' Type C Buffer Proposed: 20' Type C Buffer				
<b>Buffer – East</b> ( <a href="#">Sec. 5.6.2</a> )	Required: 100' Type E Buffer Proposed: >100' Type E Buffer (undisturbed forest to remain)				
<b>Buffer – South</b> ( <a href="#">Sec. 5.6.2</a> )	Required: 20' Type C and 30' Type D Buffers Proposed: 10' Type C Modified and 20' Type D Modified Buffers			<b>M</b>	



<b>Buffer - West</b> ( <a href="#">Sec. 5.6.2</a> )	Required: 20' Type C Buffer Proposed: 20' Type C Buffer														
<b>Tree Canopy</b> ( <a href="#">Sec. 5.7</a> )	Required:	Proposed:													
	40%	40%													
<b>Landscape Standards</b> ( <a href="#">Sec. 5.9.6</a> )	Landscape elements to meet LUMO Standards		<b>FP</b>												
<b>Environment</b>															
<b>Resource Conservation District</b> ( <a href="#">Sec. 3.6</a> )	<table border="1"> <thead> <tr> <th>RCD Zone</th> <th>Land Disturbance</th> <th>Impervious Surface</th> </tr> </thead> <tbody> <tr> <td>Streamside</td> <td>0</td> <td>0</td> </tr> <tr> <td>Managed</td> <td>15,255 sf 12.4%</td> <td>0</td> </tr> <tr> <td>Upland</td> <td>19,500 sf 19.5%</td> <td>0</td> </tr> </tbody> </table>		RCD Zone	Land Disturbance	Impervious Surface	Streamside	0	0	Managed	15,255 sf 12.4%	0	Upland	19,500 sf 19.5%	0	<b>M</b>
	RCD Zone	Land Disturbance	Impervious Surface												
	Streamside	0	0												
	Managed	15,255 sf 12.4%	0												
Upland	19,500 sf 19.5%	0													
Modification requested for stormwater pond to be allowed in the managed and upland zones of the RCD															
<b>Erosion Control</b> ( <a href="#">Sec. 5.3.1</a> )															
<b>Steep Slopes</b> ( <a href="#">Sec. 5.3.2</a> )															
<b>Stormwater Management</b> ( <a href="#">Sec. 5.4</a> )	Stormwater control measures proposed, and will be and designed to meet or exceed LUMO 5.4 standards.		<b>FP</b>												
<b>Land Disturbance</b>	335,500 sq ft disturbed (7.7 acres)														
<b>Impervious Surface</b> ( <a href="#">Sec. 3.8</a> )	180,911 sq ft (19.52% of gross land area)														
<b>Solid Waste &amp; Recycling</b>	Town services requested. Current proposal compliant with Orange County Solid Waste														
<b>Jordan Riparian Buffer</b> ( <a href="#">Sec. 5.18</a> )	No Jordan Buffer on-site														
<b>Access and Circulation</b>															
<b>Road Improvements</b> ( <a href="#">Sec. 5.8</a> )	None Required														
<b>Vehicular Access</b> ( <a href="#">Sec. 5.8</a> )	Single full-access driveway proposed														
<b>Bicycle Improvements</b> ( <a href="#">Sec. 5.8</a> )	NA														
<b>Pedestrian Improvements</b> ( <a href="#">Sec. 5.8</a> )	Sidewalk connection to Carraway Village to be extended and connected to greenway trail easement														
<b>Traffic Impact Analysis</b> ( <a href="#">Sec. 5.9</a> )	TIA completed														

<b>Parking (Sec. 5.9)</b>	<i>Minimum:</i> 34 spaces <i>Maximum:</i> No maximum <i>Proposed:</i> 170 spaces	
<b>Transit (Sec. 5.8)</b>	Project location will be within close sidewalk access to bus transit locations	
<b>Bicycle Parking (Sec. 5.9)</b>	<i>Required:</i> 11 spaces <i>Proposed:</i> 18 spaces	
<b>Parking Lot Standards (Sec. 5.9)</b>	To be constructed to Town Standards	<b>FP</b>
<b>Technical</b>		
<b>Fire</b>	Meets Town Standards	<b>FP</b>
<b>Recreation Area (Sec. 5.5)</b>	Not required	<b>NA</b>
<b>Lighting Plan (Sec. 5.11)</b>	Maximum of 0.3 foot-candles at property line	<b>FP</b>
<b>Homeowners Association (Sec. 4.6)</b>	Not required	<b>NA</b>
<b>Schools Adequate Public Facility (Sec. 5.16)</b>	Not required	<b>NA</b>

### Project Summary Legend

Symbol	Meaning
	Meets Requirements
<b>M</b>	Seeking Modification
<b>C</b>	Requires Council Endorsement
<b>FP</b>	Required at Final Plan;
<b>NA</b>	Not Applicable