



CONSIDER AN APPLICATION FOR CONDITIONAL ZONING APPLICATION FOR ROSEMARY-COLUMBIA STREET HOTEL PROPERTY ASSEMBLAGE LOCATED AT 108, 110, AND 114 W. ROSEMARY STREET, 205 AND 207 N. COLUMBIA STREET, AND 208 PRITCHARD AVENUE (PROJECT #20-076)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
 Colleen Willger, Director
 Judy Johnson, Assistant Director
 Anya Grahn, Principal Planner

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| PROPERTY ADDRESS 108 W. Rosemary Street | MEETING DATE November 17, 2021 | APPLICANT Wendi Ramsden, Coulter Jewell Thames PA, on behalf of Chapel Hill Ventures, LLC, KW RC Properties LLC, and Town of Chapel Hill |
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TOWN MANAGER RECOMMENDATION

That the Council close the legislative hearing, consider adopting the Resolution of Consistency, and enacting Revised Ordinance A, approving the Conditional Zoning application. Please see the attached revisions and technical report describing updates from the applicant.

UPDATES SINCE JUNE 23, 2021 AND NOVEMBER 10, 2021 LEGISLATIVE HEARINGS

The applicant has been working with the Town’s Urban Designer to modify the building and site design and has provided a new set of plans for Council review. Changes to the plans include relocating the building further east, wrapping the fire lane along the west and north sides of the building, removing the left-turn exits on to North Columbia Street, reducing the number of on-site parking spaces, and modifying the building design.

The Council reviewed the revised plans during the November 10, 2021 legislative hearing and provided additional feedback. There was interest in further narrowing the driveways, incorporating raised crosswalks across driveways, and providing accessible parking for the Historic Town Hall. The Council also requested the applicant to consider incorporating a bikeshare and waterline to maintain vegetation at the new park. The applicant is investigating the feasibility of these improvements.

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.

DECISION POINTS

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

- Landscape buffers
- Landscaping strips along entrance drives
- Building height

PROJECT OVERVIEW

The applicant proposes redeveloping lots surrounding the Historic Town Hall building on the northwest corner of N. Columbia Street and W. Rosemary Street. The applicant is working with the Town Council on a land swap in which the Town will transfer the lot at

ZONING

Existing: Residential-3 (R-3), Office/Institutional-1 (OI-1), Town Center-2 (TC-2) with Northside Neighborhood Conservation District (NCD) overlay
Proposed: Town Center-2-Conditional Zoning District (TC-2-CZD) with Northside NCD overlay

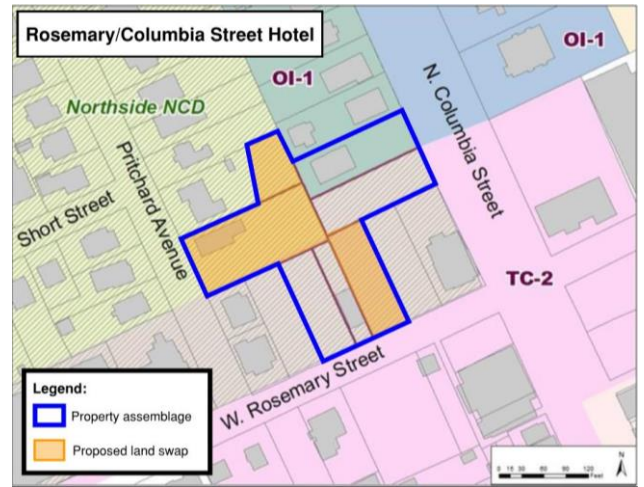
110 W. Rosemary Street to the developer in exchange for a portion of the lot at 208 Pritchard Avenue.

The site currently includes four surface parking lots, a small brick building, and a two-story wood structure to be removed as part of the site development. The existing property at 208 Pritchard Avenue will be deeded to the Town as part of a proposed future land swap. The application does not propose to modify the house on this lot, which the Town is considering for affordable housing.

Following the land swap, the applicant proposes to redevelop the site to construct a 130-135 room hotel with attached parking deck with access to N. Columbia Street occurring on the Town-owned property and adjacent to the Historic Town Hall building. The 8,180 sq. ft. lot adjacent to the Historic Town Hall will also be developed to create a future Town-owned park. The lot containing the future park is currently owned by the Town.

- Lot size: 56,997.96 sq. ft. (1.31 acres)
- Project area: 74,134 SF (1.70 acres), including town-owned land to be developed into park space

PROJECT LOCATION



ATTACHMENTS

1. Technical Report and Project Details
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. Town's Urban Designer Comments – September 9, 2021
8. Application Materials October 28, 2021 and November 11, 2021



TECHNICAL REPORT

PROJECT OVERVIEW

| | |
|--------------------|---|
| November 13, 2019 | Town Council reviewed a concept plan for a 95,000 square foot, 140-room hotel. |
| September 28, 2020 | Applicant submitted a Conditional Zoning District permit application for 125-140 room hotel with approximately 70 parking spaces. |
| June 23, 2021 | Town Council reviewed a Conditional Zoning District permit application for an 88,000 square foot, 125-140 room hotel. |
| October 28, 2021 | Applicant submitted updated plans for an approximately 92,500 square foot, 130-135 room hotel with approximately 40 parking spaces. |

The application proposes a Town Center-2-Conditional Zoning District (TC-2-CZD) for the site to accommodate a 130-135 room hotel. The project seeks to redevelop seven (7) contiguous parcels on the northwest corner of N. Columbia Street and W. Rosemary Street to construct a hotel and parking deck on the proposed lot. As part of the project, the applicant will also be developing a park adjacent to the Historic Town Hall building. More details about the proposed development can be found in the applicant's narrative and statement of justification.

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

- The site is adjacent to the following uses and zoning districts
 - The Office/Institutional-1 (OI-1) zoning district to the north contains offices and businesses located within converted homes.
 - The Town Center-2 (TC-2) zoning district to the east, south, and west, including across N. Columbia St and E. and W. Rosemary St., contains a bank, surface parking lots, and small office/commercial buildings
 - The Residential-3 (R-3) zoning district to the northwest contains single-family and two-family residential uses.

- Portions of the site are already zoned Town Center-2 (TC-2). If portions of the site currently zoned Office/Institutional-1 (OI-1) and Residential-3 (R-3) are rezoned to Town Center-2 (TC-2) as proposed, then the same adjacency of zoning districts would still exist – a larger Town Center-2 (TC-2) area abutting Office/Institutional-1 (OI-1) and Residential-3 (R-3).
- Areas of manmade steep slopes have been identified along some of the parcel boundaries. The applicant describes the site as “fairly flat on the south half but slopes down approximately 10 feet along the parcel spur toward N Columbia.”
- The site does not appear to have any hydrological features.
- There is extensive impervious surface already on the site, meaning the proposed development is likely to have minimal impact on total built-upon area and there would be minimal loss of tree canopy.
- The site fronts on N. Columbia Street, an arterial corridor in Chapel Hill with high amounts of existing vehicular traffic. N. Columbia Street has a high amount of existing bus service and serves as part of the corridor for the future North-South Bus Rapid Transit (BRT) project. A proposed BRT station is located just south of the site.
- The site also fronts on W. Rosemary Street, a significant business corridor for Downtown Chapel Hill where there has been recent investment in sidewalks and streetscape improvements.

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 –CZD suffix would be added to the zoning district designation to incorporate the approved conditions. The applicant has proposed a Conditional Zoning district for the site, as shown on the site plan: Town Center-2 (TC-CZD).

The intent of the Town Center-2 (TC-2) zoning district is “to provide for the development of the commercial, service, and social center of Chapel Hill while maintaining its character, its pedestrian-oriented scale, and its nature as a concentration of business, administrative, financial, governmental, and support functions serving the community.”¹

PROPOSED MODIFICATIONS TO REGULATIONS

- 1) Section 5.3.2 Steep Slopes:** The applicant is proposing to exceed 25 percent of the area containing 25percent or greater slopes. These slopes are manmade slopes surrounding the existing parking lot areas.

Staff Comment: Staff believes the Council could find a public purpose for exceeding the steep slopes, as these are manmade, not natural, slopes and LUMO 5.3.2(c)(3) states that LUMO 5.3.2 does not apply to existing cut and fill slopes associated with roads, parking lots, or driveways.

¹ Land Use Management Ordinance (LUMO) 3.3.1

2) Section 5.6.6 Schedule of Required Buffers: The applicant is proposing to reduce the required landscape buffer as follows:

| Buffer | Required | Proposed |
|---|------------------------|--|
| Northern Buffer | 10 ft. "B" type buffer | 6-foot Modified Buffer, 60% of required plant mix, and Alternate Buffer with fence |
| Western Buffer (adjacent to 208 and 210 Pritchard Ave.) | 20 ft. "C" type buffer | 5-foot to 7-foot Modified Buffer and Alternate Buffer with fence |

Staff Comment: The planting of buffers is used for multiple reasons both jurisdictional and environmental. Jurisdictional factors include minimizing potential nuisances, reduce the visual impact of unsightly aspects of adjacent development and provide separation of spaces. Environmentally, buffers are important to the establishment and enhancement of new and existing microclimates and ecosystems, they can provide housing for wildlife, soil stabilization and they establish a sense of privacy.

Landscape buffers are not required for properties where both the proposed development site and the adjacent land are located within the Town Center Districts. Landscape buffers are intended to separate proposed development from different adjacent land uses or zoning designations.

No buffer is provided along the shared property line with 114 W. Rosemary St., which is also zoned Town Center-2 (TC-2). The applicant believes that the parking lot may be redeveloped in the future. In the meantime, they assert that there is no need to screen a driveway or parking lot from the other use.

The applicant proposes an 7-foot modified landscape buffer adjacent to the residentially zoned properties at 208 and 210 Pritchard Avenue that would incorporate evergreen shrubs and an opaque fence. The buffer is reduced to approximately 5 feet as the driveway curves around the northwest corner of the building.

Council could find a public purpose for reducing the buffers as the proposed buffers meet the intent of reducing the visual impact of unsightly aspects of adjacent development, providing separation of spaces, and establishing a sense of privacy.

3) Section 5.9.6(c) – Parking Landscaping Standards – Design Standards: A five-foot-wide (5') foundation buffer strip is required between the structure and any parking facilities. Entrance drives into parking facilities are required to be bordered by a minimum eight-foot-wide (8') landscaped buffer strip.

The applicant has modified the site plan since the June meeting, and revision has changed areas requiring a modification to regulations for the landscape foundation buffer strip. These areas differ from the areas presented previously.

On the west side of the hotel building, the applicant has incorporated five (5) short-term guest loading parking spaces adjacent to a sidewalk directly bordering the building. No buffer strip is proposed along the approximately 110 linear feet of sidewalk directly abutting the building between landscape beds on the north and south ends of the parking area.

The south elevation of the parking deck is approximately two feet (2') from the proposed property line with the town-owned property containing the park. The applicant proposes incorporating landscape plantings between the parking garage and sidewalk, and the landscape bed will encroach approximately four (4) feet into the Town-owned property.

The LUMO requires that entrance drives be bordered by a minimum eight-foot-wide (8') landscape buffer strip. Along the N. Columbia Street entrance, the applicant proposes a reduced six-foot wide (6') landscaped buffer along the north property line. Along the south side of this driveway, the LUMO requires both an eight-foot-wide (8') landscaped entrance buffer as well as a five-foot-wide (5') foundation planting strip. The applicant proposes a twelve-foot-wide (12') landscaped buffer between the north wall of the parking garage and the south side of the N. Columbia St. driveway.

Staff Comment: Council could find a public purpose for reducing the planting strips as the intent of the requirements is to reduce radiant heat from structures, reduce noise, ameliorate stormwater drainage problems, and protect and preserve the appearance, character, and value of adjacent properties. The applicant has proposed planting strips that, while reduced in width, will provide trees, shrubs, and other vegetation that Council could find meets the intent of the ordinance.

4) Appendix B, Northside Neighborhood Conservation District Plan, Section 1.4

Building Height: In the Town Center-2 (TC-2) zoning district of the Northside Conservation District (NCD), the maximum primary building height is 40 feet, and 30 feet if it is adjacent to residential zones. The secondary building height is 50 feet. All measurements are taken from mean finish grade.

The [West Rosemary Street Development Guide](#)² calls for a maximum building height of 44 feet (approximately four stories) at the street level and a maximum core height of 90 feet (approximately 9 stories) with a 1:1 transitional height plane from the street and interior and a 1:1.17 from the solar setback.

At the W. Rosemary St. wing of the hotel, the applicant proposes a four-story building at the street (approximately 53 feet above mean finish grade). At the N. Columbia St. hotel wing, the applicant proposes a three-story building at the street (approximately 42 feet above mean finish grade). The total roof height is 65 feet above mean finished grade. The increased height will be along portions of the W. Rosemary St. and N. Columbia St. wings, meeting at the northwest corner of the building, adjacent to the Residential-3 (R-3) zoning districts.

The west and northwest elevations of the hotel are adjacent to the Residential-3 (R-3) zoning districts. The applicant argues that the Town Center zoning on adjacent blocks, outside of the Northside NCD, allows for heights up to 90 feet. The hotel is 65 feet at the street and steps down on the north and north-west corners of the building to create a transition zone between this commercial use and the adjacent residential uses of the Northside neighborhood. The applicant has also pushed the building east to allow for the fire lane along the west side of the property, providing greater physical separation between the building and the Northside neighborhood.

² http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=3137&meta_id=164400

Staff Comment: Council could find a public purpose for allowing increased height as the proposal would generate increased economic development and expand the non-residential tax base.

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. 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.

For additional information on the proposed modifications and other considerations on timing and flexibility, please refer to the applicant's attached materials.

KEY CONSIDERATIONS

1. Environmental Stewardship Advisory Board (ESAB): At the May 20, 2021, meeting, ESAB recommended approval with the following modifications to Ordinance A:
 - That the Energy Management Plan meet the requirements of the Town's Climate Action Plan.

Staff Response: The applicant has agreed to continue to coordinate with the Town's Community Resilience Officer to identify items in the Town's Climate Action and Response Plan (CARP) that will improve the site's energy efficiency and sustainability. The applicant is willing to incorporate these items, where feasible. Staff has incorporated the following specific conditions to address ESAB's concerns:

#19. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, an energy management plan shall incorporate a "20 percent more energy efficient" feature relative to the 90.1 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended (NC Energy Conservation Code 2018) and in effect at the time of Conditional Zoning District approval. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the "20 percent more energy efficient" feature into the final plans. The energy management plan will also identify the project's anticipated performance relative to any updated ASHRAE 90.1 standard. An energy model or prescriptive calculation method should be used to demonstrate that the design will meet the aforementioned energy performance target. The energy management plan will also: 1) describe the expected savings (as a percentage) from both building and site related water conservation measures (e.g., WasterSense fixtures and toilets, xeriscaping, cisterns, graywater reuse, constructed wetland, rain garden, soil and moisture irrigation sensors); and 2) describe what commitments have been made to items that are currently under evaluation (e.g., green building standard; NC DEQ NC Green Travel Hotel and Green Key Eco-Rating programs). [Town Policy April 2007]

#20. Climate Action and Response Plan: Consistent with the Town's Climate Action and Response Plan and in connection with stipulation #19 that requires an Energy Management Plan to be approved as part of a Zoning Compliance Permit (ZCP), the applicant will work with the Town's Community Resilience Officer to identify and incorporate, as feasible, ways to reduce the development's energy usage and improve the project's overall sustainability and resiliency.

2. Community Design Commission (CDC): At the May 25, 2021 meeting, CDC recommended approval with the following modifications to Ordinance A:
 - That the CDC review and approve building elevations, including screening of the HVAC and mechanical equipment, site lighting plan, and landscape plan. The review of elevations shall be an iterative process.

Staff Response: LUMO 8.5.5(s) and (t) gives the CDC the authority to review, but not approve, lighting plans, building elevations, and alternative landscape bufferyards. The applicant has committed to working with the Town's Urban Designer to support the Town's design goals and they are amenable to taking the project before the CDC twice for feedback and support; however, the applicant has not consented to the CDC approving the proposed building elevations, screening, lighting plan, and landscaping.
3. Transportation and Connectivity Advisory Board (TCAB): At the May 25, 2021, meeting, TCAB recommended approval with the following modifications to Ordinance A.
 - That the applicant removes the left turn from the full service driveway onto Columbia Street. [There have been concerns about the safety of making a left turn onto Columbia which may require crossing three lanes of traffic.]

Staff Response: The applicant has submitted revised plans showing a right turn only from the N. Columbia St. driveway.
 - That the applicant communicates with the Town on the potential for bikeshare on the site.

Staff Response: The applicant consents to continuing to work with the Town on a potential location for bikeshare on the site. Staff has incorporated the following Specific Stipulation to address the bike share:

#8. Bikeshare. The developer may consider bikeshare for this site. If the developer choses to install a bikeshare, they shall coordinate its location with the Town.
4. Planning Commission: At the June 15, 2021, meeting, the Planning Commission recommended that the applicant consider adding tree canopy and soften the building transition as it abuts the Northside neighborhood. There was also interest for in the Council and Town Manager exploring a community benefit agreement as recommended by the West Rosemary Street Development Guide.

Staff Response: Staff did not include stipulations reflecting the Planning Commission feedback as these were items for the applicant and Town to consider.



OTHER CONSIDERATIONS

Applicant proposes a building height modification that would increase the height allowed under the Northside Neighborhood Conservation District (NCD) Overlay. Height limits are the main impact that the NCD regulations have on nonresidential development. Proposed heights on the northern part of the site, adjoining the Northside Neighborhood, are also inconsistent with the Transitional Area shown on the Future Land Use Map, and with the guidance provided by the West Rosemary Street Development Guide.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)³, the standards of the [Land Use Management Ordinance](#)⁴, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)⁵ and believes the Weaver’s Grove proposal complies with several themes of the 2020 Comprehensive Plan:

Comprehensive Plan Themes: The applicant has indicated that this project meets the following themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

| | | | | | |
|-------------------------------------|---|------------------------------|-------------------------------------|---|----------------------------------|
| <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 |

Future Land Use Map: The Future Land Use Map (FLUM) envisions the Downtown Focus Area as the social and cultural center of Chapel Hill, where infill and redevelopment can encourage sufficient density to absorb growth and limit impacts to other areas of town. The FLUM indicates a range of appropriate Primary and Secondary uses for the Sub-Area where this site is located, and Commercial/Office is one of the appropriate Primary uses. The proposed hotel use falls within this Commercial/Office category, and the proposed rezoning aligns with the character envisioned by the FLUM. The FLUM also calls for:

- **ACTIVATED STREET FRONTAGE.** Activated street frontage is encouraged in order to create vibrancy and ensure pedestrian activity over time. Sub Area E of the FLUM’s Downtown Focus Area calls for active visual engagement between the street and ground floor uses, with an environment between streets and buildings that provides pedestrian connections and excludes off-street parking.
- **TRANSITIONAL AREA.** Along the northern site boundary, the Downtown Focus Area strives for harmonious transitions to adjacent neighborhoods. Transitions can include less-intense uses, reduced height, landscape buffers, and other measures.
- **BUILDING HEIGHT.** The FLUM calls for 4 stories along the streets and within the Transitional Area, stepping up to 6 stories in the core part of the site. (The FLUM suggest a story height of approximately 12 ft.) The Downtown Focus Area recommends that new developments along W. Rosemary St. are in keeping with the spirit of the West Rosemary Development Guide and mitigate building mass by introducing steps backs from the front façade to maintain a human-scale public realm as well as incorporating setbacks that respect the adjacent residential Northside neighborhood.
- **ENVIRONMENTAL.** The Downtown Focus Area also suggest creating urban pocket parks adjacent to the sidewalk zones, specifically in areas prime for public events and festivals.

³ <http://www.townofchapelhill.org/home/showdocument?id=15001>

⁴ https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

⁵ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

Mobility Plan: The Mobility and Connectivity Plan shows bicycle facilities for the site's frontages on both N. Columbia St and W. Rosemary St. There are existing sidewalks on both streets.

West Rosemary Development Guide⁶: The Guide includes the following elements impacting the site:

- Intersection pedestrian improvements at Rosemary/Columbia
- Fewer curb cuts/shared driveways for the site's frontage along W Rosemary St
- Enhanced open space around Historic Town Hall
- Appropriate transitions to adjacent residential areas, with stepping down of height and landscape buffers
- Sustainability elements going beyond LUMO requirements, such as green roofs, underground cisterns, and rain gardens integrated into streetscapes and open space
- An approximate 20-foot wide public realm zone along W Rosemary St, with a 10-foot wide sidewalk and streetscape improvements such as street trees, welcoming lighting, wayfinding, and other pedestrian amenities
- Screen/minimize unsightly features such as trash collection, loading areas, parking, rooftop equipment, and power lines.
- Building design that emphasizes the ground floor, activates the pedestrian realm, and creates visual interest

Staff Evaluation: North Carolina General Statute Section 160D-605(a) requires the Council to approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other applicable officially adopted plan when adopting or rejecting any zoning amendment.

Staff provides the following evaluation of this application's consistency with the 2020 Comprehensive Plan and other adopted plans:

- The proposed rezoning aligns with the character envisioned by the FLUM. The TC-2 district would allow all of the uses that the FLUM indicates are appropriate. The Conditional Zoning application proposes hotel that would fall within the 'Commercial/Office' category.
- The presence of Activated Street Frontages suggests urban design that is compatible with more intense, pedestrian-oriented development. Zoning conditions would be useful to ensure that street activation is achieved.
- Zoning conditions would be useful to ensure that Building Height follows FLUM guidance. Current proposal indicates a 5-story building in the Transitional Area, exceeding the height limit.
- The current proposal is not consistent with the 'transitional height planes' abutting residential areas as envisioned by the Development Guide. Building heights are meant to "step down towards the neighborhood to reflect the smaller scale of the Northside Neighborhood."

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:

- 1)** To correct a manifest error in the chapter; or

⁶ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=3137&meta_id=164400

- 2) Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- 3) To achieve the purposes of the Comprehensive Plan.

All information submitted at the legislative hearing will be included in the record of the hearing.

- 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: The applicant states that "the small commercial buildings and surface gravel parking lots are a remnant of decades past where the majority of downtown development happened on Franklin Street. But the development in the past decade of multi-use projects, and the influx of residential uses in the downtown have created an environment where Rosemary Street is an extension of the Franklin Street corridor."

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 Downtown Future 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 is in accordance with the following elements of the 2020 Comprehensive Plan:

- A community of high civic engagement and participation (A Place for Everyone.5)
- Balance and sustain finances by increasing revenues and decreasing expenses (Community Prosperity and Engagement.1)
- Foster success of local businesses (Community Prosperity and Engagement.2)
- A well-conceived and planned, carefully thought out, integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and public transportation options (Getting Around.1)
- 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)

- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential, and cultural development and activity (Good Places New Spaces.2)
- Open and accessible common spaces for community gathering, cultural uses, and community development (Good Places New Spaces.7)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Good Places New Spaces.8)
- Become a model for North Carolina and beyond in wisely and justly reducing waste in a way that minimizes local environmental impact without imposing upon the environmental and social rights of others (Nurturing Our Community.1)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Nurturing Our Community.2)
- Promote access for all residents to health-care centers, public services, and active lifestyle opportunities (Town and Gown Collaboration.6)

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 to achieve the purposes of the Comprehensive Plan.



PROJECT FACT SHEET


Overview

| Site Description | |
|--|--|
| Project Name | Rosemary/Columbia Hotel |
| Address | 108, 110, 114 W. Rosemary Street; 205 and 207 N. Columbia St., and 208 Pritchard Avenue |
| Property Size (GLA) | 56,998 sq. ft. (1.3 acres) |
| Project Area | 56,998 sq. ft. (1.3 acres) |
| Existing | Existing one-story brick building along W. Rosemary Street and a two-story wood frame house accessible from N. Columbia Street |
| Orange County Parcel Identifier Numbers | 9788-37-0680, 9788-37-0549, 9788-27-9667, 9788-27-9700, 9788-37-0721, 9788-37-0647, 9788-37-0535 |
| Existing Zoning | Town Center-2 (TC-2), Office/Institutional-1 (OI-1), Residential-3 (R-3) |
| Proposed Zoning | Town Center-2-Conditional Zoning District (TC-2-CZD) |






Site Design⁷

| Topic | Comment | Status |
|--|--|-----------|
| Use/Density (Sec. 3.7) | 5-story plus lower level and 130-135 hotel rooms and parking garage | |
| Dimensional Standards (Sec. 3.8) | Comply with LUMO Section 3.8; Dimensional standards (setbacks) only apply to exterior property lines | |
| Floor area (Sec. 3.8) | Maximum: 104,256 sq. ft. Revised Proposed: 92,500 sq. ft. | |
| Inclusionary Zoning (Sec. 3.10) | NA | NA |
| <u>Landscape</u> | | |
| Buffer – North (Sec. 5.6.2) | <i>Required:</i> 10' Type "B" <i>Proposed:</i> Modified 6' Type "B" | M |
| Buffer – East (Sec. 5.6.2) | <i>Required:</i> NA (not applicable in TC zoning) <i>Proposed:</i> NA | |
| Buffer – South (Sec. 5.6.2) | <i>Required:</i> NA (not applicable in TC zoning) <i>Proposed:</i> NA | |
| Buffer - West (Sec. 5.6.2) | <i>Required:</i> NA (not applicable in TC zoning); 20' Type "C" along residential <i>Proposed:</i> Modified and Alternate 5' Type "C" | M |
| Tree Canopy (Sec. 5.7) | NA (not applicable in TC zoning) | NA |






⁷ Staff has called out revised proposals in **bold**





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| Landscape Standards (Sec. 5.9.6) | Application must comply |  |
|---|-------------------------|---|

| <u>Environment</u> | | |
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|--|--|---|
| Resource Conservation District (Sec. 3.6) | NA | NA |
| Erosion Control (Sec. 5.3.1) | Orange County Erosion Control permit required |  |
| Steep Slopes (Sec. 5.3.2) | <i>Required:</i> Disturb < 25% of slopes greater than 25% slope <i>Proposed:</i> 100% (2,173 sq. ft. total) | M |
| Stormwater Management (Sec. 5.4) | NA I | NA |
| Land Disturbance | Revised: 63,200 sq. ft. (1.46 acres) |  |
| Impervious Surface (Sec. 3.8) | 53,727 sq. ft. (72% of gross land area – Impervious surface limits do not apply to Town Center zoning districts) |  |
| Solid Waste & Recycling | Individual public refuse pickup |  |
| Jordan Riparian Buffer (Sec. 5.18) | No disturbance proposed |  |

| <u>Access and Circulation</u> | | |
|-------------------------------|--|--|
|-------------------------------|--|--|

| | | |
|---|--|---|
| Road Improvements (Sec. 5.8) | No road improvements proposed. | NA |
| Vehicular Access (Sec. 5.8) | Primary access will be from W. Rosemary Street and N. Columbia Street. |  |
| Bicycle Improvements (Sec. 5.8) | No bicycle improvements proposed. | NA |
| Pedestrian Improvements (Sec. 5.8) | Sidewalk connections exist along W. Rosemary Street and N. Columbia Street. Pedestrian links throughout the site to connect site with W. Rosemary Street and N. Columbia Street. |  |
| Traffic Impact Analysis (Sec. 5.9) | TIA Executive Summary attached Updated TIA attached |  |
| Transit (Sec. 5.8) | Not proposed at this time; site is accessed by routes. | NA |
| Bicycle Parking (Sec. 5.9) | <i>Required:</i> 9.3 spaces <i>Proposed:</i> 10 spaces |  |
| Parking Lot Standards (Sec. 5.9) | Application must comply |  |

| | | |
|---|--|--|
| Vehicular Parking (Sec. 5.9) | <i>Maximum Allowed:</i> 126 max. (no minimum in TC zoning) <i>Proposed:</i> 40 spaces |  |
| Parking & Loading (Sec. 5.9) | <i>Required:</i> A 5 ft. wide foundation buffer strip; 8 ft. landscaped buffer strip along entrance drive <i>Proposed:</i> No landscaped buffer strip along west elevation of hotel and south elevation of parking garage | M |
| Building Height | | |
| Building Height (Appendix B, Section 1.4) | <i>Required:</i> Primary Building Height: 40 ft. (30 ft. adjacent to residential zones); Secondary Building Height: 50 ft. <i>Proposed:</i> Primary Building Height: 42 ft. (along N. Columbia St.) and 53 ft. (along W. Rosemary St.); Secondary Building Height: 65 ft. | M |
| Technical | | |
| Fire | Meet Town Standards |  |
| Site Improvements | 130-135 room hotel and parking garage |  |
| Recreation Area (Sec. 5.5) | <i>Not required for commercial uses</i> | NA |
| Lighting Plan (Sec. 5.11) | Maximum of 0.3 foot-candles at property line |  |
| Homeowners Association (Sec. 4.6) | NA | NA |
| Adequate Public Schools (Sec. 5.16) | NA | NA |

Project Summary Legend

| Symbol | Meaning |
|---|------------------------------|
|  | Meets Requirements |
| M | Seeking Modification |
| C | Requires Council Endorsement |
| FP | Required at Final Plan; |
| NA | NA |