



CONSIDER AN APPLICATION FOR SPECIAL USE PERMIT MODIFICATION FOR DUNKIN' RESTAURANT AT 1509 E. FRANKLIN STREET (PROJECT 18-104)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
 Mary Jane Nirdlinger, Interim Director
 Judy Johnson, Assistant Director
 Tas Lagoo, Senior Planner

<p>PROPERTY ADDRESS 1509 E. Franklin Street</p>	<p>MEETING DATES January 23, 2023 – ESAB January 24, 2023 – TCAB January 24, 2023 – CDC February 7, 2023 – Planning Commission</p>	<p>APPLICANT Peter Turner</p>
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STAFF RECOMMENDATION

Staff recommends that the Environmental Stewardship Advisory Board, Community Design Commission, Transportation and Connectivity Advisory Board, and Planning Commission hold preliminary forums to discuss the application and provide comments to the applicant.

PROCESS

A Special Use Permit (SUP) is a quasi-judicial development decision. It requires an evidentiary hearing during which Council gathers evidence and establishes facts of the project.

Council must make **four findings** to approve a SUP, 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. complies 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.

Prior to Council review of an SUP application, advisory boards may hold informal **preliminary forums** to review and discuss the project with the applicant. No comments or recommendations from advisory boards may be made part of the evidentiary record in accordance with state law governing quasi-judicial proceedings (see North Carolina General Statutes § 160D-301(b), § 160D-406).

- ATTACHMENTS**
1. Technical Report
 2. Applicant Materials
 3. Submitted Plans

PROJECT OVERVIEW

The applicant proposes to add a drive-through window and associated traffic management features to the existing Dunkin' restaurant on E. Franklin Street. A drive-through window is permitted as a special use in properties zoned Community Commercial (CC) according to [Section 3.7](#) of the Land Use Management Ordinance (LUMO).

The property is subject to a SUP that was originally granted in 1975 and modified by Council action in 1983. A minor modification to the SUP was subsequently approved by staff in 2015. This approval would modify the SUP to include a drive-through as an allowed use.

NEXT STEPS

The applicant may consider recommendations received from the advisory boards and will continue working with staff during the technical review of the application.





TECHNICAL REPORT

SITE CONTEXT

Staff have identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Special Use Permit Application:

- The property is zoned Community Commercial (CC). The Community Commercial (CC) zoning district is intended to provide for the development of high-intensity commercial and service centers that service community-wide or regional commercial and service needs.
- A Dunkin' restaurant has operated on the site since 2017. The site is also shared by a Sherwin Williams store.
- As identified in the Future Land Use Map, the site is in the North 15-501 Corridor Focus Area (Sub-Area E).
- The site does not appear to have any hydrological features.
- The site is comprised of mostly impervious area, and the proposed development would slightly reduce the amount of impervious surface.
- The site has street frontage on Fordham Boulevard.

PROPOSED MODIFICATIONS TO REGULATIONS

- 1) **Section 5.9.7 Minimum and Maximum Off-Street Parking Requirements:** The applicant proposes to modify the minimum parking requirement as follows:

Use	Minimum Parking
Business Convenience Restaurant	22 spaces (1 per 110 SF x 2408 SF)
Business, general	28 spaces (1 per 300 SF x 8420 SF)
Total Required Spaces	50 spaces
Total Current Spaces*	43 spaces
Total Proposed Spaces	37 spaces

*In compliance with terms of existing Special Use Permit

Staff Comment: Staff believes Council can find a public purpose in reducing the minimum parking requirement.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff have 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.

Comprehensive Plan Themes:

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

Staff believes the Dunkin' Drive-Through proposal complies with the above themes of the 2020 comprehensive plan.

Future Land Use Map (FLUM)

- The project is in the North 15-501 Corridor, Sub-Area E (transitional area).
- Primary uses noted as applicable for this area are multifamily, shops and offices; commercial/office; and parks and green/gathering space.
- Typical Height in the transitional area of Sub-Area E is up to 4 stories.

Mobility and Connectivity Plan

- Multi-use paths are proposed for the north and south sides of US 15-501.

Parks Comprehensive Plan

- No opportunities were noted for this site.
- The applicant should coordinate with Chapel Hill Parks & Recreation for the latest information on trail alignment, design, and construction timing.

Greenways Master Plan

- No opportunities were noted for this site.
- The applicant should coordinate with Chapel Hill Parks & Recreation for the latest information on trail alignment, design, and construction timing.

Chapel Hill Bike Plan

- Mapping of future bike facilities in the Bike Plan is superseded by the Mobility and Connectivity Plan. The Bike Plan provides some additional detail on facility design.

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>

Stormwater Management Master Plan

- The site is in the Lower Booker Creek Subwatershed. The applicant should coordinate with Chapel Hill's Stormwater Management Division to understand relevant stormwater considerations.

FINDINGS OF FACT

To establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town and ensure that Special Use Permits (SUP) demonstrate a high quality of overall site and building design, the Council must make the following findings of fact (as stated in Section 4.5) prior to approving a SUP:

- 1) 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;
- 2) Finding #2:** That the use or development complies with all required regulations and standards of this chapter, 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;
- 3) 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; and
- 4) Finding #4:** That the use or development conforms with the general plans for the physical development of the town as embodied in this appendix and in the comprehensive plan.

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



PROJECT FACT SHEET

Overview

Site Description	
Project Name	Dunkin' Drive Through
Address	1509 E. Franklin Street
Property Size (GLA)	73,825 SF (1.69 acres)
Existing	Retail and Restaurant
Orange County Parcel Identifier Numbers	9789939745
Existing Zoning	Community Commercial (CC)

Site Design

Topic	Comment	Status
Use/Density (Sec 3.7)	Restaurant with drive-through	
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)	<i>Maximum:</i> 31,670 sq. ft. <i>Current:</i> 10,828 sq. ft. (no new floor area is proposed)	
Inclusionary Zoning (Sec. 3.10)	Not applicable	N/A
Landscape		
Buffer – North (Sec. 5.6.2)	<i>Required:</i> 20 ft. Type C <i>Existing:</i> 20 ft. Type C Alternate Buffer. No changes to existing buffers are proposed.	
Buffer – East (Sec. 5.6.2)	<i>Required:</i> 10 ft. Landscaped Buffer (Per existing SUP) <i>Existing:</i> 10 ft. Landscaped Buffer No changes to existing buffers are proposed.	
Buffer – South (Sec. 5.6.2)	<i>Required:</i> 10 ft. Type B <i>Existing:</i> 10 ft. Landscaped Buffer. No changes to existing buffers are proposed.	
Buffer - West (Sec. 5.6.2)	<i>Required:</i> 20 ft. Type C <i>Existing:</i> 20 ft. Type C Alternate Buffer. No changes to existing buffers are proposed.	
Tree Canopy (Sec. 5.7)	<i>Required:</i> 13,467 SF <i>Proposed:</i> 20,020 SF	
Parking Landscape Standards (Sec. 5.9.6)	Complies with LUMO Sec. 5.9.6	

Environment		
Resource Conservation District (Sec. 3.6)	No Resource Conservation District on-site	
Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required prior to issuance of Zoning Compliance Permit	FP
Steep Slopes (Sec. 5.3.2)	No disturbance of steep slopes is proposed	
Stormwater Management (Sec. 5.4)	Application will comply with LUMO Sec. 5.4	
Land Disturbance	8,253 sq. ft. (.19 acres)	
Impervious Surface (Sec. 3.8)	<i>Maximum:</i> 51,678 sq. ft. (70%) <i>Proposed:</i> 38,987 sq. ft. (53%)	
Solid Waste & Recycling	Project must comply at final plans	FP
Jordan Riparian Buffer (Sec. 5.18)	No Jordan Buffer on-site	
Access and Circulation		
Road Improvements (Sec. 5.8)	No roadway improvements are required.	
Vehicular Access (Sec. 5.8)	Vehicles will access the drive-through via the northern driveway and exit via the southern driveway. Applicant will coordinate with NCDOT and Town to install appropriate signage to discourage vehicles from queueing on E. Franklin St.	
Bicycle Improvements (Sec. 5.8)	No bicycle improvements are required.	
Pedestrian Improvements (Sec. 5.8)	No pedestrian improvements are required.	
Transit (Sec. 5.8)	No transit improvements proposed.	NA
Traffic Impact Analysis (Sec. 5.9)	TIA Exemption granted	
Vehicular Parking (Sec. 5.9)	<i>Existing:</i> 43 spaces <i>Proposed:</i> 37 spaces	M
Bicycle Parking (Sec. 5.9)	<i>Proposed:</i> 11 bicycle spaces	
Parking Design Standards (Sec. 5.9.5)	Project complies.	
Loading Space Requirements (Sec. 5.9)	Project complies.	
Building Height		
Building Height (Sec. 3.8)	N/A. No new buildings or additions are proposed.	
Technical		

Fire	Project must comply at final plans.	FP
Recreation Area (Sec. 5.5)	Not applicable	
Lighting Plan (Sec. 5.11)	Project must comply at final plans.	FP
Homeowners Association (Sec. 4.6)	Not applicable	
Adequate Public Schools (Sec. 5.16)	Not applicable	

Project Summary Legend

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