

06-23-2021 Town Council Meeting Responses to Council Questions

ITEM #20: Open the Public Hearing for Conditional Zoning - Residence Inn and Summit Place Townhomes, 101-111 Erwin Road, Mixed Use-Village-Conditional Zoning District

Council Question:

Resolution A references Habitat for Humanity and needs to be updated.

Staff Response:

Thank you, this error will be corrected.

Council Question:

Can staff please weigh in on the impact of the requested modification to steep slopes disturbance limit?

Staff Response:

The percentage of naturally occurring steep slopes on site are fairly minimal, most of the steep slopes were created as part of the farm pond. The steep slopes disturbance limits in LUMO Section 5.3.2 are primarily focused on protecting naturally occurring steep slopes.

Council Question:

Please clarify affordable housing plan - different AMIs stated in different places in the materials.

Staff Response:

The applicant updated the affordable housing plan after the Housing Advisory Board meeting. The revised proposal is to offer 3 units at 65% AMI and 4 units at 80% AMI.

Council Question:

Can we get a breakdown of the changes/differences between this application and the concept plan?

Staff Response:

The concept plan proposed a multifamily residential project with 140 dwelling units and a 5 story, 50-room expansion to the Residence Inn Hotel. The current proposal has been revised to include 52 townhouse dwelling units and a 4-story, 54-room expansion to the hotel.

Applicant Response:

The concept plan reviewed by the Council and CDC in 2018 proposed 130± condominium flats and approximately 50 additional hotel suites in a 5-story building that would replace a 3-story

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building portion of the hotel. Three different site layout alternatives were presented, each with a stormwater management facility located between the multifamily buildings and the hotel. The proposed new entrance to Erwin Road is in the same location. When the concept plan was presented, the Christ Community Church concept plan had not been presented to the Council.

One primary change to the concept plan is the proposal for townhomes to replace the multi-family flats and reduce the amount of proposed residential from 130± dwelling units to 52 Townhomes.

Another primary change to the concept plan is to replace the current 2 story office/residential building facing Erwin Road with a 4-story building that is about 3 feet taller than the existing 3-story hotel building – which is proposed to stay in place and continue the same relationship between that and the Summerfield Crossing neighborhood.

A visual concept plan and proposed site plan comparison is shown as Exhibit #13 in the applicant presentation and included herein.

Council Question:

Does the farm pond currently serve a stormwater function?

Staff Response:

The farm pond was not intentionally designed to manage or treat stormwater. There is no control structure. Stormwater overtops at the lowest elevation when rainfall volume exceeds capacity.

Applicant Response:

NO – The pond was created about 70 years ago (1950) for the use of the farm livestock on the property at the time. For reference, Summerfield Crossing was developed in 1984.

Council Question:

Is there currently a deed restricted buffer that is part of the 2003 SUP on the property in question, as expressed in stipulation #23? If so, would the deed restricted buffer that is part of their current SUP go away under this CZ application, if approved?

Staff Response:

Yes, the deed-restricted buffer was a condition in the original SUP and we believe that the applicant has the ability to modify or remove it.

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Council Question:

At what percent AMI is the applicant proposing the affordable units?

Staff Response:

The applicant has proposed 3 units at 65% AMI and 4 units at 80% AMI.

Applicant Response:

1. *The 2018 Concept Plan reviewed by the CDC and Council proposed 130± for sale condominium flats in two building of 3 stories with 15% AH Dwelling Units. (19 units All 1BR & 2BR)*
2. *The current proposal is for 52 Townhome condominiums – a 60% reduction in units.*
3. *The Current Plan proposes 15% on site AH dwellings (7 Units – all 2BR)*
 - a. *Floor plans for the 2BR AH Townhomes are in presentation materials and included herein.*
4. *The applicant's proposal – approved by the HAB and (initial proposal) are below.*
 - a. *0 Dwelling Unit at 100% AMI (1 in initial submission)*
 - b. *4 Dwelling Units at 80% AMI (Increased from 3)*
 - c. *3 Dwelling Units at 65% AMI (Remains the Same)*

Council Question:

Is there some kind of visual we can get of the proposed building, illustrating its height and distance relative to the adjacent neighborhood homes?

Staff Response:

The applicant will be providing a presentation and materials with additional visuals of the proposed project.

Applicant Response:

The images in this document are Exhibits #27 & #38 of the applicant's presentation. These show cross sections for both the hotel and townhomes showing the relationships to Summerfield Crossing, the nearest single-family home on E. Old Oxford Road and Erwin Road.

- *Cross Sections – show building heights and bulk forms and distances with tree buffers as they already exist.*
- *Preliminary Townhome Elevations – All 10 buildings will be flat roof buildings with parapets shielding rooftop utility installations from view and are in the style of brownstone townhomes with their front elevations facing each other, open space in the development or Erwin Road. The illustrations showing the preliminary design show the townhome face that will front on Erwin Road.*

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- Preliminary Hotel Elevations - The hotel will continue the existing architectural style – adjusted slightly so that the flat roof of the proposed new building is virtually the same as the existing 3-story building..

Council Question:

The materials indicate that part of the site is zoned R-3-CZD. My understanding is that the Town did not begin using Conditional Zoning until 2017, which after the site was developed. How did part of it come to be R-3-CZD?

Staff Response:

All conditional-use zoning districts were converted to conditional zoning districts based on the 160D statutes in December 2020.

Council Question:

The CDC has requested approval authority for this (and other) project which, I believe is not currently granted in the LUMO. It seems that their desire for approval authority should be dealt with through a discussion around a LUMO amendment, rather than piecemeal on a project by project basis. When can such a discussion/process take place?

Staff Response:

Town Staff agrees that this request could be handled on a broader scale, and could draft a LUMO text amendment at the direction of Council.

Council Question:

Would it be possible for the affordable housing town homes have three bedrooms in the same proportion as the market rate homes?

Applicant Response:

1. The proposal is for 2BR townhomes and was arrived at after discussions with the Community Home Trust about what types of housing were in most demand, what types had the most flexibility to accommodate multiple family types and are townhomes of sufficient size that they will be easily adaptable to the 2nd, 3rd, and 4th owner families.
2. Townhomes with 2-BR, 2-Baths, and W/D on the second floor and a powder room on the first floor were designed at approximately 1,320 SF, double the minimum size in the LUMO for a 2-BR affordable housing unit. All exterior and interior finishes and are proposed to be the same for the affordable townhomes as the market rate townhomes. Our design focus was on livability over time.

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3. *Additionally, the Home Trust asked that these affordable homes have 2 parking spaces per unit, available visitor parking near the units, and provide for electric vehicles in the future. All these requests have been incorporated into the proposed design, and in part lead to the request for a modest modification of parking standards.*

Council Question:

If there is an applicant presentation, can we receive it in advance of the meeting?

Staff Response:

The presentation is attached.

Council Question:

Can the applicant provide us with a clear description of their stormwater management plan at the meeting, with particular reference to the issues associated with the timing of the Church's development?

Staff Response:

The applicant will thoroughly review the stormwater management plan and the timing of improvements at the meeting. Town Stormwater staff will also be available to answer questions.

Applicant Response:

- a) *Exhibit #42 in the applicant's presentation shows the Existing [Pre-Development] Drainage Areas and the exit points of stormwater. Exhibits #43 & #44 shows the post development watershed areas.*
 - i) *Analysis Point #1 – The area that will drain to this location behind the homes on Berry Patch Lane is dramatically reduced. This is the case for both situations – Church constructed first or Summit TH – Hotel built first.*
 - ii) *Analysis Point #2 – The area that will drain to this flow exit point is increased, but the stormwater management feature – a permanent wet basin – will capture, hold and release stormwater at a significantly reduced rate as measured against pre-development conditions. This is the case for both situations – Church first or Summit Th–Hotel first.*
 - iii) *The southernmost drainage area is proposed to remain the same. The current basin in this area has just been reconstructed.*

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- iv) *The following tables & the exhibits referred to show the changes in flow rate [cfs] and in percent reduction from pre to post development.*
- b) *A Presentation of the Stormwater Mgmt. Plan and its major consideration of reducing the rate of stormwater flow to Summerfield Crossing is shown in the applicant presentation.*
- c) *The applicant was asked by town staff to design a stormwater management system that meets town and state standards and regulations for two scenarios: [1] Church is constructed before Summit Place and [2] Summit Place is constructed before Church.*
- d) *The applicant's stormwater management plan is designed for both scenarios.*
- e) *Both the church and the applicant expect the Summit Townhome neighborhood to be constructed first. In this situation, stormwater flow from the church property [and Erwin Road] will be overland and significantly greater than when the church stormwater management system is constructed.*
- **For Analysis Point #1** *behind Berry Patch Lane the post development rate of flow [before or after church development] is reduced by 85% and the post 100 Year storm event rate of flow is less than the present 1-year rate of flow.*

Stormwater Peak Flow Analysis Table #1

Analysis Point #1 at the Rear of Homes on Berry Patch Lane

With or Without Church Constructed

<i>Design Year 24 Hour Storm Event</i>	<i>Pre-Development Peak Run Off (cfs)</i>	<i>Post-Development Peak Run Off with or without Church Constructed (cfs)</i>	<i>Percent Reduction in Peak Rate of Run Off (cfs)</i>
<i>1 - Year</i>	<i>7.0</i>	<i>1.1</i>	<i>85%</i>
<i>2 - Year</i>	<i>10.8</i>	<i>1.6</i>	<i>85%</i>
<i>10 - Year</i>	<i>21.2</i>	<i>3.0</i>	<i>85%</i>
<i>25 - Year</i>	<i>27.5</i>	<i>3.7</i>	<i>85%</i>
<i>100 - Year</i>	<i>37.3</i>	<i>5.0</i>	<i>85%</i>
			<i>85%</i>

(cfs) = cubic feet per second

Source Applicant Stormwater Impact Statement

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- **For Analysis Point #2**, near the current unused OWASA sanitary sewer easement behind homes on Woodbridge Lane the post development rate of flow is also dramatically reduced.
- WITH THE CHURCH DEVELOPED, peak stormwater flow is reduced by 80%+ for all storms – 1-Year to 100-Year.
- WITH SUMMIT DEVELOPED FIRST, peak stormwater flow is reduced by between 42% for the 100-year storm event and 79% for a 1-year event.

Stormwater Peak Flow Analysis Table #2A

Analysis Point #2 near the OWASA Sanitary Sewer Easement

With the Church Constructed

<i>Design Year 24 Hour Storm Event</i>	<i>Pre-Development Peak Run Off (cfs)</i>	<i>Post-Development Peak Run Off with Church Constructed (cfs)</i>	<i>Percent Reduction in Peak Rate of Run Off (cfs)</i>
<i>1 - Year</i>	<i>13.6</i>	<i>2.3</i>	<i>83%</i>
<i>2 - Year</i>	<i>19.4</i>	<i>3.4</i>	<i>83%</i>
<i>10 - Year</i>	<i>34.0</i>	<i>6.1</i>	<i>82%</i>
<i>25 - Year</i>	<i>42.7</i>	<i>7.8</i>	<i>82%</i>
<i>100 - Year</i>	<i>56.3</i>	<i>10.3</i>	<i>81%</i>

(cfs) = cubic feet per second

Source Applicant Stormwater Impact Statement

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- WITH SUMMIT DEVELOPED FIRST, peak stormwater flow is reduced by between 42% for the 100-year storm event and 79% for a 1-year event.

Stormwater Peak Flow Analysis Table #2B

Analysis Point #2 near the OWASA Sanitary Sewer Easement

Without the Church Constructed

<i>Design Year 24 Hour Storm Event</i>	<i>Pre-Development Peak Run Off (cfs)</i>	<i>Post-Development Peak Run Off with Church Constructed (cfs)</i>	<i>Percent Reduction in Peak Rate of Run Off (cfs)</i>
1 - Year	13.6	2.8	79%
2 - Year	19.4	3.9	79%
10 - Year	34.0	14.1	60%
25 - Year	42.7	20.2	53%
100 - Year	56.3	32/8	42%

(cfs) = cubic feet per second

Source Applicant Stormwater Impact Statement

f) Stormwater Management Utility Advisory Board & Environmental Stewardship Advisory Board – Neighbor Comments

- i) Two neighbors, Linda Brown and YunJun Mu, identified specific stormwater flow problems and asked how the applicant can help improve their specific situations. The applicant has talked with both neighbors several times [primarily but not exclusively by email] about what solutions are possible.
- ii) The applicant can work directly with YunJun Mu to help reduce ponding and flow from his property. The flow onto his property will not be addressed completely until the church site is developed. The applicant can help with the flow of water from his property toward Summerfield Crossing.
- iii) Linda Brown and the ten townhome owners at 104 – 118 receive stormwater flows from both Summerfield property and hotel property. A potential solution to this condition would be the creation of a surface channel on the applicant’s property that would direct some stormwater flow from Analysis Point #2 and some from the rear of the hotel to a point where it is released near the southwestern portion of the hotel property.

This solution would require working in the current 100 feet buffer area.

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Council Question:

I assume the answer is "at Council's discretion", but I wanted to confirm the circumstances under which an applicant can seek to abandon an active SUP?

Staff Response:

Either revocation or abandonment of an existing Special Use Permit are processes in the Land Use Management Ordinance. Abandonment is typically for an unbuilt project and revocation can be used in conjunction with an application for approval of a development other than authorized by the Special Use Permit, as in this particular case. The Council may abandon or revoke the existing permit if it chooses.

Council Question:

In follow-up, the SUP guiding the current Marriott development includes a permanent deed restricted buffer of existing vegetation, a minimum of 100 feet in width along the joint property line with Summerfield Crossing. Does this convey with any new agreement, or would Council have to explicitly require it again?

Applicant Response:

- a) *This buffer was approved as part of the SUP approved in 2003. It was required to be restricted by a deed and that was accomplished.*
- b) *The applicant is proposing that the Council vacate the 2003 SUP and replace it with the Mixed-Use Village Conditional Zoning stipulations. That includes vacating the deed restriction that runs the full length of the current hotel / Summerfield Crossing property line.*
- c) ***The applicant's plan retains the southernmost 650 linear feet of this buffer.*** *However, the stormwater flow conditions that Linda Brown [see attached exhibit] brought to the attention of the Council and were referred to the Stormwater Management Utility Advisory Board for consideration of a solution [the possible solution mentioned above] and discussed with staff by the applicant, the channel that could redirect stormwater flow would need to be located within the buffer.*
- d) ***The applicant is requesting that the northernmost 650 linear feet of this buffer transition from 100 feet in width to 45 feet in width.*** *This permits the construction of a stormwater control facility and a buffered and neighborly relationship between the proposed townhomes and existing Summerfield Crossing townhomes.*
- e) *The applicant has assumed that if the rezoning is approved, the modified buffer described above would be required to be deed restricted in the new approval.*

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Council Question:

How do the proposed buffers differ from what is in place in the current SUP?

Staff Response:

During the 2003 Special Use Permit, additional buffer widths were negotiated with the developer at that time.

The table below details the differences:

	Location	Required	SUP	Proposed
<i>Residence Inn</i>	<i>Southern (Dobbins Dr)</i>	<i>30' Type D</i>	<i>30' Type D</i>	<i>30' Type D</i>
	<i>Western (Summerfield Crossing)</i>	<i>20' Type C</i>	<i>100' Type C</i>	<i>100' Type C</i>
	<i>Eastern (Erwin Rd)</i>	<i>30' Type D</i>	<i>50' Type D</i>	<i>30' Type D</i>
	<i>Northern</i>	<i>NA</i>	<i>20' Type C</i>	<i>NA</i>
<i>Summit Townhomes</i>	<i>Western (Summerfield Crossing)</i>	<i>10' Type B</i>		<i>45' Type C</i>
	<i>Northern (Old Oxford Single-Family)</i>	<i>10' Type B</i>		<i>35' Type B</i>
	<i>Northern (Christ Community Church)</i>	<i>10' Type C (shared)</i>		<i>10' Type C</i>
	<i>Eastern (Erwin Rd)</i>	<i>20' Type C (reduced one grade-no parking)</i>		<i>20' Type C</i>

Council Question:

Please ask the applicant to share current occupancy rates as part of their presentation.

Staff Response:

Staff passed this request on to the applicant.

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Council Question:

I know there was a lot of negotiation and history when the Marriott was developed. Can some of the history of that process be included in the staff presentation, so we'll know where the current proposal is in the spirit of that project, where it differs?

Staff Response:

We will provide some historical perspective of the original SUP for the Marriott as part of the staff presentation.