



CONSIDER AN APPLICATION FOR CONDITIONAL ZONING – RESIDENCE INN – SUMMIT PLACE LOCATED AT 101-111 ERWIN ROAD (PROJECT #20-082)

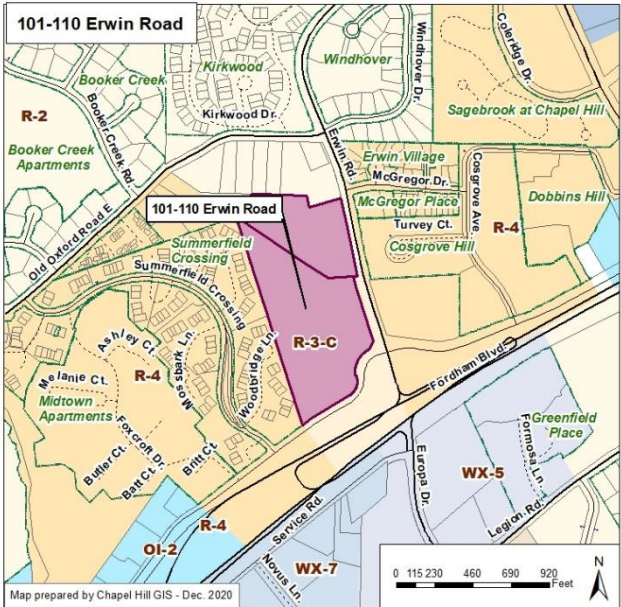
SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

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PROPERTY ADDRESS 101-111 Erwin Road	MEETING DATE(S) May 25, 2021 –TCAB, and CDC June 8, 2021 – ESAB June 8, 2021 – HAB June 15, 2021 – Planning Commission	APPLICANT Scott Radway, Radway Design on behalf of Summit Hospitality Group, LLC
STAFF RECOMMENDATION That the Transportation and Connectivity Advisory Board, Community Design Commission, Environmental Stewardship Advisory Board, Housing Advisory Board, and Planning Commission review and make a recommendation on the application to the Town Council.		
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.	DECISION POINTS The proposed development requests a Modification to Regulations for the following: <ul style="list-style-type: none"> • Off-street parking • Steep slope disturbance limitations • Recreation standards 	
PROJECT OVERVIEW <p>The applicant is proposing to develop a condominium neighborhood with 52 dwelling units, including 7 affordable units, as well as construct an additional 54 hotel rooms for the existing Residence Inn Hotel.</p> <p>The Residence Inn Hotel has an existing Special Use Permit, approved in 2003. The applicant proposes abandoning this SUP and applying a Mixed-Use Village Conditional Zoning District (MU-V-CZ) to the entire site.</p> <p>The site currently consists of two parcels; the northern 6.1 acre parcel will accommodate the Summit Place Townhomes and contains an existing farm pond. The southern 11.61 acre parcel contains the existing Residence Inn Hotel with 108 existing hotel rooms, and a two-story office/residential building that will be replaced by a four-story building with the 54 new hotel rooms.</p> <ul style="list-style-type: none"> • Existing Zoning: Residential-3-Conditional Zoning District (R-3-CZD) • Proposed Zoning: Mixed-Use Village-Conditional Zoning District (MU-V-CZD) • Total Site: 771,371 sq. ft. (17.71 acres) 	PROJECT LOCATION 	
ATTACHMENTS	<ol style="list-style-type: none"> 1. Technical Report 2. Project Details Table 3. Resolution A, Resolution of Consistency 4. Ordinance A (Approving the Application) 5. Resolution B (Denying the Application) 6. Applicant Materials 	



TECHNICAL REPORT

PROJECT OVERVIEW

September 12, 2018	Town Council reviewed a concept plan for 150,000 sq. ft. of floor area for 2 three-story buildings with 140 dwelling units.
December 29, 2020	Applicant submitted a Conditional Zoning District Permit Application for a hotel addition and development of 52 townhomes.

The application proposes a Mixed-Use Village – Conditional Zoning District (MU-V-CZD) for the site to accommodate 52 dwelling unit townhouse development, as well as the addition of 54 hotel suites to the existing Residence Inn Hotel. The project seeks to develop two (2) contiguous parcels on the west side of Erwin Road, north of Dobbins Drive and Fordham Boulevard. 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 Residential-1 (R-1) zoning district to the north contains single-family homes.
 - The Residential-4 (R-4) zoning district to the east and west, including across Erwin Road, contains multifamily developments.
 - Dobbins Drive and Fordham Boulevard are located to the south, with Walkable Mixed-Use – 5 (WX-5) and Walkable Mixed-Use – 7 (WX-7) zoning districts, part of the Blue Hill Form District, located to the south of Fordham Boulevard, containing various commercial uses.
- The southern parcel is already zoned Residential – 3 – Conditional Zoning District and contains the existing Residence Inn Hotel.
- The northern parcel is zoned Residential – 2 (R-2) and contains a farm pond that is proposed to be removed. A new stormwater basin will be constructed to serve both the hotel and the townhome development, as well as stormwater from the Christ Community Church site to the north.

- Areas of manmade steep slopes have been identified around the pond. The applicant describes the site as “sloped away from Erwin Road in a fairly uniform 8-10% slope from the northeast corner to the southwest corner”.
- The site fronts on Erwin Road, north of its intersection with Dobbins Drive and Fordham Boulevard, and various improvements are proposed in accordance with the Traffic Impact Assessment.

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 districts for the site, as shown on the site plan: Mixed-Use Village – Conditional Zoning District (MU-V-CZD).

The intent of the Mixed-Use Village – Conditional Zoning District (MU-V-CZD) is “to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections and transit corridors in Chapel Hill. The district is designed to facilitate stated public policies to encourage design which emphasizes lively, people-oriented environments and compatible, visually interesting development. This district provides areas where moderate scale mixed use centers can locate with an emphasis on development of a balance of residential, office and commercial uses.

It is further intended that the mixed use districts shall encourage development within which mutually supporting residential, commercial and office uses are scaled, balanced and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian and bicycle circulation systems and mass transit to further reduce the need for private automobile usage. Mixed use districts are intended to encourage development that allows multiple destinations to be achieved with a single trip. These standards encourage a design such that uses within a mixed use district are arranged in a manner that encourages internal vehicular trip capture and the development patterns that encourage walking, transit and bicycling as alternatives to automotive travel.

When such districts adjoin residential development or residential zoning districts, it is intended that arrangement of buildings, uses, open space, and vehicular or pedestrian and bicycle access shall be such as to provide appropriate transition and reduce potentially adverse effects.”¹

¹ [LUMO 3.4.6](#)

PROPOSED MODIFICATIONS TO REGULATIONS

- 1) Section 5.9 Parking and Loading:** The applicant is proposing to modify the maximum parking requirement for the Summit Place parcel. The maximum number of parking spaces, based on the number of units proposed, is 101 spaces. The applicant proposes 117 parking spaces.

Staff Comment: Staff believes the Council could find a public purpose for allowing additional parking as it will reduce the amount of spillover parking in adjacent residential neighborhoods and streets.

- 2) Section 5.3.2(f) – Steep Slopes – Disturbance limitations:** The site contains 37,756 square feet of steep slopes. The applicant proposes to disturb 10,133 square feet of this area, which is 7,271 square feet greater than the maximum of 25% disturbance allowed.

Staff Comment: Staff believes the Council could find a public purpose for the increased disturbance of steep slopes, as the existing steep slopes are manmade and the intent is to provide additional residential dwelling units, including affordable dwelling units.

- 3) Section 5.5.2(g): Minimum Recreation Area and Recreation Space:** The applicant proposes to meet the active recreation area requirements with a combination of a payment-in-lieu, internal site walking paths, and 50% of the common areas.

Staff Comment: Staff believes the Council could find a public purpose for modifying the recreation area requirements as the intent is create infill development to align with the surrounding residential neighborhoods.

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, please refer to the applicant's attached materials.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS



Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)², the standards of the [Land Use Management Ordinance](#)³, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)⁴ and believes the proposal complies with several themes of the 2020 Comprehensive Plan:

² <http://www.townofchapelhill.org/home/showdocument?id=15001>

³ https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

⁴ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

Comprehensive Plan Themes: The following are 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 type="checkbox"/>		Grow Town and Gown Collaboration

Future Land Use Map: The Future Land Use Map (FLUM) envisions the 15-501 North Focus Area as a dynamic mix of higher-intensity uses, including places to shop and reside. The FLUM indicates a range of appropriate Primary and Secondary uses for the Sub-Area C where this site is located. Townhouses and Residences is considered a Primary Use, with Commercial/Office being a Secondary Use. The proposed townhouse community falls within the Townhouse and Residences category, and the existing hotel and proposed expansion falls within the Commercial/Office category, and the proposed rezoning aligns with the character envisioned by the FLUM. The FLUM also calls for:

- ACTIVATED STREET FRONTAGES are encouraged to create vibrancy and ensure pedestrian activity over time. The 15-501 North Focus Area calls for activated street frontages along 15-501. While the site does not front 15-501, the applicant is proposing to locate the townhouses close to Erwin Road with no off-street parking in between the street frontage and the townhouses.
- TRANSITIONAL AREA. Along the northern site boundary, the 15-501 North Focus Area strives for harmonious transitions to adjacent neighborhoods. Transitions can include less-intense uses, reduced height, landscape buffers, and other measures.

Staff Evaluation: North Carolina General Statute Section 160A-383 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 MU-V-CZD district would allow all of the uses that the FLUM indicates are appropriate. The Conditional Zoning application proposes townhouses and a hotel expansion that would fall within the 'Townhouse and Residences' and 'Commercial/ Office' categories.
- Zoning conditions would be useful to ensure that development follows FLUM guidance for the Transitional Area. Current proposal indicates two-story townhouses in the Transitional 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:

- 1) To correct a manifest error in the chapter; or
- 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 public 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 proposed townhouse and hotel expansion "and their relationship to the surrounding existing townhome development match precisely the adopted FLUM."

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 15-501 North 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 range of housing options for current and future residents (A Place for Everyone.3)
- Promote a safe, vibrant, and connected (physical and in-person) community (Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Getting Around.2)
- Connect to a comprehensive regional transportation system (Getting Around.3)
- A transportation system that accommodates transportation needs and demands while mitigating congestion and promoting air quality, sustainability, and energy conservation (Getting Around.6)
- Low density, green Rural Buffers that exclude urban development and minimize sprawl (Good Places New Spaces.1)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Good Places New Spaces.5)

- 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)
- Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (Nurturing Our Community.4)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Nurturing Our Community.8)

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	Residence Inn – Summit Place Townhomes
Address	101-111 Erwin Road
Property Size	771,371 sq. ft. (17.71 acres)
Existing	Existing Residence Inn hotel on southern parcel, existing farm pond on northern parcel
Orange County Parcel Identifier Number	9799-48-1814 and 9799-48-0252
Existing Zoning	Residential-3-Conditional Zoning District (R-3-CZD)
Proposed Zoning	Mixed-Use Village-Conditional Zoning District (MU-V-CZD)


Site Design

Topic	Comment	Status
Use/Density (Sec 3.7)	52 townhomes and 54 hotel rooms	✓
Dimensional Standards (Sec. 3.8)	Comply with LUMO Section 3.8	✓
Floor area (Sec. 3.8)	<i>Maximum:</i> 925,645 sq. ft. <i>Proposed:</i> 211,913 sq. ft.	✓
Inclusionary Zoning (Sec. 3.10)	7 affordable dwelling units proposed (13% of total units)	✓
Landscape		
Buffer – North (Sec. 5.6.2)	<i>Required:</i> 20' Type "C" and 10' Type "B" <i>Proposed:</i> 35' Type "C" and shared 10' Type "C"	✓
Buffer – East (Sec. 5.6.2)	<i>Required:</i> 30' Type "D" <i>Proposed:</i> 20' Type "C" (reduced intensity along street frontage) and 50' Type "D"	✓
Buffer – South (Sec. 5.6.2)	<i>Required:</i> 30' Type "D" <i>Proposed:</i> 30' Type "D"	✓
Buffer - West (Sec. 5.6.2)	<i>Required:</i> 20' Type "C" <i>Proposed:</i> 45' Type "B" and variable width Type "D"	✓
Tree Canopy (Sec. 5.7)	<i>Required:</i> 30% <i>Proposed:</i> 30%	✓
Landscape Standards (Sec. 5.9.6)	Application must comply	✓

Environment		
Resource Conservation District (Sec. 3.6)	Perennial stream located on southern portion of site; no disturbance proposed	
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> 26.7% (7,271 sq. ft. total)	M
Stormwater Management (Sec. 5.4)	1 acre stormwater management facility to treat both parcels, as well as runoff from Christ Community Church site to the north	
Land Disturbance	386,100 sq. ft. (8.8 acres)	
Impervious Surface (Sec. 3.8)	275,950 sq. ft. (35.4% of gross land area)	
Solid Waste & Recycling	Applicant requests curbside solid waste collection	
Jordan Riparian Buffer (Sec. 5.18)	No disturbance proposed	
Access and Circulation		
Road Improvements (Sec. 5.8)	Road improvements proposed consistent with TIA: <ul style="list-style-type: none"> - New primary entrance between existing hotel entrance and McGregor Drive - Existing hotel entrance to become right-in/right-out - Internal vehicular and pedestrian connections 	
Vehicular Access (Sec. 5.8)	Primary access will be a new entrance between the existing hotel entrance and McGregor Drive	
Bicycle Improvements (Sec. 5.8)	Bicycle lanes proposed along Erwin Road	
Pedestrian Improvements (Sec. 5.8)	Internal sidewalk connections throughout the site, as well as along connection to Christ Community Church site to the north	
Traffic Impact Analysis (Sec. 5.9)	TIA Executive Summary attached	
Transit (Sec. 5.8)	Bus shelter pad to be installed for future bus shelter construction	
Bicycle Parking (Sec. 5.9)	<i>Required:</i> 12 spaces <i>Proposed:</i> 13 spaces	
Parking Lot Standards (Sec. 5.9)	Applicant requests 117 parking spaces for Summit Place Townhomes and 149 parking spaces for Residence Inn Hotel	M
Technical		
Fire	Meet Town Standards	
Site Improvements	54 hotel rooms and 52 townhomes with associated parking	

Recreation Area (Sec. 5.5)	<i>Required:</i> 12,224 sq. ft. <i>Proposed:</i> 13,356 sq. ft. (comprised of a payment-in-lieu, internal site walking paths, and 50% of common areas)	M
Lighting Plan (Sec. 5.11)	Maximum of 0.3 foot-candles at property line	
Homeowners Association (Sec. 4.6)	Required at Final Plans	FP
Adequate Public Schools (Sec. 5.16)	Certificate of Adequacy of Public Schools (CAPS) required at Final Plans	FP

Project Summary Legend

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