

(48)

**Residence Inn****Planned Development – Mixed Use  
Special Use Permit****Statement of Justification  
November 5, 2002**

The applicant, Summit Hospitality Ltd., requests a Special Use Permit for a Mixed-Use Development containing hotel, office, and residential uses. The site plan clusters the three proposed buildings in the center of the site to create an enclosed courtyard that contains a swimming pool, outdoor sports court, and gazebo as well as landscaping.

The “gatehouse” building is to be 1 1/2 stories and house the administrative functions for the hotel. The “office ♦ residential” building is proposed to be 2 stories high with office on the first floor and residential on the second floor. The third building contains 108 guest suites and is in a “U” shape. The two smaller buildings are placed between the guest suites building and Erwin Road. The 50 feet buffer and existing specimen trees to be saved combine with the two smaller buildings to provide a visual foreground in a manner that should screen the guest suites building from view of those traveling on Erwin Road.

One hundred twenty-six (126) parking spaces are provided. This is the minimum required by the Chapel Hill Land Development Ordinance plus 6 spaces of handicap parking. This parking has been placed strategically on the site plan to provide small parking lot areas that could be easily screened from view by buildings and landscaping.

Stormwater facilities are designed to detain the 1 and 50 year storms and to utilize BMP basins with side shelves and vegetation that will act to filter water and improve water quality of stormwater eventually leaving the site. Two basins are provided in order to proportionally balance the flow of water from the site.

A 100 feet undisturbed buffer is preserved against the existing Summerfield Crossing town-house project to the west, where only a 30-foot buffer is required for the proposed use.

A Special Use Permit must meet each of four findings listed in Section 18.3 of the Development Ordinance. These findings and the applicant’s statements demonstrating compliance with these findings are presented below.

***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.***

The proposed hotel is located and designed to promote the public health, safety, and general welfare in several ways.

RECEIVED NOV 06 2002

### General Design and Appearance from Erwin Road

The location of the three buildings in the center of the large 13.29-acre lot allows for the preservation of 1.78 acres located within a Resource Conservation District along the southern border of the site. In addition, it retains large undisturbed buffers of existing vegetation on the south, west and north boundaries of the site. The building closest to Summerfield Crossing is approximately 185 feet from the joint property line. The parking nearest to Summerfield Crossing is 183 feet distant. Both the building and the parking lie to the east of the proposed 100 feet width existing vegetation buffer.

Visual access to the site is provided almost exclusively from Erwin Road. The smaller scale gatehouse and office-residential buildings are Erwin Road about 120 feet from the proposed future right-of-way line of Erwin and approximately 160 feet from the existing pavement on Erwin Road. There will be significant new landscaping added in the 50 feet buffer proposed along Erwin Road.

### Shared Property Line Buffers and Visibility

The site shares a property line with Summerfield Crossing to the west and 2 vacant properties to north. The SUP proposes a 100 feet buffer of existing vegetation against Summerfield Crossing (30' is the minimum required) and a 40-100 feet buffer to the north (20' is the minimum required).

We have developed cross section analysis drawings (submitted as part of the application) showing that from the nearest home (and parking area and yard) that it is highly unlikely that the guest building (185 feet distant) will be seen during the daytime because of the existing vegetation. At night, lights from suites may be visible. However, voluntary limitations on parking lot and building lighting and lines of sight into the center of the proposed development make it highly unlikely that lighting will be a disturbance to Summerfield Crossing residents.

### Stormwater Management

Although the site is not located in a Watershed Protection Area, the proposed development is of such low impervious surface coverage (18.2) that it would not require a wet retention pond if developed within that sensitive area.

As designed, two dry water quality / detention basins are provided to control both the quality and quantity of stormwater runoff and are designed to meet the regulations currently in effect. If the town increases the requirements, the plan will be adjusted to meet any of the new requirements.

### Circulation and Safety Considerations

Without question Erwin Road and Dobbins Drive are currently configured in an unsafe manner. In addition, they provide for bad vehicular traffic flow,

create traffic queues of undesirable length, and provide no safe movement areas for pedestrians or bicyclists.

The applicant via a separate agreement with the Town of Chapel Hill and NCDOT has committed to providing its share (\$82,000) of the necessary \$500,000 needed by NCDOT for road improvements.

These improvements include the widening of Erwin Road and the placement of bike lanes and sidewalks along the applicant's frontage on Erwin Road. Also, Dobbins Drive will be realigned and contain sidewalks connecting to the existing sidewalks running west for the remainder of Dobbins Drive.

The additional traffic from the proposed mixed-use development will be minor compared to existing traffic. The town's traffic consultant studied the possible traffic impacts of the proposed development and reported:

"In conclusion, the additional traffic generated by the proposed Residence Inn is expected to have minimal impact to the surrounding road network with the improvements that are planned under the Super-street design, the Dobbins Drive/Erwin Road project, and the improvements that are deemed necessary regardless of whether the site is built out."

Operation and Maintenance

The proposed development with an estimated value of \$12.5 million will be developed by an applicant, Summit Hospitality Group, Ltd., that enjoys a local and state reputation for operating and maintaining all their properties in a manner well above industry standards.

***Finding #2: That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Articles 12, 13, and 14 and the applicable specific standards contained in Sections 18.7 and 18.8 and with all other applicable regulations.***

The applicant is requesting the approval of a PD-MU Special Use Permit and a Modification of the Special Use Permit in sequence. With an approval of these two SUP applications, the proposed hotel-office-residential mixed use development will comply with all applicable provisions of the R-3(C) zoning district and the specific applicable provisions of Articles 12, 13, 14, 18, and Sections 18.7, and 18.8.9.

The proposed plan substantially exceeds the outdoor space and livability space requirements and proposes an impervious surface coverage of only 18.2% of the gross lot area. Additionally, the plan proposes no disturbance in the current RCD overlay district (except those required as part of the Dobbins Drive realignment) and proposes a 100 feet buffer along the western edge of the site.

**Finding #3:** *That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value contiguous property, or that the use or development is a public necessity.*

Immediately Contiguous Property Considerations

The proposed use is located at the intersection of two principal arterial roads and designed so as to provide for a minimum of one hundred feet (100') of undisturbed buffer along the common line with the existing R-4 townhouse development to the west. The three buildings and small parking areas have been sited so that the building's closest point is still approximately 175 feet from this common line. Parking areas are located away from the adjoining townhomes. Parking lot lighting will be limited to 15 feet and will utilize light cut-off devices to direct lighting down rather than out from the parking and building areas.

The project has chosen not to utilize an existing, but uncleared, sanitary sewer easement that runs through the Summerfield Crossing community. It will, instead, bring a public sanitary sewer extension from the east side of Erwin Road to serve the mixed use development. With stormwater passing through water quality basins that also provide detention, the proposed development should have a minimal affect on the adjoining townhouse development. There will be no roadway connection to Summerfield Crossing and there will be no direct access to Dobbins Drive.

The applicant believes that the proposed hotel-office-residential development will maintain or enhance the value of the adjoining townhouses by providing a significant buffer between the uses and not utilizing the Owasa sewer easement that runs across the Summerfield Crossing property.

To the north are two vacant residentially zoned properties, to the east is a Duke Power substation, and to the south, buffered by an undisturbed Resource Conservation District, is Dobbins Drive, US 15-501, and commercial properties on the southern side of US 15-501.

The applicant believes that the proposed mixed use development, because of its respect for neighbors and the positive effects of its roadway improvements and site design will have a limited and neutral impact on these adjoining properties.

Nearby Residential Neighborhoods

Further to the north on Erwin Road are several multi-family projects including Erwin Village, Kirkwood, Oxford Townhouses, and Presque Isle. In addition there are single-family homes on Old Oxford Rd. across the street from Kirkwood and single family homes in the Windhover Subdivision bordered by Erwin Village and The Walden at Greenfields apartment development.



The proposed mixed-use development:

1. Shares no borders with these nearby residential areas,
2. Will not be visible from these residential areas,
3. Shares no roadway access with these residential areas,
4. Will improve the traffic flow and safety along Erwin Road, a road which the residents of these neighborhoods use regularly, and
5. Will have a minimal traffic impact from its own traffic as reported by the Town of Chapel Hill traffic consultant (See quote in Finding 31).

For the reasons cited above, the applicant believes that the proposed development is located and designed and will be operated so as to maintain or enhance the value of contiguous property.

**Finding #4: That the use or development conforms with the general plans for the physical development of the Town as embodied in this chapter and in the Comprehensive Plan.**

The “general plans for the physical development of the Town” include a variety of documents including the Comprehensive Plan, the Circulation Plan, the Greenways Plan, the Land Use Plan, and the Development Ordinance.

The applicant notes that the “use or development” must conform to the general plans, not every aspect of every document or policy addressing the physical development of the Town of Chapel Hill.

The applicant believes that the proposed mixed-use development including the Residence Inn Hotel will help the Town of Chapel Hill achieve the purposes of the Comprehensive Plan, most notably by:

1. Providing for non-residential development that is appropriately located in an existing entryway corridor that contains both non-residential and residential uses;
2. Providing substantial buffers of existing vegetation along boundaries with existing residential neighbors;
3. Providing a development with a low impervious surface coverage and stormwater quality and quantity measures meeting or exceeding Town standards; and
4. Adding to the tax base for the Town of Chapel Hill and Orange County without adding demand on existing school and community recreation facilities. The proposed hotel would add about \$70,000 in annual property

tax and \$105,000 in Occupancy Tax. The school district would receive about \$80,000 in tax revenue.

#### Zoning and Land Use in the Immediate Area of the Mixed Use Proposal

Adjoining the subject site to the west is the Summerfield Crossing townhome community with 138 dwellings. Immediately to its west is the Foxcroft Apartment development containing 248 apartments. Both of these multi-family communities are zoned R-4. To the west of Foxcroft is Franklin Square, an office development zoned OI-2.

Immediately east of the site, across Erwin Road is property zoned R-4. This zoning includes all the land facing Erwin Road between US 15-501 and Windhover Drive. Both the Erwin Village Townhouse and McGregor Place Townhome developments are in this area.

Directly across Erwin Road from the site is a parcel of land owned by Duke Power. Although it is not apparent to the casual observer, this site holds a Duke Power substation. Successional vegetation in the center and front of this site almost completely screens this facility from view. Immediately to the south of the Duke Power property is a property owned by the Town of Chapel Hill and which was used to create the jug-handle turn for Dobbins Drive.

To the north of the site are two vacant properties in the same ownership. One parcel is 5.5 acres, the other .5-acre. These two properties are zoned R-2. Combined they are greater than five (5) acres in size and could be developed as multi-family residential under the Planned Development Housing standards of the Land Development Ordinance.

#### Zoning in the US 15-501 Corridor

Between Estes Drive and I-40 all properties that front on Franklin Street, US 15-501, or the US 15-501 service roads (e.g. Dobbins Drive) are zoned for high density residential or non-residential development with three exceptions. One is the site of the proposed Residence Inn Hotel, the second is the "gateway" site south of 15-501 at the I-40 interchange, and the third is the Chapel Hill Cemetery.

#### Land Use Designations

It appears from the Land Use Plan adopted as part of the Comprehensive Plan that there are only two properties fronting the US 15-501 Corridor that are designated for low or medium density residential development. One of these is the mixed-use site. The other is the Summerfield Crossing townhome development that abuts the mixed-use site. While the existing land use map in the Comprehensive Plan correctly identifies Summerfield Crossing as medium

density residential, the Land Use Plan for some reason shows that development to be low density residential.

The zoning map amendment will achieve the purposes of the Comprehensive Plan, as demonstrated below.

The applicant acknowledges that the Land Use Plan Map shows low-density residential use for this area. But the applicant asserts that the proposed mixed use development would fulfill elements of the Comprehensive Plan with more positive impacts on the surrounding properties and the than would the site developed for multi-family with its current R-3 residential zoning. (Duplex Subdivision, e.g.)

The proposed mixed-use development would:

- Generate virtually the same amount of peak hour traffic as a multi-family development;
- Provide the needed right-of-way for the realignment of Dobbins Drive west of Erwin Road and provide its equitable share of improvements on Erwin Road;
- Provide for stormwater quality basins using the Best Management Practice design principle as well as other Town water quality requirements;
- Result in the substantial less land disturbance on the site that a subdivision meeting current zoning requirements, and centralize the disturbance so as to preserve not only the Resource Conservation District (RCD) onsite, but allow for more generous buffering and landscaping for Summerfield Crossing residents;
- Preserve meaningful undisturbed buffers along most of the property's borders, including a 100 feet undisturbed buffer next to the existing town-house community, where only a 30-foot buffer is required for the proposed use;
- Achieve the objectives of the Master Landscape Plan Entranceway Corridor Plan for this portion of US 15-501 by placement of the building onsite well away from the corridor while maintaining a visual buffer;
- Protect the adjoining neighborhood's landscaped environment by not clearing the mature trees from within the platted OWASA sanitary sewer easement that traverses the neighboring development because the proposed sanitary sewer service crosses Erwin Road with the service main due to the central location of the building for the use allowed by the rezoning amendment.

55

Additional Comprehensive Plan Goals

- The proposed use would increase employment opportunities, increase the tax base, and provide support to other town businesses and the University of North Carolina by providing appropriate accommodations for visitors that wish to stay in town for more than one or two nights.
- The proposed use is located so that it can be served by the Chapel Hill Bus System.
- In addition, the proposed use would put virtually no additional burden on the Chapel Hill - Carrboro School System facilities.

Summary Comments

With surrounding land uses that are medium-high density residential and commercial in nature, the applicant believes that low-density residential is, in fact, not an appropriate land use for this 13.29 acre parcel located in the intersection of Erwin Road with Dobbins Drive and the US 15-501 corridor.

Instead, the applicant asserts that the proposed development conforms with the general development plan for the Town and will in fact achieve many more of the goals and objectives of the Comprehensive Plan than would a multi-family residential development in this location.