

1507 & 1509 East Franklin Street

Project Narrative and Statement of Justification

Project Narrative

This project is a Special Use Permit Modification to an existing Planned Development - Shopping Center (Community) located at 1507 and 1509 East Franklin Street between Estes Drive and Elliot Road. The property's PIN is 9789-93-9745 and the site is zoned CC – Community Commercial.

1507 E. Franklin Street was first developed as a small retail building in 1967. After a few expansions, the first Special Use Permit (SUP) for the property was issued in 1975 to build a gas station at the 1509 E. Franklin Street location. Subsequently, a 1983 SUP modification to expand the gas station combined the two properties into a Planned Development - Shopping Center (PD-SC) with a "Community" (versus "Neighborhood") designation: PD-SC (Community). This allowed multiple buildings to exist on the same zoning lot without buffers between them in order to facilitate cross-access.

For a number of years a Sherwin Williams paint store and the gas station leased the two buildings on the property from the property owner who lived in Winston-Salem. In 2013 the gas station terminated its lease and closed. In 2015 the SUP was modified via a minor change to allow demolition of the gas station and redevelopment of the 1509 E. Franklin Street side of the property into a 2438 square foot restaurant for a build-to-suit lease to a local area Dunkin Brands franchisee.

The Sherwin Williams paint store that had been leasing the 1507 E. Franklin Street building for a number of years remained a tenant. But the parking and circulation pattern was modified in a manner that significantly reduced impervious surface, introduced new landscaping and improved buffers, reduced driveway access from three driveways to two driveways by eliminating the central driveway, and widened the sidewalk along its frontage from 5 feet to 10 feet as part of a planned Franklin Street multi-use sidepath. The change from gas station to restaurant also significantly reduced the traffic impact of the property.

Construction was completed and the restaurant opened in Spring of 2017. Later that year, the Dunkin franchisee owner (who lives in Chapel Hill), purchased the property from the Winston-Salem family that originally owned and developed the land becoming the landlord for the Sherwin Williams paint store and the owner (not just tenant) of the restaurant located on the property.

Although he had initially expressed interest in including drive-through window service in his lease negotiations, the out-of-town property owner at that time was not interested in pursuing that more involved review and approval process, opting instead for an adminis-

trative process that allowed demolition of the gas station and construction of the restaurant building.

However, since approximately half of the restaurant's customer orders are "to go", the current property owner and restaurant operator is now interested in activating that use on the property which is a permitted accessory use for Planned Development - Shopping Center (Community) developments. Included with this particular customer service modification are also other customer service related modifications, including improved one-way traffic circulation by limiting the eastern driveway to entrance-only, conversion of 90-degree parking to 45-degree parking for sit-down diners who no longer will need to compete with "to go" orders for parking, an expanded patio for more outdoor seating opportunities, relocation of the bicycle parking from the rear corner of the building to right beside the front door, and providing an additional pedestrian access sidewalk from the front sidepath to the restaurant's front door, patio, and bicycle parking area.

Project Surroundings

This shopping center is located mid-block on East Franklin near the intersection with Estes Drive. East Franklin Street is a five-lane cross section between these two intersections with a continuous center turn lane to serve the property and surrounding businesses and residences. The property is next door to the Sienna Hotel to the west and is visually separated from that use by a natural landscape buffer that includes mature trees.

On the east side is a two-way paved driveway that provides access via a flag lot stem to The Retreat at Franklin condominiums located north of the shopping center. An alternative landscape buffer was approved by the Community Design Commission in 2015 along the eastern and northern edge of the property due to a sloped bank between these two properties and multiple utility easements that serve the condominiums but are located on the shopping center property. No windows from the condominium buildings face the common property line between the two properties and those residential buildings are located well above the grade of the shopping center.

Also running parallel to The Retreat's driveway access is a paved connector pathway from a bus stop location on East Franklin Street to the Chapel Hill Library site north of The Retreat property. There is bicycle and pedestrian activity from the bus stop and library connector path as the restaurant is the closest source of food and drink to the library. In addition there are other apartment communities located within walk distance east of the property along East Franklin Street.

Located across East Franklin Street from the shopping center is existing non-residential development including the recently constructed Pep Boys and Montessori Academy buildings.

Findings of Fact

The applicant hereby justifies the request for a Special Use Permit Major Modification as per the Town of Chapel Hill's Land Use Management Ordinance, Appendix A, Section 4.5.2 (a): Standards and Findings of Fact

Finding 1: 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.

Traffic: The activation of drive-through window service as a permitted accessory use for Planned Development - Shopping Center (Community) will utilize the two existing driveway access points (needed for truck delivery service to the Sherwin Williams paint store), but will restrict the eastern driveway entrance from its current two-way access to an entrance-only one-way access. This removes exiting traffic from this driveway, thereby eliminating conflict with exiting traffic from The Retreat at Franklin condominium exiting traffic. The drive-through service lane (former exiting traffic lane) is designed to hold a stack of ten cars, as required by the Land Use Management Ordinance, without encroaching on the public right of way. An additional wait space will be provided beyond the drive-through service window, so customers will have a place to pull ahead if there is a delay in fulfilling their order. Dunkin has optimized its procedures for speed and efficiency and strives companywide to keep drive through window service transactions under 150 seconds from greeting to order fulfillment. In addition, food is cooked off-premises and only heated and/or mixed on-site. This combination of operating procedures and design features prevents the customer wait line from spilling out onto Franklin Street or blocking the sidewalk. In a 2017 nationwide study by Quick Service Restaurant magazine less than one percent of customers at 169 observed Dunkin locations ever encountered more than six vehicles in line. Placement of the menu board at wait position five allows the kitchen to see multiple orders at a time and fulfill them before the vehicle reaches the service window for the economic transaction. The wait line storage line length and menu board placement location are both as per design requirements found within the Land Use Management Ordinance for drive-through window service.

Safety: The one-way circulation pattern for the restaurant's portion of the parking lot will be safer for dine-in customers who arrived by vehicle as well as for pedestrians and bicyclists. A raised pedestrian crosswalk to the restaurant's side door makes it safer to go to and from parked vehicles and they will no longer need to watch for vehicles moving from both directions as the driveway is converted from two-way traffic flow to one-way traffic flow. By raising the pedestrian crosswalk, drive-through window service customers will be discouraged from blocking it and the crosswalk is not part of the drive-through vehicular storage area, occurring between wait positions seven and eight (with

wait lines rarely longer than six deep as per the study referenced above). Provision of 45-degree parking stalls also makes parking easier to navigate than 90-degree parking stalls and reinforces the one-way traffic circulation pattern. Furthermore, pedestrian and bicycle traffic will now be kept completely separate from the drive aisles and the drive-through window service area. The existing pedestrian sidewalk and front sidepath access point will remain (leading to the side door where the parking lot pedestrian crosswalk is also provided). However a new sidewalk connection is now also added from the front ten-foot wide sidepath to the restaurant's front door and expanded outdoor dining patio, providing a new way for pedestrians and bicycles to approach the building completely separated from vehicular traffic. A component of the patio expansion also involves relocating the restaurant's bicycle parking from the rear corner of the store to the front of the store beside the front door. In addition to easier access, this will provide a safer, and more visible place for diners to park their bicycles. Finally, the pedestrian system, including front patio area and sidewalk connection to the Sherwin Williams paint store are all separated from the drive-through window service area by raised curb and continuous evergreen hedge that also serves as a headlight screening feature for vehicles at the drive-through service window.

Utilities: No utilities will need to be modified or relocated for this project. Water and sewer are provided by OWASA and a grease trap was installed when the restaurant was constructed. Solid waste collection for the shopping center will continue from a shared set of garbage and recycling dumpsters as it does today.

Stormwater: Currently the site cross-connects its on-site stormwater collection facilities with the Sienna Hotel collection system next door to the west. Stormwater also enters the site from the condominium project to the north via a tail ditch along the western edge of the property to an inlet structure located on the shared property line between the shopping center and the Sienna Hotel. An operations and maintenance plan is currently being developed for this inlet separate from this application. The small increase in impervious surface that results from the expanded patio and parking lot circulation improvements will be offset by the use of pervious pavers for a designated portion of the asphalt area currently striped out near the front door to the Sherwin Williams paint store to be utilized as a bicycle parking area.

Floodway/RCD: The project is not located within a designated floodway or resource conservation district.

Finding 2: 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.

Article 3: Zoning Districts, Uses, and Dimensional Standards

The site is zoned Community Commercial (CC) and has been issued a Special Use Permit for “Planned Development - Shopping Center (Community)”. The paint store is classified as “business - general” (use group C) and the restaurant as “business - convenience” (use group C), both classified as a “principal use” (P) within the Community Commercial zoning district. “Drive-in window” is defined as “a window or other opening in the wall of a principal building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles” within the Definitions (Appendix A) section of the Land Use Management Ordinance and is classified as a permitted “accessory use” (A) under Planned Development - Shopping Center (Community) within the Use Matrix found within Article 3. The property is not located within any special or overlay zoning districts. This SUP Modification will be compliant with all dimensional standards identified within Article 3 including lot dimensions, building setbacks, impervious surface ratios, and floor area ratios.

Article 5: Design and Development Standards

The 2015 Special Use Permit Modification brought the shopping center up to current Chapel Hill standards with new site lighting, interior landscaping, and perimeter landscape buffers as approved by the Community Design Commission. These site elements will all remain in place under this Special Use Permit Modification. Interior landscaping elements disturbed during construction of site improvements will be relocated or replaced allowing the property to continue to meet shading requirements.

The site’s existing hydrology was improved by the 2015 Special Use Permit Modification by lowering the amount of impervious surface on the property. That existing hydrology will be maintained by this Special Use Permit Modification.

All design and development standards identified within Article 5 are met or exceeded by this Special Use Permit Modification.

Article 6: Special Regulations for Particular Uses

Within the Use Matrix found within Article 3 the use identified as “Drive-in Window” has an added parenthetical note “(See Article 6)”. Section 6.14 “Drive-in window, as an accessory use to permitted principal use” contains the following special regulation for this use: “Pedestrian walkups shall be separated from service areas by curbs.”

There are no separate pick-up windows proposed by this SUP Modification for pedestrians. However, all pedestrian areas, including the outdoor dining patio, the bicycle park-

ing area by the front door, and the interior sidewalk system that cross-connects the restaurant and the paint store are separated from the drive-through window service area by not only raised curbs but also by a continuous evergreen hedge. Pedestrians approaching the restaurant from the Franklin Street multi-use sidepath along the property's frontage are brought directly to the restaurant's front door. Similarly, bicyclists can also access bicycle parking racks via this same sidewalk connection to the multi-use sidepath. As an alternative, there is also a separate sidewalk system that delivers pedestrians from the multi-use sidepath along the frontage to the side door utilized by customers arriving by vehicle that is separated from the drive-through window service lane by raised curb.

Other Potentially Applicable Regulations

Although this property is located outside the Blue Hill District, this SUP Modification also meets the drive-in window design standards for that form-based code district. The regulations for that district require that ten vehicular wait spaces be provided within the drive-through window service lane with four spaces located after the menu board placed at wait position number five. This menu board placement requirement allows the food/drink preparation area to fulfill multiple orders before the vehicle arrives at the pick-up window for the economic transaction.

The dimensions of the wait space are not specified in the Chapel Hill LUMO. However, the proposed design utilizes the 20-foot-long by 8-foot-wide wait space dimensions required by the Town of Apex, which has identical drive-through window service stacking requirements. Most cars are approximately six feet wide and the typical midsize sedan is approximately 16 feet long, while many compact cars and SUVs are less than 14 feet long. Therefore the 20-foot length of the wait space utilized in the design allows for a variety of vehicle sizes and includes the natural gaps drivers might place between themselves.

Screening of the headlights and lower portions of the cars at the drive-through window service window will also be provided utilizing Blue Hill zoning district design standards. A low continuous evergreen hedge will follow the perimeter of the drive-through window service return lane, not only screening the headlights and lower portions of the vehicles, but also providing a physical barrier between pedestrians utilizing the adjacent sidewalk and vehicles utilizing the return lane on the other side of the hedge. A soft-touch variety of Japanese holly will be utilized for the hedge to be compatible with both vehicles that might brush against it while in the wait space area and pedestrians on the other side as they use the sidewalk that connects the restaurant with the paint store. The Blue Hill zoning district requires a height of 3 feet at planting with a mature height of 4 feet and this species should fulfill that objective. It is noted that the police representative at this project's pre-application review advocated considering a 3-foot height at maturity for security purposes and that design objective can also be met if deemed desirable.

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.

Only two properties are contiguous to this property, the Sienna Hotel to the west and The Retreat at Franklin condominiums to the north, including their entry drive along a flag-lot stem that borders the eastern side of the property.

The installed site improvements that were a component of the 2015 Special Use Permit Modification, including installing modern site lighting, adding missing interior landscaping, and enhancing the perimeter landscape buffers on all four sides, helped to meet this objective. A natural buffer with mature trees separates the property from the Sienna Hotel and the improvements associated with this SUP Modification have little effect on the hotel. A byproduct of this modification should help better protect the hotel from off-site storm drainage impacts from the condominiums to the north as the tail ditch that flows from the condominium property between this site and the hotel might be improved along with the current storm drainage structure that is located on the property line between the two properties. Stormwater overflows from that ditch and that device currently flow across a portion of their parking access during certain storm events.

At a preliminary meeting with the condominium association's board of directors, their primary concern was that adding drive-through window service might result in cars backing out into the public right-of-way for Franklin Street, thereby conflicting with their driveway access located on the flag lot stem just east of the property. These fears are understandable, as the popular Sunrise Biscuits drive-through window service restaurant frequently has this issue on busy weekend mornings, with the line of cars overflowing that small lot and extending into the westbound right lane of Franklin Street.

However there are both design and operational differences between the two restaurants that eased their initial concerns. Sunrise Biscuits is located on a small lot that only has space for approximately six cars before the line starts to intrude into the sidewalk and drive lanes of Franklin Street. Additionally, the menu board is located at the wait space right before the service window, limiting the kitchen into only working on one or two orders at a time. Finally, the food is being cooked and prepared in that kitchen area, requiring some additional time before orders can be fulfilled.

In contrast, this project's restaurant has a 10-car stack with more generous dimensions than Sunrise Biscuit's shorter on-site stack. Additionally, the menu board is placed at wait space 5 within the stack, allowing the multi-station food and drink preparation area to see up to four orders at the same time when the line is full. Finally, the food is cooked off-site and only heated/mixed/served on-site via multi-function ovens with operating routines that are less than a minute in duration.

There is a corporate goal to limit the customer experience time from ordering to driving away from the window to 150 seconds and the local franchisee has experienced no problems meeting that goal at his other local area locations. Additionally a 2017 Quick Service Restaurant study of 169 Dunkin locations was shared with them that confirmed this approximate amount of time from greeting to drive-away and also noted that only 0.4% of all customers every encountered more than six vehicles in line (menu board at position five). This study seemed to ease their concerns, but the design was also revised after that meeting to include provision of a wait space within the return loop area after the service window position for vehicles to wait for orders that might somehow hold up the line and cause unforeseen back-ups.

Finally, it is noted that no windows from the condominium buildings overlook this property and that the menu board faces into a raised slope in the northeast corner of the property over one hundred feet away from the common property line.

Finding 4: That the use or development 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 as embodied in this appendix and in the comprehensive plan.

A Place for Everyone

Approximately half of customer orders for this Dunkin restaurant are “to go”. Currently this requires customers to park their vehicle, enter the restaurant, stand in line, carry their order back to their vehicle, and then exit their parking space. This not only requires more time than these customers may be able to afford for their “to go” order, but also impacts sit-down customers who have chosen to dine in the restaurant. Beyond competition for parking spaces in the parking lot with the “to go” customer, they must currently also wait in line behind them to place and receive their own order. Provision of a means for the “to go” customer to receive their order in a predictable timely manner that does not require them to park and exit the vehicle meets their preferences and improves the customer experience for sit-down diners in that better parking is now available closer to the door and shorter lines at the counter.

In addition, drive-through window service will enable Dunkin to better serve customers with limited mobility, such as senior citizens and people with injuries or physical disabilities. It can also be helpful to parents with small children that make exiting the vehicle a major undertaking and provides an option in adverse weather conditions.

The patio expansion provides more outdoor dining space for those that enjoy that experience. And providing separate and convenient bicycle and pedestrian access will also make Dunkin an even better place for customers who do not usually get around via motorized vehicles by separating the vehicular traffic from their dedicated pedestrian access and front-door bicycle parking.

Community Prosperity and Engagement

Although Dunkin is a national chain, this property owner is a Dunkin franchisee who operates multiple Dunkin locations throughout the Triangle area but chooses to live in Chapel Hill as his home. In addition to keeping the dollars local by living within the Town limits, this franchisee also supports many local non-profits by such things as hiring workers identified by the homeless women support groups and donating food and money to many local causes.

Furthermore the property's proximity to the library provides a good place for patrons to take a break from studying or get a change of scenery while enjoying a snack or beverage. With the Franklin Street bus stop and library connector trail nearby, this restaurant becomes the closest place to find food and beverage for such breaks.

Enhancing the bicycle parking options and location, plus providing dedicated pedestrian connections to the 10-foot wide multi-path along the property's frontage (first section to be provided on East Franklin Street), makes taking a non-vehicular break much easier to enjoy.

Getting Around

Offering an option for timely and predictable "to go" service that does not impact others is a desirable option to have for those on a tight time budget. The right-in and right-out option for those commuting into Town and campus in the morning is convenient and safe for those that choose to pick up an order on the way to work or a meeting.

Good Places, New Spaces

Modern drive-through window service is not common in Chapel Hill with most examples being from decades ago and on the fringes of the economic community. A well-designed option that has little impact on others is a desirable feature for the community.

This vehicular option is balanced in this modification with enhanced pedestrian and bicycle access as well offering a better customer service experience for all, including an expanded outdoor dining patio out front as a new space that is comfortable to sit within behind the streetside landscaping.

This new space serves all including those with disabilities and offers a place for commuters and visitors going in and out of downtown and university area to either purchase something to-go or sit and enjoy either inside the restaurant or on the patio.

Nurturing Our Community

This modification maintains impervious surface area at the same reduced level that was achieved when the 2015 modification replaced the gas station with a restaurant. The expanded patio and drive-through service window area pavement is offset by the introduction of a large landscape island in the service window area.

Traditional air pollution concerns associated with drive-through window service is now reduced by advances in automotive technology.

Many modern cars now switch off their engines when not moving, only restarting when moving again. Hybrid cars switch off their gasoline engines and go exclusively electric at low speeds and when idling, burning no fuel and putting out no emissions. And, of course, increasingly popular electric vehicles are always running in this mode.

Plus the speed of drive-through window service by this particular restaurant minimizes the amount of vehicle idle time to the point where the impact of having to alternatively park and un-park may be equivalent.

Finally, the amount of tree canopy and tree shading provided on this property was increased dramatically by the 2015 modification and that level of canopy and shading is maintained in this modification.

Conclusion

The Findings of Fact required by Section 4.5.2.(a) of Article 4 of the Chapel Hill Land Use Management Ordinance can be made for this Special Use Permit Modification.