



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

TO: Town of Chapel Hill Commissions and Advisory Boards

FROM: Gene Poveromo, Development Manager
Judy Johnson, Principal Planner

SUBJECT: Application for Special Use Permit Modification, 1609 E. Franklin St. Hotel and Residential Units

Recommended Action

- That the Community Design Commission, Transportation and Connectivity Board, Housing Advisory Board and Environmental Stewardship Advisory Board forward a recommendation to the Planning Commission and the Council; and that the Planning Commission also forwards a recommendation to the Town Council.

Explanation of Recommendation

- For this proposed development, the Council's Advisory Board Policy Manual requires that the Community Design Commission, Transportation and Connectivity Board, Housing Advisory Board and Environmental Stewardship Advisory Board forward a recommendation to the Planning Commission for the Commission's consideration. The Land Use Management Ordinance requires that the Planning Commission forward a recommendation to the Council.

Project Description

- This Special Use Permit Modification Application proposes to develop a 1.74-acre site, located at 1609 East Franklin Street. The proposed development includes a 7-story building including a 106 room hotel with 123 parking spaces and 28 apartments in approximately 67,612 sq. ft. of floor area. The proposal also includes a pedestrian access easement to Pritchard Park.

Key Considerations

- *Zoning Atlas Amendment:* The applicant is proposing to rezone the portion of the site zoned Neighborhood Commercial-Conditional (NC-C) to Mixed-Use Village (MU-V). The portion of the site zoned Residential-1 (R-1) will remain as currently zoned. We have received a protest petition from the adjacent neighbors.
- *Mixed-Use Village:* Because this application is proposing the Mixed-Use Village (MU-V) zoning designation, the proposal must include a minimum of 25% residential floor area and 25% non-residential floor area
- *Affordable Housing:* The application includes 28 apartments and a proposal for an affordable housing payment-in-lieu of \$13,200 as well as two affordable units.
- *Ephesus-Fordham District:* While a significant portion of the Ephesus-Fordham District has been rezoned, the Council has continued the public hearing on the proposed rezoning

of the properties across the street from this development proposal to October 19, 2015. We anticipate the Council will consider alternatives that could incentivize developments with affordable housing in these areas at that public hearing. Discussion has included a new zoning district which, with an affordable housing component, could allow five story buildings.

- *Concept Plan Review:* During the Community Design Commission and the Council review of the Concept Plan, some of the following topics were discussed: traffic impacts; building out of scale with the adjacent neighborhood; relocating parking underground; importance of attractive elevations from Franklin Street; economic viability of a hotel; minimizing HVAC noise.

Background

- *October 11, 1999:* Council approved a rezoning to Neighborhood Commercial-Conditional (NC-C) and a Special Use Permit for 18,301 sq. ft. of office floor area and 59 parking spaces.
- *October 11, 2004:* The Special Use Permit expired, therefore the site reverted back to the previous zoning: Residential-5 (R-5), Residential-1 (R-1).
- *March, 9, 2009:* Council approved a rezoning to Neighborhood Commercial-Conditional (NC-C) and a Special Use Permit for 17,318 sq. ft. of office/retail floor area and 61 parking spaces.
- *November 20, 2013:* Concept Plan reviewed by the Community Design Commission.
- *January 22, 2014:* Concept Plan reviewed by the Council.
- *December 29, 2014:* Special Use Permit and Zoning Atlas Amendment applications submitted.

Fiscal Note

- According to the applicant Fiscal Impact Analysis, the principal net general fund tax revenues to the Town of Chapel Hill resulting from the completion of this project total approximately \$200,000 per year.

Council Goals

- Create A Place for Everyone
- Develop Good Places, New Spaces

Attachments

- Staff Report
- Resolution A Special Use Permit Modification of Approval
- Resolution B Special Use Permit Modification of Denial
- 2009 Special Use Permit
- 1999 Special Use Permit
- Applicant Materials
- Applicant's response to Concept Plan Comments
- Traffic Impact Executive Summary
- Applicant's Fiscal Impact Analysis
- Area Map

STAFF REPORT

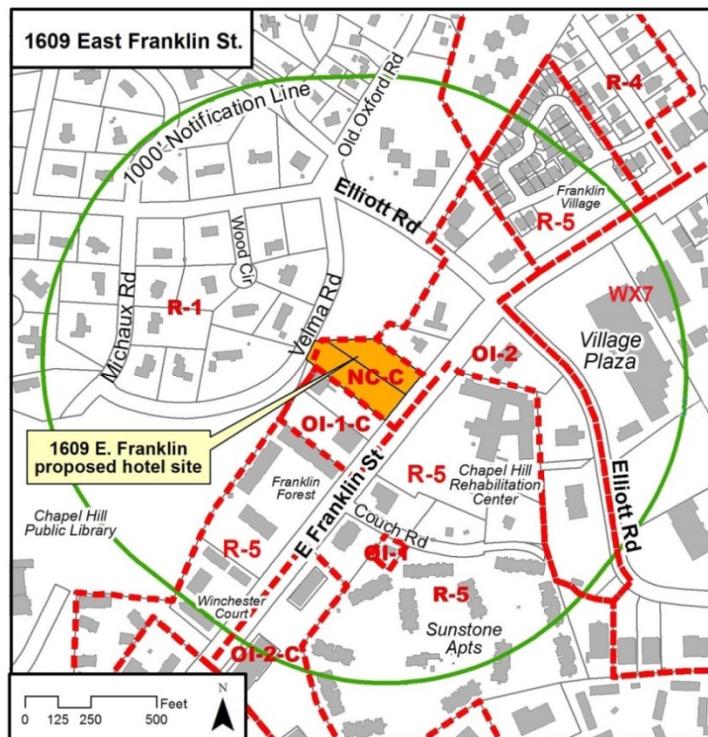
TO: Housing Advisory Board (June 9, 2015)
Environmental Stewardship Advisory Board (June 9, 2015)
Transportation and Connectivity Advisory Board (June 23, 2015)
Community Design Commission (June 23, 2015)
Planning Commission (August 4, 2015)

SUBJECT: Application for Special Use Permit Modification– [1609 East Franklin Street](#)¹
Hotel and Residential Units (Project No. 13-089)

DATE: June 9, 2015

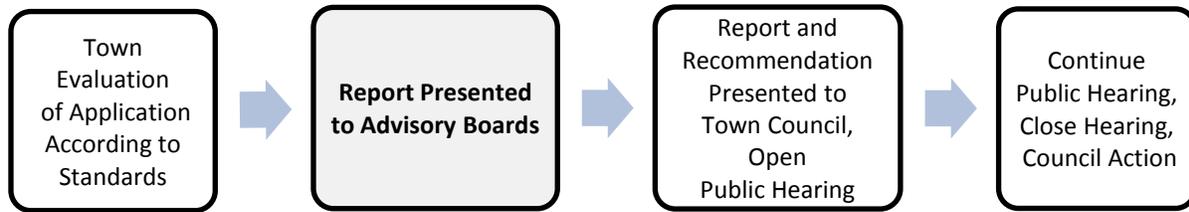
INTRODUCTION

Attached for your consideration is a Special Use Permit Modification Application, submitted by Charles R. Walker III, which proposes to develop a 1.9-acre site, comprised of two lots, located at 1609 East Franklin Street. The proposed development is on the northwest side of East Franklin Street near the Elliott Road intersection. The development includes a 106 room hotel and 28 apartments in approximately 67,612 s. f. of floor area. The applicant is also proposing to rezone the portion of the property zoned Neighborhood Commercial-Conditional (NC-C) to Mixed Use-Village (MU-V). The portion of the property zoned Residential-1 (R-1) shall remain.



¹ <http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-activity-report/1609-east-franklin-street>

PROCESS



BACKGROUND

- October 11, 1999 The Town Council approved a rezoning application to Neighborhood Commercial-Conditional (NC-C) and a Special Use Permit for 1609 East Franklin Street, an office development with 18,301 sq. ft. of floor area and 59 parking spaces.
- October 11, 2004 The Special Use Permit expired and the Neighborhood Commercial-Conditional (NC-C) property reverted back to the Residential-5 (R-5) and Residential-1 (R-1) zoning districts.
- March, 9, 2009 The Town Council approved an application for an office-commercial building rezoning the property to Neighborhood Commercial-Conditional (NC-C) and a Special Use Permit for an office development with 17,318 sq. ft. of floor area and 61 parking spaces.
- November 2013 Two vacant single family homes on the site were demolished.
- November 20, 2013 Concept Plan application reviewed by the Community Design Commission.
- January 22, 2014 The Town Council reviewed a Concept Plan for a 110 room five-story hotel with 110 parking spaces.
- December 29, 2014 Special Use Permit and Zoning Atlas Amendment applications submitted.

KEY CONSIDERATIONS

During our staff review we have identified the following key considerations:

- *Mixed-Use Village*: The proposal complies with the minimum of 25% residential floor area and 25% non-residential floor area
- *Affordable Housing*: The application includes 28 apartments and a proposal for an affordable housing payment-in-lieu of \$13,200 as well as two affordable units.
- *Concept Plan Review*: The following topics were discussed: traffic impacts; building out of scale with the adjacent neighborhood; relocating parking underground; an attractive

elevations along Franklin St., economic viability of a hotel; HVAC noise. A copy of the applicant’s response to these topics is attached.

For additional information on Key Considerations, please refer to the following staff analysis.

EXISTING CONDITIONS/DEVELOPMENT PROPOSAL SUMMARY

The Special Use Permit application is proposing the following changes with details indicated in the table below:

General Site Description and Location	
Address	1609 East Franklin Street
Property Description and Location	The parcel is 82,798 square feet (1.9 acres) and located in the northwest side of East Franklin Street, to the south of the intersection with Elliott Road.
Existing Structures	One residential dwelling; two other residential dwelling previously demolished.
Orange County Parcel Identifier Numbers	9799-04-6951 and 9799-04-7995
Existing Site Conditions/Proposed Development Description	
Proposed Special Use Permit	106 room hotel with 28 residential dwelling unit with 123 parking spaces
Floor area	A maximum of 90,325 sq. ft. is allowed under the proposed Mixed Use-Village (MU-V) zoning district. The proposal includes a total of 67,612 sq. ft. of floor area.
Affordable Housing Units	Proposing to provide a payment-in-lieu for 2.2 units at \$6,000 each (totaling \$13,200) prior to issuance of a Certificate of Occupancy as well as to provide 2 affordable units on-site equivalent to 15 percent of the 28 residential units
Height	Primary height is 70 feet and secondary height is 114 feet in Mixed Use-Village (MU-V) zoning district. Proposed height is a maximum of 67 feet.
Vegetation	This residential site includes stands of mature pine and hardwood trees.
Tree Canopy	30 percent tree canopy coverage is required. Applicant is proposing to meet the standard by providing 60 trees on-site.
Vehicular Parking Spaces	Minimum-104; Maximum-142; Proposed-123
Bicycle Parking	Required - 13 spaces; Proposed - 13 spaces in racks with an additional 28 in the apartment units
Vehicular and Pedestrian Access	Existing – three existing curb cuts along East Franklin St.; one curb cut along Velma Road; Proposed – two curb cuts – one-way in and one-way out on East Franklin St. Proposed pedestrian connection to Pritchard Park
Land Disturbance	72,271 sq. ft.

Impervious Surface	56,441 sq. ft. (68%)
Overlay Zone	None
Resource Conservation District	None
Jordan Riparian Buffer	None
Steep Slopes	None
Zoning	Existing – Neighborhood Commercial-Conditional (NC-C) and Residential-1 (R-1); Proposed – Mixed Use-Village (MU-V) and Residential-1 (R-1)
Requested Modification to Regulations	
Modification to Regulations	None
Surrounding General Development Pattern	
North	Office/Institutional-2 (OI-2) – Fire Station #3 and Psychology Associates Offices
East	Residential-5 (R-5) - Signature Healthcare of Chapel Hill. Within the Ephesus Fordham District
South	Office/Institutional-1-Conditional (OI-1-C) – the Ballet School
West	Residential-1 (R-1) Coker Hills

STAFF ANALYSIS OF APPLICATION

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 [Design Manual](#)⁴, and offers the following evaluation:

Comprehensive Plan: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

Conforms	No.	2020 Comprehensive Plan Themes
√	1	A Place for Everybody
√	2	Community Prosperity and Engagement
√	3	Getting Around
√	4	Good Places, New Spaces
√	5	Nurturing Our Community
	6	Town and Gown Collaboration

We believe that the 1609 East Franklin Street proposal complies with five of the six themes of the 2020 Comprehensive Plan. For information on how this proposed development addresses these themes and goals of the Comprehensive Plan, please refer to the attached applicant’s Statement of Justification.

² <http://www.ci.chapel-hill.nc.us/town-hall/departments-services/design-chapel-hill/chapel-hill-2020>

³ <http://www.ci.chapel-hill.nc.us/town-hall/departments-services/planning-and-sustainability/resources/planning-library-plans-regulations-and-guidelines/chapel-hill-land-use-management-ordinance>

⁴ <http://www.ci.chapel-hill.nc.us/home/showdocument?id=2645>

Land Use Plan: The [2020 Land Use Plan](#)⁵, a component of the 2020 Comprehensive Plan, designates this site as high density residential (8-15 units per acre) and is located in Future Focus Area #5 (North 15-501).

Mixed Use-Village: The property is zoned Neighborhood Commercial-Conditional (NC-C) and Residential-1 (R-1) and a Zoning Atlas Amendment application accompanies this Special Use Permit application to change the Neighborhood Commercial-Conditional (NC-C) zoning to Mixed Use-Village (MU-V). The portion zoned Residential-1 (R-1) is not proposed to be rezoned. The Mixed Use-Village zoning district requires a minimum of 25 percent of residential floor area and a minimum of 25 percent of commercial or office floor area.

The applicant is proposing to meet the Mixed Use-Village land use requirements by providing a 106 room hotel as commercial spaces as well as 28 corporate apartments fulfilling the 25 percent residential requirement. The corporate apartments are proposed as extended stay accommodations for long-term visitors and workers to the area. The Land Use Management Ordinance defines a dwelling unit with occupancy on a weekly or longer basis. Resolution A includes a stipulation requiring the units be leased for a minimum of seven nights.

Mixed Use-Village Land Use Intensities:

Floor Area: Maximum floor area 90,325 sq. ft.

Setbacks: Street and interior setbacks are 0 feet; solar setback (northern property line) 20 feet.

Building Height and Envelope: Primary – 70 feet; Secondary; 114 feet.

This project complies with the above intensity standards.

Transitional Control Intensity Modifications:

This project is subject to transitional setback adjacent to the Velma Road neighborhood. This standard requires setbacks equivalent to those required in the adjoining residential zoning district. The building is located approximately 156 feet from the property line in the rear of the site.

Comparison of Concept Plan and Special Use Permit Proposals

	Concept Plan	Special Use Permit Application
Floor Area Proposed	65,730 sq. ft.	67,612
Number of Stories	5 stories	7 stories
Vehicular Access	Two full access driveways on East Franklin Street	One right-in and one right-out driveway on East Franklin Street
Impervious Surface	55,641 sq. ft.	56,531 sq. ft.

⁵ <http://www.townofchapelhill.org/home/showdocument?id=1215>

Affordable Housing

As this Special Use Permit is accompanying a Zoning Atlas Amendment, it is the Council’s expectation that projects with a residential component incorporate a fifteen percent affordable housing feature. The applicant is proposing to provide an affordable housing contribution equal to 15 percent of the 28 residential units or a total of 4.2 residential units. The applicant is proposing a payment-in-lieu for the equivalent of 2.2 units at \$6,000 each for a total contribution of \$13,200. The applicant is also proposing to provide two affordable fully furnished units on-site that would be available for qualifying residents earning 60 percent of the area median income (AMI). The applicant is targeting hotel employees, with right of first refusal, as potential residents although the affordable units would be available to any qualified tenant. This is included in Resolution A.

Schools Adequate Facilities Ordinance

Because this project includes residential units, it will be necessary for the applicant to provide Certificates of Adequacy from the Chapel Hill-Carrboro City School district prior to the issuance of a Zoning Compliance Permit.

Fiscal Impact

The applicant has submitted a Fiscal Impact Analysis (attached). The analysis estimates that the proposed project would add approximately \$257,664 in new property taxes, with an estimated \$83,840 to the Town of Chapel Hill. It is also estimated to generate approximately \$500,000 in annual sales and occupancy taxes. Business Management staff has reviewed the analysis and has determined that the net positive financial impact to the Town will likely be in the \$200,000 per year range, based on the representations made by the developer. This is consistent with the estimated financial impact for similar developments.

The applicant has stated that there are currently no Tier B level chain hotel rooms within the Town limits. This is a different rate and service level than the existing boutique hotels in the area. There are also no furnished corporate-style units within the Town limits to serve visiting long-term professionals and University support.

Transportation

Traffic Impact: A Traffic Impact Study was prepared for the Town by HNTB North Carolina, PC (Executive Summary attached). The study area includes three major signalized intersections along East Franklin Street at Estes Drive, Elliott Road, and Eastgate Shopping Center. The study assumed that the project would be completed by 2017.

Weekday Trip Generation Summary

Trip Generation Statistics	Daily	AM Peak	Noon Peak	PM Peak
ITE Trips	1,160	73	85	97

TIA Recommended Improvements: Based on traffic capacity analyses for the 2017 design year, and analyses of the existing study area the following improvements are recommended by the TIA as being necessary:

- Retime the three studied intersections on East Franklin Street to optimize overall capacity.
- The Traffic Impact Study analysis considered the fact that the proposed site access driveways do not meet Town design standards for adequate driveway separation, and the fact that their proposed locations do not align with the existing rehabilitation center across the street, the TIA recommended that the applicant consider a single full movement access driveway located immediately opposite the rehabilitation driveway. After extensive conversations with NCDOT, the Town, and the applicant, the site plan has been revised to include two access points: one-way in and one-way out drives which we believe will address the traffic and safety impacts.

Resolution A includes stipulations requiring the applicant to construct the above improvements.

Vehicular Access: The proposal includes two curb cuts on East Franklin Street; one right-in only and one right out only. The proposed plan also includes 25-foot wide cross access easement to the property to the west (Ballet School) and the property to the east (Psychology Associates).

Vehicular Parking: The proposal includes 123 parking spaces. The minimum required for the hotel is 86 parking spaces and the maximum permitted is 120 spaces. The 28 apartments require a minimum of 28 and a maximum of 35 parking spaces; totaling a minimum of 114 and a maximum of 155 parking spaces. The surface parking lot should be constructed to Town standards for dimensions and pavement design.

Transit: Prior to issuance of a Zoning Compliance Permit, we recommend that the applicant provide a payment-in-lieu for a bus shelter at a location to be determined or to update the current nearby bus stop.

Landscape and Architecture

Landscape Bufferyards: The Land Use Management Ordinance requires the following landscape bufferyards:

Location	Required Buffer	Proposed Buffer
East – East Franklin Street	30-foot Type ‘D’ (if no parking between building and street can be reduced to a 20-foot Type ‘C’)	20-foot Type ‘C’
North – Psychology Associates offices	10-foot Type ‘B’	10-foot Type ‘B’
West – Coker Hills Neighborhood; Velma Road	20-foot Type ‘C’	20-foot Type ‘C’
South – Ballet School	10-foot Type ‘B’	10-foot Type ‘B’

Parking Lot Shading and Screening: Prior to issuance of a Zoning Compliance Permit, a parking lot landscape, screening, and shading plan in compliance with Section 5.9.6 shall be approved by the Town.

Building Elevations: Prior to issuance of a Zoning Compliance Permit, the applicant shall obtain Community Design Commission approval of building elevations, lighting, and any alternative buffers, including special consideration of the location and screening of HVAC.

The applicant states that sections of the Ephesus-Fordham have been approved diagonally across Franklin Street. This begins the process of the redevelopment and redesign of the area. This proposal honors design elements such as Mixed-Use, Affordable Housing, Building heights, Urban Elements, Building close to the Street, Public Art and open roof garden overlooking the public street. This proposal minimizes the effect from the Neighborhood by being below the grade of the Neighborhood, the building is over 150' from the right of way of Velma Road, the existing Residential-1 (R-1) zoning will be kept in place, greatly exceeding the size of the required planting at installation. Each unit will have its own in-wall HVAC unit and the units covering the common areas will be on the roof behind a parapet wall.

Environment/Stormwater Management

Stormwater Management: To address the stormwater requirements of the Land Use Management Ordinance, an underground detention facility and sand filters are proposed. Retention and treatment is proposed to be provided beneath the parking areas, minimizing surface ponds. A total of 56,441 square feet of impervious surface is proposed (68% of the site). A total of 72,721 square feet of land disturbance is proposed.

Energy Management Plan: As this Special Use Permit is accompanying a Zoning Atlas Amendment and it is the Council's expectation that an energy efficiency and energy management plan be submitted, the applicant has proposed an Energy Management Plan. The Energy Management Plan details the applicant's proposal for meeting a 20 percent more efficient than ASHRAE as referenced in the 2012 North Carolina Energy Conservation Code standard. The applicant will submit a detailed Energy Management Plan and is committed to fulfilling the Energy Management Plan.

Recreation

Residential Recreation Requirements: With the multi-family component of this application, there is a recreation space requirement. Recreation space requirement is only applied to the amount of floor area proposed with a residential use. Approximately 17,200 sq. ft. of the total floor area is proposed as residential dwelling units. The Land Use Management Ordinance requires that the project provides 791 sq. ft. of active recreation area. The applicant is proposing to include a fitness facility and a pool to fulfil this standard.

Pedestrian Access to Pritchard Park: The plans show a pedestrian path, with stairs, in the rear of the site providing access to the Town's Pritchard Park.

Additional Stipulations in Resolution A (see Resolution A for detailed requirements)

Accessibility Requirements	Prior to issuance of a Certificate of Occupancy, the developer shall provide the minimum required handicapped facilities and infrastructure required by the American with Disabilities codes and standards.
Off-Site Construction	Prior to land disturbing activities on adjacent properties

<i>Easements</i>	associated with construction, the developer shall provide documentation of approval from property owners affected by off-site construction, if necessary.
<i>Cross-Access Easements</i>	Future cross-access easements for vehicles and pedestrians between the site and adjoining properties shall be provided.
<i>Landscape Protection</i>	We have included our standard stipulation in approval of a Landscape Plan, including screening of parking areas and buildings (as required) as well as a maintenance schedule, and canopy trees.
<i>Public Art</i>	We recommend that developer work with the Town's Public Arts Officer.
<i>Erosion Control</i>	Prior to final authorization to begin land disturbing activities, the developer shall be required to provide a performance bond in accordance with Section 5-97.1 Bonds of the Town Code of Ordinance if more than one acre of land is disturbed. Prior to approval of a Zoning Compliance Permit, the developer shall provide a copy of the approved erosion and sedimentation control permit from Orange County Erosion Control Division.
<i>Lighting Plan</i>	Prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans and other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance as modified.
<i>Overhead Power Lines</i>	We have included the standard stipulation that all proposed or relocated utility lines comply with section 5.12.2 of the Land Use Management Ordinance ⁶
<i>Fire</i>	Prior to the issuance of a Certificate of Occupancy, the developer shall be required to obtain Fire Marshal approval for required fire safety features and infrastructure, such as fire hydrants, fire department connections, detailed fire access elements, fire protection devices, heavy-duty pavement, and drive aisle design features. Prior to issuance of a Zoning Compliance Permit, design is subject to Fire Marshal approval.
<i>Refuse Management</i>	Prior to issuance of a Zoning Compliance Permit, the developer shall provide a letter from a private waste collection service indicating that they have reviewed final plans and are able to provide service.
<i>Solid Waste Management Plan</i>	Prior to issuance of a Zoning Compliance Permit, the developer must obtain approval of a Solid Waste Management Plan from Orange County Solid Waste Department.
<i>Schools Adequate Public Facility Ordinance</i>	That the developer provide the necessary Certificates of Adequacy of Public Schools prior to issuance of a Zoning

⁶https://www.municode.com/library/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA_ART_5DEDEST_5.12UT

	Compliance Permit.
<i>Construction Management Plan</i>	Prior to issuance of a Zoning Compliance Permit, a Construction Management Plan shall be reviewed and approved by the Town Manager.
<i>Construction Phasing</i>	We recommend that the developer submit a Phasing Plan with the Final Plans Zoning Compliance Permit application, if desired. The phasing plan shall detail when public improvements and stormwater management structures shall be completed and inspected as part of that phase prior to requesting a Certificate of Occupancy.
<i>Traffic and Pedestrian Control Plan</i>	Prior to issuance of a Zoning Compliance Permit, the developer shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction.
<i>Repairs in the Public Rights-of-Ways</i>	Prior to issuance of a Certificate of Occupancy, it will be necessary to repair all damage for work in the public right-of-way related to the construction of this project. The design must be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
<i>Street Closure Plan</i>	That prior to the issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager approval, for any work requiring street closures.

SPECIAL USE PERMIT FINDINGS

The applicant’s materials are included as attachments to this memorandum. All information submitted at the public hearing will be included in the record of the hearing. Based on the evidence submitted, the Council will consider whether or not it can make each of the four required findings for the approval of the Special Use Permit. The four findings are:

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;

Finding #2: That the use or development would comply with all required regulations and standards of the Land Use Management Ordinance;

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

b

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.

RECOMMENDATIONS

Staff Recommendation: That the Community Design Commission, Transportation and Connectivity Board, Housing Advisory Board, and Environmental Stewardship Advisory Board forward a recommendation to the Planning Commission and the Council; and that the Planning Commission, upon considering the recommendations, forwards a recommendation to the Town Council.

PROJECT FACT SHEET REQUIREMENTS
Check List of Regulations and Standards
Special Use Permit Application

1609 East Franklin Street	STAFF EVALUATION BASED ON MU-V ZONING	
	COMPLIANCE	NONCOMPLIANCE
Use Permitted	√ (with rezoning)	
Gross Land Area (1.9 acre)	√	
Minimum Lot Width	√	
Maximum Floor Area	√ (with rezoning)	
Maximum # of Dwelling Units	√ (with rezoning)	
Minimum Recreation Space	√	
Impervious Surface Limits	√	
Land Disturbance Minimized	√	
Maximum # of Vehicular Parking Spaces	√	
Minimum # of Bicycle Parking Spaces	√	
Minimum # of Loading Spaces	n/a	
Minimum Street Setbacks	√ (with rezoning)	
Minimum Interior Setbacks	√ (with rezoning)	
Minimum Solar Setbacks	√ (with rezoning)	
Maximum Primary and Secondary Height limits	√ (with rezoning)	
Minimum Landscape Bufferyards	√	
Steep Slope Compliance	n/a	
Parking Lot Screening	√	
Public Water and Sewer	√	
Adequate Public Schools Facilities	√	

Prepared June, 2015

RESOLUTION A

(Approving the Special Use Permit Application)

A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT FOR 1609 EAST FRANKLIN STREET (PROJECT #13-089)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit proposed by Charles R. Walker, III, for 1609 East Franklin Street, on property identified as a portion of Orange County Property Identifier Numbers 9799-04-6951 and 9799-04-7995, if developed according to the Site Plan dated April 8, 2014 and revised February 28, 2015 and the conditions listed below would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for 1609 East Franklin Street in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. Construction Deadline: That construction begin by _____ (2 years from the date of approval), to be completed by _____ (4 years from the date of approval).
2. Land Use Intensity: This Special Use Permit authorizes the following:

Use: Hotel and Residential	
Gross Land Area	82,798 s.f.
Floor Area	67,612 s.f.
Total Floor Area Allowed	90,325 s.f.
Minimum Residential Floor Area	25% of total
Minimum Commercial Floor Area	25% of total
Total Dwelling Units	28
Hotel Rooms	106
Maximum Vehicular Parking Spaces	142
Minimum Vehicular Parking Spaces	104
Minimum Bicycle Parking Spaces	13 racks; 28 spaces in apartments
Impervious Surface	56,441 s.f. (68%)

Affordable Housing

3. Affordable Housing Performance Agreement: Prior to issuance of a Zoning Compliance Permit, the developer shall submit an Affordable Housing Performance Agreement consistent with the following terms:
 - The developer proposes a 15 percent of the 28 dwelling units as Affordable Housing with the following:
 - A payment-in-lieu for the equivalent of 2.2 units, at \$6,000 each, totaling \$13,200 be paid to the Town's Affordable Housing Fund prior to issuance of a Zoning Compliance Permit.
 - A total of two furnished units be Affordable Rental Units available for 30 years. First right of refusal is to the Hotel staff.
 - The affordable rental units are proposed to be available to households meeting 60% of the area median income. (Area median income as defined by the U.S. Dept. of Housing and Urban Development for the Durham/Chapel Hill MSA.)
 - The developer shall be responsible for the management/monitoring/reporting of the affordable units and reporting this information to the Town.
 - The maximum rent to be charged for the affordable units each year and method for determining yearly affordable rents of the affordable rental units shall be reported to the Town Manager.
4. Affordable Housing Plan: Upon a determination by the Town Manager that the developer's Affordable Rental Unit Housing Plan meets the criteria set out herein, the Applicant and the Town Manager (or his designee), on behalf of the Town, shall execute an Affordable Housing Performance Agreement incorporating the terms of the Plan. That Agreement, as well as the Special Use Permit herein approved shall be recorded at the Office of the Orange County Register of Deeds and shall be binding upon the applicant and its successors in interest. The Agreement and Special Use Permit and the Deed Book and Page Number where they are recorded, shall be specifically referenced in all future conveyances of an interest in any portion of the property covered by the Permit.
5. Reporting Requirements: The property owner shall submit a bi-annual report to the Town Manager for compliance with the Affordable Housing Performance Agreement. The first report shall be submitted six months after the issuance of the final Certificate of Occupancy, and reports shall be submitted for three years. Included in the reports shall be efforts to partner with area non-profits for eligible renters.
6. Termination: If after three years from the issuance of the final Certificate of Occupancy, the Town Manager or developer finds the voluntarily offered program is not working despite reasonable efforts, then with approval from the Town Council, the Affordable Housing

Performance Agreement may be terminated by agreement of the parties upon payment by the applicant to the Town of Chapel Hill of an amount to be determined by Council.

7. Modifications: Modifications to the Affordable Housing Performance Agreement shall be considered a minor amendment to the Special Use Permit and may be approved administratively by the Town Manager.
8. Remedies: All remedies allowed by law, including specific performance of any of the terms of this permit and the Affordable Housing Performance Agreement shall be available to the Town in the event the Town determines the developer or any subsequent owner is not in compliance with this Permit or Affordable Housing Performance Agreement.
9. Conversion of Residential Rental Units to Ownership Condominium Units: That if the rental development is converted to an ownership condominium development, the current or future developer/owner of 1609 East Franklin Street, affordable units for ownership shall be provided according to the Inclusionary Zoning Ordinance or other affordable housing policy in place at the time of conversion. An Affordable Housing Plan shall be approved by the Town Manager prior to recordation of the condominium plat.

Access

10. Off-site Construction Easements: Prior to any land disturbance on abutting properties it will be necessary to provide documentation of approval from the affected property owner(s).
11. Cross Access Easement: That a vehicular and pedestrian cross-access easement for ingress and egress to and through the site from the adjoining properties to the south and north (1603 and 1611 East Franklin Street) be recorded with Orange County prior to issuance of a Certificate of Occupancy. The proposed easement and documents shall be reviewed and approved by the Town Manager prior to recordation.
12. Accessibility Requirements: That prior to issuance of a Certificate of Occupancy, the developer shall provide the minimum required handicapped parking spaces and design all handicapped parking spaces, ramps, and crosswalks, and associated infrastructure according to Americans with Disabilities Act standards, North Carolina Building Code, American National Standards Institute (ANSI) Code, and Town standard.
13. Performance Bond: Prior to commencing construction activity for the improvements in the public right-of-way, a performance bond shall be provided to the Town Manager to insure the construction and installation of the improvements in accordance with the standards and provisions approved by the Town as part of the project.
14. Low Vision Design Features: Pedestrian facilities should incorporate low vision design features.

Transportation

15. East Franklin Street Access: Access to East Franklin Street shall be one right-in and one right-out driveway subject to review and approval by NCDOT.
16. East Franklin Street sidewalk: Subject to approval by the NCDOT and the Town, the existing five-foot sidewalk shall be reconstructed along the Franklin Street frontage where practical a minimum of eight feet behind the curb.
17. Repairs in Public Right-of-Way: Prior to a Certificate of Occupancy it will be necessary to repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design must be reviewed and approved by the Town Manager prior to a Zoning Compliance Permit.
18. Street Closure Plan: That prior to the issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager approval, for any work requiring street, sidewalk, or lane closures.
19. Parking Lot: That the parking lot shall be constructed to Town standards for dimensions and pavement design.
20. Work Zone Traffic Control Plan: Prior to a Zoning Compliance Permit it will be necessary to provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager. The Work Zone Traffic Control Plan shall comply with the Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction.
21. Heavy Duty Structural Support: Prior to issuance of a Zoning Compliance Permit, the developer shall provide documentation that, if underground stormwater detention is proposed beneath parking areas or drive aisles, the pavement is designed to structurally support the live loads of fire trucks and garbage trucks.
22. Bicycle Parking: That prior to the issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details for a bicycle parking space for each unit that comply with Town parking standards. The bicycle parking design must comply with the spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines, and the Class I and Class II bicycle parking standards required by the Town Design Manual.
23. Bus Shelter: That prior to issuance of a Zoning Compliance Permit, the developer shall provide a \$10,100 payment-in-lieu for a bus shelter with Nextbus signage, at a location to be determined.

Recreation

- 24. Recreation Space: That the developer shall provide a combination of active recreation space and a payment-in-lieu of recreation space. The amount of active recreation area required is 791.2 square feet. Prior to the issuance of a Zoning Compliance Permit the applicant shall provide a minimum 25% payment-in-lieu of recreation space. The remaining active recreation space shall be provided prior to issuance of Certificate of Occupancy. The final design, size, type, and changes to proposed active recreation space facilities are subject to Town Manager approval.
- 25. Pritchard Park Access: Pedestrian access to be provided to Pritchard Park with the design and access subject to Town Manager approval prior to issuance of a Zoning Compliance Permit. The trail access connection may be included towards the recreation space requirement.

Landscaping and Elevations

Location	Buffer
Eastern Property Line	20-foot Type 'C'
Northern Property Line	10-foot Type 'B'
Western Property Line	20-foot Type 'C'
Southern Property Line	10-foot Type 'B'

- 26. Landscape Protection: Prior to issuance of a Zoning Compliance Permit a detailed Landscape Protection Plan shall be approved. The plan shall include which trees will be removed and which will be preserved, critical root zones of all rare and specimen trees, and clearly indicate names and species.
- 27. Tree Protection Fencing Prior to Construction: Prior to issuance of a Zoning Compliance Permit the applicant shall provide a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. Tree protection fencing shall be provided around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval.
- 28. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. The Plan shall include canopy trees to shade surface any surface parking areas.
- 29. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve a lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) offsite spillage of light.

30. Community Design Commission Approval: That the developer obtain Community Design Commission approval of building elevations and lighting, including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit. That prior to issuance of a Zoning Compliance Permit the Commission shall approve a lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) offsite spillage of light.

Public Art

31. Public Art: The developer is encouraged to work with the Public Arts Officer to develop a public arts plan.

Environment

32. Energy Management Plan: That the final plan application include an Energy Management Plan (EMP) to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; and (d) that, if requested, the property owner reports to the Town of Chapel Hill the actual energy performance of the plan, as implemented, during the period ending one year after occupancy.
33. Energy Efficiency: That the final plans shall incorporate a “20 percent more energy efficient” feature relative to the 2010 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Special Use Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the “so percent more energy efficient” feature into the final plans.
34. LEED Certified Construction: If applicable, the applicant shall provide evidence from a LEED certified consultant that they have provided the minimum LEED standard performance credits required for the USGBC LEED for Silver rating system, to be reviewed by the Town Manager, within a reasonable period after substantial completion of construction. The Energy Management Plan should also provide evidence of Earth Craft and Energy Star certification, if either one of those standards is also being pursued as part of this project.

Stormwater Management

35. Stormwater Management Plan: That this project must comply with the Section 5.4 Stormwater Management of the Land Use Management Ordinance.
36. Jordan Watershed Stormwater Management for New Development: That if the total disturbed area exceeds 0.5 acres, this project must comply with Section 5.19 Jordan Watershed Stormwater Management for New Development of the Land Use Management Ordinance to provide the required reductions in nitrogen and phosphorus loads for new development and redevelopment projects.
37. Silt Control: That the developer takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
38. Jordan Surety: That if the total disturbed area exceeds 0.5 acres, prior to issuance of a Certificate of Occupancy, the owner shall post a maintenance bond or other surety instrument satisfactory to the Town Manager, in an amount equal to one hundred twenty-five (125) percent of the construction cost of each stormwater management facility to assure maintenance, repair, or reconstruction necessary for adequate performance of the stormwater management facility, or establish a stormwater maintenance (sinking fund) budget and escrow account in accordance with the requirements of Section 5.19 of the Land Use Management Ordinance.
39. Erosion Control Bond: If one (1) acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. This financial guarantee is intended to cover the costs of restoration of failed or failing soil erosion and sedimentation controls, and/or to remedy damages resulting from land-disturbing activities, should the responsible party or parties fail to provide prompt and effective remedies acceptable to the Town.
40. Erosion Control: The developer shall provide a copy of the approved erosion and sediment control permit from Orange County Erosion Control Division prior to receiving a Zoning Compliance Permit. During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance.
41. Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the developer shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs.
42. Curb Inlets: The developer shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way.

43. As-Built Plans: That prior to the issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88.
44. Phasing Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. The phasing plan shall detail public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases are complete, with a note to this effect on the final plans and plats.
45. On-Site/Adjacent Stormwater Features: That the final plans locate and identify existing site conditions including all on-site and adjacent stormwater drainage features on the plans prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris.
46. P.E. Certification: That prior to the issuance of a Certificate of Occupancy for any phase, the developer shall provide a certification, signed and sealed by a North Carolina-licensed Professional Engineer, that the stormwater management facilities are constructed in accordance with the approved plans and specifications.
47. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result the project demolition or construction, must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy.
48. Contamination Assessment: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a plan for mitigating subsurface contamination, if encountered, during site redevelopment, including specific procedures for addressing contaminated ground water and/or soils, and proper transportation and disposal of contaminated material or groundwater, if needed. If groundwater contamination is indicated, the final plans must address the proper treatment and disposal of groundwater generated by any proposed foundation drains. The plan shall be reviewed and approved by the Town Manager.

Water, Sewer, and Other Utilities

49. Utility/Lighting Plan Approval: That the final utility/lighting plan shall be approved by Orange Water and Sewer Authority, Duke Energy Company, and other local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities can continue to serve the

development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit.

50. Lighting Plan: That prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans and other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including submission of a lighting plan, providing for adequate lighting on public sidewalks, including driveway crossings, demonstrating compliance with Town standards, sealed by a Professional Engineer, for Town Manager approval.
51. Relocation of Overhead Utilities Underground: Prior to a Certificate of Occupancy it will be necessary to provide for the underground installation of all public utilities that are currently located overhead on the site except for 3 phase or greater electric lines.
52. Water/Sewer Line Construction: That all public water and sewer plans be approved by OWASA and constructed according to their standards. Where sewer lines are located beneath drive aisles and parking areas construction methods approved by OWASA shall be employed, to ensure that sewer lines will not be damaged by heavy service vehicles. That prior to issuance of a Zoning Compliance Permit, final plans shall be approved by OWASA and the Town Manager.
53. OWASA Approval: That prior to issuance of a Zoning Compliance Permit, easement plats and documentation as required by OWASA and the Town Manager, shall be recorded if necessary.

Fire Safety

54. Fire Sprinklers: That the developer shall install sprinklers under the North Carolina Fire Code prior to a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems.
55. Hydrants Active: That the developer shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. That fire protection systems shall be installed according to Town Ordinance, the NC Fire Code, and NFPA 13.
56. Fire Hydrant and FDC Locations: That the Final Plans shall indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

57. Firefighting Access during Construction: That as required by NC Fire Code (Section 1410.1 Required Access), vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions.
58. Fire Flow Report: That the Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. An OWASA flow test must be provided with the report. Fire flow shall meet the 20 psi or exceed the requirements set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
59. Heavy-Duty Paving: That prior to issuance of a Certificate of Occupancy, the developer shall provide heavy duty paving designed and built to withstand fire apparatus weighing at least 75,000 pounds.
60. Fire Lane: Prior to issuance of a Certificate of Occupancy, the fire lane shall be marked and signed in accordance with Town standards, with the associated plans approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
61. Emergency Communications System: That the developer shall provide building design features which enable public safety responders' radios to penetrate and provide reliable radio transmissions within the building.

Solid Waste Management and Recycling

62. Solid Waste Management Plan: That prior to issuance of a Zoning Compliance Permit, a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager. The plan shall include dimensioned, scaled details of any proposed refuse/recycling collection areas, associated screening, and protective bollards, if applicable. Each bulk waste container shall be labeled as to type of material to be collected. Prior to issuance of a Zoning Compliance Permit, the developer shall provide documentation of an agreement for solid waste collection by a private provider.
63. Construction Waste: Clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled. All haulers of construction waste must be properly licensed. The developer shall provide the name of the permitted waste disposal facility to which any land clearing or demolition waste will be delivered.

State and Federal Approvals

64. State or Federal Approvals: That any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be approved and copies of

the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.

65. North Carolina Department of Transportation Approvals: Prior to issuance of a Zoning Compliance Permit, plans for any improvements to State-maintained roads or in associated rights-of-way shall be approved by NCDOT prior to issuance of a Zoning Compliance Permit.

Miscellaneous

66. Recombination Plat: Prior to issuance of a Zoning Compliance Permit, the recombination plat shall be reviewed and approved by the Town Manager. The plat shall be recorded prior to issuance of a Zoning Compliance Permit.
67. Residency Requirement: That prior to issuance of a Zoning Compliance Permit, the developer submit leasing documentation indicating a minimum seven night rental period for the 28 apartment units.
68. Temporary Construction Access Agreements: Prior to issuance of a Zoning Compliance Permit the developer shall provide construction agreements with adjacent property owners, where necessary, subject to Town Manager approval. If the abutting property is to be used as part of construction access, provide documentation of permission from the owner of said property.
69. Construction Management Plan: That a Construction Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance.
70. Schools Adequate Public Facilities Ordinance: That the developer shall provide the necessary Certificates of Adequacy of Public Schools prior to issuance of a Zoning Compliance Permit.
71. Traffic and Pedestrian Control Plan: That the developer shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least 5 working days prior to any proposed lane or street closure the developer must apply to the Town Manager for a lane or street closure permit.

72. Construction Sign Required: That the developer shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. (§5.14.3(g) of Land Use Management Ordinance). The sign shall be non-illuminated, and shall consist of light letters on a dark background. That prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager.
73. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
74. Detailed Plans: That prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Land Use Management Ordinance and the Design Manual.
75. As-Built Plans: That prior to issuance of Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. The developer shall also contact the Town's Engineering and Design Services Division for address assignment of each unit.
76. Vested Right: This Special Use Permit constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and Appendix A of the Chapel Hill Land Use Management Ordinance.
77. Continued Validity: That continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
78. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit for 1609 East Franklin Street.

This the ____ day of _____, 2015.

RESOLUTION B
(Denying the Special Use Permit Application)

**A RESOLUTION DENYING AN APPLICATION FOR A SPECIAL USE PERMIT FOR
1609 EAST FRANKLIN STREET (PROJECT #13-089)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit application, proposed by Charles Walker, III, for 1609 East Franklin Street on property identified as Orange County Property Identifier Numbers 9799-04-6951 and 9799-04-7995, if developed according to the Site Plan dated April 8, 2014 and revised February 28, 2015, the conditions listed below would not:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Town Council hereby denies the application for a Special Use Permit for 1609 East Franklin Street.

This the _____ day of _____.