



Item Overview

Public Hearing – 10/17/2016
Agenda # 2

Subject: Open the Public Hearing: Application for Special Use Permit Modification -Sancar Turkish Cultural Center, 1609 East Franklin Street

Staff:
Ben Hitchings, Planning Director
Gene Poveromo, Development Manager
Judy Johnson, Principal Planner

Department:
Planning and Sustainability

Overview: Construction of a Club (aka Turkish Cultural Center and Guest House) totaling 12,660 square feet of floor area, including 42 parking spaces, on a 1.9-acre site located on the north side of East Franklin Street, east of the Chapel Hill Ballet School within the Community Commercial-Conditional zoning district.



Staff Recommendations

That the Council open the Public Hearing, receive evidence on the proposed Special Use Permit Modification application, and recess the Public Hearing to November 21, 2016.

Decision Points

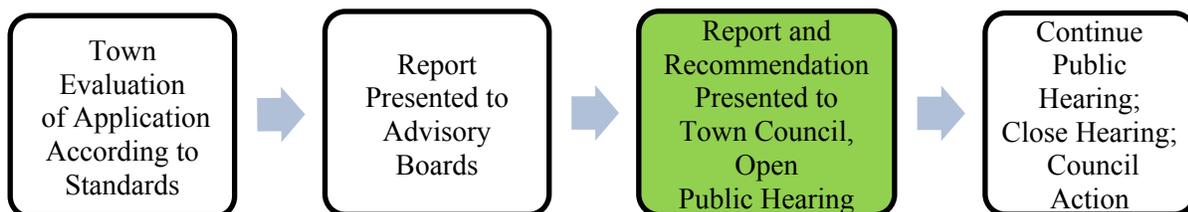
- Modification to Regulations to the landscape bufferyards and tree canopy standards.

Key Issues

- Guesthouse vehicular access off Velma Road
- Sidewalk through site connecting the cultural center to Velma Road
- Requesting modifications to the landscape bufferyards and tree canopy standards
- Recreation Space requirement
- Bicycle Rack location

Fiscal Impact/Resources: The Sancar Turkish Cultural Center is a registered 501(c)(3) tax exempt organization. The Center is currently paying property taxes to Orange County but no federal taxes. The Center has appealed this decision and is awaiting a decision from the County. If the County upholds their decision, the annual revenue to the Town from this development is expected to exceed the cost of extending Town services by about \$6,400. If the decision is overturned, the net estimated cost to the Town would be \$6,855 annually. This does not include any impacts on overlapping jurisdictions or any indirect economic or other secondary impacts.

Where is this item in its process?



Council Goals:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input checked="" type="checkbox"/>		Grow Town and Gown Collaboration



Attachments:

- Manager's Memorandum
- Staff Memorandum
- Resolution A
- Resolution B
- Project Summary Table
- Landscape and Design Topic
- Transportation Topic
- Environmental Topic
- Technical Topic
- Advisory Board Recommendations
- Applicant's Materials
- Draft Staff Presentation

Manager's Report

Public Hearing – 10/17/2016



Overview: Construction of a Club (aka Turkish Cultural Center and Guest House) totaling 12,660 square feet of floor area, including 42 parking spaces, on a 1.7-acre site located on the north side of East Franklin Street, east of the Chapel Hill Ballet School within the Community Commercial-Conditional zoning district.

The Land Use Management Ordinance requires a Manager's recommendation for Special Use Permit Modification.

Manager's Recommendation

- That the Council open tonight's Public Hearing and receive evidence on the proposed Special Use Permit.
- After completion of the initial public hearing, I will review the record of the public hearing, and when this item returns to the Council for action at the November 21, 2016 business meeting, I will offer the Council my analysis and recommendation for action.

Staff Memorandum

Public Hearing – 10/17/2016



Overview: Construction of a Club (aka Turkish Cultural Center and Guest House) totaling 12,660 square feet of floor area, including 42 parking spaces, on a 1.9-acre site located on the north side of East Franklin Street, east of the Chapel Hill Ballet School within the Neighborhood Commercial-Conditional (NC-C) zoning district.

Recommendations:

- Staff: That the Council open tonight’s public hearing and receive evidence on the Special Use Permit Modification. A Special Use Permit was granted in 2009 for this property, and this application proposes modifications to that permit. Please refer to the Technical Report for additional information.
- Advisory Board/Commission Recommendations:

Advisory Board/Commission	Recommendation	Notes/Edits
Planning Commission	✓ 	<ul style="list-style-type: none"> • Delete Stipulation #7 Internal Pedestrian Circulation requiring sidewalk around guest house; • Delete Stipulation #11 East Franklin Street sidewalk for a ten-foot wide multi-modal sidewalk; • Change wording of Stipulation #17 Bicycle Parking that the bicycle parking spaces be located near the side door of the facility, not the front door; • Modify Stipulation #18 Recreation Space to waive payment-in-lieu or recreation space requirement;
Community Design	✓ 	<ul style="list-style-type: none"> • Delete Stipulation #7 Internal Pedestrian Circulation; • Change wording of Stipulation #17 Bicycle Parking that the bicycle parking spaces be located near the side door of the facility, not the front door
Transportation and Connectivity	✓ 	<ul style="list-style-type: none"> • Delete Stipulation #7 Internal Pedestrian Circulation requiring sidewalk around guest house; • Change wording of Stipulation #17 Bicycle Parking that the bicycle parking spaces be located where visible and accessible to visitors;
Environmental and Sustainability	✓	none
Key: ✓: Approval recommended ✗: Denial recommended  : Comments		

Key Issues:

1. Advisory Board/Commission Recommendations.
2. Guesthouse vehicular access off Velma Road.
3. Sidewalk through site connecting the cultural center to guest house parking (included in Advisory Board/Commission Recommendations).

Staff Memorandum

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4. Requesting modifications to the landscape bufferyards, tree canopy and parking lot shading standards.
5. Recreation Space requirement (included in Advisory Board/Commission Recommendations).
6. Bicycle Rack location (included in Advisory Board/Commission Recommendations).

Key Issue Discussion:

1. Advisory Board/Commission Recommendations:

Although the Planning Commission and the Community Design Commission voted to approve the project, each board recommended the following changes to Resolution A:

- Delete Stipulation #7 Internal Pedestrian Circulation requiring sidewalk around guest house;

Staff Response: Staff recommends construction of a sidewalk around the guest house to serve users of the guest house and cultural center. Staff believes an external access from the guest house parking area to the cultural center building, as opposed to only an internal connection, is desired. We believe that a pedestrian connection through the site serving users of the facility is necessary. As currently designed, the only means of pedestrian access, between the cultural center and Velma Road, is through the guest house. An exterior pedestrian route would facilitate pedestrian movements through and around the site. We have included this as a stipulation in Resolution A. The applicant is opposed to this staff recommended stipulation.

- Change wording of Stipulation #17 Bicycle Parking that the bicycle parking spaces be located near the side door of the facility, not the front door;

Staff Response: Staff recommends that the bicycle parking be located away from the refuse locations shown on the site plan and placed near the front door of the facility for better visibility of designated bike parking locations.

The Planning Commission also recommended the following changes to Resolution A:

- Delete Stipulation #11 East Franklin Street sidewalk for a ten-foot wide multi-modal sidewalk;

Staff Response: A ten-foot wide multi-modal path, along the frontage of this site, is a recommendation of the Bike Plan. This planned multi-modal path on East Franklin would provide a continuous connection from Booker Creek Greenway to Bolin Creek Greenway. As this section of E. Franklin St. redevelops, this multi-modal path becomes an essential component in the cross-section of East Franklin Street. Staff recommends construction of a ten-foot wide multi-modal sidewalk along the frontage of the site.

- Modify Stipulation #18 Recreation Space to waive payment-in-lieu or recreation space requirement:

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Staff Response: The Town's practice is to require applicants to provide 75 percent of the required recreation space on-site and the remaining 25 percent to be provided as a payment-in-lieu. Staff recommends the developer provide a payment-in-lieu for 25 percent of the required recreation space. The community room proposed would fulfill the on-site recreation space requirement. We have included this as a stipulation in Resolution A.

2. Guesthouse vehicular access off Velma Road:

Staff Comment: We understand some neighbors are opposed to the driveway access to Velma Road for the Guest House. We believe the traffic impact on Velma Road will be limited and if users of the facility use Velma Road for parking, additional enforcement efforts by the town could be undertaken.

3. Sidewalk through site connecting the cultural center to guest house parking:

Staff Comment: Please see responses to Key Issue #1.

4. Requesting modifications to the landscape bufferyards and tree canopy standards:

Staff Comment: The applicant is requesting a Modification to Regulations for landscape bufferyards and tree canopy coverage requirements. Please see the attached Technical Report and the applicant's materials for additional information.

5. Recreation Space requirement:

Staff Comment: Please see responses to Key Issue #1.

6. Bicycle Rack location:

Staff Comment: Please see responses to Key Issue #1.

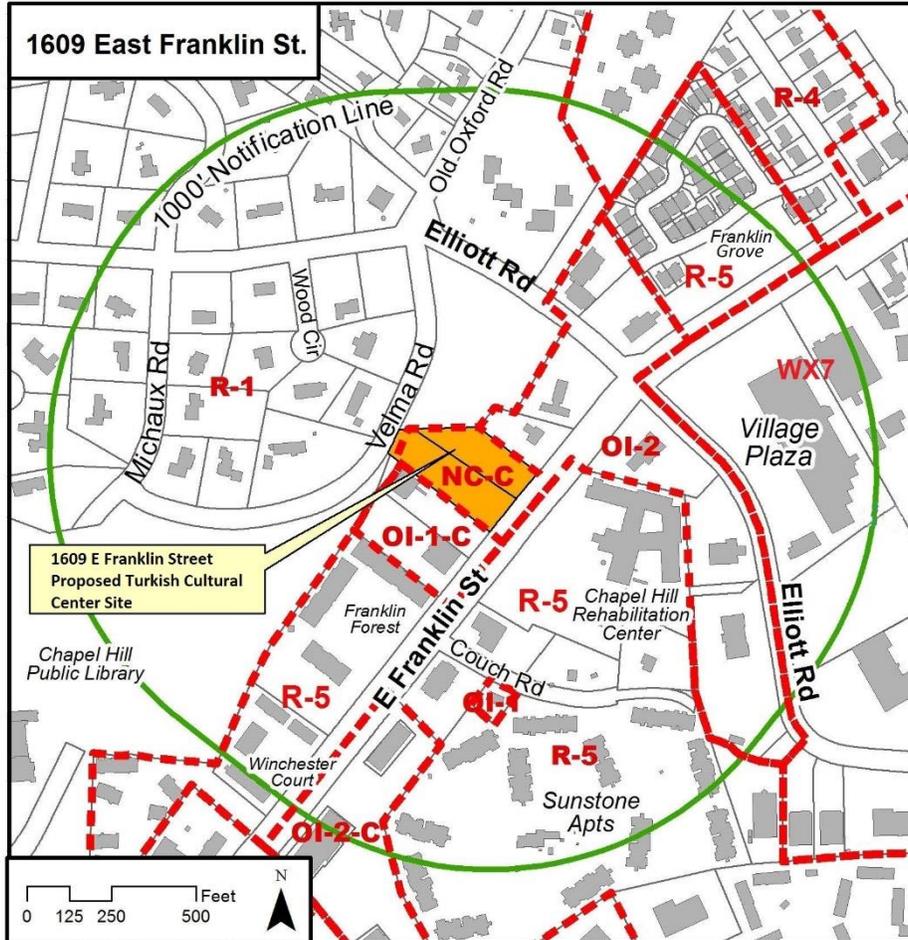
Topic Areas: Please refer to the attached Topic Area sheets for information on Technical elements, Design, Transportation, and Environment of the proposed project.

Staff Memorandum

Public Hearing – 10/17/2016



Area Map:



RESOLUTION A
(Approving the Special Use Permit Modification Application)

A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT MODIFICATION FOR SANCAR TURKISH CULTURAL CENTER, 1609 EAST FRANKLIN STREET (PROJECT #16-025)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed by Aziz and Gwen Sancar Foundation, for the Sancar Turkish Cultural Center, 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 May 26, 2016 and revised July 11, 2016 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 by the Town Council of Chapel Hill that it finds, in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Table 5.6.6-1: Reduced landscape bufferyard on eastern bufferyard (East Franklin Street) from the required 30 feet to 20 feet as well as reducing the planting requirements.
2. Table 5.6.6-1: Reduced landscape bufferyard plantings on the northern bufferyard (adjoining 1611 East Franklin Street, Psychology Associates).
3. Table 5.6.6-1: Reduced landscape bufferyard plantings on the southern bufferyard (adjoining 1603 East Franklin Street, the Ballet School).
4. Table 5.6.6-1: Reduced landscape bufferyard plantings on the western bufferyard (adjoining Velma Road).
5. Section 5.7.2: Reduced canopy tree requirements on site from 40 percent to 28 percent.

This finding is based on a determination that the public purposes are satisfied as an equivalent or greater degree as the proposed modifications will have not negatively impact the environment or aesthetics. The proposed plantings are native to Turkey and will adequately screen the property

from adjoining properties and the reduction in the tree canopy coverage will let ample sun on the property.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit Modification for Sancar Turkish Cultural Center, 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 _____ (3 years from the date of approval), to be completed by _____ (6 years from the date of approval).
2. Land Use Intensity: This Special Use Permit Modification authorizes the following:

Use: Club and Guest House	
Gross Land Area	82,798 s.f.
Floor Area	12,660 s.f.
Guest House Occupants	8
Maximum Vehicular Parking Spaces	42
Minimum Vehicular Parking Spaces	37
Minimum Bicycle Parking Spaces	14 exterior; 1 interior
Impervious Surface	37,252 s.f.

Access

3. Off-site Construction Easements: Prior to any land disturbance on abutting properties the developer shall provide documentation of approval from the affected property owner(s).
4. Cross Access Easement: 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) shall 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.
5. Accessibility Requirements: Prior to issuance of a Certificate of Occupancy, the developer shall provide the minimum required handicapped parking spaces and design all required 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.
6. Shared Parking Agreement: Prior to issuance of a Zoning Compliance Permit, the agreement(s) with the adjoining properties to the northeast (1611 East Franklin Street) and/or southwest (1603 East Franklin Street) shall be reviewed by the Town and recorded with the Orange County Register of Deeds.

7. Internal Pedestrian Circulation: Prior to issuance of a Certificate of Occupancy, the developer shall provide a pedestrian sidewalk from the club house to the guest house and extend the sidewalk around the side of the guest house to provide access through the site.
8. Performance Bond: Prior to commencing construction activity for the improvements in the public right-of-way, the developer shall provide a performance bond to the Town Manager to ensure the construction and installation of the improvements are in accordance with the standards and provisions approved by the Town as part of the project.
9. Low Vision Design Features: Pedestrian facilities should incorporate low vision design features as feasible.

Transportation

10. East Franklin Street Access: Access to East Franklin Street shall be a full-access driveway subject to review and approval by the North Carolina Department of Transportation (NCDOT).
11. East Franklin Street Sidewalk: Subject to approval by the NCDOT and the Town, the ten-foot wide multi-modal sidewalk shall be reconstructed along the Franklin Street frontage where practical a minimum of eight feet behind the curb. At the northeast and southwest property lines, the sidewalk shall feather into the existing sidewalks.
12. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy the developer shall 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 issuance of a Zoning Compliance Permit.
13. Street Closure Plan: Prior to the issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager and NCDOT approval, for any work requiring street, sidewalk, or lane closures.
14. Parking Lot: The parking lot shall be constructed to Town standards for dimensions and pavement design.
15. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. 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.
16. 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.

17. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details for the bicycle parking spaces that comply with Town parking standards. The spaces shall be located near the front door of the facility. 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.

Recreation

18. Recreation Space: The amount of active recreation area required is 115 square feet. That a minimum of 25 percent of the recreation area be provided as a payment-in-lieu. That the applicant provides a minimum of 75 percent of recreation area on-site with the use of the proposed community room.
19. 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.

Landscaping and Elevations

20. Landscape Bufferyards:

Location	Buffer
Eastern Property Line (East Franklin Street)	20-foot Type 'C'
Northern Property Line (1611 East Franklin Street - Psychology Associates)	10-foot Type 'B'
Western Property Line (Velma Road)	20-foot Type 'C'
Southern Property Line (1603 East Franklin Street - Ballet School)	10-foot Type 'B'

21. Landscape Protection: Prior to issuance of a Zoning Compliance Permit a detailed Landscape Protection Plan shall be approved by the Town. 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.
22. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, approval from the Community Design Commission shall be required for any proposed alternate buffer.
23. Tree Protection Fencing Prior to Construction: Prior to issuance of a Zoning Compliance Permit the developer shall provide a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site and include Town standard landscaping protection notes. Tree protection fencing shall be provided around

construction limits and indicated construction parking and materials staging/storage areas, and, subject to Town Manager approval.

24. Tree Canopy: That a 40% canopy coverage be provided through a combination of retained and replanted trees. Calculations for the required shrubs, small trees, and canopy trees shall be included and shall indicate the modifications regarding the canopy trees.
25. 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 any surface parking areas. Adequate screening of the parking area adjacent to East Franklin Street shall be included.
26. 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.
27. Community Design Commission Approval: The developer shall 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.

Public Art

28. Public Art: The developer is encouraged to work with the Town of Chapel Hill Public Arts Officer to develop a public arts plan.

Environment

29. Stormwater Management Plan: This project must comply with the *Section 5.4 Stormwater Management* of the Land Use Management Ordinance.
30. Erosion Control Inspections: In addition to the requirement during construction for inspection after every rainfall, the developer shall inspect the erosion and sediment control devices and offsite roadways daily, make any necessary repairs or adjustments to the devices, remove deposition of wet or dry silt on adjacent roadways and maintain inspection logs documenting the daily inspections and any necessary repairs.
31. 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.

32. Erosion Control Bond: If one 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.
33. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit for review and approval by the Town Manager, an Energy Management Plan indicating the intent to meet a 20 percent more efficient standard than the ASHRAE as referenced in the 2012 North Carolina Energy Conservation Code.
34. Energy Efficiency: 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.
35. LEED Certified Construction: If applicable, the developer 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.

Water, Sewer, and Other Utilities

36. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), 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.
37. Lighting Plan: 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.

38. Relocation of Overhead Utilities Underground: Prior to a Certificate of Occupancy the developer will install underground all public utilities that are currently located overhead on the site except for 3 phase or greater electric lines.
39. Water/Sewer Line Construction: 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. Prior to issuance of a Zoning Compliance Permit, final plans shall be approved by OWASA and the Town Manager.
40. OWASA Approval: 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

41. Fire Sprinklers: The developer shall install sprinklers under the North Carolina Fire Code prior to issuance of a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems.
42. Hydrants Active: 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. Fire protection systems shall be installed according to Town Ordinance, the NC Fire Code, and NFPA 13.
43. Fire Hydrant and FDC Locations: 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.
44. Firefighting Access during Construction: 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.
45. Fire Flow Report: 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.

46. Heavy-Duty Paving: Prior to issuance of a Certificate of Occupancy, the developer shall, in designated areas, provide heavy duty paving designed and built to withstand fire apparatus weighing at least 75,000 pounds.
47. 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.
48. Emergency Communications System: 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

49. Solid Waste Management Plan: 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.
50. 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

51. State or Federal Approvals: 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.
52. 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.

Miscellaneous

53. 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.

54. 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, the developer shall provide documentation of permission from the owner of said property.
55. Construction Management Plan: A Construction Management Plan shall 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.
56. Schools Adequate Public Facilities Ordinance: The developer shall provide the necessary Certificates of Adequacy of Public Schools or an exemption prior to issuance of a Zoning Compliance Permit.
57. Traffic and Pedestrian Control Plan: 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.
58. Construction Sign Required: 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. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager.
59. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
60. Detailed Plans: 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.

61. As-Built Plans: 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.
62. Vested Right: This Special Use Permit Modification constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance.
63. 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.
64. 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 Modification for the Sancar Turkish Cultural Center, 1609 East Franklin Street.

This the ____ day of _____, 2016.

RESOLUTION B
(Denying the Special Use Permit Application)

**A RESOLUTION DENYING AN APPLICATION FOR SPECIAL USE PERMIT
MODIFICATION FOR SANCAR TURKISH CULTURAL CENTER, 1609 EAST
FRANKLIN STREET (PROJECT #16-025)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed by Aziz and Gwen Sancar Foundation, for the Sancar Turkish Cultural Center, 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 May 26, 2016 and revised July 11, 2016 and 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 Council hereby denies the application for a Special Use Permit Modification for the Turkish Cultural Center, 1609 East Franklin Street.

This the ____ day of _____, 2016.



Project Summary

Overview

Site Description	
Project Name	1609 East Franklin Street Special Use Permit
Address	1609 East Franklin Street
Property Description	82,798 square feet (1.9 acres)
Existing	One residential dwelling; three other residential dwelling previously demolished
Orange County Parcel Identifier Numbers	9799-04-6951 and 9799-04-7995
Zoning	Neighborhood Commercial-Conditional (NC-C) and Residential-1 (R-1)

Regulatory Land Use Intensity

Design/LUMO Standards		Comment	Advisory Board	Status
Sec. 3.7	Use/Density	Club and Guest House	PC	
Sec. 3.8	Dimensional Standards	34 feet primary height; 60 feet secondary height. Proposed height maximum of 27 feet. Transitional Control Intensity requires setbacks equivalent to those required in adjoining residential zoning district.	PC	
Sec. 3.8	Floor area	Maximum of 21,469 sq. ft.; 12,660 sq. ft. proposed	PC	
Sec. 4.5.6	Modification to Regulations	Landscape buffer widths, reduced plantings and canopy tree percentage	C	M
Sec. 5.5	Recreation Space	115 s.f. (recreation space requirement is only applied to the amount of floor area proposed with a residential use).	PC	FP
Sec. 5.16	Adequate Public Schools	Need SAPFO Certificate or exemption		FP

Site Design

		Design/LUMO Standards	Comment	Advisory Board	Status
Landscape Buffers	Sec. 5.6	East (East Franklin Street)	20-foot Type C	CDC	M
	Sec. 5.6	North (Psychology Associates)	10-foot Internal Type B	CDC	M
	Sec. 5.6	South (Ballet School)	10-foot Internal Type B	CDC	M
	Sec. 5.6	West (Velma Road)	20-foot Type C	CDC	M
	Sec. 5.7	Tree Canopy	28% proposed; 40% canopy coverage required	CDC	M
	Sec. 5.11	Lighting Plan	0.3 footcandles at property line	CDC	FP
Environment	Sec. 3.6	Resource Conservation District	None	ESAB	NA
	Sec. 5.3.1	Erosion and Sedimentation Control	Permit from Orange County will be required	ESAB	FP
	Sec. 5.3.2	Steep Slopes	Less than 25% of slopes with greater than 25% grade to be disturbed	ESAB	FP
	Sec. 5.4	Stormwater Management	Underground stormwater detention basin system	ESAB	FP
		Land Disturbance	75,977 (100%)	ESAB	FP
		Impervious Surface	37,252 (40%)	ESAB	FP
		Solid Waste & Recycling	Dumpster and Recycling	ESAB	FP
Housing	Sec. 3.10	Inclusionary Zoning	Not Required		NA
Access & Circulation	Sec. 5.8	Road Improvements	none	TCAB	FP
	Sec. 5.8	Vehicular Access	One curb cut on East Franklin Street with full access; Guest house driveway on Velma Road	TCAB	FP
	Sec. 5.8	Bicycle Improvements	none	TCAB	FP
	Sec. 5.8	Pedestrian Improvements	10 foot multi-modal path with an 8-foot planting strip along East Franklin Street frontage; internal pedestrian access through site to Velma Road	TCAB	FP

	Sec. 5.9	Vehicular Parking	42 parking spaces	TCAB	FP
		Transit Improvements	none	TCAB	FP
	Sec. 5.9	Bicycle Parking	14 spaces and 1 space inside	TCAB	FP
	Sec. 5.9	Parking Lot Standards	Built to Town standards	TCAB	FP
	Sec. 5.18	Jordan Riparian Buffer	None on site	Technical	NA
		Homeowners Association	None	Technical	NA
		Fire	To be sprinklered; Fire Flow requirement	Technical	FP
		Site Improvements	As shown on plans last revised July 7, 2016	Technical	FP

Project Summary Legend

Symbol	Meaning	Symbol	Meaning
	Meets Requirements	CDC	Community Design Commission
M	Seeking Modification	HAB	Housing Advisory Board
C	Requires Council Endorsement	TCAB	Transportation and Connectivity Board
FP	Required at Final Plan	ESAB	Environmental and Sustainability Board
NA	Not Applicable	OCSW	Orange County Solid Waste
PC	Planning Commission	NCDOT	North Carolina Department of Transportation

Landscape and Design Report



Overview: This section includes information on landscape and architecture.

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

Location	Bufferyard Required	Proposed Bufferyard
East – East Franklin St	30-foot Type D	Modified 20-foot Type C
North – Psychology Associates	10-foot Internal Type B	Modified 10-foot Internal Type B
South – Ballet School	10-foot Internal Type B	Modified 10-foot Internal Type B
West – Velma Road	20-foot Type C	Modified 20-foot Type C

Buffer Plantings: The applicant is seeking modifications to the required bufferyard standards. (buffer width and planting materials) For additional information on the proposed modifications, please refer to the attached Technical Report.

Tree Canopy: The applicant is required to provide 40% canopy coverage through a combination of retained and replanted trees. The applicant is proposing to provide 28% tree canopy coverage and is therefore seeking a modification to the tree canopy regulations. The Ordinance states that Council may allow for modification when public purposes are met and removal of tree canopy supports other goals of the town including LEED building and solar access. For additional information on the proposed modifications, please refer to the attached Technical Report.

Parking Lot Landscaping: We recommend that the applicant provide additional screening of the proposed parking lot adjacent to East Franklin Street. Resolution A includes a stipulation to that effect.

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.

SPECIFIC STIPULATIONS:

1. Landscape Bufferyards:

Location	Buffer
Eastern Property Line (East Franklin Street)	Modified 20-foot Type ‘C’
Northern Property Line (Psychology Associates)	Modified 10-foot Type ‘B’
Western Property Line (Velma Road)	Modified 20-foot Type ‘C’
Southern Property Line (Ballet School)	Modified 10-foot Type ‘B’

2. 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

Landscape and Design Report



which will be preserved, critical root zones of all rare and specimen trees, and clearly indicate names and species.

3. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, approval from the Community Design Commission shall be required for any proposed alternate buffer.
4. 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.
5. Tree Canopy: That a 40% canopy coverage through a combination of retained and replanted trees unless a Modification to Regulations is granted. Calculations for the required shrubs, small trees, and canopy trees shall be included and shall indicate the modifications regarding the canopy trees.
6. 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. Adequate screening of the parking area adjacent to East Franklin Street shall be included.

Transportation Topic



Traffic Impact: A Traffic Impact Study Exemption was permitted (attached). The proposed development is expected to generate 285 vehicle trips per day. The Town's standard allows for an exemption to be waived if the difference in pre- and post-development daily trips generated is less than 500. Town staff also based the exemption on a Traffic Impact Analysis prepared for the same site with a higher density and higher trip generation and found that the impact on the street network is minimal.

Vehicular Access: The proposal includes a curb cut on East Franklin Street. The proposed plan also includes 36-foot wide cross-access easement to the property to the west (Ballet School) and a 22-foot wide cross-access easement to the property to the east (Psychology Associates). The applicant has indicated only service and emergency vehicles would be permitted to use the cross-access easement. We have not limited the use in the stipulation in Resolution A. An additional driveway is proposed to serve the guest house from Velma Road. This driveway would only provide vehicle access to the guest house.

Vehicular Parking: The proposal includes 42 parking spaces, with 38 spaces designated for the club use and four spaces for the guest house. The Land Use Management Ordinance does not specify vehicular parking standards for the proposed club use. In such cases, the number of parking spaces is to be determined during review of the application. We believe the proposed number of parking spaces is reasonable in conjunction with a proposed shared parking agreement, and have included a stipulation to this effect in Resolution A.

In addition, the applicant has pursued shared parking agreements with both the Ballet School (to the south) and Psychology Associates (to the north). We believe the agreements will benefit all of the properties for those occasions when on-site parking needs are exceeded. The agreement includes provisions to provide a minimum of ten parking spaces for use by the Ballet School during their high demand hours as well as providing overflow parking spaces for the Cultural Center during their high demand times. The agreement with Psychology Associates also is providing ten spaces on each property that could be shared, subject to availability.

We have included a stipulation in Resolution A requiring the shared parking agreements to be recorded prior to issuance of a Zoning Compliance Permit.

The surface parking lot should be constructed to Town standards for dimensions and pavement design.

Bicycle Parking: The Land Use Management Ordinance does not specify bicycle parking standards for the proposed club use and guest house. In such cases, the number of bicycle parking spaces is to be determined during review of the application. The developer is proposing to provide eight bicycle parking spaces outside of the club use and one space inside the building. An additional six bicycle parking spaces are proposed near the guest house. We recommend club use bicycle parking spaces be provided near the entrance to the building and have included a stipulation to this effect in Resolution A.

Transportation Topic



Pedestrian Access and Improvements: The applicant is proposing to construct a ten foot wide sidewalk along the frontage of East Franklin Street within the existing right-of-way. We have included the sidewalk construction in Resolution A. We also recommend that the applicant extend the proposed sidewalk from the guest house around the side to the guest house parking area to allow for safe pedestrian access from the community center to rear of the site. We believe the neighbors and the applicant are not in support of this.

Transportation Management Plan: Due to the small size of the community center, a Transportation Management Plan was not required.

SPECIFIC STIPULATIONS:

1. **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.
2. **Internal Pedestrian Circulation:** That prior to issuance of a Certificate of Occupancy, the developer shall provide a pedestrian sidewalk from the club house to the guest house and extend the sidewalk around the side of the guest house to provide access through the site.
3. **East Franklin Street Access:** Driveway Access to East Franklin Street shall be subject to review and approval by NCDOT.
4. **East Franklin Street Frontage:** Subject to approval by the NCDOT and the Town, the existing five-foot sidewalk shall be reconstructed as a ten-foot multimodal path, with an eight foot planting strip be constructed to Town standards along the East Franklin Street frontage.
5. **Parking Signage:** “No Parking” or “Residential Parking Only” signage be installed along Velma Street to prevent visitors to the site from parking their vehicles in the adjacent neighborhood.
6. **Bicycle Parking:** That prior to the issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details for the bicycle parking spaces 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. The location of the bicycle parking spaces shall be located near the entrance of the building.
7. **Shared Parking Agreement:** That prior to issuance of a Zoning Compliance Permit, the developer shall provide a shared parking agreement for review and approval by the Town Manager with the adjoining properties to the south and north (1603 and 1611 East Franklin Street). The shared parking agreement will authorized, as agreed to by the adjoining properties, the use of parking when required.

Environmental Report



Overview: This section includes information on stormwater and energy management.

Stormwater Management: To address the stormwater requirements of the Land Use Management Ordinance, the applicant is proposing construction of a stormwater wetland near the southwest corner of the club building and a recirculating sand filter located in the southwest corner of the site near East Franklin Street. A total of 37,252 square feet or 45 percent of the site is proposed to be impervious. We have included a stipulation for a Stormwater Management Plan to be approved by the Town Manager. We have included stipulations in Resolution A for Stormwater Management.

Energy Management: Both the club building and guest house are designed as a net-zero energy consuming facilities incorporating many energy saving strategies including: optimum orientation, daylighting and passive solar, geothermal heating and cooling, roof photovoltaics, and LED lighting. Resolution A includes a stipulation for an Energy Management Plan.

SPECIFIC STIPULATIONS:

Stormwater Management Plan: That this project must comply with the *Section 5.4 Stormwater Management* of the Land Use Management Ordinance.

Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the applicant shall inspect the erosion and sediment control devices and offsite roadways daily, make any necessary repairs or adjustments to the devices, remove deposition of wet or dry silt on adjacent roadways and maintain inspection logs documenting the daily inspections and any necessary repairs.

Phasing Plan: Prior to issuance of a Zoning Compliance Permit, the applicant 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.

Erosion Control Bond: If one 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.

Energy Management Plan: That prior to issuance of a Zoning Compliance Permit, the developer submit for review and approval by the Town Manager, an Energy Management Plan indicating the intent to meet a 20 percent more efficient standard than the ASHRAE as referenced in the 2012 North Carolina Energy Conservation Code.

Technical Report



Project Description

Special Use Permit Modification Application, submitted by Aziz and Gwen Sancar Foundation, 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 Turkish Cultural Center (club) use and Guest House in approximately 12,660 s.f. of floor area. The property is zoned Neighborhood Commercial-Conditional (NC-C) and Residential-1 (R-1).

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. |
| December 29, 2014 | Special Use Permit Modification and Zoning Atlas Amendment applications submitted to construct a 106-room hotel and 28 apartments in 67,612 s.f. |
| February 22, 2016 | The Council extended the 2009 Special Use Permit construction completion date to 2021. |
| April 11, 2016 | The hotel applicant withdrew the Hotel Special Use Permit Modification and Zoning Atlas Amendment. |
| May 24, 2016 | Special Use Permit Modification application submitted to construct a Turkish Cultural Center and Guest House. |

Connections to Other Documents

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)¹, the standards of the [Land Use Management Ordinance](#)², and the [Design Manual](#)³, 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

Land Use Plan: The [2020 Land Use Plan](#)⁴, 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).

Neighborhood Commercial-Conditional Land Use Intensities:

Floor Area: Maximum floor area 21,469 sq. ft.

Setbacks: Street and interior setbacks are 20 feet; solar setback (northern property line) 11 feet.

Building Height and Envelope: Primary – 34 feet; Secondary; 60 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 guest house is located approximately 75 feet from the property line in the rear of the site. The Residential-1 (R-1) zoning district street setback is 28 feet, interior setback of 14 feet, and northern setback of 17 feet. This project complies with the above transitional control intensity measures.

¹ <http://www.ci.chapel-hill.nc.us/town-hall/departments-services/design-chapel-hill/chapel-hill-2020>

² <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>

³ <http://www.ci.chapel-hill.nc.us/home/showdocument?id=2645>

⁴ <http://www.townofchapelhill.org/home/showdocument?id=1215>

Comparison of Concept Plan and Special Use Permit Proposals

	Concept Plan	Special Use Permit Application
Square footage	12,000-13,000 sf	12,660 sf
Vehicle Access	East Franklin Street and Velma Road	East Franklin Street and Velma Road
Impervious Surface	33,064 sf	37,252 sf
Number of Parking Spaces	39-41	42

Proposed Modifications to Regulations:

The applicant requests that the Council approve the following modifications to the Land Use Ordinance Regulations:

Landscaping Screening and Buffering

Table 5.6.6-1: Reduced landscape bufferyard on eastern bufferyard (East Franklin Street) from the required 30 feet to 20 feet as well as reducing the planting requirements.

Table 5.6.6-1: Reduced landscape bufferyard plantings on the northern bufferyard (adjoining Psychology Associates).

Table 5.6.6-1: Reduced landscape bufferyard plantings on the southern bufferyard (adjoining the Ballet School).

Table 5.6.6-1: Reduced landscape bufferyard plantings on the western bufferyard (adjoining Velma Road).

Tree Canopy Coverage

Section 5.7.2: Reduced tree canopy coverage from 40% to 28%

For additional information on the proposed modifications, please refer to the applicants’ attached materials.

Council Findings and Public Purpose: The Council has the ability to modify the regulations, according to Section 4.5.6 of the Land Use Management Ordinance. We believe that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the applicant’s alternative is to revise the proposal to comply with regulations.

Following the public hearing, staff will evaluate the evidence and comments received at the public hearing and will offer the Council a recommendation on the requested Modifications to the Regulations.

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

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.

Following the public hearing, staff will evaluate the evidence and comments received at the public hearing and will offer the Council a recommendation on the status of the Four Findings as they relate to this Special Use Permit Modification application.

Other

Fiscal Impact: The applicant has submitted a Fiscal Impact Analysis (attached). The analysis estimates that the proposed project would add approximately \$56,364 in new property taxes, with an estimated \$18,340 to the Town of Chapel Hill. Business Management staff has reviewed the analysis and has determined that the net positive financial impact to the Town will likely be in the \$6,400 per year range, based on the representations made by the developer.

Residential Recreation Requirements: With the residential 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 2,954 sq. ft. of the total floor area is proposed as residential. The Land Use Management Ordinance requires that the project provide 115 sq. ft. of active recreation area or provide a payment-in-lieu.

Pedestrian Access: Town staff recommends that the sidewalk from the cultural center building to the guest house be extended around the guest house to provide access through the site.