

**RESOLUTION A**

**A RESOLUTION APPROVING AN APPLICATION FOR A SITE PLAN REVIEW FOR 7708 ROGERS ROAD (PIN 9870-45-0445; PROJECT #17-058)**

BE IT RESOLVED by the Planning Commission of the Town of Chapel Hill that it finds that the Site Plan Review application for the West St Mark Church of Christ at 7708 Rogers Road, proposed by Timothy Pepper, Sr., on property identified as Orange County Property Identifier Number 9870-45-0445, if developed according to the Site Plan dated August 23, 2018 (last revised March 11, 2019) and the conditions listed below would comply with the provisions of the Land Use Management Ordinance and Design Manual.

This finding is conditioned on the following:

Stipulations Specific to the Development

1. Construction Deadline: That construction begins by April 16, 2020, to be completed by April 16, 2022.
2. Land Use Intensity: This Site Plan Review authorizes the following:

<b>Use: Place of Worship:</b>	
Floor Area Permitted	1,175 sf
Vehicular Parking Spaces	19
Minimum Bicycle Parking Spaces	8
Maximum Impervious Surface	9,073 sf
Maximum Land Disturbance	13,382 sf on-site, 1,300 sf ROW (14,682 sf total)

Annexation

3. Annexation: Prior to the issuance of a Zoning Compliance, the applicant shall submit a Petition of Voluntary Annexation for the site.

Transportation

4. NCDOT Approval: Prior to issuance of a Zoning Compliance Permit, the applicant will need to: (1) obtain an approved NCDOT Driveway Permit for proposed access to Rogers Road; and (2) approved NCDOT Three-Party Encroachment Agreement with OWASA for any proposed water and sewer extensions or connections.

Landscaping and Landscape Protection

5. Landscape Buffers: That the Landscape Planting Plan demonstrate compliance with the required buffers as described in the chart below:

<b>Location</b>	<b>Required Buffers</b>
Northern lot line (single-family)	20-foot wide Type 'C'
East lot line (single-family)	20-foot wide Type 'C'
South lot line (single-family)	20-foot wide Type 'C'
Western property line (Rogers Road)	20-foot wide Type 'C'

6. Tree Protection Fencing Prior to Construction: Prior to issuance of a Zoning Compliance Permit, the applicant shall provide a note on the Final Plan indicating that tree protection fencing will be installed prior to land-disturbing activities on the site.
7. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the applicant shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. The Plan shall meet the required parking landscape requirements in LUMO 5.9.6.
8. Driveway Encroachment. Prior to issuance of a Certificate of Occupancy, the applicant shall remove the gravel driveway that encroaches over the south property line or submit a recorded encroachment agreement with the neighbor for the driveway to the Town of Chapel Hill Planning Department.

#### Solid Waste Management and Recycling

9. Solid Waste Management Plan: That prior to issuance of a Zoning Compliance Permit a Solid Waste Management Plan shall be approved by Orange County Solid Waste Management. The owner will be required to bring their recycling cart to the edge of Rogers Road by 7am on collection day to receive recycling collection by Orange County.

### **Town of Chapel Hill – Site Plan Standard Stipulations**

#### Access

10. Accessibility Requirements: That prior to issuance of a Certificate of Occupancy, the applicant 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.

#### Transportation

11. Parking Lot/Drive Aisles Town Standards: Prior to a Certificate of Occupancy, the applicant shall construct the parking lot and drive aisles to Town standard, design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.

#### Landscaping and Landscape Protection

12. Alternate Buffers: That unless the applicant obtains alternate bufferyard approval from the Community Design Commission, that the standard buffers be provided continuously along all property lines. It will be necessary for the Community Design Commission to make the determination that any proposed alternative buffer shall provide the same degree of visual and noise obstruction as the required buffer.
13. Landscape Protection: That a detailed Landscape Protection Plan shall be approved prior to issuance of a Zoning Compliance Permit. The plan shall include critical root zones of all rare and specimen trees, and clearly indicate names and species. The plan shall indicate the area and percentage of existing tree canopy on the site to be preserved. The Plan shall also include details showing tree protection fencing around construction

limits, areas designated for construction parking, materials staging/storage areas, and shall include Town standard landscaping protection notes.

14. 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.
15. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit the applicant shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. The Plan shall meet the required parking landscape requirements in LUMO 5.9.6.

#### Stormwater Management and Erosion Control

16. Stormwater Management Plan: That this project must comply with the Section 5.4 Stormwater Management of the Land Use Management Ordinance or whatever stormwater regulations are applicable at the time of issuance of a Zoning Compliance Permit.
17. Silt Control: That the developer takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
18. As-Built Plans: That prior to 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 related to infrastructure development, 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.
19. 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.
20. P.E. Certification: 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.
21. 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 Town accepting the streets into its maintenance system.
22. Prior to issuance of a Certificate of Occupancy (C/O) for any lot, all of the documents enumerated below must be submitted to the Town Stormwater Management Engineer and a final stormwater management inspection must be scheduled, at least 10 days in advance of requesting the C/O. After performing the final inspection and reviewing and approving the documents, the Town Stormwater Management Engineer or designee will issue an Approval Notification to the Town's Inspections Department. Please schedule the final stormwater management inspection with the Town Stormwater Management Engineer (919-969-7246).

- a. A copy of the final plat or easement exhibit, signed and sealed by a North Carolina-registered Land Surveyor and recorded by the County Register of Deeds, showing the "Stormwater Facility Easement(s)", the stormwater management facility(ies), the maintenance access locations, and cross-drainage easements. For purposes of maintenance, the maintenance access must be shown on the exhibit and extend from the "Stormwater Facility Easement" to the nearest public right-of-way (ROW). The following notes must be included on the recorded final plat(s) or easement exhibit.
    1. All engineered stormwater management control, treatment, and conveyance structures located on or below the ground shall be wholly contained within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions.
    2. "The Reserved Stormwater Facility Easement(s) and the facilities it/they protect are considered to be private, with the sole responsibility of the owner to provide for all required maintenance and operations as approved by the Town Manager."
    3. "The Reserved Stormwater Facility Easement and the Operations and Maintenance Plan are binding on the owner, heirs, successors, and assigns."
    4. "Modification to the approved Grading and Stormwater Management Plan must be submitted for approval to the Town Stormwater Management Engineer."
  - b. A copy of the recorded maintenance covenant ("Operations and Maintenance Plan"), signed by the owner and recorded by the County Register of Deeds, for the stormwater management facility(ies). The Operations and Maintenance Plan must include a description of the device or structure, an inspections checklist, detailed operating and maintenance procedures, and maintenance staff training requirements. The plan should identify contact information, who will perform the inspections, frequency of inspections, inspections and maintenance logs, any specific equipment needs or certifications (e.g., confined space certification), action levels or thresholds (e.g., remove sediment after depth exceeds one foot), and disposal methods.
  - c. Certified as-built plans signed and sealed by a North Carolina-registered Professional Land Surveyor, showing building footprints, driveways, all other impervious surfaces, stormwater drainage/conveyance piping and stormwater management structures. The as-built plans shall be in DXF binary format using State plane coordinates and NAVD 88.
  - d. Certification, signed and sealed by a North Carolina-registered Professional Engineer, that the stormwater management facility(ies) was/were constructed in accordance with the approved plans and specifications.
23. The stormwater management facility(ies) shall be maintained by the property owner in accordance with the recorded Operations and Maintenance Plan.
  24. Additional post-construction drainage controls may be required if the runoff from the site is not discharged in a non-erosive and diffuse manner. The owner may be liable if adjoining properties receive substantial damage due to discharge of runoff from this property.
  25. This stormwater approval limits the total amount of impervious area to a maximum of 9,100 square feet as shown in the calculations submitted for the Zoning Compliance Permit. Any increase of impervious area that occurs as a result of construction over this

permitted amount shall require a revised stormwater management report and plan, signed and sealed by a North Carolina-registered Professional Engineer, be submitted to the Town Stormwater Engineer for review and approval prior to the issuance of a C/O.

#### Water, Sewer, and Other Utilities

26. Detailed Construction Drawings: Detailed construction drawings shall be submitted to OWASA for review and approval prior to issuance of a Zoning Compliance Permit.
27. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by the Orange Water and Sewer Authority, Duke Energy, Time Warner, AT&T or other applicable utility providers and the Town Manager before issuance of a Zoning Compliance Permit.
28. Utility Easement Plats: Prior to issuance of a Zoning Compliance Permit, easement and documentation shall be approved by the Town and OWASA and recorded by the applicant.
29. Lighting Plan: That prior to the issuance of a Zoning Compliance Permit, the applicant shall submit site plans and other required documents to satisfy the lighting requirements in Section 5.11 of the Land Use Management Ordinance, including submission of a lighting plan sealed by a Professional Engineer, to be reviewed and approved by the Town Manager. The lighting plan shall also address the requirements of Section 5.11.5 of the Land Use Management Ordinance.

#### Fire Safety

30. Hydrants Active: It will be necessary to have 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.
31. Fire Hydrant and FDC Locations: That the Final Plans 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.
32. Firefighting Access during Construction: During demolition and/or construction, all aspects of Chapter 14 of the NC Fire Prevention shall be followed. The owner/developer shall designate one person to be the Fire Prevention Program Superintendent who shall be responsible for enforcing Chapter 14 of the NCFPC and the on-site fire prevention program and ensure that it is carried out through completion of the project.
33. Fire Flow Report: Prior to issuance of a Zoning Compliance Permit, the applicant shall submit a fire flow report sealed by an engineer licensed in North Carolina certifying that the water supply available at the nearest fire hydrant(s) will meet the Town's fire flow requirements, 20 psi residual pressure. An Orange Water and Sewer flow test must be included with the report.

34. Fire Access: Any and all roads, driveways or dedicated fire lanes used for fire department access shall be all-weather and designed to support to carry the imposed load of fire apparatus weighing at least 75,000 lbs. Fire access roads shall have a minimum width of 20 feet with overhead clearance of 13 ft. 6 in. for structures not exceeding 30 feet in height and shall provide access to within 150 feet of all exterior portions of the building. Proximity to the building for aerial apparatus shall have at least one of the required access routes be located within 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

Fencing around projects shall include access gates with a 20 foot swing or slide motion. Any areas which will be inaccessible for firefighting or rescue operations shall be noted. Emergency access designation for apparatus shall be provided. FDC 's shall not be obstructed by landscaping or hindered by parking spaces.

#### Solid Waste Management and Recycling

35. 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 waste will be delivered.

#### State and Federal Approvals

36. State or Federal Approvals: That prior to issuance of a Zoning Compliance Permit, the applicant shall obtain approval of any required State or federal permits or encroachment agreements from the Town Manager and NCDOT and/or OWASA, where necessary.
37. 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

38. 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.
39. 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.
40. Community Design Commission Approval: That the developer obtain Community Design Commission approval of the alternative landscape buffers, building elevations and

lighting, including the location and screening of all HVAC/Air Handling Units and refuse/recycling facility for this project, prior to issuance of a Zoning Compliance Permit.

41. Engineering Construction Permit Required: That following issuance of a Zoning Compliance Permit and prior to beginning land disturbing activity the applicant submit an Engineering Construction Permit application and four (4) sets plans for stamping to the Development Services Division. Contact Engineering and Design Services 919-969-5084 to discuss the requirements of an Engineering Construction Permit.
42. Traffic and Pedestrian Control Plan: That the applicant 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 applicant must apply to the Town Manager for a lane or street closure permit.
43. Construction Sign Required: That the applicant 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. 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.
44. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
45. 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.
46. 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 Planning Commission hereby approves the application for a Site Plan Review for West St. Mark Church of Christ, at 7708 Rogers Road, in accordance with the plans and conditions listed above.

This the 16<sup>th</sup> day of April, 2019.