



**CONSIDER AN APPLICATION FOR SITE PLAN REVIEW, 326 W. ROSEMARY STREET MIXED USE (File No. 17-031)**

**STAFF REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
 Judy Johnson, Interim Director  
 Jake Lowman, Senior Planner

<b>PROPERTY ADDRESS</b> 326 W. Rosemary Street	<b>DATE</b> August 4, 2020	<b>APPLICANT</b> Jeremy Anderson, Coulter Jewell Thames, PA
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**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt Resolution A, approving this Site Plan Review application.

**NEXT STEPS**

As part of the Final Plan - Zoning Compliance Permit application, the applicant will demonstrate compliance with the Land Use Management Ordinance and any supplemental conditions identified in the resolution.

**PROCESS**

Northside Neighborhood Conservation District Site Plan Review applications are evaluated based on compliance with:

1. The procedural and dimensional requirements of the Land Use Management Ordinance; and
2. The standards in the Northside Neighborhood Conservation District.

**ORDINANCE**

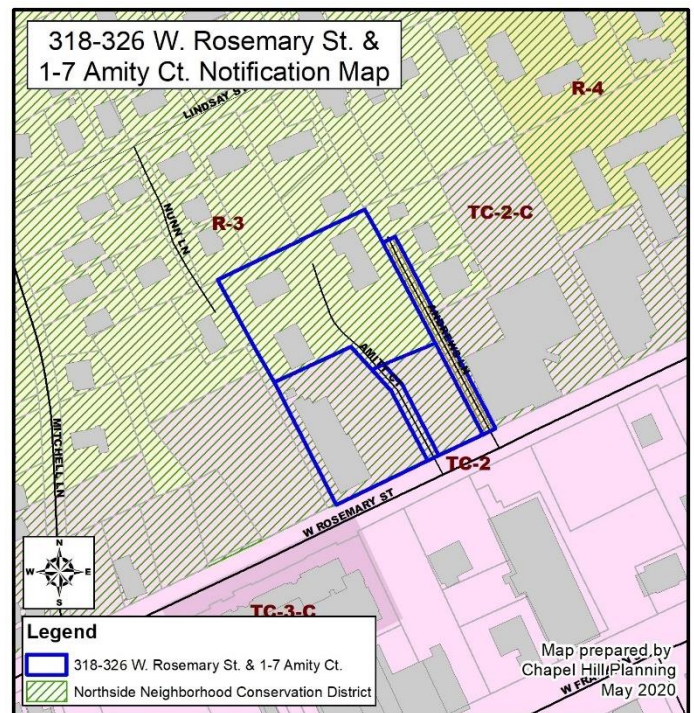
We believe that the proposed application, with the conditions proposed in the attached resolution, meets all regulations and standards in the Land Use Management Ordinance as well as standards of the Northside Neighborhood Conservation District and the West Rosemary Development Guide. A checklist of these regulations and standards is included in the attached Project Summary.

**PROJECT OVERVIEW**

The application proposes demolition of existing commercial and residential structures, the construction of a single mixed-use structure containing a maximum of twenty residential units, and at least 200 square feet of commercial space. The proposed building contains 19,999 square feet of floor area. Site improvements include stormwater management, below grade parking areas, and streetscape improvements to W. Rosemary St. frontage is also proposed. The property is located in the Northside Neighborhood Conservation District (CD-1) and within the Residential-3 (R-3) and Town Center -2 (TC-2) zoning districts. The lot comprises approximately 12,441 square feet of gross land area.

The applicant is requesting to provide a payment-in-lieu for the 1,321 square feet of required Recreation Space.

**PROJECT LOCATION**



**ATTACHMENTS**

1. Project Summary Form
2. Resolution A
3. Resolution B
4. Application Form & Materials



# Project Details

Site Description	
<b>Project Name</b>	326 W. Rosemary Mixed Use
<b>Address</b>	326 W. Rosemary Street
<b>Property Description</b>	12,441 sq. ft. of Gross Land Area
<b>Existing</b>	Breadmen's Restaurant and parking; Duplex and multi-family dwellings
<b>Proposed</b>	Maximum of 20 Dwelling Units; Minimum of 200 sq. ft. of Commercial Space
<b>Orange County Parcel Identifier Number</b>	9788-17-9085, 9788-17-8503, 9788-17-8220, 9788-27-0263, 9788-27-0111
<b>Zoning</b>	Residential-3 (R-3); Town Center-2 (TC-2); (Northside Neighborhood Conservation District (CD-1)

## Regulatory Land Use Intensity

Design/LUMO Standards			
Lot Layout Standards	Residential – 3 (R-3) Zoning District Standards	Town Center – 2 (TC-2) Zoning District Standards	Proposal
<b>Setbacks</b> ( <a href="#">Sec. 3.8</a> )	Street – 24 feet Interior – 8 feet Solar – 11 feet	Street – 0 feet Interior – 0 feet Solar – 0 feet	Street – 7 feet Interior – 0 feet Solar – 37.3 feet
<b>Floor area ratio (FAR)</b> ( <a href="#">Sec. 3.8</a> )	0.162	1.97	1.60
<b>Floor area</b> ( <a href="#">Sec. 3.8</a> )	Maximum: 273 sf	Maximum: 21,185 sf	19,999 sf
<b>Primary Height</b> ( <a href="#">Sec. 3.8</a> )	20 feet (NCD)	40 feet;30 feet if adjacent to residential (NCD)	40 feet;30 feet adjacent to residential
<b>Core Height</b> ( <a href="#">Sec. 3.8</a> )	26 feet (NCD)	50 feet (NCD)	50 feet
<b>Impervious Surface</b> ( <a href="#">Sec. 3.8</a> )	Maximum: .7	NA	.79 (9,875 sf)
Landscape			
<b>Buffer – North</b> ( <a href="#">Sec. 5.6.2</a> )	10-foot wide Type 'B' Internal Buffer	NA	10-foot wide Type 'B' Internal Buffer
<b>Buffer – East</b> ( <a href="#">Sec. 5.6.2</a> )	NA	NA	NA
<b>Buffer – South</b> ( <a href="#">Sec. 5.6.2</a> )	NA	NA	NA
<b>Buffer - West</b> ( <a href="#">Sec. 5.6.2</a> )	NA	NA	NA
Environment			
<b>Erosion Control</b> ( <a href="#">Sec. 5.3.1</a> )	-	-	Final Plans - ZCP
<b>Steep Slopes</b> ( <a href="#">Sec. 5.3.2</a> )	NA	NA	NA
<b>Land Disturbance</b> ( <a href="#">Sec. 3.7</a> )	39,999 sf	39,999 sf	38,841 sf (including off site disturbance)
<b>Stormwater Management</b> ( <a href="#">Sec. 5.4</a> )	-	-	Final Plans - ZCP
<b>Utility Lines Underground</b>	-	-	Final Plans - ZCP

<b>(Sec 5.12)</b>			
<b>Public Water and Sewer (Sec 5.12)</b>	-	-	Final Plans - ZCP
<b>Resource Conservation District (Sec. 3.6)</b>	NA	NA	NA
<b>Watershed Protection District (Sec 3.6)</b>	NA	NA	NA
<b>Access and Circulation</b>			
<b>Parking Spaces (Sec. 5.9)</b>	NA	Min: NA Max 1.67 per DU Max: 1/375 sf business floor area	8
<b>Front Yard Parking (Sec. 5.9)</b>	NA	NA	NA
<b>Bicycle Improvements (Sec. 5.8)</b>	NA	Bicycle lanes along frontage	Bollards Provided
<b>Pedestrian Improvements (Sec. 5.8)</b>	NA	Sidewalk along frontage	Sidewalk along frontage
<b>Bicycle Parking (Sec. 5.9)</b>	Dwelling Units: 1 per 4 Business: Min 4	9	9
<b>Parking Lot Standards (Sec. 5.9)</b>	-	-	Final Plans - ZCP
<b>Technical</b>			
<b>Adequate Public Schools (Sec. 5.16)</b>	Required	Required	Final Plans - ZCP
<b>Inclusionary Zoning (Sec. 3.10)</b>	1 dwelling unit	1 dwelling unit	Not provided
<b>Lighting Plan (Sec. 5.11)</b>	0.3 foot candles at property line	0.3 foot candles at property line	Final Plans - ZCP
<b>Recreation Area (Sec. 5.5)</b>	1,321 sf	1,321 sf	1,321 sf, Payment-in-Lieu requested

✓ Meets Requirements; NA = Not Applicable; ZCP = Zoning Compliance Permit

**A RESOLUTION APPROVING AN APPLICATION FOR A SITE PLAN REVIEW FOR 326 W. ROSEMARY STREET (File No. 17-031)**

BE IT RESOLVED by the Planning Commission of the Town of Chapel Hill that it finds that the 326 W. Rosemary Street Site Plan Application, proposed by Jeremy Anderson of Coulter Jewell Thames, PA on the property identified as Orange County Property Identification Numbers 9788-17-9085, 9788-17-8503, 9788-17-8220, 9788-27-0263, 9788-27-0111, if developed according to the plans dated March 17, 2017 and last revised April 24, 2020, and the conditions listed below, would comply with the provisions of the Land Use Management Ordinance and Design Manual:

These findings are based on the following supplemental stipulations:

**Stipulations Specific to the Development**

1. Construction Deadline: That construction begins by August 4, 2021, to be completed by August 4, 2022.
2. Land Use Intensity: This Site Plan Review authorizes the following:

<b>Use: Multi-Family Residential (Rental) and Business</b>	
Proposed Floor Area Permitted	19,999 square feet
Maximum Vehicular Parking Spaces	8
Minimum Bicycle Parking Spaces	9
Maximum Impervious Surface	9,875 square feet
Maximum Land Disturbance	38,841 square feet

3. 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>	<b>Proposed Buffer</b>
Northern lot line	10-foot wide Type 'B' Internal Buffer	10-foot wide Type 'B' Internal Buffer

4. Recreation Space: That a payment-in-lieu fee for the required 1,321 square feet of Recreation Space be provided prior to issuance of a Zoning Compliance Permit.
5. Demolition of existing structures: That a demolition permit for demolition of the existing structures be submitted and approved prior to construction of the new structures.
6. Bicycle Access and Parking: That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide dimensioned details for a minimum of thirty (9) bicycle parking spaces (one (1) Class I and eight (8) Class II) 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 bicycle parking standards required by the Town Design Manual.
7. Sidewalk: Prior to a Certificate of Occupancy, construct an 8 foot wide brick walkway in conjunction with a 7 foot wide concrete walkway, provide bicycle lane bollards, street trees, and other required streetscape improvements to Town standard as provided on the site plan.
8. Burial of Utility Lines: Above ground utility lines are required to be buried in accordance with LUMO 5.12.2. Utility Plans demonstrating compliance with this requirement shall be submitted prior to issuance of a Final Plans Zoning Compliance Permit.

9. Retaining Wall: That a construction detail of retaining walls be provided with the Final Plans application.
10. Subdivision: That a final plat for subdivision be approved and recorded at the Orange County Register of Deeds office prior to issuance of Final Plans Zoning Compliance Permit.
11. Affordable Housing - Conversion of Residential Rental Units to Ownership Condominium Units: If the rental development is converted to an ownership condominium development, the current or future developer/owner of 324 W. Rosemary Mixed Use may request approval from the Council to provide either 1) for sale affordable housing units; or 2) a payment-in-lieu as follows:
  - For Sale Affordable Condominium Units:
    - A revised Affordable Housing Plan shall be approved by the Town Manager prior to recordation of the condominium plat.
    - The required number of affordable on-site units shall be 10 percent of the total amount of net new market rate dwelling units constructed in 324 W. Rosemary Mixed Use and the fractional amount provided as a payment-in-lieu.
  - Payment-in-lieu at time of conversion:
    - If a payment-in-lieu of providing affordable ownership units is proposed, the payment shall be calculated based on the payment-in-lieu, as established by the Town Council, at such time as the development converts to condominium ownership.
    - The payment-in-lieu shall be provided to the Town's Affordable Housing Fund prior to recordation of the condominium plat.
    - The total payment shall be equal to the funding rate which is 10 percent of the total new market rate dwelling units constructed in 324 W. Rosemary Mixed Use.

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

#### Land Disturbance

12. Land Disturbance Survey: That prior to the issuance of a Certificate of Occupancy, it will be necessary to provide a survey confirming the amount of land disturbance associated with all on-site improvements. If land disturbance exceeds 40,000 square feet, the application will require approval of a Special Use Permit by the Town Council.

#### Access

13. 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

14. 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

15. 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.
16. 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.
17. 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.
18. 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

19. 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.
20. Silt Control: That the developer takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
21. 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.
22. 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.
23. 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.
24. Phasing Plan: If phasing is proposed, 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.

25. 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.
26. 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.
27. 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.

#### Water, Sewer, and Other Utilities

28. Detailed Construction Drawings: Detailed construction drawings shall be submitted to OWASA for review and approval prior to issuance of a Zoning Compliance Permit.
29. 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.
30. 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.
31. 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

32. 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.
33. 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.
34. 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.
35. 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.

36. 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 13ft. 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

37. Solid Waste Management Plan: That prior to issuance of a Zoning Compliance Permit a Solid Waste Management Plan for managing solid waste shall be approved by Orange County Solid Waste Management and the Town Manager. The plan shall include dimensioned, scaled details of any proposed refuse collection areas, associated screening, gate opening areas, and protective bollards, if applicable.
38. 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.
39. Deconstruction/Demolition: That the applicant shall hold a deconstruction assessment meeting with Orange County Solid Waste Management staff (919-968-2800) concerning the buildings to be removed from this site, with the following note on plans: "Prior to any demolition or construction activity on the site the applicant will hold a deconstruction assessment conference with the County's Solid Waste staff concerning buildings to be removed from this site. Prior to issuance of a Demolition Permit, the developer shall provide a demolition waste management plan.

#### State and Federal Approvals

40. 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.
41. 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

42. 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.

43. 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.
44. 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.
45. 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.
46. 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.
47. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
48. 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.
49. 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 of the Town of Chapel Hill hereby approves the application for a Site Plan for 326 W. Rosemary Street in accordance with the plans and conditions listed above.

This the 4<sup>th</sup> day of August, 2020.

**RESOLUTION B**  
(Denying Application)

**A RESOLUTION DENYING AN APPLICATION FOR A SITE PLAN REVIEW FOR 324 W. ROSEMARY STREET (File No. 17-030)**

BE IT RESOLVED by the Planning Commission of the Town of Chapel Hill that it finds that the 324 W. Rosemary Street Site Plan Application, proposed by Jeremy Anderson of Coulter Jewell Thames, PA on the property identified as Orange County Property Identification Numbers 9788-17-9085, 9788-17-8503, 9788-17-8220, 9788-27-0263, 9788-27-0111, if developed according to the plans dated March 17, 2017 and last revised April 24, 2020, and the conditions listed, would not comply with the provisions of the Land Use Management Ordinance:

These findings are based on the following:

(INSERT REASONS FOR DENIAL)

BE IT FURTHER RESOLVED that the Planning Commission hereby denies the application for the 324 W. Rosemary Street Site Plan.

This the 4<sup>th</sup> day of August, 2020.