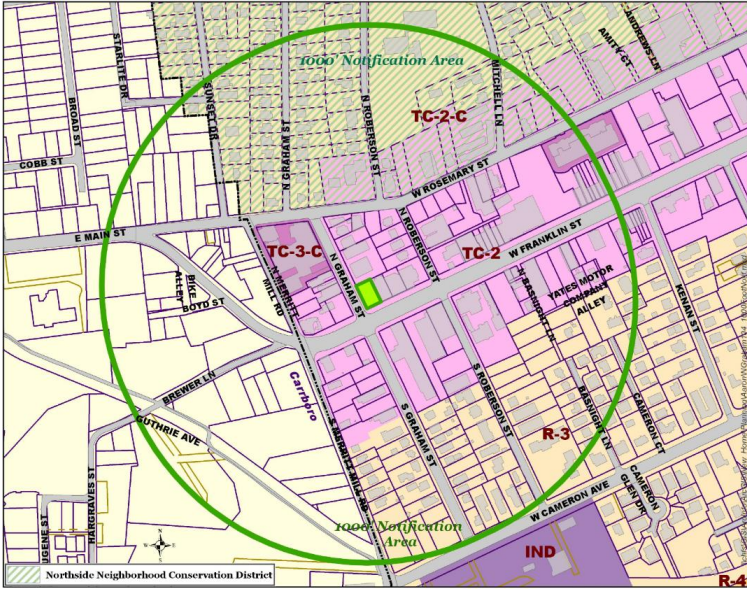




CONSIDER AN APPLICATION FOR SITE PLAN REVIEW, 104 N. GRAHAM STREET (YELLOW HOUSE TACO)

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
 Judy Johnson, Operations Manager
 Jake Lowman, Senior Planner

PROPERTY ADDRESS 104 N. Graham Street	DATE February 19, 2019	APPLICANT Jim Spencer, Jim Spencer Architects, PA
STAFF'S RECOMMENDATION Staff recommends that the Planning Commission adopt Resolution A, approving the Site Plan Review application, with the stipulations noted.		
NEXT STEPS As part of the Final Plan - Zoning Compliance Permit application, the applicant will demonstrate compliance with the Land Use Management Ordinance and the supplemental conditions identified in the attached resolution.		
PROCESS <p>Prior to issuance of a Zoning Compliance permit for a proposed change in use, LUMO section 4.7 requires site plan approval by the Planning Commission.</p> <p>The applicants are seeking a change in use approval to convert an existing Single Family Residence to Business Convenience for restaurant use, which requires planning commission approval.</p>	ORDINANCE <p>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. A checklist of these regulations and standards is included in the attached Project Summary.</p>	
PROJECT OVERVIEW <p>The application proposes a change in use of an existing single family residence to a restaurant in the Town Center 2 (TC-2) zoning district. The new site plan includes modification to site features including a new retaining wall extending from an existing porch, metal railings, the addition of a 96 square foot walk-in freezer at the rear of the current building, outside dining area, and the removal of trees bordering the site.</p> <p>The proposed work also includes grading along the N. Graham street frontage for a new pedestrian path, which will be completed by the Town as part of the streetscape project for this area, with a brick strip and concrete sidewalk.</p>	PROJECT LOCATION 	
ATTACHMENT	<ol style="list-style-type: none"> 1. Project Summary Form 2. Resolution A 3. Resolution B 4. Application Form & Materials 	

















Project Details

Overview


Site Description	
Project Name	Yellow House Taco
Address	104 N Graham Street
Property Description	6,664 gross sq. ft. (0.153 acres)
Existing	One-story frame house facing N. Graham Street, on the same parcel as Al's Burger Shack (one-story brick house with patio and sunroom additions facing West Franklin Street)
Orange County Parcel Identifier Numbers	9788-06-8190
Zoning	Town Center-2 (TC-2)

Topic	Comment		Status	
Use/Density (Sec 3.7)	Applicant is proposing a restaurant in an existing building. Permitted as Business, convenience.			
Dimensional Standards (Sec. 3.8)		Required	Proposed	
	Frontage	12 ft.	100.3 ft. Graham Street; 60.16 ft. West Franklin	
	Lot Width	15 ft.	100.3 ft. Graham Street; 60.16 ft. West Franklin	
	Building Height, Setback	44 ft.	18 ft. 6 in.	
	Building Height, Core	90 ft.	18 ft. 6 in.	
	Street Setback (min. ft.)	0 ft.	Existing Porch Encroaches into ROW – Will Require Encroachment Agreement	
	Interior Setback (min. ft.)	0 ft.	2'8" west side; 12'6" north side	
Solar Setback (min. ft.)	0 ft.	Not proposing solar		
Floor area (Sec. 3.8)	Required 1.97 (Max)	Proposed 0.32 (approximately)		
Modifications to Regulations (Sec. 4.5.6)	N/A		N/A	
Adequate Public Schools (Sec. 5.16)	N/A		N/A	
Inclusionary Zoning (Sec. 3.10)	N/A		N/A	

Landscape				
Buffer – North (Sec. 5.6.2)	No buffer required per LUMO 5.6.2(a)		N/A	
Buffer – East (Sec. 5.6.2)	N/A		N/A	
Buffer – South (Sec. 5.6.2)	N/A		N/A	
Buffer - West (Sec. 5.6.2)	N/A		N/A	
Tree Canopy (Sec. 5.7)	Required:	Proposed:	N/A	
	N/A	Proposing to remove existing trees on site, including 1 elm tree in the Town's Right Of Way		
Landscape Standards (Sec. 5.9.6)		<i>Required</i>	<i>Proposed</i>	
	<i>Vehicle Parking</i>	Max Allowed: 1 per 110 SF of floor area	2 Street Parking Spaces (1 Accessible Space)	
	<i>Bicycle Parking</i>	Min. 4, additional spaces per every 1,000 SF of floor area	4	
	<i>Off-street Loading Space</i> (5.9.8)	1 required	1 provided on neighboring property at 106 Graham Street.	
Environment				
Resource Conservation District (Sec. 3.6)	N/A		N/A	
Erosion Control (Sec. 5.3.1)	N/A		N/A	
Steep Slopes (Sec. 5.3.2)	N/A		N/A	
Stormwater Management (Sec. 5.4)	Stormwater management provided through new planters and cistern.			
Land Disturbance	1,740 SF			
Impervious Surface (Sec. 3.8)	N/A		N/A	
Solid Waste & Recycling	Applicant elects to provide recycling services through a private agreement in lieu of building a recycling station.			
Jordan Riparian Buffer (Sec. 5.18)	N/A		N/A	
Access and Circulation				
Road Improvements (Sec. 5.8)	Road improvements not required.		N/A	

Vehicular Access (Sec. 5.8)	Vehicular access, including curb cuts and driveways, proposed to be removed to improve safety of the site. Lost accessible parking space will be relocated to Graham Street.		
Bicycle Improvements (Sec. 5.8)	Proposed construction of 4 new bicycle parking spaces.		
Pedestrian Improvements (Sec. 5.8)	Sidewalk connections exist along West Franklin Street; applicant is proposing to grade frontage along N. Graham St to match width of Town proposed streetscape plan, which includes a 9 ft wide pedestrian path to be installed at a later date by the Town of Chapel Hill.		
Traffic Impact Analysis (Sec. 5.9)	Completed by Engineering Department.		
Transit (Sec. 5.8)	Not proposed at this time; site is accessed by routes J, F, and CW. Traffic Management Plan has been proposed by the applicant.		
Bicycle Parking (Sec. 5.9)	<i>Required:</i>	<i>Proposed:</i>	
	Min. 4, additional spaces per every 1,000 SF of floor area	4 spaces	
Parking Lot Standards (Sec. 5.9)	Parking lot is proposed to be removed		
Technical			
Fire	Special requirements will be required at time of building permit.		
Site Improvements	Existing overhead utilities will be run underground.		
Recreation Area (Sec. 5.5)	N/A		N/A
Lighting Plan (Sec. 5.11)	Outdoor lights will be warm LED lights, not to exceed 0.3 foot candles at property line.		
Homeowners Association (Sec. 4.6)	N/A		N/A

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

RESOLUTION A

(Approving the Site Plan Review Application)

A RESOLUTION APPROVING AN APPLICATION FOR A SITE PLAN REVIEW FOR 104 N. GRAHAM STREET (YELLOW HOUSE TACO) (PIN 9788-06-8190; PROJECT #18-072)

BE IT RESOLVED by the Planning Commission of the Town of Chapel Hill that it finds that the Site Plan Review application for the change of use at 104 N. Graham Street, proposed by Jim Spencer, on property identified as Orange County Property Identifier Number 9788-06-8190, if developed according to the Site Plan dated June 26, 2018 (revised February 6, 2019) and the conditions listed below would comply with all required regulations and standards 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 February 19, 2020, to be completed by February 19, 2021.
- 2. Land Use Intensity: This Site Plan Review authorizes the following:

Use: Business Convenience : Restaurant	
Floor Area Permitted	1,223 square feet
Vehicular Parking Spaces	2 Street Spaces (1 Accessible)
Minimum Bicycle Parking Spaces	4
Maximum Impervious Surface	5,520 square feet
Maximum Land Disturbance	1,740 square feet

- 3. Demolition of existing structures: That a demolition permit for demolition of the existing structures, or a portion thereof, be submitted and approved, and that the structures, or a portion thereof, be demolished within three years of the date of the final Certificate of Occupancy and the property brought into compliance with the floor area requirement. That the use of the house cease prior to Certificate of Occupancy.
- 4. Bicycle Access and Parking: That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide dimensioned details for a minimum of 4 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 bicycle parking standards required by the Town Design Manual.
- 5. 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.
- 6. Retaining Wall: That a construction detail of the retaining wall be provided with the Final Plans Application.
- 7. Sidewalk: Prior to issuance of a Certificate of Occupancy, construct a pathway meeting Town width requirements in order for the Town’s streetscape plan to be implemented within the Right of Way.

8. Encroachment Agreement: Prior to work within the Right of Way, an encroachment agreement must be obtained from the Town allowing the work for the retaining wall and existing porch.

Town of Chapel Hill - Site Plan Standard Stipulations

Access

9. 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

10. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit that the applicant submits a Transportation Management Plan for review and approval by the Town Manager. These plans are updated annually and approved by the Town Manager. The plan shall include an operations plan that addresses 1) access routes to the site to prevent use of Old Bridge Ln. by preschool parents and teachers; 2) Carpool for parents and teachers and remote parking for teachers; 3) onsite parking management and 4) windows of time for parents to drop-off and pick-up their children. Additional required components of the Transportation Management Plan typically include:
 - a. A Transportation Coordinator to communicate and promote alternate modes of transportation;
 - b. Submission of an Occupancy Survey due 90 days after building expansion occupancy;
 - c. Submission of an updated annual Transportation Management Plan Report;
 - d. Submission of Resident, Business and Employee Surveys during survey years; and
 - e. Measures to gradually attain the goals of the program.

Stormwater Management and Erosion Control

11. 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.
12. Silt Control: That the developer takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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

18. Detailed Construction Drawings: Detailed construction drawings shall be submitted to OWASA for review and approval prior to issuance of a Zoning Compliance Permit.
19. 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.
20. 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.
21. 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

22. 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.

23. 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.
24. 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.
25. 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.
26. 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

27. 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.
28. 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.
29. 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

30. 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.

Miscellaneous

31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.

37. 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.

38. 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 104 N. Graham Street in accordance with the plans and conditions listed above.

This the 19th day of February, 2019.

RESOLUTION B

(Denying the Site Plan Review Application)

A RESOLUTION DENYING AN APPLICATION FOR A SITE PLAN REVIEW FOR 104 N. GRAHAM STREET (YELLOW HOUSE TACO) (PIN 9788-06-8190; PROJECT #18-072)

BE IT RESOLVED by the Planning Commission of the Town of Chapel Hill that it finds that the Site Plan Review application for the change of use at 104 N. Graham Street, proposed by Jim Spencer, on property identified as Orange County Property Identifier Number 9788-06-8190, if developed according to the Site Plan dated June 26, 2018 (revised February 6, 2019) and the conditions listed below would not comply with all required regulations and standards of the Land Use Management Ordinance and Design Manual.

These findings are based on the following:

(INSERT REASONS FOR DENIAL)

BE IT FURTHER RESLOVED that the Planning Commission hereby denies the application for the 104 N. Graham Street Site Plan.

This the 19th day of February, 2019