

ADOPTED RESOLUTION

A RESOLUTION APPROVING AN APPLICATION FOR SITE PLAN REVIEW FOR HENDERSON STREET CAFÉ (File No. 80-E-1)

BE IT RESOLVED by the Planning Board of the Town of Chapel Hill that the development proposed by Mr. Norman Bullard, on property identified as Chapel Hill Township Tax Map 80, Block E, Lot 1, if developed according to the site plan dated May 30, 1998 (revised July 1, 1998) and the conditions below, would comply with the provisions of the Chapel Hill Development Ordinance and Design Manual.

These findings are conditioned on the following:

Stipulations Specific to the Development

1. Construction Deadline: That construction begin by July 7, 2000 (two years from the date of approval) and be completed by July 7, 2001 (three years from the date of approval).
2. Land Use Intensity: That the two and one half-story building may contain general and convenience business uses and four residential apartments.

That this approval authorizes the following:

5,969 square feet of floor area: 3,664 square feet general and convenience business; 2,305 square feet residential,
4,275 square feet of open space,
4,275 square feet of livability space,
258 square feet of recreational space, and
1 off-site parking space.

3. Outdoor Patio: That the proposed outdoor bar and grill be replaced with tables and seating area.

Required Improvements

4. Dedication of Right-of-Way: That the final plan locate the existing right-of-way along Henderson and East Rosemary Streets. If it does not already extend to the facade of the building, it will be necessary that the applicant submit a recorded plat dedicating the additional right-of-way prior to the issuance of a Zoning Compliance Permit.
5. Sidewalk Replacement/Repair: That prior to the issuance of a Zoning Compliance Permit, the sidewalk along East Rosemary Street be replaced with a wider sidewalk matching the width of the existing sidewalk adjacent to University Presbyterian Church playground. The applicant shall also replace the sidewalk damaged by the removal of abandoned utility poles along Henderson Street.

Stipulations Related to Recreational Space

6. Recreation Space: That in order to meet the recreational space requirements, the applicant provide on-site recreational space, a payment-in-lieu, or a combination of both. Prior to the issuance of a Zoning Compliance Permit, the Town Manager shall approve the manner in which recreational space requirements are satisfied.

Stipulations Related to Landscape Elements

7. Landscape Buffers: The following landscape buffer shall be provided:

- ◆ Type "B" buffer (minimum width 10 feet) along the east property line

If alternative buffers are proposed along a property line, or portion thereof, the Historic District Commission shall review and approve the alternative buffer plans prior to issuance of a Zoning Compliance Permit.

8. Landscape Plan Approval: That a detailed landscape protection plan, landscape plan and landscape maintenance schedule be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The Final Plans shall contain a note indicating that all construction activities below the proposed deck will be coordinated with the Town's Urban Forester.

Stipulations Related to Building Elevations

9. Building Elevations: That detailed building elevations and site lighting be approved by the Historic District Commission prior to the issuance of a Zoning Compliance Permit.

Stipulations Related to Water, Sewer, and Other Utilities

10. Fire Flow: That a fire flow report, prepared by a registered professional engineer, and showing that flows meet the minimum requirements of the Design Manual, be approved prior to issuance of a Zoning Compliance Permit.
11. Utility Pole Removal: That prior to the issuance of a Zoning Compliance Permit all abandoned utility poles on this site, along Henderson Street, be removed.
12. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by OWASA, Duke Power, Time Warner Cable, Public Service Company, BellSouth, and the Town Manager, prior to issuance of a Zoning Compliance Permit.

Miscellaneous Stipulations

13. Transportation Management Plan: That prior to issuance of a Zoning Compliance Permit the applicant prepare and obtain Town Manager approval of a Transportation

Management Plan. The required components of each Transportation Management Plan shall include:

- a. Provision for designation of a Transportation Coordinator;
 - b. Provisions for an annual Transportation Survey and Annual Report to the Town Manager;
 - c. Quantifiable traffic reduction goals and objectives;
 - d. Ridesharing incentives; and
 - e. Public transit incentives.
14. Parking: That as an element of the Transportation Management Plan, the applicant provide documentation for 1 off-site parking space by either securing a lease for the parking space within a 1200 foot radius of the property, in accordance with Section 14.6.2.a of the Development Ordinance, or by securing an on-street residential parking permit.
15. Shared Compactor and Cardboard Dumpster Agreement: That a shared compactor and shared cardboard dumpster agreement shall be approved by the Town Manager and recorded in the Orange County Register of Deeds Office. A copy of the recorded agreement shall be submitted to the Town prior to issuance of a Zoning Compliance Permit.
16. Refuse Area Detail: That all roll-carts be located on a level, all weather surface. Access route between the public street and all roll-carts shall be an all weather surface. Prior to the issuance of a Zoning Compliance Permit, the Town Manager shall approve the final location for all recycling roll-carts.
17. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, and landscape plans and landscape maintenance plans be approved by the Town Manager before issuance of a Zoning Compliance Permit, and that such plans conform to plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
18. Construction Sign Required: That the applicant post a construction sign that lists the property owner's representative, with a telephone number, the contractor's representative, with a phone number, and a telephone number for regulatory information prior to issuance of a Zoning Compliance Permit.
19. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
20. 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 Board hereby approves the application for Site Plan Review for the Henderson Street Cafe with the plans and conditions listed above.

This the 7th day of July, 1998.