

ADOPTED RESOLUTION

A RESOLUTION APPROVING AN APPLICATION FOR SITE PLAN MODIFICATION FOR LUCY'S RESTAURANT (FILE 7.80.E.1)

BE IT RESOLVED by the Planning Board of the Town of Chapel Hill that the development proposed by Norman Bullard on property identified as Chapel Hill Township Tax Map 80, Block E, Lot 1 if developed according to the site plan dated July 10, 2002 (revised 9/20/02) the conditions listed below, would comply with the provisions of the Chapel Hill Development Ordinance and Design Manual.

Special Terms and Conditions

The conditions contained herein are in addition to the conditions of the Planning Board's July 7, 1998 Site Plan Approval (attached).

Stipulations Specific to the Development

Extension
10-1-04

1. Construction Deadlines: That construction begins by October 1, 2003 (1 year after approval date) and is completed by October 1, 2008 (6 years after approval date).
2. Land Use Intensity: That this approval authorizes change of use on 5,587 square feet of gross land area consisting of a total of 7,512 square feet of floor area, specified as follows:

Number of Buildings:	1
Floor Area Total:	8,273 s.f. Maximum
Convenience Business Use (Restaurant and Bar):	6,955 s.f. Maximum ¹
• Number of Seats (Restaurant and Bar):	91 Maximum
Residential Use (1 Dwelling Unit):	557 s.f. Maximum
Parking for Residential Dwelling Unit:	1 off-site parking space ²
Bicycle Parking Spaces:	2 Minimum
Outdoor Space:	2,155 s.f. Minimum
• (Restaurant and Bar):	2,155 s.f. Maximum ¹
Livability Space:	827 s.f. Minimum

1. Total authorized Convenience Business Use (Restaurant and Bar) is 9,911 square feet including both 7,716 s.f. floor area and 2,155 s.f. of unenclosed outdoor space.

2. Off-site parking space for residential dwelling unit must be located within 1,200 feet walking distance from the site.

3. Enclosing Top Floor Balcony Area: That the applicant shall fully enclose the top floor outdoor balcony area with walls and a roof, thereby converting the existing 761 square feet of outdoor space to floor area, prior to using it for the proposed restaurant and bar uses. The

design shall be subject to approval by the Town Manager, and Historic District Commission, prior to the issuance of a Zoning Compliance Permit. The adjacent 504 square feet of uncovered outdoor space on the top floor is *not* authorized for enclosure or any use without approval from the Planning Board.

Stipulations Specific to Transportation Issues

4. Residential Parking Space: That verification shall be provided of an off-site parking space for the residential dwelling unit and that it shall be located 1,200 feet or less from the site, to be approved by the Town Manager, prior to issuance of a Zoning Compliance Permit.
5. Bicycle Parking: That a minimum of two Class II bicycle parking spaces shall be provided on site near the entrance to the building, or an alternate location, to be approved by the Town Manager and the Historic District Commission prior to issuance of a Zoning Compliance Permit.
6. Transportation Management Plan: That a revised Transportation Management Plan shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit in lieu of providing 17 parking spaces. The required components of the Transportation Management Plan shall include:
 - Provision for designation of a Transportation Coordinator;
 - Provisions for an annual Transportation Survey and Annual Report to the Town Manager;
 - Quantifiable traffic reduction goals and objectives;
 - Ridesharing incentives; and
 - Public transit incentives.

Stipulations Related to Landscape and Architectural Features

7. Landscape Protection: That a landscape protection plan shall be provided indicating that the two significant elm trees along the southern property line will be protected, to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
8. Building Elevations, Exterior Lighting, and Signage: That any changes to exterior portions of the building or other structures, including site lighting, and signage, shall be reviewed and approved by the Historic District Commission and Town Manager prior to issuance of a Zoning Compliance Permit.

Utility and Service Issues

9. Fire Safety: That a sprinkler system shall be installed if the building renovation exceeds 50% of the tax value for the building, in accordance with Town Code requirements. The applicant shall provide the Town Manager with an estimate of renovation costs and the currently

assessed tax value of the building. If necessary, the sprinkler system shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

10. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for recycling and for the management and minimizing of construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Miscellaneous Stipulations

11. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Manager prior to issuance of a Zoning Compliance Permit and that such plans conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Development Ordinance and Design Manual.
12. Building Permits: That the applicant shall obtain Building Permit(s) from the Town Inspections Department as required for existing unauthorized construction on-site as well as any proposed construction. The existing bar on the top floor balcony area is unauthorized, for example.
13. Certificate(s) of Occupancy: That the applicant shall obtain Certificate(s) of Occupancy from the Town Inspections Department as required prior to occupation of the newly designated commercial floor space to ensure that proper code requirements are satisfied, whether new construction is proposed or not.
14. Phasing Plan: That the applicant may propose a phasing plan prior to the issuance of a Zoning Compliance Permit subject to approval by the Town Manager, to allow for the gradual conversion of residential floor area to commercial space. Prior to receiving Certificates of Occupancy for the floor area proposed to be commercial use, the applicant shall not use that floor area for commercial purposes.
15. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
16. 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 a Site Plan Modification Approval for Lucy's Restaurant in accordance with the plans and conditions listed above.

This is the 1st day of October, 2002.