

RESOLUTION A
(Approving the Application)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT
MODIFICATION FOR 1507 & 1509 E. FRANKLIN STREET (2023-03-22/R-13)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that a Special Use Permit Modification application, proposed by Peter Turner, on behalf of 1507 E. Franklin Street LLC, located at 1507 & 1509 E. Franklin Street on property identified as Orange County Property Identifier Number 9789-93-9745, if developed according to the plans last revised November 24, 2021, and the conditions below would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

MODIFICATIONS TO REGULATIONS

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that it finds, in this particular case, that the proposed development with the following requested modifications to regulations satisfies public purposes to an equivalent or greater degree:

LUMO Section 5.9.7 Minimum and Maximum Off-Street Parking Requirements (Vehicular Parking): Reduce the minimum number of off-street parking spaces to 37 spaces.

This finding is based on the determination that the public purposes are satisfied to an equivalent or greater degree because the addition of a drive-in window is expected to reduce demand for off-street parking on the site.

STIPULATIONS SPECIFIC TO 1507 & 1509 E. FRANKLIN STREET

The stipulations provided shall modify the existing Special Use Permit which was first granted by the Town Council on July 28, 1975, modified by Town Council on April 11, 1983, and modified by Town staff on February 27, 2015.

1. Construction Deadline: Construction shall begin by _____ (2 years from the date of approval) and be completed by _____ (4 years from the date of approval).
2. Land Use: In addition to the uses currently permitted, this Special Use Permit Modification authorizes the addition of one drive-in window to the existing restaurant located at 1509 E. Franklin Street and associated onsite traffic management.
3. Land Use Intensity: This Special Use Permit Modification authorizes the following use:

Use: Drive-In Window	
Gross Land Area	45,537 sq. ft. (1.05 acres)
Minimum Vehicular Parking Spaces*	37 spaces
Minimum Bicycle Parking Spaces*	20 spaces

*Minimum requirements are applicable to the site as a whole.

4. Existing Permit: The existing Special Use Permit dated July 28, 1975, as modified by Town Council on April 11, 1983, and as modified by Town staff on February 27, 2015, remains in effect except as modified by these stipulations.
5. Traffic Management: The developer shall coordinate with the North Carolina Department of Transportation (NCDOT) to place appropriate signage along E. Franklin Street to discourage queueing or spillover of vehicles along E. Franklin Street.
6. Sign Permit: The developer shall apply for a separate sign permit for any proposed signage for the development. All signage must comply with Sec. 5.14 of the Land Use Management Ordinance.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit Modification for 1507 & 1509 E. Franklin Street.

This the 22nd day of March, 2023.