



CONSIDER AN APPLICATION FOR CONDITIONAL ZONING – 1751 DOBBINS DRIVE

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
 Judy Johnson, Operations Manager
 Michael Sudol, Planner II

PROPERTY ADDRESS 1751 Dobbins Drive	DATE September 19, 2019	APPLICANT Aaron Frank, Womble Bond Dickinson LLP on behalf of James R. and Melissa A. Miller, LLC
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STAFF RECOMMENDATION

That the Environmental Stewardship Advisory Board, Community Design Commission, Transportation and Connectivity Advisory Board, and Planning Commission review and make a recommendation on the application to the Town Council.

STAFF ANALYSIS

The applicant is asking for modifications to regulations. See attached Staff Analysis for additional information.

PROCESS

Conditional Zoning is a legislative process that allows Town Council to review the rezoning application for consistency with the Land Use Plan in the Comprehensive Plan. A Conditional Zoning District is deemed consistent if the proposed District will be located in conformance with an adopted small area plan and/or in one of the following Land Use Categories:

- Medium and High Residential
- Commercial
- Mixed Use, Office and Office/Commercial Emphasis
- Town/Village Center
- Institutional Office
- University
- Development Opportunity Area
- Light Industrial Opportunity Area

DECISION POINTS

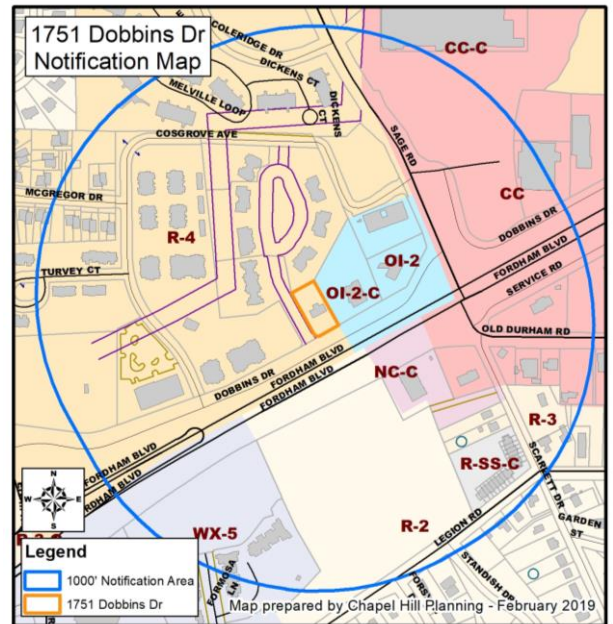
- Modifications to landscape buffer on West property line.
- Modification to minimum interior setback width.
- Modification to steep slopes requirement.
- Modification to foundation buffer strip.

PROJECT OVERVIEW

The applicant proposes construction of a 5,500 square foot office with 2 stories and 21 parking spaces.

- Existing Zoning: Residential – 4 (R-4)
- Proposed Zoning: Office/Institutional – 2 – Conditional Zoning (OI-2-CZ)
- Lot size: 0.5 acres

PROJECT LOCATION



ATTACHMENTS

1. Project Summary Form
2. Resolution A
3. Resolution B
4. Applicant’s Materials
5. Submitted Plans

TECHNICAL REPORT

September 11, 2019







Concept Plan for 1751 Dobbins Drive is presented to Council. A 2-story office development with 5,000 sq. ft. of floor area was presented.

Connections to other Documents:

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)¹, the standards of the [Land Use Management Ordinance](#)², and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)³ and offers the following evaluation:

Comprehensive Plan Themes: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

Council Goals:

<input type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

Staff believes the 1751 Dobbins Drive proposal complies with the above themes of the 2020 Comprehensive Plan.

Land Use Plan: The [2020 Land Use Plan](#)⁴, a component of the 2020 Comprehensive Plan, designates this site for Mixed Use, Office/Commercial Emphasis. The 2020 Land Use Plan also designates this site as part of the [Area 5. North 15-501 CH 2020 Future Focus Discussion Area](#).⁵

Proposed Modifications to Regulations:

- 1) Section 5.6.6 Buffer Modification:** The applicant proposes a modified buffer on the West property line, with an 8 foot width and reduced planting quantities.

Staff Comment: Staff believes that Council could find a public purpose for the reduced buffer width and plantings, as an infill project with existing utility lines and a narrow lot configuration, in addition to existing buffer on adjacent properties to the North and East.

- 2) Section 3.8.2 Minimum Interior Setback Modification:** The applicant proposes to modify the minimum interior setback width. The required interior setback is 8 feet wide, and the applicant is proposing 4 feet.

¹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

² https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

³ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

⁴ <http://www.townofchapelhill.org/home/showdocument?id=1215>

⁵ <https://www.townofchapelhill.org/town-hall/departments-services/chapel-hill-2020/future-focus-areas>

Staff Comment: Staff believes that Council could find a public purpose for the reduced setback width, as an infill project with a narrow lot configuration.

- 3) Section 3.8.2 Minimum Street Setback Modification:** The applicant proposes to modify the minimum street setback width. The required interior setback is 22 feet wide, and the applicant is proposing 20 feet.

Staff Comment: Staff believes that Council could find a public purpose for the reduced setback width, as an infill project with a wide NCDOT Right-of-Way between the building and the street.

- 4) Section 5.3.2 Steep Slopes Modification:** The applicant proposes disturbing 99.7% of the steep slopes on the site. There is approximately 663 square feet on steep slopes on the site, with 661 square feet of those proposed to be disturbed.

Staff Comment: Staff believes that Council could find a public purpose for the steep slopes modification, as an infill project with a narrow lot configuration, in addition to previous disturbance of the slopes by the single-family residence on the site.

- 5) Section 5.9.6 Foundation Buffer Strip Modification:** The applicant proposes a modified foundation buffer strip between the parking lot and the building. A 5 foot wide strip is required, and the applicant is proposing a 3 foot strip.

Staff Comment: Staff believes that Council could find a public purpose for the foundation buffer strip modification, as the site is an infill project with a narrow lot configuration.



Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.5.6 of the Land Use Management Ordinance. Staff believes that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the developer's alternative is to revise the proposal to comply with the regulations.

For additional information on the proposed modifications, please refer to the developer's attached materials.






Overview









Site Description	
Project Name	1751 Dobbins Drive
Address	1751 Dobbins Drive
Property Description	21,772 sq. ft. (0.5 acres)
Existing	Single-family residence
Orange County Parcel Identifier Numbers	9799-58-6643
Existing Zoning	Residential – 4 (R-4)
Proposed Zoning	Office/Institutional – 2 – Conditional Zoning (OI-2-CZ)



Regulatory Land Use Intensity

Comment		Advisory Board	Status
Use/Density (Sec. 3.7)	Office	PC	
Dimensional Standards (Sec. 3.8 and Sec. 6.15)	Required setbacks are a 22' street setback, 8' interior setback, and 9' solar setback; proposing 20' street setback, 4' interior setback, and 9' solar setback.	PC	M
Floor area (Sec. 3.8)	Maximum of 5,747 sq. ft.; 5,500 sq. ft. proposed	PC	
Modification to Regulations (Sec. 4.5.6)	Proposing 8' wide West buffer with reduced plantings; reduced minimum interior setback of 4'; disturbance of 99.7% of steep slopes over 25%; reduced 3' foundation buffer strip.	PC	M


Site Design

Comment		Advisory Board	Status
Landscape	Buffer – North (Sec. 5.6.2)	20' External Type "C" (existing on adjacent property)	PC 
	Buffer – East (Sec. 5.6.2)	10' Internal Type "B" (existing on adjacent property)	PC 
	Buffer – South (Street) (Sec. 5.6.2)	No buffer required on local streets	PC 
	Buffer - West (Sec. 5.6.2)	20' Internal Type "C"	PC M
	Tree Canopy (Sec. 5.7)	Minimum 30% canopy	CDC 
	Landscape Standards (Sec. 5.9.6)	Constructed to Town standards	PC 

Environment	Resource Conservation District (Sec. 3.6)	Not applicable	ESAB	N/A
	Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required.	ESAB	FP
	Steep Slopes (Sec. 5.3.2)	There are 663 square feet of steep slopes over 25% on the site. The applicant proposes to disturb 661 square feet of these.	ESAB	M
	Stormwater Management (Sec. 5.4)	Underground Stormwater treatment measure	ESAB	
	Land Disturbance	22,609 sq. ft. (110% of gross land area, includes off-site work)	ESAB	
	Impervious Surface	14,202 sq. ft. (63% of gross land area)	ESAB	
	Solid Waste & Recycling	Private trash pickup; County recyclable pickup	OCSW	
	Jordan Riparian Buffer (Sec. 5.18)	Not applicable	ESAB	N/A
Access & Circulation	Road Improvements (Sec. 5.8)	None	NCDOT	
	Vehicular Access (Sec. 5.8)	Improved curb cut on Dobbins Drive	TCAB	
	Bicycle Improvements (Sec. 5.8)	Proposing 8 bicycle parking spaces	TCAB	
	Pedestrian Improvements (Sec. 5.8)	Existing sidewalk with ramps	TCAB	
	Traffic Impact Analysis (Sec. 5.9)	Anticipated TIA exemption due to small size	TCAB Staff	
	Vehicular Parking (Sec. 5.9)	21 spaces total, including 2 handicap spaces	TCAB, PC	
	Transit (Sec. 5.8)	Site is served by the Chapel Hill Transit D route	TCAB	
	Bicycle Parking (Sec. 5.9)	8 proposed spaces	TCAB, PC	
	Electric Vehicle Parking	None proposed	TCAB	
	Parking Lot Standards (Sec. 5.9)	Built to Town standards	TCAB	
Technical	Fire	Full fire flow study and report will be provided during the ZCP phase	Staff	FP
	Site Improvements	Driveway access	Staff	

Schools Adequate Public Facilities (Sec. 5.16)	Not applicable	Staff	N/A
Inclusionary Zoning Ordinance (Sec. 3.10)	Not applicable	Staff	N/A
Recreation Area (Sec. 5.4)	Not applicable	PC	
Lighting Plan (Sec. 5.11)	0.3 foot-candles at property line	CDC	
Homeowners Association (Sec. 4.6)	Not applicable	Staff	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 Conditional Zoning Application)

A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL ZONING FOR 1751 DOBBINS DRIVE (PROJECT #19-094)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Conditional Zoning application, proposed by Aaron Frank, Womble Bond Dickinson LLP on behalf of James R. and Melissa A. Miller, LLC, located at 1751 Dobbins Drive on property identified as Orange County Property Identifier Number 9799-58-6643, if developed according to the Site Plan dated July 24, 2019 and the conditions listed 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 with 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:

Section 5.6.6 Buffer Modification: To modify the western property line buffer from the required minimum 20 foot Type "C" buffer to a buffer 8 feet in width with reduced planting quantities.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff acknowledges the reduced buffer is adjacent to a street that contains trees and other plantings along the property line, effectively increasing the size of the buffer.

Section 3.8.2 Minimum Interior Setback Modification: To modify the minimum interior setback from the required minimum 8 feet to a setback 4 feet in width.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff acknowledges the narrow shape of the lot and that buffers are being provided on site and on adjacent properties.

Section 3.8.2 Minimum Street Setback Modification: To modify the minimum street setback from the required minimum 22 feet to a setback 20 feet in width.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff acknowledges the narrow shape of the lot and the

large North Carolina Department of Transportation Right-of-Way between the proposed building and the street.

Section 5.3.2 Steep Slopes: To modify the maximum 25 percent disturbance of the areas with slopes exceeding 25 percent. Proposing to disturb 661 sq. ft., which is 99.7% of the steep slopes.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff believes the steep slopes on this site have been partially disturbed by the existing single-family residence on the site and are not necessary to protect water bodies, to protect plant and animal habitats, or to preserve the natural beauty and economic value of the Town’s wooded hillsides.

Section 5.6.6 Foundation Buffer Strip Modification: To modify the foundation buffer strip between the parking lot and the building from a required 5 foot wide strip to a 3 foot wide strip.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff acknowledges that the site is an infill project with a narrow lot configuration.

STIPULATIONS SPECIFIC TO 1751 DOBBINS DRIVE

1. Construction Deadline: That construction begin by _____ (two years from the date of approval) to be completed by _____ (four years from the date of approval). [LUMO 4.5.5]
2. Land Use Intensity: This Conditional Zoning authorizes the following:

Use: Commercial/Office	
Number of Buildings	1
Gross Land Area	21,772 sq. ft.
Maximum Floor Area	5,500 sq. ft.
Total Impervious Surface	14,202 sq. ft.
Maximum Land Disturbance	22,609 sq. ft.
Maximum Parking Spaces	21 spaces
Minimum Bicycle Parking Spaces	8 spaces

Transportation

3. Pedestrian Crosswalk: That prior to issuance of Zoning Compliance Permit, the design for upgrading the existing crosswalk across the driveway entrance or other similar traffic control devices shall be approved by the Town and N.C. Department of Transportation. Prior to issuance of a Certificate of Occupancy, the crosswalk shall be upgraded with the approved design.
4. Landscape Bufferyards: That the following landscape bufferyards shall be provided:

Location	Type	Vegetation
West	8’ Internal Type “C” (Modified)	4 large trees, 6 small trees, and 42 shrubs

If the adjacent properties with existing buffers to the North and East reduce their buffers below the total required width as part of a future redevelopment, the owner of 1751 Dobbins Drive will install an alternate buffer with comparable screening as approved by the Community Design Commission.

5. Stormwater Structures: No stormwater management structures are permitted in the rights-of-way or building setbacks. This includes the outlet structure and stabilization, any underdrains, side slopes, and the downgradient toe of french drains. Further, the discharge must be in a sheet flow condition.
6. Stormwater Control Measure: The proposed stormwater control measure for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual.
7. Vested Right: This Conditional Zoning constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance.
8. 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.
9. 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 Council hereby approves the application for a Conditional Zoning for 1751 Dobbins Drive. This the _____ day of _____ 2019.

TOWN OF CHAPEL HILL – CONDITIONAL ZONING STANDARD STIPULATIONS

Supplemental to site-specific conditions as set by Town Council-approved resolution.

Access

1. Accessibility Requirements: Prior to issuance of a Certificate of Occupancy, the developer shall provide the minimum required handicapped infrastructure according to the Americans with Disabilities Act and associated codes and standards.

Transportation

2. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, it will be necessary to submit a Transportation Management Plan, subject to Town Manager approval. The Transportation Management Plan shall include monitoring of electric vehicle parking spaces usage. [LUMO 4.5.2]
3. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details that comply with the Town parking standards for required and/or proposed bicycle parking spaces. Bicycle parking spaces should be placed near building entrances. The spaces must comply with the Spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual. [LUMO 4.5.2]
4. Parking Lot: Any newly proposed parking lots, including additions to existing parking lots, shall be constructed to Town standards for dimensions and pavement design. [Town Code 5.9.5]
5. Parking Lot Landscape and Screening: That the parking lot landscape design shall adhere to the standards of Ordinance. [LUMO 5.9.6]
6. Lighting: Prior to issuance of a Zoning Compliance Permit, the developer shall design and install street lighting along the site frontage. Design and construction details must be approved by the Town Manager and N.C. Department of Transportation prior to a Zoning Compliance Permit.
7. Driveway Permit: It will be necessary to obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the design and construction of stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.
8. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existed on the roadways.
9. Off-Site Construction Easements: Prior to any land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]

10. Site Distance Triangles: Prior to issuance of a Certificate of Occupancy, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. [Town Design Manual]
11. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
12. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, the developer shall repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design must be reviewed and approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. [Town Code 6.10]
13. Street Closure Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager and NCDOT approval, for any work requiring street, sidewalk, or lane closure. [Town Code 21.7.1]
14. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. The Work Zone Traffic Control Plan shall comply with the Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [Town Code 17-47]
15. North Carolina Department of Transportation Approvals: Plans for improvements to State-maintained roads shall be approved by NCDOT prior to issuance of a Zoning Compliance Permit for the development.

Landscaping and Building Elevations

16. Invasive Exotic Vegetation: That prior to issuance of a Zoning Compliance Permit, the applicant shall identify on the planting plan any known invasive exotic species of vegetation, as defined by the Southeast Exotic Pest Plant Council (SE-EPPC), and provide notes indicating removal from the landscape buffer areas prior to planting. [Town Design Manual]
17. Minimum Landscape Caliper Size: That prior to issuance of the Certificate of Occupancy, all proposed landscape materials shall be planted with a minimum as identified in the Town Design Manual. [Town Design Manual]
18. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, approval from the Community Design Commission shall be required for any proposed alternate buffer. [LUMO 5.6.8]
19. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include a complete and currently updated tree survey showing critical root zones of all rare and specimen trees and labeled according to size and species, and indicate which trees will be removed and which will remain. [LUMO 5.7.3]
20. Tree Protection Fencing Prior to Construction: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site and a

detail of the tree protection fence. Tree protection fencing shall be provided around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval. [LUMO 5.7.3]

21. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approvals. [LUMO 4.5.3]
22. Tree Canopy: That a minimum of tree canopy coverage be provided through a combination of retained and replanted trees, unless a modification to regulations is approved. Calculations demonstrating compliance with LUMO Section 5.7.2 shall be included. [LUMO 5.7.2]
23. Retaining Wall Construction: If applicable, the final design and location of all retaining walls shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
24. Demolition Plan: Prior to beginning any proposed demolition activity, it will be necessary to obtain demolition permits from both Planning and Inspections. While the demolition component may be submitted to Planning in tandem with the Zoning Compliance Permit for new construction, a separate stand-alone demolition permit may be acquired from Planning prior to proceeding with a demolition permit application to Inspections.
25. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve a lighting plan and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution; and 2) off-site spillage of light. [LUMO 8.5.5]
26. Community Design Commission Review: That the Community Design Commission review building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit. [LUMO 8.4.6] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission.

Environment

27. Stormwater Management Plan: Development projects must comply with the *Section 5.4 Stormwater Management* of the Land Use Management Ordinance. [LUMO 5.4]
28. Phasing Plan: If phasing of the project is proposed, that prior to issuance of a Zoning Compliance Permit, the property owner 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 which public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases are complete, with a note to this effect on the final plans and plats. [LUMO 4.9.2]
29. Erosion Control Bond: If one acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. [LUMO 4.5.2]

30. Silt Control: That the developer take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent roadways. [LUMO 4.5.2, Town Code Chapter 5]
31. Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the developer shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs. [LUMO 4.5.2]
32. 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. [LUMO 4.5.2]
33. As-Built Plans: That prior to the issuance of a 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, 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. [LUMO 4.9.2]
34. 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. [LUMO 4.9.2]
35. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy. [LUMO 4.9.2]
36. Energy Efficiency: That the Final Plans incorporate a "20 percent more energy efficient" feature relative to the energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of building permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the Applicant when incorporating the "20 percent more energy efficient" feature into the final plans.
37. Energy Management Plan: That the final plan application include an Energy Management Plan. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, biofuels, and hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; d) include on-going energy management practices, and e) that the property owner reports to the Town of Chapel Hill both the expected energy consumption as part of a model prior to issuance of a Zoning Compliance Permit and the actual energy consumption as par to sealed engineering calculations at the time construction is completed.

Water, Sewer, and Other Utilities

38. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, and other local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit. [LUMO 4.5.3]
39. Lighting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans, sealed by a Professional Engineer, for Town Manager approval, as well as other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including: submission of a lighting plan, providing for adequate lighting on public sidewalks, including driveway crossings; and demonstrating compliance with Town standards. [LUMO 5.11]
40. Relocation of Overhead Utilities Underground: Prior to a Certificate of Occupancy, the developer will install underground all public utilities that are currently located overhead on the site except for 3 phase or greater electric lines. [LUMO 5.12.2]
41. Water/Sewer Line Construction: That all public water and sewer plans be approved by OWASA and constructed according to their standards. Where sewer lines are located beneath drive aisles and parking areas construction methods approved by OWASA shall be employed, to ensure that sewer lines will not be damaged by heavy service vehicles. Prior to issuance of a Zoning Compliance Permit, final plans shall be approved by OWASA and the Town Manager. [LUMO 5.12.1]
42. OWASA Approval: That prior to issuance of a Zoning Compliance Permit, any easement plats and documentation as required by OWASA and the Town Manager shall be recorded. [LUMO 5.12.1]

Fire Safety

43. Fire Sprinklers: The developer shall install sprinklers under the North Carolina Fire Code prior to issuance of a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems. [TOWN CODE 7-56]
44. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
45. Hydrants Active: The developer shall provide 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. [NC Fire Protection Code Section 507.5.6]
46. Fire Hydrant and FDC Locations: The Final Plans shall 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. [NC Fire Protection Code Section 507.5.6]

47. Firefighting Access during Construction: As required by NC Fire Code (Section 1410.1 Required Access), vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. [NC Fire Code, Section 1410.1]
48. Fire Flow Report: The Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. An OWASA flow test must be provided with the report. Fire flow shall meet the 20 psi or exceed the requirements set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [Town Design Manual]
49. Heavy-Duty Paving: Prior to issuance of a Certificate of Occupancy, the developer shall, in designated areas, provide heavy duty paving designed and built to withstand fire apparatus weighing at least 75,000 pounds. [Town Design Manual]
50. Fire Lane: Prior to issuance of a Certificate of Occupancy, any fire lane shall be marked and signed in accordance with Town standards, with the associated plans approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [NC Fire Code, Sections 503.3, D103.6, D103.6.1, D103.2]

Solid Waste Management and Recycling

51. Solid Waste Management Plan: Prior to issuance of a Zoning Compliance Permit, a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager. The plan shall include dimensioned, scaled details of any proposed refuse/recycling collection areas, associated screening, and protective bollards, if applicable. Each bulk waste container shall be labeled as to type of material to be collected. Prior to issuance of a Zoning Compliance Permit, the developer shall provide documentation of an agreement for solid waste collection by a private provider. [Orange County Solid Waste]
52. 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. [Orange County Solid Waste]

State and Federal Approvals

53. State or Federal Approvals: Any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit. [NC State; Federal Permits]

54. North Carolina Department of Transportation Approvals: That 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. [NC Department of Transportation]

Miscellaneous

55. Offsite Construction Easements: That prior to any land disturbance on abutting properties the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
56. Construction Management Plan: A Construction Management Plan shall 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. [LUMO 4.5.2, TOWN CODE 17-42]
57. Traffic and Pedestrian Control Plan: The developer 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 developer must apply to the Town Manager for a lane or street closure permit. [LUMO 4.5.2, TOWN CODE 17-42]
58. Construction Sign Required: The developer 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. (§5.14.3(g) of Land Use Management Ordinance). The sign shall be non-illuminated, and shall consist of light letters on a dark background. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.3]
59. Schools Adequate Public Facilities Ordinance: If applicable, the developer shall provide the necessary Certificates of Adequacy of Public Schools or an exemption prior to issuance of a Zoning Compliance Permit. [LUMO 5.16]
60. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [TOWN CODE, Article 9]
61. 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. [LUMO 4.5.3]

62. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are complete; and that a note to this effect shall be placed on the final plats.

If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete; and no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase; and that a note to this effect shall be placed on the final plats.

63. Traffic Signs: That the property owners shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.

64. New Street Names and Numbers: That the name of the development and its streets and house/building numbers be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

65. As-Built Plans: That prior to the issuance of a 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, 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.
[LUMO 4.9.2]

66. Modification to Approved Plans: The applicant shall submit a Conditional Zoning modification application prior to making any changes to approved plans.

67. 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.

68. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

**RESOLUTION B
DENYING THE CONDITIONAL ZONING**

**A RESOLUTION DENYING AN APPLICATION FOR A CONDITIONAL ZONING FOR
1751 DOBBINS DRIVE (PROJECT #19-094)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Conditional Zoning application, proposed by Aaron Frank, Womble Bond Dickinson LLP on behalf of James R. and Melissa A. Miller, LLC, located at 1751 Dobbins Drive on property identified as Orange County Property Identifier Number 9799-58-6643, if developed according to the Site Plan dated July 24, 2019 the conditions listed below would not:

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 with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council hereby denies the application for a Conditional Zoning for 1751 Dobbins Drive.

This the _____ day of _____, 2019.