

I, Brittney Hunt, Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2025-10-22/O-4) enacted by the Chapel Hill Town Council on October 22, 2025.



This the 28th day of October, 2025.

Brittney N. Hunt

**Brittney Hunt
Town Clerk**

ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 115 CHAPEL POINT ROAD FROM COMMUNITY COMMERCIAL-CONDITIONAL ZONING DISTRICT (CC-CZD) AND OFFICE/INSTITUTIONAL-2-CONDITIONAL ZONING DISTRICT (OI-2-CZD) TO RESIDENTIAL-6-CONDITIONAL ZONING DISTRICT (R-6-CZD) (PROJECT #CZD-25-3) (2025-10-22/O-4)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Thomas and Hutton, on behalf of property owner Optimal Ventures LLC and contract purchaser NWR Development, LLC to rezone a 19-acre site located at 115 and 135 Chapel Point Road on property identified as Orange County Property Identifier Number 9870-99-7083, to allow a multifamily residential development and finds that the amendment to the Zoning Atlas is:

- Consistent with the Town's Comprehensive Plan, per NCGS 160D-605; and
- Reasonable and in the public's interest, per NCGS 160D-605;
- Warranted because of changing conditions and warranted to achieve the purposes of the Comprehensive Plan, per LUMO 4.4

WHEREAS, the application, if rezoned according to the district-specific plan dated February 5, 2025, last revised July 9, 2025, and the conditions listed below would, per LUMO 4.4.3(f):

- 1) Conform with the applicable provisions of the Land Use Management Ordinance (LUMO) and Town Code
- 2) Conform with the Comprehensive Plan
- 3) Be compatible with adjoining uses
- 4) Mitigate impacts on surrounding properties and the Town as a whole
- 5) Be harmonious with existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities
- 6) Be harmonious with natural systems such as hydrology, topography, and other environmental constraints

MODIFICATIONS TO REGULATIONS

WHEREAS, the Council of the Town of Chapel Hill 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:

- 1) LUMO Section 3.6.3(f), Table 3.6.3-3: Resource Conservation District: Disturbed Area Ratio in Upland Zone.** Increase the disturbed area ratio to 0.49.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because the increased disturbance allows the development to accommodate treatment for the 100-year storm event and provide a greenway to connect existing trails.

- 2) LUMO Section 3.8.2, Table 3.8-1: Dimensional Standards: Building height, setback.** Increase building height at the setback line to 50 feet along the southern and western property lines.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because part of the site is at a lower elevation than the adjacent developed parcels. The change in elevation would help mitigate any potential adverse impacts to solar access, privacy, ventilation, access to buildings, nuisances like glare, odor, noise, or fire.

- 3) LUMO Section 3.8.2, Table 3.8-1: Dimensional Standards: Floor area ratio.** Replace the maximum floor area ratio with a maximum floor area limit stated in the Land Use Intensity Table.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because the proposed floor area supports density that is consistent with the Future Land Use Map.

- 4) LUMO Section 3.8.3: Dimensional Standards: Exceptions to Setback and Height Regulations.** Allow retaining walls up to 14 feet in height to encroach into the southern interior setback.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because part of the site is at a lower elevation than the adjacent developed parcel. The retaining walls allow for adequate provision of fire access and accessibility for the proposed development without grading and provide effective screening.

- 5) LUMO Section 5.3.2: Critical areas and environmental performance standards: Steep slopes.** Allow up to 35 percent disturbance of total combined area containing slopes 25 percent or greater.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because increased steep slope disturbance is necessary to concentrate development on land south of the stream.

- 6) LUMO Section 5.5.2(g) Recreation: Multifamily dwelling units and common plan of developments of five or more units.** Allow off-site recreation space, in combination with on-site recreation space and/or payment in lieu, as an option to satisfy the minimum recreation space requirement for this development. Off-site recreation space must meet the conditions of this ordinance.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because allowing the use of off-site recreation space allows for more density on land south of the stream. It also allows land north of the stream to remain as open space that is not disturbed by this development.

- 7) LUMO Section 5.6.6: Landscaping, screening, and buffering: Required buffers.** Require the following modified buffers, with no modified buffer being eligible for an alternative buffer request.

Buffer Location	Requirement
Northeastern buffer (along Interstate-40)	Eliminate planting requirements and allow existing vegetation to remain as shown on the district-specific plan
Northwestern buffer (beyond the project boundary, beginning at the stream)	No change to required widths
Northwestern buffer (beginning north of Chapel Point Road and up to project boundary at the stream)	Reduce minimum width to 10 feet and reduce planting requirements by 50% for each planting type as shown on the district-specific plan

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because the modified buffers allow part of the existing forest to remain undisturbed. Also, the total combined modified buffers on this site and adjacent developed sites are adequate to minimize potential nuisances and establish a sense of privacy.

CONDITIONAL ZONING DISTRICT

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the intent and purposes of the Residential-6-Conditional Zoning District (R-6-CZD).

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Zoning Atlas be amended as follows:

SECTION I

The following Orange County parcel(s) identified by Parcel Identifier Number (PIN) 9870-99-7083, described below, shall be rezoned to Residential-6-Conditional Zoning District (R-6-CZD):

Being all of a certain piece of land lying in Chapel Hill Township, Orange County, North Carolina bounded on the north by the Town of Chapel Hill, on the east by Interstate Highway 40, on the south by NR Edge Property Owner, LLC and NR Edge Apartments Property Owner, LLC and on the west by NR Edge Property Owner, LLC, and being more particularly described as:

BEGINNING at an Existing Concrete Monument Located along the Southern Right of Way of Interstate 40. Said Concrete Monument having an NC Grid Nad 83 Coordinate of N: 809823.75 E:1979557.58. Thence along the Southern Right of Way of Interstate 40 with a curve turning to the left with an arc length of 983.70 feet, with a radius of 3954.82 feet, with a chord bearing of South 41°34'12" East, with a chord length of 981.16 feet to a Concrete Monument; thence with a curve turning to the left with an arc length of 309.18 feet, with a radius of 3954.82 feet, with a chord bearing of South 50°47'19" East, with a chord length of 309.11 feet to a Concrete Monument; thence South

49°15'01" East a distance of 329.50 feet to an Iron Pipe; thence leaving the Right of Way of Interstate 40 South 88°42'30" West a distance of 184.61 feet to an Iron Pipe; thence South 88°42'30" West a distance of 507.77 feet to an Iron Pipe; thence South 88°42'30" West a distance of 659.12 feet to an Iron Pipe; thence North 00°57'33" East a distance of 1228.95 feet to an Iron Pipe; thence South 74°14'06" East a distance of 197.87 feet to the Point of Beginning. Having an area of 19.35 acres

SECTION II

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the following conditions are hereby incorporated by reference:

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by a date precisely three years from the date of this approval or the land shall revert to its previous zoning designation. [LUMO 4.4.7(f)]
2. Consent to Conditions: This approval is not effective until the property owner(s) provides written consent to the approval. Written consent must be provided within ten (10) business days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

Land Use Intensity	
Permitted Uses	Multi-family, over 10 units, attached or detached Customary accessory uses
Net Land Area (NLA)	Approximately 842,609 sq. ft.
Gross Land Area (GLA)	Approximately 926,871 sq. ft.
Maximum Floor Area	250,000 sq. ft.
Permitted Dwelling Units	155-170 total units
Other Dimensional Regulations	Per LUMO, except Modification 3
Minimum Affordable Units	See Affordable Housing Plan
Minimum and Maximum Vehicular Parking*	Per LUMO
Minimum Electric Vehicular (EV) Parking	1 ESVE-ready space per townhouse-style unit 5% of parking spaces for other multifamily buildings served by EV-charging stations 5% of parking spaces for other multifamily buildings will be ESVE- capable
Minimum Bicycle Parking	Per LUMO
Maximum Total Impervious Surface	Per LUMO (70% of GLA)
Maximum Land Disturbance	338,704 sq. ft.
Resource Conservation District Maximum Land Disturbance	Per LUMO for Streamside and Managed Use Zones

	0.49 disturbed area ratio in Upland Zone
Resource Conservation District Maximum Impervious Surface	Per LUMO
Steep Slopes Maximum Land Disturbance	35% of total combined area containing natural slopes 25% or greater
Minimum Tree Canopy Coverage	Per LUMO
Minimum Recreation Space**	Per LUMO

*Vehicular parking spaces in garages and driveways for townhouse-style units count towards minimum vehicular parking requirements

**Recreation space ratio shall be applied to the gross land area of the development, which is defined as all land south of the stream centerline. Up to 30 percent of recreation space may consist of passive recreation elements if they are adjacent to and support more active recreation elements.

4. Off-Site Recreation Space: Prior to the issuance of a Zoning Compliance Permit, any off-site recreation space used to meet the requirements of this ordinance must be reviewed and approved by the Town Manager. Off-site recreation space is subject to the following requirements.
 - a. Off-site recreation space shall be located within 1,200 feet walking distance of the development.
 - b. Off-site recreation space may include public land, only if an equivalent payment in lieu is provided.
 - c. The developer shall identify the location and size of all off-site recreation space used to meet the requirements of this ordinance. If off-site recreation space is located within another development, the developer must also demonstrate the following:
 - i. The development where the recreation space is located must have a surplus of recreation space, and
 - ii. The development where the recreation space is located must comply with any recreation space requirements of the Land Use Management Ordinance or recorded entitlement, if recreation space is shared between developments.
 - d. The developer shall ensure that all off-site recreation space on private land is continuously available to meet the requirements of this ordinance by appropriate means, including but not limited to a covenant, contract, or agreement. If off-site recreation space on private land used to meet the requirements of this ordinance becomes unavailable to this development, the developer shall provide an equivalent payment in lieu.
5. Modifications to Land Use Intensity: This approval establishes minimums and maximums as indicated in the above Land Use Intensity Table. These amounts apply to the entire project site, including areas within the Resource Conservation District (RCD) and areas containing steep slopes. These amounts may be modified according to the criteria and procedures established in LUMO 4.4.7(h). Additional modifications to amounts in the Land Use Intensity table shall be considered as follows:
 - a. A change in the net land area or gross land area shall constitute a minor modification, provided the land area is established by a survey or legal description, and provided there is no resulting change to the zoning district boundary approved by the Town Council.
 - b. An increase in the maximum total impervious surface, RCD maximum impervious surface, RCD maximum land disturbance, or steep slopes maximum land disturbance shall constitute a major modification.

- c. An increase in the maximum land disturbance up to 10 percent shall constitute a minor modification. An increase over 10 percent shall constitute a major modification. All increases shall be considered cumulatively.
- 6. Modifications to District-Specific Plan: In addition to modifications allowed under the LUMO, a change to the District-Specific Plan to accommodate on-site refuse collection facilities shall constitute a minor modification if the following conditions are met:
 - a. Any increase in maximum land disturbance resulting from the change is within the minor modification threshold stated in Condition 5c, and
 - b. The change does not result in any increases that constitute a major modification as stated in Condition 5b or in LUMO 4.4.7(h).

Affordable Housing

- 7. Affordable Housing Plan: The developer shall provide the following:
 - a. Affordable Units: The minimum number of affordable units shall be equal to 10 percent of the number of market rate units.
 - b. Unit Size: The affordable units will include unit sizes and bedroom mixes in the approximate same proportion as market rate units located within the three multifamily buildings shown on the district-specific plan.
 - c. Location: The affordable units will be integrated into the three multifamily buildings shown on the district-specific plan. No more than 50 percent of the affordable units may be located within any one multifamily building.
 - i. Pricing: Fifty percent of the affordable units will be priced as affordable for households earning 60 percent of the area median income (AMI). These units will be reserved for those households earning 60 percent or less of AMI. The remainder of the affordable units will be priced as affordable for those earning 80 percent of AMI. This remainder of units will be reserved for households earning 80 percent or less of AMI. AMI will be based on income data published annually by the U.S. Department of Housing and Urban Development for the Durham-Chapel Hill Metropolitan Statistical Area and/or the Durham-Chapel Hill, NC HUD Metro Fair Market Rent Area.
 - ii. Maximum pricing for rental units shall be calculated based on 30 percent of monthly household income at the specified AMI levels, minus housing-related utilities (heat, water, sewer, electric, and gas), and other housing-related fees required by the owner or property manager (to be further defined in the Affordable Housing Performance Agreement). AMI shall be calculated assuming 1 person for efficiencies and 1.5 persons per bedroom for all other unit sizes.
 - d. Phasing:
 - i. Fifty percent of the affordable units shall be completed prior to the Zoning Final Inspection of 50 percent of the market rate units.
 - ii. The remaining affordable units shall be completed prior to Zoning Final Inspection of 90 percent of the market rate units.
 - e. Affordability Period:
 - i. Affordable units offered for rent will be affordable for a period of at least thirty (30) years from the receipt of a Certificate of Occupancy.
 - f. Design:
 - i. The affordable units will be finished with similar exterior design, trim, materials, and details as the standard market-rate units.
 - ii. The affordable units will meet the same energy efficiency standards as the market rate units.

8. Affordable Housing Performance Agreement: Prior to the issuance of a Zoning Compliance Permit for residential construction, a performance agreement that incorporates the approved Affordable Housing Plan (see above) must be executed by the developer and the Town Manager (or designee).
9. Conversion of Residential Rental Units to Ownership Units: If rental units are converted to for-sale units, the Affordable Housing Plan shall be revised to meet Section 3.10 of the Land Use Management Ordinance (LUMO). The revised plan shall be approved by the Town Manager prior to recordation of a plat to create the for-sale units.

Environment

10. Retaining Wall in Upland Zone: As shown on the district-specific plan, a retaining wall for trails, greenways, open space, parks, and other similar private recreational uses is allowed in the upland zone of the RCD. Within the upland zone, the height of the wall may be up to two feet and the length of the wall may be up to 20 feet.
11. Jordan Riparian Buffer: The developer shall apply for a Jordan Buffer Authorization for any impacts in the Jordan Riparian Buffer that are not authorized by 401/404 Permits. The developer shall demonstrate that there are no practical alternatives for the proposed impacts and comply with LUMO 5.18. A minor or major variance may be required for uses or activities not allowed per Section 5.18.
12. Stormwater Performance Guarantee: A stormwater performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirements of LUMO 4.9.3 prior to the approval of Constructional plans. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The developer shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

Upon completion of the stormwater control measures(s) and other improvements and acceptance by the Town after final site inspection, the one hundred and twenty-five percent (125%) of the performance surety shall be released to the developer and a maintenance bond in an amount of twenty-five (25) percent of the construction cost estimate shall be submitted by the developer prior to the issuance of certificate of occupancy. No sooner than one year after the recording date of the deed(s), easements and maintenance agreement, the owner may request release of the remainder of the maintenance bond. Upon request by the owner, the Stormwater Management Division shall inspect the storm water control structure(s) to determine that the storm water measure(s) are performing as required by this Ordinance. The Stormwater Management Division, upon determining that the storm water control(s) are performing as required

by this Ordinance, and after any repairs to the storm water control structure(s) are made by the owner, shall release the remaining maintenance bond.

Following the release of the maintenance bond, the developer and/or Homeowners Association shall continue to have a responsibility and obligation to inspect and maintain the stormwater infrastructure as required by the Town's Land Use Management Ordinance. [LUMO 4.9.3]

Transportation, Access, and Connectivity

13. Cross-Access Easement: The developer shall provide a cross-access easement for the vehicular, bicycle and pedestrian connections to Chapel Point Road and to the property south of this development.
14. Pedestrian Improvements: Prior to the last Zoning Final Inspection, the developer shall install the following bicycle and pedestrian improvements:
 - a. A minimum 5-foot pedestrian connection on the southern cross-access easement, with a connection to the existing sidewalk on the western side of the drive.
 - b. A 10-foot-wide multiuse path, with a connection to the existing multiuse path on the southern abutting property and a connection to the existing multiuse path on the northern side of Chapel Point Road. The developer shall provide a public access easement for the multiuse path.
 - c. A minimum 5-foot pedestrian connection to right-of-way on the southern side of Chapel Point Road.
 - d. A combination of 6-foot-wide and 5-foot-wide internal sidewalks as shown on the district-specific plan.
15. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
16. Street Lighting: The developer shall install street lighting or upgrade existing street lighting along the site frontages as required by the Town Manager with approval by NCDOT, if applicable. The design shall be approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit for building construction. The developer shall complete installation prior to Zoning Final Inspection.
17. 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 existing on the roadways. Minimum thickness of thermoplastic paint shall be 125 MIL.
18. Fire Apparatus Access for Chapel Hill Fire Department: All fire department access determinations shall be based upon Chapel Hill Fire Department apparatus specifications (data specifications provided by Office of the Fire Marshal/Life Safety Division) and field verification. All proposed fire department access designs shall be reviewed and shall also pass field inspection.
19. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Association of Pedestrian and Bicycle Professionals Guidelines.

Sustainability

20. Energy Efficient Building Design: The developer commits to obtaining either a One Green Globe Certified status through the Green Building Initiative's (GBI) Green Globes certification program or an equivalent certification through an alternate green building program. Prior to the issuance of a Zoning Compliance Permit for residential construction, the developer shall submit documentation of the sustainability features provided, confirmation of receipt of the One Green Globes certification or equivalent certification, and details on how the developer intends to maintain the certification status.
21. Electric Vehicle Infrastructure: The developer shall ensure that their facilities support the use of current and future levels of electric vehicles by their residents and visitors by supplying the following, consistent with Town Council policy:
- a. Each townhouse-style unit shall be equipped with one ESVE-ready parking space.
 - b. Five percent of on-site parking spaces serving other multifamily buildings shall be equipped with EV-charging stations.
 - c. Five percent of on-site parking spaces serving multifamily dwelling units shall be ESVE-capable parking spaces. EVSE-capable means that a continuous raceway or conduit has been installed connecting a parking space to an electrical panel or a space reserved for a future electrical panel.
 - d. All initial and future EV charging designs should ensure that each EVSE-equipped parking space is capable of providing at least 6.6 kW. Designs must also adhere to U.S. Access Board's most recently updated version of the Design Recommendations for Accessible Electric Vehicle Charging Stations.
22. Electric Vehicle Charging Management: The property management company will be responsible for monitoring, maintaining, and expanding EV-charging infrastructure based on demand.
23. Climate Action Plan: Prior to issuance of a Zoning Compliance Permit for building construction, the developer shall provide a detailed site plan and other documentation that demonstrate how they intend to fulfill the following Climate Action Plan. The plan and documentation shall be reviewed and approved by the Town Manager.
- a. All electric building and site design
 - b. All electric appliances (no fossil fuel appliances)
 - c. LED lighting only for interior spaces
 - d. LED lighting only for exterior spaces, including street/parking lot lighting (3,000 Kelvin or lower)
 - e. Meet International Dark Sky Association's principles for outdoor lighting
 - f. WaterSense-rated appliances and equipment for at least 50 percent of fixtures
 - g. Energy Star-rated appliances and equipment only
 - h. Supports the Town's planned bicycle/pedestrian infrastructure with improvements and connections as required by this ordinance
 - i. Supports environmental equity through access to greenways and parks as required by this ordinance and the district-specific plan
 - j. Meets 100-year storm event design standard for stormwater management to address increased risk of nuisance flooding
 - k. Concrete sidewalks and natural surface trails to reduce extreme heat impacts
 - l. Shaded outdoor structures, walkways, and sittings area to reduce extreme heat impacts

24. Applicability: The Homeowner Association conditions shall apply for development with independent for-sale units. Should a development add for-sale units or convert rental units to ownership, the following conditions shall apply.
25. Homeowners' Association: A Homeowners' Association shall be created that has the capacity to place a lien on the property of a member who does not pay the annual charges for maintenance of all common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final plat. The Homeowners' Association documents shall comply with LUMO 4.6.7. The Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.
26. Homeowners' Association Responsibilities: The Homeowners' Association shall be responsible for the maintenance, repair, and operation of required bufferyard(s), open space, recreation areas, paths, community garden, and shared stormwater management facilities.
27. Dedication and Maintenance of Common Area to Homeowners' Association: The developer shall provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common areas, however designated, including the community garden; recreation space; open space and common areas; the bufferyards; and stormwater management facilities. That the Homeowners' Association shall be responsible for the maintenance of the proposed internal subdivision roads until NCDOT or the Town assumes ownership of the internal streets. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross-referenced on the final plat.
28. Solar Collection Devices: The Homeowners' Association, or similar entity, shall not include covenants or other conditions of sale that restrict or prohibit the use, installation, or maintenance of solar collection devices, including clotheslines.

Miscellaneous

29. Town Design Manual: Except as specified elsewhere in this Ordinance or shown on the district-specific plan, the developer shall comply with all standards of the Public Works Engineering Design Manual, as applicable to the project.
30. State or Federal Approvals: Any required State or federal approvals, permits, or encroachment agreements, including but not limited to NCDOT approvals and 401/404 permits, 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.
31. Detailed Plans: 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 the district-specific plan approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Public Works Engineering Design Manual. [LUMO 4.4.7]

32. Phasing Plan: If phasing of the project is proposed, then the developer shall provide a Phasing Plan as part of the Zoning Compliance Permit. The Phasing Plan also 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 shall not begin until all public improvements in previous phases have been completed, and a note to this effect shall be provided on the final plans.
33. Cumulative Tracking: Each Final Plans Zoning Compliance Permit application shall include a cumulative tally of the existing and proposed:
- a. Floor area
 - b. Unit counts (by housing type and including affordable units)
 - c. Trip generation (including total daily vehicle trips)
 - d. Tree canopy
 - e. Impervious surface
 - f. Land disturbance
 - g. Resource Conservation District (RCD) disturbance
 - h. Jordan Riparian Buffer disturbance
 - i. Bicycle parking spaces
 - j. Vehicular parking spaces (including electric vehicle parking space)
34. Invasive Exotic Vegetation: The developer shall remove all invasive exotic species of vegetation as identified by the Southeast Exotic Pest Plant Council (SE-EPPC) and in Section 5.7.6 of the Land Use Management Ordinance (LUMO) from all areas located within the limits of disturbance. Prior to issuance of a Zoning Compliance Permit, the developer shall identify all invasive exotic species of vegetation within the limits of disturbance or other areas, as deemed necessary by the Town Manager.
35. Community Design Commission (CDC) Review: The Community Design Commission shall review building elevations, site lighting, and the location and screening of all HVAC equipment prior to issuance of a Zoning Compliance Permit for a particular phase or building. After construction of all buildings is completed, CDC review is not required for subsequent changes to building elevations or site lighting that do not require a Zoning Compliance Permit. This condition shall not apply if the Town Council amends the Chapel Hill Land Use Management Ordinance to remove the requirement for CDC review of conditional zoning developments. [LUMO 4.4.7(e)]
36. Construction Sign Required: Prior to starting any land-disturbing activity, 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. 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. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.4]
37. Street Names and Numbers: The development's streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for street construction and/or building construction.
38. Vested Right: This Conditional Zoning constitutes a site-specific vesting plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160D-108.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to

subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.

39. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.

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

41. Not-Comprehensive: The listing of these specific conditions applicable to this Permit is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER ORDAINED that the Council hereby approves the application for Conditional Zoning for 115 Chapel Point Road.

This the 22nd day of October, 2025.

OPTIMAL VENTURES, LLC

October 24, 2025

Ms. Charnika Harrell, Senior Planner
Town of Chapel Hill Planning Department
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

Dear Ms. Harrell,

Optimal Ventures, LLC, as property owner of 115 Chapel Point Road, identified as Orange County Parcel Identifier Number 9870997083, accepts all the conditions in Ordinance A for said project as approved by the Chapel Hill Town Council on October 22, 2025.

Sincerely,



David M. Callahan, Manager

OPTIMAL VENTURES, LLC
