

## **RESOLUTION A**

(Approving the Special Use Permit Application)

### **A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR CHAPEL HILL HIGH SCHOOL AT 1709 HIGH SCHOOL ROAD (PROJECT #17-059)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit application, proposed by Chapel Hill Carrboro City Schools, for Chapel Hill High School, located at 1709 High School Road on property identified as Orange County Property Identifier Number 9779-68-6385, if developed according to the Site Plan dated February 2, 2018 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 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:

Section 5.7.2 Tree Canopy Coverage Standards: to reduce the required tree canopy from 40% to 30% of the site.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff believes it will not have a negative impact on the environment or aesthetics.

Section 5.6.6 Buffer Modification: To modified western property line buffer from the required minimum 20 foot Type "C" buffer to a buffer ranging between 20 feet and 3 feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff believes it will not have a negative impact on the surrounding environment as it is an existing condition.

Table 3.8.1: Dimensional Matrix: To increase the maximum secondary building height to 42 feet from the 40 foot maximum height permitted. This height exception is proposed for an approximately 21 foot wide architectural element of the building façade of the northern building.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff believes it will not have a negative impact on the surrounding environment or aesthetics.

**STIPULATIONS SPECIFIC TO  
CHAPEL HILL HIGH SCHOOL**

1. Construction Deadline: That construction begin by \_\_\_\_\_ (two years from the date of approval) to be completed by \_\_\_\_\_ (five years from the date of approval). [LUMO 4.5.5]
2. Land Use Intensity: This Special Use Permit authorizes the following for the High School, Middle School, and Elementary School:

<b>Use: School</b>	
Gross Land Area	4,205,282 sq. ft. (96.5 acres)
Maximum Floor Area – High School	471,003 sq. ft.
Maximum Floor Area – Middle School	140,000 sq. ft.
Maximum Floor Area – Elementary School	67,715 sq. ft.
Total Impervious Surface – High School	1,210,968 sq. ft.
Maximum Parking Spaces High School	519
Maximum Parking Spaces Middle School	200
Maximum Parking Spaces Elementary School	97
Minimum Bicycle Parking Spaces	178 spaces
Land Disturbance	1,105,000 sq. ft. (25.4 acres)

3. Resource Conservation District Encroachment: The following total disturbed area and impervious surface limits:

	Stream Side	Managed Use	Upland Zone
Impervious Surface Ratio	.02 (6,187 sq. ft.)	.06 (13,303 sq. ft.)	.09 (26,032 sq. ft.)
Disturbed Area	.06 (14,700 sq. ft.)	.08 (17,850 sq. ft.)	.16 (33,100 sq. ft.)

Project Phasing

4. The drainage and utility projects previously approved by Zoning Compliance Permits 201714759 and 201714764 work may begin prior to issuance of a Zoning Compliance Permit for the Chapel Hill High School renovation project.

Transportation

5. Road Improvements: The following transportation improvements shall be provided prior to issuance of a Certificate of Occupancy:
  - Homestead Right Turn Lane: A dedicated right-turn lane from northbound Homestead Road onto High School Road;
  - High School Road Bike/Pedestrian Improvements: Bicycle lanes and sidewalks on both sides of High School Road;
  - High School Road Left-Turn Lane: A dedicated left-turn lane from eastbound High School Road onto northbound Seawell School Road. A dedicated traffic control officer will monitor this intersection.

- Seawell School Road Access: A new driveway access from the High School Road to Seawell School Road. A designated traffic control officer will monitor the intersection of Seawell School Road and the new southern driveway access.
6. Security Gate: A gate or other physical traffic barrier shall be installed east of the student drop-off/pick-up area to prevent vehicular access to the student drop-off/pick-up from High School Road. Through use of this road shall be made available only to emergency and maintenance vehicles.
  7. Bicycle Parking: A minimum of 178 bicycle parking spaces will be provided. A minimum of 18 of those bicycle parking spaces shall be provided as bicycle lockers.
  8. Bicycle Fix-It Station: The applicant shall provide a fix-it station in the general location as shown on the site plan.
  9. Greenway Connection: Pavement markings shall be provided in the western parking lot to illustrate a pedestrian bicycle connection to the greenway.

Landscape

10. Landscape Buffers: That the following landscape bufferyards shall be provided, and that if any existing vegetation is to be used to satisfy the buffer requirements, the vegetation shall be protected by fencing from adjacent construction. No landscape bufferyards are required internally between different schools.

<b>Location</b>	<b>Permitted Buffers</b>
North Buffer	30' type D buffer
South Buffer	30' type C buffer
East Buffer	30' type D buffer.
West Buffer	Varying width (20' to 3') buffer adjacent to Chapel Hill High School; 20' Type C buffer south of Chapel Hill High School

Stormwater

11. Intermittent Stream: The report does not provide enough information with regards to maintaining ecological flow in the intermittent stream. A thorough discussion of flow regime and current minimum flows must be included in addition to analyzing peak rates during storm events for final plans. Additional stormwater measures may be required if the current plans do not adequately maintain minimum flows.
12. Erosion Concerns: Existing erosion concerns (south of the soccer field) must be rectified in final plans.
13. Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the applicant shall inspect the erosion and sediment control devices and offsite roadways daily, make any necessary repairs or adjustments to the devices, remove deposition of wet or dry silt on adjacent roadways and maintain inspection logs documenting the daily inspections and any necessary repairs.
14. Resource Conservation District: That the applicant shall obtain a Resource Conservation District encroachment permit from the Town prior to construction of the pedestrian bridge over the Resource Conservation District area associated with Jolly Branch Creek.



## STANDARD STIPULATIONS

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

### Environment

16. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide an Energy Management Plan (EMP) for Town approval. The plan shall incorporate a "20 percent more energy efficient" feature to outperform the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) energy efficiency standard in place at the time of approval. [LUMO 4.5.2]

The project is required to use the most recent version of ASHRAE 90.1 (2016) for its baseline to achieve the "20% more energy efficient" standard. The energy management plan should indicate whether the project plans to make the building solar-ready for possible future investment and/or 3rd-party leasing. Solar readiness includes the infrastructure, orientation and/or design necessary to accommodate a ground-mounted or rooftop solar array.

### Transportation

17. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, it will be necessary to 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 prior to issuance of a Zoning Compliance Permit. [TOWN CODE 6.10]
18. Street Closure Plan: That prior to the issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager approval, for any work requiring street, sidewalk, or lane closures. [TOWN CODE 21-7.1]
19. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, it will be necessary to provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager. 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]
20. Bicycle Parking: That prior to the issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details for the bicycle parking spaces that comply with Town parking standards. The bicycle parking design 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 5.9.7]
21. Parking Lot Standards: Prior to issuance of a Certificate of Occupancy, the developer shall construct the parking lot and drive aisles to Town standards for pavement design and dimensions. [TOWN CODE 5.9.5]

22. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, it will be necessary to submit an updated Transportation Management Plan, subject to Town Manager approval. [LUMO 4.5.2]

#### Landscape and Architecture

23. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include which trees will be removed and which will be preserved, critical root zones of all rare and specimen trees, and clearly indicate names and species. [LUMO 5.7.3]
24. 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. 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]
25. 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 approval. The Plan shall include canopy trees that are proposed to shade any surface parking areas. [LUMO 4.5.3]
26. Demolition Plan: Prior to beginning building demolition, it will be necessary to obtain a Demolition Plan showing how materials will be recycled.
27. Steep Slopes: That prior to issuance of a Zoning Compliance Permit, the applicant shall include a map indicating how development and construction will comply with the steep slopes regulations in the Land Use Management Ordinance, subject to Town Manager review and approval. [LUMO 5.3.2]
28. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve a lighting plan for this site 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]
29. Community Design Commission Approval: Prior to issuance of a Zoning Compliance Permit, the developer shall obtain Community Design Commission approval of building elevations. [LUMO 8.5.5]
30. Stormwater Management Plan: That this project must comply with the Section 5.4 Stormwater Management of the Land Use Management Ordinance. [LUMO 5.4]
31. Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the applicant shall inspect the erosion and sediment control devices and offsite roadways daily, make any necessary repairs or adjustments to the devices, remove deposition of wet or dry silt on adjacent roadways and maintain inspection logs documenting the daily inspections and any necessary repairs. [TOWN CODE Chapter 5]
32. Phasing Plan: Prior to issuance of a Zoning Compliance Permit, the applicant 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 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

33. 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. [TOWN CODE Chapter 5]
34. Silt Control: That the developer take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways. [LUMO 4.5.2; TOWN CODE Chapter 5]
35. 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. [TOWN CODE Chapter 5]
36. 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 5.4]
37. 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.

#### Water, Sewer, and Other Utilities

38. Utility/Lighting Plan Approval: That the final utility/lighting plan shall be approved by Orange Water and Sewer Authority, Duke Energy, 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: That prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans and 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 beneath awnings, demonstrating compliance with Town standards, sealed by a Professional Engineer, for Town Manager review and approval. [LUMO 5.11]
40. Relocation of Overhead Utilities Underground: Prior to issuance of a Certificate of Occupancy, it will be necessary to provide for the underground installation of all public utilities as specified by Section 5.12.2 in the Land Use Management Ordinance. [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. That 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, easement plats and documentation as required by OWASA and the Town Manager shall be recorded if necessary. [LUMO 5.12.1]

#### Fire

43. Firefighting Access during Construction: That 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].
44. Fire Flow Report: That 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]
45. Automatic Sprinkler System: That the applicant shall install automatic sprinkler systems in accordance with Town Code and NC Fire Code. [TOWN CODE 7-56]
46. Hydrants Active: That the applicant 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. That 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]
47. Fire Hydrant and FDC Locations: That 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]
48. Fire Hydrant Accessibility: That all structures must be located within 500 feet of a fire hydrant. That the applicant maintains a 50-foot maximum distance between fire hydrants and fire department connections, in a clearly visible and accessible location on the street side of buildings.

#### Solid Waste Management and Recycling

49. Solid Waste Management Plan: That 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. [LUMO 5.13]

#### State and Federal Approvals

50. State or Federal Approvals: That 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]
51. North Carolina Department of Transportation Approvals: 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

52. Construction Management Plan: That a Construction Management Plan 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]
53. Traffic and Pedestrian Control Plan: That 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 five 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]
54. Construction Sign Required: That 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. That 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]
55. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited. [TOWN CODE, Article 9]

56. Detailed Plan Review and Approval: Prior to 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. Such plans shall conform to plans approved by the Council and demonstrate compliance with all applicable regulations and standards of the Land Use Management Ordinance and Design Manual.

Plans, plats, and associated detailed requirements as set forth in the stipulations of this resolution and incorporated into the Special Use Permit Modification shall be reviewed and approved by the Town Manager, or his designee, as well as outside agencies, such as NCDOT, OWASA, and Duke Energy, where indicated. [LUMO 4.5.3.m]

57. As-Built Plans: That prior to 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. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. The developer shall also contact the Town's Engineering and Design Services Division for address assignment of each unit. [LUMO 4.5.3]
58. Vested Right: This Special Use Permit Modification 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.
59. 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.
60. 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 Special Use Permit Modification for the Chapel Hill High School at 1709 High School Road.

This the \_\_\_\_ day of \_\_\_\_\_, 2018.