

**REVISED RESOLUTION A**  
(Approving the Request)

**A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT MODIFICATION FOR UNIVERSITY PLACE, 201 S. ESTES DRIVE (2021-06-28/R-6)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed by Jessica Hardesty of McAdams, on behalf of RRPV University Chapel Hill Limited Partnership, located at 201 S. Estes Drive on property identified as Orange County Property Identifier Number 9799-12-5797, if developed according to the plans dated November 15, 2019 and last revised November 12, 2020, the Design Standards dated November 13, 2020, and the conditions below would:

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

**MODIFICATIONS TO REGULATIONS**

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

**Section 3.8.2 Dimensional Regulations:** to modify the setbacks and height as noted in the tables below:

<b>LOCATION</b>	<b>MODIFIED SETBACK</b>
Street Setback (Willow Drive)	0-20 foot Build-to-Zone
Street Setback (Fordham Blvd)	0 foot min Max with parking: 77 feet Max
Interior Setback	0 foot
Solar Setback	0 foot

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the standard setback requirements would be replaced with build-to-zone requirements outlined in the proposed Design Standards.

<b>BUILDING HEIGHT</b>	<b>MODIFIED POD A AND C</b>	<b>MODIFIED POD D</b>
Setback Height	75 feet (5 stories)	34 feet (3 stories)
Core Height	90 feet (7 stories)	45 feet (3 stories)

*Please refer to Design Standards, November 13, 2020 for details and on file with the Town of Chapel Hill Planning Department.*

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the effort to reduce the building footprints on the parcel while still creating a high-density, high-intensity mixed-use center, increases the maximum building heights. This modification will allow for vertically mixed-use buildings while reducing building footprints to conserve the available land area. This modification will also give the development a sense of place.

**Section 3.8.2 Impervious Surface Ratio:** to allow a maximum impervious surface ratio of 75 percent.

The current impervious surface maximums were not in place when University Place was constructed over 40 years ago and approximately 78 percent of the site is covered with impervious surfaces. This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree since as part of the redevelopment of this parcel, the applicant is proposing to remove some of the existing impervious surfaces and replace them with open spaces, landscaping, or other permeable features. Removal of at least 3 percent of the existing impervious surface will result in over 52,000 square feet of land being converted to pervious surfaces while allowing the redevelopment of the proposed mixed-use center at the density and intensity envisioned by the Future Land Use Map.

**Section 5.6.6 Schedule of Required Buffers:** to allow a modification to the perimeter buffers as well as detailed streetscape:

<b>LOCATION</b>	<b>MODIFIED BUFFER</b>
East (Fordham Blvd)	0 foot (NO BUFFER)
South (Estes Drive)	0 foot (NO BUFFER)
West (Willow Drive)	0 foot (NO BUFFER)
North (Binkley Baptist Church)	10 foot TYPE B

In place of buffers, perimeter streetscape configurations are described for each street below:

**Willow Drive Streetscape:**

- Sidewalk (minimum): 5 foot (existing sidewalk to remain)
- Planting strip (minimum): 3 foot
- Outdoor Amenity Space/Tree Planting Zone (minimum): 8 foot (preserve existing mature trees where possible)
- Tree Spacing (on center, average): 40 foot (space proposed trees around and between existing mature trees as needed)
- Bike Lane (minimum): 4.5 foot

**Fordham Boulevard Streetscape:**

- Sidewalk (minimum): N/A (Multi-use path proposed as alternative to sidewalk)
- Multi-use Path: 10 foot (with 2 foot clear zone)
- Tree Planting Zone (minimum): 8 foot (preserve existing mature trees where possible)
- Tree Spacing (on center, average): 40 foot (space proposed trees around and between existing mature trees as needed)

**S. Estes Drive Streetscape:**

- Sidewalk (minimum): N/A (Multi-use path proposed as alternative to sidewalk)
- Multi-use Path: 10 foot (with 2 foot clear zone)
- Tree Planting Zone (minimum): 8 foot (preserve existing mature trees where possible)
- Tree Spacing (on center, average): 40 foot (space proposed trees around and between existing mature trees as needed)

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the modifications support active engagement with the public realm. If buffers were installed that met the minimum requirements of the LUMO, University Place would be separated from the surrounding public streets with dense vegetation. This arrangement is not conducive to the development of a well-connected, high-density, high-intensity mixed-use development.

**Section 5.9.7 Minimum and Maximum Off-Street Parking Space Requirements:** to allow for a 30 percent reduction in parking for parking areas to be shared by multiple uses. In addition to shared parking for the entire project, the following modifications to parking requirements for specific uses are proposed:

VEHICLE PARKING REQUIREMENTS		PROPOSED	
	MIN.	MAX.	
2 bedrooms	1.25 per dwelling unit	1.75 per dwelling unit	
Independent Senior Living Facility	0.5 per Senior unit	1 per Senior unit	
All Commercial Uses, except:	1 per 300 sq. ft. of floor area	1 per 200 sq. ft. of floor area	
Business, Convenience Restaurant	1 per 150 sq. ft. of floor area	1 per 75 sq. ft. of floor area	
All Office Uses	1 per 300 sq. ft. of floor area	1 per 200 sq. ft. of floor area	

  

BICYCLE PARKING REQUIREMENTS		PROPOSED	
	MIN.	SHORT/LONG TERM	
Residential	As per LUMO	As per LUMO	
Independent Senior Living Facility	1 per 2 units	As per LUMO	
All Commercial Uses	1 per 2,500 SF	As per LUMO	
All Office Uses	1 per 2,500 SF	50% / 50%	

This finding is based on a determination that public purpose is satisfied to an equivalent or greater degree as the reduction of parking and increased density also reduces the amount of impervious surface on the site. Improved bicycle and pedestrian connectivity through added sidewalks, multi-use paths, and bike lanes allows for alternative modes of transportation to and from the site, benefiting both the environment and visitor experience.

**Section 5.14 Signs:** to allow for modifications to outparcel ground signs:

<b>GROUND SIGN</b>	<b>MODIFIED</b>
Distance (From Other Commercial Ground Signs)	100 feet
Maximum Number Per Street Frontage	No maximum; must have minimum 100 feet spacing
Maximum Number Per Lot	No maximum; must have minimum 100 feet spacing
Ground Signs Permitted On The Same Zoning Lot With A Projecting Sign	Yes; must have minimum 100 feet spacing

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree in that the modifications are in line with what is currently permitted. These changes would generate increased economic development and expand the non-residential tax base.

**Section 3.6.3 Resource Conservation District (RCD):** to allow the expansion of University Place within the existing floodplain and RCD associated with proposed buildings, and other improvements.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the modelling of the floodplain of Bolin Creek shows that the improvements have no impact to, and create no increase to, the existing floodplain elevation. Furthermore, the redevelopment of University Place will reduce the impervious area within the floodplain and RCD. Therefore, the redevelopment will reduce nutrient run-off associated with impervious surfaces as well as the water quantity run-off from the site.

### **STIPULATIONS SPECIFIC TO UNIVERSITY PLACE**

The stipulations provided shall supersede the existing Special Use Permit Modification granted by the Town Council on March 20, 2000.

1. Construction Deadline: Construction shall begin by June 28, 2023 (2 years from the date of approval) and be completed by June 28, 2031 (10 years from the date of approval).
2. Consent to Conditions: This approval is not effective until property owner of the property provides written consent to the approval. Written consent must be provided within 10 days of adoption by the Town Council.
3. Detailed Plan Review and Approval: Town staff will review the individual building proposals for compliance with the Special Use Permit Modification, including the Land Use Management Ordinance and the applicant’s Design Standards dated November 13, 2020. The Community Design Commission will then review and approve final building elevations and building lighting for each individual building, before Final Planning Inspection.

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. 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 the Design Manual.

Plans, plats, and associated detailed requirements as set forth in the stipulations of this resolution and incorporated into the Special Use Permit shall be reviewed and approved by the Town Manager, or his designee, as well as outside agencies, such as NC Department of Transportation (NC DOT), Orange Water and Sewer Authority (OWASA) and Duke Energy, where indicated.

4. Design Standards Certification: Submission of each Final Plan shall include a signed and sealed certification that the proposed plan complies with the approved Design Standards for the University Place project.
5. Subdivision of Lots: All proposed new lots shall front or have direct access to a public street right-of-way, a public-street easement, or private street easement that is built to Town standards. New lots fronting a private street easement must provide documentation that the lot has direct access to public right-of-way or public street easement. Review and approval of new subdivision lots shall be processed as an administrative approval of a minor subdivision or commercial subdivision during the Final Plan Review process.
6. Land Use Intensity: This Special Use Permit Modification authorizes the following:

<b>Use: Permitted Uses listed in Stipulation #6 and as defined in the University Place, Design Standards, dated November 23, 2020</b>		
Gross Land Area	43.4 acres	
Number of Buildings	No maximum	
Height	Up to 90 feet	
Floor Area	810,914 sq. ft. Maximum	
	Minimum	Maximum
Residential	0 sq. ft.	300 DU*
Commercial	300,000 sq. ft.	450,000 sq. ft.*
Office	0 sq. ft.	150,000 sq. ft.*
Hotel	0 Rooms	150 Rooms*
Maximum # of drive-in windows	6	
Affordable Housing Units	10% of Market Units at 65% AMI	
Vehicular Parking Spaces (Range)	In accordance with Design Standards	
Maximum Impervious Surface	1,417,682 sq ft. (32.55 acres)	
Minimum Tree Canopy Coverage	30%	
Minimum Recreation Space	1.81 acres	

\*maximum of 300 residential units shall be permitted and shall be transferable between pods A and C. In the event that less than 600,000 square feet of office and commercial are constructed at the property, unused commercial and office square footage may be converted to additional residential units at a rate of one (1) additional residential unit per 800 square feet of unused commercial or office square footage; however, the total number of residential units shall not exceed 500 total units including conversions and no single pod shall contain more than 300 units. Maximum of 150 hotel rooms shall be permitted and shall be transferable between pods A and C. In the event that less than 300 residential units are constructed at the property, unused residential units may be converted to additional hotel rooms at a rate of one (1) additional hotel

room per one (1) unused residential unit; however, the total number of hotel rooms shall not exceed 275 rooms including conversions.

The maximum commercial square footage shall not exceed 450,000 square feet, the maximum office square footage shall not exceed 150,000 square feet and the combined commercial and office square footage shall not exceed 600,000 square feet. Up to 50,000 square feet may be converted between office and commercial; however, the total combined square footage shall not exceed 600,000 square feet including conversions.

7. Permitted Uses: Permitted uses shall be limited to those outlined in the Design Standards dated November 13, 2020.

<b>PERMITTED USES</b>					
<b>RESIDENTIAL USES</b>	<b>POD A</b>	<b>POD B</b>	<b>POD C</b>	<b>POD D</b>	<b>POD E</b>
Dwelling Units, as listed below:					
Multifamily - 3 to 7 dwelling units	P	--	P	--	--
Multifamily - Over 7 dwelling units	P	--	P	--	--
Home Occupation	A	--	A	--	--
Independent Senior Living Facility	P	--	P	--	--
<b>OFFICE USES</b>	<b>POD A</b>	<b>POD B</b>	<b>POD C</b>	<b>POD D</b>	<b>POD E</b>
Business, Office-Type	P	P	P	P	P
Clinic	P	P	P	P	P
Institutional Uses, as listed below:					
College or University	P	P	P	P	P
Fine Arts Educational Institution	P	P	P	P	P
Place of Worship	P	P	P	P	P
Public Cultural Facility	P	P	P	P	P
Public Service Facility	A	A	A	A	A
Public Use Facility	P	P	P	P	P
School, Elementary or Secondary	P	P	P	P	P
Vocational School	P	P	P	P	P
Maintenance & Storage Facility	A	A	A	A	A
Research Activities	P	P	P	P	P
<b>HOTEL USES</b>	<b>POD A</b>	<b>POD B</b>	<b>POD C</b>	<b>POD D</b>	<b>POD E</b>
Hotel or Motel	P	--	P	--	--
<b>COMMERCIAL USES</b>	<b>POD A</b>	<b>POD B</b>	<b>POD C</b>	<b>POD D</b>	<b>POD E</b>
Adult Day Care Facility	A	A	A	A	A
Community Garden	A	A	A	A	A
Automatic Teller Machines (Walk-up)	P	P	P	P	P
Automatic Teller Machines (Drive-up)	P	P	P	P	P
Automotive Repair	P	P	P	P	P
Bank	P	P	P	P	P
Barber Shop / Beauty Salon	P	P	P	P	P
Business - Convenience	P	P	P	P	P
Business - General	P	P	P	P	P
Business - Wholesale	P	P	P	P	P

Car Wash	A	A	A	A	A
Child Day Care Facility	P	P	P	P	P
Club	P	P	P	P	P
Drive-in Window / Drive-thru Facilities	P	P	P	P	P
Essential Services	P	P	P	P	P
Food Truck	A	A	A	A	A
Kennel	A	A	A	A	A
Manufacturing, Light	A	A	A	A	A
Park/Ride	A	A	A	A	A
Parking, Off-Street	A	A	A	A	A
Personal Services	P	P	P	P	P
Place of Assembly, up to 2,000 Seating	P	P	P	P	P
Publishing and/or Printing	A	A	A	A	A
Recreation Facility, Commercial	P	P	P	P	P
Recreation Facility, Non-Profit	P	P	P	P	P
Recreation Facility, Outdoor Commercial	A	A	A	A	A
Service Station/Convenience Store	--	--	--	P	P
Supply Yard	A	A	A	A	A
Temporary Portable Building,	A	A	A	A	A
Veterinary Hospital or Clinic	P	P	P	P	P
<b>WIRELESS COMMUNICATION FACILITIES</b>	<b>POD A</b>	<b>POD B</b>	<b>POD C</b>	<b>POD D</b>	<b>POD E</b>
Collocation on existing tower or base station	P	P	P	P	P
Small Wireless Facility concealed: new base station or new dual purpose tower	P	P	P	P	P
Small Wireless Facility non-concealed: new base station or new tower	P	P	P	P	P
Macrocell Facility: new concealed base station	P	P	P	P	P
Macrocell Facility: new concealed dual- purpose tower	S	S	S	S	S
Macrocell Facility: new non-concealed base station	P	P	P	P	P
Macrocell Facility: new non-concealed tower	S	S	S	S	S

P = Permitted as Principal Use; A = Permitted as Accessory Use; S = Permitted as Special Use; -- = Use Not Permitted

8. **Design Standards:** Prior to issuance of the first Zoning Compliance Permit, the developer shall receive input from the Community Design Commission (CDC), and work with the Town's Urban Designer, and other Town staff to review and evaluate the Design Standards subject to approval by the Town Manager. The approved documents will be recorded and cross-referenced with this Special Use Permit prior to issuance of the first Zoning Compliance Permit. Town review and approval of the Design Standards shall not exceed a total of 75 working days from the initial submission to the Town or within such further time consented to in writing by the applicant. The approved Design Standards

will be recorded and cross-referenced with this Special Use Permit. No new vertical development may occur until the Town Manager approves the Design Standards unless such development otherwise complies with the dimensional requirements of the Land Use Management Ordinance. After initial approval of the Design Standards, minor modifications to the final, approved Design Standards may be approved by the Town. Should the Town Manager deny the Design Standards, unless such development complies with the dimensional requirements of the Land Use Management Ordinance and complies with the Special Use Permit, a Zoning Compliance Permit shall not be issued.

9. Solar Installation: The developer shall install sufficient solar voltaic panels to power a majority of the common residential areas within Pod A.
10. Multi-family conversion rights: Pods A and C are limited to a maximum of 300 dwelling units. If the project limits entitled by this permit exceeds 375,000 sq. ft. of commercial floor area, the developer may apply a conversion rate of 1 dwelling unit per 800 sq. ft. of commercial floor area. If the developer chooses to use the conversion rights for additional multi-family dwelling units, the buildings will be vertically integrated buildings with ground floor commercial space. The number of dwelling units in Pod A or C shall not exceed 500 dwelling units.
11. Landscape Buffer: Developer shall work with Binkley Baptist Church to design enhancements to the existing 10 foot landscaped buffer separating the church property from the former K&W parcel on the University Place property prior to issuance of a Zoning Compliance Permit. Developer shall provide and install additional plantings, vegetation and/or attractive screening subject to the church's review and approval as well as the Town Manager prior to issuance of a Zoning Final Inspection. New landscaping shall be used to enhance the aesthetic quality of the buffer and to provide a visual screening from the adjacent commercial use.
12. Tree Canopy: A minimum of tree canopy coverage shall be provided through a combination of retained and replanted trees, or tree mitigation payments as per LUMO 5.7.2(c). Calculations demonstrating compliance with Chapel Hill Land Use Management Ordinance Section 5.7.2 shall be included. [LUMO 5.7.2]
13. Farmers Market: The developer shall provide adequate space to accommodate a farmer's market or a substantially similar business and to negotiate in good faith a lease or other appropriate agreement with a local farmer's market entity.

#### Affordable Housing

14. Affordable Housing Performance Agreement: Prior to issuance of a Zoning Compliance Permit, the developer shall submit an Affordable Housing Performance Agreement consistent with the following terms:
  - a. 10 percent of the total market rate units will be available as affordable rental units for a minimum period of 30 years.
  - b. The affordable rental units are proposed in the following manner:
    - i. 10 percent of the market rate units are to be available to households meeting 65% of the area median income (Area median income as defined by the U.S. Dept of Housing and Urban Development for the Durham/Chapel Hill MSA.)
  - c. Designate the affordable rental units in fixed locations in the development and the units may be periodically rotated. Unit locations to be reviewed and approved by the Town Manager.



- d. The unit size mix shall be similar to the market rate unit size mix.
  - e. An affordable unit vacant for more than 30 days may be made available to market rate renters. Units shall remain at this level for a leasing cycle, not to exceed twelve months, after which time the unit will revert to the previous income level of 65% of the area median income.
  - f. The maximum rent to be charged for the affordable units each year and method for determining yearly affordable rents of the affordable rental units shall be reported to the Town Manager.
  - g. Upon a determination by the Town Manager that the applicant's Affordable Rental Unit Housing Plan meets the criteria set out herein, the Applicant and the Town Manager, on behalf of the Town, shall execute an Affordable Housing Performance Agreement incorporating the terms of the Plan. That Agreement, as well as the Special Use Permit Modification herein approved shall be recorded at the Office of the Orange County Register of Deeds and shall be binding upon the applicant and its successors in interest. The Agreement and Special Use Permit Modification and the Deed Book and Page Number where they are recorded, shall be specifically referenced in all future conveyances of an interest in any portion of the property covered by the Permit.
15. Affordable Housing: That occupancy of 40 percent of the affordable units shall occur prior to half of the market rate units and 90 percent of the affordable units shall be occupied prior to 90 percent of the market rate dwelling units.
16. Annual Report: The property owner shall submit an annual report to the Town Manager for compliance with the Affordable Housing Performance Agreement. Included in the reports shall be efforts to partner with area non-profits for eligible renters. The report shall also include details on unit locations and unit sizes.
17. Modifications to the Affordable Housing Performance Agreement: Modifications to the Affordable Housing Performance Agreement shall be considered a minor amendment to the Special Use Permit and may be approved administratively by the Town Manager.
18. Compliance: All remedies allowed by law, including specific performance of any of the terms of this permit and the Affordable Housing Performance Agreement shall be available to the Town in the event the Town determines the developer or any subsequent owner is not in compliance with this Permit or Affordable Housing Performance Agreement.
19. Conversion of Residential Rental Units to Ownership Condominium Units: That if the rental development is converted to an ownership condominium development, the affordable units for ownership shall be provided according to the Inclusionary Zoning Ordinance or other affordable housing policy in place at the time of conversion. An Affordable Housing Plan shall be approved by the Town Manager prior to recordation of the condominium plat.

#### Stormwater

20. Floodproofing: Prior to Zoning Final Inspection, the perimeter of the building/entrance doors within the floodplain shall be floodproofed to 2 feet above the base flood elevation and entrance doors shall have flood barrier gates. The flood barrier gates/perimeter walls shall be designed to withstand hydrostatic and hydrodynamic forces and be impermeable to water during a 100-year 24-hour storm event. Utilities around the building shall be elevated 2 feet above the base flood elevation.

21. Flood Barrier Gates: The flood barrier gates provided for this site shall show the design calculation for the hydrostatic and hydrodynamic forces. The design calculation shall be provided prior to issuance of a Zoning Compliance Permit.
22. Flood Emergency Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall develop an emergency plan for residents during flooding events.
23. Stormwater Treatment: Stormwater treatment shall be designed to achieve average annual eighty-five (85) percent total suspended solids (TSS) removal and must apply to the volume of post-development runoff resulting from the first one-inch of precipitation. Alternative treatment methods to achieve eighty-five (85) percent average annual TSS removal may be acceptable. The eighty-five (85) percent requirement applies to eighty-five (85) percent of the additional suspended solids that are the result of the new development.
24. Stormwater Improvements: The developer shall submit a stormwater design plan and analysis, flood study, and additional supporting information meeting the following commitments prior to receiving a Zoning Compliance Permit.
  - a. A minimum of 90,000 sq. ft. of impervious area to be treated using green stormwater infrastructure (GSI) designed to the current NCDEQ Minimum Design Criteria to the maximum extent practicable.
  - b. No adverse flood impact to offsite properties during the 100-year storm.
  - c. 4% reduction in peak flow rates from the property for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year return periods
  - d. 1% Reduction in runoff volume from the property for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year return periods
  - e. Minimum of 3 educational signs, to be located at GSI installation locations prior to issuance of a Zoning Final Inspection
  - f. Operations and maintenance plan for existing and proposed GSI devices to be recorded prior to the certificate of occupancy. New devices shall be located within a stormwater easement to be recorded prior to the certificate of occupancy. Documents to be submitted for review and approval prior to recordation.
25. Stormwater Runoff Volume: The stormwater runoff volume leaving the site post-development shall not exceed the stormwater runoff volume leaving the site pre-development (existing conditions) for the local 2-year frequency, 24-hour duration storm event for all development. This may be achieved by hydrologic abstraction, recycling and/or reuse, or drawdown with 2-5 days.
26. Stormwater Runoff Rate: The stormwater runoff rate leaving the site post-development shall not exceed the stormwater runoff rate leaving the site pre-development (existing conditions) for the local 1-year, 2-year, and 25-year 24-hour storm events.
27. Floodplain: The proposed development in the floodplain shall meet the requirements of Chapter V, Article IV of the Town's Flood Damage Prevention Ordinance and FEMA regulation.
28. Flood Damage Prevention Ordinance: Town's Flood Damage Prevention Ordinance requires proposed new non-residential constructions in the floodplain to be elevated or floodproofed two (2) feet above the base flood elevation; however, due to the flooding situation in this area, instead of floodproofing the building, Town staff recommend

elevating the building on piers and putting parking of vehicles under the building to minimize the loss of flood storage and diversion of flood waters onto surrounding properties. To ensure No Adverse Impact of Flooding on the neighboring properties, the development should ensure that it meets the No-Rise requirement of the Flood Damage Prevention Ordinance. Any flood storage loss due to proposed building in the floodplain shall be compensated for. Construction techniques and materials used for the proposed buildings shall comply with the general standard of Section 5.59 of the Town's Flood Damage Prevention Ordinance. Construction office trailer, if located within the flood plain, used on the site shall be elevated two (2) feet above the base flood elevation and anchored to the ground. Temporal structures used on the site that are not anchored shall be removed, a minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

29. Elevation Certificate: Elevation certificate FEMA Form 086-0-33 signed and sealed by North Carolina-registered Professional Land Surveyor will required to be provided prior to construction of the proposed building and one at the end of construction, prior to the issuance of certificate of occupancy. Floodproof certification FEMA Form 086-0-34 signed and sealed by a North Carolina-registered Professional Engineer or Architect will be required for modification of existing building that triggers substantial improvement or makes the building more non-conforming.
30. No-Rise Model: The developer shall submit "No-Rise" hydraulic model for completeness review prior to approval of the Final Zoning Compliance Permit. A complete "No-Rise" submittal shall include the following:
  - a. Hydraulic models in a currently approved FEMA hydraulic model, including:
  - b. Effective Model (may be older than a currently approved model);
  - c. Duplicate Effective Model (Effective Model run on the modeler's software and hardware)
  - d. Corrected Effective Model (if needed to correct errors in the model);
  - e. Existing Conditions Model (model the existing project area and man-made changes since the Effective Model);
  - f. Proposed Conditions Model (model the proposed project area);
  - g. The existing Letter of Map Revision (LOMR) of the University Place shall be used for the No-Rise impact study.
31. Stormwater Monitoring: In addition to the operations and maintenance plan required in Stipulation 23 for the new GSI the Developer shall provide a maintenance plan for existing GSI to ensure infrastructure functions and performs as designed.
32. Orange County Erosion Control Division: The developer shall provide a copy of the approved erosion and sediment control permit from Orange County Erosion Control Division prior to receiving a Zoning Compliance Permit. If one acre or more is to be uncovered by land-disturbing activities for the 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.

#### Road Improvements

33. Road Improvements: Prior to issuance of the Zoning Final Inspection, the developer shall install the following roadway improvements including applicable traffic signal

upgrades. The design, and construction standards shall be approved by the Town Manager and North Carolina Department of Transportation (NCDOT) prior to issuance of the Zoning Compliance Permit:

- a) Fordham Blvd (U.S. 15-501) and S. Estes Drive Intersection: Extend existing northbound dual left turn lanes to provide a minimum storage length of 700 feet each in Phase 1 and extend to 850 feet each in Phase 3. To simplify constructability and reduce impacts to road users, the improvement is best installed in its entirety as a single operation in Phase 1.
- b) Fordham Blvd (U.S. 15-501) and Willow Drive Intersection: The developer shall construct dual eastbound left turn lanes in Phase 1, if the existing street right-of-way has sufficient width. If the dual left turn is constructed by developer the traffic signal shall be upgraded for the addition of dual left turn lanes. In addition, the developer shall upgrade the signal with high visibility crosswalk and APS push button pedestrian facilities.
- c) Fordham Blvd (U.S. 15-501) and Access 1 Intersection:
  - Retain existing southbound exclusive right turn lane on Fordham Blvd (U.S. 15-501)
  - Retain existing Right-In/Right-Out access with one ingress lane and one ingress lane.
  - Provide a minimum internal protected stem length of 225 feet and provide appropriate laneage and traffic controls at internal intersections to ensure acceptable operation and avoid spillback.
  - Provide a high visibility painted crosswalk across the eastbound driveway approach.
- d) S. Estes Drive and Site Access 2 Intersection (Gas Station):
  - Construct a westbound exclusive right turn lane on S. Estes Drive with a minimum of 100 feet of full storage and appropriate deceleration taper in Phase 1.
  - Provide a high visibility painted crosswalk across the southbound driveway approach.
- e) S. Estes Drive and Access 3 Intersection:
  - Construct a westbound exclusive right turn lane on S. Estes Drive with a minimum of 100 feet of full storage and appropriate deceleration taper in Phase 1.
  - Provide a minimum three-lane access consisting of one ingress lane and two egress lanes consisting of an exclusive left turn lane with a minimum 150 feet full storage and an exclusive right turn lane with a minimum 100 feet full storage.
  - Provide minimum internal protected stem length of 200 feet.
  - Provide a high visibility painted crosswalk across the southbound driveway approach.
- f) S. Estes Drive and Access 4 Intersection (Brookwood Apartments):
  - Construct a westbound exclusive right turn lane on S. Estes Drive with a minimum of 100 feet of full storage and appropriate deceleration taper no later than Phase 3.
  - Provide a minimum three-lane access consisting of one ingress lane and two egress lanes consisting of a combination thru-left turn lane with a minimum

250 feet full storage and an exclusive right turn lane with a minimum 100 feet full storage.

- Provide minimum internal protected stem length of 250 feet.
- Monitor intersection for signalization warrants.

g) S. Estes Drive and Access 5 Intersection:

- Construct right-in/right-out access with one ingress lane and one egress lane.
- Provide median island on S. Estes Drive to effectively restrict left turn movements at the site access and reconfigure driveway to right-in/right-out only access.
- Provide a high visibility painted crosswalk across the southbound driveway approach.

h) Willow Drive at Site Access #6:

- Provide one ingress lane and one egress lane
- Provide a high visibility painted crosswalk across the westbound driveway approach.

i) Willow Drive at Site Access #7:

- Provide one ingress lane and two egress lanes. The egress lanes should consist of a through/left-turn lane and an exclusive right-turn lane
- Provide a high visibility painted crosswalk across the westbound driveway approach.

j) Willow Drive at Conner Drive/Future Site Access:

- Provide single-lane stop-controlled approaches on Conner Drive and the future site access driveway.
- Provide one ingress and one egress lanes.
- Provide a high visibility painted crosswalk across the two stop-controlled approaches.

k) Willow Drive at Site Access #8:

- Provide one ingress lane and two egress lanes
- Provide a high visibility painted crosswalk across the northbound driveway approach.

l) Willow Drive at Site Access #9:

- Provide a high visibility painted crosswalk across the northbound driveway approach.

34. Street Lighting: Prior to issuance of a Zoning Final Inspection, the developer shall design and install street lighting along the site frontage on Estes Drive, US 15-501, and Willow Drive. Design and construction details including at signalized and unsignalized intersections must be approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. An approved phasing plan may detail the installation sequence for the lighting installation.

35. Driveway Permit: The developer must 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.

36. Multi-Use Path: Prior to Zoning Inspection Final for Pod D, the developer shall construct a 10 foot wide multi-use path along the north side of S. Estes Drive, and prior to the Zoning Inspection Final for Pod C along the west side of Fordham Boulevard in accordance with the Town's Design Manual. An approved phasing plan may detail the installation sequence for the multi-use paths.
37. Fordham Boulevard Multi-Use Path: Subject to necessary consent and approval from all required parties and landowners, the developer shall construct a multi-use path along the Fordham Boulevard frontage from Estes Drive to Willow Drive, including along the Binkley Baptist Church property. The design must be approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. An approved phasing plan may detail the installation sequence for the multi-use path.
38. Willow Drive Bicycle Lane: Prior to Zoning Inspection Final for Pod A, the developer shall construct a 4.5 foot wide bicycle lane along the east side of Willow Drive in accordance with the University Place Design Standards. The design must be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
39. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit for each phase, the developer shall provide either a new or updated transportation management plan for all non-residential uses for each pod area.
40. 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 U.S. Department of Transportation Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction.
41. Traffic Signal Timing: Prior to issuance of the initial Zoning Compliance Permit, the developer shall provide a payment-in-lieu of \$25,000 to the Town for optimizing signal timing at several signalized intersections. An approved phasing plan may detail the timing of the required payment-in-lieu. The timing of the payment shall be related to the anticipated traffic volumes.
42. Willow Drive and Estes Drive: Prior to issuance of the Zoning Final Inspection, unless detailed in an approved phasing plan, for Pod A, the developer shall upgrade the traffic signal with pedestrian signals, high visibility crosswalks, APS Push buttons, and bicycle activated loops. The design, and construction standards shall be approved by the Town Manager and NCDOT prior to issuance of the Zoning Compliance Permit.
43. New Unsignalized Crosswalks: Prior to issuance of the Zoning Final Inspections in Pods A or D, whichever is first, the developer shall install high visibility crosswalks, appropriate wheel chair ramps, and rectangular rapid flashing beacons at all approved new unsignalized crosswalks on Estes Drive and Willow Drive accessing the site (on Estes Drive at entrance to Brookwood Condominiums; on Willow Drive at Conner Drive) unless modified by an approved phasing plan. The design, and construction standards of the above shall be approved by the Town Manager and NCDOT prior to issuance of the Zoning Compliance Permit.

## **TOWN OF CHAPEL HILL – SPECIAL USE PERMIT STANDARD STIPULATIONS**

The following standard stipulations are supplemental to site-specific conditions as set by Town Council-approved resolution. Unless modified by the site-specific conditions noted above, these standards apply to all development permitted by Special Use Permits.

### Access

44. 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

45. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall 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]
46. 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]
47. Parking Lot: Any newly proposed parking lots, including additions to existing parking lots, shall be constructed to Town standards for dimensions and pavement design. [LUMO 5.9.5]
48. Parking Lot Landscape and Screening: The parking lot landscape design shall adhere to the standards of the Chapel Hill Land Use Management Ordinance. [LUMO 5.9.6]
49. Driveway Permit: The developer must 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.
50. 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.
51. Off-Site Construction Easements: Prior to any development associated land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
52. Sight 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]

53. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
54. 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 of such repairs must be reviewed and approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. [Town Code 17-40]
55. 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(s). [Town Code 21-7.1]
56. 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 U.S. Department of Transportation 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]

#### Landscaping and Building Elevations

57. Invasive Exotic Vegetation: Prior to issuance of a Zoning Compliance Permit, the developer 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 of these species from the landscape buffer areas prior to planting. [Town Design Manual]
58. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, review shall be required from the Community Design Commission for any proposed alternate buffer. [LUMO 5.6.8]
59. 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. The plan shall also indicate which trees will be removed and which will remain. The plan shall also include standard notes, fencing details, and location of fencing. [LUMO 5.7.3]
60. Tree Protection Fencing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detail of a tree protection fence and a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. The plans shall include continuous tree protection fencing 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]
61. 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. [LUMO 4.5.3]
62. Tree Canopy: A minimum of tree canopy coverage shall be provided through a combination of retained and replanted trees, unless a modification to regulations is



approved. Calculations demonstrating compliance with Chapel Hill Land Use Management Ordinance Section 5.7.2 shall be included. [LUMO 5.7.2]

63. 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.
64. Demolition Plan: Prior to beginning any proposed demolition activity, the developer must obtain demolition permits from both the Planning and Inspections departments. 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 shall be issued prior to an Inspection's Demolition permit. Further, prior to the issuance of a demolition permit for all existing structures 500 square feet or larger, Orange County Solid Waste staff shall conduct a deconstruction assessment pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO).
65. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall review a lighting plan and shall take additional care during review to ensure that the proposed lighting plan will minimize upward light pollution and off-site spillage of light. [LUMO 8.5.5]
66. Community Design Commission Review: The Community Design Commission shall review the 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 8.5.5] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission. [LUMO 8.4.6]

#### Environment

67. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance. [LUMO 5.4]
68. 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. [LUMO 4.5.3]
69. Erosion Control Bond: If one acre or more is to be uncovered by land-disturbing activities for the 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 5-98]
70. Sediment Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry sediments on adjacent roadways. [Town Code 5-86]
71. Erosion Control Inspections: 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. [Orange County Erosion Control]

72. Erosion Control: The developer shall provide a copy of the approved erosion and sediment control permit from Orange County Erosion Control Division prior to receiving a Zoning Compliance Permit. During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance. [Town Code 5-98]
73. Stormwater Control Measure: The proposed stormwater control measures for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual and Town of Chapel Hill Public Works Engineering Design Manual. [LUMO 5.4.3]
74. Storm Drain Inlets: The developer shall provide pre-cast inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-4A, SD-5A, SD-5C include all applicable details\*, for all new inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
75. On-Site/Adjacent Stormwater Features: The final plans shall locate and identify existing site conditions, including all on-site and adjacent stormwater drainage features, 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. [Town of Chapel Hill Design Manual]
76. 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. [Town of Chapel Hill Design Manual]
77. Performance Guarantee: A performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirement of Section 4.9.3 of the Land Use Management Ordinance 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 storm water 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 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. [LUMO 4.9.3]

78. Energy Efficiency: Prior to issuance of a Zoning Compliance Permit, an energy efficiency plan shall incorporate a "20 percent more energy efficient" feature relative to the 90.1 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Special Use 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 developer when incorporating the "20 percent more energy efficient" feature into the final plans. An energy model should be used to demonstrate that the design will meet the aforementioned energy performance target. [Town Policy April 2007]

79. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit an Energy Management Plan (EMP) for Town approval. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, 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 also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; and (d) if requested, provide for the property owner to report to the Town of Chapel Hill the actual energy performance of the plan, as implemented, during the period ending one year after occupancy. [Town Policy April 2007]

#### Recreation

80. Recreation Space (Multi-Family): A minimum of 25 percent of the required Recreation Space for the project shall be provided in the form of a payment in lieu. The payment in lieu shall be paid prior to the issuance of a Zoning Compliance Permit.

81. Recreation Area (Subdivision): A minimum of 25 percent of the required Recreation Area for the project shall be provided in the form of a payment in lieu. The payment in lieu shall be paid prior to the issuance of a Zoning Compliance Permit.

#### Water, Sewer, and Other Utilities

82. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, other applicable local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The developer 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]

83. 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]
84. Water/Sewer Line Construction: All public water and sewer plans shall be approved by and constructed according to OWASA 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. [LUMO 5.12.1]
85. OWASA Approval: 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]
86. Irrigation: If permanent irrigation is proposed to support landscaping, an irrigation plan shall be submitted which includes the use of smart technologies to conserve water and energy.

#### Homeowner Association

87. Homeowners' Association: That 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 Section 4.6.7 of the Land Use Management Ordinance. That the Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.
88. 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.
89. Dedication and Maintenance of Common Area to Homeowners' Association: That the developer 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 the 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.
90. Solar Collection Devices: That 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.

## Fire Safety

91. Fire Sprinklers: The developer shall install sprinklers under the North Carolina Fire Protection Code (NC FPC) 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]
92. Gates and Barricades: Where required or authorized by the fire code official and permanent or temporary (construction), any gates across fire apparatus access roads shall be a minimum width of 20 feet, be of swinging or sliding type, have an emergency means of operation, shall be openable by either forcible entry or keyed, capable of being operated by one person, and shall be installed and maintained according to UL 325 and ASTM F 2200. [NC FPC 2018, 503.5, 503.6, D103.5]
93. Grade and Approach: Fire apparatus access roads shall not exceed 10 percent in grade unless approved by the fire chief, and all approach and departure angles shall be within the limits established based on the Fire Department's apparatus. [NC FPC -2018, 503.2.7, 503.2.8 and D103.2]
94. Fire Protection and Utility Plan: A fire flow report for hydrants within 500 feet of each building shall be provided and demonstrate the calculated gallons per minute with a residual pressure of 20 pounds per square inch. The calculations should be sealed by a professional engineer licensed in the State of North Carolina and accompanied by a water supply flow test conducted within one year of the submittal. Refer to the Town Design Manual for required gallons per minute.
95. Fire Department Connections and Standpipes: When the building being constructed requires standpipes, a temporary standpipe connection will be constructed with ready Fire Department Access when the building is not more than 40 feet in height. Such standpipes shall provide usable connections adjacent to the stairs and shall continue with building progression always being not more than one floor below the highest floor of the building. [NC FPC 912 & NC FPC 2018 3313]
96. Fire Command Center: Where required in the North Carolina Fire Protection Code and in all high rise buildings, a fire command center must be constructed in accordance with Section 508, NC FPC 2018.
97. Aerials: Where a building exceeds 30 feet in height OR 3 stories above the lowest level of Fire Department Access, overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway shall have an unobstructed width of 26 feet exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15 feet and maximum of 30 feet from one complete side of the building. [NC FPC 2018 D105.1, D105.2, D105.3, D105.4]
98. Fire Apparatus Access Road: Any fire apparatus access roads (any public/private street, parking lot access, fire lanes and access roadways) used for fire department access shall be all-weather and designed to carry the imposed load of fire apparatus weighing at least 80,000 lbs. Fire apparatus access roads shall have a minimum width of 20 feet exclusive of shoulders with an overhead clearance of at least 13 feet 6 inches for structures not exceeding 30 feet in height and shall provide access to within 150 feet of all exterior portions of the building. Structures exceeding 30 feet in height shall be provided with an aerial apparatus access road 26 feet in width in the immediate vicinity of the building or portion thereof and shall provide at least one of the required access

roads to be located not less than 15 feet and not more than 30 feet from the structure parallel to one entire side of the structure. [NC FPC 2018 502.1, 503.1.1, 503.2.1, D102.1 SECOND ACCESS DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVAL]

99. Dead End Access Roads: Dead end fire apparatus access roads exceeding 150 feet shall have a designated turn around. The turnaround shall meet one of the design standards of NC FPC 2018, Appendix D table D 103.4.
100. Building Height: Buildings exceeding 30 feet or three stories in height must have at least two means of fire apparatus access separated by at least one half the diagonal distance of the building. [NC FPC 2018, D104.1, D104.3 DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVAL]
101. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
102. Fire Apparatus Access Road Authority: The fire code official shall have the authority to increase the minimum access widths where they are deemed inadequate for fire and rescue operations. [NC FPC 2018 503.2.2]
103. 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 Protection Code, and National Fire Protection Association Standard #13. [NC Fire Protection Code 2018 Section 501.1 & 3312]
104. 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 FPC 2018 Section 501.5.1.1]
105. Firefighting Access During Construction: 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 FPC 2018, Section 3310.1]
106. Premise Identification: Approved building address numbers, placed in a position acceptable to the fire code official, shall be required on all new buildings. [NC FPC 2018, 505.1]
107. Key Boxes: Where required by the fire code official, a secure key box, mounted on the address side of the building, near the main entrance, shall be provided to ensure adequate access to the building based on life safety and/or fire protection needs. [NC FPC 2018, 506]

108. Automatic Fire Sprinkler System Required: An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 and Town Code 7-56 is required to be installed in non-residential construction.
109. Fire Department Connections, Locations: Any required FDCs for any buildings shall meet the design and installation requirements for the current, approved edition of NFPA 13, 13D, 13R, or 14 of the NC FPC 2018 and Town Code 7-38 for location. FDCs shall be installed within 100 feet of a hydrant or unless otherwise approved by the fire code official and shall not be obstructed or hindered by parking or landscaping. FDCs shall be equipped with National Standard Thread (NST) and be a 2.5" siamese.
110. Fire Department Connections, Installation: A working space of not less than 36 inches in width and depth and a working space of 78 inches in height shall be provided on all sides with the exception of wall mounted FDCs unless otherwise approved by the fire code official. The FDCs where required must be physically protected from impacts by an approved barrier. [NC FPC 2018, 912.1, 912.2 912.2.1, 312]
111. 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.
112. 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]
113. 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 FPC, Sections 2018 503.3, D103.6, D103.6.1, D103.2]
114. Emergency Responder Radio Coverage in New Buildings: All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. [NC FPC 2018 Section 510.1]

#### Solid Waste Management and Recycling

115. 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 and Orange County Solid Waste (OCSW). 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. If a refuse compactor is proposed or if the collection enclosure is not accessible by Town vehicles, the developer shall provide

documentation of an agreement for solid waste collection by a private provider prior to issuance of a Zoning Compliance Permit. [Orange County Solid Waste]

116. Construction Waste: Clean wood waste, scrap metal and corrugated cardboard (Regulated Recyclable Materials), all present in construction waste, must be recycled. All haulers of construction waste containing Regulated Recyclable Materials must be properly licensed with Orange County Solid Waste. 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]
117. Deconstruction Assessment: For any existing structure 500 square feet or larger a deconstruction assessment shall be conducted by OCSW staff prior to the issuance of a demolition permit pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO). Prior to any demolition or construction activity on the site, the developer shall hold a pre-demolition/pre-construction conference with Solid Waste staff. This may be held at the same pre-construction meeting held with other development/enforcement officials.

#### State and Federal Approvals

118. 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]
119. 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

120. 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. [Town Design Manual Chapter 10]
121. 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. [Town Code 17-42]
122. 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. 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]

123. 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]
124. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
125. 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 plans 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 Design Manual. [LUMO 4.5.3]
126. Certificates of Occupancy: No Certificates of Occupancy shall be issued until all required public improvements are complete. 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. A note to this effect shall be placed on the final plats.
127. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
128. New Street Names and Numbers: The name of the development and its streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
129. As-Built Plans: 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. [Town Design Manual Chapter 10]
130. Vested Right: This Special Use Permit or Special Use Permit Modification constitutes a site specific development 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 160A-385.1 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.

131. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
132. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
133. Not-Comprehensive: The listing of these standard stipulations, and the specific stipulations 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 RESOLVED that the Council hereby approves the application for a Special Use Permit Modification for University Place at 201 S. Estes Drive.

This the 28<sup>th</sup> day of June, 2021.