

ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 11 WHITE OAK DRIVE FROM RESIDENTIAL-1 (R-1) TO RESIDENTIAL-6-CONDITIONAL ZONING DISTRICT (R-6-CZD) (PROJECT #CZD-24-6) (2025-MONTH-DAY/O-#)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by McAdams, on behalf of contract purchaser ZOM Living and property owners John McKee Jr. and Anne McKee, Michele Hodgson, and Arshad Mahmood and Kausar Arshad, to rezone a 13-acre site located at 11 White Oak Drive, 76 White Oak Drive, 5520 Old Chapel Hill Road, 5522 Old Chapel Hill Road, 5602 Old Chapel Hill Road, 5604 Old Chapel Hill Road, and 5608 Old Chapel Hill Road on property identified as Durham County Property Identifier Numbers 0709-09-4874, 0709-09-4378, 0709-09-4101, 0709-09-2143, 0709-09-0300, and 0709-09-0161, to allow a multifamily residential development and finds that the amendment to the Zoning Atlas is:

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

WHEREAS, the application, if rezoned according to the district-specific plan dated September 12, 2024, last revised February 26, 2025, and the conditions listed below would, per LUMO 4.4.3(f):

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

MODIFICATIONS TO REGULATIONS

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

1) LUMO Section 3.8.2: Dimensional Regulations: Table 3.8-1 Dimensional Matrix Column E Building Height, Setback and Column F Building Height, Core.

Increase maximum setback and core building heights to 62 feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the height supports development consistent with the Comprehensive Plan while maintaining adequate solar access, privacy, and access to and around buildings.

- 2) LUMO Section 3.8.2: Dimensional Regulations: Table 3.8-1 Dimensional Matrix Column G Street Setback.** Modify the following minimum street setbacks identified in the table below:

Location	Setback Requirement
Northern property line of Block A, with right-of-way dedication	5 feet
West side of White Oak Drive	5 feet
East side of White Oak Drive	10 feet
Old Chapel Hill Road	15 feet

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because bringing buildings closer to streets supports the proposed density and encourages activated street frontages, which is consistent with the Future Land Use Map.

- 3) LUMO Section 3.8.2: Dimensional Regulations: Table 3.8-1 Dimensional Matrix Column K Floor Area Ratio.** Eliminate the maximum floor area ratio and establish a maximum floor area limit stated in the Land Use Intensity Table.

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

- 4) LUMO Section 3.8.3(a): Exceptions to Setback and Height Requirements.** Allow retaining walls up to 6-feet in height to encroach into the street setback along White Oak Drive.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because accommodating the retaining wall's height in the street setback supports the proposed multiuse path and allows for adequate protection of the nearby stream.

- 5) LUMO Section 5.6.6: Landscaping, Screening, and Buffering: Required Buffers.** Require the following modified buffers, with no modified buffer being eligible for an alternative buffer request:

Buffer Location	Width	Planting Requirement
Northern site boundary of Block A, with right-of-way dedication	0 feet	Street trees spaced 40 feet on center, planted in the future right-of-way No planting required along improved right-of-way
Northern site boundary of Block A, without right-of-way dedication	5 feet	Planting types and counts as noted on district-specific site plan
Northern site boundary of Block C	10 feet	
Old Chapel Hill Road,	10 feet	

White Oak Drive, and Cowan Boulevard		
Western site boundary of Pods 2 and 3 and southern site boundary of Pod 4 of Block C	5 feet	
Eastern site boundary of Blocks A and B	5 feet	

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the proposed buffers contribute to the streetscape proposed for the Parkline East area and adjacent developments are required to provide on-site buffering and screening.

6) LUMO Section 5.9.7: Minimum and Maximum Off-Street Parking Requirements.

Eliminate the minimum vehicular parking requirement and establish a maximum vehicular parking requirement of 1.5 spaces per unit, regardless of bedroom count.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because this modification provides certainty in the maximum number of vehicular spaces this development can provide.

7) LUMO Appendix A "District-Specific Plan": Amend the definition of a "district-specific plan" accompanying this ordinance as follows:

"A plan, to scale, showing the **approximate location of** uses and structures proposed for a parcel of land as required by the applicable application and regulations, including but not limited to lot lines, streets, building ~~sites~~ **envelopes**, reserved open space, major landscape features - both natural and manmade-and, depending on requirements, the location of proposed utility lines."

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the modified definition of "district-specific plan" allows the developer flexibility for the site while maintaining sufficient certainty and control over the nature of the proposed development.

CONDITIONAL ZONING DISTRICT

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

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

SECTION I

The following Durham County parcels identified by Parcel Identifier Numbers (PIN) 0709-09-4874, 0709-09-4378, 0709-09-4101, 0709-09-2143, 0709-09-0300, and 0709-09-0161, described below, along with the adjoining White Oak Drive right-of-way and the area

extending to the centerline of the adjoining Old Chapel Hill Road right-of-way, shall be rezoned to Residential-6-Conditional Zoning District (R-6-CZD):

BEGINNING at

TRACTS 1, 2, 3

BEING ALL OF BLOCK "C" AS SHOWN ON PLAT BOOK 148, PAGE 15, AND BEING ALSO ALL OF A PORTION OF BLOCK "C" AS SHOWN ON PLAT BOOK 173, PAGE 102, BOTH OF THE DURHAM COUNTY REGISTRY. LESS AND EXCEPT THAT RIGHT OF WAY TAKEN BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN DEED BOOKS 8596, PAGE 587; AND 8596, PAGE 606. MORE PARTICULARLY, DESCRIBED AS:

BEGINNING AT A POINT ON THE NORTHERN RIGHT OF WAY OF OLD CHAPEL HILL ROAD AS DESCRIBED IN DEED BOOK 8596, PAGE 587, OF THE DURHAM COUNTY REGISTRY, AND THE EASTERN RIGHT OF WAY OF NORTH WHITE OAK DRIVE AS SHOWN ON PLAT BOOK 173, PAGE 102, THE POINT OF BEGINNING; THENCE WITH THE RIGHT OF WAY OF NORTH WHITE OAK DRIVE NORTH 07°59'34" WEST A DISTANCE OF 530.17 FEET TO A POINT; THENCE NORTH 03°44'49" EAST A DISTANCE OF 49.99 FEET TO AN IRON PIPE, THE SOUTHWEST CORNER OF THE TRACT SHOWN ON PLAT BOOK 173, PAGE 102; THENCE WITH SAID RIGHT OF WAY NORTH 05°50'08" EAST A DISTANCE OF 359.71 FEET TO AN IRON PIPE; THENCE NORTH 12°11'44" EAST A DISTANCE OF 102.17 FEET TO AN IRON PIPE, THE SOUTHWEST CORNER OF LOT 28 AS SHOWN ON PLAT BOOK 5B, PAGE 191; THENCE WITH SAID COMMON LINE SOUTH 89°20'56" EAST A DISTANCE OF 364.53 FEET TO AN IRON PIPE, ON THE WESTERN LINE OF THOSE TRACTS DESCRIBED IN DEED BOOK 10011, PAGE 337; THENCE SOUTH 01°07'37" WEST A DISTANCE OF 450.19 FEET TO AN IRON PIPE; THENCE SOUTH 00°27'12" WEST A DISTANCE OF 470.68 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY OF OLD CHAPEL HILL ROAD AS DESCRIBED IN DEED BOOK 8596, PAGE 606; THENCE A CURVE TO THE LEFT, A RADIUS OF 1,046.00 FEET, AN ARC LENGTH OF 9.44 FEET, A CHORD BEARING OF SOUTH 75°18'32" WEST, A CHORD LENGTH OF 9.44 FEET TO A POINT; THENCE SOUTH 64°19'58" WEST A DISTANCE OF 116.35 FEET TO A POINT; THENCE SOUTH 76°52'16" WEST A DISTANCE OF 37.36 FEET TO AN IRON PIPE; THENCE CONTINUING WITH SAID RIGHT OF WAY AS DESCRIBED IN DEED BOOK 8596, PAGE 587, A CURVE TO THE LEFT A RADIUS OF 8,530.00 FEET, AN ARC LENGTH OF 194.87 FEET, A CHORD BEARING OF SOUTH 76°13'00" WEST, A CHORD LENGTH OF 194.86 FEET TO THE POINT OF BEGINNING; CONTAINING 382,786 SQUARE FEET OR 8.79 ACRES.

TRACT 4, MAHMOOD & HODGSON

BEING ALL OF BLOCK B LOT 12 TO 27 AND 62 TO 65 INCLUSIVE AS SHOWN ON PLAT BOOK 5B, PAGE 191 OF THE DURHAM COUNTY REGISTRY, LESS THAT RIGHT OF WAY TAKEN BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN DEED BOOK 8131, PAGE 307; BOOK 8596, PAGE 561; AND BOOK 8596, PAGE 599. MORE PARTICULARLY DESCRIBED AS:

BEGINNING ON THE NORTHERN RIGHT OF WAY OF OLD CHAPEL HILL ROAD AS DESCRIBED ON DEED BOOK 8131, PAGE 307 AT ITS INTERSECTION WITH THE EASTERN LINE OF LOT 11 AS SHOWN ON PLAT BOOK 5B, PAGE 191 BOTH OF THE DURHAM COUNTY REGISTRY, THE POINT OF BEGINNING; THENCE WITH THE COMMON LINE OF LOT 11 NORTH 00°44'23" EAST A DISTANCE OF 260.00 FEET TO A POINT THE NORTHEAST CORNER OF LOT 11; THENCE WITH THE COMMON LINE OF LOTS 11 TO 1 INCLUSIVE NORTH 89°25'37" WEST A DISTANCE OF 275.24 FEET TO AN IRON PIPE ON THE EASTERN RIGHT OF WAY OF THE 30' ROADWAY SHOWN ON THE AFORE SAID PLAT; THENCE WITH SAID RIGHT OF WAY NORTH 00°44'12" EAST A DISTANCE OF 199.54 FEET TO AN IRON PIPE THE SOUTHWEST CORNER OF LOT 28 AS SHOWN ON THE AFORE SAID PLAT; THENCE WITH SAID COMMON LINE AND THE SOUTHERN LINE OF

LOT 61 SOUTH 89°24'53" EAST A DISTANCE OF 507.48 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF NORTH WHITE OAK DRIVE; THENCE WITH SAID RIGHT OF WAY SOUTH 08°33'25" EAST A DISTANCE OF 202.78 FEET TO A POINT; THENCE SOUTH 07°44'28" EAST A DISTANCE OF 185.84 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY OF OLD CHAPEL HILL ROAD; THENCE WITH SAID RIGHT OF WAY, A CURVE TO THE RIGHT, A RADIUS OF 7,946.00 FEET, AN ARC LENGTH OF 61.83 FEET, A CHORD BEARING OF SOUTH 76°38'24" WEST, A CHORD LENGTH OF 61.83 FEET TO A POINT; THENCE A CURVE TO THE LEFT, A RADIUS OF 8,054.00 FEET, AN ARC LENGTH OF 240.34 FEET, A CHORD BEARING OF SOUTH 76°00'29" WEST, A CHORD LENGTH OF 240.33 FEET TO THE POINT OF BEGINNING; CONTAINING 166,731 SQUARE FEET OR 3.83 ACRES.

SECTION II

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

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

Land Use Intensity	
Permitted Uses	All residential uses allowed in R-6 Adult day care facility Child day care facility Home occupation as an accessory use Other customary accessory uses allowed in R-6
Net Land Area (NLA)	Approximately 549,518 sq. ft.
Gross Land Area (GLA)	Approximately 569,497 sq. ft.
Maximum Floor Area	553,000 sq. ft.
Permitted Dwelling Units	380-400 total units without right-of-way dedication 350-370 total units with right-of-way dedication (Condition 24)
Building Height	See Modification 1 and Condition 4
Other Dimensional Regulations	Per LUMO, except Modification 2
Minimum Affordable Units	See Affordable Housing Plan
Maximum Vehicular Parking	See Modification 6
Minimum Electric Vehicular (EV) Parking	5% of parking spaces served by EV-charging stations 60 EV-capable spaces

Minimum Bicycle Parking	Per LUMO
Maximum Total Impervious Surface	Per LUMO (70% of GLA)
Maximum Land Disturbance	600,000 sq. ft.
Resource Conservation District Maximum Land Disturbance	Per LUMO
Steep Slopes Maximum Land Disturbance	Per LUMO
Minimum Tree Canopy Coverage	Per LUMO (30% of NLA)
Minimum Recreation Area	30,000 sq. ft.

4. Old Chapel Road Height Transition: The street-facing side of any structures with frontage on Old Chapel Hill Road shall not exceed four stories in height.
5. Modifications to Land Use Intensity: This approval establishes minimums and maximums as indicated in the above Land Use Intensity Table. These amounts apply to the entire project site, including areas within the Resource Conservation District (RCD) and areas containing steep slopes. These amounts may be modified according to the criteria and procedures established in LUMO 4.4.7(h). Additional modifications to amounts in the Land Use Intensity table shall be considered as follows:
 - a. A change in the net land area or gross land area shall constitute a minor modification, provided the land area is established by a survey or legal description, and provided there is no resulting change to the zoning district boundary approved by the Town Council.
 - b. An increase in the maximum total impervious surface, RCD maximum impervious surface, RCD maximum land disturbance, or steep slopes maximum land disturbance shall constitute a major modification.
 - c. An increase in the maximum land disturbance up to 10 percent shall constitute a minor modification. An increase over 10 percent shall constitute a major modification. All increases shall be considered cumulatively.

Affordable Housing

6. Affordable Housing Plan: The developer shall provide the following:
 - a. Affordable Units:
 - i. The minimum number of affordable units shall be equal to 7 percent of the number of market rate homes if right-of-way is dedicated pursuant to Condition 24.
 - ii. The minimum number of affordable units shall be equal to 10 percent of the number of market rate homes if right-of-way is not dedicated pursuant to Condition 24.
 - b. Unit Mix: The affordable units will include bedroom mixes in the approximate same proportion as the market rate homes.
 - c. Location: The affordable units will be sited in multiple locations throughout the development. If construction is phased, some affordable units must be sited within every residential phase. No more than 50 percent of the affordable units may be sited within any one residential phase.
 - d. Pricing: The affordable units will be reserved for those households earning 80 percent or less of the area median income (AMI).
 - i. AMI will be based on income limit data published annually by the U.S. Department of Housing and Urban Development for the Durham-Chapel Hill

- Metropolitan Statistical Area and/or the Durham-Chapel Hill, NC HUD Metro Fair Market Rent Area.
 - ii. Maximum pricing for rental units shall be calculated based on 30 percent of monthly household income at the specified AMI levels, minus housing-related utilities (heat, water, sewer, electric, and gas) and housing-related fees required by the owner or property manager.
 - iii. AMI shall be calculated assuming 1 person per bedroom for efficiencies and 1.5 persons per bedroom for all other unit sizes.
 - e. Phasing:
 - i. Fifty percent of the affordable units shall be completed prior to the Zoning Final Inspection of 50 percent of the market rate homes.
 - ii. The remaining affordable units shall be completed prior to Zoning Final Inspection of 90 percent of the market rate homes.
 - f. Affordability Period:
 - i. Affordable units offered for rent will be affordable for a period of at least thirty (30) years from the receipt of a Certificate of Occupancy.
 - g. Design:
 - i. The affordable units will be finished with similar exterior design, trim, materials, and details as the market rate homes.
 - ii. The affordable units will meet the same energy efficiency standards as the market rate homes.
7. Affordable Housing Performance Agreement: Prior to the issuance of a Zoning Compliance Permit for residential construction, a performance agreement that incorporates the approved Affordable Housing Plan (see above) must be executed by the developer, the Town Manager (or designee), and if applicable, the non-profit agency that will administer the affordable units.
8. Conversion of Rental Units to Ownership Units: If rental units are converted to for-sale units, the Affordable Housing Plan shall be revised to meet Section 3.10 of the Land Use Management Ordinance (LUMO). The revised plan shall be approved by the Town Manager prior to recordation of a plat to create the for-sale units.
- i. Maximum pricing for for-sale units shall consider the total cost of mortgage principal and interest, property taxes, homeowners and condo association fees, any mandatory maintenance fees, and homeowner's insurance such that a household's total housing costs do not exceed 30 percent of their household income.
 - ii. Affordable units offered for sale will be affordable for a period of at least ninety-nine (99) years from the receipt of a Certificate of Occupancy.

Environment

9. Jordan Riparian Buffer: The developer shall apply for a Jordan Buffer Authorization for any impacts in the Jordan Riparian Buffer that are not authorized by 401/404 Permits. The developer shall demonstrate that there are no practical alternatives for the proposed impacts and comply with LUMO 5.18. A minor or major variance may be required for uses or activities not allowed per Section 5.18.
10. Stormwater Performance Guarantee: A stormwater performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirements of LUMO 4.9.3 prior to the approval of Construction plans. The performance guarantees and maintenance guarantees shall be satisfactory as to their

form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The developer shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

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

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

11. Dog Park Runoff: Prior to issuance of a Zoning Compliance Permit, the developer shall provide detailed plans that show how runoff from the dog park will be treated and prevented from entering the stream channel. Options could include but are not limited to treatment by a permeable artificial turf system and/or draining the dog park area to the stormwater control measure (SCM). The Town Manager shall review and approve the plans.

Transportation, Access, and Connectivity

12. Transit Improvements: The developer shall coordinate with the Town of Chapel Hill and the North Carolina Department of Transportation (NCDOT) on the placement of a bus stop on the north side of Old Chapel Hill Road, along the frontage of the proposed development. The developer shall construct stop improvements that comply with the Town's Engineering Design Manual for transit stops and all federal ADA requirements, including installation of a 9-foot-by-7-foot shelter structure meeting or exceeding the current model used by Chapel Hill Transit, construction of a concrete shelter pad and landing pad, bench, waste receptacles, and lighting. Real time transit tracking can be installed at cost to the developer. Once complete, the existing transit stop at Old Chapel Hill Road at Huse Street (Stop ID: 3737) will be relocated to the newly constructed stop.

13. Crosswalk: The developer shall work with NCDOT to install a crosswalk on Old Chapel Hill Road, serving the relocated transit stop. If warranted by NCDOT, the developer shall install a rectangular rapid flashing beacon at the crosswalk.
14. Transit Improvements Payment Option: Prior to the last Zoning Final Inspection of Block B, the developer may provide a \$65,000 payment in-lieu of construction transit stop improvements identified in Conditions 12 and 13. If the Town has not constructed transit improvements within 1,000 feet of the property within five years following the issuance of the final certificate of occupancy, the developer may request, and the Town shall then provide a refund of this payment.
15. Pedestrian Improvements: Prior to last Zoning Final Inspection for the block or pod containing pedestrian improvements, the developer shall construct the following:
 - a. A 10-foot-wide multiuse path on the west side of White Oak Drive up to Old Chapel Hill Road along the property's frontage
 - b. A 10-foot-wide multiuse path that parallels the stream and connects White Oak Drive to the multiuse path connection on the property to the east. This multiuse path must include a pedestrian crossing of White Oak Drive.
 - c. Buildings in Pod 1, Pod 2, Pod 3, and Pod 4 as shown on the district-specific plan shall have pedestrian access to sidewalk in a public right-of-way.
 - d. A 10-foot-wide multiuse path on the Old Chapel Hill Road frontage and a transition into the westbound on-road bicycle lane.
 - e. Paved pedestrian paths at least 5 feet in width for Pod 2. Such pedestrian paths shall connect a street-adjacent sidewalk to a building entry element, such as a door, a stoop, or a breezeway. A pedestrian path may be placed in a required buffer if it does not interfere with the required plantings.
16. Pedestrian Access: The developer shall provide a public access easement on all parts of multiuse paths described in the previous condition that are outside public right-of-way. The developer must record the easement plat and executed agreement with the Durham County Register of Deeds before approval of the last Zoning Final inspection for the development, or according to the approved phasing plan, if applicable.
17. Road Improvements: Prior to the last Zoning Final Inspection for the block or pod containing road improvements, or according to the approved phasing plan, if applicable, the developer shall construct the following improvements stipulated by the traffic impact analysis, the Town, and the North Carolina Department of Transportation (NCDOT):
 - a. Old Chapel Hill Road at White Oak Drive Access:
 - i. Install a dedicated eastbound left turn lane on Old Chapel Hill Road with adequate storage and appropriate deceleration/taper, subject to NCDOT requirements
 - ii. White Oak Drive access shall be constructed with one ingress lane and one egress lane. The ingress/egress lane shall consist of 100 feet of internal protected storage (IPS) before any parking or crossing maneuvers.
 - iii. The proposed driveway is subject to NCDOT sight distance requirements.
 - b. Old Chapel Hill Road at Site Drive:
 - i. Site drive access shall be constructed with one ingress lane and one egress lane. The ingress/egress lane shall consist of 100 feet of internal protected storage (IPS) before any parking or crossing maneuvers.
 - ii. The proposed driveway is subject to NCDOT sight distance requirements.
 - c. The developer shall improve White Oak Drive right-of-way to meet Town engineering standards, including dedicating additional right-of-way.

- d. The developer shall build a vehicular connection on Private Drive B to the western property line as shown on the district-specific site plan and provide a cross-access easement to the adjacent property.
 - e. The developer shall build a vehicular connection to the property's eastern property line as shown on the district-specific site plan and provide a cross-access easement to the adjacent property.
 - f. The developer shall improve the Cowan Boulevard right-of-way along the property's frontage to meet Town engineering standards, including a street, sidewalk, and any associated improvements.
18. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
19. Trip Generation: The Traffic Impact Analysis (TIA) for this development was prepared on January 30, 2025. The developer shall request an updated TIA and apply for a major modification to this Conditional Zoning if the proposed cumulative total daily vehicle trips exceed a 10 percent increase from the TIA.
20. Street Lighting: The developer shall install street lighting or upgrade existing street lighting along the site frontages of White Oak Drive and Old Chapel Hill Road as required by the Town Manager with approval by NCDOT, if applicable. The design shall be approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit for building construction. The developer shall complete installation prior to Zoning Final Inspection.
21. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existing on the roadways.
22. 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.
23. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Association of Pedestrian and Bicycle Professionals Guidelines.
24. Right-of-Way Dedication: The developer shall dedicate 30 feet of right-of-way along the full length of the northern property line of Block A before the last Zoning Final Inspection for the development.

Sustainability

25. Building Energy Performance: All buildings must be National Green Building Standard Silver certified.
- a. Prior to issuance of a Zoning Compliance Permit, the developer shall submit documentation that demonstrates compliance with the selected energy efficiency design standard above (e.g., pre-construction energy model). These documents shall be reviewed and approved by the Town Manager.
26. Electric Vehicle Infrastructure: The developer shall ensure that their facilities support the

use of current and future levels of electric vehicles (EV) by their residents and visitors by supplying the following:

- a. At least five percent of parking spaces must have electric vehicle charging and at least 60 parking spaces must be EV-capable before the last Zoning Final Inspection is approved for the construction of all buildings.
- b. EV-capable means that a continuous raceway or conduit has been installed connecting a parking space to a panel that supports future charging stations by providing at least 6.6kW of power. These spaces do not require wiring or receptacles. For exterior surface lots, the conduit shall be run underground to the parking location.
- c. EV charging must meet the US Access Board's guidance for accessible electric vehicle charging stations.

27. Electric Vehicle Charging Management: The property owner will be responsible for expanding charging capabilities when demand requires expansion.

28. Other Climate Action Commitments: Prior to issuance of a Zoning Compliance Permit for building construction, the developer shall provide a detailed site plan and other documentation that demonstrate how they intend to fulfill the following Climate Action Plan commitments. The plan and documentation shall be reviewed and approved by the Town Manager.

- a. All electric building and site design, except for outdoor amenity areas
- b. All electric appliances (no fossil-fuel appliances)
- c. All LED lighting in interior spaces
- d. All LED lighting in exterior spaces, with street and parking lot lighting having a temperature of 3,000 Kelvin or lower
- e. Energy Star-rated appliances and equipment only
- f. Served by Chapel Hill transit (bus stop on-site or within a quarter of a mile)
- g. Support the Town's planned bicycle/pedestrian infrastructure with improvements and connections required by this ordinance
- h. Support environmental equity through access to greenways and parks as required by this ordinance and the district-specific site plan
- i. Protection of existing habitat corridor(s) along stream corridors
- j. Only native plantings in perimeter landscape buffer areas
- k. Meet 100-year storm event for stormwater management to address increased risk of nuisance flooding as required by this ordinance
- l. Shaded outdoor structures will be provided in outdoor recreation areas (dog park and amenity courtyards) to reduce extreme heat impacts

Homeowner Association

29. Applicability: The Homeowner Association conditions shall apply for development with individual ownership. Should a development add for-sale units or convert rental units to ownership, the following conditions shall apply.

30. Homeowners' Association: A Homeowners' Association shall be created that has the capacity to place a lien on the property of a member who does not pay the annual charges for maintenance of all common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final plat. The Homeowners' Association documents shall comply with LUMO 4.6.7. The

Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.

31. 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.
32. Dedication and Maintenance of Common Area to Homeowners' Association: The developer shall provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common areas, however designated, including the community garden; recreation space; open space and common areas; the bufferyards; and stormwater management facilities. That the Homeowners' Association shall be responsible for the maintenance of the proposed internal subdivision roads until NCDOT or the Town assumes ownership of the internal streets. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross-referenced on the final plat.
33. Solar Collection Devices: The Homeowners' Association, or similar entity, shall not include covenants or other conditions of sale that restrict or prohibit the use, installation, or maintenance of solar collection devices, including clotheslines.

Miscellaneous

34. Architectural Elements: The developer shall provide building architectural elements for at least two entrances to the building in Pod 2 that align with the architectural elements of Building 1. These architectural elements may include, but are not limited to, stoops, steps, or porches.
35. Town Design Manual: Except as specified elsewhere in this Ordinance, the developer shall comply with all standards of the Public Works Engineering Design Manual, as applicable to the project.
36. State or Federal Approvals: Any required State or federal approvals, permits, or encroachment agreements, including but not limited to NCDOT approvals and 401/404 permits, shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
37. Detailed Plans: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to the district-specific plan approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Public Works Engineering Design Manual. [LUMO 4.4.7]
38. 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.

39. Cumulative Tracking: Each Final Plans Zoning Compliance Permit application shall include a cumulative tally of the existing and proposed:
 - a. Floor area
 - b. Unit counts (by housing type and including affordable units)
 - c. Trip generation (including total daily vehicle trips)
 - d. Tree canopy
 - e. Impervious surface
 - f. Land disturbance
 - g. Resource Conservation District (RCD) disturbance
 - h. Bicycle parking spaces
 - i. Vehicular parking spaces (including electric vehicle parking space)
40. Invasive Exotic Vegetation: The developer shall remove all invasive exotic species of vegetation as identified by the Southeast Exotic Pest Plant Council (SE-EPPC) and in Section 5.7.6 of the Land Use Management Ordinance (LUMO) from all areas located within the limits of disturbance. Prior to issuance of a Zoning Compliance Permit, the developer shall identify all invasive exotic species of vegetation within the limits of disturbance or other areas, as deemed necessary by the Town Manager.
41. Community Design Commission (CDC) Review: The Community Design Commission shall review building elevations, site lighting, and the location and screening of all HVAC equipment prior to issuance of a Zoning Compliance Permit for a particular phase or building. After construction of all buildings is completed, CDC review is not required for subsequent changes to building elevations or site lighting that do not require a Zoning Compliance Permit.
42. Construction Sign Required: Prior to starting any land-disturbing activity, the developer shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. The sign shall be non-illuminated and shall consist of light letters on a dark background. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.4]
43. Street Names and Numbers: The development's streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for street construction and/or building construction.
44. Vested Right: This Conditional Zoning constitutes a site-specific vesting plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160D-108.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.
45. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.

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

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

BE IT FURTHER ORDAINED that the Council hereby approves the application for Conditional Zoning for Old Chapel Hill Apartments at 11 White Oak Drive.

This the __th day of __, 2025.