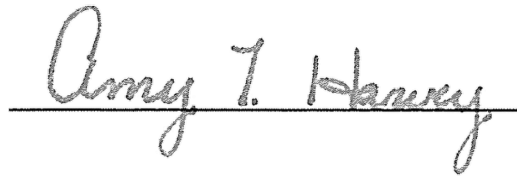


I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2024-04-17/O-9) enacted as amended by the Chapel Hill Town Council on April 17, 2024.

This the 25th day of April, 2024.

A handwritten signature in cursive script, reading "Amy T. Harvey", is written over a horizontal line.

**Amy T. Harvey
Deputy Town Clerk**



ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 1708 AND 1712 LEGION ROAD FROM RESIDENTIAL-2 (R-2) AND RESIDENTIAL-4 (R-4) TO RESIDENTIAL-COMMUNITY PRIORITY-CONDITIONAL ZONING DISTRICT (R-CP-CZD) (PROJECT #CZD-24-1) (2024-04-17/O-9)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Taft Mills Group, on behalf of property owner Picks Enterprises, LLC, to rezone a 3.33-acre assemblage of parcels located at 1708 and 1712 Legion Road on property identified as Orange County Property Identifier Numbers 9799-46-5105 and 9799-45-6975, to allow development of a multifamily building and finds that the amendment to the Zoning Atlas is:

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

WHEREAS, the application, if rezoned according to the Community Priority Rezoning Plan dated February 14, 2024, 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.

WHEREAS, the Council of the Town of Chapel Hill finds, in this particular case that a vesting period exceeding two years is warranted because the Town has a strong need for affordable housing.

MODIFICATIONS TO REGULATIONS

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

- 1) LUMO Section 3.6.3: Resource Conservation District (RCD): Table 3.6.3-2 Permitted Uses within Resource Conservation District.** Permit detention/retention basin and associated infrastructure within the stream side zone of the Resource Conservation District.

This finding is based on a determination that the public purposes are satisfied to an

equivalent or greater degree because locating detention and retention basin infrastructure outfalls in the stream side zone accommodates the grade of the site and mitigates erosion of the riparian buffer by locating pipe outfalls at the stream bank in locations shown on the Community Priority Rezoning Plan within the stream side zone.

2) LUMO Section 3.6.3(f): Resource Conservation District (RCD): Dimensional regulations in RCD. Modify dimensional regulations as shown below:

Dimensional Requirement	Stream Side Zone
Disturbed area ratio	0.25

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the increased disturbance is associated with stormwater management infrastructure.

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-Community Priority-Conditional Zoning District (R-CP-CZD).

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

SECTION I

The following Orange County parcels identified by Parcel Identifier Number (PIN) 9799-46-5105 and 9799-45-6975, described below, along with the area extending to the centerline of the adjoining Legion Road right-of-way, shall be rezoned to Residential-Community Priority-Conditional Zoning District (R-CP-CZD):

Tract 1 (9799-45-6975):

BEGINNING at a stake in the southeast side of the American Legion Road, at the northwestern corner of the property of the Chapel Hill Post No. 6, American Legion, Inc. and running thence south 34° 46' 33" east 581.90 feet to a stake; thence south 46° 44' 25" west 204.15 feet to a stake; thence 45° 49' 41" west 350.22 feet to a stake; thence north 45° 38' 08" east 209.42 feet to a stake; thence north 44° 51' 30" west 212.37 feet to a stake on the southeast side of American Legion Road north 41° 34' 30" east 102.64 feet to a stake in the point of BEGINNING, containing 2.33 acres more or less, and being the same property conveyed to Grantor by deed recorded in Book 1025, Page 388, Orange County Registry.

Tract 2 (9799-46-5105):

ALL that certain lot or parcel of land situated, lying and being on the southeast side of Old Chapel Hill-Durham Road and more particularly described as BEGINNING at a point in the center of the said road, a corner of the property this day conveyed by J. H. McFarland and wife, Mary Broadwell; running thence along the center of the said road, North 40° East 210 feet to a stake, a new corner with other property of J. H. McFarland; running thence South

50° East 210 feet to a stake; running thence South 40° West 210 feet to a stake, corner of the Mary Broadwell lot; running thence with the line of the said lot North 50° West 210 feet to the BEGINNING, containing 1 acres, more or less, as surveyed by J. Ralph Weaver, Registered Surveyor on January 14, 1953.

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 4 years from the date of this approval or the land shall revert to its previous zoning designation. [LUMO 4.4.5(I)]
2. Consent to Conditions: This approval is not effective until the property owner(s) provides written consent to the approval. Written consent must be provided within ten (10) business days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

Land Use Intensity	
Permitted Uses	Multi-family, over 10 units, attached or detached; Customary accessory uses
Net Land Area (NLA)*	145,055 sq. ft.
Gross Land Area (GLA)*	159,561 sq. ft.
Maximum Floor Area	62,000 sq. ft.
Permitted Dwelling Units	42-60 units
Dimensional Regulations	Per LUMO
Minimum Affordable Units	See Affordable Housing Plan
Minimum and Maximum Vehicular Parking	Per LUMO (accounts for allowable 20 percent reduction to minimum required spaces per dwelling unit type in R-CP-CZD) 0.80 – 1.25 spaces per dwelling unit, 1 bedroom 1.12 space – 1.75 spaces per dwelling unit, 2 bedrooms
Minimum Electric Vehicular (EV) Parking	100% of parking spaces shall be EV-capable
Minimum Bicycle Parking	1 space per 4 dwelling units
Maximum Total Impervious Surface	Per LUMO (70% of GLA)
Maximum Land Disturbance	100,000 sq. ft.
Resource Conservation District Maximum Land Disturbance	6,138 sq. ft.
Minimum Tree Canopy Coverage	Per LUMO (30% of NLA)

Minimum Recreation Space	Per LUMO (0.05 of GLA)
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*to be confirmed by survey prior to issuance of a Final Plans Zoning Compliance Permit

4. Impervious Surfaces and Land Disturbance: This approval limits the amount of impervious surface and land disturbance as indicated in the above Land Use Intensity Table. These limits apply to the entire project site, including areas within the Resource Conservation District and areas containing steep slopes.
 - a. An increase in the maximum impervious surface area, RCD impervious surface area, RCD land disturbance area, or steep slopes land disturbance area shall constitute a major modification.
 - b. An increase in 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. Increases in land disturbance associated with stream restoration shall not be counted toward the cumulative total.
 - c. Modifications procedures as outlined in LUMO 4.4.6 shall apply.

Affordable Housing

5. Affordable Housing Plan: The developer shall provide the following:
 - a. Affordable Units: 100 percent of the homes will be affordable units.
 - b. Unit Size: The affordable units will include 1-bedroom and 2-bedroom units.
 - c. Pricing: 100 percent of the affordable units will be reserved for those households earning 60 percent or less of the area median income (AMI). AMI will be based on income data published annually by the U.S. Department of Housing and Urban Development for the Durham-Chapel Hill Metropolitan Statistical Area. ~~Pricing will 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.~~ Maximum rental prices shall be calculated based on 30% of monthly household income at the specified AMI levels, minus housing-related utilities (heat, water, sewer, electric, and gas) and fees required by the owner or property manager. Area Median income shall be calculated assuming 1.5 persons per bedroom.
 - d. Affordability Period: The affordable units will be affordable for a period of at least thirty (30) years from the receipt of a Certificate of Occupancy.
6. Affordable Housing Performance Agreement: Prior to the issuance of a Zoning Compliance Permit, 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.
7. Housing Vouchers: The developer agrees to accept Housing Choice Vouchers issued by the Orange County Housing Authority or successor agency for any unit in the project.

Environment

8. Stormwater Performance Guarantee: A stormwater performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the

requirements of LUMO 4.9.3 prior to the approval of Constructional plans. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The developer shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

Upon completion of the stormwater control measures(s) and other improvements and acceptance by the Town after final site inspection, the one hundred and twenty-five percent (125%) of the performance surety shall be released to the developer and a maintenance bond in an amount of twenty-five (25) percent of the construction cost estimate shall 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]

9. Stormwater Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a stormwater impact analysis demonstrating that post-development peak flow rates for 1-year, 2-year, 25-year, and 100-year 24-hour storm events do not exceed pre-development peak flow rates.
10. 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]
11. 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]
12. 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]

13. 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]
14. Undisturbed Area: The developer shall not disturb the area southeast of the stream, the approximate location of which is identified on the Community Priority Rezoning Plan.

Transportation, Access, and Connectivity

15. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
16. Street Lighting: The developer shall install street lighting or upgrade existing street lighting along the site frontages as required by the Town Manager with approval by the North Carolina Department of Transportation (NCDOT), if applicable prior to approval of a Zoning Final Inspection. The design shall be approved by the Town Manager and the NCDOT prior to issuance of a Zoning Compliance Permit.
17. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existing on the roadways.
18. Fire Apparatus Access for Chapel Hill Fire Department: All fire department access determinations shall be based upon Chapel Hill Fire Department apparatus specifications (data specifications provided by Office of the Fire Marshal/Life Safety Division) and field verification. All proposed fire department access designs shall be reviewed and shall also pass field inspection.
19. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Association of Pedestrian and Bicycle Professionals Guidelines.
20. Bus Service: In compliance with federal law, ADA-compliant access to nearby transit stops shall be maintained during and following construction. The developer shall coordinate with Chapel Hill Transit to identify serviceable temporary stops and pedestrian detours if construction is anticipated to impede access to existing transit stops. The developer shall provide Chapel Hill Transit a minimum of ten (10) days' notice of activities impacting transit stops or transit service.
21. Novus Lane Alignment: Prior to issuance of a Final Plans Zoning Compliance Permit, the developer shall submit a site plan that demonstrates the entrance drive aligns with Novus Lane for vehicular traffic.
22. Legion Road Curb Ramp: Prior to issuance of a Zoning Final Inspection, the developer shall construct an ADA-compliant curb ramp at the northeast corner of the Legion Road and Novus Lane intersection, subject to Town approval. The developer shall not be required to provide a pedestrian crosswalk across Legion Road at this location.

23. Sight Distance Triangles: Prior to issuance of a Zoning Final Inspection, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. [Town Design Manual]
24. Internal Pedestrian Connection: Prior to issuance of a Zoning Final Inspection, the developer shall demonstrate a good faith effort to provide a pedestrian connection at the eastern property boundary within the limits of disturbance shown on the Community Priority Rezoning Plan.

Sustainability

25. Energy Efficient Building Design: The developer shall design and build a project that meets Energy Star Multifamily New Construction v1.1 certification.
 - a. Prior to issuance of a Zoning Compliance Permit (ZCP) , the developer shall submit to staff for their review and approval documentation demonstrating that the project is pursuing the aforementioned certification in accordance with the Energy Star Multifamily New Construction Certification Process.
 - b. Prior to issuance of a Certificate of Occupancy (CO), the developer shall submit to staff documentation demonstrating that the project has been certified and meets the Energy Star Multifamily New Construction v1.1 design standard.
26. Electric Vehicle Infrastructure: The developer shall ensure that their facilities support the use of current and future levels of electric vehicles by their residents and visitors by supplying the following, consistent with Town Council policy:
 - a. Each unit with on-site parking that serves a multifamily dwelling shall be provided with a minimum of 1 EVSE-Capable parking space. EVSE-Capable means that a continuous raceway or conduit has been installed connecting a parking space to an electrical panel or a space reserved for a future electrical panel.
 - b. All initial and future EV charging designs should ensure that each EVSE-equipped parking space is capable of providing at least 6.6 kW. Designs must also adhere to U.S. Access Board’s most recently updated version of the Design Recommendations for Accessible Electric Vehicle Charging Stations.
 - c. Prior to issuance of a Zoning Compliance Permit, site designs for all initial and future EV charging shall be reviewed and approved by Town staff.
27. Climate Action Plan: Prior to issuance of a Zoning Compliance Permit (ZCP), the developer shall submit a Climate Action Plan on the appropriate form prescribed by the Town Manager that includes, at a minimum, the following climate action commitments:
 - a. All-electric building and site design
 - b. All-electric appliances
 - c. Solar-ready building design
 - d. Sustainable building materials and resource use equivalent to meeting LEED standard
 - e. LED lighting only for interior spaces
 - f. LED lighting only for exterior spaces, including street/parking lot lighting (3000 Kelvin or lower)
 - g. WaterSense-rated appliances and equipment only
 - h. Energy Star-rated appliance and equipment only
 - i. Supports environmental equity through access to greenways and parks
 - j. Protects existing natural habitat corridor(s)
 - k. Native and drought-tolerant landscape plantings only
 - l. No irrigation with potable water

Homeowner Association

28. 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.
29. 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 Section 4.6.7 of the Land Use Management Ordinance. The Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.
30. 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.
31. 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. 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.
32. 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

33. Lot Subdivision/Recombination - Recombination Plat: Prior to issuance of the first Zoning Compliance Permit, a recombination plat application combining the development site lots shall be approved by the Town and recorded at the Orange County Register of Deeds.
34. Privacy Fence: The developer shall install a privacy fence that is approximately parallel to the southwest property line. At a minimum, the fence shall extend from approximately the street setback to the Resource Conservation District boundary. The fence shall not encroach into the street setback. The opacity of the fence shall be at least 70 percent.
35. Orange County Solid Waste (OCSW) Construction Waste Note: Prior to issuance of a Final Plans Zoning Compliance Permit, the following notes must be added to the site plan.
 - a. OCSW Construction Waste Requirements:
 - i. All existing structures 500 square feet and larger shall be assessed prior to the

issuance of a demolition permit to ensure compliance with the County's Regulated Recyclable Materials Ordinance (RRMO) and to assess the potential for deconstruction and/or the reuse of salvageable materials. Contact the Orange County SW Enforcement Officer at 919-968-2788 to arrange for the assessment.

- ii. Pursuant to the County's RRMO, clean wood waste, scrap metal, and corrugated cardboard present in construction or demolition waste must be recycled.
 - iii. Pursuant to the County's RRMO, all haulers of mixed construction and demolition waste which includes any regulated recyclable materials shall be licensed by Orange County.
 - iv. Prior to any demolition or construction activity on the site, the applicant shall hold a pre-demolition/pre-construction conference with Solid Waste staff. This may be the same pre-construction meeting held with other development/enforcement officials.
 - v. The presence if any asbestos containing materials ('ACM') and/or other hazardous materials shall be handled in accordance with any and all local, state, and federal regulations and guidelines.
36. 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.
37. 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]
38. 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]
39. 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.
40. 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 Community Priority Rezoning 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 Design Manual. [LUMO 4.4.5]

41. 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.
42. 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]
43. Community Design Commission (CDC) Review Not Applicable: No Community Design Commission review or approval is required for this project [LUMO 4.4.5].
44. 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]
45. 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]
46. As-Built Plans: Prior to the issuance of a Zoning Final Inspection, 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]
47. 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.
48. 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. The vesting period of this site-specific vesting plan shall be four years from the date of the approval of this Conditional Zoning. 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.

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

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

51. 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 Longleaf Trace at 1708 and 1712 Legion Road.

This the 17th day of April, 2024.

April 22, 2024

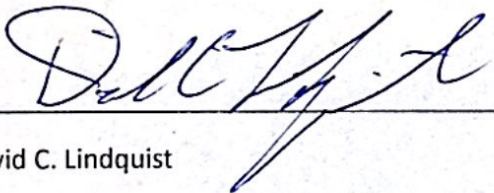
Town of Chapel Hill
Attn: Katherine Shor
Planning Department
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

Re: Consent to Conditions of Approval of Rezoning for Property located at 1708-1712 Legion Road Road in Chapel Hill NC.

Dear Town of Chapel Hill Planning Department:

As the managing member PiCKS Enterprises, LLC, the entity owning property located at 1708-1712 Legion Road in Chapel Hill NC, parcel numbers 9799465105 and 9199456975, please accept this letter as written consent to the Conditional Zoning approved by the Chapel Hill Town Council on April 17, 2024. We hereby agree to all terms and conditions reflected in the Ordinance for said project.

Sincerely,

A handwritten signature in blue ink, appearing to read "David C. Lindquist", is written over a horizontal line. The signature is stylized and cursive.

David C. Lindquist

Member/Manager

PiCKS Enterprises, LLC