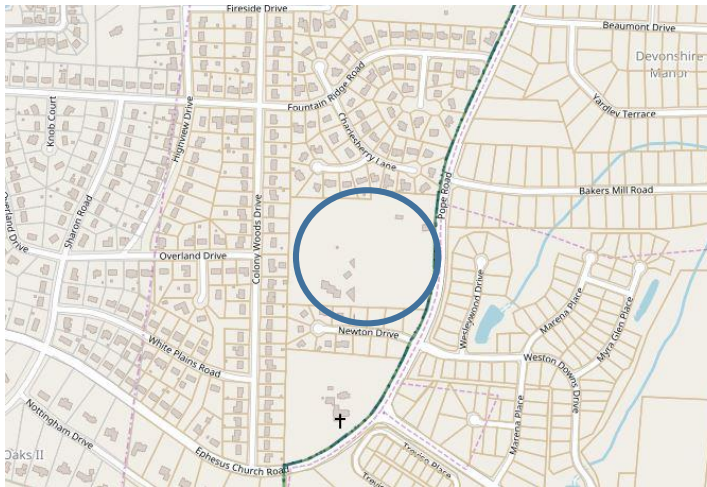




**CONSIDER AN APPLICATION FOR SPECIAL USE PERMIT MODIFICATION - MONTESSORI COMMUNITY SCHOOL**

**STAFF REPORT**

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES  
 Ben Hitchings, Director  
 Judy Johnson, Interim Operations Manager  
 Aaron Frank, Senior Planner

<p><b>PROPERTY ADDRESS</b> 4512 Pope Road</p>	<p><b>PUBLIC HEARING DATE</b> November 15, 2017</p>	<p><b>APPLICANT</b> Montessori Community School</p>
<p><b>TOWN MANAGER’S RECOMMENDATION</b>          I have reviewed and discussed key issues with Town staff. Based on the information in the record to date, I believe the Council could make the findings required to approve the application with the conditions in the attached Revised Resolution A and approve the requested modifications to regulations.</p>		
<p><b>UPDATES SINCE PUBLIC HEARING</b>          Two stipulations in Resolution A have been revised in response to the Public Hearing. Stipulation #4 requires that the applicant construct the entire segment of sidewalk along the property frontage, and Stipulation #13 requires public notification prior to review of the final lighting plan. The applicant agrees with the revisions to Resolution A.</p>		
<p><b>PROCESS</b>          The application is before the Council for approval of a Special Use Permit Modification. The Council must consider the <b>four findings</b> for approval of a Special Use Permit, which indicate that the use or development:</p> <ol style="list-style-type: none"> <li>1. is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;</li> <li>2. would comply with all required regulations and standards of the Land Use Management Ordinance;</li> <li>3. is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and</li> <li>4. conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.</li> </ol>	<p><b>DECISION POINTS</b>          The developer requests a Modification to Regulations for the following:</p> <ul style="list-style-type: none"> <li>• Increase vehicular parking by 38 spaces to allow a maximum of 122 spaces.</li> <li>• Reduce eastern buffer from a 30-foot Type D buffer to a 30-foot Type C and 20-foot Type C buffer. This modification was originally approved in 2005, and the buffer as described in this modification currently exists.</li> </ul>	
<p><b>PROJECT OVERVIEW</b>          The Montessori School proposes a Special Use Permit Modification to expand its campus for construction of a gymnasium/auditorium and instructional and administrative facilities, and to expand enrollment by 25 students. The proposal will add 23,550 square feet of floor area, 38 vehicular parking spaces and 30 bicycle spaces, and 75,751 square feet of impervious surface.</p> <p>The southern portion of the property is zoned Office/Institutional-2 (OI-2), and the north side of the property is zoned Residential-2 (R-2).</p>	<p><b>PROJECT LOCATION</b></p> 	
<p><b>ATTACHMENTS</b></p>	<ol style="list-style-type: none"> <li>1. Changes to Revised Resolution</li> <li>2. Revised Resolution A</li> <li>3. Resolution B</li> <li>4. Draft Staff Presentation</li> <li>5. Submitted Plans</li> <li>6. Application Form &amp; Materials</li> <li>7. Project Summary Form</li> <li>8. Response to Standards</li> </ol>	

<b>PROPERTY ADDRESS</b> 4512 Pope Road	<b>PUBLIC HEARING DATE</b> November 15, 2017	<b>APPLICANT</b> Montessori Community School
---	---	---

**NEW AND AMENDED STIPULATIONS INCLUDED IN REVISED RESOLUTION A**

4. Sidewalk: The developer shall construct sidewalk along the entire property's Pope Road frontage, ~~except for northernmost 30 feet prior to issuance of a Certificate of Occupancy. A payment in lieu for the remaining portion, with the amount to be reviewed and approved by the Town Manager, is due prior to issuance of a Zoning Compliance Permit.~~

*Staff Response:* At the November 15, 2017 Public Hearing, Council members expressed concern about the applicant's proposal to offer a payment in lieu rather than construct the northernmost 30' of sidewalk along the property frontage. The applicant agrees to the revised stipulation that now requires sidewalk construction across the entire Pope Road property frontage.

13. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve a lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) off-site spillage of light. Property owners within 500 feet will be notified of the meeting. [LUMO 8.5.5]

*Staff Response:* At the November 15, 2017 Public Hearing, Council members expressed interest in the applicant's lighting plan and the luminosity of proposed light fixtures. Considering the interest in light spillover, the applicant agrees to the revised language in Stipulation #29 to ensure that adjacent residents are notified of the opportunity to review final lighting plans before the Community Design Commission and before the project is constructed.

**REVISED RESOLUTION A**

(Approving the Special Use Permit Modification Application)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR MONTESSORI COMMUNITY SCHOOL CAMPUS EXPANSION AT 4512 POPE ROAD (PROJECT #17-017) (2018-01-24/R-12)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed by Montessori Community School, for Montessori Community School Campus Expansion, located at 4512 Pope Road on property identified as Durham County Property Identifier Number 0709-03-04-0858, if developed according to the Site Plan dated February 23, 2017 and last revised July 21, 2017 and the conditions listed below would:

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

**MODIFICATIONS TO REGULATIONS**

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

Section 5.6.6 Required Buffer Schedule requirements to allow a Type C buffer rather than a Type D buffer adjacent to Pope Road. This finding is based on the determination that a Type C buffer exists and is sufficient at this location.

Section 5.9.7 Maximum Off-Street Parking space requirements to increase the maximum number of vehicular parking spaces permitted by LUMO by 62 spaces to a total of 122 parking spaces. This finding is based on the determination that the school has many young students that require parent escort during student pick-up and drop-off, and LUMO parking regulations do not account for this transportation type.

**STIPULATIONS SPECIFIC TO THE MONTESSORI COMMUNITY SCHOOL**

1. Construction Deadline: That construction begin by January 17, 2023 (five years from the date of approval) to be completed by January 17, 2030 (twelve years from the date of approval). [LUMO 4.5.5]
2. Land Use Intensity: This Special Use Permit Modification authorizes the following:

Use: School	
Maximum Floor Area	52,440 sq. ft.
Total Impervious Surface	170,694 sq. ft.
Maximum Parking Spaces	122 spaces
Minimum Bicycle Parking Spaces	30 spaces
Land Disturbance	200,836 sq. ft.

Transportation

3. Pope Road Improvements: That prior to issuance of a Certificate of Occupancy, Pope Road will be improved with additional five feet of pavement along the southbound side for a future bike lane. The

design and construction details must be approved by the Town Manager and N.C. Department of Transportation prior to issuance of a Zoning Compliance Permit.

4. Sidewalk: The developer shall construct sidewalk along the entire property's Pope Road frontage.
5. Transportation Management Plan (TMP): Prior to issuance of a Zoning Compliance Permit, it will be necessary to submit an updated Transportation Management Plan, subject to Town Manager approval. The Transportation Management Plan shall include the following:
  - A focus on carpooling in the Transportation Management Plan for staff as well as encouraging patrons of the school to carpool through various strategies.
  - The appointed TMP Champion will work with the Town of Chapel Hill's Transportation Demand Management (TDM Community Manager to develop strategies to be added to the existing TMP encouraging staff to get to and from work without a car when possible. Strategies could include carpooling, car-share program, compressed work weeks, flexible schedules and more.
  - The school will register with the area's no charge Emergency Ride Home Program.
  - Employee electric vehicle car ownership, ridesharing, and public transit usage shall be tracked and reported.[LUMO 4.5.2]
6. Mid-Block Pedestrian Crossing: The developer shall provide a mid-block pedestrian crossing across Pope Road, subject to NCDOT approval, provided that additional road widening is not required and NCDOT sight distance requirements can be obtained.
7. Bicycle Parking: A minimum of 10 bicycle parking spaces shall be provided with each phase of development, if the project is built in phases. The bicycle parking provided shall meet requirements for Class I & Class II spaces.
8. Parking Lot Material: The developer shall use non-asphalt pavement materials for the new parking areas to reduce urban heat island and stormwater runoff impacts.
9. Drop-Off Area: Prior to issuance of a Zoning Compliance Permit, the following recommendations from NCDOT shall be incorporated into the School's Parent Handbook and provided in the narrative of the Zoning Compliance Permit:
  - Because parents of Toddler, Primary and Elementary students are required to park and escort their children into the facility, access to the section 1 and 2 parking lots shall always remain open.
  - A maximum of 100 students shall be released during each afternoon loading period because this school provides 350 feet of on-campus single queue length. Double queuing will block access to Section 1 parking.
  - If the parent queue blocks access to the parking lot or exceeds the 350 feet of on campus single queue, a traffic director shall instruct parents in the queue to park.
  - The three afternoon loading periods shall be separated by 30 minutes to prevent overlap and traffic delays.
10. Electric Vehicle Charging Spaces: The applicant shall provide conduit for two electric vehicle charging spaces and provide two electric car charging stations.
11. Vehicular Access Limitations to Track Area: That vehicular access to the track shall be identified on the plans as restricted to emergency and special delivery vehicles, with collapsible bollards or similar devices, subject to Town Manager approval.

#### Lighting

12. Lighting: All exterior light fixtures shall utilize photocells, motion sensors and/or timers for lighting controls. Following construction the developer shall offer a meeting with adjacent residents to evaluate and retrofit site lighting as necessary to respond to any community concerns.
13. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve a lighting plan for this site and shall take additional care during review to

ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) off-site spillage of light. Adjacent residents shall be notified of this meeting by postcard. [LUMO 8.5.5]

Landscape

14. Landscape Buffers:

<b>Location</b>	<b>Proposed Buffers</b>
Eastern Property Line (Pope Road frontage)	30' Type C buffer south of service drive, 20' Type C buffer north of service drive
Northern Property Line (towards Roper Lane)	20' Type C Buffer
Western Property Line (towards Colony Woods Dr.)	20' Type C Buffer
Southern Property Line (towards Newton Dr.)	20' Type C Buffer

15. Supplemental Buffer: That the applicant shall provide and maintain a supplemental 20-foot 'Type-C' Landscape Buffer between the southern constructed wetland and the required 20 foot 'Type-C' Landscape Buffer. Adjacent to this supplemental buffer and extending along the southern edge of the buried storm water pipe the applicant will maintain a dense screen of evergreen plant material in areas in which existing vegetation permits.

Building Sustainability

16. Sustainable Building Technologies: The developer shall consider using solar thermal technology and/or a green roof in lieu of providing photovoltaic cells. The applicant shall submit a report of its proposed use of sustainable building technologies to the Environmental Stewardship Advisory Board prior to issuance of a Zoning Compliance Permit.

Miscellaneous

17. Construction Management Plan: That a Construction Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance. [LUMO 4.5.2, TOWN CODE 17-42]

That the weekday hours of construction shall not start before 7:30 a.m. and shall end no later than 5:00 p.m. That Saturday hours of construction shall not start before 10:00 a.m. and shall end no later than 5:00 p.m. No Sunday hours of construction shall be permitted. Certain holidays shall also be restricted including December 25th, New Years Day, and the day following each of those if the holiday falls on a Sunday, Martin Luther King Day, Memorial Day, July 4th, Labor Day and Thanksgiving. Prior to issuance of a Zoning Compliance Permit, the applicant shall submit a schedule of operations that could result in objectionable noise to the Town Manager for approval. Once approved the schedule of operations shall be restricted by the hours listed above and a note to this effect shall be included on the plans. Noise generating construction activities shall be minimized on Saturdays whenever possible. Operations which do not generate objectionable noise will not be restricted. Any extension of these hours, for specific operations, shall be approved by the Town Manager.

## STANDARD STIPULATIONS

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

### Environment

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

### Transportation

20. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, it will be necessary to repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design must be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [TOWN CODE 6.10]
21. Street Closure Plan: That prior to the issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager approval, for any work requiring street, sidewalk, or lane closures. [TOWN CODE 21-7.1]
22. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, it will be necessary to provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager. The Work Zone Traffic Control Plan shall comply with the Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [TOWN CODE 17-47]
23. Bicycle Parking: That prior to the issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details for the bicycle parking spaces that comply with Town parking standards. The bicycle parking design must comply with the spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines, and the Class I and Class II bicycle parking standards required by the Town Design Manual. [LUMO 5.9.7]
24. Parking Lot Standards: Prior to issuance of a Certificate of Occupancy, the developer shall construct the parking lot and drive aisles to Town standards for pavement design and dimensions. [TOWN CODE 5.9.5]

### Landscape and Architecture

25. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include which trees will be removed and which will be preserved, critical root zones of all rare and specimen trees, and clearly indicate names and species. [LUMO 5.7.3]
26. Tree Protection Fencing Prior to Construction: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. Tree protection fencing shall be provided around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval. [LUMO 5.7.3]
27. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. The Plan shall include canopy trees that are proposed to shade any surface parking areas. [LUMO 4.5.3]

28. Tree Canopy: That the final plans exhibit 40 percent canopy coverage through a combination of retained and replanted trees. [LUMO 5.7.2]
29. Demolition Plan: Prior to beginning building demolition, it will be necessary to obtain a Demolition Plan showing how materials will be recycled.
30. Steep Slopes: That prior to issuance of a Zoning Compliance Permit, the applicant shall include a map indicating how development and construction will comply with the steep slopes regulations in the Land Use Management Ordinance, subject to Town Manager review and approval. [LUMO 5.3.2]
31. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve a lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) off-site spillage of light. Adjacent residents shall be notified of this meeting by postcard. [LUMO 8.5.5]
32. Community Design Commission Approval: Prior to issuance of a Zoning Compliance Permit, the developer shall obtain Community Design Commission approval of building elevations. [LUMO 8.5.5]
33. Stormwater Management Plan: That this project must comply with the Section 5.4 Stormwater Management of the Land Use Management Ordinance. [LUMO 5.4]
34. Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the applicant shall inspect the erosion and sediment control devices and offsite roadways daily, make any necessary repairs or adjustments to the devices, remove deposition of wet or dry silt on adjacent roadways and maintain inspection logs documenting the daily inspections and any necessary repairs. [TOWN CODE Chapter 5]
35. Erosion Control Bond: If one acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. [TOWN CODE Chapter 5]
36. Silt Control: That the developer take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways. [LUMO 4.5.2; TOWN CODE Chapter 5]
37. Curb Inlets: The developer shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way. [TOWN CODE Chapter 5]
38. As-Built Plans: That 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. [LUMO 4.9.2]
39. On-Site/Adjacent Stormwater Features: That the final plans locate and identify existing site conditions including all on-site and adjacent stormwater drainage features on the plans prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris. [LUMO 5.4]
40. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy.

#### Water, Sewer, and Other Utilities

41. Utility/Lighting Plan Approval: That the final utility/lighting plan shall be approved by Orange Water and Sewer Authority, Duke Energy, and other local utility service providers, and the Town Manager

before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit. [LUMO 4.5.3]

42. Lighting Plan: That prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans and other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including submission of a lighting plan, providing for adequate lighting on public sidewalks, including driveway crossings, and beneath awnings, demonstrating compliance with Town standards, sealed by a Professional Engineer, for Town Manager review and approval. [LUMO 5.11]
43. Relocation of Overhead Utilities Underground: Prior to issuance of a Certificate of Occupancy, it will be necessary to provide for the underground installation of all public utilities as specified by Section 5.12.2 in the Land Use Management Ordinance. [LUMO 5.12.2]
44. Water/Sewer Line Construction: That all public water and sewer plans be approved by OWASA and constructed according to their standards. Where sewer lines are located beneath drive aisles and parking areas, construction methods approved by OWASA shall be employed to ensure that sewer lines will not be damaged by heavy service vehicles. That prior to issuance of a Zoning Compliance Permit, final plans shall be approved by OWASA and the Town Manager. [LUMO 5.12.1]
45. OWASA Approval: That prior to issuance of a Zoning Compliance Permit, easement plats and documentation as required by OWASA and the Town Manager shall be recorded if necessary. [LUMO 5.12.1]

#### Fire

46. Firefighting Access during Construction: That as required by NC Fire Code (Section 1410.1 Required Access), vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. [NC Fire].
47. Fire Flow Report: That the Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. An OWASA flow test must be provided with the report. Fire flow shall meet the 20 psi or exceed the requirements set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [Town Design Manual]
48. Automatic Sprinkler System: That the applicant shall install automatic sprinkler systems in accordance with Town Code and NC Fire Code. [TOWN CODE 7-56]
49. Hydrants Active: That the applicant shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. That fire protection systems shall be installed according to Town Ordinance, the NC Fire Code, and NFPA 13. [NC Fire Protection Code Section 507.5.6]
50. Fire Hydrant and FDC Locations: That the Final Plans shall indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. NC Fire Protection Code Section 507.5.6]
51. Fire Hydrant Accessibility: That all structures must be located within 500 feet of a fire hydrant. That the applicant maintains a 50-foot maximum distance between fire hydrants and fire department connections, in a clearly visible and accessible location on the street side of buildings.



## Solid Waste Management and Recycling

52. Solid Waste Management Plan: That prior to issuance of a Zoning Compliance Permit, a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager. The plan shall include dimensioned, scaled details of any proposed refuse/recycling collection areas, associated screening, and protective bollards, if applicable. Each bulk waste container shall be labeled as to type of material to be collected. [LUMO 5.13]

## State and Federal Approvals

53. State or Federal Approvals: That any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit. [NC State; Federal Permits]
54. 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

55. Traffic and Pedestrian Control Plan: That the developer shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least five working days prior to any proposed lane or street closure, the developer must apply to the Town Manager for a lane or street closure permit. [LUMO 4.5.2, TOWN CODE 17-42]
56. Construction Sign Required: That the developer shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. (§5.14.3(g) of Land Use Management Ordinance). The sign shall be non-illuminated, and shall consist of light letters on a dark background. That prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.3]
57. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited. [TOWN CODE, Article 9]
58. Detailed Plan Review and Approval: Prior to issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved. Such plans shall conform to plans approved by the Council and demonstrate compliance with all applicable regulations and standards of the Land Use Management Ordinance and Design Manual.

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

59. As-Built Plans: That prior to issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. The developer shall

also contact the Town's Engineering and Design Services Division for address assignment of each unit.  
[LUMO 4.5.3]

60. Vested Right: This Special Use Permit Modification constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance.
61. Continued Validity: That continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
62. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit Modification for the Montessori Community School Expansion at 4512 Pope Road.

This the 24<sup>th</sup> day of January 2018.

**RESOLUTION B  
DENYING THE SPECIAL USE PERMIT MODIFICATION**

**A RESOLUTION DENYING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR MONTESSORI COMMUNITY SCHOOL CAMPUS EXPANSION AT 4512 POPE ROAD (PROJECT #17-017) (2018-01-24/R-13)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed by Montessori Community School, for Montessori Community School Campus Expansion, located at 4512 Pope Road on property identified as Durham County Property Identifier Number 0709-03-04-0858, if developed according to the Site Plan revised February 23, 2017 and the conditions listed below would:

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

BE IT FURTHER RESOLVED that the Council hereby denies the application for a Special Use Permit Modification for the Montessori Community School Campus Expansion at 4512 Pope Road.

This the 24<sup>th</sup> day of January, 2018.