

**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 (2024-09-11/R-4) adopted by the Chapel Hill Town Council on September 11, 2024.**



**This the 3<sup>rd</sup> day of October, 2024.**

**Amy T. Harvey  
Deputy Town Clerk**

## **RESOLUTION A**

(Approving the Special Use Permit Application)

### **A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 207 AND 209 MEADOWMONT LANE (PROJECT SUP-24-2) (2024-09-11/R-4)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that a Special Use Permit application submitted by McAdams, on behalf of property owner Murray Hill LLC for development located at 207 and 209 Meadowmont Lane on property identified as Orange County Property Identifier Numbers 9798-75-3478, 9798-75-4547, and Durham County Property Identifier Number 9798-75-5613, if developed according to the plans dated May 22, 2024, last revised July 8, 2024, and the stipulations listed below would, per LUMO 4.5.2:

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

WHEREAS the Special Use Permit approved on April 26, 2010 for property located at the Northwest Corner of Meadowmont Lane and Sprunt Street included a stipulation requiring all construction of the Special Use Permit be completed by December 31, 2015 and no construction has begun on Orange County properties 9798-75-3478, 9798-75-4547, and Durham County property 9798-75-5613 the previously approved Special Use Permit has expired for the properties included in this resolution.

#### **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:

**1) LUMO Section 5.9.7: Minimum and Maximum Off-Street Parking Space Requirements:** Increase the maximum allowed parking spaces on site to 21.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because 20 of the 21 spaces will be located under the units and not contribute to an increase in impervious surfaces.

#### **STIPULATIONS SPECIFIC TO THE DEVELOPMENT**

1. Expiration of Special Use Permit: Construction or other activity authorized by this permit shall be substantially commenced by a date precisely 2 years from the date of this approval or this permit shall expire. The deadline for completion of construction shall be established by the Zoning Compliance Permit(s) issued pursuant to this approval. [LUMO 4.5.5]
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 Special Use Permit authorizes the following:

<b>Land Use Intensity</b>	
Permitted Uses and Activities	Multi-family, 5—10 units, attached or detached  Other uses allowed by LUMO, subject to consistency with plans
Net Land Area (NLA)	Approximately 26,504 sq. ft.
Gross Land Area (GLA)	Approximately 29,154 sq. ft.
Maximum Floor Area	28,500 sq. ft.
Permitted Dwelling Units	8-10 total units
Dimensional Regulations	Per Master Land Use Plan
Minimum and Maximum Vehicular Parking	Minimum: Per LUMO Maximum: 21 spaces
Minimum Bicycle Parking	4 spaces
Maximum Total Impervious Surface	16,966 sq ft
Maximum Land Disturbance	25,462 sq. ft.
Resource Conservation District Maximum Land Disturbance	0 sq. ft
Steep Slopes Maximum Land Disturbance	0 sq. ft. of area containing natural slopes 25% or greater
Minimum Tree Canopy Coverage	Per LUMO
Minimum Recreation Area	None

4. 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 4.5.4. 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.
  - b. An increase in the maximum total impervious surface or maximum land disturbance up to five percent shall constitute a minor modification. An increase over five percent shall constitute a major modification. All increases shall be considered cumulatively.

## Environment

5. 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]

## Transportation, Access, and Connectivity

6. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
7. 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 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.

8. 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.
9. 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.
10. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Association of Pedestrian and Bicycle Professionals Guidelines.

#### Homeowner Association

11. 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.
12. 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.
13. 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.
14. 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.
15. 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

16. Town Design Manual: Except as specified elsewhere in this resolution, the developer shall comply with all standards of the Public Works Engineering Design Manual, as applicable to the project. Excluding cases that would prevent the development of the site

in accordance with plans associated with this Resolution.

17. 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.
18. 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 4.5.3]
19. 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.
20. 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]
21. 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.
22. Vested Right: This Special Use Permit 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.
23. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
24. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
25. 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 RESOLVED that the Council hereby approves the application for a Special Use Permit for 207 and 209 Meadowmont Lane.

This the 11th day of September, 2024.

# east west partners

September 16, 2024

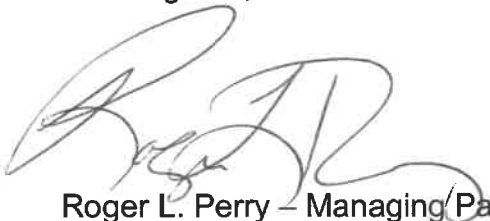
Town of Chapel Hill  
Planning Department  
Attn: Jacob Hunt  
[405 Martin Luther King Jr Blvd.](#)  
[Chapel Hill, NC 27514](#)

Re: Overlook at The Cedars – SUP-24-2  
Stipulations and Conditions Acknowledgment and Consent  
PIN #'s Orange County. 9798 75 4547 & 9798 75 3478;  
Durham County. 9798-75-5613

Dear Mr. Hunt,

This letter is to confirm our consent to all conditions placed on the special use permit (SUP-24-2) approved on September 11<sup>th</sup>, 2024. Please feel free to call with any questions.

Best regards,



Roger L. Perry – Managing Partner Murray Hill LLC