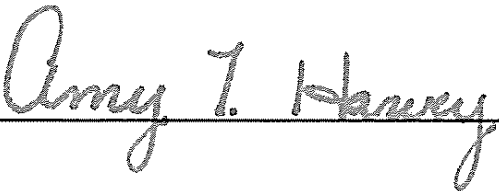


I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2019-04-10/R-5) adopted as amended by the Chapel Hill Town Council on April 10, 2019.

This the 7th day of May, 2019.



Amy T. Harvey
Deputy Town Clerk



REVISED RESOLUTION A
(Approving the Special Use Permit Application)

A RESOLUTION APPROVING AN APPLICATION FOR A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT FOR INDEPENDENT SENIOR HOUSING CHAPEL HILL AT 2217 HOMESTEAD ROAD (2019-04-10/R-5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Planned Development-Housing Special Use Permit application, proposed by Gurlitz Architectural Group, PA, located at 2217 Homestead Road on property identified as Orange County Property Identifier Number 9870-90-7548, if developed according to the Site Plan dated September 27, 2017 and last revised December 26, 2018 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 to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

SPECIAL TERMS AND CONDITIONS

1. Modification of Table 5.9.7 of the Land Use Management Ordinance to reduce the minimum bicycle parking requirement from 50 to 38 spaces.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as bicycle parking demands will be included in the annual report to Council.

STIPULATIONS SPECIFIC TO INDEPENDENT SENIOR HOUSING CHAPEL HILL

1. Construction Deadline: Construction will begin by April 10, 2021 (two years from the date of approval) and be completed by April 10, 2024 (five years from the date of approval). [LUMO 4.5.5]
2. Land Use Intensity: This Special Use Permit authorizes the following:

Use: Age Restricted (Age 55 plus) Planned Development-Housing Multi-family Residential	
Resident Age	Minimum of 55 years old
Gross Land Area	746,726 (17.1 acres)
Maximum Units	198
Total Impervious Surface	196,940 sq. ft.
Land Disturbance	387,684 sq. ft.
Maximum Floor Area	240,000 sq. ft.
Minimum Parking Spaces	232

Maximum Parking Spaces	289
Minimum Bicycle Parking Spaces	38

Any change to the Age Restriction Standard shall require a modification to the Special Use Permit and require approval by the Town Council.

Qualified, age-restricted residents shall be permanent residents and shall not be permitted to sub-lease to family members or others who do not meet the age-restriction standards as provided herein and by State law.

Affordable Housing

3. Affordable Housing On-Site: The developer will provide a minimum of ten percent (twenty (20) units based on an approval of 198 dwelling units) dwelling units on-site for households earning up to 60 percent of the Area Median Income (AMI) for a minimum of 30 years from issuance of a Certificate of Occupancy as noted in the attached agreement (Exhibit 1).
4. Affordable Dwelling Unit Mix: The affordable dwelling units will be 12 one-bedroom units and 8 two-bedroom units (a total of twenty units).
5. Affordable Housing Plan/Performance Agreement: Prior to the issuance of a Zoning Compliance Permit, the developer must submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the developer, the Town Manager (or designee), and the non-profit agency, if applicable, that will administer the affordable housing units. The Plan will contain the following information about the nature and scope of the covered development, including:
 - Ten percent of the market rate units (a minimum of 20 dwelling units based on the proposed project size of 198 units);
 - The affordable units will be undesignated and there will be no distinction between the affordable and market rate units.
 - The developer will construct affordable unit(s) on-site that will be priced, including any additional fees required by the developer/owner, to be available to households earning no more than 60 percent of the AMI;
 - The Plan will include information on:
 - The total number of market rate units and Affordable Dwelling Units in the development.
 - The number of bedrooms and bathrooms in each Affordable Dwelling Unit.
 - The approximate square footage of each Affordable Dwelling Unit.
 - The pricing for each Affordable Dwelling Unit. The pricing of each unit or lot shall be determined prior to issuing a Zoning Compliance Permit. At the time of sale, this price may be adjusted if there has been a change in the median income or a change in the formulas used in this ordinance.
 - Documentation and plans regarding the exterior appearance, materials and finishes of the development for each of the Affordable Dwelling Units.
 - Size of the affordable units meet or exceed the minimum size requirements found in Table 3.10-2 of the Land Use Management Ordinance.
 - The affordable units to be placed within an organization ensuring their continued affordability for at least thirty years.
 - Any and all other information that the Town Manager may require that is needed to demonstrate compliance with the Council’s Affordable Housing Policies.
 - Annual update to the Town of Chapel Hill on occupancy of the affordable units. The update shall provide documentation of income-eligibility of the residents of the

affordable units.

The Affordable Housing Plan and Performance Agreement shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

6. Conversion of Residential Rental Units to Ownership Condominium Units: If the rental development is converted to an ownership condominium development, the current or future developer/owner of Independent Senior Housing Chapel Hill may request approval from the Council to provide either 1) for sale affordable housing units; or 2) a payment-in-lieu as follows:
 - For Sale Affordable Condominium Units:
 - A revised Affordable Housing Plan shall be approved by the Town Manager prior to recordation of the condominium plat.
 - The required number of affordable on-site units shall be 15 percent of the total amount of net new market rate dwelling units constructed in Independent Senior Housing Chapel Hill and the fractional amount provided as a payment-in-lieu.
 - Payment-in-lieu at time of conversion:
 - If a payment-in-lieu of providing affordable ownership units is proposed, the payment shall be calculated based on the payment-in-lieu, as established by the Town Council, at such time as the development converts to condominium ownership.
 - The payment-in-lieu shall be provided to the Town's Affordable Housing Fund prior to recordation of the condominium plat.
 - The total payment shall be equal to the funding rate which is 15 percent of the total new market rate dwelling units constructed in Independent Senior Housing Chapel Hill.

Utilities

7. Well & Septic Abandonment: Prior to issuance of a Zoning Compliance Permit, the developer shall submit copies of permits from Orange County Environmental Health for abandonment of the existing well and septic system associated with the single-family residence. The developer shall include the septic tank in the construction area and indicate it on the demolition plan.
8. Emergency Power Supply: An on-site emergency generator sufficient to power some of the elevators necessary for emergency exiting shall be provided.

Transportation & Access

9. Road Improvements: The developer shall provide the following road improvements:
 - a. Prior to issuance of a Zoning Compliance Permit, the developer shall provide payment-in-lieu of \$3,000 to retime traffic signal at the NC 86 (Martin Luther King Junior Blvd.) and Homestead Road intersection.
 - b. Prior to issuance of a Certificate of Occupancy, the developer shall widen Homestead Road along the length of site frontage to provide a consistent three-lane cross-section, with five (5) foot wide bicycle lanes in the east and westbound directions, and with an exclusive westbound left-turn lane into the site with minimum of 100 feet of vehicular storage. Design details and plans shall be approved by the Town Manager prior to the issuance of Zoning Compliance Permit.

10. Pedestrian and Bicycle Improvements: The developer shall construct a ten (10) foot wide multi-modal path and five (5) foot wide bicycle lane on Homestead Road along the subject property frontage and the frontage of the adjacent parcel to the east (PIN 9880-00-0680), to be designed in accordance with the Town's Homestead Road Bond Project. If the Town constructs the path and bicycle lane prior to development of the property, the developer shall reimburse the Town for the cost of construction of these improvements.
11. Bus Shelter: The developer shall provide a bus shelter with pad, bench, shelter, real-time sign, and refuse receptacle at a location to be approved on Homestead Road prior to issuance of a Certificate of Occupancy.
12. Electric Vehicle Spaces: The developer shall provide a minimum of four (4) electric vehicle parking spaces and two (2) charging stations prior to issuance of a Certificate of Occupancy.
13. Path to Carolina North: The developer shall provide an eight (8) foot wide natural surface path connecting to Carolina North Forest prior to issuance of a Certificate of Occupancy. Attention shall be given to minimizing impact to trees in the southern portion of the site.
14. Kipling Lane Connection: Prior to issuance of a Certificate of Occupancy, the developer shall construct the extension of Kipling Lane, from the existing terminus in the Courtyards at Homestead development, as a one-way street, from Courtyards at Homestead to Independent Senior Housing Chapel Hill. Appropriate signage as required shall be installed.
15. Greenway Connection: Prior to issuance of a Certificate of Occupancy, the developer shall construct a sidewalk to the adjoining eastern property greenway to be located along the eastern edge of the site near the proposed sewer easement. Design details and plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The connection is subject to the University of North Carolina Chapel Hill's approval.
16. Deferred Parking: The parking may be phased with a minimum of 232 parking spaces being constructed as part of the first phase. The remaining parking may be subsequently constructed upon demonstration to the Town Manager that need for additional parking spaces exists. Demonstration of need shall take the form of surveys of lot utilization, recorded incidence of the lot being full, and documentation of overflow parking. The deferred parking spaces shall be shown on an approved phasing plan.
17. Traffic Calming: The developer shall install two crosswalks with a change of texture along both the western leg and eastern leg of the driveway prior to issuance of a Certificate of Occupancy. The proposed design may include raised crosswalks, or other such devices. The design details and plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
18. Development Update: One year following issuance of a Certificate of Occupancy for the 2217 Homestead Road development, Town staff shall prepare a report to the Town Council detailing impacts of Kipling Lane connection and identify any potential next steps. The report will include information on bicycle parking demands and necessary changes to the number of bicycle parking spaces.

Landscaping

19. Trees and Utility Conflicts: Canopy trees proposed in the buffer along Homestead Road shall be spaced at least 20 to 25 feet from the overhead utility lines. Similarly no trees shall be planted over the sanitary sewer line.
20. Tree Save: The developer shall employ efforts to preserve existing trees and minimize clearing where possible in the western buffer adjoining the Courtyards of Homestead development. (LUMO 5.7.3)

Environment

21. Curb Inlets: The applicant 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.

Other

22. Retaining Wall: Prior to issuance of a Zoning Compliance Permit, the developer shall submit a construction detail for the retaining wall between the entrance drive and the stormwater basin.
23. Recreation Area: All of the required recreation area shall be provided on-site. This shall include, as shown on plans presented by the applicant to the Town Council on April 10, 2019, pickle ball courts, pool, bocce courts, and dog park. No recreation payment-in-lieu is required.
24. Town Building Permit Fees: Town building permit fees for the project will be limited to a maximum of \$10,000.
25. Solar Conduit: No roof solar units are required. Conduit will be installed to allow for the option of installing roof solar units in the future. Appropriate locations will be identified and provided for solar unit batteries to be installed.

TOWN OF CHAPEL HILL – SPECIAL USE PERMIT STANDARD STIPULATIONS

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

Access

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

Transportation

27. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit a Transportation Management Plan, subject to Town Manager

approval. The Transportation Management Plan shall include monitoring of electric vehicle parking spaces usage. [LUMO 4.5.2]

28. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details that comply with the Town parking standards for required and/or proposed bicycle parking spaces. Bicycle parking spaces should be placed near building entrances. The spaces must comply with the Spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual. [LUMO 4.5.2]
29. Parking Lot: Any newly proposed parking lots, including additions to existing parking lots, shall be constructed to Town standards for dimensions and pavement design. [LUMO 5.9.5]
30. Parking Lot Landscape and Screening: The parking lot landscape design shall adhere to the standards of the Chapel Hill Land Use Management Ordinance. [LUMO 5.9.6]
31. Lighting: Prior to issuance of a Zoning Compliance Permit, the developer shall design street lighting along the site frontage and install the lighting prior to issuance of a Certificate of Occupancy. Design and construction details must be approved by the Town Manager and the North Carolina Department of Transportation (NCDOT).
32. Driveway Permit: The developer must obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the design and construction of stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.
33. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existed on the roadways.
34. Off-Site Construction Easements: Prior to any development associated land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
35. Sight Distance Triangles: Prior to issuance of a Certificate of Occupancy, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. [Town Design Manual]
36. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
37. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, the developer shall repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design of such repairs must be reviewed and approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. [Town Code 17-40]
38. Street Closure Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager and NCDOT approval, for any work requiring street, sidewalk, or lane closure(s). [Town Code 21-7.1]

39. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. The Work Zone Traffic Control Plan shall comply with the U.S. Department of Transportation Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [Town Code 17-47]

Landscaping and Building Elevations

40. 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]
41. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, approval shall be required from the Community Design Commission for any proposed alternate buffer. [LUMO 5.6.8]
42. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include a complete and currently updated tree survey showing critical root zones of all rare and specimen trees and labeled according to size and species. The plan shall also indicate which trees will be removed and which will remain. The plan shall also include standard notes, fencing details, and location of fencing. [LUMO 5.7.3]
43. Tree Protection Fencing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detail of a tree protection fence and a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. The plans shall include continuous tree protection fencing around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval. [LUMO 5.7.3]
44. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. [LUMO 4.5.3]
45. Tree Canopy: A minimum of tree canopy coverage shall be provided through a combination of retained and replanted trees, unless a modification to regulations is approved. Calculations demonstrating compliance with Chapel Hill Land Use Management Ordinance Section 5.7.2 shall be included. [LUMO 5.7.2]
46. Retaining Wall Construction: If applicable, the final design and location of all retaining walls shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
47. Demolition Plan: Prior to beginning any proposed demolition activity, the developer must obtain demolition permits from both the Planning and Inspections departments. While the demolition component may be submitted to Planning in tandem with the Zoning Compliance Permit for new construction, a separate stand-alone demolition permit shall be issued prior to an Inspection's Demolition permit. Further, prior to the

issuance of a demolition permit for all existing structures 500 square feet or larger, Orange County Solid Waste staff shall conduct a deconstruction assessment pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO).

48. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve a lighting plan and shall take additional care during review to ensure that the proposed lighting plan will minimize upward light pollution and off-site spillage of light. [LUMO 8.5.5]
49. Community Design Commission Approval: The developer shall obtain Community Design Commission approval of building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit. [LUMO 8.5.5] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission. [LUMO 8.4.6]

Environment

50. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance.
51. Phasing Plan: If phasing of the project is proposed, then, prior to issuance of a Zoning Compliance Permit, the developer shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. 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 may not begin until all public improvements in previous phases have been completed, with a note to this effect on the final plans and plats. [LUMO 4.5.3]
52. Erosion Control Bond: If one acre or more is to be uncovered by land-disturbing activities for the project, then a performance guarantee in accordance with *Section 5-97.1 Bonds* of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. [Town Code 5-98]
53. Silt Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent roadways. [Town Code 5-86]
54. Erosion Control Inspections: In addition to the requirement during construction for inspection after every rainfall, the developer shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs. [Orange County Erosion Control]
55. 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 of Chapel Hill Design Manual]
56. As-Built Plans: Prior to the issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-

built plans should be in DXF binary format using State plane coordinates and NAVD 88. [Town Design Manual Chapter 10]

57. 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]
58. 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 Design Manual Chapter 10]
59. Energy Efficiency: Prior to issuance of a Zoning Compliance Permit, an energy efficiency plan shall incorporate a "20 percent more energy efficient" feature relative to the 90.1 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Special Use Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the "20 percent more energy efficient" feature into the final plans. An energy model should be used to demonstrate that the design will meet the aforementioned energy performance target. [Town Policy April 2007]
60. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit an Energy Management Plan (EMP) for Town approval. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; and (d) if requested, provide for the property owner to report to the Town of Chapel Hill the actual energy performance of the plan, as implemented, during the period ending one year after occupancy. [Town Policy April 2007]

Recreation

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

Water, Sewer, and Other Utilities

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

can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit. [LUMO 4.5.3]

64. Lighting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans, sealed by a Professional Engineer, for Town Manager approval, as well as other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including: submission of a lighting plan; providing for adequate lighting on public sidewalks, including driveway crossings; and demonstrating compliance with Town standards. [LUMO 5.11]
65. Relocation of Overhead Utilities Underground: Prior to issuance of a Certificate of Occupancy, the developer will install underground all public utilities that are currently located overhead on the site except for 3 phase or greater electric lines. [LUMO 5.12.2]
66. Water/Sewer Line Construction: All public water and sewer plans shall be approved by and constructed according to OWASA standards. Where sewer lines are located beneath drive aisles and parking areas, construction methods approved by OWASA shall be employed to ensure that sewer lines will not be damaged by heavy service vehicles. [LUMO 5.12.1]
67. OWASA Approval: Prior to issuance of a Zoning Compliance Permit, any easement plats and documentation as required by OWASA and the Town Manager shall be recorded. [LUMO 5.12]
68. Irrigation: If permanent irrigation is proposed to support landscaping, an irrigation plan shall be submitted which includes the use of smart technologies to conserve water and energy.

Fire Safety

69. Fire Sprinklers: The developer shall install sprinklers under the North Carolina Fire Protection Code (NC FPC) prior to issuance of a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems. [TOWN CODE 7-56]
70. Gates and Barricades: Where required or authorized by the fire code official and permanent or temporary (construction), any gates across fire apparatus access roads shall be a minimum width of 20 feet, be of swinging or sliding type, have an emergency means of operation, shall be openable by either forcible entry or keyed, capable of being operated by one person, and shall be installed and maintained according to UL 325 and ASTM F 2200. [NC FPC 2018, 503.5, 503.6, D103.5]
71. Grade and Approach: Fire apparatus access roads shall not exceed 10 percent in grade unless approved by the fire chief, and all approach and departure angles shall be within the limits established based on the Fire Department's apparatus. [NC FPC 2018, 503.2.7, 503.2.8 and D103.2]
72. 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.

73. Fire Department Connections and Standpipes: When the building being constructed requires standpipes, a temporary standpipe connection will be constructed with ready Fire Department Access when the building is not more than 40 feet in height. Such standpipes shall provide usable connections adjacent to the stairs and shall continue with building progression always being not more than one floor below the highest floor of the building. [NC FPC 912 & NC FPC 2018 3313]
74. Fire Command Center: Where required in the North Carolina Fire Protection Code and in all high rise buildings, a fire command center must be constructed in accordance with Section 508, NC FPC 2018.
75. Aerials: Where a building exceeds 30 feet in height OR 3 stories above the lowest level of Fire Department Access, overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway shall have an unobstructed width of 26 feet exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15 feet and maximum of 30 feet from one complete side of the building. [NC FPC 2018 D105.1, D105.2, D105.3, D105.4]
76. Fire Apparatus Access Road: Any fire apparatus access roads (any public/private street, parking lot access, fire lanes and access roadways) used for fire department access shall be all-weather and designed to carry the imposed load of fire apparatus weighing at least 80,000 lbs. Fire apparatus access roads shall have a minimum width of 20 feet exclusive of shoulders with an overhead clearance of at least 13 feet 6 inches for structures not exceeding 30 feet in height and shall provide access to within 150 feet of all exterior portions of the building. Structures exceeding 30 feet in height shall be provided with an aerial apparatus access road 26 feet in width in the immediate vicinity of the building or portion thereof and shall provide at least one of the required access roads to be located not less than 15 feet and not more than 30 feet from the structure parallel to one entire side of the structure. [NC FPC 2018 502.1, 503.1.1, 503.2.1, D102.1 SECOND ACCESS DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVAL]
77. Dead End Access Roads: Dead end fire apparatus access roads exceeding 150 feet shall have a designated turn around. The turnaround shall meet one of the design standards of NC FPC 2018, Appendix D table D 103.4.
78. Building Height: Buildings exceeding 30 feet or three stories in height must have at least two means of fire apparatus access separated by at least one half the diagonal distance of the building. [NC FPC 2018, D104.1, D104.3 DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVAL]
79. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
80. Fire Apparatus Access Road Authority: The fire code official shall have the authority to increase the minimum access widths where they are deemed inadequate for fire and rescue operations. [NC FPC 2018 503.2.2]
81. Hydrants Active: The developer shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. All required fire

hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. Fire protection systems shall be installed according to Town Ordinance, the NC Fire Protection Code, and National Fire Protection Association Standard #13. [NC Fire Protection Code 2018 Section 501.1 & 3312]

82. 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]
83. Firefighting Access During Construction: Vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. [NC FPC 2018, Section 3310.1]
84. Premise Identification: Approved building address numbers, placed in a position acceptable to the fire code official, shall be required on all new buildings. [NC FPC 2018, 505.1]
85. Key Boxes: Where required by the fire code official, a secure key box, mounted on the address side of the building, near the main entrance, shall be provided to ensure adequate access to the building based on life safety and/or fire protection needs. [NC FPC 2018, 506]
86. Automatic Fire Sprinkler System Required: An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 and Town Code 7-56 is required to be installed in non-residential construction.
87. Fire Department Connections, Locations: Any required FDCs for any buildings shall meet the design and installation requirements for the current, approved edition of NFPA 13, 13D, 13R, or 14 of the NC FPC 2018 and Town Code 7-38 for location. FDCs shall be installed within 100 feet of a hydrant or unless otherwise approved by the fire code official and shall not be obstructed or hindered by parking or landscaping. FDCs shall be equipped with National Standard Thread (NST) and be a 2.5" siamese.
88. Fire Department Connections, Installation: A working space of not less than 36 inches in width and depth and a working space of 78 inches in height shall be provided on all sides with the exception of wall mounted FDCs unless otherwise approved by the fire code official. The FDCs where required must be physically protected from impacts by an approved barrier. [NC FPC 2018, 912.1, 912.2 912.2.1, 312]
89. 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.
90. 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]

91. Fire Lane: Prior to issuance of a Certificate of Occupancy, any fire lane shall be marked and signed in accordance with Town standards, with the associated plans approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [NC FPC, Sections 2018 503.3, D103.6, D103.6.1, D103.2]
92. Emergency Responder Radio Coverage in New Buildings: All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. [NC FPC 2018 Section 510.1]
Solid Waste Management and Recycling
93. Solid Waste Management Plan: Prior to issuance of a Zoning Compliance Permit, a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager and Orange County Solid Waste (OCSW). The plan shall include dimensioned, scaled details of any proposed refuse/recycling collection areas, associated screening, and protective bollards, if applicable. Each bulk waste container shall be labeled as to type of material to be collected. If a refuse compactor is proposed or if the collection enclosure is not accessible by Town vehicles, the developer shall provide documentation of an agreement for solid waste collection by a private provider prior to issuance of a Zoning Compliance Permit. [Orange County Solid Waste]
94. Construction Waste: Clean wood waste, scrap metal and corrugated cardboard (Regulated Recyclable Materials), all present in construction waste, must be recycled. All haulers of construction waste containing Regulated Recyclable Materials must be properly licensed with Orange County Solid Waste. The developer shall provide the name of the permitted waste disposal facility to which any land clearing or demolition waste will be delivered. [Orange County Solid Waste]
95. Deconstruction Assessment: For any existing structure 500 square feet or larger a deconstruction assessment shall be conducted by OCSW staff prior to the issuance of a demolition permit pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO). Prior to any demolition or construction activity on the site, the developer shall hold a pre-demolition/pre-construction conference with Solid Waste staff. This may be held at the same pre-construction meeting held with other development/enforcement officials.

State and Federal Approvals

96. State or Federal Approvals: Any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit. [NC State; Federal Permits]
97. 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

98. 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]
99. Traffic and Pedestrian Control Plan: The developer shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least 5 working days prior to any proposed lane or street closure the developer must apply to the Town Manager for a lane or street closure permit. [Town Code 17-42]
100. Construction Sign Required: The developer shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. The sign shall be non-illuminated, and shall consist of light letters on a dark background. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.4]
101. Schools Adequate Public Facilities Ordinance: If applicable, the developer shall provide the necessary Certificates of Adequacy of Public Schools or an exemption prior to issuance of a Zoning Compliance Permit. [LUMO 5.16]
102. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
103. Detailed Plans: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Design Manual. [LUMO 4.5.3]
104. Certificates of Occupancy: No Certificates of Occupancy shall be issued until all required public improvements are complete. A note to this effect shall be placed on the final plats.

If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete, and no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase. A

note to this effect shall be placed on the final plats.

105. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
106. New Street Names and Numbers: The name of the development and its streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
107. As-Built Plans: Prior to the issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. [Town Design Manual Chapter 10]
108. Vested Right: This Special Use Permit or Special Use Permit Modification constitutes a site specific development plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.
109. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
110. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
111. Not-Comprehensive: The listing of these standard stipulations, and the specific stipulations applicable to this Permit, is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Planned Development-Housing Special Use Permit for the Independent Senior Housing Chapel Hill at 2217 Homestead Road.

This the 10th day of April, 2019.

EXHIBIT 1

PIN # 9870907548

**Drafted by/Return to: Ralph D. Karpinos
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514**

NORTH CAROLINA

ORANGE COUNTY

AGREEMENT REGARDING

CONDITIONS PERTAINING TO THE PROVISION OF AFFORDABLE HOUSING

IN CONNECTION WITH A PROPOSED CONDITIONAL USE DISTRICT REZONING

This Agreement is made and entered into between William Bainster Wood and Virginia Wood (“Owner”), GLMH-2, LLC (“Developer”) and the Town of Chapel Hill, a North Carolina Municipal Corporation (“Town”). Developer is the contract purchaser of the property identified as Orange County Parcel Identifier Number 9870907548 (“Property”). Owner, the owner of the Property, at the request of Developer, has joined in an application to the Town for conditional use rezoning of the Property. This Agreement is executed for the purpose of documenting that the parties hereto, for themselves, their successors and assigns, agree that the commitments made herein represent a voluntary exchange of sufficient consideration to bind the parties and their successors, heirs and assigns and are in agreement with respect to the inclusion of the conditions set forth below in an ordinance proposed to rezone the Property.

WITNESSETH:

WHEREAS, the Charter of the Town of Chapel Hill allows the Town to grant a density bonus to a developer of housing within the Town if the developer agrees to construct a percentage, as set out in the Charter, of a proposed housing development for persons of low or moderate income; and

WHEREAS, the Town of Chapel Hill Town Council has an adopted policy (see Resolution 2000-03-06/R-4, as modified by Resolution 2009-01-26/R-7) (the “Policy”) which provides that when an application for

rezoning is submitted the Council has an expectation that the applicant will provide a percentage of affordable housing in the increased density allowed by rezoning; and

WHEREAS, the Parties agree that the Policy was adopted pursuant to valid legislative authority granted by the North Carolina General Assembly and constitutes a part of the Town's Comprehensive Plan; and

WHEREAS, the Owner and Developer have submitted an application to the Town of Chapel Hill for conditional use rezoning of the Property (the "Application") which, if granted by the Town Council, will increase the permitted density of residential development on the Property and enhance its fair market value; and

WHEREAS, pursuant to N.C.G. S. Sec. 160A-382(b), conditions may be proposed and agreed to by the Town and the property owner in conditional use rezonings which address the conformance of a development and use of property to an officially adopted comprehensive plan; and

WHEREAS, the Owner and Developer acknowledge and accept that they are receiving a density bonus by way of the rezoning of their property in exchange for their agreement to provide the affordable housing in accordance with the terms and provisions of this Agreement; and

WHEREAS, the Council has determined that the offer of the Owner and Developer to provide affordable housing on site fairly and reasonably helps to achieve the Town's affordable housing goals, as reflected in the Town's Comprehensive Plan; and

WHEREAS, the Parties agree that the provision of affordable housing in accordance with the terms of this Agreement and conditions set forth below is consistent with the Policy; and meets the requirements for which the Town may grant a density bonus by rezoning this property from R-2 to R-5 Conditional; and

WHEREAS, the proposed rezoning of the Property is accompanied by an application for a Special Use Permit to develop 198 dwelling units designed to be provided for senior adult rental housing (the "Project").

NOW THEREFORE the Owner, Developer and the Town mutually approve and agree to the following terms and conditions:

1. The Town's Policy on proposed residential rezonings includes an expectation of the Town, when considering a rezoning request to increase residential density, that an affordable housing component will be included.
2. This rezoning application seeks rezoning from R-2 to R-5 Conditional, which increases the allowable density of residential units which may be built.
3. The Developer, with the consent of the Owners, does for itself and its successors, heirs and assigns hereby voluntarily offer and agree to the following conditions to be included in the ordinance rezoning the Property, if it is enacted:
 - a. The Project will provide 10% (20) of the dwelling units as affordable for a period of 30 years, based on a final approval of a special use permit authorizing 198 dwelling units.
 - b. The affordable units will be priced so that they are affordable to renters at 60% area median income (AMI).

- c. The affordable units will be 12 one-bedroom and 8 two-bedroom units (a total of 20 units.)
4. The parties understand that the provision will have a financial impact on the overall Project. In order to partially mitigate this impact, the Parties to this Agreement further agree to the following conditions to be included in the rezoning and/or in the special use permit, if enacted and approved :
 - a. On-site recreation space and facilities will be provided and there will be no partial payment in lieu for recreation.
 - b. No roof solar units will be required as a condition of this rezoning or the accompanying special use permit. Conduit will be installed to allow for the option of installing roof solar units in the future. Appropriate locations will be identified and provided for solar unit batteries to be placed.
 - c. Town Building Permit fees for the Project will be capped at \$10,000.
5. The Town finds that the units provided on site by the owner in this specific case and based on the specific circumstances involved in the application for this Project addresses the objectives and intent of the Policy and would be supportive of a decision by the Council to exercise its legislative discretion and authority to rezone the property.
6. A copy of this Agreement shall be recorded as an attachment to the Special Use Permit accompanying the rezoning application and incorporated as a part thereof and shall run with the land and be binding along with the other terms and conditions of the Special Use Permit.
7. Prior to issuance of a Zoning Compliance Permit to begin development of the Project, the holder of the Special Use Permit shall submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the holder of the Special Use Permit and the Town Manager demonstrating compliance with this Agreement.

IN WITNESS WHEREOF, the Town of Chapel Hill, William Bainster Wood and Virginia Wood, and GLMH-2, LLC have executed this Agreement Regarding Conditions Pertaining to the Provision of Affordable Housing in Connection with a Proposed Conditional Use District Rezoning this the 30 day of

JAN, 2019.

Owners:

William Bainster Wood (SEAL)
William Bainster Wood

Virginia Wood (SEAL)
Virginia Wood

STATE OF NORTH CAROLINA

Orange COUNTY

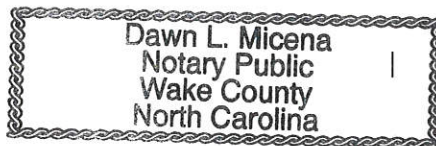
Dawn L. Micena, a Notary Public of the County of Wake, State of North Carolina, do hereby certify that William Bainster Wood and Virginia Wood personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 30 day of JANUARY, 2019.

Dawn L. Micena

Notary Public

Place Seal within lines → |



My Commission expires: 2/3/20

Developer:

GLMH-2, LLC

BY:

Richard Gubitz

Title:

MANAGER

STATE OF NC

COUNTY OF Orange

I, a Notary Public of the State of NC and County of Wake, certify that Richard Gubitz personally came before me the day and acknowledged that he/she is the MANAGER of GLMH-2 LLC, and that he/she as Manager of GLMH-2 LLC, being authorized to do so, executed the foregoing on behalf of GLMH-2 LLC.

WITNESS my hand and official stamp (or seal) the 30 day of January, 2019.

[NOTARIAL SEAL]

Dawn L. Micena (Seal)
Notary Public

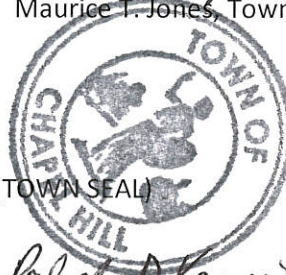


Dawn L. Micena
Notary's Name, Printed or Typed

My commission expires: 2/3/20

TOWN OF CHAPEL HILL

BY: Maurice Jones
Maurice T. Jones, Town Manager



ATTEST

[Signature]
Town Clerk

(TOWN SEAL)

Approved as to form and authorization: Ralph D. Kayeinos
Town Attorney

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Amy Oland
Finance Director

April 11, 2019
Date

NORTH CAROLINA

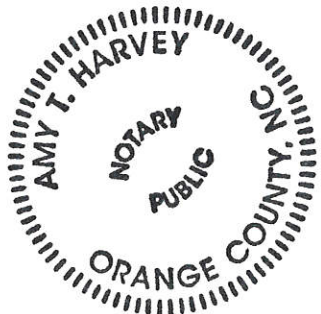
ORANGE COUNTY

I, Amy T. Harvey, a Notary Public of Orange County, North Carolina, certify that Sabrina M. Oliver personally came before me the day and acknowledged that she is the (~~acting~~) Town Clerk of the Town of Chapel Hill, a North Carolina municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by Maurice Jones, its Town Manager, sealed with its corporate seal and attested by her as its (~~acting~~) Town Clerk.

WITNESS my hand and official stamp (or seal), the 17 day of April, 2019.

[NOTARIAL SEAL]

Amy T. Harvey (Seal)
Notary Public



Amy T. Harvey
Notary's Name, Printed or Typed

My commission expires: May 15, 2020