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Fee Amt: \$78.00 Page 1 of 28

Orange County North Carolina  
Mark Chilton, Register of Deeds  
BK 6906 PG 2208 - 2235 (28)

*James Hager*

STATE OF NORTH CAROLINA

ORANGE COUNTY

Prepared by and return to: Corey Liles, Chapel Hill Planning Department  
405 Martin Luther King Jr Blvd, Chapel Hill, NC 27514



TOWN OF CHAPEL HILL  
405 MARTIN LUTHER KING JR BLVD  
CHAPEL HILL, NC 27514  
(919) 968-2728

NOTICE OF CONDITIONAL ZONING

KNOW ALL PERSONS BY THESE PRESENTS that the owner(s) of the premises described below, having applied to the Town of Chapel Hill for a Conditional Zoning Permit and consented to the conditions thereof, was granted said Permit by the Town of Chapel Hill on October 8th, 2025 (Ordinance 2025-10-08/O-6). The terms of the Conditional Zoning Permit are as follows:

NAME OF PROJECT: 701 MLK Residential

NAME OF OWNER(S): Faye A. Johnson, Lukri Investments, LLC, and Capkov Ventures Inc.

DESCRIPTION OF PREMISES

LOCATION: 701 Martin Luther King Jr. Blvd Unit A, 201 E. Longview Street, 203 E. Longview Street, and 205 E. Longview Street.

ORANGE COUNTY PARCEL

IDENTIFIER NUMBERS: 9789302139 and 9789302349 *[Signature]*

701 MLK RESIDENTIAL  
NOTICE OF CONDITIONAL ZONING  
PAGE 2

DESCRIPTION OF DEVELOPMENT

NAME OF DEVELOPER: LCD Acquisitions LLC

Development according to the Land Use Intensity Table provided as part of Ordinance 2025-10-08/O-6, attached hereto as Exhibit A, and according to the plans dated August 6th, 2025, provided as Exhibit B and on file in the Chapel Hill Planning Department.

SPECIAL TERMS AND CONDITIONS

This instrument is intended to memorialize the Conditional Zoning approved by the Town of Chapel Hill Town Council on October 8th, 2025. The conditions and restrictions on the use of the Subject Property imposed by Ordinance 2025-10-08/O-6, approving the Conditional Zoning for the Subject Property, shall be binding on the Subject Property unless or until modified or amended by action of the Town Council.

\*\*\*\*\*

SIGNATURES ON FOLLOWING PAGE

701 MLK RESIDENTIAL  
NOTICE OF CONDITIONAL ZONING  
PAGE 3

IN WITNESS WHEREOF, the Town of Chapel Hill has caused this instrument to be executed in its name as evidence of the issuance of said Conditional Zoning, and the undersigned being all of the property owners of the property above described, have executed this instrument in evidence of their acceptance of said permit as covenants running with the land.

ATTEST

THE TOWN OF CHAPEL HILL

Brittney Hunt  
Town Clerk

BY B. Waddell  
Britany Waddell, Planning Director



ACCEPTED - OWNER  
Faye A. Johnson

BY Faye A. Johnson  
Name: Faye A. Johnson  
Title: Owner

ACCEPTED - OWNER  
Lukri Investments, LLC

ACCEPTED - OWNER  
Capkov Ventures Inc.

BY Kenneth A. Lucas  
Name: Kenneth A. Lucas  
Title: Member/Manager

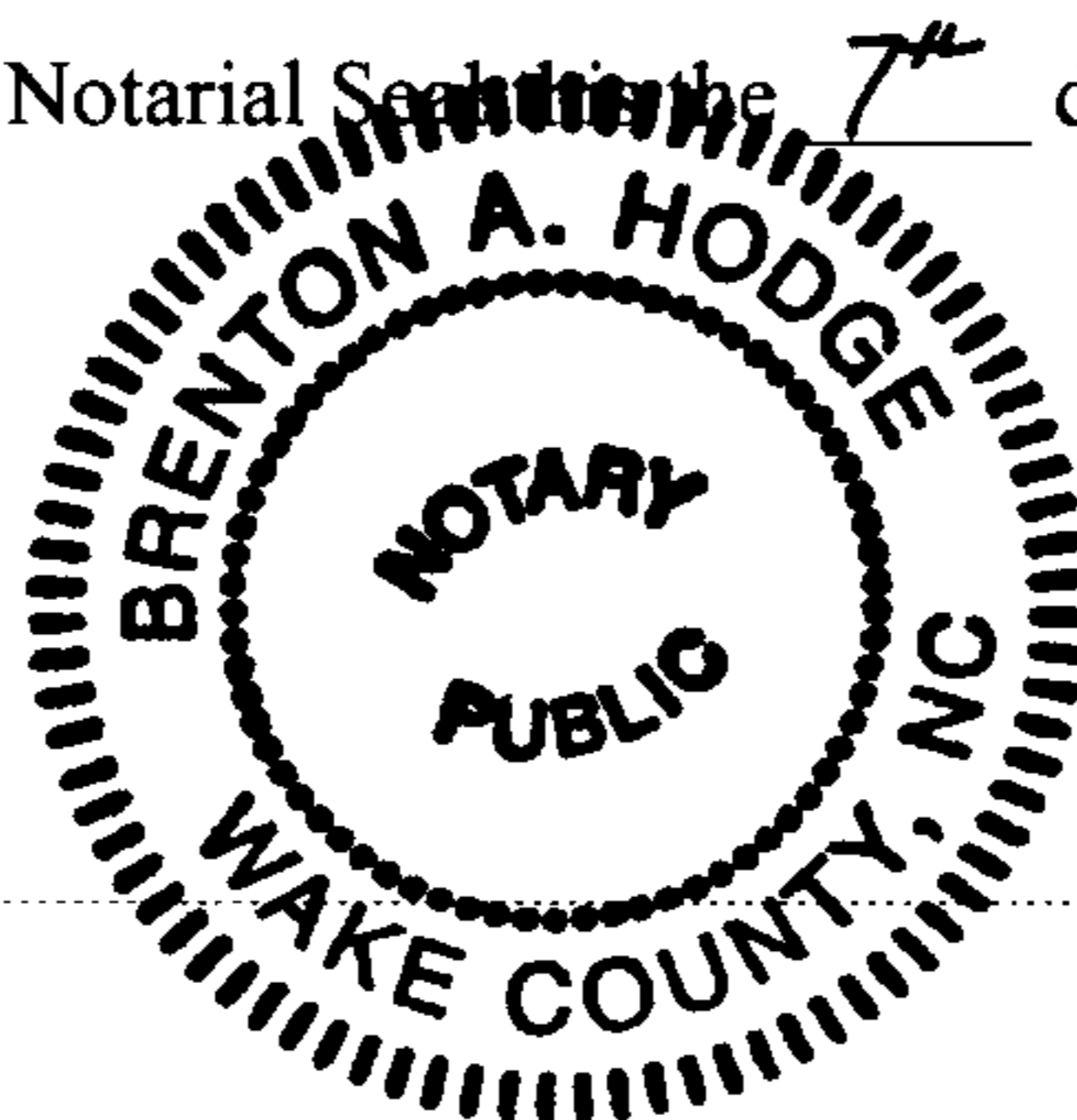
BY Eric B. Chapp  
Name: ERIC B. CHAPP  
Title: Vice President

ORANGE COUNTY, NORTH CAROLINA

I, Brenton A. Hodge, a Notary Public in and for Wake County, North Carolina do hereby certify that Britany Waddell, Planning Director of the Town of Chapel Hill, and Brittney Hunt, (Deputy / acting) Town Clerk, duly sworn says each for herself that she knows the corporate seal of the Town of Chapel Hill and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Chapel Hill, that Britany Waddell, Planning Director of said Town of Chapel Hill, and Brittney Hunt, (Deputy / acting) Town Clerk for the Town of Chapel Hill, subscribed their names thereto, that the corporate seal of the Town of Chapel Hill was affixed thereto, all by virtue of an ordinance of the Chapel Hill Town Council, and that said instrument is the act and deed of the Town of Chapel Hill.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal on the 7<sup>th</sup> day of January, 2026.

Brenton A. Hodge  
Notary Public  
My commission expires: 2-28-27



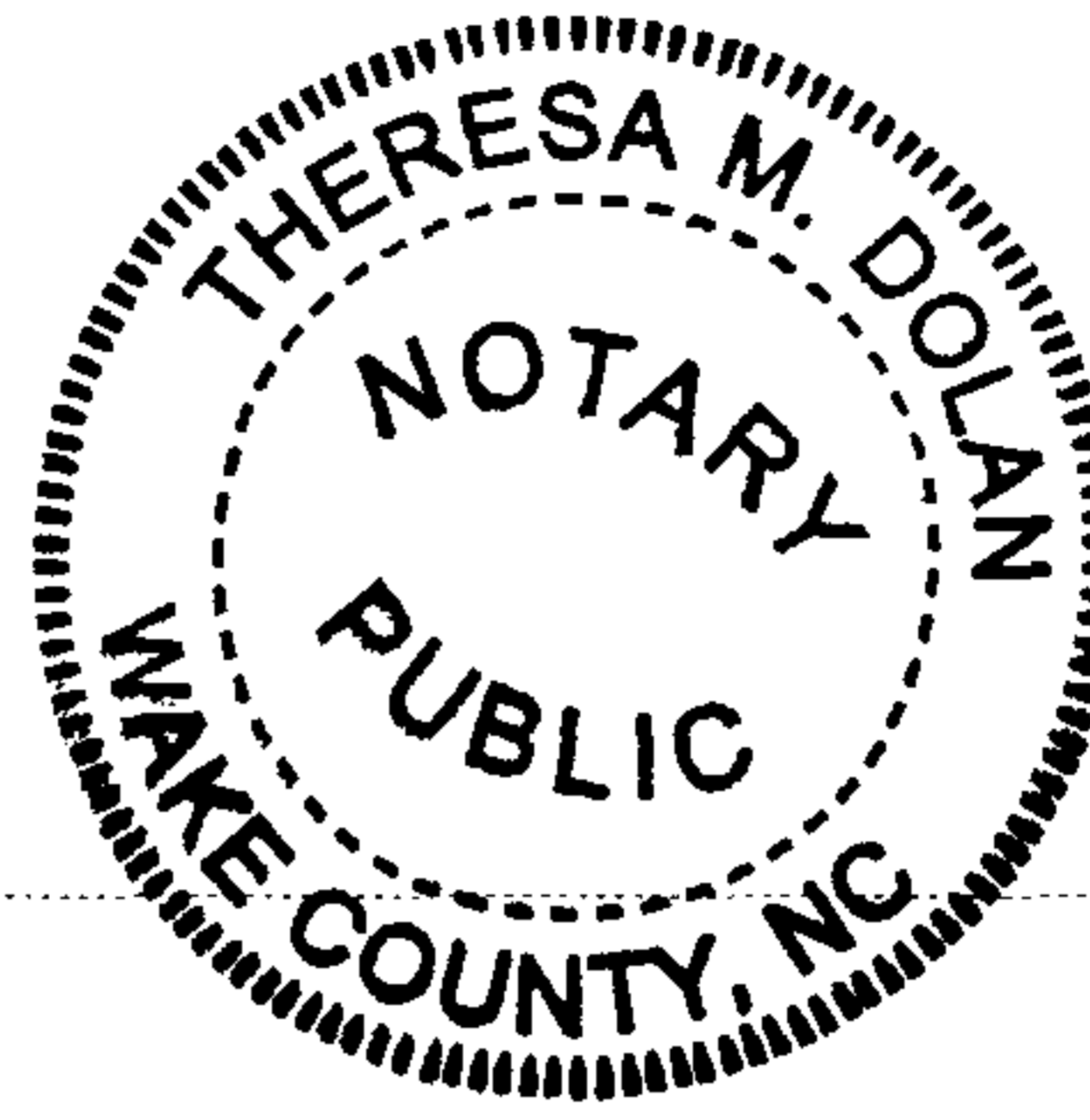
COUNTY OF Orange, STATE OF North Carolina

I, Theresa M. Dolan, a Notary Public in Wake County, State of North Carolina  
do hereby certify that Eric Berke Chupp owner(s),  
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the 15 day of January, 2026

Theresa M. Dolan  
Notary Public

My commission expires: 10-10-26



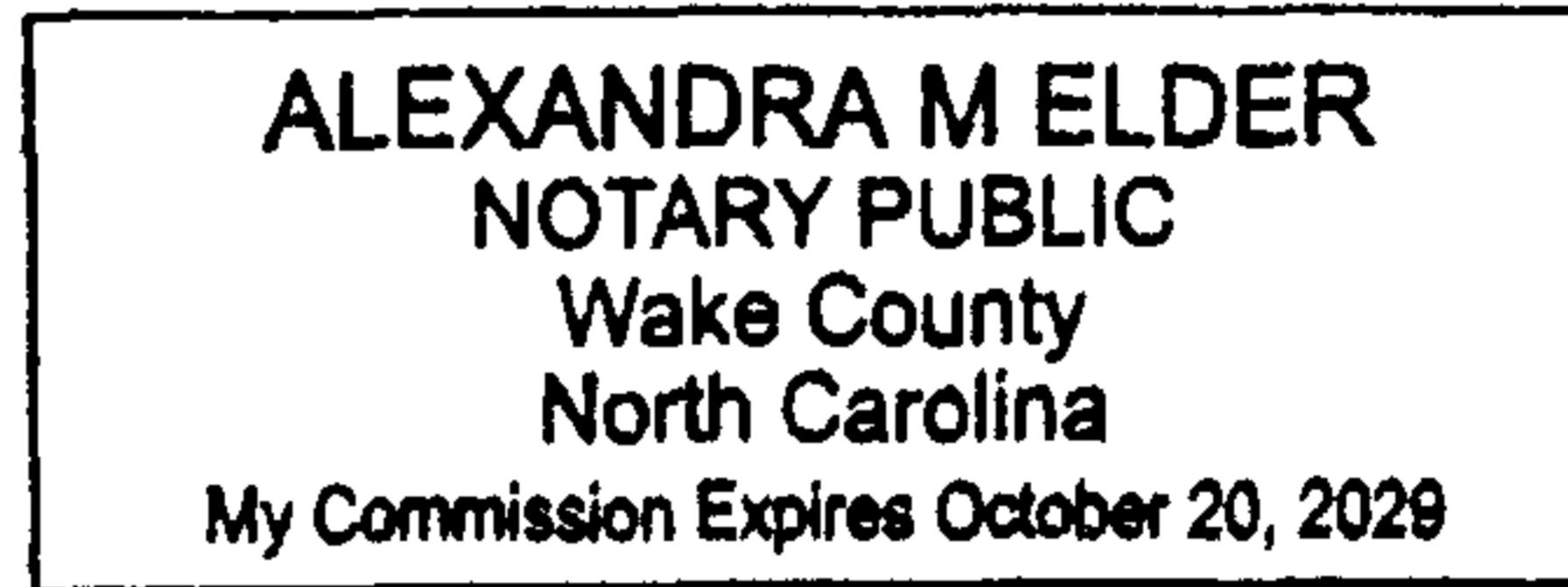
COUNTY OF NC, STATE OF Orange

I, Alexandra M. Elder, a Notary Public in Wake County, State of North Carolina  
do hereby certify that Faye A. Johnson owner(s),  
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the 27<sup>th</sup> day of January, 2026.

Alexandra M. Elder  
Notary Public

My commission expires: 10-20-2029



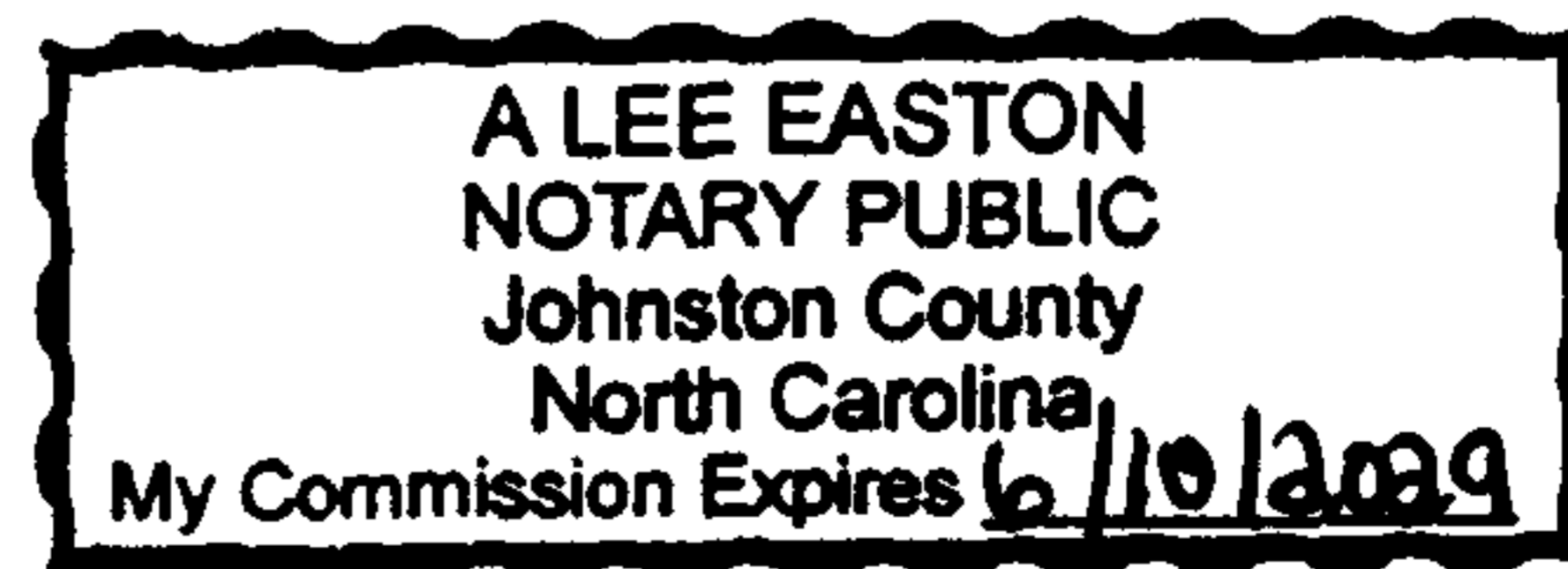
COUNTY OF Wake, STATE OF North Carolina

I, A. Lee Easton, a Notary Public in Johnston County, State of North Carolina  
do hereby certify that Kenneth A. Lucas owner(s),  
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the 26<sup>th</sup> day of February, 2026.

A. Lee Easton  
Notary Public

My commission expires: 6/10/2029



(No zoning permit to be issued until fully executed. Recordation is the responsibility of the Owner.)

701 MLK RESIDENTIAL  
NOTICE OF CONDITIONAL ZONING

**EXHIBIT A**

**Certified Town Council Approval**

**I, Brittney Hunt, Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2025-10-08/O-6) enacted with technical correction by the Chapel Hill Town Council on October 8, 2025.**



**This the 18th day of December, 2025.**

*Brittney N. Hunt*

**Brittney Hunt  
Town Clerk**

**ORDINANCE A**

(Approving the Conditional Zoning Application)

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 701 MARTIN LUTHER KING JR BLVD FROM NEIGHBORHOOD COMMERCIAL (NC) AND RESIDENTIAL-3 (R-3) TO MIXED-USE VILLAGE CONDITIONAL ZONING DISTRICT (MU-V-CZD) (PROJECT #CZD-25-2) (2025-10-08/O-6)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Thomas and Hutton, on behalf of property owners Faye A. Johnson, Lukri Investments, LLC, and Capkov Ventures Inc, and contract purchaser LCD Acquisitions LLC, to rezone an 1.91-acre site located at 701 Martin Luther King Jr. Blvd Unit A, 201 E. Longview Street, 203 E. Longview Street, and 205 E. Longview Street, on property identified as Orange County Property Identifier Numbers 9789302139 and 9789302349, to allow development of a multi-family residential and retail mixed-use building and finds that the amendment to the Zoning Atlas is:

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

WHEREAS, the application, if rezoned according to the district-specific plan dated August 6, 2025, and the conditions listed below would, per LUMO 4.4.3(f):

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

**MODIFICATIONS TO REGULATIONS**

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

- 1) LUMO Section 3.4.6(c)(1): Mixed-Use Village Conditional Zoning District (MU-V-CZD) Land Use Categories** Reduce the minimum floor area devoted to office and commercial space so that at least 1,000 square feet of floor area shall be devoted to office/commercial uses.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because a non-residential use that occupies the required floor area is more likely to be successful if it is placed at the corner of the site fronting the outdoor plaza. The developer will take advantage of that location but is not able to

provide more floor area because the small site constrains the total amount of floor area.

- 2) LUMO Section 3.4.6(d)(2): Mixed-Use Village Conditional Zoning District (MU-V-CZD) Dimensional Restrictions** Increase the permitted density for MU-V-CZD arterial to 100 dwelling units per acre.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because higher unit density in this location is consistent with the Future Land Use Map and could encourage walking, biking, and public transit ridership next to a proposed Bus Rapid Transit station.

- 3) LUMO Section 3.8.2(e): Maximum Setback Height** Increase the allowed maximum setback height to 100 feet measured 20 feet from the property line.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because increased height supports increased density and the height is measured farther into the site to offset the visual impact.

- 4) LUMO Section 3.8.2(j): Maximum Impervious Surface Ratio** Increase the allowed maximum impervious surface ratio to 80 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the intensity of impervious surface area is appropriate for a small site to support transit-oriented development.

- 5) LUMO Section 3.8.2(k): Maximum Floor Area Ratio** Waive the required maximum floor area ratio and replace with a maximum floor area of 275,000 square feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the additional floor area in this location is consistent with the Future Land Use Map and could encourage walking, biking, and public transit ridership next to a proposed Bus Rapid Transit station.

- 6) LUMO Section 3.8.4(b): Transitional Control Intensity Modifications** Waive the required transitional control intensity modifications for height and setbacks and replace with the setback requirements as shown below.

Standard	Requirement
<b>Northeast (R-4 Zoning)</b>	0 feet interior setback
<b>Northwest (R-3 Zoning)</b>	0 feet interior setback
<b>West (R-4 Zoning)</b>	0 feet interior setback
<b>East (R-6 Zoning)</b>	0 feet street setback
<b>South (R-4 Zoning)</b>	0 feet street setback

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the Future Land Use Map does not call for a transitional height in this area. Additionally, the developer is required to construct an

amenity plaza between the structure and the public right-of-way on the site's east property line and a portion of the south property line. This amenity plaza will set the building back from those property lines without a required building setback. There is a 10-foot-wide landscaped buffer at the west property line that sets the building back from the property line without a required building setback.

- 7) LUMO Section 5.3.2(f): Steep Slopes Disturbance Limitations** Increase the disturbance of steep slopes on site to 100 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because most steep slopes on-site were man-made. Additionally, the site must be cleared of all slopes for the development to utilize underground parking, which reduces the visual impact of building massing when viewed from the west and supports increased density.

- 8) LUMO Section 5.6.6: Schedule of Required Buffers** Modify required buffer widths and planting counts as shown below, and with no modified buffers being eligible for an alternative buffer request.

Standard	Requirement
<b>Northeast</b> (R-4 Zoning)	<u>Modified Type C</u> 3 feet wide 0 required tree plantings 50 percent of required shrub plantings Semi-opaque or opaque fencing
<b>East</b> (Martin Luther King Jr Boulevard)	<u>Modified Type C</u> 20 feet wide 0 required tree plantings 75 percent of required shrub plantings
<b>South</b> (E Longview Street)	<u>Modified Type B</u> 5 feet wide 40 percent of required plantings

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because buffers can be used for multiple purposes, including seating areas. Additionally, removing the required tree plantings on the Northeast and East buffers is necessary to accommodate utilities, rights-of-way, and emergency access areas.

- 9) LUMO Section 5.7.2: Tree Canopy Coverage Standards** Reduce the minimum canopy coverage to 17 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the site is restricted by building coverage, underground utilities, overhead utilities, and offsite water traveling through the site in easements. Reduced tree canopy coverage is a tradeoff to achieve the increased density at this location.

- 10) LUMO Section 5.11.4: Offsite Illumination** Modify the offsite light spill following the table below.

Standard	Requirement
Maximum footcandle at West and Northwest property lines	1.0
Maximum footcandle at Northeast property line	2.0
Maximum footcandle at East and South property lines, adjacent to rights-of-way	5.0

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the development will provide adequate lighting for emergency access, public use of the multi-use path, and public rights-of-way. The development also aims to minimize offsite illumination to adjacent residential properties by placing the lighting with the higher light-spill (5 footcandles) farthest from the residential areas.

- 11) LUMO Section 5.14.7(m)(2): Crown Sign** Modify the standard for Crown Sign as follows:

~~Must not~~ **May** be placed below the start of highest floor ~~or~~ **and may** extend above the roof line **and must not extend above the top of the parapet**

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the roofline is not typically visible on a structure greater than 55 feet tall with a parapet surround and the sign will remain below the visible top of the parapet.

### **CONDITIONAL ZONING DISTRICT**

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

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

#### **SECTION I**

The following Orange County parcel(s) identified by Parcel Identifier Numbers (PINs) 9789302139 and 9789302349, described below, along with the area extending to the centerline of the adjoining Longview Street and Martin Luther King Jr Blvd. rights-of-way, shall be rezoned to Mixed Use Village-Conditional Zoning District (MU-V-CZD):

Beginning at a point on the north property line of PIN 9789302349, having NC grid coordinates of north 790,613.540 and east 1,983,402.016 ; thence S 12°39'37" E a distance of 266.44' to a point, thence with a curve turning to the left with an arc length of 208.02', with a radius of 2794.93', with a chord bearing of S 15°01'22" W,

with a chord length of 207.97'; thence S 81°14'26" W a distance of 190.02' to a point; thence N 12°15'00" W a distance of 52.27' to a point; thence N 11°51'42" W a distance of 44.91' to a point; thence N 12°30'34" W a distance of 44.83' to a point; thence N 12°09'33" W a distance of 51.49' to a point; thence N 36°42'59" E a distance of 374.97' to a point, which is the point of beginning, having an area of 83,272.24 square feet, 1.912 acres.

## **SECTION II**

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

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

<b>Land Use Intensity</b>	
Permitted Uses	All allowed MU-V-CZD uses in LUMO 3.4(c) Customary accessory uses
Net Land Area (NLA)	Approximately 83,272 sq. ft.
Gross Land Area (GLA)	Approximately 91,522 sq. ft.
Maximum Floor Area	275,000 sq. ft., as modified by this ordinance
Minimum Non-Residential Floor Area	1,000 square feet
Minimum Residential Floor Area	25 percent of floor area
Permitted Dwelling Units	175-200 total units
Dimensional Regulations	Per LUMO, except as modified by this ordinance
Minimum Affordable Units	See Affordable Housing Plan
Minimum Vehicular Parking	50 percent of the minimum parking requirements listed in LUMO Section 5.9 (Per LUMO 3.4.6.(e)(4))
Maximum Vehicular Parking	Per LUMO Section 5.9
Minimum Electric Vehicular (EV) Parking	5% of parking spaces served by EV-charging stations 25% of parking spaces designed to be EV-ready
Minimum Bicycle Parking	Per LUMO
Maximum Total Impervious Surface	80% of Gross Land Area, as modified by this ordinance
Maximum Land Disturbance	83,272 sq. ft.

Steep Slopes Maximum Land Disturbance	100% of area containing natural slopes 25% or greater, as modified by this ordinance
Minimum Tree Canopy Coverage	17% of Net Land Area, as modified by this ordinance
Minimum Recreation Area	5,000 sq. ft. on-site

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 containing steep slopes. These amounts may be modified according to the criteria and procedures established in LUMO 4.4.7(h). Additional modifications to amounts in the Land Use Intensity table shall be considered as follows:
- A change in the net land area or gross land area shall constitute a minor modification, provided the land area is established by a survey or legal description, and provided there is no resulting change to the zoning district boundary approved by the Town Council.
  - An increase in the maximum land disturbance up to 10 percent shall constitute a minor modification. An increase over 10 percent shall constitute a major modification. All increases shall be considered cumulatively.
  - An increase in the maximum impervious surface shall constitute a major modification.

#### Affordable Housing

5. Affordable Housing Plan: The developer shall provide the following:
- Affordable Units: The minimum number of affordable units shall be equal to 10 percent of the number of market rate homes.
  - Unit Size: The affordable units will include studio, 1-bedroom, and 2-bedroom units, in the approximate same proportion as the market rate homes.
  - Location: The affordable units will be integrated into the community.
  - Pricing: 100 percent of the affordable units will be reserved for those households earning 60 percent or less of the area median income (AMI).
    - AMI will be based on income data published annually by the U.S. Department of Housing and Urban Development for the Durham-Chapel Hill Metropolitan Statistical Area and/or the Durham-Chapel Hill, NC HUD Metro Fair Market Rent Area.
    - Maximum pricing for rental units shall be calculated based on 30 percent of monthly household income at the specified AMI levels, minus housing-related utilities (heat, water, sewer, electric, and gas) and housing-related fees required by the owner or property manager. AMI shall be calculated assuming 1 person per bedroom for efficiencies and 1.5 persons per bedroom for all other unit sizes.
  - Phasing:
    - Fifty percent of the affordable units shall be completed prior to the Zoning Final Inspection of 50 percent of the market rate homes.
    - The remaining affordable units shall be completed prior to Zoning Final Inspection of 90 percent of the market rate homes.
  - Affordability Period:
    - Affordable units offered for rent will be affordable for a period of at least thirty (30) years from the receipt of a Certificate of Occupancy.
  - Design:

- i. The affordable units will be finished with similar exterior design, trim, materials, and details as the market rate homes.
  - ii. The affordable units will meet the same energy efficiency standards as the market rate homes.
6. Affordable Housing Performance Agreement: Prior to the issuance of a Zoning Compliance Permit for residential construction, a performance agreement that incorporates the approved Affordable Housing Plan (see above) must be executed by the developer, the Town Manager (or designee), and if applicable, the non-profit agency that will administer the affordable units.
  7. Housing Vouchers: The developer agrees to accept Housing Choice Vouchers from renters of the affordable rental units for the 30-year period of affordability for the project.
  8. Conversion of Residential Rental Units to Ownership Units: If rental units are converted to for-sale units, the Affordable Housing Plan shall be revised to meet Section 3.10 of the Land Use Management Ordinance (LUMO). The revised plan shall be approved by the Town Manager prior to recordation of a plat to create the for-sale units.

#### Environment

9. 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 be 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

10. Transit Improvements: Prior to Zoning Final Inspection, the developer shall provide a payment of \$60,000 for area transit improvements. If the Town has not constructed transit improvements within 1,000 feet of the property within five years following the issuance of the final certificate of occupancy, the developer may request and the Town shall then provide a refund of this payment.
11. North-South Bus Rapid Transit Coordination: The developer shall coordinate with Chapel Hill Transit staff around the construction of the North-South Bus Rapid Transit (NSBRT) project. Prior to issuance of a Zoning Compliance Permit, the developer shall continue to coordinate with Town staff and design consultant on the design of improvements within the right-of-way, construction management plan, and traffic management plan for this development in relation to those of the NSBRT project to avoid conflict and maximize efficiency. The developer shall continue to coordinate and communicate with Town staff and design consultant to show accurate alignments, dimensions, and design details for multi-use path and roadway along Martin Luther King Jr. Blvd on the site plan sheets. Prior to any work in the public right-of-way, the developer shall submit zoning approved construction plans for the development, according to the district-specific plan dated August 6, 2025, to NSBRT project staff.
12. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
13. Trip Generation: The Traffic Impact Analysis (TIA) for this development was prepared on April 18, 2025. The developer shall request an updated TIA and apply for a major modification to this Conditional Zoning if the proposed cumulative total daily vehicle trips exceed a 10 percent increase from the TIA.
14. 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.
15. 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.
16. 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.

17. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Association of Pedestrian and Bicycle Professionals Guidelines.
18. Multi-use Path: The developer shall construct a multi-use path on the Martin Luther King Jr. Blvd frontage.
- Prior to issuance of a Zoning Compliance Permit, the developer shall submit for review and approval engineered drawings for a minimum 10-foot-wide multi-use path and a minimum 2-foot-wide planting strip on the property's frontage.
  - Prior to the Zoning Final Inspection of the structure, the developer shall construct the multi-use path.
  - Prior to Zoning Final Inspection of the structure, the developer shall submit for review and approval an easement plat that either dedicates the multi-use path to the Town in a public access easement or dedicates the multi-use path to the Town in new public right-of-way.

### Sustainability

19. Energy Efficient Building Design: For commercial construction (including multifamily), the developer shall design and build a project that meets the National Green Building Standard Gold (NGBS) certification.
- Prior to issuance of a Zoning Compliance Permit for commercial or multifamily construction, the developer shall submit to staff for their review and approval documentation that demonstrates compliance with the selected energy efficiency design standard above (e.g., pre-construction energy model).
20. Electric Vehicle Infrastructure: The developer shall ensure that their facilities support the use of current and future levels of electric vehicles by their residents and visitors by supplying electric vehicle infrastructure:
- Level 2 electric vehicle supply equipment (EVSE) installation as indicated in the Land Use Intensity Table (Condition #3);
  - EVSE-ready parking spaces as indicated in the Land Use Intensity Table (Condition #3) where EVSE-ready means a parking space has one 40-amp, 208/240V branch circuit from the panel and is terminated at a receptacle or junction box. The panel shall be labeled "EVSE-Ready" or "Future EVSE" and must support any future charging stations that provide at least 6.6 kW of power;
  - Designs must adhere to U.S. Access Board's most recently updated version of the Design Recommendations for Accessible Electric Vehicle Charging Stations; and
  - The electric vehicle infrastructure design, maintenance, and criteria for EVSE infrastructure expansion shall be detailed in an EV Charging Station Management Plan that is implemented by on-site building management once units are occupied. This plan must be reviewed and approved by staff at the Zoning Compliance Permit stage.
21. Climate Action Plan: Prior to issuance of a Zoning Compliance Permit for building construction, the developer shall submit a Climate Action Plan on the appropriate form prescribed by the Town Manager that includes, at a minimum, the following climate action commitments:
- Concrete sidewalks, natural surface trails, and high-albedo coated asphalt
  - Native and drought-tolerant landscape plantings only
  - Energy Star-rated appliances and equipment only
  - WaterSense-rated appliances and equipment only
  - Meet International Dark-Sky Associations principles for outdoor lighting

- f. LED lighting only for exterior spaces, including street/parking lot lighting (3000 Kelvin or lower)
- g. LED lighting only for interior spaces
- h. All-electric appliances (no fossil fuel appliances)
- i. All-electric building and site design
- j. Shaded outdoor structures, walkways, and sitting areas

#### Homeowner Association

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. Short-Term Rentals: The Homeowners' Association covenants or other applicable covenants and restrictions shall prohibit dedicated short-term rentals of 30 days or less.

#### Miscellaneous

28. Facade Transparency: The developer shall construct a building with minimum facade transparencies for ground and upper floor elevations on Martin Luther King Jr. Blvd and Longview Street.
- a. Transparency: Glass is considered transparent where it has a transparency higher than 80 percent and external reflectance of less than 15 percent. Windows must be clear, unpainted, or made of similarly-treated glass; spandrel glass or back-painted

glass does not comply with this condition.

- b. Applicability: Transparency applies to street-facing facades only.
- c. Measurements: Ground floor transparency shall be measured between 2 feet and 10 feet from the mean grade of the sidewalk. Upper floor transparencies shall be measured per floor starting at the third floor, measured approximately 20 feet above the mean grade of the sidewalk.
- d. Retail Use Transparency: A minimum of 30 percent of all windows for retail ground floor uses must allow views into the ground story for a depth of at least 6 feet.
- e. Minimum Transparencies
  - i. The minimum ground floor façade transparency for the portion of the building facing Martin Luther King Jr. Blvd shall be 50 percent.
  - ii. The minimum ground floor façade transparency for the portion of the building facing Longview Street shall be 35 percent.
  - iii. The minimum upper floor façade transparencies for the portion of the building facing Martin Luther King Jr. Blvd shall be 25 percent.
  - iv. The minimum upper floor façade transparencies for the portion of the building facing Longview Street shall be 25 percent.
  - v. No minimum façade transparency is required for the second floor of the building.

29. Outdoor Amenity Plaza: The developer shall construct and maintain an outdoor amenity plaza, as illustrated in the district-specific plan dated August 6, 2025, and pursuant to the conditions below.

- a. Prior to issuance of a Zoning Compliance Permit, the developer shall submit plans that demonstrate the Outdoor Amenity Plaza meets the following criteria.
  - i. The minimum size of the outdoor amenity plaza shall be 3,500 square feet. Calculating the minimum size shall not include the area of the multi-use path (Condition 17).
  - ii. The outdoor amenity plaza may include, but is not limited to, landscaped areas, a seating area, and water features.
  - iii. The outdoor amenity plaza shall not include streetscape components located within the public right-of-way.
  - iv. The outdoor amenity plaza shall not be parked or driven upon, except for emergency access and permitted temporary events.
  - v. The outdoor amenity plaza shall be constructed adjacent to the structure and to the adjoining public rights-of-way.
- b. Prior to the Zoning Inspection for the Outdoor Amenity Plaza, the developer shall submit for review and approval an easement plat that meets the following criteria. The conditions below only apply if the Town accepts the public access easement.
  - i. The outdoor amenity plaza shall be dedicated for public access, subject to acceptance by the Town, through an easement plat.
  - ii. The easement plat shall also indicate the party responsible for maintenance of the outdoor amenity plaza. The plaza shall be maintained by the property owner or designated legal entity.
  - iii. The easement plat shall be recorded prior to a Certificate of Compliance.

30. Town Design Manual: Except as specified elsewhere in this Ordinance, the developer shall comply with all standards of the Public Works Engineering Design Manual, as applicable to the project.

31. State or Federal Approvals: Any required 401/404 permits shall be approved and copies submitted to the Town of Chapel Hill prior to issuance of a Zoning Compliance Permit (ZCP). North Carolina Department of Transportation permit applications shall be

submitted prior to issuance of a ZCP.

32. Detailed Plans: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to the district-specific plan approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Public Works Engineering Design Manual. [LUMO 4.4.7]
33. 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.
34. Cumulative Tracking: Each Final Plans Zoning Compliance Permit application shall include a cumulative tally of the existing and proposed:
- a. Floor area
  - b. Unit counts (by housing type and including affordable units)
  - c. Trip generation (including total daily vehicle trips)
  - d. Tree canopy
  - e. Impervious surface
  - f. Land disturbance
  - g. Resource Conservation District (RCD) disturbance
  - h. Bicycle parking spaces
  - i. Vehicular parking spaces (including electric vehicle parking space)
35. Invasive Exotic Vegetation: The developer shall remove all invasive exotic species of vegetation as identified by the Southeast Exotic Pest Plant Council (SE-EPPC) and in Section 5.7.6 of the Land Use Management Ordinance (LUMO) from all areas located within the limits of disturbance. Prior to issuance of a Zoning Compliance Permit, the developer shall identify all invasive exotic species of vegetation within the limits of disturbance or other areas, as deemed necessary by the Town Manager.
36. Community Design Commission (CDC) Review: The Community Design Commission shall review building elevations, site lighting, and the location and screening of all HVAC equipment prior to issuance of a Zoning Compliance Permit for a particular phase or building. After construction of all buildings is completed, CDC review is not required for subsequent changes to building elevations or site lighting that do not require a Zoning Compliance Permit.
37. 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]
38. 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.

39. Vested Right: This Conditional Zoning constitutes a site-specific vesting plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160D-108.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.
40. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
41. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
42. Not-Comprehensive: The listing of these specific conditions applicable to this Permit is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER ORDAINED that the Council hereby approves the application for Conditional Zoning for 701 Martin Luther King Jr Boulevard.

This the 8th day of October, 2025.



701 Martin Luther King Jr Blvd

Orange County PIN: 9789302139 and 9789302349

Surveyed Description:

Beginning at a point on the north property line of PIN 9789302349, having NC grid coordinates of north 790,613.540 and east 1,983,402.016 ; thence S 12°39'37" E a distance of 266.44' to a point, thence with a curve turning to the left with an arc length of 208.02', with a radius of 2794.93', with a chord bearing of S 15°01'22" W, with a chord length of 207.97'; thence S 81°14'26" W a distance of 190.02' to a point; thence N 12°15'00" W a distance of 52.27' to a point; thence N 11°51'42" W a distance of 44.91' to a point; thence N 12°30'34" W a distance of 44.83' to a point; thence N 12°09'33" W a distance of 51.49' to a point; thence N 36°42'59" E a distance of 374.97' to a point, which is the point of beginning, having an area of 83,272.24 square feet, 1.912 acres.

Thomas & Hutton  
2510 Meridian Parkway, Suite 100  
Durham, NC 27713

701 MLK RESIDENTIAL  
NOTICE OF CONDITIONAL ZONING

**EXHIBIT B**  
**Approved Plans**

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

# CONDITIONAL ZONING OF 701 MLK

701 MARTIN LUTHER KING JR BOULEVARD  
CHAPEL HILL, NC 27516

PREPARED FOR:  
LCD ACQUISITIONS, LLC  
3060 PEACHTREE ROAD NW  
SUITE 500  
ATLANTA, GA 30305

PIN# 9789-30-2139

AUGUST 6, 2025

J-32417.0000

PREPARED BY:



J-32417.0000  
4/10/25  
701 MLK

### Sheet List Table

Sheet Title	Sheet Number
COVER SHEET	C0.0
GENERAL NOTES AND INDEX	G0.1
AREA MAP	A1.1
EXISTING CONDITIONS & DEMOLITION PLAN	D1.1
SLOPE ANALYSIS AND IMPACTS	D1.2
DISTRICT SPECIFIC SITE PLAN	DP1.0
FIRE SAFETY PLAN	G1.2
FIRE SAFETY EXHIBIT	G1.2a
SITE DETAILS	G1.3
UTILITY PLAN	G2.1
PAVING GRADING AND DRAINAGE PLAN	G3.1
PLANTING PLAN	L1.1
LANDSCAPE PROTECTION PLAN	L1.3
TRANSPARENCY FACADE EXHIBIT	X1
	X2

### REVISION HISTORY

NO.	DATE	DESCRIPTION	BY	CHKD.
1	08/06/25	ISSUE FOR PERMIT	TH	TH
2	08/06/25	ISSUE FOR PERMIT	TH	TH
3	08/06/25	ISSUE FOR PERMIT	TH	TH
4	08/06/25	ISSUE FOR PERMIT	TH	TH
5	08/06/25	ISSUE FOR PERMIT	TH	TH
6	08/06/25	ISSUE FOR PERMIT	TH	TH
7	08/06/25	ISSUE FOR PERMIT	TH	TH
8	08/06/25	ISSUE FOR PERMIT	TH	TH
9	08/06/25	ISSUE FOR PERMIT	TH	TH
10	08/06/25	ISSUE FOR PERMIT	TH	TH

### SUBMITTAL HISTORY

NO.	DATE	DESCRIPTION	BY	CHKD.
1	08/06/25	ISSUE FOR PERMIT	TH	TH
2	08/06/25	ISSUE FOR PERMIT	TH	TH
3	08/06/25	ISSUE FOR PERMIT	TH	TH
4	08/06/25	ISSUE FOR PERMIT	TH	TH
5	08/06/25	ISSUE FOR PERMIT	TH	TH
6	08/06/25	ISSUE FOR PERMIT	TH	TH
7	08/06/25	ISSUE FOR PERMIT	TH	TH
8	08/06/25	ISSUE FOR PERMIT	TH	TH
9	08/06/25	ISSUE FOR PERMIT	TH	TH
10	08/06/25	ISSUE FOR PERMIT	TH	TH





Project Manager  
Seal

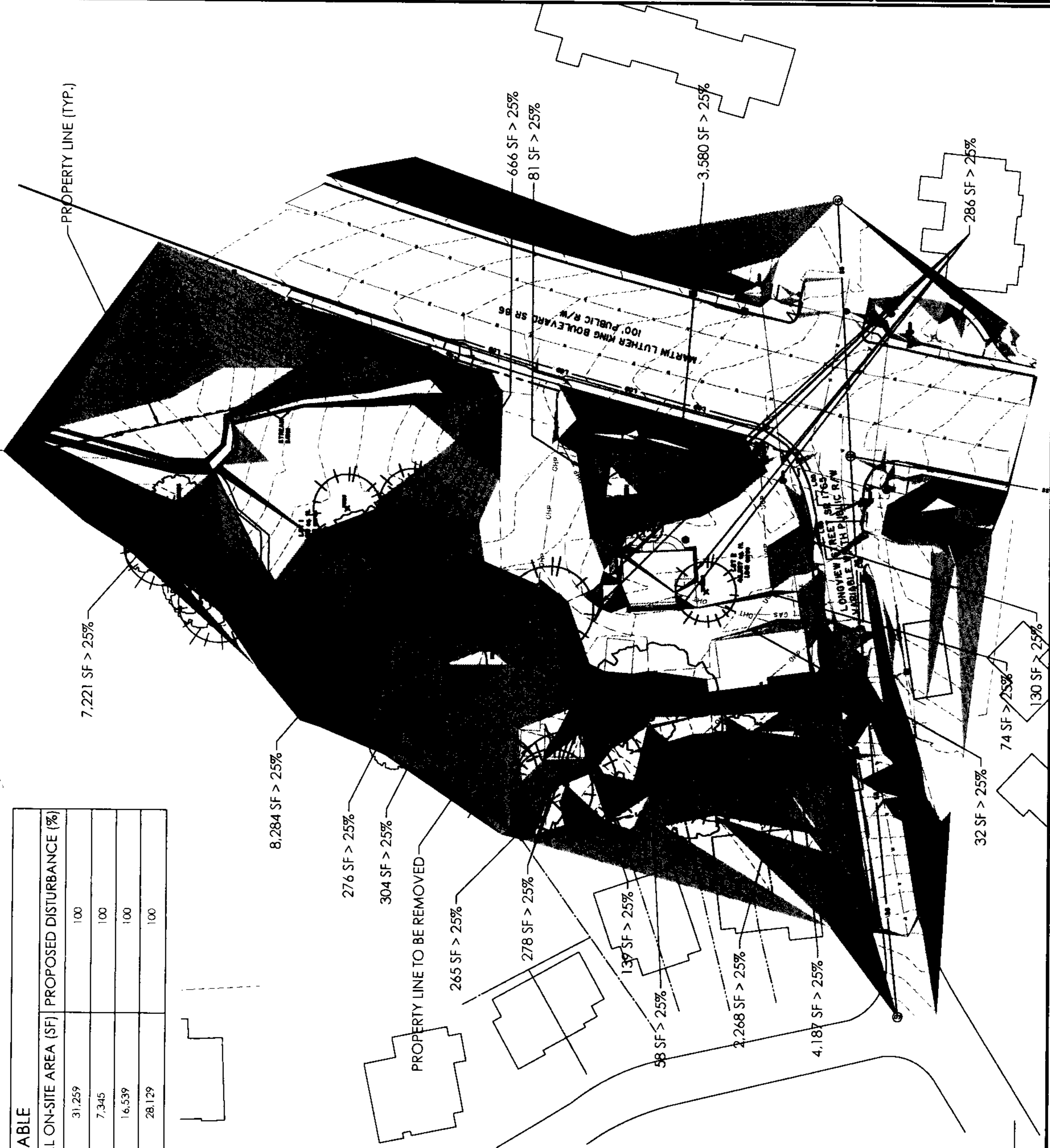


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2510 Henderson Parkway • Suite 100  
Dobson, NC 27013  
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www.thomasandhutton.com

 <p><b>THOMAS HUTTON</b></p> <p>2310 Westchester Parkway, Suite 100 Durham, NC 27713 • 919.486.0388 www.thomashutton.com</p>	<p><b>SLOPE ANALYSIS AND IMPACTS</b></p> <p>701 MLK</p> <p><b>PROJECT LOCATION:</b> 701 West Luthering / Boulevard Durham, NC 27716</p> <p><b>CLIENT/OWNER:</b> ICD ACCOMMODATIONS, LLC 1400 West Luthering Road, Suite 100 Durham, NC 27716</p>		 <p>GRAPHIC SCALE: 1" = 100'</p>	<p><b>D1.2</b></p>	




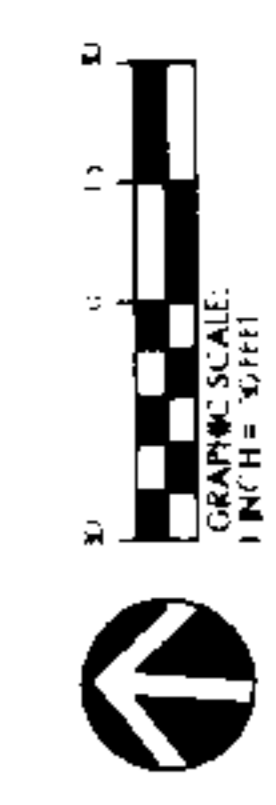
**SLOPES TABLE**

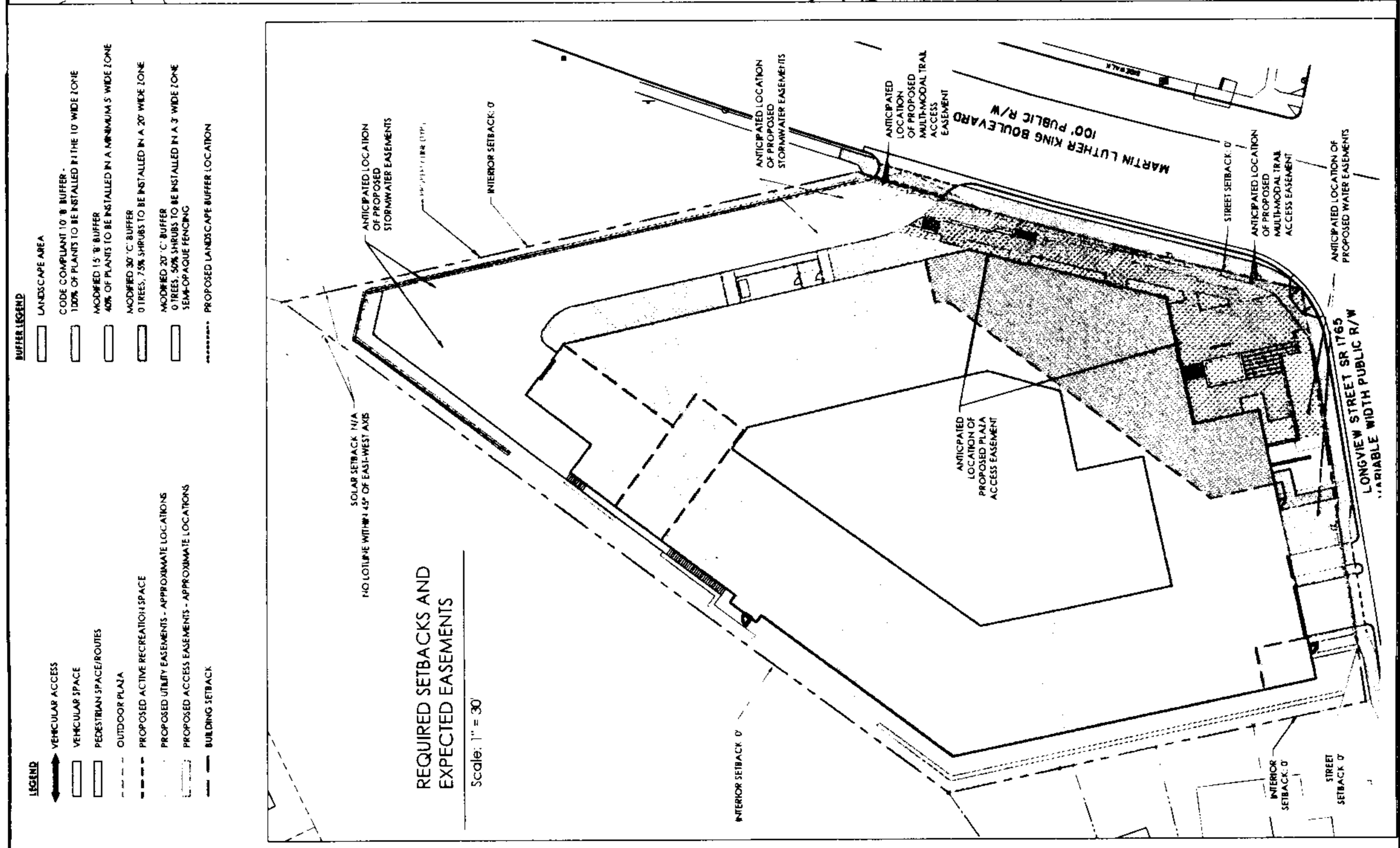
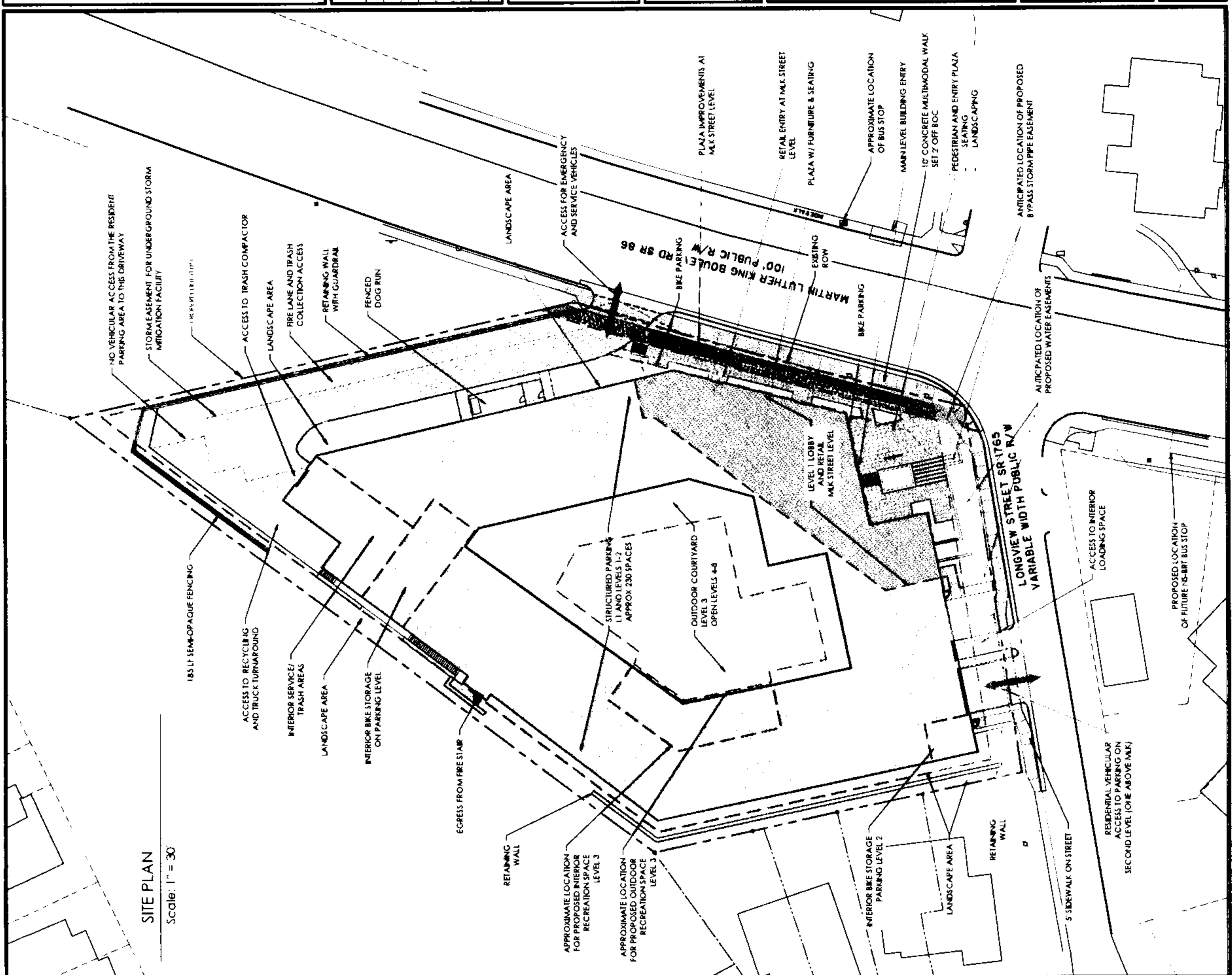
MIN SLOPE	MAX SLOPE	COLOR	TOTAL ON-SITE AREA (SF)	PROPOSED DISTURBANCE (%)
0.00%	10.00%		31,259	100
10.00%	15.00%		7,345	100
15.00%	25.00%		16,539	100
25.00%	100.00%		28,129	100

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

1 SLOPE ANALYSIS AND IMPACTS  
Scale: 1" = 30'

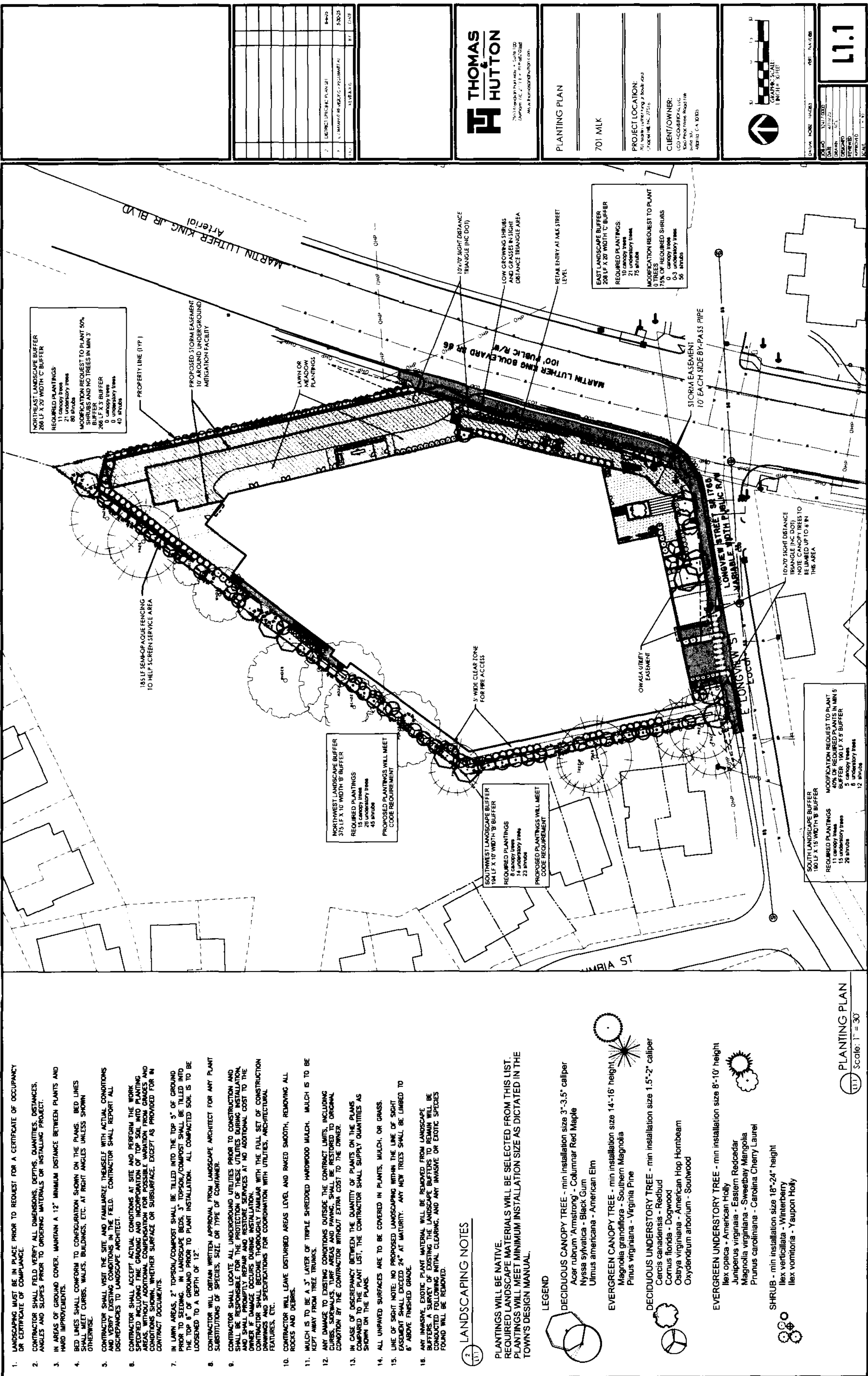
THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

 <p><b>THOMAS HUTTON</b>          2700 WOODBRIDGE PARKWAY, SUITE 100          DUNSMUIR, NC 27834          www.thomashutton.com</p>	<p>DISTRICT SPECIFIC PLAN</p> <p>701 MLK</p>	<p>PROJECT LOCATION:          701 WOODBRIDGE PARKWAY          DUNSMUIR, NC 27834</p>	<p>CLIENT/OWNER:          LCD LOGAN/BA, LLC          100 WOODBRIDGE PARKWAY          SUITE 100          DUNSMUIR, NC 27834</p>	 <p>GRAPHIC SCALE          1" = 10'</p>	<p><b>DP1.0</b></p>
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- LEGEND**
- VEHICULAR ACCESS
  - VEHICULAR SPACE
  - PEDESTRIAN SPACES/ROUTES
  - OUTDOOR PLAZA
  - PROPOSED ACTIVE RECREATION SPACE
  - PROPOSED UTILITY EASEMENTS - APPROXIMATE LOCATIONS
  - PROPOSED ACCESS EASEMENTS - APPROXIMATE LOCATIONS
  - BUILDING SETBACK
- BUFFER LEGEND**
- LANDSCAPE AREA
  - CODE COMPLIANT 10' BUFFER - 100% OF PLANTS TO BE INSTALLED IN THE 10' WIDE ZONE
  - MODIFIED 15' BUFFER - 40% OF PLANTS TO BE INSTALLED IN A MINIMUM 5' WIDE ZONE
  - MODIFIED 30' BUFFER - 0 TREES, 75% SHRUBS TO BE INSTALLED IN A 20' WIDE ZONE
  - MODIFIED 20' BUFFER - 0 TREES, 50% SHRUBS TO BE INSTALLED IN A 3' WIDE ZONE
  - SEMI-OPACQUE FENCING
  - PROPOSED LANDSCAPE BUFFER LOCATION

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- LANDSCAPING MUST BE IN PLACE PRIOR TO REQUEST FOR A CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLIANCE.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DEPTHS, QUANTITIES, DISTANCES, ANGLES AND SLOPES PRIOR TO ORDERING MATERIALS OR INSTALLING PROJECT.
- IN AREAS OF GROUND COVER, MAINTAIN A 12" MINIMUM DISTANCE BETWEEN PLANTS AND HARD IMPROVEMENTS.
- BED LINES SHALL CONFORM TO CONFIGURATION SHOWN ON THE PLANS. BED LINES SHALL MEET CURBS, WALLS, BUILDINGS, ETC. AT RIGHT ANGLES UNLESS SHOWN OTHERWISE.
- CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE THEMSELVES WITH ACTUAL CONDITIONS AND VERIFY EXISTING CONDITIONS IN THE FIELD. CONTRACTOR SHALL REPORT ALL DISCREPANCIES TO LANDSCAPE ARCHITECT.
- CONTRACTOR SHALL ACCEPT ACTUAL CONDITIONS AT SITE AND PERFORM THE WORK SPECIFIED INCLUDING THE GRADING AND INCORPORATION OF TOP SOIL INTO PLANTING AREAS, WITHOUT ADDITIONAL COMPENSATION FOR POSSIBLE VARIATION FROM GRADES AND CONDITIONS SHOWN, WHETHER SURFACE OR SUBSURFACE, EXCEPT AS PROVIDED FOR IN CONTRACT DOCUMENTS.
- IN LAWN AREAS, 2" TOPSOIL/COMPOST SHALL BE TILLED INTO THE TOP 5" OF GROUND PRIOR TO SEEDING. IN LANDSCAPE BEDS, 3" TOPSOIL/COMPOST SHALL BE TILLED INTO THE TOP 6" OF GROUND PRIOR TO PLANT INSTALLATION. ALL COMPACTED SOIL IS TO BE LOOSENEED TO A DEPTH OF 12".
- CONTRACTOR WILL OBTAIN WRITTEN APPROVAL FROM LANDSCAPE ARCHITECT FOR ANY PLANT SUBSTITUTIONS OF SPECIES, SIZE, OR TYPE OF CONTAINER.
- CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION AND SHALL PROMPTLY REPAIR AND RESTORE SERVICES AT NO ADDITIONAL COST TO THE OWNER IF DAMAGE OCCURS DURING INSTALLATION. CONTRACTOR SHALL BECOME THOROUGHLY FAMILIAR WITH THE FULL SET OF CONSTRUCTION DRAWINGS AND SPECIFICATIONS FOR COORDINATION WITH UTILITIES, ARCHITECTURAL FEATURES, ETC.
- CONTRACTOR WILL LEAVE DISTURBED AREAS LEVEL AND RAKED SMOOTH, REMOVING ALL ROCKS AND DEBRIS.
- MULCH IS TO BE A 3" LAYER OF TRIPLE SHREDED HARDWOOD MULCH. MULCH IS TO BE KEPT AWAY FROM TREE TRUNKS.
- ANY DAMAGE TO EXISTING CONDITIONS OUTSIDE THE CONTRACT LIMITS, INCLUDING CURBS, SIDEWALKS, TURF AREAS AND PAVING, SHALL BE RESTORED TO ORIGINAL CONDITION BY THE CONTRACTOR WITHOUT EXTRA COST TO THE OWNER.
- IN CASE OF DISCREPANCY BETWEEN THE QUANTITY OF PLANTS ON THE PLANS AND QUANTITIES TO BE PLANTED, THE CONTRACTOR SHALL SUPPLY QUANTITIES AS SHOWN ON THE PLANS.
- ALL UNPAVED SURFACES ARE TO BE COVERED IN PLANTS, MULCH, OR GRASS.
- LINE OF SIGHT NOTE: NO PROPOSED LANDSCAPING WITHIN THE LINE OF SIGHT EASEMENT SHALL EXCEED 24" AT MATURITY. ANY NEW TREES SHALL BE LIMBED TO 8' ABOVE FINISHED GRADE.
- ANY INVASIVE, EXOTIC PLANT MATERIALS WILL BE REMOVED FROM LANDSCAPE BEDS PRIOR TO PLANTING. ALL PLANTS TO BE PLANTED SHALL BE VERIFIED TO BE CONDUCTED FOLLOWING INITIAL CLEARING, AND ANY INVASIVE OR EXOTIC SPECIES FOUND WILL BE REMOVED.

2 LANDSCAPING NOTES

PLANTINGS WILL BE NATIVE. REQUIRED LANDSCAPE MATERIALS WILL BE SELECTED FROM THIS LIST. PLANTINGS WILL MEET MINIMUM INSTALLATION SIZE AS DICTATED IN THE TOWN'S DESIGN MANUAL.

- LEGEND
- DECIDUOUS CANOPY TREE - min installation size 3"-3.5" caliper
    - Acer rubrum 'Armstrong' - Columnar Red Maple
    - Nyssa sylvatica - Black Gum
    - Ulmus americana - American Elm
  - EVERGREEN CANOPY TREE - min installation size 14'-16" height
    - Magnolia grandiflora - Southern Magnolia
    - Pinus virginiana - Virginia Pine
  - DECIDUOUS UNDERSTORY TREE - min installation size 1.5"-2" caliper
    - Cercis canadensis - Redbud
    - Cornus florida - Dogwood
    - Ostrya virginiana - American Hop Hornbeam
    - Oxydendrum arborium - Southwood
  - EVERGREEN UNDERSTORY TREE - min installation size 8'-10' height
    - Ilex opaca - American Holly
    - Juniperus virginiana - Eastern Redcedar
    - Magnolia virginiana - Sweetbay Magnolia
    - Prunus caroliniana - Carolina Cherry Laurel
  - SHRUB - min installation size 18"-24" height
    - Ilex verticillata - Winterberry
    - Ilex vomitoria - Yaupon Holly

PLANTING PLAN  
Scale: 1" = 30'

THOMAS HUTTON  
Landscape Architecture, Inc.  
1000 West 10th Street, Suite 100  
Minneapolis, MN 55408  
www.thomashutton.com



PROJECT LOCATION:  
701 Martin Luther King Jr. Blvd. #201  
Minneapolis, MN 55408

CLIENT/OWNER:  
LCD-COMMERCE, LLC  
500 West 10th Street, Suite 100  
Minneapolis, MN 55408

PLANTING PLAN  
701 MLK

DATE: 08/01/2023  
DRAWN: J. HUTTON  
CHECKED: J. HUTTON  
SCALE: 1" = 30'

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		 2700 WOODBRIDGE PARKWAY, SUITE 102 DURHAM, N.C. 27713 • 919-487-0008 WWW.THOMASHTUTTON.COM	LANDSCAPE PROTECTION PLAN  701 MLK	PROJECT LOCATION: 701 MARTIN LUTHER KING JR. BOULEVARD CHARLOTTE, N.C. 28202	CLIENT/OWNER: LCD-ACCOMMODIS, LLC 300 PINE HURST ROAD #100 WINDY HILL, N.C. 27712	 GRAPHIC SCALE 1" = 30'	<h1 style="margin: 0;">L1.3</h1>
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**TREE COVERAGE CALCULATIONS**

Surveyed site area: 83,272 SF  
 Less area in storm easement: 13,819 SF  
 Net Land Area: 69,453 SF  
 REQUIRED TREE COVERAGE: 40% = 27,781 SF

TREE COVERAGE TO BE RETAINED: 0  
 REQUIRED NEW TREE INSTALLATION: 56 TREES

PROPOSED CANOPY TREE PLANTINGS: 24  
 CANOPY COVERAGE CREDIT: 24 X 500 SF = 12,000 SF  
 PROPOSED CANOPY COVERAGE: 17%

**MODIFICATION REQUEST TO PROVIDE LESS TREE COVERAGE THAN LUMO MINIMUM REQUIREMENT.**

**L1.3 LANDSCAPE PROTECTION PLAN**  
 Scale: 1" = 30'

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**PER LUMO.3.11.2.7 MEASUREMENTS & EXCEPTIONS:**

- O. TRANSPARENCY**
1. Transparency is the minimum percentage of windows and doors that must cover a ground or upper story facade. Transparency is required for any building facade facing a street.
  2. The transparency requirement on ground story facades is measured between two (2) and ten (10) feet above the adjacent sidewalk.
  3. The transparency requirement on upper story facades is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
  4. Glass is considered transparent where it has a transparency higher than eighty (80) percent and external reflectance of less than fifteen (15) percent. Windows must be clear, unpainted, or made of similarly-treated glass; spandrel glass or back-painted glass does not comply with this provision.
  5. Transparency applies to street-facing facades only.
  6. For ground story retail uses, a minimum of sixty (60) percent of all windows must allow views into the ground story for a depth of at least six (6) feet.

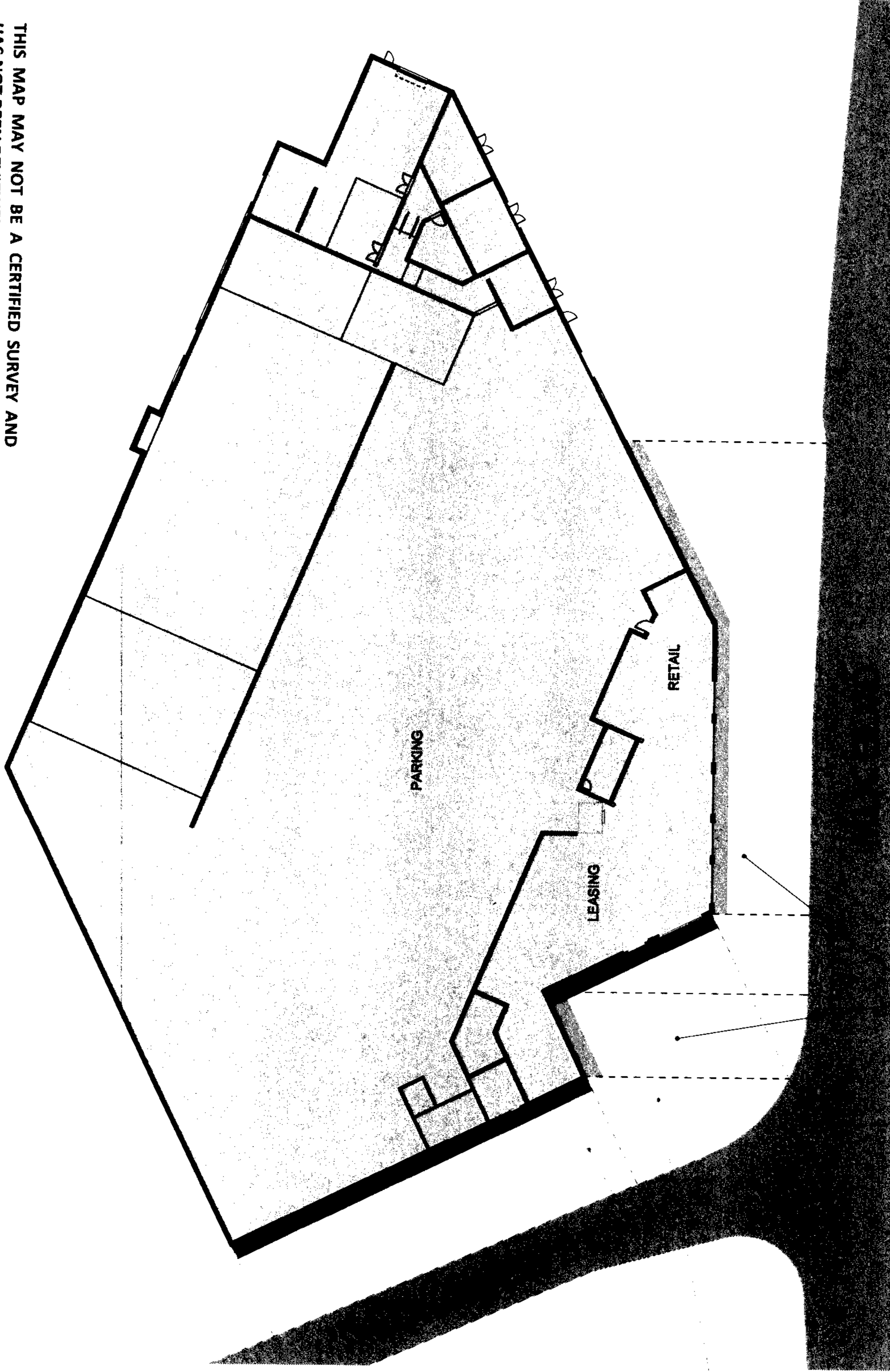
**BLUE HILL DISTRICT REQUIREMENTS (FOR REFERENCE)**

GROUND STORY (MIN)	20%
UPPER STORY (MIN)	20%

**LONGVIEW ST**

GROUND FLOOR (BETWEEN 2FT - 10FT)  
TOTAL AREA: 1,086 SF  
TRANSPARENT AREA: 392 SF = 36%

UPPER FLOORS (FLOOR TO FLOOR)  
TOTAL AREA: 2,213 SF  
TRANSPARENT AREA: 557 SF = 25%



**MLK BLVD**

GROUND FLOOR (BETWEEN 2FT - 10FT)  
TOTAL AREA: 1,401 SF  
TRANSPARENT AREA: 786 SF = 56%

UPPER FLOORS (FLOOR TO FLOOR)  
TOTAL AREA: 2,116 SF  
TRANSPARENT AREA: 526 SF = 25%

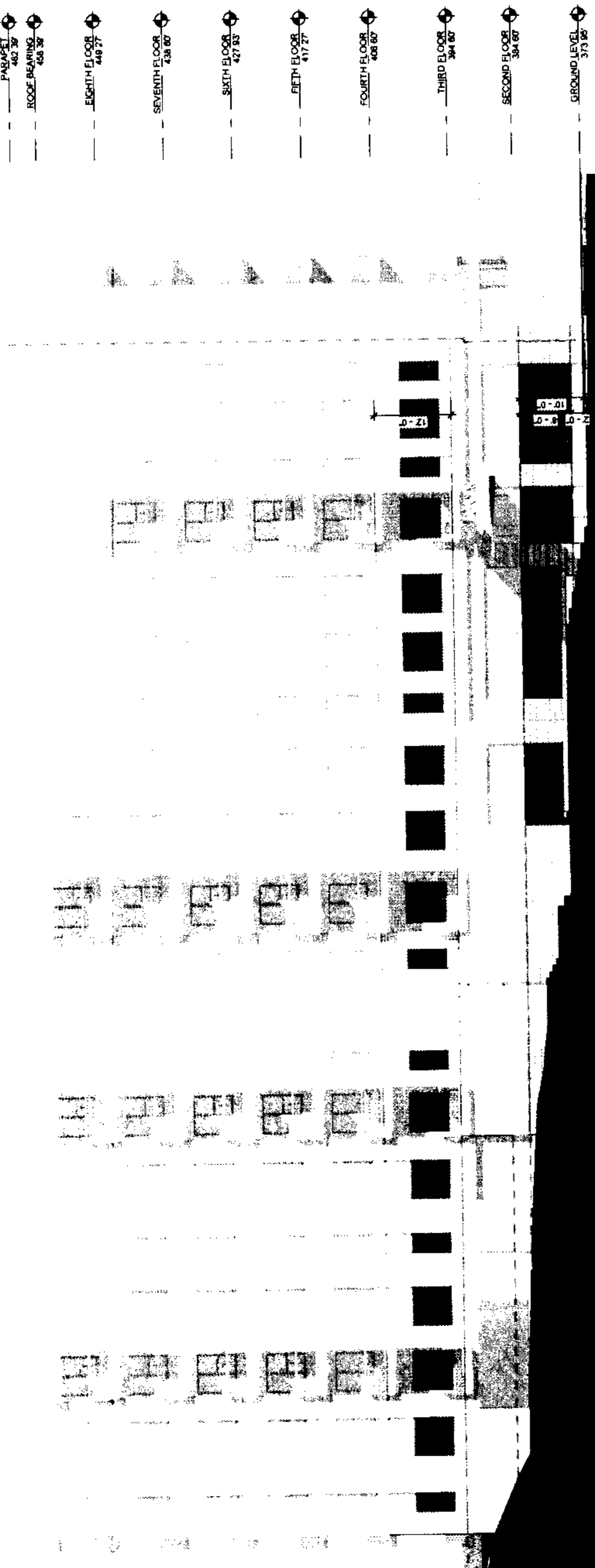
**cline**

**MLK BOULEVARD**  
CHAPEL HILL, NC

**TRANSPARENCY DIAGRAM X.1**

1/16" = 1'-0" | 024258 | 05-28-2025

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**LONGVIEW ST**

GROUND FLOOR (BETWEEN 2FT - 10FT)

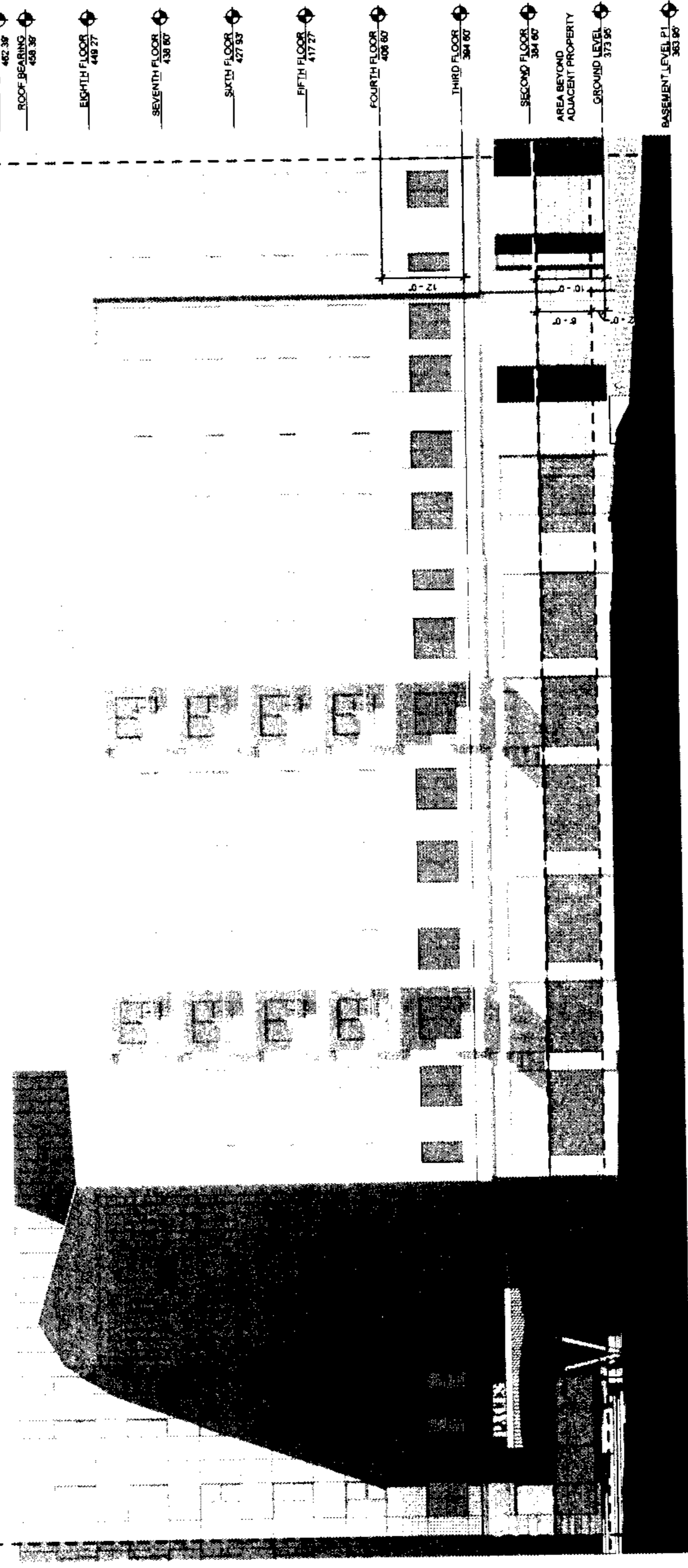
TOTAL AREA: 1,986 SF  
 TRANSPARENT AREA: 392 SF = 36%

UPPER FLOORS (FLOOR TO FLOOR)

TOTAL AREA: 2,213 SF  
 TRANSPARENT AREA: 557 SF = 25%

**TRANSPARENCY DIAGRAM - W ELEVATION**  
 3/32" = 1'-0"

2



**MLK BLVD**

GROUND FLOOR (BETWEEN 2FT - 10FT)

TOTAL AREA: 1,401 SF  
 TRANSPARENT AREA: 786 SF = 56%

UPPER FLOORS (FLOOR TO FLOOR)

TOTAL AREA: 2,116 SF  
 TRANSPARENT AREA: 526 SF = 25%

**TRANSPARENCY CALCS - SW ELEVATION**  
 3/32" = 1'-0"

1



**MLK BOULEVARD**  
 CHAPEL HILL, NC

**TRANSPARENCY DIAGRAM**

**X.2**

3/32" = 1'-0" | 024258 | 05.28.2025