

RESOLUTION
Approving the Application

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT
MODIFICATION FOR THE PROPERTY LOCATED AT 1721 E. FRANKLIN STREET
(PROJECT# SUP-25-1) (2025-11-12/R-6)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds the application for a Special Use Permit Modification, submitted by Network Towers, LLC, on behalf of property owner House Harris Holdings, LLC, for development located at 1721 E. Franklin Street, on property identified as Orange County Property Identifier Number 9799-26-1213, if developed according to the plans dated November 11, 2024, last revised September 18, 2025, and the stipulations listed below would, per LUMO 4.5.2:

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

MODIFICATIONS TO REGULATIONS

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

- 1) LUMO Section 5.7.2: Tree canopy coverage standards.** Reduce the minimum tree canopy coverage requirement as stated in the Land Use Intensity Table.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because replanting canopy trees would require more disturbance in environmentally sensitive areas.

- 2) LUMO Section 5.20.8(a)(5): General requirements, parking.** Allow the required parking space to be located outside of the leased area or equipment compound.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because this modification reduces the amount of impervious surface needed within the compound area and in environmentally sensitive areas.

- 3) LUMO Section 5.20.8(a)(6): General requirements, buffers and landscaping.** Replace the planted buffer requirement with a fence, the height and material of which must be approved by the Community Design Commission (CDC) as an alternative buffer. The height of the fence must be taller than the equipment within the compound area to provide sufficient screening.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because a planted buffer would require more disturbance in environmentally sensitive areas.

- 4) LUMO Section 5.20.10(b)(1)(ii.)(b): Height.** Increase the allowable height of the macrocell facility: non-concealed tower in a non-single-family district as stated in the Land Use Intensity Table.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because the additional height allows the tower to accommodate and facilitate the demand for wireless services in the area.

STIPULATIONS SPECIFIC TO THE DEVELOPMENT

1. Expiration of Special Use Permit Modification: Construction or other activity authorized by this permit shall be substantially commenced by a date precisely two years from the date of this approval or this permit shall expire. The deadline for completion of construction shall be established by the Zoning Compliance Permit(s) issued pursuant to this approval. [LUMO 4.5.5]
2. Consent to Stipulations: 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. Existing Permit: The existing Special Use Permit recorded in Orange County Register of Deeds Book 242, Page 1447, dated December 11, 1972, and modification recorded in Orange County Register of Deeds Book 264, Page, 666, dated April 12, 1976, remain in effect except as modified by these stipulations.
4. Land Use Intensity: This Special Use Permit Modification authorizes the following:

Land Use Intensity	
Permitted Uses and Activities	Macrocell facility: new non-concealed tower Other uses allowed by LUMO, subject to consistency with plans
Net Land Area	Approximately 186,872 sq. ft.
Gross Land Area	Approximately 205,559 sq. ft.
Equipment Compound Area	2,625 sq. ft. for macrocell facility: new non-concealed tower
Maximum Additional Floor Area	0 sq. ft. for macrocell facility: new non-concealed tower
Maximum Tower Height	199 ft., excluding lightning rod, for macrocell facility: new non-concealed tower

Other Dimensional Regulations	Per LUMO for macrocell facility: new non-concealed tower
Minimum Vehicular Parking	Per LUMO for macrocell facility: new non-concealed tower
Maximum Additional Impervious Surface Area	3,000 sq. ft. within the equipment compound for macrocell facility: new non-concealed tower
Maximum Land Disturbance	5,056 sq. ft. for macrocell facility: new non-concealed tower
Resource Conservation District Maximum Land Disturbance	Per LUMO for macrocell facility: new non-concealed tower
Resource Conservation District Maximum Impervious Surface	Per LUMO for macrocell facility: new non-concealed tower
Steep Slopes Maximum Land Disturbance	Per LUMO for macrocell facility: new non-concealed tower
Minimum Tree Canopy Coverage	25% for entire parcel

The requirements listed in this land use intensity table do not apply to or limit future projects that (1) do not independently require a Special Use Permit and (2) are located outside of the equipment compound area.

5. Modifications to Land Use Intensity: This approval establishes minimums and maximums as indicated in the above Land Use Intensity Table. These amounts apply to the entire project site, including areas within the Resource Conservation District (RCD) and areas containing steep slopes, unless otherwise specified. These amounts may be modified according to the criteria and procedures established in LUMO 4.5.4. Additional modifications to amounts in the Land Use Intensity table shall be considered as follows:
 - a. An increase in the size of the equipment compound area shall constitute a minor modification if it results in no more than a five percent increase in maximum land disturbance. An increase resulting in more than a five percent increase in maximum land disturbance shall constitute a major modification.
 - b. An increase in the maximum total impervious surface or maximum land disturbance up to five percent shall constitute a minor modification. An increase over five percent shall constitute a major modification. All increases shall be considered cumulatively.
6. Parking: The parking space used to meet the requirements of the Land Use Management Ordinance shall be located within 500 feet of the equipment compound. The developer shall ensure that the parking space is continuously available to meet the requirement of the Land Use Management Ordinance by an appropriate means, including but not limited to a contract or agreement. This condition and the parking requirement shall not apply if the Town Council amends the Chapel Hill Land Use Management Ordinance to remove parking requirements for wireless telecommunications facilities.

Environment

7. Stormwater Performance Guarantee: A stormwater performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirements of LUMO 4.9.3 prior to the approval of Constructional plans. The

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

Upon completion of the stormwater control measures(s) and other improvements and acceptance by the Town after final site inspection, the one hundred and twenty-five percent (125%) of the performance surety shall be released to the developer and a maintenance bond in an amount of twenty-five (25) percent of the construction cost estimate shall submitted by the developer prior to the issuance of certificate of occupancy. No sooner than one year after the recording date of the deed(s), easements and maintenance agreement, the owner may request release of the remainder of the maintenance bond. Upon request by the owner, the Stormwater Management Division shall inspect the storm water control structure(s) to determine that the storm water measure(s) are performing as required by this Ordinance. The Stormwater Management Division, upon determining that the storm water control(s) are performing as required by this Ordinance, and after any repairs to the storm water control structure(s) are made by the owner, shall release the remaining maintenance bond.

Following the release of the maintenance bond, the developer and/or Homeowners Association shall continue to have a responsibility and obligation to inspect and maintain the stormwater infrastructure as required by the Town's Land Use Management Ordinance. [LUMO 4.9.3]

Transportation, Access, and Connectivity

8. 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.

Miscellaneous

9. Access Easement: Prior to the Zoning Final Inspection, the 20-foot-wide access easement shown on the plans dated November 11, 2024, last revised September 18, 2025, shall be recorded with the Orange County Register of Deeds. The developer shall provide Town staff a copy of the recorded easement.
10. Town Design Manual: Except as specified elsewhere in this Resolution, the developer shall comply with all standards of the Public Works Engineering Design Manual, as applicable to the project.

11. State or Federal Approvals: Any required State or federal approvals, permits, or encroachment agreements, including but not limited to NCDOT approvals and 401/404 permits, shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
12. 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 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 Public Works Engineering Design Manual. [LUMO 4.5.3]
13. 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.
14. Cumulative Tracking: Each Final Plans Zoning Compliance Permit application shall include a cumulative tally of the existing and proposed:
 - a. Floor area
 - b. Impervious surface
 - c. Land disturbance
 - d. Tree canopy
 - e. Resource Conservation District (RCD) disturbance
 - f. Floodplain disturbance
15. 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.
16. 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]
17. Vested Right: This Special Use Permit constitutes a site-specific vesting plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160D-108.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.

18. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
19. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
20. Not-Comprehensive: The listing of these specific conditions applicable to this Permit is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit Modification at 1721 E. Franklin Street.

This the 12th day of November, 2025.