



# TOWN OF CHAPEL HILL

## Town Council Meeting Agenda

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

Mayor Pam Hemminger  
Mayor pro tem Michael Parker  
Council Member Jessica Anderson  
Council Member Allen Buansi

Council Member Hongbin Gu  
Council Member Tai Huynh  
Council Member Amy Ryan  
Council Member Karen Stegman

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**Wednesday, February 24, 2021 7:00 PM**

**Virtual Meeting**

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### Virtual Meeting Notification

*Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.*

*The public is invited to attend the Zoom webinar directly online or by phone. Register for this webinar:*

*[https://us02web.zoom.us/webinar/register/WN\\_bb1dCQj\\_RX2AjxmQK\\_fC1g](https://us02web.zoom.us/webinar/register/WN_bb1dCQj_RX2AjxmQK_fC1g)  
After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592,  
Meeting ID: 865 2869 6924*

*Llame al (919) 969-5156 para obtener interpretación en español. Inserte el código 8876452#. Después del tono, diga su nombre y oprima #. (Call (919) 969-5156 for Spanish language interpretation. Enter Code 8876452#. After the tone, say your name and press #. )*

*View Council meetings live at <https://chapelhill.legistar.com/Calendar.aspx> – and on Chapel Hill Gov-TV ([townofchapelhill.org/GovTV](http://townofchapelhill.org/GovTV)).*

### **OPENING**

### **ROLL CALL**

### **PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS**

*Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present,*

*petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions to Council webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.*

1. Shaw Design Associates Request for Expedited Review and Fee Waiver for 1751 Dobbins Drive Project. [\[21-0128\]](#)

## **ANNOUNCEMENTS BY COUNCIL MEMBERS**

### **CONSENT**

*Items of a routine nature will be placed on the Consent Agenda to be voted on in a block. Any item may be removed from the Consent Agenda by request of the Mayor or any Council Member.*

2. Approve all Consent Agenda Items. [\[21-0129\]](#)

By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.

3. Approve a Contract Extension for Audit Services Contract for Fiscal Year 2020-21. [\[21-0130\]](#)

By adopting the resolution, the Council accepts the proposal for the Town's FY 2020-21 audit firm Martin Starnes & Associates, CPAs, P.A. in the amount of \$53,050, exercising the final of four one-year contract renewal options and authorizes a contract to be signed by the Mayor on behalf of the Town.

4. Approve the Annual Percent for Art Plan 2020-2021. [\[21-0131\]](#)

By adopting the resolution, the Council approves the 2020-2021 Percent for Art Plan.

5. Adopt a Resolution of Intent to Issue Two-Thirds Bonds in April 2021. [\[21-0132\]](#)

By adopting the resolution, the Council states the Town's intent to issue general obligation parks and recreation, public safety, and streets and sidewalks "two-thirds" bonds.

6. Call a Public Hearing for Land Use Management Ordinance Text Amendments-Proposed Changes to Section 3.6.2 Historic Districts Related to Review Criteria and Section 8.4 Historic District Commission [\[21-0133\]](#)

on March 24, 2021.

By adopting the resolution, the Council calls a public hearing to consider matters related to the Historic District Review Criteria and the Historic District Commission on March 24, 2021.

## INFORMATION

- 7.** Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0134\]](#)

By accepting the report, the Council acknowledges receipt of the Scheduled Public Hearings and Status of Petitions to Council lists.

## DISCUSSION

- 8.** Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[21-0135\]](#)

PRESENTER: Chris Blue, Police Chief/Community Safety Executive Director  
Vencelin Harris, Fire Chief  
Kelly Drayton, Emergency Management Coordinator

The purpose of this item is for the Town Emergency Management/Public Safety staff to provide an overview of Town efforts to respond to the COVID-19 crisis.

- 9.** Consider an Application for Conditional Zoning for 1200 & 1204 Martin Luther King Jr. Blvd. from Residential-4 (R-4) and Neighborhood Commercial (NC) to Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial Conditional Zoning District (NC-CZD) (Project #19-065). [\[21-0136\]](#)

PRESENTER: Michael Sudol, Planner II

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Presentation by the applicant
- d. Comments and questions from the Mayor and Town Council
- e. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- f. Motion to enact an Ordinance to rezone the property
- g. Motion to adopt the Resolution Revoking the Special Use Permits.

RECOMMENDATION: That the Council consider adopting or denying the Resolution of Consistency and consider enacting Ordinance A or adopting Resolution C denying the Conditional Rezoning. Then consider adopting the Revocation of Special Use Permits.

- 10.** Initial Budget Public Forum on the Annual Budget, Capital Program, Use of Grants and Related Items, and Potential Legislative Requests. [\[21-0137\]](#)

PRESENTER: Matt Brinkley, Assistant Director Business Management

RECOMMENDATION: That the Council receive comments from the public on the forum; and that the Council refer comments and questions to the Town Manager for consideration in the budget process.

- 11.** Consider Amending the Criminal Justice Debt Program and Enacting a Budget Ordinance Amendment. [\[21-0138\]](#)

PRESENTER: Emma Ferriola-Bruckenstein, Criminal Justice Debt Program Advisory Committee Chair

RECOMMENDATION: That the Council consider a resolution to modify the Criminal justice Debt Program Plan and enact a budget ordinance amendment to adjust the General Fund budget to recognize and allocate funds from the Town of Carrboro.

- 12.** Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.11 for Townhomes in the Blue Hill District. [\[21-0139\]](#)

PRESENTER: Corey Liles, Principal Planner

- a. Introduction and revised recommendation
- b. Mayor and Town Council discussion
- c. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- d. Motion to enact Ordinance A (Approving the Proposal)

RECOMMENDATION: That the Council adopt the Resolution of Consistency and enact the Ordinance approving the Land Use Management Ordinance Text Amendment.

- 13.** Continue the Public Hearing: Conditional Zoning Application for Columbia Street Annex, 1150 S. Columbia Street, from Residential-2 (R-2) to Mixed Use-Village-Conditional Zoning District (MU-V-CZD). [\[21-0140\]](#)

PRESENTER: Jake Lowman, Senior Planner

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Presentation by the applicant
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Referral to the Manager and Attorney
- g. Motion to close the Public Hearing and receive public comment for 24-hours
- h. Consider enacting the ordinance at the March 24, 2021 Council meeting.

RECOMMENDATION: That the Council continue the public hearing and receive comment on the proposed Conditional Zoning. That the Council then make a motion to close the public hearing and consider the proposed Conditional Rezoning application on March 24, 2021.

- 14.** Close the Public Hearing to Consider a Request to Close a Portion of an Unmaintained and Unimproved Monroe Street Public Right-of-Way.

[\[21-0141\]](#)

PRESENTER: Chris Roberts, Manager of Engineering and Infrastructure

- a. Introduction and recommendation
- b. Comments from the public
- c. Comments and questions from the Mayor and Town Council
- d. Motion to Close the Public Hearing and allow additional comments for 24-hours after discussing this item per recent Legislation
- e. Consider adopting the resolution to approve the right-of-way closure at the March 24, 2021 meeting.

RECOMMENDATION: That the Council continue and close a Public Hearing to consider closing the unmaintained and unpaved public right-of-way portion of Monroe Street. On March 24th, 2021 the Council may take action on the requested closure.

## APPOINTMENTS

- 15.** Appointments to the Historic District Commission.

[\[21-0142\]](#)

## REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

Item #: 1., File #: [21-0128], Version: 1

Meeting Date: 2/24/2021

### Shaw Design Associates Request for Expedited Review and Fee Waiver for 1751 Dobbins Drive Project.

#### Staff:

Sabrina M. Oliver, Director and Town Clerk  
Amy T. Harvey, Deputy Town Clerk

#### Department:

Communications and Public Affairs

**Overview:** Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the [Status of Petitions to Council <https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status>](https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status) webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.



#### Recommendation(s):

That the Council consider the petition.



#### Attachments:

- Shaw Design Associates Request

## Amy Harvey

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**From:** Jeanette Coffin  
**Sent:** Friday, February 19, 2021 9:15 AM  
**To:** Miho Elliott  
**Cc:** Allen Buansi; Amy Ryan; Hongbin Gu; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Shakera Vaughan; Tai Huynh; Amy Harvey; Ann Anderson; Carolyn Worsley; Flo Miller; Laura Selmer; Mary Jane Nirdlinger; Maurice Jones; Rae Buckley; Ran Northam; Ross Tompkins; Sabrina Oliver  
**Subject:** RE: Petition to Town Council - 2/24 Meeting

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin



Jeanette Coffin  
 Office Assistant  
[Town of Chapel Hill Manager's Office](#)  
[405 Martin Luther King Jr. Blvd.](#)  
[Chapel Hill, NC 27514](#)  
 (o) 919-968-2743 | (f) 919-969-2063

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**From:** Miho Elliott [mailto:miho@shawdesign.us]  
**Sent:** Friday, February 19, 2021 8:57 AM  
**To:** Town Council <mayorandcouncil@townofchapelhill.org>; All Agenda Materials <allclerk@townofchapelhill.org>; Manager <manager@townofchapelhill.org>  
**Cc:** Keith Shaw <keith@shawdesign.us>  
**Subject:** Petition to Town Council - 2/24 Meeting

**External email:** Don't click links or attachments from unknown senders. To check or report forward to [reportspam@townofchapelhill.org](mailto:reportspam@townofchapelhill.org)

All,

I am formally petitioning to speak to the Town Council on behalf of James Miller, our client and the property owner of 1751 Dobbins Drive. For the past several years we have been working with Mr. Miller and the Town of Chapel Hill to get this piece of property rezoned, through the Conditional Zoning Approval (CZA) process, and achieve a Zoning Compliance Permit (ZCP).

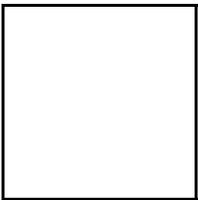
We have assisted Mr. Miller in designing a low-rise commercial office building, which his company Woodward Financial Advisors will personally occupy. The CZA permit limits the building's square footage to 5,747. Banks will not loan the amount for construction for that size of a building. In order to get bank appraisal values to better align with actual construction costs, we need to increase the square footage of the building to 7,500 square feet to effectively lower the building's cost per square foot.

We would like to petition the Town Council to modify the Conditional Zoning Approval permit of the property to increase the building square footage. A change to the CZA can only be achieved through Council approval. We have devised a way to increase the building square footage without altering: 1) the building footprint, 2) the CZA-approved and ZCP-approved civil drawings, 3) the height of the building, nor 4) the approved elevation view from 15-501.

The Mayor and Judy Johnson also both suggested that we formally request that all fees be waived in this second round of Town approvals. Mr. Miller has already paid significant amounts (upwards of \$18,000) in Town fees to get to this point and the proposed square footage increase has minimal impact on the already-approved plans; we also therefore respectfully ask that all fees be waived in this second round of approvals.

Thank you,

**Miho Elliott**  
Project Manager



**SHAW DESIGN ASSOCIATES, P. A.**

[180 Providence Road, Suite 8](#)

[Chapel Hill, NC 27514](#)

[919.493.0528](#) | [shawdesign.us](#)

[Facebook](#) | [Instagram](#) | [Houzz](#)

*Meaningful Architecture.*

**COVID-19 UPDATE:** Our Shaw Design team is still working. The health of our team is a top priority and we will be working both remotely and in office. Continue to reach out. We are available by phone, email and virtual meeting spaces. Shaw Design Associates will coordinate ALL site visits / meetings on a per day basis to stay current with CDC recommendations. We are requesting no unauthorized visits to our office in the interest of everyone's health and safety. We are committed to our clients and want to ensure their current projects are moving forward. We appreciate your understanding and patience.



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Item Overview

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**Item #:** 2., **File #:** [21-0129], **Version:** 1

**Meeting Date:** 2/24/2021

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### **Approve all Consent Agenda Items.**

**Staff:**

Sabrina M. Oliver, Director/Town Clerk  
Amy T. Harvey, Deputy Town Clerk

**Department:**

Communications and Public Affairs

**Overview:** Items of a routine nature to be voted on in a block. Any item may be removed from the Consent Agenda by the request of the Mayor or any Council Member.



**Recommendation(s):**

That the Council adopt the various resolutions and ordinances.

**Fiscal Impact/Resources:** Please refer to each agenda item for specific fiscal notes.



**Attachments:**

- Resolution

**A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES  
(2021-02-24/R-1)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following resolutions and ordinances as submitted by the Town Manager in regard to the following:

3. Approve a Contract Extension for Audit Services Contract for Fiscal Year 2020-21. (R-2)
4. Approve the Annual Percent for Art Plan 2020-2021. (R-3)
5. Adopt a Resolution of Intent to Issue Two-Thirds Bonds April 2021. (R-4)
6. Call a Public Hearing for Land Use Management Ordinance Text Amendments-Proposed Changes to Section 3.6.2 Historic Districts Related to Review Criteria and Section 8.4 Historic District Commission on March 24, 2021. (R-5)

This the 24<sup>th</sup> day of February, 2021.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.



## Item Overview

**Item #:** 3., **File #:** [21-0130], **Version:** 1

**Meeting Date:** 2/24/2021

### Approve a Contract Extension for Audit Services Contract for Fiscal Year 2020-21.

**Staff:**

Amy Oland, Director

**Department:**

Business Management Department

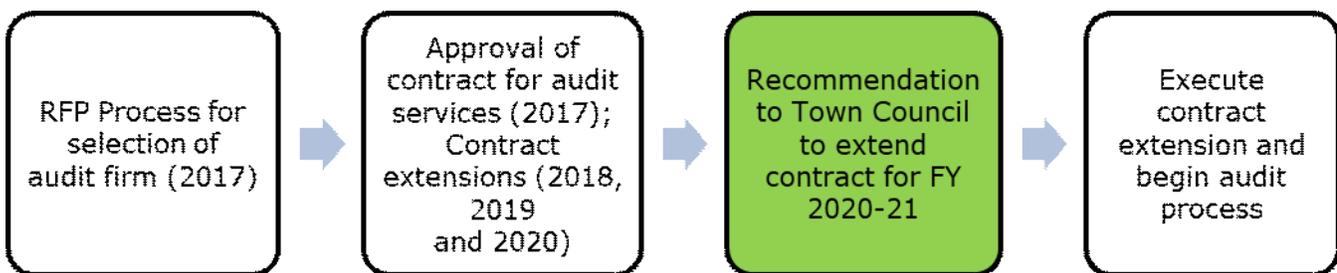
**Overview:** Martin Starnes & Associates, CPA's, P.A. have been the Town's external auditor since FY 2007-08 and have consistently provided the Town responsive services and competitive pricing. In June of 2017, Council awarded the Audit Services Contract for FY 2016-17 to Martin Starnes after a Request for Proposals (RFP) process. The Contract allows four one-year contract extensions. This extension would be the fourth one-year extension. We will put out a new RFP in early 2022. Adopting the resolution would authorize the Mayor to execute an extension to our contract with Martin Starnes & Associates, CPAs, P.A. to conduct the annual audit for the 2020-21 fiscal year.

☆ **Recommendation(s):**

That the Council adopt the attached resolution authorizing the execution of a one-year extension of the audit services contract to Martin Starnes & Associates, CPAs, P.A. in the amount of \$53,050 for fiscal year 2020-21.

**Fiscal Impact/Resources:** The audit fee for FY 2020-21 is \$53,050. One half of the cost will be paid in the current fiscal year and was included in the FY 2020-21 Adopted Budget. The other half will be included in the FY 2021-22 Manager's Recommended Budget in the Business Management Department.

### Where is this item in its process?



 **Attachments:**

- Resolution

**A RESOLUTION AUTHORIZING THE EXTENSION OF THE CONTRACT WITH MARTIN STARNES & ASSOCIATES, CPAs, P.A. TO PERFORM THE TOWN OF CHAPEL HILL'S FY 2020-21 AUDIT (2021-02-24/R-2)**

WHEREAS, the Town of Chapel Hill is required by the Local Government Budget and Fiscal Control Act to have its accounts audited by a certified public accounting firm after the close of the fiscal year; and

WHEREAS, the Town of Chapel Hill issued a request for proposals in 2017 and selected Martin Starnes & Associates, CPAs, P.A. to conduct the FY 2016-17 audit with an option to renew their contract for four one-year extensions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the renewal of that contract for one year and authorizes the Mayor to execute a contract with Martin Starnes & Associates, CPAs, P.A. in the amount of \$53,050 for the Town's FY 2020-21 audit.

This the 24<sup>th</sup> day of February, 2021.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council accepts the proposal for the Town's FY 2020-21 audit firm Martin Starnes & Associates, CPAs, P.A. in the amount of \$53,050, exercising the final of four one-year contract renewal options and authorizes a contract to be signed by the Mayor on behalf of the Town.



## Item Overview

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**Item #:** 4., **File #:** [21-0131], **Version:** 1**Meeting Date:** 2/24/2021

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**Approve the Annual Percent for Art Plan 2020-2021.****Staff:**

Susan Brown, Executive Director  
Steve Wright, Cultural Arts Coordinator  
Meeghan Rosen, Assistant Director

**Department:**

Community Arts & Culture

**Overview:** Based on the Town's Percent for Art Program Policies and Procedures, the Office of Community Arts & Culture shall submit an annual Percent for Art Plan to the Council for approval. This Annual Percent for Art Plan provides an update on works currently in progress, a summary of the previous year's Percent for Art expenditures, and staff & Advisory Board recommendations for designation of Percent for Art funds associated with forthcoming Capital Improvement Projects.

**Recommendation(s):**

That the Council receive and approve the 2020-2021 Percent for Art Plan.

**Fiscal Impact/Resources:** Funding for the Percent for Art (PFA) program is tied to appropriations for Capital Improvement Projects. No new funds were appropriated for PFA in FY21 as a result of pandemic impacts to the Town's fiscal condition.

**Attachments:**

- Resolution
- Draft 2020-2021 Percent for Art Plan
- Percent for Art Program Policies and Procedures (2018-05-02/R-7)

**A RESOLUTION ADOPTING THE 2020-2021 PERCENT FOR ART PLAN (2021-02-24/R-3)**

WHEREAS, Chapel Hill recognizes community arts and culture as important factors in developing Chapel Hill as "A Place for Everyone" and creating "Good Places and New Spaces;" and

WHEREAS, the Council of the Town of Chapel Hill has established a Percent for Art program whereby one percent of all appropriations for Capital Improvement Projects shall be directed to the Town's Percent for Art Program; and

WHEREAS, the purpose of the Percent for Art program is to

- Help define the community's identity and sense of place,
- Promote social interaction and discourse,
- Bring arts into everyday life, and
- Memorialize the past while expressing shared values for the future; and

WHEREAS, this plan has been reviewed by the Chapel Hill Cultural Arts Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the 2020-2021 Annual Percent for Art Plan as provided in the February 24, 2021 meeting materials.

This the 24<sup>th</sup> day of February, 2021.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council approves the 2020-2021 Percent for Art Plan.

## 2020-2021 Percent For Art Plan



### FY21 Percent for Art (PFA) Projects

No funds were allocated for PFA in FY21.

Percent for Art Funds were allocated in FY19 as part of the Booker Creek Basin Park project. This new public art installation will be completed in March 2021. Artist Holly Felice is creating four stainless steel sculptures featuring local fauna and positive messages to be mounted on concrete pedestal-based poles rising 10' to 15' above the ground plane. These sculptures will be sited around the park's circular greenway path. This PFA project budget was \$19,568.



images: Booker Creek Basin Park circular path (left), dragonfly sketch (center), dragonfly sculpture under construction (right)

### FY21 PFA Conservation and Maintenance

This spring, staff propose to use up to \$5,000 of pooled PFA funds to conduct the following conservation and maintenance on existing public artworks:

- *Around Town*, the marble bench at Transit, will be cleaned, re-etched with lithochrome, and sealed; and
- Two sites of the *Elemental Landscape* artworks at Southern Community Park will be renovated and reset – the *Earth* marker and the *Pine Datum*.

### FY 2022 Percent for Art Projects

After the FY 2022 Town Budget has been approved, staff will review the FY22 Capital Improvement Plan for PFA eligibility. Any proposed FY22 projects will be presented to Council next year in the 2021-2022 Annual Percent for Art Plan.

**A RESOLUTION ADOPTING REVISED POLICIES AND PROCEDURES TO GUIDE IMPLEMENTATION OF THE PERCENT FOR ART PROGRAM (2018-05-02/R-7)**

**WHEREAS**, Chapel Hill recognizes community arts and culture as important factors in developing Chapel Hill as “A Place for Everyone” and creating “Good Places and New Spaces,” and;

**WHEREAS**, the Town Council reaffirms the purpose of the Percent for Art Program is to:

- Help define the community’s identity and sense of place,
- Promote social interaction and discourse,
- Bring arts into everyday life, and
- Memorialize the past while expressing shared values for the future; and

**WHEREAS**, the current general policies of the Percent for Art program no longer reflect organizational structures and processes, and the Town wishes to clarify and update the guidelines for the Percent for Art program;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Chapel Hill that the Council shall adopt the following policies and procedures to accompany the Percent for Art Ordinance and guide the implementation of the Percent for Art program;

**1. PROGRAM FUNDING**

One percent of all appropriations for Capital Improvement Projects shall be directed to the Town’s Percent for Art Program, except cost of land acquisition, grant funds for which the Town provides a local match, bond funds which do not allow such a use, and any other funds whose source prevents their use for public art.

Town staff will review all capital projects during the annual budget development process and designate projects as eligible or ineligible for the Percent for Art program. Projects may be designated as ineligible due to the funding source, the nature of the project, or other reasons. Eligible projects will be further reviewed and designated as either suitable for concurrent, on-site public art or not suitable for concurrent, on-site public art.

Those projects that are designated as eligible but not suitable for concurrent, on-site art will have the associated one percent combined in a Percent for Art funding pool that may be used for the following purposes:

- To provide supplemental funds to enhance a concurrent, on-site public art project in development.
- To fund new public art projects on existing Town-owned property, not associated with Capital Improvement Projects.
- To pay for the maintenance, conservation, repair or other ancillary costs associated with an existing Percent for Art project.

## **2. ANNUAL PLAN**

Staff will prepare an annual Percent for Art Plan which will include:

- Forthcoming Capital Improvement Projects and their designations of eligibility
- Recommended designations of eligible funds as suitable for either on-site installations or Percent for Art pool
- Recommendations for projects to be funded by the Percent for Art pool
- Summary of the previous year's Percent for Art appropriations and expenditures
- Update on any projects in progress at the time the plan is presented.

In conjunction with the Town's annual budget process, the annual Percent for Art Plan shall be presented to the Chapel Hill Cultural Arts Commission for review and then to Council for approval.

After the annual plan is approved, art projects may arise outside of the budget cycle that may be eligible for Percent for Art pool funding. If the project has an estimated budget of less than \$10,000, it may be funded via the Percent for Art Pool with a review of the Arts Commission and approval of the Town Manager. If the project has an estimated budget of more than \$10,000, it will need Council approval for funding from the Percent for Art Pool.

## **3. FUND APPROPRIATION**

Once the annual plan is approved, Council shall appropriate Percent for Art funds concurrently with Capital Improvement Project appropriations:

- For on-site projects, funds will be appropriated in the capital project budget. Upon completion of the capital project, the unexpended percent for art funds shall revert to the Percent for Art pool
- For pool-eligible projects, one-percent or other amount approved by Council will be appropriated to the Percent for Art pool.

Projects that are approved for funding from the Percent for Art pool shall be appropriated annually, as part of the Percent for Art Plan:

- If used to enhance an existing, concurrent project, pool funds will be appropriated into that capital project budget.
- If used for new public art projects on existing Town-owned properties, pool funds will be appropriated to the Community Arts & Culture budget.
- If used for maintenance, repair, or other ancillary costs for an existing Percent for Art project, pool funds will be appropriated to the Community Arts & Culture budget.

## **4. SELECTION OF ART AND ARTISTS**

Percent for Art projects will vary, depending on location, funding amount, the nature of the capital project, and other factors. Community Arts & Culture staff will design a selection process that is appropriate for each project, in consultation with appropriate Town departments, capital project staff, and boards and commissions. Every Percent for Art selection process shall include opportunities for public comment and participation.

**BE IT FURTHER RESOLVED** that this Resolution replaces in its entirety the previous Resolution (2002-03-04/R-8)

This the 2<sup>nd</sup> day of May, 2018.



## Item Overview

Item #: 5., File #: [21-0132], Version: 1

Meeting Date: 2/24/2021

**Adopt a Resolution of Intent to Issue Two-Thirds Bonds in April 2021.****Staff:**

Amy Oland, Director

**Department:**

Business Management Department

**Overview:** The Business Management Department is preparing to issue “two-thirds” bonds to fund parks and recreation, public safety, and streets and sidewalks projects in the Capital Improvements Plan (CIP). The two-thirds bonds would be sold on April 27, 2021 in conjunction with an initial issuance of the 2018 affordable housing general obligation (GO) bond referendum.

**Recommendation(s):**

That the Council adopt the resolution stating the Town’s intent to issue general obligation parks and recreation, public safety, and streets and sidewalks “two-thirds” bonds. The actual sale of the bonds is subject to further Council approval.

**Key Issues:****Two-Thirds Bonds Background**

- Under the Local Government Bond Act, the “two-thirds rule” authorizes local governments to issue general obligation bonds without a referendum under certain circumstances.
- Two-thirds bonds are restricted to two thirds of the net reduction in general obligation bond principal for the previous fiscal year. The Town’s reduction in principal for FY 2020 was \$4,812,000. Two thirds of which is approximately \$3,205,000. Two-thirds bonds must be issued in the fiscal year immediately following the year for which the principal reduction is calculated.
- Two thirds bonds are also restricted to certain uses including streets, parks, public facilities and public safety. All other allowable purposes are listed under Section 159-48 of NC General Statute, Chapter 159, Article 4 (the Local Government Bond Act).
- The availability of two-thirds bonds and the current low cost of borrowing provide an opportunity to fund parks and recreation facility improvements, purchase a replacement Fire truck, and repair streets and sidewalk. The potential issuance of two-thirds bonds was discussed at the Council retreat on Friday, February 5, 2021.
- We are working with departments to determine top priorities to bring final project recommendations before Council before adopting the bond orders on March 10, 2021.

**Two-Thirds Bonds Schedule**

Council adopts resolution in support of application to Local Government Commission (LGC) for two-thirds bonds	February 24
Council introduction of "bond order" to authorize issuance of two-thirds bonds	March 10
Council adopts the resolution formally approving issuance of referendum and two-thirds bonds	April 7
LGC takes sealed bids for the purchase of the Town's bonds	April 27
Closing on the bonds	May 13

**Fiscal Impact/Resources:**

Based on the reduction in general obligation debt principal in FY 2020, the Town can issue up to \$3,205,000 in two-thirds bonds in 2021. This capacity will be used to finance the following projects:

Parks and recreation facilities	\$1,155,000
Fire truck	550,000
Street repairs	1,300,000
Sidewalk projects	200,000

**Attachments:**

- Resolution

**A RESOLUTION STATING THE INTENT TO PROCEED WITH A GENERAL OBLIGATION BOND ISSUE FOR VARIOUS TOWN PROJECTS (2021-02-24/R-4)**

**WHEREAS --**

The Town's long-range capital improvement plan contemplates funding for a wide variety of projects and calls for funding those projects using the multiple tools available to the Town.

State law allows the Town to issue new general obligation bonds for up to two-thirds of the amount the Town paid down its general obligation debt in the prior fiscal year. The Town is able to issue approximately \$3,205,000 of general obligation bonds under this authority in the fiscal year beginning July 1, 2020. Town staff has suggested that the Town use this authority to provide funding for some of the planned projects, and the Council will proceed to consider such a bond issue.

Under the guidelines of the North Carolina Local Government Commission, this governing body must make certain findings of fact to support the Town's application for the LGC's required approval of the proposed bonds. In this resolution, the Town Council makes the appropriate findings, and takes other appropriate action.

**NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Chapel Hill, North Carolina,** that the Council makes an initial determination to issue two-thirds bonds in an amount up to \$3,205,000, or such greater or lesser amount as may be allowed by law. The Council makes a preliminary determination to issue the bonds in the following amounts and for the following purposes:

\$ 1,155,000	for parks and recreation purposes
\$ 550,000	for public safety purposes
\$ 1,500,000	for streets and sidewalks

The Council will determine the final amount of bonds to be issued for each purpose by later action and after a public hearing. The total amount financed may reflect adjustment to the expected project costs and may include amounts for financing costs.

**BE IT FURTHER RESOLVED** that the Council makes the following findings of fact in support of its determination:

- (1) The proposed capital projects are necessary and expedient for the Town.
- (2) The amount of bonds proposed is adequate and not excessive for the proposed purpose.

(3) The Town's debt management and budgetary and fiscal management policies have been carried out consistently in accordance with the law.

(4) The Council believes that no actual increase in the Town's property tax rate will be necessary to provide for principal and interest payments on the bonds. The Council expects that existing revenue sources allocated for debt service payments will be sufficient to generate funds for debt payments

***BE IT FURTHER RESOLVED***, as follows:

(a) The Council directs the Finance Officer to proceed with the steps for the bond issue, including proceeding with an application to the LGC for its approval of the proposed bonds and providing for the publication of notice and scheduling a public hearing as appropriate for the process (currently contemplated for March 24). The Council appoints the Finance Officer as the Town's authorized representative with respect to the LGC application process.

(b) The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse project expenditures from financing proceeds. The Town intends that funds that have been advanced for project costs, or which may be so advanced, from the Town's general fund or any other Town fund, may be reimbursed from the financing proceeds.

(c) The Council authorizes all Town representatives to take all further action as they may consider desirable for accomplishing the purposes and intentions of this resolution. The Council ratifies all prior actions of Town representatives in this regard. This resolution takes effect immediately.

This the 24<sup>th</sup> day of February, 2021.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council states the Town's intent to issue general obligation parks and recreation, public safety, and streets and sidewalks "two-thirds" bonds.



## Item Overview

Item #: 6., File #: [21-0133], Version: 1

Meeting Date: 2/24/2021

**Call a Public Hearing for Land Use Management Ordinance Text Amendments-Proposed Changes to Section 3.6.2 Historic Districts Related to Review Criteria and Section 8.4 Historic District Commission on March 24, 2021.**

**Staff:**

Colleen Willger, Director  
Judy Johnson, Assistant Director  
Anya Grahn, Senior Planner

**Department:**

Planning Department

**Overview:** The Planning Department committed to updating the Land Use Management Ordinance (LUMO) following the adoption of the Design Principles and Standards. Amendments to the LUMO are intended to provide greater clarity on the legal basis for the Historic District Commission's (HDC) application of the Design Principles and Standards in their review of Certificate of Appropriateness (COA) applications.

**Recommendation(s):**

That the Council adopt the resolution calling a public hearing on March 24, 2021 to amend the Land Use Management Ordinance related to the Historic Districts Review Criteria and the reference to Design Principles and Standards.

**Key Issues:**

- Changes in State Law now require "Design Guidelines" to be referred to as "Design Standards"
- The current A through J criteria outlined in LUMO 3.6.2(e)(4) predates the adoption of the 2001 Design Guidelines.
- The HDC and applicants have consistently expressed concern that the A through J criteria do not align with the Design Guidelines and should be revised or removed.
- In 2019, the Planning Department committed to amending the A-J criteria following completion of the Design Standards project.

**Attachments:**

- Resolution

**A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT PERTAINING TO SECTION 3.6.2 HISTORIC DISTRICTS RELATED TO REVIEW CRITERIA AND SECTION 8.4 HISTORIC DISTRICT COMMISSION (2021-02-24/R-5)**

WHEREAS, Legislative updates in Chapter 160D of the North Carolina General Statutes provide that the Historic District Commission shall "adopt principles and standards to guide the commission in determining congruity with the special character of the landmark or district for new construction, alterations, additions, moving, and demolition;" and

WHEREAS, the A through J review criteria outlined in Land Use Management Ordinance (LUMO) 3.6.2(e) (4) predate the adoption of the 2001 *Design Guidelines for the Chapel Hill Historic Districts*; and

WHEREAS, on September 23, 2019, Planning Department staff provided a recommendation to the Council Committee on Boards & Commissions to amend the LUMO following the adoption of the Design Principles and Standards to provide greater clarity on the legal basis for application of the Design Principles and Standards in the Commission's review of Certificate of Appropriateness (COA) applications; and

WHEREAS, the Historic District Commission and Town staff determined that the A through J criteria do not reflect the guidance provided in the Design Principles & Standards.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Public Hearing to consider a possible Land Use Management Ordinance text amendment regarding Historic District Commission Review Criteria and the Historic District Commission on March 24, 2021 at 7:00 p.m. in the location noticed on the Town's web calendar.

This the 24<sup>th</sup> day of February, 2021.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council calls a public hearing to consider matters related to the Historic District Review Criteria and the Historic District Commission on March 24, 2021.



## Item Overview

Item #: 7., File #: [21-0134], Version: 1

Meeting Date: 2/24/2021

**Receive Upcoming Public Hearing Items and Petition Status List.****Staff:**

Sabrina Oliver, Director and Town Clerk  
Amy Harvey, Deputy Town Clerk

**Department:**

Communications and Public Affairs

**Recommendation(s):**

That the Council accept the reports as presented.

**Background:**

Two pages on our website have been created to track:

- public hearings scheduled for upcoming Council meetings; and
- petitions received, including their status and who you can call for information.

The goal is to provide, in easily available spaces, information that allows people to know when Council will be seeking their comments on a particular topic of development and to know the status of a petition submitted at Council meetings.

In addition to being on the website, these pages will be included in each agenda for Council information,

**Fiscal Impact/Resources:** Staff time was allocated to create the semi-automated web pages, and additional staff time will be needed for maintenance.

**Attachments:**

- Scheduled Public Hearings <<https://www.townofchapelhill.org/government/mayor-and-council/council-minutes-and-videos/scheduled-public-hearings>>
- Status of Petitions to Council <<https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status>>

**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By accepting the report, the Council acknowledges receipt of the Scheduled Public Hearings and Status of Petitions to Council lists.

## SCHEDULED PUBLIC HEARINGS

This webpage lists public hearings that are scheduled for a *specific Council meeting date*, although periodically, some may be continued to a future date. Public hearings may relate to the Land Use Management Ordinance (LUMO), Residential or Commercial Development, Budget, Transportation, or Housing issues. Meeting materials are posted at [Council Meeting Agendas](#), [Minutes](#) and [Videos](#).

Interested in a development project not yet scheduled for Council review? See the [Development Activity Report](#) for the project's current status.

### February 24

- Consider Conditional Zoning for 1200 & 1204 Martin Luther King Jr. Blvd. from Residential-4 (R-4) and Neighborhood Commercial (NC) to Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial Conditional Zoning District (NC-CZD) ([Project #19-065](#)).
- Continue the Public Hearing: Conditional Zoning for S. [Columbia Street Annex](#), 1150 S. Columbia Street - Proposed Change from Residential-2 (R-2) to Mixed Use - Village (MU-V)
- Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way on Monroe Street
- Consider a Land Use Management Ordinance Text Amendment for Townhomes in the Blue Hill District
- Initial Budget Public Forum

### March 10

- Consider an Application for Conditional Rezoning - Phi Gamma Delta at [108 W. Cameron Avenue](#)

# STATUS OF PETITIONS TO COUNCIL

Petitions submitted during the Town Council meetings are added to the list below, typically within five business days of the meeting date.

To contact the department responsible, click on the department name. Meeting materials are posted at [Council Meetings, Agendas, Minutes and Videos](#).

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
12/09/2020	Signature Health	<a href="#">Request for Limited Scope SUP Modification.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	At their 01/13/21 meeting, the Council adopted a resolution limiting the scope of the public hearing for the Special Use Permit modification.
12/09/2020	East West Partners	<a href="#">Request for Murray Hill Limited Scope SUP Modification.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	At their 01/13/21 meeting, the Council adopted a resolution limiting the scope of the public hearing for the Special Use Permit modification.
11/04/2020	Barbara Driscoll	<a href="#">Request for a Leave the Leaves Campaign.</a>	<b>Public Works</b> <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100 <b>Town Manager</b> <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
11/04/2020	Residents in the area of Mason Farm Rd., Whitehead Circle, and Purefoy Rd	<a href="#">Request Improvements to Neighborhood Infrastructure to Promote Safe Walking and Biking and Improved Connectivity to Adjacent Neighborhoods and Campus.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078 <b>Public Works</b> <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Staff is preparing information to respond to this request.
10/28/2020	Stormwater Management Utility Advisory Board	<a href="#">Recommendations Regarding the Development Review Process.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078 <b>Public Works</b> <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Staff is preparing information to respond to this request.
10/28/2020	Residents of Dixie Drive	<a href="#">Request to Rename Dixie Drive.</a>	<b>Public Works</b> <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Staff is evaluating this request in accordance with the Town's policy for renaming existing residential streets.
06/10/2020	Community Design Commission	<a href="#">Request to Create a Downtown Design District.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
05/20/2020	Elaine McVey	<a href="#">Request to Amend the Land Use Management Ordinance Related to Deer Fencing.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
05/20/2020	Parks, Greenways, and Recreation Commission	<a href="#">Request to Designate all 36.2 Acres of the American Legion Property for Use as a Community Park.</a>	Town Manager <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	This request will be incorporated into the public engagement process for the future use of the site.
02/26/2020	Carlisle Willard	<a href="#">Request Regarding Proposed Anti-Corruption Resolution.</a>	Town Manager <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.
02/26/2020	Lillian Pierce	<a href="#">Request to Abandon Bicycle/Pedestrian Easement at 205 Huntington Way.</a>	Parks & Recreation <a href="#">Phillip Fleischmann</a> , Director Parks and Recreation Phone: 919-968-2785 Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff has reviewed this request and will follow up with options for taking action.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
02/19/2020	Steve Moore	<a href="#">Request Regarding Cemetery Needs.</a>	<b>Parks &amp; Recreation</b> <a href="#">Phillip Fleischmann</a> , Director Parks and Recreation Phone: 919-968-2785 <b>Communications &amp; Public Affairs</b> <a href="#">Sabrina Oliver</a> , Communications & Public Affairs Director Phone: 919-968-2757	Staff is in contact with the petitioner and is working to respond to the items raised in the petition.
01/08/2020	Beth Waldron	<a href="#">Request Regarding Revising the Deer Management Program.</a>	<b>Parks &amp; Recreation</b> <a href="#">Phillip Fleischmann</a> , Director Parks and Recreation Phone: 919-968-2785 <b>Police</b> <a href="#">Chris Blue</a> , Police Chief Phone: 919-968-2766	Staff met with the petitioner and continue to have conversations with partner agencies on improving communications and safety for residents.
01/08/2020	Renuka Soll	<a href="#">Request for an Improved Petition Process.</a>	<b>Town Manager</b> <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	Staff continues to look for ways to improve this process, including dedicating additional staff resources.
11/20/2019	John Morris	<a href="#">Request Regarding Local &amp; Regional Transit Planning.</a>	<b>Transit</b> <a href="#">Brian Litchfield</a> , Transit Director Phone: 919-969-4908	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
10/02/2019	Daniel Dunn	<a href="#">Request Regarding Government Transparency.</a>	<b>Technology Solutions</b> <a href="#">Scott Clark</a> , CIO Phone: 919-968-2735 <b>Communications &amp; Public Affairs</b> <a href="#">Sabrina Oliver</a> , Communications & Public Affairs Director Phone: 919-968-2757	Town staff continue to work on improving and expanding the open data portal. This is one of many data sets that are candidates for inclusion on the portal. This information remains available to the public via a public records request.
09/11/2019	East Franklin Neighborhood Steering Committee & Neighbors	<a href="#">Request Regarding Neighborhood Preservation.</a>	<b>Police</b> <a href="#">Chris Blue</a> , Police Chief Phone: 919-968-2766 <b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
06/26/2019	Community Design Commission	<a href="#">Request for Modifications to the Concept Plan Review Process.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	The Council most recently discussed this at their 09/16/2020 work session. Staff is piloting new ways to present Concept Plans to boards, using Town projects as subjects.
06/26/2019	Julie McClintock	<a href="#">Request Regarding the Blue Hill Form Based Code.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
04/24/2019	Board of Adjustment	<a href="#">Request Regarding Neighborhood Conservation District Ordinances.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
04/17/2019	Amy Ryan for Planning Commission	<a href="#">Commission Regarding Site Plan Review Process.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
02/13/2019	Citizens	<a href="#">Request Regarding Coal Use and Coal Ash.</a>	<b>Town Manager</b> <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	The Town plans to fund interim remedial measures based on recommendations from the human health and ecological risk assessment performed at the coal ash site. The Town continues to monitor NC Division of Air Quality's review of the power plant permit.
09/19/2018	Julie McClintock of CHALT	<a href="#">Regarding Land Use Intensification.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078  <b>Public Works</b> <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	The Town's Resiliency Map is part of the map series for the Future Land Use Map. On 06/12/19, the Council received a presentation on the Town's Stormwater program. Staff is preparing information to respond to the additional requests in this petition.
06/27/2018	Susanne Kjemtrup / Brian Hageman	<a href="#">Transportation and Connectivity Advisory Board Request for an Electric Vehicle Provision in the Land Use Management Ordinance.</a>	<b>Planning &amp; Development Services</b> <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Referred to the Future Land Use Map and Land Use Management Ordinance rewrite process, which began in Fall 2017 and is expected to be completed in 2020.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
06/13/2018	Mayor pro tem Jessica Anderson	<a href="#">Request to Amend Bus Advertising Policy.</a>	Transit <a href="#">Brian Litchfield</a> , Transit Director Phone: 919-969-4908	At their 01/22/19 meeting, the Chapel Hill Transit Public Transit Committee considered the draft nonpublic forum transit advertising policy in order to provide feedback to the Chapel Hill Town Council on the option of amending the policy.
06/13/2018	Ondrea Austin	<a href="#">CHALT's Request to Revise the Tree Ordinance.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
06/13/2018	Mayor Pam Hemminger	<a href="#">Regarding Reviewing Policies, Procedures, and Practices for Development.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	A Town web page with TIA exemption requests is available. Staff continues to look for ways to apply the LUMO clearly and consistently for all stakeholders in the development process.
03/14/2018	Council Members Anderson, Gu, and Schaevitz	<a href="#">Request Regarding Addressing Blue Hill District Community Interests.</a>	Planning & Development Services <a href="#">Judy Johnson</a> , Interim Planning Director Phone: 919-969-5078	Council enacted ordinance amendments pertaining to stormwater management, affordable housing, and non-residential development, as well as building size, massing, and permeability. Council will consider amendments for townhomes at their 02/24/21 meeting.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
11/07/2016	Mayor Hemminger	<a href="#">Regarding Parking and Transit Needs in Downtown Area.</a>	<p><b>Planning &amp; Development Services</b>  <a href="#">Judy Johnson</a>,  Interim Planning Director  Phone: 919-969-5078</p> <p><b>Police</b>  <a href="#">Chris Blue</a>,  Police Chief  Phone: 919-968-2766</p> <p><b>Public Works</b>  <a href="#">Lance Norris</a>,  Public Works Director  Phone: 919-969-5100</p>	Recent actions include replacing parking pay stations, implementing Downtown Ambassadors program, and including additional parking with required Wallace Parking Deck repairs. Next steps include parking payments-in-lieu and public/private partnerships.

Last modified on 2/19/2021 3:15:07 AM

## TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514



## Item Overview

Item #: 9., File #: [21-0136], Version: 1

Meeting Date: 2/24/2021

**Consider an Application for Conditional Zoning for 1200 & 1204 Martin Luther King Jr. Blvd. from Residential-4 (R-4) and Neighborhood Commercial (NC) to Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial Conditional Zoning District (NC-CZD) (Project #19-065).**

See the Staff Report on the next page.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

PRESENTER: Michael Sudol, Planner II

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Presentation by the applicant
- d. Comments and questions from the Mayor and Town Council
- e. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- f. Motion to enact an Ordinance to rezone the property
- g. Motion to adopt the Resolution Revoking the Special Use Permits.

RECOMMENDATION: That the Council consider adopting or denying the Resolution of Consistency and consider enacting Ordinance A or adopting Resolution C denying the Conditional Rezoning. Then consider adopting the Revocation of Special Use Permits.



**CONSIDER AN APPLICATION FOR CONDITIONAL ZONING AT 1200 AND 1204 MARTIN LUTHER KING JR. BLVD. FROM RESIDENTIAL-4 (R-4) AND NEIGHBORHOOD COMMERCIAL (NC) TO OFFICE/INSTITUTIONAL-2-CONDITIONAL ZONING DISTRICT (OI-2-CZD) AND NEIGHBORHOOD COMMERCIAL-CONDITIONAL ZONING DISTRICT (NC-CZD)(PROJECT #19-065)**

**STAFF REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

Colleen Willger, Director

Judy Johnson, Assistant Director

Michael Sudol, Planner II

<b>PROPERTY ADDRESS</b> 1200 & 1204 Martin Luther King Jr. Blvd.	<b>MEETING DATE</b> February 24, 2021	<b>APPLICANT</b> Jeremy Anderson, Coulter Jewell Thames, PA on behalf of Stackhouse Properties, LLC, agent for owner, Jones Estates Group, LLC
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**CHANGES SINCE THE JANUARY 27, 2021 PUBLIC HEARING:**

- The seven mobile home units previously proposed in the Resource Conservation District and Jordan Buffer have been removed. The total number of dwelling units allowed on-site is proposed to be 83. A revised plan has not yet been received. The staff and Town Attorney have requested additional information from the developer. The location of the additional units have not yet been determined. A condition has been added to Revised Ordinance A to allow for administrative approval of the proposed layout.
- Land disturbance allowed in the Resource Conservation District has been reduced.
- The covenants provided by the developer's attorney, Bill Brian with Morningstar Law Group, at the January 27, 2021 meeting have been incorporated into Ordinance A and attached. Any modifications to either the covenants or Revised Ordinance A may need to be reflected in both documents.
- Notification of vacant mobile homes has been expanded to include both qualified buyers and lessees.
- A condition requiring a playground has been added.
- The condition requiring a fence between the storage building and mobile homes has been clarified to prohibit a chain link fence.
- References to Planned Development – Housing (PD-H) have been removed.
- Short term rental use has been prohibited with a condition has been added to Revised Ordinance A.
- Tenant shall have a 60-day period, increased from a 30-day period to convert to annual leases.
- A Displacement Mitigation Strategy stipulation has been added to Revised Ordinance A.

At the January 27, 2021 public hearing, the Council discussed limitations on the number of signs for the self-storage building and increased frequency of market rate lot analysis. The applicant has not agreed to either proposed condition and these have not been incorporated into Revised Ordinance A.

**TOWN MANAGER RECOMMENDATION**

The application highlights several competing objectives in the Town's 2020 Comprehensive Plan.

The Council could choose to approve the application providing a long-term stability of the existing affordable and diverse housing stock. This action could be supported by the 2020 Comprehensive Plan goal of a Place for Everyone (to provide a range of housing options for current and future residents).

Alternatively, the Council could choose to deny the application as the area is identified on the Future Land Use Map (FLUM) as predominately multi-family, shops and offices and is located adjacent to a future bus rapid transit (BRT) stop. The uses proposed in the application, specifically fuel pumps and self-storage, are typically considered more vehicle-oriented and not complementary to transit service such as BRT. The FLUM states the corridor is envisioned to include a mixture of uses, including a diversity of housing types, that make the best use of the future proposed transit service.

**ZONING**

*Current:* Residential-4 (R-4) and Neighborhood Commercial (NC)

*Proposed:* Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial-Conditional Zoning District (NC-CZD).

**DECISION POINTS**

The site is encumbered by two Special Use Permits that the applicant is requested to be revoked. Resolution B would revoke the two Special Use Permits.

The applicant is also requesting the following modifications to regulations:

**PROCESS**

Conditional Zoning is a legislative process that allows Town Council to review the rezoning application for consistency with the Land Use Plan in the Comprehensive Plan and establish standards that address any impacts on surrounding properties. For consideration of this Conditional Zoning request, the process requires, and the proposal includes a request to revoke the current Special Use Permits on the property.

The Land Use Management Ordinance states that the zoning shall not be amended except:

- To correct a manifest error in the appendix;
- because of changed or changing conditions in a particular area or in the jurisdiction generally;
- or to achieve the purposes of the comprehensive plan.

- Conditioned self-storage facility, to be on the same zoning lot as an accessory use to a Mobile Home Park
- Conditioned self-storage facility to be located across from an intersection, but not on a corner lot created by two intersecting streets.
- Service station/convenience store within 300 feet of any intersecting street or within 750 feet of driveways intersecting the same street and serving another existing or approved service station.
- Modified northern and eastern buffers
- Reduce the minimum number of parking spaces than required (45 commercial spaces proposed instead of the required 68 spaces)
- Modified nonconforming uses to allow relocation of existing mobile homes on-site and addition of new mobile homes

**PROJECT OVERVIEW**

The site consists of two parcels, totaling approximately 13.9 acres. The applicant proposes:

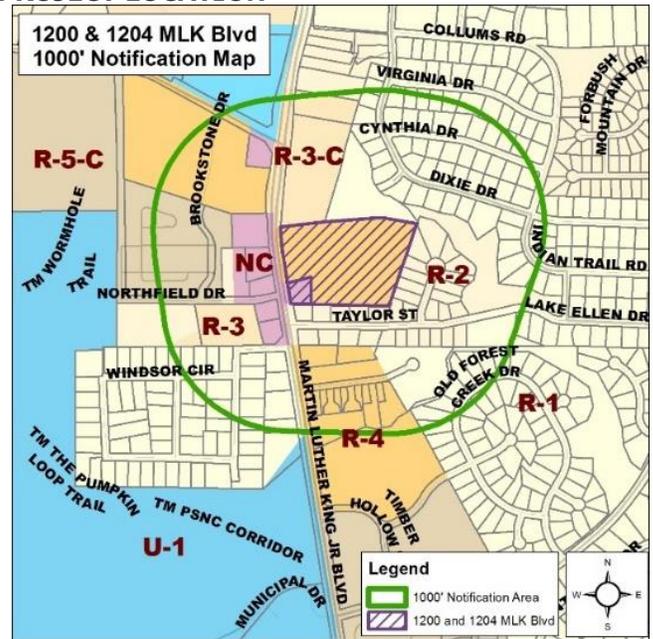
- replacing the existing service station/convenience store with a new service station/convenience store and a 4-story self-storage facility, conditioned building.
- relocating approximately 16 of the existing 73 dwelling units on-site.
- Addition of 10 new dwelling units (mobile homes) on-site.

The applicant requests:

- two access points to Martin Luther King Jr. Blvd.
  - one as a full-access
  - one as a right-in/right-out access only.

Due to NCDOT requirements, the right-in/right-out access has conflicts with the proposed Bus Rapid Transit (BRT) system in this corridor. The applicant has indicated a need for the second access point. Staff has been working with NCDOT and the applicant to accommodate the BRT design and the access proposal. A condition is now included that requires the right-in/right-out northern access point to be converted to right-out only when BRT is built.

**PROJECT LOCATION**



**ATTACHMENTS**

1. Staff Technical Report
2. Project Fact Sheet
3. Draft Staff Presentation
4. Resolution A (Consistency with Comprehensive Plan)
5. Resolution B (Revocation of Special Use Permits)
6. Revised Ordinance A (Approval)
7. Resolution C (Denial)
8. Applicant materials
9. Plan Set
10. Restrictive Covenants (prepared by Applicant)
11. Planning Commission Recommendation February 11, 2021
12. Community Design Commission Recommendation February 23, 2021
13. Emails from the Public
14. Council Questions with staff and applicant responses December 9, 2020
15. Supplemental Information to Council about Stackhouse (prepared by Applicant)
16. Stackhouse rules for Mobile Home Parks
17. Summary of Community Engagement Meeting



# TECHNICAL REPORT

## PROJECT OVERVIEW

The application proposes a Conditional Zoning to rezone the property from Residential-4 (R-4) and Neighborhood Commercial (NC) to Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial-Conditional Zoning District (NC-CZD). The 13.9-acre site currently consists of two parcels with one existing single-family home, 73 mobile home units, and a gas station/convenience store. The applicant is proposing to replace the existing gas station/convenience store with a new 5,000-square foot gas station/convenience store and a 134,400-square foot 4-story self-storage facility, conditioned, building. Three stories of the proposed self-storage building are indicated to be above-grade, with one story below-grade. The existing 73 dwelling units will be maintained on site, relocating 16 of the existing units on-site as part of the redevelopment. An additional ten mobile home units are also proposed for a total of 83 dwelling units.

The developer's Narrative explains that the applicant is seeking to modernize the service station, add a new self-storage building, and preserve or reposition all of the existing mobile home residential units on site. The developer states that they understand the significance that the existing affordable housing plays in the Town's naturally occurring affordable housing, thus retaining as many of the existing units, while redeveloping a portion of the site, is important. More details about the proposed development can be found in the Developer's Program found on page 25 of the applicant materials.

Information about the site and zoning districts can be found below, as well as a list of proposed Modifications to Regulations, and a Technical Report.

## SITE CONTEXT

Staff has identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Conditional Zoning:

- The 13.9-acre subject site fronts on and has access to Martin Luther King Jr. Blvd., an arterial street with high traffic volume and existing bus service.
- The right-in/right-out access, requested by the applicant, has potential conflicts with the Bus Rapid Transit (BRT) system proposed for Martin Luther King Jr. Blvd. Further flexibility of the design is requested by the applicant with minor adjustments to be approved administratively if approved by NCDOT and Town staff.
- Properties on the opposite side of Martin Luther King Jr. Blvd. are zoned Neighborhood Commercial (NC), and consist of an assortment of commercial buildings, including a car wash and service station/convenience store.
- The property adjacent to the north is zoned Residential-3-Conditional (R-3-C) and contains a place of worship.
- Properties to the south and east are zoned Residential-2 (R-2) and consist of single-family dwelling units.

- A perennial stream runs through the northern portion of the site and is subject to a 150-foot Resource Conservation District (RCD) and 50-foot Jordan Buffer. Multiple mobile homes are currently located in both the RCD and Jordan Buffer.

## PROPOSED ZONING

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal as part of a rezoning. It also allows site-specific standards to be formulated and applied as condition of the rezoning through a legislative process. The Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards in order to address impacts reasonably expected to be generated by the development. Conditions can also address conformance of the development with town regulations and adopted plans. A -CZD suffix would be added to the zoning district designation to incorporate the approved conditions. The applicant has proposed two different Conditional Zoning districts for different areas of the site, as shown on the site plan: Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial Conditional Zoning District (NC-CZD).

The intent of the Office/Institutional-2 (OI-2) zoning district is to “provide for medium-intensity office and institutional development”.

The intent of the Neighborhood Commercial (NC) zoning district is to “provide for the development of low-intensity commercial and service centers that are accessible by pedestrians from the surrounding neighborhoods, serve the daily conveniences and personal service needs of the surrounding neighborhoods, and are of such nature as to minimize conflicts with surrounding residential uses.” This Conditional Zoning application proposes limiting uses to a narrower range of retail/service/business uses.

## PROPOSED MODIFICATIONS TO REGULATIONS

The applicant has proposed modifications to regulations for the proposed conditional zoning districts for this development. These include:

- 1. Section 6.23.4, Self-storage Facility, Conditioned:** Section 6.23 specifies standards requiring self-storage facilities to be only allowed on the same zoning lot as other office, commercial, or institutional. The applicant is requesting to allow self-storage facility, conditioned, to be on the same zoning lot and accessory to a Mobile Home Park (in terms of land area).

*Staff Comment:* Staff believes that the Council could find a public purpose for allowing the additional uses as the proposal will maintain up to 83 mobile homes (73 existing), naturally occurring affordable housing, on the site for fifteen (15) years.

- 2. Section 6.23.2, Self-storage Facility, Conditioned:** Section 6.23 requires that self-storage facilities shall not be permitted on property located at an intersection with any arterial street. The applicant contends that the self-storage building is not located at an intersection, but across from the intersection of Martin Luther King Jr. Blvd. and Northfield Dr. The applicant is requesting to allow a self-storage facility, conditioned, building to be located across from an intersection, but not on a corner lot created by two intersecting streets.

*Staff Comment:* Staff believes that the Council could find a public purpose for allowing the site location as the proposal will maintain 83 mobile homes (73 existing), naturally occurring affordable housing, on the site for fifteen (15) years.

- 3. Section 6.12(d), Service station/convenience store:** Section 6.12 states that service stations shall not be located within three hundred (300) feet of any intersecting street or within seven hundred fifty (750) feet of driveways intersecting the same street and serving another existing or approved service station. The applicant is requesting to allow a service station/convenience store to be located within the thresholds listed above as an existing service station/convenience store was previously approved and permitted on this site.

*Staff Comment:* Staff believes that the Council could find a public purpose for allowing the service station location to continue to operate and provide for economic opportunities.

- 4. Section 5.9.7, Minimum and maximum parking space requirements:** The applicant requests a modification to the required minimum number of parking spaces for the Self-storage facility, conditioned. Based on the standards of the Land Use Management Ordinance, a minimum of 1 space per 2,500 sf, the minimum requirement would be 90 spaces. The developer feels this number is almost 5 times the actual need, and that based on market experience at other facilities, this facility would require 16-20 spaces during a peak period.

*Staff Comment:* Staff believes that the Council could find a public purpose for reducing the amount of parking to reduce the amount of impervious surface and environmental impacts.

- 5. Section 5.6.6, Schedule of Required Buffers:** The applicant requests to allow a modification to the 10-foot Type B and 20-foot Type C required buffers along the eastern and northern property line. Modified buffers in these areas are to be comprised of existing vegetation and existing fence.

*Staff Comment:* Staff believes that the Council could find a public purpose for allowing the existing mobile homes and existing vegetation to remain and provide buffering.

- 6. Section 7.3.2 Nonconforming Uses:** Modify the nonconforming uses standard to allow relocation of existing mobile homes on-site and addition of new mobile homes.

*Staff Comment:* Staff believes that the Council could find a public purpose for allowing the mobile homes to be reconfigured on-site, providing opportunities to maintain diverse housing stock in the Town limits.

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

North Carolina General Statute Section 160A-605 requires the Council to approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other applicable officially adopted plan when adopting or rejecting any zoning amendment.

Staff provides the following evaluation of this application's consistency with the 2020 Comprehensive Plan and other adopted plans:

- The intent of the Neighborhood Commercial (NC) district notes low-intensity commercial uses, which is consistent with the Commercial designation of a portion of the site on the 2020 Land Use Plan. The OI-2 zoning area supports housing appropriate to the site which is consistent with the Medium Residential designation of the remainder of the site on the 2020 Land Use Plan.
- The site is located within the S MLK Jr Blvd/Area 3 Future Focus Discussion Area. Chapel Hill 2020 identifies S MLK Jr Blvd as an opportunity to proactively plan for character and to coordinate development with investment in higher capacity bus service. The Statement of Consistency notes that “the project is making significant improvements to the access, commercial services, and streetscape for the projects frontage, which all support these future transit improvements along the corridor.”
- The Mobility and Connectivity Plan shows a future trail forming part of the ‘Timberlyne Corridor’ running along the eastern edge of the site. This bicycle/pedestrian-focused corridor would provide a parallel route to Martin Luther King Jr. Blvd., allowing more safe and comfortable travel between the Timberlyne area and central Chapel Hill. Bicycle and pedestrian facilities are also shown along Martin Luther King Jr. Blvd. in the Mobility Plan, to support access to local destinations and Bus Rapid Transit stations. A more robust multimodal network would support growth and redevelopment in the corridor. However, it should be noted that new facilities proposed in the associated application (service station and self-storage) do not represent uses typically associated with bicycle, pedestrian, or transit activity.
- The application proposes a condition to retain 83 mobile homes (73 existing) in the existing mobile home park. This condition would support Comprehensive Plan goals for a range of housing options and a range of neighborhood types. It also would further the theme of making Chapel Hill A Place for Everyone.
- Finding #3 in the next section notes additional purposes of the 2020 Comprehensive Plan which may be achieved through this application, as well as those that would be in conflict with this application.

**FINDINGS OF FACT**

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance (as stated in Section 4.4) shall not be amended except:

- 1) To correct a manifest error in the chapter; or
- 2) Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- 3) To achieve the purposes of the Comprehensive Plan.

Below is an evaluation of this application based on the three findings. Further information may be presented for the Council’s consideration as part of the public hearing process, and will be included in the record of the hearing.

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**Finding #1:** The proposed zoning amendment is necessary to correct a manifest error.

Arguments	No information provided
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**Finding #2:** The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

Arguments in Support	<p>Staff notes that the Comprehensive Plan identifies the site as part of a Focus Area (S MLK Jr Blvd) which suggests it is an appropriate location for investment, improvement, and/or development.</p> <p>Staff notes that the mobile home park is over 35 years old and that since its establishment there has been continued development along the Martin Luther King Jr. Blvd. corridor.</p> <p>The applicant notes that generally, new commercial facilities need more space to meet modern standards, and that over time new commercial uses are becoming in demand in Chapel Hill.</p>
Arguments in Opposition	<p>Staff notes that uses proposed in the application, specifically fuel pumps and self-storage, are typically considered more vehicle-oriented and therefore not complementary to transit service such as BRT.</p> <p>Staff notes that the proposed financial investment in the BRT may change the conditions in this area.</p>

**Finding #3:** The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.

Arguments in Support	<p>The applicant's Statement of Consistency suggests that the proposed rezoning would contribute to the following elements of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>• A range of housing options for current and future residents (<i>Goal-Place for Everyone.3</i>)</li> <li>• Balance and sustain finances by increasing revenues and decreasing expenses (<i>Goal-Community Prosperity and Engagement.1</i>)</li> <li>• A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students. (<i>Goal-Good Places, New Spaces.5</i>)</li> <li>• A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (<i>Goal Getting Around.2</i>)</li> <li>• Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. (<i>Goal-Nurturing Our Community.3</i>)</li> </ul>
Arguments in Opposition	<p>The proposed playground would be located within the upland zone of the Resource Conservation District. Staff notes that these impacts are in conflict with the following elements of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>• Open and accessible common spaces for community gathering, cultural uses, and community development (<i>Goal-Good Places, New Spaces.7</i>)</li> </ul>

- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems (*Goal- Nurturing Our Community.2*)

Staff also notes that the adopted Future Land Use Map (FLUM) shows this area as predominately multi-family, shops and offices and is located adjacent to a future bus rapid transit (BRT) stop. The FLUM states the corridor is envisioned to include a mixture of uses, including a diversity of housing types, that make the best use of the future proposed transit service.



# PROJECT FACT SHEET

## Project Details

Site Description	
<b>Project Name</b>	1200 MLK (Tarheel Mobile Home Park)
<b>Address</b>	1200 & 1204 Martin Luther King Jr. Blvd.
<b>Property Size (NLA)</b>	13.9 acres
<b>Existing</b>	Mobile home park and service station/convenience store
<b>Orange County Parcel Identifier Numbers</b>	9789-29-7279 and 9789-39-2409
<b>Existing Zoning</b>	Neighborhood Commercial (NC) and Residential-4 (R-4)
<b>Proposed Zoning</b>	Neighborhood Commercial-Conditional Zoning District (NC-CZD) and Office/Institutional-2-Conditional Zoning District (OI-2-CZD)

## Site Development Standards

Topic	Comment	Status
<b>Development Intensity</b>		
<b>Use/Density (Sec. 3.7)</b>	Mobile home park (83 mobile homes); Service station/convenience store; Self-storage facility, conditioned	<b>M</b>
<b>Dimensional Standards (Sec. 3.8)</b>	Service Station/Convenience Store – maximum 18 ft. height Self-Storage Facility, Conditioned – maximum 38 ft. height	
<b>Floor area (Sec. 3.8)</b>	139,400 sq. ft. commercial, 52,358 sq. ft. residential	
<b>Landscape</b>		
<b>Buffer – North (Sec. 5.6.2)</b>	<i>Required:</i> Internal 20' Type "C"	<b>M</b>
<b>Buffer – East (Sec. 5.6.2)</b>	<i>Required:</i> Internal 10' Type "B"	<b>M</b>
<b>Buffer – South (Sec. 5.6.2)</b>	<i>Required:</i> Internal 20' Type "C"	
<b>Buffer - West (Sec. 5.6.2)</b>	<i>Required:</i> External 30' Type "D"	
<b>Tree Canopy (Sec. 5.7)</b>	<i>Required:</i> 30%	
<b>Landscape Standards (Sec. 5.9.6)</b>	<i>Required:</i> 5' foundation buffer planting strip <i>Required:</i> Landscaped interior islands every 10 spaces	

	<p><i>Required:</i> Maximum distance of 75' that a parking space may be located from a shade tree</p> <p><i>Required:</i> 8' minimum landscaped buffer strip requirement for parking entrance drives</p>	
<b>Environment</b>		
<b>Resource Conservation District (Sec. 3.6)</b>	<p><i>Proposed:</i> Existing Mobile Homes to remain, with new disturbance as follows:</p> <ul style="list-style-type: none"> <li>- <i>Streamside Zone:</i> 2,500 sq. ft.</li> <li>- <i>Managed Use Zone:</i> 4,000 sq. ft.</li> <li>- <i>Upland Zone:</i> 9,500 sq. ft.</li> </ul>	
<b>Erosion Control (Sec. 5.3.1)</b>	Orange County Erosion Control permit required	
<b>Steep Slopes (Sec. 5.3.2)</b>	<p><i>Required:</i> Disturb &lt; 25% of slopes greater than 25% slope</p> <p><i>Proposed:</i> Disturb 3.6% (1,269 sq. ft.) of slopes &gt; 25%</p>	
<b>Stormwater Management (Sec. 5.4)</b>	No stormwater measures currently on-site; applicant proposes to install measures, inlets, and piping designed to meet or exceed LUMO 5.4 standards	
<b>Land Disturbance</b>	247,779 sq. ft. (40% of site)	
<b>Impervious Surface</b>	271,416 sq. ft. (45% of site)	
<b>Solid Waste &amp; Recycling</b>	Private trash pickup proposed	
<b>Jordan Riparian Buffer (Sec. 5.18)</b>	<i>Proposed:</i> 2,500 sq. ft. of land disturbance	<b>M</b>
<b>Access &amp; Circulation</b>		
<b>Road Improvements (Sec. 5.8)</b>	Addition of right turn lane into development	
<b>Vehicular Access (Sec. 5.8)</b>	Two points of access proposed at the intersection with Martin Luther King Jr. Blvd.	
<b>Bicycle Improvements (Sec. 5.8)</b>	No improvements proposed	
<b>Pedestrian Improvements (Sec. 5.8)</b>	5' sidewalk proposed along Martin Luther King Jr. Blvd.	
<b>Traffic Impact Analysis (Sec. 5.9)</b>	TIA completed and Executive Summary attached	
<b>Vehicular Parking (Sec. 5.9)</b>	<p><i>Required:</i> 68 commercial, 73 residential</p> <p><i>Proposed:</i> 45 commercial, 158 residential</p>	<b>M</b>
<b>Transit (Sec. 5.8)</b>	Provide a \$15,000 payment-in-lieu for construct a transit stop to accommodate future Bus Rapid Transit service with a shelter	
<b>Bicycle Parking (Sec. 5.9)</b>	<p><i>Required:</i> 10 spaces</p> <p><i>Proposed:</i> 10 spaces</p>	
<b>Electric Vehicle Parking</b>	None proposed	

<b>Parking Lot Standards (Sec. 5.9)</b>	Constructed to Town Standards	
<b>Technical</b>		
<b>Fire</b>	Meet Town Standards	
<b>Site Improvements</b>	As shown on plans	<b>NA</b>
<b>Schools Adequate Public Facilities (Sec. 5.16)</b>	Application must comply	
<b>Inclusionary Zoning Ordinance (Sec. 3.10)</b>	All mobile home units are proposed remain on-site for a minimum of fifteen years	
<b>Recreation Area (Sec. 5.5)</b>	<i>Required: 27,887 sq. ft. Proposed: 27,887 sq. ft.</i>	
<b>Lighting Plan (Sec. 5.11)</b>	Maximum of 0.3 foot-candles at property line	<b>FP</b>
<b>Homeowners Association (Sec. 4.6)</b>	N/A	<b>NA</b>

### Project Summary Legend

Symbol	Meaning
	Meets Requirements
<b>M</b>	Seeking Modification
<b>C</b>	Requires Council Endorsement
<b>FP</b>	Required at Final Plan
<b>NA</b>	Not Applicable

**From:** Michael E. [<mailto:mikemail08@gmail.com>]

**Sent:** Thursday, February 11, 2021 1:15 PM

**To:** Town Council <[mayorandcouncil@townofchapelhill.org](mailto:mayorandcouncil@townofchapelhill.org)>; Michael Sudol <[msudol@townofchapelhill.org](mailto:msudol@townofchapelhill.org)>; Amy Harvey <[aharvey@townofchapelhill.org](mailto:aharvey@townofchapelhill.org)>; James Baxter <[james.baxter56@gmail.com](mailto:james.baxter56@gmail.com)>

**Subject:** Planning Commission Statement regarding the 1200 MLK project

**External email:** Don't click links or attachments from unknown senders. To check or report forward to [reportspam@townofchapelhill.org](mailto:reportspam@townofchapelhill.org)

Hello Mayor and Members of Council,

At our January 19th meeting, the Planning Commission crafted a short statement regarding the proposed development project at 1200 MLK Blvd. and voted unanimously to send it along to you. This being an additional statement to the longer letter that we sent previously.

Due to my own misunderstanding of the process as the new Chair, I failed to actually send our statement. I regret my oversight and hope that you are still able to consider our comments, which resulted from several long conversations during our meetings.

**"The planning commission would like to see the Town Council make decisions based on the Town's long-range goals and that conform to all current LUMO regulations. Let the vision play out."**

Respectfully,

Michael Everhart  
Planning Commission Chair

## RESOLUTION OF COMMUNITY DESIGN COMMISSION (CDC) ON FEBRUARY 23, 2021 REGARDING 1200 MLK BOULEVARD PROPOSAL

The purpose of this meeting was to further discuss the above project after having met with the Planning Board and reviewed our decision of denial dated July 28, 2020 and the most recent project information available from the Town's Website.

### DESIGN REVIEW

Our vote to deny was based on incomplete project information and requested that the applicant produce..."elevations that are photorealistic, articulate the building facades, meet the fenestration requirements of Section 6.23 of the LUMO; and has reviewed elevations with the CDC".

As of today, the CDC has not been presented with any design drawings and we request that council delay any decision until the applicant has presented designs for us to review. In addition to building elevations the CDC should review the Landscape Plans especially in the rear that are intended to mitigate the impact of the 30' high storage facility on the residents.

In addition to this design review, the CDC and mobile homes HOA should review designs of the proposed fence between the storage facility and the residential homes.

### PLAN FOR RESIDENTIAL COMPONENT

Another concern expressed at the July 28<sup>th</sup> meeting was that the Council should require the applicant to provide a residential component to the proposal, particularly plans for infrastructure improvements and assistance to homeowners to upgrade their units.

We note that the applicant has moved forward with a number of efforts to protect the tenants by extending some guarantees of tenancy, creating a Homeowners Association and ceding maintenance responsibility to the HOA.

However, there is still not a Comprehensive plan for improvements. Moreover, it appears to us that the developer is placing all future costs for common area work to the residents. This is usually done only after improvements have been made with assurances that all aspects of the residential component are in keeping with Rules, Regulations and Codes. We request that such a plan be created and that any infrastructure work be done in accordance with LUMO requirements.

## Amy Harvey

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**From:** Jeanette Coffin  
**Sent:** Tuesday, November 03, 2020 9:57 AM  
**To:** John Rees  
**Cc:** Judy Johnson; Allen Buansi; Amy Ryan; Hongbin Gu; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Shakera Vaughan; Tai Huynh; Amy Harvey; Ann Anderson; Carolyn Worsley; Flo Miller; Laura Selmer; Mary Jane Nirdlinger; Maurice Jones; Rae Buckley; Ran Northam; Ross Tompkins; Sabrina Oliver  
**Subject:** RE: Conditional Zoning for 1200 & 1204 Martin Luther King Jr. Blvd.

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin



Jeanette Coffin  
 Office Assistant  
[Town of Chapel Hill Manager's Office](#)  
[405 Martin Luther King Jr. Blvd.](#)  
[Chapel Hill, NC 27514](#)  
 (o) 919-968-2743 | (f) 919-969-2063

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**From:** John Rees [mailto:jreesnc@gmail.com]  
**Sent:** Monday, November 2, 2020 5:05 PM  
**To:** Town Council <mayorandcouncil@townofchapelhill.org>  
**Cc:** Michael Sudol <msudol@townofchapelhill.org>; Elizabeth Webber <buffie.webber@gmail.com>; Melissa McCullough <melissamccnc@gmail.com>; Louie Rivers <lrsiversiii@gmail.com>; James Baxter <james.baxter56@gmail.com>; Michael Everhart <mikemail08@gmail.com>; Whit Rummel <whitr@icloud.com>; sbwhitlow <sbwhitlow@gmail.com>; Neal Bench <nj397bench@gmail.com>; Kai Nilsen <kaicnilsen@gmail.com>  
**Subject:** Conditional Zoning for 1200 & 1204 Martin Luther King Jr. Blvd.

**External email:** Don't click links or attachments from unknown senders. To check or report forward to [reportspam@townofchapelhill.org](mailto:reportspam@townofchapelhill.org)

To the mayor and town council.

On Wednesday, you will be reviewing the conditional zoning application for the Tarheel Trailer park, 1200 and 1204 Martin Luther King Jr. Blvd.

The planning commission moved to recommend Resolution B, denying the Special Use Permit Modification. This was not an easy decision for our advisory board to make.

We felt it important to explain to the council the detailed reasons for the denial. The planning commission formed a sub committee to draft the letter below. It was then reviewed by the entire commission and approved, by vote, at a subsequent meeting to be sent as representative of the feelings of the entire planning commission membership.

**Date:** October 20<sup>th</sup>, 2020

**From:** The Chapel Hill Planning Commission

**To:** The Chapel Hill Town Council

**Memorandum:** SUP Proposal for 1200/1204 MLK Blvd.

On October 6<sup>th</sup>, 2020, the Chapel Hill Planning Commission voted 5-2 to adopt Resolution B, recommending a denial of the Special Use Permit modification application for 1200/1204 MLK Blvd. Commissioners broadly agreed that the project as proposed presents several significant drawbacks for the residents of the neighborhood, and the Town at large.

The driver of this project is the proposed addition of a large, conditioned, self-storage building on the site, which requires moving several mobile homes, which are currently elsewhere on the site, into the Resource Conservation District to make space for the new building. The proposal prompts numerous requested changes to the Land Use Management Ordinance.

The Commission in no way wants to threaten the existence or location of the familial community in the existing neighborhood, and our decision is based foremost in this belief. We want the town to actively work to help protect this underserved community. This neighborhood is in fact identified on the current draft of the Future Land Use Map as a “Sensitive Displacement Area.” According to the applicant, the new owner of the site purchased the property with the promise that they would preserve the home locations of those that live there. We expect them to honor this promise.

Please note that even the two Commissioners who voted against Resolution B had concerns about the project, and one commented that this was a “bad, bad project.” Their votes reflected a belief that accepting this proposal might be better than waiting for a different proposal that might not retain all current homes on site.

Overall, while we laud the applicant for presenting a plan that does **not** directly displace any residents, we find that the proposal is asking the Town for too much in return.

1. Requested change to LUMO 6.23.4
  - The Commission recommends denial of this request because both the present zoning and the FLUM designate this area for community and residential uses. Self-storage is not an appropriate “community use” for the limited Chapel Hill infill land, especially alongside a future major Bus Rapid Transit line that was designed and funded in order to get cars off the road and foster transit-oriented development. We believe that self-storage as an accessory use is intended exclusively for situations where on-site storage facilities are provided for the use of the residents.
2. Requested change to LUMO 6.23.2
  - The Commission recommends denial of this request because this regulation is intended to be applied regardless of being a “T” intersection or not, and is intended to promote walkable and lively streetscapes. Additionally, the FLUM calls for an active frontage on this portion of MLK, as well as the aforementioned BRT stop. A large self-storage building will effectively be dead space. It is distinctly inactive and placing it here will work against the goals of the Town to invigorate this area and make it more pedestrian and bicycle friendly.
3. Requested change to LUMO 6.12(d)
  - The commission has no major objections to the reconstruction of the gas service station and the required access driveway. The developer has agreed to work with the Town when the BRT stop necessarily changes whatever sidewalk/driveway frontage is in place at the time.
4. Requested change to LUMO 3.6.3-2
  - The Commission recommends denial of this request. The Resource Conservation District was established to protect the Town’s waters and water quality and we recommend that the protections of the

RCD be respected, there is not substantial justification to grant an exemption. This plan proposes grading nearly 1 acre of the RCD, negatively impacting the water quality and hydrology of the site, which feeds directly into Lake Ellen, and then into Booker Creek and across town. We are not opposed to any homes that currently sit within the RCD remaining where they are. However, a good plan would move homes out of the RCD, and certainly not into it.

- The developer contends that this relocation is necessary to prevent displacement, but that is only true if the storage building is constructed in the first place, and the assertion presents a false choice for the Town.
  - Additionally, the relocation of homes into the RCD presents potential and unknowable issues for those residents in the long term. The developer cited the testimony of someone who grew up there that “it hadn’t flooded” in their memory. However, we know that climate change is creating new patterns of flooding in our area and the past is a poor indicator of what is likely to come. Putting vulnerable mobile homes into what could be an active floodplain is a disservice to those residents.
5. Requested change to LUMO 5.9.7
    - Were the project to be built, we agree with the applicant that a reduction in the minimum number of parking spaces is appropriate.
  6. Requested change to LUMO 3.7.3,
    - Were the project to be built, we agree with the applicant that this modification is appropriate. Otherwise, many of the mobile homes currently on site would be in violation of the LUMO and people would likely be displaced.

In conclusion, the Planning Commission recognizes that the process of matching infill development projects with appropriate locations, and the needs and wants of the Town is difficult. However, we do not believe that making so many significant precedent-setting exceptions in the LUMO is wise or appropriate in this case. Other projects in Chapel Hill would suggest that this proposal is not the only viable commercial option for the applicant. We implore both the Town Council and the project applicant to arrive at better solutions.

Respectfully,  
The Chapel Hill Planning Commission.



## Response to Town Council Questions for 1200 MLK December 9, 2020

**Council Question:** A few council members expressed an interest in having town staff have meetings with residents of the mobile home park, separate and apart from the management to gauge the concerns of residents in a comfortable setting. Can staff accommodate this request?

**Staff Response:** Housing and Community and Planning staff are planning a meeting with residents on Thursday, November 19<sup>th</sup>. We are working closely with Empowerment to plan the meeting and they, along with Family Success Alliance will assist with outreach to residents in advance of the meeting. We will also be noticing the meeting in English-Spanish and providing interpretation for the meeting for Spanish speakers.

**Council Question:** Regarding the gas station that is proposed as part of the application, is it proposed to be a 24/7 gas station or will there be specific times it will be open and closed? If so, what are those hours?

**Applicant Response:** The station will be open 24/7.

**Council Question:** A council member brought up, in a small group session, that the hours the proposed self-storage building would be open and suggested that the contemplated 10 pm closing time be moved to an earlier time, in consideration of the neighboring residents of the Tar Heel Mobile Home Park. Dan Jewell seemed amenable to this. Is the applicant willing to accommodate that request?

**Applicant Response:** In order to further limit the hours that residents might encounter someone pulling around to the north side of the building to use the loading dock, we will restrict the hours that that dock and back door are open to something less than the 6 AM to 10 PM time frame. We are surveying potential customers and will have those hours for you prior to the next Public Hearing. Signs will be installed on the driveways to the rear of the building that say “no access to loading dock from XX AM to XX PM”, or similar.

**Council Question:** A resident in the Tar Heel Mobile Home Park, during public comment, referenced a community rules packet that residents had been sent. What is the rules packet for residents of the Tar Heel Manufactured Home Park and its purpose. Can we, council members, be provided a copy of this?

**Applicant Response:** Park rules are attached.

**Council Question:** A few council members requested that the 10-year commitment to a mobile home park be extended to upwards of 15 years. Is the applicant willing to accommodate this request?

**Applicant Response:** The applicant is in fact considering extending this to 15 years subject to acceptance of our proposed rental increase schedule.

**Council Question:** Is the applicant willing to use CPI or some other objective measure by which to limit rent increases, so as to establish reasonable expectations for residents, as to rent increases?

**Applicant Response:** The applicant is working on a proposal for a predictable graduated rental increase schedule based on some manner of market-based metric. This will be provided to Staff in the next week to 10 days.

**Council Question:** A couple of council members expressed a desire for longer lease periods to be provided to residents. Dan Jewell asserted that month-to-month leases are the standard with mobile home parks but he was willing to see if mobile home parks do longer leases. Can town staff investigate this for ourselves?

**Staff Response:** Staff is gathering additional information and will share additional information prior to the Public Hearing.

## **Tarheel Mobile Home Park Supplemental Information for the Town Council**

Stackhouse Management is the property management firm for Tarheel Mobile Home Park. Stackhouse is a Durham based company that specializes in managing mobile home parks across a 5 state region. Across nearly 20 NC properties, Stackhouse uses uniform rules and policies including those at Tarheel. The specific resident comment at Council meeting was referring to the recent distribution of the updated standard rules and concerned normal daily issues like pets, trampolines, parking spots, etc. There are / have been no significant rule changes for Tarheel residents. These rules have been provided to the Town as requested. All resident communications are in both English and Spanish – both written and verbal communications.

As part of the potential rezoning in Chapel Hill, Stackhouse has worked collaboratively with Town Housing Officials and Empowerment to facilitate open discussions about the project. Town Officials have been invited to every meeting and were represented at nearly all or all of the meetings. Moreover, Stackhouse made onsite space available for Town Officials and Empowerment to hold multiple onsite meetings with residents where the developer and Property Manager were not present.

We believe Town Housing officials can list all of the different interactions that they have had with residents to illustrate this point since Council had concerns about sufficient engagement with residents. It should be noted that residents have been invited to at least 5 onsite meetings and also been invited to participate in at least 10 public hearings. We are confident that residents have had full and transparent access to information and this process. As demonstrated in public comments, most residents are supportive of this project.

Neighborhood Meetings that the Developer organized, participated in or was aware of include:

12/2/2018 Park Meeting all residents

12/4/2018 Park Meeting all residents

1/26/2019 Empowerment Inc w/ affected residents

2/7/2019 Park meeting with affected residents

9/10/2019 One on One with Empowerment Inc & affected residents

9/22/2019 Park Meeting all residents

9/23/2019 Park Meeting all residents

9/30/2019 Park One on One with residents

10/1/2019 Park One on One with residents

10/19/2019 Park Community Day Q&A

5/14/2020 Park One on One with residents

5/28/2020 Park One on One with residents

Also met with the residents that purchased new homes separately on 2/5/2020, 6/1/2020, 9/25/2020.

We respectfully ask the Council to delineate between normal ongoing property management concerns of residents (rules about pets, trampolines, tree trimming, parking spaces) from the fundamentally critical issues addressed in this Conditional Zoning application.

Stackhouse Management has proactively worked with residents whose homes are in the potential construction area. Every family that wanted to move to a different location on site has been accommodated (some homes were moved and some families moved to a different home). The remaining residents in the construction zone have asked to remain in their current location until / if the project is approved. Those requests are being honored. For families whose homes were not moveable, Stackhouse provided an alternative home onsite as a temporary residence at no cost to that family. For families that needed to be relocated, Stackhouse offered them the option to purchase a brand-new home at cost with zero interest – 1 family took advantage of this offer.

## STACKHOUSE MANAGEMENT, LLC

**RULES FOR NORTH CAROLINA MOBILE HOME PARKS**

Welcome! To protect your investment and for the best interest of your community certain rules have been adopted to ensure each resident has the benefit of enjoying their home and the park. If these standards are not maintained, residents will receive a notice of violation, followed by a fine and possible eviction.

**PAYMENT**

All rents are payable in advance by the first of each month. After the 5th of the month a late fee penalty of \$15, or 5% of full rent (whichever is greater), shall be applied to the rental payment. If full rental payment is not received within 7 days after it becomes due, anyone who does not have rents paid on time, unless otherwise arranged for in writing, shall be directed to leave the park within thirty (30) days at the option of management.

**COMMUNITY**

1. All homes and yards are kept in an outwardly presentable condition and not allowed to deteriorate or fall in disrepair so as to become an eyesore or nuisance to the neighborhood. The home should not have fading or flaking paint, broken windows, unsightly awning, and home accessories. No trees or shrubs may be planted. Vegetable and flower gardens are permitted. Failure to maintain a garden may result in fines or revocation of approval.
  - a. House and/ or lot numbers must be visible on the top left corner of the front and back of the home. Standard 6" reflective number labels should be used to ensure the address is visible from the road.
  - b. Lawn furniture, bicycles, toys and other outdoor articles, when not in use detract from the attractive appearance of the community. Therefore, no storage of any kind will be permitted around the home except in a utility building that has received written approval by management.
  - c. No alterations, additions, or changes, such as outside buildings, antennas, fences, patios on the premises or fixtures thereon without the written consent of the management. As all the utility lines are underground, no fences, poles, or stakes can be driven into the ground.
  - d. Towing hitches must be removed or covered per Federal Government Insurance guidelines (HUD).
2. Management provides for pickup of trash at specified times. All garbage must be in plastic bags and placed in garbage containers. Garbage containers used for mobile home site shall be tightly covered and fastened to prevent their blowing freely in park. Plastic garbage bags may not be left exposed out of doors. Any cardboard or other large items must be torn apart, smashed, or otherwise compressed as much as possible.
3. Communities with curbside trash service, may move garbage container to the curb after 3 PM the day before trash pick-up and must be returned to the home by 10 PM the day of trash pick-up. Trash service is provided for 1 solid waste container per household. Having more than 1 trash container for pick up or having more than one pick-up at your residence will result in a fine. If your trash is placed in dumpsters any trash found outside the dumpsters or placed improperly on top of dumpsters will result in a fine assessed to all residents.
4. To install approved steps and metal skirting around the mobile home within 60 days after home is placed on site. If inclement weather or other unforeseen matters cause a delay, this will be taken into consideration. Skirting shall be installed according to park standards.
5. Disorderly conduct, abusive language, noisy disturbances, or disregard of the rules and regulations contained herein shall be grounds for immediate removal of all persons committing said offenses from the premises.
6. Parents will be held responsible for any damage caused by their children. Tenants will be responsible for their guests and pets.

**VEHICLES**

1. Two vehicles are allowed at each homesite. Do not park on the Grass or in or along park roads, or in undesignated areas on the lots. Parking Spaces are 20X20.
2. Reasonable speed limits are essential to safeguard residents and the children, the speed limit of 10 miles per hour is strictly enforced. Please report excessive speeding.
3. Vehicles which are unlicensed, having plates that are expired or are inoperable cannot be parked or stored on

## STACKHOUSE MANAGEMENT, LLC

the premises. Any vehicle found to be in violation of this rule will be towed, at the owner's expense.

4. Tenants are not allowed to store, park or repair boats, "off road" vehicles, dirt bikes, Box Trucks or ATV on premises.
5. No automobiles can have a "for sale" sign on the car.

**RESIDENT RESPONSIBILITIES**

1. All water lines must be insulated at all times, by insulation or heat tape. Any damage caused to the park water lines or mobile home water system, because of frost or water lines freezing of resident water pipes and connections shall be repaired at the tenant's expense.
2. The only three things you should flush down the toilet are feces, urine, and toilet paper. Anything that is not dissoluble should not be put in the sewer. This means do not flush paper towels, disposable diapers, sanitary napkins, "flushable" wipes or cat litter.
3. No peddling, soliciting or commercial enterprises are permitted in the park. Signs or any type of advertisement is prohibited.
4. No leased lots shall be used for commercial or business purposes – this means you cannot operate a business or store business materials on your lot.
5. No home or lot shall be subleased or put in the possession of another party without prior written approval from management. All mobile homes and lots are to only be occupied by the applicant(s) and occupants listed on the signed lease. Prior to selling a home the tenant must have written approval from management. To receive obtain approval the prospect must complete an application, background check and provide valid photo identification. Without approval the home must be vacated.

**REPAIR CHARGES:**

Repair of any underground utility lines damaged by digging or planting on the premises will be charged to the appropriate resident causing the damage. Repair to common areas and other homes/buildings damaged by a resident's activities will be charged to the resident causing or participating in the cause of the damage. Any and all repairs that are required due to negligence or improper use on the part of the Resident will be charged to the tenant's lot rent account.

**MANAGEMENT**

1. The owner reserves the right to increase any fees or change or alter these rules providing the owner delivers to every resident a notice in writing at least 30 days in advance of increase of park fee or rule change.
2. Management shall not be liable for loss or damages to a home or any personal property owned by resident unless may be caused by negligence of management.
3. The management will not be responsible for accidents, injuries, or loss of property by fire, theft, wind, floods, or other natural acts which are beyond its control. Equipment and apparatus furnished on the grounds are solely for the convenience of residents and all persons using same do so at their own risk.
4. There are certain rules and ordinances for mobile homes set forth by the county and state that we all must abide by. These will be strictly enforced.
5. The park owner retains the right, in its sole discretion, to waive, any one or more of these rules with respect to any one or more homeowners. Waiver of any rule or right unless expressly stated herein, nor shall a waiver on behalf of any specified individual or individuals be deemed a waiver for any unspecified individuals. ANY violation of the above rules could be cause for eviction from the park.

**PETS**

**NO FARM ANIMALS ALLOWED – this includes but is not limited to chickens, roosters, goats, cows, or sheep.**

1. The presence of all animals shall be reported to the park owner within five (5) days of the acquisition of

the animal or pet.

Management requires proof of registration for all pets residing in the park. If you currently have a pet in your home, you have 30 days from the date you received the park rules and regulations to provide proof of registration from your county of residence or remove the pet from the premises.

2. Registered Pets are allowed in the park only so long as-
  - a) they are not allowed to run loose at any time
  - b) they are never chained outside the mobile home. -They are only outside while being walked on a leash.
  - c) they do not annoy or disturb the neighbors.
3. All Pet excrement must be removed by the pet owner from the pet owner's yard or any other place or location within the community where the pet may have access. When pets are walked in the common areas, the pet owner must clean up after the animal. A \$25.00 per incident fine will be imposed upon the owner of any pet who does not clean up after their animal anywhere in the community, including their lot.
4. All Pet owners are responsible for any damage caused by the pet to community property or the property of another resident. Such damage must be repaired and/or paid for by the pet owner.
5. No dog runs, dog houses, cage or fenced areas for a pet are permitted. All pets must be kept inside the home. Anytime time pet is outside, it must be kept on a leash and may not be left unattended.
6. No more than two pets are permitted per home
7. Under no circumstance are cats allowed to roam the property
8. Any homeowner who has a dog known to be unfriendly, aggressive or a dog that has previously bitten or attacked someone is prohibited. Management reserves the right to demand a pet be removed from the community in the event of a serious attack or aggressive behavior.
9. Prohibited Breeds – Specific breeds of dogs or mixes including those breeds are not permitted
  - a) Pitbull
  - b) Chow
  - c) Doberman
  - d) Rottweiler
  - e) Husky
  - f) Great Dane
  - g) German Shepard
  - h) Malamute
10. **INSURANCE REQUIRED.** Management requires proof of insurance from any resident housing a dog or any other pet in the community. Homeowners are advised to contact their insurance company/agent to make certain liability coverage for pets is included to their homeowner policy.

#### **OUTSIDE PLAY/RECREATION EQUIPMENT**

1. Outside play equipment, weightlifting or exercise equipment, spa, whirlpool or any other unit, device or equipment is **not permitted**.
2. **Trampolines of any size are not permitted**
3. **Pools of any size are not permitted**
4. **Swing sets are not permitted**

#### **STORAGE AROUND & UNDER THE HOME**

1. Mobile home tires, axles, hitches, and non-hazardous items may be stored beneath the manufactured home.
2. Up to ½ cord of firewood may be kept at least six feet from the home and 12 inches above the ground in a

freestanding frame.

3. Other combustible or hazardous materials are prohibited. The only items permitted on a patio are:
4. Patio furniture, picnic tables, potted plants, all in good condition.
5. Bikes, toys, garbage cans, lawn and garden equipment, tools and other large items must be stored in the shed, under the home or out of sight from the street.
6. Grills (gas or charcoal) may not be stored on the deck, porch or steps of any home. When in use the grill must be located at least 10 feet from any structure.

### **STORAGE SHEDS**

Each lot is permitted one shed of an approved size and style as directed by management. Sheds must be in compliance with health regulations regarding proximity to neighboring structures. No auxiliary structures may be constructed or affixed to a shed to create additional covered storage area. Shed must be maintained in good appearance and condition.

### **DAMAGE TO DRIVEWAYS,**

1. A homeowner will be held responsible for damage to a patio area, driveway, sidewalks or yard.
2. Management reserves the right to assess a fee to correct and/or clean any area for which the homeowner is responsible.

### **CONSTRUCTION AND SAFETY STANDARDS**

1. Oil and propane gas tanks are to be located to the rear of the home, and out of sight from the road.
2. Fireworks, open fire-pits and any burning are prohibited on the park property and the areas around the park.
3. All mobile homes must be power washed annually.
4. All homes to be placed on lot according to the management specifications and all connections to water, electric and sewer lines must be with management approval.
5. All connections between the meter and the mobile home is to be made by a licensed electrician approved by the owner. The cost of such connections and maintenance is the Residents responsibility. Each homeowner will be responsible for any clogging of sewer lines, pumping of the sewer system necessitated by excessive use of water due to faulty or leaking fixtures or other detrimental usage.

### **REGLAS PARA EL PARQUE DE CASA MÓVIL**

¡Bienvenido! Para proteger su inversión y para el mejor interés de su comunidad, se han adoptado ciertas reglas para asegurar que cada residente tenga el beneficio de disfrutar de su hogar y el parque. Si no se mantienen estos estándares, los residentes recibirán un aviso de violación, seguido de una multa y un posible desalojo.

#### **PAGO**

El alquiler de un sitio para viviendas se paga por adelantado y vence el primer día de cada mes. Si los alquileres no se reciben dentro de los 5 días de la fecha de vencimiento, se agregará un cargo por servicio del 5% o \$ 15.00, el que sea mayor. La falta de pago de la renta provocará el desalojo del parque.

#### **COMUNIDAD**

1. Todas las casas y patios se mantienen en una condición aparentemente presentable y no se les permite deteriorarse o caer en mal estado para convertirse en una molestia para el vecindario. La casa no debe tener pintura descolorida o desconchada, ventanas rotas, toldo antiestético y accesorios para el hogar. No se pueden plantar árboles o arbustos. Vegetales y jardines de flores están permitidos. No mantener un jardín puede resultar en multas o revocación de la aprobación.
  - a. Los números de casa y / o lote deben estar visibles en la esquina superior izquierda de la parte delantera y trasera de la casa. Se deben usar etiquetas de números reflectantes estándar de 6 "para asegurar que la dirección sea visible desde la carretera. segundo.
  - b. Muebles de jardín, bicicletas, juguetes y otros artículos de exteriores, cuando no están en uso, restan valor a la apariencia atractiva de la comunidad. Por lo tanto, no se permitirá ningún tipo de almacenamiento en el hogar, excepto en un edificio de servicios públicos que haya recibido la aprobación por escrito de la administración. do.
  - c. No se permiten modificaciones, adiciones o cambios, como edificios externos, antenas, cercas, patios en las instalaciones o accesorios sin el consentimiento por escrito de la administración. Como todas las líneas de servicios públicos están bajo tierra, no se pueden colocar vallas, postes o estacas en el suelo.
  - d. Los enganches de remolque deben retirarse o cubrirse según las pautas de seguro del gobierno federal (HUD)
2. La administración proporciona la recolección de basura en momentos específicos. Toda la basura debe colocarse en contenedores apropiados y colocarse en el lugar designado

3. Instalar pasos aprobados y zócalos de metal alrededor de la casa móvil dentro de los 60 días posteriores a la colocación de la casa en el sitio. Si las inclemencias del tiempo u otros asuntos imprevistos causan un retraso, esto se tendrá en cuenta. Los zócalos se instalarán de acuerdo con las normas del parque.
4. Instalar escalones aprobados y zócalos de metal alrededor de la casa móvil dentro de los 60 días posteriores a la colocación de la casa en el sitio. Si las inclemencias del tiempo u otros asuntos imprevistos causan un retraso esto se tendrá en cuenta. Los zócalos se instalarán de acuerdo con los estándares del parque.
5. La conducta desordenada, el lenguaje abusivo, los disturbios ruidosos o el incumplimiento de las reglas y regulaciones contenidas en este documento serán motivo para la expulsión inmediata de todas las personas que cometan dichos delitos de las instalaciones.
6. Los padres serán responsables por cualquier daño causado por sus hijos. Los inquilinos serán responsables de sus invitados y mascotas.

### **VEHICULOS**

1. Se permiten dos vehículos en cada sitio. No se estacione en la hierba o fuera de la calle. Los límites de velocidad razonables son esenciales para proteger a los residentes y los niños, el límite de velocidad de 10 millas por hora se aplica estrictamente. Por favor, informe de exceso de velocidad.
2. Los vehículos que no tienen licencia, que tienen placas vencidas o inoperables no se pueden estacionar ni almacenar en las instalaciones. Cualquier vehículo que se encuentre en violación de esta regla será remolcado, a cargo del propietario.
3. Los inquilinos no tienen permitido almacenar, estacionar o reparar embarcaciones, camiones de caja vehículos "off road" ,ATV en las instalaciones.
4. Ningún automóvil puede tener un letrero de "venta" en el automóvil.

### **RESPONSABILIDADES DE LOS RESIDENTES**

1. Todas las líneas de agua deben estar aisladas en todo momento, mediante aislamiento o cinta de calor. Cualquier daño causado a las líneas de agua del parque o al sistema de agua de la casa móvil, debido a la congelación o la congelación de las tuberías y conexiones de agua residentes se reparará por cuenta del inquilino.
2. No se permite el tráfico, la solicitud o las empresas comerciales en el parque. Las señales o cualquier tipo de publicidad está prohibida.
3. No se deben usar lotes arrendados con fines comerciales o comerciales; esto significa que no puede operar un negocio o almacenar materiales comerciales en su lote.
4. Las únicas tres cosas que debe tirar en el inodoro son las heces, la orina y el papel higiénico. Cualquier cosa que no sea soluble no debe ser puesta en la alcantarilla. Esto significa que no debe tirar toallas de papel, pañales desechables, toallas sanitarias, toallitas desechables o arena higiénica para gatos.
5. Ningún hogar o lote será subarrendado o puesto en posesión de otra parte. Todas las casas móviles y lotes solo deben ser ocupados por los solicitantes y los ocupantes que figuran en el contrato firmado. Antes de vender una casa, el inquilino debe contar con la aprobación por escrito de la administración. Para recibir y obtener la aprobación, el prospecto debe completar una solicitud, verificación de antecedentes y proporcionar una identificación con foto válida. Sin aprobación el hogar debe ser desalojado.

### **CARGOS DE REPARACIÓN:**

La reparación de cualquier línea de servicio subterráneo dañada por la excavación o plantación en las instalaciones se cargará al residente correspondiente que cause el daño. La reparación de las áreas comunes y otras casas / edificios dañados por las actividades de un residente se cargará al residente que cause o participe en la causa del daño. Todas y cada una de las reparaciones que sean necesarias debido a negligencia o uso indebido por parte del Residente se cargarán a la cuenta de alquiler del lote del inquilino.

### **ADMINISTRACIÓN**

1. El propietario se reserva el derecho de aumentar cualquier tarifa o cambio o alterar estas reglas, siempre que el propietario envíe a cada residente un aviso por escrito al menos 30 días antes del aumento de la tarifa del parque o el cambio de reglas.
2. La administración no será responsable por pérdidas o daños a un hogar o propiedad personal que sea propiedad del residente, a menos que sea causada por negligencia de la administración.
3. La administración no será responsable por accidentes, lesiones o pérdida de propiedad por incendio, robo, viento, inundaciones u otros actos naturales que estén fuera de su control. Los equipos y aparatos suministrados en el terreno son únicamente para la comodidad de los residentes y todas las personas que los usan lo hacen bajo su propio riesgo.
4. Hay ciertas reglas y ordenanzas para casas móviles establecidas por el condado y el estado que todos debemos cumplir. Estos serán estrictamente aplicados.
5. El propietario del parque se reserva el derecho, a su exclusivo criterio, de renunciar a cualquiera de estas reglas o más con respecto a cualquiera o más propietarios de viviendas. Renuncia a cualquier regla o derecho, a menos que se indique expresamente en el presente documento, ni una renuncia a nombre de ninguna persona o personas específicas se considerará una renuncia para personas no especificadas. CUALQUIER violación de las reglas anteriores podría ser causa de desalojo del parque.

### **MASCOTAS**

**NO SE PERMITEN ANIMALES DE GRANJA** - esto incluye, pero no se limita a pollos, gallos, cabras, vacas o ovejas.

1. La presencia de todos los animales se informará al propietario del parque dentro de los cinco (5) días posteriores a la adquisición del animal o mascota. La administración requiere comprobante de registro para todas las mascotas que residen en el parque. Si actualmente tiene una mascota en su hogar, tiene 30 días a

- partir de la fecha en que recibió las reglas y regulaciones del parque para proporcionar un comprobante de registro de su condado de residencia o retirar a la mascota de las instalaciones.
2. Se permiten mascotas registradas en el parque solo por un tiempo a) no se les permite correr sueltos en ningún momento b) nunca se encadenan fuera de la casa móvil. -Sólo están afuera mientras caminan con una correa. c) No molestan ni molestan a los vecinos.
  3. Todos los excrementos de mascotas deben ser retirados por el dueño de la mascota del patio del propietario de la mascota o cualquier otro lugar o ubicación dentro de la comunidad donde la mascota pueda tener acceso. Cuando las mascotas son paseadas por las áreas comunes, el dueño de la mascota debe limpiar después del animal. Se impondrá una multa de \$ 25.00 por incidente al propietario de cualquier mascota que no limpie después de su animal en ninguna parte de la comunidad, incluido su lote.
  4. Todos los dueños de mascotas son responsables por cualquier daño causado por la mascota a la propiedad de la comunidad o la propiedad de otro residente. Dicho daño debe ser reparado y / o pagado por el dueño de la mascota.
  5. No se permiten corridas de perros, casetas de perros, jaulas o áreas cercadas para mascotas. Todas las mascotas deben mantenerse dentro de la casa. En cualquier momento en que la mascota esté afuera, debe mantenerse con una correa y no puede dejarse desatendida.
  6. No se permiten más de dos mascotas por hogar.
  7. Bajo ninguna circunstancia se les permite a los gatos vagar por la propiedad
  8. Se prohíbe cualquier propietario de casa que tenga un perro conocido como hostil, agresivo o que haya mordido o atacado previamente a alguien. La administración se reserva el derecho de exigir que una mascota sea removida de la comunidad en caso de un ataque serio o comportamiento agresivo.
  9. Razas prohibidas: no se permiten razas específicas de perros o mezclas, incluidas aquellas razas
    - a. Pitbull
    - b. Chow
    - c. Doberman
    - d. Rottweiler
    - e. Husky
    - f. Gran danés
    - g. Pastor Alemán
    - h. Malamute

**SEGURO REQUERIDO.** La administración requiere prueba de seguro de cualquier residente que aloje a un perro o cualquier otra mascota en la comunidad. Se recomienda a los propietarios de viviendas que se pongan en contacto con su compañía / agente de seguros para asegurarse de que la cobertura de responsabilidad para mascotas se incluya en su póliza de propietario.

#### **JUEGO EXTERIOR / EQUIPO DE RECREACIÓN**

1. **No se permite el equipo de juego exterior, levantamiento de pesas o equipo de ejercicios, spa, hidromasaje o cualquier otra unidad, dispositivo o equipo.**
2. **No se permiten trampolines de cualquier tamaño.**
3. **No se permiten piscinas de cualquier tamaño.**
4. **No se permiten columpios.**

#### **ALMACENAMIENTO ALREDEDOR Y BAJO EL HOGAR**

1. Los neumáticos, los ejes, los enganches y los elementos no peligrosos de las casas móviles pueden almacenarse debajo de la casa manufacturada.
2. Se puede mantener hasta media cuerda de leña al menos a seis pies de la casa y 12 pulgadas por encima del suelo en un marco independiente.
3. Otros materiales combustibles o peligrosos están prohibidos. Los únicos artículos permitidos en un patio son:
4. Muebles de patio, mesas de picnic, macetas, todo en buenas condiciones.

5. Las bicicletas, los juguetes, los botes de basura, el equipo para el césped y el jardín, las herramientas y otros artículos grandes deben almacenarse en el cobertizo, debajo de la casa o fuera de la vista de la calle.
6. Las parrillas (gas o carbón) no pueden almacenarse en la terraza, el porche o los escalones de ninguna casa. Cuando esté en uso, la parrilla debe ubicarse al menos a 10 pies de cualquier estructura.

### **TALLER DE ALMACENAMIENTO**

Cada lote tiene permitido un cobertizo de un tamaño y estilo aprobados según lo indique la administración. Los cobertizos deben cumplir con las regulaciones de salud con respecto a la proximidad a las estructuras vecinas. Ninguna estructura auxiliar puede construirse o colocarse en un cobertizo para crear un área de almacenamiento cubierta adicional. El cobertizo debe mantenerse en buen aspecto y condición.

### **DAÑO A LAS CONDUCCIONES,**

1. Un propietario será responsable por daños a un área de patio, camino de entrada, aceras o patio.
2. La administración se reserva el derecho de cobrar una tarifa para corregir y / o limpiar cualquier área de la cual el propietario sea responsable.

### **NORMAS DE CONSTRUCCIÓN Y SEGURIDAD**

1. Los tanques de petróleo y gas propano deben ubicarse en la parte trasera de la casa, y estar fuera de la vista de la carretera.
2. Los fuegos artificiales, fogatas abiertas y cualquier quema están prohibidos en la propiedad del parque y las áreas alrededor del parque.
3. Todas las casas móviles deben ser lavadas a presión anualmente.
4. Todas las viviendas que se colocarán en el lote de acuerdo con las especificaciones de administración y todas las conexiones a las líneas de agua, electricidad y alcantarillado deben ser aprobadas por la administración.
5. Todas las conexiones entre el medidor y la casa móvil deben ser realizadas por un electricista autorizado y aprobado por el propietario. El costo de tales conexiones y mantenimiento es responsabilidad de los residentes. Cada propietario será responsable de cualquier obstrucción de las líneas de alcantarillado, bombeo del sistema de alcantarillado debido al uso excesivo de agua debido a accesorios defectuosos o con fugas u otro uso perjudicial.



## Summary of Tar Heel Community Engagement Meeting November 19, 2020

Town staff, in partnership with EmPOWERment, Inc., held a community meeting for Tar Heel Mobile Home Park residents on November 19 to hear residents' thoughts about neighborhood issues and feedback on the development proposal under consideration for the site. At least ten residents attended the virtual meeting, and seven residents spoke. Below is a summary of the feedback received from those residents:

Feedback about the development proposal:

- Happy they would be fixing the traffic light and entrance to the neighborhood.
- Generally like the project and am happy with it.
- Don't understand the point of another gas station. There are already two nearby.
- Safety concerns between the new development and neighborhood. A fence might help but people can climb over a fence or go around.
- Concerns about how close the homes will be once everyone is relocated and the new buildings are built.
- Encourage the town to think about our most vulnerable population when considering affordable housing projects.

Feedback about the neighborhood:

- The lighting in the community needs improving. There are several areas of the community that are very dark.
- The intersection at the entrance and exit of the neighborhood is dangerous and there are car accidents.
- The roads in the neighborhood can be dangerous. Stop signs and other measures to slow down cars would be helpful. There are potholes in the roads. Roads are narrow and dangerous if cars are driving in different directions on the road at the same time.
- Trees are an issue. A resident was killed several months ago, and there continue to be dangerous branches falling that could hurt residents. Have sent requests to property management, but they have not improved tree safety.
- Concern that any improvements that are made to the neighborhood will be charged back to the residents.
- Management keep sending new rules and regulations but won't say how they're going to improve the neighborhood.
- There aren't options for kids to play in the neighborhood. Many of the rule changes have limited types of play equipment we can keep outside of our houses, which limits options available for kids.
- Concern that some neighbors may not be coming to the meetings or speaking due to worries they could be retaliated against.
- Believe that technology has been a barrier for many families to participate in the meeting and provide feedback.



# **1200 MLK Conditional Zoning**

Town Council  
February 24, 2021

DRAFT

- New mobile home units within the RCD have been removed
- Land disturbance in the RCD has been reduced
- Restrictive covenants have been incorporated
- Notice of vacant homes expanded to include lessees
- A condition requiring a playground has been added

DRAFT

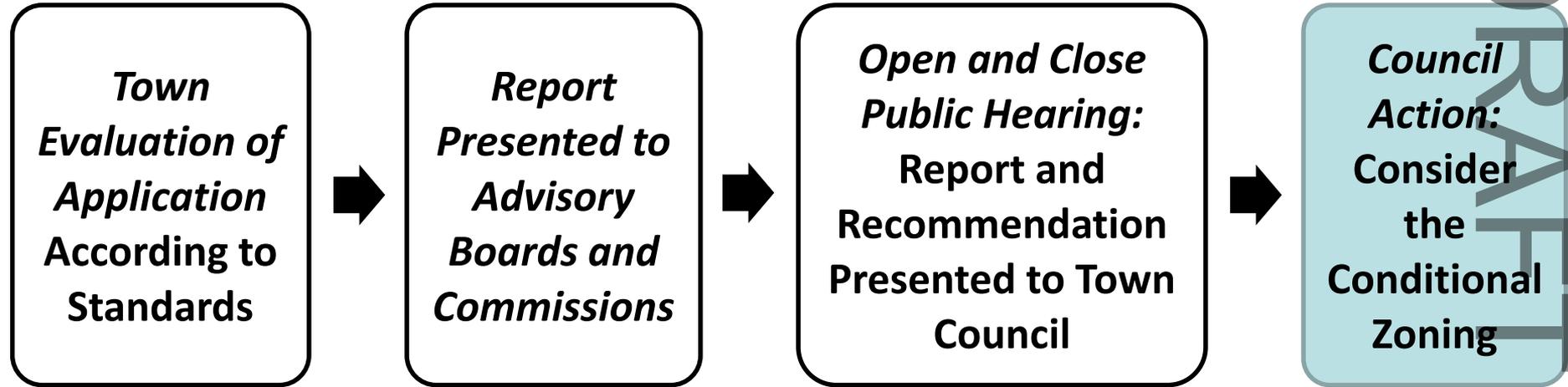
- Chain link fencing is prohibited between self-storage and mobile homes
- All references to Planned Development – Housing (PD-H) have been removed.
- A condition has been added prohibiting Short-Term Rentals

DRAFT

- That the Council consider adopting or denying the Resolution of Consistency and Revocation of Special Use Permits, and consider enacting or denying Ordinance A for the Conditional Rezoning.

DRAFT

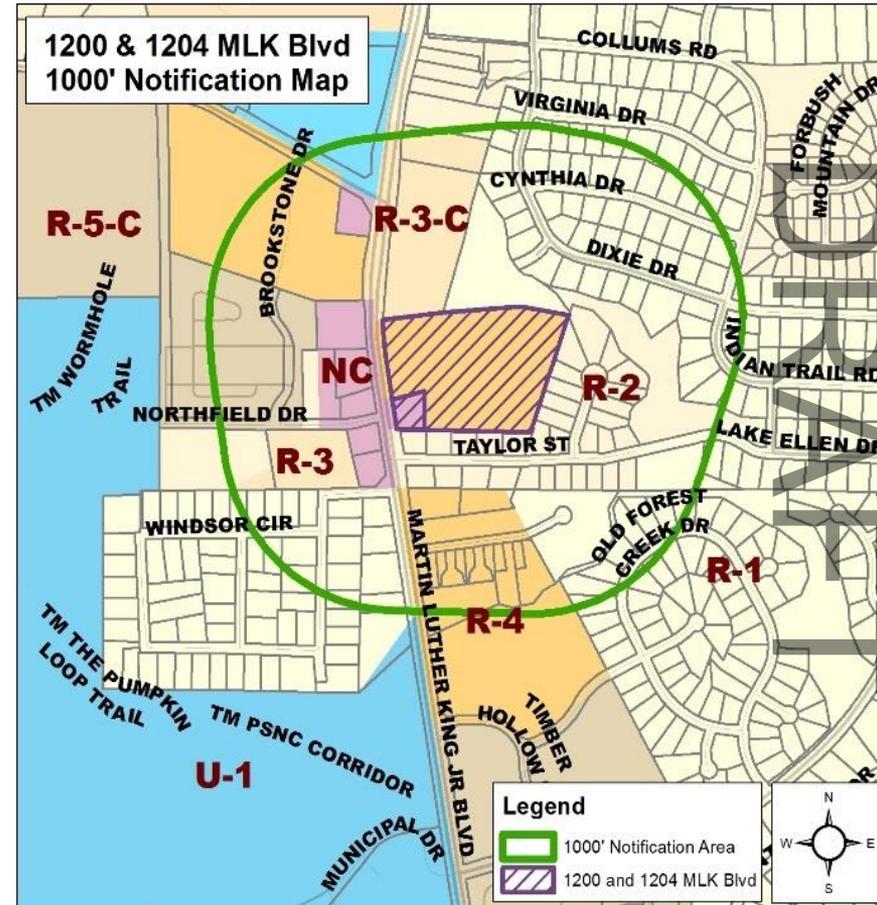
# Process



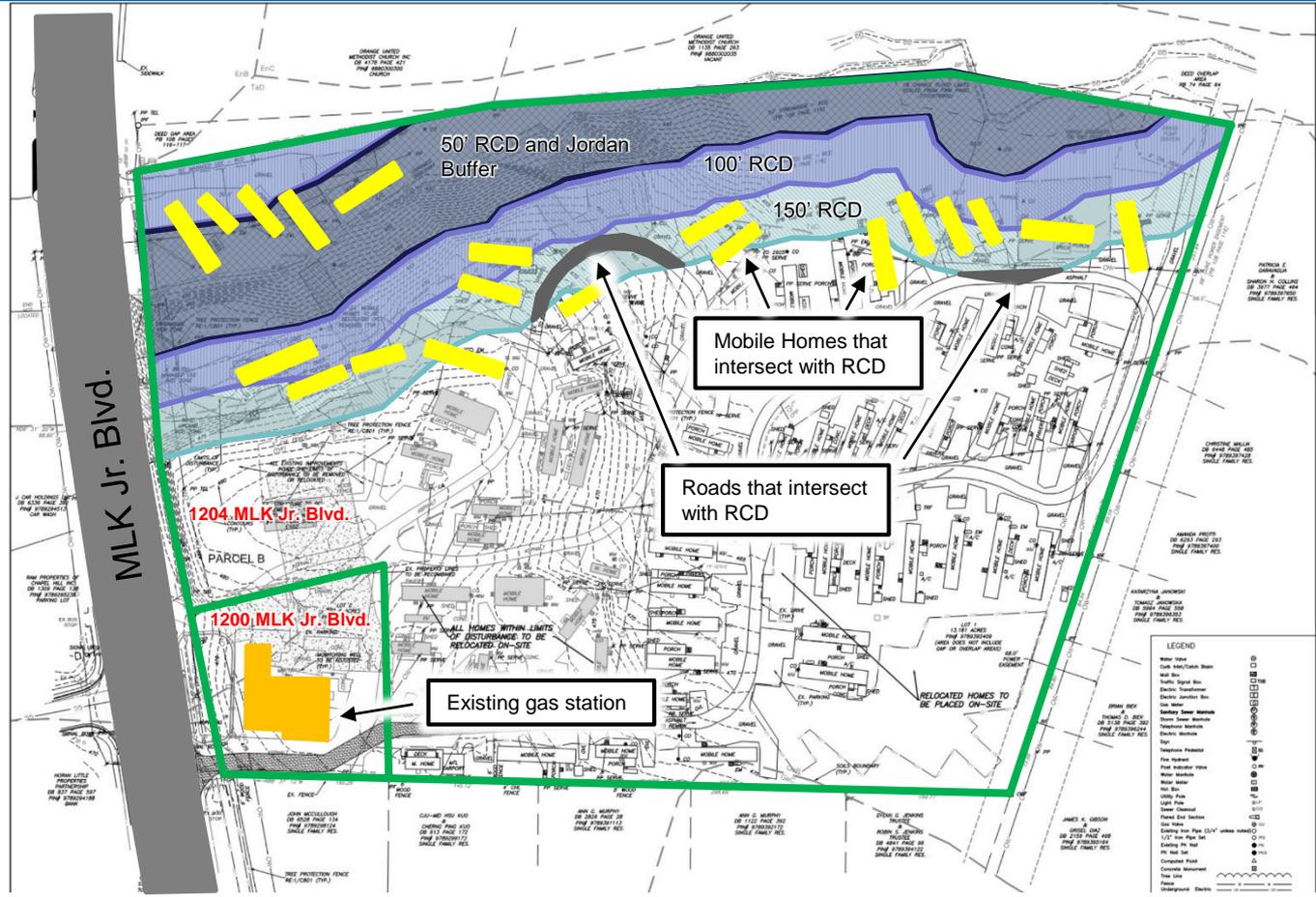
- Was: Special Use Permit
  - Quasi-judicial
  - Four findings of fact (LUMO 4.5.2)
- Now: Conditional Zoning
  - Legislative

DRAFT

- 13.9-acre site
- Rezoning required
  - Currently R-4 and NC
  - Proposing NC-CZD and OI-2-CZD
- Demolish existing gas station
- Construct gas station and self-storage



# 1200 MLK – Existing Conditions

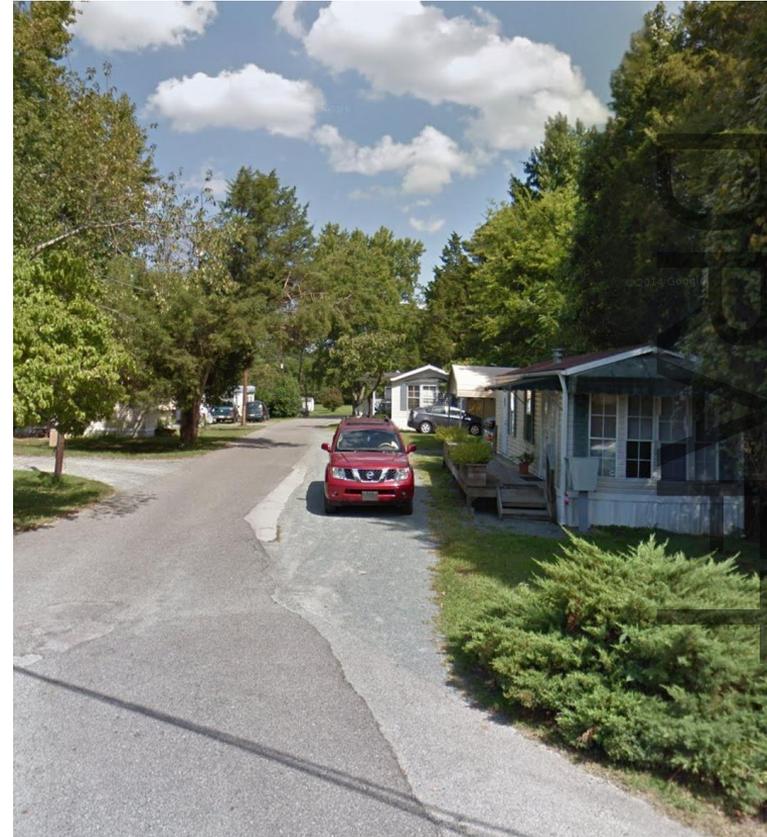


DRAFT





- ~16 homes affected
- Affected homes have option to remain on-site
- 10 new units proposed
- Commitment to keep mobile homes in place for 15 years
- Option to convert to annual leases at entitlement



<b>LUMO Ref.</b>	<b>Modification</b>
6.23	Allow self-storage to share zoning lot with a residential use
6.23	Allow self-storage at an intersection with an arterial street
6.12	Allow gas station within 300 feet of any intersecting street or within 750 feet of driveways intersecting the same street and serving another gas station
<del>3.7.3</del>	<del>Allow Class B mobile homes within a PD-H designation</del>
<del>3.6.3-2</del>	<del>Allow mobile homes to remain in or be moved to the RCD</del>
5.9.7	Reduce required parking for self-storage from 90 spaces to 16-20 spaces
5.6.6	Allow existing vegetation to remain as buffers for non-commercial areas
7.3.2	Modify nonconforming uses to allow relocation of existing mobile homes on-site and addition of new mobile homes

DRAFT

Advisory Boards/Commissions	Meeting Date	Recommendation
Community Design Commission	July 28 <sup>th</sup>	Denial
Transportation and Connectivity Board	Aug 25 <sup>th</sup>	Approval w/ conditions
Housing Advisory Board	Sept 8 <sup>th</sup>	Approval w/ conditions
Environmental Stewardship	Sept 14 <sup>th</sup>	Approval w/ conditions
Planning Commission	Oct 6 <sup>th</sup>	Denial

DRAFT

- That the Council consider adopting or denying the Resolution of Consistency and Revocation of Special Use Permits, and consider enacting or denying Ordinance A for the Conditional Rezoning.

DRAFT

**RESOLUTION A**  
(Resolution of Consistency)

**A RESOLUTION REGARDING THE APPLICATION FOR CONDITIONAL ZONING ATLAS AMENDMENT AT THE PROPERTY LOCATED AT 1200 AND 1204 MARTIN LUTHER KING JR. BLVD. TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL ZONING DISTRICT (NC-CZD) AND OFFICE/INSTITUTIONAL-2-CONDITIONAL ZONING DISTRICT (OI-2-CZD) AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (2021-02-24/R-6)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application from Jeremy Anderson of Coulter Jewell Thames on behalf of Stackhouse Properties, LLC, agent for Jones Estates Group, LLC, the owner of the property located at 1200 and 1204 Martin Luther King Jr. Blvd., for which this application is made, to amend the Zoning Atlas to rezone property described in the accompanying rezoning application for the 1200 MLK project at 1200 and 1204 Martin Luther King Jr. Blvd. from Residential-4 (R-4) and Neighborhood Commercial (NC) to Neighborhood Commercial-Conditional Zoning District (NC-CZD) and Office/Institutional-2-Conditional Zoning District (OI-2-CZD); and

WHEREAS, the Town staff have completed a review of the application for compliance with the Land Use Management Ordinance, Town Code, and for Consistency with the Comprehensive Plan; and

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning Atlas Amendment finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (*Goal-Place for Everyone.3*)
- Balance and sustain finances by increasing revenues and decreasing expenses (*Goal-Community Prosperity and Engagement.1*)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students. (*Goal-Good Places, New Spaces.5*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Goal Getting Around.2*)
- Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. (*Goal-Nurturing Our Community.3*)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed Conditional Zoning Atlas Amendment to be reasonable and consistent with the Town's Comprehensive Plan.

This the 24<sup>th</sup> day of February, 2021.

**RESOLUTION B**  
(Revocation of Special Use Permits)

**A RESOLUTION APPROVING THE REVOCATION OF 1200 AND 1204 MARTIN LUTHER KING JR. BLVD. FROM THE EXISTING SPECIAL USE PERMITS (2021-02-24/R-7)**

WHEREAS, on April 28, 1980, the Chapel Hill Town Council approved a Special Use Permit for 87 dwelling units, known as Tarheel Mobile Court, encumbering 607,226 square feet and approximately 13.94 acres, which was recorded at the Orange County Register of Deeds in Deed Book 338, Page 541; and

WHEREAS, on March 15, 1995, the Chapel Hill Town Council approved a Special Use Permit Modification for a drive-in business, to include self-service gasoline pumps, known as Airport Road Mini Mart, encumbering 35,070 square feet and approximately 0.80 acres, which was recorded at the Orange County Register of Deeds in Deed Book 1356, Page 182; and

WHEREAS, on February 13, 2019, the Town Council reviewed a concept plan for 1200 MLK for a development containing service station/convenience store, self-storage facility, conditioned, and a mobile home park; and

WHEREAS on May 30, 2019, the applicant submitted a Special Use Permit Modification for a Service Station/Convenience Store, Self-Storage Facility, Conditioned, and Mobile Home Park; and

WHEREAS, on September 1, 2020 the applicant requested to replace the Special Use Permit Modification application, with a Conditional Zoning permit application in order to move forward with the project during the COVID-19 pandemic and requested revocation of the existing Special Use Permits.

WHEREAS, Section 4.5.5(f)(2) of the Land Use Management Ordinance has been met as the request is made in conjunction with an application for approval of a development other than that authorized by the permit of modification;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby revokes the 1995 and 1980 Special Use Permits for 1200 and 1204 Martin Luther King Jr. Blvd., known as Tarheel Mobile Court, as they pertain to the 9.2-acre parcel for which the 1200 MLK Conditional Zoning Permit is currently proposed. The revocation of the Special Use Permits and any Modifications would be such that the subject parcels for the 1200 and 1204 MLK Conditional Zoning (PINs 9789-39-2409 and 9789-29-7279), would no longer be encumbered by Special Use Permits; and

BE IT FURTHER RESOLVED that the applicant shall record the affidavit for revocation for the parcels identified as Orange County Parcel Identifier Numbers (PIN 9789-39-2409 and 9789-29-7279), for the Tarheel Mobile Court Special Use Permit, dated April 28, 1980 and the drive-in business Special Use Permit Modification, dated March 15, 1995.

This the 24<sup>th</sup> day of February, 2021.

**REVISED ORDINANCE A**

(Rezoning from Residential-4 (R-4) and Neighborhood Commercial (NC) to Neighborhood Commercial-Conditional Zoning District (NC-CZD) and Office/Institutional-2-Conditional Zoning District (OI-2-CZD)

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 1200 AND 1204 MARTIN LUTHER KING JR. BLVD. TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL ZONING DISTRICT (NC-CZD) AND OFFICE/INSTITUTIONAL -2-CONDITIONAL ZONING DISTRICT (OI-2-CZD) (2021-02-24/O-1)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Jeremy Anderson of Coulter Jewell Thames, PA, on behalf of Stackhouse Properties, LLC, agent for Jones Estates Group, LLC, the owner of the property located at 1200 and 1204 Martin Luther King Jr. Blvd. and having Orange County Property Identifier Numbers 9789-29-7279 and 9789-39-2409, for which this application is made and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (*Goal-Place for Everyone.3*)
- Balance and sustain finances by increasing revenues and decreasing expenses (*Goal-Community Prosperity and Engagement.1*)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students. (*Goal-Good Places, New Spaces.5*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Goal-Getting Around.2*)
- Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. (*Goal-Nurturing Our Community.3*)

WHEREAS, the application, if rezoned to Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial-Conditional Zoning District (NC-CZD) according to the rezoning plan dated May 31, 2019, and last revised August 19, 2020, December 3, 2020, and February 17, 2021, would address the impacts reasonably expected to be generated by the development or use of the site and the conditions listed below:

- 1) Conform with the applicable provisions of the Land Use Management Ordinance and Town Code
- 2) Conform with the Comprehensive Plan
- 3) Be compatible with the 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 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. **Section 6.23.4 – Self-storage facility, conditioned:** Modify the standards to allow Self-storage facilities, conditioned, to be an accessory use to a mobile home park on a zoning lot, and not on the same zoning lot as other office, commercial, and/or institutional uses permitted in the zoning district

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the proposal maintains 83 mobile homes (73 existing), naturally occurring affordable housing, on the site for fifteen (15) years.

2. **Section 6.23.2 – Self-storage facility, conditioned:** Modify the standards to allow a Self-Storage facility, conditioned to be located across from an intersection, but not on a corner lot created by two intersecting streets.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the proposal maintains 83 mobile homes (73 existing), naturally occurring affordable housing, on the site for fifteen (15) years.

3. **Section 6.12(d) – Service station/convenience store:** Modify the spacing of driveways for a service station/convenience store as the existing facility was previously approved and permitted on the site.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree by allowing the service station location to continue to operate and provide for economic opportunities.

4. **Section 5.9.7, Minimum and maximum parking space requirements:** Modify the minimum parking standards based on the applicant's experience of other similar uses and require a minimum of 20 parking spaces.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree, as based on the applicant's market experience of other facilities this facility would require 16-20 spaces during a peak period, by reducing the environmental impacts of the development.

5. **Section 5.6.6 Required Buffers:** Modify the buffer standards to allow the existing vegetation and fence to provide buffers for the northern and eastern property lines.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree by allowing the existing vegetation and fence to remain and provide buffering.

6. **Section 7.3.2 Nonconforming Uses:** Modify the nonconforming uses standard to allow relocation of existing mobile homes on-site and addition of new mobile homes.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as allowing the existing mobile homes to be reconfigured on-site, providing opportunities to maintain diverse housing stock within the Town limits.

## CONDITIONAL USES

BE IT ORDAINED by the Council of the Town of Chapel Hill that it finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the purposes of Neighborhood Commercial–Conditional Zoning District (NC-CZD) and Office/Institutional–2–Conditional Zoning District (OI-2-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 parcels identified by Parcel Identifier Number (PIN) 9789-29-7279 and 9789-39-2409, described below, shall be rezoned to Neighborhood Commercial–Conditional Zoning District (NC-CZD) and Office/Institutional–2–Conditional Zoning District (OI-2-CZD):

New Parcel #1 Legal Description – Zone Neighborhood Commercial–Conditional Zoning District (NC-CZD):

beginning at a point on the eastern right of way of Martin Luther King Junior Boulevard; thence N78°20'52"E a distance of 257.93'; thence S11°20'49"E a distance of 265.36'; thence S78°39'11"W a distance of 259.39'; thence N11°37'00"W a distance of 67.56'; thence N11°37'20"W a distance of 30.00'; thence N11°37'20"W a distance of 51.55'; thence N11°06'20"W a distance of 93.87'; thence N06°31'20"W a distance of 21.08', which is the point of beginning, having an area of 68,739.55 square feet, or 1.578 acres plus one-half of the abutting Martin Luther King Junior Boulevard right-of-way.

New Parcel #2 Legal Description – Zone Office/Institutional–2–Conditional Zoning District (OI-2-CZD):

beginning at a point on the eastern right of way of Martin Luther King Junior Boulevard; thence N78°39'11"E a distance of 259.39'; thence N11°20'49"W a distance of 265.36'; thence N78°20'52"E a distance of 119.42'; thence S59°24'39"E a distance of 47.22'; thence S11°20'49"E a distance of 338.80'; thence S87°13'16"W a distance of 254.54'; thence S01°26'25"E a distance of 32.56'; thence N88°37'12"W a distance of 160.26'; thence N11°37'20"W a distance of 30.76'; thence N11°37'00"W a distance of 32.45', which is the point of beginning, having an area of 75,123.73 square feet, or 1.725 acres plus one-half of the abutting Martin Luther King Junior Boulevard right-of-way.

New Parcel #3 Legal Description – Zone Office/Institutional–2–Conditional Zoning District (OI-2-CZD):

beginning at a point on the eastern right of way of Martin Luther King Junior Boulevard; thence N79°38'47"E a distance of 352.29'; thence N85°55'23"E a distance of 446.13'; thence S79°36'38"E a distance of 277.05'; thence S18°22'41"W a distance of 679.83'; thence N88°37'12"W a distance of 603.58'; thence N01°26'25"W a distance of 32.56'; thence N87°13'16"E a distance of 254.54'; thence N11°20'49"W a distance of 338.80'; thence N59°24'39"W a distance of 47.22'; thence S78°20'52"W a distance of 377.35'; thence N06°31'20"W a distance of 77.82'; thence N04°22'27"W a distance of 183.88', which is the point of beginning, having an area of 462,379.49 square feet, or 10.615 acres plus one-half of the abutting Martin Luther King Junior Boulevard right-of-way.

**SECTION II**

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

1. **Construction Deadline:** Construction shall begin by February 24, 2023 (two years from the date of approval) to be completed by February 24, 2025 (four years from the date of approval). <sup>[LUMO 4.5.5]</sup>
2. **Consent to Conditions:** This approval is not effective until all owners of the property provide written consent to the approval. Written consent must be provided within 10 days of enactment by the Town Council.
3. **Land Use Intensity:** This Conditional Zoning Atlas Amendment authorizes the following:

<b>Land Use Intensity</b>		
New Parcel #1 – Neighborhood Commercial– Conditional Zoning District (NC-CZD)	Permitted Use	Service station/convenience store
	Gross Land Area	81,920 sq. ft.
	Maximum Building Height	18 ft.
	Maximum Commercial Floor Area	5,000 sq. ft.
	Maximum Impervious Surface	56,904 sq. ft.
	Minimum Parking Spaces	14
	Maximum Parking Spaces	20
	Minimum Bicycle Parking Spaces	6
	Tree Canopy Coverage	30%
New Parcel #2 – Office/Institutional– 2–Conditional Zoning District (OI-2-CZD)	Permitted Use	Self-Storage Facility, Conditioned
	Gross Land Area	78,264 sq. ft.
	Maximum Building Height	38 ft.
	Maximum Commercial Floor Area	134,400 sq. ft.
	Maximum Impervious Surface	58,110 sq. ft.
	Minimum Parking Spaces	54 (Modification requested proposing minimum of 20)
	Maximum Parking Spaces	90
	Minimum Bicycle Parking Spaces	4
	Tree Canopy Coverage	30%
New Parcel #3 – Office/Institutional– 2–Conditional Zoning District (OI-2-CZD)	Permitted Uses	Manufactured home park
	Gross Land Area	475,460 sq. ft.
	Maximum dwelling units	83 dwelling units (mobile

		homes)
	Maximum Impervious Surface	164,493 sq. ft.
	Minimum Parking Spaces	83
	Maximum Parking Spaces	166
	Recreation Area	27,887 sq. ft.
	Tree Canopy Coverage	30%
<b>Total Site</b>	Number of Buildings	2 commercial, 83 dwelling units
	Gross Land Area	635,644 sq. ft.
	Maximum Commercial Floor Area	139,400 sq. ft
	Maximum Height	34 ft. setback, 35 ft. core (FFE)
	Total Impervious Surface	279,516 sq. ft.
	Maximum Land Disturbance	247,779 sq. ft.
	Maximum Land Disturbance in RCD	Streamside Zone: 2,500 sq. ft. Managed Use Zone: 4,000 sq. ft. Upland Zone: 9,500 sq. ft.
	Maximum Parking Spaces	45 commercial, 98 residential
	Minimum Bicycle Parking Spaces	10 Spaces

4. **Permitted Construction:** This Conditional Zoning authorizes the construction or maintenance of two (2) commercial buildings and eighty-three (83) (seventy-three (73) existing) mobile home lots. Any additional future buildings and other new development would need to meet all applicable Town requirements and conditions.
5. **Continued Existence of Mobile Home Park on Property:** For fifteen (15) years from the date of the adoption hereof, the only permitted use of the portion of Property on which a mobile home park presently is located shall be for a mobile home Park, and such accessory uses as may be permitted from time to time by applicable law. During this fifteen (15) year period, no Tenant of the Park shall have their lease terminated or be asked to remove their mobile home from the Park, so long as their lease is not in default. If a Tenant defaults under the terms of their lease, the developer or its successors shall have all the rights and remedies available under the terms of any applicable lease, or other applicable law, to cause the removal of the Tenant or mobile home in question, and to pursue money damages and other remedies which may be permitted by law. For the purposes hereof the "Tenants" are the persons who from time to time, lease spaces in the mobile home Park from the developer or its successors, as landlord, for the purpose of locating manufactured homes to which they hold title. The developer and its successors shall use commercially reasonable efforts to maintain the occupancy of the mobile home park at full occupancy for the full fifteen (15) year period of this condition.

6. Accepting Local Mobile Homes: For a period of fifteen (15) years from the date of the adoption hereof, the developer and its successors shall notify the Town in writing by certified mail as well as by email, read receipt requested, addressed to the Town Manager, when a lot in the Park becomes available for a new mobile home. The Town then will have the right to make this fact known to then current residents of other existing mobile home parks within the jurisdiction of the Town. The developer and its successors shall hold any available lot for 60 days from the date on which the Town receives this notification to allow persons contacted by the Town an opportunity to apply to lease the lot. Nothing herein shall require the developer to lease a lot in the Park to any person who is not a Tenant on the date hereof, in accordance with the terms hereof.
7. Restricted Hours: Prior to Final Zoning Inspection, the developer shall install signs on the driveways to the rear of the self-storage building that say "Access to rear entrance permitted only between 8:00 a.m. to 10:00 p.m.", subject to Town Manager approval. These restricted hours shall only be applicable to the loading dock and the rear entrance to the self-storage building.
8. Jordan Buffer Variance: A minor variance for land disturbance in Zone 2 of the Jordan Buffer for construction of stormwater management is hereby approved, in accordance with the approved plans. Any land disturbance proposed in Zone 1 must be approved by the State of North Carolina.
9. Subdivision of Lots: All proposed new lots shall front or have direct access to a public street right-of-way, or a public-street easement, or private street easement that is built to Town standards. New lots fronting a private street easement must provide documentation that the lot has direct access to public right-of-way or public street easement. Review and approval of new subdivision lots shall be processed as an administrative approval of a minor subdivision or commercial subdivision during the Final Plan Review process.
10. Martin Luther King Jr. Blvd. Intersection Improvements: Prior to Final Zoning Inspection, the developer shall construct a right-in/right-out entrance north of the existing entrance, subject to NC Department of Transportation (NCDOT) and Town approval. Should the proposed Bus Rapid Transit (BRT) Station be located along the property frontage north of the traffic light, developer shall close the right-in entrance at their own expense, in a safe configuration that is acceptable to NCDOT and the Town. A note shall be added to any future plats or encroachment agreements that includes the language of this stipulation. Any sale or lease of the property will include the language of this stipulation.
11. Pedestrian Improvements: Pedestrian crosswalks shall be installed at both entrances on the northbound approach of Martin Luther King Jr. Blvd. prior to Final Zoning Inspection.
12. Transit Stop: Prior to Final Zoning Inspection, the developer shall provide a payment-in-lieu of \$15,000 for Bus Rapid Transit (BRT) stop improvements.
13. Multi-Use Path: As part of the Final Plans Zoning Compliance Permit, the developer shall work with the Town to identify an appropriate alignment of a multi-use path along Martin Luther King Jr. Blvd. associated with the North-South Bus Rapid Transit plan, and shall construct said path. Any minor changes to the site plan to accommodate this path may be approved administratively.

14. Playground: Prior to Final Zoning Inspection, the developer shall provide a playground in accordance with the size and location as shown on the approved plan set.
15. Landscape Bufferyards: The following landscape bufferyards shall be provided:

Location	Required Buffer
West	30' External Type "D"
South	20' Internal Type "C"
East	10' Internal Type "B" (Modified)
North	20' Internal Type "C" (Modified)

16. Landscaping within Right-of-Way: All landscaping within NCDOT right-of-way shall comply with the NCDOT Guidelines for Planting within Highway Right-of-way, including a Landscape Encroachment Agreement and private maintenance of landscaping in the right-of-way.
17. Demolition Plan: The Landscape Protection Plan shall be consistent with the Demolition Plan.
18. Solid Waste: Solid waste and mixed recycling (including corrugated cardboard) will be collected by a private waste contractor, once the new buildings are built and in service.
19. Stormwater Structures: No stormwater management structures are permitted in the rights-of-way or building setbacks. This includes the outlet structure and stabilization, any underdrains, side slopes, and the downgradient toe of french drains. Further, the discharge must be in a sheet flow condition.
20. Stormwater Control Measure: The proposed stormwater control measure for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual.
21. Building Height: Prior to issuance of a Certificate of Occupancy, a secondary fire apparatus access shall be reviewed and approved by the Town of Chapel Hill and NCDOT. 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 2012, D104.1, D104.3
22. Fence Between Storage Building and Homes: Prior to issuance of a Zoning Final Inspection for the storage building, the developer will construct a fence which complies with applicable Town codes but is not a chain link fence along the eastern edge of the proposed driveway directly behind the storage building.
23. Conversion to Annual Leases: Tenants who are Tenants of the existing mobile home park on the property as of the date of enactment of this Ordinance shall be given the option by the developer or its successors, in writing by certified mail as well as by email, read receipt requested, to convert their present monthly leases to annual leases within 60 days of the date hereof, and they shall have 60 days from the date on which they receive this written option to accept or decline this option. If a Tenant fails to respond within 60 days from the date of receipt, then they shall be deemed to have declined the option to convert their lease to an annual lease.
24. Market Rate Protection for Tenants: In January of 2025, January of 2029, and January

- of 2033, the developer or its successors shall retain a NC licensed real estate broker (the "Expert") with professional expertise in mobile home parks to survey mobile home park rents in the greater Raleigh and Charlotte markets. Within 60 days of being retained, the Expert will confirm in writing to the developer or its successors, with a copy sent in writing by certified U.S mail, return receipt requested to the Town Manager, whether the lot rent rates at the Park are within 15 percent of the rental rate charged by comparable mobile home parks in the greater Raleigh and Charlotte markets. If the Expert determines that rents at the Park are more than 15 percent higher than those at comparable mobile home parks in the Raleigh and Charlotte Markets, the developer or its successors, shall reduce the rental rates charged to persons who are Tenants on the date the rent rates are reduced, until they are within 15 percent of the rates charged by those comparable mobile home parks within 30 days of the date on which it receives the expert report.
25. Restrictive Covenants: Developer shall cause a Declaration of Restrictive Covenants to be recorded in the office of the Orange County Register of Deeds, creating rights in the Tenants of the Mobile Home Park to enforce conditions 5, 6, 23, and 24 directly, within seven (7) days of the enactment of this Ordinance and prior to written consent of approval.
  26. Displacement Mitigation Plan: Two years prior to the involuntary displacement of any mobile home park resident due to a reduction in the number of home sites in the mobile home park shown on the site plan dated May 31, 2019, and last revised August 19, 2020, December 3, 2020, and February 17, 2021, the property owner or developer shall provide to the Town Manager a Displacement Mitigation Plan that includes strategies and tactics for relocating existing mobile home park residents. The Plan shall outline in detail the timeline for relocation and what services and resources will be provided to existing residents to aid in relocation. The Town Manager will evaluate such Plan and no relocation of existing residents shall occur until the Town Manager approves such Plan. The Town Manager has six months from the date the Plan is submitted to evaluate and approve the Displacement Mitigation Plan. Otherwise, the Plan is deemed approved.
  27. Cross Access Easement: Prior to the issuance of a Zoning Compliance Permit, the developer shall record a public pedestrian, bicycle, and motorized vehicle cross-access easements across the three proposed parcels, providing access to the manufactured home park, the self-storage facility, conditioned, and the service station/convenience store. Notes to this effect shall be placed on the final plans. Details to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
  28. Manufactured Home Park Lot Layout: Prior to issuance of Zoning Compliance Permit, the developer shall provide details for review and approval by the Town Manager for the additional mobile home lots. The additional eight (8) lots shall be located outside of the Resource Conservation District, with no additional impervious surface or land disturbance than provided in this Ordinance.
  29. Short Term Rental Use Prohibited: Short term rental use of the manufactured home park is prohibited.

## TOWN OF CHAPEL HILL – CONDITIONAL ZONING 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 Conditional Zoning.

### Access

30. 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

31. 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]
32. 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]
33. 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]
34. 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]
35. Lighting: Prior to issuance of a Zoning Compliance Permit, the developer shall design and install street lighting along the site frontage. Design and construction details must be approved by the Town Manager and the North Carolina Department of Transportation (NCDOT).
36. 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.
37. 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.
38. 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]

39. 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]
40. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
41. 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]
42. 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]
43. 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

44. 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]
45. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, review shall be required from the Community Design Commission for any proposed alternate buffer. [LUMO 5.6.8]
46. 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]
47. 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]

48. 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]
49. 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]
50. 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.
51. 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).
52. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall review 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]
53. Community Design Commission: The CDC shall review and approve building elevations and site lighting prior to issuance of a Zoning Compliance Permit. Building elevation review and site lighting shall be complete within 2 meetings of an accepted application for final plans. The commission shall also approve any alternate buffer request prior to issuance of a Zoning Compliance Permit.

#### Environment

54. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance. [LUMO 5.4]
55. 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. [LUMO 4.5.3]
56. 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]
57. Sediment Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry sediments on adjacent roadways. [Town Code 5-86]

58. 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]
59. Erosion Control: The developer shall provide a copy of the approved erosion and sediment control permit from Orange County Erosion Control Division prior to receiving a Zoning Compliance Permit. During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance. [Town Code 5-98]
60. Stormwater Control Measure: The proposed stormwater control measures for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual and Town of Chapel Hill Public Works Engineering Design Manual. [LUMO 5.4.3]
61. Storm Drain Inlets: The developer shall provide pre-cast inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-4A, SD-5A, SD-5C include all applicable details, for all new inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
62. 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]
63. 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 of Chapel Hill Design Manual]
64. Performance Guarantee: A performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirement of Section 4.9.3 of the Land Use Management Ordinance 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 applicant 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 storm water 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. [LUMO 4.9.3]

65. 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]
66. 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

67. 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.
68. 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

69. 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]

70. 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]
71. 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]
72. 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]
73. 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 for Commercial Structures

74. 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]
75. 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]
76. 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]
77. 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.

78. 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]
79. 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.
80. 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]
81. 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]
82. 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.
83. 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]
84. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
85. 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]
86. 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]

87. 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]
88. 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]
89. 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]
90. 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]
91. 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.
92. 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.
93. 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]
94. 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.
95. 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]

96. 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]
97. 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

98. 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]
99. 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]
100. 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

101. 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]
102. 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

103. 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]
104. 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]
105. 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]
106. 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]
107. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
108. 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]
109. 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.

110. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
111. 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.
112. 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]
113. Vested Right: Approval of a Conditional Zoning District and the associated district-specific plan constitutes a site specific development plan establishing a vested right. 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.
114. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
115. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
116. 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 Conditional Zoning for 1200 MLK at 1200 and 1204 Martin Luther King Jr. Blvd.

This the 24<sup>th</sup> day of February, 2021.

**RESOLUTION C**

(Denying the Conditional Zoning Application)

**A RESOLUTION DENYING AN APPLICATION TO AMEND THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 1200 AND 1204 MARTIN LUTHER KING JR. BLVD. TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL ZONING DISTRICT (NC-CZD) AND OFFICE/INSTITUTIONAL-2-CONDITIONAL ZONING DISTRICT (OI-2-CZD) (2021-02-24/R-8)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Conditional Zoning application, proposed by Jeremy Anderson of Coulter Jewell Thames, PA, on behalf of Stackhouse Properties, LLC agent for Jones Estates Group, LLC, the owner of the property located at 1200 and 1204 Martin Luther King Jr. Blvd. and having Orange County Property Identifier Numbers 9789-29-7279 and 9789-39-2409, for which this application is made, if developed according to the rezoning plan dated May 31, 2019, and last revised February 17, 2021, the conditions listed below would not:

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

BE IT FURTHER RESOLVED that the Council hereby denies the application for a Conditional Zoning for 1200 MLK at 1200 and 1204 Martin Luther King Jr. Blvd.

This the 24<sup>th</sup> day of February, 2021.

# CONDITIONAL ZONING APPLICATION



**TOWN OF CHAPEL HILL**  
Planning and Development Services  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514  
phone (919) 969-5066 fax (919) 969-2014  
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9789297279 & 9789392409

Date: 12 / 03 / 2020

## Section A: Project Information

Project Name: 1200 MLK  
Property Address: 1200 & 1204 Martin Luther King Jr. Blvd. Zip Code: 27514  
Use Groups (A, B, and/or C): A & C Existing Zoning District: NC & R-4  
Project Description: Replacement convenience store, new self storage building, & repositioned mobile homes  
Minimal disturbance to existing mobile home residences, approx. 16 units to be relocated onsite.

## Section B: Applicant, Owner, and/or Contract Purchaser Information

### Applicant Information (to whom correspondence will be mailed):

Name: Coulter Jewell Thames, PA – c/o Jeremy Anderson  
Address: 111 West Main Street  
City: Durham State: NC Zip Code: 27701  
Phone: 919-682-0368 Email: JAnderson@cjtpa.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature:  Date: 04-12-2019

### Owner/Contract Purchaser Information:

**Owner**  **Contract Purchaser**

Name: Stackhouse Properties, LLC  
Address: PO Box 14466  
City: RTP State: NC Zip Code: 27709  
Phone: 919-408-7150 Email: accounting@rentstackhouse.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature:  Date: 04-12-2019

Click [here](#) for application submittal instructions.



## CONDITIONAL ZONING

TOWN OF CHAPEL HILL  
Planning and Development Service

Conditional Rezoning applications are reviewed by staff, Planning Commission, and Town Council. The application is part of an open public process that enables Town Council to discuss and decide on the key issues of a rezoning proposal. If a rezoning is approved, the applicant may then submit a detailed final plan application to staff for compliance review with the technical development standards and with the Council rezoning approval.

The establishment of a Conditional Zoning District shall be consistent with the Land Use Plan in the Comprehensive Plan. A proposed Conditional Zoning District is deemed consistent if the proposed District will be located in conformance with an adopted small area plan and/or in one of the following Land Use Categories:

- Medium Residential
- High Residential
- Commercial
- Mixed Use, Office/Commercial Emphasis
- Mixed Use, Office Emphasis
- Town/Village Center
- Institutional
- Office
- University
- Development Opportunity Area
- Light Industrial Opportunity Area

If the proposed conditional zoning districts is located in a Low Residential or a Rural Residential Land Use Category, the Town Council must approve a Land Use Plan amendment prior to proceeding.

**SIGNED CONDITIONS:** All conditions shall be in writing, prepared by the owner of the property or an attorney and must be signed by all property owners and contract purchasers, if applicable. The Town Attorney may require additional signatures if necessary and will determine whether or not the conditions statement is legally sufficient. Within thirty (30) days after receipt of the conditions the Planning Division Manager will notify the applicant of any deficiencies in the conditions statement or if any additional information is needed. The applicant may make changes to the written conditions statement provided it is submitted at least thirty (30) prior to Planning Commission meeting or thirty (30) days prior to Town Council public hearing.

**RECORDATION OF CONDITIONS:** After a rezoning has been approved by the Town Council, the conditions statement shall be recorded with the Register of Deeds Office. After a rezoning has been approved by Town Council and recorded by the Register of Deeds Office, the conditions may not be amended except through a new rezoning application.



### Section A: Project Information

**Use Type:** (check/list all that apply)

Office/Institutional     Residential     Mixed-Use     Other: Commercial (Convenience store & self storage)

**Overlay District:** (check all that apply)

Historic District     Neighborhood Conservation District     Airport Hazard Zone

### Section B: Land Area

Net Land Area (NLA): Area within zoning lot boundaries		NLA=	537,504 (OI-2) 68,740 (NC)	sq. ft.
Choose one, or both, of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent frontage) x ½ width of public right-of-way	CSA=	16,250 (OI-2) 13,150 (NC)	sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=	n/a	sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	553,754 (OI-2) 81,890 (NC)	sq. ft.

### Section C: Special Protection Areas, Land Disturbance, and Impervious Area

**Special Protection Areas:** (check all those that apply)

Jordan Buffer     Resource Conservation District     100 Year Floodplain     Watershed Protection District

Land Disturbance	Total (sq. ft.)
Area of Land Disturbance (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, and all grading, including off-site clearing)	247,779 sf
Area of Land Disturbance within RCD	40,257 sf
Area of Land Disturbance within Jordan Buffer	4,960 sf

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	185,316	Per SIA	Per SIA	Per SIA
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA)%		Per SIA	Per SIA	Per SIA
If located in Watershed Protection District, % of impervious surface on 7/1/1993				



**PROJECT FACT SHEET**  
**TOWN OF CHAPEL HILL**  
 Planning and Development Service

### Section D: Dimensions

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	57,100	4,742	5,000 + 134,400	139,400
Number of Floors	1		1 & 4	
Recreational Space				

#### Residential Space

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Floor Area (all floors – heated and unheated)	54,704	2,346	0	52,358
Total Square Footage of All Units	54,704	2,346		<b>52,358</b>
Total Square Footage of Affordable Units	54,704	2,346		<b>52,358</b>
Total Residential Density	5.9			5.9
Number of Dwelling Units	73		10	<b>83</b>
Number of Affordable Dwelling Units	73		10	<b>83</b>
Number of Single Bedroom Units				
Number of Two Bedroom Units				
Number of Three Bedroom Units				

#### Non-Residential Space (Gross Floor Area in Square Feet)

Use Type	Existing	Proposed	Uses	Existing	Proposed
Commercial		139,400			
Restaurant			# of Seats		
Government					
Institutional					
Medical					
Office					
Hotel			# of Rooms		
Industrial					
Place of Worship			# of Seats		
Other					

Dimensional Requirements		Required by Ordinance	Existing	Proposed
Setbacks (minimum)	Street	22	65	22
	Interior (neighboring property lines)	8	36	8
	Solar (northern property line)	9	35	9
Height (maximum)	Primary	34		34
	Secondary	60		60
Streets	Frontages			
	Widths			



**PROJECT FACT SHEET**  
**TOWN OF CHAPEL HILL**  
 Planning and Development Services

**Section F: Adjoining or Connecting Streets and Sidewalks**

*Note: For approval of proposed street names, contact the Engineering Department.*

Street Name	Right-of-Way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing Curb/Gutter
Martin Luther King Jr. Blvd.	100'	66'	5	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
				<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

List Proposed Points of Access (Ex: Number, Street Name):

\*If existing sidewalks do not exist and the applicant is adding sidewalks, please provide the following information:

Sidewalk Information			
Street Names	Dimensions	Surface	Handicapped Ramps
Martin Luther King Jr. Blvd.	5 and 6	Conc.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Section G: Parking Information**

Parking Spaces	Minimum	Maximum	Proposed
Regular Spaces	57		43
Handicap Spaces	3		2
Total Spaces	60		45
Loading Spaces	2		4
Bicycle Spaces	10		10
Surface Type	Concrete or asphalt		

**Section H: Landscape Buffers**

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
West (MLK JR. BLVD.)	30'	30'	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
South	20'	20'	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
			<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
			<input type="checkbox"/> Yes	<input type="checkbox"/> Yes



**PROJECT FACT SHEET**  
**TOWN OF CHAPEL HILL**  
 Planning and Development Services

### Section I: Land Use Intensity

Existing Zoning District: **NC & R4**  
 Proposed Zoning Change (if any): **NC & OI-2**

Zoning – Area – Ratio			Impervious Surface Thresholds			Minimum and Maximum Limitations	
Zoning District(s)	Floor Area Ratio (FAR)	Recreation Space Ratio (RSR)	Low Density Residential (0.24)	High Density Residential (0.50)	Non-Residential (0.70)	Maximum Floor Area (MFA) = FAR x GLA	Minimum Recreation Space (MSR) = RSR x GLA
OI-2	.264	.046				146,191	25,473
N.C.	.264					21,619	
<b>TOTAL</b>						167,810	25,473
<b>RCD Streamside</b>		0.01					
<b>RCD Managed</b>		0.019					
<b>RCD Upland</b>							

### Section J: Utility Service

Check all that apply:

<b>Water</b>	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Well	<input type="checkbox"/> Community Well	<input type="checkbox"/> Other
<b>Sewer</b>	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Septic Tank	<input type="checkbox"/> Community Package Plant	<input type="checkbox"/> Other
<b>Electrical</b>	<input type="checkbox"/> Underground	<input checked="" type="checkbox"/> Above Ground		
<b>Telephone</b>	<input type="checkbox"/> Underground	<input checked="" type="checkbox"/> Above Ground		
<b>Solid Waste</b>	<input type="checkbox"/> Town	<input checked="" type="checkbox"/> Private		



**CONDITIONAL ZONING APPLICATION  
SUBMITTAL REQUIREMENTS  
TOWN OF CHAPEL HILL  
Planning and Development Services**

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning Department (Planning) at (919) 969-5066 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org).

X	<b>Application fee (including Engineering Review fee) (refer to fee schedule)</b>	Amount Paid \$	See attached slip
2/4	<b>Pre-application meeting</b> –with appropriate staff		
X	<b>Digital Files</b> – provide digital files of all plans and documents		
X	<b>Recorded Plat or Deed of Property</b>		
X	<b>Project Fact Sheet</b>		
X	<b>Traffic Impact Statement</b> – completed by Town’s consultant (or exemption)		
n/a	<b>Description of Public Art Proposal</b> , if applicable		
X	<b>Statement of Justification</b>		
X	<b>Response to Community Design Commission and Town Council Concept Plan comments</b>		
n/a	<b>Affordable Housing Proposal</b> , if applicable		
X	<b>Statement of Consistency with Comprehensive Plan or request to amend Comprehensive Plan</b>		
X	<b>Mailing list of owners of property within 1,000 feet perimeter of subject property (see GIS notification tool)</b>		
X	<b>Mailing fee for above mailing list (mailing fee is double due to 2 mailings)</b>	Amount Paid \$	286.40
X	<b>Written Narrative describing the proposal, including proposed land uses</b>		
X	<b>Resource Conservation District, Floodplain, &amp; Jordan Buffers Determination</b> – necessary for all submittals		
n/a	<b>Jurisdictional Wetland Determination</b> – if applicable		
n/a	<b>Resource Conservation District Encroachment Exemption or Variance (determined by Planning)</b>		
n/a	<b>Jordan Buffer Authorization Certificate or Mitigation Plan Approval (determined by Planning)</b>		
x	<b>Reduced Site Plan Set (reduced to 8.5” x 11”)</b>		

**Stormwater Impact Statement (1 copy to be submitted)**

- a) Written narrative describing existing & proposed conditions, anticipated stormwater impacts and management structures and strategies to mitigate impacts
- b) Description of land uses and area (in square footage)
- c) Existing and proposed impervious surface area in square feet for all subareas and project area
- d) Ground cover and uses information
- e) Soil information (classification, infiltration rates, depth to groundwater and bedrock)
- f) Time of concentration calculations and assumptions
- g) Topography (2-foot contours)
- h) Pertinent on-site and off-site drainage conditions
- i) Upstream and/or downstream volumes
- j) Discharges and velocities
- k) Backwater elevations and effects on existing drainage conveyance facilities
- l) Location of jurisdictional wetlands and regulatory FEMA Special Flood Hazard Areas
- m) Water quality volume calculations
- n) Drainage areas and sub-areas delineated
- o) Peak discharge calculations and rates (1, 2, and 25-year storms)
- p) Hydrographs for pre- & post-development without mitigation, post-development with mitigation
- q) Volume calculations and documentation of retention for 2-year storm



**CONDITIONAL ZONING APPLICATION  
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TOWN OF CHAPEL HILL  
Planning and Development Services**

- r) 85% TSS removal for post-development stormwater runoff
- s) Nutrient loading calculations
- t) BMP sizing calculations
- u) Pipe sizing calculations and schedule (include HGL & EGL calculations and profiles)

### Plan Sets (10 copies to be submitted no larger than 24" x 36")

Plans should be legible and clearly drawn. All plan set sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable
- Revision dates and professional seals and signatures, as applicable

### Cover Sheet

- a) Include Project Name, Project fact information, PIN, and Design Team

### Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names
- f) 1,000' notification boundary

### Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries



**CONDITIONAL ZONING APPLICATION  
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TOWN OF CHAPEL HILL  
Planning and Development Services**

### Detailed Site Plan

- a) Existing and proposed building locations
- b) Description & analysis of adjacent land uses, roads, topography, soils, drainage patterns, environmental constraints, features, existing vegetation, vistas (on and off-site)
- c) Location, arrangement, & dimension of vehicular parking, width of aisles and bays, angle of parking, number of spaces, handicapped parking, bicycle parking. Typical pavement sections & surface type.
- d) Location of existing and proposed fire hydrants
- e) Location and dimension of all vehicle entrances, exits, and drives
- f) Dimensioned street cross-sections and rights-of-way widths
- g) Pavement and curb & gutter construction details
- h) Dimensioned sidewalk and tree lawn cross sections
- i) Proposed transit improvements including bus pull-off and/or bus shelter
- j) Required landscape buffers (or proposed alternate/modified buffers)
- k) Required recreation area/space (including written statement of recreation plans)
- l) Refuse collection facilities (existing and proposed) or shared dumpster agreement
- m) Construction parking, staging, storage area, and construction trailer location
- n) Sight distance triangles at intersections
- o) Proposed location of street lights and underground utility lines and/or conduit lines to be installed
- p) Easements
- q) Clearing and construction limits
- r) Traffic Calming Plan – detailed construction designs of devices proposed & associated sign & marking plan

### Stormwater Management Plan

- a) Topography (2-foot contours)
- b) Existing drainage conditions
- c) RCD and Jordan Riparian Buffer delineation and boundary (perennial & intermittent streams; note ephemeral streams on site)
- d) Proposed drainage and stormwater conditions
- e) Drainage conveyance system (piping)
- f) Roof drains
- g) Easements
- h) BMP plans, dimensions, details, and cross-sections
- i) Planting and stabilization plans and specifications

### Landscape Protection Plan

- a) Rare, specimen, and significant tree survey within 50 feet of construction area
- b) Rare and specimen tree critical root zones
- c) Rare and specimen trees proposed to be removed
- d) Certified arborist tree evaluation, if applicable
- e) Significant tree stand survey
- f) Clearing limit line
- g) Proposed tree protection/silt fence location
- h) Pre-construction/demolition conference note
- i) Landscape protection supervisor note
- j) Existing and proposed tree canopy calculations, if applicable



**CONDITIONAL ZONING APPLICATION  
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TOWN OF CHAPEL HILL  
Planning and Development Services

### Planting Plan

- a) Dimensioned and labeled perimeter buffers
- b) Off-site buffer easement, if applicable
- c) Landscape buffer and parking lot planting plan (including planting strip between parking and building, entryway planting, and 35% shading requirement)

### Steep Slope Plan

- a) Classify and quantify slopes 0-10%, 10-15%, 15-25%, and 25% and greater
- b) Show and quantify areas of disturbance in each slope category
- c) Provide/show specialized site design and construction techniques

### Grading and Erosion Control Plan

- a) Topography (2-foot contours)
- b) Limits of Disturbance
- c) Pertinent off-site drainage features
- d) Existing and proposed impervious surface tallies

### Streetscape Plan, if applicable

- a) Public right-of-way existing conditions plan
- b) Streetscape demolition plan
- c) Streetscape proposed improvement plan
- d) Streetscape proposed utility plan and details
- e) Streetscape proposed pavement/sidewalk details
- f) Streetscape proposed furnishing details
- g) Streetscape proposed lighting detail

### Solid Waste Plan

- a) Preliminary Solid Waste Management Plan
- b) Existing and proposed dumpster pads
- c) Proposed dumpster pad layout design
- d) Proposed heavy duty pavement locations and pavement construction detail
- e) Preliminary shared dumpster agreement, if applicable



**CONDITIONAL ZONING APPLICATION  
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TOWN OF CHAPEL HILL  
Planning and Development Services**

### Construction Management Plan

- a) Construction trailer location
- b) Location of construction personnel parking and construction equipment parking
- c) Location and size of staging and materials storage area
- d) Description of emergency vehicle access to and around project site during construction
- e) Delivery truck routes shown or noted on plan sheets

### Energy Management Plan

- a) Description of how project will be 20% more energy efficient than ASHRAE standards
- b) Description of utilization of sustainable forms of energy (Solar, Wind, Hydroelectric, and Biofuels)
- c) Participation in NC GreenPower program
- d) Description of how project will ensure indoor air quality, adequate access to natural lighting, and allow for proposed utilization of sustainable energy
- e) Description of how project will maintain commitment to energy efficiency and reduced carbon footprint over time
- f) Description of how the project's Transportation Management Plan will support efforts to reduce energy consumption as it affects the community

### Exterior Elevations

- a) An outline of each elevation of the building, including the finished grade line along the foundation (height of building measured from mean natural grade)



Coulter Jewell Thames, PA

MAIN OFFICE  
111 WEST MAIN STREET  
DURHAM, NC 27701  
p 919.682.0368 f 919.688.5646

Planning for the Future

## **1200 MLK**

### Conditional Zoning

05.30.2019

08.06.2019 - revised

04.13.2020 - revised

06.18.2020 - revised

08.19.2020 - revised

## **DEVELOPER'S PROGRAM**

This is a request for review of a Conditional Zoning applications by the Town of Chapel Hill.

### **Introduction**

The '1200 MLK' project is the redevelopment of the existing Tar Heel Mobile Home Park and non-operational Marathon Service Station, on the east side of Martin Luther King Boulevard, across from the intersection with Northfield Drive. The project is proposing to modernize the service station, add a new self-storage building, and preserve or reposition all of the existing mobile home residential units onsite. The developer understands the significance that the existing affordable housing plays in the Towns variety of housing options, thus retaining as many of the existing units, while redeveloping a portion of the site, is important. The parcel addresses are 1200 and 1204 MLK Jr. Blvd.

The proposal is to enlarge the Commercial Neighborhood (NC) Zoning at the front of the site, and rezone the R-4 to O-I2 at the sides and rear of the site. The O-I2 portion at the rear of the site will include a PD(H) overlay, to allow for the existing mobile home park.

The project was previously submitted as a Concept Plan and reviewed by Town staff, the Housing Advisory Board and Town Council earlier this year. An outlined of the applicant responses to comments made at the Council meeting are attached to this application.

**Site Description**

The site consists of two parcels, totaling approximately 13.9 acres. The site is partially wooded, with the old Marathon service station at the front of the site, and approximately 73 existing mobile home residential units and 1 single family residence at the rear and sides of the site. The site has access via multiple access points off of MLK Jr. Blvd. Two of these access points are oddly positioned on either side of the signalized intersection with Northfield Drive. There are existing bus stops on both the east and west sides of MLK Jr. Blvd, adjacent to the site.

The project site is bounded by the Orange United Methodist Church to the north, an existing single family residential neighborhood to the east and south, and various commercial businesses on the west side of MLK Jr Blvd.

The site slopes gently from the front (west) to the rear (east). An existing OWASA lift station is positioned at the northeast corner of the project site.

**Site Access and Circulation**

The site is currently accessed via a split driveway spanning the across the signalized intersection at Northfield Drive. This pair of driveways will be reworked to align with the signalized intersection, improving access functionality and safety. There are two additional residential driveways off of MLK Jr Blvd. that will remain unchanged. The project will improve vehicular circulation into to the mobile home park via the reworked signalized intersection. Pedestrian sidewalk improvements will be provided along the frontage of the site, which currently does not have one. Adequate onsite parking will be provided for both of the proposed uses.

Per the Town of Chapel Hill LUMO, the combined parking requirement for the commercial components of the project is a minimum of 68 spaces and a maximum of 110 spaces. The proposed site plan shows 46 spaces, which based on the real market demands for the parking of these uses (30 for Gas/Convenience Store and 16 for Self-Storage), is adequate. See below for a modification request to reduce the minimum required spaces for the Self-Storage facility.

**Building Orientation and Site Layout**

The convenience store building will be oriented so that the parking is at the side or rear, with the fuel pump canopy positioned behind the building. The multi-story self-storage building will be located approximately 250' from the ROW, minimizing visibility, and serving a buffer to the existing mobile home units. Several of the existing mobile home units (~16) will have to be relocated for the proposed site redevelopment, but the developer has analyzed the units and opportunity rezoned within the existing property, to relocate all of the units that can physically be moved. The building architecture will meet or exceed the LUMO requirements.

**Environmental and Landscaping**

The 13.9 acre site contains 4.5 acres of protected RCD buffer area, extending 150' from the Kings Branch Stream along the northern property line. The existing mobile home park contains a variety of mature trees, with the majority of these to be retained. New landscaping and street trees will be provided for the redeveloped portion of the site. Required tree coverage, parking lot shading, and landscape buffers will provide screening and visual interest. The developer will continue to work with the existing residents to best utilize the open space areas onsite, including the open play field, the frontage RCD areas, and landscaping along the rear of the storage building.

**Stormwater**

The existing site currently doesn't have stormwater treatment. The proposed redevelopment will comply with the current stormwater quality and quantity regulations through the installation of Stormwater Control Measures, inlets and piping. The project will comply with all sedimentation and erosion control requirements utilizing and on and offsite protection measures.

**Utilities**

The project site is currently served by OWASA water and sewer services. The new commercial buildings will have new water and sewer services designed to current standards and specifications. Water and sewer services to the existing and relocated residences will remain as is, or be reconnected to the new lines run as part of the commercial project. The existing OWASA pump station will remain.

**PD-H Determination**

Per LUMO section 6.18.1, the following points are provided in support of the location of the PD-H designation.

- The creation of this PD-H is unique in the fact that this is an established residential community that has existed at this location for over 30 years.
- The community is located with access to a major street, with pedestrian and bicycle access. This site is located along the route of the future BRT transportation improvements. The site does not require access through a residential neighborhood outside the development.
- The site has access to public water and sewer facilities, without requiring public extensions. The project will be incorporating new stormwater improvements, as the site currently does not have any.
- The proposal to keep the residential community in place means the current public infrastructure (schools, parks, etc,) will continue to serve the community and its residents. The site is within walking distance to Homestead Park, and well as the greenway trails within the Carolina North nature area. In addition to surrounding public amenities, the project is proposing a new playground within the site for the residents.

- The continuation of this residential community should cause an increase on maintenance or operation cost of the existing public facilities.

In summary, the developer finds that the existing residential community would continue to serve and be served by the adjacent public infrastructure, and not have an appreciable negative impact of the adjacent residential neighborhoods.

### **Outline of Modifications requested**

The following is list of Modifications to the LUMO that are being requested as part of this Conditional Zoning Application:

1. *Per LUMO section 6.23, self-storage is only allowed on the same zoning lot as other office, commercial, or institutional.*

A Modification to regulations is requested to allow Self-Storage to be on the same zoning lot and accessory to a Mobile Home Park (in terms of land area)

2. *Per LUMO section 6.23, self-storage facilities shall not be permitted on property located at an intersection with any arterial street.*

The applicant contends that the Self-Storage building is not located at an intersection, but across from the intersection of MLK Jr. Blvd and Northfield.

A Modification to regulations is requested to allow a Self-Storage building to be located across from an intersection, but not on a corner lot created by two intersecting streets.

3. *Per LUMO section 6.12, a service station/convenience store shall not be located within three hundred (300) feet of any intersecting street or within seven hundred fifty (750) feet of driveways intersecting the same street and serving another existing or approved service station.*

A Modification to regulations is requested to allow a service station / convenience store to be located within the thresholds listed above if an existing service station / convenience store was previous approved and permitted on this site.

4. *Per LUMO section 3.6.3-2, Permitted Uses within Resource Conservation District*

The applicant requests a modification to allow mobile home residences to remain in or be moved into the RCD, to preserve the residence onsite, within the existing mobile home park.

5. *Per LUMO section 5.9.7, Minimum and maximum parking space requirements*

The applicant requests a modification to the required minimum number of parking spaces for a Conditioned Self Storage Facility. Based on the LUMO calculation of a minimum of 1 space per 2,500 sf, the minimum requirement

would be 90 spaces. The Developer feels this is almost 5x the actual requirement. Based market experience of other facilities, this facility would require 16-20 spaces during a peak period.

6. *Per LUMO section 3.7.3, Use Groups*

The applicant requests a modification to the Use Group Table that would allow existing Class B manufactured homes to be allowed within a PD-H. The exiting mobile home community consists of Class B units, and this modification would allow the existing units to remain onsite, as outlined elsewhere in this Developer Narrative.

## ENERGY MANAGEMENT PLAN

1200 MLK – CONDITIONAL ZONING  
CHAPEL HILL, NORTH CAROLINA

Prepared by: CJTpa

The current Town of Chapel Hill Energy Management Plan Section list of requests are included below, accompanied by the applicants response:

### 1. Description of how project will be 20% more energy efficient than ASHRAE Standards

- a. While final designs are still being developed and construction costs evaluated, areas of consideration to increase the energy efficiency of the building will be:
  - i. Tight building envelope construction.
  - ii. Explore energy recovery HVAC systems with variable speed motors.
  - iii. High-efficiency domestic hot water system, utilizing condensing water.
  - iv. Heat-absorbing, low-emissivity or energy-star window strategies.
  - v. Use of energy star appliances and equipment will be used for all appliance as practical.
  - vi. Use of masonry walls and concrete floors that increase the thermal mass of the building to reduce the temperature swings in the building.
  - vii. Use of energy efficient LED lighting for interior and exterior.
  - viii. Occupancy sensors for light controls provided in areas as required per ASHRAE 90.1
  - ix. Programmable mechanical systems controls.

### 2. Description of utilization of sustainable forms of energy (Solar, Wind, Hydroelectric, and Biofuels)

- a. The possible use of a solar energy source hot water system is the only current option to explore.

### 3. Participation in NC GreenPower program

- a. Participation in the program will be explored through either a probable contribution or solar array.

### 4. Description of how project will ensure indoor air quality, adequate access to natural lighting, and allow for proposed utilization of sustainable energy

- a. The project will investigate appropriate ways to achieve these goals through use of the following methods:
  - i. An outdoor air make-up system beyond industry standards.
  - ii. Paints, sealants, fabrics and finishes to have low VOC content.
  - iii. The common space areas to utilize large exterior windows to bring daylight into interior spaces, balance energy needs and views.
  - iv. Mechanical systems will be designed to operate with controllable fresh air intakes and economizers.

### 5. Description of how project will maintain commitment to energy efficiency and reduced carbon footprint over time

- a. While this project is not pursuing LEED certification, the research and use of green oriented products, materials and equipment will provide for long-term reduction in carbon footprint.
- b. Light Pollution Reduction: The proposed light fixtures are dark sky friendly and the project will utilize LEED-compliant forms of light pollution reduction design practices to improve nighttime visibility and reduce the consequences of development for wildlife and people
- c. White roofing materials to promote reflectivity.

- d.* Outdoor Water Use Reduction: through LEED-compliant forms of outdoor water use reduction design practices involving selective irrigation areas and careful choice of planting materials that should thrive in years of normal rainfall
- e.* Indoor Water Use Reduction: through LEED-compliant forms of indoor water use reduction design practices involving specification of low flow, water-saving plumbing fixtures
- f.* Fundamental Refrigerant Management: through LEED-compliant forms of fundamental refrigerant management design practices to reduce stratospheric ozone depletion.
- g.* Construction and Demolition Waste Management Planning: through LEED-compliant forms of demolition and construction waste management planning and practices.
- h.* Through education of staff of building utilization to maintain awareness of energy usage and reduction.
- i.* Indoor Environmental quality: through LEED-compliant forms of minimum indoor air quality performance compliance, environmental tobacco smoke control and minimum acoustic performance strategies

**6. Description of how the project's Transportation Management Plan will support efforts to reduce energy consumption as it affects the community**

- a.* Proposed project siting provides LEED-compliant access to bus routes for guests and employees and accommodations for bike riders

**7. An outline of each elevation of the building, including the finished grade line along the foundation (height of building measured from mean natural grade)**

- a.* Height from mean natural grade indication is provided on the Drawings

# 1200 MLK REDEVELOPMENT

## TRAFFIC IMPACT STUDY

### EXECUTIVE SUMMARY



**Prepared for:**

The Town of Chapel Hill  
Public Works Department - Engineering

**Prepared by:**

***HNTB North Carolina, PC***

*343 East Six Forks Road  
Suite 200  
Raleigh, NC 27609*

*NCBELS License #: C-1554*

June 2019



# 1200 MLK REDEVELOPMENT

## TRAFFIC IMPACT STUDY

### EXECUTIVE SUMMARY



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June 2019





## EXECUTIVE SUMMARY

### **Project Overview**

A redevelopment of an existing site parcel, known as the 1200 MLK Redevelopment, is being proposed along NC 86 (Martin Luther King Jr. Boulevard) at its intersection with Northfield Drive in Chapel Hill, NC. The project proposes to redevelop an existing gas station/convenience mart site with a new, larger 5,700 square foot facility along with a 100,000 square foot indoor storage facility. The site also currently features residential mobile homes which will continue to occupy existing areas in the rear of the property. **Figure ES-1** shows the general location of the site. The overall project is anticipated to be fully complete and occupied by 2021. This report analyzes the build-out scenario for the year 2022 (one year after anticipated completion), the no-build scenario for 2022, as well as 2019 existing year traffic conditions.

The proposed site concept plan shows a provision for two access driveways, one full movement and one right-turn in/right-turn out only (RIRO) that connect to NC 86 (Martin Luther King, Jr. Boulevard). The full movement driveway will form the fourth leg of the NC 86 signalized intersection with Northfield Drive. No other external vehicular access connections are proposed. The site driveways are proposed to have internal connectivity with on-site buildings and their respective parking areas as well as existing driveway aisles that serve the mobile home park. **Figure ES-2** displays the preliminary concept plan of the 1200 MLK Redevelopment and nearby land uses and roadways. The site is expected to provide approximately 75 parking spaces on surface lots. This report analyzes and presents the transportation impacts that the 1200 MLK Redevelopment will have on the following intersections in the project study area:

- NC 86 (Martin Luther King, Jr. Boulevard) and Homestead Road / Church Driveway
- NC 86 (Martin Luther King, Jr. Boulevard) and Proposed Right-In/Right-Out Site Driveway
- NC 86 (Martin Luther King, Jr. Boulevard) and Northfield Drive / Proposed Main Site Driveway
- NC 86 (Martin Luther King, Jr. Boulevard) and Piney Mountain Road / Municipal Drive

The impacts of the proposed site at the study area intersections will be evaluated during the AM, noon, and PM peak hours of an average weekday.

### **Existing Conditions**

#### **Study Area**

The site is located in north Chapel Hill along the NC 86 (Martin Luther King, Jr. Boulevard) corridor. The study area contains three signalized intersections along NC 86 at Homestead Road, Northfield Drive and Piney Mountain Road. All future site traffic is expected use the two proposed site driveways along NC 86. Internal driveways shown on the preliminary site plan will circulate site traffic to designated parking areas and fuel pump locations. NC 86 is a principal north-south arterial providing connectivity throughout Chapel Hill and points beyond in Orange County. Homestead Road is a minor arterial street for access to areas in western Chapel Hill and Carrboro. Remaining study area network roadways are local neighborhood/commercial/institutional access streets.

#### **Site Traffic Generation**

With the addition of new peak hour trips during the weekday AM, noon, and PM peak hours, there are potential site traffic impacts to the study area intersections. **Table ES-1** shows the site trip generation details, with generation rates taken from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, Version 10* and the most conservative estimates of potential trip generation yield taken from information on potential development land use types included in the *ITE Trip Generation Manual*.



**Table ES-1. Weekday Vehicle Trip Generation Summary**

TRIP TYPE	Daily			AM Peak Hour			Noon Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
NEW SITE TRIPS	935	935	1,870	85	83	168	66	66	132	84	85	169
PASS-BY SITE TRIPS	1,235	1,235	2,470	129	129	258	84	84	168	97	97	194
<b>TOTAL TRIPS</b>	<b>2,170</b>	<b>2,170</b>	<b>4,340</b>	<b>214</b>	<b>212</b>	<b>426</b>	<b>150</b>	<b>150</b>	<b>300</b>	<b>181</b>	<b>182</b>	<b>363</b>

Trip generation estimates account for both new site trips and “pass-by” type trips that occur at the driveway entrances/exits and do not add new trips to the traffic stream. Existing trip generation data was also collected for the mobile home park and was included in the 2022 analysis year traffic volumes.

### Background Traffic

Background traffic growth for the 2022 analysis year is expected to come from two sources - ambient regional traffic growth and specific development-related traffic growth. Historic growth patterns taken from daily traffic volume information do not indicate substantial increases in the project study area, however a number of development projects are occurring or are expected to occur just outside the project study area, which may contribute to future area-wide traffic growth. To conservatively account for this potential, a 0.5 percent per year ambient growth rate was applied to 2019 traffic volumes, along with the inclusion of four nearby specific background traffic generating projects to estimate 2022 background traffic on study area roadways.

### Impact Analysis

#### Peak Hour Intersection Level of Service

Existing 2019 traffic operations at all study area intersections are acceptable during all three peak hours analyzed. Projected ambient and background development traffic growth will increase impacts in the study area by 2022, but not cause any intersection to operate at deficient levels in any peak hour. With the addition of peak hour site-generated trips to the projected 2022 background traffic volumes, no additional study area intersections are expected to experience deficient traffic operations in any peak hour. A summary of the traffic operations for each intersection, related to vehicular delays (intersection average as a whole if signalized, critical movement if stop-controlled) and the corresponding Level-of-Service (LOS) is shown in **Table ES-2** on the following page.

#### Access Analysis

Vehicular site access is to be accommodated at two proposed access driveways connecting to NC 86 (Martin Luther King, Jr. Blvd). The southern (main) site driveway will connect as a fourth leg to the NC 86 (Martin Luther King, Jr. Blvd) signalized intersection with Northfield Drive. The other driveway connection will be a limited access RIRO driveway located to the north of the signalized intersection. The main driveway connection would have a throat length of approximately 175 feet and the RIRO driveway would have a throat length of 50 feet prior to internal parking lot connections. Throat lengths are acceptable, based on 50 foot minimum throat length standards found on Page 69 of the 2019 *Town of Chapel Hill Public Works Design Manual*. 2003 NCDOT *Policy on Street and Driveway Access to North Carolina Highways* throat length recommendations are 100 feet, which is not provided for the RIRO driveway.

The distance between the proposed driveway connections is approximately 225 feet. Driveway connection separations from an intersection are acceptable, based on recommendations of 100 foot minimum corner clearance as set forth in the 2003 NCDOT *Policy on Street and Driveway Access to*



**Table ES-2. Peak Hour Intersection Capacity Analysis Summary**

Intersections	Peak Hour	2019 Existing		2022 No-Build		2022 Build		2022 Build – Mitigated	
		LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
NC 86 (Martin Luther King, Jr. Boulevard) & Homestead Road / Church Driveway	AM	C	24.5	C	26.2	C	25.6	N/A	N/A
	NOON	C	23.2	C	24.9	C	24.0	N/A	N/A
	PM	C	21.8	C	24.1	C	23.5	N/A	N/A
NC 86 (Martin Luther King, Jr. Boulevard) & Proposed RIRO Driveway#	AM	N/A	N/A	N/A	N/A	B	14.4	N/A	N/A
	NOON	N/A	N/A	N/A	N/A	B	12.8	N/A	N/A
	PM	N/A	N/A	N/A	N/A	D	26.6	N/A	N/A
NC 86 (Martin Luther King, Jr. Boulevard) & Northfield Drive / Proposed Main Site Driveway	AM	A	3.6	A	3.6	B	19.6	B	16.4
	NOON	A	4.2	A	4.0	B	15.4	B	14.1
	PM	A	9.9	B	10.6	B	18.8	B	16.7
NC 86 (Martin Luther King, Jr. Boulevard) & Piney Mountain Road / Municipal Drive	AM	B	12.7	B	12.7	B	11.6	N/A	N/A
	NOON	A	8.9	A	8.7	A	8.7	N/A	N/A
	PM	B	12.1	B	13.0	B	12.9	N/A	N/A

N/A – Not Applicable or No Improvements Necessary

**BOLD/ITALICS** – Critical Movement or Overall Intersection Requires Mitigation Analysis Per Town TIS Guidelines

# - Worst-Case LOS/Delay for Two-Way Unsignalized/Stop-Controlled Critical Movement

*North Carolina Highways* and the recommended 150 foot spacing between a driveway and an intersection along arterial roadways found in Table 3.2 – Street Standards in the Town Design Manual. The driveway separation distance is less than the 500 foot minimum along arterial streets specified in the Town Design Manual, but the proposed design improves the current parcel driveway access alignment, where the two existing driveways are full access, separated by only 125 feet and do not align with the current signalized intersection at Northfield Drive.

Access for pedestrians and bicycles is lacking connectivity in the project study area. Sidewalk is present along the NC 86 (Martin Luther King, Jr. Blvd) corridor, but not continuously along both sides of the road south of Homestead Road. Bicycle lanes are present along the segment of NC 86 (Martin Luther King, Jr. Blvd) in the project study area north of Homestead Road, but no other bicycle facilities exist in the project study area.

**Crash Analysis**

A crash analysis of the NC 86 (Martin Luther King, Jr. Boulevard) corridor was completed using the NCDOT TEAAS crash data base for the last five years 2014-2019. Analysis results indicate that the study area corridor segment of NC 86 has lower crash rates for all reported crash types/categories than similar five-lane undivided urban North Carolina routes.

**Other Transportation-Related Analyses**

Other transportation-related analyses relevant to the 2001 Town of Chapel Hill Guidelines for the preparation of Traffic Impact Studies were completed as appropriate. The following topics listed in **Table ES-3** are germane to the scope of this study.



**Table ES-3. Other Transportation-Related Analyses**

Analysis	Comment
Turn Lane Storage Requirements	Storage bay lengths at study area intersections were analyzed using Synchro and HCM 95 <sup>th</sup> percentile (max) queue length estimates for all analyzed scenarios. At the intersection of NC 86 (Martin Luther King, Jr. Blvd) and Northfield Drive/Main Site Driveway, projected 95 <sup>th</sup> percentile queue lengths may exceed the driveway stem length in the 2022 AM and PM peak hours for with site redevelopment. A recommended improvement to provide separate left-turn and through/right-turn lanes would mitigate this issue.
Appropriateness of Acceleration / Deceleration Lanes	The site concept plan shows no specific related to new acceleration/deceleration lanes along NC 86. It is assumed that the existing two-way center left-turn lane would be utilized for southbound left-turns into the site at the Northfield Drive intersection. Auxiliary turn lanes are provided at most locations along NC 86 (Martin Luther King, Jr. Blvd) and at select minor street approaches. No other specific acceleration or deceleration lane issues were analyzed in the project study area
Pedestrian and Bicycle Analysis	Existing pedestrian access and connectivity currently lacking along NC 86 on the east side of the road adjacent to the site, but some pedestrian connections and crosswalk/pedestrian signals are present along the NC 86 corridor. Striped bicycle lanes are present along the facility, but only to the north of Homestead Road. Pedestrian sidewalk is shown along a portion of the site frontage with NC 86, but additional sidewalk connections should be considered along the entirety of the site frontage as well as to areas internal to the site to connect to the mobile home park and directly to the convenience store site.
Public Transportation Analysis	Public transportation service to the study area, and to the proposed site is excellent, with bus stops directly serving the site parcel and multiple local CHT T bus routes along NC 86 (Martin Luther King, Jr. Blvd) in both directions proximate to the site.

### **Mitigation Measures/Recommendations**

#### **Planned Improvements**

There are no planned transportation improvement projects by NCDOT or the Town of Chapel Hill expected to be complete between 2019 and 2022 in the immediate project study area. The Town is currently moving forward on planning for bus rapid transit (BRT) service along the NC 86 corridor but no specific changes or improvements to the facility were analyzed for this study.

#### **Background Committed Improvements**

There are no specific transportation network improvements to study area roadway intersections related to background private development projects that are expected to be completed between 2019 and 2022.

#### **Applicant Committed Improvements**

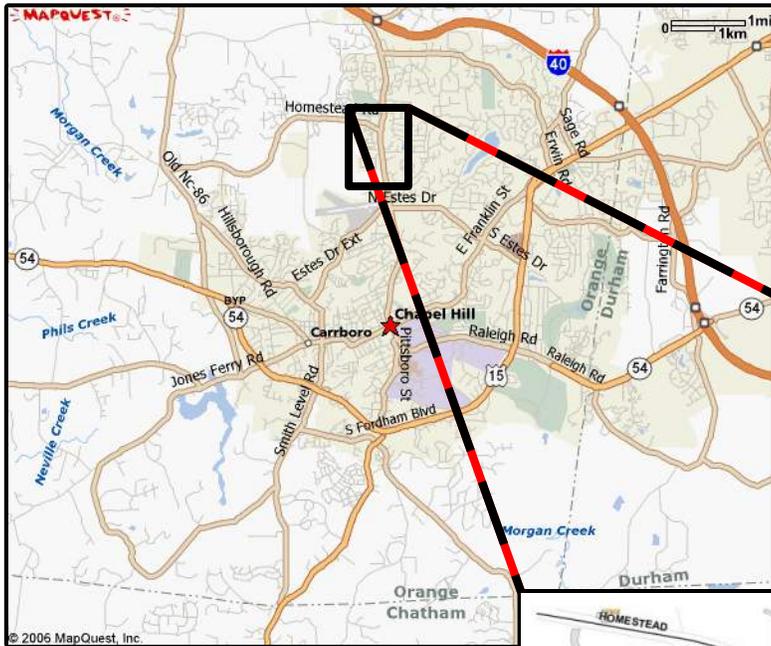
Based on the preliminary site plans and supporting development information provided, the Applicant is proposing to reconfigure driveways that access the site. The two existing full access driveways will be closed, and a full access driveway is proposed to align with Northfield Drive and utilize the existing traffic signal. A second proposed RIRO driveway is to be located to the north of the signalized intersection. Additional reconfiguration of existing internal driveways that serve the mobile home park are also proposed to allow better traffic circulation throughout the site development. The two proposed site driveways along NC 86 and initial laneage assumptions are schematically shown in **Figure ES-3**, based on the preliminary concept plans shown in **Figure ES- 2**.



### **Necessary Improvements**

Based on traffic capacity analyses for the 2022 design year, and analyses of existing study area turning bay storage lengths and site access, the following improvements are recommended as being necessary for adequate transportation network operations (see **Figure ES-3**).

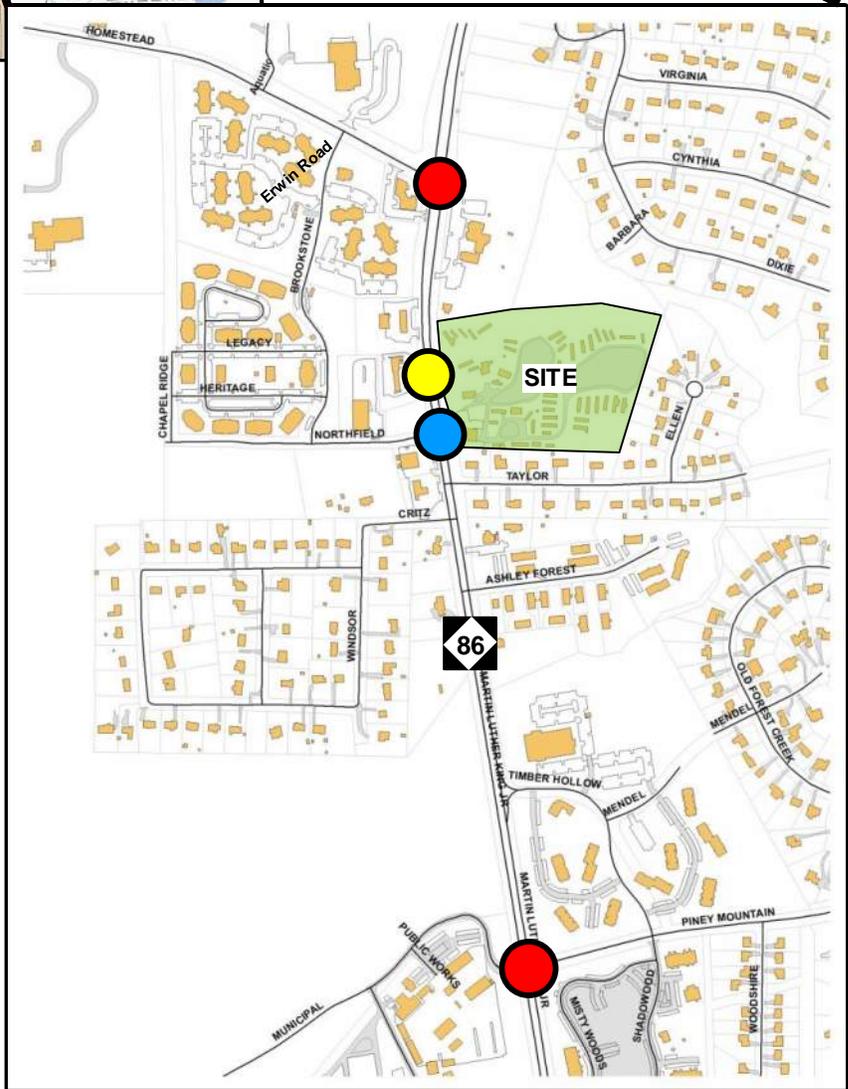
- 1) To provide adequate traffic operations and improve pedestrian safety and connectivity, the existing traffic signal at NC 86 and Northfield Drive should be upgraded to allow the Main Site Driveway to operate as a concurrent signal phase with Northfield Drive. The southbound and westbound approaches at the intersection include crosswalk and pedestrian signalization. The northbound and southbound left-turn lanes along NC 86 should operate with protected+permitted signal phasing. The signal should be retimed for all peak periods to maximize efficiency along the NC 86 corridor. These improvements are recommended for the 1200 MLK Redevelopment project.
- 2) Capacity analysis results indicate that a single westbound lane exiting at the Main Site Driveway may have maximum queues that exceed the proposed driveway stem length in 2022 AM and PM peak hours. To mitigate this issue, separate westbound left-turn and through/right-turn lanes are recommended to improve overall queue storage. This improvement is recommended for the 1200 MLK Redevelopment project.
- 3) The concept plan design for the RIRO driveway along NC 86 has limited driveway stem length and the nearby driveway aisle along the frontage of the convenience store may cause safety issues with turning traffic into/exiting this driveway in the vicinity of the external RIRO driveway. To mitigate this issue, extension of the proposed concrete median island at the RIRO driveway past the adjacent internal driveway is recommended, along with making this driveway aisle a one-way southbound movement. **Figure ES-4** schematically shows these proposed changes. This improvement is recommended for the 1200 MLK Redevelopment project.
- 4) An extension of sidewalk along the site frontage with NC 86 north of the proposed RIRO Driveway will allow better pedestrian connectivity along the corridor. In addition, provision of a sidewalk connection from the NC 86 sidewalk directly to the convenience store would improve safety. This improvement is recommended for the 1200 MLK Redevelopment project.



**LEGEND**

-  = Existing Building Footprint
-  = Proposed Site Parcel
-  = Existing Study Area Intersection
-  = Proposed Full Access Site Driveway
-  = Proposed Future RIRO Driveway

 **NOT TO SCALE**



**1200 MLK Redevelopment  
Traffic Impact Study**

**PROJECT STUDY AREA MAP**

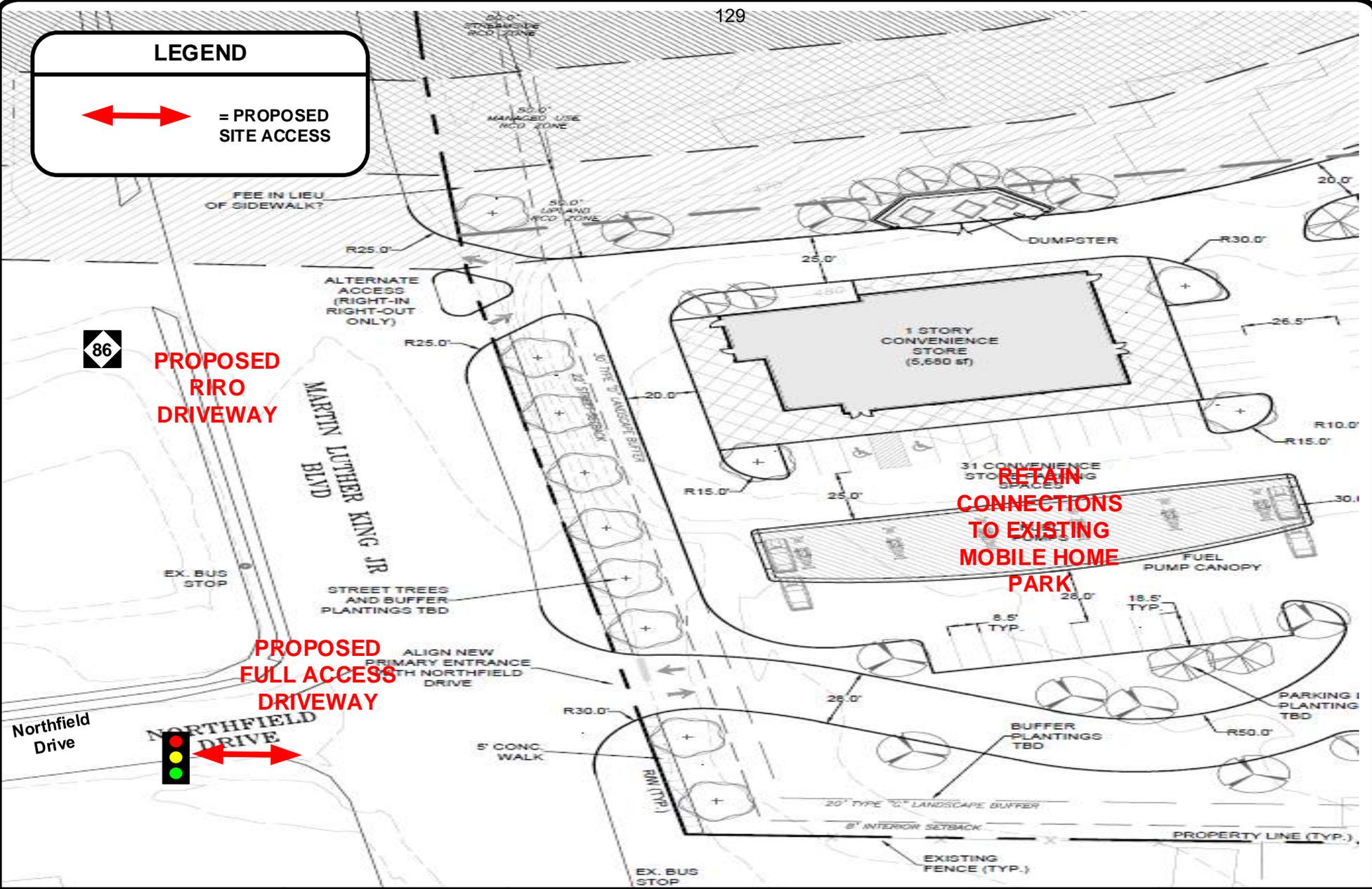
DATE: June 2019

**FIGURE ES-1**

LEGEND



= PROPOSED SITE ACCESS



NOT TO SCALE

1200 MLK Redevelopment  
Traffic Impact Study

DATE: June 2019

SITE CONCEPT PLAN

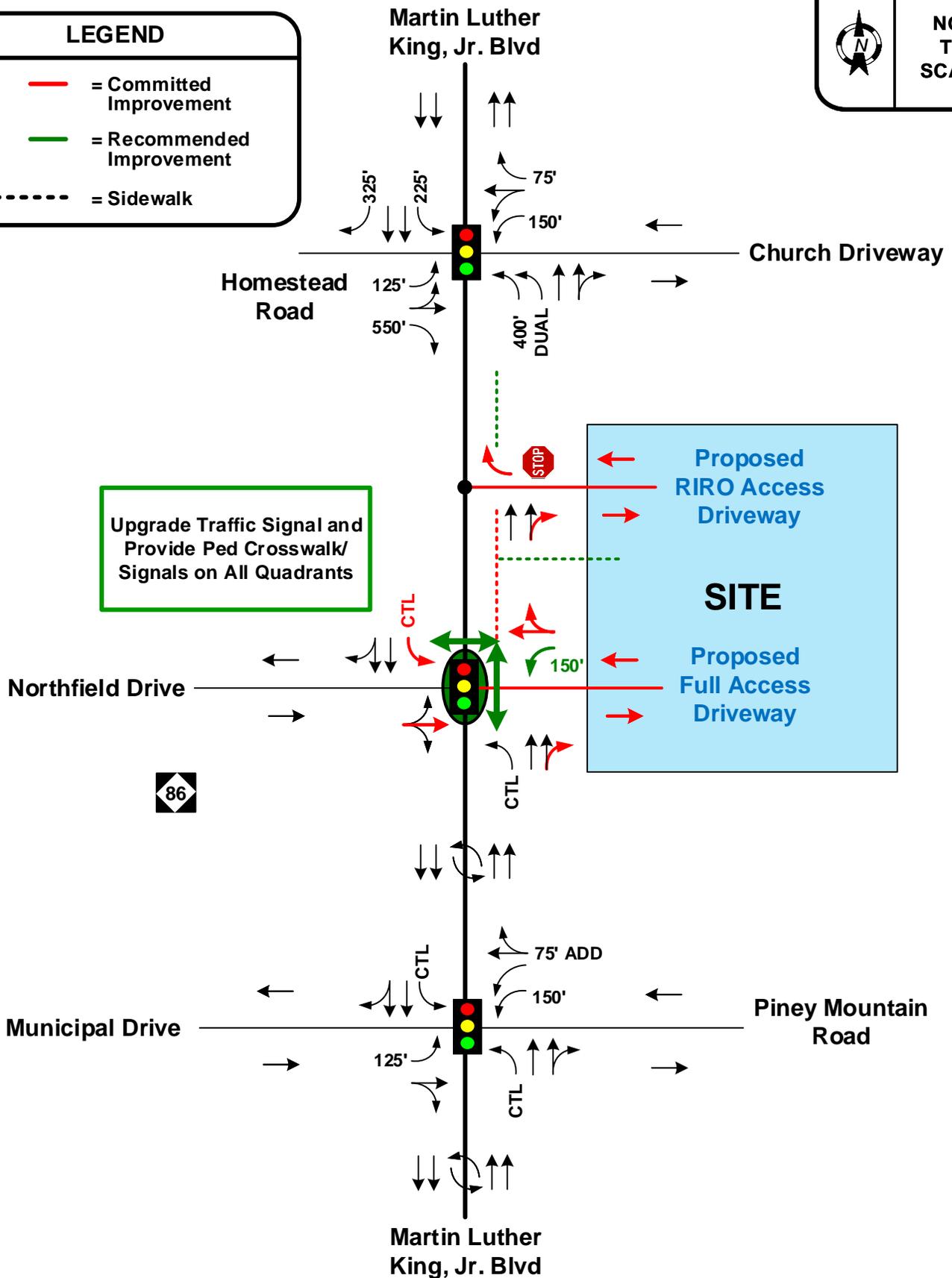
FIGURE ES-2

**LEGEND**

-  = Committed Improvement
-  = Recommended Improvement
-  = Sidewalk



**NOT TO SCALE**



**1200 MLK Redevelopment  
Traffic Impact Study**

DATE: June 2019

**COMMITTED & RECOMMENDED IMPROVEMENTS**

**FIGURE ES-3**



# 1200 MLK

## CONDITIONAL ZONING APPLICATION CHAPEL HILL, NORTH CAROLINA



**Coulter  
Jewell  
Thames PA**

111 West Main Street  
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NC BOARD OF EXAMINERS FOR  
ENGINEERS AND SURVEYORS  
LIC # C-1269  
NC BOARD OF LANDSCAPE  
ARCHITECTS LIC # C-104

### OWNER / CLIENT:

STACKHOUSE PROPERTIES, LLC  
PO BOX 14466  
RTP, NC 27709  
919-408-7150

### APPLICANT / CONSULTANT:

LANDSCAPE ARCHITECT / LAND PLANNER:  
COULTER JEWELL THAMES, PA  
111 WEST MAIN STREET  
DURHAM, NC 27701  
919-682-0368  
CONTACT: JEREMY ANDERSON

ENGINEER:  
COULTER JEWELL THAMES, PA  
111 WEST MAIN STREET  
DURHAM, NC 27701  
919-682-0368  
CONTACT: PRESTON ROYSTER

### PROJECT DATA:

#### EXISTING PARCELS

PARCEL A:  
ADDRESS 1200 MARTIN LUTHER KING JR. BLVD.  
PIN 9789297279  
ACREAGE 32,068.98 SF / 0.736 AC  
ZONE NC

PARCEL B:  
ADDRESS 1204 MARTIN LUTHER KING JR. BLVD.  
PIN 9789392409  
ACREAGE 574,173.80 SF / 13.181 AC  
ZONE R-4

GROSS LAND AREA: 606,242.78 SF / 13.917 AC

#### PROPOSED PARCELS

RE: 2/C200  
PARCEL 1:  
ACREAGE 68,739.55 SF / 1.578 AC  
PROPOSED ZONE NC

PARCEL 2:  
ACREAGE 75,123.73 SF / 1.725 AC  
PROPOSED ZONE OI-2

PARCEL 3:  
ACREAGE 462,379.49 SF / 10.615 AC  
PROPOSED ZONE OI-2 WITH PLANNED DEVELOPMENT OVERLAY (PD-H)

GROSS LAND AREA: 606,242.78 SF / 13.917 AC

LAND USE:  
EXISTING CONVENIENCE STORE & MOBILE HOME PARK  
PROPOSED PARCEL 1 PRINCIPAL USE - CONVENIENCE STORE  
PARCEL 2 ACCESSORY USE TO PARCEL 3 - SELF STORAGE  
PARCEL 3 PRINCIPAL USE - MOBILE HOME PARK

ZONING:  
EXISTING NC & R-4  
PROPOSED NC - 68,739.55 SF / 1.578 AC  
OI-2 - 537,503.22 SF / 12.339 AC

ALLOWABLE FAR FOR  
PROPOSED ZONE: .264

EXISTING BUILDINGS: 5,200 SF CONVENIENCE STORE TO BE REMOVED  
EXISTING 73 CLASS B MOBILE HOMES LOCATED IN PROJECT AREA TO BE RELOCATED WITHIN PROJECT SITE

PROPOSED BUILDINGS:  
CONVENIENCE STORE +/- 5,000 SF FOOTPRINT  
SELF STORAGE +/- 33,600 SF FOOTPRINT (4 STORY / 134,400 SF OVERALL)  
EX. RESIDENTIAL EXISTING 73 CLASS B UNITS TO REMAIN (ALL WILL BE RELOCATED ONSITE)  
PROPOSED RESIDENTIAL 10 NEW UNITS

VEHICULAR PARKING:  
REQUIRED 14 TO 20 - CONVENIENCE STORE (MIN. 1/375 SF, MAX. 1/250 SF)  
54 TO 90 - SELF STORAGE (MIN. 1/2500 SF, MAX. 1/1500 SF)  
= 68 TO 100 SPACES REQUIRED  
73 TO 146 - RESIDENTIAL (MIN. 1 PER UNIT, MAX. 2 PER UNIT)

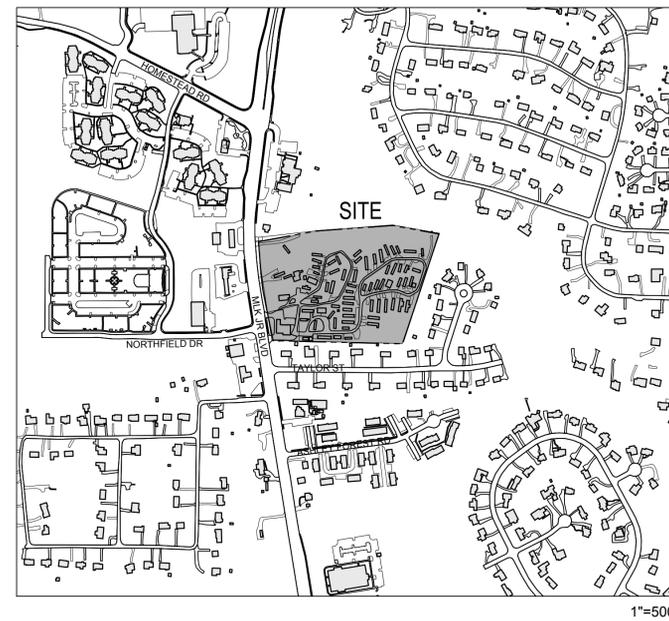
PROPOSED = 45 SPACES PROVIDED  
158 SPACES PROVIDED FOR RESIDENTIAL

BICYCLE PARKING:  
REQUIRED 6 - CONVENIENCE STORE (4 MIN + 2/2,500 SF)  
+ 4 - SELF STORAGE  
= 10 SPACES REQUIRED

PROPOSED 8 - SHORT TERM SPACES (4 LOOPS)  
+ 2 - LONG TERM SPACES (1 LOOP LOCATED INSIDE CONVENIENCE STORE)  
= 10 SPACES (5 LOOPS) PROVIDED

IMPERVIOUS SURFACE:  
EXISTING 185,732 SF  
PROPOSED 271,416 SF

### VICINITY MAP



### CONDITIONS OF APPROVAL

- Main Site Entrance at Northfield Dr and Martin Luther King Jr Blvd:** The Applicant shall construct the main entrance with a three lane section with minimum 11-foot wide lanes (two-lane outbound and one lane inbound). Construction details shall be approved by the Town and NCDOT prior to the issuance of Zoning Compliance Permit. Construction shall be completed prior to the issuance of Certificate of Occupancy.
- Second Site Entrance on Martin Luther King Jr Blvd:** The Applicant shall design and construct the second entrance on Martin Luther King Jr Blvd as Right-In and Right-Out-Only entrance. Construction details shall be approved by the Town and NCDOT prior to the issuance of Zoning Compliance Permit. Construction shall be completed prior to the issuance of Certificate of Occupancy.
- Traffic Signal Upgrade:** The Applicant shall upgrade the traffic signal at the intersection of Martin Luther King Jr Blvd and Northfield Dr/ Site Entrance with pedestrian amenities (high visibility crosswalks on all approaches and APS equipment), bike activated loops, and appropriate traffic signal phasing and other elements as approved by NCDOT and the Town. Upgraded traffic signal design plans and construction details shall be approved prior to the issuance of Zoning Compliance Permit. Construction shall be completed prior to the issuance of Certificate of Occupancy.
- Payment-in-Lieu for Traffic Signal Timing:** The Applicant shall provide a payment-in-lieu of \$5,000 for traffic signal timing plan revisions shall be provided prior to the issuance of Zoning Compliance Permit. Signal Timing Plans will be revised by the Town Consultant after six months of issuance certificate of occupancy.
- Street lighting:** Prior to the issuance of Certificate of Occupancy, the Applicant shall upgrade the street lighting along the site frontage to LED lighting and AASHTO standards. The design and construction details shall be approved by the Town and NCDOT prior to the issuance of Zoning Compliance Permit.

### TOWN OF CHAPEL HILL NOTES

- A FIRE FLOW REPORT SHALL BE SUBMITTED TO THE TOWN FOR REVIEW AND APPROVAL PRIOR TO ISSUANCE OF A ZCP.
- P.E. CERTIFICATION: PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY PHASE, THE APPLICANT SHALL PROVIDE A CERTIFICATION, SIGNED AND SEALED BY A NORTH CAROLINA-LICENSED PROFESSIONAL ENGINEER, THAT THE STORMWATER MANAGEMENT FACILITY IS CONSTRUCTED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS.
- AS-BUILT PLANS: PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, THE APPLICANT 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.
- JORDAN SURETY: PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, THE OWNER SHALL POST A MAINTENANCE BOND OR OTHER SURETY INSTRUMENT SATISFACTORY TO THE TOWN MANAGER, IN AN AMOUNT EQUAL TO ONE HUNDRED TWENTY-FIVE (125) PERCENT OF THE CONSTRUCTION COST OF EACH STORMWATER MANAGEMENT FACILITY TO ASSURE MAINTENANCE, REPAIR, OR RECONSTRUCTION NECESSARY FOR ADEQUATE PERFORMANCE OF THE STORMWATER MANAGEMENT FACILITY, OR ESTABLISH A STORMWATER MAINTENANCE (SINKING FUND) BUDGET AND ESCROW ACCOUNT IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 5.19 OF THE LAND USE MANAGEMENT ORDINANCE.
- STORMWATER FACILITIES, EASEMENTS, AND OPERATIONS AND MAINTENANCE PLANS: ALL STORMWATER DETENTION, TREATMENT AND CONVEYANCE FACILITIES LOCATED ON AND BELOW THE GROUND SHALL BE WHOLLY CONTAINED WITHIN AN EASEMENT ENTITLED: "RESERVED STORMWATER FACILITY EASEMENT HEREBY DEDICATED" AND SHALL BE RESERVED FROM ANY DEVELOPMENT WHICH WOULD OBSTRUCT OR CONSTRICT THE EFFECTIVE MANAGEMENT, CONTROL, AND CONVEYANCE OF STORMWATER FROM OR ACROSS THE PROPERTY, OTHER THAN THE APPROVED DESIGN AND OPERATION FUNCTIONS. A COPY OF THE FINAL PLAT OR EASEMENT EXHIBIT, SIGNED AND SEALED BY A NORTH CAROLINA-REGISTERED LAND SURVEYOR AND RECORDED BY THE COUNTY REGISTER OF DEEDS, AND CONTAINING THE FOLLOWING NOTES SHALL BE SUBMITTED PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
  - ALL ENGINEERED STORMWATER MANAGEMENT CONTROL, TREATMENT, AND CONVEYANCE STRUCTURES ON AND BELOW THE GROUND SHALL BE WHOLLY LOCATED WITHIN AN EASEMENT ENTITLED: "RESERVED STORMWATER FACILITY EASEMENT HEREBY DEDICATED" AND SHALL BE RESERVED FROM ANY DEVELOPMENT WHICH WOULD OBSTRUCT OR CONSTRICT THE EFFECTIVE MANAGEMENT, CONTROL, AND CONVEYANCE OF STORMWATER FROM OR ACROSS THE PROPERTY, OTHER THAN THE APPROVED DESIGN AND OPERATION FUNCTIONS. A SUITABLE MAINTENANCE ACCESS (MINIMUM 20' WIDE) TO ACCOMMODATE HEAVY EQUIPMENT FROM THE NEAREST PUBLIC RIGHT-OF-WAY TO THE RESERVED STORMWATER FACILITY EASEMENT MUST BE PROVIDED AND SHOWN ON THE PLANS.
  - THE "RESERVED STORMWATER FACILITY EASEMENT(S)" AND THE FACILITIES IT THEY PROTECT ARE CONSIDERED TO BE PRIVATE, WITH THE SOLE RESPONSIBILITY OF THE OWNER TO PROVIDE FOR ALL REQUIRED MAINTENANCE AND OPERATIONS AS APPROVED BY THE TOWN MANAGER.
  - THE RESERVED STORMWATER FACILITY EASEMENT AND THE OPERATIONS AND MAINTENANCE PLAN ARE BINDING ON THE OWNER, HEIRS, SUCCESSORS, AND ASSIGNS.
- JORDAN STORMWATER MANAGEMENT FOR NEW DEVELOPMENT: THAT PRIOR TO THE ISSUANCE OF A ZONING COMPLIANCE PERMIT, THE APPLICANT SHALL SUBMIT THE FINAL JORDAN ACCOUNTING TOOL SPREADSHEET, STORMWATER REPORT, AND PLANS FOR REVIEW AND APPROVAL BY THE TOWN MANAGER. THIS PROJECT MUST COMPLY WITH THE JORDAN STORMWATER MANAGEMENT REGULATIONS OF THE LAND USE MANAGEMENT ORDINANCE TO PROVIDE THE REQUIRED REDUCTIONS IN NITROGEN AND PHOSPHORUS LOADS FOR NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS.
- STORMWATER MANAGEMENT PLAN: THAT PRIOR TO THE ISSUANCE OF A ZONING COMPLIANCE PERMIT, THE APPLICANT SHALL SUBMIT A STORMWATER MANAGEMENT PLAN FOR REVIEW AND APPROVAL BY THE TOWN MANAGER. THIS PROJECT MUST COMPLY WITH THE STORMWATER MANAGEMENT REQUIREMENTS OF THE LAND USE MANAGEMENT ORDINANCE TO PROVIDE FOR 85 PERCENT TOTAL SUSPENDED SOLIDS REMOVAL FROM THE INCREASED IMPERVIOUS AREA, RETENTION FOR 2-5 DAYS OF THE INCREASED VOLUME OF STORMWATER RUNOFF FROM THE 2-YEAR, 24-HOUR STORM, AND CONTROL OF THE STORMWATER RUNOFF RATE FOR THE 1-YEAR, 2-YEAR, AND 25-YEAR STORMS.

### LIST OF SHEETS:

C000	COVER SHEET
C100	AREA MAP
C101	EXISTING CONDITIONS PLAN
C102	PLAN NOTES
C200	SITE PLAN
C201	ELEVATION MASSING
C202	UNIT RELOCATION PLAN
C300	GRADING PLAN
C900	UTILITY PLAN
C700	LIGHTING PLAN
C800	LANDSCAPE PLAN
C801	SITE DETAILS
A-1	SITE DETAILS
A-2	ARCHITECTURAL ELEVATION
A-2	ARCHITECTURAL ELEVATION

### RESOURCE CONSERVATION NOTES

- STREAM BUFFERS:**  
THERE IS A MAPPED STREAM AND ASSOCIATED STREAM BUFFER LOCATED ON SITE. A DETERMINATION WAS COMPLETED BY CHAPEL HILL PUBLIC WORKS TO VERIFY THAT THE STREAM SHOWING UP ON THE ORANGE COUNTY SOIL SURVEY EXISTS.
- FLOODPLAIN PROTECTION:**  
THE SITE IS AN AREA AFFECTED BY A MAPPED FLOODPLAIN ACCORDING TO FIRM MAPS 3710978900 J (FEB. 2 2007).
- STEEP SLOPE PROTECTION:**  
THERE ARE STEEP SLOPES ON SITE LOCATED PRIMARILY WITHIN THE RCD.
- WETLANDS:**  
THERE ARE NO MAPPED WETLANDS ONSITE.
- TREE PROTECTION:**  
REFER TO SHEET C101 AND C700.

### Project:

## 1200 MLK

1200 & 1204  
Martin Luther King Jr.  
Boulevard  
Orange County,  
North Carolina

PIN:  
9789297279  
9789392409



PRELIMINARY-DO NOT  
USE FOR CONSTRUCTION

Job Number: 1858

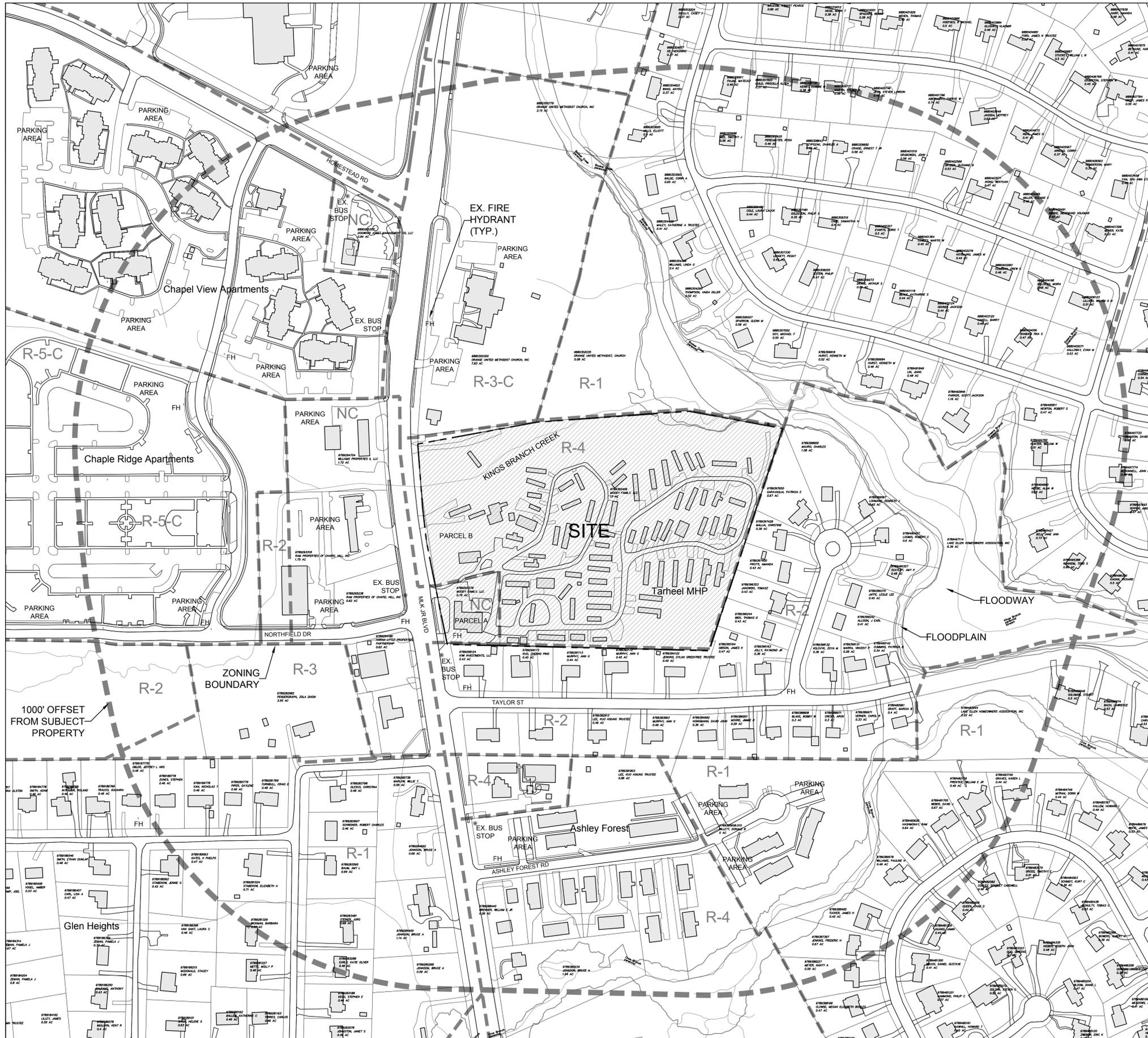
Drawn	JSA, MTC
Checked	JSA
Date	5-31-2019 SUP
Revisions	8-06-2019 SUP Rev. 1
	4-17-2020 SUP Rev. 2
	6-18-2020 SUP Rev. 3
	8-19-2020 CZ

Conditional zoning

Sheet Title:

## COVER SHEET

Sheet Number  
**C000**



**TOPOGRAPHY/SLOPES:**  
 THE SITE SLOPES FROM SOUTHWEST TO NORTHEAST, AND DROPS APPROXIMATELY 44 FEET OVER THE LENGTH OF THE SITE.  
 THE SITE HAS SLOPES OF 1% TO OVER 25%. THE MAJORITY OF THE SITE HAS SLOPES UNDER 10%.

**EXISTING SLOPES:**  
 THERE ARE STEEP SLOPES LOCATED IN THE RCD ON THIS SITE.

**HYDROLOGICAL FEATURES/DRAINAGE**  
 THE SITE GENERALLY DRAINS FROM SOUTHWEST TO NORTHEAST, EVENTUALLY DRAINING INTO A TRIBUTARY OF KINGS BRANCH STREAM THAT RUNS ROUGHLY PARALLEL WITH THE NORTHERN PROPERTY LINE.

**SOIL TYPES**  
 THE USDA / NRCS WEB SOIL SURVEY CLASSIFIES TWO SOIL TYPES ON THIS SITE.  
 -T0D: TARRUS SILT LOAM  
 -H1C: HERNDON SILT LOAM  
 -G0B: GEORVILLE SILT LOAM (2-6% SLOPES)  
 -G0C: GEORVILLE SILT LOAM (6-10% SLOPES)

**SUN/SHADE PATTERNS**  
 THE SUN WILL PASS AROUND THE SOUTH SIDE OF THE STRUCTURES DURING THE COURSE OF THE DAY. THE FRONT ENTRIES WILL GET MORNING SUN. EXISTING TREES WILL BE RETAINED SOUTH AND WEST OF THE BUILDING TO PROVIDE SHADE FOR THESE SIDES OF THE BUILDING.

TREES WILL BE ADDED TO THE NEW PARKING TO PROVIDE SHADE AND MEET MINIMUM REQUIREMENTS. TREES AND SHRUBS WILL BE ADDED TO ALL UNPAVED AREAS TO PROVIDE AS MUCH SHADE AND LANDSCAPING AS POSSIBLE.

**FEMA FLOODPLAIN INFORMATION.**  
 THERE IS MAPPED FLOODPLAIN ON SITE PER FEMA PANEL 3710978900J DATED 2/2/2007

**SPECIAL FEATURES**  
 THIS PROPERTY HAS FRONTAGE ON MARTIN LUTHER KING JR. BLVD.

**VEGETATION**  
 THE SITE CONTAINS OF MIX OF VARIOUS HARDWOODS AND PINES.

**2 SITE NOTES**  
 C100

**LEGEND**

Water Valve	⊗
Curb Inlet/Catch Basin	⊠
Mail Box	⊞
Traffic Signal Box	⊞ TSB
Electric Transformer	⊞
Electric Junction Box	⊞
Gas Meter	⊞
Sanitary Sewer Manhole	⊞
Storm Sewer Manhole	⊞
Telephone Manhole	⊞
Electric Manhole	⊞
Sign	⊞
Telephone Pedestal	⊞ TEL
Fire Hydrant	⊞ FH
Post Indicator Valve	⊞ PIV
Water Manhole	⊞
Water Meter	⊞
Hot Box	⊞
Utility Pole	⊞
Light Pole	⊞ OLP
Sewer Cleanout	⊞ COO
Flared End Section	⊞
Gas Valve	⊞ GV
Existing Iron Pipe (3/4" unless noted)	⊞ IPS
1/2" Iron Pipe Set	⊞
Existing PK Nail	⊞ PK
PK Nail Set	⊞ PKS
Computed Point	⊞
Concrete Monument	⊞
Tree Line	⊞
Fence	⊞ X ⊞ X
Underground Electric	⊞ UE ⊞ UE
Underground Telephone	⊞ UT ⊞ UT
Gas Line	⊞ GAS
Water Line	⊞ W ⊞ W
Overhead Utilities	⊞ OU ⊞ OU
Storm Sewer	⊞ S ⊞ S
Sanitary Sewer	⊞ SS ⊞ SS
Guard Rail	⊞

**Coulter Jewell Thames**  
 ENGINEERING · PLANNING · LANDSCAPE ARCHITECTURE

111 West Main Street  
 Durham, N.C. 27701  
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 www.cjtpa.com

NC BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS LIC # C-1269  
 NC BOARD OF LANDSCAPE ARCHITECTS LIC # C-104

**Project:**

**1200 MLK**

1200 & 1204  
 Martin Luther King Jr.  
 Boulevard

Orange County,  
 North Carolina

PIN:  
 9789297279  
 9789392409



**PRELIMINARY-DO NOT USE FOR CONSTRUCTION**

**Job Number:** 1858

Drawn	JSA, MTC
Checked	JSA
Date	5-31-2019 SUP
Revisions	8-06-2019 SUP Rev. 1
	4-17-2020 SUP Rev. 2
	6-18-2020 SUP Rev. 3
	8-19-2020 CZ

Conditional zoning

**Sheet Title:**

**AREA MAP**

Sheet Number  
**C100**

**1 AREA MAP**  
 C100  
 1" = 140'-0"





Coulter Jewell Thames PA

111 West Main Street  
Durham, N.C. 27701  
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NO BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS LIC # C-1289  
NO BOARD OF LANDSCAPE ARCHITECTS LIC # C-104

Project:

1200 MLK

1200 & 1204  
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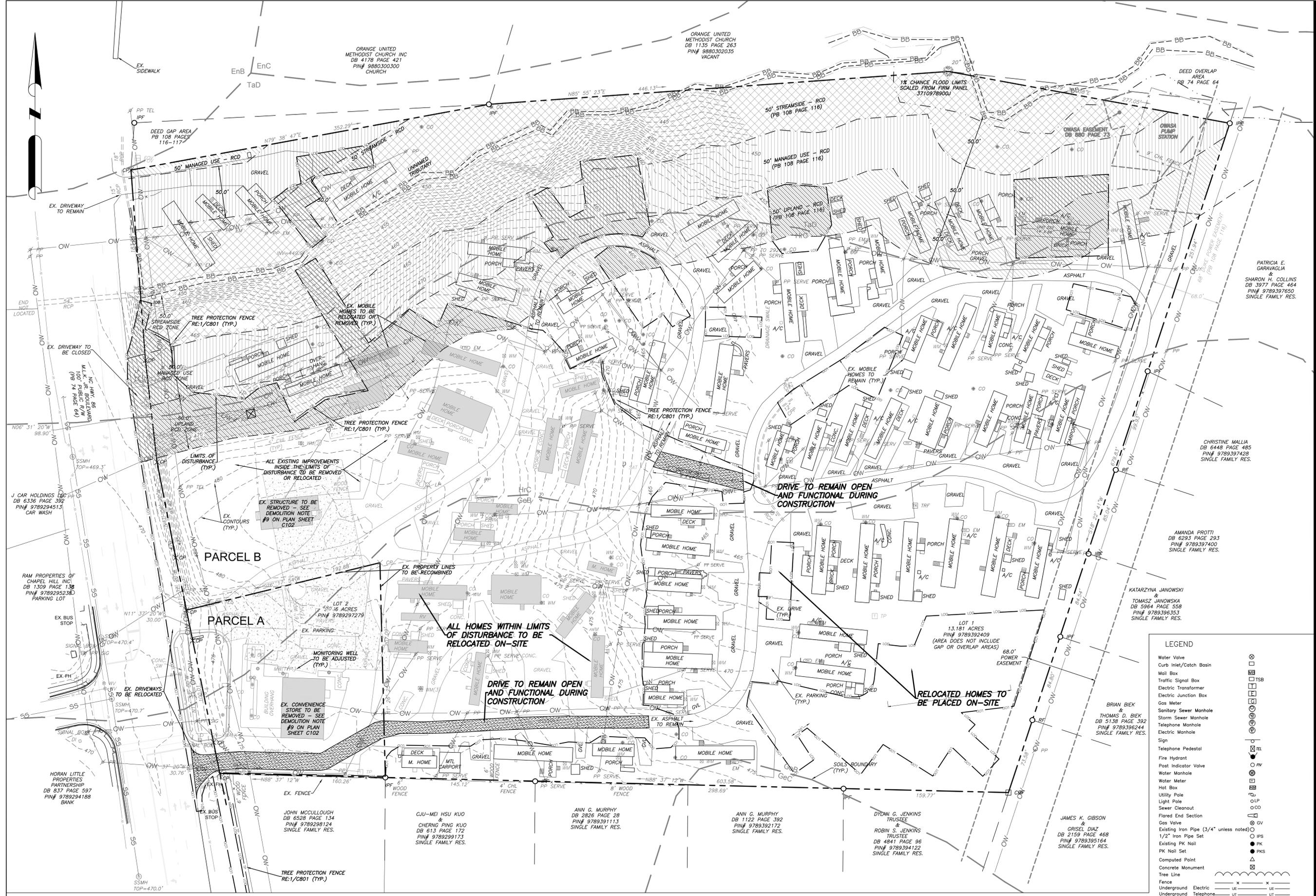
Drawn	JSA, MTC
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Date	5-31-2019 SUP
Revisions	8-06-2019 SUP Rev. 1
	4-17-2020 SUP Rev. 2
	6-18-2020 SUP Rev. 3
	8-19-2020 CZ
	12-03-2020 PLAYGROUND

Conditional zoning

Sheet Title:

EXISTING  
CONDITIONS  
& DEMOLITION

Sheet Number  
**C101**



**LEGEND**

Water Valve	⊗
Curb Inlet/Catch Basin	⊠
Mail Box	⊞
Traffic Signal Box	⊟
Electric Transformer	⊠
Electric Junction Box	⊞
Gas Meter	⊞
Sanitary Sewer Manhole	⊞
Storm Sewer Manhole	⊞
Telephone Manhole	⊞
Electric Manhole	⊞
Sign	⊞
Telephone Pedestal	⊞
Fire Hydrant	⊞
Post Indicator Valve	⊞
Water Manhole	⊞
Water Meter	⊞
Hot Box	⊞
Utility Pole	⊞
Light Pole	⊞
Sewer Cleanout	⊞
Flored End Section	⊞
Gas Valve	⊞
Existing Iron Pipe (3/4" unless noted)	⊞
1/2" Iron Pipe Set	⊞
Existing PK Nail	⊞
PK Nail Set	⊞
Computed Point	⊞
Concrete Monument	⊞
Tree Line	⊞
Fence	⊞
Underground Electric	⊞
Underground Telephone	⊞
Gas Line	⊞
Water Line	⊞
Overhead Utilities	⊞
Storm Sewer	⊞
Sanitary Sewer	⊞
Guard Rail	⊞

**1** EXISTING CONDITIONS & DEMOLITION PLAN  
 1" = 40'-0"  
 SEE NOTES RE:2/C102



## ADA route notes apply to all sheets

FOR ALL SIDEWALKS THE FOLLOWING APPLIES:

- SIDEWALK SLOPES TO BE A MAXIMUM 4.8%.
- SIDEWALK CROSS SLOPES TO BE A MAXIMUM 1.8%.
- MINIMUM 1" SHOULDER AT MAXIMUM 2% SLOPE ADJACENT TO ADA PAVED ROUTES UNLESS A HANDRAIL IS CALLED OUT.
- ADA PARKING TO BE A MAXIMUM 1.8% SLOPE IN ANY DIRECTION FOR ENTIRE AREA – PARKING SPACES AND AISLES.
- ALL DOORS EXITING THE BUILDING REQUIRE AN ADA ACCESSIBLE COMPLIANT ROUTE TO A PUBLIC WAY.
- PARKING – NUMBER OF SPACES TO COMPLY WITH NCBC 2012 SECTION 1106.1, 1 PER 6 COMPLIANT SPACES OR PORTION THEREOF MUST BE VAN ACCESSIBLE, NO SLOPE TO EXCEED 2% IN ANY DIRECTION. SIGNAGE PER NC REQUIREMENTS, MUT-CD AND ICC A 117.1.
- CURB CUTS AND ACCESSIBLE ROUTES PER ICC A117.1 2009 ED. CROSS SLOPE LIMITED TO 2%, CALL FOR INSPECTION BEFORE PLACEMENT OF CONCRETE.
- SLOPE GREATER THAN 5% REQUIRES CONSTRUCTION AS A RAMP.

## GENERAL NOTES

1  
C102

- ENSURE ALL EROSION CONTROL MEASURES ARE IN PLACE AND IN WORKING ORDER PRIOR TO THE START OF ANY DEMOLITION AND CONSTRUCTION.
- SEE SITE PLAN SHEET C101 FOR LAYOUT DIMENSIONS OF EXTENT OF DEMOLISHED AREAS. PAVED AREAS NOT INDICATED TO BE DEMOLISHED, ARE TO REMAIN. ALL CONCRETE SAW CUTS ARE TO BE CLEAN, STRAIGHT AND NEAT.
- UTILITIES: SEE UTILITY PLAN C500. CONTRACTOR TO COORDINATE WITH UTILITY COMPANIES FOR LOCATION, REMOVAL AND RELOCATION OF ANY UTILITIES. CONTRACTOR RESPONSIBLE FOR DETERMINING EXTENT AND LOCATION OF UTILITIES. THIS MAY INCLUDE CONTACTING "NO-CUTS" TO HELP LOCATE SOME UTILITIES.
- CONTRACTOR TO ADJUST ALL MANHOLES, VALVES, JUNCTION BOXES, CATCH BASINS, CLEAN-OUTS, ETC., AS NECESSARY TO ACCOMMODATE NEW LAYOUT AND GRADES.
- CONTRACTOR RESPONSIBLE FOR OBTAINING ANY PERMITS FOR WORK IN THE NCDOT AND TOWN OF CHAPEL HILL RIGHTS OF WAY. ANY DAMAGED INFRASTRUCTURE IN THE RIGHT OF WAY CAUSED BY CONSTRUCTION ACTIVITIES MUST BE REPAIRED TO TOWN OF CHAPEL HILL STANDARDS. THIS INCLUDES, BUT IS NOT LIMITED TO UTILITIES, SIDEWALKS, CURB AND GUTTER, ASPHALT.
- CONTRACTOR RESPONSIBLE FOR REMOVING EVERYTHING WITHIN THE CLEARING LIMITS AND OFF-SITE WORK ZONE INCLUDING TREES, STUMPS, TRASH, FENCING, OR BUILDING MATERIALS.
- CONTRACTOR TO USE CAUTION WORKING AROUND AND NEAR EXISTING STORM, WATER AND SEWER. CONTRACTOR RESPONSIBLE FOR DAMAGE TO EXISTING UTILITIES.
- ABANDONMENT OF WATER SERVICES SHALL INCLUDE EXCAVATING DOWN TO CORPORATION, TURNING IT OFF AND CUTTING SERVICE LINE FREE FROM CORPORATION, THE METER, IF PRESENT, SHALL BE RETURNED TO OWASA.
- ABANDONMENT OF SANITARY SEWER SERVICE LINES SHALL CONSIST OF PLUGGING THE LATERAL AT THE RIGHT-OF-WAY LINE.
- ALL PAVEMENT PATCHING SHALL BE PERFORMED PER CITY SPECIFICATIONS AND STANDARDS.
- A DECONSTRUCTION ASSESSMENT MUST BE CONDUCTED BY OCSW STAFF PRIOR TO THE APPROVAL OF THE DEMOLITION PERMIT FOR THE EXISTING CONVENIENCE STORE AND 2 STORY STRUCTURE. CONTACT OCSW ENFORCEMENT STAFF AT 919-988-2788 TO REQUEST THE ASSESSMENT.
- BY ORANGE COUNTY ORDINANCE, CLEAN WOOD WASTE, SCRAP METAL AND CORRUGATED CARDBOARD, ALL PRESENT IN CONSTRUCTION WASTE, MUST BE RECYCLED.
- BY ORANGE COUNTY ORDINANCE, ALL HAULERS OF CONSTRUCTION WASTE MUST BE PROPERLY LICENSED.
- PRIOR TO ANY DEMOLITION OR CONSTRUCTION ACTIVITY ON THE SITE THE APPLICANT WILL HOLD A PRE-DEMOLITION/PRE-CONSTRUCTION CONFERENCE WITH THE COUNTY'S SOLID WASTE STAFF. THIS MAY BE THE SAME MEETING HELD WITH OTHER DEVELOPMENT OFFICIALS.
- THE PRESENCE OF ANY ASBESTOS CONTAINING MATERIAL (ACM) OR OTHER HAZARDOUS MATERIALS IN CONSTRUCTION AND DEMOLITION WASTE SHALL BE HANDLED IN ACCORDANCE WITH ANY AND ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND GUIDELINES.
- ANY INVASIVE, EXOTIC PLANT MATERIAL WILL BE REMOVED. A SURVEY OF EXISTING THE LANDSCAPE BUFFERS TO REMAIN WILL BE CONDUCTED FOLLOWING INITIAL CLEARING, AND ANY INVASIVE OR EXOTIC SPECIES FOUND WILL BE REMOVED.
- DEMOLITION PERMIT REQUIRED TO REMOVE 5,200 SF STORE.
- ASBESTOS ABATEMENT REPORT REQUIRED BEFORE DEMOLITION PERMIT MAY BE ISSUED.
- A PERMIT FROM THE CHAPEL HILL FIRE MARSHAL'S OFFICE IS REQUIRED TO REMOVE ANY FLAMMABLE / COMBUSTIBLE LIQUIDS FROM UNDERGROUND OR ABOVE-GROUND TANKS OTHER THAN BY THE ON-SITE PUMPS. 2018 NC FIRE CODE SECTION 105.6.17 #5.
- A PERMIT FROM THE CHAPEL HILL FIRE MARSHAL'S OFFICE IS REQUIRED TO REMOVE ANY UNDERGROUND OR ABOVE-GROUND TANKS THAT CONTAINED FLAMMABLE / COMBUSTIBLE LIQUIDS. 2018 NC FIRE CODE SECTION 105.6.17 #7.
- TREE PROTECTION SEMINAR TO BE COMPLETED BY CONTRACTOR PRIOR TO TREE PROTECTION FENCE INSTALLATION. PLEASE CALL ADAM NICHOLSON AT 919-989-5006

## DEMOLITION NOTES

2  
C102

- ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE NOTED.
- DIMENSIONS TO BUILDING WALL ARE TO FACE OF WALL AT FINISH GRADE. DIMENSIONS TO CURB ARE TO FACE OF CURB.
- LAY OUT IMPROVEMENTS FOR THE CIVIL ENGINEER'S OR LANDSCAPE ARCHITECT'S REVIEW PRIOR TO BEGINNING CONSTRUCTION.
- REFERENCE ARCHITECTURAL DRAWINGS FOR BUILDING LAYOUT INFORMATION.
- ADA PARKING SPACES SHALL BE SIGNED WITH TYPE R7-8 OR R7-8A RESERVED PARKING SIGN AND R7-8D MAXIMUM FINE SIGN PER GS 20-37.6 OF THE NORTH CAROLINA HANDICAP CODE. ADA RAMPS SHALL HAVE RAMP SURFACES COVERED WITH DETECTABLE WARNING PATTERN PER ADA STANDARDS.
- REFERENCE EXISTING CONSTRUCTION SHEET C101 FOR EXTENT OF DEMOLITION AND REMOVAL OF CURB AND GUTTER, DRIVEWAYS, PAVEMENT, BOLLARDS, WALKWAYS, UTILITIES, AND VEGETATION.
- BY ORANGE COUNTY ORDINANCE, CLEAN WOOD WASTE, SCRAP METAL AND CORRUGATED CARDBOARD, ALL PRESENT IN CONSTRUCTION WASTE, MUST BE RECYCLED.
- BY ORANGE COUNTY ORDINANCE, ALL HAULERS OF CONSTRUCTION WASTE MUST BE PROPERLY LICENSED.
- PRIOR TO ANY DEMOLITION OR CONSTRUCTION ACTIVITY ON THE SITE THE APPLICANT WILL HOLD A PRE-DEMOLITION/PRE-CONSTRUCTION CONFERENCE WITH THE COUNTY'S SOLID WASTE STAFF. THIS MAY BE THE SAME MEETING HELD WITH OTHER DEVELOPMENT OFFICIALS.
- THE PRESENCE OF ANY ASBESTOS CONTAINING MATERIAL (ACM) OR OTHER HAZARDOUS MATERIALS IN CONSTRUCTION AND DEMOLITION WASTE SHALL BE HANDLED IN ACCORDANCE WITH ANY AND ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND GUIDELINES.
- MASONRY WALLS WILL NOT BE REPAIRED BY THE TOWN RESULTING FROM MAINTENANCE ON TOWN OF CHAPEL HILL AND OWASA MAINTAINED UTILITIES.
- THERE WILL BE TWO CLASS 1 BIKE RACKS LOCATED INSIDE THE BUILDING.
- KEY BOXES FOR FIRST RESPONDERS WILL BE REQUIRED NEAR THE FRONT DOOR AND SPRINKLER RISER ROOM AREAS. 2012 NC FIRE CODE, SECTION 506.
- MECHANICAL EQUIPMENT MUST BE PLACED AT OR ABOVE BASE FLOOD ELEVATION + 2 FEET.
- PRIOR TO PERFORMING WORK IN THE NCDOT R/W, THE APPLICANT WILL NEED TO OBTAIN THE FOLLOWING:
  - APPROVED NCDOT DRIVEWAY PERMITS FOR PROPOSED ACCESSES TO NC 86.
  - APPROVED NCDOT THREE-PARTY ENCROACHMENT AGREEMENT WITH TOCH FOR PROPOSED / STIPULATED SIDEWALK AND APPURTENANCES.
  - APPROVED NCDOT THREE-PARTY ENCROACHMENT AGREEMENT WITH OWASA FOR PROPOSED WATER AND SEWER CONNECTIONS.
- PRIOR TO ISSUANCE OF THE DRIVEWAY PERMITS AND ENCROACHMENT AGREEMENTS, THE APPLICANT WILL NEED TO PROVIDE COMPLETE AND DETAILED DESIGN PLANS PER NCDOT, TOCH, AND OWASA REQUIREMENTS FOR REVIEW AND APPROVAL.

## SITE PLAN NOTES

3  
C102

- ALL DIMENSIONS AND GRADES SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE OWNER IF ANY DISCREPANCIES EXIST PRIOR TO PROCEEDING WITH CONSTRUCTION FOR NECESSARY PLAN OR GRADE CHANGES. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR ANY WORK DONE DUE TO DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH TOWN OF CHAPEL HILL STANDARDS AND SPECIFICATIONS.
- CONTRACTOR SHALL NOTIFY "NORTH CAROLINA ONE CALL" (1-800-632-4949) AT LEAST 48 HOURS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. CONTRACTOR TO CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES INDEPENDENT OF "NORTH CAROLINA ONE CALL".
- CONSTRUCTION, MAINTENANCE AND REMOVAL OF ALL EROSION CONTROL DEVICES ARE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- EXISTING UTILITIES AND STRUCTURES SHOWN, BOTH UNDERGROUND AND ABOVE GROUND, ARE BASED ON A FIELD SURVEY AND THE BEST AVAILABLE RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY FIELD CONDITIONS PRIOR TO BEGINNING RELATED CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE IMMEDIATELY.
- SOIL UNDER BUILDING PAD, PAVED AREAS AND WITHIN SLOPES GREATER THAN 3:1 (H:V) SHALL BE APPROVED, PLACED AND COMPACTED AS RECOMMENDED BY THE GEOTECHNICAL ENGINEER. THESE SOILS SHALL BE COMPACTED AS SPECIFIED UNLESS OTHERWISE RECOMMENDED BY THE GEOTECHNICAL ENGINEER. ANY UNDEPOSIT OF SOILS IN THESE AREAS SHALL BE APPROVED BY THE GEOTECHNICAL ENGINEER & OWNER. THE UNDEPOSIT SOILS SHALL ALSO QUANTIFIED BY THE GEOTECHNICAL ENGINEER.
- ALL GRADING MUST PRODUCE SURFACE DRAINAGE ADEQUATE TO PREVENT STANDING WATER OR NET LAWN AREAS, AND TO ENSURE THAT ALL STORM WATER FLOWS TO INLETS OR OTHER POINTS OF DISCHARGE.
- ALL SIDEWALKS SHALL BE CONSTRUCTED WITH A MAXIMUM 1.8% CROSS SLOPE IN THE DIRECTION SHOWN ON THE PLAN.
- CONNECT ALL ROOF LEADS AND DOWNSPOUTS TO STORM DRAINAGE SYSTEM WITH PVC PIPE. SEE ARCHITECTURAL PLANS FOR LOCATIONS.
- CURB INLETS: 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.
- BW (BOTTOM OF WALL) ELEVATION IS FINISH GRADE, NOT THE FOOTING. REFERENCE RETAINING WALL PLANS/DETAILS FOR DEPTH OF FOOTING.
- ANY DISTURBANCE WITHIN THE FORESTED "NO LAND DISTURBANCE AREA" WILL REQUIRE AN UPDATE TO THE JORDAN ACCOUNTING TOOL.
- AN TOWN OF CHAPEL HILL ENCROACHMENT AGREEMENT WILL BE NEEDED FOR THE ROUGH GRADING FOR THE FUTURE SIDEWALK WITHIN THE COLERIDGE ROAD RIGHT-OF-WAY.
- AN ENCROACHMENT AGREEMENT WILL BE NEEDED FOR THE ROUGH GRADING FOR THE FUTURE SIDEWALK WITHIN THE COLERIDGE ROAD RIGHT-OF-WAY.

## GRADING NOTES

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C102

- ALL STORM DRAINAGE PIPES SHOWN ARE TO BE CLASS III REINFORCED CONCRETE (RCP) UNLESS NOTED OTHERWISE.
- ALL STORM DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF CHAPEL HILL STANDARDS.
- ALL CONCRETE SHALL MEET A MINIMUM 3000 PSI COMPRESSIVE STRENGTH.
- ALL PIPE IN STORM DRAIN STRUCTURES SHALL BE STRUCK EVEN WITH INSIDE WALL.
- ALL PIPE JOINTS SHALL BE MADE WITH PREFORMED JOINT SEALER, WHICH CONFORMS TO AASHTO SPECIFICATION M-198 FOR TYPE B FLEXIBLE PLASTIC GASKETS UNLESS OTHERWISE NOTED.
- THE INTERIOR SURFACES OF ALL STORM DRAINAGE STRUCTURES SHALL BE POINTED AND SMOOTHED TO AN ACCEPTABLE STANDARD USING MORTAR MIXED TO MANUFACTURER'S SPECIFICATIONS.
- ALL BACKFILL SHALL BE NON-PLASTIC IN NATURE, FREE FROM ROOTS, VEGETATION MATTER, WASTE CONSTRUCTION MATERIAL OR OTHER OBJECTIONABLE MATERIAL. SAID MATERIAL SHALL BE COMPACTED BY MECHANICAL MEANS AND SHALL HAVE NO TENDENCY TO FLOW OR BEHAVE IN A PLASTIC MANNER UNDER THE TAMPING BLOWS OR PROOF ROLLING.
- MATERIALS DEEMED BY THE OWNER'S REPRESENTATIVE AS UNSUITABLE FOR BACKFILL PURPOSES SHALL BE REMOVED AND REPLACED WITH SUITABLE MATERIAL.
- BACKFILLING OF TRENCHES SHALL BE ACCOMPLISHED IMMEDIATELY AFTER PIPE IS LAID. THE FILL AROUND THE PIPE SHALL BE THOROUGHLY COMPACTED TO 95% OF THE MAXIMUM DRY DENSITY OBTAINABLE WITH THE STANDARD PROCTOR TEST. THE TOP EIGHT (8) INCHES SHALL BE COMPACTED TO 100% STANDARD PROCTOR.
- UNDER NO CIRCUMSTANCES SHALL WATER BE ALLOWED TO RISE IN UNBACKFILLED TRENCHES AFTER PIPE HAS BEEN PLACED.
- RISER STRUCTURES WITH MULTIPLE BARREL SECTIONS SHALL HAVE GASKETTED JOINTS, AND EACH SECTION SHALL BE BOLTED TO ADJACENT SECTIONS WITH STAINLESS STEEL STRAPS.

## STORM DRAINAGE NOTES

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C102

- EROSION CONTROL BOND: IF ONE (1) ACRE OR MORE IS UNCOVERED BY LAND-DISTURBING ACTIVITIES FOR THIS PROJECT, THEN A PERFORMANCE GUARANTEE IN ACCORDANCE WITH SECTION 5-97.1 BONDS OF THE TOWN CODE OF ORDINANCES SHALL BE REQUIRED PRIOR TO FINAL AUTHORIZATION TO BEGIN LAND-DISTURBING ACTIVITIES. THIS FINANCIAL GUARANTEE IS INTENDED TO COVER THE COSTS OF RESTORATION OF FAILED OR FAILING SOIL EROSION AND SEDIMENTATION CONTROLS, AND/OR TO REMEDY DAMAGES RESULTING FROM LAND-DISTURBING ACTIVITIES, SHOULD THE RESPONSIBLE PARTY OR PARTIES FAIL TO PROVIDE PROMPT AND EFFECTIVE REMEDIES ACCEPTABLE TO THE TOWN.
- THE APPLICANT SHALL PROVIDE A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PERMIT FROM ORANGE COUNTY EROSION CONTROL DIVISION PRIOR TO RECEIVING A ZONING COMPLIANCE PERMIT. DURING THE CONSTRUCTION PHASE, ADDITIONAL EROSION AND SEDIMENT CONTROLS MAY BE REQUIRED IF THE PROPOSED MEASURES DO NOT CONTAIN THE SEDIMENT. SEDIMENT LEAVING THE PROPERTY IS A VIOLATION OF THE TOWN'S EROSION AND SEDIMENT CONTROL ORDINANCE.
- THE CONTRACTOR SHALL TAKE THE APPROPRIATE MEASURES TO PREVENT AND REMOVE THE DEPOSIT OF WET OR DRY SILT ON ADJACENT PAVED ROADWAYS.
- EROSION CONTROL INSPECTIONS: IN ADDITION TO THE REQUIREMENT DURING CONSTRUCTION FOR INSPECTION AFTER EVERY RAINFALL, THE APPLICANT SHALL INSPECT THE EROSION AND SEDIMENT CONTROL DEVICES WEEKLY, MAKE ANY NECESSARY REPAIRS OR ADJUSTMENTS TO THE DEVICES, AND MAINTAIN INSPECTION LOGS DOCUMENTING THE DAILY INSPECTIONS AND ANY NECESSARY REPAIRS.

## EROSION CONTROL NOTES

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C102

- CONTRACTOR SHALL NOTIFY "NORTH CAROLINA ONE CALL" (1-800-632-4949) AT LEAST 48 HOURS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. CONTRACTOR TO CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICE INDEPENDENT OF "NORTH CAROLINA ONE CALL".
- ALL WATER AND SEWER MAINS WITHIN PUBLIC EASEMENTS AND RIGHT-OF-WAYS TO BE OWNED, OPERATED AND MAINTAINED BY THE TOWN OF CHAPEL HILL.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF CHAPEL HILL STANDARDS AND SPECIFICATIONS.
- ALL EXISTING UNDERGROUND UTILITIES ARE APPROXIMATELY LOCATED. ACTUAL LOCATION AND DEPTH SHALL BE CONFIRMED IN THE FIELD PRIOR TO CONSTRUCTION.
- BEFORE STARTING ANY CONSTRUCTION OF IMPROVEMENTS WITHIN ANY TOWN OR N.C.D.O.T. STREET OR HIGHWAY RIGHT-OF-WAY THE FOLLOWING PROCEDURES SHOULD BE UNDERTAKEN; TOWN RIGHT-OF-WAY: CONTACT LOCAL AUTHORITIES' TRAFFIC ENGINEERING DEPT. FOR INFORMATION ON DETOURS, OPEN CUTTING OF STREETS OR FOR ANY CONSTRUCTION WITHIN RIGHT-OF-WAY. N.C.D.O.T. RIGHT-OF-WAY: CONTACT PROJECT ENGINEERS AND OBTAIN ALL PERMITS AND ENCROACHMENTS (KEEP COPIES ON CONSTRUCTION SITE, ALSO CONTACT N.C.D.O.T. DISTRICT OFFICE 24 HOURS IN ADVANCE BEFORE PLACING CURB AND GUTTER).
- ALL DIMENSIONS AND GRADES SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE OWNER IF ANY DISCREPANCIES EXIST. PRIOR TO PROCEEDING WITH CONSTRUCTION FOR NECESSARY PLAN OR GRADING CHANGES, NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR ANY WORK DONE DUE TO DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.
- POWER, TELEPHONE, AND GAS SERVICES TO BUILDINGS SHALL BE UNDERGROUND. ACCESS AND SERVICE ROUTES TO BE COORDINATED WITH THE PUBLIC UTILITIES, CONTRACTOR AND THE OWNER.
- RESURFACING OF STREET DUE TO UTILITY CUTS SHALL BE REQUIRED AT THE DIRECTION OF ENGINEERING. (MINIMUM 50' TO EITHER SIDE OF UTILITY CUTS).
- PROVIDE 10-FT OF HORIZONTAL SEPARATION BETWEEN PROPOSED NEW WATER AND SEWER MAINS

SANITARY SEWER:

- BACKFLOW PREVENTORS SHALL BE PROVIDED FOR ALL UNITS WITH FINAL FLOOR ELEVATIONS OF BUILDINGS LESS THAN 1'-0" ABOVE UPSTREAM MANHOLE.
- MINIMUM COVER OF 5 FEET IN TRAFFIC AREAS TO BE PROVIDED FOR ALL COLLECTOR LINES 4 INCHES AND LARGER. IF LESS THAN 5 FEET, DUCTILE IRON PIPE SHALL BE REQUIRED.
- MINIMUM SLOPE FOR 4 INCH SANITARY SEWER COLLECTION LINES SHALL BE NO LESS THAN 2.0% WITH CLEANOUTS EVERY 75 LINEAL FEET.
- MINIMUM SLOPE FOR 6 INCH SANITARY SEWER COLLECTION LINES SHALL BE NO LESS THAN 1.0% WITH CLEANOUTS EVERY 75 LINEAL FEET.

WATER:

- WATERLINES WILL BE 3' OFF CURB AND GUTTER UNLESS SHOWN OTHERWISE.
- LAY WATER MAINS AT LEAST 10 FEET LATERALLY FROM EXISTING OR PROPOSED SANITARY SEWERS. IF LOCAL CONDITIONS OR BARRIERS PREVENT A 10 FOOT SEPARATION, LAY THE WATER MAIN WITH AT LEAST 18" VERTICAL SEPARATION ABOVE THE TOP OF THE SANITARY SEWER PIPE EITHER IN A SEPARATE TRENCH OR IN THE SAME TRENCH ON A BENCH OF UNDISTURBED EARTH.
- WHEN A PROPOSED WATER MAIN CROSSES OVER A PROPOSED OR EXISTING SANITARY SEWER, LAY THE WATER MAIN WITH AT LEAST 18" VERTICAL SEPARATION ABOVE THE TOP OF THE SANITARY SEWER. IF LOCAL CONDITIONS PREVENT AN 18" VERTICAL SEPARATION, CONSTRUCT BOTH THE WATER MAIN AND THE SANITARY SEWER FOR A DISTANCE OF 10 FEET ON EACH SIDE TO THE POINT OF CROSSING WITH FERROUS PIPE, HAVING WATER MAIN QUALITY JOINTS.
- WHEN A PROPOSED WATER MAIN CROSSES UNDER A PROPOSED OR EXISTING SANITARY SEWER, CONSTRUCT BOTH THE WATER MAIN AND THE SANITARY SEWER OF FERROUS MATERIALS WITH JOINTS THAT ARE EQUIVALENT TO WATER MAIN STANDARDS FOR A DISTANCE OF 10 FEET ON EACH SIDE OF THE POINT OF CROSSING. CENTER THE SECTION OF WATER PIPE AT THE POINT OF CROSSING.
- MAINTAIN A MINIMUM COVER OF 36" AND MAXIMUM COVER OF 42" BELOW FINISHED GRADE OVER ALL PIPES UNLESS OTHERWISE DIRECTED OR SHOWN ON THE PLANS. DUE TO THE HEIGHTS OF VALVES, INCREASE THE COVER DEPTHS ADJACENT TO THE VALVES OR VARIED AT POINTS OF TIE-IN TO EXISTING LINES.
- ALL FDC(S) AND HYDRANT(S) SHALL BE SIAMASE CONNECTIONS AND MEET TOWN OF CHAPEL HILL AND OWASA STANDARDS.
- A FIRE SPRINKLER SYSTEM WILL BE REQUIRED FOR THE SELF-STORAGE FACILITY.
- A PERMIT FROM THE CHAPEL HILL FIRE MARSHAL'S OFFICE IS REQUIRED TO INSTALL ANY NEW UNDERGROUND OR ABOVE-GROUND TANKS THAT CONTAINED FLAMMABLE/COMBUSTIBLE LIQUIDS. 2018 NC FIRE CODE SECTION 105.6.17.

## UTILITY NOTES

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C102

LIGHTING CONDUIT

LIGHTING CONDUIT SHALL MEET THE FOLLOWING GUIDELINES.

- CONDUIT DESIGN MUST BE APPROVED BY DUKE ENERGY PRIOR TO INSTALLATION. CHANGING THE CONDUIT LAYOUT CAN CAUSE CONDUCTOR LENGTH TO EXCEED ACCEPTABLE VOLTAGE LEVEL WHICH WILL AFFECT THE LIGHTS' ABILITY TO OPERATE.
- ALL CONDUITS ARE TO BE 2" SCHEDULE 40 GRAY ELECTRICAL PVC.
- ALL JOINTS ARE TO BE GLUED.
- ALL ENDS ARE TO BE MARKED WITH SCRAP CONDUIT OR A BOARD (PAINTING THE GROUND WITH MARKING PAINT IS NOT ACCEPTABLE). IT IS STRONGLY SUGGESTED THAT THE ENDS SHOULD BE IDENTIFIED BY GPS COORDINATES.
- ALL ENDS ARE TO BE CAPPED TO PREVENT ENTRY OF DEBRIS.
- ALL CONDUITS MORE THAN 30' IN LENGTH SHALL HAVE A STRING INSTALLED.
- TO COMPLY WITH NESC; ALL CONDUIT ARE TO BE INSTALLED AT A MINIMUM DEPTH OF 30" FROM FINISH GRADE TO TOP OF CONDUIT. CONDUITS THAT CAN NOT MEET THIS CRITERIA MUST BE INCASED IN 3" MINIMUM CONCRETE ENVELOPE. (FLOWABLE FILL IS ACCEPTABLE IN PLACE OF CONCRETE).
- IF CONCRETE ENCASED CONDUIT IS REQUIRED AT ANY POINT, IT MUST BE ENCASED IN CONCRETE UNTIL PIPE IS BACK DOWN TO REQUIRED DEPTH.
- PEDESTAL AREAS WHERE MULTIPLE CONDUIT ENDS TERMINATE ARE TO HAVE THE CONDUIT ENDS WITHIN 12" OF EACH OTHER.
- DIRECT BURIED LIGHT POLE AREAS ARE TO HAVE CONDUITS TERMINATE 36" APART AND 12" BACK OF POLE LOCATION.
- CONDUITS SERVING LIGHTS ON CONCRETE REVEALS ARE TO BE CONTINUOUS FROM REVEAL TO REVEAL.

LIGHTING NOTES

- MEASURES SHALL BE PROVIDED TO PREVENT LIGHT SPILLOVER ONTO ADJACENT PROPERTIES AND GLARE TOWARD MOTOR VEHICLE OPERATORS. EXTERIOR LIGHTS SHALL BE SHIELDED SO THEY DO NOT CAST DIRECT LIGHT BEYOND THE PROPERTY LINE.
- PROVIDE 2" PVC CONDUIT UNDER PAVEMENT, UNDER HEAVILY LANDSCAPED AREAS AS NECESSARY, AND AS DETERMINED BY DUKE ENERGY TO PROVIDE ACCESS TO ALL LIGHT FIXTURES. COORDINATE WITH DUKE ENERGY TO FINALIZE CONDUIT LOCATIONS AND LENGTHS.

SPECIAL COORDINATION NOTES:

- CONTRACTOR IS TO COORDINATE LIGHT POLE AND CONDUIT LOCATIONS WITH DUKE ENERGY PRIOR TO INSTALLATION OF WALLS AND PAVING.
- ABOVE GROUND PEDESTALS AND LIGHT POLES WILL BE PROVIDED AND INSTALLED BY DUKE ENERGY.
- CONTRACTOR IS TO REFER TO DUKE ENERGY SPECIFICATIONS FOR CONDUIT INSTALLATION.
- CONDUIT IS TO BE FURNISHED AND INSTALLED BY CONTRACTOR.

## LIGHTING NOTES

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C102

- LANDSCAPING MUST BE IN PLACE PRIOR TO REQUEST FOR A CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLIANCE.
- CONTRACTOR SHALL FIELD 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, WALKS, BUILDINGS, ETC. AT RIGHT ANGLES UNLESS SHOWN OTHERWISE.
- CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE THEMSELV WITH ACTUAL CONDITIONS AND VERIFY EXISTING CONDITIONS IN THE FIELD. CONTRACTOR SHALL REPORT ALL DISCREPANCIES AT LANDSCAPE ARCHITECT.
- CONTRACTOR SHALL ACCEPT ACTUAL CONDITIONS AT SITE AND PERFORM THE WORK SPECIFIED INCLUDING FINE 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 SHALL BE TILLED INTO THE TOP 5" OF GROUND PRIOR TO SEEDING.
- 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 BE RESPONSIBLE FOR THE PROTECTION OF THESE UTILITIES DURING INSTALLATION, 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 SHREDDED 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 COMPARED TO THE PLANT LIST, 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 7' ABOVE FINISHED GRADE.
- ANY INVASIVE, EXOTIC PLANT MATERIAL WILL BE REMOVED. A SURVEY OF EXISTING THE LANDSCAPE BUFFERS TO REMAIN WILL BE CONDUCTED FOLLOWING INITIAL CLEARING, AND ANY INVASIVE OR EXOTIC SPECIES FOUND WILL BE REMOVED.
- THE AREA WITHIN THE SIGHT TRIANGLE AREA SHALL BE THINNED OF ALL SHRUBS, UNDERSTORY TREES UNDER 1" IN CALIPER, VINES, AND DEAD PLANT MATERIAL. EXISTING TREES LARGER THAN 1" SHALL BE LIMBED UP TO 7' ABOVE EXISTING GRADE TO IMPROVE VISIBILITY.

## LANDSCAPE NOTES

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C102

- NCFFC Section 510. 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.
- FIRE WATCH: During construction and demolition where hot work, materials subject to spontaneous combustion, or other hazardous construction or demolition is occurring, the owner or their designee shall be responsible for maintaining a fire watch. The fire watch shall consist of at least one person with a means of communicating an alarm to 911, shall have a written address posted in a conspicuous location, and shall maintain constant patrols. 2018 NCFE Section 3304.5
- CONSTRUCTION/DEMOLITION: All construction and demolition conducted shall be in compliance of the current edition of the NC Fire Code, 2018 NCFE Chapter 33
- FIRE DEPARTMENT CONNECTIONS, INSTALLATION: A working space of not less than 36" in width and depth and a working space of 78" 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 by an approved barrier from impacts. 2018 NCFE Section 912
- FIRE PROTECTION AND UTILITY PLAN: Shall include the fire flow report; for a hydrant within 500' of each building, provide the calculated gallons per minute of with a residual pressure of 20 pounds per square inch. The calculations should be sealed by a professional engineer licensed in the State of NC and accompanied by a water supply flow test conducted within one year of the submittal. Reference Town Design Manual for required gallons per minute.
- AUTOMATIC FIRE SPRINKLER SYSTEM REQUIRED: An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 is required to be installed in non-residential construction, as follows.
  - In new non-residential structures if:
    - The building has more than 6,000 square feet of floor area;
    - Twenty (20) per cent or more of the total floor area is more than two hundred (200) feet of travel distance from the nearest access point for a fire truck; or
    - The building exceeds two (2) stories or twenty-four (24) feet in height from the average grade of the lot to the windows on the topmost occupied floor.

In addition, all connections shall be located on the street side of each building, and activation of the sprinkler system shall activate both a local building alarm and a supervisory alarm at a twenty-four (24) hour certified and licensed alarm monitoring service. Town Ordinance 7-56

- WATER SUPPLY FOR FIRE PROTECTION: When required. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. 2018 NCFE 3312
- KEY BOXES; 506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. 2018 NCFE 506.1
- ADDRESS IDENTIFICATION; 505.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road front the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches (153 mm) high with a minimum stroke width of 3/4 inch (20 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address identification shall be maintained. 2018 NCFE 505.1
- AERIAL FIRE APPARATUS ACCESS ROADS; D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official. 2018 NCFE Appendix D105
- FIRE LANES; Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. 2018 NCFE Section 503.3 and Appendix D D 103.6, D 103.6.1, D 103.6.2
- FIRE APPARATUS ACCESS ROADS AUTHORITY; 503.2. Authority. The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction. 2018 NCFE Section 503
- FIRE APPARATUS ACCESS ROADS;
  - 503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3
- TRAFFIC CALMING DEVICES. Traffic calming devices shall be prohibited unless approved by the fire code official. 2018 NCFE 503.4.1
- OBSTRUCTION OF FIRE APPARATUS ACCESS ROADS. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times. 2018 NCFE 503.4
- FIRE DEPARTMENT ACCESS/CONSTRUCTION: During construction, vehicle access for firefighting shall be provided. Temporary street signs shall be installed at each street intersection when construction allows the passage of vehicles. Signs shall be of an approved size, weather resistant, and maintained until replaced by permanent signs. 2018 NCFE Section 505.2
- FIRE DEPARTMENT ACCESS/CONSTRUCTION: Fencing around projects shall include access gates with a 20 foot swing or slide motion. Any access which will be inaccessible for firefighting or rescue operations shall be noted. Emergency access designation for apparatus shall be provided. 2018 NCFE Section 503, Appendix D.
- FIRE DEPARTMENT ACCESS: All turns, radii, bridges, and depressions within roadways shall be designed and constructed to be accessible by the largest fire apparatus operated by the Town of Chapel Hill. Technical information on this equipment is available from the Towns Fire Marshal. 2018 NCFE Section 503, Appendix D.

## FIRE NOTES

\* FIRE NOTES ABOVE WILL BE ADDRESSED DURING ZCP AND/OR BUILDING PERMIT PLANS.

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C102



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NC BOARD OF EXAMINERS FOR  
ENGINEERS AND SURVEYORS  
LIC # C-1289  
NC BOARD OF LANDSCAPE  
ARCHITECTS LIC # C-104

Project:

1200 MLK

1200 & 1204  
Martin Luther King Jr.  
Boulevard

Orange County,  
North Carolina

PIN:  
9789297279  
9789392409



PRELIMINARY-DO NOT  
USE FOR CONSTRUCTION

Job Number: 1858

Drawn	JSA, MTC
Checked	JSA
Date	5-31-2019 SUP
Revisions	8-06-2019 SUP Rev. 1
	4-17-2020 SUP Rev. 2
	6-18-2020 SUP Rev. 3
	8-19-2020 CZ

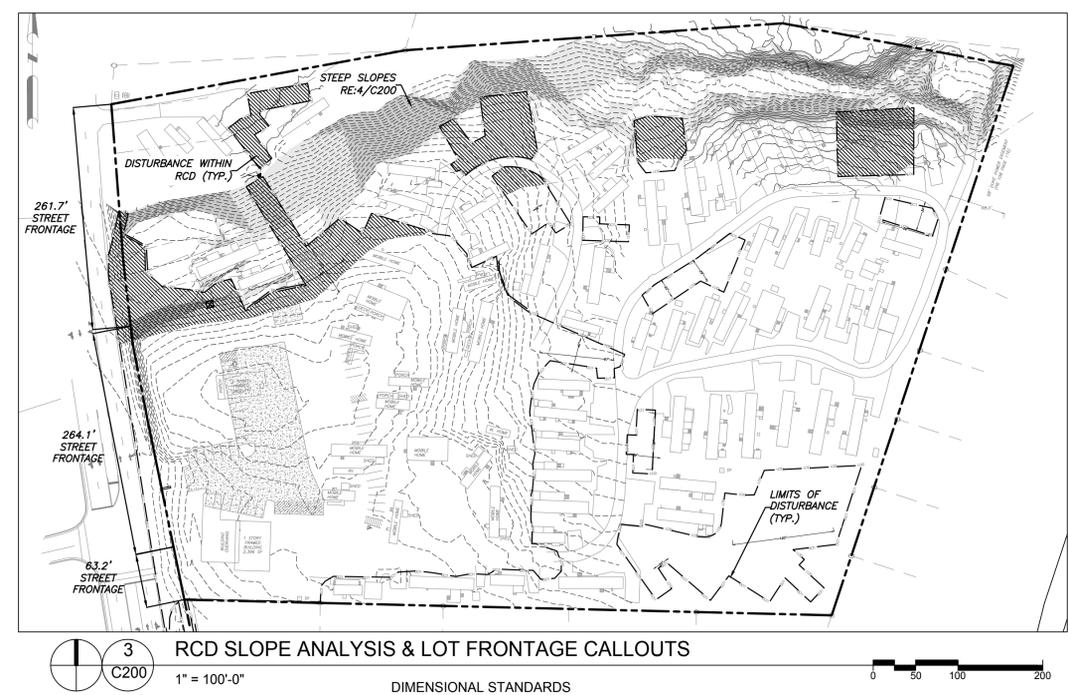
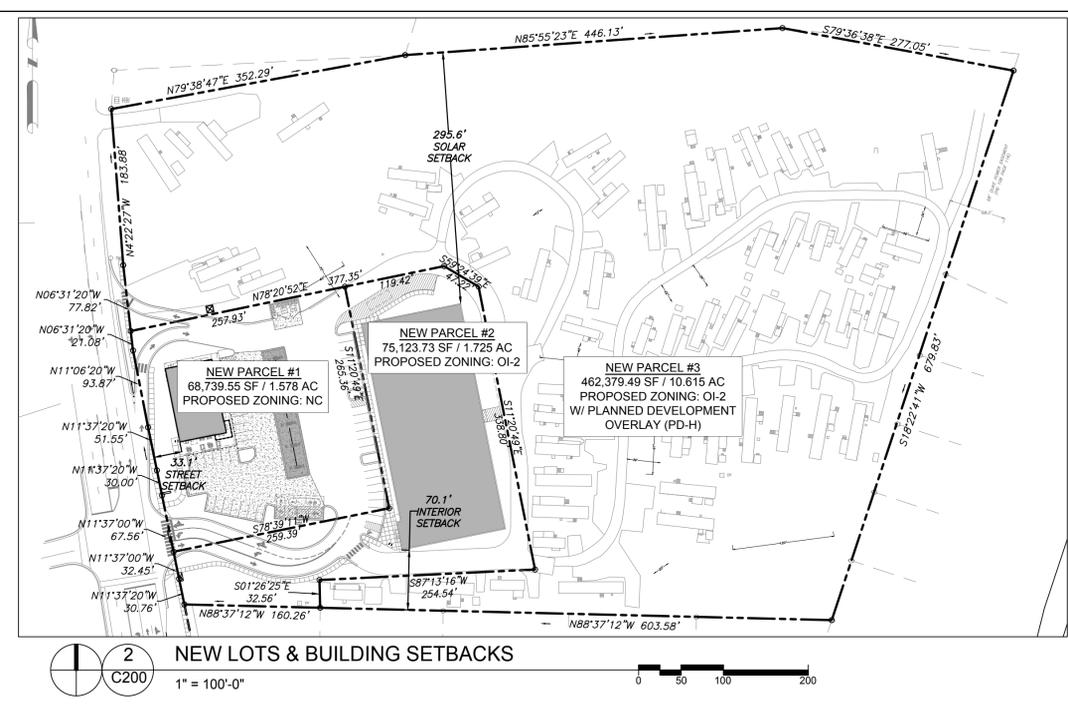
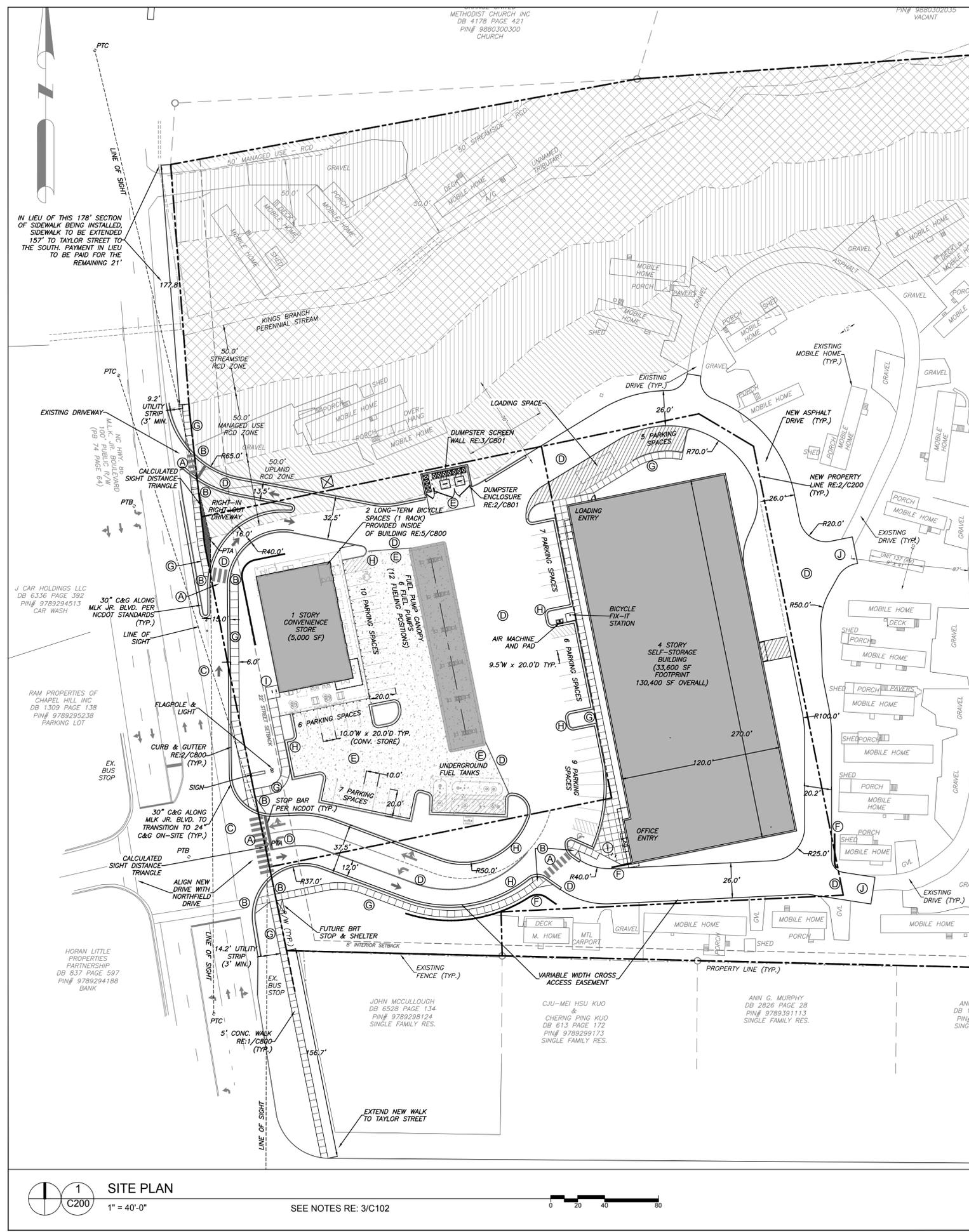
Conditional zoning

Sheet Title:

NOTES

Sheet Number

C102



- SITE PLAN KEY**
- (A) CROSSWALK RE: 10/C800
  - (B) ADA RAMP WITH DETECTABLE WARNING DOMES PER TOWN OF CHAPEL HILL STANDARD DETAIL ST-5.1 RE: 8/C801
  - (C) VALLEY GUTTER RE: 9/C800
  - (D) HEAVY DUTY ASPHALT PAVEMENT RE: 3/C800
  - (E) HEAVY DUTY CONCRETE PAVEMENT RE: 4/C800
  - (F) KEYSTONE RETAINING WALL
  - (G) CONCRETE SIDEWALK RE: 1/C800
  - (H) CURB & GUTTER RE: 2/C800
  - (I) BICYCLE RACK RE: 7/C801
  - (J) FIRE TRUCK TURNAROUND

**4 SLOPE SUMMARY**  
C200

**Coulter Jewell Thames PA**

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NC BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS LIC # C-1289  
NC BOARD OF LANDSCAPE ARCHITECTS LIC # C-104

**Project:**

**1200 MLK**

1200 & 1204  
Martin Luther King Jr. Boulevard  
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**PRELIMINARY-DO NOT USE FOR CONSTRUCTION**

Job Number: 1858

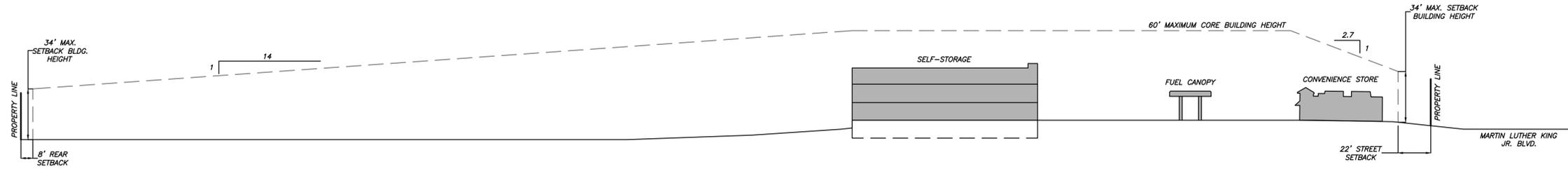
Drawn	JSA, MTC
Checked	JSA
Date	5-31-2019 SUP
Revisions	8-06-2019 SUP Rev. 1 4-17-2020 SUP Rev. 2 6-18-2020 SUP Rev. 3 8-19-2020 CZ 12-03-2020 PLAYGROUND

Conditional zoning

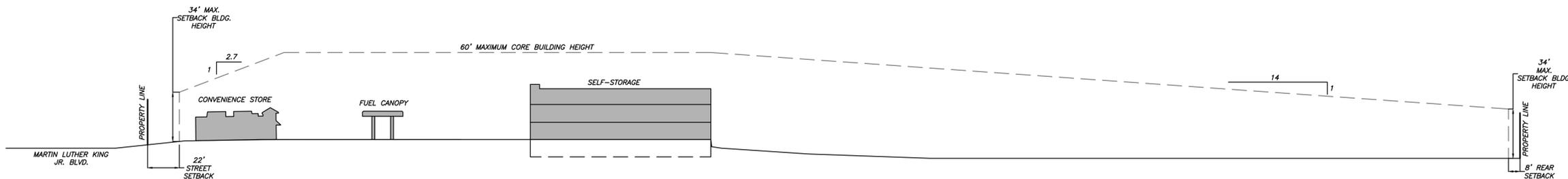
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**SITE PLAN**

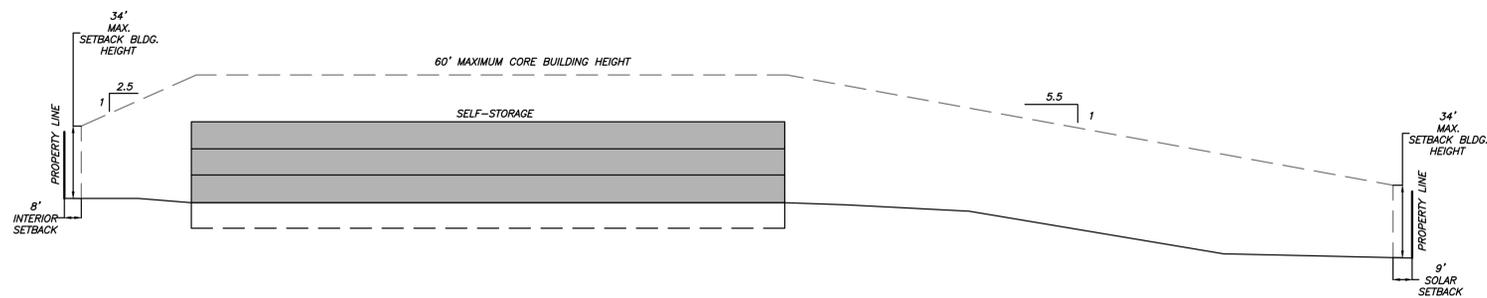
Sheet Number  
**C200**



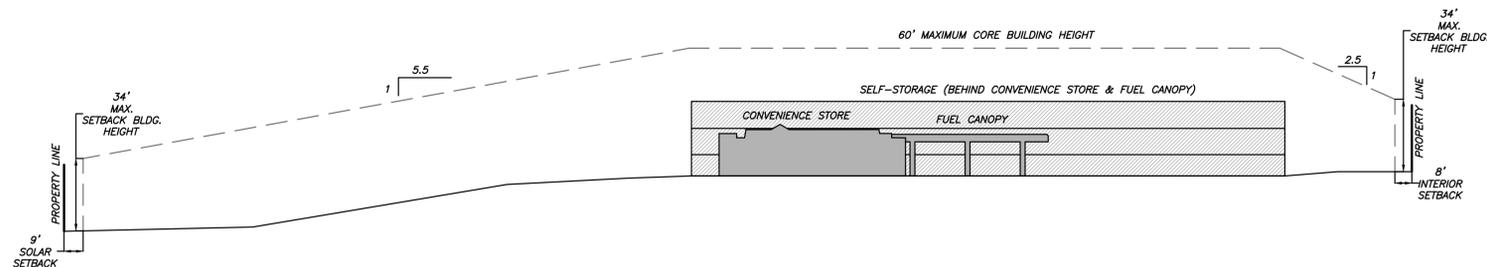
1 NORTH ELEVATION  
C201 1" = 40'-0"



2 SOUTH ELEVATION  
C201 1" = 40'-0"



3 EAST ELEVATION  
C201 1" = 40'-0"



4 WEST ELEVATION  
C201 1" = 40'-0"



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	4-17-2020 SUP Rev. 2
	6-18-2020 SUP Rev. 3
	8-19-2020 CZ

Conditional zoning

Sheet Title:

EXTERIOR  
ELEVATION  
MASSING

Sheet Number

C201



Coulter Jewell Thames PA

111 West Main Street Durham, N.C. 27701 p 919.682.0368 f 919.688.5646 www.cjtpa.com

NC BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS LIC # C-1289 NC BOARD OF LANDSCAPE ARCHITECTS LIC # C-104

Project:

1200 MLK

1200 & 1204 Martin Luther King Jr. Boulevard Orange County, North Carolina

PIN: 9789297279 9789392409

PRELIMINARY-DO NOT USE FOR CONSTRUCTION

Job Number: 1858

Drawn	JSA, MTC
Checked	JSA
Date	5-31-2019 SUP
Revisions	8-06-2019 SUP Rev. 1
	4-17-2020 SUP Rev. 2
	6-18-2020 SUP Rev. 3
	8-19-2020 CZ
	12-03-2020 PLAYGROUND
	02-17-2021 RELOCATION

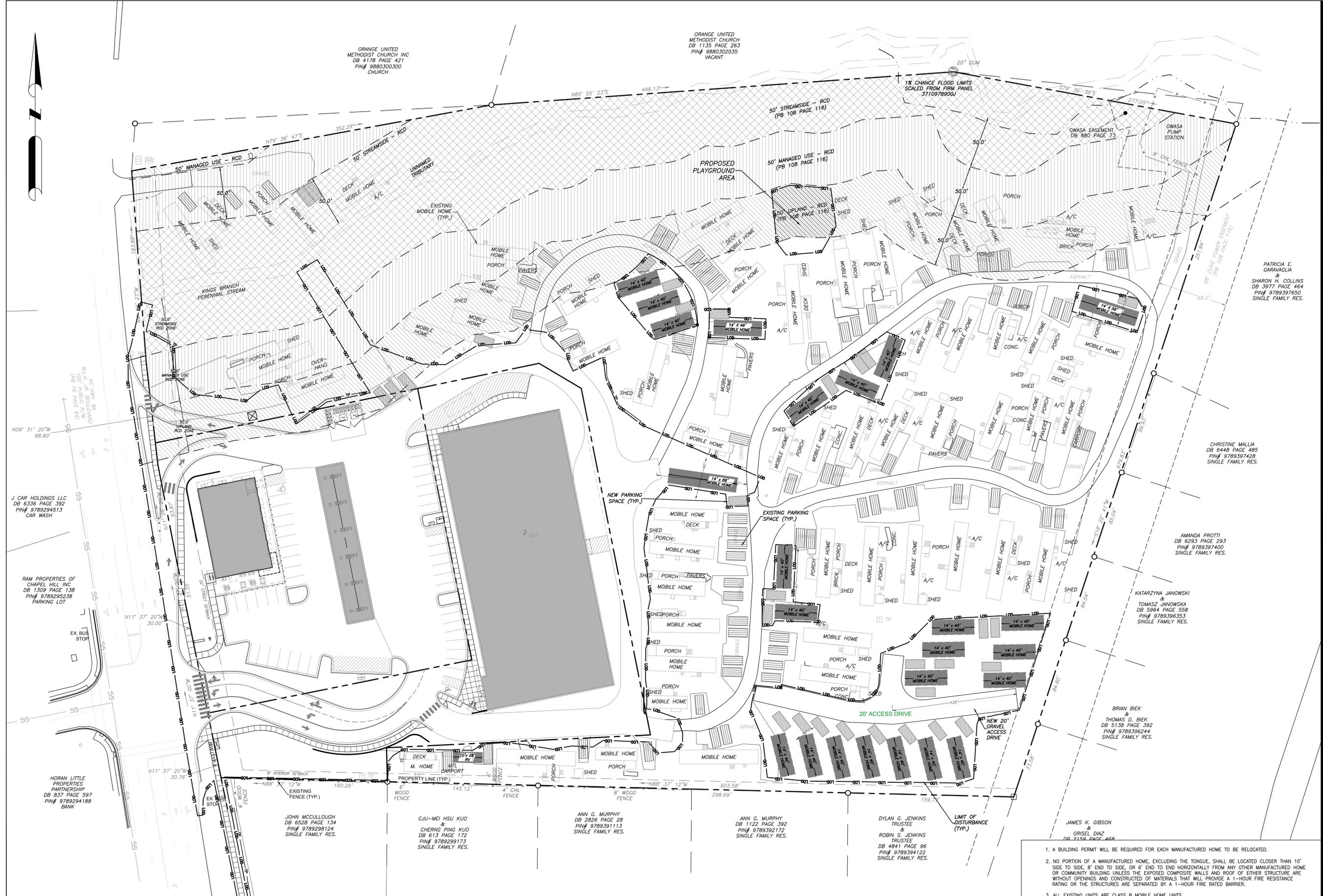
Conditional zoning

Sheet Title:

ALTERNATE UNIT RELOCATION EXHIBIT

Sheet Number

C202 -A



ORANGE UNITED METHODIST CHURCH INC DB 4178 PAGE 421 PIN# 9880300300 CHURCH

ORANGE UNITED METHODIST CHURCH DB 1135 PAGE 263 PIN# 9880302035 VACANT

PATRICIA E. GARAVAGLIA & SHARON H. COLLINS DB 3977 PAGE 464 PIN# 9789397650 SINGLE FAMILY RES.

CHRISTINE MALLIA DB 6448 PAGE 485 PIN# 9789397428 SINGLE FAMILY RES.

AMANDA PROTTI DB 6293 PAGE 293 PIN# 9789397400 SINGLE FAMILY RES.

KATARZYNA JANOWSKI & TOMASZ JANOWSKA DB 5964 PAGE 558 PIN# 9789396353 SINGLE FAMILY RES.

BRIAN BIEK & THOMAS D. BIEK DB 5138 PAGE 392 PIN# 9789396244 SINGLE FAMILY RES.

JAMES K. GIBSON & GRISEL DIAZ DB 2159 PAGE 488

ANN G. MURPHY DB 2826 PAGE 28 PIN# 9789391113 SINGLE FAMILY RES.

ANN G. MURPHY DB 1122 PAGE 392 PIN# 9789392172 SINGLE FAMILY RES.

DYLAN G. JENKINS TRUSTEE & ROBIN S. JENKINS DB 4841 PAGE 96 PIN# 9789394122 SINGLE FAMILY RES.

CHU-MEI HSU KUO & CHERNO-PING KUO DB 613 PAGE 172 PIN# 9789299173 SINGLE FAMILY RES.

JOHN MCCULLOUGH DB 6528 PAGE 134 PIN# 9789298124 SINGLE FAMILY RES.

J CAR HOLDINGS LLC DB 6336 PAGE 392 PIN# 9789294513 CAR WASH

RAM PROPERTIES OF CHAPEL HILL INC DB 1309 PAGE 138 PIN# 9789295238 PARKING LOT

HORAN LITTLE PROPERTIES PARTNERSHIP DB 837 PAGE 597 PIN# 9789294188 BANK

1 ALTERNATE UNIT RELOCATION EXHIBIT 1" = 40'-0"



2 UNIT RELOCATION NOTES

1. A BUILDING PERMIT WILL BE REQUIRED FOR EACH MANUFACTURED HOME TO BE RELOCATED.
2. NO PORTION OF A MANUFACTURED HOME, EXCLUDING THE TONGUE, SHALL BE LOCATED CLOSER THAN 10' SIDE TO SIDE, 8' END TO SIDE, OR 6' END TO END HORIZONTALLY FROM ANY OTHER MANUFACTURED HOME OR COMMUNITY BUILDING UNLESS THE EXPOSED COMPOSITE WALLS AND ROOF OF EITHER STRUCTURE ARE WITHOUT OPENINGS AND CONSTRUCTED OF MATERIALS THAT WILL PROVIDE A 1-HOUR FIRE RESISTANCE RATING OR THE STRUCTURES ARE SEPARATED BY A 1-HOUR FIRE RATED BARRIER.
3. ALL EXISTING UNITS ARE CLASS B MOBILE HOME UNITS.



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NC BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS LIC # C-1289 NC BOARD OF LANDSCAPE ARCHITECTS LIC # C-104

Project:

1200 MLK

1200 & 1204 Martin Luther King Jr. Boulevard

Orange County, North Carolina

PIN: 9789297279 9789392409



PRELIMINARY-DO NOT USE FOR CONSTRUCTION

Job Number: 1858

Table with columns: Drawn, Checked, Date, Revisions. Includes names like JSA, MTC, JGJ and dates like 5-31-2019.

Conditional zoning

Sheet Title:

GRADING & STORM DRAINAGE PLAN

Sheet Number

C300



RCD DISTURBANCE BY ZONE:  
STREAMSIDE RCD ZONE: 4,960 SF  
MANAGED USE RCD ZONE: 11,036 SF  
UPLAND RCD ZONE: 24,261 SF  
JORDAN STREAM BUFFER DISTURBANCE: 4,960 SF

2 DISTURBANCE  
C300

LEGEND

- List of symbols and their corresponding utility types: Water Valve, Curb Inlet/Catch Basin, Mail Box, Traffic Signal Box, Electric Transformer, Electric Junction Box, Gas Meter, Sanitary Sewer Manhole, Storm Sewer Manhole, Telephone Manhole, Electric Manhole, Sign, Telephone Pedestal, Fire Hydrant, Post Indicator Valve, Water Manhole, Water Meter, Hot Box, Utility Pole, Light Pole, Sewer Cleanout, Flored End Section, Gas Valve, Existing Iron Pipe (3/4" unless noted), 1/2" Iron Pipe Set, Existing PK Nail, PK Nail Set, Computed Point, Concrete Monument, Tree Line, Fence, Underground Electric, Underground Telephone, Gas Line, Water Line, Overhead Utilities, Storm Sewer, Sanitary Sewer, Guard Rail.

1 C300

GRADING & STORM DRAINAGE PLAN

1" = 40'-0"

SEE NOTES RE: 4/C102, 5/C102, 6/C102



ORANGE UNITED METHODIST CHURCH INC DB 4178 PAGE 421 PIN# 9880300300 CHURCH

ORANGE UNITED METHODIST CHURCH DB 1135 PAGE 263 PIN# 9880302035 VACANT

PATRICIA E. GARAVAGLIA SHARON H. COLLINS DB 3977 PAGE 464 PIN# 9789397650 SINGLE FAMILY RES.

J CAR HOLDINGS LLC DB 6336 PAGE 392 PIN# 9789294513 CAR WASH

RAM PROPERTIES OF CHAPEL HILL INC DB 1309 PAGE 138 PIN# 9789295238 PARKING LOT

HORAN LITTLE PROPERTIES PARTNERSHIP DB 837 PAGE 597 PIN# 9789294188 BANK

JOHN MCCULLOUGH DB 6528 PAGE 134 PIN# 9789298124 SINGLE FAMILY RES.

CIU-MEI HSU KUO & CHERNG PING KUO DB 613 PAGE 172 PIN# 9789299173 SINGLE FAMILY RES.

ANN G. MURPHY DB 2826 PAGE 28 PIN# 9789391113 SINGLE FAMILY RES.

ANN G. MURPHY DB 1122 PAGE 392 PIN# 9789392172 SINGLE FAMILY RES.

DYLAN G. JENKINS TRUSTEE & ROBIN S. JENKINS TRUSTEE DB 4841 PAGE 96 PIN# 9789394122 SINGLE FAMILY RES.

JAMES K. GIBSON & GRISEL DIAZ DB 2159 PAGE 468 PIN# 9789395164 SINGLE FAMILY RES.

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1200 MLK

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PRELIMINARY-DO NOT USE FOR CONSTRUCTION

Job Number: 1858

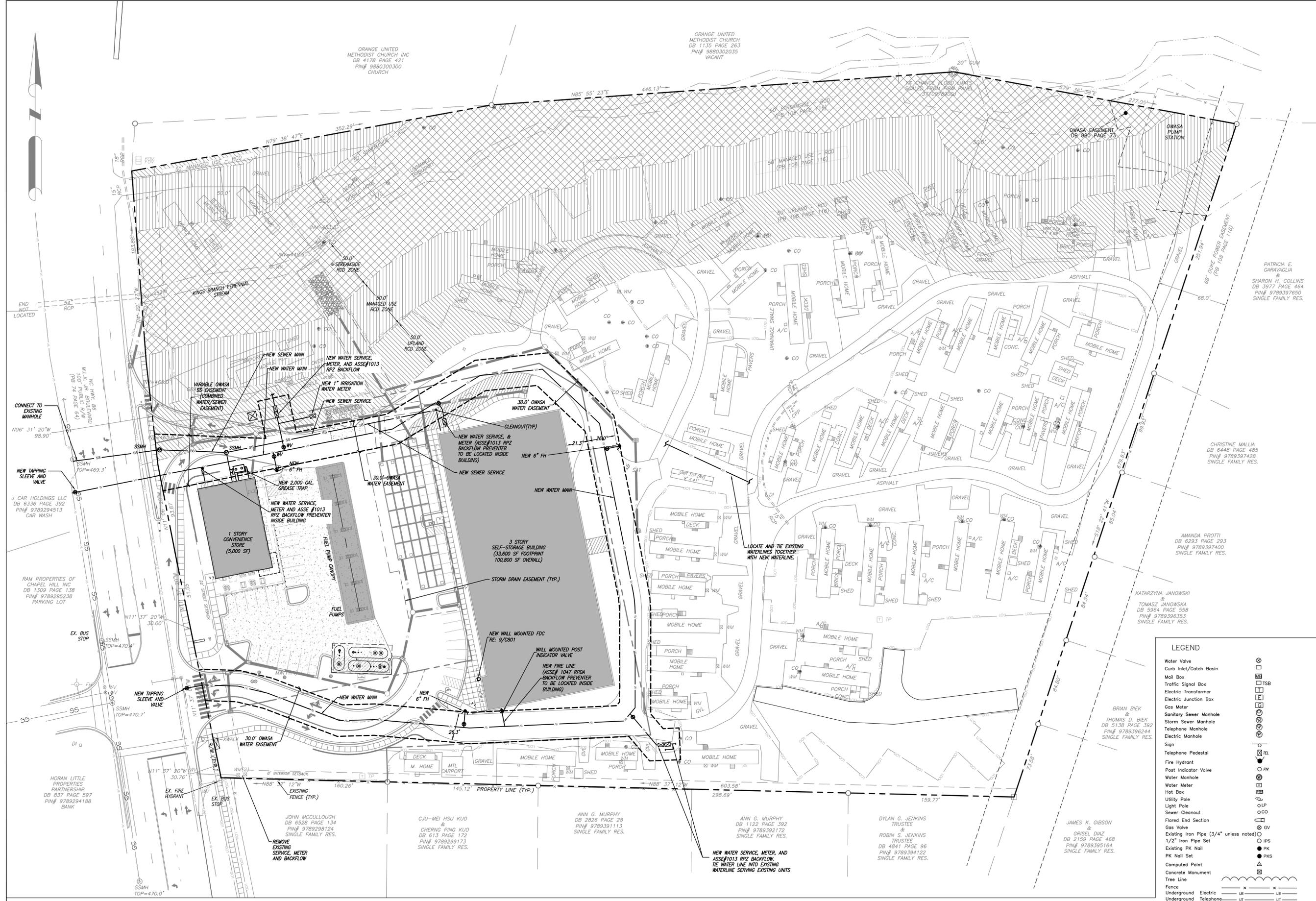
Drawn JSA, MTC, JGJ Checked JSA, PBR Date 5-31-2019 SUP Revisions 8-06-2019 SUP Rev. 1 4-17-2020 SUP Rev. 2 6-18-2020 SUP Rev. 3 8-19-2020 CZ

Conditional zoning

Sheet Title:

UTILITY PLAN

Sheet Number: C500



**LEGEND**

Water Valve	
Curb Inlet/Catch Basin	
Mail Box	
Traffic Signal Box	
Electric Transformer	
Electric Junction Box	
Gas Meter	
Sanitary Sewer Manhole	
Storm Sewer Manhole	
Telephone Manhole	
Electric Manhole	
Sign	
Telephone Pedestal	
Fire Hydrant	
Post Indicator Valve	
Water Manhole	
Water Meter	
Hot Box	
Utility Pole	
Light Pole	
Sewer Cleanout	
Flored End Section	
Gas Valve	
Existing Iron Pipe (3/4" unless noted)	
1/2" Iron Pipe Set	
Existing PK Nail	
PK Nail Set	
Computed Point	
Concrete Monument	
Tree Line	
Fence	
Underground Electric	
Underground Telephone	
Gas Line	
Water Line	
Overhead Utilities	
Storm Sewer	
Sanitary Sewer	
Guard Rail	

1 C500 UTILITY PLAN 1" = 40'-0"

SEE NOTES RE: 7/C102



ORANGE UNITED METHODIST CHURCH INC DB 4178 PAGE 421 PIN# 9880300300 CHURCH

ORANGE UNITED METHODIST CHURCH DB 1135 PAGE 263 PIN# 9880302035 VACANT

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RAM PROPERTIES OF CHAPEL HILL INC DB 1309 PAGE 138 PIN# 9789295238 PARKING LOT

J CAR HOLDINGS LLC DB 6336 PAGE 392 PIN# 9789294513 CAR WASH

CONNECT TO EXISTING MANHOLE NO6' 31" 20"W 98.90'

END NOT LOCATED

15" RCP

18" RCP







PRODUCT	QTY	LABEL	DESCRIPTION
<b>CANOPY</b>			

	24	A	CAN-228-PS-RM-06-E-UL-XX-525
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**228 Series™**  
LED Recessed Canopy Luminaire

**Product Description**  
Slim, low profile, easy-mounting from below or above the deck. Luminaire sides are rugged cast aluminum with high performance extruded aluminum heat sinks specifically designed for LED luminaires mounted directly to the canopy deck and secured in place with compression rods from front. Luminaire housing is provided with factory applied foam gasket and provides for a weathertight seal between luminaire housing and canopy deck. Suitable for use in single or double sided canopies with 1/2" (12.7mm) or 1" (25.4mm) wide panels. Designed for 16-gauge (Inchmark B.66) aluminum.

**Applications:** Perimeter stations, concession stands, drive-thru car washes and restaurants, retail and storefront.

**Performance Summary**

- Patented NanoDigi™ Product Technology
- Assembled in the U.S.A. of U.S. and imported parts
- CEC Minimum 70 CRI
- CEC 4000K L4- 3000K 5700K L4- 5000K standard
- Limited Warranty: 10 years on luminaires/5 years on Colorfast DeluGuard™ finish

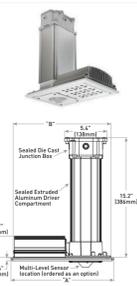
**Accessories**

**Upgrade Panel Kit - Plastic**

Part Number	Description
64-CT228P-16-01	16" x 16" Clear Polycarbonate Panel
64-CT228P-16-02	16" x 16" Clear Polycarbonate Panel with Gasket
64-CT228P-16-03	16" x 16" Clear Polycarbonate Panel with Gasket and Sealant
64-CT228P-16-04	16" x 16" Clear Polycarbonate Panel with Gasket and Sealant (with 1/2" Panel)
64-CT228P-16-05	16" x 16" Clear Polycarbonate Panel with Gasket and Sealant (with 1" Panel)

**LED Color Chart**

LED Color	Drive Current	Dim. "A"	Dim. "B"	Weight
03	5.0/5.0mA	1.8"	1.8"	18.7g
04	5.0/5.0mA	1.8"	2.1"	21.0g
05	5.0/5.0mA	1.8"	2.4"	24.0g
06	5.0/5.0mA	2.1"	2.4"	27.0g



**Ordering Information**

Part Number: CAN-228-PS-RM-06-E-UL-XX-525

Product	Qty	Label	Description
CAN-228-PS-RM-06-E-UL-XX-525	24	A	CAN-228-PS-RM-06-E-UL-XX-525

UL LISTED, DLC, CREE LIGHTING

U.S. Lighting.com | 1 800 236-4800 | 1 262 564-5415

Canada: www.creelighting.com | 1 800 473-1234 | 1 800 616-7507

PRODUCT	QTY	LABEL	DESCRIPTION
<b>FLOOD / AREA</b>			

	1	B	OSQ-AAXX W/PGM-1 + OSQ-A-NM-15D-B-57K-UL-XX
	8	F	OSQ-DAXX + OSQ-A-NM-4ME-B-57K-UL-XX
	2	G	OSQ-DAXX + OSQ-A-NM-4ME-B-57K-UL-XX
	6	H	OSQ-DAXX + OSQ-A-NM-4ME-B-57K-UL-XX W_OSQ-BLSMF

**OSQ Series**  
LED Area/Flood Luminaire - Medium

**Product Description**  
The OSQ™ Area/Flood Luminaire blends extreme optical control, advanced thermal management and modern, clean aesthetics. Built to last, the housing is rugged cast aluminum with an integral, weathertight LED driver compartment. Versatile mounting configurations offer superior installation. Its slim, low-profile design minimizes wind load requirements and blends seamlessly into the site regardless of quality illumination. The "B" hood power design is a suitable upgrade for HID applications on 250 Watt, and the "K" hood power design is a suitable upgrade for HID applications on 400 Watt.

**Applications:** For site work, walkways, canopies, car dealerships, office complexes, tunnels, airports, and interior roadway.

**Performance Summary**

- Assembled in the U.S.A. of U.S. and imported parts
- Initial Delivered Lumens: Up to 17,250\*
- Efficiency: Up to 138 LPW
- CEC Minimum 70 CRI (2000K, 4000K & 5700K), 10 CRI (1000K)
- CEC 2000K, 4000K, 5000K, 5700K
- Limited Warranty: 10 years on luminaires/5 years on Colorfast DeluGuard™ finish/5 years on Sprague wireless control (accessory) year on luminaire accessories

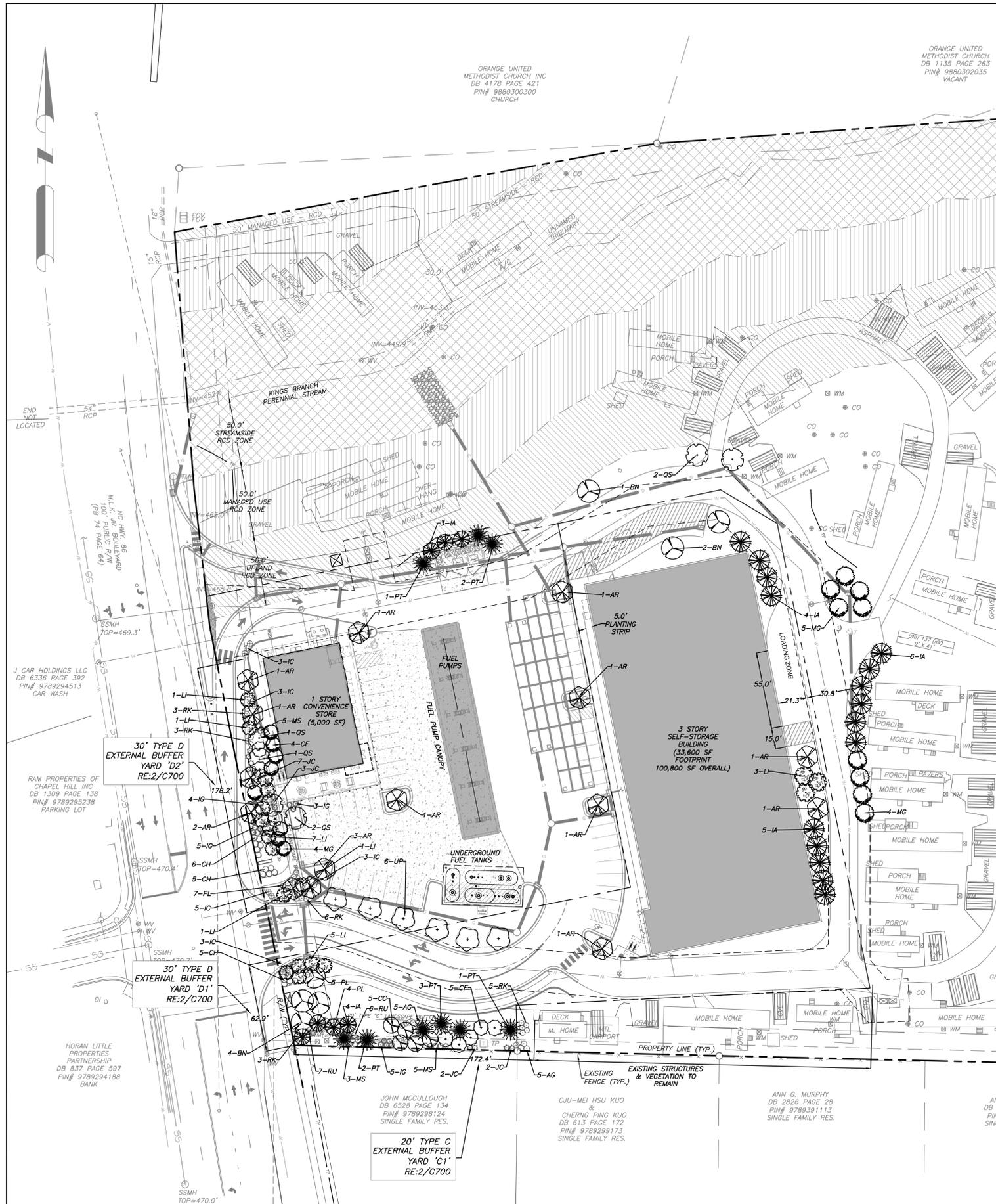
**Ordering Information**

Part Number: OSQ-A-NM-15D-B-57K-UL-XX

Product	Qty	Label	Description
OSQ-A-NM-15D-B-57K-UL-XX	1	B	OSQ-A-NM-15D-B-57K-UL-XX

**Luminaire Mounts to be ordered separately**

Mount	Part Number	Color Options
DA Mount	DA-MOUNT	01 Silver, 02 Black, 03 White, 04 Bronze, 05 Grey, 06 Red, 07 Blue, 08 Green, 09 Yellow, 10 Purple, 11 Orange, 12 Pink, 13 Brown, 14 Tan, 15 Grey, 16 White, 17 Black, 18 Silver, 19 Gold, 20 Copper, 21 Bronze, 22 Pewter, 23 Nickel, 24 Chrome, 25 Titanium, 26 Stainless Steel, 27 Anodized Aluminum, 28 Polished Aluminum, 29 Brushed Aluminum, 30 Matte Black, 31 Gloss Black, 32 Gloss White, 33 Gloss Silver, 34 Gloss Gold, 35 Gloss Bronze, 36 Gloss Blue, 37 Gloss Green, 38 Gloss Yellow, 39 Gloss Purple, 40 Gloss Orange, 41 Gloss Pink, 42 Gloss Brown, 43 Gloss Tan, 44 Gloss Grey, 45 Gloss White, 46 Gloss Black, 47 Gloss Silver, 48 Gloss Gold, 49 Gloss Bronze, 50 Gloss Blue, 51 Gloss Green, 52 Gloss Yellow, 53 Gloss Purple, 54 Gloss Orange, 55 Gloss Pink, 56 Gloss Brown, 57 Gloss Tan, 58 Gloss Grey, 59 Gloss White, 60 Gloss Black, 61 Gloss Silver, 62 Gloss Gold, 63 Gloss Bronze, 64 Gloss Blue, 65 Gloss Green, 66 Gloss Yellow, 67 Gloss Purple, 68 Gloss Orange, 69 Gloss Pink, 70 Gloss Brown, 71 Gloss Tan, 72 Gloss Grey, 73 Gloss White, 74 Gloss Black, 75 Gloss Silver, 76 Gloss Gold, 77 Gloss Bronze, 78 Gloss Blue, 79 Gloss Green, 80 Gloss Yellow, 81 Gloss Purple, 82 Gloss Orange, 83 Gloss Pink, 84 Gloss Brown, 85 Gloss Tan, 86 Gloss Grey, 87 Gloss White, 88 Gloss Black, 89 Gloss Silver, 90 Gloss Gold, 91 Gloss Bronze, 92 Gloss Blue, 93 Gloss Green, 94 Gloss Yellow, 95 Gloss Purple, 96 Gloss Orange, 97 Gloss Pink, 98 Gloss Brown, 99 Gloss Tan, 100 Gloss Grey, 101 Gloss White, 102 Gloss Black, 103 Gloss Silver, 104 Gloss Gold, 105 Gloss Bronze, 106 Gloss Blue, 107 Gloss Green, 108 Gloss Yellow, 109 Gloss Purple, 110 Gloss Orange, 111 Gloss Pink, 112 Gloss Brown, 113 Gloss Tan, 114 Gloss Grey, 115 Gloss White, 116 Gloss Black, 117 Gloss Silver, 118 Gloss Gold, 119 Gloss Bronze, 120 Gloss Blue, 121 Gloss Green, 122 Gloss Yellow, 123 Gloss Purple, 124 Gloss Orange, 125 Gloss Pink, 126 Gloss Brown, 127 Gloss Tan, 128 Gloss Grey, 129 Gloss White, 130 Gloss Black, 131 Gloss Silver, 132 Gloss Gold, 133 Gloss Bronze, 134 Gloss Blue, 135 Gloss Green, 136 Gloss Yellow, 137 Gloss Purple, 138 Gloss Orange, 139 Gloss Pink, 140 Gloss Brown, 141 Gloss Tan, 142 Gloss Grey, 143 Gloss White, 144 Gloss Black, 145 Gloss Silver, 146 Gloss Gold, 147 Gloss Bronze, 148 Gloss Blue, 149 Gloss Green, 150 Gloss Yellow, 151 Gloss Purple, 152 Gloss Orange, 153 Gloss Pink, 154 Gloss Brown, 155 Gloss Tan, 156 Gloss Grey, 157 Gloss White, 158 Gloss Black, 159 Gloss Silver, 160 Gloss Gold, 161 Gloss Bronze, 162 Gloss Blue, 163 Gloss Green, 164 Gloss Yellow, 165 Gloss Purple, 166 Gloss Orange, 167 Gloss Pink, 168 Gloss Brown, 169 Gloss Tan, 170 Gloss Grey, 171 Gloss White, 172 Gloss Black, 173 Gloss Silver, 174 Gloss Gold, 175 Gloss Bronze, 176 Gloss Blue, 177 Gloss Green, 178 Gloss Yellow, 179 Gloss Purple, 180 Gloss Orange, 181 Gloss Pink, 182 Gloss Brown, 183 Gloss Tan, 184 Gloss Grey, 185 Gloss White, 186 Gloss Black, 187 Gloss Silver, 188 Gloss Gold, 189 Gloss Bronze, 190 Gloss Blue, 191 Gloss Green, 192 Gloss Yellow, 193 Gloss Purple, 194 Gloss Orange, 195 Gloss Pink, 196 Gloss Brown, 197 Gloss Tan, 198 Gloss Grey, 199 Gloss White, 200 Gloss Black, 201 Gloss Silver, 202 Gloss Gold, 203 Gloss Bronze, 204 Gloss Blue, 205 Gloss Green, 206 Gloss Yellow, 207 Gloss Purple, 208 Gloss Orange, 209 Gloss Pink, 210 Gloss Brown, 211 Gloss Tan, 212 Gloss Grey, 213 Gloss White, 214 Gloss Black, 215 Gloss Silver, 216 Gloss Gold, 217 Gloss Bronze, 218 Gloss Blue, 219 Gloss Green, 220 Gloss Yellow, 221 Gloss Purple, 222 Gloss Orange, 223 Gloss Pink, 224 Gloss Brown, 225 Gloss Tan, 226 Gloss Grey, 227 Gloss White, 228 Gloss Black, 229 Gloss Silver, 230 Gloss Gold, 231 Gloss Bronze, 232 Gloss Blue, 233 Gloss Green, 234 Gloss Yellow, 235 Gloss Purple, 236 Gloss Orange, 237 Gloss Pink, 238 Gloss Brown, 239 Gloss Tan, 240 Gloss Grey, 241 Gloss White, 242 Gloss Black, 243 Gloss Silver, 244 Gloss Gold, 245 Gloss Bronze, 246 Gloss Blue, 247 Gloss Green, 248 Gloss Yellow, 249 Gloss Purple, 250 Gloss Orange, 251 Gloss Pink, 252 Gloss Brown, 253 Gloss Tan, 254 Gloss Grey, 255 Gloss White, 256 Gloss Black, 257 Gloss Silver, 258 Gloss Gold, 259 Gloss Bronze, 260 Gloss Blue, 261 Gloss Green, 262 Gloss Yellow, 263 Gloss Purple, 264 Gloss Orange, 265 Gloss Pink, 266 Gloss Brown, 267 Gloss Tan, 268 Gloss Grey, 269 Gloss White, 270 Gloss Black, 271 Gloss Silver, 272 Gloss Gold, 273 Gloss Bronze, 274 Gloss Blue, 275 Gloss Green, 276 Gloss Yellow, 277 Gloss Purple, 278 Gloss Orange, 279 Gloss Pink, 280 Gloss Brown, 281 Gloss Tan, 282 Gloss Grey, 283 Gloss White, 284 Gloss Black, 285 Gloss Silver, 286 Gloss Gold, 287 Gloss Bronze, 288 Gloss Blue, 289 Gloss Green, 290 Gloss Yellow, 291 Gloss Purple, 292 Gloss Orange, 293 Gloss Pink, 294 Gloss Brown, 295 Gloss Tan, 296 Gloss Grey, 297 Gloss White, 298 Gloss Black, 299 Gloss Silver, 300 Gloss Gold, 301 Gloss Bronze, 302 Gloss Blue, 303 Gloss Green, 304 Gloss Yellow, 305 Gloss Purple, 306 Gloss Orange, 307 Gloss Pink, 308 Gloss Brown, 309 Gloss Tan, 310 Gloss Grey, 311 Gloss White, 312 Gloss Black, 313 Gloss Silver, 314 Gloss Gold, 315 Gloss Bronze, 316 Gloss Blue, 317 Gloss Green, 318 Gloss Yellow, 319 Gloss Purple, 320 Gloss Orange, 321 Gloss Pink, 322 Gloss Brown, 323 Gloss Tan, 324 Gloss Grey, 325 Gloss White, 326 Gloss Black, 327 Gloss Silver, 328 Gloss Gold, 329 Gloss Bronze, 330 Gloss Blue, 331 Gloss Green, 332 Gloss Yellow, 333 Gloss Purple, 334 Gloss Orange, 335 Gloss Pink, 336 Gloss Brown, 337 Gloss Tan, 338 Gloss Grey, 339 Gloss White, 340 Gloss Black, 341 Gloss Silver, 342 Gloss Gold, 343 Gloss Bronze, 344 Gloss Blue, 345 Gloss Green, 346 Gloss Yellow, 347 Gloss Purple, 348 Gloss Orange, 349 Gloss Pink, 350 Gloss Brown, 351 Gloss Tan, 352 Gloss Grey, 353 Gloss White, 354 Gloss Black, 355 Gloss Silver, 356 Gloss Gold, 357 Gloss Bronze, 358 Gloss Blue, 359 Gloss Green, 360 Gloss Yellow, 361 Gloss Purple, 362 Gloss Orange, 363 Gloss Pink, 364 Gloss Brown, 365 Gloss Tan, 366 Gloss Grey, 367 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Gloss Gold, 427 Gloss Bronze, 428 Gloss Blue, 429 Gloss Green, 430 Gloss Yellow, 431 Gloss Purple, 432 Gloss Orange, 433 Gloss Pink, 434 Gloss Brown, 435 Gloss Tan, 436 Gloss Grey, 437 Gloss White, 438 Gloss Black, 439 Gloss Silver, 440 Gloss Gold, 441 Gloss Bronze, 442 Gloss Blue, 443 Gloss Green, 444 Gloss Yellow, 445 Gloss Purple, 446 Gloss Orange, 447 Gloss Pink, 448 Gloss Brown, 449 Gloss Tan, 450 Gloss Grey, 451 Gloss White, 452 Gloss Black, 453 Gloss Silver, 454 Gloss Gold, 455 Gloss Bronze, 456 Gloss Blue, 457 Gloss Green, 458 Gloss Yellow, 459 Gloss Purple, 460 Gloss Orange, 461 Gloss Pink, 462 Gloss Brown, 463 Gloss Tan, 464 Gloss Grey, 465 Gloss White, 466 Gloss Black, 467 Gloss Silver, 468 Gloss Gold, 469 Gloss Bronze, 470 Gloss Blue, 471 Gloss Green, 472 Gloss Yellow, 473 Gloss Purple, 474 Gloss Orange, 475 Gloss Pink, 476 Gloss Brown, 477 Gloss Tan, 478 Gloss Grey, 479 Gloss White, 480 Gloss Black, 481 Gloss Silver, 482 Gloss Gold, 483 Gloss Bronze, 484 Gloss Blue, 485 Gloss Green, 486 Gloss Yellow, 487 Gloss Purple, 488 Gloss Orange, 489 Gloss Pink, 490 Gloss Brown, 491 Gloss Tan, 492 Gloss Grey, 493 Gloss White, 494 Gloss Black, 495 Gloss Silver, 496 Gloss Gold, 497 Gloss Bronze, 498 Gloss Blue, 499 Gloss Green, 500 Gloss Yellow, 501 Gloss Purple, 502 Gloss Orange, 503 Gloss Pink, 504 Gloss Brown, 505 Gloss Tan, 506 Gloss Grey, 507 Gloss White, 508 Gloss Black, 509 Gloss Silver, 510 Gloss Gold, 511 Gloss Bronze, 512 Gloss Blue, 513 Gloss Green, 514 Gloss Yellow, 515 Gloss Purple, 516 Gloss Orange, 517 Gloss Pink, 518 Gloss Brown, 519 Gloss Tan, 520 Gloss Grey, 521 Gloss White, 522 Gloss Black, 523 Gloss Silver, 524 Gloss Gold, 525 Gloss Bronze, 526 Gloss Blue, 527 Gloss Green, 528 Gloss Yellow, 529 Gloss Purple, 530 Gloss Orange, 531 Gloss Pink, 532 Gloss Brown, 533 Gloss Tan, 534 Gloss Grey, 535 Gloss White, 536 Gloss Black, 537 Gloss Silver, 538 Gloss Gold, 539 Gloss Bronze, 540 Gloss Blue, 541 Gloss Green, 542 Gloss Yellow, 543 Gloss Purple, 544 Gloss Orange, 545 Gloss Pink, 546 Gloss Brown, 547 Gloss Tan, 548 Gloss Grey, 549 Gloss White, 550 Gloss Black, 551 Gloss Silver, 552 Gloss Gold, 553 Gloss Bronze, 554 Gloss Blue, 555 Gloss Green, 556 Gloss Yellow, 557 Gloss Purple, 558 Gloss Orange, 559 Gloss Pink, 560 Gloss Brown, 561 Gloss Tan, 562 Gloss Grey, 563 Gloss White, 564 Gloss Black, 565 Gloss Silver, 566 Gloss Gold, 567 Gloss Bronze, 568 Gloss Blue, 569 Gloss Green, 570 Gloss Yellow, 571 Gloss Purple, 572 Gloss Orange, 573 Gloss Pink, 574 Gloss Brown, 575 Gloss Tan, 576 Gloss Grey, 577 Gloss White, 578 Gloss Black, 579 Gloss Silver, 580 Gloss Gold, 581 Gloss Bronze, 582 Gloss Blue, 583 Gloss Green, 584 Gloss Yellow, 585 Gloss Purple, 586 Gloss Orange, 587 Gloss Pink, 588 Gloss Brown, 589 Gloss Tan, 590 Gloss Grey, 591 Gloss White, 592 Gloss Black, 593 Gloss Silver, 594 Gloss Gold, 595 Gloss Bronze, 596 Gloss Blue, 597 Gloss Green, 598 Gloss Yellow, 599 Gloss Purple, 600 Gloss Orange, 601 Gloss Pink, 602 Gloss Brown, 603 Gloss Tan, 604 Gloss Grey, 605 Gloss White, 606 Gloss Black, 607 Gloss Silver, 608 Gloss Gold, 609 Gloss Bronze, 610 Gloss Blue, 611 Gloss Green, 612 Gloss Yellow, 613 Gloss Purple, 614 Gloss Orange, 615 Gloss Pink, 616 Gloss Brown, 617 Gloss Tan, 618 Gloss Grey, 619 Gloss White, 620 Gloss Black, 621 Gloss Silver, 622 Gloss Gold, 623 Gloss Bronze, 624 Gloss Blue, 625 Gloss Green, 626 Gloss Yellow, 627 Gloss Purple, 628 Gloss Orange, 629 Gloss Pink, 630 Gloss Brown, 631 Gloss Tan, 632 Gloss Grey, 633 Gloss White, 634 Gloss Black, 635 Gloss Silver, 636 Gloss Gold, 637 Gloss Bronze, 638 Gloss Blue, 639 Gloss Green, 640 Gloss Yellow, 641 Gloss Purple, 642 Gloss Orange, 643 Gloss Pink, 644 Gloss Brown, 645 Gloss Tan, 646 Gloss Grey, 647 Gloss White, 648 Gloss Black, 649 Gloss Silver, 650 Gloss Gold, 651 Gloss Bronze, 652 Gloss Blue, 653 Gloss Green, 654 Gloss Yellow, 655 Gloss Purple, 656 Gloss Orange, 657 Gloss Pink, 658 Gloss Brown, 659 Gloss Tan, 660 Gloss Grey, 661 Gloss White, 662 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1 LANDSCAPE PLAN  
1" = 40'-0"

SEE NOTES RE: 9/C102



Buffer "C1"	# Required per 100'	Required Plantings:	Existing Plantings Provided
20' Wide	4 Large Tree = 6.9	7 Large Trees	0 = 7 Large Trees
172.4 LF (Internal)	8 Small Tree = 13.8	14 Small Trees	14 Small Trees
	30 Shrubs = 51.8	52 Shrubs	0 = 52 Shrubs

Buffer "D1"	# Required per 100'	Required Plantings:	Existing Plantings Provided
30' Wide	6 Large Tree = 3.8	4 Large Trees	0 = 4 Large Trees
62.9 LF (External)	12 Small Tree = 7.6	8 Small Trees	8 Small Trees
	40 Shrubs = 25.2	26 Shrubs	0 = 26 Shrubs

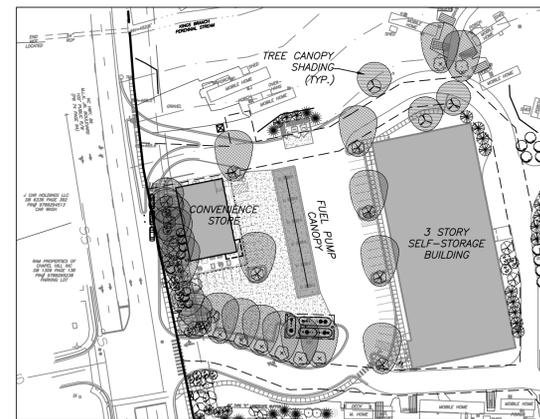
  

Buffer "D2"	# Required per 100'	Required Plantings:	Existing Plantings Provided
30' Wide	6 Large Tree = 10.7	11 Large Trees	0 = 11 Large Trees
178.2 LF (External)	12 Small Tree = 21.4	22 Small Trees	22 Small Trees
	40 Shrubs = 71.3	72 Shrubs	0 = 72 Shrubs

2 LANDSCAPE BUFFER CALCULATIONS  
C700

QTY	%	EVGN	KEY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	REMARKS
<b>CANOPY TREES</b>								
15		N	AR	Acer Rubrum	Red Maple	2.5" CAL. 14' ht.	AS SHOWN	SINGLE TRUNK & LEADER
7		N	BN	Betula nigra 'heritage'	Heritage River Birch	3" CAL tot 14' ht.	AS SHOWN	3 TRUNK MINIMUM
9		Y	PT	Pinus tadea	Loblolly Pine	2" cal. 12' ht.	AS SHOWN	SINGLE TRUNK & LEADER
6		N	QS	Quercus shumardii	Shumard Oak	2.5" CAL. 12' ht.	AS SHOWN	SINGLE TRUNK & LEADER
6		N	UP	Ulmus parvifolia 'BSNUPP'	Everclear Lacebark Elm	2.5" CAL. 14' ht.	AS SHOWN	SINGLE TRUNK & LEADER
43	0%							
<b>UNDERSTORY TREES</b>								
5		N	CC	Cercis chinensis 'Avondale'	Chinese Avondale Redbud	1" cal. 8' HT.	AS SHOWN	SINGLE TRUNK & LEADER
10		N	CF	Cornus florida	Dogwood	1" cal.		
22		Y	IA	Ilex x attenuata 'Fosteri'	Foster Holly	1" IA. 6' HT.	8' O.C.	SINGLE TRUNK & LEADER
19		N	LI	Lagerstroemia indica 'Natchez'	Natchez Crape Myrtle	8-10' HT.	AS SHOWN	MULTI-TRUNK
15		Y	MG	Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	1.5" cal. 8' ht.	10' O.C.	FULL AND MATCHING
71	0%							
<b>SHRUBS</b>								
10		Y	AG	Abelia x grandiflora 'Edward Goucher'	Edward Goucher Abelia	15" HT.	30" O.C.	FULL AND MATCHING
17		Y	CH	Cotoneaster horizontalis	Rock Spray Cotoneaster	12" HT.	30" O.C.	FULL AND MATCHING
17		Y	IC	Ilex cornuta 'carissa'	Carissa Holly	15" HT.	30" O.C.	FULL AND MATCHING
17		Y	IG	Ilex glabra	Inkberry Holly	15" HT.	36" O.C.	FULL AND MATCHING
14		Y	JC	Juniperus chinensis 'Sea Green'	Sea Green Juniper	18" HT.	36" O.C.	FULL AND MATCHING
13		Y	MS	Miscanthus sinensis 'morning light'	Morning Light Miscanthus	15" HT.	36" O.C.	FULL AND MATCHING
16		Y	PL	Loropetalum chinense	Loropetalum	15" HT.	36" O.C.	FULL AND MATCHING
20		N	RK	Rosa 'Radrazz'	Knock Out Rose	15" HT.	36" O.C.	FULL AND MATCHING
13		Y	RU	Raphiolepis umbellata	Indian Hawthorn	18" HT.	36" O.C.	FULL AND MATCHING
137	0%							
<b>GROUND COVER</b>								
AR				LAWN	AS REQUIRED TO MATCH EXISTING			

3 PLANT LIST  
C700



4 PROPOSED TREE CANOPY SHADING  
1" = 100'-0"

PARKING LOT OUTSIDE ROW  
TOTAL PAVED AREA: 47,015 SF  
TOTAL SHADED AREAS: 17,700 SF = 37.6%

Coulter Jewell Thames PA  
111 West Main Street  
Durham, N.C. 27701  
p 919.682.0368  
f 919.688.5646  
www.cjtpa.com  
NC BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS LIC # C-1289  
NC BOARD OF LANDSCAPE ARCHITECTS LIC # C-104

Project:  
**1200 MLK**  
1200 & 1204  
Martin Luther King Jr.  
Boulevard  
Orange County,  
North Carolina

PIN: 9789297279  
9789392409



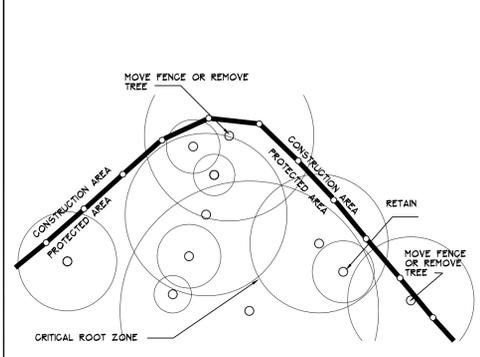
PRELIMINARY-DO NOT USE FOR CONSTRUCTION

Job Number: 1858

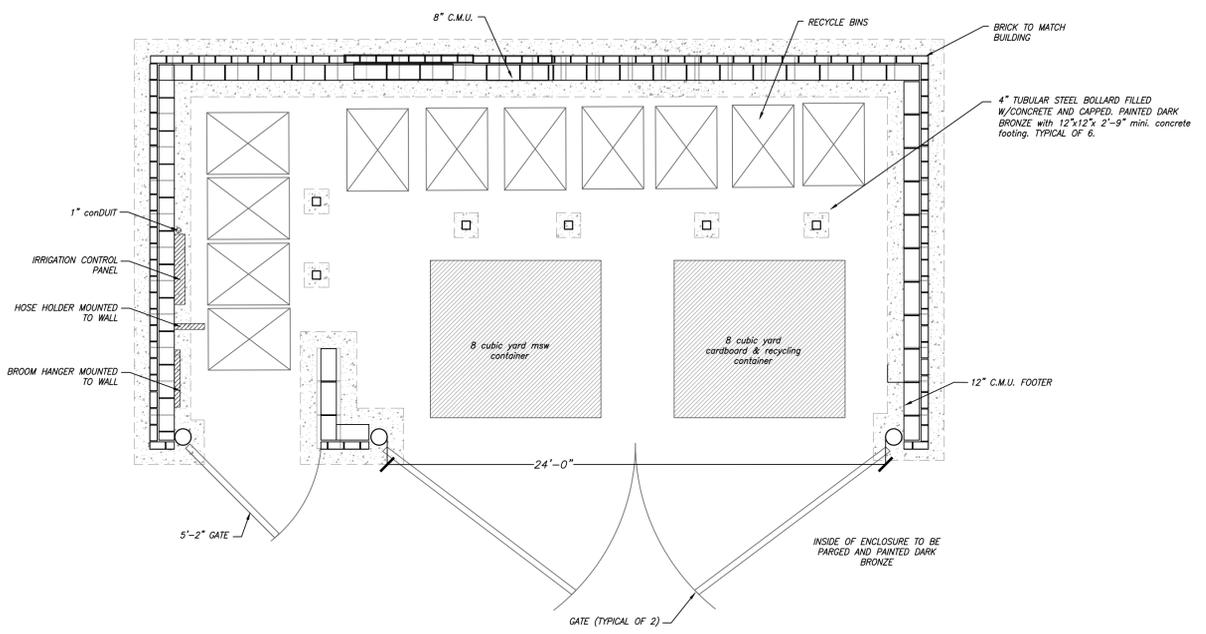
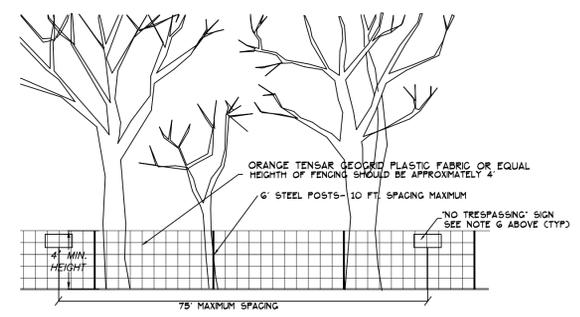
Drawn	JSA, MTC
Checked	JSA
Date	5-31-2019 SUP
Revisions	8-06-2019 SUP Rev. 1
	4-17-2020 SUP Rev. 2
	6-18-2020 SUP Rev. 3
	8-19-2020 CZ

Conditional zoning  
Sheet Title:  
**LANDSCAPE PLAN**  
Sheet Number:  
**C700**



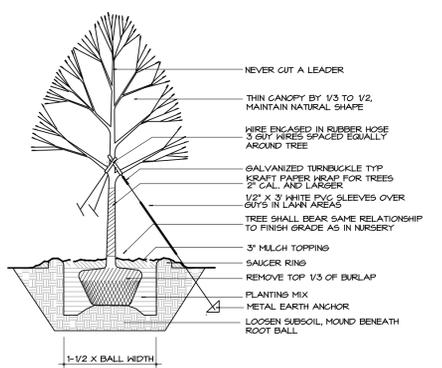
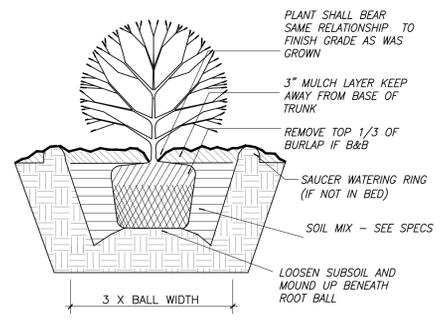


- NOTES:**
1. MOVE FENCE OR REMOVE TREE IF MORE THAN 20% OF A TREE'S CRITICAL ROOT AREA IS UNPROTECTED.
  2. ROOT PRUNE TREES TO REMAIN WHERE CONSTRUCTION ACTIVITIES WILL SEVER ROOTS.
  3. ANY TREE ROOTS EXPOSED BY CONSTRUCTION SHALL BE SEVERED CLEANLY WITH A PRUNING TOOL.
  4. DO NOT DISPOSE OF ANY CHEMICALS OR REMOVE SOIL OUTSIDE THE LIMITS OF WORK.
  5. WHEN INSTALLING NEW LANDSCAPE PLANTS, DO NOT DRIVE EQUIPMENT UPON OR DISTURB THE SOIL WITHIN THE CRITICAL ROOT ZONE OF EXISTING TREES.
  6. SIGNAGE MUST BE PLACED ON TREE PROTECTION FENCING WITH A MINIMUM MINIMUM SPACING OF 75' O.C. TO READ 'TREE PROTECTION AREA - NO TRESPASSING WITHIN THE FENCE'.



**1 TREE PROTECTION FENCING**  
 C801 1" = 4'-0"

**2 DOUBLE DUMPSTER**  
 C801 NOT TO SCALE

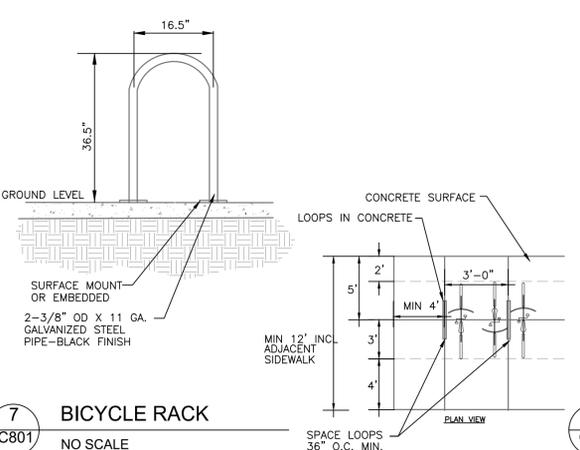


**4 SHRUB DETAIL**  
 C801 NO SCALE

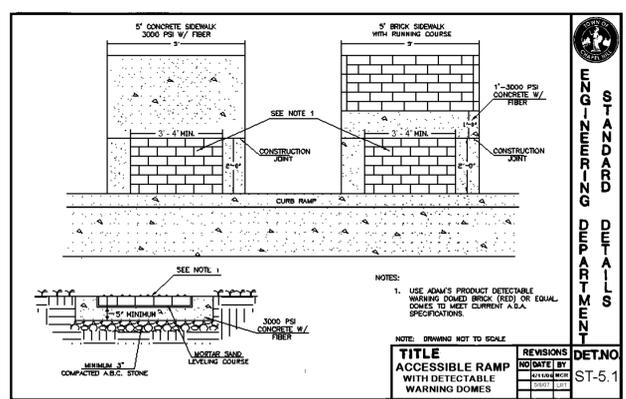
**5 TREE PLANTING DETAIL**  
 C801 NO SCALE

**6 NOT USED**  
 C801 NO SCALE

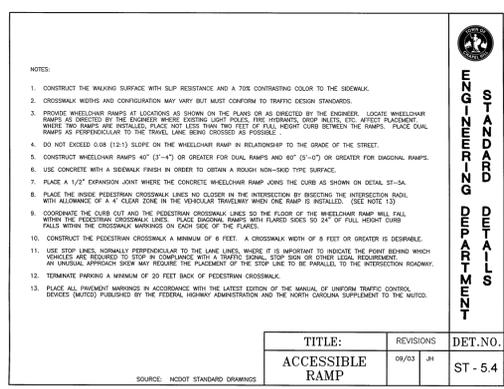
- NOTES:**
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
  2. DO NOT SCALE DRAWINGS.



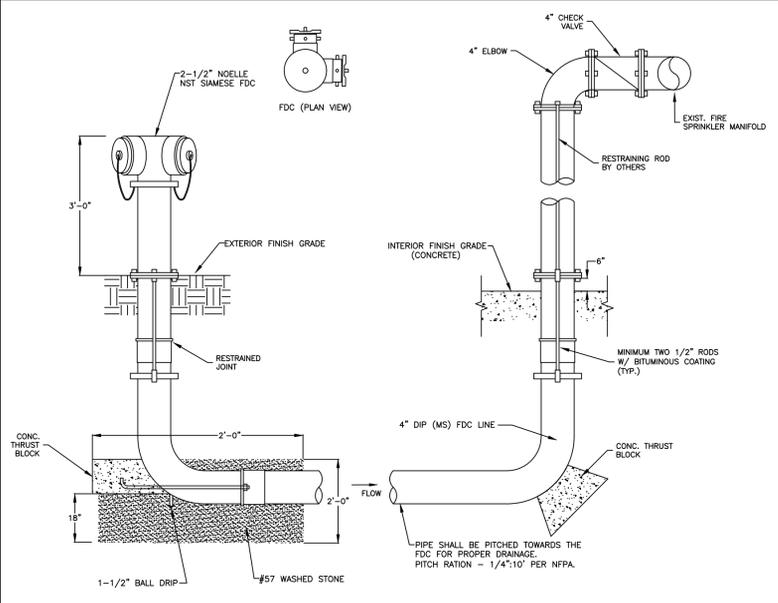
**7 BICYCLE RACK**  
 C801 NO SCALE



**8 ACCESSIBLE RAMP**  
 C801 NO SCALE



**TITLE: ACCESSIBLE RAMP**  
 REVISIONS: 06/03 JH  
 DET. NO. ST-5.4



**9 FDC**  
 C801 NO SCALE

THE LOW POINT DRAIN SHALL BE CORROSION RESISTANT AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. THE DRAIN ARRANGEMENT SHALL BE SUBMITTED AS PART OF THE SITE PLAN UTILITY DETAIL, AND APPROVED BY FIRE PREVENTION AND ENGINEERING. A DRAINAGE PIT TWO FEET IN DIAMETER SHALL BE EXCAVATED BELOW EACH DRAIN AND FILLED COMPLETELY WITH CRUSHED STONE MIXED WITH COURSE SAND UNDER AND AROUND THE DRAIN TO A LEVEL 6 INCHES ABOVE THE DRAIN. PITS SHALL NEITHER BE CONNECTED TO A STORM OR SANITARY SEWER NOR LOCATED WITHIN THE RIGHT-OF-WAY OR ANY EASEMENT AREA.

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, 130, 13R, or 14 of the NCFIC and Town Ordinances; 7-38 for location. FDC's shall be installed on the street/address side of the building and within 100' of a hydrant or unless otherwise approved by the fire code official and shall not be obstructed or hindered by parking or landscaping.

Project:

1200 MLK

1200 & 1204  
 Martin Luther King Jr.  
 Boulevard  
 Orange County,  
 North Carolina

PIN:  
 9789297279  
 9789392409



PRELIMINARY-DO NOT USE FOR CONSTRUCTION

Job Number: 1658

Drawn	JSA, MTC
Checked	JSA
Date	5-31-2019 SUP
Revisions	8-06-2019 SUP Rev. 1
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	6-18-2020 SUP Rev. 3
	8-19-2020 CZ

Conditional Zoning

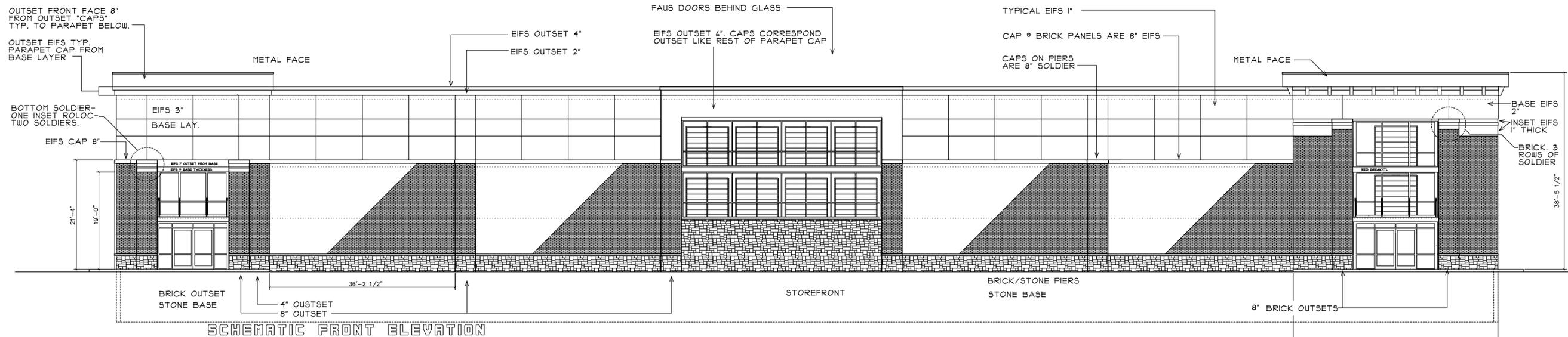
Sheet Title:

**SITE DETAILS**

Sheet Number  
**C801**

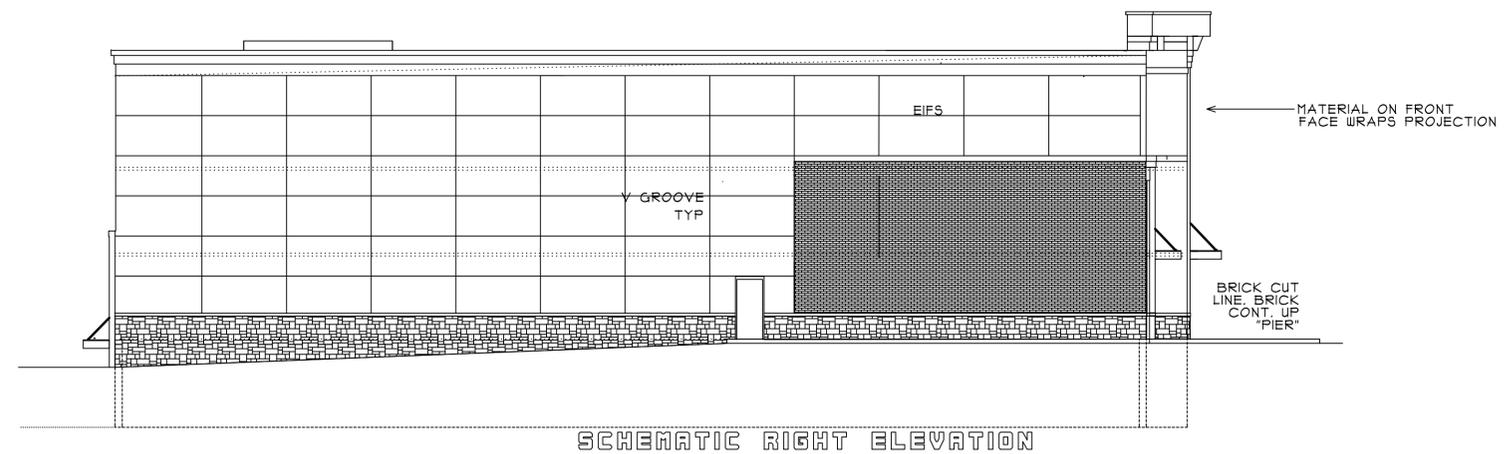
1200 MLK  
SELF STORAGE CENTER

ORANGE COUNTY  
NORTH CAROLINA



SCHEMATIC FRONT ELEVATION

ALL ALUMINUM STOREFRONT KAWNEER RED  
CANOPY'S WHITE  
MAN DOORS SIDE RED



SCHEMATIC RIGHT ELEVATION

**MATERIAL COLOR KEY:**

RED METAL-METAL CAP AS CALLED AND ALUMINUM STOREFRONT-REGAL RED  
KAWNEER RED IS ACCEPTABLE. GENERALLY MATCH REDS ON RENDERING

RED CAP-SEE SAMPLE COLOR ELEV (EARLIER VERSION USE COLOR ONLY)  
RED IS CALLED METAL AT TOP CAP ON ELEVATION.

EIFS MAIN BLDG COLOR-DRYVIT MOUNTAIN FOG GRAY 132  
EIFS TRIM COLOR-DRYVIT DRIFTWOOD GRAY 133  
NOTE: THESE COLOR DIFFERENCES ARE SUBTLE. FOR RENDERING  
IF TRIM COLOR NEEDS TO BE DARKER SOME FOR CONTRAST  
DO SO AND WE WILL REVISE IN ACTUAL FIELD APPROVALS

SEE SAMPLE COLOR ELEV. AREAS FOR GENERAL BASE VS ACCENT EIFS COLOR.

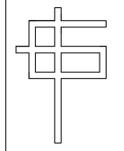
BRICK-GENERAL SHALE SMOKE GREY VELOUR OR SIMILAR GREY  
THIS BRICK SHOULD RENDER SOMEWHAT DARKER THAT THE EIFS TRIM COLOR

STONE BASE SIM TO CULTURED STONE -"LIMESTONE SUEDE". NOTE THAT  
REAL STONE OR SIM. ARCHITECTURAL CONC. STONE MAY BE USED.

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GENERAL NOTES:  
1. THIS DRAWING IS SCHEMATIC DESIGN ONLY AND NOT FOR CONSTRUCTION. IT IS FOR REVIEW AND DISCUSSION

REV. DATE:	REVISION DESCRIPTION
8/1/19	BRICK PANELS
10/31/19	REV. PER SITE
1/30/20	SITE OWN. REV



G. CLEVELAND PATE, PLLC  
Architecture • Planning  
6013 Fordland Drive, Raleigh, NC 27606  
919-851-0052

SEALS:  
  
REVIEW

SEALS:  
**NOT FOR CONSTRUCT**

ELEVATIONS

GCP	GCP	SHEET:
DESIGNED BY:	DRAWN BY:	A-1
GCP	GCP	
CHECKED BY:	APPROVED BY:	OF:
1200MLK	1200MLKA	1/19/19
CAD FILE NAME:	PROJECT #	DATE:

ALL © 3/22"

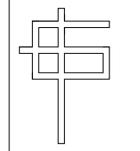
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ORANGE COUNTY  
NORTH CAROLINA

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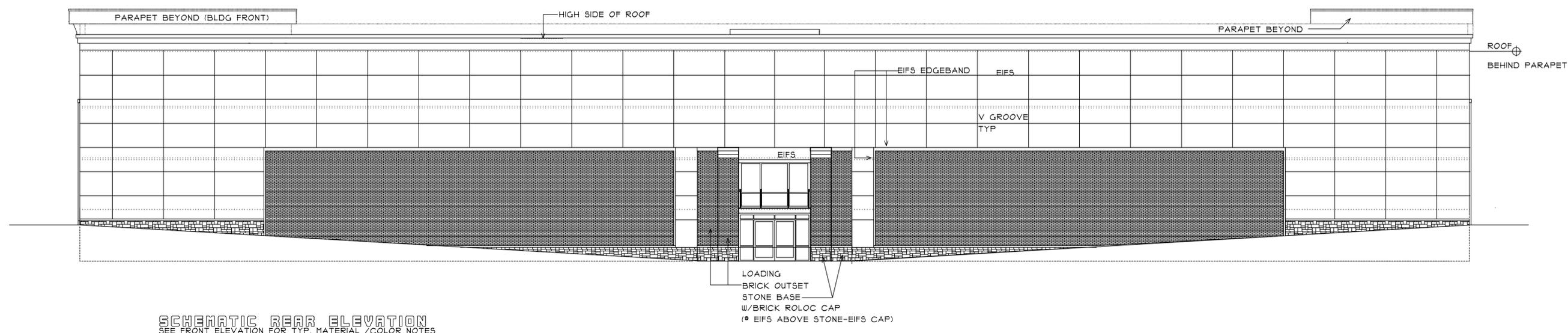
G. CLEVELAND PATE, PLLC  
Architecture • Planning  
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SEALS:  
  
REVIEW

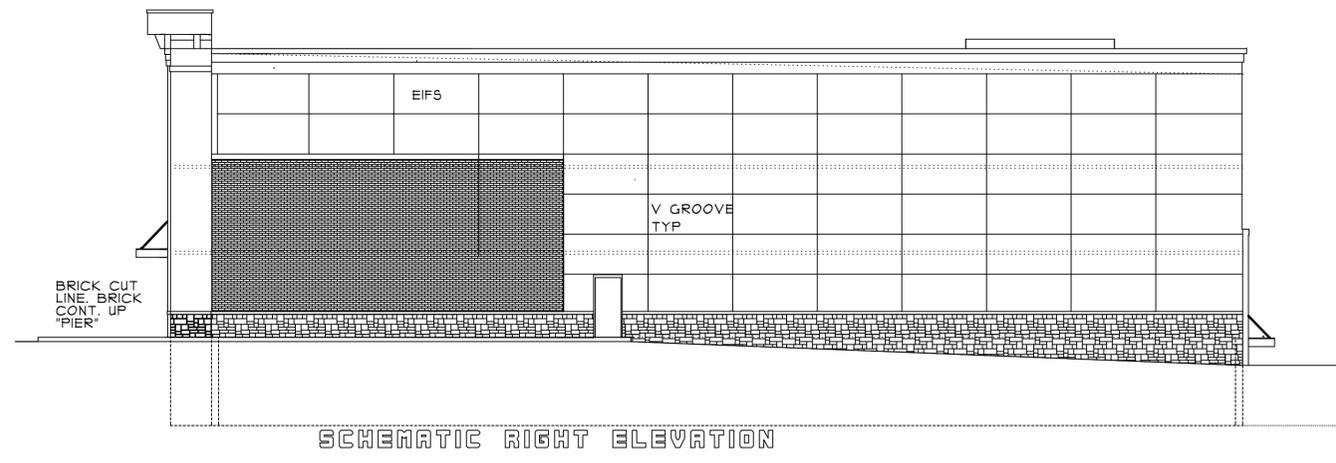
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ELEVATIONS

DESIGNED BY: GCP	DRAWN BY: GCP	SHEET: <b>A-2</b>
CHECKED BY: GCP	APPROVED BY: GCP	
1200MLK	1200MLKA	DATE: 1/19/19
CAD FILE NAME:	PROJECT #	DATE:



**SCHEMATIC REAR ELEVATION**  
SEE FRONT ELEVATION FOR TYP. MATERIAL /COLOR NOTES



**SCHEMATIC RIGHT ELEVATION**

ALL @ 3/32"

Prepared by and return to:

William J. Brian, Jr.  
Morningstar Law Group  
112 W. Main Street, Second Floor  
Durham, NC 27701

**STATE OF NORTH CAROLINA**            )  
**COUNTY OF ORANGE**                 )

**DECLARATION OF RESTRICTIVE COVENANTS**

This Declaration of Restrictive Covenants (hereinafter “Declaration”) is made this \_\_\_\_\_ day of February, 2021 (the “Effective Date”), by Jones Estates Group, LLC (“Declarant”), and having its principal office at 2310 S. Miami Blvd., Suite 238, Durham, NC 27703-4900 (“Declarant”).

**WITNESSETH:**

1. Declarant is the sole owner of those certain tracts of land located at 1200 and 1204 Martin Luther King Jr. Boulevard, Chapel Hill, North Carolina, and being more particularly described in Exhibit A, attached hereto and incorporated herein (together, the “Property”).

2. Pursuant to Chapel Hill Town Council resolution made on February 24, 2021, in favor of Case Number 19-065, the Town of Chapel Hill (the “Town”) has rezoned the Property to Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial-Conditional Zoning District (NC-CZD) (the “Rezoning”).

3. A portion of the Property is being used as the location of the Tarheel Mobile Home Park (the “Park”). The portion of the Property on which the Park is located is referred to herein as the “Park Property”. The remainder of the Property is referred to herein as the “Commercial Tract”.

The Park Property and the Commercial Tract are more particularly described in Exhibit B, attached hereto and incorporated herein.

4. As a condition of the Rezoning, Declarant agreed to enact this Declaration in order to grant certain rights to the Tenants (as defined below) of the Park, and to make those rights enforceable by both the Tenants and the Town.

5. The Park Property consists of a number of informal lots on which manufactured homes are located. A map showing these informal lots is attached hereto as Exhibit C, and incorporated herein by reference. For the purposes of this Declaration, the "Tenants" are the persons who, as tenant, from time to time, lease these informal lots from Declarant, as landlord, for the purpose of locating manufactured homes to which they hold title upon these lots.

6. It is the desire of Declarant to enact this Declaration in order to ensure the continued operation and existence of the Park on the Terms and Conditions stated herein.

7. It is recognized by Declarant that the identity of the specific persons who make up the defined class of Tenants under this Declaration may change from time to time during the term hereof. Therefore, the Tenants to whom rights of enforcement are granted shall be the Tenants who occupy the Park on the date they seek to enforce this Declaration. Nothing in this Declaration shall be construed to create rights in any person who is not a Tenant of the Park on the date that person seeks to enforce this Declaration, other than the Town.

8. Accordingly, Declarant hereby subjects the Park Property to certain covenants, restrictions, and requirements pertaining to the Park Property, as defined herein, and hereby gives the Town and the Tenants the right to enforce this Declaration in accordance with its terms. The terms of this Declaration shall not apply to the Commercial Tract.

NOW THEREFORE, Declarant hereby declares that the Park Property shall be held, sold, used and conveyed subject to the following covenants, conditions, and restrictions, which shall run with the title to the Property, for the benefit of the Town and the Tenants, and shall be binding upon parties having any right, title, or interest in the Park Property and any portion thereof, and their heirs, successors, successors-in-title and assigns.

I. COVENANTS, RESTRICTIONS AND REQUIREMENTS.

1. The Recitals above are hereby incorporated into this Declaration as material terms.
2. Continued Existence of Mobile Home Park on Park Property: For the duration of this Declaration, the only permitted use of the Park Property shall be for a mobile home Park, and such accessory uses as may be permitted from time to time by applicable law. No Tenant of the Park shall have their lease terminated or be asked to remove their mobile home from the Park, so long as their lease remains in good standing. If a Tenant defaults under the terms of their lease, Declarant shall have all the rights and remedies available under the terms of any applicable lease, or other applicable law, to cause the removal of the Tenant or mobile home in question, and to pursue money damages and other remedies

which may be permitted by law. Declarant shall make commercially reasonable efforts to maintain the occupancy of the Park at full occupancy for the full fifteen (15) year period of this provision of this Declaration.

3. Accepting Local Mobile Homes: Declarant shall notify the Town in writing by email, read receipt requested, addressed to the Town Manager, when a lot in the Park becomes available for a new mobile home. The Town then will have the right to make this fact known to current residents of other existing mobile home parks within the jurisdiction of the Town. Declarant shall hold any available lot for 60 days from the date on which the Town receives this notification to allow persons contacted by the Town an opportunity to apply to lease the lot. Nothing in this Declaration shall require Declarant to lease a lot in the Park to any person who is not a Tenant on the date of this Declaration, in accordance with the terms hereof.
4. Conversion to Annual Leases: Tenants who are Tenants as of the date of this Declaration shall be given the option by Declarant in writing by certified mail as well as by email, read receipt requested, to convert their present monthly leases to annual leases within 30 days of the date of this Declaration, and they shall have 30 days from the date on which they receive this written option to accept or decline this option. If a Tenant fails to respond within 30 days from the date of receipt, then they shall be deemed to have declined the option to convert their lease to an annual lease.

- II. Market Rate Protection for Tenants: In January of 2025, January of 2029, and January of 2033, Declarant shall retain a NC licensed real estate broker (the "Expert") with professional expertise in mobile home parks to survey mobile home park rents in the greater Raleigh and Charlotte markets. Within 60 days of being retained, the Expert will confirm in writing to the Declarant, with a copy sent in writing by certified U.S mail, return receipt requested to the Town Manager, whether the lot rent rates at the Park are within 15 percent of the rental rates charged by comparable mobile home parks in the greater Raleigh and Charlotte markets. If the Expert determines that rents at the Park are more than 15 percent higher than those at the comparable mobile home parks in the Raleigh and Charlotte Markets, Declarant shall reduce the rental rates charged to Tenants who are Tenants on the date the rental rates are reduced, until they are within 15 percent of the rates charged by those comparable Mobile Home Parks, within 30 days of the date on which it receives the expert report. DEFAULT.

In the event of a breach of this Declaration by any fee simple owner of the Property subject to this Declaration, then Declarant, the Town and the Tenants shall have the right to enforce this Declaration by seeking a decree of specific performance or money damages, as provided by applicable law from the North Carolina General Court of Justice, Superior Court Division, located in Orange County, North Carolina, which shall be the exclusive forum for the adjudication of any disputes relating to this Declaration. However, nothing in this Declaration shall be construed to prevent the Town from taking ordinary zoning enforcement action in response to violations of its applicable ordinances which may occur on the Property from time to time, including, without limitation, the terms of the Rezoning.

### III. DURATION; AMENDMENT.

- A. Duration. This Declaration shall remain in full force and effect and shall run with and bind the Property until February 24, 2036.
- B. Amendment. This Declaration shall not be amended except by an instrument in writing signed by Declarant and the Town, and duly recorded in the Orange County Registry. This Declaration may be amended without the signature of the Tenants.
- C. Termination. This Declaration may be Terminated prior to February 24, 2036 by a writing signed by the Declarant and the Town, and duly recorded in the Orange County Registry.

### IV. RUNS WITH THE LAND.

All provisions of this Declaration shall be appurtenant to and run with the title to the Property and shall be binding upon and inure to the benefit of the heirs, assigns, and successors in title to Declarant and the Town.

### V. GENERAL PROVISIONS.

- A. Interpretation. The captions of the sections of this Declaration are for convenience only and shall not govern or influence the interpretation hereof.
- B. North Carolina Law. This Declaration shall be governed by the laws of the State of North Carolina, without regard to principles of conflicts of law.
- C. Effective Date. This Declaration shall take effect upon its recordation in the Orange County Registry.
- D. Severability. Invalidation of any of the provisions of this Declaration shall in no way affect any of the other provisions of this Declaration.
- E. Estoppel Certificate. Within thirty (30) days of receipt of a written request made to the Town Attorney, by certified mail, return receipt requested, the Town shall execute a certification stating that this Declaration is in effect, and that Declarant is not in violation of this Declaration, or in the alternative, specifying the nature of any existing violation, if one exists.

[Declarant signature on following page.]

IN WITNESS WHEREOF, the undersigned Declarant has executed this Declaration as of the \_\_\_\_ day of \_\_\_\_\_, 2021.

DECLARANT

Jones Estates Group, LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I certify that the following person personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing documents for the purposes stated therein and in the capacity indicated:\_\_\_\_\_.

[Affix Seal]

\_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_

My Commission Expires:\_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit A**  
Description of the Property

**Exhibit B****Park Property and the Commercial Tract**

The following Orange County parcels identified by Parcel Identifier Number (PIN) 9789-29-7279 and 9789-39-2409, described below, shall be rezoned to Neighborhood Commercial-Conditional Zoning District (NC-CZD) and Office/Institutional-2-Conditional Zoning District (OI-2-CZD):

**New Parcel #1 Legal Description – Zone Neighborhood Commercial-Conditional Zoning District (NC-CZD):**

beginning at a point on the eastern right of way of Martin Luther King Junior Boulevard; thence N78°20'52"E a distance of 257.93'; thence S11°20'49"E a distance of 265.36'; thence S78°39'11"W a distance of 259.39'; thence N11°37'00"W a distance of 67.56'; thence N11°37'20"W a distance of 30.00'; thence N11°37'20"W a distance of 51.55'; thence N11°06'20"W a distance of 93.87'; thence N06°31'20"W a distance of 21.08', which is the point of beginning, having an area of 68,739.55 square feet, or 1.578 acres plus one-half of the abutting Martin Luther King Junior Boulevard right-of-way.

**New Parcel #2 Legal Description – Zone Office/Institutional-2-Conditional Zoning District (OI-2-CZD):**

beginning at a point on the eastern right of way of Martin Luther King Junior Boulevard; thence N78°39'11"E a distance of 259.39'; thence N11°20'49"W a distance of 265.36'; thence N78°20'52"E a distance of 119.42'; thence S59°24'39"E a distance of 47.22'; thence S11°20'49"E a distance of 338.80'; thence S87°13'16"W a distance of 254.54'; thence S01°26'25"E a distance of 32.56'; thence N88°37'12"W a distance of 160.26'; thence N11°37'20"W a distance of 30.76'; thence N11°37'00"W a distance of 32.45', which is the point of beginning, having an area of 75,123.73 square feet, or 1.725 acres plus one-half of the abutting Martin Luther King Junior Boulevard right-of-way.

**New Parcel #3 Legal Description – Zone Office/Institutional-2-Conditional Zoning District (OI-2-CZD):**

beginning at a point on the eastern right of way of Martin Luther King Junior Boulevard; thence N79°38'47"E a distance of 352.29'; thence N85°55'23"E a distance of 446.13'; thence S79°36'38"E a distance of 277.05'; thence S18°22'41"W a distance of 679.83'; thence N88°37'12"W a distance of 603.58'; thence N01°26'25"W a distance of 32.56'; thence N87°13'16"E a distance of 254.54'; thence N11°20'49"W a distance of 338.80'; thence N59°24'39"W a distance of 47.22'; thence S78°20'52"W a distance of 377.35'; thence N06°31'20"W a distance of 77.82'; thence N04°22'27"W a distance of 183.88', which is the point of beginning, having an area of 462,379.49 square feet, or 10.615 acres plus one-half of the abutting Martin Luther King Junior Boulevard right-of-way.

**Exhibit C**  
Park Property

*Insert Relocation Plan*



## Item Overview

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**Item #:** 10., **File #:** [21-0137], **Version:** 1**Meeting Date:** 2/24/2021

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**Initial Budget Public Forum on the Annual Budget, Capital Program, Use of Grants and Related Items, and Potential Legislative Requests.****Staff:**Amy Oland, Director  
Matt Brinkley, Assistant Director**Department:**

Business Management

**Overview:** This initial public forum is an opportunity for the Council to receive public comment related to the development of the FY 2021-22 Town Budget.

**Recommendation(s):**

That the Council receive comments from the public on the forum topics listed below; and that the Council refer comments and questions to the Town Manager to consider in the budget process.

**OVERVIEW OF THE BUDGET PROCESS**

Through the Town's annual budget process, the Council makes decisions on the level and types of services provided to the public with local, state and federal funds. The budget process reflects direction from the Council, beginning with the Council's 2020-22 Strategic Goals and Objectives (Attachment 1). Adopting a budget determines the level of resources available for Town services over the coming budget year.

**Process for Participation by the Public**

Additional public forums and hearings on the budget and related items will be held at 7:00 pm on:

- |         |  |
|---------|--|
| April 7 | A public forum to: <ul style="list-style-type: none"><li>Receive comments on the preliminary plan for uses of 21-22 CDBG program funds</li></ul>   |
| May 19  | Public Hearing on: <ul style="list-style-type: none"><li>the recommended budget for the service year beginning on July 1, 2021; use of public transportation grants; recommended 15-year capital program; Downtown Service District program.</li></ul> |

The public may also make comments to the Mayor and Council by email at [mayorandcouncil@townofchapelhill.org](mailto:mayorandcouncil@townofchapelhill.org) or by letter at Town Hall, 405 Martin Luther King Jr Blvd, Chapel Hill, NC 27514 at any time in the budget process.

Staff has provided notice on the Town's website.

**TOPICS FOR THE FEBRUARY 24 PUBLIC FORUM AND HEARING**

- a. Annual Budget for 2021-22: preparing the budget for the service year beginning on July 1, 2021.
- b. 2022-36 Capital Program: capital improvement needs for 2022-36.
- c. Community Development Block Grant for 2021-22: use of the 2021-22 Federal Community Development Block Grant funds for eligible public service, affordable housing, and community development benefiting low-to-moderate income households in Chapel Hill (Initial Public Forum held November 4, 2020).
- d. Federal HOME Investment Partnership Program funding for 2021-22: use of the 2021-22 Federal HOME Investment Partnership Program funds for a broad range of eligible housing-related activities benefitting low-to-moderate income households in Orange County (The Orange County Board of Commissioners will hold the public hearings for the Orange County Home Consortium in April).
- e. Housing Capital Funds Program for 2021-22 use of the 2021-22 Federal Housing Capital Funds Grant for public housing improvements, renovations and services to public housing residents.
- f. Public Transportation Grant Program for 2021-22: use of 2021-22 Federal and State grants for transit capital projects, operating costs and transportation planning.
- g. Downtown Service District: receive comments and suggestions from downtown businesspeople, property owners and other interested residents regarding the needs of the service district.
- h. Potential Legislative Proposals: receive suggestions for legislation that might be sought in the 2021 session of the General Assembly.

**A. Annual Budget for 2021-22**

This forum is an opportunity for the public to comment on any aspect of the Town's budget and budget documents, including services that should be added, eliminated, or changed. The Town's 2021-22 budget and service year will begin on July 1, 2021 in accordance with State law.

**Purpose**

The annual budget includes funding for operating costs for police and fire protection, street maintenance, refuse collection, other public works services, parks and recreation, public transit, the public library, planning, building inspection, engineering, and legal and administrative services.

The annual budget includes one year's funding for cash-financed (pay-as-you-go) small capital projects such as sidewalks, greenways, street paving, and debt service payments on other capital projects.

In addition to setting Town service levels and property tax rates, the Council makes decisions on whether to adjust or adopt service fees for refuse collection, recreation programs, development review, inspections, and other services as part of the budget.

**Next Steps**

On May 5, the Council will receive the Manager's Recommended Budget. The Council will receive public comment at its May 19 public hearing. The Council will consider adopting a budget on June 9.

**B. 2022-36 Capital Program**

The purpose of this forum is to receive suggestions and comments from the public regarding capital projects proposed for the next 15 years.

**2022-36 Capital Program**

A summary of the current capital program and long-range projections as adopted by the Council with the FY 2021 budget for 2021-35 is attached as background information (Attachment 2). The 15-year CIP is a comprehensive list of capital projects, based on needs identified by Town departments for planning purposes only. Capital projects are brought to Town Council for consideration when funding sources have been identified.

**Purpose**

A capital improvements program is a plan for major projects and purchases including:

- Buying land for parks, open space, or other Town services;
- Sidewalks;
- Streetscape;
- Bikeways;
- Greenways;
- Park improvements;
- Construction, renovation, expansion, and capital maintenance of Town buildings; and
- Road, bridge, and related improvements.

The Town's capital programs have typically included a list of capital projects with cost estimates, a potential schedule, and priorities for 15 years, and existing or potential future funding methods for each project.

Identified funding sources may include current general revenues, money previously reserved for capital projects, grants, gifts, and bond issues.

Many projects in the first year of the capital program normally are funded as part of the annual budget. Projects in the second through fifteenth years are normally not funded in the budget for the next year, although some may be financed through bond issues, installment purchase contracts and other sources. Funding for most projects in the second through fifteenth years will be considered in future annual processes.

**Planning Process**

Each year, the Town Council, residents, boards and commissions, and staff consider the Town's capital project needs and possible funding sources for needed projects. This process results in decisions by the Town Council regarding capital improvements that the Town may undertake as funding becomes available and is appropriated.

**2021-22 Funding**

We have not yet estimated how much funding may be allocated in the upcoming proposed annual

budget for capital projects. In the current 2020-21 budget year, there was no funding allocated to pay-go capital projects.

### Next Steps

We will submit a preliminary recommendation for the capital program to the Council as a part of the budget process. The capital program will be presented as part of the Manager's Recommended Budget on May 5 and a public hearing on the recommended budget will be held on May 19.

## C. Community Development Block Grant Program for 2021-22

The initial public forum for the Community Development Block Grant Program was held [November 4, 2020 <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=802592&GUID=0C22E8A2-E048-4E53-B9BA-985186167918&Options=info|&Search=>](https://chapelhill.legistar.com/MeetingDetail.aspx?ID=802592&GUID=0C22E8A2-E048-4E53-B9BA-985186167918&Options=info|&Search=>).

### Next Steps:

- The deadline for submitting applications was January 14, 2021.
- The CDBG Application Review Committee will review applications and draft funding recommendations in February 2021.
- On April 7, 2021, the Town Council will hold a second public forum to receive comments on the preliminary plan for uses of 2021-22 CDBG program funds.
- On May 5, 2021, the Council will receive the recommended 2021-22 CDBG Program Plan.
- The 2021-22 Annual Action Plan and 5-Year Consolidated Plan will be submitted to HUD on or before May 15, 2021.

## D. Federal HOME Investment Partnership Program for 2021-22

Federal HOME Program funding is allocated to the Orange County HOME Consortium (Chapel Hill, Carrboro, Hillsborough, and Orange County). Orange County serves as the lead entity for administering the HOME Program. The Orange County Board of Commissioners will hold the public hearings for the Orange County Home Consortium in April.

### Next Steps:

- HOME funding is awarded through a joint application process. The deadline for completing applications is February 26, 2021.
- The HOME Program Review Committee will review applications and make recommendations to local elected officials in April 2021.
- The 2021-22 Annual Action Plan and 5-Year Consolidated Plan will be submitted to Housing and Urban Development on or before May 15, 2021.

## E. Housing Capital Fund Grant Program for 2021-22

The purpose of this forum is to receive public comments on the use of the federal 2021-22 Housing Capital Fund grant.

### Purpose

The Town may use the annual Housing Capital Fund grant for comprehensive renovation and improvements to public housing neighborhoods.

Federal rules give priority to work needed to meet statutory requirements such as:

- Testing for and removing or otherwise controlling lead-based paint;
- Testing for and removing or otherwise controlling asbestos; and
- Renovations to meet the needs of disabled residents.

### **Estimated Grant for 2021-22**

The 2020-21 grant amount was \$891,521. HUD has not yet notified Town with the amount for the 2021-22 Capital Fund Grant. The proposed uses will be based on the amount received last year. If the amount awarded is different from the anticipated amount, we will adjust the Public Housing renovations program accordingly.

### **PRELIMINARY 2021-22 CAPITAL FUND PROGRAM**

#### **Proposed Sources of Funds**

Capital Fund Program	\$ 891,521
<b>TOTAL</b>	<b>\$891,521</b>

#### **Proposed Uses of Funds**

Electrical Upgrades	\$185,000
Concrete Repair & Replacement	\$135,000
Furnace Replacement	\$114,000
Asbestos removal	\$110,000
Administrative Costs	\$ 89,000
Appliance Replacement	\$ 85,000
Parking Lot Resurfacing	\$ 58,000
Professional Services	\$ 50,000
Water Heater Replacement	\$ 45,000
<u>Training &amp; Development</u>	<u>\$ 20,521</u>
<b>TOTAL</b>	<b>\$891,521</b>

Many of the proposed activities of 2020-21 were stalled due to COVID-19 and the ability to obtain contractors and materials to complete the project. We propose resuming many of those projects as well as adding other long overdue building improvement projects.

- 1. Electrical Upgrades AMP II (\$185,000)**  
Several of the neighborhoods have experienced degradation of their electrical systems due to age and use. We plan to repair what we can and upgrade as many as we are able.
- 2. Concrete replacement/Repair AMP I (\$135,000)**  
Several of our neighborhoods are experience degradation of the concrete in their stairs and walkways due to time and wear and tear.
- 3. Furnace Replacement (\$114,000)**  
As part of our annual replacement schedule.

- 4. Asbestos removal/remediation (\$110,000)**  
 Several communities still have asbestos in the tile and glue in their homes. The plan is to totally remove / remediate any remaining asbestos remaining.
- 5. Administrative Costs (\$89,000)**  
 Administrative costs are those indirect costs associated with the performance of a sponsored activity (such as a grant or a contract or other similar agreement with an external funding source). This activity includes the administrative cost for coordinating, tracking and implementing the Capital Fund activities.
- 6. Appliance Upgrade / Replacement (\$85,000)**  
 Consistent with our Master Plan of 2019 and regularly scheduled replacement schedule. Appliances will be replaced with energy efficient models.
- 7. Parking Lot resurfacing (\$58,000)**  
 After a series of patching and make-do, many neighborhoods need to have the primary access road resurfaced to avoid damage to resident and guest vehicles.
- 8. Professional Services (\$50,000)**  
 Continued professional contracts to assist our efforts to review and select development partners for proposed RAD conversion of Trinity Court
- 9. Water Heater Replacement/Upgrade (\$45,000)**  
 Consistent with projections from the Master Plan of 2019 and aligned with our replacement schedule.
- 10. Training and Development (\$20,521)**  
 Since November 2019, Public Housing has added three key personnel to its staff and experienced the retirement of an employee with excess of 30 years of experience. Training provided by our professional Organizations and HUD are essential to our continued growth and success as a department.

### Next Steps

Comments received will be taken into consideration in preparing a recommended plan for the 2021-22 Capital Fund grant.

### F. Public Transportation Grant Program for 2021-22

The forum tonight is an opportunity for the public to comment on transit services and projects in 2021-22 including the use of Federal and State grants for transit operations, capital projects and transportation planning.

### Purpose

Transportation services, projects and planning activities are intended to provide alternatives to

the use of single-occupant vehicles, reduce traffic congestion, reduce air pollution, and assist people with disabilities affecting their mobility.

### **Estimated Funding**

For 2020-2021, Federal funding for transit service operations through the 5307 Urbanized Area Funds is estimated to be \$2 million while State funding has been reduced to \$0 due to NCDOT fiscal challenges. Because of the changes at the Federal level, it is difficult to predict when this funding will be received.

In addition, we received approximately \$5.3 million in CARES Act money through a Federal Transit Administration grant, which was used to offset lost State revenue, revenue losses due to COVID and COVID-related expenses. We expect a similar \$5.3 million for 2021-2022 but cannot speculate about any additional funds moving beyond those dates, or when those funds might be available.

Similar to the [CARES Act <https://www.transit.dot.gov/cares-act>](https://www.transit.dot.gov/cares-act), the supplemental funding will be provided at 100-percent federal share, with no local match required and will be available to support capital, operating, and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19. Although the Act directs recipients to prioritize payroll and operational needs, Congress shared that the intent of this funding and the law is to ensure the safe continuation of transit services, as well as protecting the transportation workforce from massive layoffs and operational disruptions.

Chapel Hill Transit also secured \$5.6 million in FY 2020 for the purchase of battery-electric buses to replace the oldest diesel buses in our aging fleet. Given COVID-19 delays and long production schedules, these funds may not be expended, and these buses may not arrive for another 24+ months, by which time our fleet will have continued to age and increased our need for more capital replacement funding.

### **Sharing of Local Costs**

The University and the Towns of Carrboro and Chapel Hill have agreed to share the local operating and capital cost for transit services. The cost-sharing formulas are set forth in separate contracts with the University and Carrboro. The partners have also adopted a capital plan that requires annual investments to maintain the transit fleet.

### **2021-22 Services**

Chapel Hill Transit provides:

- Fixed route and express bus service throughout Chapel Hill, Carrboro and the University of North Carolina;
- E-Z Rider service for customers with mobility challenges.

### **Next Steps**

Staff will present the budget to the Public Transit Committee no later than April 2021. The public will have an opportunity to comment on the transit budget and grants again at the Public Hearing on May 19, 2021.

## **G. Downtown Service District**

The purpose of this forum is to receive comments and suggestions from downtown

businesspeople, property owners, and other interested residents regarding:

- the needs of the service district;
- the use of Downtown Service District taxes in 2021-22; and
- the scope of projects and programs in the service plan for the Downtown District.

### **Purpose**

In 1989, the Council established a Downtown Service District in response to requests from several downtown businesses and property owners. State law allows the Council to establish this service district and to apply a supplemental property tax to promote the economic vitality of downtown, enhance Town services in the downtown district and other related activities. Most of the property in the downtown is in the zoning districts Town Center 1, 2 or Town Center 3.

### **Estimated Funding in 2021-22**

The Downtown Service District is funded by a dedicated property tax of 7.0 cents on the properties within the District. The Town will not have revaluation numbers until late March. Using the rate of property tax growth from the last several years (1.5%), we have estimated that the Downtown Service District collections in 2021-22 will be about \$388,000, an increase of \$6,000 over 2020-21.

### **Downtown District Services**

Currently, downtown district funds are allocated to the Chapel Hill Downtown Partnership, a grounds maintenance employee for the downtown, maintenance costs for public areas of 140 West, and other Downtown economic development projects.

Legislation was enacted that imposed new requirements for municipal service districts to procure contractual services. To comply with these requirements, in 2016 the Town held a competitive process for selection of a vendor to provide services in the Downtown. The Downtown Partnership was selected and the Town entered into a 5-year contract for the Partnership to provide services.

The Council normally adopts the downtown district tax rate in June with the overall budget.

## **H. Potential Legislative Proposals**

Tonight's forum is also an opportunity to identify potential local legislative requests for the 2021 session of the North Carolina General Assembly. Any proposal offered by the public this evening can be considered by Council at a later meeting as Council develops further requests for local legislation.

The Town Council met with the Town's Legislative Delegation on January 25, 2021 to discuss the 2021 session of the General Assembly and legislative issues of interest to the Town. The General Assembly convened for the session on February 1, 2021.

Information from the General Assembly currently indicates the following:

All local bills must be submitted to the Legislative Drafting Division by Tuesday, March 3, 2021 and must be introduced not later than on Tuesday, March 25, 2021.

**Attachments:**

- Draft Staff Presentation
- Attachment 1 - FY2020-22 Strategic Goals and Objectives
- Attachment 2 - FY2021-35 Capital Project Listing

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

PRESENTER: Matt Brinkley, Assistant Director Business Management

RECOMMENDATION: That the Council receive comments from the public on the forum; and that the Council refer comments and questions to the Town Manager for consideration in the budget process.



# Budget Initial<sup>165</sup> Public Forum

## FY2021-22



# Agenda<sup>166</sup>



**Forum Topics**



**Budget Process**



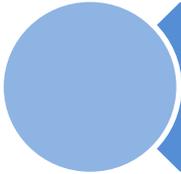
**Budget Status**

**DRAFT**

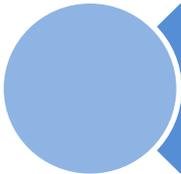
# Purpose<sup>167</sup> of the Public Forum



Forum  
Topics



Budget  
Process



Budget  
Status

- *present background information on budget topics*
- *opportunity for Council to hear comments from the public*

DRAFT



# Topics for the Public Forum <sup>168</sup>

- A. Annual Budget
- B. Capital Program
- C. Community Development Grants
- D. HOME Program Funding
- E. Housing Capital Funds Program
- F. Public Transportation Grants
- G. Downtown Service District
- H. Potential Legislative Proposals



# A

# Annual Operating Budget

- Police & Fire Protection
- Streets, Solid Waste, Engineering & other Public Works Functions
- Parks & Recreation and Library Services
- Planning and Building Inspections
- Administrative and Legal Services
- Affordable Housing
- Pay-as-you-go Capital



# B

170

## Capital Program

**15 Year Plan for investment in capital projects:  
*Acquiring, building, improving, and maintaining  
infrastructure, facilities, land & major equipment.***



# B

# Capital Program Components

## 15 Year Capital Program

- Pay-go Funded (Annual Budget)
- Debt & Grant Funded (multi-year project budgets)
- Financing Plan
- Debt Fund





# CDBG Grant

DRAFT

## Initial Public Forum for CDBG held November 4, 2020

- Committee currently reviewing applications
- FY 2021 award = \$417,591

### ***Next Steps:***

- *April 7 - Second Public Forum*
- *May 5- Recommended CDBG & Home Plans*

# HOME Grants

DRAFT

**Orange County HOME Consortium deadline for completing applications is Feb 26, 2021**

- ***Next Steps:***

- *April 2021 – HOME Program Review Committee recommendations*
- *Annual Action Plan & 5-Year Consolidated Plan submitted to HUD May 15, 2021*

# Housing Capital Funds Program

## Amount of Housing Capital Fund Grant for FY22 is unknown at this time

- *A preliminary program based on the expected reduced funding level is presented in memo*
- *A final recommended plan will be presented in April*



# F

## Public Transportation Grants

- **Estimated funding levels:**

- *Federal \$1.9 million*
- *State ?*
- *Other Federal planning funds*



- **Next Steps:**

- *Transit Budget will be presented to the Public Transit Committee by April 2021*



# Downtown Service District

## Downtown Service District

- *7.0 cent tax – improvements to Downtown*
- *Estimated funding for FY22 \$388,000*





# Potential Legislative Proposals

- **Legislative requests for 2021 legislative session**
  - The deadline for filing bills is March 3, 2021
  - Proposals can be considered at an upcoming Council meeting

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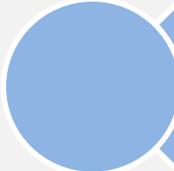
# Budget Calendar



Forum  
Topics



Budget  
Process



Budget  
Status

- **Feb 24**      **Initial Public Forum**
- March 17      Work Session
- April 7        Public Forum
- April 14      Work Session
- May 5         Manager's Recommended Budget
- May 12        Budget Work Session
- May 19        Public Hearing on Recommended  
Budget
- May 26        Budget Work Session (if needed)
- June 2         Budget Work Session (if needed)
- June 9         Proposed Date of Adoption of  
FY2021-22 Budget

DRAFT

# Operating Budget Status

Forum Topics

Budget Process

Budget Status

*Departmental budgets have been submitted and we have begun the process of budget review and research*

DRAFT



# Public Input<sup>180</sup>

*In addition to the April 7<sup>th</sup> and May 19<sup>th</sup> Public Forums, the public can also make comments to the Mayor and Council by mail or e-mail:*

Town Hall  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514

[mayorandcouncil@townofchapelhill.org](mailto:mayorandcouncil@townofchapelhill.org)

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# Public Information <sup>181</sup>

Additional budget information available on the Town's website:

[www.townofchapelhill.org/budget](http://www.townofchapelhill.org/budget)

2021-22 Budget Development Page

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# Next Steps <sup>182</sup>

*Council may now open the public forum to receive public comment and refer comments to the Manager for development of the Recommended Budget*



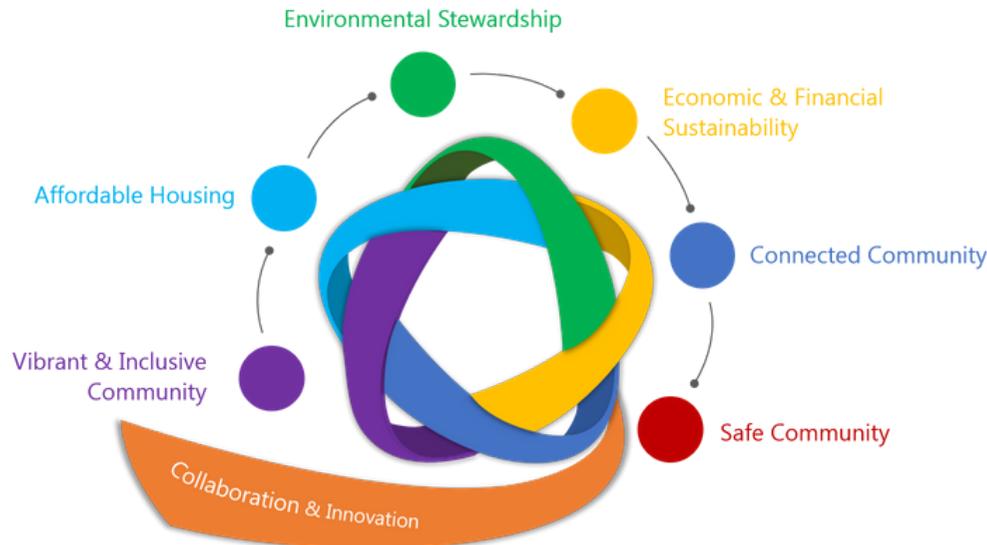
# Strategic Goals and Objectives<sup>183</sup>

FY 2020-2022



## Sustainability Framework

The Town Council uses a Sustainability Framework to evaluate the "triple bottom line" implications, benefits and consequences of the Town's strategic goals and objectives. The framework prioritizes environmental, economic, and equity factors across the Council's strategic work plan.



## Strategic Goals and Objectives

On June 26, 2019, the Town Council approved seven goal areas and nineteen objectives as an operational framework for the Council's strategic work plan.



# Environmental Stewardship

To mitigate effects of climate change through management of Town resources, partnerships and natural environment



## OBJECTIVES

*1. Reduce carbon footprint*

*2. Improve local waterways and conserve biological ecosystems*

*3. Invest in green infrastructure and build community resiliency*

## INITIATIVES

1. Create a Climate Action Plan

2. Create carbon reduction partnerships through outreach and education

3. Strengthen tree protection

1. Build Elliott Road Flood Storage

2. Conduct Eastwood Lake subwatershed study

3. Create a Stormwater Capital Improvement funding plan

1. Continue electric vehicle infrastructure investment

2. Begin Coal Ash remediation

3. Increase solar infrastructure

4. Increase use of alternative transportation through Town vehicle and infrastructure investments

5. Increase community and operational resilience

6. Conduct energy efficiency upgrades in Town facilities

7. Update Council's energy policy

8. Evaluate new regulations for green infrastructure

9. Increase resident and business commitment and involvement in strategies implemented to reduce effects of climate change in the community



# Economic & Financial Sustainability



To steward public assets and support a vibrant economy where there is opportunity for jobs and entrepreneurship that position Chapel Hill for the future

## OBJECTIVES

## INITIATIVES

*1. Attract and retain companies that create jobs in Chapel Hill*

- |   |   |  |
|---|---|--|
| 1. Strengthen UNC Town Gown economic development partnerships   | 2. Conduct recruitment and marketing for Chapel Hill            | 3. Obtain new and innovative technology solutions to attract and retain businesses that create jobs in Chapel Hill |
| 4. Partner with vocational schools to develop local talent attractive to businesses interested in Chapel Hill | 5. Add commercial office space to the Town to locate businesses | 6. Strengthen and facilitate the ecosystem for entrepreneurship and innovation                                     |

*2. Make Downtown Chapel Hill a destination with diverse options for work, live and play*

- |  |                                      |   |
|--|--------------------------------------|---|
| 1. Add more Downtown business and visitor anchors (Market Drivers) | 2. Invest in Downtown infrastructure | 3. Clean and beautify Downtown            |
| 4. Conduct Downtown parking analysis and policy expectations       | 5. Construct Wallace Deck Expansion  | 6. Enhance wayfinding signage in Downtown |

*3. Adopt a budget strategy that aligns Town revenues and expenses*

- |  |  |                                       |
|--|--|---------------------------------------|
| 1. Create a budget strategy that balances revenues and expenditures over the long-term | 2. Implement Facility Maintenance Plan | 3. Implement Capital Improvement Plan |
|--|--|---------------------------------------|



# Affordable Housing

To increase access to housing for individuals across a range of incomes, and to constantly strive for more equitable outcomes and opportunities for historically underserved populations.



## OBJECTIVES

*1. Increase availability of affordable housing for all incomes*

*2. Preserve existing affordable housing stock*

## INITIATIVES

*1. Manage bond and other local affordable housing funding resources*

*2. Develop affordable housing on Town-owned properties*

*3. Reduce regulatory barriers and create incentives for affordable housing*

*4. Using a racial equity lens, identify root causes of affordable housing challenge and address with short, medium and long term approaches*

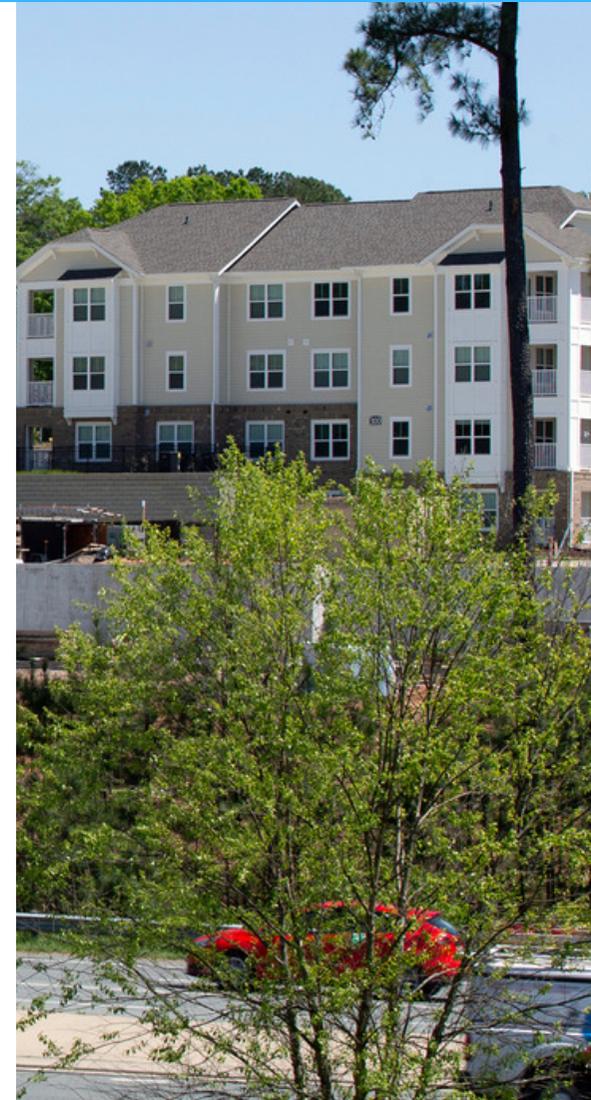
*1. Implement Public Housing Master Plan*

*2. Consider options for Public Housing redevelopment*

*3. Implement Manufactured Home Strategy*

*4. Implement Affordable Housing Preservation Strategy*

*5. Support the Northside Neighborhood Initiative*



# Connected Community



To create a highly connected community where bicycling, walking, and transit are convenient, everyday choices for our neighborhoods, businesses, and public spaces.

## OBJECTIVES

*1. Improve management of traffic flow during peak times of day and at problem intersections*

*2. Increase connectivity between walking, bicycling, and multi-modal networks to reduce amount of driving needed to get around Chapel Hill*

## INITIATIVES

1. Conduct Town-wide traffic analysis

2. Actively participate in regional transportation planning

3. Continuously monitor and address road infrastructure utilization throughout the town of Chapel Hill

1. Establish Transit financial sustainability goals

2. Increase and integrate Downtown parking options to support a "park once" strategy.

3. Plan future transportation connections with Durham

4. Construct Estes Drive bike/pedestrian infrastructure

5. Construct Elliott Road Extension

6. Design and fund North-South bus rapid transit

7. Study East-West corridor needs

8. Prioritize and implement the projects in the Bike Plan.



# Vibrant & Inclusive Community



To enrich the lives of those who live, work, and visit Chapel Hill by building community and creating a place for everyone

## OBJECTIVES

*1. Create diverse opportunities for community to engage with the arts*

*2. Improve connections and partnerships with historically disengaged and marginalized populations*

*3. Preserve the history of Chapel Hill and embrace the future needs of the community*

## INITIATIVES

- 1. Improve festivals and events with a focus on spaces, policies, partners, sponsorship, content and infrastructure
- 2. Increase engagement with community history
- 3. Increase public art in both public and private spaces
- 4. Increase arts programming

- 1. Advance Youth Initiatives
- 2. Continue People's Academy
- 3. Implement Building Integrated Communities Action Plan
- 4. Implement Community Connections Strategy
- 5. Increase after-school and recreation programming Access
- 6. Increase diversity of Council-appointed boards and commissions

- 1. Strengthen urban design focus
- 2. Advance Charting our Future
- 3. Implement Rogers Road Community First Plan
- 4. Conduct Blue Hill code refinements
- 5. Effectively collaborate with UNC Hospitals on the Eastowne Master Planning Project



# Safe Community

To preserve and protect life and property through the fair and effective delivery of Town services



## OBJECTIVES

*1. Invest in facilities and infrastructure that support public safety*

*2. Maintain community safety using equitable policing practices*

*3. Deliver Town services fair and effectively*

## INITIATIVES

- |   |  |
|---|--|
| 1. Design and construct Municipal Services Center | 2. Develop Fire Department Facilities Plan |
|---|--|

- |  |  |
|--|--|
| 1. Reduce potential implicit biases in policing through learning and development practices | 2. Conduct community engagement sessions to increase understanding of police practices within various communities around Chapel Hill |
|--|--|

- |   |   |   |
|---|---|---|
| 1. Identify public safety initiatives that utilize evidence-based practices | 2. Create Road to Zero Plan (Pedestrian Safety) | 3. Improve permitting and inspections process |
| 4. Grow Emergency Management Program  |   |   |



# Collaborative and Innovative Organization

To continue to build a Town workforce that leads with collaboration and innovation to build a community where people thrive



## OBJECTIVES

*1. Increase collaboration, innovation and learning*

*2. Attract and retain diverse and talented employees*

*3. Increase public transparency and information sharing*

## INITIATIVES

1. Conduct Facilitation Training to improve outreach and internal efficiency

2. Conduct Capital Project Management Training to increase project management capacity

3. Conduct process improvement to increase efficiency and effectiveness

1. Conduct Compensation Study to improve recruitment and retention

2. Implement Town-wide Equity and Inclusion Program to create a diverse and welcoming workforce

3. Increase innovation and learning opportunities to build a nimble and adaptable workforce

1. Increase employee satisfaction with internal communication

2. Build Performance Management program to increase data-driven management and decision making

3. Increase the level of cyber security inside the Town's information systems

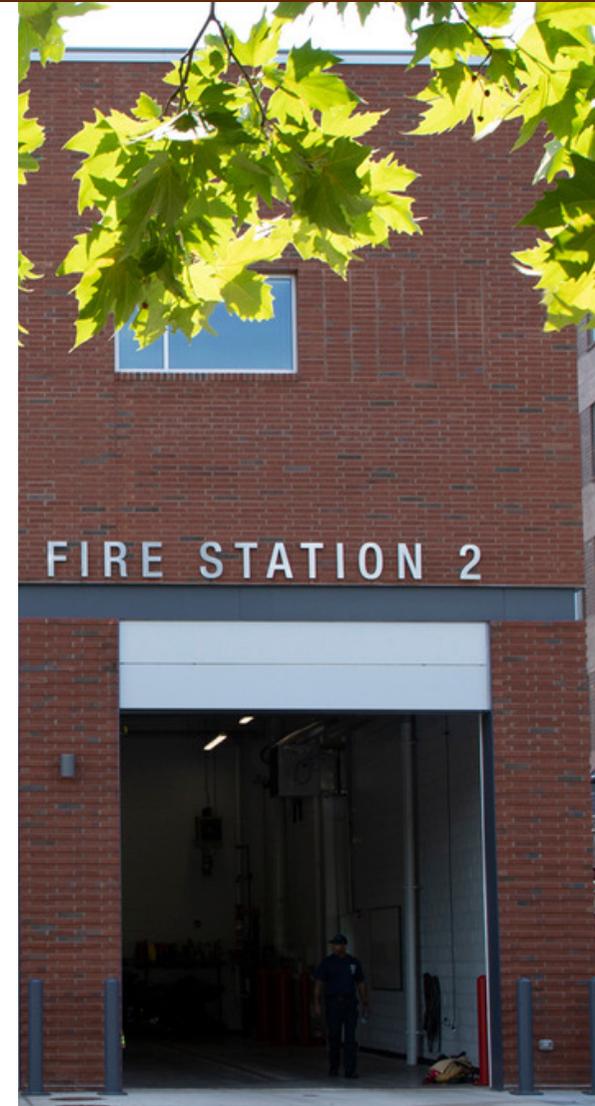


TABLE 1: Capital Improvements

Reference #	Project	2019-20 Budget Revised	2020-21 Adopted Budget	2021-22
<b>Municipal Operations Facilities</b>				
1	Extraordinary Maintenance	\$ 100,000	\$ 62,500	\$ 100,000
2	Facilities Maintenance	103,448	-	-
3	Facility Condition Assessment	-	-	-
4	Town Hall - Safety & Security Improvements	-	-	171,720
5	Town Hall Parking Deck Maintenance	6,465	-	-
6	Town Hall Elevators	-	-	-
7	Fire Station #3 Roof	-	-	80,000
8	Fire Station #3 Generator	-	-	-
9	Station 1 Bay Door Replacement	22,587	-	-
10	Fire Station #1 Generator	-	-	-
11	Fire Station #4 Generator	-	-	98,000
12	Fire Station #4 Roof	-	-	100,000
13	Post Office Roof Replacement	-	-	-
14	Council Chambers Broadcast Center Replacement	-	-	-
15	Small Capital Improvements	-	-	100,000
<b>Public Safety</b>				
16	Fire Radios	-	-	250,000
<b>Town Facilities Leased by Others</b>				
17	Housing Maintenance	25,015	36,449	36,449
<b>Infrastructure</b>				
18	Parking Lots/Paths/Trails	97,375	-	50,000
19	Wood Cir/Velma Rd Closed System Improvements	-	-	-
20	Booker Creek Rd/Lakeshore Ln Closed System Improvements	-	-	-
21	Chelsey Ln Closed System Improvements	-	-	-
22	Old Oxford Rd. Cosed System Improvements	-	-	-
23	Downtown Lighting LED Upgrade	-	-	-
24	Barclay Rd Crossing	-	-	-
25	Bennett Rd Sidewalk	-	-	-
26	Curb Cut Improvements (ADA)	50,000	-	50,000
<b>Communications</b>				
27	General Technology	41,916	-	-
<b>Parks and Other Public Use Facilities</b>				
28	Parks Needs Assessment	-	-	-
29	Small Parks Improvements	86,212	-	150,000
30	Old Chapel Hill Cemetery Paths Renovation	-	-	-
31	Umstead Park Renovations	-	-	-
32	Greenways	6,997	-	75,000
33	Community Center Pool Shell Re-Plastering	-	-	-
34	Homestead Aquatics Center Pool Shell Re-Plastering	-	-	-
35	Homestead Park Dog Park Renovations	-	-	-
36	Replacement of HVAC Equipment at Public Works	-	-	-
37	Replacement of HVAC Equipment at Transit	-	-	-
38	Cedar Falls Picnic Shelter	-	-	-
39	Inclusive Playground	-	-	-
40	North Forest Hills Park Renovations	-	-	-
41	Property Line Marking	-	-	75,000
42	Homestead Park Path Renovation	-	-	-
43	Playgrounds	50,000	-	100,000
<b>Total</b>		<b>\$ 590,015</b>	<b>\$ 98,949</b>	<b>\$ 1,436,169</b>

\*Future years after FY2020-21 are for planning purposes only.

2022-23	2023-24	2024-25	2026-35	Reference #
\$ 100,000	\$ 100,000	\$ 100,000	\$ 1,000,000	1
-	-	-	-	2
-	-	60,000	-	3
-	-	-	-	4
-	-	-	-	5
-	-	-	300,000	6
-	-	-	-	7
-	-	-	180,115	8
-	114,000	-	-	9
-	161,000	-	-	10
-	-	-	-	11
-	-	-	-	12
260,000	-	-	-	13
150,200	-	-	-	14
100,000	100,000	100,000	1,000,000	15
				-
-	-	-	-	16
36,449	36,449	36,449	364,490	17
50,000	50,000	50,000	500,000	18
-	-	-	165,500	19
-	-	-	262,600	20
-	-	-	146,400	21
-	64,000	232,000	-	22
150,000	-	-	-	23
-	-	100,000	-	24
202,500	-	-	-	25
50,000	50,000	50,000	500,000	26
-	-	-	-	27
-	-	80,000	-	28
150,000	150,000	150,000	1,500,000	29
-	-	35,000	-	30
-	135,000	-	-	31
75,000	75,000	75,000	750,000	32
-	-	-	84,000	33
-	-	-	165,000	34
75,000	-	60,000	-	35
-	32,500	390,000	-	36
-	21,500	215,000	180,000	37
-	-	210,000	-	38
-	-	-	211,000	39
-	-	205,000	-	40
75,000	75,000	75,000	450,000	41
-	-	200,000	-	42
100,000	100,000	100,000	1,000,000	43
\$ 1,574,149	\$ 1,264,449	\$ 2,523,449	\$ 8,759,105	

**TABLE 2: Other Sources - Current Year Budget and Future Budget Requests**

Reference #	Project	Revised Budget 2019-20	Adopted 2020-21	2021-22
	<b>Municipal Operations Facilities</b>			
44	Comprehensive Public Housing Renovations	\$ -	\$ 886,583	\$ 886,583
45	Comprehensive Public Housing Renovations	825,913	-	-
46	Comprehensive Public Housing Renovations	775,080	-	-
47	Comprehensive Public Housing Renovations	467,126	-	-
48	Comprehensive Public Housing Renovations	320,981	-	-
49	Comprehensive Public Housing Renovations	257,377	-	-
50	Wallace Parking Facility	17,908	-	2,400,000
51	Multi-Agency Complex Project	504,874	-	-
52	Town Hall HVAC Improvements	7,076	-	-
53	Hargraves Roof Replacement	21,412	-	-
54	Energy Efficiency Projects	15,142	-	-
55	Police Station Environmental Remediation	-	-	-
56	Fire Station 1 Replacement	-	-	-
57	Fire Station 3 Replacement	-	-	-
58	Fire Station 4 Replacement	-	-	-
59	Fire Station 6	-	-	-
60	Live Fire Training Building Replacement	-	-	1,000,000
61	Building Addition to Public Works	-	-	-
62	Library Roof Replacement	-	-	-
63	Transit HVAC Replacement	-	-	-
64	Transit Building Facilities Maintenance	-	-	-
65	Transit Park and Ride Facilities Maintenance	-	-	-
66	Public Works Roof Replacement	-	-	-
67	Historic Town Hall Renovation	-	-	-
68	Public Safety Headquarters (MSC)	-	-	-
69	Parks & Recreation Facility	-	-	-
70	Solid Waste Transfer Station	-	-	-
71	Library HVAC Replacement	-	-	-
72	Town Facilities - Security & Safety Upgrades	-	-	-
73	Town Hall 2nd Floor Renovation	-	-	-
74	Public Works HVAC Replacement	-	-	-
75	Town Hall Roof Replacement	-	-	-
	<b>Public Safety</b>			
76	Fire Self-Contained Breathing Apparatus	3,995	-	-
77	Engine 35	-	-	-
78	Engine 34	-	-	-
79	Engine 33	-	-	-
80	Engine 32	-	-	-
81	Engine 31	-	-	-
82	Squad 61	-	-	-
83	Ladder 72	-	-	-
84	Ladder 74	-	-	-
85	Police Radios	-	-	1,536,585
	<b>Infrastructure</b>			
86	Stormwater Projects	115,290	80,400	80,400
87	Small/Medium Drainage Maintenance and Improvements	-	-	-
88	Teen Center/Archives Renovation	-	-	-
89	Infrastructure Capital Improvement Program	-	-	-
90	Water Quality Capital Improvement Program	-	-	-
91	Lake Ellen Flood Storage Project	-	-	-
92	Dobbins Culvert Improvements	-	-	-
94	Subwatershed Modeling	998,142	300,000	-
95	Library Parking Lot Expansion	-	-	-
96	Cedar Falls Parking Lot Renovation	-	-	-

2022-23	2023-24	2024-25	2026-35	Fund Source	Reference #
\$ 886,583	\$ 886,583	\$ 886,583	\$ 8,865,830	HUD Grant	44
-	-	-	-	HUD Grant	45
-	-	-	-	HUD Grant	46
-	-	-	-	HUD Grant	47
-	-	-	-	HUD Grant	48
-	-	-	-	HUD Grant	49
-	-	-	-	Limited Obligation Bonds	50
-	-	-	-	Multi-year Capital Project Ord.	51
-	-	-	424,500	2015 Installment Financing	52
-	-	-	-	2015 Installment Financing	53
-	-	-	-	2015 Installment Financing	54
-	-	-	10,000,000	Future Financing	55
-	3,376,527	-	-	Future Financing	56
600,000	1,029,000	1,971,000	-	Future Financing	57
-	550,000	926,000	1,324,000	Future Financing	58
-	-	-	2,050,000	Future Financing	59
-	-	-	-	Future Financing	60
-	-	-	2,253,000	Future Financing	61
-	-	-	725,000	Future Financing	62
418,000	-	-	-	Transit Funds	63
300,000	-	-	290,800	Transit Funds	64
-	300,000	-	-	Transit Funds	65
-	-	-	1,005,500	Future Financing	66
-	328,000	262,000	3,950,000	Future Financing	67
1,020,876	1,722,377	21,651,971	191,375	Future Financing	68
142,982	257,368	3,235,350	28,596	Future Financing	69
-	75,000	425,000	4,700,000	Future Financing	70
-	-	-	1,017,000	Future Financing	71
-	-	518,663	-	Future Financing	72
420,000	-	-	-	Future Financing	73
-	-	-	445,318	Future Financing	74
-	-	-	263,452	Future Financing	75
-	-	830,000	-	2015 Installment Financing	76
-	-	-	577,500	Future Financing	77
566,500	-	-	-	Future Financing	78
550,000	-	-	-	Future Financing	79
-	-	640,000	-	Future Financing	80
-	-	-	605,000	Future Financing	81
-	-	825,000	-	Future Financing	82
-	-	1,700,000	-	Future Financing	83
-	900,000	-	-	Future Financing	84
-	-	-	-	Future Financing	85
80,400	80,400	80,400	804,000	Stormwater Management Funds	86
-	-	-	1,000,000	Stormwater Management Funds	87
-	-	175,000	1,850,000	Future Financing	88
-	-	-	5,500,000	Stormwater Management Funds	89
-	-	-	5,500,000	Stormwater Management Funds	90
-	-	165,000	-	Stormwater Management Funds	91
-	-	199,800	-	Stormwater Management Funds	92
-	-	-	-	Stormwater Management Funds	94
-	-	191,100	-	Future Financing	95
-	750,000	-	-	Future Financing	96

**TABLE 2 (cont'd): Other Sources - Current Year Budget and Future Budget Requests**

Reference #	Project	Revised Budget 2019-20	Adopted 2020-21	2021-22
97	Road Diet Traffic Studies	-	-	-
98	Fordham Sidepath*	767,896	-	-
99	Estes Drive Bike & Ped Improvements*	2,790,971	-	-
100	Rogers Road Design and Engineering	1,036,584	-	-
101	Traffic Signal Improvement	226,069	-	-
102	Streetscape Improvements	-	-	-
103	Bolinwood Drive Bridge Replacement	-	-	-
104	Downtown Streetscape Improvements	-	-	-
105	Street Resurfacing	-	-	-
106	Fordham Blvd Multiuse Paths	-	-	-
107	Martin Luther King Jr Blvd Flood Storage	-	-	-
108	Honeysuckle Rd	-	-	-
109	Piney Mountain Rd Flood Storage	-	-	-
110	New Parkside Flood Storage	-	-	-
111	Willow Dr Flood Storage	-	-	-
112	Ephesus Church Rd Closed System Improvements	-	-	-
113	Markham Dr/Old Oxford Rd Closed System Improvements	-	-	-
114	Booker Creek Rd Subwatershed Study	-	-	-
115	Red Bud Flood Storage	-	-	-
116	Foxcroft Dr Culvert Improvement	-	-	-
117	Daley Rd Flood Storage	-	-	-
118	Raleigh Rd Improvements	-	-	-
119	Meadowmont Dam Replacement	-	-	-
120	Franklin St Underpass	-	-	-
121	Mid-Block Pedestrian Signal Heads	-	-	-
122	N. Elliott Rd Complete Street	-	-	-
123	Cameron Ave Buffered Bike Lanes	-	-	-
	<b>Parks and Other Public Use Facilities</b>			
124	Meadowmont Bridge	-	-	-
125	Burlington Park Renovations	-	-	-
126	Homestead Park Skate Park Ramp Replacement	-	-	-
127	Homestead Park Trail Extension	-	-	-
128	Millhouse Rd. Park	-	-	-
129	Athletic Fields Conversion to LED lights	-	-	-
130	Boundary Marking	-	-	-
131	Cedar Falls Ballfields Renovations	-	-	-
132	Ephesus Park Toilet Building	-	-	-
133	Oakwood Park Toilet Building	-	-	-
134	Meadowmont Park Toilet Building	-	-	-
135	Cedar Falls Park Tennis Court Replacement	-	-	268,000
136	Morgan Creek Trail, Phase 3	-	-	-
137	Homestead Park Synthetic Turf Replacement	-	-	-
138	Barclay Trail	-	-	-
139	P&R Community Center - Roof Replacement	-	-	-
140	Cedar Falls Synthetic Turf Replacement	-	-	-
141	Battle Park Trail Upgrade	-	-	-
142	Hargraves - HVAC Equipment Replacement	-	-	-
143	P&R Community Center - HVAC Replacement	-	-	-
144	P&R Homestead Aquatic Center - HVAC Replacement	-	-	-
145	Bolin Creek Trail, Phase 4	-	-	-
146	Timberlyne Trail	-	-	-
	<b>TOTAL</b>	<b>\$ 9,151,836</b>	<b>\$ 1,266,983</b>	<b>\$ 6,171,568</b>

Note: Future years after FY2020-21 are for planning purposes only.

\*In addition to the funding shown on this table, these projects are also funded by Streets & Sidewalks Bonds.

2022-23	2023-24	2024-25	2026-35	Fund Source	Reference #
470,000	-	-	-	Future Financing	97
-	-	-	-	NCDOT Direct Allocation Grant	98
-	-	-	-	CMAQ Grant	99
-	-	-	-	Multi-year Capital Project Ord.	100
-	-	-	-	NCDOT Direct Allocation Grant	101
825,000	-	-	-	Future Financing	102
1,115,000	-	-	-	Future Financing	103
-	400,000	-	-	Future Financing	104
-	800,000	-	-	Future Financing	105
-	300,000	-	1,948,000	Future Financing	106
-	-	-	3,788,651	Stormwater Funds	107
-	335,900	-	-	Future Financing	108
-	-	622,900	1,283,000	Stormwater Funds	109
-	-	437,525	2,248,275	Stormwater Funds	110
45,000	378,000	398,000	3,190,000	Stormwater Funds	111
-	-	151,000	895,000	Future Financing	112
-	-	96,000	355,000	Future Financing	113
-	-	-	1,285,100	Stormwater Funds	114
-	-	-	914,200	Stormwater Funds	115
-	-	112,000	552,000	Stormwater Funds	116
-	-	434,000	2,709,000	Stormwater Funds	117
-	-	-	900,000	Future Financing	118
705,000	-	-	-	Future Financing	119
-	-	-	1,000,000	Future Financing	120
-	-	-	420,000	Future Financing	121
-	-	-	375,000	Future Financing	122
-	-	-	600,000	Future Financing	123
-	-	620,000	-	Future Financing	124
-	-	260,000	-	Future Financing	125
-	-	3,000,000	-	Future Financing	126
-	330,000	-	-	Future Financing	127
-	-	-	3,400,000	Future Financing	128
-	1,400,000	-	-	Future Financing	129
750,000	-	-	-	Future Financing	130
-	450,000	-	-	Future Financing	131
428,000	-	-	-	Future Financing	132
-	-	387,000	-	Future Financing	133
-	-	387,000	-	Future Financing	134
-	-	-	-	Future Financing	135
-	-	609,000	2,962,000	Future Financing	136
-	-	-	940,000	Future Financing	137
-	-	20,000	430,000	Future Financing	138
-	-	-	536,205	Future Financing	139
-	-	-	895,000	Future Financing	140
-	-	-	3,000,000	Future Financing	141
414,000	-	-	-	Future Financing	142
271,000	-	-	-	Future Financing	143
-	-	1,186,704	-	Future Financing	144
-	-	-	3,120,000	Future Financing	145
-	-	-	3,100,000	Future Financing	146
<b>\$ 10,008,341</b>	<b>\$ 14,649,155</b>	<b>\$ 43,403,996</b>	<b>\$ 94,217,302</b>		



## Item Overview

Item #: 11., File #: [21-0138], Version: 1

Meeting Date: 2/24/2021

### Consider Amending the Criminal Justice Debt Program and Enacting a Budget Ordinance Amendment.

**Staff:**

Megan Johnson, Crisis Unit Supervisor  
Chris Blue, Police Chief

**Department:**

Chapel Hill Police Department

**Overview:** In January 2020, Town Council passed a [resolution adopting the Town of Chapel Hill Criminal Justice Debt Program <https://chapelhill.legistar.com/View.ashx?M=F&ID=8027571&GUID=D69CA84E-143E-4FA7-9193-0BE215393B3A>](https://chapelhill.legistar.com/View.ashx?M=F&ID=8027571&GUID=D69CA84E-143E-4FA7-9193-0BE215393B3A) as a pilot program to allocate funds for justice-related debt relief to indigent members of our community. An Ad hoc Advisory Committee was formed with key stakeholders in the community and feedback was requested by Council.

**Recommendation(s):**

That the Council consider a resolution to modify the Criminal justice Debt Program Plan and enact a budget ordinance amendment to adjust the General Fund budget to recognize and allocate funds from the Town of Carrboro.

**Decision Points:**

- Whether to add Carrboro to the MOU and enact a budget ordinance amendment.
- Whether to remove having a violent felony as an exclusionary criterion.

**Key Issues:**

- Carrboro would like to join the program and contribute \$7,500 to serve their residents. They have designated a staff liaison from Carrboro who will assist in processing applications from Carrboro residents.
- The program plan currently states, "Individuals convicted of violent felonies will not be eligible for the fund" which has led at least one applicant to not meet minimum program criteria.

**Fiscal Impact/Resources:** The one-year pilot initially received \$20,000 in funding and has currently used \$3,741 towards Chapel Hill residents. Carrboro will contribute \$7,500 to the program to be managed by the Town of Chapel Hill. Enactment of the attached budget ordinance amendment for the General Fund would recognize and appropriate the \$7,500 for the Criminal Justice Debt Program.

**Attachments:**

- Budget Ordinance
- Resolution
- Revised Program with Advisory Committee Recommendation(s)

**AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2020" (2021-02-24/O-2)**

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 2020" as duly adopted on June 24, 2020, be and the same is hereby amended as follows:

**ARTICLE I**

<b>APPROPRIATIONS</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Revised Budget</b>
<b>GENERAL FUND</b>				
Mayor/Council	\$ 419,020	\$ -	\$ -	\$ 419,020
Town Manager/CaPA	2,949,041	-	-	2,949,041
Human Resource Dev't	1,902,810	-	-	1,902,810
Business Management	2,330,886	-	-	2,330,886
Technology Solutions	2,386,765	-	-	2,386,765
Attorney	391,747	-	-	391,747
Planning & Sustainability	2,177,472	-	-	2,177,472
Building and Development Services	2,403,013	-	-	2,403,013
Housing and Community	834,709	-	-	834,709
Public Works	12,465,577	-	-	12,465,577
Police	13,946,421	7,500	-	13,953,921
Fire	9,700,234	-	-	9,700,234
Parks and Recreation	7,258,077	-	-	7,258,077
Library	3,715,709	-	-	3,715,709
Non-Departmental	5,526,192	-	-	5,526,192
	<u>\$ 68,407,673</u>	<u>\$ 7,500</u>	<u>\$ -</u>	<u>\$ 68,415,173</u>

**ARTICLE II**

<b>REVENUES</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Revised Budget</b>
<b>GENERAL FUND</b>				
Other Revenues	\$ 68,407,673	\$ -	\$ -	\$ 68,407,673
Town of Carrboro	-	7,500	-	7,500
	<u>\$ 68,407,673</u>	<u>\$ 7,500</u>	<u>\$ -</u>	<u>\$ 68,415,173</u>

This the 24<sup>th</sup> day of February, 2021.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

PRESENTER: Emma Ferriola-Bruckenstein, Criminal Justice Debt Program Advisory Committee Chair

RECOMMENDATION: That the Council consider a resolution to modify the Criminal justice Debt Program Plan and enact a budget ordinance amendment to adjust the General Fund budget to recognize and allocate funds from the Town of Carrboro.

**A RESOLUTION TO ESTABLISH THE CHAPEL HILL CRIMINAL JUSTICE DEBT PROGRAM (2021-02-24/R-9)**

WHEREAS, court fees and costs have a disparate impact on the poor; and

WHEREAS, the Town of Chapel Hill receives approximately \$25,000 on average in revenues from court costs and fees each year; and

WHEREAS, these costs and fees create barriers to community members seeking to reintegrate into the community; and

WHEREAS, African-Americans are disproportionately represented in the criminal justice system due to historic and structural racism, making this a racial equity issue; and

WHEREAS, the Chapel Hill Criminal Justice Debt Program offers a small funding resource to eligible low-income individuals who have not been able to get court or other available debt relief from fees and costs imposed due to criminal justice or traffic court involvement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Program expand to Carrboro residents based on the provided MOU from Carrboro Town Council which incorporates the addition of \$7,500 for disbursement to residents of Carrboro.

BE IT FURTHER RESOLVED by the Council that the restriction be removed that an applicant can only apply once every three years in order to prevent situations in which the Program might provide some help, but not enough for full restoration.

BE IT FURTHER RESOLVED by the Council that restriction be removed for applicants with a violent felony conviction and grant the Board the discretion to review these circumstances and determine whether funds should be granted.

This the 24<sup>th</sup> day of February, 2021.

## Town of Chapel Hill Criminal Justice Debt Program

### Summary

- Court fees and costs have a disparate impact on the poor. Chapel Hill's courthouse brings in funds to the Town from those fees.
- Chapel Hill values being a welcoming community with a place for everyone; the imposition of these fees and costs create significant barriers to justice-involved indigent community members seeking to reintegrate into the community.
- As with last year's support for a DACA assistance program, the Town Council has a proud history of championing social justice issues and using Town funds to help our residents address unfair systems. Because African Americans are disproportionately represented in the criminal justice system due to historic and structural racism in the US, this is also a racial equity issue.
- The proposed **Criminal Justice Debt Program** will provide criminal justice-related debt relief to indigent Chapel Hill residents who are taking steps to successfully reintegrate into the community but whose ability to do so is hampered by this debt. It will be administered by the Chapel Hill Police Crisis Unit, with support from an advisory board made up of representatives from the criminal justice and indigent services provider community in Orange County.

### Background

"All across our state, thousands of North Carolinians are jailed every year because they can't afford to pay a fine. Our counties spend more than \$1,100 on every person that is jailed for their inability to pay. But, on average, they only owe \$500. That simply does not make sense. It is costly to the public and doesn't allow people to be out working. I know that several local jurisdictions have already taken steps to end this practice, and I look forward to seeing many others join them in that effort."

-NC Chief Justice Cheri Beasley, State of the Judiciary, June 22, 2019

The issue of court fines, fees and costs imposed on the poor has long been a serious problem in North Carolina that has now become a crisis. A recently released report by the North Carolina Poverty Research Fund at UNC, entitled "[Court Fines and Fees: Criminalizing Poverty in North Carolina](#)," by Gene Nichol and Heather Hunt, explains how North Carolina is, quite literally, criminalizing poverty through the imposition of fines, fees and costs that millions cannot afford. The disproportionate impact of court fines, fees and costs on the poor is well-documented. Per the report, court fines, fees and costs work in North Carolina to burden poor individuals and their families. Those unable to pay court costs risk triggering additional fees, revoked driver's licenses, probation violations and jail time, often for offenses too minor to warrant incarceration. Defendants unable to pay their fees are sanctioned in ways that make it even harder for them to escape their criminal justice debt. For these North Carolinians, fines, fees and costs constitute an ongoing poverty trap. Fees and costs of even a few hundred dollars can present a substantial hurdle. National, state and local criminal justice reform advocates, academics, researchers and community members have identified **the criminalization of poverty, and particularly excessive court fees and costs as a pressing issue and are seeking ways to address its disproportionate**

**impact.** Chapel Hill has an opportunity to join this effort.

Because we have a courthouse in Chapel Hill, we inadvertently participate in – and benefit financially from - this legislatively mandated costs and fees system by collecting a facility fee on all cases that are heard in the Chapel Hill courthouse. The amount collected averages about \$20,000 annually and can vary from year to year. In response to our concern about the impact these fees and costs have on those **defendants with no ability to pay**, this proposal to mitigate the impact on court-involved Chapel Hill residents and their families is presented for Council consideration.

The ACLU’s [At All Costs: The Consequences of Rising Court Fines and Fees in North Carolina](#) is another useful resource on this issue.

### The Impact on Orange County Residents

No one is currently collecting data in North Carolina at the county or municipal levels on unpaid criminal justice debt due to inability to pay, so the exact amount of debt or number of individuals impacted is difficult to quantify. However, there are some adjacent indicators that hint at the enormity of this problem in our community. For example, over 3,000 individuals have driver’s license suspensions due to Failure to Pay from Orange County traffic matters. Statewide, approximately 350,000 North Carolinians have long-term suspensions based on unpaid traffic court costs alone. As stated above, the **average debt is estimated at approximately \$500 per person.**

Per Nichol and Hunt, “data from North Carolina, while scant, indicates that fees easily reach hundreds of dollars for even small traffic infractions and misdemeanors. Court costs snowball when defendants are unable to pay the full debt amount on time and all at once. Late fees, installment payment fees, collection fees, probation supervision fees and the like hook poor people in the same way payday loans do—by keeping defendants on a never-ending debt loop... **Poor households have to juggle food, shelter, medicine, transportation and other household necessities against fines and fees.**” A component of this program is to collect and document the level of need within Chapel Hill, based on application volume and size of debt, and also working with the advisory committee member organizations and state and local agencies to gather additional data.

## Chapel Hill Criminal Justice Debt Program: Advisory Committee Recommendations and Associated Guidelines

### Program Plan

We propose continuing the Criminal Justice Debt Program to assist those in our community who are impacted by costs and fees and have incurred criminal justice-related debt they are unable to pay. We have engaged with Town and community partners, including the Chapel Hill Police Crisis Unit, the Orange County Criminal Justice Resource Department, the Clerk of Superior Court, and the Inter-Faith Council for Social Service (IFC) to develop a model for Council consideration that avoids duplication and fills an urgent gap in our community.

Program structure

The Chapel Hill Police Department (CHPD) currently houses a robust and effective Crisis Unit, staffed by five Master’s level clinicians who routinely interact with those involved in and impacted by the criminal justice system. The Police Crisis Unit staff already have an intake process in place through which they identify, among other information, a client’s financial situation, and the Clerk of Court has indicated a willingness to continue collaboration with them to verify the existence and amount of criminal justice-related debt and ability to pay. Therefore, the Chapel Hill Police Crisis Unit staff are ideally placed to be the “face” of the Program, taking the lead to identify eligible beneficiaries and disperse funds. The Police Crisis Unit will continue administration of the program, maintain procedures and application materials, screen applications for eligibility, and facilitate Advisory Committee meetings. The Police Crisis Unit will continue to report program outcomes to Council at their request.

Because the Police Crisis Unit is part of the Town structure, funds will stay “in-house” with the Budget Office managing and tracking the funds, and making payments on behalf of participants to satisfy eligible criminal justice debt. This will likely primarily be to the Clerk of Court to pay outstanding post-conviction costs and fees incurred in court matters but could also include fees owed to the NC Department of Motor Vehicles (NCDMV).

While the Police Crisis Unit will take the lead, participants can be nominated by any community group or can even self-nominate. All applicants to the program will be vetted for eligibility by the Police Crisis Unit.

### Program Eligibility

The following eligibility criteria will be applied:

- Resident of Chapel Hill and to now also include Carrboro residents.
- Meets court indigency standards
- Not currently incarcerated
- Has outstanding criminal justice or traffic fees or costs
- Has demonstrated that he or she is on the road to stability; could be seeking services from CHPD Crisis Unit, Community Empowerment Fund, Inter-Faith Council, Criminal Justice Resource Department or other local service provider (but not required)
- Other avenues for debt relief have already been pursued (e.g. driver’s license restoration program)
- Assistance will have an immediate impact on the participant’s stability or successful reentry into the community.

### Eligible Fees

- Post-conviction court fees and costs
- Deferred prosecution court fees and costs
- NCDMV license restoration fees

Fines and restitution payments imposed as part of sentencing will not be eligible for the fund.

### Advisory Committee

The program will maintain a ten-member advisory board made up of representatives from the Orange County criminal justice and indigent service provider community. Each of the following service providers will be able to appoint one representative to the Advisory Committee:

- Community Empowerment Fund (CEF)
- IFC
- Orange County Clerk of Court Office
- Re-entry Council Case Manager
- Restoration Program Legal Counsel
- Orange County Partnership to End Homelessness (OCPEH)
- NAACP Legal Redress Committee or Criminal Justice Committee member
- El Centro Hispano
- An impacted community member (could be the IFC or CEF seat)
- Victims' advocate organization (possibly law enforcement, Orange County Rape Crisis Center, Compass Center, etc.)

The role of the committee will be to do the following:

- meet monthly to review applications and recommend participants for the Program
- provide information to applicants about other resources for debt relief, where appropriate
- respond to programming questions as they arise, such as whether to have a funding cap and if so, how much
- review program data and make recommendations on improvements
- share recommendations to Council for future plans.

## Introduction

This following has been drafted and approved by unanimous vote of the Chapel Hill Criminal Justice Debt Program (hereafter "Program") Advisory Committee. It contains descriptions of the four recommendations for changes to the Program's policies that were presented to the Chapel Hill Town Council on January 6, 2021. It also contains guidelines for the implementation and management of the Program if these recommendations are approved by Town Council, in order to address questions and feedback presented by Council on January 6.

## Social Justice and Equity Context

In presenting these recommendations and the guidelines that accompany them, the Advisory Committee wishes to begin by reiterating the lens of social justice and equity through which it strives to operate. The Resolution to establish this Program began by stating the following:

WHEREAS, Court fees and costs have a disparate impact on the poor; and  
 WHEREAS, the Town of Chapel Hill receives approximately \$25,000 on average in revenues from court costs and fees each year; and  
 WHEREAS, these costs and fees create barriers to community members seeking to reintegrate into the community; and  
 WHEREAS, African-Americans are disproportionately represented in the criminal justice system due to historic and structural racism, making this is a racial equity issue; and  
 WHEREAS, the proposed Chapel Hill Criminal Justice Debt Program offers a small funding resource to eligible low-income individuals who have not been able to get court or other

available debt relief from fees and costs imposed due to criminal justice or traffic court involvement.<sup>1</sup>

The Committee presents these recommendations as an acknowledgment of these statements upon which the Program was established. Each of these recommendations provides the Committee with improved tools to combat the inequity and racism implicit in the criminal justice system, so that the Program can best fulfill its purpose and provide an invaluable resource to as many Chapel Hill residents as possible. The Committee further strives to accomplish these goals by utilizing a trauma-informed lens and the understanding that a person who has committed crimes is more than just a “criminal”—rather, they are a person who has likely experienced trauma through the criminal justice system, and now strives to move on from that involvement with the system.

## Recommendations to Council

The following four recommendations to modify policies and operations of the Program were presented to Town Council on January 6, 2021:

- 1. Expansion to Carrboro Residents (Unanimous Committee Approval)**
  - a. This action would incorporate \$7,500 from the Town of Carrboro into the Program, for disbursement to Carrboro residents who apply.
- 2. Removal of the restriction preventing an applicant from applying more than once in a three-year period (Unanimous Committee Approval)**
  - a. The purpose of this recommendation is to fully actualize the goals of the Program, which aim to reduce Criminal Justice debt as well as Chapel Hill’s reliance on that debt as a source of income
  - b. The Program has received multiple applicants who are eligible for relief, but who cannot be fully restored with one instance of assistance: i.e., an applicant who needs to pay court costs and DMV fees and then have DMV Restoration Hearing(s) in order to restore his license. Program could cover court costs and DMV fees, but applicant must attend classes before he will be eligible to schedule Hearing. DMV Hearing costs \$225 for “pre-interview” and then \$425 for Hearing.
  - c. The Program also has applicants who have received assistance with Orange County court debt, but who also had court debt in other counties. If Council approves the Committee’s additional recommendation to expand eligibility to cover the out-of-county-debt of Chapel Hill residents, then future applicants will receive a benefit that past applicants were not offered. The Committee would wish for these applicants to have the opportunity to apply again.
- 3. Removal of the restriction preventing assistance to applicants who have been convicted of a violent felony (Unanimous Committee Approval)**
  - a. The Committee seeks the discretion to review applicants who have a violent felony on their record. Currently, an applicant with a violent felony is automatically barred from eligibility—the Committee feels that this automatic bar runs counter to the goals of rehabilitation and reentry that are integral to criminal justice system reform. With the discretion to review these applicants, the Committee can uphold the ideals of the Program while still maintaining a consideration for public safety concerns.

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<sup>1</sup> A Resolution to Establish the Chapel Hill Criminal Justice Debt Program, January 22, 2020.

- b. The Program does not provide funds for court fines or restitution; the Committee believes that court costs should not hold someone back from successful rehabilitation and reentry if a discretionary review indicates assistance is appropriate.
- 4. Expansion of eligibility to allow the Program to pay debts for Chapel Hill residents that are due outside of Orange County (Unanimous Board Approval)**
- a. The Committee’s goal with this recommendation is to ensure that Chapel Hill residents do not remain trapped in cycles of court debt.
  - b. There is a noted need for this expansion both from applicants who have already come through the program, and, in higher numbers, in clients of Orange County Restoration Legal Counsel. There are many people who live and work in Chapel Hill but who owe debt outside of it.
  - c. If, for example, this debt causes a revocation of their driver’s license, the person will be driving in Chapel Hill and could be charged with a violation for doing so. This charge could then generate debt that the person owes to the Orange County Court. Through these cycles, debt in other counties still impacts Chapel Hill and its residents, and making this modification furthers the Program’s goal of minimizing reliance on court debt as a source of income.
  - d. The Committee has looked to the Blanchard Community Law Clinic, at Campbell University, as a model—the clinic operates a Debt Relief Fund available to residents of Raleigh, but which can pay court debt in any county across the state, as well as out of state when necessary. This Fund began in January 2020 with a grant of \$10,000. That amount was completely allocated to Raleigh residents by November 2020, and the Fund has since received a grant of \$25,000 to continue.

## Guidelines for Implementation Should Recommendations be Approved

The Advisory Committee has developed these guidelines following feedback from Town Council at its January 6, 2021 meeting.

### 1. Expansion to Carrboro Residents

- a. The money contributed to the Program by the Town of Carrboro would be managed by the Chapel Hill Business Management Department, and applications would still be processed in the same manner.
- b. The Advising Committee would add a Carrboro representative, or designate an existing member as the Carrboro representative if there is a Carrboro resident currently on the Committee.
- c. The program was allotted \$20,000 for the one-year pilot and has currently used \$3,741 of program funds towards Chapel Hill residents. Carrboro will contribute \$7,500 to the program to be managed by Town of Chapel Hill. Enactment of the attached budget ordinance amendment for the General Fund would recognize and appropriate the \$7,500 for the Criminal Justice Debt Program.

**2. Removal of the restriction preventing an applicant from applying more than once in a three-year period**

- a. Detailed records would be maintained for each applicant indicating date of application, whether the original application was approved, and whether the application had been flagged for a potential additional application within a three-year period.
- b. Applicants fitting the following scenarios would be allowed to submit additional applications within a three-year period:
  - i. *(Pending Approval of Recommendation 4)* A previous applicant who has court debt outside of Orange County, but who did not have the option upon first application to seek assistance with that debt.
  - ii. Applicants who have a license suspension requiring DMV Hearing(s), but who are not eligible to apply for a hearing at the time of first application to the Program.
  - iii. Applicants who owe both fines and court costs on a charge in a jurisdiction where partial payments are not allowed by the Clerk of Court, when the applicant cannot afford to pay their fine at the time of application. Applicant would be allowed to reapply for assistance with that charge only, once they were able to pay the fine.
  - iv. At Advisory Committee's Discretion: Review of applicants who have previously been assisted by the Program, but who are subsequently convicted of a traffic violation, the non-payment of which threatens to suspend the person's license. The Committee seeks discretion to review the severity of the offense and whether there is a pattern of endangering public safety. This evaluation would be weighed against the knowledge that one previous instance of assistance from the Program is not enough to change a person's financial situation, and loss of a license only furthers financial difficulties.
  - v. At Advisory Committee's Discretion: Review of applicants who, at the time of initial Program application, had pending court matters that have since been resolved and for which the person now owes money they cannot afford to pay.

**3. Removal of the restriction preventing assistance to applicants who have been convicted of a violent felony**

- a. The Advisory Committee seeks discretion to review Program applicants who have a violent felony conviction by analyzing the following factors:
  - i. Whether the applicant is seeking financial relief for the violent felony conviction, or for something different (i.e. a traffic ticket the suspends a license);
  - ii. Age of the felony conviction;
  - iii. Severity of the crime;
  - iv. Whether applicant was struggling with addiction or other mental health issue(s) that they have since been managing;
- b. For these applicants, the Chapel Hill Police Department Crisis Unit will conduct a detailed interview, where the applicant will have an opportunity to share additional information such as: efforts applicant has made toward restitution, rehabilitation and reentry; whether the applicant was a victim of domestic violence or other trauma; and work and education efforts since the crime occurred.

- 4. Expansion of eligibility to allow the Program to pay debts for Chapel Hill residents that are due outside of Orange County**
  - a. Management of disbursed funds will not change if this recommendation is approved by Council.
  - b. The practice of seeking confirmation of applicant's identity and the amount(s) due will also stay the same, with this information being verified for all jurisdictions—for any out-of-state jurisdiction, payment will be sent with a letter containing a request for a receipt along with a stamped, self-addressed envelope.
  
- 5. The Police Crisis Unit will continue to tracking Program evaluation metrics, in consultation with the Advisory Committee, and produce data likely including the following:**
  - Number of applications received
  - Number of community members served
  - Amount of funding requested
  - Amount of funding provided
  - Types and amounts of debt held by applicants and participants
  - Qualitative feedback on success of program, recommendation on continuation of program and any needed adjustments (structure, eligibility, funding level, etc.)
  - An estimate of the Police resources required to administer the program
  - A report on any other data provided by state, local, and nonprofit agencies that help to clarify the extent of the unmet need in Chapel Hill.



## Item Overview

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Item #: 12., File #: [21-0139], Version: 1

Meeting Date: 2/24/2021

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**Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.11 for Townhomes in the Blue Hill District.**

See the Staff Report on the next page.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

PRESENTER: Corey Liles, Principal Planner

- a. Introduction and revised recommendation
- b. Mayor and Town Council discussion
- c. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- d. Motion to enact Ordinance A (Approving the Proposal)

RECOMMENDATION: That the Council adopt the Resolution of Consistency and enact the Ordinance approving the Land Use Management Ordinance Text Amendment.



## CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT - PROPOSED CHANGES TO SECTION 3.11 FOR TOWNHOMES IN THE BLUE HILL DISTRICT

### STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
Colleen Willger, Director  
Judy Johnson, Assistant Director  
Corey Liles, Principal Planner

<p><b>AMENDMENT REQUEST</b></p> <p>Amend the Form-Based Code to include the following elements supporting small townhome projects:</p> <ol style="list-style-type: none"> <li>1. Exempt Attached Living uses from the requirement for a nonresidential use if the site is <math>\leq 2</math> acres and the median unit size is <math>\leq 1800</math> sq. ft.</li> <li>2. Reduce the requirement for nonresidential space for Attached Living uses where the site area is 2-2.5 acres and the median unit size is <math>\leq 1800</math> sq. ft.</li> <li>3. Adjust residential lot requirements to accommodate small townhome lots.</li> </ol>	<p><b>MEETING DATE</b></p> <p>February 24, 2021</p>
<p><b>TOWN MANAGER'S RECOMMENDATION</b></p> <p>I have reviewed and discussed key issues with Town staff. Based on the information in the record to date, I believe the Council could make the findings required to approve the proposal, and therefore should adopt the Resolution of Consistency and enact the Ordinance approving the Land Use Management Ordinance Text Amendment.</p>	
<p><b>UPDATES SINCE THE NOVEMBER 18, 2020 PUBLIC HEARING</b></p> <p>No comments have been received and no changes have been made since the <a href="#">public hearing</a><sup>1</sup>.</p>	
<p><b>ADDITIONAL INFO</b></p> <ul style="list-style-type: none"> <li>• This proposal stems from the response to a petition received by Council on <a href="#">March 14<sup>th</sup>, 2018</a><sup>2</sup>.</li> <li>• The recommendations are based on economic analysis done by Noell Consulting and urban design evaluation done by Civitech, Inc.</li> </ul>	<p><b>PROCESS</b></p> <ol style="list-style-type: none"> <li>1 Receive and Refer Council Petition</li> <li>2 Recreation Space Amendment</li> <li>3 Research Additional Potential Standards</li> <li>4 Advisory Board Review</li> <li>5 Massing &amp; Permeability Amendment (Public Hearing and Council Action)</li> <li>6 Further Study on Townhomes</li> <li>7 Continued Public Hearing</li> <li>8 <b>Consider Action on Text Amendment</b></li> </ol>
<p><b>DECISION POINTS</b></p> <ul style="list-style-type: none"> <li>• The proposed text amendment would update LUMO Sections 3.11.2.7 Measurements and Exceptions and 3.11.3.5.A Residential Uses</li> <li>• To enact a Land Use Management Ordinance Text Amendment, Council must consider whether one or more of the following three factors applies: <ol style="list-style-type: none"> <li>1. To correct a manifest error in the chapter;</li> <li>2. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or</li> <li>3. To achieve the purposes of the Comprehensive Plan.</li> </ol> </li> </ul>	<p><b>ATTACHMENTS</b></p> <ol style="list-style-type: none"> <li>1. Draft Staff Presentation</li> <li>2. Technical Report</li> <li>3. Resolution of Consistency with the Comprehensive Plan</li> <li>4. Ordinance A (Enacting the Text Amendment)</li> <li>5. Resolution B (Denying the Text Amendment)</li> </ol>

<sup>1</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4696359&GUID=0706DB6A-3DFD-4948-B756-83EC7DCCAB25>

<sup>2</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3378092&GUID=CF613ECB-AE0E-4A16-8801-9292A08A4231>



# Blue Hill Townhomes<sup>211</sup>

## LUMO Text Amendment



**Council Meeting**  
**February 24, 2021**

DRAFT

# Recommendation<sup>212</sup>

- Adopt the Resolution of Consistency with the Comp Plan
- Enact the Ordinance to approve the text amendment

DRAFT

# LUMO Text Amendment Process <sup>213</sup>



# Existing Townhome Standards<sup>214</sup>

- All residential projects in WX- Subdistricts must include a nonresidential use
- Minimum 10% of building floor area or 15% of site floor area
- Lot Requirements
  - 1700 sq ft Minimum Net Land Area
  - 20 ft Minimum Lot Width

DRAFT

# Community Interests<sup>215</sup>

- Development Opportunity for Small Infill Sites
- Broaden Variety of Housing Types
- Broaden Options for Housing Price Points



# Council Interests from the Public Hearing

1. Accessory Dwelling Unit standards to encourage smaller units
2. Typical size of existing townhome projects (stacked or standard townhomes)
3. Building form implications – is having more townhomes effective at reducing building scale?

DRAFT

# 1. Accessory Dwelling Units

Encourage as a component of townhome projects?

Steps for assessing ADUs as an opportunity in Blue Hill:

- Study market dynamics – what’s feasible to integrate with townhome projects and with new construction?
- Understand what objectives Council hopes to accomplish
- Discuss options for ADU standards that meet objectives
- Consider geographic scope – Blue Hill only or more widespread?

DRAFT



## 2. Townhome Project Examples

Are small projects common?

- Small projects in Chapel Hill (Standard Townhomes)
  - **Cooper Square:**  
3.09 acres, 39 units
  - **Rosemary Place at Meadowmont:**  
2.68 acres, 32 units
  - **Salem Court:**  
2.04 acres, 18 units
  - **Legion Rd Townhomes:**  
1.37 acres, 14 units
- Townhome projects can be a range of sizes, including on sites around 3 acres and below



## 2. Townhome Project Examples

What types of projects are typical?

- Stacked Townhomes in DC and Atlanta
  - Projects can scale to fit size of site – from less than a block up to a whole neighborhood
  - ADU opportunity – lower unit rented out by owners of ‘stack’ who occupy top unit
  - Parking – garages typical, often with alley access

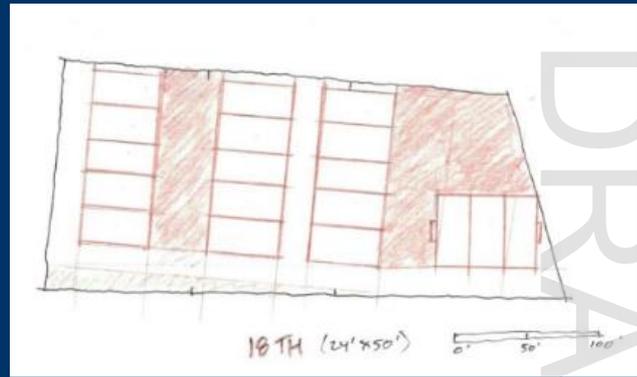


DRAFT

# 3. Building Form Implications

What to expect with building scale?

- Small sites where townhomes are encouraged should limit building size
- Flexibility on building configuration supports higher unit yield on expensive land
- New Max Building Dimensions apply – 330' x 120'
- Townhomes wrapping a parking deck – possible configuration, homes could serve screening function



# 3. Building Form Implications

What to expect with building scale?

- Stacked Townhomes:
  - Height of 4 stories typical (45' – 55')
  - Design elements can be used to blend with adjacent smaller-scale residential
  - Can be configured in long buildings
  - Many architectural styles possible



# 3. Building Form Implications <sup>222</sup>

- **Blue Hill Design Guidelines** could be updated to provide more guidance for townhomes
  - Address appropriate building size, architectural style, etc
- Townhomes already permitted in Blue Hill, but Design Guidelines are generally use-neutral

## Example: *Building Better Townhome Communities*, Montgomery County, PA

### *Build active parks*

Central greens provide areas for recreation and community gathering. Amenities, such as playgrounds and seating, activate the space and attract residents.

### *Line front yards and streets with street trees*

Trees create canopies that provide cooling shade to pedestrians, homes, and cars; beautify the streetscape; and reduce traffic speeds. They also provide a buffer distancing pedestrians from moving traffic.

### *Pair front-loaded garages*

Paired single-car-wide garages and driveways consolidate green spaces in front yards for street trees and landscaping.

### *Enhance architectural details*

Articulated building façades, including entrances, windows, garage doors, and a mix of building materials, create visual interest and a more varied streetscape.

### *Build community with porches*

Front porches encourage interaction between neighbors and help establish connected communities.



# Recommended Text Amendments <sup>223</sup>

1. Exempt 'small' townhome projects from nonresidential requirement
2. Reduce nonresidential requirement for 'medium' townhome projects – 5% of building / 10% of site floor area
3. Adjust lot requirements to better reflect townhomes

2.0 acres max

1800 sq ft  
median unit size

2 – 2.5 acres

1800 sq ft  
median unit size

Measured for townhome  
building as a whole

DRAFT

# Recommended Text Amendments<sup>224</sup>

1. Exempt 'small' townhome projects from nonresidential requirement

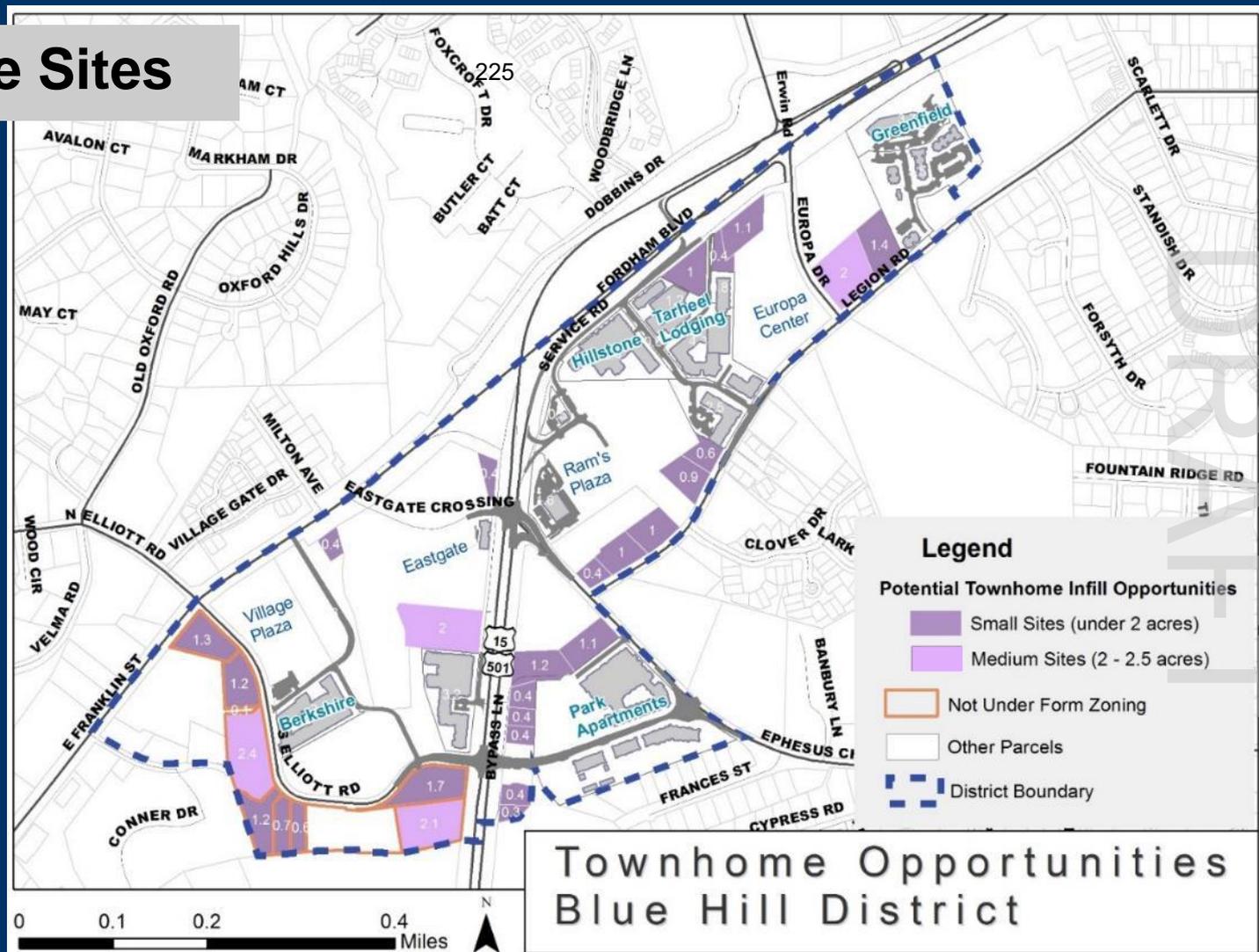
## Maximum Site Area of 2.0 acres

- Allows flexibility on unit count, including stacked townhomes
- Opportunity for sites that are too small to support other uses (Office, Hotel, Wrapped Multifamily)



DRAFT

# Candidate Sites



# Recommended Text Amendments <sup>226</sup>

1. Exempt 'small' townhome projects from nonresidential requirement

## Median Unit Size of 1800 sq ft

- Allows full range of floor plans in the 'Micro/Urban' product type
- Don't expect to see units from 1800 – 2600 sq ft (Conventional product type, not feasible per Noell study)



DRAFT

# Recommended Text Amendments <sup>227</sup>

2. Reduce nonresidential requirement for 'medium' townhome projects –

*5% of building floor area / 10% of site floor area*

## Site Area of 2.01 – 2.5 acres

- Creates a 'Phase-in' before full requirement applies



DRAFT

# Recommended Text Amendments <sup>228</sup>

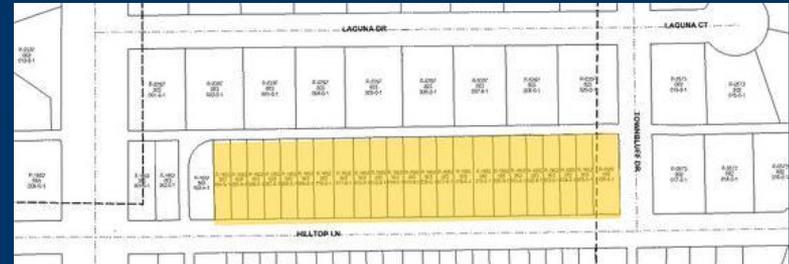
3. Adjust lot requirements to better reflect townhomes—

*Dimensions measured for the whole townhome building, not individual lots/units*

**Minimum Net Land Area of 1700 sq ft**

**Minimum Lot Width of 20 ft**

- Some townhomes could be on lots smaller than this



# 229 Recommendation

- Adopt the Resolution of Consistency with the Comp Plan
- Enact the Ordinance to approve the text amendment

DRAFT

## TECHNICAL REPORT

(from November 18, 2020 Council Public Hearing)



### **LUMO TEXT AMENDMENT FOR TOWNHOMES IN BLUE HILL**

The following Technical Report describes proposed modifications to the Form District Regulations in order encourage townhome projects in the Blue Hill District, stemming from a petition from Council members. The modifications constitute a proposed Text Amendment to Section 3.11 of LUMO.

On February 19, 2020, Council adopted new standards for building massing in the Blue Hill District, including maximum building dimensions and minimum building separation. Council provided direction at that time to further refine standards supporting townhome projects. Staff subsequently developed proposed townhome standards that reflect an analysis of market realities and interests of the community, as detailed in this report.

#### **TABLE OF CONTENTS**

- ❖ **Updates Since the February 19 Public Hearing**
- ❖ **Market Aspects of Townhome Development in Blue Hill**
- ❖ **Community Interests Served by Townhome Development**
- ❖ **Summary of Proposed Changes**
- ❖ **Impacts of Proposed Changes**
- ❖ **Background and Next Steps**
- ❖ **Summary of Previously Approved Changes**
- ❖ **Zoning Amendment Findings of Fact**

#### **UPDATES SINCE THE FEBRUARY 19, 2020 PUBLIC HEARING**

- This report reflects further study and conversation with consultants on the dynamics of townhome development, including market aspects, community interests served, and impacts of proposed changes
- Switching the nonresidential exemption from a cap on number of units to a cap on site acreage
- Introduction of a phased non-residential requirement for townhome sites 2-2.5 acres in size, so that 'medium' sites don't have a significant disadvantage compared to smaller sites
- Addressing lot requirements in the Code that the consultants identified as additional barriers for townhome development

#### **MARKET ASPECTS OF TOWNHOME DEVELOPMENT IN BLUE HILL**

Noell Consulting Group provided development economics expertise for the Blue Hill Massing Study. Information in this section is drawn from their report on [Blue Hill District Market Analysis](#)<sup>1</sup>, along with follow up conversations on townhomes.

#### **Site Requirements of Larger Footprint Uses**

To be economically feasible, uses such as office, hotel, and mid-rise multifamily need a minimum floor plate size that meets criteria for marketing and financing. For example, office building floor plates start around 20,000 sq ft. In addition, parking structures have their own minimum floor plate size to allow vehicle circulation (typically 20,000 sq ft and up). The resulting minimum site area for office, hotel, and multifamily projects is typically around 2.0 acres to support building, parking, and other site functions. Sites may need to be larger based on factors such as parcel shape, topography, streams, etc. Townhome projects, meanwhile, offer more flexibility in size and therefore represent a development opportunity for parcels under 2.0 acres.

<sup>1</sup> <https://www.townofchapelhill.org/home/showdocument?id=44274>

## TECHNICAL REPORT

Council Meeting – 11/18/2020

### Stacked Townhomes

Smaller footprint townhomes can be stacked with two units on top of each other for a more efficient use of land. Each unit is typically two stories and has its own entrance at street level. This housing configuration is common in many urban areas. There are no examples currently in the Triangle, but it could become a desirable product type in areas of high activity.

### Townhome Product Types

The Noell report analyzes the feasibility of various common types of townhomes. The information below, drawn from their October 2019 report, was a core part of developing the proposed townhome standards.

TOWNHOME TYPE	DESCRIPTION	SQUARE FOOT RANGE	SALES PRICE
<b>Micro/Urban</b>	Smaller units, 12'-18' width, no yard, surface parking or tandem garage, can build 2 units stacked	1,400 – 1,800	\$300,000 and up
<b>Conventional</b>	Mid-size units, 18'-28' width, 2-car garage typically front loaded, may have yard <i>- Not considered viable in the District</i>	1,800 – 2,600	\$360,000 and up
<b>Luxury</b>	Larger units with high-end finishes, 22'-32' width, 2-car garage typically alley loaded, yard and/or rooftop patio	2,800 – 3,600	\$700,000 and up
<b>Other</b>	<i>Other townhome product types, such as Entry-Level and Detached, are not considered viable in the District</i>	Varies	Varies

### COMMUNITY INTERESTS SERVED BY TOWNHOME DEVELOPMENT

By considering the market dynamics of Blue Hill and Chapel Hill overall, along with the housing needs of the community, staff is proposing townhome standards that could serve the following community interests:

**Development Opportunity for Small Infill Sites:** Assisting parcels of all shapes and sizes to be put to a productive use that contributes to the walkable urban fabric of Blue Hill and also increases tax revenue.

**Broaden Variety of Housing Types:** Encouraging more housing supply beyond single-family homes and multifamily apartments, to better serve the community's diverse types of family and household structures.

**Broaden Options for Housing Price Points:** Providing opportunities for homeownership at a cost that is more accessible than the typical single-family home in Chapel Hill. Note that the standards proposed here encourage housing for a broader range of incomes, but would need to be paired with affordable housing strategies to meet the needs of low-income populations.

In order to support these interests, the proposed standards would support the development of townhomes on smaller sites where the typical unit size meets the criteria for a 'Micro/Urban' townhome. Projects meeting these conditions would either not have to include a commercial component (which can be challenging to integrate with townhomes) or would provide a reduced amount of commercial space.

# TECHNICAL REPORT

Council Meeting – 11/18/2020

## SUMMARY OF PROPOSED CHANGES

TODAY'S REGULATIONS	PROPOSED CHANGES
<ul style="list-style-type: none"> <li>• <b>Nonresidential Requirement:</b> All residential projects in WX-Subdistricts must include a nonresidential use  Minimum 10% of building floor area or 15% of site floor area</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Attached Living:</b> Townhomes/rowhouses are not required to include a nonresidential use if               <ul style="list-style-type: none"> <li>(i) the site area is <math>\leq</math> 2 acres and</li> <li>(ii) at least half of the units are <math>\leq</math> 1800 sq. ft.</li> </ul> </li> <li>• <b>Phase-In for Medium Sites:</b> Attached Living on sites with an area between 2 and 2.5 acres –               <ul style="list-style-type: none"> <li>(i) must only provide at least 5% of building floor area / 10% of site floor area as a nonresidential use</li> <li>(ii) at least half of the units still must be <math>\leq</math> 1800 sq. ft.</li> </ul> </li> <li>• <b>Stacked Townhomes:</b> A project with no more than two units vertically stacked may be considered an Attached Living use, eligible for the nonresidential use exemption and phase-in detailed above</li> <li>• <b>Other Multifamily Living:</b> Nonresidential use still required, no change to percentages</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Residential Lot Requirements</b> <ul style="list-style-type: none"> <li>- Minimum Net Land Area: 1700 sq ft</li> <li>- Minimum Lot Width: 20 ft</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Residential Lot Requirements:</b> Support townhome projects that may have very small lots for individual units, but reasonable overall site dimensions               <ul style="list-style-type: none"> <li>- Minimum Net Land Area: 1700 sq ft per building or series of attached units</li> <li>- Minimum Lot Width: 20 ft per building or series of attached units</li> <li>- Lots for individual attached units can be smaller</li> </ul> </li> </ul>

## IMPACTS OF PROPOSED CHANGES

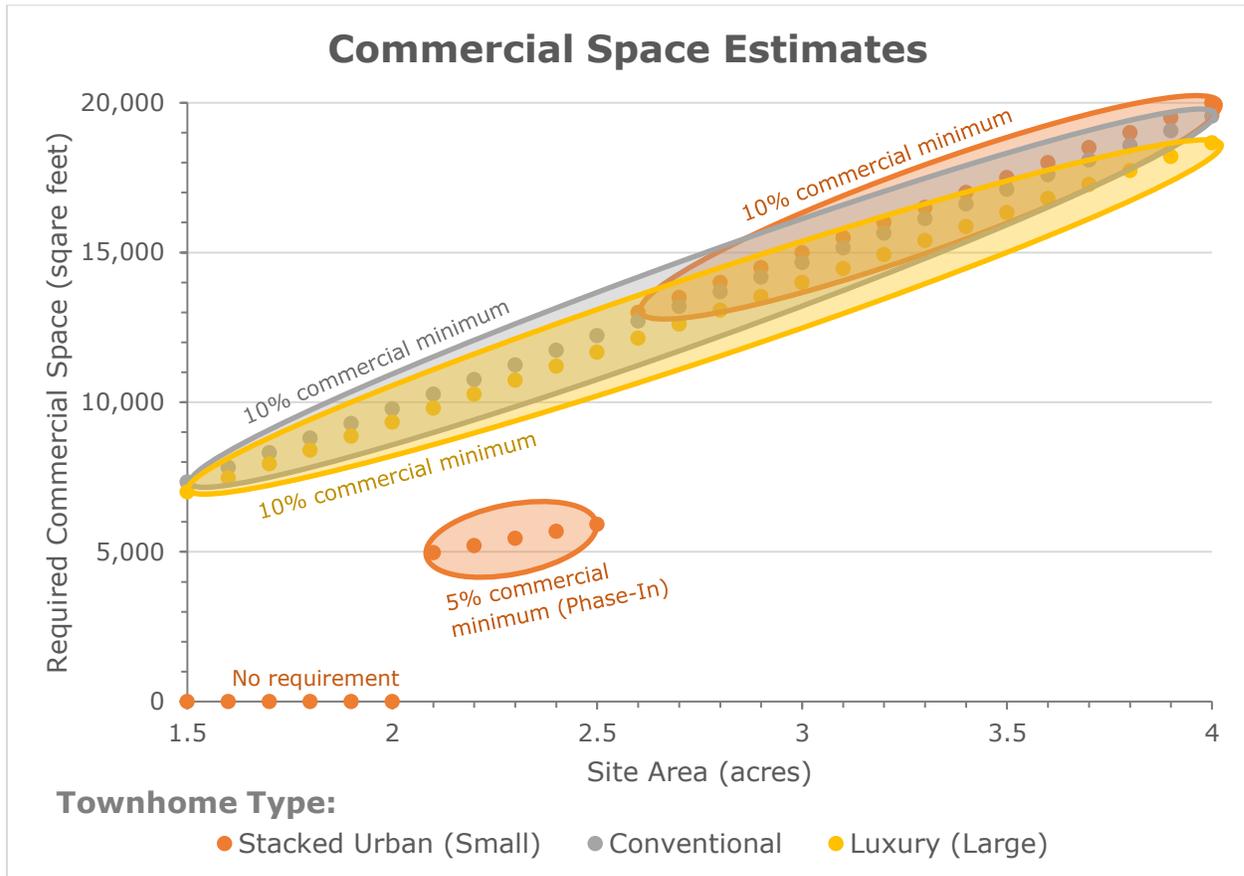
The proposed changes would activate smaller parcels and facilitate housing types that are generally smaller in scale, not currently represented in the District, and could serve a 'missing middle' function for affordability. By applying these new standards, staff believes that the Blue Hill District would see the following impacts:

- All sizes of townhome units and townhome projects would be allowed, as is currently the case. However, the requirement for commercial space would only apply in certain circumstances.
- The proposed exemption from commercial space would support townhome projects where the location dynamics of the site and/or the developer's expertise do not make commercial uses feasible.
- Projects that don't provide commercial space would be limited to circumstances where other community interests are still being met (activating small infill sites, broadening the variety of housing types and price points).

## TECHNICAL REPORT

Council Meeting – 11/18/2020

- Projects on medium-sized sites (up to 2.5 acres) that still have smaller units can take advantage of a phased-in commercial requirement. As shown in the graph below, the proposed 5% of square footage could result in a requirement for up to around 7,000 sq. ft. of nonresidential space. If there were no phase-in, applying the existing 10% requirement could result in over 10,000 sq. ft. of nonresidential space on a 2-2.5 acre site. Amounts of commercial space will also vary depending on townhome unit size and units built per acre.

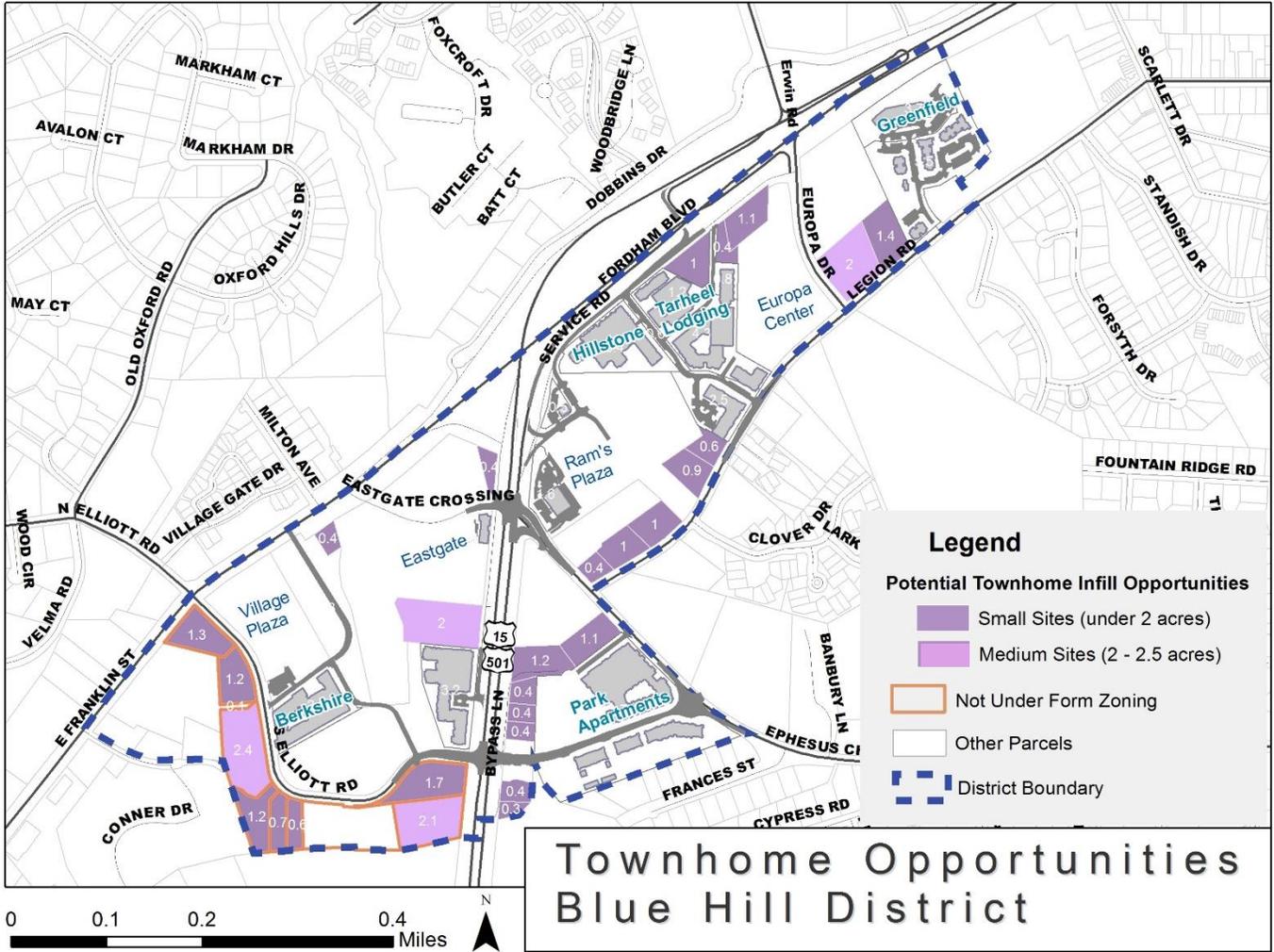


*Note: This graph reflects one set of possible development outcomes, with assumptions for townhome size and density that are typical of the Stacked Urban, Conventional, and Luxury product types*

- Small sites (under 2 acres) might support up to 60 units depending on unit size and unit stacking, while medium sites (2-2.5 acres) might allow up to 75 units. Any townhome project developed with little or no commercial space would need to be fairly small in scale compared to other residential developments in Chapel Hill.
- The map below shows sites that might be candidates for small townhome projects, based on a parcel size of less than 2 acres or 2-2.5 acres. The potential townhome sites generally cluster on the eastern and southwestern sides of the Blue Hill District, with the more central sites being large enough to support a broad range of uses.
  - **Note 1:** In many cases there is opportunity to assemble these parcels with surrounding ones to form a larger site that could support other uses. This assemblage would depend on the decisions of property owners.
  - **Note 2:** Parcels located south/southwest of Elliott Road are not currently zoned under the Form-Based Code, and would only be subject to this framework pending a future rezoning.

# TECHNICAL REPORT

Council Meeting – 11/18/2020



- If there is interest in further limiting the number of parcels that might be developed as townhome projects with no commercial component, staff recommends evaluating approaches that are more geographically precise. For example, the proposed townhome standards could be adapted to only apply in the WX-5 zoning subdistrict, which generally runs along Legion Road and Europa Drive.

# TECHNICAL REPORT

Council Meeting – 11/18/2020

## BACKGROUND

March 14, 2018	Council received a petition regarding potential changes to the Form District Regulations, addressing several topics including building massing concerns
June 27, 2018	Council updated recreation space standards as an initial response to the petition, and provided direction to continue studying additional strategies
June 5, 2019	Council Work Session to discuss potential approaches on how to regulate building mass
November 1, 2019	Council Committee on Economic Sustainability to consider development finance considerations of new massing standards
January 7, 2020	Public Information Meeting on massing standards
January 7, 2020	Planning Commission Meeting on massing standards
January 8, 2020	Council Public Hearing to hear the proposed amendments and receive public comments
January 28, 2020	Community Design Commission Meeting on massing standards
February 19, 2020	Council adopted new standards for building massing. Council provided direction to further refine standards supporting townhome projects

## NEXT STEPS

November 18, 2020	Council Public Hearing to consider proposed townhome standards and receive public comments
February 24, 2021	Council has the opportunity to take action on the proposed amendments

## SUMMARY OF PREVIOUSLY APPROVED BUILDING MASSING STANDARDS

The interest in townhome standards stems from a larger study on ways to address massing and permeability concerns in the Blue Hill District. In addition to what is proposed here, the Council already adopted updates to massing standards on February 19, 2020, as summarized below:

- a. Massing and Building Separation: Core standards that relate directly to building mass by limiting the horizontal dimensions and creating public space between buildings
  - i. Established a framework of maximum dimensions for buildings and structured parking in various contexts
  - ii. Established a minimum separation between buildings, with such area serving a pedestrian connectivity function for the public
- b. Additional Changes: Standards that indirectly support positive outcomes for building mass and/or accomplish other objectives for the Blue Hill District based on Council interests
  - i. Exempted four-story buildings from having to reduce the area of the upper floor
  - ii. Expanded options for reducing the number of required parking spaces
  - iii. Allowed parking structures closer to the street, when they are thoughtfully designed

# TECHNICAL REPORT

Council Meeting – 11/18/2020

## ZONING AMENDMENT FINDINGS OF FACT

Based on the comments and information submitted, the Council will consider whether it can make one or more of the three required findings (listed below A-C) for enactment of a Land Use Management Ordinance Text Amendment.

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance (as stated in Section 4.4) shall not be amended except:

- A. To correct a manifest error in the chapter; or
- B. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- C. To achieve the purposes of the Comprehensive Plan.

Staff provides below an evaluation of the proposed text amendment based on the three findings. Further information may be presented for the Council’s consideration as part of the public hearing process. All information submitted at the public hearing will be included in the record of the hearing.

### A. To correct a manifest error in the chapter

Arguments in Support:	To date no arguments in support have been submitted or identified by staff.
Arguments in Opposition:	To date no arguments in opposition have been submitted or identified by staff.

### B. Because of changed or changing conditions in a particular area or in the jurisdiction generally

Arguments in Support:	<p>Since it was first adopted, the Form-Based Code has been evolving in response changing market dynamics and the actual performance of the District.</p> <p>Encouraging townhome development has been identified as an indirect way of addressing concerns around building mass and achieving a human-scale design that contributes to a walkable environment.</p>
Arguments in Opposition:	To date no arguments in opposition have been submitted or identified by staff.

**Staff Response:** We believe, based on the information entered into the record to date, that the proposed zoning amendment responds to changed and changing conditions in the area.

## TECHNICAL REPORT

Council Meeting – 11/18/2020

### C. To achieve the purposes of the Comprehensive Plan

Arguments in Support:	<p>Staff believes that the proposed text amendment would contribute to the following elements of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>▪ A range of housing options for current and future residents (Goal <i>A Place for Everyone</i> 3)</li> <li>▪ A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal <i>Good Places, New Spaces</i> 3)</li> <li>▪ A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill’s character for residents, visitors, and students (Goal <i>Good Places, New Spaces</i> 5)</li> <li>▪ Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal <i>Good Places, New Spaces</i> 8)</li> </ul>
Arguments in Opposition:	To date no arguments in opposition have been submitted or identified by staff.

**Staff Response:** We believe, based on the information entered into the record to date, that the proposed zoning amendment achieves the purposes of the Comprehensive Plan.

## RESOLUTION OF CONSISTENCY

### **A RESOLUTION FINDING THAT THE PROPOSED AMENDMENTS TO SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO UPDATE STANDARDS FOR TOWNHOMES IN THE BLUE HILL DISTRICT ARE CONSISTENT WITH THE COMPREHENSIVE PLAN (2021-02-24/R-10)**

WHEREAS, on March 14, 2018, Council members petitioned the full Council to consider solutions for the Blue Hill District that would address several community interests, one of these interests being building size and massing concerns; and

WHEREAS, on February 19, 2020, the Council adopted Land Use Management Ordinance text amendments on building size, massing, and permeability, while also requesting further study of the text amendment proposal for townhomes; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update requirements for nonresidential space within townhome projects, as revised subsequent to Council's request for further study; and

WHEREAS, upon consideration the Council finds that the amendments, if enacted, are reasonable and in the public's interest and are warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal Good Places New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed zoning text amendments to be reasonable and consistent with the Town Comprehensive Plan.

This the 24<sup>th</sup> day of February, 2021.

**ORDINANCE A**

(Enacting the Land Use Management Ordinance Text Amendment)

**AN ORDINANCE AMENDING SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO UPDATE STANDARDS FOR TOWNHOMES IN THE BLUE HILL DISTRICT (2021-02-24/O-3)**

WHEREAS, on May 12, 2014, the Town Council amended the Land Use Management Ordinance to establish Form District Regulations for the Ephesus Church Road/Fordham Boulevard area of Chapel Hill, now identified as the Blue Hill District; and

WHEREAS, on March 14, 2018, Council members petitioned the full Council to consider solutions for the Blue Hill District that would address several community interests, one of these interests being building size and massing concerns; and

WHEREAS, on January 7, 2020, the Planning Commission considered Land Use Management Ordinance text amendments on building size, massing, and permeability, and forwarded a recommendation to the Public Hearing before the Council; and

WHEREAS, on February 19, 2020, the Council adopted Land Use Management Ordinance text amendments on building size, massing, and permeability, while also requesting further study of the text amendment proposal for townhomes; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update requirements for nonresidential space within townhome projects, as revised subsequent to Council's request for further study; and

WHEREAS, the Council finds that reinvestment in properties in the Blue Hill District is appropriate and especially significant based on the findings of the Ephesus Church-Fordham Small Area Plan; and

WHEREAS, upon consideration the Council finds that the ordinance is warranted because of changed or changing conditions in the area or in the jurisdiction generally; and

WHEREAS, the Council further finds that the ordinance is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal Good Places New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that Section 3.11 – Blue Hill Form District of Appendix A – Land Use Management of the Code of Ordinances, Town of Chapel Hill, North Carolina is hereby amended as follows:

**SECTION 1**

**Section 3.11.2.7. Measurements and Exceptions, Subsection A. Net Land Area** is hereby revised to read as follows:

"A. *Net land area.* Net land area is the area included within the rear, side and front lot lines. Net land area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

- 1. For Attached Living uses, net land area shall be measured as the total lot area provided for each principal structure, regardless of whether such area is subdivided into smaller lots for individual units.**"

**SECTION 2**

**Section 3.11.2.7. Measurements and Exceptions, Subsection B. Lot Dimensions, subsection 1** is hereby revised to read as follows:

"1. *Lot Width.* Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.

- a. For Attached Living uses, lot width shall be measured as the total lot distance at the primary street property line provided for each principal structure, regardless of whether such distance is subdivided into smaller lots for individual units.**"

**SECTION 3**

**Section 3.11.3.5. Use Categories, Subsection A. Residential Uses, subsection 1b.** is hereby revised to read as follows:

- "b. *Attached living.* Three (3) or more dwelling units in a single principal structure where each unit is separated vertically by a common side wall. Units ~~cannot be~~ **are generally not** vertically mixed, **except that two units may be vertically stacked if each unit has a private ground level entrance.**"

**SECTION 4**

**Section 3.11.3.5. Use Categories, Subsection A. Residential Uses, subsection 4.** is hereby revised to read as follows:

- "4. *Limited Use.* **Unless exempted below,** ~~r~~Residential uses in the ~~WX-5 and WX-7~~ ~~subdistricts~~ **Limited Use category** must include a non-residential use as part of the same application, in order to accomplish the Form District intent for a mixture of uses. For purposes of this section, a non-residential use includes any use listed in the Permitted Use Table (Sec. 3.11.3.4) that is not listed in the residential use category. To satisfy this requirement, the application must satisfy at least one of the criteria below. A building or site with non-residential floor area exceeding the minimums defined below **in items a. or b.** may utilize the Upper Story Floor Area Bonus established in Section 3.11.2.7.T.1.a.

- a. *Mixed Use Building*. Where each building contains a vertical mix of uses, a minimum of 10% of the building floor area must contain a non-residential use. A certificate of occupancy must be issued for at least 50% of the non-residential floor area prior to issuance of a certificate of occupancy for more than 90% of the residential floor area.
- b. *Mixed Use Site*. A site with multiple buildings may include buildings with a single use, so long as a minimum of 15% of the total **building** floor area for the site contains a non-residential use.
- c. **Exemption and Reduction for Attached Living. For an application where the only residential use proposed is Attached Living, and where at least one-half of the residential units has less than or equal to 1,800 square feet of heated floor area, non-residential use(s) must be provided as follows:**
  - i. **No non-residential use is required when the application is for a total net land area of two (2) acres or less.**
  - ii. **When the application is for a total net land area of greater than two (2) acres but no more than two and a half (2.5) acres, the minimums identified above are reduced to 5% for a Mixed Use Building and 10% for a Mixed Use Site."**

## **SECTION 5**

This ordinance shall be effective upon enactment.

This the 24<sup>th</sup> day of February, 2021.

**RESOLUTION B**

(Denying the Land Use Management Ordinance Text Amendment)

**A RESOLUTION DENYING A PROPOSAL TO AMEND SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO UPDATE STANDARDS FOR TOWNHOMES IN THE BLUE HILL DISTRICT (2021-02-24/R-11)**

WHEREAS, on March 14, 2018, Council members petitioned the full Council to consider solutions for the Blue Hill District that would address several community interests, one of these interests being building size and massing concerns; and

WHEREAS, on February 19, 2020, the Council adopted Land Use Management Ordinance text amendments on building size, massing, and permeability, while also requesting further study of the text amendment proposal for townhomes; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update requirements for nonresidential space within townhome projects, as revised subsequent to Council's request for further study, and fails to find that the amendment:

- a) corrects a manifest error in the chapter, or
- b) is justified because of changed or changing conditions in the area of the rezoning site or the community in general, or
- c) achieves the purposes of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the Town-initiated proposal to amend the Land Use Management Ordinance to update standards for townhomes in the Blue Hill District.

This the 24<sup>th</sup> day of February, 2021.