



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

Wednesday, September 9, 2020 7:00 PM

Virtual Meeting

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_urVomoszTye2bi7qssLdqq

After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 894 3763 1900

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

ROLL CALL

OPENING

1. Recognize Ralph Karpinos for his Years of Service. (no attachment)

[\[20-0564\]](#)

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.

2. Town Manager's Office Request for Concept Plan Review. [\[20-0565\]](#)

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.

3. Approve all Consent Agenda Items. [\[20-0566\]](#)
By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.
4. Enact the Annual Budget Ordinance Amendment to Re-appropriate Funds for Prior Year Encumbrances and Other Commitments. [\[20-0567\]](#)
By enacting the budget ordinance amendment, the Council appropriates funds for prior year encumbrances, previously approved grants, and capital improvement projects in various funds for the 2020-21 fiscal year.
5. Consider a Minor Modification to the 2019-2020 Community Development Block Grant Program Plan. [\[20-0568\]](#)
By adopting the resolution, the Council approves a minor modification to the 2019-2020 Community Development Block Grant Program to allocate \$169,728 to temporary housing assistance.
6. Adopt the Corrected FY 2020-21 Fee Schedule. [\[20-0569\]](#)
By adopting the resolution, the Council adopts the corrected FY 2020-21 fee schedule retroactive to July 1, 2020 and ratifies the Building & Development Services fees collected since July 1, 2020.
7. Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program. [\[20-0570\]](#)
By adopting the resolution, the Council approves the grant application to the Governor's Highway Safety Program in the amount of \$67,000.

- 8.** Designate Juneteenth an Official Town Holiday. [\[20-0571\]](#)
- By adopting the resolution, the Council designates Juneteenth as an official town holiday beginning June 19th, 2021.
- 9.** Authorize the Sale of Public Housing Property at 605 Oak Avenue. [\[20-0572\]](#)
- By adopting the resolution, the Council authorizes sale of Property as described through the upset bid procedure of North Carolina General Statute § 160A-269.
- 10.** Approve the Town Manager's Employment Contract Extension. [\[20-0573\]](#)
- By adopting the resolution, the Council extends the contract of Town Manager Maurice Jones, three years from the end of his current employment contract.
- 11.** Call a Public Hearing for Conditional Zoning at 125 and 135 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD) on September 30, 2020. [\[20-0574\]](#)
- By adopting the resolution, the Council calls a public hearing on September 30, 2020 for an amendment of the Chapel Hill Zoning Atlas to rezone the property located at 125 and 135 E. Rosemary Street to Town Center-2-Conditional Zoning District (TC-2-CZD).
- 12.** Call a Public Hearing for September 30, 2020 to Consider Text Amendments that Expand Opportunities for Special Use Permit Applications to be considered under Conditional Zoning Review. [\[20-0575\]](#)
- By adopting the resolution, the Council calls a public hearing on September 30, 2020 to consider text amendments that would allow Special Use Permit applications to be considered under Conditional Zoning review.
- 13.** Call a Public Hearing on October 7, 2020 for Land Use Management Ordinance Text Amendment to Table 3.7-1: Use Matrix Pertaining to Allowed Uses in Planned Development-Mixed Use (PD-MU). [\[20-0576\]](#)
- By adopting the resolution, the Council calls a public hearing on October 7, 2020 for Land Use Management Ordinance Text Amendment to Table 3.7-1: Use Matrix pertaining to allowed uses in the Planned Development-Mixed Use District.
- 14.** Call a Public Hearing on October 7, 2020 for Land Use [\[20-0577\]](#)

Management Ordinance Text Amendment to Section 5.14.4 Pertaining to Signs Exempt from Regulation.

By adopting the resolution, the Council calls a public hearing on October 7, 2020 for Land Use Management Ordinance Text Amendment to section 5.14.4 pertaining to signs exempt from regulation.

- 15.** Call a Public Hearing for October 7, 2020 to Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way of Monroe Street. [\[20-0578\]](#)

By adopting the resolution, the Council calls a Public Hearing for October 7, 2020 to consider closing a portion of the unmaintained and unimproved Monroe Street public right-of-way.

- 16.** Adopt a Revised Meeting Schedule to Hold Meetings in a Virtual Environment through October 31, 2020 or Until the Orange County Stay At Home Order is Lifted. [\[20-0579\]](#)

By adopting the resolution, the Council approves a revised meeting schedule to hold meetings in a virtual environment through October 31, 2020 or until the Orange County Stay at Home Order is lifted.

- 17.** Adopt Minutes from January 8, and 22, 2020 and February 12, and 19, 2020 Meetings. [\[20-0580\]](#)

By adopting the resolution, the Council approves the summary minutes of past meetings which serve as official records of the meetings.

INFORMATION

- 18.** Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0581\]](#)

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

DISCUSSION

- 19.** Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[20-0582\]](#)

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.

- 20.** Consider a Structure for the Task Force on Developing New Community Approaches to Improve Racial Equity and Safety.

[\[20-0583\]](#)

PRESENTER: Maurice Jones, Town Manager
Christopher C. Blue, Police Chief and Executive Director for Community Safety
Loryn Clark, Executive Director for Housing and Community

RECOMMENDATION: That the Council receive this information, establish a Task Force on Developing New Community Approaches to Improve Racial Equity and Safety, and approve a charge for the Task Force's efforts.

- 21.** Open a Public Hearing and Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project.

[\[20-0399\]](#)

PRESENTER: Maurice Jones, Town Manager
Dwight Bassett, Economic Development Officer
Amy Oland, Director of Business Management
Bob Jessup, Sanford Holshouser

- a. Introduction and preliminary recommendation
- b. Comments and Questions by the Mayor and Town Council
- c. Comments from the public in this meeting and via email or other methods of submission through 11:59 PM on September 10
- d. Motion to close the Public Hearing at 11:59 PM on September 10, 2020
- e. Consider adopting the resolution to authorize the Economic Development Agreement at the September 30, 2020 Council meeting.

RECOMMENDATION: That the Council authorize the Town Manager to make minor non-substantive changes and sign an Economic Development Agreement with Grubb Properties regarding a redevelopment project on East Rosemary Street. The Council will vote on this item on September 30.

- 22.** Open a Public Hearing and Consider Exchanging 150 E. Rosemary for 125 and 135 E. Rosemary to Support the East Rosemary Redevelopment Project and Parking Deck.

[\[20-0584\]](#)

PRESENTER: Maurice Jones, Town Manager

Dwight Bassett, Economic Development Officer

- a. Introduction and preliminary recommendation
- b. Comments and Questions by the Mayor and Town Council
- c. Comments from the public
- d. Motion to close the Public Hearing
- e. Motion to adopting the resolution to authorize the Town Manager to proceed with the acquisition and land exchange
- f. Motion to adopt the resolution to reimburse the Town for East Rosemary Deck expenditures.

RECOMMENDATION: That the Council authorize the Town Manager to proceed with acquisition and land exchanges, including 125, 135 and 150 East Rosemary Street, to support this redevelopment and an expenditure of up to \$1.74 million dollars from existing budget resources to proceed with this project.

- 23.** Charting Our Future - Update on Future Land Use Map (FLUM) Engagement & Consideration of Changes to the Proposed FLUM. [\[20-0585\]](#)

PRESENTER: Alisa Duffey Rogers, LUMO Project Manager

RECOMMENDATION: That the Council adopt the resolution authorizing the Town Manager to make changes to the March 2020 draft of the Future Land Use Map - Update to *Chapel Hill 2020*.

- 24.** Receive Wegmans Traffic Calming Report and Consider Authorizing Traffic Calming Improvements. [\[20-0586\]](#)

PRESENTER: Judy Johnson, Interim Planning Director

RECOMMENDATION: That the Council receive the information and consider adopting the attached resolution authorizing the traffic calming improvements.

SPECIAL USE PERMIT(S)

Special Use Permit: The Application for a Special Use Permit is Quasi-Judicial. Persons wishing to speak are required to take an oath before providing factual evidence relevant to the proposed application.

Witnesses wishing to provide an opinion about technical or other specialized subjects should first establish that at the beginning of their testimony.

- 25.** Open the Public Hearing: Application for Special Use Permit - Christ Community Church, 141 Erwin Road (Project #19-119). [\[20-0587\]](#)

PRESENTER: Becky McDonnell, Planner II

Swearing of all persons wishing to present evidence

- a. Without objection, the preliminary report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and preliminary recommendation
- c. Presentation of evidence by the applicant
- d. Recommendation by the Planning Commission
- e. Recommendations by advisory boards and commissions
- f. Presentation of evidence by the public
- g. Comments from the public via email or other methods of submission through 11:59 PM on September 10
- h. Comments and questions from the Mayor and Town Council
- i. Applicant's statement regarding proposed conditions
- j. Motion to close the Public Hearing at 11:59 PM on September 10, 2020.
- k. Consider adopting the Special Use Permit at the October 7 Council meeting.

RECOMMENDATION: That the Council open the public hearing, receive evidence and close the hearing 24-hours after the conclusion of this item. On October 7, 2020 the Council may consider adoption of Special Use Permit.

- 26.** Open the Public Hearing: Application for Special Use Permit Minor Modification-Charterwood, 1701 Martin Luther King Jr. Blvd.

[20-0588]

PRESENTER: Michael Sudol, Planner II

Swearing of all persons wishing to present evidence

- a. Without objection, the preliminary report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and preliminary recommendation
- c. Presentation of evidence by the applicant
- d. Recommendation by the Planning Commission
- e. Recommendations by advisory boards and commissions
- f. Presentation of evidence by the public
- g. Comments from the public in this meeting and via email or other methods of submission through 11:59 PM on September 10, 2020
- h. Comments and Questions from the Mayor and Town Council
- i. Applicant's statement regarding proposed conditions
- j. Motion to close the Public Hearing at 11:59 PM on September 10, 2020
- k. Consider adopting the Special Use Permit Modification on October 7, 2020.

RECOMMENDATION: That the Council 1) open the public hearing; 2) receive evidence; and 3) closing the public hearing. On October 7, the Council may consider adoption of Resolution A, extending the construction completion date to June 25, 2022.

**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.
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Chapel Hill, NC 27514

Item Overview

Item #: 2., **File #:** [20-0565], **Version:** 1

Meeting Date: 9/9/2020

Town Manager's Office Request for Concept Plan Review.

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:

- Town Manager's Office Request



TOWN OF CHAPEL HILL
Office of the Town Manager

405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

phone (919) 968-2743 *fax* (919) 969-2063
www.townofchapelhill.org

Dear Mayor and Members of the Council,

We are requesting that the Council consider reviewing a concept plan for a proposed Municipal Services Center site at the corner of Martin Luther King Jr. Blvd. and Weaver Dairy Road where Fire Station #4, the fire training center, and the burn tower are currently located.

This project does not meet the threshold for Council review of a concept plan under a Conditional Zoning application, but we would welcome the opportunity to share it in a public forum and receive your feedback.

We anticipate the concept will be reviewed by the Community Design Commission in September and we will hold a Public Information Meeting (online) in early September as well.

Thank you for considering our request.

Sincerely,

Mary Jane Nirdlinger, Assistant Town Manager

Cc: Chris Blue, Police Chief
Vence Harris, Fire Chief
Phil Fleischmann, Director of Parks and Recreation



TOWN OF CHAPEL HILL

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Item Overview

Item #: 3., **File #:** [20-0566], **Version:** 1

Meeting Date: 9/9/2020

Approve all Consent Agenda Items.

Staff:

Sabrina M. Oliver, Director/Town Clerk
Amy T. Harvey, Assistant 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
(2020-09-09/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:

4. Enact the Annual Budget Ordinance Amendment to Re-appropriate Funds for Prior Year Encumbrances and Other Commitments. (O-1)
5. Consider a Minor Modification to the 2019-2020 Community Development Block Grant Program Plan. (R-2)
6. Adopt the Corrected FY 2020-21 Fee Schedule. (R-3)
7. Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program. (R-4)
8. Designate Juneteenth an Official Town Holiday. (R-5)
9. Authorize the Sale of Public Housing Property at 605 Oak Avenue. (R-6)
10. Approve the Town Manager's Employment Contract Extension. (R-7)
11. Call a Public Hearing for Conditional Zoning at 125 and 135 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD) on September 30, 2020. (R-8)
12. Call a Public Hearing for September 30, 2020 to Consider Text Amendments that Expand Opportunities for Special Use Permit Applications to be considered under Conditional Zoning Review. (R-9)
13. Call a Public Hearing on September 30 Oct 7, 2020 for Land Use Management Ordinance Text Amendment to Table 3.7-1: Use Matrix Pertaining to Allowed Uses in Planned Development-Mixed Use (PD-MU). (R-10)
14. Call a Public Hearing on October 7, 2020 for Land Use Management Ordinance Text Amendment to Section 5.14.4 Pertaining to Signs Exempt from Regulation. (R-11)
15. Call a Public Hearing for October 7, 2020 to Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way of Monroe Street. (R-12)
16. Adopt a Revised Meeting Schedule to Hold Special Meetings in a Virtual Environment through June 30October 31, 2020 or Until the Orange County Stay At Home Order is Lifted. (R-13)
17. Adopt Minutes from January 8, and 22, 2020 and February 12, and 19, 2020 Meetings. (R-14)

This the 9th day of September, 2020.

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.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 4., File #: [20-0567], Version: 1

Meeting Date: 9/9/2020

Enact the Annual Budget Ordinance Amendment to Re-appropriate Funds for Prior Year Encumbrances and Other Commitments.

Staff:

Amy Oland, Director

Department:

Business Management

Overview: Enacting the attached budget ordinance amendment appropriates funds for prior year encumbrances, previously approved grants, and capital improvement projects in various funds for the 2020-21 fiscal year.



Recommendation(s):

That the Council enact the budget ordinance amendment to adjust for encumbrances and other commitments from FY 2020 to FY 2021.

Key Issues:

Each year, as the new fiscal year budget gets underway, we ask the Council to re-appropriate funds for activities that cross over July 1st. These activities were anticipated and planned for in our budget preparation and are for routine activities and longer-term projects.

- **Encumbrances**

Encumbrances are obligations the Town committed to before June 30, 2020 through a contract or a purchase order. Since the materials or services weren't delivered before June 30th, we need to re-appropriate those funds in the 2020-2021 budget. Staff recommends carrying forward a total of \$5,696,978 across all funds from last year to the 2020-2021 budget.

- **Other Commitments**

In addition to outstanding contracts and purchase orders, there are items that were planned for in our budget preparation but not completed before June 30, 2020. These projects include: CARES funds \$696,410, Rosemary Deck design \$152,800, year three of the LUMO update \$203,521, inspections software replacement \$215,000, COVID-19 response \$104,068, the penny for housing initiative \$767,405, and stormwater subwatershed studies \$200,000. Other carryforward items include workforce development training, Council-approved planning initiatives, police federal and state drug seizure funds, traffic studies, facility maintenance, technology projects, and other ongoing initiatives that were not encumbered. Staff recommends carrying forward a total of \$3,257,133 across all funds from last year to the 2020-2021 budget.

- **Grant Fund Carryovers**

The attached ordinance would re-appropriate \$818,784 for unspent grants in the Grant Fund as follows:

Grant	Grant Budget in 2019-20	Balance to Reappropriate in 2020-21
CARES Grant	746,410	746,410
Triad Foundation Grant	45,671	33,586
Governors Crime Commission Gr.	89	89
FY18 Bulletproof Vest Grant	12,624	12,624
Orange County ABC Grant	30,421	9,828
Youth Initiative Grant	619	49
FY17 Bulletproof Vest Grant	25,351	16,198
Total	\$ 861,185	\$ 818,784

- **Transit Grant Carryovers**

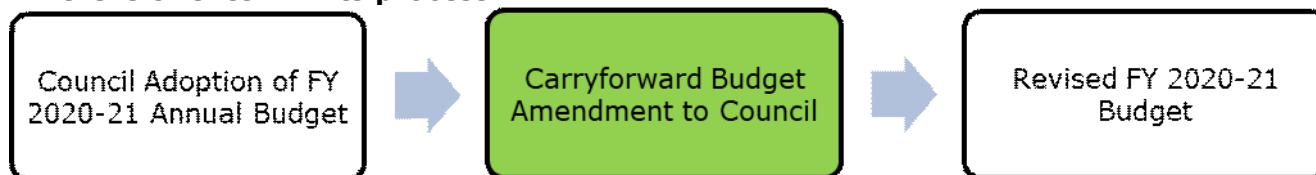
In addition to items encumbered, the Transit Fund has residual balances on grants that were awarded in FY 2020 that are not complete and will carry over to FY 2021. Grants with residual balances include the Senior Shuttle Program, FY 2015 Section 5307 grants for transit enhancements and the FY 2020 Advanced Technology Grant for the purchase of real-time vehicle locators for bus stops. Expenditures remaining on the grants total \$184,420, with federal funding available of \$91,831 and state funding available of \$55,705. The matching funds for the grants were established in the prior year's budget and are re-appropriated from fund balance by the amendment attached.

- **CIP Project Carryovers**

Other than the amounts included for encumbrances above, the balance remaining for capital projects that are underway of \$207,909 require re-appropriation in FY 2021. The attached amendment would re-appropriate funding for the completion of parks and greenways, parking lot projects, curbs and gutters projects, technology projects, and facility capital maintenance.

Fiscal Impact/Resources: The carryover budget amendment is intended to re-appropriate budget that was committed to in the prior fiscal year. Encumbered funds that were not spent were held in the fund balance of the various funds, or in additional grant funds awarded by agencies. The amount being carried over is \$5,696,978 in encumbrances and \$3,257,133 for other items that were not completed in the prior year for a total of \$8,954,111.

Where is this item in its process?



Attachments:

- Budget ordinance amendment
- Summary listing of items carried over

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2020" FOR ENCUMBRANCES AND CARRYOVERS (2020-09-09/O-1)

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, is hereby amended as follows:

ARTICLE I

APPROPRIATIONS	Current Budget	Increase	Decrease	Revised Budget
GENERAL FUND				
Mayor/Council	\$ 418,280	\$ 740	\$ -	\$ 419,020
Town Manager/CaPA	2,902,719	46,322	-	2,949,041
Human Resource Dev't	1,769,797	133,013	-	1,902,810
Business Management	2,330,886	-	-	2,330,886
Technology Solutions	2,379,166	7,599	-	2,386,765
Attorney	390,963	784	-	391,747
Planning & Sustainability	1,810,542	364,306	-	2,174,848
Building & Development Services	2,188,013	215,000	-	2,403,013
Housing & Community	834,709	-	-	834,709
Public Works	12,081,024	384,553	-	12,465,577
Police	13,924,133	22,288	-	13,946,421
Fire	9,583,954	121,904	-	9,705,858
Parks and Recreation	7,234,154	5,175	-	7,239,329
Library	3,672,918	39,791	-	3,712,709
Non-Departmental	4,766,742	209,450	-	4,976,192
GENERAL FUND TOTAL	\$ 66,288,000	\$ 1,550,925	\$ -	\$ 67,838,925
OTHER FUNDS				
Grants Fund	\$ 386,237	\$ 818,784	\$ -	\$ 1,205,021
Downtown Service District	456,954	-	-	456,954
Affordable Housing Development Reserve	688,395	943,493	-	1,631,888
Library Gift Fund	268,591	233,101	-	501,692
Debt Service Fund	9,332,831	-	-	9,332,831
Transit Capital Reserve Fund	260,890	-	-	260,890
Capital Improvement Fund	98,949	348,029	-	446,978
Vehicle Replacement Fund	72,596	131,246	-	203,842
Vehicle Maintenance Fund	1,555,862	-	-	1,555,862
Computer Replacement Fund	167,000	-	-	167,000
On-Street Parking Fund	781,500	-	-	781,500
Off-Street Parking Fund	2,422,787	248,738	-	2,671,525
Public Housing Fund	2,176,756	1,500	-	2,178,256
Stormwater Management Fund	3,010,500	3,121,092	-	6,131,592
Transit Fund	25,196,757	1,557,203	-	26,753,960
Total all funds	\$ 113,164,605	\$ 8,954,111	\$ -	\$ 122,118,716

ARTICLE II

REVENUES	Current Budget	Increase	Decrease	Revised Budget
GENERAL FUND				
Other Revenues	\$ 63,899,488	\$ -	\$ -	\$ 63,899,488
Fund Balance Appropriated	<u>2,388,512</u>	<u>1,550,925</u>	-	<u>3,939,437</u>
GENERAL FUND TOTAL	\$ 66,288,000	\$ 1,550,925	\$ -	\$ 67,838,925
OTHER FUNDS				
Grants Fund	\$ 386,237	\$ 818,784	\$ -	\$ 1,205,021
Downtown Service District	456,954	-	-	456,954
Affordable Housing Development Reserve	688,395	943,493	-	1,631,888
Library Gift Fund	268,591	233,101	-	501,692
Debt Service Fund	9,332,831	-	-	9,332,831
Transit Capital Reserve Fund	260,890	-	-	260,890
Capital Improvement Fund	98,949	348,029	-	446,978
Vehicle Replacement Fund	72,596	131,246	-	203,842
Vehicle Maintenance Fund	1,555,862	-	-	1,555,862
Computer Replacement Fund	167,000	-	-	167,000
On-Street Parking Fund	781,500	-	-	781,500
Off-Street Parking Fund	2,422,787	248,738	-	2,671,525
Public Housing Fund	2,176,756	1,500	-	2,178,256
Stormwater Management Fund	3,010,500	3,121,092	-	6,131,592
Transit Fund	<u>25,196,757</u>	<u>1,557,203</u>	-	<u>26,753,960</u>
Total all funds	\$ 113,164,605	\$ 8,954,111	\$ -	\$ 122,118,716

This the 9th day of September, 2020.

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

By enacting the budget ordinance amendment, the Council appropriates funds for prior year encumbrances, previously approved grants, and capital improvement projects in various funds for the 2020-21 fiscal year.

SUMMARY LISTING OF ITEMS CARRIED OVER

Description	Amount
<u>GENERAL FUND</u>	
Training	\$ 133,013
Project facilitation	132,096
LUMO Update	216,191
Traffic studies/projects	78,560
Street resurfacing	170,000
High School Road improvements	200,000
Facility operating maintenance	41,440
Inspections software replacement	215,000
Professional services	85,189
Police federal & State drug funds	15,725
COVID-19 response	107,925
Other encumbrances	155,786
Total carryforward	<u>\$ 1,550,925</u>
Other Funds:	
<u>GRANTS FUND</u>	
Residual balances from FY20	\$ 818,784
<u>AFFORDABLE HOUSING DEVELOPMENT RESERVE FUND</u>	
Penny for housing	\$ 943,493
<u>CIP FUND</u>	
Parks and greenways	63,212
Parking lot projects	6,465
Curbs and gutters projects	48,750
Technology projects	41,916
Facility capital maintenance	89,536
Transitional housing maintenance	98,150
Total carryforward	<u>\$ 348,029</u>
<u>VEHICLE REPLACEMENT FUND</u>	
Vehicles ordered but not delivered/invoiced	\$ 131,246

Description	Amount
TRANSIT	
Grants - residual balances	\$ 184,420
North South bus rail transit project	755,849
Other purchase orders outstanding	<u>616,934</u>
Total carryforward	\$ 1,557,203
STORMWATER	
Master Plan capital projects	\$ 271,054
Elliott Road Storage Shed project	2,778,931
Other purchase orders outstanding	<u>71,107</u>
Total carryforward	\$ 3,121,092
PARKING	
Rosemary Deck project design	\$ 248,738
HOUSING	
Other purchase orders outstanding	\$ 1,500
LIBRARY GIFT FUND GRANTS	\$ 233,101
TOTAL CARRYFORWARD	\$ 8,954,111



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 5., File #: [20-0568], Version: 1

Meeting Date: 9/9/2020

Consider a Minor Modification to the 2019-2020 Community Development Block Grant Program Plan.

Staff:

Loryn B. Clark, Executive Director
Sarah Osmer Viñas, Assistant Director
Nate Broman-Fulks, Affordable Housing Manager

Department:

Housing and Community

Overview: The purpose of this memorandum is to propose a minor modification to the 2019-2020 Community Development Block Grant (CDBG) program approved by the Council [April 24, 2019](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3924502&GUID=6F20008D-41EB-45AB-9F55-A5969AD5D3A8) [\[https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3924502&GUID=6F20008D-41EB-45AB-9F55-A5969AD5D3A8\]](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3924502&GUID=6F20008D-41EB-45AB-9F55-A5969AD5D3A8). The Council amended the program on [April 29, 2020](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4427662&GUID=65341397-FA06-4A7F-80B3-1872E81AAC21&FullText=1) [\[https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4427662&GUID=65341397-FA06-4A7F-80B3-1872E81AAC21&FullText=1\]](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4427662&GUID=65341397-FA06-4A7F-80B3-1872E81AAC21&FullText=1) to allocate \$169,728 of funds for temporary housing assistance to support decongregation of the Interfaith Council (IFC) shelters. Funds are no longer needed for the shelter decongregation. We propose using the funds for temporary housing assistance to support the County-wide [Emergency Housing Assistance Program](https://www.townofchapelhill.org/government/departments-services/housing-and-community/funding/rental-and-utility-assistance-program) [\[https://www.townofchapelhill.org/government/departments-services/housing-and-community/funding/rental-and-utility-assistance-program\]](https://www.townofchapelhill.org/government/departments-services/housing-and-community/funding/rental-and-utility-assistance-program). This action is considered a minor modification to the FY 20 program and does not require a public forum.



Recommendation(s):

That the Council adopt a resolution approving use of \$169,728 of 2019-2020 CDBG funds for temporary housing assistance to support the Emergency Housing Assistance Program.

Summary of Proposed Minor Amendment

- On April 29, 2020, the Council reallocated \$169,728 of CDBG funds to pay for expenses to decongregate the IFC shelters. Residents were relocated to a local hotel to practice safer physical distancing.
 - Orange County manages the decongregation procedures by executing contracts with the hotel and vendors providing food and laundry services at the hotel.
 - Since the Council's action in April, the State of North Carolina is now the fiscal agent for managing decongregation expenditures. Funding is therefore no longer needed from local and county governments.
- We continue to have a significant need for funding for the Emergency Housing Assistance Program. This program prevents evictions or utility disconnection for lower income households in the County.
 - Orange County administers this program on behalf of the Towns.
 - To date, the Town has allocated over \$450,000 of CDBG, CARES Act funds, and the Affordable Housing Fund for this program.
 - Based on current trends, the County anticipates needing \$2M through the end of the year to support families in housing crisis throughout Orange County.
- Temporary housing assistance is an eligible CDBG public service activity.
 - In response to community needs related to COVID-19, the U.S. Department of Housing and Urban Development (HUD) modified some of the federal CDBG requirements. One

modification is removing the regulation that limits the amount of funds spent on public service activities to 15%. Communities are now able to exceed this limitation with FY 20 and FY 21 funds.

- Funds would be used to assist Chapel Hill residents.
- We have not received other requests for this funding and expect to use more CDBG funds to continue supporting emergency housing assistance.

Fiscal Impact/Resources: If the Council approves the proposed modification, funds would be provided as grants to assist lower income households. If we receive a request for a new project, there are other funding sources we can use such as the Affordable Housing Fund, the Affordable Housing Development Reserve, or FY 21 CDBG Neighborhood Revitalization funds.

**Attachments:**

- Resolution Approving a Minor Modification to the 2019-2020 Community Development Block Grant Program

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (2020-09-09/R-2)

WHEREAS, on April 24, 2019, the Chapel Hill Town Council approved a 2019-2020 Community Development Block Grant Program Plan; and

WHEREAS, on April 29, 2020, the Council approved an amendment to the 2019-2020 Community Development Block Grant Program to allocate funds to support temporary housing expenses related to decongregating the IFC shelters; and

WHEREAS, funds allocated on April 29, 2020 are no longer needed for shelter decongregation expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves a minor modification to the 2019-2020 Community Development Block Grant Program as follows:

Agency	Activity	4/29 Amended Plan	Proposed Modification
Town of Chapel Hill	Neighborhood Revitalization	\$0	\$0
Community Home Trust	Homebuyer Assistance	30,000	30,000
Habitat for Humanity	Home Preservation	27,000	27,000
Town of Chapel Hill	Code Enforcement	25,000	25,000
Inter Faith Council	Public Service - Homestart Case Management	28,500	28,500
Town of Chapel Hill	Public Service - Temporary Housing Assistance	169,728 IFC Shelter decongregation	169,728 Emergency Housing Assistance
Town of Chapel Hill	Public Service - Summer Youth Employment Program	27,000	27,000
Exchange Club's Family Center	Public Service - Children's Parenting Classes	2,040	2,040
Administration	Grant Administration/Compliance and Reporting	77,316	77,316
Total		\$386,584	\$386,584

This the 9th day of September, 2020.

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 a minor modification to the 2019-2020 Community Development Block Grant Program to allocate \$169,728 to temporary housing assistance.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 6., File #: [20-0569], Version: 1

Meeting Date: 9/9/2020

Adopt the Corrected FY 2020-21 Fee Schedule.

Staff:

Amy Oland, Director
Matt Brinkley, Assistant Director
Chelsea Laws, Director

Department:

Business Management Department

Building & Development Services

Overview: As staff updated the Town website with the adopted FY 2020-21 fee schedule, it came to our attention that there were some differences between what was adopted and what was posted on the Town website in the Building & Development Services fees and fee schedule language.



Recommendation:

That the Council adopt the corrected FY 2020-21 fee schedule with the revised Building & Development Services section and ratify the Building & Development Services fees that have been collected since July 1, 2020.

Key Issues:

During the budget process, departments can request new fees, fee changes, and fee schedule language adjustments. The Town Manager reviews these requests, and then brings them before Council during budget discussions. Due to COVID-19, there were no fee schedule additions recommended for FY 2021.

Departments provide Business Management (BMD) with their finalized fee schedule to include with the budget adoption materials. Between the request for fee schedule changes and the final submission of departmental fee schedules, some information was mistakenly not included accurately in the Building & Development Services section. Staff did not find this error during budget review. The Building and Development Services fee schedule, therefore, had omissions when Council adopted the FY 2020-21 fee schedule.

The missing information mainly consisted of previously approved fees and language adjustments. The errors are omissions that need to be added back to have the correct fee structure for FY 2020-21; they are not new or expanded fees.

Below is a summary of the amendments and of the background for each fee.

- 1) **Administrative Review Fee Table** - In FY2018, the adopted fee schedule included a *table* that was relocated from the bottom of the Building & Development Services fee schedule to the top of the Building & Development Services fee schedule to make it easier for customers to find when calculating fees. This table was accidentally omitted last year and overlooked during review.
- 2) **Commercial Plan Review** - The missing *description* clarifies that this fee is only applicable to

commercial projects. This note was initially added for the FY 2020 budget.

- 3) **Building Fees** - The description in the first section for a construction cost up to \$5,000 should say "Up to \$5,000" not "\$100 - \$5,000". This was only a small change in the language from several years ago.
- 4) **Building Fees** - In the table, the note about how to calculate the fee for the projects from "\$50,001 to \$500,000" should include the words "Base fee of \$500 plus \$4.50/\$1,000 over \$50,001" not just "\$50,001". This note is critical to permit fee calculations. This base fee note for calculation has been in the fee schedule for many years.
- 5) **Electrical Fees** - In FY 2018, the fee for *Read In/Read Out* was increased for commercial projects to \$110. This change was approved by Council and has been the amount charged since that date. The FY 2021 adopted fee schedule lists this fee as \$100. This was an oversight, as this discrepancy was not caught during the department review process.
- 6) **Mechanical Fees** - In FY 2019, the columns for residential and commercial fees were split out for clarity. A separate line was added for commercial related fees at the bottom of the section. In the FY 2021 adopted fee schedule, a fee of \$135 was mistakenly added in the residential column and was not caught during the department review process.
- 7) **Additional Services** - The fee for *Antenna/Tower/Utility/Cellular/Solar* was mistakenly omitted from the residential column of fees. This fee should have remained at \$350 as this is in line with the solar program that we set up for predictability of fees and ease of fee assessment. The flat fee is applicable for all projects of this type across the board.
- 8) **Additional Services** - *Homeowner's Recovery Fund* - This fee was mistakenly omitted from the commercial side of the schedule when the columns were separated. This is a state mandated fee that must be charged on all residential and commercial dwelling units when a general contractor pulls a permit.
- 9) **Additional Services** - *ORIAS* - This fee was moved over to the residential side of the schedule as was the intent but the additional note of "per hour" was mistakenly omitted. This clarity is needed to make this fee consistent.



Attachments:

- Resolution to Correct the FY 2020-21 Adopted Fee Schedule
- Corrected FY 2020-21 Fee Schedule

A RESOLUTION TO CORRECT THE FY 2020-21 ADOPTED FEE SCHEDULE (2020-09-09/R-3)

WHEREAS, Council adopted the FY 2020-21 fee schedule as part of the budget packet on June 24, 2020; and

WHEREAS, there were unintentional omissions of previously adopted fees and fee schedule language in the Building & Development Services section of the fee schedule; and

WHEREAS, it was determined that the best course of action would be to come before Council to request re-adoption of the FY 2020-21 fee schedule with the corrections to the Building & Development Services section and to ratify the Building & Development Services fees collected since July 1, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopt the corrected FY 2020-21 fee schedule and ratify the Building & Development Services fees collected since July 1, 2020.

BE IT FURTHER RESOLVED that the corrected FY 2020-21 fee schedule is adopted retroactive to July 1, 2020.

This the 9th day of September, 2020.

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

By adopting the resolution, the Council adopts the corrected FY 2020-21 fee schedule retroactive to July 1, 2020 and ratifies the Building & Development Services fees collected since July 1, 2020.

BUILDING AND DEVELOPMENT SERVICES FEE SCHEDULE- FY21

PERMITS, INSPECTIONS & OTHER SERVICES

NOTICE TO ALL APPLICANTS

PERMIT FEE NOTES

- * The following schedule of permit fees is applicable to the Chapel Hill zoning jurisdiction.
- * Building permit fees are based on the cost of construction unless otherwise indicated and are collected after permit approval for issuance and PRIOR to any work beginning.
- * For all building permits, the General Contractor of record is responsible for paying all permit fees.
- * All fees shall be paid in order to receive a Certificate of Occupancy and final power.
- * Permit fees are broken down into 2 categories: Residential and Commercial. Residential means 1 & 2 Family projects like single family homes, duplexes, townhomes. Commercial means all other projects not considered Residential.
- * Cost of new construction projects will be evaluated against the most current ICC Valuation Table
- * Fees for all Town projects are waived

Building Valuation Data Table

(For the current Building Valuation Data table, see www.iccsafe.org)

For Use in Determining Minimum Total Valuation for Building Permit Fee Calculations

- * The BVD table provides the “average” construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 109.2 of the most current International Building Code (IBC) whereas Section 109.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction.
- * The BVD is not intended to apply to alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs Table does not reflect accurate values for that purpose. However, the Square Foot Construction Costs Table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.
- * *Determination of Total Valuation.* For purposes of determining fees, total valuation shall be either the actual contract price or an applicable amount based on the total square footage of the structure to be built, multiplied by the square foot cost data prescribed on the attached Building Valuation Data Table which is a part of this fee schedule, whichever is greater.

BUILDING AND DEVELOPMENT SERVICES FEE SCHEDULE- FY21

Publically Assisted Housing Units

*The Town agrees to waive certain development-related fees related only for the affordable units for projects that provide permanently affordable homeownership opportunities or provide rental housing that remains affordable for at least 20 years. Affordable is defined as being sold or rented to households earning less than 120% of the Area Median Income as determined and approved by the Town. In this case, otherwise applicable Town application fees, building permit fees, plan review fees, inspection fees, and such other development fees and costs which would otherwise be due shall be waived for the affordable dwelling units identified in the application. To qualify for the waiver for rental development, applicants and Town staff must agree on how affordability will be maintained for a 20-year period and an agreement may be required.

*If application fees are paid for a proposed development that subsequently converts existing approved market rate units to affordable dwelling units in the development plan, a pro rata refund of any such fees that have already been paid shall be provided to the applicant upon approval of the development to reflect the conversion to affordable units. The refunded amount will be determined by the percentage of the affordable units within the development. In addition, any existing development that receives approval to construct new affordable units may have the fees waived for the new affordable units. This refund or waiver does not apply to any market rate units, or to any fees associated with water, wastewater, or stormwater.

*Fees are also waived for service projects by non-profits, for a non-profit organization.

Re-inspection Fees

* All additional inspections made necessary due to failure to comply with applicable code requirements, when projects are not ready for inspection, when recurring deficiencies exist and/or when requested inspections are not cancelled on time, shall be hereby designated as "re-inspections" and carry a re-inspection fee. Every permit for residential projects will carry a re-inspection fee of \$60. Every permit for commercial projects will be assessed a fee of \$100 for each additional inspection resulting from a failure. Note- Any disputes must be received within 3 business days of the rejection for waiver consideration. Reinspection fees are not considered permit fees and are not eligible for blanket waivers.

Refunds

* Subpermits are not eligible for refunds

* Active building permits issued for one and two family dwellings may receive refunds of the permit cost (minus the non-refundable administrative review fee) after permit issuance provided no inspections have occurred and all original paperwork is returned to the Building Division.

* The minimum charge for processing one and two family permit refunds is \$75.00

* Active building permits for all projects other than one and two family dwellings may receive refunds of the permit cost (minus the non-refundable administrative review fee and any plan review fees) after permit issuance provided no inspections have occurred and all original paperwork is returned to the Building Division.

* The minimum charge for processing other than one & two family permit refunds is \$100.00

* No refunds will be issued beyond six months from the date of permit issuance for any permit or if inspections have been completed.

* Fees for Additional Services are required to be paid upfront & before services are rendered and are non-refundable after.

* BDS staff do not accept nor waive any fees.

Development Services Fees- Zoning and Planning

* Please refer to the Planning Dept Fee schedule for all fees related to zoning and planning

Penalty Fees

BUILDING AND DEVELOPMENT SERVICES FEE SCHEDULE- FY21

* After the Fact Work without permits- When any work on a building or service system commences before FIRST obtaining the required permit(s), a Stop Work Order will be issued and all associated permit fees for the work will be DOUBLED, due prior to permit issuance.

* Violation Penalty- Penalty fees assessed for violations of local ordinances and state codes are per the applicable section of code or ordinance.

Orange County School Impact Fees

Orange County School Impact Fees are no longer assessed effective June 20, 2017 due to repeal of statutory authorization

Orange County Recyclable Materials Fee

As of July 1, 2008, an 8% Orange County recyclable materials fee shall be charged on all permits issued in Orange County. The 8% will be based on total permit fees.

ADMINISTRATION REVIEW FEE

This is an upfront non-refundable, non-transferrable fee, due at the time of submission for each building permit application received. This fee is based upon the project's construction cost. It is applicable for all building permits, and is applied towards final permit fees balance.

CONSTRUCTION COST	FEE
Up to \$20,000	\$50
\$20,001 - \$50,000	\$100
\$50,001 - \$500,000	\$500
Over \$500,001	\$2,500

COMMERCIAL PLAN REVIEW FEES (For Projects other than One and Two Family)

PROJECT SIZE	FEE
Up to 4,000 square feet	\$100
4,000 - 15,000 square feet	\$185
15,001 - 40,000 square feet	\$590
Over 40,001 square feet	\$1,420
Resubmission Review Fee , charged at 1 hour minimum (On initial permit review, permit fees cover the first re-review).	Additional \$100 per hour

BUILDING FEES

CONSTRUCTION COST	FEE
Up to \$5,000	\$55
\$5,001 - \$20,000	\$100
\$20,001 - \$50,000	\$10 per \$1,000
\$50,001 - \$500,000	Base fee of \$500 plus \$4.50/\$1,000 over \$50,001

BUILDING AND DEVELOPMENT SERVICES FEE SCHEDULE- FY21

Over \$500,001	Base fee of \$2,500 plus \$3.50/\$1,000 over \$500,001
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MISCELLANEOUS BUILDING FEES

TYPE OF WORK	FEE	
Signs	\$50 per sign plus trade fees	
Mobile Homes	\$250 including trade fees	
Construction Trailers	\$150 including trade fees	
Insulation (per dwelling unit OR proposed # of inspections)	\$60 (per dwelling unit OR proposed # of inspections)	
Permit Reactivation (See current policy & guidance from NCDOT for details)	Residential	\$75
	Commercial	\$100

ELECTRICAL FEES

TYPE OF WORK	Residential	Commercial
Single panel (regardless of size)- This fee will cover the addition, alteration, or changes to any new or existing single panels and its components	\$115	\$200
Read in/ Read Out (per inspection)	\$100	\$110

MECHANICAL FEES

TYPE OF WORK	Residential	Commercial
All interconnected appliances, equipment, or connections (each); ductwork, etc (minimum charge)	\$35	See commercial fee below
Heat Pump/ Gas Pack/ Gas piping	\$70	\$135
Geothermal (each system)	\$70	\$135
Hood System (per system)	\$100	\$100
Commercial appliances (each- boilers, chillers, exhaust fans, heat towers, VAV boxes, condensers, ductwork, etc)	NA	\$100

PLUMBING

TYPE OF WORK	Residential	Commercial
Per Fixture (over five fixtures)	\$10	\$15
Minimum Charge*	\$50	\$75
Sewer/Water Connection/ Irrigation System	\$50	\$55
Grease Trap/ Oil Interceptor	N/A	\$65
Piping (whole house/structure piping)	\$100	\$150

BUILDING AND DEVELOPMENT SERVICES FEE SCHEDULE- FY21

*For multiple dwelling units, this fee is charged per dwelling unit

ADDITIONAL SERVICES- Fees are collected Prior to project progression and are non-refundable and non-transferable after service is delivered

TYPE OF WORK / SERVICE	Residential	Commercial
Change of Contractor/ Info (applies each time a contractor or information is changed after permit application submission)	\$110	\$110
Business Occupancy (applies to new or relocation of any occupancy type related to a commercial business except child/ daycare)	NA	\$180
Temporary Certificate of Occupancy (applies to each TCO issued per permit with a 30-day maximum time period)- Issuance is at the discretion of Dept leadership. Projects not eligible for TCO when there are outstanding life safety, trade inspections or other issues. Handled on case-by-case basis.	\$80	\$100
Occupancy Reposting (new or existing without active building permit)	NA	\$80
Day Care Facilities Inspection (applies to any child-care facility)	\$285	\$285
Food Truck/Trailer Vendor- Code Administration Fee	NA	\$200/year
Semi-Annual Electrical School Re-Inspections (one hour increments only, due at time of inspection request)	NA	\$100/hour
Demolition Permit (per structure only, each requiring a separate permit.) Interior demolition fees will be based on Cost of Construction.	\$150	\$150
Antenna/ Tower/ Utility/ Cellular/ Solar (includes fees for all work related to Building, Electrical and Plan Review)	\$350	\$350
Stocking Permit	\$100	\$100
Sidewalk Dining (New)	NA	\$100
Sidewalk Dining Annual review and permit renewal/update to existing approval	NA	\$50
Homeowner's Recovery Fund (State mandated fee for all 1-2 family residential permits with an associated licensed General Contractor)	\$10	\$10
Temporary power (per unit)	\$100	\$100
ABC Inspection	NA	\$80
ORIAS (After-hour/ Weekend Service Request (upfront payment for minimum of two hours per request)	\$85 per hour	\$85 per hour
Permit Conference Series with Staff - Large Projects Only	NA	\$6,000
Records research request, charged at 1 hour minimum	\$60/hr + copy fees for hard copies	

BUILDING AND DEVELOPMENT SERVICES FEE SCHEDULE- FY21

Copy fees	As set by Council
Walkthrough Inspection***	\$60 per inspection/ trade

***This inspection applies to permitted work only and can only be done when initiated or approved by Town Supervisory or Management Staff. Fee applies to each trade inspection.

FEE SCHEDULE**COMMUNICATIONS & PUBLIC AFFAIRS OFFICE (CaPA)***Town Council Agenda Packet Fee:*

The Town of Chapel Hill produces Town Council agenda packets for interested persons. Most materials are available on the Town's Web site, at www.townofchapelhill.org. Paper copies of packets are available at a cost of \$.18 per page.

One agenda packet will be provided free of charge to area media (print and radio) and governmental jurisdictions upon request in electronic format.

Council meeting agendas are provided free of charge. Agenda packets are also available for review at the Reference Desk of the Public Library and at the Town Hall.

Town Code of Ordinances:

The Town Code of Ordinances contains the Town Charter and all ordinances that govern the Town. The Code is updated bi-annually through supplements produced by the CaPA Department. The Code of Ordinances is available for purchase from Municipal Code Cooperation (www.municode.com). A link is also available on the Town's Web site, at www.townofchapelhill.org under Code of Ordinances "Purchase Codes".

Copying Fees:

Personal copies may be made in the CaPA Office at a cost of \$.18 per page (black & white) and \$.24 per page (color). Additional charges may be assessed pursuant to N.C. Public Records Law.

Charge for Data Materials:

Town Council meetings are video taped and may be obtained on DVD for \$3.00 per DVD.

Electronic records may be recorded onto a CD for \$3.00 or onto a Flash drive for \$4.25.

Security Guard:

When a non-profit organization or outside group reserves a meeting room in Town Hall and no other Town sponsored meeting is being held on the same evening, a fee of \$35.00 per hour for a security guard will be required.

Domestic Partnerships - The Council authorizes through resolution (95-4-24/R-11C) [as found in the 04-24-1991 minutes, Item #9] registration or dissolution of domestic partners. The fee for each registration is \$50.

Records Researcher Request:

“When a records research request exceeds one hour of an employee’s time, a rate of \$25/hour, plus copy fees for hard copies, will be applied.”

Charges for Merchandise:

Town flag 2 x 3” - \$40

Town flag 5 x 8” - \$125

Town Embroidered Tote Bag - \$25

Silkscreened tote bag - \$8

Drawstring tote bag - \$8

Book: Chapel Hill 200 Years - \$7.50 paperback

Book: Chapel Hill 200 Years - \$15 hardback

Book: A Backward Glance - \$5.25

Caps - \$15 each

Pencils – 10 cents

Temporary tattoos – 25 cents

American legacy booklet - \$2

Lapel pins - \$2

Coffee Mug - \$15

2020-21 Fire Department Fee Schedule				
Fire Permits				
OPERATIONAL PERMITS		Description	2020-21 Permit Fee	Term
Aerosol Products		Manufacture, store or handle an aggregate quantity of Level 2 or 3 in excess of 500 lbs.	\$50	365 days
Amusement Building		Operation of a Special Amusement Building	\$50	30 Days
Aviation Facilities		To use a Group H or S occupancy for aircraft servicing or repairs and aircraft fuel-servicing vehicles	\$50	365 days
Carnivals and Fairs		Mandatory Permit to conduct a Carnival or Fair	\$50	Single Event
Cellulose Nitrate Film		To store, handle or use cellulose nitrate film in a Group A	\$50	365 days
Combustible Dust-Producing Operations		Operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	\$50	365 days
Combustible Fibers		To store or handle combustible fibers in quantities of more than 100 cu ft	\$50	365 days
Compressed Gases		To use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.9.	\$50	365 days
Covered Mall Buildings				
	1)	Placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall (common areas).	\$50	30 days
	2)	Display of liquid- or gas-fired equipment in the mall.	\$50	30 days
	3)	Use of open-flame or flame-producing equipment in the mall.	\$50	7 days
Cryogenic Fluids		To produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of Table 105.6.10 of the NC Fire Code	\$50	365 days
Cutting and Welding		To conduct cutting and welding operations within the district	\$50	365 days
Dry Cleaning Plants		Engage in the business of dry cleaning (when flammable/hazardous solvents are used), or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	\$50	365 days
Exhibits and Trade Shows		Operate exhibits and trade shows.	\$50	30 days
Explosives		Operational permit is required for the manufacture, storage, handling, sale or use of		
	1)	Blasting and/or storage of explosives	\$50	30 days
	2)	Display of Fireworks/Pyrotechnics	\$50	Single Event
Flammable/Combustible Liquids	1)	To use or operate a pipeline	\$50	365 days

	2)	To store, handle, or use Class I liquids in excess of 5 gallons (inside) and more than 10 gallons (outside) of a building	\$50	365 days
	3)	To store, handle, or use Class II or Class IIIA liquids in excess of 25 gallons (inside) and more than 60 gallons (outside) of a building	\$50	365 days
	4)	To store, handle, or use Class IIIB liquids in tanks or portable tanks for fueling	\$50	365 days
	5)	To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved stationary on-site pumps	\$50	365 days
	6)	To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used	\$50	365 days
	7)	To temporarily place out-of-service (more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.	\$50	30 days (after 90 days)
	8)	To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed	\$50	30 days
	9)	To manufacture, process, blend or refine flammable or combustible liquids	\$50	365 days
	10)	To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental, or manufacturing establishments (Gas Station).	\$50	365 days
	11)	To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft, and other special equipment at commercial, industrial, governmental or manufacturing establishments.	\$50	365 days
Floor Finishing		To finish or surface a floor exceeding 350 sq. ft. using Class I or Class II liquids.	\$50	per site
Fruit and Crop Ripening		To operate a fruit or crop ripening facility or conduct a fruit-ripening process using ethylene gas	\$50	365 days
Fumigation and Insecticidal Fogging		To operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault, or chamber in which a toxic or flammable fumigant is used.	\$50	365 days
Hazardous Materials		To store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.21	\$50	365 days
HPM Facilities		To store, handle or use hazardous producing materials	\$50	365 days
High-Piled Storage		To use a building or portion thereof as a high-piled storage area exceeding 500 sq. ft.	\$50	365 days

Hot Work Operations		To conduct Hot Work Operations including cutting, welding, grinding, application of roof coverings with the use of open flame, or other operations determined by the Fire Marshal	\$50	60 days
Industrial Ovens		To operation of industrial ovens regulated by Chapter 30.	\$50	365 days
Lumber Yards and Woodworking Plants		To store or process lumber exceeding 100,000 board feet	\$50	365 days
Liquid- or Gas-fueled Vehicles in Assembly Buildings		To display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings	\$50	30 days
Magnesium		To melt, cast, heat treat or grind more than 10 pounds of magnesium	\$50	365 days
Miscellaneous Combustible Storage		To store in any building or upon any premises in excess of 2,500 cubic feet gross volume	\$50	365 days
Open Burning		Kindling or maintaining of an open fire on any public street, alley, road, or other public or private ground approved under NC Fire Code and Town Code (Chapter 7 Fire Prevention & Protection/Article IA Regulations of Open Burning/Sections 7.7 - 7.10).	\$50 <i><u>(No charge for verified religious functions)</u></i>	1 day
Open Flames and Candles		To use open flames or candles in connection with assembly areas, dining areas of restaurants, or drinking establishments.	\$50	365 days
Organic Coatings		For any organic-coating manufacturing operation producing more than 1 gallon of an organic coating in one day.	\$50	365 days
Places of Assembly		Operate a place of assembly.	\$50	365 days
Private Fire Hydrants		Removal from service, use operation of private fire hydrant (per hydrant)	\$50	365 days
Pyroxylin Plastics		To store or handle more than 25 pounds of cellulose nitrate plastics	\$50	365 days
Refrigeration Equipment		To operate a mechanical refrigeration unit or system	\$50	365 days
Repair Garages		To operate a repair garage and automotive, marine and fleet motor fuel-dispensing facility.	\$50	365 days
Rooftop Heliports		To operate a rooftop heliport	\$50	365 days
Spraying or Dipping Operations		To conduct a spraying or dipping operation utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24.	\$50	365 days
Storage of Scrap Tires and Tire Byproducts		To establish, conduct or maintain storage of scrap tires and tire byproducts that exceed 2500 cubic feet of total volume of scrap tires and for indoor storage of tires and tire byproducts.	\$50	365 days
Temporary Membrane Structures, Tents and Canopies		To operate an air-supported temporary membrane structure, or a temporary stage canopy having an area in excess of 400 square feet (37 in ²), or a tent having an area in excess of 800 square feet (74 m ²).	\$50 per tent	<u>90 days</u>
Tire-Rebuilding Plants		To operate and maintain a tire-rebuilding plant	\$50	365 days

Waste Handling		To operate wrecking yards, junk yards and waste material-handling facilities	\$50	365 days
Wood Products		To store chips, hogged material, lumber or plywood in excess of 200 cubic feet	\$50	365 days
CONSTRUCTION PERMITS		Description	2020-21 Permit Fee	Term
Note: All permit fees include plan review				
Note: Plans that are not code-compliant after second review, will incur an additional \$100.00/per review fee				
Beginning work, or maintaining an operation requiring any permits adopted by the Town of Chapel Hill without obtaining the proper A stop Work Order shall be issued until payment is received and permit issued.				
		Description	2020-21 Permit Fee	
Automatic & Manual Fire Extinguishing Systems		Installation, modification, or removal from service of a sprinkler, standpipe system or other Kitchen Suppression or Alternate Automatic Extinguishing System).		
		Sprinkler Systems		
	Tier 1	0 - 999 Square Feet	\$50	
	Tier 2	1,000 - 2,499 Square Feet	\$75	
	Tier 3	2,500 - 9,999 Square Feet	\$100	
	Tier 4	10,000 - 49,999 Square Feet	\$200	
	Tier 5	50,000 or more Square Feet	\$300	
		Standpipe Systems	\$300	
		Automatic Extinguishing Systems	\$50	
Battery Systems		Installation of stationary storage battery systems having a liquid capacity of more than 50 gallons.	\$200	
Compressed Gas Systems		Where the compressed gases in use or storage exceed the amounts listed in Table 105.6.9, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.	\$200	
Cryogenic Fluids		Installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.11. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a construction permit.	\$200	
Fire Alarm and Detection Systems		Installation of, or modification to fire alarm and detection systems and related equipment.		
	Tier 1	0 - 999 Square Feet	\$50	
	Tier 2	1,000 - 2,499 Square Feet	\$75	
	Tier 3	2,500 - 9,999 Square Feet	\$100	
	Tier 4	10,000 - 49,999 Square Feet	\$200	
	Tier 5	50,000 or more Square Feet	\$300	
Fire and Life Safety Plan Review		Review proposed new and existing architectural/building plans to confirm fire and life safety compliance within the built environment.	\$125	

Fire Pumps and Related Equipment		Installation of, or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. (Required in addition to other Automatic & Manual Fire Extinguishing System Construction Permits).	\$100	
Flammable and Combustible Liquid Facilities	1)	Install, repair or modify a pipeline for the transportation of flammable or combustible liquids.	\$150	
	2)	Install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, transported, stored, dispensed, or used.	\$150	
	3)	Install, alter, remove, abandon, or otherwise dispose of a flammable or combustible liquid tank.	\$150	
Hazardous Materials Facilities		Install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 50 where the hazardous materials in use or storage exceed the amounts listed in Table 105.6.21.	\$300	
Industrial Ovens		Installation of industrial ovens as described in Chapter 30	\$300	
Private Fire Hydrants		To install, use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.	\$50	
Site/Land Development		1 - 50,000 sq. ft.	\$75	
		>50,000 sq. ft.	\$150	
Fire Inspection Fees				
NC Required Inspections		NC mandate that every structure be inspected for fire code violations on a		
		Note: Identified violation(s) of the NC Fire Code, or condition(s) deemed detrimental		
		Note: Issuance of three (3) consecutive re-inspection fees without compliance, the		
		Description	2020-21 Permit Fee	
Tier 1 inspection		0-999 sq. ft.	\$50	
Tier 2 inspection		1,000-2,499 sq. ft.	\$75	
Tier 3 inspection		2,500-9,999 sq.ft.	\$100	
Tier 4 inspection		10,000-49,999 sq.ft.	\$200	
Tier 5 inspection		50,000 sq. ft. and above	\$300	
		<i>Any inspection scheduled after 5:00 p.m. Mon-Fri, weekends, or Town holiday will incur an additional inspection fee</i>	<i>\$75.00/hour</i>	
Other Fees and Charges				
		Description	2020-21 Fee	
Fire Incident Report		Copy of Fire Incident Report	\$3/copy	
		<i>Copy provided at no charge to Owner/Occupant</i>		

Local Fire Training Fee		Annual fee assessed to Durham Community College for use of the training facilities for student fire training.	\$ 2,132	
<u>ACCIDENTAL ALARM ORDINANCE****</u>		<u>All fees pursuant to the Town Code for Accidental Alarm Management (Chapter 15, Article II).</u>		
Fire Penalties				
		Authorization to issue and receive settlement of Civil Penalties for any violation of NC Fire Code or Town Code as authorized by Town Ordinance. Specific penalty amounts are specified in Town Code.	See Town Code	
Construction Fire Inspection	.05/ Sq. Ft.	Assess \$0.05/ square foot of buildings under construction to assist with cost of associated fire inspection visits required.	\$0.05/sq. ft.	\$0.05/sq. foot

PUBLIC LIBRARY

FEE SCHEDULE

Library Card Fees	
Out of County	\$65.00 per year
Lost Card	First one free, \$1.00 after that
Special Services Fees	
Copies/Prints	\$0.15 B/W, .50 color
Lost/ Damaged Items	
Books, Media, Equipment	Item price
Lost/Damaged Parts & Pieces	
Cases, Bags, Maps, Notes	\$5
Book Kit Bags	\$15
Room Rentals	
Large rooms- private and/or for-profit use	\$150
Small rooms & Computer Classroom - Private use	\$30
On site staff fee - per hour	\$25
After hours - per hour	\$25
Merchandise	
Promotional products (bookmarks, reusable totes, coozies, etc)	\$1
Children's Accessories (bibs, towels, etc)	\$3
Tote Bag	\$8
Beverage Container (travel mugs, water bottles, etc)	\$10
Kids tees	\$7
Onesies	\$10
Adult tees	\$10
Long-sleeve adult tees	\$15
Hooded Sweatshirts	\$35

*Out of County fee waived for CHCCS, current Town of Chapel Hill Employees, and TOCH retirees with 5 or more years of service

Community Arts and Culture Division

Festival Vendor Application Fee	\$25
Festival Booth Space Fee	\$50 / \$100, based on event
Festival Food Truck Space Fee	\$175
Special Event Permit Fee	\$50
Merchandise	
Kids tees	\$7
Adult tees	\$10
Long-sleeve adult tees	\$15
Beverage Container (travel mugs, water bottles, etc)	\$10

POLICE DEPARTMENT (PARKING FUND)

FEE SCHEDULE: MONTHLY PARKING RENTAL RATES, METERED PARKING RATES AND MERCHANT DISCOUNT

The Parking Services Division of the Chapel Hill Police Department operates as an Enterprise Fund and will have flexibility to re-evaluate and adjust rates as indicated to assure the health of the parking fund and build a reserve for future parking-related projects with the approval of the Town Manager. This authority was granted to the Town Manager per resolution 2020-03-04 R-2.

Special Event Rate

For Special Events, a flat rate charge may be collected, amount not to exceed \$20.00.

Residential Parking Permits

Each residence, in a Town's Residential Parking Permit Zone, is eligible for up to five residential permits for a fee of \$25.00 per sticker per year (\$15.00 per sticker if purchased in January or later in the permit year) per permit for a residential parking permit. Guest permits are available at no cost to permanent residents. No fee if: Age 65 or older. Resident must provide proof of age.

7-Day Temporary Residential Parking Permits

Each address in a Town's Residential Parking Permit Zone is eligible for: Up to 5 temporary 7-day visitor parking permits for use for guests valid for residential parking areas only for a fee of \$10.00 per permit.

3-Day Temporary Visitor Parking Permits

Each address in a Town's Residential Parking Permit Zone would be eligible for: Up to 10 temporary 3-day visitor parking permits in a year for use by guests valid for residential parking areas only for a fee of \$2.00 per permit.

Annual In-Home Care Permits

Residents or family members who live in any of the Town's Residential Parking Permit Zones who have caregivers providing in-home care services may be eligible for In-Home Care Permits for a fee of \$10.00

Residential Business Parking Permit

Each address in a Town's Residential Parking Permit Zone are eligible for up to five parking permits for business use, such as Contractors, Realtors, or Non-Resident Landlords, for \$25.00 per month or \$150.00 per year and valid in the residential permit areas only.

Service Vehicle Parking Permit

This permit is for qualifying service vehicles (plumber, electrician, utility, etc.) for \$25.00 per month or \$150.00 per year and allows parking in the 2-hour metered areas.

Reserving a Parking Metered Space

Metered parking spaces may be reserved for contractors performing renovation or service work in the downtown area, when available. The fee is \$15.00 per meter per day.

Administrative Fee for Dumpster Storage

The fee for a dumpster permit shall be \$10.00, per day for on-street and off-street lots. In the event the dumpster is placed in a metered parking space, the fee shall include the additional cost of a daily reserved meter fee for each parking space used.

Mixed Use Parking Permits

Employers are eligible to purchase mixed use parking permits for use by employees in areas adjacent to mixed use developments for a fee of \$150.00 each per year.

Downtown Employee Parking Permit

Up to 10 permits are available for service-industry downtown businesses for employees to park in designated lots starting at 3:30pm each day; for up to \$150.00 per year.

PARKS AND RECREATION USER FEES - RECOMMENDATIONS FOR FY21

PASS AND VISIT FEES			
	YOUNG CHILDREN	YOUTH	ADULTS
	under 8 years	9-18 years	19 and older
	Fees	Fees	Fees
Basketball or Pickleball			
Annual Pass	\$5 R*, \$20 NR	\$5 R, \$20 NR	\$60 R, \$96 NR
20 Visit Pass	NA	NA	\$30 R, \$48 NR
Single Admission	\$1 R, \$2 NR	\$1 R, \$2 NR	\$2 R, \$3 NR
Volleyball			
		9-15 years	16 years and older
Annual Pass		\$5 R, \$20 NR	\$60 R, \$96 NR
20 Visit Pass		NA	\$30 R, \$48 NR
Single Admission		\$1 R, \$2 NR	\$2 R, \$3 NR
Swimming			
Annual Pass	\$ 93 R, \$140 NR	\$ 140 R, \$234 NR	\$234 R, \$421 NR
Annual Pass - Family* (up to 4 people)			\$491 R, \$842 NR
Annual Pass - Family, (each additional person**)			\$70 R, \$105 NR
6-Month Pass	\$52 R, \$78 NR	\$78 R, \$130 NR	\$130 R, \$234 NR
6-Month Pass - Family (up to 4 people)			\$273 R, \$468 NR
6-Month Pass - Family (each additional person)			\$39 R, \$59 NR
20 Visit Pass	\$24 R, \$30 NR	\$36 R, \$60 NR	\$60 R, \$108 NR
10 visit pass, limited special offers times only	\$14 R, \$21 NR	\$21 R, \$35 NR	\$35 R, \$63 NR
10 Visit AquaFitness Pass			\$60 R, \$97 NR
20 Visit AquaFitness Pass			\$104 R, \$169 NR
Single Admission	\$2 R, \$3 NR	\$3 R, \$5 NR	\$5 R, \$9 NR
Single Aquafitness Visit			\$8 R, \$13 NR
*Family Package: may include grandparents, parents (single, married, registered as domestic parnters and legal guardians), and their minor children who reside in the same houshold, up to 4 people.			
** Additional Family Member: families who qualify for a Family Pass Package may add additional family member minor children who live in the same household, as Additional Family Member for an additional fee.			
Climbing Wall		6-18 Years	19 and older
Annual Pass		N/A	\$145 R, \$240 NR
20 Visit Pass		\$36 R, \$54 NR	\$72 R, \$90 NR
Single Admission		\$ 3 R, \$4 NR	\$5 R, \$8 NR
Climbing Shoe Rental			\$ 3
Belay Certification Renewal			\$10 R, \$16 NR
Belay Instruction and Certification			\$30 R, \$45 NR

PARKS AND RECREATION USER FEES - RECOMMENDATIONS FOR FY21

Replacement pass/fob	\$6	\$6	\$6
◇ Annual Passes are good for 1 year from the date of purchase			
◇ Six-month Passes are valid for 6 months from date of purchase			
◇ Visit passes - unused visits expire 1 year from date of purchase			
HOURLY RENTAL FEES			
	Resident Fee	Non-resident Fee	
Security Deposit (per rental)	\$100 flat fee	\$100 flat fee	
Additional Staff Fee (outside normal facility hours, pool hours, etc.)	\$18	\$18	
Basketball Court - outdoor	\$20	\$32	
Bocce Ball Court	\$10	\$16	
Climbing Wall (plus hourly staff fee, see above)	\$60	\$96	
Community Clay Studio	\$30	\$48	
One bisque firing for special program	\$22	\$36	
One glaze firing for special program	\$30	\$48	
Fields - Baseball/Softball	\$45	\$72	
Fields - Multipurpose			
Natural Turf - Youth Field	\$30	\$48	
Natural Turf - Adult Field	\$45	\$72	
Artificial Turf - Youth Field	\$70	\$112	
Artificial Turf - Adult Field	\$90	\$144	
Field Lights (per field, per hour)	\$20	\$20	
Field Prep Fee (per field, per prep)	\$30	\$30	
Gene Strowd Rose Garden	\$100 deposit	\$100 deposit	
Gymnasiums	\$60	\$96	
Hargraves Auditorium	\$40	\$64	
Hockey Rink - outdoor	\$30	\$48	
James Wallace Parking Deck Plaza (special application required)	\$45	\$72	
Meeting Rooms			
Individuals, for-profit, non-profit closed meetings	\$30	\$48	
Non-profit open meetings (staff fee still applies outside normal hours)	no charge	no charge	
Party Package for pool, gym or clay	\$218 R, \$384 NR	\$218 R, \$384 NR	
Pickleball Court - outdoor	\$10	\$16	
Pickleball Court Lights (per court, per hour)	\$5	\$5	
Picnic Shelters (per 4-hour block)			
All shelters (except Meadowmont & SCP large shelter)	\$35	\$56	
Southern Community Park Large shelter	\$50	\$80	
*Use of a pig cooker at SCP large shelter	\$100 deposit	\$100 deposit	
Meadowmont Park	no charge	no charge	
Pool Rental	Off-Peak Hours	Peak Hours	
A.D. Clark Pool - Entire Pool	\$78 R, \$123 NR	\$90 R, \$144 NR	
Community Center Pool - Per Lane	\$12 R, \$20 NR	\$24 R, \$38 NR	
Community Center Pool - Entire Pool	\$90 R, \$144 NR	\$120 R, \$192 NR	

PARKS AND RECREATION USER FEES - RECOMMENDATIONS FOR FY21

Homestead LAP Pool - Per Lane	\$12 R, \$20 NR	\$24 R, \$38 NR
Homestead LAP Pool - Entire Pool	\$132 R, \$211 NR	\$180 R, \$288 NR
Homestead Program Pool - Entire Pool	\$120 R, \$192 NR	\$132 R, \$211 NR
Sand Volleyball Court (per court)	\$5	\$8
Tennis Courts (per court)	\$10	\$16
Tennis Courts Lights (per court, per hour)	\$5	\$5
Teen Center	\$40	\$64
MISCELLANEOUS FEES		
Batting Cage Fee (per token = 25 pitches)		\$2 R, \$3 NR
Cancellation Fee (program and rental)		\$10
Returned check fee		\$25
Clay for use in Community Clay Studio		
25-lb bag of recycled clay	cost of new clay market rate + 50%	
25-lb bag of new clay	cost of new clay market rate +100%	
PLANNING AND DEVELOPMENT		
Recreation Area Multiplier		1.55
Payment in Lieu of Recreation Space (per square foot)		\$12
Payment in Lieu of Outdoor Amenity Space, per square foot (Ephesus/Fordham Area)*		\$12
* The mandatory 50% payment in lieu for Recreation Space within the Ephesus/Fordham Form Based Code District may be waived for the portion of any new permanent residential development in which documentation is provided that guarantees that 100% of the dwelling units will be occupied by low-moderate income households (80% of area median income as defined by the Department of Housing and Urban Development) for a minimum of twenty years.		
MUNICIPAL CEMETERY FEES		
Plot Staking		\$25
Monument Staking		\$15
Regular Plot for Residents		\$750
Regular Plot for Non-Residents		\$1,500
Cremation Plot for Residents		\$350
Cremation Plot for Non-Residents		\$700
Columbarium, per compartment		\$1,100
Cemetery Plot Ownership Transfer		\$15
Copy of a Cemetery Section Map		\$10
Interment Fee* for Residents/Non-residents		\$450
* Interment fee is required only if burial vault or grave liner is not used in accordance with Chapter 6 of the Town Code of Ordinances.		

PLANNING

The Manager may negotiate and charge a fee or reimbursement for plan review, amendment or other types of applications not listed in this schedules adopted by the Town Council based on a determination that such fees and reimbursements are reasonably calculated to reflect the cost of Town services associated with said review.

Zoning Compliance Permit (ZCP)

Staff Review/Administrative Approval (modified fee)	\$505 + \$15/100 SF
Final Plans for Zoning Compliance Permit Issuance	
...Special Use Permit	\$4,085 + \$15/100 SF
...Major Subdivision	\$4,085 + \$30/100 SF
...Minor Subdivision	\$505 + \$15/100 SF
...Site Plan Review	\$1,205 + \$15/100 SF
...Conditional Zoning District	\$4,085 + \$15/100 SF
Resubmittal Fee After 3rd Round of Review	\$1,320
Revised Final Plans/Revised Phasing Plan	\$1,320
RCD Encroachment	\$505
RCD Exemption approval	\$60
Single-Family/Two-Family Staff Review/ Administrative Approval	\$250
Single-Family/Two-Family "Express" Staff Review/ Administrative Approval	\$125
Combined Single-Family/Two-Family ZCP and RCD Encroachment	\$505
Special Events Permit [for-profit events]	\$125
Indoor Pop-Up Event Permit	\$140
Home Occupation	\$125
Tree Canopy Mitigation Fee	\$525 per tree
Food Truck ZCP - Property Owner	\$125
Food truck ZCP - Vendor	\$125
Exceptions to Front Yard Parking Requirements	\$125
Wireless Communications Facility:	
	\$100 per facility for the first 5 facilities in a single application plus \$50 per each additional facility up to a total of 25 in a consolidated application
Small Wireless Facility in Town Right-of-Way or outside Town Right-of-Way on property other than Single-Family Residential property, Staff Review	
Small Wireless Facility in Town Right-of-Way or outside Town Right-of-Way on property other than Single-Family Residential property, Consultant Review	\$500 per application
Co-Location or Modification, Streamlined Review (eligible facility), Consultant Review	\$1,000
Co-Location, Modifications, and Upgrades (non-eligible facility), Site Review and Report, Consultant Review	\$4,000
All Others, Consultant Review	\$6,500
Form District Permit	\$12,235 + \$50/100 SF
Form District Permit Modification	\$1,260
Special Appearance District Certificate of Appropriateness and Modifications	\$420
Urban Designer	\$175/hr. or Actual cost of review

Subdivisions & Plats	
Preliminary Plat	\$8,175 + \$315/lot
Re-approval (Preliminary Plat)	\$1,260
Minor Subdivision	\$945 + \$65/lot
Re-approval (Minor subdivision)	\$250
Final Plat	\$630 + \$60/lot
Recombination Plat or Exempt Plat	\$250
Historic District Commission	
Certificate of Appropriateness	400
Combined Certificate of Appropriateness and Zoning Compliance Permit Application	570
Building Elevations, Lighting Plan, or Alternative Buffer	\$415
Concept Plan Review	\$380
Community Design Commission (CDC)	
Building Elevations, Lighting Plan, or Alternative Buffer	\$415
Concept Plan Review	\$380
Sign Plan Review	
Individual Sign or Individual Sign Compliant with Approved Unified Sign Plan (single business on one zoning lot)	\$190
Unified Sign Plan (multiple businesses on one zoning lot)	\$315
Site Plan Review	
Site Plan Review and modification*	\$3,145 + \$30/100 SF
Extension, Renewal, Minor Change	\$945
Northside and Pine Knolls Neighborhood Conservation Districts only:	
Combined Single-family Site Plan Review and ZCP Application	\$250
Project Name Change	\$115
Site Plan for parking exemption/exception	\$125
Special Use Permits	
Special Use Permit or Modification*	\$8,175 + \$30/100 SF*
Single Family Development unrestricted by Floor Area	\$8,175 + \$315/unit
Extension, Renewal, Minor Change, Abandonment, or Revocation	\$1,260
Extraction of Earth Products, Landfill, Cemetery, Park/Ride Terminal	\$8,175 + \$315/unit
Radio/TV Transmitting/Receiving Facility	\$8,174
All Master Land Use Plans*	
Abandonment, Revocation	\$8,175 + \$30/100 SF*
	\$1,260
Zoning Map and Text Amendments (Including Joint Planning Areas & Neighborhood Conservation District Overlays)	
	\$1,260 + \$65/acre***
Conditional Zoning	\$8,585 + \$30/100 SF*
Minor Change to Conditional Zoning	\$1,325
Research (involving one or more of the following: Zoning Opinion Letter, Paper archives, micro fiche, Zoning Project case history or code compliance history)	\$65/hr
Plan Amendments	
Proposed revision to adopted Transportation Plan or Transportation Facility Design	\$1,260

Development Plan (OI-4)	\$6,615 + \$130/acre
Site Development Permit	\$5,040
Development Agreement	To be negotiated
Site Development Permit - Carolina North	\$5,040
Development Agreement <i>Compliance</i> Permit - All Others	\$12,230 + \$50/100 SF
Development Agreement Minor Change	\$1,325
Consultant Support and Analysis	Actual cost of service
Board of Adjustment	
Variance or Appeals	\$630
Application Revision, Requiring Additional Review, After Staff Memorandum is Written**	50% of original application fee
Development Notification Postcards	
Postcards for Development Notifications per postcard	\$1

Notes:

All review fees are doubled if the activity or site change requested has already occurred or been started unless the Manager or his/her designee find that there are mitigating circumstances. Revisions requested more than 30 days after a permit is issued require a new permit application and fee.

Fees are waived for Town of Chapel Hill development applications.

The Town agrees to waive certain development-related fees related only for the affordable units for projects that provide permanently affordable homeownership opportunities or provide rental housing that remains affordable for at least 20 years. Affordable is defined as being sold or rented to households earning less than 120% of the Area Median Income as determined and approved by the Town. In this case, otherwise applicable Town application fees, building permit fees, plan review fees, inspection fees, and such other development fees and costs which would otherwise be due shall be waived for the affordable dwelling units identified in the application. To qualify for the waiver for rental development, applicants and Town staff must agree on how affordability will be maintained for a 20-year period and an agreement may be required.

If application fees are paid for a proposed development that subsequently converts existing approved market rate units to affordable dwelling units in the development plan, a pro rata refund of any such fees that have already been paid shall be provided to the applicant upon approval of the development to reflect the conversion to affordable units. The refunded amount will be determined by the percentage of the affordable units within the development. In addition, any existing development that receives approval to construct new affordable units may have the fees waived for the new affordable units. This refund or waiver does not apply to any market rate units, or to any fees associated with water, wastewater, or stormwater.

Fees are also waived for service projects by non-profits, for a non-profit organization.

In the case of a Master Plan and a Special Use Permit submitted concurrently, the application fee shall be waived for the application with the smaller fee.

Potential refunds of fees for projects that are withdrawn prior to completing the development review process shall be issued consistent with the Planning Department's adopted internal refund policy.

* based on square footage of floor area

**Changes to an active application, post-completion of an advisory board or council memorandum that results in additional staff review and revisions to staff memorandum.

***Neighborhood Conservation Districts fees are waived for areas in which it is documented that 51% of the property owners are low to moderate income as defined by HUD.

Ordinances and Reports	
Printing Land Use Management Ordinance, Comprehensive Plan, Data Book, Design Guidelines, Historic District Guidelines Handbook, Bicycle Plan, or Pedestrian Plan (per page).	\$0.10 - B&W / \$0.15 - Color
Maps and other documents	
Copying and Printing per page / smaller format (less than 11 x 17)	\$0.10 - B&W / \$0.15 - Color
Copying and Printing per page / larger format (larger than 11 x 17)	\$1/page - B&W / \$2/page - Color
Miscellaneous Scanning, Printing, and Copying / smaller format (less than 11 x 17)	\$0.10 - B&W / \$0.15 - Color
Professional Training Registration (per session)	\$10
<u>GIS Division</u>	
GIS Street or Zoning Map	\$ 25/EA
Aerial Photos	\$ 30/EA
Specialty Maps and GIS Data Services	\$ 70/HR*
* One Hour Minimum	

POLICE DEPARTMENT**FEE SCHEDULE**

	Fee
Police Incident Reports	0-10 pages = \$0; >10 pages = \$.10 per page
Fingerprints	\$15 for 3 cards
Local Criminal History Checks	\$15 per person
Mailing/Fax Fees	\$1 per document
Noise Permits	\$50 each
Solicitation Permits Application Fee	\$10 per person
Solicitation Permits	\$10 each
Permit Renewals	\$5 each
Precious Metal Business Permits	\$180 each
Precious Metal/Taxi Driver Fingerprints	\$38 each
Taxi Driver Permits	\$10 each/2-yr renewal
Taxi Inspection Fees	\$10 per vehicle
Taxi Driver Application Fee	\$10 per driver
Taxi Franchise Application	\$10 per franchise
Taxi Franchise Renewal	\$5 per franchise
Tow Fee	\$135 for a basic tow; Additional \$50 winch fee
Towed Vehicle Storage (0 - 24 hours)	\$5 for the first 24 hours, \$10 for each additional 24 hours
Towed Vehicle Storage (24+ hours)	\$10 per day
Returned Check Charge	\$25 per check
Unregistered False Alarm	\$100
False Alarm Activation 1-3	No Charge
False Alarm Activation 4-5	\$100 per activation
False Alarm Activation 6-7	\$200 per activation
False Alarm Activation 8-9	\$300 per activation
False Alarm Activation 10 or more	\$500 per activation
Available to Court Officials Only	
NC Criminal History Checks	\$15 per subject
Vehicle request for secondary employment	\$25 per hour

PUBLIC WORKS DEPARTMENT

The following policy and fee structure is consistent with ITRE's recommendations.

1. Each utility and private contractor is responsible for street repairs to be made either by the respective utility or its choice from a list of approved sub-contractors.
2. The Town retains the responsibility for inspections of repairs to cuts.

*Fee Assessments:**

- a) \$120 per square yard for each of the first ten square yards
- b) \$50 per square yard for each subsequent square yard
- c) \$30 per square yard for work on gravel roads and/or borings/jackings (open trench/pit area) and/or other work outside the roadway, but within the right-of-way

*These fees are doubled if the street has been resurfaced within the previous two years, or increased one and one half times if the street has been resurfaced within two plus to five years. In addition, on major projects for which the road is severely impacted, especially streets recently resurfaced, the Town may require restoration to include street milling and a complete overlay. Fees may be waived when milling and/or a complete overlay are required.

Penalties:

- a) \$150 for failure to obtain a permit prior to starting the project (not applicable for emergency street cuts).
- b) \$150 for failure to repair initial street cut within thirty calendar days.
- c) \$150 for failure to undertake warranty repair within fourteen calendar days.

The Town requires a 5-year warranty on all cuts and restoration work performed by the utility company or private contractor.

Additional sub-base and pavement restoration work required (beyond the area of trench repair) as a result of a major failure (i.e., water line main break) will be billed at the stated square yard rates above, or \$625 (whichever is the lesser of the two amounts).

This policy referenced above has been phased in since FY 2000-2001.

SOLID WASTE SERVICES DIVISION**Annual Costs**

Basic Service (Front Load): There is one exception to the below fees. Multifamily developments are eligible for one 8-yard dumpster collection per 25 units per week at no charge.

Delinquent accounts are subject to cancellation of service.

Container Size	1x/week	2x/week	3x/week	4x/week	5x/week	Extra Lift
2 yard	\$690.00	\$1,380.00	\$2,070.00	\$2,760.00	\$3,450.00	\$50 Flat Rate
4 yard	\$800.00	\$1,600.00	\$2,400.00	\$3,200.00	\$4,000.00	
6 yard	\$920.00	\$1,860.00	\$2,780.00	\$3,600.00	\$4,500.00	
8 yard	\$1,095.00	\$2,035.00	\$3,050.00	\$4,060.00	\$5,070.00	

Commercial Roll-Cart Service: Entities that do not qualify for front loading commercial collection service due to space restrictions and safety concerns may qualify for service via roll carts. The basic fee provides up to three carts per entity for collection once per week. Additional carts can be provided and serviced for a fee.

Delinquent accounts are subject to cancellation of service.

Annual Costs

Container	Fee
Up to 3 Roll Carts, 1x/week	\$275
Each Additional Container	\$60

Collection of White Goods, Bulky Items and Electronics: This fee is for collection of large household items and electronic equipment (e.g., refrigerators, stoves, chairs, tables, sofas, televisions, computers, cell phones, printers, etc.). Residents shall contact the Public Works Department to request pickup and make payment prior to collection. The service fee is a minimum of \$15 for up to three items, and \$5 for each additional item.

***If deemed appropriate by the Public Works Director or their designee due to special circumstances (not routine household garbage collection service), this fee may apply to the special collection of extra bags of trash (ie, cleaning out, moving, etc.). Each bag of trash will be considered a separate item. The minimum fee for collection is \$15 for up to three bags, and \$5 for each additional bag.*

Up to Three Items*	\$15
Each Additional Item	\$5
*15 Minimum for Each Collection	

Compactor Service (annualized cost): Each business in the downtown compactor district is subject to compactor service fees. The fees are based on volume of generation. Examples of high volume generators may include: restaurants and bars with onsite dining, movie theaters, and drug stores. Examples of medium volume generators may include: ice cream and coffee shops. Examples of low volume generators may include: small clothing stores, small retail stores, or small business offices.

Delinquent accounts are subject to cancellation of service.

Annual Costs

High Volume	\$1,500
Medium Volume	\$750
Low Volume	\$280

Roll-Off Container Rental (Yard Waste Only)

Weekday (per day)	\$35
Weekend	\$60

Curbside Collection of Large Yard Waste Piles: A per truckload fee is charged for the collection of loose piles of yard waste that exceed three (3) cubic yards in size (e.g., greater than a small pickup truckload). Residents must contact the Town to pay and make arrangements for the collection of yard waste piles in excess of three (3) cubic yards. Town staff will make the final determination of the size of the pile and the required number of truckloads to remove it.

Collection of Large Yard Waste Piles

Per Truckload	\$125
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Yard Waste Container

Each Container	\$50
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Single-family residences are eligible for one Town provided household waste roll cart at no charge. A fee is charged for each additional roll cart.

Extra Household Waste Container

Each Container	\$60
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TRAFFIC ENGINEERING DIVISION

Traffic Engineering Permits	Permit Fee
Work Zone Traffic Control Permits	
1) Lane/Sidewalk Closure Permits	
Permit Issuance Fee	\$150
Inspection Fee*	\$50
2) Street Closure Permits	
Permit Issuance Fee	\$200
Inspection Fee*	\$50
Traffic Impact Analysis Exemption Permit	
1) Residential with less than 10 lots	\$100
2) Residential with more than 10 lots	\$200
3) Commercial and other	\$350

*Fee charged each day inspections are conducted (regardless of number of inspections per day). Typically, inspections occur 2-3 days per week for large scale projects (may be more or less depending on need as determined by staff).

ENGINEERING AND DESIGN SERVICES DIVISION

The following fees would apply to full or partial street construction and/or improvements and/or utility service improvements.

Public Roadway & Fire Lanes	\$ 2/LF/Travel Lane
Sidewalks/Trails/Paths	\$ 0.50/LF
Water Lines within the Public Right-of-Way	\$ 1/LF
Private Fire Line	\$ 1/LF
Sanitary Sewer Lines within the Public Right-of-Way	\$ 1/LF
Storm Sewer Lines (12" or greater)	\$ 1/LF
Storm Sewer Structures	\$ 50/EA
Stormwater Control Facilities	\$ 500/EA
Urban Streetscape (including sidewalk, ductbank and amenities)	\$ 1.75/LF
Driveway Inspection (including removal of existing curb/gutter, excavation, forming and concrete placement for new driveway entrance and apron.	\$100/EA
Driveway Re-Inspection	\$ 50/EA
Engineering Plan Review Fee for Single Family Subdivision	
Base Fee	\$500 Lump Sum
Plus Per Property Lot Fee	\$100/EA
Engineering Plan Review Fee for Multi-Family, Institutional, Office or Commercial	
Base Fee	\$500 Lump Sum
Plus Disturbed Acreage Fee (no rounding).....	\$350/Acre*

* One Acre Minimum

CHAPEL HILL TRANSIT

GENERAL POLICY AND FEE SCHEDULE

The following criteria are intended to guide the Manager in recommending fee structures, and also to inform the public of those factors considered in that process.

The Transit services operated by the Town of Chapel Hill are being provided through the cooperation of the Town of Chapel Hill, the Town of Carrboro, the University of North Carolina, the State of North Carolina and the United States Government. Therefore, the establishment of user fees will be consistent with both State and Federal regulations, and locally they will be developed in consultation with the Town of Carrboro and the University of North Carolina.

Fees should be established in accordance with the Town's Fiscal Year Cycle.

The Manager and the Transit Director will annually review the User Fees Policy and structure and recommend changes to the Town Council as part of the annual budget process.

FARE SCHEDULE

Fixed Route Service	Fare Free
Special Service	
Certified E-Z Rider Customers	Fare Free
Tar Heel Express Park and Ride Lot Fares	\$3.00 One Way, \$5.00 Round Trip

PARK AND RIDE

Parking fee at Town-operated Park and Ride lots. Overnight parking is not permitted.	
Daily	\$2
Monthly Pass	\$21
Annual Pass	\$250

TRANSIT ADVERTISING FEE SCHEDULE AND POLICY

Transit services in Chapel Hill are provided through a partnership of Chapel Hill, Carrboro and the University of North Carolina. Chapel Hill Transit offers transit advertising as a source of revenue to help offset system operating costs. Advertising is sold on the exterior and interior of all fixed route buses. The following are advertising rates established for Chapel Hill Transit. All transit advertising is subject to the policies and standards for advertising, adopted by the Chapel Hill Town Council on December 3, 2012. For additional details on these policies and standards, please visit: http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=1689&meta_id=75863

TRANSIT ADVERTISING RATES

Bus Wraps	Monthly Rate	Min Contract
Full Wrap	\$1,500	12 months

Exterior Bus Signage: Kings (144"x30")

Number of Displays	12 Months Each Sign	6 Months Each Sign	1-3 Months Each Sign
1-10	\$180	\$200	\$220
11-20	\$175	\$195	\$215
21 & up	\$170	\$190	\$210

Queens (108"x30")

Number of Displays	12 Months Each Sign	6 Months Each Sign	1-3 Months Each Sign
1-10	\$162	\$180	\$198
11-20	\$157	\$175	\$193
21 & up	\$152	\$170	\$188

Taillight

Number of Displays	12 Months Each Sign	6 Months Each Sign	1-3 Months Each Sign
1-10	\$163	\$170	\$187
11-20	\$158	\$165	\$182
21 & up	\$152	\$160	\$177

Production Cost Per Sign	1 Month Each Sign	6 Months Each Sign	13 Months Each Sign
\$3,500	\$850	\$750	\$650

King Kong

Production Cost Per Sign	1 Month Each Sign	6 Months Each Sign	13 Months Each Sign
\$1,500	\$700	\$600	\$500

Super King

Production Cost Per Sign	1 Month Each Sign	6 Months Each Sign	13 Months Each Sign
\$400	\$400	\$350	\$300

Super Queen

Production Cost Per Sign	1 Month Each Sign	6 Months Each Sign	13 Months Each Sign
\$300	\$400	\$350	\$300

Tail Wrap

Production Cost Per Sign	1 Month Each Sign	6 Months Each Sign	13 Months Each Sign
\$600	\$550	\$450	\$350

Super Tail

Production Cost Per Sign	1 Month Each Sign	6 Months Each Sign	13 Months Each Sign
\$250	\$350	\$300	\$250

Headliner Add On

Production Cost Per Sign	1 Month Each Sign	6 Months Each Sign	13 Months Each Sign
\$300	\$150	\$150	\$150

Interior Bus Signage**Half Fleet (50 Buses) 11X28**

Production Cost Per Sign	1-6 Months Each Sign	7+ Months Each Sign
\$15	\$400	\$350

Half Fleet (50 Buses) 11X56

Production Cost Per Sign	1 Month Each Sign	6 Months Each Sign
\$20	\$800	\$700

Full Fleet (95 Buses) 11X28

Production Cost Per Sign	1 Month Each Sign	6 Months Each Sign
\$15	\$570	\$475

Full Fleet (95 Buses) 11X56

Production Cost Per Sign	1 Month Each Sign	6 Months Each Sign
\$20	\$1,140	\$950

Ceiling Wraps 24X48

Production Cost Per Sign	1 Month Each Sign	6 Months Each Sign	13 Months Each Sign
\$75	NA	\$75	\$50

BUS CARD ADVERTISING RATES

Up to \$10 per card.

Rates for bus cards are \$2.15/card per month for non profits / governments.

*Non-Profit Organization Advertising: ***

Rates above, less a 50% discount.

*Public Service Announcements: ****

Public Service Announcements will be placed for a maximum of 90 days for a \$30 service fee, as space is available.

Ad Replacement Fee:

Any advertiser who has paid for an ongoing ad may replace the ad copy for a service fee of \$30. New ads should be delivered to Chapel Hill Transit.

Rates for bus cards are \$2.15/card per month for non profits / governments.

****Non-Profit Organizations** are those that are legally recognized as 501 c 3 Non-Profit Corporations and whose advertisements are placed to encourage the use of that organization's goods and services. Social service agencies are not considered to be Non-Profit Organizations if they charge for their services. This includes religious groups and partisan political organizations.

*****Public Service Announcements (PSAs)** are those placed to promote services that will benefit the general public. Notices for public meetings, voter registration and charity drives are typical Public Service Announcements. Public agencies and charitable organizations are examples of groups eligible to place PSAs.

The advertising contractor for the Town of Chapel Hill is authorized to make adjustments (up to 50% of prices listed above) to the listed advertising price schedule in an effort to make pricing competitive and maximize revenue to the Town.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 7., File #: [20-0570], Version: 1

Meeting Date: 9/9/2020

Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program.

Staff:

Judy Johnson, Interim Director
Bergen Watterson, Transportation Planning Manager
Jomar Pastorelle, Transportation Planner

Department:

Planning

Overview: On January 31, 2020 staff submitted a preliminary application for the North Carolina Governor's Highway Safety Program (GHSP) grant program for Fiscal Year 2021. Council must adopt a resolution to finalize the application and accept federal funding from the grant program. If received, the grant funds would pay a part-time GIS/Complete Streets Specialist, create an inter-agency and inter-disciplinary Pedestrian Safety Task Force, and contribute to Chapel Hill Police Department crosswalk enforcement efforts.



Recommendation(s):

That the Council adopt the resolution approving the grant application to the Governor's Highway Safety Program in the amount of \$67,000.

Key Issues:

- From 2014 to 2019, the Town experienced a total of 139 pedestrian crashes.
- Crash clusters occurred within the downtown area and along high-speed corridors.
- Staff completed a Pedestrian Safety Action Plan in spring 2019, which aims to create a safe, connected, and accessible community.
- GHSP funds will build off the Pedestrian Safety Action Plan and enhance pedestrian safety efforts.

Fiscal Impact/Resources: If awarded the \$67,000 grant, the Town will be able to fund personnel costs, operating costs, and other direct costs. The personnel costs would cover the part-time GIS/Complete Street Specialist position and overtime hours for off-duty officers for one year. Operating costs would cover expenses for outreach campaigns, community stakeholder events and supplies. Other direct costs would cover in-state travel. There is no local match for the grant.

Where is this item in its process?



Attachments:

- Resolution
- Pedestrian Safety Action Plan
- GHSP Grant Application

A RESOLUTION SUPPORTING A GRANT APPLICATION TO THE GOVERNOR'S HIGHWAY SAFETY PROGRAM (2020-09-09/R-4)

WHEREAS, the Town of Chapel Hill Planning Department (herein called the "Agency") has completed an application contract for pedestrian safety funding; and that the Council of the Town of Chapel Hill (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that:

1. The project referenced above is in the best interest of the Governing Body and the general public; and
2. The Town Manager is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$67,000 to be made to the Governing Body to fund the cost of the project described in the contract application; and
3. The Governing Body has formally appropriated the cash contribution of \$0 as required by the project contract; and
4. The Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. Certified copies of this resolution be included as part of the contract referenced above; and
6. This resolution shall take effect immediately upon its adoption.

This the 9th day of September, 2020.

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 grant application to the Governor's Highway Safety Program in the amount of \$67,000.



TOWN OF CHAPEL HILL

Pedestrian Safety Action Plan

PREPARED BY THE
ROAD TO ZERO TASK FORCE
AUGUST 2019

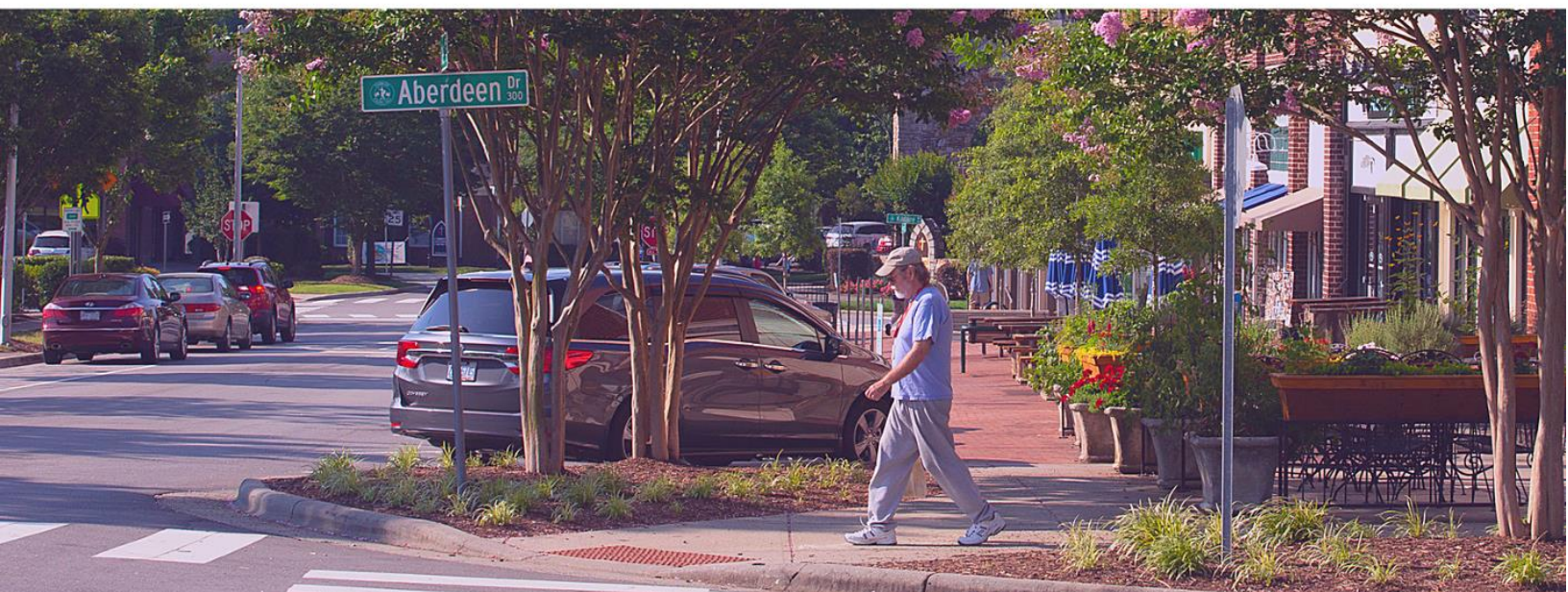




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1 GOALS & OBJECTIVES

1.1 INTRODUCTION

Chapel has been committed to enhancing pedestrian safety through adopting a Complete Streets policy, investing in physical improvements, and participating in the [America Walks](#) Road to Zero initiative. In 2018 the Town of Chapel Hill was chosen as one of ten communities to participate in the Road to Zero pilot program, in which Town staff participated in online learning sessions, peer-to-peer learning, and received technical assistance from America Walks and the UNC Highway Safety Research Center. The Town's goal was to create a pedestrian safety action plan for Chapel Hill. Staff recruited internal and external stakeholders to form a pedestrian safety task force, which ultimately included representatives from Chapel Hill Planning, Chapel Hill Police Department, Chapel Hill Transit, Chapel Hill Risk Office, Orange County Health Dept., Agency on Aging, Coalition to End Homelessness, SafeKids, the development community, Healthy Places by Design, and others. This task force was able to bring diverse perspectives to the table to create a dynamic pedestrian safety action plan for the Town.

The Road to Zero program builds off of [Vision Zero](#), which is an approach to reach zero loss of life or serious injury on roads in a given community. It is used by many cities in the United States to address traffic safety concerns. The North Carolina Department of Transportation has recently launched a Vision Zero initiative that addresses three founding principles:

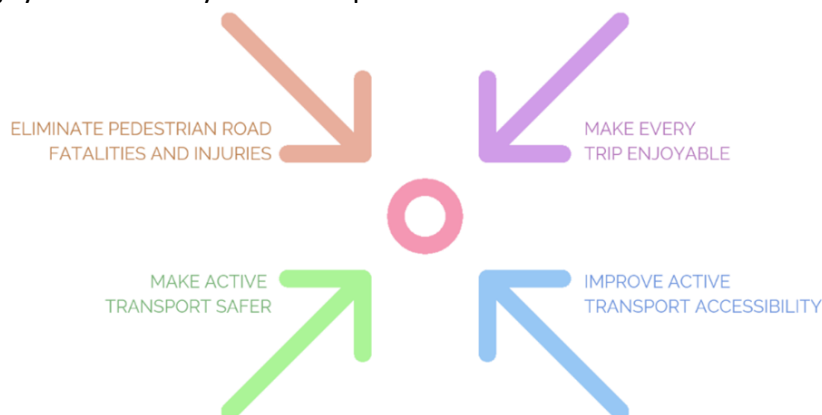
- All road users deserve safe streets
- No loss of life on our roads is acceptable
- Injury or death is not an inevitable price to pay for mobility

The Town does not currently have a specific pedestrian plan with detailed goals and objectives geared towards creating a safe, connected, and accessible community for pedestrians. While the Town of Chapel Hill has shown its dedication to making a better environment for pedestrians in previous and existing plans, this Pedestrian Safety Action Plan will define a comprehensive list of goals and objectives to address pedestrian safety with clear and understandable metrics of evaluation.

1.2 CHAPEL HILL ROAD TO ZERO SAFETY COMMITMENT

Vision Statement

To eliminate pedestrian road fatalities and serious injuries; and to make active transport safer, accessible, and enjoyable for everyone in Chapel Hill.

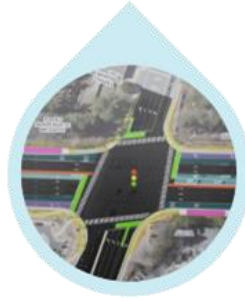


Mission Statement

Provide policy, infrastructure, and programmatic recommendations that contribute to pedestrian safety and mobility with the ultimate goal of having **zero** pedestrian traffic fatalities on Chapel Hill roads.



Policy



Infrastructure



Programmatic
Recommendation

1.3 CURRENT SAFETY COMMITMENTS

The Town of Chapel Hill holds pedestrian safety, accessibility and connectivity as a high priority and incorporates it into multiple plans and policies. This section reviews the pedestrian-related goals and objectives that the Town of Chapel Hill currently works towards.

1.3.1 Existing Pedestrian-Related Town Goals and Objectives

[2019-2020 Strategic Council Goals](#)

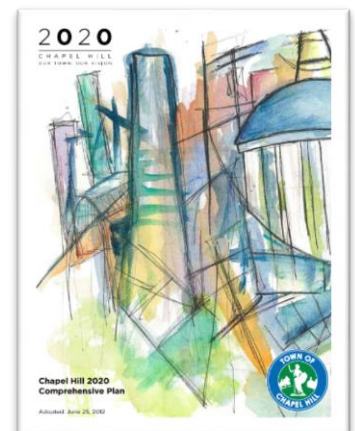
The 2019-2020 Strategic Council Goals highlight the Town Leadership's interest in developing a connected and an inclusive community. The Town Council strategic goals are:

- Connected Community
 - Represent Town interests in regional transit initiatives
 - Provide multi-model infrastructure that incorporates bike and pedestrian designs
- Economic & Financial Sustainability
- Safe Community
- Affordable Housing
- Vibrant & Inclusive Community
- Environmental Stewardship
- Collaborative & Innovative Organization

[Chapel Hill Comprehensive Plan, \(2012\)](#)

Chapel Hill will be “a multicultural university town where each day celebrates connections and choice; where a dynamic downtown and networked community inspire connections among people, ideas, the region, and the world; where innovation, technology, discovery, learning, and the arts continually animate a town alive with choices, options, and opportunities to live, work, play, and prosper”, according to the vision statement. The plan recommends that the Town:

- Maintain natural/undeveloped open spaces to provide recreation and ensure safe pedestrian and bicycle connections



- Create an integrated transportation system that addresses all means of transportation
- Promote a pedestrian-friendly and accessible downtown
- Support the Parks and Recreation Master Plan and the Greenways Master Plan to ensure safe pedestrian and bicycle connections

[Chapel Hill Mobility and Connectivity Plan, \(2017\)](#)

The Chapel Hill Town Council adopted the Mobility and Connectivity Plan in October, 2017. The Plan's goal is to "achieve a 35% bicycling, walking, and transit commute combined mode share in Chapel Hill by 2025." This plan highlights various ways to improve safety, connectivity and access for pedestrians, bicyclists, and transit users.

The vision of the Mobility Plan is that Chapel Hill is a "community where bicycling, walking, and taking transit are safe and convenient, everyday choices".

The plan proposes to achieve this by implementing the following objectives:

- Integrate System: Expand and link walking, bicycling, and shared-use networks, and enhance connections to transit
- Reduce Stress: Create an environment where people of all ages and abilities feel safe and independently mobile
- Remove Barriers: Improve crossings between networks and to destinations, and integrate land use development
- Offer Attractive Choices: Foster options that are comfortable, affordable and efficient for residents and visitors



[Chapel Hill Complete Streets Policy, \(2011\)](#)

"The Town of Chapel Hill is committed to a Complete Streets policy that promotes healthy and active neighborhoods, which entails providing adequate access to pedestrians, bicyclists, transit riders, and motorists of differing abilities on roadways throughout the community."

[Employee Safe Driver Training Programs](#)

The Town of Chapel Hill provides Employee Safe Driver Training programs to all Town employees on an annual basis. Comprehensive safe driving and crash policy and procedures will be adopted in 2019. The policy and procedures include driver safety training requirements and town driver qualification criteria.

The Chapel Hill Employee Safe Driver Training program covers a wide range of topics: pedestrian safety, bicycle safety, safety around bus stops, emergency vehicle precautions, pedestrian incident statistics, and the Road to Zero pedestrian safety initiative.

[Chapel Hill Short Range Transit Plan, \(est.2019\)](#)

The Short Range Transit Plan will serve as Chapel Hill Transit's roadmap to provide an implementable approach to guide and inform future transit service. The Plan will:

- Improve transit mode shift
- Increase ridership
- Create high frequency transit corridors
- Emphasize equity
- Improve weekend service
- Enhance the convenience of living without a private vehicle

1.3.2 Other Pedestrian Safety-Related Plans

Plan Title	Date of Adoption	Summary of Keypoints	Link
Town of Chapel Hill ADA Transition Plan	December 2017	The purpose of the plan is to ensure residents of Chapel Hill have full access to the Town's programs, services and activities. Accommodating disabled persons is essential to equitable and effective customer service, a good quality of life for all residents, and effective governance. Accessibility is not only for individuals with needs related to mobility, but also for individuals with needs related to speech, cognitive, vision and hearing.	Town of Chapel Hill ADA Transition Plan
Chapel Hill Mobility and Connectivity Plan	October 2017	The goal of the Mobility Plan is to achieve a 35% bicycling, walking, and transit commute combined mode share in Chapel Hill by 2025. The plan proposes to achieve this by implementing the following four objectives: <ul style="list-style-type: none"> • Integrate System: Expand and link walking, bicycling, and shared-use networks, and enhance connections to transit • Reduce Stress: Create an environment where people of all ages and abilities feel safe and independently mobile • Remove Barriers: Improve crossings between networks and to destinations, and integrate land use development • Offer Attractive Choices: Foster options that are comfortable, affordable and efficient for residents and visitors. 	Chapel Hill Mobility and Connectivity Plan
Greenways Master Plan	May 2013	This Plan recommends the acquisition of 38 total miles of linear open space. Through this master planning effort, residents, elected officials, and Town staff reexamined the direction of the Town's greenway corridor preservation and trail development efforts. Specifically, the Plan provides an evaluation of potential greenway conservation areas and trail opportunities along the Town's primary greenway corridors.	Greenways Master Plan
Chapel Hill 2020 Comprehensive Plan	June 2012	The Comprehensive Plan identifies five big ideas and six themes to guide future development. One of these big ideas is to implement a bikeable, walkable, green communities plan by 2020. Three out of the six themes are related to pedestrian safety: Getting Around, Good Places, New Places, and Nurturing Our Community. Getting Around highlights the role of implementing an integrated and balanced transportation system that recognizes the importance of all traffic modes. Good Places, New Places addresses the need to establish a pedestrian-friendly downtown for all developments. Nurturing Our Community discusses the beneficial relation between conserving open spaces and improving pedestrian safety.	Chapel Hill 2020 Comprehensive Plan
Ephesus-Fordham Small Area Plan	February 2011	The study considers transportation conditions, defines future land uses, and offers solutions for the existing transportation network. Pedestrian crosswalks will be added to all intersection as a safety improvement. The ultimate goal is to encourage reinvestment in properties within the study area.	Ephesus-Fordham Small Area Plan
Chapel Hill Complete Streets Policy	January 2011	The Town has informally incorporated many of the principles of Complete Streets, which is based on the goal of designing and operating facilities that are safe for all users. The Policy states that "the Town of Chapel Hill is committed to a Complete Streets policy that promotes healthy and active neighborhoods, which entails providing adequate access to pedestrians, bicyclists, transit riders, and motorists of differing abilities on roadways throughout the community."	Chapel Hill Complete Streets Policy
Northside Neighborhood Mobility Plan	January 2007	The plan aims to increase mobility, promote active living, and create a safer environment for people to walk within the Northside neighborhood.	Northside Neighborhood Mobility Plan
Orange County Master Aging Plan 2017-2022	May 2017	The goal of the Orange County Master Aging Plan (MAP) is to create an age-friendly, inclusive community that allows elders to have easy and affordable access to resources. The transportation section of this plan highlights the critical role of having well-maintained roads and sidewalks in securing safe and comfortable trips for older adults.	Orange County Master Aging Plan
2014 North Carolina Strategic	March 2015	Vision Through our partnerships, we foster safety awareness and provide safe access throughout North Carolina for all users and modes of travel such that everyone arrives safely at their destination.	2014 North Carolina Strategic

Highway Safety Plan		<p>Mission Establish a collaborative, strategic approach to the identification and implementation of safety improvement programs and policies to achieve the statewide goals to reduce fatalities and serious injuries related to crashes on North Carolina's transportation system.</p> <p>Goals Cut the fatalities and serious injuries in North Carolina in half based on the 2013 figures, reducing the total annual fatalities by 630 fatalities and the total serious injuries by 1,055 before 2030.</p>	Highway Safety Plan
WalkBikeNC	December 2013	WalkBikeNC, North Carolina's Bicycle and Pedestrian Plan, lays out a framework for improving bicycle and pedestrian transportation as a means to enhance mobility, safety, personal health, the economy, and the environment. WalkBikeNC's vision is to make "North Carolina a place that incorporates walking and bicycling into daily life, promoting safe access to destinations, physical activity opportunities for improved health, increased mobility for better transportation efficiency, retention and attraction of economic development, and resource conservation for better stewardship of our environment".	North Carolina's Bicycle and Pedestrian Plan
North Carolina Statewide Transportation Plan: NCDOT From Policy to Projects 2040 Plan	August 2012	The 2040 Plan is a blueprint that sets investment and policy priorities for North Carolina's evolving transportation system over the next thirty years. It focuses on the policies and programs needed to enhance safety, improve mobility, and reduce congestion for all transportation modes. The Plan recognizes investing in bike and pedestrian systems become increasingly important to residents in North Carolina.	North Carolina Statewide Transportation Plan: NCDOT From Policy to Projects 2040 Plan

1.4 ROAD TO ZERO GOALS AND OBJECTIVES

The strategies of this Action Plan will provide guidance to collect and manage data, establish a pedestrian safety analysis framework, identify risk factors, predict future conditions, engage the public, and provide policy recommendations. The Town of Chapel Hill will utilize a systematic approach to group locations with similar risk factors and treat each group according to the specific need. Policies and programs will be prioritized in sites that yield the greatest impact. Through these proactive approaches, the Town of Chapel Hill will improve road safety, connectivity, and accessibility for pedestrians of all ages and abilities.

GOAL 1: Incorporate Pedestrian Safety Measures in Town Policies

Objective 1: Remove or control Right-Turn-on-Red at all signalized intersections

- Remove Right-Turn-on-Red at major intersections and downtown Chapel Hill
- Implement interactive signals to show No Right-Turn-on-Red when pedestrians are present at intersections with lower traffic volumes and travel speed

Performance measure: percentage of intersections that eliminate Right-Turn-on-Red or install interactive signals

Objective 2: Create annual reports of all pedestrian crashes

- Collect crash data from both UNC and the Chapel Hill Police Department annually
- Utilize visual aids such as heatmaps to improve readability
- Look for trends in cause and location of crashes to apply safety improvements more broadly
- Publish annual reports on Town website

Performance measure: online publication of the annual crash report

Objective 3: Incorporate pedestrian safety measures into Land Use Management Ordinance (LUMO) rewrite

- Identify land use patterns that help pedestrian access and improve walkability
- Determine the feasibility of incorporating pedestrian safety measures to current/new land use ordinances
- Apply pedestrian safety measures to the new updates

Performance measure: number of land use ordinances that incorporate pedestrian safety measures

Objective 4: Update the Town's design guidelines to ensure consistency with industry standards

- Align street design guidelines with the [Urban Street Design Guide](#) published by NACTO or the FHWA [Bicycle and Pedestrian guidelines](#)
- Update design guidelines every two years

Performance measure: online publication of the design guidelines



GOAL 2: Establish a Framework for Systematic Pedestrian Safety Analysis

Objective 1: Collect and process data

- Conduct quarterly walkability audits to inform pedestrian planning
- Enable public feedback on pedestrian facilities regarding safety, accessibility, and connectivity through SeeClickFix
- Analyze and compile data in a street characteristics database (includes but not limited to: traffic volume, pedestrian volume, crash frequency, sidewalk/crosswalk availability etc.)

Performance measure: online publication of the walkability audit; number of streets characterized

Objective 2: Determine risk factors

- Identify pedestrian crash exposure measures (See Appendix A for a list of exposure measures)
- Group streets with similar exposure risks using GIS

Performance measure: forms street groups that share similar risk factors

Objective 3: Identify potential treatment sites

- Conduct GIS analyses in determining high risk areas based on street groupings
- Cumulate results in a list and rank potential treatment sites based on area/population of impact and funding availability

Performance measure: publication of a list of potential treatment sites

Objective 4: Select potential countermeasures based on recommendations proposed by the National Cooperative Highway Research Program (See Appendix B for a list of potential countermeasures)

- Performance measure: percent of street groups that match with countermeasures

Objective 5: Implement and evaluate treatments

- Monitor the percent change in pedestrian involved crashes before and after implementation

Performance measure: online publication of progress report



GOAL 3: Expand Community Collaboration to Implement Pedestrian Safety Programs

Objective 1: Collaborate with UNC to hold workshops, learning labs, and conduct field visits

- Engage students to collect, organize and analyze related data, including walkability audits
- Provide opportunities to learn and collaborate with experts in the field
- Encourage students to validate infrastructure updates

Performance measure: frequency of collaboration

Objective 2: Research different models of implementing Safe Routes to School Programs that may work in Chapel Hill

- Research best practices
- Carry out outreach to local schools and the public to promote the adoption of such programs

Performance measure: compiled research and applicability to Chapel Hill

Objective 3: Introduce Pedestrian Safety Training Programs to the Public

- Increase traffic enforcement and require drivers who have citations/warnings to take a diversion class (in lieu of a fine)
- Incorporate pedestrian safety class into existing Safe Driver Training for Town employees
- Encourage the public to attend

Performance measure: attendance in each training session

Objective 4: Identify potential funding sources

- Align project scope and prioritizations with the NCDOT SPOT scoring criteria
- Search for grant funding opportunities
- Work within LUMO framework to have developers fund infrastructure projects
- Implement temporary tactical urbanism projects to gauge effectiveness

Performance measure: number of identified funding resources

GOAL 4: Improve the Physical Environment for Pedestrian Safety

Objective 1: Infrastructure and landscape upgrade

- Upgrade intersections to meet ADA/accessibility standards
- Install countermeasures recommended by the systemic safety analysis in Goal 2, Objective 4
- Utilize variable message signs along priority corridors to encourage yielding in crosswalks and other safe behavior
- Enhance pedestrian safety and comfort through streetscape improvements
- Incorporate improvements with walkable redevelopment

Performance measure: number of upgrade implemented

Objective 2: Improve sidewalk connectivity

- Fills sidewalk gaps identified by the prioritization list
- Fills sidewalk gaps that are less than 500 feet in length along major transit corridors

Performance measure: percent change in street network density (street miles per square mile)



2 SAFETY DATA ANALYSIS

Chapel Hill has completed a past analysis of pedestrian safety for the community as part of the Mobility and Connectivity Plan. It provides a holistic view of the location of crashes and the severity of injuries. This section will outline the data analyses conducted for pedestrian crashes within the community. The safety analysis will follow a similar framework but incorporate a systemic approach, which collects, organizes, and classifies crash incidents by their attributes such as the time of occurrence. Crash severity will be visualized on a heatmap to highlight intersections with high crash incidents.

2.1 TOWN OF CHAPEL HILL & UNC PEDESTRIAN CRASH ANALYSIS

There have been a total of 124 pedestrian crashes between 2014 and 2018. Seventy three crashes recorded by the Town of Chapel Hill and 51 crashes by the UNC police. These crashes appear to be clustered within the downtown area and along higher speed roadways (Figure 1). Fatalities within the last four years all occurred along North Martin Luther King Jr. Blvd. The number of crashes per year more than doubled between 2014 and 2017, but has since declined from the peak of 31 in 2017 (Figure 2). The number of pedestrian involved crashes varied by the time of the year as well; there were fewer incidents during the summer, while November had the most (Figure 3). It's also worthwhile noting that 3 crashes occurred in or around UNC parking decks, and all of them resulted in possible injury. See Appendix C for pedestrian crash statistics and maps by injury type.

Behavioral data is analyzed base on the North Carolina Crash Reports collected by the Town of Chapel Hill and UNC Police Departments at every crash. Contributing circumstances are recorded for both the pedestrian and driver involved in the crash, as well as for the roadway where the incident occurred to determine causation. See Appendix D for a sample of the Crash Report code key.

Police officers can assign up to three contributing factors for the driver, two for the non-motorist, and two for the roadway in any crash. The top 3 causes – failure to reduce speed, inattention, and improper backing – accounted for almost 70% of the crashes. The top 10 contributing circumstances from drivers in pedestrian involved crashes are identified in Figure 4.

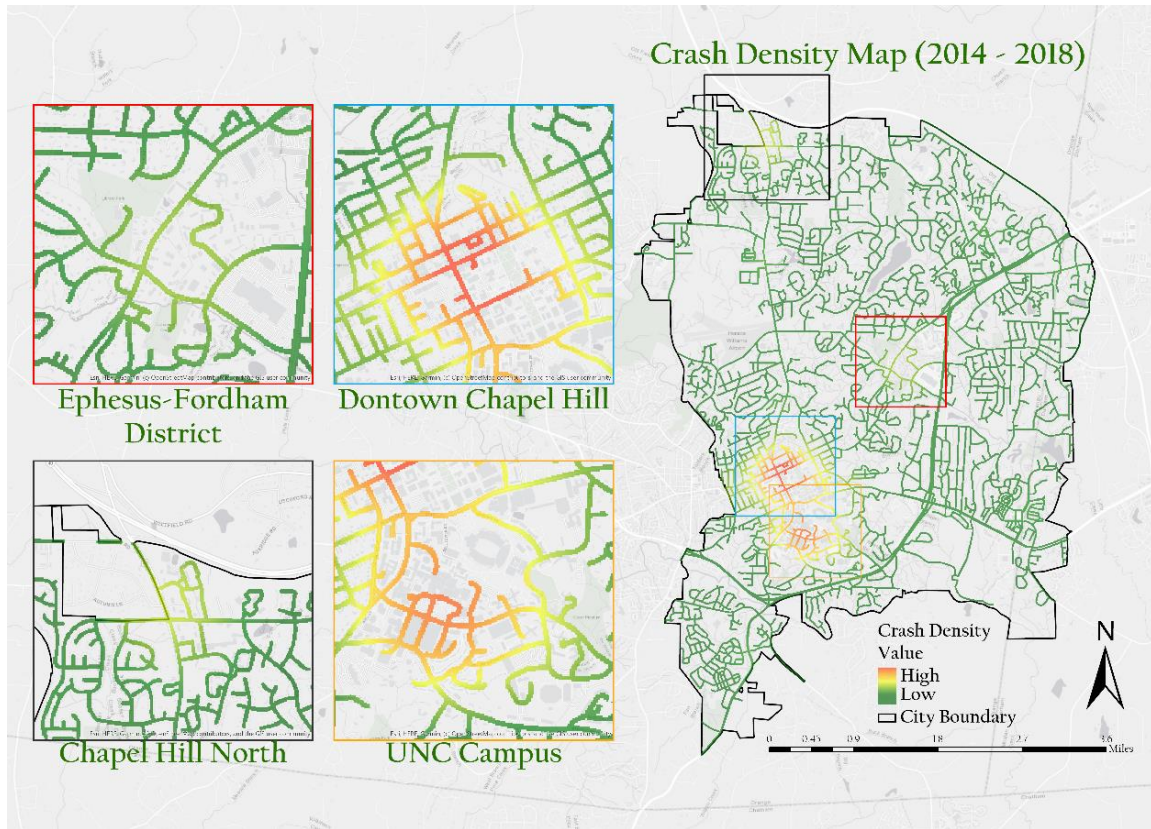


Figure 1: Chapel Hill Crash Density Map 2014 – 2018

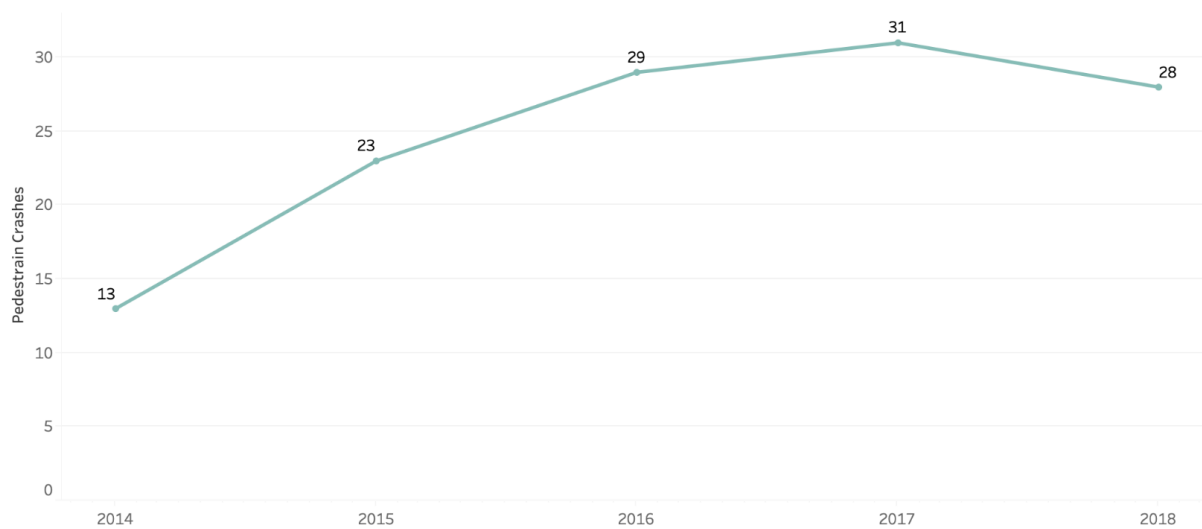


Figure 2: Town of Chapel Hill and UNC Pedestrian Crash Incidents 2014 - 2018

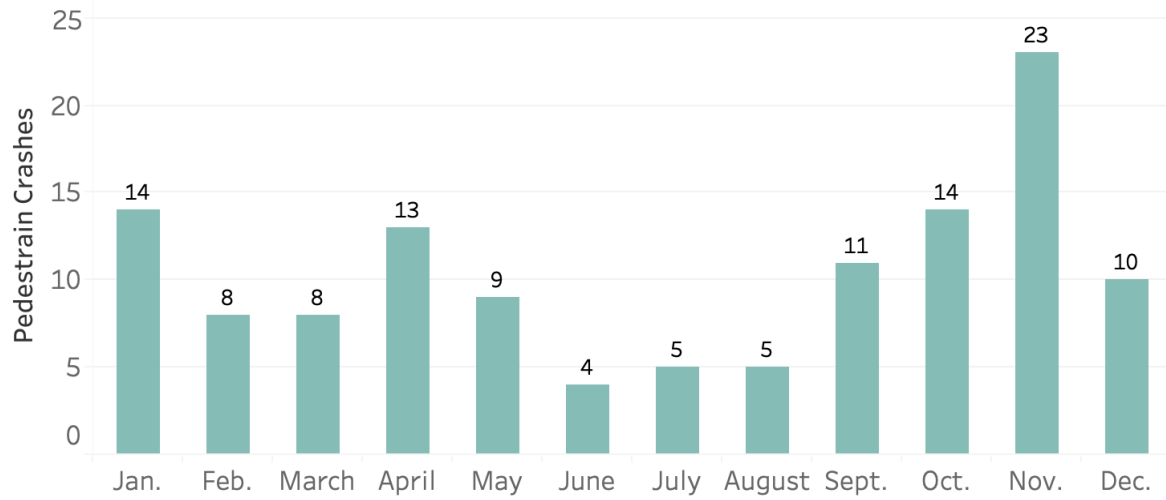


Figure 3: Town of Chapel Hill and UNC Pedestrian Involved Crashes by Month 2014-2018

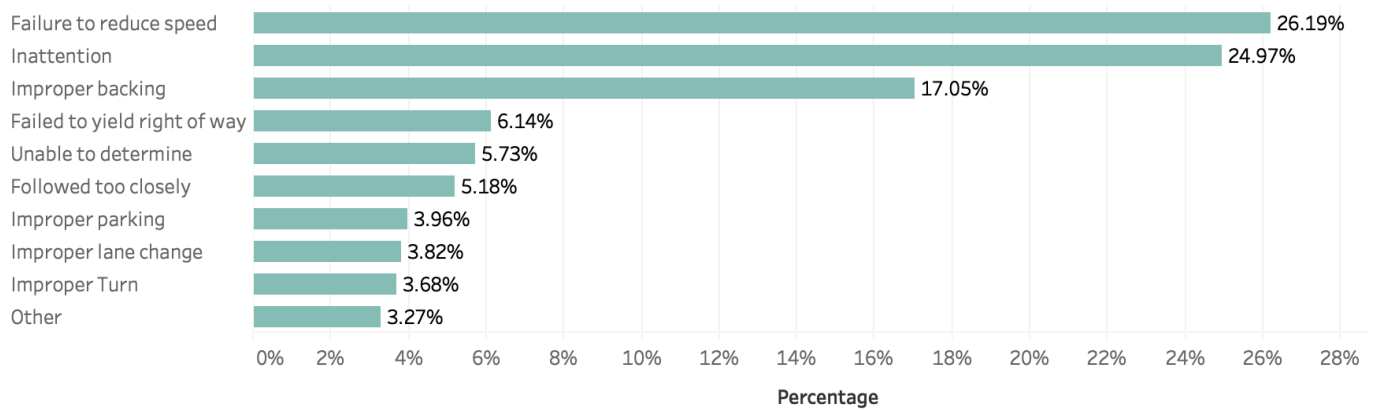


Figure 4: Behavioral Crash Data Analysis Charts: Top 10 Contributing Circumstances for Pedestrian Involved Accidents

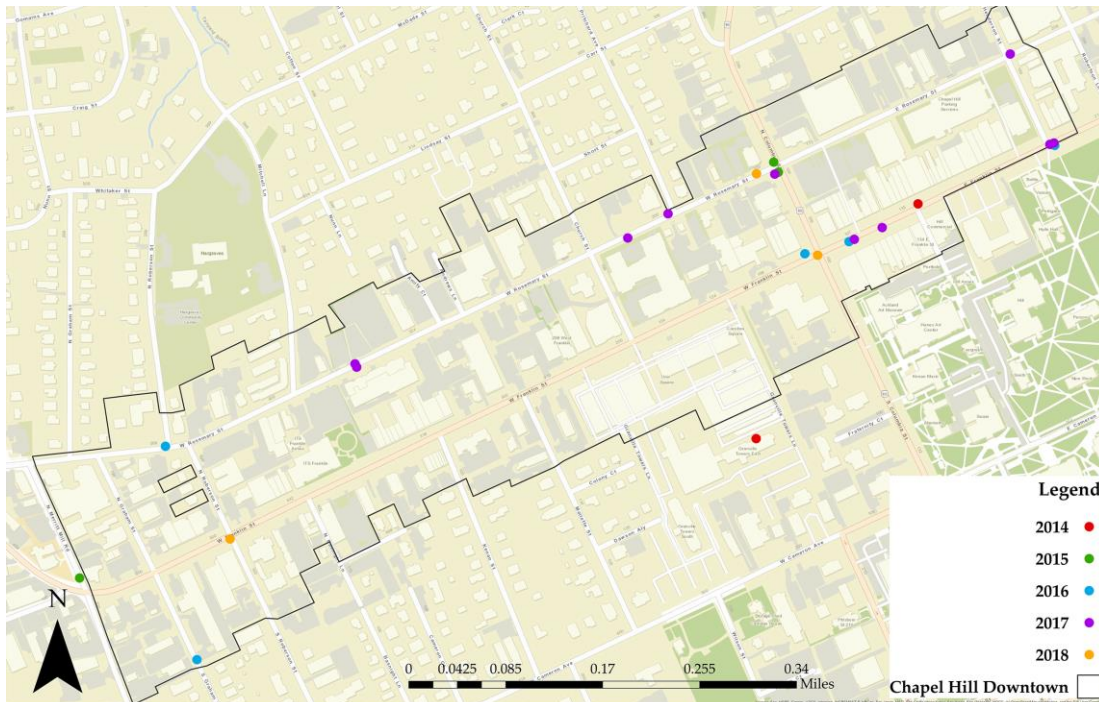


Figure 5: Downtown Chapel Hill Pedestrian Crashes by Year 2014-2018

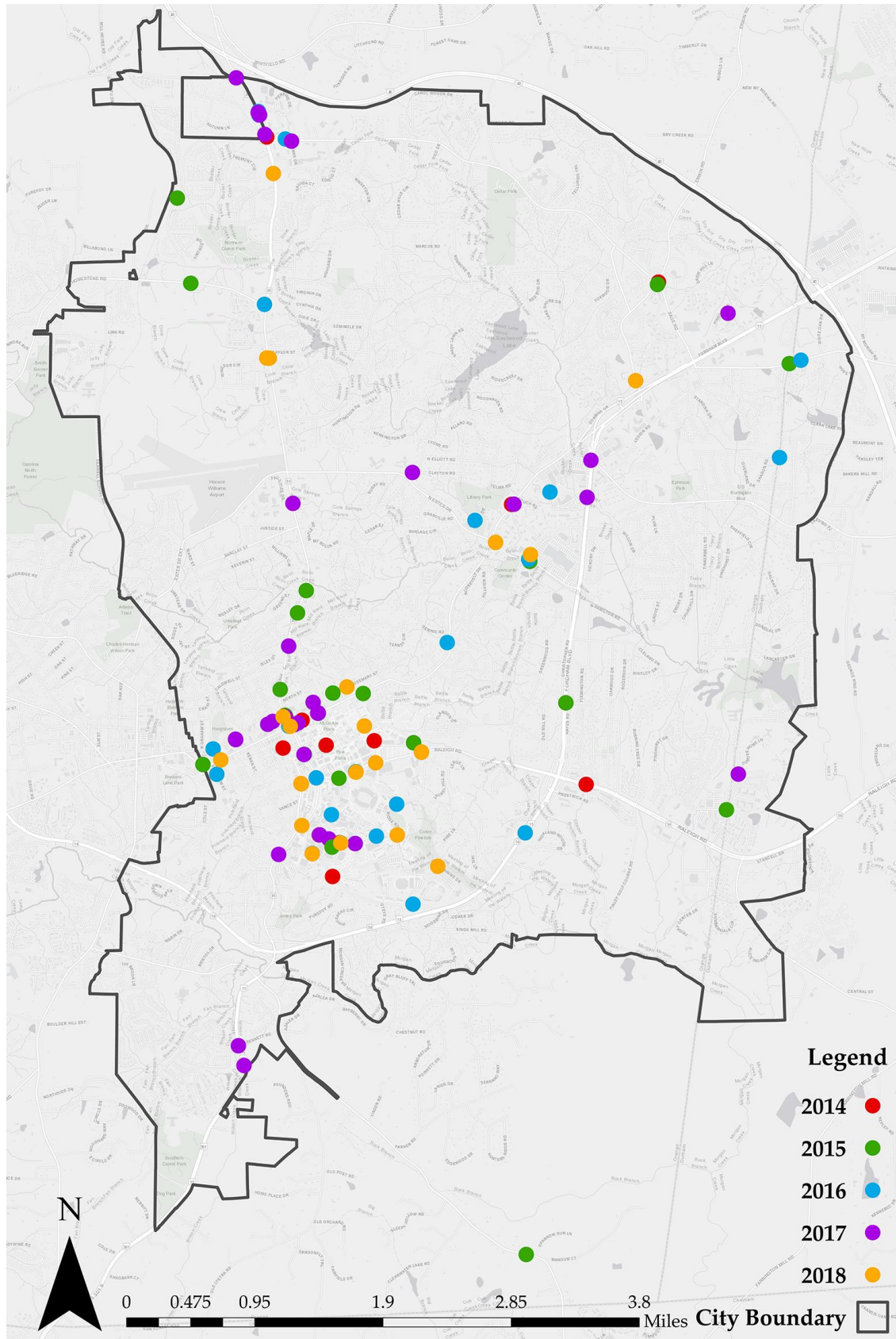


Figure 6: Town of Chapel Hill Pedestrian Crashes by Year 2014-201

2.2 UNC-CHAPEL HILL HOSPITAL TRAUMA CENTER INJURY ANALYSIS

UNC Chapel Hill Hospital is a level 1 trauma center located in Chapel Hill, NC. Due to its central location in Chapel Hill, it receives a majority, if not all, of the pedestrians and cyclists that are injured in the Town of Chapel Hill. Trauma registry data from 2014 to 2017 show that during that time period, 6 cyclists and 13 pedestrians were admitted as trauma patients due to an injury from a collision with a motor vehicle.

The trauma center uses NC DETECT, a syndromic surveillance system managed by the UNC Medical School. This data source reports that from 2014 - 2018, 93 pedestrians and 139 cyclists who reside in Orange County visited an emergency department within the state of North Carolina due to a collision with a motor vehicle.

2.3 CRASH DATA AVAILABILITY

The Town of Chapel Hill routinely gathers data about pedestrian crashes occurring within the community. Below is a summary from the Town of Chapel Hill Police Department on crash data availability and how it is collected:

The Chapel Hill Police Department records all pedestrian crashes and catalogues and analyzes numerous crash characteristics including location, time, injury classification, and other attributes. The crash data is stored in police records and is available upon request. A noted concern with the crash data is that the form is not filled out in a consistent way by police officers. Officers who have little experience or are taught incorrectly about how to code the form can cause issues with reporting. Underreporting is difficult to detect because near misses are not recorded and minor crashes may not be reported and thus not included in the crash reports. The Chapel Hill Police Department will be conducting trainings with the Patrol shifts to teach officers how to properly complete the crash report. The Chapel Hill Police Department has done this training in the past and the data has improved as a result.

2.4 CRASH COST ESTIMATES

2.4.1 Actual Costs

The [National Safety Council](#) estimates that the actual cost of a pedestrian injury is around \$58,700 per event, which includes wage and productivity loss, medical expenses, administrative expenses, damage to motor vehicles and insurance costs to providers and employers. We can estimate that the cost of pedestrian injuries in Chapel Hill between 2014 and 2018 was \$7,278,800 (124 pedestrian crashes in Chapel Hill between 2014-2018 X \$58,700 per event). The prevention of pedestrian accidents is vital to the Town as well as other agencies because any pedestrian injury will incur a cost for all parties.

2.4.2 Economic Costs

The USDOT and state law enforcement agencies define the economic costs of a pedestrian crash using the Value of a Statistical Life (VSL). In simple terms, VSL is an estimate of the amount that society would be willing to pay to prevent an injury or a death from happening. In 2016 the economic cost of a fatal pedestrian crash was \$9.8 million. Please refer to Appendix E for detailed information about calculating cost of injuries.

3 STAKEHOLDER INPUT

3.1 STRATEGIES FOR ENGAGING STAKEHOLDERS

The Chapel Hill Road to Zero Task Force presented the Pedestrian Safety Action Plan to the Transportation and Connectivity Advisory Board, the Human Services Advisory Board, and the Bicycle Alliance of Chapel Hill to gain key stakeholder input. Additionally, task force members gathered public input at various Town events throughout winter and spring 2019. At these events, community members viewed maps and took a short survey asking “Would you let your child walk here alone?” for various locations in Chapel Hill. The locations were those that the Road to Zero Task Force determined to be hot spots for pedestrian crash incidents or important pedestrian connections, including: UNC-Chapel Hill campus, North Martin Luther King Jr. Blvd, South Martin Luther King Jr. Blvd, Rashkis Elementary, Estes Drive near Phillips Middle and Estes Elementary Schools, and Downtown Chapel Hill.



3.2 DOCUMENTING STAKEHOLDER INPUT

Key stakeholder and public input was recorded and taken into consideration with the development of the plan to determine priority areas for improvements. Also, any comments or suggestions received after notifying general interest groups were documented.

3.3 STAKEHOLDER INPUT AND SURVEY RESULTS

Outreach Area	Response to "Would you let your child walk alone here?"	
	Yes	No
Chapel Hill Near Phillips and Estes Schools	22	14
Rashkis Elementary School Meadowmont	28	4
South MLK	8	12
North MLK	5	8
UNC Campus	20	4
Downtown Chapel Hill	5	9

The task force also gathered information on bike and pedestrian safety issues from people experiencing homelessness. Feedback was collected in two ways: at the Meeting of the Minds on April 22, 2019 and via surveys distributed between May 8 and May 17, 2019. Respondents were asked to answer the following questions:

- In your experience of walking/biking or seeing other people walking/biking, what general conditions could be safer?
- Could you give specific info on roads, areas, or other places that need safety improvements?
- Any other info on pedestrian or bike safety issues in Chapel Hill that you would like to provide?

Most people who took the survey expressed concerns over the absence of bike lanes or sidewalks on major roads such as Martin Luther King Jr Blvd. Even if sidewalks or bike lanes were present, pedestrians felt unsafe because they were too narrow or too dark to walk on. Respondents also requested more crossing opportunities and longer crossing times. Three roads were identified as needing safety improvements: Martin Luther King Jr Blvd., Franklin St., and Estes Dr. Lastly, respondents expressed the need to place restrictions on cycling on sidewalks.

3.4 NEXT STEPS

The Pedestrian Safety Action Plan is a living and dynamic document. We will periodically update this plan based on emerging needs and ensure our recommendations are accommodating population and economic growth. Information about events, public meetings, and notification of updates will be available on the Town's website. Public input is key to the success of this plan. We invite people of all ages and abilities to participate and will continue to seek feedback.

4 SAFETY IMPROVEMENTS

This section lists the specific actions needed to further address pedestrian safety within Chapel Hill. It focuses on problem areas identified through data analysis and stakeholder input.

Locations	Specific Locations or Problems Identified	Safety Improvements
Intersections	Weaver Dairy Rd. and Martin Luther King Jr Blvd.	Eliminate Right-Turn-on-Red; install automatic lead pedestrian intervals; install accessible intersection upgrades (e.g. accessible pedestrian signals); install curb extensions or planters to increase right turning angles; expand pedestrian refuge island on the southern side; add and improve pedestrian level lighting. Configure intersection to accommodate future Bus Rapid Transit and increased number of pedestrians.
	Franklin St. and Columbia St.	Eliminate Right-Turn-on-Red; road diet on Franklin St.
	Columbia St. and Rosemary St.	Eliminate Right-Turn-on-Red; upgrade to high-visibility crosswalks on all legs
	Franklin St. and Henderson St.	Eliminate Right-Turn-on-Red; add and improve pedestrian level lighting; upgrade to high-visibility crosswalks
	Franklin St. and Roberson St.	Add and improve pedestrian level lighting; upgrade crosswalks to high-visibility; install a RRFB at one of the crossings across Franklin Street; install curb extensions on all four corners
	S. Estes Dr. and Willow Dr.	Eliminate Right-Turn-on-Red; install automatic lead pedestrian intervals; install accessible intersection upgrades (e.g. accessible pedestrian signals); add crosswalks on western and southern crossings and upgrade all crosswalks to high-visibility; add and improve pedestrian level lighting; road diet on S. Estes Dr.
	Martin Luther King Jr. Blvd. and Westminster Dr.	Eliminate Right-Turn-on-Red; install automatic lead pedestrian intervals; install accessible intersection upgrades (e.g. accessible pedestrian signals); update eastern and western crosswalks to high-visibility; improve pedestrian level lighting; add pedestrian refuge on MLK as part of future BRT project
	Homestead Rd. and Martin Luther King Jr. Blvd	Eliminate Right-Turn-on-Red; install automatic lead pedestrian intervals; install accessible intersection upgrades (e.g. accessible pedestrian signals); upgrade crosswalks to high-visibility; add and improve pedestrian level lighting; extend pedestrian refuge island on northern side, add curb extensions on Homestead corners
Corridors	Martin Luther King Jr. Blvd	Road diet; install multiuse paths along both sides of corridor; add and improve pedestrian level lighting along corridor; narrow travel lanes; install additional RRFBs or hybrid beacons, implement Bus Rapid Transit along corridor
	Franklin St.	Road diet; add and improve pedestrian level lighting along corridor; narrow travel lanes; add RRFBs and hybrid beacons
	Fordham Blvd	Install sidewalks and multiuse paths where possible to ensure connectivity; add and improve pedestrian level lighting along corridor
	Rosemary St.	Add and improve pedestrian level lighting along corridor; narrow travel lanes; install curb extension for pedestrian crossings; install chicanes where possible; extend protection along bike lanes; close driveways where possible
	Estes Dr.	Add and improve pedestrian level lighting along corridor; install sidewalks, bike lanes, multiuse path and pedestrian crossings as part of planned project

System-Wide	High Speed Corridors	Lower speed through the installation of traffic calming measures (e.g. curb extensions, diagonal parking, roadway narrowing, widening sidewalks, raised medians, flashing variable signage)
	Unmarked and Unsafe Pedestrian Crossings	High-visibility pedestrian crossings; RRFBs; hybrid beacons, enforcement

5 IMPLEMENTATION & EVALUATION

The initial phase of this Pedestrian Safety Action Plan will focus on collecting and organizing information and developing a framework to identify safety-related risk factors on streets. By doing so, the Town will be able to determine potential treatment sites and risk factors that need more attention. Selected sites will be improved based on project prioritization and funding availability. Lastly, the Town will monitor the performance of improvements and engage the public for feedback as part of the evaluation process.

5.1 PROJECT PRIORITIZATION

The objectives described in this plan, when implemented, will help the Town of Chapel Hill systematically improve pedestrian safety. The plan provides a roadmap for implementing robust data collection and analysis techniques, establishing collaborative relationships with community partners, and physically addressing pedestrian safety challenges in Town. All of the recommendations are important, and the Town will use established prioritization techniques for prioritizing the projects in this plan.

The Town of Chapel Hill has established criteria for scoring capital improvement projects (CIP) to determine funding and prioritization. Each project is evaluated based on 10 criteria, which reflect the Town's core values. See Appendix F for details about the CIP scoring sheet.

5.2 FUNDING SOURCES

The Town of Chapel Hill passed a bond in 2015 that allocated \$16 million to streets and sidewalks. This has been the primary source of funding for bike and pedestrian projects. There is a small operating budget in the Traffic Engineering division that is used for installing new crosswalks, RRFBs, bollards, and other safety facilities for non-motorized travel. The Town also receives federal funding through the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and the North Carolina Department of Transportation (NCDOT) for larger bike and pedestrian projects. The funding through the NCDOT comes at the discretion of the state, and can be difficult to secure.

5.2.1 Other Opportunities for Implementation

The Town of Chapel Hill requires developers to adhere to the bike and pedestrian recommendations in adopted plans. New developments are required to incorporate pedestrian facilities such as multi-use paths, sidewalks, and bike lanes into their site plans and designs. Upon the approval of a project, developers are responsible for constructing or providing a payment-in-lieu for the facilities on their property or along their frontage.

The Town of Chapel Hill has annual roadway resurfacing projects to preserve and enhance the physical and operating conditions of roads. A typical resurfacing project includes but not limited to: utility adjustments, patching, grinding of the asphalt, pedestrian curb cut improvements and replacement of deteriorated curb and gutter before resurfacing. The resurfacing process prioritizes multi-modal roads to provide a secure environment for bikes and pedestrians, and prior to resurfacing the Town looks for opportunities to make roadways more bike and pedestrian friendly. In addition, the Town works with NCDOT to implement bike and pedestrian improvements on roads that are in its annual resurfacing plan.

5.3 TIMELINE

This is a five year plan that will be fully updated in 2024. The near-term priorities for the Town is to set up procedures and systems for assessing the pedestrian environment and gathering useful data. The Town is

embarking on a journey to implement a safe systems framework and must work on setting up that framework before being able to fully implement many of the recommendations in the plan.

The goals and objectives of the Pedestrian Safety Action Plan also highlight the need to expand collaboration and address the importance of continued efforts. Therefore, many objectives will be achieved by holding reoccurring events. The ongoing perspective of the Plan gives flexibility to both the Town and the public to react accordingly.

Goals	Objectives	Time Frame
Incorporate Pedestrian Safety Measures in Town Policies	Remove or control Right-Turn-on-Red at all signalized intersections	Near-Term
	Create annual reports of all pedestrian crashes	Ongoing
	Incorporate pedestrian safety measures into Land Use Management Ordinance (LUMO) rewrite	In conjunction to the completion of the LUMO Rewrite (Near-Term)
	Update the Town's design guidelines to ensure consistency with industry standards	Ongoing
Establish a Framework for Systematic Pedestrian Safety Analysis	Collect and process data	Near-Term
	Determine risk factors	Near-Term
	Identify potential treatment sites	Near-Term
	Select potential countermeasures based on NCHRP recommendations	Near-Term
	Implement and evaluate treatments	Mid-Term
Expand Community Collaboration to Implement Pedestrian Safety Programs	Collaborate with UNC to hold workshops, learning labs, and conduct field visits	Ongoing
	Research different models of implementing Safe Routes to School Programs that may work in Chapel Hill	Near-Term
	Introduce Pedestrian Safety Training Programs to the Public	Mid-Term
	Identify potential funding sources	Ongoing
Improve the Physical Environment for Pedestrian Safety	Infrastructure upgrade	Near-Term/Mid-Term
	Landscape upgrade	Near-Term/Mid-Term
	Improve sidewalk connectivity	Ongoing

5.4 EVALUATION AND TRACKING

The Pedestrian Safety Action Plan is a living document that requires regular updates to reflect changes, new requirements, and recommendations. We will actively engage the public for feedback and monitor the implementation of safety measures. We will assess the number of objectives being met before the release of the next edition. The current Pedestrian Safety Action Plan is active for 5 years; however, revisions will be made as needed.

GLOSSARY

Calming Measures	Description	Example
Chicanes	Designed curved street alignment that helps to slow traffic and increase safety.	 <p><i>Source: National Association of City Transportation Officials</i></p>
Curb Extensions (e.g. bulb-outs, neckdowns, chokers)	Extended sidewalks at mid-block or corner to narrow the roadway and provide more space for pedestrians, bikes, and parking.	
Diagonal Parking	A parking design that aligns parking spaces in 45 or 60 degree angle to ensure drivers can back-in easily and pull out safely.	 <p><i>Source: Dale White (2013)</i></p>
Diverter	A roadway design used to prohibit traffic from entering or exiting a street. A typical cul-de-sac type diverter cuts traffic from both lanes by placing it across the street while allowing pedestrians and bicyclists to go through.	 <p><i>Source: BikePortland - J. Maus (2016)</i></p>
Flashing Variable Signage	Traffic safety warning devices such as Rectangular Rapid Flashing Beacons (RRFBs) that use LED lights to alert drivers to yield at pedestrians.	

Raised Crosswalks	A type of vertical speed control element. Uses raised space to ensure low-speed crossing.	
Raised Medians or Pedestrian Refuge Areas	A roadway design that uses a raised island to separate traffic directions. It helps to narrow the street as well as protect pedestrians from vehicles.	
Roadway narrowing	Reduce lane width to slow traffic and create room for sidewalks, bike lanes, roadside parking, and landscapes.	
Rumble Strips	Indented strips on roadway or along its edge warning drivers to slow-down before possible hazardous event. Rumble strips also help to buffer between bike lane and roadway.	 <i>Source: NCDOT</i>
Speed Tables/Humps	Raised pavement surface with or without marking, advisory signs and warning signs. It can be used to slow traffic as well as to deter cut through traffic.	
Widening Sidewalks	Create more sidewalk space that encourages pedestrian use, calms traffic, and improves safety.	

APPENDIX A RISK FACTORS (ADOPTED FROM THE NCHRP SYSTEMIC PEDESTRIAN SAFETY ANALYSIS 2018)

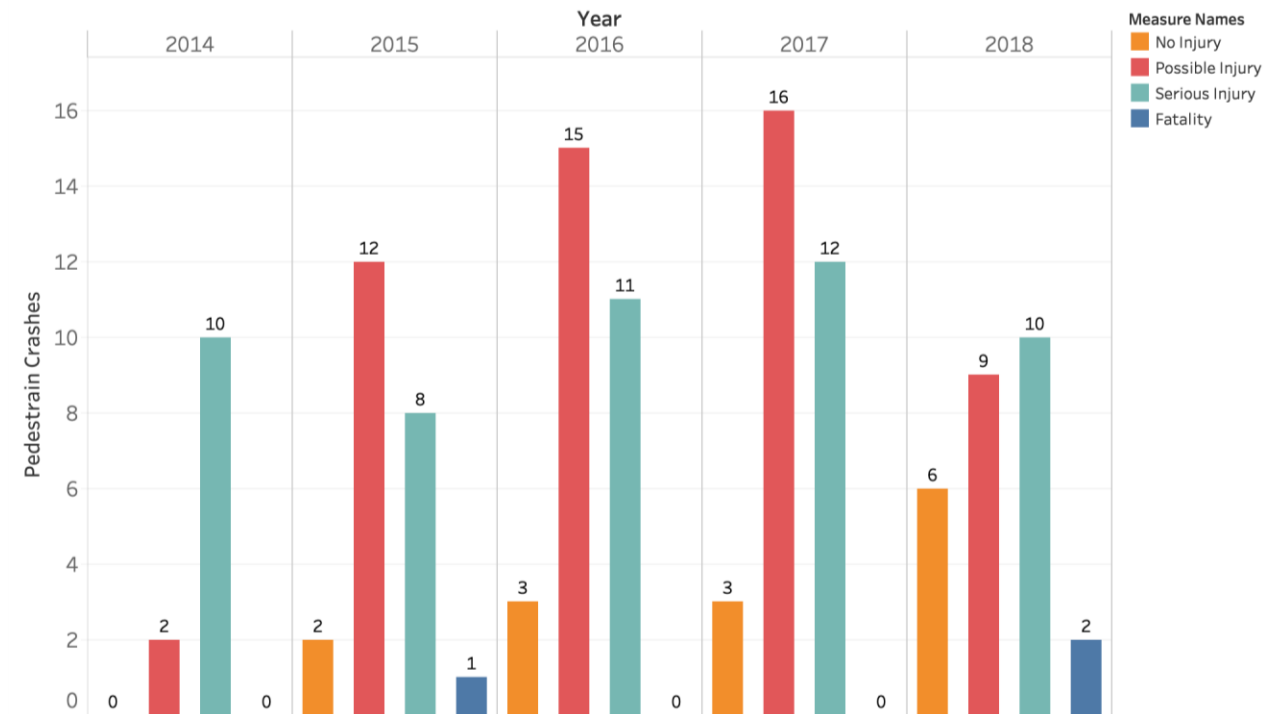
Intersection-Related Roadway Variables	Measurement Methods
Traffic volume	<p>Typically, average daily traffic (ADT or AADT) is available for state road networks. Subtypes may include:</p> <ul style="list-style-type: none"> • Major and minor road volumes (for intersection legs) • Volume assignment by functional classes (surrogate measure) • Turning movement counts • Heavy vehicles percentage <p>May need to collect additional data and develop estimation procedures to generate estimates for network locations not covered by regular traffic monitoring.</p>
Pedestrian volume	<ul style="list-style-type: none"> • Counts of pedestrians crossing any leg of intersection • Average AADP crossing at intersection (estimates) based on modeling of a sample of actual counts <p>Develops a sampling and estimation strategy, coordinates with agencies that have count data, and/or collects additional data to improve estimation accuracy.</p>
Transit stops	<p>Presence of transit stops. Note the other transit activity measures listed in Table 5. Transit measures have been found to be associated with pedestrian crash risk in both intersection and segment-based analyses.</p>
Number of traffic lanes	<ul style="list-style-type: none"> • Total number of traffic lanes (all types, all legs) • Entering through lanes • Number of lanes on main/largest approach • Maximum number of lanes pedestrians must cross in one maneuver <p>The data listed above are all ways traffic lanes have been counted at intersections. All generally have been positively associated with increasing crash risk.</p>
Number of intersection legs	Count the total number of legs entering an intersection. (Short distance offset legs may be included.)
Crosswalk length	<ul style="list-style-type: none"> • Maximum crosswalk length • Major/minor road crosswalk lengths
Traffic control type	<ul style="list-style-type: none"> • Signalized • Four-way stop control • Two-way stop control • No traffic control, yield control, other
On-street parking	<ul style="list-style-type: none"> • Presence of parking on one or more legs • Proportion of all legs/sides with parking
Commercial driveways	Presence or number of commercial driveways within X distance
Leading pedestrian interval	Presence (or amount of time) of leading interval
Pedestrian signals and detection	<ul style="list-style-type: none"> • Presence of pedestrian countdown signal heads on all legs • Type of activation (active, passive)
Unrestricted/restricted turn phasing	<ul style="list-style-type: none"> • Presence of protected pedestrian crossing phase (no left turns during pedestrian walk phase) • Presence of all red during walk phase
Turning Lanes	Presence of one or more lanes dedicated to right or left turning movements.
Speed limit	<ul style="list-style-type: none"> • Highest entering speed limit of any leg • Major and minor road speed limits <p>Actual traffic speed monitoring data may be preferable, but no prior studies have been identified that included actual measured traffic speeds.</p>
Intersection skew (angle > 90°)	<p>Presence of one or more angles with angle > 90°</p> <p>No identified pedestrian studies included this measure, but it has been found to be associated with motor vehicle crash types; may affect sight lines and turning speeds.</p>
Crosswalk markings and type (high visibility or standard)	Presence or proportion of legs with crosswalk markings
Sidewalk coverage	Proportion of all legs/sides of intersection with sidewalks
ADA-accessible curb ramps	Proportion of landing areas with ramps that meet accessibility guidance
Other	Other facility/roadway or relevant environmental variables as locally determined (e.g., walk signal timing per pedestrian walking speed)

APPENDIX B COUNTERMEASURES IN RELATION TO RISK FACTORS (ADOPTED FROM THE NCHRP SYSTEMIC PEDESTRIAN SAFETY ANALYSIS 2018)

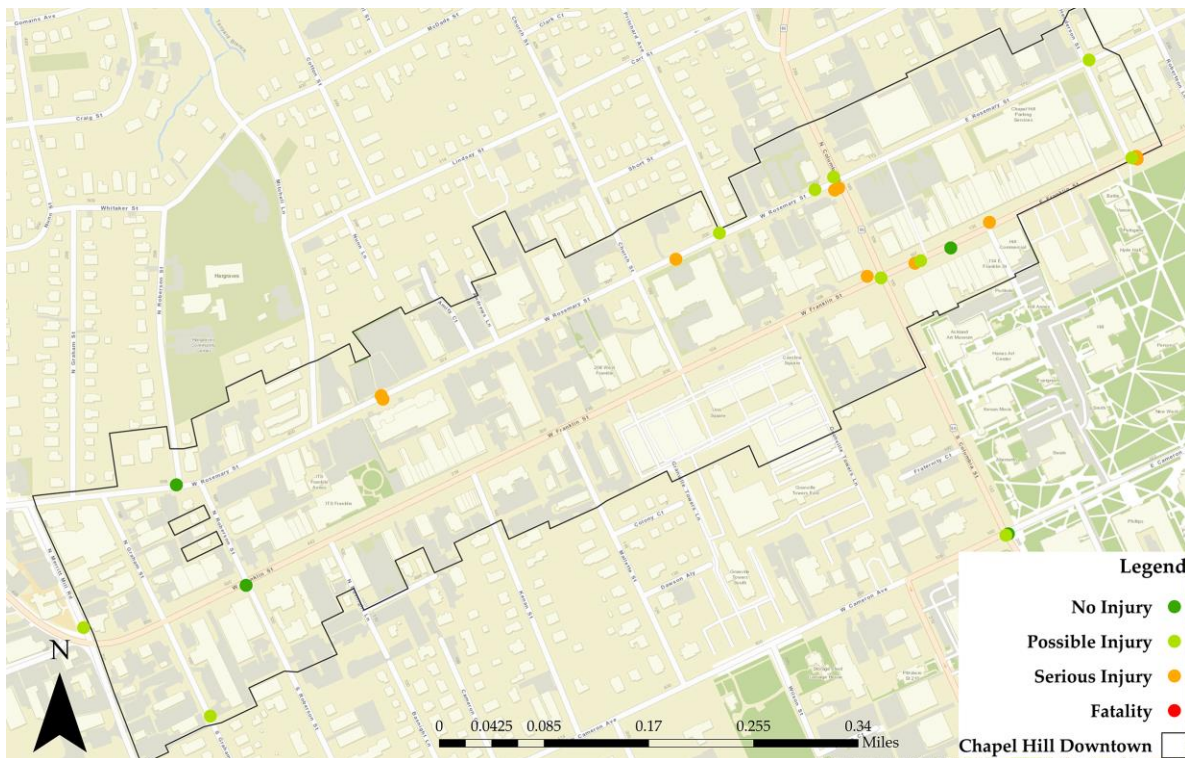
Countermeasure	Related Risk Factor	Related Crash Type	Location Type
High visibility crosswalk	Conspicuity (driver failure to notice); compliance with crosswalks (motorist and pedestrian)	Any occurring at crossing locations	Signalized or Unsignalized*
Traffic calming (raised crosswalk/speed table)	Traffic speed; conspicuity/pedestrian visibility (possibly); non-compliance with crosswalks	Through vehicle, pedestrian crossing at signalized/unsignalized location; turning vehicle, pedestrian crossing; pedestrian dart-outs and dashes; unique midblock crossing/pedestrian in roadway types; speeding related	Signalized or Unsignalized*
Median crossing island	Number of traffic lanes; number of lanes crossed in one maneuver; traffic speed (possibly, if roadway narrowed); turning speed at intersections (possibly, if restricts turning radius/corner cutting)	Through vehicle, pedestrian crossing at signalized/unsignalized location; turning vehicle, pedestrian crossing roadway; pedestrian dart-outs and dashes; possibly nighttime crashes if replaces two-way, center-turn lane	Signalized or Unsignalized*
Road diet	Number of lanes; number of conflict points associated with driveways/junctions; traffic speed	Through vehicle, pedestrian crossing at unsignalized location; pedestrian dart-outs and dashes; potentially pedestrian walking along the roadway or other pedestrian in roadway types if sidewalks provided; speeding-related/potentially all types; motorist types, including rear-end and sideswipe/angle	Unsignalized*
Curb extension with parking restriction	Parking presence; conspicuity/visibility; width of crossing	Through vehicle, pedestrian crossing at unsignalized location; pedestrian dart-outs and dashes; multiple threats; turning vehicle at intersection; waiting to cross	Unsignalized*
Improve lighting	Conspicuity (driver failure to notice); darkness	Nighttime pedestrian crashes	Signalized or Unsignalized*
In-roadway yield to pedestrian sign (R1-6)	Conspicuity; traffic speed; traffic volume/gap availability	Pedestrian crossing, through vehicle at unsignalized location; multiple threats; motorist failure to yield	Unsignalized*
Advance stop/yield marking and R1-5/R1-5a sign	Number of traffic lanes (> 1 by direction); conspicuity/sight lines	Pedestrian crossing, through vehicle at unsignalized location; multiple threats; motorist failure to yield	Unsignalized*
Pedestrian Hybrid Beacon (PHB)	Traffic volume; no traffic signal/stop sign; multiple traffic lanes (possibly)	Through vehicle at unsignalized location; motorist failure to yield; multiple threats; bus related	Unsignalized*
Leading Pedestrian Interval (LPI)	Conflicts at signalized locations; motorist failure to yield when turning	Pedestrian crossing, vehicle turning left or right	Signalized
Longer pedestrian phase	Conflicts at signalized locations; insufficient crossing time	Pedestrian crossing, through vehicle; pedestrian crossing, vehicle turning left or right; pedestrian failure to yield types and pedestrian dashes	Signalized
Protected crossing phase	Conflicts with turning traffic; pedestrian delay (due to turning traffic)	Pedestrian crossing, vehicle turning left; motorist failure to yield when turning	Signalized

*Unsignalized locations include midblock crossings lacking signal controls.

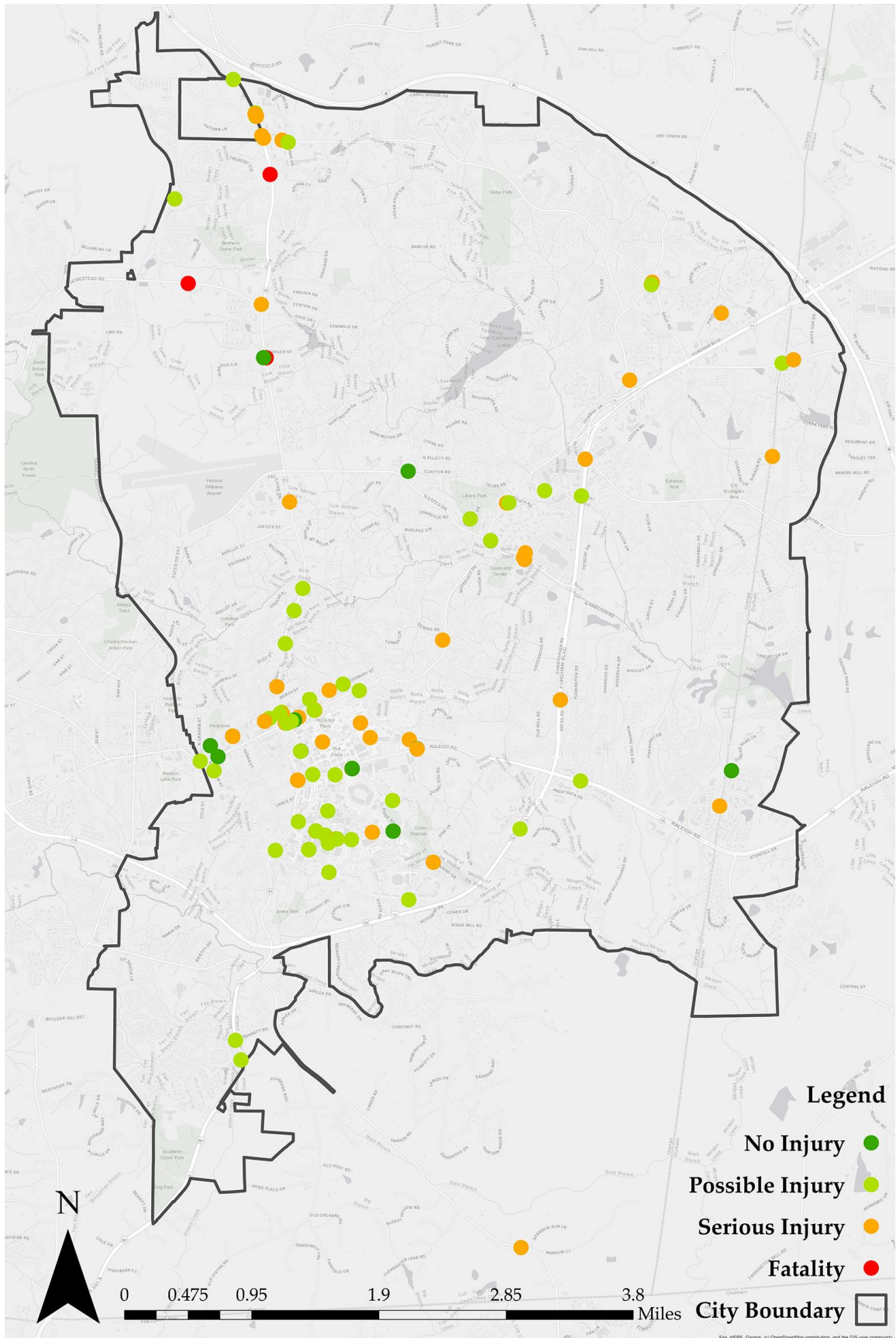
APPENDIX C PEDESTRIAN INVOLVED CRASHES BY INJURY TYPE (2014 – 2018)



Town of Chapel Hill and UNC Pedestrian Crash by Injury Type 2014 – 2018



Downtown Chapel Hill Pedestrian Crashes by Injury Type 2014 – 2018



Town of Chapel Hill Pedestrian Crashes by Injury Type 2014 - 2018

APPENDIX D SAMPLE OF THE NORTH CAROLINA CRASH REPORTS

(8-9) Contributing Circumstances, Non-Motorist (Maximum – two per person)

- 0 None
- 1 Coming from behind parked veh.
- 2 Darting
- 3 Lying and/or illegally in roadway
- 4 Failure to yield right of way
- 5 Not visible (dark clothing, etc.)
- 6 Inattentive (talking, eating, etc.)
- 7 Failure to obey traffic signs, Signals
- 8 Wrong side of road
- 9 Other*
- 10 Unknown

(12-13) Contributing Circumstances, Roadway (Maximum - two per crash)

- 0 None (no unusual conditions)
- 1 Road Surface Condition
- 2 Debris
- 3 Rut, holes, bumps
- 4 Work zone (construction, maintenance, utility)
- 5 Worn travel-polished surface
- 6 Obstruction in roadway
- 7 Traffic control device inoperative, not visible or missing
- 8 Shoulders low, soft or high
- 9 No shoulders
- 10 Non-highway work
- 11 Other*
- 12 Unknown

(14-19) Contributing Circumstances Continued -- Driver (Maximum - three per driver)

- 9 Improper Turn
- 10 Right turn on red
- 11 Crossed centerline/going wrong way
- 12 Improper lane change
- 13 Use of improper lane
- 14 Overcorrected/oversteered
- 15 Passed stopped school bus
- 16 Passed on hill
- 17 Passed on curve
- 18 Other improper passing
- 19 Failed to yield right of way
- 20 Inattention
- 21 Improper backing
- 22 Improper parking
- 23 Driver distracted
- 24 Improper or no signal
- 25 Followed too closely
- 26 Operated vehicle in erratic, reckless, careless, negligent, or aggressive manner
- 27 Swerved or avoided due to wind, slippery surface, vehicle, object, non-motorist
- 28 Visibility obstructed
- 29 Operated defective equipment
- 30 Alcohol use
- 31 Drug use
- 32 Other*
- 33 Unable to determine
- 34 Unknown
- 35 Driver distracted by electronic communication device (cell phone, texting, etc.)
- 36 Driver distracted by other electronic device (navigation device, DVD player, etc.)
- 37 Driver distracted by other inside the vehicle
- 38 Driver distracted by external distraction (outside vehicle)

Roadway

Driver 1
Contributing
Circum-
stancesDriver 2
Contributing
Circum-
stances

APPENDIX E ECONOMIC COSTS

NCDOT determines the economic costs of pedestrian crashes by using a statistical matrix, provided by the National Highway Traffic Safety Administration, to assign injuries that might be thought of as essentially “percentages of severity” using “death,” or the full “value of a “statistical life” (VSL) as the most severe injury and cost. This matrix then allows NCDOT to calculate the total economic cost of each type of injury. The calculation of the cost of injuries is available from: USDOT Memorandum “[Guidance on Treatment of Economic Value of a Statistical Life \(VSL\) in U.S. Department of Transportation Analyses – 2016 Adjustment](#).” August 8, 2016. Moran, Molly J--Acting General Counsel.

The following table is made using Disabling as A, Evident as B, and Possible Injuries as C Crash Types.

Crash Type	Cost Per Crash (\$)	Chapel Hill Crashes	Chapel Hill Cost (\$)
Fatal Crash	9,829,000	3	29,487,000
Disabling Injury Crash (Serious)	491,000	5	2,455,000
Evident Injury Crash (Serious)	137,000	46	6,302,000
Possible Injury Crash	69,000	54	3,726,000
No Injury Crash	7,000	14	98,000
Unknown Injury	972,000	2	1,944,000
All Crash Types	354,935	124	44,012,000

Source: USDOT, Transportation Mobility and Safety Division. (2016). “2016 Standardized Crash Cost Estimates for North Carolina” *Crash costs per injury are calculated based on the USDOT’s recommended Value of a Statistical Life (VSL)”

*The average cost per crash is used to represent the cost for unknown injury

Table 1e Cost per Crash – Pedestrian Crashes

Crash Type	Cost Per Crash 2016 Dollars
Fatal Crash	\$9,829,000
A Injury Crash	\$491,000
B Injury Crash	\$137,000
C Injury Crash	\$69,000
Property Damage Only Crash	\$7,000
Average Crash	\$972,000
Injury Crash (F+A+B+C)	\$993,000
Non-Fatal Injury Crash (A+B+C)	\$138,000
Severe Injury Crash (F+A)	\$5,303,000
Moderate Injury Crash (B+C)	\$103,000

Note: Due to having a relatively small yearly sample size, the costs for pedestrian crashes were calculated based on five years of crash data (2012-2016)

APPENDIX F CIP SCORING SHEET

{ENTER SCORER NAME HERE}		TOTAL POINTS	Weighted TOTAL
		0	0.00

Instructions

Group Override

Enter your Name in the "ENTER SCORER NAME HERE" row and the Project Title in the "ENTER PROJECT TITLE HERE" row.
For each category, select the option that you believe best suits that project and place that point value in the bold box next to "Total"

As each category is assigned points, the total point value will automatically populate in the upper-right hand corner of the Scoring Sheet. Once all of the categories have been assigned points, the Total Point value will be complete. Please add any comments/observations you had about the project in the bottom section marked "Comments/Observations". If the group decides this project needs to be weighted differently (i.e. have a different score), place that score in the red box in the upper right hand corner with an explanation in the box at the bottom of the page.

Public Health and Safety	
Extent to which project protects and provides for a safe and healthy community	
5	Corrects a significant health or safety hazard
4	Prevents an imminent and significant health or safety hazard
3	Improves public health or safety
2	Public perceives an improvement in health or safety
1	Does not have an effect on actual or perceived health or safety
TOTAL (Select best option and enter that point value here)	
Weighted Total 0	
Legal Requirements	
Extent to which project timeframe is affected by legal requirements	
5	This project is legally required immediately
3	This project is legally required in the future
1	This project is not legally required
TOTAL (Select best option and enter that point value here)	
Weighted Total 0	
Deferment Risk	
Extent of impacts if project is deferred	
5	If project is deferred, funding will be lost
4	If project is deferred, could result in new project being required (i.e. if not maintained now may need to be replaced)
3	If project is deferred, maintenance and/or operating costs will greatly increase
2	If project is deferred, it will no longer be viable
1	There will be no, or minimal, impacts if project is deferred
TOTAL (Select best option and enter that point value here)	
Weighted Total 0	
Town Operations and Services	
Extent to which project is necessary for Town to maintain or improve current operation and service standards	
5	Project will maintain or improve the Town's current level of service for a core function
3	Project uses best practices to add or improve Town services
1	Project does not pertain to Town services
TOTAL (Select best option and enter that point value here)	
Weighted Total 0	
Operating Costs	
Extent to which project positively or negatively affects the Town's operating costs	
5	Project produces an immediate and/or significant reduction in operating costs
4	Project produces a reduction in operating costs

3	Project does not affect operating costs
2	Projects produces an increase in operating costs
1	Project produces an immediate and/or significant increase in operating costs
TOTAL (Select best option and enter that point value here)	
Weighted Total 0	
Organizational Priority	
Determination of how project is prioritized within the Town's strategic plans	
5	This project was made a priority by Council or other Town Leadership (cite source if applicable)
3	This project was part of a strategic Town plan (business plan, etc. - cite source and page number)
1	This project is a high priority for this project's department or the reason for it is something other than what is listed above
TOTAL (Select best option and enter that point value here)	
Weighted Total 0	
Alternative Funding Sources	
Extent to which project is funded by a non-Town funding source	
5	Project is over 75% funded by non-Town funding sources
4	Project is 51% - 75% funded by non-Town funding sources
3	Project is 26% - 50% funded by non-Town funding sources
2	Project is 1% - 25% funded by non-Town funding sources
1	Project is completely funded by Town
TOTAL (Select best option and enter that point value here)	
Weighted Total 0	
Town Vision	
Extent to which project aligns with Town's goals and objectives	
5	This project addresses 4 or more of the Chapel Hill 2020 themes
4	This project addresses 3 of the Chapel Hill 2020 themes
3	This project addresses 2 of the Chapel Hill 2020 themes
2	This project addresses 1 of the Chapel Hill 2020 themes
1	This project does not address any of the Chapel Hill 2020 themes
TOTAL (Select best option and enter that point value here)	
Weighted Total 0	
Community Prosperity	
Determination of how project supports community prosperity	
5	Project increases community wealth and/or opportunities (jobs, cultural attractions, career developments, business retention, etc.)
4	Project directly and substantially increases Town revenues
3	Project expands infrastructure to accommodate planned increase in capacity
2	Project has the potential to positively impact community prosperity
1	Project does not have an effect on community prosperity
TOTAL (Select best option and enter that point value here)	
Weighted Total 0	
Partnerships	
Extent to which project grows Town or strategic partnerships	
5	For this project, we are partnered with another entity for a reason other than funding
3	For this project, we are either partnered with another internal department or there is a high probability for external partnerships
1	This project will not have any partnerships
TOTAL (Select best option and enter that point value here)	
Weighted Total 0	
Comments and Observations	
Type individual comments/observations here. These should include things you want to discuss with the group.	

North Carolina Governor's Highway Safety Program Traffic Safety Project Contract – Form GHSP-01

SECTION A – GENERAL INFORMATION

1. Agency: TOWN OF CHAPEL HILL	4. Contact Person for Agency: Jomar Pastorelle
2. Agency Address: TRANSPORTATION PLANNING 405 MARTIN LUTHER KING JR BLVD CHAPEL HILL, NC 27514	5. Telephone Number: * +1 (919) 969-5061 6. Cell Phone: (336) 508-0512
3. Physical Location of Agency * 405 Martin Luther King Jr. Blvd	7. Email of Contact Person * jpastorelle@townofchapelhill.org
8. Federal Tax ID Number / Type of Agency Federal Tax ID Number: * 56-6001199 DUNS No : * 075563783 County: * ORANGE COUNTY Type of Agency <input type="radio"/> State <input type="radio"/> Non-Profit <input type="radio"/> County <input type="radio"/> Higher Education <input checked="" type="radio"/> Municipality <input type="radio"/> Hospital	9. Project Year * <input checked="" type="radio"/> New <input type="radio"/> Continuation Year: <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4+
10. Allocation of Funding * Federal % 100.00 Local % 0.00	
11. Project Title: * Pedestrian Safety Action Plan	

Source of Funds			
12. Budget	Total Project Amount	Federal Amount	State/Local Amount
Personnel Costs	\$54,000.00	\$54,000.00	\$0.00
Contractual Services			
Commodities Costs	\$10,000.00	\$10,000.00	\$0.00
Other Direct Costs	\$3,000.00	\$3,000.00	\$0.00
Indirect Costs			
Total Project Costs	\$67,000.00	\$67,000.00	\$0.00

13. Specify How Non-Federal Share Will Be Provided: *

The Town of Chapel Hill will pay 50% of the GIS / Complete Street Specialist salary, which will be a part-time position with the Town of Chapel Hill.

Project Number: PS-21-05-02	CFDA#: 20. 600 - State and Community Highway Safety Work Type: Bike/Ped
------------------------------------	--

SECTION B – DESCRIPTION OF PROJECT

Statement of Problem (Provide detailed information of the highway safety problems in your area to be addressed through this project. Include countywide crash data for the last three years and any other relevant information to validate the statements. For more detailed information see "How to write an effective traffic safety project" located at:

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>)

-Problem Identification

From 2014 to 2018, Orange County experienced 156 pedestrian crashes (13th among North Carolina counties) resulting in ten serious injuries (30th) and seven fatalities (39th).

-Description of Service Area

The Town of Chapel Hill is home to the University of North Carolina and serves both the permanent and student populations. The Town has an area of 21.3 square miles, 301 miles of state and local roads, and a population of 60,988 (US Census).

-Description of Demographics

The Town is also populated by the University's 29,877 enrolled students. The Town's major corridors are not well designed to ensure the safety of the high volume and density of pedestrians who travel them.

-Description of Agency

From 2014 to 2019, the Town experienced a total of 139 pedestrian crashes: 88 recorded by the Town of Chapel Hill and 51 by UNC police. These crashes cluster within the downtown area and along high speed corridors. The number of pedestrian crashes varies throughout the area; however, November tends to experience the most frequent pedestrian crashes.

Based on North Carolina Crash Reports collected by the Town of Chapel Hill and UNC Police Departments, the top three contributing circumstances are:

- Failure to Reduce Speed
- Inattention
- Improper Backing

The Town of Chapel Hill strives to increase its pedestrian commute mode share by promoting pedestrian safety and increased law enforcement efforts that will protect pedestrians from motor vehicles, especially at marked crosswalks at intersections with a history of pedestrian crashes.

-Proposed Solution

The Town of Chapel Hill plans to use the GHSP grant funds to create a Road to Zero Task Force that will help implement safety measurements set by the Pedestrian Safety Action Plan. The plan builds off North Carolina's Vision Zero Initiative and seeks to create a safe, connected, and accessible community for pedestrians. The Town desires to increase staff capacity by creating a dedicated task force to improving pedestrian safety. The Road to Zero Task Force will have a GIS or Complete Streets specialist to analyze existing pedestrian crash data, continue to collect pedestrian crash data, and provide guidance to treat high-risk streets and intersections.

The project will collect, analyze, and report data in the form of a detailed project report. The Town of Chapel Hill seeks to create a model project that can be replicated in other parts of the state of North Carolina. The project include paying Chapel Hill off-duty officers overtime. The GHSP grant will fund extra-duty efforts by Chapel Hill Police Officers to conduct high visibility enforcement or saturation types activities concentrating pedestrian and vehicular crosswalk violations. The Chapel Hill Police Department will schedule a minimum of forty (40) hours of overtime throughout the month Officers will work 4 to 6 hours shift.

In order to be reimbursed for funds spent on time and a half salary and benefit, the agency will submit a monthly schedule for overtime efforts, the monthly on-duty schedules of the officers who worked the overtime enforcement activities that month. The Chapel Hill Police Department agrees to submit copies of CAD reports that coincide with each officer's overtime shift, enforcement data, and copies of the citations issued during the overtime shift. Salary and fringe benefit information will be provided for all officers working the overtime enforcement activities.

-Budget Description

The Town of Chapel Hill will also use the GHSP grant funds to increase law enforcement efforts at marked crosswalks of the top eight intersections identified with pedestrian crashes. The Town will collaborate with Chapel Hill Police Department to utilize off-duty officers to increase crosswalk traffic citations to drivers who do not yield to pedestrians. In concert with the GIS specialist / Complete Streets specialist, off-duty officers will be provided guidance regarding which intersections will need increased law enforcement presence based on the continued efforts of collecting and analyzing pedestrian crash data.

The GIS / Complete Street Specialist position is part time and 90% of the work tasks will be dedicated to analyze existing pedestrian crash data, continue to collect pedestrian crash data, and provide guidance to treat high-risk streets and intersections. In addition, the GIS / Complete Street Specialist will conduct outreach campaigns with community stakeholders and workshops events that will engage and educate the public. Supplies will be needed when hosting various campaigns and workshops events such as tables, snacks including travel to different locations. Lastly, Off-duty officers will be paid overtime to increase crosswalk law violations and will scheduled a minimum of forty (40) hours of overtime. Officers will work 4 to 6 hour shift.

-Travel Justification

The GIS / Complete Street Specialist will be responsible for the Town's collaboration efforts with UNC to hold outreach programs, workshops, learning labs, and conducting field visits to site of interest. In addition, the GIS / Complete Street Specialist, town staff, and sworn officer will attend the GHSP Traffic Safety Conference including WatchforMeNC training

sessions.

The GIS Complete Street Specialist and town staff will travel at least 100 miles to sites where pedestrian and vehicular incidents occurred, attend various workshops/training sessions related to pedestrian safety, and host outreach campaigns at different locations within Chapel Hill's jurisdiction.

To be completed by law enforcement agencies seeking first year grant:

Provide the agency's number of sworn officers	
Does the agency currently have a dedicated traffic or DWI unit?	Yes <input type="radio"/> No <input type="radio"/>
If a dedicated traffic or DWI unit exists, how many officers are assigned to the unit?	

For applicants requesting enforcement grants, please provide the following county fatality rankings:

Information can be located at:

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>

Overall Fatality Ranking:	48
Alcohol Fatality Ranking:	40
Unrestrained Fatality Ranking:	56
Speed Related Fatalities:	34
Other Applicable Rankings: <i>(Specify)</i>	

As part of this project all law enforcement agencies must enter traffic enforcement citations data of their agency for the past three years.

Year 20	Occupant Protection Citations	DWI Citations	Speed Citations
Year 20	Occupant Protection Citations	DWI Citations	Speed Citations
Year 20	Occupant Protection Citations	DWI Citations	Speed Citations

Goals and Objectives *(Provide at least one SMART (Specific, Measurable, Attainable, Realistic and Timely) goals and objectives. For more detailed information see "How to write an effective traffic safety project" located at:*

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>)

Goal #1: Reduce pedestrian crashes in Orange County by 10% from the 2014-2018 average of 31.20 to 28 by September 30, 2021.

Objectives:

1. Create GIS / Complete Street specialist position
2. Create annual reports of all pedestrian crashes
3. Incorporate pedestrian safety measures into Land Use Management Ordinance (LUMO) rewrite
4. Update the Town's design guidelines to ensure consistency with industry standards
5. Collaborate other community stakeholders such as UNC to host four or more outreach, engage in several workshops and/or learning labs throughout the school semester(s), and conduct field visits to site(s) of interest where pedestrian incident(s) occurred.

Goal #2: Reduce pedestrian serious injuries in Orange County by 50% from the 2014-2018 average of 2 to 1 by September 20, 2021.

Objectives:

1. Conduct at least 40 hours per month of selective and proactive traffic enforcement efforts by conducting high visibility or saturation type enforcement activity on both pedestrians and motor vehicles.
2. To send all traffic officers to a Watch for Me NC training to assist in the enforcement of crosswalk violations by June 30, 2021.

Goal #3:

Objectives:

Below are the 5-year goals of the NC Governor's Highway Safety Program (GHSP). To be eligible for funding, your traffic safety project should match one or more of the GHSP goals. Check all that apply.

☒ Reduce NC's traffic-related fatalities by 12% from the 2014-2018 average of 1,392 to 1,228 by December 31, 2021.

- ☐ Reduce NC's alcohol-related fatalities by 10% from the 2014-2018 average of 401 to 361 by December 31, 2021.
- ☐ Reduce NC's unrestrained fatalities by 10% from the 2014-2018 average of 398 to 358 by December 31, 2021.
- ☐ Reduce NC's speed-related fatalities by 5% from the 2014-2018 average of 472 to 448 by December 31, 2021.
- ☐ Reduce NC's young driver-involved fatal crashes by 10% from the 2014-2018 average of 170 to 153 by December 31, 2021.
- ☐ Reduce NC's motorcycle fatalities by 5% from the 2014-2018 average of 187 to 178 by December 31, 2021.
- ☐ Increase NC's seat belt usage rate 2.9 percentage points from the 2015-2019 average of 90.5% to 93.4% by December 31, 2021.

SECTION C – BUDGET DETAIL

Personnel Costs

#	Personnel Position	Salary
1	Activity Hours for GIS / Complete Street specialist	\$19,000.00
2	Overtime hours for Off-Duty Officer(s)	\$35,000.00
3		
4		
5		
6		
7		
8		
9		
10		

Total Salaries Cost: \$54,000.00

#	Personnel Fringe Benefits	Cost
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Total Fringe Benefits Cost:

Total Personnel Costs: \$54,000.00

Contractual Services

#	Contractual Service To Be Provided	Cost
1		
2		
3		
4		
5		
6		
7		
8		

9		
10		
11		

Total Contractual Services:

Commodities Costs

#	Commodities	Cost
1	Outreach/Educational/Workshop/Supplies	\$10,000.00
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

Total Commodities Cost:

\$10,000.00

Other Direct Costs

#	Equipment	Quantity	Cap Amount	Cost
1				
2				
3				
4				
5				
6				
7				
8				

Total Equipment Cost

#	Other Items and Equipment Direct Cost: <i>(Cost Limited to Less Than \$5000 Per Item)</i>	Cost
1		
2		
3		
4		
5		
6		
7		
8		

Total Other Items and Equipment Direct Cost:

#	Travel	Cost
1	In-State Travel	\$3,000.00
2	Out-of-State Travel	

Total Travel Cost: \$3,000.00

Total Other Direct Costs: \$3,000.00

Indirect Costs

#	Indirect Costs	Cost
1		
2		
3		
4		
Total Indirect Costs		

SECTION D – SCHEDULE OF TASKS BY QUARTERS

List the schedule of tasks by quarters, referring specifically to the objectives in Section B. Tasks should be a bulleted list of activities to be performed in each quarter.

Conditions for Enforcement Projects Only

By checking this box, the above agency agrees to the terms below as additional activities to be performed as part of this project.



- A minimum of one (1) nighttime and one (1) daytime seat belt initiative per month;
- A minimum of one (1) impaired driving checkpoint per month;
- A minimum of 50% of seat belt initiatives must be conducted at night between the hours of 7:00 p.m. and 7:00 a.m.;
- Participation in all "Click It or Ticket" and "Booze It & Lose It" campaigns;
- Participation in any event or campaign as required by the GHSP;
- Attempt to utilize one of the Forensic Tests for Alcohol Branch's Mobile Breath Alcohol Testing (BATMobiles) units during at least one of the impaired driving checkpoints.

First Quarter (October, November, December)

1. Create GIS / Complete Street specialist position
2. Create annual reports of all pedestrian crashes
3. Incorporate pedestrian safety measures into Land Use Management Ordinance (LUMO) rewrite
4. Update the Town's design guidelines to ensure consistency with industry standards
5. Conduct enforcement projects scheduled for the quarter.
6. Submit monthly claims.
7. Submit monthly enforcement results.
8. Participate in GHSP sponsored campaigns.
9. Submit Quarterly Report.

Second Quarter (January, February, March)

Establish a framework for systematic pedestrian safety analysis

1. Conduct enforcement projects scheduled for the quarter.
2. Submit monthly claims.
3. Submit monthly enforcement results.
4. Participate in GHSP sponsored campaigns.
5. Submit Quarterly Report.

Third Quarter (April, May, June)

1. Collect and process data
2. Determine risk factors
3. Identify potential treatment sites
4. Select potential countermeasures based on NCHRP recommendations
5. Implement and evaluate treatments
6. Conduct enforcement projects scheduled for the quarter.
7. Submit monthly claims.
8. Submit monthly enforcement results.
9. Participate in GHSP sponsored campaign.
10. Submit Quarterly Report.

Fourth Quarter (July, August, September)

Expand community collaboration to implement pedestrian safety programs

1. Collaborate with Chapel Hill Police Department to increase crosswalk violation citations
2. Collaborate with UNC to hold workshops, learning labs, and conduct field visits

3. Research different models of implementing Safe Routes to School Programs that may work in Chapel Hill
4. Introduce Pedestrian Safety Training Programs to the public
5. Identify potential funding sources
6. Conduct enforcement projects scheduled for the quarter.
7. Submit monthly claims.
8. Submit monthly enforcement results.
9. Participate in GHSP sponsored campaigns.
10. Submit Quarterly Report.
11. Attend GHSP Traffic Safety Symposium.

AGENCY AUTHORIZING SIGNATURE

☐ I have read and accept terms and conditions of the grant funding and attached the Grant Agreement. The information supplied in this application is true to the best of my knowledge.

Name: PIN Date:

Note:

1. Submitting grant application is not a guarantee of grant being approved.
2. Once form has been submitted, it cannot be changed unless it has a status of "Return".



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 8., File #: [20-0571], Version: 1

Meeting Date: 9/9/2020

Designate Juneteenth an Official Town Holiday.

Staff:

Maurice Jones, Town Manager
Amy Oland, Director

Department:

Town Manager's Office
Business Management

Overview: Juneteenth is a holiday observing the end of slavery in the United States. On June 19th, 1865, two months after the Civil War ended and two years after President Abraham Lincoln signed the Emancipation Proclamation, General Gordon Granger of the United States Army declared the end of slavery in the state of Texas. One year later, a group of freedman celebrated the first "Jubilee Day" to commemorate the occasion. Jubilee Day eventually became known as Juneteenth. Although observed in many states around the country, few states honor the event as an official holiday. A number of localities around the state of North Carolina have recently voted to make Juneteenth an official holiday or are considering doing so.

**Recommendation(s):**

That the Council designate Juneteenth as an official town holiday beginning June 19th, 2021 and urge our state and federal legislators to sponsor legislation making Juneteenth an official state and federal holiday.

Key Issues:

- If approved, Juneteenth will become the Town's 12th official holiday.

Fiscal Impact/Resources: Additional costs associated with an official Town holiday are primarily related to the holiday pay for employees who must work during the holiday.

**Attachments:**

- Resolution

A RESOLUTION DESIGNATING JUNETEENTH AN OFFICIAL TOWN HOLIDAY (2020-09-09/R-5)

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1st, 1863, declaring "all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free;" and

WHEREAS, Confederate General Robert E. Lee, surrendered to United States General Ulysses S. Grant on April 9th, 1865, thus effectively ending the Civil War; and

WHEREAS, slavery, although prohibited, continued in the state of Texas well after the end of the war; and

WHEREAS, United States General Gordon Granger was assigned command of Texas and traveled to Galveston to announce the surrender of General Lee; and

WHEREAS, on June 19th, 1865 General Granger declared through General Order Number 3 that "The people of Texas are informed that in the accordance with a Proclamation from the executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer"; and

WHEREAS, freedmen in Texas organized the first "Jubilee Day" on June 19th, 1866; and

WHEREAS, Juneteenth, also known Liberation Day and Emancipation Day, has become a worldwide celebration for African-Americans to honor their freedom and their ancestors' perseverance in the face of bondage and indescribable cruelty; and

WHEREAS, Governor Beverly Eaves Perdue was the first governor to proclaim the observance of Juneteenth in the State of North Carolina in June 2010; and

WHEREAS, an official Town holiday recognizing Juneteenth would encourage Town employees and Chapel Hill residents to honor those who were held in bondage for centuries and acknowledge the joy felt by millions of people upon their release from slavery.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill Town that the Council designate Juneteenth as an official town holiday beginning June 19th, 2021.

BE IT FURTHER RESOLVED that the Town Council urge our state and federal legislators to sponsor legislation making Juneteenth an official state and federal holiday.

BE IT FURTHER RESOLVED that the Chapel Hill Town Council directs the Town's Clerk to send a copy of this resolution to the Orange County Board of Commissioners, Chapel Hill-Carrboro City Schools Board, Orange County Board of Education, Carrboro Town Council and the Hillsborough Board of Commissioners.

This the 9th day of September, 2020.

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

By adopting the resolution, the Council designates Juneteenth as an official town holiday beginning June 19th, 2021.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 9., **File #:** [20-0572], **Version:** 1

Meeting Date: 9/9/2020

Authorize the Sale of Public Housing Property at 605 Oak Avenue.

Staff:

Loryn Clark, Executive Director
Faith M. Brodie, Director

Department:

Housing and Community
Public Housing

Overview: The Town received an offer of \$21,000 to purchase a small portion of Town property located at 605 Oak Avenue in Carrboro, North Carolina to make improvements to their home. This property is a part of the Oakwood Public Housing community.



Recommendation(s):

That the Council review the offer and authorize sale of Property as described through the procedure of North Carolina General Statute § 160A-269.

Background and Discussion:

- The homeowner of 612 N. Greensboro Street, Carrboro wishes to purchase 1/10th of an acre of Town-owned land adjacent to her property.
- The property is located at the entrance to the Oakwood neighborhood.
- The 1/10th of an acre is well beyond any area that would impact the residents, buildings, or visitors to Oakwood.
- N.C.G.S 160A-269 requires the offeror to deposit five percent (5%) of their bid with the Town Clerk, and that the Town publish notice of the offer.
- Within 10 days of the notice any person may offer an "upset bid".
- The Town may reject the offer.

Fiscal Impact/Resources: The offer is for \$21,000 for 1/10th of an acre. McPhaul Appraisal used the most recent local available comparable, which is the NCDOT land purchase for a roundabout at Estes and North Greensboro in Carrboro. David S. Smith, an appraiser we have used for other public housing property, confirmed that this is a reasonable offer for the property at \$4.96/sf.



Attachments:

- Resolution
- Notice of Offer - Upset Bid
- Site Map
- Offer to Purchase Town Owned Property

A RESOLUTION AUTHORIZING THE SALE OF PROPERTY IN THE OAKWOOD PUBLIC HOUSING COMMUNITY (2020-09-09/R-6)

WHEREAS, the Town received an offer to purchase 1/10th of an acre Town-owned land at 605 Oak Avenue in Carrboro that is part of the Oakwood Public Housing Community for \$21,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes sale of Property as described through the upset bid procedure of North Carolina General Statute § 160A-269.

BE IT FURTHER RESOLVED that the Town Clerk shall publish a notice of the proposed sale ('Notice'). The Notice shall describe the Offer and terms under which the Offer may be upset.

BE IT FURTHER RESOLVED that persons wishing to upset the Offer shall submit a sealed bid with their offer to the office of the Town Clerk within 10 days after the Notice is published. At the conclusion of the 10-day period, the Town Clerk shall open the bids timely received, if any, and the qualifying highest bid, if any, will become the new offer. If multiple qualifying high bids are submitted that offer the same dollar amount, the first such qualifying higher bid received will become the new offer.

BE IT FURTHER RESOLVED that if a qualifying higher bid is received, the Town Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying higher upset bid having been received.

BE IT FURTHER RESOLVED that a qualifying higher bid must be accompanied by a deposit in the amount of five percent (5%) of the new bid amount; the deposit must be by certified check. The Town will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The Town will credit the deposit of the final high bidder at closing.

BE IT FURTHER RESOLVED that Council hereby authorizes sale of the Property to the highest bidder for the amount of the final high bid and authorizes the Town Manager or Deputy Town Manager to execute a quit claim deed or deeds to the final high bidder in a form compliant with G.S. § 160A-269. The final high bidder must pay with a certified check at the time of closing and will be responsible for all closing costs associated with the transaction, including but not limited to surveying, exhibit, legal description, advertising, deed preparation, and recording fees.

BE IT FURTHER RESOLVED that the Town Council reserves the right to withdraw the Property from sale at any time and has the right to reject at any time all bids.

This the 9TH Day of September, 2020.

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

By adopting the resolution, the Council authorizes sale of Property as described through the upset bid procedure of North Carolina General Statute § 160A-269.



NOTICE OF OFFER TO PURCHASE TOWN PROPERTY AND UPSET BID PERIOD PURSUANT TO NCGS 160A-269

The Town of Chapel Hill has received and proposes to accept a \$21,000 cash offer for the sale of property owned by the Town of Chapel Hill located in Carrboro, North Carolina, and more particularly described as follows:

Street Address: 605 Oak Avenue, Carrboro, North Carolina, 27510
1/10th of an acre located closest to 612 N Greensboro Road, Carrboro, NC 27510
Parcel Identification Number: 9778895281
Deed reference: 396/163
Conditions: to be sold "as is".

Persons wishing to upset the offer that has been received must submit their offer in a sealed envelope marked "upset bid" to the Town of Chapel Hill Town Clerk at 405 Martin Luther King Jr Blvd., Chapel Hill, NC 27514, by 5 pm on September 25, 2020. At that time the Town Clerk will open the bids, if any, and the highest qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

A qualifying bidder is one that raises the existing offer to an amount not less than \$22,050 (5% more than the cash offer). A qualifying higher bid must be accompanied by a bid deposit in the amount of 5% of the bid and must be submitted in cash, cashier's check or certified check payable to the Town of Chapel Hill. The Town will return the deposit on any bid not accepted, and the deposit on any offer subject to upset if a qualifying higher bid is received. The Town will return the deposit of the final high bidder at closing.

The Chapel Hill Town Council must approve the final high offer before the sale is closed, which it intends to do within 30 days after the final upset period has passed. The Town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject, at any time, all bids.




Sabrina Oliver,
Chapel Hill Town Clerk

Posting Date:
Publication date:

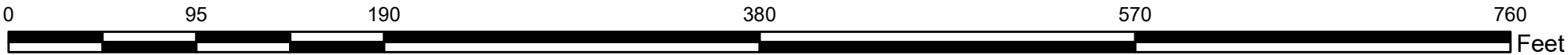
Oakwood¹⁰⁷ Property



Key

-  Subject Area (0.1 AC)
-  Oakwood Parcel (Carrboro)
-  Property Boundaries

G:\ArcGIS\New_Home\Housing\Faith\Oakwood_portionSale2020.pdf



NORTH CAROLINA ORANGE COUNTY	<u>OFFER TO PURCHASE</u> <u>TOWN OWNED PROPERTY</u>
---------------------------------	--

I, _____ (hereafter referred to as “Buyer”), hereby offers to purchase from The Town of Chapel Hill, North Carolina (hereafter referred to as the “Seller”), in accordance with the following terms and conditions, all that tract, lot or parcel of land together with any improvements located thereon, in Orange County, Town of Carrboro, North Carolina, being known as and more particularly described as follows:

1. **The Purchase Price:** The purchase price is \$21,000, plus the cost of publication as required by NCGS 160A-269, and shall be paid as follows:

- a. \$1,050, 5% of the purchase price in cash, cashier’s check or certified funds as a deposit, with the delivery of this offer, to be held by the Chapel Hill Attorney’s Office until the sale is closed at which time it will be credited to Buyer, or this agreement is otherwise terminated as herein provided.
- b. \$_____, plus the cost of publication, the balance of the purchase price, in cash, cashier’s check or certified funds upon delivery of the Deed and the closing of this transaction.

2. **Conditions:**

- a. Title will be delivered at closing by a **Non-Warranty Deed**. Title to the hereinabove described is subject to the following exceptions: liens, encumbrances, ad valorem taxes, assessments, zoning regulations, restrictive covenants, access, utility and or conservation easements, rights of others in possession, and other matters of record.
- b. This offer is conditioned upon there being no proper upset bid submitted within a ten (10) day period after notice of Buyer’s offer has been published in a local newspaper in accordance with N.C.G.S.160A-269, and final acceptance of this offer by the Town Council of Chapel Hill following the upset bid period.
- c. **Other Conditions:** The buyer represents that all Ad Valorem Property Taxes owed by the buyer, or any business entity the buyer or the buyer’s shareholders or members have an ownership interest in have been paid in full. The Town Council of Chapel Hill, North Carolina reserves the right to reject all bids, including yours in the resolution.
- d. **Closing:** Each party hereby agrees to execute any and all documents or papers that may be necessary in connections with the transfer of title. Final settlement shall be made on or before 30 days following the resolution approving the final bid at a place designated by Seller with the **Non Warranty Deed** made out to _____.

- e. **Possession:** Buyer takes the property subject to all then existing leases and rights of others in possession, if any, or other matters or exceptions to title.
- f. **Deposit:** In the event this offer is not accepted, or in the event that any of the conditions hereby are not satisfied, or in the event of a breach of this contract by Seller, then the deposit shall be returned to the Buyer, and such return shall be the extent of the Buyers remedies. In the event that Buyer withdraws this offer and fails to proceed with the execution of this agreement according to its terms for any reason, the Buyer hereby agrees to forfeit the deposit held by the Town in Section 1 of this agreement. Said forfeiture shall not affect any other remedies available to Seller for such breach.
- g. **Closing Expenses:** Buyer shall pay for the first required legal advertisements for upset bids. At closing, Buyer shall pay for the preparation and recoding of a deed, and for preparation and recording of all instruments required to secure the balance of the purchase price unpaid at closing. In addition, Buyer may have prepared, at Buyer's option and sole expense, an appraisal, a survey of the property, the title examination and title opinion. The property shall be made available at reasonable times for Buyer to perform or have performed the above mentioned inspections.
- h. **Assignments:** This offer may not be assigned without the written consent of all parties, but if the same is assigned by agreement, then the same shall be binding on the assignee and his/her heirs.
- i. **Termination of Offer:** This offer shall be terminated if not acted upon by the Chapel Hill Town Council with ninety (90) days of the date of this offer or u being upset by a proper bid in accordance with NCGS 160A-269. Seller reserves the right to reject this offer at any time.
- j. **Environment:** Seller has no actual knowledge of any contamination of the property from any hazardous substances as may have been disposed of or stored on neighboring tracts. The purchaser shall be responsible for all environmental issues that may arise after the consummation of this contract, and further agrees to indemnify the Seller for all expenses arising out of any attempts by others to enforce any requirements of remediation or clean up upon this seller. This duty shall survive the closing.
- k. **Parties:** This contract shall be binding and shall inure to the benefit of the parties and their heirs, successors, and assigns. As used herein, words in the singular shall include the plural.
- l. **Entire Agreement** Buyer hereby acknowledges that they have inspected the above-described property, that no representation or inducements have been made other than those expressed herein, and that this contract contains the entire agreement between all parties hereto. All charges, additions or deletions hereby must be in writing and signed by all parties.

- m. Governing Law & Forum: This Agreement shall be deemed to have been made in the State of North Carolina, and its validity, construction and effect shall be governed by the laws of the State of North Carolina. The parties hereto agree that any action brought by either party to enforce the terms of this Agreement shall be filed in the Superior Court of Orange County, State of North Carolina.

Date of Offer: _____, **20** _____



111
TOWN OF CHAPEL HILL

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

Item Overview

Item #: 10., **File #:** [20-0573], **Version:** 1

Meeting Date: 9/9/2020

Approve the Town Manager's Employment Contract Extension.

Staff:

Maurice Jones, Town Manager

Department:

Town Manager's Office

Overview: The Town Council conducted its review of the Town Manager on August 26, 2020.



Recommendation(s):

That the Council adopt the resolution that extends the contract of Town Manager Maurice Jones, three years from the end of his current employment contract.



Attachments:

- Resolution

A RESOLUTION EXTENDING MAURICE T. JONES CONTRACT AS THE CHAPEL HILL TOWN MANAGER (2020-09-09/R-7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby extends the contract of Town Manager Maurice Jones, three years from the end of his current employment contract. The Mayor will execute the extension on behalf of the Council.

This the 9th day of September, 2020.

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

By adopting the resolution, the Council extends the contract of Town Manager Maurice Jones, three years from the end of his current employment contract.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 11., **File #:** [20-0574], **Version:** 1

Meeting Date: 9/9/2020

Call a Public Hearing for Conditional Zoning at 125 and 135 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD) on September 30, 2020.

Staff:

Judy Johnson, Interim Director
Becky McDonnell, Planner II

Department:

Planning

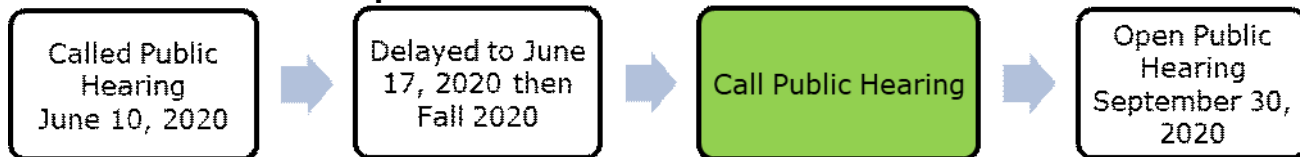
Overview: The Council was scheduled to hear this item on June 17, 2020, but it was removed from the agenda.



Recommendation(s):

That the Council adopt the resolution, calling a public hearing on September 30, 2020 for the application for an amendment of the Chapel Hill Zoning Atlas to rezone the property located at 125 and 135 E. Rosemary Street to Town Center-2-Conditional Zoning District (TC-2-CZD).

Where is this item in its process?



Attachments:

- Resolution

A RESOLUTION CALLING A PUBLIC HEARING FOR AN AMENDMENT OF THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 125 AND 135 E ROSEMARY STREET TO TOWN CENTER-2-CONDITIONAL ZONING DISTRICT (TC-2-CZD) (PROJECT #20-025) (2020-09-09/R-8)

WHEREAS, Ballentine Associates has filed an application for Conditional Zoning Atlas Amendment on behalf of Grubb Properties to rezone a 1.68 acre site located at 125 and 135 E. Rosemary Street and identified as Orange County Parcel Identifier Numbers 9788-37-4748 and 9788-37-6817 to Town Center-2-Conditional Zoning District (TC-2-CZD) to allow a parking deck; 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 Planning Commission reviewed the application on June 2, 2020 and recommended that the Council enact the Zoning Atlas Amendment rezoning the property; and

WHEREAS, the application was delayed at the scheduled Public Hearing on June 10, 2020 to June 17, 2020. At the June 17, 2020 meeting, the application was pulled from the agenda.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing for the application for an amendment of the Chapel Hill Zoning Atlas to rezone the property located at 125 and 135 E. Rosemary Street to Town Center-2-Conditional Zoning District (TC-2-CZD) to 7:00 pm on Wednesday October 7, 2020 as a virtual meeting to receive public comment on the proposed.

This the 9th day of September, 2020.

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 on September 30, 2020 for an amendment of the Chapel Hill Zoning Atlas to rezone the property located at 125 and 135 E. Rosemary Street to Town Center-2-Conditional Zoning District (TC-2-CZD).



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 12., File #: [20-0575], Version: 1

Meeting Date: 9/9/2020

Call a Public Hearing for September 30, 2020 to Consider Text Amendments that Expand Opportunities for Special Use Permit Applications to be considered under Conditional Zoning Review.

Staff:

Judy Johnson, Interim Director
Alisa Duffey Rogers, LUMO Project Manager
Corey Liles, Principal Planner

Department:

Planning
Manager's Office
Planning

Overview: Recent State legislation (Session Law 2020-3) makes it challenging for local governments to hold public hearings on Special Use Permit applications while meeting remotely. Several development applications that are seeking Council action this fall were originally submitted for Special Use Permit review. The Town Manager is proposing text amendments would allow Council to consider these applications as Conditional Zoning decisions, rather than Special Use Permits.



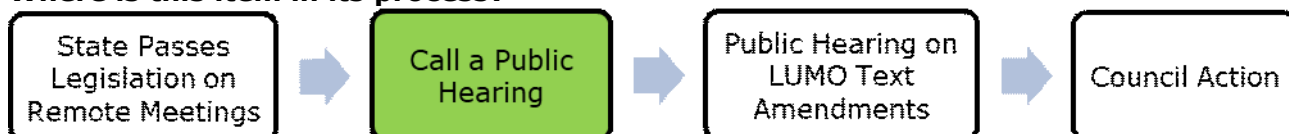
Recommendation(s):

That the Council adopt the resolution calling a public hearing on September 30, 2020 at the request of the Town Manager to amend the Land Use Management Ordinance so that current Special Use Permit applications may be considered under Conditional Zoning review.

Key Issues:

- In response to the COVID-19 crisis, the State government created specific provisions for remote public meetings that became effective May 4, 2020 and remain in effect during the current State of Emergency.
- Under these provisions, quasi-judicial evidentiary hearings may only be held if all individuals who have standing are notified and provide consent for a remote meeting. This makes it very challenging to hold public hearings on a Special Use Permit application.
- Conditional Zoning is a review process that closely resembles Special Use Permit review. The legislative public hearings that are necessary for Conditional Zoning review are permissible remotely and face fewer procedural challenges than quasi-judicial hearings under the new State provisions.
- The proposed amendments would also bring the affected provisions of the Land Use Management Ordinance (LUMO) into compliance with Chapter 160D, the new State enabling legislation for land use regulation.

Where is this item in its process?



Attachments:

- Resolution

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENTS EXPANDING OPPORTUNITIES TO ALLOW SPECIAL USE PERMIT APPLICATIONS TO BE CONSIDERED UNDER CONDITIONAL ZONING REVIEW FOR SEPTEMBER 30, 2020 (2020-09-09/R-9)

WHEREAS, on March 25, 2020, the Town Council began meeting remotely as a public safety measure during the COVID-19 crisis, and expects to continue this practice in the fall of 2020; and

WHEREAS, during this time the Town Council is continuing to review and consider action on development proposals; and

WHEREAS, on May 4, 2020, the State government enacted S.L. 2020-3 which provides new specific guidance for remote public meetings, including requirements for quasi-judicial evidentiary hearings, that remains in effect during the current State of Emergency; and

WHEREAS, the Town Attorney and the UNC School of Government have expressed reservations about holding Council public hearings on Special Use Permits, based on the provisions of S.L. 2020-3; and

WHEREAS, a number of development proposals under review at the time that S.L. 2020-3 went into effect had been submitted as Special Use Permit applications; and

WHEREAS, provisions of the Land Use Management Ordinance (LUMO) currently prevent certain development proposals from being considered as Conditional Zoning applications, which is the approval process most closely resembling Special Use Permit review and which remains a feasible process to undertake under the provisions of S.L. 2020-3; and

WHEREAS, the Town Manager is requesting minor changes to LUMO that could accommodate review of these pending development proposals as Conditional Zoning applications while still maintaining a decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan; and

WHEREAS, these minor changes to LUMO would also bring portions of the LUMO into compliance with Chapter 160D, which is the North Carolina statute modernizing the State's enabling legislation for local development regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Public Hearing for September 30, 2020 at 7:00 p.m. to consider possible Land Use Management Ordinance text amendments regarding options for Conditional Zoning review and refers the proposed amendments to the Town Manager and Planning Commission for their consideration.

This the 9th day of September, 2020.

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 on September 30, 2020 to consider text amendments that would allow Special Use Permit applications to be considered under Conditional Zoning review.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 13., **File #:** [20-0576], **Version:** 1

Meeting Date: 9/9/2020

Call a Public Hearing on October 7, 2020 for Land Use Management Ordinance Text Amendment to Table 3.7-1: Use Matrix Pertaining to Allowed Uses in Planned Development-Mixed Use (PD-MU).

Staff:

Judy Johnson, Interim Director
Jake Lowman, Senior Planner

Department:

Planning

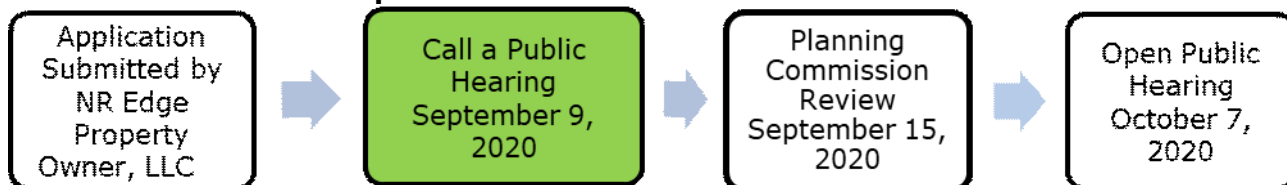
Overview: A request from NR Edge Property Owner, LLC to allow "Self-Storage Facility, Conditioned" as a Permitted Special Use in the Planned Development-Mixed Use District (PD-MU).



Recommendation(s):

That the Council adopt the resolution calling a public hearing on October 7, 2020 for a Land Use Management Ordinance Text Amendment to Table 3.7-1: Use Matrix Pertaining to Allowed Uses in Planned Development-Mixed Use (PD-MU).

Where is this item in its process?



Attachments:

- Resolution

Item #: 13., File #: [20-0576], Version: 1

Meeting Date: 9/9/2020

A RESOLUTION CALLING A PUBLIC HEARING ON OCTOBER 7, 2020 FOR LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT TO TABLE 3.7-1: USE MATRIX PERTAINING TO ALLOWED USES IN PLANNED DEVELOPMENT-MIXED USE (PD-MU) (2020-09-09/R-10)

WHEREAS, NR Edge Property Owner, LLC submitted an application for a text amendment to table 3.7-1: Use Matrix; and

WHEREAS, the Land Use Management Ordinance does not currently allow "Self-Storage Facility, Conditioned" as a permitted special use in the Planned Development-Mixed Use district.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls the Public Hearing on October 7, 2020 at 7:00 P.M. in a virtual meeting for consideration of a Land Use Management Ordinance Text Amendment regarding permitted special uses in the Planned Development-Mixed Use District.

This the 9th day of September, 2020.

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 on October 7, 2020 for Land Use Management Ordinance Text Amendment to Table 3.7-1: Use Matrix pertaining to allowed uses in the Planned Development-Mixed Use District.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 14., File #: [20-0577], Version: 1

Meeting Date: 9/9/2020

Call a Public Hearing on October 7, 2020 for Land Use Management Ordinance Text Amendment to Section 5.14.4 Pertaining to Signs Exempt from Regulation.

Staff:

Judy Johnson, Interim Director
Becky McDonnell, Planner II

Department:

Planning

Overview: [Senate Bill 220/SL 2019-119](#)

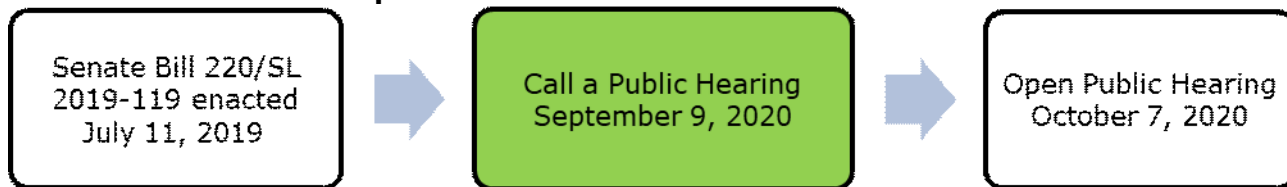
<https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S220v6.pdf> was enacted on July 11, 2019. It requires a 30-day period following an election before political signs become abandoned property. The Town of Chapel Hill Land Use Management Ordinance does not reflect the new legislation.



Recommendation(s):

That the Council adopt the resolution calling a public hearing on October 7, 2020 for a Land Use Management Ordinance Text Amendment to section 5.14.4 pertaining to signs exempt from regulation.

Where is this item in its process?



Attachments:

- Resolution

A RESOLUTION CALLING A PUBLIC HEARING ON OCTOBER 7, 2020 FOR LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT TO SECTION 5.14.4 PERTAINING TO SIGNS EXEMPT FROM REGULATION (2020-09-09/R-11)

WHEREAS, Senate Bill 220/SL 2019-119, which requires a 30-day period following an election before political signs become abandoned property, was enacted on July 11, 2019; and

WHEREAS, the Land Use Management Ordinance does not reflect the new legislation and the Town Attorney has recommended a text amendment to ensure consistency with State Law.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls the Public Hearing at 7:00 pm on Wednesday, October 7, 2020 as a virtual meeting to receive public comment on the proposed Land Use Management Ordinance Text Amendment regarding Signs Exempt from Regulation.

This the 9th day of September, 2020.

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 on October 7, 2020 for Land Use Management Ordinance Text Amendment to section 5.14.4 pertaining to signs exempt from regulation.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 15., **File #:** [20-0578], **Version:** 1

Meeting Date: 9/9/2020

Call a Public Hearing for October 7, 2020 to Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way of Monroe Street.

Staff:

Lance Norris, Director
Chris Roberts, Manager of Engineering and Infrastructure

Department:

Public Works

Overview: The developer of the Columbia Street Annex development, CH Hotel Associates Limited Partnership, proposes to close approximately 150' of an unmaintained and unimproved portion of Monroe Street. The 30' wide public right-of-way starts at its connection to the South Columbia Street right-of-way and extends west. This closure will disconnect the current Monroe Street right-of-way from South Columbia Street. The developer will dedicate a new easement providing reasonable access to the right-of-way at Columbia Street. The dedication will be required before the right-of-way closure is final.

The Columbia Street Annex SUP is currently under review (SUP #18-039).

More information about this project may be found at:

[<https://www.townofchapelhill.org/town-hall/departments-services/planning/development-activity-report/columbia-street-annex-2017>](https://www.townofchapelhill.org/town-hall/departments-services/planning/development-activity-report/columbia-street-annex-2017)

North Carolina General Statute Sec. 160A-299 sets the process for closing public rights-of-way, requiring the Council to adopt a resolution declaring its intent to close the public right-of-way and to call a public hearing. The resolution will be published once a week for four successive weeks before the hearing. A notice of the closing and public hearing will be posted in a least two places along the right-of-way.



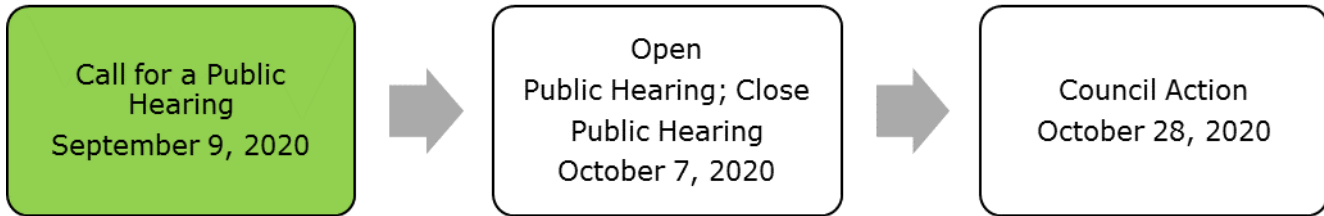
Recommendation(s):

That the Council adopt the resolution to call a Public Hearing for October 7, 2020 to consider a request to close a portion of an unmaintained and unimproved public right-of-way of Monroe Street. The Public Hearing will be closed and on October 28th, 2020 the Council may take final action.

Fiscal Impact/Resources: Closing of this right-of-way does not create costs to the Town since it was not being maintained.

Key Issues:

- CH Hotel Associates Limited Partnership, the Columbia Street Annex developer, requested this right-of-way closure.
- The closure will isolate one property, which is currently accessed via a private driveway to the paved portion of Monroe Street. The developer proposed an access easement, which staff determined will provide reasonable access to this parcel. This right-of-way closure will be contingent on dedication of the new access easement.
- Dedication of the access easement will be required before the completion of the right-of-way closure process.

Where is this item in its process?**Attachments:**

- Resolution
- Closure Request Letter from Wendi Ramsden, Coulter Jewell Thames, PA (representing CH Hotel Associates Limited Partnership, Owner)
- Monroe Street Public Right-of-Way Closure Plan
- NC Statute 160A-299

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER A REQUEST TO CLOSE A PORTION OF AN UNMAINTAINED AND UNIMPROVED PUBLIC RIGHT-OF-WAY OF MONROE STREET (2020-09-09/R-12)

WHEREAS, the Town of Chapel Hill has received a request, from Wendi Ramsden, Coulter Jewell Thames, PA (representing CH Hotel Associates Limited Partnership, Owner) to close a portion of the unmaintained and unimproved Monroe Street public right-of-way; and

WHEREAS, there is one parcel that will become isolated with this right-of-way closure and the developer will provide a reasonable means of access to this isolated property with an access easement; and

WHEREAS, dedication of the access easement will be required before the completion of the right-of-way closure process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares its intent to consider closing a portion of the unmaintained and unimproved Monroe Street public right-of-way, contingent upon dedication of an access easement.

BE IT FURTHER RESOLVED that the Council calls a Public Hearing at 7:00 p.m. on Wednesday, October 7, 2020 in a virtual meeting to receive public comment on the proposed closure of said right-of-way and hereby authorizes the Town Manager to arrange publication, posting, and mailing of notices of the Public Hearing as required by law. The Public Hearing will be closed and on October 28th, 2020 the Council may take final action.

This the 9th day of September, 2020.

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 for October 7, 2020 to consider closing a portion of the unmaintained and unimproved Monroe Street public right-of-way.

Coulter Jewell Thames, PA
ENGINEERING LAND SURVEYING LANDSCAPE ARCHITECTURE

LETTER OF TRANSMITTAL

Date: 8/27/2019

*delivered
8/27/19*

To: Chapel Hill Public Works

Attn: Chris Roberts

Project: Columbia Street Annex
Monroe Street Road Closing

WE TRANSMIT TO YOU HEREWITH:

<u># Copies</u>	<u>Sheet No.</u>	<u>Date</u>	<u>Description</u>
1		6/10/2019	road closing request

Remarks:

Chris I know we talked about this months ago, but we finally have the information together to request the road closing. I was holding off submitting this until the owners had a chance to talk with the Joffes, which they recently have done. Zalman Joffe attended the neighborhood information meeting and we talked to him at that point. He was not opposed to the closing. Please let me know what else we need to provide to have this request move forward. Thank you.

Wendi

Copies To:

From: Wendi Ramsden
wramsdn@cjtpe.com

Daniel A. Jewell, ASLA, RLA
 James W. Thames, PE
 Jeffrey P. Williams, PLS

Main Office: 111 West Main Street, Durham, NC 27701
Phone: 919.682.0368 **Fax:** 919.688.5646
Email: design@cjtpe.com

CH Hotel Associates Limited Partnership
3008 Anderson Drive, Suite 120
Raleigh, NC 2760

10 June 2019

Town of Chapel Hill Public Works
6850 Millhouse Road
Chapel Hill, NC 27514-5705
Attn: Chris Roberts

Dear Mr. Roberts

This letter will serve as a request to close an existing unimproved right of way intersecting with South Columbia Street, as shown on the attachment. The right of way is a 174.04 LF portion of Monroe Street, located between the two parcels with PINs 9788205716 and 9788204502. The improvement in this area consists of some grading to flatten out the cross slope of the right of way, and installation of a pipe over the stream crossing in the portion of the right of way that will remain open. This work was done prior to our purchase of the parcels. Although the street intersects with S-Columbia Street in plan view, topographically the paper street currently sits 8 feet below the street level at the right of way line, with a 2.2:1 slope that continues for 40 feet from the street edge, and then continues to fall at a gentler pitch to a stream. It would be very difficult to build a vehicular access in the current right of way.

We currently have a development proposal being reviewed by the Town of Chapel Hill, and propose recombining the two parcels adjacent to the right of way, and replacing this portion of the right of way with an access easement to the adjacent property owners which would follow our proposed paved driveway and provide physical access to South Columbia Street.

The proposed change would connect the remaining Monroe Street right of way with access to South Columbia Street north of the current intersection. **We have spoken with the affected adjacent property owners who are amenable to the changes.**

Sincerely,


Roland Gammon

Attachments:

NC GS 160a-299

Plan

Site Photos

List of adjacent property owners

NC GS 160a-299

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

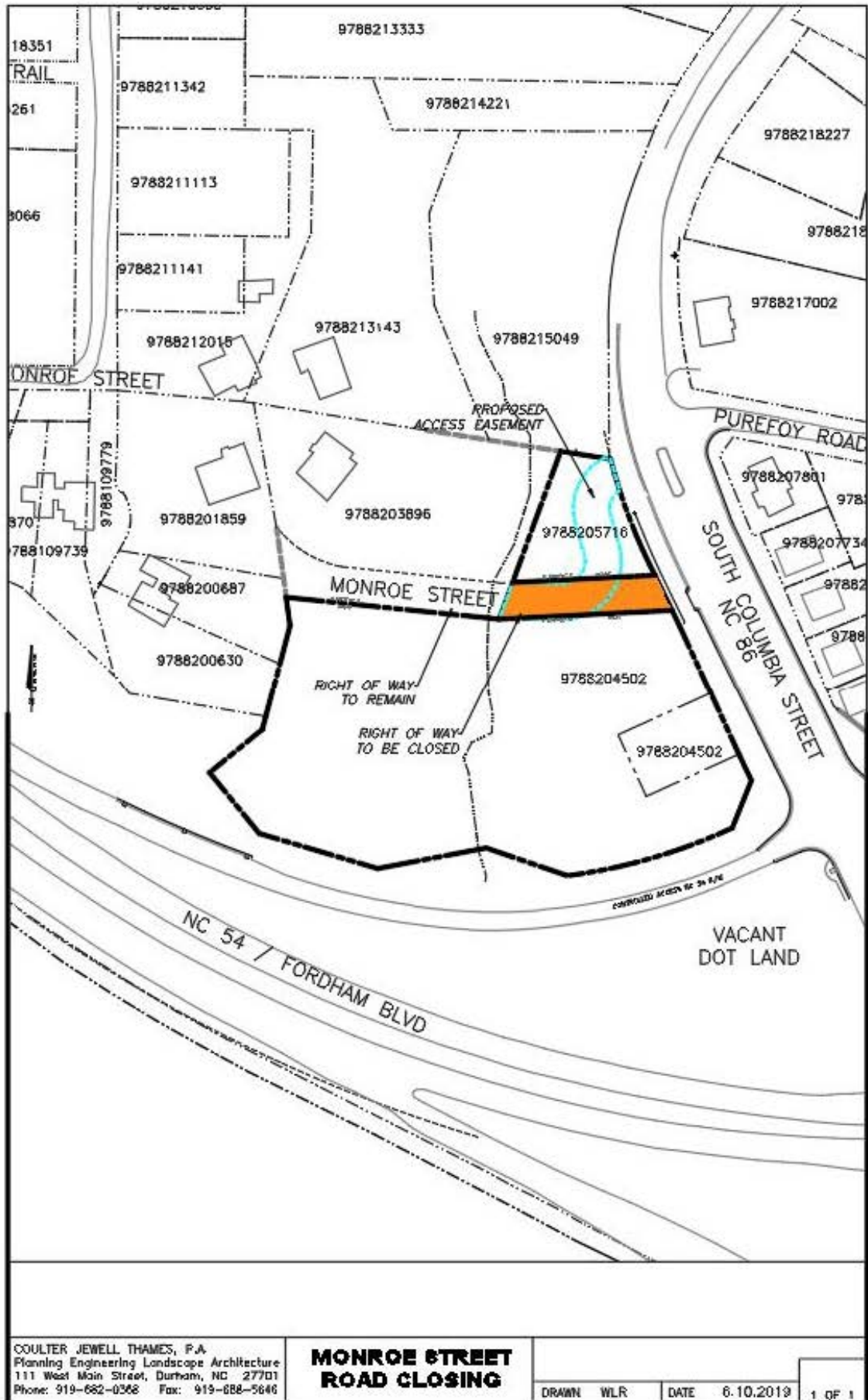
The provisions of this subsection regarding division of right- of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



Site Photos

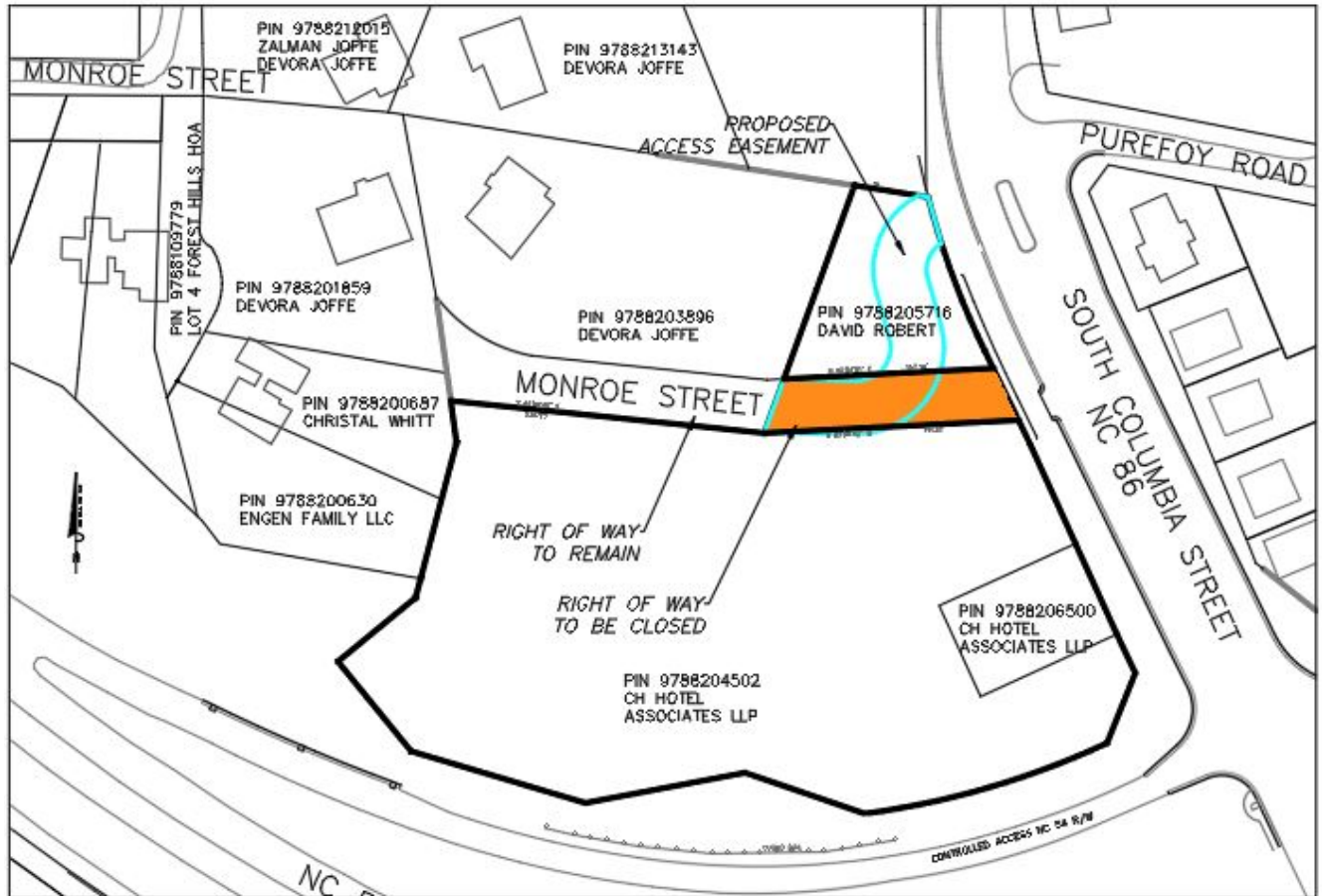


slope from street toward stream in right of way
area to be closed

grading over stream bed and piping of stream in
right of way area to remain open



Adjacent property owners

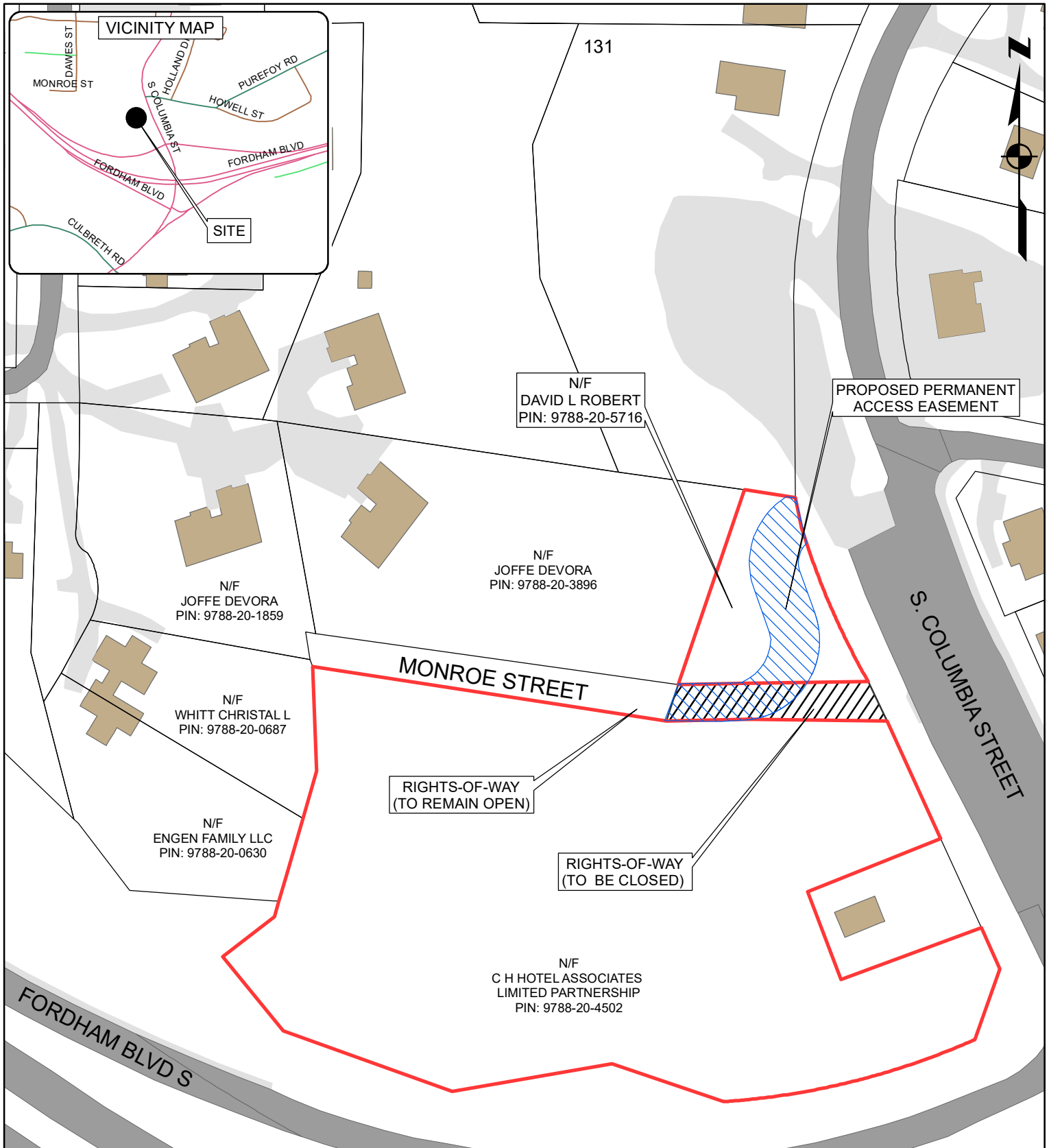


David Robert
 PO Box 184
 Chapel Hill, NC 27514

CH Hotel Associates LLP
 3008 Anderson Drive, Suite 120
 Raleigh, NC 27609

Devora and Zalman Joffe
 1007 John Jones Road
 Bahama, NC 27503

PROPOSED RIGHTS-OF-WAY CLOSING



Legend

-  PROP-ROW
-  RIGHTS-OF-WAY (TO BE CLOSED)
-  ADJACENT PARCELS

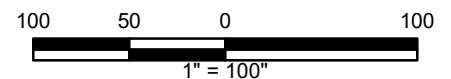
PRELIMINARY DRAWING

THIS DOCUMENT WAS PREPARED FOR
ILLUSTRATION PURPOSES ONLY.
PARCEL LINES PER ORANGE COUNTY GIS

PROJECT: Monroe Street
DATE: 3/16/2020
BY: WAM



TOWN OF CHAPEL HILL
405 MARTIN LUTHER KING JR BLVD
CHAPEL HILL, NC 27514



§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

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(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 16., **File #:** [20-0579], **Version:** 1

Meeting Date: 9/9/2020

Adopt a Revised Meeting Schedule to Hold Meetings in a Virtual Environment through October 31, 2020 or Until the Orange County Stay At Home Order is Lifted.

Staff:

Maurice Jones, Town Manager
Ann Anderson, Town Attorney
Sabrina Oliver, Town Clerk/Director

Department:

Town Manager's Office
Town Attorney's Office
Communications and Public Affairs

Overview: The Council values transparency in government and will include robust and inclusive public participation in virtual meetings. The Resolution extends Resolutions (2020-04-22/R-7), and (2020-05-20/R-7), which described the virtual meeting environment and included information about public participation in a virtual environment during the COVID-19 pandemic.



Recommendation(s):

That the Council adopt a revised meeting schedule to hold meetings in a virtual environment through October 31, 2020 or until the Orange County Stay at Home Order is lifted.

Key Issue:

Orange County has issued subsequent Declarations extending the local State of Emergency through October 31, 2020 for Orange County residents.

The Governor signed Session Law 2020-3 into law to enact G.S. 166A-19.24, which provides authority and procedures for remote meetings by simultaneous communication during declarations of emergency by the Governor or General Assembly, including authorization and procedures for holding quasi-judicial evidentiary hearings, subject to certain limitations.

The Council will conduct the remote meetings using the ZOOM platform with the Webinar add-on. This allows the Council to create an environment similar to the Council Chamber. The panelists are the Council members, staff, and presenters that normally would be seen at the dais, staff tables, and public podium. The attendees are the audience participants. At the appointed time, an attendee would be promoted to the panelist discussion, make their comment, and be returned to the attendee mode by the meeting host.

The overall intent of these efforts is to continue to protect the public health, safety, and welfare while continuing to carry out the responsibilities of the Town.



Attachments:

- Resolution
- Resolution (2020-04-22/R-7) as adopted

A RESOLUTION ADOPTING A REVISED MEETING SCHEDULE TO HOLD MEETINGS IN A VIRTUAL ENVIRONMENT THROUGH OCTOBER 31, 2020 OR UNTIL THE ORANGE COUNTY STAY AT HOME ORDER IS LIFTED (2020-09-09/R-13)

WHEREAS, the Council values transparency in government and will include robust and inclusive public participation in virtual meetings; and

WHEREAS, on March 13, 2020, the Town of Chapel Hill proclaimed a State of Emergency in response to COVID-19; and

WHEREAS, on March 26, 2020, the NC Department of Justice provided an advisory opinion stating that "electronic meetings are allowed under N.C.G.S. §143.318.13, and the requirements of notice, access and minutes can be met through electronic means. Due to the unprecedented circumstances we are all faced with, and the fact that local governing bodies conducting meetings remotely is not expressly prohibited by statute, I conclude that local governments can carry out necessary meetings electronically and remain in compliance with Open Meetings Laws."; and

WHEREAS, the School of Government transmitted the above advisory opinion and added that "the letter doesn't specifically address the impact of electronic participation on statutory quorum/voting requirements, public hearings, public comment periods, or quasi-judicial hearings." Some blog posts on those topics include the following:

- [Meetings and Public Hearings Under the Coronavirus State of Emergency](https://canons.sog.unc.edu/meetings-and-public-hearings-under-the-coronavirus-state-of-emergency/) <<https://canons.sog.unc.edu/meetings-and-public-hearings-under-the-coronavirus-state-of-emergency/>>
 - [Can We Really Ban In-Person Attendance at Board Meetings During the Coronavirus Emergency?](https://canons.sog.unc.edu/can-we-really-ban-in-person-attendance-at-board-meetings-during-the-coronavirus-emergency/) <<https://canons.sog.unc.edu/can-we-really-ban-in-person-attendance-at-board-meetings-during-the-coronavirus-emergency/>>
 - [Failures to Vote by Board Members Participating Remotely](https://canons.sog.unc.edu/failures-to-vote-by-board-members-participating-remotely/) <<https://canons.sog.unc.edu/failures-to-vote-by-board-members-participating-remotely/>>
 - [Remote Participation in Quasi-Judicial Evidentiary Hearings](https://canons.sog.unc.edu/remote-participation-in-quasi-judicial-evidentiary-hearings/) <<https://canons.sog.unc.edu/remote-participation-in-quasi-judicial-evidentiary-hearings/>>
 - (April 9) [Electronic Meetings During the COVID-19 Emergency: Recommended Practices](https://canons.sog.unc.edu/electronic-meetings-during-the-covid-19-emergency-recommended-practices/) <<https://canons.sog.unc.edu/electronic-meetings-during-the-covid-19-emergency-recommended-practices/>>
- ; and

WHEREAS, in an effort to significantly reduce the spread of the novel coronavirus, the Town of Chapel Hill, along with the Towns of Carrboro and Hillsborough, have joined Orange County's Stay at Home Declaration. Orange County Order adopted by reference to be effective within the Town Limits. The Declaration is in effect beginning at 6 p.m. Friday, March 27, until 5 p.m. Thursday, April 30. Orange County has issued subsequent Declarations extending the local State of Emergency through October 31, 2020; and

WHEREAS, effective March 30, Governor Roy Cooper ordered people in the state of North Carolina to stay at home for thirty days, until April 29, 2020. In April, the Governor issued further orders to tighten the social distancing requirements to address the spread of COVID-19; and

WHEREAS, on April 1, 2020, the Council modified and reinstated a policy to address the remote participation for the Town's advisory boards and commissions. These meetings shall provide an opportunity for public to participate and comment during the meetings by remote methods, including email, telephone, and other methods, to the extent practical; and

WHEREAS, on May 4, 2020, the Governor signed Session Law 2020-3 into law to enact G.S. 166A-19.24, which provides authority and procedures for remote meetings by simultaneous communication during declarations of emergency by the Governor or General Assembly, including authorization and procedures for holding quasi-judicial evidentiary hearings, subject to certain limitations; and

WHEREAS, Governor Cooper issued subsequent Declarations through October 2, 2020; and

WHEREAS, the Council adopted a calendar of meetings through December 2020 via Resolution (2020-06-24/R-6) which extended the virtual meeting provisions through the September 9 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts a revised meeting schedule to hold meetings in a virtual environment through October 31, 2020 or until the Orange County Stay at Home Order is lifted, whichever occurs first.

September 2020

- 9-W-Regular meeting format (virtual meeting location)
- 16-W-Work Session format (virtual meeting location)
- 30-W- Regular meeting format (virtual meeting location)

October 2020

- 7-W- Regular meeting format (virtual meeting location)
- 21-W- Work Session format (virtual meeting location)
- 28-W- Regular meeting format (virtual meeting location)

November 2020

- 11-W-Regular Meeting
- 18-W-Regular Meeting

December 2020

- 2-W-Work Session
- 9-W-Regular Meeting

BE IT FURTHER RESOLVED that the Council will conduct the remote meetings as described in Resolution (2020-04-22/R-7).

BE IT FURTHER RESOLVED that the Council anticipates resuming its regular meetings when conditions allow.

This the 9th day of September, 2020.

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 a revised meeting schedule to hold meetings in a virtual environment through October 31, 2020 or until the Orange County Stay at Home Order is lifted.

I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2020-04-22/R-7) adopted by the Chapel Hill Town Council on April 22, 2020.

This the 23rd day of April, 2020.

Amy T. Harvey

**Amy T. Harvey
Deputy Town Clerk**



A RESOLUTION ADOPTING A REVISED MEETING SCHEDULE TO HOLD SPECIAL MEETINGS IN A VIRTUAL ENVIRONMENT THROUGH MAY 31, 2020 OR UNTIL THE ORANGE COUNTY STAY AT HOME ORDER IS LIFTED (2020-04-22/R-7)

WHEREAS, the Council values transparency in government and will include robust and inclusive public participation in virtual meetings; and

WHEREAS, on March 13, 2020, the Town of Chapel Hill proclaimed a State of Emergency in response to COVID-19; and

WHEREAS, on March 26, 2020, the NC Department of Justice provided an advisory opinion stating that "electronic meetings are allowed under N.C.G.S. §143.318.13, and the requirements of notice, access and minutes can be met through electronic means. Due to the unprecedented circumstances we are all faced with, and the fact that local governing bodies conducting meetings remotely is not expressly prohibited by statute, I conclude that local governments can carry out necessary meetings electronically and remain in compliance with Open Meetings Laws."; and

WHEREAS, the School of Government transmitted the above advisory opinion and added that "the letter doesn't specifically address the impact of electronic participation on statutory quorum/voting requirements, public hearings, public comment periods, or quasi-judicial hearings." Some blog posts on those topics include the following:

- [Meetings and Public Hearings Under the Coronavirus State of Emergency](#)
- [Can We Really Ban In-Person Attendance at Board Meetings During the Coronavirus Emergency?](#)
- [Failures to Vote by Board Members Participating Remotely](#)
- [Remote Participation in Quasi-Judicial Evidentiary Hearings](#)
- (April 9) [Electronic Meetings During the COVID-19 Emergency: Recommended Practices](#) ; and

WHEREAS, in an effort to significantly reduce the spread of the novel coronavirus, the Town of Chapel Hill, along with the Towns of Carrboro and Hillsborough, have joined Orange County's Stay at Home Declaration. Orange County Order adopted by reference to be effective within the Town Limits. The Declaration is in effect beginning at 6 p.m. Friday, March 27, until 5 p.m. Thursday, April 30.

WHEREAS, effective March 30, Governor Roy Cooper ordered people in the state of North Carolina to stay at home for thirty days, until April 29, 2020. In April, the Governor issued further orders to tighten the social distancing requirements to address the spread of COVID-19; and

WHEREAS, on April 1, 2020, the Council modified and reinstated a policy to address the remote participation for the Town's advisory boards and commissions. These meetings shall provide an opportunity for public to participate and comment during the meetings by remote methods, including email, telephone, and other methods, to the extent practical; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts a revised meeting schedule to hold special meetings in a virtual environment through May 31, 2020 or until the Orange County Stay at Home Order is lifted, whichever occurs first.

April 2020

- 22-W-Special Meeting at 7 PM
- 29-W-Special Meeting at 7 PM

May 2020

- 6-W-Special Meeting at 7 PM
- 13-W-Special Meeting at 6:30 PM
- 20-W-Special Meeting at 7 PM
- 27-W-Special Meeting at 6:30 PM

BE IT FURTHER RESOLVED that the Council will conduct the remote meetings using the ZOOM platform with the Webinar add-on. This allows Council to create an environment similar to the Council Chamber. The panelists are the Board members, staff, and presenters that normally would be seen at the dais, staff tables, and public podium. The attendees are the audience participants. At the appointed time, an attendee would be promoted to the panelist discussion, make their comment and be returned to the attendee mode by the meeting host.

The Town will provide a notification on the Town's web calendar for each event that is similar to the notice below. In addition, this information can also be conveyed through our other modes of communication such as email, and social media.

The BOARD will meet virtually at TIME p.m. DAY, DATE, to conduct a meeting to cover the items on the agenda below. Board 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. This provides better video quality than on the streaming service. Register for this webinar: [URL](#). After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: NUMBER, Meeting ID: NUMBER.

Members of the public may also continue to live stream the meeting and view it over the Town's cable television channel access at <https://chapelhill.legistar.com/Calendar.aspx> – and on Chapel Hill Gov-TV (townofchapelhill.org/GovTV).

Virtual Board Meeting Procedures

Order of Proceedings for Agenda Items

1. Staff/Applicant Presentation
2. Clarifying Questions from Board
3. Public Comments
4. Board Discussion

Public Comment

- Verbal Comments: Members of the public may sign up to speak when they register for the meeting. Please do so at least three-hours in advance, so we can compile the information in time for the meeting. At the appropriate time, the Chair will provide attendees the option to use the raise the hand function or *9 via phone to indicate your desire to speak on the topic. Individuals who have pre-registered, followed by those with a 'raised hand' will then be brought into the public portion of the meeting one at a time.
- Written Comments: Public comment may be submitted prior to the meetings, provided to the board members and posted with the meeting materials.

After the Meeting

- To view recordings, visit: <https://chapelhill.legistar.com/Calendar.aspx>
- For additional comments, email: mayorandcouncil@townofchapelhill.org

Meeting Contact:

- Email: NAME@townofchapelhill.org
- Phone: 919-969-####

EMBEDDED AGENDA INCLUDED IN THIS LOCATION IN THE WEB CALENDAR ITEM

BE IT FURTHER RESOLVED that the Council anticipates resuming its regular meetings in June, if conditions allow.

June 2020

- 3-W-Budget Work Session (Tentative) at 6:30 PM
- 10-W-Regular Meeting at 7 PM
- 17-W-Work Session at 6:30 PM
- 24-W-Regular Meeting at 7 PM

This the 22nd day of April, 2020.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 17., **File #:** [20-0580], **Version:** 1

Meeting Date: 9/9/2020

Adopt Minutes from January 8, and 22, 2020 and February 12, and 19, 2020 Meetings.

Staff:

Sabrina M. Oliver, Director
Amy Harvey, Deputy Town Clerk
Nikki Catalano, Transcriptionist

Department:

Communications and Public Affairs

Overview: These minutes are prepared for the meetings listed below.



Recommendation(s):

That the Council approve the attached summary minutes of past meetings.



Attachments:

- Resolution
- January 8, 2020 Regular Meeting
- January 22, 2020 Regular Meeting
- February 12, 2020 Work Session
- February 19, 2020 Regular Meeting

A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2020-09-09/R-14)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts summary minutes for meetings held on January 8, and 22, 2020 and February 12, and 19, 2020.

This the 9th day of September, 2020.

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 summary minutes of past meetings which serve as official records of the meetings.



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

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 Rachel Schaevitz
Council Member Karen Stegman

Wednesday, January 8, 2020

7:00 PM

RM 110 | Council Chamber

Roll Call

Present: 9 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Rachel Schaevitz, Council Member Karen Stegman, Council Member Jessica Anderson, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Fire Inspector Greg Peeler, Communications Specialist Mark Losey, Interim Planning Director Judy Johnson, LUMO Project Manager Alisa Duffey Rogers, Principal Planner Corey Liles, Senior Engineering Coordinator Michael Wright, Senior Planner Anya Grahn, Executive Director for Housing and Community Loryn Clark, Assistant Director for Housing and Community Sarah Vinas, Urban Designer Brian Peterson, and Deputy Town Clerk Amy Harvey.

OPENING

0.01 Tree of the Year Awards.

[\[20-0024\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. and mentioned that it was the first official meeting for new Council Members Huynh and Ryan. She then announced the winners of a Tree of the Year contest, which had been conducted by her office and the Community Tree Committee. A shag-bark hickory "Mama Tree" had been the winner and runners up were a Japanese maple "Survivor Tree" and a willow "Meeting Tree", she said, adding that pictures and stories could be seen on the Town's website.

0.02 Proclamation: Robert Dowling Day.

[\[20-0025\]](#)

Mayor Hemminger read a proclamation honoring Robert Dowling, executive director of Community Home Trust, who was retiring after 22 years as an advocate for affordable housing. She read highlights of Mr. Dowling's distinguished career and noted the many policies and programs he had helped develop. The Council proclaimed January 11, 2020 to be Robert Dowling Day, she said.

Mr. Dowling said that he could not have accomplished his goals without the good, supportive relationship Community Home Trusts and its predecessors have had with the Town. He encouraged Town officials to continue leading the quest for more affordable housing.

0.03 Proclamation: National Mentoring Month.

[\[20-0026\]](#)

Council Member Buansi read a proclamation about how mentors strengthen individuals, communities, states and nations by promoting healthy relationships and communication. He declared January 2020 to be National Mentoring Month in Chapel Hill and encouraged all to take the opportunity to celebrate, elevate, and encourage mentoring.

Atrayus Goode, president and CEO of Mentor North Carolina, shared his personal experience of having had a mentor when he was in middle school. He noted the critical importance of children being able to see people, who look like them, in influential positions.

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. Parks, Greenways, and Recreation Commission Request for Park Maintenance Funding.

[\[20-0007\]](#)

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote.

2. Beth Waldron Request Regarding Revising the Deer Management Program.

[\[20-0008\]](#)

Beth Waldron, a Chapel Hill resident, asked for a ban on hunting within Town limits. She described not feeling safe in her home as a result of the Town's current Deer Management Program and said that 581 people had signed her petition.

A motion was made by Council Member Anderson, seconded by Council

Member Schaevitz, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote.

3. Renuka Soll Request for an Improved Petition Process.

[\[20-0009\]](#)

Renuka Soll, a Chapel Hill resident, asked the Council to improve the Town's petitioning process. She proposed mailing monthly updates to petitioners and responding to inquiries within two days unless there are extenuating circumstances.

Town Manager Maurice Jones said that staff had discussed doing some of what was being proposed. A new staff position might be able to take on that responsibility, he said.

A motion was made by Council Member Anderson, seconded by Council Member Buansi, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote.

4. Jeff Mallett Request for Ordinance Review.

[\[20-0010\]](#)

Jeff Mallett, owner of a rental house on Pritchard Avenue, explained that two of the six residents of that house had been given 30 days to vacate because of the 2001 ordinance that limited the number of unrelated persons to four. Mr. Mallett argued that the rule was arbitrary and asked that the two be allowed to remain until the end of the academic year. He made a similar request regarding a fifth resident at his Cameron Court property.

A motion was made by Council Member Anderson, seconded by Council Member Schaevitz, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote.

4.01 Abel Hastings and Larry Reid Regarding Greene Tract.

[\[20-0027\]](#)

Abel Hastings and Larry Reid noted that a letter to the Town from Neighbors United Around the Greene Tract was asking the Council to include them in discussions regarding a shared vision for that property. That petition also asked the Council to adopt a resolution authorizing a comprehensive environmental study of the Greene Tract and a connectivity/access study of it and the surrounding area, Mr. Hastings said.

Mayor Hemminger replied that the issue was on the Council's January 22nd agenda and the Greene Tract would be one of the topics before the Assembly of Governments on January 28, 2020. Mayor Hemminger said the Council appreciated when groups collaborate to make things happen.

This item was received as presented.

4.02 Neal Bench Regarding Park Maintenance.

[\[20-0028\]](#)

Neal Bench, a Chapel Hill resident, spoke in favor of a Parks and Recreation petition that requested increased maintenance of Town tennis courts. He referred to a letter he had previously written to the Town regarding the need for maintenance at Town-owned parks and recreation facilities.

This item was received as presented.

4.03 Tyler Stox Regarding Petition #2.

[\[20-0029\]](#)

Tyler Stox, a junior at the University of North Carolina-Chapel Hill, commented on the Town's Deer Management Program, Item 2. As a licensed archer, he had been hunting in Town for three years and felt that the archery program was necessary due to the excessive number of deer, he said. Mr. Stox proposed that the Town revise the program by setting limits on tree stand height and requiring safety courses for hunters.

This item was received as presented.

4.04 Carl Schuler Regarding Advisory Board Attendance Policy.

[\[20-0030\]](#)

Carl Schuler, a Chapel Hill resident, proposed that the Council revise the Town's policy on advisory boards to allow work as an acceptable excuse for not attending a meeting.

The Council agreed to treat the request as a petition.

A motion was made by Council Member Schaevitz, seconded by Council Member Anderson, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote.

4.05 Northwood Ravin Request for Limited SUP Review for Carraway Village SUP Modification.

[\[20-0031\]](#)

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote.

4.06 Larry Reid Regarding Nighttime Pedestrian Safety.

[\[20-0032\]](#)

Larry Reid expressed concerns about the safety of people walking and jogging at night while wearing dark clothing with no reflectors.

Mayor Hemminger replied that the Town could work on an awareness program.

This item was received as presented.

ANNOUNCEMENTS BY COUNCIL MEMBERS

4.07 Mayor Hemminger Regarding Announcement of Council Member Schaevitz's Departure.

[\[20-0033\]](#)

Mayor Hemminger announced that Council Member Shaevitz would leave the Council in February because she and her family would be moving overseas. The Council would work out the specifics of filling that seat during its upcoming retreat, she said.

Council Member Schaevitz explained that the decision had been a difficult one and that she had bittersweet feelings about it. Serving the Town had been an honor, she said, adding that she was grateful for that opportunity and for the community support she had received in recent days.

4.08 Mayor Hemminger Regarding Refund from Drop in Tax-Exempt Bond Rates.

[\[20-0034\]](#)

Mayor Hemminger said that a recent drop in tax-exempt bond rates had opened an opportunity for the Town to save \$850,000 in order to apply to other projects over the next 10 years. She thanked the Town's Business Development Department, especially its director Amy Oland, for researching the issue.

4.09 Mayor Hemminger Regarding Council Committee on Economic Sustainability Meeting.

[\[20-0035\]](#)

Mayor Hemminger said that the Council Committee on Economic Sustainability would meet on January 10th at 8:00 a.m. in the Chapel Hill Public Library to discuss new information regarding the Chapel Hill North Market Study.

4.10 Mayor Hemminger Regarding Conditional Zoning Public Information Meeting.

[\[20-0036\]](#)

Mayor Hemminger announced a public information meeting regarding conditional zoning on January 14th at 5:30 p.m. in the Chapel Hill Public Library.

4.11 Mayor Hemminger Regarding Short Term Rental Task Force Meeting.

[\[20-0037\]](#)

Mayor Hemminger said that the Short Term Rental Task Force would meet on January 15th at 4:30 p.m. in the Chapel Hill Public Library.

4.12 Mayor Hemminger Regarding Calendar Change for February Meetings.

[\[20-0038\]](#)

Mayor Hemminger pointed out that two Council meetings were being swapped. The work session would be on February 12th and the regular business meeting would be on February 19th. She said that the consent agenda had been revised and the Council would need a revised resolution.

4.13 Council Member Anderson Regarding Just Mercy Screening at the Chelsea Theater.

[\[20-0039\]](#)

Council Member Anderson said that a special screening regarding the legal defense of an individual who had been wrongfully convicted and put on death row would be held at the Chelsea Theater at 6:30 p.m. on January 13th.

4.14 Mayor Hemminger Regarding Upcoming Events.

[\[20-0040\]](#)

Mayor Hemminger recommended that residents check the Town's website for the many events that would be held around Martin Luther King Jr. Day. These would include a screening of "Wilmington on Fire" (about an 1898 uprising in Wilmington, NC) at the Chapel Hill Public Library, she said.

4.15 Council Member Huynh Regarding Panel of Living Governors.

[\[20-0041\]](#)

Council Member Huynh announced that a panel of NC governors would hold a discussion at UNC's Institute of Politics at 7:00 p.m. on January 16th. Tickets were available through the Carolina Performing Arts Center, he said.

4.16 Council Member Buansi Regarding NAACP Rally.

[\[20-0042\]](#)

Council Member Buansi announced that a NAACP rally would convene at the Peace and Justice Plaza at 9:00 a.m. on January 20th. It would then move to First Baptist Church, where the keynote speaker would be Gene Nichol, he said.

4.17 Council Member Parker Regarding MLK Day Banquet at Friday Center.

[\[20-0043\]](#)

Mayor pro tem Parker announced a Martin Luther King Day banquet at the Friday Center on January 19th, beginning at 6:00 p.m. He said that the keynote speaker would be NC Supreme Court Justice Cheri Beasley.

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.

Approval of the Consent Agenda

A motion was made by Council Member Schaevitz, seconded by Council Member Buansi, that R-2 as amended be adopted, which approved Item #7 on the Consent Agenda. Item #6 was deferred to January 22, 2020. The motion carried by a unanimous vote.

5. Approve all Consent Agenda Items.

[\[20-0011\]](#)

6. Approve On-Street Parking Regulations in the Burch Kove Neighborhood.

[\[20-0012\]](#)

7. Continue the Public Hearing for Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3 and 4 Pertaining to Conditional Zoning to February 12, 2020. [\[20-0013\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

8. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0014\]](#)

This item was received as presented.

9. Receive Minutes from the Orange County/Chapel Hill Work Group October 11, 2019 Meeting. [\[20-0015\]](#)

This item was received as presented.

DISCUSSION

10. Charting Our Future - Consider Changes to Draft Focus Area Maps and Principles. [\[20-0016\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers gave a PowerPoint presentation on changes to draft focus area maps and principles. She said that the Planning Commission had recommended approval, with the condition that additional discussions regarding affordable housing, climate change, transportation and economic realities be held during the next phase of the LUMO rewriting process. She summarized what staff had learned through community engagement efforts and noted areas of ongoing discussions.

Ms. Duffey Rogers said that draft focus area maps had once shown both land use and height mapped onto parcels, but the Council had discussed separating those elements in order to create a less prescriptive way of depicting character types within focus areas. She discussed four major changes to an example map for the North 15-501 focus area. She also described an emerging vision for North and South Martin Luther King Jr. Boulevard and the Downtown area.

Ms. Duffey Rogers said that a final version of the focus area maps would go to the Council Committee on Sustainability in February 2020. The Council would deliberate on March 4th and the adoption process for the Future Land Use Maps would begin then if the Council concurred, she said. She recommended that the Council adopt Resolution 3, authorizing the Town Manager to make the proposed changes to the September 5, 2019 draft focus area maps and principles.

Council Member Anderson confirmed that staff was currently discussing height in terms of stories and would translate that to feet during the

LUMO rewriting process.

Council Member Stegman said she would propose some language changes before the Council's final vote.

Neal Bench, a Planning Commission (PC) member but speaking as a resident, emphasized the importance of having wide, clear and shaded walking paths. He said that buildings should allow for canopy trees on both sides of the sidewalks.

John Rees, representing the PC, voiced support for the proposed changes and said that having a strong, forward-thinking Future Land Use Map (FLUM) was critical for meeting climate change demands. Transportation should be a primary focus, and land use planning and transportation go hand in hand, he said. Mr. Rees discussed the Town's AH needs and the relationship between those and transportation planning.

Josh Levenson, a Chapel Hill resident, requested more time for the public to see the full plan and provide feedback. He said that input from him and others had not been included in the current presentation.

Council Member Ryan praised the new maps and said that extending Downtown up South Columbia and into Martin Luther King Jr. Blvd would create a more vibrant Downtown while taking pressure off adjacent historic neighborhoods.

Mayor Hemminger pointed out that there would be more opportunities for public input before the FLUM's possible adoption in June.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-3 be adopted as amended. The motion carried by a unanimous vote.

- 11. Open the Public Hearing and Consider a Request to Close a Portion of the Public Right-of-Way on Glen Lennox Drive between Flemington Road and Fordham Boulevard.**

[\[20-0017\]](#)

Senior Engineering Coordinator Mike Wright introduced a request to close a portion of a public right-of-way (ROW) on Glen Lennox Drive. He showed the area on a map and discussed safety concerns that had led NC Department of Transportation and the Town to remove a median, shorten a crosswalk, and install protected bike lanes there. The ROW was no longer needed, and the request was to turn it back to the property owner, he said.

Mr. Wright pointed out that the Town would no longer need to maintain the ROW property after approving the change. He recommended that the Council open the public hearing, receive comments, close the public hearing, and adopt Resolution 4, closing a portion of the ROW. The

Council could also defer action to its January 22, 2020 meeting, Mr. Wright pointed out.

Mayor Hemminger said that the Town was looking forward to having better connectivity and multi-modal options in the area.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that R-4 be adopted. The motion carried by a unanimous vote.

**12. Open the Public Hearing: Land Use Management Ordinance
Text Amendment for Proposed Changes to Section 3.11
Regarding Massing Standards in the Blue Hill District.**

[\[20-0018\]](#)

Principal Planner Corey Liles explained that the proposed text amendment (TA) would introduce modifications to the LUMO regarding massing standards in the Blue Hills District (BHD). This was in response to a March 14, 2018 petition from the Council, he said. He gave a quick overview of the process to date and noted that the Council had adopted a small TA in June 2018. Mr. Liles recommended that the Council open the public hearing, receive comments, and continue the public hearing to February 19, 2020.

Tony Sease, a project consultant with Civitech Inc., gave a PowerPoint presentation on measures taken to address the Town's concerns about massing. He summarized a market analysis by Noell Consulting that had identified development potential for sites across the district. The goal had been to find ways to incentivize or encourage additional commercial re-development, not just residential, he said.

Mr. Sease presented four key findings of the Noell analysis and recommended text amendments that included a core package related to maximum building dimensions. He also presented possible standalone recommendations that could address how un-built areas relate to pedestrian connectivity. Those additions could exempt townhomes from the minimum non-residential percentage component, reduce on-site parking for mixed use, and reduce structured parking setbacks, he said. Mr. Sease then discussed the proposed TA in detail.

The Council confirmed that Mr. Sease's proposal would shift the burden of determining the minimum parking requirement from the Town to developers. Doing so would free the market to find ways to establish shared parking agreements, he said. The Council also confirmed that Town staff was working on increasing the commercial requirement in areas other than "missing middle" townhome and row-house housing.

Council members discussed frontages and pass throughs and whether or

not ground-level retail space would be mandated in structured parking along different types of street frontages. They clarified with Mr. Sease that nothing in his recommendations would alter the current parking requirements for the "missing middle". They established that large luxury townhomes would be possible, but that market analysts believed that would not occur due to the greater need for smaller ones.

Mr. Sease verified that large lots could hold any number of uses (hotels, residential/for sale, residential/for rent, or a combinations of those) and a developer could only avoid including commercial in such projects by building one residential unit over another. Council Members stressed the importance of having regulations to prevent building a six-story building by stacking one three-floor townhouse over another.

The Council ascertained that Mr. Sease thought a 30-foot minimum separation between buildings was appropriate within the context of the BHD. They confirmed that he did not believe the proposed uses would unduly constrain economic feasibility. Some Council Members expressed concern about creating a canyon-like feel in the 30-foot space between tall buildings. They proposed researching ways to allow light penetration. One Council Member proposed looking for ways to incentivize micro-townhome development.

Mr. Bench spoke in favor of less massing and of allowing as much vegetation and tree canopy as possible. He proposed creating a gorgeous, green place that would include opening up Booker Creek in the area.

Julie McClintock, speaking for CHALT, Chapel Hill Alliance for a Livable Town, expressed support for the proposed diminished footprint and suggested that 3D images be provided to show options. She proposed that height be addressed as an option, noting that higher than 4-story buildings with solar would not reach the carbon neutral standard. With regard to the townhome proposal, Ms. McClintock stressed the importance of getting something in return for abandoning the 10 percent commercial component there. She also said that the space between buildings should be based on the buildings' footprints.

Ken Brooks, a Chapel Hill resident, agreed with what Ms. McClintock had said and proposed that the Council set a 3-story limit, with the exception of 4 stories in the Downtown. He asked the Council to remain conscious of keeping a human environment where people could still see the sky.

Katherine Leith, a Chapel Hill resident, suggested that the Council utilize expertise at UNC and other places with regard to maximizing, conserving, and reusing water. She recommended having the smallest footprint possible, that roofs be built for solar panels and include gardens, and that

there be permeable surfaces in all areas. Ms. Leith also proposed that only fire-proof construction materials be used and that green areas be maximized.

Buffie Webber, a Chapel Hill resident, recommended that the two sides of Elliott Road mirror each other. This would be a good design and would not negate being able to build housing there, she said.

Council Members stressed their desire to capture "missing middle" housing and requested more information and advice on how to get the size townhomes they wanted. They talked about requiring more commercial development in the other zones and said they agreed with public comments about shade, green elements, and improving Booker Creek.

The Council asked for more explicit ideas on how to use "leftover" spaces in a way that would help create an attractive environment. They requested more specifics on the space between buildings and how that could be combined with creating a circulation route in some areas. They noted the need for a public parking solution in the BHD and discussed the implications of pulling parking garages forward on some frontages.

Council Members expressed concern about a standalone deck having no activation along its ground floor and said that including language related to that would be important. They encouraged planners to think about creating a welcoming feel at pedestrian level and asked for more clarity regarding possible price points for townhomes in the area. The Council discussed their wish for commercial buildings in the larger footprints and their desire to avoid having more apartment buildings in the BHD.

The Council thanked Mr. Sease for his work and Mayor Hemminger pointed out that staff would provide responses to questions at the next public hearing. She asked staff to bring back a definition of "stacked" townhomes and said that the Council had been learning a lot. The Town was continuing to change the code in order to get the balance of what it wanted in the BHD, Mayor Hemminger said.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, to continue the Public Hearing to February 19, 2020. The motion carried by a unanimous vote.

- 13.** Open the Public Hearing: Land Use Management Ordinance
Text Amendment - Proposed Changes to Sections 8.3 and 8.4
Regarding Advisory Board Officer Term Limits; Consider
Enacting LUMO and other Town Code Amendments Regarding
Term Limits for Town Advisory Board Officers.

[\[20-0019\]](#)

Senior Planner Anya Grahn said that some Town boards and commissions

had reported having difficulty filling officer positions and providing opportunities for officers to grow into the chair role. She introduced three related TAs for amending the LUMO and one for amending the Code of Ordinances.

Ms. Grahn explained that the proposed text amendments would remove specific text language about terms and that they would update other language to reflect a policy that had been adopted in November 2019. She said that a public hearing was required for the TAs but not for the Code of Ordinances change. She recommended that the Council open the public hearing, receive public comment, adopt Resolution 5, enact Ordinance 2, and consider enacting Ordinance 3.

The Council closed the public hearing by consensus.

A motion was made by Council Member Huynh, seconded by Council Member Stegman, that R-5 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that O-2 be enacted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that O-3 be enacted as amended. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEW(S)

Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

As a courtesy to others, people speaking on an agenda item are normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.

- 14.** Concept Plan Review: Phi Gamma Delta, 108 West Cameron Avenue.

[20-0020]

Ms. Grahn presented a concept plan for the Phi Delta Gamma fraternity

house located at the northwest corner of Cameron Avenue and Columbia Street. She explained that the applicant had exceeded the floor area limitation when enclosing a back porch and removing an existing parking pad. The applicant was seeking OI-3/Conditional Zoning in order to bring the site into compliance, she said, noting that a concept plan review was required for all Conditional Zoning applications.

Mr. Grahn showed a view of existing conditions and indicated where the porch and parking area changes had been made. She summarized the Community Design Commission's comments and recommended that the Council adopt Resolution 7, transmitting its comments to the applicant.

Council Members clarified that OI-3/CZ would essentially legitimize work that had already been done but would not entitle the applicant to future property changes without coming back to the Council. They confirmed with staff that trying to achieve the goal by going through the University's land use designation would be a much longer process for the applicant.

Attorney Kevin Hornik, with Brough Law Firm, explained that the project had triggered a LUMO violation when it created additional floor area during renovation. Rezoning to CZ would correct that situation by allowing the applicant more floor area, he said.

Council Members confirmed that the current SUP required between 8-12 on-site parking spaces and that the applicant had replaced those with a grass lawn and had leased 20 parking spaces from the Mt. Olive Masonic Lodge.

The Council ascertained from Ms. Grahn that Town staff had discovered the code violation. She was not aware of any other examples where the Town had granted a rezoning after a code violation, Ms. Grahn said.

Council Members discussed how other violators had been required to remove structures and how approving the request could open the door for other Historic District properties to do the same. They confirmed with staff that the applicant would need to remove a glass enclosure and restore the parking pad if the Council did not approve the rezoning. Ms. Grahn pointed out that the Council was only being asked for feedback on a concept plan and that any similar applications would be reviewed on a case-by-case basis.

She noted that the applicant would have to come back through the process and amend the CZ if it wanted to build anything else on the property.

Mayor Hemminger pointed out that the Town did prefer grass to parking pads and congestion. However, the Council was not happy about the violation and was not open to any additional building on the site, she

said.

In response to a question from Council, Town Attorney Ralph Karpinos said that staff could look into possibly fining the applicant. Interim Planning Director Judy Johnson pointed out that the fee for changing to OI-3/Conditional Zoning would be approximately \$8,000.

R-7 was adopted by consensus.

15. Concept Plan Review: 408 Hillsborough Street Alterations.

[\[20-0021\]](#)

Ms. Grahn introduced a Conditional Zoning request for a 1.37-acre site at 408 Hillsborough Street that was currently zoned Residential 2/Franklin Rosemary Historic District. The applicant was proposing to rezone the property to OI-1/Conditional Zoning in order to rehabilitate existing mid-century modern buildings and make site improvements that include relocating a dumpster and changing the parking lot, she said.

Ms. Grahn showed a site plan, described existing conditions, and reviewed the Historic District Commission's comments. She recommended that the Council provide feedback and then adopt Resolution 8, transmitting its comments to the applicant.

Architect Philip Szostak said that the project did not easily fit into any box. It had been built in 1965, was a non-conforming use, and rebuilding it would be nearly impossible if something happened to it, he said. Mr. Szostak emphasized that he was not proposing to add anything that a SUP would be required to remove some impervious surface when he rebuilt the parking lot. His goal was to renovate the building over the coming summer, and he was hoping to avoid the longer SUP modification process, he said.

Mayor Hemminger confirmed with staff that the project would not qualify for a change to the SUP modification process that the Council had previously made for another project. The staff said because the current project was a non-conforming use for multi-family use in a Residential-2 zoning district, it would need to go through a process to change the parking lot even though the change was minor.

Bill Camp, a North Boundary Street resident, proposed that the applicant seek a Board of Adjustment variance instead. If the zoning were changed, someone could put up a five-story office building there in the future, he said. Mr. Camp encouraged the Council to exercise its right to refuse zoning changes and to find other ways to help applicants reach their goals.

Mr. Levenson, a Chapel Hill resident, said that he objected to rezoning a site to Office Institutional that looked like a great space for affordable

housing.

Council Members confirmed with staff that any zoning change could be confined to the site and would not grant the applicant any additional rights. They verified that the project did not fit as easily into other zones, but Ms. Johnson assured them that staff would do a full review when the project came in as a formal application and would attempt to fit it into a residential zoning district.

The Council confirmed with Mr. Karpinos that the property would not automatically revert to R-2 if the project were demolished for some reason. However, the applicant would not be able to do anything other than what the CZ permit allowed, he said. With regard to seeking a variance, Mr. Karpinos explained that the standard involved showing hardship, which did not fit this situation.

The Council asked staff to find the clearest and fastest solution to the request.

R-8 was adopted by consensus.

APPOINTMENTS

16. Appointments to the Community Policing Advisory Committee.

[\[20-0022\]](#)

The Council appointed Joseph Adileh and Yuwsuf Bell to the Community Policing Advisory Committee.

17. Appointment to the Transportation and Connectivity Advisory Board.

[\[20-0023\]](#)

The Council appointed Heather Brutz to the Transportation and Connectivity Advisory Board.

ADJOURNMENT

The meeting was adjourned at 10:28 p.m.



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

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 Rachel Schaevitz
Council Member Karen Stegman

Wednesday, January 22, 2020

7:00 PM

RM 110 | Council Chamber

Roll Call

Present: 9 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Rachel Schaevitz, Council Member Karen Stegman, Council Member Jessica Anderson, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Fire Marshal Tommy Gregory, Communications Manager Catherine Lazorko, Interim Planning Director Judy Johnson, LUMO Project Manager Alisa Duffey Rogers, Principal Planner Corey Liles, Fire Chief Matt Sullivan, Community Resilience Officer John Richardson, Police Crisis Unit Supervisor Megan Johnson, Business Management Director Amy Oland, Police Officer Rick Fahrer, Crisis Counselor Beth Vazquez, Fire Department Assistant Chief Stacey Graves, and Deputy Town Clerk Amy Harvey.

OPENING

0.01 Proclamation: Matt Sullivan Day.

[\[20-0089\]](#)

Mayor Hemminger called the meeting to order at 7:00 p.m. and read a proclamation for retiring Fire Chief Matt Sullivan. The Mayor presented Chief Sullivan with a key to the city and read about the variety of services he had provided to the Town since 1988. These included positions as police attorney, emergency manager, counselor, and fire chief. The proclamation declared January 29, 2020 to be Matt Sullivan Day in Chapel Hill and urged citizens to show appreciation for all that Chief Sullivan had done for the community.

Council Member Gu arrived at 7:03 p.m.

Chief Sullivan said that it had been a privilege to serve and that he greatly appreciated the recognition. He gave credit to those who had

supported him over the years and said he would be working on a mass violence response plan in conjunction with the University of North Carolina (UNC) School of Social Work.

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.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.02 Mayor Hemminger Regarding Community Workshops for Porthole Alley.

[\[20-0090\]](#)

Mayor Hemminger announced that community workshops regarding Porthole Alley would be held on January 27th and 28th at 7:00 p.m. in Council Chambers.

0.03 Mayor Hemminger Regarding Bridgepoint Public Information Meeting.

[\[20-0091\]](#)

Mayor Hemminger announced a public information meeting regarding Bridgepoint to be held on January 27th at the Seymour Center from 5:15 to 6:15 p.m.

0.04 Mayor Hemminger Regarding Assembly of Governments Meeting.

[\[20-0092\]](#)

Mayor Hemminger said that Council Members would attend an Assembly of Governments meeting at the Whitted Building in Hillsborough on January 28th, starting at 7:00 p.m.

0.05 Mayor Hemminger Regarding Council Closed Session.

[\[20-0093\]](#)

Mayor Hemminger pointed out that a Council make-up day would be used for a closed session at 7:00 p.m.

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.

Approval of the Consent Agenda

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[20-0055\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

2. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2019-20. [\[20-0056\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

3. Approve the Housing Advisory Board's Recommended Funding Plan for the Affordable Housing Development Reserve. [\[20-0057\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

4. Continue the Public Hearing for the Code of Ordinances Text Amendment to Chapter 11A and Land Use Management Ordinance Text Amendment to Section 5.9 Pertaining to Off-Street Parking and Payment-in-Lieu Policy to March 4, 2020. [\[20-0058\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

5. Authorize the Town Manager to Submit Design Work to NCDOT for the West Franklin Street Lane Reallocation Project. [\[20-0059\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

6. Adopt Minutes from the September 25, 2019 and October 2 and 16, 2019 Meetings. [\[20-0060\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0061\]](#)

This item was received as presented.

8. Receive a Report Regarding LED Conversion Options for Outdoor Lighting. [\[20-0062\]](#)

This item was received as presented.

9. Receive Update on the Short Term Rental Task Force. [\[20-0063\]](#)

This item was received as presented.

DISCUSSION

10. Approve On-Street Parking Regulations in the Burch Kove Neighborhood. [\[20-0064\]](#)

Fire Chief Matt Sullivan outlined a temporary solution for Burch Kove neighborhood parking issues. He proposed that on-street parking be limited and that parking permits be given to some residents. He recommended that the Council enact Ordinance 4 to establish those changes, and he described other solutions that might be implemented in the future, if needed.

Council Member Anderson confirmed that the additional parking spaces could be used whenever there was a need to park additional vehicles.

Kimberly Sanchez, executive director at Community Home Trust, thanked the Town for finding a collaborative solution. She verified that clear signage would be posted in the area.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that O-4 be enacted. The motion carried by a unanimous vote.

11. Consider Adopting a Resolution for a Path Forward Process to Further Assess the Greene Tract and a Resolution Authorizing the Town Manager to Execute an Interlocal Agreement for Greene Tract Environmental Assessment Cost Share with Carrboro and Orange County. [\[20-0065\]](#)

Mayor Hemminger said the MMC, mayors, managers and chairs, from Chapel Hill, Carrboro and Orange County, had been trying to clarify terms regarding the Greene Tract in the Rogers Road area. The amended resolution was from Orange County and Carrboro, she said.

Interim Planning Director Judy Johnson explained elements of revised Resolution A, which would authorize an environmental assessment, a memo of understanding (MOU) between the three jurisdictions, and public meetings. She said that the Town of Carrboro and the Orange County Commissioners had both adopted the revised resolution. She noted that revised Resolution A included agreeing to 22 acres of joint preservation, a minimum of 16 acres for a school site/recreation facility, and 66 acres of housing or mixed use.

Ms. Johnson provided background information on Greene Tract discussions since 1972 and displayed a map of the 164-acre tract. She explained that Orange County owned the northern 60 acres and that the three

jurisdictions owned the southern 104 acres jointly. The three jurisdictions were working toward a recombination of the total property that would preserve the most environmentally sensitive area but were waiting for the environmental assessment to inform those boundaries, she said.

Ms. Johnson explained that Resolution B would authorize an interlocal agreement for the environmental assessment (EA). Based on population, Chapel Hill and Orange County would each pay 43 percent of the EA cost and Carrboro would paying 14 percent, she said. The Assembly of Governments would continue discussing the Greene Tract on January 28th and Town staff hoped to lay out a timetable for the process in February, she said. Ms. Johnson recommended that the Council adopt revised Resolution A and Resolution B.

Council Members confirmed that the three jurisdictions had done some preliminary environmental work and that the proposal was for an independent consultant to do a more extensive EA. Ms. Johnson verified that everything would be done with joint collaboration. The Council confirmed with her that it could take three to four months to determine where the environmentally sensitive areas were and that staff could begin to look at access and connectivity after that.

Mayor Hemminger said that MMC members had discussed connectivity but had felt that the EA was needed in order to determine those locations. Town Manager Maurice Jones said that the Assembly of Governments would discuss the timeline at its January 28th meeting. He pointed out that this would be a good opportunity for the Council to provide input.

The Council confirmed with Ms. Johnson that the EA would help determine the beginning stages of a regulatory plan. They also confirmed that the EA would yield information about areas where development could more easily occur. However, the EA alone would not determine where specific buildings, such as a school or housing, should go, Ms. Johnson said.

In response to Council questions, Ms. Johnson explained that it could take up to a year to have the MOU in place. She discussed other aspects of the project such as drafting goals and principles, which staff would be working on in the meantime.

Council Member Ryan confirmed with Mayor Hemminger that revised Resolution A would not prevent joint meetings from occurring even though it states that there would be no further public engagement after the first meeting. Mayor Hemminger explained that the MMC wanted be clear about doing things jointly and did not want each jurisdiction to hold separate meetings and make separate decisions.

Mayor Hemminger said that the MMC would work on goals and outcomes at its next meeting and bring those back to all of the boards. She believed that the MMC would move forward after hearing from the public,

she said.

Miriam Thompson, a local community organizer, thanked the Council for endorsing the EA, which would help inform the Town's goal of protecting the Greene Tract's natural environment.

Abel Hastings and Delores Bailey, members of Neighbors United Around the Greene Tract, thanked the Council for supporting community engagement. They encouraged the Council to continue that in the spirit of "community first planning," and Ms. Bailey urged all to expedite the process.

Council Member Huynh verified with Mayor Hemminger that the Town had proposed working on the environmental assessment and MOU concurrently. That seemed to have gotten some traction at the MMC meeting, Mayor Hemminger said.

Council Members praised staff for including a public engagement session after the EA, and for revising the MOU. Some asked for a quicker timeline for the MOU, but the general consensus was that the process was moving in a good direction.

Mayor Hemminger stressed the importance of including community-driven goals in the process. She said that the three jurisdictions, as owners, did not want to be the developers as well. The MMC would continue to work on elements (such as a regulating plan) that they can show potential partners, she said.

The Council discussed the need to be explicit and intentional in discussions about siting buildings. They stressed the importance of making sure that decisions are informed by the Town's land use planning. They confirmed with Ms. Johnson that the plan was to do a connectivity assessment after the EA, but that it might be possible to do them concurrently. Discussions about the best site plan for all parties would begin after all that information had been obtained, Ms. Johnson said.

Mayor Hemminger praised the community for coming together to work toward solutions. She pointed out that the Rogers Road area had recently been rezoned and that water, sewer, and a community center had been added there. There was more work to do, and the goal was to stay focused and not rehash the past, she said.

A motion was made by Council Member Huynh, seconded by Council Member Schaevitz, that R-6 be adopted as amended. The motion carried by a unanimous vote.

A motion was made by Council Member Buansi, seconded by Council Member Anderson, that R-7 be adopted. The motion carried by a unanimous

vote.

- 12. Authorize the Town Manager to Execute an Amended Interlocal Agreement for Installation of Private Sewer Laterals for Low and Moderate Income Homeowners in the Rogers Road Community.**

[\[20-0066\]](#)

Ms. Johnson introduced an amendment to an interlocal agreement for installing sewer laterals in the Rogers Road Community. She indicated on a map where 3.5 miles of sewer had been installed and explained that the interlocal agreement before the Council was for connecting that to the low-income households.

Ms. Johnson explained that the cost of connecting (estimated at \$8,000 to \$9,000 per household) would be covered for those making less than 80 percent of the area median income (AMI) for the first two years, and half of the cost would be covered in the third year. She said that staff had also been working with Orange County regarding low- or no-interest loans for households over 80 percent of AMI.

Ms. Johnson said that the total project cost was \$220,000, with \$94,600 being Chapel Hill's share. She recommended that the Council adopt a resolution authorizing the Town Manager to execute the agreement.

Mayor Hemminger pointed out that the Council was also being asked to extend the timeline. Only one household had signed up, and staff needed more time to reach out to the community, she said.

Council Members ascertained from Ms. Johnson that the income verification requirement and the \$40 to \$50 monthly sewer bill seemed to be deterrents.

A motion was made by Council Member Anderson, seconded by Council Member Stegman, that R-8 be adopted. The motion carried by a unanimous vote.

- 13. Charting Our Future - Consider Amending the Project Charter.**

[\[20-0067\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers recommended that the Council adopt a resolution amending the project charter to extend the LUMO rewrite schedule to 2024. The resolution also acknowledged the expansion of the FLUM phase of the project and changed the scope to include additional visioning and options for implementing Town goals, she said.

Ms. Duffey Rogers gave a PowerPoint presentation that reviewed the project's history since the Council approved its charter in 2017. She reviewed adopted project goals, outlined three options for Council consideration, and noted that each option would likely require more funding than was included in the original LUMO rewrite budget.

Ms. Duffey Rogers summarized the project schedule and recommended that the Council adopt Option 3, which would extend the project schedule, acknowledge the expansion of the Future Land Use Map phase, and change the scope for rewriting the LUMO to include additional visioning and options for implementing Town goals.

The Council confirmed with Town Manager Jones that additional funds would probably come from the General Fund, which would be discussed during the Council's budget deliberations, he said.

Council Member Stegman asked if there was any way to use what had already been learned to inform the next phase. She asked if strategies could be more targeted so that staff could hear from community groups who do not always comment.

Ms. Duffey Rogers replied that Option 3 would include holding four charrettes on the vision for each focus area. She hoped those charrettes would yield a better vision without repeating what had already been done, she said.

In response to questions from Council Members, Ms. Duffey Rogers said that the Council could direct an amalgamated option that would include aspects of all three. She explained that "visioning exercises" in Option 3 meant the process of defining a "place" in each of the six focus areas. Ms. Duffey Rogers explained that about 1/4 of the \$650,000 cost of Option 3 would be for the charrettes and the remainder would cover text revisions. The Council confirmed with Mr. Jones that costs would be evaluated during the budget process each year.

Most Council Members expressed support for Option 3 and for more community outreach. Council Member Ryan proposed folding the Town's Climate Action Plan into the LUMO rewriting process and Council Member Gu asked to include connectivity as well. The Council praised staff's plan to include 3D modeling in future presentations.

Council Member Schaevitz asked if there was a way to show the Town's climate action goals in the LUMO, and Ms. Duffey Rogers replied that staff was focused on keeping the two projects aligned. She displayed an example of how to include resilient zoning options in Option 3.

Council Members verified that the scope of the engagement strategy would be included in requests for proposals from consultants, and Ms. Duffey Rogers pointed out that \$6,000 would only cover the cost of consultants at meetings. She would continue to bring the engagement strategy to the Council for input at each phase of the LUMO rewrite, she said.

Council Members expressed appreciation to Ms. Duffey Rogers for her work thus far. Mayor Hemminger commented on how the Town had changed the project's trajectory and noted Ms. Duffey Rogers's willingness to help figure out a path forward. Mayor Hemminger encouraged staff to bring things forward that the Council could tweak along the way.

Council Member Huynh expressed reluctance to allocate additional resources for a consultant without having a Town strategy on how to bring missing voices into the process. He recommended obtaining information on best practices and on research regarding diversity that had already been done across the country, rather than hiring a consultant to do that research. He also recommended looking at new tools that could generate many different design scenarios based on quality of life indicators.

Council Member Stegman said that she would not vote in favor of Option 3 because she wanted more time to look at the three options. The Council voted (8-1) to approve Option 3.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-9 be adopted. The motion carried by the following vote:

Aye: 8 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Gu, Council Member Schaevez, Council Member Anderson, Council Member Huynh, and Council Member Ryan

Nay: 1 - Council Member Stegman

14. Receive an Update on the Climate Action and Response Plan.

[20-0068]

Community Resilience Officer John Richardson gave a PowerPoint presentation regarding the Town's Climate Action and Response Plan. He discussed hoped-for outcomes, needed resources, community partnerships, and monitoring/evaluating tools. He said that commercial electricity was the leading source of carbon emissions in Town followed by emissions from UNC. He pointed out that UNC had climate neutrality goals of its own, which aligned with Town goals.

Mr. Richardson explained that the Town's municipal operations were responsible for 2 percent of Chapel Hill's carbon emissions and the community was responsible for the other 98 percent. Electricity was the greatest driver at almost 50 percent, followed by gas and natural gas. Buildings and transportation were the highest contributors at 60 percent and 36 percent respectively, he said.

Mayor pro tem Parker asked why Town statistics differed from national data that showed greenhouse gas being the largest contributor. Mr. Richardson replied that the Town's free-fare bus system could be

responsible for part of that.

Mayor pro tem Parker commented on the information showing commercial real estate generating far more emissions than residential. He wondered about that with respect to the Town's goal of encouraging more commercial development, he said.

Mr. Richardson replied that the discrepancy could be related to the way utilities provide data to the Town. He thought they had lumped institutional in with commercial but would obtain additional information regarding that, he said.

Council Members Huynh and Gu requested additional information on how Chapel Hill's emissions count had been done.

Mr. Richardson discussed sources of municipal emissions by sector and said that the Town's vehicle fleet was the greatest emitter followed by buildings and then by commuting employees. He discussed the effect of having a fare-free transit system and the Town's attempt to reduce fuel emissions by purchasing electric buses. He showed a revised schedule, which included three months of community engagement, and described the staff's strategies for focusing on climate equity and youth engagement.

Mr. Richardson said that the Town's consultant had developed potential areas for action related to buildings, land use, transportation, and resilience. He provided additional information on each of those and said that staff would return with action plans, costs, and information on impacts. Next steps included finalizing the carbon inventory, starting community engagement efforts, beginning to draft the plan, and sharing more through the Town's website, he said, noting that staff would report to the Council again in May 2020.

The Council confirmed with Mr. Richardson that Town and Carrboro staff were meeting regularly and that the Town intended to connect with the Chapel Hill-Carrboro City Schools regarding the youth engagement plan. Mr. Richardson said that staff would try and connect with high school clubs as well, and Council Member Schaevitz recommended contacting the Environment, Ecology, and Energy program at UNC. Council Member Stegman suggested approaching middle schools as well as high schools, and Council Member Huynh requested a copy of the full engagement strategy.

The Council emphasized the need for the Climate Action Plan and LUMO to be closely coordinated. They recommended obtaining more information on best practices and on how a town the size of Chapel Hill could make the most impact. Council Members stressed the importance of getting information out to the public, leveraging UNC expertise, and in engaging young working people as well as local students. Council Member Buansi proposed including demographic questions in the survey. Mayor

Hemminger stressed the need to engage the entire community and to help residents change their behavior.

This item was received as presented.

- 15.** Open the Public Hearing and Consider Applying Town of Chapel Hill Zoning to Property at 7516 Sunrise Road Formerly Zoned by Orange County.

[\[20-0069\]](#)

Principal Planner Corey Liles provided background on a 33.7-acre site on Sunrise Road, which had recently been annexed by the Town and was currently zoned Residential 2 under Orange County. He explained that the state statute dictated that property that had been annexed is under Town zoning regulations.

Mr. Liles proposed that the Council rezone the property to Residential 2, which would be equivalent in name and function to its current zoning. He pointed out that the change would not approve any development on the site. He recommended that the Council adopt Resolution 10 and enact Ordinance A to approve the zoning action.

A motion was made by Council Member Anderson, seconded by Council Member Schaevitz, to close the public hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-10 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Council Member Buansi, that O-5 be enacted. The motion carried by a unanimous vote.

- 16.** Consider Establishing Town of Chapel Hill Fund for Criminal Justice Debt.

[\[20-0070\]](#)

Council Member Stegman introduced a proposal for a Criminal Justice Debt Fund in Chapel Hill. She said that the Town's receipt of revenue from court costs and fees meant that it had been participating in an unjust system that had a disparate impact on the poor and people of color. Court costs and fees created significant barriers for indigent community members who were trying to reintegrate into the community, she said.

Council Member Stegman explained that a broad group of county, state, and local non-profits had been discussing ways to help residents who were being negatively impacted by the disparities in the current criminal justice system. In connection with that, she and Council Members Buansi and Parker were bringing forward a proposal for a debt fund sponsored by the Town, she said.

Attorney James Williams discussed the need for such a program throughout the state and nation. During 41 years of representing indigent clients, he had seen that poverty significantly affects the likelihood that a person will successfully reenter society, he said. He said that state, local and national entities had begun to recognize this as a racial justice issue because costs and fees most directly impact poor people of color. Attorney Williams asked the Council to adopt the proposal, which would help address racial inequities within the system.

Kate Fenhagen, resource director at Orange County Criminal Justice Department, shared information on related efforts that were already underway in the Orange County courts. She said that the Criminal Justice Debt Fund would fill an urgent gap. Some people were working every day but still had outstanding probation fees and/or court costs, she said. Ms. Fenhagen pointed out that even those who did not receive direct funding would benefit from the fund's adjacent services.

Megan Johnson, supervisor at the Chapel Hill Police Department's Crisis Unit, discussed how the fund would provide relief to those who were taking steps to successfully reintegrate into the community but were hampered by debt. The initial request to the Town was for \$20,000 for a one-year pilot program that her Crisis Unit would administer, she said. She explained that a 10-member advisory committee would meet quarterly to review applications and make recommendations. The program was already staffed and ready to begin as soon as the Council approved it, Ms. Johnson said.

Council Member Buansi spoke about his personal experience of growing up in Chapel Hill and becoming a civil rights lawyer after having contact with people who had made sure that others were treated fairly. He noted that the Town had taken actions over the years to help its most vulnerable citizens because it valued empathy, forgiveness, love, inclusion and equality. Council Member Buansi said that the cost of the program would be small compared to the need and the opportunity to inspire others across the state. He asked the Council to seize the moment and do what was right.

Council Members confirmed with Ms. Fenhagen that fines were penalties, but costs and fees were things that could be waived at the court's discretion. They also verified with her that the \$20,000 would go to a fund that the CHPD would administer. Council Member Gu asked about the overhead cost of administering the program, and Police Chief Chris Blue explained that existing staff would administer the pilot and that the demands would be comparable to those for staff liaisons on other boards and commissions. The Council confirmed that the advisory committee would establish metrics for success, which staff would present to the Council when it reports back in six months.

Mayor Hemminger pointed out that the Town had a backlog of 3,000 suspended licenses, and she characterized that as not equitable. She said that Durham County had shown success in holding clinics at different times of the day and that its greatest success had been with law clinics on Sunday afternoons.

Ms. Fenhagen replied that work regarding weekend or evening clinics had already begun in conjunction with UNC's law school.

Mayor Hemminger pointed out that transportation was also an equity issue, and she confirmed with Ms. Fenhagen that some clinics would be held in Town.

Miriam Thompson said that the proposal spoke to the Town's proud history as a human rights city and was an opportunity to be a model for other governmental bodies. She said that the proposed financing methodology, program structure, and accountability were all reasons for the Council to support the proposal.

Reverend Robert Campbell, who ministers to people at Orange County's Corrections Center, said that inmates were concerned about how they would reintegrate into society. He recommended that the Council approve the program and proposed considering community service hours in place of speeding fees.

Attorney Ted Shaw, director of the UNC Center for Civil Rights, discussed how court fees had contributed to the alienation of poor black and brown people from municipal governments throughout the country. The collateral effects of being caught up in the criminal justice system could be called a form of civic death because it made it impossible for individuals to overcome the issues that had gotten them involved in the criminal justice system in the first place, he said. Mr. Shaw stated that he was happy and proud that the Town in which he lived was becoming a leader in regard to racial and economic justice.

Heather Hunt, a researcher with the NC Poverty Research Fund, commended the Council for considering the program and said that criminal justice issues were both causes and consequences of poverty. North Carolina had raised court fees dramatically and had imposed new ones, she said, stating that such fees were really an aggressive tax on those least able to pay.

Council Member Anderson was excused from the meeting at 10:37 p.m. due to a family health issue. She asked to be counted as an affirmative vote on the item.

Council Members praised the effort and thanked all who had put so much effort and thought into it. They noted that the program would be an opportunity for the Town to do the right thing and stressed the importance of making sure that it was well-funded and included in the budget process. Council Member Gu asked the CHPD to keep a record showing how much time and resources were needed to support the program. Council Member Ryan said that the Town should consider at some point whether it wanted a community partner to take the program on.

Council Member Huynh suggested that Council Members reflect on the different levels of scrutiny they had given to a \$652,000 for expansion of the LUMO rewrite project compared to a \$20,000 request to help indigent people of color in the community.

Mayor Hemminger said that a Council primary task was to take in community resources and redistribute those in a way that would best help everyone thrive. She said that being equitable and helping the most vulnerable was a huge part of that. She thanked all for taking the extra time to create a program that could be sustained and that others could build on. Approving that during Martin Luther King Jr. Week was "actually kind of wonderful," Mayor Hemminger said.

A motion was made by Council Member Schaevitz, seconded by Council Member Stegman, that R-12 be adopted. The motion carried by a unanimous vote.

17. FY 2019 Financial Update and Audit Results.

[\[20-0071\]](#)

Council Member Schaevitz left the meeting at 10:49 p.m.

Director of Business Management Amy Oland gave a PowerPoint presentation on the Town's Comprehensive Annual Financial Report for FY 2019. Before she began, she introduced Brandi Fesperman, a senior accountant at Martin Starnes and Associates, who said that the Town had received the highest auditing opinion possible for FY 2019.

Ms. Oland reviewed year-end results for the General Fund, sales tax revenues, Debt Management Fund, and Enterprise Funds (Transit, Parking, Housing and Stormwater). The Town would receive a Government Finance Officers (GFO) award for excellence in financial reporting for FY 2019, she said. Noting that it would be the 34th successive year that the Town had received that award. The Town had also received confirmation of its AAA bond rating, she said.

Ms. Oland summarized the status of each Town fund and noted that the Council would discuss the details in the context of its five-year budget strategy during its March 18th budget work session. She said that next steps in the budgetary process included a Council retreat on January 31st

and February 1st, where the Town's financial advisor would discuss the Capital and Debt Programs. There would be a public budget forum on February 26th and a Budget Work Session on March 18th, she said. Ms. Oland noted that debt issuance tied to the Municipal Services Center was tentatively scheduled for summer 2020.

Mayor Hemminger proposed that the Council discuss new software and other ways to address inspections fees and overages at its retreat. She confirmed with Town Attorney Ralph Karpinos that staff had been looking into removing parking and other fees from the budget ordinance so that those could be changed without having to go through the entire budget process.

Council Member Gu stressed the importance of having a five-year budget plan, and Ms. Oland said that she would give a high level overview of that at the Council's March work session. Council Member Gu confirmed that Ms. Oland would present updated data on General Fund costs and revenues at the upcoming Council retreat.

This item was received as presented.

APPOINTMENTS

18. Appointments to the Board of Adjustment.

[\[20-0072\]](#)

The Council appointed Thomas Grasty to the Board of Adjustment.

ADJOURNMENT

The meeting was adjourned at 11:23 p.m.



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

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 Rachel Schaevitz
Council Member Karen Stegman

Wednesday, February 12, 2020

6:30 PM

Library Room B

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Rachel Schaevitz, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Absent: 1 - Council Member Jessica Anderson

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Assistant to the Town Manager Ross Tompkins, Executive Director for Community Arts & Culture Susan Brown, Library Assistant Director Meeghan Rosen, Special Events Coordinator at Community Arts and Culture Erin Jobe, Transportation Planning Manager Bergen Watterson, Economic Development Officer Dwight Bassett, Public Works Director Lance Norris, Business Management Director Amy Oland, Manager of Engineering and Infrastructure Chris Roberts, Public Art Coordinator Steve Wright, Parks and Recreation Director Phil Fleischmann, Parks and Recreation Assistant Director Linda Smith, Communications Manager Catherine Lazorko, Fire Inspector Chris Wells, and Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

AGENDA ITEMS

0.01 Mayor Hemminger Regarding Mayors, Managers, and Chairs Meeting Regarding Greene Tract.

[\[20-0115\]](#)

Mayor Hemminger opened the meeting at 6:31 p.m. and noted that a closed session would follow. She said that the Mayor, Managers and Chairs would meet on Friday to discuss next steps regarding the Greene Tract.

Council Member Anderson was absent. She was attending to a family

matter, Mayor Hemminger said.

0.02 Mayor Hemminger Regarding Chapel Hill Nine Marker Dedication Ceremony.

[\[20-0116\]](#)

Mayor Hemminger announced that a dedication ceremony for the Chapel Hill Nine street marker would be held at 450 West Franklin Street on February 28th at 4:00 p.m.

0.03 Recognition of Council Member Rachel Schaevitz.

[\[20-0117\]](#)

Mayor Hemminger gave special recognition to Council Member Schaevitz, who would soon be moving to New Zealand for two years. She thanked Council Member Schaevitz for her positive energy, hard work and commitment since joining the Council in December 2017. She read a "Rachel resolution" that noted Council Member Schaevitz's special interest in supporting and expanding the Arts, increasing and preserving affordable housing, connecting UNC students with community efforts, building stronger outreach strategies, and more.

Council Member Schaevitz said that it had been the honor and privilege of her life to serve on the Town Council. She expressed gratitude to her colleagues on the Council and said she planned to return to Chapel Hill.

Mayor Hemminger pointed out that Council Member Schaevitz had been chair of the American Legion Property Task Force. Even though it was very early in that process, the item had been put on the evening's agenda in order to obtain her perspective, Mayor Hemminger said.

1. Discuss the Future Use of the American Legion Property, 1714 Legion Road.

[\[20-0110\]](#)

Assistant to the Town Manager Ross Tompkins gave a PowerPoint presentation regarding property on Legion Road that the Town had purchased for \$7.9 million in 2017-2019. The 36.2-acre tract was zoned Residential 6 and included two buildings, a stream with Resource Conversation District (RCD) buffer, and a pond, he said.

Mr. Tompkins explained that the Council had charged the American Legion Property Task Force (TF) in 2017 to obtain future land use recommendations from the public. The TF had worked with a consultant to develop a public engagement process that had led to a list of development principles, he said. The TF had then been given an additional charge to develop a list of six criteria for development and to rank potential uses, he explained.

Mr. Tompkins said that the TF had received 1,000 responses to a survey it conducted, and that most of those had selected athletic and causal

activity; however, 100 respondents had written in "affordable housing", he pointed out. He said that the TF had expressed interested in advising during a master planning process for the site.

Mr. Tompkins said that an appraisal would give an idea of the property's value, and he noted that there had been some discussion about selling a portion of the site. He recounted how the Council had set aside a potential grant through North Carolina Parks and Recreation Trust fund in 2018. He displayed a map showing where potential uses might connect with each other. Current topics for Council consideration included future uses for the land and whether or not to sell a portion of it for private development, he said.

Mayor Hemminger emphasized that the Council was merely engaging in early thinking and that the public would be more engaged later on.

Council Member Schaevitz, TF chair, thanked TF members for having worked so hard to develop principles. She pointed out that the Town's summer camps and after-school programs were currently over stressed. Indoor space did not only mean basketball courts, she said.

Mayor Hemminger agreed that the Town had a long waiting list and had been trying to find space for its summer camps and other programs. She noted that indoor space could include meeting and art rooms as well.

Council Members confirmed with Mr. Tompkins that an appraisal of \$160,000 per acre had been for space similar to the front part of the property and that there would be close to 28 buildable acres if the pond were removed. They proposed obtaining recommendations from the Town's Parks and Recreation Department and more input regarding currant use of Town facilities.

Council Members verified that staff had a meeting scheduled with the owners of a business that continued to operate on the property. They raised questions about overall visibility and long-term maintenance of the site. They stressed the importance of planning well and having resources to support those plans.

Council Member Schaevitz pointed out that the TF's report included information on possible shared parking strategies. She said that neighbors were not interested in having parking facilities at the site and that the TF had emphasized that there be no access from the adjacent neighborhood.

Mayor Hemminger pointed out that a portion of the property included an embankment/bridge/dam area that was in poor condition. She said that the cost of crossing that RCD would be high. She pointed out that Ephesus Elementary School had expressed interested in connecting to the Town's parcel but was concerned about the Town trying to make an

entrance through its property. She said that the Chapel Hill-Carrboro School System, in general, was interested in any Town effort to accommodate more children. The Council could ask staff for a possible phasing plan, as well as building and maintenance costs, Mayor Hemminger said.

The Council discussed the need to begin determining potential partners and the importance of being able to state the cost of infrastructure and amenities. They confirmed that an environmental analysis had found that the pond could be safely removed but that it would take a while to determine if a stream would then appear. Council Member Schaevitz said that the TF had determined that costs for removing the pond area would be about the same as preserving it.

Council Members expressed support for beginning a public engagement process and evaluating the feasibility and cost of different possibilities, including affordable housing. Some asked for more information about selling the front parcel and some wanted to know more about the potential for a park/open space. Council Members suggested exploring a partnership with an affordable housing provider and some spoke in favor of recreational facilities.

Council Member Buansi asked staff to bring back an inventory of summer camp sites. He also recommended that Town boards and commissions review the TF's work.

Jen Johnson, a Chapel Hill resident, spoke in favor of having a pickle ball facility in the park. She said that pickle ball was good for health, relatively inexpensive, and included a diversity of participants. Pickle ball had the largest number (850) of participants of any sport in Town and had outgrown its courts, she said. Ms. Johnson said that 24 additional courts would be needed to meet projected demand over the next five years. She noted that hosting large tournaments in Town would bring in revenue.

Evette Matthews, representing Community Empowerment Fund (CEF), stressed the need for more affordable housing in Town. She sees people every day who have been transitioned out of shelters and are living in their cars despite working two to three jobs, she said. Ms. Matthews pointed out that CEF had asked early on that affordable housing be built at the Legion Road property. Human life was more important than any of the other interests being considered, she said.

Laurie Paolicelli, representing the Chapel Hill/Orange County Visitors Bureau, said that she received calls every week from athletic associations and groups across the state that wish Chapel Hill still hosted events. She said that recreation was so important that the Visitors Bureau had allocated more than \$50,000 for a company to study what types of sports and fields would be best in Town. Ms. Paolicelli read a summary of a study about how an indoor sports facility would benefit the Town.

Joan Guilkey, a TF member and former member of the Parks and Recreation Commission, recalled how the Parks and Recreation Master Plan had requested that Town buy the Legion Road property for a much-needed community park. She reviewed the history of various Town discussions and implored the Council to follow the Master Plan's recommendation. She and others would continue to work for affordable housing, but there was no other place to put a community park, Ms. Guilkey said.

Mayor Hemminger stressed that the process was in the very early stages. She proposed that the Town's urban designer and staff map out some possibilities. There would be more opportunities to share comments in the future, she said, noting that members of the public were welcome to email Council Members in the meantime.

2. Update on Festivals and Special Events - Process, Policy, Strategy.

[\[20-0111\]](#)

Susan Brown, executive director at Community Arts and Culture, outlined the benefits of festivals and special events and said that those held by the Town included signature festivals, community partner events, and special events.

Erin Jobe, special events coordinator at Community Arts and Culture, described how Festifall, one of the Town's signature events, had been made more local, accessible, and focused on the arts. She described other Town-sponsored events as well and explained how such initiatives were intended to make Downtown more of a destination.

Ms. Brown mentioned a New Spaces/New Partners Program. She described how Community Arts and Culture had made specific changes, such as moving the Town's Fourth of July celebration from Kenan Stadium to Southern Community Park and Southern Village and moving the Food Truck Rodeo from Rosemary Street to Parking Lot 2. She gave examples of a renewed Town focus on decreasing waste and promoting environmental stewardship.

Ms. Jobe described new efforts and tools for streamlining the outdoor event permitting process. These included online applications for third parties wanting to hold events in Town, she said.

Meegan Rosen, assistant director at Community Arts and Culture, reviewed a draft marketing partnership policy that would guide staff when engaging with marketing partners. These partnerships must advance the Town's mission, align with Town values, benefit the Town, and be governed by written agreements that define roles and responsibilities, she said.

Several Council Members inquired about the proposed statement regarding Community Arts and Culture not entering into a marketing partnership with an agency whose primary function was to promote a particular religion. Ms. Brown explained that an interdepartmental marketing review team would participate in such decisions and that final authority would rest with the Town Manager. Council Members agreed that more discussion regarding that aspect was needed, and Council Member Ryan encouraged Community Arts and Culture to work with the Town Manager's office on a policy with which all would be comfortable.

Ms. Rosen said that the policy would also prohibit the Town from entering into a marketing partnership with an agency whose business was primarily derived from alcoholic beverages, if the event's audience were primarily children.

Mayor Hemminger recommended adding guns to the list of things that could not be marketed. Council Member Schaevitz urged Community Arts and Culture to reduce plastic, to not permit cars at events, and to reconfigure the parade in a greener way.

Town Manager Maurice Jones replied that there were opportunities to see what other communities were doing to make their parades more environmentally friendly.

Mayor Hemminger praised the effort to make the process more streamlined and understandable. She emphasized the importance of maintaining a focus on bringing diverse cultures together and expressed that inclusivity was one of the Town's goals. She stressed the need to reach out and find ways of getting people to events who might not otherwise be able to attend. Mayor Hemminger asked that the positive changes in advertising strategy and the environmental initiatives be coupled with efforts to reach the entire community.

3. Receive Update on Elliott Road Extension Design and Construction.

[\[20-0112\]](#)

Transportation Planning Manager Bergen Watterson gave an update on the Elliott Road Extension project design, construction and funding. She said that the project was one of several transportation improvements associated with the 2011 Ephesus/Fordham Small Area Plan (SAP) and that Phase I had been completed in 2016-2017. The Elliott Road Extension (Phase II) would distribute trips more evenly and take traffic off Ephesus Church Road and the Ephesus Church/Fordham Intersection, she said.

In a PowerPoint presentation, Ms. Watterson showed the location of planned improvements. She said that the Council had seen 25 percent

plans in April 2018, and had discussed changes that the Park Apartments developers had requested. At that time, the Council had approved a resolution that included desired design elements. The Council had also authorized the Town Manager to proceed with 100 percent design plans, which should be completed soon, she said.

Ms. Watterson explained that costs had increased since the Council approved a borrowing plan in 2014. Staff had received new numbers the previous day, but they needed to negotiate with the developer before presenting those to the Council, she said.

Director of Business Management Amy Oland presented information regarding financing changes that the Town had made since the Phase II budget was originally projected. Those changes included having to use some of the projected funds for the Greenfield Commons project and the Hamilton Road Fire Station, she said. As a result, the Town currently had about \$1 million less than it had originally planned for the Phase II project, she said.

Ms. Watterson stressed the importance of the Elliott Road Extension project. She said that transportation plans for the area would not operate at full capacity unless all of the improvements were made.

Ms. Oland proposed a couple of possible options: 1) delay the timing of debt issuance for the Town's Municipal Services Center by at least a year; 2) look at the timing of debt issuances on other capital projects in relation to the Town's five-year funding plan. She also pointed out that large projects would be coming on line next year and that those could help fund the gap. She would return to the Council in a couple of weeks with more concrete information, Ms. Oland said.

Council Members discussed what information they would like to see in Ms. Oland's future presentation on the funding gap. They noted that the NC Department of Transportation (DOT) would help by providing funds, since the project had not scored well with them. The Council confirmed with Ms. Oland that using tax increment financing was not an option because of the project's timing. They verified that a roundabout was part of the Elliott Road Extension project.

Council Member Huynh announced an Art for Therapy Institute event at Top of the Hill on Sunday, February 9th.

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

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that the Council enter into closed session as authorized by General

Statute Section 143-318.11(a)(4) to discuss an economic development matter. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 9:07 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session at 9:54 p.m.



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

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

Wednesday, February 19, 2020

7:00 PM

RM 110 | Council Chamber

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Jessica Anderson, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Don Bradley, Fire Inspector Greg Peeler, Communications Manager Catherine Lazorko, Economic Development Officer Dwight Bassett, Business Management Director Amy Oland, Senior Planner Kari Grace, Principal Planner Corey Liles, Economic Development Specialist Laura Selmer, LUMO Project Manager Alisa Duffey Rogers, Urban Designer Brian Peterson, Community Safety Planner Meg McGurk, Police Chief and Executive Director for Community Safety Chris Blue, and Deputy Town Clerk Amy Harvey.

OPENING

0.01 Successes Video: Census 2020.

[\[20-0143\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. and introduced a Celebrating Successes video about the 2020 Census. She said that more information was available in multiple languages at www.2020CENSUS.gov or www.orangecountync.gov/2020census.

0.02 Mayor Hemminger Regarding Town Attorney Retirement.

[\[20-0144\]](#)

Mayor Hemminger announced that Town Attorney Ralph Karpinos would be retiring after 34 years of service. She said that he was the longest serving municipal attorney in North Carolina, and she expressed gratitude for his dedication, energy and passion. The Council would honor Mr. Karpinos at a later date and would start conducting a search for his replacement, she said.

0.03 Mayor Hemminger Regarding Council Member Schaevitz

[\[20-0145\]](#)

Resignation and Vacancy.

Mayor Hemminger noted that former Council Member Rachel Schaeviz would be traveling to New Zealand for two years. The Town would notice that vacant Council seat in the newspaper and set a deadline for how long to keep the application period open, she said.

The Council unanimously agreed to leave the application period open for 30 days, and Mayor Hemminger pointed out that they had previously discussed reducing the number of Council seats from 9 to 7. They would address that again during the process.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, to leave the application period for the Council vacancy open for 30 days. The motion carried by a unanimous vote.

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. Steve Moore Request Regarding Cemetery Needs.

[\[20-0122\]](#)

A motion was made by Council Member Anderson, seconded by Council Member Buansi, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

1.01 Mayor Hemminger Request Regarding Expanding Land Use to Include Experiential Retail.

[\[20-0146\]](#)

Mayor Hemminger pointed out that there was no category in the Town's Land Use Management Ordinance for uses such as experiential retail to be considered for Downtown. Approving the petition would start a process that would include a public hearing and consideration by Town boards and commissions, she said.

Matt Gladdek, executive director of the Downtown Partnership, urged the Council to capture the opportunity quickly. He said that a lease had been signed for an escape room in a Downtown space which had been vacant for several years.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

ANNOUNCEMENTS BY COUNCIL MEMBERS

ANNOUNCEMENTS BY COUNCIL MEMBERS

1.02 Mayor Hemminger Regarding Winter Weather.

[\[20-0147\]](#)

Mayor Hemminger said that the Town was prepared for predicted snowfall and would provide updates on weather conditions.

1.03 Mayor Hemminger Regarding East Rosemary Street Project Public Information Meeting.

[\[20-0148\]](#)

Mayor Hemminger announced a public information meeting regarding the East Rosemary Street Project at Top of the Hill on February 27th from 6:00 p.m. to 8:00 p.m.

1.04 Mayor Hemminger Regarding Climate Partner Summit.

[\[20-0149\]](#)

Mayor Hemminger said that the Town would hold a Climate Partners Summit at the Chapel Hill Public Library on February 28th from 8:30 a.m. to noon. The purpose would be to discuss how ongoing work intersected with the Town's climate action plan and to request help with a public engagement process, she said.

1.05 Mayor Hemminger Regarding Clean Tech Summit.

[\[20-0150\]](#)

Mayor Hemminger said that a UNC Institute for the Environment meeting would be held at the Friday Center on February 27th and 28th and would be one of the largest in the South.

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.

Approval of the Consent Agenda

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items.

[\[20-0123\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

3. Approve a Contract Extension for Audit Services Contract for Fiscal Year 2019-20.

[\[20-0124\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

4. Approve the Annual Percent for Art Plan. [\[20-0125\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

5. Call for a Public Hearing for April 1, 2020 to Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way of Monroe Street. [\[20-0126\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

6. Adopt Minutes from February 06, 2019 and October 30, 2019 and November 13 and 18, 2019 Meetings. [\[20-0127\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0128\]](#)

This item was received as presented.

DISCUSSION

8. Consider Proposed East Rosemary Downtown Redevelopment Project. [\[20-0129\]](#)

Town Manager Maurice Jones presented a proposal to redevelop property in the Town's Opportunity Zone in the Downtown area. He said that Grubb Properties had offered to exchange its property on Rosemary Street with Town property that included the Wallace Parking Deck. Grubb would then construct a 1,100-space parking garage and a 200,000 square-foot wet lab/office building, he said. He pointed out that an office building associated with the proposal could attract up to 800 new jobs and become an innovation hub in Town.

Mr. Jones discussed potential challenges, such as traffic and cost, and said that the Town would need to support a \$28 million bond for construction. He pointed out that the project could generate revenue to help pay off the debt. The Town's goal would be to make the Parking Enterprise Fund self-sufficient, Mr. Jones said, and he recommended that the Council authorize him to draft a non-binding memo of understanding (MOU) with Grubb Properties and return to the Council on March 4th with that for further discussion.

Economic Development Officer Dwight Bassett provided additional details on the proposed development. He said that it would consolidate parking to support new and existing businesses and create jobs downtown. The

proposed scenario would allow UNC to reserve the right to 100 spaces to support a new admissions building in the development, he said, and he noted the potential benefits of keeping UNC researchers in Town. Mr. Bassett outlined a potential project schedule from March 2020 to September 2021.

Clay Grubb, CEO of Grubb Properties, described the project's vision and design and presented renderings of how it could look. He described a sense of urgency because many of the "Opportunity Zone" tax benefits would expire in 2021. Mr. Grubb pointed out that he had been developing projects in Chapel Hill since 1978.

Michael Stevenson, an architect with Perkins and Will, showed additional sketches and details of the vision for transforming Porthole Alley, breaking down parking deck mass, and creating a large sidewalk along Rosemary Street with recessed bays that would allow retail, artist stalls, food trucks, and more. Mr. Stevenson discussed security features, lighting, photovoltaic rooftop arrays, bike-parking facilities, step-backs, greenspace, and streetscape improvements. The proposed development would significantly transform Rosemary Street, he pointed out.

Director of Business Management Amy Oland estimated the project cost to be \$28.166 million, with parking deck construction being \$24.2 million of that. She reminded the Council that McAdams Engineering had previously estimated that designing and constructing parking would cost \$22,000 per space. The estimated demolition, construction management, land purchase fees would amount to approximately \$1.2 million, \$1 million and \$1.75 million, respectively, she said.

Ms. Oland pointed out that the Town had approved a bill in 1983 that allowed it to participate in capital economic development projects that enhance economic development and revitalize the Town. A contract could provide that the developer be responsible for construction of the entire project if it meets certain criteria, she said. She gave reasons why having the developer construct a parking deck on behalf of the Town made economic sense and said that McAdams Engineering would provide an opinion of probable cost and would help oversee the project.

Ms. Oland proposed that the Council consider increasing the Town's parking deck rate from \$1.00 to \$1.50 per hour and its leased parking rate from \$115 to \$125 per month. Doing so could yield \$70,000 after the first year, she said. She pointed out that being able to demonstrate that the Parking Fund could be self-supporting would enhance the Town's ability to borrow money. Ms. Oland said that the Town would need to issue debt in fall of 2020 in order to reimburse Grubb Properties while it constructed the deck.

Mayor Hemminger confirmed with Mr. Jones that he would bring a parking fee strategy and schedule for Council consideration on March 4th. Other Council members confirmed with Mr. Bassett that estimates being given were conservative. The goal was to be self-sustaining and the Town probably would break even if construction cost for each parking space increased to \$25,000, Mr. Bassett said. The Council also confirmed that gains from investment in the Opportunity Zone would be tax free if the investor sold it at the end of a 10-year period. They ascertained that a traffic impact analysis would be conducted.

The Council confirmed that issues such as who would maintain greenspace would be addressed during MOU discussions. The Council verified that amenities, such as rooftop solar, would add cost but that staff was exploring partnerships and possible tax credits to attract private investment. The Council confirmed that staff was continuing to move in the direction of shared parking but needed a better mix of residential and office use in order to achieve that. They also confirmed that Mr. Grubb intended to work with the Town's Transportation Department to determine how the roadway might include bike lanes.

The Council verified with staff that a maximum of 200 parking spaces would be reserved for the office building, with 100 of those being for a UNC Admissions Office. They confirmed that the appraised value of the parcels to be swapped was approximately the same and that there had been conversations regarding possibly purchasing other adjacent land.

Council Members verified that a \$1.4 million balance owed on the Wallace Deck would be paid off in December 2023 but did not need to be paid off in order to complete the land swap.

Mayor Hemminger recommended that Council Members put their detailed financial questions in writing so that all Council Members would have the same information. She noted that, if the Council chose to move forward with the MOU, other items for consideration might include having office space for Parking Services staff, installing public restrooms in the new deck, and making the deck more environmentally friendly. Those items would add cost and reduce the number of parking spaces, she pointed out.

Mr. Gladdek said that 90.1 percent of the 9.3-acre area was currently dedicated to cars. The proposed development would dramatically change the quality of Rosemary Street, he pointed out.

Joel Curran, UNC Vice Chancellor for Communications, reaffirmed the University's commitment to downtown Chapel Hill and emphasized the importance of having a vibrant area for faculty, students, staff and the greater Chapel Hill community. He expressed enthusiasm for the opportunity to have a wet lab and work space in such close proximity to

UNC's campus, and said that the University would continue to work with Town staff on the project.

Gordon Merklein, UNC Associate Vice Chancellor for Real Estate, lauded the opportunity to bring UNC's Admissions Office to the site and to partner with the Town for 100 parking spaces. He said that UNC incubated businesses would be able to remain in Chapel Hill and expressed excitement that someone of Clay Grubb's caliber and experience had come forward with such a project.

Judith Cone, UNC Vice Chancellor for Innovation, Entrepreneurship and Economic Development, pointed out that Launch Chapel Hill, a start-up accelerator that was a joint Town/UNC/Orange County/private donor venture, had been wildly successful. In that small space, 113 companies had been incubated and Launch had raised \$35.8 million, she said. Ms. Cone said that some of those businesses had gone elsewhere due to a lack of space for them to expand in Town.

Katie Loovis, Vice President of External Affairs at the Chapel Hill-Carrboro Chamber of Commerce, urged the Council to move forward with the MOU. She said that the proposal was a very exciting vision that would make the community more vibrant. Ms. Loovis asked the Town to take care to not hinder existing businesses if the project were to go forward.

Geoff Green, a Chapel Hill citizen, urged the Council to authorize the MOU but to be skeptical about numbers being presented. He questioned whether \$22,000 per parking space was realistic when Council Members were already talking about adding items such as bathrooms onto the project. Mr. Green urged the Council to think carefully about whether the project would be the best use of Town funds.

All Council Members expressed support for the project, that Mayor Hemminger and Mayor pro tem Parker characterized as a big, bold step. Mayor Hemminger pointed out that more than \$2.4 million had already been slated for merely stopping the Wallace Deck from leaking. She said that constructing a wet lab was many times more expensive than regular office space, but that being in an Opportunity Zone would allow the builder to recapture some of that cost. Mayor pro tem Parker predicted that the new building would be a magnet that would draw new entities and capital to Town.

Other Council Members expressed support for the project and excitement about the prospect of enlivening Rosemary Street. However, some wanted to see more conservative financial numbers and additional information about traffic flow and details about street/greenspace maintenance. They asked about the possibility of including affordable office space. They wanted to be sure the project would not limit the Town's ability to use

debt capacity for other priorities, such as affordable housing and parks. It was critical that the Parking Enterprise Fund be self-sustaining, Council Members said, and they emphasized the need to protect existing businesses during construction.

A motion was made by Council Member Huynh, seconded by Council Member Anderson, that R-6 be adopted. The motion carried by a unanimous vote.

**9. Consider a Land Use Management Ordinance Text Amendment
- Proposed Changes to Section 3.11 Regarding Massing and
Permeability in the Blue Hill District.**

[20-0130]

Principal Planner Corey Liles gave a PowerPoint presentation on proposed text amendments (TAs) regarding massing and permeability in the Blue Hill District (BHD). He explained that the TAs were in response to a March 2018 petition from Council Members that asked for ways to reduce building mass and size.

Consultant Tony Sease, of Civitech, said that the proposed TA changes addressed the following: 1) New design requirements for pass-throughs to increase permeability and to ensure that priority is given to pedestrian usage; 2) A provision to exempt townhouse projects of a certain size, overall project size of 60 units or half of units less than 1,800 square feet, from a minimum commercial space requirement; 3) Allow 50 percent parking reduction for projects with at least 25 percent residential and 25 percent commercial space; 4) Allow a CDC design alternative for reducing the structured parking setback for all levels of a standalone parking deck but only where Type A frontages are not being used; and to 5) Allow 4-story buildings to have a full floor plate on all floors rather than being required to reduce them above the third floor.

Mr. Liles and Mr. Sease responded to advisory board comments regarding building height and mass. They reported that the Planning Commission had been in favor of the proposed TAs, which addressed the final component of a March 2018 petition from Council. Mr. Liles recommended that the Council close the public hearing, adopt Resolution 7, and enact Ordinance A to amend a section of the Land Use Management Ordinance (LUMO).

In response to questions from Council Members, Mr. Sease explained that recommendation 5 regarding 4-story buildings would provide simplicity for some developers while not being detrimental to the character of the urban street space. He said that diversity was generally considered to be a good thing and the TA would be most beneficial to smaller buildings.

The Council and staff discussed the pros and cons of wrapped parking and Mr. Sease confirmed that such "Texas donuts" would still be allowed because of the nature of the remaining undeveloped parcels in the BHD.

The Council expressed concern about exempting some townhome projects from the minimum commercial space requirement, and Mr. Sease replied that smaller scale stacked or even standard townhomes would not be feasible if the builder were burdened with figuring out how to make the 10 percent commercial space requirement work.

The Council and Mr. Sease discussed projects with 60, 80 and 100 townhomes and talked about where 12,000-15,000 square feet of commercial space might go in a small project. They confirmed with Mr. Sease that completely eliminating the minimum parking requirement for smaller projects could be an option.

Council Members asked about parcels along Elliott Road that had been omitted from BHD rezoning so that they could be used for affordable housing. Mr. Sease replied that there had been an increased understanding that zoning and density bonuses alone were not sufficient to move affordable housing projects into the realm of viability.

The Council confirmed that Mr. Sease's proposal to exempt 1800 square-foot townhomes from the commercial requirement stemmed from a desire to have a mix and a concern that being too constraining would make that option not viable. In response to a Council Member's suggestion, he said that 1600 square feet had been deemed not viable. Mr. Sease said that eliminating the minimum parking requirements for projects below a certain size would make smaller projects more easily achievable.

Council Member Huynh confirmed with Mr. Sease that 1,800 square feet did not fall into a "micro" townhome category that had previously been presented. He then ascertained from Mayor Hemminger that some people referred to 4-story buildings as "human scale" because pedestrians feel as though they can see over them from the street.

Council Member Huynh asked that the Town refrain from saying there was "broad community acceptance" of 4-story buildings when there was no data to support that.

Town Manager Jones replied that staff had consistently heard a preference for 4-stories during Future Land Use Map community discussions.

Urban Designer Brian Petersen said the proposed measures would achieve more permeability and would break down the scale of some buildings. Wrapped parking was an ineffective way of constructing a building, and the tunnel option led to long, poorly-proportioned spaces, he said. He said that breaks between buildings should be pleasant public ways that lead into mid-blocks.

Mr. Petersen pointed out that townhome developers were not experts at including commercial space and said that it would be difficult to fit

commercial space in, except as a corner store or maybe a standalone building if it's a large project. As a general concept, better urban design is achieved when a large project is broken down into smaller pieces with a variety of developers and architects involved, he said.

The Council discussed whether a corner store might be a good commercial fit with townhomes, and Mayor Hemminger pointed out that there were commercial options other than standalone buildings or stores. Commercial condos such as doctors' offices that look like townhomes already existed in Town, she said.

Susanna Dancy, Community Design Commission (CDC) chair, said that not all CDC Members had endorsed the idea of eliminating parking requirements. There had been a diversity of opinion about many things but unanimous agreement that the proposed TAs would not fix the problem of the Berkshire building, which would still be allowed, she said.

Mayor Hemminger asked if recent new requirements for 6 percent ground-level public space and regulations on block length had made a difference to the CDC.

Ms. Dancy replied that the ordinance still allowed buildings of a significant size. The CDC had been told that large dimensions were still allowed because the Council wanted to allow Texas donuts, she said. Ms. Dancy said that the CDC had unanimously stated that it did not think the proposed TAs addressed the issues that had been raised regarding massing and permeability.

Speaking as a citizen/developer, Ms. Dancy said it would be difficult to make money on 1800 square-foot townhomes. She cautioned the Council to be aware that constraining something too much could prevent it from happening at all.

Scott Radway, of Radway Design Associates, pointed out that a Chapel Hill North development included first floor flats with two townhomes above them, and recommended that the Council not eliminate that option. He suggested that the Council approve 5 floors, rather than 4. Survey respondents who preferred 4-story buildings represented less than 1 percent of the Town's population, he said. Mr. Radway recommended increasing the number of townhomes from 60 to 80 or 100 and the townhome size from 1,800 to 2,000 square feet.

Mayor Hemminger explained that the Council could vote on each of the five items individually or for all of them as a group.

Some on the Council said that their petition had not been met regarding affordable housing, Texas donuts, ways to incentivize townhome development, the number of units that would trigger commercial, and the right proportion of commercial development related to scale. They

decided to enact the ordinance without Section 12 and to continue the hearing on that section to April 22, 2020.

Mayor Hemminger suggested that the Council petitioners and CDC Members talk through what was still lacking.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, to continue the Public Hearing for section 12 to April 22, 2020 and recess the hearing for all other sections. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that R-7 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that O-1 be enacted as amended. The motion carried by a unanimous vote.

- 10. Consider a Land Use Management Ordinance Text Amendment**
- Proposed Changes to Section Articles 3 and 4 Pertaining to Conditional Zoning.

[\[20-0131\]](#)

Senior Planner Kari Grace presented LUMO text amendment changes related to conditional zoning (CZ). She gave a brief history of the CZ process and compared that to the Special-Use Permit process. She said that the proposed TA would create a path within the LUMO that would allow multi-family developments to follow a CZ process.

Ms. Grace outlined the objectives of the TA's components: 1) To allow a CZ path for multi-family development; 2) To provide concept plan review consistency; and, 3) To clean the ordinance up related to CZ. She recommended that the Council close the public hearing, adopt the Resolution of Consistency, and enact O-A.

A motion was made by Council Member Huynh, seconded by Mayor pro tem Parker, to close the public hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Huynh, seconded by Council Member Anderson, that R-9 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Huynh, seconded by Council Member Anderson, that O-2 be enacted. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 10:36 p.m.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 18., **File #:** [20-0581], **Version:** 1

Meeting Date: 9/9/2020

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.

September 9

- Open a Public Hearing and Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project.
- Open a Public Hearing and Consider Exchanging 150 E. Rosemary for 125 and 135 E. Rosemary to Support the East Rosemary Redevelopment Project and Parking Deck.
- Open the Public Hearing: Application for Special Use Permit - Christ Community Church, 141 Erwin Road (Project #19-119).
- Open the Public Hearing: Application for Special Use Permit Minor Modification-Charterwood, 1701 Martin Luther King Jr. Blvd.

September 30

- Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project.
- Open the Public Hearing to Consider Text Amendments that Expand Opportunities for Special Use Permit Applications to be considered under Conditional Zoning Review.
- Open the Public Hearing and Consider an Application for Conditional Zoning at 125 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD)

October 7

- Consider an Application for Special Use Permit - Christ Community Church, 141 Erwin Road (Project #19-119).
- Consider an Application for Special Use Permit Minor Modification-Charterwood, 1701 Martin Luther King Jr. Blvd.
- Open the Public Hearing and Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way on Monroe Street
- Open a Public Hearing for a Land Use Management Ordinance Text Amendment to Section 5.14.4 Pertaining to Signs Exempt from Regulation
- Open the Public Hearing for a Land Use Management Ordinance Text Amendment to Table 3.7-1: Use Matrix Pertaining to Allowed Uses in Planned Development-Mixed Use (PD-MU).

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
06/10/2020	Community Design Commission	Request to Create a Downtown Design District.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
05/20/2020	Parks, Greenways, and Recreation Commission	Request to Designate all 36.2 Acres of the American Legion Property for Use as a Community Park.	Town Manager Ross Tompkins , 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.
05/20/2020	Elaine McVey	Request to Amend the Land Use Management Ordinance Related to Deer Fencing.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
05/20/2020	Phil Post	Regarding Christ Community Church Public Hearing Process.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
05/20/2020	Planning Commission	Request Regarding Payments in Lieu for Pedestrian/Biking Improvements.	Planning & Development Services Judy Johnson , 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
02/26/2020	Bayberry Drive Residents	Request to Amend the Water and Sewer Management, Planning, and Boundary Agreement to Allow Water and Sewage Services to Their Lots.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is working with the other agencies on a WASMPBA amendment, which would need to be approved by the agencies' boards, including the Town Council.
02/26/2020	Carlisle Willard	Request Regarding Proposed Anti-Corruption Resolution.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.
02/26/2020	Lillian Pierce	Request to Abandon Bicycle/Pedestrian Easement at 205 Huntington Way.	Parks & Recreation Phillip Fleischmann , Director Parks and Recreation Phone: 919-968-2785 Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff has reviewed this request and will follow up with options for taking action.
02/19/2020	Steve Moore	Request Regarding Cemetery Needs.	Parks & Recreation Phillip Fleischmann , Director Parks and Recreation Phone: 919-968-2785 Communications & Public Affairs Sabrina Oliver , 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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
02/19/2020	Mayor Hemminger	Request Regarding Expanding Land Use to Include Experiential Retail.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	At their 06/24/20 meeting, Council enacted LUMO Text Amendments permitting this use in the Town Center Zoning Districts.
01/08/2020	Parks, Greenways, and Recreation Commission	Request for Park Maintenance Funding.	Parks & Recreation Phillip Fleischmann , Director Parks and Recreation Phone: 919-968-2785	This request will be considered as part of the Fiscal Year 2020-2021 budget development process.
01/08/2020	Beth Waldron	Request Regarding Revising the Deer Management Program.	Parks & Recreation Phillip Fleischmann , Director Parks and Recreation Phone: 919-968-2785 Police Chris Blue , Police Chief Phone: 919-968-2766	Staff is preparing information to respond to this request.
01/08/2020	Renuka Soll	Request for an Improved Petition Process.	Town Manager Ross Tompkins , 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	Request Regarding Local & Regional Transit Planning.	Transit Brian Litchfield , 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	Request Regarding Government Transparency.	Technology Solutions Scott Clark , CIO Phone: 919-968-2735 Communications & Public Affairs Sabrina Oliver , 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	Request Regarding Neighborhood Preservation.	Police Chris Blue , Police Chief Phone: 919-968-2766 Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
06/26/2019	Community Design Commission	Request for Modifications to the Concept Plan Review Process.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	At their 06/05/20 meeting, the Council Committee on Economic Sustainability received a staff update on modifying the Concept Plan process.
06/26/2019	Julie McClintock	Request Regarding the Blue Hill Form Based Code.	Planning & Development Services Judy Johnson , 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	Request Regarding Neighborhood Conservation District Ordinances.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
04/17/2019	Amy Ryan for Planning Commission	Commission Regarding Site Plan Review Process.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
03/20/2019	Cheri Hardman	Request to Explore Local Control over Transit Planning and Funding.	Transit Brian Litchfield , Transit Director Phone: 919-969-4908	The public comment period for the FY20 Work Plan closed 05/30/19. The Town also submitted a funding request for North South BRT project from the Orange County Transit Plan; all of the governing bodies (Orange County, GoTriangle, and DCHC MPO) approved it.
03/06/2019	Environtmental Stewardship Advisory Board	Request to Modify the Blue Hill Form Based Code to Include a Requirement for Installing Roof-Mounted Solar Energy Systems	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078 Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	As discussed at the 04/24/19 Council meeting, staff will develop options aimed at achieving the Council's energy efficiency goals for new development.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
02/13/2019	Citizens	Request Regarding Coal Use and Coal Ash.	Town Manager Ross Tompkins , 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.
02/13/2019	David Adams and Julie McClintock	Regarding Evaluation of Town Transportation Needs.	Transit Brian Litchfield , Transit Director Phone: 919-969-4908 Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	The Town's request for an additional \$8 million from the Orange County Transit Plan for the North South Bus Rapid Transit Project was approved by the OC Board of Commissioners, the GoTriangle Board, and the DCHC MPO.
01/16/2019	John Morris	Regarding GoTriangle Meetings and Materials.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078 Transit Brian Litchfield , Transit Director Phone: 919-969-4908	Staff is preparing information to share with GoTriangle.
12/05/2018	Paul Pritchard	Request to Defer Reforestation at Cleland, Rogerson, and Oakwood Intersection.	Parks & Recreation Phillip Fleischmann , Director Parks and Recreation Phone: 919-968-2785	This topic was added to the 01/15/19 agenda of the Parks, Greenways and Recreation Commission, with time allocated for the neighbors to speak. Another public meeting will be scheduled later in the year.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
10/24/2018	Justice in Action Committee	Request Regarding a New Location for the Teen Center of Chapel Hill.	Housing & Community Loryn Clark , Executive Director Phone: 919-969-5076 Community Arts and Culture	A staff workgroup, in coordination with the Mayor's Office, has been gathering data and seeking input from teens, service providers, and other stakeholders. The Council received an update on this initiative at their 01/30/19 business meeting.
10/24/2018	Jeff Charles	Regarding Extended Speaking Time for Individuals with Disabilities.	Mayor Pam Hemminger , Mayor Phone: 919-968-2714 Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff met with the petitioner and will update the "Comment at Council Meetings" web page to clarify the Town's willingness to extend speaking time and how to request this extension.
10/10/2018	Jeff Charles	Regarding Creating Citizen Advisory Board for Seniors.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	The petitioner is representing the Town on Orange County board and will provide updates to the Town as needed.
09/19/2018	Julie McClintock of CHALT	Regarding Land Use Intensification.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078 Public Works Lance Norris , 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	Transportation and Connectivity Advisory Board Request for an Electric Vehicle Provision in the Land Use Management Ordinance.	Planning & Development Services Judy Johnson , 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	Request to Amend Bus Advertising Policy.	Transit Brian Litchfield , 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	CHALT's Request to Revise the Tree Ordinance.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
06/13/2018	Mayor Pam Hemminger	Regarding Reviewing Policies, Procedures, and Practices for Development.	Planning & Development Services Judy Johnson , 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	Request Regarding Addressing Blue Hill District Community Interests.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Council enacted ordinance amendments to improve outcomes for stormwater management and affordable housing, to encourage non-residential development, and to address building size. Council will consider amendments to address building massing on 02/19/2020.
09/06/2017	Tom Henkel from the Environmental Stewardship Advisory Board	Request for Modification to the Ephesus-Fordham Form-Based Code for the Purposes of Energy Efficiency.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Where feasible, modifications will be considered as part of the development process for the Blue Hill Design Guidelines.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
01/23/2017	Transportation and Connectivity Advisory Board	Request to Support Low/No Vision Guidelines to be Included in the Town's Engineering Manual as Stated in the April 11, 2016 Petition to Council	Public Works Lance Norris , Public Works Director Phone: 919-969-5100 Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Request incorporated into process to update Public Works Engineering Design Manual.
11/07/2016	Mayor Hemminger	Regarding Parking and Transit Needs in Downtown Area.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078 Police Chris Blue , Police Chief Phone: 919-968-2766 Public Works Lance Norris , Public Works Director Phone: 919-969-5100	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.
05/09/2016	Stormwater Management Utility Advisory Board	Request for Orange County Commissioners to Increase Staffing in Soil and Erosion Control Division and Improve Efficiency of Temporary Soil Erosion and Sediment Controls During Construction.	Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Petition forwarded to Orange County. Consider changes to soil erosion and sediment control as part of Public Works Engineering Design Manual updates.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
04/11/2016	Transportation and Connectivity Advisory Board	Request to Incorporate Proposed No-Vision and Low-Vision Pedestrian Facilities Guidelines into Design Manual and Development Code as Required	Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Request incorporated into process to update Public Works Engineering Design Manual.
04/11/2016	Transportation and Connectivity Advisory Board	Request for Senior Citizen Pedestrian Mobility and Complete Street Implementation	Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Request incorporated into process to update Public Works Engineering Design Manual.

Last modified on 9/4/2020 3:15:05 AM



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 20., File #: [20-0583], Version: 1

Meeting Date: 9/9/2020

Consider a Structure for the Task Force on Developing New Community Approaches to Improve Racial Equity and Safety.

Staff:

Chris Blue, Chief and Executive Director for Community Safety
Loryn Clark, Executive Director for Housing and Community

Department:

Police Department
Housing and Community

Overview: The purpose of this memorandum is to provide an update on actions taken in response to the resolution that Council adopted on [June 24, 2020 <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4577151&GUID=005FFCE6-9A14-48FD-B216-80651ADFA6DA&Options=&Search=>](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4577151&GUID=005FFCE6-9A14-48FD-B216-80651ADFA6DA&Options=&Search=>). The Council requested that staff provide information on the following:

- Establishing a Town webpage that depicts relevant Chapel Hill Police Department data, policy changes in support of racial equity and concerns about appropriate uses of force, and a breakdown of CHPD budgetary expenditures
- Drafting a structure and charge for a Task Force on New Community Approaches to Improve Racial Equity and Safety



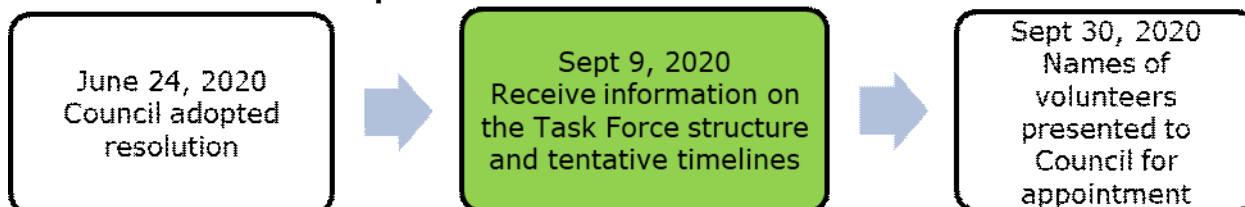
Recommendation(s):

That the Council receive this information, establish a Task Force on Developing New Community Approaches to Improve Racial Equity and Safety, and approve a charge for the Task Force's efforts.

Decision Points:

- Consider a structure and charge for the Task Force on Developing New Community Approaches to Improve Racial Equity and Safety
- Approve composition and role of members to the Task Force
-

Where is this item in its process?



Attachments:

- Resolution
- Staff Memorandum with Task Force Charge with GARE Process
- Resolution adopted on June 24, 2020

A RESOLUTION ESTABLISHING THE TASK FORCE ON DEVELOPING NEW COMMUNITY APPROACHES TO IMPROVE RACIAL EQUITY AND SAFETY AND CREATING A COUNCIL COMMITTEE TO RECOMMEND APPOINTEES (2020-09-09/R-15)

WHEREAS, June 24, 2020, resolution R-1 requested the Town Manager to develop "... Such a process should include forming a community-based, Town Council appointed task force to consider a range of issues related to public safety, including but not limited to the right-sizing of our police force; improving law enforcement practices and training techniques; alternatives to assigning responsibilities for human service needs to the Town's public safety departments; reallocating resources as necessary, including from CHPD, to accomplish the goals set out by the task force; and coordinating with the County and other jurisdictional partners to increase investments in programs and services that keep communities healthy and safe; and

WHEREAS, the Task Force will draft a set of recommendations for consideration by the Council on specific approaches to public safety beyond policing, drawing on all available national, state, and local efforts, including the Governor's North Carolina Task Force for Racial Equity in Criminal Justice, experts and evidence-based resources and research, and community input."

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council establishes a Task Force on New Community Approaches to Improve Racial Equity and Safety.

BE IT FURTHER RESOLVED that the Council establishes the charge for this Task Force as follows:

The Task Force will consider a range of issues related to the role of racial bias and institutional racism in Chapel Hill with a goal to produce concrete, actionable measures to ensure safety and equitable treatment today, and a commitment with a clear timeline and accountability to a full and open process to critically re-examine policing and re-invest in community resources in a way that continues to demonstrate that Black lives matter in Chapel Hill. The Task Force will:

1. Review all community safety and community resource data requested by Council and offered by the Town Manager.
2. Identify goals for racial equity that are grounded in community needs by collaborating with those most affected and most knowledgeable through authentic engagement with grassroots and community organizations and community members.
3. Work in partnership with community and faith-based groups to organize, publicize and hold a series of information-gathering events utilizing human-centered design and Government Alliance on Race and Equity (GARE) Racial Equity Toolkit techniques.
4. Consider a range of issues related to public safety, including but not limited to the rightsizing of our police force, improving law enforcement practices and training techniques, the recruitment and retention of the highest quality officers and alternatives to assigning responsibilities for human service needs to the Town's public safety departments.
5. By March 1, 2021, Draft short, medium and long-term recommendations for consideration by the Council on specific approaches to public safety beyond policing.
6. By March 1, 2021, Draft goals for reallocating resources as necessary, including from CHPD, to increase investments in programs and services that keep communities healthy and safe.

The Council recognizes that once meetings begin, the Task Force may recommend changes to the charge.

BE IT FURTHER RESOLVED that the Council establishes the task force with 13 members.

The Council seeks broad Task Force representation from persons with lived experiences related to policing.

Item #: 20., File #: [20-0583], Version: 1**Meeting Date: 9/9/2020**

The Task Force should include both individuals who may be associated with one (or more) groups with an interest in reimagining community safety in Chapel Hill, as well as individuals who bring their own experiences to the conversation without affiliation to any particular group or organization.

The Council requests applicants submit applications by September 24, 2020 for assured consideration.

BE IT FURTHER RESOLVED that the Council also appoint Council Members _____, _____, and _____ to serve as Council Liaisons.

BE IT FURTHER RESOLVED that the appointed community members shall have met their charge when the Task Force presents its recommendations to the Town Council g prior to March 1, 2021.

BE IT FURTHER RESOLVED that in the interest of timely appointments, the Council selects _____, _____, and _____ to serve on a committee to review applications and make a recommendation by September 24 for inclusion in the September 30 meeting materials.

This the 9th day of September, 2020.

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

PRESENTER: Maurice Jones, Town Manager
Christopher C. Blue, Police Chief and Executive Director for Community Safety
Loryn Clark, Executive Director for Housing and Community

RECOMMENDATION: That the Council receive this information, establish a Task Force on Developing New Community Approaches to Improve Racial Equity and Safety, and approve a charge for the Task Force's efforts.

Staff Memorandum

The purpose of this memorandum is to provide an update on actions taken in response to the resolution approved by the Council on June 24, 2020. The Council requested that staff provide information on:

- Establishing a Town webpage that depicts relevant Chapel Hill Police Department data, policy changes in support of racial equity, concerns about appropriate uses of force, and a breakdown of CHPD budgetary expenditures
- Drafting a structure and charge for a Task Force on New Community Approaches to Improve Racial Equity and Safety

DECISION POINTS

1. Consider a structure and charge for the Task Force on Developing New Community Approaches to Improve Racial Equity and Safety
2. Approve composition and role of members to the Task Force

PROJECT OVERVIEW AND BACKGROUND

At its June 24, 2020 special business meeting, the Council adopted a resolution to improve racial equity and public safety in Chapel Hill. This resolution came after weeks of considerable nation-wide concern over the killings of Black men and women by law enforcement, sparked by the murder of George Floyd, and the increasing demands from community members that Council take local action to address opportunities to reform law enforcement practices and enhance community resources in Chapel Hill.

Policy Changes

The Council's resolution included specific changes to the Police Department's policy on the use of force, authorizing deadly force only when there is clear and convincing evidence of imminent threat of death or serious physical injury. The resolution also required that the Police Department's policies prohibit the use of chokeholds and ensured that policies and training reflected that prohibition. Council requested that Police Department policies include clear accountability for officers who violate them, including failures to use dash and body cameras as required and failure to intervene and/or report violations committed by other officers. Finally, the resolution immediately ended the use of regulatory traffic stops (low level, non-moving violations that do not address public safety and which significant racial disparities are often found) in Chapel Hill. The policy revision focuses on traffic stops that are safety-driven, such as stops for running red lights or driving at high speeds.

Data Collection

The Council's resolution also requested that the Town Manager collect information and data that will help inform community discussions and make policing in Chapel Hill more transparent and accountable. Council also requested that this information be available on the Town's website no later than September 1, 2020.

The new web page contains the following information:

- Police Department policies on:
 - the use of force,
 - body and vehicle-based cameras,
 - use of chemical agents and specialized impact munitions, with highlighted references to ensure alignment with the recommendations found in the #8CantWait campaign
- Disciplinary and accountability procedures, and
- A requirement for officers to report violations committed by other officers.
- Police Department budget, broken down by functional area
- A listing of local ordinances that tend to disproportionately criminalize poverty,

<https://www.townofchapelhill.org/government/departments-services/communications-and-public-affairs/social-justice-task-force-4127>

Strengthening Equity, Transparency, and Oversight

The Council resolution also included commitments to strengthen equity, transparency, and oversight. We will work with the chairs of the Community Police Advisory Committee and the Justice in Action Committee to ensure that they are collaborating and sharing their concerns with the Council.

Tonight's presentation will also include suggestions for how the Government Alliance on Race and Equity (GARE) Racial Equity Toolkit can help respond to the Council's direction and also be applied to the work of the Task Force. We anticipate returning to the Council in the fall with an update on the Town's work with GARE and preliminary recommendations with how to apply what we have learned to the Town's operations.

Charge and Process for the Task Force

The Council asked the Manager to initiate a process to establish a community-based, Town Council appointed task force to consider a range of issues related to public safety.

The following draft charge reflects the wishes of the Council as adopted in their June 24, 2020 resolution:

The Task Force will consider a range of issues related to the role of racial bias and institutional racism in Chapel Hill with a goal to produce immediate measures to ensure safety and equitable treatment today and a commitment with a clear timeline and accountability to a full and open process to critically re-examine policing and re-invest in community resources in a way that continues to demonstrate that Black lives matter in Chapel Hill. The Task force will:

1. Review all community safety and community resource data requested by Council and offered by the Town Manager.

2. Set measurable goals for racial equity that are grounded in community needs by collaborating with those most affected and most knowledgeable through authentic engagement with grassroots and community organizations and community members.
3. Work in partnership with community and faith-based groups to organize, publicize and hold a series of information-gathering events utilizing human-centered design and Government Alliance on Race and Equity (GARE) Racial Equity Toolkit techniques.
4. Consider a range of issues related to public safety, including but not limited to the rightsizing of our police force, improving law enforcement practices and training techniques and alternatives to assigning responsibilities for human service needs to the Town's public safety departments.
5. By March 1, 2021, Draft recommendations for consideration by the Council on specific approaches to public safety beyond policing.
6. By March 1, 2021, Draft goals for reallocating resources as necessary, including from CHPD, to increase investments in programs and services that keep communities healthy and safe.

We recognize that once meetings begin, the Task Force may recommend changes to the charge.

Task Force Membership

The Council has expressed an interest in having broad Task Force representation from persons with lived experiences related to policing. The Task Force should include both individuals who may be associated with one (or more) groups with an interest in reimagining community safety in Chapel Hill, as well as individuals who bring their own experiences to the conversation without affiliation to any particular group or organization.

Starting September 10, we will include this task force on the advisory board application form.

<https://chapelhill.granicus.com/boards/forms/146/apply>.

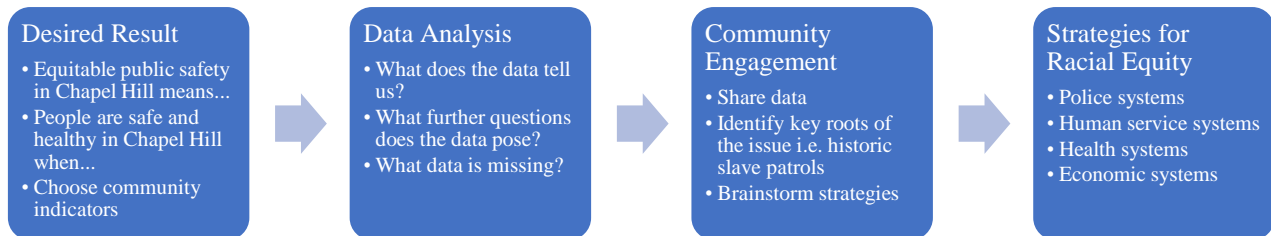
See also <https://www.townofchapelhill.org/boards> for information about this and other advisory boards.

Appointment Process

- September 9: The Council will receive information on the Task Force structure and tentative timelines at its business meeting
- September 10, 2020: Town staff will advertise openings for Task Force positions with an emphasis on selecting members with lived experience with the criminal justice system
- September 25, 2020: Staff presents names of applicants to a Town Council subcommittee for review. The subcommittee will present its recommendations for appoint to the full Council in advance of its October 7th meeting.
- October 7, 2020: Town Council will appoint the task force. Staff will begin communicating with the Task Force members the next day to confirm participation and discuss next steps.

Process and Engagement

The Task Force will undertake its responsibilities using the principles of Human Centered Design and the GARE Racial Equity Toolkit, both of which emphasize using data, root cause analyses and stakeholder engagement to clarify desired results. With regards to stakeholder engagement, these approaches advocate for collaboration with the people most affected by an issue. While the Council has the ultimate decision-making responsibility, the Task Force will collaborate with stakeholders to build its recommendations using the following process:



Recommendations will be presented to Council by March 1, 2021.

Based on the above, the Town Manager will propose a structure, process, and timeline and provide staffing and resources for re-imagining and restructuring public safety in Chapel Hill by September 30, 2020.

Outreach

The Manager and staff will work in partnership with community and faith-based groups to create a process for organizing, publicizing, and holding a series of virtual community-wide facilitated listening sessions. We also anticipate holding other information-gathering events. All sessions would utilize a human-centered design approach with affected members of our community to re-imagine public safety in Chapel Hill. These sessions will help inform the work and priorities of the Task Force.

A RESOLUTION ON DEVELOPING NEW COMMUNITY APPROACHES TO IMPROVE RACIAL EQUITY AND PUBLIC SAFETY IN CHAPEL HILL (2020-06-24/R-1)

WHEREAS, Black Lives Matter; and

WHEREAS, in recognition of the need to redress the systems of power, positions of authority, and the treatment of people of color, we highlight the need to critically examine the role of racial bias and institutional racism in Chapel Hill; and

WHEREAS, the Chapel Hill Town Council recognizes that the Chapel Hill Police Department (CHPD), under the leadership of Chief Chris Blue, takes a progressive approach to public safety and has worked diligently to create a culture of policing and policies that seek to respect all of our residents; and

WHEREAS, the CHPD has embraced community recommendations to improve policing and increase equity, such as implementing the Orange County Bias Free Policing recommendations; maintaining a staff of five social workers trained to provide assistance in nonviolent situations; adopting written policies expressly prohibiting racial profiling; requiring the use of written consent-to-search forms; and mandating racial equity training for all officers, among other actions; and

WHEREAS, at the same time, policing as an institution has rightly been called into question for its historic roots in the South in slave patrols and the enduring violence committed against black and brown bodies in the name of law and order; and

WHEREAS, we have heard loud and clear that policing in our nation is deeply flawed, leading many black and brown men, women, and families to live in fear; and

WHEREAS, it has become clear that a more fundamental re-imagining of how equitable public safety services are offered in our society is needed; and

WHEREAS, the Town Council recognizes that investments in public safety and in programs and services that keep communities healthy and safe must advance racial equity, must be grounded in community needs, and must be led and informed by those most affected and most knowledgeable through authentic engagement with grassroots and community organizations and community members.

WHEREAS, this re-imagining of policing and public safety should include both immediate measures to ensure safety and equitable treatment today and a commitment—with a clear timeline and accountability—to a full and open process to critically re-examine policing and re-invest community resources in a way that continues to demonstrate that Black lives matter in Chapel Hill.

NOW, THEREFORE, BE IT RESOLVED that the Chapel Hill Town Council commits to increasing public and community safety in Chapel Hill by enacting the following:

1. We commit to take these actions immediately to ensure the safety of black and brown lives in Chapel Hill:

1. Direct that CHPD policy authorizes deadly force only when there is clear and convincing evidence of imminent threat of death or serious physical injury.
 2. Prohibit chokeholds and ensure that CHPD policies and training reflect that prohibition, as this procedure poses an unacceptable risk of death or serious bodily injury.
 3. Ensure that CHPD policies include clear accountability for officers who violate department policies, including failure to use dash and body cameras as required and failure to intervene and/or report violations committed by other officers.
 4. End all regulatory traffic stops (low level, non-moving violations that do not address public safety), which has been shown to significantly decrease disparities in stops, and instead to focus on traffic stops that are safety-driven, such as stops for running red lights or driving at high speeds.
2. We commit to acquiring and distributing the information needed to inform a data-driven and transparent process for long-term change: To this end, we will require that over the summer, the Town Manager collect the following data (and other information as required) as a basis for upcoming community discussions and to make policing in Chapel Hill more transparent and accountable. The Manager will share this information with the Council at a meeting and with the community in an easily accessible format on the Town's website, with all such data shared no later than September 1, 2020:
1. Current staffing levels of officers in the CHPD (broken down by role and function) and current service needs, as well as what is needed to recruit and retain the highest-quality officers.
 2. Number of calls to 911 and nature of each call for past year.
 3. Crisis Unit activity (numbers of deployments and reasons; number of calls taken alone versus with officers) for the past year.
 4. Reasons for and outcomes of traffic stops, disaggregated by race, gender, and geography, including number and types of searches, broken down by consent v. based on probable cause.
 5. Number and reasons for deployment of the tactical response team in the last five years.
 6. Role of CHFD, OC EMS, and any other entities in public safety efforts.
 7. CHPD policies around the use of force, use of body and vehicle-based cameras, use of chemical agents and specialized impact munitions, recent updates to policies to ensure alignment with #8CantWait, disciplinary and accountability procedures, and the requirement for officers to report violations committed by other officers.

8. Budget fact sheet showing money allocated to the department in total, as part of the larger town budget, and broken down by functional area.

9. A listing of local ordinances that may criminalize poverty, specifically those related to panhandling and sleeping in public.

3. We commit to these Council actions to strengthen equity, transparency, and oversight:

1. Direct the Council Committee on Boards and Commissions to clarify—including identifying ways to increase the police oversight capabilities of—the charge of the Community Police Advisory Committee (CPAC) and the Justice in Action Committee, encourage collaborative work between the two committees, and ensure sharing of all concerns and recommendations with Council.

2. Ensure that CPAC is receiving required notification of use of force incidents and whether footage exists of any such incidents.

3. Institute a semi-annual presentation of CHPD data, which is already publicly available on the Town's website, at a regular Council meeting. This will include review of any instances of exercising mutual assistance agreements.

4. Engage with our school board and county partners to compile and publicize data on number and types of School Resource Officer (SRO) referrals made (broken down by grade level) and explore alternatives to SROs such as mental health service professionals, counselors, and additional trained staff in middle and high schools.

5. Request that staff bring information to Council this fall on the Criminal Justice Resource Department and Orange County Partnership to End Homelessness's Harm Reduction Diversion and Street Outreach Programs for consideration for funding.

6. Commit to not making any changes in the number of CHPD officer positions until community input has been received and the task force work is complete.

7. Request a report from staff on the Town's use of the Government Alliance on Race and Equity (GARE) Racial Equity Toolkit and bring options for Council consideration to expand use of the Toolkit to additional Town departments and the Town Council to strengthen accountability for racially inclusive engagement and decision-making and increase equitable governance practices.

BE IT FURTHER RESOLVED THAT

4. We commit to a process and a path to change that centers the work on the lived experience of black and brown people and includes other marginalized people impacted by policing in our community: Re-imagination includes looking at town budgets and reallocating resources in a way that reflects our commitment to justice, equity, and a safe community. To this end, we request that the Manager work in partnership with and fund community and faith-based groups to create a

process for organizing, publicizing, and holding a series of community-wide listening sessions and other information-gathering events within the next four months, utilizing a human-centered design approach with affected members of our community to re-imagine public safety in Chapel Hill. Based on the above, the Town Manager will propose a structure, process, and timeline and provide staffing and resources for re-imagining and restructuring public safety in Chapel Hill by September 30, 2020.

Such a process should include forming a community-based, Town Council appointed task force to consider a range of issues related to public safety, including but not limited to the right-sizing of our police force; improving law enforcement practices and training techniques; alternatives to assigning responsibilities for human service needs to the Town's public safety departments; reallocating resources as necessary, including from CHPD, to accomplish the goals set out by the task force; and coordinating with the County and other jurisdictional partners to increase investments in programs and services that keep communities healthy and safe. The task force will draft a set of recommendations for consideration by the Council on specific approaches to public safety beyond policing, drawing on all available national, state, and local efforts, including the Governor's North Carolina Task Force for Racial Equity in Criminal Justice, experts and evidence-based resources and research, and community input. Recommendations will be presented to Council by March 1, 2021. This the 24th day of June, 2020.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 21., **File #:** [20-0399], **Version:** 1

Meeting Date: 9/30/2020

Open a Public Hearing and Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project.

Staff:

Maurice Jones, Town Manager
Dwight Bassett, Economic Development Officer
Amy Oland, Director
Bob Jessup, Attorney

Department:

Town Manager
Town Manager
Business Management
Sanford Holshouser

Overview: The Town of Chapel Hill is committed to strengthening its fiscal and economic sustainability by enhancing downtown. The Town encourages developing new office space, which was stagnant for over a decade, to help strengthen the economy of downtown.

Several new projects will assist with improving the office market for Chapel Hill in general.

- Well Dot Inc. announced its plans to invest \$3 million to establish a new operations and corporate center along Franklin Street in Chapel Hill that will create about 400 high-paying jobs over a five year period of time.
- Grubb Properties is building a new 100,000SF office building at Glen Lennox and other office buildings are in consideration.
- Downtown needs office space to begin to move the economy toward a vibrant and business supported district.

This current vision for East Rosemary project came about from Grubb Properties acquisition of the 137 E. Franklin/136 E. Rosemary building and parking deck. There have been many conversations about the possibility of this becoming an innovation hub for downtown with participation by UNC and other organizations. As a part of that idea and vision, Clay Grubb has his team to explore a larger vision that included the redevelopment of East Rosemary in general and landed on a vision to begin with a new office building with wet lab and 1100 space parking deck. He was asked to focus on a singular project that could begin to change the east end of downtown.

Downtown and more specifically the east end of downtown has needed reinvestment to help in building a strong economic climate for all of downtown. Both the existing Grubb building and the proposed office building would work to tap the Meds/Eds/Beds (medical, education and hospital/hospitality) sectors of our market. We believe we have tremendous potential for growth of entrepreneurial technology companies as well as retaining some of the research from UNC with biotechnology companies.

Council began meeting with Clay Grubb and Grubb Properties in December of 2019 and continued at least monthly in public, committee and closed sessions to arrive at the project we are presenting today. Much consideration has been given to the impacts and financial consideration and whether this is the right project for the times we are in.

The East Rosemary Downtown Redevelopment Project would require the exchange of the Town's ownership stake in the Wallace Parking Deck for Grubb Properties' ownership of the 137 East Franklin

(CVS) Parking Deck and adjacent parcel(s). The project will result in the creation of a new 200,000 square foot office building (on the existing Wallace Deck site) and a new parking deck (on the existing CVS Deck site) with up to 1,100 parking spaces to meet the needs of our Downtown. That will mean approximately 250 new parking spaces for the east end of downtown which according to our Parking Study in 2018 had a high occupancy and a need for new spaces. This new space could house as many as 800 new jobs to help in supporting downtown. Additionally, the University of North Carolina at Chapel Hill (UNC) is exploring the possibility of joining this innovation hub and committing to other uses at the 137 East Franklin building. UNC is also in the early stages of designing a new Admissions Center which would be adjacent to Porthole Alley on East Franklin Street. This Admissions building would be parked in the new parking deck with 100 spaces acquired by the University.

This project in parallel has been progressing through our planning process to allow the Town to grant rights for the construction of a new parking deck to the Town as well as negotiating the legal agreements. There will also be the entitlement of the new office building on the current site of the Wallace Deck and we expect the concept plan to be submitted by the end of November of 2020.

Legal Agreements:

Economic Development Agreement - This Agreement follows the framework established by the adopted Memorandum of Understanding and define key issues and point as a part of the overall project.

Wallace Deck Lease and Management Agreement - Provides for the Town to lease, operate and manage the Wallace Deck after the land exchange, while the new parking deck is being constructed, and then for a limited time prior to the construction of the new office building

UNC Letter of Intent - Allows the University to acquire 100 parking spaces after construction to be used to support the redevelopment of Porthole Alley redevelopment.

Construction and Reimbursement Agreement (Improvement Agreement) - Contract with Grubb Properties to manage and build a 110 space parking deck on behalf of the Town; sets the standard for reimbursement of construction dollars.

Lot 2 Construction License Agreement - Allows Grubb Properties to use the lower third of Lot 2/Rosemary-Columbia Parking Lot for construction material management and also the location of a crane for both the construction of the parking deck and re sheathing of the 137 East Franklin building.

If Council agrees to proceed, this project will come back to Council for further public comment at the September 30, 2020 Council Meeting. If Council adopts the resolution for the Economic Development Agreement, Business Management staff will work to begin draft an Agenda Item for the financing of the parking deck and return to Council for consideration. The goal is that if we proceed to meet with the Local Government Commission for the debt authorization by early 2021.

It is anticipated a Zoning Compliance Permit application would be submitted by Grubb within 30 days of the signing of the Economic Development Agreement. Grubb would also submit a simultaneous application for the Building Permit with hopes of breaking ground on the new deck around the April/May 2021.

Recommendations: (on September 30, 2020) That the Council authorize the Town Manager to make minor non-substantive changes and sign the Economic Development Agreement with Grubb Properties regarding a redevelopment project on East Rosemary Street and to proceed with work toward financing the Parking Deck.

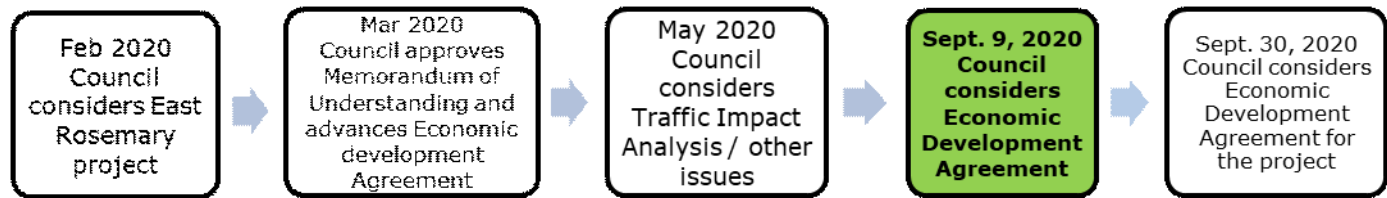
Decision Points:

- Selling the Wallace Deck in exchange for the 137 East Franklin (CVS) Parking Deck and adjacent parcel(s) for the creation of a new 1100 space parking deck.
- Supporting a job creating office and wet-lab building totaling 200,000SF.

Key Issues for Consideration:

- Consolidation of various parking facilities on East Rosemary and constructing a new 1100 space parking deck.
- Creation of 200,000SF of wet lab and office space to support job growth, retention of UNC companies, support for existing businesses, and innovation in downtown.

Fiscal Impact/Resources: Approximately \$32.9 million in debt to support the new parking deck. Creation of approximately \$50 million in value for new office building, enhancing the Town's tax base.

Where is this item in its process?**Attachments:**

- Draft Resolution
- Draft Staff Presentation
- Economic Development Agreement
- Wallace Deck Lease/Management Agreement
- UNC Letter of Intent
- Construction and Reimbursement Agreement
- Lot 2 Construction Laydown Site Agreement
- Preliminary Construction Approach
- Traffic Impact Analysis Executive Summary
- Traffic Impact Analysis [LINK](https://www.townofchapelhill.org/home/showdocument?id=46750)
[<https://www.townofchapelhill.org/home/showdocument?id=46750>](https://www.townofchapelhill.org/home/showdocument?id=46750)

A RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO MAKE MINOR NON-SUBSTANTIVE CHANGES AND TO SIGN AN ECONOMIC DEVELOPMENT AGREEMENT FOR CONSIDERATION OF REDEVELOPMENT ON EAST ROSEMARY STREET (2020-XX-XX/R-#)

WHEREAS, Chapel Hill Town Council desires to strengthen downtown and meet market needs; and

WHEREAS, the Town Council wants to work to strengthen and retain business growth from research on UNC's campus, and

WHEREAS, Grubb Properties presented an opportunity to exchange property to facilitate the creation of a new 200,000 +/- square feet office building and 1100 +/- space parking deck, and

WHEREAS, this project can add to the economic vitality of downtown year round,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to make minor non-substantive changes and to sign an Economic Development Agreement with Grubb Properties regarding a redevelopment project on East Rosemary Street.

This the XX day of XXXXXX, 2020.

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

PRESENTER: Maurice Jones, Town Manager
Dwight Bassett, Economic Development Officer
Amy Oland, Director of Business Management
Bob Jessup, Sanford Holshouser

- a. Introduction and preliminary recommendation
- b. Comments and Questions by the Mayor and Town Council
- c. Comments from the public in this meeting and via email or other methods of submission through 11:59 PM on September 10
- d. Motion to close the Public Hearing at 11:59 PM on September 10, 2020
- e. Consider adopting the resolution to authorize the Economic Development Agreement at the September 30, 2020 Council meeting.

RECOMMENDATION: That the Council authorize the Town Manager to make minor non-substantive changes and sign an Economic Development Agreement with Grubb Properties regarding a redevelopment project on East Rosemary Street. The Council will vote on this item on September 30.

East Rosemary Redevelopment Proposal



September 9, 2020

CHAPEL HILL

OPEN2.BIZ

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Clay Grubb of Grubb Properties acquired the 137 East Franklin/136 East Rosemary property in an Opportunity Zone in 2019 and began to create a vision for what the property might become. In working with the University and Town, Clay had his staff explore the future vision of all of East Rosemary. He presented a much bigger vision and the Town responded by asking him to consider an individual project from that vision.

VISION: The Town builds a parking deck that consolidates and adds 250 net-new parking spaces. Grubb builds a new office building with wet labs of 200,000SF +/-.



- > Exchange Wallace parking deck/land for 125 East Rosemary parking deck and 135 East Rosemary property.**
- > Build a new parking deck on 135 East Rosemary parcel consisting of 1,100 +/- parking spaces.**
- > 100 spaces reserved to support the University for a new Admission building downtown.**
- > Grubb constructs a new wet lab/office building of 200,000SF +/- (projected value of \$80M)**
- > Downtown gains a new green space on the corner of Henderson and East Rosemary and a pocket park that connects Varsity Alley to Rosemary.**

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Project Overview



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Other:

- Improved Streetscape
- Improved pedestrian access and crossing
- The porch gathering space
- Consolidated parking

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> Economic & Financial Sustainability

1- Attract and retain companies that create jobs in Chapel Hill

- Strengthen UNC Town/Gown economic development partnerships, Add commercial office space to the Town to locate Businesses, Strengthen and facilitate the ecosystem for entrepreneurship and innovation

2- Make Downtown Chapel Hill a destination with diverse options for work, live and play

- Add more Downtown business and visitor anchors (Market Drivers), Invest in Downtown infrastructure, Conduct Downtown parking analysis and policy expectations (meet demand), Clean and beautify Downtown

> Environmental Stewardship

1- Invest in green infrastructure and build community resiliency

- Increase solar infrastructure , Increase use of alternative transportation through infrastructure investments, Continue electric vehicle infrastructure investment

> Vibrant and Inclusive Community

1- Create diverse opportunities for community to engage with the arts

- Increase public art in both public and private spaces , Improve festivals and events with a focus on **spaces**, policies, partners, sponsorships, content and **infrastructure**

> Connected Community

1- Increase connectivity between walking, bicycling, and multi-modal networks to reduce the amount of driving needed to get around Chapel Hill

- Increase and integrate Downtown parking options to support a “park once” strategy

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Consider authorizing the Economic Development Agreement (EDA) and associated documents including:

- Wallace Deck Lease Agreement
- Site License Agreement for Rosemary/Columbia parking lot construction laydown
- Improvements Agreement for construction and reimbursement
- UNC Letter of Intent (submitted to UNC)

We have also provided a document that reflects on our construction planning if Council desires to proceed. We have a staff team that will begin meeting with the construction contractor to make sure we are prepared to proceed.

The EDA will return to Council on September 30th for additional public comment.

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1) Open a Public Hearing and Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project. (Item continued after the close of the Public Hearing to

9/30 for final vote.)

2) Take public comment and Consider Exchanging 150 E. Rosemary for 125 and 135 E. Rosemary to Support the East Rosemary Redevelopment Project and Parking Deck.

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Aerial view from Northeast



September 9, 2020 - Council to consider calling a Public Hearing on September 30, 2020 for the entitlement of new parking deck.

September 9, 2020 – Council to consider first final draft of Economic Development Agreement and consider land acquisition– Public Hearing

June 5, 2020 – [CCES to discuss any outstanding issues with East Rosemary Parking Deck/Redevelopment and here.](#)

May 13, 2020 – [Council Work Session](#)

May 8, 2020 – [CCES to discuss design or parking deck and TIA](#)

April 22, 2020 – [Council review garage concept plan](#)

March 2020 – Advisory Boards to review Conditional Zoning application

March 4, 2020 – [Council to consider authorizing Memorandum of Understanding](#) with Grubb Properties and authorized staff to proceed with drafting an Economic Development Agreement.

Feb. 27, 2020 – [Public Information Meeting](#)

Feb. 19, 2020 – [Council authorizes Town Manager to draft a non-binding Memorandum of Understanding](#) with Grubb Properties

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Economic Development Agreement



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❖ The Economic Development Agreement provides the legal framework for the overall transaction.

The terms are based on those in the Memorandum of Understanding the parties signed back in April. Has been lots of negotiation over business points. Some narrow areas of disagreement still to be resolved, but current drafts represent a deal that accomplishes the Town's goals with well-defined and well-managed risk.

❖ First point in the EDA is for the exchange of properties

Town will end up owning the CVS Deck and the ITIC Lot, and Grubb will own the Wallace Deck. The Town will make a payment of about \$1,740,000 to even out the value of the properties exchanged. The exchange should happen within approximately 30-45 days after Council approves agreements.

❖ Then, the EDA covers the Town's obligation to design and construct the new parking deck

Design is on-going, as is the land use entitlements process. Contractor has been identified, and work continues on the plan for managing downtown construction while work continues on the parking deck and new office building.

Construction will start after design is complete, construction contract is in place, State Department of Insurance has completed its review, and financing is in place – early to mid-2021.

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- ❖ **While the new deck is being built, the Town will lease the Wallace Deck back from Grubb.**

This arrangement will continue until the new deck is in place and Grubb is ready to start work on the new office building. The Town will pay a fixed monthly rent during new deck construction, and the parties will share net revenue once the new deck has been placed in service.

- ❖ **The Town is making no other payments to Grubb, or waiving any taxes or fees, under the EDA.**

Grubb's benefit is the Town's agreement to the land exchange and having parking available to support its downtown projects. If nothing else, Town has expanded and consolidated parking and make a prominent downtown parcel available for redevelopment.

- ❖ **During New Deck construction, Grubb will seek entitlement for a building with 250,000 square feet of office space, including at least two floors of “wet lab” space.**

This process should be complete by Fall 2021. The Town is not obligated to approve any particular building, and Grubb is not required to build anything that is not in its commercial best interest. The Town has a limited right to repurchase the Wallace Deck property if the office building project does not proceed in a timely manner.

- ❖ **Grubb and the contractors can use the lower level of Lot 2 for construction staging, but Grubb has to restore that property as a type of “pocket park” when done.**

Grubb also has to restore the open space at the corner of Rosemary and Henderson when construction is finished on the new office building.

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Parking Deck Financing & Cash Flow Highlights



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- Self-sustaining financing model which assumes parking deck debt is supported by Parking Fund revenues
- Financing amount of \$32.9 million; 2% interest; 20 year term
- Projections reflect 5 years to generate positive cash flows
- Projections reflect \$24.9 million net cash flows over 20 years
- Model assumes:
 - New rates for leased and hourly spaces as of August 1st
 - Market adjustment of rate structure every three years
 - Occupancy % growth over time
 - 3% inflationary growth on expenses

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Parking Deck Revenue & Expense Projections



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COST PROJECTION

East Rosemary Parking deck Cost*:		
Per Parking space construction	\$	19,571
Per Parking space Arch/Eng		1,957
Per Parking space Contingency		1,957
	TOTAL per space	\$ 23,485
Total Construction Cost (1,100 spaces)	\$	25,833,500
Construction Management		1,000,000
Land swap		1,740,000
		\$ 28,573,500
Bike 40 spaces		
Car Charging (dual \$6500 each x 20)	\$	130,000
Solar (Future cost - \$650,000)		-
Art (Future cost - 1% = \$273,335)		-
Streetscape		50,000
Traffic/Road Improvement		25,000
Improved Building \$800K - \$1.6M		2,000,000
Office Space Police sub/Parking		448,000
Public Toilets		40,000
Other/Sewer relocate		350,000
Add street(s)/lanc Columbia/North		750,000
		\$ 3,793,000
TOTAL Cost	\$	32,366,500

FINANCIAL PROJECTION

Rosemary Parking Deck Revenue	
Spaces leased	475
Lease monthly rate	\$125
Percent leased	100%
Total projected monthly lease revenue	\$59,375
Over lease (15% annual projection))	\$106,875
Overnight leasing (10% annual projection)	\$71,250
Hourly Parking rate	\$1.50
Hourly Occupancy	65%
Hours of operation	12
Days of operation	312
Hourly Spaces	525
Annual Lease Revenue	\$890,625
Annualy Hourly Revenue	\$1,916,460
UNC Annual Maintenance Payment	\$40,000
Total Revenue	\$2,847,085
Revenue per space	\$2,588.26
TOTAL Spaces	1100
Operating Expense (\$400 per space)	\$440,000
Debt Service (Yr 1)	\$2,303,000
Total Cost	\$2,743,000
Net	\$104,085

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Parking Deck Cash Flow Projections 1 of 2



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	1/2 year									
	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
Leased space parking rate	\$125	\$125	\$125	\$125	\$130	\$130	\$130	\$135	\$135	\$135
# Leased spaces	475	475	475	475	475	475	475	475	475	475
Occupancy %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	\$ 356,250	\$ 712,500	\$ 712,500	\$ 712,500	\$ 741,000	\$ 741,000	\$ 741,000	\$ 769,500	\$ 769,500	\$ 769,500
Over leases @ 15%	53,438	106,875	106,875	106,875	111,150	111,150	111,150	115,425	115,425	115,425
Overnight leases @ 10%	35,625	71,250	71,250	71,250	74,100	74,100	74,100	76,950	76,950	76,950
	\$ 445,313	\$ 890,625	\$ 890,625	\$ 890,625	\$ 926,250	\$ 926,250	\$ 926,250	\$ 961,875	\$ 961,875	\$ 961,875
Hourly space parking rate	\$1.50	\$1.50	\$1.50	\$1.50	\$1.60	\$1.60	\$1.60	\$1.70	\$1.70	\$1.70
# Hourly spaces	525	525	525	525	525	525	525	525	525	525
Hours of Operation	12	12	12	12	12	12	12	12	12	12
Days of Operation	312	312	312	312	312	312	312	312	312	312
Occupancy %	65%	65%	70%	72%	74%	76%	78%	80%	82%	84%
	\$ 958,230	\$ 1,916,460	\$ 2,063,880	\$ 2,122,848	\$ 2,327,270	\$ 2,390,170	\$ 2,453,069	\$ 2,673,216	\$ 2,740,046	\$ 2,806,877
UNC deck maintenance commitment	\$ 20,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
Total Deck Operating Revenues	\$ 1,423,543	\$ 2,847,085	\$ 2,994,505	\$ 3,053,473	\$ 3,293,520	\$ 3,356,420	\$ 3,419,319	\$ 3,675,091	\$ 3,741,921	\$ 3,808,752
Total Deck Operating Expenses	(220,000)	(440,000)	(453,200)	(466,796)	(480,800)	(495,224)	(510,081)	(525,383)	(541,145)	(557,379)
	\$ 1,203,543	\$ 2,407,085	\$ 2,541,305	\$ 2,586,677	\$ 2,812,721	\$ 2,861,196	\$ 2,909,238	\$ 3,149,708	\$ 3,200,777	\$ 3,251,373
Total Deck Debt Service	(2,303,000)	(2,270,100)	(2,237,200)	(2,204,300)	(2,171,400)	(2,138,500)	(2,105,600)	(2,072,700)	(2,039,800)	(2,006,900)
Net Cash Flows	\$ (1,099,458)	\$ 136,985	\$ 304,105	\$ 382,377	\$ 641,321	\$ 722,696	\$ 803,638	\$ 1,077,008	\$ 1,160,977	\$ 1,244,473
Cumulative Cash Flows	\$ (1,099,458)	\$ (962,473)	\$ (658,368)	\$ (275,991)	\$ 365,330	\$ 1,088,026	\$ 1,891,664	\$ 2,968,672	\$ 4,129,649	\$ 5,374,122

Parking Deck Cash Flow Projections 2 of 2



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	FY2032	FY2033	FY2034	FY2035	FY2036	FY2037	FY2038	FY2039	FY2040	FY2041	TOTAL
Leased space parking rate	\$140	\$140	\$140	\$145	\$145	\$145	\$150	\$150	\$150	\$150	
# Leased spaces	475	475	475	475	475	475	475	475	475	475	
Occupancy %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
	\$ 798,000	\$ 798,000	\$ 798,000	\$ 826,500	\$ 826,500	\$ 826,500	\$ 855,000	\$ 855,000	\$ 855,000	\$ 855,000	\$ 15,318,750
Over leases @ 15%	119,700	119,700	119,700	123,975	123,975	123,975	128,250	128,250	128,250	128,250	2,297,813
Overnight leases @ 10%	79,800	79,800	79,800	82,650	82,650	82,650	85,500	85,500	85,500	85,500	1,531,875
	\$ 997,500	\$ 997,500	\$ 997,500	\$ 1,033,125	\$ 1,033,125	\$ 1,033,125	\$ 1,068,750	\$ 1,068,750	\$ 1,068,750	\$ 1,068,750	\$ 19,148,438
Hourly space parking rate	\$1.80	\$1.80	\$1.80	\$1.90	\$1.90	\$1.90	\$2.00	\$2.00	\$2.00	\$2.00	
# Hourly spaces	525	525	525	525	525	525	525	525	525	525	
Hours of Operation	12	12	12	12	12	12	12	12	12	12	
Days of Operation	312	312	312	312	312	312	312	312	312	312	
Occupancy %	86%	88%	90%	90%	90%	90%	90%	90%	90%	90%	
	\$ 3,042,749	\$ 3,113,510	\$ 3,184,272	\$ 3,361,176	\$ 3,361,176	\$ 3,361,176	\$ 3,538,080	\$ 3,538,080	\$ 3,538,080	\$ 3,538,080	\$ 56,028,445
UNC deck maintenance commitment	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 780,000
Total Deck Operating Revenues	\$ 4,080,249	\$ 4,151,010	\$ 4,221,772	\$ 4,434,301	\$ 4,434,301	\$ 4,434,301	\$ 4,646,830	\$ 4,646,830	\$ 4,646,830	\$ 4,646,830	\$ 75,956,883
Total Deck Operating Expenses	(574,100)	(591,323)	(609,063)	(627,335)	(646,155)	(665,539)	(685,506)	(706,071)	(727,253)	(749,071)	(11,271,422)
	\$ 3,506,149	\$ 3,559,687	\$ 3,612,709	\$ 3,806,966	\$ 3,788,146	\$ 3,768,762	\$ 3,961,324	\$ 3,940,759	\$ 3,919,577	\$ 3,897,759	\$ 64,685,461
Total Deck Debt Service	(1,974,000)	(1,941,100)	(1,908,200)	(1,875,300)	(1,842,400)	(1,809,500)	(1,776,600)	(1,743,700)	(1,710,800)	(1,677,900)	(39,809,000)
Net Cash Flows	\$ 1,532,149	\$ 1,618,587	\$ 1,704,509	\$ 1,931,666	\$ 1,945,746	\$ 1,959,262	\$ 2,184,724	\$ 2,197,059	\$ 2,208,777	\$ 2,219,859	\$ 24,876,461
Cumulative Cash Flows	\$ 6,906,270	\$ 8,524,858	\$ 10,229,367	\$ 12,161,033	\$ 14,106,779	\$ 16,066,041	\$ 18,250,765	\$ 20,447,824	\$ 22,656,601	\$ 24,876,461	

Parking



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Replace parking at:

- Wallace Deck,
- CVS Deck,
- Investors Title lot
- 26 spaces at Rosemary/Columbia Parking Lot

Net approximately 250 new spaces

Offer UNC 100 spaces to purchase to support Admissions (outside of net-new spaces)

We have also made fee changes to help the Parking Fund and are being more strategic on our parking management.



DRAFT

Time frame



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**March 4, 2020 –
Memorandum of
Understanding**



**March 2020 – Begin
drafting Economic
Development
Agreement**



**May – August 2020 –
Consider elements of
Economic
Development
Agreement and design
issues**



**September 9, 2020-
Council considers
Economic
Development
Agreement**



**September 9, 2020 –
Council authorizes
land acquisition**



**September 30, 2020 –
Final public hearing on
legal agreements**



**Fall 2020 – Council
considers
authorization of debt
for parking deck**



**April/May 2021– Deck
construction begins**

DRAFT

■ Questions



DRAFT



1) Open a Public Hearing and Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project.

(Item continued after the close of the Public Hearing to 9/30 for final vote.)

2) Take public comment and Consider Exchanging 150 E. Rosemary for 125 and 135 E. Rosemary to Support the East Rosemary Redevelopment Project and Parking Deck.

DRAFT

Economic Development Agreement

For the Rosemary Street Redevelopment – Opportunity Zone Project

This Economic Development Agreement (the “Agreement”) is dated as of _____, 2020, and is between the Town of Chapel Hill, North Carolina (the “Town”), and Grubb Management LLC (“Grubb”), each a “Party” and collectively the “Parties.”

Unless the context clearly requires otherwise, capitalized terms used in this Agreement and not otherwise defined have the meanings set forth in Exhibit A.

The parties have engaged in a series of discussions concerning an economic development project (the “Project”) whereby:

- The parties will exchange parking deck and related properties, with a cash payment settling the difference in value;
- Grubb will entitle, design and build, as a fee developer for the Town’s account and not for its own account, a new parking deck, with the Town paying for the new deck; and
- Grubb will then entitle, design and build a new office building, all as further described and provided for in this Agreement.

The Project is an economic development project for the Town. The Town expects that the Project will enhance the Town’s taxable property, employment, and business prospects.

This Agreement spells out the parties’ mutual obligations with respect to the project summarized above.

1. The parties will exchange properties

a) Exchange of deeds. At a time and place to be agreed upon by the parties, but prior to the beginning of construction on the New Deck and in any event by May 28, 2021:

i) The Town will execute and deliver to Grubb a fee simple general warranty deed conveying marketable title to the Wallace Deck Property and the Corner Lot.

ii) Grubb will execute and deliver to the Town a fee simple general warranty deed conveying marketable title to the CVS Deck Property and the Investor's Title Insurance Company (ITIC) Lot.

iii) The Town will pay \$_____ to Grubb to reconcile the difference in property values exchanged and an additional amount to reimburse Grubb for New Deck Total Cost expended by Grubb through the Closing Date.

iv) The Parties will execute and deliver the "Wallace Deck Lease" in the form of Exhibit B, with only such additional changes as the parties may agree upon. The execution and delivery of the final form Wallace Deck Lease will constitute conclusive evidence that the parties have agreed on any such changes.

v) The Town will execute and deliver a license agreement as set forth in Section 3(g) hereof.

vi) The Town will execute and deliver a bill of sale in connection with the Wallace Deck Property.

The acts of executing, delivering and paying described above will be referred to as the "Closing," and the date of those actions will be referred to as the "Closing Date." If the Closing has not occurred by the end of the calendar day on May 28, 2020, neither Party shall have any further obligations under this Agreement.

The parties will execute and deliver such certificates and other documents as may be reasonably appropriate to effect the planned conveyances. The only monetary

adjustment to the transfers stated above will be to pro-rate taxes on the CVS Deck Property and the ITIC Lot to the Closing Date.

b) Provision for future tax payments. The deed referenced in (a)(i) above will include a provision to the effect that any future owner of the Wallace Deck Property that is not subject to paying ordinary ad valorem taxes to the Town must nevertheless make annual payments to the Town so as to hold the Town harmless from any loss of ad valorem tax revenues. The required payment will be calculated from year to year based on the then-current property value and tax rate. This provision must be in form and substance acceptable to the Town.

c) Warranties of Title. (i) Each Party promises to the other, as part of the consideration for the exchange, that it is seized of and has the right to convey its particular property (that is, the Wallace Deck Property and the Corner Lot in the case of the Town, and the CVS Deck Property and the ITIC Lot in the case of Grubb) in fee simple, that the title is free and clear of all liens and encumbrances other than "Permitted Encumbrances," that title to the property is marketable, and that the seller will forever warrant and defend title to the property (subject to the Permitted Encumbrances) against the claims of all persons.

"Permitted Encumbrances" means minor and ordinary rights-of-way and utility easements that do not have a material adverse effect on the planned use of the property.

(ii) Notwithstanding the above, the parties acknowledge that the CVS Deck property is subject to a lien recorded at Book _____, Page _____, Orange County Registry. Grubb promises that the CVS Deck Property will be released from this lien at or in connection with the Closing.

d) Environmental Warranties. Each of the Town and Grubb makes the following promises and statements of fact with respect to its own particular property (as described in (c) above), with the understanding and intent that the other Party will rely on these statements in making its decision to enter into this Agreement.

(i) It has no knowledge (A) that any industrial use has been made of its particular property, (B) that the particular property has been used for the storage, treatment or disposal of chemicals or any wastes or materials that are

classified by federal, State or local laws as hazardous or toxic substances, (C) that any manufacturing, landfilling or chemical production has occurred on the particular property, or (D) that there is any asbestos or other contaminant on, in or under the particular property.

(ii) To its knowledge, the particular property complies with all federal, State and local environmental laws and regulations.

(iii) It will promptly notify the other property of any change prior to the Closing in the nature or extent of any hazardous materials, substances or wastes maintained on, in or under the Party property or used in connection therewith. It will send to the other party copies of any citations, orders, notices or other material governmental or other communication received prior to the Closing with respect to any other hazardous materials, substances, wastes or other environmentally regulated substances affecting the particular property.

To the extent permitted by law, each of the Town and Grubb promises that it will indemnify and hold the other Party harmless from and against any and all damages, penalties, fines, claims, liens, suits, liabilities, costs (including cleanup costs), judgments and expenses (including attorneys', consultants' or experts' fees and expenses) of every kind and nature suffered by or asserted against the other Party as a direct or indirect result of any warranty or representation made by the Party in this subsection (d) being false or untrue in any material respect.

e) Diligence Period. Beginning on the date hereof and continuing for a period of 30 days thereafter (the "Diligence Period"), Grubb shall have the right to conduct investigations into the Wallace Deck Property and to terminate this Agreement for any reason.

(i) Town Deliverables. On or before the fifth (5th) business day following the date hereof, the Town shall deliver to Grubb copies of all of the following (collectively, "Town Deliverables") to the extent in the possession of Seller or its agents:

a. A complete and correct list of any licenses, leases, or contracts then in effect in connection with the Wallace Deck Property and copies of all such agreements.

- b. The Town's existing title insurance policy and its most recent survey of the Wallace Deck Property, including a legal description, if any.
 - c. All existing engineering, environmental, geotechnical, architectural and property condition reports, studies, drawings and plans with respect to the Wallace Deck Property.
 - d. Certificates of occupancy with respect to the Wallace Deck Property.
- (ii) Independent Investigation. Grubb may, during the Diligence Period, inspect and investigate each and every aspect of the Wallace Deck Property, either independently or through agents, representatives or experts of Grubb's choosing, and may, upon reasonable notice to the Town, access the Wallace Deck Property for such purpose.

f) Conditions to the Parties' Obligation to Close. Neither Party hereto shall have an obligation to effect the Closing unless and until all of the following have occurred:

- (i) All of the representations and warranties of the Parties set forth in this Section 1 hereof shall be true as of the Closing Date.
- (ii) Grubb shall be the fee owner of the ITIC Lot.
- (iii) Any lender holding a deed of trust on the CVS Deck, the ITIC Lot, or both shall have consented to the transactions contemplated herein.
- (iv) There shall have been no material adverse change in the state of the title to any of the CVS Deck, the Corner Lot, the ITIC Lot, or the Wallace Deck Property, nor to the physical condition of the Wallace Deck Property.
- (v) The management plan contemplated in Section 2(d) hereof shall have been executed by the Parties.

- (vi) No notice has been received by either Party that any portion of the CVS Deck, the Corner Lot, the ITIC Lot, or the Wallace Deck Property will be or has been taken by any governmental authority exercising its powers of eminent domain or by purchase resulting from the contemplated use of such authority.

g) Representations. The Town hereby represents and warrants to Grubb, as to the Corner Lot and the Wallace Deck Property, and Grubb represents and warrants to the Town, as to the CVS Deck, and shall represent and warrant to the Town as to the ITIC Lot as of Closing, each in its role as “Grantor” of the parcels to be conveyed by it at Closing, as follows:

- (i) To Grantor’s Knowledge, this Agreement and all Closing documents to which Grantor is a party (aa) are, or at the time of Closing will be, duly authorized, executed and delivered by Grantor, (bb) do not, and at the time of Closing will not, violate any provision of any agreement or order to which Grantor is a party or to which Grantor is subject and (cc) constitute or will constitute at Closing the valid and legally binding obligations of Grantor, enforceable in accordance with their terms, subject to bankruptcy and other debtor relief laws limiting enforceability;
- (ii) To Grantor’s knowledge, there are no judicial or administrative proceedings (including, but not limited to, condemnation proceedings) pending against all or any portion of such property which would have a material adverse impact on the property after Closing, nor has Grantor received notice of any such proceeding.

2. Grubb will work to entitle the New Deck, and Grubb and the Town will work together on the design

a) Grubb will continue its process to obtain entitlement to build the New Deck through the Town’s land use regulatory process. Grubb and the Town, as the prospective future owner of the New Deck and the related property, will work together to complete this process by September 30, 2020.

b) Grubb and the Town will work together to design the New Deck to sit on the CVS Deck Property plus the ITIC Lot. Grubb and the Town will continue to cooperate for the final design of the New Deck so as to meet the construction and other deadlines specified in Sections 3 and 4. The New Deck will be designed to encompass 1,100 standard sized parking spaces, with a final as-built tolerance of plus or minus 10%.

- (i) Grubb shall submit preliminary plans for the New Deck to the Town on or before [October 16, 2020], and the Town shall provide any comments and requests thereto on or before [October 30, 2020].
- (ii) All comments and requests timely received by Grubb from the Town shall be reflected in the final design drawings to be submitted to the Town for review on or before [December 1, 2020], and the Town shall provide any comments and requests thereto on or before [December 15, 2020].
- (iii) All comments and requests received by Grubb from the Town shall be reflected on the construction drawings for the New Deck to be attached as exhibits to the New Deck Contract.

c) The Town ratifies and consents to the following firms' providing professional services for the design and construction of the New Deck: Perkins & Will, Ballentine Associates, P.A. and NV5, Inc. (these firms, and such others as may be agreed from time to time by the Parties, the "Design Consultants").

d) The parties will work together on a parking and construction management plan designed to minimize the disruption and adverse effects of the New Deck and New Office Building construction and Renovation projects on downtown traffic and parking, and on the operation of downtown businesses. This management plan will include the provisions set out in Exhibit C.

3. The Town will contract for and pay for the New Deck

a) Grubb and the Town have selected Samet Corporation ("Samet") to be the general contractor for the New Deck construction project. The Town has elected

to work with Samet as the general contractor under the authority of the Town Charter provisions (Sections 4.20 through 4.25) that allow the Town to enter into private construction contracts related to economic development projects. The Town ratifies prior action by Grubb to retain Samet for the work.

b) Grubb and the Town will work with Samet and the Design Consultants to prepare final design, drawings, plans and specifications for the New Deck so that the Town will have in hand by February 1, 2021 (the “Contract Deadline”) the following items (the “LGC Requirements”):

i) A construction contract between Samet and the Town that states a guaranteed maximum price

ii) Written approval from [the Town’s independent review consultant] as to the fairness of the stated maximum price

iii) A letter from Samet or a project architect confirming that all major regulatory permits that are conditions to the start of construction are in hand

Grubb, the Town, Samet and [the Consultant] will work together to allow [Consultant’s] on-going review of estimated construction costs. The parties will work together with Samet and [the Consultant] to resolve any disagreements over construction costs and contract amounts, so as to allow [the Consultant] to give its approval as contemplated in the previous paragraph prior to the Contract Deadline.

c) Grubb may extend the Contract Deadline by prior notice to the Town to a stated time not beyond April 1, 2021, provided that Grubb waives any damages or allowances for additional time. If the Contract Deadline is not met, neither Party shall have any additional rights or obligations under this Agreement.

d) The parties acknowledge as follows: The Town plans to borrow money to pay the New Deck Total Costs. This borrowing requires the LGC’s approval. The Town will pursue LGC approval in a timely and professional manner, but the Town cannot guarantee the outcome of the LGC approval process. As part of the approval process, the LGC will require delivery of the LGC Requirements. The parties plan to

complete the Closing described in Section 1 in connection with closing on the Town's financing for the New Deck, and not before.

e) The New Deck Contract must include the following, along with any other terms and conditions the Town may specify:

i) Payment and performance bonds from Samet in favor of the Town as would be required in a conventional Town construction project;

ii) Construction warranty bonds in favor of the Town;

iii) Identification of the Town as a loss payee or additional insured, as appropriate, on all policies of insurance provided by the contractor. These policies must include builders' risk insurance and property and liability insurance;

iv) A requirement that Samet and all subcontractors maintain workers' compensation as provided by law;

v) That Samet must begin construction (which may include the start of demolition) promptly upon Samet's receipt of a notice to proceed from the Town; and

vi) A construction period of not more than [365 days].

f) The Town will pay Samet for the costs of construction as provided in the New Deck Contract. The Town expects that the payment process will proceed substantially as described in Exhibit D.

g) The Town will provide Grubb, Samet and their contractors and subcontractors a non-exclusive license to use a portion of Lot 2, attached hereto as Exhibit E, as a construction staging area (the "Staging Area") in accordance with the following terms:

i) Grubb, Samet and their contractors and subcontractors may use this staging area for all purposes of constructing the New Deck, constructing

the New Office Building and carrying out the Renovation, but not beyond [_____].

(ii) At the end of the construction activity (or after [_____]), Grubb will promptly prepare the Staging Area by removing all asphalt, seeding the property with grass, defining a walkway from Rosemary Street through the Staging Area to Franklin Street, cutting off the access between the currently existing upper and lower portions of Lot 2, and constructing any appropriate retaining walls.

(iii) Grubb will indemnify the Town and hold it harmless for any claims or losses asserted against the Town by any person or entity related to or arising out of actions taken at the Staging Area, activities at the Staging Area, or the condition of the Staging Area while the license is in effect. This indemnification will not apply in the case of actions or omissions on the part of Town employees.

h) The Town will be responsible for payment of the New Deck Total Cost, including, without limitation, payments required under the New Deck Contract, and reimbursement of Grubb, at Closing, for all costs and expenses comprising part of the New Deck Total Cost expended by Grubb on or before the Closing Date. In the event the Closing shall not occur, the Town shall reimburse Grubb for such costs and expenses within 30 days after any termination of this Agreement whether as a result of denial of any required entitlement or for any other reason hereunder.

4. Grubb will apply to build the New Office Building

a) Grubb will apply for all necessary land use approvals for the New Office Building construction, on its own behalf. Grubb will make a concept plan presentation for the New Office Building, as required under the Town's land use ordinance, by the end of November 2020. The Town promises to act with all diligence to complete the land use entitlement process for the New Office Building by November 30, 2021, subject to Grubb's timely completion of applications and other required filings and subject to the provisions of Section 8(c).

b) The initial applications for entitlement must allow or provide for, as applicable, the following features for the New Office Building:

- i) Approximately 250,000 square feet of office space across not more than six floors, which may include two levels of parking at or below street grade.
- ii) At least two floors that constitute Wet Lab space
- iii) A building profile that steps back from the street above the fourth aboveground level on Rosemary Street.
- iv) A community green space in the Corner Lot, developed in conjunction with the building

The parties acknowledge that through the land use entitlement process, Grubb may not receive permission to build a building the includes all the features described above. In the event the entitlement process for the New Office Building is not complete by November 30, 2021, or if the resulting entitlements do not permit, at a minimum, the uses and development rights contemplated above or such lesser level of entitlement as shall be acceptable to Grubb in its sole discretion, Grubb shall have the right to terminate this Agreement and neither Party shall have any further rights or obligations hereunder except those explicitly surviving termination hereof.

5. Other provisions related to the New Office Building

- a) Any office space must be finished to a Class A level.
- b) Parking in the New Office Building must be restricted to use by tenants, customers and visitors to the New Office Building and the buildings that are the subject of the Renovation. The parking may not be made available to members of the general public from and after the date on which a certificate of occupancy has been issued by the Town for the New Deck.
- c) In connection with the New Office Building construction, Grubb will develop the Corner Lot into a community green space with plantings and amenities (such as grass, trees and benches) reasonably appropriate to a space of that size in that location. Promptly upon taking occupancy of the New Office Building, Grubb will dedicate the community green space to the Town. The dedicated green space does

not need to match the existing boundaries of the Corner Lot, but the Town expects that the approximate dimensions and location will match.

d) At any time and from time to time, between the Closing Date and Office Building Occupancy, at the Town's request, Grubb will provide for a representative to appear before the Town Council to provide a narrative update on the Project and to provide full and complete answers to questions from Councilmembers. The Town does not expect that these requests will occur more frequently than quarterly.

6. Town has a repurchase option

(a) Time of the Option. If, as of January 1, 2024, or any time between January 1, 2024, and December 31, 2025, after which the Option shall be forfeited by the Town, both:

(i) Grubb has not received a certificate of occupancy for the New Office Building; and

(ii) There is no active building permit for construction at the planned site of the New Office Building,

then the Town has the option to repurchase the Wallace Deck Property and the Corner Lot, as described in this Section 6 (the "Option").

(b) Option Price. The price at which the Town may repurchase the property is the "Make Whole Price."

The "Make Whole Price" is the price that will make Grubb whole for its expenditures on the New Office Building prior to the Town's purchase. This price will include (a) the value of the CVS Deck Property and the ITIC Lot as included in the swap price calculation described in Section 1, plus (b) a 6% rate of return on the property value, compounded annually, plus (c) all costs incurred to the purchase date in entitling (for any entitlements still in effect on the purchase date), designing, and constructing the New Office Building. The Make Whole Price does not include any allocation of indirect costs by Grubb, and does not include any allowances for taxes or principal or interest on money borrowed for the Project. It does not include any allowance for general increases in land values, or increases in values attributable to development entitlements attached to the land. It does not take into account any value of the CVS Deck Property above that included in the calculation of the swap price calculation.

(c) Means of Exercise. The Option may be exercised as follows:

(i) The Town may give notice of its exercise by notice under Section 8 under the conditions set forth in Section 6(a). The Town may complete its purchase even if those conditions do not continue through the purchase date (including closing the purchase after December 31, 2025).

(ii) At the time of giving notice, the Town must pay an earnest money deposit of \$100,000. The Town then has 120 days to perform due diligence and complete the purchase.

(ii) The amount of the earnest money deposit will be applied to the purchase price at closing or retained by Grubb in the event there is no closing. The Town is only entitled to return of the earnest money deposit if it abandons the transaction (a) as a result of a finding during the due diligence period or (b) as a result of the parties' being unable to reach an agreement on the calculation of the Make Whole Price. The Town is not entitled to a return of the deposit based on a failure to secure financing.

(d) Other matters. The Town may assign the Option in its discretion, including assigning between the option notice date and the closing date. Grubb can sell the property to any other purchaser during the Town's option period if the Town has not given its notice of exercise, but the Town's option survives any sale by Grubb (either before or during the option period). Either Party may provide for notice of this Option to be placed on record with the Register of Deeds for Orange County. The Town will cooperate with Grubb to subordinate its Option to the interests of any lender for the project, so long as the subordination does not reach any liabilities of Grubb not related to the New Office Building.

7. Defaults and Remedies; Dispute Resolution

a) Defaults. A Party is in default under this Agreement (i) if it fails to observe and perform any covenant, condition or agreement on its part to be observed or performed for a period of 30 days after notice specifying the failure and requesting that it be remedied has been given by the other Party or (ii) if any representation or warranty provided in this Agreement is found to be incorrect or incomplete in any material respect as of the Closing.

b) Remedies. Whenever any default is continuing, the non-defaulting Party may take any or all of the following remedial steps:

(i) At its option, cure the default by paying money or taking any other appropriate action, in which case the defaulting Party must

reimburse the defaulting Party for all costs and expenses reasonably incurred in curing the default, including legal costs.

- (ii) Take whatever action at law or in equity may appear necessary or desirable to collect the amounts then due and thereafter to become due, or to enforce performance and observance of any obligation, agreement or covenant of a Party under this Agreement.
- (iii) Where the default is a failure to effect the Closing, either Party hereto shall be entitled to the remedy of specific performance.

c) No remedy exclusive; other provisions. No remedy conferred or reserved in this Agreement is intended to be exclusive, but instead is intended to be cumulative. No delay or omission to exercise any right or power accruing upon any default constitutes a waiver of that right or power. A waiver of any default is limited to the default so waived and does not waive any other default. If a Party incurs legal or other costs and expenses to collect any payments due under this Agreement, or to enforce the performance or observance of any obligation or covenant under this Agreement, then to the extent permitted by law each Party promises to reimburse a non-defaulting Party for all reasonable legal and other fees and costs incurred in the collection or enforcement.

d) Dispute resolution. In the event of a dispute between the parties concerning the terms or performance of this Agreement, the parties will take the following steps prior to commencing any proceeding before a court or administrative body:

- (i) Exchange of positions. Any Party noting a dispute under this Agreement will notify the other Party of the nature of the dispute and the first Party's proposed resolution. Within ten days after the effective date of the notice, the other Party must respond in writing as to its view of the dispute and its position on the proposed resolution.

- (ii) Meet and confer. If the parties are unable to reach an agreement on the dispute and upon notice from any Party, the parties will promptly hold a meeting attended by representatives with appropriate authority to resolve

the dispute. At this meeting, the parties will attempt in good faith to negotiate a resolution of the dispute.

(iii) Mediation. If the dispute remains unsettled by negotiation, the parties will engage the services of a professional mediator agreed upon by the parties. The parties will then attempt in good faith to resolve the dispute through mediation. The Town and Grubb will each pay one-half of the mediator's fees and expenses and each Party will pay all its own legal fees and other expenses related to the mediation. Each Party must be represented at the mediation by a representative with appropriate authority to resolve the matters in dispute. Only after mediation may a part initiate legal or administrative proceedings.

8. Miscellaneous provisions.

a) Notices. Any communication provided for in this Agreement must be in writing (not including facsimile transmission or electronic mail). Any communication under this Agreement will be deemed given on the delivery date shown on a certified mail receipt, or a delivery receipt (or similar evidence) from a national commercial package delivery service, if addressed as follows:

If intended for the Town, to Town of Chapel Hill, c/o Town Manager, Re:
Notice under 2020 Grubb Economic Development Agreement, Town Hall, 405
Martin Luther King, Jr. Blvd., Chapel Hill, NC 27599

If intended for Grubb, to Grubb Management LLC, 117 Edinburgh Drive South,
Suite 110, Cary, NC 27511, Attn: Joe Dye

Any addressee may designate additional or different addresses for communications by notice given under this subsection to the other.

b) General Representations. The Town and Grubb each represents, covenants and warrants for the other's benefit as follows:

(i) Neither the execution and delivery of this Agreement, nor the fulfillment of or compliance with its terms and conditions, nor the

consummation of the transactions contemplated by this Agreement, results in a material breach of the terms, conditions and provisions of any agreement or instrument to which either is now a party or by which either is bound, or constitutes a material default under any of the foregoing.

(ii) To the knowledge of each Party, there is no litigation or other court or administrative proceeding pending or threatened against that Party (or against any other person) concerning that Party's rights to execute or deliver this Agreement or to comply with its obligations under this Agreement. Neither the Party's execution and delivery of this Agreement, nor its compliance with its obligations under this Agreement, requires the approval of any regulatory body or any other entity the approval of which has not been obtained.

c) Limits on Town's power to agree. (i) Grubb acknowledges that the Town's ability to agree to provisions in this Agreement, and to carry out its agreements, is limited by its status as a unit of local government, and in particular its role as a land use regulator. The Town acts in separate capacities as a party to a business agreement such as this EDA, and as a land use regulator. The Town makes no representation, and can give no assurances, that any land use or related approvals necessary for the Project will be forthcoming at any time.

(ii) Grubb acknowledges that the Town is a governmental entity, and the Agreement's validity is based in part upon the availability of public funding under the authority of its statutory mandate. If public funds are unavailable and not appropriated for the performance of Town's obligations under this Agreement, then this Agreement shall automatically expire without penalty to the Town thirty (30) days after notice to Grubb of the unavailability and non-appropriation of public funds. It is expressly agreed that the Town shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Agreement, but only as an emergency fiscal measure during a substantial fiscal crisis that generally affects its governmental operations.

(iii) A failure of the Town to receive LGC approval or to appropriate funds, or the failure of any aspect of the Project to receive a necessary land use approval from the Town, will not be an event of default on the part of the Town. The Town, however, promises to process requests for regulatory approvals and necessary appropriations in a timely and professional manner.

d) Public Records Law. Any information furnished under this instrument is subject to the North Carolina Public Records Law.

c) E-Verify. Grubb shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.

d) Each Party will bear its own costs. Except as specifically set forth herein, each Party will bear its own costs of the fees and expenses of its counsel and consultants, and of the studies or surveys required under this Agreement or that it otherwise commissions or obtains for its use under this Agreement.

e) Limitation on liability of officers and agents. No officer, agent or employee of the Town will be subject to any personal liability or accountability because of the execution of this Agreement or any other documents related to the transactions contemplated by this Agreement. Those officers, agents or employees will be deemed to execute such documents in their official capacities only, and not in their individual capacities. This provision does not relieve any officer, agent or employee from the performance of any official duty provided by law.

f) Assignment. Neither Party may assign any of its rights or obligations under this Agreement without the express consent of the other, provided that Grubb may assign this Agreement without the prior written consent of the Town to a partnership, corporation or limited liability entity which is controlled by, controlling, under common control with or affiliated with Grubb (each, a "Permitted Assignee"), provided that Grubb gives the Town prompt written notice of such assignment, to be received by the Town in any event not less than five business days prior to the Closing Date. Upon an assignment of this Agreement to a Permitted Assignee, as used in this Agreement, the term "Grubb" shall be deemed to include such Permitted Assignee. Subject to the foregoing, this Agreement shall inure to the benefit of and shall be binding upon the Town and Grubb and their respective successors and assigns.

g) Amendments. This Agreement may only be modified in writing signed by all parties.

h) Governing law. The parties intend that North Carolina law will govern this Agreement and all matters of its interpretation. To the extent permitted by law,

the parties agree that any action brought with respect to this Agreement must be brought in the North Carolina General Court of Justice in Orange County, North Carolina.

i) Severability. If any provision of this Agreement is determined to be unenforceable, that will not affect any other provision of this Agreement.

j) Binding effect. Subject to the specific provisions of this Agreement, this Agreement will be binding upon and inure to the benefit of and be enforceable by the parties and their respective successors and assigns.

k) Entire agreement. This Agreement constitutes the entire agreement between the Town and Grubb with respect to its general subject matter.

l) No third-party beneficiaries. There are no parties intended as third-party beneficiaries of this Agreement.

m) Time. Time is of the essence of this Contract and each and all of its provisions.

n) Definitions. Unless the context clearly requires otherwise, capitalized terms used in this Contract and not otherwise defined have the meanings set forth in Exhibit A.

o) Counterparts. This Agreement may be executed in several counterparts, including separate counterparts. Each will be an original, but all of them together constitute the same instrument.

[The remainder of this page has been left blank intentionally.]

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IN WITNESS WHEREOF, the Town and Grubb have caused this Agreement to be executed and delivered as of the day and year first above written by duly authorized officers.

(SEAL)

ATTEST:

**TOWN OF CHAPEL HILL
NORTH CAROLINA**

Sabrina Oliver
Town Clerk

By: _____
Maurice Jones
Town Manager

GRUBB MANAGEMENT LLC

By: _____

Printed name: _____

Title: _____

Exhibits:

- A – Definitions
- B – Form of the Wallace Deck Lease
- C – Key provisions of Parking and Construction Management Plan
- D – Contract payment terms
- E – Staging Area designation *[will be a diagram]*

[Economic Development Agreement dated as of _____, 2020]

Exhibit A – Definitions

References to Columbia Street, Rosemary Street, Franklin Street and North Street are references to those streets in downtown Chapel Hill, North Carolina.

“Corner Lot” means the Town-owned lot at the southwest corner of Rosemary and Henderson Streets and is further identified by PIN # _____ in the Orange County land records.

“CVS Deck” means the existing 270-space parking deck located at 125 E. Rosemary Street. “CVS Deck Property” means this deck and its related real estate, which comprises approximately 0.87 acres and is further identified by PIN # 9788-37-4748 in the Orange County land records.

“ITIC Lot” means the existing 91-space parking lot located at 135 E. Rosemary Street and its related real estate, which comprises approximately 0.81 acres and is further identified by PIN # 9788-37-6817 in the Orange County land records.

“LGC” means the North Carolina Local Government Commission, a department of the office of the North Carolina State Treasurer, or any successor to its functions.

“Lot 2” means the Town-owned, 102-space surface parking lot located near the corner of Rosemary and Columbia Streets and is further identified by PIN # _____ in the Orange County land records.

“New Building Completion” means the earliest date of substantial completion of permitted work for the New Office Building, whether or not the property is occupied or a certificate of occupancy issued.

“New Deck” means the new 1,100-space parking deck to be constructed on the CVS Deck Property and ITIC Lot for the Town under Section 3.

“New Deck Contract” means the final construction contract for the New Deck between the Town and Samet as contemplated by Section 3.

“New Deck Total Cost” means the total of all costs related to placing the New Deck in service for its intended purposes. These costs include land acquisition, design, construction, traffic impact assessment, and related legal, administrative and financing costs.

“New Office Building” means the new office building to be designed and constructed at 150 E. Rosemary Street as described in Sections 4 and 5.

“Project” means the project as described in the preambles to this Agreement.

“Renovation” means Grubb’s planned renovation of the existing buildings located at 137 East Franklin and 136 East Rosemary Streets. The Renovation will be considered complete under this Agreement upon substantial completion of the permitted work, whether or not in either case the property is occupied or a certificate of occupancy issued. Renovation may be considered complete for one building before the other.

“Wallace Deck” means the existing Town-owned, 309-space parking deck located at 150 E. Rosemary Street. “Wallace Deck Property” means this deck and its related real estate, which comprises approximately 1.49 acres and is further identified by PIN # 9788-37-9717 in the Orange County land records.

“Wet Lab” means a laboratory equipped with appropriate plumbing, ventilation, and equipment to allow for hands-on scientific research and experimentation, including the direct handling of potentially hazardous materials.

Exhibit B – Form of the Wallace Deck Lease

To be attached.

Exhibit C

Parking and Construction Management Plan

To be attached.

Exhibit D – Standard construction contract payment terms

The Town will pay construction cost requests to Samet upon Samet's providing a payment request to the Town in the form provided in the New Deck Contract, which will require Samet to provide proof of any stated third-party expenditures and appropriate lien waivers. The Town will have the right as the owner (but not the obligation) to inspect the work done from time to time and to request additional information from Samet to resolve any questions or apparent discrepancies. The Town will generally pay requisitions based on a "percentage of completion" basis, subject to the contract's retainage provisions, and will make payments within 30 days of the receipt of a payment request. The Town will not process more than one payment request in any calendar month.

To the extent the final terms of the New Deck Contract provide for different procedures, the terms of the New Deck Contract will govern.

Exhibit E – Staging Area designation

[To come]

Prepared by and return after recording to:

Robert M. Jessup Jr.
Sanford Holshouser LLP
209 Lloyd St., Suite 350
Carrboro, NC 27510

NORTH CAROLINA

ORANGE COUNTY

Brief description: Wallace Parking Deck and related, Rosemary St., Chapel Hill

Orange County PINs:

WALLACE DECK LEASE

THIS WALLACE DECK MANAGEMENT LEASE (the "Lease") is made this _____ day of _____, 2020, and is between Grubb Management LLC ("Grubb") and the Town of Chapel Hill, North Carolina (the "Town").

Grubb hereby leases the "Wallace Deck," as defined below, to the Town, and the Town hereby leases the Wallace Deck from Grubb, to have and to hold for the Lease Term, subject to the provisions of this Lease.

For the purposes of this Lease, the "Wallace Deck" means the 309-space parking deck and associated improvements and real property located at ____ Rosemary Street, Chapel Hill, North Carolina, and further identified as Orange County PIN# _____. Grubb is the record owner of the Wallace Deck. This is the same property conveyed to Grubb by the Town by a deed recorded at Book _____, Page _____, Orange County Registry.

1. Lease Term. The term of this Lease (the "Term") begins on _____, 2020 (the "Effective Date"). The Term ends on the earliest to occur of the following:

a) 11:59 p.m. on the last day of the 59th full calendar month after the Effective Date.

b) the date either party elects to terminate this Lease. A party must give at least 90 days' notice of an election to terminate, **and neither party may give that notice before May 1, 2021.**

The Town has no right to hold over as a tenant after the Term ends.

2. **Quiet Enjoyment and Operation.** Grubb covenants that the Town will during the Lease Term peaceably and quietly have and hold and enjoy the Wallace Deck without suit, trouble or hindrance from Grubb, except as expressly required or permitted by this Lease. Grubb will not interfere with the Town's quiet use and enjoyment of the Wallace Deck during the Lease Term. Grubb will, at the Town's request and Grubb's cost, join and cooperate fully in any legal action in which the Town asserts its right to such possession and enjoyment. In addition, the Town may at its own expense join in any legal action affecting its possession and enjoyment of the Wallace Deck and will be joined (to the extent legally possible, and at the Town's expense) in any action affecting its liabilities under this Lease. The Town will operate and manage the Wallace Deck and carry out all associated responsibilities including collection of fees, maintenance of equipment, issuance of any tickets for violation of terms of use, and collection of any penalties associated with such violations.

3. **Rent.**

(a) The Town will pay monthly rent to Grubb in the amount of \$30,000.00 per month. Rent is due on _____, 2020, and on the 5th day of each month thereafter during the Term, except as provided in Section 3(b) below (the time period during which rent is paid as set forth in this Section 3(a), the "Flat Rent Period"). Rent for the first and last months of the Term or Flat Rent Period, as applicable, will be pro-rated, if appropriate, on the basis of the number of days elapsed and the total number of days in that month. If the 5th of any month is a holiday observed by the Town, the Town may pay the rent on the subsequent business day without penalty. The Town will pay the rent **by mailing a check by the due date** to the address designated by Grubb from time to time (which need not be the address designated in Section 10).

(b) From and after the date that is the later of (i) the date on which a Certificate of Occupancy has been issued by the Town in connection with the new parking deck to be constructed on the property located at 125 E. Rosemary Street, Chapel Hill, NC, and (ii) the date that is the first anniversary of the Effective Date, the Flat Rent Period shall terminate, and the following provisions shall apply:

(i) The Town will assess charges for parking in the Wallace Deck in its discretion, but as limited by this paragraph (b)(i). The rental rates charged by the Town for parking in the Wallace Deck must be substantially the same as the rates for other downtown parking facilities owned or leased by Town, as in effect from time to time. Any discounts or "free parking" periods or events provided by Town in its other downtown parking facilities may similarly apply to the Wallace Deck.

(ii) The Town shall determine each month the gross revenue from charges for parking in the Wallace Deck for the previous month. The Town will make its books and records for this calculation available to Grubb on Grubb's request. This amount will be called the "Monthly Gross Revenue." The Town will first make this calculation at the end of the first full calendar month that the Town manages the Wallace Deck under this Agreement (and that first calculation will cover any partial month at the beginning of the Term).

(iii) Each month the Town will retain from the Monthly Gross Revenue an amount equal to the following (to be called the "Expense Amount"):

- a. \$400 per parking space, divided by 12. For the first calculation of the Expense Amount, instead of dividing by 12 the derived product will instead be multiplied by a fraction, the numerator of which is the actual number of days elapsed in the first period and the denominator of which is 365.

b. The Town is entitled to retain the Expense Amount regardless of its actual costs or expenses and with no requirement to document costs or expenses. If the Monthly Gross Revenue is less than the Expense Amount in any month, the amount of the shortfall will be added to the amount the Town is entitled to retain in the following month, and so on from month to month. In no event will Grubb owe all or any portion of such shortfall to the Town.

(iv) The Monthly Gross Revenue for any period less the Expense Amount for that period will be called the Monthly Net Revenue.

(v) Each month, not later than the 25th day of the month, the Town will pay to Grubb 60% of the Monthly Net Revenue for the previous month **by mailing a check** to the address designated by Grubb from time to time (which need not be the address designated in Section 8).

4. Proper Use and Maintenance. (a) The Town will use and care for the Wallace Deck in a careful and proper manner. The Town must keep the Wallace Deck in good condition, repair, appearance and working order for the purposes intended. The Town is not required to undertake any long-term improvements to the Wallace Deck, whether as a response to deferred maintenance or otherwise. The Town is responsible for all maintenance and repair of the Wallace Deck during the Term, and Grubb shall have no obligation or liability with respect to the maintenance, repairs, or condition of the Wallace Deck hereunder.

(b) Utilities. The Town will pay for all water, sanitation, sewer, electricity, light, heat, gas, power, fuel, janitorial, and other utilities and services incident to Town's use of the Wallace Deck.

(c) Compliance with Requirements. The Town will promptly and faithfully comply with all requirements of governmental authorities relating to the use or condition of the Wallace Deck (or be diligently and in good faith contesting the requirements), if the violation of the requirement could adversely affect the use,

value, title, or condition of the Wallace Deck. This compliance (or contest) is required of the Town whether or not any requirement necessitates structural changes or improvements or interferes with the Town's use or enjoyment of the Wallace Deck.

The Town will in no event use the Wallace Deck, or any portion, nor allow it to be used, (i) for any unlawful purpose, (ii) in violation of any certificate of occupancy or other permit or certificate, or (iii) in violation of any law, ordinance or regulation.

(d) Modification of Wallace Deck; Installation of Equipment and Machinery. Subject to Grubb's written consent, not to be unreasonably withheld, the Town may remodel the Wallace Deck or make substitutions, additions, modifications and improvements to the Wallace Deck, at its own cost and expense. These changes, however, must not damage the Wallace Deck nor result in the use of the Wallace Deck for purposes substantially different from those contemplated as of the Effective Date, nor reduce the number or desirability of the parking spaces provided. Further, the Wallace Deck, upon completion of the changes, must be of a value not less than its value as of the date such work commenced. Any addition, alteration, or improvement that Grubb does not require the Town to remove upon the termination of this Lease becomes Grubb's property. The Town, however, may remove any machinery or equipment which it can remove without material damage to the Wallace Deck and for which such removal has been previously consented to by Grubb in writing.

(e) The maintenance and repair responsibilities of the Town shall include, without limitation:

(i) Town agrees to perform general maintenance of the Wallace Deck to include routine trash removal, blowing the levels off weekly, and pressure washing at least once every two years.

(ii) Town agrees to oversee and make available the after-hours security service contracted by Town.

(iii) Town agrees to manage any parking contracts and related payments.

The Town is not required to undertake any long-term improvements to the Wallace Deck, whether as a response to deferred maintenance or otherwise.

5. Taxes and Other Governmental Charges. If the Wallace Deck (or any portion) is, for any reason, deemed subject to taxation, assessments or charges lawfully made by any government, the Town will, during the Lease Term, pay the amount of all those taxes, assessments and governmental charges. With respect to special assessments or other charges which may be lawfully paid in installments over a period of years, the Town is obligated under this Lease only to provide for the installments that are required to be paid during the Lease Term. The Town must not allow any liens for taxes, assessments or governmental charges with respect to the Wallace Deck (or any portion) to become delinquent, including any taxes levied upon Grubb's interest in the Wallace Deck, or on any rentals or other revenues derived from the Wallace Deck, and any such lien placed on the Wallace Deck must be discharged within 20 days thereafter.

The Town may, at its own expense and in its own name, in good faith contest any taxes, assessments and other charges with prior written notice to Grubb. In the event of a contest, the Town may permit the charges to remain unpaid during the period of the contest and any appeal notwithstanding any provision of the prior paragraph to the contrary.

6. Insurance.

a) Property Damage Insurance – The Town shall, at its own expense, acquire, carry and maintain broad-form extended coverage property damage insurance with respect to the Wallace Deck in an amount equal to its estimated replacement cost as reasonably approved by Grubb. This insurance must include Grubb as a loss payee.

b) General Liability Insurance – To the extent permitted by law, the Town agrees that it will, at its own expense, acquire, carry and maintain comprehensive general liability insurance in an amount not less than \$2,000,000 for personal injury or death and \$2,000,000 for property damage, and that it will include Grubb as an additional insured with respect to occurrences related to the Wallace Deck.

c) The Town must maintain the insurance required by this Section with generally recognized responsible insurers. The insurance may carry reasonable deductible or risk-retention amounts. The Town must provide copies of all policies to

Grubb upon request. Grubb is not responsible for the sufficiency or adequacy of any required insurance.

c) To the maximum extent permitted by insurance policies which may be owned by Grubb or Town without affecting coverage, Town and Grubb, for the benefit of each other, waive any and all rights of subrogation which might otherwise exist.

d) The Town may settle or adjust insurance claims in its discretion, except that no Town agent or employee will have the power to adjust or settle any property damage loss greater than \$100,000 with respect to the Wallace Deck, whether or not covered by insurance, without Grubb's prior written consent, which may be granted or withheld in Grubb's sole discretion. Grubb and the Town will cooperate fully with each other in filing any claim or proof of loss with respect to any insurance policy related to the Wallace Deck.

7. Condemnation. If the Wallace Deck or any portion is taken under power of eminent domain, or conveyed by Grubb in lieu of any taking, then this Lease terminates as of the date when possession of the Wallace Deck, or the applicable portion, is taken by the taking authority. Grubb will then refund to Town any unearned monthly rent or other charges previously paid by Town, provided no such payment was delivered to Grubb more than 30 days in advance of the date such payment was due hereunder.

All damages for any taking of all or any part of the Wallace Deck will be Grubb's sole property, without any deduction therefrom for any present or future estate of the Town. The Town hereby assigns to Grubb all its right, title, and interest to any such award; provided, the Town shall have the right to claim and recover from the taking authority any compensation that may be separately awarded or recoverable by Town. For example, compensation for any cost of loss which Town might incur because of the taking, including the cost of removing furniture and fixtures from the Wallace Deck.

8. Non-Appropriation of Public Funds. Grubb acknowledges that the Town is a governmental entity, and the Lease's validity is based upon the availability of public funding under the authority of its statutory mandate. If public funds are unavailable and not appropriated for the performance of Town's obligations under this Lease, then this Lease shall automatically expire without penalty to the Town

thirty (30) days after notice to Grubb of the unavailability and non-appropriation of public funds. It is expressly agreed that the Town shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Lease, but only as an emergency fiscal measure during a substantial fiscal crisis that generally affects its governmental operations. The Town reasonably believes funds will be available to satisfy all its obligations under this Lease.

9. Indemnification. To the extent permitted by law, the Town shall indemnify and hold harmless Grubb for any injury or loss incurred by Grubb or a third party while on the Wallace Deck during the Term, unless the loss is caused by the willful acts or omissions or gross negligence of Grubb, its employees, agents, licensees, or contractors.

10. Notices.

a) Any communication provided for in this Lease must be in writing (not including facsimile transmission or electronic mail).

b) Any communication under this Lease will be deemed given on the delivery date shown on a certified mail receipt, or a delivery receipt (or similar evidence) from a national commercial package delivery service, if addressed as follows:

If intended for the Town, to Town of Chapel Hill, c/o Town Manager,
Town Hall, 405 Martin Luther King, Jr. Blvd., Chapel Hill, NC 27514

If intended for Grubb, to _____

c) Any addressee may designate additional or different addresses for communications by notice given under this Section to the other.

11. Miscellaneous.

a) Entire Lease. This Lease contains the entire Lease and agreement of the parties, and there are no other promises or conditions in any other Lease or other agreement, whether oral or written. This Lease supersedes any prior written or oral leases or other agreements between the parties.

b) Recording. At the request of either party, Grubb and the Town will at any time execute a memorandum of this Lease legally sufficient to comply with the relevant provisions of the North Carolina General Statutes. Either party may provide for this Lease, or a memorandum of this Lease, to be recorded with the Register of Deeds of Orange County, North Carolina.

c) Subordination of the Lease. This Lease and the Town's rights under this Lease are subordinate and subject to any bona fide mortgage which may now exist or which Grubb may hereafter place upon the Wallace Deck. The Town shall, if requested by Grubb, execute a separate agreement reflecting the subordination.

d) Public Records Law. Any information furnished under this instrument is subject to the North Carolina Public Records Law.

e) E-Verify. Grubb shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.

f) Amendment. This Lease may be modified or amended if the amendment is made in writing and is signed by both parties.

g) Severability. If any provision of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, but that by limiting such provision, it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited. This severability provision shall not apply, however, to separate the Town's obligation to pay rent from its right of quiet enjoyment.

h) Delay Not Waiver. The failure of either party to enforce any provision of this Lease will not operate to waive or limit that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.

i) No Assignment. Neither party shall assign this Lease or any part of its rights or obligations under this Lease without the prior express written consent of the other. Consent must not be unreasonably withheld or delayed.

j) Dispute Resolution. The parties agree to provide notice to each other and a reasonable opportunity to respond if either determines that the other is not meeting its responsibilities under this Lease.

k) Grubb Owns the Deck. Grubb represents that it owns the Wallace Deck and that entering into this Lease will not constitute on its part a material breach or a default under any other contract to which Grubb is a party. Grubb as the owner of the Wallace Deck bears the ultimate risk of all loss to and condemnation of the Wallace Deck.

l) Applicable Law. The parties intend that this Lease and all aspects of its interpretation shall be governed by the laws of the State of North Carolina. The parties agree that the proper venue for any dispute arising out of this Lease shall be in the General Court of Justice, Orange County, North Carolina.

m) Estoppel Certificates. Either party shall within 10 days of receipt of a request from the other execute an estoppel certificate certifying as to such facts (if true) as the requesting party (or mortgagees or proposed purchasers of the Wallace Deck) may reasonably request (including, without limitation, rent, term commencement, tenant's acceptance of the premises, and the absence of defaults).

[The remainder of this page has been left blank intentionally.]

IN WITNESS WHEREOF, the Town and Grubb have each caused this Lease to be executed and delivered by duly authorized officers as of the day and year first above written.

(SEAL)

ATTEST:

**TOWN OF CHAPEL HILL
NORTH CAROLINA**

Sabrina Oliver
Town Clerk

By: _____
Maurice Jones
Town Manager

This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act.

Finance Officer
Town of Chapel Hill, North Carolina

GRUBB MANAGEMENT LLC

By: _____

Printed name: _____

Title: _____

[Wallace Deck Lease dated as of _____, 2020]

**STATE OF NORTH CAROLINA;
ORANGE COUNTY**

I, a Notary Public of such Town and State, certify that Maurice Jones and Sabrina Oliver personally came before me this day and acknowledged that they are the Town Manager and the Town Clerk, respectively, of the Town of Chapel Hill, North Carolina, and that by authority duly given and as the act of such Town, the foregoing instrument was signed in the Town's name by such Town Manager, sealed with its corporate seal and attested by such Clerk.

WITNESS my hand and official stamp or seal, this _____ day of _____, 2020.

[SEAL]

Notary Public

My commission expires: _____

* * * * *

**STATE OF NORTH CAROLINA;
_____ COUNTY**

I, a Notary Public of such County and State, certify that _____ personally came before me this day and acknowledged that [he] is a Manager of Grubb Management LLC and that by authority duly given and as the act of such corporation, the foregoing instrument was signed in the corporation's name by that Manager.

WITNESS my hand and official stamp or seal, this _____ day of _____, 2020.

[SEAL]

Notary Public

My commission expires: _____

[Wallace Deck Lease dated as of _____, 2020]

s★h draft of August 23

Letter of Intent

for a new parking deck in Chapel Hill

September ____, 2020

The Board of Governors of The University of North Carolina (“UNC”) and the Town of Chapel Hill, North Carolina (the “Town”), state their intent to cooperate in the development of a new parking deck in downtown Chapel Hill, as provided in this Letter of Intent.

1. The Project

The Town is undertaking a project (the “Project”) to plan, design, build and otherwise place in service a new parking deck (the “New Deck”) having approximately 1,100 standard parking spaces with an entrance on Rosemary Street in Chapel Hill between Columbia and Henderson Streets. The Town intends to begin construction of the New Deck by the end of March 2021, and expects to place the New Deck in service by February 1, 2022. The Town estimates a total cost for the New Deck of approximately \$32,500,000.

The parties believe that the New Deck will benefit UNC by making additional parking available in downtown Chapel Hill as UNC expands its presence of employees and activities in Chapel Hill’s core downtown.

To encourage the Town to undertake the Project, UNC will contribute to the initial cost and the on-going maintenance of the New Deck. The Town is undertaking the Project in partial consideration of UNC’s expressed intent.

2. UNC's initial contribution

Amount. Subject to Section 4, UNC will pay to the Town a share of the cost of the New Deck, calculated as follows:

* The total cost of the New Deck, determined as described below and as certified by the Town's general contractor at the time the New Deck is granted its certificate of occupancy and is available for service;

* Divided by the final number of standard parking spaces at the time of occupancy;

* Multiplied by 100.

Based on the current estimates of approximately \$32,500,000 for New Deck construction and 1,100 parking spaces, the parties estimate the UNC initial contribution will be approximately \$2,954,545. UNC expects that funds will be available for this payment from _____ [funding source].

The New Deck total cost will include all soft costs, including design, permitting, engineering and costs of real estate entitlements. It will include all costs of real estate used in the Project. It will include all construction costs and the Town's financing costs. It will not include any amounts representing interest payable by the Town.

Timing. The Town will present an invoice to UNC for its initial contribution promptly upon the New Deck's being placed in service, but not before March 1, 2022. The Town will include information as to its calculation of the initial contribution. By the 30th day following the date the Town delivers the invoice, UNC will pay any amount not in dispute and will state the amount of any dispute (and UNC's reasons for dispute) to the Town. The parties will then work together to resolve the dispute.

By way of illustration: if the Town builds a deck of 1,100 spaces and states a total New Deck cost of \$32,500,000, it will present an invoice for \$2,954,545. Assume the Town delivers the invoice on April 1, 2022, and assume UNC disputes \$1,000,000 of the certified costs. Then by May 1, 2022, UNC must pay the Town \$2,863,636 and state the reasons for its dispute of the remaining \$1,000,000 of costs.

3. UNC's maintenance payments

Subject to Section 4, UNC will pay to the Town an annual maintenance fee, calculated as follows:

- * \$400 per space
- * Multiplied by 100 spaces
- * Multiplied by an inflation adjustment, as described below.

The Town will submit an invoice to UNC annually by each July 1, beginning with the first July 1 after the New Deck is placed in service. UNC will pay each invoice by the succeeding August 1. This process will continue so long as the New Deck remains in service. UNC expects that funds will be available for this payment from _____ [funding source].

The inflation adjustment for each year will be the cumulative change in the United States producer price index, as published by the United States Bureau of Labor Statistics (or any successor index), from the January 1 preceding the first invoice through the relevant invoice date. The Town will not apply an inflation adjustment to the first invoice and the adjustment will never be less than zero. The parties will work together to establish a corresponding index if the baseline of the stated index is restated.

UNC is required to make these annual payments so long as parking has been available in the New Deck as provided in Section 4 for at least 330 of the

365 calendar days preceding the invoice date. If the parking has been available for less than 330 days, the Town will adjust the invoice amount by multiplying the amount otherwise due by a fraction, the numerator of which is the total number of days parking was available and the denominator of which is 365. The first invoice will not, however, be pro-rated to adjust for a partial year.

The Town must keep the New Deck in good operating condition, but the Town is not required to account to UNC for the use of the annual maintenance payments.

4. Nature of this commitment

This Letter of Intent states the current intent of the parties. The parties agree that upon the signing and delivery of this Letter of Intent, they will begin to negotiate a definitive agreement to confirm their mutual obligations.

Neither party, however, has a duty beyond negotiation with due diligence and good faith. Any party can cease negotiations at any time if it has acted in good faith and with due diligence to that point. Without a definitive agreement, however, UNC has no obligations under Sections 2 and 3. The Town has no obligation, in any case, to undertake or continue the Project.

[The rest of this page has been left blank intentionally.]

IN WITNESS WHEREOF, the Town and UNC have caused this Letter of Intent to be executed and delivered as of the day and year first above written by duly authorized officers.

(SEAL)

ATTEST:

**TOWN OF CHAPEL HILL,
NORTH CAROLINA**

Sabrina Oliver
Town Clerk

By: _____
Maurice Jones
Town Manager

(SEAL)

ATTEST:

**THE BOARD OF GOVERNORS OF
THE UNIVERSITY OF NORTH
CAROLINA**

[Printed name]
Secretary/Assistant Secretary

By: _____
[Name/Title]

[Letter of Intent
For a new parking deck in Chapel Hill,
Dated as of September ____, 2020]

IMPROVEMENTS AGREEMENT

between

**THE TOWN OF CHAPEL HILL,
NORTH CAROLINA**

and

GRUBB MANAGEMENT, LLC

IMPROVEMENTS AGREEMENT

THIS IMPROVEMENTS AGREEMENT (this “Agreement”) is made as of the ____ day of _____, 2020, by and between **THE TOWN OF CHAPEL HILL, NORTH CAROLINA**, a political subdivision of the State of North Carolina (the “Town”), and **GRUBB MANAGEMENT, LLC**, a North Carolina limited liability company (“Grubb”).

RECITALS

A. The Town desires to continue the revitalization and economic development of the downtown area of the Town with a new parking deck facility provide public parking the downtown area.

B. Grubb has been asked by the Town to design, develop and build the parking deck on behalf of the Town.

C. The Town and Grubb previously executed a “Economic Development Agreement” (the “EDA”) on _____, 2020 outlining certain responsibilities of each party with respect to pre-construction activities and commitments to work in good faith to negotiate and finalize an Improvements Agreement for the parking deck.

D. Town and Grubb now desire to enter into this Agreement to set forth the terms and conditions of the proposed public development.

DEFINITIONS

For the purposes of this Agreement, and in addition to terms defined elsewhere in this Agreement, the following defined terms shall have the meanings described thereto in this Definitions Section.

“**Affiliate**” shall mean any person or entity that is directly or indirectly controlled by or owned by the named entity. For purposes of this Agreement, the term “control” shall mean the ownership of fifty percent (50%) or more of the stock or other voting interest of the controlled entity.

“**Contract Deadline**” shall mean the date that is _____ (____) days after the Town issues a Notice to Proceed for construction of the Parking Deck. As of the Effective Date of this Agreement, the Notice to Proceed is anticipated to be _____ and the Contract Deadline is anticipated to be _____.

“**Commencement of Construction**” shall mean (i) Grubb, on behalf of the Town, has obtained all required building permits for the Parking Deck, (ii) the Town has executed a contract for construction of the Parking Deck with the Contractor, or another general contractor of similar experience, qualification, reputation, and financial solvency reasonably acceptable to and approved by the Town), and (iii) Grubb has commenced construction of the Parking Deck with the

intent to diligently prosecute the construction to completion in accord with the Development Schedule.

“Construction Documents” shall have the meaning given in Section 1.6.

“Contractor” means Samet Corporation, the contractor experienced, licensed and qualified to manage construction of the Parking Deck, having been selected jointly by the Town and Grubb through a qualification and experience-based selection process. The Contractor may be replaced by mutual consent of the Town and Grubb, or in the event the beginning of construction of the Parking Deck is postponed, either party may replace the Contractor without the consent of the other so long as the replacement Contractor is equally qualified, experienced and financially sound.

“Day” shall be deemed to mean calendar, unless otherwise specifically indicated.

“Design Team” shall mean Perkins & Will, Ballentine Associates, P.A., NV5, Inc. and such others as may be agreed from time to time between Grubb and the Town.

“Development” shall have the meaning given in Section 1.4.

“Development Budget” shall have the meaning given in section 4.2.1

“Development Plans” shall include the final Schematic Design Plans, the final Design Development Plans and the final Construction Documents.

“Development Schedule” shall have the meaning given in Section 1.4.

“Effective Date” shall mean the date set forth on the first page of this Agreement.

“Event of Default” shall mean those events listed in Article VI.

“Parking Deck” shall have the meaning set forth in Article I.

“Parking Deck Agreements” shall have the meaning given in Section 4.2.1.

“Parking Deck Plans” shall have the meaning given in Section 1.1.1.

“Parking Deck Team” shall mean the Design Team, the Contractor, and those other individuals and entities identified on **Exhibit B** hereto, as the same may be modified from time to time pursuant to Section 1.5.

“Prime Rate” shall mean the Wells Fargo Prime Rate, as announced by Wells Fargo Bank from time to time.

“Property” means approximately _____ acres of land fronting on Rosemary Street, in downtown Chapel Hill, North Carolina, all as more particularly shown and described on the drawing and related descriptions attached hereto as **Exhibit A**.

“Property Defects” shall have the meaning set forth in Section 3.2.

“Schematic Design” shall mean design drawings and construction plans approved by the Town Council pursuant to the EDA and attached as **Exhibit ____**.

“Site Investigations” shall have the meaning set forth in Section 2.1.3.

“Substantially Completed” or **“Substantial Completion”** means when (i) Perkins & Will (the Architect for the Parking Deck) certifies in writing to Town that the construction of the Parking Deck has been completed substantially in accordance with the approved plans and specifications, subject only to punch list items and minor items which can be fully completed without material interference with the use of the Parking Deck (or such portion thereof) and other items which, because of the season, weather, or nature of such items are not practicable to perform at that time, and (ii) appropriate governmental officials issue as to the Parking Deck a Certificate of Occupancy, so that the Parking Deck can be utilized for the use for which it is intended.

“Town Council” shall mean the governing council of the Town.

“Town Delays” means (i) any delays in completion of construction of the “Parking Deck” resulting from any act or delay of Town, its employees or agents, other than delays resulting from Force Majeure events or acts that Town or its employees or agents are expressly permitted or obligated to perform pursuant to Town’s police power or pursuant to this Agreement, (ii) any delays in completion of construction of the Parking Deck resulting from the failure by Town to perform timely any of its obligations under this Agreement.

“Town Manager” shall mean the Chief Executive of the Town and for purposes of this Agreement shall mean the employee bearing that title at any given time during the performance of this Agreement.

“Town Representative” shall be the Town’s primary representative and point of contact. This person shall be _____ *[insert name and title]* and is the employee of Town bearing that title or those responsibilities at any given time during the performance of this Agreement.

“Town” shall mean the Town of Chapel Hill, North Carolina, a corporate body politic organized and existing under the laws of the State of North Carolina.

“Town Clerk's Office” shall mean the Clerk to the Town Council.

“Town Consultant” shall mean Joey D. Rowland, PE, Walker Consultants, 13860 Ballantyne Corporate Pl, Suite 140 | Charlotte, NC 28277.

“Zoning Requirements” means the building and zoning laws, rules, regulations and requirements of the Town of Chapel Hill.

AGREEMENT

In consideration of the mutual promises and undertakings of the parties, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grubb and the Town agree as follows:

ARTICLE I THE PARKING DECK

1.1 **Parking Deck.** A multi-level parking deck (the “Parking Deck”) containing approximately 1,100 spaces, with a final as-built tolerance of plus or minus 10%, as more particularly shown and described in **Exhibit D** attached hereto. Grubb shall build the Parking Deck substantially in accordance with the Parking Deck Plans, as amended from time to time by the Town, and shall be generally compatible in architecture and appearance with the Parking Deck Plans.

1.2 **The Property.** The Parking Deck shall be located on approximately _____ acres of land located on Rosemary Street in the Town and as more particularly shown and described on **Exhibit A** attached hereto (the “Property”).

1.3 **Assignment of Construction Documents.** As originally contemplated in the EDA, Grubb, with input from the Town, undertook to manage the pre-construction phase design necessary for the Parking Deck including cost estimations, schematic design, design development, and securing all approvals required prior to construction of the Parking Deck. As of the execution date of the EDA, Grubb, working with the Parking Deck Team, procured the conceptual design plans which are attached to this Agreement as part of **Exhibit C**.

1.4 **Development Schedule.** The approved schedule for development of the Parking Deck by Grubb (the “Development”) is attached hereto as **Exhibit E** (the “Development Schedule”). The parties agree to undertake their respective responsibilities pursuant to this Agreement in good faith and with best efforts in accordance with the Development Schedule. Grubb and the Town may, working together in good faith, mutually agree to alter or amend the Development Schedule.

1.5 **Equity and Financing.** Prior to Grubb’s Commencement of Construction of the Parking Deck, the Town shall make available for Grubb’s examination and confirmation sufficient evidence as may be reasonably requested by Grubb, to show the Town has obtained or has binding commitments for all the necessary funds to complete payment for the construction of the Parking Deck in accordance with Grubb’s development budget for the Parking Deck. Grubb’s confirmation shall not be unreasonably withheld, conditioned, or delayed.

ARTICLE II PRELIMINARY TOWN RESPONSIBILITIES

2.1 Town Responsibilities. The Town shall undertake the following preliminary responsibilities in connection with the Parking Deck:

2.1.1 Parcel Acquisition. Pursuant to the terms of the EDA, the Town shall obtain title to any and all real property within the boundaries of the Property, as shown in **Exhibit A** attached hereto, on or before the date set out in the EDA. Grubb and the Town recognize that all such Property is necessary for successful development and construction of the Parking Deck.

2.1.2 Easements. The Town shall obtain, at its sole cost and expense any and all easements it deems necessary for the construction and future operation of the Parking Deck, including, without limitation, easements for ingress and egress and utilities.

2.1.3 Site Investigation. The Town and Grubb shall each undertake their own site investigation of the Property pursuant to the terms of the EDA.

2.1.4 Condition of the Property. Subject to Force Majeure, by _____, Grubb shall have substantially completed demolition and preliminary site preparation work for the Parking Deck as depicted, specified and described in documents entitled “_____” by _____, a copy of which has been provided to the Town. The Town agrees to consult with Grubb regarding the extent to which the above mentioned site preparation work needs to be altered to meet the requirements of the Parking Deck. The Town and Grubb agree to negotiate the responsibility of such alterations in good faith. As part of the construction of the Parking Deck, the Town shall be responsible for all costs relating to alterations reasonably required to cause the Property to be graded to within plus or minus 0.2 feet of subgrade of proposed ground floor level concrete slab elevation; all backfill shall be structural and placed in compacted lifts for the bearing capacity stipulated by the Design Team. The Town shall also be responsible for the costs for street, landscaping and streetscape improvements in the right-of-way of adjacent public streets. All such work shall be performed by Grubb in accordance with the Development Schedule as same may be extended by the terms of this Agreement, in a good and workmanlike manner and in accordance with all applicable laws.

2.1.5 Town Consultant. The Town hereby designates the Town Consultant to receive any and all submissions and to grant any and all approvals with respect to the Parking Deck, consistent with authority granted by the Town Commissioners and Town Manager. The Town reserves the right to change or terminate such designee and to appoint another Town Consultant. Such modification or termination and appointment shall not become effective against Grubb until the Town provides Grubb with a notice of such action.

ARTICLE III GRUBB'S RESPONSIBILITIES

3.1 Investigations of Property. Pursuant to the EDA, Grubb and the Town (or the Town Consultant) shall coordinate on all investigations, examinations, studies or inquires with respect to the Property and to review the Site Investigations and give notice to the Town, of any tenancies, liens, encumbrances, conditions, deficiencies, restrictions or other defects (the "Property Defects") affecting the Property that are not reasonably acceptable to the development of the Parking Deck. If the Town cannot eliminate all Property Defects, Grubb may attempt, but shall not be obligated, to eliminate such Property Defects at the Town's expense. The Town shall cooperate fully with Grubb in such attempts. If the acquisition of the Property by the Town does not occur pursuant to the terms of the EDA, then either party may terminate this Agreement upon thirty (30) days written notice.

3.2 Right of Entry. From and after the Effective Date, Grubb shall have the right, for itself and its employees, contractors, architects, consultants and specialists, to enter upon the Property at reasonable hours and in a manner that does not disturb existing occupants for the purpose of conducting such studies and gathering such data as Grubb may deem desirable.

3.3 Construction of the Parking Deck. Grubb shall cause the design and construction of the Parking Deck to occur and be Substantially Completed in accordance with the Development Plans approved by the Town.

3.3.1 Pre-Development/Design Phases. Prior to the Commencement of Construction of the Parking Deck, Grubb shall have provided the Town for its review the final building design elevations, roof plans, and related specifications for the Parking Deck. Grubb may not make any material changes or modifications to the Schematic Design Plans attached hereto as **Exhibit C** without Town approval, with any changes or modifications to the exterior of the Parking Deck as to size, appearance, colors, materials, and features being considered a material change or modification.

3.3.2 Construction Phase. Grubb will cause Commencement of Construction of the Parking Deck to occur on or prior to the Contract Deadline, and will Substantially Complete the construction on or before the date for Substantial Completion as set forth in the Development Schedule, subject to Force Majeure or Town Delays. **Notwithstanding anything to the contrary in this Agreement, if Commencement of Construction of the Parking Deck has not occurred on or prior to the Contract Deadline, the Town may, in its sole and absolute discretion, (i) negotiate and grant an extension to Grubb on such terms as the Town deems acceptable, or (ii) by written notice to Grubb, terminate this Agreement, with such termination to be effective immediately (Grubb shall not be entitled to any extension or cure periods), the Town shall have the option but not the obligation to purchase the Parking Deck Development Plans from Grubb, and except for such provisions of this Agreement that by their clear meaning are meant to survive such early termination, neither party shall have any further obligation to the other.** The Town agrees, however, that it will affirmatively delay its right to terminate this Agreement, as provided in the previous sentence, for sixty (60) days, PROVIDED that Grubb, prior to the Contract Deadline, satisfies the Town it has done the following: (a)

complied with all other provisions of this Agreement to be complied with by Grubb prior to Commencement of Construction of the Parking Deck; (b) received completed construction drawings from the Design Team for the Parking Deck; (c) made substantial progress toward obtaining a final contract from the Contractor; and (d) submitted to the Town for permits. During the construction period the Town shall, and shall cause the Design Team, its other architects, engineers, quality control and testing consultants, Contractor, contractors and subcontractors to cooperate fully with Grubb to coordinate the construction of the Parking Deck with Grubb's construction of the Parking Deck. During construction Grubb agrees to the following conditions and instructions:

(a) To construct or cause to be constructed the Parking Deck in accordance with the Parking Deck Plans approved by the Town and all applicable building codes and regulations;

(b) Subject to reimbursement by the Town, to be fully responsible for causing the Parking Deck to be constructed;

(c) To apply on behalf of the Town for the balance of the building permits, utility permits, utility easements and certificates of occupancy as well as all licenses and permits required for the construction of the Parking Deck.

(d) To ensure that the Parking Deck shall be constructed in full compliance with all applicable federal, state and local laws, rules and regulations and that all construction shall be of good quality and shall be made in a workmanlike manner consistent with industry standards. Grubb agrees to supervise and direct the construction of the Parking Deck using its best skill and attention. During the construction period, Grubb shall, and shall cause the Design Team, its other architects, engineers, quality control and testing consultants, Contractor, contractors and subcontractors to cooperate fully with the Town to coordinate the construction of the Parking Deck.

(e) To cause the Property to be kept clean and in good order, reasonably free of trash and construction debris.

(f) At the Town's cost and expense, to promptly discharge (either by payment or by filing of the necessary bond, or otherwise) any mechanics', materialmen's or other lien against the Property (whether or not such lien is valid or enforceable as such) that may arise out of any payment due for, or purported to be due for, any construction and development work or any other labor, services, materials, supplies or equipment furnished or alleged to have been furnished to or for the Parking Deck.

(g) To include and enforce a liquidated damages provision in its Construction Contract for the Parking Deck in the event the Parking Deck is not completed in accordance with the Development Schedule (as may be extended pursuant to this Agreement) for any reason other than Force Majeure or Town Delays.

3.4 Parking Arrangements. Upon Substantial Completion of the Parking Deck, Grubb shall have the right to lease from the Town up to _____ non-designated parking spaces within the Parking Deck (the “Reserved Parking Spaces”) from the Town at a monthly per parking space lease fee equal to the then current monthly rate the Town charges non-Town employees (the “Reserved Parking Space Lease Fee”). Grubb shall have the right to assign the right to lease the Reserved Parking Spaces to tenants of Grubb’s affiliates. Within 30 days after Substantial Completion of the Parking Deck, and thereafter at least fifteen (15) days prior to the beginning of each calendar month, Grubb (or its authorized assignees) shall notify the Town as to the number of spaces it wishes to lease for the following month. The Town agrees that any Reserved Parking Spaces not leased by Grubb (or its authorized assignees) for a particular month shall remain available for Grubb (or its authorized assignees) to lease in following months, all subject to the terms and conditions of this Agreement. All Reserved Parking Space Lease Fees shall be payable to the Town or its designated agent in accordance with the Town’s then current policy for charging monthly parking fees in the Parking Deck.

ARTICLE IV

GRUBB’S SERVICES – PLANNING, PERMITTING, DESIGN AND CONSTRUCTION SERVICES FOR PARKING DECK

4.1 Employment of Grubb. Commencing upon execution of the EDA and continuing through the date of this Agreement, Grubb has managed all pre-development planning, design, permitting and cost estimating for the Parking Deck (along with the further clarification of such services in Section 4.2.1, the “Predevelopment Services”) on behalf of the Town in accordance with the terms and conditions of the EDA. The parties acknowledge that Grubb and the Town have thus far complied with the terms and conditions of the EDA with respect to the Predevelopment Services. In return for the continuing Predevelopment Services, the Town agrees to reimburse Grubb the sum of \$_____ in accordance with the EDA and the Pre-Development Services Budget attached hereto as **Exhibit F** (the “Pre-Development Reimbursement”). In performing its duties hereunder, Grubb has been and shall continue to be an independent contractor and nothing contained in this Agreement shall be construed to create a partnership, joint venture, or agency relationship between Grubb and the Town.

4.2 Grubb’s Services. The Predevelopment Services that Grubb shall perform or continue to perform or cause to be performed in accordance with Section 4.1 shall include the following in connection with the Parking Deck:

4.2.1 Predevelopment/Design Phases. During the pre-development and design phases, Grubb shall work with the Town to coordinate pre-development, permitting and design activities and shall provide the following services:

(a) Preparing a final Development Budget for the Parking Deck for the Town’s review and approval. The preliminary Development Budget approved by the Town and Grubb is attached hereto as **Exhibit G**. Upon approval by the Town, the final Development Budget shall become the Development Budget, subject to adjustment as hereinafter provided.

(b) Delivering to the Town a predevelopment and development project schedule that includes a detailed construction schedule and an estimated substantial completion date, and periodically update the same, for the Parking Deck. This schedule shall contain all key project activities and tasks and be produced using [*Primavera SureTrak or P-3*] software which clearly identifies the critical path activities. The preliminary project schedule currently approved by the Town and Grubb is attached hereto as **Exhibit E**.

(c) Negotiating, drafting terms and conditions for review, finalizing and, if applicable, executing (for approval and, if applicable, execution by the Town) proposed contracts for the design and pre-construction phase Contractor services for the Parking Deck (the "Parking Deck Agreements") with the Parking Deck Team, all of which shall be subject to approval by, and be in the name of the Town.

(d) Coordinating with the Design Team on the production and evaluation of alternative conceptual and schematic design solutions for the Parking Deck, if necessary.

(e) Obtaining approval from the Town for changes in the Parking Deck Plans and Development Budget for the Parking Deck that result from a change in the Parking Deck design, condition or size of the Property or are reasonably requested by the Town.

(f) Obtaining cost estimates from specialists, consultants and the Contractor and preparation of various revisions to the Development Budget for the Parking Deck in light of the design and development of the Parking Deck.

(g) Timely submitting to the Town, for its approval, schematic design, design development, and final construction drawings and specifications for the Parking Deck, including landscaping plans, mechanical and electrical drawings, architectural appearance, interior design schemes and specialized plans with sufficient information and detail to be used to obtain guaranteed maximum pricing from the Contractor (all such documents are deemed to be included in the term "Parking Deck Agreements"). The Town hereby acknowledges approval of all such Parking Deck Agreements formally submitted as of the date of this Agreement.

(h) Applying for, obtaining and complying with such Site Plan conditions, permits, authorizations and approvals from the City as may be required by all applicable Zoning Requirements. Additionally, Grubb shall obtain all necessary permits, authorizations and approvals from the Town to construct the Parking Deck (such permits, approvals and authorizations are deemed to be included in the term "Parking Deck Agreements"). Nothing contained in this Agreement shall be deemed a waiver of any of the Town's normal permit and approval process, and Grubb recognizes and agrees that all licenses, permits, consents, inspections and approvals which must be obtained for the development of real estate in the downtown district of the Town will likewise be required in conjunction with the Parking Deck and are not waived by virtue of this Agreement, notwithstanding any provision of this Agreement to the contrary. Notwithstanding the foregoing, the Town shall execute as fee simple owner of the Property, as may be required, all building permit applications, plans of development, utility permit applications, utility easements, requests for certificates or completion any occupancy and other

such documents prepared and submitted by Grubb as may be reasonably required for development and construction of the Parking Deck.

(i) Working with the Town Consultant to identify all permanent and temporary easements needed for development of the Parking Deck and assisting the Town Consultant in estimating land rights values, negotiating acquisition of needed land rights for the Parking Deck and securing assignable contracts for certain of those land rights.

4.2.2 Parking Deck Construction. The Town has agreed to employ Grubb to oversee, manage, and coordinate the construction of the Parking Deck. Pursuant to the EDA, the Town has agreed to pay Grubb the amount of four percent (4%) of the hard and soft costs for overall construction of the Parking Deck. Upon final approval by the Town of the Parking Deck Plans, Grubb shall commence construction of the Parking Deck and shall make all reasonable efforts to Substantially Complete such construction in accordance with the Development Schedule. During the construction period the Town shall, and shall cause the Design Team, its architects, engineers, quality control and testing consultants, Contractor, contractors and subcontractors to cooperate fully with Grubb to coordinate the construction of the Parking Deck to ensure that the Parking Deck shall be constructed in substantial compliance with all applicable federal, state and local laws, rules and regulations and that all construction shall be of good quality and shall be made in a workmanlike manner consistent with industry standards. Grubb agrees to supervise the construction of the Parking Deck using its best skill and attention. In connection therewith, Grubb shall:

(i) Construct or cause to be constructed the Parking Deck in substantial accordance with the Parking Deck Plans and the Site Plans approved by the Town and all applicable building codes and regulations;

(ii) Be responsible for causing the Parking Deck to be constructed;

(iii) Apply for the balance of the building permits, utility permits, utility easements and certificates of occupancy as well as all licenses and permits required for the construction and operation of the Parking Deck, if applicable; and

(iv) Cause the Property to be kept clean and in good order, reasonably free of trash and construction debris.

ARTICLE V OBLIGATIONS OF THE TOWN

5.1 Approvals/Cooperation. Whenever a matter requires the approval of the Town under this Agreement, the Town shall work closely and in good faith with Grubb to achieve the high quality Parking Deck contemplated by this Agreement. The Town, as fee owner of the Property, shall cooperate with Grubb in obtaining any easements necessary for construction of the Parking Deck.

5.2 Notice to Proceed. At such time as the Town has approved the matters set forth in Article II, and Grubb shall have caused all necessary permits for the construction of the Parking Deck to be obtained, the Town shall issue a notice to proceed to Grubb, and upon receipt thereof, Grubb shall commence construction of the Parking Deck.

5.3 Parking Deck Operation. The Town shall operate (or cause the operation of) the Parking Deck as a parking facility for the public (*subject to Grubb's rights to the Reserved Parking Spaces*), and the Town shall make the Reserved Parking Spaces available in accordance with the terms of this Agreement for a period of not less than forty (40) years.

ARTICLE VI EVENTS OF DEFAULT

6.1 Events of Default by Grubb. Each of the following shall constitute an "Event of Default" or "Default" by Grubb:

6.1.1 The failure of Grubb to perform or to observe any material covenant, obligation or requirement of Grubb arising under this Agreement not specifically named as an Event of Default in this Section 6.1, and the continuation of such failure for thirty (30) days after receipt of written notice from the Town specifying the nature and extent of such default, or if such default cannot reasonably be cured within such thirty (30) day period, the failure of Grubb to either (i) commence to cure such default within such thirty (30) day period and to diligently pursue same to completion, or (ii) to cure such default within a reasonable time after the expiration of the first thirty (30) day period, in no event to exceed one hundred twenty (120) days after the written notice of default.

6.1.2 The filing by Grubb of a voluntary proceeding or the consent by Grubb to an involuntary proceeding under present or future bankruptcy, insolvency, or other laws respecting debtor's rights.

6.1.3 The entering of an order for relief against Grubb or the appointment of a receiver, trustee, or custodian for all or a substantial part of the property or assets of Grubb in any involuntary proceeding, and the continuation of such order, judgment or decree unstayed for any period of sixty (60) consecutive days.

6.1.4 Subject to Force Majeure and Town Delay, the failure of Grubb to Substantially Complete the Parking Deck in accordance with the Development Schedule, which failure is not cured within three hundred sixty-five (365) days after the date the Town notifies Grubb of such failure.

6.2 Events of Default by the Town. The following shall constitute an Event of Default by the Town:

6.2.1 The failure of the Town to perform or to observe any covenant, obligation or requirement of this Agreement not specifically named as an Event of Default in this Section 6.2, and the continuation of such failure for thirty (30) days after receipt of written notice from Grubb

specifying the nature and extent of any such default, or if such default cannot reasonably be cured within such thirty (30) day period, the failure of either (i) to commence to cure such default within such thirty (30) day period and to diligently continue to pursue such efforts to cure to completion, or (ii) to cure such Event of Default within a reasonable time after the expiration of the first thirty (30) day period, and to diligently pursue the same to completion.

6.3 Town Remedies. Should an Event of Default by Grubb occur hereunder, the Town may, by written notice to Grubb, terminate this Agreement and receive any Parking Deck Plans or Parking Deck Agreements from Grubb. The Town may also exercise any other remedies available to it at law or in equity, with or without terminating this Agreement, including the right to monetary damages resulting from the Event of Default, provided, however, in no event shall Grubb be liable to the Town for damages that are consequential, incidental or punitive in nature. Notwithstanding the foregoing, in no event shall Grubb be obligated to reimburse the Town for the costs and expenses of the site preparation work pursuant to Section 2.1.4 herein or for other costs of improving the Property or the Parking Deck. All remedies provided to the Town under this Agreement shall be cumulative, and not restrictive of other remedies, including the remedy of specific performance.

6.4 Grubb's Remedies. Should an Event of Default by the Town occur hereunder, Grubb may, by written notice to the Town, terminate this Agreement, upon which termination Grubb shall furnish the Parking Deck Plans and Parking Deck Agreements to the Town and may exercise any remedies available to it at law or in equity, except that the Town shall not be liable to Grubb for damages that are consequential, incidental or punitive in nature, but shall be liable only for recovery of out-of-pocket costs, including, without limitation, those incurred in the design stage of the Parking Deck, and construction costs actually incurred after execution of this Agreement. All remedies provided to Grubb hereunder shall be cumulative and not restrictive of other remedies, including, without limitation, specific performance.

6.5 Attorneys' Fees. If either the Town or Grubb brings suit or other legal proceedings to enforce the provisions of this Agreement against the other, then the party prevailing in such suit or proceeding shall be reimbursed by the other for all reasonable attorneys' fees and litigation costs and expenses incurred by the prevailing party in connection with such suit or proceeding.

6.6 Termination of Reserved Parking Spaces. In the event that the Town elects to convey, sell or transfer ownership of the Parking Deck to any third party, such conveyance, sale or transfer shall include and be subject to the obligation of this Agreement with respect to the Reserved Parking Spaces. Notwithstanding anything herein to the contrary, the Town may, after the Reserved Parking Spaces have been in place for forty (40) years, terminate Grubb's rights to lease the Reserved Parking Spaces as set forth in Section 3.8 only upon the occurrence of any of the following events:

6.6.1 A major casualty occurs with respect to the Parking Deck and the Town, or successor owner, elects not to rebuild/repair the Parking Deck.

6.6.2 The Town, its agents or successors are no longer operating the Parking Deck as a parking facility.

ARTICLE VII INSURANCE; INDEMNIFICATION

7.1 General Liability or Professional Liability Insurance. Grubb shall carry comprehensive general liability insurance insuring the Town and Grubb against any and all liability for injury to or death of a person or persons and for damage to property in any way occasioned by or arising out of the activities of Grubb or the Town and their respective agents, contractors or employees, in connection with the design and construction of the Parking Deck in the amount of Two Million Dollars (\$2,000,000.00) for property damage and Ten Million Dollars (\$10,000,000.00) for bodily injury or death of persons, or in such larger amounts as may be reasonably acceptable to the Town. Grubb may procure and maintain a “blanket” All Risk policy to satisfy the requirements of this Section 7.1, which may cover other property or locations of Grubb and its affiliates and/or the affiliates of a member of Grubb, so long as the coverage required in this Section 7.1 is separate and specific to the Parking Deck. Grubb shall also require all firms comprising the Design Team to carry professional liability insurance in the amount of Three Million Dollars (\$3,000,000.00).

7.2 Policy Requirements. The following general requirements shall apply to all insurance coverage carried by Grubb pursuant to Section 7.1:

7.2.1 Waiver of Subrogation. To the extent available, each policy shall contain a clause whereby the insurer waives all rights of subrogation against the Town.

7.2.2 Additional Insured. The Town shall be named as additional insured in all policies hereunder, with the exception of the Design Team’s professional liability insurance certificates which shall be delivered to the Town on or before the date of this Agreement.

7.2.3 Financially Sound Company. Such policies shall be procured from financially sound and reputable insurers licensed to do business in the State of North Carolina and have an A.M. Best rating of not less than A-8 or, if not rated with A.M. Best, the equivalent of A.M. Best’s surplus size of A-8 (or otherwise approved by the Town).

7.2.4 Certificates of Insurance. Grubb shall deliver to the Town policies or certificates of insurance evidencing such coverage before the Commencement of Construction of the Parking Deck.

7.2.5 Replacement Certificates of Insurance. Within thirty (30) days before expiration of coverage, or as soon as practicable, renewal policies or certificates of insurance evidencing renewal and payment of premium shall be delivered by Grubb to the Town.

7.2.6 Non-Cancelable Without Notice. The coverages shall be non-cancelable unless the carrier gives to the Town thirty (30) days' prior written notice of cancellation.

7.3 Indemnification.

7.3.1 Grubb shall indemnify, defend and hold the Town and all entities claiming by, through or under the Town harmless from and against all claims, suits, actions and proceedings whatsoever which may be brought or instituted on account of, growing out of, occurring from, incident to or resulting from, directly or indirectly, (i) Grubb's breach of this Agreement, (ii) any and all injuries or damages (including, without limitation, death) to persons or property arising out of the construction, use and occupation of the Parking Deck during construction thereof, and thereafter, arising out of the use and occupation of the Parking Deck and the negligent or willful acts and omissions of Grubb and those for whom it is legally liable, and all losses, costs, damages and expenses (including, without limitation, reasonable attorneys' fees), unless and to the extent such injuries or damages (including, without limitation, death) result from, or are claimed to have resulted from the negligence, acts or omissions of the Town. Grubb shall assume on behalf of the Town and all entities claiming by, through or under the Town, and conduct with due diligence and in good faith, the defense of all such claims, suits, actions and proceedings against the Town or any entity claiming by, through or under the Town, whether or not Grubb is joined therein, even if such claims, suits, actions or proceedings be groundless, false or fraudulent, and Grubb shall bear the costs of all judgments and settlements in connection therewith; provided, however, without relieving Grubb of Grubb's obligations under this Agreement, the Town or any entity claiming by, through or under the Town may defend or participate in the defense of any or all of such claims, suits, actions or proceedings. Maintenance of the insurance referred to in this Agreement shall not affect the obligations of Grubb under this Agreement, and the limits of such insurance shall not constitute a limit on the liability of Grubb under this Section 7.3.

7.3.2 If and to the extent allowed by North Carolina law, the Town shall indemnify, defend and hold Grubb and all entities claiming by, through or under Grubb harmless from and against all claims, suits, actions and proceedings whatsoever which may be brought or instituted on account of, growing out of, occurring from, incident to or resulting from, directly or indirectly, (i) the Town's breach of this Agreement, (ii) any and all injuries or damages (including, without limitation, death) to persons or property arising out of the construction, use and occupation of the Parking Deck during construction thereof, and thereafter, arising out of the use and occupation of the Parking Deck and the negligent or willful acts and omissions of the Town and those for whom it is legally liable, and all losses, costs, damages and expenses (including, without limitation, reasonable attorneys' fees), unless and to the extent such injuries or damages (including, without limitation, death) result from, or are claimed to have resulted from the negligence, acts or omissions of Grubb. The Town shall assume on behalf of Grubb and all entities claiming by, through or under Grubb, and conduct with due diligence and in good faith, the defense of all such claims, suits, actions and proceedings against Grubb or any entity claiming by, through or under Grubb, whether or not the Town is joined therein, even if such claims, suits, actions or proceedings be groundless, false or fraudulent, and the Town shall bear the costs of all judgments and settlements in connection therewith; provided, however, without relieving the Town of the Town's obligations under this Agreement, Grubb or any entity claiming by, through or under Grubb may defend or participate in the defense of any or all of such claims, suits, actions or proceedings. This indemnity (regardless of whether it is binding on or enforceable against the Town) shall be binding on the Town's successors and assigns.

7.4 Workers' Compensation Insurance.

7.4.1 Grubb shall maintain such workers' compensation insurance as may be required pursuant to the laws of the State of North Carolina, and shall indemnify and hold the Town and all entities claiming by, through or under the Town harmless from and against all claims, suits, actions and proceedings whatsoever which may be brought by Grubb's employees and statutory employees, as determined under the workers' compensation laws of the State of North Carolina.

7.4.2 Grubb shall require that each contractor and subcontractor performing work on the Parking Deck shall obtain and maintain, for the duration of such work, such workers' compensation insurance as may be required pursuant to the laws of the State of North Carolina.

ARTICLE VIII REPRESENTATIONS AND WARRANTIES OF GRUBB

In order to induce the Town to enter into this Agreement, Grubb and Guarantor, jointly and severally represent and warrant to the Town as follows:

8.1 Organization. Grubb is a duly organized and validly existing limited liability company under the laws of the State of North Carolina and has the power and authority to own its properties and other assets and to transact the business in which it is now engaged or proposed to engage. Grubb is duly qualified or licensed as a foreign entity in each jurisdiction in which the nature of the business it is engaged, or the character of the properties owned by it, makes such qualification or licensing necessary, including the State of North Carolina.

8.2 Authority. Grubb has the power and authority to execute, deliver and carry out the terms and provisions of this Agreement and all other instruments to be executed and delivered by Grubb in connection with its obligations hereunder. The execution, delivery and performance by Grubb of this Agreement have been duly authorized by all requisite action by Grubb, and this Agreement is a valid and binding obligation of Grubb enforceable in accordance with its respective terms, except as may be affected by applicable bankruptcy or insolvency laws affecting creditors' rights generally.

8.3 No Default. Grubb is not in default in the performance, observance or fulfillment of any of the obligations, covenants or conditions contained in any evidence of indebtedness of Grubb or contained in any instrument under or pursuant to which any such evidence of indebtedness has been issued or made and delivered. Neither the execution and delivery of this Agreement, nor the consummation of the transactions herein contemplated, will conflict with or result in a breach of any of the terms, conditions or provisions of the Articles of Organization of Grubb or of any agreement or instrument to which Grubb is now a party or otherwise bound or to which any of its properties or other assets is subject, or of any order or decree of any court or governmental instrumentality, or of any arbitration award, franchise or permit, or constitute a default thereunder, or, except as contemplated hereby, result in the creation or imposition of any lien or other encumbrance upon any of the properties or other assets of Grubb.

8.4 Actions or Claims. There are no actions, suits, investigations or proceedings (whether or not purportedly on behalf of Grubb) pending or, to the knowledge of Grubb, threatened against or affecting Grubb, or any other of the assets or properties of Grubb at law or in equity or before or by a governmental department, commission, board, bureau, agency or instrumentality, domestic or foreign, or before an arbitrator of any kind, which involve the possibility of liability in excess of \$100,000 or of any material adverse effect on the business operations, prospects, properties or other assets or in the condition, financial or otherwise, of Grubb, and Grubb is not in default with respect to any judgment, order, writ, injunction, decree, award, rule or regulation of any court, arbitrator or governmental department, commission, board, bureau, agency or instrumentality, domestic or foreign.

8.5 Business Dealings. To its best knowledge, Grubb is not a party to or otherwise bound by any agreement or instrument or subject to any other restriction or any judgment, order, writ, injunction, decree, award, rule or regulation which materially and adversely affect the business, operations, prospects, properties or other assets, or the condition, financial or otherwise, of Grubb. Grubb has not received any notice of, and to their best knowledge, are not in default (a) under any obligation for borrowed money, or (b) in the performance, observance or fulfillment or any of the obligations, covenants or conditions contained in any other agreement or instrument to which it is a party, by which it is otherwise bound or to which any of their property or the Parking Deck is subject.

ARTICLE IX REPRESENTATIONS AND WARRANTIES OF THE TOWN

In order to induce Grubb to enter into this Agreement, the Town represents and warrants to Grubb as follows:

9.1 Organization. The Town is a political subdivision of the State of North Carolina, duly organized and validly existing under the laws of the State of North Carolina, with full legal right, power, and authority to enter into and perform its obligations under this Agreement.

9.2 Authority. The Town has the power and authority to execute, deliver and carry out the terms and provisions of this Agreement and all other instruments to be executed and delivered by the Town in connection with its obligations hereunder. The execution, delivery and performance by the Town of this Agreement have been duly authorized by all requisite action by the Town, and this Agreement is a valid and binding obligation of the Town enforceable in accordance with its respective terms, except as may be affected by applicable laws.

9.3 No Default. The Town is not in default in the performance, observance or fulfillment of any of the obligations, covenants or conditions contained in any evidence of indebtedness of the Town or contained in any instrument under or pursuant to which any such evidence of indebtedness has been issued or made and delivered that would have a material adverse effect on the Parking Deck. Neither the execution and delivery of this Agreement, nor the consummation of the transactions herein contemplated, will conflict with or result in a breach of any of the terms, conditions or provisions of the legislation creating the Town or of any agreement or instrument to which the Town is now a party or otherwise bound or to which any of its properties

or other assets is subject, or of any order or decree of any court or governmental instrumentality, or of any arbitration award, franchise or permit, or constitute a default thereunder, or, except as contemplated hereby, result in the creation or imposition of any lien or other encumbrance upon any of the properties or other assets of the Town.

9.4 Actions or Claims. There are no actions, suits, investigations or proceedings (whether or not purportedly on behalf of the Town) pending or, to the knowledge of the Town, threatened at law or in equity or before or by a governmental department, commission, board, bureau, agency or instrumentality, domestic or foreign, or before an arbitrator of any kind, which if decided adversely to the Town would have a material adverse effect on the Parking Deck, and the Town is not in default with respect to any judgment, order, writ, injunction, decree, award, rule or regulation of any court, arbitrator or governmental department, commission, board, bureau, agency or instrumentality, domestic or foreign which would have a material adverse effect on the Parking Deck.

9.5 Business Dealings. To its best knowledge, the Town is not a party to or otherwise bound by any agreement or instrument or subject to any other restriction or any judgment, order, writ, injunction, decree, award, rule or regulation which materially and adversely affect the Parking Deck. The Town has received no notice of, and to its best knowledge, is not in default (a) under any obligation for borrowed money, or (b) in the performance, observance or fulfillment or any of the obligations, covenants or conditions contained in any other agreement or instrument to which it is a party, by which it is otherwise bound or to which any of its property or the Parking Deck is subject that would have a material adverse effect on the Parking Deck.

9.6 Financial Statements. To the Town's best knowledge, neither this Agreement nor any document, certificate or financial statement furnished to Grubb by or on behalf of the Town in connection herewith, contains any untrue statement of a material fact or omits to state any material fact necessary in order to make the statements contained herein and therein not misleading. There is no fact known to the Town which materially adversely affects or in the future may (so far as it is now known to the Town) have a material adverse effect upon the Parking Deck which has not been set forth in this Agreement or in other documents, certificates and financial statements furnished to Grubb or on behalf of the Town in connection with the transactions contemplated hereby.

ARTICLE X MISCELLANEOUS

10.1 Assignment.

10.1.1 This Agreement is binding upon and shall inure to the benefit of the Town, Grubb and their respective successors and assigns.

10.1.2 Except as provided in Section 1.6, Grubb may not assign its interest or any part thereof in this Agreement without the prior written approval of the Town, which shall not be unreasonably withheld, conditioned or delayed, and upon such approval, the assignee shall assume all of the obligations of Grubb under this Agreement and shall not relieve the assignor of any

liability hereunder. Notwithstanding the limitation imposed above, Grubb may assign its interest in this Agreement to an Affiliate of Grubb, and upon the assumption of such by such Affiliate, Grubb shall be released from any and all duties under this Agreement.

10.2 Consents and Approvals. The Town and Grubb commit to work harmoniously with each other, and except in instances (if any) where a consent or approval is specified to be within the sole discretion of either party, any consent or approval contemplated under this Agreement shall not be unreasonably withheld, conditioned or delayed.

10.4 Entire Agreement. This Agreement and all the exhibits attached hereto incorporate all prior negotiations and discussions between the parties regarding its subject matter and represent the entire agreement of the Town and Grubb for the Parking Deck. This Agreement may only be modified by written instrument executed by the Town and Grubb. To the extent this Agreement is inconsistent with the EDA, this Agreement shall control. Otherwise, the provisions of the EDA shall remain in full force and effect.

10.5 Headings. The captions and headings of the articles and sections contained herein are for convenience of reference only and shall not be considered in any interpretation of the provisions of this Agreement.

10.6 Notices. A notice, communication, or request under this Agreement by the Town to Grubb or by Grubb to the Town shall be sufficiently given or delivered if dispatched by either (a) certified mail, postage prepaid, return receipt requested, (b) e-mail with confirmation of receipt, (c) nationally recognized overnight delivery service (next business day service) or (d) hand-delivery (if receipt is evidenced by a signature of the addressee or authorized agent), and addressed to the applicable parties as follows:

Grubb: Grubb Management LLC
117 Edinburgh Drive South, Suite 110
Cary, NC 27511
Attention: Joe Dye, Executive Vice President
Email: JDye@grubbproperties.com

with a copy to: Weatherspoon & Voltz LLP
3700 Glenwood Avenue, Suite 250
Raleigh, NC 27612
Email: beth@wvllp.com

Town: Town of Chapel Hill
c/o Town Manager
Town Hall, 405 Martin Luther King, Jr. Blvd.
Chapel Hill, NC 27599
Re: Notice under 2020 Grubb Economic Development Agreement
Email: _____

with a copy to:

Any notice, communication, or request so sent shall be deemed to have been given (a) the same day as sent via email provided the sender receive electronic confirmation of successful transmission (b) as of the next business day after being sent, if sent by nationally recognized express mail service, (c) as of the fifth business days after being sent, if sent by Registered or Certified U.S. Mail or (d) upon receipt, if sent by hand delivery. Either party may change its address for notice purposes by giving notice thereof to the other parties, except that such change of address notice shall not be deemed to have been given until actually received by the addressee thereof.

10.7 Partial Invalidity. If any term, covenant, condition, or provision of this Agreement, or the application to any person or circumstance shall, at any time or to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall (except to the extent such result is clearly unreasonable) not be affected thereby, and under such circumstances each term, covenant, condition, and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law, insofar as such enforcement is not clearly unreasonable.

10.8 Counterparts. This Agreement may be executed in counterparts (including electronic [.PDF] counterparts), each of which shall be deemed to an original, and such counterparts shall constitute one and the same instrument.

10.9 Choice of Laws. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of North Carolina, including conflicts of laws.

10.10 Force Majeure. For the purpose of any of the provisions of this Agreement, neither the Town, nor Grubb, as the case may be, nor any successor in interest, shall be considered in breach of or default in any of its obligations, including, but not limited to, the beginning and completion of construction, or progress in respect thereto, in the event of enforced delay in the performance of such obligations due to causes beyond its control that make compliance in a timely manner impractical or impossible, and, in any event, that are not foreseeable, including but not restricted to, strikes, lockouts, actions of labor unions, riots, storms, floods, litigation, explosions, acts of God or of the public enemy, acts of government, insurrection, mob violence, civil commotion, sabotage, terrorism, malicious mischief, vandalism, inability (notwithstanding good faith and diligent efforts) to procure, or general shortage of, labor, equipment, facilities, materials, or supplies in the open market, failures of transportation, fires, other casualties, epidemics, quarantine restrictions, freight embargoes, severe weather, inability (notwithstanding good faith and diligent efforts) to obtain governmental permits or approvals, or delays of subcontractors due to such causes, it being the purpose and intent of this Section 10.10 that in the event of the occurrence of any such enforced delays, the time or times for the performance of the covenants, provisions, and agreements of this Agreement shall be extended for the period of the enforced delay (including any time reasonably required to recommence performance due to such enforced delay). Notwithstanding the above, no time delays shall be granted unless the affected party notifies the non-affected party in writing of the occurrence of such delay and of the expected period

of delay, promptly after discovery of such occurrence, and the affected party shall use reasonable efforts to remedy with all reasonable dispatch the cause or causes preventing it from carrying out its agreements; provided however, the settlement of strikes, lockouts, and other industrial disturbances shall be entirely within the discretion of the affected party, and the affected party shall not be required to make settlement of strikes, lockouts, and other industrial disturbances by acceding to the demands of the opposing party or parties when such course is, in the judgment of the affected party, unfavorable to the affected party. Notwithstanding anything to the contrary above, (a) neither Grubb nor the Town may rely on its own acts or omissions as grounds for delay in its performance, (b) the absence of immediately available funds shall not be grounds for delay by Grubb or the Town, (c) general economic downturns shall not be grounds for delay by Grubb or the Town, (d) defaults of independent contractors or subcontractors shall not be grounds for delay by Grubb or the Town, and (e) no extension shall be granted for the first 60 days of weather related delays

10.11 Sale of Property. If the Town receives, and desires to accept, an offer (“Offer”) from any bona fide non-governmental third party to purchase the Property and the Parking Deck (for purposes of this Section 10.11, the “Town Property”), or the Town elects to sell the Town Property under any of the methods provided by law for the sale of public property, the Town shall deliver to Grubb written notice (an “Offer Notice”) of such Offer, which Offer Notice shall include all terms of such Offer or of the terms and procedures which the Town proposes to use to sell the Town Property. The Offer Notice shall be delivered to Grubb at least thirty (30) days before the Town undertakes to initiate any of the statutory proceedings required to sell the Town Property.

10.12 No Partnership or Joint Venture. It is mutually understood and agreed that nothing contained in this Agreement is intended or shall be construed in any manner or under any circumstances whatsoever as creating or establishing the relationship of co-partners or creating or establishing the relationship of a joint venture between the Town and Grubb or as constituting Grubb as the agent or representative of the Town for any purpose or in any manner under this Agreement, it being understood that Grubb is an independent contractor hereunder.

10.13 Representatives Not Individually Liable. No council member, official, representative, or employee of the Town shall be personally liable to Grubb or any successor in interest in the event of any default or breach by the Town for any amount which may become due to Grubb or successor or on any obligations under the terms of the Agreement. Except for the Guarantor, no officer, director, representative, or employee of Grubb shall be personally liable to the Town in the event any default or breach by Grubb for any amount which may become due to the Town or on any obligations under the terms of this Agreement.

10.14 Ancillary Documents. The Town Manager is hereby authorized, on behalf of the Town, to execute any and all other documents necessary or appropriate to effectuate the transactions contemplated by this Agreement, provided such documents do not materially alter the relationship of the parties or the principal elements of the Parking Deck, and to grant such approvals and consents on behalf of the Town.

10.15 Broker. The Town and Grubb each represent and warrant for itself that it has not dealt with any broker in connection with this Agreement and each covenants and agrees to

indemnify and hold the other harmless from and against any claim, cost, liability, or expense (including reasonable attorney's fees) arising or resulting from a breach of this warranty.

10.16 Third Party Beneficiary. Nothing contained in this Agreement shall be construed to confer upon any other party the rights of a third party beneficiary.

10.17 Payment or Performance on Saturday, Sunday, or Holiday. Whenever the provisions of this Agreement call for any payment or the performance of any act, including the expiration date of any cure periods provided herein, on or by a date that is not a "Business Day", then such payment or such performance shall be required on or by the immediately succeeding "Business Day", which term shall mean a day other than a Saturday, Sunday, or legal holiday in the State of North Carolina.

10.18 Incorporation into Agreement. All exhibits, schedules, and recitals form a part of this Agreement.

10.19 Conflict of Terms. It is the intention of the Town and Grubb that if any provision of this Agreement is capable of two constructions, one of which would render this provision valid and enforceable, then the provision shall have the meaning that renders it valid and enforceable.

10.20 No Waiver. No failure on the part of the Town or Grubb to enforce any covenant or provision contained in the Agreement nor any waiver of any right under this Agreement shall discharge or invalidate such covenant or provision or affect the right of the other party to enforce the same in the event of any subsequent default.

10.21 Compliance with Laws. Grubb shall, at all times, be subject to all applicable governmental laws, ordinances, rules and regulations (collectively, the "Applicable Laws") pertinent to the Parking Deck, this Agreement, and Grubb's actions in connection with the Parking Deck and this Agreement. Nothing in this Section 10.21 or any other part of this Agreement, however, shall be construed to (a) limit or prevent Grubb from challenging at law or in equity the applicability of any Applicable Law and/or pursuing its rights in furtherance thereof through appropriate judicial proceedings or (b) constitute a waiver of due process. Notwithstanding anything to the contrary contained in this Agreement, no provision of this Agreement shall be construed to require Grubb to comply with any Applicable Law during the period that Grubb may be pursuing a bona fide challenge of the applicability, lawfulness, and/or enforceability of such Applicable Law (unless such law requires compliance during any such challenge). If Grubb's challenge is successful, Grubb shall not be required by the provisions of this Agreement to comply with such Applicable Law.

10.22 Estoppel Certificates. The Town and Grubb, at any time and from time to time, upon not less than thirty (30) days' advance written notice from a party hereto, or to a person designated by such party, such as a tenant or a mortgagee or lender of Grubb, shall execute, acknowledge, and deliver to the party requesting such statement, a statement in reasonably acceptable form to the requesting party certifying, among other matters, (a) that this Agreement is unmodified and in full force and effect (or if there have been modifications, that the same is in full force and effect as modified and stating the modifications), (b) stating whether or not, to the best

knowledge of the signer of such certificate, the Town or Grubb is in breach and/or default in performance of any covenant, agreement, or condition contained in this Agreement and, if so, specifying each such breach and/or default of which the signer may have knowledge, and (c) any other factual matters reasonably requested in such estoppel certificate, it being intended that any such statement delivered hereunder may be relied upon by the party requesting such statement and/or any person not a party to this Agreement (if such other person is identified at the time such certificate was requested). At any time after completion of the Parking Deck as provided herein, the Town shall, at the request of Grubb, promptly execute, acknowledge and deliver to Grubb a statement to that effect and to the effect, to the extent true, that all of Grubb's obligations under this Agreement have been fulfilled. The Town Representative is hereby authorized to execute, acknowledge, and deliver such certificates on behalf of the Town.

10.23 Good Faith and Fair Dealing. The parties covenant and agree each to the other that its conduct under this Agreement, and the interpretation and enforcement of the provisions hereof, shall be characterized by good faith and fair dealings so that the objectives of each party as set forth in this Agreement may be achieved.

10.24 Default Interest. All sums due under this Agreement shall bear interest from and after the due date until paid at the rate of five percent(5%) over the Prime Rate.

10.25 E-Verify Compliance. Grubb shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). Grubb shall require all of Grubb's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). The Town shall comply with North Carolina General Statute § 160A-169.1 (E-Verify).

10.26 Survival. The terms and conditions of this Agreement shall survive the expiration or earlier termination of this Agreement.

10.27 Time of the Essence. In all matters under this Agreement, time shall be of the essence.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the Town has caused this Improvements Agreement to be duly executed in its name and on its behalf, and Grubb has caused this Improvements Agreement to be duly executed in its name and behalf .

TOWN:

TOWN OF CHAPEL HILL,
a political subdivision of the State of North Carolina

CLERK

LEGAL

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

By: _____

Printed Name: _____

Title: Finance Officer/Deputy Finance Officer (*select one*), Town of Chapel Hill

GRUBB:

GRUBB MANAGEMENT, LLC,
a North Carolina limited liability company

By: _____

Name: _____

Title: _____

EXHIBIT A
PROPERTY

[to be attached]

EXHIBIT B
PARKING DECK TEAM

[to be attached]

EXHIBIT C
SCHEMATIC DESIGN

[to be attached]

EXHIBIT D
PARKING DECK

[to be attached]

EXHIBIT E
DEVELOPMENT SCHEDULE

[to be attached]

EXHIBIT F
PRE-DEVELOPMENT SERVICES BUDGET

[to be attached]

EXHIBIT G
DEVELOPMENT BUDGET

[to be attached]

LICENSE AGREEMENT

This License Agreement (this “Agreement”) is made as of _____, 2020 by and between

LICENSOR: Town of Chapel Hill

and

LICENSEE: Grubb Management LLC

as follows:

WHEREAS, Licensor and Licensee are parties to that certain Economic Development Agreement for the Rosemary Street Redevelopment – Opportunity Zone Project dated _____, 2020 (the “EDA”); and

WHEREAS, Licensor is the owner of a certain parcel of land located along E. Rosemary Street in Chapel Hill, North Carolina and depicted as “Staging Area” on the map attached hereto as Exhibit “A” (the “Property”); and

WHEREAS, Licensee intends to construct a new parking deck and a new office building, and to renovate existing buildings owned by an affiliate of Licensee, each of which is shown on Exhibit A and are referred to as the “New Parking Deck,” the “New Office Building” and 136 E Rosemary (collectively, the “Improvements”); and

WHEREAS, in order to facilitate construction of the Improvements, pursuant to the EDA, Licensor has agreed to permit Licensee certain temporary access to and use of the Property for storage of materials and equipment in connection with the construction of the Improvements.

NOW THEREFORE, the parties agree as follows:

1. When used herein, the term (a) “Staging Area” means the Property depicted on the map attached hereto as Exhibit “A” as “Staging Area”, and (b) “Term” means the period commencing on the date of this Agreement and expiring on _____ (unless earlier terminated as provided herein).
2. Licensor hereby grants to Licensee an exclusive license to enter upon the Staging Area during the Term solely for the purposes described in this Agreement. Licensee acknowledges and agrees that any activities conducted by Licensee or Licensee’s agents and representatives pursuant to this Agreement shall be solely at the risk of Licensee.
3. For all activities carried out on the Staging Area pursuant to this Agreement, Licensee shall provide adequate security, personnel and management. Licensee shall conduct all activities on the Staging Area using good commercial practices, and shall cause Licensee’s employees, agents, representatives, contractors and vendors to conduct their activities on the Staging Area with due care.

Licensee shall take all necessary actions in order that all persons, vehicles and equipment that may be present at the Staging Area in connection with Licensee's use shall be confined within the boundaries of the Staging Area.

4. In no event shall Licensee allow any toxic liquids or other hazardous materials to be released on the Property or within the Staging Area, and Licensee hereby indemnifies and holds Licenser harmless from any claims for recovery of costs associated with conduct of any voluntary action or any remedial responses, corrective action or closure under any applicable federal, state or local environmental laws ("**Environmental Laws**"). For purposes of this Agreement, the term "Environmental Laws" shall include, without limitation, the Comprehensive Environmental Response, Compensation, and Liability Act 42 U.S.C. § 9601 et seq., as amended from time to time ("**CERCLA**"), and the Resource Conservation and Recovery Act ("**RCRA**"), 42 U.S.C. § 6901 et seq., as amended from time to time; and any similar federal, state and local laws and ordinances and the regulations and rules implementing such statutes, laws and ordinances.

5. Licensee shall, at its sole cost, obtain and maintain in effect all licenses, permits, consents and authorizations of federal, state and local authorities which may be necessary, required or appropriate for all activities of Licensee and its contractors, vendors and representatives at or upon the Staging Area. In the event that due to the activities of Licensee (and its contractors, vendors and representatives) on the Property, Licenser is assessed any fines or fees, Licensee shall reimburse Licenser for the costs expended by Licenser upon request.

6. Licenser makes no representations or warranties of any nature whatsoever regarding the condition of the Staging Area or its suitability for the activities planned by Licensee. Licensee agrees that Licenser shall not be required to undertake or exercise any duty of care or other safeguards with respect to the Staging Area or for the safety of persons or for the prevention of damage to property in connection with any activities of Licensee on or around the Staging Area, other than to notify Licensee of any known conditions that may pose a risk to Licensee.

7. All activities of Licensee and its contractors, vendors and representatives on and about the Staging Area shall be in compliance with all applicable federal, state and municipal laws, regulations, ordinances and orders.

8. At all times during the Term, Licensee shall keep the Staging Area and everything thereon in a clean, safe and orderly condition and clean and free from trash, rubbish, waste and debris. Before expiration of the Term, Licensee shall remove all materials, equipment, personal property and other items of any nature which were placed or brought upon the Staging Area by or for Licensee.

9. Once Licensee has completed construction of the Improvements, in consideration of Licenser allowing Licensee to use the Staging Area, Licensee shall make the following changes to the Staging Area, at Licensee's sole cost and expense:

- a. Licensee will remove all asphalt and curbing within the Staging Area;
- b. Licensee will seed the Staging Area with grass;

c. Licensee will define a walkway from Rosemary Street through the Staging Area to Franklin Street (and will cut off the access between the currently existing upper and lower portions of the Staging Area); and

d. Licensee will construct any appropriate retaining walls.

10. Licensee shall be liable for, and shall defend, indemnify and hold harmless Licensor, its beneficiaries, shareholders, employees and agents (collectively the "Indemnitees") from and against any and all liability, claims, suits, judgments, damages, losses, costs and expenses (including costs of defense and legal fees), which any or all of the said Indemnitees may suffer, incur, be responsible for or pay, on account of any injury to or death of any person, or damage to or loss or destruction of any property (including property of Licensee and Licensor) or any damage or impairment to the environment, occurring to, or caused in whole or in part by Licensee (or any of its employees, agents, representatives, contractors, vendors, guests or invitees), or arising out of or in connection with this license or the exercise of any license or privilege herein granted or the conduct of any activity on or about the Staging Area or any act or omission of Licensee (or any of their employees, agents, representatives, contractors, vendors, guests or invitees).

11. Licensee shall cause the following insurance to be in place during the Term with insurance carriers duly licensed to do business in the State of North Carolina:

a. Commercial General Liability insurance, affording coverage for bodily injury and property damage, with limits not less than \$1,000,000.00 per occurrence, combined single limit, which shall include premises operations, independent contractors, products, completed operations and contractual liability coverages, with all coverages thereunder to be on an occurrence basis and not a claims made basis.

b. Workers compensation insurance as required by applicable law and regulations; and

c. Employers' Liability insurance with limits not less than \$500,000.00 each accident, \$500,000.00 each employee, and \$1,000,000.00 policy aggregate.

Licensee shall cause Licensor to be named as an additional insured on the policy affording the coverage described in the above clause (a) of this paragraph, and coverage for each additional insured shall be primary to any other insurance maintained or available to any additional insured. The insurance required herein shall be applicable to and provide coverage with respect to the Staging Area and all operations and activities of Licensee at the Staging Area. Licensee shall obtain from the Workers Compensation insurance carrier a waiver of the carrier's rights of subrogation against Licensor and its employees. Licensee shall provide to Licensor a certificate or certificates of insurance, issued by the carrier(s), evidencing the insurance herein required and providing that the carrier(s) will give Licensor thirty (30) days prior written notice of any cancellation, non-renewal or reduction of the required insurance.

12. Licensee may assign its interest in this Agreement to an Affiliate of Licensee, and upon the assumption of such by such Affiliate, Licensee shall be released from any and all duties under this

Agreement. No other assignment by Licensee shall be permitted without the prior, written consent of Licensors.

13. This Agreement shall not become effective or binding unless and until (a) it has been signed by or on behalf of each of the parties hereto, and (b) the certificate or certificates of insurance mentioned in paragraph 11, above, have been delivered to and received by Licensors. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

14. Any notices, deliveries and other communications required under this Agreement, and any other communication which either Licensors or Licensee may desire to deliver to the other party, shall be in writing and shall be sent by either nationally recognized overnight delivery service (such as Federal Express), certified mail (return receipt requested) or by e-mail transmission (followed by overnight delivery or certified mail), in each instance directed, addressed and transmitted or sent as follows:

If to Licensee to	Grubb Management LLC 117 Edinburgh Drive South, Suite 110 Cary, NC 27511 Attention: Joe Dye, Executive Vice President Email: JDye@grubbproperties.com
-------------------	---

If to Licensors to	Town of Chapel Hill c/o Town Manager Town Hall, 405 Martin Luther King, Jr. Blvd. Chapel Hill, NC 27599 Re: Notice under 2020 Grubb Economic Development Agreement Email: _____
--------------------	--

15. Licensee agrees not to cause or permit any lien to be filed against the Staging Area. Licensee further agrees to fully discharge any such lien(s) within twenty (20) days from receipt of notice from Licensors.

16. Licensee shall notify Licensors in writing once Licensee has completed the Improvements and construction of the Park, and once the Improvements and Park are completed, this Agreement shall terminate.

[the remainder of this page intentionally blank – signatures follow]

IN WITNESS WHEREOF, each of the parties hereto has caused this License Agreement to be signed and executed on its behalf as of the date and year first above written.

LICENSOR: **TOWN OF CHAPEL HILL,**
a political subdivision of the State of North Carolina

CLERK

LEGAL

LICENSEE: **GRUBB MANAGEMENT, LLC,**
a North Carolina limited liability company

By: _____
Name: _____
Title: _____

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EXHIBIT A
STAGING AREA





PRELIMINARY CONSTRUCTION APPROACH

125 E Rosemary Street – New Rosemary Parking Deck

6/4/2020

CLIENT:



GRUBB PROPERTIES

People who care. Places that matter.

TENANT:



Town of Chapel Hill

DESIGNER:

Perkins&Will

CONTRACTOR:



**SAMET
CORPORATION**

1. PROJECT SUMMARY

The proposed project includes demolition of the existing 3-story parking deck at 125 E Rosemary Street Rosemary Street and construction of a new 6-2/3 level 1,100+ space precast parking deck. The new parking deck is envisioned to include a ground level 'Porch' facing Rosemary Street and vehicular entrances at Level P3 at the western end of the Rosemary Street elevation and Level P2 on the east elevation. A 30' wide storm and sanitary sewer easement is proposed along the eastern property boundary to contain re-alignment of existing storm and sanitary sewer lines that currently cross the property. Level P1 is currently planned as nearly entirely below grade. Additional deck entrances and office occupancy types within the deck structure are being contemplated at the time of this preliminary approach. This preliminary construction approach will be updated as the design phase of the project progresses.

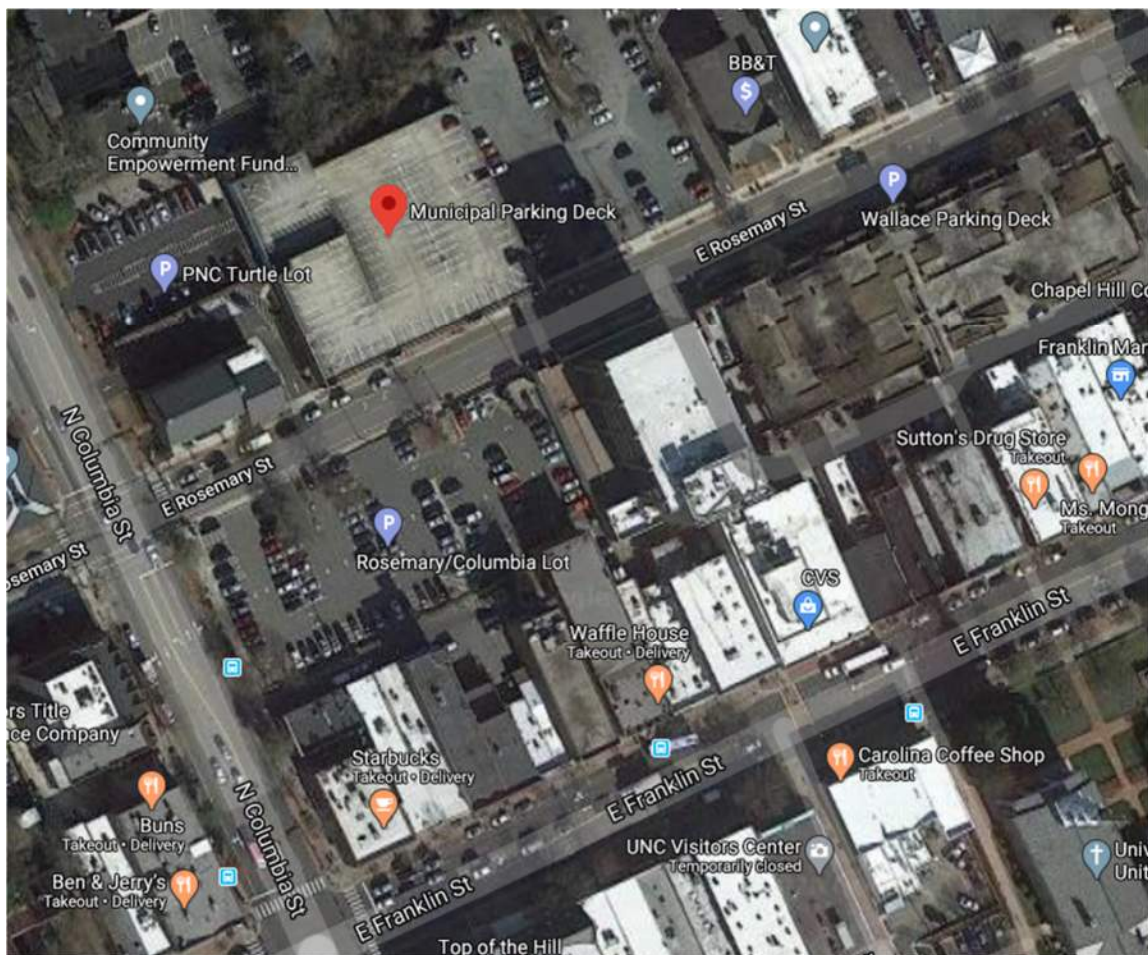


Figure 1 – Location & Surrounding Area

2. PROJECT CONSTRAINTS & LOGISTICS

The proposed new Rosemary parking deck is bound on both the west and east sides by bank properties. Across Rosemary Street is the 136 E Rosemary Street office building, and public parking lot #2. To the north of the property is a mix of office (Northwest) and residential uses.



Figure 2 – Existing Deck and Surrounding Properties

The demolition and construction activities associated with the new parking deck will require closure of the existing shoulder and a portion of E. Rosemary Street. The adjacent project at 136 E. Rosemary Street is anticipated to be concurrent to the parking deck project and will also require shoulder closure in the existing "Loading Zone". We propose to channelize traffic through these two adjacent construction sites using water filled barriers with fencing.

The section of E. Rosemary Street between these two projects is proposed to be modified to delete the middle left turn lane and re-stripe as two-way traffic with approximately 21' between the water filled barriers, providing clear lanes of 10' width minimum each. The existing lane widths in this area of E Rosemary Street vary, but are as narrow as 10' wide currently. Access to existing driveways for BB&T, PNC, Lot #2, NCNB Alley and the Wallace Deck would remain active. While

the preference based on safety would be to close both sidewalks through the middle of this block, a covered sidewalk could be utilized along the north side of E. Rosemary Street if it is determined that pedestrian access must be maintained. The crosswalks at the existing signalized intersections at Columbia Street and Henderson Street would be recommended for use to access the northern sidewalk along E. Rosemary Street.

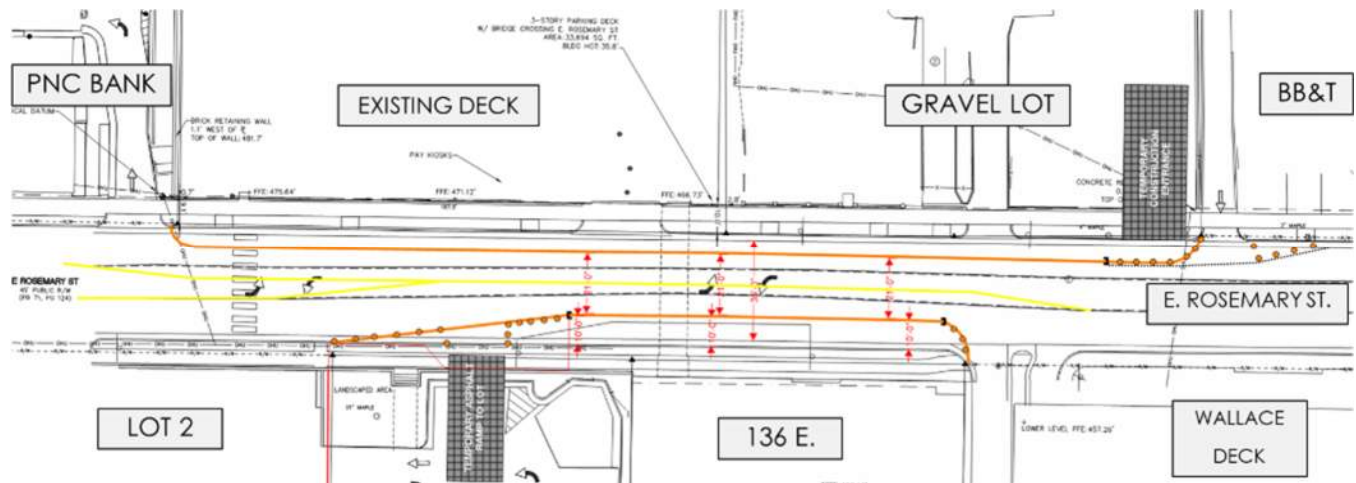


Figure 3 – Preliminary Traffic Management

There is a planned temporary laydown area in the lower section of Lot #2 to accommodate shared construction laydown for the new Rosemary Deck and the 136 E Rosemary / 137 E Franklin project.

3. PROJECT SCHEDULE

The current project schedule anticipates start of demolition of the existing parking deck in mid-September 2020 and an approximate project duration of one year with completion in September 2021.

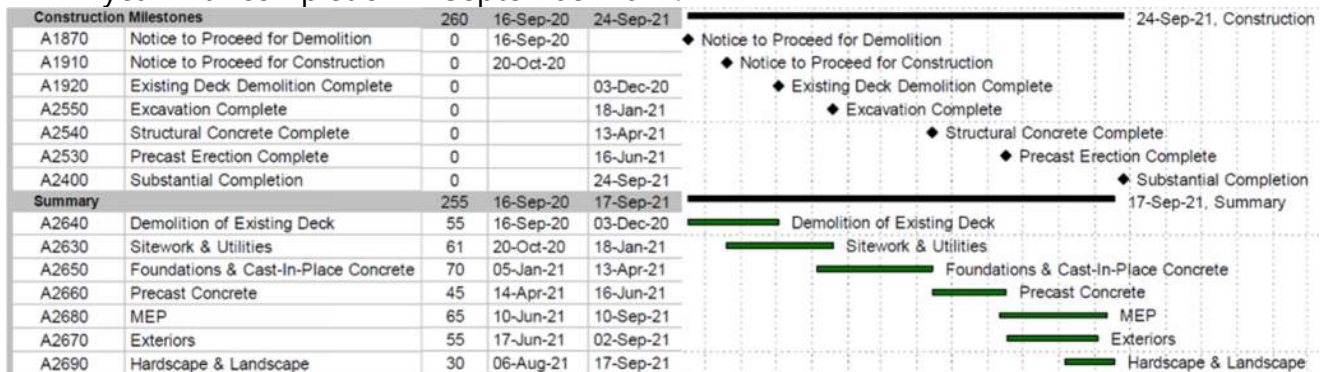


Figure 4 – Preliminary Milestone & Summary Schedule

4. DEMOLITION APPROACH & PUBLIC PROTECTION

The demolition of the existing parking deck can be executed in one of two primary methods, dis-assembly or demolition and crushing. There are trade-offs to both methods that need to be analyzed with project stakeholders prior to final selection of a method. The perimeter protection during demolition would be the same for both methods. The two methods are compared below:

DIS-ASSEMBLY METHOD:

- Piece by piece removal by crane
- Hauling offsite for crushing
- Potentially fewer trucks, but larger
- Reduced dust potential
- Site is cleared faster
- Higher Cost



DEMOLITION / CRUSHING METHOD:

Crushing/shearing of members in place
Onsite concrete crushing
Smaller trucks, higher quantity
Higher dust potential, misting required
Demolition duration is longer
Lower cost



Due to the construction materials used in the existing parking deck, over 98% by weight of the parking deck is expected to be recycled and diverted from landfills.

5. NEW CONSTRUCTION APPROACH

Once parking deck demolition is underway, we plan to construct the new storm and sanitary lines at the eastern end of the site that will enable the existing lines that cross the site to be removed. Removal of the storm and sanitary lines will be required during the earthwork excavation stage prior to reaching P1 level. During the new sewer installation there will need to be a temporary closure of E. Rosemary Street for the section of line to be installed down the middle of the street. This will require close coordination and scheduling with the Town of Chapel Hill and adjacent businesses.



Figure 5 – Storm and Sanitary Lines (Existing is Dashed, New is Solid)

The excavation depths required for Level P1 will require a range of soil removal between of approximately 2' of depth at the north elevation up to 24' of depth at the Southwest Corner of the site. Excavation of this depth will require foundation shoring systems to retain the earth until permanent concrete foundation walls are complete. At the east end of Level P1 there will be a temporary ramp during construction to move equipment in and out of the parking deck footprint.

The superstructure of the parking deck is currently planned as precast concrete including shear walls, columns, beams, and double-tees. The erection of the precast will start at the western end of the deck and will work eastward. The parking deck will be assembled from bottom to top in each bay using a crawler crane. Precast concrete members will be delivered using an entrance at the east end of the site, and the crane will unload the members and swing them into their

designated place in the deck structure. Traffic flaggers will be located at the construction entrance to assist trucks entering and exiting the site.



Figure 6 – Example of Crane within parking deck footprint placing a double-tee.

Following precast erection the architectural features will be applied to the exterior, stair towers and elevators completed, and plumbing, fire sprinkler, mechanical, electrical, and fire alarm systems installed. Site hardscapes and landscaping will follow exterior architectural feature installation.

6. EXISTING CONDITIONS PHOTOS



Photo 1 – Existing 3-Story Parking Deck



Photo 2 –Western elevation of existing parking deck



Photo 3 – Eastern elevation of existing parking deck

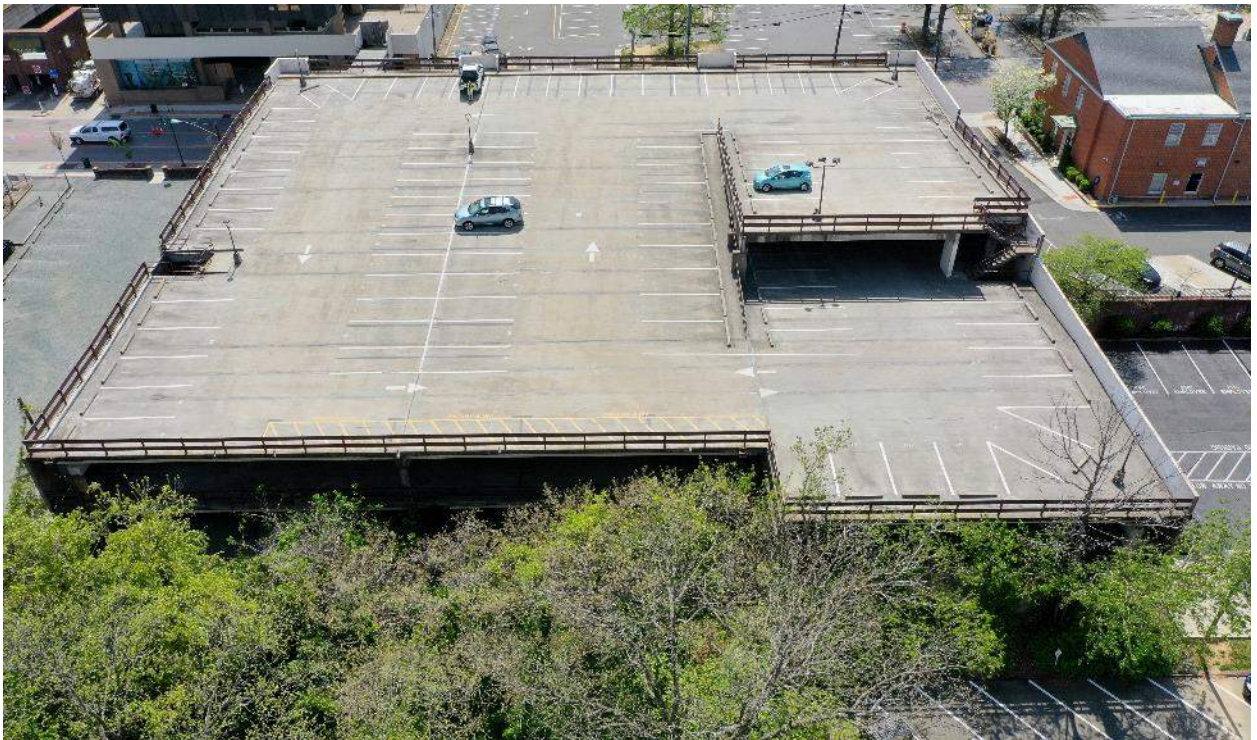


Photo 4 –Northern elevation of existing parking deck



Photo 5 – View of existing gravel parking lot, looking north.



Photo 6 – View of Rosemary Street and south elevation of existing deck.

**EAST ROSEMARY STREET
TOWN PARKING DECK & OFFICE BUILDING
REDEVELOPMENTS**

TRANSPORTATION IMPACT ANALYSIS

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

September 2020



EAST ROSEMARY STREET

**TOWN PARKING DECK & OFFICE BUILDING
REDEVELOPMENTS**

TRANSPORTATION IMPACT ANALYSIS

EXECUTIVE SUMMARY



Prepared for:

The Town of Chapel Hill
Public Works Department - Engineering

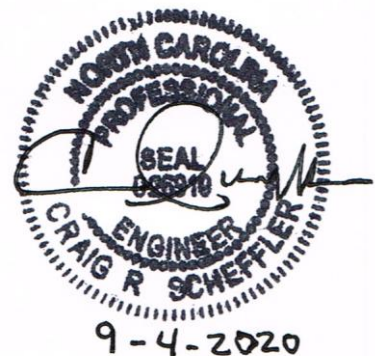
Prepared by:

HNTB North Carolina, PC

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

NCBELS License #: C-1554

September 2020





EXECUTIVE SUMMARY

Project Overview

A new office building and parking deck are being proposed as a combined redevelopment project along E. Rosemary Street, just east of its intersection with NC 86 (N. Columbia Street) in Chapel Hill, NC. This report details the initial impacts of the proposed parking deck and then the subsequent impacts of the office building development after the new parking deck is complete. The overall project proposes to replace the current Town-owned Wallace Parking Deck with a 200,000 square foot office building and to create a new parking deck (with 1,100 spaces) where the existing Rosemary Deck (and adjacent private surface parking lot) are located, just east of PNC Bank. **Figure ES-1** shows the general location of the site. The project is anticipated to be completed in two stages – with the new Parking Deck constructed by 2021 and the office building by 2022. This report analyzes the full build-out scenarios for the year 2022 and 2023 (one year after full build-out of each redevelopment project), the no-build scenarios for 2022 and 2023, as well as 2020 existing year traffic conditions.

The initial site concept plan for the proposed parking deck showed a provision for two full movement access driveways that connect the new parking deck to E. Rosemary Street. Several additional access points have been analyzed in the study process and a full access connection from the deck to North Street is included in this report. **Figure ES-2A** displays the initial preliminary concept plan of the new Rosemary Parking Deck. **Figure ES-2B** displays an initial concept plan for the proposed office building, that will accommodate 200 on-site parking spaces in an underground garage. This report analyzes and presents the transportation impacts that the redevelopment projects will have on the following intersections in the project study area:

- W. Rosemary Street and Church Street
- W. Rosemary Street and NC 86 (N. Columbia Street)
- E. Rosemary Street and Henderson Street
- E. Rosemary Street and Hillsborough Street
- SR 1010 (W. Franklin Street) and Church Street
- SR 1010 (Franklin Street) and NC 86 (Columbia Street)
- SR 1010 (E. Franklin Street) and Henderson Street
- SR 1010 (E. Franklin Street) and Hillsborough Street / Raleigh Street
- NC 86 (N. Columbia Street / MLK Jr. Boulevard) and N. Columbia Street / North Street
- NC 86 (MLK Jr. Boulevard) and Longview Street / Mill Creek Condominiums
- W. Cameron Avenue and NC 86 SB (Pittsboro Street)
- Cameron Avenue and NC 86 (S. Columbia Street)
- E. Cameron Avenue / Country Club Road and Raleigh Street

The impacts of the proposed sites at the study area intersections were evaluated during the AM, noon, and PM peak hours of an average weekday. Additional existing and future parking deck and office building access driveway locations were also analyzed as part of the study.

Existing Conditions

The sites are located in downtown Chapel Hill along E. Rosemary Street east of the NC 86 corridor. The study area contains 12 signalized intersections in the downtown area. All future site traffic is expected use access points along E. Rosemary Street, or potentially on North Street. The NC 86 and Franklin Street corridors are major arterials providing both regional and local access. Rosemary Street is a minor arterial/collector street that provides connectivity throughout the downtown and into Carrboro. Remaining study area network roadways are local neighborhood / commercial / institutional access



streets. The downtown/UNC Main Campus area features moderate to high traffic activity throughout the day, as well as high levels of pedestrian, bicycle and transit activity.

Site Traffic Generation

Table ES-1 shows the site trip generation details, with generation rates taken from field collected data at the existing parking facility access points along E. Rosemary Street and the projected growth ratio of peak hour activity based on the increased in parking supply offered by the new deck compared to existing conditions, along with ITE Trip Generation Manual estimates for the proposed office building.

Table ES-1. Weekday Vehicle Trip Generation Summary

Facility	Units	Daily Estimate			AM Peak Hour			Noon Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
Existing Parking Trips (Reallocated to new deck)	804 spaces	1,568	1,568	3,136	211	19	230	166	127	293	84	230	314
Proposed Lot Growth Ratio (1,100 / 804) = "Net" New Trips	0.269	422	422	844	57	5	62	45	34	79	23	62	85
Total Trips To/From New Deck		1,990	1,990	3,980	268	24	292	211	161	372	107	292	399
General Office Building	200kSF	883	883	1,766	229	31	260	102	87	189	43	199	242

Background Traffic

Background traffic growth for the 2022 and 2023 analysis years is expected to come from two sources - ambient regional traffic growth and specific development-related traffic growth. Historic growth patterns do not indicate sustained growth in the project study area, however a number of development projects are occurring or are expected to occur outside the project study area which may contribute to future area-wide traffic growth. To conservatively account for this potential, a 1.0 percent per year ambient growth rate was applied to 2020 traffic volumes to estimate 2022 and 2023 background traffic on study area roadways. One specific development, Union Chapel Hill Apartments, set to open in fall 2020, was included as a specific background development traffic generator.

Impact Analysis

Peak Hour Intersection Level of Service

Existing 2020 traffic operations at all study area intersections are acceptable during all three peak hours analyzed, except for the westbound stop-controlled approach at the NC 86 intersection with North Street/N. Columbia Street in the PM peak hour. Projected ambient and background development traffic growth and planned transportation projects will increase impacts at many study area locations by 2022, but will only cause one other intersection to operate at deficient levels in any peak hour. The Franklin Street/NC 86 (N. Columbia Street) intersection will drop from a LOS D to LOS E in the 2022 PM peak hour. With the addition of peak hour parking deck 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. The effect of site traffic is a "net" increase across the study area network that causes minor variations in traffic operational results. The proposed North Street access scenario produces beneficial operational results at the NC 86/Rosemary Street intersection. The 2023 analysis scenarios that include proposed office building site trip effects cause one additional intersection (NC 86 and Cameron Avenue) to operate over capacity in the PM peak hour, with or without the additional office building redevelopment. 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.



Town of Chapel Hill: Transportation Impact Analysis
E Rosemary Street - Proposed Town Parking Deck & Office Building Redevelopments

Table ES-2. Peak Hour Intersection Capacity Analysis Summary

Intersections	Peak Hour	2020 Existing		2022 No-Build		2022 Build		2022 Build Mitigated		2023 No-Build		2023 Build	
		LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
W. Rosemary Street & Church Street	AM	B	11.3	A	9.2	A	9.3			A	9.4	A	9.6
	NOON	B	10.8	A	9.5	A	9.5			A	9.4	A	9.5
	PM	B	15.8	B	13.9	B	13.8			B	13.8	B	13.7
W. Rosemary Street & NC 86	AM	C	25.4	C	26.6	C	26.6	C	24.4	C	24.1	C	24.5
	NOON	C	32.3	C	29.6	C	32.3	C	26.1	C	26.2	C	27.5
	PM	C	34.6	D	35.9	D	48.5	C	32.1	C	33.3	D	40.7
E. Rosemary Street & Henderson Street	AM	A	8.0	A	8.5	A	9.2	No change to projected traffic volumes – Little to Marginal Change in Operations Expected Compared to the 2022 Build – Original Access Scenario		A	9.3	B	10.1
	NOON	B	12.7	B	12.4	B	12.1			B	12.5	B	13.3
	PM	B	13.4	B	11.3	B	11.2			B	12.5	B	12.6
E. Rosemary Street & Hillsborough Street	AM	B	14.8	B	15.0	B	15.1			B	15.2	B	15.2
	NOON	B	18.8	B	15.5	B	15.4			B	15.7	B	15.7
	PM	B	17.5	B	17.4	B	17.7			B	17.8	B	17.5
W. Franklin Street & Church Street	AM	A	6.4	A	7.8	A	7.7			A	7.7	A	7.7
	NOON	B	10.7	B	11.8	B	12.7			B	13.0	B	13.4
	PM	B	15.0	B	18.3	B	18.5			B	18.8	B	19.1
Cameron Ave/Country Club Rd & Raleigh Street	AM	C	22.8	C	23.7	C	22.9			C	23.1	C	23.7
	NOON	C	20.4	C	21.0	C	20.8			C	20.9	C	21.0
	PM	C	29.6	C	30.7	C	30.4			C	30.6	C	30.8
Franklin Street & NC 86 (Columbia Street)	AM	C	33.1	C	30.5	C	31.0			C	30.2	C	30.5
	NOON	D	40.8	D	41.0	D	40.9			D	40.7	D	41.0
	PM	D	49.8	E	58.7	E	57.8			E	60.6	E	59.4
E. Franklin Street & Henderson Street	AM	A	7.4	A	7.8	A	8.0			A	8.0	A	7.7
	NOON	B	12.7	B	12.6	B	12.2			B	12.3	B	13.1
	PM	B	15.8	B	13.5	B	12.1			B	12.0	B	12.9
E. Franklin Street & Hillsborough Street / Raleigh Street	AM	C	32.0	C	22.6	C	22.6			C	22.5	C	22.5
	NOON	C	29.9	C	23.6	C	24.2			C	24.0	C	23.7
	PM	C	31.9	C	21.6	C	21.3			C	21.4	C	21.6
NC 86 (MLK Jr. Blvd) & N. Columbia Street / North Street [#] @	AM	C	15.1	C	15.7	C	16.4	B	11.7	B	11.6	B	11.6
	NOON	B	14.6	C	15.3	C	15.9	B	18.4	B	19.6	B	19.4
	PM	F	85.5	F	119.6	F	169.7	C	23.2	C	23.4	C	23.8
NC 86 (MLK Jr. Blvd) & Longview Street	AM	A	9.4	A	9.5	A	9.6			A	9.6	A	9.7
	NOON	A	5.5	A	5.6	A	5.6			A	5.6	A	5.6
	PM	A	8.0	A	8.1	A	8.1			A	8.1	A	8.1
W. Cameron Avenue & NC 86 (Pittsboro Street)	AM	C	24.0	B	17.1	B	17.2			B	17.4	B	17.5
	NOON	C	21.5	B	19.9	C	20.2			C	20.3	C	20.5
	PM	C	30.8	C	21.0	C	20.4			C	20.3	C	20.1
Cameron Avenue & NC 86 (S. Columbia St)	AM	C	32.1	C	27.9	C	28.3			C	28.4	C	28.7
	NOON	C	33.4	C	32.6	C	33.4			C	33.4	C	33.7
	PM	D	47.9	D	45.5	D	54.1			E	56.9	E	64.1
E. Rosemary St & Recommended Parking Deck Primary Driveway [#]	AM	N/A	N/A	N/A	N/A	N/A	N/A	B	13.8	B	13.8	C	19.3
	NOON	N/A	N/A	N/A	N/A	N/A	N/A	C	15.1	C	15.2	C	15.9
	PM	N/A	N/A	N/A	N/A	N/A	N/A	C	15.2	C	15.2	C	16.1
E. Rosemary St & Recommended Office Bldg Primary Driveway [#]	AM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	B	11.6
	NOON	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	B	12.4
	PM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	C	15.2

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 @ - Mitigation Scenario Signalized

**Access Analysis**

Vehicular site access is to be accommodated in the current parking deck site access plan at two proposed parking deck access driveways connecting to E. Rosemary Street. As conceptually shown in **Figure ES-2A**, the western driveway access point is approximately 275 feet from the NC 86 (N. Columbia Street) intersection and the eastern driveway access point has approximately 200 feet of separation from the western access point. No specific throat lengths are shown on the concept plan and should be part of the detailed design of the parking deck to provide a 50 foot minimum throat length found on Page 69 of the 2017 *Town of Chapel Hill Public Works Design Manual*. Current schematic drawings indicate that additional throat length may be needed depending on the desired internal circulation pattern and location of entry/exit gates. Driveway distances along E. Rosemary Street from the signalized intersections at NC 86 and Henderson Street are approximately 275 feet from the western driveway and 500 feet from the eastern driveway respectively are meet acceptable NCDOT and Town standards. No formal access design for the proposed Office Building on-site parking facilities was available at the time of this study. Per information from the Applicant and shown in **Figure ES-2B**, two potential access locations may occur along E. Rosemary Street, with no direct access from Henderson Street. The current alley serving the Wallace Deck entry and service access for adjacent commercial buildings behind the Wallace Deck is expected to be retained after the proposed Office Building is constructed.

Signal Warrant Analysis

Based on projected 2023 traffic volumes and proposed access plans, one unsignalized intersection would warrant the installation of a traffic signal, based on the methodology found in the 2009 *Manual on Uniform Traffic Control Devices (MUTCD)*. The intersection of NC 86 and N. Columbia Street/North Street is expected to experience deficient operations for stop-controlled movements in the future and should be monitored for signalization, based on satisfaction of Peak Hour Warrants in the 2023 PM peak hour and potential safety and operational issues due to increased traffic volumes to and from the proposed parking deck.

Crash Analysis

Crash analysis of the E. Rosemary Street and NC 86 corridors was compiled from the NCDOT TEAAS software for the last five years and results indicate that both corridors experience crash rates considerably higher than North Carolina statewide averages for similar roadway facilities, with most crashes located near high volume intersections.

Other Transportation-Related Analyses

Other transportation-related analyses relevant to the 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 th percentile (max) queue length estimates for all analyzed scenarios. The original parking deck access concept's western access point on E. Rosemary would likely be blocked by westbound queues on E. Rosemary Street at the NC 86 intersection. The modified access scenario removes some site-related traffic from E. Rosemary Street, thus reducing queue lengths. Providing a single access point for the deck farther to the east of the NC 86 intersection provide adequate separation to manage left-turn queues and avoid deck access blockage. This impact of this recommendation would become more important with additional traffic generated by the proposed office building redevelopment.



Analysis	Comment
	There are several intersections in the study area that are currently near capacity and are expected to continue to be in the 2022 and 2023 analysis years where one or multiple left-turn storage bays do not provide adequate storage to accommodate existing or projected maximum peak hour queues. As roadway capacity improvements in these situations would generally be difficult, given right-of-way constraints in the downtown and UNC Main Campus area, and the fact that the proposed parking deck and office building site trips are expected to marginally contribute to queuing issues beyond the immediate intersections adjacent to the sites, no additional recommendations were made for turn lane storage requirements for this study.
Appropriateness of Acceleration / Deceleration Lanes	The site concept plans do not show any provision for additional acceleration or deceleration lanes. With the proposed sites located in the downtown Chapel Hill central business district, most area roadways have low posted speeds and do not require additional acceleration / deceleration lanes. E. Rosemary Street has a three-lane cross section with center left-turn lane that will provide separation for turning traffic into the proposed parking deck and on-site office building parking garage. The parking deck North Street full access scenario also utilizes the center left-turn lane along NC 86 for safe separation of turning traffic onto North Street from the southbound through travel lanes.
Pedestrian and Bicycle Analysis	Existing pedestrian access and connectivity is currently well implemented throughout downtown Chapel Hill that would be served by the proposed deck and office building. Consideration should be made to provide a pedestrian overpass connection to development south of E. Rosemary Street adjacent to the proposed deck. A mid-block delineated pedestrian crossing with raised central median on E. Rosemary Street would also reduce likelihood of jay-walking from the deck to the south side of the street. Bicycle facilities (bike lanes and roadway "sharrows" and activity are prevalent in the downtown area as well and the proposed deck design could incorporate opportunities for bicycle parking convenient to E. Rosemary Street frontage.

Mitigation Measures/Recommendations

Planned Improvements

There are no planned transportation improvement projects by NCDOT expected to be complete between 2020 and 2023 in the immediate project study area. The Town of Chapel Hill is in the process of designing and implementing the West Franklin Street Lane Reallocation project to reduce the number of through travel lanes on West Franklin Street west of NC 86. The reallocated lanes will be used for parking, loading zones, bicycle lanes and other amenities. This project was expected to be complete by the 2022 analysis year and was also assumed to include signal retiming throughout the downtown area to account for vehicular flow changes in the lane reallocation vicinity. Details are shown on **Figure ES-3**.

The Town also has the North-South Bus Rapid Transit Project, which will provide dedicated lanes for transit along the NC 86 corridor, along with other transit amenity improvements scheduled for construction in 2022. As final design details are not complete as of the submittal of this TIA, no specific lane usage changes were analyzed as part of 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 2020 and 2023.



Applicant Committed Improvements

Based on the preliminary site concept plans and supporting development information provided, there are no specific transportation-related improvements proposed external to the East Rosemary Parking Deck or Office Building sites. The current plans and preliminary deck design incorporate two full movement access points along E. Rosemary Street only, with single lane entry/exits to the deck.

There are currently no specific conceptual plan designs for the Office Building parking deck access points or internal/external assumed circulation. Per agreement with the Applicant, two access points were assumed along E. Rosemary Street, with no direct access to Henderson Street and retaining the possibility of providing access from the rear of the building to the existing alley that will continue to have ingress and egress access connections with E. Rosemary Street.

Necessary Improvements

Parking Deck

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-3A**).

- 1) To reduce potential conflicts and provide better separation for left-turning vehicles along E. Rosemary Street approaching the NC 86 intersection westbound and the parking deck eastbound, eliminate the currently proposed western deck access location and provide a single primary deck access location where the current eastern deck access is proposed. At this primary access point, provide separate left-turn and right-turn exit lanes. Depending on method of parking deck space management (gates/ticketing), provide adequate internal queue storage for entry flows that may reach 200 vehicles in a single hour. This improvement is recommended for the East Rosemary Parking Deck development.
- 2) Due to potential peak hour queuing issues for the westbound left-turn and through travel lanes at the E. Rosemary Street intersection with NC 86 (N. Columbia Street), reoptimize the traffic signal timings to allow adequate green time to reduce westbound queuing for this movement in all peak hours. This improvement is recommended for the East Rosemary Parking Deck development.
- 3) To reduce site-related traffic volumes at the critical E. Rosemary Street intersection with NC 86, provide alternate access using North Street to connect to a two-way inbound/outbound parking deck connection. This should remove most parking deck related traffic flow to/from the NC 86 corridor north of the site. A full access connection may add some site-related traffic that may cut-through the North Street neighborhood and potentially additional traffic calming measures may be needed to reduce as much cut-through traffic as possible. It is recommended that a traffic calming study for the segments of North Street to the east of the proposed parking deck access point and Henderson Street between North Street and E. Rosemary Street be conducted after the parking deck is complete and opened to traffic. These improvements are recommended for the East Rosemary Parking Deck development.
- 4) To reduce projected queues along North Street westbound that would include parking deck egress traffic, the provision of a right-turn bay (making the westbound approach a stop-controlled shared left-turn/through lane and right-turn lane) with at least 50 feet of vehicle storage is recommended to reduce overall approach delays and queues at this location. The currently skewed minor street intersection approaches for North Street and N. Columbia Street should be realigned to better align through movements. This intersection also may meet



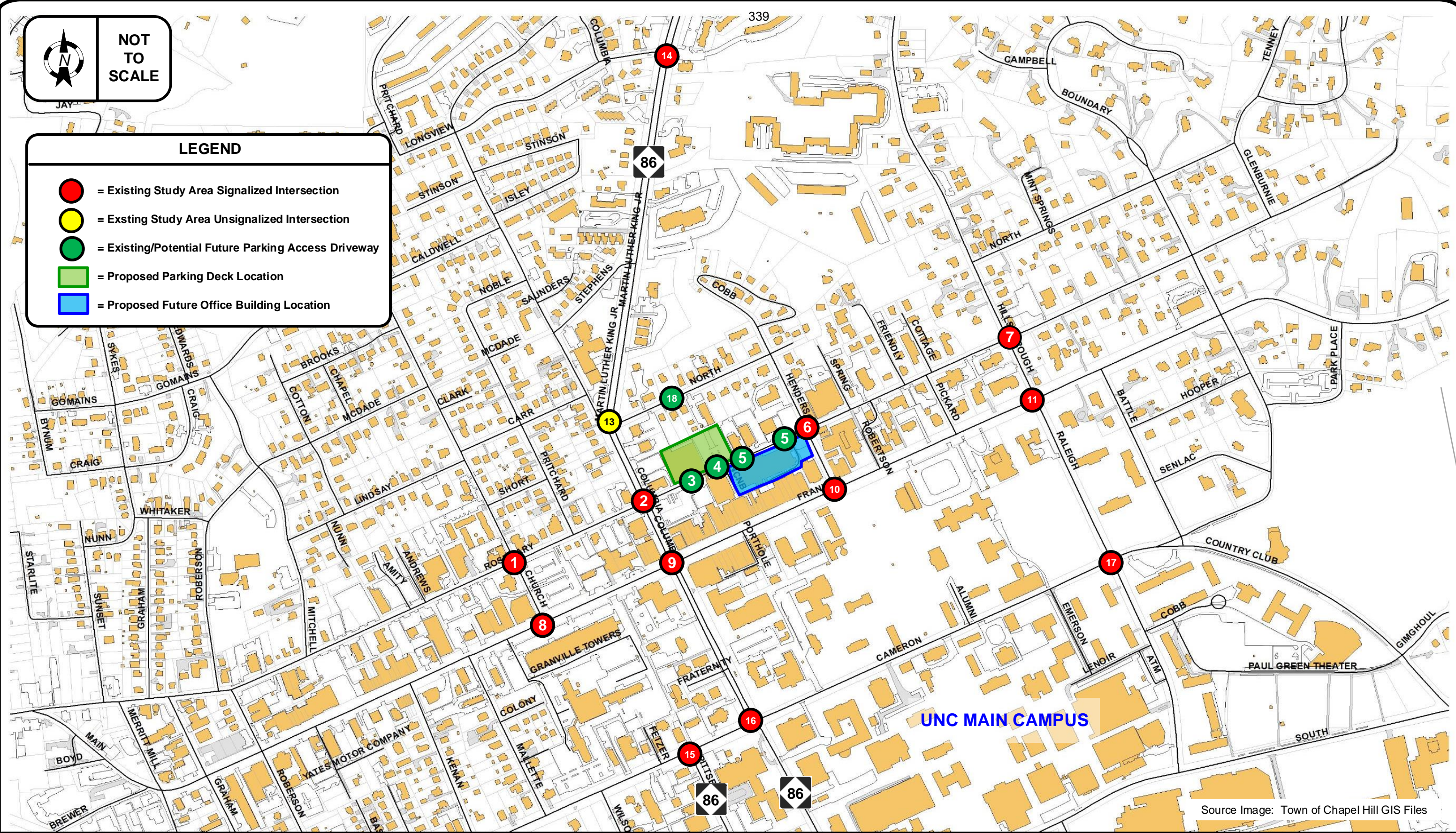
MUTCD Warrants for signalization after the parking deck and office building projects are complete and should be monitored for signalization if operational or safety issues results from the additional traffic produced by the two projects. These improvements are recommended for the East Rosemary Parking Deck development.

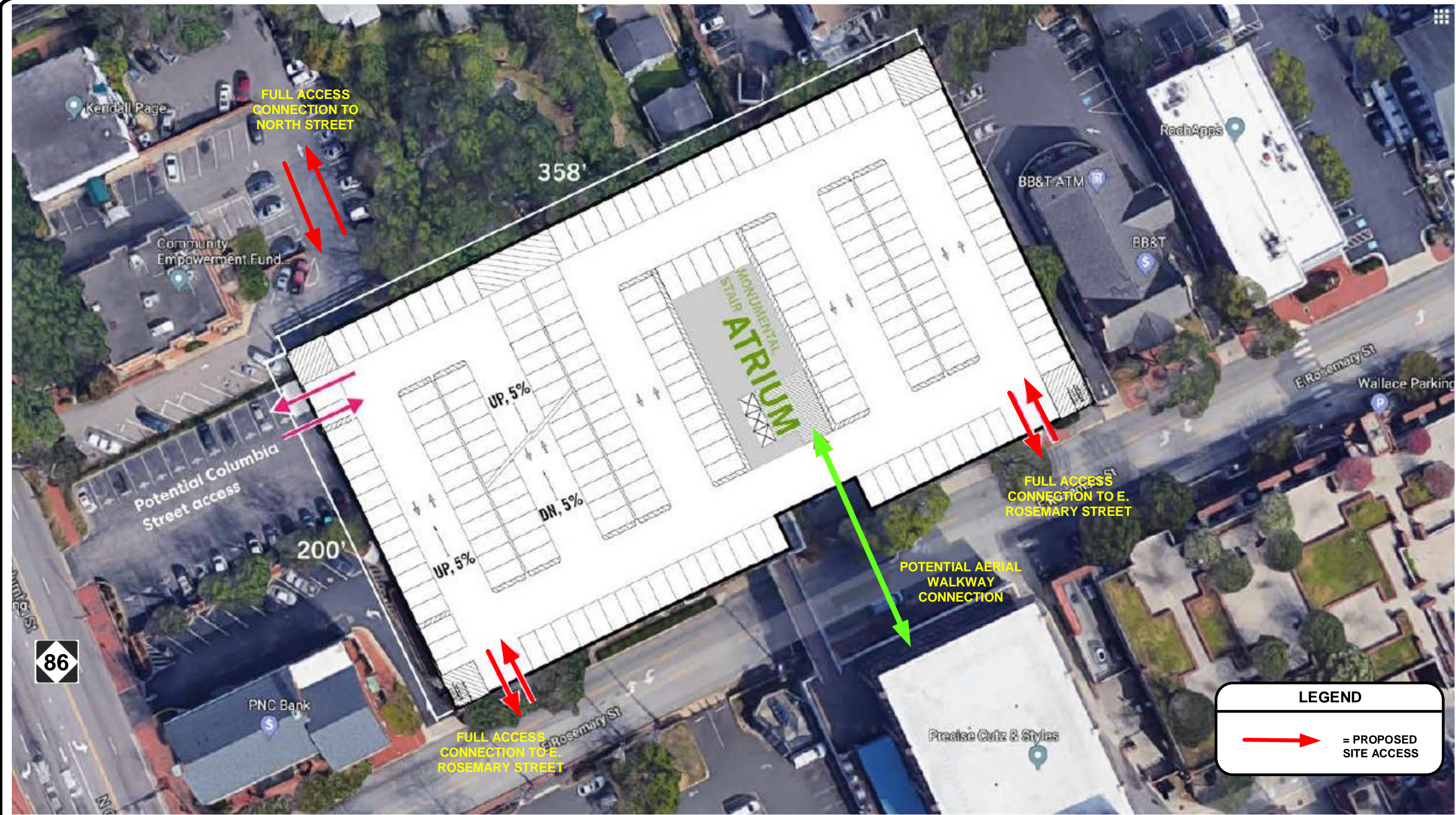
- 5) Additional wayfinding signage on external roadways and internal to the proposed parking deck is recommended to fully utilize the proposed North Street and N. Columbia Street access points, as well as identify routes to E. Franklin Street, US 15-501, and NC 54 (make a left-turn exiting the deck) and NC 86 South, Carrboro, Pittsboro (make a right-turn exiting the deck). These improvements are recommended for the East Rosemary Parking Deck development.
- 6) To provide direct, safe, and convenient pedestrian access from the parking deck to commercial developments south of the E. Rosemary Street corridor, it is recommended that a pedestrian overpass be included in the deck design, similar to the existing pedestrian overpass that connects the existing Rosemary Parking Deck. In addition, at street level, a mid-block pedestrian crosswalk, with appropriate signage and potentially a raised median refuge island depending on its location should be included. These improvements are recommended for the East Rosemary Parking Deck development.

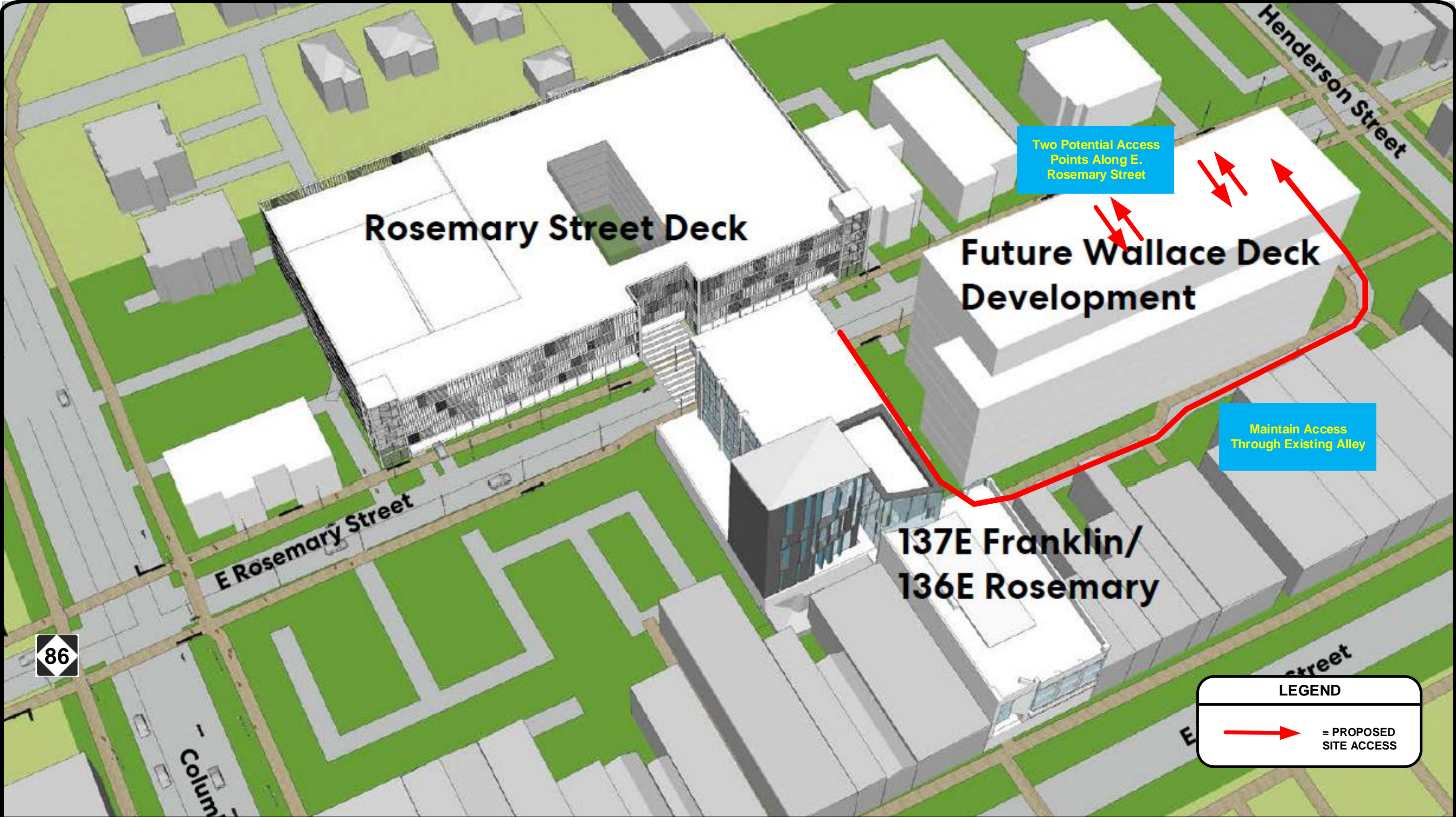
Office Building

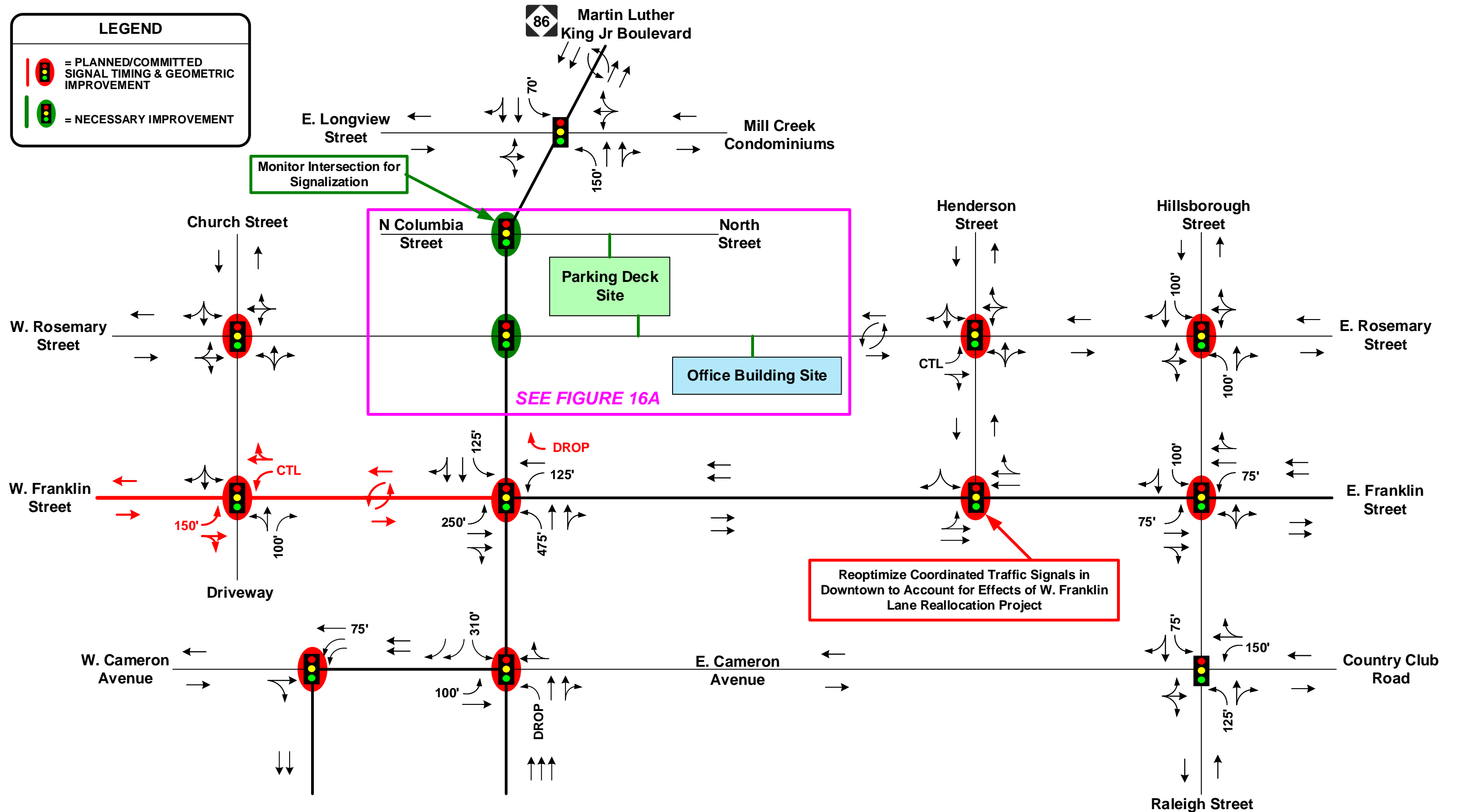
Based on traffic capacity analyses for the 2023 design year, and analyses of existing study area turning bay storage lengths and Office Building potential site access issues, the following improvements are recommended as being necessary for adequate transportation network operations (see **Figure ES-3A**). These improvements are made with the assumptions that the 2022 Parking Deck analysis year Necessary Improvements listed above are all completed by the 2023 analysis year for the proposed Office Building.

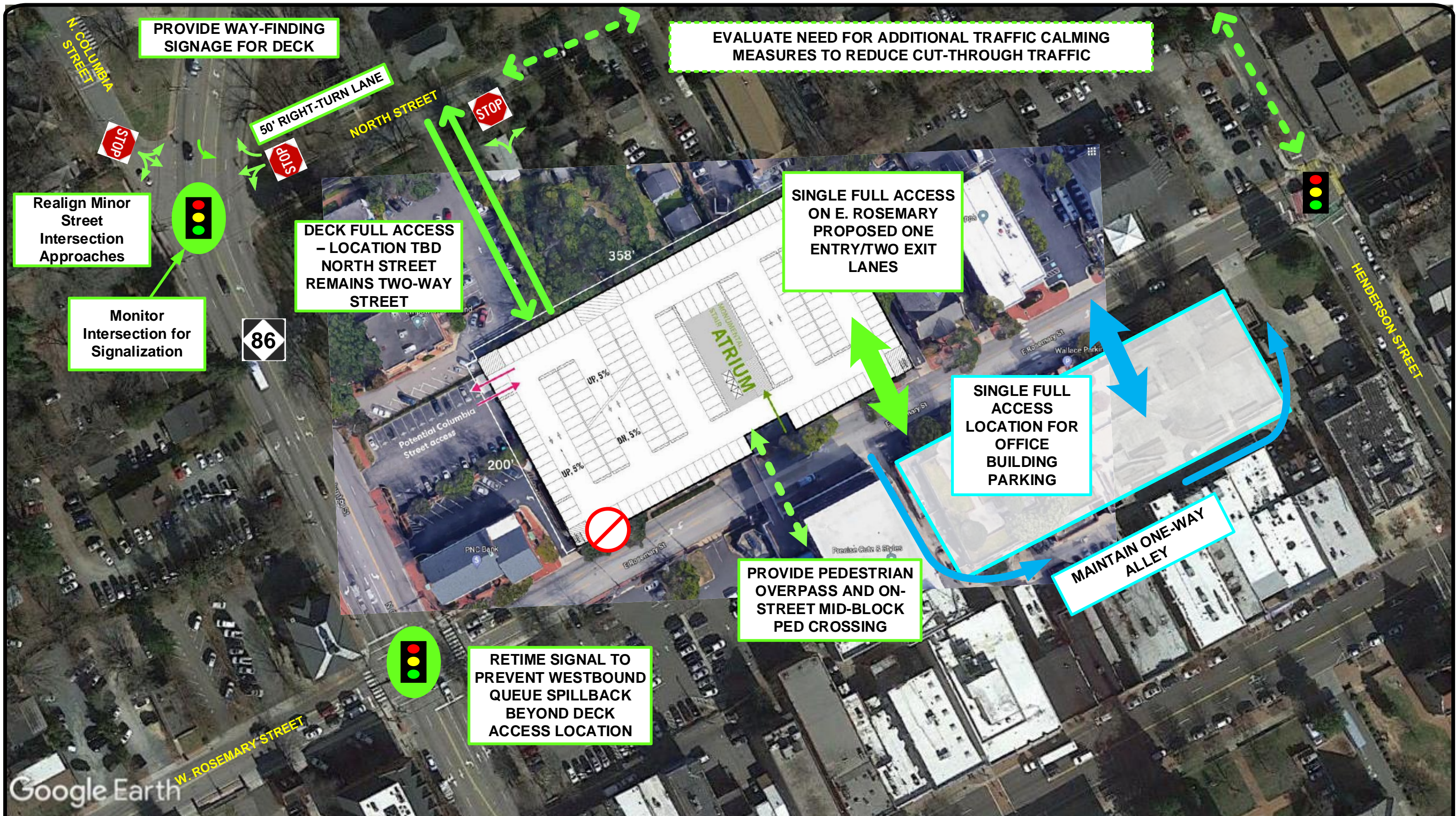
- 1) To reduce potential conflicts and provide better separation for left-turning vehicles along E. Rosemary Street approaching the parking deck access driveway westbound and Henderson Street eastbound, provide a single primary on-site underground parking garage access location approximately 225 feet west of the Henderson Street intersection and aligning with the current driveway to 151 E. Rosemary. This improvement is recommended for the East Rosemary Office Building development.
- 2) Maintain the existing one-way alley access configuration behind the proposed Office Building. A secondary enter-only access point for vehicles parking beneath the proposed Office Building could be located along the alley, but all structured parking egress should be directly onto E. Rosemary Street at the recommended single primary location described above. Egress should not be permitted for parking garage vehicles along the alley, as additional traffic access to E. Rosemary Street near the Henderson Street intersection may cause operational and safety issues.













TOWN OF CHAPEL HILL

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

Item Overview

Item #: 22., File #: [20-0584], Version: 1

Meeting Date: 9/9/2020

Open a Public Hearing and Consider Exchanging 150 E. Rosemary for 125 and 135 E. Rosemary to Support the East Rosemary Redevelopment Project and Parking Deck.

Staff:

Maurice Jones, Town Manager
Dwight Bassett, Economic Development Officer
Amy Oland, Director
Bob Jessup, Attorney

Department:

Manager's Office
Manager's Office
Business Management
Sanford Holshouser

Overview: Consider exchanging the Wallace parking deck (150 E. Rosemary) and property for the 125 East Rosemary and 135 East Rosemary deck and parcel for the purpose of building a new parking deck.

For additional information, see the attached report on the proposed Economic Development Agreement and the March 4, 2020 Council Action authorizing a Memorandum of Understanding for this proposed Economic Development Project.

<https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4346784&GUID=8D2E8A1D-FC0F-4560-8DD6-3102529B1502&Options=&Search=>>



Recommendation(s):

That the Council adopt the resolution authorizing the Town Manager to proceed with:

- Purchase of 125 East Rosemary and 135 East Rosemary from Grubb Properties and Investors Title;
- Transfer of 150 E. Rosemary to Grubb Properties; and,
- Payment of the difference in property values to Grubb Properties.

Land values:

Grubb value	(125 E. Rosemary)	\$3,600,000	(Per appraisal)
Investor Title value	(135 E. Rosemary)	4,900,000	(negotiated, valued at \$5.1 million)
TOTAL -Grubb and Investors		\$8,500,000	
EXCHANGE -			
Town value	(150 E. Rosemary)	(6,360,000)	(Per appraisal)
Net land value		2,140,000	
Grubb Contribution to land		400,000	
Net from Town		\$1,740,000	

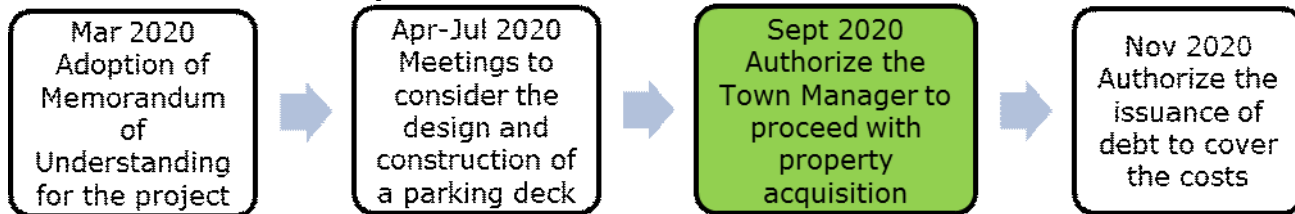
Decision Points:

- Authorize the purchase and exchange of property for a net cost of \$1.74 million dollars.
- Authorize Grubb Properties to acquire Investors Title property and pay up to \$4.9 million for that parcel and for Grubb to contribute \$400,000 to that purchase price.
- Authorize the necessary financial arrangements to allow the Town to spend up to \$1.74 million dollars from our General Fund until the bond debt for parking deck construction is authorized and issued.

Key Issues:

- This property acquisition is necessary to facilitate a new parking deck and the Grubb Properties construction of a new 200,000 +/- office and wet lab building.
- This acquisition will allow for the construction of a new 1100 +/- space parking deck to support downtown, a new office building and other developments.

Fiscal Impact/Resources: The Town will need to cover the exchange difference of \$1.74 million from the General Fund until the new debt for the parking deck is issued.

Where is this item in its process?**Attachments:**

- Resolution - Land acquisition and exchange
- Resolution - Reimbursement
- 125 East Rosemary appraisal
- 135 East Rosemary appraisal
- 150 East Rosemary appraisal

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PROCEED WITH ACQUISITION AND LAND EXCHANGE TO SUPPORT THE EAST ROSEMARY REDEVELOPMENT AND THE CONSTRUCTION OF A PARKING DECK (2020-09-09/R-16)

WHEREAS, the Town Council of Chapel Hill, North Carolina has considered the redevelopment of East Rosemary and a proposed Economic Development Agreement that provides for construction of a new parking deck and construction of a new wet laboratory office building; and

WHEREAS, an exchange of Town Property for property owned by other parties is necessary in order for the proposed economic development project to move forward as proposed in the Economic Development Agreement considered by the Town Council at a public hearing tonight.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to proceed with acquisition of properties at 125 and 135 East Rosemary Street, the sale of Town property at 150 East Rosemary Street and an expenditure of up to \$1.74 million dollars from existing budget resources to proceed with the proposed Economic Development Agreement for East Rosemary Street considered at a public hearing on September 9, 2020.

BE IT FURTHER RESOLVED that the approval for this exchange of property and payment is contingent upon the Council giving final approval to the Economic Development Agreement at an upcoming Council meeting.

This the 9th day of September, 2020.

A RESOLUTION REIMBURSING THE TOWN FOR EAST ROSEMARY DECK EXPENDITURES (2020-09-09/R-17)

WHEREAS, the Town of Chapel Hill intends to undertake the Project (as described below), use its own funds to pay initial Project costs, and then reimburse itself from bond financing proceeds for these early expenditures; and

WHEREAS, the Business Management Director has advised Council that it should adopt this resolution to document the Town's plans for reimbursement, in order to comply with certain federal tax rules relating to reimbursement from financing proceeds.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Chapel Hill, North Carolina, as follows:

1. The Project is the East Rosemary Deck.
2. The Town intends to advance funds for initial Project costs, including land acquisition, and then reimburse itself from bond financing proceeds. The financing will take the form of limited obligation bonds.
3. The Town currently expects to borrow up to \$32,900,000 for the East Rosemary Deck project. The amount of bonds that actually will be issued is subject to further Council approval.
4. Funds for the early Project expenditures may come from the Town's Parking Fund or General Fund.
5. The Town intends for the adoption of this resolution to be a declaration of its official intent to reimburse itself from bond financing proceeds for Project cost expenditures.

This the 9th day of September, 2020.

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

PRESENTER: Maurice Jones, Town Manager
Dwight Bassett, Economic Development Officer

- a. Introduction and preliminary recommendation
- b. Comments and Questions by the Mayor and Town Council
- c. Comments from the public
- d. Motion to close the Public Hearing
- e. Motion to adopting the resolution to authorize the Town Manager to proceed with the acquisition and land exchange
- f. Motion to adopt the resolution to reimburse the Town for East Rosemary Deck expenditures.

RECOMMENDATION: That the Council authorize the Town Manager to proceed with acquisition and land exchanges, including 125, 135 and 150 East Rosemary Street, to support this redevelopment and an expenditure of up to \$1.74 million dollars from existing budget resources to proceed with this project.

APPRAISAL OF
A PARKING DECK AND SURFACE PARKING PROPERTY

LOCATED AT

125 EAST ROSEMARY STREET
AND ADJACENT LOT TO THE EAST
CHAPEL HILL, NORTH CAROLINA

AS OF

FEBRUARY 12, 2020

FOR

DWIGHT BASSETT, ECONOMIC DEVELOPMENT OFFICER
TOWN OF CHAPEL HILL
405 MARTIN LUTHER KING JR. BLVD
CHAPEL HILL, NC 27514-5705

BY

DAVID A. SMITH, MAI, SRA
POST OFFICE BOX 51597
DURHAM, NORTH CAROLINA 27717-1597

PART ONE - INTRODUCTION



DAVID A. SMITH, MAI, SRA

P.O. BOX 51597
 DURHAM, NORTH CAROLINA 27717-1597
 PHONE (919) 493-1534
 smithappraiser@frontier.com



February 14, 2020

Dwight Bassett, Economic Development Officer
 Town of Chapel Hill
 405 Martin Luther King Jr. Blvd
 Chapel Hill, NC 27514-5705

As requested, I have inspected and appraised a parcel of real estate located at 125 East Rosemary Street and the adjacent lot to the east in Chapel Hill, North Carolina. At time of inspection, the property was a 1.67 acre site improved with a parking garage, a surface parking lot and related on-site improvements.

The purpose of the appraisal is to develop an opinion of the market value, as defined, of the fee simple estate of the land only if placed for sale on the open market. The intended use of the appraisal is for internal purposes. The intended users of this report are officers and employees of the Town of Chapel Hill.

As requested, a standard appraisal report has been prepared.

The property was inspected on February 12, 2020 which is the effective date of this appraisal. The effective date of this report is February 14, 2020. I made all necessary investigations and analyses. Based on an inspection of the property, an analysis of data gathered and facts and conclusions as contained in the following report of 37 pages, and subject to the assumptions and limiting conditions as stated, it is my opinion that the market value of the fee simple estate of the land only as of February 12, 2020 is:

SIX MILLION NINE HUNDRED AND ELEVEN THOUSAND DOLLARS
\$6,911,000.00

This value does not include any personal, non-real property or equipment. It also does not include the business value of any operations that may be associated with the property. No consideration was made for any demolition costs.

I certify that I have personally inspected the property. I further certify that I have no interest either present or contemplated in the property and that neither the employment to make the appraisal nor the compensation is contingent upon the amount of valuation reported.

Respectfully submitted,

David A. Smith

David A. Smith, MAI, SRA
 NC State-Certified General Real Estate Appraiser #A281



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CERTIFICATION

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.

I have performed no services, as an appraiser or in other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.

I have made a personal inspection of the property that is the subject of this report.

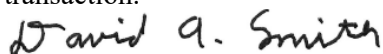
No one provided significant real property appraisal assistance to the person signing this certification.

The reported analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

As of the date of the report, I have completed the continuing education program of the Appraisal Institute.

This appraisal assignment was not made, nor was the appraisal rendered on the basis of a requested minimum valuation, specific valuation, or an amount, which would result in approval of a credit transaction.



David A. Smith, MAI, SRA

SUMMARY OF IMPORTANT CONCLUSIONS

Location:	125 East Rosemary Street And adjacent lot to the east Chapel Hill, North Carolina
Report type:	Standard appraisal report
Special and Extraordinary assumptions or hypothetical conditions:	That the property is vacant
Effective date of the appraisal:	February 12, 2020
Date of the report:	February 14, 2020
Type property:	Parking garage and surface parking lot
Property ownership:	Franklin Office Chapel Hill, LLC and Investors Title Company
Purpose of the appraisal:	To develop an opinion of the market value, as defined, of the fee simple estate of the land only if placed for sale on the open market.
Land Area:	1.67 acres
Tax Parcel Reference Numbers:	9788-37-4748 and 9788-37-6817
Zoning:	TC-2 – Town Center 2
Highest and best use:	Mixed use

OPINIONS OF VALUE:

Land Value	\$6,911,000
Final Value	\$6,911,000

SCOPE OF WORK

Scope of work is the most critical decision in an appraisal assignment. Appraisal assignments are really about finding a solution to a particular problem. They answer a question usually involving an opinion of value. Scope of work is divided into three major steps: identify the problem, determine the right solution and apply the solution. Following is the disclosure of the scope of work.

Identifying the problem means determining the following:

- A. client
- B. intended users other than the client
- C. intended use
- D. objective or type of value in an appraisal
- E. effective date
- F. relevant property characteristics
- G. assignment conditions

For the subject the clients are the officers and employees of the Town of Chapel Hill. They are also the intended users. The intended use of the appraisal is for internal purposes. The type of value requested is the market value. The effective date of the appraisal is the date of inspection, February 12, 2020. The property is improved but is valued as though vacant. The interest appraised is the fee simple interest. There are no other atypical assignment conditions. This information was from the client.

To determine the solution and perform the scope of work necessary to develop credible assignment results, I gathered information about the property and the real estate market. Information about the property was provided by Dwight Bassett, Economic Development Officer Town of Chapel Hill. I inspected the property on February 12, 2020, alone.

Public records were researched for tax, deed, plat, zoning, topographical, floodplain information and an aerial view of the site. Area and neighborhood information was gathered from a variety of sources including the chamber of commerce, city and county websites and internet sites.

Information about the real estate market was gathered from local and national multiple listings services, surveys, public records and information from appraisers, brokers, property managers, buyers, seller and other associated with real estate. From the information gathered, a highest and best use is selected and appropriate valuation techniques selected. The highest and best use of the subject property as though vacant is for mixed use. An opinion of the fee simple value is developed using the sales comparison approach to value.

PART TWO – PREMISES OF THE APPRAISAL

STATEMENT OF COMPETENCE

I have completed all of the requirements to become a state certified-general appraiser for the State of North Carolina and all of the requirements for the MAI designation. In addition I have successfully completed USPAP courses and continuing education seminars for over thirty years. More detailed information about these courses and seminars are in the qualifications section of this report. I have appraised a variety of properties including those of a similar type to the subject and feel competent to appraise the subject property.

IDENTIFICATION OF TYPE OF APPRAISAL AND TYPE OF REPORT

The client requested a standard appraisal report. The most recent *Uniform Standards of Professional Appraisal Practice* (USPAP) is for 2020 - 2020. This allows for two types of written appraisal reports: appraisal report and restricted appraisal report.

Generally appraisal reports are used. A restricted appraisal report is prepared when the intended user does not need the level of information required in an appraisal report and when the client is the only intended user.

SPECIAL AND EXTRAORDINARY ASSUMPTIONS AND HYPOTHETICAL CONDITIONS

An extraordinary assumption is an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which if found to be false, could alter the appraiser's opinions or conclusions. A hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of the analysis. Either of these may affect value.

The value appraised is appraised as though vacant. Since the property is improved with a parking garage this is a hypothetical condition. No other special or extraordinary assumptions or hypothetical conditions are made.

GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

The appraisal report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description provided or for matters pertaining to legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.
5. All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.
7. It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described and considered in the appraisal report.
8. It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless a non-conformity has been identified, described, and considered in the appraisal report.

9. It is assumed that all required licenses, certificates of occupancy, consents and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the opinion of value contained in this report is based.

10. It is assumed that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.

11. It is assumed that there are no structural problems with the buildings and that all of the systems (HVAC, electric, plumbing, etc.) are in good working order unless otherwise stated.

12. Unless otherwise stated in this report, the existence of hazardous materials, which may or may not be present on or in the property, were not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, lead paint, mold, and other potentially hazardous materials may affect the value of the property. The opinion of value is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for such conditions or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

13. I have researched the property for zoning, zoning overlays and other restrictions from the state and local authorities. This appraisal assumes that all of these restrictions have been considered in the valuation of this report. If any additional restrictions are discovered, the value may need to be adjusted.

14. The subject property may also be subject to tree protection and tree coverage, stream buffers, reservoir buffers, steep slopes buffers, wetland protection, river basin regulations or inventory of natural areas and rare species. For purposes of this appraisal, none of these items affect the value of the property unless otherwise stated.

15. The land description is based on a personal inspection of the site, public records and information supplied by those associated with the property. I assume that all information gathered and supplied is correct.

This appraisal has been made with the following general limiting conditions:

1. Any allocation of the total opinion of value in this report between the land and improvements applies only under the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication.
3. The appraiser by reason of this appraisal is not required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales or other media without the prior written consent and approval of the appraiser.
5. In estimating the value of the subject property, a computer was used to calculate some of the value indications. For display purposes, these calculations are generally rounded off to the nearest dollar or the nearest 100th of a percent on the calculation pages. The computer, however, retains considerably more significant digits and the result is that some of the calculations appear to be off by small amounts. These amounts are, however, more accurate since they reflect more precise amounts internal to the computer. These amounts are not rounded off at each stage since doing so could result in a significant rounding error at the end of all the calculations.
6. Definitions used in this report have been taken from *The Dictionary of Real Estate Appraisal*, 5th ed., published by the Appraisal Institute, copyright 2010.

7. Any opinions of value provided in the report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value reported, unless such proration or division of interests has been set forth in the report.

8. The forecasts, projections, or operating estimates contained herein are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions.

9. The Americans with Disabilities Act (ADA) became effective January 26, 1992. The appraiser has not made a specific compliance survey or analysis of the property to determine whether or not it is in conformity with the various detailed requirements of ADA. It is possible that a compliance survey of the property and a detailed analysis of the requirements of the ADA would reveal that the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative impact upon the value of the property. Since the appraiser has no direct evidence relating to this issue, possible noncompliance with the requirements of ADA was not considered in estimating the value of the property.

10. Unless otherwise stated in this report, the value reported is not a fractional interest, physical segment or partial holding.

PURPOSE, INTENDED USE AND INTENDED USERS OF THE APPRAISAL

The purpose of the appraisal is to develop an opinion of the market value, as defined, of the fee simple estate of the property if placed for sale on the open market. The intended use of the appraisal is for internal purposes. The intended users of this report are officers and employees of the Town of Chapel Hill.

DEFINITION OF VALUE

The opinion of value in this appraisal is the market value. The definition of market value is that used by federally regulated financial institutions

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

DATE OF THE REPORT AND OPINIONS OF VALUE

The effective date of the opinion of value is February 12, 2020. The date of the report is February 14, 2020.

PROPERTY RIGHTS APPRAISED

The ownership interest appraised is that of the Franklin Office Chapel Hill, LLC and Investors Title Company who own the property according to public records. The property is used for parking and spaces are rented. However, these are short term rentals and the value requested is an as though vacant value. For this reason the property rights appraised is the fee simple estate. The definition of fee simple estate as used in this report is:

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

PART THREE – PRESENTATION OF DATA

IDENTIFICATION OF THE PROPERTY

The subject is identified as a 1.67 acre site improved with a parking garage, surface parking lot and related on-site improvements located at 125 East Rosemary Street and the adjacent lot to the east in Chapel Hill, North Carolina. According to public records, it is owned by the Franklin Office Chapel Hill, LLC and Investors Title Company. The tax property identification numbers for the property are 9788-37-6817 and 9788-37-4748.

IDENTIFICATION OF ANY PERSONAL OR NON-REALTY PROPERTY

The value reported does not include any personal or non-realty property. It also does not include the business value of any operations that may be associated with the property.

HISTORY OF THE PROPERTY

According to public records, the parking garage parcel, 9788-37-4748, is owned by Franklin Office Chapel Hill, LLC and the surface lot, 9788-37-6817 is owned by Investors Title Company.

Franklin Office Chapel Hill, LLC acquired the property along with another from 137 E. Franklin, LP on April 17, 2019 according to a deed recorded in real estate book 6603, page 282. Revenue stamps on the deed were \$47,000. The other property was a multi-story office and commercial building located on Franklin Street. Prior to this it was 137 E. Franklin Street acquired the property from Franklin Street Plaza, LLC on April 24, 2014. This was also for the same two parcels and revenue stamps were \$52,400.00. Both of these transfers appear to be market.

Investors Title Company received the property from Investors Title Company, a North Carolina Company. The deed is not dated but was recorded on February 21, 1989. There were no revenue stamps paid and it does not appear to be a market transaction.

I am not aware of any more recent transfers of the property and it is not for sale on the open market. These sales do not indicate value of the property. One is between related parties and is 31 years old. The other includes a large office/commercial building.

AREA DESCRIPTION

There are four basic forces that influence value: environmental, economic, governmental, and social. Since these forces are broader than the property or neighborhood itself, they must be considered on a regional and citywide basis.

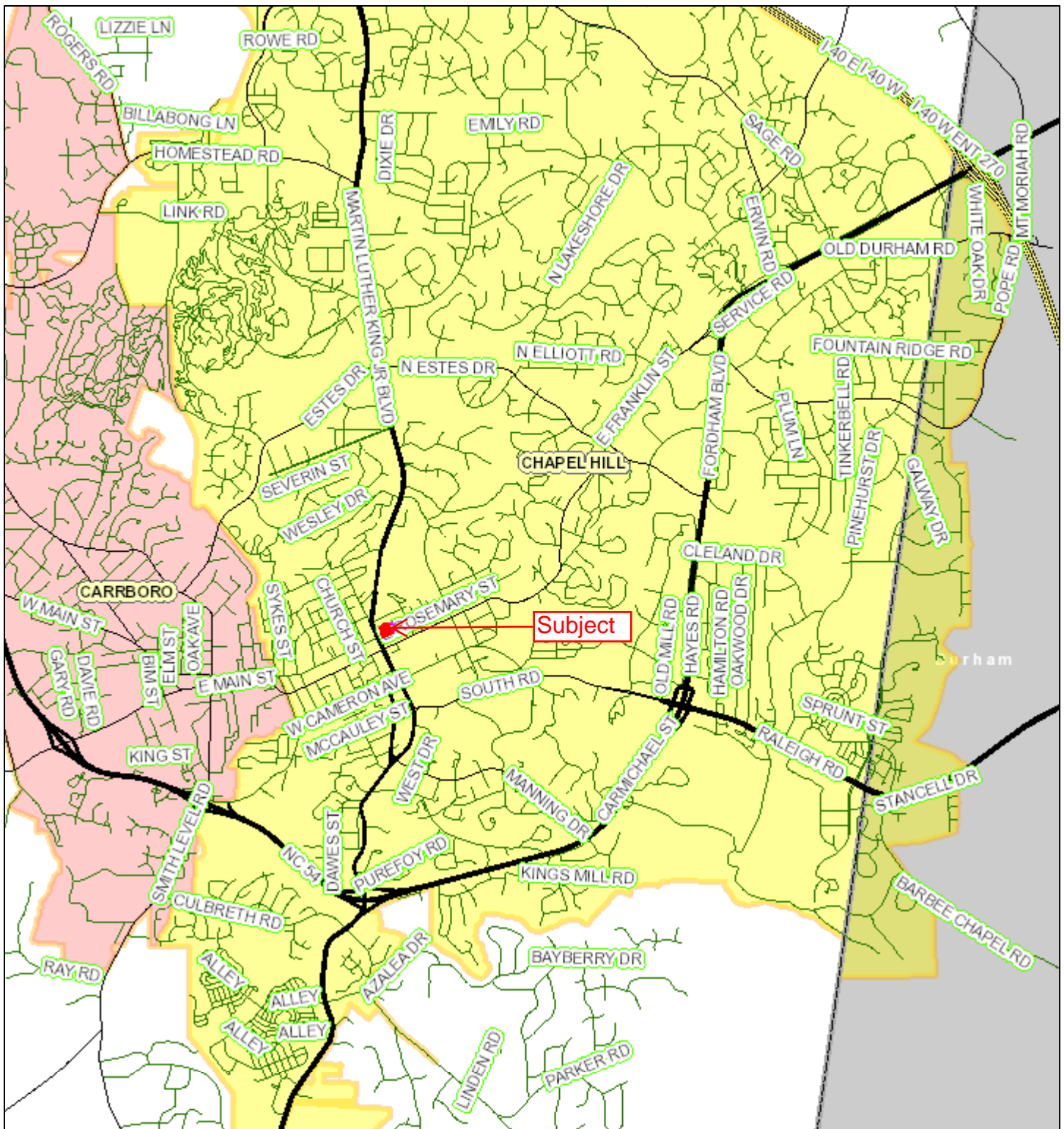
Environmental - The subject is located in the town of Chapel Hill, in Orange County, North Carolina. This county is located in the Piedmont area of the state approximately equal distance between the Appalachian Mountains and the Atlantic Ocean. The county is also in the northern area of the Piedmont with only one county between it and the Virginia state line. A location map for the subject is on the following page.

There are three municipalities in Orange County. Hillsborough, the county seat, is located roughly in the center of the county; Chapel Hill and Carrboro, which are contiguous, are located in the southeast portion of the county. The population of Orange County in 2018 was 146,027 and the population of Chapel Hill in 2020 is 60,988.

Orange County is part of the Durham-Chapel Hill Metropolitan Statistical Area (MSA) which also includes Durham, Chatham and Person Counties. The MSA was home to an estimated 608,784 people in 2017. Chapel Hill is also part of the Raleigh-Durham-Chapel Hill (CSA) which had a population of 2,238,315 in 2018. Durham is contiguous with Chapel Hill at many points and Raleigh about 21 miles to the southeast.

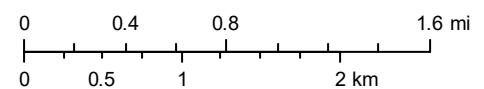
Major routes of access through Orange County are Interstates 85 and 40. I-85 crosses in an east/west direction through the center of the county just south of Hillsborough. It leads northward to Durham and continues on to Henderson and Petersburg, Virginia where it merges

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Area Map



February 13, 2020

1:48,000



with I-95. Immediately west of Hillsborough, I-85 merges with I-40 and together they proceed westward to Burlington and Greensboro before they split about 36 miles away. At this point, I-85 continues southerly to Charlotte, Gastonia, and into South Carolina, Georgia, and points south.

I-40 enters the county from the southeast near Chapel Hill and continues northwest where it merges with I-85 near Hillsborough. At the point near Greensboro where they split, I-40 leads westward to Winston-Salem, Statesville, Asheville, and across the country to Barstow, California where it terminates. Eastward, it passes through Durham, the Research Triangle Park, and Raleigh before continuing to Wilmington, North Carolina where it terminates.

Also passing through the county is US 15/501 which crosses through the southeastern portion of the county. This road is the major access route to Durham. US 70 roughly parallels I 85 near Hillsborough. There are also four North Carolina highways in the county. NC 54 which crosses east to west through the southern portion of the county, NC 86 which leads north to south through the county, NC 57 which leads from Hillsborough to the northeast, and NC 157 which crosses the county in a north/south direction at the northeast corner of the county.

Economic - Chapel Hill is primarily a college town and is the location of the main campus in the University of North Carolina system as well as the headquarters of the system itself. The town was created when the state of North Carolina decided to build the nation's first state supported university in 1792.

The university remains the town's main employer and major economic influence with about 12,000 employees. In 2019 the university has an enrollment of 30,011 students of which 19,117 are undergraduates with 84 majors departments and 138 distinct undergraduate degrees. The university is also the leading employer in Orange County. The other major public employers in Orange County are: UNC Health Care System, Chapel Hill-Carrboro City Schools, Orange County Schools, Orange County, Town of Chapel Hill, Town of Carrboro and Town of Hillsborough. The top 25 private employers at last report were: Sports Endeavors/Eurosport, Harris Teeter, PHE, Inc., A Southern Season, Carol Woods, Food Lion, LLC, Wal-Mart Associates, Inc., General Electric Corporation, Whole Foods Market Group, AKG of American,

Inc., Residential Services, Inc., Performance Chevrolet, Inc., Chapel Hill-Carrboro YMCA, Inc., Carolina Inn, US Postal Service, HR Prime LLC, Weaver Street Market, Inc., Aramark Food and Support Services and Chapel Hill Restaurant Management.

Of major importance to Chapel Hill and Orange County is the Research Triangle Park (RTP) which is located about 8 miles east in Durham and Wake Counties. "The Park" as it is also known is the largest research park in the United States. It covers 7,000 acres and has 22,500,000 square feet of built space. The park is home to more than 300 companies with 55,000 employees and an additional 10,000 contractors.

The park was originally limited to organizations engaged in research, development, and scientifically oriented production but is in the process of widening its focus. The Park is designed to encourage these industries, but also places strict requirements on development. Each site must be at least eight acres in size. Much of the site cannot be improved and must be left natural. The result has been highly successful and many corporations and government agencies have facilities in the Park. The major employers are IBM, Cisco Systems Inc., GlaxoSmithKline, RTI International, NetApp Inc., Credit Suisse, Biogen Idec, U.S. Environmental Protection Agency, BASF Corporate Agriculture, and National Institute of Environmental Health Sciences.

Also of importance to Orange County is the Raleigh Durham International Airport (RDU) located between Raleigh and Durham in Wake County. This airport is the second busiest in the state and it had reported 14,218,621 passengers in 2019. It has more than 400 flights daily to 66 destinations.

The estimated median annual family income in Chapel Hill was \$62,620 compared to the national average of \$53,482. Unemployment is 3.8% compared to the national average of 3.9%. The median home value is \$486,649.

The stability of the university, the hospital, and the Research Triangle Park contribute to a stable economy for the area in general and Chapel Hill/Carrboro specifically.

Governmental - Chapel Hill and Carrboro most directly influence real estate values by way of real estate taxes and zoning. Taxes are felt to be moderate and should not have an adverse effect on values. They have both been very protective of their downtowns and in the past have had very strict development policies. These policies have eased recently and there have been a number of mixed use developments in downtown as well as the outlying commercial areas.

Social - Due to the presence of the University of North Carolina, the area has a larger number of amenities such as plays and concerts than would be expected of a community the size of Chapel Hill and Carrboro. Also the larger percentage of highly educated people provides a basis of support for cultural events. The area has long been popular due to its climate, relatively low cost of living, and high quality of life. In addition Nearby Durham and Raleigh have numerous arts and cultural facilities.

The University of North Carolina at Chapel Hill is active in college athletics and draws large crowds to its basketball and football games. Nearby, Duke University in Durham and North Carolina State University in Raleigh also have major college athletic programs. These three are members of the Atlantic Coast Conference and the rivalries between them are intense. Raleigh is also home to a major league hockey team, the Carolina Hurricanes, and there is an AAA minor league baseball team, The Durham Bulls, in nearby Durham. The Carolina Mud Cats, another minor league team are located about an hour away in Zebulon.

Summary - Chapel Hill is located in the central portion of the state with numerous interstates and highways providing excellent access. The town is also part of the Raleigh-Durham MSA which ranks as the 55th largest in the country. The economy is stable due to the presence of the University of North Carolina and other stable employers. Unemployment has historically been low and the standard of living is at or above the state and national averages.

NEIGHBORHOOD DESCRIPTION

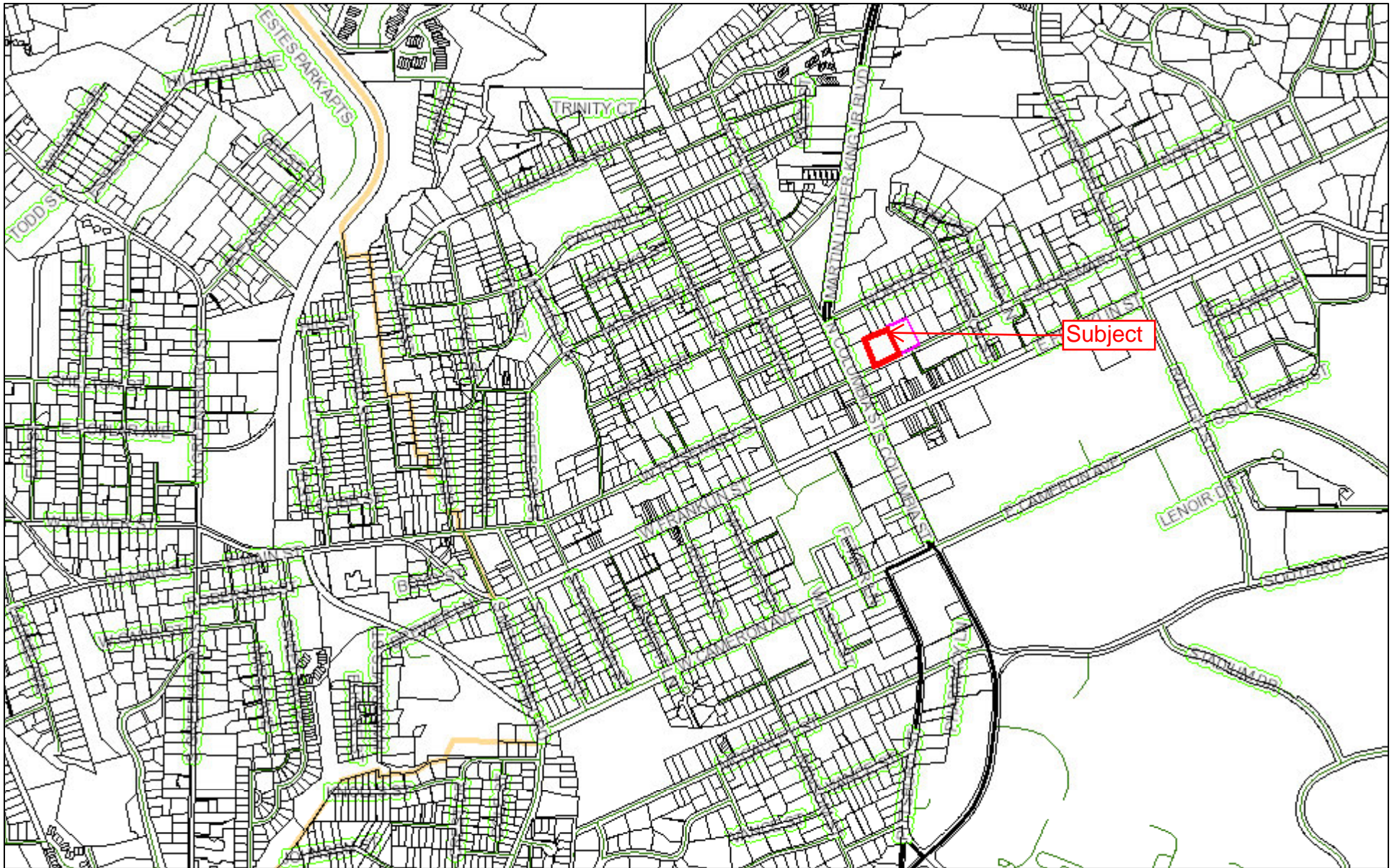
The subject property is located within the city limits of Chapel Hill in the downtown central business district. The neighborhood is generally defined as those commercial and office uses located along both sides of Franklin Street and Rosemary Street from Henderson Street to the Carrboro city limits (Merritt Mill Road).

The neighborhood is the main commercial center for Chapel Hill and is primarily commercial in nature. There are a variety of retail uses such as restaurants, bars and various shops which cater primarily to the students of the University of North Carolina.

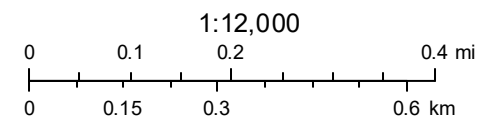
This area of Chapel Hill is almost 100% built up. Because of this, older buildings have been purchased and extensively renovated, while maintaining the original façade of the structure. Some of the older buildings have been removed to make way for newer developments. Most recently 123 West Franklin Street on the site of the former University Square shopping center and Granville Towers student housing. This is a mixed use development with about 275,000 square feet of office space, 150 apartment units, 40,000 square feet of retail and restaurant space, 90,000 square feet of flexible use space and 1,000 parking spaces. Also the Greenbridge development, a mixed use property located at 601 West Rosemary Street close to the subject. It has 97 condominium units as well as 36,000 square feet of ground floor retail and second floor office space with two floors of underground parking. A new hotel, AC Marriott, has been constructed at 214 West Rosemary Street.

To the west is the downtown central business district of Carrboro and to the south and east are residential areas. The residences are owner occupied and are some of the most desirable properties in the state due to their historical ages and the popularity of Chapel Hill in general. These owners typically have higher incomes, but some of the older houses have been converted to sororities, fraternities or boarding houses for the students. These students supply a steady source of inexpensive labor.

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Neighborhood Map



February 13, 2020



The primary influence in the area is the university which borders the neighborhood to the south. In addition to the students, the university also has a large work force which also shops, eats and lives in the area. The university also has a major medical institution, UNC Medical Center, with more than 7,100 employees and a total of 905 beds. The medical center is comprised of five hospitals: N.C. Cancer Hospital, N.C. Children's Hospital, N.C. Memorial Hospital, N.C. Neurosciences Hospital and N.C. Women's Hospital.

Chapel Hill also has an excellent reputation which makes it one of the most desirable places in the state and the country to live. It has kept its small town charm while providing all of the services expected in a much larger city.

The major route of access through the neighborhood is Franklin Street (US 15/501 Business) which is also the main street of Chapel Hill. Franklin Street leads eastward to Durham and westward to Carrboro. Martin Luther King and Columbia Street are other major roads through the neighborhood with Martin Luther King leading north and Columbia Street leading south. I-40 is located a short distance to the north and east and is easily accessible by either Franklin Street or Martin Luther King. I-40 leads westward to Greensboro and points west and eastward to Durham, the Research Triangle Park, Raleigh and Wilmington. NC 54 also crosses the town south of the neighborhood and provides additional east to west access.

The primary mode of access to the neighborhood is by means of individual automobile or pedestrian traffic from the university. Parking can be a problem at times. Public transportation through the area is good and frequently used especially by the students. All utilities and services are available to the neighborhood.

In conclusion, the neighborhood is popular due to its close location to UNC. Both pedestrian, public transportation and automobile traffic have access to the subject and all are used. Retail and office vacancy is about average. The proximity and stability of UNC should continue to benefit the neighborhood and there are no adverse influences in the area. The popularity of the town should continue and the long term outlook for the neighborhood should remain good.

LAND DESCRIPTION

The land description is based on a personal inspection of the site, public records and on a site plan entitled "Rosemary Street Parking Deck 125 E. Rosemary Street, Chapel Hill, North Carolina," dated March 2, 2020 and prepared by Ballentine Associates, P.A. The area of the site is not shown on this plan and the area is selected based on the GIS data. For purposes of this appraisal, this is assumed to be the correct description of the property. A copy of the site plan is on the following page.

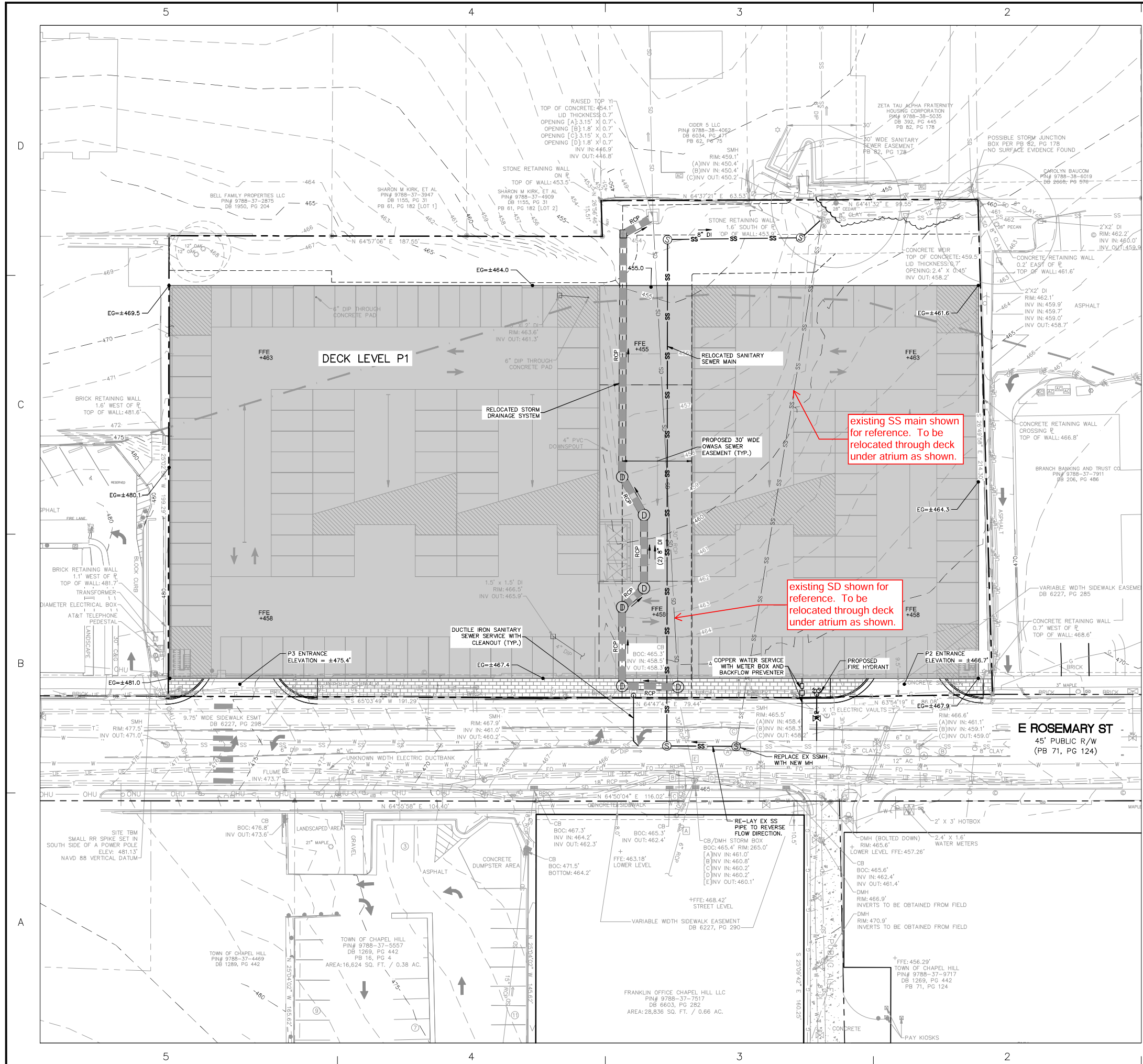
The property is located on the north side of Rosemary Street about 140 feet east of its intersection with Columbia Street. The frontage along Rosemary Street follows three distances of 191.29 feet, 79.44 feet and 86.08 feet. The western boundary is 199.29 feet, and the rear boundary follows four distances of 187.55 feet, 15.51 feet, 63.53 feet and 99.55 feet. The eastern boundary is 214.30 feet and the area is reported in GIS records to be 0.80 acre.

The topography of the site slopes downward from south to north, but is not severe. None is low or in the floodplain. A copy of the topography map is in the addenda.

In front of the subject, Rosemary Street is an asphalt surface public street with two lanes in each direction and a central left turn lane. All public utilities are available.

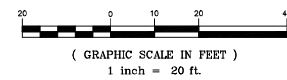
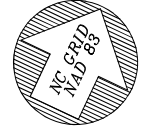
According to the site plan, the property is crossed by a sanitary sewer line and a storm drainage line. No easement for these lines is indicated and it is assumed they can be relocated.

To my knowledge, there are no easements or encroachments on the site and any that may exist are assumed not to adversely affect value. There are no known adverse soil or sub-soil conditions, nuisances or hazards environmental or otherwise located on the site.



DRAWING LEGEND		
SYMBOL/ABBREVIATION	EXISTING	PROPOSED
PROPERTY LINE	---	---
RIGHT-OF-WAY LINE	---	---
ADJOINER PROPERTY LINE	---	---
STORM DRAIN LINE	SD	SD
WATER LINE	W	W
SANITARY SEWER LINE	SS	SS
UNDERGROUND ELECTRIC LINE	UE	UE
OVERHEAD ELECTRIC LINE	OHE	OHE
GAS LINE	G	G
TELEPHONE LINE	T	T
MAJOR CONTOUR	460	460
MINOR CONTOUR	462	462
EXISTING IRON PIPE	⊙	⊙
CATCH BASIN	⊠	⊠
DROP INLET	⊞	⊞
JUNCTION BOX	⊕	⊕
WATER VALVE	⊗	⊗
FIRE HYDRANT	⊙	⊙
SANITARY SEWER MANHOLE	⊙	⊙
SANITARY SEWER CLEANOUT	⊙	⊙
POWER POLE	⊙	⊙
LIGHT POLE	⊙	⊙
ELECTRIC BOX	⊙	⊙
HVAC UNIT	⊙	⊙
TELEPHONE PEDESTAL	⊙	⊙
TELEPHONE VAULT	⊙	⊙
FIBER OPTIC MARKER	⊙	⊙

Deck Option A
Sanitary Sewer Main Routed
Through Deck Beneath Atrium



REVIEW DRAWING
NOT FOR CONSTRUCTION

BALLENTINE ASSOCIATES, P.A.

221 PROVIDENCE ROAD, CHAPEL HILL, NC 27514

PH: (919) 481-3939

FAX: (919) 481-3939

EMAIL: info@ballentine.com

DATE

REVISIONS

NUM

OWNER INFORMATION

GRUBB PROPERTIES, INC.

4500 CAMERON VALLEY PKWY.

SUITE 350

CHARLOTTE, NC 28211

OWNER REPRESENTATIVE:

JOE DYE

PH: (919) 388-5774

FAX: (919) 481-3939

EMAIL: joe@grubproperties.com

DATE

ISSUED

ROSEMARY STREET PARKING DECK

125 E. ROSEMARY ST

CHAPEL HILL, NORTH CAROLINA

JOB NUMBER: 119016.00

DATE: 02 MAR 20

SCALE: AS NOTED

DRAWN BY: J.B.M.

REVIEWED BY: G.J.R.

SHEET

IMPROVEMENTS DESCRIPTION

The property is improved with a parking garage and surface parking. However for purposes of this report the property is valued as though vacant and no further description is given.

TAXES AND ASSESSMENT DATA

The parcel with the parking garage, 9788-37-4748, does not have a tax value. It appears that its tax value is included with the office/commercial building across the street. For the other parcel, its parcel reference number, land value, improvement value, total tax value, tax rate and tax burden are on a chart as follows. Copies of the property tax cards are on the following pages. The last tax valuation was in 2017 and the next is planned for 2021.

Parcel Reference #	Land Value	Improvement Value	Total	Tax Rate	Tax Burden
9788-37-6817	\$1,741,600	\$0	\$1,741,600	0.016837	\$29,323.32

The tax value and burden appear to be low.

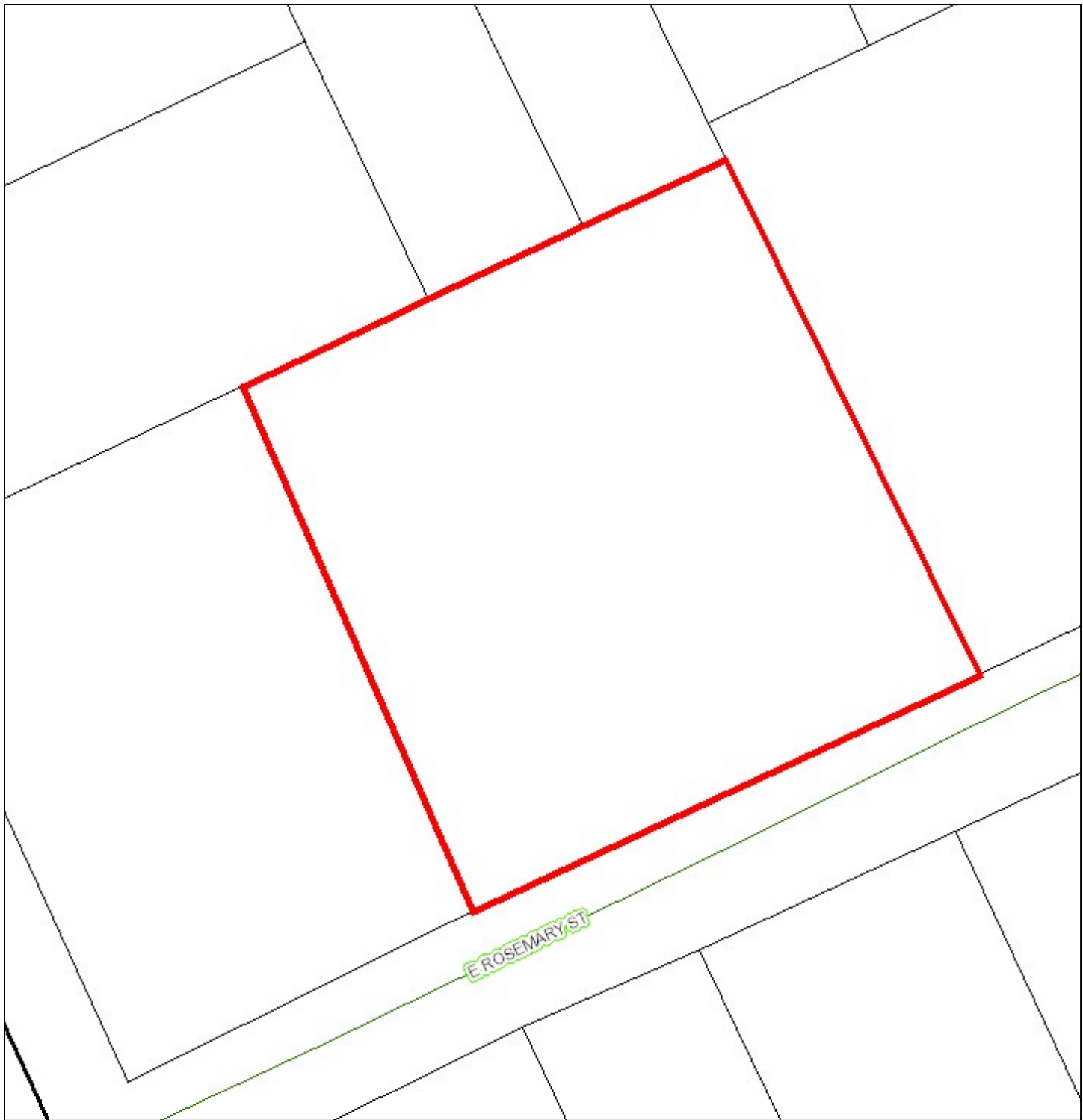
I am not aware of any current or future assessments.

ZONING AND OTHER LEGAL RESTRICTIONS

The Chapel Hill GIS shows the property located in a TC-2 Town Commercial zoning district. A copy of this map is on the following page. The following description is a general one and is not meant to be an exhaustive discussion of all of the zoning regulations. According to the Land Use Management Ordinance:

The town center (TC) districts are intended to provide for the development of the commercial, service, and social center of Chapel Hill while maintaining its character, its pedestrian-oriented scale, and its nature as a concentration of business, administrative,

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Tax Data

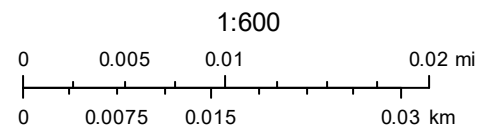


This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.

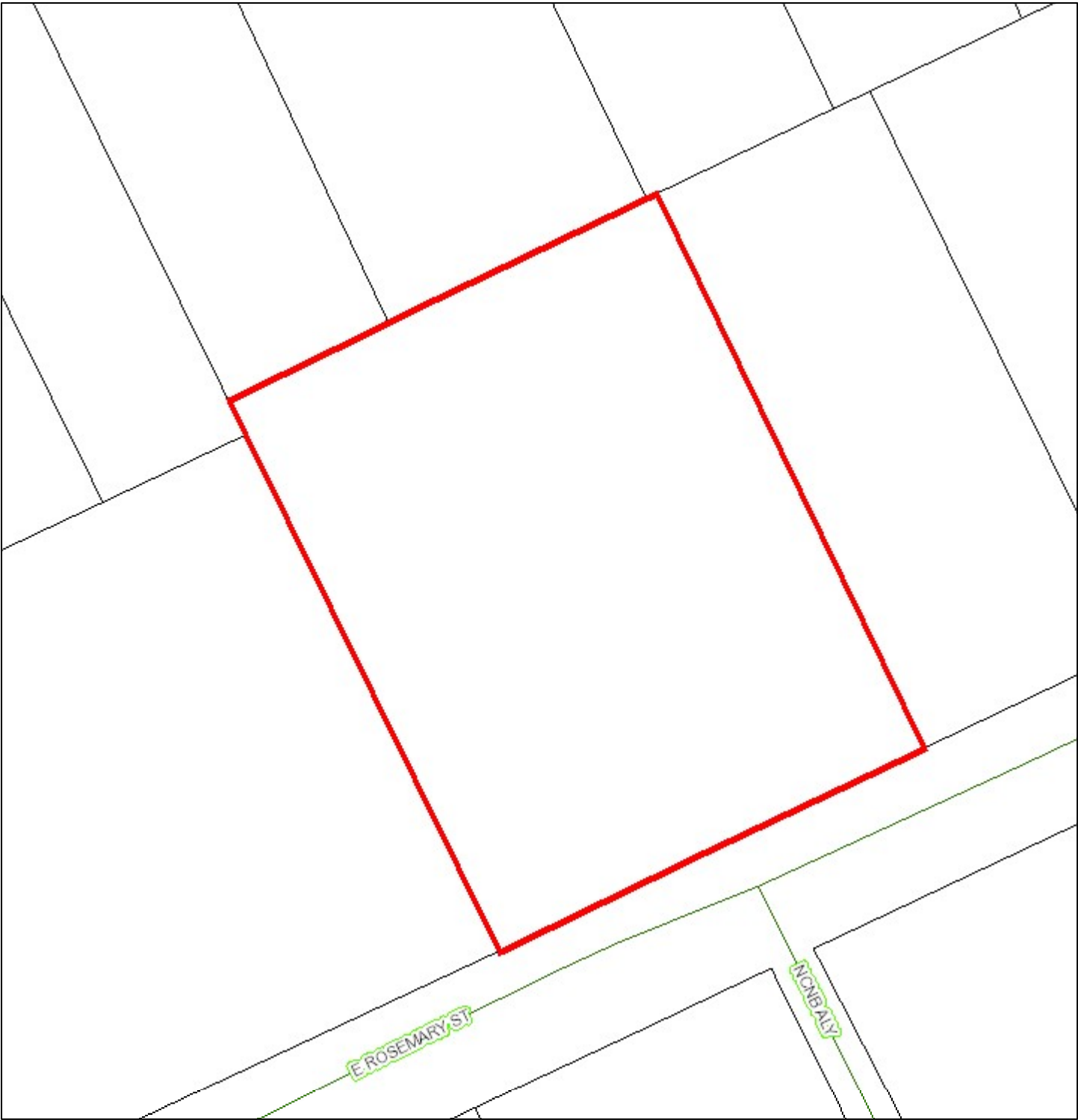
February 14, 2020

PIN:	9788374748	SIZE:	0.87 A	BUILDING COUNT:	2
OWNER 1:	FRANKLIN OFFICE CHAPEL HILL LLC	DEED REF:	6603/282	LAND VALUE:	
OWNER 2:		RATECODE:	32	BLDG_VALUE:	
ADDRESS 1:	4601 PARK RD #450	DATE SOLD:	4/18/2019	USE VALUE:	
ADDRESS 2:	C/O GRUBB PROPERTIES INC	BLDG SQFT:	58714	TOTAL VALUE:	
CITY:	CHARLOTTE	YEAR BUILT:	1972		

STATE, ZIP: NC 28209
LEGAL DESC: PARKING LOT



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Tax Data



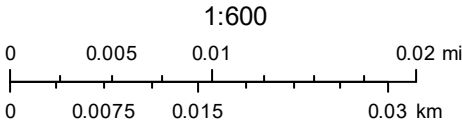
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February 14, 2020

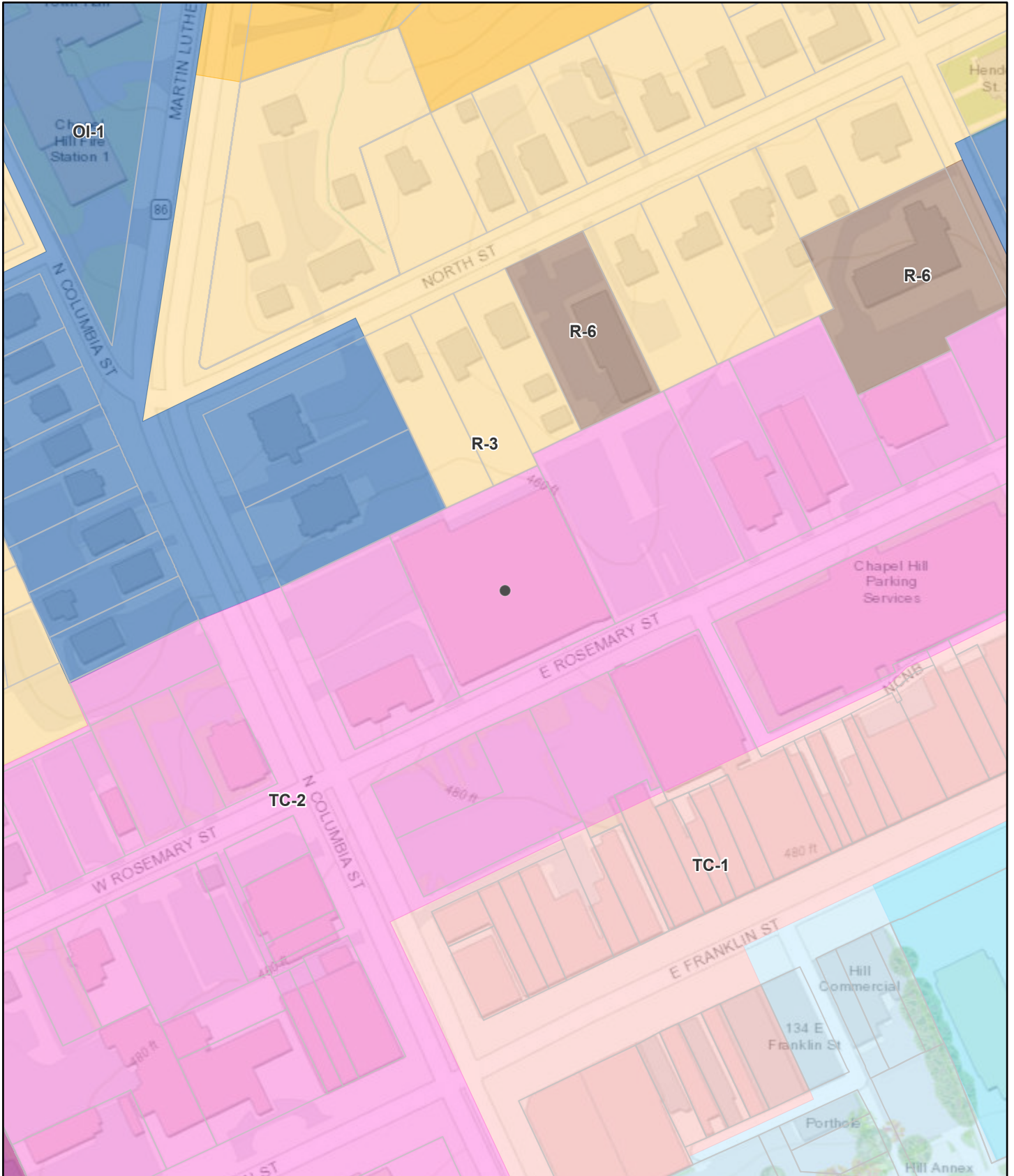
PIN: 9788376817
OWNER 1: INVESTORS TITLE COMPANY
OWNER 2:
ADDRESS 1: 121 N COLUMBIA ST
ADDRESS 2:
CITY: CHAPEL HILL
STATE, ZIP: NC 27514
LEGAL DESC: N/S ROSEMARY ST

SIZE: 0.8 A
DEED REF: 778/87
RATECODE: 32
DATE SOLD: 2/21/1989
BLDG SQFT:
YEAR BUILT:

BUILDING COUNT:
LAND VALUE: \$1,741,600
BLDG_VALUE: \$0
USE VALUE: \$0
TOTAL VALUE: \$1,741,600



380 Zoning Map

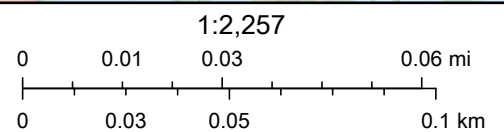


2/14/2020, 4:00:27 PM

- Chapel Hill Jurisdictional Limits
- Chapel Hill Urban Service Area
- Chapel Hill Corporate Limits
- Orange County Parcel Data

Zoning Districts

- R-3 - Medium Density Residential, 7 units/acre



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, North Carolina Flood Risk Information System

Web AppBuilder for ArcGIS

UNC, Town of Cary, Town of Chapel Hill, Orange County, NC, State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | State of North Carolina | Town of Chapel Hill

financial, governmental, and support functions serving the community; and to encourage further residential development in the central area of Chapel Hill. The zoning regulations for the TC districts are designed to achieve the following objectives:

- Buildings are designed and located so that they provide visual interest and create enjoyable, human-scale spaces.
- Building design blends with the natural terrain by means such as terracing or other techniques that minimize grading.
- Designs are compatible, in form and proportion, with the neighboring area.
- Designers strive for creativity in form and space wherever contrast and variety are appropriate to the larger environment.
- Buildings and projects include visual variety and also maintain a strong sense of unity.
- Buildings and projects include a high level of architectural detailing to help maintain a sense of scale.
- Buildings are designed and located so that they provide visual interest and create enjoyable, human-scale spaces.
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- Designs are compatible, in form and proportion, with the neighboring area.
- Designers strive for creativity in form and space wherever contrast and variety are appropriate to the larger environment.
- Buildings and projects include visual variety and also maintain a strong sense of unity.
- Buildings and projects include a high level of architectural detailing to help maintain a sense of scale.

This zoning generally allows for all types of residential uses, offices and commercial type uses. Other uses such as schools, churches and daycare centers are allowed, but require additional

approval. Heavier commercial, industrial and agricultural uses are not allowed.

Physical requirements are as follows:

Minimum lot size:	NA
Maximum density:	NA
Minimum frontage:	12 feet
Minimum lot width	15 feet
Maximum building heights	44 feet setback, 90 feet core
Minimum street setback	0 feet
Minimum interior setback	0 feet
Minimum solar setback	0 feet
Impervious Surface Ratio:	NA
Maximum floor area ratio	1.97
Maximum street setback	NA

Parking: On-site parking is not required

The site as improved appears to conform to the current zoning requirements. To my knowledge, the subject is not located in any overlay districts and there are no other known restrictions of any kind. It is not likely that the site could be rezoned.

PART FOUR – ANALYSIS OF DATA AND CONCLUSIONS

HIGHEST AND BEST USE

Highest and best use is defined as follows:

The reasonably probable and legal use of vacant land or an improved property, that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity. Alternatively, the probable use of land or improved property - specific with respect to the user and timing of the use – that is adequately supported and results in the highest present value.

To estimate the highest and best use of a property, normally two conditions are considered, as though vacant and as improved. However since the value requested in land only only one highest and best use is necessary. As stated in the definition a property is analyzed on four criteria. A use must pass one criteria in order be considered for the next one. A discussion of each criterion and the uses that do and do not pass it follows.

Legal Permissibility - Legal restrictions to the site are those from the Chapel Hill Planning Department. As more thoroughly discussed in the zoning section, the property is located in an TC-2, town center zoning district. This zoning generally allows for all types of residential uses, offices and commercial type uses. Other uses such as schools, churches and daycare centers are allowed, but require additional approval. Heavier commercial, industrial and agricultural uses are not allowed.

Physical Possibility - As discussed in the Land Data section of this report, the property has access to a publicly maintained street and all city utilities. The topography is mostly level and should not restrict improvement. There is no evidence of any easements or encroachments that would significantly restrict improvement. The site is also of sufficient size for most uses. Therefore, all of the uses that are legally permissible are physically possible.

Financial Feasibility - The test of financial feasibility is whether a use would produce a positive return to the land. Of the legally permissible and physically possible uses, it is not financially feasible to improve the site with any of the special uses. While the site could be used for one of these uses, the pool of potential buyers for these uses is small and they can be built in virtually any zoning. For this reason, the only financially feasible use would be for some type of office commercial or residential use.

Maximum Profitability - The use that produces the highest return to the land is the use with the maximum profitability. In this area, commercial land sells for more per square foot than office or residential. However, commercial uses generally require street level. Office and residential uses do not. For this reason the most profitable use is for a mixed use development with commercial on the first floor and office or residential on upper floors. No one particular type of these uses is the most profitable as long as the site is used to its maximum potential.

OPINIONS OF VALUE

To develop an opinion of the value of the property I will use the sales comparison approach only. Land of this nature rarely produces income if vacant for use in the income capitalization approach and the cost approach cannot be used to value vacant land. The sales comparison approach defined as:

The process of deriving a value indication for the subject property by comparing market information for similar properties with the property being appraised, identifying appropriate units of comparison, and making qualitative comparisons with quantitative adjustments to the sale prices (or unit prices, as appropriate) of the comparable properties based on relevant, market-derived elements of comparison.

As stated, the highest and best use of the site as though vacant is for some type of mixed use. I researched the area for recent sales and listings of land with a similar highest and best use. Of those found, the most comparable are analyzed on an analysis and adjustment chart on the following page. Further information about the comparables is in the addenda.

Adjustments are considered for any significant differences, however, for appraisal purposes they are grouped into 10 categories. These categories are considered in a specific order. A discussion of the categories and the order in which they are adjusted follows the chart.

Real property rights conveyed – The comparables are either fee simple transfers or sold at fee simple rates. No adjustments are made for this factor.

Financing terms - All of the comparables are cash to seller and financing had no effect on the sales prices.

Conditions of sale – All of the comparables are arms-length transactions and no adjustments are needed.

ANALYSIS AND ADJUSTMENT CHART OF VACANT COMMERCIAL LAND SALES					
Comparable		1	2	3	4
Reference #		2020-1	2016-129	2016-130	2019-18
Location	125 E Rosemary	100 W Rosemary	212 W Rosemary	109 Church	610 Franklin
Tax Ref		9788371539, et al	9788275353, et al	9788274180	9788066054
Zoning		TC-2 & OI-1	TC-2	TC-1	TC-2
Date	2/12/2020	Under Contract	6/6/2016	3/31/2016	12/18/2019
Sales Price		\$4,500,000	\$3,250,000	\$2,000,000	\$1,795,500
Size (Acres)	1.67	1.05	0.72	0.58	0.52
Property Rights Conveyed		Fee Simple	Fee Simple	Fee Simple	Fee Simple
Financing Terms		Cash to Seller	Cash to Seller	Cash to Seller	Cash to Seller
Conditions of Sale		Arms Length	Arms Length	Arms Length	Arms Length
Expenditures		\$0	\$0	\$0	\$0
Including Expenditures		\$4,500,000	\$3,250,000	\$2,000,000	\$1,795,500
Market Condition Adjustment		-10.00%	18.00%	19.00%	1.00%
Adjusted for Market Condition		\$4,050,000	\$3,835,000	\$2,380,000	\$1,813,455
Adjusted for					
Location		0.00%	5.00%	5.00%	20.00%
Size		-3.00%	-5.00%	-5.00%	-6.00%
Access		0.00%	0.00%	0.00%	0.00%
Utilities		0.00%	0.00%	0.00%	0.00%
Topography		0.00%	0.00%	0.00%	0.00%
Net Adjustment		-3.00%	0.00%	0.00%	14.00%
Adjusted Value		\$3,928,500	\$3,835,000	\$2,380,000	\$2,067,339
Economic Characteristics		Similar	Similar	Similar	Similar
Use		Similar	Similar	Similar	Similar
Non-Realty Items		None	None	None	None
INDICATED PER SQUARE FOOT VALUE OF SUBJECT					
		\$85.89	\$122.28	\$94.20	\$91.27

Expenditures made immediately after purchase – No expenditures were made on any of the comparables and no adjustments are necessary.

Market Conditions (Time) – Three of the comparables are adjusted upward since property values have been increasing. The fourth is a pending sale and the actual sales price was not disclosed. The asking price was known and this was adjusted downward since properties rarely sell for full asking price.

Location – The subject is behind the most desirable section of Franklin Street in downtown. It currently provides parking for this area. One of the comparables is located on Rosemary and Columbia Street and felt to have a similar location. Two of the other comparables are close to the subject but are further from the prime section of Franklin Street and are not as desirable. The other comparable is further away at the border with Carrboro. While all of the comparables have very good locations three are not as desirable as the subject and upward adjustments are made.

Physical Characteristics - For the subject, four physical characteristics are significant.

Size – All of the comparables are significantly smaller and a downward adjustments are made since smaller parcels will sell for more on a per square foot basis.

Access – The subject and comparables have access to paved public roads.

Utilities – The subject and comparables have access to all city utilities and no adjustments are made.

Topography – The subject and the comparables have topographies that would not significantly affect value and no adjustments are needed.

Economic characteristics – The subject and comparables have similar economic characteristics and no adjustments are needed for this factor.

Use – All of the comparables were purchased for similar uses and no adjustments are needed.

Non-realty components of value – No non-realty components transferred with any of the comparable properties or the subject and no adjustments are made.

The comparables give indicated values of \$85.89, \$122.28, \$94.20 and \$91.27 per square foot after adjusting. Based on this, the per square foot value of the subject is selected at \$95.00. My opinion of the land value of the subject is therefore:

72,745 square feet (1.67 Acres) @ \$95.00 per Sq Ft = \$6,910,775
Rounded \$6,911,000

RECONCILIATION AND FINAL OPINION OF VALUE

Since the only approach available is the sales comparison approach, the value from this approach is selected. It should be noted that no estimate of demolition cost was considered since the value requested was land only.

The comparables used were not straight land sales since there is virtually no vacant land in downtown Chapel Hill that has sold. The comparables were redevelopment sites that were redeveloped after purchase or are being held for future redevelopment.

Based on the indicated values of the comparables it is my opinion that the market value of the fee simple estate of the land only is:

SIX MILLION NINE HUNDRED AND ELEVEN THOUSAND DOLLARS
(\$6,911,000)

EXPOSURE TIME AND MARKETING TIME

The definition of exposure time as used in this report is that as defined by the Appraisal Foundation and found in a publication entitled, *Uniform Standards of Professional Appraisal Practice*, 2020-2021 Ed. This definition is:

Exposure Time: estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

Marketing Time: an opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal.

Exposure time occurs before the effective date of the appraisal, whereas marketing time occurs after the effective date. Exposure time answers the question, “If the property sold on the effective date of the appraisal, how long was it on the market?” Marketing time answers the question, “How long will it take the property to sell if placed for sale on the market as of the effective date of the appraisal?”

The average time on the market for properties in the Triangle area is about twelve months according to statistics from the commercial listing service and from discussions with local market participants. Based on this historical data, the exposure time of the subject is selected at twelve months. Marketing time is more difficult to estimate since it is a projection into the future. However, the general economy appears to be improving. Days on the market in the future should be the same or less than in the recent past and the marketing time, if the property is correctly priced and actively marketed is also selected at twelve months.



DAVID A. SMITH, MAI, SRA

DAVID A SMITH & ASSOCIATES, INC.
 P.O. BOX 51597
 DURHAM, NORTH CAROLINA 27717-1597
 PHONE (919) 493-1534
smithappraiser@frontier.com



QUALIFICATIONS OF DAVID A. SMITH, MAI, SRA

The appraiser, David A. Smith, has been involved in the appraisal of real estate for over thirty years. He worked with his father, Charles W. Smith, from 1976 to 2003. After the retirement of Charles W. Smith in 2003 he formed Smith & Whitfield, Inc. and later David A. Smith & Associates. In 1988 he was awarded the RM designation. With the merger of the American Institute of Real Estate Appraisers and the Society of Real Estate Appraisers in January of 1991, the RM designation was changed to the SRA designation. In 1991 he was awarded the MAI designation of the Appraisal Institute. He became a state-certified real estate appraiser in 1991 the year the state first began licensing real estate appraisers and his certification number is A281.

He has also trained and supervised several appraisers and has prepared all types of appraisal reports. His primary focus is Durham County and the adjoining counties of Orange, Person, Granville and Chatham.

EDUCATION: Graduate Episcopal High School, Alexandria, VA, 1976
 A.B., Duke University, Durham, NC, 1981

APPRAISAL INSTITUTE COURSES:

Real Estate Appraisal Principles (Exam 1A-1/8-1), University of North Carolina, 1981
 Residential Valuation (Exam 8-2), University of North Carolina, 1981
 Basic Valuation Procedures (Exam 1A-2), University of North Carolina, 1983
 Standards of Professional Practice (Exam SPP), University of North Carolina, 1983
 Capitalization Theory & Techniques, A (Exam 1B-A), University of Colorado, 1984
 Capitalization Theory & Techniques, B (Exam 1B-B), University of Colorado, 1984
 Valuation Analysis and Report Writing (Exam 2-2), University of North Carolina, 1987
 Case Studies in Real Estate Valuation (Exam 2-1), University of North Carolina, 1987
 Advanced Sales Comparison & Cost Approaches, Atlanta, Georgia, 2002
 General Appraiser Market Analysis and Highest and Best Use, Atlanta, Georgia, 2007
 Online Business Practices and Ethics, Chicago, Illinois, 2007
 Appraisal Curriculum Overview, 2009
 Condemnation Appraising: Principles & Applications, Greensboro, NC, 2011

APPRAISAL INSTITUTE SEMINARS:

Highest and Best Use, 1988
 Industrial Valuation, 1988
 Rates, Ratios and Reasonableness, 1988
 Valuation of Leased Fee Interests, 1989
 Current Problems in Industrial Valuation, 1989
 Methods of Subdivision Analysis, 1989
 Expert Witness in Litigation, 1989
 Discounted Cash Flow, 1990
 RTC Appraisal Standards, 1990
 Preparation and Use of the UCIAR Form, 1990
 Standards of Professional Practice Update, 1990
 Commercial Construction Overview, 1991
 Appraising Troubled Properties, 1991
 Appraisal Regulations of the Federal Banking Agency, 1992
 Real Estate Law for Appraisals, 1992
 Appraising Apartments, 1993
 Discounted Cash Flow Analysis, 1994
 Appraiser's Legal Liabilities, 1994
 Understanding Limited Appraisals, 1994
 Analysis Operating Expenses, 1995
 Future of Appraisals, 1996
 Highest and Best Use Applications, 1996
 Standards of Professional Practice, Parts A & B, 1997
 Litigation Skills for the Appraiser, 1997
 Eminent Domain & Condemnation Appraising, 1998
 Matched Pairs/Highest & Best Use/Revisiting Report Options, 1998
 Valuation of Detrimental Conditions, 1998
 Appraisal of Nonconforming Uses, 2000
 How GIS Can Help Appraisers Keep Pace with Changes in R E Industry, 2001
 Feasibility Analysis, Market Value and Investment Timing, 2002
 Analyzing Commercial Lease Clauses, 2002
 Standards of Professional Appraisal Practice, 2002
 Effective Appraisal Writing, 2003
 Supporting Capitalization Rates, 2004
 National USPAP Update, 2004
 Rates and Ratios: Making Sense of GIMs, OARs, and DCFs, 2005
 The Road Less Traveled: Special Purpose Properties, 2005
 National USPAP Update, 2006
 Appraisal Consulting: A Solutions Approach for Professionals, 2006
 What Clients Would Like Their Appraisers to Know, 2007
 Valuation of Detrimental Conditions, 2007
 Business Practice and Ethics, 2007
 Office Building Valuation: A Contemporary Perspective, 2008
 Subdivision Valuation, 2008
 National USPAP Update, 2009

Effective Appraisal Writing, 2009
 Appraisal Curriculum Overview, 2009
 Discounted Cash Flow Model: Concepts, Issues and Apps, 2010
 National USPAP Update, 2010
 Rates and Ratios: Making sense of GIMs, OARs and DCFs, 2011
 National USPAP Update, 2012
 Business Practices and Ethics, 2012
 Marketability Studies: Advanced Considerations & Applications, 2013
 Real Estate Valuation Conference, 2013
 2014 Real Estate Valuation Conference, 2014
 7-Hour National USPAP Update Course, 2014
 2014 Real Estate Valuation Conference, 2014
 Analyzing the Effects of Environmental, 2015
 7-Hour National USPAP Update Course, 2016
 Online Business Practices and Ethics, 2017
 Commercial Real Estate Finance, 2017
 Spring 2017 Real Estate Valuation, 2017
 7-Hour National USPAP Update Course, 2018
 The End of Experts: Mission Battleground and the Intelligent Layperson, 2018
 Ignorance Isn't Bliss: Understanding and Investigation by a State Appraiser
 Regulatory Board or Agency, 2018
 Advanced Land Valuation: Sound Solutions to Perplexing Problems, 2019
 Uniform Appraisal Standards for Federal Land Acquisitions, 2019

OTHER SEMINARS AND COURSES:

Commercial Segregated Cost Seminar, Marshall & Swift, 1988
 Appraisal Guide and Legal Principles, Department of Transportation, 1993
 The Grammar Game, Career Track, 1994
 Property Tax Listing and Assessing in NC, 2014

MEMBERSHIPS:

Appraisal Institute, MAI #09090
 Appraisal Institute, SRA/RM #2248
 Durham Board of Realtors
 North Carolina Association of Realtors
 National Association of Realtors

CERTIFICATION:

State Certified General Real Estate Appraiser for North Carolina, #A281

OTHER:

Durham Civilian Police Review Board, 2009 - Present, Past Chair
 Durham County Board of Equalization and Review, 2013 – Present, Current Chair
 Durham Public Schools Budget Advisory Committee, 2013 - 2018
 NC Property Tax Commission, 2013 – 2017
 City of Durham Audit Oversight Committee, 2002 – 2006
 Durham Board of Adjustment, 1994 - 2002
 Durham City/County Zoning Commission, 1990 – 1995
 John Avery Boys and Girls Club, 1994-2002
 Historical Preservation Society, 1992 - 1995
 Vice President of the Candidates, 1989, NC Chapter 40
 President of the Candidates, 1990, NC Chapter 40
 Candidate of the Year, 1990, NC Chapter 40

RECENT CLIENTS:

LENDING INSTITUTIONS

American National Bank & Trust Company
 AMEX Financial
 BB&T
 Citizens National Bank
 CommunityOne Bank NA
 Fidelity Bank
 Live Oak Banking Company
 Mechanics & Farmers Bank
 Pacific International Bank
 PNC Bank
 RBC Bank
 Self-Help
 State Farm Bank
 SunTrust Bank
 Wells Fargo Bank

MUNICIPALITIES AND OTHER GOVERNMENT AGENCIES

City of Durham
 Town of Chapel Hill
 Town of Hillsborough
 NC Department of Administration
 Durham County
 Orange County
 Durham Public Schools
 Durham Technical Community College
 Housing Authority of the City of Durham
 NCDOT

Orange Water and Sewer Authority
Person County

OTHER

Allenton Management
Builders of Hope
BCG Properties
Blanchard, Miller, Lewis & Styers Attorneys at Law
Blue Cross & Blue Shield of NC
Boulevard Properties
Carolina Land Acquisitions
CRC Health Corporation
Development Ventures Inc.
Duke Energy
Durham Academy
Durham Rescue Mission
Durham Technical Community College
Edward Jones Trust Company
Farrington Road Baptist Church
Forest History Society
GBS Properties of Durham, LLC
Hayden Stanziale
Georgia Towers, LLC
Hawthorne Retail Partners
Integral
Investors Title Insurance
IUKA Development
Joelepa Associates LP
LCFCU Financial Partners
McDonald's USA
Mt. Gilead Baptist Church
Northgate Realty, LLC
Property Advisory Services, Inc.
Research Triangle Foundation
Sehed Development Corporation
Simba Management
Stirling Bridge Group, LLC
Styers, Kemeraite & Mitchell, PLLC
Talbert & Bright Attorneys at Law
Teer Associates
Thalle Construction
The Bogey Group
TKTK Accountants
Treyburn Corporate Park, LLC
Trinity Properties
UNC Hospitals
Voyager Academy
Wilhekan Associates

In addition, Mr. Smith has made appraisals for other lending institutions, municipalities, individuals, corporations, estates and attorneys. Appraisal assignments have been made throughout the Triangle, North Carolina, and South Carolina.

Properties appraised include all types of single family residential, multi-family residential, office, retail, commercial, industrial, churches, schools and other specialty type uses, vacant and improved, existing and proposed.

Appraisal assignments were for a variety of purposes including: mortgage loans, estate planning, condemnation, bankruptcy, equitable distribution and impact analyzes.

ADDENDA

398
PHOTOGRAPHS OF SUBJECT



Street Scene along Rosemary Street Looking East



Street Scene along Rosemary Street Looking West

399
PHOTOGRAPHS OF SUBJECT

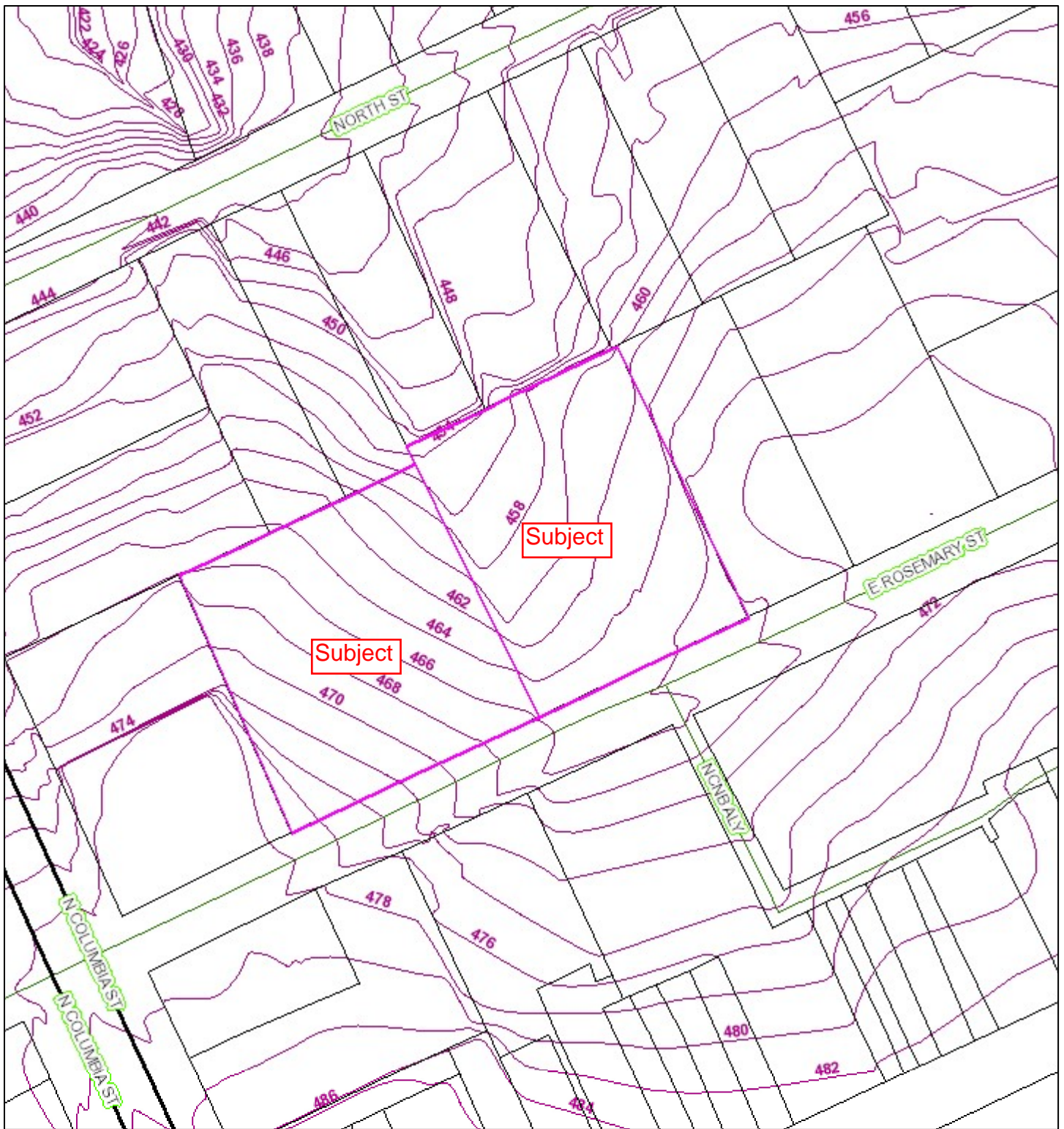


Parking Garage

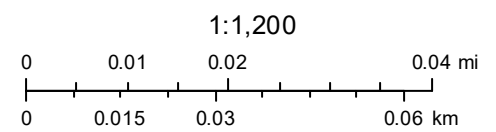


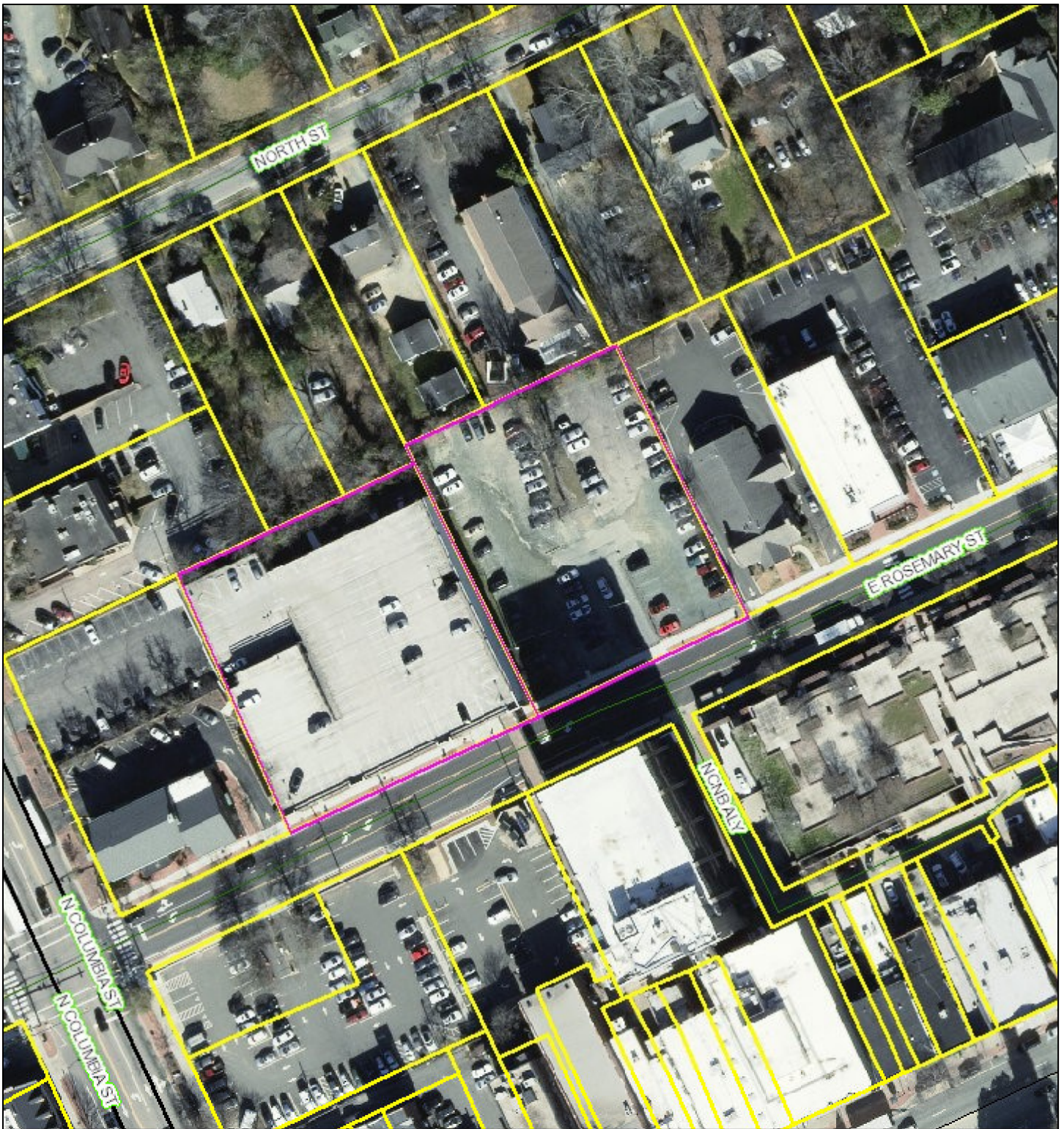
Surface Parking Lot

400
Topography

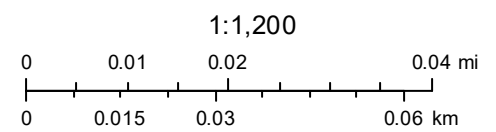


February 14, 2020





February 14, 2020





20190418000067210 DEED
Bk:RB6603 Pg:282
 04/18/2019 01:29:03 PM 1/10

FILED Mark Chilton
 Register of Deeds, Orange Co, NC
 Recording Fee: \$26.00
 NC Real Estate TX: \$47000.00

mk

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$47,000.00

Parcel Identifier No.: 9788377517 and 9788374748

msb

Mail after recording to:
 Grantee

This instrument was prepared by: Moore & Van Allen PLLC, 100 N. Tryon Street, Suite 4700, Charlotte, North Carolina, 28202, Attn: Christopher D. Thompson, Esq.

Brief Description for the Index: 137 E. Franklin Street, Chapel Hill, North Carolina

THIS DEED made this 17th day of April, 2019, by and between:

GRANTOR	GRANTEE
137 E. FRANKLIN, LP, a Delaware limited partnership	FRANKLIN OFFICE CHAPEL HILL, LLC, a Delaware limited liability company
c/o ATCO Properties & Management, LLC 97-77 Queens Boulevard, 11th Floor Rego Park, New York 11374	c/o Grubb Properties, Inc. 4601 Park Road, Suite 450 Charlotte, North Carolina 28209

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Orange County, North Carolina and more particularly described as follows:

Those certain lands as are more particularly described in Exhibit A which is attached hereto and made a part hereof by reference.

submitted electronically by "Kennon Craver, PLLC"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Orange County Register of Deeds.

CHAR2\2127069v3



All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Book RB5782, Page 1, Orange County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

See attached Exhibit B which is attached hereto and made a part hereof by reference.

(Signature page follows)



IN WITNESS WHEREOF, Grantor has executed the foregoing as of the day and year first above written.

GRANTOR:

137 E. FRANKLIN, LP,
a Delaware limited partnership

By: 137EFGP, LLC, its general partner

By: ZH Franklin, LLC, its co-managing
member

By: Zapolski Holdings, its Manager

By: _____

Name: _____

Title: _____

By: ACCRE Chapel Hill, LLC, its co-
managing member

By: _____

Name: Damon Hemmerdinger

Title: Authorized Signatory

[notary acknowledgments on following page]



STATE OF _____
COUNTY OF _____

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____ as Manager of Zapolski Holdings, Manager of ZH Franklin, LLC, co-managing member of 137EFGP, LLC, general partner of 137 E. Franklin, LP.

Date: _____, 2019

Signature of Notary

Notary Printed Name

My Commission Expires: _____

(Official Seal)

STATE OF New York
COUNTY OF Queens

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Damon Hemmerdinger, Authorized Signatory of ACCRE Chapel Hill, LLC, co-managing member of 137EFGP, LLC, general partner of 137 E. Franklin, LP.

Date: 4/11, 2019

Wanda Rodriguez
Signature of Notary

Notary Printed Name **WANDA RODRIGUEZ**
Notary Public, State of New York
No.01RO6270719

My Commission Expires: **Qualified in Queens County**
Commission Expires Oct 22, 2020

(Official Seal)



IN WITNESS WHEREOF, Grantor has executed the foregoing as of the day and year first above written.

GRANTOR:

137 E. FRANKLIN, LP,
a Delaware limited partnership

By: 137EFGP, LLC, its general partner

By: ZH Franklin, LLC, its co-managing
member

By: Zapolski Holdings, its Manager

By: [Signature]
Name: TOBIAS ZAPOLSKI
Title: Managing Member

By: ACCRE Chapel Hill, LLC, its co-
managing member

By: _____
Name: Damon Hemmerdinger
Title: Authorized Signatory

[notary acknowledgments on following page]



STATE OF _____
COUNTY OF _____

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____ as Manager of Zapolski Holdings, Manager of ZH Franklin, LLC, co-managing member of 137EFGP, LLC, general partner of 137 E. Franklin, LP.

Date: _____, 2019

*See Attached
W. Kabe 4/11/19*

Signature of Notary

Notary Printed Name

My Commission Expires: _____

(Official Seal)

STATE OF _____
COUNTY OF _____

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Damon Hemmerdinger, Authorized Signatory of ACCRE Chapel Hill, LLC, co-managing member of 137EFGP, LLC, general partner of 137 E. Franklin, LP.

Date: _____, 2019

Signature of Notary

Notary Printed Name

My Commission Expires: _____

(Official Seal)

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of NAPA

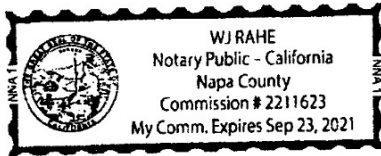
On 04/11/2019 before me, WJ RAHE, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared TODD ZAPOLSKI
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature WJ Rahe
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: North Carolina Special Warranty Deed

Document Date: 04/11/2019 Number of Pages: 4 + Exhibits A & B

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: TODD ZAPOLSKI

☒ Corporate Officer – Title(s): Managing Partner

☐ Partner – ☐ Limited ☐ General Member

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: Zapolski Holding

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____

**EXHIBIT A****Legal Description**

LYING AND BEING SITUATE IN CHAPEL HILL, ORANGE COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1:

TO LOCATE THE POINT AND PLACE OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERN MARGIN OF THE RIGHT-OF-WAY OF NORTH COLUMBIA STREET WITH THE SOUTHERN MARGIN OF THE SIXTY FOOT (60') WIDE PAVED PUBLIC RIGHT-OF-WAY OF EAST ROSEMARY STREET AND RUN N64°32'00"E 298.67' TO AN IRON PIN MARKING THE POINT AND PLACE OF BEGINNING; AND RUNNING THENCE WITH THE SOUTHERN MARGIN OF THE RIGHT-OF-WAY OF EAST ROSEMARY STREET N64°31'51"E 116.02' TO AN IRON PIN IN THE WESTERN BOUNDARY OF THE LAND CONVEYED TO TOWN OF CHAPEL HILL BY INSTRUMENT RECORDED IN DEED BOOK 1269, PAGE 442, ORANGE COUNTY PUBLIC REGISTRY; THENCE WITH THE WESTERN BOUNDARY OF THE TOWN OF CHAPEL HILL PROPERTY (NOW OR FORMERLY) S25°28'00"E 160.25 TO A NAIL IN AN ALLEY DESCRIBED IN INSTRUMENT RECORDED IN DEED BOOK 278, PAGE 1632, ORANGE COUNTY PUBLIC REGISTRY; THENCE WITH THE SAID ALLEY TWO (2) COURSES AND DISTANCES AS FOLLOWS: (1) N64°32'00"E 4.00' TO A NAIL AND (2) S25°28'00"E 5.95' TO A NAIL IN THE SOUTHERN MARGIN OF THE SAID ALLEY; THENCE WITH THE SOUTHERN MARGIN OF THE SAID ALLEY N64°32'44"E 27.30' TO NEW IRON SPIKE IN THE WESTERN BOUNDARY OF THE LAND CONVEYED TO STEVE KUTAY BY INSTRUMENT RECORDED IN DEED BOOK 886, PAGE 360, ORANGE COUNTY PUBLIC REGISTRY; THENCE WITH THE WESTERN BOUNDARY OF THE KUTAY PROPERTY (NOW OR FORMERLY) S24°07'40"E 130.07' TO A POINT ON THE NORTHERN MARGIN OF THE ONE HUNDRED FOOT (100') WIDE PAVED PUBLIC RIGHT-OF-WAY OF EAST FRANKLIN STREET; THENCE WITH THE NORTHERN MARGIN OF THE RIGHT-OF-WAY OF EAST FRANKLIN STREET S64°28'00"W 74.72' TO A POINT IN THE EASTERN BOUNDARY OF THE LAND CONVEYED TO RABBITS CROSSING PROPERTIES BY INSTRUMENT RECORDED IN DEED BOOK 1506, PAGE 251, ORANGE COUNTY PUBLIC REGISTRY; THENCE WITH THE EASTERN BOUNDARY OF THE RABBITS CROSSING PROPERTIES (NOW OR FORMERLY) N25°22'52"W 136.07' TO A NAIL IN THE AFORESAID ALLEY; THENCE S64°32'00"W 70.03' TO ANOTHER NAIL IN THE ALLEY; AND THENCE CROSSING THE ALLEY AND CONTINUING WITH THE EASTERN BOUNDARY OF THE TOWN OF CHAPEL HILL PROPERTY, N25°22'20"W 160.25' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 28,817 SQUARE FEET, MORE OR LESS, ALL AS SHOWN ON SURVEY ENTITLED "FRANKLIN STREET PLAZA LLC", PREPARED BY MARY E. AYERS, NORTH CAROLINA PROFESSIONAL LAND SURVEYOR L-3260, DATED APRIL 22, 2005, REFERENCE TO SAID SURVEY BEING MADE IN SAID OF DESCRIPTION.

**TRACT 2:**

TO LOCATE THE POINT AND PLACE OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE EASTERN MARGIN OF THE RIGHT-OF-WAY OF NORTH COLUMBIA STREET WITH THE NORTHERN MARGIN OF THE RIGHT-OF-WAY OF EAST ROSEMARY STREET AND RUN N64°32'00"E 140.00' TO AN IRON PIN ON THE SOUTHEASTERN CORNER OF LAND CONVEYED TO CENTURA BANK BY INSTRUMENT RECORDED IN DEED BOOK 1078, PAGE 71 IN THE ORANGE COUNTY PUBLIC REGISTRY, SAID IRON PIN MARKING THE POINT AND PLACE OF BEGINNING, THENCE RUNNING WITH THE NORTHERN MARGIN OF THE RIGHT-OF-WAY OF EAST ROSEMARY STREET N64°38'44"E 191.29' TO AN IRON PIN LOCATED ON THE SOUTHWESTERN CORNER OF THE LAND CONVEYED TO INVESTORS TITLE COMPANY BY INSTRUMENT RECORDED IN DEED BOOK 778, PAGE 87 IN THE ORANGE COUNTY PUBLIC REGISTRY; THENCE RUNNING WITH THE WESTERN BOUNDARY OF THE INVESTORS TITLE COMPANY PROPERTY (NOW OR FORMERLY) N26°32'23"W 199.70' TO AN IRON PIN LOCATED ON THE SOUTHEASTERN CORNER OF THE LAND CONVEYED TO SHARON KIRK BY INSTRUMENT RECORDED IN DEED BOOK 1151, PAGE 31 IN THE ORANGE COUNTY PUBLIC REGISTRY; THENCE RUNNING WITH THE SOUTHERN BOUNDARY OF THE SHARON KIRK PROPERTY (NOW OR FORMERLY) S64°32'00"W 117.37' TO AN IRON PIN LOCATED ON THE SOUTHEASTERN CORNER OF THE LAND CONVEYED TO BELL FAMILY PROPERTIES BY INSTRUMENT RECORDED IN DEED BOOK 1950, PAGE 204 IN THE ORANGE COUNTY PUBLIC REGISTRY; THENCE RUNNING WITH THE SOUTHERN BOUNDARY OF THE BELL FAMILY PROPERTIES LAND (NOW OR FORMERLY) S64°32'00"W 70.18' TO AN IRON PIN LOCATED ON THE NORTHEASTERN CORNER OF THE CENTURA BANK PROPERTY (NOW OR FORMERLY) AND RUNNING THENCE WITH THE EASTERN BOUNDARY OF THE CENTURA BANK PROPERTY (NOW OR FORMERLY) S25°28'00"E 199.29' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 37,785 SQUARE FEET, MORE OR LESS, ALL AS SHOWN ON SURVEY ENTITLED "FRANKLIN STREET PLAZA, LLC", PREPARED BY MARY E. AYERS, NORTH CAROLINA PROFESSIONAL LAND SURVEYOR L-3260, DATED APRIL 22, 2005, REFERENCE TO SAID SURVEY BEING MADE IN SAID OF DESCRIPTION.

TRACTS 1 AND 2 ARE CONVEYED TOGETHER WITH, AND SUBJECT TO AN EASEMENT FOR AN OVERHEAD PEDESTRIAN BRIDGE AS MORE PARTICULARLY DESCRIBED IN A DEED OF EASEMENT RECORDED IN BOOK 234, PAGE 654 IN THE ORANGE COUNTY PUBLIC REGISTRY AND THE EASEMENTS DESCRIBED IN THE DEED RECORDED IN BOOK 278, PAGE 1632 IN THE ORANGE COUNTY PUBLIC REGISTRY, ALL AS SHOWN ON SURVEY ENTITLED "FRANKLIN STREET PLAZA, LLC", PREPARED BY MARY E. AYERS, NORTH CAROLINA PROFESSIONAL LAND SURVEYOR L-3260, DATED APRIL 22, 2005, REFERENCE TO SAID SURVEY BEING MADE IN SAID OF DESCRIPTION.



EXHIBIT B

Exceptions to Title

1. Taxes for 2019 and subsequent years' *ad valorem* real estate taxes.
2. Terms and conditions of the Declaration of Easements for a pedestrian bridge over East Rosemary Street from the Town of Chapel Hill recorded in Book 234 at Page 654 and easements described in the deed recorded in Book 278 at Page 1632.
3. Deed granting easements to the Town of Chapel Hill recorded in Book 6227 at Page 290. (As to Tract 1)
4. Deed granting easements to the Town of Chapel Hill recorded in Book 6227 at Page 296. (As to Tract 2)
5. Memorandum of Lease with Bellsouth Carolinas PCS, LP, recorded in Book 1814 at Page 159.
6. Memorandum of Lease with CVS, recorded in Book 5523 at Page 588.
8. Rights or claim of parties in possession.
9. Rights of adjoining lot owners to the lateral support and encroachment of the party walls and common areas situate on side lot lines.
10. Any matters that would be shown on a true and accurate survey of the Property.
11. The impact of any federal, state, local or other laws, rules, regulations and ordinances, including, without limitation, zoning ordinances.

2/6



20140429000069850 DEED
Bk:RB5782 Pg:1
 04/29/2014 04:57:18 PM 1/6

FILED Deborah B. Brooks
 Register of Deeds, Orange Co., NC
 Recording Fee: \$26.00
 NC Real Estate TX: \$52400.00



SPECIAL WARRANTY DEED

Excise Tax \$52,400.00

Tax Lot No.: 9788377517 and 9788374748 *LKB*

Drawn by: Brent M. Milgrom, Jr., Parker Poe Adams & Bernstein LLP

Mail after recording to: Grantee

Brief description for the Index: Bank of America Plaza and Parking Deck

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made as of this 24th day of April, 2014, by and between

GRANTOR

Franklin Street Plaza, LLC,
 a North Carolina limited liability company
 c/o Metro Consultants, Ltd.,
 5970 Fairview Road, Suite 720
 Charlotte, NC 28210

GRANTEE

137 E. Franklin, LP,
 a Delaware limited partnership
 c/o Zapolski Real Estate, LLC
 501 Washington Street, Suite K2
 Durham, NC 27701

27701 address

The designation Grantor and Grantee, as used herein, shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land (the "Property") situated in the City of Chapel Hill, Orange County, North Carolina, and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.



TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated on **Exhibit B**.

The Property does not contain the primary residence of Grantor.

The Property was acquired by Grantor by instrument recorded in Book RB3742, Page 242.

Title to the Property is subject to the following matters: See **Exhibit B**.

[SIGNATURE APPEARS ON FOLLOWING PAGE]



IN WITNESS WHEREOF, Grantor has caused this instrument to be signed and delivered as of the day and year first above written.

FRANKLIN STREET PLAZA, LLC, a North Carolina limited liability company

By: Milgrom-Franklin Street, LLC, a North Carolina limited liability company
Its: Manager

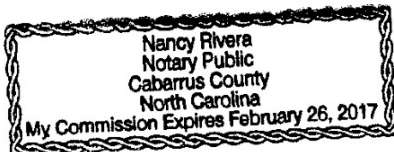
By: Brent M. Milgrom
Brent M. Milgrom, Manager

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Brent M. Milgrom.

Date: March 31, 2014.



Nancy Rivera
Official Signature of notary

NANCY RIVERA
Notary's printed or typed name, Notary Public



Exhibit A

LYING AND BEING in Chapel Hill, Orange County, North Carolina, and more particularly described as follows:

TRACT 1:

To locate the point and place of BEGINNING commence at the intersection of the eastern margin of the right-of-way of North Columbia Street with the southern margin of the sixty foot (60') wide paved public right-of-way of East Rosemary Street and run N 64° 32' 00" E 298.67' to an iron pin marking the point and place of BEGINNING; and running thence with the southern margin of the right-of way of East Rosemary Street N 64° 31' 51" E 116.02' to an iron pin in the western boundary of the land conveyed to Town of Chapel Hill by instrument recorded in Deed Book 1269, Page 442, Orange County Public Registry; thence with the western boundary of the Town of Chapel Hill property (now or formerly) S 25° 28' 00" E 160.25' to a nail in an alley described in instrument recorded in Deed Book 278, Page 1632, Orange County Public Registry; thence within the said alley two (2) courses and distances as follows: (1) N 64° 32' 00" E 4.00' to a nail and (2) S 25° 28' 00" E 5.95' to a nail in the southern margin of the said alley; thence with the southern margin of the said alley N 64° 32' 44" E 27.30' to new iron spike in the western boundary of the land conveyed to Steve Kutay by instrument recorded in Deed Book 886, Page 360, Orange County Public Registry; thence with the western boundary of the Kutay property (now or formerly) S 24° 07' 40" E 130.07' to a point on the northern margin of the one hundred foot (100') wide paved public right-of-way of East Franklin Street; thence with the northern margin of the right-of-way of East Franklin Street S 64° 28' 00" W 74.72' to a point in the eastern boundary of the land conveyed to Rabbits Crossing Properties by instrument recorded in Deed Book 1506, Page 251, Orange County Public Registry; thence with the eastern boundary of the Rabbits Crossing Properties (now or formerly) N 25° 22' 52" W 136.07' to a nail in the aforesaid alley; thence S 64° 32' 00" W 70.03' to another nail in the alley; and thence crossing said alley and continuing with the eastern boundary of the Town of Chapel Hill property, N 25° 22' 20" W 160.25' to the point and place of BEGINNING, containing 28,817 square feet, more or less, all as shown on survey entitled "FRANKLIN STREET PLAZA, LLC", prepared by Mary E. Ayers, North Carolina Professional Land Surveyor L-3260, dated April 22, 2005, reference to said survey being made in aid of description.

TRACT 2:

To locate the point and place of BEGINNING, commence at the intersection of the eastern margin of the right-of-way of North Columbia Street with the northern margin of the right-of-way of East Rosemary Street and run N 64° 32' 00" E 140.00' to an iron pin on the southeastern corner of land conveyed to Centura Bank by instrument recorded in Deed Book 1078, Page 71 in the Orange County Public Registry, said iron pin marking the point and place of BEGINNING, thence running with the northern margin of the right-of-way of East Rosemary Street N 64° 38' 44" E 191.29' to an iron pin located on the southwestern corner of the land conveyed to Investors Title Company by instrument recorded in Deed Book 778, Book 87 in the Orange County Public Registry; thence running with the western boundary of the Investors Title Company Property (now or formerly) N 26° 32' 23" W 199.70' to an iron pin located on the southeastern corner of the land conveyed to Sharon Kirk by instrument recorded in Deed Book 1151, Page 31 in the Orange County Public Registry; thence running with the southern boundary of the Sharon Kirk property (now or formerly) S 64° 32' 00" W 117.37' to an iron pin located on the southeastern corner of the land conveyed to Bell Family Properties by instrument recorded in Deed Book



1950, Page 204 in the Orange County Public Registry; thence running with the southern boundary of the Bell Family Properties land (now or formerly) S 64°32' 00" W 70.18' to an iron pin located on the northeastern corner of the Centura Bank property (now or formerly) and running thence with the eastern boundary of the Centura Bank property (now or formerly) S 25° 28' 00" E 199.29' to the point and place of BEGINNING, containing 37,785 square feet, more or less, all as shown on survey entitled "FRANKLIN STREET PLAZA, LLC", prepared by Mary E. Ayers, North Carolina Professional Land Surveyor L-3260, dated April 22, 2005, reference to said survey being made in aid of description.

Tracts 1 and 2 are conveyed TOGETHER WITH, AND SUBJECT TO an easement for an overhead pedestrian bridge as more particularly described in a Deed of Easement recorded in Book 234, page 654 in the Orange County Public Registry and the easements described in the deed recorded in Book 278, Page 1632 in the Orange County Public Registry, all as shown on survey entitled "FRANKLIN STREET PLAZA, LLC", prepared by Mary E. Ayers, North Carolina Professional Land Surveyor L-3260, dated April 22, 2005, reference to said survey being made in aid of description.

**Exhibit B**

Permitted Exceptions

1. All matters of record;
2. All matters which would be revealed by a current, accurate ALTA survey or physical inspection of the Property;
3. All applicable laws, rules, ordinances and regulations;
4. The lien for ad valorem taxes not yet due and payable for the year 2014;
5. Terms and conditions of the Declaration of Easements for a pedestrian bridge over East Rosemary Street from the Town of Chapel Hill, recoded in Book 234, page 654, Orange County Registry;
6. Rights of others for ingress and egress purposes in and to the use of the alley crossing Tract I, as shown on survey by Mary E. Ayers, PLS, dated April 22, 2005 and recorded in Deed Book 278, Page 1634, Orange County Registry;
7. Subordination, Non-Disturbance and Attornment Agreement ("SNDA") (Bank of America) recorded in Book 3742, Page 346, Orange County Registry;
8. Subordination, Non-Disturbance and Attornment Agreement (UNC) recorded in Book 3742, Page 315, Orange County Registry;
9. Subordination, Non-Disturbance and Attornment Agreement recorded in and Book 5556, Page 94 (CVS), Orange County Registry;
10. Memorandum of Lease with BellSouth Carolinas PCS, LP recorded in Book 1814, Page 159, Orange County Registry; Subordination, Non-Disturbance and Attornment Agreement ("SNDA") (Cingular) recorded in Book 3742, Page 331, Orange County Registry;
11. Memorandum of Lease with CVS recorded in Book 5523, Page 588, Orange County Registry (Tract 1 only);
12. Memorandum of Lease with UNC recorded in Book 5608, Page 586; and Book 5701, Page 4, Orange County Registry (Tract 1 only);
13. Memorandum of Lease with Bank of America recorded in Book 5560, Page 338, Orange County Registry;
14. Rights of tenants in possession, as tenants only, under unrecorded leases;
15. Rights of others in and to any party walls and common areas; and
16. Rights of others in and to the alleys lying within the adjacent boundaries of subject property.

19890221000020820 DEED
Bk: RB778 Pg: 87
 2/21/1989 1/2



778 87 1/2

BOOK **778** PAGE **87**

FILED

BOOK XXXX778 PAGE 87

FEB 21 1 12 PM '89

BETTY JUNE BATES
 NEW YORK PUBLIC LIBRARY
 ASTOR LENOX TILDEN FOUNDATION

\$0.00 *CEW* Excise Tax

Recording Time, Book and Page

Tax Lot No. **7.80. G.17**

Parcel Identifier No. **9788-37-687**

Verified by _____ County on the _____ day of **PB**, 19
 by _____

Mail after recording to **Investors Title Company, P. O. Drawer 2687**
Chapel Hill, North Carolina 27515-2687

This instrument was prepared by **Investors Title Insurance Company, 137 E. Rosemary St., Chapel Hill,**
Carl Wallace North Carolina 27514
 Brief description for the Index **135 and 137 East Rosemary Street**

NORTH CAROLINA NON-WARRANTY DEED

THIS DEED made this _____ day of _____, 19____, by and between

GRANTOR

GRANTEE

INVESTORS TITLE COMPANY,
 a North Carolina Corporation

INVESTORS TITLE COMPANY
 137 East Rosemary Street
 Chapel Hill, North Carolina

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of **Chapel Hill**, **Chapel Hill** Township,

Orange

County, North Carolina and more particularly described as follows:
 All that certain lot or parcel of land, together with the improvements thereon, situate, lying and being on the North side of Rosemary Street in the Town of Chapel Hill, North Carolina and more particularly described as BEGINNING at an iron stake, said stake being located North 64° 26' 26" East 331.2 feet from the Northeast corner of the intersection of Rosemary Street and Columbia Street, said iron stake also being the Southeast corner of the property of Franklin Street Plaza Limited; running thence from said BEGINNING with the North margin of Rosemary Street North 64° 26' 26" East 80.0 feet to an iron stake, Southwest corner of Investors Title Company property (See Deed recorded in Book 308, page 608); thence continuing with the North margin of Rosemary Street North 64° 35' East 83.35 feet to an existing iron stake, Harold H. Harville's Southwest corner; running thence in a Northern direction with Harville's line, North 26° 51'W 214.44' to an existing iron stake in the South property line of the property formerly belonging to the Orange County Building and Loan Association; running thence with said line in a Western direction and parallel with Rosemary Street South 63° 59'W 84.3 feet to an existing iron stake, Bush's Northeast corner; running thence North 26° 24' 15" West 1.46' to an existing iron stake; running thence South 65° 32' 48" West 17.04 feet to an existing iron stake; running thence South 64° 08' 15" West 63.39 feet to an existing iron stake; running thence South 26° 31' 00" East 215.02 feet to an existing iron stake, the point and place of BEGINNING, and being that property conveyed to Investors Title Company by Deed recorded in Book 308, page 608, and by Deed recorded in Book 484, page 42, Orange County Registry.

Together with all right, title and interest of the Grantor, if any, in and to a strip of land approximately 10 feet in width and lying along the northern boundary line of the property above described.

BOOK 778 PAGE 88



The property hereinabove described was acquired by Grantor by instrument recorded in Book 308, page 608
and Book 484, page 42, Orange County Registry.

A map showing the above described property is recorded in Plat Book page .

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

INVESTORS TITLE COMPANY

(Corporate Name)

By: E. Allen Fine
President

ATTEST: Carl E. Wallace, Jr.
Secretary (Corporate Seal)

USE BLACK INK ONLY

(SEAL)

(SEAL)

(SEAL)

(SEAL)

USE BLACK INK ONLY NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that

Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this day of 19.

My commission expires: Notary Public

SEAL - STAMP

NORTH CAROLINA, Orange Alamance County.

I, a Notary Public of the County and State aforesaid, certify that Carl E. Wallace, Jr.

personally came before me this day and acknowledged that he is Secretary of

Investors Title Company, a North Carolina corporation, and that by authority duly

given and as the act of the corporation, the foregoing instrument was signed in its name by its

President, sealed with its corporate seal and attested by him as its Secretary.

Witness my hand and official stamp or seal, this 16th day of February, 1989.

My commission expires: November 20, 1993 Teresa Crisson Kelly Notary Public

The foregoing Certificate(s) of

Teresa Crisson Kelly, Notary Public of the designated governmental unit is

~~XXXX~~ certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

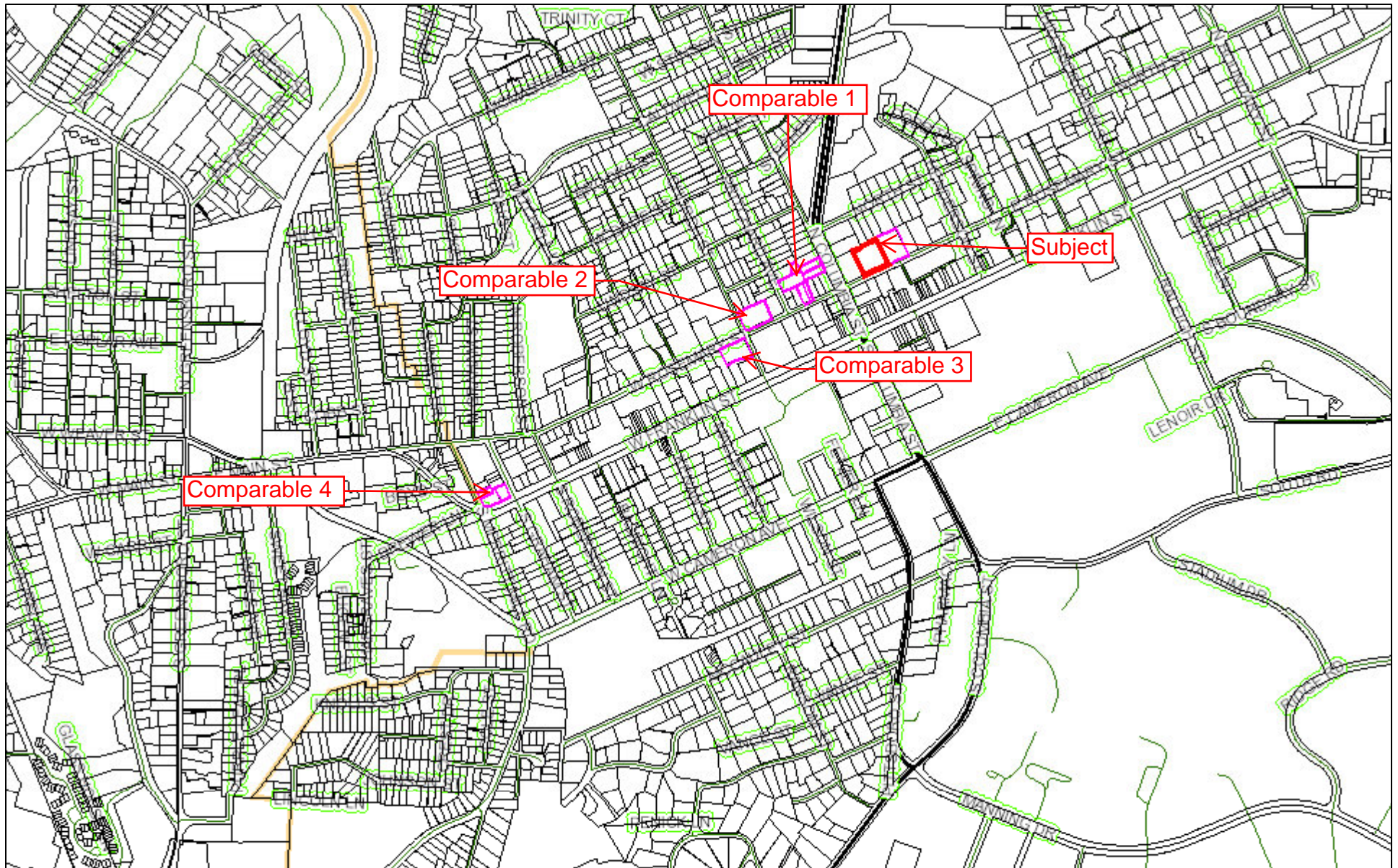
This 21st day of February, 1989

Betty June Hayes

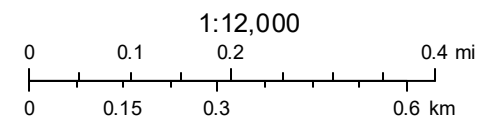
REGISTER OF DEEDS FOR Orange COUNTY

By Betty A. Owens Deputy Assistant-Register of Deeds.

Location Map of Comparables⁴²⁰



February 13, 2020



COMMENTS:



COMPARABLE 2

REFERENCE NUMBER: 2016-129
TYPE PROPERTY: Vacant Commercial
COUNTY: Orange
LOCATION: 212, 214 & 220 W Rosemary, Chapel Hill
TAX REFERENCE: 9788-27-5353, 9788-27-6326 and 9788-27-6387
ZONING: TC-2
GRANTOR: Michael Slomiany and wife Kimberly F. Slomiany
GRANTEE: Chapel Hill Hotels, LLC
DATE OF SALE: 5/31/2016
DEED REFERENCE 6134/313
STAMPS: \$6,500.00
PRESENT USE: AC Hotel
BEST USE: Commercial
UTILITIES: All City
SALES PRICE: \$3,250,000
CONFIRMED BY: Burt Shuler & John Morris, Brokers
CONDITION OF SALE: Arms-Length
PROPERTY RIGHTS TRANSFERRED: Fee simple
FINANCING: Cash to seller
LAND SIZE: 0.72 Acre
ACCESS/FRONTAGE: Paved Public Road
TOPOGRAPHY: Mostly Level
COMMENTS: Assembled for Hotel



[illegible]

COMPARABLE 4

REFERENCE NUMBER: 2019-18

TYPE PROPERTY: Vacant Commercial

COUNTY: Orange

LOCATION: 600 & 610 W Franklin & 108 N Merritt Mill, Chapel Hill

TAX REFERENCE: 9788-06-6054, 9788-06-7190 and 9788-06-8185

ZONING: TC-2

GRANTOR: (1) Nancy McLaine Pierce and Carol Ann McLain and spouse Roger Massie

(2) James S. Stewart, Trustee of the James A. Stewart Revocable Trust

(3) Eugene F. Hamer, Jr.

GRANTEE: Barrier Island Properties, LLC

DATE OF SALE: (1) 12/10/2019, (2) 12/9/2019 & (3) 7/30/2019

DEED REFERENCE (1) 6639/581, (2) 6639/573 (3) 6621/450

STAMPS: \$3,591.00 (total)

PRESENT USE: Commercial

BEST USE: Redevelopment for Commercial

UTILITIES: All City

SALES PRICE: \$1,795,500,000

CONFIRMED BY: Paul Snow, Appraiser

CONDITION OF SALE: Arms-Length

PROPERTY RIGHTS TRANSFERRED: Fee simple

FINANCING: Cash to seller

LAND SIZE: 0.5216 Acre (7,767 SF, 10,176 SF and 4,779 SF)

ACCESS/FRONTAGE: Paved Public Road

TOPOGRAPHY: Mostly Level

COMMENTS:



Appraisal of Real Property

Parking Lot

Vacant Land

135 E. Rosemary St.

Chapel Hill, Orange County, North Carolina 27514

Prepared For:

Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.

Effective Date of the Appraisal:

July 2, 2020

Report Format:

Appraisal Report – Standard Format

IRR - Raleigh

File Number: 167-2020-0548





Parking Lot
135 E. Rosemary St.
Chapel Hill, North Carolina



July 14, 2020

Mr. Toby Coleman
Partner
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.
150 Fayetteville Street, Suite 2300
Raleigh, NC 27601

SUBJECT: Market Value Appraisal
 Parking Lot
 135 E. Rosemary St.
 Chapel Hill, Orange County, North Carolina 27514
 IRR - Raleigh File No. 167-2020-0548

Dear Mr. Coleman:

Integra Realty Resources – Raleigh is pleased to submit the accompanying appraisal of the referenced property. The purpose of the appraisal is to develop an opinion of the market value as is of the fee simple interest in the property. The client for the assignment is Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P., and the intended use is for asset valuation purposes.

The subject is a parcel of vacant land containing an area of 0.81 acres or 35,284 square feet. The property is zoned TC-2, Town Center, which permits development of commercial, service, and social uses while maintaining the character of the town's downtown area, its pedestrian-oriented scale, and its nature as a concentration of business, administrative, financial, governmental, and support functions serving the community.

The appraisal is intended to conform with the Uniform Standards of Professional Appraisal Practice (USPAP), the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, and applicable state appraisal regulations.

To report the assignment results, we use the Appraisal Report option of Standards Rule 2-2(a) of USPAP. As USPAP gives appraisers the flexibility to vary the level of information in an Appraisal Report depending on the intended use and intended users of the appraisal, we adhere to the Integra Realty Resources internal standards for an Appraisal Report –

Mr. Toby Coleman

Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.

July 14, 2020

Page 2

Standard Format. This format summarizes the information analyzed, the appraisal methods employed, and the reasoning that supports the analyses, opinions, and conclusions.

Based on the valuation analysis in the accompanying report, and subject to the definitions, assumptions, and limiting conditions expressed in the report, our opinion of value is as follows:

Value Conclusion			
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
Market Value As Is	Fee Simple	July 2, 2020	\$5,120,000

Extraordinary Assumptions and Hypothetical Conditions

The value conclusions are subject to the following extraordinary assumptions. An extraordinary assumption is an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions.

1. None

The value conclusions are based on the following hypothetical conditions. A hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.

1. None

The use of any extraordinary assumption or hypothetical condition may have affected the assignment results.

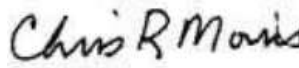
If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

Respectfully submitted,

INTEGRA REALTY RESOURCES - RALEIGH




Andrew W. Cable, MAI
 Certified General Real Estate Appraiser
 North Carolina Certificate # A7810
 Telephone: 919.847.1717
 Email: acable@irr.com




Chris R. Morris, MAI, FRICS
 State Certified General Real Estate Appraiser
 North Carolina Certificate # A266
 Telephone: (919) 847-1717, ext. 101
 Email: cmorris@irr.com



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Executive Summary

Property Name	Parking Lot
Address	135 E. Rosemary St. Chapel Hill, Orange County, North Carolina 27514
Property Type	Land - Other
Owner of Record	Investors Title Company
Tax ID	9788-37-6817
Legal Description	See addenda
Land Area	0.81 acres; 35,284 SF
Zoning Designation	TC-2, Town Center
Highest and Best Use	Mixed use
Exposure Time; Marketing Period	3 to 6 months; 3 to 6 months
Effective Date of the Appraisal	July 2, 2020
Date of the Report	July 14, 2020
Property Interest Appraised	Fee Simple
Sales Comparison Approach	
Number of Sales	6
Range of Sale Dates	Mar 16 to Aug 20
Range of Prices per SF (Unadjusted)	\$79.16 - \$188.36
Market Value Conclusion	\$5,120,000 (\$145.11/SF)
The values reported above are subject to the definitions, assumptions, and limiting conditions set forth in the accompanying report of which this summary is a part. No party other than Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P. may use or rely on the information, opinions, and conclusions contained in the report. It is assumed that the users of the report have read the entire report, including all of the definitions, assumptions, and limiting conditions contained therein.	

Extraordinary Assumptions and Hypothetical Conditions

The value conclusions are subject to the following extraordinary assumptions. An extraordinary assumption is an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions.

1. None

The value conclusions are based on the following hypothetical conditions. A hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.

1. None

The use of any extraordinary assumption or hypothetical condition may have affected the assignment results.

General Information

Identification of Subject

The subject is a parcel of vacant land containing an area of 0.81 acres or 35,284 square feet. The property is zoned TC-2, Town Center, which permits development of commercial, service, and social uses while maintaining the character of the town's downtown area, its pedestrian-oriented scale, and its nature as a concentration of business, administrative, financial, governmental, and support functions serving the community. A legal description of the property is in the addenda.

Property Identification	
Property Name	Parking Lot
Address	135 E. Rosemary St. Chapel Hill, North Carolina 27514
Tax ID	9788-37-6817
Owner of Record	Investors Title Company
Legal Description	See addenda
Census Tract Number	0117.00

Sale History

The most recent closed sale of the subject is summarized as follows:

Sale Date	February 21, 1989
Seller	Investors Title Company
Buyer	Investors Title Company
Sale Price	No Consideration
Recording Instrument Number	Deed Book 778, Page 87, of the Orange County Register of Deeds

This transaction was an internal transfer of ownership. To the best of our knowledge, no sale or transfer of ownership has taken place within a three-year period prior to the effective appraisal date.

Pending Transactions

We note that the property is not currently listed for sale as of the effective appraisal date, although the owners have engaged a brokerage firm to prepare marketing material.

We contacted the listing agent, Mr. John Hibbits with Tri Properties/NAI Carolantic, and confirmed that the planned listing price is \$5,450,000. Mr. Hibbits confirmed that the owners have received two unsolicited letters of intent to purchase the property ranging from \$4,500,000 to \$5,000,000. Both offers were contingent upon receiving approvals for the buyers' proposed developments. Mr. Hibbits commented that this illustrates the demand for the subject site, considering that these offers were made without any active marketing effort.

Purpose of the Appraisal

The purpose of the appraisal is to develop an opinion of the market value as is of the fee simple interest in the property as of the effective date of the appraisal, July 2, 2020. The date of the report is July 14, 2020. The appraisal is valid only as of the stated effective date or dates.

Definition of Market Value

Market value is defined as:

“The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised, and acting in what they consider their own best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.”

(Source: Code of Federal Regulations, Title 12, Chapter I, Part 34.42[h]; also Interagency Appraisal and Evaluation Guidelines, Federal Register, 75 FR 77449, December 10, 2010, page 77472)

Definition of As Is Market Value

As is market value is defined as, “The estimate of the market value of real property in its current physical condition, use, and zoning as of the appraisal date.”

(Source: Appraisal Institute, The Dictionary of Real Estate Appraisal, 6th ed. (Chicago: Appraisal Institute, 2015); also Interagency Appraisal and Evaluation Guidelines, Federal Register, 75 FR 77449, December 10, 2010, page 77471)

Definition of Property Rights Appraised

Fee simple estate is defined as, “Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.”

Source: Appraisal Institute, The Dictionary of Real Estate Appraisal, 6th ed. (Chicago: Appraisal Institute, 2015)

Intended Use and User

The intended use of the appraisal is for asset valuation purposes. The client and intended user is Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.. The appraisal is not intended for any other use or user. No party or parties other than Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P. may use or rely on the information, opinions, and conclusions contained in this report.

Applicable Requirements

This appraisal is intended to conform to the requirements of the following:

- Uniform Standards of Professional Appraisal Practice (USPAP);
- Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute;
- Applicable state appraisal regulations;

Report Format

This report is prepared under the Appraisal Report option of Standards Rule 2-2(a) of USPAP. As USPAP gives appraisers the flexibility to vary the level of information in an Appraisal Report depending on the intended use and intended users of the appraisal, we adhere to the Integra Realty Resources internal standards for an Appraisal Report – Standard Format. This format summarizes the information analyzed, the appraisal methods employed, and the reasoning that supports the analyses, opinions, and conclusions.

Prior Services

USPAP requires appraisers to disclose to the client any other services they have provided in connection with the subject property in the prior three years, including valuation, consulting, property management, brokerage, or any other services. We have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding the agreement to perform this assignment.

Scope of Work

To determine the appropriate scope of work for the assignment, we considered the intended use of the appraisal, the needs of the user, the complexity of the property, and other pertinent factors. Our concluded scope of work is described below.

Valuation Methodology

Appraisers usually consider the use of three approaches to value when developing a market value opinion for real property. These are the cost approach, sales comparison approach, and income capitalization approach. Use of the approaches in this assignment is summarized as follows:

Approaches to Value		
Approach	Applicability to Subject	Use in Assignment
Cost Approach	Not Applicable	Not Utilized
Sales Comparison Approach	Applicable	Utilized
Income Capitalization Approach	Not Applicable	Not Utilized

We use only the sales comparison approach in developing an opinion of value for the subject. This approach is applicable to the subject because there is an active market for similar properties, and sufficient sales data is available for analysis.

The cost approach is not applicable because there are no improvements that contribute value to the property, and the income approach is not applicable because the subject is not likely to generate rental income in its current state.

Research and Analysis

The type and extent of our research and analysis is detailed in individual sections of the report. This includes the steps we took to verify comparable sales, which are disclosed in the comparable sale profile sheets in the addenda to the report. Although we make an effort to confirm the arms-length nature of each sale with a party to the transaction, it is sometimes necessary to rely on secondary verification from sources deemed reliable.

Inspection

Andrew W. Cable, MAI, conducted an on-site inspection of the property on July 2, 2020. Chris R. Morris, MAI, FRICS, conducted an on-site inspection on an earlier date.

Economic Analysis

Orange County Area Analysis

Orange County is located in central North Carolina. It is 398 square miles in size and has a population density of 371 persons per square mile. Orange County is part of the Durham-Chapel Hill, NC Metropolitan Statistical Area, hereinafter called the Durham MSA, as defined by the U.S. Office of Management and Budget.

Population

Orange County has an estimated 2020 population of 147,586, which represents an average annual 1.0% increase over the 2010 census of 133,801. Orange County added an average of 1,379 residents per year over the 2010-2020 period, and its annual growth rate is similar to that of the State of North Carolina.

Looking forward, Orange County's population is projected to increase at a 1.1% annual rate from 2020-2025, equivalent to the addition of an average of 1,588 residents per year. Orange County's growth rate is expected to exceed that of North Carolina, which is projected to be 1.0%.

Population Trends					
	Population			Compound Ann. % Chng	
	2010 Census	2020 Estimate	2025 Projection	2010 - 2020	2020 - 2025
Orange County, NC	133,801	147,586	155,526	1.0%	1.1%
North Carolina	9,535,483	10,545,270	11,084,066	1.0%	1.0%
United States	308,745,538	330,342,293	341,132,738	0.7%	0.6%

Source: Environics Analytics

Employment

Total employment in Orange County is currently estimated at 70,984 jobs. Between year-end 2008 and the present, employment rose by 7,586 jobs, equivalent to a 12.0% increase over the entire period. There were gains in employment in seven out of the past ten years despite the national economic downturn and slow recovery. Orange County's rate of employment growth over the last decade surpassed that of North Carolina, which experienced an increase in employment of 9.9% or 397,720 jobs over this period.

A comparison of unemployment rates is another way of gauging an area's economic health. Over the past decade, the Orange County unemployment rate has been consistently lower than that of North Carolina, with an average unemployment rate of 5.1% in comparison to a 7.3% rate for North Carolina. A lower unemployment rate is a positive indicator.

Recent data shows that the Orange County unemployment rate is 3.2% in comparison to a 3.7% rate for North Carolina, a positive sign for Orange County economy but one that must be tempered by the fact that Orange County has underperformed North Carolina in the rate of job growth over the past two years.

Employment Trends						
Year	Total Employment (Year End)				Unemployment Rate (Ann. Avg.)	
	%		%			
	Orange County	Change	North Carolina	Change	Orange County	North Carolina
2008	63,398		4,000,278		4.0%	6.1%
2009	60,925	-3.9%	3,804,059	-4.9%	6.5%	10.6%
2010	61,757	1.4%	3,835,921	0.8%	6.6%	10.9%
2011	61,850	0.2%	3,889,178	1.4%	6.5%	10.3%
2012	63,095	2.0%	3,969,167	2.1%	6.1%	9.3%
2013	65,382	3.6%	4,044,954	1.9%	5.3%	8.0%
2014	66,517	1.7%	4,142,253	2.4%	4.6%	6.3%
2015	67,965	2.2%	4,249,766	2.6%	4.6%	5.7%
2016	71,832	5.7%	4,324,044	1.7%	4.2%	5.1%
2017	71,131	-1.0%	4,389,335	1.5%	3.8%	4.5%
2018*	70,984	-0.2%	4,397,998	0.2%	3.3%	3.9%
Overall Change 2008-2018	7,586	12.0%	397,720	9.9%		
Avg Unemp. Rate 2008-2018					5.1%	7.3%
Unemployment Rate - December 2018					3.2%	3.7%

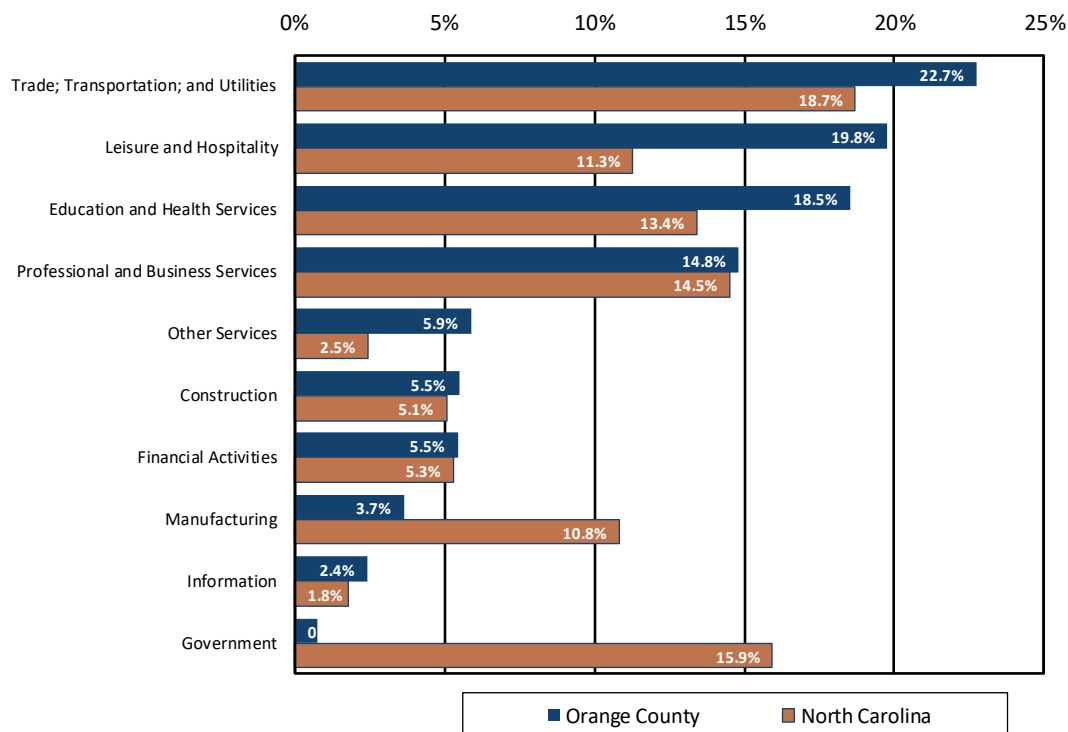
*Total employment data is as of September 2018; unemployment rate data reflects the average of 12 months of 2018.

Source: Bureau of Labor Statistics and Economy.com. Employment figures are from the Quarterly Census of Employment and Wages (QCEW). Unemployment rates are from the Current Population Survey (CPS). The figures are not seasonally adjusted.

Employment Sectors

The composition of the Orange County job market is depicted in the following chart, along with that of North Carolina. Total employment for both areas is broken down by major employment sector, and the sectors are ranked from largest to smallest based on the percentage of Orange County jobs in each category.

Employment Sectors - 2018



Source: Bureau of Labor Statistics and Economy.com

Orange County has greater concentrations than North Carolina in the following employment sectors:

1. Trade; Transportation; and Utilities, representing 22.7% of Orange County payroll employment compared to 18.7% for North Carolina as a whole. This sector includes jobs in retail trade, wholesale trade, trucking, warehousing, and electric, gas, and water utilities.
2. Leisure and Hospitality, representing 19.8% of Orange County payroll employment compared to 11.3% for North Carolina as a whole. This sector includes employment in hotels, restaurants, recreation facilities, and arts and cultural institutions.
3. Education and Health Services, representing 18.5% of Orange County payroll employment compared to 13.4% for North Carolina as a whole. This sector includes employment in public and private schools, colleges, hospitals, and social service agencies.
4. Professional and Business Services, representing 14.8% of Orange County payroll employment compared to 14.5% for North Carolina as a whole. This sector includes legal, accounting, and engineering firms, as well as management of holding companies.

Orange County is underrepresented in the following sectors:

1. Manufacturing, representing 3.7% of Orange County payroll employment compared to 10.8% for North Carolina as a whole. This sector includes all establishments engaged in the manufacturing of durable and nondurable goods.
2. Government, representing 0.8% of Orange County payroll employment compared to 15.9% for North Carolina as a whole. This sector includes employment in local, state, and federal government agencies.
3. Natural Resources & Mining, representing 0.5% of Orange County payroll employment compared to 0.7% for North Carolina as a whole. Agriculture, mining, quarrying, and oil and gas extraction are included in this sector.

Major Employers

Major employers in Orange County are shown in the following table.

Major Employers - Orange County, NC	
Name	Number of Employees
1 UNC Chapel Hill	1000+
2 UNC Health Care System	1000+
3 Chapel Hill-Carrboro City Schools	1000+
4 UNC Physicians Network LLC	1000+
5 Eurosport	1000+
6 Local Government	1000+
7 Orange County Schools	1000+
8 Town of Chapel Hill Inc	500-999
9 Wal-Mart Associates Inc	250-499
10 Harris Teeter	250-499

Source: <https://d4.nccommerce.com/QCEWLargestEmployers.aspx>

Gross Domestic Product

Gross Domestic Product (GDP) is a measure of economic activity based on the total value of goods and services produced in a defined geographic area. Although GDP figures are not available at the county level, data reported for the Durham MSA is considered meaningful when compared to the nation overall, as Orange County is part of the MSA and subject to its influence.

Economic growth, as measured by annual changes in GDP, has been considerably lower in the Durham MSA than the United States overall during the past eight years. The Durham MSA has declined at a 1.0% average annual rate while the United States has grown at a 2.1% rate. As the national economy improves, the Durham MSA continues to underperform the United States. GDP for the Durham MSA was essentially unchanged in 2017 while the United States GDP rose by 2.2%.

The Durham MSA has a per capita GDP of \$65,696, which is 19% greater than the United States GDP of \$55,418. This means that Durham MSA industries and employers are adding relatively more value to the economy than their counterparts in the United States overall.

Gross Domestic Product				
Year	(\$ Mil) Durham MSA	% Change	(\$ Mil) United States	% Change
2010	40,026		15,598,753	
2011	36,723	-8.3%	15,840,664	1.6%
2012	35,905	-2.2%	16,197,007	2.2%
2013	38,852	8.2%	16,495,369	1.8%
2014	39,357	1.3%	16,899,831	2.5%
2015	38,682	-1.7%	17,386,700	2.9%
2016	37,288	-3.6%	17,659,187	1.6%
2017	37,278	0.0%	18,050,693	2.2%
Compound % Chg (2010-2017)		-1.0%		2.1%
GDP Per Capita 2017	\$65,696		\$55,418	

Source: Bureau of Economic Analysis and Economy.com; data released September 2018. The release of state and local GDP data has a longer lag time than national data. The data represents inflation-adjusted "real" GDP stated in 2009 dollars.

Household Income

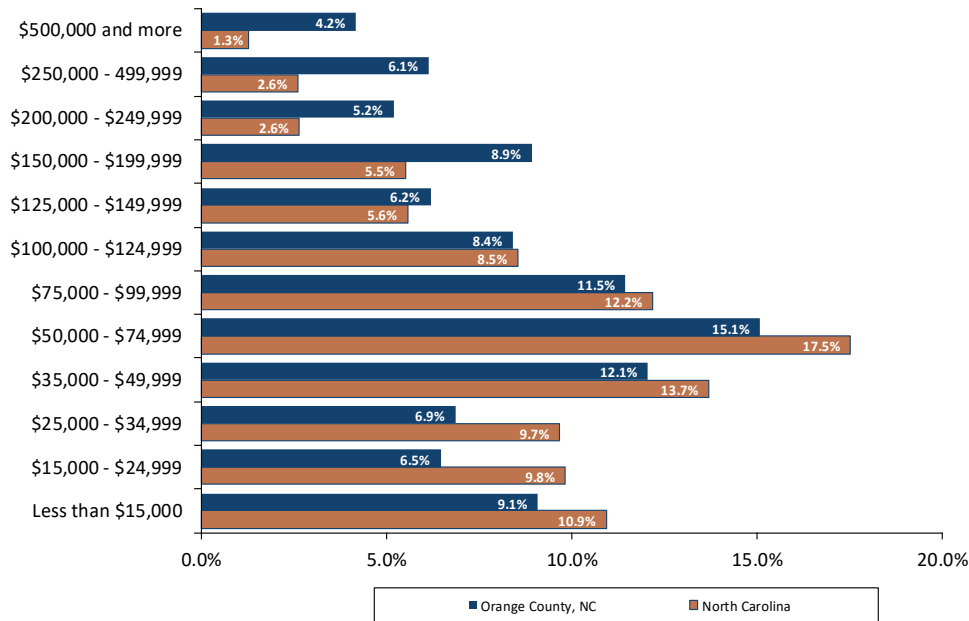
Orange County is more affluent than North Carolina. Median household income for Orange County is \$75,873, which is 32.1% greater than the corresponding figure for North Carolina.

Median Household Income - 2020	
	Median
Orange County, NC	\$75,873
North Carolina	\$57,438
Comparison of Orange County, NC to North Carolina	+ 32.1%

Source: Environics Analytics

The following chart shows the distribution of households across twelve income levels. Orange County has a greater concentration of households in the higher income levels than North Carolina. Specifically, 50% of Orange County households are at the \$75,000 or greater levels in household income as compared to 38% of North Carolina households. A lesser concentration of households is apparent in the lower income levels, as 22% of Orange County households are below the \$35,000 level in household income versus 30% of North Carolina households.

Household Income Distribution - 2020

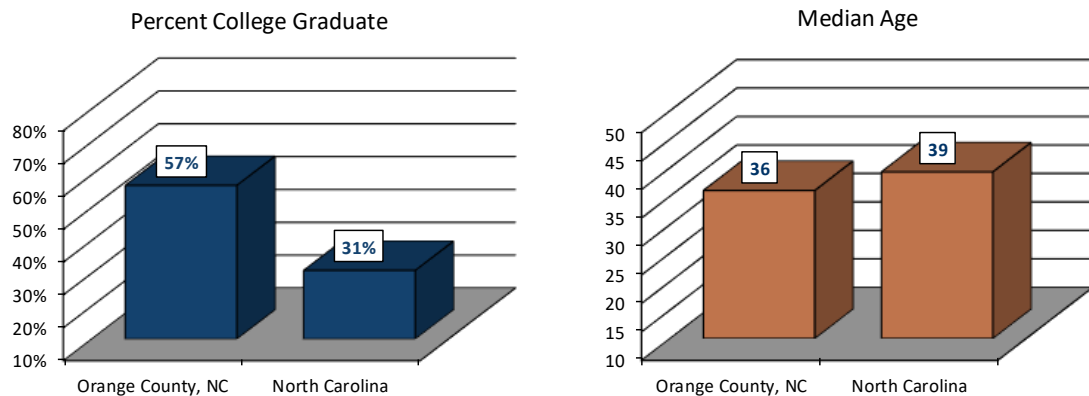


Source: Environics Analytics

Education and Age

Residents of Orange County have a higher level of educational attainment than those of North Carolina. An estimated 57% of Orange County residents are college graduates with four-year degrees, versus 31% of North Carolina residents. People in Orange County are younger than their North Carolina counterparts. The median age for Orange County is 36 years, while the median age for North Carolina is 39 years.

Education & Age - 2020

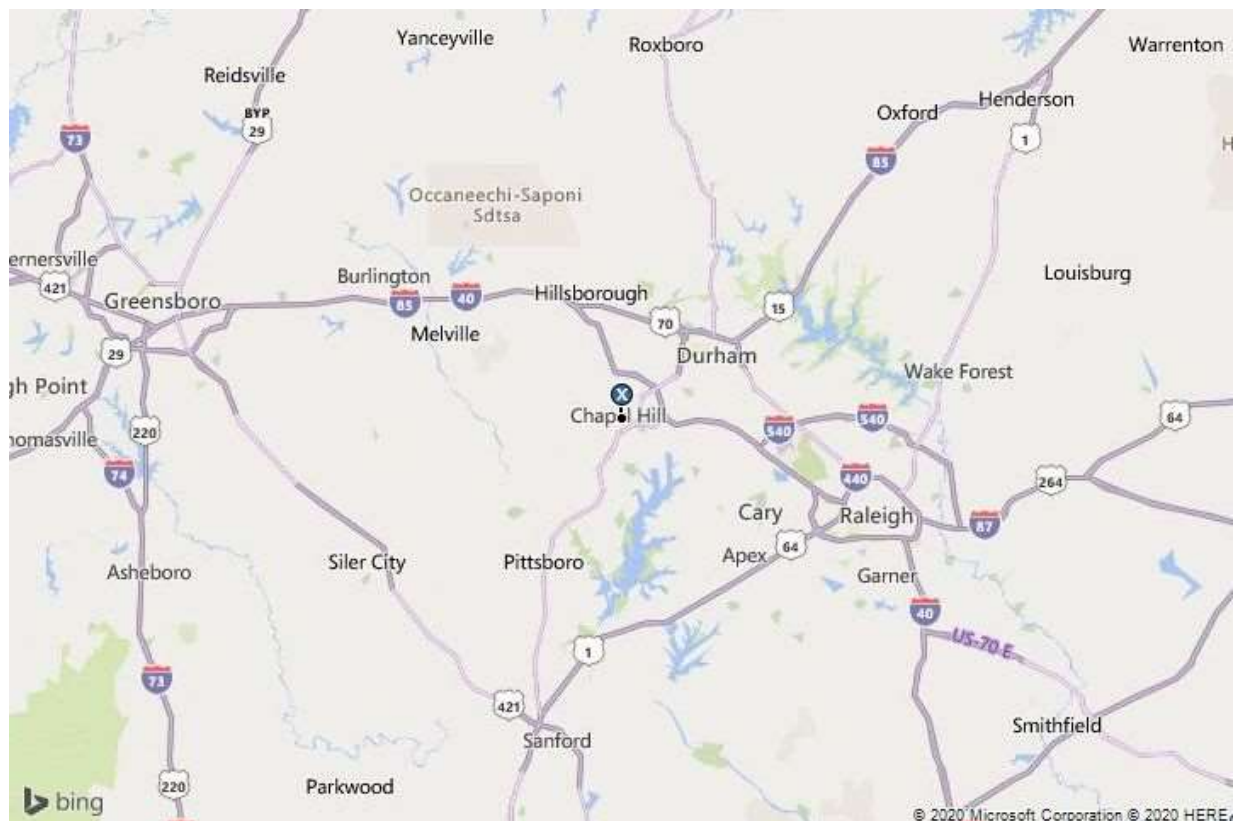


Source: Environics Analytics

Conclusion

The Orange County economy will benefit from a growing population base and higher income and education levels. Orange County experienced growth in the number of jobs and has maintained a consistently lower unemployment rate than North Carolina over the past decade. Moreover, Orange County benefits from being part of the Durham MSA, which generates a higher level of GDP per capita than the nation overall. We anticipate that the Orange County economy will improve and employment will grow, strengthening the demand for real estate.

Area Map



Surrounding Area Analysis

Location

The subject is located in the southern portion of Orange County, within the downtown submarket of the Town of Chapel Hill.

Access and Linkages

Primary highway access to the area is via Interstate 40 (I-40), which traverses through Orange County in an east/west direction. Access to the subject from I-40 is provided by US-15/501 (Fordham Boulevard), within 10 minutes driving time from the subject. Public transportation is provided by Chapel Hill Transit, which provides free bus access throughout the Chapel Hill-Carrboro submarket. Overall, the primary mode of transportation in the area is the automobile.

Demand Generators

The most significant demand generator impacting the subject is its location in the core of downtown Chapel Hill. The property is located one city block away from the town's primary intersection of Franklin Street and Columbia Street. This area contains a concentration of high-density development including multiple retail/restaurant uses, multifamily developments, hotels, and mixed-use buildings. These uses are all supported by the University of North Carolina at Chapel Hill, which is located along the south side of Franklin Street, approximately 800 feet from the subject. The subject's proximity to the university and its high-density development potential dramatically increase the property's marketability.

It is also noted that the subject is located in a corner of an opportunity zone, which are defined as "economically-distressed communities where new investments, under certain conditions, may be eligible for preferential tax treatment." The subject's location is not economically distressed but is included on the periphery of a census tract that is designated as an opportunity zone that includes other inferior areas of Chapel Hill. Investing real estate within an opportunity zone allows a buyer to defer taxes on previously earned capital gains and permanently exclude income from new gains, as well as other tax benefits. Therefore, the subject's location within this zone allows a developer to reap tax benefits without investing in a distressed market, and thus enhances the subject's marketability.

Demographics

A demographic profile of the surrounding area, including population, households, and income data, is presented in the following table.

Surrounding Area Demographics					
2020 Estimates	1-Mile Radius	3-Mile Radius	5-Mile Radius	Orange County, NC North Carolina	
Population 2010	16,378	66,082	99,264	133,801	9,535,483
Population 2020	16,674	70,895	111,438	147,586	10,545,270
Population 2025	17,257	74,209	118,143	155,526	11,084,066
Compound % Change 2010-2020	0.2%	0.7%	1.2%	1.0%	1.0%
Compound % Change 2020-2025	0.7%	0.9%	1.2%	1.1%	1.0%
Households 2010	4,286	24,930	39,003	51,457	3,745,155
Households 2020	4,680	27,033	44,118	56,853	4,152,345
Households 2025	4,900	28,309	46,800	59,849	4,371,606
Compound % Change 2010-2020	0.9%	0.8%	1.2%	1.0%	1.0%
Compound % Change 2020-2025	0.9%	0.9%	1.2%	1.0%	1.0%
Median Household Income 2020	\$41,063	\$67,292	\$79,342	\$75,873	\$57,438
Average Household Size	2.4	2.3	2.4	2.5	2.5
College Graduate %	68%	70%	70%	57%	31%
Median Age	23	30	34	36	39
Owner Occupied %	27%	44%	52%	61%	67%
Renter Occupied %	73%	56%	48%	39%	33%
Median Owner Occupied Housing Value	\$418,209	\$419,884	\$419,033	\$319,461	\$191,720
Median Year Structure Built	1974	1984	1989	1988	1989
Average Travel Time to Work in Minutes	21	23	24	26	27
Source: Environics Analytics					

As shown above, the current population within a 3-mile radius of the subject is 70,895, and the average household size is 2.3. Population in the area has grown since the 2010 census, and this trend is projected to continue over the next five years. Compared to Orange County overall, the population within a 3-mile radius is projected to grow at a slower rate.

Median household income is \$67,292, which is lower than the household income for Orange County. Residents within a 3-mile radius have a considerably higher level of educational attainment than those of Orange County, while median owner-occupied home values are considerably higher.

Land Use

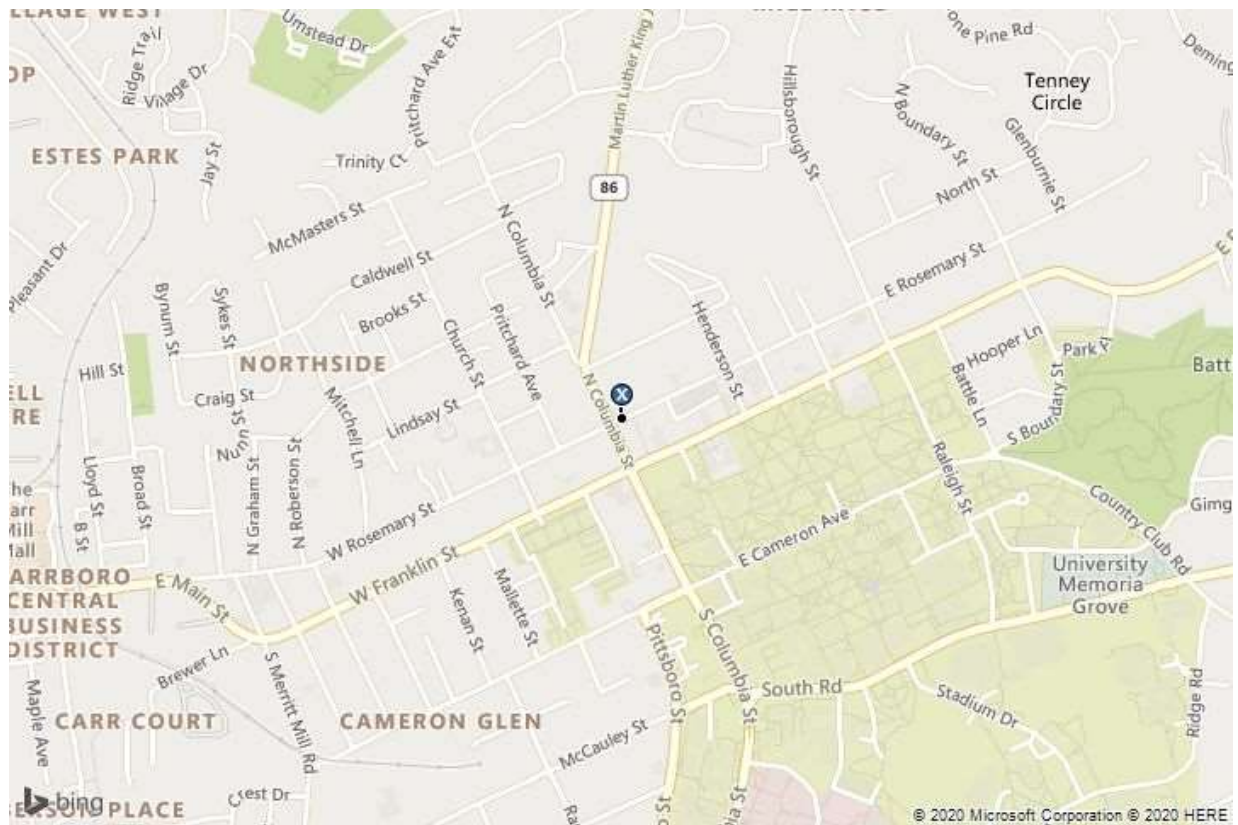
The area is urban in character and approximately 95% developed.

Predominant land uses in the area include multiple historic mixed-use properties and single-family residential to the north. During the last five years, development has been predominantly of mixed-use retail/multifamily uses. The pace of development has generally accelerated over this time.

Outlook and Conclusions

The area is in the growth stage of its life cycle. We anticipate that property values will increase in the near future.

Surrounding Area Map



Property Analysis

Land Description and Analysis

Land Description		
Land Area	0.81 acres; 35,284 SF	
Source of Land Area	Public Records	
Primary Street Frontage	W. Rosemary St. - 164 feet	
Shape	Rectangular	
Corner	No	
Rail Access	No	
Water/Port Access	No	
Topography	Generally level and at street grade	
Drainage	No problems reported or observed	
Environmental Hazards	None reported or observed	
Ground Stability	No problems reported or observed	
Flood Area Panel Number	37135C9788K	
Date	November 17, 2017	
Zone	X	
Description	Outside of 500-year floodplain	
Insurance Required?	No	
Zoning; Other Regulations		
Zoning Jurisdiction	Town of Chapel Hill	
Zoning Designation	TC-2	
Description	Town Center	
Legally Conforming?	Appears to be legally conforming	
Zoning Change Likely?	No	
Permitted Uses	The town center (TC) districts are intended to provide for the development of the commercial, service, and social center of Chapel Hill while maintaining its character, its pedestrian-oriented scale, and its nature as a concentration of business, administrative, financial, governmental, and support functions serving the community; and to encourage further residential development in the central area of Chapel Hill.	
Minimum Lot Area	None	
Minimum Street Frontage (Feet)	12'	
Minimum Lot Width (Feet)	15'	
Minimum Lot Depth (Feet)	0	
Minimum Setbacks (Feet)	None; 8' against residential zone to the north	
Maximum Building Height	44' (at setback); 90' (at core)	
Maximum Site Coverage	None	
Maximum Floor Area Ratio	1.97	
Parking Requirement	1 per 1 BR unit, 1.25 per 2 BR unit, & 1.50 per 3 BR unit	
Other Land Use Regulations	None	
Utilities		
Service	Provider	Adequacy
Water	Orange County Water and Sewer Authority (OWASA)	Presumed adequate
Sewer	Orange County Water and Sewer Authority (OWASA)	Presumed adequate
Electricity	Duke Energy	Presumed adequate
Natural Gas	Dominion Energy	Presumed adequate
Local Phone	Various Providers	Presumed adequate

We are not experts in the interpretation of zoning ordinances. An appropriately qualified land use attorney should be engaged if a determination of compliance with zoning is required.

Potential Development Density

We note that the sellers have received two yield studies of the subject site, prepared by Ratio Architecture, that illustrate the subject's development potential considering the zoning requirements shown above. The studies vary in density to allow for options in dealing with the easements that run through the property, but both are considered to be possible developments on the subject site.

Based on these studies, the lower density option, which includes a side setback to allow for a utility easement, the site could be developed with a 65,250 square foot student housing property with 128 bedrooms in 32 apartments, as well as a 20,700 square foot parking deck at podium level.

Under the higher density scenario, which does not include a setback for utility easements, the site could be developed with a 68,130 square foot student housing property with 220 bedrooms in 55 apartments, as well as a 32,000 square foot parking deck at podium level.

Both of these development options are judged to be physically possible and legally permissible, although it is noted that the yield studies are considered to be conservative estimates of the subject's development potential. **As such, the figures cited do not necessarily reflect the maximally productive use of the site. Nevertheless, they reflect a reasonable development potential for the site, and are therefore referenced in our appraisal.**

We note that the Town has reportedly indicated to the ownership that no additional student housing would be approved in the area. However, the subject's broker commented that similar student housing developments have faced similar challenges to their legally permissible uses under their zoning designations and have been able to overcome these through legal means. It is therefore believed that student housing could be legally built on the site.

It is believed that the utility easements that currently bisects the property could be rerouted at minimal cost to allow for development of the site, considering that substantial site work would already be required to develop the property. Although we value the subject on a per square foot basis, we utilize the results of these yield studies in our residual analysis of the subject's potential development.

Rent Control Regulations

The subject is not affected by any type of regulation that would restrict the amount of rent that the owner can charge to tenants.

Easements, Encroachments and Restrictions

We were not provided a current title report to review. We note that the subject is reportedly encumbered by a sanitary sewer and a drainage easement that extend through the subject site in a north/south direction. It is unclear if development is permitted on top of these lines, although it is believed that the lines could be rerouted to the perimeter of the property during construction of any future improvements at negligible additional cost. Additionally, the area encumbered by these easements can be utilized in the FAR calculation, and therefore has not material impact on the size of the potential development that could be built on the site. As such, these easements are not judged to have a significant impact on the subject's value.

We are not aware of any other easements, encroachments, or restrictions that would adversely affect value. Our valuation assumes no adverse impacts from easements, encroachments, or restrictions, and further assumes that the subject has clear and marketable title.

Conclusion of Land Analysis

Overall, the physical characteristics of the site and the availability of utilities result in functional utility suitable for a variety of uses including those permitted by zoning. We are not aware of any other particular restrictions on development.



View of the subject site
(Photo Taken on July 2, 2020)



View of the subject site
(Photo Taken on July 2, 2020)



View of the subject site
(Photo Taken on July 2, 2020)



View of the subject site
(Photo Taken on July 2, 2020)

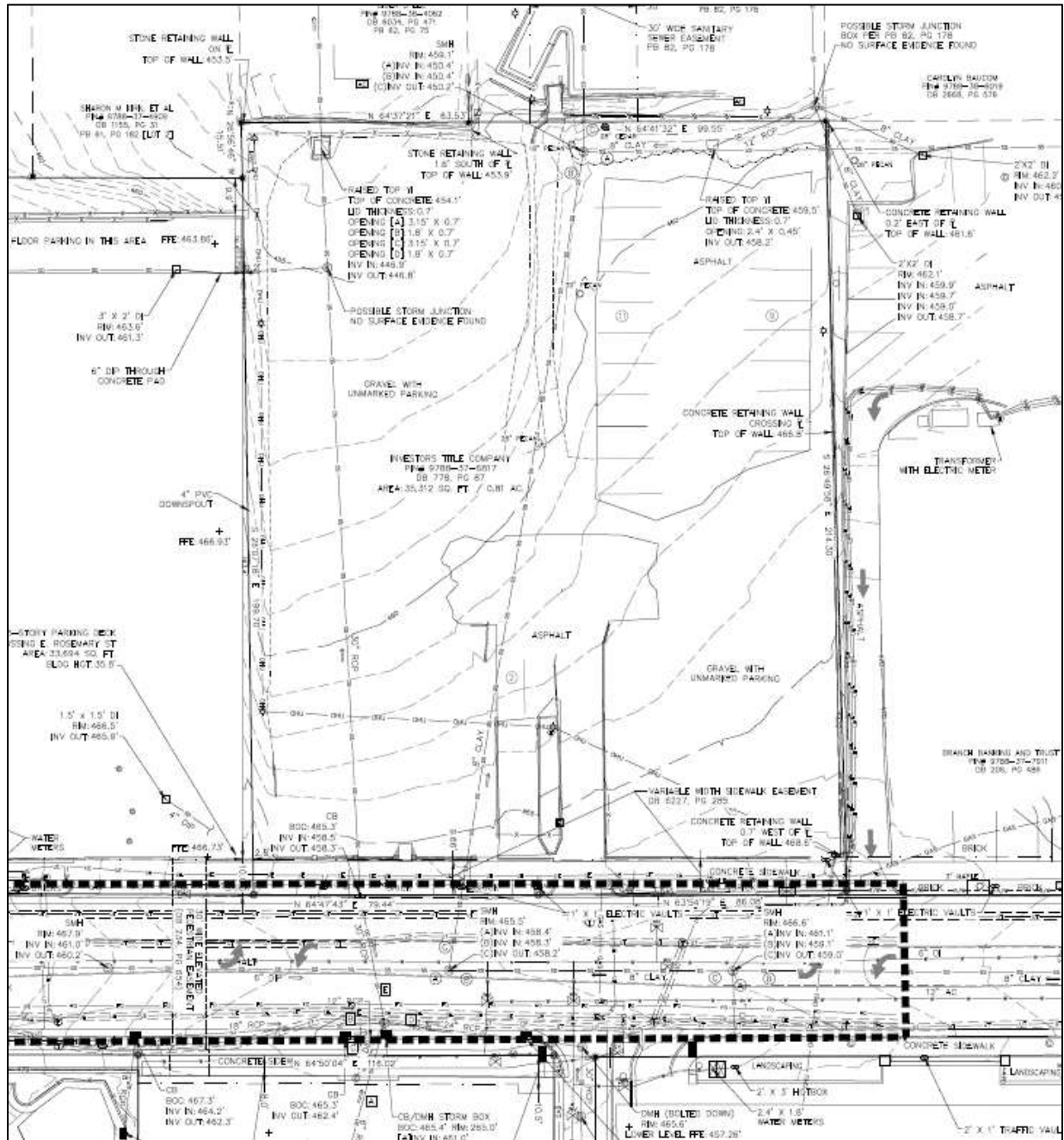


Street view facing northeast on W. Rosemary Street
(Photo Taken on July 2, 2020)

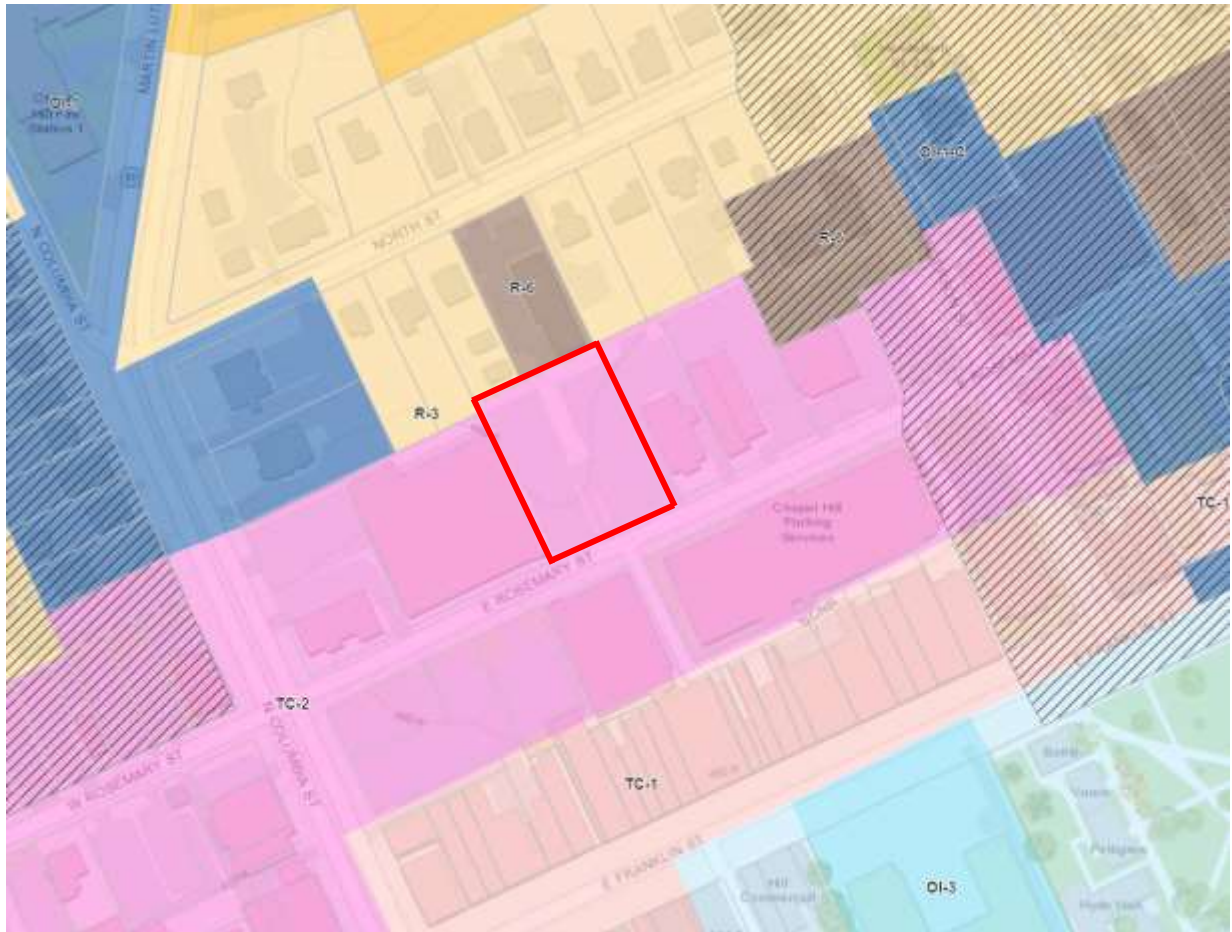


Street view facing southwest on W. Rosemary Street
(Photo Taken on July 2, 2020)

Survey



Zoning Map



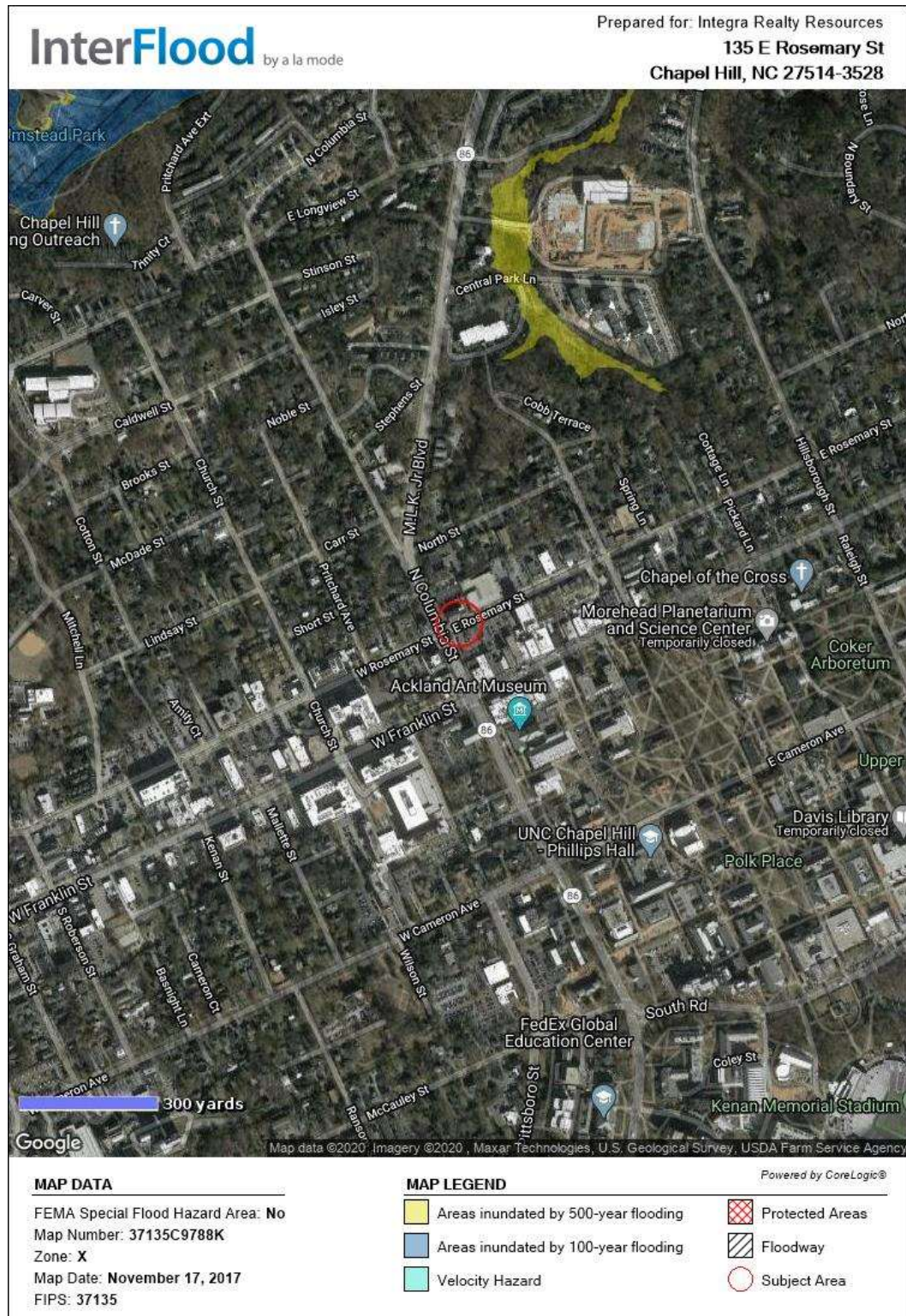
Topographical Map



Aerial Map



Flood Map



Real Estate Taxes

The subject property is assessed by Orange County. The most recent revaluation in Orange County took effect in January 2017. The next revaluation is scheduled to take effect in January 2021. The subject is located within Orange County, and is situated inside the town of Chapel Hill. Therefore, the subject is obligated for Orange County, Town of Chapel Hill, Chapel Hill-Carrboro School District, and Downtown Chapel Hill taxes. The combined tax rate for 2020 is \$1.6837 per \$100 of assessed value. Real estate taxes and assessments for the current tax year are shown in the following table.

Taxes and Assessments - 2020							
Tax ID	Assessed Value			Taxes and Assessments			
	Land	Improvements	Total	Ad Valorem			Total
				Tax Rate	Taxes	Direct Assessments	
9788-37-6817	\$1,741,600	\$0	\$1,741,600	1.6837%	\$29,323	\$0	\$29,323

Based on the concluded market value of the subject, the assessed value is extremely low.

Highest and Best Use

Process

Before a property can be valued, an opinion of highest and best use must be developed for the subject site, both as vacant, and as improved. By definition, the highest and best use must be:

- Physically possible.
- Legally permissible under the zoning regulations and other restrictions that apply to the site.
- Financially feasible.
- Maximally productive, i.e., capable of producing the highest value from among the permissible, possible, and financially feasible uses.

As Vacant

Physically Possible

The physical characteristics of the site do not appear to impose any unusual restrictions on development. Overall, the physical characteristics of the site and the availability of utilities result in functional utility suitable for a variety of uses.

Legally Permissible

The site is zoned TC-2, Town Center. According to the Town of Chapel Hill, the town center (TC) districts are intended to provide for the development of the commercial, service, and social center of Chapel Hill while maintaining its character, its pedestrian-oriented scale, and its nature as a concentration of business, administrative, financial, governmental, and support functions serving the community; and to encourage further residential development in the central area of Chapel Hill. To our knowledge, there are no legal restrictions such as easements or deed restrictions that would effectively limit the use of the property. Given prevailing land use patterns in the area, only mixed use is given further consideration in determining highest and best use of the site, as though vacant.

Financially Feasible

Based on our analysis of the market, there is currently adequate demand for mixed use in the subject's area. It appears that a newly developed mixed use on the site would have a value commensurate with its cost. Therefore, mixed use is considered to be financially feasible.

Maximally Productive

There does not appear to be any reasonably probable use of the site that would generate a higher residual land value than mixed use. Accordingly, it is our opinion that mixed use, developed to the normal market density level permitted by zoning, is the maximally productive use of the property.

Conclusion

Development of the site for mixed use is the only use that meets the four tests of highest and best use. Therefore, it is concluded to be the highest and best use of the property as vacant.

As Improved

No vertical improvements are situated on the subject. Therefore, a highest and best analysis as improved is not applicable. The subject has historically been used as a parking lot to service the surrounding developments, although this use is not the highest and best use of the property and the

Most Probable Buyer

Taking into account the functional utility of the site and area development trends, the probable buyer is a developer.

Valuation

Valuation Methodology

Appraisers usually consider three approaches to estimating the market value of real property. These are the cost approach, sales comparison approach and the income capitalization approach.

The **cost approach** assumes that the informed purchaser would pay no more than the cost of producing a substitute property with the same utility. This approach is particularly applicable when the improvements being appraised are relatively new and represent the highest and best use of the land or when the property has unique or specialized improvements for which there is little or no sales data from comparable properties.

The **sales comparison approach** assumes that an informed purchaser would pay no more for a property than the cost of acquiring another existing property with the same utility. This approach is especially appropriate when an active market provides sufficient reliable data. The sales comparison approach is less reliable in an inactive market or when estimating the value of properties for which no directly comparable sales data is available. The sales comparison approach is often relied upon for owner-user properties.

The **income capitalization approach** reflects the market's perception of a relationship between a property's potential income and its market value. This approach converts the anticipated net income from ownership of a property into a value indication through capitalization. The primary methods are direct capitalization and discounted cash flow analysis, with one or both methods applied, as appropriate. This approach is widely used in appraising income-producing properties.

Reconciliation of the various indications into a conclusion of value is based on an evaluation of the quantity and quality of available data in each approach and the applicability of each approach to the property type.

The methodology employed in this assignment is summarized as follows:

Approaches to Value		
Approach	Applicability to Subject	Use in Assignment
Cost Approach	Not Applicable	Not Utilized
Sales Comparison Approach	Applicable	Utilized
Income Capitalization Approach	Not Applicable	Not Utilized

Sales Comparison Approach

To develop an opinion of the subject's land value, as if vacant and available to be developed to its highest and best use, we utilize the sales comparison approach. This approach develops an indication of value by researching, verifying, and analyzing sales of similar properties.

Our sales research focused on transactions within the following parameters:

- Location: Downtown locations in the Triangle with close proximity to major universities
- Size: Smaller than 3.0 acres
- Use: Mixed-Use Development
- Transaction Date: January 2016 to present

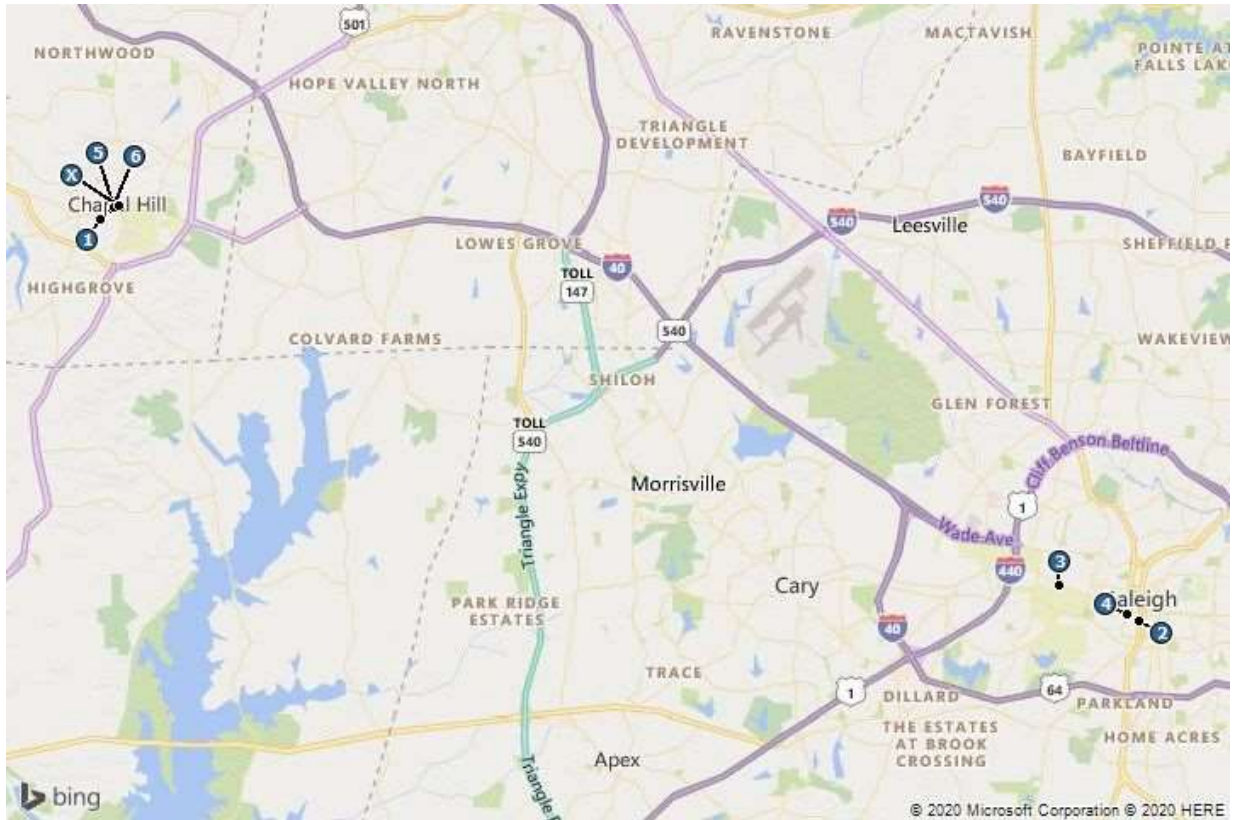
After an extensive search for comparable sales within the downtown Chapel Hill market, only three comparable sales were found, two of which were over three years old. Therefore, we expanded our search to include other downtown areas in the region with similar demographics and access to large universities. These alternative market areas would likely generate similar rents to a landlord and have similar highest and best uses. As such, the return to a developer would be relatively consistent with these areas and the land prices would therefore indicate similar values to that of the subject.

For this analysis, we use price per square foot as the appropriate unit of comparison because market participants typically compare sale prices and property values on this basis. The most relevant sales are summarized in the following table.

Summary of Comparable Land Sales							
No.	Name/Address	Sale Date; Status	Effective Sale Price	SF; Acres	Zoning	\$/SF Land	\$/Acre
1	Former News and Observer Site 505 W. Franklin St. Chapel Hill Orange County NC <i>Comments: Arm's length. Site is being purchased for redevelopment of a mixed-use property. Sale is not contingent upon receiving any entitlements or approvals. Site is improved with a 22,643 square foot building and is known to suffer from environmental contamination. Effective sale price includes estimated demolition costs of \$4.00 per SF of existing improvements (22,643 SF) and estimated remediation costs of \$175,000, as indicated by the broker.</i>	Aug-20 In-Contract	\$5,065,572	34,848 0.80	Town Center Business	\$145.36	\$6,331,965
2	Land - .78 Acres 321, 327 W. Hargett St. Raleigh Wake County NC	Jul-19 Closed	\$6,400,000	33,977 0.78	Downtown Mixed Use	\$188.36	\$8,205,128
3	Land - 2.46 Acres Daisy St, Hillsborough St, Dixie Trail Raleigh Wake County NC <i>Comments: Sales records documented on 7 deeds in book 17354. Page 1162 (Dixie Hill Group, LLC for \$2,250,000), page 1165 (Jean P. Hunt for \$1,500,000), page 1170 (Melissa E. Griffin for \$1,250,000), page 1174 (James N. Sarantos et.al. for \$1,461,000), page 1179 (Farris, Inc. for \$1,750,000), page 1183 (The Complete Computer Store of Raleigh, Inc. for \$3,100,000), and page 1188 (Dennis Sebesan et.ux. for \$900,000). Total Sale's price: \$12,211,000.</i>	Feb-19 Closed	\$12,211,000	107,158 2.46	Residential, Office / Neighborhood Mixed Use	\$113.95	\$4,963,821
4	Land - 0.4291 Acres 701 Hillsborough St. & 12 S Boylan Ave. Raleigh Wake County NC <i>Comments: Site bought to be part of a second phase to the One Glenwood Mixed Use Development.</i>	Oct-18 Closed	\$2,430,000	18,692 0.43	Neighborhood Mixed Use - 7 Stories - Urban Limited	\$130.00	\$5,663,016
5	AC Hotel Site 212 W. Rosemary St. Chapel Hill Orange County NC <i>Comments: Arm's length sale. Purchased for the development of a 123-room hotel property. Site was improved with three single-family residences, which were demolished shortly after the sale for a negligible cost. Site was entitled for development at the time of sale, which contributed substantial value. Buyer commented that the price is reflective of the site's market value.</i>	Jun-16 Closed	\$3,250,000	31,363 0.72	Town Center 2	\$103.62	\$4,513,889
6	Land - 0.58 Acres 109 Church St. Chapel Hill Orange County NC <i>Comments: Arm's length sale. The buyer signed a 5-year lease for the building immediately following the sale, with the long-term plan to combine with other adjacent properties and redevelop. The interim income from the lease offsets the demolition and holding costs.</i>	Mar-16 Closed	\$2,000,000	25,265 0.58	Town Center	\$79.16	\$3,448,276
Subject				35,284	Town Center		
Parking Lot				0.81			
Chapel Hill, NC							

Please note that we have confirmed with a local broker that the property located at 505 W. Franklin Street, Chapel Hill, NC will be going under contract imminently, and the pricing of the sale has reportedly been agreed upon by both the buyer and seller. The purchase agreement has not yet been signed and the terms still under negotiation relate to the handling of the known environmental contamination. We have included this transaction in the analysis above because it is the most recent market indicator and reflects local market conditions in downtown Chapel Hill, and have considered the pending status in our reconciliation. According to the seller's broker, the seller has three backup offers from legitimate buyers at or above the pending contract price.

Comparable Land Sales Map





Sale 1
Former News and Observer Site



Sale 2
Land - .78 Acres



Sale 3
Land - 2.46 Acres



Sale 4
Land - 0.4291 Acres



Sale 5
AC Hotel Site



Sale 6
Land - 0.58 Acres

Parking Lot



Analysis and Adjustment of Sales

The sales are compared to the subject and adjusted to account for material differences that affect value. Adjustments are considered for the following factors, in the sequence shown below.

Adjustment Factor	Accounts For	Comments
Effective Sale Price	Atypical economics of a transaction, such as demolition cost or expenditures by buyer at time of purchase.	Sale 1 received an upward adjustment for demolition and remediation costs required to redevelop the site.
Real Property Rights	Fee simple, leased fee, leasehold, partial interest, etc.	No adjustments necessary.
Financing Terms	Seller financing, or assumption of existing financing, at non-market terms.	No adjustments necessary.
Conditions of Sale	Extraordinary motivation of buyer or seller, assemblage, forced sale.	No adjustments necessary.
Market Conditions	Changes in the economic environment over time that affect the appreciation and depreciation of real estate.	All sales received an upward adjustment of 5.0% per year to account for rapidly increasing urban land prices across the subject's MSA.
Location	Market or submarket area influences on sale price; surrounding land use influences.	Sale 1 received an upward adjustment for being located further from the UNC-Chapel Hill campus when compared to the subject. Sale 2 received a downward adjustment for being located within the core of the Raleigh CBD, which is a superior submarket when compared to the subject. Sales 5 and 6 received upward adjustments for not being located within an opportunity zone, which slightly reduces their marketability. We note that Sales 3 and 4 are also not located within an opportunity zone, although the location adjustments are offset by being in a slightly superior market with lower barriers to entry when compared to the Chapel Hill submarket.

Adjustment Factor	Accounts For	Comments
Access/Exposure	Convenience to transportation facilities; ease of site access; visibility; traffic counts.	No adjustments necessary.
Size	Inverse relationship that often exists between parcel size and unit value.	Sale 3 received an upward adjustment for being larger than the subject.
Shape and Topography	Primary physical factors that affect the utility of a site for its highest and best use.	No adjustments necessary.
Zoning	Government regulations that affect the types and intensities of uses allowable on a site.	Sale 2 received a downward adjustment for having superior zoning designations that allow for development up to 12 stories. Sale 6 received an upward adjustment for having an inferior zoning designation that is more restrictive when compared to the subject's zoning.
Entitlements	The specific level of governmental approvals attained pertaining to development of a site.	No adjustments necessary.

The following table summarizes the adjustments we make to each sale.

Land Sales Adjustment Grid							
	Subject	Comparable 1	Comparable 2	Comparable 3	Comparable 4	Comparable 5	Comparable 6
Name	Parking Lot	Former News and Observer Site	Land - .78 Acres	Land - 2.46 Acres	Land - 0.4291 Acres	AC Hotel Site	Land - 0.58 Acres
Address	135 E. Rosemary St.	505 W. Franklin St.	321, 327 W. Hargett St.	Daisy St, Hillsborough St, Dixie Trail	701 Hillsborough St. & 12 S Boylan Ave.	212 W. Rosemary St.	109 Church St.
City	Chapel Hill	Chapel Hill	Raleigh	Raleigh	Raleigh	Chapel Hill	Chapel Hill
County	Orange	Orange	Wake	Wake	Wake	Orange	Orange
State	North Carolina	NC	NC	NC	NC	NC	NC
Sale Date		Aug-20	Jul-19	Feb-19	Oct-18	Jun-16	Mar-16
Sale Status		In-Contract	Closed	Closed	Closed	Closed	Closed
Sale Price		\$4,800,000	\$6,400,000	\$12,211,000	\$2,430,000	\$3,250,000	\$2,000,000
Other Adjustment		\$265,572	\$0	\$0	\$0	\$0	\$0
Description of Adjustment		Demolition & remediation costs	N/A	N/A	N/A	N/A	N/A
Effective Sale Price		\$5,065,572	\$6,400,000	\$12,211,000	\$2,430,000	\$3,250,000	\$2,000,000
Square Feet	35,284	34,848	33,977	107,158	18,692	31,363	25,265
Acres	0.81	0.80	0.78	2.46	0.43	0.72	0.58
Zoning Code	TC-2	TC-2 /Chapel Hill	DX-12-SH /Raleigh	R-6, OX-3-DE, NX-3-UG /Raleigh	NX-7-UL (Raleigh)	TC-2	TC-1 (Chapel Hill)
Price per Square Foot		\$145.36	\$188.36	\$113.95	\$130.00	\$103.62	\$79.16
Property Rights		Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
% Adjustment		—	—	—	—	—	—
Financing Terms		Cash to seller	Cash to seller	Cash to seller	Cash to seller	Cash to seller	Cash to seller
% Adjustment		—	—	—	—	—	—
Conditions of Sale		Arm's Length	Arm's Length	Arm's Length	Arm's Length	Arm's Length	Arm's Length
% Adjustment		—	—	—	—	—	—
Market Conditions	7/2/2020	Aug-20	Jul-19	Feb-19	Oct-18	Jun-16	Mar-16
Annual % Adjustment	5%	—	5%	7%	8%	20%	21%
Cumulative Adjusted Price		\$145.36	\$197.78	\$121.93	\$140.40	\$124.35	\$95.78
Location		5%	-10%	—	—	5%	5%
Access/Exposure		—	—	—	—	—	—
Size		—	—	10%	—	—	—
Shape and Topography		—	—	—	—	—	—
Zoning		—	-10%	—	—	—	10%
Entitlements		—	—	—	—	—	—
Net \$ Adjustment		\$7.27	-\$39.56	\$12.19	\$0.00	\$6.22	\$14.37
Net % Adjustment		5%	-20%	10%	0%	5%	15%
Final Adjusted Price		\$152.63	\$158.23	\$134.12	\$140.40	\$130.57	\$110.15
Overall Adjustment		5%	-16%	18%	8%	26%	39%
Range of Adjusted Prices		\$110.15 - \$158.23					
Average		\$137.68					
Indicated Value		\$145.00					

Please note that the impacts of COVID-19 and the subsequent economic downturn have adversely affected the national economy. However, the subject's market is positioned better than most metro areas, with good population and job growth in strong sectors. Additionally, the subject is vacant land, and the land market has not been materially impacted by the COVID-19 pandemic. For these reasons, no downward adjustment is necessary to account for the impacts of COVID-19.

Land Value Conclusion

Prior to adjustment, the sales reflect a range of \$79.16 - \$188.36 per square foot. After adjustment, the range is narrowed to \$110.15 - \$158.23 per square foot, with an average of \$137.68 per square foot. We give greatest weight to Sale 1, as it is the most recent indicator, it received the least gross adjustment and is located within the subject's submarket, although our reliance is slightly decreased because the sale contract has not yet been signed. Secondary weight is given to Sales 2, 3, and 4 for requiring more gross adjustment. Least emphasis is given to Sales 5 and 6. Although these sales are within the Chapel Hill submarket, they are the oldest sales and do not reflect the current behavior of market participants. As such, we arrive at a land value conclusion as follows:

Land Value Conclusion	
Indicated Value per Square Foot	\$145.00
Subject Square Feet	35,284
Indicated Value	\$5,116,122
Rounded	\$5,120,000

As previously discussed, the ownership received two unsolicited offers to purchase the property in June 2020 ranging from \$4,500,000 to \$5,000,000, or \$127.54 to \$141.71 per square foot of land area. These offers were contingent upon the buyers receiving entitlements and approvals of proposed student housing developments. Nevertheless, the property was not actively marketed, and it is believed that a slightly higher offer could be obtained through listing the property openly that is not contingent upon any approvals being acquired, particularly because of the planned development in immediate proximity to the subject.

Land Residual Method

As secondary support, we consider the residual value implied by the yield studies provided. The following table shows the actual construction costs and extracted land values for two recently built and sold student housing developments in close proximity to the NC State campus in Raleigh, NC.

Land Valuation - Extraction Method				
Line		Student Housing, Raleigh, NC	Student Housing, Raleigh, NC	Notes/Comments
1	Year Built	2018	2013	
2	Year Sold	2019	2019	
3	Units (Beds)	525	162	
4	Development Costs (Excluding Land)	\$41,218,340	\$6,514,180	Actual Development Costs
5	Development Costs per Bed	\$78,511	\$40,211	Line 4 ÷ Line 3
6	NOI per Bed	\$5,616	\$4,042	Actual NOI at Time of Sale
7	Cap Rate	4.80%	5.42%	Actual Cap Rate
8	Sale Price per Bed	\$117,000	\$74,580	Actual Sale Price
9	Extracted Land Value per Bed	\$38,489	\$34,369	Line 8 - Line 5
	Reconciled	\$36,000		

Based on the information shown above, the extracted land values from the sales range from \$34,369 to \$38,489 per bed of a proposed student housing development (prior to considering the entrepreneurial profit), reconciled to \$36,000 per bed, consistent with the rounded average of the two indicators. This is then applied to the results of the subject's yield studies in the following table to indicate a value of the subject per square foot of land.

Land Valuation - Residual Method Application			
		SUBJECT SCENARIO #1 (Lower Density)	SUBJECT SCENARIO #2 (Higher Density)
Indicated Land Value per Bed		\$36,000	\$36,000
Bedrooms		128	220
Indicated Land Value		\$4,608,000	\$7,920,000
Less: Entrepreneurial Profit	12%	\$552,960	20% \$1,584,000
Indicated Land Value with Profit Factor		\$4,055,040	\$6,336,000
Subject Size (SF-Land)		35,284	35,284
Indicated Land Value per SF		\$114.93	\$179.57

As shown above, we apply varying entrepreneurial profit factors to the two development scenarios. The higher density development receives a higher entrepreneurial profit factor to account for the higher initial capital outlay required, as well as the risk of achieving the proposed development density. When the derived land values per bedroom are applied to the bedroom counts indicated by the yield studies and divided by the subject's land area, the analysis indicates a wide range of \$114.93 to \$179.57 per square foot of land that a developer could pay for the subject and achieve an adequate profit to incentivize development.

As an alternate way to consider the residual analysis, we have analyzed the calculated land price that could be paid for the subject's land to achieve yield thresholds based on the total units that could be built on the subject site. We note that The Warehouse, a 219-bedroom student housing property built in 2002 on Rosemary Street in Chapel Hill sold for \$115,392 per bedroom in 2019. Adjusting upward for age/condition by 10.0%, we estimate that a student housing development at the property could sell for approximately \$125,000 per bedroom. Based on the construction costs of the 525-bedroom 2018-built property in Raleigh, NC shown in a prior table (which had similar height restrictions and parking requirements to the subject), we estimate that a development could be constructed for \$80,000 per bedroom (excluding land price and entrepreneurial profit). Using these approximate figures, we have analyzed the calculated price that could be paid for the subject's land to achieve specified yield thresholds based on the total units that could be built on the subject site. These are shown in the following matrix.

Land Residual Yield Matrix									
	Yield Requirement								
	10.0%	12.5%	15.0%	17.5%	20.0%	22.5%	25.0%	27.5%	30.0%
120	\$125.84	\$119.04	\$112.23	\$105.43	\$98.63	\$91.83	\$85.03	\$78.22	\$71.42
130	\$136.32	\$128.96	\$121.59	\$114.22	\$106.85	\$99.48	\$92.11	\$84.74	\$77.37
140	\$146.81	\$138.87	\$130.94	\$123.00	\$115.07	\$107.13	\$99.20	\$91.26	\$83.32
150	\$157.30	\$148.79	\$140.29	\$131.79	\$123.29	\$114.78	\$106.28	\$97.78	\$89.28
160	\$167.78	\$158.71	\$149.64	\$140.58	\$131.51	\$122.44	\$113.37	\$104.30	\$95.23
170	\$178.27	\$168.63	\$159.00	\$149.36	\$139.72	\$130.09	\$120.45	\$110.82	\$101.18
180	\$188.76	\$178.55	\$168.35	\$158.15	\$147.94	\$137.74	\$127.54	\$117.33	\$107.13
190	\$199.24	\$188.47	\$177.70	\$166.93	\$156.16	\$145.39	\$134.62	\$123.85	\$113.08
200	\$209.73	\$198.39	\$187.06	\$175.72	\$164.38	\$153.05	\$141.71	\$130.37	\$119.04
210	\$220.22	\$208.31	\$196.41	\$184.50	\$172.60	\$160.70	\$148.79	\$136.89	\$124.99
220	\$230.70	\$218.23	\$205.76	\$193.29	\$180.82	\$168.35	\$155.88	\$143.41	\$130.94
230	\$241.19	\$228.15	\$215.11	\$202.08	\$189.04	\$176.00	\$162.97	\$149.93	\$136.89
240	\$251.67	\$238.07	\$224.47	\$210.86	\$197.26	\$183.65	\$170.05	\$156.45	\$142.84
250	\$262.16	\$247.99	\$233.82	\$219.65	\$205.48	\$191.31	\$177.14	\$162.97	\$148.79

As shown above, higher unit counts and lower yield thresholds result in higher land value indications. We note that the 525-bedroom 2018-built property in Raleigh, NC shown in a prior table achieved a profit yield of 19.9%, based on the actual development costs, land acquisition costs, and sale price of the improved property. Based on the conservative yield studies that indicated between 128 and 220 bedrooms could be developed on the site, a developer could reasonably pay between approximately \$107 and \$180 per square foot and achieve a profit of 20.0%, as highlighted in the table above. While this is a wide range of values, we note that the average and median of this range are both \$143.83 per square foot, within 0.81% of the unit value derived from the comparable sales.

It is noted that the preceding analyses are based on the yield studies and approximate estimates of development costs and values of completed student housing projects, which result in a very wide range because of the uncertainty of what the maximum number of units could be built on the site. As such, this method is given secondary weight. Nevertheless, we note that the values indicated by this analysis support the results of the direct sales comparison analysis and illustrate that a buyer could pay significantly more than what has historically been paid in the Chapel Hill submarket and still achieve a substantial profit.

Reconciliation and Conclusion of Value

As discussed previously, we use only the sales comparison approach in developing an opinion of value for the subject. The cost and income approaches are not applicable and are not used.

Based on the preceding valuation analysis and subject to the definitions, assumptions, and limiting conditions expressed in the report, our value opinion follows:

Value Conclusion			
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
Market Value As Is	Fee Simple	July 2, 2020	\$5,120,000

Extraordinary Assumptions and Hypothetical Conditions

The value conclusions are subject to the following extraordinary assumptions. An extraordinary assumption is an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions.

1. None

The value conclusions are based on the following hypothetical conditions. A hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.

1. None

The use of any extraordinary assumption or hypothetical condition may have affected the assignment results.

Exposure Time

Exposure time is the length of time the subject property would have been exposed for sale in the market had it sold on the effective valuation date at the concluded market value. Based on the concluded market value stated previously, it is our opinion that the probable exposure time is 3 to 6 months.

Marketing Period

Marketing time is an estimate of the amount of time it might take to sell a property at the concluded market value immediately following the effective date of value. We estimate the subject's marketing period at 3 to 6 months.

Certification

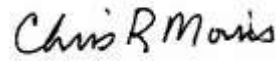
We certify that, to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. We have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding the agreement to perform this assignment.
5. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice as well as applicable state appraisal regulations.
9. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
10. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
11. Andrew W. Cable, MAI, made a personal inspection of the property that is the subject of this report. Chris R. Morris, MAI, FRICS, has personally inspected the subject.
12. No one provided significant real property appraisal assistance to the person(s) signing this certification.
13. We have experience in appraising properties similar to the subject and are in compliance with the Competency Rule of USPAP.

14. As of the date of this report, Andrew W. Cable, MAI and Chris R. Morris, MAI, FRICS have completed the continuing education program for Designated Members of the Appraisal Institute.



Andrew W. Cable, MAI
Certified General Real Estate Appraiser
North Carolina Certificate # A7810



Chris R. Morris, MAI, FRICS
State Certified General Real Estate Appraiser
North Carolina Certificate # A266

Assumptions and Limiting Conditions

This appraisal and any other work product related to this engagement are limited by the following standard assumptions, except as otherwise noted in the report:

1. The title is marketable and free and clear of all liens, encumbrances, encroachments, easements and restrictions. The property is under responsible ownership and competent management and is available for its highest and best use.
2. There are no existing judgments or pending or threatened litigation that could affect the value of the property.
3. There are no hidden or undisclosed conditions of the land or of the improvements that would render the property more or less valuable. Furthermore, there is no asbestos in the property.
4. The revenue stamps placed on any deed referenced herein to indicate the sale price are in correct relation to the actual dollar amount of the transaction.
5. The property is in compliance with all applicable building, environmental, zoning, and other federal, state and local laws, regulations and codes.
6. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.

This appraisal and any other work product related to this engagement are subject to the following limiting conditions, except as otherwise noted in the report:

1. An appraisal is inherently subjective and represents our opinion as to the value of the property appraised.
2. The conclusions stated in our appraisal apply only as of the effective date of the appraisal, and no representation is made as to the effect of subsequent events.
3. No changes in any federal, state or local laws, regulations or codes (including, without limitation, the Internal Revenue Code) are anticipated.
4. No environmental impact studies were either requested or made in conjunction with this appraisal, and we reserve the right to revise or rescind any of the value opinions based upon any subsequent environmental impact studies. If any environmental impact statement is required by law, the appraisal assumes that such statement will be favorable and will be approved by the appropriate regulatory bodies.
5. Unless otherwise agreed to in writing, we are not required to give testimony, respond to any subpoena or attend any court, governmental or other hearing with reference to the property without compensation relative to such additional employment.
6. We have made no survey of the property and assume no responsibility in connection with such matters. Any sketch or survey of the property included in this report is for illustrative purposes only and should not be considered to be scaled accurately for size. The appraisal

- covers the property as described in this report, and the areas and dimensions set forth are assumed to be correct.
7. No opinion is expressed as to the value of subsurface oil, gas or mineral rights, if any, and we have assumed that the property is not subject to surface entry for the exploration or removal of such materials, unless otherwise noted in our appraisal.
 8. We accept no responsibility for considerations requiring expertise in other fields. Such considerations include, but are not limited to, legal descriptions and other legal matters such as legal title, geologic considerations such as soils and seismic stability; and civil, mechanical, electrical, structural and other engineering and environmental matters. Such considerations may also include determinations of compliance with zoning and other federal, state, and local laws, regulations and codes.
 9. The distribution of the total valuation in the report between land and improvements applies only under the reported highest and best use of the property. The allocations of value for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used. The appraisal report shall be considered only in its entirety. No part of the appraisal report shall be utilized separately or out of context.
 10. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers, or any reference to the Appraisal Institute) shall be disseminated through advertising media, public relations media, news media or any other means of communication (including without limitation prospectuses, private offering memoranda and other offering material provided to prospective investors) without the prior written consent of the persons signing the report.
 11. Information, estimates and opinions contained in the report and obtained from third-party sources are assumed to be reliable and have not been independently verified.
 12. Any income and expense estimates contained in the appraisal report are used only for the purpose of estimating value and do not constitute predictions of future operating results.
 13. If the property is subject to one or more leases, any estimate of residual value contained in the appraisal may be particularly affected by significant changes in the condition of the economy, of the real estate industry, or of the appraised property at the time these leases expire or otherwise terminate.
 14. Unless otherwise stated in the report, no consideration has been given to personal property located on the premises or to the cost of moving or relocating such personal property; only the real property has been considered.
 15. The current purchasing power of the dollar is the basis for the values stated in the appraisal; we have assumed that no extreme fluctuations in economic cycles will occur.
 16. The values found herein are subject to these and to any other assumptions or conditions set forth in the body of this report but which may have been omitted from this list of Assumptions and Limiting Conditions.
 17. The analyses contained in the report necessarily incorporate numerous estimates and assumptions regarding property performance, general and local business and economic

- conditions, the absence of material changes in the competitive environment and other matters. Some estimates or assumptions, however, inevitably will not materialize, and unanticipated events and circumstances may occur; therefore, actual results achieved during the period covered by our analysis will vary from our estimates, and the variations may be material.
18. The Americans with Disabilities Act (ADA) became effective January 26, 1992. We have not made a specific survey or analysis of the property to determine whether the physical aspects of the improvements meet the ADA accessibility guidelines. We claim no expertise in ADA issues, and render no opinion regarding compliance of the subject with ADA regulations. Inasmuch as compliance matches each owner's financial ability with the cost to cure the non-conforming physical characteristics of a property, a specific study of both the owner's financial ability and the cost to cure any deficiencies would be needed for the Department of Justice to determine compliance.
 19. The appraisal report is prepared for the exclusive benefit of you, your subsidiaries and/or affiliates. It may not be used or relied upon by any other party. All parties who use or rely upon any information in the report without our written consent do so at their own risk.
 20. No studies have been provided to us indicating the presence or absence of hazardous materials on the subject property or in the improvements, and our valuation is predicated upon the assumption that the subject property is free and clear of any environment hazards including, without limitation, hazardous wastes, toxic substances and mold. No representations or warranties are made regarding the environmental condition of the subject property. IRR - Raleigh, Integra Realty Resources, Inc., and their respective officers, owners, managers, directors, agents, subcontractors or employees (the "Integra Parties"), shall not be responsible for any such environmental conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because we are not experts in the field of environmental conditions, the appraisal report cannot be considered as an environmental assessment of the subject property.
 21. The persons signing the report may have reviewed available flood maps and may have noted in the appraisal report whether the subject property is located in an identified Special Flood Hazard Area. However, we are not qualified to detect such areas and therefore do not guarantee such determinations. The presence of flood plain areas and/or wetlands may affect the value of the property, and the value conclusion is predicated on the assumption that wetlands are non-existent or minimal.
 22. We are not a building or environmental inspector. The Integra Parties do not guarantee that the subject property is free of defects or environmental problems. Mold may be present in the subject property and a professional inspection is recommended.
 23. The appraisal report and value conclusions for an appraisal assume the satisfactory completion of construction, repairs or alterations in a workmanlike manner.
 24. **IRR - Raleigh is an independently owned and operated company. The parties hereto agree that Integra shall not be liable for any claim arising out of or relating to any appraisal report or any information or opinions contained therein as such appraisal report is the sole and exclusive responsibility of IRR - Raleigh. In addition, it is expressly agreed that in any action**

- which may be brought against the Integra Parties arising out of, relating to, or in any way pertaining to the engagement letter, the appraisal reports or any related work product, the Integra Parties shall not be responsible or liable for any incidental or consequential damages or losses, unless the appraisal was fraudulent or prepared with intentional misconduct. It is further expressly agreed that the collective liability of the Integra Parties in any such action shall not exceed the fees paid for the preparation of the assignment (unless the appraisal was fraudulent or prepared with intentional misconduct). It is expressly agreed that the fees charged herein are in reliance upon the foregoing limitations of liability.**
25. IRR - Raleigh is an independently owned and operated company, which has prepared the appraisal for the specific intended use stated elsewhere in the report. The use of the appraisal report by anyone other than the Client is prohibited except as otherwise provided. Accordingly, the appraisal report is addressed to and shall be solely for the Client's use and benefit unless we provide our prior written consent. We expressly reserve the unrestricted right to withhold our consent to your disclosure of the appraisal report or any other work product related to the engagement (or any part thereof including, without limitation, conclusions of value and our identity), to any third parties. Stated again for clarification, unless our prior written consent is obtained, no third party may rely on the appraisal report (even if their reliance was foreseeable).
 26. The conclusions of this report are estimates based on known current trends and reasonably foreseeable future occurrences. These estimates are based partly on property information, data obtained in public records, interviews, existing trends, buyer-seller decision criteria in the current market, and research conducted by third parties, and such data are not always completely reliable. The Integra Parties are not responsible for these and other future occurrences that could not have reasonably been foreseen on the effective date of this assignment. Furthermore, it is inevitable that some assumptions will not materialize and that unanticipated events may occur that will likely affect actual performance. While we are of the opinion that our findings are reasonable based on current market conditions, we do not represent that these estimates will actually be achieved, as they are subject to considerable risk and uncertainty. Moreover, we assume competent and effective management and marketing for the duration of the projected holding period of this property.
 27. All prospective value opinions presented in this report are estimates and forecasts which are prospective in nature and are subject to considerable risk and uncertainty. In addition to the contingencies noted in the preceding paragraph, several events may occur that could substantially alter the outcome of our estimates such as, but not limited to changes in the economy, interest rates, and capitalization rates, behavior of consumers, investors and lenders, fire and other physical destruction, changes in title or conveyances of easements and deed restrictions, etc. It is assumed that conditions reasonably foreseeable at the present time are consistent or similar with the future.

29. The appraisal is also subject to the following:

Extraordinary Assumptions and Hypothetical Conditions

The value conclusions are subject to the following extraordinary assumptions. An extraordinary assumption is an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions.

1. None

The value conclusions are based on the following hypothetical conditions. A hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.

1. None

The use of any extraordinary assumption or hypothetical condition may have affected the assignment results.

Addendum A

Appraiser Qualifications

Andrew Cable, MAI

Experience

Director with Integra Realty Resources-Raleigh. Began appraisal career in June 2009, working for Springside Partners, LLC in Charlotte, NC assisting with appraisal reviews. Began conducting appraisals in February 2011 with HCP Advisors, Inc. in Austin, TX.

Experienced in valuation of a wide variety of property types including vacant land, industrial, single and multi-tenant retail properties, general and medical offices, subsidized and market rent multifamily properties, mixed-use developments, and several various special purpose properties.

Professional Activities & Affiliations

Appraisal Institute, Member (MAI) , September 2016

Licenses

North Carolina, State Certified General Real Estate Appraiser, A7810, Expires June 2021
Virginia, State Certified General Real Estate Appraiser, 4001017015, Expires April 2022

Education

Bachelor of Arts Degree, History; Davidson College Davidson, NC (2009)

Appraisal courses completed are as follows:

- Basic Appraisal Principles
- Basic Appraisal Procedures
- Residential Market Analysis & Highest and Best Use
- General Appraiser Market Analysis & Highest and Best Use
- USPAP, Uniform Standards of Professional Appraisal Practice
- General Appraiser Site Valuation and Cost Approach
- Real Estate Finance Statistics and Valuation Modeling
- General Appraiser Sales Comparison Approach
- General Appraiser Income Capitalization I
- General Appraiser Income Capitalization II
- Commercial Appraisal Review
- Advanced Income Capitalization
- Advanced Market Analysis and Highest & Best Use
- Advanced Concepts & Case Studies
- Quantitative Analysis
- Uniform Appraisal Standards for Federal Land Acquisitions
- Condemnation Appraising: Principles & Applications

Integra Realty Resources Raleigh

8382 Six Forks Rd.
Suite 200
Raleigh, NC 27615

T 919.847.1717
F 919.847.1714

irr.com



NORTH CAROLINA APPRAISAL BOARD
APPRAISER QUALIFICATION CARD
Expires June 30, 2021

REGISTRATION / LICENSE / CERTIFICATE HOLDER

20 **ANDREW W CABLE** 21

A7810 APPRAISER NUMBER G TYPE Y NATIONAL REGISTRY

A. Cable
APPRAISER'S SIGNATURE

Donald W. McGehee
EXECUTIVE DIRECTOR



Chris R. Morris, MAI, FRICS

Experience

Senior Managing Director of Integra Realty Resources Raleigh. Actively engaged in real estate since 1986. Joined Integra after 11 years as a Principal with Shaw Boykin & Morris in Raleigh, after 6 years as a Staff Appraiser with Shaw/Boykin & Associates. Worked for 6 years as a Staff Appraiser and Utilities Agent for the N.C. Department of Transportation in Charlotte and Raleigh. Broad range of experience in valuation and analysis of many types of real estate for purposes including financing, estate planning, ad valorem tax valuation, general litigation and eminent domain.

Professional Activities & Affiliations

Member: International Right of Way Association, October 2010
 Board of Director: NC Chapter Appraisal Institute, January 2008 - December 2010
 Member: Appraisal Institute, June 1992
 Royal Institute of Chartered Surveyors, Fellow (FRICS) , June 2012

Licenses

North Carolina, State Certified General Real Estate Appraiser, A266, Expires June 2021
 North Carolina, State Licensed Real Estate Broker, 084603, Expires June 2021
 South Carolina, State Certified General Real Estate Appraiser, CG 6958, Expires June 2022
 Virginia, State Certified General Real Estate Appraiser, 4001 015036, Expires August 2020

Education

Phillips Academy, Andover, MA (1976-1979)

University of North Carolina, Chapel Hill, NC (1979-1980)

Brown University, Providence, RI (1981-1984)
 B.A. Degrees, Economics and Organizational Behavior & Management

Real Estate courses completed are as follows:

Report Writing and Valuation Analysis
 Uniform Standards of Professional Practice
 Case Studies in Real Estate Valuation
 Capitalization Theory & Techniques, Part B
 Capitalization Theory & Techniques, Part A
 Residential Valuation
 Basic Valuation Procedures
 Real Estate Appraisal Principles
 Principles of Real Estate Management
 Commercial Real Estate Finance
 Commercial/Industrial Real Estate
 Cost Estimating
 Construction Methods and Materials
 Real Estate Brokerage Operations
 Real Estate Finance
 Real Estate Law
 Fundamentals of Real Estate

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irr.com



Chris R. Morris, MAI, FRICS

Education (Cont'd)

Condemnation Appraising
 Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book)
 Appraisal of Medical Office Buildings
 Subdivision Valuation
 Real Estate Finance, Value and Investment Performance

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 Raleigh

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About IRR

Integra Realty Resources, Inc. (IRR) provides world-class commercial real estate valuation, counseling, and advisory services. Routinely ranked among leading property valuation and consulting firms, we are now the largest independent firm in our industry in the United States, with local offices coast to coast and in the Caribbean.

IRR offices are led by MAI-designated Senior Managing Directors, industry leaders who have over 25 years, on average, of commercial real estate experience in their local markets. This experience, coupled with our understanding of how national trends affect the local markets, empowers our clients with the unique knowledge, access, and historical perspective they need to make the most informed decisions.

Many of the nation's top financial institutions, developers, corporations, law firms, and government agencies rely on our professional real estate opinions to best understand the value, use, and feasibility of real estate in their market.

Local Expertise...Nationally!

irr.com



Addendum B

Property Information

19890221000020820 DEED
Bk: RB778 Pg: 87
 2/21/1989 1/2



778 87 1/2

BOOK **778** PAGE **87**

FILED

BOOK XXXXX778 PAGE 87

FEB 21 1 12 PM '89

BETTY JUNE BATES
 REG. DEED CLERK
 ORANGE COUNTY, N.C.

\$0.00 *CEW* Excise Tax

Recording Time, Book and Page

Tax Lot No. 7-80-6-17 Parcel Identifier No. 9788-37-6817
 Verified by _____ County on the _____ day of PB, 19____
 by _____

Mail after recording to Investors Title Company, P. O. Drawer 2687
Chapel Hill, North Carolina 27515-2687

This instrument was prepared by Investors Title Insurance Company, 137 E. Rosemary St., Chapel Hill,
Carl Wallace North Carolina 27514
 Brief description for the Index 135 and 137 East Rosemary Street

NORTH CAROLINA NON-WARRANTY DEED

THIS DEED made this _____ day of _____, 19____, by and between

GRANTOR

GRANTEE

INVESTORS TITLE COMPANY,
 a North Carolina Corporation

INVESTORS TITLE COMPANY
 137 East Rosemary Street
 Chapel Hill, North Carolina

RECORDED
 FEB 21 1989
 ORANGE COUNTY, N.C.

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Chapel Hill, Chapel Hill Township,

Orange

County, North Carolina and more particularly described as follows:

All that certain lot or parcel of land, together with the improvements thereon, situate, lying and being on the North side of Rosemary Street in the Town of Chapel Hill, North Carolina and more particularly described as BEGINNING at an iron stake, said stake being located North 64° 26' 26" East 331.2 feet from the Northeast corner of the intersection of Rosemary Street and Columbia Street, said iron stake also being the Southeast corner of the property of Franklin Street Plaza Limited; running thence from said BEGINNING with the North margin of Rosemary Street North 64° 26' 26" East 80.0 feet to an iron stake, Southwest corner of Investors Title Company property (See Deed recorded in Book 308, page 608); thence continuing with the North margin of Rosemary Street North 64° 35' East 83.35 feet to an existing iron stake, Harold H. Harville's Southwest corner; running thence in a Northern direction with Harville's line, North 26° 51'W 214.44' to an existing iron stake in the South property line of the property formerly belonging to the Orange County Building and Loan Association; running thence with said line in a Western direction and parallel with Rosemary Street South 63° 59'W 84.3 feet to an existing iron stake, Bush's Northeast corner; running thence North 26° 24' 15" West 1.46' to an existing iron stake; running thence South 65° 32' 48" West 17.04 feet to an existing iron stake; running thence South 64° 08' 15" West 63.39 feet to an existing iron stake; running thence South 26° 31' 00" East 215.02 feet to an existing iron stake, the point and place of BEGINNING, and being that property conveyed to Investors Title Company by Deed recorded in Book 308, page 608, and by Deed recorded in Book 484, page 42, Orange County Registry.

Together with all right, title and interest of the Grantor, if any, in and to a strip of land approximately 10 feet in width and lying along the northern boundary line of the property above described.

BOOK 778 PAGE 88



778 88 2/2

The property hereinabove described was acquired by Grantor by instrument recorded in Book 308, page 608
and Book 484, page 42, Orange County Registry

A map showing the above described property is recorded in Plat Book page

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

INVESTORS TITLE COMPANY

(Corporate Name)

By:

E. Allen Fine

President

ATTEST

Carl E. Wallace, Jr.

Secretary (Corporate Seal)

USE BLACK INK ONLY

(SEAL)

(SEAL)

(SEAL)

(SEAL)

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that

Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my

hand and official stamp or seal, this day of , 19

My commission expires: Notary Public

SEAL - STAMP

NORTH CAROLINA, *Orange Alamance* County.

I, a Notary Public of the County and State aforesaid, certify that

Carl E. Wallace, Jr.

personally came before me this day and acknowledged that he is Secretary of

Investors Title Company a North Carolina corporation, and that by authority duly

given and as the act of the corporation, the foregoing instrument was signed in its name by its

President, sealed with its corporate seal and attested by *him* as its Secretary.Witness my hand and official stamp or seal, this *16th* day of *February*, 19 *89*.My commission expires: *November 20, 1993* *Teresa Crisson Kelly* Notary Public

USE BLACK INK

The foregoing Certificate of

Teresa Crisson Kelly, Notary Public of the designated governmental unit is

~~XXXX~~ certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

This 21st day of February, 1989

Betty June Hayes

Orange

COUNTY

By

Betty H. Owens

Deputy Assistant-Register of Deeds.

ORANGE COUNTY NORTH CAROLINA

139735
135 E ROSEMARY ST

MAILING ADDRESS INVESTORS TITLE COMPANY
121 N COLUMBIA ST
CHAPEL HILL NC 27514

Total Assessed Value
\$1,741,600

Key Information

Tax Year	2020		
Parcel ID	9788376817	Township	7 - CHAPEL HILL
Land Size	0.80	Land Units	AC
Rate Code	32		
District Codes	DR Dwntwn.Rev, G0 County, CH CHSchoolDst., G2 Chapel Hill		
Property LUC	Offices, Banks and Medical-Unimproved		
Neighborhood	L004 - 7E ROSEMARY		
Legal Description	N/S ROSEMARY ST		
Exempt Type	-		

Appraisal Details

Total Land	\$1,741,600
Ag Credit	-
Land	\$1,741,600
Building	\$0
Yard Items	\$0
Market Total	\$1,741,600
Total Assessed	\$1,741,600

RESIDENTIAL

No data to display

MISC IMPROVEMENTS

No data to display

SALES

SALE DATE	SALE PRICE	DEED BOOK	DEED PAGE	INSTRUMENT TYPE	GRANTOR
02/21/1989	\$0	778	87		-

YARD ITEMS

No data to display

LAND

UNIT / SOIL TYPE	DESCRIPTION	USE CODE	ACRES / LOTS	VALUE
SF	Square Ft	PRIMARY	34831	\$1,741,600

VALUE HISTORY

YEAR	TOTAL MARKET VALUE
2011	\$1,748,729
2012	\$1,748,729
2013	\$1,748,729
2014	\$1,748,729
2015	\$1,748,729
2016	\$1,748,729
2017	\$1,741,600
2018	\$1,741,600
2019	\$1,741,600
2020	\$1,741,600

Neighborhood Median Sale Price

No data to show

Neighborhood - Assessed Values

Low

\$324,400

Median

\$2,047,150

High

\$4,031,600

No data to show

Neighborhood - Sale Prices

Biggest Sale

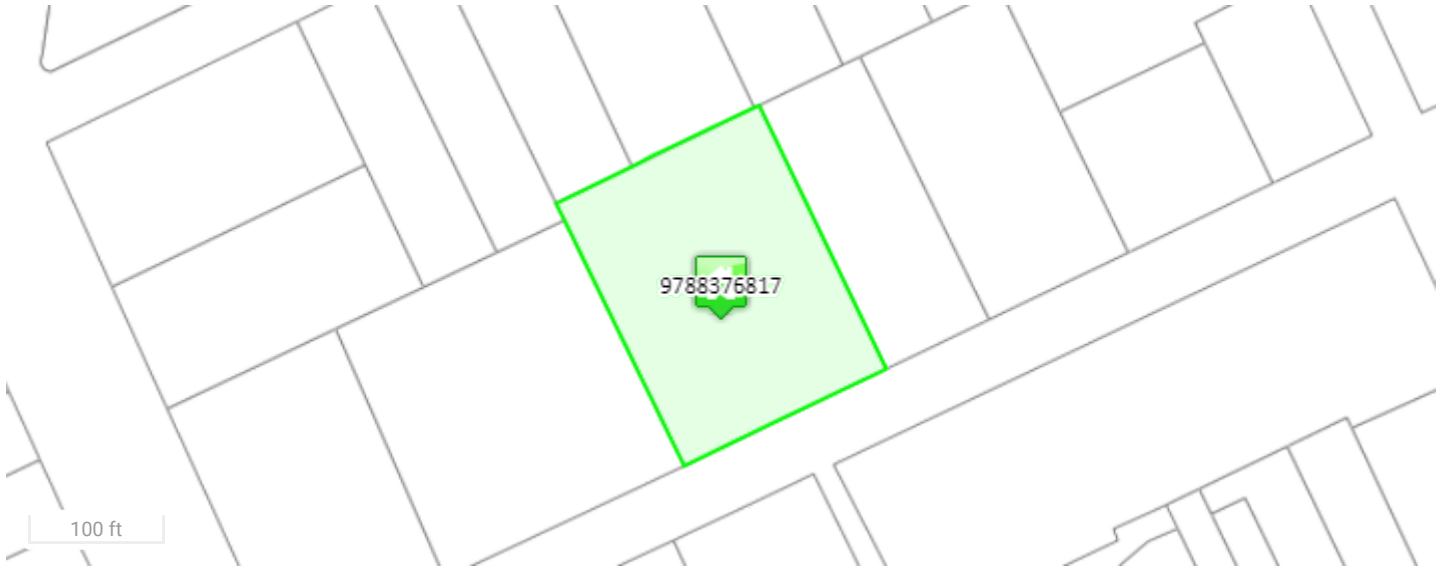
\$0

Average Home Price

\$0

Lowest Sale

\$0



No Photo Available



Disclaimer
Orange County Assessor's Office makes every effort to produce the most accurate information possible. **No warranties, expressed or implied, are provided for the data herein, its use or interpretation.**

Addendum C

Comparable Data

Land Sale Profile

Sale No. 1

Location & Property Identification

Property Name:	Former News and Observer Site
Sub-Property Type:	Commercial
Address:	505 W. Franklin St.
City/State/Zip:	Chapel Hill, NC 27516
County:	Orange
Submarket:	Chapel Hill
Market Orientation:	Suburban
IRR Event ID:	2340862



Sale Information

Sale Price:	\$4,800,000
Effective Sale Price:	\$5,065,572
Sale Date:	08/01/2020
Listing Price:	\$4,800,000
Sale Status:	In-Contract
\$/Acre(Gross):	\$6,331,965
\$/Land SF(Gross):	\$145.36
\$/Acre(Usable):	\$6,331,965
\$/Land SF(Usable):	\$145.36
Grantor/Seller:	Franklin Junto, LLC
Grantee/Buyer:	TBD
Assets Sold:	Real estate only
Property Rights:	Fee Simple
% of Interest Conveyed:	100.00
Financing:	Cash to seller
Terms of Sale:	Arm's Length
Document Type:	Deed
Recording No.:	TBD
Verified By:	Andrew Cable, MAI
Verification Date:	07/09/2020
Confirmation Source:	John Hibbits, 919-832-0594
Verification Type:	Confirmed-Seller Broker

Sale Analysis

Other Adj.:	\$265,572
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Adjust. Comments:

Demolition & remediation costs

Improvement and Site Data

MSA:	Durham, NC Metropolitan Statistical Area
Legal/Tax/Parcel ID:	9788150842
Acres(Usable/Gross):	0.80/0.80
Land-SF(Usable/Gross):	34,848/34,848
Usable/Gross Ratio:	1.00
Shape:	Rectangular
Topography:	Level
Corner Lot:	Yes
Frontage Feet:	459
Frontage Desc.:	107' W. Franklin St., 352' S. Graham St.
Zoning Code:	TC-2 /Chapel Hill
Zoning Desc.:	Town Center Business
Flood Plain:	No
Date:	01/01/1900
Utilities:	Electricity, Water Public, Sewer, Telephone
Utilities Desc.:	All public and available.
Source of Land Info.:	Other

Comments

Arm's length. Site is being purchased for redevelopment of a mixed-use property. Sale is not contingent upon

Comments (Cont'd)

receiving any entitlements or approvals. Site is improved with a 22,643 square foot building and is known to suffer from environmental contamination. Effective sale price includes estimated demolition costs of \$4.00 per SF of existing improvements (22,643 SF) and estimated remediation costs of \$175,000, as indicated by the broker.

Land Sale Profile

Sale No. 2

Location & Property Identification

Property Name: Land - .78 Acres
 Sub-Property Type: Commercial
 Address: 321, 327 W. Hargett St.
 City/State/Zip: Raleigh, NC 27601
 County: Wake
 Submarket: Central Raleigh
 Market Orientation: Suburban
 IRR Event ID: 2259997



Sale Information

Sale Price: \$6,400,000
 Effective Sale Price: \$6,400,000
 Sale Date: 07/12/2019
 Sale Status: Closed
 \$/Acre(Gross): \$8,205,128
 \$/Land SF(Gross): \$188.36
 \$/Acre(Usable): \$8,205,128
 \$/Land SF(Usable): \$188.36
 Grantor/Seller: Goodwill Community Foundation, Inc.
 Grantee/Buyer: Highwoods Realty Limited Partnership
 Assets Sold: Real estate only
 Property Rights: Fee Simple
 % of Interest Conveyed: 100.00
 Financing: Cash to seller
 Terms of Sale: Arm's Length
 Document Type: Deed
 Recording No.: 17502/1370
 Verified By: M. Scott Smith, MAI
 Verification Date: 08/11/2019
 Confirmation Source: Dennis McLain, 919-941-9600
 Verification Type: Confirmed-Seller

Legal/Tax/Parcel ID: 1703584233, 1703583355
 Acres(Usable/Gross): 0.78/0.78
 Land-SF(Usable/Gross): 33,976/33,976
 Usable/Gross Ratio: 1.00
 Shape: Irregular
 Topography: Level
 Corner Lot: No
 Frontage Feet: 322
 Frontage Desc.: 200' W Hargett St, 122' S Harrington St
 Zoning Code: DX-12-SH /Raleigh
 Zoning Desc.: Downtown Mixed Use
 Flood Plain: No
 Utilities: Electricity, Water Public, Sewer, Telephone
 Utilities Desc.: All available
 Source of Land Info.: Public Records

Improvement and Site Data

MSA: Raleigh, NC

Land - .78 Acres



Land Sale Profile

Sale No. 3

Location & Property Identification

Property Name:	Land - 2.46 Acres
Sub-Property Type:	Residential
Address:	Daisy St, Hillsborough St, Dixie Trail
City/State/Zip:	Raleigh, NC 27607
County:	Wake
Submarket:	Central Raleigh
Market Orientation:	Suburban
Property Location:	9 lots
IRR Event ID:	2221832



Sale Information

Sale Price:	\$12,211,000
Effective Sale Price:	\$12,211,000
Sale Date:	02/06/2019
Sale Status:	Closed
\$/Acre(Gross):	\$4,963,821
\$/Land SF(Gross):	\$113.95
\$/Acre(Usable):	\$4,963,821
\$/Land SF(Usable):	\$113.95
Grantor/Seller:	Dixie Hill Group, LLC et.al.
Grantee/Buyer:	CA Student Living Raleigh PD, LLC
Assets Sold:	Real estate only
Property Rights:	Fee Simple
% of Interest Conveyed:	100.00
Financing:	Cash to seller
Terms of Sale:	Arm's Length
Document Type:	Deed
Recording No.:	17354/1162-1192
Verified By:	Samuel Bryan, MAI
Verification Date:	04/17/2019
Confirmation Source:	Teddy Hobbs, Phoenix Commercial, 919-395-1495
Verification Type:	Confirmed-Seller Broker

Legal/Tax/Parcel ID:	0794527651, 0794527678, 0794527793, 0794528746, 0794528860, 0794620723, 0794620632, 0794529555, 0794528662
Acres(Usable/Gross):	2.46/2.46
Land-SF(Usable/Gross):	107,158/107,158
Usable/Gross Ratio:	1.00
Shape:	Irregular
Topography:	Gently Sloping
Vegetation:	Trees and grasses
Corner Lot:	Yes
Frontage Feet:	941
Frontage Desc.:	282' Daist St, 391' Hillsborough St, 268' Dixie Tr
Zoning Code:	R-6, OX-3-DE, NX-3-UG /Raleigh
Zoning Desc.:	Residential, Office / Neighborhood Mixed Use
Flood Plain:	No
Utilities:	Electricity, Water Public, Sewer, Telephone
Utilities Desc.:	All available
Source of Land Info.:	Public Records

Improvement and Site Data

MSA:	Raleigh, NC
------	-------------

Comments

Sales records documented on 7 deeds in book 17354. Page 1162 (Dixie Hill Group, LLC for \$2,250,000), page 1165 (Jean P. Hunt for \$1,500,000), page 1170 (Melissa E. Griffin for

Comments (Cont'd)

\$1,250,000), page 1174 (James N. Sarantos et.al. for \$1,461,000), page 1179 (Farris, Inc. for \$1,750,000), page 1183 (The Complete Computer Store of Raleigh, Inc. for \$3,100,000), and page 1188 (Dennis Sebesan et.ux. for \$900,000). Total Sale's price: \$12,211,000.

Land Sale Profile

Sale No. 4

Location & Property Identification

Property Name:	Land - 0.4291 Acres
Sub-Property Type:	Commercial
Address:	701 Hillsborough St. & 12 S Boylan Ave.
City/State/Zip:	Raleigh, NC 27603
County:	Wake
Submarket:	Central Raleigh
Market Orientation:	Urban
IRR Event ID:	2155054



Sale Information

Sale Price:	\$2,430,000
Effective Sale Price:	\$2,430,000
Sale Date:	10/25/2018
Sale Status:	Closed
\$/Acre(Gross):	\$5,663,016
\$/Land SF(Gross):	\$130.00
\$/Acre(Usable):	\$5,663,016
\$/Land SF(Usable):	\$130.00
Grantor/Seller:	FMW at 701 Hillsborough Street LLC
Grantee/Buyer:	Glenwood Two, LLC
Assets Sold:	Real estate only
Property Rights:	Fee Simple
% of Interest Conveyed:	100.00
Financing:	Cash to seller
Terms of Sale:	Arm's Length
Document Type:	Deed
Recording No.:	17275/909
Rent Controlled:	No
Verified By:	M. Scott Smith, MAI
Verification Date:	11/19/2018
Confirmation Source:	Ryan Blair - Heritage Properties
Verification Type:	Confirmed-Buyer

MSA:	Raleigh, NC
Legal/Tax/Parcel ID:	1703-49-0200 and 1703-49-0102
Acres(Usable/Gross):	0.43/0.43
Land-SF(Usable/Gross):	18,692/18,692
Usable/Gross Ratio:	1.00
Shape:	Rectangular
Topography:	Gently Sloping
Corner Lot:	Yes
Frontage Feet:	97
Frontage Desc.:	Hillsborough Street
Zoning Code:	NX-7-UL (Raleigh)
Zoning Desc.:	Neighborhood Mixed Use - 7 Stories - Urban Limited
Flood Plain:	No
Flood Zone Designation:	X
Comm. Panel No.:	37183C1703J
Date:	05/02/2006
Utilities:	Electricity, Water Public, Sewer
Source of Land Info.:	Engineering Report

Comments

Site bought to be part of a second phase to the One Glenwood Mixed Use Development.
Improvements of no value. Adjoining property is 12 S. Boylan.

Improvement and Site Data

Land - 0.4291 Acres



Location & Property Identification

Property Name:	AC Hotel Site
Sub-Property Type:	Commercial
Address:	212 W. Rosemary St.
City/State/Zip:	Chapel Hill, NC 27514
County:	Orange
Submarket:	Chapel Hill
Market Orientation:	CBD
IRR Event ID:	1959561



Sale Information

Sale Price:	\$3,250,000
Effective Sale Price:	\$3,250,000
Sale Date:	06/06/2016
Sale Status:	Closed
\$/Acre(Gross):	\$4,513,889
\$/Land SF(Gross):	\$103.62
\$/Acre(Usable):	\$4,513,889
\$/Land SF(Usable):	\$103.62
Grantor/Seller:	Michael & Kimberly Slomiany

Grantee/Buyer:	Chapel Hill Hotels, LLC
Assets Sold:	Real estate only
Property Rights:	Fee Simple
Financing:	Cash to seller
Document Type:	Deed
Recording No.:	6134/313
Verified By:	Andrew Cable, MAI
Verification Date:	05/22/2018
Confirmation Source:	Burt Shuler, 864-699-4570
Verification Type:	Confirmed-Buyer

Usable/Gross Ratio:	1.00
Shape:	Rectangular
Topography:	Level
Corner Lot:	Yes
Zoning Code:	TC-2
Zoning Desc.:	Town Center 2
Easements Desc.:	None
Environmental Issues:	No
Flood Plain:	No
Utilities Desc.:	All available
Source of Land Info.:	Public Records

Comments

Arm's length sale. Purchased for the development of a 123-room hotel property. Site was improved with three single-family residences, which were demolished shortly after the sale for a negligible cost. Site was entitled for development at the time of sale, which contributed substantial value. Buyer commented that the price is reflective of the site's market value.

Improvement and Site Data

MSA:	Durham-Chapel Hill, NC
Legal/Tax/Parcel ID:	9788-27-5353, 9788-27-6326, & 9788-27-6387
Acres(Usable/Gross):	0.72/0.72
Land-SF(Usable/Gross):	31,363/31,363

Land Sale Profile

Sale No. 6

Location & Property Identification

Property Name:	Land - 0.58 Acres
Sub-Property Type:	Commercial, Office
Address:	109 Church St.
City/State/Zip:	Chapel Hill, NC 27516
County:	Orange
Submarket:	Chapel Hill
Market Orientation:	CBD
IRR Event ID:	1960233



Sale Information

Sale Price:	\$2,000,000
Effective Sale Price:	\$2,000,000
Sale Date:	03/31/2016
Sale Status:	Closed
\$/Acre(Gross):	\$3,448,276
\$/Land SF(Gross):	\$79.16
\$/Acre(Usable):	\$3,448,276
\$/Land SF(Usable):	\$79.16
Grantor/Seller:	The North Carolina Pharmaceutical Association
Grantee/Buyer:	Antoine A. Puech
Assets Sold:	Real estate only
Property Rights:	Fee Simple
% of Interest Conveyed:	100.00
Financing:	Cash to seller
Terms of Sale:	Arm's Length
Document Type:	Deed
Recording No.:	6097/199
Verified By:	Andrew Cable, MAI
Verification Date:	12/12/2018
Confirmation Source:	Beth Gunn, 919-932-5800
Verification Type:	Confirmed-Buyer

Land-SF(Usable/Gross):	25,265/25,265
Usable/Gross Ratio:	1.00
Shape:	Irregular
Topography:	Level
Corner Lot:	Yes
Zoning Code:	TC-1 (Chapel Hill)
Zoning Desc.:	Town Center
Flood Plain:	No
Utilities:	Electricity, Water Public, Sewer, Gas, Telephone
Source of Land Info.:	Public Records

Comments

Arm's length sale. The buyer signed a 5-year lease for the building immediately following the sale, with the long-term plan to combine with other adjacent properties and redevelop. The interim income from the lease offsets the demolition and holding costs.

Improvement and Site Data

MSA:	Durham-Chapel Hill, NC
Legal/Tax/Parcel ID:	9788-27-4180
Acres(Usable/Gross):	0.58/0.58

Land - 0.58 Acres



Addendum D

Engagement Letter

**SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN, L.L.P.**

LAWYERS

OFFICES

Wells Fargo Capitol Center
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601

TOBY R. COLEMAN

DIRECT DIAL: (919) 821-6778
E-Mail: tcoleman@smithlaw.com

June 30, 2020

MAILING ADDRESS

P.O. Box 2611
Raleigh, North Carolina
27602-2611

TELEPHONE: (919) 821-1220
FACSIMILE: (919) 821-6800

SENT VIA E-MAIL ONLY (cmorris@irr.com)

Chris Morris, MAI, FRICS
Senior Managing Director
Integra Realty Resources-Raleigh
8382 Six Forks Rd., Suite 200
Raleigh, NC 27615

Re: Engagement of Chris Morris and Andy Cable, Integra Realty Resources-Raleigh
135 East Rosemary Street, Chapel Hill, Orange County, NC, PIN 9788376817
(the "Property")

Dear Mr. Morris:

As you are aware, our firm represents Investors Title Company in connection with above referenced Project. The purpose of this letter is to confirm our firm's retention of you, Mr. Cable, and your firm as consulting experts for the purpose of providing appraisal services for the Property. The engagement will involve preparing a standard format appraisal report on the Property in connection with the Town of Chapel Hill's efforts to rezone and purchase the Property. This may involve analyzing data and project documents and consulting with counsel. Although the scope of the work to be performed will be determined in consultation with our firm, all conclusions and opinions reached will be yours.

You will be compensated at a flat rate of \$3,500 for the appraisal. Your invoice will be submitted directly to our office prior to submission to Investors Title Company for payment, and will include a description of services rendered. Investors Title Company will be solely responsible for payment of your invoices. Our firm reserves the right, in its sole discretion, to discontinue this engagement at any time. In the event that the engagement is discontinued, you will be compensated for services rendered through the date the engagement is discontinued.

Documents and communications relating to this engagement will continue to be protected in whole or in part by the attorney work product doctrine and/or the attorney-client privilege, and confidentiality is important in maintaining that protection. We would therefore ask that you safeguard the confidentiality of documents and information provided to you during the course of this engagement, as well as any documents and information prepared and developed by you in connection with this engagement, and that you refrain from sharing such documents with any third person without consulting with me. This includes people you work with, with the

Mr. Chris Morris
Integra Realty Resources-Raleigh
June 30, 2020
Page 2

exception of those who are assisting directly with your work on this matter. Following the termination of the engagement, you shall return or destroy all documents pursuant to our firm's instructions.

This agreement, and all questions relating to its validity, interpretation, performance and enforcement, is governed by North Carolina law without regard to its principles of conflicts of law. The state or federal courts of North Carolina shall be the sole and exclusive forums for litigation concerning this agreement or any aspect of this engagement. Your signature below indicates your acceptance of the terms and conditions outlined herein. Please return a signed copy of this letter to my office in the envelope provided. We look forward to continuing to work with you on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Toby R. Coleman', with a stylized, flowing script.

Toby R. Coleman

Consented and Agreed to:

A handwritten signature in blue ink, appearing to read 'Chris Morris', with a stylized, flowing script.

Chris Morris, MAI, FRICS
Senior Managing Director
Integra Realty Resources-Raleigh
8382 Six Forks Rd., Suite 200
Raleigh, NC 27615

APPRAISAL OF
A PARKING DECK PROPERTY
LOCATED AT
150 EAST ROSEMARY STREET
CHAPEL HILL, NORTH CAROLINA

AS OF
FEBRUARY 12, 2020

FOR
DWIGHT BASSETT, ECONOMIC DEVELOPMENT OFFICER
TOWN OF CHAPEL HILL
405 MARTIN LUTHER KING JR. BLVD
CHAPEL HILL, NC 27514-5705

BY
DAVID A. SMITH, MAI, SRA
POST OFFICE BOX 51597
DURHAM, NORTH CAROLINA 27717-1597

PART ONE - INTRODUCTION



DAVID A. SMITH, MAI, SRA

P.O. BOX 51597
 DURHAM, NORTH CAROLINA 27717-1597
 PHONE (919) 493-1534
 smithappraiser@frontier.com



February 14, 2020

Dwight Bassett, Economic Development Officer
 Town of Chapel Hill
 405 Martin Luther King Jr. Blvd
 Chapel Hill, NC 27514-5705

As requested, I have inspected and appraised a parcel of real estate located at 150 East Rosemary Street in Chapel Hill, North Carolina. At time of inspection, the property was a 1.49 acre site improved with a parking garage and related on-site improvements.

The purpose of the appraisal is to develop an opinion of the market value, as defined, of the fee simple estate of the land only if placed for sale on the open market. The intended use of the appraisal is for internal purposes. The intended users of this report are officers and employees of the Town of Chapel Hill.

As requested, a standard appraisal report has been prepared.

The property was inspected on February 12, 2020 which is the effective date of this appraisal. The effective date of this report is February 14, 2020. I made all necessary investigations and analyses. Based on an inspection of the property, an analysis of data gathered and facts and conclusions as contained in the following report of 36 pages, and subject to the assumptions and limiting conditions as stated, it is my opinion that the market value of the fee simple estate of the land only as of February 12, 2020 is:

SIX MILLION THREE HUNDRED AND SIXTY THOUSAND DOLLARS
\$6,360,000.00

This value does not include any personal, non-real property or equipment. It also does not include the business value of any operations that may be associated with the property. No consideration was made for any demolition costs.

I certify that I have personally inspected the property. I further certify that I have no interest either present or contemplated in the property and that neither the employment to make the appraisal nor the compensation is contingent upon the amount of valuation reported.

Respectfully submitted,

David A. Smith

David A. Smith, MAI, SRA
 NC State-Certified General Real Estate Appraiser #A281



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CERTIFICATION

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.

I have performed no services, as an appraiser or in other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.

I have made a personal inspection of the property that is the subject of this report.

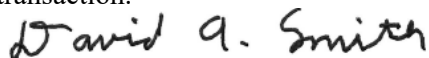
No one provided significant real property appraisal assistance to the person signing this certification.

The reported analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

As of the date of the report, I have completed the continuing education program of the Appraisal Institute.

This appraisal assignment was not made, nor was the appraisal rendered on the basis of a requested minimum valuation, specific valuation, or an amount, which would result in approval of a credit transaction.



David A. Smith, MAI, SRA

SUMMARY OF IMPORTANT CONCLUSIONS

Location:	150 East Rosemary Street Chapel Hill, North Carolina
Report type:	Standard appraisal report
Special and Extraordinary assumptions or hypothetical conditions:	That the property is vacant
Effective date of the appraisal:	February 12, 2020
Date of the report:	February 14, 2020
Type property:	Parking Garage
Property ownership:	Town of Chapel Hill
Purpose of the appraisal:	To develop an opinion of the market value, as defined, of the fee simple estate of the land only if placed for sale on the open market.
Land Area:	1.49 acres
Tax Parcel Reference Number:	9788-37-9717
Zoning:	TC-2 – Town Center 2
Highest and best use:	Mixed use

OPINIONS OF VALUE:

Land Value	\$6,360,000
Final Value	\$6,360,000

SCOPE OF WORK

Scope of work is the most critical decision in an appraisal assignment. Appraisal assignments are really about finding a solution to a particular problem. They answer a question usually involving an opinion of value. Scope of work is divided into three major steps: identify the problem, determine the right solution and apply the solution. Following is the disclosure of the scope of work.

Identifying the problem means determining the following:

- A. client
- B. intended users other than the client
- C. intended use
- D. objective or type of value in an appraisal
- E. effective date
- F. relevant property characteristics
- G. assignment conditions

For the subject the clients are the officers and employees of the Town of Chapel Hill. They are also the intended users. The intended use of the appraisal is for internal purposes. The type of value requested is the market value. The effective date of the appraisal is the date of inspection, February 12, 2020. The property is improved but is valued as though vacant. The interest appraised is the fee simple interest. There are no other atypical assignment conditions. This information was from the client.

To determine the solution and perform the scope of work necessary to develop credible assignment results, I gathered information about the property and the real estate market. Information about the property was provided by Dwight Bassett, Economic Development Officer Town of Chapel Hill. I inspected the property on February 12, 2020, alone.

Public records were researched for tax, deed, plat, zoning, topographical, floodplain information and an aerial view of the site. Area and neighborhood information was gathered from a variety of sources including the chamber of commerce, city and county websites and internet sites.

Information about the real estate market was gathered from local and national multiple listings services, surveys, public records and information from appraisers, brokers, property managers, buyers, seller and other associated with real estate. From the information gathered, a highest and best use is selected and appropriate valuation techniques selected. The highest and best use of the subject property as though vacant is for mixed use. An opinion of the fee simple value is developed using the sales comparison approach to value.

PART TWO – PREMISES OF THE APPRAISAL

STATEMENT OF COMPETENCE

I have completed all of the requirements to become a state certified-general appraiser for the State of North Carolina and all of the requirements for the MAI designation. In addition I have successfully completed USPAP courses and continuing education seminars for over thirty years. More detailed information about these courses and seminars are in the qualifications section of this report. I have appraised a variety of properties including those of a similar type to the subject and feel competent to appraise the subject property.

IDENTIFICATION OF TYPE OF APPRAISAL AND TYPE OF REPORT

The client requested a standard appraisal report. The most recent *Uniform Standards of Professional Appraisal Practice* (USPAP) is for 2020 - 2020. This allows for two types of written appraisal reports: appraisal report and restricted appraisal report.

Generally appraisal reports are used. A restricted appraisal report is prepared when the intended user does not need the level of information required in an appraisal report and when the client is the only intended user.

SPECIAL AND EXTRAORDINARY ASSUMPTIONS AND HYPOTHETICAL CONDITIONS

An extraordinary assumption is an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which if found to be false, could alter the appraiser's opinions or conclusions. A hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of the analysis. Either of these may affect value.

The value appraised is appraised as though vacant. Since the property is improved with a parking garage this is a hypothetical condition. No other special or extraordinary assumptions or hypothetical conditions are made.

GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

The appraisal report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description provided or for matters pertaining to legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.
5. All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.
7. It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described and considered in the appraisal report.
8. It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless a non-conformity has been identified, described, and considered in the appraisal report.

9. It is assumed that all required licenses, certificates of occupancy, consents and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the opinion of value contained in this report is based.

10. It is assumed that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.

11. It is assumed that there are no structural problems with the buildings and that all of the systems (HVAC, electric, plumbing, etc.) are in good working order unless otherwise stated.

12. Unless otherwise stated in this report, the existence of hazardous materials, which may or may not be present on or in the property, were not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, lead paint, mold, and other potentially hazardous materials may affect the value of the property. The opinion of value is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for such conditions or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

13. I have researched the property for zoning, zoning overlays and other restrictions from the state and local authorities. This appraisal assumes that all of these restrictions have been considered in the valuation of this report. If any additional restrictions are discovered, the value may need to be adjusted.

14. The subject property may also be subject to tree protection and tree coverage, stream buffers, reservoir buffers, steep slopes buffers, wetland protection, river basin regulations or inventory of natural areas and rare species. For purposes of this appraisal, none of these items affect the value of the property unless otherwise stated.

15. The land description is based on a personal inspection of the site, public records and information supplied by those associated with the property. I assume that all information gathered and supplied is correct.

This appraisal has been made with the following general limiting conditions:

1. Any allocation of the total opinion of value in this report between the land and improvements applies only under the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication.
3. The appraiser by reason of this appraisal is not required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales or other media without the prior written consent and approval of the appraiser.
5. In estimating the value of the subject property, a computer was used to calculate some of the value indications. For display purposes, these calculations are generally rounded off to the nearest dollar or the nearest 100th of a percent on the calculation pages. The computer, however, retains considerably more significant digits and the result is that some of the calculations appear to be off by small amounts. These amounts are, however, more accurate since they reflect more precise amounts internal to the computer. These amounts are not rounded off at each stage since doing so could result in a significant rounding error at the end of all the calculations.
6. Definitions used in this report have been taken from *The Dictionary of Real Estate Appraisal*, 5th ed., published by the Appraisal Institute, copyright 2010.

7. Any opinions of value provided in the report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value reported, unless such proration or division of interests has been set forth in the report.

8. The forecasts, projections, or operating estimates contained herein are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions.

9. The Americans with Disabilities Act (ADA) became effective January 26, 1992. The appraiser has not made a specific compliance survey or analysis of the property to determine whether or not it is in conformity with the various detailed requirements of ADA. It is possible that a compliance survey of the property and a detailed analysis of the requirements of the ADA would reveal that the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative impact upon the value of the property. Since the appraiser has no direct evidence relating to this issue, possible noncompliance with the requirements of ADA was not considered in estimating the value of the property.

10. Unless otherwise stated in this report, the value reported is not a fractional interest, physical segment or partial holding.

PURPOSE, INTENDED USE AND INTENDED USERS OF THE APPRAISAL

The purpose of the appraisal is to develop an opinion of the market value, as defined, of the fee simple estate of the property if placed for sale on the open market. The intended use of the appraisal is for internal purposes. The intended users of this report are officers and employees of the Town of Chapel Hill.

DEFINITION OF VALUE

The opinion of value in this appraisal is the market value. The definition of market value is that used by federally regulated financial institutions

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

DATE OF THE REPORT AND OPINIONS OF VALUE

The effective date of the opinion of value is February 12, 2020. The date of the report is February 14, 2020.

PROPERTY RIGHTS APPRAISED

The ownership interest appraised is that of the Town of Chapel Hill who owns the property according to public records. The property is a parking garage and spaces are rented. However, these are short term rentals and the value requested is an as though vacant value. For this reason the property rights appraised is the fee simple estate. The definition of fee simple estate as used in this report is:

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

PART THREE – PRESENTATION OF DATA

IDENTIFICATION OF THE PROPERTY

The subject is identified as a 1.49 acre site improved with a parking garage and related on-site improvements located at 150 East Rosemary Street in Chapel Hill, North Carolina. According to public records, it is owned by the Town of Chapel Hill. The tax property identification number for the property is 9788-37-9717.

IDENTIFICATION OF ANY PERSONAL OR NON-REALTY PROPERTY

The value reported does not include any personal or non-realty property. It also does not include the business value of any operations that may be associated with the property.

HISTORY OF THE PROPERTY

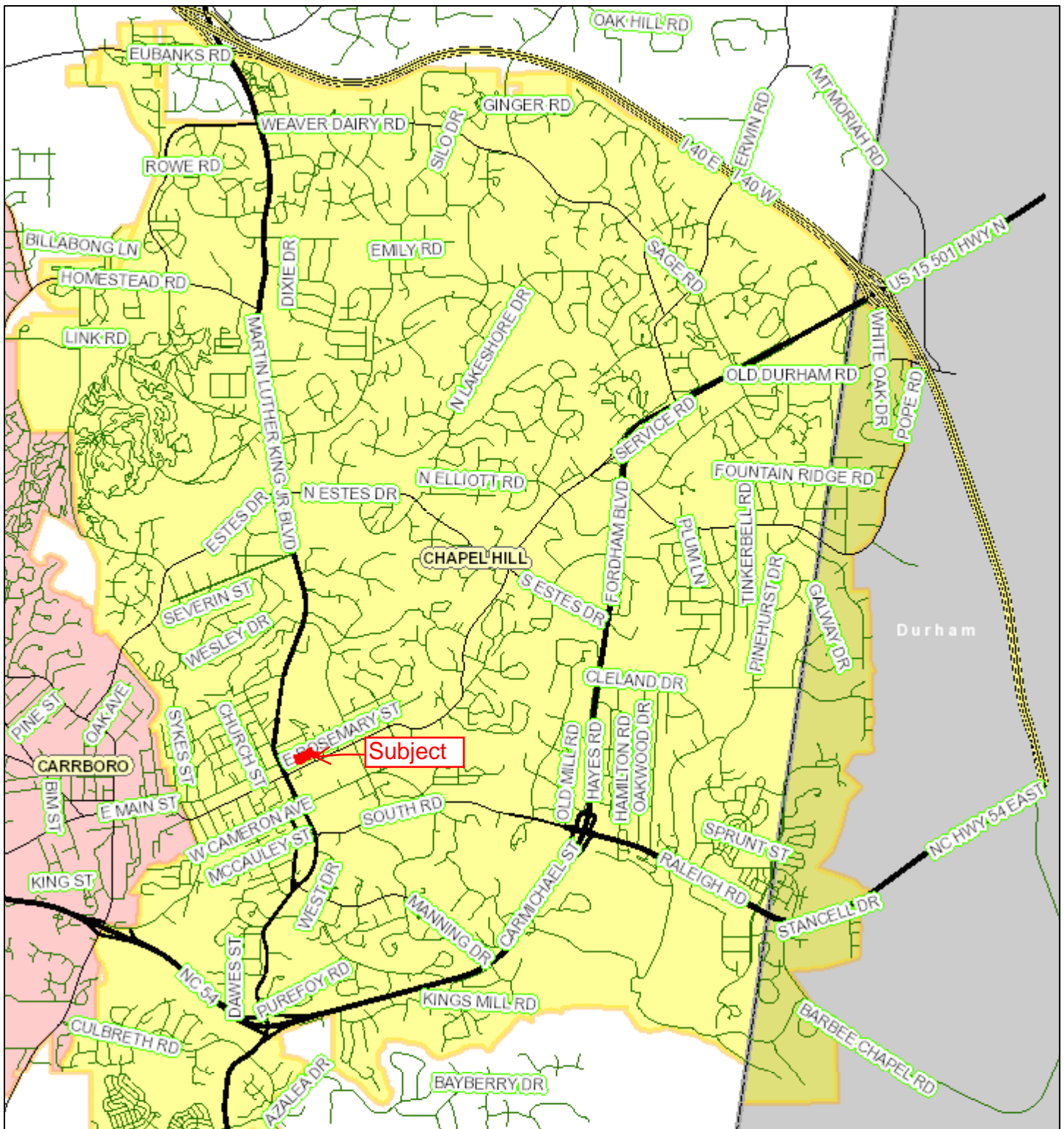
According to public records, the property is owned by the Town of Chapel Hill. They acquired the property along with three others from the Town of Chapel Hill Public Facilities Corporation, on July 20, 1994 according to a deed recorded in real estate book 1269, page 442. There were no revenue stamps on the deed and it does not appear to be a market transaction.

I am not aware of any more recent transfers of the property and it is not for sale on the open market.

AREA DESCRIPTION

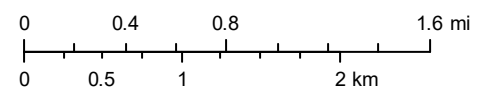
There are four basic forces that influence value: environmental, economic, governmental, and social. Since these forces are broader than the property or neighborhood itself, they must be considered on a regional and citywide basis.

518
Area Map



February 13, 2020

1:48,000



Environmental - The subject is located in the town of Chapel Hill, in Orange County, North Carolina. This county is located in the Piedmont area of the state approximately equal distance between the Appalachian Mountains and the Atlantic Ocean. The county is also in the northern area of the Piedmont with only one county between it and the Virginia state line. A location map for the subject is on the following page.

There are three municipalities in Orange County. Hillsborough, the county seat, is located roughly in the center of the county; Chapel Hill and Carrboro, which are contiguous, are located in the southeast portion of the county. The population of Orange County in 2018 was 146,027 and the population of Chapel Hill in 2020 is 60,988.

Orange County is part of the Durham-Chapel Hill Metropolitan Statistical Area (MSA) which also includes Durham, Chatham and Person Counties. The MSA was home to an estimated 608,784 people in 2017. Chapel Hill is also part of the Raleigh-Durham-Chapel Hill (CSA) which had a population of 2,238,315 in 2018. Durham is contiguous with Chapel Hill at many points and Raleigh about 21 miles to the southeast.

Major routes of access through Orange County are Interstates 85 and 40. I-85 crosses in an east/west direction through the center of the county just south of Hillsborough. It leads northward to Durham and continues on to Henderson and Petersburg, Virginia where it merges with I-95. Immediately west of Hillsborough, I-85 merges with I-40 and together they proceed westward to Burlington and Greensboro before they split about 36 miles away. At this point, I-85 continues southerly to Charlotte, Gastonia, and into South Carolina, Georgia, and points south.

I-40 enters the county from the southeast near Chapel Hill and continues northwest where it merges with I-85 near Hillsborough. At the point near Greensboro where they split, I-40 leads westward to Winston-Salem, Statesville, Asheville, and across the country to Barstow, California where it terminates. Eastward, it passes through Durham, the Research Triangle Park, and Raleigh before continuing to Wilmington, North Carolina where it terminates.

Also passing through the county is US 15/501 which crosses through the southeastern portion of the county. This road is the major access route to Durham. US 70 roughly parallels I 85 near Hillsborough. There are also four North Carolina highways in the county. NC 54 which crosses east to west through the southern portion of the county, NC 86 which leads north to south through the county, NC 57 which leads from Hillsborough to the northeast, and NC 157 which crosses the county in a north/south direction at the northeast corner of the county.

Economic - Chapel Hill is primarily a college town and is the location of the main campus in the University of North Carolina system as well as the headquarters of the system itself. The town was created when the state of North Carolina decided to build the nation's first state supported university in 1792.

The university remains the town's main employer and major economic influence with about 12,000 employees. In 2019 the university has an enrollment of 30,011 students of which 19,117 are undergraduates with 84 majors departments and 138 distinct undergraduate degrees. The university is also the leading employer in Orange County. The other major public employers in Orange County are: UNC Health Care System, Chapel Hill-Carrboro City Schools, Orange County Schools, Orange County, Town of Chapel Hill, Town of Carrboro and Town of Hillsborough. The top 25 private employers at last report were: Sports Endeavors/Eurosport, Harris Teeter, PHE, Inc., A Southern Season, Carol Woods, Food Lion, LLC, Wal-Mart Associates, Inc., General Electric Corporation, Whole Foods Market Group, AKG of American, Inc., Residential Services, Inc., Performance Chevrolet, Inc., Chapel Hill-Carrboro YMCA, Inc., Carolina Inn, US Postal Service, HR Prime LLC, Weaver Street Market, Inc., Aramark Food and Support Services and Chapel Hill Restaurant Management.

Of major importance to Chapel Hill and Orange County is the Research Triangle Park (RTP) which is located about 8 miles east in Durham and Wake Counties. "The Park" as it is also known is the largest research park in the United States. It covers 7,000 acres and has 22,500,000 square feet of built space. The park is home to more than 300 companies with 55,000 employees and an additional 10,000 contractors.

The park was originally limited to organizations engaged in research, development, and scientifically oriented production but is in the process of widening its focus. The Park is designed to encourage these industries, but also places strict requirements on development. Each site must be at least eight acres in size. Much of the site cannot be improved and must be left natural. The result has been highly successful and many corporations and government agencies have facilities in the Park. The major employers are IBM, Cisco Systems Inc., GlaxoSmithKline, RTI International, NetApp Inc., Credit Suisse, Biogen Idec, U.S. Environmental Protection Agency, BASF Corporate Agriculture, and National Institute of Environmental Health Sciences.

Also of importance to Orange County is the Raleigh Durham International Airport (RDU) located between Raleigh and Durham in Wake County. This airport is the second busiest in the state and it had reported 14,218,621 passengers in 2019. It has more than 400 flights daily to 66 destinations.

The estimated median annual family income in Chapel Hill was \$62,620 compared to the national average of \$53,482. Unemployment is 3.8% compared to the national average of 3.9%. The median home value is \$486,649.

The stability of the university, the hospital, and the Research Triangle Park contribute to a stable economy for the area in general and Chapel Hill/Carrboro specifically.

Governmental - Chapel Hill and Carrboro most directly influence real estate values by way of real estate taxes and zoning. Taxes are felt to be moderate and should not have an adverse effect on values. They have both been very protective of their downtowns and in the past has had very strict development policies. These policies have eased recently and there have been a number of mixed use developments in downtown as well as the outlying commercial areas.

Social - Due to the presence of the University of North Carolina, the area has a larger number of amenities such as plays and concerts than would be expected of a community the size of Chapel Hill and Carrboro. Also the larger percentage of highly educated people provides a basis of

support for cultural events. The area has long been popular due to its climate, relatively low cost of living, and high quality of life. In addition Nearby Durham and Raleigh have numerous arts and cultural facilities.

The University of North Carolina at Chapel Hill is active in college athletics and draws large crowds to its basketball and football games. Nearby, Duke University in Durham and North Carolina State University in Raleigh also have major college athletic programs. These three are members of the Atlantic Coast Conference and the rivalries between them are intense. Raleigh is also home to a major league hockey team, the Carolina Hurricanes, and there is an AAA minor league baseball team, The Durham Bulls, in nearby Durham. The Carolina Mud Cats, another minor league team are located about an hour away in Zebulon.

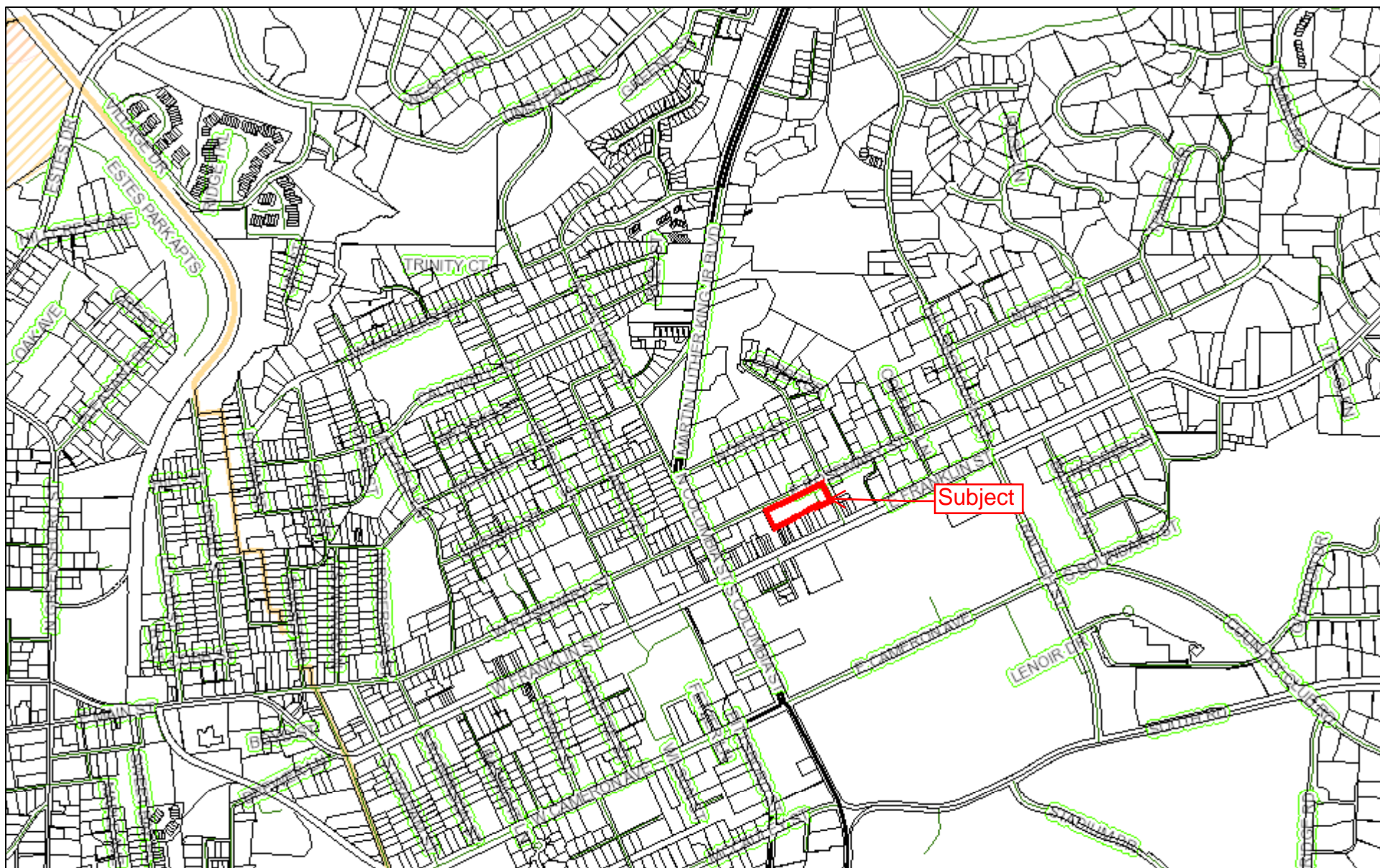
Summary - Chapel Hill is located in the central portion of the state with numerous interstates and highways providing excellent access. The town is also part of the Raleigh-Durham MSA which ranks as the 55th largest in the country. The economy is stable due to the presence of the University of North Carolina and other stable employers. Unemployment has historically been low and the standard of living is at or above the state and national averages.

NEIGHBORHOOD DESCRIPTION

The subject property is located within the city limits of Chapel Hill in the downtown central business district. The neighborhood is generally defined as those commercial and office uses located along both sides of Franklin Street and Rosemary Street from Henderson Street to the Carrboro city limits (Merritt Mill Road).

The neighborhood is the main commercial center for Chapel Hill and is primarily commercial in nature. There are a variety of retail uses such as restaurants, bars and various shops which cater primarily to the students of the University of North Carolina.

523
Neighborhood Map



February 13, 2020

1:12,000
0 0.1 0.2 0.4 mi
0 0.15 0.3 0.6 km

This area of Chapel Hill is almost 100% built up. Because of this, older buildings have been purchased and extensively renovated, while maintaining the original façade of the structure. Some of the older buildings have been removed to make way for newer developments. Most recently 123 West Franklin Street on the site of the former University Square shopping center and Granville Towers student housing. This is a mixed use development with about 275,000 square feet of office space, 150 apartment units, 40,000 square feet of retail and restaurant space, 90,000 square feet of flexible use space and 1,000 parking spaces. Also the Greenbridge development, a mixed use property located at 601 West Rosemary Street close to the subject. It has 97 condominium units as well as 36,000 square feet of ground floor retail and second floor office space with two floors of underground parking. A new hotel, AC Marriott, has been constructed at 214 West Rosemary Street.

To the west is the downtown central business district of Carrboro and to the south and east are residential areas. The residences are owner occupied and are some of the most desirable properties in the state due to their historical ages and the popularity of Chapel Hill in general. These owners typically have higher incomes, but some of the older houses have been converted to sororities, fraternities or boarding houses for the students. These students supply a steady source of inexpensive labor.

The primary influence in the area is the university which borders the neighborhood to the south. In addition to the students, the university also has a large work force which also shops, eats and lives in the area. The university also has a major medical institution, UNC Medical Center, with more than 7,100 employees and a total of 905 beds. The medical center is comprised of five hospitals: N.C. Cancer Hospital, N.C. Children's Hospital, N.C. Memorial Hospital, N.C. Neurosciences Hospital and N.C. Women's Hospital.

Chapel Hill also has an excellent reputation which makes it one of the most desirable places in the state and the country to live. It has kept its small town charm while providing all of the services expected in a much larger city.

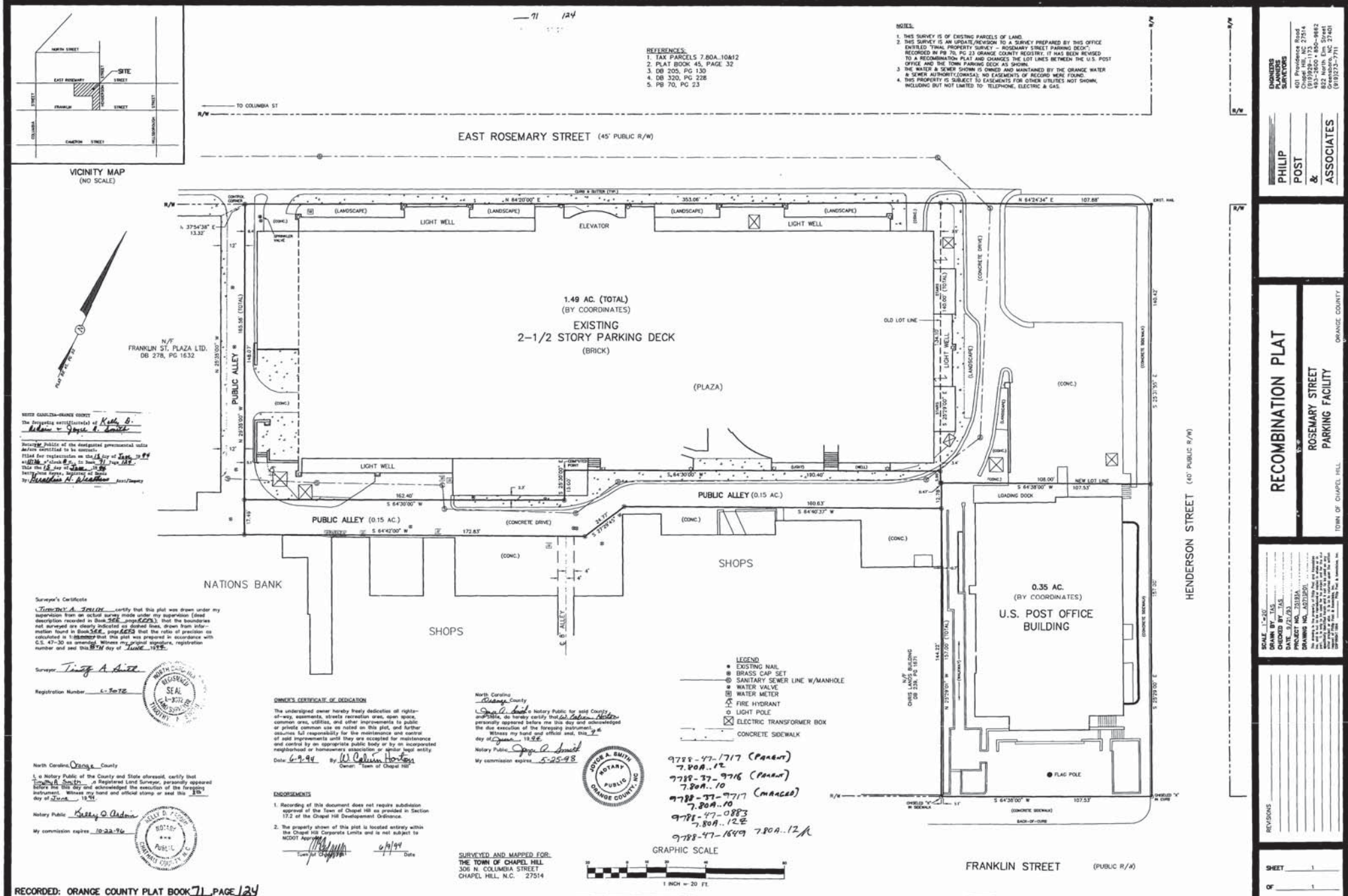
The major route of access through the neighborhood is Franklin Street (US 15/501 Business) which is also the main street of Chapel Hill. Franklin Street leads eastward to Durham and westward to Carrboro. Martin Luther King and Columbia Street are other major roads through the neighborhood with Martin Luther King leading north and Columbia Street leading south. I-40 is located a short distance to the north and east and is easily accessible by either Franklin Street or Martin Luther King. I-40 leads westward to Greensboro and points west and eastward to Durham, the Research Triangle Park, Raleigh and Wilmington. NC 54 also crosses the town south of the neighborhood and provides additional east to west access.

The primary mode of access to the neighborhood is by means of individual automobile or pedestrian traffic from the university. Parking can be a problem at times. Public transportation through the area is good and frequently used especially by the students. All utilities and services are available to the neighborhood.

In conclusion, the neighborhood is popular due to its close location to UNC. Both pedestrian, public transportation and automobile traffic have access to the subject and all are used. Retail and office vacancy is about average. The proximity and stability of UNC should continue to benefit the neighborhood and there are no adverse influences in the area. The popularity of the town should continue and the long term outlook for the neighborhood should remain good.

LAND DESCRIPTION

The land description is based on a personal inspection of the site, public records and on a survey referred to in the deed for the property. The survey is entitled "Recombination Plat, Rosemary Street Parking Facility" was prepared by Philip Post & Associates and is dated September 21, 1993. It is recorded in plat book 71, page 124, Orange County Registry. For purposes of this appraisal, this is assumed to be the correct description of the property. A copy of this survey is on the following page.



ENGINEERS
PLANNERS
SURVEYORS

PHILIP
POST
&
ASSOCIATES

RECOMBINATION PLAT

ROSEMARY STREET
PARKING FACILITY

TOWN OF CHAPEL HILL
ORANGE COUNTY

SCALE: 1"=40'
DATE: 3/21/03
PROJECT NO. 2803A
DRAWING NO. 000000
SHEET NO. 1 OF 1

SHEET 1
OF 1

The property is located at the south side of Rosemary Street and the west side of Henderson Street. There are also public alleys along the western and most of the southern boundary. The southern alley is about 18 feet wide and the western one 12 feet. The frontage along Rosemary Street is 353.06 feet and along Henderson Street is 140.42 feet. The southern boundary follows five distances of 108.00 feet, 5.90 feet, 190.40 feet, 13.00 feet and 162.40 feet. The western boundary is 148.07 feet. The area of the site is reported to be 1.49 acres.

The topography of the site slopes downward from south to north, but it has been graded for the parking garage. None is low or in the floodplain. A copy of the topography map is in the addenda.

In front of the subject, Rosemary Street and Henderson Street are asphalt surface public street with two lanes in each direction and a central left turn lane. The public alleys are paved. All public utilities are available.

To my knowledge, there are no easements or encroachments on the site and any that may exist are assumed not to adversely affect value. There are no known adverse soil or sub-soil conditions, nuisances or hazards environmental or otherwise located on the site.

IMPROVEMENTS DESCRIPTION

The property is improved with a parking garage however, for purposes of this report the property is valued as though vacant and no further description is given.

TAXES AND ASSESSMENT DATA

The Property Identification Number for the property is 9788-37-9717 and the land size is shown as 1.49 acres which is the same as shown on the plat. Since the property is owned by a municipality it is not subject to real estate taxes and no tax value for the land or the improvements is given. A copy of the tax card is on the following page.

528
Tax Data



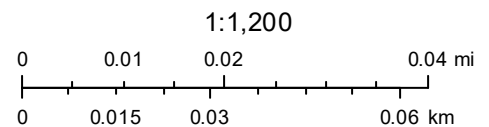
This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.

February 14, 2020

PIN: 9788379717
OWNER 1: CHAPEL HILL TOWN OF
OWNER 2:
ADDRESS 1: 405 MARTIN LUTHER KING JR BLVD
ADDRESS 2:
CITY: CHAPEL HILL
STATE, ZIP: NC 27514
LEGAL DESC: S/S ROSEMARY ST P71/124

SIZE: 1.49 A
DEED REF: 1269/442
RATECODE: 32
DATE SOLD: 07/19/1994
BLDG SQFT:
YEAR BUILT:

BUILDING COUNT:
LAND VALUE:
BLDG_VALUE:
USE VALUE:
TOTAL VALUE:



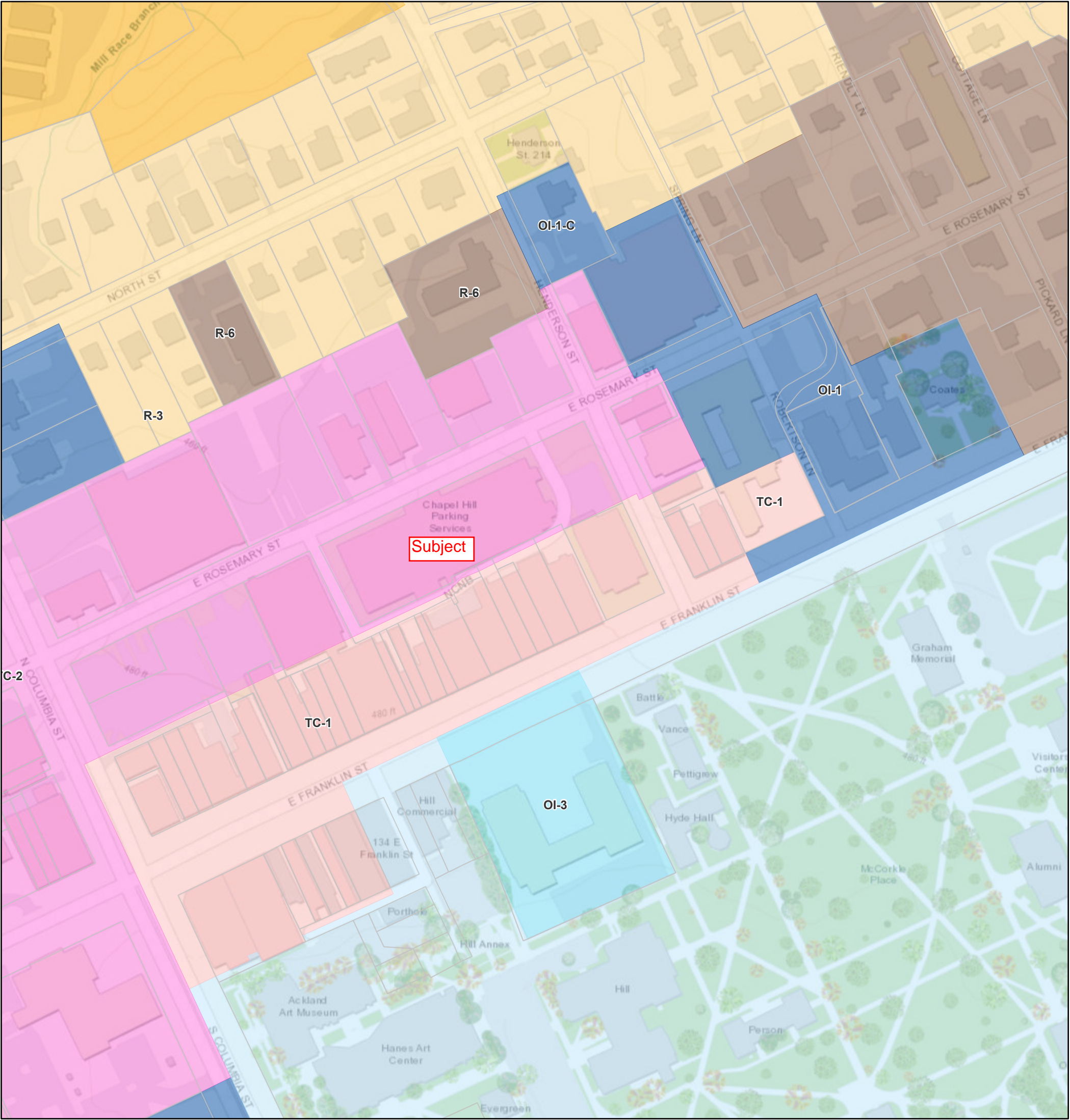
I am not aware of any current or future assessments.

ZONING AND OTHER LEGAL RESTRICTIONS

The Chapel Hill GIS shows the property located in a TC-2 Town Commercial zoning district. A copy of this map is on the following page. The following description is a general one and is not meant to be an exhaustive discussion of all of the zoning regulations. According to the Land Use Management Ordinance:

The town center (TC) districts are intended to provide for the development of the commercial, service, and social center of Chapel Hill while maintaining its character, its pedestrian-oriented scale, and its nature as a concentration of business, administrative, financial, governmental, and support functions serving the community; and to encourage further residential development in the central area of Chapel Hill. The zoning regulations for the TC districts are designed to achieve the following objectives:

- Buildings are designed and located so that they provide visual interest and create enjoyable, human-scale spaces.
- Building design blends with the natural terrain by means such as terracing or other techniques that minimize grading.
- Designs are compatible, in form and proportion, with the neighboring area.
- Designers strive for creativity in form and space wherever contrast and variety are appropriate to the larger environment.
- Buildings and projects include visual variety and also maintain a strong sense of unity.
- Buildings and projects include a high level of architectural detailing to help maintain a sense of scale.
- Buildings are designed and located so that they provide visual interest and create enjoyable, human-scale spaces.



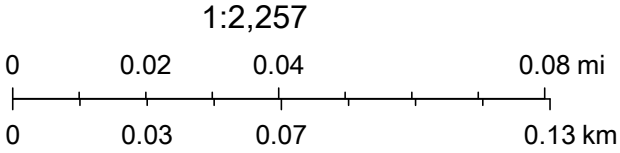
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- Chapel Hill Jurisdictional Limits
- Chapel Hill Urban Service Area
- Chapel Hill Corporate Limits
- Orange County Parcel Data

Zoning Districts

- R-3 - Medium Density Residential, 7 units/acre
- R-4 - Medium Density Residential, 10 units/acre

- R-6 - High Density Residential, 15 units/acre
- OI-1 - Office and Institutional 1
- OI-1-C - Office and Institutional 1 Conditional
- OI-3 - Office and Institutional 3
- OI-4 - Office and Institutional 4
- TC-1 - Town Center 1
- TC-2 - Town Center 2



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, North

- Building design blends with the natural terrain by means such as terracing or other techniques that minimize grading.
- Designs are compatible, in form and proportion, with the neighboring area.
- Designers strive for creativity in form and space wherever contrast and variety are appropriate to the larger environment.
- Buildings and projects include visual variety and also maintain a strong sense of unity.
- Buildings and projects include a high level of architectural detailing to help maintain a sense of scale.

This zoning generally allows for all types of residential uses, offices and commercial type uses. Other uses such as schools, churches and daycare centers are allowed, but require additional approval. Heavier commercial, industrial and agricultural uses are not allowed.

Physical requirements are as follows:

Minimum lot size:	NA
Maximum density:	NA
Minimum frontage:	12 feet
Minimum lot width	15 feet
Maximum building heights	44 feet setback, 90 feet core
Minimum street setback	0 feet
Minimum interior setback	0 feet
Minimum solar setback	0 feet
Impervious Surface Ratio:	NA
Maximum floor area ratio	1.97
Maximum street setback	NA

Parking: On-site parking is not required

DAVID A. SMITH, MAI, SRA

The site as improved appears to conform to the current zoning requirements. To my knowledge, the subject is not located in any overlay districts and there are no other known restrictions of any kind. It is not likely that the site could be rezoned.

PART FOUR – ANALYSIS OF DATA AND CONCLUSIONS

HIGHEST AND BEST USE

Highest and best use is defined as follows:

The reasonably probable and legal use of vacant land or an improved property, that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity. Alternatively, the probable use of land or improved property - specific with respect to the user and timing of the use – that is adequately supported and results in the highest present value.

To estimate the highest and best use of a property, normally two conditions are considered, as though vacant and as improved. However since the value requested in land only only one highest and best use is necessary. As stated in the definition a property is analyzed on four criteria. A use must pass one criteria in order be considered for the next one. A discussion of each criterion and the uses that do and do not pass it follows.

Legal Permissibility - Legal restrictions to the site are those from the Chapel Hill Planning Department. As more thoroughly discussed in the zoning section, the property is located in an TC-2, town center zoning district. This zoning generally allows for all types of residential uses, offices and commercial type uses. Other uses such as schools, churches and daycare centers are allowed, but require additional approval. Heavier commercial, industrial and agricultural uses are not allowed.

Physical Possibility - As discussed in the Land Data section of this report, the property has access to a publicly maintained street and all city utilities. The topography is mostly level and should not restrict improvement. There is no evidence of any easements or encroachments that would significantly restrict improvement. The site is also of sufficient size for most uses. Therefore, all of the uses that are legally permissible are physically possible.

Financial Feasibility - The test of financial feasibility is whether a use would produce a positive return to the land. Of the legally permissible and physically possible uses, it is not financially feasible to improve the site with any of the special uses. While the site could be used for one of these uses, the pool of potential buyers for these uses is small and they can be built in virtually any zoning. For this reason, the only financially feasible use would be for some type of office commercial or residential use.

Maximum Profitability - The use that produces the highest return to the land is the use with the maximum profitability. In this area, commercial land sells for more per square foot than office or residential. However, commercial uses generally require street level. Office and residential uses do not. For this reason the most profitable use is for a mixed use development with commercial on the first floor and office or residential on upper floors. No one particular type of these uses is the most profitable as long as the site is used to its maximum potential.

OPINIONS OF VALUE

To develop an opinion of the value of the property I will use the sales comparison approach only. Land of this nature rarely produces income if vacant for use in the income capitalization approach and the cost approach cannot be used to value vacant land. The sales comparison approach defined as:

The process of deriving a value indication for the subject property by comparing market information for similar properties with the property being appraised, identifying appropriate units of comparison, and making qualitative comparisons with quantitative adjustments to the sale prices (or unit prices, as appropriate) of the comparable properties based on relevant, market-derived elements of comparison.

As stated, the highest and best use of the site as though vacant is for some type of mixed use. I researched the area for recent sales and listings of land with a similar highest and best use. Of those found, the most comparable are analyzed on an analysis and adjustment chart on the following page. Further information about the comparables is in the addenda.

Adjustments are considered for any significant differences, however, for appraisal purposes they are grouped into 10 categories. These categories are considered in a specific order. A discussion of the categories and the order in which they are adjusted follows the chart.

Real property rights conveyed – The comparables are either fee simple transfers or sold at fee simple rates. No adjustments are made for this factor.

Financing terms - All of the comparables are cash to seller and financing had no effect on the sales prices.

Conditions of sale – All of the comparables are arms-length transactions and no adjustments are needed.

ANALYSIS AND ADJUSTMENT CHART OF VACANT COMMERCIAL LAND SALES					
Comparable		1	2	3	4
Reference #		2020-1	2016-129	2016-130	2019-18
Location	150 E Rosemary	100 W Rosemary	212 W Rosemary	109 Church	610 W Franklin
Tax Ref		9788371539, et al	9788275353, et al	9788274180	9788066054
Zoning		TC-2 & O&I-1	TC-2	TC-1	TC-2
Date	2/12/2020	Under Contract	6/6/2016	3/31/2016	12/18/2019
Sales Price		\$4,500,000	\$3,250,000	\$2,000,000	\$1,795,500
Size (Acres)	1.49	1.05	0.72	0.58	0.52
Property Rights Conveyed		Fee Simple	Fee Simple	Fee Simple	Fee Simple
Financing Terms		Cash to Seller	Cash to Seller	Cash to Seller	Cash to Seller
Conditions of Sale		Arms Length	Arms Length	Arms Length	Arms Length
Expenditures		\$0	\$0	\$0	\$0
Including Expenditures		\$4,500,000	\$3,250,000	\$2,000,000	\$1,795,500
Market Condition Adjustment		-10.00%	18.00%	19.00%	1.00%
Adjusted for Market Condition		\$4,050,000	\$3,835,000	\$2,380,000	\$1,813,455
Adjusted for					
Location		5.00%	10.00%	10.00%	25.00%
Size		-2.00%	-4.00%	-5.00%	-5.00%
Access		0.00%	0.00%	0.00%	0.00%
Utilities		0.00%	0.00%	0.00%	0.00%
Topography		0.00%	0.00%	0.00%	0.00%
Net Adjustment		3.00%	6.00%	5.00%	20.00%
Adjusted Value		\$4,171,500	\$4,065,100	\$2,499,000	\$2,176,146
Economic Characteristics		Similar	Similar	Similar	Similar
Use		Similar	Similar	Similar	Similar
Non-Realty Items		None	None	None	None
INDICATED PER SQUARE FOOT VALUE OF SUBJECT					
		\$91.20	\$129.61	\$98.91	\$95.78

Expenditures made immediately after purchase – No expenditures were made on any of the comparables and no adjustments are necessary.

Market Conditions (Time) – Three of the comparables are adjusted upward since property values have been increasing. The fourth is a pending sale and the actual sales price was not disclosed. The asking price was known and this was adjusted downward since properties rarely sell for full asking price.

Location – The subject backs up to the most desirable section of Franklin Street in downtown. It currently provides parking for this area. Although three of the comparables are close to the subject, they are west of Columbia Street and are not as desirable. The other comparables is further away at the border with Carrboro. While all of the comparables have very good locations they are not as desirable as the subject and upward adjustments are made.

Physical Characteristics - For the subject, four physical characteristics are significant.

Size – All of the comparables are significantly smaller and a downward adjustments are made since smaller parcels will sell for more on a per square foot basis.

Access – The subject and comparables have access to paved public roads.

Utilities – The subject and comparables have access to all city utilities and no adjustments are made.

Topography – The subject and the comparables have topographies that would not significantly affect value and no adjustments are needed.

Economic characteristics – The subject and comparables have similar economic characteristics and no adjustments are needed for this factor.

Use – All of the comparables were purchased for similar uses and no adjustments are needed.

Non-realty components of value – No non-realty components transferred with any of the comparable properties or the subject and no adjustments are made.

The comparables give indicated values of \$91.20, \$129.61, \$98.91 and \$95.78 per square foot after adjusting. Based on this, the per square foot value of the subject is selected at \$98.050. My opinion of the land value of the subject is therefore:

64,904 square feet (1.49 Acres) @ \$98.00 per Sq Ft = \$6,360,592
Rounded \$6,360,000

RECONCILIATION AND FINAL OPINION OF VALUE

Since the only approach available is the sales comparison approach, the value from this approach is selected. It should be noted that no estimate of demolition cost was considered since the value requested was land only.

The comparables used were not straight land sales since there is virtually no vacant land in downtown Chapel Hill that has sold. The comparables were redevelopment sites that were redeveloped after purchase or are being held for future redevelopment.

Based on the indicated values of the comparables it is my opinion that the market value of the fee simple estate of the land only is:

SIX MILLION THREE HUNDRED AND SIXTY THOUSAND DOLLARS
(\$6,360,000)

EXPOSURE TIME AND MARKETING TIME

The definition of exposure time as used in this report is that as defined by the Appraisal Foundation and found in a publication entitled, *Uniform Standards of Professional Appraisal Practice*, 2020-2021 Ed. This definition is:

Exposure Time: estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

Marketing Time: an opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal.

Exposure time occurs before the effective date of the appraisal, whereas marketing time occurs after the effective date. Exposure time answers the question, “If the property sold on the effective date of the appraisal, how long was it on the market?” Marketing time answers the question, “How long will it take the property to sell if placed for sale on the market as of the effective date of the appraisal?”

The average time on the market for properties in the Triangle area is about twelve months according to statistics from the commercial listing service and from discussions with local market participants. Based on this historical data, the exposure time of the subject is selected at twelve months. Marketing time is more difficult to estimate since it is a projection into the future. However, the general economy appears to be improving. Days on the market in the future should be the same or less than in the recent past and the marketing time, if the property is correctly priced and actively marketed is also selected at twelve months.



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 DURHAM, NORTH CAROLINA 27717-1597
 PHONE (919) 493-1534
smithappraiser@frontier.com



QUALIFICATIONS OF DAVID A. SMITH, MAI, SRA

The appraiser, David A. Smith, has been involved in the appraisal of real estate for over thirty years. He worked with his father, Charles W. Smith, from 1976 to 2003. After the retirement of Charles W. Smith in 2003 he formed Smith & Whitfield, Inc. and later David A. Smith & Associates. In 1988 he was awarded the RM designation. With the merger of the American Institute of Real Estate Appraisers and the Society of Real Estate Appraisers in January of 1991, the RM designation was changed to the SRA designation. In 1991 he was awarded the MAI designation of the Appraisal Institute. He became a state-certified real estate appraiser in 1991 the year the state first began licensing real estate appraisers and his certification number is A281.

He has also trained and supervised several appraisers and has prepared all types of appraisal reports. His primary focus is Durham County and the adjoining counties of Orange, Person, Granville and Chatham.

EDUCATION: Graduate Episcopal High School, Alexandria, VA, 1976
 A.B., Duke University, Durham, NC, 1981

APPRAISAL INSTITUTE COURSES:

Real Estate Appraisal Principles (Exam 1A-1/8-1), University of North Carolina, 1981
 Residential Valuation (Exam 8-2), University of North Carolina, 1981
 Basic Valuation Procedures (Exam 1A-2), University of North Carolina, 1983
 Standards of Professional Practice (Exam SPP), University of North Carolina, 1983
 Capitalization Theory & Techniques, A (Exam 1B-A), University of Colorado, 1984
 Capitalization Theory & Techniques, B (Exam 1B-B), University of Colorado, 1984
 Valuation Analysis and Report Writing (Exam 2-2), University of North Carolina, 1987
 Case Studies in Real Estate Valuation (Exam 2-1), University of North Carolina, 1987
 Advanced Sales Comparison & Cost Approaches, Atlanta, Georgia, 2002
 General Appraiser Market Analysis and Highest and Best Use, Atlanta, Georgia, 2007
 Online Business Practices and Ethics, Chicago, Illinois, 2007
 Appraisal Curriculum Overview, 2009
 Condemnation Appraising: Principles & Applications, Greensboro, NC, 2011

APPRAISAL INSTITUTE SEMINARS:

Highest and Best Use, 1988
 Industrial Valuation, 1988
 Rates, Ratios and Reasonableness, 1988
 Valuation of Leased Fee Interests, 1989
 Current Problems in Industrial Valuation, 1989
 Methods of Subdivision Analysis, 1989
 Expert Witness in Litigation, 1989
 Discounted Cash Flow, 1990
 RTC Appraisal Standards, 1990
 Preparation and Use of the UCIAR Form, 1990
 Standards of Professional Practice Update, 1990
 Commercial Construction Overview, 1991
 Appraising Troubled Properties, 1991
 Appraisal Regulations of the Federal Banking Agency, 1992
 Real Estate Law for Appraisals, 1992
 Appraising Apartments, 1993
 Discounted Cash Flow Analysis, 1994
 Appraiser's Legal Liabilities, 1994
 Understanding Limited Appraisals, 1994
 Analysis Operating Expenses, 1995
 Future of Appraisals, 1996
 Highest and Best Use Applications, 1996
 Standards of Professional Practice, Parts A & B, 1997
 Litigation Skills for the Appraiser, 1997
 Eminent Domain & Condemnation Appraising, 1998
 Matched Pairs/Highest & Best Use/Revisiting Report Options, 1998
 Valuation of Detrimental Conditions, 1998
 Appraisal of Nonconforming Uses, 2000
 How GIS Can Help Appraisers Keep Pace with Changes in R E Industry, 2001
 Feasibility Analysis, Market Value and Investment Timing, 2002
 Analyzing Commercial Lease Clauses, 2002
 Standards of Professional Appraisal Practice, 2002
 Effective Appraisal Writing, 2003
 Supporting Capitalization Rates, 2004
 National USPAP Update, 2004
 Rates and Ratios: Making Sense of GIMs, OARs, and DCFs, 2005
 The Road Less Traveled: Special Purpose Properties, 2005
 National USPAP Update, 2006
 Appraisal Consulting: A Solutions Approach for Professionals, 2006
 What Clients Would Like Their Appraisers to Know, 2007
 Valuation of Detrimental Conditions, 2007
 Business Practice and Ethics, 2007
 Office Building Valuation: A Contemporary Perspective, 2008
 Subdivision Valuation, 2008
 National USPAP Update, 2009

Effective Appraisal Writing, 2009
 Appraisal Curriculum Overview, 2009
 Discounted Cash Flow Model: Concepts, Issues and Apps, 2010
 National USPAP Update, 2010
 Rates and Ratios: Making sense of GIMs, OARs and DCFs, 2011
 National USPAP Update, 2012
 Business Practices and Ethics, 2012
 Marketability Studies: Advanced Considerations & Applications, 2013
 Real Estate Valuation Conference, 2013
 2014 Real Estate Valuation Conference, 2014
 7-Hour National USPAP Update Course, 2014
 2014 Real Estate Valuation Conference, 2014
 Analyzing the Effects of Environmental, 2015
 7-Hour National USPAP Update Course, 2016
 Online Business Practices and Ethics, 2017
 Commercial Real Estate Finance, 2017
 Spring 2017 Real Estate Valuation, 2017
 7-Hour National USPAP Update Course, 2018
 The End of Experts: Mission Battleground and the Intelligent Layperson, 2018
 Ignorance Isn't Bliss: Understanding and Investigation by a State Appraiser
 Regulatory Board or Agency, 2018
 Advanced Land Valuation: Sound Solutions to Perplexing Problems, 2019
 Uniform Appraisal Standards for Federal Land Acquisitions, 2019

OTHER SEMINARS AND COURSES:

Commercial Segregated Cost Seminar, Marshall & Swift, 1988
 Appraisal Guide and Legal Principles, Department of Transportation, 1993
 The Grammar Game, Career Track, 1994
 Property Tax Listing and Assessing in NC, 2014

MEMBERSHIPS:

Appraisal Institute, MAI #09090
 Appraisal Institute, SRA/RM #2248
 Durham Board of Realtors
 North Carolina Association of Realtors
 National Association of Realtors

CERTIFICATION:

State Certified General Real Estate Appraiser for North Carolina, #A281

OTHER:

Durham Civilian Police Review Board, 2009 - Present, Past Chair
 Durham County Board of Equalization and Review, 2013 – Present, Current Chair
 Durham Public Schools Budget Advisory Committee, 2013 - 2018
 NC Property Tax Commission, 2013 – 2017
 City of Durham Audit Oversight Committee, 2002 – 2006
 Durham Board of Adjustment, 1994 - 2002
 Durham City/County Zoning Commission, 1990 – 1995
 John Avery Boys and Girls Club, 1994-2002
 Historical Preservation Society, 1992 - 1995
 Vice President of the Candidates, 1989, NC Chapter 40
 President of the Candidates, 1990, NC Chapter 40
 Candidate of the Year, 1990, NC Chapter 40

RECENT CLIENTS:

LENDING INSTITUTIONS

American National Bank & Trust Company
 AMEX Financial
 BB&T
 Citizens National Bank
 CommunityOne Bank NA
 Fidelity Bank
 Live Oak Banking Company
 Mechanics & Farmers Bank
 Pacific International Bank
 PNC Bank
 RBC Bank
 Self-Help
 State Farm Bank
 SunTrust Bank
 Wells Fargo Bank

MUNICIPALITIES AND OTHER GOVERNMENT AGENCIES

City of Durham
 Town of Chapel Hill
 Town of Hillsborough
 NC Department of Administration
 Durham County
 Orange County
 Durham Public Schools
 Durham Technical Community College
 Housing Authority of the City of Durham
 NCDOT

Orange Water and Sewer Authority
Person County

OTHER

Allenton Management
Builders of Hope
BCG Properties
Blanchard, Miller, Lewis & Styers Attorneys at Law
Blue Cross & Blue Shield of NC
Boulevard Properties
Carolina Land Acquisitions
CRC Health Corporation
Development Ventures Inc.
Duke Energy
Durham Academy
Durham Rescue Mission
Durham Technical Community College
Edward Jones Trust Company
Farrington Road Baptist Church
Forest History Society
GBS Properties of Durham, LLC
Hayden Stanziale
Georgia Towers, LLC
Hawthorne Retail Partners
Integral
Investors Title Insurance
IUKA Development
Joelepa Associates LP
LCFCU Financial Partners
McDonald's USA
Mt. Gilead Baptist Church
Northgate Realty, LLC
Property Advisory Services, Inc.
Research Triangle Foundation
Sehed Development Corporation
Simba Management
Stirling Bridge Group, LLC
Styers, Kemeraite & Mitchell, PLLC
Talbert & Bright Attorneys at Law
Teer Associates
Thalle Construction
The Bogey Group
TKTK Accountants
Treyburn Corporate Park, LLC
Trinity Properties
UNC Hospitals
Voyager Academy
Wilhekan Associates

In addition, Mr. Smith has made appraisals for other lending institutions, municipalities, individuals, corporations, estates and attorneys. Appraisal assignments have been made throughout the Triangle, North Carolina, and South Carolina.

Properties appraised include all types of single family residential, multi-family residential, office, retail, commercial, industrial, churches, schools and other specialty type uses, vacant and improved, existing and proposed.

Appraisal assignments were for a variety of purposes including: mortgage loans, estate planning, condemnation, bankruptcy, equitable distribution and impact analyzes.

ADDENDA

548
PHOTOGRAPHS OF SUBJECT



Street Scene along Rosemary Street Looking East



Street Scene along Rosemary Street Looking West

549
PHOTOGRAPHS OF SUBJECT



Alley from Rosemary Street



Street Scene along Henderson Street

550
PHOTOGRAPHS OF SUBJECT

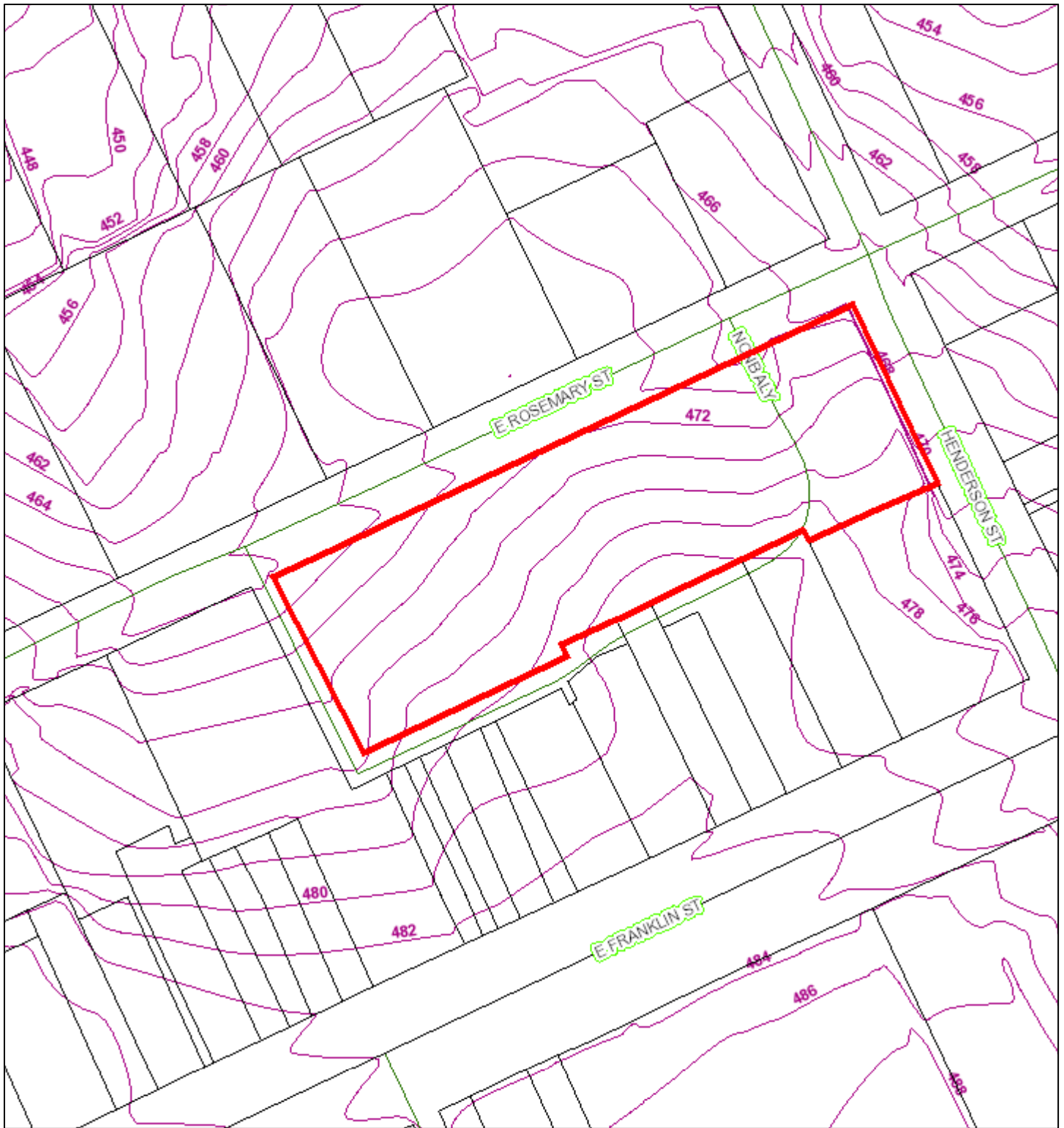


Surface Parking Area

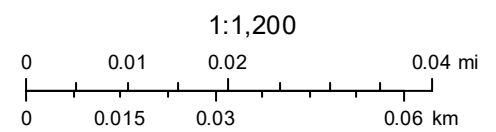


Parking Garage

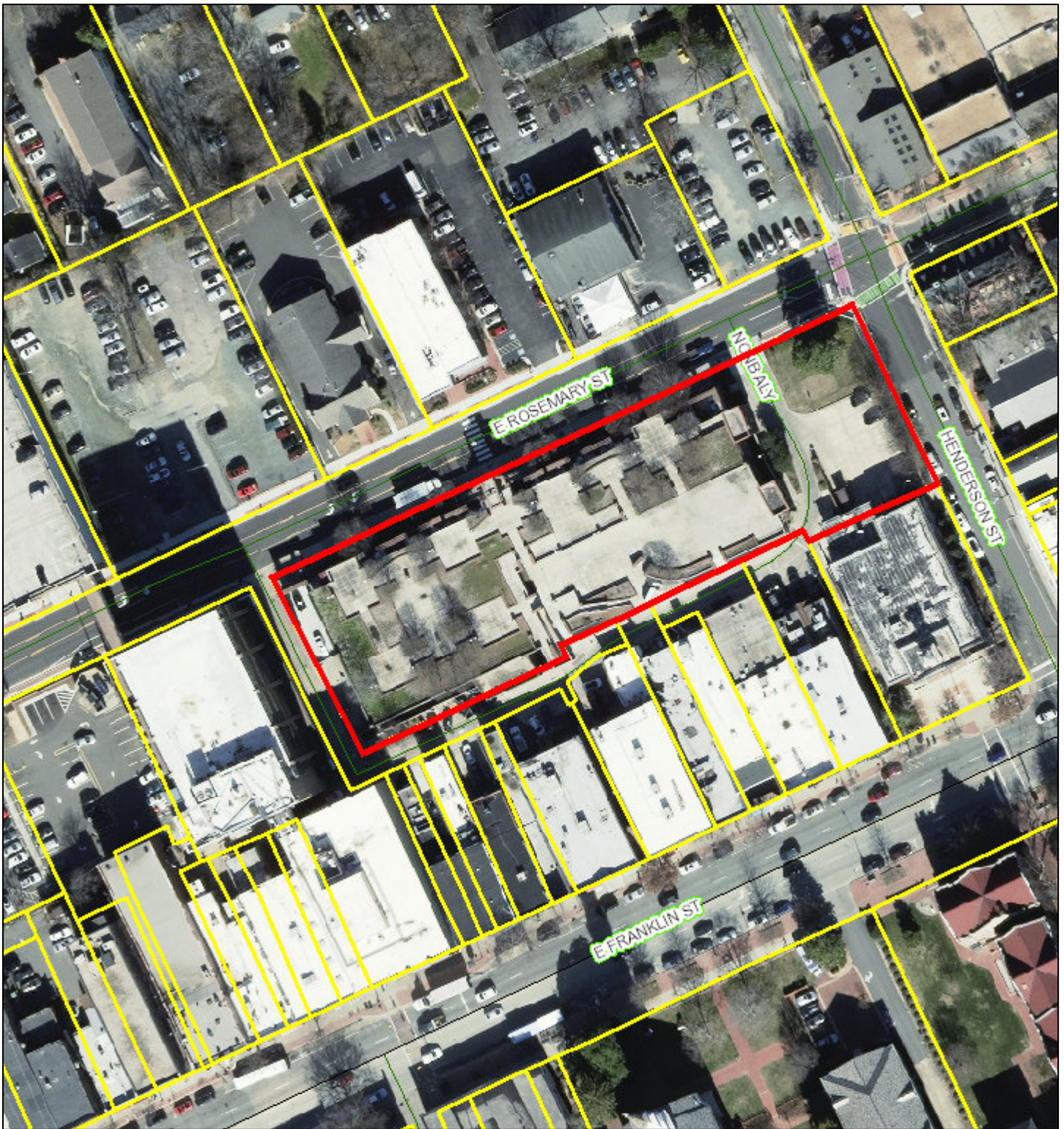
551
Topography Map



February 7, 2020

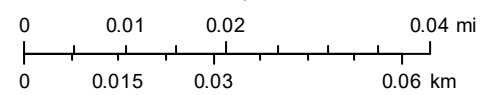


Aerial



February 7, 2020

1:1,200



R/S Paid None

BOOK 1269 PAGE 442

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<i>Parcel</i>	<i>Parcel Identification Numbers</i>	<i>Tax Map References</i>
Tract 1 (Parking Deck):	9788-37-9717	7.80A..10
Tract 2 (Quail Roost 1):	9788-37-4469	7.80A..2
Tract 3 (Quail Roost 2):	9788-37-5557	7.80A..3A
Easement (Sloan)	9788-37-3583	7.80A..1

PREPARED BY AND RETURN TO:

DAVID R. FRANKSTONE, ATTORNEY-AT-LAW,
HIGGINS, FRANKSTONE, GRAVES & MORRIS,
P.A., 870 AIRPORT ROAD, CHAPEL HILL, NC
27514

Address of Grantee: 306 N. Columbia Street, Chapel Hill, NC 27516

WARRANTY DEED

This deed is made this 20TH day of July, 1994, by and between the **TOWN OF CHAPEL HILL PUBLIC FACILITIES CORPORATION**, a North Carolina Non-Profit Corporation, hereinafter referred to as "Grantor"; and the **TOWN OF CHAPEL HILL**, a North Carolina Municipal Corporation, hereinafter referred to as "Grantee";

WITNESSETH:

THAT the Grantor, for a valuable consideration paid by the Grantee, the receipt of

BOOK 1269 PAGE 443

which is hereby acknowledged, has and by these presents does bargain, sell and convey unto the Grantee in fee simple all that certain tract or parcel of land situate, lying and being in Chapel Hill Township, Orange County, North Carolina, and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging to the Grantee in fee simple forever. And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple; has the right to convey the same in fee simple; that title is marketable and free from encumbrances; and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Matters of Public Record.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has caused this Instrument to be signed in its Corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.



TOWN OF CHAPEL HILL PUBLIC FACILITIES CORPORATION

By: James Baker
James Baker, President

ATTEST:

Robert Godding
Robert Godding, Secretary/Treasurer

BOOK 1269 PAGE 444

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, a Notary Public of the County and State aforesaid, certify that **Robert Godding** personally came before me this day and acknowledged that he is Secretary/Treasurer of **TOWN OF CHAPEL HILL PUBLIC FACILITIES CORPORATION**, a North Carolina Non-Profit Corporation, and that by authority duly given and as the act of the Corporation, the foregoing Instrument was signed in its name by **James Baker**, its President, sealed with its Corporate Seal and attested by him, **Robert Godding**, as its Secretary/Treasurer.

WITNESS my hand and official stamp or seal, this the 20th day of July, 1994.

Topi C. Pendergast
Notary Public

(NOTARIAL SEAL)

My commission expires: *July 2, 1997*



State of North Carolina-Orange County
The foregoing certificate(s) of _____

Topi C. Pendergast
A Notary (Notaries) Public for the Designated Governmental
units is (are) certified to be correct. See Filing certificate herein.
This the *20th* day of *July* A.D. 19 *94*

Betty June Hayes
Register of Deeds

Delmar B. Brown
By Assistant Deputy
Register of Deeds

FILED
20 JUL 1994, at 11:05:43AM
Book 1269, Page 442 - 447
Betty June Hayes,
Register of Deeds,
Orange County, N. C.

BOOK 1269 PAGE 445

Exhibit A
Deed from
Town of Chapel Hill Public Facilities Corporation
to
Town of Chapel Hill
Legal Descriptions

<i>Parcel</i>	<i>Parcel Identification Numbers</i>	<i>Tax Map References</i>
Tract 1 (Parking Deck):	9788-37-9717	7.80A..10
Tract 2 (Quail Roost 1):	9788-37-4469	7.80A..2
Tract 3 (Quail Roost 2):	9788-37-5557	7.80A..3A
Easement (Sloan):	9788-37-3583	7.80A..1

Tract 1 (Parking Deck):

That certain parcel of land and the improvements located thereon containing approximately 1.49 Acres according to the plat entitled Recombination Plat Rosemary Street Parking Facility and recorded at Plat Book 71, Page 124, Orange County Registry.

Tract 2 (Quail Roost 1):

I -- All of that certain lot, parcel or tract of land, with the improvements thereon, situated lying and being on the East side of Columbia Street, in the Town of Chapel Hill, NC and BEGINNING at a stake in the East property line of Columbia Street, S.J. Brockwell's Southwest corner, which point is established by measuring along the East property line of Columbia Street in a Southern direction 75 ft. to a stake in an alley; running thence along the North line of the said alley and parallel to Rosemary Street in an Eastern direction 133 feet to a stake; running thence in a Northern direction and parallel with Columbia Street 75 feet to a stake; S.J. Brockwell's Southeast corner; running thence with said Brockwell's Southern line in a Western direction parallel to Rosemary Street 133 feet to the beginning and being part of the same land conveyed to S.L. Herndon by deed of S.J. Brockwell and wife, dated March 12, 1906, and recorded in the Office of the Register of Deeds of Orange County in Book 59, at page 16.

BOOK 1269 PAGE 446

2 — BEGINNING at an iron stake about a half inch in diameter at Sparrow's corner in W.B. Sorrell's line and running thence North 25° West with Sorrell's line 150 feet to an iron stake about 1/2 inch in diameter in Rosemary Street; thence Southwest with Rosemary Street to S.L. Herndon's corner; thence Southeast with Herndon's line to his corner in an alley; thence Northeast to the point of beginning and containing one-fifth (1/5) of an acre, more or less, as surveyed January 28, 1909, by J.W. Spears and J.M. Costner.

Tract 2, #1 & 2 are to remain as one.

Tract 3 (Quail Roost 2):

BEGINNING at a stake on the inside line of the sidewalk on East Rosemary Street and which stake, point and place of beginning is North 64° 32' East 212.17 feet from the back of the curb on the east side of Columbia Street and running thence along and with the inside line of the sidewalk on east Rosemary Street North 64° 32' East 104.4 feet to a stake; thence South 25° 28' East 145.62 feet to a stake; thence South 64° 32' West 19.07 feet to the east brick wall of the Sorrell Building; thence along with the east brick wall of said building North 25° 28' West 12 feet to the northeast corner of the Sorrell Building; thence along and with the north wall of said building South 64° 32' West 42.16 feet to the northwest corner of said building; thence along and with the West wall of said building South 25° 28' East 162 feet to a stake in the inside line of the sidewalk on the North side of East Franklin Street; thence along and with the inside line of said sidewalk South 64° 32' West 8.17 feet to the brick wall of a building; thence along and with the East wall of said building North 25° 28' West 100 feet; thence North 25° 28' West 30 feet to a stake; thence South 64° 32' West 35 feet to a stake; thence North 25° 28' West 165.62 feet to a stake on the inside line of the sidewalk on East Rosemary Street, the point and place of BEGINNING and being property of Mrs. ELOISE SORRELL ROBBINS as per plan and survey thereof made by Robert J. Ayers, R.L.S., May, 1967.

Tract 4 (Easement):

Being a 30 foot wide strip of land whose eastern border is the eastern boundary of the property described below and whose western border is a line 30 feet west of and parallel to that eastern border, said easement running in a Southerly direction for a distance of approximately 75 feet from the Southern margin of the right of way of Rosemary Street to the Northern line of Tract 2 -- 1 as described above. This easement shall not merge with the underlying fee simple title to the property described below unless the owner of both the easement and the fee expressly so declares in a writing, duly signed, acknowledged and recorded in the Office of the Register of Deeds of Orange County. The land across which the easement runs is described as follows:

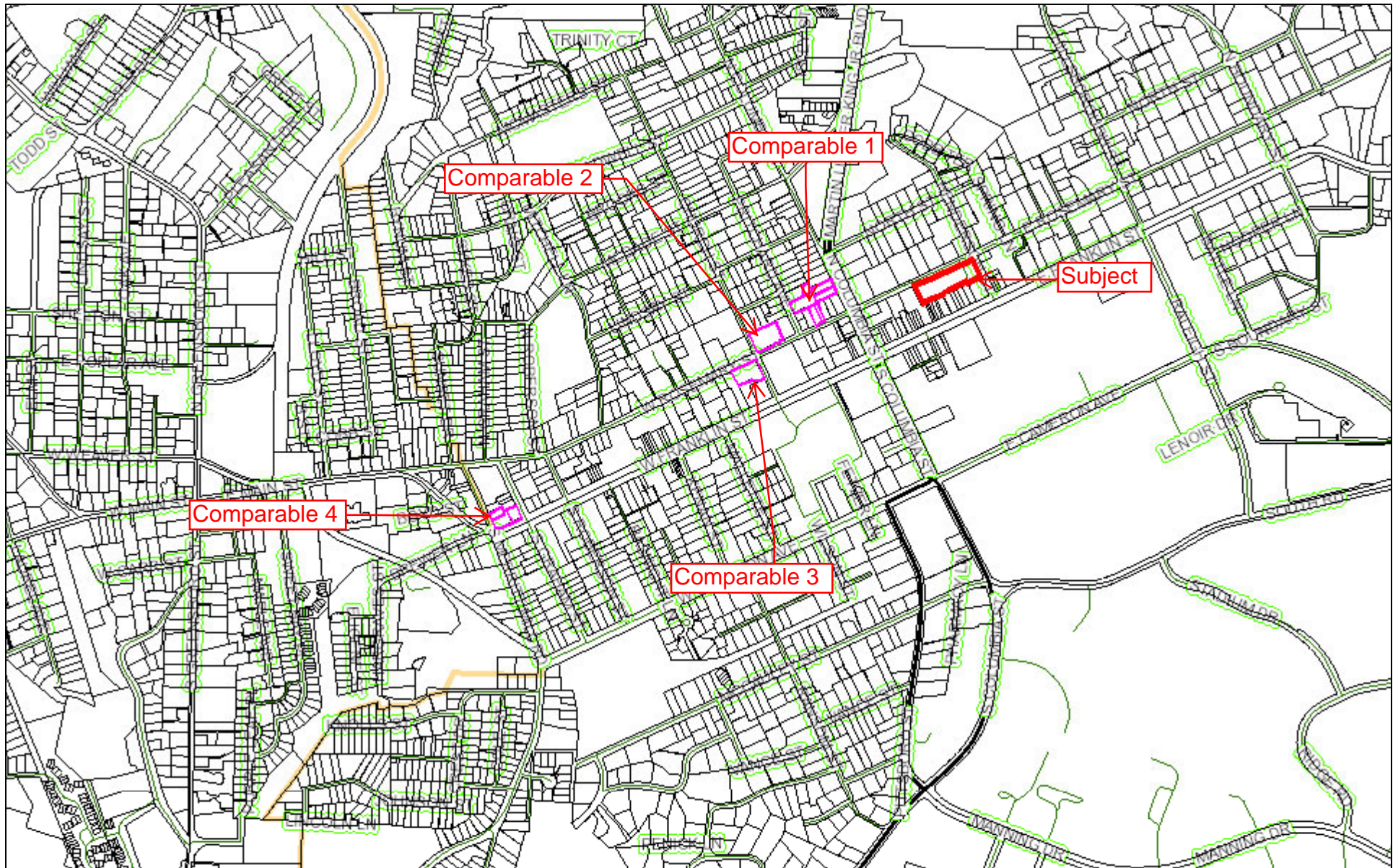
All that certain lot or parcel of land, together with all improvements thereon, situated, lying and being at the Southeastern intersection of Columbia and Rosemary Streets in the Town of Chapel Hill, North Carolina, and more particularly described as: Beginning at a stake in the said intersection and running thence in an eastern direction and along the South property line of Rosemary Street 133 feet to a stake, the

BOOK 1269 PAGE 447

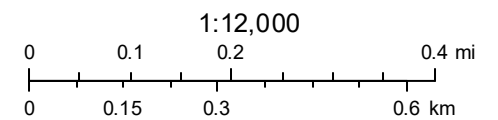
Northwest corner of the former Herndon lot; running thence Southward with the former Herndon line and parallel with Columbia Street 75 feet to a stake; running thence Westward and still with the former Herndon line and parallel with Rosemary Street 133 feet to a stake in the East property line of Columbia Street; running thence along the East property line of Columbia Street in a Northern direction 75 feet to the beginning being the same land conveyed to S.J. Brockwell by deed of S.L. Herndon and wife, dated August 26, 1911, and recorded in the office of the Register of Deeds of Orange County in Book 64 at Page 171, and being the same property conveyed to William L. Sloan and Ruth H. Sloan, by deed from Fannie S. Brockwell, dated September 21, 1954, and recorded in the office of the Register of Deeds of Orange County, in Book 152, Page 42.

C:\WORK\CHEXARDS July 13, 1994

Location Map of Comparables



February 13, 2020



COMPARABLE 2

REFERENCE NUMBER: 2016-129
TYPE PROPERTY: Vacant Commercial
COUNTY: Orange
LOCATION: 212, 214 & 220 W Rosemary, Chapel Hill
TAX REFERENCE: 9788-27-5353, 9788-27-6326 and 9788-27-6387
ZONING: TC-2
GRANTOR: Michael Slomiany and wife Kimberly F. Slomiany
GRANTEE: Chapel Hill Hotels, LLC
DATE OF SALE: 5/31/2016
DEED REFERENCE 6134/313
STAMPS: \$6,500.00
PRESENT USE: AC Hotel
BEST USE: Commercial
UTILITIES: All City
SALES PRICE: \$3,250,000
CONFIRMED BY: Burt Shuler & John Morris, Brokers
CONDITION OF SALE: Arms-Length
PROPERTY RIGHTS TRANSFERRED: Fee simple
FINANCING: Cash to seller
LAND SIZE: 0.72 Acre
ACCESS/FRONTAGE: Paved Public Road
TOPOGRAPHY: Mostly Level
COMMENTS: Assembled for Hotel



COMPARABLE 3

REFERENCE NUMBER: 2016-130

TYPE PROPERTY: Vacant Commercial

COUNTY: Orange

LOCATION: 109 Church, Chapel Hill

TAX REFERENCE: 9788-27-4180

ZONING: TC-2

GRANTOR: The North Carolina Pharmaceutical Association Endowment Fund, Inc.

GRANTEE: Antoine A. Puech

DATE OF SALE: 3/30/2016

DEED REFERENCE 6097/199

STAMPS: \$4,000.00

PRESENT USE: Office

BEST USE: Redevelopment for Commercial

UTILITIES: All City

SALES PRICE: \$2,000,000

CONFIRMED BY: Andrew Cable, Appraiser

CONDITION OF SALE: Arms-Length

PROPERTY RIGHTS TRANSFERRED: Fee simple

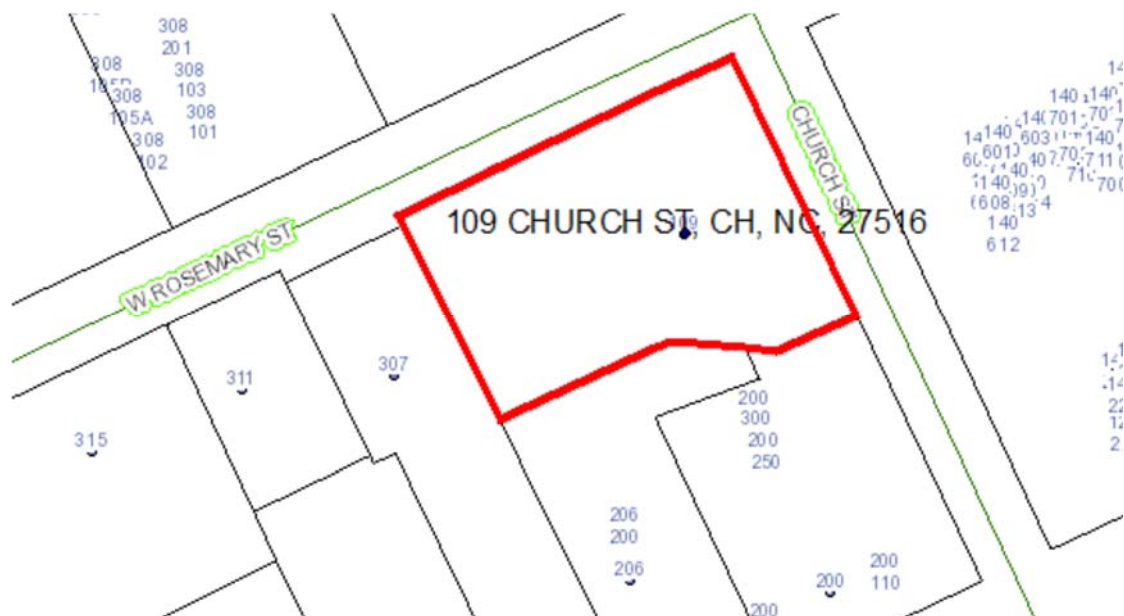
FINANCING: Cash to seller

LAND SIZE: 0.58 Acre

ACCESS/FRONTAGE: Paved Public Road

TOPOGRAPHY: Mostly Level

COMMENTS: Corner of Rosemary



COMPARABLE 4

REFERENCE NUMBER: 2019-18

TYPE PROPERTY: Vacant Commercial

COUNTY: Orange

LOCATION: 600 & 610 W Franklin & 108 N Merritt Mill, Chapel Hill

TAX REFERENCE: 9788-06-6054, 9788-06-7190 and 9788-06-8185

ZONING: TC-2

GRANTOR: (1) Nancy McLaine Pierce and Carol Ann McLain and spouse Roger Massie

(2) James S. Stewart, Trustee of the James A. Stewart Revocable Trust

(3) Eugene F. Hamer, Jr.

GRANTEE: Barrier Island Properties, LLC

DATE OF SALE: (1) 12/10/2019, (2) 12/9/2019 & (3) 7/30/2019

DEED REFERENCE (1) 6639/581, (2) 6639/573 (3) 6621/450

STAMPS: \$3,591.00 (total)

PRESENT USE: Commercial

BEST USE: Redevelopment for Commercial

UTILITIES: All City

SALES PRICE: \$1,795,500,000

CONFIRMED BY: Paul Snow, Appraiser

CONDITION OF SALE: Arms-Length

PROPERTY RIGHTS TRANSFERRED: Fee simple

FINANCING: Cash to seller

LAND SIZE: 0.5216 Acre (7,767 SF, 10,176 SF and 4,779 SF)

ACCESS/FRONTAGE: Paved Public Road

TOPOGRAPHY: Mostly Level

COMMENTS:





TOWN OF CHAPEL HILL

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

Item Overview

Item #: 23., File #: [20-0585], Version: 1

Meeting Date: 9/9/2020

Charting Our Future - Update on Future Land Use Map (FLUM) Engagement & Consideration of Changes to the Proposed FLUM.

Staff:

Maurice Jones, Town Manager
Alisa Duffey Rogers, LUMO Project Manager

Department:

Manager's Office

Overview: During summer 2020, staff engaged the community on the Future Land Use Map (FLUM)-Update to *Chapel Hill 2020*. Tonight, Council will receive an update on that engagement effort and will consider changes to the FLUM from this final round of community engagement.



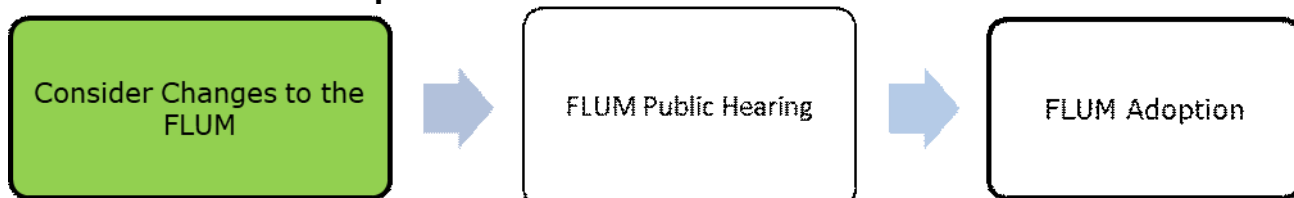
Recommendation(s):

That the Council adopt the resolution authorizing the Town Manager to make changes to the March 2020 draft of the Future Land Use Map - Update to *Chapel Hill 2020*.

Key Recommendations:

- For the Low, Medium, & High Land Use Categories, change the definitions to be less limiting in terms of density. (Density is the number of dwelling units permitted per acre.)
- Amend the University Land Use Category
- N. 15-501 Focus Area:
 - Sub-Area C - Decrease the Typical Height to four stories
 - Sub-Area A - Remove the Transitional Area on the northern edge
 - Sub-Area D - Add a Transitional Area between University Place & the N. Ridgefield Neighborhood. Change some parcels south of Estes Drive to Future Parks & Open Space
- North Martin Luther King Jr. Blvd. Focus Area:
 - Sub-Area C - Add a Transitional Area east of Martin Luther King Jr. Blvd.
 - Sub-Area D - Add a Transitional Area on the eastern side, north of Weaver Dairy Road
- Downtown Focus Area:
 - Sub-Area D - Add Townhouses & Residences as a Secondary Character Type
 - Sub-Area E - Add a Transitional Area on the north side of East Rosemary
 - Change the boundaries to remove those properties on UNC's campus

Where is this item in its process?



**Attachments:**

- Resolution
- Draft Staff Presentation
- Staff Memorandum
- Future Land Use Map-Update to *Chapel Hill 2020*

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO MAKE CHANGES TO THE MARCH 2020 DRAFT OF THE FUTURE LAND USE MAP - UPDATE TO CHAPEL HILL 2020 IN RESPONSE TO COMMUNITY INPUT (2020-09-09/R-18)

WHEREAS, on April 5, 2017, the Council for the Town of Chapel Hill initiated a project to Rewrite the Town's Land Use Management Ordinance (LUMO) and requested that the ordinance rewrite process begin with an effort to refine the Town's Future Land Use Map (FLUM); and

WHEREAS, since then Council has worked to produce a draft Future Land Use Map for the past two years in order to communicate a vision for Chapel Hill in 2049; and

WHEREAS, on May 6, 2020, the Council for the Town of Chapel Hill received the complete draft of the Future Land Use Map - Update to *Chapel Hill 2020* and endorsed a revised Engagement and Community Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to change the definitions of the Low Residential, Medium Residential, High Residential, and University Land Use Categories in the FLUM.

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to make the following changes to the North 15-501 Focus Area Map:

- a. Sub-Area C - Decrease the Typical Height to 4 stories
- b. Sub-Area A - Remove the Transitional Area on the northern edge
- c. Sub-Area D - Add a Transitional Area between University Place & the N. Ridgefield Neighborhood. Change some parcels south of Estes Drive east of the Community Park to Future Parks & Open Space

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to make the following changes to the North Martin Luther King Jr. Boulevard Focus Area Map:

- a. Sub-Area C - Add a Transitional Area east of Martin Luther King Jr. Blvd.
- b. Sub-Area D - Add a Transitional Area on the eastern side of the Sub-Area, north of Weaver Dairy Road

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to make the following changes to the Downtown Focus Area Map:

- a. Sub-Area D - Add Townhouses & Residences as a Secondary Character Type
- b. Sub-Area E - Add a Transitional Area on the north side of East Rosemary with a minor change to the permitted Transitional Area Height
- c. Change the boundaries to remove those properties on UNC's campus

This the 9th day of September, 2020.

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

PRESENTER: Alisa Duffey Rogers, LUMO Project Manager

Item #: 23., File #: [20-0585], Version: 1**Meeting Date: 9/9/2020**

RECOMMENDATION: That the Council adopt the resolution authorizing the Town Manager to make changes to the March 2020 draft of the Future Land Use Map - Update to *Chapel Hill 2020*.

Town Council

Update on Future Land Use Map (FLUM) Engagement & Consideration of Changes to Proposed FLUM

September 9, 2020



DRAFT

Staff Recommendation:

That the Council adopt the Resolution authorizing the Town Manager to make changes to the March 2020 draft of the Future Land Use Map – Update to *Chapel Hill 2020*.



DRAFT

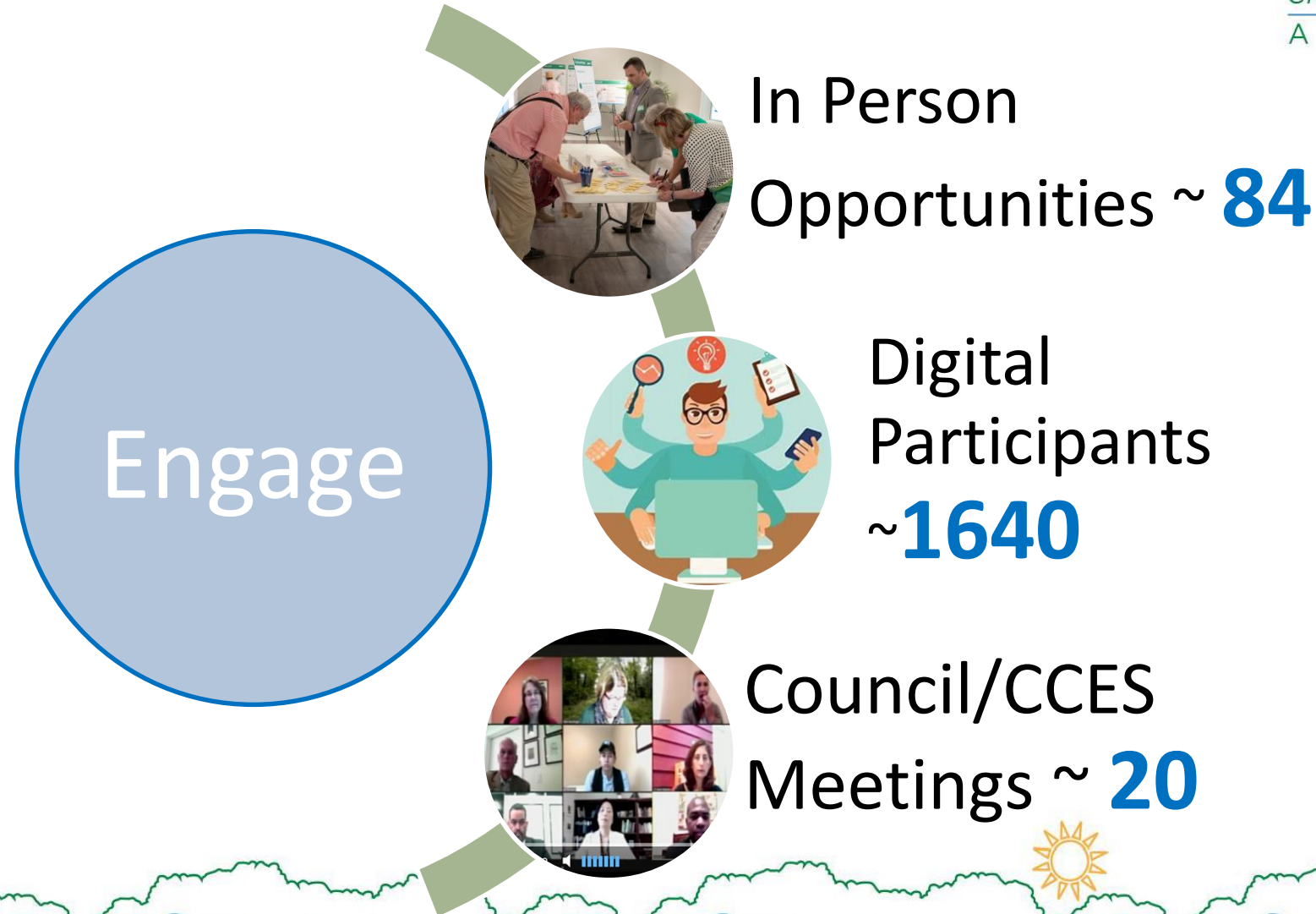
How Chapel Hill Began the Journey to Chart its Future⁵⁷⁰



- Initiated the LUMO Rewrite Project in April of 2017
- Kicked Off the Charting Our Future Project in May of 2018



Charting Our Future – Phase I



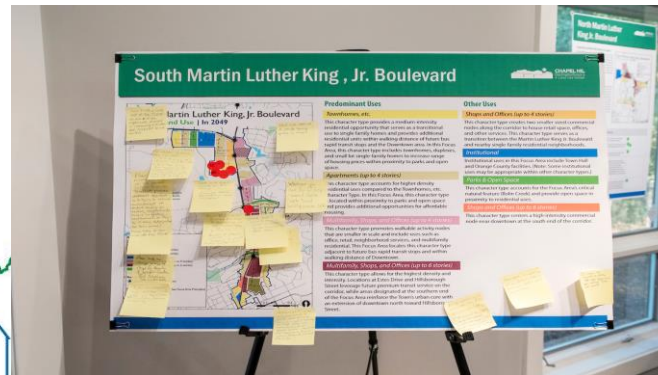
DRAFT



Components of the Future Land Use Map

- Explanation of the Future Land Use Map & Its Components
- Guiding Statements
- Town-wide Future Land Use Map
- Map Book
 - Resiliency Assessment Maps (Flooding & Extreme Heat)
 - Long Term Network Facilities Map (Chapel Hill Mobility & Connectivity Plan)
- Individual Focus Area Maps with Focus Area Principles

❖ Community Input via Online Platform (Konveio)



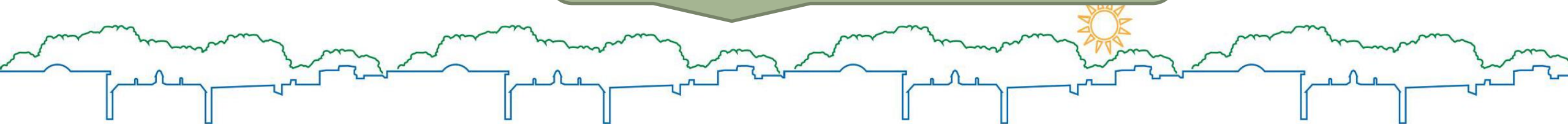
Proposed Changes to the FLUM – Comments from Board/Commissioners Land Use Categories

“I generally am concerned about your use of densities as a measurement for residential development because it tends to be pro-sprawl and misleading, and it tends to have unintended consequences (such as larger, more expensive dwelling units.)”

“I would like to see more density encouraged here [Low Residential Land Use Category] through ADUs [accessory dwelling units], minor subdivisions, multi-family buildings etc. ...Same comments apply to all residential areas in town.”

“And by declaring single family properties off limits.”

DRAFT



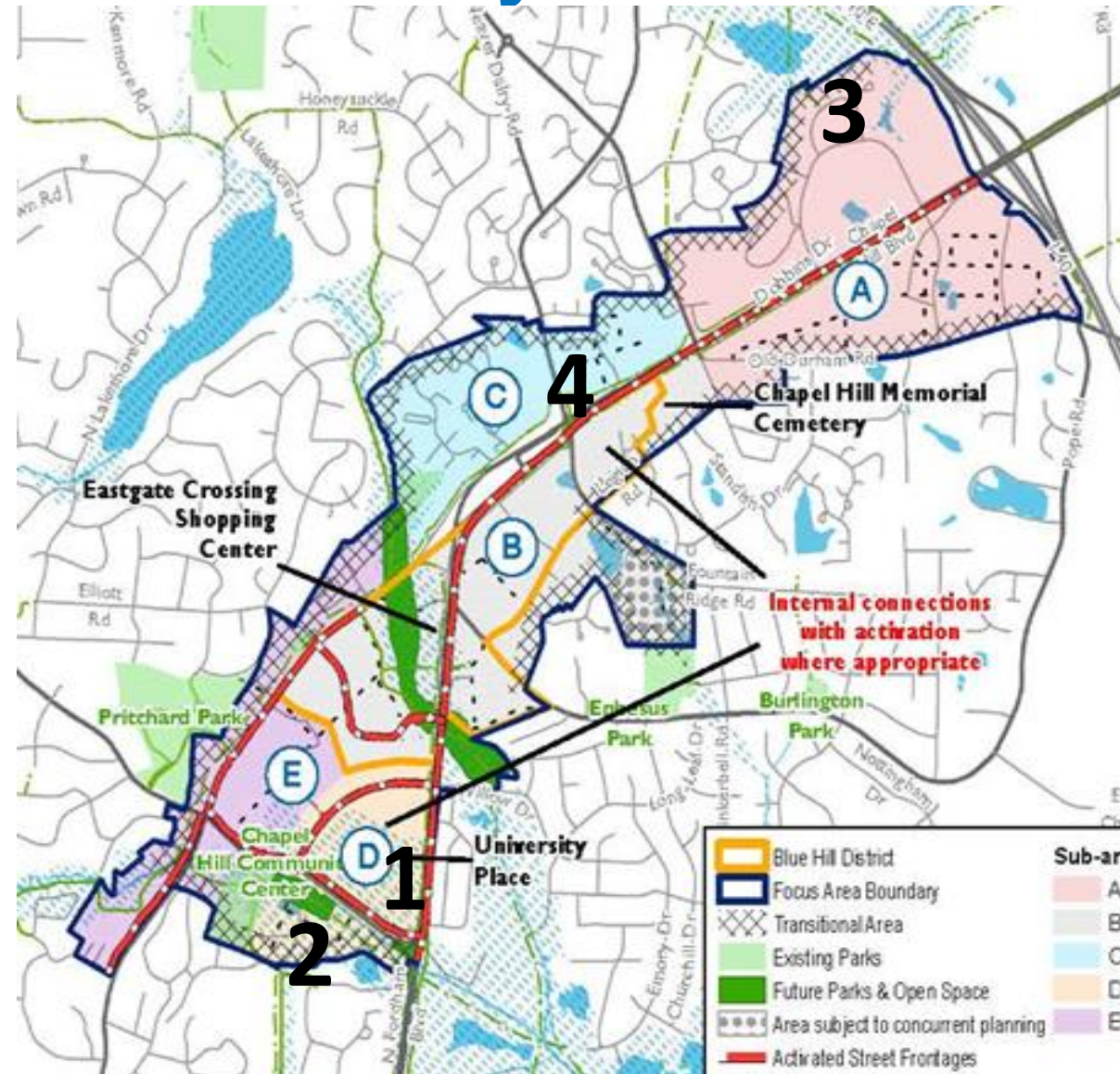
Proposed Changes to the FLUM – Comments from Board/Commissioners Land Use Categories

Low Residential	Gross Densities of: Generally 1-4 units/acre
Medium Residential	Gross Densities of: Generally 4-8 units/acre
High Residential	Gross Densities of: Generally 8-15+ units/acre

DRAFT



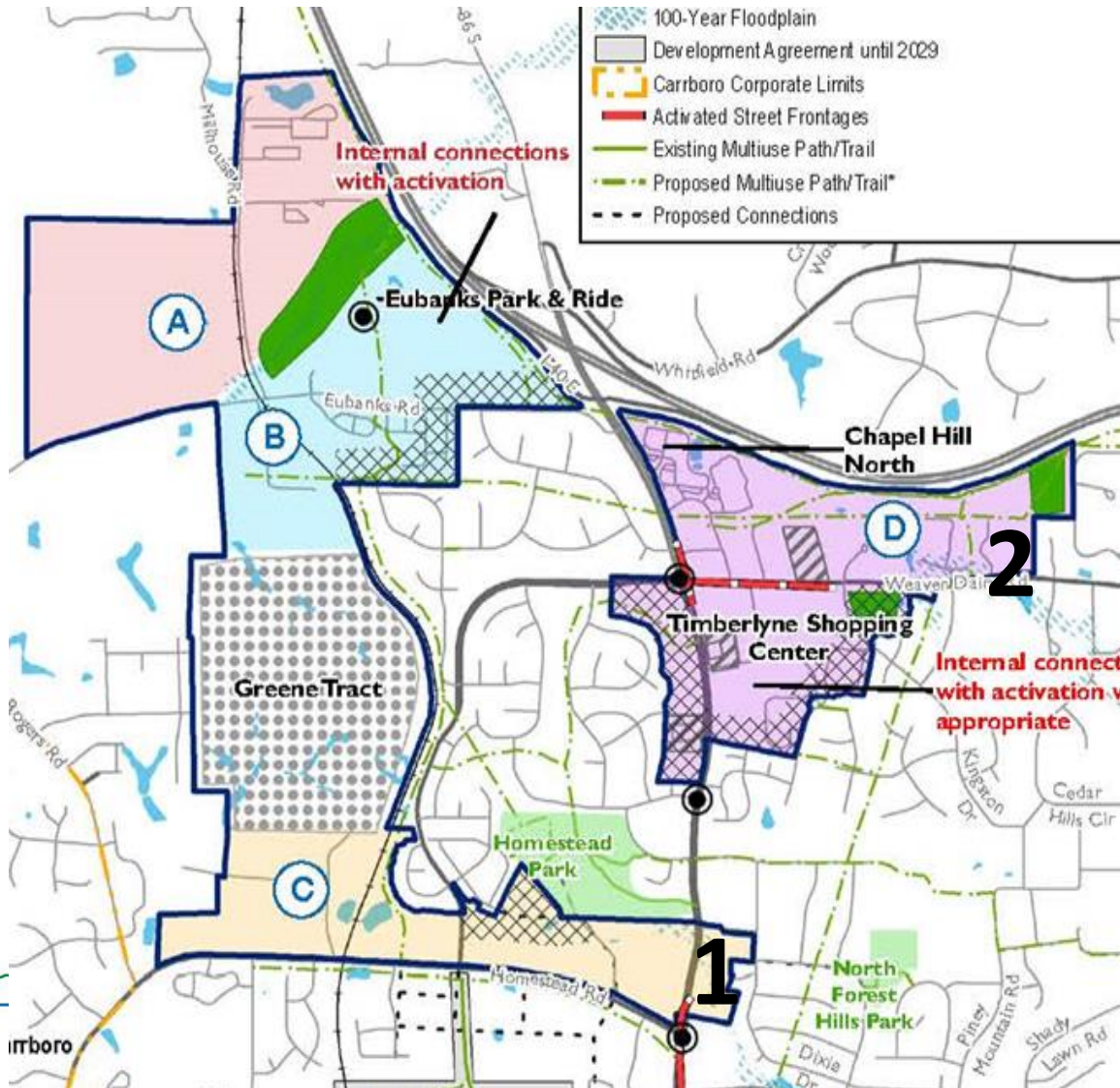
Proposed Changes to the FLUM – Community Comments – N. 15-501



	Proposed Changes
1	Insert Transitional Area
2	Designate Future Parks/Open Space
3	Remove Transitional Area
4	Decrease Typical Height to 4 Stories



Proposed Changes to the FLUM – Community Comments – N. 15-501

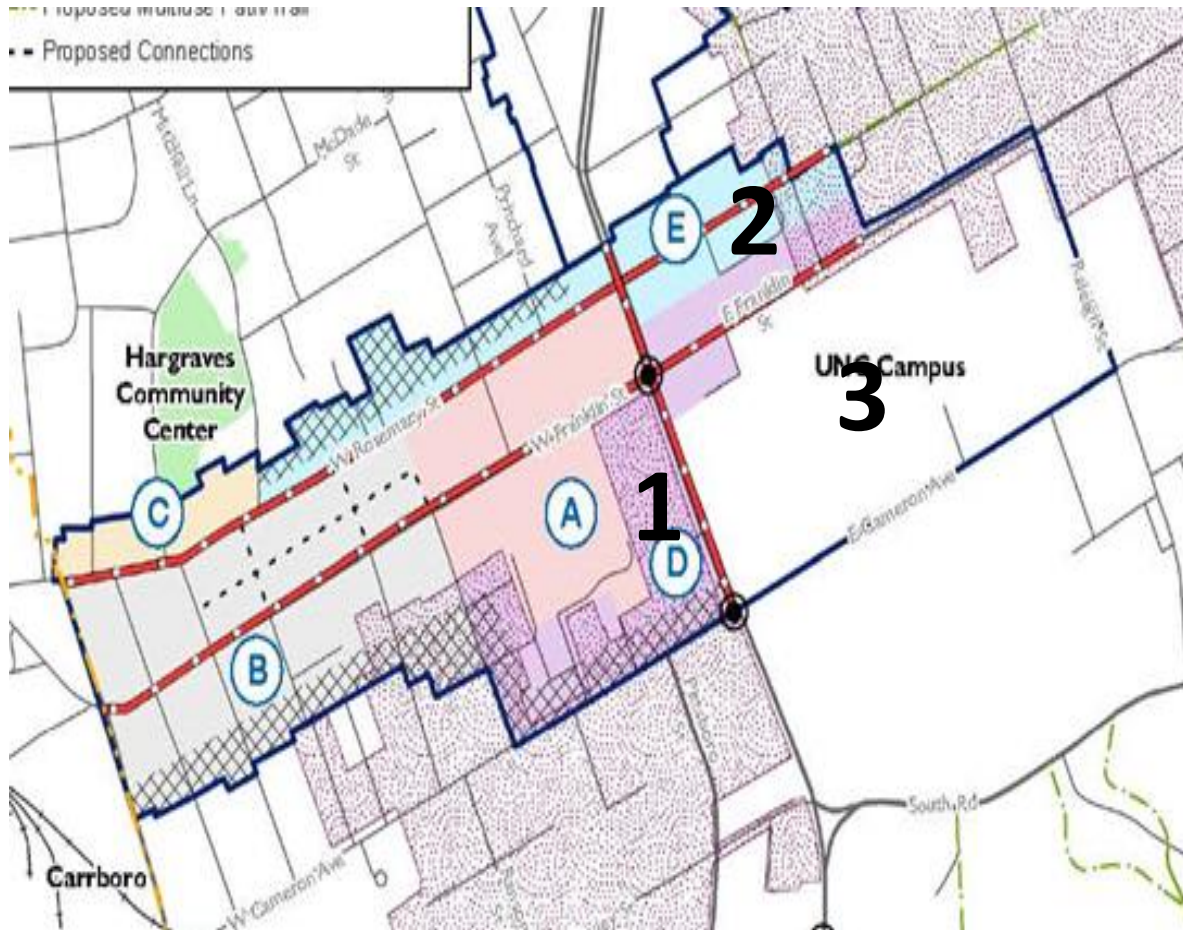


Proposed Changes	
1	Insert Transitional Area
2	Insert Transitional Area

DRAFT



Proposed Changes to the FLUM – Community Comments – N. 15-501



	Proposed Changes
1	Make Townhouses & Residences a Secondary Character Type
2	Insert Transitional Area
3	Remove UNC from Focus Area



Next Steps for Charting Our Future

Path to FLUM adoption :

- Planning Commission update on 9/15/2020
- Town Council public hearing on 10/7/2020
- Planning Commission consideration on 10/20/ 2020
- Town Council consideration for adoption on 10/28/2020

DRAFT



Staff Recommendation:

That the Council adopt the Resolution authorizing the Town Manager to make changes to the March 2020 draft of the Future Land Use Map – Update to *Chapel Hill 2020*.



DRAFT

STAFF MEMORANDUM

Charting Our Future – Update on Future Land Use Map (FLUM) Engagement & Consideration of Changes to Proposed FLUM

Background:

- On [April 5, 2017](#)¹, the Council initiated a project to rewrite the Town's Land Use Management Ordinance (LUMO). The Town Council requested that the ordinance rewrite process begin with an effort to refine the Future Land Use Map (FLUM) to inform the LUMO Rewrite process.
- Since the beginning of 2019, the Council has reviewed the various components of the refined Future Land Use Map. This review included the [Guiding Statements on March 13, 2019](#)² and the [Blueprint](#)³ or "rough draft" of the Focus Area Maps and Principles on May 1, 2019. The Council Committee on Economic Sustainability also reviewed drafts of this Blueprint on [April 5, 2019](#)⁴ and June 7, 2019.
- On [June 26, 2019](#)⁵, the Council authorized staff to engage with the community on the draft Future Land Use Map.
- At a work session on [November 18, 2019](#)⁶, the Council discussed substantive changes to the Focus Area Maps and generalized findings from the engagement activities on the DRAFT Focus Area Maps and Principles on [November 20, 2019](#)⁷.
- On [December 13, 2019](#)⁸, the Council Committee of Economic Sustainability, reviewed a "test" Focus Area Map to determine if this revised approach made the Focus Area Maps less prescriptive while also meeting the Project goals of predictability, functionality, and intentionality.
- On [January 8, 2020](#)⁹, the Council formally endorsed the revised approach for the Focus Area Maps.
- On [March 4, 2020](#)¹⁰, the Council reviewed a complete set of revised Focus Area Maps.
- On [May 6, 2020](#)¹¹, Council received the complete draft of the FLUM and an outline of the revised Engagement & Communication Plan, which responded to COVID-19 conditions.

¹ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=3077&meta_id=156700

² <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3881199&GUID=00667D70-C56A-4704-BF59-DD4EB508470A&Options=&Search=>

³ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3931189&GUID=BF305E95-EA99-4343-B43C-32279777CBB5&Options=&Search=>

⁴ <https://www.townofchapelhill.org/businesses/council-economic-sustainability-committee>

⁵ <https://www.townofchapelhill.org/Home/Components/Calendar/Event/15075/15?curm=6&cury=2019>

⁶ <https://www.townofchapelhill.org/Home/Components/Calendar/Event/17071/15?curm=11&cury=2019>

⁷ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4244231&GUID=F49AEFE9-F8FF-4D5D-A5EC-A357EEE7729A>

⁸ <https://www.townofchapelhill.org/businesses/council-economic-sustainability-committee>

⁹ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4293231&GUID=105D7FAC-088E-4065-B7D0-BF40D1CB901E&Options=&Search=>

¹⁰ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4346772&GUID=4266A74C-2773-4A95-91F4-0AD1D334A736&Options=&Search=>

¹¹ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4432411&GUID=CED9DB18-6538-46A9-8F94-D25A0A04383F>



What is the Future Land Use Map (FLUM) - Update to Chapel Hill 2020?

As the Charting Our Future Project has evolved, various elements have been added to the initial Project, which originally envisioned a revised version of the Land Use Plan in [Chapel Hill 2020⁹](#) as the deliverable for Phase 1 of the Project. After much community input and Council consideration, the Future Land Use Map is a more expansive update to *Chapel Hill 2020* than originally anticipated and includes the following elements:

Explanation of Future Land Use Map and Components	Explains: <ul style="list-style-type: none"> ○ FLUM elements ○ FLUM's relationship to <i>Chapel Hill 2020</i> and Town's Zoning Map ○ How to interpret/amend FLUM
Guiding Statements	<ul style="list-style-type: none"> • Provides overall policy guidance for complete FLUM and LUMO Rewrite
Future Land Use Map (2049)	<ul style="list-style-type: none"> • For areas of Town outside of the Focus Areas
Map Book	Includes: <ul style="list-style-type: none"> ○ Resiliency Assessment Maps for Extreme Heat and Flooding and maps that provide context for Resiliency Maps ○ Existing Habitat & Potential Connections Maps ○ Long Term Network Facilities Map from the Mobility Plan that Council adopted in 2017
Focus Area Maps	<ul style="list-style-type: none"> • Includes accompanying Focus Area Principles and Precedent Images

Future Land Use Map

The Future Land Use Map entitled "Future Land Use Map (2049)" will replace the Land Use Plan from *Chapel Hill 2020*. The new Future Land Use Map (2049) primarily differs from the Land Use Plan in the following ways:

1. Definitions for the Land Use Categories are included. The Land Use Categories indicate the future land use for each parcel and were not defined in *Chapel Hill 2020* or the 2000 Comprehensive Plan, "*Planning for Chapel Hill's Future: The Comprehensive Plan.*" This lack of definition made the Land Use Plan difficult to interpret. Consequently, staff drafted definitions for the Land Use Categories to better describe the Town's desired future and included representative images from around Town, except the image for the Mixed Use Land Use Category.
2. Only the areas of Town outside of the Focus Areas are shown on the Future Land Use Map (2049). The Focus Areas are grayed out, but labelled.

⁹ <https://www.townofchapelhill.org/town-hall/departments-services/chapel-hill-2020/about-chapel-hill-2020>



Engagement on the FLUM-Update to Chapel Hill 2020 – Summer 2020

As discussed in May of 2020, due to the current COVID-19 situation, staff adjusted the Engagement Plan on the FLUM as noted below:

1. Development Review Boards/Commissions. The FLUM-Update to *Chapel Hill 2020* was individually e-mailed, using Adobe Cloud which permits users to digitally comment on a document, to each member of the boards/commissions listed below. These Board/Commission members also received a link to the [engagement platform](https://chartingourfuture.konveio.com/)¹⁰ used for community input:
 - a. Planning Commission;
 - b. Community Design Commission;
 - c. Transportation and Connectivity Advisory Board;
 - d. Environmental Sustainability Advisory Board;
 - e. Parks, Greenways, and Recreation Commission; and,
 - f. Housing Advisory Board.
2. Community Input: Staff collected community input using the [Konveio engagement platform](https://chartingourfuture.konveio.com/), which simulates public input at a public meeting. Sixty-two community members established accounts on the engagement platform, and most of those left comments. The Charting Our Future Konveio site had 936 first time users between July 1 – August 23. Approximately half of all users returned to the site for a second session, and most users viewed eight pages on the site, which generally means that the site was well explored by users. While the site is closed for comments, it remains available for anyone to view the comments posted in July.
3. Community Meeting: Staff held a virtual community meeting on July 13, 2020. Eighty community members registered for the event, and forty-six attended the virtual meeting.
4. Other Comment Opportunities: Staff offered virtual, drop-in office hours on three different dates, but only one session was utilized. Staff widely publicized a phone number for the Project, and staff spoke with several community members. The Focus Area Maps were translated into Spanish and Chinese. No one requested these translations. Staff also offered to hold meetings with Spanish and Chinese interpretation, but no one requested this interpretation.

Engagement Results on FLUM-Update to Chapel Hill 2020 **Boards and Commissions**

Staff received comments from members of the Planning Commission, Community Design Commission, and the Transportation and Connectivity Advisory Board as detailed below.

1. **Members of the Planning Commission and one member of the Community Design Commission expressed reservations about continuing to define the residential Land Use Categories using density or retaining the existing low residential density limitations. These comments are listed in the chart below as well as staff's recommendation.**

¹⁰ <https://chartingourfuture.konveio.com/>



Board/Commission Comments	Staff Response
“I generally am concerned about your use of densities as a measurement for residential development because it tends to be pro-sprawl and misleading, and it tends to have unintended consequences (such as larger, more expensive dwelling units.)”	In the current draft, the Low, Medium, & High Residential Land Use Categories are defined as list in the chart below. To somewhat address the above Board/Commission concerns and to facilitate “Missing Middle Housing” during the rewrite of the Land Use Management Ordinance (LUMO), staff would recommend the changes noted below in red.
“I would like to see more density encouraged here [Low Residential Land Use Category] through ADUs [accessory dwelling units], minor subdivisions, multi-family buildings etc. ...Same comments apply to all residential areas in town.”	
“And by declaring single family properties off limits.”	

Low Residential	<p>Low residential areas encompass most of the Town’s single-family detached neighborhoods and are intended to provide for traditional detached single-family housing as well as accessory dwelling units and attached housing choices including duplexes, triplexes and fourplexes, where appropriate based on infrastructure; parcelization; and proximity to transit service, multi-modal paths, downtown, and other mixed use areas.</p> <p>Infill development should continue the existing visual pattern, rhythm, and orientation of the surrounding dwelling units. These areas are within the Town’s corporate limits and are served by both water and sewer service.</p> <p>Gross Densities of: Generally 1-4 units/acre</p>
Medium Residential	<p>Medium residential areas include a fairly wide spectrum of housing types including small lot single-family homes, attached dwelling units like triplexes and townhouses, and small scale multi-family housing developments. The development pattern within this Category should be compact and well-connected, and infill development should continue the existing visual pattern, rhythm, and orientation of the surrounding dwelling units. Proximity to small scale, neighborhood serving businesses, within walking distance, would be ideal. These areas are within the Town’s corporate limits and are served by both water and sewer service.</p> <p>Gross Densities of: Generally 4-8 units/acre</p>
High Residential	<p>High residential areas provide for a range of multi-family options encompassing a great variety of building types. High residential areas are most appropriate in close proximity to transit services, the Town’s major transportation/ multi-modal corridors, existing commercial areas, village centers, and downtown. Ideally, these areas will be dense and walkable with publicly-accessible pedestrian connections provided through large developments and intimate scale open spaces, such as courtyards. When adjacent to public streets, these dense residential developments should activate the street and sidewalk with prominent entries and public or semi-public spaces.</p> <p>Gross Densities of: Generally 8-15+ units/acre</p>



2. The Community Design Commission met on July 28, 2020 and discussed the FLUM. Staff reviewed all comments received from CDC members and provided a written explanation for many of their comments/concerns/questions. At their meeting, the CDC generally agreed on the topics below, but there was not agreement on some comments. For comments where agreement among the Commissioners was not reached, staff provides those under Community Comments below.

CDC Areas of Agreement	Staff Response
<p>General Feedback:</p> <p>Build flexibility into the FLUM to cope with the uncertainty surrounding COVID as well as the future of retail and office spaces.</p> <p>Introduction:</p> <ul style="list-style-type: none"> • Include a statement regarding the purpose of the FLUM • Emphasize placemaking as a key purpose of the FLUM; define placemaking. • Incorporate a recommendation that the FLUM be reviewed every 3 to 5 years to determine if updates are necessary. <p>Guiding Statements:</p> <p><u>Statement 9 states:</u> Preserve and maintain Chapel Hill's appearance and create the quality of design and development the Town desires.</p> <ul style="list-style-type: none"> • Strengthen this Statement especially the sub-section on the creation of design guidelines to ensure that any resulting guidelines include the massing, scale, shape and orientation of buildings; recognize the building and site context; include provisions for transparency, fenestration, and façade details; and the relationship of buildings to the street, sidewalk, and other public rights-of-way. 	<p>Generally, the CDC's recommendations can be incorporated into the FLUM, if Council concurs. In terms of flexibility, within the Focus Areas, the FLUM is quite flexible since the Character Types are no longer mapped onto parcels. The text itself can be modified to mention the possible issues surrounding land use that may result from COVID-19.</p>

3. Many of the other comments submitted by the various board/commission members were predominantly wordsmithing. When staff returns with a revised FLUM, Council will receive an Adobe version with comments indicating where revisions to the text are proposed.



Comments from Community Members

Focus Area Map Comments

- 1. N. 15-501** - Please refer to the corresponding numbers in the matrix, Focus Area Map, and charts below. Comments from the Digital Community Workshop are available for viewing [online¹¹](https://chartingourfuture.konveio.com/north-15-501-corridor-focus-area). Staff recommendations are in **bold** and recommended proposed changes to the FLUM are in bold and highlighted in **green**.

Community Comments on the Matrix	Staff Response
1. Concern that the 4-6 Typical Height is too tall given surrounding, existing development in Sub-Area C	<ul style="list-style-type: none"> • Much of Sub-Area C is currently zoned R-4, which has a permitted height of 34 feet at the setback lines and 60 feet on the interior of a site. • The Sub-Area is currently developed with 2 & 3 story buildings. • One vacant parcel exists at the corner of Erwin & Old Oxford Road. • Given the age and condition of existing buildings, staff recommends decreasing the Typical Height to 4 stories. • Zoning specifics for this area may be developed during the LUMO Rewrite.
2. In general, Typical Heights should be reduced in all Sub-Areas.	During the LUMO Rewrite, more in-depth analysis can be completed to determine the most appropriate heights in the Sub-Areas and whether or not those heights are achieved by-right, using incentives, or through development review approval. Staff recommends retaining the proposed Typical Heights.
3. In Sub-Area A, reduce the Transitional Area Height due to adjacent uses along Old Durham Road.	The recommendations in the FLUM area at a high level, and staff anticipates more fine tuning on creating appropriate transitions when the LUMO is updated. Consequently, staff recommends retaining the proposed Transitional Area Heights.
4. Concern that the Activated Street Frontage Height is too tall in all Sub-Areas mainly due to infrastructure concerns. Suggestion to rephrase as "Up to 6 Stories."	Permitting greater height adjacent to N. 15-501 given the width of the road is appropriate, in staff's opinion. Permitting the height adjacent to the roadway generally permits heights & intensities to be reduced as development transitions to lesser intensive uses. Therefore, staff recommends retaining the proposed heights. Staff has received some suggestions to increase heights particularly in Sub-Area A.
5. Multi-family Residential should be primary in all Sub-Areas.	While multi-family would be permitted in all Sub-Areas, given existing development patterns and uses, staff recommends retaining the Primary & Secondary designations for Multi-family Residential as proposed.
6. Increase Typical Heights in Sub-Areas A, B, C	At this time, staff recommends retaining the proposed Typical Heights in Sub-Areas A & B and decreasing the Typical Heights in Sub Area C as noted above.

¹¹ <https://chartingourfuture.konveio.com/north-15-501-corridor-focus-area>

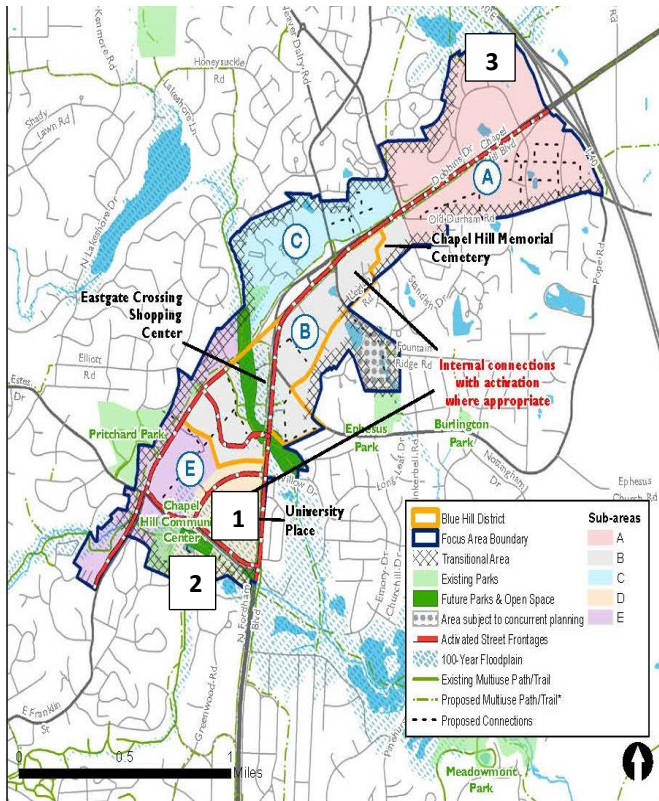


Character Types and Height in 2049

● Primary (predominate land uses)
 ⊙ Secondary (allowed, but not predominate)
 ⊖ Discouraged

	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D	Sub-Area E
Multifamily, Shops & Offices	●	●	⊙	●	●
Multifamily Residential 5	●	⊙	●	⊙	⊙
Commercial/Office	●	●	⊙	●	●
Parks and Green/Gathering Spaces	●	●	⊙	●	●
Townhouses & Residences	⊙	⊙	●	⊙	⊙
Institutional/Civic	⊙	⊙	⊙	⊙	⊙
Typical Height 6 2	4-6 stories	4 stories	4-6 stories 1	4-6 stories	4-6 stories
Transitional Area Height	Up to 4 stories 3	Up to 4 stories	Up to 4 stories	Up to 4 stories	Up to 4 stories
Activated Street Frontage Height 4	6 stories	6 stories	6 stories	6 stories	6 stories

Note: Each story is approximately 12 feet tall, but height may vary based on many factors.

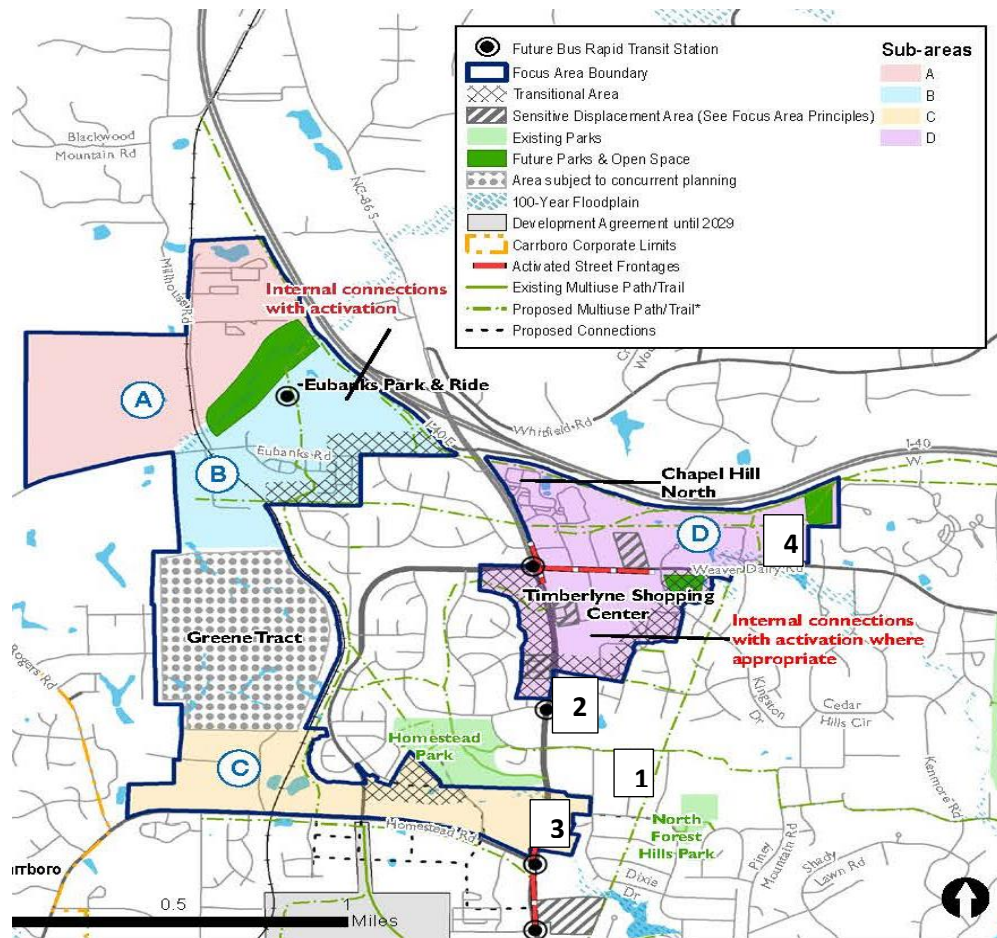


* See Mobility Plan for more information about proposed multi-modal improvements

Community Comments on Map	Staff Response
1. Requests for a Transitional Area along 15-501 in University Place	Balancing the desire to provide a sense of place along N. 15-501 & the concerns of the N. Ridgefield neighborhood is difficult. With proper site design, staff believes both interests can be achieved here and recommends the requested Transitional Area.
2. Request to designate all of the parcels on the south side of Estes east of the Community Park as Future Parks & Open Space	Previous versions of this Map designated this area as Future Parks & Open Space, but that designation was changed since there is existing residential development. Staff understands the desire to make this change and could support it. However, existing zoning & any proposed zoning for the area should continue to permit the existing residential development until a workable solution to existing flooding issues can be found.
3. Remove the Transitional Area on the northern edge of Sub-Area A due to floodplain & existing multi-story development	Staff recommends the change.

2. North Martin Luther King Jr. Boulevard - Please refer to the corresponding numbers on the Focus Area Map and the chart below. Comments from the Digital Community Workshop are available for viewing [online](#). Staff recommendations are in **bold** and recommended proposed changes to the FLUM are in bold and highlighted in **green**.

Community Comments on Map	Staff Response
1. Many community members expressed concerns about the proposed multi-use path that follows the Duke Power easement, which is parallel with MLK Blvd., and extends to Timberlyne & the designation of N. Forest Hills Park as a “Key Destination” in the <i>Mobility & Connectivity Plan</i> .	This trail and the designation of the N. Forest Hills Park as a “Key Destination” are included in the <i>Mobility & Connectivity Plan</i> that was adopted by Council in Oct. of 2017. After many community requests, the proposed facilities in the <i>Mobility & Connectivity Plan</i> are shown on the Focus Area Maps. All community concerns have been transmitted to the Town’s Transportation Manager. Staff recommends retaining the Mobility & Connectivity Plan facilities on the Focus Area Maps.
2. Request to extend Sub-Area D along the east side of MLK from Stateside Dr. to Dixie Lane due to the proximity of the proposed BRT Station.	While this suggestion certainly has merit, staff does not think enlarging the Focus Area at this point is appropriate since no community engagement on this extension can occur before FLUM adoption.
3. Requests to add a Transitional Area on the eastern edge of Sub-Area C.	Due to the proximity of homes along Dixie Drive, staff recommends adding a Transitional Area, as requested.
4. Request to add a Transitional Area on the eastern edge of Sub-Area D.	Staff recommends adding a Transitional Area, as requested.



See Mobility Plan for more information about proposed multi-modal improvements

3. South Martin Luther King Jr. Boulevard - Please refer to the corresponding numbers on the matrix, Focus Area Map, and charts below. Comments from the Digital Community Workshop are available for viewing [online](#). Staff recommendations are in **bold**.

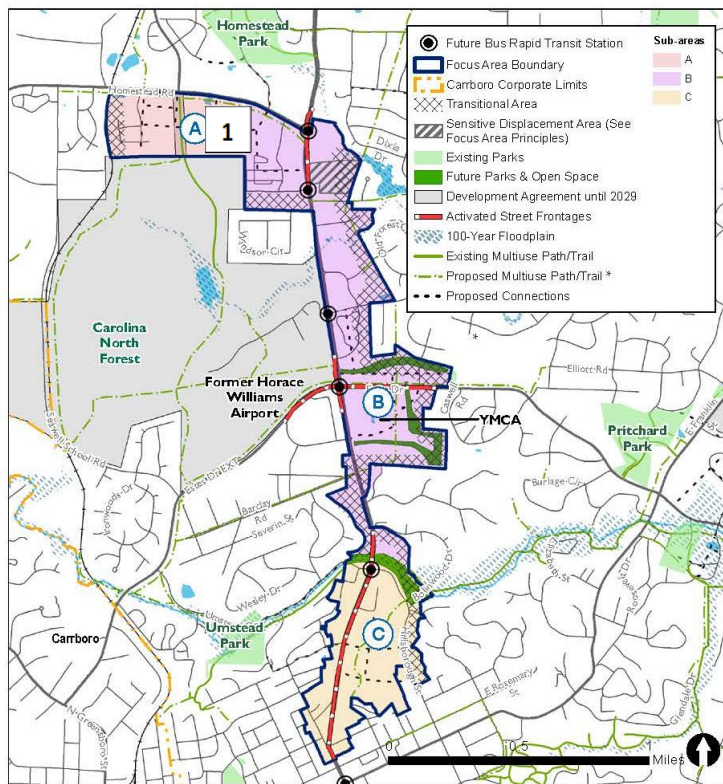
Character Types and Height in 2049

● Primary (predominate land uses) ● Secondary (allowed, but not predominate) ○ Discouraged

	Sub-Area A	Sub-Area B	Sub-Area C
Multifamily, Shops & Offices	○	●	●
Multifamily Residential	●	●	●
Commercial/Office	○	○	○
Parks and Green/Gathering Spaces	●	●	○ 1
Townhouses & Residences	●	○	○
Institutional/Civic	●	○	○
Typical Height	4-6 stories	4-6 stories	4-6 stories
Transitional Area Height	2-4 stories	2-4 stories	2-4 stories (Adjacent to lower scale residential uses, step backs or other transitional methods are necessary to ensure harmonious transitions)
Activated Street Frontage Height	N/A	6 stories 2	8 stories: 4 stories at the front setback line 2

Note: Each story is approximately 12 feet tall, but height may vary based on many factors.

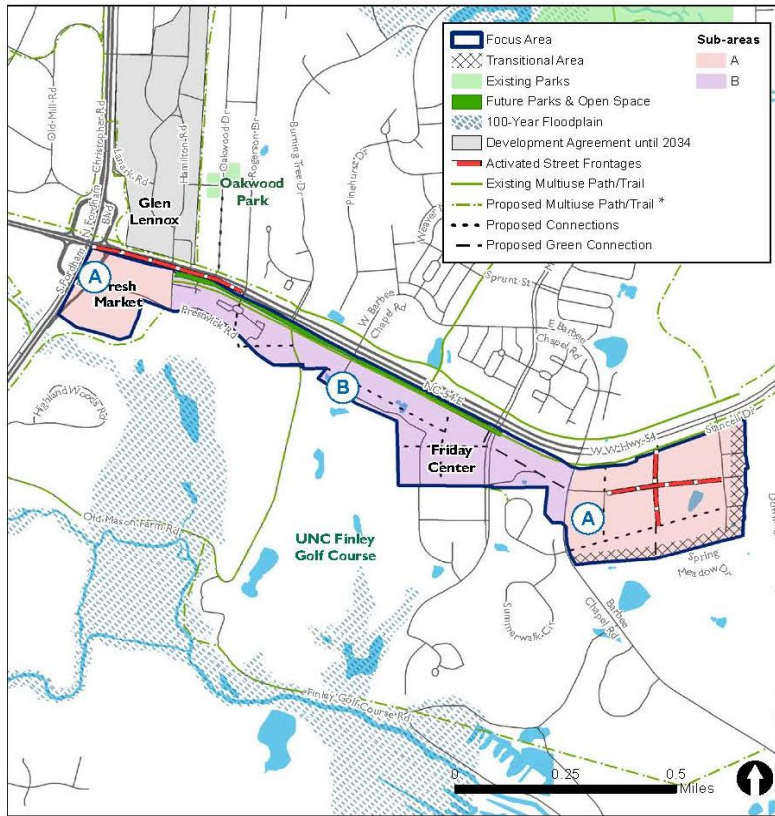
Community Comments on Matrix	Staff Response
1. Request to make Parks & Green/Gathering Spaces a Primary Character Type in Sub-Area C.	Since Parks & Green Gathering Spaces will likely not be the primary Character Type developed in this area, staff recommends retaining the Secondary designation.
2. Request to decrease Activated Street Frontage Heights in Sub-Areas B & C	At this time, staff recommends no changes to the Activated Street Frontage Heights in Sub-Areas B & C.



* See Mobility Plan for more information about proposed multi-modal improvements.

Community Comments on Map	Staff Response
1. Request for only the Townhouse & Residences Character Type to be permitted on the eastern edge of Sub-Area A.	Because of the nature of the Focus Area Maps, Character Types cannot be restricted to only certain parts of a Sub-Area. The less intense Character Types are encouraged in this Sub-Area, so staff recommends no changes.

4. NC 54 Corridor - Please refer to the corresponding numbers on the matrix and the chart below. Comments from the Digital Community Workshop are available for viewing [online](#). Staff recommendations are in **bold** and recommended proposed changes to the FLUM are in bold and highlighted in **green**.



* See Mobility Plan for more information about proposed multi-modal improvements

Community Comments on Matrix	Staff Response
1. Request for Multi-family Residential to be a Primary Character Type in Sub-Area B	Multi-family Residential is certainly appropriate in Sub-Area B but continuing to stress non-residential as well as mixed use development in this area is appropriate to support employment centers & mixed-use centers where working/living/playing can occur. Therefore, staff recommends no changes.
2. Request to increase Typical Heights in Sub-Area B.	At this time, staff recommends no changes to the Typical Heights.

Character Types and Height in 2049

● Primary (predominate land uses)
 ⊙ Secondary (allowed, but not predominate)
 ⊖ Discouraged

	Sub-Area A	Sub-Area B
Multifamily, Shops & Offices	●	●
Multifamily Residential	●	⊙ 1
Commercial/Office	●	●
Parks and Green/Gathering Spaces	⊙	●
Townhouses & Residences	⊙	⊙
Institutional/Civic	⊙	⊙
Typical Height	6 stories	6 stories 2
Transitional Area Height	Up to 4 stories	N/A
Activated Street Frontage Height	6 stories	N/A

Note: Each story is approximately 12 feet tall, but height may vary based on many factors.

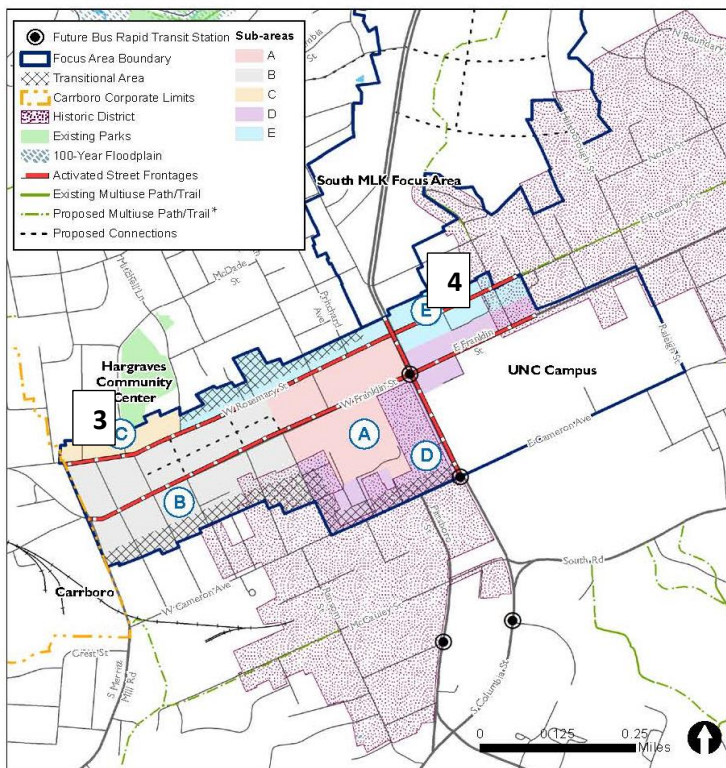


5. Downtown - Please refer to the corresponding numbers on the matrix, Focus Area Map, and the chart below. Staff recommendations are in **bold** and recommended proposed changes to the FLUM are in bold and highlighted in **green**.

Character Types and Height in 2049

	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D	Sub-Area E
Multifamily, Shops & Offices	●	●	●	●	●
Multifamily Residential	○	○	●	○	●
Commercial/Office	●	●	○	●	●
Parks and Green/Gathering Spaces	●	●	●	●	●
Townhouses & Residences	⊖	⊖	⊖	1 ⊖	⊖
Institutional/Civic	○	○	○	○	○
Typical Height (Adjacent to lower scale residential uses, step backs or other transitional methods are necessary to ensure harmonious transitions.)	Setback height of to 4 stories, with a core height of up to 8 stories allowed	Setback height of up to 3 stories with a core height of up to 8 stories allowed. No more than 4-5 stories allowed in the transitional area 2	No more than 4 stories	Core height of up to 6 stories, with a setback height of 3 stories. No more than 4 stories allowed in the transitional area	Up to 4 stories at the front setback. Core height of 8 stories allowed on the south side of E Rosemary and 6 stories on the north side of E Rosemary and along West Rosemary. No more than 4 stories allowed in the transitional area.

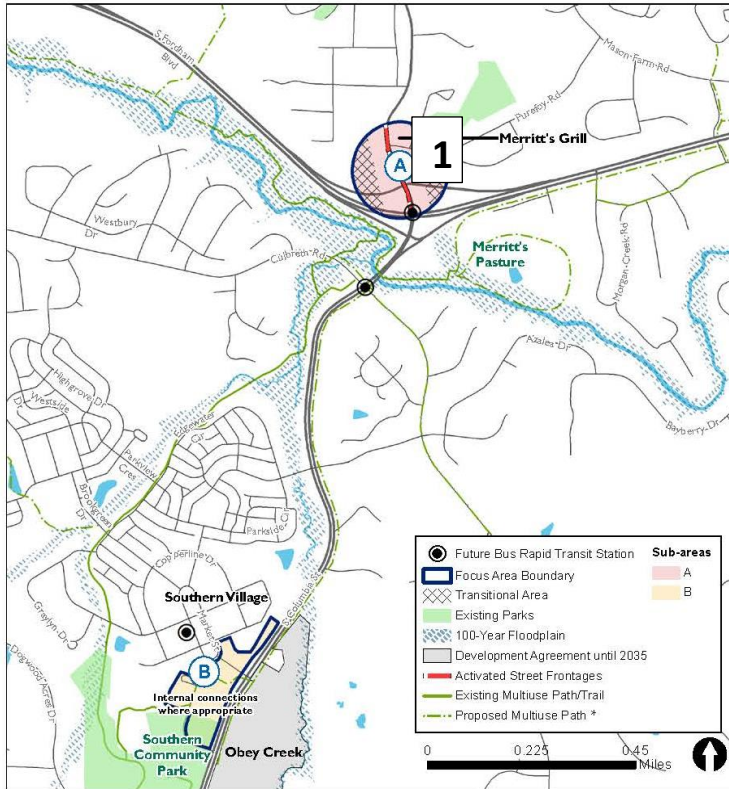
Note: Each story is approximately 12 feet tall, but height may vary based on many factors.



* See Mobility Plan for more information about proposed multi-modal improvements

Community Comments on Map & Matrix	Staff Response
1. Request for Townhouses & Residences to be a secondary Character Type in Sub-Area D	In some locations in this Sub-Area, townhouses may be appropriate, so staff recommends this change to make Townhouses & Residences a Secondary Character Type in Sub-Area D.
2. Requests to increase & decrease heights in Sub-Area B.	At this time, staff recommends no changes to the allowable heights in Sub-Area B.
3. Place a Transitional Area in Sub-Area C.	Because the Typical Height in this Sub-Area is capped at 4 stories, staff does not recommend this change.
4. Place a Transitional Area on the north side of E. Rosemary in Sub-Area E	Staff concurs with this request provided the Transitional Area text be amended to read, "No more than approximately 4 stories in the transitional area."

6. South Columbia Gateway - Please refer to the corresponding numbers on the Focus Area map and the chart below. Staff recommendations are in **bold** and recommended proposed changes to the FLUM are in bold and highlighted in **green**.



* See Mobility Plan for more information about proposed multi-modal improvements

Community Comments on Map	Staff Response
1. Request to increase the size of Sub-Area A	While this suggestion certainly has merit, staff does not think enlarging the Sub-Area at this point is appropriate since no community engagement on this extension can occur before FLUM adoption.

Comments from Specific Stakeholders

Staff discussed the FLUM-Update to *Chapel Hill 2020* with UNC-Chapel Hill several times. UNC has expressed the following comments. Staff's recommendation is in **bold** and concurrence with the request is highlighted in **green**.

UNC-Chapel Hill Comments	Staff Response
<p>1. Amend the definition of the University Land Use Category as detailed below:</p> <p>Those properties utilized by the University of North Carolina at Chapel Hill including, but not limited to, academic buildings, residence halls, administrative offices, conference facilities, recreational facilities, retail establishments, parking, airport facilities medical facilities and clinics, athletic facilities, research facilities, and any other land uses that support the University's mission</p>	No concerns with the proposed change.
<p>2. For parcels outside of the Focus Areas that are owned by either the University or the University's Foundation, depict with the University Land Use Category</p>	No concerns with this request.
<p>3. Refrain from using Carolina Blue on the Focus Area Maps;</p>	No concerns with this request.
<p>4. For N. and S. Martin Luther King Jr. Blvd, NC 54, and the Downtown Focus Areas, insert a new University Character Type into the matrices</p>	<p>Since these parcels are not on the University's main campus and function as offices, etc., the University's parcels should support and align with the overall vision of these Focus Areas in staff's opinion. That vision is property owner neutral, and staff does not feel that creating a University Character Type that could encompass many different types of university uses is necessarily appropriate. While staff understands that University/Foundation parcels must support the University's mission, that support should not preclude University-owned parcels from redeveloping/developing consistent with the future vision for these areas. Therefore, staff does not support this request. If Council wishes to create this University Character Type, the University Land Use Category could be used as the Character Type description.</p>
<p>5. Change the boundary of the Downtown Focus Area to exclude University owned property.</p>	Changing the boundary to remove parcels on the University campus does not present a problem, but it would be inappropriate to remove the parcels with storefronts on East Franklin since these parcels are integral to the character of Downtown.
<p>6. The Traditional University Supportive Uses (TUSU) Land Use Category should not be applied to parcels owned by the UNC.</p>	To be consistent with the remainder of the FLUM for those areas outside of the Focus Areas, UNC owned parcels will be removed from those areas designated with the TUSU Land Use Category.



Community Comments Reflect Differing Visions of Chapel Hill's Future

As with previous engagement efforts, staff heard many of the same types of concerns, which are summarized below.

1. Some community members expressed a desire for the Town Council to determine a desired population in 2049 prior to adopting a new Future Land Use Map. Some of these community members wish to ensure that the housing units envisioned by the FLUM will support that population. Others would prefer Council to endorse a slow growth philosophy toward population increases.
2. We received comments that the Town's infrastructure, specifically water; sewer; schools; and roads, are not adequate to support any additional development or redevelopment.
3. Given the amount of floodplain in already developed areas of Town, concerns were raised that development intensification in floodplains is unwise and could lead to increased flooding.
4. In general, there is a split within the community about increasing the height of buildings in Town. For some community members, the heights listed on the Focus Area Maps are not tall enough to accommodate growth over the next thirty years and to provide opportunities to move away from a car centric community. Other community members are not ready to see their town become more like a small city. Still others are accepting of remaking their town into a small city, which includes six-story buildings, as long as transitions to adjacent uses and buildings are done well.
5. Community members expressed a desire to "stop development." While this desire is certainly understandable, there does seem to be a lack of understanding that the Town cannot prevent property owners from removing trees and building something on their property. The Town can establish reasonable development regulations, but simply stopping development is not a legal option. Also, the establishment of the Rural Buffer does put development pressure on Chapel Hill since Chapel Hill and Carrboro have to absorb whatever growth happens in this portion of Orange County, but this pressure is reasonable given that the Town has utilities and infrastructure.

Next Steps – Adoption Process

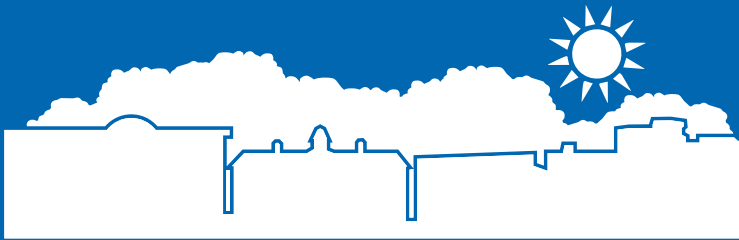
Following Council direction on September 9, 2020, the FLUM will be revised as directed.

The schedule for FLUM adoption is as follows:

2. Planning Commission update on September 15, 2020;
3. Town Council public hearing on October 7, 2020;
4. Planning Commission consideration of the FLUM on October 20, 2020; and,
5. Town Council consideration for adoption on October 28, 2020.

Staff acknowledges that this is a tight schedule. As a result, adoption may be pushed back slightly, but the FLUM is on track for adoption in the near term.





CHAPEL HILL

Charting Our Future
A Land Use Initiative



DRAFT Phase 1 Update to Chapel Hill 2020

Town of Chapel Hill

April 2020





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1 | INTRODUCTION

What is Charting Our Future?

Charting Our Future is a two-phased process designed to chart the next course for the Town of Chapel Hill to the year 2049 and to make the Town’s Land Use Tools more predictable, functional, and intentional.

The first phase, revising the Future Land Use Map (FLUM) and amending Chapel Hill 2020, focuses on the Town’s key gateways, corridors, and activity nodes. The future land use designation for most of the Town, including much of the Town’s single-family neighborhoods, remains unchanged. The second phase of the Project is rewriting the Town’s Land Use Management Ordinance (LUMO), which is the Town’s “rule book” that specifies where uses, be they commercial; residential; mixed use; open space etc., are allowed as well as dictating the height of buildings and their placement on lots in addition to a myriad of other details.

Making the LUMO more predictable, functional, and intentional is one of the primary reasons the Town Council decided to Chart Chapel Hill’s Future.

Charting Our Future by Looking to the Past

As part of the Charting Our Future Project, staff and consultants undertook a thorough review of previous planning efforts. A common theme in these plans is the community’s understanding that the physical environment of Chapel Hill—its neighborhoods, streets, utilities, and natural resources—deeply affect how people experience life in their Town. These past planning efforts include the creation of the rural buffer and the urban services boundary. These forward thinking efforts sought to limit the Town’s ability to sprawl and to maintain the semi-rural landscape that surrounded the Town at the time. Thirty years later, maintaining these sprawl control efforts translates into an opportunity for the Town to mature within its existing boundaries thereby taking advantage of existing infrastructure, transit investments, the benefits of being the home of UNC-Chapel Hill, and the cultural enrichment that accompanies diverse communities living in close proximity to each other.

Why does Chapel Hill need to Chart Its Future?

In 2012, the Town adopted its current Comprehensive Plan entitled “Chapel Hill 2020.” Chapel Hill 2020 established this Vision for the Town:

“Chapel Hill will be a multicultural university town where each day celebrates connections and choice; where a dynamic downtown and networked community inspire connections among people, ideas, the region, and the world; where innovation, technology, discovery, learning, and the arts continually animate a town alive with choices, options, and opportunities to live, work, play, and prosper.”

This Vision and Chapel Hill 2020 continue to guide the Town. Nonetheless, the Town has changed since 2012 and responding to forces of change, many outside the control of the Town, make it necessary to amend Chapel Hill 2020 through the establishment of these Guiding Statements as well as the refined Future Land Use Map and all of its components. These forces include climate change, population growth in both Chapel Hill and the Triangle Region, increasing urbanization, an aging population, an increasingly diverse population, aging housing stock, continued growth of the University of North Carolina at Chapel Hill (UNC), and technology changes.

Explanation of the Future Land Use Map & Its Components

Future Land Use Map Considerations

The Town’s FLUM is a tool to direct future growth, implement the community vision, and identify areas to be preserved and areas of opportunity. The following considerations highlight the Chapel Hill FLUM.

Relationship to the Comprehensive Plan

Chapel Hill 2020 is the community’s comprehensive plan that sets a vision and a path for Chapel Hill’s future. On June 25, 2012, the Town Council unanimously adopted the Chapel Hill 2020 comprehensive plan. The Chapel Hill 2020 comprehensive plan reflects the values, aspirations, and ideas of the community. The participants in the Chapel Hill 2020 process envisioned a town that is accessible, affordable, and sustainable; asserted the importance of protecting the community’s natural resources; and emphasized the importance of a vibrant downtown and active neighborhoods. Typically, FLUMs are components of comprehensive plans, and Chapel Hill 2020 includes a Land Use Plan. This revised FLUM replaces the Land Use Plan and will help to implement the vision of Chapel Hill 2020 including all subsequent amendments to Chapel Hill 2020, which includes various small area plans and plans related to, among other things, mobility and connectivity.

Relationship to the Land Use Management Ordinance and Zoning Map

The Future Land Use Map depicts a snapshot into the future of the Town’s preferred future mix of land uses. In other words, the Future Land Use Map will guide the Town as to where shopping, houses, apartments, townhomes, offices, and parks should be located to the year 2049. The zoning map is a regulatory map showing what the Town has already decided to allow today. The zoning map implements the Land Use Management Ordinance. The FLUM and the Zoning Map are like a leader and a follower. The FLUM is the leading map that recommends and advises, while the zoning map is the follower map that authorizes and entitles.

Future Land Use Map Components

Guiding Statements

The Guiding Statements provide broad direction for the future of Chapel Hill as a whole and provide guidance for both the revisions to the Future Land Use Map as well as the Land Use Management Ordinance Rewrite.

Map Book

The FLUM is organized into two interconnected components:

1. An overall map that includes Land Use Categories for most areas of Town; and,
2. Individual maps for designated Focus Areas with accompanying Focus Area Principles. (Please see below for more information on the Land Use Categories, Focus Areas, and Focus Area Principles.)



The FLUM is supported by a series of maps that reflect some of the Town’s concerns that may influence land use decisions and regulations in the LUMO. The Town Council adopted some of these maps as components of other long range planning efforts. Others were created as part of the FLUM refinement effort to provide additional insight and guidance as land use decisions are considered and as the LUMO is rewritten. Maps included as part of the Book are as follows:

- Resiliency Assessments and supporting maps for Extreme Heat and Flooding
- Existing Habitat & Potential Connections Map
- Long Term Network Facilities Map (Chapel Hill Mobility & Connectivity Plan adopted 2017)

Land Use Categories

For most areas of Town, the FLUM reflects a broad range of land uses, including residential; commercial; mixed use; industrial; and open space. These uses are depicted as a set of Land Use Categories. The Land Use Categories are adapted from the Chapel Hill 2020 Land Use Plan. Theses Land Use Categories are as follows:

Land Use Categories		
Residential	Non-Residential	Mixed-Use
Rural Residential, 1 unit/5 acres Rural Residential, 1 unit/acre Very Low Residential, 1 unit/acre Low Residential, 1 to 4 units/acre Medium Residential, 4 to 8 units/acre High Residential, 8 to 15 units/acre	Commercial/Office Institutional University Parks/Open Space	Mixed Use Village Center

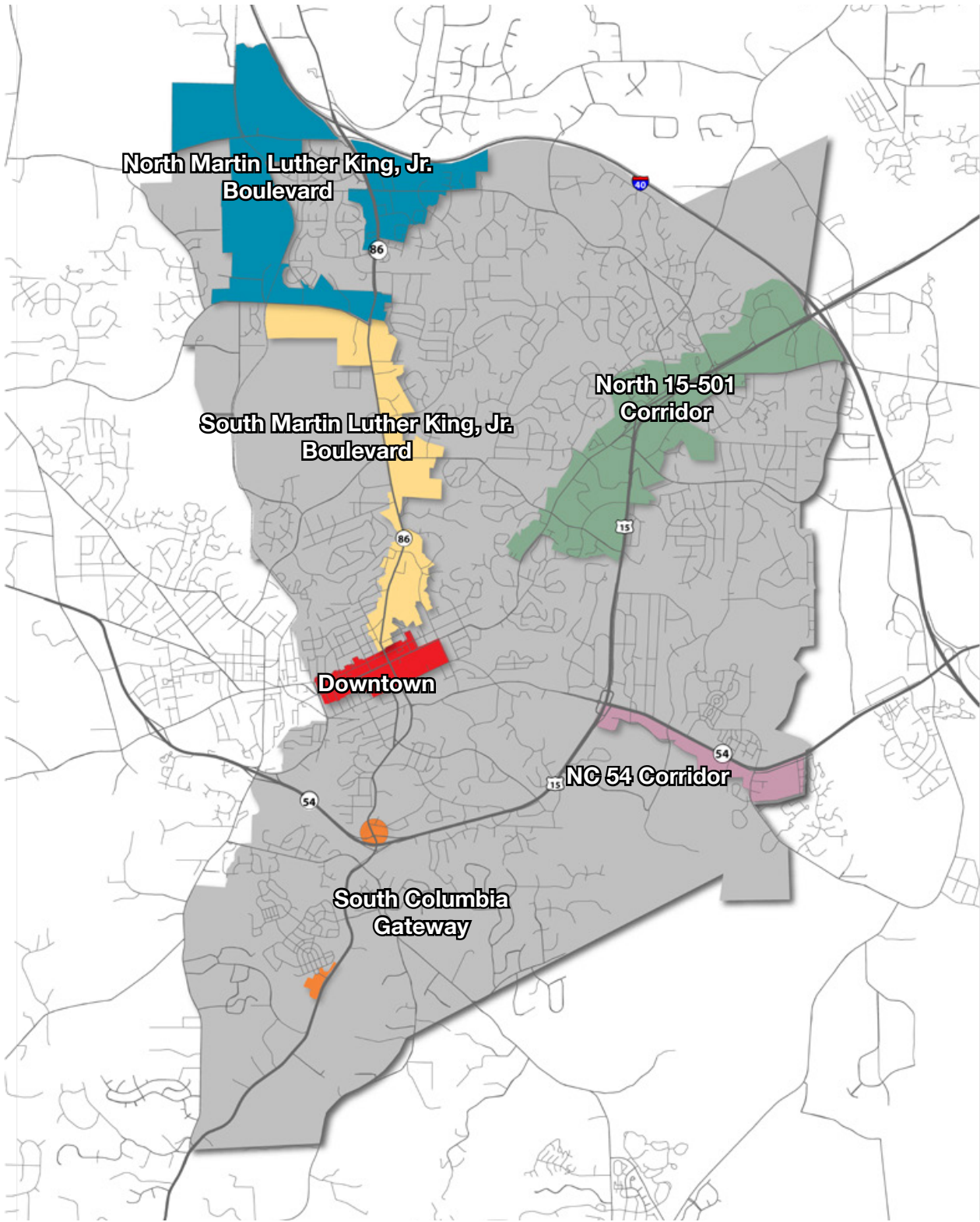
Focus Areas

The Focus Areas reflect six areas of opportunity selected based on areas identified in Chapel Hill 2020. These areas needed more detailed recommendations and guidance in order to properly plan for the year 2049. The Focus Areas represent the portions of Chapel Hill most likely to change in the future due to the existence of vacant land; underdeveloped sites; and their locations along transportation and transit corridors. Each Focus Area is mapped separately and includes a vision for the area, a matrix of the preferred and discouraged land uses (described as Character Types) and desirable building heights, a description of the desired form of development, and a set of Focus Area Principles tailored to the unique circumstances of the area. To give additional guidance about the desired character of each Focus Area, images are provided to reflect preferred design concepts. The Focus Areas are:

- North Martin Luther King Jr Boulevard
- South Martin Luther King Jr Boulevard
- North 15-501 Corridor
- Downtown
- NC 54 Corridor
- South Columbia Gateway

Each Focus Area is broken down into Sub-Areas, and the primary, secondary, and discouraged Character Types for each Sub-Area are provided in a Character Types and Height matrix. The heights listed in this matrix are for guidance only and are not meant as an absolute prohibition against buildings of greater height.

Focus Area Map





Character Types

For the Focus Areas only, the FLUM makes use of “character types” that broadly describe the shape, character, intensity, and form of future development intended for each Focus Area. The character types do not apply in locations outside of these Focus Areas. The Land Use Categories, discussed above, delineate the future land uses for the other areas of Town.

Character Types		
Residential	Non-Residential	Mixed-Use
Multi-family Residential Townhomes & Residences	Commercial/Office Light Industrial Parks & Green/Gathering Spaces Institutional/Civic	Multi-family, Shops, and Offices

Future Land Use Map Interpretation

The Future Land Use Map, including both the overall map and the individual maps for each Focus Area, the Land Use Categories, and the Character Types were developed to provide guidance for specific areas throughout the Town. Special care was taken to ensure that the FLUM is generally accurate in interpreting the vision for the Town. However, the Future Land Use Map is not intended to provide site level guidance with precision. For sites located on the boundaries between Land Use Categories or Sub-Areas on the Future Land Use Map, the mapped edges are not intended to be interpreted as a rigid boundary but should be interpreted in light of Chapel Hill 2020, Town policies relevant to the site, and the particular site circumstances.

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Map Amendments

The Future Land Use Map was constructed to provide flexibility and to reduce the need for FLUM amendments. However, there may be instances in the future that will require amendments to the FLUM. Such FLUM amendments should take place only in situations when the proposed amendment is:

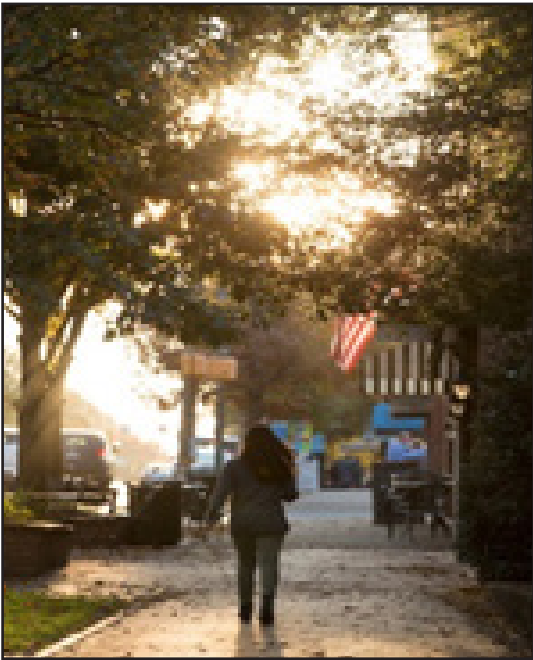
- 1. Consistent with the goals and policies in the comprehensive plan; and,
- 2. Addresses significantly changed conditions since the Future Land Use Map was adopted and/or amended.



2 | Guiding Statements

Purpose of the Guiding Statements

While updating the Town’s Future Land Use Map focuses only on a small portion of the Town, rewriting the Town’s LUMO could potentially impact all portions; therefore, it is imperative to define a set of Guiding Statements, which taken together, provide direction for both phases of this Project, the future of Chapel Hill and the rationale for making the changes necessary to:



- Effectively address and mitigate the challenges of climate change;
- Foster land use decisions that recognize, integrate, and sustain the Town’s unique natural environment;
- Support the Town’s economic development strategies, including job creation;
- Ensure the Town’s fiscal well-being by diversifying and increasing its tax base;
- Sustain and create a sense of place that is distinctive to Chapel Hill;
- Balance development/redevelopment while protecting and preserving the Town’s natural environment and resources;
- Collaborate with the Town’s regional partners, the University of North Carolina at Chapel Hill and the UNC Health Care System on lifelong learning, innovation, and entrepreneurship;
- Invest in the infrastructure necessary to create a vibrant, equitable, economically sustainable, resilient future for Chapel Hill;
- Create, in strategic locations, compact, mixed use communities focused on transit and multimodal transportation systems that effectively respond to the need to reduce traffic and the Town’s carbon footprint given the desirability of such locations for both households and employers that prefer sites that are walkable and located within vibrant, connected communities and the desire for an equitable community where all community members have access to jobs, transit, and places to reside.

Chapel Hill 2020 including all of its amendments, these Guiding Statements, and the revised Future Land Use Map and all of its components constitute a long-range land use and public infrastructure plan to guide future growth, to identify areas and resources to be preserved, and to shape the Town’s physical development. This guidance is necessary as land use decisions, proposed developments, and capital improvements are considered. (A land use decision is one that has a substantial impact on present or future land uses, such as zoning decisions.) The Guiding Statements include a wide variety of topics, but they are all for the purpose of informing and guiding decision making.

When applying these Guiding Statements to particular situations, such as specific development proposals, some of these Guiding Statement may compete or conflict. While the goal is to be consistent with every Guiding Statement to the extent possible, each proposal must attempt to satisfy these Guiding Statements on balance to achieve the overall intent given the context and constraint specific to that proposal. This approach recognizes that there are tradeoffs and compromises, and allows flexibility while still guiding land use and capital decisions. These Guiding Statements provide an anchor or reference point to consider when making tradeoffs and compromises.

The Guiding Statements are as follows:

1. Demonstrate the Town’s commitment to effectively respond to the threats associated with climate change as well as environmental stewardship and resiliency. The Town should emphasize sustainable urban design principles that minimize impacts to Chapel Hill’s sensitive natural areas and respond to the threat of climate change by:

- A. Creating compact walkable, mixed-use communities, in targeted locations, where activities are located closer to one another requiring less time and energy to access the daily needs of life including work, school, commerce, and recreation rather than permitting low-density, auto-dominated developments and corridors;
- B. Densifying at strategic locations and mixing land uses. By building up, the Town can absorb development in a more compact manner, support a lively mix of activities, protect open spaces, integrate public spaces into developments, conserve landscaped areas, preserve tree canopy, and create nodes that make transit more viable. Permitting a mix of activities along streets shortens trips, enlivens the public realm, and makes possible the day and night usage of shared parking;

The Public Realm belongs to everyone. It includes the streets, squares, parks, green spaces and other outdoor places that require no key to access and are available to everyone.



C. Creating a meaningful Climate Action Plan and fostering patterns and styles of development that are climate responsive, including energy efficient buildings and sites that utilize existing infrastructure and support local, renewable energy production like rooftop solar. Climate responsive design also supports habitat corridors, green infrastructure, and living landscapes, providing for tree canopy and other vegetative surfaces that mitigate the urban heat island effect and create more shaded and walkable streets throughout the Town. This style of development accommodates alternative and low carbon forms of transportation, such as biking, walking, transit and the increased adoption of electric vehicles. Reduced parking requirements, when accompanied by the necessary supportive infrastructure, helps to support these alternative forms of transportation and encourages the development of sustainable communities;



D. Continuing to support transit, transit connections and integrated transit options. Such connections can integrate and knit together all parts of the Town, reduce vehicle miles traveled, and support additional housing units and more intense land uses, like office and retail uses, so that community members may shop and work in their community thereby potentially reducing the carbon footprint attributable to the Town. Transit supports the establishment of a prosperous and equitable community that is easily accessible by all;

E. Establishing a “Connected Community” that includes a tight network of streets and multi-modal paths that are convenient everyday choices. Creating highly integrated multi-modal connections allows for a variety of mobility options that make trips more direct and reduces vehicular trips. To that end, the Town should continue to promote an active and interconnected community that supports initiatives like Vision Zero and provides safe routes to work and school, walkable neighborhoods, complete bicycle networks, and multi-modal transportation alternatives; and,

F. Establishing resiliency measures to mitigate flooding concerns within the Town including utilizing “Green Stormwater Infrastructure” techniques that utilize natural and constructed landscape features that capture, absorb, and store rainwater; preserving existing open space; and where possible, developing new open space; improving tree canopy; daylighting creeks and other covered waterways; and creating “Green Infrastructure” connections such as habitat corridors between the natural areas of the Town.

Resilience, according to Triangle Regional Resilience Partnership Resilience Assessment, is the capacity of a community, business, or natural system to prevent, withstand, respond to, and recover from a disruption.

2. Ensure equitable planning and development. Equitable planning and development is a strategy that ensures all current and future community members participate in and benefit from development and economic growth and activity in the Town – especially low-income residents, communities of color, immigrants, and others at risk of being left behind. Equitable planning and development entails an intentional focus on eliminating inequities and barriers and making accountable and meaningful investments to assure that community members:

- Live in healthy, safe, and opportunity-rich neighborhoods;
- Connect to economic and ownership opportunities; and,
- Have voice and influence in the decisions that shape their neighborhoods.

Equitable Development is achievable by:

- A. Advancing economic opportunity. Promote local economic development and entrepreneur opportunities, enhance community-serving establishments, and increase quality living wage jobs for all community members;
- B. Mitigating displacement. Develop plans, policies, and programs that mitigate residential displacement as development and redevelopment occurs in the Town and discourage the displacement of viable small businesses that serve community needs;
- C. Providing affordable housing options. Create healthy, safe, and affordable housing for all family sizes and incomes in all neighborhoods;
- D. Understanding and responding to local context. Respect local community character, cultural diversity, and values. Preserve and strengthen intact neighborhoods, building upon their local assets and resources;
- E. Promoting broader mobility and connectivity. Prioritize an effective and affordable public transportation network that supports transit-dependent communities and provides equitable access to core services and amenities, including employment, education, and health and social services;
- F. Practicing meaningful community engagement. Ensure local community participation and leadership in decision-making reflects a diversity of voices, including targeted strategies to engage historically marginalized communities. Structure planning processes to be clear, accessible, and engaging;
- G. Developing healthy and safe communities. Create built environments that enhance community health through public amenities (schools, parks, open spaces, walkable neighborhoods, multi-modal paths, health care, and other services), access to affordable healthy food, improved air quality, and safe and inviting environments;
- H. Promoting environmental justice. Eliminate disproportionate environmental burdens and ensure an equitable share of environmental benefits for existing communities; and,
- I. Creating full accessibility. Ensure that the built environment is accessible and welcoming to people of all ages, physical conditions, and languages.



3. Encourage a diversity of housing types. The Town will encourage additional housing options that are both affordable and desirable for households and individuals with a range of income levels. Accordingly, the Town seeks to facilitate both the development of traditional single-family homes as well as to address the “Missing Middle” of housing units, which includes a variety of housing types between single-family homes and apartments. In addition, this diversity of housing types should include provisions for student housing. Creation of these diverse housing types is constrained by the Town’s limited ability to annex property outside of its borders and its desire to create housing units without contributing to sprawl. The intent of this statement is to enable:



- A. The development of duplexes, triplexes, fourplexes, and accessory dwelling units with an approval process similar to that of single-family detached dwellings. These small scale multi-family uses could fit within the fabric of some existing single family neighborhoods, as long as they are carefully designed, and provide additional housing units for the Town;
- B. The development of townhouses, at the edge of established neighborhoods, to act as a transitional use and provide for additional housing options;
- C. The continued development of single-family detached dwelling units;
- D. Small lot single-family subdivisions, where appropriate, that utilize the principles of traditional residential design to create compact, livable, and accessible neighborhoods; and,
- E. Purposefully built off-campus student housing in appropriate locations.

4. Promote distinctive, safe, and attractive neighborhoods.

The Town should preserve and enhance established neighborhoods by directing growth to multimodal and key transportation corridors facilitating connections to those corridors in order to promote a multi-modal network thereby potentially reducing vehicular trips and increasing mobility options. Such connections should be done with care to minimize through traffic on residential streets.



The intent of this guiding statement is also to:

- A. Protect and preserve the Town’s historic neighborhoods as well as its Neighborhood Conservation Districts;
- B. Preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods;
- C. Protect neighborhoods from potential adverse impacts associated with adjacent non-residential uses by proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and stormwater; and,
- D. Safeguard existing single-family neighborhoods as students move into established neighborhoods.

5. Cultivate a vibrant and inclusive community. The Town should encourage new opportunities, through the built environment, that promote a sense of place and community for those who live, work, and visit Chapel Hill. This encouragement includes the creation of “third places,” meaning those places close to home or work where unintentional social connections happen routinely. These unintentional connections may happen on the sidewalk, in pocket parks, and at plazas. To facilitate these opportunities for unintentional connections, the Town will consider:



- A. Intentionally designing the public spaces of the Town including the interface between private properties and the public environment, which most often is the street;
- B. Methods to weave public space, including plazas and pocket parks, into private projects through public-private partnerships, regulatory incentives, and other creative means;
- C. Requiring a mixture of land uses, residential; retail; office; civic, adjacent to each other or stacked vertically in certain strategic locations to invigorate certain streets;
- D. Enabling the creation of publicly accessible spaces that contain seating, access to food, Wi-Fi, and landscape elements, particularly near transit locations; and,
- E. Proactively planning for the location of publicly accessible spaces in each Focus Area.



6. Direct investment along key transportation corridors and promote construction of transit and multi-modal transportation options in concert with the Town’s regional transportation partners. The Town should encourage density and intensity in a mixture of uses along key transportation corridors and at established activity nodes or centers with particular emphasis at future transit stations and areas with multi-modal forms of transportation.

The intent of this guiding statement is to concentrate the siting of high-density housing, mid-rise office, and more intense mixed use development at targeted locations in order to achieve highly functional, walkable destinations that are not car dependent.

7. Support and facilitate economic development, including the development of varied types of retail and office spaces; job creation; innovation; and entrepreneurship, through redevelopment and infill development, in order to expand and diversify the Town’s tax base to enable the Town’s fiscal resiliency. To support economic development policies, Chapel Hill will support and facilitate redevelopment and infill development, and where necessary, investigate the usage of public/private partnerships. The intent of this policy is to proactively address the fact that future economic development will need to occur, most often, on infill and/or redevelopment sites. Accordingly, this policy is intimately tied to Chapel Hill’s future economic health and the Town’s ability to accommodate employment centers.



Any redevelopment or infill projects should be designed in a manner to complement surrounding properties and to efficiently utilize and capitalize on existing public infrastructure, such as roads, water, sewer, and transit and when necessary, supplement such infrastructure.

8. Provide appropriate transitions between land uses and buildings of different scales. Support the provision of appropriate transitions between sites and/or uses having significantly different types or intensities of land uses as well as built forms.

The intent of this guiding statement is to provide for harmonious transitions between different types and intensities of land uses as well as built form in order to help mitigate any negative impacts that a development might have on an adjacent site or use. Providing for appropriate transitions is especially important between the campus of the University of North Carolina at Chapel Hill and surrounding areas.

Appropriate transitions between developments and adjacent uses can be achieved by many different techniques, utilized either singularly or in combination. Determining the most appropriate design approach for managing transitions between developments and/or uses will depend on the objectives for the transitional space, which will vary by location. The most appropriate transition between sites and/or uses may also depend on the topography of the affected sites, such as differences in elevations, which must be considered whenever transitions are necessary.

Techniques for achieving transitions include, but are not limited to the following:

- A. Form Transitions – Varying the form of a building to provide for a change in building bulk, height, scale as well as the orientation of exterior spaces away from adjacent residential neighborhoods. This change in form could include “stepping back or down” in bulk or height in order to prevent negative impacts on adjacent neighborhoods or streets.
- B. Use Transitions – Designating a transitional use between uses or developments of different intensities, such as:
 - i. Multi-family residential or townhouses, between an office or retail use and a single family neighborhood,
 - ii. Permitting homes on the edge of an established neighborhood to be used for small offices
- C. Architectural Transitions – Utilizing the architectural elements of a new or renovated development to ensure compatibility with the adjacent neighborhood in terms of building materials and architectural design elements.
- D. Landscape Transitions – Preserving and/or installing vegetative landscape material of varying width, plant selections, and density to provide for the appropriate level of transition between uses.

9. Preserve and maintain Chapel Hill’s appearance and create the quality of design and development the Town desires. The Town should preserve and maintain Chapel Hill’s unique appearance and create the quality of design and development the Town desires, with particular attention to the Town’s gateways and the appearance of – and views from – the public realm, including streets; parks; multi-modal paths, and plazas, while also encouraging high quality development, understanding that different areas of Town will have different characters and defining characteristics. To this end, views from the public streets and public spaces should not be defined by parking facilities, and the public-facing front of buildings should be design for people, not cars.



The intent of this guiding statement is to create and maintain the pleasing qualities of our community because activated, desirable, comfortable, and appealing public streets and spaces help to create vibrant civic areas where community members want to walk, shop, bike, and spend time.

This guiding statement encourages high-quality development that embraces exceptional site design, architecture, and construction. This statement is concerned with the appearance of two different aspects of the community:

- A. Public Areas (owned, designed, and maintained by the public sector). Accordingly, this guiding statement emphasizes the design and appearance of roadways and gateways; public landscaping and streetscape design elements along roadways; public parks and greenways; and public buildings and properties, such as parks and recreation facilities, Town Hall, schools, and libraries; and,



- B. Public Views (refers to the appearance and views of private development as seen from public areas). Accordingly, this guiding statement emphasizes high-quality appearance and design for private development, particularly at gateways into the Town– including buildings, landscaping, signage, and art features – that can be seen from public roadways, or from other public spaces such as greenways, multi-use paths, parks, etc.

Implementation of this guiding statement may require:

- A. The development of design guidelines or regulations as well as streetscape plans and improvements tailored to each Focus Area or to particular portions of a Focus Area in order to create a unique sense of place within each Focus Area as well as a visual continuity of streetscapes; and,
- B. The establishment of Pedestrian-Oriented Districts, which include site and design elements necessary to create the type and quality of development that the Town desires including specifications regarding the preferred location of parking facilities.

10. Cooperate and collaborate with all of the Town’s regional partners especially the University of North Carolina at Chapel Hill and UNC-Health Care. Pursue a harmonious relationship where there is a strong emphasis on the pursuit of mutually beneficial goals with respect for the sometimes differing objectives of these partners and the Town.

As it states in Chapel Hill 2020, “The richness of the University—its history; its physical beauty; its intellectual, entrepreneurial and artistic capital; its world class health care enterprise; the dynamic idealism of students and faculty—is part of the [Town’s] vision.” The Town of Chapel Hill’s identity is based, in large part, on the presence of UNC. Chapel Hill is a college town. However, the relationship between the two institutions is much deeper than identity. The destinies of the Town and the University are inextricably linked, and strengthening the strategic alignment on issues of economic development; transportation; housing; student housing; recreational, open space, and cultural amenities; and other quality of life issues are essential to the Town and UNC’s sustainability and resiliency. To that end, the Town should continue to:

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- “Aspire to use the intellectual and financial capital of the University and the UNC Health Care System to help the Town flourish,” as stated in Chapel Hill 2020;
- Work with UNC to develop economic strategies, including strategies related to research and development as well as entrepreneurship;
- Enhance the relationship between students and permanent residents;
- Coordinate transportation initiatives;
- Recognize the importance of UNC’s cultural and natural resources including Carolina North, Ackland Art Museum, and Morehead Planetarium and Science Center and work with the UNC to utilize these resources to the benefit of both the Town and the University;
- Work with UNC to help mitigate the impact of student rental housing in established single-family neighborhoods and to provide safe and sanitary off-campus housing for students; and,
- Proactively collaborate and work with UNC regarding policies concerning both on and off-campus housing for University students.



3 | Future Land Use Map

Introduction

The Town’s Future Land Use Map is a tool that serves as a guide to help ensure the future reflects the community’s vision (as established in the Chapel Hill 2020 Comprehensive Plan and other town planning initiatives.)

The Future Land Use Map section is organized into two parts:

- **Land Use Categories** - The section begins by describing 12 types of land uses that exist in or are envisioned for Chapel Hill. As described in the introduction, the Land Use Categories are adapted from the Chapel Hill 2020 Land Use Plan and include a range of uses that include residential, commercial, mixed use, industrial, and open space.
- **Future Land Use Map** - The town-wide vision for future land use is shown as a map that builds on the Chapel Hill 2020 Land Use Plan. The map describes the vision using the Land Use Categories. It defers the detail on the six focus areas to the Focus Area exhibits that follow. Areas of the Town currently subject to development agreements and potential school sites also are shown.

Land Use Categories

Residential Categories

Rural Residential

Rural residential areas are located in the Town’s Extraterritorial Jurisdiction (ETJ)* and will continue to primarily contain single-family homes on large lots. Many of these areas are outside of the Town’s Urban Services Boundary, which limits the extension of Town water and sewer service to these areas. Most of these areas rely on septic systems for wastewater treatment. The intent of this designation is to preserve and enhance the rural character of these areas by encouraging rural development designs, such as conservation/cluster residential subdivisions, which could result in clustered housing on large tracts to preserve open space and environmentally sensitive areas such as steep slopes; quality woodlands; wetlands; and stream corridors, provided gross densities are maintained.

*Extraterritorial jurisdiction is portions Orange County where the Town of Chapel Hill applies its planning and zoning authority outside of the Town’s corporate limits.

Gross Densities of:

- 1 unit/acre
- 1 unit/5 acres



Very Low Residential

Very low residential areas are intended to remain predominantly rural or semi-rural in character and will continue to primarily contain single-family homes on large lots. Most of these areas are located within the Town limits, and all areas are inside the Urban Services Boundary, which enables water and sewer service where available. Conservation/clustered residential subdivisions would be permissible to preserve open space and environmentally sensitive areas provided the gross densities are maintained.

Gross Densities of:

- 1 unit/acre





Low Residential

Low residential areas encompass most of the Town’s single-family detached neighborhoods and are intended to provide for traditional detached single-family housing as well as accessory dwelling units and attached housing choices including duplexes, triplexes and fourplexes, where appropriate based on infrastructure; parcelization; and proximity to transit service, multi-modal paths, downtown, and other mixed use areas.

Infill development should continue the existing visual pattern, rhythm, and orientation of the surrounding dwelling units. These areas are within the Town’s corporate limits and are served by both water and sewer service.



- Gross Densities of:
- 1-4 units/acre

Medium Residential

Medium residential areas include a fairly wide spectrum of housing types including small lot single-family homes, attached dwelling units like triplexes and townhouses, and small scale multi-family housing developments. The development pattern within this Category should be compact and well-connected, and infill development should continue the existing visual pattern, rhythm, and orientation of the surrounding dwelling units. Proximity to small scale, neighborhood serving businesses, within walking distance, would be ideal. These areas are within the Town’s corporate limits and are served by both water and sewer service.

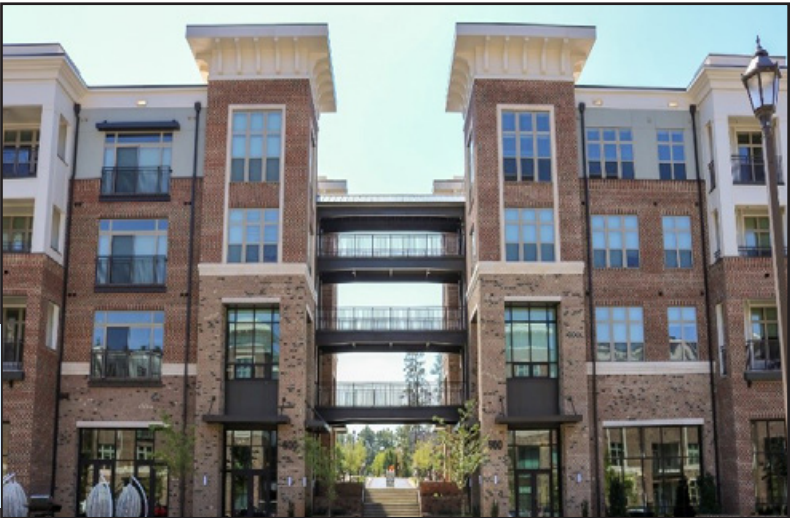


- Gross Densities of:
- 4-8 units/acre

High Residential

High residential areas provide for a range of multi-family options encompassing a great variety of building types. High residential areas are most appropriate in close proximity to transit services, the Town’s major transportation/ multi-modal corridors, existing commercial areas, village centers, and downtown. Ideally, these areas will be dense and walkable with publicly-accessible pedestrian connections provided through large developments and intimate scale open spaces, such as courtyards. When adjacent to public streets, these dense residential developments should activate the street and sidewalk with prominent entries and public or semi-public spaces.

- Gross Densities of:
- 8-15 units/acre



Non-Residential Land Use Categories

Commercial/Office

These small scale commercial/office areas provide for a wide range of businesses, retail/ restaurant establishments, institutions, services, and offices. They are generally located near concentrations of existing or planned residences with access to major transportation/multi-modal corridors. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Off-street parking should be behind buildings.





Mixed Use

These mixed use areas contain a mix (horizontal and vertical) of uses spanning some combination of the retail, office, service, residential, and hospitality land uses. Densities may vary, but most buildings will be multi-story. All or most residential space would be in multi-family buildings, many of which would have other uses at ground level and perhaps on other levels as well. Creation of walkable activity nodes through land-use diversity and proximity of destinations supports non-motorized modes of transportation as well as transit ridership. In most cases, more intense mixed uses development should be located within half- mile of high volume/high frequency transit stations/stops.



Village Center

These village center areas are characterized by a wide variety of businesses/offices housed in traditional storefronts, a range of housing types, and public facilities in a compact walkable area with off-street parking located at the rear of buildings or in parking garages. Businesses and offices serve the adjacent neighborhoods, and to a lesser extent, the wider community. Buildings have functional entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Uses should be mixed within the Village Center, either vertically in the same building or throughout the village center. To contribute to the walkable nature of these areas, these areas should utilize pedestrian-scale amenities, such as lighting; street trees; and sidewalk furniture.



University

Those properties utilized by the University of North Carolina at Chapel Hill including academic buildings, residence halls, administrative offices, conference facilities, recreational facilities, retail establishments, parking, airport facilities, and any other land uses that support the University.



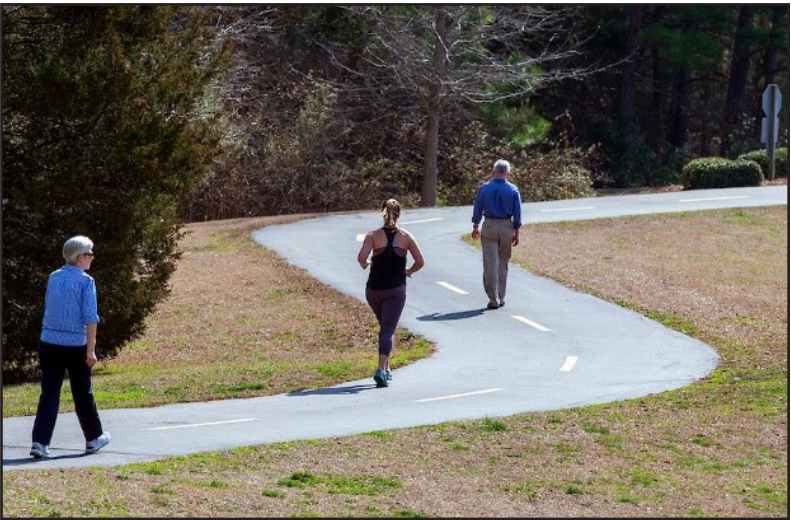
Institutional

Institutional areas include land utilized primarily for governmental purposes, schools, places of worship and other civic/non-profit uses. Built forms vary by specific use and location.



Parks/Open Space

Parks/Open space includes public recreational areas, resource conservation/protection areas and green ways as well as dedicated private open space. Uses include active and passive recreation, environmental restoration/mitigation/preservation, and other park-like uses. Structures and activities that support or are associated with the intended uses are permissible.





- Preservation and retention of existing historical single family detached dwellings preferably as single family homes, but such dwellings may be reused for nonresidential purposes provided the existing character of the dwelling and its front yard are largely retained
- Continued mixture of institutional and residential uses that exist to serve the needs of students, faculty, staff, and others connected with the University
- Small-scale institutional or semi-public uses (e.g. community centers, religious institutions) associated with the University
- Existing commercial/office uses provided such uses remain small in scale
- New commercial uses usually when associated with institutional uses (e.g. small coffee shop within an existing community center or university religious center)
- Encouragement for single-family or multifamily residential that is in keeping with the existing historic character and scale of the neighborhoods

Chapel Hill Future Land Use Map (2049)

- Rural Residential, 1 unit / 5 acres
- Rural Residential, 1 unit / acre
- Very low residential, 1 unit / acre
- Low Residential, 1-4 units / acre
- Medium Residential, 4-8 units / acre
- High Residential, 8-15 units / acre
- Commercial / Office
- Mixed Use
- Village Center
- Institutional
- University
- Parks/Open Space
- Landfill Activities
- Subject to Development Agreement
- Traditional University Supportive Uses
- Jurisdictional Limits
- Urban Service Area
- Focus Area - See Focus Area Map
- Potential School Site

The map displays the following areas and features:

- North MLK** and **South MLK** neighborhoods.
- Downtown** and **South Columbia Gateway** areas.
- IS-501 North** and **NC-54** corridors.
- Traditional University Supportive Uses** (indicated by red diagonal hatching).
- Potential School Sites** (indicated by blue 'S' in a circle).
- Transportation Routes:** I-40, US-501, NC-54, and various local roads like W Main St, E Main St, S Columbia St, and Manning Dr.
- Water Bodies:** The South River and various ponds.
- Landmarks:** The University of North Carolina at Chapel Hill campus.

Scale: 0 to 1.5 Miles.

North Arrow: Indicated by an upward-pointing arrow.



4 | FOCUS AREAS

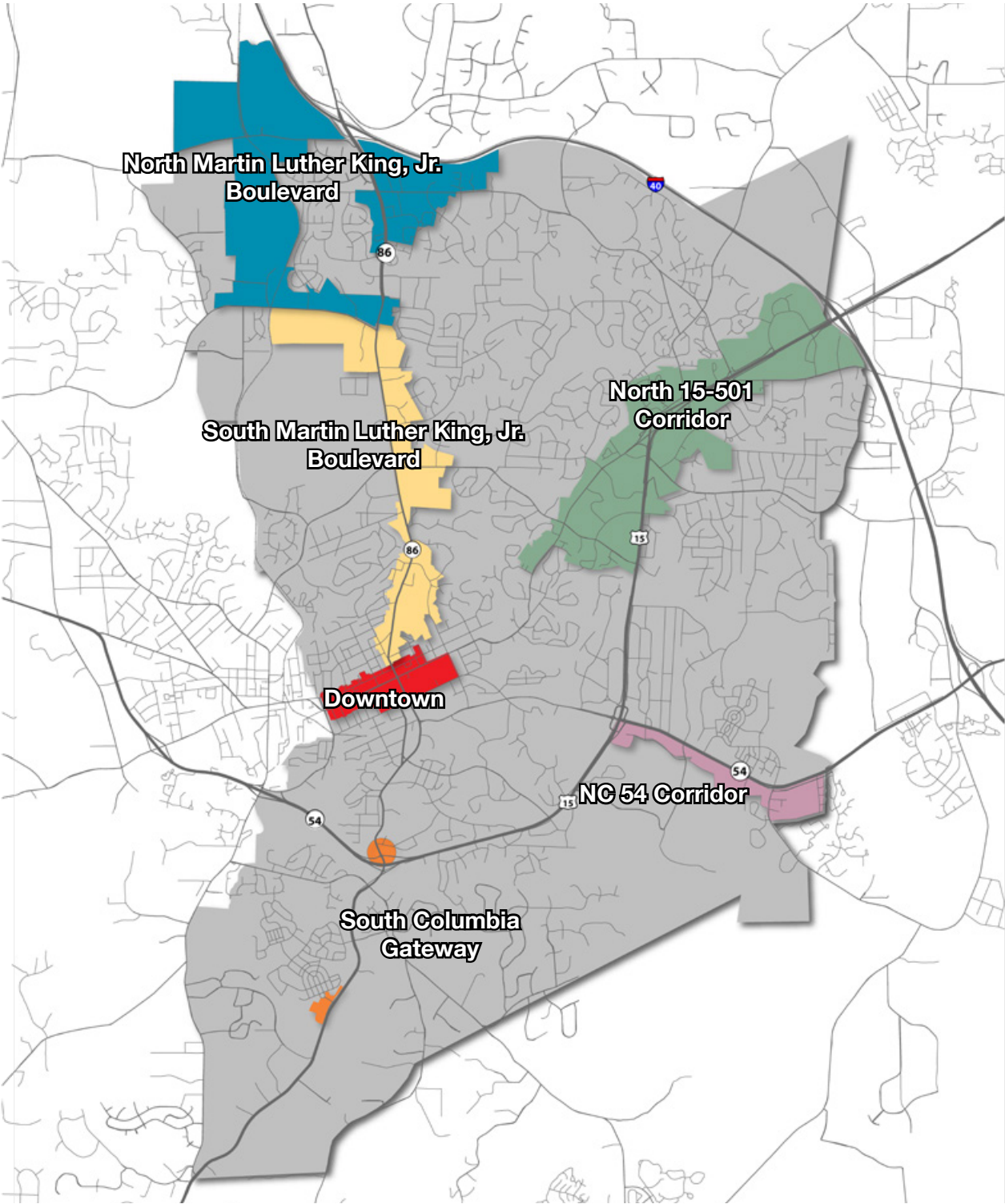
Introduction

Charting Our Future is designed to chart the next course and think about the future of Chapel Hill with an emphasis on six key Focus Areas of town. The process gives the Town the opportunity to unite previous planning efforts, examine gateways into Chapel Hill, and create cohesion among existing areas of development within these six Focus Areas. The defined Focus Areas are shown on the map on the following page.

- North Martin Luther King, Jr. Boulevard
- South Martin Luther King, Jr. Boulevard
- North 15-501 Corridor
- Downtown
- NC 54 Corridor
- South Columbia Gateway

The Focus Area section is organized in the following sections

- **Character Types** - The Focus Areas are described using “character types” that describe the look and feel of future development within each of the Focus Areas. The Character Types only apply to the Focus Areas. The vision and intent of the remaining portions of the Town are described using the Land Use Categories presented in Section 3. Precedent images for the Character Types accompany the descriptive text.
- **Universal Principles** - The Focus Area exhibits are supported with a variety of principles to help guide decisions. While some principles are specific to individual Focus Areas, other principles can be universally applied to each of the six locations.
- **Focus Area Details** - Each Focus Area is introduced with a vision, overview of current conditions, and set of principles that speak to connectivity, land use, placemaking, density, and environmental considerations. A map is displayed that divides the organization of the Focus Area into sub-areas, which is geography for which the character types and height guidance is provided. The Focus Areas also include detail on activated street frontages and transitional areas.





Character Types

For the Focus Areas only, the FLUM makes use of “character types” that broadly describe the shape, character, intensity, and form of future development intended for each Focus Area. The character types do not apply in locations outside of these Focus Areas.

Character Types & Precedent Images

Multi-family, Shops & Offices

This Character Type contains a mix (horizontal and vertical) of uses spanning some combination of the retail, office, service, residential, and hospitality land uses. Densities may vary, but most buildings will be multi-story. All or most residential space would be in multi-family buildings, many of which would have other uses at ground level and perhaps on other levels as well. Creation of walkable activity nodes through land-use diversity and proximity of destinations supports non-motorized modes of transportation as well as transit ridership. In most cases, more intense mixed uses development should be located with a half-mile of high volume/high frequency transit stations/stops.

Character Type Principles:

- May be single use or vertically integrated mixed-use buildings
- Avoids long, uninterrupted and monotonous building facades to add visual interest to the street
- Street level facades should include prominent entrances for each business, defined window bays, and windows/glazing that allows views into the ground level spaces
- Accentuate the building corner on corner sites
- Emphasizes pedestrian activity including wide sidewalks, street tree plantings, coordinated site furnishings, bike facilities, small-scale urban plazas, and the creation of great public spaces
- Integration of ground-floor neighborhood commercial with residential and office uses
- Parking integrated within the building or behind buildings and accessed from side or rear fronting streets/alleys or in public decks
- Shared parking agreements maximize use of parking by tenants and the public based upon demand
- Opportunities for public art
- After the third or fourth story, consider stepping back the building in order to frame the public space rather than overwhelm it
- Define the building base by slight changes in building materials, colors, or textures





Multi-family Residential

This Character Type includes small and large apartment/condominium buildings. Smaller multi-family buildings are appropriate near predominantly residential frontages and where parcelization supports smaller multi-family buildings. Apartment/condominium buildings, particularly larger ones, should be located near mixed-use and commercial areas to allow for walkable activity nodes since land-use diversity and proximity of destinations support non-motorized modes of transportation. In most instances, higher density residential uses should be strategically located within a half mile of high volume/high frequency transit stations/stops to support transit ridership and may include some commercial uses utilized by residents, neighborhood residents, and transit riders.

Character Type Principles:

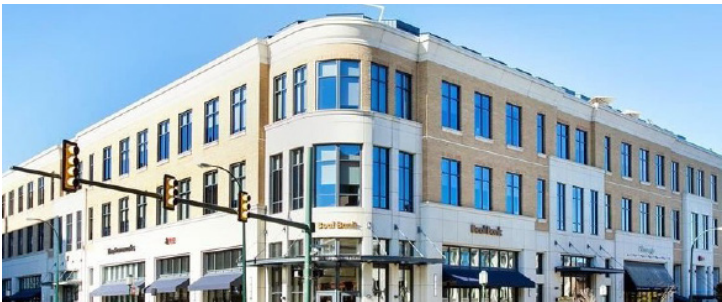
- May be completely residential or include a limited amount of supportive non-residential uses on the ground floor at primary property corners
- Avoids long, uninterrupted, and monotonous building facades to add visual interest to the street
- Setbacks from the street create small private garden spaces and separation from public side-walks for ground-floor residential units
- Adequate and convenient bike facilities near primary entrances and/or integrated within the buildings
- Lighting and landscaping design address security and public safety issues for residents
- Parking integrated within or behind buildings and accessed from side or rear streets/alleys
- Emphasize the primary building entrance
- After the third or fourth story, consider stepping back the building in order to frame the public space rather than overwhelm it
- Elevate living space above sidewalks to create a separation between living space and public space
- Includes balconies, french windows, bay windows, etc. to articulate the front facade and provide visual interest
- Define the building base by slight changes in building materials, colors, or textures
- Include a wide pedestrian zone and ample street tree plantings along the ground floor street frontage





Commercial/Office

This Character Type includes small and large scale commercial and office buildings that includes commercial, retail, service, hospitality, and office uses. Small scale commercial/office buildings will provide commercial nodes along transportation/transit corridors and may, in some instances, function as a transition between higher density uses and single family neighborhoods while also providing neighborhood shops and services for residential neighborhoods within a half mile radius. Less intense laboratory facilities and maker spaces are also appropriate in this Character Type. Larger scale commercial and office buildings near future/existing transit and I-40 may be appropriate for larger employment focused development and may not have a strong relationship to or serve nearby residential neighborhoods.



Character Type Principles:

- Typically located at primary commercial intersections and along major transportation corridors providing retail space, offices, and other services
- Provides a logical transition in scale and character between residential uses and major thoroughfares
- Includes wide pedestrian zone, appropriate bike facilities, ample street tree plantings, and coordinated site furnishings
- Building entrances front primary streets to activate the pedestrian experience
- Parking integrated within or behind buildings and accessed from side/rear streets or alleys
- Avoids long, uninterrupted, and monotonous building facades to add visual interest to the street
- Street level facades should include prominent entrances, defined window bays, and windows/glazing that allows views into the ground level spaces
- After the third or fourth story, consider stepping back the building in order to frame the public space rather than overwhelm it
- Define the building base by slight changes in building materials, colors, or textures

Parks and Green/Gathering Spaces

This Character Type accounts for natural features within the Focus Areas and protects current open spaces while enhancing the connectivity of natural places and providing open space in proximity to residential uses. In some Focus Areas, there are areas designated as parks and green space that have existing development. The intent is for those areas to transition back to natural areas over time. Green space may also contribute to a more natural treatment of stormwater, where appropriate, within Focus Areas. [Note: Green/gathering spaces, integrated within other Character Types, is appropriate and anticipated.]



Character Type Principles:

- Helps preserve and enhance existing community amenities and provides options for new amenities
- Includes connectivity where possible to existing or planned linear green infrastructure, including bike and pedestrian paths and greenways
- Planned as part of an overall system of transportation, stormwater management, environmental restoration, and/or preservation of sensitive areas
- Accessible to neighborhoods of all income levels with accessibility provisions for disabled populations



Townhouses & Residences

This Character Type provides a medium-intensity residential opportunity that diversifies housing options within the Town by filling a gap between large lot single-family homes and multi-unit residential buildings. This Character type allows for sensitive infill and is appropriate within proximity to mixed-use and commercial areas, transit, and parks and open space. The Character Type includes townhomes, triplexes, duplexes, fourplexes, cottage courts, and small lot single family.



Character Type Principles:

- Residential building options include townhomes, triplexes, duplexes, fourplexes, and small single-family detached lots
- Emphasizes connectivity to planned mixed-use, commercial areas, and parks and open space
- Building placement, scale, and design promote good transitions to single-family neighborhoods
- Avoids long, uninterrupted, and monotonous building facades to add visual interest to the street
- Private stoops, porches, and gardens activate the street
- Lighting and landscape design address security and public safety concerns. Locate living spaces in proximity to the street to provide “eyes on the street”
- Parking integrated within or behind buildings and accessed from rear streets or alleys
- For duplexes and triplexes, each unit should have a distinct and visible entrance.

Institutional/Civic

This Character Type includes land utilized primarily for governmental purposes and places of worship. Consequently, built forms vary by specific use and location. [Note: Some institutional uses may be appropriate within other Character Types.]



Character Type Principles:

- Downtown and Urban Frontages:
 - Includes wide pedestrian zone, appropriate bike facilities, ample street tree plantings, and coordinated site furnishings
 - Public entrances, forecourts, and plazas create active, vibrant pedestrian zones and soften separation between the pedestrian zone and front of buildings
 - Emphasizes transparent façades
 - Avoids long, uninterrupted, and monotonous building facades to add visual interest to the street
 - Provides opportunities for public art
 - Facades should include prominent entrances
 - No parking between buildings and streets, multi-modal paths, or other public ways
- Suburban / Business Park Locations:
 - Provides good connectivity to transit, public streets, and greenways to help reduce commuter trips



Light Industrial

This Character Type reflects the current zoning designation, which is limited to the North Martin Luther King Jr. Boulevard Focus Area. Built forms will vary by specific use and location.



Character Type Principles:

- Provides good connectivity to transit, public streets, and greenways to help reduce commuter trips
- Provides outdoor amenities or public spaces for employees where appropriate
- Provides a logical transition in building scale and character between residential, commercial, and institutional uses
- Entrances should be visually prominent

Universal Principles

The Focus Area Maps and Principles are presented as a map for each Focus Area with supporting narrative. The map and supporting narrative for each Focus Area describe a long-term view of each area’s use, form, and function in general terms appropriate for a Future Land Use Map. The supporting narrative includes a brief description of the Focus Area vision, an overview of current conditions, and a set of Focus Area principles. These Focus Area Maps and Principles will help inform and guide future long-term development decisions by the Town.

The Focus Area Maps and Principles portray a vision for the Town in the year 2049. In many instances, changes to the Town’s development ordinances, standards, and regulations will be required to implement this vision. Given the future-oriented nature of these Focus Area Maps and Principles, such changes may not happen in the near term. Instead, this Future Land Use Map will provide guidance only and help to clarify expectations for future development.

Some Focus Area Principles apply across all Focus Areas and are listed below:

- In general, building height and massing, at the front setback line, as well as the streetscape should be roughly the same on both sides of the street in order to properly frame the street. In some instances, the core heights may differ from one side of the street to the other due to site constraints and surrounding land uses.
- In order to ensure a human-scaled built environment, as building height increases at the front setback line, sizable street trees, breaks in street walls, and wider sidewalks should be utilized, as appropriate to the surrounding context.
- Utilize climate responsive design including green infrastructure, green stormwater infrastructure (including within Town rights of way), living landscapes, and other vegetative solutions to mitigate the urban heat island effect and create more shaded and walkable streets throughout the Town as well as to mitigate flooding and stormwater concerns.
- As large parcels redevelop, regulating plans, which include a street/multi-modal grid, should be provided in order to address connectivity and activation.
- Sustainable site development using best management practices that minimize or reduce the impact of impervious cover should be encouraged, such as use of pervious pavements, solar shade structures, and water efficient landscape palettes.
- Green building concepts—such as sustainable siting, energy efficiency, water efficiency, and sustainable construction materials—should be encouraged.



North Martin Luther King Jr. Boulevard

A gateway corridor with mixed-use nodes.

The North Martin Luther King Jr. Boulevard area is envisioned as a gateway to the Town from points north that includes mixed-use nodes that fully leverage future proposed bus rapid transit (BRT) service. While improvements will include wide sidewalks, buildings, and tree canopies that frame the corridor, east-to-west multimodal connectivity will also be emphasized. Implementing bus rapid transit along the corridor will significantly influence future mobility, land use, placemaking, and urban form.

In order to create a cohesive corridor from I-40 to Hillsborough Street, as the corridor redevelops in concert with the BRT, at larger bus rapid transit Stations, buildings (development) should be located closer to the street in order to create highly functional, walkable destinations for both transit riders and adjacent neighborhoods. Between these BRT stations, buildings will be pushed back with significant front yard landscaping.

Overview of Current Conditions

Martin Luther King, Jr. Boulevard is a major north-south arterial, a gateway to Chapel Hill from the north, and soon to be the Town’s premium transit corridor. The area has seen strong development interest in recent years, in part due to its proximity to I-40 and availability of undeveloped land. Nearly 30% of the area is currently undeveloped, though planned mixed-use developments (including construction underway on Eubanks Road) and a planned bus rapid transit line will impact the character of this area in the future. Previous planning efforts include the Rogers Road Neighborhood Plan, the Greene Tract agreement, the Northern Area Task Force Report, and various townwide plans.

Focus Area Principles

Connectivity & Mobility

- Connectivity between commercial destinations and residential areas east of Martin Luther King Jr. Boulevard should be a priority.
- Bicycle, pedestrian, and multimodal links from existing development and new development/redevelopment should be emphasized to fully leverage transit service.
- New developments should open to and connect with the existing Rogers Road community.
- Parking strategies should encourage people to park once and walk from one destination to another within in mixed-use activity nodes. Likewise, property owners who have different peak hours of parking demand should share their parking spaces with one another.
- Surface parking between buildings and primary streets should be avoided.
- While conversion of the existing railroad is a possibility, until such time, it will remain a barrier to east/west connectivity and ways to lessen its impact should be considered.

Land Use

- New growth should be focused along transit corridors in mixed-use neighborhoods.
- Diverse and accessible housing options with a range of product types and affordability for people of all incomes and life stages should be promoted, particularly in proximity to existing and proposed transit service.

- Displacement mitigation strategies will be necessary should existing manufactured home parks in the Focus Area be redeveloped.

Placemaking, Street Character, and Urban Form

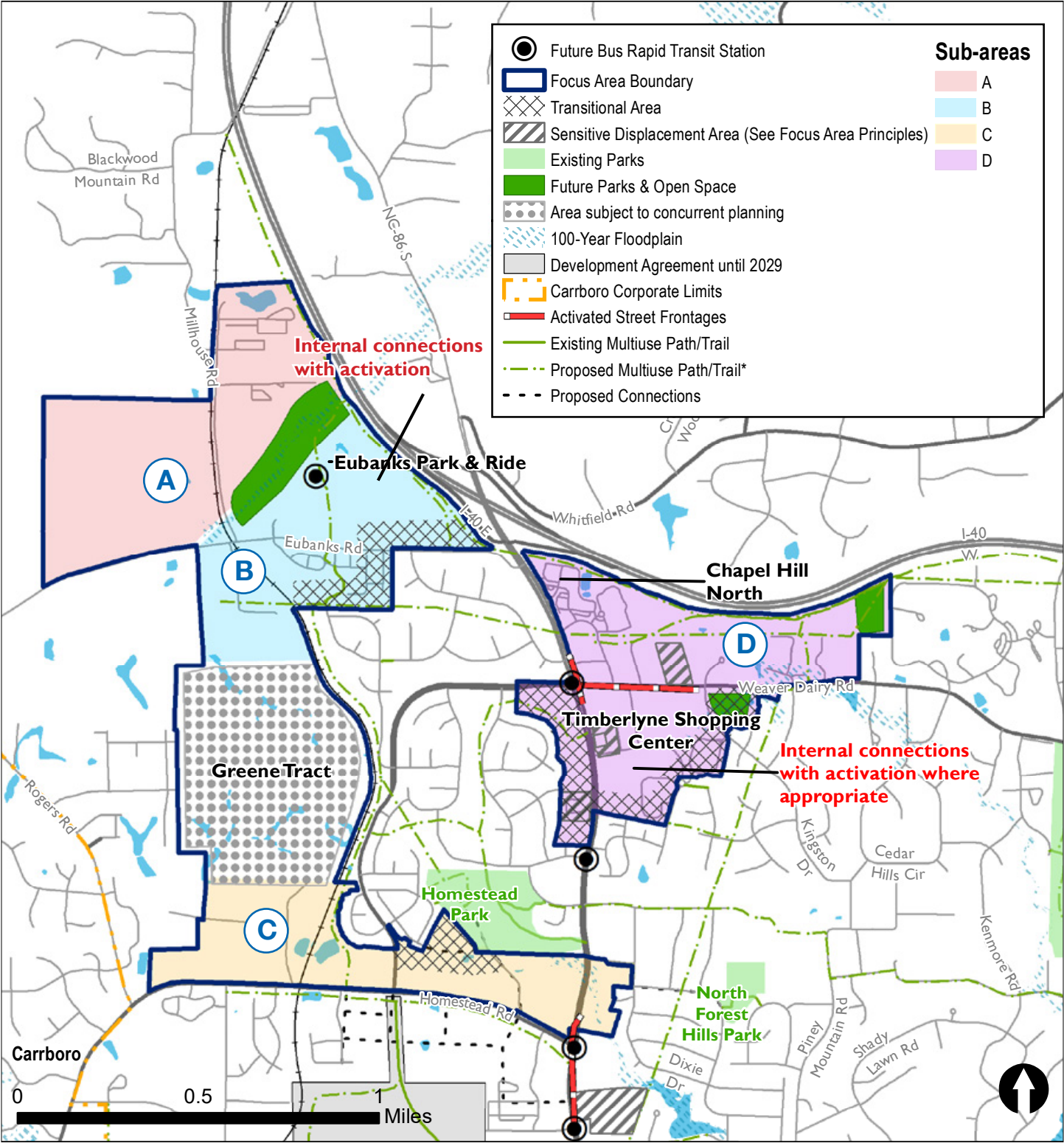
- A cohesive street design along Martin Luther King Jr. Boulevard—from I-40 to downtown—should be achieved through improvements in the right-of-way including street trees and design standards.
- Additional and connected public and green spaces should be provided as existing retail centers such as Chapel Hill North and Timberlyne Shopping Centers are redeveloped into multi-story developments.
- Buildings should be located closer to Martin Luther King Jr. Boulevard at proposed bus rapid transit stations with wide, shaded and continuous multimodal paths to enhance walkability and frame the gateway corridor.
- Active frontages are encouraged to create vibrancy and ensure pedestrian activity over time. These frontages should consider the placement of buildings on the site, the location of primary building entrances, streetscapes, and pedestrian-scaled amenities. In some cases, active frontages may mean that retail and services should be allowed on the first floor within the Multi-family Character Type.
- The Focus Area is characterized by its inviting streetscapes that blend the aesthetics of the built environment with mature tree canopies within the public right-of-way and as part of private development. Maintain this quality by preserving key vegetative areas and implementing new street tree plantings to support this character, shade sidewalks, and help frame the public realm.
- Because the Town is designated as a Tree City USA, significant tree stands at Town entrances, as appropriate to the location, should be maintained and/or enhanced. For example, when entering Town from the rural buffer, density should build from the edge of the rural buffer toward the more developed portions of Town. In all instances, the entrances to Town should demonstrate the Town’s uniqueness

Density & Intensity

- Leverage proposed transit service by increasing density and intensity within new developments near planned transit stations.
- Higher density mixed-use centers should have appropriate building height, landscape, connectivity, and transitions to residential neighborhoods.
- Concentration of density and intensity should be encouraged in proximity to transit stops to leverage transit service and to preserve and protect other areas

Environmental

- Old Field Creek should be positioned as a protected natural amenity adjacent to shops, offices, and multifamily properties. The creek should be incorporated into site design where appropriate.
- A gateway corridor with transit-focused development and a mixture of housing types.



* See Mobility Plan for more information about proposed multi-modal improvements

Character Types and Height in 2049

Primary (predominate land uses)

Secondary (allowed, but not predominate)

Discouraged

	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D
Multifamily, Shops & Offices	Discouraged	Primary	Secondary	Primary
Multifamily Residential	Discouraged	Primary	Primary	Primary
Commercial/Office	Discouraged	Secondary	Discouraged	Primary
Parks and Green/Gathering Spaces	Secondary	Primary	Secondary	Primary
Townhouses & Residences	Discouraged	Secondary	Primary	Secondary
Institutional/Civic	Primary	Primary	Secondary	Secondary
Light Industrial	Primary	Secondary	Discouraged	Discouraged
Typical Height	4-6 stories	6 stories	4-6 stories	4-6 stories
Transitional Area Height	N/A	Up to 4 stories	2-4 stories	Up to 4 stories
Activated Street Frontage Height	N/A	N/A	6 stories	6 stories

Note: Each story is approximately 12 feet tall, but height may vary based on many factors.

Definitions

Activated Street Frontages

Activated street frontages are frontages where there is an active visual engagement between those in the street and those on the ground floors of buildings or in civic spaces, with no off-street parking between the street frontage and the building/civic space, and lively internal uses visible and accessible from the activated space. In some cases, active street frontages may mean that retail and services should be allowed on the first floor within residential character types.

Active frontages may also be encouraged along future connections including multi-modal ones. When creating active frontages, it must be recognized that appropriate activation will differ by place and circumstance.

Transitional Area

This Focus Area strives for harmonious transitions between different types and intensities of land uses as well as built form in order to help mitigate undesirable impacts that a development might have on an adjacent site or use. The Transitional Area is intended to identify areas where lower-intensity uses or development patterns may be appropriate between higher-intensity development and single-family neighborhoods. For additional direction, see the Guiding Statements.



South Martin Luther King, Jr. Boulevard

A gateway corridor with transit-focused development and a mixture of housing types.

The South Martin Luther King Jr. Boulevard Focus Area extends the gateway treatment south to the edge of Downtown. This portion of the corridor is envisioned to include a mixture of uses, including a diversity of housing types, that make the best use of future proposed transit service while protecting natural features such as Bolin Creek. The South Martin Luther King Jr. Boulevard area also serves to reinforce the Town’s urban core with an extension of downtown north along the corridor, including an active commercial node at Hillsborough Street. The mix of uses, with an emphasis of offices, will help infuse a year-round customer base for downtown Chapel Hill.

In order to create a cohesive corridor from I-40 to Hillsborough Street, as the corridor redevelops in concert with the BRT, at larger bus rapid transit Stations, buildings (development) should be located closer to the street in order to create highly functional, walkable destinations for both transit riders and adjacent neighborhoods. Between these BRT stations, buildings will be pushed back with significant front yard landscaping.

Overview of Current Conditions

Like the North Martin Luther King Jr. Boulevard Focus Area, the southern portion of the corridor serves as a major arterial and a gateway to Town. While proximity to downtown is a defining feature of this area, the corridor is also a barrier to east-west bicycle and pedestrian mobility, and the terrain that rises toward downtown makes it difficult for some non-motorized users. High-density housing mainly serving students is situated along the corridor, and established single-family neighborhoods surround these developments. Little undeveloped land remains in this area, meaning most change will come in the form of redevelopment. Previous planning efforts include the Central West Small Area Plan, Estes Drive Bicycle & Pedestrian Improvements, and various townwide plans.

Focus Area Principles

Connectivity & Mobility

- Street design should calm traffic using a variety of means including landscaping and high visibility crosswalks, especially south of Bolin Creek as you approach the core downtown area.
- New roadway and multimodal connections should be designed to accommodate pedestrians, bicycles, and transit vehicles where appropriate, particularly in proximity to the corridor’s future proposed bus rapid transit stops.
- Parking strategies, such as consolidating parking in strategic locations, should encourage people to park once and walk from one destination to another within in mixed-use activity nodes. Likewise, property owners who have different peak hours of parking demand should share their parking spaces with one another.

Land Use

- This area should encourage mixed-income housing near transit stations and within mixed-use centers while encouraging locally-based businesses, through economic development initiatives, that provide services to the surrounding community.
- Planning controls should establish gradual height and density transitions between new development and existing residential and institutional uses.

- Commercial infill and redevelopment should be bicycle and pedestrian-friendly and connected to the larger multimodal network.
- Displacement mitigation strategies will be necessary should existing manufactured home parks in the Focus Area be redeveloped.
- Residential uses that are likely to attract students are appropriate in locations within proximity to transit and prioritize access to shopping and convenience to campus. These locations include near the intersections with Homestead Road and Estes Drive and south of Hillsborough Street.

Placemaking, Street Character, and Urban Form

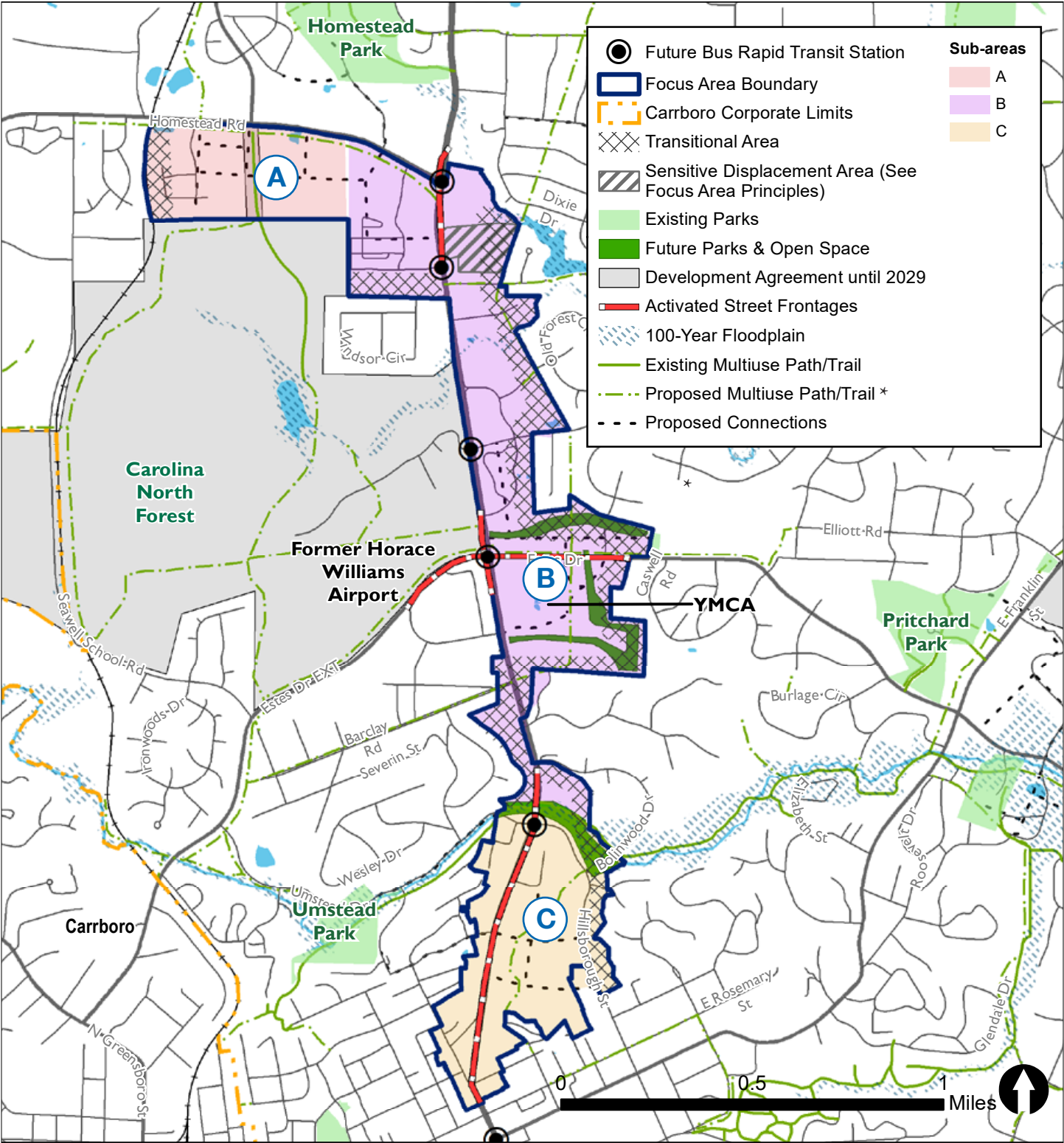
- A cohesive street design along Martin Luther King Jr. Boulevard, from I-40 to downtown, should be achieved through landscaping, building placement, and design guidelines.
- Building, site, and landscape design should be integrated with bus rapid transit stops.
- The character of the surrounding neighborhoods should be preserved while providing multimodal connections to new destinations, amenities, and public spaces.
- Buildings should be located closer to Martin Luther King Jr. Boulevard with wide, shaded and continuous multimodal paths to enhance walkability and frame the gateway corridor.
- Building placement for the portion of the corridor south of Hillsborough Street should reinforce an extension of the urban character found in Downtown Chapel Hill.
- Active frontages are encouraged to create vibrancy and ensure pedestrian activity over time. These frontages should consider the placement of buildings on the site, the location of primary building entrances, streetscapes, and pedestrian-scaled amenities. In some cases, active frontages may mean that retail and services should be allowed on the first floor within the Multi-family character type.
- The Focus Area is characterized by its inviting streetscapes that blend the aesthetics of the built environment with mature tree canopies within the public right-of-way and as part of private development. Maintain this quality by preserving key vegetative areas and implementing new street tree plantings to support this character, shade sidewalks, and help frame the public realm.
- When core heights are utilized, large step backs from the front façade are desirable to create a more human-scaled public realm.

Density & Intensity

- Leverage future proposed transit service by increasing density and intensity within new developments near planned transit stations.
- New developments should include variable heights and densities in response to existing land uses and natural features such as site-specific terrain, tree height, and tree stands.
- Higher density and intensity should be encouraged along Martin Luther King Jr. Boulevard extending from downtown to Hillsborough Street.

Environmental

- Future decisions should minimize disruption to the natural features such as Bolin Creek while making connected open spaces available for people’s use and enjoyment. The creek should be incorporated into site design where appropriate.
- Some developed properties along Bolin Creek should transition to open space.



* See Mobility Plan for more information about proposed multi-modal improvements

Character Types and Height in 2049

● Primary (predominate land uses) ● Secondary (allowed, but not predominate) ⊖ Discouraged

	Sub-Area A	Sub-Area B	Sub-Area C
Multifamily, Shops & Offices	●	●	●
Multifamily Residential	●	●	●
Commercial/Office	⊖	●	●
Parks and Green/Gathering Spaces	●	●	●
Townhouses & Residences	●	●	●
Institutional/Civic	●	●	●
Typical Height	4-6 stories	4-6 stories	4-6 stories
Transitional Area Height	2-4 stories	2-4 stories	2-4 stories (Adjacent to lower scale residential uses, step backs or other transitional methods are necessary to ensure harmonious transitions)
Activated Street Frontage Height	N/A	6 stories	8 stories, 4 stories at the front setback line

Note: Each story is approximately 12 feet tall, but height may vary based on many factors.

Definitions

Activated Street Frontages

Activated street frontages are frontages where there is an active visual engagement between those in the street and those on the ground floors of buildings or in civic spaces, with no off-street parking between the street frontage and the building/civic space, and lively internal uses visible and accessible from the activated space. In some cases, active street frontages may mean that retail and services should be allowed on the first floor within residential character types.

Active frontages may also be encouraged along future connections including multi-modal ones. When creating active frontages, it must be recognized that appropriate activation will differ by place and circumstance.

Transitional Area

This Focus Area strives for harmonious transitions between different types and intensities of land uses as well as built form in order to help mitigate undesirable impacts that a development might have on an adjacent site or use. The Transitional Area is intended to identify areas where lower-intensity uses or development patterns may be appropriate between higher-intensity development and single-family neighborhoods. For additional direction, see the Guiding Statements.



North 15-501

A destination with a mix of higher intensity uses.

The North 15-501 area is envisioned as a dynamic mix of higher-intensity uses, including places to shop and reside. The vision for this area balances its role as a gateway to Town from points east and a destination that draws residents, employees, shoppers, and visitors from elsewhere. The Focus Area promotes active street life that blends the built environment with mature tree canopies and offers wide sidewalks and other multimodal features. Portions of the Focus Area that are currently developed may transition over time to open space.

Overview of Current Conditions

North 15-501 is one of the town’s major retail and commercial centers as well as an important gateway from I-40. Higher density housing, commercial, and mixed-use developments dominate the corridor, which is surrounded by established single-family neighborhoods. Significant flood and stormwater concerns impact a major portion of this area. In 2014, Chapel Hill adopted a form-based code for the Blue Hill District to establish and maintain a consistent and cohesive design aesthetic. Previous planning efforts include Ephesus Church Road/Fordham Boulevard Small Area Planning and Traffic Analysis, Blue Hill District Design Guidelines, and various townwide plans. Planning strategies should reference the concurrent planning process for the UNC Healthcare Eastowne campus.

Focus Area Principles

Connectivity & Mobility

- Parking strategies—such as consolidating parking in strategic locations—should encourage people to park once and walk from one destination to another within in mixed-use activity nodes. Likewise, property owners who have different peak hours of parking demand should share their parking spaces with one another.
- Given the higher density envisioned for this corridor, bicycle and pedestrian mobility within and to the Focus Area should be prioritized.

Land Use

- Existing single-use shopping areas should be encouraged to transition over time to mixed-use areas with clear connections to adjacent neighborhoods and developments.
- Special consideration should be given to the transition from higher density and intensity uses along the corridor and near larger proposed transit stops to single-family neighborhoods.
- Housing of various price points should be integrated into mixed-use nodes or located near employment centers.
- Townhomes should be encouraged to provide a transition between higher densities in the Focus Area and the single-family residential neighborhoods on the periphery.
- This Focus Area should include employment centers, whether single user or in a mixed office setting, within proximity to future transit stops.

Placemaking, Street Character, and Urban Form

- As a gateway from the northeast, additional attention should be given to the form and function of the corridor. Because the Town is designated as a Tree City USA, significant tree stands at Town entrances,

as appropriate to the location, should be maintained and/or enhanced. For example, when entering Town from the rural buffer, density should build from the edge of the rural buffer toward the more developed portions of Town. In all instances, the entrances to Town should demonstrate the Town’s uniqueness.

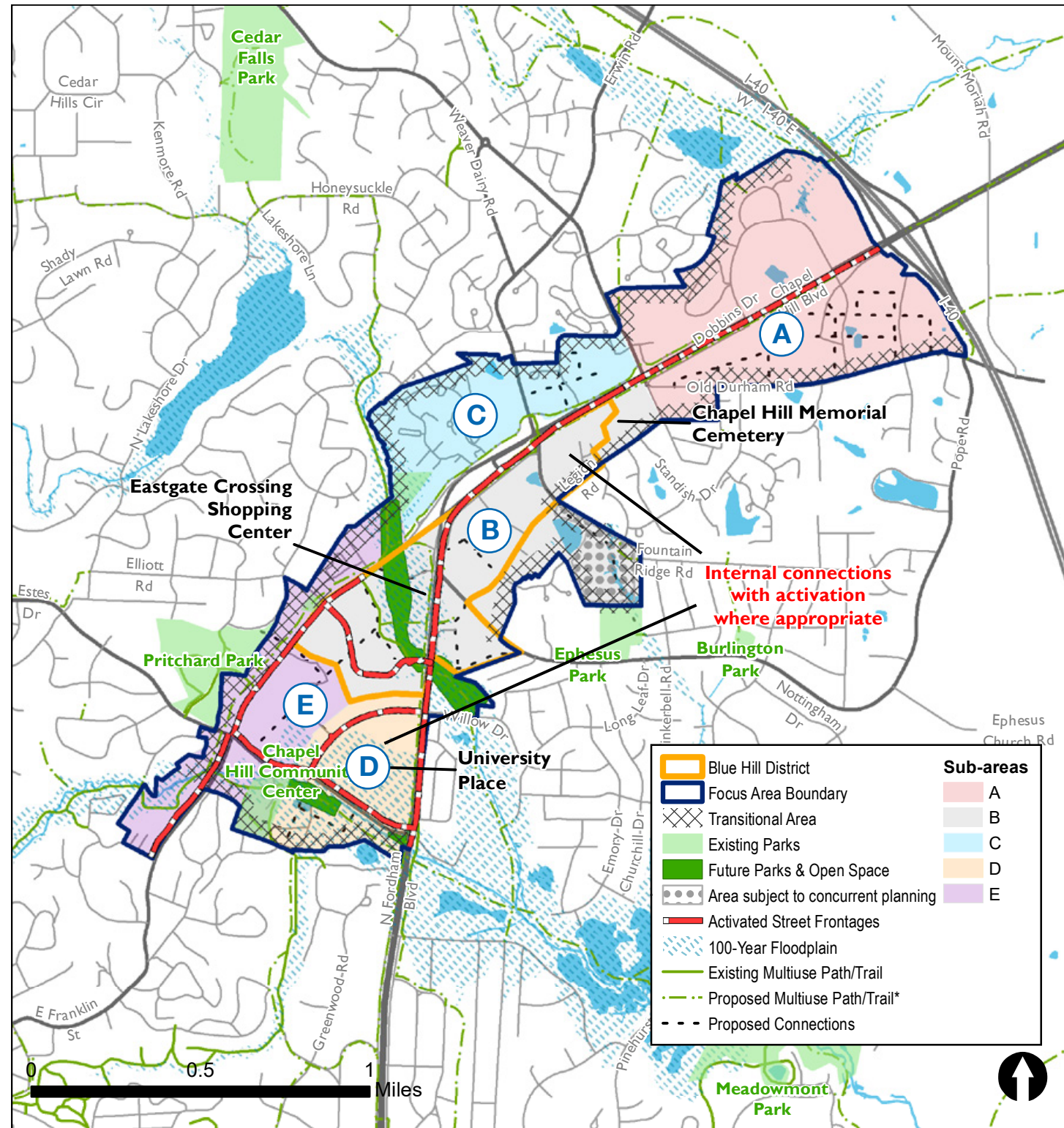
- As single-story retail centers such as University Place and Eastgate are redeveloped into multistory, mixed-use developments, the provision of additional, connected public spaces should be emphasized.
- The Focus Area is characterized by its inviting streetscapes that blend the aesthetics of the built environment with mature tree canopies within the public right-of-way and as part of private development. Maintain this quality by preserving key vegetative areas and implementing new street tree plantings to support this character, shade sidewalks, and help frame the public realm.
- Redevelopment should feature a more compact and connected urban framework by limiting block lengths, thus ensuring a higher number of intersections per square mile.
- Site buildings closer to the street to enhance the walkability within the Focus Area.
- Active frontages are encouraged to create vibrancy and ensure pedestrian activity over time. These frontages should consider the placement of buildings on the site, the location of primary building entrances, streetscapes, and pedestrian-scaled amenities. In some cases, active frontages may mean that retail and services should be allowed on the first floor within the Multi-family Character Type.

Density & Intensity

- The mix of uses should vary in scale and intensity based on the different context of the Focus Area.
- Density and intensity should be the highest near larger proposed future transit stops with transitions to adjacent areas. The density and intensity of these areas should be reconsidered if transit is not constructed.

Environmental

- The Town should leverage redevelopment as an opportunity to reduce overflows into the Focus Area’s historically flood prone locations.
- Redevelopment and new development should enhance how people are connected to and experience the area’s natural resources, including Little Creek and Booker Creek. The creeks should be incorporated into site design where appropriate.
- The North 15-501 Focus Area should have a greater contribution to the Town’s overall urban tree canopy.
- Some developed properties should partially transition to open space, where possible, which may require intensifying development away from restored open space on these properties.



* See Mobility Plan for more information about proposed multi-modal improvements

Character Types and Height in 2049

Primary (predominate land uses)

Secondary (allowed, but not predominate)

Discouraged

	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D	Sub-Area E
Multifamily, Shops & Offices	Primary	Primary	Secondary	Primary	Primary
Multifamily Residential	Primary	Secondary	Primary	Secondary	Secondary
Commercial/Office	Primary	Primary	Secondary	Primary	Primary
Parks and Green/Gathering Spaces	Primary	Primary	Secondary	Primary	Primary
Townhouses & Residences	Secondary	Secondary	Primary	Secondary	Secondary
Institutional/Civic	Secondary	Secondary	Secondary	Secondary	Secondary
Typical Height	4-6 stories	4 stories	4-6 stories	4-6 stories	4-6 stories
Transitional Area Height	Up to 4 stories	Up to 4 stories	Up to 4 stories	Up to 4 stories	Up to 4 stories
Activated Street Frontage Height	6 stories	6 stories	6 stories	6 stories	6 stories

Note: Each story is approximately 12 feet tall, but height may vary based on many factors.

Definitions

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Active frontages may also be encouraged along future connections including multi-modal ones. When creating active frontages, it must be recognized that appropriate activation will differ by place and circumstance.

Transitional Area

This Focus Area strives for harmonious transitions between different types and intensities of land uses as well as built form in order to help mitigate undesirable impacts that a development might have on an adjacent site or use. The Transitional Area is intended to identify areas where lower-intensity uses or development patterns may be appropriate between higher-intensity development and single-family neighborhoods. For additional direction, see the Guiding Statements.



Downtown

Preserving and enhancing the heart of Chapel Hill.

The Downtown Focus Area maintains, enhances, and promotes downtown as the social and cultural center of Chapel Hill through infill development, redevelopment, and adaptive reuse (i.e., the reuse of an existing building for a purpose other than what it was original built for). Special consideration is given to previous Town planning efforts while encouraging sufficient density to absorb growth and limit impacts to other areas of Chapel Hill.

Preserving and enhancing the heart of Chapel Hill while attracting year-round residents and additional office and commercial uses are core components of this Focus Area.

Overview of Current Conditions

The Downtown Focus Area stretches from the Town boundary with Carrboro in the west to Spring Lane in the east. This Focus Area covers the traditional core of the Town and is home to a variety of restaurants, offices, and other services typical of a central business district. The area includes part of the Franklin-Rosemary Historic District and University of North Carolina campus, and the student population is a major influence. Though no undeveloped land remains within this area, redevelopment will likely occur over time. Opportunities to enhance the urban design and functionality of Franklin and Rosemary Streets will occur as part of this redevelopment. Proactive planning will be necessary to absorb growth over time while preserving the unique character of downtown and protecting established neighborhoods to the north, east, and south. Numerous previous plans are on the books, including the West Rosemary Development Guide and various townwide plans.

Focus Area Principles

Connectivity & Mobility

- Encourage safe and attractive multimodal transportation options that leverage the street grid and urban intensity.
- Connect and widen sidewalks to encourage walkability, where possible.
- Implement the multimodal network within the downtown area as determined in the Chapel Hill Mobility and Connectivity Plan, particularly with respect to connections to existing trails and on-street bicycle facilities.
- Encourage appropriate redevelopment of surface parking and parking decks to provide more structured parking solutions for private and public use and further infill development goals that support better streetscape character, scale, and connectivity.
- Parking strategies should encourage people to park once and walk from one destination to another within in mixed-use activity nodes. Likewise, property owners who have different peak hours of parking demand should share their parking spaces with one another.
- Surface parking between buildings and primary streets should be avoided.
- Mid-block pass-throughs for vehicles and pedestrians are encouraged to promote connectivity between Franklin and Rosemary Streets.

Land Use

- Redevelop parking facilities to knit together the urban fabric and enhance the streetscape character and public realm.
- Allow increased heights within the Focus Area in locations where such height may be necessary to support or encourage stated redevelopment initiatives.
- Encourage higher density compatible housing through infill, redevelopment, and adaptive reuse (i.e., the reuse of an existing building for a purpose other than what it was originally built for).

Placemaking, Street Character, and Urban Form

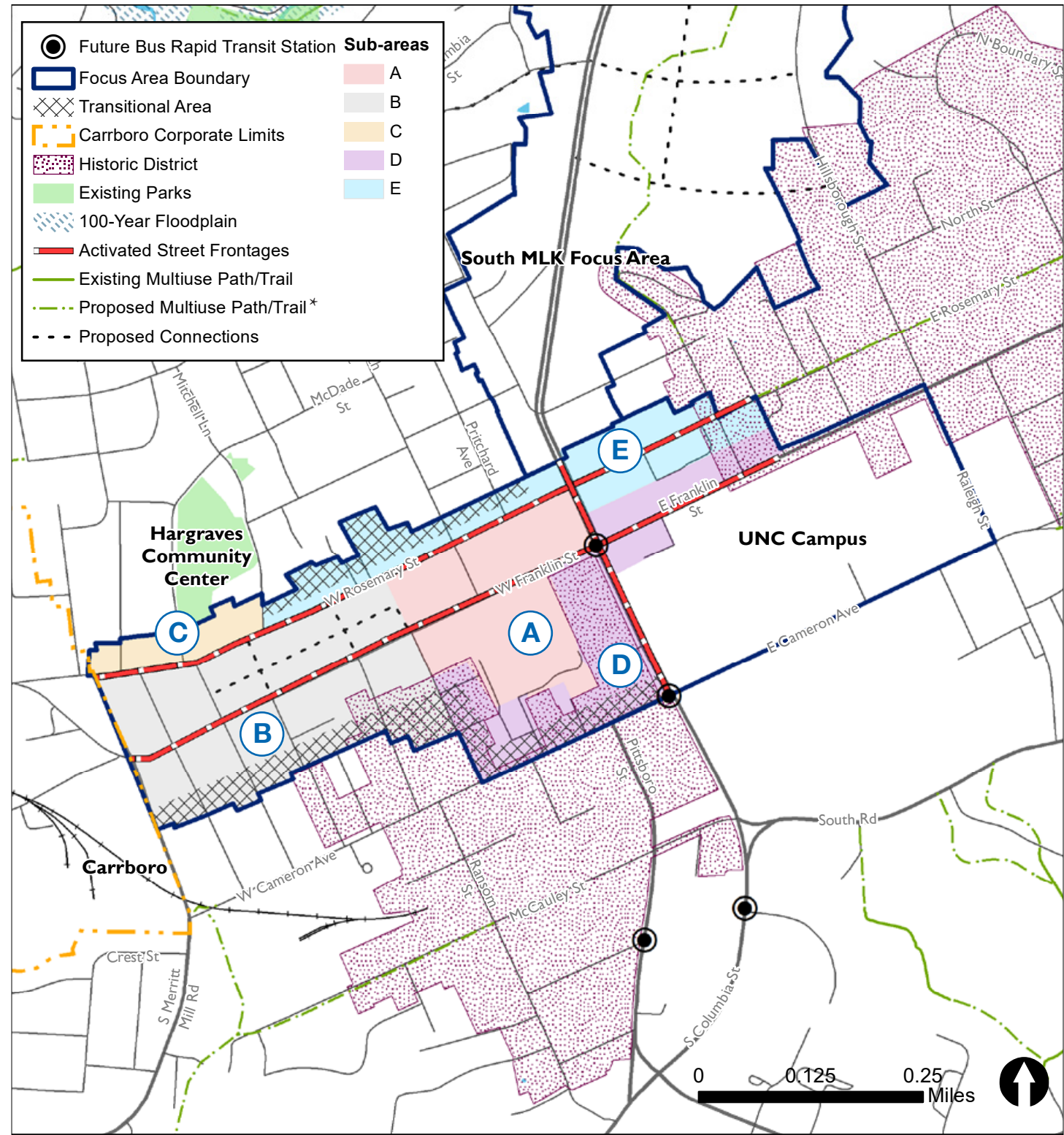
- Design alleys to serve as functional welcoming pathways and wayfinding.
- Enhance the visual character of the Franklin and Rosemary Streets with additional plantings and consistent street design elements.
- Increase tree canopy coverage within and outside the public right-of-way.
- Establish design guidelines and controls to develop buildings to be compatible in form and proportion with desired character.
- When new developments are proposed along Rosemary Street, ensure that the proposals are in keeping with the spirit of the West Rosemary Development Guide.
- Active frontages are encouraged to create vibrancy and ensure pedestrian activity over time. These frontages should consider the placement of buildings on the site, the location of primary building entrances, streetscapes, and pedestrian-scaled amenities. In some cases, active frontages may mean that retail and services should be allowed on the first floor within the Multi-family Character Type.
- Improvements to street facades that promote good design and preserve the Town’s unique architectural character should be encouraged.
- When core heights are utilized, large step backs from the front façade are desirable to create a more human-scaled public realm.

Density & Intensity

- Redevelop at a scale and intensity that strengthens Downtown’s capacity to absorb growth and limit impacts to other areas of Town.
- Appropriate transitions should be incorporated between downtown and the Northside neighborhood. As noted in the West Rosemary Development Guide, when new structures are built along Rosemary Street, incorporate setbacks and stepbacks that respect the adjacent residences.

Environmental

- Create urban pocket parks adjacent to the sidewalk zones, specifically in areas prime for public events and festivals.



* See Mobility Plan for more information about proposed multi-modal improvements

Character Types and Height in 2049

● Primary (predominate land uses) ● Secondary (allowed, but not predominate) ⊖ Discouraged

	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D	Sub-Area E
Multifamily, Shops & Offices	●	●	●	●	●
Multifamily Residential	●	●	●	●	●
Commercial/Office	●	●	●	●	●
Parks and Green/Gathering Spaces	●	●	●	●	●
Townhouses & Residences	⊖	⊖	⊖	⊖	⊖
Institutional/Civic	●	●	●	●	●
Typical Height: (Adjacent to lower scale residential uses, step backs or other transitional methods are necessary to ensure harmonious transitions.)	Setback height of to 4 stories, with a core height of up to 8 stories allowed	Setback height of up to 3 stories with a core height of up to 8 stories allowed. No more than 4-5 stories allowed in the transitional area	No more than 4 stories	Core height of up to 6 stories, with a setback height of 3 stories No more than 4 stories allowed in the transitional area	Up to 4 stories at the front setback. Core height of 8 stories allowed on the south side of E Rosemary and 6 stories on the north side of E Rosemary and along West Rosemary. No more than 4 stories allowed in the transitional area.

Note: Each story is approximately 12 feet tall, but height may vary based on many factors.

Definitions

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Active frontages may also be encouraged along future connections including multi-modal ones. When creating active frontages, it must be recognized that appropriate activation will differ by place and circumstance.

Transitional Area

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NC 54 Corridor

Employment centers with a green gateway to Chapel Hill.

The NC 54 Focus Area blends established and anticipated employment centers and considers the likely benefits of future transit service by encouraging compact, mixed-use development highlighted by diverse and affordable housing options. While linear greenspace will continue to be a defining feature, the tree buffer that exists from Barbee Chapel Road to Findley Golf Course Road may transition over time to a more urban streetscape that includes wide sidewalks with an abundance of street trees

Overview of Current Conditions

The NC 54 corridor is a major gateway to the Town from the east and includes several office and commercial centers. Glen Lennox and Meadowmont draw patrons from throughout the community and beyond with dining, entertainment, retail, and services. The corridor has the potential to expand as an employment destination, offering many opportunities for mixed-use developments to take advantage of captive demand from weekday employees. The NC 54 corridor is positioned to become an even more important link in the Town’s transit system, which is reflected in the land use and development vision expressed in the Focus Area. Most opportunities to reshape the corridor toward a transit-oriented pattern are likely to come from redevelopment and intensification of the existing uses, rather than the new development of currently vacant land.

Focus Area Principles

Connectivity & Mobility

- The NC 54 corridor should become more bicycle and pedestrian friendly by closing gaps in the multimodal network and making it easier to traverse NC 54.
- The future design should yield an attractive, tree-lined, boulevard with a median, where the pedestrian and cyclist realms are protected by the natural landscape and physical barriers.
- New roadway and multimodal connections should be created to reduce local trips on NC 54 and enhance circulation within new development.

Land Use

- Diverse and affordable housing options should be located in areas that connect to existing and future transit service.
- Compact, mixed-use developed should occur near transit and supported by a multimodal transportation system.

Placemaking, Street Character, and Urban Form

- Visual assets such as landscaped medians, tree-lined streets, and building facades should be integrated into a coordinated corridor design.
- Near Fordham Boulevard, the physical character of NC 54 and adjacent development should coordinate with the redevelopment vision of Glen Lennox as established in the Glen Lennox Area Neighborhood Conservation District Plan.
- Mixed-use centers should include public spaces and promote a more holistic corridor design.
- Because the Town is designated as a Tree City USA, significant tree stands at Town entrances, as

appropriate to the location, should be maintained and/or enhanced. For example, when entering Town from the rural buffer, density should build from the edge of the rural buffer toward the more developed portions of Town. In all instances, the entrances to Town should demonstrate the Town’s uniqueness

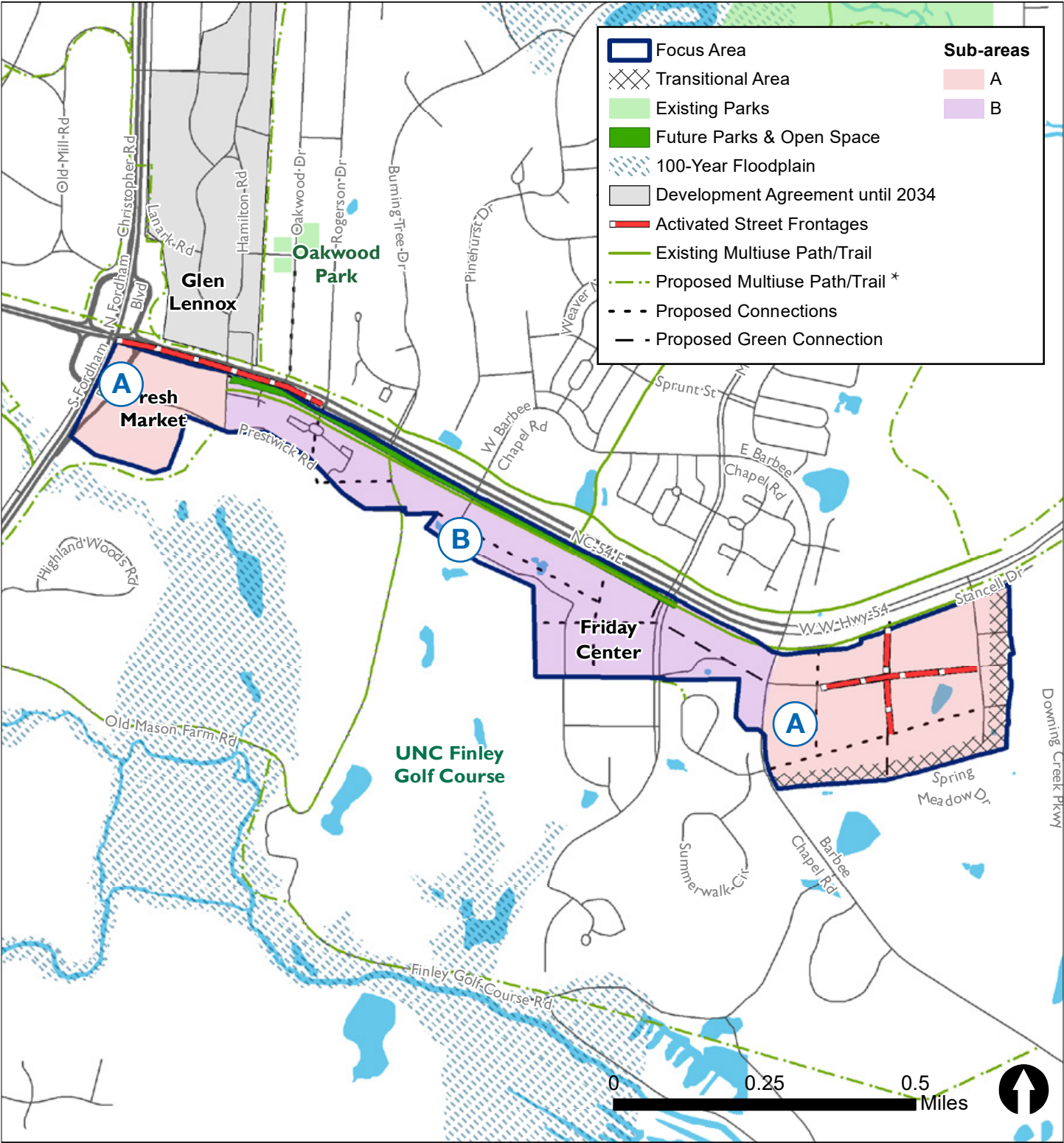
- Active frontages are encouraged to create vibrancy and ensure pedestrian activity over time. These frontages should consider the placement of buildings on the site, the location of primary building entrances, streetscapes, and pedestrian-scaled amenities. In some cases, active frontages may mean that retail and services should be allowed on the first floor within the Multi-family Character Type.
- The Focus Area is characterized by its inviting streetscapes that blend the aesthetics of the built environment with mature tree canopies within the public right-of-way and as part of private development. Maintain this quality by preserving key vegetative areas and implementing new street tree plantings to support this character, shade sidewalks, and help frame the public realm.

Density & Intensity

- Develop at a height and scale appropriate to future transit, existing development, and surrounding areas.
- Density and intensity should be the highest near larger proposed future transit stops with transitions to adjacent areas. The density and intensity of this areas should be reconsidered if transit is not constructed.

Environmental

- Preserve and expand linear greenspace so NC 54 offers a greater contribution to the Town’s urban tree canopy goals.



* See Mobility Plan for more information about proposed multi-modal improvements

Character Types and Height in 2049

Primary (predominate land uses) Secondary (allowed, but not predominate) Discouraged

	Sub-Area A	Sub-Area B
Multifamily, Shops & Offices	Primary	Primary
Multifamily Residential	Primary	Secondary
Commercial/Office	Primary	Primary
Parks and Green/Gathering Spaces	Secondary	Primary
Townhouses & Residences	Secondary	Secondary
Institutional/Civic	Secondary	Secondary
Typical Height	6 stories	6 stories
Transitional Area Height	Up to 4 stories	N/A
Activated Street Frontage Height	6 stories	N/A

Note: Each story is approximately 12 feet tall, but height may vary based on many factors.

Definitions

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Transitional Area

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South Columbia Gateway

Gateway nodes providing a mixture of uses and housing types.

As two gateway nodes on the south side of Chapel Hill, this Focus Area includes a mixture of uses, housing types, and open spaces that respect the differences of the South 15-501 Gateway and the Southern Village Park and Ride. These areas are envisioned to improve connectivity within and to the Focus Areas as well as to future proposed transit service.

Overview of Current Conditions

This Focus Area includes two redevelopment areas in the southern portion of the Town. The first area includes a gateway node on South Columbia Street just north of NC 54. This area was selected for additional study due to the broad interest in taking a proactive approach to planning the town's major gateways. The second portion of the Focus Area is two includes parcels centered on Town-owned land near Southern Village as well as the entrance to Southern Village. One Town-owned parcel is currently used as a park and ride lot and is slated to become the terminal station of the Chapel Hill Bus Rapid Transit system. The second parcel is open space. Future Proposed premium transit has the potential to change the development context in the surrounding area, necessitating a proactive planning effort to determine the best use of this small Focus Area. This area also has been identified as the future home of Kidzu Children's Museum, which will occupy a small part of the Town-owned land and will serve as an economic driver for the node.

Focus Area Principles

Connectivity & Mobility

- Bicycle and pedestrian connections should link complimentary uses and users to the multimodal network, including existing bike lanes on South Columbia Street and the Morgan Creek Trails and Merritt's Pasture.
- The location and visibility of these nodes, including access to existing and future transit service, and proximity to major roadways should be enhanced with improved access to adjacent neighborhoods, employment, or amenities.
- The development should provide pedestrian and vehicular connections within the nodes and to adjacent areas.
- Connectivity and mobility improvements should make it easier to traverse South Columbia Street.

Land Use

- Changes to the area should be complementary to existing residential uses. Areas outside the Focus Area with a low density residential land use designation will remain, including those on the west side of South Columbia Street.
- New housing should be incorporated into the gateway node due to its proximity to future proposed transit service.

Placemaking, Street Character, and Urban Form

- Reinforce the southern gateway role of these areas with unique and coordinated design elements such as landscaping, signage and branding, and streetscape development.
- The form, use, and design of the nodes should include transitions to align with the character and fabric of the existing community.

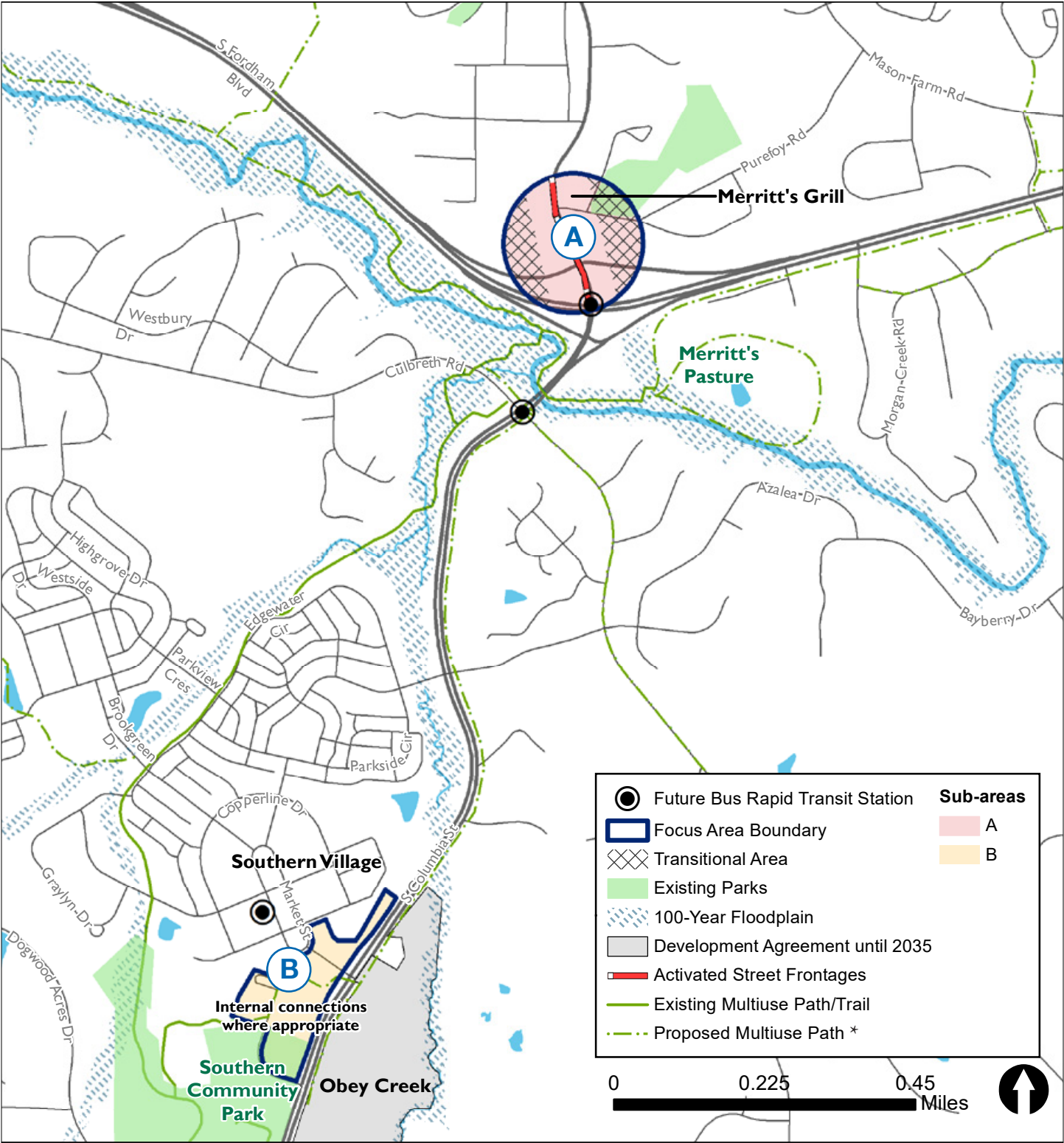
- The form and pattern for future development should reflect the 2015 scenario planning process for the park-and-ride location, which includes shops and offices that front internal and external streets, structured parking wrapped with buildings, and on-street parking where appropriate.
- Because the Town is designated as a Tree City USA, significant tree stands at Town entrances, as appropriate to the location, should be maintained and/or enhanced. For example, when entering Town from the rural buffer, density should build from the edge of the rural buffer toward the more developed portions of Town. In all instances, the entrances to Town should demonstrate the Town's uniqueness
- Active frontages are encouraged to create vibrancy and ensure pedestrian activity over time. These frontages should consider the placement of buildings on the site, the location of primary building entrances, streetscapes, and pedestrian-scaled amenities. In some cases, active frontages may mean that retail and services should be allowed on the first floor within the Apartment Multi-family character type. Active frontages in this Focus Area should include South Columbia Street within the South 15-501 Gateway node and streets internal to the Southern Village Park and Ride site. (See Activated Street Frontage Map.)

Density & Intensity

- Promote development at a scale that complements the surrounding area.
- As the terminal station for the bus rapid transit system, transit-oriented development should be encouraged with apartments and a mix of uses.

Environmental

- Stormwater management strategies shall be coordinated and applied within the two nodes.
- Green building concepts such as sustainable siting, energy efficiency, water efficiency, and sustainable construction materials should be encouraged.



* See Mobility Plan for more information about proposed multi-modal improvements

Character Types and Height in 2049

Primary (predominate land uses) Secondary (allowed, but not predominate) Discouraged

	Sub-Area A	Sub-Area B
Multifamily, Shops & Offices	Primary	Secondary
Multifamily Residential	Secondary	Secondary
Commercial/Office	Secondary	Primary
Parks and Green/Gathering Spaces	Primary	Primary
Townhouses & Residences	Primary	Secondary
Institutional/Civic	Secondary	Secondary
Typical Height	4-6 stories	6 stories fronting South Columbia Street; 4 stories elsewhere.
Transitional Area Height	Up to 3 stories	N/A
Activated Street Frontage Height	6 stories	N/A

Note: Each story is approximately 12 feet tall, but height may vary based on many factors.

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5 | MAP BOOK

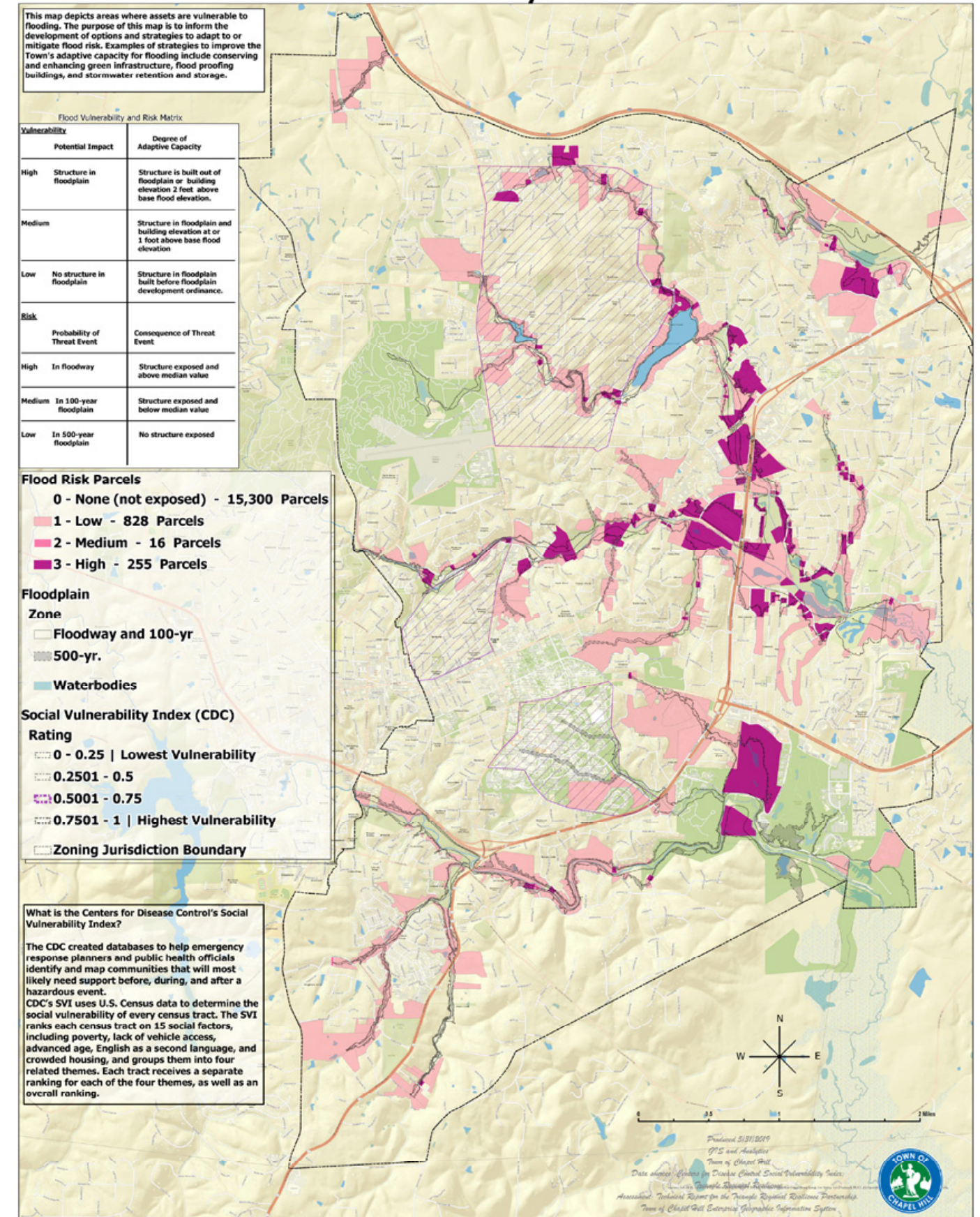
The Future Land Use Map and detailed information for each Focus Area is supplemented with a series of maps. These maps reflect some of the Town's concerns that may influence land use decisions and regulations in the Land Use Management Ordinance (LUMO). These maps include efforts associated with other long range planning initiatives and maps created as part of the Charting Our Future process. The intent of the Map book is to provide additional insight and guidance as land use decisions are considered and as the LUMO is rewritten. The Map book includes:

- Flood Resiliency Assessment
- Residential & Non-Residential Flood Resiliency Assessment
- Buildings Relative to Base Flood Elevation
- Adaptive Capacity: Tree Canopy Density
- Existing Habitat Potential Connection
- Extreme Heat Resiliency Assessment
- Impervious Surfaces
- Long Term Network Facilities Map (Chapel Hill Mobility & Connectivity Plan, adopted 2017)

Note: These large-format maps are available under separate cover. Please see the Town of Chapel Hill for copies of the maps or additional questions.

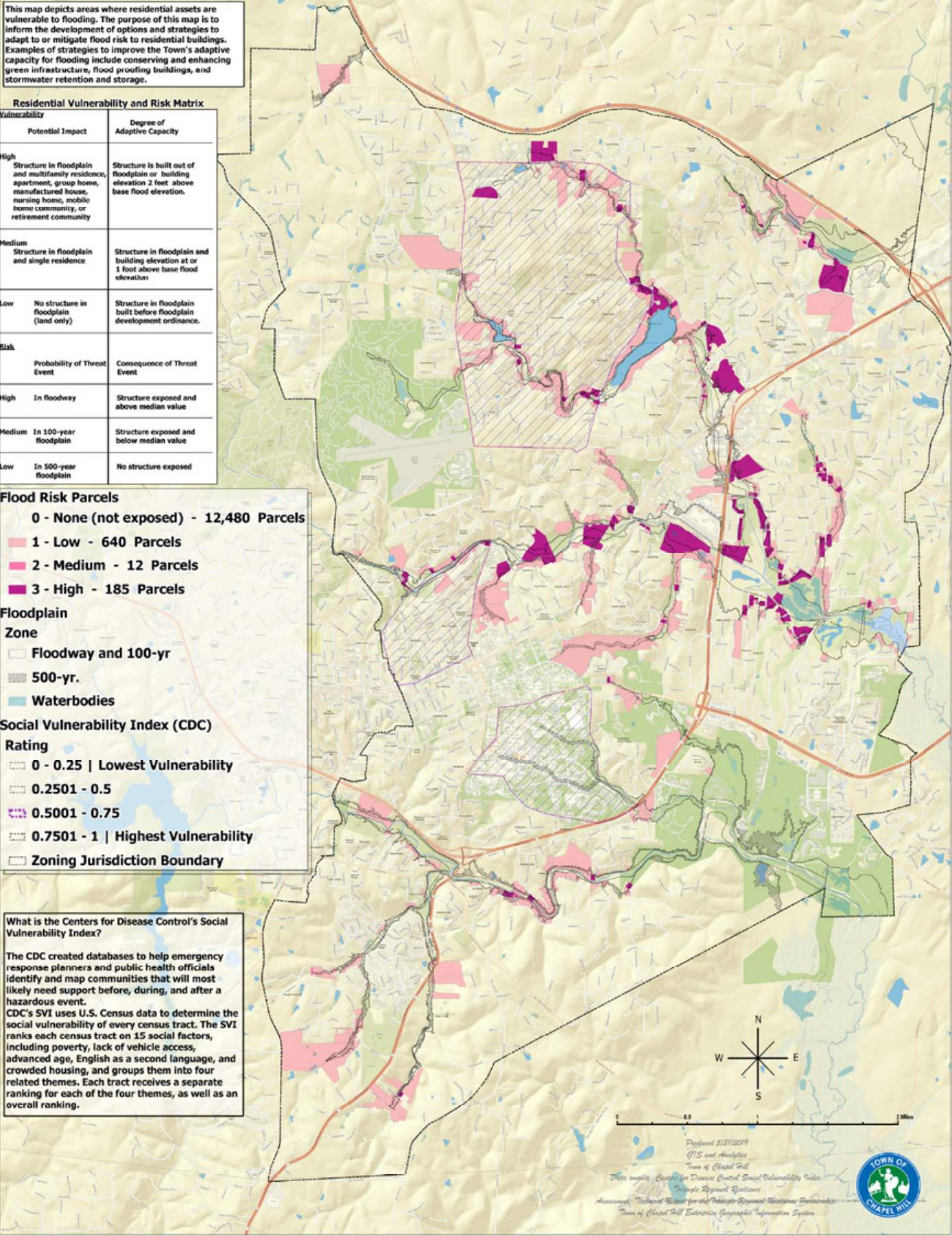
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Flood Resiliency Assessment



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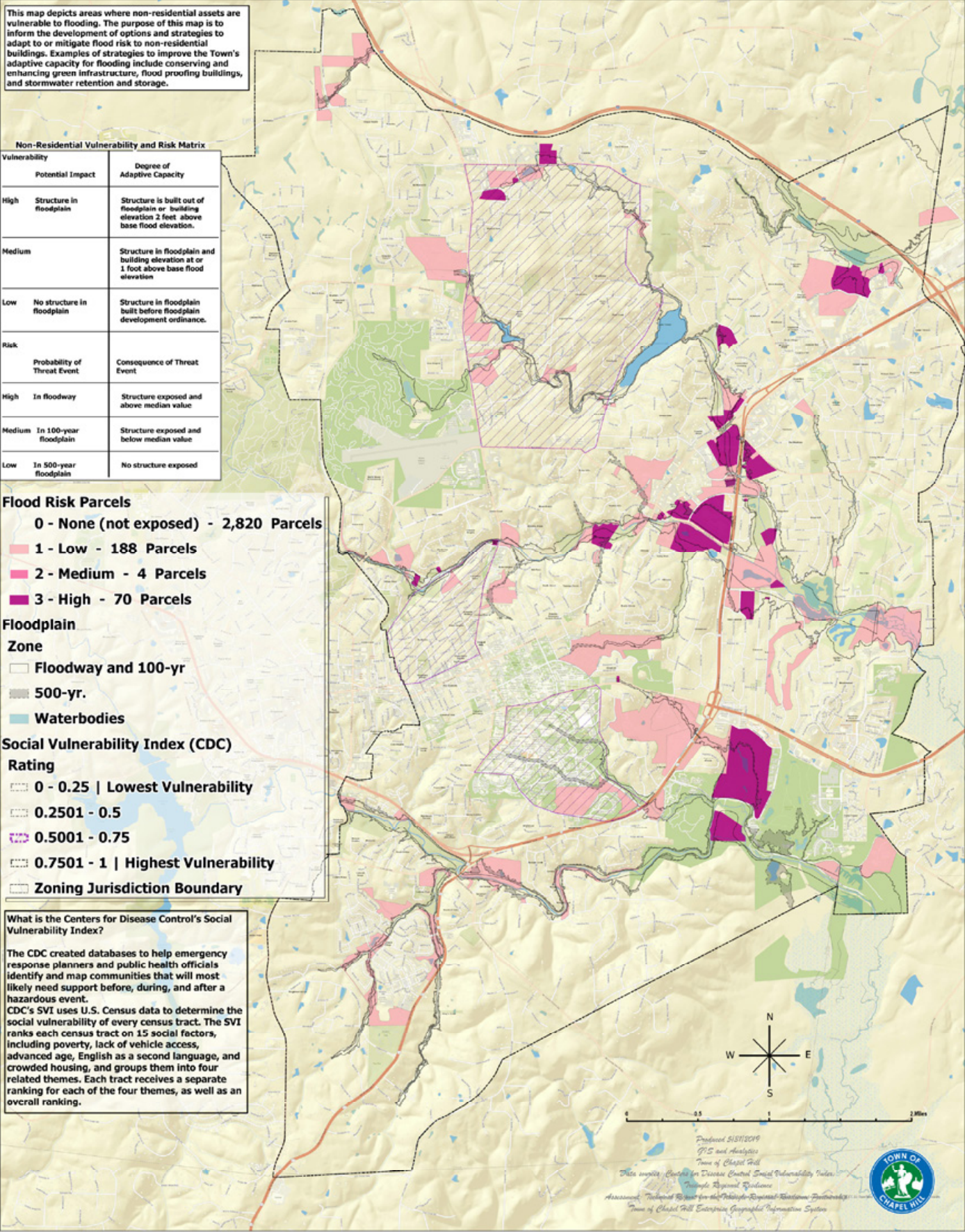
Residential Flood Resiliency Assessment



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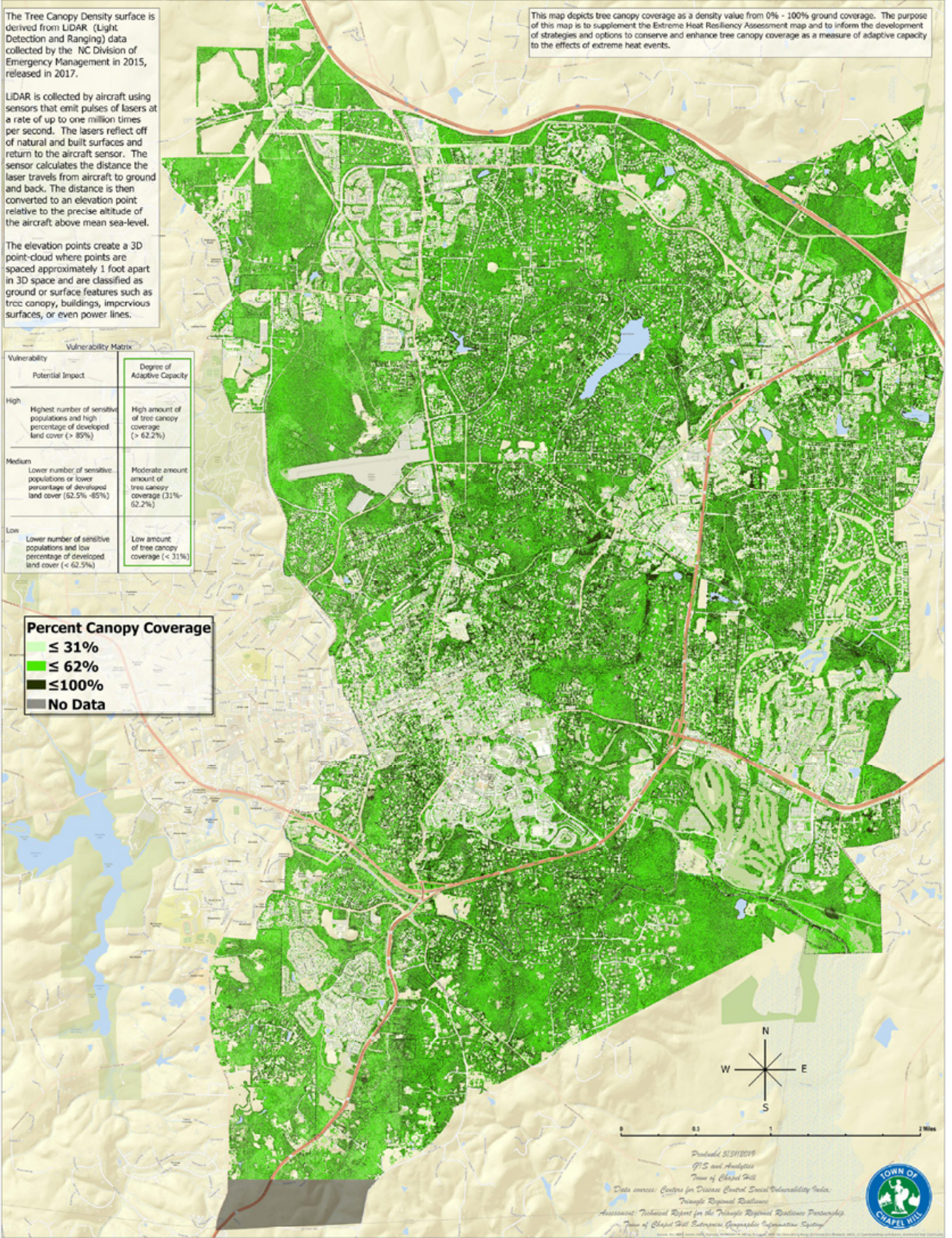
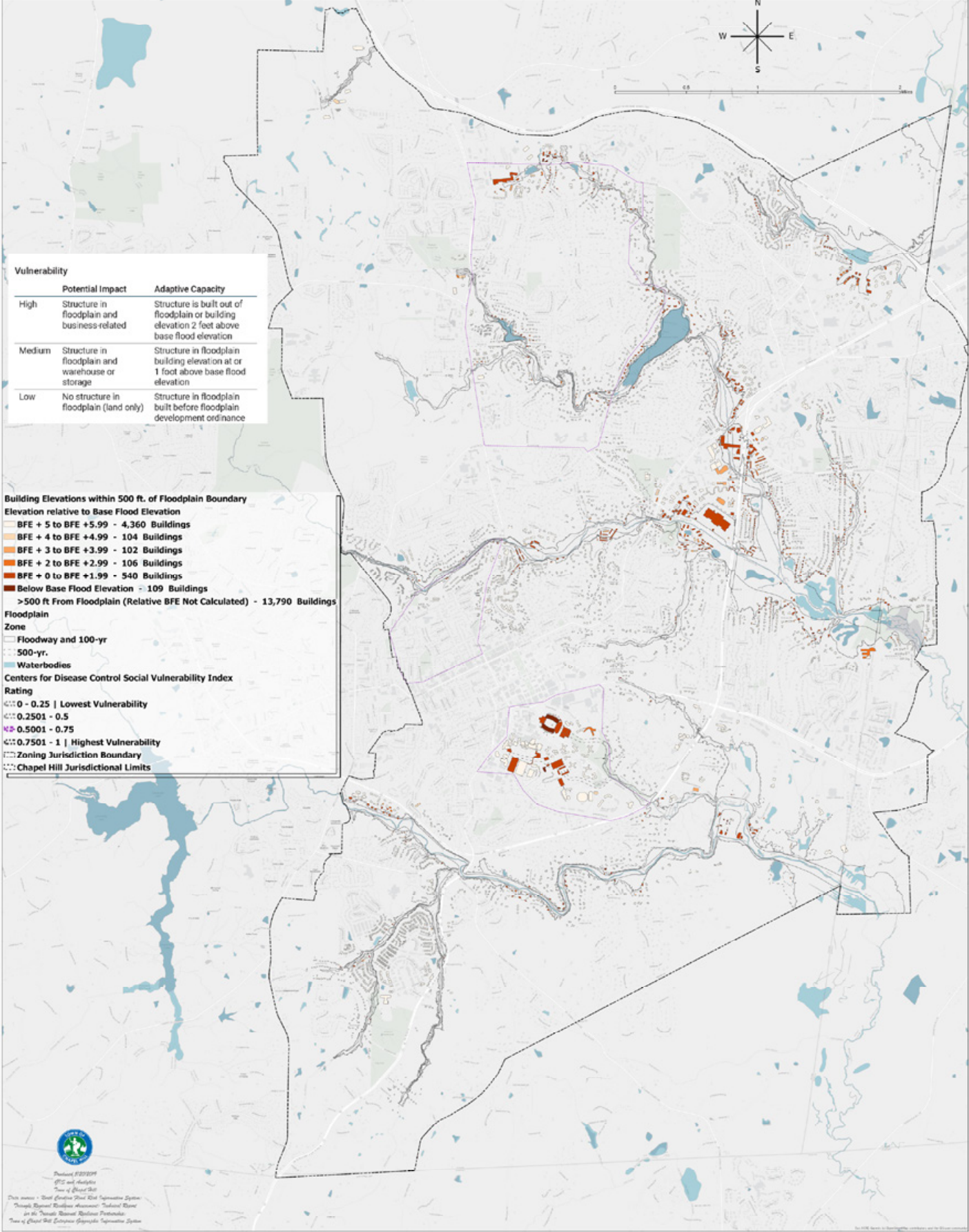
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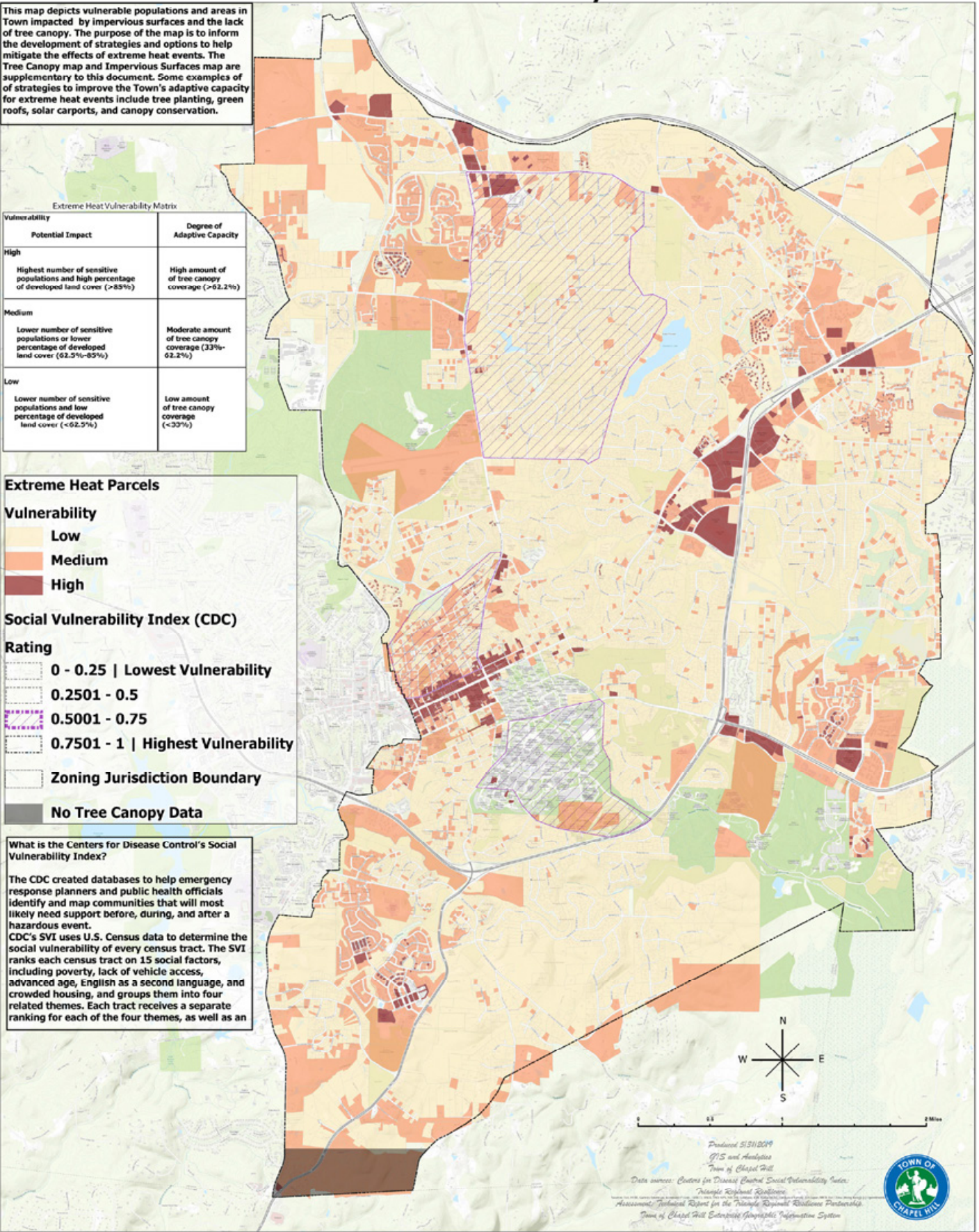
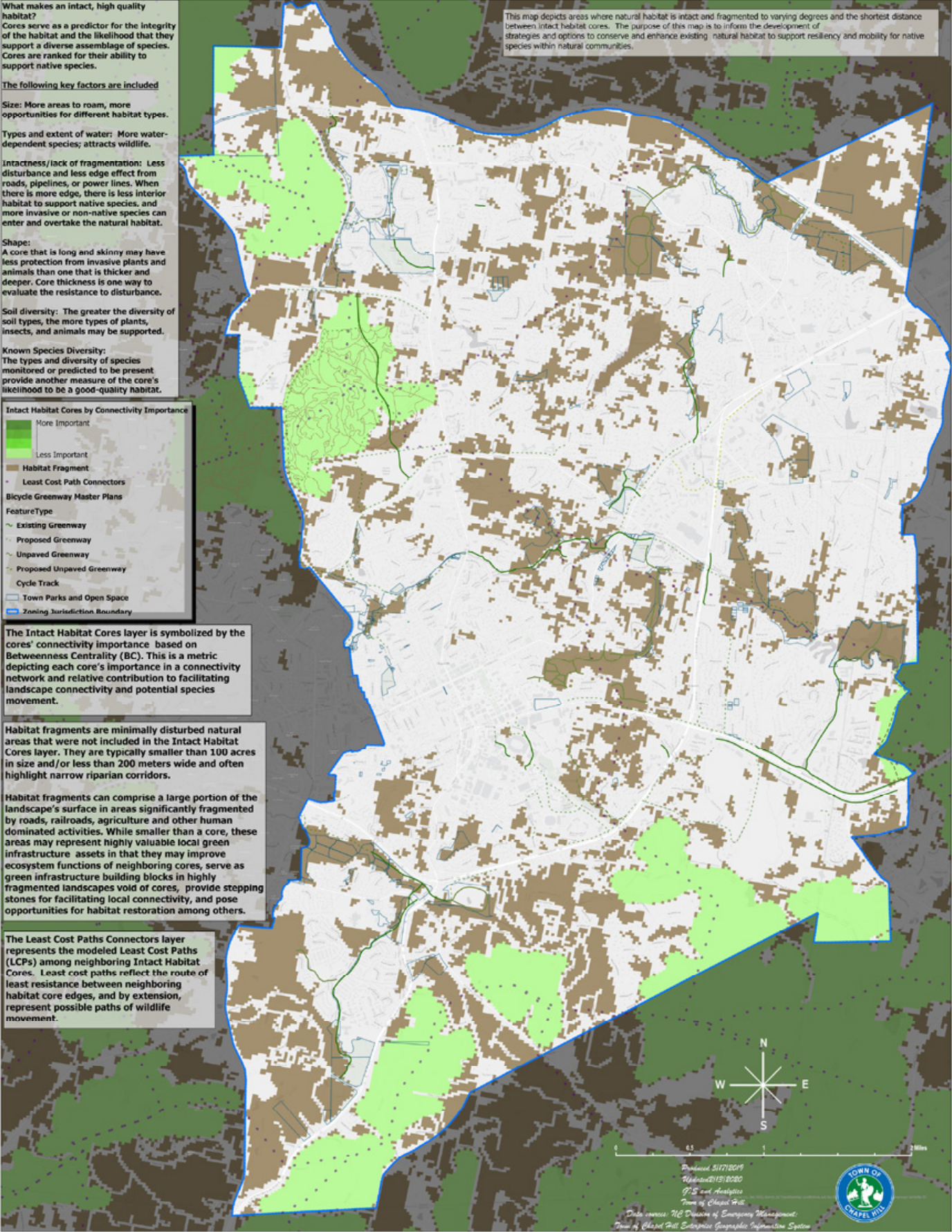
Non-Residential Flood Resiliency Assessment



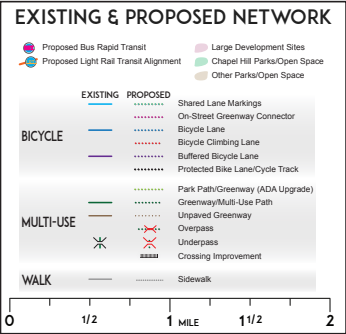
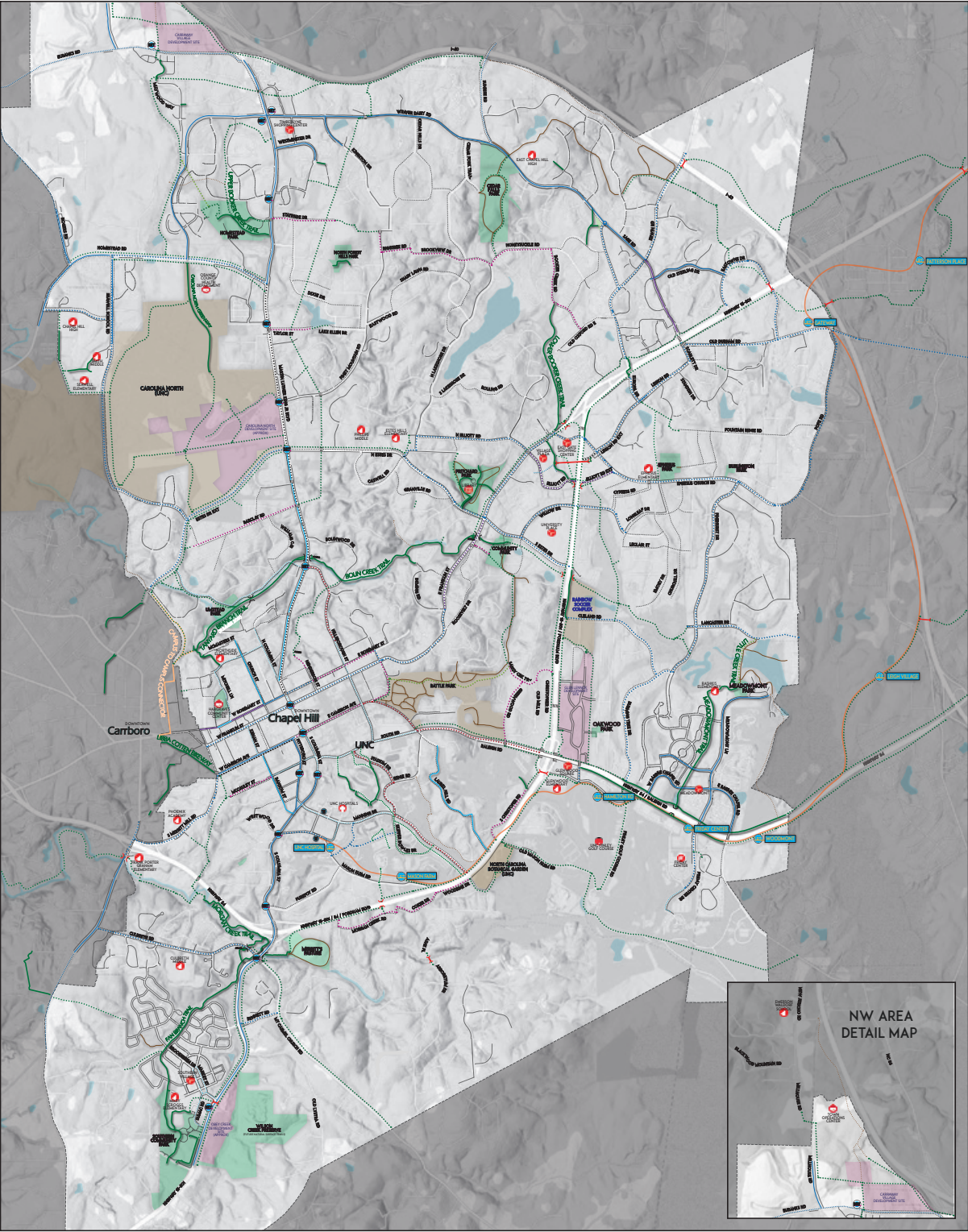
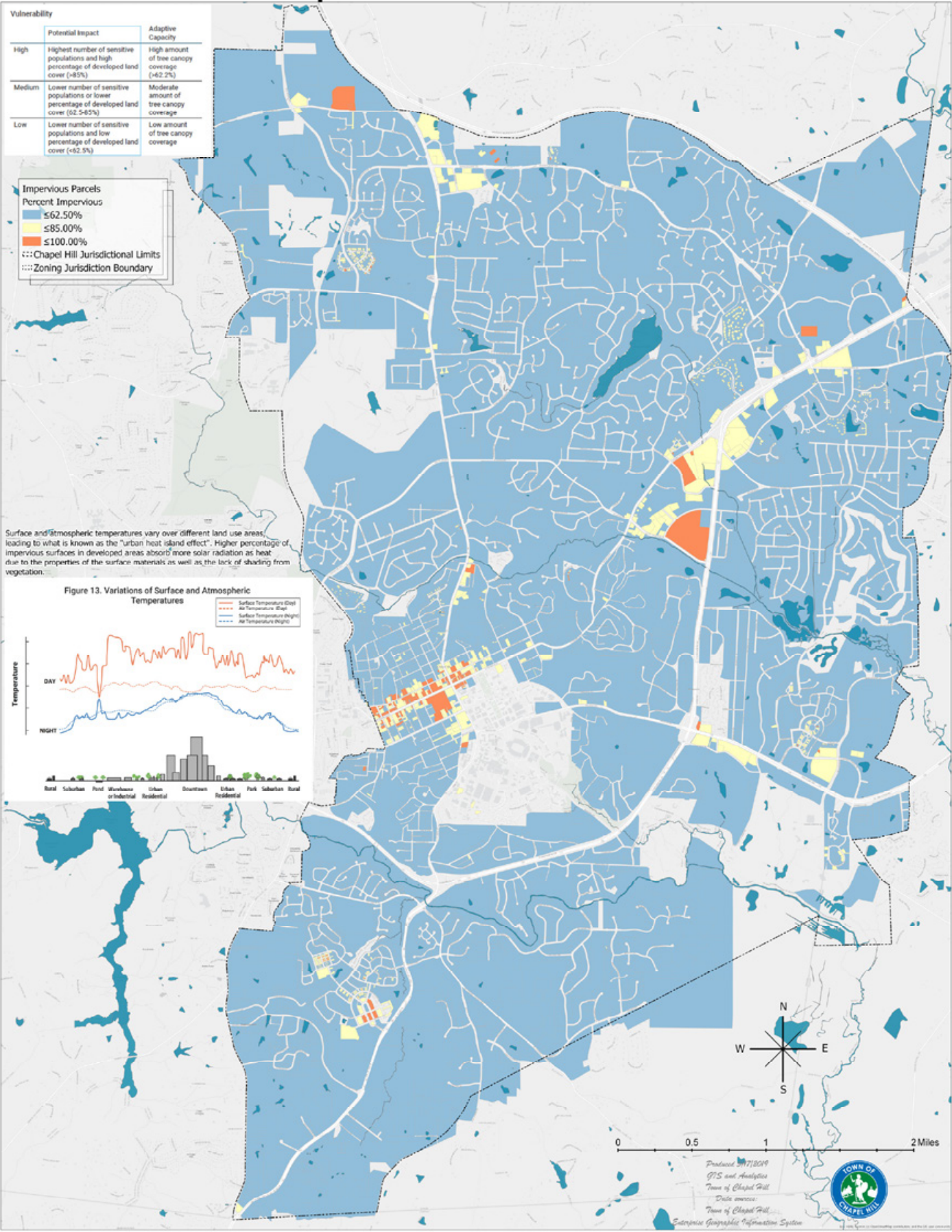
Draft Adaptive Capacity: Tree Canopy Density

Buildings Elevation Relative to Base Flood Elevation





Impervious Surfaces



Long Term Network Facilities Map

TOWN OF CHAPEL HILL
Mobility Plan

6 | CONCLUSION

Previous planning efforts in Chapel Hill reflect the community’s understanding that the physical environment of the Town—its neighborhoods, streets, utilities, and natural resources—deeply affect how people experience life here. The creation of a rural buffer and urban services boundary years ago have presented today’s opportunity to ensure the Town matures within its existing boundary in ways that leverage existing infrastructure, maximize transit investments, and enriches the things that are uniquely Chapel Hill.

Charting Our Future is a two-phased process designed to set expectations for Chapel Hill through the year 2049. These expectations have been established in accordance with the Town’s vision described in previous processes and the Guiding Statements that were outlined in Section 2 of this document. The intent is to make the Town’s land use tools more predictable, functional, and intentional.

As described in this Phase 1 Update to Chapel Hill 2020, Charting Our Future begins by refining the Town’s Future Land Use Map with an emphasis its key gateways, corridors, and activity nodes. In this way, the future land use designation for most of the Town remains unchanged, including much of the Town’s single-family neighborhoods. The next phase of Charting Our Future will focus on rewriting the Town’s Land Use Management Ordinance (LUMO), which is the Town’s “rule book” that specifies where and at what scale specific land uses should occur. Together, the two phases of Charting Our Future will make growth and development processes more predictable, functional, and intentional.



Item Overview

Item #: 24., File #: [20-0586], Version: 1

Meeting Date: 9/9/2020

Receive Wegmans Traffic Calming Report and Consider Authorizing Traffic Calming Improvements.

See staff report on next page.

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

PRESENTER: Judy Johnson, Interim Planning Director

RECOMMENDATION: That the Council receive the information and consider adopting the attached resolution authorizing the traffic calming improvements.



RECEIVE WEGMANS TRAFFIC CALMING REPORT AND CONSIDER AUTHORIZING TRAFFIC CALMING IMPROVEMENTS

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND PUBLIC WORKS DEPARTMENTS
 Judy Johnson, Interim Director
 Michael Sudol, Planner II
 Lance Norris, Public Works Director
 Kumar Neppalli, Traffic Engineering Manager

PROJECT LOCATION

Wegmans Grocery Store, 1820 Fordham Boulevard

MEETING DATE

September 9, 2020

STAFF'S RECOMMENDATION

That the Council receive the information and consider adopting the resolution and enacting the ordinances to authorize the traffic calming improvements.

STAFF ANALYSIS

Staff held several traffic calming workshops with neighbors of the Wegmans grocery store, now under construction, to identify primary concerns and solutions for traffic in the neighborhood.

PROCESS

As part of the Wegmans Special Use Permit approved by the Chapel Hill Town Council on October 25, 2017, staff included a stipulation to address the potential for increased traffic on nearby residential streets.

Town staff, with representatives from Engineering, Planning, Police, and Fire departments, held several community meetings to discuss proposed traffic calming. These included a neighborhood walkthrough and three community workshops.

DECISION POINTS

Town staff recommends the following improvements:

- Install "No through trucks" signs on Garden Street, Legion Road Extension, Standish Drive, and Scarlett Drive between Legion Road and Garden Street;
- Install wayfinding signs at the intersection of Legion Road and Scarlett Drive;
- Install electronic speed display signs on Legion Road Extension and Standish Drive;
- Install all-way stop controls at:
 - Garden Street and Scarlett Drive (at both ends);
 - Standish Drive at three intersections (at Elderberry Drive, at St. Thomas Drive, and at Bluefield Drive);
- Install high visibility crosswalks at the intersections of Legion Road/Scarlett Drive and Legion Road Extension/Cooper Street.

BACKGROUND

Since October 2017, staff organized the following:

- April 12, 2018 Neighborhood walkthrough
- May 31, 2018 Community Workshop
- February 25, 2019 Community Workshop
- March 5, 2020 Community Workshop

Residents identified the following traffic concerns:

- Existing cut-through traffic will increased;
- Speeding;
- Too many existing speed tables;
- Need for more crosswalks.

LOCATION



ATTACHMENTS

1. Draft Staff Presentation
2. Resolution A, Approving traffic calming measures
3. Ordinance A, Amending Chapter 21 of the Town Code of Ordinances
4. Ordinance B, Amending Chapter 21 of the Town Code of Ordinances



Traffic Calming Plan Wegmans Store

September 9, 2020

DRAFT

Recommendation

Staff recommends that the Council adopt:

- Resolution A;

And enact:

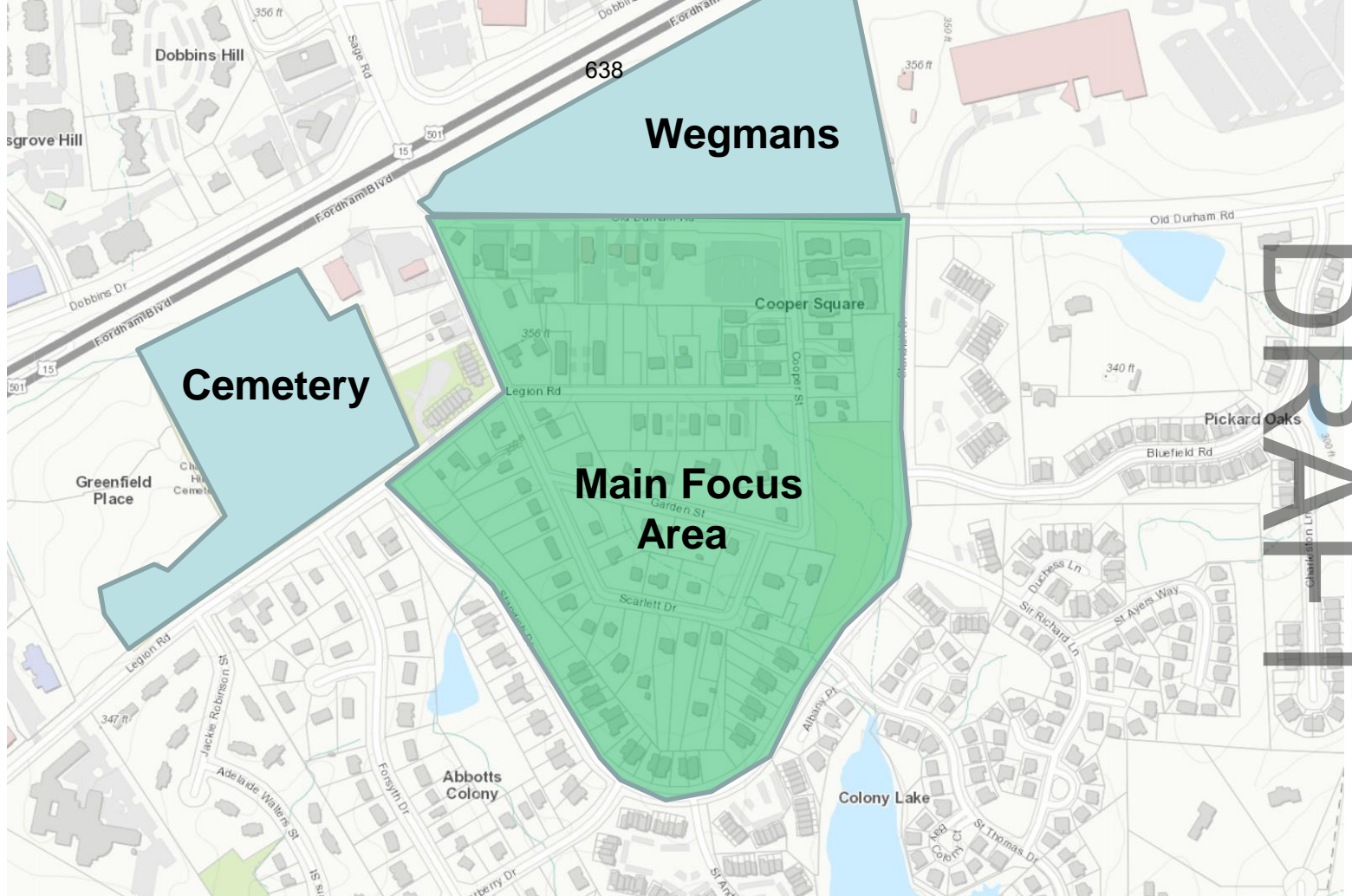
- Ordinance A
- Ordinance B

DRAFT

Project History/Status

- Wegmans approved in October 2017
- Council required Traffic Calming Plan
- Neighborhood walkthrough in April 2018
- Community Workshop in May 2018
- Community Workshop in February 2019
- Community Workshop in March 2020

Study Area



Study Area



DRAFT

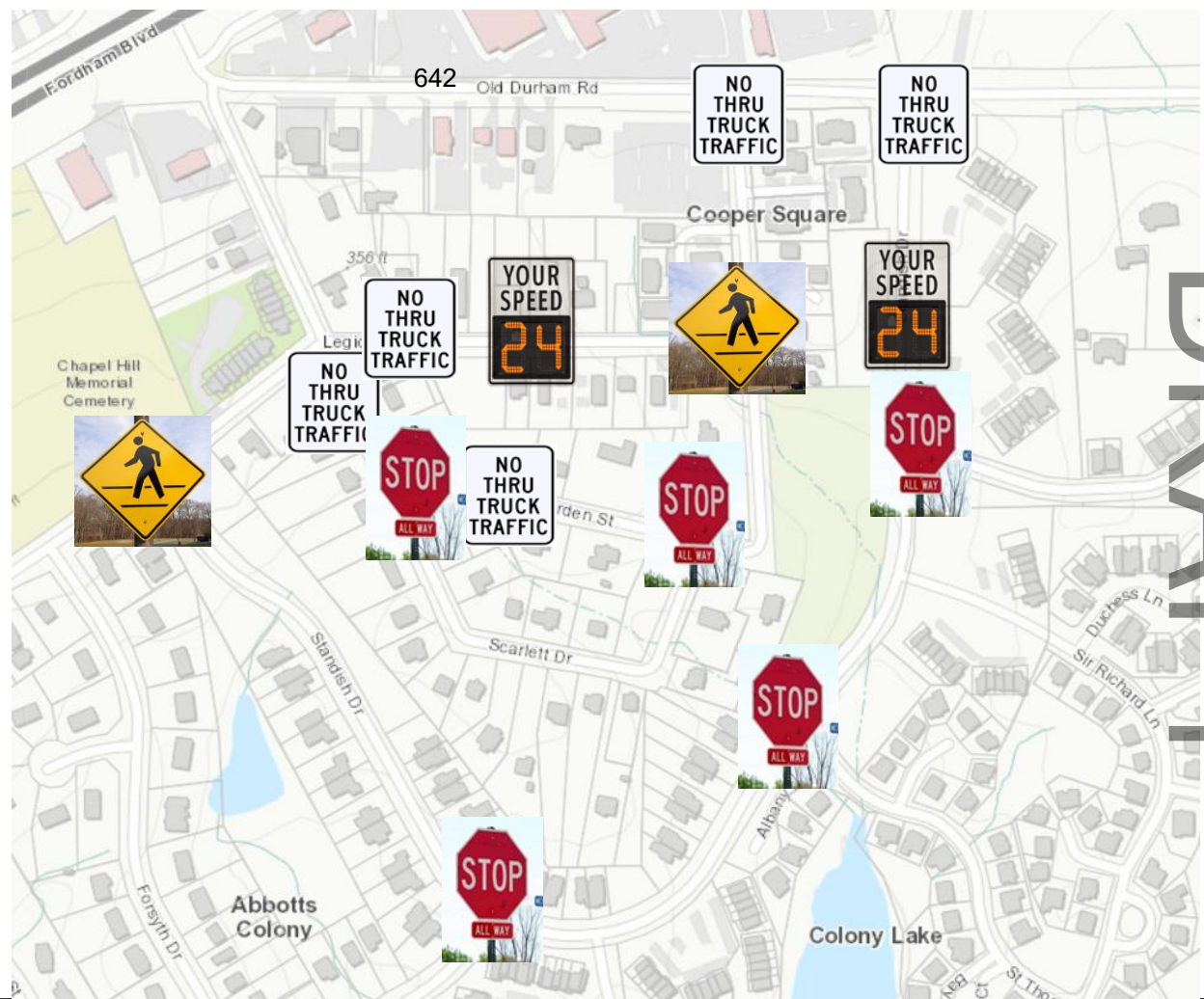


⁶⁴¹ Traffic Calming Plan-Phase I:

- 1) **No Through Truck Signs** on Legion Rd Extension, Garden St, Scarlett Dr between Legion Rd and Garden St, and Cooper St, and Standish Dr
- 2) **All-way Stop Control** at Garden St and Scarlett Dr (at both ends)
- 3) **Wayfinding Signs** at the intersection of Legion Rd and Scarlett Dr
- 4) **Electronic Speed Display Sign** on Legion Rd Extension and Standish Dr
- 5) **All-way Stop Control** on Standish Dr at three intersections (at Elderberry Dr, at St Thomas Dr, and Bluefield Dr)
- 6) **High visibility crosswalks** installed at the intersections of Legion Road/Scarlett Drive and Legion Road Extension/Cooper Street

DRAFT

Study Area



Next Steps

- Implement traffic calming plan prior to Certificate of Occupancy;
- Phase 2 after 6-months of store opening
 - continued monitoring of impacts

DRAFT

Recommendation

Staff recommends that the Council adopt:

- Resolution A;

And enact:

- Ordinance A
- Ordinance B

DRAFT

RESOLUTION A

(Approving the Traffic Calming Measures)

A RESOLUTION AUTHORIZING THE INSTALLATION OF TRAFFIC CALMING MEASURES ON TOWN STREETS ADJACENT TO THE WEGMANS GROCERY STORE AT 1802 FORDHAM BOULEVARD (2020-09-09/R-19)

WHEREAS, the Council of the Town of Chapel Hill is concerned about vehicular and non-vehicular safety and mobility on Town streets; and

WHEREAS the Council approved a Special Use Permit for the Wegmans Grocery Store at 1802 Fordham Boulevard with the following stipulation:

Traffic Calming Device: Prior to issuance of the Certificate of Occupancy, the Developer shall install traffic calming measures on adjacent Town streets. Prior to issuance of the Zoning Compliance Permit, the Developer shall meet area residents and Town staff to develop and finalize the traffic calming devices. The type, location, design, and construction standards of the traffic calming devices shall be approved by the Town Manager prior to issuance of the Zoning Compliance Permit. Measures to be considered are: all-way stop control, speed tables, on-street parking, and other devices.

WHEREAS, the staff has held several community workshops with nearby property owners; and

WHEREAS, the Council has received recommendations regarding the traffic calming report and recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to proceed with the installation of traffic calming measures at the locations described below:

1. Install "No Through Trucks" signs on Legion Road Extension, Garden Street, Scarlett Drive between Legion Road and Garden Street, and Cooper Street, and Standish Drive.
2. All-way Stop Control at Garden Street and Scarlett Drive (at both ends).
3. Wayfinding signs at the intersection of Legion Rd and Scarlett Drive.
4. Electronic Speed Display Sign on Legion Road Extension and Standish Drive.
5. All-way Stop Control on Standish Drive at three intersections (at Elderberry Drive, at St Thomas Drive, and Bluefield Drive).
6. Install high visibility crosswalks at the intersections of Legion Road/Scarlett Drive and Legion Road Extension/Cooper Street.

This the 9th day of September, 2020.

ORDINANCE A**AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES REGARDING RIGHT-OF-WAY AND STOP REGULATIONS (2020-09-09/O-2)**

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Section 21-13(a) of the Town Code of Ordinances, "Right-of-way and stop regulations," is hereby amended by deleting the following intersections:

"Through Streets

~~Scarlett Drive~~
~~Standish Drive~~
~~Standish Drive~~

Stop Streets

~~Garden Street~~
~~Elderberry Drive~~
~~Bluefield Road"~~

Section 2. Section 21-13(c) of the Town Code of Ordinances, "Right-of-way and stop regulations," is hereby amended by inserting the following, in appropriate alphabetical order:

"Intersection(s)

Scarlett Drive and Garden Street (both ends)
Standish Drive and Elderberry Drive
Standish Drive and St. Thomas Drive
Standish Drive and Bluefield Road"

Section 3. This ordinance shall become effective upon enactment.

This the 9th day of September, 2020.

ORDINANCE B**AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES REGARDING TRUCKS (2020-09-09/O-3)**

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Section 21-6(a) of the Town Code of Ordinances, "Trucks," is hereby amended by inserting the following, in appropriate alphabetical order:

"Street	From	To
<u>Garden Street</u>	<u>Scarlett Drive</u>	<u>Cooper Street</u>
<u>Legion Road Extension</u>	<u>Scarlett Drive</u>	<u>Cooper Street</u>
<u>Scarlett Drive</u>	<u>Old Durham Road</u>	<u>Garden Street</u>
<u>Standish Drive</u>	<u>Legion Road</u>	<u>Old Durham Road"</u>

Section 2. This ordinance shall become effective upon enactment.

This the 9th day of September, 2020.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 25., File #: [20-0587], Version: 1

Meeting Date: 9/9/2020

Open the Public Hearing: Application for Special Use Permit - Christ Community Church, 141 Erwin Road (Project #19-119).

See the Staff Report on the next page.

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

PRESENTER: Becky McDonnell, Planner II

Swearing of all persons wishing to present evidence

- a. Without objection, the preliminary report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and preliminary recommendation
- c. Presentation of evidence by the applicant
- d. Recommendation by the Planning Commission
- e. Recommendations by advisory boards and commissions
- f. Presentation of evidence by the public
- g. Comments from the public via email or other methods of submission through 11:59 PM on September 10
- h. Comments and questions from the Mayor and Town Council
- i. Applicant's statement regarding proposed conditions
- j. Motion to close the Public Hearing at 11:59 PM on September 10, 2020.
- k. Consider adopting the Special Use Permit at the October 7 Council meeting.

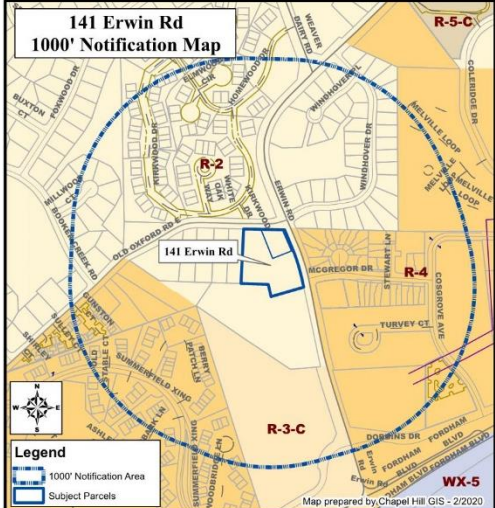
RECOMMENDATION: That the Council open the public hearing, receive evidence and close the hearing 24-hours after the conclusion of this item. On October 7, 2020 the Council may consider adoption of Special Use Permit.



OPEN THE PUBLIC HEARING FOR SPECIAL USE PERMIT - CHRIST COMMUNITY CHURCH, 141 ERWIN ROAD (PROJECT #19-119)

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING
Judy Johnson, Interim Director
Becky McDonnell, Planner II

PROPERTY ADDRESS	PUBLIC HEARING DATE	APPLICANT
141 Erwin Road	September 9, 2020	Byron Peters, Christ Community Church
STAFF RECOMMENDATION		
That the Council open the public hearing, receive evidence, and continue the public hearing until October 7, 2020.		
PROCESS The Council must consider the four findings for approval of a Special Use Permit, which indicate that the use or development: <ol style="list-style-type: none">1. is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;2. would comply with all required regulations and standards of the Land Use Management Ordinance;3. is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and4. conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.	DECISION POINTS The applicant proposes several modifications to the regulations per LUMO Section 4.5.6., outlined in the Technical Report and applicant materials, and summarized below: <ul style="list-style-type: none">• Request to reduce the buffer along the western property line to preserve an existing shed• Request to allow a shared buffer along the southern property line• Request to allow a future boundary change to be reviewed and approved as a minor modification• Request to allow a cupola to exceed the maximum height limit by 9.75"• Request to extend construction start and completion deadlines	
PROJECT OVERVIEW Zoning: Residential-2 (R-2) Use: Place of Worship Property Size: 2.8 acres Proposed Floor Area: 11,420 square feet Proposed Vehicle Parking: 117 spaces Minimum Bicycle Parking: 8 spaces Following the public hearing, staff will evaluate the evidence and comments received at the public hearing and will offer the Council a recommendation on the status of the Four Findings as they relate to this Special Use Permit application.	PROJECT LOCATION 	
ATTACHMENTS	<ol style="list-style-type: none">1. Technical Report2. Project Fact Sheet3. Draft Staff Presentation4. Resolution A (Approval)5. Resolution B (Denial)6. Advisory Board Recommendations7. Applicant Materials and Plans	



TECHNICAL REPORT

PROJECT OVERVIEW

The applicant has submitted a Special Use Permit application for the site at 141 Erwin Road in order to accommodate a new place of worship and associated parking spaces, stormwater facilities, and other improvements. The site currently consists of two separate parcels with an existing single-family home and a daycare. The Statement of Justification explains that the applicant is seeking a Special Use Permit in order to develop the site to a greater intensity than what is currently allowed. More details about the proposed development can be found in the applicant's narrative and application materials.

Information about the site and proposed development can be found below, as well as a list of proposed Modifications to Regulations, other important considerations that Staff has identified, and an analysis of the project's consistency with the Comprehensive Plan and relevant Findings of Fact.

SITE CONTEXT

Staff has identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Special Use Permit:

- The 2.8-acre subject site fronts on Erwin Road, an arterial street, and Old Oxford Road, a collector street, both of which have no existing bus service.
- Property on the opposite side of Erwin Road (McGregor Place Condominiums and Erwin Village) is zoned Residential-4 (R-4) and is developed as multifamily residential consistent with the intent of the Residential-4 (R-4) district.
- Other property surrounding the site is zoned Residential-2 (R-2). Existing uses include vacant property and single-family residential.
- No hydrology features have been identified on the site. The southern portion of the site contains significant tree areas. The proposed site layout in the Special Use Permit application suggests that portions of these areas will be preserved.

PROPOSED MODIFICATIONS TO REGULATIONS

- 1) **Section 5.6.6 Schedule of Required Buffers:** The Land Use Management Ordinance requires a Type C 30' buffer along western property line. The applicant requests a modification to reduce the buffer by 4.8' in one portion to allow for the preservation of an existing shed. The modified buffer would be comprised of existing mature trees and an existing 8' tall solid fence.

Staff Comment: Staff believes that the Council could find a public purpose for the modified buffer, as the fence will provide opaque screening and the modification will allow preservation of a 50-year-old shed.

- 2) **Section 5.6.5 Responsibility for Buffer:** The applicant proposes a shared buffer

along the southern property line. The Land Use Management Ordinance allows buffers to be shared between adjacent properties, with the property that is first to develop being responsible for meeting buffer requirements at the time. When the second property is developed, any additional screening or land required must be provided at that time. The applicant has reached an agreement with the southern property owner, Summit Hospitality Group, to share the required 20' buffer. The applicant requests that Council approve this modification to provide a 10' buffer at this time, with the remaining buffer width provided at the time that the second property is developed.

Staff Comment: Staff believes that the Council could find a public purpose for the modified buffer, as the intent of the Land Use Management Ordinance will be met through the agreement between the two property owners.

- 3) Section 4.5.4 Modifications of Special Use Permits:** The Land Use Management Ordinance states that a modification to a Special Use Permit boundary constitutes a minor modification which must be approved by the Council. The applicant proposes a future lot line adjustment with adjacent property to the south and requests that the lot line adjustment (and therefore SUP boundary adjustment) be allowed as an administrative approval by the Town Manager.

Staff Comment: Staff believes the Council could find a public purpose for the lot line adjustment, as the request is based on an agreement with the adjacent property owner and will more easily allow for the shared buffer (see modification request #2 above), a fire lane connection between the two properties, and an improved site layout for the project site.

- 4) Section 3.8.3 Exceptions to Setback and Height Regulations:** The Land Use Management Ordinance allows certain architectural features to exceed the maximum building height limit by up to 15%, including cupolas. The applicant proposes exceeding the 15% increase by 9.75" for a portion of the proposed cupola.

Staff Comment: Staff believes the Council could find a public purpose for the increased height, as the cupola adds an aesthetic element to the structure.

- 5) Section 4.5.5 Expiration and Revocation of Special Use Permit Approvals:** The Land Use Management Ordinance states that construction must begin with twenty-four months of approval of a Special Use Permit. The applicant requests that this deadline be modified to a five-year construction start date and an eight-year construction completion date.

Staff Comment: Staff believes the Council could find a public purpose for the modified construction timeline, as the applicant has stated that additional fundraising will be needed before construction can begin.





Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.5.6 of the Land Use Management Ordinance. Staff believes that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the developer's alternative is to revise the proposal to comply with the regulations.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)¹, the standards of the [Land Use Management Ordinance](#)², and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)³ and offers the following evaluation:

Comprehensive Plan Themes: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

Council Goals:

<input type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

Staff believes the Christ Community Church proposal complies with the above themes of the 2020 Comprehensive Plan.

Land Use Plan: The [2020 Land Use Plan](#)⁴, a component of the 2020 Comprehensive Plan, designates this site for Low Residential (1-4 du/ac) land use.

¹ <https://www.townofchapelhill.org/home/showdocument?id=15001>

² https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUUMA

³ <https://www.townofchapelhill.org/home/showdocument?id=2645>

⁴ <https://www.townofchapelhill.org/home/showdocument?id=1215>














PROJECT FACT SHEET

Overview


Site Description	
Project Name	Christ Community Church
Address	141 Erwin Road
Property Description	122,810 SF (2.8 acres)
Existing Use	Single family home, daycare, and accessory buildings
Orange County Parcel Identifier Number	9799-39-9116 and 9799-49-0235
Zoning	Residential-2 (R-2)

Topic		Comment		Status
Use (Sec. 3.7)		Place of Worship		
Dimensional Standards (Sec. 3.8)		Required	Proposed	
	Height	50 ft.	More than 50 ft.	M
	Street	26 ft.	30.3 ft.	
	Interior	11 ft.	More than 11 ft.	
	Solar	13 ft.	Street setback supersedes	
Lot Size (Sec. 3.8)		Minimum: 10,000 SF		
		Proposed: 122,810 SF (2.8 acres)		
Floor area (Sec. 3.8)		Maximum floor area: 11,421 square feet		
		Proposed floor area: 11,420 square feet		
Modifications to Regulations (Sec. 4.5.6)		Section 5.6.6 - 30' buffer required along western property line; applicant requests 4.8' reduction in one portion to allow for preservation of existing shed; modified buffer in this area is comprised of existing mature trees and 8' solid fence		M
		Section 5.6.5 - 20' buffer required along southern property line; applicant requests to provide 10' of buffer on site and for adjacent property to provide the remaining 10' at time in which that parcel develops		
		Section 4.5.4.(b).(1) - Applicant plans a lot line adjustment with adjacent property to the south; a modification to SUP boundaries constitutes a minor modification to an SUP; applicant requests that the lot line adjustment (and therefore SUP boundary adjustment) be allowed as a minor change by the Town Manager		

	<p>Section 3.8.3.(b).(1) - A 15% increase above the building envelope is permitted for certain architectural features, such as cupolas. The applicant requests an increase of 9.75" for a portion of the cupola that exceeds the permitted 15% increase.</p> <p>Section 4.5.5 - The applicant requests a five-year construction start date and eight-year construction completion date.</p>	
Adequate Public Schools (Sec. 5.16)	N/A	N/A
Inclusionary Zoning (Sec. 3.10)	N/A	N/A
Landscape		
Buffer – North (Sec. 5.6.2)	Required: 20 ft. Type C buffer	
	Provided: >20 ft. Type C buffer utilizing existing vegetation	
Buffer – East (Sec. 5.6.2)	Required: 30 ft. Type D buffer	
	Provided: 30 ft. Type D buffer utilizing existing vegetation	
Buffer – South (Sec. 5.6.2)	Required: 20 ft. Type C buffer	M
	Provided: 10 ft. utilizing existing vegetation	
Buffer - West (Sec. 5.6.2)	Required: 20 ft. Type C buffer	M
	Provided: >20 ft. Type C buffer reduced to 15.4 ft. in one location; existing vegetation and solid 8' fence	
Tree Canopy (Sec. 5.7)	Required: 40%	
	Proposed: >40%	
Landscape Standards (Sec. 5.9.6)	Constructed to Town standards	
Environment		
Resource Conservation District (Sec. 3.6)	No RCD is present.	
Erosion Control (Sec. 5.3.1)	More than 1 acre of land disturbance proposed, so a performance bond required.	
Steep Slopes (Sec. 5.3.2)	The application must comply.	
Stormwater Management (Sec. 5.4)	Stormwater management will be provided with underground sand filter	
Jordan Riparian Buffer (Sec. 5.18)	N/A	N/A
Land Disturbance	76,445 SF (1.75 acres)	
Impervious Surface (Sec. 3.8)	51,949 SF (42.3%)	
Solid Waste & Recycling	A Solid Waste Management Plan has been submitted.	

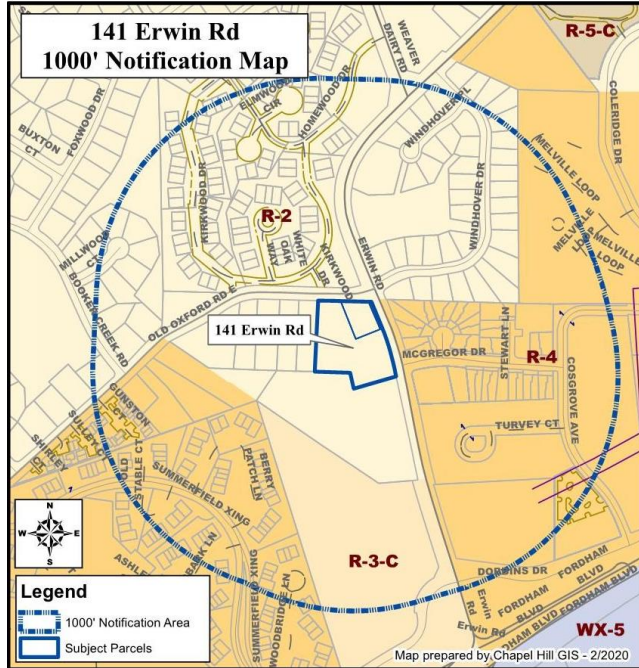
Access and Circulation		
Road Improvements (Sec. 5.8)	Widening of Erwin Road, including left turn lane, and Old Oxford Road	
Vehicular Access (Sec. 5.8)	Full access to Erwin Road, full access to Old Oxford Road and one access connecting to undeveloped parcel to the south	
Bicycle Improvements (Sec. 5.8)	Bike lane on Erwin Road frontage	
Pedestrian Improvements (Sec. 5.8)	5' sidewalk along Erwin Road and Old Oxford Road frontages	
Traffic Impact Analysis (Sec. 5.9)	TIA completed	
Vehicular Parking (Sec. 5.9)	Minimum: 50 parking spaces Maximum: 125 parking spaces Proposed: 117 parking spaces	
Transit (Sec. 5.8)	None	
Bicycle Parking (Sec. 5.9)	Minimum: 5 Proposed: 8	
Parking Lot Standards (Sec. 5.9)	Construct to Town standards.	
Electric Vehicle Parking	Three electric vehicle charging and parking spaces and 12 EV ready parking spaces	
Technical		
Fire	The loop design of the parking lot serves as fire access.	
Site Improvements	New building and parking lot that are ADA compliant	
Recreation Area (Sec. 5.5)	N/A	
Lighting Plan (Sec. 5.11)	0.3 foot-candles at property line is required. Street lighting is required.	FP

Project Summary Legend

Symbol	Meaning
	Meets Requirements
M	Seeking Modification
C	Requires Council Endorsement
FP	Required at Final Plan;
NA	Not Applicable



141 Erwin Road⁶⁵⁶ Special Use Permit



Town Council
Public Hearing

September 9, 2020

DRAFT

Staff Recommendation

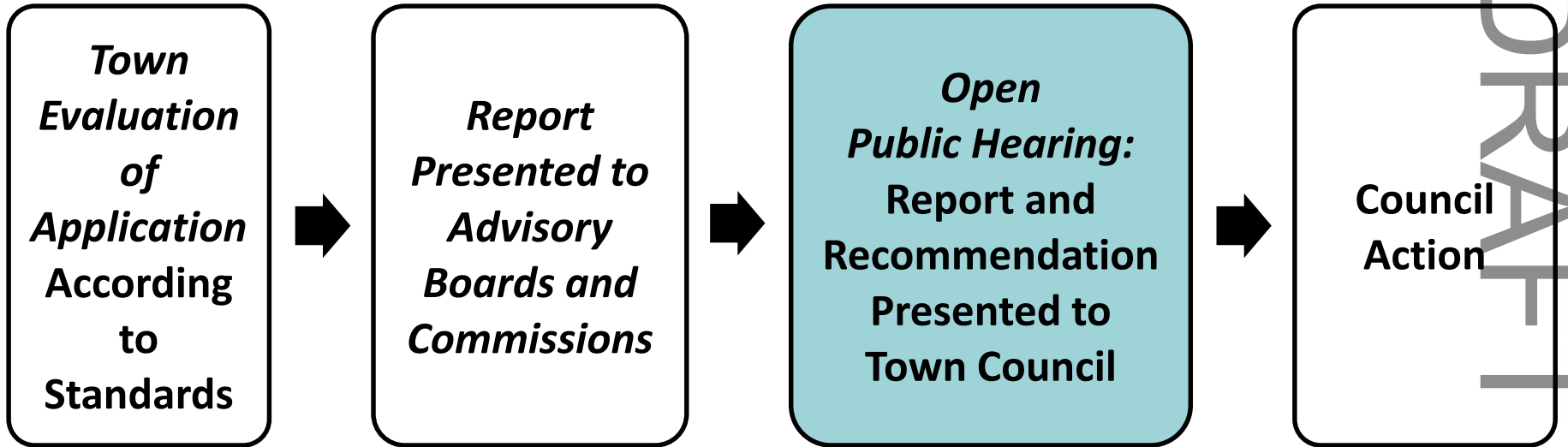
657

- Open the public hearing and receive comments
- Move to close the public hearing
- Enact Resolution A on October 7, 2020

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Process

658



Special Use Permit Findings

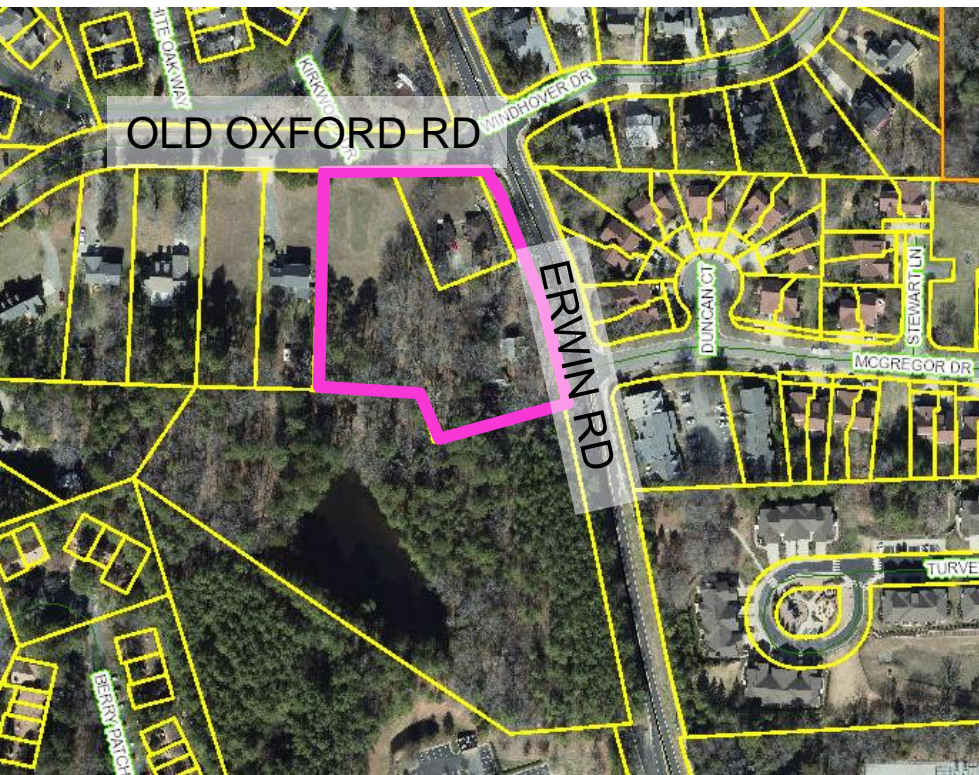
659

- 1) Maintain or promote public health, safety, and welfare;
- 2) Comply with ordinance regulations;
- 3) Maintain or enhances contiguous property or is a public necessity; and
- 4) Meet goals of Comprehensive Plan

DRAFT

Existing Conditions

660

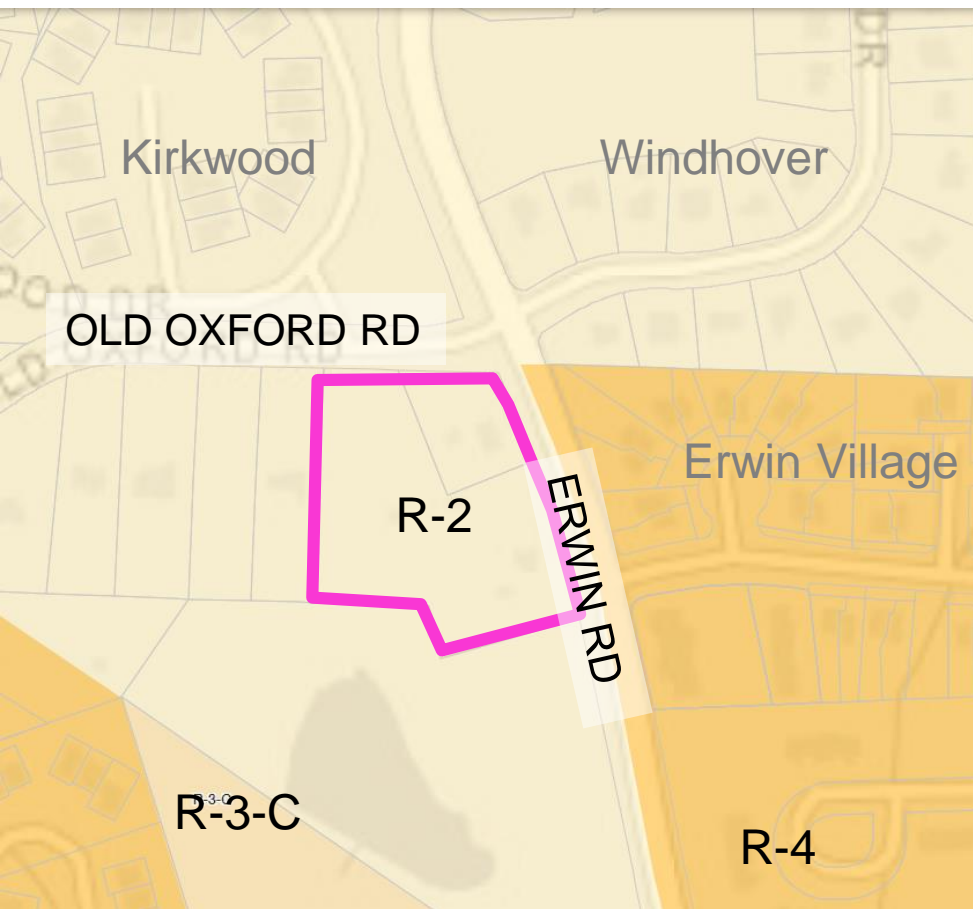


- 141 Erwin Road
- SW corner of Erwin Road and Old Oxford Roads
- 2.82 acres
- Existing uses: single family home, day care, accessory structures
- No RCD, Jordan Buffer, floodplain or wetlands

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Site Context

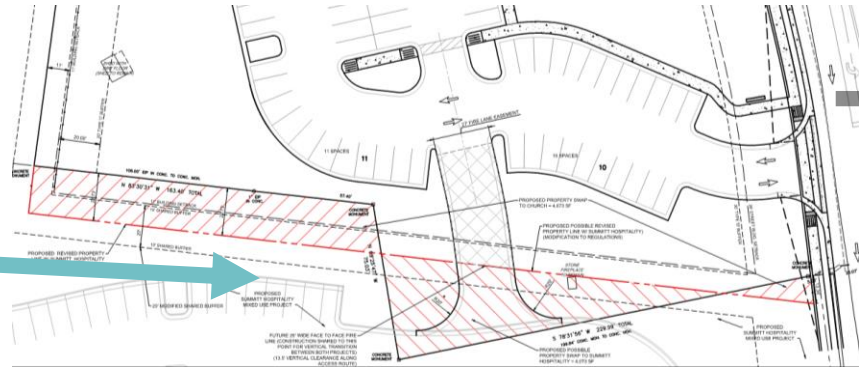
661



- Zoning: Residential-2 (R-2)
- Adjacent uses:
 - North – townhomes
 - East – townhomes
 - South – vacant
 - West – single family

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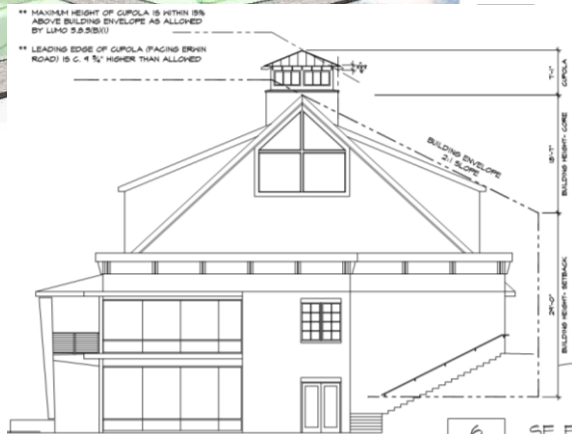
DIFFERENTIAL



- 662

Maximum Height Modification

663



Elevations

- 2-story building
- Primary structure complies with maximum height
- Cupola allowed to exceed building envelope by 15%. Modification requested for cupola to exceed additional 9.75" for small portion of cupola

DRAFT

Advisory Board Recommendations

664

Boards/Commissions	Recommendation
Community Design Commission	Approval as presented
Transportation and Connectivity Board	Approval as presented
Environmental Stewardship	Approval as presented
Stormwater Board	Approval with conditions
Planning Commission	Approval with conditions

DRAFT

Staff Recommendation

665

- Open the public hearing and receive comments
- Move to close the public hearing
- Enact Resolution A on October 7, 2020

DRAFT

RESOLUTION A

(Approving the Special Use Permit Application)

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR CHRIST COMMUNITY CHURCH AT 141 ERWIN ROAD (2020-##-##/R-#)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit application, proposed by Byron Peters on behalf of Christ Community Church, located on the southwest corner of Old Oxford Road and Erwin Road at 141 Erwin Road on property identified as Orange County Property Identifier Numbers 9799-39-9116 and 9799-49-0235, if developed according to the Site Plan last revised February 26, 2020 and the conditions listed below would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

SPECIAL TERMS AND CONDITIONS

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

Section 5.6.6 Schedule of required buffers: to allow a modification to the 30-foot Type C required buffer along the western property line to be reduced to 23.2 feet in one portion. Modified buffer in this area is to be comprised of existing mature trees and 8-foot tall solid fence.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the fence will provide opaque screening and the modification will allow preservation of a 50-year-old shed.

Section 5.6.5 Responsibility for buffer: to allow a shared buffer with the adjacent property to the south (PIN 9799- 48-1814). In the interim condition half of the landscape buffer will be provided on the Christ Community Church site and the remaining portion is to be satisfied with the existing vegetation on the adjacent site. At such time that the adjacent property develops, the full width and required plantings of the required buffer will be required.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the intent of the Land Use Management Ordinance will be met through the agreement between the two property owners.

Section 4.5.4(b)1 Modifications of Special Use Permits: to allow a change in the Special Use Permit boundary to be approved by the Town Manager as a minor change if a

property line adjustment is made after Special Use Permit approval provided there is no decrease in total lot area.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the request is based on an agreement with the adjacent property owner and will more easily allow for the shared buffer, a fire lane connection between the two properties, and an improved site layout for the project site.

Section 3.8.3.(b).(1) Exceptions to Setback and Height Regulations: to allow a 9.75-inch increase for a portion of the cupola that exceeds the permitted 15 percent increase in height.

These findings are based on a determination that the public purposes are satisfied as an equivalent or greater degree as the cupola adds an aesthetic element to the structure.

Section 4.5.5 Expiration and Revocation of Special Use Permit Approvals: to modify that construction must begin with twenty-four months of approval of a Special Use Permit and requests that this deadline be modified to a five-year construction start date and an eight-year construction completion date.

These findings are based on a determination that the public purposes are satisfied as an equivalent or greater degree that additional fundraising will be needed before construction can begin.

STIPULATIONS SPECIFIC TO CHRIST COMMUNITY CHURCH

1. Construction Deadline: Construction shall begin by _____(five years from the date of approval) and be completed by _____(eight years from the date of approval). [LUMO 4.5.5]
2. Land Use Intensity: This Special Use Permit authorizes the following:

Use: Place of Worship	
Gross Land Area	122,810 square feet (2.8 acres)
Maximum Floor Area	11,420 square feet
Maximum Parking Spaces	125 spaces
Minimum Parking Spaces	50 spaces
Minimum Bicycle Parking Spaces	8 spaces
Maximum Number of Seats	250 seats
Land Disturbance	76,445 square feet
Total Impervious Surface	51,949 SF (42.3%)

Utilities

3. OWASA: Prior to issuance of a Zoning Compliance Permit, written OWASA approval is required for any installations of backflow preventers, grease traps, oil/water separators, water meters, and elevator sump pumps.

Transportation & Access

4. Road Improvements: Prior to issuance of a Zoning Final, the developer shall widen Old

Oxford Road and Erwin Road and install sidewalk along the length of site frontage and provide bike lane on Erwin Road in accordance with plans. Design details and plans shall be approved by the Town Manager and North Carolina Department of Transportation (NCDOT) prior to the issuance of Zoning Compliance Permit.

5. Electric Vehicle Spaces: The applicant shall provide a minimum of three electric vehicle parking spaces and charging stations and 12 EV-ready parking spaces prior to issuance of a Zoning Final.

Landscaping

6. Trees and Sight Distance Conflicts: All trees are to be pruned in a uniform manner on all sides, to comply with sight distance triangle requirements.

Stormwater

7. SCM Outfall: An outfall for the proposed underground detention will be required on this property outside of the setback if the following condition is not met. The legal property owner at 137 Erwin Road has submitted a binding agreement and plan to accept stormwater from this site, 141 Erwin Road. If the plans have not been received by the Town of Chapel Hill at the time that this property, 141 Erwin Road, files for the Zoning Compliance Permit approval, then an outfall outside the setback must be designed and shown on the plan set.

Fire

8. Future Access: Future access to the adjacent property to the south shall be a minimum of 26 feet wide with a clear height of 13 feet 6 inches
9. FDC: Ensure that FDC location is as per sheet C-011 in Special Use Permit Site Plan Set.

TOWN OF CHAPEL HILL – SPECIAL USE PERMIT STANDARD STIPULATIONS

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

Affordable Housing

10. Affordable Housing Plan/Performance Agreement: That prior to the issuance of a Zoning Compliance Permit, the applicant must submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the applicant, the Town Manager (or designee), and the non-profit agency that will administer the affordable housing units that will contain the following information:

General information about the nature and scope of the covered development, including:

- a. 15% of the market rate units
- b. The applicant will construct affordable unit(s) on-site that will be priced at six of the units available to households earning 80 percent of the AMI and three of the units available to households earning 100 percent of the AMI.

- c. The applicant will provide partial payment-in-lieu to fulfill the affordable housing requirement for any fraction of a unit in accordance with the payment amount established by the Town Council.
 - i. The payment shall be made to the Town's Affordable Housing Fund.
 - ii. Payment must be received prior to issuance of the first Certificate of Occupancy.
- d. The Plan will include information on:
 - i. The total number of market rate units and Affordable Dwelling Units in the development.
 - ii. The number of bedrooms and bathrooms in each Affordable Dwelling Unit.
 - iii. The approximate square footage of each Affordable Dwelling Unit.
 - iv. The pricing for each Affordable Dwelling Unit. The pricing of each unit or lot shall be determined prior to issuing a Zoning Compliance Permit. At the time of sale, this price may be adjusted if there has been a change in the median income or a change in the formulas used in this ordinance.
 - v. Documentation and plans regarding the exterior appearance, materials and finishes of the development for each of the Affordable Dwelling Units.
- e. Any and all other information that the Town Manager may require that is needed to demonstrate compliance with the Council's Affordable Housing Policies.

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

11. Housing Plan: The applicant shall provide the following:
 - a. 15 percent of the market rate homes (9 proposed with the fractional amount provided as a payment-in-lieu)
 - b. Size of the affordable townhomes meet or exceed the minimum size requirements found in Table 3.10-2 of the Land Use Management Ordinance.
 - c. The affordable units to be placed within an organization ensuring their continued affordability for at least ninety-nine years.
 - d. The townhomes be integrated into the community as shown on the site plan dated November 11, 2015.
 - e. The townhomes be finished with exterior trim and finishes used on the market-rate homes.
12. Affordable Housing: That 44 percent or four of the nine units of the affordable housing shall be completed prior to Certificate of Occupancy of the half of the single-family dwelling units. The remaining affordable dwelling units to be completed prior to Certificate of Occupancy of 90 percent of the single-family dwelling units.
13. Affordable Housing Homeowner Association Dues: That the affordable town home owners shall contribute one-third (1/3) of the dues amount expected of the master association home owners. This is based on the size and value of the townhome units relative to the size and value of the single family homes.

Access

14. 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

15. 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]
16. 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]
17. 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]
18. 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]
19. 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).
20. 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.
21. 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.
22. 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]
23. 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]
24. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
25. 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]

26. 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]
27. 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

28. 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]
29. 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]
30. 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]
31. 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]
32. 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]
33. 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]
34. 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.

35. 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).
36. 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]
37. Community Design Commission Review: The Community Design Commission shall review the building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit. [LUMO 8.5.5] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission. [LUMO 8.4.6]

Environment

38. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance.
39. Phasing Plan: If phasing of the project is proposed, then, prior to issuance of a Zoning Compliance Permit, the developer shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. The Phasing Plan also shall detail which public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases have been completed, with a note to this effect on the final plans and plats. [LUMO 4.5.3]
40. 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]
41. Silt Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent roadways. [Town Code 5-86]
42. 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]
43. Curb Inlets: The developer shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]

44. 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]
45. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy. [Town Design Manual Chapter 10]
46. 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]
47. 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

48. 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.
49. 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

50. 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]

51. 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]
52. 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]
53. 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]
54. 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.

Homeowner Association

55. Homeowners' Association: That a Homeowners' Association shall be created that has the capacity to place a lien on the property of a member who does not pay the annual charges for maintenance of all common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final plat. The Homeowners' Association documents shall comply with Section 4.6.7 of the Land Use Management Ordinance. That the Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.
56. Homeowners' Association Responsibilities: The Homeowners' Association shall be responsible for the maintenance, repair, and operation of required bufferyard(s), open space, recreation areas, paths, community garden, and shared stormwater management facilities.
57. Dedication and Maintenance of Common Area to Homeowners' Association: That the applicant provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common areas, however designated, including the community garden; recreation space; open space and common areas; the bufferyards; and stormwater management facilities. That the Homeowners' Association shall be responsible for the maintenance of the proposed internal subdivision roads until the NCDOT or the Town assumes ownership of the internal streets. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross-referenced on the final plat.
58. Solar Collection Devices: That the Homeowners' Association, or similar entity, shall not include covenants or other conditions of sale that restrict or prohibit the use, installation, or maintenance of solar collection devices, including clotheslines.

Fire Safety

59. 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]
60. 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]
61. 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]
62. 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.
63. 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]
64. 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.
65. 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]
66. 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]

67. 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.
68. 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]
69. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
70. 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]
71. 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]
72. 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]
73. 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]
74. 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]
75. 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]

76. 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.
77. 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.
78. 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]
79. 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.
80. 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]
81. 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]
82. 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

83. 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]

84. 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]
85. 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

86. 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]
87. 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

88. 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]
89. 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]
90. 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]

91. 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]

92. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]

93. 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]

94. 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.

95. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.

96. 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.

97. 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]

98. Vested Right: This Special Use Permit or Special Use Permit Modification constitutes a site specific development plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.

99. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
100. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
101. 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 Special Use Permit for Christ Community Church at 141 Erwin Road.

This the ____ day of _____, 2020.

RESOLUTION B

(Denying the Special Use Permit)

A RESOLUTION DENYING AN APPLICATION FOR A SPECIAL USE PERMIT FOR CHRIST COMMUNITY CHURCH AT 141 ERWIN ROAD (2020-##-##/R-#)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit application, proposed by Byron Peters on behalf of Christ Community Church, located on the southwest corner of Old Oxford Road and Erwin Road at 141 Erwin Road on property identified as Orange County Property Identifier Numbers 9799-39-9116 and 9799-49-0235, if developed according to the Site Plan last revised February 26, 2020 and the conditions listed below would not:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council hereby denies the application for a Special Use Permit for Christ Community Church at 141 Erwin Road.

This the _____ day of _____, 2020.

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION FOR SPECIAL USE PERMIT: CHRIST COMMUNITY CHURCH, 141 ERWIN ROAD

May 5, 2020

Recommendation: Approval ☐ Approval with Conditions ☒ Denial ☐

Motion: Melissa McCullough moved and Michael Everhart seconded a motion to recommend that the Council approve Resolution A, with the following conditions:

- Should the shed have to be replaced, the replacement shed would be relocated so as not to encroach into the property setbacks.
- If the property line realignment is accepted, a 20' buffer shall be required on the applicant's side of the property.

Vote: 9 – 0

Yeas: John Rees (Chair), Louie Rivers (Vice-Chair), James Baxter, Neal Bench, Michael Everhart, Melissa McCullough, Whit Rummel, Buffie Webber, Stephen Whitlow

Nays:

Prepared by: Michael Sudol, Planner II

COMMUNITY DESIGN COMMISSION

The charge of the Community Design Commission is to assist the Council in guiding the Town's vision on aesthetics, character, and function to focus community growth through advice, advocacy and implementation of the Council's policies and review of proposed development in key areas of the community.

RECOMMENDATION FOR SPECIAL USE PERMIT AT 141 ERWIN RD – CHRIST COMMUNITY CHURCH

April 27, 2020

Recommendation: Approval ☒ Approval with Conditions ☐ Denial ☐

Motion: Hoskins moved and Van de Velde seconded a motion to recommend Resolution A for approval, with a recommendation up to 18” of height may be added to the cupola, as determined by the architect.

Vote: 8-0

Yeas: Chair Dancy, Vice-Chair Berndt, Hoskins, Levell, Lyons, Patnaik, Van de Velde and Weis

Nays: NA

Prepared by: Adam Nicholson, Senior Planner

ENVIRONMENTAL STEWARDSHIP ADVISORY BOARD

The charge of the environmental stewardship advisory board will be to assist the Chapel Hill Town Council in strengthening environmentally responsible practices that protect, promote and nurture our community and the natural world through advice and program support.

RECOMMENDATION FOR CONDITIONAL ZONING FOR CHRIST COMMUNITY CHURCH LOCATED AT 141 ERWIN ROAD

May 12, 2020

Recommendation to Council: Approval ☒ Approval with Conditions ☐ Denial ☐

Motion: Julie McClintock moved and Greg Ames seconded a motion to recommend that the Council approve the conditional zoning for the Christ Community Church, located at 141 Erwin Road, with the following special considerations.

Vote: 8-0

Yeas: Adrienne Tucker (Chair), Maripat Metcalf (Vice-Chair), Bruce Sinclair, Gregory Ames, Noel Myers, John Wallace, Julie McClintock, Tom Henkel

Nays:

Special Considerations:

- Use low flow toilets
- Minimize artificial fertilizers and herbicides
- Rotate building 90 degrees to be solar ready
- Increase stormwater management controls relative to current conditions

Prepared by: Adrienne Tucker, Chair, Environmental Stewardship Advisory Board
 John Richardson, Community Resilience Officer, Staff Liaison to ESAB

TRANSPORTATION AND CONNECTIVITY ADVISORY BOARD

To assist the Chapel Hill Town Council in creating an inclusive connected community by recommending, advocating and planning for comprehensive, safe, effective and sustainable multi-modal transportation and connectivity

RECOMMENDATION

Christ Community Church – Special Use Permit

April 28, 2020

Recommendation: **Approved** ☒ **Approval with Conditions** ☐ **Denied** ☐

Motion: Vice-Chair Susanne Kjemtrup-Lovelace moved and Brian Hageman seconded to approve the special use permit application for Christ Community Church.

Vote: 6-2

Ayes: **Jason Merrill (Chair), Susanne Kjemtrup-Lovelace (Vice-Chair),
Eric Allman, Joshua Kastrinsky, Brian Hageman and Heather
Brutz**

Nays: **Rudy Juliano, Jack Whaley**

Prepared by: Jason Merrill, Chair, Transportation and Connectivity Advisory Board
Jomar Pastorelle, Transportation Planner I

MEMORANDUM

TO: Mayor and Town Council

FROM: Pamela Schultz, Chair, Stormwater Management Utility Advisory Board

SUBJECT: Christ Community Church recommendations

DATE: May 15, 2020

In response to the Town Council's request and on behalf of the Stormwater Management Utility Advisory Board (Board), I present recommendations concerning the Christ Community Church Special Use Permit application.

The Board held virtual meetings on Monday, May 4, 2020 and Thursday, May 14, 2020 to receive presentations from the Planning staff and the applicant; to receive input from residents; and to prepare recommendations, which are included below.

The Stormwater Management Utility Advisory Board (Board) acknowledges the project meets the Town's stormwater management regulations and the Board supports the additional detention storage and peak flow reductions being proposed by the applicant.

The Board recommends the inclusion of Stipulation 7 as part of the Special Use Permit approval.*

The Board also recognizes the continuing flooding concerns experienced by residents in the Lower Booker Creek Subwatershed. This further supports the Board's priorities previously provided to the Town Council of continuing the subwatershed studies and funding the construction of the priority projects.

A motion to approve these recommendations was made by Mr. Klakovich; Ms. Stowe seconded the motion. In a roll call vote, the motion was approved unanimously (7-0).

Members present: Bevington, Hearn, Hoyt, Klakovich, Pickens, Schultz, Stowe

Member(s) absent: Wang

Member(s) recused: Post

* Stipulation 7 refers to the plan and legally binding agreement between the applicant and the SHG, LLC, concerning the discharge of stormwater from the Christ Community Church project site to the SHG, LLC property. SHG, LLC is the owner of the property (PIN: 9799481814) along the southern boundary of the Christ Community Church project site.

SPECIAL USE PERMIT APPLICATION



TOWN OF CHAPEL HILL
Planning Department
 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): 9799-39-9116 and 9799-49-0235

Date February 5th, 2020

Section A: Project Information

Project Name: Christ Community Church

Property Address: 141 Erwin Road Zip Code: 27514

Use Groups (A, B, and/or C): B Existing Zoning District: R-2

Project Description: Demolish existing residence and existing day care and build one worship building of 11,420 sf with 117 parking spaces and associated stormwater controls and public improvements.

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

Applicant Information (to whom correspondence will be mailed):

Name: Christ Community Church

Address: 1526 E. Franklin Street

City: Chapel Hill State: NC Zip Code: 27514

Phone: (919) 636-5258 Email: byron@cccpc.org

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

Signature: *Byron J. Peters, Jr.* Date: 2/4/2020

Owner/Contract Purchaser Information:

☐ Owner

☒ Contract Purchaser

Name: Christ Community Church

Address: 1526 E. Franklin Street

City: Chapel Hill State: NC Zip Code: 27514

Phone: 919-636-5258 Email: byron@cccpc.org

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

Signature: *Byron J. Peters, Jr.* Date: 2/4/2020

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

**PROJECT FACT SHEET**

TOWN OF CHAPEL HILL

Planning Department

Section A: Project Information**Use Type:** (check/list all that apply)
☒ Office/Institutional
 ☐ Residential
 ☐ Mixed-Use
 ☒ Other: PLACE OF WORSHIP
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=	111,645	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=	11,165	sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=		sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	122,810	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)	92,400
Area of Land Disturbance within RCD	None
Area of Land Disturbance within Jordan Buffer	None

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	9,690	9,666	51,949	51,973
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA)%	7.89	7.87	42.30	42.32
If located in Watershed Protection District, % of impervious surface on 7/1/1993	NA	NA	NA	NA



Section D: Dimensions

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	Seven ; 7,725 sf	Six ; 7,646 sf	One : 11,420 sf	Two ; 11,420 sf
Number of Floors	One and Two	One and Two	Two	One and Two
Recreational Space	None	None	None	None

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)	4,551	4,551	NONE	NONE
Total Square Footage of All Units				
Total Square Footage of Affordable Units				
Total Residential Density				
Number of Dwelling Units				
Number of Affordable Dwelling Units				
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	3,095 sf	0 sf			
Restaurant			# of Seats		
Government					
Institutional					
Medical					
Office					
Hotel			# of Rooms		
Industrial					
Place of Worship	0 sf	11,420 sf	# of Seats	None	250
Other					

Dimensional Requirements		Required by Ordinance	Existing	Proposed
Setbacks (minimum)	Street	26	39	30 (from new R/W)
	Interior (neighboring property lines)	11	25	25
	Solar (northern property line)	13	66	74
Height (maximum)	Primary	29	NA	16
	Secondary	50	31 (Approx)	50
Streets	Frontages	52	145	239
	Widths	65	131	252

**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
Old Oxford Road	60	24	Two	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
Erwin Road	60	30	2/3	<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
Old Oxford Road	5 ft	Conc	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Erwin Road	5 ft	Conc	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Section G: Parking Information

Parking Spaces	Minimum	Maximum	Proposed
Regular Spaces	50	125	112
Handicap Spaces	2	3	5
Total Spaces	52	128	117
Loading Spaces	NA	NA	NA
Bicycle Spaces	5	5	8
Surface Type	Asphalt		

Section H: Landscape Buffers

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
North	20	40	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
South	10 (SHARED)	10 (SHARED)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
East	30	30	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
West	20	30/26	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes



Section I: Land Use Intensity

Existing Zoning District: R-2

Proposed Zoning Change (if any):

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
R-2	.093						
TOTAL	.093			NA	85,967	11,421	NA
RCD Streamside		0.01					
RCD Managed		0.019					
RCD Upland							

Section J: Utility Service

Check all that apply:

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



**SPECIAL USE PERMIT APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning Department**

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.

X	Application fee (including Engineering Review fee) (refer to fee schedule)	Amount Paid \$	8,924.40
X	Pre-application meeting –with appropriate staff		
X	Digital Files – provide digital files of all plans and documents		
X	Recorded Plat or Deed of Property		
X	Project Fact Sheet		
X	Traffic Impact Statement – completed by Town's consultant (or exemption)		
X	Description of Public Art Proposal		
X	Statement of Justification		
X	Response to Community Design Commission and Town Council Concept Plan comments		
NA	Affordable Housing Proposal, if applicable		
NA	Provide existing Special Use Permit, if Modification		
X	Mailing list of owners of property within 1,000 feet perimeter of subject property (see GIS notification tool)		
X	Mailing fee for above mailing list (mailing fee is double due to 2 mailings)	Amount Paid \$	
X	Written Narrative describing the proposal		
X	Resource Conservation District, Floodplain, & Jordan Buffers Determination – necessary for all submittals		
NA	Jurisdictional Wetland Determination – if applicable		
NA	Resource Conservation District Encroachment Exemption or Variance (determined by Planning)		
NA	Jordan Buffer Authorization Certificate or Mitigation Plan Approval (determined by Planning)		
X	Reduced Site Plan Set (reduced to 8.5" x 11")		

Stormwater Impact Statement (1 copy to be submitted)

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



**SPECIAL USE PERMIT APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning Department**

- 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



**SPECIAL USE PERMIT APPLICATION
SUBMITTAL REQUIREMENTS
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Planning Department**

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



**SPECIAL USE PERMIT APPLICATION
SUBMITTAL REQUIREMENTS
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Planning Department**

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



**SPECIAL USE PERMIT APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning Department**

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)



December 12th, 2019
Revised March 5th, 2020

Findings of Fact and Requests by the Applicant to Town Council

- A. **Project:** Christ Community Church
- B. **Location:** 141 Erwin Road (Corner of Old Oxford and Erwin Roads)
- C. **Type of Application:** Special Use Permit
- D. **Summary of Project:** On the 2.56-acre parcel, the existing residential buildings and outbuildings will be removed and recycled to the extent practicable. A new 11,420 Church, consisting of a worship area, fellowship area, classrooms, and Church office is proposed. The site will include on-site parking, extensive stormwater controls, existing buffer trees and new plantings and fencing, and widening, curb and sidewalk along both Old Oxford and Erwin Road frontages. There will be no use on the site other than a worship facility.

E. **Findings of Fact:**

1. ***That the use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare.***

This application is for a worship facility with Sunday services; there will be a very small office staff of 1 to 3 persons during weekdays. There will be no daycare or school use.

The Traffic Study shows there will be no change in level of service due to Christ Community Church. The Traffic Study recommends two (2) entrances, widening of Erwin Road with bike lane, and widening of Old Oxford along with public sidewalks along both streets. The SUP plans for the Church incorporate all these recommendations.

An extensive underground Stormwater treatment and detention system, located under the parking lot, will control runoff rate and treat runoff to meet and exceed Town standards.

When Concept Plans were submitted for this project, several neighbors predicted that Christ Community Church would be a “good neighbor”. The Church is fully committed to realizing this expectation.

2. ***That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Articles 3 and 5, the applicable specific standards contained in the supplemental use regulations (Article 6), and with all other applicable regulations.***

This project will comply with all TOCH regulations and standards. As discussed later in this statement, the Church requests Council permission to retain the 50-year-old, small outdoor storage shed with dirt floor in the southwest portion of the site to store yard equipment, so as to be able to maintain its 2.8-acre campus. Along its southern boundary with the proposed Summit Hospitality Group project, Town Council asked Christ Community Church to “work with” the adjoining project during the concept design process. This cooperation has resulted in requests by the Applicant to Town Council for a modified shared buffer, for the adjustment of the property line between the two projects, and for a fire lane connection between the two properties.

Connecting the Riches of Christ to the Realities of Life

P.O. Box 2314 • Chapel Hill, NC 27515 • www.cccpca.org



December 12th, 2019
Revised March 5th, 2020

3. That the use or development is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity:

At the Concept stage, neighbors expressed concern about stormwater runoff, traffic and building height and buffering. The submitted SUP plans and details for Christ Community Church address each of those concerns:

- Larger areas of existing hardwoods and existing tree areas will be left undisturbed on the site as compared to the Concept Plan.
- Treed buffers, planted buffers and fencing have been increased since the Concept Plan.
- Impervious surface has been reduced by about 10% since the Concept Plan.
- Extensive stormwater controls and curbing will be installed to address any offsite stormwater impacts.
- The Traffic Study shows no traffic impact.
- Building height has been reduced. This, along with the extensive existing trees to be saved, will result in the Church being well-screened from neighbors.

4. That the use or development conforms with the general plans for the physical development of the town as embodied in this appendix and in the Comprehensive Plan.

This project will comply with all zoning standards for the existing R2 Zoning.

With regard to Town Strategic Goals for 2020-2022, the SUP plans for Christ Community Church fully support the three (3) Council objectives for Environmental Stewardship:

- The 7,646 SF of existing buildings to be removed will be recycled to the maximum extent possible.
- Extensive stands of existing hardwoods and red cedars on site will be permanently preserved.
- EV stations will be built as part of initial construction, with provisions made for an additional 20 EV stations which could be connected when circumstances warrant.
- Extensive stormwater controls will protect neighbors, waterways, and preserve ecosystems.
- Absolutely no stream buffer, RCD, wetland or any other environmentally sensitive areas will be impacted by this development.

The Council Goal of increased connectivity will be achieved because of the extensive proposed public and private sidewalk system, the proposed bike lane on Erwin Road and the proposed covered bike spaces on site.

Although meeting the spiritual needs of Chapel Hill residents may not be a “stated” Council Goal, Christ Community Church has held services for over a dozen years at a couple different locations in Chapel Hill. The Church is excited about the possibility of maintaining and enhancing its spiritual presence in the local community with its own, permanent worship building, and respectfully asks for the support and confidence of the Chapel Hill Town Council to approve this SUP application.

Connecting the Riches of Christ to the Realities of Life

P.O. Box 2314 • Chapel Hill, NC 27515 • www.cccpca.org



December 12th, 2019
Revised March 5th, 2020

F. Requests by the Applicant to Town Council for Modifications:

1. **Modified Buffer:** The existing 50-year-old outdoor storage shed, buffered by an existing 8' opaque wood fence and existing large pine and hardwood trees, is 26 feet from the property line and encroaches 4.8 feet into the required buffer. The Church respectfully asks that the existing 26-foot buffer, the existing mature trees and the existing fence be approved by Council as an Alternate, Modified Buffer so that this shed can remain.
2. **Summit Hospitality Group Project:** The Church has met extensively with representatives of the Summit project over the past 16 months. Christ Community Church and Summit have agreed to cooperate and coordinate in the areas of the street widening for Erwin Road, stormwater, fire lane, and tree save areas along the southern boundary. The plans show a proposed adjustment to the property line between the two projects, providing a fire lane connection for Summit and, in particular, to provide a full-width shared Modified landscape buffer between Christ Community Church and the Summit project. The Church asks that Town Council recognize and support the extensive cooperation between the two projects by approving an SUP stipulation which modifies regulations to allow the Town Manager to approve all documents related to (a) adjusting the existing property line (LUMO article 4.5.5(b)(1), and (b) providing a Modified, shared landscape buffer (LUMO article 5.6.5), where the other half of the shared buffer will be provided at the time the adjacent property is developed.
3. **Cupola Height:** The overall height of the building and roof cupola have each been reduced in order to conform with LUMO article 3.8.3(b)(1). While the maximum height of the cupola as designed is within the limits defined by LUMO (15% maximum above core building height at vertical intersection of roof element and building envelope), the leading edge of the shortened cupola (facing Erwin Road) is now 9-3/4" above the maximum height allowed. Since the cupola cannot be further shortened without eliminating windows on (2) of the 4 sides, and the cupola as designed is an important element of an architectural expression that has been generally well-received by neighbors, CDC, and the Town Council, we respectfully request that Town Council approve an SUP stipulation which modifies regulations to allow the height of the cupola to be approved as designed.
4. **Timetable:** Christ Community Church is very hopeful that an SUP for this important project will gain approval from the Town Council in the first quarter of 2020. Immediately after obtaining an SUP, the church will close on the property and have full title to the land, and will be able to alter the property line as described above. After purchase and closing, the Church must embark on a second fund raising campaign in order to acquire the money to design and build the 11,420 SF structure, the private improvements, and the proposed extensive public improvements.

Because of the need for fundraising, the Church respectfully asks Council to approve an SUP Stipulation that will allow the Town Manager to approve a detailed Phasing Plan so that construction must begin within five (5) years after SUP approval and construction must be complete within eight (8) years after SUP approval, subject to all other provisions of LUMO with respect to time limits and time extensions.

Connecting the Riches of Christ to the Realities of Life

P.O. Box 2314 • Chapel Hill, NC 27515 • www.cccpca.org

FIRM: C-347

A) Comments from Community Design Commission on January 22, 2019

Comment

Response

Susanna Dancy

- | | |
|--|--|
| 1) Traffic concerns are outside our preview..... | We Agree |
| 2) Building at the corner? | Building moved closer to corner |
| 3) Not concerned about the height of the building,
because churches are landmark/civic structures | Acknowledge |
| 4) I like the parking in the back, and the layout for connections..... | We Agree |
| 5) RI/RO – may need full intersection..... | RI/RO eliminated; full intersection now proposed |

Lucy Carol Davis

- | | |
|---|-------------|
| 1) I like it | We Agree |
| 2) Don't see the height of the building as an issue..... | Acknowledge |
| 3) I like the landscape along the road | We Agree |
| 4) I like the parking in the back; like porches – break up height | We Agree |
| 5) I don't see rush hour traffic as a factor | Acknowledge |
| 6) So far, I like what I see | Acknowledge |

Chris Berndt

- | | |
|--|------------------------------------|
| 1) Clarification: Is the height 56 feet at the rear,
and 40-something at the front? | Yes 56ft rear; about 43ft at front |
| 2) I like the design; it fits with the topography and
the neighborhood | We Agree |

Chris Berndt (continued)

- 3) Biggest concern is storm water Acknowledge
- 4) Have you considered pervious parking? Poorly drained soils on site will not allow pervious paving to work
- 5) Need details of second building Second building has been eliminated
- 6) Access points: Will main access be from Erwin Road? Yes
Prevent being a "cut-thru" to Marriott..... Traffic Study allows only emergency Connection

Megan Patnaik

- 1) I like the proposed use of the property We Agree
- 2) I like the pedestrian-friendly rear of the building. We Agree
- 3) Can better pedestrian access be added to the front? Good pedestrian access has been added from Erwin sidewalk to the Church

Ted Hoskins

- 1) I like the design We Agree
- 2) I'm not troubled by the height of the building; Acknowledge
it's consistent with a civic use
- 3) I am intrigued by Chris' comment about access See response to Chris Berndt
- 4) Might you improve drainage beyond the We have designed the storm detention to
minimum requirement as a trade for R3 rezoning? Exceed Town Standards

Polly Van De Velde

- 1) I like the design We Agree
- 2) Many trees removed We have increased trees to be saved along all four sides of the site
- 3) Can you implement "rain gardens"? We tried, but rain gardens will not
Provide enough storage to reduce
Runoff to below pre-development levels

- 4) Can you use cross- parking ? Town Traffic Study prohibits cross-parking
- 5) Regarding Phase 2: I have a little problem Phase 2 has been eliminated
approving something without seeing it
- 6) Right In/Right Out a concern RI/RO eliminated

Susan Lyons

- 1) I really like appearance of the building; a really good fit..... We Agree
- 2) I'm concerned about the storm water We have designed the storm detention
To exceed Town Standards
- 3) Trees in the buffer area We have increased trees to be saved
Along all four sides of the site

Voulker (Chairman)

- 1) I really like the building Acknowledge
- 2) I'm concerned about the parking – the runoff from The storm system will mitigate storm
Stormwater – so I'd like to see that improved with flows to a greater extent than Town
Measures beyond the minimum Standards
- 3) If Phase 2 is harmonized with this present design, Phase 2 has been eliminated
then I can foresee a great project
- 4) As for future use, I think we need to take what Thank you
has been presented on good faith
- 5) Want to see buffer replanted..... We have saved many existing trees
in the bufferyards.

FIRM: C-347

B) Comments from Town Council on March 20, 2019

Comment

Response

Michael Parker

- | | |
|---|--|
| 1) Not enough parking, but too much Impervious..... | We have increased the parking and reduced the impervious surface area |
| 2) Move building? | We moved the building north |
| 3) When will second building be built? | We have dropped the second building |
| 4) Study entrance off Erwin | The Traffic Study recommends a full intersection off Erwin and we agree. |
| 5) Is this project eligible for Conditional Zoning? | No, it is not eligible |

Hongbin Gu

- | | |
|--|--|
| 1) For rezoning, must make the case | There is no rezoning involved |
| 2) Can building fit into R2? | Yes, that is exactly what we have done. |
| 3) Take building one step at a time; wait until R3 needed..... | Yes, we will wait until additional room is needed. |
| 4) Parking and flood issues | We have improved parking based on Council suggestions and we propose a stormwater solution which will go above and beyond Town Standards |

Alan Baunsi

- | | |
|---|--|
| 1) Like design of building | We Agree |
| 2) Do simple first | We Agree |
| 3) How many attend services? | Currently about 165; the worship area in the proposed building will seat 250 |
| 4) What will second building look like? | Second building has been dropped. |

Karen Stegman

- | | |
|---|---|
| 1) Parking, need tree preservation..... | We have increased parking, saved trees on all four (4) sides and have reduced impervious surface. |
| 2) Check impervious | See answer to #1 |
| 3) Large buffer to neighborhood | We have saved trees and increased the buffer to the neighborhood |
| 4) Need Traffic Study for volumes | Traffic Study shows no traffic impact from this project |
| 5) Like idea of neighborhood access to the playground | We Agree. |

Nancy Oates

- | | |
|--|--|
| 1) This may be the best project for the neighborhood..... | We Agree. |
| 2) Curve on Erwin | Erwin Road will be widened; the curve is completely off our site |
| 3) Can hotel be overflow? | The Traffic Study prohibits any shared parking |
| 4) Like the design | We Agree |
| 5) Build Phase 2 when it's needed. Build what you can now..... | We Agree. |

Pam Heminger

- | | |
|---|--------------------------------------|
| 1) Continue dealing with neighbors | We agree and are doing so. |
| 2) Church will be a good neighbor | We Agree. |
| 3) Traffic Study needed | We Agree. |
| 4) Impervious needs to be looked at | Impervious surface has been reduced. |
| 5) Concerned about second building | Second building has been dropped |

Pam Heminger (Continued)

- | | |
|---|--|
| 6) Two entrances | The Traffic Study recommends two (2) full entrances and we agree |
| 7) Work with Marriott about parking | We are cooperating about emergency Access, but the Traffic Study prohibits Cross-parking |

Special Use Permit Narrative: Energy Management Plan

This project will reduce energy consumption in a number of important ways:

Solar orientation: there is a balcony and large roof overhang along the SW side of the structure that will serve to minimize heat gain in the summer months, while allowing for solar penetration/ heat gain in the winter months, thus reducing energy use year round.

Building siting: locating the ground floor below the finished grade for entire NE edge of the building will serve to provide significant insulation value, reducing energy required for heating and cooling.

Daylighting: large windows with insulating glazing combined with proper shading will be used to provide access to natural light while reducing solar heat gain, thus reducing costs associated with artificial lighting.

Construction- transportation: to the greatest extent feasible, the church will seek to use locally-sourced construction materials for this project in order to reduce energy consumption required for transport.

Construction- materials: to the greatest extent feasible, the church will seek to use sustainably-sourced and recycled building and finish materials, thus reducing latent energy costs.

HVAC and Lighting: mechanical and electrical systems will be designed to provide a minimum of 10% energy savings in excess of the standards required by ASHRAE 90.1 (2010). Strategies will include high-efficiency mechanical systems, generous building insulation, and maximum use of LED lighting fixtures.

CHRIST COMMUNITY CHURCH

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



CHRIST COMMUNITY CHURCH

TRAFFIC IMPACT STUDY

EXECUTIVE SUMMARY



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May 2019





EXECUTIVE SUMMARY

Project Overview

Christ Community Church of Chapel Hill is proposing the construction of a new church building on a parcel located along Erwin Road and Old Oxford Road in Chapel Hill. The project proposes to construct a 11,420 square foot building with 270 sanctuary seats and supporting facilities and 102 on-site parking spaces. **Figure ES-1** shows the general location of the site. The project is anticipated to be fully complete over the next four to six years. This report analyzes the transportation impacts for the build-out scenario for the year 2025 when church attendance at the Sunday AM service is expected to be approximately 220, the no-build scenario for 2025, as well as 2019 existing year traffic conditions.

The proposed site concept plan shows a full movement access connection with Old Oxford Road across from Kirkwood Drive and a right-turn in/right-turn out only (RIRO) access along Erwin Road across from McGregor Drive. This study also examines the impacts of allowing full access at the proposed RIRO driveway. Potential internal vehicular cross-access connections to the parcel to the south are also shown. No other transportation system changes are proposed on the site plan. **Figure ES-2** displays the preliminary concept plan of the Christ Community Church and nearby land uses and roadways.

This report analyzes and presents the transportation impacts that the Christ Community Church will have on the following existing and future intersections in the project study area:

- Old Oxford Road and Kirkwood Drive / Proposed Full Access Site Driveway
- Erwin Road and Old Oxford Road / Windhover Drive
- Erwin Road and McGregor Drive / Proposed Right-Turn In/Right-Turn Out Only Driveway
- Erwin Road and Dobbins Drive
- Erwin Road / Europa Drive and US 15-501 (Fordham Boulevard)

The impacts of the proposed site at the study area intersections were evaluated during a typical Sunday AM peak hour when church services would occur. The site is expected to only generate a nominal number of trips during the week.

Existing Conditions

Study Area

The site is located in northern Chapel Hill along Erwin Road and Old Oxford Road just to the north of the US 15-501 (Fordham Boulevard) corridor. The study area contains four signalized intersections and several unsignalized intersections. It also includes the two future driveway connections from the site to Erwin Road and Old Oxford Road. US 15-501 is a major arterial facility providing connectivity between Chapel Hill, Durham and the I-40 corridor. Remaining study area network roadways are either minor arterial/collector facilities or local neighborhood access streets.

Site Traffic Generation

With the addition of new vehicular trips during the Sunday AM peak hour, there are potential site traffic impacts to the study area intersections. **Table ES-1** shows the site trip generation details, with generation rates and methodologies taken from a May 2018 trip generation study of the existing church site at the Extraordinary Ventures building located along Elliott Road in Chapel Hill. Information from the study was compared to data from the *Institute of Transportation Engineers (ITE) Trip Generation Manual, Version 10*. The existing church generation rates were based on number of attendees compared to observed vehicle trips entering and exiting the site and the highest peak hour data was selected for extrapolation for anticipated church attendance growth by 2025. The highest peak hour occurs at the conclusion of the church service. Church related traffic entering the site is spread out over a longer duration, as some



members arrive early for Sunday school activities and then others arrive for the primary service. This pattern is expected to continue for the proposed new church site.

Table ES-1. Sunday AM Peak Hour Trip Generation Summary

Land Use	Units	Sunday Daily			Sunday AM Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total
Church	220 Attendees	103	103	206	4	98	102
TOTALS		103	103	206	4	98	102

Background Traffic

Background traffic growth for the 2025 analysis year is expected to come from two sources - ambient regional traffic growth and specific development-related traffic growth. Based on existing information, several currently proposed or Town-approved development projects in and near the project study area may be expected to contribute to specific background traffic growth by the 2025 analysis year. Two projects – the Wegmans Supermarket and the Marriott Residence Inn redevelopment were included as specific background traffic generators. To account for region-wide growth, an ambient area-wide traffic growth percentage of 1.0 percent per year was applied to existing traffic volumes, based on conservative growth projections based on historic daily traffic growth patterns in the project study area (NCDOT and Town of Chapel Hill daily traffic information).

Impact Analysis

Peak Hour Intersection Level-of-Service (LOS)

Study results indicate existing traffic operations at all study area intersections are acceptable during the Sunday AM peak hour. Even with the addition of peak hour site-generated trips to the projected 2025 background traffic volumes, none of the study area intersections are projected to experience deficient traffic operations in the Sunday AM peak hour in the 2025 analysis year. 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 LOS is shown in **Table ES-2**.

Table ES-2. Sunday AM Peak Hour LOS and Delay (Seconds/Vehicle) Summary

Intersections	2019 Existing		2025 No-Build		2025 Build		2025 Build – Full Access on Erwin	
	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
Old Oxford Road and Kirkwood Drive / Proposed Full Access Site Driveway [#]	A	9.0	A	9.0	A	9.5	A	9.3
Erwin Road and Old Oxford Road / Windhover Drive [#]	C	16.4	C	17.7	C	20.8	C	19.7
Erwin Road and McGregor Drive / Proposed Site RIRO Driveway [#]	C	11.2	C	11.6	C	15.7	C	16.2
Erwin Road and Dobbins Drive [#]	C	16.1	C	18.4	C	21.7	Results are Same as 2025 Build Scenario	
US 15-501 Northbound and Southbound U-Turn / Thru to 15-501 Service Road	A	7.9	A	9.0	A	11.2		
US 15-501 Northbound and Europa Drive	B	10.3	B	10.1	B	10.1		
US 15-501 Southbound and Northbound U-Turn	B	15.5	B	16.2	B	16.3		
US 15-501 Southbound and Erwin Road	C	26.2	C	28.3	D	41.0		

[#] - Worst-Case LOS/Delay for Unsignalized/Stop-Controlled Critical Movement



Access Analysis

Vehicular site access is to be accommodated by two proposed access driveways connecting to Old Oxford Road to the north (full access) and Erwin Road (RIRO only access) to the east of the site. Design details related to driveway throat lengths are shown on the concept plan and provide approximately 75 foot and 25 foot driveway throat lengths for the north and east access points, respectively. The driveway throat stem for the RIRO driveway along Erwin Road is shorter than recommended NCDOT standards (100 feet) and should be revised to include additional length, particularly if the driveway would serve as a full access point. Driveway separation distances along Erwin Road and Old Oxford Road 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 North Carolina Highways* and the 100 foot minimum spacing between driveways and adjacent intersections along collector streets specified in the 2017 *Town of Chapel Hill Design Manual*.

Access for pedestrians and bicyclists is adequate in the project study area. Sidewalk is present on the eastern side of Erwin Road opposite the site between Windhover Drive and US 15-501. Crosswalk and pedestrian signals exist across US 15-501 superstreet intersection with Erwin Road/Europa Drive and unsignalized crosswalks are present at two quadrants of the Erwin Road/Dobbins Drive intersection. There is a short striped bicycle lane painted on the western side of Erwin Road south of the site to Dobbins Drive. Paved shoulders for bicycling exist along Dobbins Drive east of Erwin Road and along US 15-501 in the project study area. The site concept plan shows sidewalk provided along the north and east frontage of the site parcel.

Signal Warrant Analysis

Based on projected 2025 traffic volumes, operational LOS/delay results, and current/proposed access plans, no study area intersection would warrant the installation of a traffic signal, based on the methodology found in the 2009 *Manual on Uniform Traffic Control Devices (MUTCD)*.

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
Long-Range Daily V/C Analysis	Due to the fact that the proposed site will add approximately 200 daily trips (on a Sunday) to the study area network, no long-range daily v/c analysis was conducted for this study.
Turn Lane Storage Requirements	Storage bay lengths at study area intersections were analyzed using Synchro and HCM 95 th percentile (max) queue length estimates for the 2025 Build Scenario. No unsignalized intersection is expected to have excessive peak hour queues or conditions that exceed existing turn lane storage. The US 15-501 superstreet intersection has estimated queues that may exceed the distance between US 15-501 and Dobbins Drive along southbound Erwin Road. These issues are not necessarily due to site-related traffic impacts and could be corrected by adjusting the green time for the Erwin Road approach to clear out the queue upstream of the intersection.
Appropriateness of Acceleration / Deceleration Lanes	The site concept plan shows no specifics related to acceleration/deceleration lanes along Erwin Road. Based on the existing 35 mph speed limit on Erwin Road, the fact that it functions as a higher volume collector facility, and capacity analysis results in this study, a separate northbound left-turn deceleration lane is recommended at the proposed site access driveway – if full access is allowed at this location. This would also allow the current roadway cross-section to match the upstream three-lane undivided cross-section. No other specific acceleration/deceleration lane issues were analyzed in the project study area.



Analysis	Comment
Pedestrian and Bicycle Analysis	Existing pedestrian and bicycle access and connectivity is adequate in the project study area. Sidewalk exists along on the east side of the Erwin Road corridor, and the proposed site plan will add sidewalk on the west side of the corridor. Pedestrian crossings and signals are present at the US 15-501 superstreet intersection and Dobbins Drive. Delineated bike lanes and wide paved shoulders are present in the study area in a few locations.
Public Transportation Analysis	Public transportation service to the study area is adequate with multiple bus stops and multiple local routes on Old Oxford Road and Dobbins Drive proximate to the site. However, no Sunday service is provided when the site would be producing the highest number of trips.

Mitigation Measures/Recommendations

Planned Improvements

There are no Town of Chapel Hill or North Carolina Department of Transportation improvement projects for study area roadway facilities within the analysis year time frame of 2019-2025.

Background Committed Improvements

There are no specific geometric or operational improvements to study area roadway intersections or facilities related to background private development projects that are expected to be completed between 2019 and 2025. The adjacent Marriott Residence Inn development is currently planning an expansion and provision of multi-family housing on that site parcel, with changes to existing access along Erwin Road. No specific recommendations from the current TIS for that project are assumed to be complete for this study's 2025 analysis year. Projected site-related traffic from the redevelopment (known at Erwin Road Mixed-Use Redevelopment) were assumed to occur and were included in the analysis of background traffic volumes for this report. The recommended access improvements contained in **Section D** below should not interfere with any access plans being proposed for the Erwin Road Mixed-Use Redevelopment.

Applicant Committed Improvements

Based on the preliminary site concept plans and supporting development information provided, there are no specific external transportation-related improvements proposed adjacent to the Christ Community Church, other than the provision of the external local street access connections and sidewalk along Old Oxford Road and Erwin Road along the site frontage and the preliminary design to provide a limited access (RIRO) driveway along Erwin Road.

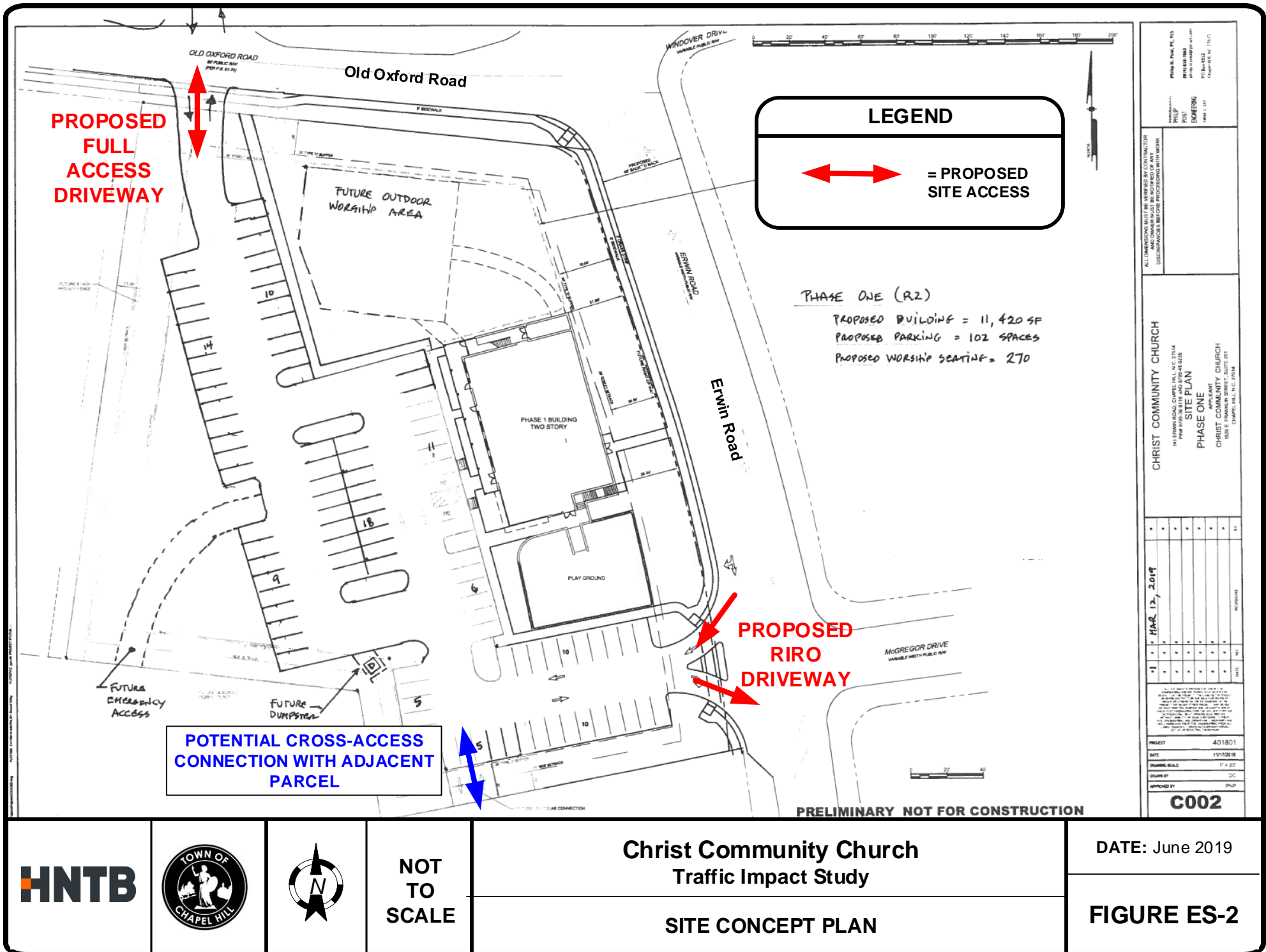
Necessary Improvements

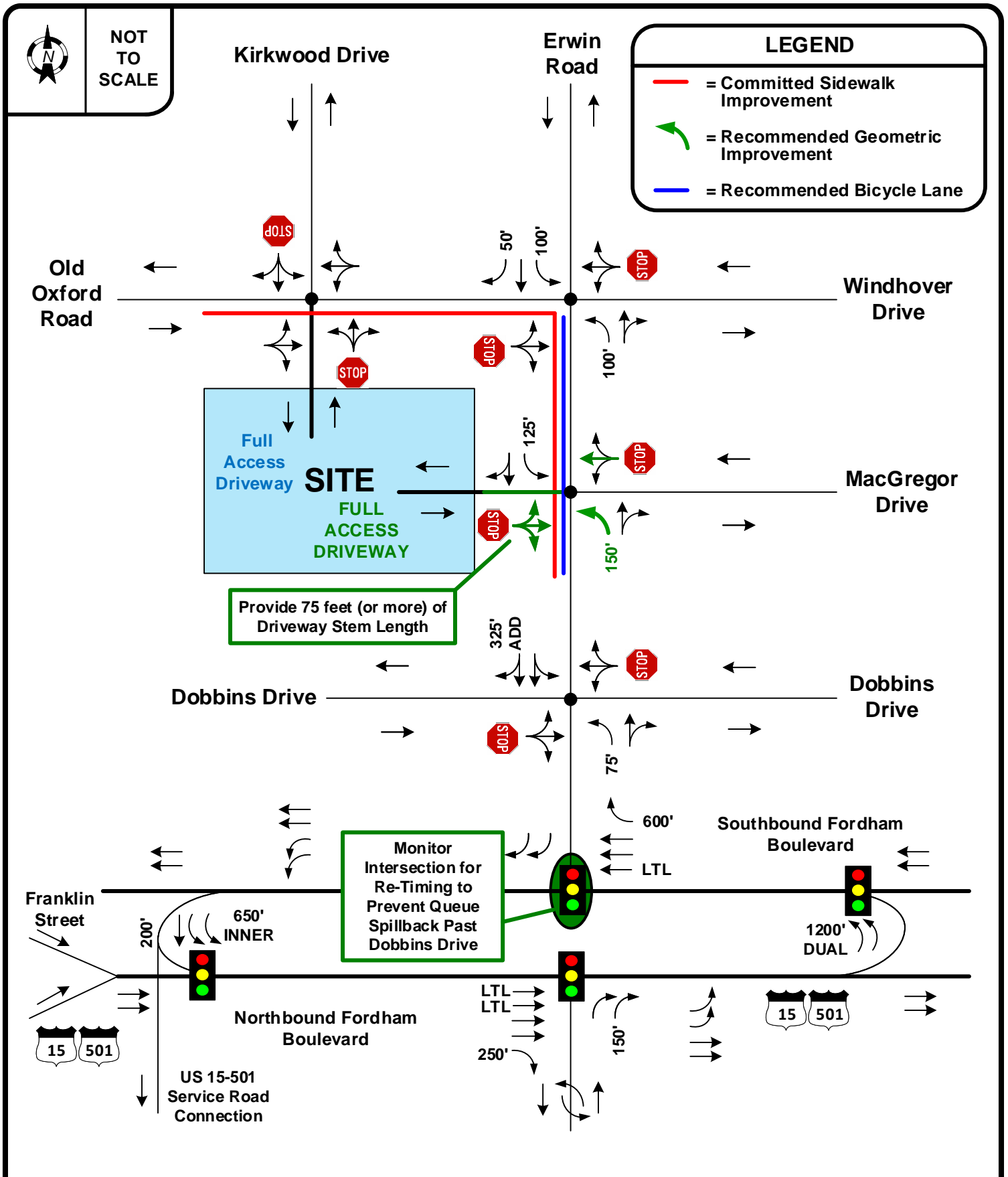
Based on traffic capacity analyses for the 2025 design year, and analyses of existing study area turning bay storage lengths and site access, the following improvements are recommended as being necessary for adequate transportation network operations (see **Figure ES-3**).

- 1) A full access driveway connection with Erwin Road is operationally feasible, with the construction of northbound left-turn lane with 150 feet of vehicle storage at this connection with Erwin Road. The full access connection would reduce the traffic impact to local streets (Old Oxford Road) and should not interfere with proposed access connections or improvements that may stem from the adjacent Erwin Road Mixed-Use Redevelopment to the south.
- 2) Regardless of whether or not full access is allowed at the Erwin Road site driveway, the driveway design should include additional throat/stem length to provide 75 feet or more storage prior to the 1st parking lot stalls.



- 3) The site frontage along Erwin Road should include a widening of Erwin Road for a bicycle lane that would be consistent with the Town of Chapel Hill Mobility Plan.
- 4) Monitor the Erwin Road and US 15-501 superstreet intersection for potential retiming during the Sunday AM peak period to reduce potential queue spillback from Erwin Road past the Dobbins Drive intersection.
- 5) Potential internal cross-access connections with the adjacent Erwin Road Mixed-Use Redevelopment project should continue to be coordinated with both projects, though the focus should be limited to emergency access only and is not necessary from a traffic capacity perspective. No church-related trips or parking should be allowed on the Erwin Road Mixed-Use Redevelopment site or on local streets in the vicinity of the site. Additional on-site parking areas may need to be investigated if parking demand in the future exceeds the current designated supply of 102 spaces. Trip generation estimates of 98 peak hour vehicles in the 2025 analysis year exiting the site following church services indicate that parking demand may be close to capacity.







September 6, 2019

Special Use Permit Narrative: Public Art Program

The applicant seeks to provide a worship facility that will be attractive, sensitive to existing landforms and neighboring structures, and welcoming to visitors by car, bike, or foot. No additional public art is currently proposed for the project, but we do believe that the massing and detailing of the building itself will project an iconography that is aesthetically pleasing and appropriate to its location along the Erwin Road corridor.

CHRIST COMMUNITY CHURCH
SPECIAL USE PERMIT

CHAPEL HILL, ORANGE COUNTY, NORTH CAROLINA

JULY 15, 2019

141 ERWIN ROAD, CHAPEL HILL, N.C.
PIN# 9799-39-9116 AND 9799-49-0235

SUBMITTAL #1: AUGUST 28, 2019
SUBMITTAL #2: NOVEMBER 17, 2019
SUBMITTAL #3: JANUARY 17, 2020
REVISION #4 JANUARY 27, 2020
REVISION #5 FEBRUARY 9, 2020
REVISION #6 FEBRUARY 26, 2020

PREPARED FOR:

CHRIST COMMUNITY CHURCH

1526 E. FRANKLIN STREET, SUITE 201
CHAPEL HILL, N.C. 27514
TEL. (919) 636-5258
EMAIL: byron@cccpc.org



NW VIEW (OLD OXFORD AERIAL)



NE VIEW (ERWIN & OLD OXFORD)



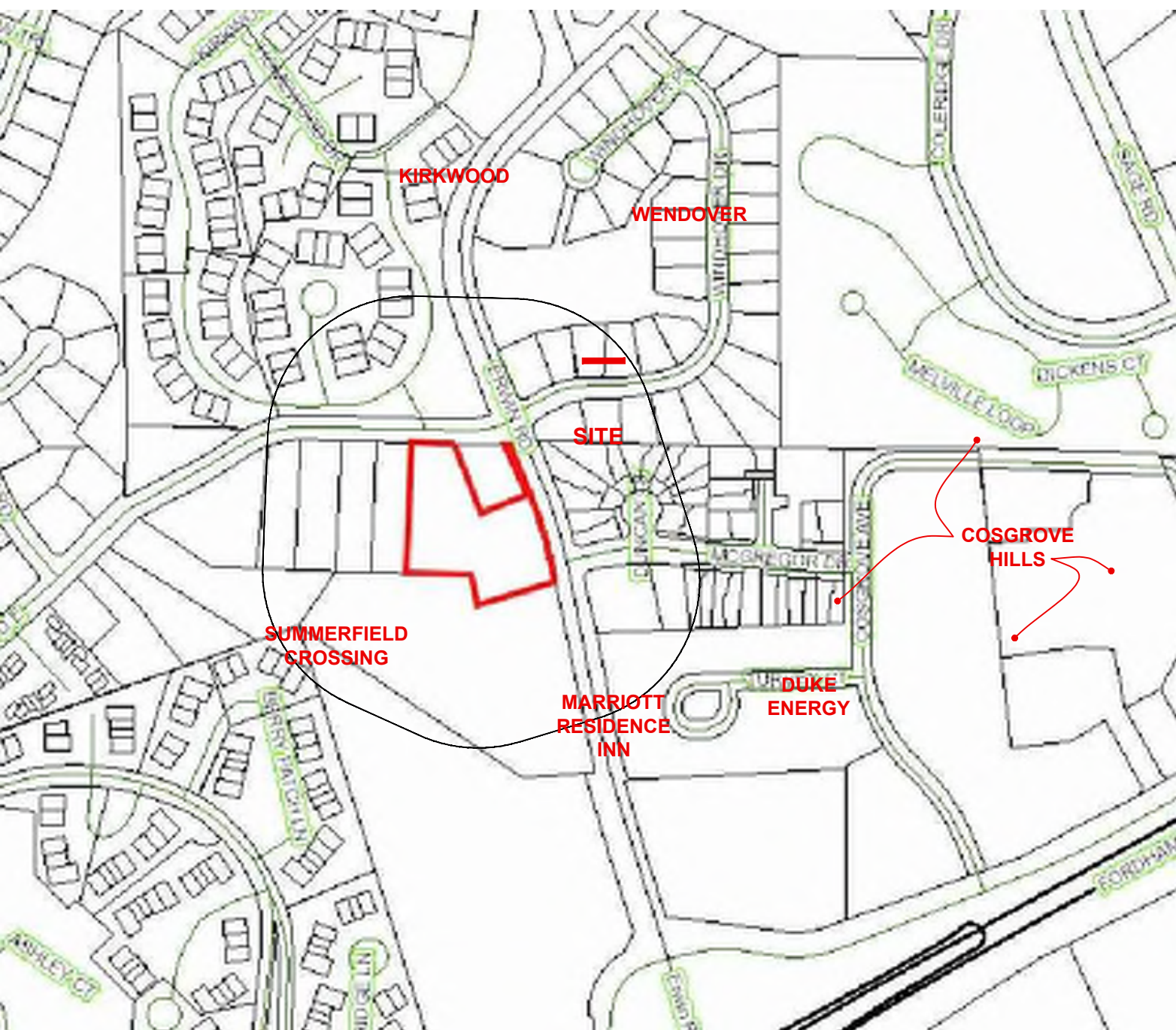
SE VIEW (ERWIN ROAD)



SW VIEW (PARKING)

BUILDING PERSPECTIVES

SHEET LIST TABLE	
SHT. #	SHEET TITLE
C001A	COVER SHEET AND AREA MAP
C001B	NOTES
C002	EXISTING CONDITIONS PLAN
C003	DEMOLITION & LANDSCAPE PROTECTION PLAN
C004	SITE PLAN
C005	SITE GRADING & DRAINAGE PLAN
C006	CONSTRUCTION MANAGEMENT & LAND SWAP PLAN
C007	SITE DETAILS
C008	STORMWATER FILTERA DETAILS
C009	EROSION CONTROL PLAN
C010	EROSION CONTROL DETAILS
C011	UTILITY PLAN & FIRE DEPT. FDC
C012	UTILITY AND DRIVEWAY ENTRANCE DETAILS
C013	SLOPE ANALYSIS PLAN
C014	ERWIN ROAD - NCDOT PLAN & FIRE LANE PLAN
L001	LANDSCAPE PLAN & DETAILS
A003	BUILDING ELEVATIONS



AREA MAP

ARCHITECT	CIVIL ENGINEER	LANDSCAPE ARCHITECT
HARRISON ARCHITECTURAL, PA 309-A WEST GEER STREET DURHAM, N.C. 27701 (919) 949-4830 harrisonarchpa@gmail.com	PHILIP POST ENGINEERING, INC. PHILIP N. POST, PE, PLS PO BOX 4912 CHAPEL HILL, N.C. 27515 TEL. (919) 818-7862 philip.n.post@gmail.com	DAVID SWANSON, RLA SWANSON + ASSOCIATES, PA 100 EASET CARR STREET CARRBORO, N.C. 27510 (919) 929-9000 david@swansonlandscapearchitecture.com

PROJECT DATA

GROSS LAND AREA: 122,810 SF
EXISTING ZONING: R2
EXISTING GROUP B; DAYCARE & RESIDENTIAL
PROPOSED USE GROUP B; PLACE OF WORSHIP
PROPOSED PARKING: 117 SPACES
PROPOSED BICYCLE SPACES: 8 SPACES
EXISTING IMPERVIOUS: 9,690 SF
PROPOSED IMPERVIOUS: 51,949 SF
EXISTING FLOOR AREA TO BE DEMOLISHED; 7,646 SF
PROPOSED FLOOR AREA: 11,420 SF
PROPOSED WORSHIP SEATING: 250 PERSONS
TOTAL DISTURBED AREA ON SITE = 76,445 SF (1.755 AC.)
TOTAL DISTURBED AREA IN R/W = 10,158 SF (0.233 AC)

PRELIMINARY NOT FOR CONSTRUCTION

Philip N. Post, PE, PLS
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PO Box 4912
Chapel Hill, NC 27515

PHILIP
POST
ENGINEERING
FIRM: C-347

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

CHRIST COMMUNITY CHURCH
141 ERWIN ROAD, CHAPEL HILL, N.C. 27514
PIN# 9799-39-9116 AND 9799-49-0235
COVER SHEET AND AREA MAP
APPLICANT:
CHRIST COMMUNITY CHURCH
1526 E. FRANKLIN STREET, SUITE 201
CHAPEL HILL, N.C. 27514

#	#	#	#	#	#	#	#	#	#
2/28/2020	2-9-2020	1-27-2020	1-17-2020	12-27-2019	11-17-2019	DATE	NO.	REVISIONS	BY
6	5	4	3	2	1				
NCDOT AND TOWN COMMENTS	TOWN COMMENTS	PROPERTY LINE SWAP	SUBMITTAL #2 COMMENTS	OWASA 11/13/2019 COMMENTS	SUBMITTAL #1 COMMENTS				

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PROJECT	401801
DATE	8/28/2019
DRAWING SCALE	-
DRAWN BY	DC
APPROVED BY	PP


C001A

SHEET 1 OF 16

5. The presence if any asbestos containing materials ('ACM') and/or other hazardous materials shall be handled in accordance with any and all local, state, and federal regulations and guidelines.

the front or address side of the building exceeds 25 feet, larger numbers are required. 26 feet to 50 feet shall have 8 inch numbers, 51-75 feet shall have 12 inch numbers and over 75 feet shall have 18 inch numbers. Where access is by private means or 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.

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 PHILIP POST, PE, PLS (919) 815-7862 philip.n.post@gmail.com PO Box 4912 Chapel Hill, NC 27515 FIRM: C-347		PHILIP POST, PE, PLS (919) 815-7862 philip.n.post@gmail.com PO Box 4912 Chapel Hill, NC 27515 FIRM: C-347	
CHRIST COMMUNITY CHURCH 141 ERWIN ROAD, CHAPEL HILL, N.C. 27514 PIN# 9795-39-9116 AND 9799-49-0235		CHRIST COMMUNITY CHURCH 1526 E. FRANKLIN STREET, SUITE 201 CHAPEL HILL, N.C. 27514	
NOTES APPLICANT:		APPLICANT:	
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK		ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK	
#	#	#	#
2/26/2020	6	NCDOT AND TOWN COMMENTS	DC
2-9-2020	5	TOWN COMMENTS	#DC
1-27-2020	4	PROPERTY LINE SWAP	DC
1-17-2020	3	SUBMITTAL #2 COMMENTS	DC
12-27-2019	2	OWASA 11/13/2019 COMMENTS	DC
11-17-2019	1	SUBMITTAL #1 COMMENTS	DC
DATE	NO.	REVISIONS	BY
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PROJECT	401801		
DATE	8/28/2019		
DRAWING SCALE	-		
DRAWN BY	DC		
APPROVED BY	PP		
C001B			
SHEET 1 OF 16			



APPLICANT:
CHRIST COMMUNITY CHURCH
1526 E. FRANKLIN STREET, SUITE 201
CHAPEL HILL, N.C. 27514

#	#	#	#	#
	2/26/2020	6	NGDOT AND TOWN COMMENTS	DC
			TOWN COMMENTS	#DC
	1-27-2020	5	PROPERTY LINE SWAP	DC
	1-17-2020	3	SUBMITTAL #2 COMMENTS	DC
	2-27-2019	2	OWASA 11/13/2019 COMMENTS	DC
	1-17-2019	1	SUBMITTAL #1 COMMENTS	DC
DATE	NO.		REVISIONS	BY

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PROJECT	401801
DATE	8/28/2019
DRAWING SCALE	1" = 20'
DRAWN BY	DC
APPROVED BY	PP

C002

SHEET 3 OF 16

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<p>ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND ALL DIMENSIONS MUST BE RECORDED DISCREPANCIES BEFORE PROCEEDING WITH WORK</p>		<p>PHILIP POST ENGINEERING FIRM: C-347</p> <p>Philip N. Post, PE, PLS (919) 815-7862 philip.n.post@gmail.com</p> <p>PO Box 4912 Chapel Hill, NC 27515</p>	
<p>CHRIST COMMUNITY CHURCH</p> <p>141 ERWIN ROAD, CHAPEL HILL, N.C. 27514 PIN# 9795-359-9-118 and 9799-49-0235</p> <p>DEMOLITION & LANDSCAPE PROTECTION PLAN</p> <p>APPLICANT: CHRIST COMMUNITY CHURCH 1526 E. FRANKLIN STREET, SUITE 201 CHAPEL HILL, N.C. 27514</p>			
#	#	#	#
2/26/2020	6	NDOT AND TOWN COMMENTS	DC
5-9-2020	5	TOWN COMMENTS	#DC
1-27-2020	4	PROPERTY LINE SWAP	DC
1-17-2020	3	SUBMITTAL #2 COMMENTS	DC
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11-17-2019	1	SUBMITTAL #1 COMMENTS	DC
DATE	NO.	REVISIONS	BY
<p>ALL DOCUMENTS PREPARED BY PHILIP POST ENGINEERING ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSION OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PHILIP POST ENGINEERING FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PHILIP POST ENGINEERING, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PHILIP POST ENGINEERING FROM ALL CLAIMS DAMAGES LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.</p>			
PROJECT	401801		
DATE	8/28/2019		
DRAWING SCALE	1" = 20'		
DRAWN BY	DC		
APPROVED BY	PNP		
<p>C003</p> <p>SHEET 4 OF 16</p>			

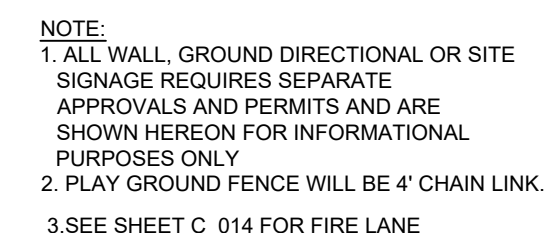
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FIRM: C-347

APPLICANT:
CHRIST COMMUNITY CHURCH
1526 E. FRANKLIN STREET, SUITE 201
CHAPEL HILL, N.C. 27514

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C004



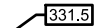






SHEET 5 OF 16



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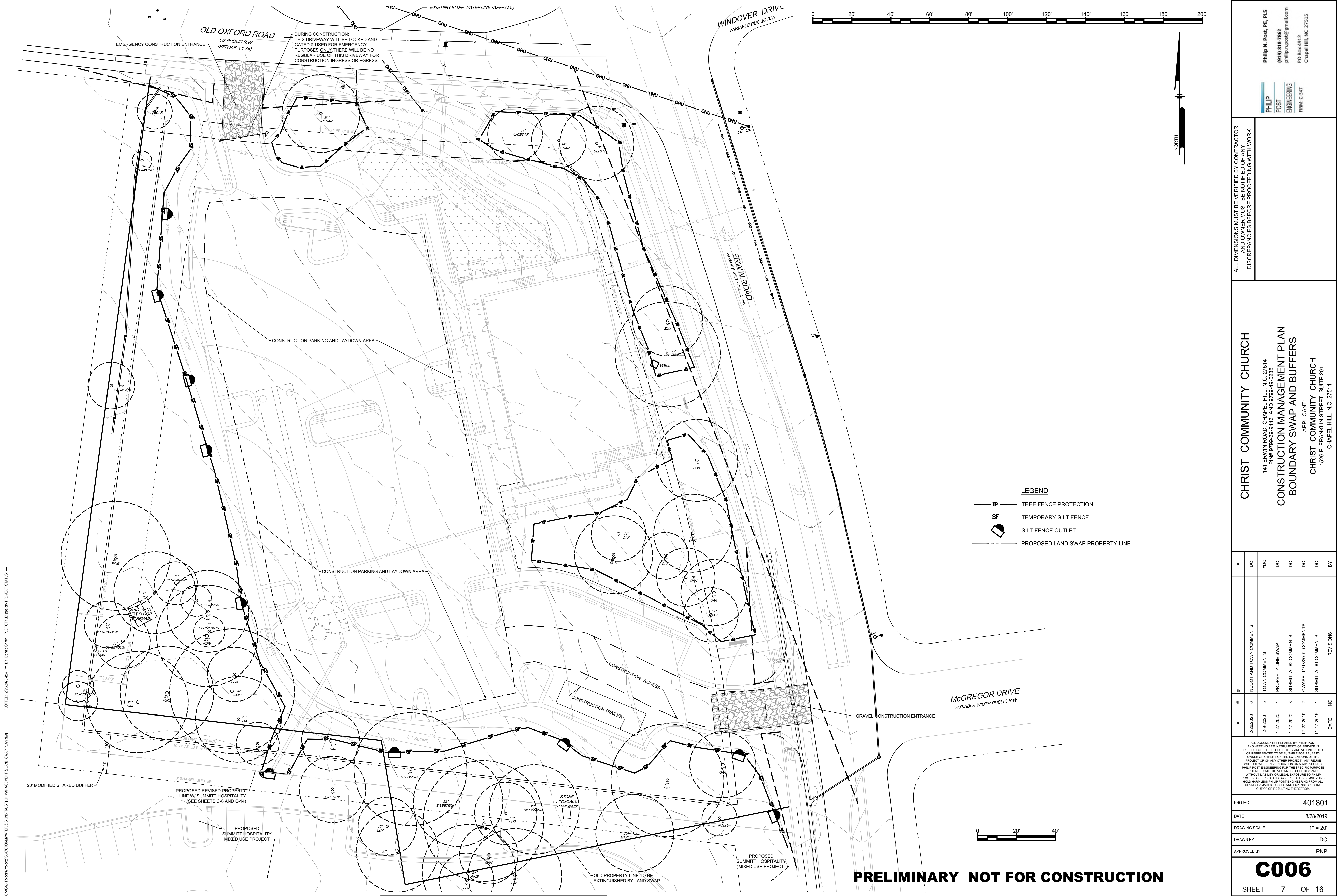


LEGEND

-  **SD** PROPOSED LANDSCAPE / ROOF DRAINS
-  PROPOSED STORM DRAIN SYMBOLS
-  PROPOSED SPOT ELEVATION
-  PROPOSED 2' CONTOUR
-  EXISTING 2' CONTOUR
-  PROPOSED TREE TO REMAIN
-  PROPOSED LANDSCAPE PROTECTION FENCING
-  PROPOSED SILT FENCE
-  PROPOSED SILT FENCE OUTLET

SHEET 6 OF 16

1526 E. FRANKLIN STREET, SUITE 201
CHAPEL HILL, N.C. 27514



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CHRIST COMMUNITY CHURCH

141 ERWIN ROAD, CHAPEL HILL, N.C. 27514
PIN# 9799-39-9116 AND 9799-49-0235
CONSTRUCTION MANAGEMENT PLAN
BOUNDARY SWAP AND BUFFERS

APPLICANT:
CHRIST COMMUNITY CHURCH
1528 E. FRANKLIN STREET, SUITE 201
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Chapel Hill, NC 27515
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#	#	#	#	#	#	#	#	#	#
2/26/2020	6	NC DOT AND TOWN COMMENTS	DC						BY
2-9-2020	5	TOWN COMMENTS	#DC						
1-27-2020	4	PROPERTY LINE SWAP	DC						
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12-27-2019	2	OWASA 11/13/2019 COMMENTS	DC						
11-17-2019	1	SUBMITTAL #1 COMMENTS	DC						
DATE	NO.	REVISIONS							

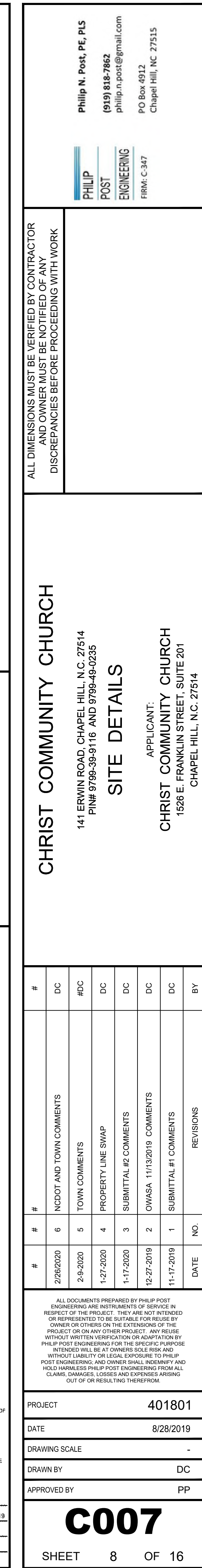
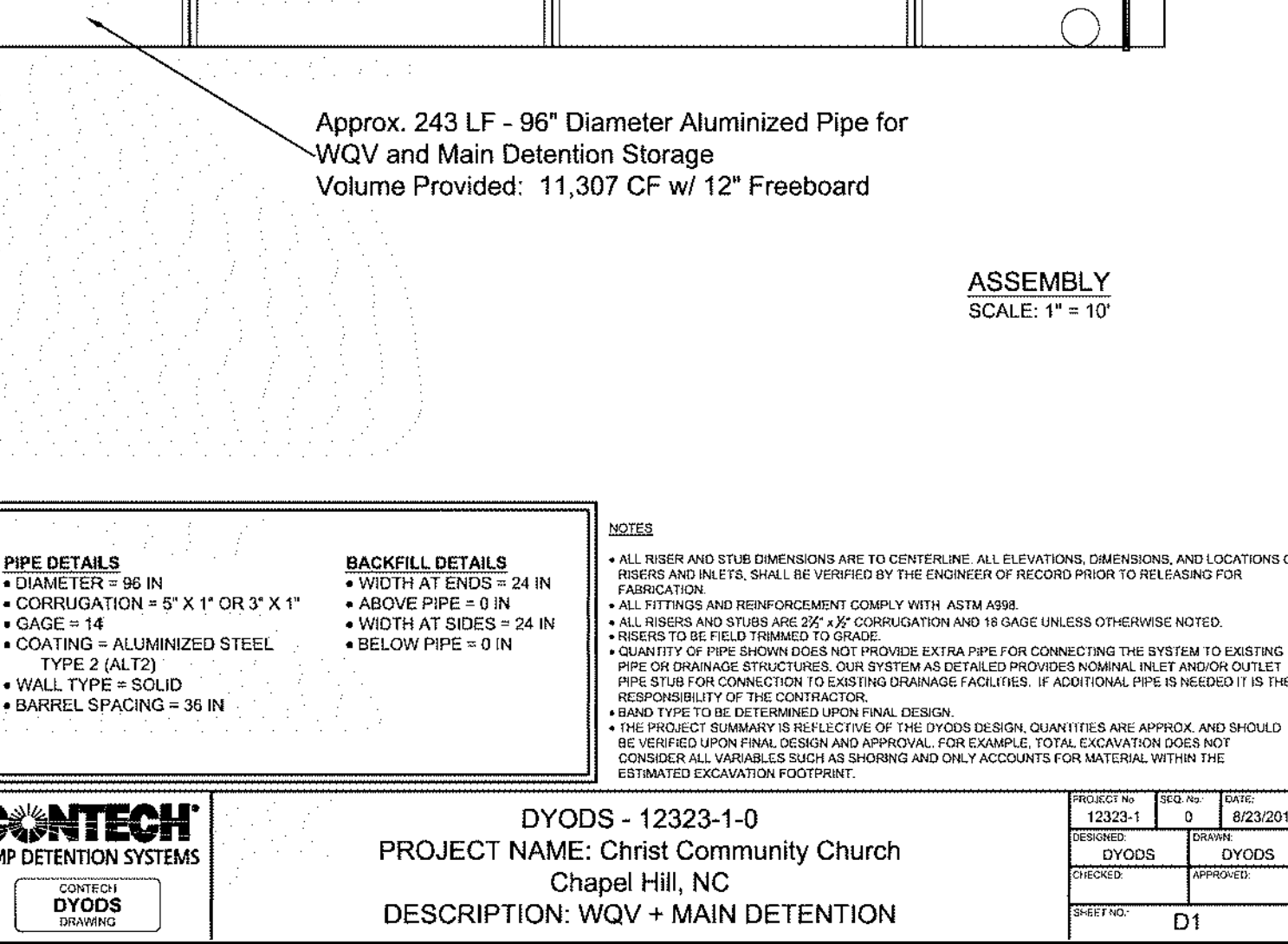
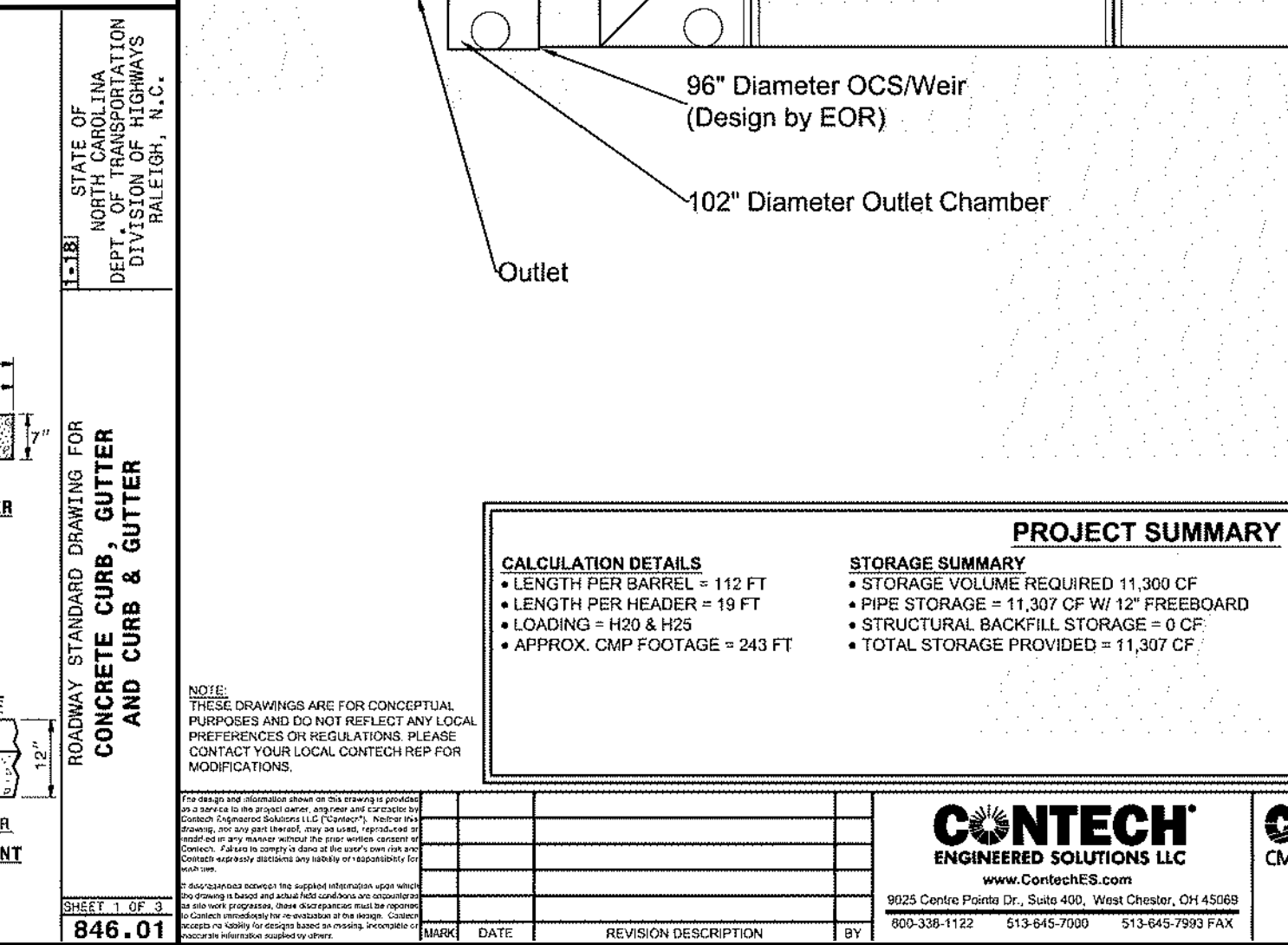
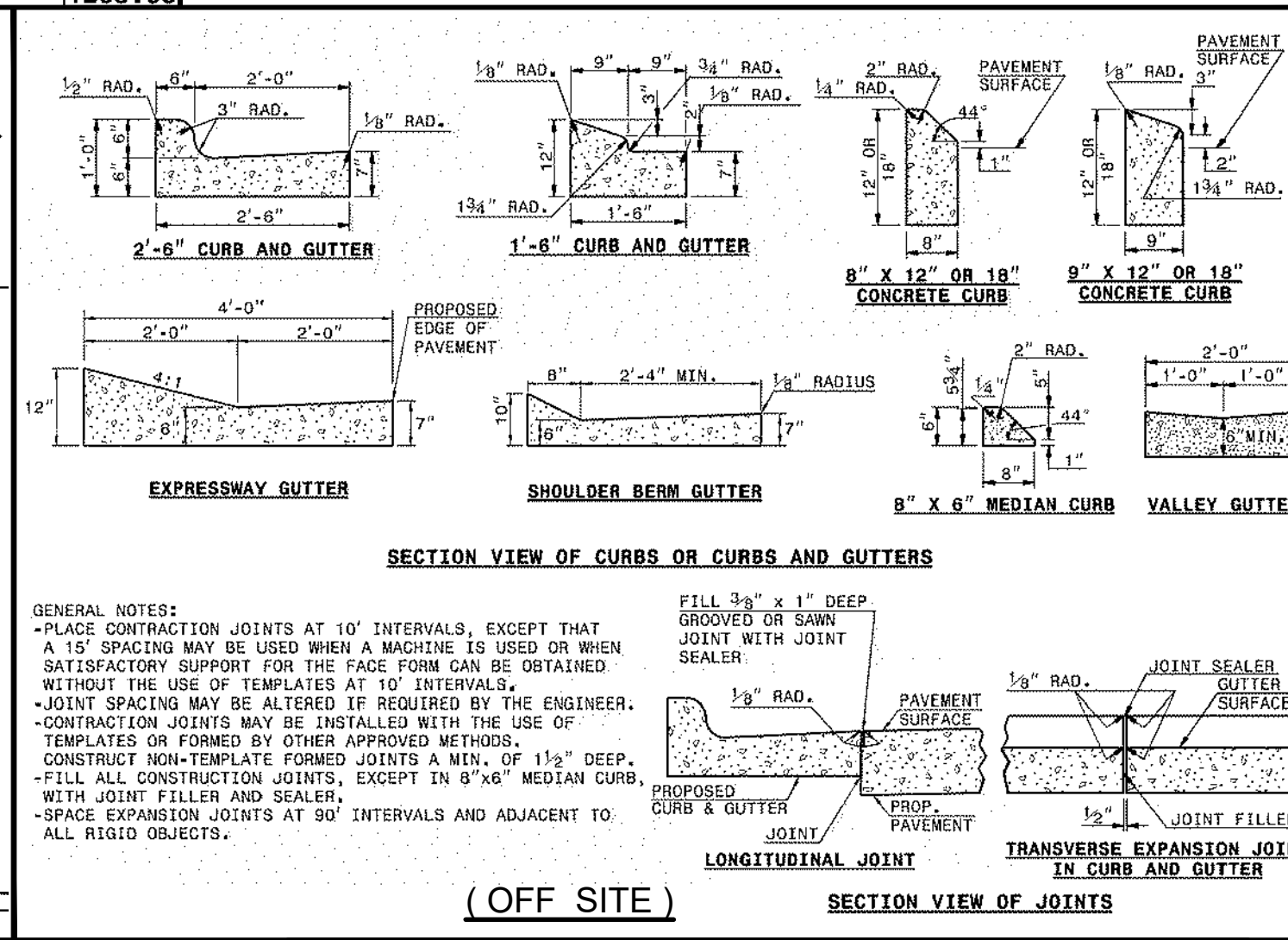
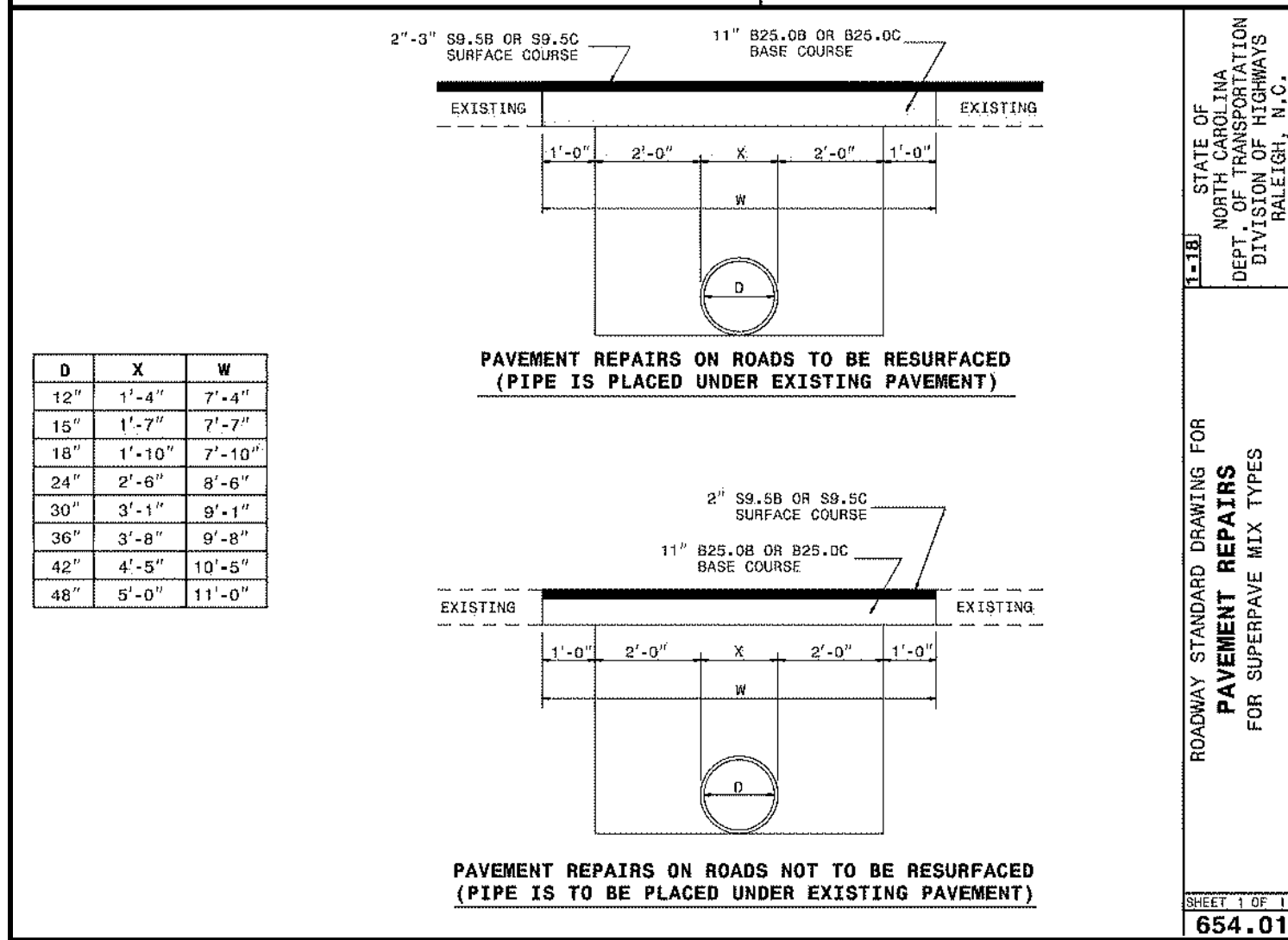
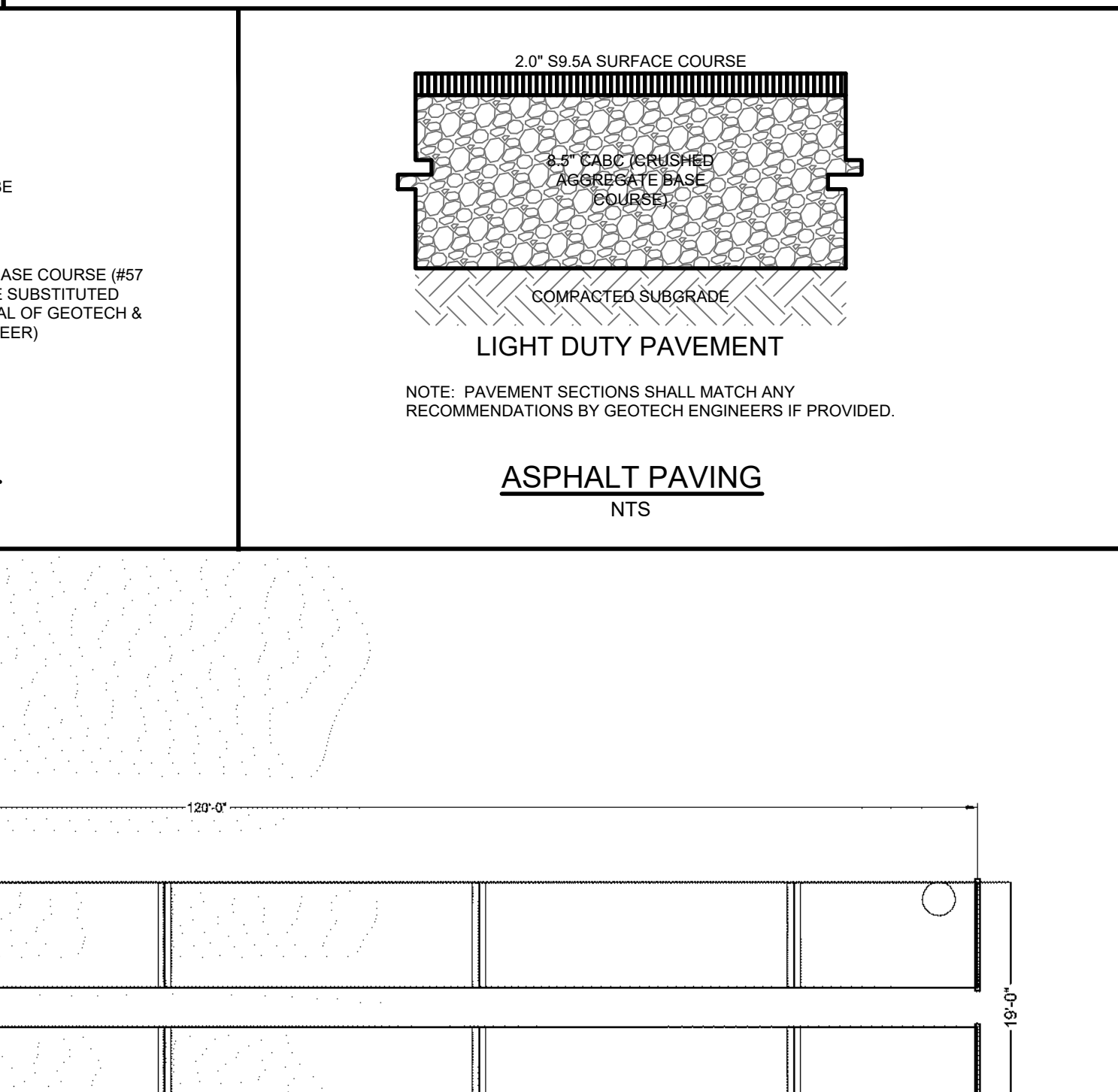
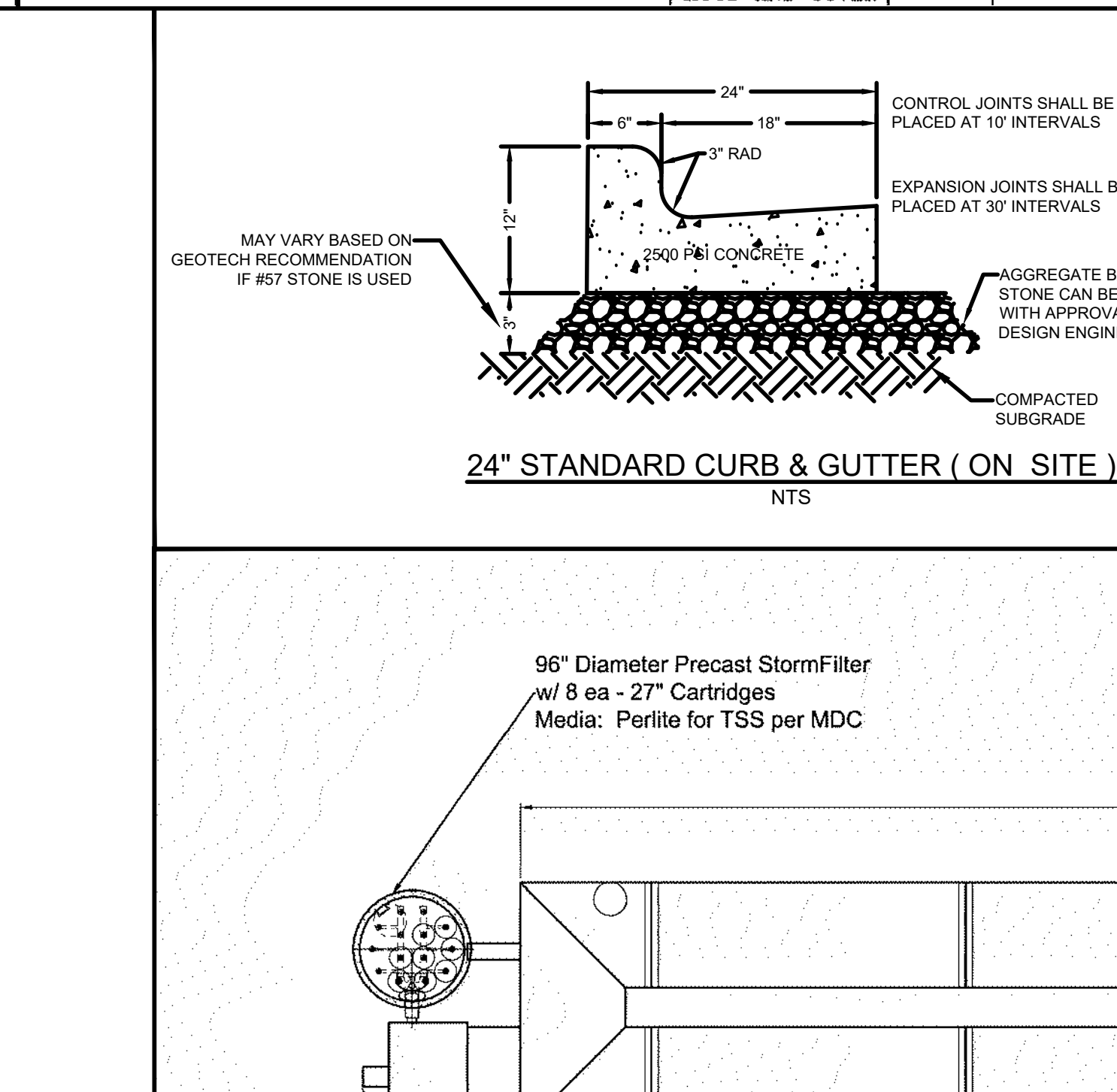
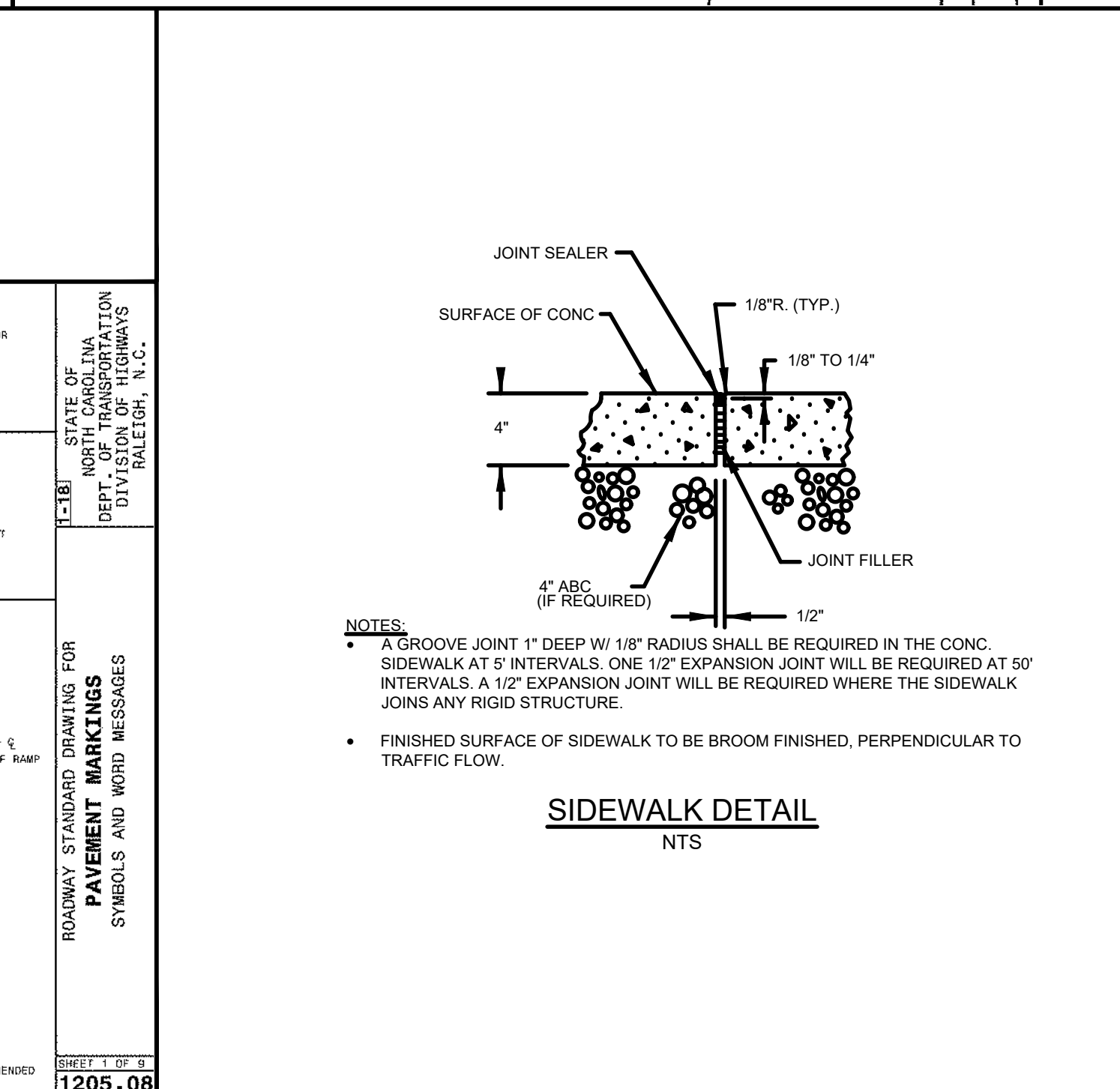
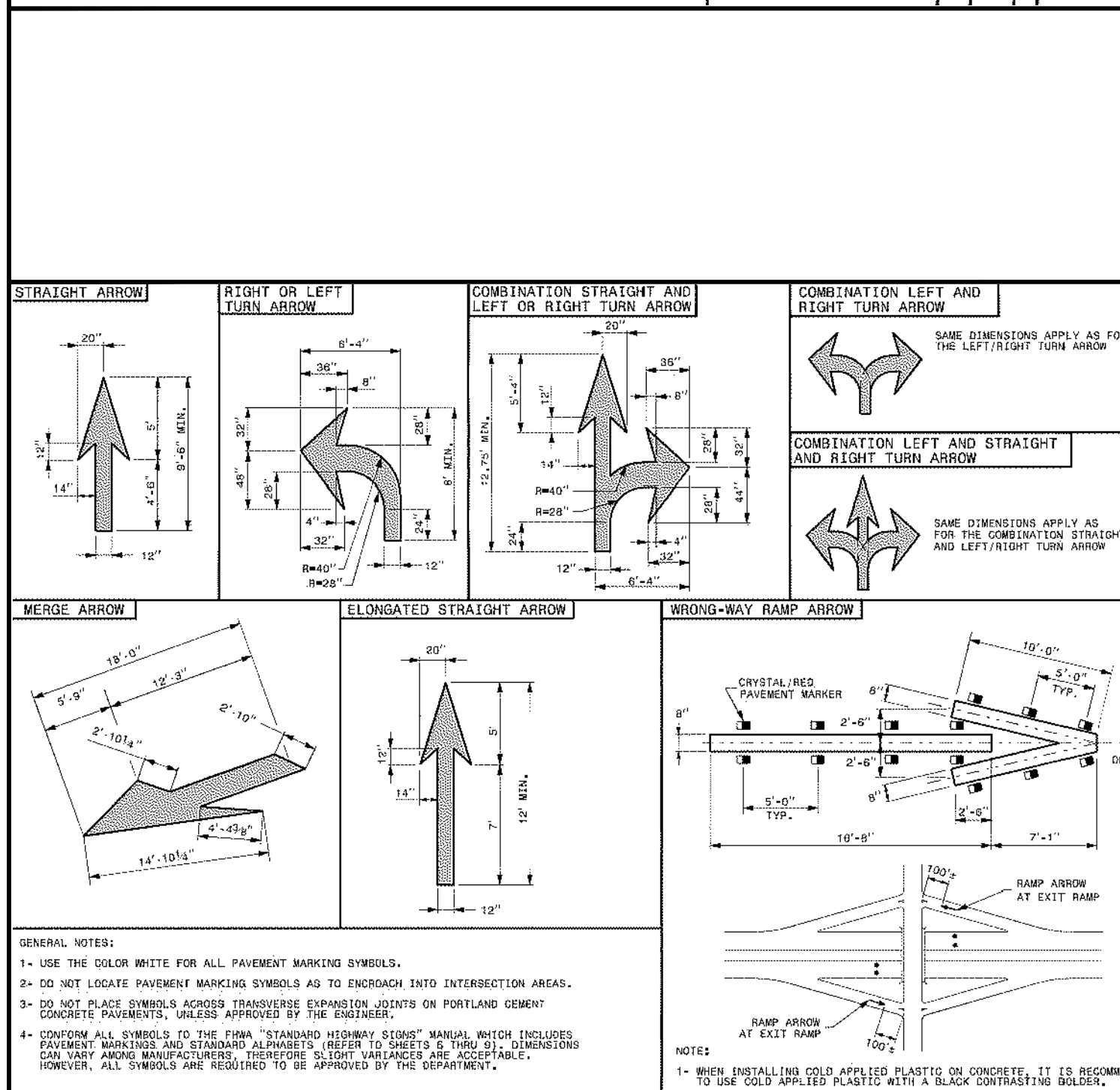
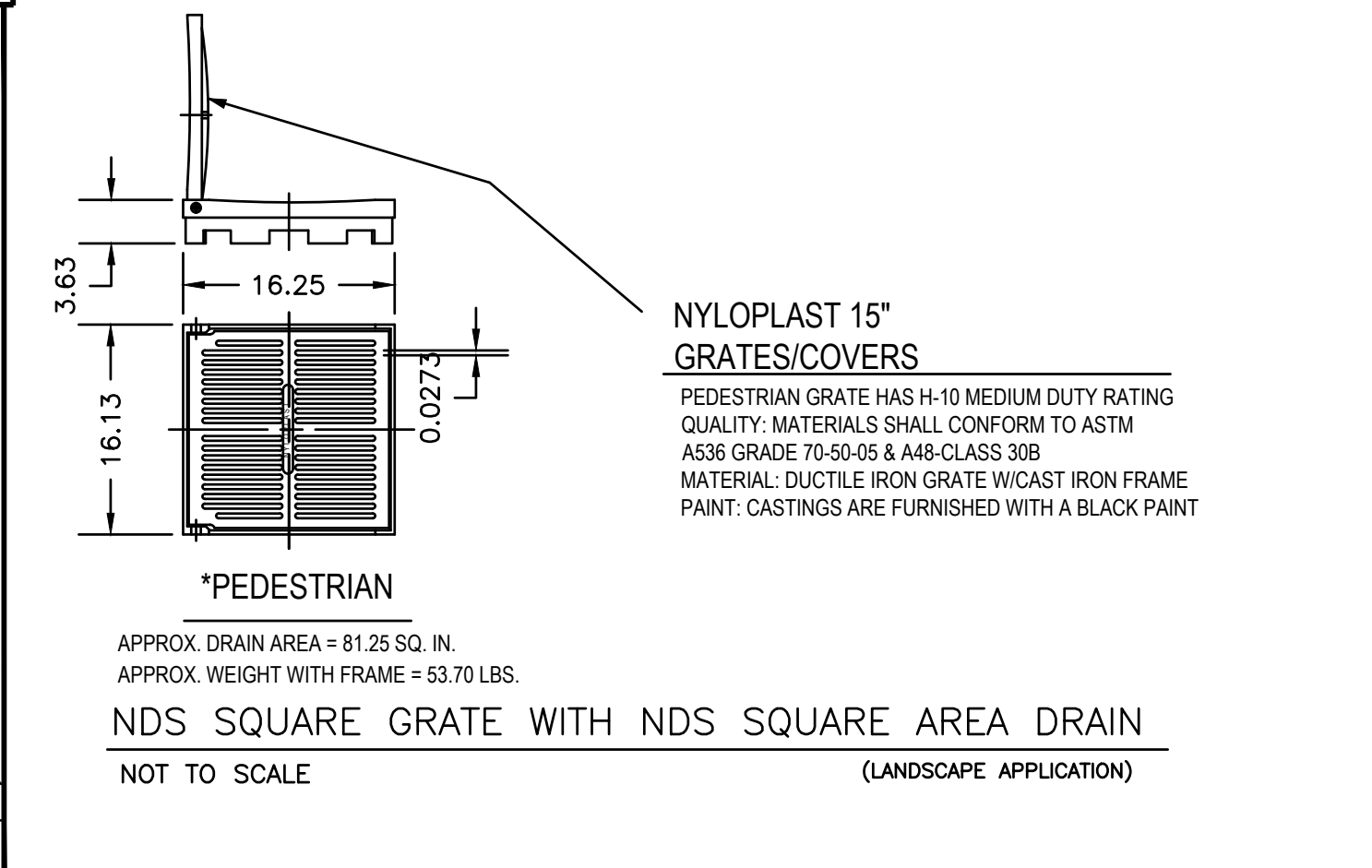
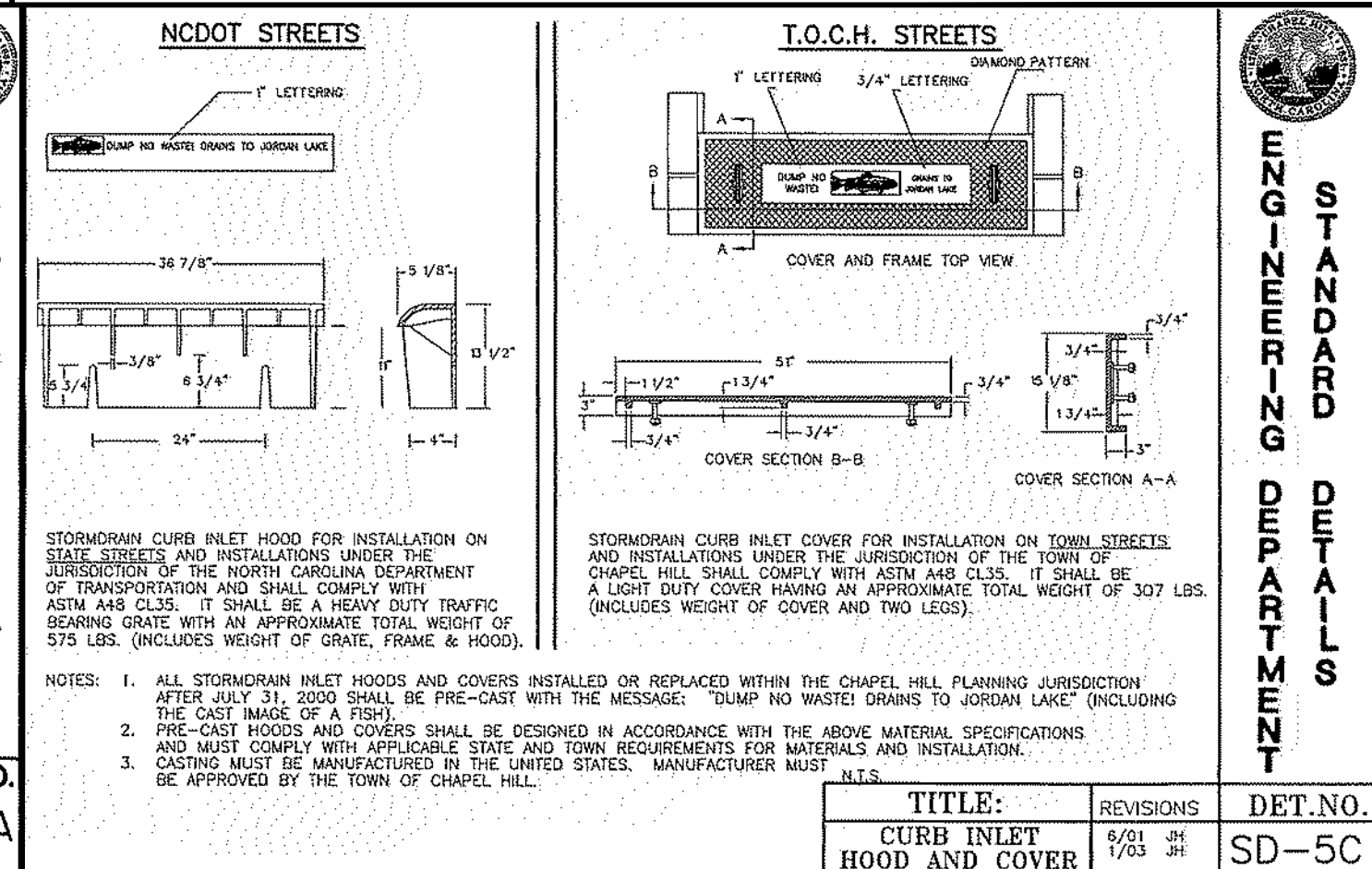
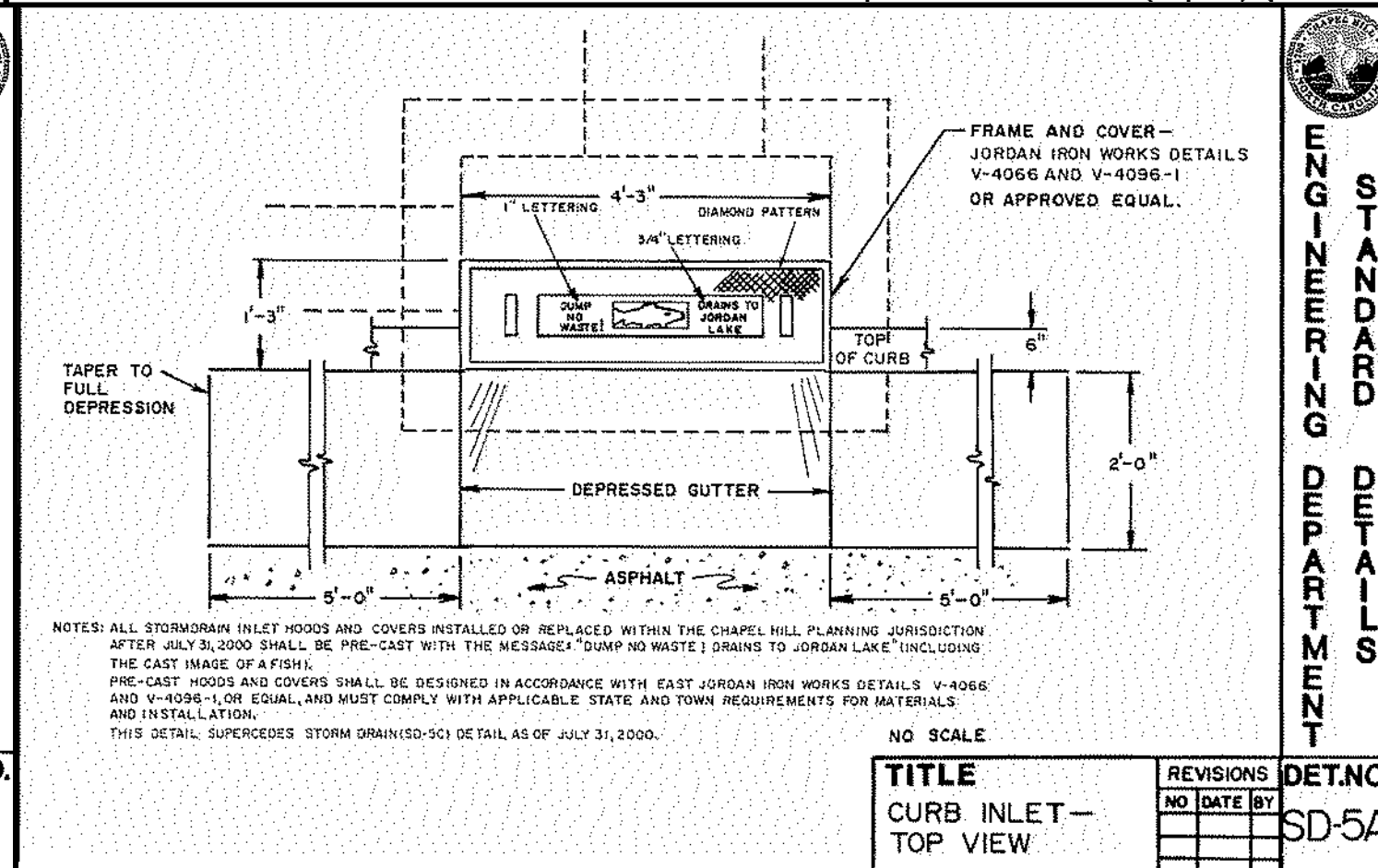
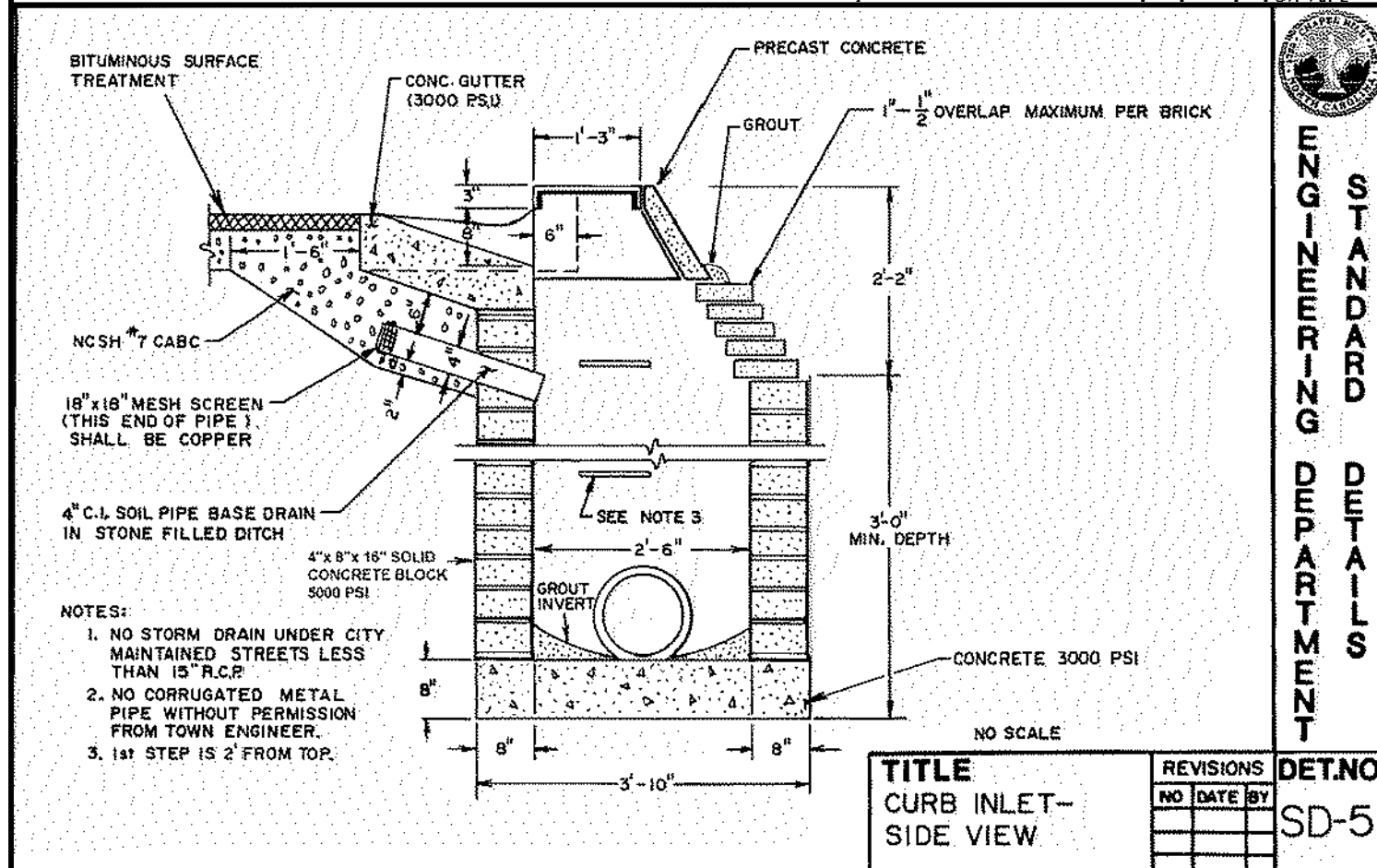
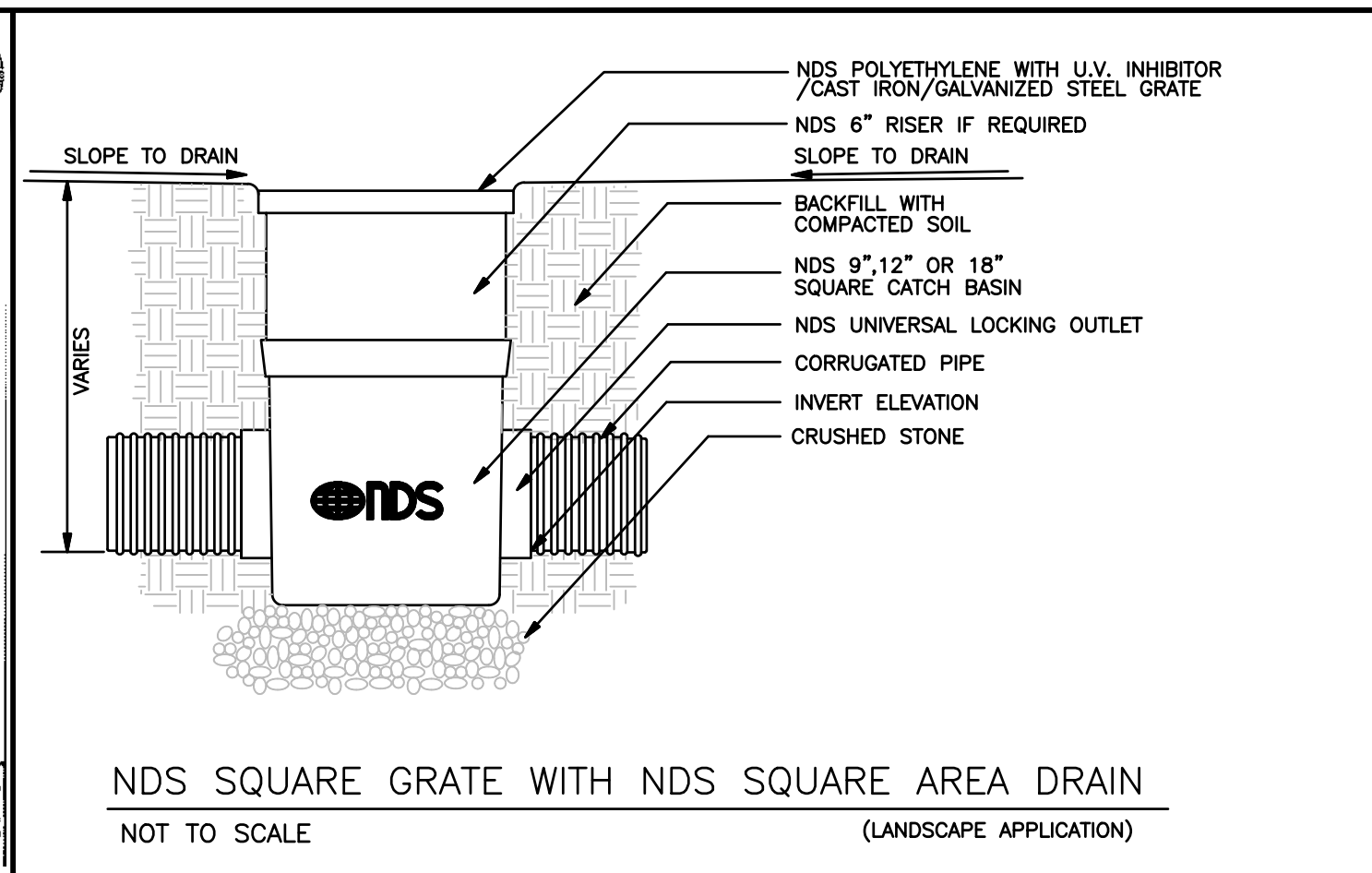
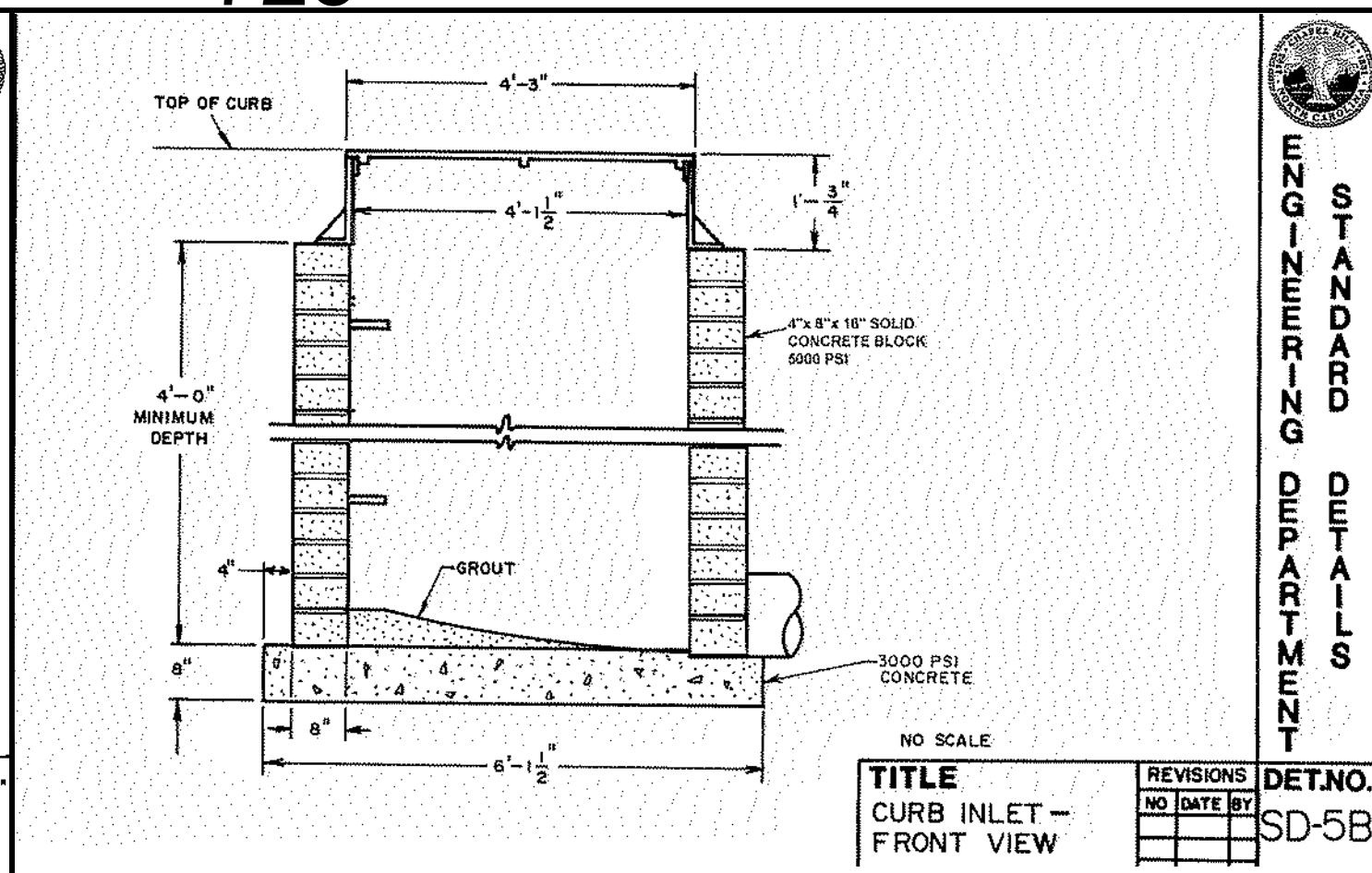
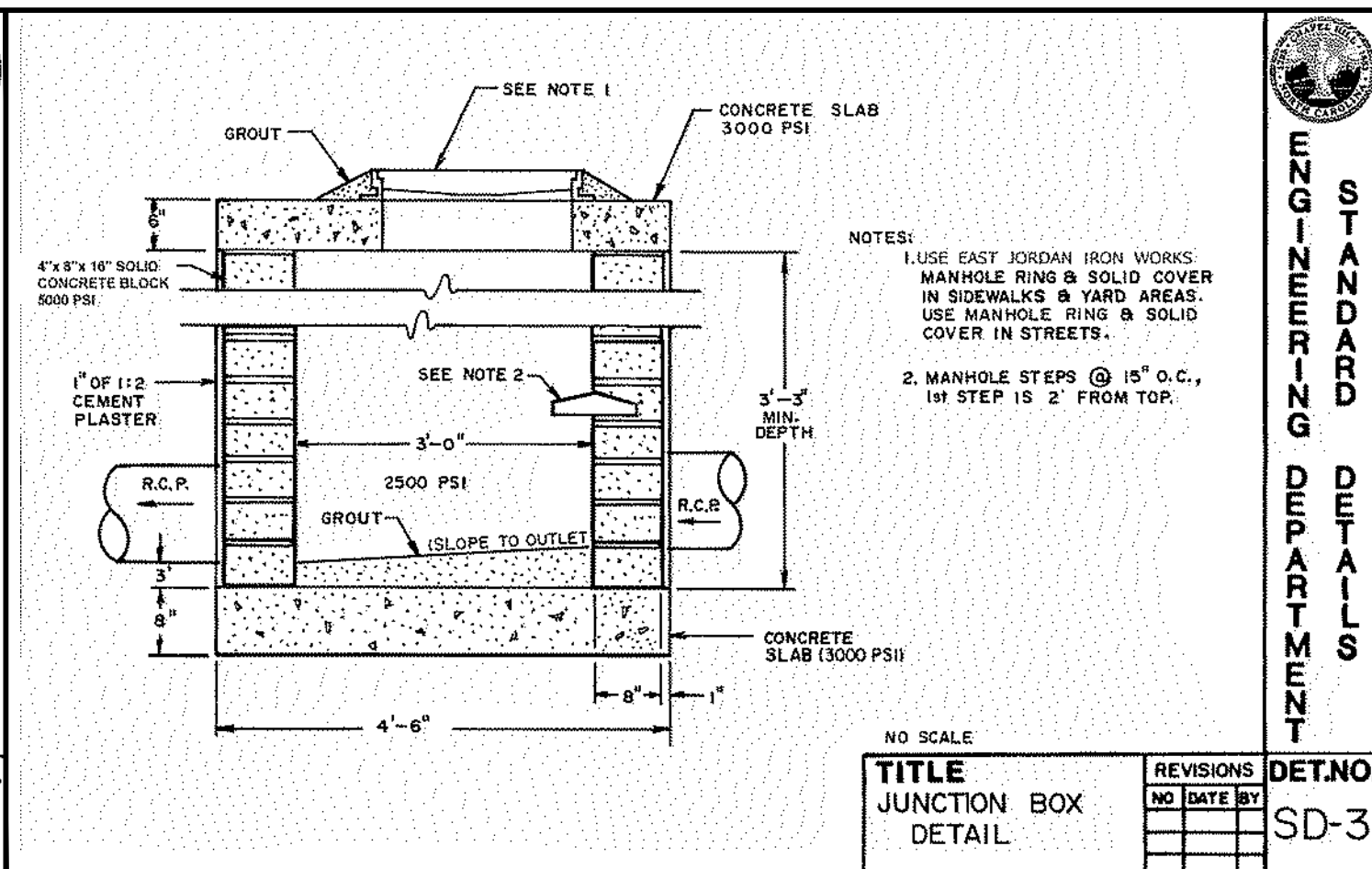
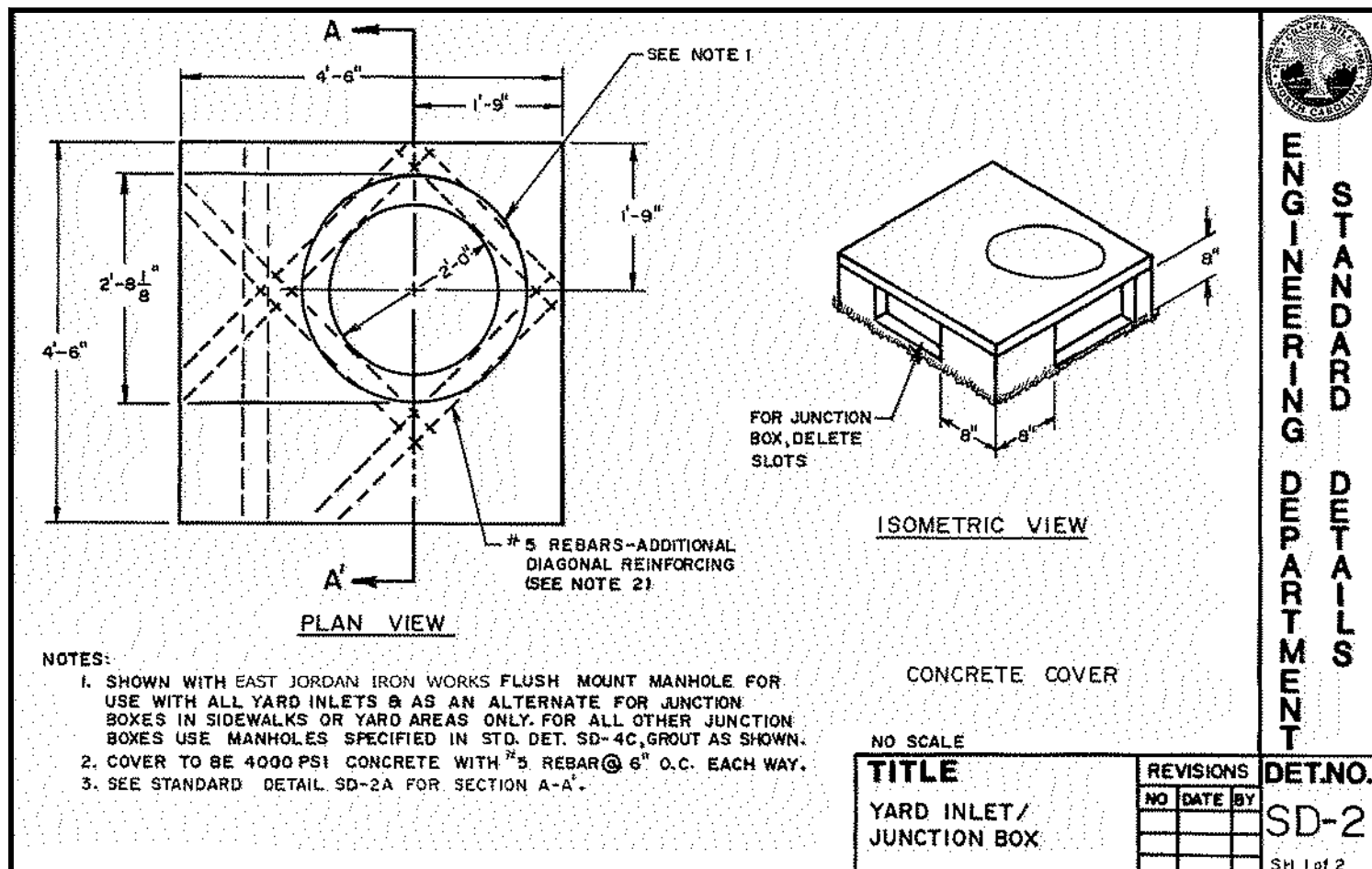
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PROJECT	401801
DATE	8/28/2019
DRAWING SCALE	1" = 20'
DRAWN BY	DC
APPROVED BY	PNP

C006

SHEET 7 OF 16

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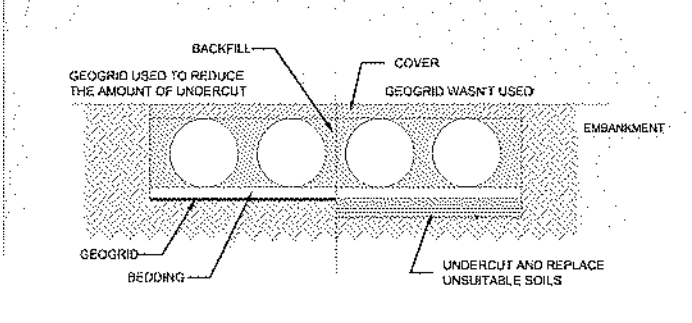


CMP DETENTION INSTALLATION GUIDE

PROPER INSTALLATION OF A FLEXIBLE UNDERGROUND DETENTION SYSTEM WILL ENSURE LONG TERM PERFORMANCE. THE CONFIGURATION OF THESE SYSTEMS OFTEN REQUIRES SPECIAL CONSTRUCTION PRACTICES THAT DIFFER FROM CONVENTIONAL FLEXIBLE PIPE CONSTRUCTION. CONTECH ENGINEERED SOLUTIONS STRONGLY SUGGESTS SCHEDULING A PRE-CONSTRUCTION MEETING WITH YOUR LOCAL SALES ENGINEER TO DETERMINE IF ADDITIONAL MEASURES, NOT COVERED IN THIS GUIDE, ARE APPROPRIATE FOR YOUR SITE.

FOUNDATION

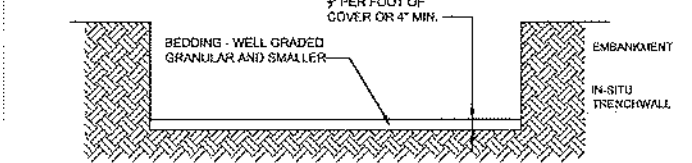
CONSTRUCT A FOUNDATION THAT CAN SUPPORT THE DESIGN LOADING APPLIED BY THE PIPE AND ADJACENT BACKFILL WEIGHT AS WELL AS MAINTAIN ITS INTEGRITY DURING CONSTRUCTION. IF SOFT OR UNSUITABLE SOILS ARE ENCOUNTERED, REMOVE THE POOR SOILS DOWN TO A SUITABLE DEPTH AND THEN BUILD UP TO THE APPROPRIATE ELEVATION WITH A COMPETENT BACKFILL MATERIAL. THE STRUCTURAL FILL MATERIAL GRADATION SHOULD NOT ALLOW THE MIGRATION OF FINES, WHICH CAN CAUSE SETTLEMENT OF THE DETENTION SYSTEM OR PAVEMENT ABOVE. IF THE STRUCTURAL FILL MATERIAL IS NOT COMPATIBLE WITH THE UNDERLYING SOILS AN ENGINEERING FABRIC SHOULD BE USED AS A SEPARATOR. IN SOME CASES, USING A STIFF REINFORCING GEOTEXTILE REDUCES OVER EXCAVATION AND REPLACEMENT FILL QUANTITIES.



GRADE THE FOUNDATION SUBGRADE TO A UNIFORM OR SLIGHTLY SLOPING GRADE. IF THE SUBGRADE IS CLAY OR RELATIVELY NON-POROUS AND THE CONSTRUCTION SEQUENCE WILL LAST FOR AN EXTENDED PERIOD OF TIME, IT IS BEST TO SLOPE THE GRADE TO ONE END OF THE SYSTEM. THIS WILL ALLOW EXCESS WATER TO DRAIN QUICKLY, PREVENTING SATURATION OF THE SUBGRADE.

BEDDING

A 4 TO 8 INCH THICK, WELL GRADED, GRANULAR MATERIAL IS THE PREFERRED PIPE BEDDING. IF CONSTRUCTION EQUIPMENT WILL OPERATE FOR AN EXTENDED PERIOD OF TIME ON THE BEDDING, USE EITHER AN ENGINEERING FABRIC OR A STIFF GEOTEXTILE TO ENSURE THE BASE MATERIAL MAINTAINS ITS INTEGRITY. USING AN OPEN GRADED BEDDING MATERIAL IS ACCEPTABLE; HOWEVER, AN ENGINEERING FABRIC SEPARATOR IS REQUIRED BETWEEN THE BASE AND THE SUBGRADE.



NOTE: IF SALTING AGENTS FOR SNOW AND ICE REMOVAL ARE USED ON OR NEAR THE PROJECT, A GEOMEMBRANE BARRIER IS RECOMMENDED WITH THE SYSTEM. THE GEOMEMBRANE LINER IS INTENDED TO HELP PROTECT THE SYSTEM FROM THE POTENTIAL ADVERSE EFFECTS THAT MAY RESULT FROM A CHANGE IN THE SURROUNDING ENVIRONMENT OVER A PERIOD OF TIME. PLEASE REFER TO THE CORRUPTIBLE METAL PIPE DETENTION DESIGN GUIDE FOR ADDITIONAL INFORMATION.

GEOMEMBRANE BARRIER

SITES RESISTIVITY MAY CHANGE OVER TIME WHEN VARIOUS TYPES OF SALTING AGENTS ARE USED, SUCH AS ROAD SALTS FOR DEICING AGENTS. IF SALTING AGENTS ARE USED ON OR NEAR THE PROJECT SITE, A GEOMEMBRANE BARRIER IS RECOMMENDED WITH THE SYSTEM. THE GEOMEMBRANE LINER IS INTENDED TO HELP PROTECT THE SYSTEM FROM THE POTENTIAL ADVERSE EFFECTS THAT MAY RESULT FROM THE USE OF SUCH AGENTS INCLUDING PREMATURE CORROSION AND REDUCED ACTUAL SERVICE LIFE.

THE PROJECT'S ENGINEER OF RECORD IS TO EVALUATE WHETHER SALTING AGENTS WILL BE USED ON OR NEAR THE PROJECT SITE, AND USE HIS/HER BEST JUDGEMENT TO DETERMINE IF ANY ADDITIONAL PROTECTIVE MEASURES ARE REQUIRED. BELOW IS A TYPICAL DETAIL SHOWING THE PLACEMENT OF A GEOMEMBRANE BARRIER FOR PROJECTS WHERE SALTING AGENTS ARE USED ON OR NEAR THE PROJECT SITE.



IN-SITU TRENCH WALL

IF EXCAVATION IS REQUIRED, THE TRENCH WALL NEEDS TO BE CAPABLE OF SUPPORTING THE LOAD THAT THE PIPE SHARES AS THE SYSTEM IS LOADED. IF SOILS ARE NOT CAPABLE OF SUPPORTING THESE LOADS, THE PIPE CAN DEFLECT. PERFORM A SIMPLE SOIL PRESSURE CHECK USING THE APPLIED LOADS TO DETERMINE THE LIMITS OF EXCAVATION BEYOND THE SPRING LINE OF THE OUTER MOST PIPES.

IN MOST CASES THE REQUIREMENTS FOR A SAFE WORK ENVIRONMENT AND PROPER BACKFILL PLACEMENT AND COMPACTION TAKE CARE OF THIS CONCERN.

BACKFILL MATERIAL

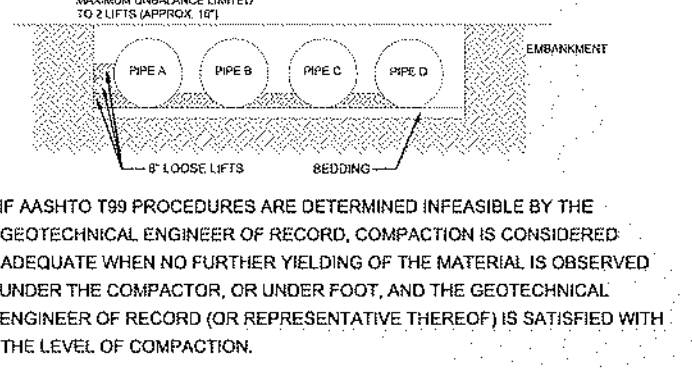
TYPICALLY, THE BEST BACKFILL MATERIAL IS AN ANGULAR, WELL-GRADED, GRANULAR FILL MEETING THE REQUIREMENTS OF AASHTO A-1, A-2 OR A-3. IN SOME CASES, IT MAY BE DESIRABLE TO USE A UNIFORMLY GRADED MATERIAL FOR THE FIRST 18- TO 24-INCHES. THIS TYPE OF MATERIAL IS EASIER TO PLACE UNDER THE HAUNCHES OF THE PIPE AND REQUIRES LITTLE COMPACTIVE EFFORT. DEPENDING ON THE BEDDING MATERIAL, A SEPARATION GEOTEXTILE MIGHT BE REQUIRED ABOVE AND BELOW THESE INITIAL LIFTS.

OPEN GRADED FILL IS TYPICALLY NOT USED BEYOND THE INITIAL 18- TO 24-INCHES BECAUSE THIS TYPE OF FILL OFTEN DOES NOT PROVIDE ADEQUATE CONFINING RESTRAINT TO THE PIPES. IF A UNIFORM, GRADED MATERIAL PARTICLES ALL ONE SIZE IS USED, INSTALL A GEOTEXTILE SEPARATION FABRIC TO PREVENT THE MIGRATION OF FINES INTO THE BACKFILL.

BACKFILL USING CONTROLLED LOW STRENGTH MATERIAL (CLSM OR FLOWABLE FILL) WHEN THE SPACING BETWEEN THE PIPES WILL NOT ALLOW FOR PLACEMENT AND ADEQUATE COMPACTION OF THE BACKFILL. WORK CLOSELY WITH THE LOCAL CONTECH SALES ENGINEER REGARDING THE SPECIAL INSTALLATION TECHNIQUES REQUIRED WHEN USING CLSM.

BACKFILL PLACEMENT

PLACE BACKFILL IN 8-INCH LOOSE LIFTS AND COMPACT TO 80% AASHTO T99 STANDARD PROCTOR DENSITY. MATERIAL SHALL BE WORKED INTO THE HAUNCHES BY MEANS OF SHOVELING, RODDING, AIR TAMPER, VIBRATORY ROD, OR OTHER EFFECTIVE METHODS.

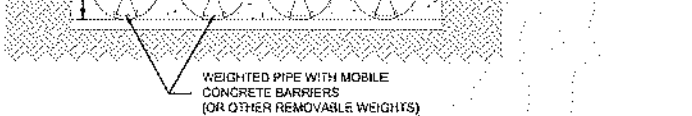


IF AASHTO T99 PROCEDURES ARE DETERMINED INFEASIBLE BY THE GEOTECHNICAL ENGINEER OF RECORD, COMPACTION IS CONSIDERED ADEQUATE WHEN NO FURTHER YIELDING OF THE MATERIAL IS OBSERVED UNDER THE COMPACTOR, OR UNDER FOOT, AND THE GEOTECHNICAL ENGINEER OF RECORD (OR REPRESENTATIVE THEREOF) IS SATISFIED WITH THE LEVEL OF COMPACTION.

FOR LARGE SYSTEMS, CONVEYOR SYSTEMS, BACKHOES WITH LONG REACHERS OR DREDGERS ARE USED TO PLACE BACKFILL. ONCE MINIMUM COVER FOR CONSTRUCTION LOADING ACROSS THE ENTIRE WIDTH OF THE SYSTEM IS REACHED, ADVANCE THE EQUIPMENT TO THE END OF THE RECENTLY PLACED FILL, AND BEGIN THE SEQUENCE AGAIN UNTIL THE SYSTEM IS COMPLETELY BACKFILLED. THIS TYPE OF CONSTRUCTION SEQUENCE PROVIDES ROOM FOR STOCKPILED BACKFILL DIRECTLY BEHIND THE BACKHOE, AS WELL AS THE MOVEMENT OF CONSTRUCTION TRAFFIC. MATERIAL STOCKPILES ON TOP OF THE BACKFILLED DETENTION SYSTEM SHOULD BE LIMITED TO 10- TO 15- FEET HIGH AND MUST PROVIDE BALANCED LOADING ACROSS ALL BARRELS.

TO DETERMINE THE PROPER COVER OVER THE PIPES TO ALLOW THE MOVEMENT OF CONSTRUCTION EQUIPMENT SEE TABLE 1, OR CONTACT YOUR LOCAL CONTECH SALES ENGINEER.

WHEN FLOWABLE FILL IS USED, YOU MUST PREVENT PIPE FLOATATION. TYPICALLY, SMALL LIFTS ARE PLACED BETWEEN THE PIPES AND THEN ALLOWED TO SET UP PRIOR TO THE PLACEMENT OF THE NEXT LIFT. THE ALLOWABLE THICKNESS OF THE CLSM LIFT IS A FUNCTION OF A PROPER BALANCE BETWEEN THE UPLIFT FORCE OF THE CLSM, THE OPPOSING WEIGHT OF THE PIPE, AND THE EFFECT OF OTHER RESTRAINING MEASURES. THE PIPE CAN CARRY LIMITED FLUID PRESSURE WITHOUT PIPE DISTORTION OR DISPLACEMENT, WHICH ALSO AFFECTS THE CLSM LIFT THICKNESS. YOUR LOCAL CONTECH SALES ENGINEER CAN HELP DETERMINE THE PROPER LIFT THICKNESS.

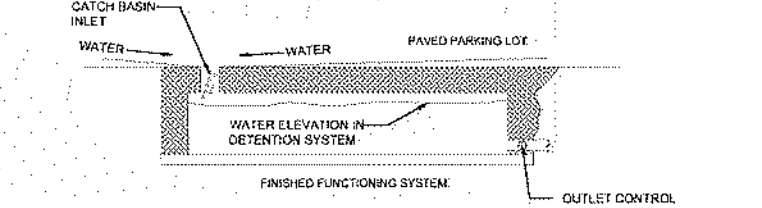


CONSTRUCTION LOADING

TYPICALLY, THE MINIMUM COVER SPECIFIED FOR A PROJECT ASSUMES H-20 LIVE LOAD, BECAUSE CONSTRUCTION LOADS OFTEN EXCEED DESIGN LIVE LOADS. INCREASED TEMPORARY MINIMUM COVER REQUIREMENTS ARE NECESSARY, SINCE CONSTRUCTION EQUIPMENT VARIES FROM JOB TO JOB, IT IS BEST TO ADDRESS EQUIPMENT SPECIFIC MINIMUM COVER REQUIREMENTS WITH YOUR LOCAL CONTECH SALES ENGINEER DURING YOUR PRE-CONSTRUCTION MEETING.

ADDITIONAL CONSIDERATIONS

BECAUSE MOST SYSTEMS ARE CONSTRUCTED BELOW GRADE, RAINFALL CAN RAPIDLY FILL THE EXCAVATION, POTENTIALLY CAUSING FLOATION AND MOVEMENT OF THE PREVIOUSLY PLACED PIPES TO HELP MITIGATE POTENTIAL PROBLEMS, IT IS BEST TO START THE INSTALLATION AT THE DOWNSTREAM END WITH THE OUTLET ALREADY CONSTRUCTED TO ALLOW A ROUTE FOR THE WATER TO ESCAPE. TEMPORARY DIVERSION MEASURES MAY BE REQUIRED FOR HIGH FLOWS DUE TO THE RESTRICTED NATURE OF THE OUTLET PIPE.



CMP DETENTION SYSTEM INSPECTION AND MAINTENANCE

UNDERGROUND STORMWATER DETENTION AND INFILTRATION SYSTEMS MUST BE INSPECTED AND MAINTAINED AT REGULAR INTERVALS FOR PURPOSES OF PERFORMANCE AND LONGEVITY.

INSPECTION

INSPECTION IS THE KEY TO EFFECTIVE MAINTENANCE OF CMP DETENTION SYSTEMS AND IS EASILY PERFORMED. CONTECH RECOMMENDS QUARTERLY INSPECTIONS. THE RATE AT WHICH THE SYSTEM COLLECTS POLLUTANTS WILL DEPEND MORE ON SITE SPECIFIC ACTIVITIES RATHER THAN THE SIZE OR CONFIGURATION OF THE SYSTEM.

INSPECTIONS SHOULD BE PERFORMED MORE OFTEN IN FLOODING WASHDOWN AREAS, IN CLIMATES WHERE SANDING AND/OR SALTING SYSTEMS ARE USED, AND IN OTHER VARIOUS INSTANCES IN WHICH ONE WOULD EXPECT HIGHER ACCUMULATIONS OF SEDIMENT OR ABRASIVE/ CORROSIVE CONDITIONS. A RECORD OF EACH INSPECTION IS TO BE MAINTAINED FOR THE LIFE OF THE SYSTEM.

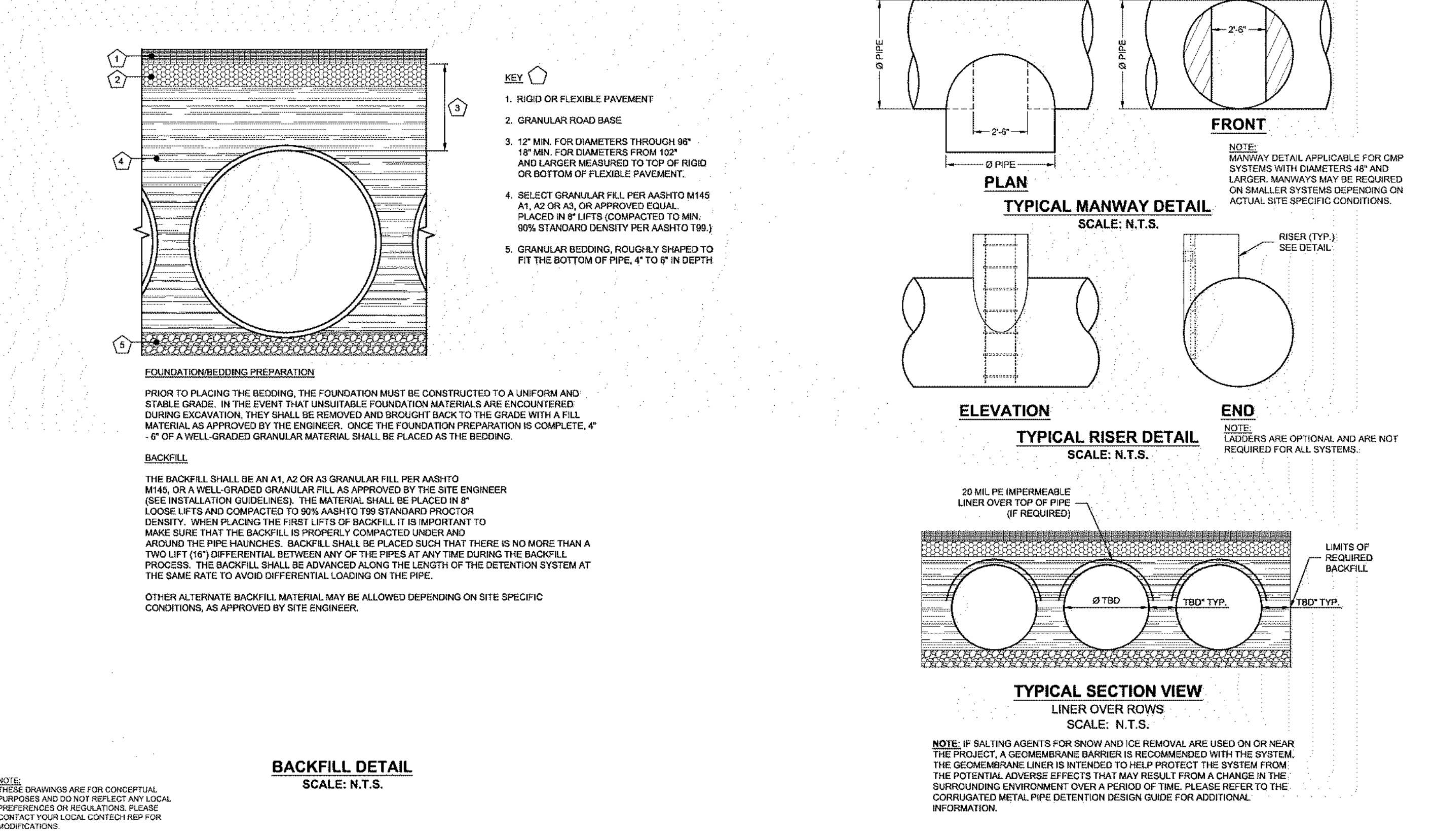
MAINTENANCE

CMP DETENTION SYSTEMS SHOULD BE CLEANED WHEN AN INSPECTION REVEALS ACCUMULATED SEDIMENT OR TRASH IS CLOSING THE DISCHARGE ORIFICE.

ACCUMULATED SEDIMENT AND TRASH CAN TYPICALLY BE EVALUATED THROUGH THE MANHOLE OVER THE OUTLET ORIFICE. IF MAINTENANCE IS NOT PERFORMED AS RECOMMENDED, SEDIMENT AND TRASH MAY ACCUMULATE IN FRONT OF THE OUTLET ORIFICE. MANHOLE COVERS SHOULD BE SECURELY SEATED FOLLOWING CLEANING ACTIVITIES. CONTECH SUGGESTS THAT ALL SYSTEMS BE DESIGNED WITH AN ACCESS/INSPECTION MANHOLE SITUATED AT OR NEAR THE INLET AND THE OUTLET ORIFICE. SHOULD IT BE NECESSARY TO GET INSIDE THE SYSTEM TO PERFORM MAINTENANCE ACTIVITIES, ALL APPROPRIATE PRECAUTIONS REGARDING CONFINED SPACE ENTRY AND OSHA REGULATIONS SHOULD BE FOLLOWED.

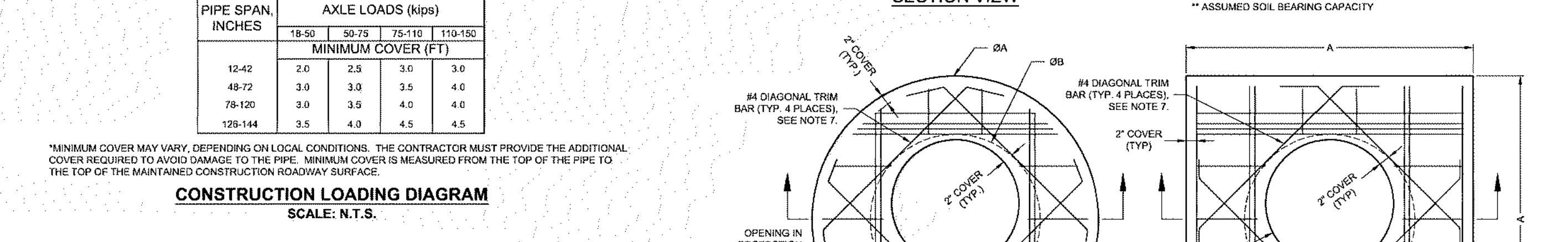
ANNUAL INSPECTIONS ARE BEST PRACTICE FOR ALL UNDERGROUND SYSTEMS. DURING THIS INSPECTION, IF EVIDENCE OF SALTING/ICEING AGENTS IS OBSERVED WITHIN THE SYSTEM, IT IS BEST PRACTICE FOR THE SYSTEM TO BE RINSED, INCLUDING ABOVE THE SPRING LINE SOON AFTER THE SPRING THAW AS PART OF THE MAINTENANCE PROGRAM FOR THE SYSTEM. MAINTAINING AN UNDERGROUND DETENTION OR INFILTRATION SYSTEM IS EASIEST WHEN THERE IS NO FLOW ENTERING THE SYSTEM. FOR THIS REASON, IT IS A GOOD IDEA TO SCHEDULE THE CLEANOUT DURING DRY WEATHER.

THE FOREGOING INSPECTION AND MAINTENANCE EFFORTS HELP ENSURE UNDERGROUND PIPE SYSTEMS USED FOR STORMWATER STORAGE CONTINUE TO FUNCTION AS INTENDED BY THE DESIGNER. REGULAR INSPECTION AND MAINTENANCE PRACTICES, INSPECTION AND MAINTENANCE RECORDS, AND RECORDS OF THE SYSTEM'S STRUCTURAL INTEGRITY OF THE PIPE JOINT CONNECTIONS IS BEYOND THE SCOPE OF THIS GUIDE.



CONTECH ENGINEERED SOLUTIONS LLC
PROJECT NAME: Christ Community Church
Chapel Hill, NC
DESCRIPTION: WQV + MAIN DETENTION

Table with 4 columns: PIPE SPAN (INCHES), AXLE LOADS (KIPS), MINIMUM COVER (FT), and REINFORCING TABLE. The table provides data for various pipe spans and axle loads, and the reinforcing table provides data for different pipe sizes and reinforcing requirements.

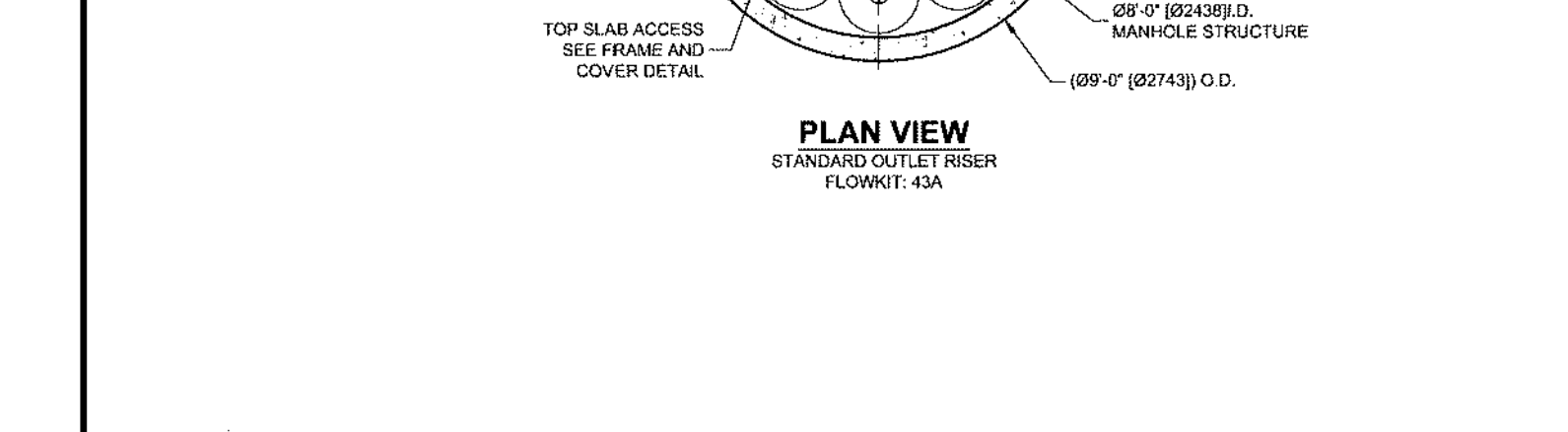


CONTECH ENGINEERED SOLUTIONS LLC
CONTECH CMP DETENTION SYSTEMS
CONTECH DYODS DRAWING

CONTECH ENGINEERED SOLUTIONS LLC
CONTECH CMP DETENTION SYSTEMS
CONTECH DYODS DRAWING

CONTECH ENGINEERED SOLUTIONS LLC
CONTECH CMP DETENTION SYSTEMS
CONTECH DYODS DRAWING

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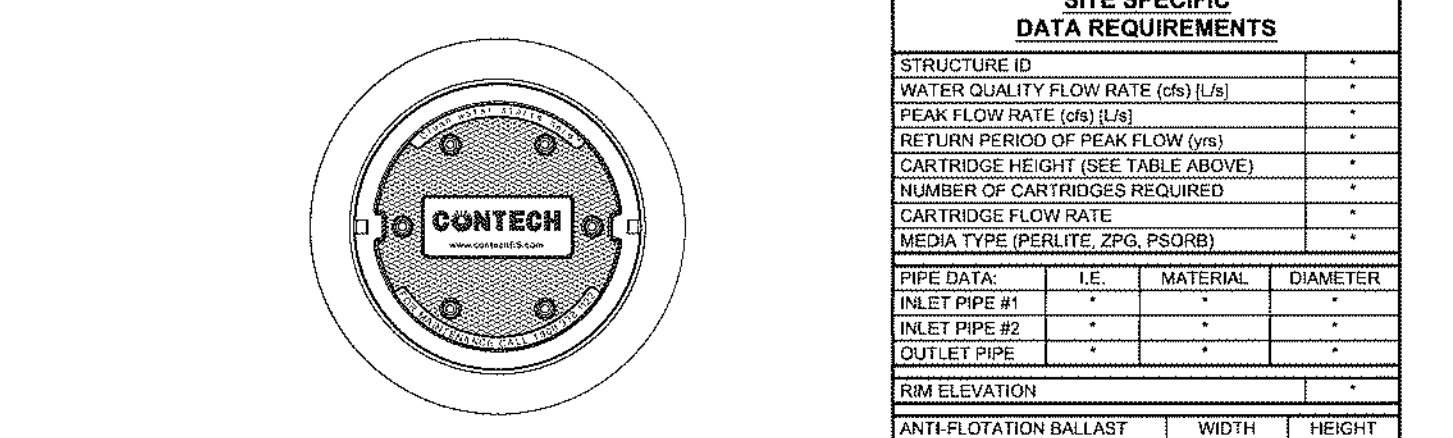


CONTECH ENGINEERED SOLUTIONS LLC
CONTECH CMP DETENTION SYSTEMS
CONTECH DYODS DRAWING

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CONTECH ENGINEERED SOLUTIONS LLC
CONTECH CMP DETENTION SYSTEMS
CONTECH DYODS DRAWING

CONTECH ENGINEERED SOLUTIONS LLC
CONTECH CMP DETENTION SYSTEMS
CONTECH DYODS DRAWING

CONTECH ENGINEERED SOLUTIONS LLC
CONTECH CMP DETENTION SYSTEMS
CONTECH DYODS DRAWING

CHRIST COMMUNITY CHURCH
STORMWATER FILTER AREA DETAILS
41 ERWIN ROAD, CHAPEL HILL, N.C. 27514
PHONE 919-818-7862
P.O. BOX 4912
CHapel Hill, NC 27515



TOTAL DISTURBED AREA IN R/W = 10,158 SF (0.233 AC.)

C009
SHEET 10 OF 16

PHILIP
POST
ENGINEERING

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(919) 818-7862
philip.n.post@gmail.com

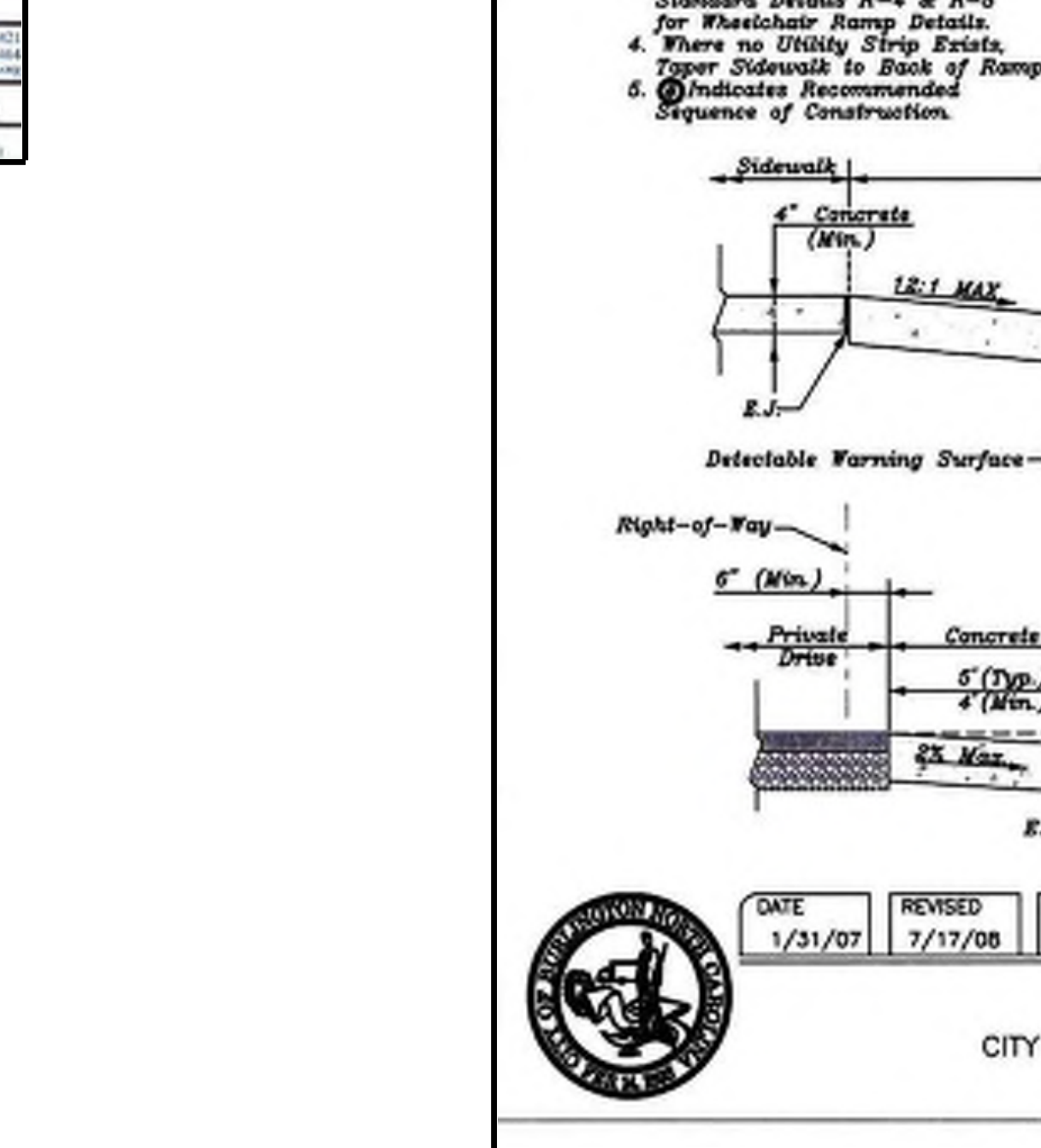
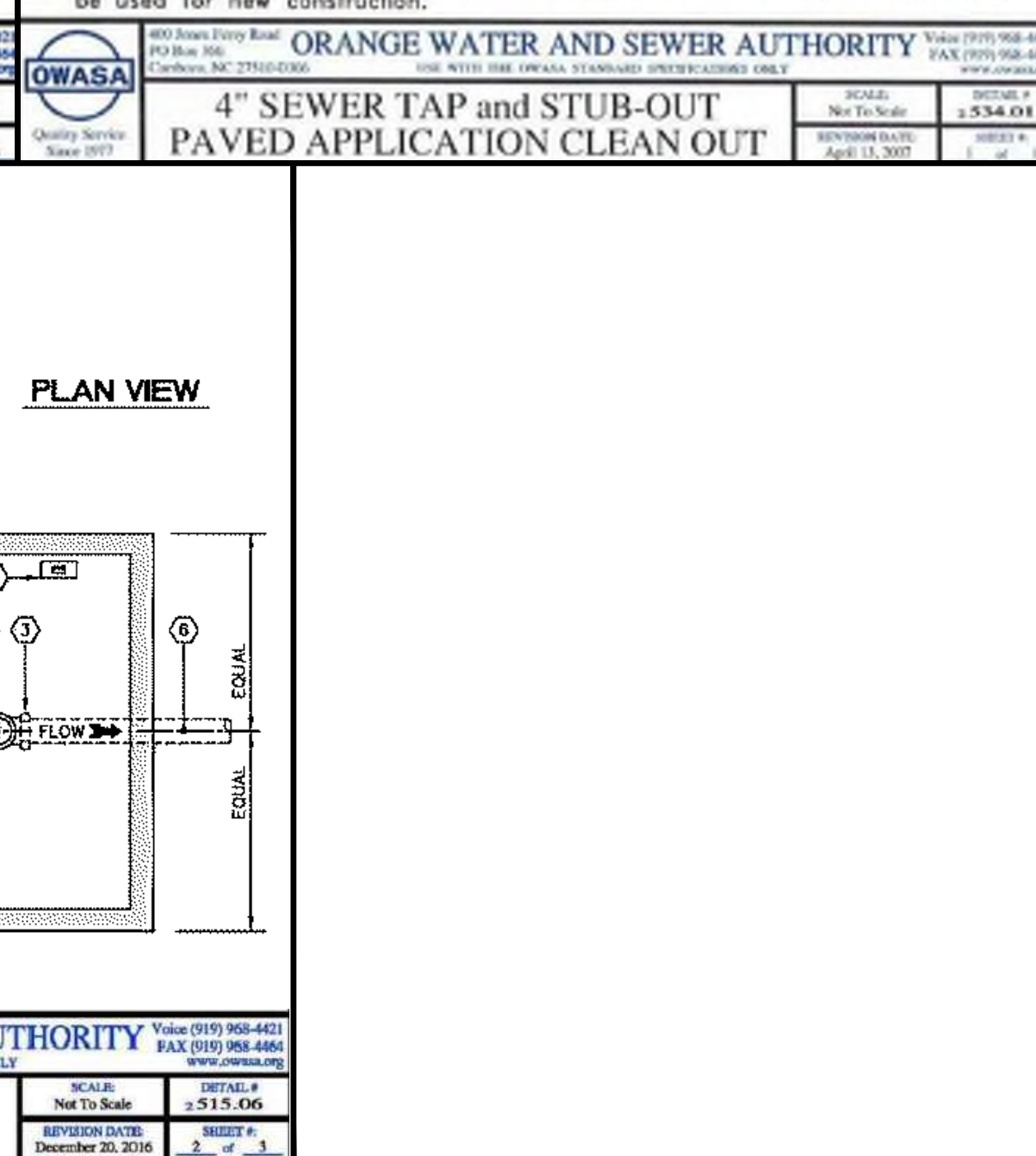
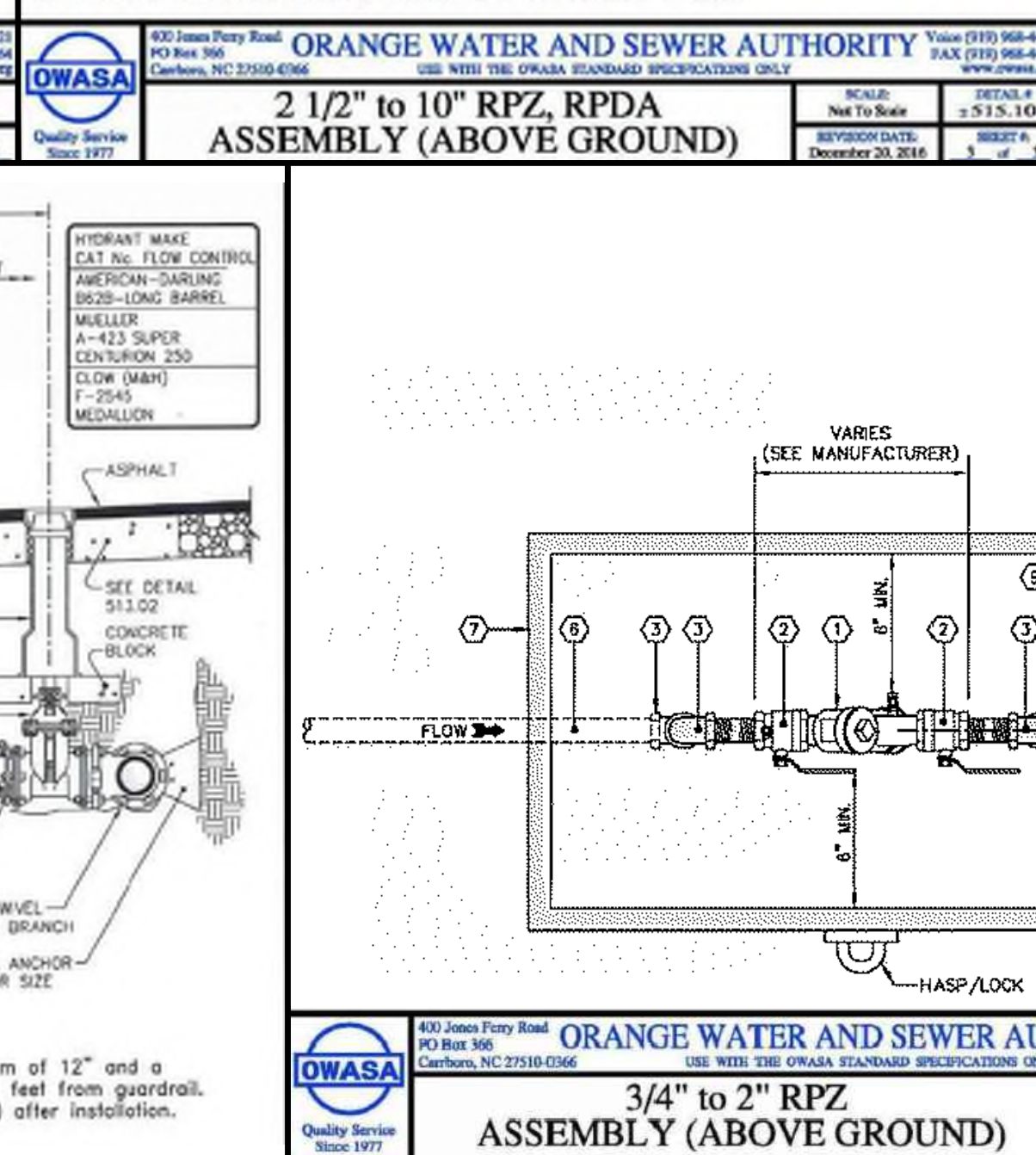
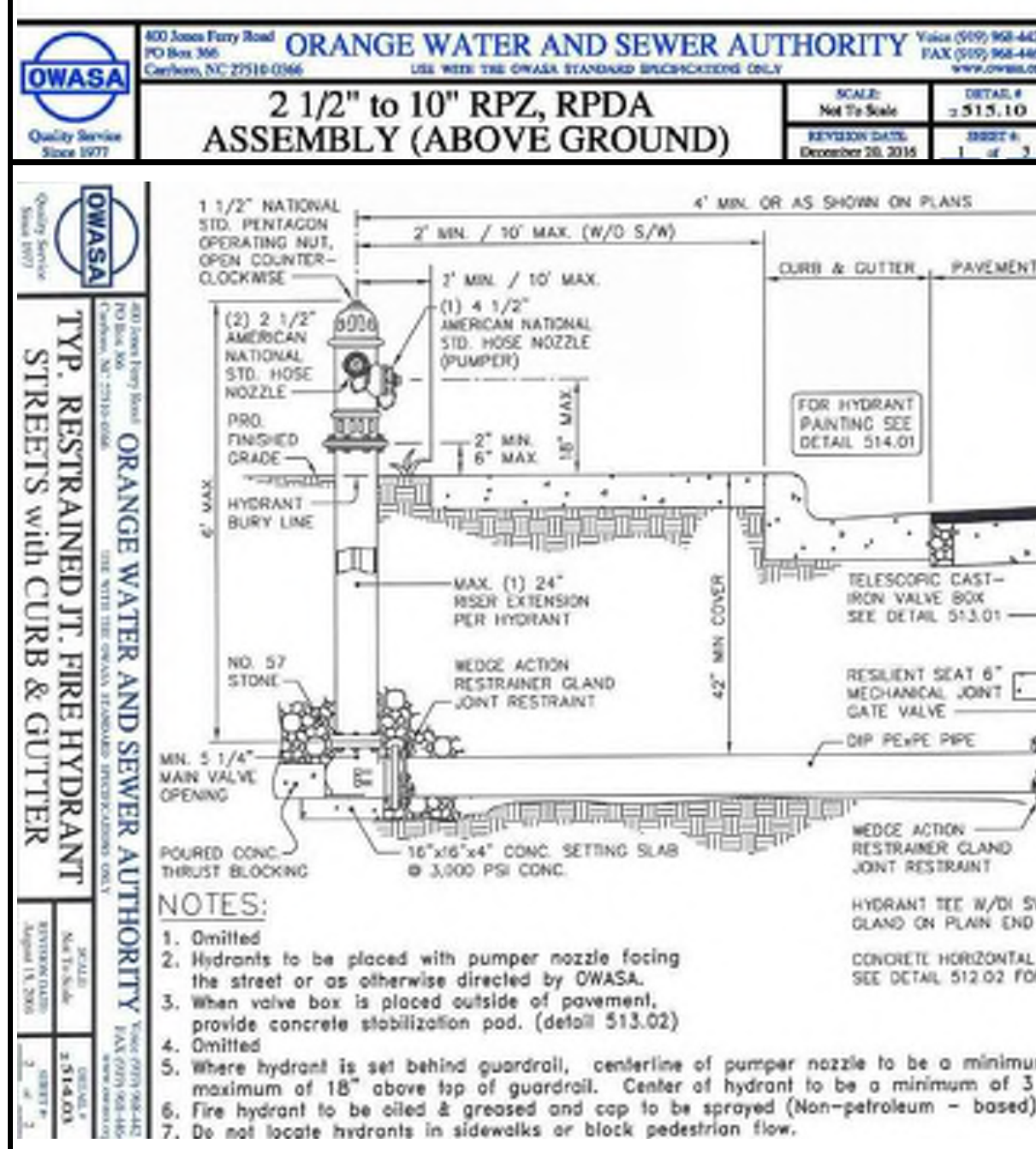
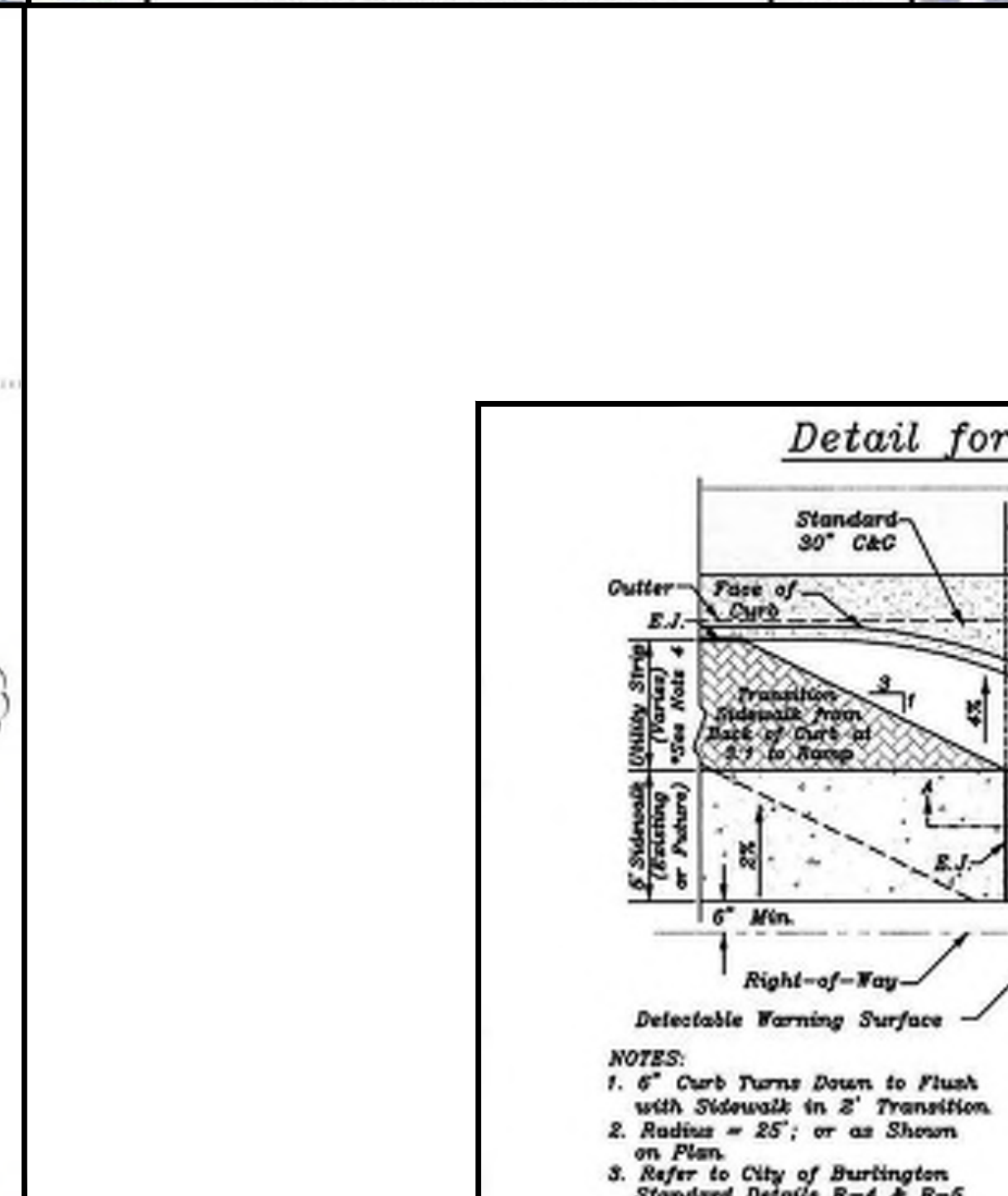
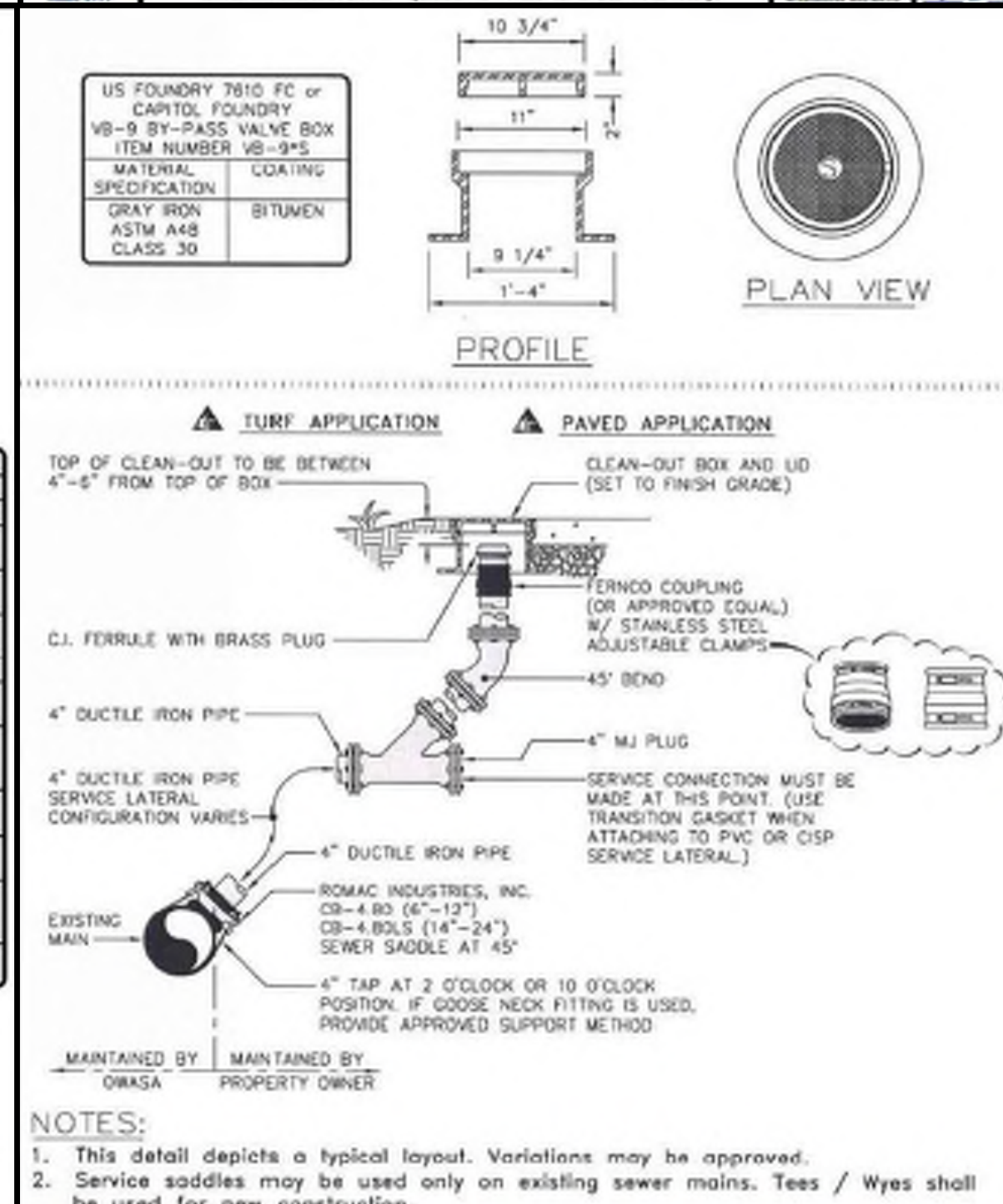
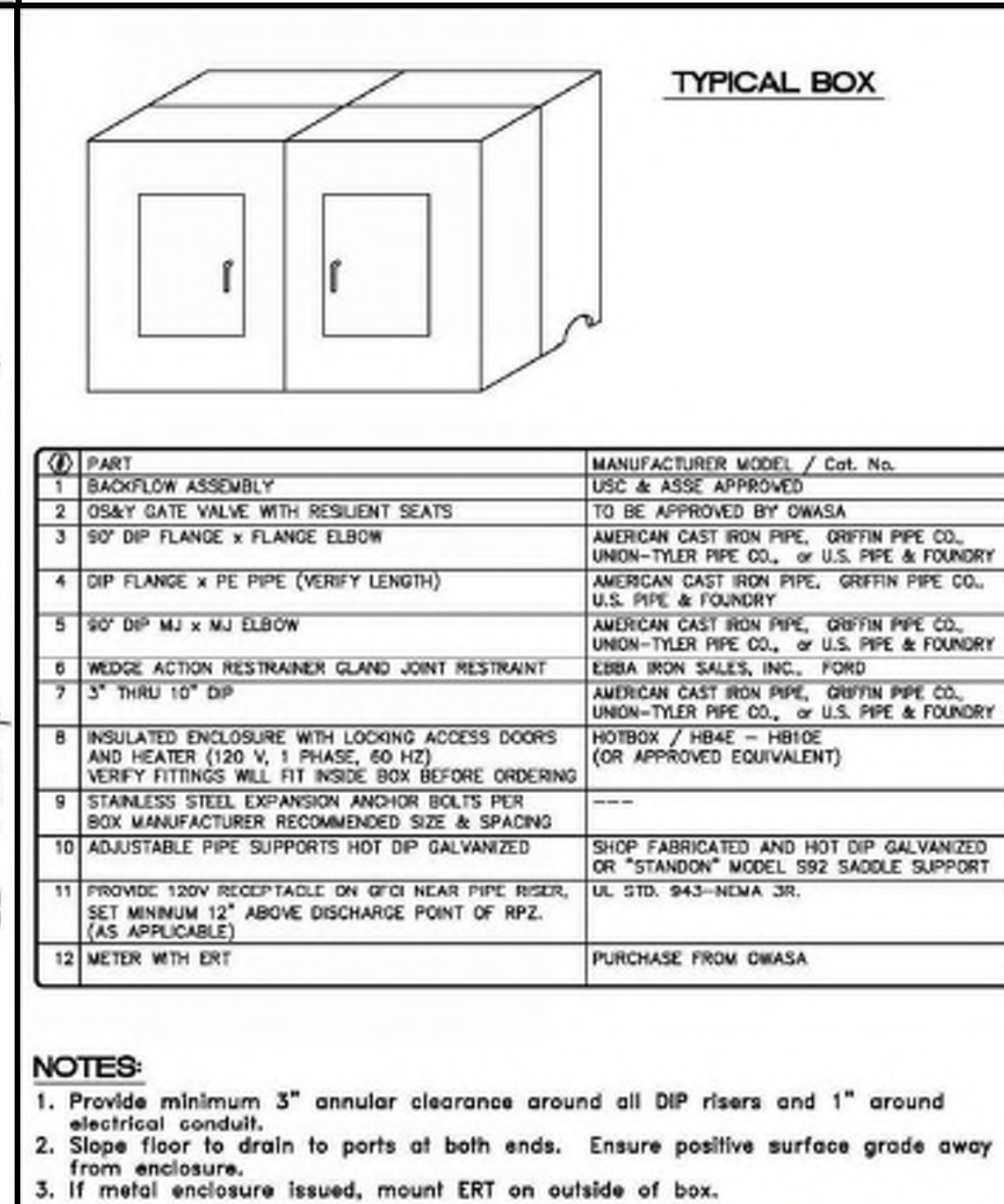
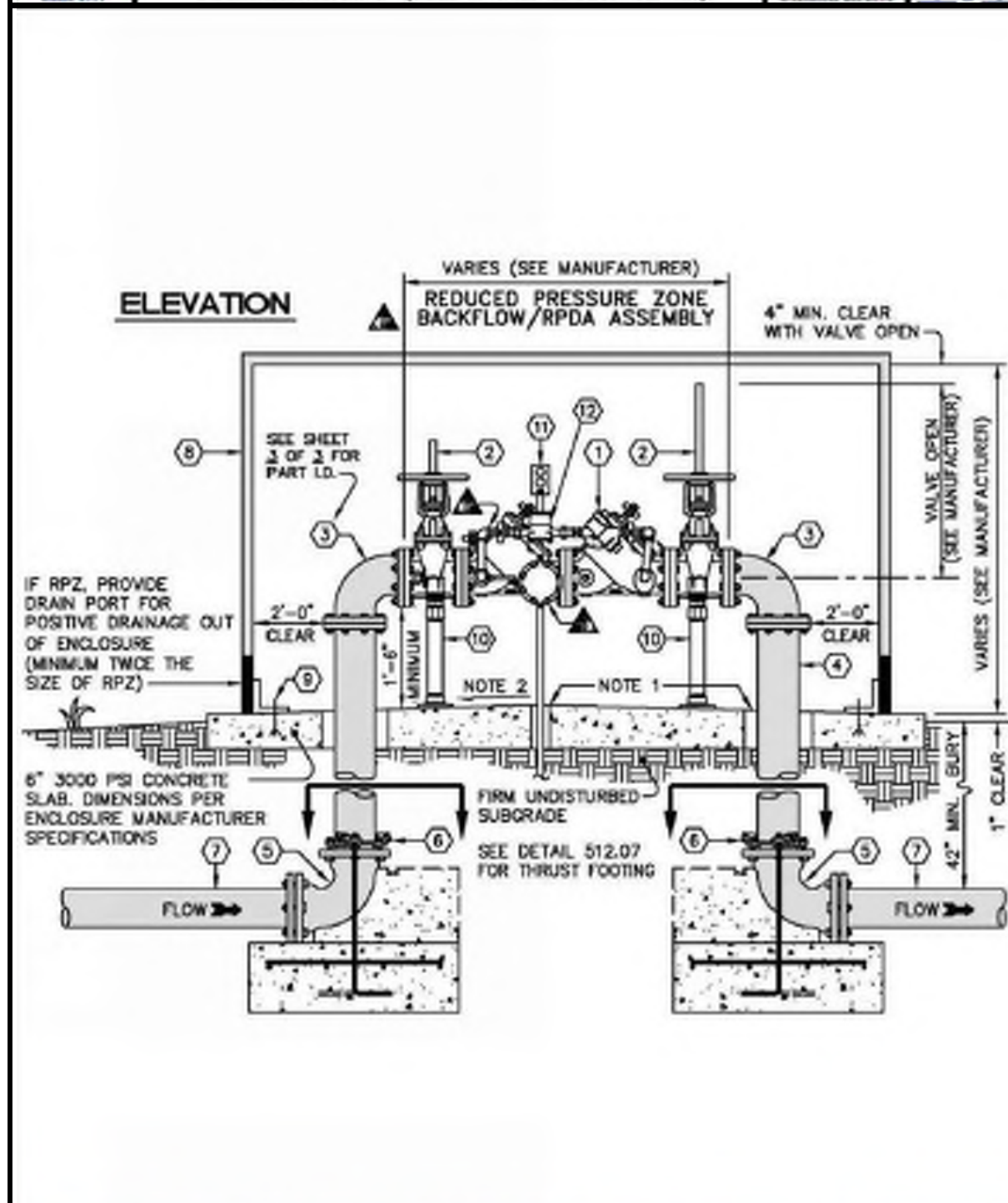
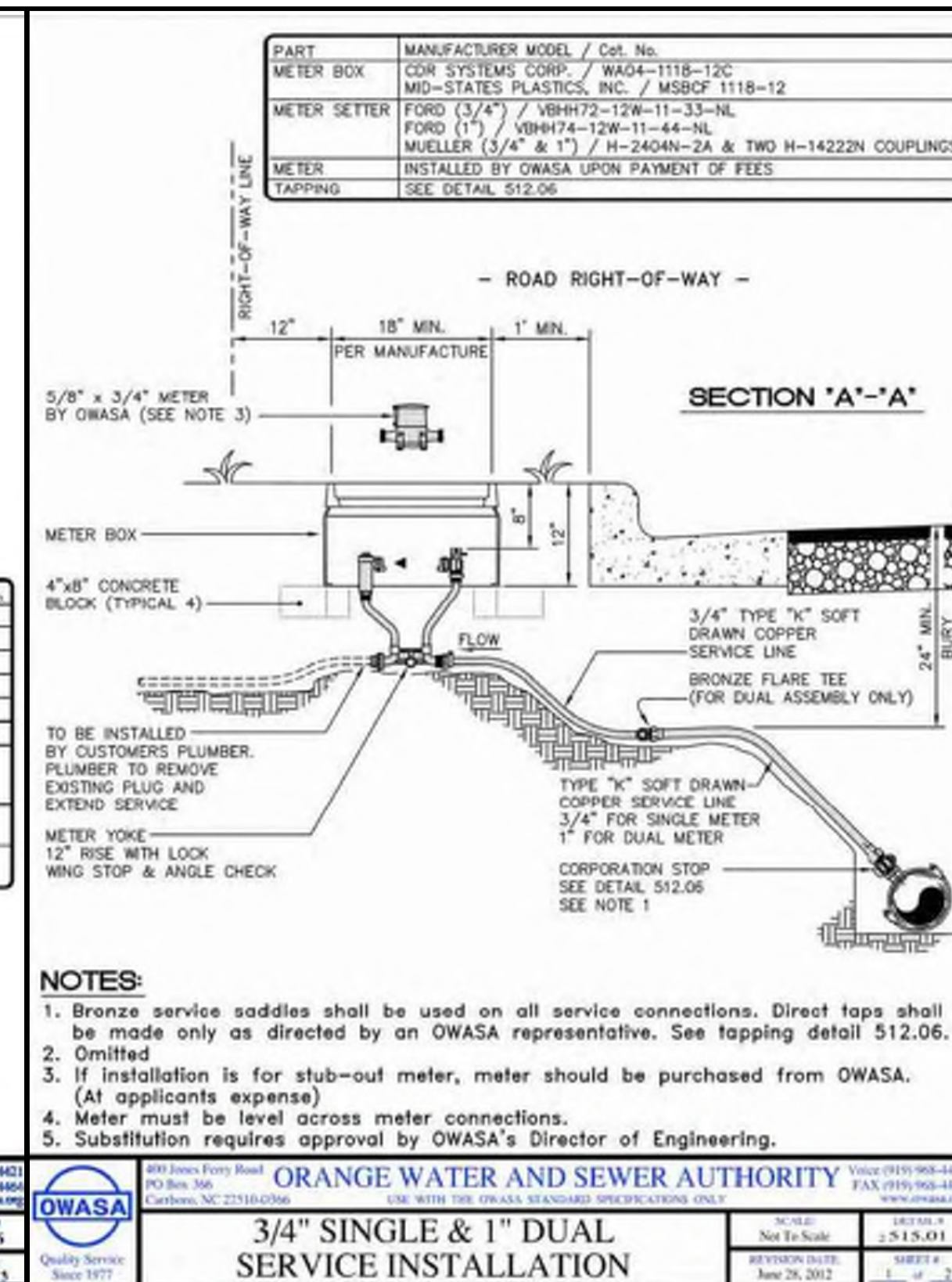
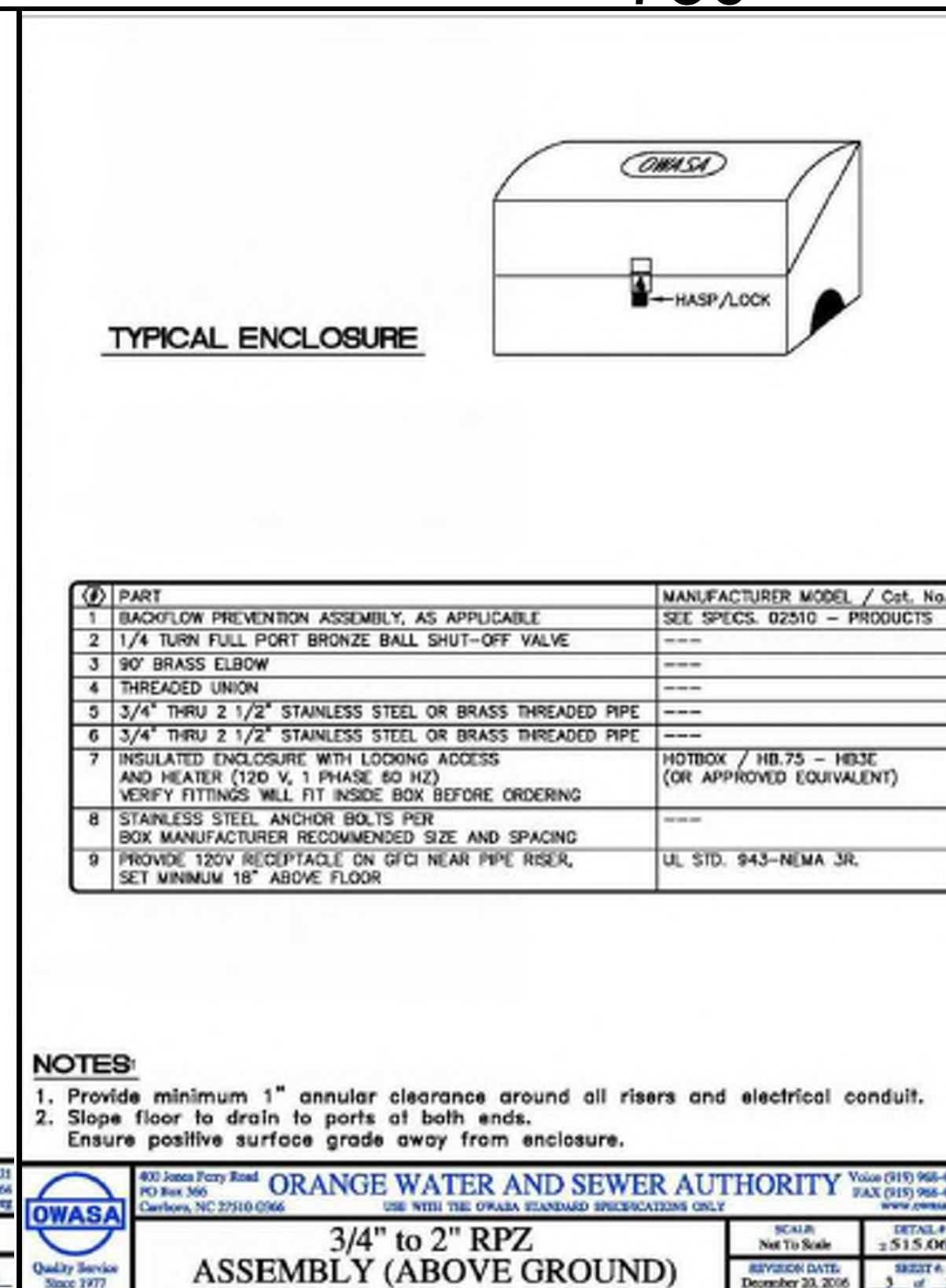
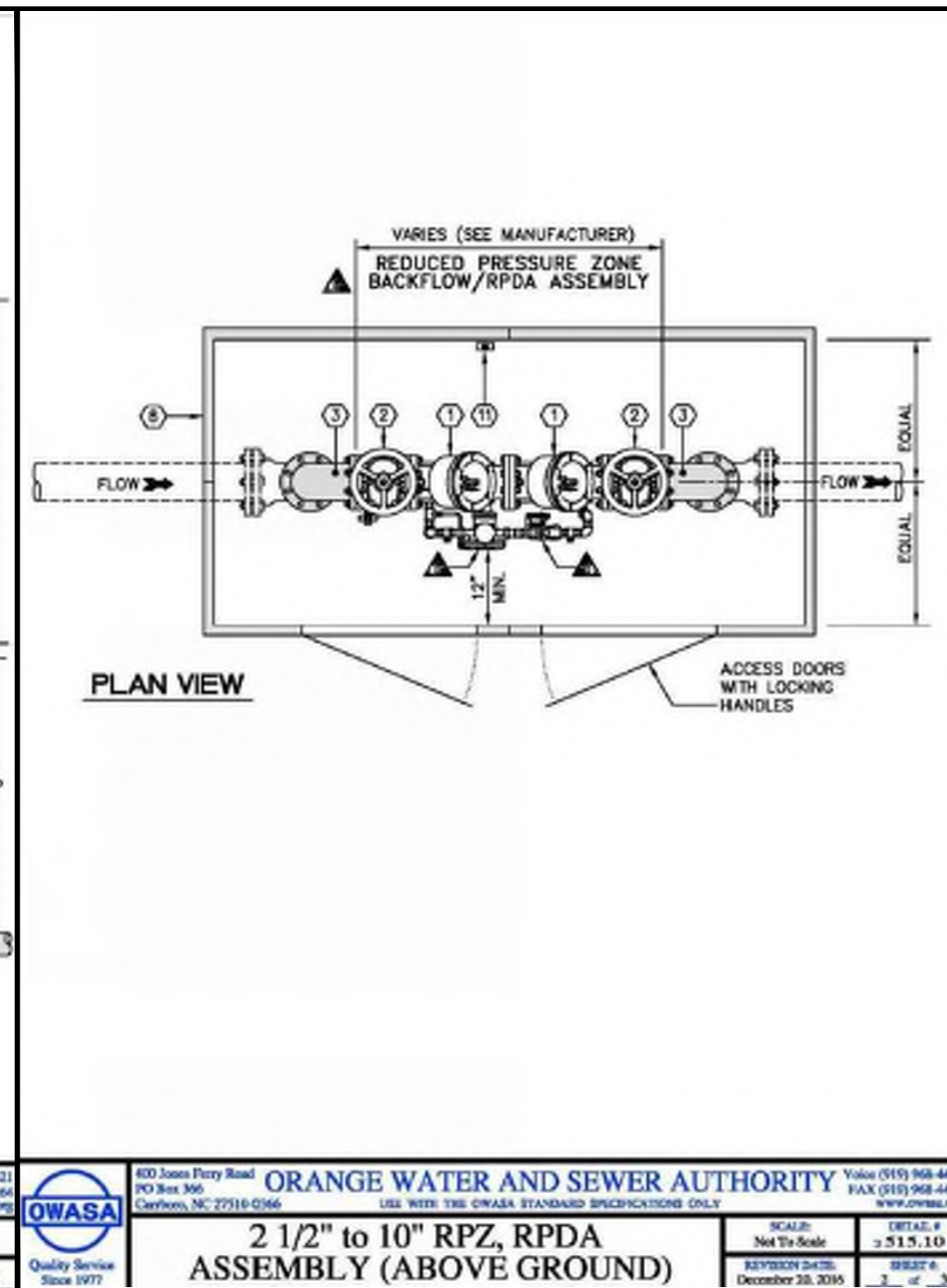
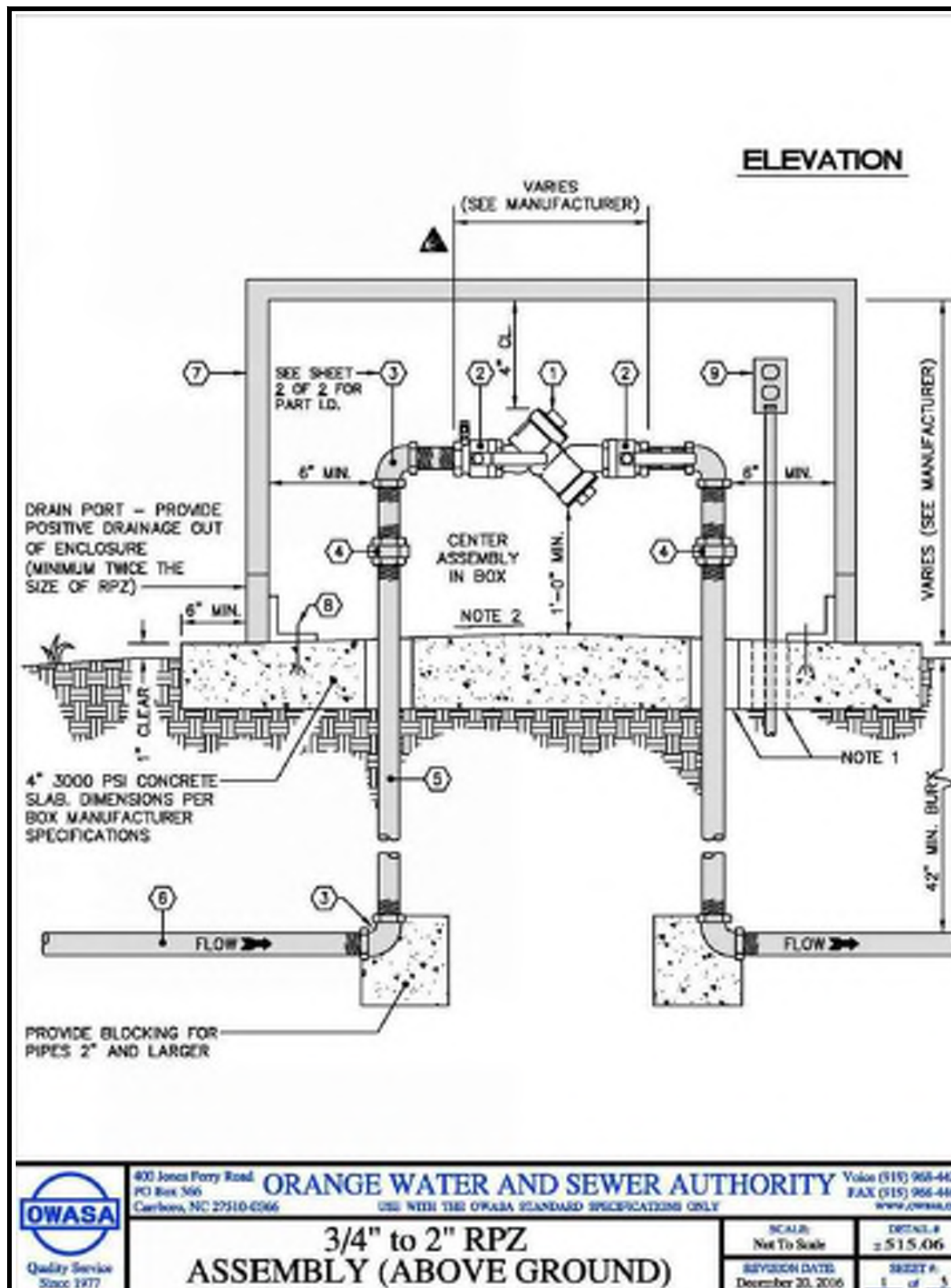
PO Box 4912
Chapel Hill, NC 27515

FIRM: C-347



NOTE:
1. APPLICANT SHALL WORK WITH DUKE ENERGY, TOWN AND NCDOT TO GET APPROVED DESIGN AND INSTALL APPROPRIATE LED STREET LIGHTING ALONG ERWIN ROAD AND OLD OXFORD ROAD.

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK										PHILIP POST ENGINEERING FIRM: C-347	
CHRIST COMMUNITY CHURCH 141 ERWIN ROAD, CHAPEL HILL, N.C. 27514 PH# 9798-39-9116 AND 9799-49-0235 UTILITY PLAN & FIRE DEPT. FDC APPLICANT: CHRIST COMMUNITY CHURCH 1526 E. FRANKLIN STREET, SUITE 201 CHAPEL HILL, N.C. 27514											
#	#	#	#	#	#	#	#	#	#	#	#
2/26/2020	6	NC DOT AND TOWN COMMENTS									DC
2-9-2020	5	TOWN COMMENTS									#DC
1-27-2020	4	PROPERTY LINE SWAP									DC
1-17-2020	3	SUBMITTAL #2 COMMENTS									DC
12-27-2019	2	OWASA 11/13/2019 COMMENTS									DC
11-7-2019	1	SUBMITTAL #1 COMMENTS									DC
DATE	NO.	REVISIONS									BY
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PROJECT		401801									
DATE		8/28/2019									
DRAWING SCALE		1" = 20'									
DRAWN BY		DC									
APPROVED BY		PNP									
C011											
SHEET		12		OF		16					



CHRIST COMMUNITY CHURCH

141 ERWIN ROAD, CHAPEL HILL, N.C. 27514
PHONE 979-39-9116 AND 979-46-0235

UTILITY AND DRIVEWAY ENTRANCE DETAILS

APPLICANT: CHRIST COMMUNITY CHURCH
1528 E. FRANKLIN STREET, SUITE 201
CHAPEL HILL, N.C. 27514

REVISIONS

NO.	DATE	REVISIONS
1	11-17-2019	SUBMITTAL #1 COMMENTS
2	12-27-2019	OWASA 11/13/2019 COMMENTS
3	1-17-2020	SUBMITTAL #2 COMMENTS
4	1-27-2020	PROPERTY LINE SWAP
5	2-9-2020	TOWN COMMENTS
6	2/26/2020	NC DOT AND TOWN COMMENTS

PROJECT 401801
DATE 8/28/2019
DRAWING SCALE -
DRAWN BY DC
APPROVED BY PP

C012

SHEET 13 OF 16



SLOPE ANALYSIS:

1. 15% - 25% AREA #2 - 528 SF
THIS SMALL AREA WILL BE 100%
ELIMINATED DURING MASS GRADING
2. GREATER THAN 25%:
THERE ARE NO AREAS GREATER THAN 25%
3. OTHER AREAS #1 AND #3 ARE LESS THAN
400 SF AND IN THE 15% - 25% SLOPES

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

CHRIST COMMUNITY CHURCH

141 ERWIN ROAD, CHAPEL HILL, N.C. 27514
PIN# 9799-39-9116 AND 9799-49-0235

SLOPE ANALYSIS PLAN

APPLICANT:
CHRIST COMMUNITY CHURCH
1526 E. FRANKLIN STREET, SUITE 201
CHAPEL HILL, N.C. 27514

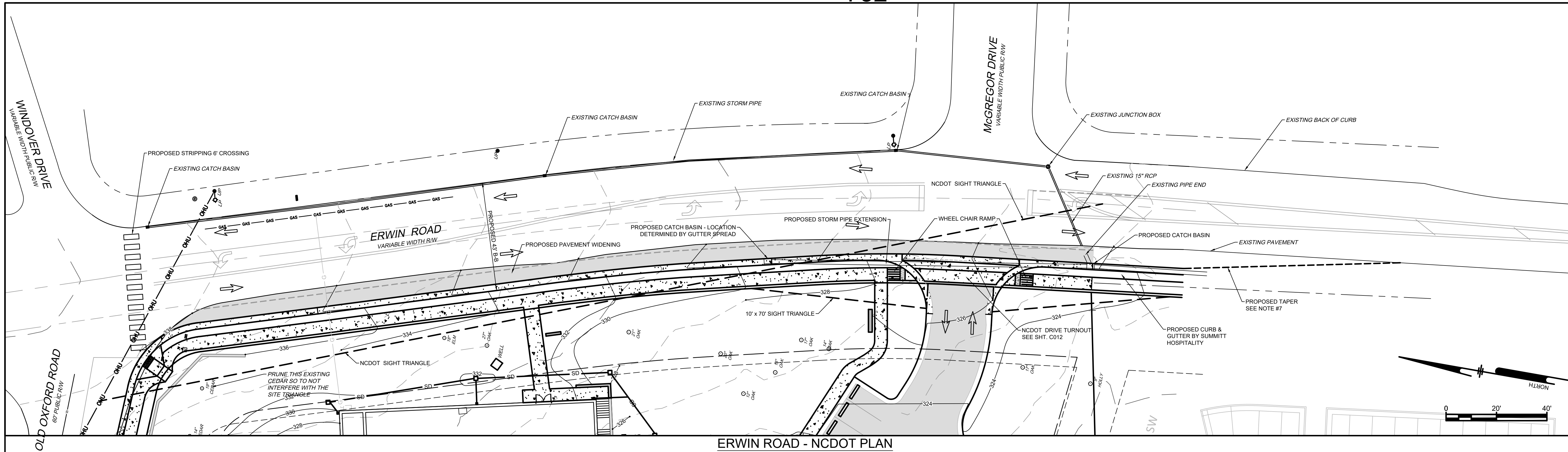
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2-9-2020	TOWN COMMENTS		#DC
1-27-2020	PROPERTY LINE SWAP		DC
1-17-2020	SUBMITTAL #2 COMMENTS		DC
2-27-2019	OWASA 11/13/2019 COMMENTS		DC
1-17-2019	SUBMITTAL #1 COMMENTS		DC
DATE	NO.	REVISIONS	BY

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PROJECT	401801
DATE	8/28/2019
DRAWING SCALE	1" = 20'
DRAWN BY	DC
APPROVED BY	PP

C013

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ERWIN ROAD - NCDOT PLAN

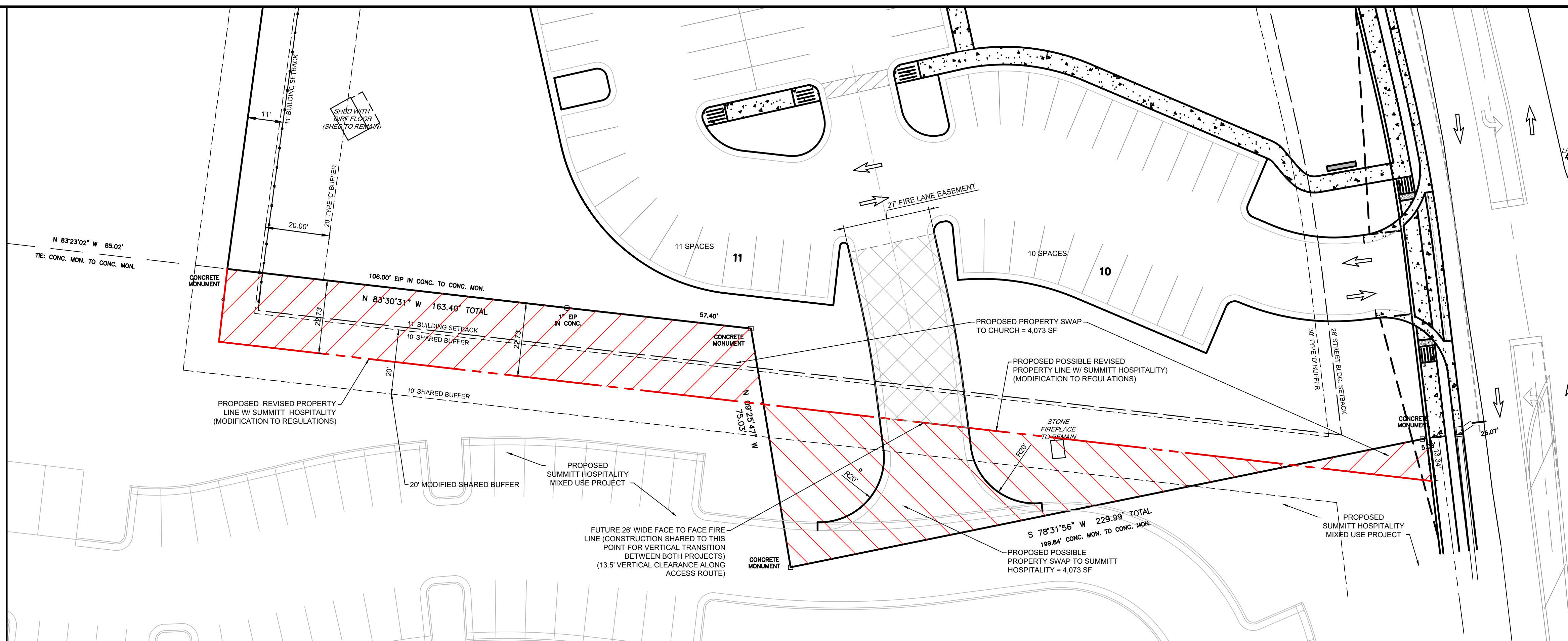
NCDOT/ERWIN ROAD NOTES:

A. FOR CONSTRUCTION PLAN APPROVAL FROM NCDOT, APPLICANT MUST SUBMIT:

1. DRIVEWAY PERMIT APPLICATION AND \$50 CHECK AND COMPLETE CONSTRUCTION PLANS.
2. 3 PARTY ENCROACHMENT AGREEMENT (EA 16.6) FOR SIDEWALK AND LANDSCAPING.
3. "STREET" TYPE DRIVEWAY ENTRANCE ALIGNED AS FOURTH LEG TO MCGREGOR AS SHOWN HEREON AND ON SHEET C012.
4. FOR NORTHBOUND LEFT TURN LANE, 150 FEET OF FULL STORAGE.
5. COMPLETE DRAINAGE DESIGN FOR WIDENING (OR TAPERS) INCLUDING GUTTER SPREAD CALCULATIONS.
6. DETAILED ROAD WIDENING, PAVEMENT MARKING AND MILLING AND OVERLAY LIMITS, FOR TURN LANES, STORAGE LENGTHS, TAPER LENGTHS, LANE WIDTHS, SHOULDER WIDTHS, BIKE LANES, APPROACH, DEPARTURE, BAY TAPERS, LANE ARROWS, WITH SPACING AND STRIPING FOR EDGE, LANES, ISLAND, MINI SKIPS, COLOR, ETC.
7. COMPLETE DETAIL OF HOW ROADWAY, CURB AND SIDEWALK WILL CONNECT AT SOUTH END OF PROJECT TO EITHER THE SUMMITT HOSPITALITY PROJECT OR TO EXISTING CONDITIONS.

CCC AND SUMMITT HOSPITALITY FIRE LANE NOTES:

1. CCC CHURCH WILL COOPERATE WITH SUMMITT HOSPITALITY TO LEGALLY ADJUST THE SOUTHERN PROPERTY LINE AND GRANT CONSTRUCTION EASEMENTS FOR BUILDING EITHER AN EMERGENCY ONLY OR A FULL ACCESS 26' DRIVEWAY, CONNECTING THE TWO PROJECTS.
2. ALL EXPENSES FOR THE FIRE LANE WILL BE PAID BY SUMMITT HOSPITALITY FOR BOTH CONSTRUCTION AND EASEMENT/RECOMBINATION/DEEDS/RECORDATION.
3. CCC CHURCH WILL SWAP LAND WITH SUMMITT HOSPITALITY SUCH THAT THE GLA FOR CCC REMAINS EQUAL TO OR GREATER THAN 122,810 SF.
4. SPECIFIC DETAILS FOR FIRE LANE AND LAND SWAP AND DEDICATION OF MODIFIED BUFFERS WILL BE PART OF A PHASING PLAN FOR THE CCC ZCP CONSTRUCTION PLANS, AS APPROVED BY THE TOWN MANAGER, AND AS AUTHORIZED BY COUNCIL AS A MODIFICATION TO REGULATIONS.



PROPOSED LAND SWAP AND FIRE LANE

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

CHRIST COMMUNITY CHURCH

141 ERWIN ROAD, CHAPEL HILL, N.C. 27514
PIN# 9799-39-9116 AND 9799-49-0235

ERWIN ROAD - NCDOT PLAN

PROPOSED LAND SWAP AND FIRE LANE

CHRIST COMMUNITY CHURCH
1528 E. FRANKLIN STREET, SUITE 201
CHAPEL HILL, N.C. 27514

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Chapel Hill, NC 27515

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FIRM: C-347

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WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY
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INTENDED WILL BE AT OWNERS SOLE RISK AND
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FOR ANY DAMAGE, LOSS, OR EXPENSE ARISING
OUT OF OR RESULTING THEREFROM.

PROJECT 401801

8/28/2019

DRAWING SCALE 1" = 20'

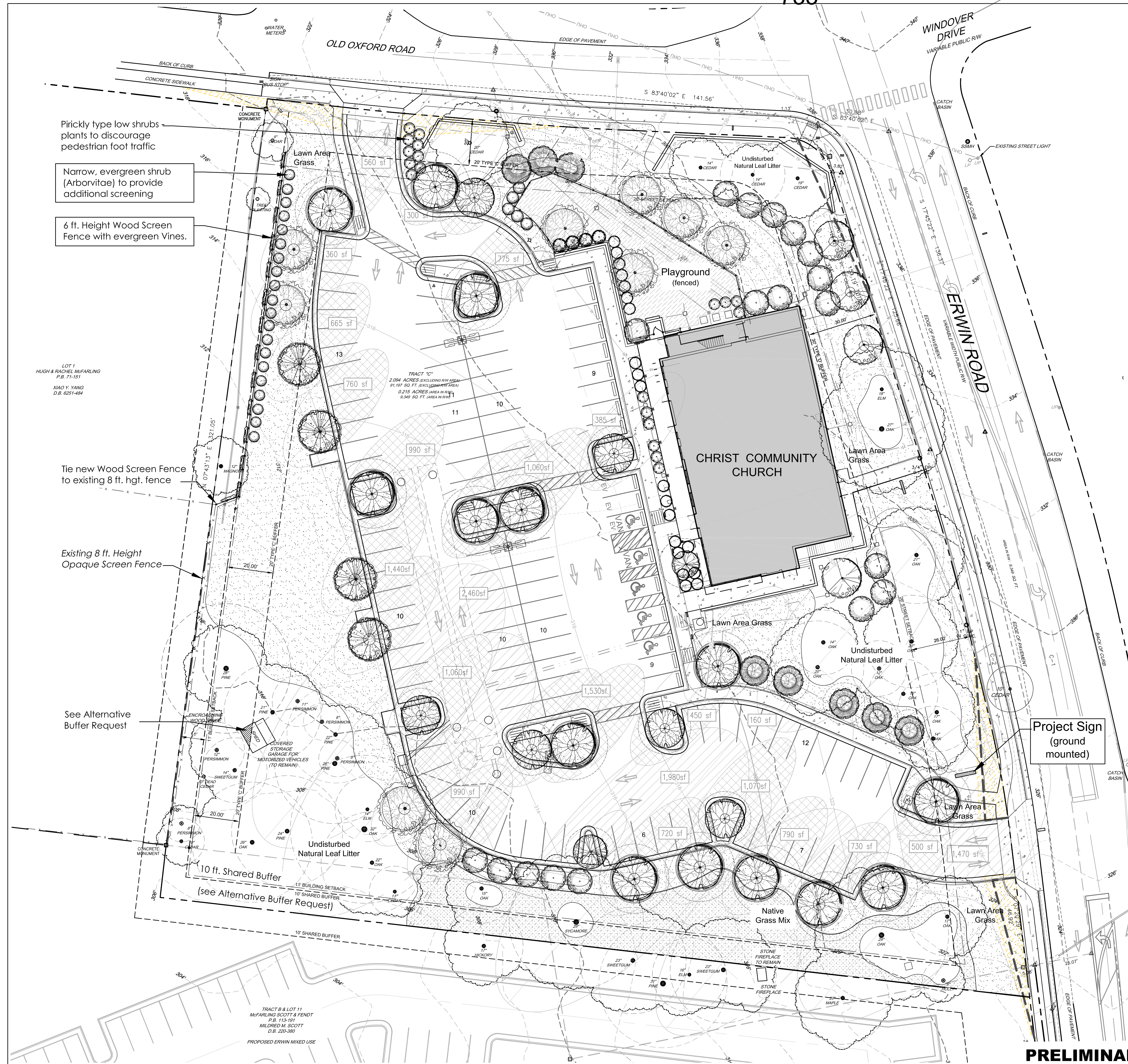
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APPROVED BY PNP

DATE

C014

SHEET 6 OF 16




Swanson + Associates, pa
landscape architect

100 East Carr Street
Carrboro, NC 27510
david@swansonlandscapearchitecture.com
919.929.9000

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PO Box 4912
Chapel Hill, NC 27515
FIRM: C-347



ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

22"
OAK

Existing Tree
Shade Pattern

New Tree
Shade Pattern

SHADE TREE
DIAGRAM

SHADE TREE REQUIREMENTS/PROVIDED:	
TOTAL PARKING AREA:	34,825 SF
TOTAL SHADE TREE <u>REQUIRED:</u> 35% OF PARKING AREA	12,188 SF
TOTAL ENTRY DRIVE PAVED AREA:	4,070 SF
TOTAL SHADE TREE <u>REQUIRED:</u> 35% OF SERVICE PAVED AREA	1,425 SF
TOTAL PAVED AREA: (excluding entrance drive)	38,895 SF
Number of shade trees required: 38,895 sf/2000 sf =	19 trees
TOTAL SHADE TREE <u>REQUIRED:</u> 35% OF PAVED AREA	13,613 SF
TOTAL SHADE TREE <u>PROVIDED:</u> 35%+ of Parking & Entry Area new trees shade area = 15,305 sf extg. trees shade area = 5,910 sf (calculated as shown graphically)	21,215 SF
Number of shade trees provided 27 trees x's 2000' sf / 2 = 54,000' SF	27 trees 27,000 SF

LEGEND for TREE - SHRUB - GRASS PLANTING

OUTER DASHED CIRCLE REPRESENTS A MATURE SIZED CANOPY WIDTH PLANT BASED ON EXPECTATIONS. ACTUAL GROWING CONDITIONS WILL VARY DEPENDING ON SOIL CONDITIONS, AMOUNT OF WET/DRY CONDITIONS, EXISTING TREE CANOPY COVERAGE AND SUNLIGHT, ROOT COMPETITION AND OTHER ENVIRONMENTAL FACTORS.

- | | | | |
|---|---|---|--|
|  | Pin Oak
<i>Quercus palustris</i> |  | Tulip Poplar
<i>Liriodendron tulipifera</i> |
|  | Swamp Chestnut Oak
<i>Quercus michauxii</i> |  | Black Gum
<i>Nyssa sylvatica</i> |
|  | Bald Cypress
<i>Taxodium distichum</i> |  | Chinese Pistache
<i>Pistacia chinensis</i> |
|  | Red Maple
<i>Acer rubrum</i> |  | Red Cedar
<i>Juniperus virginiana</i> |
|  | Persimmon
<i>Diospyros virginiana</i> |  | Loblolly Pine
<i>Pinus taeda</i> |
|  | Southern Magnolia
<i>Magnolia grandiflora</i> |  | Greenleaf Holly
<i>Ilex opaca</i> 'Greenleaf' |
|  | River Birch
<i>Betula nigra</i> |  | Nellie Stevens Holly
<i>Ilex x Nellie R Stevens</i> |
|  | Pecan
<i>Carya illinoensis</i> |  | Arborvitae
<i>Thuja occidentalis</i> |
|  | Ginkgo
<i>Ginkgo biloba</i> |  | Carolina Cherry Laurel
<i>Prunus caroliniana</i> |
|  | Red Bud
<i>Cercis canadensis</i> |  | Hornbeam (Ironwood)
<i>Carpinus caroliniana</i> |
|  | Peggy Clarke Japanese Apricot
<i>Prunus mume</i> 'Peggy Clarke' |  | Flowering Quince
<i>Chaenomelea speciosa</i> |
|  | Fringe Tree
<i>Chionanthus virginicus</i> |  | Wax Myrtle
<i>Myrica cerifera</i> |
|  | Crape Myrtle Natchez White
<i>Lagerstromia faurei</i> 'Natchez' |  | Winter Honeysuckle
<i>Lonicera fragrantissima</i> |
|  | Chindo Viburnum
<i>Viburnum awabuki</i> 'Chindo' |  | Grey Owl Juniper
<i>Juniperus virginiana</i> 'Grey Owl' |
|  | Carolina Jasmine (vine trained on fence)
<i>Gelsemium sempervirens</i> |  | Abelia grandifolia
<i>Glossy Abelia</i> |
| | |  | Carissa Holly
<i>Ilex cornuta</i> 'Carissa' |
| | |  | Tree Saucer (mulch ring - typ.) |

GRASS PLANTING NOTES

Native Vegetation Stabilization Mix
Recommended application rate: 20-25 lbs. per acre

Legend:

- Mulch Area
- Lawn Area Grass
- Native Grass Mix

Source for Native Seed Mix
<https://www.mellowmarshfarms>

Site Triangle
(10 ft X 70 ft typ.)



20' 0 20' 40'

Scale : 1" = 20' 0"

PRELIMINARY NOT FOR CONSTRUCTION

CHRIST COMMUNITY CHURCH
444 EDWIN ROAD, CHARLOTTE, N.C. 27544

141 ERWIN ROAD, CHAPEL HILL, N.C. 27514
PIN# 9799-39-9116 AND 9799-49-0235

LANDSCAPE PLAN AND DETAILS

APPLICANT:

CHRIST COMMUNITY CHURCH

E. FRANKLIN SIREET, SUITE
CHAPEL HILL, N.C. 27514

#	#	#	#	#	#
#	#	#	#	#	#
#	#	#	#	#	#
#	#	#	#	#	#
03-05-20	# 3	ADD SCREENING PLANTS			
02-03-20	#2	SUBMITTAL #2 TOWN COMMENTS			
11-17-19	#1	SUBMITTAL #1 TOWN COMMENTS			
DATE	NO.	REVISIONS			
					BY

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PROJECT	401801
DATE	07/18/2019
DRAWING SCALE	1" = 20'
DRAWN BY	DD
APPROVED BY	PP

L 001

SHEET 15 OF 16

BUILDING AREA:
UPPER FLOOR GSF: 5,510
LOWER FLOOR GSF: 5,910
TOTAL GSF: 11,420
(BALCONY: 737 SF)

FOR REVIEW ONLY
NOT FOR CONSTRUCTION

prepared for

SUP SUBMITTAL
project name

CHRIST COMMUNITY
CHURCH

141 ERWIN ROAD
CHAPEL HILL, NC 27514

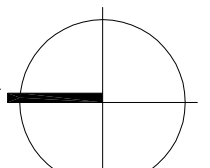
project number

201801-CCC
drawing title

BLDG PLANS
BLDG SECTION
BLDG ELEVATIONS
drawing scale

AS NOTED

orientation



revision history

11/23/2018	CONCEPT PLAN
09/06/2019	SUP SUBMITTAL
12/12/2019	SUP SUBMITTAL 1st REVISION
02/05/2020	SUP SUBMITTAL 2nd REVISION

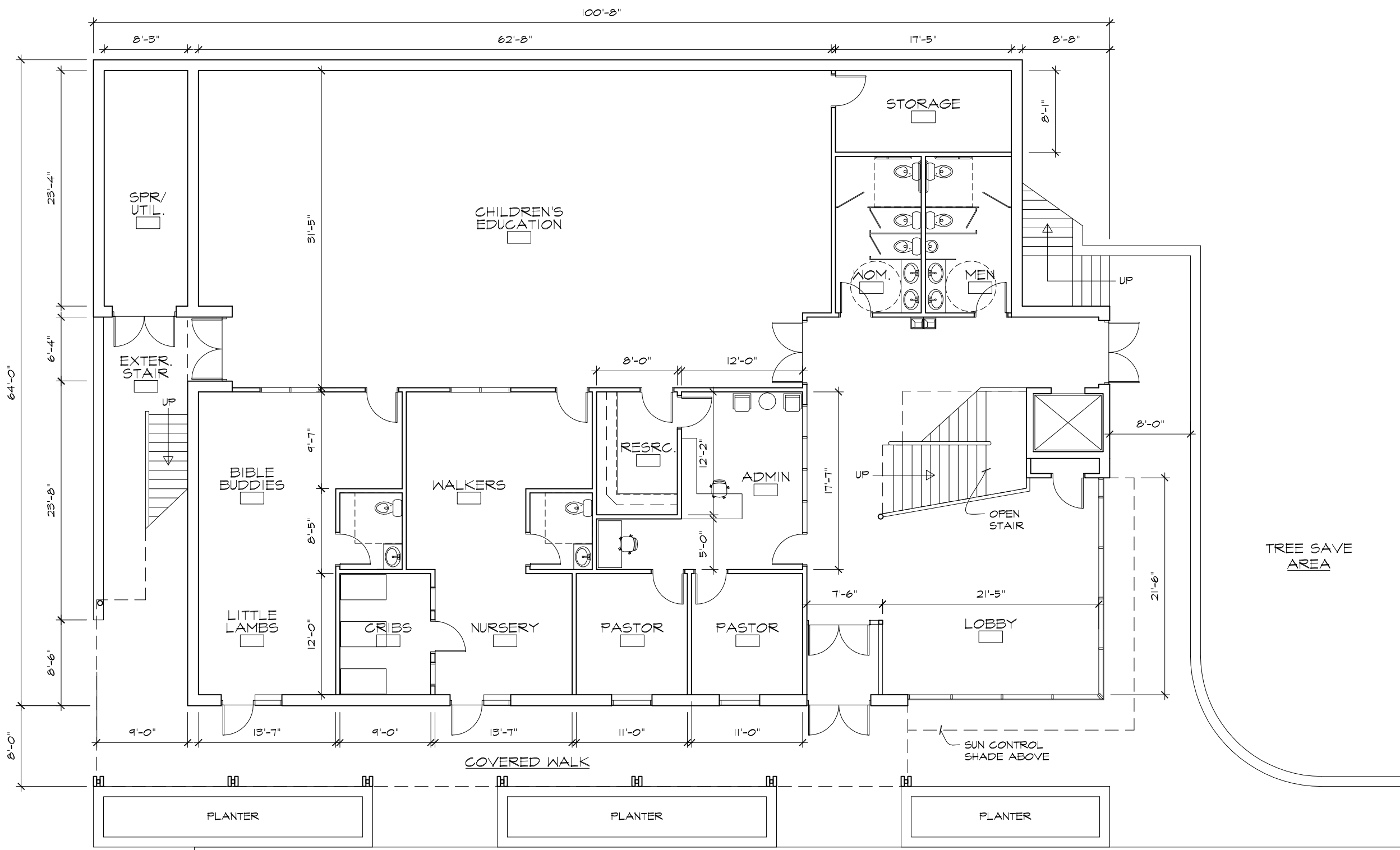
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Issue/Revision		
CAD File Name		
Drawn By		
Checked By		
Plot Date		
Reviewed by		
Designed by		
Submitted By		
Drawing Code		

issue date

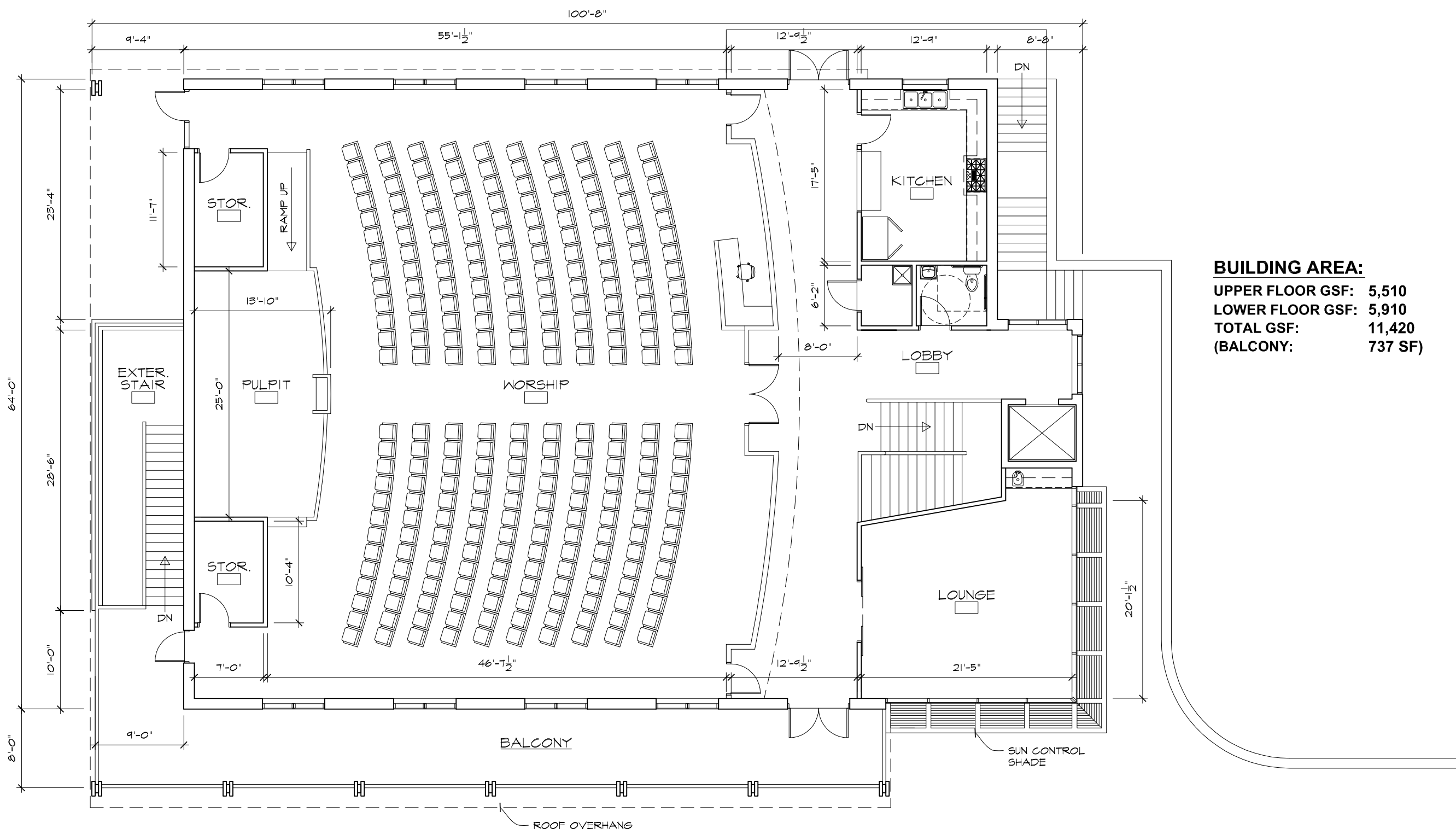
02/05/2020

sheet index

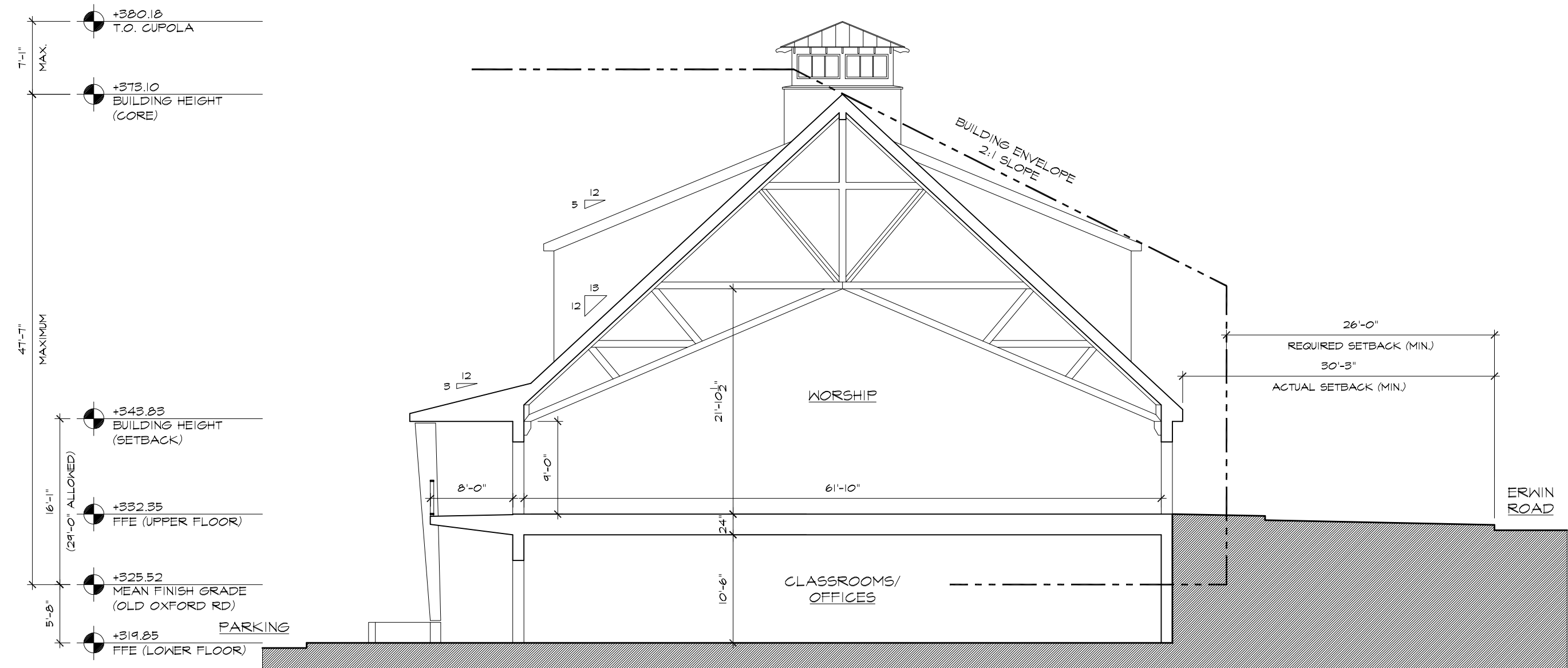
A 003



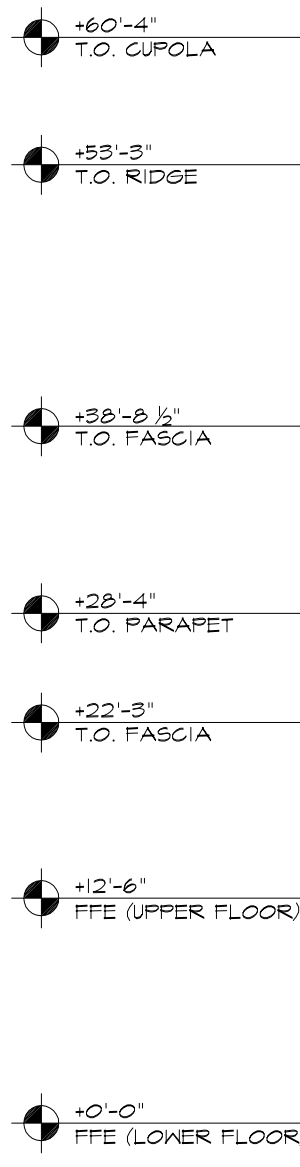
1 LOWER FLOOR PLAN
A-003 3/32" = 1'-0"



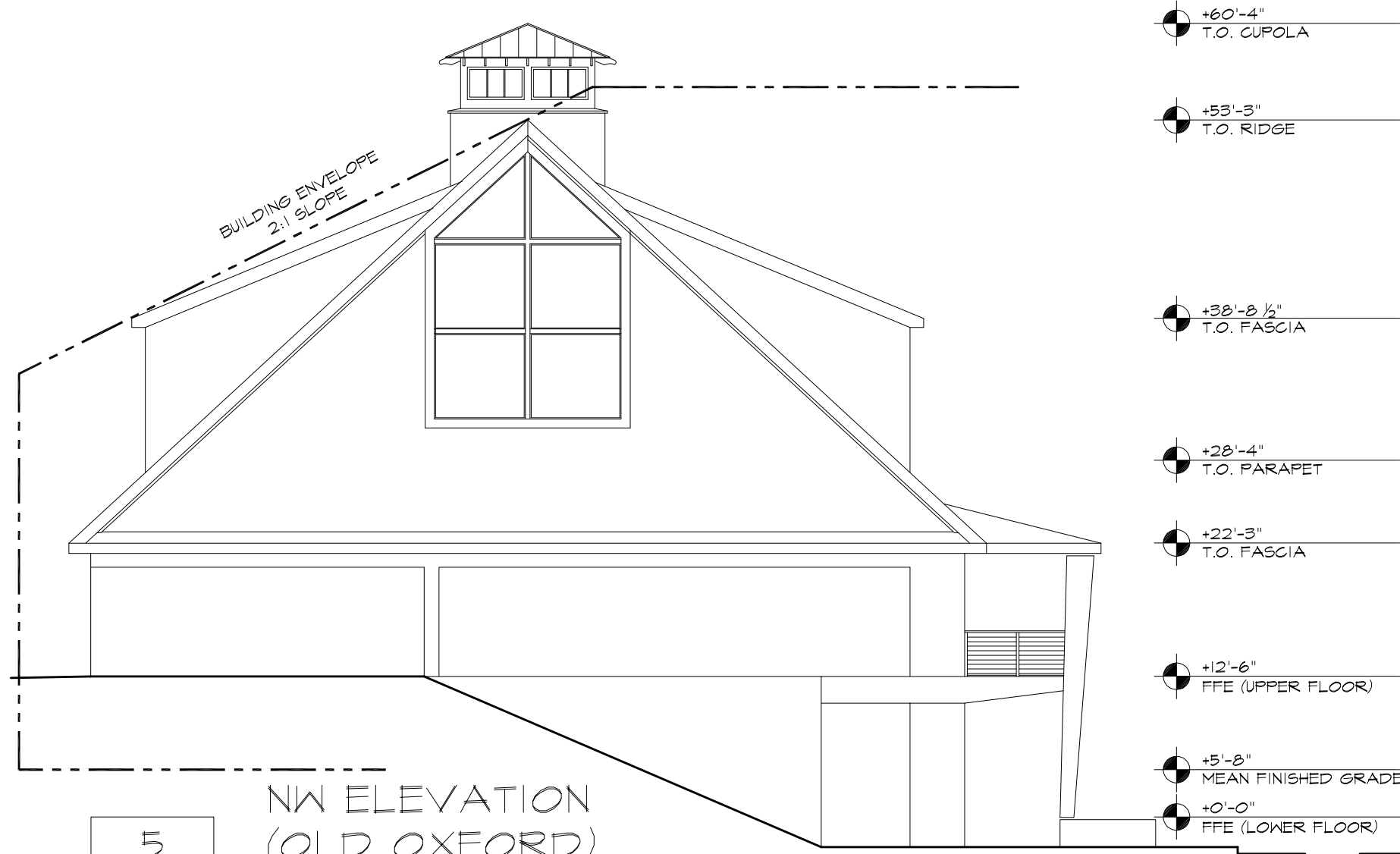
2 UPPER FLOOR PLAN
A-003 3/32" = 1'-0"



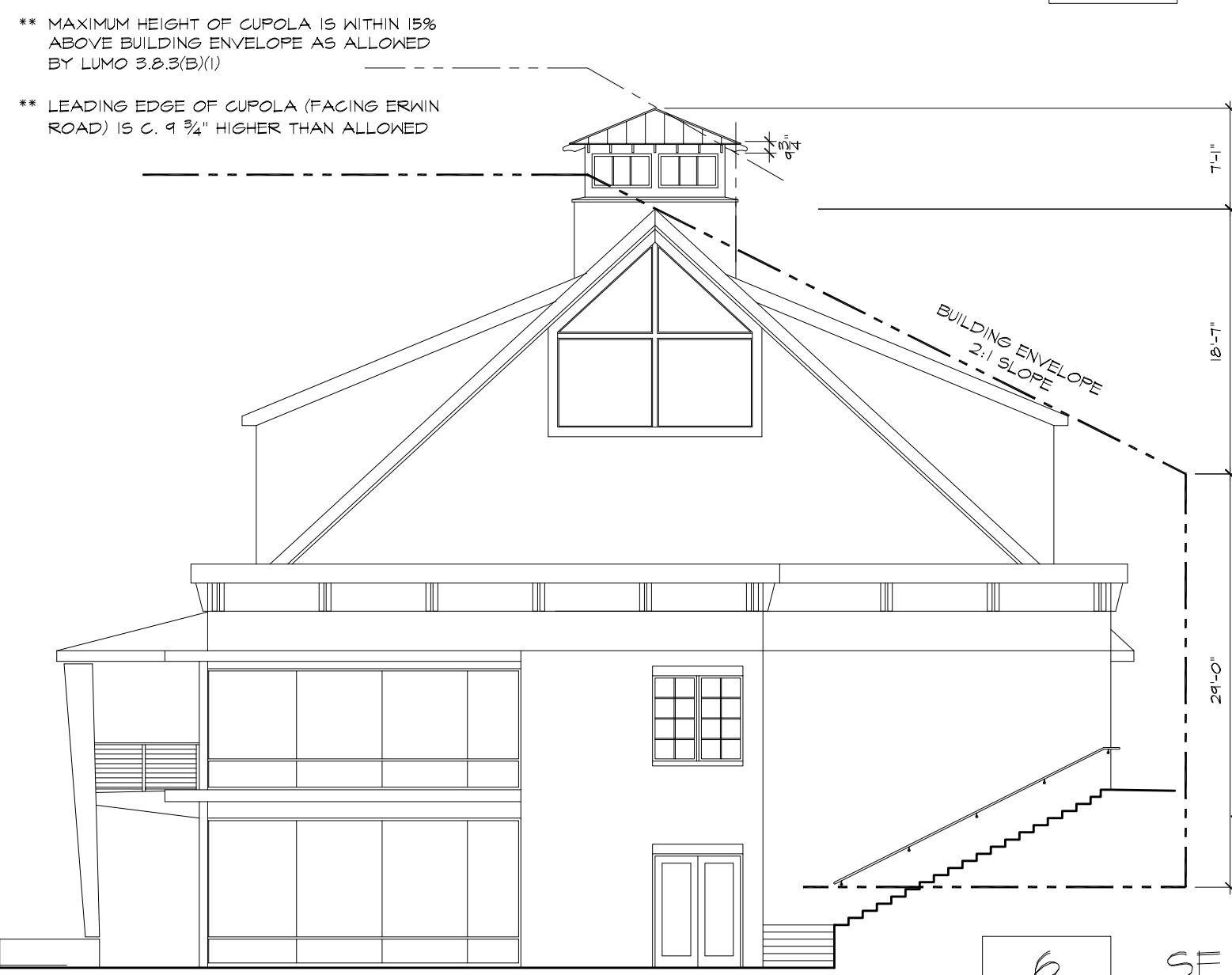
3 BUILDING SECTION
A-003 3/32" = 1'-0"



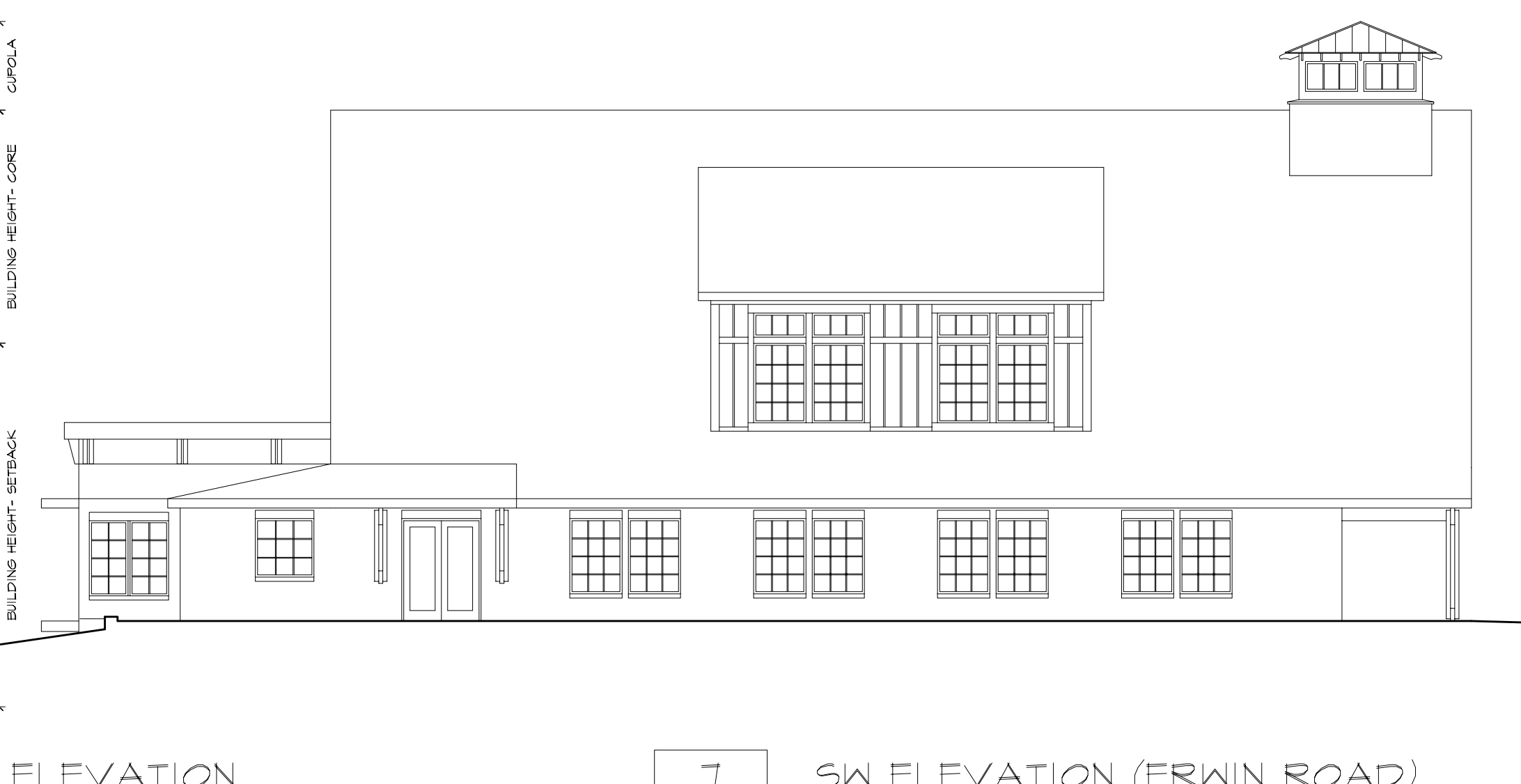
4 NE ELEVATION (PARKING)
A-003 3/32" = 1'-0"



5 NW ELEVATION (OLD OXFORD)
A-003 3/32" = 1'-0"



6 SE ELEVATION
A-003 3/32" = 1'-0"



7 SW ELEVATION (ERWIN ROAD)
A-003 3/32" = 1'-0"



735
TOWN OF CHAPEL HILL

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

Item Overview

Item #: 26., **File #:** [20-0588], **Version:** 1

Meeting Date: 9/9/2020

Open the Public Hearing: Application for Special Use Permit Minor Modification-Charterwood, 1701 Martin Luther King Jr. Blvd.

See the Staff Report on the next page.

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

PRESENTER: Michael Sudol, Planner II

Swearing of all persons wishing to present evidence

- a. Without objection, the preliminary report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and preliminary recommendation
- c. Presentation of evidence by the applicant
- d. Recommendation by the Planning Commission
- e. Recommendations by advisory boards and commissions
- f. Presentation of evidence by the public
- g. Comments from the public in this meeting and via email or other methods of submission through 11:59 PM on September 10, 2020
- h. Comments and Questions from the Mayor and Town Council
- i. Applicant's statement regarding proposed conditions
- j. Motion to close the Public Hearing at 11:59 PM on September 10, 2020
- k. Consider adopting the Special Use Permit Modification on October 7, 2020.

RECOMMENDATION: That the Council 1) open the public hearing; 2) receive evidence; and 3) closing the public hearing. On October 7, the Council may consider adoption of Resolution A, extending the construction completion date to June 25, 2022.



OPEN THE PUBLIC HEARING: APPLICATION FOR SPECIAL USE PERMIT MINOR MODIFICATION- CHARTERWOOD, 1701 MARTIN LUTHER KING JR. BLVD.

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Judy Johnson, Interim Director
Michael Sudol, Planner II

PROPERTY ADDRESS 1701 Martin Luther King Jr. Blvd.	MEETING DATE September 9, 2020	APPLICANT George Retschle, Ballentine Associates, PA on behalf of State Employees Credit Union
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STAFF RECOMMENDATION

That the Council open the public hearing, receive evidence on the proposed Special Use Permit Minor Modification, and continue the Public Hearing to October 7, 2020.

PROCESS

The Land Use Management Ordinance Section 4.5 states that the Town Manager may grant a single extension of the completion time limit for up to twelve (12) months. If the applicant requests additional extensions, the Council would need to approve the request.

The Planning Commission reviewed the request and has recommended adoption of Resolution A.

DECISION POINTS

- The existing Special Use Permit will expire if this request is denied.
- The Town Manager granted a one-year construction completion extension on May 10, 2019. Council must also approve any subsequent extensions.

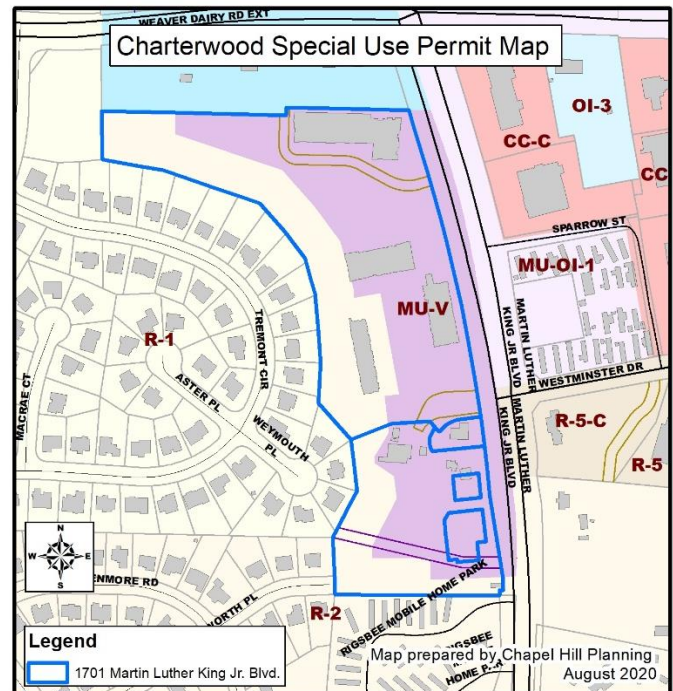
PROJECT OVERVIEW

The Town of Chapel Hill approved a Special Use Permit on September 24, 2012 to construct a mixed-use development. This development consists of seven buildings and 278,000 square feet of floor area. The approved Special Use Permit required that construction be completed by June 25, 2019. The Town Manager extended that deadline to June 25, 2020.

The LUMO requires that that construction completion extension request be submitted within 60 days of the completion date. The applicant submitted their request April 24, 2020 and due to COVID-19 delays, the application is now being reviewed by Council.

The applicant has requested the minor modification to extend the construction completion date by 24 months. They have not proposed any other modifications.

PROJECT LOCATION



ATTACHMENTS

1. Draft Staff Presentation
2. Resolution A (Approving the Application)
3. Resolution B (Denying the Application)
4. Planning Commission Recommendation
5. Applicant Extension Request



Charterwood

Special Use Permit Minor Modification

1701 Martin Luther King Jr. Blvd.

Council Public Hearing
September 9, 2020

DRAFT

- Open the public hearing
- Receive public comment
- Recess public hearing to (Date TBD?)

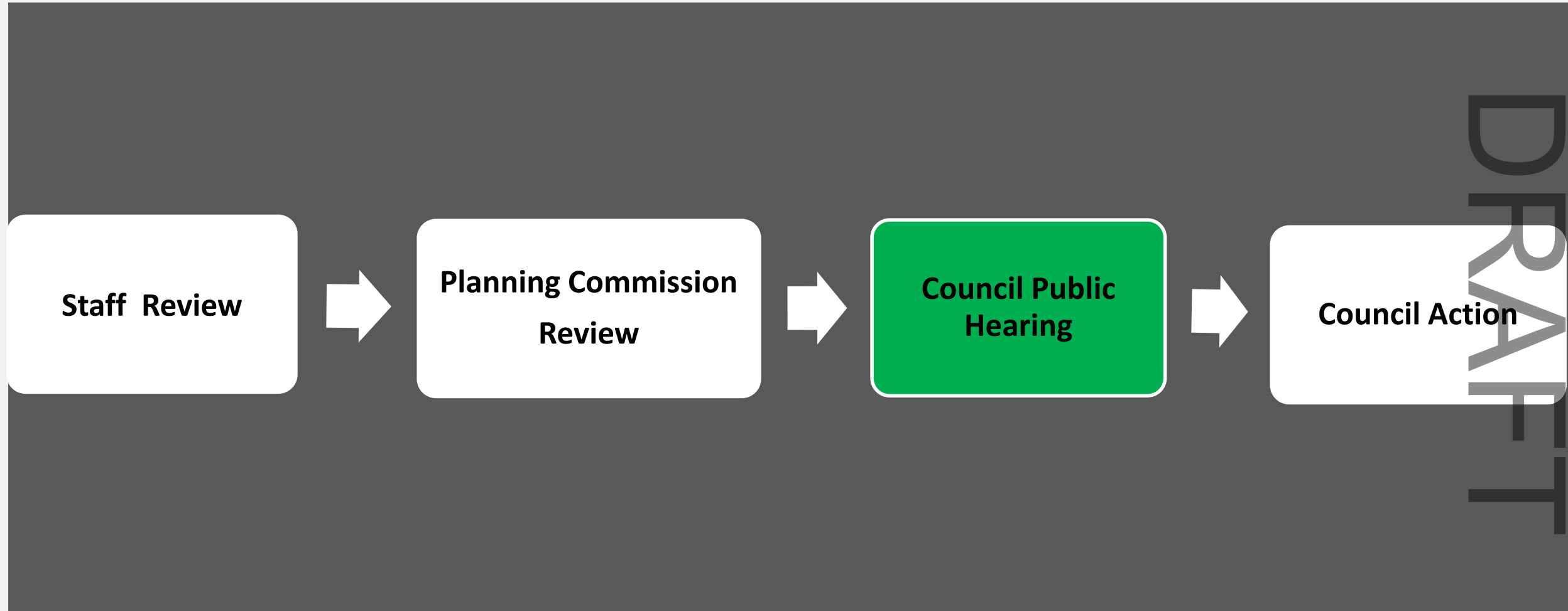
DRAFT

The application being considered is a Special Use Permit Modification to extend the required construction completion date by 24 months, from June 25, 2020 to June 25, 2022

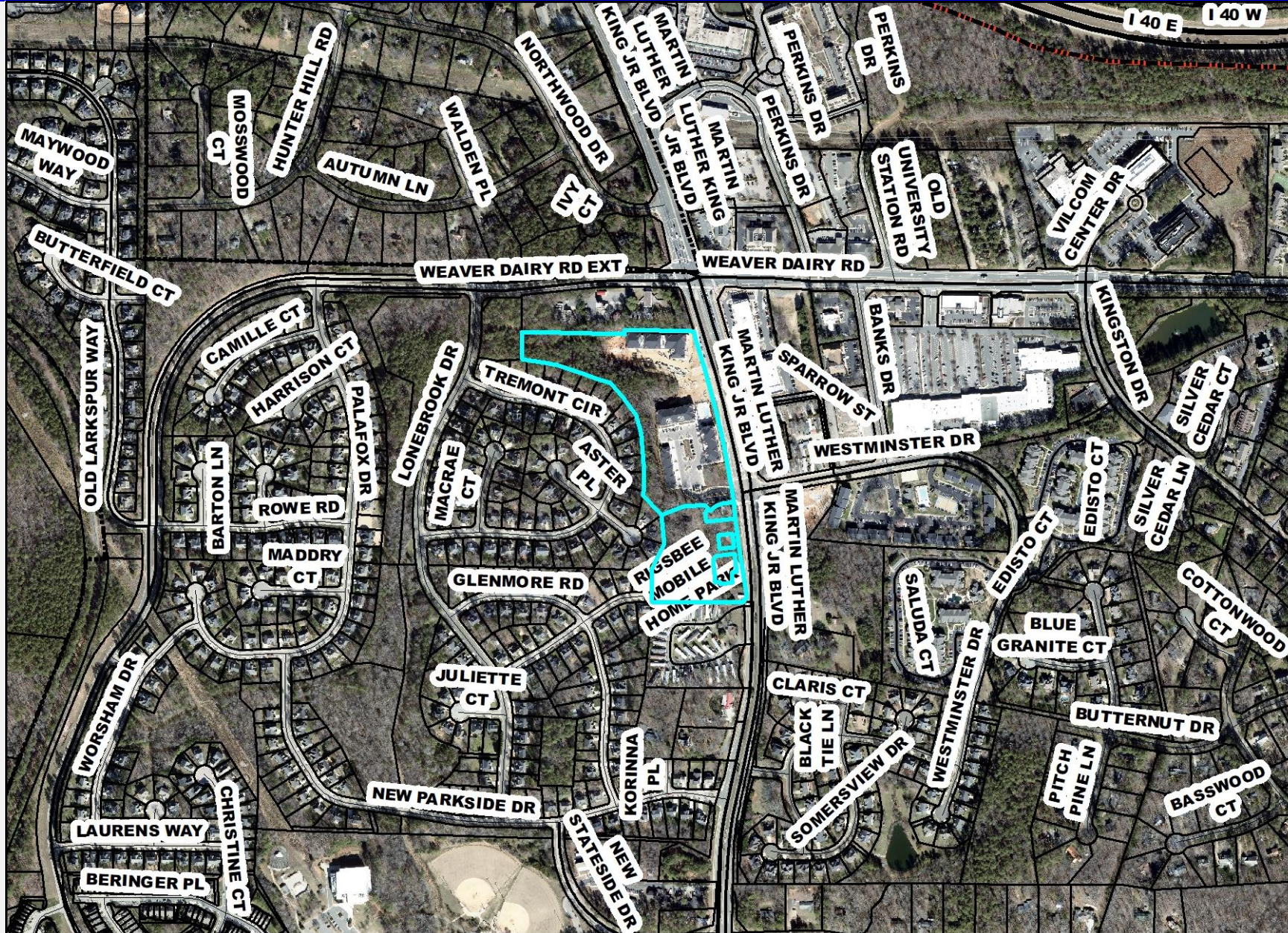
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Special Use Permit Modification– Charterwood

740



Special Use Permit Modification – Charterwood



741

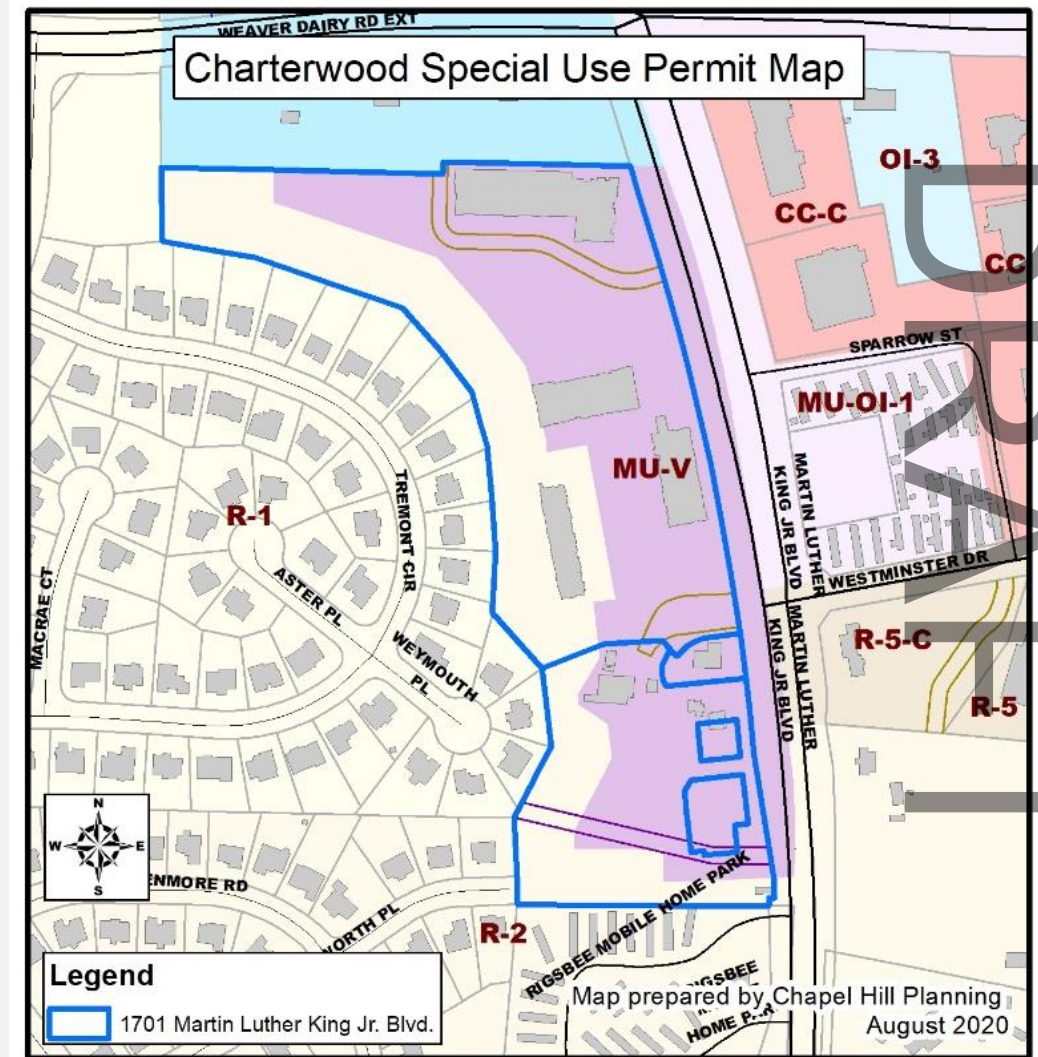
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Project Description – Charterwood

742

1) Approved Special Use Permit is a mixed-use development consisting of 7 buildings and 278,000 square feet of floor area

2) Zoned MU-V and R-1



- 2012 Special Use Permit will expire if request denied;
- One year extension granted by Town Manager in June 2019; and
- Only request is for an extension to construction completion date.

The application being considered is a Special Use Permit Modification to extend the required construction completion date by 24 months, from June 25, 2020 to June 25, 2022

DRAFT

RESOLUTION A
(Approving the Request)

A RESOLUTION APPROVING AN EXTENSION OF THE CONSTRUCTION COMPLETION DATE FOR CHARTERWOOD SPECIAL USE PERMIT, 1701 MARTIN LUTHER KING JR. BLVD. (2020-__-__/R-)

WHEREAS, George Retschle, Ballentine Associates, PA., on behalf of State Employees Credit Union has requested an extension of the construction completion date time limit for Charterwood Special Use Permit; and

WHEREAS, Section 4.5.5(c) of the Chapel Hill Land Use Management Ordinance requires that Council make the determination that conditions have not changed so substantially as to warrant Town Council reconsideration of the approved development; and

WHEREAS, the Council has determined that a) the permit holder has proceeded with due diligence and good faith; and b) conditions have not changed so substantially as to warrant Town Council reconsideration of the approved development;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the request by George Retschle, Ballentine Associates, PA, for the extension of the construction completion date of the Charterwood Special Use Permit to June 25, 2022, to allow construction of the project in accordance with the approved September 24, 2012 Special Use Permit.

This the __ day of _____, 2020.

RESOLUTION B
(Denying the Request)

A RESOLUTION DENYING AN EXTENSION OF THE CONSTRUCTION COMPLETION DATE FOR CHARTERWOOD SPECIAL USE PERMIT, 1701 MARTIN LUTHER KING JR. BLVD. (2020-__-__/R-)

WHEREAS, George Retschle, Ballentine Associates, PA., on behalf of State Employees Credit Union, has requested an extension of the construction completion date time limit for Charterwood Special Use Permit; and

WHEREAS, Section 4.5.5(c) of the Chapel Hill Land Use Management Ordinance requires that Council make the determination that conditions have not changed so substantially as to warrant Town Council reconsideration of the approved development; and

WHEREAS, the Town Council has determined that

[Insert Reason for Denial];

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council denies the request by George Retschle, Ballentine Associates, PA, for the extension of the construction completion date of the Charterwood Special Use Permit to June 25, 2022, to allow construction of the project in accordance with the approved September 24, 2012 Special Use Permit.

This the __ day of _____, 2020.

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION FOR SPECIAL USE PERMIT MINOR MODIFICATION: CHARTERWOOD, 1701 MARTIN LUTHER KING JR. BLVD.

September 1, 2020

Recommendation: **Approval** ☒ **Approval with Conditions** ☐ **Denial** ☐

Motion: Neal Bench moved and Whit Rummel seconded a motion to recommend that the Council approve Resolution A, with a friendly amendment from Melissa McCullough to include the following recommendation:

- That Town Council consider requiring a reduction of parking spaces and impervious surface as part of the Minor Modification.

Vote: 9 – 0

Yeas: John Rees (Chair), Louie Rivers (Vice-Chair), James Baxter, Neal Bench, Michael Everhart, Melissa McCullough, Whit Rummel, Buffie Webber, Stephen Whitlow

Nays:

Prepared by: Michael Sudol, Planner II



BALLENTINE ASSOCIATES, P.A.

221 Providence Road
Eastowne Office Park
Chapel Hill, NC 27514
(919) 929-0481
bapa.eng.pro

24 Apr 2020

Ms. Judy Johnson, Interim Director of Planning
Town of Chapel Hill
Planning and Department Services
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

Subject: Charterwood
Completion Deadline Extension

Dear Judy,

Stipulation #1 of the Charterwood Special Use Permit required that construction be completed by June 25, 2019. A one-year extension of this completion deadline was granted by the Town Manager on May 10, 2019, so that construction could be completed by June 25, 2020. This letter is written on behalf of the State Employees' Credit Union to request the Town Council's approval of an additional two-year extension of this completion deadline in accordance with Section 4.5.5 (c) of the Land Use Management Ordinance, so that construction could be completed by June 25, 2022. The Town council may grant extensions of the time limit if it makes the determinations required by 4.5.5 (c)(1)(A) through (c)(1)(C), shown below.

- A. The permit holder submitted the request within sixty (60) days of the completion date;
 - This extension request was made on April 24, 2020, which is 60 days prior to the June 25, 2020 completion date.
- B. The permit holder has proceeded with due diligence and good faith; and
 - Continuous efforts have been made to secure all necessary permits in order to start construction. Permitting processes have taken much longer than anticipated.
- C. Conditions have not changed so substantially as to warrant town council reconsideration of the approved development.
 - There have been no changes to the area or conditions.

Reasons why an additional extension is needed:

1. Town's CDC and staff review/permitting processes took much longer than expected.
2. Project costs came in extremely high, so needed additional time for value engineering.

Reasons why a two-year extension has been requested:

1. Covid-19 pandemic has bestowed some unknowns on the immediate future.
2. A two-year extension coincides with the construction deadline provided in the ZCP Approval.

A payment in the amount of \$1,260.00 will be paid over the phone, per the Town's latest fee schedule.

Please let me know if you need additional information in order to process this request.

Yours very truly,
BALLENTINE ASSOCIATES, PA



George J. Retschle, PE, LEED AP
President

Distribution: Judy Johnson
 Jamie Applequist, SECU