



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 30, 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_pUHEGhPNRyuv1fWBNE0PrA
After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 812 0231 8931*

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

OPENING

ROLL CALL

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

Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions

to Council webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.

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.

1. Approve all Consent Agenda Items. [\[20-0634\]](#)
By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.
2. Authorize the Transfer of Ownership of Light Transit Vehicles (LTVs) from the City of Durham to the Town of Chapel Hill. [\[20-0635\]](#)
By adopting the resolution, the Council accepts the transfer of ownership of seven light transit vehicles from the City of Durham.
3. Adopt an Involuntary Commitment Transportation Plan. [\[20-0636\]](#)
By adopting the resolution, the Council adopts the proposed "Involuntary Commitment Transportation Agreement."
4. Approve a Request for Town Council Concept Plan Review: Town of Chapel Hill Municipal Services Center, 101 Weaver Dairy Rd. Ext. (Project #20-071). [\[20-0637\]](#)
By adopting the resolution, the Council chooses to review the Concept Plan and provide feedback to the applicant at the October 7, 2020 Public Hearing.
5. Continue the Public Hearing on Land Use Management Ordinance Text Amendment for Townhomes in the Blue Hill District to November 4, 2020. [\[20-0638\]](#)
By adopting the resolution, the Council continues a public hearing to November 4, 2020 to consider text amendment regarding townhome standards in the Blue Hill District.
6. Adopt Minutes from February 26, 2020 and March 4, and 25, 2020 and April 1, 13, and 22, 2020 and May 6, and 20, 2020 Meetings. [\[20-0639\]](#)

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

INFORMATION

- 7.** Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0640\]](#)

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

- 8.** Update on Historic District Design Guidelines. [\[20-0641\]](#)

By accepting this update, the Council receives information regarding proposed Historic District Design Guidelines revisions.

DISCUSSION

- 9.** Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[20-0642\]](#)

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.

- 10.** Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project. [\[20-0643\]](#)

Special Note: There may be minor changes to the Economic Development Agreement and the Wallace Deck Lease that may be shared early next week with the Council and Public.

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

- a. Introduction and revised recommendation
- b. Comments and Questions by the Mayor and Town Council
- c. Comments from the public

- d. Motion to adopt the resolution to authorize the Economic Development

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.

- 11.** Consider Exchanging 150 E. Rosemary for 125 and 135 E. Rosemary to Support the East Rosemary Redevelopment Project and Parking Deck.

[\[20-0644\]](#)

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

- a. Introduction and revised recommendation
- b. Comments and Questions by the Mayor and Town Council
- c. Comments from the public
- d. Motion to adopt the resolution to authorize the Town Manager to proceed with the acquisition and land exchange
- e. 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 from existing budget resources to proceed with this project.

- 12.** Open the Public Hearing: 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).

[\[20-0645\]](#)

PRESENTER: Becky McDonnell, Planner II

- 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 by the applicant
- d. Recommendation of the Planning Commission
- e. Recommendations of other boards and commissions
- f. Comments from the public in this meeting and via email or other methods of submission through 11:59 PM on October 1, 2020
- g. Comments and questions from the Mayor and Town Council

- h. Referral to the Manager and Attorney
- i. Motion to close the Public Hearing at 11:59 PM on October 1
- j. Consider enacting the ordinance at the October 28, 2020 Council meeting

RECOMMENDATION: That the Council open the public hearing, receive comment on the proposed Zoning Atlas Amendment and close the public hearing.

13. Consider Enacting a Budget Ordinance Amendment for the Second Allocation of CARES Act Funding. [\[20-0646\]](#)

PRESENTER: John Richardson, Community Resilience Officer

RECOMMENDATION: That the Council enact the attached budget ordinance amendment for the Grants Fund to recognize and appropriate the CARES Act funding.

14. Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3, 5, and Appendix A Definitions pertaining to Conditional Zoning. [\[20-0647\]](#)

PRESENTER: Alisa Duffey Rogers, LUMO Project Manager

- a. Introduction and preliminary recommendation
- b. Recommendation of the Planning Commission
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to close the Public Hearing and receive written public comment for 24 hours following the closing of the public hearing
- f. Consider enacting the ordinance at the October 28, 2020 Council meeting.

RECOMMENDATION: That the Council open the public hearing regarding the Land Use Management Ordinance text amendments, receive public comment, close the public hearing, and allow written public comment for twenty-four (24) hours following the closing of the public hearing as required by Session Law 2020-3.

15. Open the Public Hearing: Application for Conditional Zoning - Bridgepoint, 2214 and 2312 Homestead Road (Project 20-001). [\[20-0648\]](#)

PRESENTER: Anya Grahm, Senior Planner

- 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 by the applicant
- d. Recommendation of the Planning Commission
- e. Recommendations of other boards and commissions
- f. Comments from the public in this meeting and via email or other methods of submission through 11:59 PM on October 1, 2020
- g. Comments and questions from the Mayor and Town Council
- h. Referral to the Manager and Attorney
- i. Motion to close the Public Hearing at 11:59 PM on October 1
- j. Consider enacting the ordinance at the October 28, 2020 Council meeting

RECOMMENDATION: That the Council open the public hearing and receive comment on the proposed Conditional Rezoning. That the Council then make a motion to schedule the proposed Conditional Rezoning application review for October 28, 2020.

16. Blue Hill Semiannual Report #12.

[\[20-0649\]](#)

PRESENTER: Corey Liles, Principal Planner

RECOMMENDATION: That the Council receive the staff presentation.

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 #: 1., **File #:** [20-0634], **Version:** 1

Meeting Date: 9/30/2020

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
(2020-09-30/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:

2. Authorize the Transfer of Ownership of Light Transit Vehicles (LTVs) from the City of Durham to the Town of Chapel Hill. (R-2)
3. Adopt an Involuntary Commitment Transportation Plan. (R-3)
4. Approve a Request for Town Council Concept Plan Review: Town of Chapel Hill Municipal Services Center, 101 Weaver Dairy Rd. Ext. (Project #20-071). (R-4)
5. Continue the Public Hearing on Land Use Management Ordinance Text Amendment for Townhomes in the Blue Hill District to November 4, 2020. (R-5)
6. Adopt Minutes from February 26, 2020 and March 04, and 25, 2020 and April 01, 13, and 22, 2020 and May 06, and 20 Meetings. (R-6)

This the 30th 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 #: 2., **File #:** [20-0635], **Version:** 1

Meeting Date: 9/30/2020

Authorize the Transfer of Ownership of Light Transit Vehicles (LTVs) from the City of Durham to the Town of Chapel Hill.

Staff:

Brian Litchfield, Director

Timothy Schwarzauer, Grant Compliance Manager

Department:

Transit

Overview: Seven LTVs were purchased using Federal Transit Administration (FTA) formula 5339 funds, which are passed through the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO). Since the City of Durham is the Lead Planning Agency for DCHC MPO, the City of Durham's FTA grant number was used to purchase the vehicles in May 2017. The Town of Chapel Hill has been in possession of and used these vehicles since the manufacturer delivered them to Chapel Hill. Because the vehicles were purchased with grant funds passed through the City of Durham to the Town of Chapel Hill, the FTA requires formal transfer of ownership. The City of Durham has already approved the transfer.



Recommendation(s):

That the Council accept the transfer of ownership of seven light transit vehicles from the City of Durham.

Decision Points:

- The City of Durham is considered the owner of these vehicles under FTA rules until the governing boards of both the City of Durham and the Town of Chapel Hill approve a Recipient-to-Recipient transfer of ownership.
- This transfer does not impact the Rolling Stock Status Report for either the City of Durham or the Town of Chapel Hill, as these vehicles have only been operated by the Town of Chapel Hill.
- The vehicles will continue to be operated and maintained by the Town of Chapel Hill in accordance with Federal regulations.

Key Issues:

- Failure to transfer ownership will prevent Town staff from replacing these vehicles with additional federal funds as the vehicles reach the end of their useful life. This may also result in an FTA finding on the Town's next Triennial Review.

Fiscal Impact/Resources: This action requires no additional funds or resources, as the vehicles are already in the possession of the Town of Chapel Hill; however, not formalizing ownership may result in the loss of future federal funds intended to replace these vehicles.



Attachments:

- Resolution
- City of Durham Resolution Transferring Ownership
- Letter to City of Durham Requesting Transfer

A RESOLUTION AUTHORIZING THE TRANSFER OF OWNERSHIP OF SEVEN LIGHT TRANSIT VEHICLES FROM THE CITY OF DURHAM TO THE TOWN OF CHAPEL HILL (2020-09-30/R-2)

WHEREAS, the City of Durham serves as the Lead Planning Agency (LPA) for the Durham Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) and is responsible for distributing funds from the Federal Transit Administration (FTA) to its member transit agencies, including Chapel Hill Transit; and

WHEREAS, certain types of funds distributed by the LPA include FTA 5339 funds, which provide money to member transit agencies for the purchase of buses and bus facilities; and

WHEREAS, transit agencies such as Chapel Hill Transit use the City of Durham's FTA number to acquire vehicles through the FTA 5339 program because the City of Durham serves as the LPA for DCHC MPO; and

WHEREAS, in 2017 the City of Durham, acting as the LPA for DCHC MPO, distributed \$314,312 of FTA 5339 funds, with approval from the DCHC MPO Board, to the Town of Chapel Hill towards the purchase of seven (7) Light Transit Vehicles (LTVs); and

WHEREAS, Chapel Hill Transit purchased those LTVs using the City of Durham's FTA grant number, and those seven (7) LTVs have, from their date of delivery, been utilized, maintained, and operated by the Town of Chapel Hill; and

WHEREAS, FTA still considers these LTVs to be the property of the City of Durham because they were purchased with the City of Durham's FTA number; and

WHEREAS, the Durham City Council adopted a resolution on June 15th, 2020 transferring the ownership of said LTVs to the Town of Chapel Hill.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accept the transfer of ownership of said seven (7) LTVs from the City of Durham.

This the 30th 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 accepts the transfer of ownership of seven light transit vehicles from the City of Durham.

RESOLUTION AUTHORIZING THE TRANSFER OF OWNERSHIP OF LIGHT TRANSIT
VEHICLES (LTVs) FROM THE CITY OF DURHAM TO THE TOWN OF CHAPEL HILL

WHEREAS, the City of Durham serves as the Lead Planning Agency (LPA) for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) and is responsible for distributing funds from the Federal Transit Administration (FTA) to its member transit agencies, including Chapel Hill Transit;

WHEREAS, certain types of funds distributed by the LPA include FTA 5339 funds, which provide money to member transit agencies for the purchase of buses and bus facilities;

WHEREAS, transit agencies such as Chapel Hill Transit use the City of Durham's FTA number to acquire vehicles through the FTA 5339 program because the City of Durham serves as the LPA for DCHC MPO;

WHEREAS, in 2017 the City of Durham, acting as the LPA for DCHC MPO, distributed \$314,312 of FTA 5339 funds, with approval from the DCHC MPO Board, to the Town of Chapel Hill towards the purchase of seven (7) Light Transit Vehicles (LTVs);

WHEREAS, Chapel Hill Transit purchased those LTVs using the City of Durham's FTA grant number, and those seven (7) LTVs have, from their date of delivery, been utilized, maintained, and operated by the Town of Chapel Hill;

WHEREAS, FTA still considers these LTVs to be the property of the City of Durham because they were purchased with the City of Durham's FTA number; and

WHEREAS, FTA requires that the Durham City Council adopt a resolution to transfer ownership of those vehicles to the Town of Chapel Hill.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DURHAM RESOLVES:

Section 1. For the reasons stated above, the City of Durham transfers ownership of the seven (7) LTVs referenced in the letter from Chapel Hill Transit dated May 19, 2020 and attached hereto, to the Town of Chapel Hill.

Section 2. This resolution shall be effective upon passage.

APPROVED BY
CITY COUNCIL

JUN 15 2020

CITY CLERK





CHAPEL HILL TRANSIT
Town of Chapel Hill
6900 Millhouse Road
Chapel Hill, NC 27514-2401

phone (919) 969-4900 fax (919) 968-2840
www.townofchapelhill.org/transit

May 15, 2020
Mayor Steve Schewel
Office of the Mayor, City of Durham
101 City Hall Plaza
Durham, NC 27701

Re: Transfer of Ownership of 2017 Light Transit Vehicles from the City of Durham to the Town of Chapel Hill

Dear Mayor Schewel,

The Town of Chapel Hill requests that the City of Durham transfer ownership of seven 2017 Light Transit Vehicles to the Town of Chapel Hill. These vehicles were purchased using Federal Transit Administration (FTA) formula 5339 funds, which are passed through the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO). Since the City of Durham is the Lead Planning Agency for DCHC MPO, the City of Durham's FTA grant number was used for the purchase of the vehicles in May of 2017. These vehicles have been in possession of, and use by, the Town of Chapel Hill since their delivery to Chapel Hill from the manufacturer.

The funds used to purchase these vehicles represented the Durham Metropolitan Area's formula 5339 funding for FY13-14, and did not include any funds from the City of Durham. The funds were passed through the City of Durham from the FTA to the Town of Chapel Hill for the purchase of said vehicles via the DCHC MPO, in accordance with the existing agreement between all parties. The vehicles for transfer are as listed:

Chapel Hill Transit	Unit Category	Unit Number	Unit Start Date	Life of Unit (In Years)	Life of Unit (In Years)	Replacement Date	Current Mileage
	LTV	1751	12/18/2017	3.15*	5	12/18/2022	46,243
	LTV	1752	12/18/2017	3.15*	5	12/18/2022	34,169
	LTV	1753	12/18/2017	3.15*	5	12/18/2022	56,305
	LTV	1754	12/18/2017	3.15*	5	12/18/2022	51,006
	LTV	1755	12/18/2017	3.15*	5	12/18/2022	52,175
	LTV	1756	1/1/2018	3.15*	5	12/23/2022	45,294
	LTV	1757	1/1/2018	3.15*	5	1/1/2023	55,030
Average age for Chapel Hill Transit				3.15			

Per FTA rules, the City of Durham is considered the owner of these vehicles until the governing boards of both the City of Durham and the Town of Chapel Hill approve a Recipient – to – Recipient transfer of ownership. We formally request that the City Council approve this "transfer."

This transfer will have no impact on the Rolling Stock Status Report for either the City of Durham or the Town of Chapel Hill, as these vehicles have only been operated by the Town of Chapel Hill. The vehicles will be maintained in accordance and in compliance with FTA requirements, and that the transferred vehicles will be included in the Town of Chapel Hill's equipment inventory records.

Please let me know if I can provide any additional information, or answer any questions.



CHAPEL HILL TRANSIT
Town of Chapel Hill
6900 Millhouse Road
Chapel Hill, NC 27514-2401

phone (919) 969-4900 *fax* (919) 968-2840
www.townofchapelhill.org/transit

Sincerely,

Tim Schwarzauber

Grants Compliance Manager, Chapel Hill Transit



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 3., File #: [20-0636], Version: 1

Meeting Date: 9/30/2020

Adopt an Involuntary Commitment Transportation Plan.

Staff:

Dave Shick, Police Legal Advisor
Christopher Blue, Chief of Police

Department:

Police

Overview: The General Assembly mandated that local governing bodies adopt an involuntary commitment transportation agreement or plan for the custody and transportation of respondents involved in involuntary commitment proceedings in their respective jurisdictions. Adoption of the attached Involuntary Commitment Transportation Agreement will bring us into compliance with this mandate.



Recommendation(s):

That the Council adopt the attached Involuntary Commitment Transportation Agreement.

Background:

- The Senate passed Bill 630 (SL 2018-33), "An Act Revising the Laws Pertaining to Involuntary Commitment in Order to Improve the Delivery of Behavioral Health Services in North Carolina," on June 22, 2018.
- As part of these revisions, the General Assembly mandated that local governing bodies adopt an "involuntary commitment transportation agreement" for the custody and transportation of respondents involved in involuntary commitment proceedings in their respective jurisdictions (codified in N.C.G.S 122C-251(g), attached).
- Members of the Orange County Behavioral Health Task Force (which includes representatives from UNC Health, Chapel Hill Police Department, Orange County Sheriff's Office, the area mental health authority/provider, and other local community and mental health partners) drafted and approved the proposed Involuntary Commitment Transportation Agreement for this requirement.
- Cardinal Innovations (designated area mental health services authority/provider) and other local agencies which are required by law to provide transportation pursuant to this Agreement support the agreement.
- The Orange County Board of County Commissioners adopted the agreement on March 10, 2020 (due to a technical error, its version does not include the language contained in section V-C of the attached proposal. However, this is a legal mandate per NCGS 122C-251 (c)).
- The proposed plan incorporates legal requirements set forth in the NC General Statutes Ch. 122C, pertaining to involuntary commitment transportation in North Carolina.
- Our current procedures are legally compliant, and are consistent with the proposed Agreement; consequently, approval of this written plan will not change the way we operate in practice.

Key Issues:

- All cities and counties are required to adopt an involuntary commitment transportation agreement for the custody and transportation of respondents involved in involuntary commitment proceedings in their respective jurisdictions.

Fiscal Impact/Resources: None.

**Attachments:**

- Resolution
- Involuntary Commitment Transportation Agreement
- NC General Statute Ch.122C-251 (Custody and transportation)
- DHHS Memorandum dated October 24, 2018

**A RESOLUTION ADOPTING AN INVOLUNTARY COMMITMENT TRANSPORTATION AGREEMENT
(2020-09-30/R-3)**

WHEREAS, Senate Bill 630 (SL 2018-33), "An Act Revising the Laws Pertaining to Involuntary Commitment in Order to Improve the Delivery of Behavioral Health Services in North Carolina," was passed on June 22, 2018; and

WHEREAS, the General Assembly mandated that local governing bodies adopt an "involuntary commitment transportation agreement" for the custody and transportation of respondents involved in involuntary commitment proceedings in their respective jurisdictions; and

WHEREAS, this agreement is supported by Cardinal Innovations and other local agencies which are required by law to provide transportation pursuant to this Agreement; and

WHEREAS, the proposed Agreement incorporates legal mandates set forth in the NC General Statutes Ch. 122C, pertaining to involuntary commitment transportation in North Carolina.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts the proposed "Involuntary Commitment Transportation Agreement", as provided in the materials for the September 30, 2020 Council meeting.

This the 30th 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 proposed "Involuntary Commitment Transportation Agreement."

INVOLUNTARY COMMITMENT TRANSPORTATION AGREEMENT

I. Issuance of Transportation Order and Service

- A. A Magistrate or clerk of Superior Court shall evaluate petitions for involuntary commitment.
- B. If the involuntary commitment criteria are met, the magistrate or Clerk of Court will issue a Custody Order to law enforcement.
- C. A law enforcement officer must take the respondent into custody within 24 hours after the order is signed.

II. Transportation for Initial Examination

- A. Without unnecessary delay after assuming custody, the law enforcement officer shall take the respondent to an area facility for examination by a physician or eligible psychologist.
- B. When the respondent is a resident of the city, or is taken into custody within the city limits, that city's police department will provide transportation in accordance with the order. If the respondent lives in the county, or is taken into custody in the county, then the county must transport the respondent.
- C. If the transportation order requires the respondent to be transported to a facility outside the county, then the county is responsible for the transportation regardless of whether the respondent resides in the city or the county.
- D. A clerk, magistrate, or district court judge may authorize the family or immediate friends of the respondent, if they so request, to transport the respondent pursuant to IVC procedures. This authorization shall only be granted in cases where the danger to the public, the family or friends of the respondent, or the respondent himself or herself, is not substantial. The family or immediate friends of the respondent shall bear the costs of providing this transportation.

III. Transportation between Facilities

- A. If the commitment examiner finds that the respondent is mentally ill and is dangerous to self or others the commitment examiner shall recommend inpatient commitment, and shall so show on the examination report.
- B. Upon notification, the law enforcement officer or other designated person shall take the respondent to a 24-hour facility pending a district court hearing.
- C. To the extent feasible, in providing the transportation of the respondent, the law

enforcement agency shall act within six hours of notification. Other designated persons shall take the respondent to a 24-hour facility within six hours of notification.

- D. If a 24-hour facility is not immediately available or appropriate to the respondent's medical condition, the respondent may be temporarily detained under appropriate supervision at the site of the first examination.
 - 1. Upon the commitment examiner's determination that a 24-hour facility is available and medically appropriate, the law enforcement officer or other designated person shall transport the respondent after receiving a request for transportation by the facility of the commitment examiner.
 - 2. To the extent feasible, in providing the transportation of the respondent, the law enforcement agency shall act within six hours of notification. Other designated persons shall transport the respondent without unnecessary delay and within six hours after receiving a request for transportation by the facility of the commitment examiner.
- E. The law enforcement agency who originally took the respondent into custody is responsible for transporting the respondent from the initial examination to the designated 24-hour facility if the facility is located within the county.
- F. Transportation between counties for respondents held in 24-hour facilities who have requested a change of venue for the district court hearing shall be provided by the county where the petition for involuntary commitment was initiated.

IV. Outpatient Treatment and Discharges

- A. If the physician recommends outpatient treatment, or neither inpatient nor outpatient treatment, the agency who originally took the respondent into custody shall return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county.
- B. Transportation between counties for discharge of a respondent from a 24-hour facility shall be provided by the county of residence of the respondent. However, a respondent being discharged from a facility may use his own transportation at his own expense.

V. Procedural Considerations

- A. To the extent feasible, in providing transportation of a respondent, a city or county shall provide a driver or attendant who is the same sex as the respondent, unless the law enforcement officer allows a family member of the respondent to accompany the respondent in lieu of an attendant of the same sex as the respondent.

- B. Law enforcement officers should advise respondents when taking them into custody that they are not under arrest and have not committed a crime, but are being taken into custody and transported to receive treatment and for their own safety and that of others.
- C. To the extent feasible, law enforcement officers transporting respondents will dress in plain clothes and travel in unmarked vehicles.
- D. Law enforcement officers may use reasonable force to restrain the IVC individual if it appears necessary for protection of themselves, the IVC individual or others. Officers shall use every effort to avoid restraint of a child under age 10 unless the child's behavior or other circumstances dictate that restraint is necessary.
- E. Law enforcement officers shall respond to all inquiries from the destination facility concerning the IVC individual's behavior and any use of restraints during custody or transport, unless the information is confidential or would compromise a law enforcement investigation.
- F. The cost and expenses of custody and transportation of a respondent are set forth in GS 122C-251(h).

VI. Other

- A. This Agreement may be modified by mutual agreement of all the parties.
- B. Any party may withdraw from this Agreement by written notice from its governing body.
- C. This Agreement shall be submitted to the magistrates in the judicial district of each party to the Agreement, to the county clerks of court, to the LME/MCO that serves the city or county, and to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

§ 122C-251. Custody and transportation.

(a) Except as provided in subsections (c), (f), and (g) [of this section], transportation of a respondent within a county under the involuntary commitment proceedings of this Article, including admission and discharge, shall be provided by the city or county. The city has the duty to provide transportation of a respondent who is a resident of the city or who is physically taken into custody in the city limits. The county has the duty to provide transportation for a respondent who resides in the county outside city limits or who is physically taken into custody outside of city limits. However, cities and counties may contract with each other to provide transportation.

(b) Except as provided in subsections (c), (f), and (g) [of this section] or in G.S. 122C-408(b), transportation between counties under the involuntary commitment proceedings of this Article for a first examination as described in G.S. 122C-263(a) and G.S. 122C-283(a) and for admission to a 24-hour facility shall be provided by the county where the respondent is taken into custody. Transportation between counties under the involuntary commitment proceedings of this Article for respondents held in 24-hour facilities who have requested a change of venue for the district court hearing shall be provided by the county where the petition for involuntary commitment was initiated. Transportation between counties under the involuntary commitment proceedings of this Article for discharge of a respondent from a 24-hour facility shall be provided by the county of residence of the respondent. However, a respondent being discharged from a facility may use his own transportation at his own expense.

(c) Transportation of a respondent may be (i) by city- or county-owned vehicles, (ii) by private vehicle by contract with the city or county, or (iii) as provided in an agreement developed and adopted under subsection (g) of this section and G.S. 122C-202.2. To the extent feasible, law enforcement officers transporting respondents shall dress in plain clothes and shall travel in unmarked vehicles. Further, law enforcement officers, to the extent possible, shall advise respondents when taking them into custody that they are not under arrest and have not committed a crime, but are being taken into custody and transported to receive treatment and for their own safety and that of others.

(d) To the extent feasible, in providing transportation of a respondent, a city or county shall provide a driver or attendant who is the same sex as the respondent, unless the law enforcement officer allows a family member of the respondent to accompany the respondent in lieu of an attendant of the same sex as the respondent.

(e) In taking custody and providing transportation as required by this section, the law enforcement officer may use reasonable force to restrain the respondent if it appears necessary to protect the law enforcement officer, the respondent, or others. Any use of restraints shall be as reasonably determined by the officer to be necessary under the circumstances for the safety of the respondent, the law enforcement officer, and other persons. Every effort to avoid restraint of a child under the age of 10 shall be made by the transporting officer unless the child's behavior or other circumstances dictate that restraint is necessary. The law enforcement officer shall respond to all inquiries from the facility concerning the respondent's behavior and the use of any restraints related to the custody and transportation of the respondent, except in circumstances where providing that information is confidential or would otherwise compromise a law enforcement investigation. No law enforcement officer or other person designated or required to provide custody or transport of a client under G.S. 122C-251 may be held criminally or civilly liable for

assault, false imprisonment, or other torts or crimes on account of reasonable measures taken under the authority of this Article.

(f) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a clerk, a magistrate, or a district court judge, where applicable, may authorize the family or immediate friends of the respondent, if they so request, to transport the respondent in accordance with the procedures of this Article. This authorization shall only be granted in cases where the danger to the public, the family or friends of the respondent, or the respondent himself or herself is not substantial. The family or immediate friends of the respondent shall bear the costs of providing this transportation.

(g) The governing body of a city or county shall adopt a plan known as an "involuntary commitment transportation agreement" or "transportation agreement" for the custody and transportation of respondents in involuntary commitment proceedings under this Article as follows:

- (1) Law enforcement and other affected agencies, including local acute care hospitals and other mental health providers, shall participate in developing the transportation agreement. The area authority may participate in developing the transportation agreement.
- (2) The transportation agreement may designate law enforcement officers, volunteers, or other public or private personnel who have agreed pursuant to subsection (g) of this section to provide all or parts of the custody and transportation required by involuntary commitment proceedings. Persons so designated or otherwise required to provide all or parts of the custody and transportation required by involuntary commitment proceedings shall be trained as set forth in G.S. 122C-202.2(a)(3), and the plan shall assure adequate safety and protections for both the public and the respondent. Any person or agency designated or required to provide all or parts of the custody and transportation required by involuntary commitment proceedings shall follow the procedures in this Article. References in this Article to a law enforcement officer apply to any person or entity designated to provide custody or transportation. The transportation agreement may provide that private personnel or agencies may contract for transportation services to transport respondents under involuntary commitment from one entity to another.
- (3) A person shall not be designated under subsection (g) of this section without that person's written consent and the written consent of his or her employer, if applicable. An agency, corporation, or entity shall not be designated without the written consent of that agency, corporation, or entity. Any person, agency, corporation, or other entity shall be designated to provide only the services which the person, agency, corporation, or other entity has previously consented in writing to provide and shall be permitted to withdraw from or discontinue providing services, in whole or in part, upon written notice to the designating governing body. The transportation agreement shall be submitted to the magistrates in the city or county's judicial district, to the county clerks of court, to the LME/MCO that serves the city or county, and to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services on or before January 1, 2019. If the city or county modifies the transportation agreement, it will submit the modified agreement to their magistrates in their judicial district,

county clerks of court, the LME/MCO that serves the city or county, and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services at least 10 days prior to the effective date of the new plan.

- (4) Counties and cities shall retain and be required to perform the responsibilities set forth in this Article, except as set forth in a plan developed, agreed upon, and adopted in compliance with this subsection.

(h) The cost and expenses of custody and transportation of a respondent as required by the involuntary commitment procedures of this Article, to the extent they are not reimbursed by a third-party insurer, are the responsibility of the county of residence of the respondent, to the extent they are not reimbursed by a third-party insurer. The State (when providing transportation under G.S. 122C-408(b)), a city, or a county is entitled to recover the reasonable cost of transportation from the county of residence of the respondent. The county of residence of the respondent shall reimburse the State, another county, or a city the reasonable transportation costs incurred as authorized by this subsection. The county of residence of the respondent is entitled to recover the reasonable cost of transportation it has paid to the State, a city, or a county. Provided that the county of residence provides the respondent or other individual liable for the respondent's support a reasonable notice and opportunity to object to the reimbursement, the county of residence of the respondent may recover that cost from:

- (1) The respondent, if the respondent is not indigent;
- (2) Any person or entity that is legally liable for the resident's support and maintenance provided there is sufficient property to pay the cost;
- (3) Any person or entity that is contractually responsible for the cost; or
- (4) Any person or entity that otherwise is liable under federal, State, or local law for the cost. (1899, c. 1, s. 32; Rev., s. 4555; 1919, c. 326, s. 4; C.S., ss. 6201, 6202; 1945, c. 952, ss. 29, 30; 1953, c. 256, s. 6; 1961, c. 186; 1963, c. 1184, s. 1; 1969, c. 982; 1973, c. 1408, s. 1; 1979, c. 915, ss. 21, 22; 1983, c. 138, ss. 1, 2; 1985, c. 589, s. 2; 1987, c. 268; 1995 (Reg. Sess., 1996), c. 739, s. 4; 1999-201, s. 1; 1999-456, s. 36; 2015-176, s. 2.5(a); 2018-33, s. 19.)



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

Division of Mental Health, Developmental
Disabilities and Substance Abuse Services

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

KODY H. KINSLEY • Deputy Secretary for Behavioral Health & IDD

MEMORANDUM

Date: October 24, 2018

To: North Carolina Association of County Commissioners (NCACC)
North Carolina League of Municipalities

From: Kody H. Kinsley, Deputy Secretary for Behavioral Health & IDD *[Signature]*

Subject: Summary of Action Items Required by Senate Bill 630 (Session Law 2018-33):
An Act Revising the Laws Pertaining to Involuntary Commitment in order to
Improve the Delivery of Behavioral Health Services in North Carolina.

New legislation (SB630) was passed in June of 2018 to revise the Involuntary Commitment process. The Department of Health and Human Services recognizes that successful implementation of SB630 will require collaboration among all stakeholders and thus, we would like to facilitate this joint effort. To aid in the discussion, we are reaching out with a brief review of the city/county-specific action items and their relevant due dates. We are asking how we can be supportive in this process, including coordination with the LME-MCOs.

SB630 City/County Specific Items:

- Previously optional, SB630 **requires the governing body of a city or county to adopt a plan (transportation agreement)** for the custody and transportation of respondents under involuntary commitment from one entity to another.
- **The city** has the duty to provide transportation of a respondent **who is a resident of the city or who is physically taken into custody in the city limits**. **The county** has the duty to provide transportation for a respondent **who resides in the county outside of city limits or who is physically taken into custody outside of city limits**. Cities and counties may contract with each other to provide transportation.
- **Law enforcement, local acute care hospitals, and mental health providers shall participate** in developing the transportation agreement.
- This agreement **may designate law enforcement officers, volunteers, or other public or private personnel to provide custody and transport** for individuals undergoing involuntary commitment proceedings.
- Private personnel or agencies contracting for transportation services **shall complete training identified by the applicable LME-MCO** to ensure safety for both the respondent and public. Law enforcement may request to participate.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

101 Blair Drive, Raleigh, NC • 919-855-4800 • www.ncdhhs.gov

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

- Transportation agreements **shall be submitted to NC DMH/DD/SAS, area magistrates, county clerks of court and the LME-MCO** that serves the city or county **by January 1, 2019**. Subsequently modified transportation plans shall be submitted to the same entities at least 10 days prior to their effective date.
- LME-MCOs shall adopt a **community crisis services plan that incorporates the transportation agreement** and facilitates the first commitment examination in conjunction with a health screening for individuals under involuntary commitment.

Please note that this memo is only intended to provide a high level overview; for details, please refer to [Senate Bill 630/Session Law 2018-33](#) . We look forward to hearing how we can best partner with the NCACC and NC League of Municipalities in this process. Questions/comments can be directed to IVCCommunication@dhhs.nc.gov.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 4., **File #:** [20-0637], **Version:** 1

Meeting Date: 9/30/2020

Approve a Request for Town Council Concept Plan Review: Town of Chapel Hill Municipal Services Center, 101 Weaver Dairy Rd. Ext. (Project #20-071).

Staff:

Judy Johnson, Interim Director
Michael Sudol, Planner II

Department:

Planning

Overview: The Town of Chapel Hill has requested that the Council review a Concept Plan for the proposed Municipal Services Center. This project does not meet the threshold for a required Council review of a Concept Plan, but the Council may voluntarily choose to review it. The Concept Plan is for a 4.1-acre site zoned Office/Institutional-2 (OI-2). Town of Chapel Hill Fire Station #4 currently occupies the site. Property owners within 1,000 feet will be notified prior to the October 7, 2020 Public Meeting.



Recommendation(s):

That the Council adopt the attached resolution to review the Concept Plan and provide feedback to the applicant at the October 7, 2020 Public Hearing.

Decision Points:

- The Council will decide whether to review the Concept Plan.

Key Issues:

- If the Council chooses to review the Concept Plan, they will be able to provide feedback on preliminary designs for the Municipal Services Center.



Attachments:

- Resolution
- Petition

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

By adopting the resolution, the Council chooses to review the Concept Plan and provide feedback to the applicant at the October 7, 2020 Public Hearing.

**A RESOLUTION TO REVIEW A CONCEPT PLAN FOR THE TOWN OF CHAPEL HILL
MUNICIPAL SERVICES CENTER (2020-09-30/R-4)**

WHEREAS, Town of Chapel Hill staff submitted a petition requesting Concept Plan review by the Council of the Town of Chapel Hill for the proposed Town of Chapel Hill Municipal Services Center, 101 Weaver Dairy Road Extension, PIN 9880-25-0693; and

WHEREAS, per Land Use Management Ordinance Section 4.3.1, the applicant may request review by the Town Council in cases where the project does meet the threshold for Town Council review; and

WHEREAS, the Council agrees to review the application at a future Public Meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council will review the Concept Plan application for the Town of Chapel Hill Municipal Services Center and provide feedback to the applicant at the October 7, 2020 Public Meeting.

This the 30th day of September, 2020.



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

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

Item Overview

Item #: 5., File #: [20-0638], Version: 1

Meeting Date: 9/30/2020

Continue the Public Hearing on Land Use Management Ordinance Text Amendment for Townhomes in the Blue Hill District to November 4, 2020.

Staff:

Judy Johnson, Interim Director
Corey Liles, Principal Planner

Department:

Planning

Overview: Town Council approved an update to Building Massing Standards in the Blue Hill District on February 19, 2020 <<https://chapelhill.legistar.com/MeetingDetail.aspx?ID=742166&GUID=38774185-AE7C-4E99-8A6D-ACE46A378585>>. In the same discussion, Council asked staff to further refine standards supporting townhome projects. While Council initially planned to continue the public hearing on April 22, 2020, the item was deferred due to the COVID-19 crisis. Adopting this resolution reschedules the continued hearing on townhome standards.



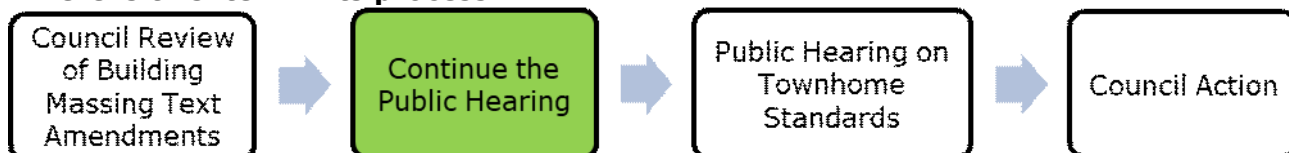
Recommendation(s):

That the Council adopt the resolution continuing the public hearing on the proposed text amendment for townhome standards in the Blue Hill District to November 4, 2020.

Additional Information:

- Recent changes to the Blue Hill District Form-Based Code (Section 3.11 of the Land Use Management Ordinance) regarding mixture of uses and building massing were the result of a Council Petition submitted in March 2018.
- During a study of building massing in response to the Council Petition, the consultant advised that townhome projects in the Blue Hill District are likely to be unfeasible because of a requirement that projects include commercial space. The proposed text amendment is intended to address this issue.

Where is this item in its process?



Attachments:

- Resolution

A RESOLUTION CONTINUING A PUBLIC HEARING TO CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT TO SECTION 3.11 REGARDING TOWNHOME STANDARDS IN THE BLUE HILL DISTRICT (2020-09-30/R-5)

WHEREAS, on March 14, 2018, Council Members petitioned the Mayor and Town Manager to consider solutions for the Blue Hill District that would address community interests including increasing non-residential development, accomplishing the existing goal of 300 new affordable housing units, and addressing building size and massing concerns; and

WHEREAS, on February 19, 2020, Council updated the standards for building massing in the Blue Hill District in response to the petition, through approval of text amendments to Section 3.11 of the Land Use Management Ordinance; and

WHEREAS, based on discussion at the public hearing and the findings of the project consultant, Council asked staff to further study and refine the proposed standards for townhome projects that would exempt projects meeting certain criteria from a nonresidential space requirement; and

WHEREAS, Council continued the public hearing to April 22, 2020, with the intent of reviewing the refined townhome standards on this date; and

WHEREAS, regular Council Meetings following March 4, 2020 were subsequently cancelled due to the COVID-19 crisis, with special meetings being called until the Council adopted a regular schedule in June. These meetings are conducted in a virtual environment; and

WHEREAS, the continued discussion of townhome standards was deferred as a result of changes to the Council meeting schedule.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council continues the Public Hearing to November 4, 2020 at 7:00 p.m. to consider a proposed Land Use Management Ordinance text amendment regarding townhome standards in the Blue Hill District.

This the 30th 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 continues a public hearing to November 4, 2020 to consider text amendment regarding townhome standards in the Blue Hill District.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 6., **File #:** [20-0639], **Version:** 1

Meeting Date: 9/30/2020

Adopt Minutes from February 26, 2020 and March 4, and 25, 2020 and April 1, 13, and 22, 2020 and May 6, and 20, 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
- February 26, 2020 Regular Meeting
- March 4, 2020 Regular Meeting
- March 25, 2020 Special Meeting
- April 1, 2020 Special Meeting
- April 13, 2020 Work Session
- April 22, 2020 Regular Meeting
- May 6, 2020 Regular Meeting
- May 20, 2020 Regular Meeting

A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2020-09-30/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts summary minutes for meetings held on February 26, 2020 and March 4, and 25, 2020 and April 1, 13, and 22, and May 6, and 20, 2020 Meetings.

This the 30th 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 Karen Stegman

Wednesday, February 26, 2020 7:00 PM RM 110 | Council Chamber

Roll Call

Present: 7 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, and Council Member Amy Ryan

Absent: 1 - Council Member Tai Huynh

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Support Services Captain Josh Mecimore, Fire Inspector Donnie Morrissey, Communications Manager Catherine Lazorko, Library Director Susan Brown, Business Management Director Amy Oland, Transportation Planning Manager Bergen Watterson, Transit Director Brian Litchfield, Assistant Library Director Meeghan Rosen, Transit Planner Nick Pittman, Senior Park Planner Marcia Purvis, Assistant Business Management Director Matt Brinkley, Planning Development Manager Bill Webster, Library Systems Manager David Green, and Deputy Town Clerk Amy Harvey.

OPENING

0.01 Friends of the Chapel Hill Public Library Presentation of Funds for Finishing Phase 2 Parking Improvements. [\[20-0171\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. She noted that Council Member Huynh was absent/excused.

Karen Curtin, representing Friends of the Chapel Hill Public Library, presented the Town with \$185,000 to be used for finishing improvements and adding 16 more spaces to the Library's upper parking lot. She said that more information about Friends, a volunteer organization that raised funds for the Library through events and membership dues, was available at www.friendschpl.org.

Mayor Hemminger pointed out that the Chapel Hill Public Library was the most used facility in Town. She expressed gratitude to Friends and others for their volunteer help and contributions.

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. Carlisle Willard Request Regarding Proposed Anti-Corruption Resolution. [\[20-0151\]](#)

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

2. Bayberry Drive Residents Request to Amend the Water and Sewer Management, Planning, and Boundary Agreement to Allow Water and Sewage Services to Their Lots. [\[20-0152\]](#)

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.

2.01 Lillian Pierce Request to Abandon Bicycle/Pedestrian Easement at 205 Huntington Way. [\[20-0172\]](#)

Lillian Pierce, a Chapel Hill resident, said that a 30-foot-wide Town easement was taking up the bulk of her backyard in an area where she wanted to garden and install a fence. Town staff had supported her request to abandon the easement and had recommended that she file a formal petition, she said.

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.

ANNOUNCEMENTS BY COUNCIL MEMBERS

2.02 Mayor Hemminger Regarding Council Vacancy. [\[20-0173\]](#)

Mayor Hemminger said that notice of a Council vacancy had been published and the public was invited to submit applications with the Town Clerk's office before 5:00 p.m. on March 27, 2020. Forms and information

were available online or at Town Hall, she said.

2.03 Mayor Hemminger Regarding East Rosemary Street Redevelopment Public Information Meetings. [\[20-0174\]](#)

Mayor Hemminger announced that public information meetings with Grubb Properties to discuss a redevelopment project on East Rosemary Street would be held on March 27th, at 10:00 a.m. at the Franklin Hotel and from 6:00-8:00 p.m. at Top of the Hill.

2.04 Mayor Hemminger Regarding Chapel Hill Nine Marker. [\[20-0175\]](#)

Mayor Hemminger said that the public was invited to an unveiling of the Chapel Hill Nine marker at 4:00 p.m. on February 28th at 450 West Franklin Street. That date would be the 60th anniversary of the Colonial Drug Store sit-in, she pointed out.

2.05 Mayor Hemminger Regarding Climate Summit. [\[20-0176\]](#)

Mayor Hemminger announced that a first Climate Summit would be held at the Chapel Hill Public Library on March 27th.

2.06 Mayor Hemminger Regarding Upcoming Public Information Meetings. [\[20-0177\]](#)

Mayor Hemminger said that a meeting to obtain public feedback on changes to West Franklin Street would be held on March 3rd, from 5:00-7:00 p.m. She also said that an open house on urban design principles to the Town's Future Land Use Map would be held from 6:00-7:00 p.m. on March 4th in the first floor conference room at Town Hall. The Council Committee on Economic Sustainability would meet on March 6th, she said.

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 as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

3. Approve all Consent Agenda Items. [\[20-0153\]](#)

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

4. Approve the Miscellaneous Budget Ordinance Amendment and Project Ordinance Amendments to Adjust Various Fund Budgets for FY 2019-20. [\[20-0154\]](#)

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

5. Accept Deed of Gift for Forest Creek Open Space Property from Pine Tree Corporation. [\[20-0155\]](#)

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

6. Adopt Minutes from January 25, and 26, 2019 and November 20, 2019 and December 4, 2019 Meetings. [\[20-0156\]](#)

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0157\]](#)

This item was received as presented.

DISCUSSION

8. Initial Budget Public Forum on the Annual Budget, Capital Program, Use of Grants and Related Items, and Potential Legislative Requests. [\[20-0158\]](#)

Director of Business Management Amy Oland opened the public forum on the Town's FY 2020-2021 Operating Budget, 15-Year Capital Program, Community Development Block Grant (CDBG) Program, HOME Program, Housing Capital Funds Program, Public Transportation Grants, Downtown Service District, and Potential Legislative Proposals.

Ms. Oland said that a public forum for CDBG projects had been held in November 2019 and that applications for funding were being reviewed. The FY 2021 award would be \$417,655, up from the FY 2020 award of \$386,000, she said. She explained that a second public forum would be held on March 25th and that the item would come back for Council approval on April 22, 2020.

Ms. Oland noted that the Orange County HOME Consortium's deadline for completing applications for funding had been February 17th. A committee would review applications and make recommendations in April and an annual plan, as well as a five-year consolidated plan, would be submitted to HUD by May 15th, she said.

Ms. Oland explained that the amount of Housing Capital Grant funds for FY 2021 was still unknown, but a preliminary program plan based on previous awards equaled \$719,000. The final plan would be brought to the Council in April, she said.

Ms. Oland said that the Town had received an annual federal allocation of \$1.9 million in Public Transportation grants. State maintenance funds were anticipated to be approximately \$3.8 million, but staff was conservatively estimating \$3.3 million, she said. She pointed out that a Transit budget would be presented to the Transit Committee in April and would come to the Council in May.

Ms. Oland said that estimated FY 2021 funding for the Downtown Service District was approximately \$368,000, but that was subject to change. She pointed out that the deadline for filing legislative bills would be May 5, 2020 and that the Council would meet with its legislative delegation prior to that date.

Ms. Oland reviewed the anticipated schedule with a staff presentation of a 5-year budget strategy and preliminary projections on March 18th to an anticipated adoption of the budget on June 12, 2020. In addition to speaking at upcoming public forums, members of the public could contact Council Members by mail or email, and budget information would be available on the Town's website, she said.

In response to a request from Council for clarification, Ms. Oland explained that the 5-year strategy would help provide a big picture view to help frame the Council's budget conversations over the next five years. She said that the Capital Program ranked Town needs over 5-, 10- and 15-year timeframes and fit them into a financing plan which was then brought to the Council for funding discussions.

This item was received as presented.

9. Discuss Library Overdue Fine Policy.

[\[20-0159\]](#)

Chapel Hill Public Library (CHPL) Director Susan Brown, liaison to the Library Advisory Board, noted that an October 2019 petition had urged the Council to consider adopting a "fine free" library model with the FY 2020-2021 budget process. She reviewed the reasons for that petition and the data that supported it. Fines, which currently represented only one percent of the CHPL's budget, disproportionately affected lower income people, she said.

CHPL Assistant Director Meeghan Rosen discussed the effects on libraries when they no longer assess and collect overdue fine penalties. She reviewed the CHPL's current borrowing policies and pointed out that most of its procedures would remain the same.

Blaine Schmidt, speaking on behalf of the CHPL Advisory Board, said that the Board had considered the petition very carefully for more than two years. He asked the Council to consider the request during its budget deliberations.

Council Members confirmed that Ms. Brown thought the proposal was compatible with Town goals and CHPL board interests. She said that staff had been empowered over the years to make exceptions for situations of economic hardship. Not charging fines would save staff time and money, but it would not entirely offset the revenue from overdue book fines, she said.

The Council verified with Ms. Brown that a fine free policy would apply to all because having people identify themselves as low income would not be in keeping with public library values. Council Members confirmed with her that there had been a recent decrease in revenue from fines due to the Library's efforts to decrease barriers and make it easier to return items on time.

Mayor pro tem Anderson, liaison to the CHPL Advisory Board, expressed strong support for including the initiative in the Town's annual budget conversation. The Council expressed general support for the petition and Mayor Hemminger said she hoped the Town would be able to approve it during the budget process.

This item was received as presented.

10. Discuss Options for the Fordham Boulevard Sidepath Project.

[\[20-0160\]](#)

Transportation Planning Manager Bergen Watterson gave a PowerPoint presentation on the Fordham Boulevard sidepath, a project that would be jointly funded by the Town and the NC Department of Transportation (NC DOT) in an 80 percent federal/20 percent local arrangement. She provided details regarding the sidepath's design and showed how it would fit into the bike and pedestrian network that the Town's 2017 Mobility and Connectivity Plan had contemplated.

Ms. Watterson said that the project had progressed to 30 percent design but had then been paused in 2018 in order to address concerns from the Little Ridgefield neighborhood. At public outreach meetings in 2018 and 2019, residents had discussed the resulting loss of a vegetative buffer, noise pollution, and potential safety risks associated with cars crossing side streets, she said.

Ms. Watterson presented the pros and cons of three design alternatives that had been developed in response to that public feedback. Option 1 and 2 proposed a 10-foot multi-use sidepath along Fordham Boulevard, and Options 3 and 4 proposed a shared street through the neighborhood, she said.

Ms. Watterson compared and contrasted the options and outlined potential remedies for concerns regarding Option 1 and 2. These included changes to where the path would cross side streets, replacing the

vegetative buffer, adding a sound barrier, installing raised crosswalks, and creating sharper turns off Fordham Boulevard to slow exiting traffic, she said. She discussed funding opportunities and provided cost estimates. Staff would return the following week for Council guidance on which alternative to choose, Ms. Watterson said.

The Mayor and Council confirmed with Ms. Watterson that the Town appeared to have the right-of-way and probably would not need to purchase land in order to construct the sidepath. They ascertained that it would take four to five years to reestablish a mature vegetative buffer, and that the recommended sound barrier would be six feet tall but could be taller if the Land Use Management Ordinance would allow.

Kim Stahl, a Chapel Hill resident, said that the project could be a win/win for all. She pointed out that everyone agreed on leaving a healthy stand of trees, providing buffers, creating connectivity, using funds efficiently, and in ensuring safety.

Jason Merrill, Transportation and Connectivity Advisory Board chair, said that the Board viewed the sidepath as a vital connection in the Town's Mobility and Connectivity Plan. He said that six of seven Board members had been convinced that the project would cause minimal long-term disruption to the neighborhood.

David Colar, a Chapel Hill bicycle commuter, said that the path between Cleland Drive and Little Ridgefield was in very poor shape and was dangerous at intersections. He expressed support for Option 1 and 2, stating that the project would be an important part of the connection between Glen Lennox and the Blue Hill District.

Sam Byassee, a Bicycle Alliance of Chapel Hill Member, described current dangers for cyclists trying to traverse the area. He said that data did not support a potential speed or noise problem and that Option 1 and 2 would be much safer than having a shared street run through the neighborhood as outlined in Options 3 and 4.

Barbara Keyworth, a Chapel Hill resident and cyclist, said that Fordham Boulevard was too hazardous for biking but that people would use the proposed sidepath. She pointed out that having shared streets through a neighborhood could run the risk of cyclists crashing into opening car doors.

Council Members expressed a preference for Option 1 and 2, but with sensitivity to the neighborhood's concerns. They stressed the importance of instituting safety measures, buffering noise, improving the vegetative buffer, and having "egress only" on some streets. They spoke about the Town's connectivity goals and praised the staff's thoughtful process, which was trying to meet community needs while staying committed to the Town's vision and goals.

Mayor Hemminger asked staff to return with information regarding the number of homes that would be affected by an entry to Little Ridgefield. Council Member Ryan asked for information on whether "egress only" streets would be acceptable to NC DOT. Council Member Gu requested more information on how the community would be involved in the process.

This item was received as presented.

11. 2020 Chapel Hill Community Survey Results. [\[20-0161\]](#)

Town Manager Maurice Jones explained that the ETC Institute had been conducting community surveys for the Town since 2009 and had developed an extensive trend chart to compare results over the years. He said that the 2019 survey had found that Chapel Hill residents were highly satisfied with the overall quality of life in Town.

Mr. Jones pointed out that the Town ranked above average in 32 of 38 areas. He mentioned areas for improvement such as traffic flow, public parking, stormwater runoff, and affordable housing and noted that the Town had been dedicating time and funding toward making such improvements. The cost of the survey was \$25,470, he said, noting that details were available at www.townofchapelhill.org/survey.

Chris Tatum, representing ETC Institute, provided additional information. He said that about 20 percent of selected households had responded to the survey. The majority had stated that Chapel Hill was an exceptional place to live, but ratings were a little lower in pockets where traffic flow and issues regarding growth were seen as problematic, he said.

Mr. Tatum said that the Town had improved in 47 of 68 areas, with the greatest improvements being in categories related to opportunities to participate in Town decision-making, access to parks and greenspace, maintenance of the downtown, availability of festivals, snow removal, maintenance of Town buildings, and consideration of future generations. Areas where ratings had decreased included new development in Town, ease of walking, recreation programs, and stormwater, he said. Mr. Tatum concluded that the Town was moving in the right direction overall and was doing a great job of meeting community needs.

Council Members verified with Mr. Jones that a demographic breakdown of respondents and sub-groups was available on the Town's website. Thirty-six percent of respondents had graduate degrees, 38 percent had four-year college degrees, 16 percent had some college, 8 percent had high school only, and 2 percent had less than a high school education, he said. The Council also confirmed that over-sampling would be an option if they were interested in having more data on specific groups. ETC Institute could provide information on how the Town compared with nearby municipalities, Mr. Tatum said.

Communications Manager Catherine Lazorko described the ways in which

the Town communicated with the public. In addition to putting information on its website, Chapel Hill communicated with the public through social media, she said. She noted that approximately 100 people had signed up for a neighborhood liaison program that redistributes Town information as well. Neighborhood associations had also become important conveyors of information and more than 12,000 residents were active on Nextdoor, she said, noting that the Town communicated through those venues as well.

This matter was received and filed.

12. Receive Update on Short Range Transit Plan.

[\[20-0162\]](#)

Transportation Director Brian Litchfield gave an update on the Town's Short-Range Transit Plan (SRTP), which had been endorsed by the Town's Transit Partners (the University of North Carolina at Chapel Hill and the Town of Carrboro) and was awaiting the Council's endorsement.

Mr. Litchfield reviewed the SRTP's guiding principles and said that a proposed Preferred Alternative would meet the Transit Partners Committee's project goals. These goals were to develop high frequency corridors, be equitable, provide Sunday services, increase ridership, and to be sustainable, he said. He explained that the Transit Partners had wanted a cost-constrained plan that would identify opportunities to reallocate within the existing system.

Thomas Wittmann, of Nelson/Nygaard Consultants, provided details on the Preferred Alternative and outlined some of its benefits. He discussed public outreach efforts and the resulting determination that adding more frequent service and adding Sunday service were high community priorities.

Mr. Wittmann said that the Preferred Alternative would be to maintain some services in neighborhoods, to take a step toward creating high-frequency corridors, and to look at adding Sunday service and expanding Saturday service. He characterized the public response as positive and provided cost estimates and a menu of options. He pointed out that only so much could be done within existing funding, however.

Mr. Litchfield said that the Preferred Alternative had been designed to be cost neutral and that staff was targeting August 2020 as an implementation date. He asked the Council to consider adopting the Short-Range Transit Plan, including the Preferred Alternative with modifications. Mr. Litchfield pointed out that the other Transit Partners had already endorsed the Plan.

The Council confirmed that the funding formula would remain the same as it had been for a decade or more. That is, UNC-CH would pay 100 percent

of services that the Town operated for it and costs for other routes would be shared among the three Transit Partners based on their populations. The Council confirmed that adding Sunday service would be part of the Transit Department's budget request for FY 2020-2021. Mr. Litchfield said that he should have an idea of what that state funding might be within 60 days.

Martha Schultz, representing the CHPL, advocated for adding direct bus service to the Library. She pointed out that a required stop light had been installed there years ago, and she noted the benefits of having bus service to the Library.

Mayor pro tem Anderson expressed support for adding bus service to the CHPL, and Council Member Gu commented on the importance of having that as well as other connections within Town.

The Council verified that increasing bus frequency and adding Sunday service would cost about \$3 million. Mayor Hemminger said that the Council was only being asked to give direction, but Mr. Litchfield pointed out that the Transit Partners had provided a resolution for adopting the Short-Range Transit Plan and the Preferred Alternative. The Council adopting the resolution would make the Town consistent with what UNC and Carrboro had already done, he said.

Mayor Hemminger noted the difficulty of voting on a plan that included an increased allocation when the Town was just beginning its budget process, but Mr. Jones expressed confidence that the Town would be able to cover the cost.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-4 be adopted. The motion carried by a unanimous vote.

APPOINTMENTS

13. Appointment to the Cultural Arts Commission.

[\[20-0163\]](#)

Mayor Hemminger pointed out that applications would open in June for a number of appointments to Town boards.

The Council appointed Ivana Vazquez to the Cultural Arts Commission.

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

ADJOURNMENT

The meeting was recessed at 10:16 p.m. the Council went into closed session and the meeting adjourned at the end of the closed session.



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, March 4, 2020 **7:00 PM** **RM 110 | Council Chamber**

Roll Call

Present: 7 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Allen Buansi, Council Member Hongbin Gu, 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, Police Officer Rick Fahrner, Fire Inspector Donnie Morrissey, Communications Manager Catherine Lazorko, Interim Planning Director Judy Johnson, Economic Development Officer Dwight Bassett, Business Management Director Amy Oland, Transportation Planning Manager Bergen Watterson, LUMO Project Manager Alisa Duffey Rogers, Housing and Community Assistant Director Sarah Viñas, Affordable Housing Manager Nate Broman-Fulks, Senior Planner Kari Grace, Economic Development Specialist Laura Selmer, Senior Park Planner Marcia Purvis, Parks and Recreation Planning and Development Manager Bill Webster, Senior Planner Jake Lowman, Housing and Community Executive Director Loryn Clark, and Deputy Town Clerk Amy Harvey.

OPENING

0.01 Mayor Hemminger Regarding Moving Item #14 to Future Date. [\[20-0194\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. She pointed out that Item 14 (Elliott Road Extension project) had been moved to a later date.

0.02 Mayor Hemminger Regarding Council Member Absence. [\[20-0195\]](#)

Mayor Hemminger said that Council Member Anderson would be absent/excused.

0.03 Mayor Hemminger Regarding COVID-19. [\[20-0196\]](#)

Mayor Hemminger gave an update on Town preparations for an anticipated COVID-19 virus outbreak. She reviewed precautionary steps and recommendations from the U.S. Center for Communicable Diseases.

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.

0.04 Wayne Pein Request Regarding Former Petition and Deer Feeding. [\[20-0197\]](#)

Wayne Pein said that he had recently resubmitted a petition, which he originally submitted in July 2019, that the Town had not yet addressed. He had also recently submitted a petition regarding the Town's ban on feeding of deer, he pointed out.

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.05 Mayor Hemminger Regarding Wegmans Traffic Calming Measures Community Meeting. [\[20-0198\]](#)

Mayor Hemminger announced that a community meeting regarding traffic-calming measures at Wegmans would be held at the Chapel Hill Public Library (CHPL) on March 5, 2020, at 6:00 p.m.

0.06 Mayor Hemminger Regarding Council Committee on Economic Sustainability Meeting. [\[20-0199\]](#)

Mayor Hemminger said that the Council Committee on Economic Sustainability would hold its monthly meeting at the CHPL on March 6th from 8:00 a.m. - 10:00 a.m. and that it would be open to the public.

0.07 Mayor Hemminger Regarding Girls Empowered Motivated Spectacular (GEMS) Program. [\[20-0200\]](#)

Mayor Hemminger announced that the Chapel Hill Police Department would hold an open house for girls on March 10th from 6:00 p.m. - 7:00 p.m. at the CHPL. She also described an eight-week program for young women, ages 14-21, to explore opportunities in community-oriented careers, and said that more information was available on the Town's website.

0.08 Mayor Hemminger Regarding Removal of Item #5 from Consent Agenda. [\[20-0201\]](#)

Mayor Hemminger noted that Item 5 had been removed from the evening's Consent Agenda while efforts were being made to improve the process.

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.

5. Approve the Council Committee's Interview Rubric for Semi-Autonomous Board Applicants. [\[20-0182\]](#)

The Council deferred the item to the Town Council's March 25, 2020 consent agenda.

Approval of the Consent Agenda

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[20-0178\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
2. Remove Parking Services Fees and Rates from Annual Fee Schedule. [\[20-0179\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Amend Chapter 12, Article II of the Town Code of Ordinances to Amend the Membership and Charge of the Parks, Greenways and Recreation Commission with Regard to the Cemeteries Champion Seat and Interests. [\[20-0180\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Amend the Advisory Board Membership Policy's Attendance Section to Allow Each Full Board Membership to Consider Excusing an Absence Due to Special Extenuating Circumstances. [\[20-0181\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
6. Continue the Public Hearing for the Code of Ordinances Text Amendment to Chapter 11A and Land Use Management Ordinance Amendment to Section 5.9 Pertaining to Off-Street [\[20-0183\]](#)

Parking and Parking Payment-in-Lieu Policy to March 25, 2020.

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0184\]](#)

This item was received as presented.

8. Receive the University of North Carolina at Chapel Hill 2019 Annual Development Plan Report on Transportation and 2019 Biennial Transportation Impact Analysis Update. [\[20-0132\]](#)

This item was received as presented.

DISCUSSION

9. Consider a Preferred Option for Fordham Boulevard Sidepath Project. [\[20-0185\]](#)

Transportation Planning Manager Bergen Watterson gave a brief overview of the Fordham Boulevard sidepath project that would reconstruct an existing sidepath between Cleland Drive and Ridgefield Drive and would build a new connection from Ridgefield to Willow Drive. She said that the project budget was just over \$1 million based on 80 percent federal funding and a 20 percent local match.

In response to previous Council comments and questions, Ms. Watterson outlined a plan for continued public engagement, discussed tree protection, and addressed the height of a screening fence. She said that 64 residents would be affected if certain streets in the area became egress only. The proposed sidepath would increase connectivity and mobility for all users, reduce traffic, and encourage alternative transportation, she said.

Ms. Watterson recommended that the Council adopt one of three resolutions: Resolution A would authorize the sidepath along Fordham Boulevard as described above; Resolution B would authorize a shared street concept, including a sidewalk on Hickory Drive; and Resolution C would be the shared street concept without the sidewalk on Hickory. She said that the Transportation and Connectivity Board had recommended Resolution A with conditions to maximally preserve the existing buffer, optimize noise abatement, and maximize safety for all users.

The Council ascertained from Ms. Watterson that a decision about who would maintain the fence had not been finalized, but that the Town would likely do so initially and then turn it over to property owners. Council Members confirmed that Town staff would continue to communicate with the community throughout different stages of the project and would solicit

feedback regarding traffic calming, landscaping, and the fence/buffer.

David Schwartz, a Chapel Hill resident, said that the shared street option would not be more expensive if a sidewalk were not required. He said that the Town should provide evidence that a sidepath would provide more safety and utility than would Option C. Mr. Schwartz talked about a time in the past when the neighborhood lost tree buffer in order to benefit the greater community. It would be a shame to remove what little buffer remained if the Town could achieve the same goals in a less harmful way, he said.

Mayor Hemminger suggested adding a community input session at 70 percent design. She confirmed with Ms. Watterson that staff would check with the NC Department of Transportation regarding the proposed ingress and egress to the neighborhood and that the neighbors would be involved in those discussions.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-6 be adopted as amended. The motion carried by a unanimous vote.

10. Consider Authorizing a Memorandum of Understanding for the East Rosemary Downtown Redevelopment Project.

[\[20-0186\]](#)

Town Manager Maurice Jones introduced the item regarding a possible development on East Rosemary Street/Downtown. He read a proposed memorandum of understanding (MOU) with Grubb Properties that included a proposal to exchange properties with Grubb and construct a 1,100-space parking garage and a 200,000 square-foot innovation hub in the area. Mr. Jones said that the projected value of the project was \$50-80 million, and that a Certificate of Occupancy would need to be issued by September 30, 2021.

Economic Development Director Dwight Bassett discussed various components of the project, presented a proposed schedule, and outlined next steps. He said that Grubb Properties and the University of North Carolina-CH (UNC) were exploring the possibility of creating an innovation hub in the proposed new building. Mr. Bassett pointed out that the project would lead to job creation, and would consolidate parking for new and existing businesses. He presented drawings of what the proposed office building might look like.

Mr. Jones recommended that the Council authorize him to make minor non-substantive changes, sign the non-binding MOU with Grubb Properties, and proceed with drafting an Economic Development Agreement (EDA) for Council consideration.

Mayor Hemminger suggested that the word "approximately" be placed

before "1,100 parking spaces" in the MOU.

Council Members confirmed with staff that Grubb Properties intended to complete the office building by the year 2022. They verified that details, such as the amount of Grubb's annual parking lease payments, would be negotiated in the EDA, as would any cost-sharing agreement regarding land acquisition for an additional exit from the property. Council Members also confirmed that the Town would be the owner of the new deck, and they clarified that the EDA would need to be completed by June 2020.

In response to Council Members' questions, Attorney Bob Jessup explained that Grubb Properties would own the deck and adjacent property until the land swap occurred in the fall of 2020. Grubb would apply for entitlements on its own behalf, expecting a formal agreement for them to swap that ownership by the end of May 2020, he said. After the swap, Grubb would own the Wallace Deck and the Town would have an agreement to run that for them, Mr. Jessup explained. He said that the question of who would keep deck revenues would be worked out in the EDA.

Council Member Gu confirmed with Mr. Jones that details regarding any failure by Grubb to obtain entitlements and construct the office building would be worked out during EDA discussions. She verified that constructing the new parking deck would not be contingent upon whether or not Grubb Properties built the office building, and that the Town could not legally tie the two together. Mr. Jones said that such contingencies would all be part of the EDA.

David Schwartz, Historic District Commission chair, said that some had expressed concern about the scale and character of the proposed building in relation to the surrounding area. He questioned the idea of committing to a particular building size in an MOU before the concept had been through the review processes. He asked if the Town was obligated to approve a 200,000 square-foot building.

Mayor Hemminger replied that the building size was approximate and that such issues could be addressed during the entitlement process. Mr. Schwartz confirmed with her that an MOU was not a binding commitment, and would not, as written, obligate the Town to approve a 200,000 square-foot building on the site.

Mayor Hemminger said that members of Downtown faith-based organizations had expressed concerns about where people would park and how they would get to and from area churches during the construction process. The Town would continue having dialogues with them throughout the development process, she said.

Council Member Gu expressed concern about not having enough details to

know if the project would be good for the Town and community. She said that the Town would be making a huge commitment that would have a significant impact on its financial situation.

Mayor Hemminger agreed that the Town needed to make sure that the details were worked out. However, it was a tremendous opportunity, she said, and she characterized the Town's parking fund strategy as "solid". Mayor Hemminger noted that the new deck would be part of the Town's Parking Enterprise Fund and would not affect overall debt capacity for other projects. She hoped the proposal would become a win/win project, she said.

A motion was made by Mayor pro tem Parker, seconded by Council Member Ryan, that R-9 be adopted with an amended Memorandum of Understanding, to add the word "approximately" and correct the building start date. The motion carried by a unanimous vote.

11. Presentation: University of North Carolina at Chapel Hill Semi-Annual Campus Development Report. [\[20-0187\]](#)

UNC Architect Evan Yassky gave a six-month update on the status of the University's major capital projects. He said that an Outdoor Education Center, stormwater pond retrofit, and two renovations at the Taylor Campus health building had been completed. Projects under construction included a UNC Healthcare surgical tower project that was estimated for completion in 2022, a Medical Education Building that should be completed in April 2020, and the Curtis Media Center that would begin construction in the summer of 2020, he said.

Mr. Yassky said that the following projects were in design: a central generator plant for UNC Healthcare that should begin construction in spring 2020, a National Pan-Hellenic Council garden that UNC hoped to bid and construct during the summer of 2020, and a Porthole Alley project, which was moving forward and would include public information sessions in April 2020.

The Council determined that the finish date for a Curtis Building had been pushed to spring 2021 and that the new natural gas generator plant would replace other plants. They confirmed that none of the projects he had described would have significant parking or traffic impacts with the possible exception of Porthole Alley, which might attract more visitors. The Council confirmed with Mr. Yassky that the amount of demolition at Odum Village had been slightly reduced while UNC was endeavoring to obtain more funding.

Kristen Smith, representing the Chapel Hill-Carrboro Chamber of Commerce, invited the Council to 134 East Franklin Street the following

evening. In response, Mayor Hemminger praised the building, which she said included new technology and added vibrancy to that corner of Downtown.

This item was received as presented.

12. Open a Public Hearing and Consider Authorizing an Incentive Agreement for Well Dot, Inc. [\[20-0188\]](#)

Mr. Bassett opened the public hearing on an economic incentive agreement (EIA) with Well Dot, Inc., which he characterized as an exciting, fast-moving health/medical start-up that would employ at least 110 people. He said that the project would be a significant step toward revitalizing the Downtown area and would help the Town take its place nationally with regard to research and development.

Mr. Bassett explained that a \$900,000 incentive from the Town would take the form of a \$350,000 cash grant to Well Dot after two years of employment reporting and \$450,000 more, in \$56,000 increments over eight years, in parking credit. He said that a state grant required a local match that the proposed incentive would satisfy. The incentive amount was based on guidelines that the Town had adopted in 2018, he said.

Mr. Bassett said that Well Dot, Inc. would begin leasing property from Orange County in June 30, 2020 and was negotiating to expand that building. He recommended that the Council authorize the Manager to sign the incentive agreement.

Council Members ascertained that the state's contribution would be about \$3.8 million and that Orange County would provide incentives as well if Well Dot decided to acquire its building within 24 months. They confirmed that the negotiated parking rate for more than 50 spaces would remain at \$115 per space regardless of whether or not the Town restructured its parking fees. The Council affirmed that the increased property taxes would not be captured until 2022.

Mayor pro tem Parker congratulated Mr. Bassett on leveraging \$3.8 million in state funding and for moving the Town's strategy to have the Downtown area take its place on the national map ahead. Mayor Hemminger agreed and said that she was pleased with the strategy regarding parking spaces. Council Member Huynh expressed enthusiasm over seeing a company founded by UNC alumni return to Chapel Hill and said he hoped that others would follow.

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 Mayor pro tem Parker, seconded by Council Member Huynh, that R-10 be adopted. The motion carried by a unanimous vote.

13. Charting Our Future - Provide Feedback on the Revised Focus Area Maps. [\[20-0189\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffy Rogers presented future focus area maps that had been revised based on community and Council feedback. She described components of the Future Land Use Map (FLUM) and said that all elements would be before the Council on March 25, 2020.

Ms. Duffy Rogers asked the Council to provide feedback on the revised focus area maps, which provided guidance on both land use and height but were less prescriptive than before. She provided information on map changes and said that more specifics regarding transitional areas would be included when the LUMO was rewritten. The changes provided certainty without being as prescriptive as previous versions of the maps had been, she said.

Ms. Duffey Rogers said that she would provide all elements of the FLUM for feedback at the March 25th Council meeting. If the Council approved those, staff would make any revisions, hold a public meeting, attend various board and commission meetings, and update the Council in May 2020, she said. With that schedule, it would be possible to adopt the FLUM by the end of June, she said.

In response to questions from Council, Ms. Duffey Rogers said that there would be an opportunity on March 25th for Council Members to provide opinions on whether the guiding statements were strong enough. The next phase would include looking at areas in a more granular level and thinking about what the traffic implications might be, she said.

Council Members verified that "typical height" in 2049 referred to what staff thought it would most likely be. Ms. Duffey Rogers said that she was open to representing heights as ranges and to defining "typical" in a different way. She offered to change "stories" to "feet", and Council Member Ryan proposed simply adding a footnote that described stories as being in the 12-foot range.

The Council proposed minor changes that would make the maps less prescriptive and add more flexibility regarding height. Mayor Hemminger confirmed with Ms. Duffey Rogers that eight-story buildings would only be in the Downtown or along Martin Luther King Jr. Boulevard from Rosemary to Hillsborough Street. She also confirmed that a map being presented would merely be a guide and that developers would need a permit to change any zoning.

Council Member Huynh recommended soliciting more feedback from younger members of the community, and Council Member Gu

recommended that the FLUM include transportation modes that the Town expected would be used in the future. Council Member Ryan stressed the importance of making sure that the project was congruent with what the Southern Area Task Force was doing. She expressed concern about traffic congestion in sub area A and building height in the West Rosemary Street area adjacent to the Northside neighborhood.

This matter was received as presented.

14. Authorize the Town Manager to Finalize Arrangements for Construction of the Elliott Road Extension Project. [\[20-0190\]](#)

This item was deferred to March 25, 2020.

15. Receive the Fiscal Year (FY) 20 Second Quarter Affordable Housing Quarterly Report (October 1 - December 31, 2019). [\[20-0191\]](#)

Assistant Director of Housing and Community Sarah Viñas reported on staff efforts to achieve the Council's affordable housing (AH) goals. She pointed out that the Town had established an investment plan to get more AH units on the ground and preserve those that already existed. The Council had also established an AH Development Reserve in FY 2015 and, a \$10 million AH bond had been approved in November 2018, she said.

Ms. Viñas displayed a graph that showed a steady increase in AH units over the last five years. She said that staff estimated developing 20 more and preserving 50 in the current year. She pointed out that this meant the Town was on track to meet its goal of developing 400 and preserving 300 AH units by FY 2023.

Affordable Housing Manager Nate Broman-Fulks provided updates on Town-initiated AH development projects. He discussed a recent MOU among non-profit members of The Homestead Housing Collaborative to begin negotiating a development agreement for a mixed-income/mixed-housing community on Town-owned property at 2200 Homestead Road. The group would bring a site plan to the Council in spring 2020, he said.

Mr. Broman-Fulks said that the Town had received proposals from six developers regarding a Town-owned site on Jay Street and that staff would present a proposal regarding the Town's Bennett Road property later in the spring. Staff had been designing a process and would propose using \$5 million in bond funds for outside agency and Town-initiated projects, he said. Staff anticipated sending proposals out in mid-March 2021 and a Housing Advisory Board and full Council review would follow, he said.

Mr. Broman-Fulks said that other Town initiatives on the horizon included:

a preservation strategy review; a CDBG public forum; Council consideration of CDBG, and HOME annual action plan; and a five-year consolidated plan. He said that an Employee Housing Pilot Program was approaching the end of its first year and that staff would update the Council on those results in coming months.

Council Member Stegman confirmed that cooperative housing and tiny homes were among the housing types being considered for 2200 Homestead Road and that extensive community engagement would be part of the Jay Street development process. She also confirmed that \$3.5 million in bond funds would be used for Town-initiated projects such as public housing, 2200 Homestead Road, and perhaps Jay Street, and that the Council would receive a funding plan in May 2020.

Ms. Viñas said that staff would provide the Council with a Public Housing Master Plan in April 2020 that would include present market value and options for Trinity Court. Mayor pro tem Parker suggested a modification regarding how AH spending was presented and emphasized the importance of obtaining an equal amount of community input from the areas where AH would be located.

Council Member Gu suggested including more demographic information in the report. Council Member Huynh proposed that staff include the total number of housing units developed in Town in order to compare that with the total number of AH units. He spoke in favor of using some bond funds to expand the Master Leasing Program and proposed that the Town explore modular construction and outside foundation grants for the three Town-owned projects.

Mayor Hemminger noted that people must qualify to be on the Town's public housing waiting list, which currently had about 300 families waiting. She confirmed with staff that Grove Park units would be available in August 2020 and that the Town would be able to rent those for 30 years for \$1.00 per month. She commented on the difficulties associated with moving people from the IFC Community House shelter to market rate housing and asked staff to provide more information on those pathways.

Mayor Hemminger asked that a Northside lot that the Town had transferred to Habitat for Humanity be shown in the staff report. She asked that co-housing/shared living be included among the Town's AH options and said that the 2200 Homestead Road parcel seemed appropriate for such housing. Mayor Hemminger encouraged staff to think about the best use of Town resources and not spread themselves too thin.

This matter was received as presented.

16. Consider a Request for Limited Review of a Special Use Permit Modification at Carraway Village, 3000 Eubanks Road.

[\[20-0192\]](#)

Interim Planning Director Judy Johnson gave a brief PowerPoint presentation on a request for a limited scope review of the Carraway Village Special-Use Permit (SUP). She described the original SUP and summarized the request to limit advisory board review to the Community Design Commission and Planning Board only. Ms. Johnson recommended that the Council adopt Resolution-A, which would limit the scope in that manner.

Council Members confirmed with Ms. Johnson that they were not being asked to approve changes to the actual SUP. The applicant would submit an SUP modification application and go through that process in spring 2020, she said. Mayor Hemminger verified that the applicant also had an SUP modification to increase the maximum height of its signs.

Council Member Gu asked about the applicant's justification for not needing Environmental Stewardship Advisory Board and Transportation and Connectivity Board review when it was proposing a storage facility and a gas station.

Ms. Johnson replied that the applicant had already received approval for an associated gas station and that its request to limit that to a standalone station would not increase traffic. The self-storage use had already been approved as well, and would not create more traffic than had been covered by existing SUPs, Ms. Johnson said.

Council Member Gu said that she wanted to hear from the other boards, nevertheless, and Ms. Johnson pointed out that doing so would mean bringing it to all required boards. Council Member Gu asked the applicant how he thought adding a gas station and storage facility compared to the original vision of the project.

Applicant Adam Golden, of Northwood Ravin, replied that they were responding to the market. He said that Northwood Ravin had been unsuccessfully trying for five years to attract various retailers.

Mayor Hemminger pointed out that the applicant was only requesting a limited scope review, and the Council voted (6-1) to adopt Resolution-A.

Council Member Gu said that she was voting against the modification because she did not like the significant change in vision for the site and did not support the project.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-13 be adopted. The motion carried by the following vote:

Aye: 6 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Stegman, Council Member Huynh, and Council Member Ryan

Nay: 1 - Council Member Gu

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.

17. Concept Plan Review: Bella Vista at Meadowmont Village Center, 100 Meadowmont Village Circle. [\[20-0193\]](#)

Planner Kari Grace introduced the Bella Vista at Meadowmont Village Center concept plan. She explained that such a new development at Meadowmont would require a Special-Use Permit (SUP) modification, rezoning, and modification to the Meadowmont Master Land Use Plan (MLUP). There had been various modifications to the MLUP since it was first approved in 1995, she said.

Ms. Grace outlined the concept for a 150,000 square-foot office/residential/commercial building and accompanying structured parking on approximately two acres within the Village Center. She said that the current Mixed Use Residential-1 zoning would not allow a building of that size, so the applicant was considering asking for a rezoning to Office/Institutional-3.

Ms. Grace showed a current aerial view of the site, which was predominantly surface parking, and reviewed Community Design Commission and Housing Advisory Board comments. She recommended that the Council hear the applicant's presentation, provide feedback, and adopt Resolution-14 transmitting comments to the applicant.

Mariana Molina, of Bella Vista Development Group and Craig Davis Properties, reviewed the project's goals and outlined her vision for a development that would activate the Meadowmont Village Center, boost existing businesses, provide office space, and bring condos to the area. She said that the proposed building would complement and enhance the existing environment.

Nicole Young, a landscape architect with SEPI Inc., gave a PowerPoint presentation on the plan to replace existing surface parking spaces and also provide additional parking in a structured parking area. She said that a traffic impact analysis was underway. She outlined a plan to improve a current stormwater system and preserve an adjacent stormwater pond/amenity. Ms. Young said that Meadowmont Village Center had not yet realized its potential to become the commercial hub that had been envisioned.

Kristen Hess, representing HH Architecture, showed images of the types of structure that the applicant intended to design. She described building materials and outlined a plan to connect indoor and outdoor environments with natural light and green amenities. She said that most of the parking would be below grade and that the surface level structured parking would be screened and made to look like the main building.

Ms. Hess discussed massing and step backs, and she showed drawings of how Bella Vista would look from various perspectives. She acknowledged that the building would be taller than anything else around it but said that it would blend into the area because its proposed location was set back and surrounded by trees. She said that the intent was to pursue LEED silver, at a minimum.

Council Members confirmed that the total number of parking spaces would be between 475 and 604 and they verified that one part of the deck would be wrapped with 5,000 square feet or less of office space and another part would be screened with building materials. They established that the current parking lot was full during UNC Healthcare's business hours but was wide open during after-hours and weekends. They verified with the Town Attorney that a MLUP modification would be a quasi-judicial proceeding.

In response to Council members' questions about parking, Ms. Molina said that people could park anywhere within Meadowmont Village, with the exception of some reserved condo spaces. She said that her team's intent was to maintain free parking for the community.

Meadowmont residents; Anne Boelitz, Ingemar Lanevi, Rolli Olin, Christine Khoury and Scott Falk; who were representing more than 100 others who had signed a letter, expressed objections to the requested

rezoning. They argued that the proposed 90-foot tall/150,000 square-foot structure would be greatly out of scale with the surrounding 45-foot structures in that small-scale, planned development. They argued that Bella Vista would affect their quality of life, decrease the value of their homes, and pose a risk to pedestrians and cyclists in an area that already had a dangerous level of cut-through traffic.

Bill Ferrell, Meadowmont Community Association on-site manager, said that board members believed that new development should conform to existing architectural styles and established guidelines. Residents' concerns about massing, traffic, parking and stormwater runoff were valid, and it would be most important to keep the stormwater pond as an amenity, he said.

Bill Ayrock, an attorney for UNC Healthcare, said that parking availability was a significant concern to UNC. He pointed out that the proposed floor area would represent more than a 50 percent increase over what the SUP currently allowed and that Bella Vista would add traffic to the busiest Meadowmont Village location. Given the scale of the proposed building, replacing lost parking spaces on a one-to-one basis would represent a significant reduction in parking, Mr. Ayrock said.

Jordan Qualls, who lives across the street from the proposed development, expressed support for the project. He said that many Meadowmont businesses had closed due to lack of daytime traffic and that a local owner would care more about how the area was maintained than the national real estate investment trust that currently owned the retail.

Barbara Mason, a Meadowmont Community Association board member, expressed support for the project and confidence in the applicant's quality of work. The applicant team had been willing to listen and had incorporated some resident feedback, she said. She pointed out that having the covered portico that the applicant described would make it easier for handicapped and elderly people to access UNC Healthcare. She said that Bella Vista could be a win/win for all.

Jim Joyce, an attorney with K&L Gates, said that his client, the property's ground lessor, had expressed concerns early on but had found the applicant to be responsive and willing to make changes. There would be more conversations later in the process, he said.

The Mayor and Council recommended that the applicant address the neighbors' concerns about mass, height, and positioning and work collaboratively with them to find parking solutions and address issues of scale. They agreed that the commercial component of Meadowmont Village had been suffering due to lack of foot traffic and that adding more retail would help that. The Council pointed out the proposed condos and

AH were desirable components, as was the prospect of having more people able to work where they live and play. Council Members said they liked the LEED goal and natural elements as well, and they praised the applicant for being receptive to feedback.

Council Member Gu, a Meadowmont Village resident, requested a Stormwater Utility Advisory Board (SUAB) review of the proposal.

Ms. Grace replied that such a review was not typically part of the concept review process, and Mayor Hemminger said that any commercial site would be required to address stormwater as part of the permitting process. Ms. Molina said that she probably would likely include a SUAB review, if doing so would alleviate concerns, but wanted to learn more about it first.

Council Member Gu said she hoped the project would improve traffic, parking, and bike and pedestrian connectivity. Mayor pro tem Parker pointed out that the proposed building step-back design might not be compatible with the area. He noted that the Town's Inclusionary Zoning Ordinance required that 15 percent of the condos be affordable, and he and Council Member Buansi emphasized that AH units should be on site. Council Member Huynh requested information on the amount of vacant commercial space at Meadowmont Village and on the office market in that general area. He also recommended that height be shown in feet.

Mayor Hemminger pointed out that having more commercial office space in Town was one of the Council's goals. Having local jobs would help reduce traffic and having people work where they live would mean less traffic coming into Meadowmont Village, she said.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-14 be adopted. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 11:44 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, March 25, 2020 7:00 PM RM 110 | Council Chamber

Special Meeting

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller (Virtually), Town Attorney Ralph Karpinos, Library Director Susan Brown, Emergency Management Planner Kelly Drayton, Executive Director for Technology Scott Clark, Fire Chief Vencelin Harris, Police Chief and Executive Director for Community Safety Chris Blue, Fire Inspector Greg Peeler, Communications and Public Affairs Director and Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and explained that it was an attempt to conduct essential business during the COVID-19 virus pandemic. The Council would not vote on any items or take questions from the public, but individuals could submit questions and comments to Council Members via phone, text, or email, she said.

Mayor Hemminger outlined Town efforts to implement social distancing during the pandemic. She emphasized the importance of taking immediate, bold actions and urged all residents to remain calm, stay at home, and wash their hands frequently.

Pending Announcement for the Joint Stay at Home Order

[\[20-0221\]](#)

Mayor Hemminger said that a statewide stay-at-home order would take effect on March 27, 2020 at 6:00 p.m. and would last until the end of

Town Council

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March 25, 2020

April. The order would ask residents to practice social distancing and to reduce gatherings to no more than 10 people, she said. She explained that residents would be allowed to continue walking on Town trails but should stay at least six feet away from one another. Town staff was endeavoring to find a way to conduct virtual Council meetings that would allow public input during the stay-at-home order, she said.

Reminder to Fill Out 2020 Census

[\[20-0223\]](#)

Mayor Hemminger also reminded residents that the 2020 Census was being conducted. She said that North Carolina's rate of return by citizens was among the bottom 10 states. All residents should have received a card in the mail, she said, and she stressed the importance of filling out and turning in that very short questionnaire.

TOWN RESPONSE TO COVID-19

COVID-19 Presentation

[\[20-0222\]](#)

Physicians Amir Barzin and Adam Goldstein, of the UNC Department of Family Medicine, provided additional information on the spread of COVID-19 throughout the world. Dr. Barzin said that North Carolina had reported its first COVID-19 deaths that day. Several surrounding communities had been issuing stay-at-home orders as well, he said.

Dr. Barzin pointed out that current U.S. Department of Health and Human Services guidelines urged all Americans to stay at home. He described COVID-19 symptoms and said that medical staff had been evaluating respiratory complaints in an isolated setting at UNC Hospital. They had tested more than 780 patients and had found that 26 were COVID-19 positive, he said.

Dr. Barzin praised the Town for its stay-at-home order and repeated the guidelines that Mayor Hemminger had outlined. He recommended that residents check the NC Department of Health and Human Service's website for daily virus updates and said that the U.S. Center for Disease Control (CDC) contained easily accessible information as well. He said that a COVID-19 emergency hotline could be reached by dialing 211.

Town Manager Maurice Jones described the Town's Emergency Management coordination efforts, which had begun in January 2020. He said that the Emergency Operations Center was activated on March 15th, Town departments were closed, public meetings were suspended, and Town bus service was running on a reduced schedule, he said.

Mr. Jones described the Town's Emergency Operations Center (EOC), which consisted of a team from various Town departments that coordinate with UNC, Orange County, and state partners. The EOC included a Call Center (919-969-5005), which was available Monday through Friday from 8:30 a.m. to 5:00 p.m., he said. He also noted a COVID-19 page on the

Town's website. The Town had increased its social media content and had produced a special podcast about life under COVID-19, he said.

Mr. Jones advised residents to call 919-245-6111 (or text 888777) for updates from the Orange County Health Department. He said that the North Carolina Department of Health and Human Services was available 24 hours-a-day (1-866-462-3821) as well. He would provide information about the 211 hotline that Dr. Barzin had mentioned at a later time, he said.

Mr. Jones said that most Town functions were being carried out in a modified manner and that most Town staff was working remotely. The Town's Revenue Office would continue to accept payments via phone, online, and in a drop box at Town Hall, he said. He outlined the current process regarding permits and site inspections and explained how the Public Works, Police, and Fire Departments would conduct operations during the shut-down.

Mr. Jones said that the Town's Crisis Unit would continue to reach out and connect vulnerable community members with services. He said that the Housing and Community Department had been working with the Chapel Hill-Carrboro School System, Orange County, and regional non-profits to assess needs, share information, and coordinate delivery of services. He said that a Community Resource Guide was available on the Town's website.

Mayor Hemminger described community efforts to provide food to those most at risk. She said that the Inter-Faith Council's community kitchen had been converted to take-out in order to practice social distancing. She emphasized that local organizations needed donations of food, funds and volunteers.

Council Member Anderson asked if there was a single location where residents could go for help, regardless of the issue.

Mr. Jones replied that the Call Center had been providing such a service. He said that he would be discussing establishing a broader regional center with regional partners. He pointed out that the situation was changing each day and that it was important to continue collaborating with regional partners.

Council Member Buansi confirmed with Mr. Jones that one internet provider had offered to give free service for a period of time to those who do not have internet access. Staff would continue to look for such opportunities and would post any related information on the Town's website, Mr. Jones said.

Mayor Hemminger said that the Town had been collaborating with UNC, UNC Healthcare, nearby towns, Orange County, law enforcement, town attorneys, the Chamber of Commerce, and others. She pointed out that Chapel Hill was home to many medical professionals and researchers who needed to remain safe while still going to work.

ADJOURNMENT

The meeting was adjourned 7:54 p.m.



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

Town Hall
405 Martin Luther King Jr.
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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, April 1, 2020 **7:00 PM** **RM 110 | Council Chamber**

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Remote Participants: Town Manager Maurice Jones, Town Attorney Ralph Karpinos, Deputy Town Clerk Amy Harvey, Communications Director/Town Clerk Sabrina Oliver.

Physical Participants: Deputy Town Manager Flo Miller, Executive Director for Technology Scott Clark, Police Chief and Executive Director for Community Safety Chris Blue, Fire Chief Vance Harris, Emergency Manager Kelly Draden.

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. Members of the public may live stream the meeting and view it over the Town's cable television channel access and are encouraged to do so. View Council meetings live at <https://chapelhill.legistar.com/Calendar.aspx> – and on Chapel Hill Gov-TV (townofchapelhill.org/GovTV).

In addition, there is an opportunity for the public to view the meeting by coming to the Council Chambers in Town Hall. However, because of the stay at home directives issued regarding crowds and social distancing, there will be limited seating available at Town Hall and it may be necessary to turn people away. The Public is urged to find other locations and ways to observe this meeting.

OPENING

Town Council

Meeting Minutes - Draft

April 1, 2020

Mayor Hemminger opened the meeting at 7:02 p.m. and explained that it was being held remotely because of a Townwide stay-at-home order during the COVID-19 pandemic. Meeting notices would be posted on the Town Calendar, materials would be put online, and Council meetings would be streamed live on Channel 18 and then posted online, she said. She pointed out that the public could always contact Council Members via email or phone while the stay-at-home order was in place.

Mayor Hemminger said that Town staff had been working with local, state and federal partners to institute changes that would keep the community safe. She said that mayors had been collaborating locally and nationally to share best practices during the COVID-19 health crisis.

April 1 is Census Day

[\[20-0229\]](#)

Mayor Hemminger urged all Town residents to fill out their census forms and turn them in. She stressed the importance of having everyone counted so that the community could get the services and legislative representation it desired.

DISCUSSION

1. Reconsider a Proposal for an Advisory Board Membership Policy Amendment.

[\[20-0228\]](#)

Town Manager Maurice Jones gave a PowerPoint presentation on a resolution to allow Town advisory boards to meet remotely during the COVID-19 pandemic. The resolution would reinstate and amend a pilot program that had run from March 2017 to June 2018, he said. He explained that the amended policy would not apply to quasi-judicial boards such as the Board of Adjustment and the Historic District Commission. It would only be for reviewing and making recommendations on projects, not for approving or denying them, he said.

Mr. Jones proposed that the policy include a quorum count requirement. He recommended that the policy stay in effect during the duration of the Council's emergency stay-at-home order and that it supersede any inconsistent provisions of the Town's Procedures Manual.

The Council confirmed with Mr. Jones that the public could still participate in board discussions by providing comments via publicmeeting@townofchapelhill. Staff was in the process of setting up a phone line for that as well, he said.

Council Members confirmed with Mr. Jones that staff was in the process of determining whether any projects needed to come before the Council within a certain period of time. Town Attorney Ralph Karpinos said that the proposed adjustment would help keep the Town from getting too far

off schedule with development projects.

Mayor Hemminger said that the Council preferred to delay as many projects as possible until it was safe to meet face-to-face again. However, a project such as the East Rosemary Street development was under time pressure due to its location in an Opportunity Zone, she pointed out. She said that the Attorney General's Office would inform the Town within the next week or so about how it must address that project.

The Council confirmed with Mr. Karpinos that the risk of being challenged by a developer would be higher if the Town began holding remote hearings on zoning matters, Special-Use permits, or quasi-judicial legislative matters. The state was still struggling with that issue, but he did not think the Council could act on such items remotely as the law was currently written, he said.

In response to a question from the Council about a Land Use Management Ordinance statement that an application would be automatically approved if action were not taken within a particular time period, Mr. Karpinos said that the Town would consider that if the issue arose.

Council Members confirmed that the staff's goal was to settle on one virtual platform for all boards and that staff had been working through conflicts among board schedules. They also confirmed that staff had been working with board members to determine individual comfort levels with virtual meetings. Staff would schedule rehearsals ahead of time so that board members could adjust to the new platform, Mr. Jones said.

Council Members asked Mr. Jones to bring back options for allowing board members to return to normal meetings at their individual paces after the stay-at-home order is lifted. They verified with Mr. Karpinos that board members would be able to continue participating remotely as long as there was a quorum physically present.

Mr. Karpinos proposed changing a portion of the resolution from "shall be reinstated" to "shall be reconsidered by the Council at that time", which he said would allow the Council to consider such factors when the stay-at-home order was rescinded.

The Council discussed how the stay-at-home order would not end until the Mayor rescinded it, regardless of what other governmental bodies decided to do. They spoke in favor of having staff read public comments aloud during meetings, so that they would be as authentic as possible and part of the public record.

Mr. Karpinos proposed including the following clause: "Be it further resolved that these meetings shall provide an opportunity for the public to

participate in and comment during the meeting by remote methods including: email, telephone, and other methods to the extent practical."

Council Members encouraged staff to use a platform that would allow the public to call into meetings by phone. They proposed that virtual meetings happen after 5:00 p.m. in order to allow participation by those who work regular hours. They also noted the importance of notifying residents who do not have internet or email access.

Notes on Upcoming Meetings

[\[20-0230\]](#)

Mayor Hemminger said there would be no work session next week and no Economic Sustainability meeting on Friday. We would be working on this going forward, she said, and will keep you informed as we work with all of our partners. She thanked all involved.

ADJOURNMENT

The meeting adjourned at 7:44 p.m.



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

Town Hall
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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

Monday, April 13, 2020 **6:30 PM** **Virtual Meeting**

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, 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 Chief and Executive Director for Community Safety Chris Blue, Emergency Management Coordinator Kelly Drayton, Fire Chief Vince Harris, Business Management Director Amy Oland, Interim Planning Director Judy Johnson, Economic Development Officer Dwight Bassett, Urban Designer Brian Peterson, and Communications and Public Affairs Director/Town Clerk Sabrina Oliver.

AGENDA ITEMS

0.01 Mayor Hemminger Regarding COVID-19 Situation Updates and Community Efforts. [\[20-0241\]](#)

Mayor Hemminger opened the virtual meeting at 7:00 p.m. with an update on the COVID-19 pandemic and the Town's stay-at-home order. She said that cities and towns across the state had been coordinating efforts to obtain supplies and to determine how to protect front-line workers. New changes to the order may include reducing the number of people who may gather from ten to five, she said.

Mayor Hemminger expressed sympathy for those who live in long-term care facilities and to their families. She praised community members' efforts to support one another and mentioned several groups that were helping to provide food. She expected needs to increase and the Town would be posting information on where and how to donate food, she said.

Mayor Hemminger noted that the Council's annual Legislative Breakfast had been cancelled. However, the leadership team had met with legislators virtually and planned to do so again, she said.

Town Council

Meeting Minutes - Draft

April 13, 2020

1. Update on Town Efforts to Respond to the COVID 19 Crisis. (no attachment) [\[20-0236\]](#)

Town Manager Maurice Jones gave an update on the Town's response to the pandemic. He said that Chapel Hill had begun coordinating with its regional Emergency Management partners in January and had started messaging about prevention in early March. The Town had then opened its Emergency Operations Center (EOC), had closed or reduced various Town facilities and services, and had begun having some staff members work remotely, he said. Mr. Jones pointed out that the Town's Call Center (919-969-5005) was open Monday through Friday, from 8:30 a.m. to 5:00 p.m.

Police Chief Chris Blue discussed steps that the Chapel Hill Police Department had taken to address the pandemic emergency. The steps included outreach, education, coordination, and assessment, he said. He reported that the community had been following Town guidance, and he discussed efforts to communicate with the public via social media. The Call Center had been receiving an average of 60 calls per week, Chief Blue said.

Emergency Management Planner Kelly Drayton gave a PowerPoint update on efforts to educate the public regarding social distancing and compliance with wearing masks during the health crisis. She said that the Town and the Orange County Health Department had been coordinating efforts to provide resources, testing, and education to numerous long-term care facilities. A community-wide food donation drive would take place every Monday, Wednesday, and Friday, from 9:30 a.m. to 4:30 p.m., as long as there was a demonstrated need, she said.

Ms. Drayton said that a Continuity of Government Unit had been working to provide virtual meetings so that Town advisory boards and commissions could continue their work. She also said that the U.S. Department of Housing and Urban Development had said that the Town would receive an additional \$245,000 in Community Development Block Grant funding to respond to the impacts of the pandemic.

Mr. Jones said, in conclusion, that Town staff would continue to coordinate with local and regional partners regarding long-term planning efforts related to medical surges, economic impacts, and eventual recovery efforts. A Recovery Unit had been activated, but there still was a long way to go in the battle against COVID-19, he said.

Council Member Gu confirmed with staff that two local long-term nursing care facilities had reported a combined 63 positive cases and three deaths from the COVID-19 virus. Ms. Drayton said that a Health Department strike team would be assisting with testing, education and personal protective equipment in those facilities. Local health care professionals

were prepared to help with staffing as well, if that were to become necessary, Ms. Drayton said.

Council Member Stegman asked about efforts to support those experiencing homelessness, and Mayor Hemminger replied that an EOC meeting the following day would focus on that. She described efforts to protect residents at the local shelter and to get services to those who were not sheltered. She and Council Member Stegman discussed the possibility of using local hotels and/or camps to temporarily house people.

With regard to a question about health conditions inherent in some groups possibly making them more susceptible to COVID-19, Ms. Drayton said that medical experts were hesitant to draw any causal link because there was so much about the virus that remained unknown.

This item was received as presented.

2. FY 2020 Budget Update and Preliminary FY 2021 Budget Projections.

[\[20-0237\]](#)

Mr. Jones gave a PowerPoint presentation on the FY 2020 budget and FY 2021 projections. He said that the current financial forecast differed greatly from what it had been the previous month. Prior to the pandemic, sales tax revenue had grown by an unprecedented 8.9 percent, but the League of Municipalities was currently projecting a 10 percent decrease in the fourth quarter, he said.

Mr. Jones said that the Chapel Hill/Orange County Visitors Bureau was reporting a 50 percent decline in the hotel occupancy tax. There was also a projected 7.5 percent decrease in telecommunications sales tax and a 10 percent decrease in piped natural gas sales tax, he said.

Mr. Jones recommended that the Town implement a hiring freeze for the remainder of the fiscal year in order to offset those losses, and he said that the freeze could extend into the first quarter of FY 2021. He said that he had been working with individual Town departments to identify operational savings. The Town would have to put off a number of program enhancements and take a status quo approach to budgeting for FY 2021, he said.

Director of Business Management Amy Oland provided additional information about the proposed "status quo" Town budget. She said that the total projected change in revenue from FY 2020 to FY 2021 was 0.4 percent. There probably would not be an impact on property taxes, based on current information, she said.

Ms. Oland said she expected the COVID-19 impact on sales tax to hit hardest in the fourth quarter of 2020. The NC League of Municipalities was anticipating about a 10 percent decrease from 2019 and a slight decline in the first and possibly second quarters of 2021, she said. The

League was also anticipating a 6.7 percent decline in other taxes, she pointed out.

Mr. Jones said that he did not anticipate including a Town employee pay increase in the FY 2020 budget. He noted an expected 6.5 percent increase in the health insurance rate and a 1.2 percent retirement system increase. The Town would hold the line on its OPEB retirement liability at \$1.5 million, he said.

Mr. Jones said that federal funding was expected to be fairly stable for the Transit Fund and that he expected the Public Housing and Stormwater funds to remain stable as well. He expressed concern about the Parking Fund, noting that some fees had been waived during the stay-at-home order. He anticipated possibly increasing monthly fees after the current emergency ends in order to balance the FY 2021 budget, he said.

Mr. Jones said that next steps in the budget process would include a presentation of the recommended budget on May 6, a budget work session with the Council on May 13, and a public hearing on May 20. If necessary, there could be additional budget work sessions on May 27 and/or June 3, and the budget was scheduled for adoption on June 10, he said. Mr. Jones noted that this budget information was available at Townofchapelhill.org/budget.

Council Member Anderson confirmed that Mr. Jones was willing to discuss shifting funds if a reasonable exchange arose. However, doing so would have to include a community discussion, which would be difficult considering the current circumstances, he pointed out. Mr. Jones stressed the importance of being careful about shifting funds or making any significant changes to services until there was a better understanding of what the economic ramifications of the pandemic would be.

Mayor Hemminger said that the Town had been attempting to obtain state and federal stimulus funds. Doing so would affect decision-making and the Town's ability to shift money around, she pointed out.

Ms. Oland said that the Town had cut its Parks and Recreation Department's maintenance budget in the past and might want to consider that option as well. She pointed out that construction costs would likely go down, which could present an opportunity to do some Town projects that had been on the list for a long time.

In response to Council Members' questions about Ms. Oland's sales tax revenue projections, she said that information from economists, the League of Municipalities, and others had led her to project a slight decline in the first quarter and possibly the second quarter, but said revenues would go back up to somewhere between -1.5 to +3.5 percent growth. Ms. Oland said that Town staff felt comfortable with a conservative, status-quo budget that basically showed zero growth. However, the

numbers could change if the country were to go into a recession, she said.

Council Member Ryan expressed concern that staff projections might not be as conservative as they needed to be, and the other Council Members spoke in favor of erring on the side of being conservative. Mayor pro tem Parker pointed out that the League of Municipalities was projecting a 1.5 to 3 percent decline in sales tax. He said that there would be a major impact on the Town's sales tax revenue if the University of North Carolina decided to not hold physical summer and/or fall classes.

Mayor pro tem Parker also pointed out that health insurance costs might increase even more during the current health emergency, but Ms. Oland replied that a 6 percent increase in health insurance was locked in and would not increase.

Mayor pro tem Parker confirmed with Ms. Oland that the Parking Fund would use about \$425,000 of the approximate \$700,000 that it had available from the Fund Balance if it needed to be subsidized. She described several options for addressing a short-term gap such as looking to the Debt Fund rather than the General Fund to help with it. Staff would need to look at the rate structure if it chose to move forward with the East Rosemary Street Development, she said.

Mr. Jones emphasized that staff intended to be very conservative going forward. He pointed out that forecasts were changing weekly and that the final budget on May 6th could be dramatically different by the time it was adopted in June.

Council Member Stegman recommended leaving some flexibility in the budget since the Town might have to define services differently and respond to needs it had not previously confronted. She advocated for at least a nominal raise for Town staff, who had been working extra hard and putting themselves at risk to serve the community.

Mr. Jones replied that he had been looking at different ways to recognize the extraordinary good work that Town employees had been doing during the COVID-19 crisis. There was not a lot of flexibility in the Town budget, he pointed out.

Council Member Stegman wondered if some things such as starting the LUMO rewrite could be delayed in order to free up funding, and Mr. Jones pointed out that such consideration would involve serious discussions with the Council about what important services might be ended.

Council Member Gu expressed concern about the Parking Fund and proposed that the Town perform a scenario analysis of how to shift funds based on how long the pandemic might last.

Mayor Hemminger commented on how the Town had maintained a healthy

Fund Balance and spoke about community resilience. There had never been a better time to borrow money, she pointed out. She said that Parking Fund numbers could change due to factors such as the East Rosemary Street Deck and whether or not UNC students returned to campus. She pointed out that receiving federal and/or state financing would make a difference in where changes would be made. The Council would need to discuss strategies related to those variables, she said.

This item was received as presented.

3. Consider the East Rosemary Redevelopment Proposal Framework for the Economic Development Agreement at 125 E. Rosemary Street. [\[20-0238\]](#)

Mr. Jones introduced the draft framework for an Economic Development Agreement (EDA) between the Town and Grubb Properties regarding an exchange of properties on East Rosemary, a new 1,100-space parking garage, and a new 200,000 square-foot office building. The proposal included improving the streetscape and adding mini parks along East Rosemary Street as well, he said.

Mayor Hemminger reminded the Council that the applicant was looking for feedback on an updated parking garage design. There would be opportunities for further discussion of the entire project when it returned for a concept plan review the following week, she said. She pointed out that the Town had not yet received a Traffic Impact Analysis (TIA) that it was anticipating.

Joe Dye, executive vice president of Grubb Properties, presented updated drawings of the proposed new deck, office building, streetscape, greenspace and urban park. He explained how the design had been changed to accommodate an easement, and he displayed renderings of how the project might appear looking toward it from each end of East Rosemary Street. Mr. Dye also discussed a retail "porch" concept and a proposed pedestrian connection through the site and out to Franklin Street.

Economic Development Officer Dwight Bassett reviewed key points from previous Council discussions. These included the minimum number of parking spaces, a maintenance fee agreement, deck activation, the forthcoming TIA, timing for the exchange of parcels, and pedestrian connections. He discussed a commitment by Grubb Property to lease spaces in the new deck.

Mr. Bassett reviewed details of the EDA including a possible acquisition of nearby property for an exit from the parking garage. He said that negotiations had addressed issues such as building height, office building step-back, impacts on Franklin Street, timing of deck entitlement,

community benefits, and more. Both parties planned on having two public hearings regarding the EDA, Mr. Bassett said. Attorney Bob Jessup, representing the Town, reviewed issues that had been resolved through the negotiating process and said that there seemed to be agreement on determining fees and property values based on appraisals at the time of the exchange. Grubb Properties and the Town had been discussing how revenues would be divided and believed that there would be enough money from the Wallace Deck to satisfy both parties, he said.

Mr. Jessup said that a parking deck design would be hashed out through the entitlement process and would be available for the concept plan review. The EDA would include baseline requirements that the Town wanted, as well as provisions for reconciling any differences between that and the entitlement process result, he said. He discussed a tentative schedule for the TIA and a parking construction management plan. He expected a Wallace Deck management plan to be finalized by the time of the EDA approval, he said.

With regard to the greenspace, Mr. Jessup stated that Grubb Properties would pay for asphalt removal and would define a passageway to Franklin Street. Further development and programming of that area would be the Town's responsibility, he said. He also explained that the EDA would specify things that Grubb would include in the office building's design such as Class A finish, wet lab, and six floors with two at or below grade level.

Mr. Jessup noted that the Town's Land Use Management Ordinance and Zoning Compliance Permit process required that Grubb Properties begin development within a certain amount of time. He said that Grubb had agreed to offer the office building property to the Town if it could not develop it or if they wanted to sell it before completing development. That and other non-performance issues still needed to be worked out in the EDA negotiation process, he said.

Council Member Anderson confirmed with Mr. Jessup that the applicant's current plan was to remove pavement and to let the park area revert to the Town. She had thought the developer had agreed to pay for the park as a community benefit, she said. Several other Council Members requested that this aspect be strengthened. Some argued that merely taking up paving and putting down a walkway would not meet the interest of providing the greenspace that had been a substantial part of the community benefit inherent in the project.

Mr. Dye said that Grubb Properties was willing to talk about what would be an appropriate contribution of that area as a public benefit.

The Council asked about affordable office space, and both Mr. Bassett and Mr. Dye explained that it would be difficult to provide that in the new

office building, given the cost of construction. However, the applicant was willing to consider using the 137 East Rosemary Street building as an innovation hub, they said. The Council confirmed that Mr. Dye was not yet able to commit to that, however.

Council Members recommended that the EDA require the developer to pay for the park. Council Member Huynh pointed out that bike lanes that had been shown in renderings were not explicitly mentioned in the agreement. He also asked that something be done to intentionally activate the "porch" frontage and that the EDA include a statement about affordable office space at 126/137 East Rosemary Street.

Council Members confirmed with Mayor Hemminger that the Town would make the decisions about the streetscape and the character of the deck. They verified with Mr. Bassett that the 136/137 East Rosemary Street building was going through an entitlement process.

Mr. Jessup said that a performance bond had not yet been fully hashed out with Grubb Properties. He described three different scenarios for non-performance and said that the Town still needed to determine the loss for each and would need to discuss the repercussions with Grubb.

Council Members Ryan and Gu expressed concern about the Town's financial picture changing due to the COVID-19 pandemic and the effect of that on the project. Council Member Ryan questioned whether the project would still be realistic if the Town had to go into its Debt Fund rather than being able to use its Parking Fund. She requested a new forecast that considered that.

Council Member Ryan confirmed with Mr. Bassett that Town traffic engineers would be involved in decisions regarding exits from the property. With regard to a commitment by Grubb Properties to lease spaces, she asked that leasing rates reflect actual Town costs rather than being based on normal rates.

Mr. Bassett replied that an additional 15 percent "over-lease" would help bridge the \$200 per space gap between the actual cost of building the deck and the actual income the Town would generate. Council Member Ryan replied that she would look at those numbers but wanted to make sure that the Town was not subsidizing the spaces. Mayor Hemminger confirmed with staff that Grubb Properties would be leasing spaces from 6:00 a.m. to 6:00 p.m. each weekday. The Town would make money from those spaces on weekends and evenings in addition to over-leasing, she pointed out. Mr. Dye added that Grubb had been guaranteeing that it would lease a minimum of 250 spaces but would likely lease more than that.

Council Member Ryan pointed out that UNC was paying the construction and maintenance costs for a similar project with the Town. She asked that both sides keep that in mind when proceeding with the EDA negotiations.

Council Member Gu asked that staff share its economic analysis including COVID-19 scenarios with the Council. She stressed the importance of preparing for the possibility of a significant economic downturn, and she said that Grubb Properties appeared to have considered that when it reserved rights regarding not being able to construct the office building. The Town ought to consider how it would cover the cost of building the deck if there were less traffic and parking, she said.

Mr. Bassett said that the economic picture probably would be much different in September, October or November 2020, and he pointed out that the new deck would not be occupied until in the fall of 2021. Staff was hopefully optimistic that the effects of COVID-19 would at least be ending by then, he said.

Mr. Jones noted that several Council Members had highlighted the need to make sure the Town had safeguards in the EDA. He agreed wholeheartedly and would continue to make sure that the Town was protected in the negotiations, he said.

Mr. Dye clarified that Grubb Properties was committed to building and dedicating the green space at the corner of Henderson and Rosemary Streets to the Town. He said that the intent had been to open the "urban park" in the mid-block location up to the public process. Grubb Properties contributing a "finished" park was consistent with its conversations with the Town since the beginning, he said.

Mayor Hemminger pointed out that the park area could go through the public process while the new deck was being built. She encouraged staff to talk with Downtown Projects Manager Sarah Poulton about a mitigation plan for the Lot 2 area, and she stressed that the Opportunity Zone had a time-frame associated with it. She said that the Town had asked its congressman and governor to help get an extension on that due to COVID-19, but they did not think the issue would be taken up in the near future.

Mayor Hemminger pointed out that community benefits would include having better-consolidated parking, better walkable areas, and more office space downtown. The wet lab would be a huge community benefit, she pointed out. She pointed out that the Town would decide on how much money to spend on its parking deck. She agreed that the numbers needed to be viable and she outlined how the Parking Fund and other factors might address that.

Mayor Hemminger confirmed with Mr. Jones that the first public hearing would occur sometime in May. She said that the Council would appreciate seeing a TIA at a work session within the next couple of weeks. She expressed agreement with the request from other Council Members to see financial modeling for the new deck.

Mayor Hemminger stressed the need for a better community response to the Town's 2020 Census. Chapel Hill was leading the state, but it had only received 53 percent back, she said. She noted that the deadline had been extended in order to get better results and encouraged all residents to return it.

This item was received as presented.

ADJOURNMENT

The meeting was adjourned at 9:26 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, April 22, 2020 **7:00 PM** **Virtual Meeting**

Virtual Meeting Notification

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: https://zoom.us/webinar/register/WN_m6D4XCtRRE6fMCIYW3x3iQ After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592 Meeting ID: 985 3749 6257

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.

Town Council

Meeting Minutes - Draft

April 22, 2020

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Interim Planning Director Judy Johnson, Communications Manager Catherine Lazorko, Emergency Management Director Kelly Drayton, Fire Chief Vance Harris, Planner II Michael Sudol, Police Chief and Executive Director for Community Safety Chris Blue, Transit Director Brian Litchfield, Deputy Town Clerk Amy Harvey, and Communications and Public Affairs Director/Town Clerk Sabrina Oliver.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and explained that it was being held remotely because of the COVID-19 pandemic and its resulting Stay-at-Home Order. Viewers could apply to provide input via the virtual setting, she said.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Earth Day and Climate Action Plan. [\[20-0267\]](#)

Mayor Hemminger pointed out that it was the 50th anniversary of Earth Day and noted that celebrations were being held virtually and in open air. She said that the Town was committed to reducing its carbon footprint and that staff had been soliciting public input for a Climate Action Plan. That survey was available on the Town's website, she said.

0.02 Town of Chapel Hill Response to COVID-19 Update. [\[20-0268\]](#)

Emergency Management Coordinator Kelly Drayton provided an update on the Town's response to the COVID-19 crisis. She said that a countywide

donation drive had collected more than 3,000 items of food. She described a staff effort to provide information in five different languages. She said that staff had updated the Town's COVID-19 resource documents and webpage and was maintaining an active presence on social media.

Ms. Drayton mentioned efforts by the Chapel Hill-Carrboro City Schools and the Food Bank of Central and Eastern North Carolina to provide meals to thousands of people per day. The Town had also changed rental fees for Public Housing residents, she said. Ms. Drayton said that Town staff had been working with community partners to provide important messages and resources to numerous community groups, agencies and faith communities.

Town Manager Maurice Jones reported that the Town's Emergency Operations Center (EOC) was continuing to coordinate with local, regional and state partners. He said that the governor had announced a framework for gradually reopening the economy. That plan would hinge on the availability of widespread testing, extensive contact tracing, and a downward trend in the number of positive cases and hospital rates, he said. He stated that Chapel Hill's government would need to see significant progress in order to rescind its Stay-at-Home Order and reopen the Town.

Mr. Jones pointed out that the U.S. Congress was expected to approve an additional \$500 billion relief package that could help replenish the Small Business Loan Program and provide additional money for hospitals and virus testing. He explained how the Town would continue to address the health emergency and said that any reopening of Chapel Hill would be based on health and safety and would include community-wide planning.

Mayor Hemminger discussed regional and state collaboration efforts. She said that area mayors had met online with a Small Business Administration group and were continuing to discuss how to open some retail businesses. The Merchants Association had been trying to navigate a path forward, she said, but she pointed out that the protective equipment that was necessary to practice good safety protocols had been difficult to obtain.

Mayor Hemminger said that local non-profits needed food, monetary donations and volunteers. She said that residents could connect with Porch, Table, the Interfaith Council, and other groups. People could also reach out to the Town via its hotline or email the Mayor's Office, she said.

Mayor Hemminger praised Town residents for voluntarily wearing masks and respecting health information. She said that her greatest fear was that the Town would open too quickly and have a second, more deadly, wave of the virus. Schools would remain closed until May 15th, at least, and there would soon be an announcement regarding the Stay-at-Home Order, she said.

Mayor Hemminger expressed gratitude to essential Town employees and staff, especially the Town Manager and his team, for working non-stop to do everything possible to ensure community safety. It was a very challenging time but the Town would get through it, she said. She asked that everyone be patient, kind, and supportive of Town crews. Those in Town government were working as hard as they could through uncharted territory, Mayor Hemminger pointed out.

Mayor Hemminger gave special recognition and thanks to the Chapel Hill Service League, which was celebrating its 80th year. More about that anniversary would be posted on social media, and citizens could call 919-969-5005 for information as well, she said.

0.03 Mayor Hemminger Regarding Census.

[\[20-0270\]](#)

Mayor Hemminger pointed out that only 57 percent of Town residents had turned in their 2020 Census forms. She explained that community funding for the next 10 years would depend on that information, which was more important than ever because the Town had grown.

0.04 Mayor Hemminger Regarding Removing Item #5 from Consent Agenda.

[\[20-0271\]](#)

Mayor Hemminger explained that Item 5 had been removed from the Consent Agenda while more information was being obtained.

0.05 Mayor Hemminger Regarding Advisory Board and Committee Meetings.

[\[20-0272\]](#)

Mayor Hemminger said that the Criminal Justice Debt Program Advisory Committee and several other advisory boards would hold virtual meetings the following day. In addition, the Community Design Commission would meet on April 27 at 6:30 p.m. and the Public Transit Partners Committee would meet at 11:00 a.m. on April 28, she said. Those agendas had been posted on the Town's calendar and the public was welcome to attend meetings via Zoom and/or send comments through email or phone, she said.

0.06 Council Member Stegman Regarding Playmakers Repertory Costume Shops Making Face Coverings.

[\[20-0275\]](#)

Council Member Stegman said that Playmakers Repertory's costume shop was currently making face masks. She commented on the many ways in which community members had been helping one another during the COVID-19 pandemic.

0.07 Council Member Gu Regarding Orange County Stay at Home Order.

[\[20-0276\]](#)

Council Member Gu asked if the Town would follow state recommendations for reopening or make its own decision.

Mayor Hemminger replied that the Orange County Commissioners chair and the three local mayors had been working together and with the Orange County health director and were waiting to hear the governor's weekly announcement. The Town's Stay-at-Home Order was scheduled to last a day longer than the state's and the Town probably would extend that if the state did so, she said. Ultimately, the Town would do what is best for the community and make decisions based on science, Mayor Hemminger said.

0.08 Council Member Gu Regarding Face Coverings. [\[20-0277\]](#)

Council Member Gu asked if face masks would be made mandatory, and Mayor Hemminger replied that other mayors had advised against that due to push-back and disparities among groups. The Town had been experiencing great compliance, and she did not feel the need to amend the order at the current time, she said.

PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS [\[20-0273\]](#)

A person indicated interest during registration, but was not on the call during this part of the meeting.

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.

5. Extend Advisory Board Member Terms Ending in June 2020 and Defer Spring Appointments to the Fall. [\[20-0249\]](#)

This item was deferred to another meeting.

Approval of the Consent Agenda

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[20-0245\]](#)

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

2. Approve the Miscellaneous Budget Ordinance Amendment and Project Ordinance Amendments to Adjust Various Fund Budgets for FY 2019-20. [\[20-0246\]](#)

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

3. Name the Elliott Road Flood Storage Project "Booker Creek Basin Park." [\[20-0247\]](#)

Mayor Hemminger said that the Elliott Road Storage Facility was a top priority and that work would begin on it soon. The project would allow water to release slowly downstream thereby reducing flooding at the Eastgate/West Franklin Street area, she explained. She also mentioned that an associated park, trail and overlook would benefit the community.

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

4. Approve the Council Committee's Interview Rubric for Semi-Autonomous Board Applicants. [\[20-0248\]](#)

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

6. Refer the Conditional Zoning Atlas Amendment Application for Property at 7516 Sunrise Road to the Stormwater Management Utility Advisory Board for Review. [\[20-0250\]](#)

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0251\]](#)

Mayor Hemminger commented on how the petitions list had not been getting much attention during the current health emergency. She said that the Council did take it seriously, and she asked petitioners to be patient. Some items were being worked on and others were being reviewed to see which ones could not wait, she said. An update was expected the following week, said Mayor Hemminger.

This item was received as presented.

DISCUSSION

8. Adopt 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. [\[20-0252\]](#)

Mr. Jones proposed the following schedule for remote Council meetings through May, 2020: virtual special meetings on April 29, May 6 and May 20; and virtual work sessions on May 13 and 27; if situations were to return to normal by June, the Council would hold regular business meetings on June 10 and 24 and regular work sessions on June 3 and 17, he said. He recommended that the Council adopt the revised schedule through May 31 or until the Stay-at-Home Order was lifted.

Mayor Hemminger reminded Council Members that there would also be virtual closed sessions related to the Town Attorney appointment process.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-7 be adopted. 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.

9. Concept Plan Review: 125 E Rosemary St Parking Deck

[\[20-0253\]](#)

Mayor Hemminger pointed out that the Council would merely be viewing a concept plan and sharing comments with the applicant. They would address the economic development agreement and traffic issues at a later date, she said. She noted that the parking deck, if it were to move forward, would belong to the Town and the Town would be paying for it. The project was coming forward, despite the current COVID-19 emergency, because being located in an Opportunity Zone meant that it would need to be entitled by the end of June, she explained.

Planner Michael Sudol gave a brief PowerPoint introduction regarding the concept plan for a parking deck at 125 East Rosemary Street. The applicant would apply for Conditional Zoning if they decided to move ahead with a formal submission, he said.

Mr. Sudol described the current site, which was located in the Town Center zoning district and adjacent to the Franklin Rosemary Historic District and the Northside Neighborhood Conservation District. He outlined the proposal to demolish an existing parking deck and an adjacent lot and then build a 1,100-space parking deck across both properties. He said that the applicant would present a revised design, which the Community Design Commission (CDC) had already reviewed. Mr. Sudol recommended that the Council adopt Resolution 8, transmitting comments to the applicant.

Michael Stevenson, an urban designer with Perkins and Will, explained that a sewer easement had led to changes in design that included a 2/3-level height increase in order to maintain the minimum 1,100-car parking count. There had also been a Town request to include a Parking Management office and storage, a Police Department substation, and public restrooms in the deck, all of which would have costs implications, he pointed out. Additionally, the Council needed to decide whether the building should step down on the East Rosemary Street side or the North Street side, he said.

Mr. Stevenson provided details about the 30-foot easement and resulting need to reduce deck length and the number of parking spaces from 1,100 to about 1,000. However, if the plan were changed to a long-ramp design, then the deck would hold about 1,150 cars, he said, and showed drawings of the long-ramp design.

Mr. Stevenson said that the amount of square footage needed for Parking Management offices, Police Department substation, and public restrooms would be about 1,500, 2,000, and 400, respectively. Adding office space would be a more complex construction type and would result in increased costs, he explained.

Mr. Stevenson discussed other design elements, such as living walls, green screening, options for stepping down, and a possible large art installation. He described an option to have the retail porch extend to the end and wrap around the corner. He presented views of the deck from different directions on Rosemary Street and compared having the step-down on Rosemary Street to having it on North Street.

Council Member Anderson confirmed with Mr. Jones that cost estimates regarding additional office space would be available before the Council Committee on Economic Sustainability (CCES) meeting the following week. She also confirmed with the applicant that there would be two exits onto Rosemary Street even though only one was being shown on the plan. Mr. Stevenson said the applicant agreed that a third access point to Columbia or North Streets would be desirable. However, they did not yet know if it would be possible to gain control through neighboring properties, he said.

Joe Dye, representing Grubb Properties, said that the traffic impact analysis (TIA) that would be presented to the Council at the CCES meeting would address whether one or more additional exits would be necessary to the functioning of the deck. He said that adding such an access would not cause a major redesign of the deck.

With regard to the step-down, Council Member Anderson asked about the possible "canyon effect" of having two tall structures across from each other on Rosemary Street (if the building stepped down on the North Street side).

Town Urban Designer Brian Petersen replied that having very lively massing that included ins and outs in the first 20 or so feet would address that. In addition, articulating with different materials could refine and break the building down even more, he said, and he pointed out that having the porch area wrap around would slice massing from the corner.

With regard to including offices on the deck, Mr. Petersen commented that those would not be the most pedestrian friendly places and thought would need to be given to how they were designed. To include offices would diminish the idea of having the porch stretch across the entire length, he pointed out. He said that there would be a trade-off between having those offices and the pedestrian friendliness of the facade.

Council Member Stegman raised the issue of Rosemary Street bike lanes, and Mayor Hemminger replied that those discussions were ongoing and would not be affected by the parking deck because it would not impact the road. Council Member Stegman confirmed with the applicant that restrooms could get by with space heaters but including offices would mean adding HVAC.

Council Member Ryan confirmed with Mr. Jones that Grubb Properties had expressed willingness to consider affordable office space in the 136/137 Franklin Street building, but the office space currently being discussed was not part of that. She also confirmed that having Parking Management located on the deck made sense but it could be located somewhere else.

Council Members raised questions regarding the location of bike racks, traffic flow, alternative uses for the porch, other possible locations for the offices, and options for improving the appearance of a large, solid wall. In response to questions from Council Member Gu, Mr. Stevenson agreed to provide model views of the long ramp from inside. Mayor pro tem Parker confirmed that not having an atrium probably would reduce cost and asked the applicant to return with views of what the deck would look like from North Street and Columbia Street.

Mayor Hemminger asked the applicant to bring back renderings of a full or partial solar canopy on the top level. She confirmed that sidewalk widening was not part of the design. However, the porch would expand back and create a kind of alcove that would make the sidewalk feel much more expansive, Mr. Stevenson said.

Susanna Dancy, Community Design Commission (CDC) chair, said that the revised design addressed many of the CDC members' concerns about massing, height, and articulation. Stepping down on the north side was a nice improvement and the porch had been integrated into the plan as well, she said. Ms. Dancy said that CDC suggestions included incorporating public art, putting solar panels on the top, adding more greenery at the street level, and planting for shade on the plaza.

David Schwartz, representing CHALT (Chapel Hill Alliance for a Livable Town), pointed out that the Town would be taking on significant financial liability and debt at a time when the economy seemed headed into a recession. The public should be given an opportunity to assess whether the cost and revenue assumptions being presented were sound, he said.

Mr. Schwartz expressed concern about repercussions if parking revenue did not cover bond payments. He said that increment tax financing was generally undesirable because it relied on future revenues that might not materialize. He urged the Council to examine the TIA results before committing to a project design, and said that more than 1,000 cars entering and exiting a parking structure during rush hour along Rosemary Street would create dangerous turning movements and serious traffic congestion. In general, redevelopment should conform to the West Rosemary Street Guidelines, which recommend that buildings along the north side be no more than four stories tall, he said.

Mayor Hemminger noted that Chapel Hill resident John Reese had submitted comments about including the biking community when designing bike storage areas. The comments and examples he provided would be included in the public record, she said.

Council Members expressed support for the additional 2/3-story, long-ramp design, and stepping the building down on the North Street side. Most were in favor of including restrooms on the deck, but there were differences of opinion over whether it was the right location for the Police Department. Some Council Members asked to see options and cost projections before making a commitment about office space, and all wanted more information about possible exits and traffic flow. The Council asked for additional ideas on ways to break up massing through design as well.

The Mayor and Council praised the design improvements, and Mayor Hemminger said that the easement situation had been handled well. They discussed green walls, solar panels on the roof, sidewalk width, a possible public art installation, bicycle parking, and visibility inside the deck. Most liked the retail porch but wanted more information regarding management and operational costs and possible alternate uses. Mayor Hemminger asked staff to provide the locations of two or three local parking decks that were similar in size so that people could go and look at them.

Mr. Stevenson expressed appreciation for the feedback. He said that he was interested in seeing Mr. Reese's comments regarding bicycle facilities.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-8 be adopted. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 9:40 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, May 6, 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_70w7HrO4RludPjDZiZ-_8A After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 810-3531-4637

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Interim Planning Director Judy Johnson, LUMO Project Manager Alisa Duffey Rogers, Police Chief and Executive Director for Community Safety Chris Blue, Fire Chief Vencelin Harris, Emergency Management Coordinator Kelly Drayton, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

1. Update on Remote Meeting Legislative Changes. (no attachment) [\[20-0290\]](#)

Town Council

Meeting Minutes - Draft

May 6, 2020

Mayor Hemminger opened the meeting at 7:02 p.m. and gave an update on state legislation regarding virtual meetings. She said that Council Members' voice responses to roll call were now required. They must raise their hands to vote, and she would announce the names of any who vote nay. Mayor Hemminger then called the roll and pointed out that Council Member Gu was participating by phone due to a faulty internet connection.

This item was received as presented.

1.01 Council Members' Thanks to Staff. [\[20-0303\]](#)

Mayor Hemminger thanked Town staff for their excellent work during the ongoing COVID-19 pandemic, and Council Members held up hand-made signs to express their appreciation as well.

ANNOUNCEMENTS BY COUNCIL MEMBERS

1.02 Mayor Hemminger Regarding PORCH. [\[20-0304\]](#)

Mayor Hemminger said that PORCH was celebrating its 10th year and that its founders (Christine Cotton, Debbie Horwitz, Susan Romaine) had worked tirelessly over that time to provide food to those in need in Chapel Hill and Carrboro. PORCH had been working particularly hard during the current health crisis, she said. She declared May 16, 2020 to be PORCH Day in Chapel Hill and urged Town residents to continue supporting PORCH's hunger relief efforts.

1.03 Mayor Hemminger Regarding Air National Guard Flyover. [\[20-0305\]](#)

Mayor Hemminger said that the Air National Guard would be flying over UNC-CH Hospital at 11:39 a.m. the next day. "Operation American Resolve" would be a salute to cities, hospitals and food banks during the COVID-19 pandemic, she said. She encouraged residents to go outside and watch the spectacular salute.

1.04 Mayor Hemminger Regarding Upcoming Council and Board Meetings. [\[20-0306\]](#)

Mayor Hemminger announced that the Council Committee on Economic Sustainability would meet virtually at 8:00 a.m. on May 15 and that the Environmental Sustainability Advisory Board would meet on May 12 at 7:00 p.m. A full list of meetings was on the Town's website and was updated frequently, she said.

1.05 Mayor Hemminger Regarding Food Check-in. [\[20-0307\]](#)

Mayor Hemminger said that Food for Students had added two sites and had distributed more than 144,000 meals. They would begin distributing weekend meal boxes at all sites on May 14, she said.

Mayor Hemminger reported that the Town and PORCH had distributed food to more than 543 families and that Table had distributed 662 bags of

healthy food the prior week. Meals on Wheels had taken meals to more than 1,000 seniors on Thursday and the Inter-Faith Council was continuing to provide lunch and dinner to 70-100 people at its Community Kitchen, she said. She noted that Food Pantry was providing bags of groceries to people, including students on campus. All of those efforts were dependent upon community generosity and would be ongoing as the Town recovered from COVID-19, Mayor Hemminger said.

1.06 Mayor Hemminger Regarding OWASA Care to Share Program.

Mayor Hemminger said that Orange Water and Sewer Association (OWASA) had seen a 70 percent increase in past due accounts during the COVID-19 crisis. As a community program, it depended on revenue coming in, she pointed out. She said that OWASA's "Care to Share" program enabled residents to add \$10 or so to their monthly water bill payments in order to help others pay their bills during the pandemic.

[\[20-0308\]](#)

9. Update on Town Efforts to Respond to the COVID 19 Crisis. (no attachment)

[\[20-0298\]](#)

Town Manager Maurice Jones gave an update on the Town's COVID-19 response and an overview of the Phase I reopening process. He said that the NC Department of Health and Human Services had been tracking key metrics: testing capacity, supplies of personal protective equipment, contact tracing capability, the number of virus cases by zip code) and Governor Cooper had signed two bills that would change policies and allocate nearly \$1.6 billion of funding for health, education, small businesses, and more.

Mr. Jones said that North Carolina would move into Phase I of reopening at 5:00 p.m. on May 15 and that phase was expected to remain in place until 5:00 p.m. on May 22, at least. He said that an effort to move people from an Inter-Faith Council shelter into hotels should be completed on May 18.

Emergency Management Coordinator Kelly Drayton explained that Phase I would ease some restrictions but retain most, including the stay-at-home order. She discussed the types of enterprises that could reopen and those that must remain closed. State officials were encouraging residents to continue wearing cloth face coverings when physical distancing was not possible, she said.

Mr. Jones said that Governor Cooper would consider moving to Phase II if North Carolina continued to meet public health metrics. Phase III would begin at least 4-6 weeks after that, and would allow increased capacity at restaurants, bars, entertainment venues, and more, he explained. He said that the Town would move slowly and would continue to rely on guidance

from health professionals and the Center for Disease Control (CDC).

Several Council Members expressed concern about the delay in moving shelter residents into hotels. Mr. Jones explained that the paperwork had been completed but that the Inter-Faith Council (IFC) had asked for a delay until May 18 due to staffing needs. Ms. Drayton pointed out that the Town had offered staffing support, and Mayor Hemminger said that Mr. Jones had done an incredible job of advocating and staying on the issue.

Council Members commented on community apprehension about moving into Phase I, and Mr. Jones pointed out that there would not be much change. The Governor believed that Phase 1 was the right approach, and municipalities were trying to determine how it would work in their own communities, he said. Mr. Jones said that Town messaging would emphasize the importance of being cautious and patient. Chapel Hill was not ready to celebrate, and would need to see significant, broad improvement before starting Phase II, he said.

Mayor Hemminger mentioned that regional mayors had been collaborating and monitoring statistics. They had agreed to ratchet back down if they saw an increase in the number of COVID-19 cases, she said. In response to a question from the Council about the possibility of increased testing, Mayor Hemminger said that there had been a hold up in testing supplies.

Mayor pro tem Parker pointed out that any health consequence from relaxing restrictions would take 2-3 weeks to appear and cautioned against moving too quickly into Phase II. Mayor Hemminger agreed. She said that Orange County would be extending its state of emergency into June, which would allow the region to act quickly, if necessary. That extension would also allow the Council to continue meeting virtually, she said.

Council Members confirmed with Mr. Jones that the Town and County would jointly enforce social distancing rules in businesses. They would first ascertain that establishments understand the importance of following the rules. Enforcement would follow if there were repeat offenders, Mr. Jones said. Mayor Hemminger added that the Health Department had the right to shut businesses down if they did not comply.

In response to a question from the Council about closing a traffic lane to allow more walking and biking, Mayor Hemminger said she did not think the NC Department of Transportation would allow the Town to close main roads. However, such ideas were being discussed and there might be ways to buffer some of the roads and create bike lanes, she said. She said that conversations with the Chamber of Commerce and the Downtown Partnership included finding ways to encourage more walking and biking in general. Other possible changes included opening up parking lots for

outside dining, she said.

Council Member Ryan said that she had been talking with OWASA about testing for the virus in waste-water streams in order to pinpoint areas where COVID-19 was increasing. OWASA had replied that it did not have the staffing to do that, she said, and she encouraged anyone else who thought that was a good idea to advocate for it.

Council Member Anderson mentioned that the Town had begun coordinating connections between those in Town who were making face masks and those who wanted them.

This item was received as presented.

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.

1.07 Council Member Huynh Regarding Asian American Event.

[\[20-0309\]](#)

Council Member Huynh announced that UNC TV was partnering with North Carolina Asian Americans Together to host a screening of the PBS special "Asian Americans", which detailed Asian American accomplishments and struggles throughout American history. The special would air the following week, but a sneak preview would be available on Facebook on May 14, from 7:00-8:30 p.m., he said.

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.

2. Approve all Consent Agenda Items.

[\[20-0291\]](#)

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

3. Adopt Recommended 2020-2021 Capital Fund Program Plan for Public Housing Renovations.

[\[20-0292\]](#)

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

4. Adopt the Recommended 2020-2021 Community Development Block Grant Program and Community Development Block Grant - CV Program Plans.

[\[20-0293\]](#)

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

5. Approve the Recommended 2020-2021 HOME Investment Partnership Program Annual Plan.

[\[20-0294\]](#)

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

6. Approve Submittal of the Five-Year Consolidated Plan for Housing and Community Development Programs in Orange County.

[\[20-0295\]](#)

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

7. Amend Chapter 2, Article IV, 2-72 of the Town Code of Ordinances Regarding Campaign Contribution Limitations.

[\[20-0296\]](#)

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

INFORMATION

8. Receive Upcoming Public Hearing Items and Petition Status List.

[\[20-0297\]](#)

This item was received as presented.

DISCUSSION

10. Charting Our Future - Informational Update on the Future Land Use Map (FLUM).

[\[20-0299\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers gave a PowerPoint presentation on the Future Land Use Map (FLUM). She reviewed the FLUM's components, outlined proposed changes to the Chapel Hill 2020 land-use map, and had reviewed revised engagement and communication plans.

The Council praised Ms. Duffey Rogers for her work and for keeping the project moving during a difficult time. They confirmed that a Windsor Circle/Glen Heights area shown on the map would retain its existing character and not be included as a Future Focus Area. They also confirmed that the designation "H" had been removed from two potential

affordable housing sites because the Town wanted to be clear that affordable housing was desired everywhere.

Ms. Duffey Rogers explained that community engagement events would be primarily held online for the final phase of the project due to COVID-19 concerns. She said that results of those community meetings would be emailed to Council Members for comments, and those comments would be uploaded to the Charting Our Future website. The FLUM would be emailed to the Town boards and commissions for comments, which would be summarized and posted on the project website, she said.

Ms. Duffey Rogers proposed using the Konveio platform for the community engagement process and said that a detailed plan for publicizing that was in the Council's materials. She said that the FLUM would ideally be adopted prior to the Council's summer break. After adoption, a request for proposals (RFP) for the LUMO rewrite could be issued or, alternatively, the RFP could be issued prior to adoption, if the Council felt comfortable with that, she said.

Council Members asked Ms. Duffy Rogers about the importance of having another round of public input and she said that the purpose would be to obtain any final comments. Since large public meetings were not currently allowed, she was attempting to give broad public online viewing for about three weeks before bringing the FLUM back to the Council, she said.

Council Members stressed the importance of finishing the project in June. Ms. Duffey Rogers replied that getting comments back from the Council, getting the FLUM before all Town boards, and having a three-week period of online input would all need to happen before then. Something rising to the surface could delay it, she said, and she pointed out that the schedule allowed a week for Council comments.

Mayor pro tem Parker asked why everything was being done in parallel rather than in a more linear manner with Council comments at the end.

Ms. Duffey Rogers replied that she was presenting the Council with the current draft because, in the past, Council Members had wanted to feel comfortable with that before it went out to others. Mayor pro tem Parker confirmed with her that the Council would also have another opportunity to make comments and changes after all others had seen the draft. He hoped to get it done by the end of June, he said, and he encouraged staff to move forward with the RFP and engage a consultant for the next phase.

Council Member Ryan listed aspects that she found helpful and/or meaningful, and Council Member Buansi suggested including a statement about the legally binding distinction between the FLUM and a zoning map. Council Member Anderson proposed working with the school system regarding families that do not have the bandwidth to engage online.

Council Member Huynh suggested that Ms. Duffey Rogers work closely with Housing and Community staff regarding community connections. He also recommended inserting clear labels that would simplify and explain how Konveio is used.

Mayor Hemminger said that Gary Baum, a Chapel Hill resident, was asking why Windsor Circle/Glen Heights was appearing as a Future Focus discussion area after having been removed.

Ms. Duffey Rogers explained that the Chapel Hill 2020 land-use map had shown that as a future focus area. It would be removed when the new map was adopted, she said.

Mayor Hemminger recommended that Ms. Duffey Rogers add a statement up front that would make it very clear that the new FLUM would replace the entire Chapel Hill 2020 map.

Julie McClintock, a Chapel Hill resident, questioned the value of spending Town resources on a virtual community engagement process.

Ms. Duffey Rogers replied that Konveio had offered the Town a discounted rate (less than \$1,000) during the COVID-19 crisis. However, the Town could hold virtual drop-ins through ZOOM or Hang Out, which would be free, she said.

Mayor Hemminger commented that the low rate from Konveio added perspective. The Town wanted to get as much community engagement as possible and that was an acceptable expense for the project, she said.

This item was received as presented.

11. Establish a Council Committee to Recommend Community Members to Participate in the Town Attorney Assessment Center.

[\[20-0300\]](#)

Mayor Hemminger said that Council Members Anderson, Buansi, and Huynh had volunteered to be on a Council committee that would select 3-5 community members to serve in an Assessment Center that would help find a new town attorney. Unfortunately, everything would need to be done virtually, she pointed out.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-6 be adopted 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.

12. Concept Plan Review: Aura Chapel Hill, 1000 Martin Luther King, Jr. Blvd.

[\[20-0301\]](#)

Planner Michael Sudol gave a brief PowerPoint presentation on a concept plan for a 505,000 square-foot, mixed-use development with up to 395 dwelling units and approximately 637 parking spaces at the intersection of Martin Luther King Jr. Boulevard (MLK) and North Estes Drive. He said that the applicant was proposing to rezone the property from Residential-1 to Office/Institutional-3-Conditional in order to meet its density and use requirements.

Mr. Sudol showed the Aura Chapel Hill site plan, which included an intermittent stream and an Airport Hazard Zone that would prohibit new buildings at its western end. He pointed out that the Town had been communicating with UNC about the nearby airport closure. Mr. Sudol noted that the area had recently been cleared and that the Town could refuse development for three years following the issuance of that forestry clearing permit.

Mr. Sudol said that both the Community Design Commission and the Housing Advisory Board had reviewed the concept plan and had provided comments. He pointed out that the Council was only being asked to provide feedback and adopt Resolution 7, which would transmit their comments to the applicant.

Applicant Ryan Stewart, of Trinsic Residential Group (TRG), discussed the project's proximity to Shadowood Apartments and the Carolina North campus. He highlighted the differences between TRG's concept plan and previous plans that had been presented to the Town for that site. He described partial underground parking, buildings that would be no taller than four stories, and the inclusion of 50 affordable apartments that would be indistinguishable from the market rate units.

Dan Jewell, of Coulter Jewell Thames, discussed the site's proximity to other properties (Shadowood, Coker Woods, Rummel property, YMCA) and showed its location on the Central West Small Area Plan (SAP). He discussed proposed access points, a possible traffic roundabout at the exit, building heights, street pattern, significant retail anchor at the corner, and live/work units. Mr. Jewell described a potential pedestrian, bike and car connection through the site to a bus rapid transit (BRT) station on MLK. He said that a proposed community gathering place would tie nearby neighborhoods together.

Mr. Jewell compared a previous concept plan for Aura that the Community Design Commission (CDC) had seen to the one being presented and noted changes based on CDC feedback. He showed a bird's-eye view of the revised layout and its connections with surrounding areas. The plan included 355 apartments, 39 townhomes, 20-21,000 square feet of live/work space, about 12,000 square feet of amenity space, and roughly 10,000 square feet of commercial space, he said.

Mr. Jewell pointed out that more land use would be going toward residential than the Central West SAP had allotted, but there would be fewer vehicle trips as well. He said that he had not yet had a chance to see the traffic impact analysis (TIA) that had recently been completed. With regard to affordable housing (AH), the applicant would offer 15 percent of the apartments as affordable units at 80 percent of area median income (AMI) for 15 years, he said.

Council Member Ryan, a former Central West Taskforce member, confirmed that the applicant's goal was 40 percent canopy coverage. She asked why the applicant had decided not to include a greenway across the northern edge of the property, and Mr. Jewell replied that they thought it would be a better experience to come into the community along a main street corridor than to have another greenway on the north side.

Mayor pro tem Parker, a former Central West Taskforce member, confirmed with Mr. Stewart that the live/work units would include flexible space on the ground level with a one-car garage in the back, a living area above that, and a two-bed area on the third floor. He also confirmed that the plan, as drawn, would be viable whether the Airport Hazard Zone remained or not. He proposed that the applicant look into stipulating age as a way to avoid having Aura becoming student housing.

Mayor pro tem Parker suggested that the 40-foot BRT stop be lengthened to 60 feet. He confirmed with Mr. Jewell that the applicant had requested that the TIA consider a signalized intersection or some other way to get in and out if a roundabout was not feasible.

The Council confirmed that there was a potential connection to the apartment complex next door. They verified that the applicant would look

at putting more parking underground even though the cost of doing so was a concern. They also confirmed that the total number of proposed parking spaces had been reduced from 637 to the 575-600 range and that the NC Department of Transportation had refused to allow a roundabout at that location in the past.

Council Member Stegman asked why there was less retail than the Central West SAP had proposed. Mr. Jewell replied that not having full access onto MLK probably was a fatal flaw for having something such as a grocery store there. As a result, the applicant had been looking at smaller community businesses, entrepreneurs, and retailers, he said.

Council Member Anderson confirmed with Mr. Sudol that staff did not typically have TIAs prepared prior to concept plan reviews. That was a perfect example of why the concept plan process needed a little rethinking, she said.

In response to emailed questions from Chapel Hill residents Juanjuan Chang and Marsha Vaughn, Mr. Jewell explained that street parking would be contained within the neighborhood, not on surrounding streets. He said that building 13 would be less than 35 feet tall, and he explained that the project would build a connection to the Rummel property that could eventually run from that property to Somerset Drive.

Mayor Hemminger asked if there would be any advantages, such as rooftop gatherings, if the commercial properties were connected rather than broken into three separate buildings.

Mr. Jewell replied that building one structure would be less expensive but having three smaller ones allowed more outdoor spaces, such as plazas and courtyards.

Chris Berndt, CDC vice chair, said that CDC members had agreed on the need for a significant landscape buffer and thought that traffic was a central consideration. She conveyed the CDC's concerns about a lack of significant rental space and said that members would like to see more underground parking, if possible. She suggested having the live/work units run along MLK rather than perpendicular to it. The CDC remained concerned about the number of units and the overall scale of project, she said.

Scott Buck, a Huntington Drive resident, expressed concern about the overall scale and size of plan, the egress/entrance plan, and the traffic burden on Estes Drive. The TIA would not account for a new influx of drivers at nearby Azalea Estates, he pointed out. He asked to see a true streetscape view that showed how buildings along Estes Drive would appear. Mr. Buck characterized the proposed location of dumpsters and a compactor as "not good neighborly development" and said that plantings which lead to a buffer "over time" seemed vague and unenforceable.

Fred Lampe, a Coker Hills resident, shared some results from a TIA that the Central West Taskforce had done. He said that the proposed concept might lead to total fewer trips but that traffic would be more concentrated with lots of residences going and coming from work. Mr. Lampe suggested that the Council ask the Town Manager to evaluate Aura's density based on projected traffic from the TIA.

Tom Henkel, a Mount Bolus Road resident, said that the current concept plan for commercial space was 163 percent of what the Central West SAP had envisioned for the site. He said that the SAP plans had expected a total of 620 residences in the Central West area and pointed out that 394 residential units in Parcel A alone would be 64 percent of that. This would not leave much room for the adjacent properties to develop, he said. Mr. Henkel recommended that the Town not plan any development at the site before knowing whether or not Estes Drive would be widened.

Tim O'Shea, a Huntington Drive resident, characterized the plan as out of step with what residents had said in recent community surveys about the Town's traffic flow problems. He expressed concerns about traffic safety, and said that the concept plan did not offer meaningful benefits. There was very little retail being shown as a proportion of overall development and the affordable housing provisions seemed meager, said Mr. O'Shea.

Chapel Hill residents Juanjuan Chang, Hong Zhan, and Jennifer Thomason expressed concerns about traffic congestion. Ms. Thomason said that getting onto Estes Drive from her home on Somerset Drive at rush hour was extremely challenging and very dangerous. She felt disheartened to hear a traffic circle being considered for Aura when one proposed for Somerset Drive had been rejected, she said.

Jason Klaitman, a Hidden Hills resident, and Jon Mitchell, a Somerset Drive resident, both criticized the process for considering a concept plan before having the TIA. Mr. Klaitman said that Estes Drive was already over capacity and Mr. Mitchell described having to wait on Estes Drive through 3-5 traffic light cycles to reach MLK.

Mr. Mitchell proposed that the apparent un-resolvable traffic problem be seen as a constraint on the level of density possible for that parcel. Mr. Klaitman said that the potential risk to children in an area with two schools should be a non-starter until there were better answers regarding how traffic would be mitigated.

Julie McClintock, a former Central West Taskforce member, urged the Council to encourage the applicant to resubmit a plan that would meet the density requirements that the SAP recommended. She said that any plan would have to meet the limited mobility conditions on Estes Drive and that the physical constraints of the parcel might be insurmountable. Ms. McClintock recommended that the Council reevaluate the project after

seeing the TIA.

Mayor Hemminger read a request from Amy Witsil, a Coker Woods resident, for more details about a pedestrian access in her neighborhood.

Mr. Jewell replied that those connections were in keeping with the SAP's desire for good neighborhood connectivity. Certainly, such connections would not be built if the surrounding neighborhoods did not want them, he said.

Timothy Carr, a senior vice president with the YMCA, affirmed that the roundabout on Estes Drive aligned with the YMCA's future secondary drive. It was consistent with the YMCA's master plan and would improve access to its facility, he said.

Council Members said the plan was improved but they expressed concern about traffic congestion with the proposed level of development. They said that they hoped for significant commercial presence at that location. Council Members all felt that the AMI for affordable housing should be lower and that it should be extended to at least 30 years. Council Member Anderson expressed interest in seeing affordable housing integrated into the ownership options as well.

Council Members thought that buildings should be taller along MLK, and they commented on the issue of how density would be allocated throughout the neighborhood. They said they preferred more retail, if possible, and they pointed out that more retail could be key to keeping people from using cars.

Council Member Huynh wondered why the developer thought a roundabout would be approved, since it had been rejected in the past. Mayor pro tem Parker said that the project needed to be more human-oriented and less car-oriented. Council Member Buansi asked if there would be any way to buffer the community gathering space along MLK from the noise of traffic on MLK. Council Member Gu stressed the importance of considering an east-west grid system in the long-term development of the Town. Council Member Ryan suggested that a north-south Timberlyne Trail be made an explicit part of plans for the area.

Mayor pro tem Parker pointed out that the Central West Taskforce had wanted the area to be a destination for people in surrounding areas and an asset for the entire area. The current concept plan was not really a destination since nothing would draw people to it, he said. He urged the developer to consider larger apartments that would allow families and to look into ways to make sure that those would not be overtaken by students.

Mayor Hemminger said she was pleased with how the project had moved along. The applicant had listened to comments, worked hard, and returned with a much better design, she said. She agreed with Mayor pro tem Parker regarding larger apartments and wondered if there was a way to add more townhomes. She pointed out that the proximity to schools, the BRT, and the greenway would reduce the need for parking spaces in the future and urged the applicant to consider that while planning the design. Mayor Hemminger said she wondered if a partnership with Shadowood to the north might help reduce traffic concerns.

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.

APPOINTMENTS

13. Designate a Voting Delegate to the NC League of Municipalities Annual Conference. [\[20-0302\]](#)

Council Member Buansi volunteered to be the NC League of Municipalities voting delegate and the Council voted unanimously to appoint him.

Mayor Hemminger noted that a ground-breaking ceremony for Booker Creek Basin Park would take place the next day at noon. She described some of the improvements there and said that a video about the area would soon be released.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-8 be adopted as amended. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 10:31 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, May 20, 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_K63yDVikRlyMZJljoEoN0g After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 879 1941 0253

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Business Management Director Amy Oland, Fire Chief Vencelin Harris, Executive Director for Community Safety and Fire Chief Chris Blue, Emergency Management Coordinator Kelly Drayton, Public Housing Director Faith M. Brodie, Affordable Housing Manager Nate Broman-Fulks, Affordable Housing Development Officer Emily Holt, Senior Planner Anya Grahn, Senior Planner Jake Lowman, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the meeting at 7:00 p.m. and read the list of items

Town Council

Meeting Minutes - Draft

May 20, 2020

on the agenda.

Roll Call

Mayor Hemminger called the roll and all Council Members replied that they were present.

1. Update on Town Efforts to Respond to the COVID 19 Crisis. (no attachment) [\[20-0334\]](#)

Town Manager Maurice Jones gave an update on the Town's response to the COVID-19 pandemic. He said that the NC Department of Health and Human Services had recently released a list of more than 300 testing locations. He said that staff was working with Town partners to obtain cloth masks for vulnerable populations, and he mentioned locations in Town where disposable masks would be distributed.

Mr. Jones described efforts to meet business needs by activating open spaces, temporarily modifying ordinances and permitting processes, and working with the NC Department of Transportation (NC DOT) to modify West Franklin Street to allow outdoor dining while physical distancing. He said that the governor had just announced the beginning of Phase 2 of the reopening and that the Council and staff would review that to determine what steps to take. Staff was continuing to prepare for hurricane season and for a variety of other hazards that might occur during the pandemic, Mr. Jones said.

Emergency Management Coordinator Kelly Drayton provided additional details of the governor's "Safer at Home" executive order, which would begin Phase 2 of the reopening and would remain in place until June 26, 2020. She explained that changes from Phase 1 included the limited opening of restaurants, personal care and grooming businesses, and childcare and camps. People would be allowed to gather for social purposes as long as groups did not exceed 10 people indoors and 25 outdoors, she said.

Ms. Drayton pointed out that public health officials were continuing to emphasize the importance of wearing a mask when out in public, staying six feet away from others, and washing hands regularly. The Town was working with its partners to determine details for Chapel Hill and would provide more information within the next 24 hours, she said.

Deputy County Manager Travis Myren explained how long-term planning would focus on assessing community priorities and needs, developing trust, and gaining support for the overall recovery effort. He said that the Town would receive \$746,410 of the \$1.67 million in CARES Act funds that had been allocated to Orange County. Mr. Myren gave examples of public health expenses that would be eligible for those funds and provided details on how a long-term organizational recovery structure would function.

Mayor Hemminger said that local leaders had been meeting regularly and checking with attorneys regarding restrictions. She said that the University of North Carolina at Chapel Hill (UNC-CH) would be announcing plans to reopen in the fall. However, things could change depending on how Phase 2 proceeded, she said. She pointed out that the Town's Emergency Operations Center was set up to call an emergency meeting, if necessary.

Council Member Anderson confirmed with Mr. Myren that the public schools had been included in discussions. She verified that Orange County would be coordinating closely with the school system to ensure that every student had access to appropriate technology. Council Member Anderson recommended using school newsletters to get information out to the community.

Council Member Anderson and Mr. Jones discussed ideas for helping restaurants during Phase 2. For example, staff had been talking with the Downtown Partnership and the Chamber of Commerce about possibly using parking lots for outdoor dining, he said. Council Member Anderson confirmed with him that CARES Act funds needed to be spent by January 1, 2021 and that spending plans needed to be submitted by June 1, 2020. He would bring a plan to the Council the following week, said Mr. Jones.

Council Member Anderson had expressed concerns about the Town's decision to encourage rather than require masks, and Mayor Hemminger pointed out that there had been severe consequences for other communities that had mandated it. She pointed out that the Chapel Hill community had been wearing masks voluntarily and that there had been only three or four cases per day in Orange County. The current focus would be on mandating masks in businesses, Mayor Hemminger said.

Council Members confirmed with Mr. Jones that face masks would be included in food bank boxes and also given out to public housing residents. They verified that playgrounds would not be open during Phase 2. The Council and Mr. Jones discussed the possibility of closing a traffic lane to allow for more outdoor dining.

Mayor pro tem Parker confirmed with Mr. Myren that Health and Human Services would address the mental and behavioral aspects of the pandemic in the recovery plan. He asked about mobility and transportation, and Mr. Myren agreed to add "new ways of thinking about public transportation" to the county's work list.

Council Member Gu pointed out that cases were still increasing and a second wave of the pandemic was expected in the fall. She said that she had not heard enough about preparations and was concerned that proactive actions were not being taken.

Mayor Hemminger replied that numbers were increasing in part because the state had been doing more testing. She said that the EOC had been keeping the possibility of a resurgence in mind and constantly monitoring supplies. The pertinent groups had been meeting, planning, strategizing, and trying to get more supplies, she said.

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. Parks, Greenways, and Recreation Commission Request to Designate all 36.2 Acres of the American Legion Property for Use as a Community Park. [\[20-0335\]](#)

Mayor Hemminger said that the Council was receiving only petitions regarding the American Legion property during the COVID-19 pandemic. The Council would take comments during a full process at a later time, she said.

Wesley McMahon, vice chair of the Parks Greenways and Recreation Commission, spoke about a petition that they had submitted in March. He said that the case for the Legion Road property being a community park had not been completely thought out and that the Commission viewed its petition as the start of a fact-based conversation.

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

3. Planning Commission Request Regarding Payments in Lieu for Pedestrian/Biking Improvements. [\[20-0336\]](#)

Stephen Whitlow, representing the Planning Commission (PC), said that the PC had been inconsistent in responding to requests for payments-in-lieu regarding bike and pedestrian infrastructure installation due to a lack of knowledge about how such situations had been treated in the past. He requested that staff research how and where such payments-in-lieu had been used in the past, what flexibility there may be for using those funds, and if there was a tool for tracking them.

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

4. Elaine McVey Request to Amend the Land Use Management Ordinance Related to Deer Fencing. [\[20-0337\]](#)

Elaine McVey, a Chapel Hill resident, asked for a change in the rules regarding deer fencing so that she could fence in a garden on her property.

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

- 4.01 Phil Post Regarding Christ Community Church Public Hearing Process. [\[20-0358\]](#)

Phil Post, project engineer for Christ Community Church, proposed a six-word text change to the Town's Land Use Management Ordinance that would allow a legislative public hearing pathway for the church. He said that the process had stopped because quasi-judicial hearings were not allowed during the pandemic. Approval of the text change would allow the Church to obtain project approval before its contract to purchase the land ran out, Mr. Post explained.

Mayor Hemminger replied that staff understood the timeliness of the issue and had been looking into it.

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

- 4.02 Delores Bailey of Orange County Affordable Housing Coalition Comment Regarding American Legion Property. [\[20-0359\]](#)

Delores Bailey, representing the Affordable Housing Coalition, asked to be included in any discussion regarding the American Legion property becoming a park. She had submitted a written statement regarding that earlier in the week, she said.

Mayor Hemminger assured Ms. Bailey that all interested parties would be included in the conversation.

ANNOUNCEMENTS BY COUNCIL MEMBERS

- 4.03 Mayor Hemminger Regarding Upcoming Closed Session. [\[20-0360\]](#)

Mayor Hemminger said that the Council would hold a closed session on two items on the evening of May 21, 2020.

- 4.04 Mayor Hemminger Regarding Governor Cooper's Announcements. [\[20-0361\]](#)

Mayor Hemminger emphasized that the Town was committed to keeping the community safe during the COVID-19 pandemic. She would soon respond to Governor Cooper's recent announcement on the Phase 2 reopening, she said.

- 4.05 Mayor Hemminger Regarding Upcoming Advisory Board Meetings. [\[20-0362\]](#)

Mayor Hemminger said that the Stormwater Advisory Board and the Housing Advisory Board would be holding remote meetings on May 21. The Public Transit Committee and the Transportation and Connectivity Board would meet virtually on May 27, she said.

- 4.06 Mayor Hemminger Regarding Amended Consent Agenda. [\[20-0363\]](#)

Mayor Hemminger pointed out that the Consent Agenda had been amended because of the Governor's COVID-19 announcement and that virtual meetings would continue through June.

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 Anderson, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

5. Approve all Consent Agenda Items. [\[20-0338\]](#)

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

6. Authorize the Town Manager to Negotiate and Execute a Lease Agreement with Melody Eggen, Inc. for Continuation of Dance Studio at Town Facility, 1714 Legion Road. [\[20-0339\]](#)

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

7. Call a Public Hearing for Land Use Management Ordinance Text Amendments-Proposed Changes to Section 3.7 and Appendix a Permitting Flex Office in Town Center Zoning Districts and Expanding Definitions Related to Types of Retail on June 10, 2020. [\[20-0340\]](#)

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

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

8. Modify Advisory Board Remote Participation Policy to Allow the Board of Adjustment and Historic District Commission to Conduct Remote Quasi-Judicial Evidentiary Hearings and to Allow Boards to Act to Approve or Deny Matters Before Them During State-declared States of Emergency and in Accordance with the Provisions of G.S. 166A-19.24. [\[20-0341\]](#)

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

9. Extend Advisory Board Member Terms Ending in June 2020 and Defer Spring Appointments to the Fall. [\[20-0342\]](#)

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

- 9.1 Adopt a Revised Meeting Schedule to Hold Special Meetings in a Virtual Environment through June 30, 2020 or Until the Orange County Stay At Home Order is Lifted. [\[20-0357\]](#)

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

INFORMATION

10. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0343\]](#)

This item was received as presented.

11. Receive the FY20 Third Quarter Affordable Housing Quarterly Report (January-March). [\[20-0344\]](#)

This item was received as presented.

DISCUSSION

12. Presentation: Recommended Budget for FY 2020-21. (no attachment). [\[20-0345\]](#)

Mr. Jones gave a PowerPoint presentation on the Town's FY 2020-2021 recommended \$111 million budget. He pointed out that COVID-19 had forced a shift from a budget that had been looking to the future to one that was currently focused on maintaining core Town services and preparing for a strong recovery after the pandemic.

Mr. Jones said that the approximate \$65.7 million General Fund would be a 2.2 percent decrease from the current fiscal year. He was not proposing a tax rate increase, he said. He noted that there was no proposed pay raise for employees, but there were no layoffs or furloughs either. He proposed reducing the amount of fund balance to 22 percent in order to balance the budget while still leaving a buffer in case the economic downturn became deeper or longer than expected.

Mr. Jones said that property taxes were expected to grow at an average of 1.5 percent next year. Amended projections for FY 2021 reflected a 9.5 percent decrease in sales taxes in FY 2021, and a drop in the occupancy tax, services charges, and license and permit fees, he said. He pointed out that property taxes made up 47 percent of the Town budget, followed by sales taxes (22 percent), Town share of state revenues (11.4 percent), and charges for services (7.2 percent).

Mr. Jones said that a hiring freeze would extend until at least the first quarter of FY 2021. He proposed to reduce the street maintenance budget, and OPEB (Other Post-Employment Benefits) pre-funding, and to eliminate the building maintenance budget, vehicle replacement budget, Pay-Go Capital Program, and transfers to the Blue Hill TIF (tax increment financing). He was not proposing a reduction in the Affordable Housing Fund or in Human Services Agency funding, he said.

With respect to the Town's Enterprise Funds, Mr. Jones said he anticipated using fund balance to close a gap in the Parking Fund. The Housing Fund was in solid shape and he did not expect significant changes in the Stormwater Fund, he said. Mr. Jones said he anticipated a 1.8 percent increase in the Transit Fund budget.

Mr. Jones said that he did not expect a change in federal assistance, but did anticipate a \$412,000 increase from the state as well as \$5.7 million in CARES Act funding for one-time capital expenditures, he said. He said that next steps would include holding up to three Council budget work sessions, a public hearing on June 10, and anticipated budget adoption on June 24, 2020, he said. Mr. Jones said that budget information was available at townofchapelhill.org/budget.

Mayor Hemminger pointed out that the Council would address the budget in more depth at its upcoming work session. She said that the Council welcomed public input despite the virtual setting and that Council Members took emails as well.

Council Member Buansi asked about re-purposing funds for more immediate needs, and Mr. Jones replied that staff had been discussing using some Human Services funds in ways that might not have been anticipated in December and January. The Town anticipated receiving additional Community Development Block Grant funds as well, and some CARES Act funding could be used to address current needs, said Mr. Jones.

Nancy Oates, a Chapel Hill resident, expressed concern about some repairs that had to be eliminated and said that some of the revenue projections might be optimistic. She urged the Town to reduce executive salaries by 10 percent for the current year only.

Council Member Ryan characterized the projected increase in sales tax

revenue as optimistic, and Mr. Jones replied that staff shared her concerns. He was recommending using less Fund Balance than had been used to balance budgets in the past in order to leave a cushion in case numbers were worse than anticipated, he said. In addition, the Town could extend its hiring freeze beyond October 2021 to help offset losses, Mr. Jones pointed out.

Council Member Gu asked if the budget reflected the effect that a new parking deck on East Rosemary Street would have on the Parking Fund.

Business Management Director Amy Oland replied that staff had not yet received direction that the East Rosemary Street project was moving forward. Therefore, the budget took that into consideration but was not based solely on it, she said. Ms. Oland pointed out, however, that the budget did include increased revenue projections for the Wallace Deck based on higher occupancy.

Mr. Jones said that budgetary projections were as conservative as possible. He noted that staff would have to make adjustments if UNC-CH did not reopen in the fall, and Council Member Gu requested that staff bring back different reopening scenarios.

Mayor Hemminger commented on the many unknowns during the current time. The Town was fortunate to have a hefty fund balance, she said, and she expressed appreciation to staff for figuring out how to maintain core services and help those who were most in need.

This item was received as presented.

13. Public Housing Master Plan Update - Trinity Court.

[\[20-0346\]](#)

Public Housing Director Faith Brodie gave a PowerPoint presentation on future plans for Trinity Court, a Town-owned property where hazardous materials had been discovered and residents relocated to other public housing neighborhoods. In 2018, the Town had learned that it would cost approximately \$1.4 million to repair Trinity Court, Ms. Brodie explained. She said that the HUD operating subsidy that year had not covered the cost of those repairs in addition to the cost of continued maintenance and renovation of the Town's 12 other neighborhoods.

Ms. Brodie said that the Council had requested more research into options and that staff had determined the four options to be: sell the land, de-construct, renovate, or rebuild. She reviewed the pros, cons and estimated costs of each option. The estimated cost of renovation was \$7.5 million, she said, adding that choosing that option would allow continuing subsidies from HUD but would not achieve the Council's interest in increasing density, upgrading appearance, or redesigning the structure.

Ms. Brodie said that the estimated cost of rebuilding was \$6.1 million but

that should assume an additional \$1 million to account for additions and cost escalation. She pointed out that the estimate for rebuilding did not include the costs for deconstruction, designer fees, contractor overhead/profit, and permits. The total starting cost would be closer to \$9.6 million, she said.

Ms. Brodie described a 2012 Rental Assistance Demonstration (RAD) program that would allow Trinity Court to be converted to a Section 8 voucher property and rebuilt. She said that current zoning authorized 40 apartments and that any additional units or changes to the configuration would require a rezoning. Ms. Brodie recommended the RAD conversion.

Mayor Hemminger confirmed with Ms. Brodie that the HUD subsidy for 40 units would be \$79,000 per year, and Council Member Stegman verified that rebuilding would not require a rezoning or SUP if the building footprint remained as it was.

Council Member Ryan verified that the \$9.6 million estimate assumed 40 units and that each additional unit would cost an assumed \$240,000 on top of that. Mayor Hemminger pointed out, however, that the actual cost would be lower because the deconstruction price had been based on more units.

The Council confirmed that adding more units would not mean expanding the building footprint, but might mean increasing its height. Council Member Anderson verified with Ms. Brody that having mixed-income housing would not affect RAD funding as long as the money was spent on the 40 units of public housing that had been in the application.

Council Member Huynh asked staff to bring back information on what could be done to attract more developers, and Mayor Hemminger asked for information on the property's age.

Ms. Oates commented on the current low cost of borrowing money and said that Trinity Court should serve the 0-30 percent of AMI range if the Town decided to apply for low-income tax credits. She said that adding extra amenities would lead to higher rents and that it would be difficult to add units without going quite a bit taller.

All Council Members said they preferred the rebuild option, with RAD financing, and with looking for opportunities to put as much housing on the site as it could reasonably accommodate. They asked for information on how many additional units would be feasible and on the trade-off between adding more units and expediting the process. They agreed that it was important for the Town to retain ownership of the land and to retain the public housing income level. They asked that the process be expedited as much as possible.

Council Member Buansi stressed the importance of including a common

area with playground and greenspace and Mayor Hemminger agreed. The Mayor noted that there was a public park nearby but said that Trinity Court needed some area that would give it a sense of community.

Mayor Hemminger asked staff to bring back an estimate of how many more units could fit on the site. She pointed out that the Town, as developer, could get the rezoning process moving while looking for a partner, getting cost estimates, and applying for RAD. She recommended looking at alternative financing and noted that the Town would have rental income and a HUD subsidy and could leverage funds over a period of time to help pay for the property. Trinity Court would also be a good way to leverage some of the Town's Affordable Housing Bond money, Mayor Hemminger said.

A motion was made by Council Member Huynh, seconded by Council Member Buansi, to receive the information. The motion carried by a unanimous vote.

14. 2200 Homestead Road Site Plan Update.

[\[20-0347\]](#)

Affordable Housing Manager Nate Broman-Fulks gave a PowerPoint presentation on a Town-owned development project at 2200 Homestead Road. He asked the Council for feedback on a draft site plan that would be incorporated in a development application that staff anticipated submitting in the fall.

Affordable Housing Development Officer Emily Holt provided background on the project and described its location and surroundings. The area was part of a 14-acre Town-owned parcel that included approximately eight developable acres, she said. She explained that the project had been in progress since 2017 and said that staff had presented a concept plan to Council in June 2018.

Ms. Holt said that the project vision, which had been established based on Council feedback, was for a mutually-supportive, self-sustaining, mixed-income community. The project goals included expanding housing for a range of incomes up to middle income, providing rental housing for vulnerable populations, and insuring long-term affordability, she said. Ms. Holt said that staff has executed a memo of understanding with Homestead Housing Collaborative and was presenting the resulting site plan.

Aspen Romeyn, project manager with Self Help (the lead developer of the Homestead Housing Collaborative, which included CASA, Community Home Trust, and Habitat for Humanity) said that Self Help would work with the Town to develop the site and that its three partners would then build the vertical elements.

Ms. Romeyn described how a third of the buildings would be set aside for people with intellectual and developmental disabilities (IDD) and with substance abuse and addiction issues. She said that universal design

principles would make many units and many parts of the site accessible for people with impaired mobility.

Ms. Romeyn discussed a proposal to actively pursue housing vouchers. She said that community stakeholders were interested in serving extremely low-income populations that earn less than 30 percent of the area median income (AMI). The goal was that 20 percent of the units would be occupied by extremely low income people, she said.

Wendy Ramsden, a landscape architect with Coulter Jewell Thames, gave an overview of the draft site plan and explained that existing conditions included a 2.5-acre pond area that could potentially become developable land. The pond had been drained and an official state determination about its potential for development would be made in early fall, she said.

Ms. Ramsden showed a residential development layout that assumed using much of the pond area, and she noted that it remained similar to the concept plan submitted two years prior. The plan included 120 residential units, which would be a mix of apartments, townhomes and duplexes, with both rental and ownership tenancies, she said.

Ms. Ramsden discussed vehicular access points and noted a plan for improvements along Homestead Road. She said that there would be about 180 parking spaces (1.5 spaces per unit) at the site. She described a stormwater mitigation pond, greenway trail connection, playground, basketball half-court, community garden, and outdoor spaces and sidewalks.

Mr. Broman-Fulks pointed out that the Council was scheduled to consider a bond funding request for the project on June 10. Staff planned to refine the plan and submit a development application in the fall, and a legislative development review process would then begin, he said. He asked the Council if the project, as described, met its vision and goals.

Council Members confirmed with Mr. Broman-Fulks that he would provide the amount of financial subsidy that the project would need from the Town at the June 10 meeting. They asked why a limited equity co-op model was not being considered for the project, and Kimberly Sanchez of Community Home Trust (CHT), said that CHT planned to take that idea up at its upcoming board meeting.

The Council confirmed with Ms. Romeyn that (in addition to those with income levels under 30 percent of AMI) about 37 percent of residents would be 30-60 percent of AMI, about 38 percent 60-80 percent of AMI, and about 4 percent would be about 80-115 percent of AMI. The Council verified that with Mr. Broman-Fulks that "long term affordability" typically meant at least 30 years with an emphasis on trying to make it permanently affordable. Council Member Ryan spoke in favor of stretching that affordability period out as far as possible, preferably permanently.

Council Members determined from Ms. Romeyn that the inclusion of higher end units was in response to the Town's goal of having a mixed-income community. She and the Council discussed the fact that there were market rate townhomes next door to the project and opportunities for a variety of income ranges in the vicinity. The Council confirmed that planners had consulted with experts in the area of IDD co-housing about how to integrate those needs into the community.

The Mayor and Council asked questions about connections to nearby locations and the safety of crossing Homestead Road. Ms. Ramsden described a 10-foot wide multi-modal trail along Homestead and sidewalks to adjacent developments. The Council raised the possibility of moving duplexes closer to the community and reducing the amount of road once the pond determinations had been made.

Patrick and Carol Conway, Chapel Hill residents, expressed concern about limiting the units to only 20 percent with extremely low income when two-thirds of those would be going to UNC Horizon. He could not see how the goal of 36 percent for people with IDD or substance abuse would be reached since IDD adults were typically in that low-income category, he said. Carol Conway provided statistics about the need for independent living situations for adults with IDD.

Mike Madden, a Chapel Hill resident, agreed with the previous speakers' comments and urged planners to consult with local groups that were knowledgeable about the IDD community. He requested that presenters explain how residents would safely cross Homestead Road and get to the Seymour Center.

Dana Hanson-Baldauf, a Chapel Hill resident, said that IDD individuals were discriminated against and commonly under-prioritized. She agreed with what the Conways had said about the need for housing and strongly urged the Council to prioritize the IDD population.

Ms. Oates said that obtaining grants and charitable contributions might be more difficult during the COVID-19 crisis. There must be a way for the Town to retain ownership of the land so that the property would continue to be permanently affordable, she said. Ms. Oates proposed that the Town give preference to Town employees and veterans when choosing residents for the development.

Council Members spoke about the importance of working with local interest groups and being intentional regarding how the IDD residents would be included. They expressed interest in seeing permanent affordability on the site and encouraged planners to make the area more pedestrian friendly by including safe ways to cross the parking lot. The

Council encouraged planners to include a community space or clubhouse. They said that such a space might also include wraparound services for those who live there.

Ms. Romeyn pointed out that there would be a community room in one of the CASA apartment buildings as well as two adjacent offices that would be open for anyone to use. In response to Council comments about connectivity, she said that there would be a bus stop right in front of the site on Homestead Road. That bus would connect with the Seymour Center, downtown, nearby schools, and other amenities, she said.

Council Member Anderson left the meeting at 10:34 p.m.

Council Member Stegman said that she would still like to see an Equity Cooperative Model explored, and Council Member Huynh characterized that model as an innovative way to help some lower income families accumulate wealth. Council Member Buansi urged planners to think about having a full rather than half basketball court and Mayor Hemminger agreed.

Mayor Hemminger recommended that planners look at other models for ideas about how to expand the percentage of IDD residents. She urged them to also reach out to community partners and to explore opportunities for partnerships and funding sources.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that this Discussion Item be received and filed. The motion carried by a unanimous vote. Council Member Anderson did not vote.

15. Update on Historic District Design Guidelines.

[\[20-0348\]](#)

Senior Planner Anya Grahn gave a PowerPoint update on the Historic District Design Guidelines Visioning Project. She explained that the Historic District Commission (HDC) had requested that the Design Guidelines (DGs) be revised and that the Town had received a \$10,000 grant in 2019 from the NC Preservation Office to complete the \$25,000 project.

Ms. Grahn described how the DGs were used, outlined the project scope, and presented a summary of proposed revisions. She provided a list of items that needed more public discussion and said that only one public information meeting had been held due to the pandemic. HDC members had met virtually, however, and had asked DGs Committee members to share individual reviews and draft revisions via email and on the project website. Ms. Grahn said that the August 21 deadline might be extended and that other dates were tentative because of COVID-19 restrictions.

Council Member Ryan, the Council's representative to the HDC, confirmed

with Ms. Grahn that the guidelines were being aligned with the Town's Land Use Management Ordinance (LUMO) where possible but that some text amendments might be required. She pointed out that the LUMO was going to be rewritten and said that perhaps those changes could be part of that discussion.

Council Member Ryan verified with Ms. Grahn that the HDC, not the Council, would approve the guidelines. She did not feel comfortable with that considering the LUMO rewrite, Council Member Ryan said, and she mentioned areas where the DGs could be open to interpretation and needed more clarity.

Bill Raynor, a Chapel Hill resident, expressed concern that lack of Council approval could allow the HDC to expand its purview and scope. He hoped the public would have an opportunity to comment before the DGs became final, he said.

Mayor Hemminger confirmed with Ms. Grahn that the LUMO did not explicitly give the HDC the authority to do landscaping but did allow them to look at significant site features, if pertinent. She noted that landscape and setting could be important to historic character and confirmed with Ms. Grahn that the HDC often looked at site features (such as historic rock walls, pathways and walkways, open spaces, water features) that contribute to the look and feel of a site.

Mayor Hemminger and Ms. Grahn discussed how the LUMO and the DGs should work together, but the DG categories did not currently line up with LUMO criteria. Council Member Ryan stressed the importance of aligning the two so that differences of opinion would not confuse the community.

This item was received as presented.

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.

16. Concept Plan Review: Carraway Village, 3000 Eubanks Road (Project #20-023).

[\[20-0349\]](#)

Senior Planner Jake Lowman summarized the request for a limited scope modification to a Special Use Permit (SUP) for Carraway Village, an approximate 50 acre development at the corner of NC 86 and Eubanks Road. He explained that the modification requested the following changes: allow climate-controlled self-storage as a use in Block G; adjust uses in Blocks A, B and C to allow service stations as stand-alone uses; adjust the sign stipulation to allow more tenant panels; allow public street A to terminate where it currently was. Mr. Lowman recommended that the Council adopt Resolution 6, transmitting comments to the applicant.

Applicant Adam Golden, of Northwood Ravin, explained that the trigger for allowing sign modifications was 25,000 square feet of commercial use. Northwood Ravin was asking for a reduction to its current 20,000 square feet so that they could put more tenants on the sign, he said. Mr. Golden then reviewed the other requested modifications and discussed how the pandemic had interfered with his ability to attract commercial tenants.

Bill Dirks, of John McAdams Company, described the development's proximity to a floodplain, stream, Research Conservation District (RCD) and steep slope. He noted the high cost of getting across those areas and pointed out that there was nothing that public street A would connect to if extended.

Council Member Gu confirmed with others that the Council had previously granted the applicant a limited review of the requested modifications.

Francis Corr, who resided across the street from Block B, expressed concern about probable noise coming from a gas station so close to his home. He said that changes in Eubanks Road had already caused drivers to speed down that road and that he was being disturbed by delivery trucks at Chick-fil-A. Mr. Corr pointed out that gas stations were not typically located near residences in Chapel Hill.

After Council Members voiced their opinions about self-storage, Mayor Hemminger summarized that they were not thrilled with the idea and would like to see something else at that location, unless that was all the applicant could get there. The majority of Council Members said they preferred Block C to Block A for the gas station, and Mayor Hemminger said, in summary, that the Council was very opposed to a gas station that was visible from the highway and near an RCD.

Council Members said that they had no objections to the sign change, the road termination, or the reduction of the sign trigger to 20 percent. Council Member Buansi suggested that staff look into the issue of speeding on Eubanks Road.

Mr. Golden commented that Northwood Ravin had been working for eight years to get other uses and that COVID-19 had made that pursuit even more difficult. He pointed out that the Community Design Commission had thought Block A was the best location for the gas station and that the consultant had recommended that location because it was the closest to Interstate 40.

A motion was made by Council Member Buansi, seconded by Council Member Huynh, that R-6 be adopted. The motion carried by a unanimous vote. Council Member Anderson did not vote.

ADJOURNMENT

This meeting was adjourned at 11:34 p.m.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 7., **File #:** [20-0640], **Version:** 1

Meeting Date: 9/30/2020

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 30

- Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project.
- 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 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)
- 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: Application for Conditional Zoning - Bridgepoint, 2214 and 2312 Homestead Road (Project 20-001).

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).
- Open the Public Hearing -Consider a Limited Scope Special Use Permit Modification for Carraway Village, 3000 Eubanks Road
- Concept Plan Review: Municipal Services Center, 101 Weaver Dairy Road Extension.

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
09/09/2020	Town Manager's Office	Request for Concept Plan Review.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	The Council is scheduled to take action on this request at their 09/30/2020 meeting.
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	Phil Post	Regarding Christ Community Church Public Hearing Process.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	The Council held a public hearing on this project at their 09/09/2020 meeting and is scheduled to take action at their 10/07/2020 meeting.
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.
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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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	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.
02/26/2020	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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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	The Council most recently discussed this at their 09/16/2020 work session.
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.
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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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	GoTriangle now shares board meeting summaries at https://gotriangle.org/publications
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.
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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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 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	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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 8., **File #:** [20-0641], **Version:** 1

Meeting Date: 9/30/2020

Update on Historic District Design Guidelines.

See Staff Memorandum on the next page.

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

By accepting this update, the Council receives information regarding proposed Historic District Design Guidelines revisions.



STAFF MEMORANDUM

UPDATE ON HISTORIC DISTRICT DESIGN GUIDELINES September 30, 2020

Prepared by:

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Judy Johnson, Interim Director
Anya Grahn, Senior Planner

PURPOSE

This memorandum provides an update on the Historic District Design Guidelines Rewrite Project. No Council action is required.

PROJECT OVERVIEW & BACKGROUND

In summer 2019, the State Historic Preservation Office (SHPO) awarded the Town a Certified Local Government (CLG) grant of \$10,000 to revise the Historic District Design Guidelines. The Town allocated another \$15,000 to the project for a total of \$25,000. The project was intended to be completed by August 2020; however, due to the COVID-19 pandemic, the SHPO has extended the completion deadline to February 15, 2021.

The Historic District Commission (HDC) adopted the current [Design Guidelines for Chapel Hill Historic Districts](#)¹ in 2002. The Design Guidelines need to provide a sound basis for consistent and predictable review of applications. The guidelines ensure that alterations are not incompatible with the historic character of Chapel Hill's three (3) local historic districts:

- Franklin-Rosemary Historic District
- Cameron-McCauley Historic District
- Gimghoul Historic District

The HDC reviews the following, which are included in the design review process:

- exterior alterations,
- changes in exterior materials,
- new construction,
- additions,
- significant site changes, and
- the relocation or demolition of historic buildings by applying the Design Guidelines and the review criteria outlined in [Land Use Management Ordinance \(LUMO\) 3.6.2\(e\)\(4\)](#)².

The following are not included in the design review process:

- Interior alterations,
- routine maintenance, and
- minor repairs to the building's exterior that do not change its appearance and materials.

SUMMARY OF DESIGN GUIDELINE REVISIONS

Legislative updates in Chapter 160D, which provides that the commission shall "adopt principles and standards to guide the commission in determining congruity with the special character of the landmark or district for new construction, alterations, additions, moving, and demolition.", Staff is working to adapt the Design Guidelines to design standards that comply with this revision.

Some notable changes to the local design guidelines include:

- Expanded Design Guidelines addressing new construction and new additions, including new garages and accessory buildings
- New sections on foundations for historic buildings, disaster preparedness and planning, as well as separating windows and doors into separate sections
- Improved introductions to each section to provide more insight into common preservation practices, including guidance on maintaining historic materials
- Character essays describing the distinct character and uniqueness of each local historic district

Prior to the final draft of the new standards, the HDC subcommittee will discuss key items such as:

- List activities that require HDC review versus those that staff can administratively approve
- Greater clarity on landscape preservation, as the Guidelines currently call for the HDC to review
- Guidance on incorporating sustainable features like solar panels

¹ <https://www.townofchapelhill.org/home/showdocument?id=2405>

² https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA_ART3ZODIUSDIST_3.6OVDI

- Formatting to ensure that the Guidelines offer clarity, while still being a comprehensible and instructive document

The HDC is authorized and empowered by the Land Use Management Ordinance (LUMO) and Chapter 160A, Article 19, Part 3C of the N.C. General Statutes, to adopt Design Guidelines. Staff will return to the Town Council to amend review criteria as outlined in [LUMO 3.6.2\(e\)\(4\)](#) to better align with the new design standards.

TIMELINE FOR COMPLETING THE PROJECT

The Town's contract with the SHPO requires that the project be completed no later than February 15, 2021.

Date	Action
November 12, 2019	HDC appoints three members to serve on HDC subcommittee
February 2020	Planning Department contracted with consultant Heather Slane of HMW Preservation
February 17, 2020	HDC Committee Meeting
February 17, 2020	Public Information Meeting
March – June 2020	Draft revisions shared with HDC Committee and community members online and via email for individual reviews and feedback
July 29, 2020	HDC Committee Meeting – Virtual
August 19, 2020	HDC Committee Meeting – Virtual
September 9, 2020	HDC Committee Meeting – Virtual
September 30, 2020	HDC Committee Meeting – Virtual
September 30, 2020	Town Council Meeting – Virtual
October 21, 2020	HDC Committee Meeting – Virtual
November 11, 2020	HDC Committee Meeting – Virtual
December-January 2021	Historic District Commission and staff review of the final formatted Design Guidelines document.
January/February 2021	HDC adoption of the Design Guidelines

Meeting materials and copies of the draft design guideline revisions are available on the project's webpage: <https://chplan.us/HDGuidelineRevisions>.

PUBLIC OUTREACH

The new Design Guidelines will reflect the input of the HDC, Town staff, and community members. In an effort to provide additional public engagement opportunities on this project during the virtual environment, staff have introduced the following:

1. **Project Webpage.** Staff has made proposed Design Guideline revisions, project schedules, meeting dates and materials, and other resources available on the Town's project [webpage](#).³
2. **StoryMap.** In July, staff launched a [StoryMap](#)⁴, an interactive webpage that allows viewers to learn more about the Design Guidelines project, historic preservation, and the town's local and National Register Historic Districts.
3. **Virtual Design Guidelines Committee Meetings.** Beginning July 29, 2020, the committee has been meeting virtually via Zoom. These meetings are open to the public and recorded videos are available on the project [webpage](#).⁵
4. **Temporary Signs.** Staff has posted ten (10) signs around the historic districts to increase public awareness of this project and encourage public participation.

³ <https://chplan.us/HDGuidelineRevisions>

⁴ <https://chplan.us/20Of3gc>

⁵ <https://chplan.us/HDGuidelineRevisions>



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 10., **File #:** [20-0643], **Version:** 1

Meeting Date: 9/30/2020

Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project.

Special Note: There may be minor changes to the Economic Development Agreement and the Wallace Deck Lease that may be shared early next week with the Council and Public.

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 had his team to explore a larger vision that included the redevelopment of East Rosemary in general. He was asked to focus on a singular project that could begin to change the east end of downtown. This vision landed is to begin with a new office building with wet lab and 1100 space parking deck.

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 office and lab 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.

Much of the information about this project is available on the Town's web site at <https://www.townofchapelhill.org/businesses/east-rosemary-street-redevelopment-project>.

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 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 Mid November 2020. Grubb would also submit a simultaneous application for the Zoning Compliance and Building Permit with hopes of breaking ground on the new deck around the April/May 2021.

Recommendations: 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:

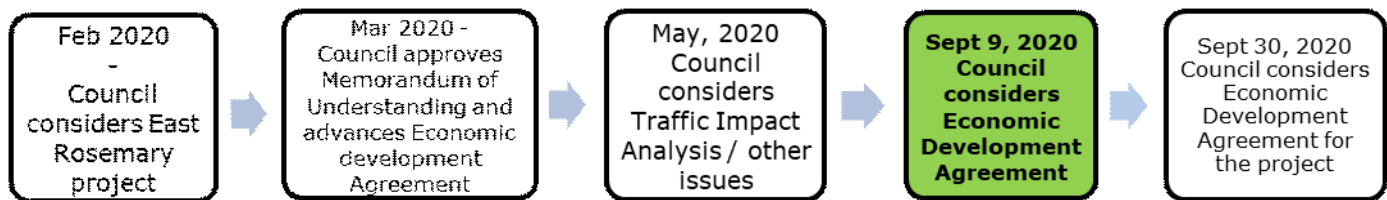
- Selling the Wallace Deck in exchange for the 137 East Franklin (CVS) Parking Deck and adjacent parcel(s) for the creation of a new 1100 space parking deck.

- 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:

- 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

A RESOLUTION COUNCIL 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 (2020-09-30/R-7)

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 200,000SF 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, as described in the September 30 meeting materials.

This the 30th 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,
Amy Oland, Director of Business Management,
Bob Jessup, Sanford Holshouser

- a. Introduction and revised recommendation
- b. Comments and Questions by the Mayor and Town Council
- c. Comments from the public
- d. Motion to adopt the resolution to authorize the Economic Development

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.

East Rosemary Redevelopment Proposal



September 30, 2020

CHAPEL HILL

OPEN2.BIZ

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- > 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 review and feasibility⁹⁷



- Council held a meeting with Walker Parking to review the past parking study and understand how this project would fit into our future growth projections.

(Walker Parking)

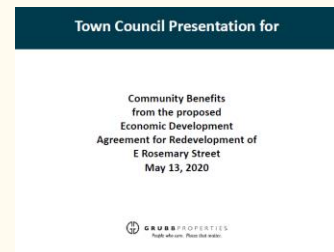
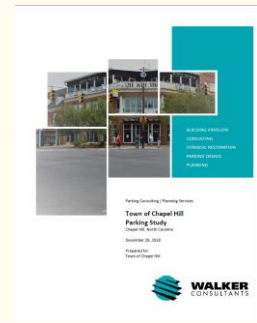
- Council initiated a study on the impacts of the new parking and to see if our demand was sufficient for the 250+/- new spaces. (Business Street – business strategist)

- Council had a review of the mechanics of the deal to determine if the end result was beneficial to the Town from a third party view. (Noell Consulting)

- Grubb Properties made a presentation on their view of community benefits of the project.

Documents related to this project are available at:

<https://www.townofchapelhill.org/businesses/east-rosemary-street-redevelopment-project#ad-image-0>



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Project review and feasibility⁹⁸



- Town Staff Town staff prepared and reviewed multiple revenue/expenditure and cash flow analyses including multiple review of parking income projections including overlaying existing income onto the new deck and debt scenario and developing an extremely constrained view if COVID was to continue for multiple years.
- Town Staff made recommendations to Council for changes to move our downtown parking to a market rate system. This included removing our Parking Fees from our annually adopted Fee Schedule and increasing leased parking fees and making all parking deck hourly rates the same.

Documents related to this project are available at:

<https://www.townofchapelhill.org/businesses/east-rosemary-street-redevelopment-project#ad-image-0>

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Parking



99

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.



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EAST ROSEMARY STREET REDEVELOPMENT PROJECT

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The Town of Chapel Hill is considering a proposed East Rosemary Street Redevelopment Project in conjunction with Grubb Properties.

The proposal involves construction of a 1,100-space parking deck and an office building with web lab space, bringing an estimated \$50 million investment and 800 jobs. UNC-Chapel Hill is exploring the possibility of joining the envisioned Innovation Hub.

The project is expected to attract new entrepreneurs and retain local businesses. Development of office space has remained stagnant for over a decade in Chapel Hill. Additional community benefits include increased centralized parking, new greenspaces, improved bike and pedestrian connections, and downtown jobs to support our restaurant and retail businesses.

Contact

Dwight Bassett
Economic Development Officer
919-969-5010 or dbassett@townofchapelhill.org

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<https://www.townofchapelhill.org/businesses/east-rosemary-street-redevelopment-project>

Project Overview



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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)

➤ Authorize the land exchange.

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.

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- 1) Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project.**
- 2) 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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**137E Franklin/136E Rosemary
Innovation Hub**

**Future Lab/Office
Building**

Town Green

**125 E Rosemary
Street Parking Deck**

Aerial view from Northeast



❖ 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 200,000 +/- 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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¹⁰⁷ Parking Deck Financing & Cash Flow Highlights



- 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	1,000,775
	\$ 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	

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**





- 1) Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project.**
- 2) 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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s☆h draft of September 25

Economic Development Agreement

For the Rosemary Street Redevelopment – Opportunity Zone Project

This Economic Development Agreement (the “Agreement”) is dated as of October 1, 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.

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 ITIC Lot.

iii) The Town will pay up to \$1,750,000 to reconcile the difference in property values exchanged and an additional amount to reimburse Grubb for expenditures made by Grubb toward the New Deck Total Cost through the Closing Date.

iv) The Parties will execute and deliver a “Wallace Deck Lease and Management Agreement” in substantially the form of the draft made available to the Town Council on September 30, 2020, with only such additional changes as the parties may agree upon. The execution and delivery of the final form Lease will constitute conclusive evidence that the parties have agreed on any such changes.

v) The Parties will execute and deliver a “License Agreement” for the temporary use of Town property to support the downtown construction projects in substantially the form of the draft made available to the Town Council on September 30, 2020 (and including the terms described in Section 3(g)), with only such additional changes as the parties may agree upon. The execution and delivery of the final form License Agreement will constitute conclusive evidence that the parties have agreed on any such changes.

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.

In connection with the Closing, Grubb must obtain the release of the Town's obligations under the "Lease for Parking Deck" dated March 27, 2018, related to the Town's management of the CVS Deck.

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 at the time of the Closing it will be seized of and have the right to convey its particular property (that is, the Wallace Deck Property 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 will be free and clear of all liens and encumbrances other than "Permitted Encumbrances," that title to the property will be 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 (the "Grubb Lien") recorded at Book 6603, Page 292, Orange County Registry. Grubb promises that the CVS Deck Property will be released

from the Grubb Lien at or in connection with the Closing. The Grubb Lien is not a permitted encumbrance.

d) Environmental Warranties. Each Party 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's 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 Party 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 legal, 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"), (i) Grubb has the right to conduct

investigations into the Wallace Deck Property and (ii) the Town has right to conduct investigations into the CVS Deck Property. Each Party has the right to terminate this Agreement for any reason by notice delivered to the other not later than 12 noon on November 3, 2020.

(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 the Town 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 Property, the ITIC Lot, or both shall have consented to the transactions contemplated herein (except that it is Grubb's obligation to obtain the release of the Grubb Lien).
- (iv) There shall have been no material adverse change in the state of the title to any of the CVS Deck Property, 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) has been accepted by the Parties.
- (vi) No notice has been received by either Party that any portion of the CVS Deck, 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 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 November 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 terms and follow the approach of the “Preliminary Construction Approach” made available to the Town Council on September 30, 2020, with such additional changes as the parties may agree upon. The Parties acknowledge that this plan will need to be flexible and adaptable to changing conditions as work progresses.

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 March 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 Walker Consulting to the Town 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, including approval of plans from the North Carolina Department of Insurance

iv) An overall project budget for the New Deck Total Cost (not including contingencies, amounts to be paid by third parties or Town indirect costs) that does not exceed \$32,900,000.

Grubb, the Town, Samet and Walker Consulting will work together to allow Walker Consulting's on-going review of estimated construction costs. The parties will work together with Samet and Walker Consulting to resolve any disagreements over construction costs and contract amounts, so as to allow Walker Consulting to give its approval as contemplated in the previous paragraph prior to the Contract Deadline.

If the project budget described in (b)(iv) above exceeds the stated limit, then the Parties will consult with Samet and work together in good faith to reduce the project cost or otherwise make the project budget acceptable to the Town. If the Parties are unable to determine a project budget acceptable to the Town, then the Town can terminate its obligations under this Agreement to build the New Deck. The Town's obligations to exchange property under Section 1 in that case would nevertheless remain in effect.

c) Grubb may extend the Contract Deadline by prior notice to the Town to a stated time not beyond May 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.

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 13 months.

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 B.

g) The Town will provide Grubb, Samet and their contractors and subcontractors a license to use the Staging Area in accordance with the License Agreement described in Section 1(a)(v) and 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, until the "Staging End Date."

The "Staging End Date" is the date that is 90 days after the first to occur of (A) the date the New Office Building is placed in service or (B) the Town's option period begins under Sections 6 or 4(c).

(ii) Promptly after the Staging End Date, Grubb will promptly prepare the Staging Area by removing all asphalt, seeding the property with grass, construct a minimum 8-foot wide paved 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, with the new walls to be consistent in material and appearance with any existing or remaining 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 Parties will execute and deliver an “Improvements Agreement” in substantially the form of the draft made available to the Town Council on September 30, 2020, with only such additional changes as the parties may agree upon. This Agreement sets out Grubb’s obligations for management of New Deck Construction. The execution and delivery of the final form Improvements Agreement will constitute conclusive evidence that the parties have agreed on any such changes

i) 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. If the Closing does 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, including (without limitation) the Town’s failure to receive LGC approval for its financing, non-approval of construction permits, the Town’s not starting construction of the New Parking Deck or any other action that prevents the commencement of construction.

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 9(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 of the Wallace Deck property at Rosemary and Henderson Streets, developed in conjunction with the building as further described in Section 5(c)

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.

(c) (i) If 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, then Grubb may at its option either (A) make subsequent submissions for entitlement approvals in its discretion or (B) by notice to the Town accelerate the Town's repurchase option under Section 6 to a 24-month period beginning on the notice date.

(ii) If, however, as of November 30, 2022, Grubb has received no entitlements that it promises to build out, has no building permits in hand and no pending applications for land use entitlements (all with respect to the planned site of the New Office Building), then the Town, at its option, by notice to Grubb accelerate the Town's repurchase option under Section 6 to a 24-month period beginning on the notice date.

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, unless the public parking is operated as part of the Town's overall parking system and managed by the Town under a separate agreement with the building owner."

c) In connection with the New Office Building construction, Grubb will develop the portion of the Wallace Deck Property at the corner of Rosemary and Henderson Streets 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.

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, if

(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, and

(iii) The New Deck has been placed in service

then the Town has the option to repurchase the Wallace Deck Property, as described in this Section 6 (the “Option”). The time period during which the Town has the Option to repurchase the Wallace Deck Property may be accelerated pursuant to Section 4(c). Items (i) through (iii) above are not conditions to the option in the case of an acceleration.

(b) Option Price. The price at which the Town may repurchase the property is the “Make Whole Price.”

The “Make Whole Price” equals (a) \$6,760,000, plus (b) a 6% rate of return on that \$6,760,000, compounded annually from the Closing Date, 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 9 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 if 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). 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. Additional agreements; instruments of further assurance

a) Upon a Party's request, the other Party shall execute, acknowledge and deliver such further instruments or agreements reasonably desired by any Party to carry out more effectively the purposes of this Agreement or the purposes of any other contract related to the transactions contemplated by this Agreement.

b) By its approval of this Agreement, the Town authorizes the Town Manager or the Manager's designee to take all proper steps (i) to carry out the purposes and intents of this Agreement in cooperation with Grubb, including executing and delivering any instruments or agreements as described in (a), and (ii) for the efficient and convenient carrying out of the Town's on-going responsibilities under this Agreement and the related Agreements.

9. 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. (i) Neither Party may assign any of its rights or obligations under this Agreement without the express consent of the other, except as described in (ii).

(i) Grubb may assign this Agreement without the Town's prior 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 must either (x) remain liable for all of the obligations of the Permitted Assignee, or (y) follow the procedures set forth in the remainder of this paragraph to demonstrate the financial and technical wherewithal of the assignee: First provide the Town with notice of the proposed assignment and a representation that the assignee has the technical and financial ability to carry out Grubb's obligations under this Agreement. Within five business days after the receipt of any such notice, the Town may request appropriate additional evidence of the capacity of the prospective assignee. If the Town makes no such request, then Grubb

may complete the assignment. If the Town makes a request, then Grubb must provide the Town with such information as the Town may reasonably request and obtain the Town's consent. The Town will act reasonably and without undue delay to review and provide consent. The Town may not withhold consent except on the basis of the prospective assignee's technical and financial capacity.

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) Recording. Either party may provide for this Agreement to be recorded with the Register of Deeds of Orange County, North Carolina.

n) Time. Time is of the essence of this Contract and each and all of its provisions.

o) 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.

p) 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.]

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 – Contract payment terms

[Economic Development Agreement dated as of October 1, 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: _____

[Economic Development Agreement dated as of October 1, 2020]

Exhibit A – Definitions

References to Columbia Street, Rosemary Street, Franklin Street, and Henderson Street are references to those streets in downtown Chapel Hill, North Carolina.

“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.

“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.

“Staging Area” means the construction lay-down and staging area provided for in the License Agreement referenced in Section 1(a)(5). The Parties expect that the Staging Area will consist of the lower, eastern portion of Lot 2.

“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 – 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.

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 _____, 2021 (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 _____, 2021, 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]

DRAFT- May 4, 2020

Letter of Intent

for a new parking deck in Chapel Hill

May ____, 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 (this “LOI”).

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 September 2020, and expects to place the New Deck in service by November 1, 2021. The Town estimates a total cost for the New Deck of approximately \$27,300,000.

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 plans to 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 5, 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, as certified by the 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 \$27,300,000 for New Deck construction and 1,100 parking spaces, the parties estimate the UNC initial contribution will be approximately \$2,481,818. 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 acquired for 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 October 1, 2021. 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 certified cost of \$27,300,000, it will present an invoice for \$2,481,818. Assume the Town delivers the invoice on November 1, 2021, and assume UNC disputes \$1,000,000 of the certified costs. Then by December 1, 2021, UNC must pay the Town \$2,390,909 and state the reasons for its dispute of the remaining \$1,000,000 of costs.

3. UNC's maintenance payments

Subject to Section 5, 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. UNC's parking rights

Subject to Section 5, the Town will provide [parking; has it been discussed beyond that?]

5. Nature of this commitment

This LOI states the current intent of the parties. The parties agree that upon the signing and delivery of this LOI, 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, and the Town has no obligations under Section 4. 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 May ____, 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: _____

m:\users\beth\clients\grubb\grubb properties\125 e. rosemary street, chapel hill\temporary license agreement - town of chapel hill (v1 - 8.26.20).docx

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**

Project Approach

ROSEMARY PARKING DECK



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.

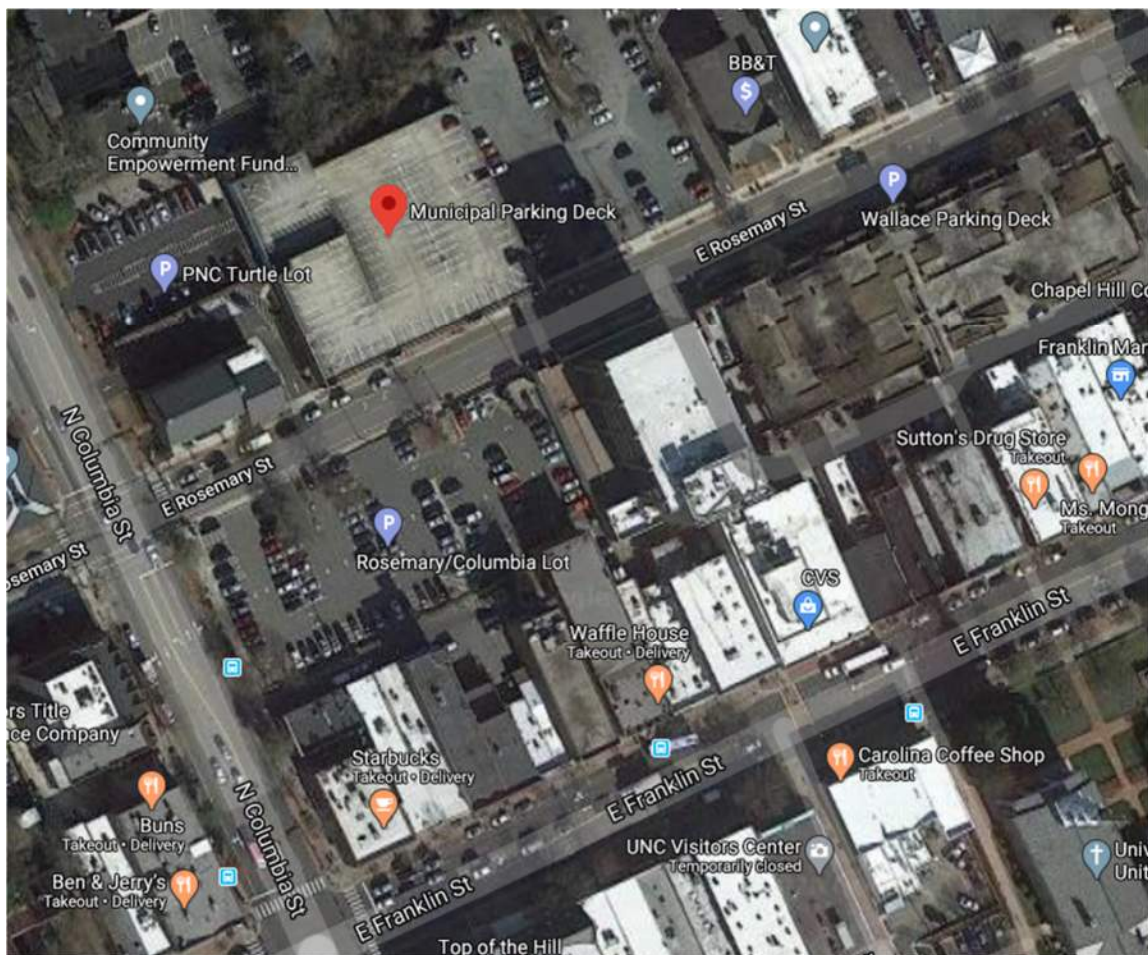


Figure 1 – Location & Surrounding Area

Project Approach

ROSEMARY PARKING DECK



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

Project Approach

ROSEMARY PARKING DECK



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.

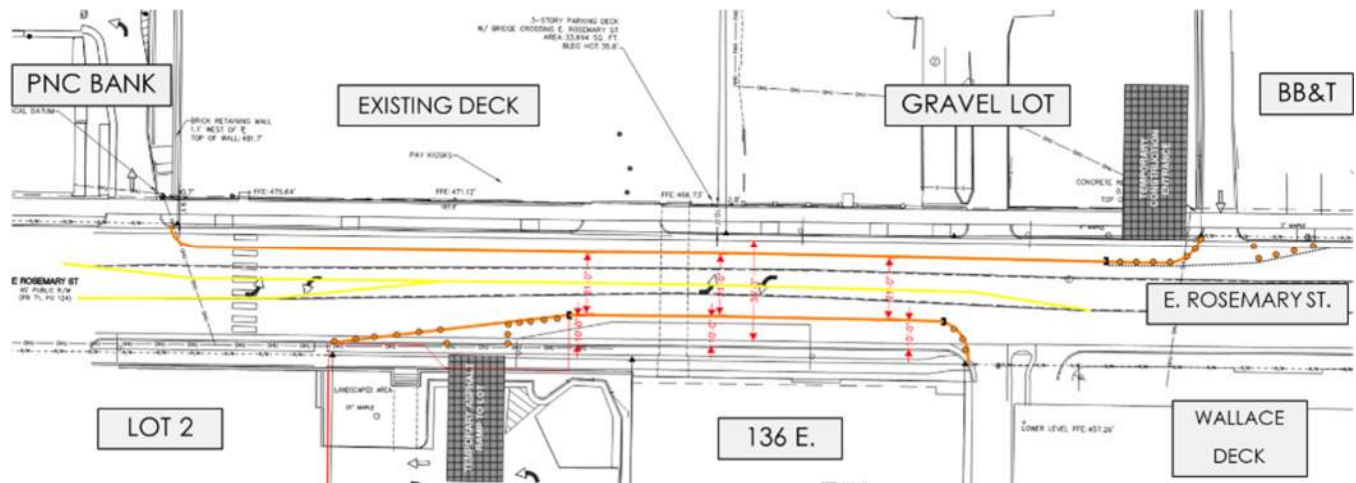


Figure 3 – Preliminary Traffic Management

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.

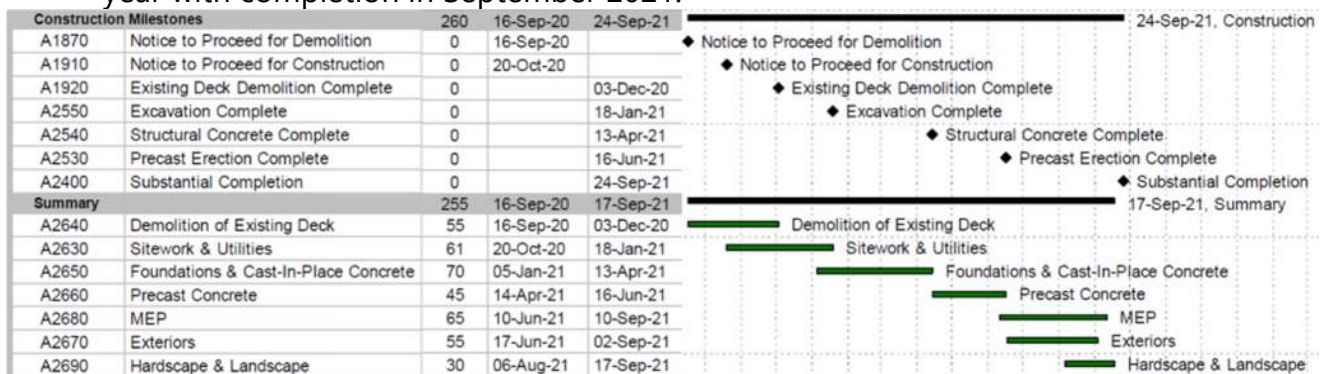


Figure 4 – Preliminary Milestone & Summary Schedule

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.

Project Approach

ROSEMARY PARKING DECK

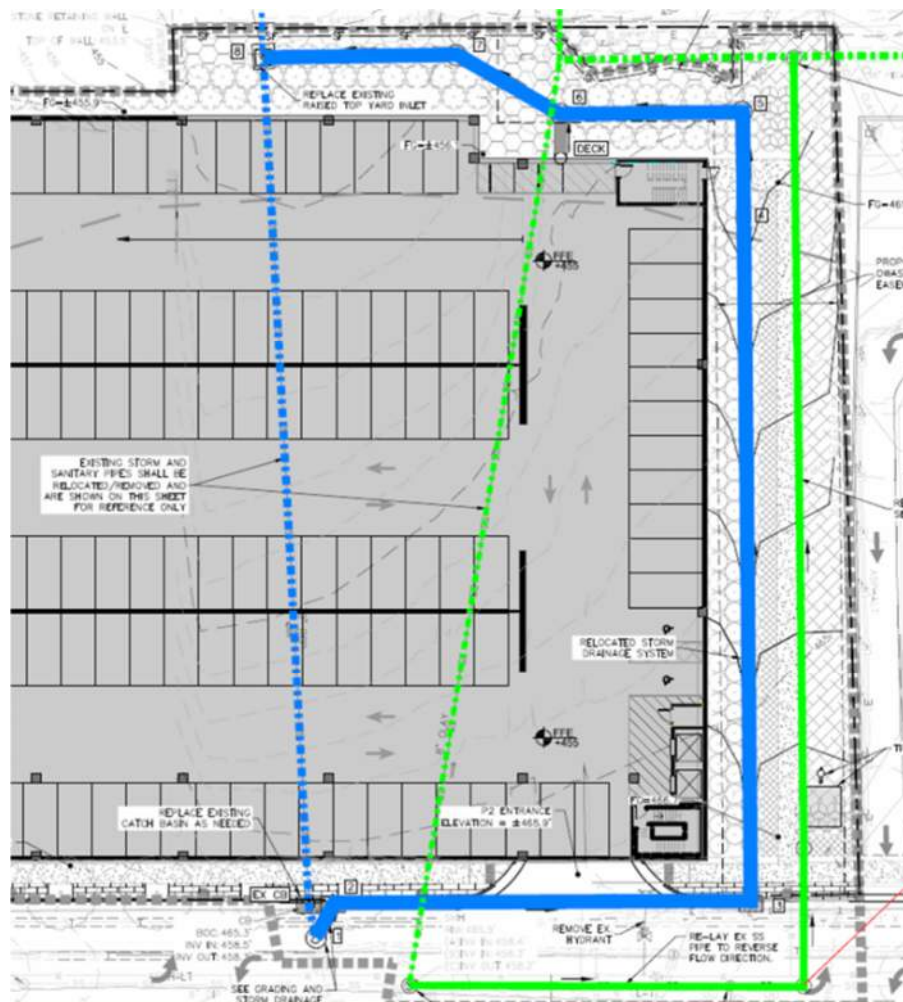


Figure 5 – Storm and Sanitary Lines (Existing is Dashed, New is Solid)

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

Project Approach

ROSEMARY PARKING DECK



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.

Project Approach ROSEMARY PARKING DECK



6. EXISTING CONDITIONS PHOTOS



Photo 1 – Existing 3-Story Parking Deck



Photo 2 –Western elevation of existing parking deck

Project Approach ROSEMARY PARKING DECK



Photo 3 – Eastern elevation of existing parking deck

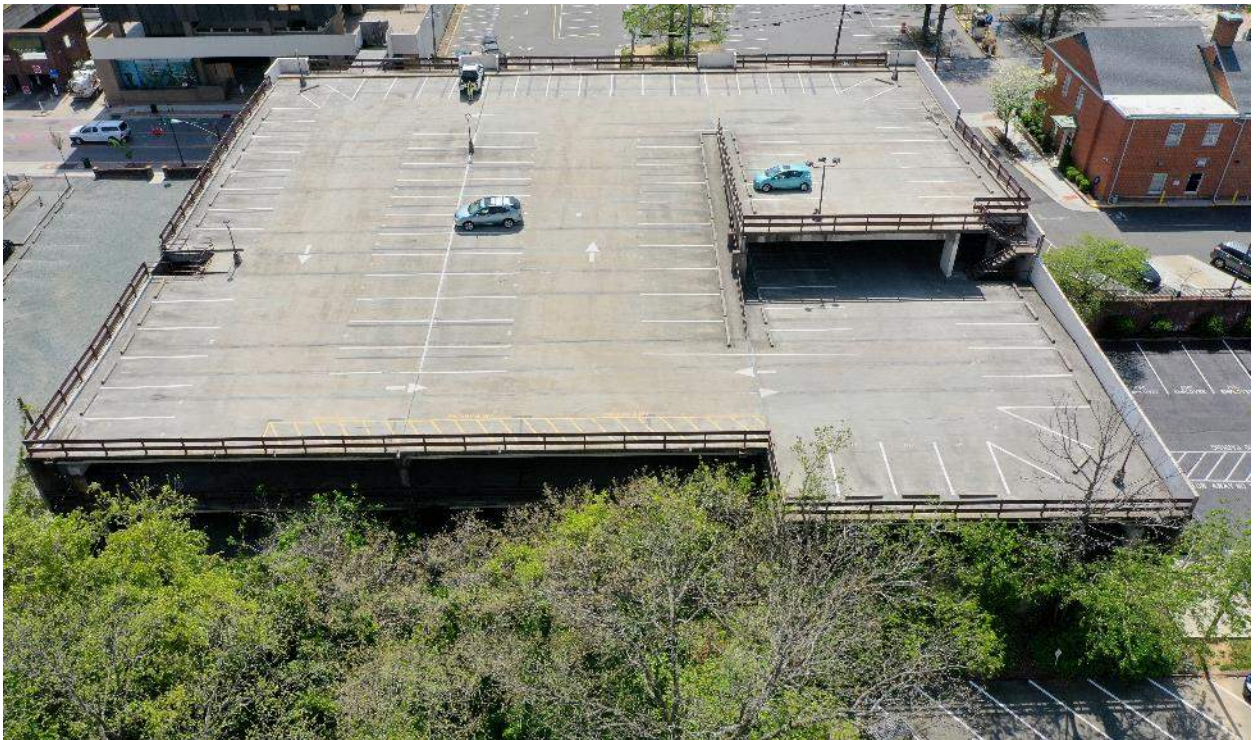


Photo 4 –Northern elevation of existing parking deck

Project Approach ROSEMARY PARKING DECK



Photo 5 – View of existing gravel parking lot, looking north.



Photo 6 – View of Rosemary Street and south elevation of existing deck.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 11., File #: [20-0644], Version: 1

Meeting Date: 9/30/2020

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

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. It is anticipated that we will contract for the property but will not close on the contract until spring 2021.

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=&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	

Much of the information about this project is available on the Town's web site at <https://www.townofchapelhill.org/businesses/east-rosemary-street-redevelopment-project>.

Decision Points:

- Authorize the purchase and exchange of property for a net cost of \$1.74 million dollars

Item #: 11., File #: [20-0644], Version: 1

Meeting Date: 9/30/2020

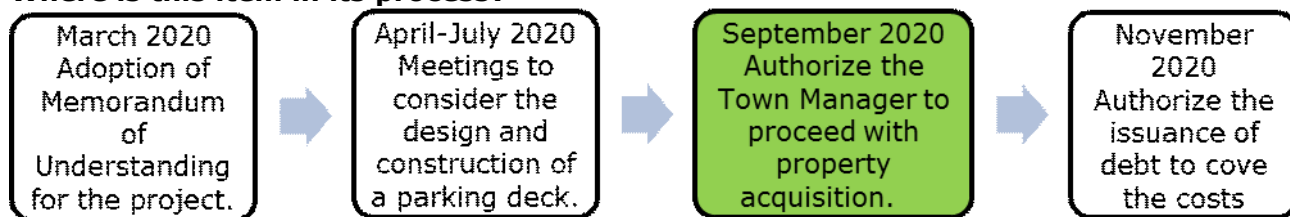
- Authorize Grubb Properties to acquire Investors Title property and pay up to \$4.9 million for that parcel and for Grubb to contribute \$400,000 to that purchase price
- Authorize the necessary financial arrangements to allow the Town to spend up to \$1.74 million from our General Fund until the bond 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 may 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 (2020-09-30/R-8)

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 the September 30 Council meeting.

This the 30th day of September, 2020.

A RESOLUTION REIMBURSING THE TOWN FOR EAST ROSEMARY DECK EXPENDITURES (2020-09-30/R-9)

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, 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 30th 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
Amy Oland, Director of Business Management
Bob Jessup, Sanford Holshouser

- a. Introduction and revised recommendation
- b. Comments and Questions by the Mayor and Town Council
- c. Comments from the public
- d. Motion to adopt the resolution to authorize the Town Manager to proceed with the acquisition and land exchange
- e. 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

Item #: 11., **File #:** [20-0644], **Version:** 1**Meeting Date:** 9/30/2020

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 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



DAVID A. SMITH, MAI, SRA

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DAVID A. SMITH, MAI, SRA

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.

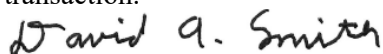
No one provided significant real property appraisal assistance to the person signing this certification.

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

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.

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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.

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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.

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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.

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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.

DAVID A. SMITH, MAI, SRA

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

DAVID A. SMITH, MAI, SRA

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.

DAVID A. SMITH, MAI, SRA

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.

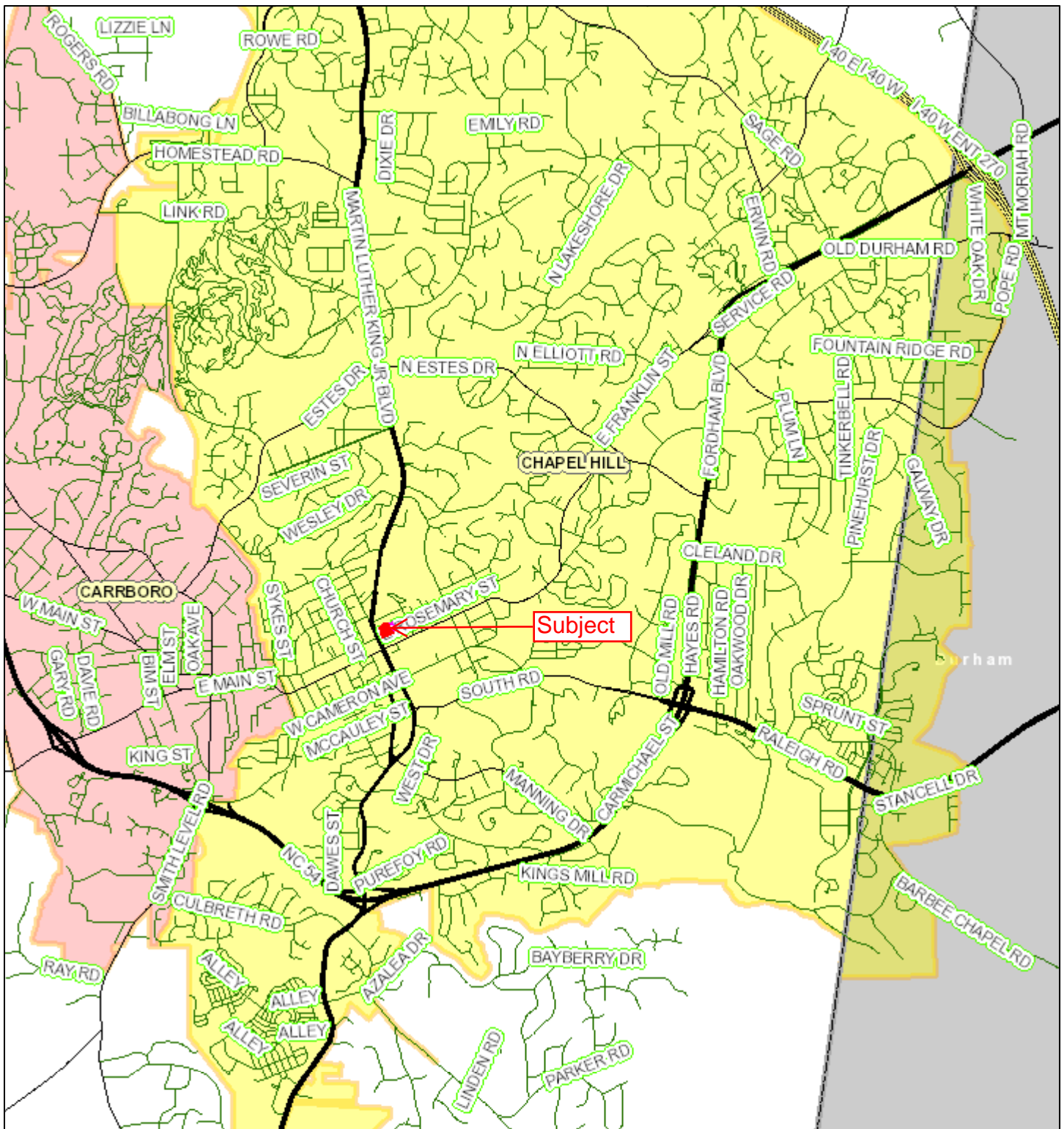
Environmental - The subject is located in the town of Chapel Hill, in Orange County, North Carolina. This county is located in the Piedmont area of the state approximately equal distance between the Appalachian Mountains and the Atlantic Ocean. The county is also in the northern area of the Piedmont 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.

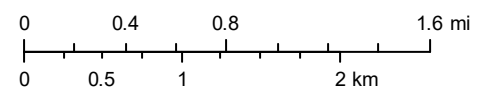
Major routes of access through Orange County are Interstates 85 and 40. I-85 crosses in an east/west direction through the center of the county just south of Hillsborough. It leads northward to Durham and continues on to Henderson and Petersburg, Virginia where it merges

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,

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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

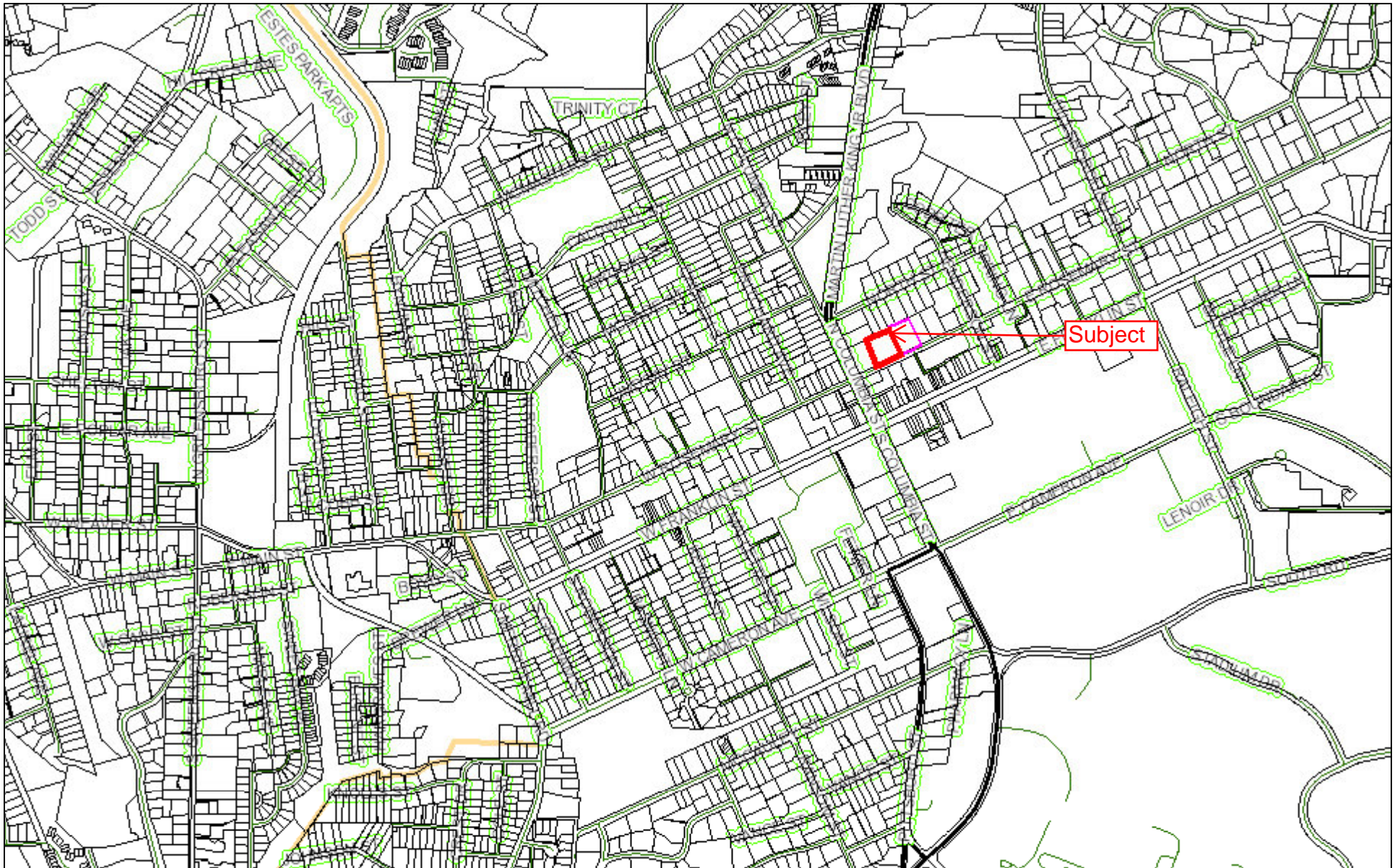
The subject property is located within the city limits of Chapel Hill in the downtown central business district. The neighborhood is generally defined as those commercial and office uses located along both sides of Franklin Street and Rosemary Street from Henderson Street to the Carrboro city limits (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.

Neighborhood Map



February 13, 2020

1:12,000

0 0.1 0.2 0.4 mi

0 0.15 0.3 0.6 km

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.

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LAND DESCRIPTION

The land description is based on a personal inspection of the site, public records and on the GIS map. No survey was located and the GIS map was used. The dimensions shown on the GIS map are very similar to those in the metes and bounds description recorded with the deed. For purposes of this appraisal, this is assumed to be the correct description of the property. A copy of the GIS map is on the following page. The properties are adjacent but will be described separately.

Parking Garage Lot (9788-37-4748) - This 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 is 191.2 feet, the western boundary is 199.29 feet, the rear boundary is 187.4 feet and the eastern boundary is 199.32 feet. The area of the site is reported in tax records to be 0.87 acre. The deed states a size of 37,785 square feet (0.87 acre).

Surface Parking Lot (9788-37-6817) - This property is located on the north side of Rosemary Street directly to the east of the parking garage lot. The frontage along Rosemary Street is 164.3 feet, the western boundary is 215.02 feet, the rear boundary is 164.3 feet and the eastern boundary is 214.3 feet. The area of the site is reported in tax 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.

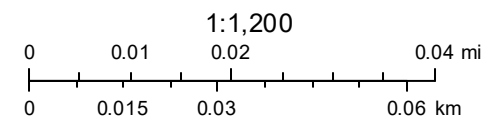
In front of the subject, Rosemary Street is an asphalt surface public street with two lanes in each direction and a central left turn lane. All public utilities are available.

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.

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GIS Sketch



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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.

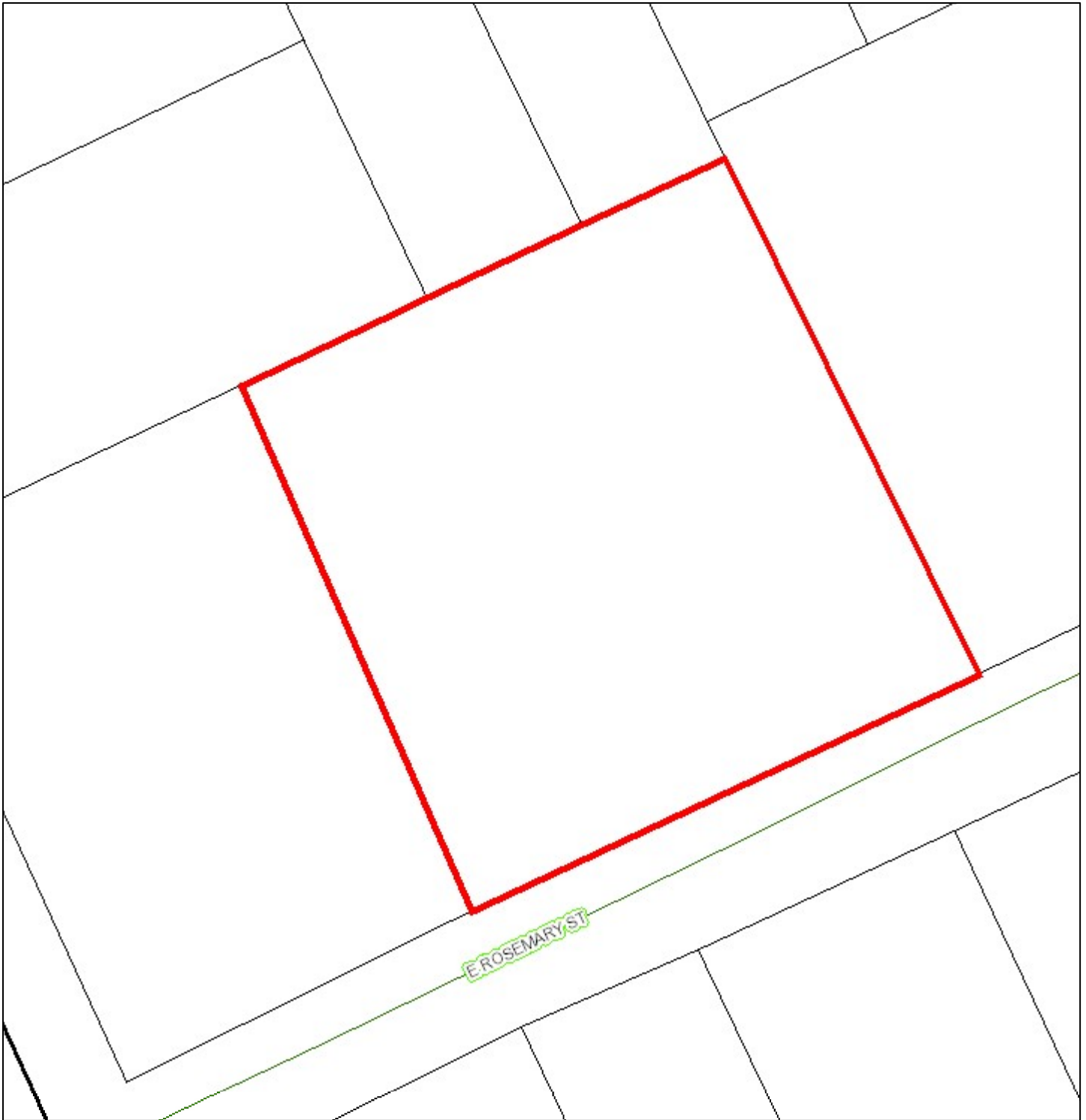
I am not aware of any current or future assessments.

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,

Tax Data

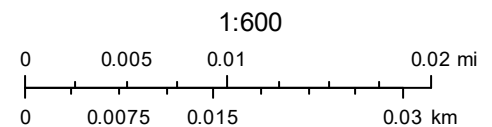


This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.

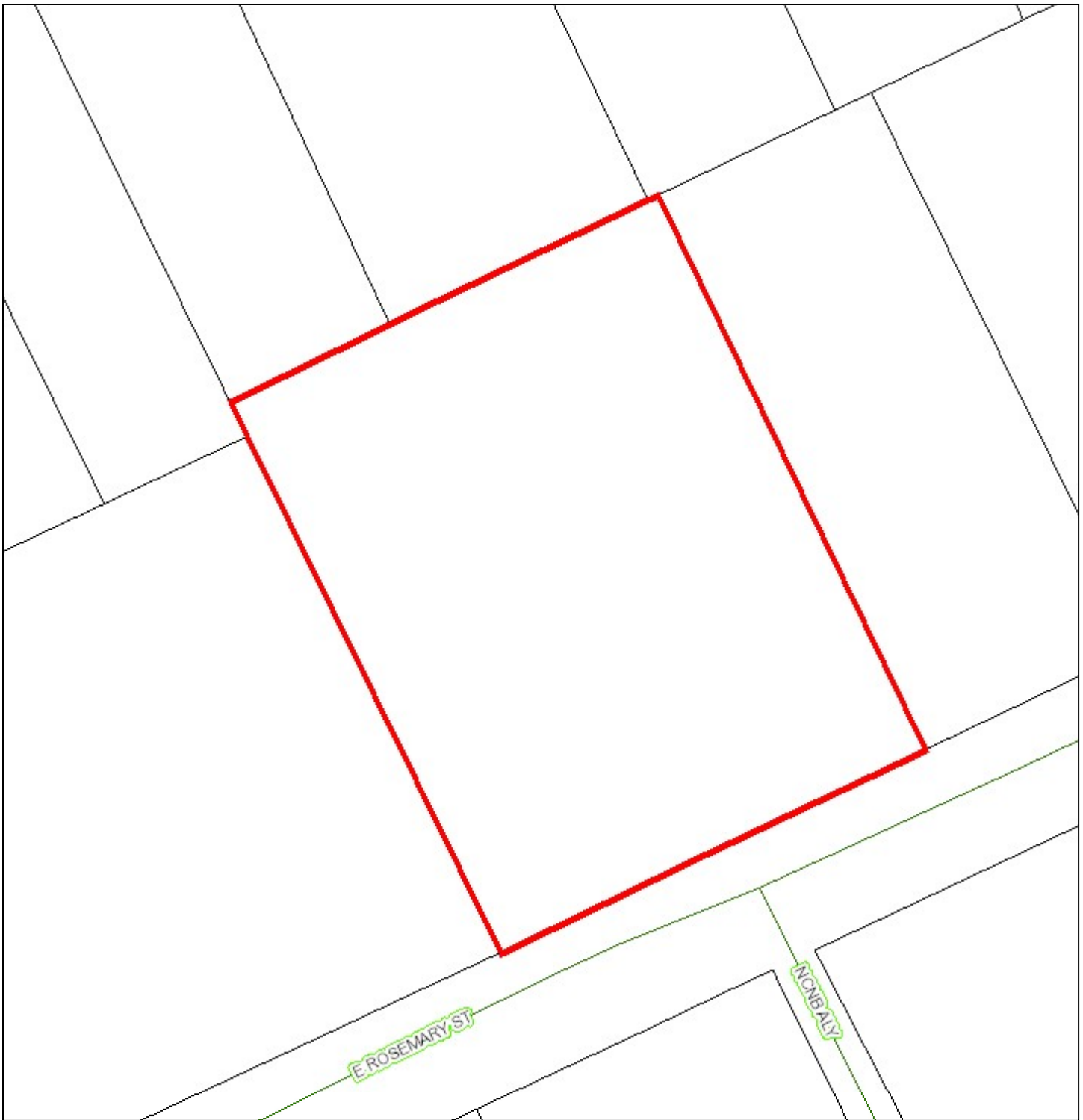
February 14, 2020

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



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.

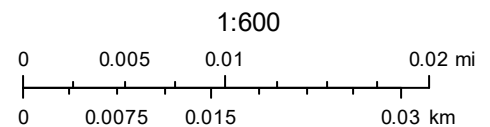
February 14, 2020

PIN: 9788376817
OWNER 1: INVESTORS TITLE COMPANY
OWNER 2:
ADDRESS 1: 121 N COLUMBIA ST
ADDRESS 2:
CITY: CHAPEL HILL

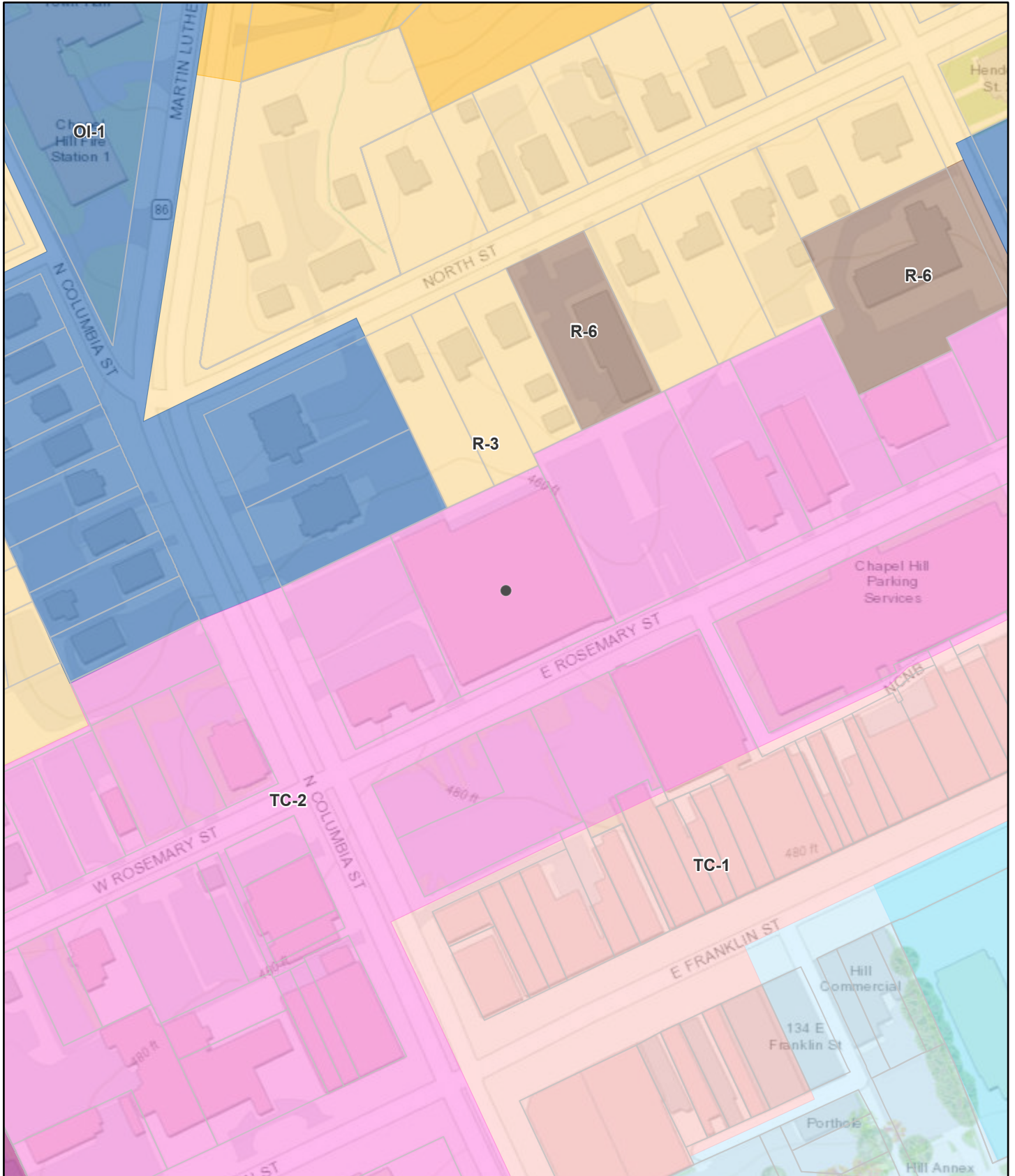
SIZE: 0.8 A
DEED REF: 778/87
RATECODE: 32
DATE SOLD: 2/21/1989
BLDG SQFT:
YEAR BUILT:

BUILDING COUNT:
LAND VALUE: \$1,741,600
BLDG_VALUE: \$0
USE VALUE: \$0
TOTAL VALUE: \$1,741,600

STATE, ZIP: NC 27514
LEGAL DESC: N/S ROSEMARY ST



Zoning Map



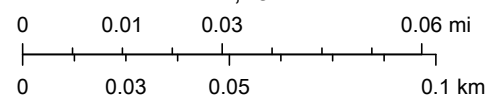
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- Chapel Hill Jurisdictional Limits
- Chapel Hill Urban Service Area
- Chapel Hill Corporate Limits
- Orange County Parcel Data

Zoning Districts

- R-3 - Medium Density Residential, 7 units/acre

1:2,257



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.
- 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

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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.

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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

PHOTOGRAPHS OF SUBJECT



Street Scene along Rosemary Street Looking East



Street Scene along Rosemary Street Looking West

PHOTOGRAPHS OF SUBJECT

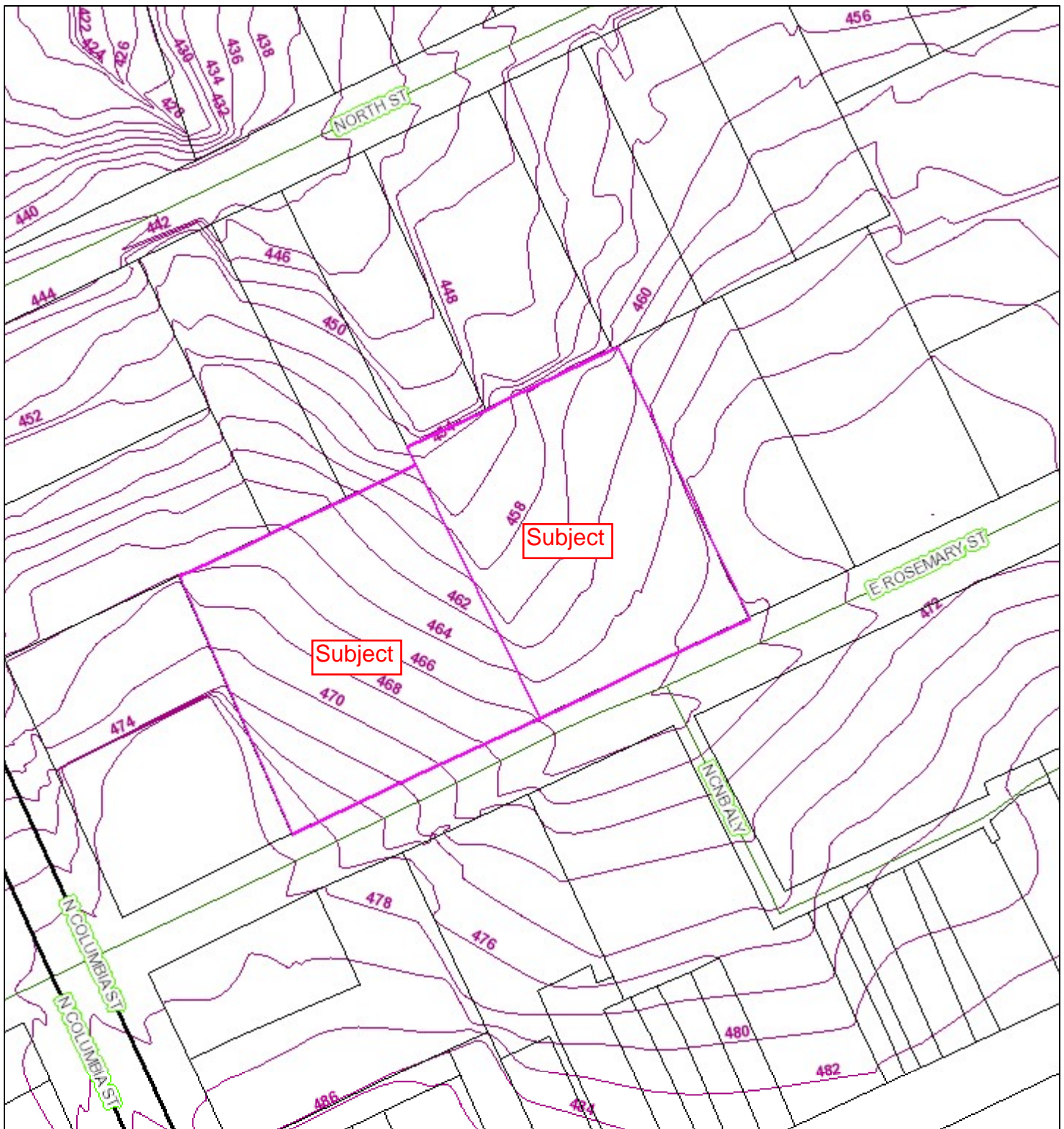


Parking Garage



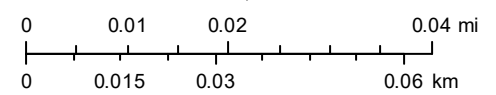
Surface Parking Lot

Topography

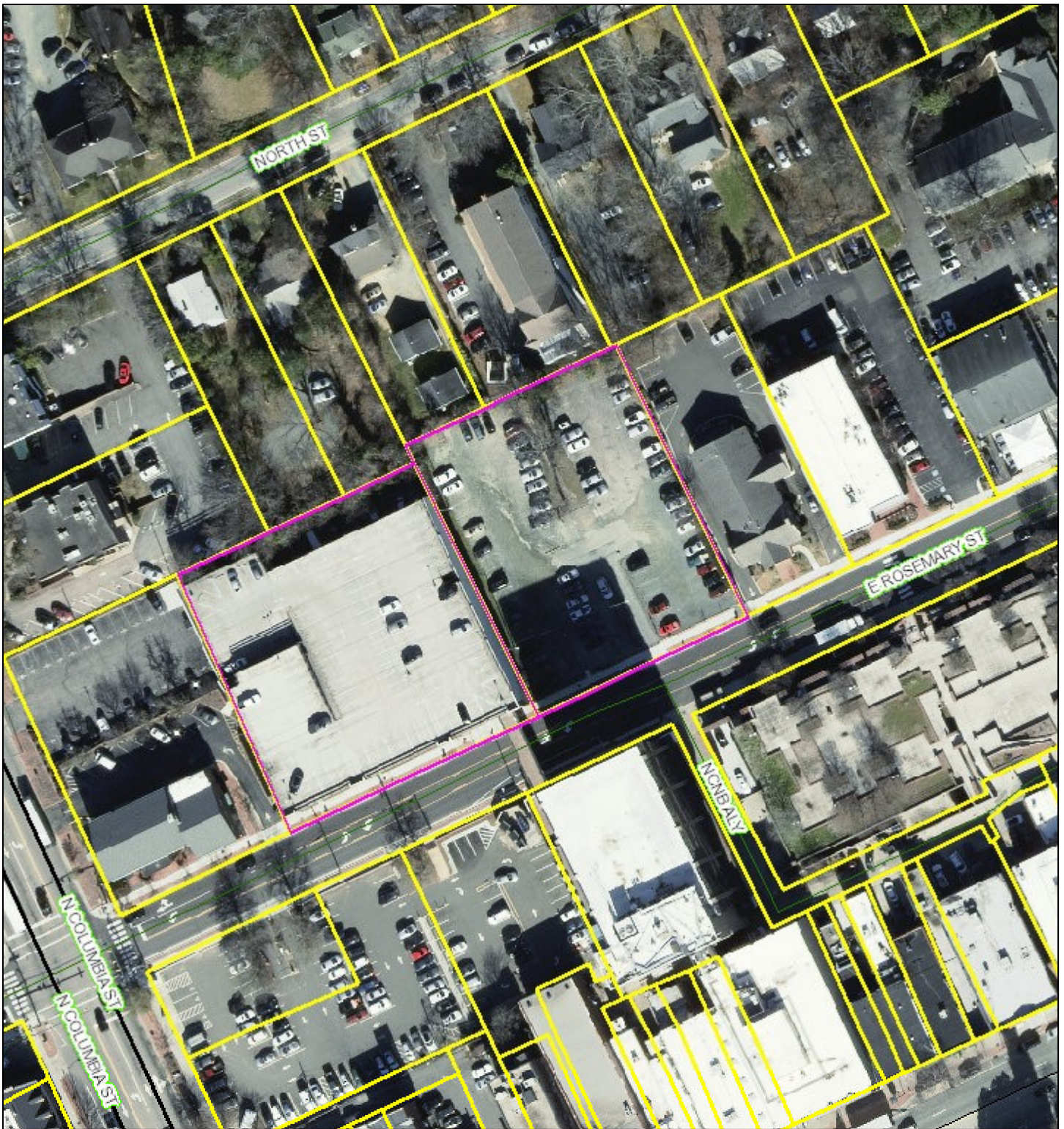


February 14, 2020

1:1,200

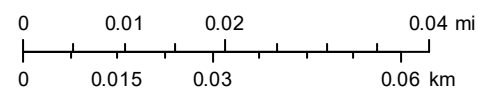


Aerial



February 14, 2020

1:1,200





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.



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)

20190418000067210
RB6603 288 7/10**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

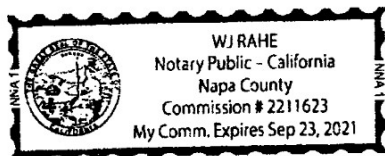
County of NAPA

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

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 DocumentTitle or Type of Document: North Carolina Special Warranty DeedDocument Date: 04/11/2019Number 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

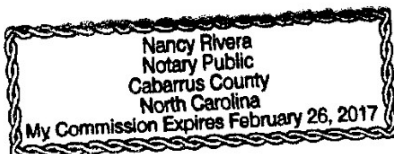
By: Brent M. Milgrom
Brent M. Milgrom, Manager

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 COUNTY
 CLERK OF SUPERIOR COURT

\$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



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)

SEAL - STAMP

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, 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 _____

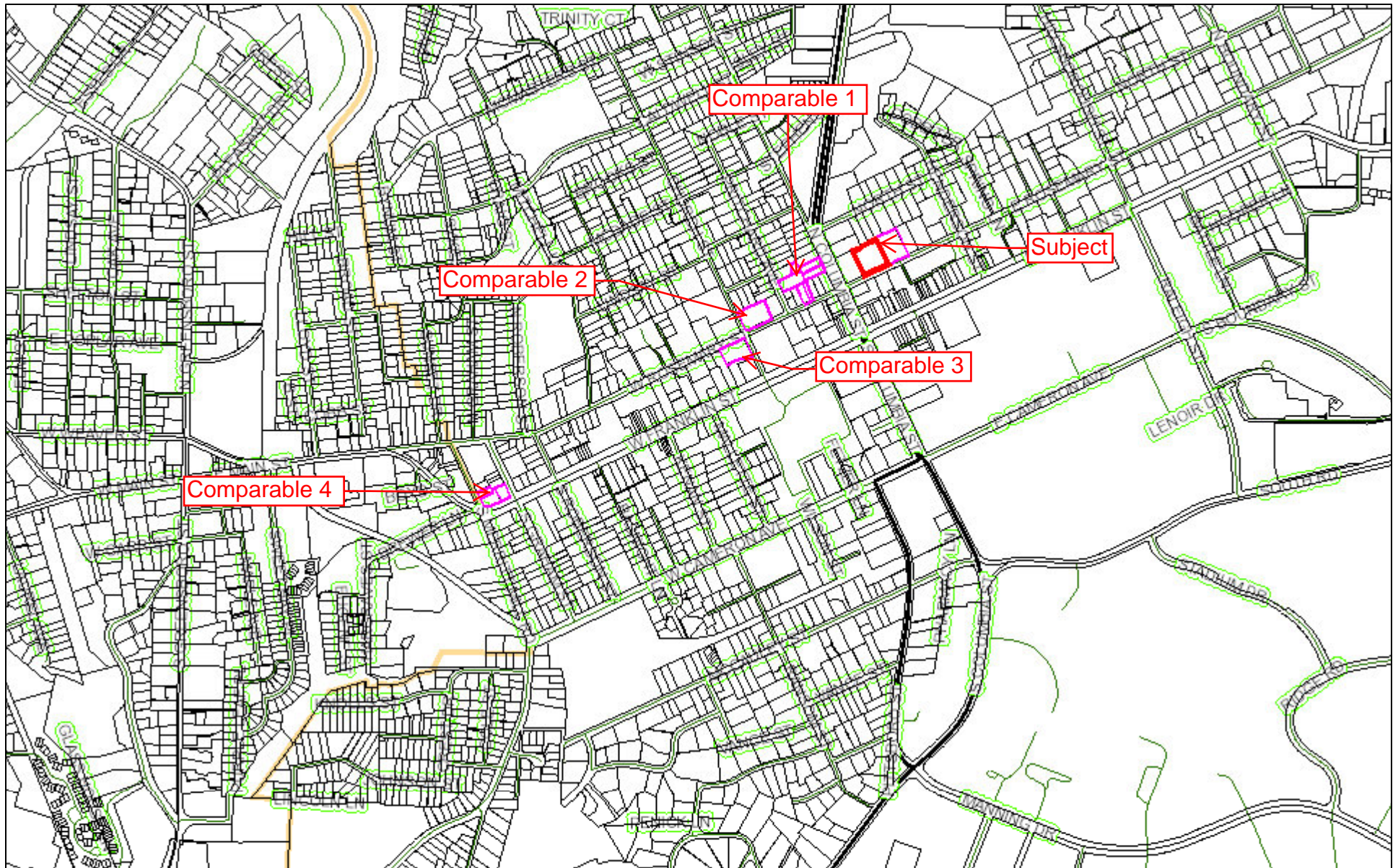
~~XXXX~~ certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

This 21st day of February, 1989

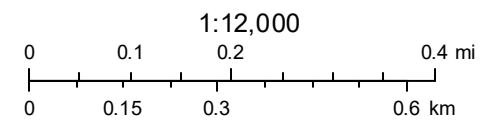
Betty June Hayes

REGISTER OF DEEDS FOR Orange COUNTYBy Betty A. Owens Deputy Assistant-Register of Deeds.

Location Map of Comparables

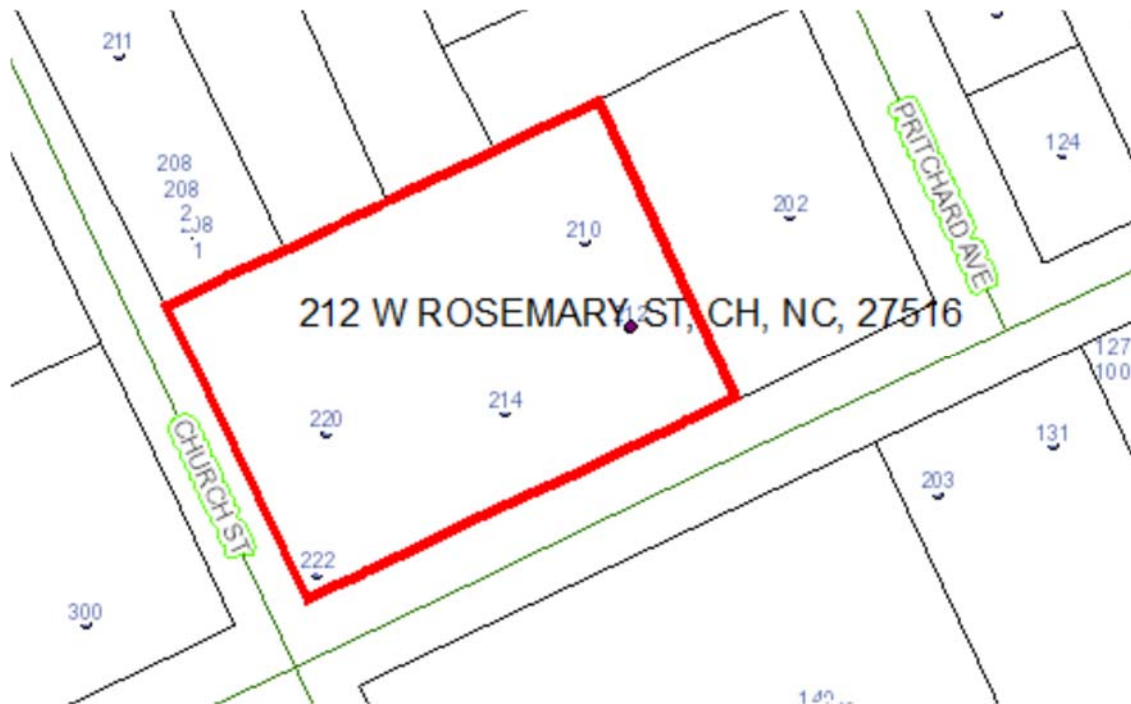


February 13, 2020



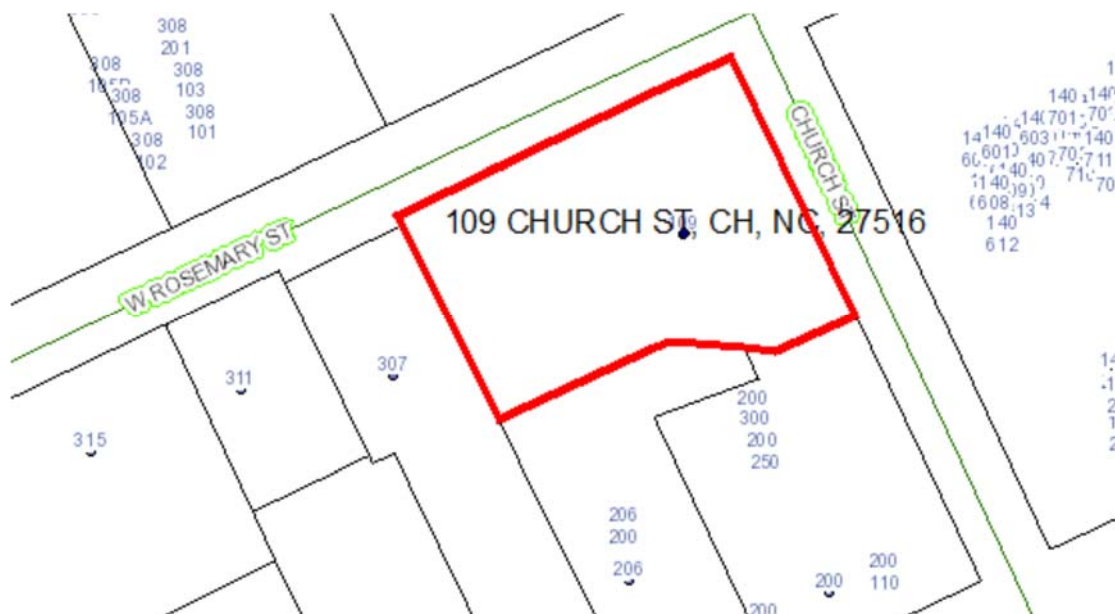
COMPARABLE 2

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

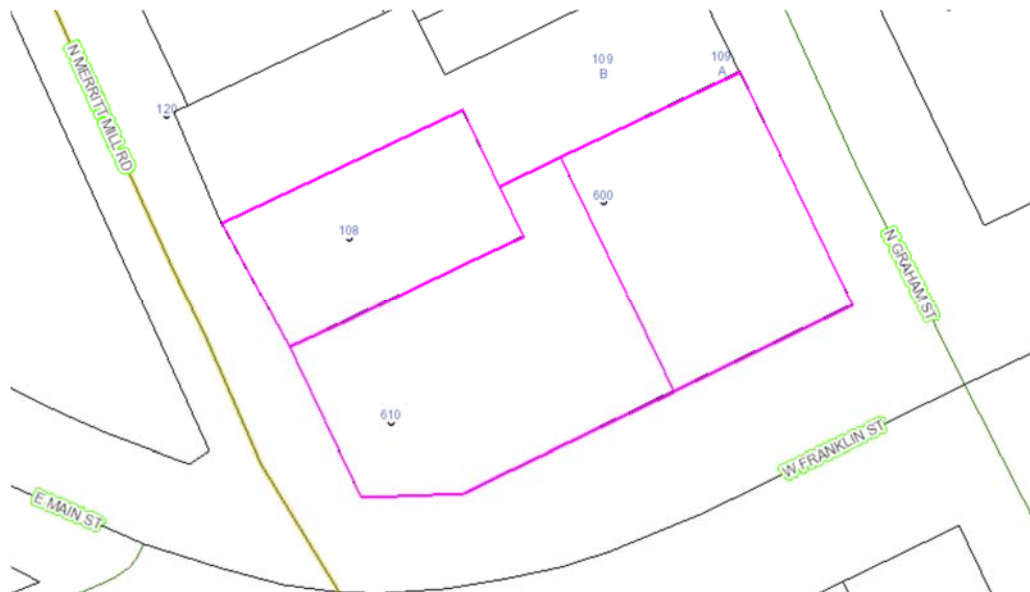
FINANCING: Cash to seller

LAND SIZE: 0.5216 Acre (7,767 SF, 10,176 SF and 4,779 SF)

ACCESS/FRONTAGE: Paved Public Road

TOPOGRAPHY: Mostly Level

COMMENTS:



Integra Realty Resources
Raleigh

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.

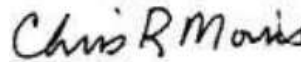
If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

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.

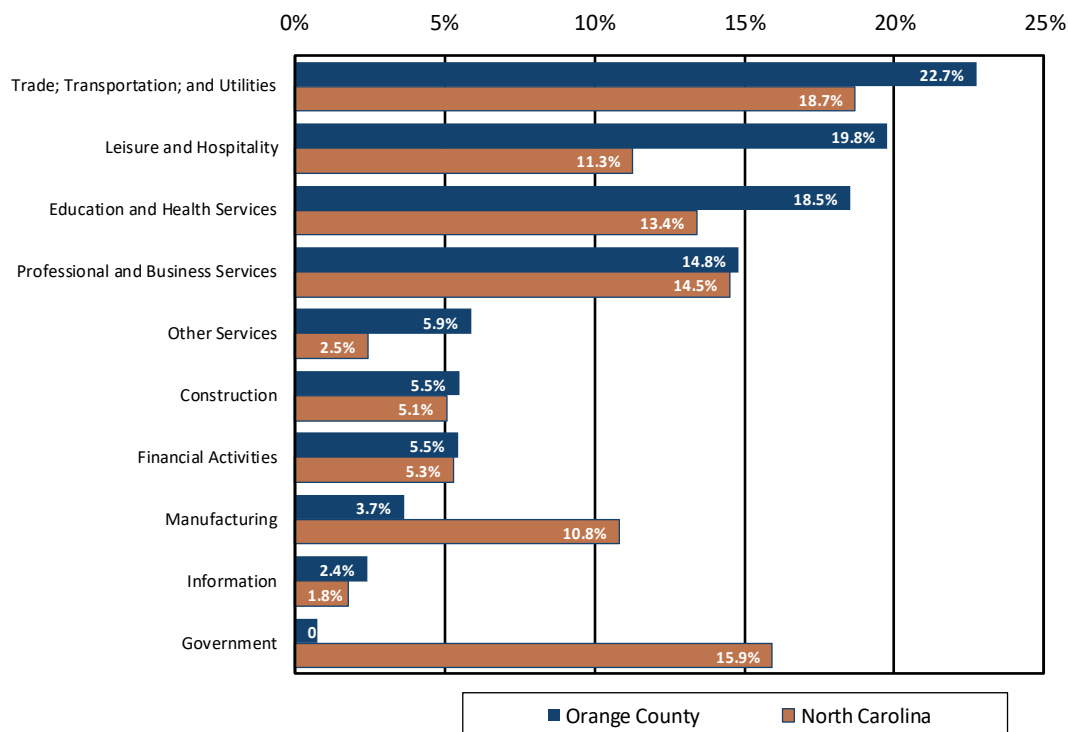
Employment Trends						
Year	Total Employment (Year End)				Unemployment Rate (Ann. Avg.)	
	%		%			
	Orange County	Change	North Carolina	Change	Orange County	North Carolina
2008	63,398		4,000,278		4.0%	6.1%
2009	60,925	-3.9%	3,804,059	-4.9%	6.5%	10.6%
2010	61,757	1.4%	3,835,921	0.8%	6.6%	10.9%
2011	61,850	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

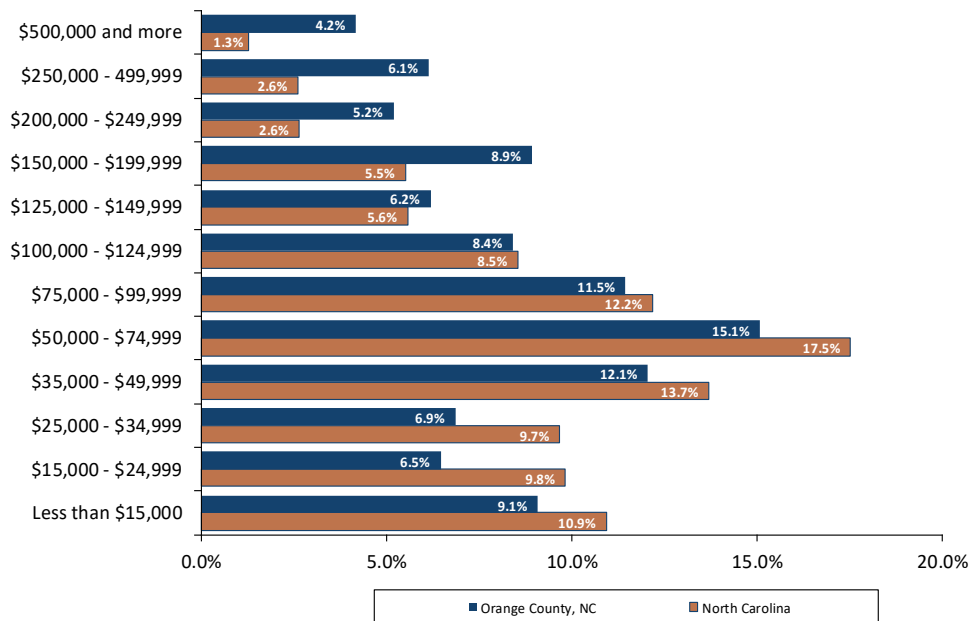
Orange County is more affluent than North Carolina. Median household income for Orange County is \$75,873, which is 32.1% greater than the corresponding figure for North Carolina.

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

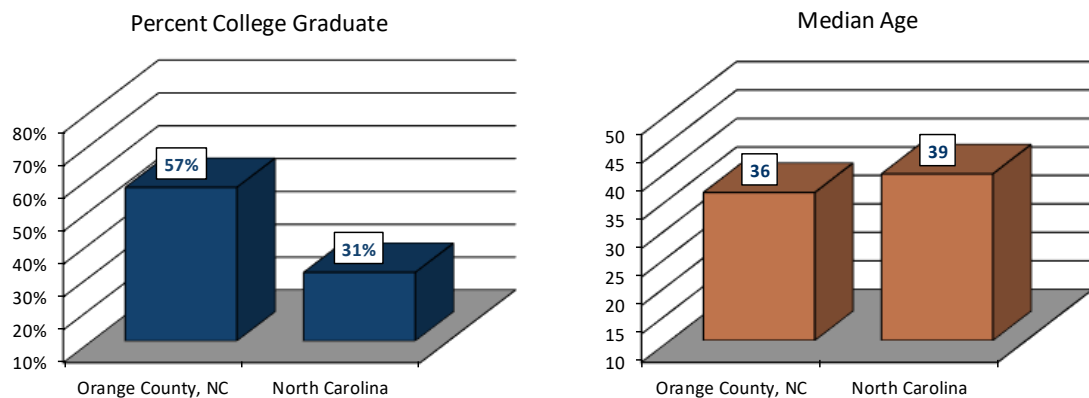


Source: Environics Analytics

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

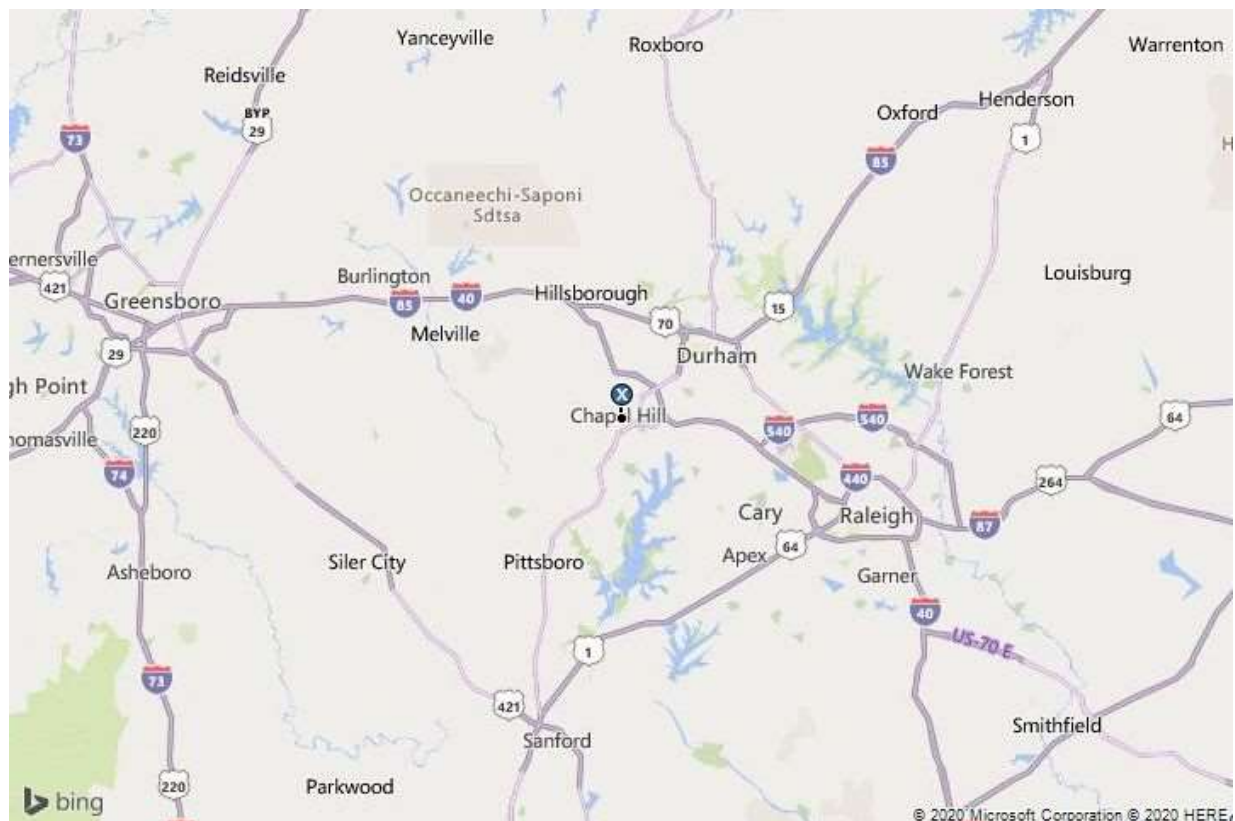


Source: Environics Analytics

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

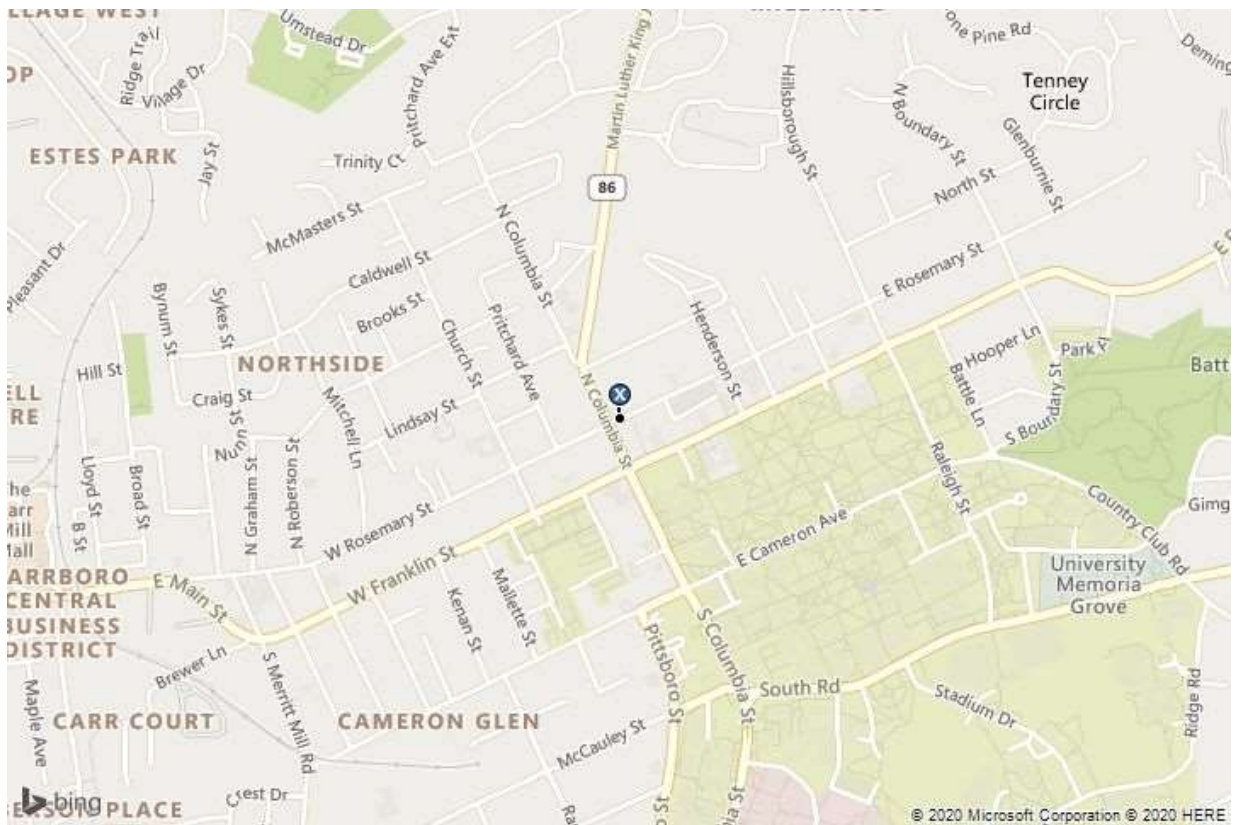
The area is urban in character and approximately 95% developed.

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)

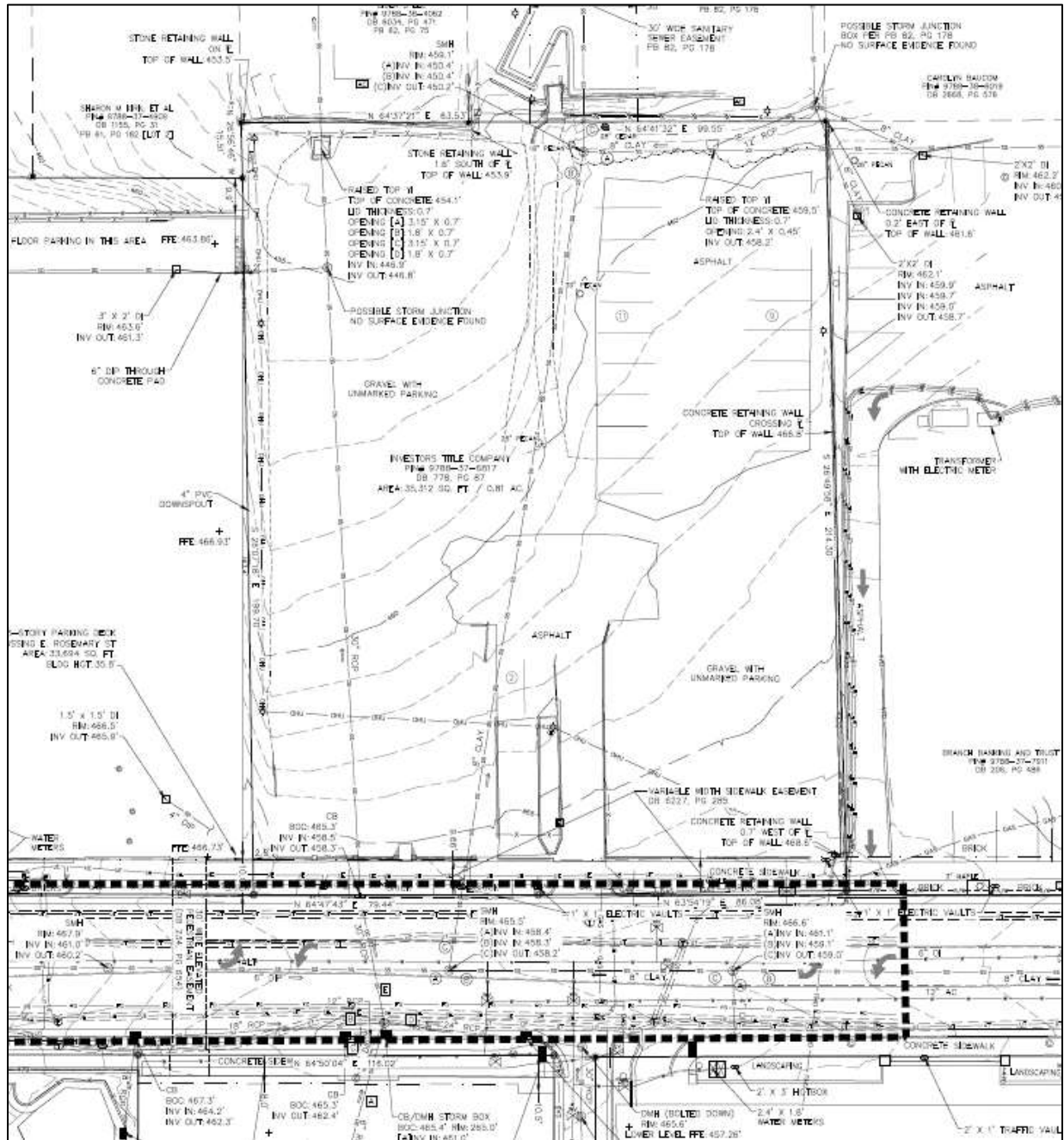


Street view facing northeast on W. Rosemary Street
(Photo Taken on July 2, 2020)

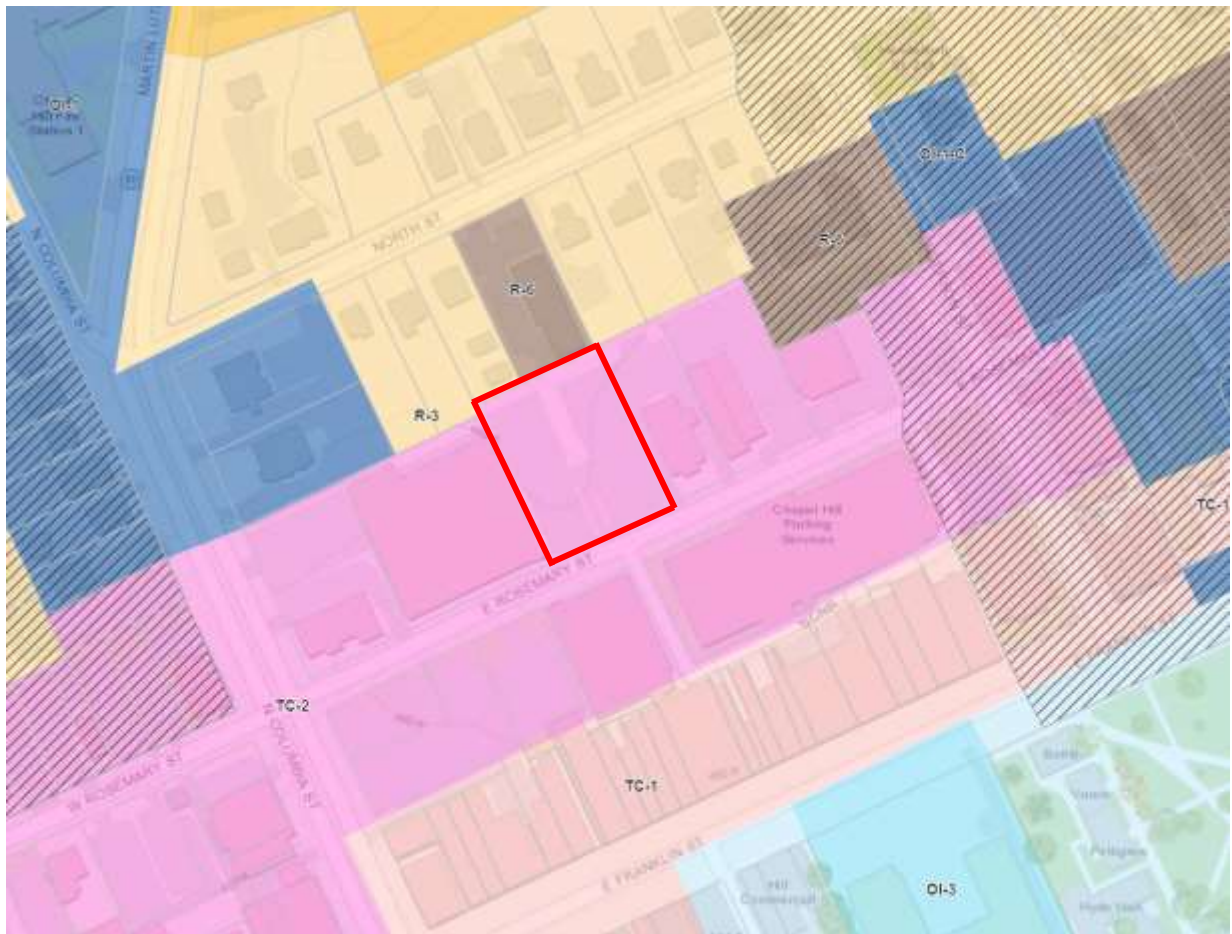


Street view facing southwest on W. Rosemary Street
(Photo Taken on July 2, 2020)

Survey



Zoning Map



Topographical Map



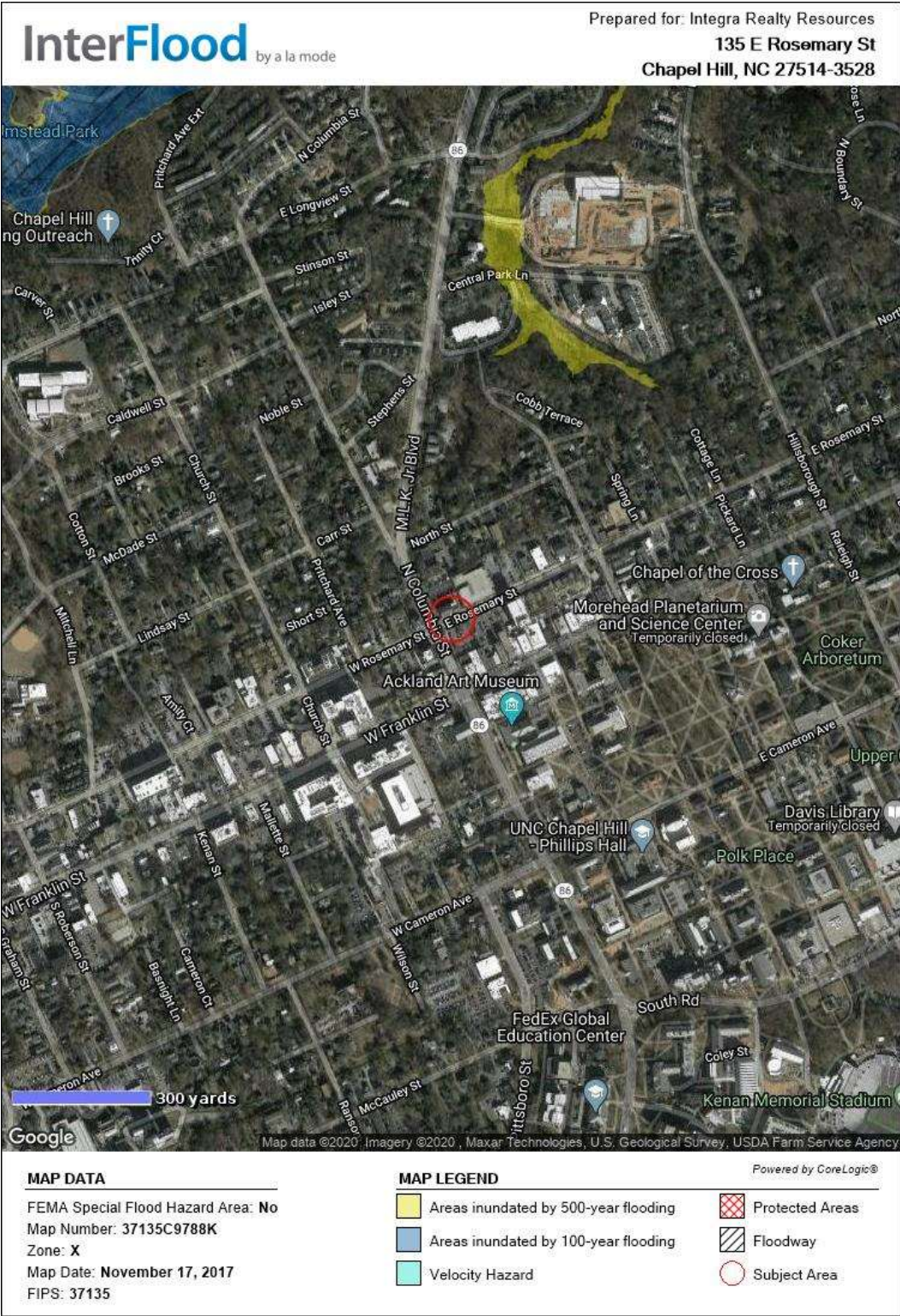
Parking Lot



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			Tax Rate	Taxes and Assessments		
	Land	Improvements	Total		Ad Valorem	Direct Assessments	Total
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

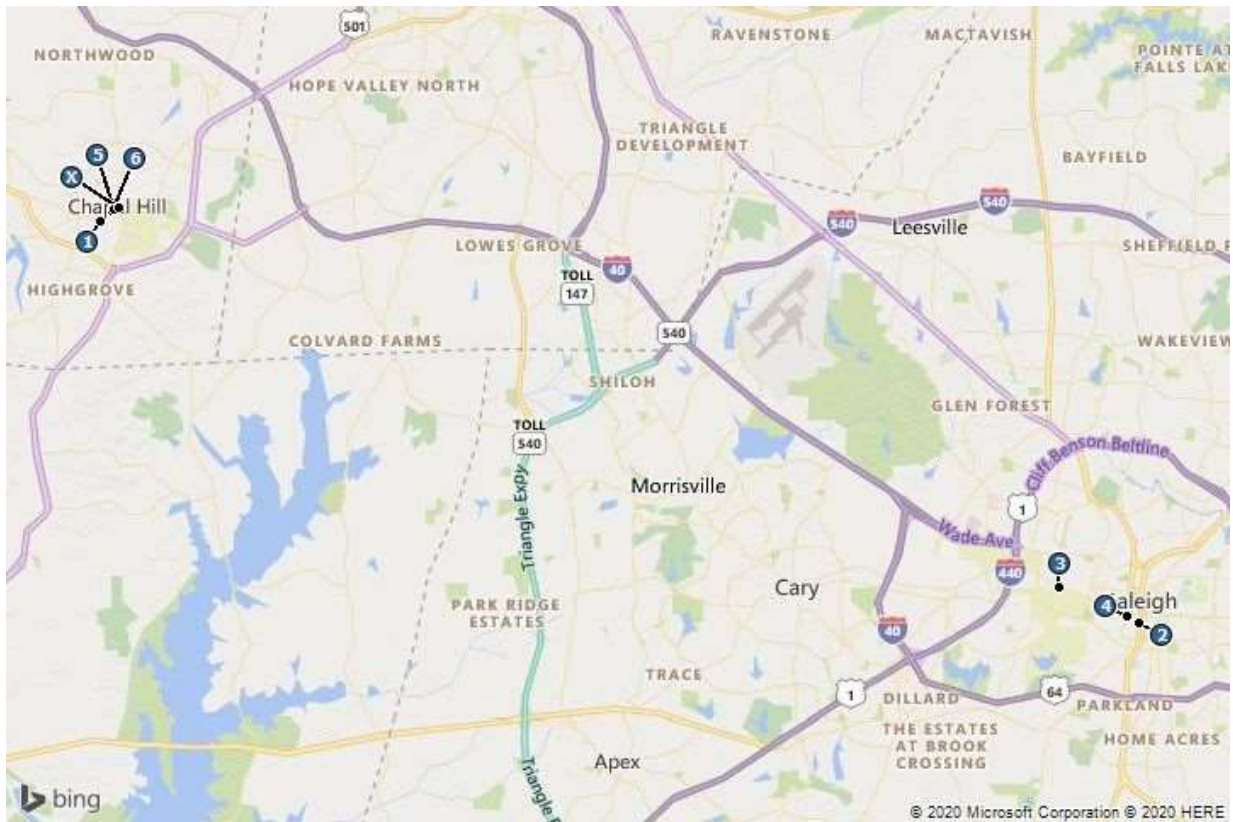
After an extensive search for comparable sales within the downtown Chapel Hill market, only three comparable sales were found, two of which were over three years old. Therefore, we expanded our search to include other downtown areas in the region with similar demographics and access to large universities. 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

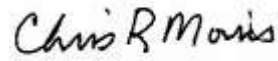
We certify that, to the best of our knowledge and belief:

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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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
REC'D & FILED
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 _____, 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

INVESTORS TITLE COMPANY,
a North Carolina Corporation

GRANTEE

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.

Carl E. Wallace, Jr.

I, a Notary Public of the County and State aforesaid, certify that _____
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(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

Orange

COUNTY

By

Betty A. 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

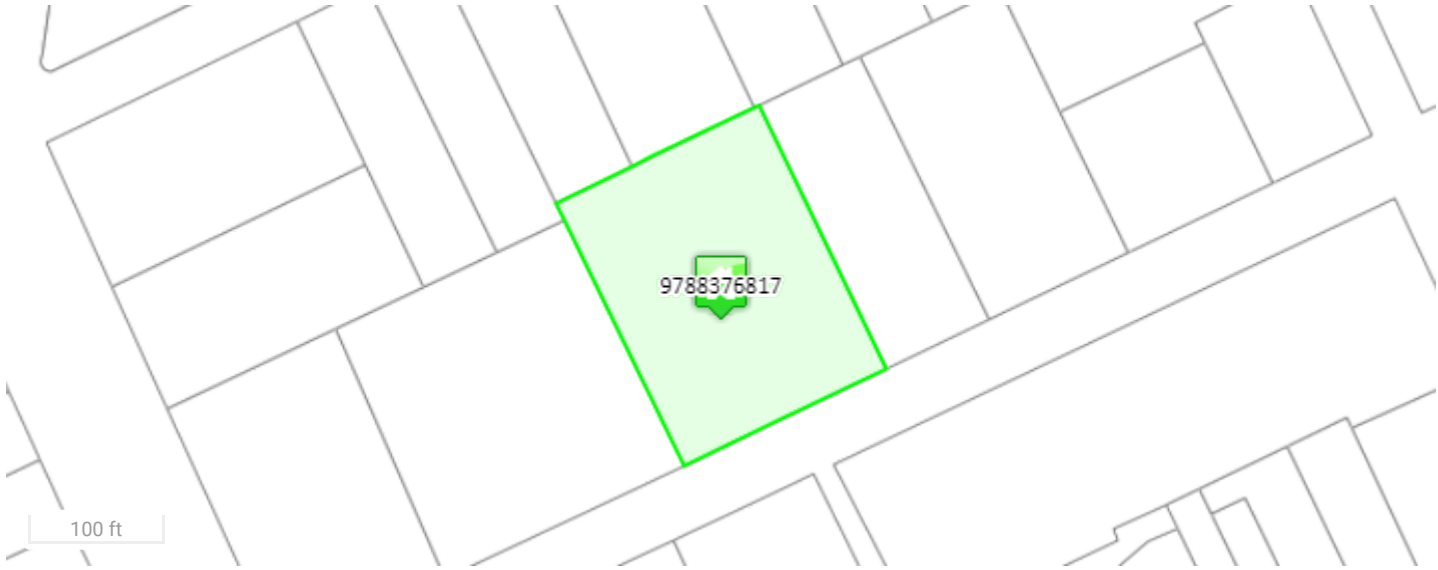
\$0

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
-------------	-----------

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



Land Sale Profile

Sale No. 5

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

AC Hotel Site



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



DAVID A. SMITH, MAI, SRA

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DAVID A. SMITH, MAI, SRA

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.

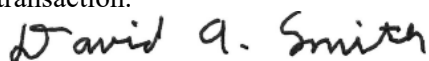
No one provided significant real property appraisal assistance to the person signing this certification.

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

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.

DAVID A. SMITH, MAI, SRA

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.

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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.

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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.

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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.

DAVID A. SMITH, MAI, SRA

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

DAVID A. SMITH, MAI, SRA

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

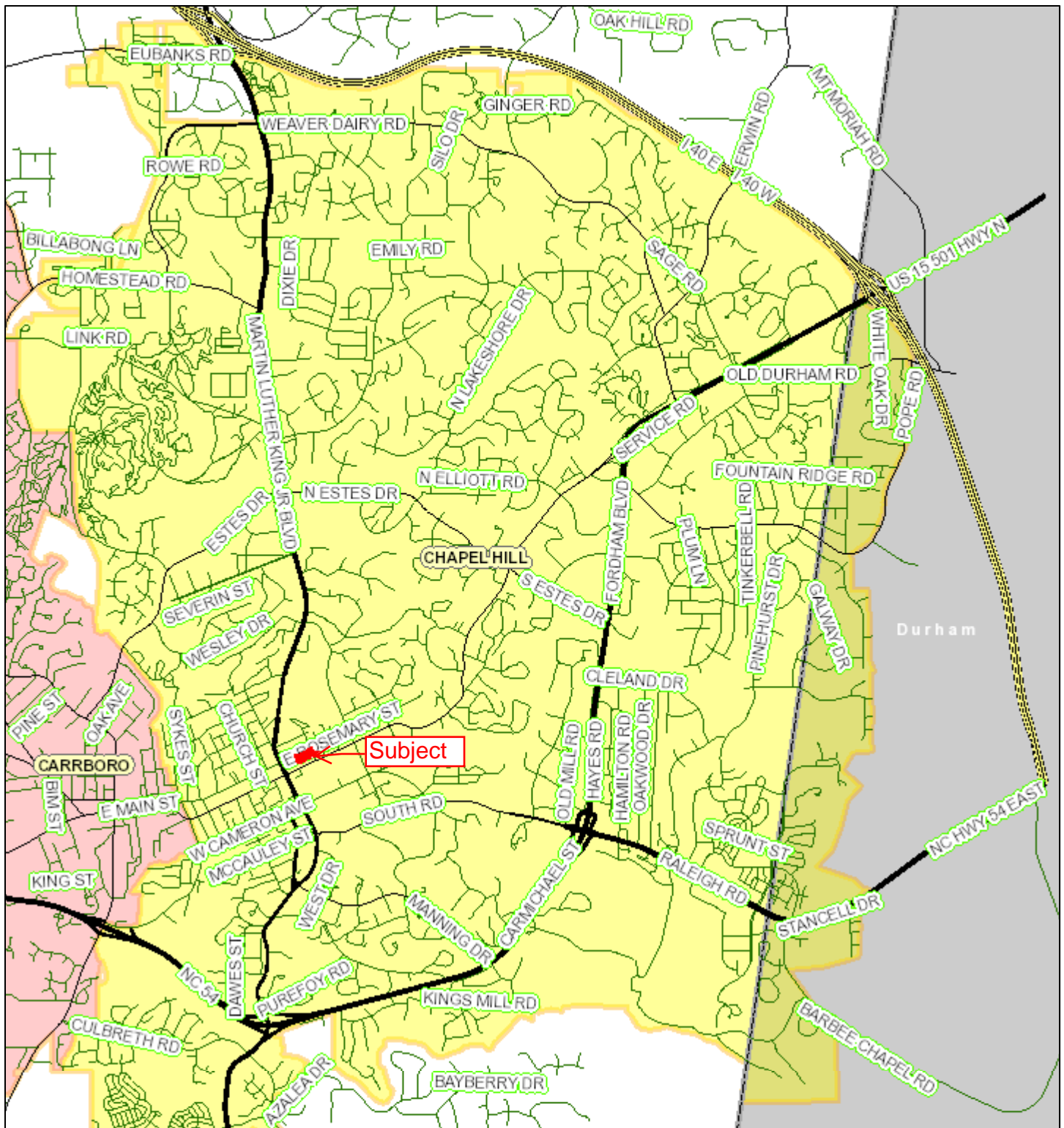
According to public records, the property is owned by the Town of Chapel Hill. They acquired the property along with three others from the Town of Chapel Hill Public Facilities Corporation, on July 20, 1994 according to a deed recorded in real estate book 1269, page 442. There were no revenue stamps 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

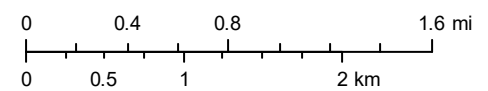
There are four basic forces that influence value: environmental, economic, governmental, and social. Since these forces are broader than the property or neighborhood itself, they must be considered on a regional and citywide basis.

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.

DAVID A. SMITH, MAI, SRA

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

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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.

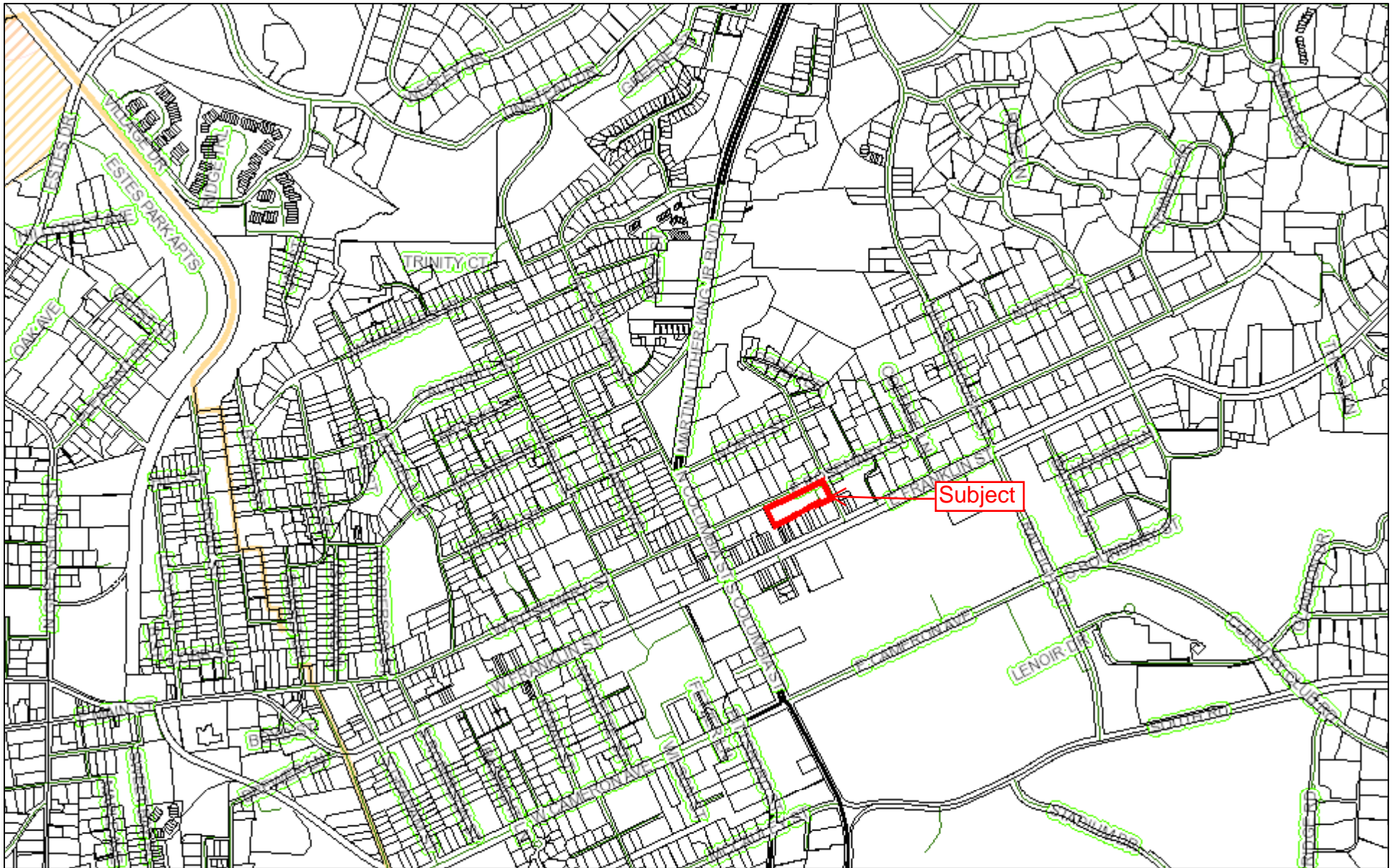
Summary - Chapel Hill is located in the central portion of the state with numerous interstates and highways providing excellent access. The town is also part of the Raleigh-Durham MSA which ranks as the 55th largest in the country. The economy is stable due to the presence of the University of North 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.

Neighborhood Map



February 13, 2020

1:12,000

0 0.1 0.2 0.4 mi

0 0.15 0.3 0.6 km

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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.

DAVID A. SMITH, MAI, SRA

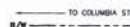
The major route of access through the neighborhood is Franklin Street (US 15/501 Business) which is also the main street of Chapel Hill. Franklin Street leads eastward to Durham and westward to Carrboro. Martin Luther King and Columbia Street are other major roads through the neighborhood with Martin 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.



VICINITY MAP
See page 11

N/F
FRANKLIN ST. PLAZA LTD.
DB 278, PG 1632

WESTER CANALIZIA-GRANDE COUNTY

The foregoing certificate(s) of Kelly B. Nelson - Joyce A. Smith

Received Public of the designated governmental unit as certified to be correct

FILED for registration on the 15 day of June, 1998
at 11:00 a.m. at St. Louis 15 June 1998

This the 15 day of June, 1998

Before me, Notary, Registered at St. Louis

By: Charles A. Pleatman Notary Public

Surveyor's Certificate

JAMES A. JONES certify that this plat was drawn under my supervision from an actual survey made under my supervision (detailed description recorded in Book 566, page 663); that the boundaries not surveyed are clearly indicated as dashed lines, drawn from information found in Book 566, page 663; that the ratio of precision as calculated is 1:10000; that this plat was prepared in accordance with C.S. 47-30 as amended. Witness my original signature, registration number and seal this 8TH day of JUNE, 1994.

Topic: Time A Day

Registration Number 6-300

North Carolina, Orange County

I, a Notary Public of the County and State aforesaid, certify that Timothy A. Smith, a Registered Land Surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this 1st day of June, 1994.

Notary Public Kenn O. As

My commission expires 10-22-9

OWNERS' CERTIFICATE OF DEDICATION

The undersigned owner hereby freely dedicates all right-of-way, easements, streets recreation area, open space, common area, utilities, and other improvements to public or private use, construction, use, maintenance and other activities full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or by an incorporated neighborhood or homeowners association or similar legal entity.

Date: 6-9-94 By: W. Collins Horton
 Owner: Team of Chapel Hill

ENDORSEMENTS

1. Recording of this document does not require subdivision approval of the Town of Chapel Hill as provided in Section 17.2 of the Chapel Hill Development Ordinance.
2. The property shown of this plot is located entirely within the Chapel Hill Corporate Limits and is not subject to NCDOT Approval.

11/2/94 6/9/94

SURVEYED AND MAPPED FOR:
THE TOWN OF CHAPEL HILL
306 N. COLUMBIA STREET
CHAPEL HILL, N.C. 27514

REFERENCES:
1. TAX PARCELS 7.80A.10&12
2. PLAT BOOK 45, PAGE 32
3. DB 205, PG 130
4. DB 320, PG 228
5. PB 70, PG 23

NOTES:

1. THIS SURVEY IS EXISTING PARCELS OF LAND.
2. THIS SURVEY IS AN UPDATE/REVISION TO A SURVEY PREPARED BY THIS OFFICE
ENTITLED "FINAL PROPERTY SURVEY - ROSEMARY STREET PARKING DECK",
RECORDED IN PB 70, PG 23 ORANGE COUNTY REGISTRY. IT HAS BEEN REVISED
TO RECONSTRUCT THE PLAT AND CHANGES THE LOT LINES BETWEEN THE U.S. POST
OFFICE AND THE TOWN OF ORANGE.
3. THE WATER & SEWER SHOWN IS OWNED AND MAINTAINED BY THE ORANGE WATER
& SEWER AUTHORITY (OWASA). NO EASEMENTS OF RECORD WERE FOUND.
4. PROPERTY SUBJECT TO EASEMENTS FOR OTHER UTILITIES NOT SHOWN,
INCLUDING BUT NOT LIMITED TO: TELEPHONE, GAS/STREET.

ENGINEERS
PLANNERS
SURVEYORS

PHILIP

RECOMBINATION PLAT

ROSEMARY STREET
PARKING FACILITY

1

TOWN OF CHAPEL HILL

ORANGE COUNTY

SCALE 1"=20'
DRAWN BY TAS
CHECKED BY TAS
DATE 9/21/93
PROJECT NO. 75191A
DRAWING NO. A0711201

REVISIONS _____

SHEET _____ 1

OF _____ 1

RECORDED: ORANGE COUNTY PLAT BOOK 71 PAGE 124

GRAPHIC SCALE

1 INCH = 20 FT

FRANKLIN STREET

(PUBLIC R/W)

DAVID A. SMITH, MAI, SRA

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.

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.

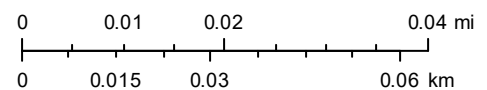
February 14, 2020

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:

1:1,200



I am not aware of any current or future assessments.

ZONING AND OTHER LEGAL RESTRICTIONS

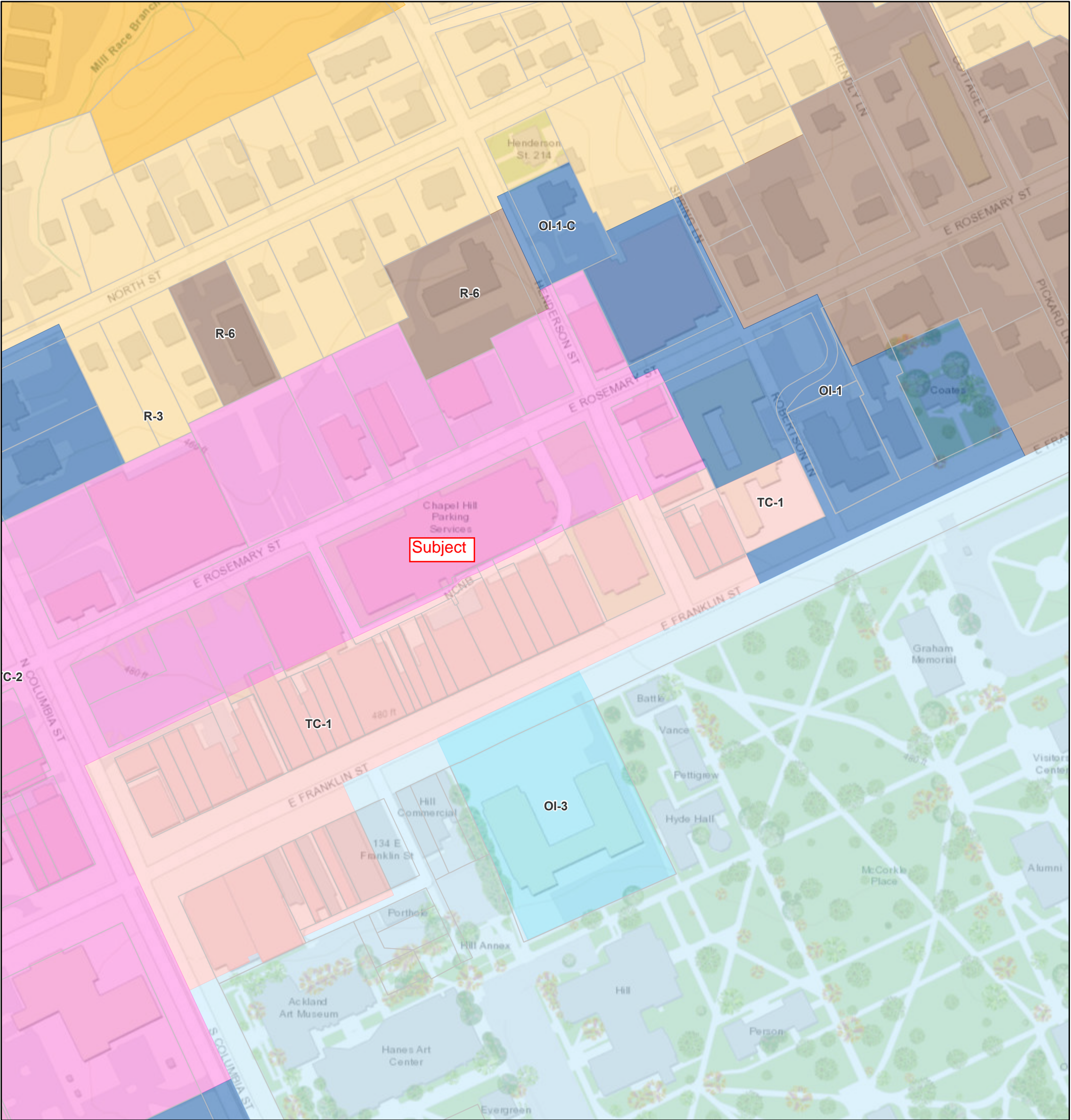
The Chapel Hill GIS shows the property located in a TC-2 Town Commercial zoning district. A copy of this map is on the following page. The following description is a general one and is not meant to be an exhaustive discussion of all of the zoning regulations. According to the Land Use Management Ordinance:

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.

389

Zoning Map



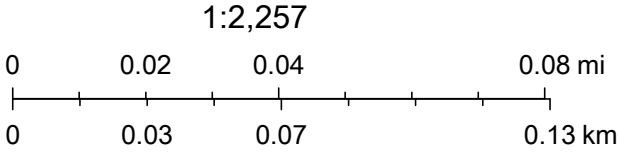
2/7/2020, 11:47:25 AM

- 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

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- 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.

DAVID A. SMITH, MAI, SRA

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.



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

PHOTOGRAPHS OF SUBJECT



Street Scene along Rosemary Street Looking East



Street Scene along Rosemary Street Looking West

PHOTOGRAPHS OF SUBJECT



Alley from Rosemary Street



Street Scene along Henderson Street

PHOTOGRAPHS OF SUBJECT

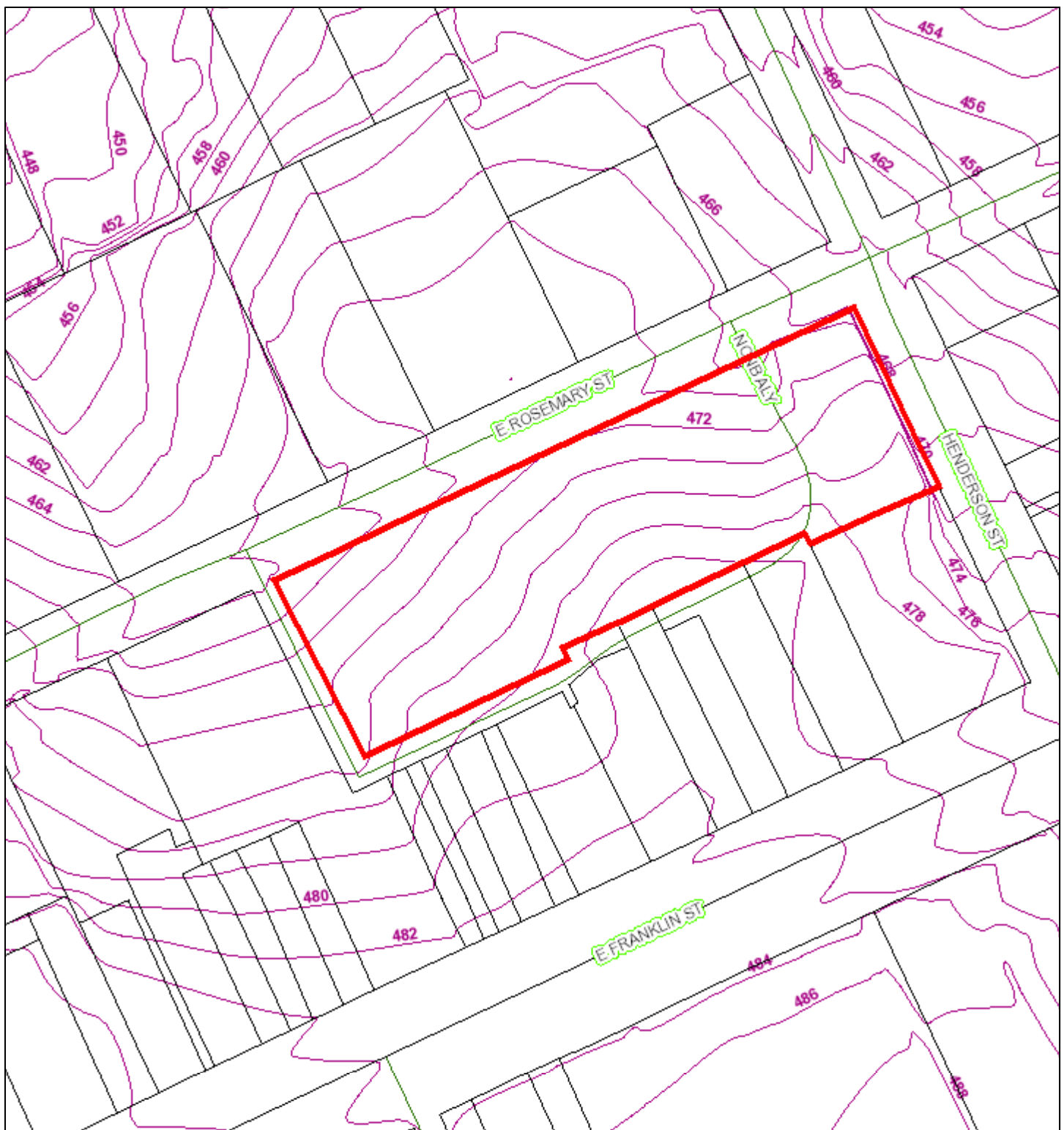


Surface Parking Area



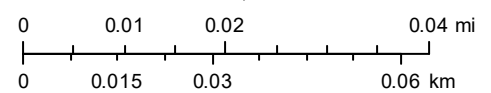
Parking Garage

Topography Map

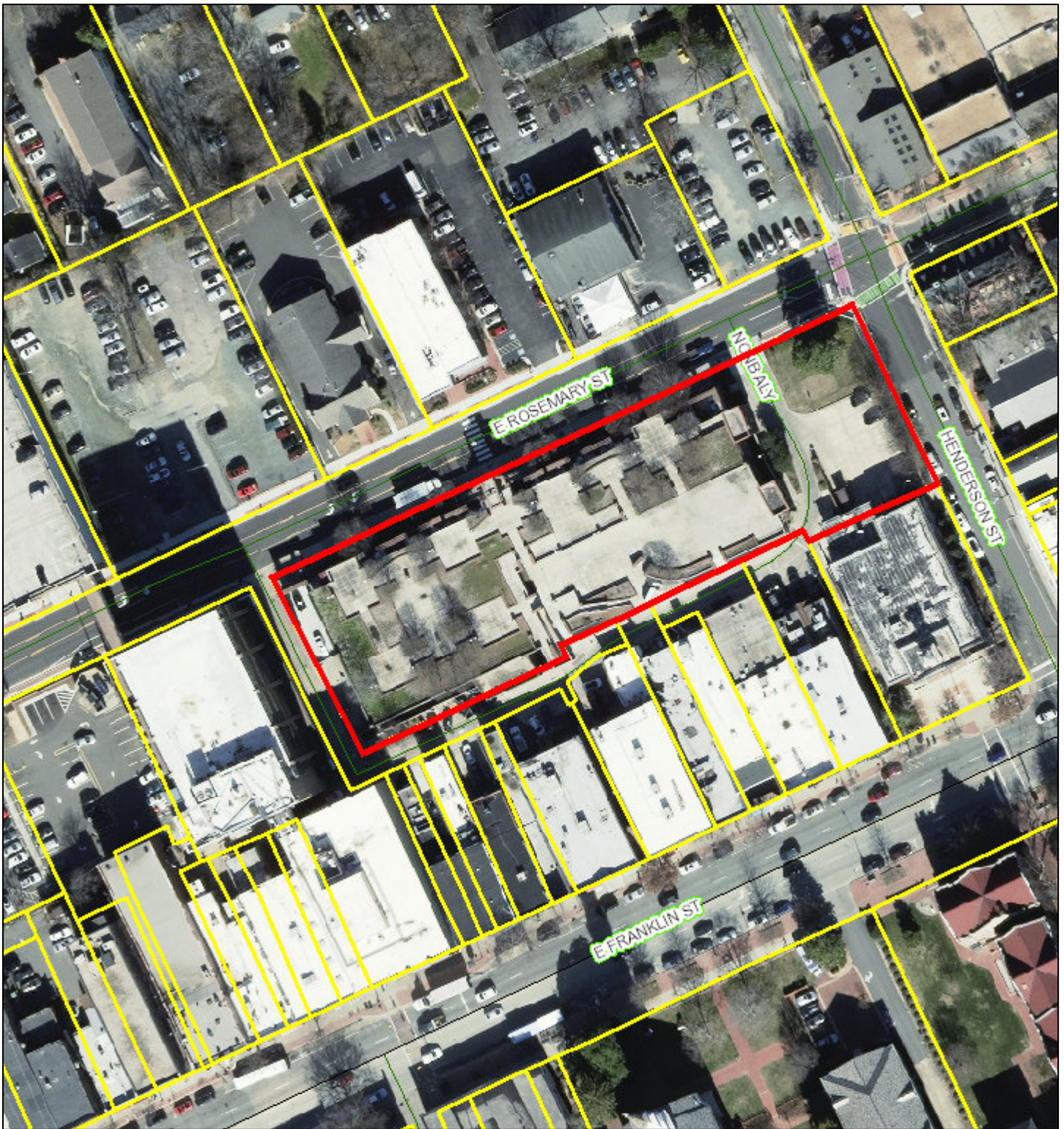


February 7, 2020

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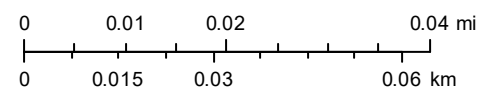


Aerial



February 7, 2020

1:1,200





19940720000152840 DEED

Bk: 1269 Pg: 442

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

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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 (Notarary) 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.

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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:

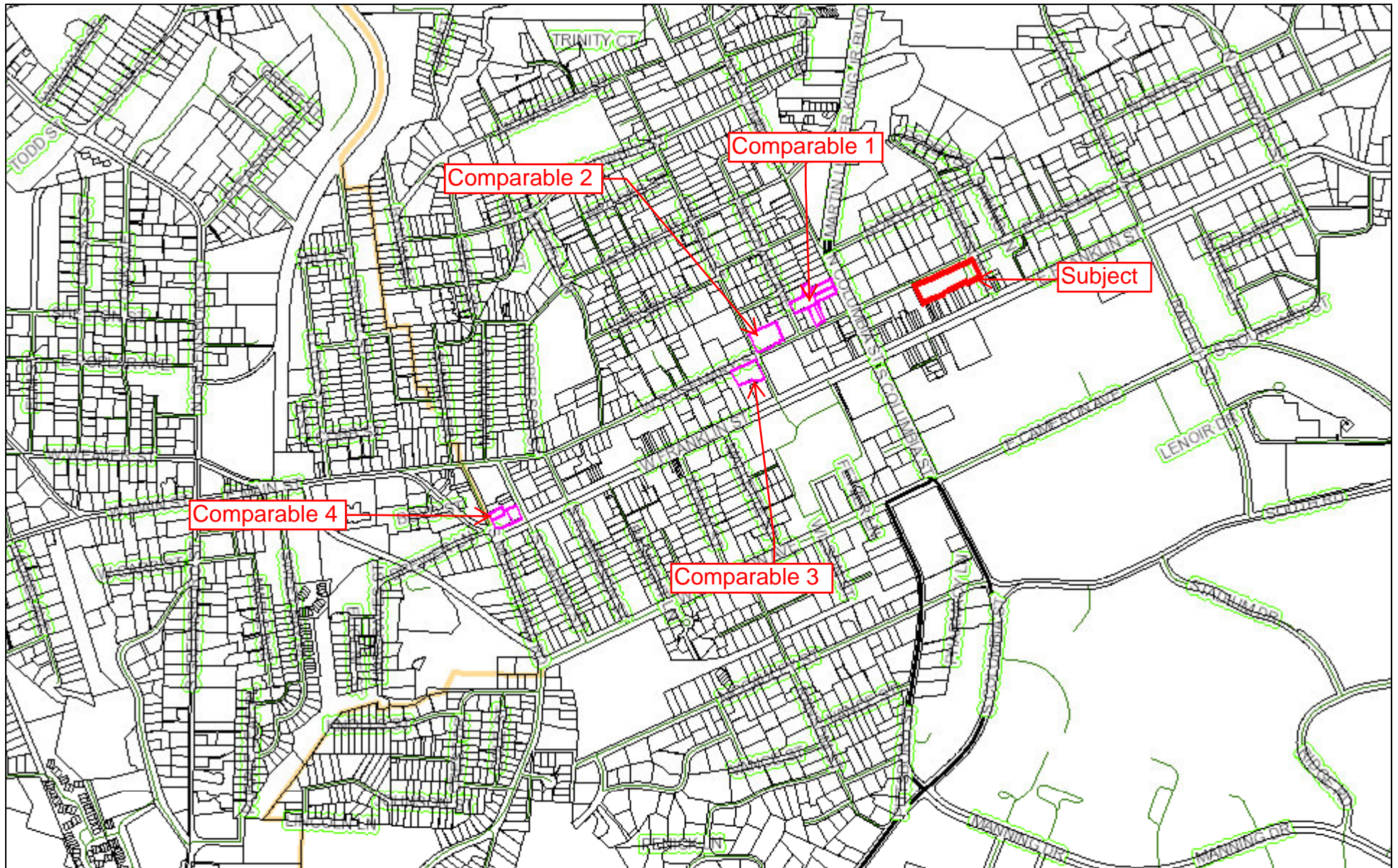
All that certain lot or parcel of land, together with all improvements thereon, situated, lying and being at the Southeastern intersection of Columbia and Rosemary Streets in the Town of Chapel Hill, North Carolina, and more particularly described as: Beginning at a stake in the said intersection and running thence in an eastern direction and along the South property line of Rosemary Street 133 feet to a stake, the

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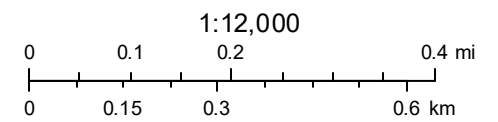
Northwest corner of the former Herndon lot; running thence Southward with the former Herndon line and parallel with Columbia Street 75 feet to a stake; running thence Westward and still with the former Herndon line and parallel with Rosemary Street 133 feet to a stake in the East property line of Columbia 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 1

REFERENCE NUMBER: 2020-1

TYPE PROPERTY: Vacant

COUNTY: Orange

LOCATION: 108 & 114 Rosemary, 205 Columbia, 208 Pritchard, Chapel Hill

TAX REFERENCE: 9788-37-0549, 9788-37-0680, 9788-37-0647, 9788-37-0721,
9788-27-9667 & 9788-27-9700

ZONING: TC-2, OI-1 and R-3

GRANTOR: & Joseph J. Polcaro

GRANTEE: Confidential

DATE OF SALE: Under Contract

DEED REFERENCE: NA

STAMPS: NA

PRESENT USE: Various

BEST USE: Commercial or Mixed Use

UTILITIES: All City

IMPROVEMENTS: None of value

SALES PRICE: \$94,500

CONFIRMED BY: John Morris, Broker

CONDITION OF SALE: Arms-Length

PROPERTY RIGHTS TRANSFERRED: Fee simple

FINANCING: Cash to seller

LAND SIZE: 1.05 Acres

ACCESS/FRONTAGE: Paved Public Road

TOPOGRAPHY: Downward slope from north to south

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:





TOWN OF CHAPEL HILL

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

Item Overview

Item #: 12., **File #:** [20-0645], **Version:** 1

Meeting Date: 9/30/2020

Open the Public Hearing: Conditional Zoning at 125 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning (TC-2-C).

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: Becky McDonnell, Planner II

- 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 by the applicant
- d. Recommendation of the Planning Commission
- e. Recommendations of other boards and commissions
- f. Comments from the public in this meeting and via email or other methods of submission through 11:59 PM on October 1, 2020
- g. Comments and questions from the Mayor and Town Council
- h. Referral to the Manager and Attorney
- i. Motion to close the Public Hearing at 11:59 PM on October 1
- j. Consider enacting the ordinance at the October 28, 2020 Council meeting

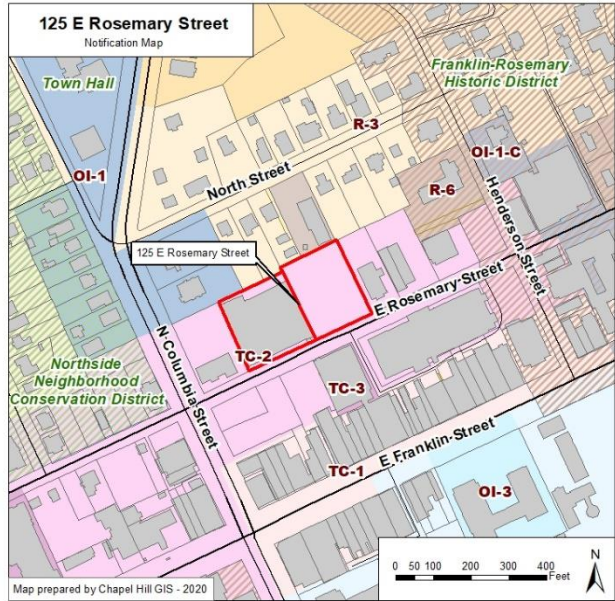
RECOMMENDATION: That the Council open the public hearing, receive comment on the proposed Zoning Atlas Amendment and close the public hearing.



OPEN PUBLIC HEARING FOR CONDITIONAL ZONING FOR EAST ROSEMARY STREET PARKING GARAGE, 125 AND 135 EAST ROSEMARY STREET, FROM TOWN CENTER-2 (TC-2) TO TOWN CENTER-2-CONDITIONAL ZONING DISTRICT (TC-2-CZD)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Judy Johnson, Interim Director
Becky McDonnell, Planner II

PROPERTY	DATE	APPLICANT
East Rosemary Street Parking Garage, 125 and 135 E. Rosemary St.	September 30, 2020	George Retschle, Ballentine Associates, on behalf of Grubb Management LLC and Investors Title Company
<p>STAFF RECOMMENDATION</p> <p>That the Council open the public hearing and receive comment on the proposed Zoning Atlas Amendment. (Under the recently enacted legislation authorizing public hearings at remote meetings, public comment can be submitted in the hearing record for 24 hours after the September 30 public hearing.)</p> <p>That the Council also adopt a motion to schedule the proposed Zoning Atlas Amendment for possible decision on October 28, 2020.</p>		
<p>ZONING</p> <p><i>Current:</i> Town Center-2 (TC-2) <i>Proposed:</i> Town Center-2-Conditional Zoning District (TC-2-CZD)</p>	<p>DECISION POINTS</p> <p>The applicant requests the following modifications to regulations:</p> <ul style="list-style-type: none"> • Reduce the solar (north property line) setback adjacent to residential property • Exceed the building envelope on all sides (increasing the allowable height from 44 feet to 73 feet) 	
<p>PROJECT OVERVIEW</p> <p>The application is part of a redevelopment proposal for East Rosemary Street to create new office, wet-lab, and innovation space downtown. This 1.6-acre portion of the project proposes to:</p> <ul style="list-style-type: none"> • demolish the existing 276-space "CVS" parking deck, and • construct a six- to seven-story, 1,160-space parking deck with up to 6,000 sq. ft. of office space. The deck will: <ul style="list-style-type: none"> ◦ include a "retail porch" along the Rosemary Street frontage to provide space for small businesses and vendors ◦ Replace all of the existing CVS deck and Wallace deck spaces ◦ Add a net increase of approximately 200-300 parking spaces <p>The Transportation Impact Analysis recommends:</p> <ul style="list-style-type: none"> • Remove western deck access point • Provide adequate internal queue storage for left and right turning exiting deck traffic • Provide adequate internal queue storage for entry flows • Optimize traffic signal timings at the E. Rosemary Street and N. Columbia Street intersection • Include an inbound access from North Street and outbound exit (right-turn only) to N. Columbia St. • Include additional wayfinding signage • Include a pedestrian overpass and mid-block pedestrian crosswalk 	<p>PROCESS</p> <p>Conditional Zoning is a legislative process that allows the Council to review the rezoning application for consistency with the Land Use Plan in the Comprehensive Plan and to establish standards that address any impacts on surrounding properties.</p>	
<p>ATTACHMENTS</p> <ol style="list-style-type: none"> 1. Technical Report and Project Fact Sheet 2. Draft Staff Presentation 3. Resolution A (Resolution of Consistency) 4. Ordinance A (Approving the Application) 5. Resolution B (Denying the Application) 6. Advisory Board Recommendations 7. Application Materials (including Traffic Impact Analysis Executive Summary) 8. Council Questions and Staff Responses 	<p>PROJECT LOCATION</p>  <p>Map prepared by Chapel Hill GIS - 2020</p>	



TECHNICAL REPORT

KEY CONSIDERATIONS

Planning Commission: At the [June 2, 2020 meeting](#), the Planning Commission recommended approval with the following modifications to Ordinance A:

- That the approval be contingent upon successful acquisition of the two access easements to the north and west.

Staff Response: Since the Planning Commission meeting, a final traffic impact analysis has been completed. The TIA identifies additional access points to the parking garage to the west and north. Stipulations regarding the access to the parking garage are included in Stipulation #8.

- That approval is tied to a favorable Economic Development Agreement (EDA)

Staff Response: It is expected that entitlement of the parking garage will only occur as part of an Economic Development Agreement.

- That Council consider the impact on the fire station by turning traffic left from Martin Luther King Jr. Boulevard onto North Street

Staff Response: The Transportation Impact Analysis identifies the intersection to be monitored for signalization following completion of the parking garage.

- That more conduit and electric vehicle charging stations be provided

Staff Response: The following stipulation has been included in Ordinance A: Electric Vehicle Charging Stations: A minimum of 20 electric vehicle charging stations will be installed providing charging for a minimum of 40 parking spaces. The spaces may be located throughout the garage. Conduit for a minimum of 20 additional charging stations shall be installed.

Transportation and Connectivity Advisory Board: At the [May 26, 2020 meeting](#), the Transportation and Connectivity Advisory Board recommended denial unless the following conditions could be met:

- Prioritize pedestrian safety along East Rosemary Street

Staff Response: The applicant is proposing streetscape improvements along East Rosemary Street with additional sidewalk width.

- Provide 20% of all total parking spaces as electric vehicle "ready", which includes the installation of dedicated electrical conduits and underground conduits

Staff Response: The following stipulation has been included in Ordinance A: Electric Vehicle Charging Stations: A minimum of 20 electric vehicle charging stations will be

installed providing charging for a minimum of 40 parking spaces. The spaces may be located throughout the garage. Conduit for a minimum of 20 additional charging stations shall be installed.

- Conduct a comprehensive traffic impact analysis that include the entire East Rosemary Street redevelopment project

Staff Response: Since the Transportation and Connectivity Advisory Board meeting, a revised transportation impact analysis that includes redevelopment of East Rosemary Street has been completed and is attached to this memorandum.

- Incorporate the North-South Bus Rapid Transit project into the traffic impact analysis

Staff Response: The revised transportation impact analysis includes the North-South BRT project.

- Provide ridesharing spaces

Staff Response: The following stipulation has been included in Ordinance A: Ridesharing Spaces: A minimum of four (4) vehicle parking spaces within the garage shall be designated as ridesharing spaces.

Environmental Stewardship Advisory Board: At the [May 12, 2020 meeting](#), the Environmental Stewardship Advisory Board recommended approval with the following modifications to Ordinance A:

- Provide green walls on the north and east sides of the structure

Staff Response: Due to financial considerations, the green walls are proposed to be considered at a future time.

- Provide the proposed solar photovoltaic (PV) canopy

Staff Response: The following stipulation has been included in Ordinance A: Solar Readiness: Prior to issuance of a Certificate of Occupancy, conduit infrastructure will be run to the roof of the parking garage to support solar photovoltaics on at least 80% of the unshaded, available top surface of the garage.

Community Design Commission: At the [May 18, 2020 meeting](#), the Community Design Commission recommended approval with the following modifications to Ordinance A:

- That green screen walls be required for two facades as shown in the presentation

Staff Response: Due to financial considerations, the green walls are proposed to be considered at a future time.

- That the current pedestrian bridge be eliminated

Staff Response: In the proposal before the Council this evening, the pedestrian bridge has been eliminated.

PROJECT OVERVIEW

The application proposes applying a Town Center-2-Conditional Zoning District (TC-2-CZD) district to the site to accommodate a six to seven-story parking deck with up to 1,160 parking spaces. Currently existing on the site is a three-story parking deck with 276 parking spaces as well as a surface gravel parking lot. The existing deck is over forty years old and is deteriorating. More details about the proposed development can be found in the application materials (Attachment 7).

Information about the site and proposed zoning districts can be found below, as well as a list of proposed Modifications to Regulations, other important considerations identified by staff, 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 Zoning Atlas Amendment:

- The site is 0.87 acre with the existing parking deck that will be recombined with an adjacent parcel, a surface gravel parking lot, to the east to create an approximately 1.68-acre parcel.
- The site has access to E. Rosemary Street, a collector street maintained by the Town.
- The property on the opposite side of E. Rosemary Street is zoned Town Center-2 (TC-2) and is part of the overall redevelopment project described above.
- Property to the north of the subject site, fronting on North Street, is zoned Residential-3 (R-3), Residential-6 (R-6), and Office/Institutional-1 (OI-1) and consists of single-family dwellings, a sorority house, and office-type uses.
- An OWASA sanitary sewer line runs through the property and is proposed to be relocated within a 30-foot easement along the eastern edge of the property.
- There is no Resource Conservation District or floodplain on the site, which is relatively flat and contains minimal vegetation.

PROPOSED ZONING

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal in conjunction with the rezoning. This also allows the Town to formulate and apply site-specific standards as conditions through a legislative process. The Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards in order to address impacts reasonably expected to be generated by development. Conditions can also address conformance of the development with town regulations and adopted plans. A -CZD suffix would be added to the zoning district designation to incorporate the approved conditions. The applicant has proposed a Town Center-2-Conditional Zoning District (TC-2-CZD) district for the site.

The intent of the Town Center-2 (TC-2) zoning district is "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.”¹

The applicant has proposed modifications to permitted uses and dimensional standards for the proposed zoning district, among other requested modifications, as summarized in the Proposed Modifications to Regulations section below.

PROPOSED MODIFICATIONS TO REGULATIONS

- 1) Section 3.8.2(g)(2): Dimensional Regulations:** The dimensional regulations in Town Center zoning districts limit building height at the setback line to 44 feet, with the allowable core height increasing at the following rates:
- Street and interior setback: one (1) foot in height for every one (1) foot in distance interior to the lot (measured from the street and interior setbacks (1:1 rise/run)
 - Solar setbacks: one (1) foot in height for every one and seven-tenths (1.7 feet) of distance interior to the lot (1:1.7 rise/run)

The proposed modification would increase the 44-foot height limit up to a maximum of 73 feet on all four elevations. Additionally, the applicant is requesting to modify the slope of the core height increase from the solar setback line from a 1:1.7 slope to a 1:1 slope.

Staff Comment: Staff believes that the Council could find a public purpose for the increased height, as this will accommodate the necessary amount of parking spaces to meet the economic needs of downtown.

- 2) Section 3.8.3(b)(3): Transitional Control Intensity Modification:** The Land Use Management Ordinance (LUMO) states for Town Center zoning districts the solar setback adjacent to residentially zoned land shall be equal to the solar setback applicable in the adjacent residential district. Properties to the north are zoned Residential-3 (R-3) and have a solar setback of 11 feet.

The proposed modification request is to reduce the required 11-foot setback along residentially zoned land to 5 feet.

Staff Comment: Staff believes that the Council could find a public purpose for the reduced setback, as the modification is necessary due to the irregular north property line and the increased building footprint will accommodate the necessary amount of parking spaces to support a vibrant downtown. Additionally, a stipulation requiring an evergreen hedge or a fence to mitigate the visual impact on the adjacent residential district has been included in Ordinance A.

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.

¹https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA_ART3ZODIUSD_IST_3.3GEUSD

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)², the standards of the [Land Use Management Ordinance](#)³, and the [Town of Chapel Hill, NC: Design Manual and Standard Details](#)⁴. We believe that the E. Rosemary Street proposal complies with several themes of the 2020 Comprehensive Plan:

Comprehensive Plan Themes: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

<input type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input checked="" type="checkbox"/>		Grow Town and Gown Collaboration

Land Use Plan: The [2020 Land Use Plan](#)⁵, a component of the 2020 Comprehensive Plan, designates this site for Town/Village Center.

FINDINGS OF FACT

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

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

Staff provides below an evaluation of this application based on the three findings. Further information may be presented for the Council's consideration as part of the public hearing process. All information submitted at the public hearing will be included in the record of the hearing.

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

Arguments in Support: To date, no arguments in support have been submitted or identified by staff.

Arguments in Opposition: To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that there is no manifest error in the Town's Zoning Atlas Amendment related to the project site.

2) Finding #2: The proposed zoning amendment is necessary because of changed or

² <http://www.townofchapelhill.org/home/showdocument?id=15001>

³ https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

⁴ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

⁵ <http://www.townofchapelhill.org/home/showdocument?id=1215>

changing conditions in a particular area or in the jurisdiction generally.

Arguments in Support: The applicant's statement of justification states that the proposal will fill a need in downtown for centralized public parking in order to reverse the loss of jobs and businesses in recent years.

Arguments in Opposition: To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is in response to changing conditions in downtown Chapel Hill area and in the jurisdiction generally.

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

Arguments in Support: The applicant's Statement of Consistency states that the proposed rezoning would contribute to the following elements of the Comprehensive Plan:

- Balance and sustain finances by increasing revenues and decreasing expenses (*Goal: Community Prosperity and Engagement.1*)
- Foster success of local businesses (*Goal: Community Prosperity and Engagement.2*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Goal: Getting Around.2*)
- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential and cultural development and activity (*Goal: Good Places, New Spaces.2*)
- A community that welcomes and supports change and creativity (*Goal: Good Places, New Spaces.6*)
- Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (*Goal: Town and Gown Collaboration.1*)

Arguments in Opposition: Members of the public have identified concerns related to traffic.

Staff Response: We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.


















PROJECT FACT SHEET











Project Details

Site Description	
Project Name	E. Rosemary Street Redevelopment Project
Address	125 and 135 E. Rosemary Street
Property Size (NLA)	73,097 SF (1.68 acres)
Existing	Parking deck and surface parking lot
Orange County Parcel Identifier Numbers	9788-37-4748 and 9788-37-6817
Existing Zoning	Town Center-2 (TC-2)
Proposed Zoning	Town Center-2-Conditional Zoning District (TC-2-CZD)


Site Development Standards

Topic	Comment	Status
Development Intensity		
Use/Density (Sec. 3.7)	Existing Use: 276 vehicle space parking garage and surface parking lot Proposed Use: up to 1,160 vehicle space parking garage	✓
Dimensional Standards (Sec. 3.8)	Primary height: 44 ft. (modification requested for up to 73 feet) Core height: 90 ft. Setbacks: 0 ft. in Town Center zoning districts except for Transitional Control Intensity standard (modification requested)	M
Floor area (Sec. 3.8)	Maximum: 158,401 sq. ft. Proposed: 6,000 sq. ft. (parking garage does not meet Town's definition of floor area)	✓
Landscape		
Buffer – North (Sec. 5.6.2)	<i>Required:</i> Type "C" 20' buffer (adjacent to single-family dwelling unit) <i>Proposed:</i> Alternate buffer (to be approved by the Community Design Commission)	✓
Other Buffers (Sec. 5.6.2)	N/A in Town Center zoning districts	✓
Tree Canopy (Sec. 5.7)	N/A in Town Center zoning districts	✓
Landscape Standards (Sec. 5.9.6)	Parking adjacent to Residential Zoning: either 4' continuous evergreen hedge or screening fence	✓

Environment		
Resource Conservation District (Sec. 3.6)	N/A	
Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required	
Steep Slopes (Sec. 5.3.2)	N/A	
Stormwater Management (Sec. 5.4)	Meet or exceed LUMO 5.4 standards	
Land Disturbance	79,000 sq. ft. (including off-site)	
Impervious Surface	N/A in Town Center zoning districts	
Solid Waste & Recycling	N/A	
Jordan Riparian Buffer (Sec. 5.18)	N/A	
Access & Circulation		
Road Improvements (Sec. 5.8)	<p>Improvements to be completed in accordance with TIA findings, including:</p> <ul style="list-style-type: none"> - Remove western deck access point - Provide adequate internal queue storage for left and right turning exiting deck traffic - Provide adequate internal queue storage for entry flows. - Optimize traffic signal timings at the E. Rosemary Street and N. Columbia Street intersection - Include an inbound access from North Street and outbound exit (right-turn only) to N. Columbia Street - Include additional wayfinding signage - Include a mid-block pedestrian crosswalk 	
Vehicular Access (Sec. 5.8)	Two points of access from E. Rosemary Street and one point of access to North Street	
Bicycle Improvements (Sec. 5.8)	Bike lanes along E. Rosemary Street will be included as part of the future office building proposed to replace the Wallace Deck.	
Pedestrian Improvements (Sec. 5.8)	Streetscape improvements along E. Rosemary Street frontage including brick pavers and street trees	
Traffic Impact Analysis (Sec. 5.9)	TIA completed	
Vehicular Parking (Sec. 5.9)	<i>Proposed:</i> Up to 1,160 vehicle parking spaces	
Transit (Sec. 5.8)	N/A	

Bicycle Parking (Sec. 5.9)	<i>Required:</i> 6 spaces <i>Proposed:</i> 40 spaces	
Electric Vehicle Parking	<i>Proposed:</i> Minimum of 20 stations with conduit installed for an additional future 20 stations	
Parking Lot Standards (Sec. 5.9)	Built to Town Standards	
Technical		
Fire	Built to Town Standards	
Site Improvements	Parking garage with up to 1,160 parking spaces; Up to 7 parking levels.	
Schools Adequate Public Facilities (Sec. 5.16)	N/A	
Inclusionary Zoning Ordinance (Sec. 3.10)	N/A	
Recreation Area (Sec. 5.5)	N/A	
Lighting Plan (Sec. 5.11)	Built to Town Standards; not to exceed 0.3 foot-candles at property line	
Homeowners Association (Sec. 4.6)	N/A	

Project Summary Legend

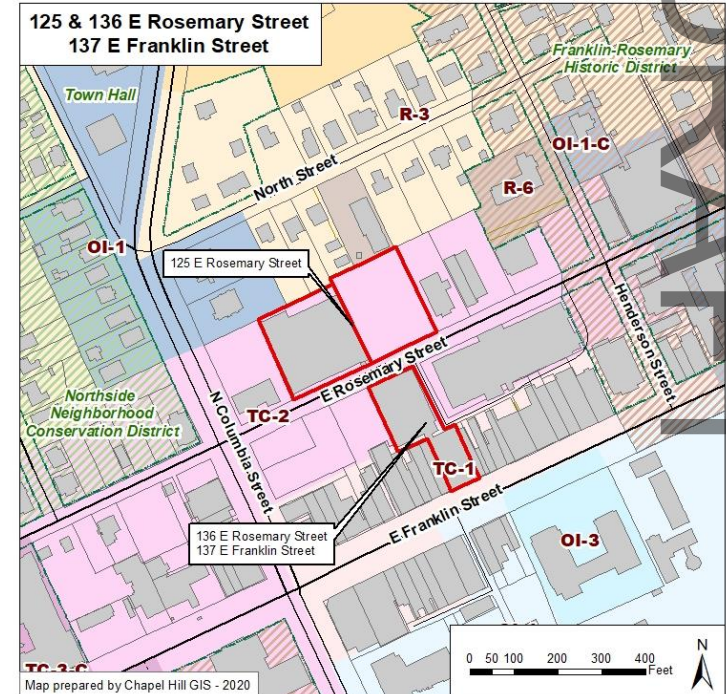
Symbol	Meaning
	Meets Requirements
M	Seeking Modification
FP	Required at Final Plan
NA	Not Applicable



125 + 135 E Rosemary St Parking Deck – Conditional Zoning

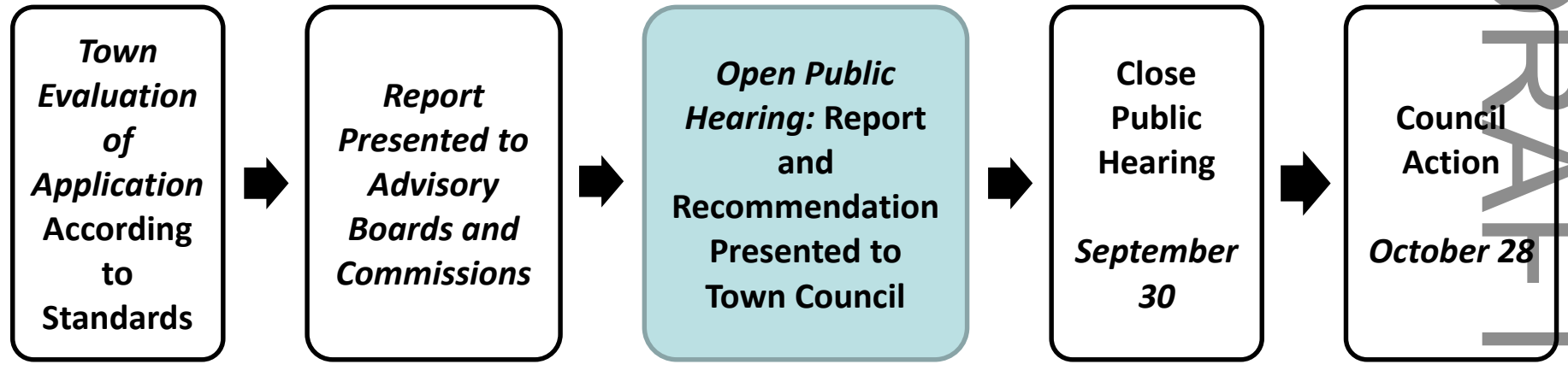
Town Council
Public Hearing

September 30, 2020



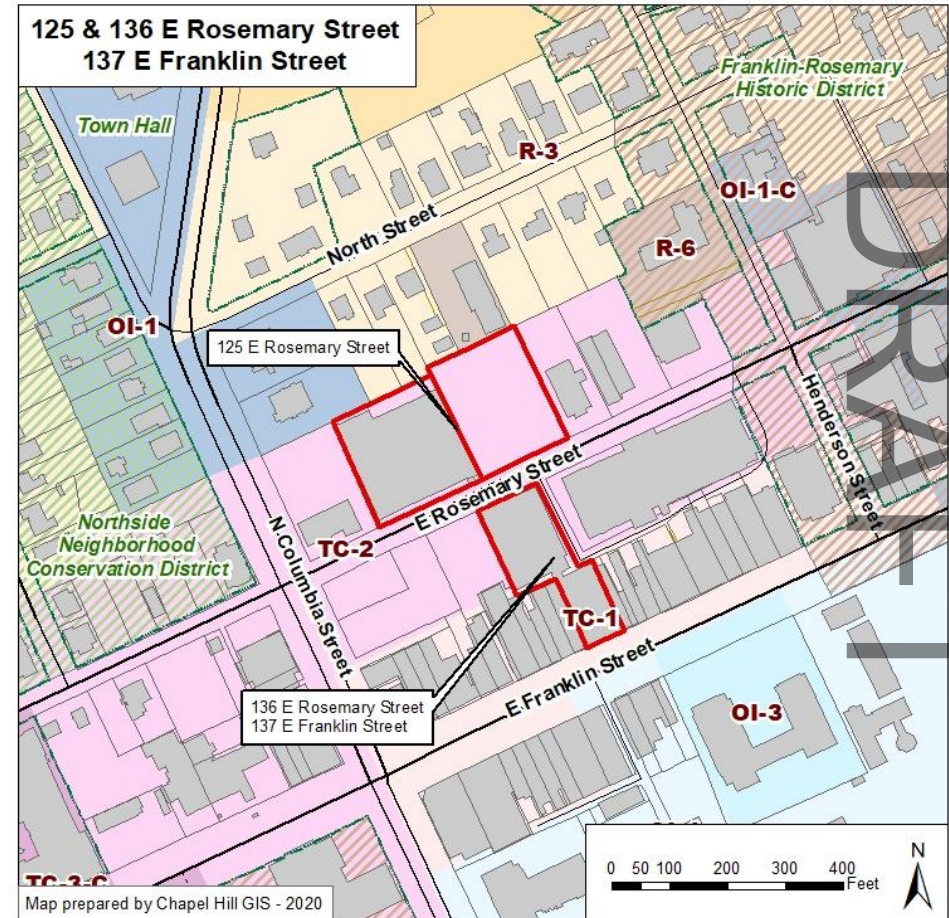
- Open the public hearing
- Receive comments in this meeting and up to 24 hours after via email at:
planning@townofchapelhill.org
- Enact the Ordinance on October 28, 2020

DRAFT



125 E Rosemary St – Project Summary

- 1.68 acre site
- Existing parking deck
- Proposing TC-2-CZ
- Replace with 6-7 story parking deck
- 1,000 – 1,160 parking spaces

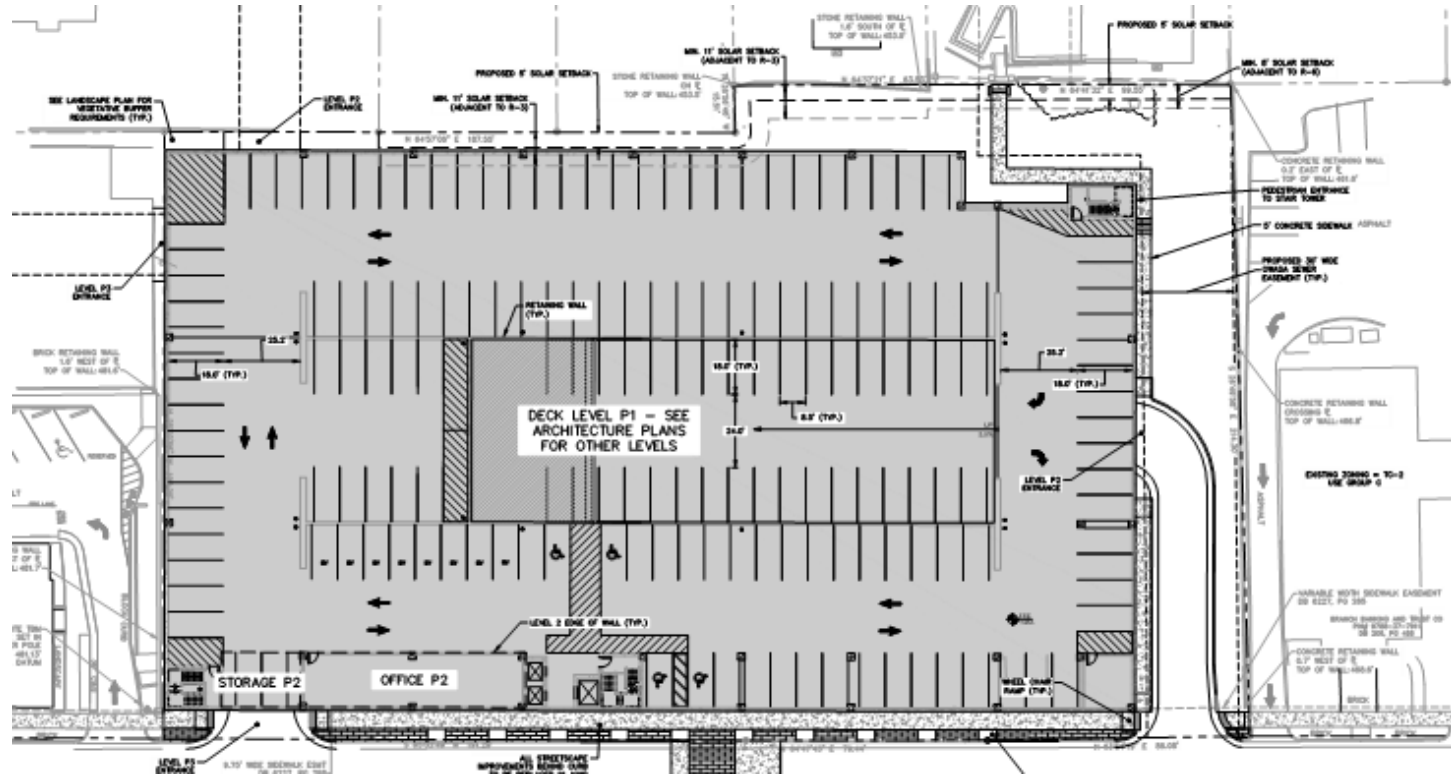


125 E Rosemary – Existing Conditions



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East Rosemary
Street-Potential
Crosswalk Treatment

DRAFT



Requested modifications

- Increased building height limit on all four sides
- Reduce interior solar setback adjacent to residential property

DRAFT

Board/Commission	Recommendation
Community Design Commission	Approval with conditions
Transportation and Connectivity Board	Denial unless conditions are met
Environmental Stewardship	Approval with conditions
Planning Commission	Approval with conditions

- Open the public hearing
- Receive comments in this meeting and up to 24 hours after via email at:
planning@townofchapelhill.org
- Enact the Ordinance on October 28, 2020

DRAFT

RESOLUTION A
(Resolution of Consistency)

A RESOLUTION REGARDING THE APPLICATION FOR CONDITIONAL ZONING ATLAS AMENDMENT AT THE PROPERTIES LOCATED AT 125 AND 135 E. ROSEMARY STREET TO TOWN CENTER-2-CONDITIONAL ZONING DISTRICT (TC-2-CZD) AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (PROJECT #20-025) (2020-X-X/R-X)

WHEREAS, Ballentine Associates has filed an application for Conditional Zoning Atlas Amendment on behalf of Grubb Management LLC and Investors Title Company 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 Council of the Town of Chapel Hill has considered the application for Conditional Zoning Atlas Amendment filed by Ballentine Associates on behalf of Grubb Management LLC and Investors Title Company to rezone and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Balance and sustain finances by increasing revenues and decreasing expenses (*Goal: Community Prosperity and Engagement.1*)
- Foster success of local businesses (*Goal: Community Prosperity and Engagement.2*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Goal: Getting Around.2*)
- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential and cultural development and activity (*Goal: Good Places, New Spaces.2*)
- A community that welcomes and supports change and creativity (*Goal: Good Places, New Spaces.6*)
- Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (*Goal: Town and Gown Collaboration.1*)

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

This the ____ day of _____, 2020.

ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTIES LOCATED AT 125 AND 135 E. ROSEMARY STREET TO TOWN CENTER-2-CONDITIONAL ZONING DISTRICT (TC-2-CZD) (PROJECT #20-025) (2020-XX-XX/O-)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Ballentine Associates, on behalf of Grubb Management LLC and Investors Title Company, to rezone a 1.68-acre site located at 125 and 135 E. Rosemary Street on property identified as Orange County Property Identifier Numbers 9788-37-4748 and 9788-37-6817, to allow a parking garage, and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

1. Balance and sustain finances by increasing revenues and decreasing expenses (*Goal: Community Prosperity and Engagement.1*)
2. Foster success of local businesses (*Goal: Community Prosperity and Engagement.2*)
3. A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Goal: Getting Around.2*)
4. A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential and cultural development and activity (*Goal: Good Places, New Spaces.2*)
5. A community that welcomes and supports change and creativity (*Goal: Good Places, New Spaces.6*)
6. Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (*Goal: Town and Gown Collaboration.1*)

WHEREAS, the application, if rezoned to Town Center-2-Conditional Zoning District (TC-2-CZD) according to the rezoning plan dated March 2, 2020, and last updated June 1, 2020, and the conditions listed below would:

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

MODIFICATIONS TO REGULATIONS

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

Section 3.8.2(g)(2): Dimensional Regulations: Modify the allowed building height at the setback line to 73 feet on all four elevations, and modify the slope of the core height increase from the solar setback line from a 1:1.7 slope to a 1:1 slope.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the increased height will allow additional levels of parking to meet the economic needs of downtown.

Section 3.8.3(b)(3): Transitional Control Intensity Modification: Modify and reduce the setback along residentially zoned land from 11 feet to 5 feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the reduced setback will allow a larger building footprint to accommodate the necessary amount of parking spaces to support a vibrant downtown. The developer will also incorporate additional screening and buffering as required in the Land Use Management Ordinance to further reduce the visual impact on neighboring residential properties.

CONDITIONAL USES

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that it finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the purposes of Town Center-2-Conditional Zoning District (TC-2-CZD).

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

SECTION I

The following Orange County parcel identified by Parcel Identifier Number (PIN) 9788-37-6817, described below, shall be rezoned to Town Center-2-Conditional Zoning District (TC-2-CZD):

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.

Also, the following Orange County parcel identified by Parcel Identifier Number (PIN) 9788-37-4748, described below, shall be rezoned to Town Center-2-Conditional Zoning District (TC-2-CZD) including to the midpoint of the adjoining East Rosemary Street right-of-way:

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.

SECTION II

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

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by _____ (2 years from the date of this approval) or the land shall revert to its previous zoning designation. [LUMO 4.4.5(f)]
2. Consent to Conditions: This approval is not effective until the petitioner provides written consent to the approval. Written consent must be provided within ____ days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

Land Use: Parking, Off-Street	
Gross Land Area	80,407 sq. ft. (1.85 acres)
Maximum Floor Area	6,000 sq. ft.
Maximum Land Disturbance	79,000 sq. ft. (including off-site)

Maximum Parking Spaces	1,160 spaces
Minimum Bicycle Parking Spaces	40 spaces

4. Electric Vehicle Charging Stations: A minimum of 20 electric vehicle charging stations will be installed providing charging for a minimum of 40 parking spaces. The spaces may be located throughout the garage. Conduit for a minimum of 20 additional charging stations shall be installed.
5. Bicycle Parking: Bicycle parking spaces shall be distributed throughout the parking garage at the different entrance points. The property owner shall monitor the need for additional bicycle parking spaces.
6. Solar Readiness: Prior to issuance of a Certificate of Occupancy, conduit infrastructure will be run to the roof of the parking garage to support solar photovoltaics on at least 80% of the unshaded, available top surface of the garage.
7. Ridesharing Spaces: A minimum of four (4) vehicle parking spaces within the garage shall be designated as ridesharing spaces.
8. Streetscape Improvements: Prior to issuance of a Certificate of Occupancy, the E. Rosemary Street frontage shall be improved as indicated in the streetscape plan, including brick pavers and street trees.
9. Road Improvements: Prior to issuance of a Certificate of Occupancy, road improvements and changes to the proposed plans shall be made in accordance with the Transportation Impact Analysis, including:
 - a) Provide a single-point of garage access on E. Rosemary Street. The parking garage operator shall monitor the impacts on E. Rosemary Street traffic and access operations.
 - b) Provide adequate internal queue storage for left and right turning exiting garage traffic by providing separate left-turn and right-turn exit lanes.
 - c) Provide adequate internal queue storage for entry flows.
 - d) Optimize traffic signal timings at the E. Rosemary Street and N. Columbia Street intersection to allow adequate green time to reduce westbound queuing during all peak hours.
 - e) Provide an access point to North Street.
 - f) Improvements to North Street and Martin Luther King Jr. Blvd. including a 50-foot right-turn lane for westbound traffic and realignment of N. Columbia Street.
 - g) Evaluate need for additional traffic calming measures to reduce cut-through traffic on North Street.
 - h) Include additional wayfinding signage on external roadways and internal to the parking garage to identify routes to E. Franklin Street, US 15-501, and NC 54 making a left turn from garage, and NC 86 South, Carrboro, and Pittsboro making a right turn from garage.
10. Traffic Calming: Prior to issuance of a Zoning Compliance Permit, the property owner shall initiate traffic calming discussion with interested stakeholders. Discussions should include pedestrian crossing of E. Rosemary Street, potential bicycle improvements, traffic impacts on North Street, and other streetscape improvements. Necessary improvements shall be installed prior to Zoning Final Inspection for the parking garage. Final design and construction details must be approved by the Town Manager.
11. Screening Adjacent to Residential Zoning: A three-foot tall, continuous evergreen hedge,

that will reach a height of four feet within three years of planting, or a screening fence between four feet and six feet in height, shall be placed along the northern property line adjacent to the Residential-3 (R-3) zoning district.

12. Stormwater Control Measure: Any proposed Stormwater Control Measures shall be designed in conformance with the North Carolina Division of Environmental Quality Stormwater Design Manual.
13. Connection to Existing Storm Drainage: This project shall not increase the hydraulic grade line in upstream storm drainage infrastructure during the 10-year, 24-hour storm event and 25-year, 24-hour storm event.
14. Stormwater Management Structures: No stormwater management structures are permitted in the rights-of-way or building setbacks. This includes the outlet structure and stabilization, any underdrains, side slopes, and the downgradient toe of french drains. Overland discharge from the property must be in a sheet flow condition. {LUMO 3.8.3}
15. Removal of Impervious Area: Any area that is being converted from impervious to pervious shall be properly prepared for revegetation. Compacted soil shall be ripped and aerated to an appropriate depth based on site conditions. Plans shall clearly identify impervious areas to be removed and provide methodology for preparing the revegetated area, addressing the depth of treatment, removal of any underlying base materials as needed, and replacement material specifications.
16. Erosion Control Permit: The developer shall provide a copy of the approved erosion and sediment control permit from Orange County prior to receiving Zoning Compliance Permit. During construction phase, additional erosion and sediment controls will be required if the proposed measures do not contain the sediment. Sediments leaving the site is a violation of Town's Erosion and Sediment Control Ordinance. {TOWN CODE CHAPTER 5}
17. Performance Bond: Prior to commencing construction activity for improvements in public right of way, a performance bond shall be provided to the Town to ensure that improvements are in accordance to Town's standards. {TOWN CODE 17}
18. Landscape Bufferyards: The landscape bufferyards shall be provided as shown in the following table:

Buffer	Required
Northern Property Line	20' Type C Buffer or Alternate Buffer approval from the Community Design Commission

TOWN OF CHAPEL HILL – CONDITIONAL ZONING STANDARD STIPULATIONS

Unless modified by the site-specific conditions noted above, these standards apply to all development permitted by a Conditional Zoning Atlas Amendment. The following standard stipulations are supplemental to site-specific conditions as set by Town Council.

Access

19. 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

20. 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]
21. 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]
22. 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]
23. 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]
24. 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).
25. 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.
26. 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.
27. 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]
28. 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]
29. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]

30. 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]
31. 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]
32. 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

33. 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]
34. 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]
35. 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]
36. 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]
37. 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]
38. 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]

39. 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.
40. 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).
41. 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]
42. 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

43. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance.
44. 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]
45. 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]
46. 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]
47. Erosion Control: The developer shall provide a copy of the approved erosion and sediment control permit from Orange County Erosion Control Division prior to receiving a Zoning Compliance Permit. During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance. [Town Code 5-98]

48. 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]
49. Stormwater Control Measure: The proposed stormwater control measures for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual and Town of Chapel Hill Public Works Engineering Design Manual. [LUMO 5.4.3]
50. Storm Drain Inlets: The developer shall provide pre-cast inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-4A, SD-5A, SD-5C include all applicable details, for all new inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
51. 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]
52. 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]
53. Performance Guarantee: A performance and maintenance guarantee in an amount satisfactory to the Town Manager shall be provided to meet the requirement of *Section 4.9.3, Performance and Maintenance Guarantees* of the Land Use Management Ordinance prior to the approval of final plat recordation. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The developer shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

Upon completion of the storm water control measures(s) and other improvements and acceptance by the Town after final site inspection, the one hundred and twenty-five percent (125%) of the performance surety shall be released to the developer and a maintenance bond in an amount of twenty-five (25) percent of the construction cost estimate shall be submitted by the developer prior to the issuance of certificate of occupancy. No sooner than one year after the recording date of the deed(s), easements

and maintenance agreement, the owner may request release of the remainder of the maintenance bond. Upon request by the owner, the Stormwater Management Division shall inspect the storm water control structure(s) to determine that the storm water measure(s) are performing as required. The Stormwater Management Division, upon determining that the storm water control(s) are performing as required by this Ordinance, and after any repairs to the storm water control structure(s) are made by the owner, shall release the remaining maintenance bond. [LUMO 4.9.3]

54. 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 Conditional Zoning 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 developer 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]

55. 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

56. Recreation Space (Multi-Family): If applicable, 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.

57. Recreation Area (Subdivision): If applicable, 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

58. 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]

59. 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]

60. 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]
61. 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]
62. 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

63. Homeowners' Association: If applicable, 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 Neighborhood or Homeowners' Associations* of the Land Use Management Ordinance. The Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.
64. Homeowners' Association Responsibilities: If applicable, 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.
65. Dedication and Maintenance of Common Area to Homeowners' Association: If applicable, the developer shall provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common areas, however designated, including the community garden; recreation space; open space and common areas; the bufferyards; and stormwater management facilities. 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.
66. Solar Collection Devices: If applicable, 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

67. 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]

68. 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]
69. 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]
70. 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.
71. 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]
72. 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.
73. 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]
74. 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]

75. 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.
76. 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]
77. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
78. 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]
79. 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]
80. 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]
81. 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]
82. 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]
83. 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]
84. 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.
85. 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.

86. 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]
87. 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.
88. 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]
89. 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]
90. 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

91. 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]
92. 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]

93. 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

94. 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]
95. 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

96. 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]
97. 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]
98. 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]

99. 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]
100. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
101. 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]
102. 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.
103. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
104. 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.
105. 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]
106. Vested Right: This Conditional Zoning Permit or Conditional Zoning 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.
107. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
108. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

109. 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 Conditional Zoning for 125 and 135 E. Rosemary Street.

This the ____ day of _____, 2020.

RESOLUTION B

(Denying the Conditional Zoning Application)

A RESOLUTION DENYING AN AMENDMENT OF THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTIES LOCATED AT 125 AND 135 E. ROSEMARY STREET TO TOWN CENTER-2-CONDITIONAL ZONING DISTRICT (TC-2-CZD) (PROJECT #20-025) (2020-X-X/R-X)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Conditional Zoning application, proposed by Ballentine Associates 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, if rezoned to Town Center-2-Conditional Zoning District (TC-2-CZD) according to the rezoning plan dated June 1, 2020, and the conditions listed below would not:

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

BE IT FURTHER RESOLVED that the Council hereby denies the application for 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).

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 CONDITIONAL ZONING AT 125 E. ROSEMARY ST.

June 2, 2020

Recommendation: **Approval** ☒ **Approval with Conditions** ☐ **Denial** ☐

Motion: Neal Bench moved and Michael Everhart seconded a motion to recommend Resolution A (Consistency with the Comprehensive Plan) for approval.

Vote: 7 – 2

Yeas: John Rees (Chair), Louie Rivers (Vice-Chair), James Baxter, Neal Bench, Michael Everhart, Whit Rummel, Buffie Webber

Nays: Melissa McCullough, Stephen Whitlow

Recommendation: **Approval** ☐ **Approval with Conditions** ☒ **Denial** ☐

Motion: Neal Bench moved and Whit Rummel seconded a motion that Ordinance A (Approving the Conditional Zoning) be recommended for approval, with the following conditions:

- That the approval be contingent upon successful acquisition of the two access easements to the north and west.
- That approval is tied to a favorable EDA.
- That Council consider the impacts on the Fire Station by traffic turning left from MLK Jr. Blvd onto North St.
- That more conduit and electric vehicle charging stations be provided.

Vote: 6 – 3

Yeas: John Rees (Chair), James Baxter, Neal Bench, Michael Everhart, Whit Rummel, Buffie Webber

Nays: Louie Rivers (Vice-Chair), Melissa McCullough, Stephen Whitlow

Prepared by: Michael Sudol, Planner II

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 E. Rosemary Street Parking Deck (Project #20-025) May 26, 2020

Recommendation: **Approved** ☐ **Approval with Conditions** ☐ **Denied** ☒

Motion: Brian Hageman moved and Jack Whaley seconded to deny the E. Rosemary Street Parking Deck redevelopment project unless the following conditions can be met:

- a) Prioritize pedestrian safety along E. Rosemary Street
- b) Provide 20% of all total parking spaces as electric vehicle ‘ready’, which includes the installation of dedicated electrical circuits and underground conduits.
- c) Conduct a comprehensive traffic impact analysis that includes the entire E. Rosemary Street redevelopment project.
- d) Incorporate the NS BRT project into the traffic impact analysis.
- e) Provide ridesharing spaces

Vote: 8-0

Ayes: **Jason Merrill (Chair), Susanne Kjemtrup-Lovelace (Vice-Chair), Rudy Juliano, Heather Brutz, Brian Hageman, Joshua Kastinsky, Jack Whaley, and Winston Hanks**

Nays:

Prepared by: Jason Merrill, Chair, Transportation and Connectivity Advisory Board
Jomar Pastorelle, Transportation Planner I

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 PARKING DECK LOCATED AT 125 E ROSEMARY ST

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 a parking deck, located at 125 E Rosemary Street, with the following conditions and special consideration.

Vote: 8-0

Yeas: Adrienne Tucker (Chair), Maripat Metcalf (Vice-Chair), Bruce Sinclair, Gregory Ames, Noel Myers, John Wallace, Julie McClintock, Tom Henkel

Nays:

Conditions:

- Provide green walls on the north and east sides of the structure
- Provide the proposed solar PV canopy

Special Consideration:

- Evaluate the potential for rainwater harvesting

Prepared by: Adrienne Tucker, Chair, Environmental Stewardship Advisory Board
 John Richardson, Community Resilience Officer, Staff Liaison to ESAB

SUMMARY OF CONDITIONAL ZONING REVIEW: 125 East Rosemary Parking Structure
COMMUNITY DESIGN COMMISSION
May 18th, 2020

The Community Design Commission provided an approval recommendation for 125 E. Rosemary Parking Structure on Monday, May 18th with the following conditions for Council consideration:

- That green screen walls be required for (2) facades as shown in the presented plans dated May 18th, 2020
- That the current pedestrian bridge be eliminated.

CONDITIONAL ZONING APPLICATION



TOWN OF CHAPEL HILL
Planning Department
 405 Martin Luther King Jr. Blvd.
 Chapel Hill, NC 27514
 phone (919) 969-5040 fax (919) 969-2014
 www.townofchapelhill.org

Parcel Identifier Number (PIN): 9778-37-4748, 9778-37-6817

Date: 22 May 2020

Section A: Project Information

Project Name: Rosemary Street Parking Deck

Property Address: 125 E Rosemary St Zip Code: 27514

Use Groups (A, B, and/or C): C Existing Zoning District: TC-2

Project Description: Demolition of 276 space existing parking deck and construction of a 1,000 to 1,100 space deck

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

Applicant Information (to whom correspondence will be mailed):

Name: Ballentine Associates, attn: George Retschle

Address: 221 Providence Road

City: Chapel Hill State: NC Zip Code: 27514

Phone: (919) 929-0481 Email: georger@bapa.eng.pro

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

Signature:  Date: 22 May 2020

Owner/Contract Purchaser Information:

☒ **Owner**

☒ **Contract Purchaser**

Name: Grubb Management LLC c/o Grubb Properties, Inc

Address: 113 Edinburgh South Drive Suite 120

City: Cary State: NC Zip Code: 27511

Phone: (919) 388-5774 Email: JDye@grubbproperties.com

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

Signature:  Date: 22 May 2020

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

CONDITIONAL ZONING APPLICATION



TOWN OF CHAPEL HILL

Planning Department

405 Martin Luther King Jr. Blvd.

Chapel Hill, NC 27514

phone (919) 969-5040

fax (919) 969-2014

www.townofchapelhill.org

Parcel Identifier Number (PIN): 9778-37-4748, ~~9778-37-6817~~ 9788-37-6817

Date: 5 Jun 2020

Section A: Project Information

Project Name: Rosemary Street Parking DeckProperty Address: 125 E Rosemary StZip Code: 27514Use Groups (A, B, and/or C): CExisting Zoning District: TC-2Project Description: Demolition of 276 space existing parking deck and construction of a 1,000 to 1,100 space deck

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

Applicant Information (to whom correspondence will be mailed):

Name: Ballentine Associates, attn: George RetschleAddress: 221 Providence RoadCity: Chapel HillState: NCZip Code: 27514Phone: (919) 929-0481Email: georger@bapa.eng.pro

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

Signature: Date: 5 Jun 2020

Owner/Contract Purchaser Information:

☒ Owner☐ Contract PurchaserName: Investors Title CompanyAddress: 135 E. Rosemary StreetCity: Chapel HillState: NCZip Code: 27514Phone: 919-968-2200Email: dmartin@invtitle.com

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

Signature: By: James A. Fink Jr.Date: 6-10-2020

President

Investors Title Company

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



CONDITIONAL ZONING

TOWN OF CHAPEL HILL
Planning and Development Service

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

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

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

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

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

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



PROJECT FACT SHEET
TOWN OF CHAPEL HILL
 Planning and Development Service

Section A: Project Information

Use Type: (check/list all that apply)

☐ Office/Institutional ☐ Residential ☐ Mixed-Use ☒ Other: _____

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=	73,097	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=	7,310	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=	80,407	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)	79,000
Area of Land Disturbance within RCD	0
Area of Land Disturbance within Jordan Buffer	0

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	66,548	66,548	64,496	64,496
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA)%	82.76	82.76	80.21	80.21
If located in Watershed Protection District, % of impervious surface on 7/1/1993				



PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning and Development Service

Section D: Dimensions

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	1 +/- 200 sf enclosed	all	1,415 enclosed	1,415
Number of Floors	3	3	6-7	6-7
Recreational Space	n/a	n/a	n/a	n/a

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)				
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					
Restaurant			# of Seats		
Government					
Institutional					
Medical					
Office		5000			
Hotel			# of Rooms		
Industrial					
Place of Worship			# of Seats		
Other	200	1000 (Storage)			

Dimensional Requirements		Required by Ordinance	Existing	Proposed
Setbacks (minimum)	Street	0	9.5	8
	Interior (neighboring property lines)	0	0	0
	Solar (northern property line)	0 (TC-2), 11 (R-3), 8 (R-6)	10	0 (TC-2), 5 (R-3, R-6)
Height (maximum)	Primary	44	34	73
	Secondary	90	40	73
Streets	Frontages	12	191/165	356
	Widths	15	191/165	356



PROJECT FACT SHEET
TOWN OF CHAPEL HILL
 Planning and Development Services

Section F: Adjoining or Connecting Streets and Sidewalks

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

Street Name	Right-of-Way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing Curb/Gutter
Rosemary St	60	39	3	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
				<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

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

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

Sidewalk Information			
Street Names	Dimensions	Surface	Handicapped Ramps
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Section G: Parking Information

Parking Spaces	Minimum	Maximum	Proposed
Regular Spaces			1,076
Handicap Spaces			28
Total Spaces			1,104
Loading Spaces			
Bicycle Spaces			40
Surface Type	conc parking deck		

Section H: Landscape Buffers

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
North 1	15 & 20	6	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
North 2	15	varies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
south, east, west	0	0	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
			<input type="checkbox"/> Yes	<input type="checkbox"/> Yes



PROJECT FACT SHEET
TOWN OF CHAPEL HILL
 Planning and Development Services

Section I: Land Use Intensity

Existing Zoning District:

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
TC-2 CZ	1.97	n/a			n/a	158,402	n/a
TOTAL							
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 checked="" type="checkbox"/> Above Ground		
Telephone	<input checked="" type="checkbox"/> Underground	<input checked="" type="checkbox"/> Above Ground		
Solid Waste	<input type="checkbox"/> Town	<input type="checkbox"/> Private		



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

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

X	Application fee (including Engineering Review fee) (refer to fee schedule)	Amount Paid \$	8,585
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		
Pend	Traffic Impact Statement – completed by Town’s consultant (or exemption)		
n/a	Description of Public Art Proposal , if applicable		
X	Statement of Justification		
n/a	Response to Community Design Commission and Town Council Concept Plan comments		
n/a	Affordable Housing Proposal , if applicable		
X	Statement of Consistency with Comprehensive Plan or request to amend Comprehensive Plan		
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, including proposed land uses		
n/a	Resource Conservation District, Floodplain, & Jordan Buffers Determination – necessary for all submittals		
n/a	Jurisdictional Wetland Determination – if applicable		
n/a	Resource Conservation District Encroachment Exemption or Variance (determined by Planning)		
n/a	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)

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



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

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

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

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

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

Cover Sheet

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

Area Map

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

Existing Conditions Plan

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



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

Detailed Site Plan

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

Stormwater Management Plan

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

Landscape Protection Plan

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



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

Planting Plan

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

Steep Slope Plan

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

Grading and Erosion Control Plan

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

Streetscape Plan, if applicable

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

Solid Waste Plan

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



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

Construction Management Plan

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

Energy Management Plan

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

Exterior Elevations

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

Rosemary Street Parking Deck – Conditional Zoning

Project Narrative

The Rosemary Street Parking Deck will create much needed parking for visitors, businesses and workers in downtown Chapel Hill and will be an integral component of the revitalization of East Rosemary Street. This redevelopment strategy for East Rosemary Street will create space for hundreds of new technology workers and researchers in the heart of downtown. The new deck will also create an attractive new arrival experience for visitors to downtown and will improve the streetscape on the southern frontage of Rosemary Street.

The new parking deck will be located on the site of the existing 'CVS' parking deck combined with the surface parking lot immediately to the east. Combining these parcels will create a combined parcel of approximately 1.6 acres. Grubb Properties controls these properties and is proposing to exchange these parcels with the Town of Chapel Hill for the land currently occupied by the Wallace Parking deck, a parcel of 1.49 acres which would be developed into a new research facility with labs and office space for business and institutional tenants.

The existing parking deck is a three-level structure and parks 276 cars. It was built over 40 years ago and has reached the end of its service life. The new parking deck will be a seven-level structure and will park approximately 1,100 cars.

In addition to new parking spaces the Rosemary Street frontage will be improved by widening the sidewalks to incorporate a 'retail porch' that will provide space for small business, artisans and food vendors to operate on an economical, short term basis.

Statement of Justification – Conditional Zoning

This is a statement of justification to support the request for Conditional Zoning for 125 East Rosemary Street and the parcel immediately to the east. Both parcels are currently within the TC-2 zoning district. The Conditional Zoning is being requested to facilitate an open dialogue with the public and negotiations between the applicant and the Town of Chapel Hill.

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

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

Below is the applicant's evaluation of this application based on these three findings.

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

Response: We do not believe there is error in the Town's Zoning Atlas Amendment related to the project site.

- 2) **Finding #2:** The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

Response: We believe that the conditions have changed in the following respect: In recent years downtown Chapel Hill has undergone a loss of jobs and businesses which has adversely affected the economic vitality of Chapel Hill. One component of this problem is the lack of centralized public parking to support business and visitors, which this project addresses.

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

Response: The proposed rezoning would contribute to the following elements of the Comprehensive Plan:

Theme 2: Community Prosperity and Engagement

- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1).
- Foster success of local businesses (CPE.2).

Theme 3: Getting Around

- A connected community that links neighborhoods, businesses and schools through the provision of greenways, sidewalks, bike facilities and public transportation (GA.2).

Theme 4: Good Places, New Spaces

- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential and cultural development and activity (GPNS.2).
- A community that welcomes and supports change and creativity (GPNS.6).

Theme 6: Town and Gown Collaboration

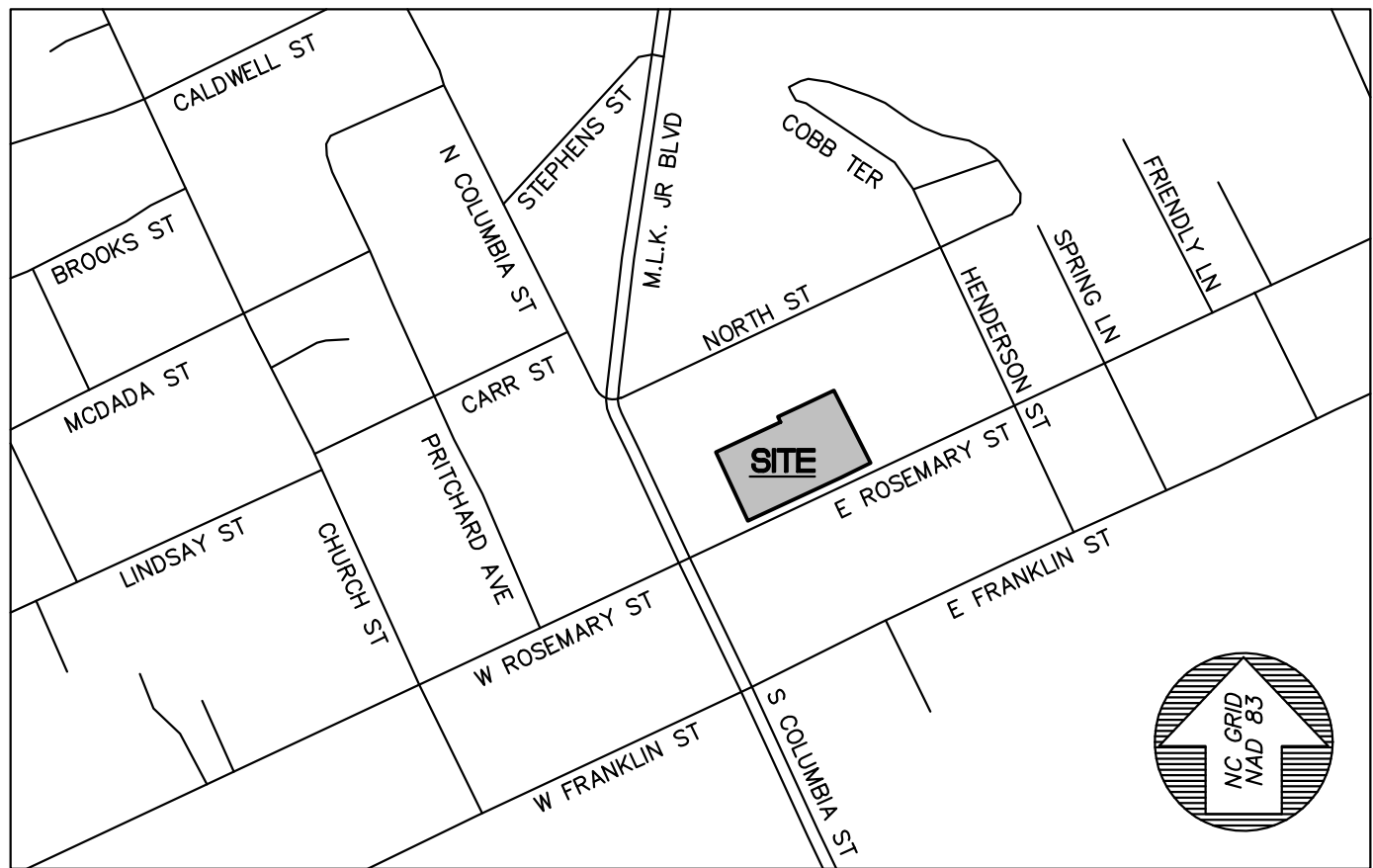
- Take full advantage of ideas and resources to create a thriving economy and incorporate the utilize the intellectual capital that the University and Town create (TGC.1).

Modifications of Regulations:

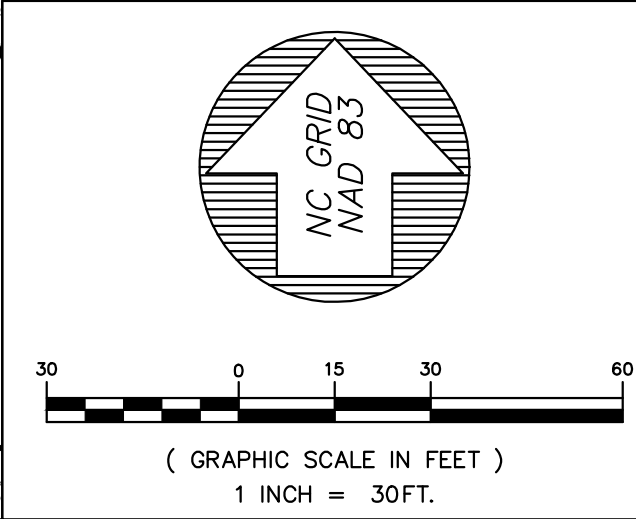
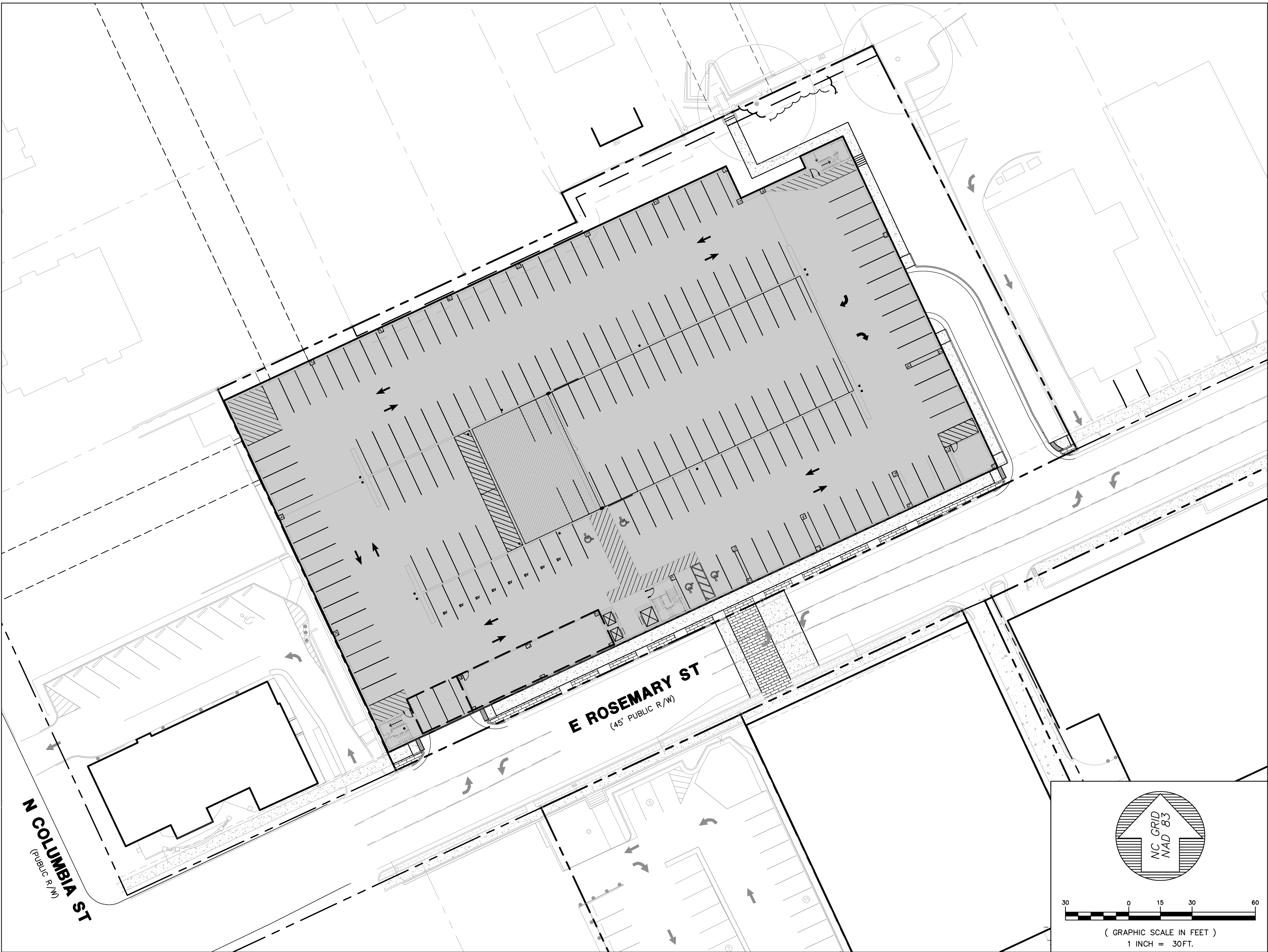
Building Height, Setback - LUMO Table 3.8-1 Dimensional Matrix limits the maximum building height at the setback line in the TC-2 zoning district to 44 feet. In order to provide the desired number of parking spaces, the deck will need to be 7 levels and will exceed the 44 feet maximum allowed. The applicant therefore requests that Council approve a modification approving a building height at the setback line of 73 feet.

LUMO section 3.8.4 requires a minimum solar setback for the land adjacent to the residential districts R-3 and R-6 of 11 feet and 8 feet, respectively. In order to provide the desired number of parking stalls and drive aisles, the deck will need to be within the minimum solar setback. The applicant therefore requests that Council approve a modification reducing the minimum solar setback to 5 feet for the land adjacent to the residential districts at the north end of the property.

CONDITIONAL ZONING DRAWINGS
FOR
ROSEMARY STREET PARKING DECK
CHAPEL HILL, ORANGE COUNTY, NORTH CAROLINA



VICINITY MAP
SCALE: 1"=500'



DRAWING LIST

SHEET	DRAWING TITLE	LATEST ISSUE DATE
G0001	COVER	01 JUN 20
C0001	AREA MAP	22 MAY 20
C0101	EXISTING CONDITIONS, LANDSCAPE PROTECTION & DEMOLITION PLAN	22 MAY 20
C1001	SITE PLAN	01 JUN 20
C1200	GRADING & UTILITY PLAN	01 JUN 20
C1301	PRELIMINARY EROSION CONTROL PLAN	22 MAY 20
L01-01	LANDSCAPE PLANS	01 JUN 20
L01-02	LANDSCAPE DETAILS	22 MAY 20
A10-01	OVERALL FLOOR PLAN - P1	22 MAY 20
A10-02	OVERALL FLOOR PLAN - P2	22 MAY 20
A10-03	OVERALL FLOOR PLAN - P3	22 MAY 20
A10-04	OVERALL FLOOR PLAN - P4	22 MAY 20
A10-05	OVERALL FLOOR PLAN - P5	22 MAY 20
A10-06	OVERALL FLOOR PLAN - P6	22 MAY 20
A10-07	OVERALL FLOOR PLAN - P7	22 MAY 20
A10-08	OVERALL FLOOR PLAN - ROOF	22 MAY 20
A20-01	EXTERIOR ELEVATIONS	22 MAY 20

ARCHITECTURE:

Perkins&Will

411 W CHAPEL HILL STREET, SUITE 200
DURHAM, NC 27701
(919) 433-5300

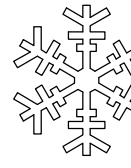
DEVELOPER:



GRUBB PROPERTIES
People who care. Places that matter.

113 EDINBURGH SOUTH DR, SUITE 120
CARY, NC 27511
(919) 388-5772

SITE PLANNING / CIVIL ENGINEERING:



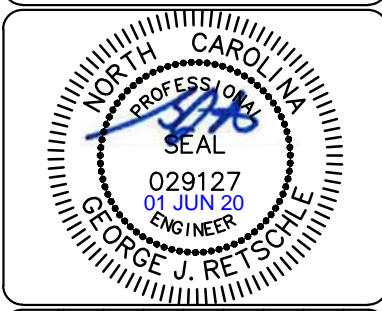
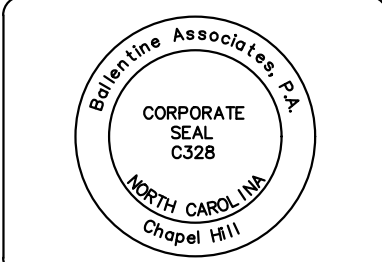
BALLENTINE
ASSOCIATES, P.A.

221 PROVIDENCE ROAD, CHAPEL HILL, N.C. 27514
(919) 929 - 0481 (919) 489 - 4789

REVIEW DRAWING
NOT FOR CONSTRUCTION

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ASSOCIATES, P.A.

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DATE	REVISIONS
08 APR 20	PER TOWN OF CHAPEL HILL REVIEW COMMENTS
22 MAY 20	PER TOWN OF CHAPEL HILL REVIEW COMMENTS
01 JUN 20	REVISED TREE WELL SPACING

OWNER INFORMATION
GRUBB PROPERTIES, INC.
4500 CAMERON VALLEY PKWY.
SUITE 350
CHARLOTTE, NC 28211
OWNER'S REPRESENTATIVE:
JOE DYE
(919) 388-5774
FAX (919) 461-3939
EMAIL: joe.dye@grubbproperties.com

DATE	ISSUED
02 MAR 20	CONDITIONAL ZONING SUBMITTAL #1
08 APR 20	CONDITIONAL ZONING SUBMITTAL #2
22 MAY 20	CONDITIONAL ZONING SUBMITTAL #3
01 JUN 20	PLANNING COMMISSION MEETING

ROSEMARY STREET PARKING DECK
125 E. ROSEMARY ST
CHAPEL HILL, NORTH CAROLINA
CONDITIONAL ZONING DRAWINGS

JOB #: 118038.01
DATE: 02 MAR 20
SCALE: AS NOTED
DRAWN BY: J.B.M.
REVIEWED BY: G.J.R.

SHEET
G0001



DEMOLITION NOTES

- PRIOR TO DEMOLITION, CONTRACTOR SHALL HAVE NORTH CAROLINA 811 (1-800-632-4849) LOCATE ALL EXISTING UTILITIES. CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS.
- PRIOR TO DEMOLITION, CONTRACTOR IS RESPONSIBLE FOR DETERMINING IF ASBESTOS REMEDIATION IS REQUIRED. AND IF SO, CONTRACTOR SHALL PROVIDE ASBESTOS REMEDIATION IN ACCORDANCE WITH FEDERAL, STATE & LOCAL REGULATIONS.
- OPEN BURNING OF TREES, LIMBS, STUMPS AND CONSTRUCTION DEBRIS IN ASSOCIATION WITH THIS DEVELOPMENT IS PROHIBITED.
- ANY EXISTING WATER AND SEWER SERVICES AND CLEANOUTS TO BE REMOVED, SHALL BE ABANDONED IN ACCORDANCE WITH OWASA REQUIREMENTS.
- ANY EXISTING GAS, ELECTRIC, FIBER AND ANY OTHER UTILITIES SERVICING THE STRUCTURE TO BE DEMOLISHED SHALL BE FIELD LOCATED AND TERMINATED IN ACCORDANCE WITH STATE & LOCAL REGULATIONS, AND IN ACCORDANCE WITH THE RESPECTIVE PROVIDER'S STANDARDS & SPECIFICATIONS.
- PRIOR TO ANY LAND DISTURBANCE, DEMOLITION OR CONSTRUCTION ACTIVITY ON THE SITE THE CONTRACTOR SHALL COORDINATE AND HOLD A PRE-DEMOLITION/PRE-CONSTRUCTION CONFERENCE WITH:
 - CIVIL ENGINEER AND OWNER'S REPRESENTATIVE
 - TOWN OF CHAPEL HILL URBAN FORESTER: (919) 969-5114
 - TOWN OF CHAPEL HILL STORMWATER DIVISION: (919) 969-7246

- ORANGE COUNTY SOLID WASTE STAFF: (919) 968-2788
 - ORANGE COUNTY EROSION CONTROL OFFICER: (919) 245-2587
- IN ALL AREAS WHERE IMPERVIOUS COVER IS SHOWN TO BE REMOVED AND RESTORED WITH PERVIOUS COVER, THE FOLLOWING STEPS SHALL BE TAKEN:
 - REMOVE ALL ASPHALT CONCRETE, BEDDING MATERIALS, GRAVEL, DEBRIS, BUILDING MATERIALS, ETC.
 - RIP AND AERATE TO A DEPTH OF 18 INCHES BELOW ORIGINAL GRADE, UNLESS WITHIN THE CRITICAL ROOT ZONE OF A TREE TO BE PRESERVED. IN THAT CASE, LIMIT RIPPING TO A DEPTH OF 6".
 - PLACE 4-6 INCHES OF TOPSOIL (TO FINISHED GRADE) AND INSTALL PLANTINGS AND/OR SEED DISTURBED AREA ACCORDING TO LANDSCAPE PLAN. DO NOT COMPACT TOPSOIL.
 - DURING DEMOLITION AND/OR CONSTRUCTION, ALL ASPECTS OF CHAPTER 14 OF THE NC FIRE PREVENTION SHALL BE FOLLOWED. THE OWNER/DEVELOPER SHALL DESIGNATE ONE PERSON TO BE THE FIRE PREVENTION PROGRAM SUPERINTENDENT WHO SHALL BE RESPONSIBLE FOR ENFORCING CHAPTER 14 OF THE NCFCP AND THE ON-SITE FIRE PREVENTION PROGRAM AND ENSURE THAT IT IS CARRIED OUT THROUGH COMPLETION OF THE PROJECT.
 - DURING CONSTRUCTION, FIREFIGHTING VEHICLE ACCESS SHALL BE PROVIDED. TEMPORARY STREET SIGNS SHALL BE INSTALLED AT EACH STREET INTERSECTION WHEN CONSTRUCTION ALLOWS THE PASSAGE OF VEHICLES. SIGNS SHALL BE OF AN APPROVED SIZE, WEATHER RESISTANT AND MAINTAINED UNTIL REPLACED BY PERMANENT SIGNS.

TREE PROTECTION NOTES

- TREE PROTECTION FENCING AS SHOWN ON THIS PLAN SHALL BE INSTALLED AND INSPECTED BY THE TOWN PRIOR TO ANY DEMOLITION ACTIVITY OR LAND DISTURBANCE.
- A PRE-CONSTRUCTION CONFERENCE WILL BE HELD WITH THE TOWN'S URBAN FORESTER PRIOR TO BEGINNING SITE WORK.
- ANY TREE ROOTS EXPOSED BY CONSTRUCTION WILL BE SEVERED CLEANLY WITH AN APPROPRIATE PRUNING TOOL.
- THE SOIL WITHIN THE CRITICAL ROOT ZONES OF EXISTING TREES SHALL NOT BE DRIVEN ON OR OTHERWISE DISTURBED DURING THE INSTALLATION OF LANDSCAPING.
- A LANDSCAPE PROTECTION SUPERVISOR WHO IS REGISTERED WITH THE TOWN OF CHAPEL HILL WILL BE PRESENT ON SITE AT ALL TIMES WHEN THE FOLLOWING ACTIVITIES ARE TAKING PLACE: CLEARING, GRUBBING, EXCAVATION, GRADING, TRENCHING, MOVING OF SOIL, INSTALLATION AND REMOVAL OF TREE PROTECTION FENCING, AND THE DELIVERY TRANSPORTING AND PLACEMENT OF CONSTRUCTION MATERIALS AND EQUIPMENT.

OCSW CONSTRUCTION WASTE REQUIREMENTS

- ALL EXISTING STRUCTURES 500 SQUARE FEET AND LARGER SHALL BE ASSESSED PRIOR TO THE ISSUANCE OF A DEMOLITION PERMIT TO ENSURE COMPLIANCE WITH THE COUNTY'S REGULATED RECYCLABLE MATERIALS ORDINANCE (RMO) AND TO ASSESS THE POTENTIAL FOR DECONSTRUCTION AND/OR THE REUSE OF SALVAGEABLE MATERIALS. CONTACT THE ORANGE COUNTY SW ENFORCEMENT OFFICER AT 919-968-2788 TO ARRANGE FOR THE ASSESSMENT.
- PURSUANT TO THE COUNTY'S RMO, CLEAN WOOD WASTE, SCRAP METAL, AND CORRUGATED CARDBOARD PRESENT IN CONSTRUCTION OR DEMOLITION WASTE MUST BE RECYCLED.
- PURSUANT TO THE COUNTY'S RMO, ALL HAULERS OF MIXED CONSTRUCTION AND DEMOLITION WASTE WHICH INCLUDES ANY REGULATED RECYCLABLE MATERIALS SHALL BE LICENSED BY ORANGE COUNTY.
- PRIOR TO ANY DEMOLITION OR CONSTRUCTION ACTIVITY ON THE SITE, THE APPLICANT SHALL HOLD A PRE-DEMOLITION/PRE-CONSTRUCTION CONFERENCE WITH SOLID WASTE STAFF. THIS MAY BE THE SAME PRE-CONSTRUCTION MEETING HELD WITH OTHER DEVELOPMENT/ENFORCEMENT OFFICIALS.
- 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.

NOTES

- EXISTING CONDITIONS SHOWN ARE BASED UPON SITE SURVEYS PERFORMED BY BALLENTINE ASSOCIATES, KCI ASSOCIATES AND ORANGE COUNTY GIS DATA.
- CONTRACTOR SHALL HAVE NORTH CAROLINA ONE CALL (1-800-632-4849). LOCATE ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL VERIFY THE DEPTH AND LOCATION OF ALL EXISTING UTILITIES AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS PRIOR TO BEGINNING CONSTRUCTION.
- THIS PLAN IS DIAGRAMMATIC AND REPRESENTS THE APPROXIMATE LOCATION OF UTILITIES UNLESS SPECIFICALLY DIMENSIONED. THE CONTRACTOR SHALL COORDINATE THE ACTUAL LOCATION OF UTILITIES TO AVOID CONFLICTS AND MEET MINIMUM SIZE, SLOPE, AND CODE REQUIREMENTS.
- ALL STEEP SLOPES AREAS ARE EITHER LESS THAN 400 SQ FT OR ARE ASSOCIATED WITH ROADWAY, PARKING LOTS OR DRIVEWAYS WHICH ARE EXCLUDED FROM ANY SPECIAL CONSTRUCTION TECHNIQUES.

DRAWING LEGEND

SYMBOL/ABBREVIATION

EXISTING	DEMO	DESCRIPTION
---	---	PROPERTY LINE
---	---	RIGHT-OF-WAY LINE
---	---	ADJONER PROPERTY LINE
SD	SD	STORM DRAIN LINE
W	W	WATER LINE
SS	SS	SANITARY SEWER LINE
UE	UE	UNDERGROUND ELECTRIC LINE
OHU	OHU	OVERHEAD ELECTRIC LINE
G	G	GAS LINE
FO	FO	FIBER OPTIC LINE
TPF	TPF	TREE PROTECTION FENCE
---	---	LIMITS OF DISTURBANCE
---	---	TREE LINE
---	---	MAJOR CONTOUR
---	---	MINOR CONTOUR
---	---	SOIL BOUNDARY
---	---	APPLING-URBAN LAND COMPLEX
---	---	URBAN LAND
---	---	BORHOLE
---	---	EXISTING IRON PIPE
---	---	SIGN
---	---	CATCH BASIN
---	---	DROP INLET
---	---	WATER VALVE
---	---	FIRE HYDRANT
---	---	SANITARY SEWER MANHOLE
---	---	SANITARY SEWER CLEANOUT
---	---	POWER POLE
---	---	LIGHT POLE
---	---	ELECTRIC BOX
---	---	HVAC UNIT
---	---	GAS METER
---	---	GAS VALVE
---	---	TELEPHONE VAULT
---	---	FIBER OPTIC MARKER
---	---	DECIDUOUS TREE
---	---	CONIFEROUS TREE
---	---	PAVEMENT/STRUCTURES
---	---	CONCRETE SIDEWALK
---	---	BRICK SIDEWALK

TREE SUMMARY

	RARE	SPECIMEN	TOTAL
EXISTING TREES	3	3	6
TREES TO BE REMOVED	2	3	5

TREE LEGEND:

- RARE DECIDUOUS TREE SHOWING CRITICAL ROOT ZONE
- SPECIMEN DECIDUOUS TREE SHOWING CRITICAL ROOT ZONE
- RARE/SPECIMEN DECIDUOUS TREE TO BE REMOVED
- RARE CONIFEROUS TREE SHOWING CRITICAL ROOT ZONE
- SPECIMEN CONIFEROUS TREE SHOWING CRITICAL ROOT ZONE
- RARE/SPECIMEN CONIFEROUS TREE TO BE REMOVED

BOREHOLES

BH #	DESCRIPTION	HUB ELEV.	TOP ELEV. OF UTILITY
#1	6" DIP WM	465.83	459.87
#2	2" WS/GM	466.23	464.28
#3	36"X18" CONC. DUCT BANK	466.29	465.22
#4	6" CIP/WM	466.07	462.73
#5	18"X18" DUCT BANK	467.43	463.44
#6	1" COPPER WATER	467.15	464.34
#7	36"X18" CONC. DUCT BANK	467.11	464.91
#7a	ELECTELE	466.98	464.78
#8	3" WS/GM	467.34	465.16
#9	6" CIP/WM	467.48	463.67
#10	12" AC/WM	467.25	461.79
#11	3" WS/GM	465.21	463.09
#12	36"X18" CONC. DUCT BANK	465.27	463.93
#13	36"X18" CONC. DUCT BANK	464.95	462.96

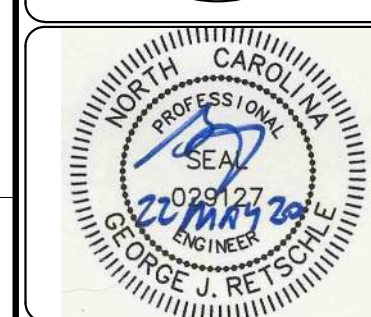
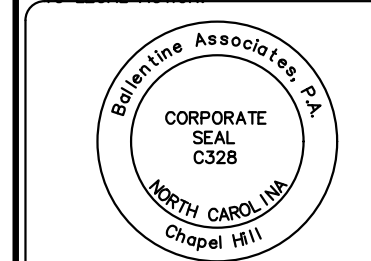
EXISTING CONDITIONS, LANDSCAPE PROTECTION & DEMOLITION PLAN

(GRAPHIC SCALE IN FEET)
1 inch = 20 ft.

REVIEW DRAWING
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BALLENTINE ASSOCIATES, P.A.
221 PROVIDENCE ROAD, CHAPEL HILL, N.C. 27514
(919) 929 - 0481

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DATE
08 APR 20
22 MAY 20

REVISIONS
PER TOWN OF CHAPEL HILL REVIEW COMMENTS
PER TOWN OF CHAPEL HILL REVIEW COMMENTS

DATE
02 MAR 20
08 APR 20
22 MAY 20

ISSUED
CONDITIONAL ZONING SUBMITTAL #1
CONDITIONAL ZONING SUBMITTAL #2
CONDITIONAL ZONING SUBMITTAL #3

OWNER INFORMATION
2808 PROPERTIES, INC.
4500 CAMERON VALLEY PKWY.
SUITE 350
CHARLOTTE, NC 28211
OWNERS REPRESENTATIVE:
JOE DYE
(919) 388-5774
FAX (919) 461-3939
EMAIL jodye@2808properties.com

DATE
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22 MAY 20

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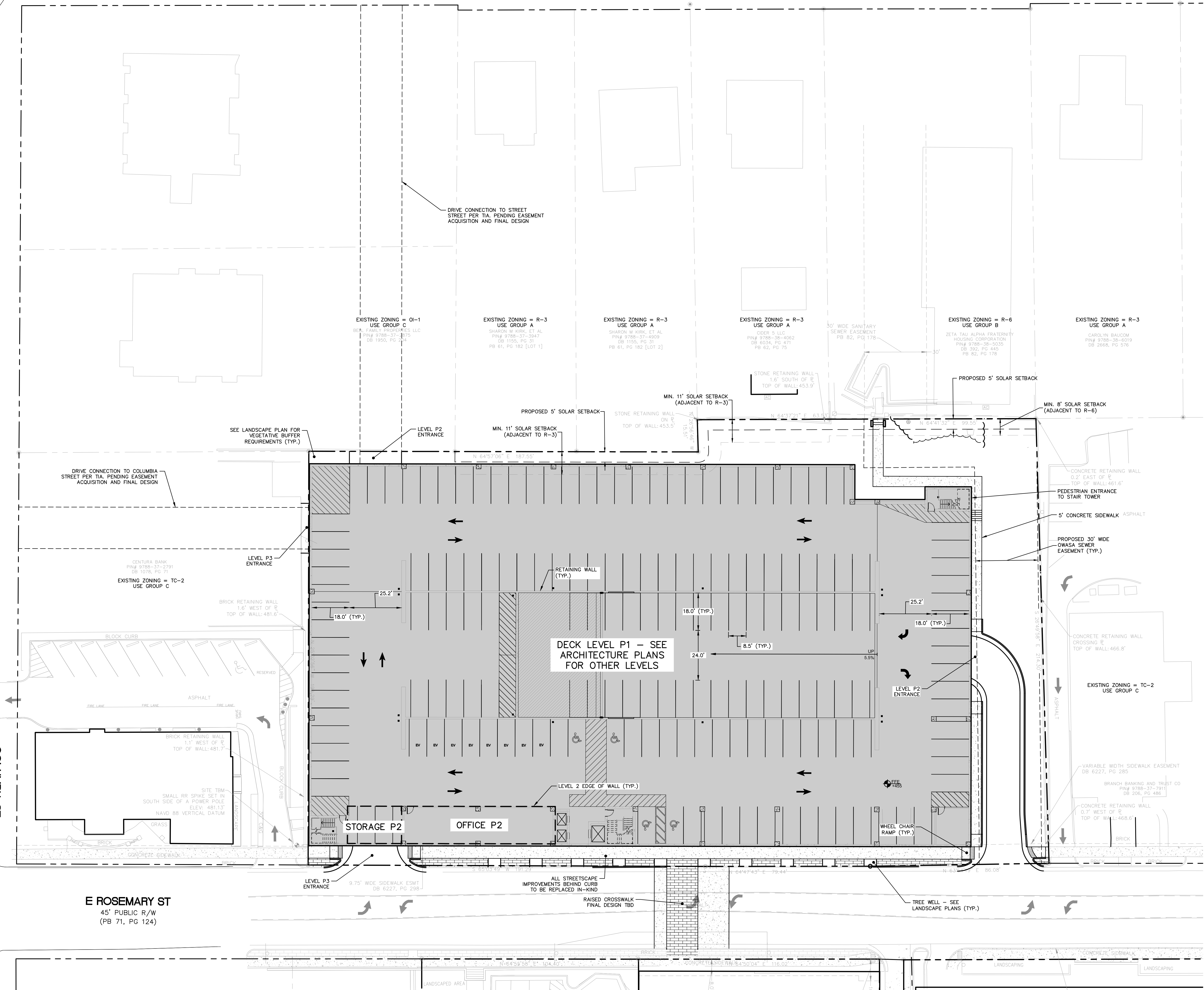
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OWNERS REPRESENTATIVE:
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(919) 388-5774
FAX (919) 461-3939
EMAIL jodye@2808properties.com

- NOTES**
1. ALL CONSTRUCTION SHALL COMPLY WITH APPLICABLE TOWN OF CHAPEL HILL STANDARDS AND SPECIFICATION.
 2. THE TOWN OF CHAPEL HILL, ITS' ASSIGNS OR ORANGE COUNTY SHALL NOT BE RESPONSIBLE FOR ANY PAVEMENT DAMAGE THAT MAY RESULT FROM SERVICE VEHICLES.
 3. PRIOR TO INSTALLATION OF ANY STREET SIGNS OR MARKINGS, THE DEVELOPER WILL CONTACT THE TOWN'S PUBLIC WORKS DEPARTMENT FOR AN ON-SITE APPROVAL OF THE FINAL DESIGN AND PLACEMENT.
 4. ALL PAVEMENT MARKINGS WITHIN THE PUBLIC RIGHT-OF-WAY WILL BE INSTALLED USING A THERMAL PLASTIC MATERIAL WITH A MINIMUM THICKNESS OF 125 MILS.
 5. ALL WALKWAYS SHALL BE CONSTRUCTED WITH A 2% CROSS SLOPE IN THE DIRECTION SHOWN ON THE GRADING PLAN.

SITE DATA			
APPLICANT:		GRUBB PROPERTIES, INC.	
PROPERTY OWNER:		FRANKLIN OFFICE CHAPEL HILL, LLC & INVESTORS TITLE COMPANY	
PROPERTY ADDRESS:		125 EAST ROSEMARY STREET, CHAPEL HILL, NC	
PIN NUMBERS:		9788-37-4748 & 9788-37-6817	
DEED REFERENCES:		DB/PG: 6603/282 & 778/87	
EXISTING ZONING:		TC-2	
PROPOSED ZONING:		TC-2-CZ	
BUILDING SETBACK SUMMARY:		TC-2-CZ	ADJACENT RESIDENTIAL (R-3)
MINIMUM STREET SETBACK		0 FT.	N/A
MINIMUM INTERIOR SETBACK		0 FT.	N/A
MINIMUM SOLAR SETBACK		0 FT.	11 FT.
PROPOSED SOLAR SETBACK		0 FT.	5 FT.
EXISTING USE:		PARKING DECK/SURFACE PARKING	
PROPOSED USE:		PARKING DECK/OFFICE	
NET LAND AREA:		73,097 SF (1.68 AC)	
CREDITED STREET AREA:		7,310 SF (0.17 AC)	
GROSS LAND AREA:		80,407 SF (1.85 AC)	
VEHICLE PARKING SUMMARY:		REGULAR	ACCESSIBLE
REQUIRED		N/A	22 (INCL. 4 VAN)
PROPOSED		1,076	28 (INCL. 4 VAN)
BICYCLE PARKING SUMMARY:			
REQUIRED		6 SPACES	
PROPOSED		40 SPACES	
FLOOR AREA SUMMARY:			
MAX. FLOOR AREA		1.97 (FAR) X 80,407 SF (GLA) = 158,402 SF	
PROPOSED FLOOR AREA		6,000 SF (OFFICE & MECHANICAL SPACE, MAX.)	
IMPERVIOUS SUMMARY:			
EXISTING		66,548 SF (1.528 AC)	
POST DEVELOPED - CURRENT SITE PLAN		64,412 SF (1.479 AC)	
POST DEVELOPED - ADDITIONAL ALLOWANCE		1,088 SF (0.025 AC)	
TOTAL POST-DEVELOPED INCLUDING ALLOWANCE		65,500 SF (1.504 AC)	
NET IMPERVIOUS REDUCTION		-1,048 SF (0.024 AC)	
LAND DISTURBANCE SUMMARY:			
ON-SITE		73,000 SF	
OFF-SITE		6,000 SF	
TOTAL		79,000 SF	

DRAWING LEGEND		
SYMBOL/ABBREVIATION		DESCRIPTION
EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	RIGHT-OF-WAY LINE
---	---	ADJOINER PROPERTY LINE
---	---	EASEMENT LINE
---	---	SETBACK LINE
---	---	FENCE LINE
---	---	TREE LINE
---	---	EXISTING IRON PIPE
---	---	IRON PIPE SET
---	---	CALCULATED POINT
---	---	SIGN
---	---	MAIL BOX
---	---	BOLLARD



SITE PLAN

(GRAPHIC SCALE IN FEET)
1 inch = 20 ft.

**REVIEW DRAWING
NOT FOR CONSTRUCTION**

BALENTINE ASSOCIATES, P.A.
221 PROVIDENCE ROAD, CHAPEL HILL, N.C. 27514
(919) 929-0461

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REGISTERED PROFESSIONAL ENGINEER
CORPORATE
SEAL
C328
NORTH CAROLINA
Chapel Hill

REGISTERED PROFESSIONAL ENGINEER
SEAL
025127
NORTH CAROLINA
Chapel Hill

DATE	REVISIONS
08 APR 20	PER TOWN OF CHAPEL HILL REVIEW COMMENTS
22 MAY 20	PER TOWN OF CHAPEL HILL REVIEW COMMENTS
01 JUN 20	REVISED THREE WELL SPACING

OWNER INFORMATION
GRUBB PROPERTIES, INC.
4500 CAMERON VALLEY PKWY.
SUITE 350
CHARLOTTE, NC 28211
OWNERS REPRESENTATIVE:
JOE DYE
(919) 388-5774
FAX (919) 461-3939
EMAIL joe.dye@grubbproperties.com

DATE	ISSUED
02 MAR 20	CONDITIONAL ZONING SUBMITTAL #1
08 APR 20	CONDITIONAL ZONING SUBMITTAL #2
22 MAY 20	CONDITIONAL ZONING SUBMITTAL #3
01 JUN 20	PLANNING COMMISSION MEETING

ROSEMARY STREET PARKING DECK
125 E. ROSEMARY ST
CHAPEL HILL, NORTH CAROLINA

CONDITIONAL ZONING DRAWINGS

JOB #: 118038.01
DATE: 02 MAR 20
SCALE: AS NOTED
DRAWN BY: J.B.M.
REVIEWED BY: G.J.R.

**SHEET
C1001**

GRADING AND STORM DRAINAGE NOTES

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE TOWN OF CHAPEL HILL STANDARDS AND SPECIFICATIONS.
- CONTRACTOR SHALL HAVE NORTH CAROLINA ONE CALL (1-800-632-4949), LOCATE ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL VERIFY THE DEPTH AND LOCATION OF ALL EXISTING UTILITIES AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS PRIOR TO BEGINNING CONSTRUCTION.
- ALL STORM DRAINAGE PIPING WITH INSIDE DIAMETER OF 15 INCHES AND LARGER SHALL BE CLASS III RCP.
- THIS PLAN IS DIAGRAMMATIC AND REPRESENTS THE APPROXIMATE LOCATION OF UTILITIES UNLESS SPECIFICALLY DIMENSIONED. THE CONTRACTOR SHALL COORDINATE THE ACTUAL LOCATION OF UTILITIES TO AVOID CONFLICTS AND MEET MINIMUM SIZE, SLOPE, AND CODE REQUIREMENTS.
- ALL SIDEWALKS SHALL BE CONSTRUCTED SUCH THAT THE LONGITUDINAL SLOPE DOES NOT EXCEED 4% AND THE CROSS-SLOPE DOES NOT EXCEED 2%. IF THERE ARE ANY DISCREPANCIES, NOTIFY THE ENGINEER.
- NO PART OF ANY ACCESSIBLE PARKING SPACE OR ADJACENT ACCESSIBLE AISLE SHALL SLOPE GREATER THAN 2% IN ANY DIRECTION. IF THERE ARE ANY DISCREPANCIES, NOTIFY THE ENGINEER.
- INSTALL JB, 36" RCP, AND CB TO DIVERT EXISTING 30" RCP. CONNECT TO EXISTING CB WITH 4' LONG SECTION OF 18" RCP. FILL ABANDONED SECTION OF 30" RCP WITH FLOWABLE FILL AND ABANDON IN PLACE.

UTILITY PLAN NOTES

- ALL WATER AND SEWER CONSTRUCTION SHALL BE IN ACCORDANCE WITH OWASA STANDARDS AND SPECIFICATIONS.
- ALL PROPOSED UTILITY LINES SHALL BE LOCATED UNDERGROUND. THIS DOES NOT APPLY TO COMPONENTS THAT ARE REQUIRED TO BE LOCATED ABOVE GROUND SUCH AS BACKFLOW PREVENTERS AND TRANSFORMERS.

DRAWING LEGEND

SYMBOL/ABBREVIATION

EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	RIGHT-OF-WAY LINE
---	---	ADJOINER PROPERTY LINE
---	---	EASEMENT LINE
SD	SD	STORM DRAIN LINE
W	W	WATER LINE
SS	SS	SANITARY SEWER LINE
UE	UE	UNDERGROUND ELECTRIC LINE
OHE	OHE	OVERHEAD ELECTRIC LINE
G	G	GAS LINE
T	T	TELEPHONE LINE
---	---	LIMITS OF DISTURBANCE
460	460	MAJOR CONTOUR
462	462	MINOR CONTOUR
---	---	EXISTING IRON PIPE
---	---	SIGN
---	---	CATCH BASIN
---	---	DROP INLET
---	---	JUNCTION BOX
---	---	WATER VALVE
---	---	FIRE DEPARTMENT CONNECTION
---	---	FIRE HYDRANT
---	---	SANITARY SEWER MANHOLE
---	---	SANITARY SEWER CLEANOUT
---	---	POWER POLE
---	---	LIGHT POLE
---	---	ELECTRIC BOX
---	---	HVAC UNIT
---	---	TELEPHONE PEDESTAL
---	---	TELEPHONE VAULT
---	---	FIBER OPTIC MARKER

PIPE TABLE

US STR	DS STR	DIAMETER (IN)	MATERIAL	US INV. ELEV. (FT)	DS INV. ELEV. (FT)	LENGTH (FT)	SLOPE (FT/FT)
EX JB	3	30	EX RCP	460.10	458.92	27	0.0440
DECK	10	36	RCP	448.80	448.60	17	0.0115
EX CB	4	18	RCP	458.30	458.20	6	0.0168
2	EX CB	15	RCP	462.70	460.80	56	0.0341
3	4	36	RCP	458.10	458.00	10	0.0102
4	5	36	RCP	458.00	455.80	84	0.0261
5	6	36	RCP	455.80	455.20	20	0.0301
6	7	36	RCP	455.20	453.20	60	0.0332
7	8	36	RCP	453.20	450.70	93	0.0269
8	9	36	RCP	450.70	449.80	35	0.0254
9	10	36	RCP	449.80	448.60	45	0.0268
10	11	36	RCP	448.60	447.90	30	0.0237
11	12	36	RCP	447.90	446.90	48	0.0210
12	EX DI	30	EX RCP	446.80	440.10	117	0.0571

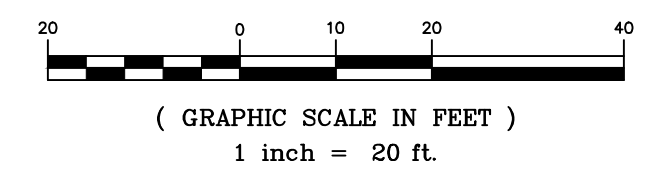
*RIM ELEV. REFER TO:

JUNCTION BOX	TOP OF MANHOLE COVER
CATCH BASIN	BOT OF CURB/TOP OF GRATE
DROP INLET/INYOPLAST	TOP OF CASTING/GRATE
PIPE END	INVERT

STRUCTURE TABLE

STR. ID	RIM ELEV. (FT)	STRUCTURE TYPE
EX DI	444.30	DI
DECK	452.63	PIPE END
EX CB	464.80	CB
EX JB	465.00	JB
1	466.40	CB DH
2	466.70	CB
3	465.30	JB
4	465.40	CB
5	466.48	CB
6	466.75	JB
7	464.80	CB
8	463.80	DI
9	459.50	DI
10	459.10	JB
11	455.36	JB
12	454.10	RTM

GRADING & UTILITY PLAN



REVIEW DRAWING
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BALENTINE ASSOCIATES, P.A.
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CHAPEL HILL, N.C. 27514
(919) 529-0461

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REGISTERED PROFESSIONAL ENGINEER
NORTH CAROLINA
CORPORATE
S.EAL
C328
CHAPEL HILL

SEAL
025127
2020
NORTH CAROLINA
REGISTERED PROFESSIONAL ENGINEER

DATE	REVISIONS
08 APR 20	PER TOWN OF CHAPEL HILL REVIEW COMMENTS
22 MAY 20	PER TOWN OF CHAPEL HILL REVIEW COMMENTS
01 JUN 20	REVISED TREE WELL SPACING

OWNER INFORMATION
28588 PROPERTIES, INC.
4500 CAMERON VALLEY PKWY.
SUITE 350
CHARLOTTE, NC 28211
OWNERS REPRESENTATIVE:
JOE DYE
(919) 388-5774
FAX (919) 461-3939
EMAIL joe.dye@28588properties.com

DATE	ISSUED
02 MAR 20	CONDITIONAL ZONING SUBMITTAL #1
08 APR 20	CONDITIONAL ZONING SUBMITTAL #2
22 MAY 20	CONDITIONAL ZONING SUBMITTAL #3
01 JUN 20	PLANNING COMMISSION MEETING

ROSEMARY STREET PARKING DECK
125 E. ROSEMARY ST
CHAPEL HILL, NORTH CAROLINA

CONDITIONAL ZONING DRAWINGS

JOB #: 118038.01
DATE: 02 MAR 20
SCALE: AS NOTED
DRAWN BY: J.B.M.
REVIEWED BY: G.J.R.

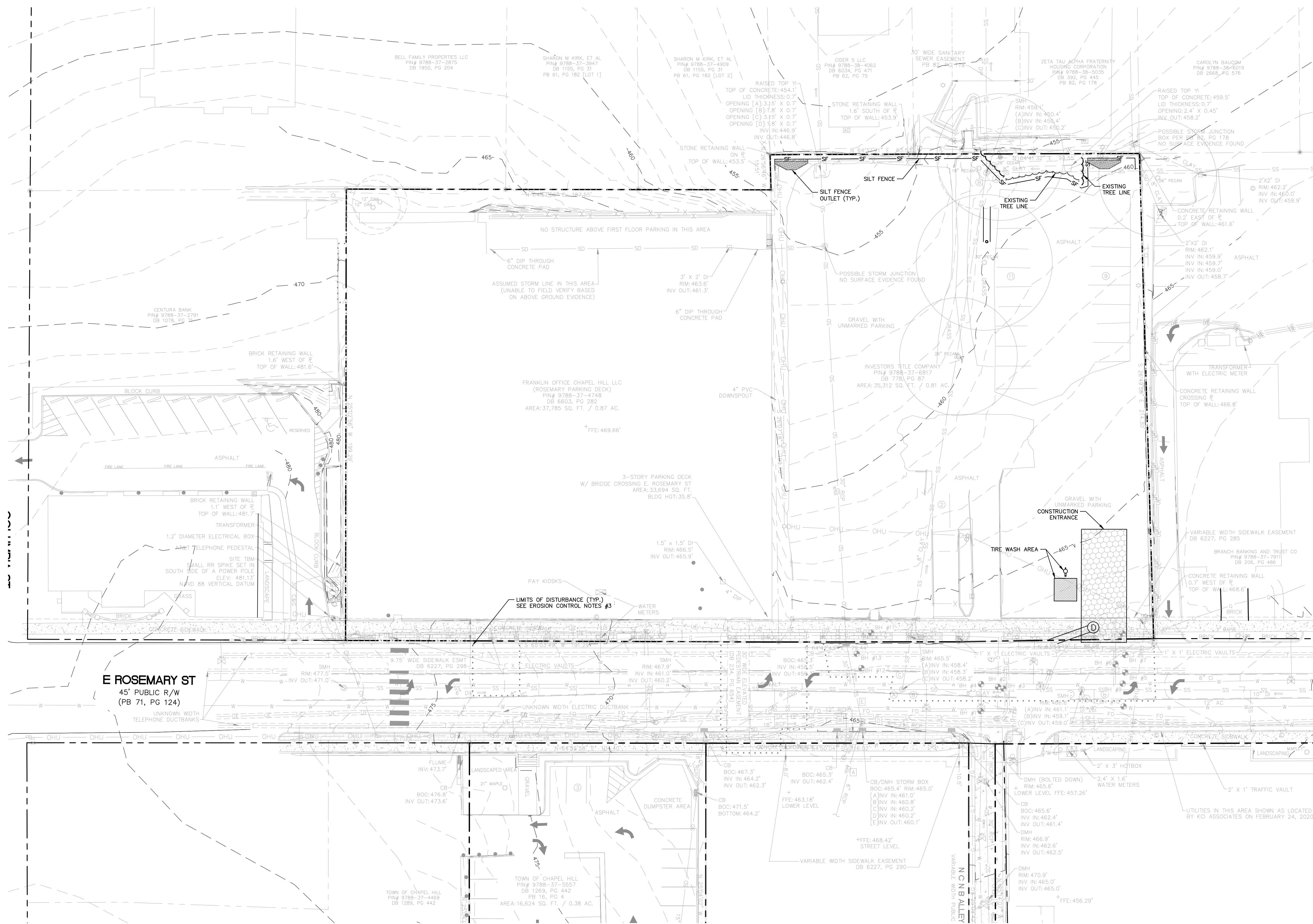
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C1201

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A



EROSION CONTROL NOTES

- THIS PLAN IS SCHEMATIC AND IS INTENDED ONLY TO SHOW THE GENERAL LOCATION OF MAJOR EROSION CONTROL FEATURES TO BE REQUIRED. A DETAILED EROSION CONTROL PLAN MEETING ALL APPLICABLE TOWN OF CHAPEL HILL & ORANGE COUNTY REQUIREMENTS WILL BE SUBMITTED AS PART OF A LAND DISTURBANCE APPLICATION DURING THE ZCP PROCESS.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH NCDEQ, ORANGE COUNTY AND TOWN OF CHAPEL HILL STANDARDS AND SPECIFICATIONS.
- TOTAL DISTURBED AREA: 1.80 AC. THIS INCLUDES ALL DISTURBANCE REQUIRED FOR FULL SITE CONSTRUCTION.

CONSTRUCTION MANAGEMENT PLAN

- CONSTRUCTION MANAGEMENT PLAN WILL BE FINALIZED DURING THE ZCP PHASE.
- CONSTRUCTION SHALL COMPLY WITH THE CHAPEL HILL NOISE ORDINANCE, ARTICLE 3, SECTION 11-40.
- CONSTRUCTION HOURS SHALL BE FROM 7:00 AM - 9:00 PM ON WEEKDAYS AND 8:00 AM - 9:00 PM ON WEEKENDS PER SECTION 11-40.
- A WATER TRUCK SHALL BE USED TO MINIMIZE DUST.
- CONTRACTOR SHALL TAKE APPROPRIATE MEASURES TO PREVENT AND REMOVE THE DEPOSIT OF SILT ON ADJACENT PAVED ROADWAYS.
- ALL STORAGE, STAGING, AND PARKING SHALL BE ON-SITE AND CONTAINED WITHIN THE CONSTRUCTION LIMITS. NONE OF THESE ACTIVITIES SHALL OCCUR WITHIN TREE PROTECTION ZONES AT ANY TIME.
- CONSTRUCTION VEHICLES TO ACCESS THE SITE FROM EAST ROSEMARY STREET.

CONSTRUCTION SEQUENCE

- CONSTRUCTION SEQUENCE WILL BE PROVIDED DURING ZCP PHASE.

TRAFFIC CONTROL PLAN

- TRAFFIC CONTROL PLAN WILL BE PROVIDED DURING ZCP PHASE.

DRAWING LEGEND

SYMBOL/ABBREVIATION

EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	RIGHT-OF-WAY LINE
---	---	ADJOINER PROPERTY LINE
---	---	STORM DRAIN LINE
---	---	WATER LINE
---	---	SANITARY SEWER LINE
---	---	UNDERGROUND ELECTRIC LINE
---	---	OVERHEAD ELECTRIC LINE
---	---	GAS LINE
---	---	FIBER OPTIC LINE
---	---	SILT FENCE
---	---	TREE PROTECTION FENCE
---	---	LIMITS OF DISTURBANCE
---	---	TREE LINE
---	---	MAJOR CONTOUR
---	---	MINOR CONTOUR

PRELIMINARY EROSION CONTROL PLAN

(GRAPHIC SCALE IN FEET)
1 inch = 20 ft.

REVIEW DRAWING
NOT FOR CONSTRUCTION

BALENTINE ASSOCIATES, P.A.
221 PROVIDENCE ROAD,
CHAPEL HILL, NC 27514
(919) 529-0461

BALENTINE ASSOCIATES, P.A.
CORPORATE
SEAL
NORTH CAROLINA
CHARTERED

SEAL
NORTH CAROLINA
CHARTERED

DATE	REVISIONS
08 APR 20	PER TOWN OF CHAPEL HILL REVIEW COMMENTS
22 MAY 20	PER TOWN OF CHAPEL HILL REVIEW COMMENTS

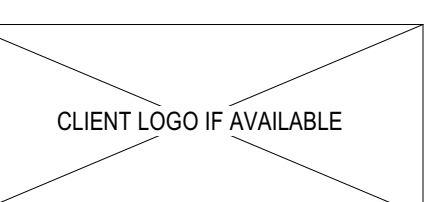
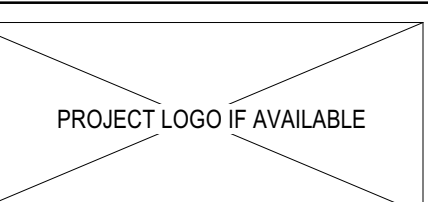
OWNER INFORMATION
DB&B PROPERTIES, INC.
4500 CAMERON VALLEY PKWY.
SUITE 350
CHARLOTTE, NC 28211
OWNERS REPRESENTATIVE:
JOE DYE
(919) 388-5774
FAX (919) 461-3939
CMAL@dbbproperties.com

DATE	ISSUED
02 MAR 20	CONDITIONAL ZONING SUBMITTAL #1
08 APR 20	CONDITIONAL ZONING SUBMITTAL #2
22 MAY 20	CONDITIONAL ZONING SUBMITTAL #3

ROSEMARY STREET PARKING DECK
125 E. ROSEMARY ST
CHAPEL HILL, NORTH CAROLINA

JOB #: 118038.01
DATE: 02 MAR 20
SCALE: AS NOTED
DRAWN BY: J.B.M.
REVIEWED BY: G.J.R.

SHEET
C1301



MARK	ISSUE	DATE
Job Number		
Drawn	Author	
Checked	Checker	
Approved	Approver	
TITLE		

GENERAL PLANTING NOTES:

- HATCHES DO NOT REPRESENT SPACING OR SIZING - SEE SCHEDULE FOR PLANT SPECIFICATIONS.
- ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL, FREE OF PESTS & DISEASES.
- ALL PLANTS MUST BE CONTAINER-GROWN (CONT.) OR BALLED AND BURLAPPED (B&B) AS INDICATED IN PLANT LIST.
- ALL TREES MUST BE STRAIGHT TRUNKED, FULL HEADED, & MEET ALL REQUIREMENTS SPECIFIED.
- ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE ARCHITECT & THE OWNER BEFORE, DURING, & AFTER INSTALLATION.
- ALL TREES MUST BE GUYYED OR STAKED AS SHOWN IN THE DETAILS.
- ALL PLANTS AND PLANTING AREAS MUST BE COMPLETELY MULCHED AS SPECIFIED.
- PRIOR TO CONSTRUCTION, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES & SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY & ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCUR AS A RESULT OF THE LANDSCAPE CONSTRUCTION.
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING (INCLUDED BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC...) OF ALL PLANTING AND LAWN AREAS UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE ARCHITECT AND OWNER.
- THE LANDSCAPE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING AT THE DATE OF SUBSTANTIAL COMPLETION. THE LANDSCAPE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END GUARANTEE PERIOD (AS DIRECTED BY THE OWNER).
- THE ARCHITECT WILL APPROVE THE STAKED LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.

LAYOUT AND MATERIALS NOTES:

- REFER TO CIVIL DRAWINGS FOR EASEMENT INFORMATION.
- BASE TOPOGRAPHICAL AND EXISTING CONDITIONS AS SHOWN ON EXISTING CONDITIONS DRAWINGS.
- UTILITY WORK IS NOT INDICATED ON THIS DRAWING. REFER TO GRADING AND DRAINAGE AND UTILITY PLANS (CIVIL DRAWINGS).
- DO NOT SCALE THESE DRAWINGS.
- DIMENSIONS ARE FROM BACK OF CURB, TO FACE OF WALL, TO OUTSIDE EDGE OF PAVEMENTS, FROM COLUMN CENTERLINES TO HARDSCAPE CENTERLINES, TO CENTERLINE OF PAVEMENTS, TO OUTSIDE EDGE OF PAVEMENTS, TO CENTERLINES OF STAIRS, FROM EDGE OF PAVEMENT TO FACE OF WALL.
- ALL CURVES TO BE TRUE RADI WITHOUT STRAIGHT SEGMENTS.
- ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS, DIMENSIONS AND ELEVATIONS PRIOR TO CONSTRUCTION.
- ALL WALLS, COLUMNS, SIDEWALKS, PATHWAYS, FENCES, AND STAIRWAYS SHALL BE COMPLETELY LAID OUT AND STAKED WITH VISIBLE MARKERS. THE STAKES SHALL BE APPROVED IN THE FIELD BY THE OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE 48 HOURS PRIOR TO SITE VISIT.

PLANTING SCHEDULE

QTY	CODE	SCIENTIFIC NAME	COMMON NAME	ROOT	HEIGHT	SPREAD	SPACING	COMMENTS
-----	------	-----------------	-------------	------	--------	--------	---------	----------

GROUND COVER

412	CAR FLA	Carex flacca	Blue Sedge	1 GAL	18"	18"	18" OC	FULL, WELL SHAPED
550	DRY ERY	Dryopteris erythrosora	Autumn Fern	1 GAL	2'	2'	18" OC	FULL, WELL SHAPED

SHRUB / GRASS

87	CEP HAR	Cephalotaxus harringtonia var. druceana	Japanese Plum Yew	3 GAL	6'	6'	6'	FULL, WELL SHAPED
230	PEN ORI	Pennisetum orientale 'Karley Rose'	Karley Forester Fountain Grass	3 GAL	3'	3'	3'	FULL, WELL SHAPED

TREE

4	STR TRE LG	Verify and match existing species	Replace to match existing species	B&B	14'	12'	AS SHOWN	FULL, WELL BRANCHED; LIMBED UP 8'
6	STR TRE MED	Verify and match existing species	Replace to match existing species	B&B	10'	6'	AS SHOWN	FULL, WELL BRANCHED; LIMBED UP 8', 15FT MAX

GREEN SCREEN

HEREDERA HELIX	(ENGLISH IVY)
----------------	---------------

*QUANTITIES TO BE DECIDED

GENERAL LIGHTING NOTES:

- THIS DRAWING IS FOR LAYOUT OF FIXTURES ONLY.
- THE DRAWINGS INDICATE DESIGN INTENT ONLY. THEY DO NOT REFLECT AND/OR DEPICT ELECTRICAL DESIGN. THEY ARE NOT INTENDED TO SHOW THE EXACT LOCATION OF ELECTRICAL COMPONENTS, ETC. OR THE ROUTING OF CONDUIT.
- NOTIFY THE LANDSCAPE ARCHITECT IN WRITING OF CONDITIONS ENCOUNTERED IN THE FIELD CONTRADICTORY TO THOSE SHOWN ON THE DRAWINGS.
- THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL CONSTRUCTION ACTIVITIES RELATED TO THIS LIGHTING LAYOUT.
- THE CONTRACTOR IS RESPONSIBLE FOR ELECTRICAL WORK THAT COMPLIES WITH ALL STATE OF NORTH CAROLINA, ORANGE COUNTY, OTHER LOCAL BUILDING CODES HAVING JURISDICTION, AND THE REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE.
- THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND LICENSES AND PAY ALL FEES REQUIRED BY LOCAL AUTHORITIES. ARRANGE FOR ALL NECESSARY INSPECTIONS REQUIRED BY THE AUTHORITIES HAVING JURISDICTION AND PROVIDE WRITTEN CERTIFICATES OF APPROVAL TO THE OWNER.
- ALL SYSTEMS, EQUIPMENT, COMPONENTS, WORK, ETC. SHALL BE COVERED BY A ONE (1) YEAR GUARANTEE BEGINNING AT THE DATE OF SUBSTANTIAL COMPLETION. THE GUARANTEE SHALL INCLUDE PROVIDING ALL NECESSARY CUTTING, PATCH WORK, REPAINTING, ETC. TO MAKE THE WORK COMPLETE AND NEW.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES TO EXISTING UTILITIES, STRUCTURES, PAVING, LANDSCAPE MATERIALS AND/OR WORK OF OTHER TRADES RESULTING FROM ELECTRICAL WORK.
- SOURCE OF POWER SHALL BE DETERMINED BY OWNER. CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF ELECTRICAL CONNECTION AND WIRING TO THE SOURCE WITH THE OWNER PRIOR TO CONSTRUCTION AND PRIOR TO ORDERING MATERIALS. ALL MATERIALS USED SHALL BE NEW AND SHALL BE STAMPED WITH THE LABEL OF UNDERWRITERS LABORATORIES, INC. (UL).
- REFER TO LIGHT FIXTURE SCHEDULE FOR FIXTURE TYPE INDICATION (LETTER) AND SYMBOL DESCRIPTION.
- CONTRACTOR SHALL PROVIDE AND INSTALL ALL FIXTURES, WIRING TO POWER SOURCE, ELECTRICAL CONNECTION, AND OTHER NECESSARY ELECTRICAL HARDWARE FOR A COMPLETE AND OPERABLE LIGHTING SYSTEM.
- PROVIDE AND INSTALL GROUND MOUNTED PULL BOXES EVERY 200 FEET IN HOMERUN CIRCUITS. LOCATIONS SHALL BE COORDINATED WITH OTHER SITE IMPROVEMENTS AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- PROVIDE LOOPED SLACK EQUAL TO THREE (3) FEET. IN WIRE RUNS TO LANDSCAPE LIGHTING FIXTURES TO ALLOW FOR ADJUSTMENTS ONCE PLANT MATERIAL IS INSTALLED.
- THE CONTRACTOR SHALL MAKE ADJUSTMENTS IN FIXTURE LAYOUT, AIM, FIXTURES AND LOCK DOWN ANY ADJUSTING FASTENERS ON FIXTURES SUBJECT TO THE FINAL APPROVAL OF LAYOUT AND AIMING BY THE LANDSCAPE ARCHITECT.
- PROTECT ALL EQUIPMENT, COMPONENTS, ETC. DURING CONSTRUCTION FROM DIRT, CHEMICAL, AND MECHANICAL DAMAGE, ETC. PROTECT ALL CONDUIT OPENINGS SO THAT NO FOREIGN MATERIAL WILL ENTER THE CONDUIT.

LIGHTING SCHEDULE

KEY	ID	DESCRIPTION	FIXTURE
—	LT-1	WALL MOUNT AREA	HOLM'S QUAD 8A FB SLEEVE - BLACK
—	LT-2	SOFFIT RECESSED	2" ARCHITECTURAL RECESSED SLOT LUMINAIRE
●	LT-3	PEDESTRIAN POLE	TOWN OF CHAPEL HILL STANDARD

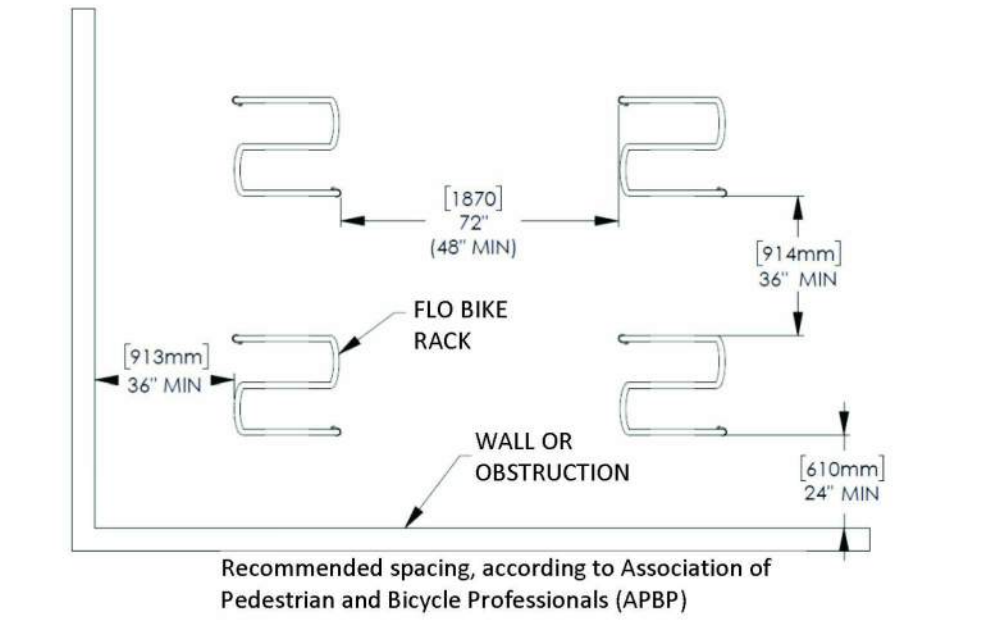
*SEE L01-02 FOR PRODUCT CUT SHEETS

5/22/2020 CONDITIONAL ZONING APPLICATION

Flo Bike Rack Installation Guide



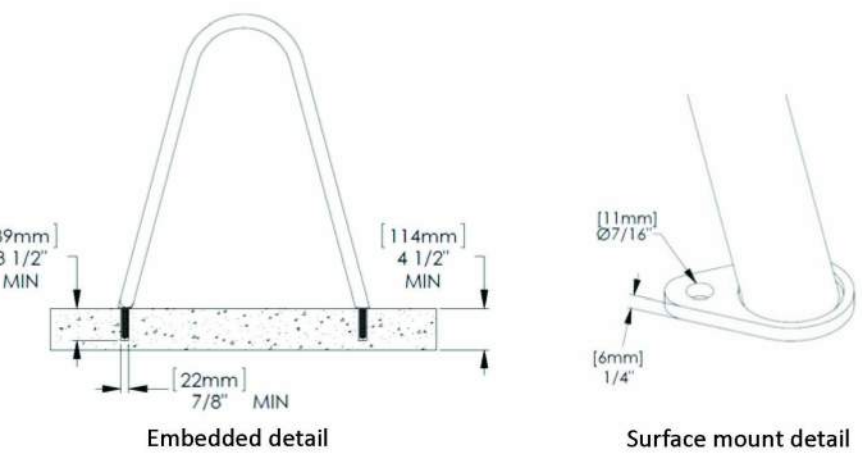
- Included components:**
- (2) 5/8-11 x 4" threaded rods with Loctite for embedded unit
- Tools required:**
- Surface mount unit ships fully assembled
 - Surface mount option: (2) non-corrosive anchor bolts required per unit, maximum size 3/8" x 2-1/2" to 3" length
 - Hammer drill with masonry bits
 - For embedded mount option: chemical anchoring adhesive (Hilti HIT RE 500 or equivalent)



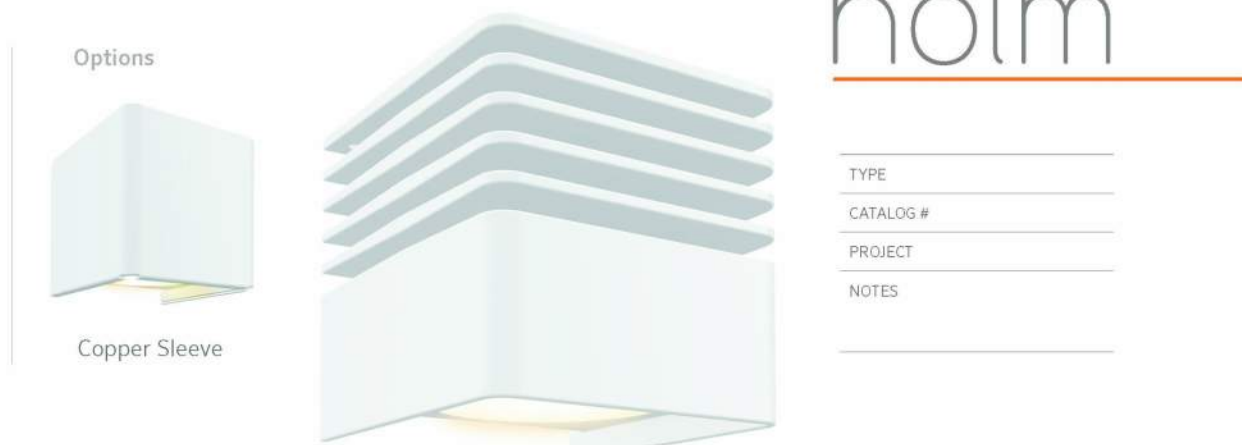
HANDLE WITH CARE! Flo's finish can be scuffed by contact with tools, concrete, or other abrasive surfaces. Protect the finish from damage during installation. Use touch-up paint to repair any powder coat finish abrasions.

- EMBEDDED INSTALLATION:**
1. Install thread patch ends of threaded rods into the bike rack legs.
 2. Set unit in position and mark hole locations.
 3. Move unit and drill 7/8" diameter (minimum) holes 3-1/2" deep.
 4. Set unit in position to make sure that Nylon legs make contact with the surface. Threaded rods should not be resting on the bottom of the drilled hole.
 5. Move unit. Clear holes of debris.
 6. Fill holes with chemical anchoring adhesive.
 7. Set unit in position.
 8. Wipe away excess adhesive.

- SURFACE MOUNT INSTALLATION:**
1. Set unit in place and mark holes.
 2. Move the unit and drill the holes.
 3. Install the anchors and bike rack according to the anchor manufacturer's instructions. Be sure that both anchor plates make solid contact with the surface.



BIKE RACK



sQuad-8a SPECIFICATIONS

Output	1LED	3LED	6LED	9LED	ZDC
Total Lumens*	66	202	367	398	174
Input Voltage	10 to 15V	10 to 15V	10 to 15V	10 to 15V	10 to 15V
Input Power (W)	2.0	4.2	10.1	11.2	9.1
VA	2.4	4.5	13.5	13.5	11.0
Efficacy (Lumens/Watt)	36	52	44	47	33
Color Rendering Index (CRI)	83	80	80	79	82
Center Beam Candle Power*	Spot (12°): 275	Spot (12°): 975	Spot (12°): 2,022	Spot (12°): 2,276	Spot (12°): 198
Dimming	PWM, Phase**	PWM, Phase**	PWM, Phase**	PWM, Phase**	---
RGBW Available	No	No	No	No	Yes
Laser Compatibility	Default	Zoning	Zoning	Zoning	---
ZD Option	---	Zoning/Dimming	Zoning/Dimming	Zoning/Dimming	---
ZDC Option	---	---	---	---	Zoning/Dimming/Color
Minimum Rated Life (L70)	50,000 Hrs	50,000 Hrs	50,000 Hrs	50,000 Hrs	50,000 Hrs

Helm: Born from an industry demand for a comprehensive offering of distinctive and high-voltage lighting fixtures for the commercial market, our products are designed to meet required specifications while enhancing the aesthetics of the project. Holm is a Hunter Industries company with more than three decades of engineering expertise, now bringing its "Lumen" technology to the commercial architectural and landscape lighting market.

Optics: Proprietary color temperature adjustment lenses included with fixture (2700K (standard), 3000K (no lens), 4000K, and 5000K). Interchangeable optics for 10°, 20°, 30°, 50°, or 55° beam distribution (beam angle is not adjustable). For additional color options, see MR-16 sized accessories (MR-16 100°/50° beam dia x 1.1" min thickness). Beam angle is adjustable using LM-79 method for SSL luminaires.

Materials: Die-cast A80 aluminum housing and shroud with stainless steel set screws, mounting brackets, and fasteners.

Lamp: Integrated module with Cool LEDs. Solid-point connectors and conformal coating for maximum reliability and corrosion resistance. Proprietary on-board intelligent driver uses firmware-controlled temperature regulation, maintaining LED life. Field-upgradeable and replaceable; the LEDs are rated to 50,000 hrs. Maximum drive current: 1A.

Housing: Die-cast A80 aluminum housing with capacity for 1LED, 3LED, 6LED, 9LED, or ZDC integrated LEDs.

Shroud: Die-cast A80 aluminum shroud with C70 copper cover option. Weeps and durability.

Lens: Tempered glass lens with shock resistance and high tolerance for thermal expansion and stress.

Finish: Two-layer protection of sulfuric acid and oxidation and polyester TSC powder coat, providing superior outdoor weathering in all conditions. Tested to ASTM standards.

Socket: Socket certifies Mako/ultrabright™ set screws, mounting brackets, and fasteners. Prevents moisture from wicking up into sealed areas of the fixture.

Wiring: 18 AWG SPT-90 105°C 300V 3-meter length.

Power: Input 10-15VAC/VDC 50/60Hz. Remote transformer required (specify separately).

Ambient Operating Temperature: 0°F to 140°F

Weight: 1.7 lbs.

Warranty: 5-year limited warranty.

Listings: ETL, UL, IES, and others.

sQuad-8a PHOTOMETRICS

sQuad-8a 1LED Illuminance at a Distance			
Feet	Center Beam Fc	Beam Width	
2.0 ft	66.7 fc	Vertical 10.1° Horizontal 10.1°	
4.0 ft	17.2 fc	Vertical 10.1° Horizontal 10.1°	
6.0 ft	7.6 fc	Vertical 10.1° Horizontal 10.1°	
8.0 ft	4.3 fc	Vertical 10.1° Horizontal 10.1°	
10.0 ft	2.7 fc	Vertical 10.1° Horizontal 10.1°	
sQuad-8a 3LED Illuminance at a Distance			
Feet	Center Beam Fc	Beam Width	
2.0 ft	202.6 fc	Vertical 10.1° Horizontal 10.1°	
4.0 ft	50.6 fc	Vertical 10.1° Horizontal 10.1°	
6.0 ft	22.2 fc	Vertical 10.1° Horizontal 10.1°	
8.0 ft	12.6 fc	Vertical 10.1° Horizontal 10.1°	
10.0 ft	7.6 fc	Vertical 10.1° Horizontal 10.1°	
sQuad-8a 6LED Illuminance at a Distance			
Feet	Center Beam Fc	Beam Width	
2.0 ft	367.0 fc	Vertical 10.1° Horizontal 10.1°	
4.0 ft	91.8 fc	Vertical 10.1° Horizontal 10.1°	
6.0 ft	40.8 fc	Vertical 10.1° Horizontal 10.1°	
8.0 ft	22.7 fc	Vertical 10.1° Horizontal 10.1°	
10.0 ft	13.9 fc	Vertical 10.1° Horizontal 10.1°	
sQuad-8a 9LED Illuminance at a Distance			
Feet	Center Beam Fc	Beam Width	
2.0 ft	398.0 fc	Vertical 10.1° Horizontal 10.1°	
4.0 ft	99.5 fc	Vertical 10.1° Horizontal 10.1°	
6.0 ft	44.2 fc	Vertical 10.1° Horizontal 10.1°	
8.0 ft	24.7 fc	Vertical 10.1° Horizontal 10.1°	
10.0 ft	14.9 fc	Vertical 10.1° Horizontal 10.1°	
sQuad-8a ZDC Illuminance at a Distance			
Feet	Center Beam Fc	Beam Width	
2.0 ft	49.5 fc	Vertical 10.1° Horizontal 10.1°	
4.0 ft	12.4 fc	Vertical 10.1° Horizontal 10.1°	
6.0 ft	5.5 fc	Vertical 10.1° Horizontal 10.1°	
8.0 ft	3.0 fc	Vertical 10.1° Horizontal 10.1°	
10.0 ft	1.9 fc	Vertical 10.1° Horizontal 10.1°	

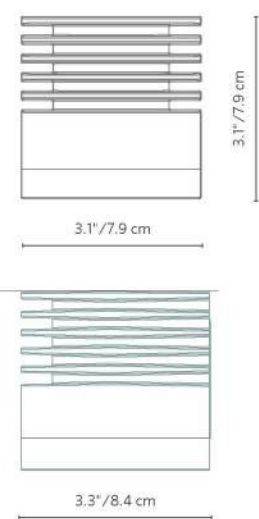
LED SURFACE-MOUNTED FIXTURES

sQuad-8a

Wall-mounted square geometric down light in 1, 3, 6, or 9 LED. Available in die-cast aluminum. An RGBW version is also available for use with ZDClink systems.

Quick Facts

- Die-cast aluminum
- Two-layer marine-grade anodization and powder coat finish
- Cool™ integrated LEDs
- Tamper resistant features
- Color temperature filters
- Compatible with Luxor™ technology
- Phase and PWM dimmable
- Input voltage: 10-15V



ARCHITECTURAL & LANDSCAPE LIGHTING | holmlighting.com

A Hunter Industries Company

More product resources available at holmlighting.com

Customer Service: 1-844-200-4056

More product resources available at holmlighting.com

Holm-008-05-sQuad-8a EN 3/16

electrix ILLUMINATION

DATE PROJECT TYPE QUANTITY

R-2

2" Architectural Recessed Slot Luminaire

- FEATURES**
- 2", 4", & 8" standard — custom lengths available
 - Custom power and mounting options for any application
 - CRI 90+
 - Universal voltage powered with 120-277V AC
 - Damp Location Rated
 - 5-year warranty



APPLICATIONS: Offices, Corridors, Hospitality, Lobbies
CONSTRUCTION: Extruded Aluminum Housing, Steel Gray Tray, **FINISH:** White powder coated standard, custom RAL available Acrylic Lens

ORDERING

PRODUCT	POWER	LENGTH	LED COLOR	CONTROL	MOUNTING	FINISH	OPTICS	SENSOR	EM. PACK
R-2	120-277V	2"	3000K	0	Standard	White	Standard	None	None
R-2	120-277V	4"	3000K	0	Standard	White	Standard	None	None
R-2	120-277V	8"	3000K	0	Standard	White	Standard	None	None
R-2	120-277V	2"	3000K	0	Standard	White	Standard	None	None
R-2	120-277V	2"	3000K	0	Standard	White	Standard	None	None
R-2	120-277V	2"	3000K	0	Standard	White	Standard	None	None
R-2	120-277V	2"	3000K	0	Standard	White	Standard	None	None
R-2	120-277V	2"	3000K	0	Standard	White	Standard	None	None
R-2	120-277V	2"	3000K	0	Standard	White	Standard	None	None
R-2	120-277V	2"	3000K	0	Standard	White	Standard	None	None

RATINGS & CERTIFICATION

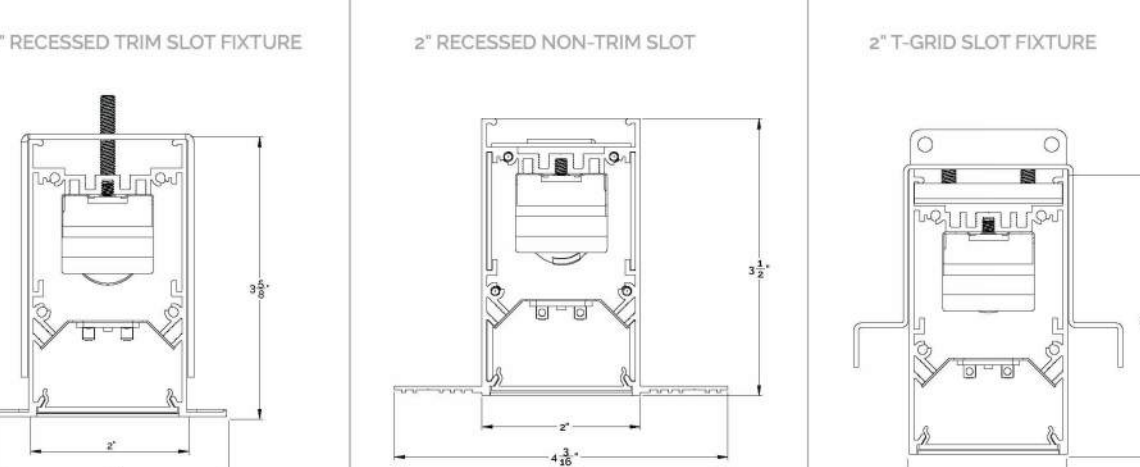
- cETLus Listed
- Made in the USA
- Damp Location Rated
- Average rated LED life of 50,000 hours @ 70% lumen output

WARRANTY: 5 Year warranty

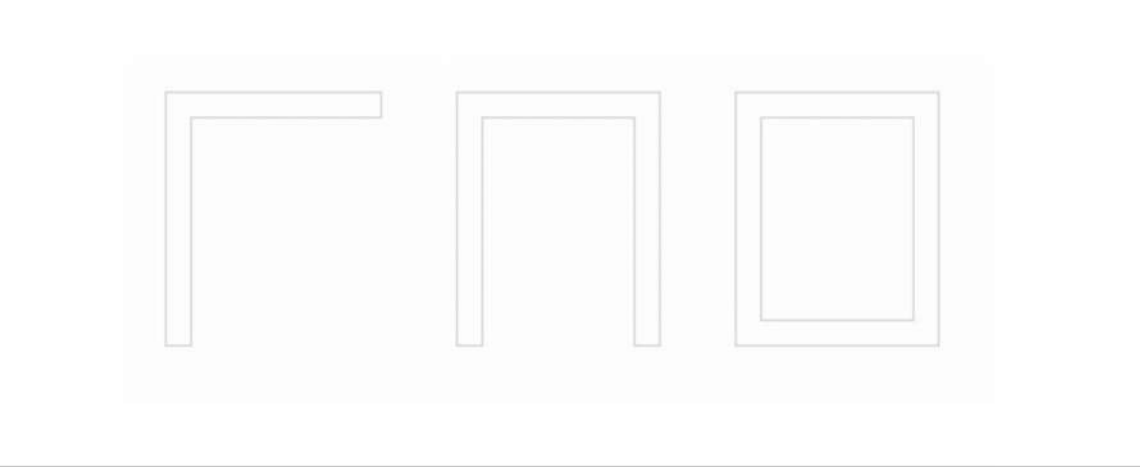
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LT-1

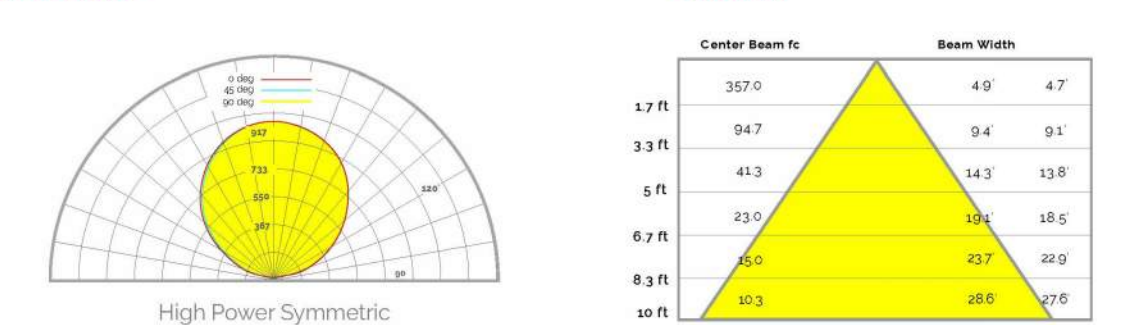
MOUNTING OPTIONS



CORNERS



PHOTOMETRY

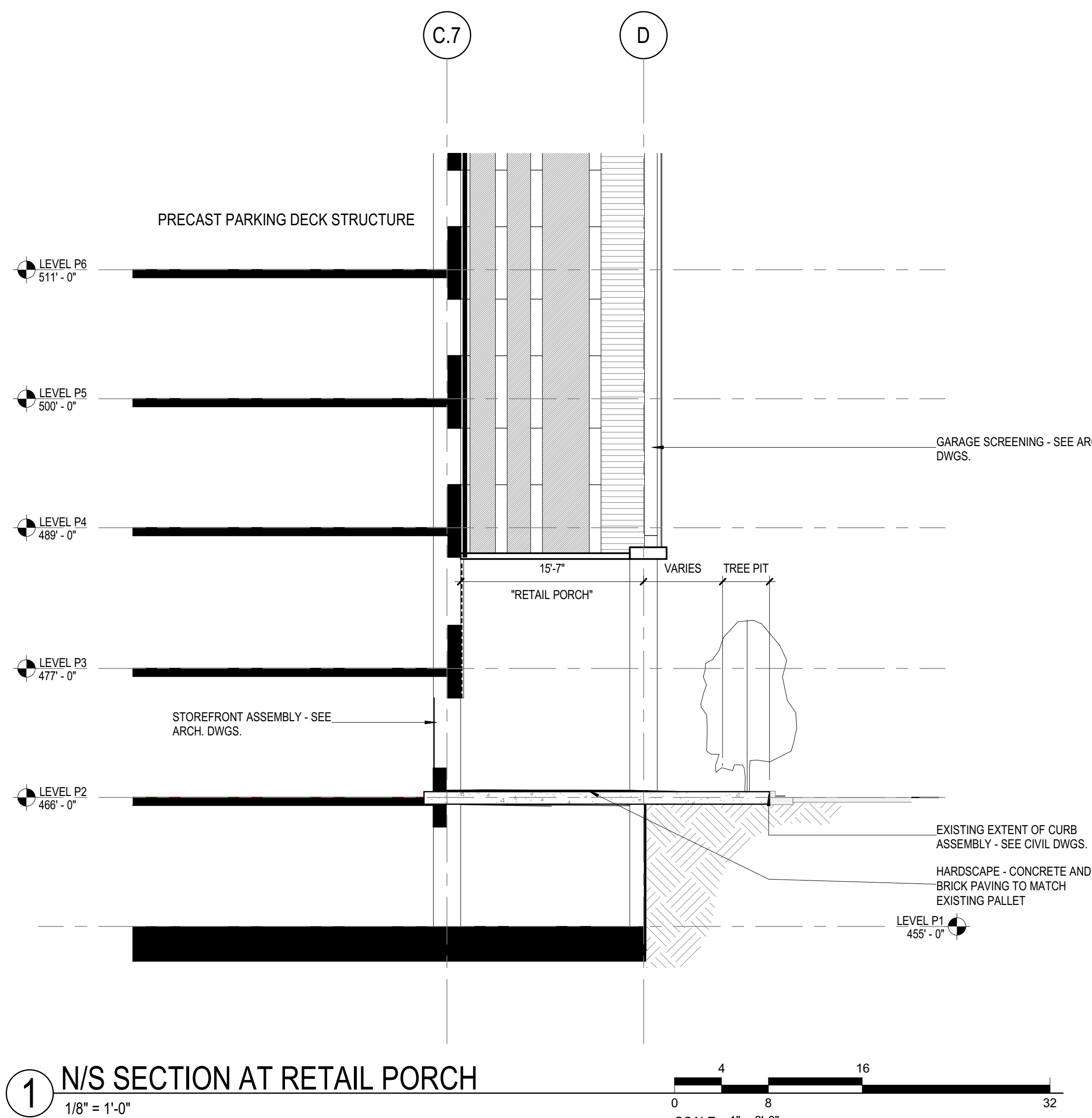


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IMAGE SHOWN FOR REFERENCE ONLY - REPLACE LIGHT FIXTURES ALONG ROSEMARY STREET IN-KIND

LT-3



Perkins&Will

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Durham, North Carolina 27701
1919.433.5300
perkinswill.com

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MEP
NV5
6750 Tryon Road, Cary, NC 27526

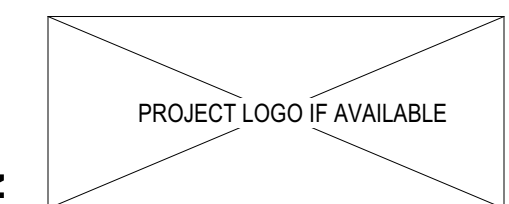
LANDSCAPING
PERKINS & WILL
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OWNER
GRUBB PROPERTIES
4601 Park Road Suite 450, Charlotte, NC 28209

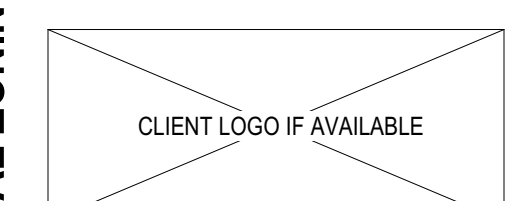
FACILITY

CONTRACTOR
SAMET Corporation
5420 Wade Park Boulevard, Suite 104, Raleigh, NC 27607

PROJECT



126 E ROSEMARY ST
PARKING DECK



KEYPLAN

ISSUE CHART

MARK	ISSUE	DATE
Job Number	Author	
Drawn	Checker	
Checked	Approver	
Approved		
TITLE		

SITE DETAILS

SHEET NUMBER

L01-02

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FLOOR PLAN
GENERAL NOTES

- PROPOSED OCCUPIED OFFICE, MECHANICAL AND RESTROOM SPACES SHALL NOT EXCEED 6,000SF TOTAL.
- PARTITION TYPES ARE SCHEDULED IN THE A61 SERIES. RE: A01 SERIES "CODE COMPLIANCE PLANS" FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
- REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
- REFER TO FLOOR PLAN SERIES A11 FOR LOCATION OF PARTITION TYPES.

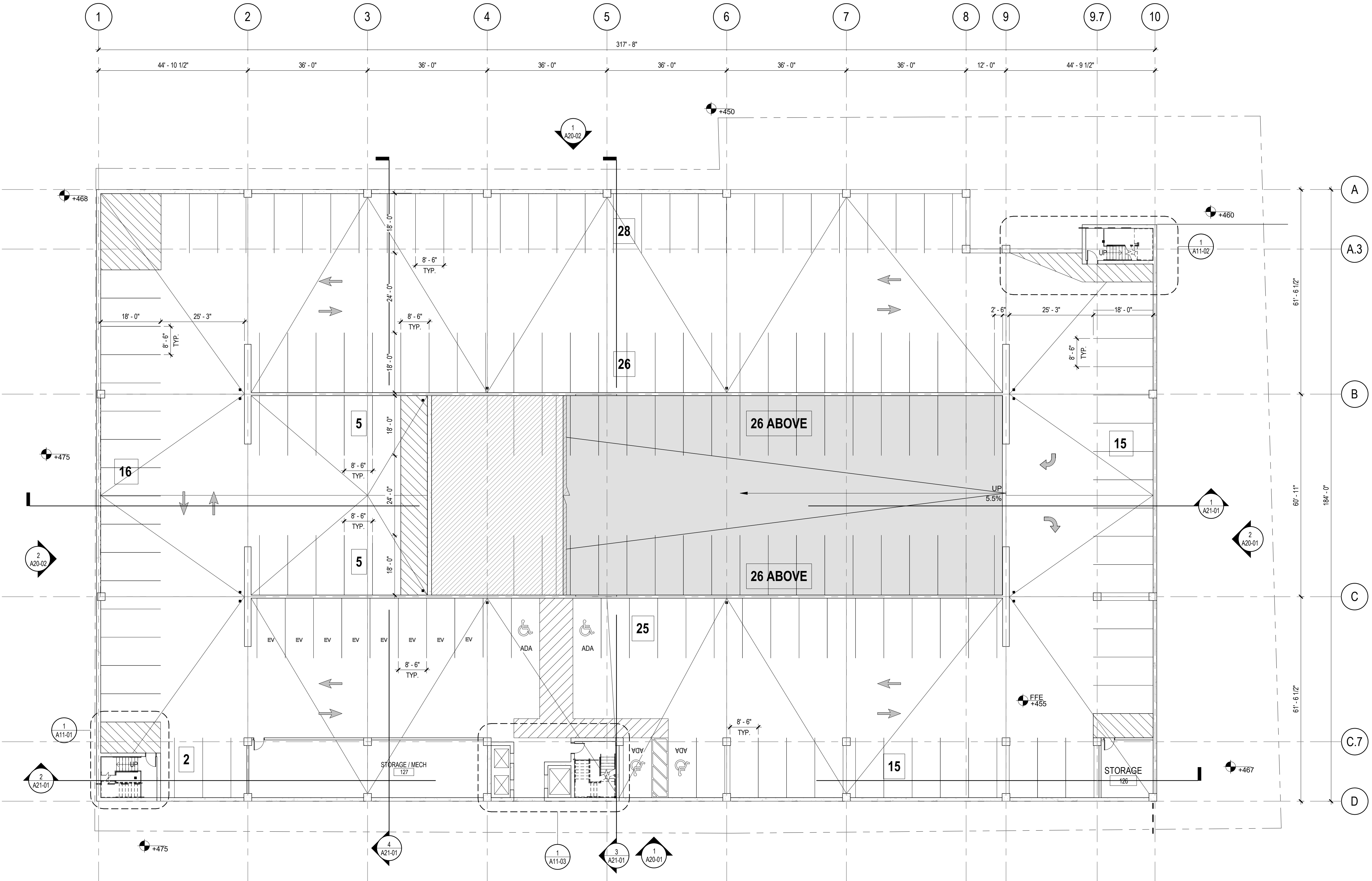
FLOOR PLAN LEGEND

- BUILDING EXPANSION JOINT
- EXISTING PARTITION TO REMAIN
- NEW PARTITION
- NEW COLUMN
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- EXTERIOR GLAZING SYSTEM TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR GLAZING REFER: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-0X SERIES FOR DOOR SCHEDULE
- PARTITION TAG REF: A61-0X SERIES FOR CHARTS
- FLOOR DRAIN
- OWNER FURNISHED EQUIPMENT ITEM

FLOOR PLAN
NOTES BY NUMBER

LEVEL P1 PARKING SCHEDULE		
Level	Parking Type	Count
LEVEL P1	ACCESSIBLE SPACE (STD)	4
LEVEL P1	ELECTRIC VEHICLE SPACE	8
LEVEL P1	STANDARD SPACE	124
136		

BUILDING PARKING SCHEDULE	
I	Count
ACCESSIBLE SPACE (STD)	24
ACCESSIBLE SPACE (VAN)	4
ELECTRIC VEHICLE SPACE	56
STANDARD SPACE	1000
1104	



1 PLAN - LEVEL - P1 - 136 SPACES
1/16" = 1'-0"

NOTE: DOCUMENTS ARE INCOMPLETE AND MAY NOT BE USED FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION PURPOSES.

FLOOR PLAN
GENERAL NOTES

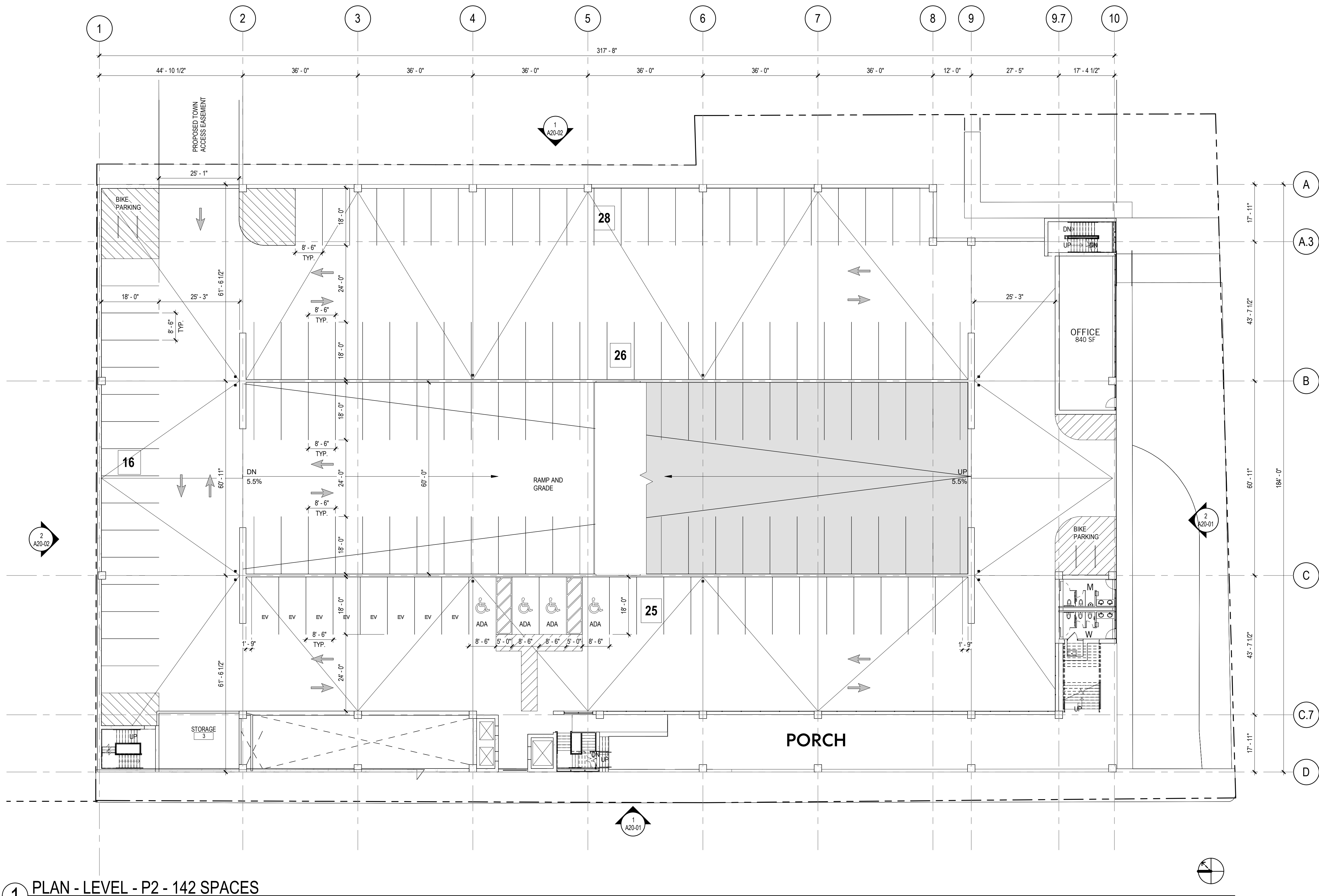
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3. REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
4. REFER TO FLOOR PLAN SERIES A11 FOR LOCATION OF PARTITION TYPES.

FLOOR PLAN LEGEND

- BUILDING EXPANSION JOINT
- EXISTING PARTITION TO REMAIN
- NEW PARTITION
- NEW COLUMN
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- EXTERIOR GLAZING SYSTEM TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR GLAZING REFER: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-0X SERIES FOR DOOR SCHEDULE.
- PARTITION TAG REF: A61-0X SERIES FOR CHARTS
- FLOOR DRAIN
- OWNER FURNISHED EQUIPMENT ITEM

FLOOR PLAN
NOTES BY NUMBER

LEVEL P2 PARKING SCHEDULE		
Level	Parking Type	Count
LEVEL P2	ACCESSIBLE SPACE (STD)	4
LEVEL P2	ELECTRIC VEHICLE SPACE	6
LEVEL P2	STANDARD SPACE	130
		142



1 PLAN - LEVEL - P2 - 142 SPACES
1/16" = 1'-0"

MARK	ISSUE	DATE
Job Number		
Drawn	Author	
Checked	Checker	
Approved	Approver	
TITLE		

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FLOOR PLAN
GENERAL NOTES

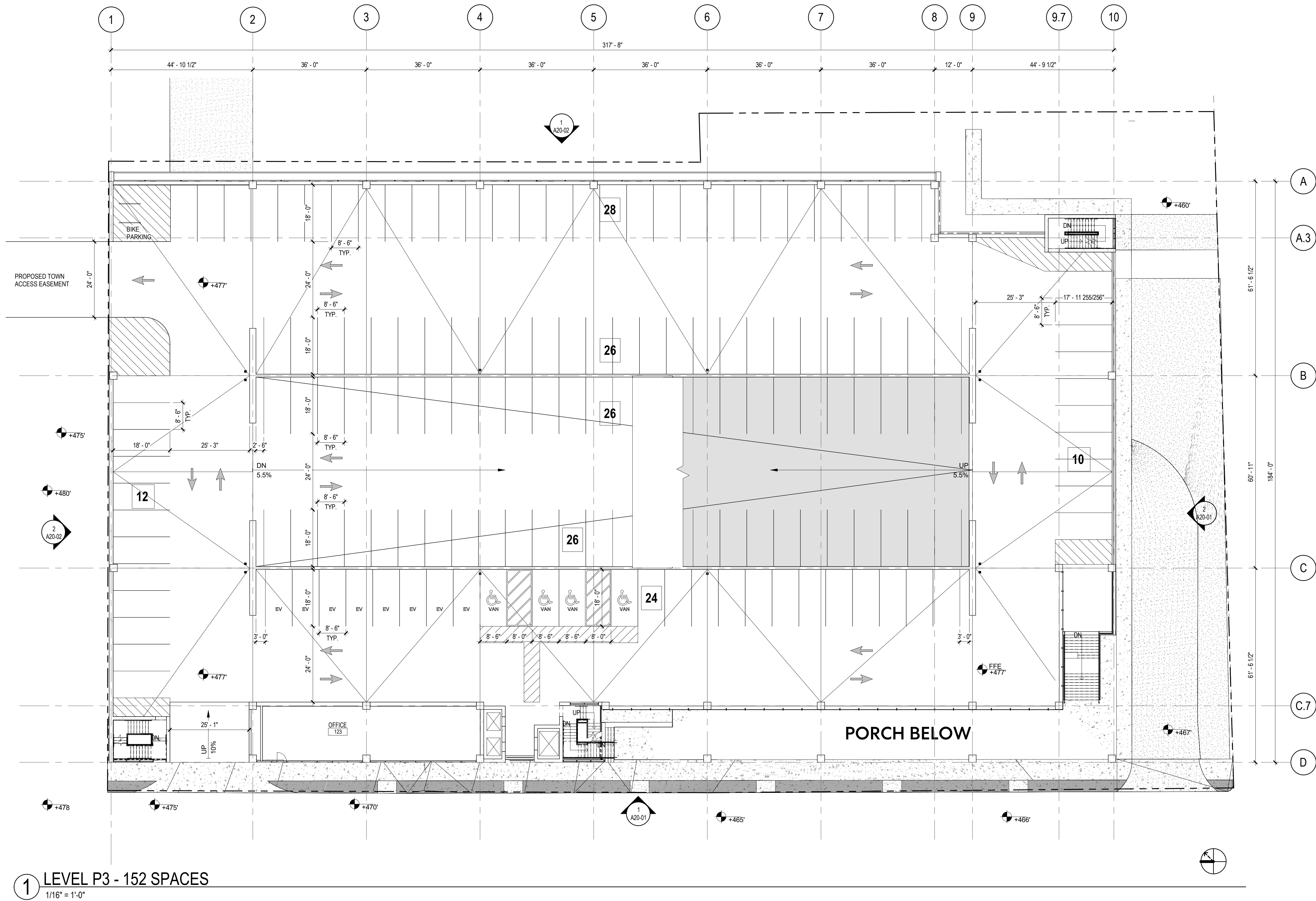
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FLOOR PLAN LEGEND

- BUILDING EXPANSION JOINT
- EXISTING PARTITION TO REMAIN
- NEW PARTITION
- NEW COLUMN
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- EXTERIOR GLAZING SYSTEM TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR GLAZING REFER: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-0X SERIES FOR DOOR SCHEDULE
- PARTITION TAG REF: A61-0X SERIES FOR CHARTS
- FLOOR DRAIN
- OWNER FURNISHED EQUIPMENT ITEM

FLOOR PLAN
NOTES BY NUMBER

LEVEL P3 PARKING SCHEDULE		
Level	Parking Type	Count
LEVEL P3	ACCESSIBLE SPACE (VAN)	4
LEVEL P3	ELECTRIC VEHICLE SPACE	8
LEVEL P3	STANDARD SPACE	140
		152



1 LEVEL P3 - 152 SPACES
1/16" = 1'-0"

MARK	ISSUE	DATE
Job Number		
Drawn	Author	
Checked	Checker	
Approved	Approver	
TITLE		

OVERALL FLOOR
PLAN - LEVEL P3

SHEET NUMBER

A10-03

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FLOOR PLAN
GENERAL NOTES

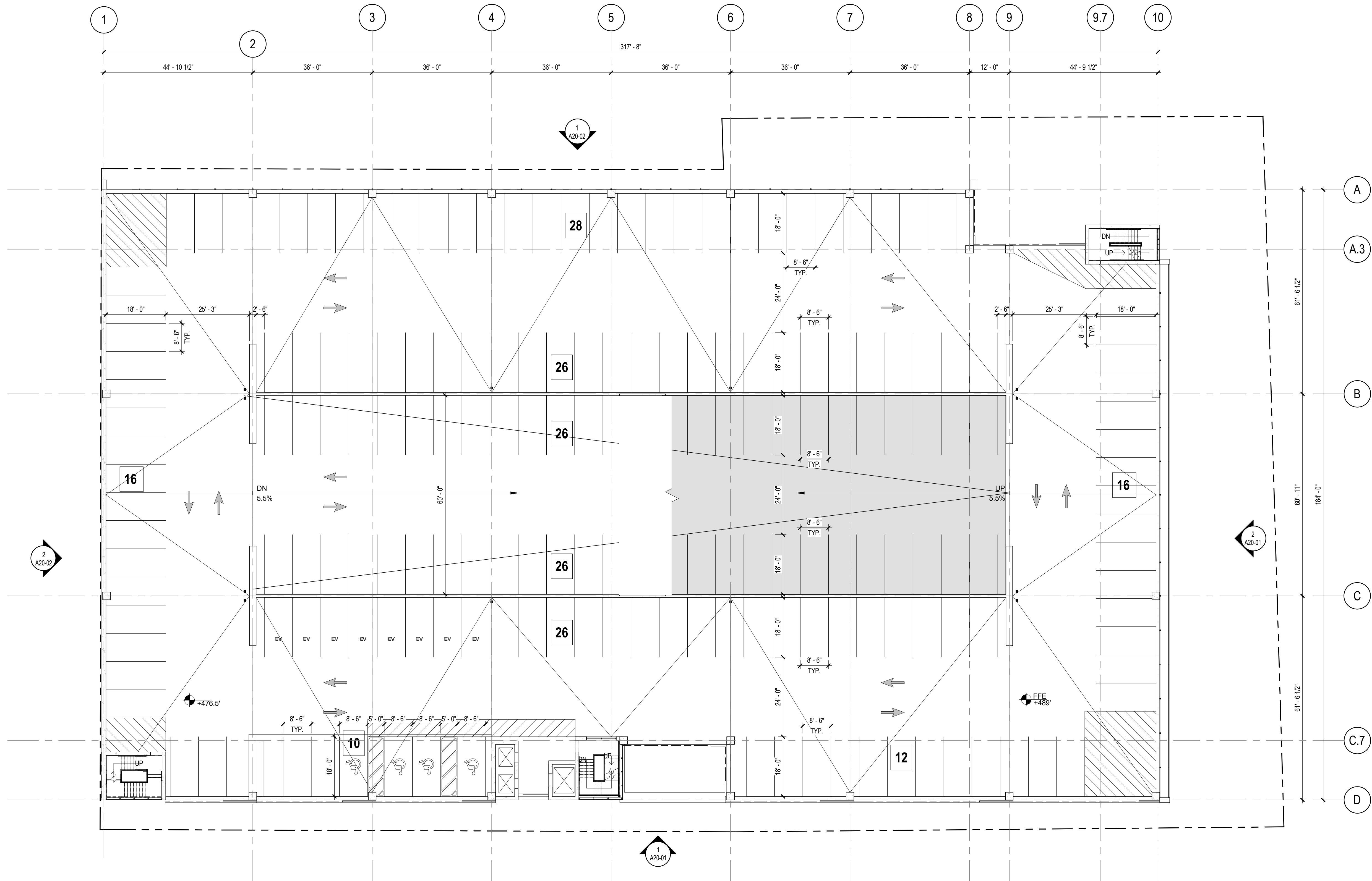
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3. REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
4. REFER TO FLOOR PLAN SERIES A11 FOR LOCATION OF PARTITION TYPES.

FLOOR PLAN LEGEND

- BUILDING EXPANSION JOINT
- EXISTING PARTITION TO REMAIN
- NEW PARTITION
- NEW COLUMN
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- EXTERIOR GLAZING SYSTEM TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR GLAZING REFER: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-0X SERIES FOR DOOR SCHEDULE.
- PARTITION TAG REF: A61-0X SERIES FOR CHARTS
- FLOOR DRAIN
- OWNER FURNISHED EQUIPMENT ITEM

FLOOR PLAN
NOTES BY NUMBER

LEVEL P4 PARKING SCHEDULE		
Level	Parking Type	Count
LEVEL P4	ACCESSIBLE SPACE (STD)	4
LEVEL P4	ELECTRIC VEHICLE SPACE	8
LEVEL P4	STANDARD SPACE	173
		185



1 LEVEL P4 - 185 SPACES
1/16" = 1'-0"

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CONSTRUCTION PURPOSES.

FLOOR PLAN
GENERAL NOTES

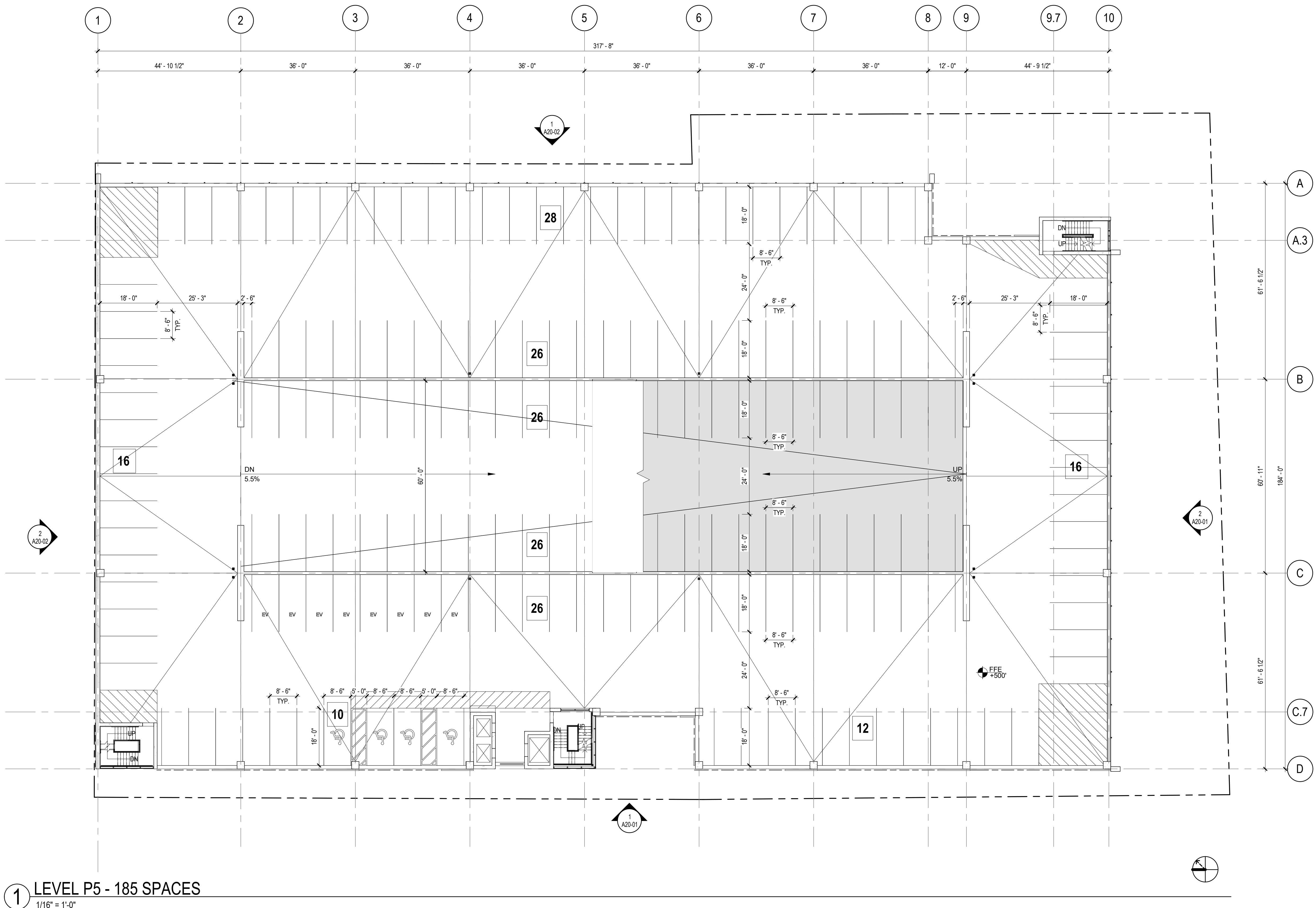
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3. REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
4. REFER TO FLOOR PLAN SERIES A11 FOR LOCATION OF PARTITION TYPES.

FLOOR PLAN LEGEND

- BUILDING EXPANSION JOINT
- EXISTING PARTITION TO REMAIN
- NEW PARTITION
- NEW COLUMN
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- (ALPHA)
- (NUMERICAL)
- DOOR TAG REF: A62-0X SERIES FOR DOOR SCHEDULE.
- PARTITION TAG REF: A61-0X SERIES FOR CHARTS
- FLOOR DRAIN
- OWNER FURNISHED EQUIPMENT ITEM

FLOOR PLAN
NOTES BY NUMBER

LEVEL P5 PARKING SCHEDULE		
Level	Parking Type	Count
LEVEL P5	ACCESSIBLE SPACE (STD)	4
LEVEL P5	ELECTRIC VEHICLE SPACE	8
LEVEL P5	STANDARD SPACE	173
		185



1 LEVEL P5 - 185 SPACES
1/16" = 1'-0"

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FLOOR PLAN
GENERAL NOTES

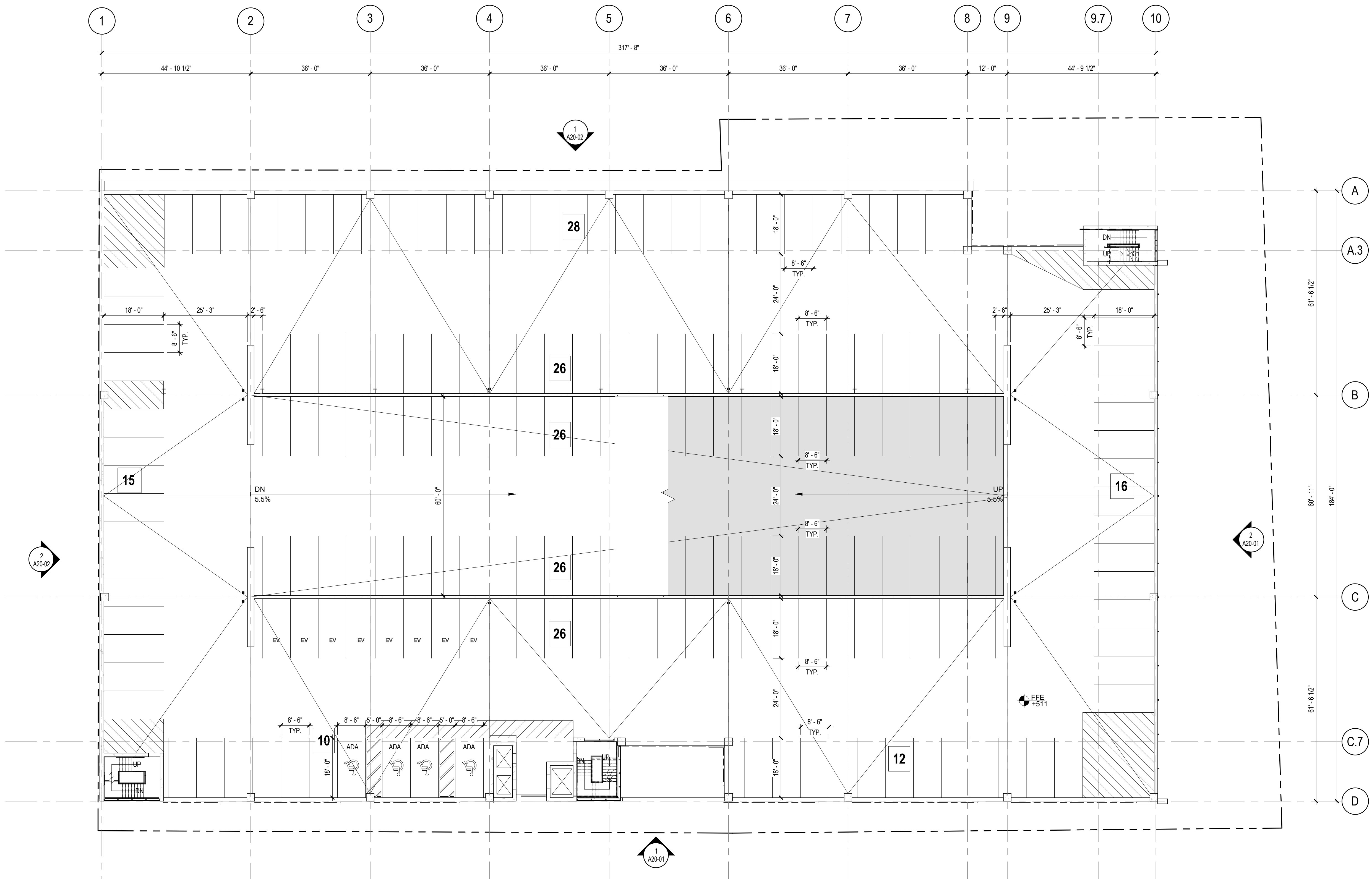
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- REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
- REFER TO FLOOR PLAN SERIES A11 FOR LOCATION OF PARTITION TYPES.

FLOOR PLAN LEGEND

- BUILDING EXPANSION JOINT
- EXISTING PARTITION TO REMAIN
- NEW PARTITION
- NEW COLUMN
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- EXTERIOR GLAZING SYSTEM TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR GLAZING REFER: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-0X SERIES FOR DOOR SCHEDULE.
- PARTITION TAG REF: A61-0X SERIES FOR CHARTS
- FLOOR DRAIN
- OWNER FURNISHED EQUIPMENT ITEM

FLOOR PLAN
NOTES BY NUMBER

LEVEL P6 PARKING SCHEDULE		
Level	Parking Type	Count
LEVEL P6	ACCESSIBLE SPACE (STD)	4
LEVEL P6	ELECTRIC VEHICLE SPACE	8
LEVEL P6	STANDARD SPACE	172
		184



1 LEVEL P6 - 184 SPACES
1/16" = 1'-0"

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CONSTRUCTION PURPOSES.

126 E ROSEMARY ST
PARKING DECK

5/22/2020 - CONDITIONAL ZONING APPLICATION

MARK	ISSUE	DATE
Job Number		
Drawn	Author	
Checked	Checker	
Approved	Approver	

TITLE

OVERALL FLOOR
PLAN - LEVEL P7

SHEET NUMBER

A10-07

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FLOOR PLAN GENERAL NOTES

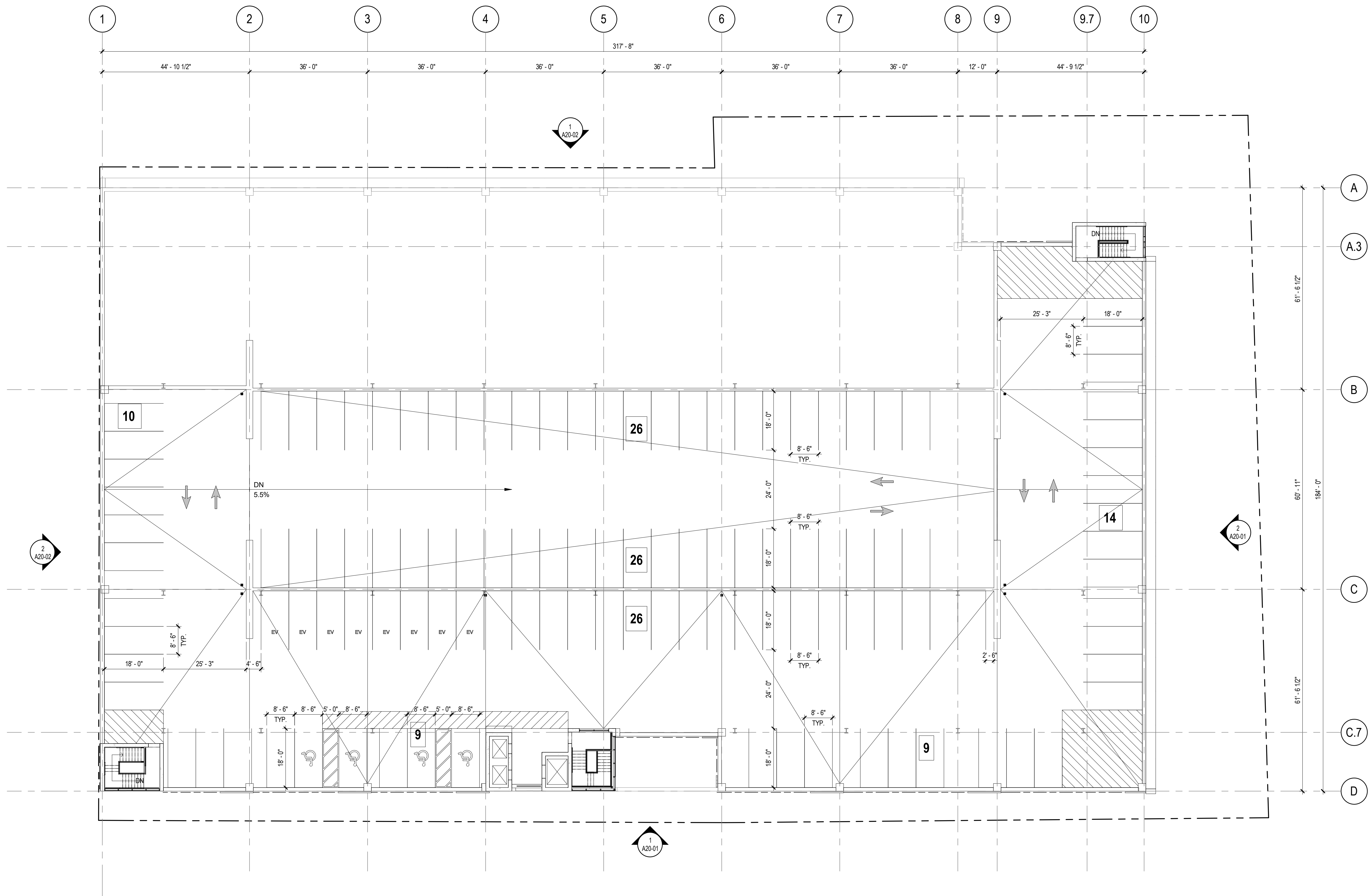
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- REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
- REFER TO FLOOR PLAN SERIES A11 FOR LOCATION OF PARTITION TYPES.

FLOOR PLAN LEGEND

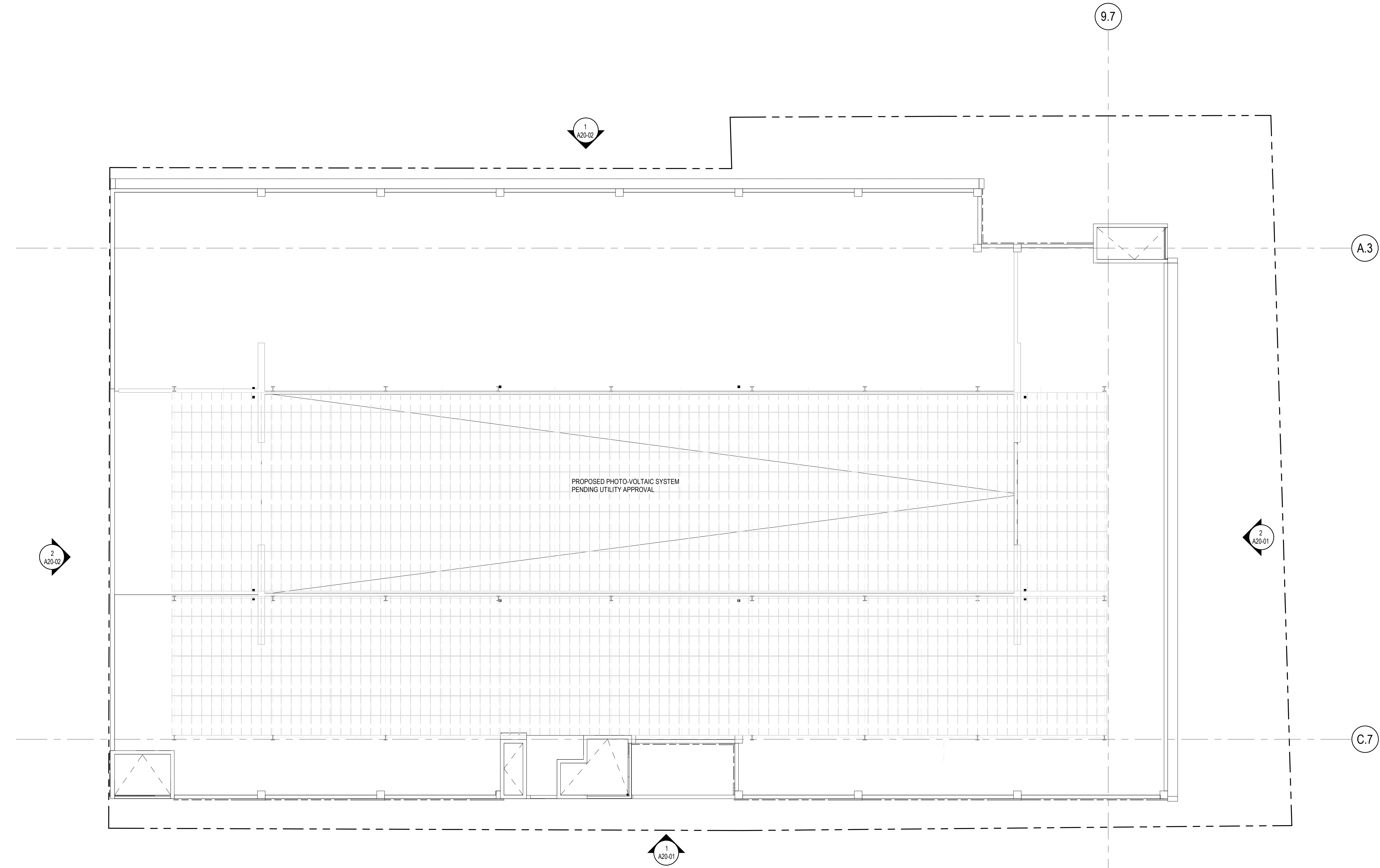
- BUILDING EXPANSION JOINT
- EXISTING PARTITION TO REMAIN
- NEW PARTITION
- NEW COLUMN
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- (ALPHA)
- (NUMERICAL)
- 301A
- A11
- FD
- OWNER FURNISHED EQUIPMENT ITEM

FLOOR PLAN NOTES BY NUMBER

LEVEL P7 PARKING SCHEDULE		
Level	Parking Type	Count
LEVEL P7	ACCESSIBLE SPACE (STD)	4
LEVEL P7	ELECTRIC VEHICLE SPACE	8
LEVEL P7	STANDARD SPACE	108
		120



1 LEVEL P7 - 120 SPACES
1/16" = 1'-0"



1 LEVEL - ROOF
1/16" = 1'-0"

FLOOR PLAN
GENERAL NOTES

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3. REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
4. REFER TO FLOOR PLAN SERIES A11 FOR LOCATION OF PARTITION TYPES.

FLOOR PLAN LEGEND

- BUILDING EXPANSION JOINT
- EXISTING PARTITION TO REMAIN
- NEW PARTITION
- NEW COLUMN
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- EXTERIOR GLAZING SYSTEM TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR GLAZING REFER: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-0X SERIES FOR DOOR SCHEDULE.
- PARTITION TAG REF: A61-0X SERIES FOR CHARTS
- FLOOR DRAIN
- OWNER FURNISHED EQUIPMENT ITEM

FLOOR PLAN
NOTES BY NUMBER

Perkins&Will

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411 W Chapel Hill Street, Suite 200
Durham, North Carolina 27701
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LANDSCAPING
PERKINS & WILL
411 W Chapel Hill St Suite 200, Durham, NC 27701

OWNER
GRUBB PROPERTIES
4601 Park Road Suite 450, Charlotte, NC 28209

CONTRACTOR
SAMET Corporation
5420 Wade Park Boulevard Suite 104, Raleigh, NC 27607

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PROJECT

126 E ROSEMARY ST
PARKING DECK

KEYPLAN

ISSUE CHART

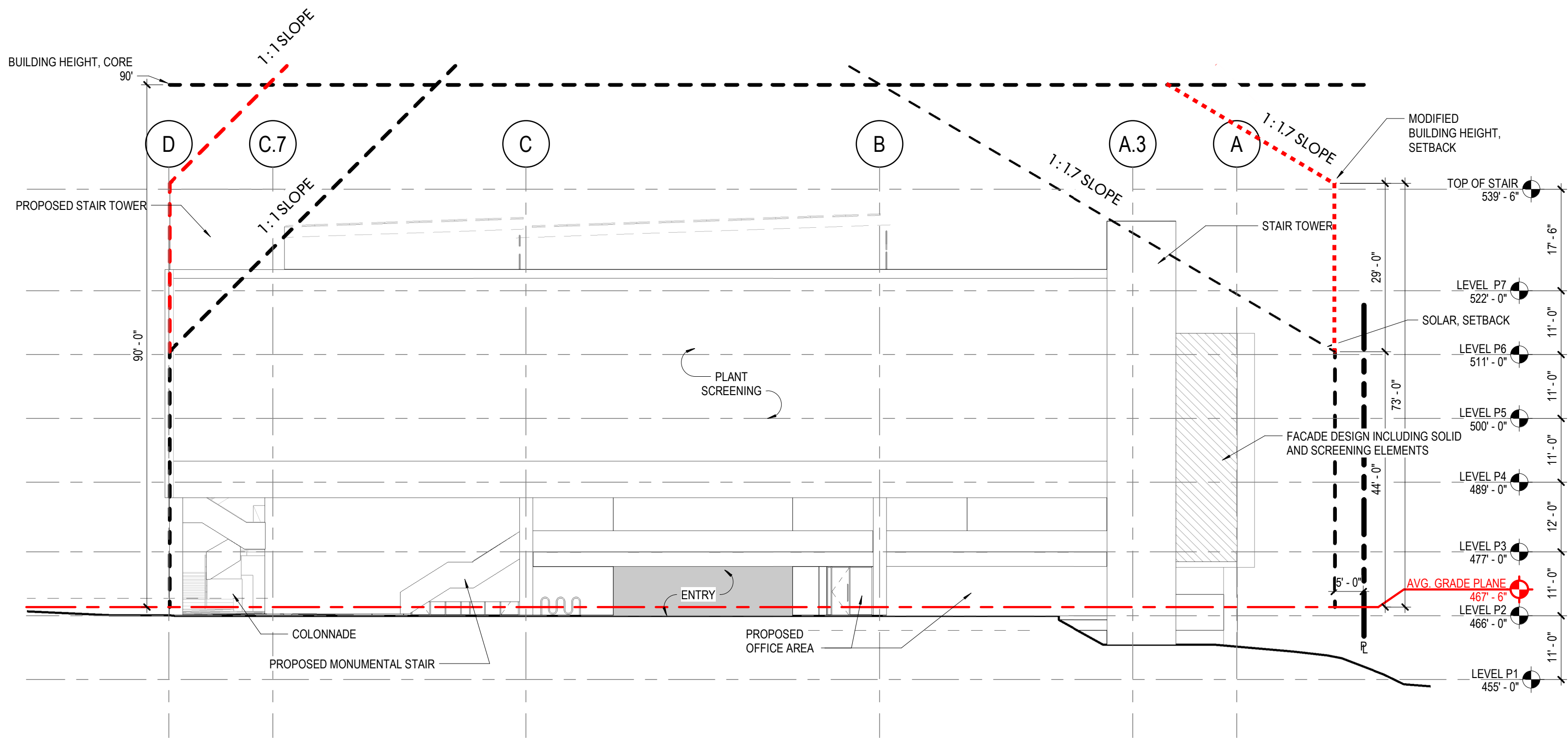
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OVERALL FLOOR
PLAN - ROOF

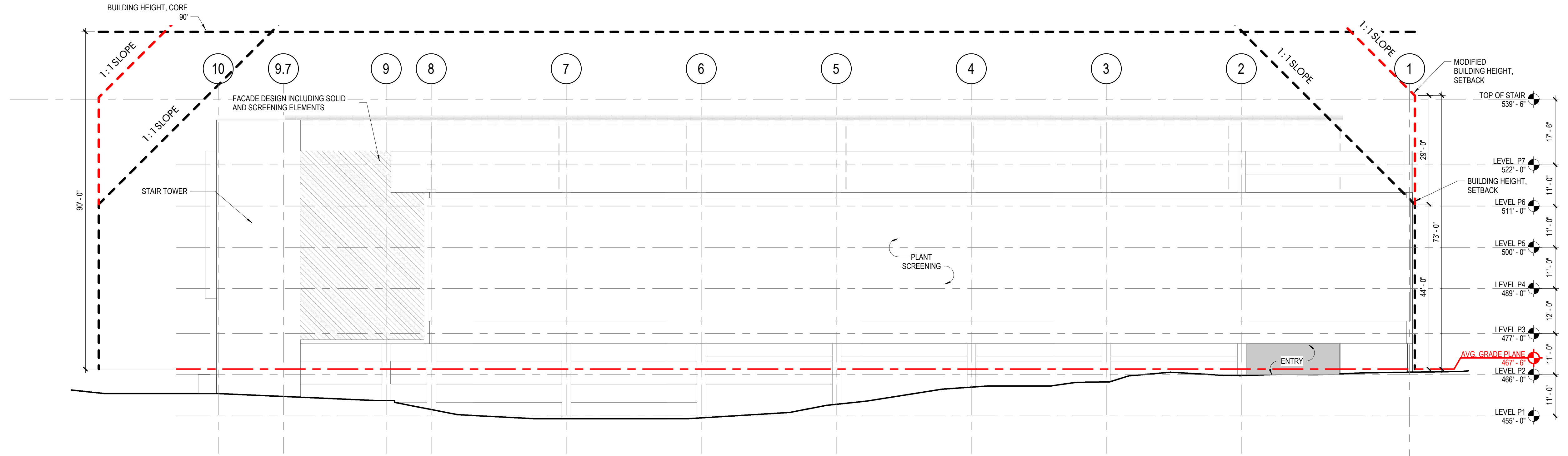
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A10-08
FOR REFERENCE ONLY

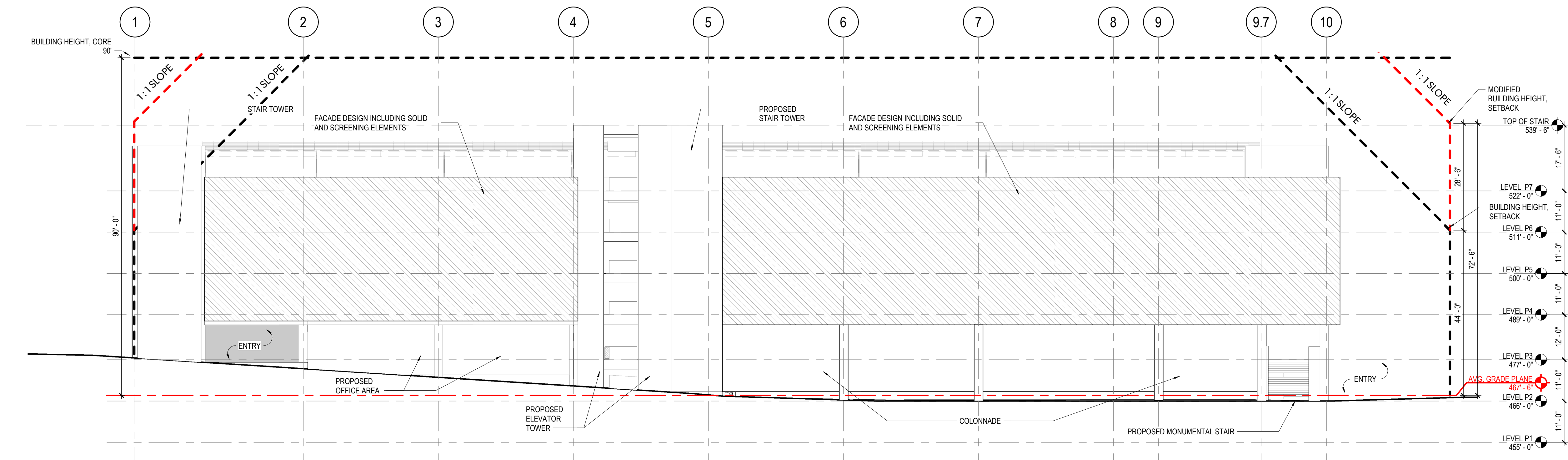
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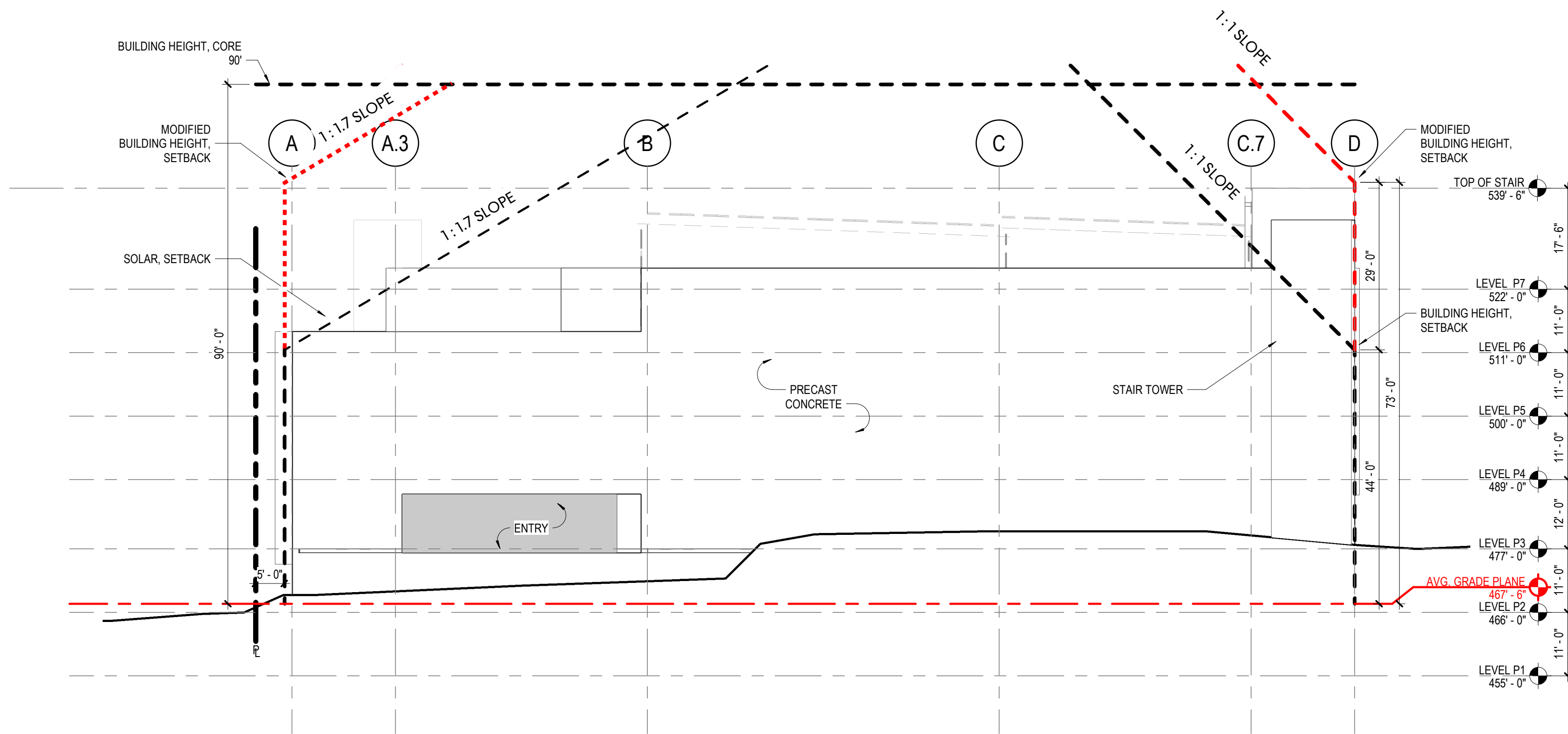
3 ELEVATION - EAST
1/16" = 1'-0"



2 ELEVATION - NORTH
1/16" = 1'-0"



1 ELEVATION - SOUTH
1/16" = 1'-0"



4 ELEVATION - WEST
1/16" = 1'-0"

**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**

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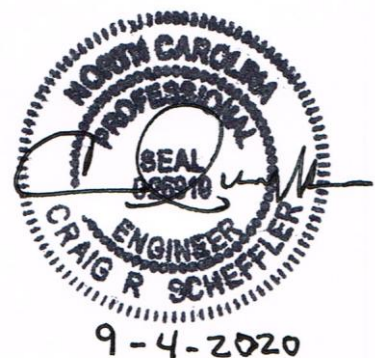
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September 2020





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



Town of Chapel Hill: Transportation Impact Analysis
E Rosemary Street - Proposed Town Parking Deck & Office Building Redevelopments

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.



Town of Chapel Hill: Transportation Impact Analysis
E Rosemary Street - Proposed Town Parking Deck & Office Building Redevelopments

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



Town of Chapel Hill: Transportation Impact Analysis

E Rosemary Street - Proposed Town Parking Deck & Office Building Redevelopments

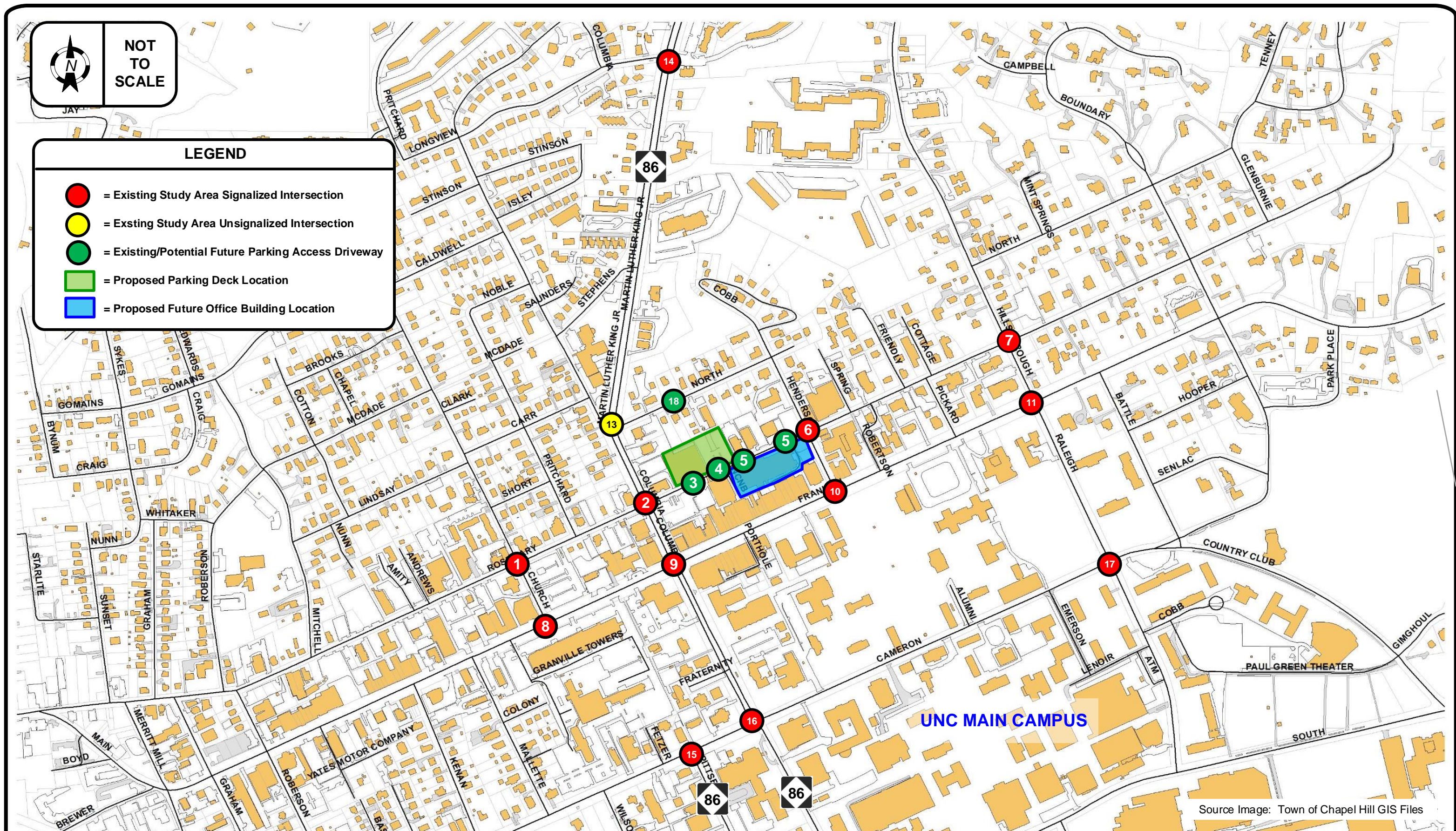
MUTCD Warrants for signalization after the parking deck and office building projects are complete and should be monitored for signalization if operational or safety issues results from the additional traffic produced by the two projects. These improvements are recommended for the East Rosemary Parking Deck development.

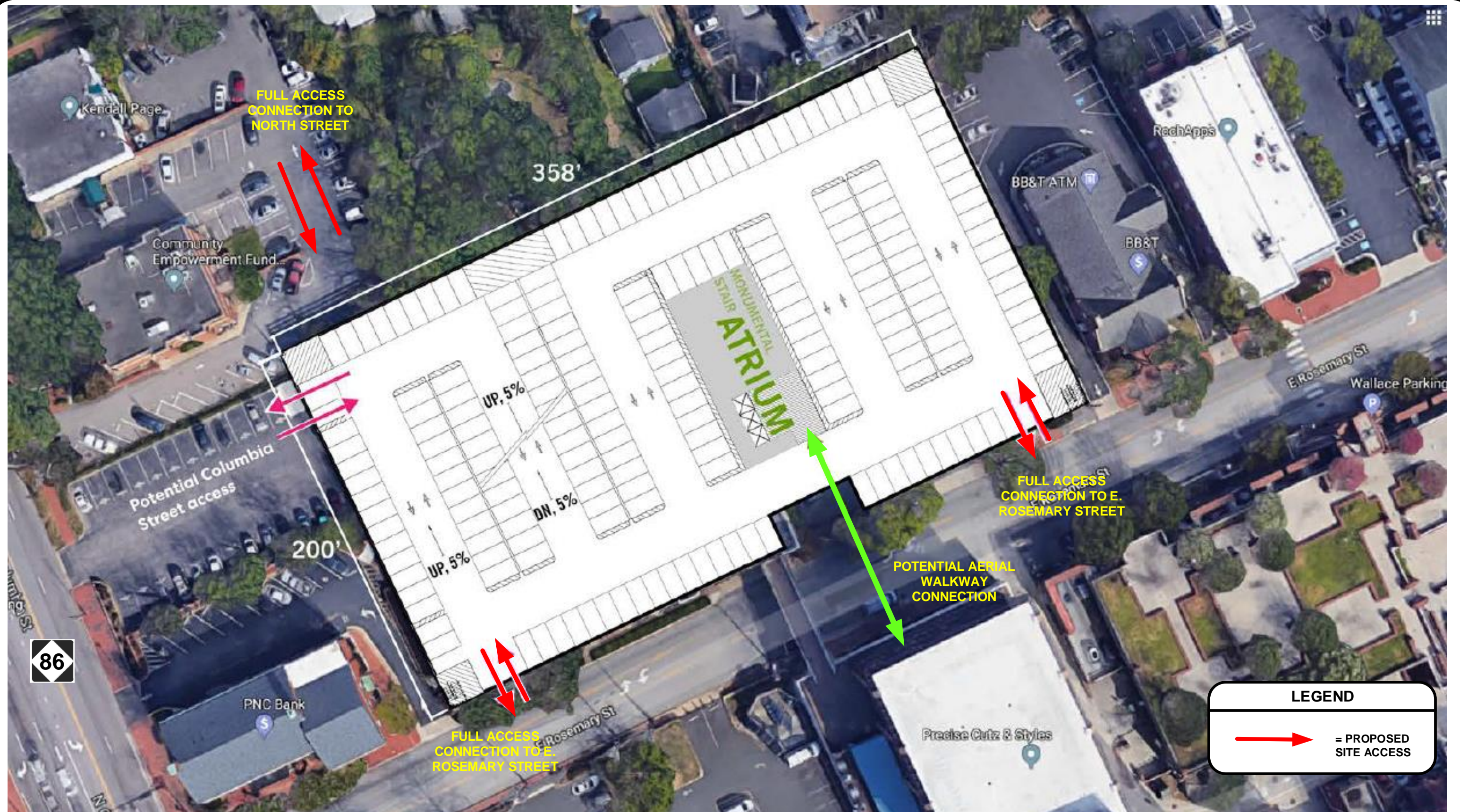
- 5) Additional wayfinding signage on external roadways and internal to the proposed parking deck is recommended to fully utilize the proposed North Street and N. Columbia Street access points, as well as identify routes to E. Franklin Street, US 15-501, and NC 54 (make a left-turn exiting the deck) 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.

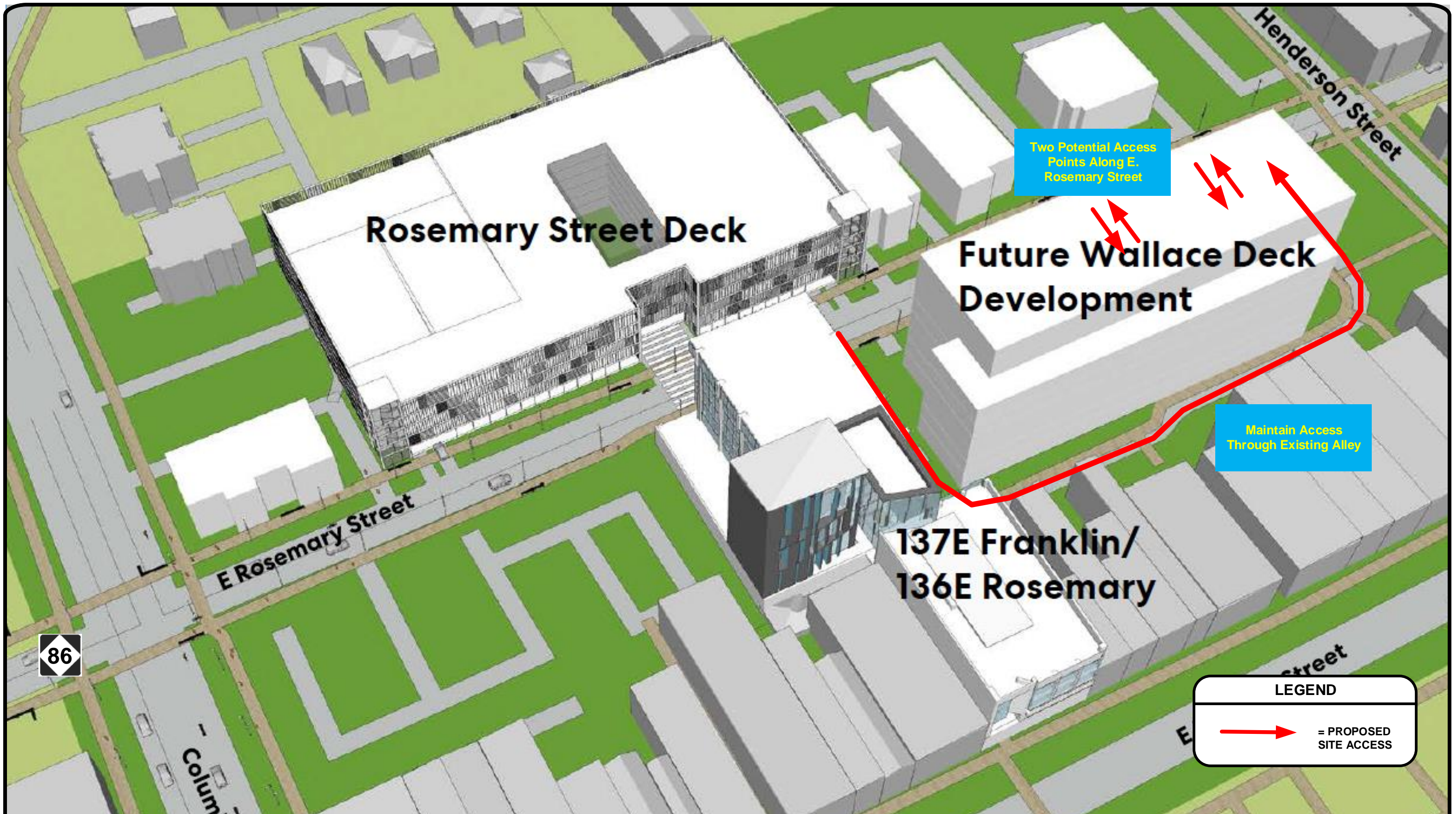
Office Building

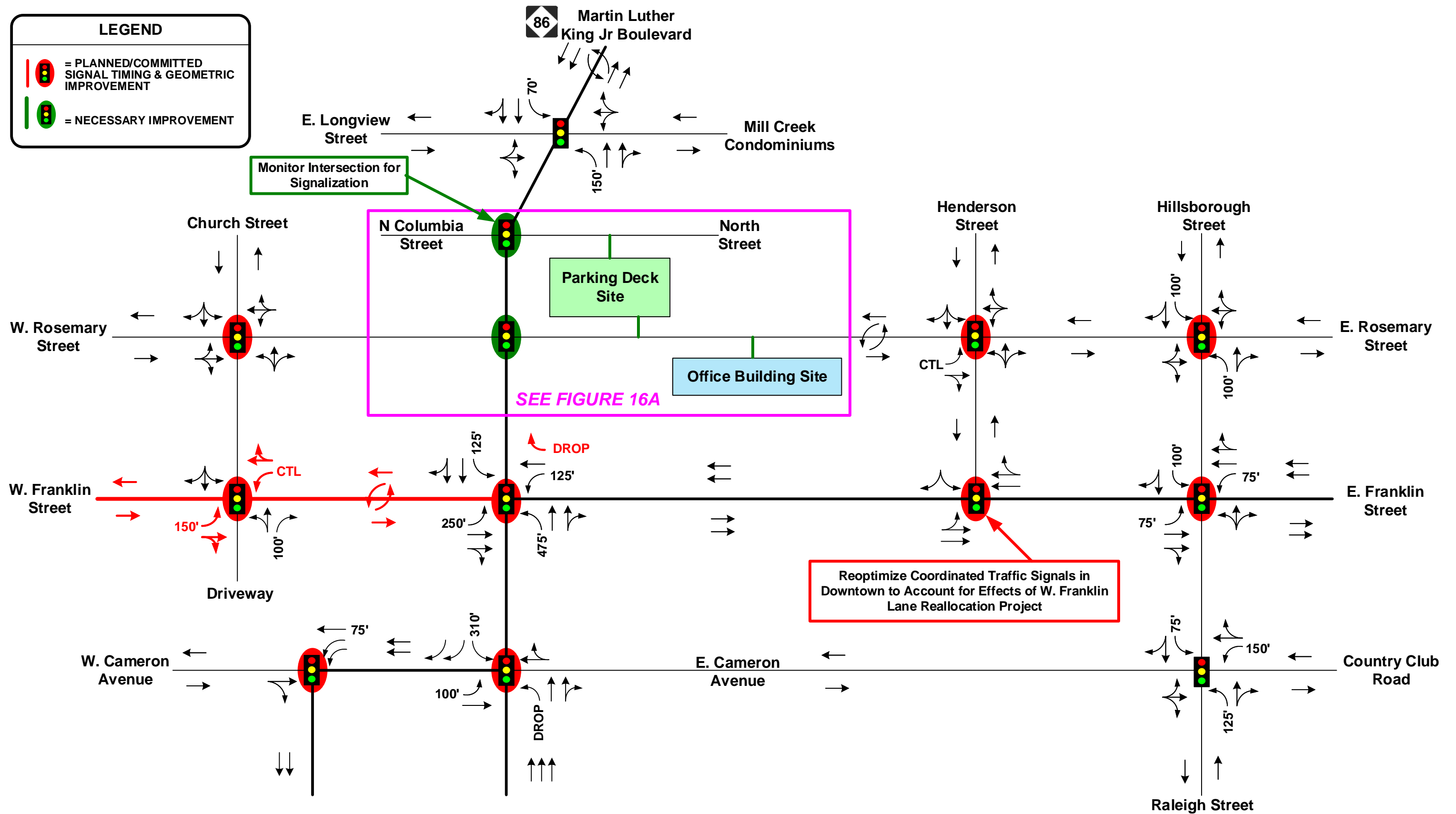
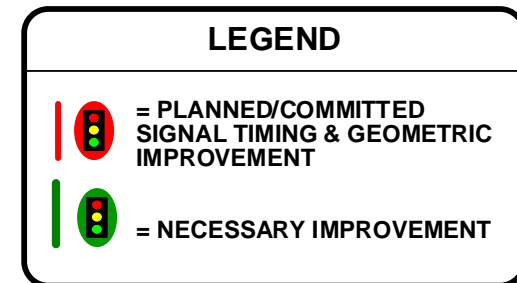
Based on traffic capacity analyses for the 2023 design year, and analyses of existing study area turning bay storage lengths and Office Building potential site access issues, the following improvements are recommended as being necessary for adequate transportation network operations (see **Figure ES-3A**). 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.

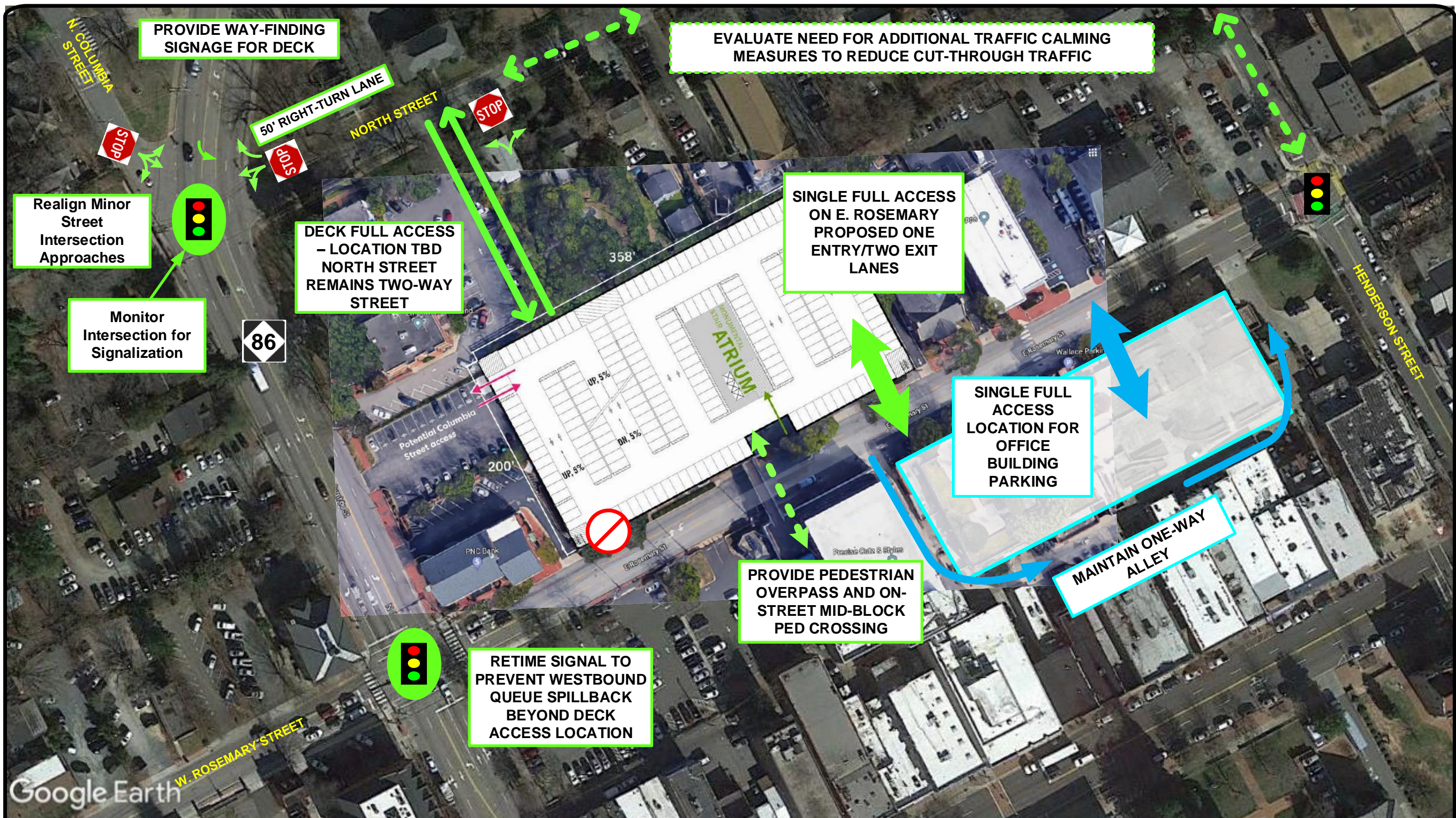
- 1) To reduce potential conflicts and provide better separation for left-turning vehicles along E. Rosemary Street approaching the parking deck access driveway westbound and Henderson Street eastbound, provide a single primary on-site underground parking garage access location approximately 225 feet 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.











06-10-2020 Town Council Meeting Responses to Council Questions #2

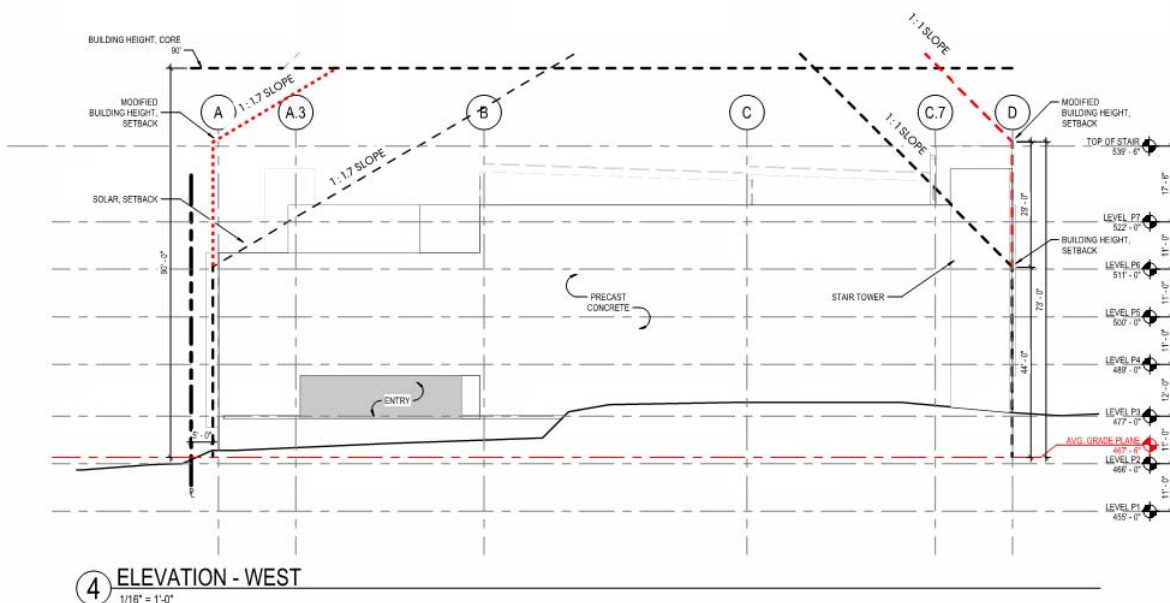
ITEM #12: Open the Public Hearing: Conditional Zoning at 125 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning (TC-2-C)

Council Question:

Why are we requesting a variance on primary height on all four sides? Presentations until now have been focused on a 4 story primary height on Rosemary, well short of the 74+ foot height that's being requested?

Staff Response:

Please see the attached elevation, which is looking at the parking deck from the west, with E Rosemary St being on the right side of the image. The red lines represent the modified building envelope. The building height along E Rosemary St is approximately 73'. Note that the deck will not appear to be quite this high in reality, based on the way building height is measured, and the additional height that is needed to accommodate the stair tower.



06-10-2020 Town Council Meeting

Responses to Council Questions #2

Council Question:

Just to confirm, but this proposed zoning change only pertains to 125 E. Rosemary Street (site of “CVS” deck), not to 136 E. Rosemary Street and 137 E. Franklin Street which are outlined in the presentation materials?

Staff Response:

Agenda Item #12, the Parking Garage at 125 E. Rosemary Street (CVS deck), is proposing a zoning change from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning (TC-2-CZ). The Conditional Zoning application provides an opportunity to add conditions associated with the proposed zoning change.

There is a separate item, Agenda Item #13 (136 E. Rosemary St & 137 E. Franklin Street) also on the agenda this evening. This application is requesting a general use rezoning for the property from Town Center-1 (TC-1) and Town Center-2 (TC-2) to Town Center-3 (TC-3). This project is commonly referred to as the CVS building and the proposed zoning change will allow the applicant to add approximately 1,000 sq. ft. of floor area to the building as well as façade improvements.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 13., File #: [20-0646], Version: 1

Meeting Date: 9/30/2020

Consider Enacting a Budget Ordinance Amendment for the Second Allocation of CARES Act Funding.

Staff:

Maurice Jones, Town Manager
John Richardson, Community Resilience Officer
Amy Oland, Business Management Director

Department:

Manager's Office
Business Management

Overview: The Town has received a second allotment of \$806,852 from Orange County for the Coronavirus Relief Fund <<https://home.treasury.gov/policy-issues/cares/state-and-local-governments>> (CRF). This funding is part of the larger federal economic relief package known as the Coronavirus Aid, Relief, and Economic Security (CARES <<https://home.treasury.gov/policy-issues/cares/state-and-local-governments>>) Act. The CRF provides financial resources to state, local and tribal governments to help navigate COVID-19. The Staff Report includes additional details about funding categories, possible expenses and anticipated amounts. The draft presentation contains updates about projects that were funded using the first allotment of CARES funding.



Recommendation(s):

That the Council enact the attached budget ordinance amendment for the Grants Fund to recognize and appropriate the CARES Act funding.

Fiscal Impact/Resources: If the Council enacts the attached budget ordinance amendment, this will add \$806,852 to the Town's FY20-21 Grants Fund budget. Similar to the first allotment of funds, all eligible expenses must be incurred no later than December 30, 2020.



Attachments:

- Budget Ordinance Amendment
- Draft Staff Presentation
- Staff Report

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2020" (2020-09-30/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, be and the same is hereby amended as follows:

ARTICLE I

APPROPRIATIONS	Current Budget	Increase	Decrease	Revised Budget
GRANTS FUND				
Human Services	\$ 351,360	\$ 79,000	\$ -	\$ 430,360
Housing	50,000	349,077	-	399,077
Economic	180,000	103,775	-	283,775
Health	4,800	250,000	-	254,800
Community Planning	5,000	-	-	5,000
Public Information	<u>155,250</u>	<u>25,000</u>	<u>-</u>	<u>180,250</u>
	\$ 746,410	\$ 806,852	\$ -	\$ 1,553,262

ARTICLE II

REVENUES	Current Budget	Increase	Decrease	Revised Budget
GRANTS FUND				
Coronavirus Relief Fund - CARES Act	<u>746,410</u>	<u>806,852</u>	<u>-</u>	<u>1,553,262</u>
	\$ 746,410	\$ 806,852	\$ -	\$ 1,553,262

This the 30th day of September, 2020.

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

PRESENTER: John Richardson, Community Resilience Officer

RECOMMENDATION: That the Council enact the attached budget ordinance amendment for the Grants Fund to recognize and appropriate the CARES Act funding.



Consider Budget Amendment to Receive CARES Act Funding

September 30, 2020

DRAFT

Overview

1. Recap on CARES Funding
2. Project Updates
3. Proposed Budget Amendment



DRAFT

Recommendation

That the Council enact the attached budget ordinance amendment



1. CARES Recap

DRAFT

What is CARES?

CARES...

- stands for the “Coronavirus Aid, Relief, Economic Security” Act
- is a \$2 trillion dollar federal economic relief package passed by Congress on March 27th, 2020
- aims to protect people from the public health and economic impacts of COVID-19

DRAFT

Funding Overview



- Town received \$1.55M from the Coronavirus Relief Fund (CRF), which is part of CARES
- CRF provides financial resources to state, local and tribal governments to help navigate COVID-19
- All funding must be spent by December 30, 2020

Eligible Expense Examples

- Emergency response
- Medical and personal protective equipment
- Decontamination of spaces
- Payroll in excess of budgeted funds for public safety

- Food delivery
- Care for people experiencing homelessness
- Small business grants
- Eviction and foreclosure prevention

DRAFT

2. Project Updates

DRAFT



Housing & Human Services

Emergency Housing & Rapid Rehousing Assistance

Town of Chapel Hill | 405 Martin Luther King Jr. Blvd. | www.townofchapelhill.org

Human Services Food Distribution



Human Services Scholastic Support



Human Services Scholastic Support



528



Human Services Internet Access

Economic Support

Small Business Grants

530



Town of Chapel Hill | 405 Martin Luther King Jr. Blvd. | www.townofchapelhill.org



Economic Support Recovery Plan

Town of Chapel Hill | 405 Martin Luther King Jr. Blvd. | www.townofchapelhill.org



532

Economic Support
Safe spacing and access

Community Planning Space for Safe Travel



ORANGE COUNTY, NORTH CAROLINA

Long-Term Recovery Planning

Moving Orange County Forward

[Learn More](#)

DRAFT

3. Proposed Budget Amendment

DRAFT

Proposed Budget Amendment

<u>Categories</u>	<u>Projected Amount</u>
Housing	\$349,077
Human Services	79,000
Health*	250,000
Economic Support	103,775
Public Information & Intergovernmental Affairs	25,000
<hr/>	
Total	\$806,852

DRAFT

** Using FEMA funding for most health expenses*

A large, modern, multi-story apartment building with a covered entrance and a parking lot with several cars. The building features a mix of brick and siding, with multiple windows and a prominent entrance canopy. The parking lot is paved and contains several vehicles, including a silver SUV in the foreground. The scene is set against a clear blue sky with some trees in the background. The number '537' is visible in the top right corner of the image.

537

Housing Emergency Housing Assistance

Town of Chapel Hill | 405 Martin Luther King Jr. Blvd. | www.townofchapelhill.org



Housing

Emergency Housing Assistance

Town of Chapel Hill | 405 Martin Luther King Jr. Blvd. | www.townofchapelhill.org



Human Services | neighborhood support circles

**Human
Services |**
circulator
bookmobile

Health | protective measures for facilities



Courtesy of seton.com

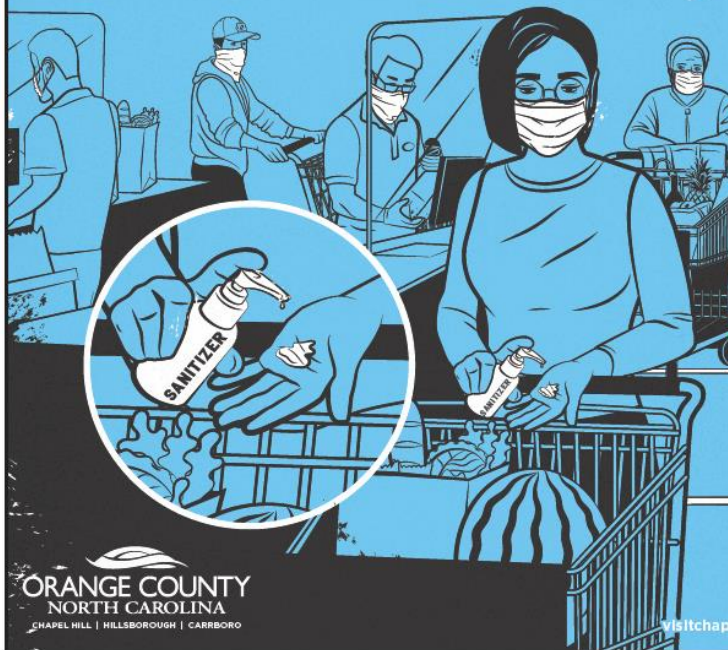


Courtesy of customclimatehvac.com

REMEMBER

Your **3 Ws!**

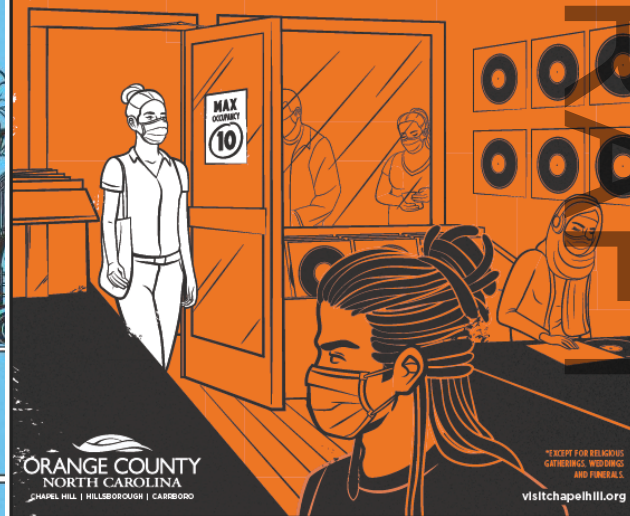
WEAR A FACE COVER
WAIT 6 FT. APART!
WASH YOUR HANDS!



A MESSAGE FROM THE CHAPEL HILL/ORANGE COUNTY VISITORS BUREAU

Inside **GATHERINGS?**

10 PEOPLE TOPS!
ORANGE COUNTY AND NC LIMIT INDOOR GATHERINGS TO 10.



**Economic
Support |
grants and
recovery**

Recommendation

That the Council enact the attached budget ordinance amendment



Staff Report

Staff from the Manager's Office and Business Management Department developed this report on 9/25/20.

This report provides details about:

1. Eligible expenses under the Coronavirus Relief Fund for state, local and tribal governments
2. Additional projects for first allotment of CARES funding
3. Proposed spending categories and anticipated amounts for the Town's second allocation of \$806,852

i. Eligible Expenses

Eligible expenses under the Coronavirus Relief Fund (CRF) include expenditures:

- (1) incurred due to COVID-19 between 3/1/20 and 12/30/20 and
- (2) not funded under the Town's FY2019-20 or FY2020-21 budgets.

Expense examples provided by Orange County's application template include:

- Medical support
- Public health measures and compliance
- Payroll for COVID-19 response personnel
- Economic relief in connection to COVID-19
- Other COVID-related expenses reasonably necessary to the function of government
- Grants to municipalities and non-profits

For additional information about eligible expenses, please see the FAQs from the [U.S. Treasury](#)¹ and [North Carolina Pandemic Recovery Office](#)².

ii. Additional Projects for First Allotment of CARES Funding

After receiving the Council's feedback at the [June 24, 2020 business meeting](#)³, staff worked to develop projects and shift the first installment of CARES resources to more housing, human services and health-related needs. These projects include:

- Additional funds for emergency housing assistance for low-income families
- A laptop lending program to support public computing
- Translation of vital documents
- Sanitation services for public spaces supporting homeless populations
- Tents, tables and signs for outdoor service delivery and communications
- Crisis unit case management software
- 90-day supply of PPE and other response measures

The projects listed above are being supported by CARES funds that became available because other projects came in under budget or were funded by other sources.

¹ <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>

² https://files.nc.gov/ncgov/documents/files/ncpro/FAQs-for-local-governments_8-28-2020.pdf

³ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4577146&GUID=4C5BEFFA-A5A3-4F24-B64A-F54AC57E431B&Options=&Search=>

iii. Proposed Spending Categories, Possible Expenses and Projected Amounts

Recovery Support Function Category	Possible Expenses	Projected Amount
Housing	<ul style="list-style-type: none"> additional emergency housing assistance for low-income residents 	\$349,077
Human Services	<ul style="list-style-type: none"> neighborhood support circles that provide scholastic and childcare support for low-income residents expand bookmobile access 	79,000
Health	<i>For Town facilities:</i> <ul style="list-style-type: none"> ventilation system improvements open office partitions and other protective measures touchless water fountains 	250,000
Economic	<ul style="list-style-type: none"> small business grants for public health measures long-term economic recovery planning 	103,775
Public Information and Intergovernmental Affairs	<ul style="list-style-type: none"> dashboard technology to support the emergency operations center 	25,000
	Total	\$806,852



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 14., **File #:** [20-0647], **Version:** 1

Meeting Date: 9/30/2020

Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3, 5, and Appendix A Definitions pertaining to Conditional Zoning.

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: Alisa Duffey Rogers, LUMO Project Manager

- a. Introduction and preliminary recommendation
- b. Recommendation of the Planning Commission
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to close the Public Hearing and receive written public comment for 24 hours following the closing of the public hearing
- f. Consider enacting the ordinance at the October 28, 2020 Council meeting.

RECOMMENDATION: That the Council open the public hearing regarding the Land Use Management Ordinance text amendments, receive public comment, close the public hearing, and allow written public comment for twenty-four (24) hours following the closing of the public hearing as required by Session Law 2020-3.



OPEN THE PUBLIC HEARING: LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENTS – PROPOSED CHANGES TO ARTICLES 3, 5 AND THE APPENDIX A TO EXPAND CONDITIONAL ZONING DUE TO COVID-19 & STATE STATUTE 160D

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT & MANAGER'S OFFICE
Judy Johnson, Interim Director
Alisa Duffey Rogers, Land Use Management Ordinance Project Manager
Corey Liles, Principal Planner

<p>AMENDMENT REQUEST</p> <p>Amend portions of Articles 3, 5, and the Appendix of the Land Use Management Ordinance (LUMO) to 1) facilitate development applications delayed by COVID-19 due to concerns over quasi-judicial hearings in a virtual environment and 2) bring portions of the LUMO into compliance with 160D, which is the State legislation modifying the North Carolina statutes for development regulations.</p>	<p>PUBLIC HEARING DATE</p> <p>September 30, 2020</p>
<p>STAFF RECOMMENDATION:</p> <p>That the Council open the public hearing regarding the Land Use Management Ordinance text amendments, receive public comment, close the public hearing, and allow written public comment for twenty-four (24) hours following the closing of the public hearing as required by Session Law 2020-3.</p>	
<p>PROCESS</p> <p>The Council must consider the following three factors for enactment of the Land Use Management Ordinance Text Amendment:</p> <ol style="list-style-type: none"> 1. To correct a manifest error in the chapter; or 2. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or 3. To achieve the purposes of the Comprehensive Plan. 	<p>KEY ISSUES</p> <ul style="list-style-type: none"> • 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 the new State provisions, quasi-judicial evidentiary hearings may only be held if all individuals who have standing are notified and provide written consent for a remote hearing. This requirement makes it very challenging to hold public hearings on a Special Use Permit (SUP) application since it is often difficult to determine standing before the public hearing takes place. • Conditional Zoning is a review process that closely resembles Special Use Permit review. The legislative public hearings that are necessary for Conditional Zoning review face fewer obstacles under the new State provisions for virtual hearings. • The proposed amendments will allow development applications to convert from the SUP quasi-judicial process to a legislative one, allowing them to be reviewed and considered using the Town's established development review process. In addition, the proposed amendments will bring the affected LUMO provisions into compliance with the 160D legislation.
<p>CONSISTENCY WITH COMPREHENSIVE PLAN</p> <p>The proposed text amendment promotes the following Chapel Hill 2020 Comprehensive Plan goals:</p> <ul style="list-style-type: none"> • A community that welcomes and supports change and creativity (GPNS.6) • A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (GPNS.3) 	
<p>ATTACHMENTS</p>	<ol style="list-style-type: none"> 1. Text Amendment Overview 2. Draft Staff Presentation 3. Resolution of Consistency (for proposed Land Use Management Ordinance amendment) 4. Ordinance A (Enactment of Land Use Management Text Amendment Proposal) 5. Resolution B (Deny Land Use Management Text Amendment Proposal) 6. Planning Commission Recommendation

¹ https://library.municode.com/nc/chapel_hill/ordinances/code_of_ordinances?nodeId=886103



PROPOSED CHANGES: TEXT AMENDMENTS TO THE LAND USE MANAGEMENT ORDINANCE ARTICLES 3, 5 AND THE APPENDIX A REGARDING EXPANDING THE USE OF CONDITIONAL ZONING

The following is a summary of the proposed text amendments necessary to expand conditional zoning in order to facilitate development applications challenged by State requirements on virtual quasi-judicial hearings and to bring portions of the LUMO into compliance with 160D.

TEXT AMENDMENT OVERVIEW

- **Convert Two districts.** Prior to the Town's adoption of conditional zoning, many development options and zoning districts required a Special Use Permit. Two such districts are the Residential-Special Standards-Conditional use district (R-SS-C) and the Mixed Use-Village district (MU-V). Most of the proposed amendments are necessary to convert these two districts to conditional zoning districts. The existing regulations for these districts are not changing except where necessary to make the conversion or to align provisions with other LUMO sections.
- **Special Uses.** Another amendment to facilitate the use of Conditional Zoning is changing the definition of "S" in the Use Matrix, which is Table 3.7-1. This change allows uses defined as "Special Uses" in the Use Matrix, such as Drive-in windows, to be considered and permitted as part of a conditional zoning application.
- **Create Two Parallel Districts.** 160D does not permit conditional use district zoning, which is the process of combining a rezoning with a special use permit. It does allow conditional zoning. Existing conditional use districts must convert to conditional zoning districts by December 31, 2020. When the Town established the conditional zoning districts that parallel existing general use zoning districts in [November of 2017](#)¹, parallel districts were not created for all existing conditional use districts. To facilitate the necessary conversions, conditional zoning districts are created for all existing conditional use districts.

SUMMARY OF PROPOSED ORDINANCE

1. Section 2 – LUMO Section 3.4.1

- Converts existing conditional use districts to conditional zoning districts and clarifies that any proposed changes to existing districts would be considered according to the provisions for conditional zoning districts

2. Section 3 – LUMO Section 3.4.2 - R-SS-C

- Converts the R-SS-C conditional use district to a conditional zoning district and provides direction on processing modifications for existing R-SS-C districts

3. Section 4 – LUMO Section 3.4.3 – Conditional Zoning Districts

- Expands the list of parallel conditional zoning districts
- Expressly creates two types of conditional zoning districts. Those that parallel existing general use districts and defined conditional zoning districts that include:
 - The existing Light Industrial Conditional Zoning District (LI-CZD);
 - The proposed Residential Special Standards Conditional Zoning District (R-SS-CZD); and,
 - The proposed Mixed-Use Village Conditional Zoning District (MU-V-CZD).

4. Section 6 – New LUMO Section 3.4.5

- Incorporates the existing objectives for the R-SS-C district into the proposed R-SS-CZD

5. Section 7 – New LUMO Section 3.4.6

- Incorporates the existing regulations for the MU-V district into the proposed MU-V-CZD

6. Section 9 – Table 3.7-1: Use Matrix

- Converts R-SS-C to R-SS-CZD
- Changes the definition of “S” in the Use Matrix so that uses designated as Special Uses may be considered as part of a conditional zoning request

7. Sections 10 -14 – Changes to Multiple LUMO Tables/Sections

- These changes relate to integrating R-SS-CZD and MU-V-CZD into various sections of the LUMO

8. Section 15 – Appendix A - Definitions

- Includes new clarifying definitions



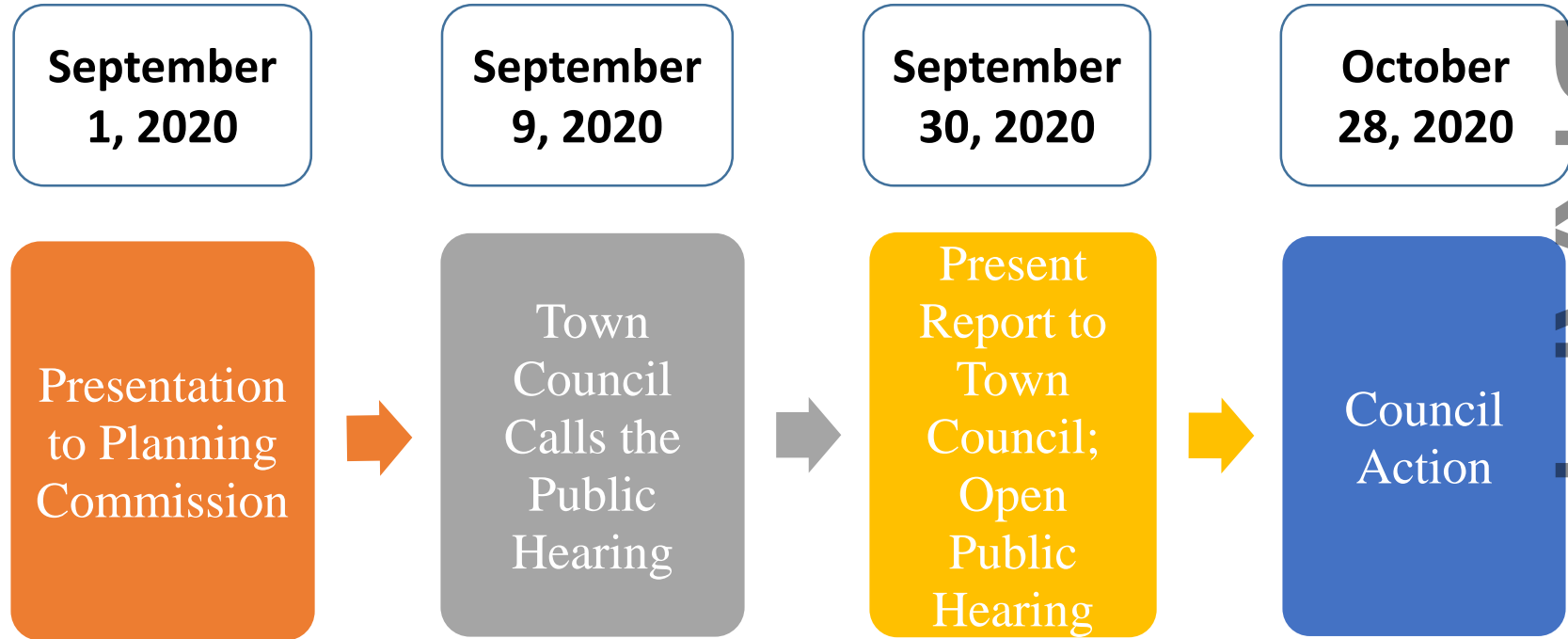
LUMO Text Amendments

Expansion of Conditional Zoning

September 30, 2020

DRAFT

The Process:



DRAFT



Recommendation:

That the Council open the public hearing, receive public comment, close the public hearing, and allow written public comment for twenty-four (24) hours

DRAFT

Why do we need to expand conditional zoning at this time?

01

Facilitate applications delayed by COVID-19 restrictions on virtual hearings

02

Bring portions of the LUMO into compliance with 160D

DRAFT

What is conditional zoning?

- Rezoning with site-specific conditions
- Legislative Action
- Allows concerned community members to voice concerns and Council may consider opinion as well as facts



DRAFT

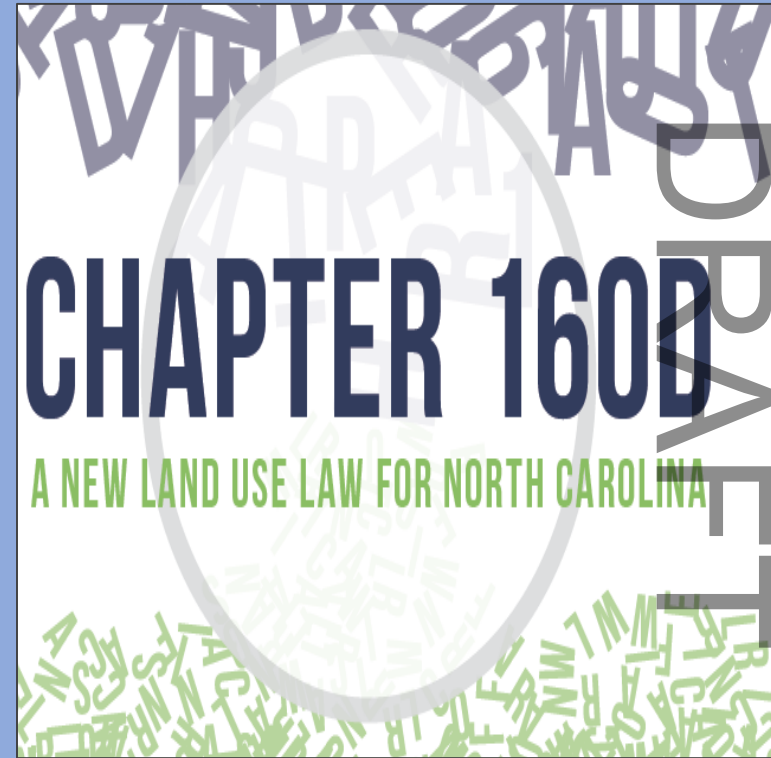
CHAPTER 160D

A NEW LAND USE LAW FOR NORTH CAROLINA

DRAFT

What is 160D?

- Conditional Zoning replaces Conditional Use District Zoning under 160D
- Conditional Use District Zoning
 - Combines Legislative Rezoning with Quasi-judicial Special Use Permit
 - Developed to place conditions on rezonings
 - Problematic since combines legislative & quasi-judicial actions
- Still retain SUP under 160D



What does the proposed Ordinance do?

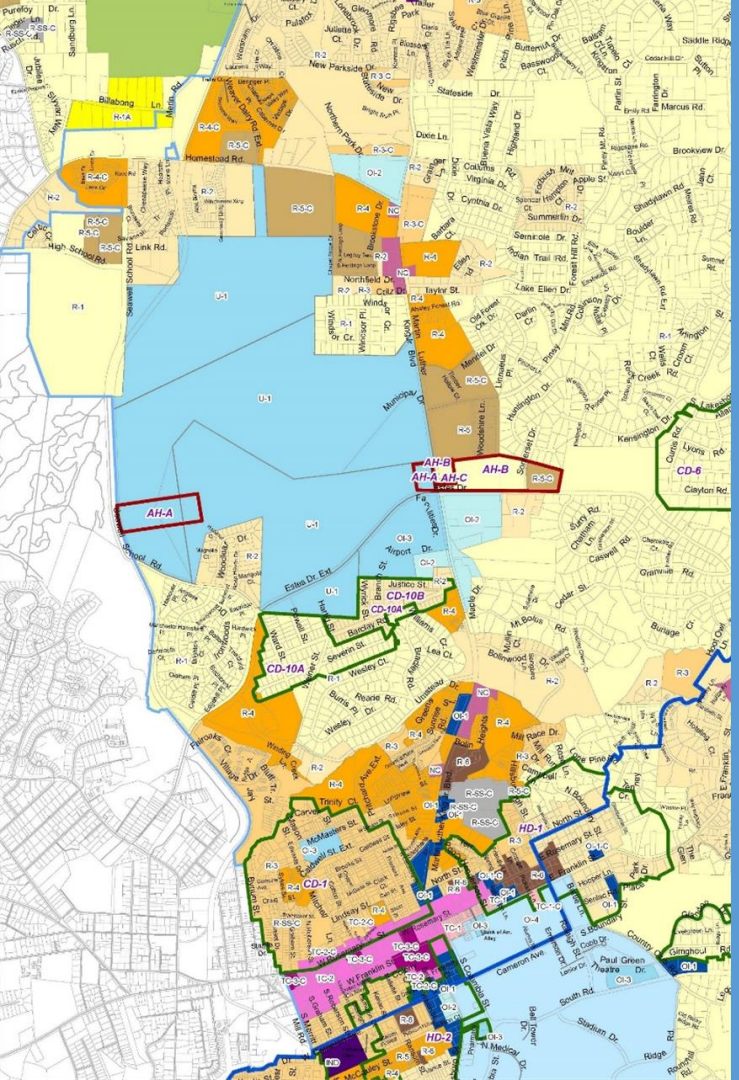
- Converts two districts to Conditional Zoning Districts
 - R-SS-C to R-SS-CZD
 - MU-V to MU-V-CZD
- Changing the definition of “S” in the Use Matrix to be permitted when included with a CZ application
- Creates additional conditional zoning districts

DRAFT

What does the proposed Ordinance do?

- Converts two districts to Conditional Zoning Districts
 - R-SS-C to R-SS-CZD
 - MU-V to MU-V-CZD

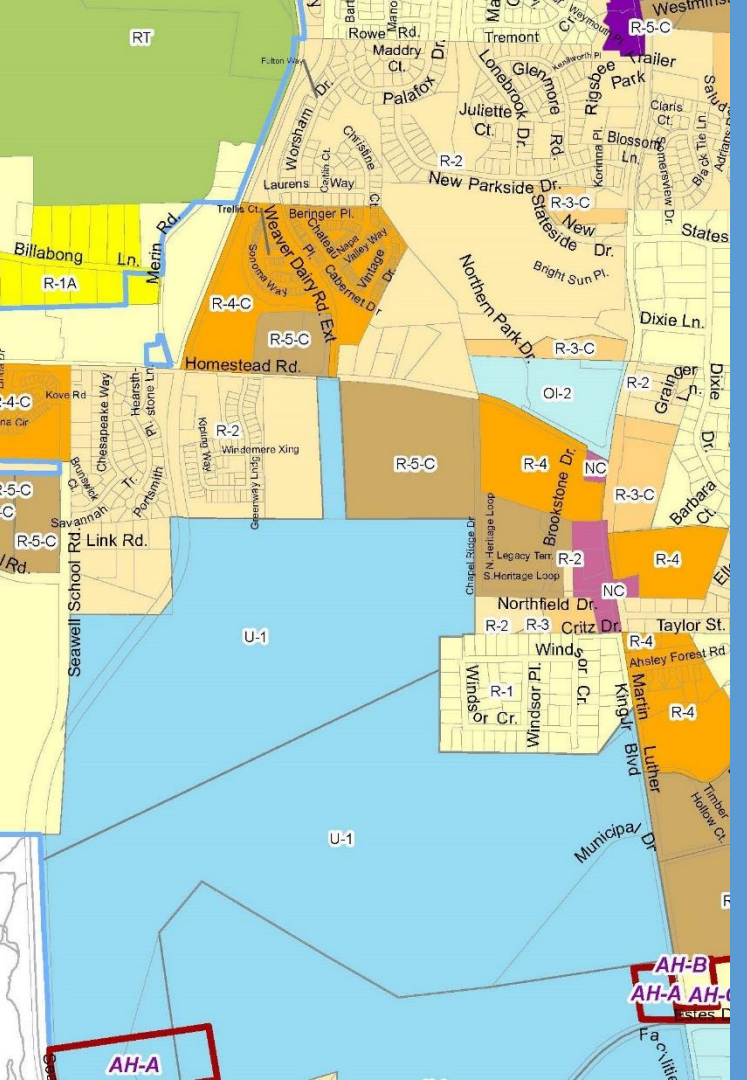
DRAFT



What does the proposed Ordinance do?

- Creates conditional zoning districts to replace existing conditional use districts

R-1	R-1A
R-2	R-2A
R-3	R-4
HR-L	HR-M
R-LD1	R-LD5



DRAFT

What does the proposed Ordinance do?

- Changes the definition of “S” in the Use Matrix to be permitted when included with a CZ application

DRAFT

Consistency with the Comprehensive Plan

The proposed text amendments promote the following *Chapel Hill 2020* Comprehensive Plan goals:

- A community that welcomes and supports change and creativity (GPNS.6)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (GPNS.3)

DRAFT



Recommendation:

That the Council open the public hearing, receive public comment, close the public hearing, and allow written public comment for twenty-four (24) hours

DRAFT

RESOLUTION OF CONSISTENCY**A RESOLUTION FINDING THAT THE PROPOSED AMENDMENTS TO ARTICLES 3, 5 AND APPENDIX A OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE RELATED TO CONDITIONAL ZONING ARE CONSISTENT WITH THE COMPREHENSIVE PLAN (2020-##-##/R-#)**

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to expand opportunities for Conditional Zoning review, in response to the challenging nature of conducting remote quasi-judicial evidentiary hearings under the provisions of Session Law 2020-3 and to the requirements of Chapter 160D; and

WHEREAS, upon consideration the Council finds that the amendments, if enacted, are reasonable and in the public's interest and are warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal: Good Places New Spaces.3)
- A community that welcomes and supports change and creativity (Goal: Good Places New Spaces.6)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed zoning text amendments to be reasonable and consistent with the Town Comprehensive Plan.

This the _____th day of _____, 2020.

Ordinance A

AN ORDINANCE AMENDING ARTICLES 3, 5 AND APPENDIX A OF THE LAND USE MANAGEMENT ORDINANCE TO EXPAND CONDITIONAL ZONING DUE TO COVID-19 & STATE STATUTE 160D (2020-__-__/O-)

WHEREAS, the Council called a Public Hearing to amend provisions of the Land Use Management Ordinance (LUMO) as it relates to conditional zoning for the Council's September 30, 2020 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amends to the Land Use Management Ordinance (LUMO) Articles 3, 5 and Appendix A related to conditional zoning and finds that the amendments, if enacted, are reasonable and in the public's interest and are warranted, to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the *Chapel Hill 2020* Comprehensive Plan:

- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal: Good Places New Spaces.3)
- A community that welcomes and supports change and creativity (Goal: Good Places New Spaces.6).

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that Appendix A – Land Use Management, Articles 3, 5 and Appendix A of the Code of Ordinances, Town of Chapel Hill, North Carolina are hereby amended as follows:

Section 1 – Article 3. The Introductory third paragraph is hereby amended to read as follows:

““Conditional” Districts (section 3.4) include district-specific conditions agreed upon by the town council and the property owner(s) to ensure that the use or group of uses is compatible with adjoining districts and uses. There are two types of Conditional Districts, each with different application procedures and requirements for establishment by the town council: Conditional Use Districts (sections 3.4.1-~~2~~) and Conditional Zoning Districts (sections 3.4.3 - 6).”

Section 2 – Article 3. Section 3.4.1 Conditional Use Districts is hereby amended to add sub-sections to read as follows:

“

- (a)** For the TC-1, TC-2, TC-3, CC, N.C., OI-1, I, R-6, R-5, R-4, R-3, R-2, R-2A, R-1, R-1A, HR-L, HR-M, HR-X, R-LD1, and R-LD5 districts hereinabove described, there are hereby established parallel conditional use districts designated TC-1-C, TC-2-C, TC-3C, CC-C, N.C.-C, OI-2-C, OI-1-C, I-C, R-6-C, R-5-C, R-4-C, R-3-C, R-2-C, R-2A-C, R-1-C, R-1A-C, HR-L-C, HR-M-C, HR-X-C, R-LD1-C, and R-LD5-C pursuant to North Carolina General Statutes Section 160A-382. Under each conditional use district, all uses allowed as a permitted use or special use by section 3.7, Table 3.7-1 (Use Matrix), for the parallel general use district are permitted only upon issuance of a special use permit by the town council pursuant to section 4.5 of this appendix.

(b) All conditional use districts established pursuant to North Carolina General Statutes Section 160A-382 that existed as of October 2020 are hereby converted to conditional zoning districts pursuant to North Carolina General Statutes 160D. Any conditional use district established prior to October 2020 shall be henceforth shown on the zoning atlas with a CZD suffix. Any proposed modifications to such districts established prior to October 2020 shall be considered pursuant to Section 4.4.5."

Section 3 - Article 3. Section 3.4.2 Residential-Special Standards – Conditional Use Districts is hereby amended to read as follows:

"The A-residential-special standards-conditional use district (R-SS-C) is hereby established pursuant to North Carolina General Statutes Section 160A-382 is hereby converted to a defined conditional zoning district pursuant to North Carolina General Statutes 160D and section 3.4.3 of this appendix. Any R-SS-C district established prior to October 2020 shall be henceforth shown as R-SS-CZD on the zoning atlas. Any proposed modifications to R-SS-C districts established prior to October 2020 shall be considered pursuant to Section 4.4.5. Uses allowed in this district shall be those described in [section 3.7](#) and Table 3.7-1 (Use Matrix) of this chapter, and are permitted only upon issuance of a special use permit by the town council pursuant to section 4.5 of this chapter. Residential development and the recreational, open space, and other urban amenities associated with such development when located within the residential-special standards-conditional district shall, to the extent practical, comply with the goals and objectives of the comprehensive plan.

Zoning atlas amendment applications, proposing to rezone a site to the residential special standards-conditional district shall comply with A or B below:

A. An applicant must demonstrate that the associated special use permit application complies with the following objective:

1. Promotion of an one hundred (100) percent affordable on-site housing component.

Or

B. An applicant must demonstrate that the associated special use permit application complies with each of the following objectives:

1. Promotion of affordable housing on-site, and off-site when appropriate, that complies with or exceeds the council's current affordable housing policy.

2. Implementation of an energy management and conservation plan that addresses carbon reduction, water conservation and other conservation measures that comply with or exceed the council's current energy management/conservation policies.

3. Encouragement of a balanced private and public transportation system that promotes connectivity and safety for vehicles, bicycles, and pedestrians including direct and/or indirect improvements to the community's transportation systems.

4. Support of a healthy downtown district by identifying or providing reasonable accessible pedestrian/bicycle and non-vehicular access to downtown.

5. ~~Promotion of art (private or public) in private development that is visually accessible to the public and/or providing direct/indirect opportunities for public art.~~
6. ~~Protection of adjoining residential uses and neighborhoods with appropriate screening/buffering and/or architectural design elements that is congruous and sensitive to the surrounding residential areas.~~
7. ~~Protection/restoration of the natural environment by implementing program(s) addressing stream restoration, wildlife habitat, woodland, meadow restoration, steep slope protection, and exotic invasive vegetation management, including programs that encourage private/public partnership to restore and enhance environmental resources.~~
8. ~~Promotion of green and ecologically sound developments.~~
9. ~~Encouragement of a community character that promotes economic vitality, economic protection and social equity."~~

Section 4 – Article 3. Section 3.4.3 Conditional Zoning Districts is hereby amended to read as follows:
“

- (a) 3.4.3 ~~Parallel C~~**conditional** zoning districts are hereby established that ~~except the Innovative, Light Industrial Conditional Zoning District established in 3.4.4 parallel each of the following general use zoning districts:~~

R-1
R-1A
R-2
R-2A
HR-L
HR-M
R-LD1
R-LD5
R-3
R-4
R-5
R-6
TC-1
TC-2
TC-3
CC
N.C.
OI-3
OI-2
OI-1
MU-V

A parallel conditional zoning district may be established through the town council's approval of a conditional zoning district rezoning application pursuant to section 4.4.5. Except as otherwise

~~provided in the Innovative, Light Industrial Conditional Zoning District (LI-CZD), and~~ Development in a **parallel** conditional zoning district is subject to the same standards applicable to the parallel general use zoning district including overlay district regulations, as modified by the approved district-specific plans and conditions:

- ~~(1) a)~~ That are proposed or agreed to by the owner(s) of the subject land;
- ~~(2) b)~~ That incorporate any proposed modifications to use, intensity, or development standards applicable in the parallel general use district; and,
- ~~(3) c)~~ That are limited to conditions that address conformance of the allowable development and use of the rezoning site with Town regulations and adopted plans, and impacts reasonably expected to be generated by the allowable development or use of the site.

One goal of the town's comprehensive plan is to promote energy conservation through building design. Therefore, applicants are encouraged to meet the Architecture 2030 Challenge guidelines as amended.

(b) The following defined conditional zoning districts are hereby established to provide an alternative to general use and parallel conditional zoning districts:

- (1) Light Industrial Conditional Zoning District (LI-CZD) pursuant to 3.4.4 and the applicable provisions of this appendix**
- (2) Residential Special Standards Conditional Zoning District (R-SS-CZD) pursuant to 3.4.5 and the applicable provisions of this appendix**
- (3) Mixed Use Village Conditional Zoning District (MU-V-CZD) pursuant to 3.4.6 and the applicable provisions of this appendix**

Development in a defined conditional zoning district is subject to the applicable provisions in this Appendix, as modified by the approved district-specific plans and conditions:

- (1) That are proposed or agreed to by the owner(s) of the subject land;**
- (2) That incorporate any proposed modifications to applicable regulations; and**
- (3) That are limited to conditions that address conformance of the allowable development and use of the rezoning site with Town regulations and adopted plans, and impacts reasonably expected to be generated by the allowable development or use of the site.”**

Section 5 - Article 3. Section 3.4.4 a) Innovative, Light Industrial Conditional Zoning District (LI-CZD) Established is hereby amended to read as follows:

“

- a) *Innovative, Light Industrial Conditional Zoning District (LI-CZD) Established.*
The innovative, light industrial conditional zoning district (LI-CZD) is hereby established as a conditional zoning district. A LI-CZD may be established through the town council's approval of a

conditional zoning district rezoning application pursuant to section 4.4.3, which incorporates district-specific rezoning plans and conditions agreed to by the owner(s) of the rezoned land. Once a LI-CZD is established, a property owner may submit final plans applications to the town manager for review and approval in accordance with the standards of this appendix and the conditions and rezoning plan attached to the conditional zoning district rezoning approval.”

Section 6 – Article 3. Section 3.4 Conditional Districts is hereby amended to add a new Section 3.4.5 to read as follows:

“Section 3.4.5 Residential-Special Standards-Conditional Zoning District (R-SS-CZD).

The residential-special standards-conditional zoning district (R-SS-CZD) as established in 3.4.3 permits uses as described in section 3.7 and Table 3.7-1 (Use Matrix) of this appendix, and are permitted only upon approval of a conditional zoning district rezoning application by the town council pursuant to section 4.4.5 of this appendix. Residential development and the recreational, open space, and other urban amenities associated with such development when located within the residential-special standards-conditional zoning district shall, to the extent practical, comply with the goals and objectives of the comprehensive plan.

Zoning atlas amendment applications, proposing to rezone a site to the residential-special standards-conditional zoning district shall comply with a) or b) below:

- (a) An applicant must demonstrate that the proposed development complies with the following objective:**

- (1) Promotion of a one hundred (100) percent affordable on-site housing component.**

Or

- (b) An applicant must demonstrate that the proposed development complies with each of the following objectives:**

- (1) Promotion of affordable housing on-site, and off-site when appropriate, that complies with or exceeds the council's current affordable housing policy.**
- (2) Implementation of an energy management and conservation plan that addresses carbon reduction, water conservation and other conservation measures that comply with or exceed the council's current energy management/conservation policies.**
- (3) Encouragement of a balanced private and public transportation system that promotes connectivity and safety for vehicles, bicycles, and pedestrians including direct and/or indirect improvements to the community's transportation systems.**
- (4) Support of a healthy downtown district by identifying or providing reasonable accessible pedestrian/bicycle and non-vehicular access to downtown.**
- (5) Promotion of art (private or public) in private development that is visually accessible to the public and/or providing direct/indirect opportunities for public art.**
- (6) Protection of adjoining residential uses and neighborhoods with appropriate screening/buffering and/or architectural design elements that is congruous and sensitive to the surrounding residential areas.**
- (7) Protection/restoration of the natural environment by implementing program(s) addressing stream restoration, wildlife habitat, woodland, meadow restoration, steep**

slope protection, and exotic invasive vegetation management, including programs that encourage private/public partnership to restore and enhance environmental resources.

- (8) Promotion of green and ecologically sound developments.
- (9) Encouragement of a community character that promotes economic vitality, economic protection, and social equity."

Section 7 – Article 3. Section 3.4 Conditional Districts is here by amended to add a new Section 3.4.6 to read as follows:

"Section 3.4.6 The Mixed-Use Village Conditional Zoning District (MU-V-CZD) .

Purpose statement: The mixed-use village conditional zoning district (MU-V-CZD) established in 3.4.3 is intended to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections and transit corridors in Chapel Hill. The district is designed to facilitate stated public policies to encourage design which emphasizes lively, people-oriented environments and compatible, visually interesting development. This district provides areas where moderate scale mixed use centers can locate with an emphasis on development of a balance of residential, office and commercial uses.

It is further intended that the mixed use districts shall encourage development within which mutually supporting residential, commercial and office uses are scaled, balanced and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian and bicycle circulation systems and mass transit to further reduce the need for private automobile usage. Mixed use districts are intended to encourage development that allows multiple destinations to be achieved with a single trip. These standards encourage a design such that uses within a mixed use district are arranged in a manner that encourages internal vehicular trip capture and the development patterns that encourage walking, transit and bicycling as alternatives to automotive travel.

When such districts adjoin residential development or residential zoning districts, it is intended that arrangement of buildings, uses, open space, and vehicular or pedestrian and bicycle access shall be such as to provide appropriate transition and reduce potentially adverse effects.

- (a) **The mixed-use village conditional zoning district (MU-V-CZD) is permitted only upon approval of a conditional zoning district rezoning application by the town council pursuant to section 4.4.5 of this appendix.**
- (b) **Permitted uses and development intensities.**
 - (1) **The uses permitted in the MU-V-CZD include the following:**
 - A. **Vertical mixed-use buildings, or**
 - B. **Uses listed in subsection (2), below, which are mixed horizontally. Uses are "mixed horizontally" where:**
 - i. **Such uses comprise not less than the minimum, and not more than the maximum, percentage of floor area prescribed in subsection (b)(2)A, below; and**
 - ii. **Uses within a land use category set forth below, are located not further than eight hundred (800) feet from the uses located within another land use category;**

- iii. The uses within separate land use categories, as set forth below, are linked by a continuous system of sidewalks or trails. Sidewalks or trails shall be considered "continuous" if they are interrupted only by street intersections, but shall not be considered "continuous" if interrupted by natural or man-made barriers to pedestrian and bicycle movement or by a street consisting of more than two (2) lanes of traffic, unless a pedestrian and bicycle island is provided.

(c) Land use categories.

- (1) An MU-V shall include office, commercial, and residential uses as described below. The mix of floor area within a proposed development shall contain at least twenty-five (25) percent of the floor area devoted to residential uses and at least twenty-five (25) percent of the floor area devoted to office/commercial uses.
- (2) For purposes of this section:
 - A. Uses within the "Residential" land use category include the following:
 - Dwelling units, single family,
 - Dwelling units, two-family with accessory apartments,
 - Dwelling units, two-family-duplex,
 - Dwelling units, multifamily, three to seven dwelling units,
 - Dwelling units, multifamily, over seven dwelling units,
 - B. Uses within the "Non-Residential" land use category include the following:
 - Business, office-type,
 - Child/adult day care facility (See section 3.6),
 - Clinic,
 - College, university, or professional school
 - Fine arts educational institution,
 - Hotel or motel,
 - Research activities,
 - Research activities, light
 - Bank,
 - Barber shop/beauty salon,
 - Business—convenience,
 - Business—general,
 - Business—wholesale,
 - Manufacturing, light,
 - Personal services,
 - Public service facility,
 - Publishing and/or printing,
 - Recreation facility: Commercial.
 - C. Uses not enumerated above shall not be considered to be within a residential or non-residential land use category within the meaning of this section.

(d) Dimensional Restrictions.

- (1) Except as otherwise specifically provided in this section, regulations governing the dimensions of lots and buildings are hereby established as shown in Table 3.8-1.

- (2) Permitted density shall not exceed fifteen (15) dwelling units per acre for MU-V-CZD collector and MU-V-CZD local and twenty (20) du/acre for MU-V-CZD arterial. Permitted intensity and impervious surface restrictions shall be as established in section 3.8 Table 3.8-1 unless development rights are transferred pursuant to section 3.9.2 of this appendix. The frontage and setback requirements shall not apply to parks and open space.

(e) Mixed Use Development Design Standards.

- (1) All design standards specified in article 5 of this appendix and in the town's design guidelines in effect at the time a proposal is being reviewed shall apply to the design of development proposed as a mixed use development as defined by this article along with the provisions of subsections (2) through (5), below.
- (2) Any application for mixed use development shall include a concept plan as provided in section 4.3. The application shall also include a phasing plan that specifies the stages of development build out. The phasing plan shall identify the sequence of development for the land uses shown on the application. The phasing plan information may be prepared as a plan, a table, or a report. It shall include general phasing of internal and external traffic circulation systems, amenities, and utility improvements that will be constructed concurrent with the land use development. Land use development scheduling shall include a general indication of size, either in square footage or acres. The plan shall also indicate the expected impact of the development on existing or proposed public facilities, including but not limited to, streets, transit, schools, water and sewer systems, and public safety. The applicant shall provide assurances that all the use categories will be constructed and that the project will, in fact, result in a mixed use development satisfying the purpose section of this district. The applicant shall include all of the required use categories (residential, commercial, and office uses) in the first phase of the project.
- (3) Outparcels are hereby defined as development or parcels of land generally located at the perimeter boundary of a mixed-use development. All plans for outparcels within a mixed-use development proposal shall include a set of design criteria for the outparcel(s). These design criteria shall be prepared to maintain visual compatibility and overall design compatibility with the entire development. The criteria shall address the location, form, scale, materials and colors of structures as they relate to the design concept of the entire development, and shall be consistent with the design guidelines.
- (4) Off-street parking requirements shall be fifty (50) percent of the minimum parking requirements listed in the parking and loading standards (section 5.9 of this appendix). Required loading areas may overlap automobile parking bays where it can be demonstrated that hours of peak operation do not conflict with delivery schedules. Dimensional standards for parking and loading may be varied by the town manager.
- (5) The applicant shall provide a bus stop consistent with the design criteria of sections 21-7 and 21-28.1 of the town Code of Ordinances. Such stops shall be located within one-half (½) of a mile of all dwelling units or office buildings. Notwithstanding the provisions of section 21-7 of the town Code of Ordinances, a resolution of the town council shall not be required prior to the designation of bus stops. Instead, this section only requires that bus stops be indicated on the subdivision plat or site plan. Different locations may be designated by resolution(s) of the town council following approval of the mixed use development.

(6) Buffers are not required between different uses or use categories within the MU-V-CZD District.”

Section 8 – Article 3. Section 3.5.1 (a) Establishment of mixed use districts is hereby amended to read as follows:

“(a) Establishment **and intent** of mixed use districts.

- (a) It is the intent of the Town of Chapel Hill to reserve the MU-OI-1 and MU-R-1 designations and regulations for areas already so zoned as of September 2002 **and to reserve MU-V for areas already so zoned as of October 2020.** The policy of the town is to grant no further rezonings to MU-OI-1, or MU-R-1, **or to MU-V** and to reserve future mixed-use **village** zoning designations for MU-V-**CZD.**”

Section 9 – Table 3.7-1 Use Matrix , column R-SS-C to convert the district to a conditional zoning district that permits only those uses shown, and the Key section following the Matrix are hereby revised to read as follows:

“

Table 3.7-1: Use Matrix																																			
		Zoning District												Historic Rogers Road Neighborhood District			Planned Development (PD-)																		
Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-C	R-SS-CZD	TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1
Dwelling Units, Single Family													§	Q																					
Dwelling units, single-family with accessory apartment													§	Q																					
Dwelling units, duplex (See also Article 6)													§	Q																					
Dwelling units, multifamily, 3 to 7 dwelling units													§	Q																					
Dwelling units, multifamily, over 7 dwelling units													§	Q																					
Manufactured													§																						

- Definitions of Wireless Communication Facility uses are listed in Appendix A, and in Section 5.20.3.

* Uses in this table are pursuant to a development agreement. If there is no development agreement governing the site, see Section 3.5.6(f)(1) and (2).

"Y" In LI-CZD, permitted under additional prescribed standards in section 6.22

Note: The use groups established in the 2nd column of Table 3.7-1 are used to determine whether a site plan is needed for a change in use (see Section 4.7.1(f), and the applicability of buffers (see Section 5.6.6, Schedule of Required Buffers)."

“

Zoning District	Lot Size (square feet min)	Density (units per acre max)	Frontage (min feet)	Lot Width (min feet)	Building Height, Setback (max feet)	Building Height, Core (max feet)	Street Setback (min feet)	Interior Setback (min feet)	Solar Setback (min feet)	Impervious Surface Ratio (max)*	Floor Area Ratio (max)	Street Setback (max feet)
R-SS-C <u>R-SS-</u> CZD	N/A	N/A	N/A	N/A	39	60	10	0	N/A	.5/.7	1.10"	N/A

MU-V, MU-V-CZD arterial	5,500	20.0	80	62	70	114	0	0	20	.5/.7	1.2	N/A
MU-V, MU-V-CZD collector	5,500	15.0	40	50	44	90	0	0	20	.5/.7	.500	N/A
MU-V, MU-V-CZD local	5,500	15.0	70	40	32	40	0	0	17	.5/.7	.500	N/A

Section 11 – Article 3. Sub-section 3.9.2 (b) Receiving district designated is hereby amended to read as follows:

“(b) Receiving districts designated.

Severable development rights may be exercised only in conjunction with the development or subdivision of any parcel of land that is located in a receiving district. A parcel of land which receives developments rights pursuant to this section shall be referred to as a "receiving district." The following districts are hereby designed as receiving districts for purposes of transferring severable development rights:

TC-1, TC-2, TC-3	Town center districts
TOD	Transit-oriented development districts
CC	Community commercial
N.C.	Neighborhood commercial
OI-1	Office/institutional-1
OI-2	Office/institutional-2
OI-3	Office/institutional-3
I, LI-CZD	Industrial districts
MH	Materials handling
MU-OI-1	Mixed use-OI-1
MU-R-1	Mixed use-R-1
MU-V-CZD	Mixed use-village – conditional zoning district

Section 12 – Article 3. Table 3.10-1 Inclusionary Zoning Requirements is hereby revised to read as follows:

“Table 3.10-1 Inclusionary Zoning Requirements

	(A)	(B)
	Town Center: TC-1, TC-2, and TC-3	Balance of Planning Area (Town Limits, ETJ, Joint Planning Chapel Hill Transition Area)
Description	TC-1, TC-2, and TC-3 zoning districts	All other zoning districts
Set-aside requirement	10% ⁽¹⁾	15%

Density bonus (see subsection (d), below)	not applicable	15% with the exception of R-SS-C <u>ZD</u> and MU-V, MU-V-CZD zoning districts
Floor area bonus for two-family or multifamily dwelling units (see subsection (e), below)	3,400 square feet per affordable dwelling unit if building has no interior common elements; or 4,400 square feet per affordable dwelling unit for buildings with interior common elements.	3,400 square feet per affordable dwelling unit if building has no interior common elements; or 4,400 square feet per affordable dwelling unit for buildings with interior common elements, with the exception of R-SS-C and MU-V zoning districts

“

Section 13 – Article 5. Section 5.5.2 (g) Multi-family dwelling units is here by amended to read as follows:

“Active, improved space (either indoors or outside) shall be provided for the common active recreational use of residents of multifamily developments. For sites that abut or include areas designated as future greenways in the town's comprehensive plan, greenway project conceptual plans adopted by the council, and greenway project master plans adopted by the council; land dedicated for a public pedestrian and non-motorized vehicle easement or deeded to the town along the greenway may be substituted for required improved recreation space. The minimum size of such active recreation space shall be the number of square feet derived by multiplying gross land area of the development by the applicable ratio shown below.

Zoning districts	Recreation space ratio
TC-1, TC-2, TC-3	.120
CC, MU-V, MU-V-CZD	.046
N.C.	.039
OI-2	.046
OI-1	.046
I	.032
R-SS-C <u>ZD</u> , R-6, R-5	.050
R-4	.039
R-3	.032
R-2, R-2A, R-1	.025
R-1A	.022
R-LD1	.020
All Others	.015

“

Section 14 – Article 5. Section 5.14 Signs – Table 5.14.7 Permitted Signs, header row is hereby amended to read as follows:

“

5.14.7. Permitted Signs	RT, R-, MH, PD-H	TC-, C, NC, OI-, MU-V MU-V-CZD , I	PD-SC PD- OI, PD- MU, PD-I	Mixed Use OI-1, Mixed Use R-1	WR-Subdistricts		WX-Subdistricts		Sign Area Allocation (max)
					Type A Frontage	Type B, C Frontage	Type A Frontage	Type B, C Frontage	

Section 15 – Appendix A. – Definitions is here by amended to add new definitions as follows:

“Conditional zoning: A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.”

“Conditional zoning district: Zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of a legislative decision by the Town Council creating the district and applying it to the particular property.”

“Defined conditional zoning district: See conditional zoning district and Section 3.4.3.”

“Parallel conditional zoning district: See conditional zoning district and Section 3.4.3.”

Section 16. This Ordinance is effective upon enactment.

This the _____ day of _____, 2020.

RESOLUTION B

(Denying the Land Use Management Ordinance Text Amendment)

A RESOLUTION DENYING A PROPOSAL TO AMEND ARTICLES 3, 5 AND APPENDIX A OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE RELATED TO CONDITIONAL ZONING (2020-##-##/R-#)

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to expand opportunities for Conditional Zoning review, in response to the challenging nature of conducting remote quasi-judicial evidentiary hearings under the provisions of Session Law 2020-3 and to the requirements of Chapter 160D, and fails to find that the amendment:

- a) corrects a manifest error in the chapter, or
- b) is justified because of changed or changing conditions in the area of the rezoning site or the community in general, or
- c) achieves the purposes of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the proposal to amend the Land Use Management Ordinance to expand opportunities for Conditional Zoning review.

This the _____th 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 LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT: PROPOSED CHANGES TO ARTICLES 3 AND 4 TO EXPAND CONDITIONAL ZONING DUE TO COVID-19 & STATE STATUTE 160D

September 1, 2020

Recommendation: **Approval** ☒ **Approval with Conditions** ☐ **Denial** ☐

Motion: Melissa McCullough moved to recommend approval of the Resolution of Consistency, with an additional recommendation that Council consider adding flexibility regarding on-street parking. Michael Everhart offered a friendly amendment to remove the recommendation regarding parking flexibility, seconded by Neal Bench.

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:

Recommendation: **Approval** ☒ **Approval with Conditions** ☐ **Denial** ☐

Motion: Neal Bench moved and James Baxter seconded a motion to recommend that the Council approve Ordinance A.

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



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 15., **File #:** [20-0648], **Version:** 1

Meeting Date: 9/30/2020

Open the Public Hearing: Application for Conditional Zoning - Bridgepoint, 2214 and 2312 Homestead Road (Project 20-001).

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: Anya Grahn, Senior Planner

- 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 by the applicant
- d. Recommendation of the Planning Commission
- e. Recommendations of other boards and commissions
- f. Comments from the public in this meeting and via email or other methods of submission through 11:59 PM on October 1, 2020
- g. Comments and questions from the Mayor and Town Council
- h. Referral to the Manager and Attorney
- i. Motion to close the Public Hearing at 11:59 PM on October 1
- j. Consider enacting the ordinance at the October 28, 2020 Council meeting

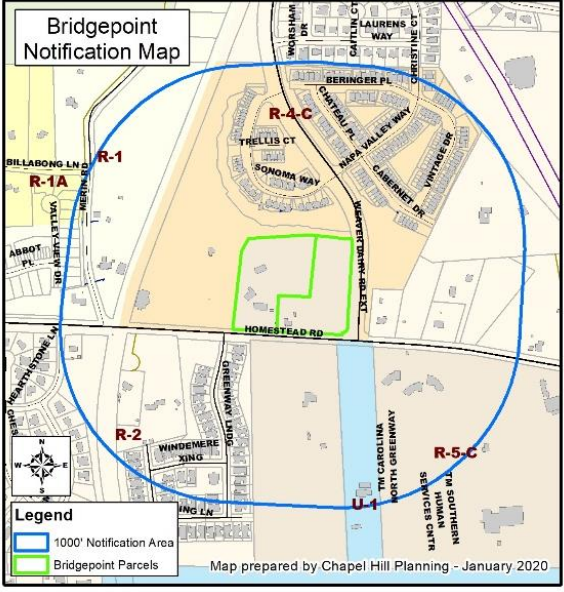
RECOMMENDATION: That the Council open the public hearing and receive comment on the proposed Conditional Rezoning. That the Council then make a motion to schedule the proposed Conditional Rezoning application review for October 28, 2020.



OPEN THE PUBLIC HEARING: APPLICATION FOR CONDITIONAL ZONING – BRIDGEPOINT, 2214 AND 2312 HOMESTEAD ROAD (PROJECT 20-001)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Judy Johnson, Interim Director
Anya Grahn, Senior Planner

<p>PROPERTY ADDRESS 2214 and 2312 Homestead Road</p>	<p>MEETING DATE(S) September 30, 2020</p>	<p>APPLICANT Advanced Civil Design, Inc., on behalf of owner, Capkov Ventures, Inc.</p>
<p>STAFF RECOMMENDATION That the Council open the public hearing and receive comment on the proposed Conditional Rezoning. (Under the recently enacted legislation authorizing public hearings at remote meetings, public comment may continue to be submitted in the hearing record for 24 hours after the September 30th public hearing.)</p> <p>That the Council then make a motion to schedule the proposed Conditional Rezoning application on October 28, 2020.</p>		
<p>STAFF ANALYSIS The applicant is asking for modifications to regulations. See attached Technical Report for additional information.</p>		
<p>PROCESS The Town Council approved a Special Use Permit (SUP) at this site on May 21, 2010, and the applicant is requesting to replace that entitlement with this Conditional Zoning application. Conditional Zoning is a legislative process that allows Town Council to review the rezoning application for consistency with the Land Use Plan in the Comprehensive Plan. An SUP holder may request that the Council approve the abandonment of the permit if the development authorized by the permit or modification no longer requires a SUP and all conditions of the SUP have been satisfied.</p>	<p>DECISION POINTS The proposed development requests a Modification to Regulations for the following:</p> <ul style="list-style-type: none"> • Inclusionary Zoning • Steep Slopes • Recreation Area • North Carolina Fire Prevention Code 	
<p>PROJECT OVERVIEW The property has an existing 2010 Special Use Permit entitling the site with up to 23 townhomes and 27,400 square feet of commercial space; no construction has begun on this permit. The applicant is proposing to change the project to include construction of 53 individual townhouses with five affordable units. The applicant proposes primary access to the development from Weaver Dairy Road Extension. The applicant proposes a secondary (emergency only) access to Homestead Road on Town-owned property located to the west of the site; this is the proposed location of the Town's 2200 Homestead Road development project. Each unit will include a two-car garage with space for two additional parking spaces in the driveway. No on-street parking will be permitted.</p> <ul style="list-style-type: none"> • Existing Zoning: Residential-5-Conditional (R-5-C) • Proposed Zoning: Residential-5-Conditional Zoning District (R-5-CZD) • Lot size: 399,975 sq. ft. (9.2 acres) 	<p>PROJECT LOCATION</p>  <p>Map prepared by Chapel Hill Planning - January 2020</p>	
<p>ATTACHMENTS</p>	<ol style="list-style-type: none"> 1. Technical Report 2. Draft Staff Presentation 3. Resolution A, Resolving the SUP 4. Resolution B, Resolution of Consistency 5. Ordinance A (Approving the Application) 6. Resolution C (Denying the Application) 7. Advisory Board Recommendations 8. Applicant Materials 9. Plans 10. Applicant Presentation 	



TECHNICAL REPORT

PROJECT OVERVIEW

May 24, 2010	Town Council approved a Zoning Atlas Amendment and Special Use Permit (SUP) for a mixed use development containing 23 residential dwelling units within mixed use buildings and townhouses and 27,400 sq. ft. of commercial space. The property was rezoned Residential-2 (R-2) and Residential-4-Conditional (R-4-C) to Residential-5-Conditional (R-5-C).
June 19, 2019	Town Council reviewed a concept plan for Bridgepoint for a residential development containing townhomes.
December 2019	Applicant submitted a Special Use Permit (SUP) for 53 townhomes.
July 2020	The applicant submitted a Conditional Zoning permit application to replace the Special Use Permit application and move forward with the project during the COVID 19 pandemic.

The application proposes a Residential-5-Conditional Zoning District (R-5-CZD) to the site to accommodate 53 dwelling units. The site currently consists of two separate parcels with existing single-family homes and outbuildings. More details about the proposed development can be found in Attachment 9 – Applicant Materials.

Information about the site and proposed zoning districts can be found below, as well as a list of proposed Modifications to Regulations, other key considerations, and an analysis of the project's consistency with the Comprehensive Plan and relevant Findings of Fact.

Recommendations by the Housing Advisory Board (HAB), Environmental Stewardship Advisory Board (ESAB), Transportation and Connectivity Advisory Board (TCAB) and Planning Commission are included as attachments. The Community Design Commission (CDC) reviewed it on September 23, 2020 and will provide recommendations at their next meeting on October 29, 2020.

SITE CONTEXT

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

- The 9.2-acre subject site fronts on and has primary access to Weaver Dairy Road Extension and a future (proposed emergency) access to Homestead Road.
- Properties to the north and west are zoned Residential-4-Conditional (R-4-C) and include the Vineyard Square townhouse development and the site of the Town's future mixed income project at 2200 Homestead Road (to the west).
- Property to the south, across Homestead Road, is zoned Residential-5-Conditional (R-5-C) and was approved in 2019 for the Active Adults development. To the southwest, is the Courtyards at Homestead development zoned Residential-2 (R-2).
- A perennial stream runs along the north portion of the site. The water feature is

subject to stream protection standards. The proposed site layout in the Conditional Zoning application suggests that no buildings and minimal impervious surface will be placed in this sensitive area.

PROPOSED ZONING

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal in conjunction with the rezoning, and allows site-specific standards to be formulated and applied as conditions through a legislative process. The Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards to address impacts reasonably expected to be generated by development. Conditions can also address conformance of the development with Town regulations and adopted plans. A -CZD suffix would be added to the zoning district designation to incorporate the approved conditions. The applicant proposes a Conditional Zoning district for the site, as shown on the site plan: Residential-5-CZD (R-5-CZD).

The intent of the Residential-5 (R-5) zoning district is "to provide for residential development of appropriate intensities consonant with the suitability of land, availability of public services, accessibility to major activity centers and transportation systems, and compatibility with surrounding development."¹

PROPOSED MODIFICATIONS TO REGULATIONS

1) Section 3.6.3 Land Disturbance in the Resource Conservation District (RCD):

Land disturbance is limited to specific percentages of the total land area in different zones of the RCD. The Upland and Managed Use zones are limited to 40% disturbance. The applicant is proposing to disturb 26,098 sq. ft. (79%) of the Upland zone and 19,664 sq. ft (55%) of the Managed Use zone associated with the perennial stream in the northwest portion of the site, to allow grading for the stormwater control measures.

Staff Comment: Staff believes that the Council could find a public purpose for the increased land disturbance, as the land disturbance is for the construction of stormwater control measures in order to meet Ordinance standards for the new impervious surface associated with the proposed development. At the time of the Zoning Compliance Permit application, the applicant shall reduce the footprint of the Stormwater Control Measure if the requirements of the LUMO Section 5.4 can be met and land disturbance in the RCD will be reduced as well.

2) Section 5.6.2 Landscape Screening and Buffering:

The applicant is proposing a 15 ft. Type 'B' modified buffer along the west side of the property. The required width of the buffer is 15 ft.; however, the western property line is shared with the Town's 2200 Homestead Road development project. New public streets A and C will extend beyond the west property line to connect with the 2200 Homestead Road development project. There is also a 30 ft. wide storm drainage easement along this property line.

Staff Comment: Staff believes that the Council could find a public purpose for the reduced buffer width and plantings as there will be a shared buffer between Bridgepoint and the 2200 Homestead Road development project. The applicant proposes to construct a fence along the property line to the south of public street C and additional plantings and landscape screening may be provided to the north of public street C.

3) Section 5.3.2 Steep Slopes:

The applicant is proposing to exceed 25% of the area

¹ LUMO Section 3.3.5

containing 25% or greater slopes. A majority of these disturbed slopes occur along the west side of Weaver Dairy Road Extension and were created during the construction of Weaver Dairy Road Extension. Additional slopes 25% or greater that were created during the construction of the existing home site, the existing concrete flume, and the existing asphalt path along the western portion of the property. The total area of disturbed natural slopes 25% or greater is only 2,133 sf. This area of impact is necessary to properly grade the area reserved for the future greenway trail.

Staff Comment: Staff believes the Council could find a public purpose for exceeding the steep slopes, as a majority of the disturbed slopes were created during the construction of Weaver Dairy Road Extension.

- 4) Section 3.10 Inclusionary Zoning:** The applicant is providing five affordable homes which equate to 10.41% of the total units. This is less than the 15% inclusionary zoning requirement; however, the affordable homes are the same size as the market rate units. In addition, the developer exceeds the minimum net livable square footage requirement associated with the 15% inclusionary zoning requirement with only the five homes.

Staff Comment: Staff recommends that the applicant discuss the issue with the Council.

- 5) Section D103 of the North Carolina Fire Prevention Code:** The applicant is proposing street details for a 26-ft with valley curb and 27-ft with standard curb when adjacent to a fire hydrant to meet section D103.1 of the North Carolina Fire Prevention Code. The right-of-way width of 35-ft shall remain unchanged. Further, fire lane signs as specified in Section D103.6 of the North Carolina Fire Prevention Code shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide.

Staff Comment: Staff agrees with the proposal to allow the applicant to not meet the Town of Chapel Hill's standard detail for local streets and comply instead with the North Carolina Fire Prevention Code. The Town's standard detail for local streets calls for a 25-foot back-to-back dimension for the local street (without on-street parking) and the North Carolina Fire Prevention Code allows streets up to 26 feet in width with posted fire lane signs. The applicant's plans have been revised to show this detail.

- 6) LUMO Section 5.4.6(d):** The applicant is proposing to relocate and convey an existing ephemeral stream with a piped stormwater conveyance system. Land disturbance within the stream channel of any ephemeral stream shall be minimized and prohibited unless explicitly authorized by issuance of a zoning compliance permit after demonstration of the necessity for the disturbance.

Staff comment: Staff believes the Council could find a public purpose for the relocation of the existing ephemeral stream, as the development seeks to provide affordable and missing-middle housing.

Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.4.5 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.

For additional information on the proposed modifications and other considerations on timing and flexibility, please refer to the applicant's attached materials.







OTHER CONSIDERATIONS

- **Homestead Road Multi-modal Project:** The applicant has agreed to provide necessary right-of-way associated with the Town's multi-modal improvement project on Homestead Road.
- **Recreation Area Payment-in-Lieu:** The Town has a policy to request 25% of the Recreation Space requirement in the form of a payment-in-lieu. We understand the applicant is requesting Council to consider a lower amount.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)², the standards of the [Land Use Management Ordinance](#)³, and the [Town of Chapel Hill, NC: Design Manual and Standard Details](#)⁴ and believes the Bridgepoint proposal complies with several themes of the 2020 Comprehensive Plan:

Comprehensive Plan Themes: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012 that the proposed development meets:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" 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

Land Use Plan: The [2020 Land Use Plan](#)⁵, a component of the 2020 Comprehensive Plan, designates this site as a "Development Opportunity Area".

Staff Evaluation: North Carolina General Statute Section 160A-383 requires the Council to approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other applicable officially adopted plan when adopting or rejecting any zoning amendment.

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

- The proposed rezoning is also consistent in intensity with the Land Use Plan. The Medium Residential land use category supports a density of 4-8 units/acre. While the R-5 district allows up to 15 u/ac, the Conditional Zoning application proposes up to 5.7 u/ac for the site overall, which falls within the appropriate range for the Land Use Plan.
- The Mobility and Connectivity Plan shows future improvements along Weaver Dairy Road Extension in the long-term network, including bike lanes and sidewalk to the south. Improvements to the multimodal network would support increased growth and connection to the Town's Homestead Road multi-modal improvement project.

² <http://www.townofchapelhill.org/home/showdocument?id=15001>

³ https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

⁴ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

⁵ <http://www.townofchapelhill.org/home/showdocument?id=1215>

The proposal would require either construction of a bicycle lane or a multi-modal path from the end of the existing bike lane to Homestead Road.

FINDINGS OF FACT

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

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

All information submitted at the public hearing will be included in the record of the hearing.

- 1) Finding #1:** The proposed zoning amendment is necessary to correct a manifest error.
Arguments in Support: To date, no arguments in support have been submitted or identified by staff.

Arguments in Opposition: To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that there is no manifest error in the Town's Zoning Atlas Amendment related to the project site.

- 2) Finding #2:** The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

Arguments in Support: The applicant's Statement of Justification states that the proposal will fill a need by providing "missing middle" housing as well as five affordable housing units connected to the community's transit system. A critical link of the Chapel Hill Greenway System will be constructed to connect the communities north of Homestead Road and the Green Tract to the Horace Williams/Bolin Creek Trail system. The applicant is also contributing to a multi-use path along Homestead Road.

Arguments in Opposition: To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is in response to the community's need for diverse housing options connected to the Town's transportation networks.

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

Arguments in Support: The applicant's Findings of Facts state that the proposed rezoning would contribute to the following elements of the Comprehensive Plan:

- Range of housing options for current and future residents (*Goal A Place for Everyone.3*)
- Foster success of local businesses (*Community Prosperity and Engagement.2*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Getting Around.2*)
- Open and accessible common spaces for community gathering, cultural uses, and community development (*Good Places, New Spaces.7*)

- Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. (*Nurturing our Community.3*)

Arguments in Opposition: To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.



PROJECT FACT SHEET


















Overview



Site Description	
Project Name	Bridgepoint
Address	2214 & 2312 Homestead Road
Property Size	399,975 sf (9.2 acres)
Existing	Two existing dwelling units and outbuildings
Orange County Parcel Identifier Numbers	9870-91-4489 and 9870-91-9528
Existing Zoning	Residential-5-Conditional (R-5-C)
Proposed Zoning	Residential-5-Conditional Zoning District (R-5-CZD)

Site Design


Topic	Comment	Status
Use/Density (Sec. 3.7)	Townhouse Development (53 lots)	✓
Dimensional Standards (Sec. 3.8)	Comply with LUMO Section 3.8; Dimensional standards only apply to exterior property lines	✓
Floor area (Sec. 3.8)	<i>Maximum:</i> 121,192 sq. ft. <i>Proposed:</i> 99,057 sq. ft.	✓
Inclusionary Zoning (Sec. 3.10)	<i>Required:</i> 7.2 units (15%) <i>Proposed:</i> 5 units (10.4%)	M
Landscape		
Buffer – North (Sec. 5.6.2)	<i>Required:</i> 10' Type "B" <i>Proposed:</i> 10' Type "B" Alternative	✓
Buffer – East (Sec. 5.6.2)	<i>Required:</i> 15' Type "B" <i>Proposed:</i> 15' Type "B" Alternative	✓
Buffer – South (Sec. 5.6.2)	<i>Required:</i> 20' Type "C" <i>Proposed:</i> 20' Type "C" Alternative	✓
Buffer - West (Sec. 5.6.2)	<i>Required:</i> 15' Type "B" <i>Proposed:</i> 15' Type "B" Modified	M
Tree Canopy (Sec. 5.7)	<i>Required:</i> 30% <i>Proposed:</i> 30% with additional plantings	✓
Landscape Standards (Sec. 5.9.6)	Application must comply	✓

Environment		
Resource Conservation District (Sec. 3.6)	<i>Required:</i> Maximum of 40% land disturbance in Upland and Managed Use Zones	M

	<i>Proposed:</i> Disturb 26,098 sq. ft. (79%) of the Upland zone and 19,664 sq. ft (55%) of the Managed Use zone	
Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required	
Steep Slopes (Sec. 5.3.2)	<i>Required:</i> Disturb < 25% of slopes greater than 25% slope <i>Proposed:</i> 55% (9,712 sq. ft. total)	M
Stormwater Management (Sec. 5.4)	One wet detention pond designed to meet the standards of LUMO Section 5.4	
Land Disturbance	374,616 sq. ft. (8.6 acres)	
Impervious Surface (Sec. 3.8)	154,188 sq. ft. (42.4% of net land area)	
Solid Waste & Recycling	Individual public refuse pickup	
Jordan Riparian Buffer (Sec. 5.18)	No disturbance proposed	
Access and Circulation		
Road Improvements (Sec. 5.8)	<ul style="list-style-type: none"> Retiming of Homestead Road and Weaver Dairy Road Extension traffic signal; 175 foot eastbound left turn lane from Homestead Road to Weaver Dairy Road Extension; No parking on interior streets 	
Vehicular Access (Sec. 5.8)	Primary access from Weaver Dairy Road Extension; Emergency (secondary) access through Town-owned property at 2200 Homestead Road.	
Bicycle Improvements (Sec. 5.8)	Extension of southbound bicycle lane along Weaver Dairy Road Extension from where existing bicycle lane ends to Homestead Road	
Pedestrian Improvements (Sec. 5.8)	Installation of signage warning of pedestrians within development; installation of sidewalk connecting parking lot (east end of Street C) to Street A near site entrance	
Traffic Impact Analysis (Sec. 5.9)	TIA Executive Summary attached	
Transit (Sec. 5.8)	NA	NA
Bicycle Parking (Sec. 5.9)	13 spaces	
Parking Lot Standards (Sec. 5.9)	Application must comply	
Technical		
Fire	Meet Town Standards	
Site Improvements	53 townhomes with community amenities including a tot lot and walking path	
Recreation Area (Sec. 5.5)	<i>Required:</i> 19,999 sq. ft. with a Town policy requiring 25% payment-in-lieu <i>Proposed:</i> 25,597 sq. ft. with no payment-in-lieu	
Lighting Plan (Sec. 5.11)	Maximum of 0.3 foot-candles at property line	

Homeowners Association (Sec. 4.6)	Yes	
Adequate Public Schools (Sec. 5.16)	Application must comply	

Project Summary Legend

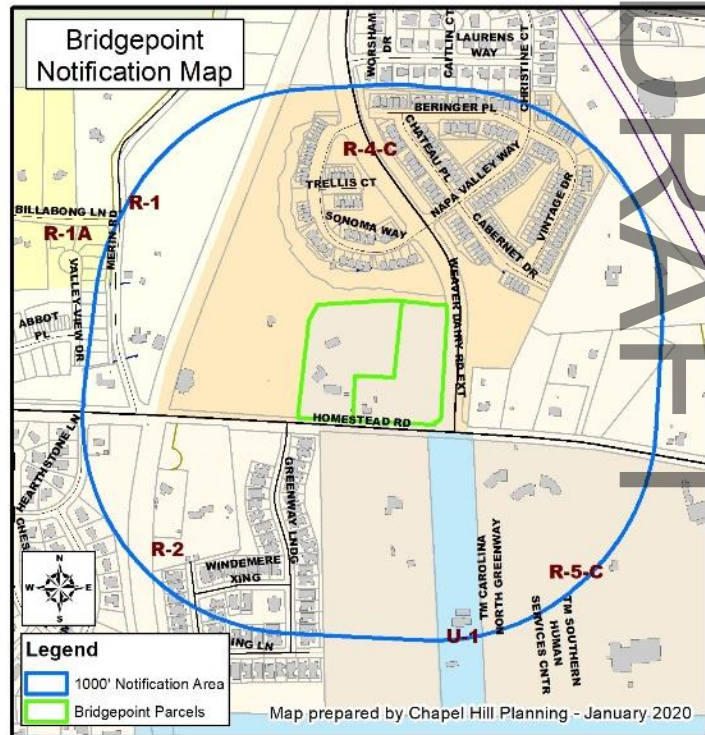
Symbol	Meaning
	Meets Requirements
M	Seeking Modification
C	Requires Council Endorsement
FP	Required at Final Plan;
NA	Not Applicable



Bridgepoint—2214 & 2312 Homestead Rd. Conditional Rezoning

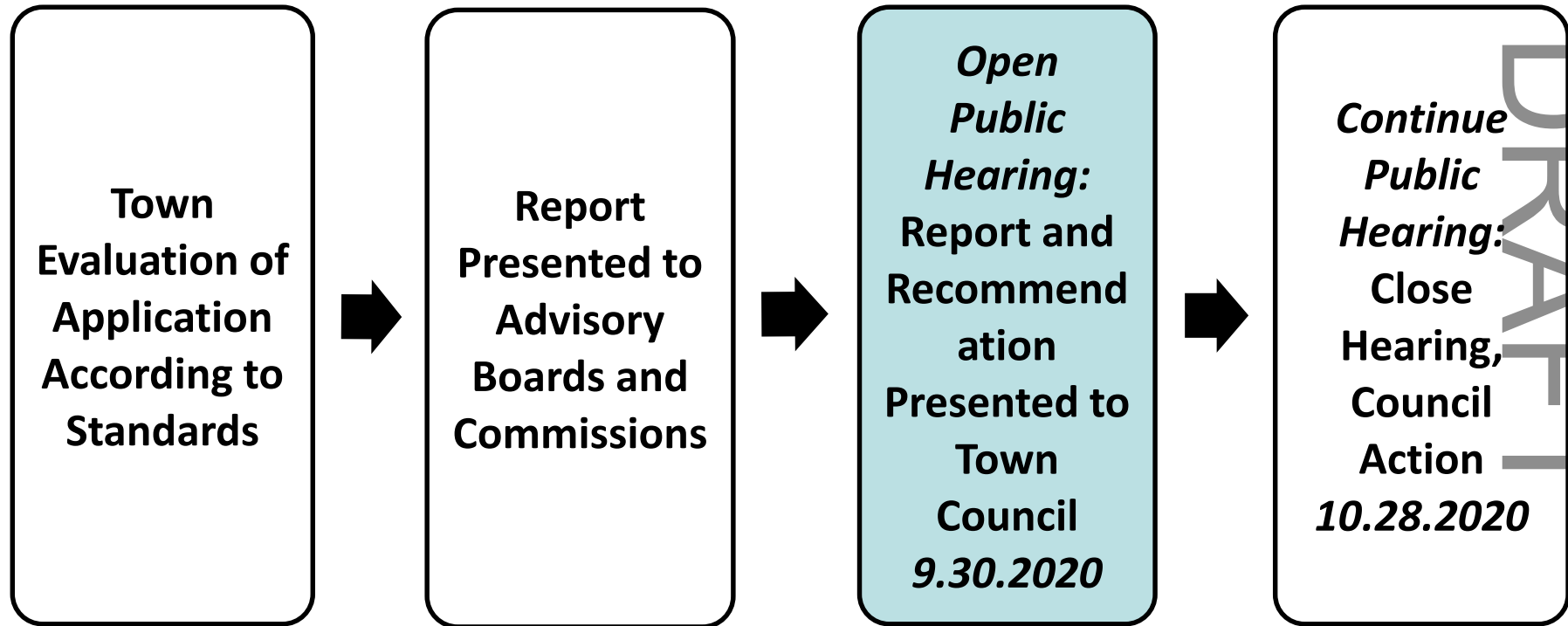
Town Council
Public Hearing

September 30, 2020



- Open the Public Hearing
- Receive comments in this meeting and up to 24 hours via email at planning@townofchapelhill.org
- Move to close the public hearing at that point
- Enact the ordinance on October 28, 2020

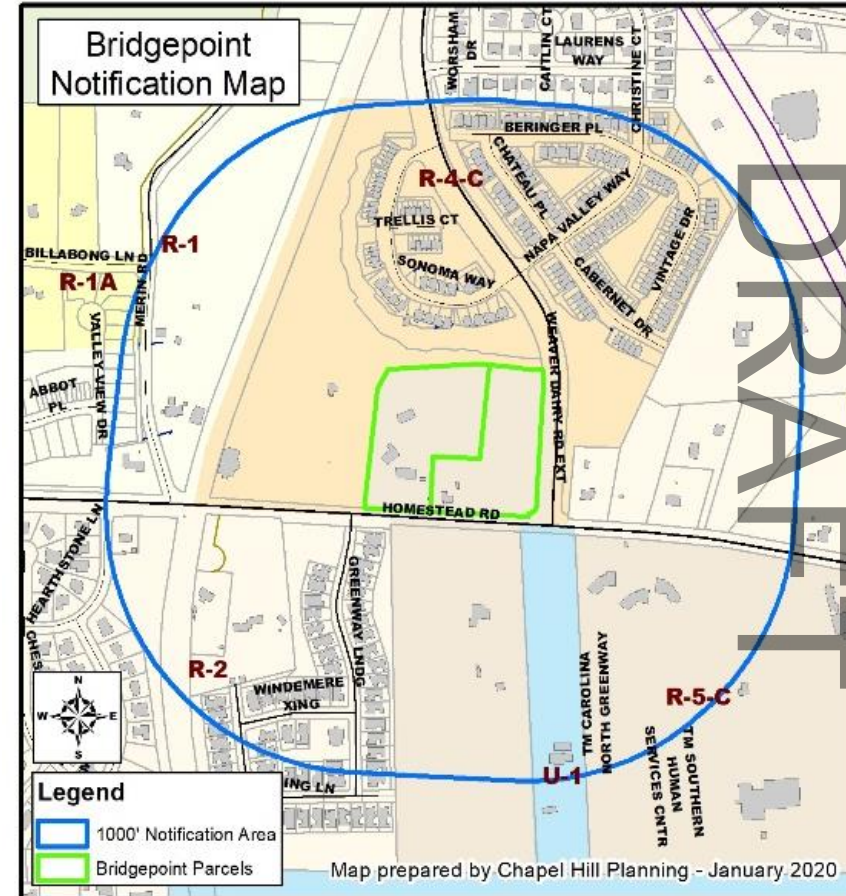
DRAFT



2312 Homestead Rd – Project Summary

592

- 9.2 acre site
- Conditional Zoning
 - Currently R-5-C
 - Proposing R-5-CZD
- Demolish two existing dwellings and outbuildings
- Construct 53 townhouses

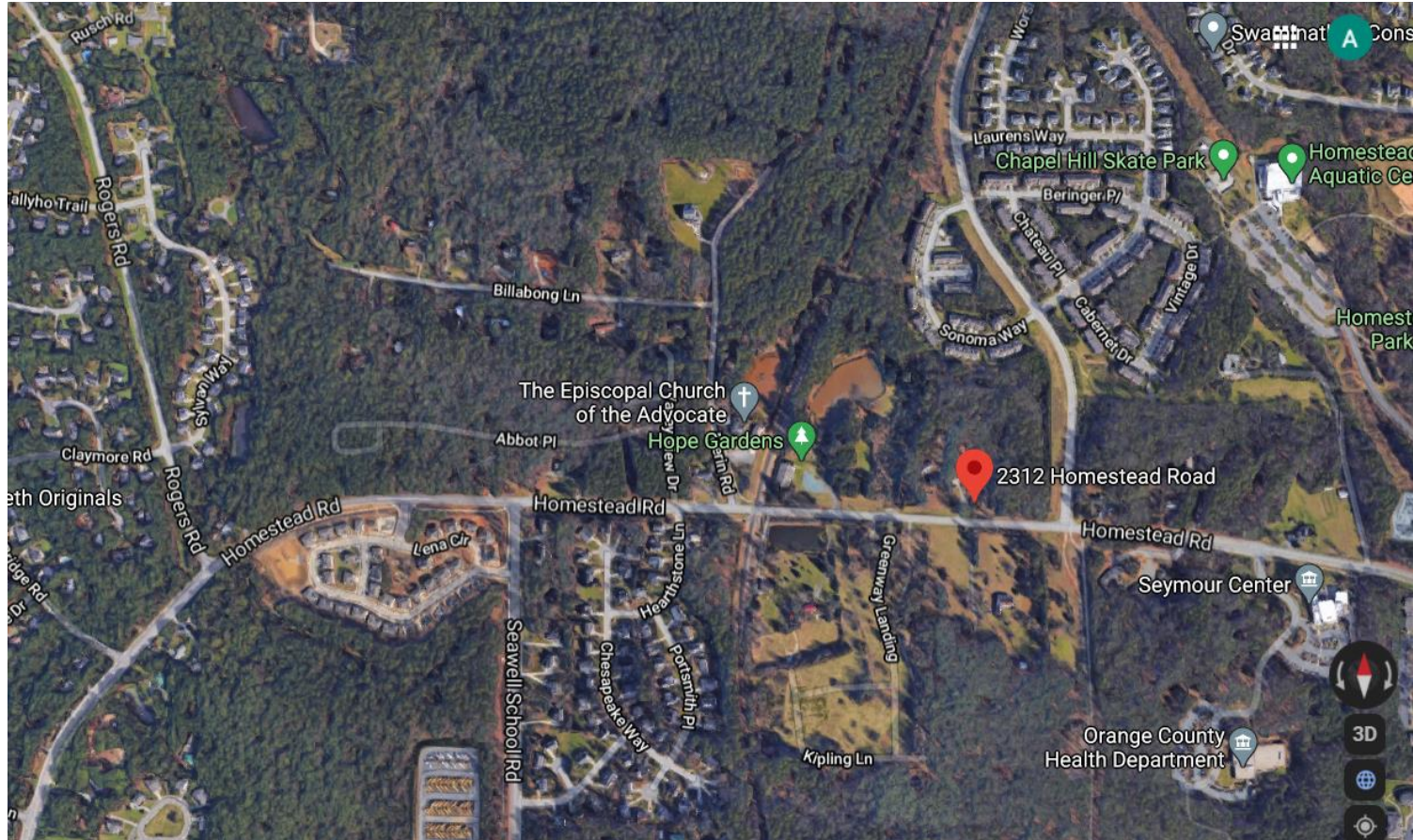


Bridgepoint– Revoke Existing Special Use Permit (SUP)

- May 24, 2010: Town Council approved a Special Use Permit (SUP) for commercial and residential development
- Applicant requesting to revoke the existing SUP and replace it with Conditional Zoning District
- SUP will be replaced with Conditional Zoning

DRAFT

2312 Homestead Rd – Project Location



DRAFT

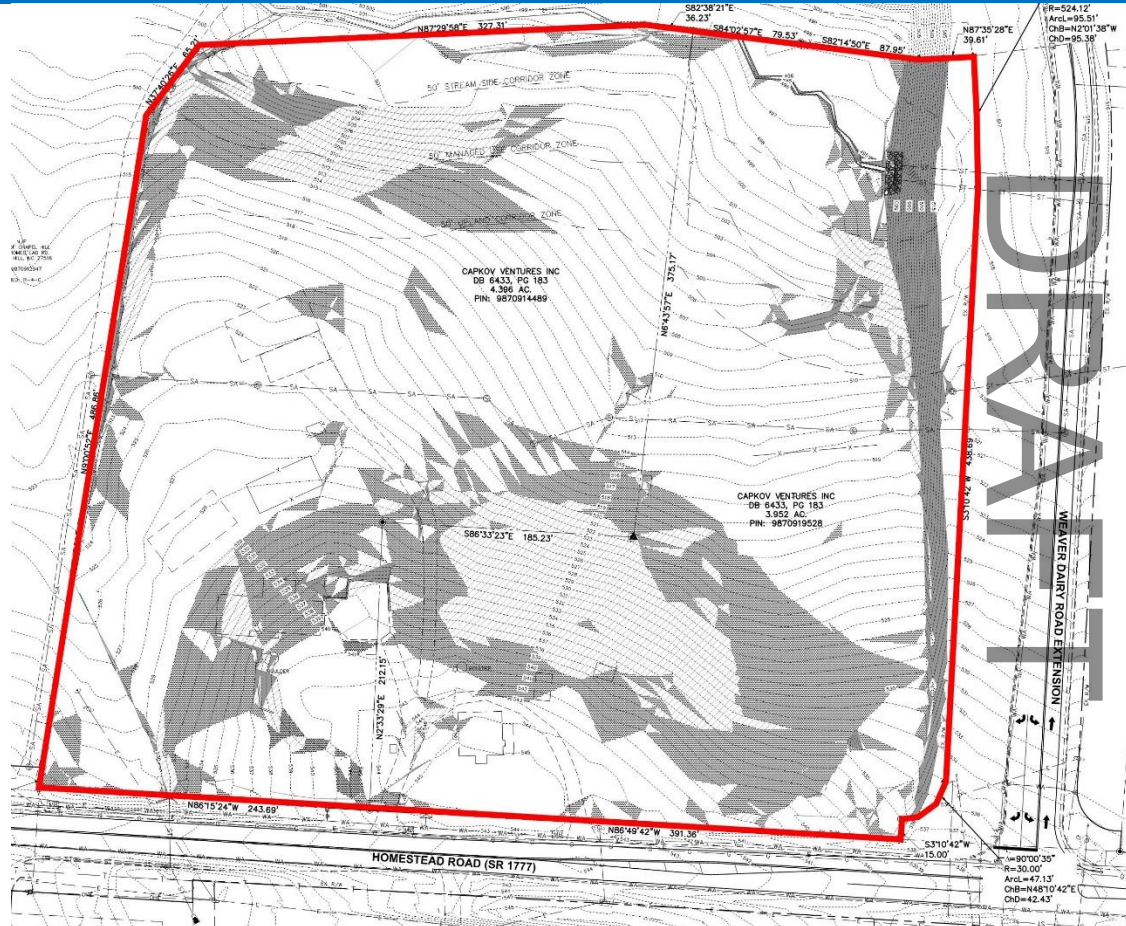
595





2. Section 5.3.2 Steep Slopes

- Proposing to exceed 25% of area containing 25% or greater slopes.
- Total disturbed natural slopes 25% or greater is 2,133 SF.



3. Section 3.10 Inclusionary Zoning

- Required to provide 15%
- Proposing 5 units or 10.41%

4. Section D103 of the North Carolina Fire Prevention Code

- Proposing 26 ft. with valley curb and 27 ft. with standard curb adjacent to fire hydrant. Right-of-way width of 35 ft. remains unchanged.

Other Considerations

- Homestead Road Multi-modal project
- Recreation Area Payment in-lieu

DRAFT

2312 Homestead Rd – Advisory Boards

Advisory Boards/Commissions	Date	Recommendation
Housing Advisory Board	8/18	Approval
Transportation and Connectivity Board	9/10	Approval with Conditions
Environmental Stewardship	9/14	Approval with Conditions
Planning Commission	9/15	Approval
Community Design Commission	9/22, 10/27	Reviewing

- Open the Public Hearing
- Receive comments in this meeting and up to 24 hours via email at planning@townofchapelhill.org
- Move to close the public hearing at that point
- Enact the ordinance on October 28, 2020

DRAFT

RESOLUTION A**A RESOLUTION APPROVING AN ABANDONMENT OF THE 2214 AND 2312
HOMESTEAD ROAD SITE FROM THE EXISTING BRIDGEPOINT SPECIAL USE PERMIT**

WHEREAS, on May 24, 2010, the Chapel Hill Town Council approved a Special Use Permit for 23 townhomes and 27,400 square feet of commercial space, known as Bridgepoint, encumbering 399,972 square feet and approximately 9.2 acres, which was recorded at the Orange County Register of Deeds in Deed Book RB 5941, Page 562, identified as Orange County Parcel Identifier Numbers (9870-91-4489 and 9870-91-9528); and

WHEREAS, the 2010 Special Use Permit limited the Bridgepoint development to no more than 99,978 square feet of floor area (72,578 sq. ft. for residential and 27,400 sq. ft. for non-commercial); and

WHEREAS, on June 19, 2019, the Town Council reviewed a concept plan for Bridgepoint for a residential development containing townhomes; and

WHEREAS on January 2, 2020, the applicant submitted a Special Use Permit for 53 townhomes; and

WHEREAS, on July 23, 2020 the applicant requested to replace the Special Use Permit application dated January 2, 2020, with a Conditional Zoning permit application in order to move forward with the project during the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby abandons the Special Use Permit for 2214 and 2312 Homestead Road, known as Bridgepoint, as it pertains to the 9.2-acre parcel, for which the Bridgepoint Conditional Zoning Permit is currently proposed. The abandonment of the Special Use Permit and Modifications would be such that the subject parcel for the Bridgepoint Conditional Zoning (PIN 9870-91-4489 and 9870-91-9528), would no longer be encumbered by the Special Use Permit, subject to the following conditions:

1. That the applicant shall record the abandonment document for the parcel identified as Orange County Parcel Identifier Number (PIN 9870-91-4489 and 9870-91-9528), for the proposed Bridgepoint Special Use Permit, dated May 24, 2010.

This the ____ day of _____, 2020.

**RESOLUTION A
RESOLUTION OF CONSISTENCY**

A RESOLUTION REGARDING THE APPLICATION FOR CONDITIONAL ZONING ATLAS AMENDMENT AT THE PROPERTY LOCATED AT 2214 AND 2312 HOMESTEAD ROAD TO RESIDENTIAL-5-CONDITIONAL ZONING DISTRICT (R-5-CZD) AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (2020-X-X/R-X)

WHEREAS, Advanced Civil Design, Inc., on behalf of owner Capkov Ventures, Inc., has filed an application for Conditional Zoning Atlas Amendment to rezone a 9.2 acre parcel located at 2214 and 2312 Homestead Road and identified as Orange County Parcel Identifier Numbers 9870-91-4489 and 9870-91-9528 to Residential-5-Conditional Zoning District (R-5-CZD) to allow a townhouse community; 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 September 15, 2020 and recommended that the Council enact the Conditional Zoning Atlas Amendment rezoning the property; and

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

- Range of housing options for current and future residents (*Goal A Place for Everyone.3*)
- Foster success of local businesses (*Community Prosperity and Engagement.2*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Getting Around.2*)
- Open and accessible common spaces for community gathering, cultural uses, and community development (*Good Places, New Spaces.7*)
- Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. (*Nurturing our Community.3*)

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

This the ____ day of _____, 2020.

ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 2214 AND 2312 HOMESTEAD ROAD TO RESIDENTIAL-5-CONDITIONAL ZONING DISTRICT (R-5-CZD) (PROJECT #20-001)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Advanced Civil Design, Inc., on behalf of owner Capkov Ventures, Inc., to rezone a 9.2-acre parcel located at 2214 and 2312 Homestead Road on property identified as Orange County Property Identifier Numbers 9870-91-4489 and 9870-91-9528, to allow a townhouse community and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Range of housing options for current and future residents (*Goal A Place for Everyone.3*)
- Foster success of local businesses (*Community Prosperity and Engagement.2*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Getting Around.2*)
- Open and accessible common spaces for community gathering, cultural uses, and community development (*Good Places, New Spaces.7*)
- Protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridors, provide recreation, and ensure safe pedestrian and bicycle connections. (*Nurturing our Community.3*)

WHEREAS, the application, if rezoned to Residential-5-Conditional Zoning District (R-5-CZD) according to the rezoning plan dated July 22, 2020, and the conditions listed below would:

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

MODIFICATIONS TO REGULATIONS

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

- 1) Section 3.6.3 Land Disturbance in the Resource Conservation District (RCD):**
Land disturbance is limited to specific percentages of the total land area in different

zones of the RCD. The Upland and Managed Use zones are limited to 40% disturbance. The applicant is proposing to disturb 26,098 sq. ft. (79%) of the Upland zone and 19,664 sq. ft (55%) of the Managed Use zone associated with the perennial stream in the northwest portion of the site, to allow grading for the stormwater control measures.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the land disturbance is for the construction of Stormwater control measures in order to meet Ordinance standards for the new impervious area associated with the proposed development. At the time of Zoning Compliance Permit application, the applicant shall reduce the footprint of the Stormwater Control Measure if the requirements of LUMO Section 5.4 can be met and land disturbance in the RCD will be reduced as a result.

- 2) Section 5.6.2 Landscape Screening and Buffering:** A 15 ft. Type 'B' modified buffer along the west side of the property is proposed. The required width of the buffer is 15 ft.; however, the western property line is shared with the Town's 2200 Homestead Road development project. New public streets A and C will extend beyond the west property line to connect with the 2200 Homestead Road development project. There is also a 30 ft. wide storm drainage easement along this property line.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because there will be a shared buffer between Bridgepoint and the 2200 Homestead Road development project. The developer proposes to construct a fence along the property line to the south of public street C and additional plantings and landscape screening may be provided to the north of public street C.

- 3) Section 5.3.2 Steep Slopes:** The developer is proposing to exceed 25% of the area containing 25% or greater slopes. A majority of these disturbed slopes occur along the west side of Weaver Dairy Road Extension and were created during the construction of Weaver Dairy Road Extension. Additional slopes 25% or greater that were created during the construction of the existing home site, the existing concrete flume, and the existing asphalt path along the western portion of the property. The total area of disturbed natural slopes 25% or greater is only 2,133 sf. This area of impact is necessary to properly grade the area reserved for the future greenway trail.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the majority of the disturbed slopes were created during the construction of Weaver Dairy Road Extension.

- 4) Section 3.10 Inclusionary Zoning:** The developer is providing five affordable homes which equates to 10.41%. This is less than the 15% inclusionary zoning requirement, however the affordable homes are the same size as the market rate units. In addition, the developer exceeds the minimum net livable square footage requirement associated with the 15% inclusionary zoning requirement with only the five homes.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree. To be determined by discussion with Council.

- 5) Section D103 of the North Carolina Fire Prevention Code:** The developer is proposing street details for a 26-ft with valley curb and 27-ft with standard curb when adjacent to a fire hydrant to meet section D103.1 of the North Carolina Fire Prevention Code. The right-of-way width of 35-ft shall remain unchanged. Further,

fire lane signs as specified in Section D103.6 of the North Carolina Fire Prevention Code shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree. The increased street widths and fire lane signs are in compliance with the North Carolina Fire Prevention Code; whereas, the Town's standard detail for local streets does not comply with the state Fire Prevention Code.

- 6) LUMO Section 5.4.6(d):** The developer is proposing to relocate and convey an existing ephemeral stream with a piped stormwater conveyance system. Land disturbance within the stream channel of any ephemeral stream shall be minimized, and prohibited unless explicitly authorized by issuance of a zoning compliance permit after demonstration of the necessity for the disturbance. [LUMO 5.4.6(d)]

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the relocation of the existing ephemeral stream allows the development to provide 53 units of affordable and missing-middle housing.

CONDITIONAL USES

WHEREAS the Council of the Town of Chapel Hill finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the purposes of Residential-5-Conditional Zoning District (R-5-CZD).

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

SECTION I

The following Orange County parcels identified by Parcel Identifier Numbers (PIN) 9870-91-4489 and 9870-91-9528, described below, shall be rezoned to Residential-5-Conditional Zoning District (R-5-CZD):

Beginning at an existing iron pipe located along the eastern line of the now or formerly Town of Chapel Hill tract as shown in deed book 2831, page 13 of the Orange County registry, said point being the POINT OF BEGINNING; thence along and with the aforementioned eastern line North 09°00'52" East, a distance of 486.86 feet to a calculated point; thence North 37°40'26" East, a distance of 65.21 feet to a 24" gum tree with chop marks; thence along the southeastern line of the aforementioned Town of Chapel Hill tract the following 5 calls: North 87°29'58" East, a distance of 327.31 feet to an existing iron pipe; thence South 82°38'21" East, a distance of 36.23 feet to an existing iron pipe; thence South 84°02'57" East, a distance of 79.53 feet to an existing iron pipe; thence South 82°14'50" East, a distance of 87.95 feet to a calculated point; thence North 87°35'28" East, a distance of 39.61 feet to a calculated point; thence along the western right of way of Weaver Dairy Road Extension, a 98' public right of way along a curve to the right having a radius of 524.12 feet, an arc length of 95.51 feet and a chord bearing and distance of South 02°01'38" East, 95.38 feet to a calculated point; thence along the aforementioned western right of way South 03° 10'42" West, a distance of 438.69 feet to a calculated point; thence along the aforementioned western right of way along a curve to the right having a radius of 30.00 feet, an arc length of 47.13 feet and a chord bearing and distance of South 48°10'42" West, 42.43 feet to an existing iron pipe; thence South 03°10'42" West, a distance of 15.00 feet to a calculated point located on the northern right of way of Homestead Road, a variable public width right of way; thence along the aforementioned northern right of way

North 86°49'42" West, a distance of 391.36 feet to an existing iron pipe; thence along the aforementioned northern right of way North 86° 15'24" West, a distance of 243.69 feet to an existing iron pipe; thence North 09°03'29" East, a distance of 15.59 feet to a point being the Point of BEGINNING and being all of that certain tract of land containing 363,614 square feet or 8.35 acres, more or less.

SECTION II

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

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by _____ (2 years from the date of this approval) or the land shall revert to its previous zoning designation. [LUMO 4.4.5(f)]
2. Consent to Conditions: This approval is not effective until the petitioner provides written consent to the approval. Written consent must be provided within ____ days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

Land Use Intensity Townhouse Development	
Gross Land Area	399,975 sf
Maximum Floor Area	121,192 sf
Maximum Dwelling Units	53
Minimum Affordable Units	5
Total Impervious Surface	154,188 sf
Maximum Land Disturbance	374,616 sf
Minimum Recreation Area	19,999 sf
Resource Conservation District Upland Zone land disturbance	26,098 sq. ft. (79%)
Resource Conservation District Managed Use Zone land disturbance	19,664 sq. ft (55%)

4. Affordable Housing Plan/Performance Agreement: Prior to the issuance of a Zoning Compliance Permit, the developer must submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the developer, the Town Manager (or designee), and the non-profit agency 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. 10.41% of the market rate units
- b. The applicant will construct five affordable unit(s) on-site, two of which will be available to households earning 65 percent of the AMI and three of which will be available to households earning 80 percent of the AMI.
- c. 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.
- d. 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.

5. Housing Plan: The developer shall provide the following:
 - a. 10.41 percent of the market rate homes (5 proposed units) will be affordable town homes. Two of the five townhomes will be reserved for those making less than 65% of the median income and three will be made available to those making 80% of the median income.
 - 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 July 22, 2020. Preference is to intersperse the affordable homes throughout the development.
 - e. The townhomes be finished with exterior trim and finishes used on the market-rate homes.
6. Affordable Housing: Forty percent of the affordable housing shall be completed prior to Certificate of Occupancy of the half of the market rate dwelling units. The remaining affordable dwelling units to be completed prior to Certificate of Occupancy of 90 percent of the market rate dwelling units.
7. Fire Access to Homestead Road: The developer shall have a signed encroachment agreement with the Town prior to the construction of the loop road connecting Public Streets A and C. The proposed loop will be constructed on the Town's 2200 Homestead property.
8. North Carolina Fire Prevention Code: The developer shall construct new streets to measure 26-ft in width with valley curb and 27-ft in width with standard curb when adjacent to a fire hydrant to meet section D103.1 of the North Carolina Fire Prevention Code. The right-of-way width of 35-ft shall remain unchanged.
9. Fire Lane Signage: Fire lane signs as specified in North Carolina Fire Prevention Code, Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm) in accordance with Fire Code D103.6.1.
10. Community Design Commission Review: The proposed single-family development does not require Community Design Commission review of building elevations and lighting. [LUMO 8.5.5]
11. Energy Efficiency: The proposed development shall meet Energy Star Certification for single family homes, achieving a 10% or more energy savings compared to a home built to current building codes. [Town Policy April 2007]

12. Fire Sprinklers: A NFPA 13D fire sprinkler system will be required for each grouping of townhomes. [TOWN CODE 7-56]
13. Fire Safety: For the purpose of meeting fire code requirements, building height shall be measured as the highest roof surface determined by measurement to the eave of a pitched roof the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.
14. Fire Hydrant and FDC Locations: Final plans shall indicate locations of existing and proposed fire hydrants and Fire Department Connections (FDC), as required. [NC FPC 2018 Section 501.5.1.1]
15. Traffic Signal Upgrade: Prior to issuance of the Certificate of Occupancy, the developer shall upgrade the traffic signal at Homestead Road and Weaver Dairy Road Extension with pedestrian crosswalks/amenities including APS equipment and high visibility crosswalks and bicycle activated loops. Design and construction details must be approved by the Town Manager and N.C. Department of Transportation prior to issuance of a Zoning Compliance Permit.
16. Street Lighting: Prior to issuance of the Zoning Final Inspection, the developer shall design and install street lighting along the site frontage on Homestead Road. The design and construction details must be approved by the Town Manager and N.C. Department of Transportation prior to issuance of a Zoning Compliance Permit.
17. Sidewalk Connection: Prior to issuance of a Zoning Compliance Permit, the plans shall include a sidewalk connecting the parking lot (east end of Street C) to Street A sidewalk in the vicinity of the site entrance.
18. Bicycle Facility: Prior to issuance of a Zoning Compliance Permit, plans shall include a southbound bicycle facility along Weaver Dairy Road Extension from where the existing bike lane ends to the Homestead Road intersection subject to the approval by the Town and the North Carolina Department of Transportation.
19. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide bicycle parking in accordance with the Land Use Management Ordinance and the Design Manual. A total of 13 bike parking spaces is required for the plans as currently shown (1 space per 4 units). 12 of those spaces must be Class I bike parking (90% of total for residential uses). Class I spaces must be covered and secure. This requirement may be met through bike parking internal to units, such a wall-mounted bike hook within garages.
20. Construction Trailer: Prior to issuance of a Zoning Compliance Permit, the plans shall include construction trailer location.
21. NCDOT Approvals: Prior to issuance of a Zoning Compliance Permit, to the developer must obtain a 3-party encroachment agreement for sidewalk, paths, and landscaping, if applicable. The developer also must obtain a 3-party encroachment agreement with OWASA for utility connections along Homestead Road.
22. Orange County Solid Waste Management: Prior to issuance of a Zoning Compliance Permit, an Engineer must certify that the pavement section will support the load of recycling and garbage collection trucks. In lieu of providing a heavier pavement section

that will support these (and other) service vehicles, the applicant/owner shall provide a waiver of pavement damage liability prior to plan approval.

23. Recreation Area: Prior to issuance of first Certificate of Occupancy, a payment-in-lieu equaling 25% of all Recreation Space requirements be made, unless this requirement is waived by the Council. The current payment for this type of project would be \$12 per square foot.
24. Existing Water Services: Existing water services will need to be abandoned, properly at the main, if they will not be used. Prior to issuance of a Zoning Compliance Permit, it will be necessary to provide A demolition plan or call out abandonment on utility plan.
25. Water and Sewer Extension: All water and sewer main extensions must be approved by North Carolina Department of Environmental Quality (NCDEQ) prior to issuance of a Zoning Compliance Permit.

Stormwater

26. No Increase in Upstream Hydraulic Grade Line: The proposed development shall be designed to not increase the hydraulic grade line in existing storm drainage systems upstream of the proposed site for the applicable design storm events per the Town of Chapel Hill Public Works Engineering Design Manual.
26. Stormwater Structure Locations: No stormwater structures are permitted in the building setbacks. Structures include pipe ends, flared end sections, underdrains, inlet structures, outlet structures, control structures, flow dissipation measures such as rip-rap aprons or stilling pools, rock splash pads, concrete splash blocks, and the downgradient toe of french drains. [LUMO 3.8]
27. Soils Analysis: At the time of application for Zoning Compliance Permit, the developer shall provide an analysis of in-situ soils. At a minimum the report shall include depth to seasonal high water table, soil permeability, and soil bearing capacity in the vicinity of the proposed Stormwater Control Measure. All soil test pits, soil borings, soil permeability tests and associated documentation shall be conducted under the direct supervision of an appropriately licensed North Carolina design professional.
28. Piping of Ephemeral Stream: Prior to application for the Zoning Compliance Permit, the developer shall provide a revised Grading and Drainage Plan acceptable to Town Staff showing how the proposed development will convey the ephemeral stream to the perennial stream. A 30' private reserved storm drainage easement shall be provided for the length of the conveyance.
29. Resource Conservation District: Any proposed impact in the Resource Conservation District shall demonstrate NO PRACTICAL ALTERNATIVE and meet the requirements of the Land Use Management Ordinance *Section 3.6.3 Resource Conservation District*.

TOWN OF CHAPEL HILL – CONDITIONAL ZONING STANDARD STIPULATIONS

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

Affordable Housing

30. Affordable Housing Homeowner Association Dues: 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

31. 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

32. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details that comply with the Town parking standards for required and/or proposed bicycle parking spaces. Bicycle parking spaces should be placed near building entrances. The spaces must comply with the Spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual. [LUMO 4.5.2]
33. Parking Lot: Any newly proposed parking lots, including additions to existing parking lots, shall be constructed to Town standards for dimensions and pavement design. [LUMO 5.9.5]
34. Parking Lot Landscape and Screening: The parking lot landscape design shall adhere to the standards of the Chapel Hill Land Use Management Ordinance. [LUMO 5.9.6]
35. Lighting: Prior to issuance of a Zoning Compliance Permit, the developer shall design and install street lighting along the site frontage. Design and construction details must be approved by the Town Manager and the North Carolina Department of Transportation (NCDOT).
36. Driveway Permit: The developer must obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the design and construction of stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.
37. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existed on the roadways.
38. Off-Site Construction Easements: Prior to any development associated land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
39. Sight Distance Triangles: Prior to issuance of a Certificate of Occupancy, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. [Town Design Manual]

40. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
41. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, the developer shall repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design of such repairs must be reviewed and approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. [Town Code 17-40]
42. Street Closure Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager and NCDOT approval, for any work requiring street, sidewalk, or lane closure(s). [Town Code 21-7.1]
43. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. The Work Zone Traffic Control Plan shall comply with the U.S. Department of Transportation Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [Town Code 17-47]

Landscaping and Building Elevations

44. Invasive Exotic Vegetation: Prior to issuance of a Zoning Compliance Permit, the developer shall identify on the planting plan any known invasive exotic species of vegetation, as defined by the Southeast Exotic Pest Plant Council (SE-EPPC), and provide notes indicating removal of these species from the landscape buffer areas prior to planting. [Town Design Manual]
45. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, review shall be required from the Community Design Commission for any proposed alternate buffer. [LUMO 5.6.8]
46. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include a complete and currently updated tree survey showing critical root zones of all rare and specimen trees and labeled according to size and species. The plan shall also indicate which trees will be removed and which will remain. The plan shall also include standard notes, fencing details, and location of fencing. [LUMO 5.7.3]
47. Tree Protection Fencing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detail of a tree protection fence and a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. The plans shall include continuous tree protection fencing around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval. [LUMO 5.7.3]
48. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. [LUMO 4.5.3]

49. Tree Canopy: A minimum of tree canopy coverage shall be provided through a combination of retained and replanted trees, unless a modification to regulations is approved. Calculations demonstrating compliance with Chapel Hill Land Use Management Ordinance Section 5.7.2 shall be included. [LUMO 5.7.2]
50. Retaining Wall Construction: If applicable, the final design and location of all retaining walls shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
51. Demolition Plan: Prior to beginning any proposed demolition activity, the developer must obtain demolition permits from both the Planning and Inspections departments. While the demolition component may be submitted to Planning in tandem with the Zoning Compliance Permit for new construction, a separate stand-alone demolition permit shall be issued prior to an Inspection's Demolition permit. Further, prior to the issuance of a demolition permit for all existing structures 500 square feet or larger, Orange County Solid Waste staff shall conduct a deconstruction assessment pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO).

Environment

52. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance. [LUMO 5.4]
53. Phasing Plan: If phasing of the project is proposed, then the applicant shall provide a Phasing Plan as part of the Zoning Compliance Permit. The Phasing Plan also shall detail which public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase shall not begin until all public improvements in previous phases have been completed, and a note to this effect shall be provided on the final plans. [LUMO 4.5.3]
54. 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]
55. Sediment Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry sediments on adjacent roadways. [Town Code 5-86]
56. 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]
57. Erosion Control: The developer shall provide a copy of the approved erosion and sediment control permit from Orange County Erosion Control Division prior to receiving a Zoning Compliance Permit. During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance. [Town Code 5-98]

58. Stormwater Control Measure: The proposed stormwater control measures for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual and Town of Chapel Hill Public Works Engineering Design Manual. [LUMO 5.4.3]
59. Storm Drain Inlets: The developer shall provide pre-cast inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-4A, SD-5A, SD-5C include all applicable details, for all new inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
60. 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]
61. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy. [Town of Chapel Hill Design Manual]
62. Performance Guarantee: A performance and maintenance guarantee in an amount satisfactory to the Town Manager shall be provided to meet the requirement of *Section 4.9.3, Performance and Maintenance Guarantees* of the Land Use Management Ordinance prior to the approval of final plat recordation. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The developer shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

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

Management Division, upon determining that the storm water control(s) are performing as required by this Ordinance, and after any repairs to the storm water control structure(s) are made by the owner, shall release the remaining maintenance bond. [LUMO 4.9.3]

63. 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 Conditional Zoning 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 developer 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]
64. 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

65. 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.
66. 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

67. 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]
68. 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]

69. 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]
70. 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]
71. 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

72. Homeowners' Association: A Homeowners' Association shall be created that has the capacity to place a lien on the property of a member who does not pay the annual charges for maintenance of all common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final plat. The Homeowners' Association documents shall comply with *Section 4.6.7 Neighborhood or Homeowners' Associations* of the Land Use Management Ordinance. The Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.
73. 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.
74. Dedication and Maintenance of Common Area to Homeowners' Association: The developer shall provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common areas, however designated, including the community garden; recreation space; open space and common areas; the bufferyards; and stormwater management facilities. 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.
75. Solar Collection Devices: The Homeowners' Association, or similar entity, shall not include covenants or other conditions of sale that restrict or prohibit the use, installation, or maintenance of solar collection devices, including clotheslines.

Fire Safety

76. 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]

77. 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]
78. 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.
79. 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]
80. 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.
81. 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]
82. 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]
83. 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.

84. 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]
85. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
86. 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]
87. 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]
88. 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]
89. 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]
90. 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]
91. 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]
92. 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.
93. 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.

94. 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]
95. 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.
96. 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]
97. 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]
98. 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

99. 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]
100. 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]
101. 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

102. 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]
103. 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

104. 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]
105. 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]
106. 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]
107. 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]

108. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
109. 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]
110. 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.
111. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
112. 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.
113. 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]
114. Vested Right: This Conditional Zoning Permit 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.
115. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
116. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
117. 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 ORDAINED that the Council hereby approves the application for Conditional Zoning for Bridgepoint at 2214 and 2312 Homestead Road.

This the ____th day of _____, 2020.

RESOLUTION C

(Denying the Conditional Zoning Application)

A RESOLUTION DENYING AN AMENDMENT OF THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 2214 AND 2312 HOMESTEAD ROAD TO RESIDENTIAL-5-CONDITIONAL ZONING DISTRICT (R-5-CZD) (PROJECT #20-001)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Conditional Zoning application, proposed by Advanced Civil Design, Inc., on behalf of owner Capkov Ventures, Inc., to rezone a 9.2-acre parcel located at 2214 and 2312 Homestead Road on property identified as Orange County Property Identifier Numbers 9870-91-4489 and 9870-91-9528, if rezoned to Residential-5-Conditional Zoning District (R-5-CZD) according to the rezoning plan dated July 22, 2020, and the conditions listed below would not:

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

BE IT FURTHER RESOLVED that the Council hereby denies the application for an amendment of the Chapel Hill Zoning Atlas to rezone the property located at 2214 and 2312 Homestead Road to Residential-5-Conditional Zoning District (R-5-CZD).

This the ____ day of _____, 2020.

HOUSING ADVISORY BOARD

The charge of the housing advisory board is to assist the Chapel Hill Town Council in promoting and developing a full spectrum of housing opportunities that meet the needs of the Chapel Hill community.

RECOMMENDATION

BRIDGEPOINT, 2214 AND 2312 HOMESTEAD ROAD (PROJECT #20-001)

Recommendation: Approval ☒ Approval with Conditions ☐ Denial ☐

Motion: A motion was made by Anne Hoole to recommend approval of the development application as the applicant was providing a meaningful amount of affordable housing and a significant increase from their concept plan proposal, the application proposed three and four bedroom affordable units, the market rate units are proposed to be comparable and compatible with the affordable units, and the transparency and thoroughness of the project's financial information provided in the presentation to the Housing Advisory Board; Jared Brown-Rabinowitz seconded this motion.

Vote: 4-0

Ayes: Dawna Jones (Chair), Mary Jean Seyda (Vice-Chair), Jared Brown-Rabinowitz, Anne Hoole

Nays:

Prepared by: Dawna Jones, Chair, Housing Advisory Board
 Nate Broman-Fulks, Staff

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

Bridgepoint

(Project #20-001)

September 10, 2020

Recommendation: **Approved** ☐ **Approval with Conditions** ☒ **Denied** ☐

Motion: Heather Brutz moved and Brian Hageman seconded to recommend approval for the conditional zoning application of Bridgepoint with the following conditions:

- a) Extend the existing bicycle lane on Weaver Diary Road Ext to Homestead Road.
- b) Developer to find opportunities to reduce the total number of parking spaces.

Vote: 7-0

**Ayes: Jason Merrill (Chair), Susanne Kjemtrup-Lovelace (Vice-Chair),
Eric Allman, Brian Hageman, Rudy Juliano, Heather Brutz and
David Hallen**

Nays:

Prepared by: Jason Merrill, Chair, Transportation and Connectivity Advisory Board
Jomar Pastorelle, Transportation Planner I

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 BRIDGEPOINT LOCATED AT 2214 & 2312 HOMESTEAD ROAD

September 14, 2020

Recommendation to Council: Approval ☒ Approval with Conditions ☐ Denial ☐

Motion: Julie McClintock moved and Tom Henkel seconded a motion to recommend that the Council approve the conditional zoning for Bridgepoint, located at 2214 and 2312 Homestead Road, with the following special considerations.

Vote: 7-0

Yeas: Adrienne Tucker (Chair), Maripat Metcalf (Vice-Chair), Bruce Sinclair, Gregory Ames, John Wallace, Julie McClintock, Tom Henkel

Nays:

Special Considerations:

- Have the project reviewed by the Stormwater Utility Advisory Board
- Include native and non-invasive plantings only
- A/C SEER rating of 16 or greater for all homes
- Solar-ready rooftop design, including wiring

Prepared by: Adrienne Tucker, Chair, Environmental Stewardship Advisory Board
 John Richardson, Community Resilience Officer, Staff Liaison to ESAB

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 CONDITIONAL ZONING FOR BRIDGEPOINT LOCATED AT 2214 & 2312 HOMESTEAD ROAD

September 15, 2020

Recommendation: **Approval** ☒ **Approval with Conditions** ☐ **Denial** ☐

Motion: Neal Bench moved and Whit Rummel seconded a motion to recommend that the Council find the Conditional Zoning consistent with the Comprehensive Plan.

Vote: 8 – 0

Yeas: John Rees (Chair), Louie Rivers (Vice-Chair), Neal Bench, Michael Everhart, Melissa McCullough, Whit Rummel, Elizabeth Webber, Stephen Whitlow

Nays:

Recommendation: **Approval** ☒ **Approval with Conditions** ☐ **Denial** ☐

Motion: Neal Bench moved and Melissa McCullough seconded a motion to recommend that the Council approve the Conditional Rezoning, as proposed.

Vote: 8 – 0

Yeas: John Rees (Chair), Louie Rivers (Vice-Chair), Neal Bench, Michael Everhart, Melissa McCullough, Whit Rummel, Elizabeth Webber, Stephen Whitlow

Nays:

Prepared by: Anya Grahn, Senior Planner

CONDITIONAL ZONING APPLICATION



TOWN OF CHAPEL HILL
Planning Department
 405 Martin Luther King Jr. Blvd.
 (919) 968-2728 fax (919) 969-2014
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9870914489, 9870919528

Date: July 13, 2020

Section A: Project Information

Project Name: Bridge Point

Property Address: 2214 & 2312 Homestead Road Zip Code: 27516

Use Groups (A, B, and/or C): A Existing Zoning District: R-5-C

Project Description: A residential community with 53 lots designated for townhomes

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

Applicant Information (to whom correspondence will be mailed):

Name: Advanced Civil Design, Inc.

Address: 51 Kilmayne Drive, Suite 105

City: Cary State: NC Zip Code: 27511

Phone: 919-481-6290 Email: crice@advancedcivildesign.com

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

Signature: *Chris Crice* Date: 7/24/2020

Owner/Contract Purchaser Information:

☒ Owner

☐ Contract Purchaser

Name: CapKov Ventures, Inc.

Address: P.O. Box 16815

City: Chapel Hill State: NC Zip Code: 27516

Phone: 919-942-8005(office), 919-260-7262(cell) Email: ericbchupp@bellsouth.net

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

Signature: *Eric B Chupp* Date: 9/24/2020

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



CONDITIONAL ZONING

TOWN OF CHAPEL HILL
Planning Department

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

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

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

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

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

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

**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: MF
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=	363,614	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=	51,724	sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=	0	sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	399,975	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)	374,616
Area of Land Disturbance within RCD	58,671
Area of Land Disturbance within Jordan Buffer	0

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	20,253	20,253	154,188	154,188
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA)%	0.051	0.051	0.385	0.385
If located in Watershed Protection District, % of impervious surface on 7/1/1993	0	0	0	0



PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

Section D: Dimensions

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	(9) 8,510	(9) 8,510	(53) 76,479	(53) 76,479
Number of Floors	1 - 1.5	1 - 1.5	2	2
Recreational Space	0	0	25,597	25,597

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)	3,433	3,433	1,869	1,869
Total Square Footage of All Units	3,433	3,433	99,057	99,057
Total Square Footage of Affordable Units	0	0	See Developer Narrative	See Developer Narrative
Total Residential Density	4 units/ac	4 units/ac	5.77 units/ac	5.77 units/ac
Number of Dwelling Units	2	2	53	53
Number of Affordable Dwelling Units	0	0	See Developer Narrative	See Developer Narrative
Number of Single Bedroom Units	0	0	0	0
Number of Two Bedroom Units	1	1	0	0
Number of Three Bedroom Units	1	1	53	53

Non-Residential Space (Gross Floor Area in Square Feet)					
Use Type	Existing	Proposed	Uses	Existing	Proposed
Commercial					
Restaurant			# of Seats		
Government					
Institutional					
Medical					
Office					
Hotel			# of Rooms		
Industrial					
Place of Worship			# of Seats		
Other					

Dimensional Requirements		Required by Ordinance	Existing	Proposed
Setbacks (minimum)	Street	20'	0'	10'
	Interior (neighboring property lines)	6'	0'	6'
	Solar (northern property line)	8'	N/A	8'
Height (maximum)	Primary	39'	N/A	39'
	Secondary	60'	N/A	60'
Streets	Frontages	40'	635' & 581'	635' & 581'
	Widths	50'	60' & 98'	60' & 98'



PROJECT FACT SHEET
TOWN OF CHAPEL HILL
Planning Department

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
Homestead Road (SR 1777)	Variable	27'	2	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
Weaver Dairy Road (SR 1733)	98'	28'	2	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes

List Proposed Points of Access (Ex: Number, Street Name): **Weaver Dairy Road**

*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
Street A - (860 lf +/-)	25'-26' B/B 35' R/W	Asphalt	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Street B - (143 lf +/-)	25' B/B 35' R/W	Asphalt	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Street C - (449 lf +/-)	26' B/B 35' R/W		<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	1.5 per unit	2.25 per unit	2.17 per unit
Handicap Spaces	N/A	N/A	0
Total Spaces	81	119	115
Loading Spaces	N/A	N/A	N/A
Bicycle Spaces	1 per 2 units	N/A	0
Surface Type	Asphalt		

Section H: Landscape Buffers

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
Homestead Road	20'	20'	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
Weaver Dairy Road	15'	15'	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
Western Property Line	15'	15'	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
Northern Property Line	10'	10'	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes



PROJECT FACT SHEET
TOWN OF CHAPEL HILL
Planning Department

Section I: Land Use Intensity

Existing Zoning District:

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-5-C	0.303	0.05	N/A	0.50	N/A	121,192 sf	19,999 sf
TOTAL							
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		



**CONDITIONAL ZONING 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) 968-2728 or at planning@townofchapelhill.org.

cmr	Application fee (including Engineering Review fee) (refer to fee schedule)	Amount Paid \$	18,001.30
cmr	Pre-application meeting –with appropriate staff		
cmr	Digital Files – provide digital files of all plans and documents		
cmr	Recorded Plat or Deed of Property		
cmr	Project Fact Sheet		
cmr	Traffic Impact Statement – completed by Town’s consultant (or exemption)		
**cmr	Description of Public Art Proposal , if applicable		
**cmr	Statement of Justification		
**cmr	Response to Community Design Commission and Town Council Concept Plan comments , if applicable		
**cmr	Affordable Housing Proposal , if applicable		
cmr	Statement of Consistency with Comprehensive Plan or request to amend Comprehensive Plan		
cmr	Mailing list of owners of property within 1,000 feet perimeter of subject property (see GIS notification tool)		
cmr	Mailing fee for above mailing list (mailing fee is double due to 2 mailings)	Amount Paid \$	544.00
**cmr	Written Narrative describing the proposal, including proposed land uses and proposed conditions		
cmr	Resource Conservation District, Floodplain, & Jordan Buffers Determination – necessary for all submittals		
n/a	Jurisdictional Wetland Determination – if applicable		
n/a	Resource Conservation District Encroachment Exemption or Variance (determined by Planning)		
n/a	Jordan Buffer Authorization Certificate or Mitigation Plan Approval (determined by Planning)		
cmr	Reduced Site Plan Set (reduced to 8.5" x 11")		

Stormwater Impact Statement (1 copy to be submitted)

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



CONDITIONAL ZONING APPLICATION SUBMITTAL REQUIREMENTS

TOWN OF CHAPEL HILL
Planning and Development Services

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

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

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

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

Cover Sheet

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

Area Map

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

Existing Conditions Plan

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



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

Detailed Site Plan

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

Stormwater Management Plan

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

Landscape Protection Plan

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



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

Planting Plan

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

Steep Slope Plan

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

Grading and Erosion Control Plan

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

Streetscape Plan, if applicable

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

Solid Waste Plan

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



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

Construction Management Plan

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

Energy Management Plan

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

Exterior Elevations

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

Bridgepoint Townhome Community

Finding of Facts

Section 4.5.2 of the Town of Chapel Hill's Land Use Management Ordinance states that "No Special Use Permit shall be recommended by the Town Manager or Planning Board for approval and no Special Use Permit shall be approved by the Town Council unless each of the following findings is made concerning the proposed special use or planned development:

- 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;
- 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;
- 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; and
- 4) That the use or development conforms with the general plans for the physical development of the Town as embodied in this Chapter and in the Comprehensive Plan."

The applicant hereby submits the following evidence that Bridgepoint, the proposed Townhome Community located at 2214 and 2312 Homestead Road, meets the Town's standards and the findings of fact necessary for approval by the Town of Chapel Hill of a Planned Development – Multifamily Use with Conditional Zoning.

Finding # 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.*

- The site will have its primary entrance on Weaver Dairy Extension Road and will also provide two entrance roads to the Town owned 2200 Homestead Road site. When the 2200 Homestead Road site is developed into a mixed-use community Bridgepoint will have access to Homestead Road in addition to Weaver Dairy Extension Road providing superior circulation for both communities. The entrance onto Weaver Dairy Extension Road will be a shared entrance for the Town of Chapel Hill's proposed community adjacent to Bridgepoint to the west. The Weaver Dairy Extension Road entrance and the internal streets within Bridgepoint will be constructed to Town Standards and dedicated to the Town of Chapel Hill. The primary entrance onto Weaver Dairy Extension Road will allow access to I-40 without having to enter onto Homestead Road making commuting safer for everyone. The proposed site plan has been designed in a manner such that nearby residents and workers will be able to readily access the proposed community by car, bus, bicycle, or foot.
- The site is also located within a short walking distance from the railroad just south of the publicly owned Green tract. The railroad could a potentially serve as a mass transit corridor in the future.
- A major north-south greenway corridor (referred to conceptually as the "Rail Trail" in comprehensive plan documents) will be located within easy walking distance of the site, emerging from the Carolina North property from the south, passing between the site and the railroad corridor and continuing northward through the Greene Tract to the Eubanks Road area. The proposed Bridgepoint site will have direct access to the Rail Trail through the proposed Greenway Trail Easement to be dedicated as part of the Bridgepoint proposal.
- The Town has completed plans and NCDOT funding has been approved to construct the Homestead Road Improvement Project. The project runs from Weaver Dairy Extension Road to Seawell School Road. The improvements will include a 10' wide pedestrian multi-use path, bike lanes, and pedestrian crossings, all designed to enhance pedestrian safety and encourage non-vehicular travel. The Homestead Road Improvement Project will be constructed across the entire Bridgepoint road frontage on Homestead Road. The Applicant has granted the Town of Chapel Hill the necessary right-of-way to construct the improvements. The Homestead Road Improvement Project is a NCDOT funded project initiated for the purpose of traffic and pedestrian safety.

- Pedestrian access points are provided at all three proposed vehicular entrances, and sidewalk has been proposed along the west side of Weaver Dairy Road Extension from the intersection of Homestead Road to the northern property line of the Bridgepoint site.
- Public sidewalk is being proposed along all public streets within the community.
- The site is adjacent to existing OWASA potable water and sanitary sewer mains, without the need for any off-site extensions, thereby efficiently utilizing the community's existing infrastructure network.
- No extension of public utilities will be necessary as all have previously been extended to the site.
- All site utilities will be installed underground, as per Town standards.
- Bridgepoint will comply with all stormwater detention and water quality standards as set out in the Chapel Hill Land Use Ordinance.
- Bridgepoint preserves the stream side corridor that traverses the northern edge of the site from west to east and a portion of the ephemeral channel that traverses western portion of the site. Bridgepoint proposes a public greenway trail easement along top of the water quality pond along the northern portion of the site south of the stream. The Greenway Easement will link Bridgepoint and the 2200 Homestead Road site with Weaver Dairy Extension Road providing a valuable future link to Homestead Park and the Aquatics Center.

Finding # 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.”*

- As proposed, Bridgepoint is in compliance with all of the required regulations and standards of the Land Use Management Ordinance with exception to the following:
 - Exceed disturbed area ratio of 0.40 in the manage use and upload zones of RCD to allow for the construction of a stormwater control measure. The

- percent of land disturbance requested in the 50-ft managed use zone is 55% and 79% in the 50-ft upland zone of the RCD;
 - Utilize 30-inch valley curb and gutter section in-lieu of 30-inch standard curb section for local street (without parking);
 - Section D103 of the North Carolina Fire Prevention Code requires the minimum road width to be 26-ft where a fire hydrant is located on a fire apparatus access road. Town of Chapel Hill's standard detail for a local street does not meet this criteria, therefore the 25-ft back-to-back dimension for local street (without on-street parking) has been revised to 26-ft with valley curb and 27-ft with standard curb when adjacent to a fire hydrant to meet section D103.1 of the North Carolina Fire prevention Code. The right-of-way width of 35-ft shall remain unchanged;
 - Exceed 25% of the area containing 25% or greater slopes. A majority of these disturbed slopes occur along the west side of Weaver Dairy Road Extension and were created during the construction of Weaver Dairy Road Extension. Additional slopes 25% or greater that were created during the construction of the existing home site, the existing concrete flume, and the existing asphalt path along the western portion of the property. The total area of disturbed natural slopes 25% or greater is only 2,133 sf. This area of impact is necessary to properly grade the area reserved for the future greenway trail;
 - Developer is providing five affordable homes which equates to 10.41%. This is less than the 15% inclusionary zoning requirement, however the affordable homes are the same size as the market rate units. In addition, the developer exceeds the minimum net livable square footage requirement associated with the 15% inclusionary zoning requirement with only the five homes.
- The proposed zoning lot complies with the dimensional requirements listed in Table 3.8-1, with exception to interior setbacks, which is mentioned above.
 - The total floor area for the proposed buildings does not exceed the maximum permitted floor area designated in Table 3.8-1.
 - The proposed buildings comply with the primary and secondary height requirements identified in Table 3.8-1.
 - The proposed development conforms to the limitations regarding impervious surface area as delineated in Table 3.8-1.

- The site is designed in conformance with the design and development standards prescribed in Article 5 of the Land Use Management Ordinance.
- Landscaping, screening and buffering are preserved or provided in accordance with the requirements and options discussed in Section 5.6 of the Land Use Management Ordinance.
- Access, circulation, and off-street parking are proposed in accordance with Sections 5.8 and 5.9 of the Land Use Management Ordinance.
- Parking lot landscaping and screening is proposed in conformance with Section 5.9.6 of the Ordinance.
- The Bridgepoint proposal will conform to Section 3.10 of the Chapel Hill Land Use Management Ordinance and provide the requisite commitment to the affordable housing's inclusionary zoning by an alternate means of compliance. The Applicant has proposed providing five (5) affordable homes to the Community Home Trust for perpetual affordability. This equates to 10.41% of the market rate homes being affordable. Two (2) of the homes will meet the 65% of the median income ratio, and three (3) of the homes will meet the 80% of the median income ratio in conformance with the Chapel Hill Land Use Ordinance. While the 10.41% affordable homes being proposed is under the Land Use Ordinance target of 15% all five (5) of the homes provided will be the same size as the market rate homes at over 1700 square feet each. They will also each have two car garages making them look identical to the market rate homes. This will allow the Community Home Trust to market the homes to a wider set of potential homeowners while still meeting the income ratios targeted in the Land Use Ordinance. The combined square footage of the five (5) proposed affordable homes exceeds the minimum livable area square footage requirements associated with the 15% inclusionary zoning target.

Finding # 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."

- This project is a Conditional Zoning townhome community compatible with the neighboring Vineyard Square townhome community. The Chapel Hill Future Land Use Map identifies the Bridgepoint Site as a "Development Opportunity Area" and the proposed project is consistent with the future land use maps. The Development

complies with several of the most significant recommendations of the Northern Area Task Force Report.

- The first recommendation of the Report is that projects be “Served by transit stops on Homestead Road.” Bridgepoint is working with the Town of Chapel Hill to determine the best placement of a transit stop along Homestead Road. It is not a question of whether there will be one, but where the best location is.
- The Report recommends “Improved pedestrian corridor along Homestead Road...” to include landscaping, pedestrian/bicycle path separate from the roadway. Bridgepoint will have a 10’ multi-use path and bicycle lanes on both sides of Homestead Road, and a landscaped buffer.
- The Bridgepoint site is identified in area four (4) of the Northern Area Task Force Report as an “Opportunity to compliment new adjacent development”.
- Most importantly the Report emphasizes that “Realizing these concepts and addressing these goals and objectives will require a cooperative effort between the Town, property owners, developers and citizens.” From the onset we have worked with the Town of Chapel Hill to collaborate on the development of the 2200 Homestead Road Project and the Bridgepoint Project. We have contributed right-of-way to facilitate the Homestead Road Improvement Project and have propose making two sidewalk connections and a Greenway connection to the Town owned 2200 Homestead Road site.
- Finally, the Report emphasizes that physical improvements and expanded Town services will be in place at the same time as anticipated development. All utilities are currently available on the site including a sewer main line that runs west to east across the entire site which conforms to the proposed site plan. The sewer line was constructed to serve the Courtyards community.

Finding # 4: *“That the use or development conforms with the general plans for the physical development of the Town as embodied in this Chapter and in the Comprehensive Plan.”*

Place for Everyone - One of the major goals under the theme “A Place for Everyone” is to provide “A range of housing options for current and future residents”. Diversity of housing options has become a significant problem in Chapel Hill. The proposed Bridgepoint community will provide 53 town homes and make a significant contribution to affordable housing at a time when virtually all development plans being proposed or approved within the last 10 years in Chapel Hill are for multi-family apartments. Over 3,500 multi-family apartment units have been approved in Chapel Hill over the last 10 years and there are more applications pending. At the same time not a single town home community has been approved. There have been a few duplex units constructed on odd lots, and the applicant provided nine (9) town homes as part of the affordable component of the Merin Road community, but no significant contributions to the lack of diversity in the housing stock. If approved, Bridgepoint will help fill the essential need for the “missing middle” housing in Chapel Hill. As the University of North Carolina tries to attract the best and the brightest to Chapel Hill, those potential

teachers or staff who have children or anticipate having children will have as one of their primary considerations the availability of family-oriented housing. The same is true for the wider community as Chapel Hill tries to encourage innovative businesses to locate in Chapel Hill. While Bridgepoint will not solve the problem of providing diversity in housing it will provide additional options for families who, for whatever reason, are looking for something other than an apartment home.

Community Prosperity and Engagement - One of the major goals under the theme “Community Prosperity and Engagement” is to “Foster success of local businesses.” The Town of Chapel Hill has consistently expressed the desire to promote our world class university and to attract new employers who can utilize the talents and technologies developed at UNC to launch new and creative businesses. As mentioned in the preceding paragraph to successfully attract such businesses the Town must provide housing to meet the needs of the prospective employees. Bridgepoint will add housing diversity to the existing stock in a housing type that is underserved. The location of the Bridgepoint site immediately across Homestead Road from the Horace Williams tract, the University of North Carolina’s next big campus, makes the contribution to the diversity of housing all that more significant.

Getting Around - The goal is to promote “A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation.” The Bridgepoint community will provide a critical link in providing a holistic transportation system in Chapel Hill. As part of our concept plan Bridgepoint is proposing to construct a link of the Chapel Hill Greenway System connecting the communities to the north of Homestead Road, and the Green Tract to the trail system south of Homestead Road referred to as the Horace Williams/ Bolin Creek Trail system. In addition, the applicant has deeded NCDOT the necessary right-of-way to construct the Homestead Road Improvement Project. The Bridgepoint frontage along Homestead Road will include bike lanes on both sides and a 10’ multi-use path to facilitate non-vehicular transportation opportunities. The Homestead Road Improvement project will link the Bridgepoint site to the public schools along Seawell School Road and the

Horace Williams trail system. Perhaps even more important is the fact that in conjunction with the development of the Town owned site at 2200 Homestead Road enough critical mass may be established to warrant efficient bus service to an area where it has been sparsely provided in the past. Discussions are ongoing to determine the best location for bus stops on Homestead Road along the frontage of the the proposed 2200 Homestead Road community.

Good Places, New Spaces - Bridgepoint will promote several of the goals of the theme “Good Places, New Spaces” including the goal of providing “Open and accessible common spaces for community gathering, cultural uses, and community development.” As mentioned above Bridgepoint will provide a Greenway easement connecting the Town’s proposed 2200 Homestead Road community, and the existing Vineyard Square community to Weaver Dairy Extension Road, and then by sidewalk to the Horace Williams/ Bolin Creek Trails and the communities to the south of Homestead Road. The connection will also help link the future Green Tract to Homestead Road and the Horace Williams/ Bolin Creek Trails and potentially to the Homestead Park and Aquatics Center. A second major goal of the “Good Places, New Spaces” theme is to provide a range of neighborhood types that addresses residential needs. The town homes proposed on the Bridgepoint site will provide badly needed housing diversity to the Town of Chapel Hill’s housing stock.

Nurturing Our Community - The design of the proposed Bridgepoint community does not include land disturbance within the 50-ft Resource Conservation District stream side corridor. Bridgepoint will disturb portions of the Resource Conservation District upland and managed use zones to allow for the construction of a Stormwater Control Measure in order to meet the Town’s stormwater requirements. Stormwater Control Measures control water quantity and quality, the latter is a key feature of the Town’s natural stewardship philosophy. Bridgepoint will exceed the Town of Chapel Hill’s rigorous open space and tree canopy standards. We have also proposed an onsite pocket park to provide an additional recreational opportunity for children and their parents.

Town and Gown Collaboration - While the proposed Bridgepoint community may not directly affect the operations of the University of North Carolina Chapel Hill, or their relationship with the Town of Chapel Hill we believe that adding to the diversity of the Chapel Hill housing stock near the Universities’ future northern campus on the Horace Williams site will provide opportunities for the families who move to Chapel Hill to work at the University. With the future supply of town homes seriously in question this may be important factor in the Universities ability to attract the best and the brightest work force.

The above evidence, along with testimony at the Public Hearing, demonstrates that Bridgepoint meets the Town’s standards as outlined within the Land Use Management Ordinance (LUMO) and the findings of fact necessary for approval by the Town of Chapel Hill of a Conditional Zoning townhome community, by providing neighborhood-scale development in a Development Opportunity location that achieves the purposes of the Comprehensive Plan.



It is our understanding that Chapel Hill has adopted an informal policy of requiring a 25% payment in lieu of recreation, regardless of whether a project meets the requirements of the land Use Ordinance or not. We also believe in the case of the Bridgepoint project recommending such a requirement would make providing middle income housing more difficult and may impact the feasibility of the proposed community. I have listed below some of the reasons we believe the 25% payment in lieu is not appropriate for the proposed Bridgepoint project.

1. Bridgepoint is exceeding the recreational requirements of the Chapel Hill Land Use ordinance by providing 110% of what the ordinance requires as active recreation space. As part of that recreation requirement the Applicant has agreed to dedicate a 20" Greenway Trail easement running from the Town owned 2200 Homestead Road site to Weaver Dairy Road Extension completing a vital link towards a pedestrian connection to Homestead Park and the Aquatics Center. The Greenway Trail easement proposed for dedication has been part of the comprehensive Chapel Hill Greenway Plan since its adoption. The dedication of links in the Greenway system is highly encouraged in the Land Use Ordinance as a top priority in providing the required recreational contribution.
2. The Bridgepoint community is a town Home community proposed to serve middle income households. In Chapel Hill it is often referred to as the "missing middle". There has not been a single town home community proposed in Chapel Hill in the last 13 years. Part of the reason for this is the way that the Chapel Hill Land Use Ordinance was set up. It has an application and a set of rules governing recreational contributions for single family homes, and one for multi-family homes. There is no town home application and for decades the only option for potential town home applications has been to go under the multi-family application. This has resulted in a terribly unfair system of regulations which require a 53-unit town home development on a nine-acre site, like Bridgepoint, to contribute the same amount to Chapel Hill Parks and Recreation as a 450-unit apartment complex. This undermines the ability for potential developers to build town home communities and is exactly what is happening at the proposed Bridgepoint community. This becomes even more acute when the Town of Chapel Hill imposes a 25% payment in lieu, in addition to what is required in the land use ordinance. In addition to exceeding the requirements spelled out in the Land Use Ordinance Chapel Hill Parks and Recreation is requesting that the proposed

town home community of Bridgepoint pay an additional \$60,000. This is not in line with any sense of equity.

3. Requiring a payment in lieu in an amount equal to 25% of the total recreational requirement as an “informal policy” regardless of a developers ability to provide on-site recreation is a questionable policy from a community benefit standpoint, is questionable from a fundamental fairness standpoint, and questionable from a legal standpoint. The Chapel Hill Land Use Ordinance Section 5.5.2(h) states that “ In lieu of providing recreation space required pursuant to this section, a developer of a multi-family dwelling or planned development **MAY**, with the approval of the Town Council make a payment to the Town whereby the Town may acquire or develop recreational land or greenways to serve the development”. While language was later added that the Town may require such payments a couple of things should be noted.
 - a. The intent the above section, by using the word “may”, has always seemed to allow developers who may not have adequate land to meet the recreational requirements specified in the Land Use Ordinance to make a payment to the Town as an alternative. Conversely, if there were recreational amenities in the immediate vicinity of the proposed community, and the construction of additional amenities was redundant, then the developer could make a payment in lieu of providing the recreation on site. To turn this section into a provision that allows to Town to require an additional recreation payment after the recreational requirements in the Land Use Ordinance have been fully complied with seems out of line with fundamental values of fairness.
 - b. Both State Law and the Chapel Hill Land Use Ordinance require that any recreational payment in lieu be used “for the acquisition or development of recreation, park, or open space sites to serve the residents of the development or the residents of more than one development within the **immediate area**.” It truly contorts both State Law and the Chapel Hill Land Use Ordinance to claim that any improvements to a park elsewhere in town qualifies as “**acquisition or development**” in the “**immediate**” area. It is highly doubtful this would survive a court challenge when there are no parks in the immediate vicinity where the payment in lieu would be used for acquisition and development. The closest park is Homestead Park where no current pedestrian connection exists and where the acquisition and development of the park took place over a decade ago.
 - c. There is nothing in the Chapel Hill Land Use Ordinance which requires a development applicant to make a payment in lieu of 25% of the recreational requirement. The Parks and Recreation staff claims this is now the Town’s “policy” to require a 25% payment in lieu of all residential developments in Chapel Hill. My understanding is that amendments to the Land Use Ordinance require very carefully laid out steps that involve public hearings and ultimately Town Council approval. Again, this seems to go outside the lines of both legality and fundamental fairness. In addition, if this “policy” is enforced with consistency and regularity it could certainly be construed as an “impact fee” and not a payment in lieu at all. State law requires Legislative approval of impact fees.

For these reasons we believe the Town of Chapel Hill seriously needs to consider amending the Land Use Ordinance. First and foremost, so that it encourages middle income housing as opposed to discouraging it as the Land Use Ordinance does by lumping apartments (multi-family) and town homes (single family) under the same set of rules and requirements. Secondly if the Town intends to enforce a “policy” which requires all residential developments to make a payment in lieu of 25% of the required recreational requirement then it should amend the Land Use Ordinance following the requisite procedures and seek State Legislative approval. However, we believe doing so would continue to discourage the development of middle-income town homes.

Until the ordinance can be amended, for the reasons listed above, we believe the proposal for middle income town homes as part of the Bridgepoint site should be considered as an exception to the “policy” of requiring a 25% payment in lieu for all residential developments.

Best Regards, Eric Chupp

Director of Development
Capkov Ventures Inc.
(919) 260-7262
ericbchupp@bellsouth.net

BRIDGEPOINT - 2200 HOMESTEAD ROAD**RESIDENTIAL DEVELOPMENTS****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 2020



BRIDGEPOINT - 2200 HOMESTEAD ROAD RESIDENTIAL DEVELOPMENTS

TRAFFIC IMPACT STUDY

EXECUTIVE SUMMARY



Prepared for:

The Town of Chapel Hill
Public Works Department - Engineering

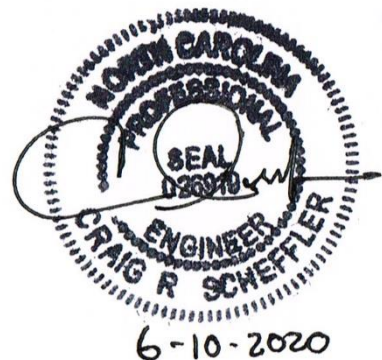
Prepared by:

HNTB North Carolina, PC

*343 East Six Forks Road
Suite 200
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NCBELS License #: C-1554

June 2020





EXECUTIVE SUMMARY

Project Overviews

Two new residential communities, known for this study as Bridgepoint and 2200 Homestead Road Residential, are being proposed in Chapel Hill along Homestead Road near its intersection with the Weaver Dairy Road Extension. The Bridgepoint project proposes to construct 53 individual residential townhome units and the 2200 Homestead Road development proposes 138 residential units in a mixture of one to three story apartments, duplexes, and townhomes. **Figure ES-1** shows the general location of the two sites. The 2200 Homestead Road project is anticipated to be fully complete and occupied by 2023 and the Bridgepoint project is anticipated to be fully complete and occupied by 2024. This report analyzes the following scenarios:

- 2020 existing year traffic conditions,
- 2024 No-build scenario for 2200 Homestead Road (which includes the assumption that Bridgepoint is complete),
- 2024 Full build-out scenario for 2200 Homestead Road (one year after anticipated completion),
- 2025 No-build scenario for Bridgepoint (which includes the assumption that the 2200 Homestead Road site is complete)
- 2025 Full build-out scenario for Bridgepoint (one year after anticipated completion)
- 2025 Full build-out scenario for Bridgepoint (2200 Homestead Road site is not built and primary access to Bridgepoint is from Weaver Dairy Road Extension)

A proposed combined site plan shows a provision for a full movement access driveway serving both sites that connects to Homestead Road forming a fourth leg with its existing intersection with Greenway Landing and a provision for a full movement access street connection to the Weaver Dairy Road Extension from the Bridgepoint site. No other vehicular access connections are proposed. The main site driveway is proposed to have an internal stop-controlled intersection with local driveway/street connections that will serve on-site parking areas. **Figure ES-2** displays the overall site plan of the Bridgepoint and 2200 Homestead Road Residential developments and nearby land uses and roadways.

This report analyzes and presents the transportation impacts that the 2200 Homestead Road and Bridgepoint developments will have on the following intersections in the project study area:

- Homestead Road and Seawell School Road
- Homestead Road and Greenway Landing / Proposed Combined Main Site Driveway
- Homestead Road and Homestead Road Active Adult Housing Access Driveway (Future)
- Homestead Road and Weaver Dairy Road Extension
- Homestead Road and NC 86 (Martin Luther King, Jr. Boulevard)
- Weaver Dairy Road Extension and Bridgepoint North Access Street

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

Existing Conditions

Study Area

The sites are located in north Chapel Hill along Homestead Road. The study area contains three signalized intersections along Homestead Road at NC 86 (Martin Luther King, Jr. Boulevard), Weaver Dairy Road Extension, and Seawell School Road. All future site traffic is expected use the proposed combined main site driveway at the Homestead Road / Greenway Landing intersection and a North



Town of Chapel Hill: Traffic Impact Study

Bridgepoint - 2200 Homestead Road Residential - Proposed Residential Developments

Access Street driveway that connects to Weaver Dairy Road Extension. Internal driveways shown on the preliminary site plans will circulate site traffic to designated parking areas and residential buildings. NC 86 (Martin Luther King, Jr. Boulevard) is a major north-south arterial providing connectivity between downtown Chapel Hill, north and south Chapel Hill, the I-40 corridor and Hillsborough. Homestead Road is a minor east-west arterial providing connectivity through northern Chapel Hill. Remaining study area network roadways are either suburban collector streets or local neighborhood/commercial access streets.

Site Traffic Generation

With the addition of new trips during the weekday AM, noon, and PM peak hours, there are potential site traffic impacts to study area intersections. **Table ES-1** shows the site trip generation details, with rates taken from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, Version 10*.

Table ES-1. Weekday Vehicle Trip Generation Summary

Description	Density	Daily			AM Peak			Noon Peak			PM Peak		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Bridgepoint	53 Units	180	180	360	6	20	26	14	17	31	21	13	34
2200 Homestead Road	138 Units	501	501	1,002	15	50	65	33	40	73	50	29	79

Background Traffic

Background traffic growth for the 2024 and 2025 analysis years are expected to come from two sources - ambient regional traffic growth and specific development-related traffic growth. Three Town-approved sites near the project study area were considered for specific development related growth. All remaining estimated traffic volume increases are assumed to occur due to overall region-wide ambient growth (assumed 0.5 percent per year based on NCDOT/Town historic growth data and consistent with recent study area traffic impact studies).

Impact Analysis

Peak Hour Intersection Level of Service

Existing traffic operations at all study area intersections are acceptable during all three peak hours analyzed. The projected ambient and background development traffic growth will increase impacts by 2024 and 2025. Even with the addition of peak hour site-generated trips to the projected 2020 background traffic volumes, only one study area intersection (Homestead Road and Main Site Driveway / Greenway Landing) is expected to experience deficient traffic operations in any peak hour and projected side street queues at this location are not expected to be excessive. No additional mitigation improvements to this intersection were considered necessary. 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**.

Access Analysis

Vehicular site access to the two projects is to be accommodated at a proposed full movement local street access connecting to Homestead Road immediately opposite Greenway Landing about 750 feet to the west of Homestead Road's signalized intersection with the Weaver Dairy Road Extension. The proposed driveway has a single inbound lane and two outbound (left-turn and shared through/right-turn) lanes. A second local street access connection is also proposed along Weaver Dairy Road Extension that would primarily serve the Bridgepoint project but would have internal connectivity through Bridgepoint to the 2200 Homestead Road development. It is proposed to be located 300 feet north of the Weaver Dairy Road Extension intersection with Homestead Road.



Town of Chapel Hill: Traffic Impact Study
Bridgepoint - 2200 Homestead Road Residential - Proposed Residential Developments

Table ES-2. Peak Hour Intersection Capacity Analysis Summary

Intersections	Peak Hour	2020 Existing		2025 No-Build Bridgepoint (Build 2200 Homestead)		2025 Build Both Developments		2025 Mitigated	
		LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
Homestead Road & Seawell School Road	AM	C	34.0	D	37.9	D	38.3	N/A	N/A
	NOON	B	11.0	B	11.9	B	11.9	N/A	N/A
	PM	B	15.8	B	16.8	B	16.9	N/A	N/A
Homestead Road & Greenway Landing / Combined Main Site Driveway [#]	AM	C	17.0	F	62.5	F	70.3	N/A	N/A
	NOON	B	11.8	C	19.9	C	20.5	N/A	N/A
	PM	B	12.6	E	38.1	E	40.5	N/A	N/A
Homestead Road & Active Adult Housing Site Driveway [#]	AM	N/A	N/A	C	20.6	C	20.8	N/A	N/A
	NOON	N/A	N/A	B	12.1	B	12.2	N/A	N/A
	PM	N/A	N/A	B	14.2	B	14.4	N/A	N/A
Homestead Road & Weaver Dairy Rd Extension	AM	A	8.1	A	8.6	A	8.7	N/A	N/A
	NOON	A	7.1	A	7.9	A	8.0	N/A	N/A
	PM	B	12.2	B	14.3	B	15.3	N/A	N/A
Homestead Road & NC 86 (MLK Jr, Boulevard)	AM	C	24.6	C	27.9	C	28.6	N/A	N/A
	NOON	C	27.8	D	36.0	D	37.2	N/A	N/A
	PM	C	25.1	C	30.2	C	31.0	N/A	N/A
Weaver Dairy Road Extension & Bridgepoint North Site Driveway [#]	AM	N/A	N/A	N/A	N/A	B	13.2	N/A	N/A
	NOON	N/A	N/A	N/A	N/A	B	10.0	N/A	N/A
	PM	N/A	N/A	N/A	N/A	B	12.2	N/A	N/A

N/A – Not Applicable or No Improvements Necessary

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

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

Driveway throat lengths, and intersection/driveway separation minimum criteria, as set forth in the 2003 *NCDOT Policy on Street and Driveway Access to North Carolina Highways* and the 2017 Town of Chapel Hill Design Manual are acceptable for current site plans for both projects.

Access for pedestrians is adequate in the project study area and will be improved with the construction of the Town's Homestead Road Improvements project. Crosswalk exists across the NC 86, Seawell School Road, and Weaver Dairy Extension intersections with Homestead Road signalized intersections and across Homestead Road at Northern Park Drive to the east of the Bridgepoint - 2200 Homestead Road Residential sites. No specific bicycle amenities are present along Homestead Road, but bicycle lanes are present on one side of Seawell School Road and the Weaver Dairy Road Extension and along NC 86 north of Homestead Road. These bike facilities will be connected by bicycle lanes/off-road paved paths along Homestead Road at the completion of the Town's improvement project.

Signal Warrant Analysis

Based on projected 2025 traffic volumes and proposed access plans, the unsignalized Combined Main Driveway / Greenway Landing intersection with Homestead Road would not warrant the installation of a traffic signal, based on the Peak Hour warrant methodology found in the 2009 *Manual on Uniform Traffic Control Devices (MUTCD)*.



Crash Analysis

Data from the NCDOT Traffic Safety Unit was provided for the five-year period 2/1/2015 to 1/31/2020 for the segment Homestead Road in the vicinity of the proposed site. There were 36 crashes reported along Homestead Road study area corridor between Seawell School Road and NC 86 over the five year period. The primary crash type was rear end crashes and crashes were primarily clustered near the NC 86 intersection. Overall, the number and severity of crashes along Homestead Road in the project study area is lower than state-wide averages for similar facilities. There was one pedestrian fatality recorded near the Seymour Senior Center to the east of the project sites.

Other Transportation-Related Analyses

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

Table ES-3. Other Transportation-Related Analyses

Analysis	Comment
Turn Lane Storage Requirements	Storage bay lengths at study area intersections were analyzed using Synchro and HCS 95 th percentile (max) queue length estimates for the 2024 and 2025 Build Scenarios. At the intersection of Homestead Road and Weaver Dairy Extension, the southbound right-turn lane queue may exceed its existing storage regardless of site traffic impacts. Adjustments to signal timing may be necessary to mitigate this issue. At the intersection of Homestead Road and NC 86 (Martin Luther King, Jr. Blvd), projected 95 th percentile queue lengths may exceed the northbound and eastbound existing delineated storage bay lengths if existing signal timings are not adjusted to reflect expected increases in traffic volumes related to those movements.
Appropriateness of Acceleration/Deceleration Lanes	The site concept plans show an eastbound left-turn lane and westbound right-turn lane at the Combined Main Site Driveway intersection with Homestead Road, both will improve intersection capacity and safety. No other specific acceleration/deceleration lane issues were analyzed in the project study area.
Pedestrian and Bicycle Analysis	Existing pedestrian access and connectivity is adequate along the Homestead Road corridor adjacent to the sites, though some gaps exist on both sides of the road in certain areas. Bicycle lanes extend along NC 86 north of Homestead Road and along the Weaver Dairy Road Extension and Seawell School Road, but no bicycle facilities exist along Homestead Road within the project study area. The Town's Homestead Road Improvements project will considerably improve pedestrian and bicycle facilities along Homestead Road in the project study area.
Public Transportation Analysis	Public transportation service to the study area, and to the proposed site is adequate, with bus stops and multiple local and regional bus routes on both NC 86 and Homestead Road proximate to the site

Mitigation Measures/Recommendations

Planned Improvements

The Town of Chapel Hill has two transportation improvement projects currently slated for construction prior to the 2024 and 2025 site build-out years. The Homestead Road Improvements project (U-4726 IK) will create a consistent three-lane roadway cross-section along the site frontages to Weaver Dairy Road Extension, as well as construct pedestrian and bicycle facility improvements between Seawell School Road and Weaver Dairy Road Extension. Improvements related to this project are shown schematically



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 TIS, no specific lane usage changes were analyzed as part of this study.

Background Committed Improvements

There is one specific geometric improvement to the study area roadway intersections related to background private development projects that are expected to be completed between 2020 and 2025. A full access driveway and widening of Homestead Road to a consistent three-lane cross-section was proposed in the Overture (Active Adult Housing) TIS. Several traffic impact studies for development projects in and near the study area recommended signal timing reoptimization for signalized intersections along the NC 86 (Martin Luther King, Jr. Blvd) corridor by their respective build-out years. It is assumed that signal timing reoptimization will occur for the NC 86 corridor by the year 2025, whether or not specifically needed by any of the background traffic generating developments included in this study.

Applicant Committed Improvements

There are several specific transportation-related improvements proposed external to the Bridgepoint - 2200 Homestead Road Residential sites. Site plans, though developed independently, have had and currently have on-going coordination to provide reasonable cross-access and external access opportunities for both sites. External improvements (shown schematically in **Figure ES-3**) include:

- Provision of a combined main access driveway along Homestead Road immediately opposite Greenway Landing with internal connectivity from this driveway to both sites. The driveway location is on 2200 Homestead Road property. It would be constructed regardless of which site actually began development first, but if the Bridgepoint site were constructed first, this location would only serve as a temporary secondary restricted access point. If 2200 Homestead Road were developed first, it would function as a primary full access driveway. The driveway exit would have a left-turn lane with 75 feet of storage and a shared through/right-turn lane when fully developed, as shown in **Figure ES-2**.
- Construction of a full access minor street connection to Weaver Dairy Road Extension with stop-control for the Bridgepoint access eastbound approach. This access would only be built as part of the Bridgepoint project. If the 2200 Homestead Road Residential project is developed first, a temporary secondary gravel/grass restricted-access connection for its use will be established on Homestead Road.
- Construction of continuous sidewalk along west side of Weaver Dairy Road Extension across Bridgepoint site frontage

Necessary Improvements

Based on traffic capacity analyses for the 2025 design year (with the most conservative estimates of background and combined traffic from both sites), 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**).

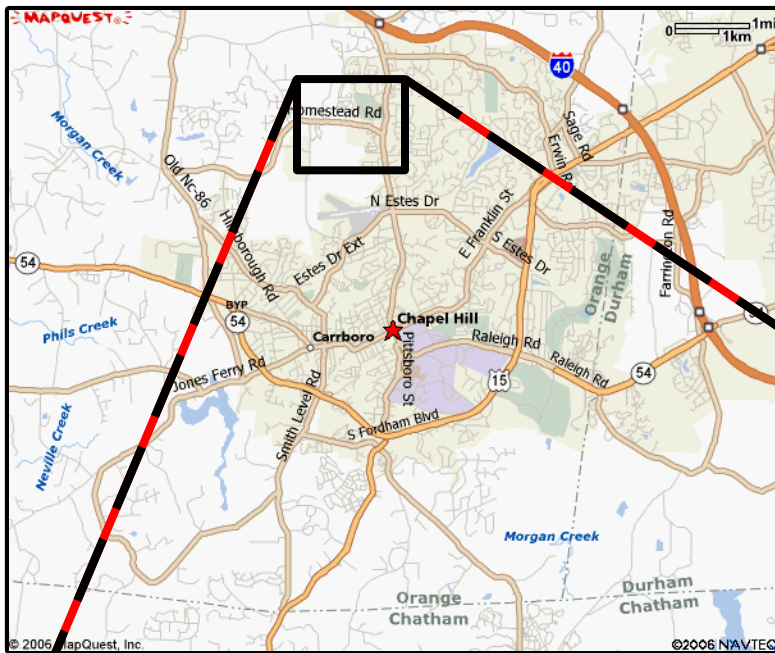
- 1) Retime the Homestead Road and Weaver Dairy Road intersection traffic signal to ensure that the southbound right-turn lane has adequate green time to avoid excessive queue spillback. This improvement is recommended whether or not if the Bridgepoint and 2200 Homestead Road Residential sites are developed.



Town of Chapel Hill: Traffic Impact Study

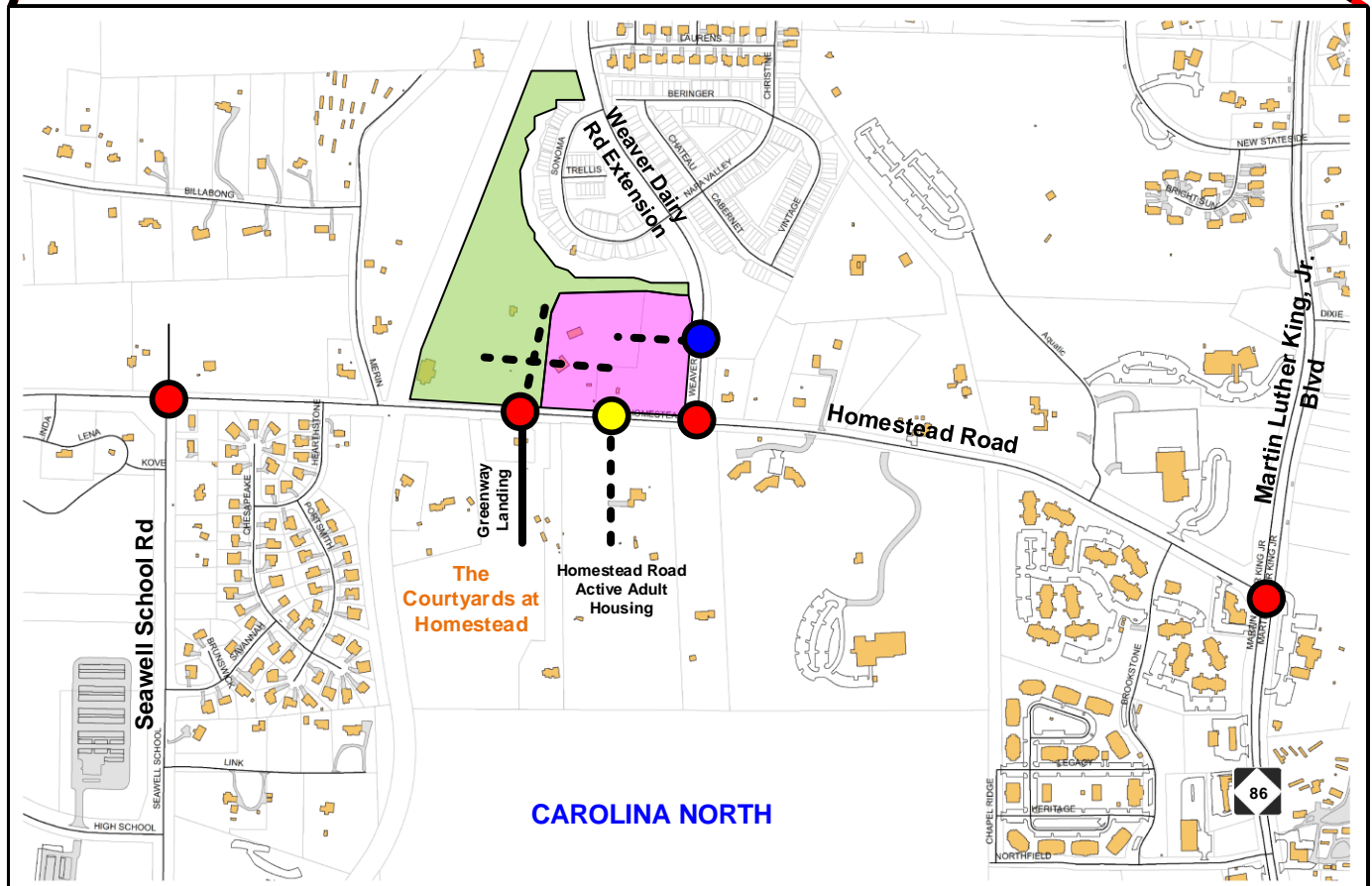
Bridgepoint - 2200 Homestead Road Residential - Proposed Residential Developments

- 2) Provide pavement markings to delineate at least 175 feet of eastbound left-turn bay storage at the Homestead Road and Weaver Dairy Road intersection. The cross-section at this location features a continuous left-turn center lane, so actual storage for vehicles at the intersection can feasibly be longer. 175 feet is recommended as a minimum if the Active Adult Housing project is constructed with its site driveway located as analyzed in the 2017 Traffic Impact Study for this project (then known as Overture). That site driveway, and its 100 foot recommended westbound left-turn lane storage would leave approximately 175 feet of full storage for eastbound left-turning vehicles at the Weaver Dairy Extension intersection. This improvement is recommended whether or not if the Bridgepoint and 2200 Homestead Road Residential sites are developed and can be incorporated in the Town's Homestead Road Improvements project.
- 3) Provide 100 feet of full eastbound left-turn storage on Homestead Road at its intersection with the proposed Combined Main Site Driveway/Greenway Landing. This improvement will necessitate a small amount of cross-section widening on Homestead Road along the 2200 Homestead Road Residential parcel site frontage and would require minor adjustments to the current Town of Chapel Hill Homestead Road Improvements roadway design plans. This improvement is recommended for the Bridgepoint - 2200 Homestead Road Residential projects and would be necessary once the 2200 Homestead Road Residential project is built and the Combined Main Site Driveway is opened to access both sites.
- 4) Provide a right-turn lane westbound on Homestead Road at the Combined Main Site Driveway with 100 feet of queue storage. The construction of this lane will need coordination with Homestead Road Improvements project plans. This improvement is recommended for the Bridgepoint - 2200 Homestead Road Residential projects and would be necessary once the 2200 Homestead Road Residential project is built and the Combined Main Site Driveway is opened to access both sites.



LEGEND

- = Existing Building Footprint
- = Existing Study Area Intersection
- = Proposed Site Driveway
- = Future Development Driveway
- = Proposed Bridgepoint Site
- = Proposed 2200 Homestead Site



Source: Town of Chapel Hill GIS Files

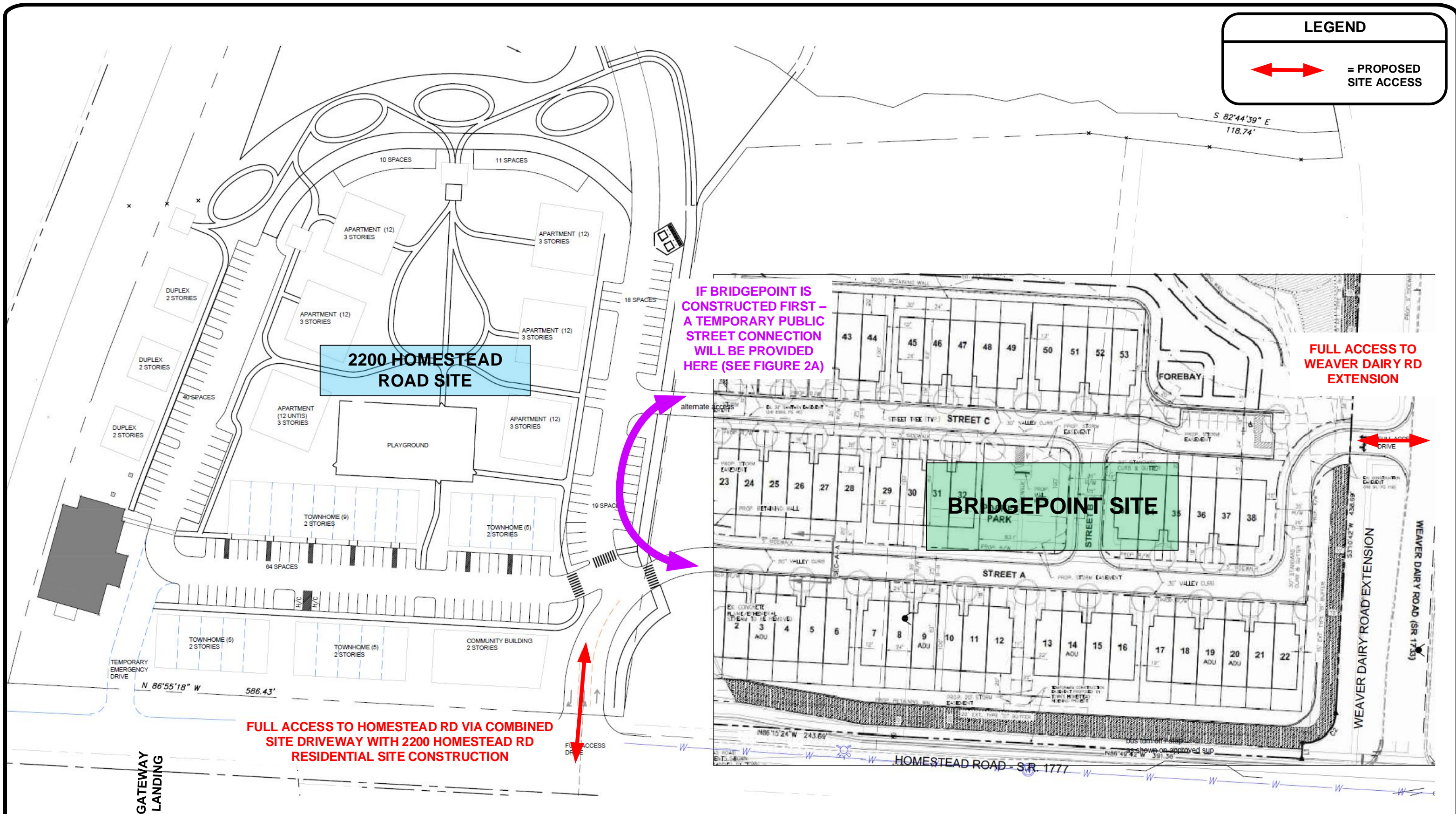
HNTB








Bridgepoint - 2200 Homestead Road Residential Traffic Impact Study PROJECT STUDY AREA

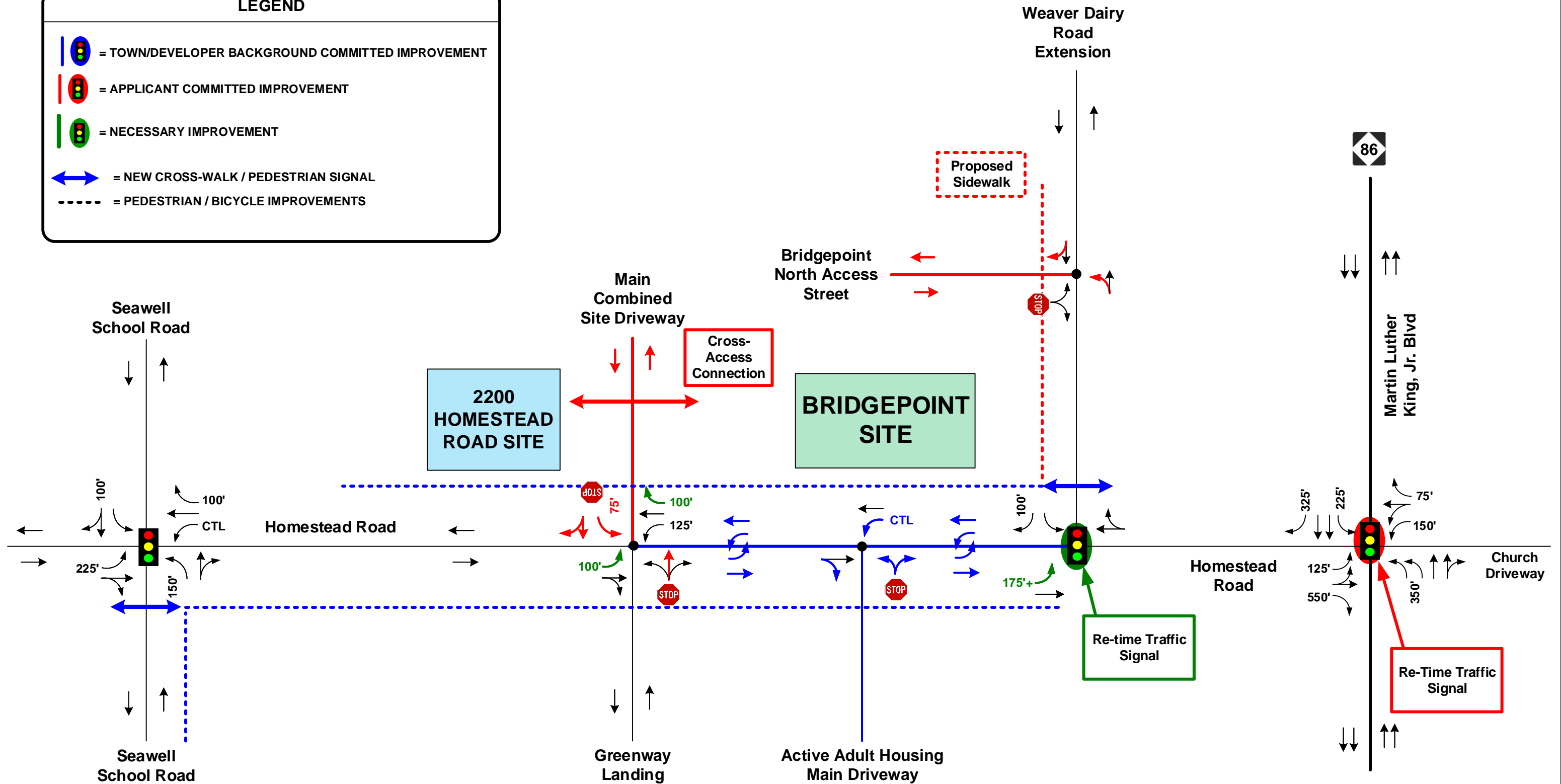
DATE: June 2020

FIGURE ES-1



LEGEND

-  = TOWN/DEVELOPER BACKGROUND COMMITTED IMPROVEMENT
-  = APPLICANT COMMITTED IMPROVEMENT
-  = NECESSARY IMPROVEMENT
-  = NEW CROSS-WALK / PEDESTRIAN SIGNAL
-  = PEDESTRIAN / BICYCLE IMPROVEMENTS


HNTB

 NOT TO
SCALE

Bridgepoint - 2200 Homestead Road Residential Traffic Impact Study

COMMITTED AND RECOMMENDED IMPROVEMENTS

DATE: June 2020

FIGURE ES-3

Bridgepoint Affordable Housing Plan

The Bridgepoint Community will provide a combination of affordable town homes and a contribution to the road widening necessary to accommodate a shared entrance into the Town's 2200 Homestead Road site where an affordable housing community has been proposed by the Town of Chapel Hill.

Part 1; The applicant proposes making five of the town homes in the Bridgepoint Community affordable to those earning less than the median income and conveying them to the Community Home Trust to assure their continued affordability. This works out to 10.41% of the market rate units. More specifically the applicant proposes making two of the town homes affordable to those making less than 65% of the median income, and three of the town homes available to those earning less than 80% of the median income. In a significant departure from the requirements set out in Section 3.10 of the Chapel Hill Land Use Ordinance the applicant proposes to build the affordable homes the same size as the market rate homes and build each with a two car garage making them identical to the market rate units. The applicant has further proposed to spread the affordable homes throughout the community making them entirely indistinguishable from the market rate homes. Table 3.10-2 found in Section 3.10 of the Land Use Ordinance requires that town homes making up the affordable component of a community contain a minimum of 1100 square feet of livable space for a three-bedroom home, and 1200 square feet of livable space for a four-bedroom home. The applicant proposes building the affordable town homes with approximately 1800 square feet of livable space. This exceeds the Land Use Ordinance by 40% for the three-bedroom homes and 35% for the four-bedroom homes. While the qualifying levels remain at 65% and 80% of the median income as called for in the Land Use Ordinance the applicants approach of building the affordable homes the same size as the market rate units, and with two car garages, will significantly increase the equity in each home and should also make them more attractive to those that otherwise may not be interested in purchasing an affordable home.

Part 2; The applicant believes one of the areas where they can work together most effectively with the Town of Chapel Hill is through the construction of two shared entrances. The Town of Chapel Hill is currently planning for the development of the 2200 Homestead Road site for approximately 140 homes primarily affordable homes. The applicant will agree to construct both entrances that will eventually serve the Town's 2200 Homestead Road community and the Bridgepoint community. The applicant will construct both entrances at their sole cost, to public standards, and dedicated them as public right of way. This will translate into significant savings for the Town of Chapel Hill as both entrances into its future 2200 Homestead Road site will have been constructed by the applicant.

However, prior to the approval of either the Bridgepoint site or the Town's 2200 Homestead Road site the Town initiated Homestead Road Improvement Project is moving forward with an anticipated start date of summer 2020. The current plan for the project does not contemplate or accommodate the widening of Homestead Road that will be necessary to add a deceleration lane for traffic coming from the east, or a left turn lane for traffic coming from the west. Both will be necessary to later construct the shared entrance. The Town of Chapel Hill's Engineering Staff has estimated these costs to be in excess of \$100,000 if the road widening is done as part of the Homestead Road Improvement Project. If the road widening is done after the Homestead Road Improvement Project is completed the demolition of the recent improvements and road widening necessary for the shared entrance could easily cost three times as much exceeding \$300,000. The applicant believes it is imperative to construct the road widening necessary for the shared entrance together with, and at the same time as the Homestead Road Improvement Project. In addition to the affordable homes the applicant has proposed constructing as discussed in part 1 of this affordable housing plan the applicant will also pay the cost of the necessary road widening providing it is done as part of the Homestead Road Improvement Project, up to \$150,000. This second part of the affordable housing proposal will directly serve the Town's proposed affordable housing community at 2200 Homestead Road and allow the construction of that project to occur as soon as approvals are obtained without negotiating the complexities and time delays associated with entrance design and approval onto a North Carolina Department of Transportation roadway. The value in this cannot be overstated. The applicant believes the combination of the large affordable homes with two car garages within the Bridgepoint community, and the contribution to address the roadway widening to accommodate the future shared entrance exceeds the expectations of Section 3.10 of the Chapel Hill Land Use Ordinance. This type of creative approach to affordable housing is alluded to in the Northern Area Task Force Report where it suggests that "Realizing these concepts and addressing these goals and objectives will require a cooperative effort between the Town, property owners, developers, and citizens". Not a single town home project has been brought forward in Chapel Hill since the Inclusionary Zoning Ordinance was approved and made part of the Land Use Ordinance. We believe a collaborative effort by the Town and the applicant can result in serving both the need to diversify the Town's stock of market rate town homes by providing homes in the "missing middle" and realizing the overall goals of the inclusionary zoning ordinance at the same time.

Thank you, Eric Chupp

Director of Development
 Capkov Ventures Inc.
 (919) 260-7262
ericbchupp@bellsouth.net

CONDITIONAL ZONING PLANS

BRIDGEPOINT

PINS: 9870914489 & 9870919528

CHAPEL HILL, NC

2020

CONDITIONAL ZONING APPLICATION

TOWN OF CHAPEL HILL
Planning Department
405 Martin Luther King Jr. Blvd.
(919) 968-2728 • fax (919) 969-2014
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9870914489, 9870919528 Date: July 13, 2020

Section A: Project Information

Project Name: Bridge Point
Property Address: 2214 & 2312 Homestead Road Zip Code: 27516
Use Groups (A, B, and/or C): A Existing Zoning District: R-S-C
Project Description: A residential community with 53 lots designated for townhomes

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

Applicant Information (to whom correspondence will be mailed):
Name: Advanced Civil Design, Inc.
Address: 51 Kilmaine Drive, Suite 105
City: Cary State: NC Zip Code: 27511
Phone: 919-481-6290 Email: crice@advancedcivildesign.com

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

Signature: _____ Date: _____

Owner/Contract Purchaser Information:

☒ Owner ☐ Contract Purchaser

Name: Capkov Ventures, Inc.
Address: P.O. Box 16815
City: Chapel Hill State: NC Zip Code: 27516
Phone: 919-942-8005(office), 919-260-7262(cell) Email: erichcupp@bellsouth.net

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

Signature: _____ Date: _____

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

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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: MF

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=	363,614	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=	51,724 sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=	0 sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)	GLA=	399,975	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)	374,616
Area of Land Disturbance within RCD	58,671
Area of Land Disturbance within Jordan Buffer	0

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	20,253	20,253	154,188	154,188
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA) %	0.051	0.051	0.385	0.385
If located in Watershed Protection District, % of impervious surface on 7/1/1993	0	0	0	0

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SHEET INDEX

- COVER SHEET
- AREA MAP
- EXISTING CONDITIONS PLAN
- SLOPE ANALYSIS PLAN
- SITE PLAN
- SIGNAGE AND MARKING PLAN
- GRADING AND DRAINAGE PLAN
- SOIL & EROSION CONTROL PLAN
- UTILITY PLAN
- LANDSCAPE PROTECTION AND TREE SURVEY PLAN
- PLANTING PLAN
- CONSTRUCTION MANAGEMENT PLAN
- BUILDING ELEVATION EXHIBIT
- GROUP UNIT ELEVATION EXHIBIT
- BUILDING FLOOR PLAN
- DETAILS

OWNER	DEVELOPER	ENGINEER/SURVEYOR
CAPKOV VENTURES, INC. 202 E WINMORE AVE. CHAPEL HILL, NC 27516-8430 PHONE: 919.942.8005	KB HOME CAROLINAS 4506 S. MIAMI BLVD., SUITE 100 DURHAM, NC 27703 PHONE: 919.768.7979	ADVANCED CIVIL DESIGN, INC. 51 KILMAYNE DRIVE, SUITE 105 CARY, NC 27511 PHONE (919) 481-6290 FAX (919) 336-5127

TOWN OF CHAPEL HILL FIRE DEPARTMENT NOTES:

- ALL CONSTRUCTION AND DEMOLITION CONDUCTED SHALL BE IN COMPLIANCE OF THE CURRENT EDITION OF THE NC FIRE CODE. 2018 NCFE CHAPTER 33
- INTENTIONALLY DELETED.
- AN APPROVED WATER SUPPLY FOR FIRE PROTECTION, EITHER TEMPORARY OR PERMANENT, SHALL BE MADE AVAILABLE AS SOON AS COMBUSTIBLE MATERIAL ARRIVES ON THE SITE. 2018 NCFE 3312
- TRAFFIC CALMING DEVICES SHALL BE PROHIBITED UNLESS APPROVED BY THE FIRE CODE OFFICIAL. 2018 NCFE 503.4.1
- FIRE APPARATUS ACCESS ROADS SHALL NOT BE OBSTRUCTED IN ANY MANNER, INCLUDING THE PARKING OF VEHICLES. THE MINIMUM WIDTHS AND CLEARANCES ESTABLISHED IN SECTIONS 503.2.1 AND 503.2.2 SHALL BE MAINTAINED AT ALL TIMES. 2018 NCFE 503.4
- DURING CONSTRUCTION, VEHICLE ACCESS FOR FIREFIGHTING SHALL BE PROVIDED. TEMPORARY STREET SIGNS SHALL BE INSTALLED AT EACH STREET INTERSECTION WHEN CONSTRUCTION ALLOWS THE PASSAGE OF VEHICLES. SIGNS SHALL BE OF AN APPROVED SIZE, WEATHER RESISTANT, AND MAINTAINED UNTIL REPLACED BY PERMANENT SIGNS. 2018 NCFE SECTION 505.2
- A NFPA 13D FIRE SPRINKLER SYSTEM WILL BE REQUIRED FOR EACH GROUPING OF TOWNHOMES.
- THE FINAL PLAT SHALL INCLUDE A NOTE THAT STATES "ALL LOCAL STREETS WITHIN THE BRIDGEPOINT SUBDIVISION SHALL NOT ALLOW ON-STREET PARKING IN ACCORDANCE WITH SECTION D103 OF THE 2018 NORTH CAROLINA FIRE PREVENTION CODE."

TOWN OF CHAPEL HILL INSPECTION DEPARTMENT NOTES:

- NO ON STREET PARKING ALLOWED PER NC FIRE CODE SECTION D103.6.1.
- ALL PUBLIC SITE ELEMENTS MUST COMPLY WITH NCBC 2018 CH 11 AND ICC A 117.1.
- ACCESSIBLE PARKING PER NCBC SECT 1106.1; 1 PER 6 COMPLIANT SPACES MUST BE VAN ACCESSIBLE, NO SLOPE EXCEEDING 2% IN ANY DIRECTION. SIGNAGE PER NC REQUIREMENTS AND ICC A 117.1.
- TEMPORARY STREET OR ROAD SIGNS ARE REQUIRED AT EACH STREET INTERSECTION WHEN CONSTRUCTION OF NEW ROADS ALLOWS FOR THE PASSAGE OF VEHICLES. SIGNS SHALL BE OF AN APPROVED SIZE, WEATHER RESISTANT AND BE MAINTAINED UNTIL REPLACED BY PERMANENT SIGNS. NC FPC 2018, SECTION 505.2.
- ADDRESS NUMBERS MUST BE A MINIMUM OF 6 INCHES HIGH AND OF CONTRASTING COLOR TO THEIR BACKGROUND. WHEN THE DISTANCE FROM THE STREET OR FIRE DEPARTMENT ACCESS LANE TO 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.
- RETAINING WALLS OVER FIVE (5) FEET HIGH SHALL BE PERMITTED SEPARATELY FROM THE BUILDING(S) AND MUST BE SIGNED BY A DESIGN PROFESSIONAL.
- ONSITE PARKING SHALL BE PROVIDED FOR INSPECTORS AT EACH BUILDING FOR THE DURATION OF THE CONSTRUCTION PROJECT.
- A TIRE WASH AREA FOR TRUCKS SHALL BE PROVIDED ONSITE BEFORE THEY HIT THE MAIN ROADS.
- CURB AND GUTTER AND AT LEAST THE FIRST LIFT OF ASPHALT FOR THE ROADS MUST BE DOWN AHEAD OF CONSTRUCTION.
- A SEPARATE SUBMITTAL AND PERMIT WILL BE REQUIRED FOR THE CONSTRUCTION TRAILER.
- A SEPARATE SUBMITTAL AND PERMIT WILL BE REQUIRED FOR ANY SIGNAGE ON THE BUILDING OR GROUND MOUNTED SIGNS.
- FUNCTIONAL FIRE SHALL BE PROVIDED PRIOR TO BRINGING COMBUSTIBLE MATERIALS ON-SITE. THE FIRE HYDRANT ON HOMESTEAD ROAD BEHIND LOT 7 SHALL BE MAINTAINED/RELOCATED SO THAT ACCESS TO THE HYDRANT STAYS AND IS USABLE DURING CONSTRUCTION AND AFFORDS ACCESS WHEN THE PROJECT IS COMPLETE FOR ITS ENTIRETY.

LAND USE MANAGEMENT ORDINANCE -- SPECIAL PERMITTED MODIFICATIONS OF REGULATIONS (ARTICLE 4.5.6)

- EXCEED DISTURBED AREA RATIO OF 0.40 IN MANAGED USE AND UPLOAD ZONES OF RCD TO ALLOW FOR THE CONSTRUCTION OF A STORMWATER CONTROL MEASURE. SEE SHEET 7 FOR LAND DISTURBED AREAS AND PERCENTAGES WITHIN THE RCD.
- UTILIZE 30-INCH VALLEY CURB AND GUTTER SECTION IN-LIEU OF 30-INCH STANDARD CURB SECTION FOR LOCAL STREET (WITHOUT PARKING).
- SECTION D103 OF THE NORTH CAROLINA FIRE PREVENTION CODE REQUIRES THE MINIMUM ROAD WIDTH TO BE 26-FT WHERE A FIRE HYDRANT IS LOCATED ON A FIRE APPARATUS ACCESS ROAD. TOWN OF CHAPEL HILL'S STANDARD DETAIL FOR A LOCAL STREET DOES NOT MEET THIS CRITERIA, THEREFORE THE 25-FT BACK-TO-BACK DIMENSION FOR LOCAL STREET (WITHOUT ON-STREET PARKING) HAS BEEN REVISED TO 26-FT WITH VALLEY CURB AND 27-FT WITH STANDARD CURB WHEN ADJACENT TO A FIRE HYDRANT TO MEET SECTION D103.1 OF THE NORTH CAROLINA FIRE PREVENTION CODE. THE RIGHT-OF-WAY WIDTH OF 35-FT SHALL REMAIN UNCHANGED.
- EXCEED 25% OF THE AREA CONTAINING 25% OR GREATER SLOPES. A MAJORITY OF THESE DISTURBED SLOPES OCCUR ALONG THE WEST SIDE OF WEAVER DAIRY ROAD EXTENSION AND WERE CREATED DURING THE CONSTRUCTION OF WEAVER DAIRY ROAD EXTENSION. ADDITIONAL SLOPES 25% OR GREATER THAT WERE CREATED DURING THE CONSTRUCTION OF THE EXISTING HOME SITE, THE EXISTING CONCRETE FLUME, AND THE EXISTING ASPHALT PATH ALONG THE WESTERN PORTION OF THE PROPERTY. THE TOTAL AREA OF DISTURBED NATURAL SLOPES 25% OR GREATER IS ONLY 2,133 SF. THIS AREA OF IMPACT IS NECESSARY TO PROPERLY GRADE THE AREA RESERVED FOR THE FUTURE GREENWAY TRAIL.
- REDUCE INTERIOR FRONT, SIDE, REAR, AND SIDE CORNER LOT SETBACKS FROM 6-FT TO 0-FT.
- THE APPLICANT HAS PROPOSED PROVIDING FIVE (5) AFFORDABLE HOMES TO THE COMMUNITY HOME TRUST FOR PERPETUAL AFFORDABILITY. THIS EQUATES TO 10.41% OF THE MARKET RATE HOMES BEING AFFORDABLE. TWO (2) OF THE HOMES WILL MEET THE 65% OF THE MEDIAN INCOME RATIO, AND THREE (3) OF THE HOMES WILL MEET THE 80% OF THE MEDIAN INCOME RATIO IN CONFORMANCE WITH THE CHAPEL HILL LAND USE ORDINANCE. WHILE THE 10.41% AFFORDABLE HOMES BEING PROPOSED IS UNDER THE LAND USE ORDINANCE TARGET OF 15% ALL FIVE (5) OF THE HOMES PROVIDED WILL BE THE SAME SIZE AS THE MARKET RATE HOMES AT OVER 1700 SQUARE FEET EACH. THEY WILL ALSO EACH HAVE TWO CAR GARAGES MAKING THEM LOOK IDENTICAL TO THE MARKET RATE HOMES. THIS WILL ALLOW THE COMMUNITY HOME TRUST TO MARKET THE HOMES TO A WIDER SET OF POTENTIAL HOMEOWNERS WHILE STILL MEETING THE INCOME RATIOS TARGETED IN THE LAND USE ORDINANCE. THE COMBINED SQUARE FOOTAGE OF THE FIVE (5) PROPOSED AFFORDABLE HOMES EXCEEDS THE MINIMUM LIVABLE AREA SQUARE FOOTAGE REQUIREMENTS ASSOCIATED WITH THE 15% INCLUSIONARY ZONING TARGET.

PROJECT FACT SHEET
TOWN OF CHAPEL HILL
Planning Department

Section D: Dimensions

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	(9) 8,510	(9) 8,510	(53) 76,479	(53) 76,479
Number of Floors	1 - 1.5	1 - 1.5	2	2
Recreational Space	0	0	25,597	25,597

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)	3,433	3,433	1,869	1,869
Total Square Footage of All Units	3,433	3,433	99,057	99,057
Total Square Footage of Affordable Units	0	0	See Developer Narrative	See Developer Narrative
Total Residential Density	4 units/ac	4 units/ac	5.77 units/ac	5.77 units/ac
Number of Dwelling Units	2	2	53	53
Number of Affordable Dwelling Units	0	0	See Developer Narrative	See Developer Narrative
Number of Single Bedroom Units	0	0	0	0
Number of Two Bedroom Units	1	1	0	0
Number of Three Bedroom Units	1	1	53	53

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

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

Dimensional Requirements

	Required by Ordinance	Existing	Proposed
Setbacks (minimum)			
Street	20'	0'	10'
Interior (neighboring property lines)	6'	0'	6'
Solar (northern property line)	8'	N/A	8'
Height (maximum)			
Primary	39'	N/A	39'
Secondary	60'	N/A	60'
Streets			
Frontages	40'	635' & 581'	635' & 581'
Widths	50'	60' & 98'	60' & 98'

Page 4 of 11 06.08.2020

PROJECT FACT SHEET
TOWN OF CHAPEL HILL
Planning Department

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
Homestead Road (SR 1777)	Variable	27'	2	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
Weaver Dairy Road (SR 1733)	98'	28'	2	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes

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

*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	
Street A - (860 If +/-)	25'-26' R/B 35' R/W	Asphalt	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Street B - (443 If +/-)	25' R/B 35' R/W	Asphalt	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Street C - (443 If +/-)	26' B/B 35' R/W	Asphalt	<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	1.5 per unit	2.25 per unit	2.17 per unit
Handicap Spaces	N/A	N/A	0
Total Spaces	81	119	115
Loading Spaces	N/A	N/A	N/A
Bicycle Spaces	1 per 2 units	N/A	0
Surface Type	Asphalt		

Section H: Landscape Buffers

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
Homestead Road	20'	20'	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
Weaver Dairy Road	15'	15'	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
Western Property Line	15'	15'	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
Northern Property Line	10'	10'	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes

Page 5 of 11 06.08.2020

PROJECT FACT SHEET
TOWN OF CHAPEL HILL
Planning Department

Section I: Land Use Intensity

Existing Zoning District: Proposed Zoning Change (if any):

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-S-C	0.303	0.05	N/A	0.50	N/A	121,192 sf	19,999 sf
TOTAL							
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		

Page 6 of 11 06.08.2020

PLAN PREPARED FOR: HOMEMEAD ROAD, CHAPEL HILL, NC - ORANGE COUNTY

PLAN PREPARED BY: **KB HOME CAROLINAS**

4506 SOUTH MIAMI BLVD., SUITE 100A
DURHAM, NC 27703
PHONE: 919.768.7980

CONDITIONAL ZONING PLANS
FOR
KB HOME CAROLINAS
COVER SHEET

Issue Dates:

01/02/2020	Initial Submittal to Town
02/06/2020	Response to 1st Review SUP Comments
07/22/2020	Response to 2nd Review SUP Comments

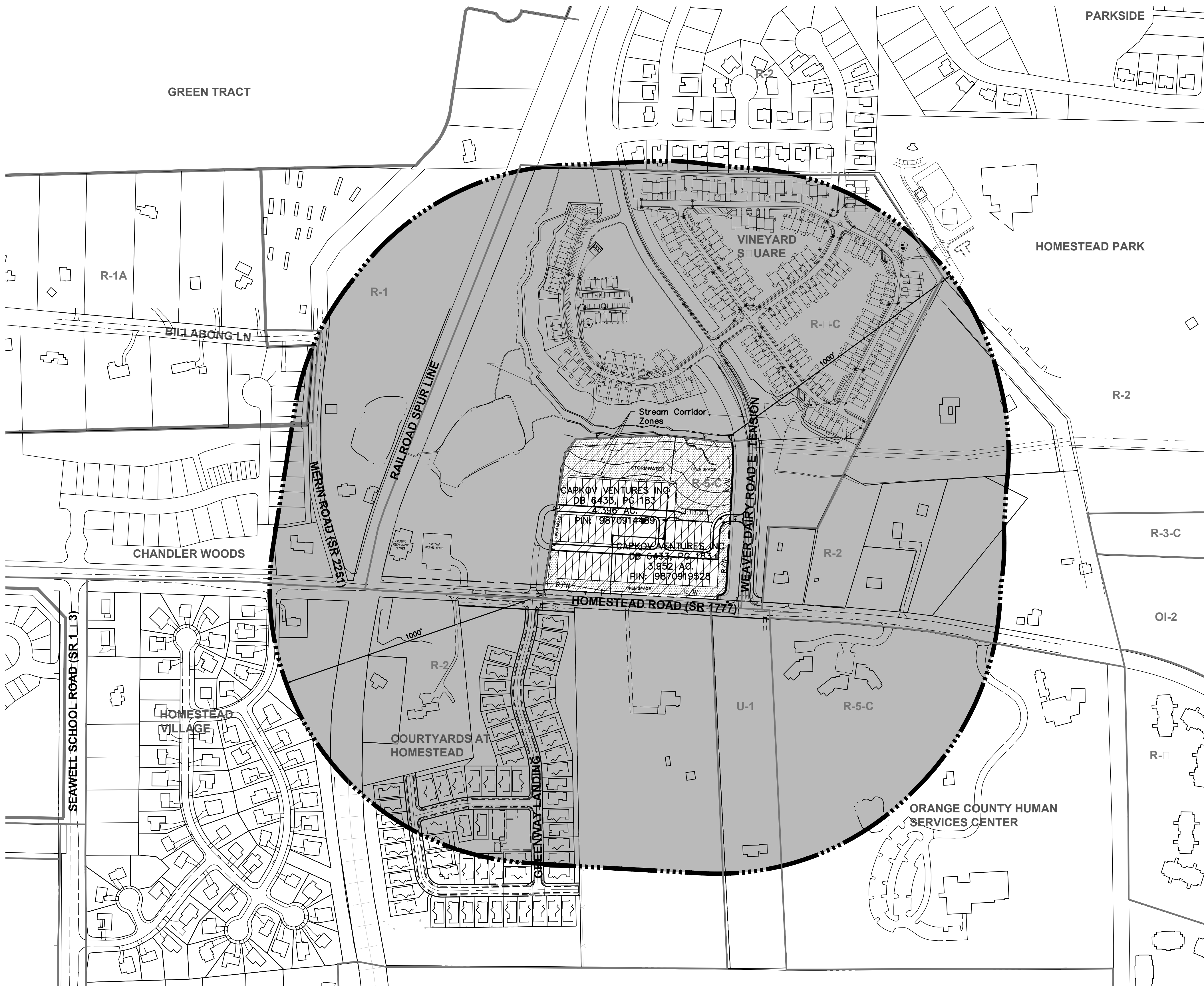
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Scale: AS NOTED

Drawn By: JRR
Checked By: CMR

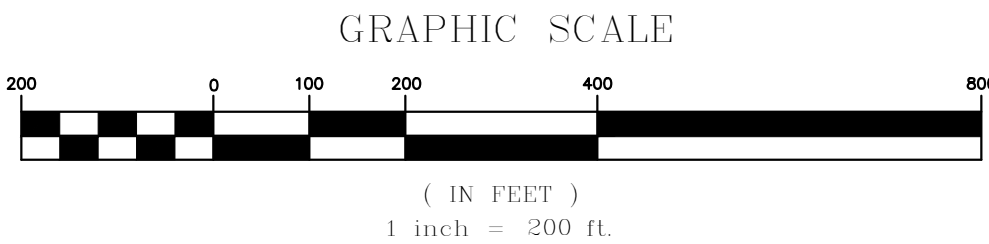
Project Number: 18-0001-978

Drawing Number: 1 / 16

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AREA MAP
SCALE 1" = 200'

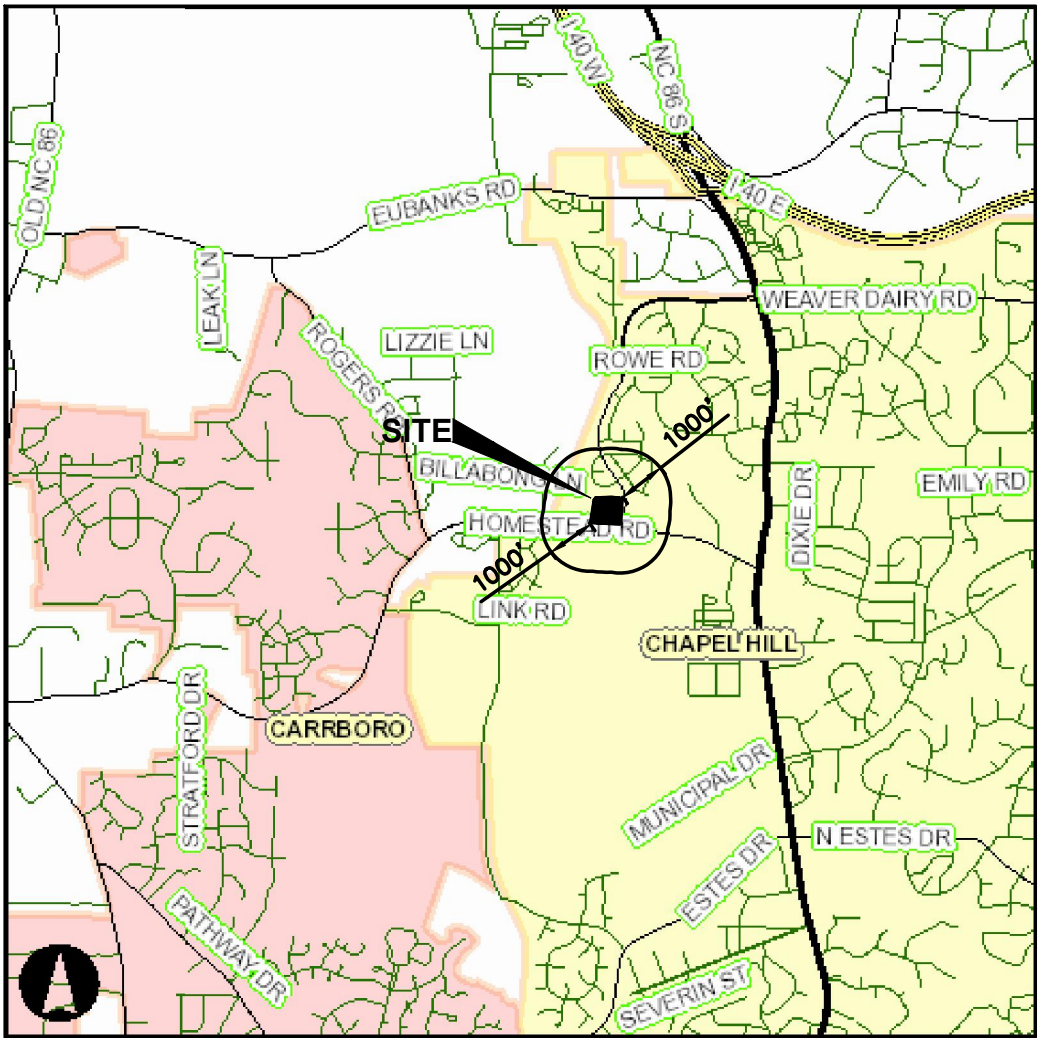


SITE DATA TABLE

PROJECT NAME:	BRIDGEPOINT
APPLICANT:	ADVANCED CIVIL DESIGN, INC. 51 KILMAYNE DRIVE, SUITE 105 CARY, NC 27511
PARCEL ID NUMBERS:	9870914489, 9870919528
LAND AREA CALCULATIONS	
NET LAND AREA:	8.348 ACRES
CREDITED STREET AREA:	0.51 ACRES (1/2 HOMESTEAD R/W)
CREDITED STREET AREA:	0.68 ACRES (1/2 WEAVER DAIRY RD EXTENSION R/W)
TOTAL GROSS LAND AREA (GLA):	9.182 ACRES (USED FOR DENSITY CALCULATION)
CURRENT ZONING:	R-5-C
OUTSIDE CORPORATE LIMITS:	NO
OUTSIDE WATERSHED PROTECTION DISTRICT:	YES
OUTSIDE FLOODPLAIN:	YES
OVERLAY DISTRICTS:	NONE
EXISTING LAND USE:	SINGLE FAMILY
PROPOSED LAND USE:	MULTI-FAMILY WITH CONDITIONAL ZONING
ALLOWABLE DENSITY R-5:	15 UNITS/AC GROSS LAND AREA = 9.182 AC # UNITS ALLOWED = 137
PROPOSED SINGLE FAMILY UNITS:	48
PROPOSED AFFORDABLE UNITS:	5
PROPOSED TOTAL # OF UNITS:	53
PROPOSED MINIMUM LOT SIZE:	2,400 SF
RECREATION SPACE REQUIRED:	19,999 SF (5%)
RECREATION SPACE PROVIDED:	25,597 SF
PROPOSED INTERIOR LOT SETBACKS:	
FRONT:	0'
SIDE:	0'
SIDE CORNER:	0'
REAR:	0'
REQUIRED PERIMETER SETBACKS	
INTERIOR:	6'
STREET:	10'
SOLAR:	8'
PROPOSED BUILDING SEPARATION:	12'
MAXIMUM BUILDING HEIGHT (PRIMARY):	39'
MAXIMUM BUILDING HEIGHT (SECONDARY):	60
MAXIMUM FLOOR AREA RATIO:	0.303
PROPOSED FLOOR AREA RATIO:	0.248
MAXIMUM IMPERVIOUS SURFACE RATIO:	0.50
PROPOSED IMPERVIOUS SURFACE RATIO:	0.385

LEGEND

	CHAPEL HILL CORPORATE LIMITS
	ZONING BOUNDARY
	1000' NOTIFICATION LINE
	PROPERTY'S WITHIN NOTIFICATION AREA
	PROPOSED SITE
	OPEN SPACE



LOCATION MAP
SCALE: 1"=4000'

PLAN PREPARED BY:

ADVANCED CIVIL DESIGN
ENGINEERS SURVEYORS

PLAN PREPARED FOR:

KB HOME CAROLINAS
4506 SOUTH MIAMI BLVD., SUITE 100A
CARY, NC 27511
PHONE: 919.768.7960

PROJECT INFORMATION

HOMESTEAD ROAD, CHAPEL HILL, NC - ORANGE COUNTY

BRIDGEPOINT

CONDITIONAL ZONING PLANS
FOR
KB HOME CAROLINAS
AREA MAP

Issue Dates:

01/02/2020 - Initial Submittal to Town	
02/06/2020 - Response to 1st Review SUP Comments	
07/22/2020 - Response to 2nd Review SUP Comments	

Date: 07/22/2020

Scale: 1" = 200'

Drawn By: JRR

Checked By: CMR

Project Number:

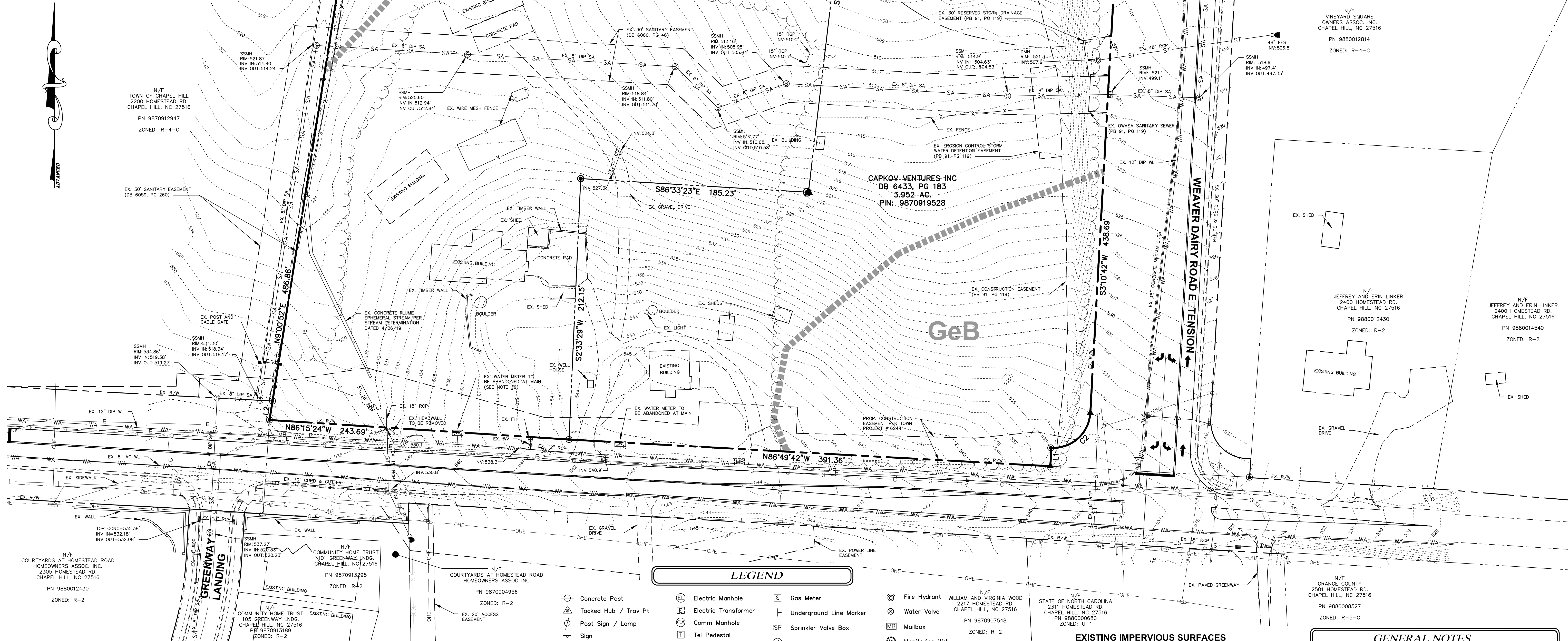
18-0001-978

Drawing Number:

2 / 16

LINE TABLE		
LINE	LENGTH	BEARING
L1	15.00'	S03°10'42"W
L2	15.59'	N09°03'29"E

CURVE TABLE				
NO.	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	95.51'	524.12'	010°26'28"	S02°01'38"E
C2	47.13'	30.00'	090°00'35"	S48°10'42"W



SITE DESCRIPTION & ANALYSIS

THE PROPOSED SITE IS HEAVILY WOODED WITH A SITE AREA OF 8.15 ACRES. THE SOUTHERN PORTION OF THE SITE INCLUDES THREE EXISTING HOUSES WITH ASSOCIATED GRAVEL DRIVES AND IS BOUNDED BY APPROXIMATELY 636 FEET OF FRONTAGE ALONG HOMESTEAD ROAD TO THE SOUTH.

THE WESTERN PORTION OF THE SITE IS BOUNDED TO THE WEST BY A DEVELOPMENT OWNED BY THE TOWN OF CHAPEL HILL TO BE PLANNED AS A MIXED-INCOME RESIDENTIAL COMMUNITY.

THE EASTERN PORTION OF THE SITE HAS APPROXIMATELY 535 FEET OF FRONTAGE ALONG WEAVER DAIRY ROAD.

THE NORTHERN PORTION OF THE SITE HAS AN EXISTING STREAM CUTTING THROUGH THE NORTH EASTERN CORNER. THE SITE PRIMARILY DRAINS FROM THE SOUTH TO THE NORTH TO A PERENNIAL STREAM. THERE IS AN EXISTING CONCRETE FLUME CLASSIFIED AS AN EPHEMERAL STREAM THAT RUNS SOUTH TO NORTH AND IS LOCATED ALONG THE WESTERN PORTION OF THE SITE.

CONSTRUCTION WASTE STANDARD NOTES

ALL EXISTING STRUCTURES 500 SQUARE FEET AND LARGER IN SIZE SHALL BE ASSESSED PRIOR TO DEMOLITION TO ENSURE COMPLIANCE WITH THE COUNTY'S REGULATED RECYCLABLE MATERIALS ORDINANCE (RRMO) AND TO ASSESS THE POTENTIAL FOR DE-CONSTRUCTION AND/OR THE RE-USE OF SALVAGEABLE MATERIALS.

BY ORANGE COUNTY ORDINANCE, CLEAN WOOD WASTE, SCRAP METAL, AND CORRUGATED CARDBOARD PRESENT IN CONSTRUCTION OR DEMOLITION WASTE MUST BE RECYCLED.

BY ORANGE COUNTY ORDINANCE, ALL HAULERS OF MIXED CONSTRUCTION AND DEMOLITION WASTE THAT INCLUDES ANY REGULATED RECYCLABLE MATERIALS SHALL BE LICENSED BY ORANGE COUNTY.

PRIOR TO ANY DEMOLITION OR CONSTRUCTION ACTIVITY ON THE SITE THE APPLICANT SHALL HOLD A PRE-DEMOLITION/PRE-CONSTRUCTION CONFERENCE WITH THE SOLID WASTE STAFF. THIS MAY BE THE SAME PRE-CONSTRUCTION MEETING HELD WITH OTHER DEVELOPMENT/ENFORCEMENT OFFICIALS.

THE PRESENCE OF ANY ASBESTOS CONTAINING MATERIALS ("ACM") AND/OR OTHER HAZARDOUS MATERIALS IN CONSTRUCTION AND DEMOLITION WASTE SHALL BE HANDLED IN ACCORDANCE WITH ANY AND ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND GUIDELINES.

LEGEND

- | | | | |
|----------------------|----------------------|-------------------------|--|
| Concrete Post | Electric Manhole | Gas Meter | Fire Hydrant |
| Tacked Hub / Trav Pt | Electric Transformer | Underground Line Marker | Water Valve |
| Post Sign / Lamp | Comm Manhole | Sprinkler Valve Box | Mailbox |
| Sign | Tel Pedestal | Misc. Manhole | Monitoring Well |
| Billboard / OH Sign | Pole Elec | Iron Pipe Found | Iron Pin Set |
| Deciduous Tree | Pole Elec Tel | Iron Rod Found | PK Nail Set |
| Pine Tree | Pole Elec Tel Light | PK Nail Found | RR Spike Set |
| Shrub | Pole Tel | RR Spike Found | Triangle Iron pipe, 30" long and capped Advanced 7661. |
| Sanitary Manhole | Pole Tel Light | Fence Post Found | Fence |
| Cleanout Access | Pole Light | Stone Found | [] Denotes Record Call |
| Storm Manhole | Pole Signal | Conc. Monument Found | Underground Electric |
| Catch Basin | Traffic Box | Monument Box Found | Ex. Sanitary |
| Curb Inlet W / Grate | Guy Pole | | Ex. Waterline |
| Gas Valve | Guy Wire | | Ex. Soil Type Boundary |
| Overhead Telephone | | Underground Gas | Ex. Edge of Stream |
| Overhead Electric | | Ex. Property Boundary | Ex. Edge of Pavement |
| | | Ex. Road | |

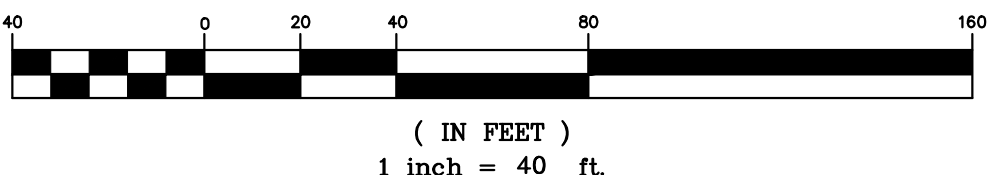
EXISTING IMPERVIOUS SURFACES

BUILDINGS	= 8,510 SF
DRIVES	= 9,803 SF
WALLS	= 138 SF
FLUME	= 1,710 SF
BOULDERS	= 118 SF
TOTAL	= 20,279 SF

FLOOD NOTE

By graphic plotting only this property is located in Zone X (areas determined to be outside of the 0.2% annual chance floodplain) by the Federal Emergency Management Agency on Flood Insurance Rate Map, Community Panel No. 3710987000K, with an effective date of 11/17/2017, in Orange County, North Carolina. No field surveying was performed to determine this zone.

GRAPHIC SCALE



GENERAL NOTES

- Areas calculated by coordinate geometry.
- All distances are horizontal ground distances.
- Basis of Bearing NC GRID 1983 Horizontal Datum & Vertical Datum NAD-88.
- Boundary information shown hereon was prepared by John R. McAdams Company.
- Dimensions on this plan are expressed in feet and decimal parts thereof unless otherwise noted. Monuments were found at points where indicated.
- Applicant shall receive a credit for the water meters being abandoned in accordance with the current fee schedule in place at the time of abandonment.

REFERENCES:

D.B. 6433, Pg. 183
D.B. 5941, Pg. 562
D.B. 6059, Pg. 260
D.B. 6060, Pg. 046
P.B. 0091, Pg. 119
P.B. 0116, Pg. 87

PLAN PREPARED BY:
51 Kilmorye Drive, Suite 105
Cary, North Carolina 27511
ph 919.481.6290
for 919.336.5127
ENGINEERS SURVEYORS

ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS

PLAN PREPARED FOR:
N/F
VINEYARD SQUARE
OWNERS ASSOC. INC.
CHAPEL HILL, NC 27516
PN 9880012814
ZONED: R-4-C

KB HOME CAROLINAS
4506 SOUTH MIAMI BLVD., SUITE 100A
CHAPEL HILL, NC 27516
PHONE: 919.768.7900

BRIDGEPOINT
HOMESTEAD ROAD, CHAPEL HILL, NC - ORANGE COUNTY

CONDITIONAL ZONING PLANS
FOR
KB HOME CAROLINAS
EXISTING CONDITIONS PLAN

NORTH CAROLINA
PROFESSIONAL
ENGINEER
CHERON M. RICE
07/22/2020

Issue Dates:
01/02/2020 - Initial Submittal to Town
02/05/2020 - Response to 1st Review
07/22/2020 - Response to 2nd Review

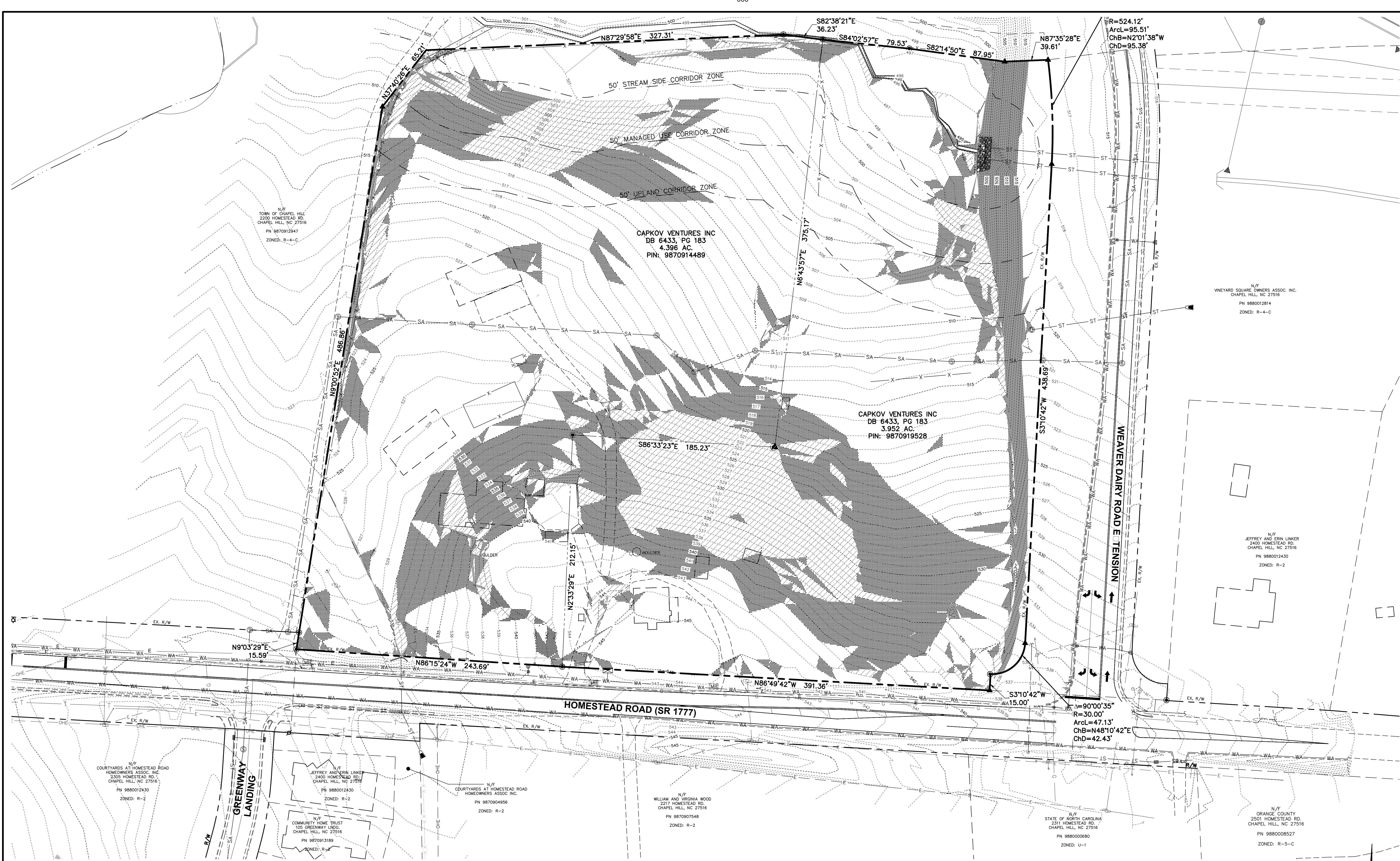
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Drawn By: JRR
Checked By: CMR

Project Number:
18-0001-978

Drawing Number:
3 / 16

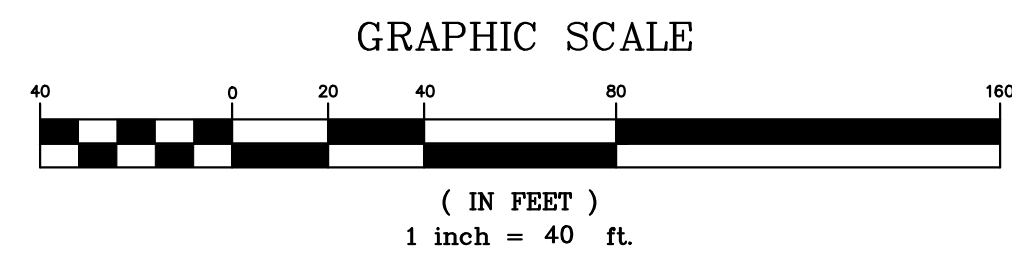
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	Steep Slope Areas (sf)
Existing slopes 25% or greater (constructed)	14,992
Existing slopes 25% or greater (natural)	2,787
Existing slopes 25% or greater (total)	17,779
Percent of slopes 25% or greater (constructed)	84%
Disturbed existing slopes 25% or greater (constructed)	7,579
Disturbed existing slopes 25% or greater (natural)	2,133
Disturbed existing slopes 25% or greater (total)	9,712
Percent of disturbed slopes 25% or greater (constructed)	51%
Percent of disturbed slopes 25% or greater (natural)	77%
Percent of disturbed slopes 25% or greater (Total)	55%

SLOPE HATCH LEGEND

- SLOPES 0% TO 9.9%
DISTURBED SLOPE AREA = 176,640 SF
TOTAL SLOPE AREA = 228,158 SF
PERCENTAGE OF DISTURBED SLOPE AREA = 77.42%
- SLOPES 10% TO 14.9%
DISTURBED SLOPE AREA = 68,724 SF
TOTAL SLOPE AREA = 73,908 SF
PERCENTAGE OF DISTURBED SLOPE AREA = 92.99%
- SLOPES 15% TO 24.9%
DISTURBED SLOPE AREA = 41,914 SF
TOTAL SLOPE AREA = 43,777 SF
PERCENTAGE OF DISTURBED SLOPE AREA = 95.74%
- SLOPES 25% OR GREATER
DISTURBED SLOPE AREA = 9,712 SF
TOTAL SLOPE AREA = 17,779 SF
PERCENTAGE OF DISTURBED SLOPE AREA = 55%
(SEE TABLE THIS SHEET)



PLAN PREPARED BY:

ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS
51 Kilmorye Drive, Suite 105
Cary, North Carolina 27511
ph 919.481.6290
fax 919.336.5127

PLAN PREPARED FOR:
KB HOME CAROLINAS
4506 SOUTH MIAMI BLVD., SUITE 100A
DURHAM, NC 27701
PHONE: 919.768.7980

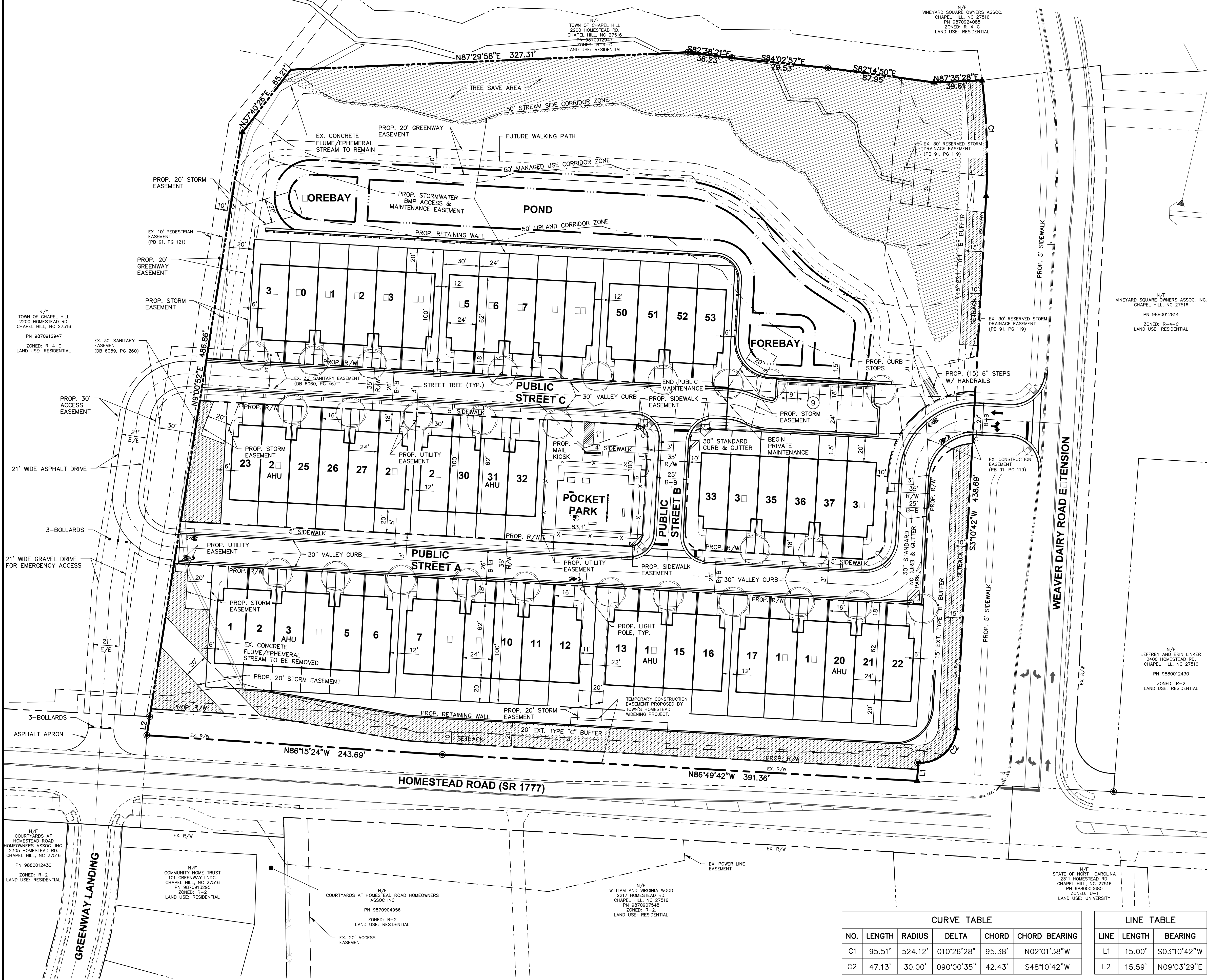
PROJECT INFORMATION
CONDITIONAL ZONING PLANS
FOR
KB HOME CAROLINAS
SLOPE ANALYSIS PLAN

PROJECT LOCATION
HOMESTEAD ROAD, CHAPEL HILL, NC - ORANGE COUNTY
BRIDGEPOINT

ISSUE DATES
01/02/2020 - Initial Submittal to Town
02/06/2020 - Response to 1st Review SUP Comments
07/22/2020 - Response to 2nd Review SUP Comments
07/22/2020
NORTH CAROLINA
REGISTERED PROFESSIONAL ENGINEER
CHERON M. RICE
07/22/2020

DRAWN BY: JRR
CHECKED BY: CMR
Project Number:
18-0001-978
Drawing Number:
4 / 16

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EXISTING IMPERVIOUS SURFACES

BUILDINGS	=	8,510	SF
DRIVES	=	9,803	SF
WALLS	=	138	SF
FLUME	=	1,710	SF
BOULDERS	=	118	SF
TOTAL	=	20,279	SF

PROPOSED IMPERVIOUS SURFACES

BUILDINGS	=	76,479	SF
WALLS	=	1,818	SF
DRIVEWAYS	=	16,912	SF
ROADWAY	=	39,117	SF
PARKING LOT	=	4,901	SF
SIDEWALK	=	14,961	SF
TOTAL	=	154,188	SF

SITE DATA TABLE

PROJECT NAME:	BRIDGEPOINT
APPLICANT:	ADVANCED CIVIL DESIGN, INC. 51 KILMAYNE DRIVE, SUITE 105 CARY, NC 27511
PARCEL ID NUMBERS:	9870914489, 9870919528
LAND AREA CALCULATIONS	8.348 ACRES
NET LAND AREA:	0.51 ACRES (1/2 HOMESTEAD R/W)
CREDITED STREET AREA:	0.68 ACRES (1/2 WEAVER DAIRY RD R/W)
CREDITED STREET AREA:	9.182 ACRES (USED FOR DENSITY CALCULATION)
TOTAL GROSS LAND AREA (OLA):	
CURRENT ZONING:	R-5-C
OUTSIDE CORPORATE LIMITS:	NO
OUTSIDE WATERSHED PROTECTION DISTRICT:	YES
OUTSIDE FLOODPLAIN:	YES
OVERLAY DISTRICTS:	NONE
EXISTING LAND USE:	SINGLE FAMILY
PROPOSED LAND USE:	MULTI-FAMILY WITH CONDITIONAL ZONING
ALLOWABLE DENSITY R-5:	15 UNITS/AC GROSS LAND AREA = 9.182 AC # UNITS ALLOWED = 137
PROPOSED SINGLE FAMILY UNITS:	48
PROPOSED AFFORDABLE UNITS:	5 (LABELED "AHU" ON THIS SHEET)
PROPOSED TOTAL # OF UNITS:	53
PROPOSED MINIMUM LOT SIZE:	2,400 SF
RECREATION SPACE REQUIRED:	GROSS LAND AREA x RECREATION SPACE RATIO (399,975 SF) x (0.05) = 19,999 SF
RECREATION SPACE PROVIDED:	8,267 SF POCKET PARK 17,330 SF GREENWAY EASEMENT 25,597 SF TOTAL
PROPOSED INTERIOR LOT SETBACKS:	
FRONT:	0'
SIDE:	0'
SIDE CORNER:	0'
REAR:	0'
REQUIRED PERIMETER SETBACKS	
INTERIOR:	6'
STREET:	10'
SOLAR:	8'
PROPOSED BUILDING SEPARATION:	12'
MAXIMUM BUILDING HEIGHT (PRIMARY):	39'
MAXIMUM BUILDING HEIGHT (SECONDARY):	60'
MAXIMUM FLOOR AREA RATIO:	0.303
PROPOSED FLOOR AREA RATIO:	0.248
MAXIMUM IMPERVIOUS SURFACE RATIO:	0.50
PROPOSED IMPERVIOUS SURFACE RATIO:	0.385

TREE CANOPY COVERAGE CALCULATIONS

TREE CANOPY COVERAGE REQUIRED:	30%
NET LAND AREA:	8.348 AC
AREAS NOT COUNTING TOWARD TREE CANOPY CALCULATIONS:	
RECREATION AREAS:	0.601 AC
EASEMENTS (EXCLUDING PAVEMENT):	1.595 AC
RIGHT OF WAY:	1.251 AC
TOTAL LAND AREA NOT COUNTED:	3.447 AC
APPLICABLE LAND AREA:	4.901 AC
TREE CANOPY REQUIRED:	4.901 AC X 30% = 1.470 AC
EXISTING TREE CANOPY TO REMAIN:	0.863 AC
ADDITIONAL TREE CANOPY REQUIRED:	0.607 AC
TREE REPLACEMENT AREA:	0.536 AC
PROPOSED STREET TREES (1 PER 500 SF):	26 TREES = 0.298 AC
ADDITIONAL TREE CANOPY PROVIDED:	0.834 AC
TOTAL TREE CANOPY PROVIDED:	1.697 AC
REQUIRED # OF 2.5" CALIPER TREES:	49 TREES
PROPOSED STREET TREES:	26 TREES
PROPOSED BUFFER TREES:	68 TREES
TOTAL TREES:	94 TREES

TOWN OF CHAPEL HILL FIRE DEPARTMENT NOTES:

- A NOTE SHALL BE REQUIRED ON THE FINAL PLAT THAT STATES "ALL LOCAL STREETS WITHIN THE BRIDGEPOINT SUBDIVISION SHALL NOT ALLOW ON-STREET PARKING IN ACCORDANCE WITH SECTION D103 OF THE 2018 NORTH CAROLINA FIRE PREVENTION CODE."

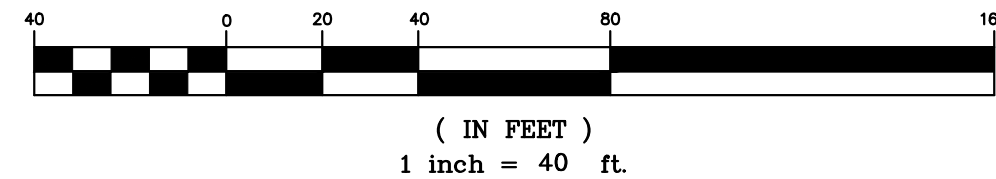
GENERAL NOTES

- A DESCRIPTION AND ANALYSIS OF ADJACENT LAND USES, ROADS, TOPOGRAPHY, SOILS, DRAINAGE PATTERNS, ENVIRONMENTAL CONSTRAINTS, FEATURES, EXISTING VEGETATION, AND VISTAS CAN BE FOUND ON SHEET 3 - EXISTING CONDITIONS PLAN.
- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
- THE REQUIRED RECREATION SPACE HAS BEEN MET AND EXCEEDED. SEE SITE DATA TABLE ON THIS SHEET.
- ALL TRASH FOR TOWNHOMES WILL BE COLLECTED BY ROLL-OUT CURBSIDE PICK UP AND SERVICE SHALL BE PROVIDED BY TOWN OF CHAPEL HILL.
- OVERFLOW PARKING SHOWN ARE 90 DEGREE BAYS AND SPACE MARKINGS PER TOWN OF CHAPEL HILL CODE FOR PARKING LOTS.
- EACH SINGLE FAMILY TOWNHOME LOT WILL HAVE A MAXIMUM ALLOWABLE IMPERVIOUS SURFACE AREA OF 1,900 SF. THIS AMOUNT IS SUBJECT TO CHANGE AND WILL BE FINALIZED WITH THE FINAL ZONING COMPLIANCE PLANS.
- SEE SHEET 16 FOR STREET CROSS SECTION DETAILS.
- ALL PROPOSED STREETS ARE PUBLIC.

LEGEND

30" Curb and Gutter	Tree Replacement Area
Property Line	
Prop. R/W	Tree Save Area
Prop Detention Basin	
Setback	

GRAPHIC SCALE



CURVE TABLE					
NO.	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	95.51'	524.12'	010°26'28"	95.38'	N02°01'38"W
C2	47.13'	30.00'	090°00'35"	42.43'	S48°10'42"W

LINE TABLE		
LINE	LENGTH	BEARING
L1	15.00'	S03°10'42"W
L2	15.59'	N09°03'29"E

PLAN PREPARED BY:

PLAN PREPARED FOR:

HOMESTEAD ROAD, CHAPEL HILL, NC - ORANGE COUNTY

51 Kilmayne Drive, Suite 105
Cary, North Carolina 27511
ph 919.481.6590
fax 919.336.5127

ADVANCED CIVIL DESIGN
ENGINEERS & SURVEYORS

KB HOME CAROLINAS
4506 SOUTH MIAMI BLVD., SUITE 100A
DURHAM, NC 27703
PHONE: 919.768.7960

BRIDGEPOINT
CONDITIONAL ZONING PLANS
FOR
KB HOME CAROLINAS
SITE PLAN

Issue Dates:

01/02/2020	- Initial Submittal to Town
02/06/2020	- Response to 1st Review SUP Comments
07/22/2020	- Response to 2nd Review SUP Comments

Date: 07/22/2020
Scale: 1" = 40'

Drawn By: JRR
Checked By: CMR

Project Number:
18-0001-978

Drawing Number:
5 / 16

Date: 07/22/2020 Scale: 1" = 40'	
Drawn By: JRR	Checked By: CMR
Project Number: 18-0001-978	
Drawing Number: 6 / 16	



		Steep Slope Areas (sf)
Existing slopes 25% or greater (constructed)		14,992
Existing slopes 25% or greater (natural)		2,787
Existing slopes 25% or greater (total)		17,779
Percent of slopes 25% or greater (constructed)		84%
Disturbed existing slopes 25% or greater (constructed)		7,579
Disturbed existing slopes 25% or greater (natural)		2,133
Disturbed existing slopes 25% or greater (total)		9,712
Percent of disturbed slopes 25% or greater (constructed)		51%
Percent of disturbed slopes 25% or greater (natural)		77%
Percent of disturbed slopes 25% or greater (Total)		55%

RCD on Site	RCD Areas (sf)		
	50-ft Stream Side	50-ft Managed Use	50-ft Upland
Previously disturbed with construction of Weaver Dairy Rd Ext.	6,088	7,635	3,000
Proposed public greenway easement	0	8,119	4,790
Proposed Buildings	0	0	0
Proposed Impervious Area	0	0	259
Proposed Land Disturbance	0	27,783	30,888
Proposed Land Disturbance (excluding public greenway)	0	19,664	26,098
Percent of land disturbance	0	78%	94%
Percent of land disturbance (excluding public greenway)	0	55%	79%
Percent of disturbance per Table 3.6.3-3	20%	40%	40%

GENERAL NOTES:

TO MINIMIZE DAMAGE TO EXISTING TREES NEAR THE EXTERIOR EDGE OF THE SITE ADJACENT TO TREE CONSERVATION AREAS, THE CONTRACTOR SHALL CUT MINIMUM 2' TRENCHES ALONG THE LIMITS OF DISTURBANCE, SO AS TO CUT RATHER THAN TEAR ROOTS.

THE TREE PROTECTION FENCE SHALL BE MAINTAINED ON THE SITE UNTIL ALL SITE WORK IS COMPLETED AND THE FINAL SITE INSPECTION PRIOR TO THE CERTIFICATE OF OCCUPANCY (CO) IS SCHEDULED. THE FENCING SHALL BE REMOVED PRIOR TO FINAL SITE INSPECTION FOR THE CO.

PERMANENT GROUND COVER WILL BE ESTABLISHED IN 7 TO 14 WORKING DAYS PER NPDES REQUIREMENTS. REFER TO APPROVED SEDIMENT AND EROSION CONTROL PLANS.

CUT/FILL SLOPES SHALL BE STABILIZED WITHIN 14 DAYS OF ANY PHASE OF GRADING.

A PRE-CONSTRUCTION CONFERENCE WILL BE REQUIRED PRIOR TO THE GRADING PERMIT BEING ISSUED.

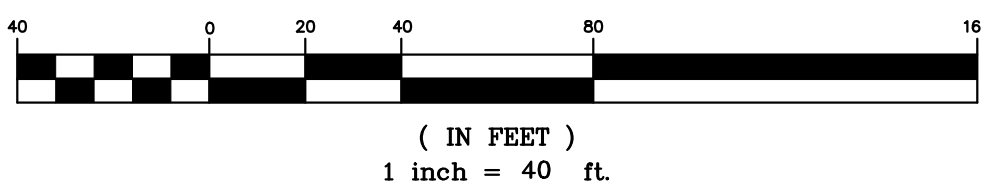
STREETS ADJACENT TO THIS PROJECT TO BE KEPT CLEAN AT ALL TIMES OR A WASH STATION WILL BE REQUIRED.

THE DEVELOPER SHALL PROVIDE AN EROSION CONTROL BOND PRIOR TO OBTAINING A ZONING COMPLIANCE PERMIT.

LEGEND

- EXISTING CONTOUR - 1'
- EXISTING CONTOUR - 5'
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- EXISTING WATER LINE
- PROPOSED CONTOUR - 1'
- PROPOSED CONTOUR - 5'
- PROPOSED STORM SEWER
- PROPOSED SANITARY
- PROPOSED WATER LINE
- LIMITS OF DISTURBANCE
- DRAINAGE BOUNDARY TO POND
- SURFACE FLOW ARROW

GRAPHIC SCALE



PLAN PREPARED BY:

ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS
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PLAN PREPARED FOR:
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PHONE: 919.768.7960

BRIDGEPOINT
HOMESTEAD ROAD, CHAPEL HILL, NC - ORANGE COUNTY

CONDITIONAL ZONING PLANS
FOR
KB HOME CAROLINAS
GRADING AND DRAINAGE PLAN

Issue Dates:
01/02/2020 - Initial Submission to Town
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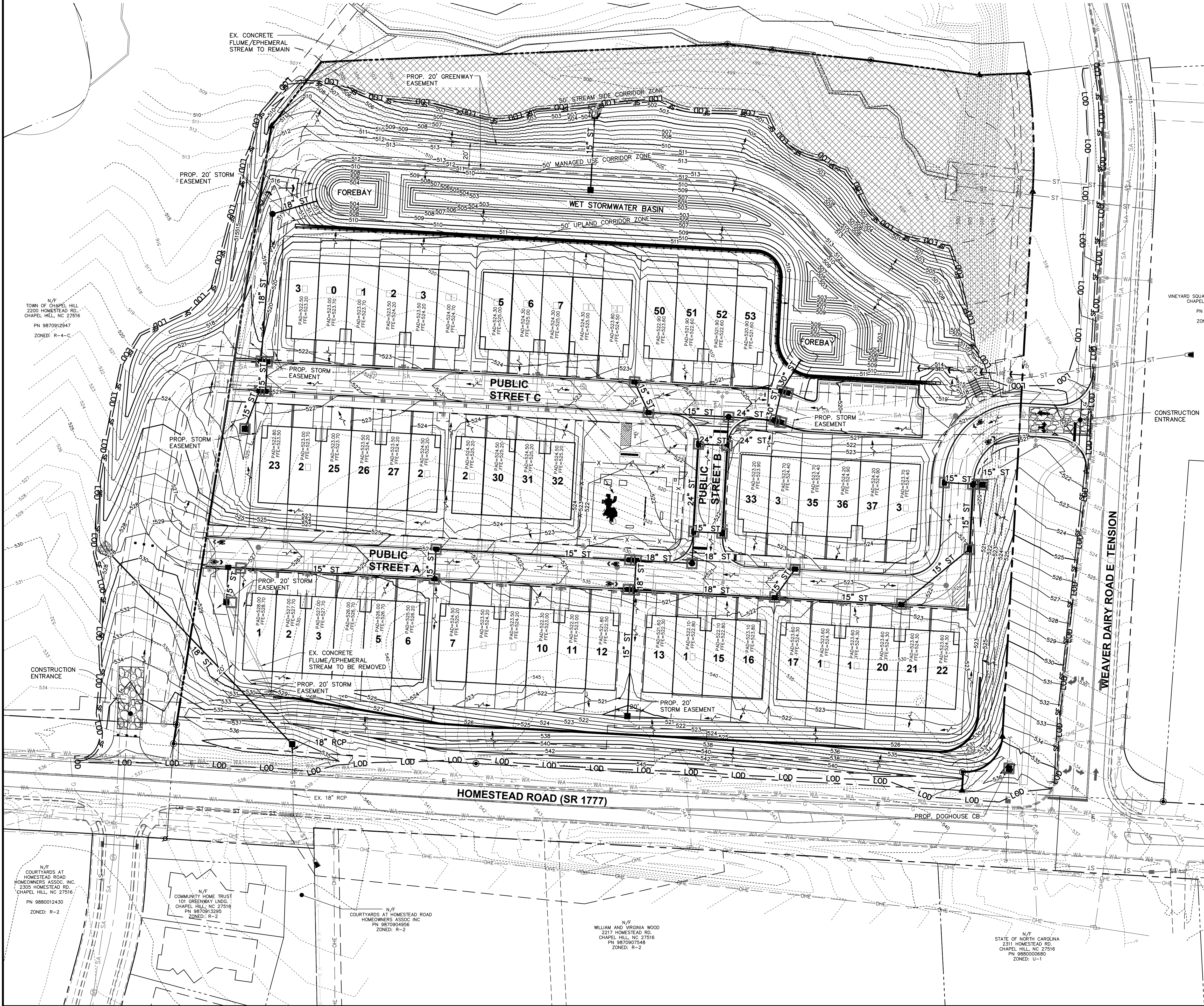
Date: 07/22/2020
Scale: 1"=40'

Drawn By: JRR
Checked By: CMR

Project Number:
18-0001-978

Drawing Number:
7 / 16

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LEGEND

-----916----- EXISTING CONTOUR - 1'
-----915----- EXISTING CONTOUR - 5'
---ST--- EXISTING STORM SEWER
---SA--- EXISTING SANITARY SEWER
---WA--- EXISTING WATER LINE
---916--- PROPOSED CONTOUR - 1'
---915--- PROPOSED CONTOUR - 5'
---SF--- PROPOSED SILT FENCE

SILT FENCE OUTLET PROTECTION
 LIMITS OF DISTURBANCE
 SILT FENCE
 INLET PROTECTION
 DIVERSION DITCH
 DIVERSION BERM
 TREE SAVE AREA
 CONSTRUCTION ENTRANCE

SEEDBED PREPARATION

- CHISEL COMPACTED AREAS AND SPREAD TOPSOIL THREE INCHES DEEP OVER ADVERSE SOIL CONDITIONS, IF AVAILABLE.
- RIP THE ENTIRE AREA TO SIX INCHES DEEP.
- REMOVE ALL LOOSE ROCK, ROOTS AND OTHER OBSTRUCTIONS, LEAVING SURFACE REASONABLY SMOOTH AND UNIFORM.
- APPLY AGRICULTURAL LIME, FERTILIZER AND SUPERPHOSPHATE UNIFORMLY AND MIX WITH SOIL (SEE MIXTURE BELOW).
- CONTINUE TILLAGE UNTIL A WELL-PULVERIZED, FIRM, REASONABLY UNIFORM SEEDBED IS PREPARED FOUR TO SIX INCHES DEEP.
- SEED ON A FRESHLY PREPARED SEEDBED AND COVER SEED LIGHTLY WITH SEEDING EQUIPMENT OR CULTIPACK AFTER SEEDING.
- MULCH IMMEDIATELY AFTER SEEDING AND ANCHOR MULCH.
- INSPECT ALL SEEDS AND MAKE NECESSARY REPAIRS OR RESEEDINGS WITHIN THE PLANTING SEASON, IF POSSIBLE. IF STAND SHOULD BE MORE THAN 60% DAMAGED, RE-ESTABLISH FOLLOWING THE ORIGINAL LINE, FERTILIZER AND SEEDING RATES.
- CONSULT SAEC ENVIRONMENTAL ENGINEERS ON MAINTENANCE TREATMENT AND FERTILIZATION AFTER PERMANENT COVER IS ESTABLISHED.

PROJECT NOTES

- ALL EASEMENTS WITH PIPES AND/OR STRUCTURES SHALL BE CLEARED, GRUBBED AND SEEDED.
- EXISTING VEGETATION AND NATURAL AREAS SHALL BE PROTECTED TO THE GREATEST EXTENT POSSIBLE AND THAT MINIMUM CLEARING OF LAND SHALL BE UNDERTAKEN DURING DEVELOPMENT. EXISTING TREES TO BE PROTECTED TO THE GREATEST EXTENT POSSIBLE OUTSIDE OF THE LIMITS OF GRADING FOR PROPOSED RIGHT-OF-WAY.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH TOWN OF CHAPEL HILL STANDARDS AND SPECIFICATIONS, LATEST EDITIONS.
- CONTRACTOR SHALL VERIFY LOCATIONS, ELEVATIONS, AND SIZES OF EXISTING PUBLIC UTILITIES PRIOR TO ANY EXCAVATIONS, GRADING, OR INSTALLATION OF UNDERGROUND UTILITIES ON OR ADJACENT TO THE PROJECT.
- NO CLEARING IN TREE SAVE AREAS OR ANY OTHER DESIGNATED AREAS.

SEEDING SCHEDULE

MIXTURE	2 TONS/ACRE (3 TONS/ACRE IN CLAY SOILS)
AGRICULTURAL LIMESTONE	1,000 LBS/ACRE 10-10-10
FERTILIZER	500 LBS/ACRE 20% ANALYSIS
SUPERPHOSPHATE	2 TONS/ACRE SMALL GRAIN STRAW
MULCH	ASPHALT EMULSION AT 300 GALS/ACRE
ANCHOR	

FOR SHOULDERS, SIDE DITCHES, SLOPES (MAX 3:1):

DATE	TYPE	PLANTING RATE
AUG 15 NOV 1	TALL FESCUE	300 LBS/ACRE
NOV 1 MAR 1	TALL FESCUE & ABRUZZI RYE	300 LBS/ACRE
MAR 1 APR 15	TALL FESCUE	300 LBS/ACRE
APR 15 JUN 30	HULLED COMMON BERMUDAGRASS	25 LBS/ACRE
JUL 1 AUG 15	TALL FESCUE AND BROWNTOP MULCH OR SORGHUM-SUDAN HYBRIDS***	125 LBS/ACRE (TALL FESCUE) 30 LBS/ACRE (BROWNTOP MULCH); 30 LBS/ACRE (SORGHUM-SUDAN HYBRIDS)

FOR SHOULDERS, SIDE DITCHES, SLOPES (3:1 TO 2:1):

DATE	TYPE	PLANTING RATE
MAR 1 JUN 1	SERICA LESPEDeza (SCARIFIED) & USE THE FOLLOWING COMBINATIONS	50 LBS/ACRE (SERICA LESPEDeza); 120 LBS/ACRE
MAR 1 APR 15	ADD TALL FESCUE	10 LBS/ACRE
MAR 1 JUN 30	OR ADD WEEDING LOVE GRASS	10 LBS/ACRE
MAR 1 JUN 30	OR ADD HULLED COMMON BERMUDAGRASS	25 LBS/ACRE (TALL FESCUE)
JUN 1 SEPT 1	TALL FESCUE AND BROWNTOP MULCH OR SORGHUM-SUDAN HYBRIDS***	120 LBS/ACRE (TALL FESCUE) 30 LBS/ACRE (BROWNTOP MULCH); 30 LBS/ACRE (SORGHUM-SUDAN HYBRIDS)
SEPT 1 MAR 1	SERICA LESPEDeza (UNHULLED) - UNSCARIFIED) AND TALL FESCUE	70 LBS/ACRE (SERICA LESPEDeza) 120 LBS/ACRE (TALL FESCUE)
NOV 1 MAR 1	AND ABRUZZI RYE	25 LBS/ACRE

THE ABOVE VEGETATION RATES ARE THOSE THAT DO WELL UNDER LOCAL CONDITIONS; OTHER SEEDING RATE COMBINATIONS ARE POSSIBLE. *** TEMPORARY: RESEED ACCORDING TO OPTIMUM SEASON FOR DESIRED PERMANENT VEGETATION. DO NOT ALLOW TEMPORARY COVER TO GROW MORE THAN 12" IN HEIGHT BEFORE MOWING; OTHERWISE, FESCUE MAY BE SHADED OUT.

SEDIMENT & EROSION CONTROL NOTES

- ALL STORMWATER PIPES THAT DO NOT EMPTY INTO A BASIN SHALL NOT BE INSTALLED UNTIL SITE IS STABILIZED ABOVE THESE AREAS.
- Baffles are required on all basins that have a drainage area greater than 5 acres.
- SILT FENCE OUTLET PROTECTION SHALL BE PLACED AT ALL LOW POINTS ALONG SILT FENCE TO KEEP WATER FILTER AND PASS THROUGH.
- STORMWATER BASINS TO ACT AS SEDIMENT BASINS. SEE CALCULATIONS ON THIS SHEET FOR SIZING.
- SILT FENCE SHALL BE PLACED 1' IN FRONT OF LIMITS OF DISTURBANCE LINE.

CONSTRUCTION SEQUENCE

- SCHEDULE A PRECONSTRUCTION CONFERENCE WITH ORANGE COUNTY EROSION CONTROL DIVISION. OBTAIN A LAND-DISTURBING PERMIT.
- INSTALL GRAVEL CONSTRUCTION PAD, TEMPORARY DIVERSIONS, SILT FENCE, SEDIMENT BASINS OR OTHER MEASURES AS SHOWN ON THE APPROVED PLAN. CLEAR ONLY AS NECESSARY TO INSTALL THESE DEVICES. SEED TEMPORARY DIVERSIONS, BERMS AND BASINS IMMEDIATELY AFTER CONSTRUCTION.
- CALL ORANGE COUNTY EROSION CONTROL DIVISION AT 919-245-2586 FOR AN ONSITE INSPECTION BY THE WATERSHED MANAGER TO OBTAIN A CERTIFICATE OF COMPLIANCE.
- BEGIN CLEARING AND GRUBBING. MAINTAIN DEVICES AS SHOWN ON THE PLAN.
- INSTALL STORM SEWER, IF SHOWN, AND PROTECT INLETS WITH BLOCK AND GRAVEL INLET CONTROLS. SEDIMENT TRAPS OR OTHER APPROVED MEASURES AS SHOWN ON THE PLAN.
- BEGIN CONSTRUCTION, BUILDING, ETC.
- STABILIZE SITE AS AREAS ARE BROUGHT UP TO FINISH GRADE WITH VEGETATION, PAYING, DITCH LININGS, ETC. SEED AND MULCH DENuded AREAS PER GROUND STABILIZATION TIME FRAMES.
- WHEN CONSTRUCTION IS COMPLETE AND ALL AREAS ARE STABILIZED COMPLETELY, CALL ORANGE COUNTY EROSION CONTROL DIVISION FOR AN INSPECTION BY THE WATERSHED MANAGER.
- IF SITE IS APPROVED, REMOVE TEMPORARY DIVERSIONS, SILT FENCE, SEDIMENT BASINS, ETC., AND SEED OUT OR STABILIZE ANY RESULTING BARE AREAS. ALL REMAINING PERMANENT EROSION CONTROL DEVICES, SUCH AS VELOCITY DISPARATORS, SHOULD NOW BE INSTALLED.
- WHEN VEGETATION HAS BECOME ESTABLISHED, CALL FOR A FINAL SITE INSPECTION BY THE WATERSHED MANAGER. OBTAIN A CERTIFICATE OF COMPLETION.

LEGEND

-----916----- EXISTING CONTOUR - 1'
-----915----- EXISTING CONTOUR - 5'
---ST--- EXISTING STORM SEWER
---SA--- EXISTING SANITARY SEWER
---WA--- EXISTING WATER LINE
---916--- PROPOSED CONTOUR - 1'
---915--- PROPOSED CONTOUR - 5'
---SF--- PROPOSED STORM SEWER
---SF--- PROPOSED SANITARY
---LOD--- PROPOSED WATER LINE
---LOD--- LIMITS OF DISTURBANCE
---LOD--- DRAINAGE BOUNDARY TO POND
---LOD--- SURFACE FLOW ARROW

GRAPHIC SCALE

0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

TOTAL DISTURBED AREA = 8.6 AC.

EXISTING IMPERVIOUS SURFACES

BUILDINGS	= 8,510 SF
DRIVES	= 9,803 SF
WALLS	= 138 SF
FLUME	= 1,710 SF
BOULDERS	= 118 SF
TOTAL	= 20,279 SF

PROPOSED IMPERVIOUS SURFACES

BUILDINGS	= 76,479 SF
WALLS	= 1,818 SF
DRIVEWAYS	= 16,912 SF
ROADWAY	= 39,117 SF
PARKING LOT	= 4,901 SF
SIDEWALK	= 14,961 SF
TOTAL	= 154,188 SF

PLAN PREPARED BY:

PLAN PREPARED FOR:

BRIDGEPOINT

CONDITIONAL ZONING PLANS

FOR

KB HOME CAROLINAS

SOIL & EROSION CONTROL PLAN

PRELIMINARY

DATE: 07/22/2020

Issue Dates:

01/02/2020	- Initial Submittal to Town
02/02/2020	- Response to 1st Review SUP Comments
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Drawn By: JRR

Checked By: CMR

Project Number: 18-0001-978

Drawing Number: 8 / 16

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Cary, North Carolina 27511
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ADVANCED
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ENGINEERS & SURVEYORS

KB HOME CAROLINAS

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DURHAM, NC 27703
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BRIDGEPOINT

CONDITIONAL ZONING PLANS

FOR

KB HOME CAROLINAS

SOIL & EROSION CONTROL PLAN

PRELIMINARY

DATE: 07/22/2020

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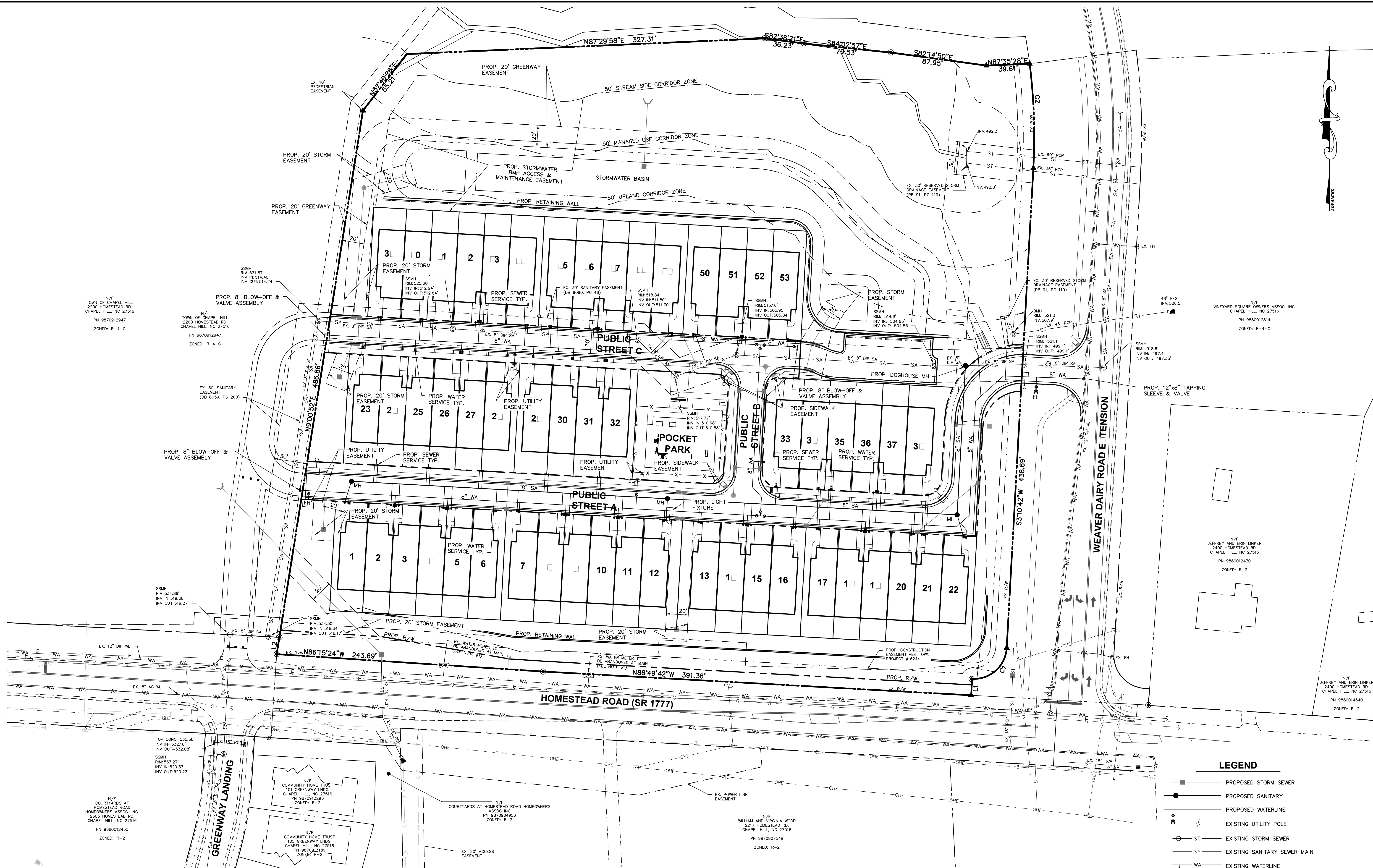
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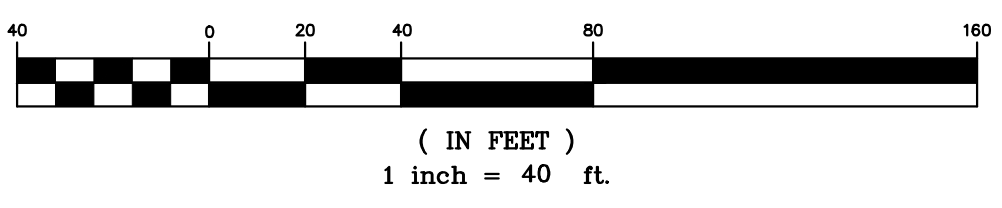
Drawing Number: 8 / 16



LEGEND

- PROPOSED STORM SEWER
- PROPOSED SANITARY
- PROPOSED WATERLINE
- EXISTING UTILITY POLE
- ST EXISTING STORM SEWER
- SA EXISTING SANITARY SEWER MAIN
- WA EXISTING WATERLINE
- PROPOSED LIGHT POLE

GRAPHIC SCALE



GENERAL NOTES

- 1) Applicant shall receive a credit for the water meters being abandon in accordance with the current fee schedule in place at the time of abandonment.

LINE TABLE

LINE	LENGTH	BEARING
L1	15.00'	S03°10'42"W
L2	15.59'	N09°03'29"E

CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	47.13'	30.00'	090°00'35"	42.43'	S48°10'42"W
C2	95.51'	524.12'	010°26'28"	95.38'	S02°01'38"E

MINIMUM REQUIRED DRAINAGE

SINGLE FAMILY (< 3,600 SF)	1,000 GAL/MIN
----------------------------	---------------



Issue Dates:	01/02/2020 - Initial Submittal to Town
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Date: 07/22/2020
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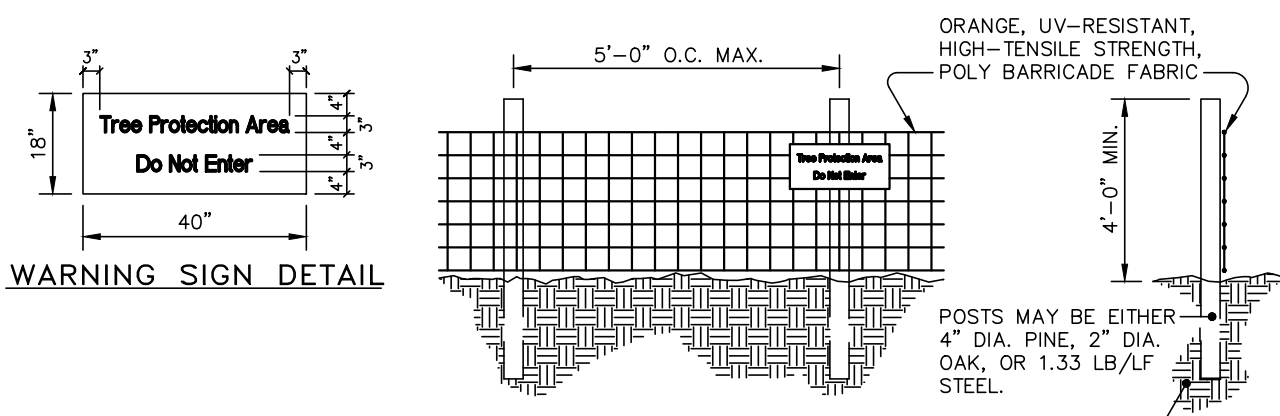
PLAN PREPARED BY: ADVANCED CIVIL DESIGN ENGINEERS & SURVEYORS
51 Kilmorye Drive, Suite 105
Cary, North Carolina 27511
ph 919.481.6590
fax 919.336.5127

PLAN PREPARED FOR: KB HOME CAROLINAS
4506 SOUTH MIAMI BLVD., SUITE 100A
DURHAM, NC 27703
PHONE: 919.768.7960

CONDITIONAL ZONING PLANS FOR KB HOME CAROLINAS
UTILITY PLAN

BRIDGEPOINT
HOMESTEAD ROAD, CHAPEL HILL, NC - ORANGE COUNTY

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- NOTES:**
- WARNING SIGNS TO BE MADE OF DURABLE, WEATHERPROOF MATERIAL.
 - LETTERS TO BE 3" HIGH MINIMUM, CLEARLY LEGIBLE AND SPACED AS DETAILED.
 - SIGNS SHALL BE PLACED AT 50' MAXIMUM INTERVALS.
 - PLACE A SIGN AT EACH END OF LINEAR TREE PROTECTION AND 50' ON CENTER THEREAFTER.
 - FOR TREE PROTECTION AREAS LESS THAN 200' IN PERIMETER, PROVIDE NO LESS THAN ONE SIGN PER PROTECTION AREA.
 - ATTACH SIGNS SECURELY TO FENCE POSTS AND FABRIC.
 - MAINTAIN TREE PROTECTION FENCE THROUGHOUT DURATION OF PROJECT. ADDITIONAL SIGNS MAY BE REQUIRED BY THE TOWN OF CHAPEL HILL INSPECTIONS DEPARTMENT BASED ON ACTUAL FIELD CONDITIONS.
- MAINTENANCE:**
- INSPECT SEDIMENT FENCES AT LEAST ONCE A WEEK AND AFTER EACH RAINFALL. MAKE ANY REQUIRED REPAIRS IMMEDIATELY.
 - SHOULD THE FABRIC OF A SEDIMENT FENCE COLLAPSE, TEAR, DECOMPOSE OR BECOME INEFFECTIVE, REPLACE IT PROMPTLY.
 - REMOVE SEDIMENT DEPOSITS AS NECESSARY TO PROVIDE ADEQUATE STORAGE VOLUME FOR THE NEXT RAIN AND TO REDUCE PRESSURE ON THE FENCE. TAKE CARE TO AVOID UNDERMINING THE FENCE DURING CLEANOUT.
 - REMOVE ALL FENCING MATERIALS AND UNSTABLE SEDIMENT DEPOSITS AND BRING THE AREA TO GRADE AND STABILIZE IT AFTER THE CONTRIBUTING DRAINAGE AREA HAS BEEN PROPERLY STABILIZED.

TREE PROTECTION FENCE

NOT TO SCALE

TREE LEGEND

- | | | | |
|--------|--------------------------|------|-----------------------------|
| (1)BE | BEECH | (X)O | EXISTING TREE TO BE REMOVED |
| (2)B | BIRCH | (X)G | EXISTING TREE TO REMAIN |
| (1)C | CEDAR | | |
| (7)DG | DOGWOOD | | |
| (2)E | ELM | | |
| (2)G | SWEET GUM | | |
| (7)H | HICKORY | | |
| (1)M | MAPLE | | |
| (2)RO | RED OAK | | |
| (1)O | OAK | | |
| (2)P | PINE | | |
| (1)PO | POPLAR | | |
| (1)SY | SYCAMORE | | |
| (1)HO | HOLLY | | |
| (1)D-P | DOUBLE AND TRIPLE TRUNKS | | |
| (1)D-P | DOUBLE POPLAR | | |
- LOD — LIMITS OF DISTURBANCE
- TPF — TREE PROTECTION FENCE
- TREE CANOPY REPRESENTS 1" PER 1" CALIPER OF TREE

N/T
TOWN OF CHAPEL HILL
2200 HOMESTEAD RD.
CHAPEL HILL, NC 27516
PN 9870912947
ZONED: R-4-C
LAND USE: RESIDENTIAL

TREE PROTECTION NOTES

- A PRE-CONSTRUCTION CONFERENCE WILL BE HELD WITH THE TOWN'S URBAN FORESTER, ADAM NICHOLSON (919.969.5006), PRIOR TO BEGINNING SITE WORK.
- ANY TREE ROOTS EXPOSED BY CONSTRUCTION WILL BE SEVERED CLEANLY WITH AN APPROPRIATE PRUNING TOOL.
- THE SOIL WITHIN THE CRITICAL ROOT ZONES OF EXISTING TREES WILL NOT BE DRIVEN ON OR OTHERWISE DISTURBED DURING THE INSTALLATION OF LANDSCAPING.
- A LANDSCAPE PROTECTION SUPERVISOR WHO IS REGISTERED WITH THE TOWN OF CHAPEL HILL WILL BE PRESENT ON SITE AT ALL TIMES WHEN THE FOLLOWING ACTIVITIES ARE TAKING PLACE: CLEARING, GRUBBING, EXCAVATION, GRADING, TRENCHING, MOVING OF SOIL, INSTALLATION AND REMOVAL OF TREE PROTECTION FENCING, AND THE DELIVERY TRANSPORTING AND PLACEMENT OF CONSTRUCTION MATERIALS AND EQUIPMENT.
- CONTACT ADAM NICHOLSON FOR TREE PROTECTION SEMINAR PRIOR TO TREE PROTECTION FENCE INSTALLATION
- TREES LOCATED OUTSIDE OF THE CLEARING LIMITS AND ON LOTS ARE SHOWN AS BEING REMOVED. HOWEVER, THESE TREES WILL REMAIN DURING THE INITIAL INFRASTRUCTURE CONSTRUCTION PHASE BY THE DEVELOPER. WHEN THE BUILDER SUBMITS FOR PERMITS, THE BUILDER WILL DETERMINE WHICH TREES ON THE LOTS MUST BE REMOVED DURING HOME CONSTRUCTION. TREES LOCATED ON LOT LINES OR AT REAR OF LOTS WILL BE SAVED TO THE GREATEST EXTENTS POSSIBLE.

EXISTING VEGETATION NOTES:

- SIGNIFICANT TREES AND POCKETS OF SHRUBS ARE PREVALENT THROUGHOUT THE SITE. THE NORTHERN AND EASTERN PORTIONS OF THE SITE ARE HEAVILY WOODED. SIGNIFICANT TREE STANDS HAVE BEEN LOCATED AND SHOWN ON THIS SHEET. THE VAST MAJORITY OF SPECIES FOUND ARE OAK, SWEET GUM, CEDAR, AND PINE.

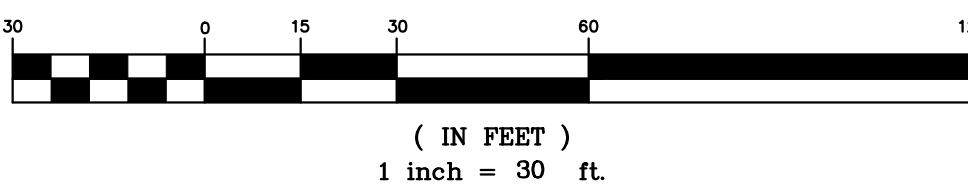
CONSTRUCTION WASTE:

- BY ORANGE COUNTY ORDINANCE, CLEAN WOOD WASTE, SCRAP METAL AND CORRUGATED CARDBOARD, ALL PRESENT IN CONSTRUCTION WASTE, MUST BE RECYCLED.
- BY ORANGE COUNTY ORDINANCE, ALL HAULERS OF CONSTRUCTION WASTE MUST BE PROPERLY LICENSED.
- PRIOR TO ANY DEMOLITION OR CONSTRUCTION ACTIVITY ON THE SITE, THE APPLICANT WILL HOLD A PRE-DEMOLITION/PRE-CONSTRUCTION CONFERENCE WITH THE COUNTY'S SOLID WASTE STAFF. THIS MAY BE THE SAME MEETING HELD WITH OTHER DEVELOPMENT OFFICIALS.

LINE TABLE		
LINE	LENGTH	BEARING
L1	15.00'	S03°10'42"W
L2	15.59'	N09°03'29"E

CURVE TABLE				
NO.	LENGTH	RADIUS	DELTA	CHORD
C1	95.51'	524.12'	010°26'28"	95.38'
C2	47.13'	30.00'	090°00'35"	42.43'

GRAPHIC SCALE



PLAN PREPARED FOR:

BRIDGEPOINT

HOMESTEAD ROAD, CHAPEL HILL, NC - ORANGE COUNTY

PLAN PREPARED BY:

ADVANCED CIVIL DESIGN

ENGINEERS & SURVEYORS

51 Kilmorye Drive, Suite 105
Cary, North Carolina 27511
ph 919.481.6290
fax 919.336.5127

CONDITIONAL ZONING PLANS
FOR
KB HOME CAROLINAS

LANDSCAPE PROTECTION & TREE SURVEY PLAN

Issue Dates:

01/02/2020	- Initial Submittal to Town
02/06/2020	- Response to 1st Review SUP Comments
07/22/2020	- Response to 2nd Review SUP Comments

Date: 07/22/2020

Scale: 1" = 30'

Drawn By: JRR

Checked By: CMR

Project Number:

18-0001-978

Drawing Number:

10 / 16

AREA 'A' BUFFER REQUIREMENTS

TYPE "B" 15-FT EXTERNAL BUFFER

PLANTS REQUIRED PER 100 LF:
6 LG TREES
8 SM TREES
15 SHRUBS

581 LF TOTAL LENGTH
LESS 43 LF OF DRIVEWAY
LESS 59 LF OF EASEMENTS
APPLICABLE LENGTH = 479 LF

REQUIRED: 29 LG TREES
39 SM TREES
72 SHRUBS

NOTES:
(1) THIS BUFFER HAS BEEN REDUCED BY ONE GRADE OF INTENSITY ('C' TO 'B') SINCE THE DEVELOPMENT HAS BEEN DESIGNED SUCH THAT THERE IS NO PARKING BETWEEN THE BUILDINGS LOCATED ON THE SITE AND THE ADJACENT STREET.

(2) AT LEAST 50% OF REQUIRED SHRUBS MUST BE EVERGREEN

AREA 'B' BUFFER REQUIREMENTS

TYPE "C" 20-FT EXTERNAL BUFFER

PLANTS REQUIRED PER 100 LF:
5 LG TREES
10 SM TREES
36 SHRUBS

630 LF TOTAL LENGTH
LESS 30 LF OF EASEMENTS
APPLICABLE LENGTH = 600 LF

REQUIRED: 30 LG TREES
60 SM TREES
216 SHRUBS

NOTES:
(1) THIS BUFFER HAS BEEN REDUCED BY ONE GRADE OF INTENSITY ('D' TO 'C') SINCE THE DEVELOPMENT HAS BEEN DESIGNED SUCH THAT THERE IS NO PARKING BETWEEN THE BUILDINGS LOCATED ON THE SITE AND THE ADJACENT STREET.

(2) AT LEAST 50% OF REQUIRED SHRUBS MUST BE EVERGREEN

AREA 'C' BUFFER REQUIREMENTS

TYPE "B" 15-FT INTERNAL MODIFIED BUFFER

PLANTS REQUIRED PER 100 LF:
6 LG TREES
8 SM TREES
15 SHRUBS

526 LF TOTAL LENGTH
LESS 70 LF OF DRIVEWAY
LESS 279 LF OF EASEMENTS
APPLICABLE LENGTH = 177 LF

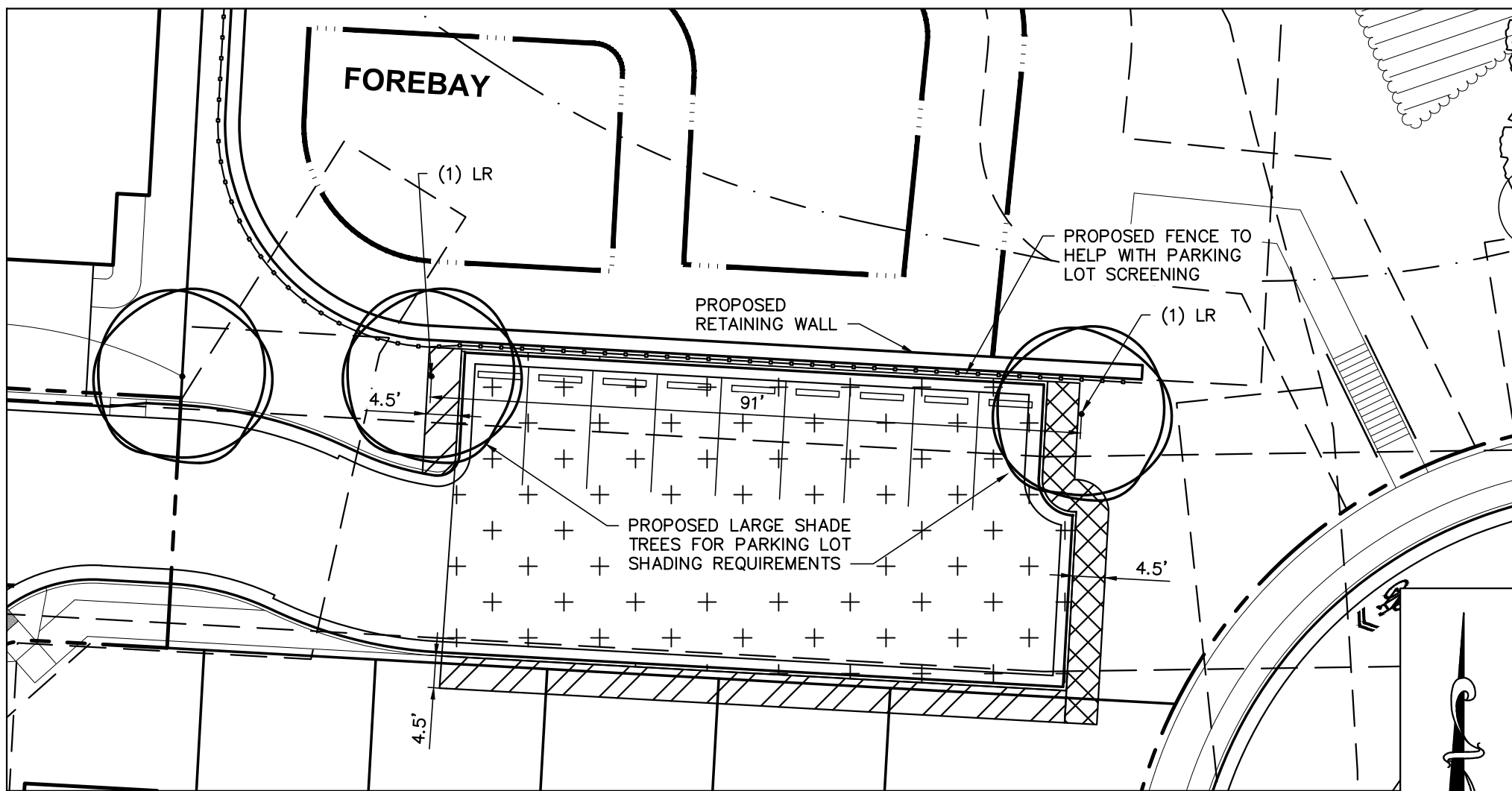
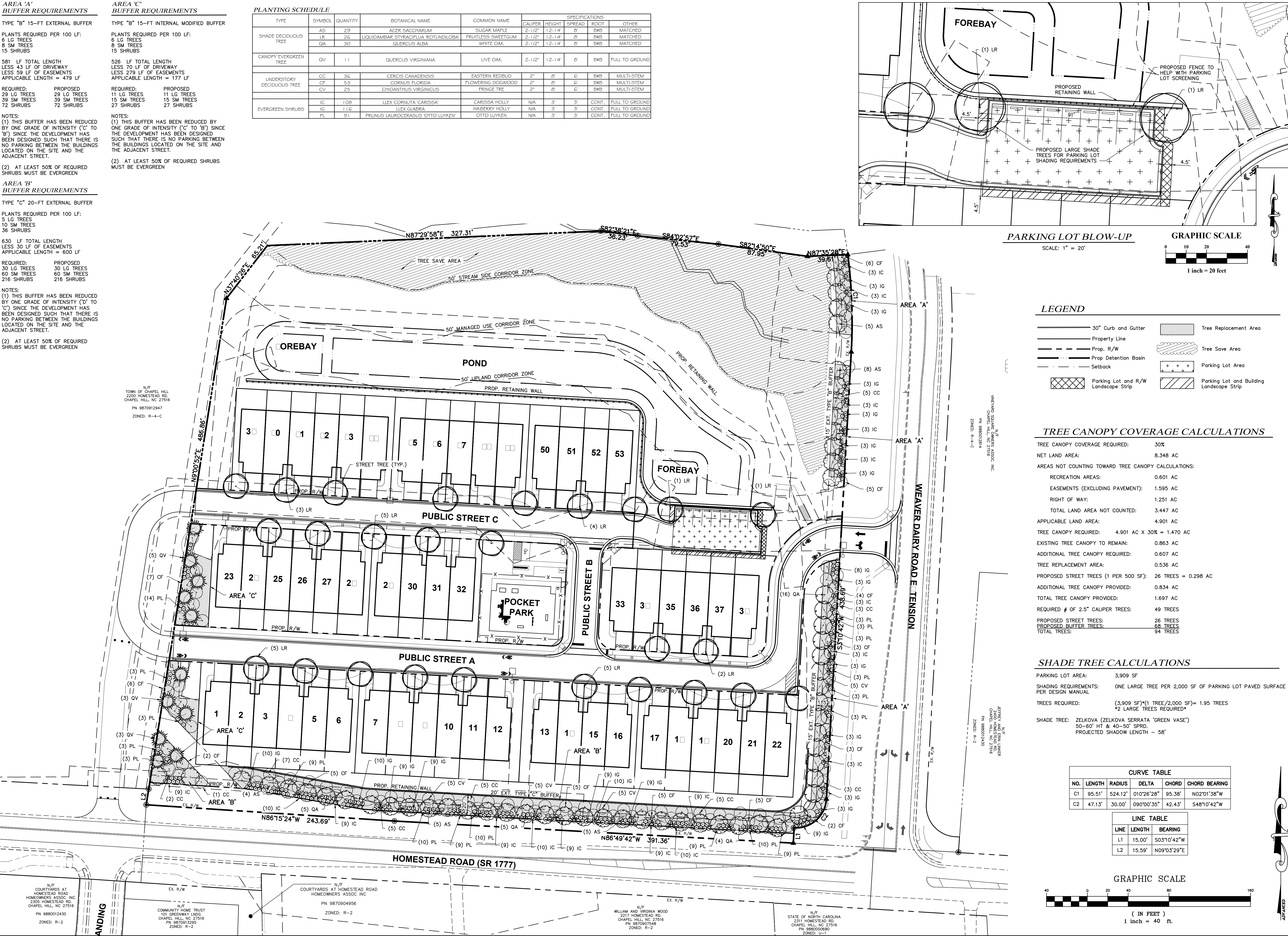
REQUIRED: 11 LG TREES
15 SM TREES
27 SHRUBS

NOTES:
(1) THIS BUFFER HAS BEEN REDUCED BY ONE GRADE OF INTENSITY ('C' TO 'B') SINCE THE DEVELOPMENT HAS BEEN DESIGNED SUCH THAT THERE IS NO PARKING BETWEEN THE BUILDINGS LOCATED ON THE SITE AND THE ADJACENT STREET.

(2) AT LEAST 50% OF REQUIRED SHRUBS MUST BE EVERGREEN

PLANTING SCHEDULE

TYPE	SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS					
					CALIPER	HEIGHT	SPREAD	ROOT	OTHER	
SHADE DECIDUOUS TREE	AS	29	ACER SACCHARUM	SUGAR MAPLE	2-1/2"	12-14'	8'	B4B	MATCHED	
	LR	26	LIQUIDAMBAR STYRACIFLUA 'ROTUNDILOBA'	FRUITLESS SWEETGUM	2-1/2"	12-14'	8'	B4B	MATCHED	
CANOPY EVERGREEN TREE	QA	30	QUERCUS ALBA	WHITE OAK	2-1/2"	12-14'	8'	B4B	MATCHED	
	QV	11	QUERCUS VIRGINIANA	LIVE OAK	2-1/2"	12-14'	8'	B4B	FULL TO GROUND	
UNDERSTORY DECIDUOUS TREE	CC	36	CERCIS CANADENSIS	EASTERN REDBUD	2"	8'	6'	B4B	MULTI-STEM	
	CF	53	CORNUS FLORIDA	FLOWERING DOGWOOD	2"	8'	6'	B4B	MULTI-STEM	
	CV	25	CHOANTHUS VIRGINICUS	FRINGE TREE	2"	8'	6'	B4B	MULTI-STEM	
EVERGREEN SHRUBS	IC	108	ILEX CORNUTA 'CARISSA'	CARISSA HOLLY	N/A	3'	3'	CONT.	FULL TO GROUND	
	IG	116	ILEX GLABRA	INKBERRY HOLLY	N/A	3'	3'	CONT.	FULL TO GROUND	
	PL	91	PRUNUS LAUROCERASUS 'OTTO LUYKEN'	OTTO LUYKEN	N/A	3'	3'	CONT.	FULL TO GROUND	



LEGEND

- 30" Curb and Gutter
- Property Line
- Prop. R/W
- Prop Detention Basin
- Setback
- Parking Lot and R/W Landscape Strip
- Tree Replacement Area
- Tree Save Area
- Parking Lot Area
- Parking Lot and Building Landscape Strip

TREE CANOPY COVERAGE CALCULATIONS

TREE CANOPY COVERAGE REQUIRED:	30%
NET LAND AREA:	8.348 AC
AREAS NOT COUNTING TOWARD TREE CANOPY CALCULATIONS:	
RECREATION AREAS:	0.601 AC
EASEMENTS (EXCLUDING PAVEMENT):	1.595 AC
RIGHT OF WAY:	1.251 AC
TOTAL LAND AREA NOT COUNTED:	3.447 AC
APPLICABLE LAND AREA:	4.901 AC
TREE CANOPY REQUIRED:	4.901 AC X 30% = 1.470 AC
EXISTING TREE CANOPY TO REMAIN:	0.863 AC
ADDITIONAL TREE CANOPY REQUIRED:	0.607 AC
TREE REPLACEMENT AREA:	0.536 AC
PROPOSED STREET TREES (1 PER 500 SF):	26 TREES = 0.298 AC
ADDITIONAL TREE CANOPY PROVIDED:	0.834 AC
TOTAL TREE CANOPY PROVIDED:	1.697 AC
REQUIRED # OF 2.5" CALIPER TREES:	49 TREES
PROPOSED STREET TREES:	26 TREES
PROPOSED BUFFER TREES:	68 TREES
TOTAL TREES:	94 TREES

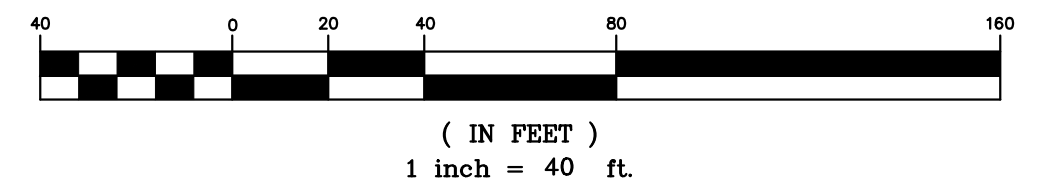
SHADE TREE CALCULATIONS

PARKING LOT AREA: 3,909 SF
SHADING REQUIREMENTS: ONE LARGE TREE PER 2,000 SF OF PARKING LOT PAVED SURFACE PER DESIGN MANUAL
TREES REQUIRED: (3,909 SF) / (1 TREE / 2,000 SF) = 1.95 TREES
2 LARGE TREES REQUIRED
SHADE TREE: ZELKOVA (ZELKOVA SERRATA 'GREEN VASE')
50'-60" HT & 40'-50" SPRD.
PROJECTED SHADOW LENGTH - 58'

CURVE TABLE				
NO.	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	95.51'	524.12'	010°26'28"	95.38' N02°01'38"W
C2	47.13'	30.00'	090°00'35"	42.43' S48°10'42"W

LINE TABLE	
LINE	BEARING
L1	15.00' S03°10'42"W
L2	15.59' N09°03'29"E

GRAPHIC SCALE



PLAN PREPARED BY:

51 Kilmorye Drive, Suite 105
Cary, North Carolina 27511
ph 919.481.6590
fax 919.336.5127

ADVANCED
CIVIL DESIGN
ENGINEERS & SURVEYORS

PLAN PREPARED FOR:

KB HOME CAROLINAS
4506 SOUTH MIAMI BLVD., SUITE 100A
DURHAM, NC 27703
PHONE: 919.768.7960

BRIDGEPOINT

CONDITIONAL ZONING PLANS
FOR
KB HOME CAROLINAS
PLANTING PLAN

Issue Dates:

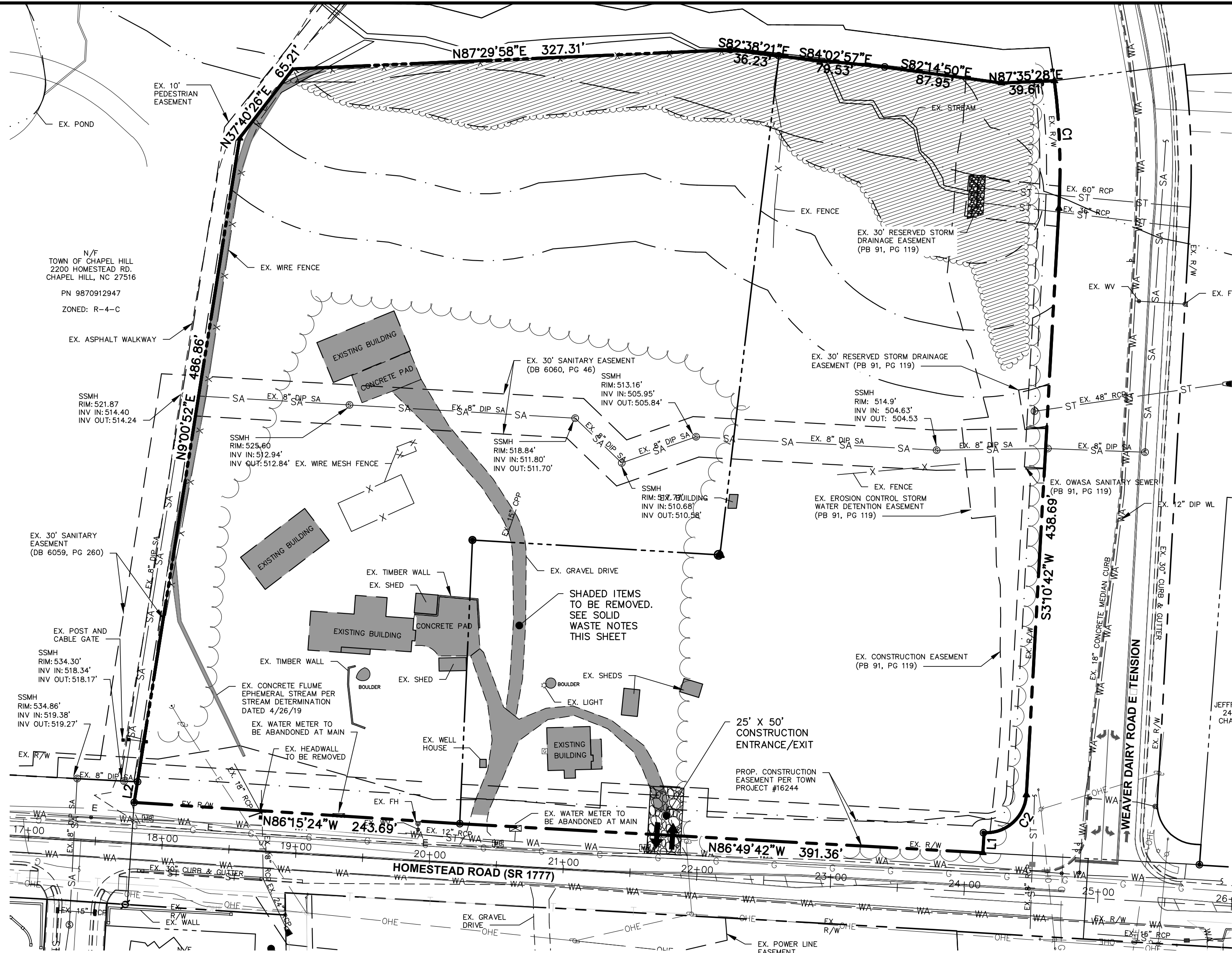
01/02/2020 - Initial Submission to Town	07/22/2020 - Response to 1st Review SUP Comments
02/06/2020 - Response to 2nd Review SUP Comments	

Date: 07/22/2020
Scale: 1" = 40'

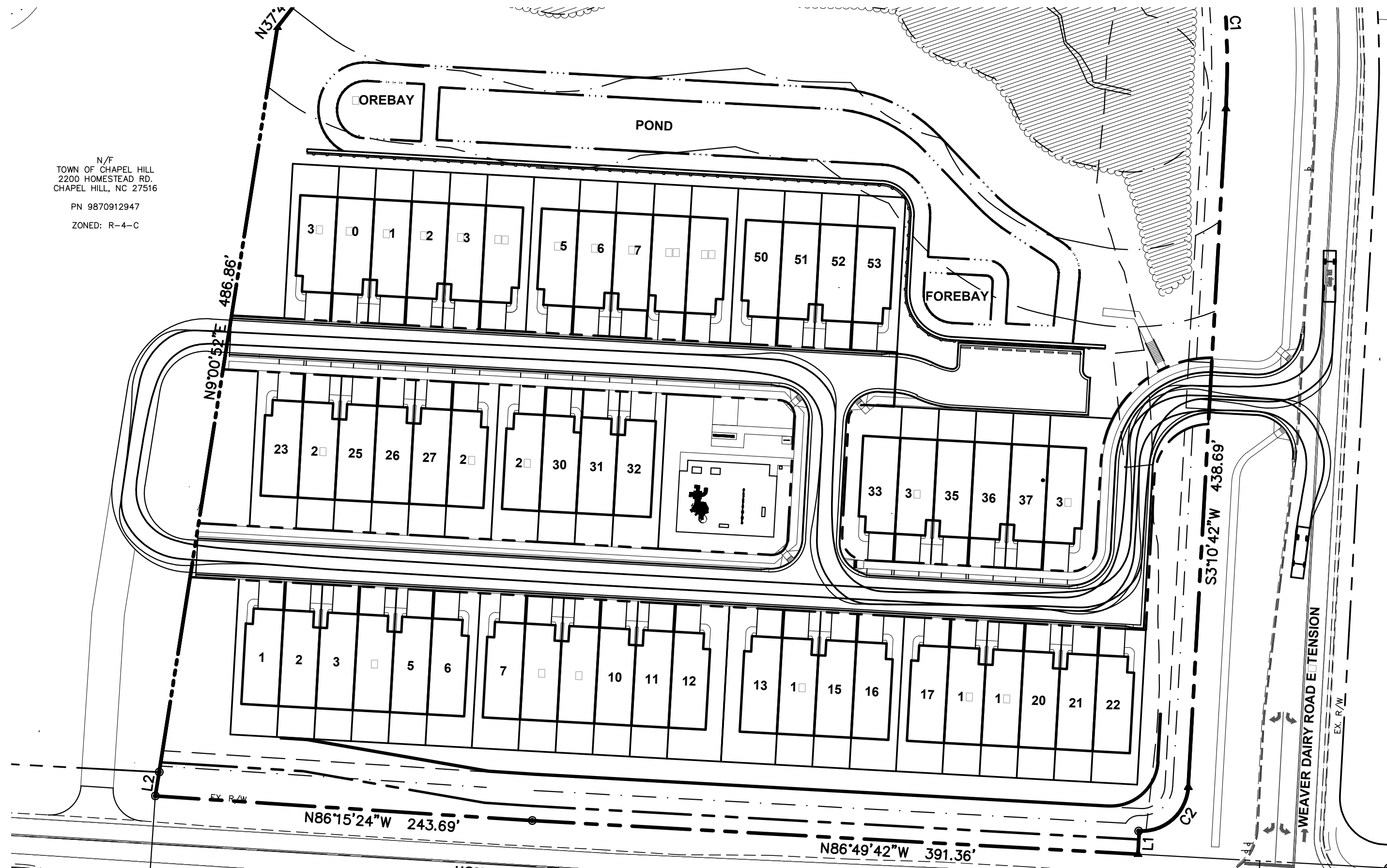
Drawn By: JRR
Checked By: CMR

Project Number:
18-0001-978

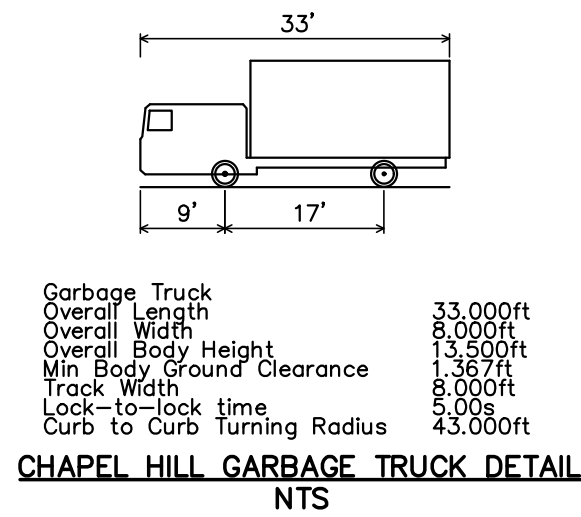
Drawing Number:
11 / 16



DEMOLITION



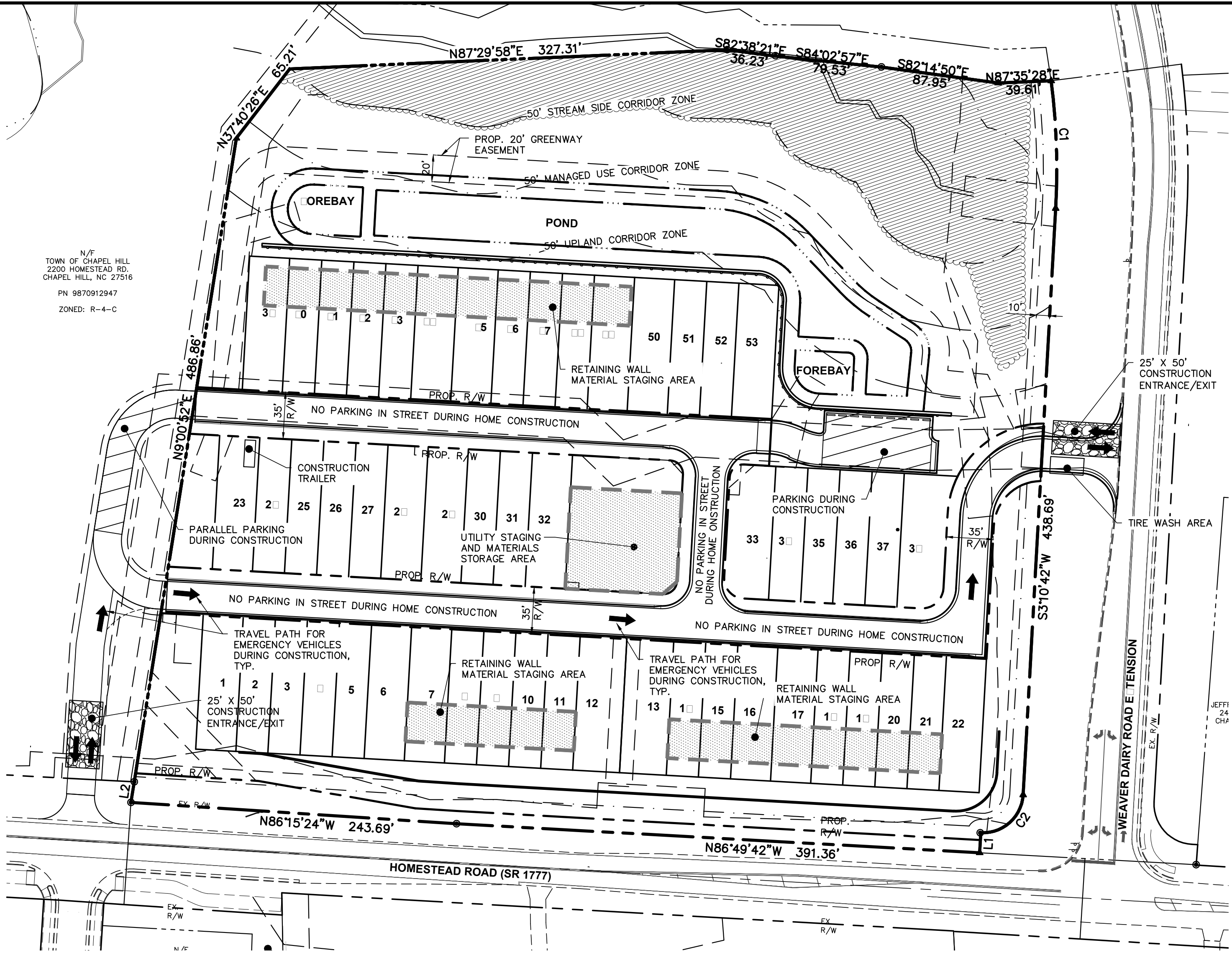
GARBAGE TRUCK TURNING TEMPLATE EXHIBIT



CHAPEL HILL GARBAGE TRUCK DETAIL NTS

CURVE TABLE					
NO.	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	95.51'	524.12'	010°26'28"	95.38'	N02°01'38"W
C2	47.13'	30.00'	090°00'35"	42.43'	S48°10'42"W

LINE TABLE		
LINE	LENGTH	BEARING
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CONSTRUCTION

SOLID WASTE NOTES:

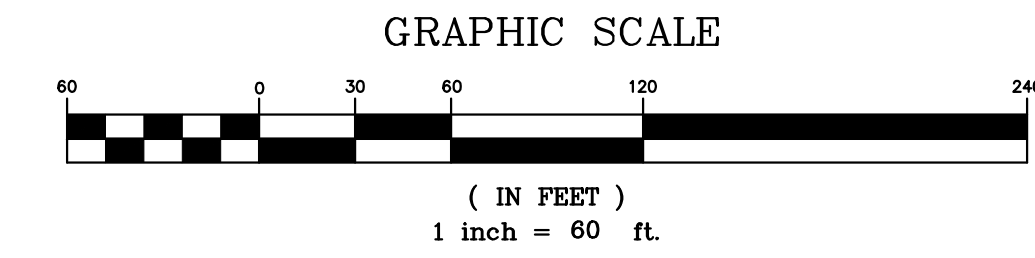
- ALL EXISTING STRUCTURES 500 SF AND LARGER IN SIZE SHALL BE ASSESSED PRIOR TO DEMOLITION TO ENSURE COMPLIANCE WITH THE COUNTY'S REGULATED RECYCLABLE MATERIALS ORDINANCE (RRMO) AND TO ASSESS THE POTENTIAL FOR DE-CONSTRUCTION AND/OR THE RE-USE OF SALVAGEABLE MATERIALS.
- BY ORANGE COUNTY ORDINANCE, CLEAN WOOD WASTE, SCRAP METAL, AND CORRUGATED CARDBOARD PRESENT IN CONSTRUCTION OR DEMOLITION WASTE MUST BE RECYCLED.
- BY ORANGE COUNTY ORDINANCE, ALL HAULERS OF MIXED CONSTRUCTION AND DEMOLITION WASTE THAT INCLUDES ANY REGULATED RECYCLABLE MATERIALS SHALL BE LICENSED BY ORANGE COUNTY.
- PRIOR TO ANY DEMOLITION OR CONSTRUCTION ACTIVITY ON THE SITE THE APPLICANT SHALL HOLD A PRE-DEMOLITION/PRE-CONSTRUCTION CONFERENCE WITH THE SOLID WASTE STAFF (919-998-2788). THIS MAY BE THE SAME PRE-CONSTRUCTION MEETING HELD WITH OTHER DEVELOPMENT/ENFORCEMENT OFFICIALS.
- THE PRESENCE OF ANY ASBESTOS CONTAINING MATERIALS ('ACM') AND/OR OTHER HAZARDOUS MATERIALS IN CONSTRUCTION AND DEMOLITION WASTE SHALL BE HANDLED IN ACCORDANCE WITH ANY AND ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND GUIDELINES.
- IF ANY VEHICLES ARE PARKED IN THE REFUSE OR RECYCLABLES COLLECTION VEHICLE ACCESS AREA, THE CONTAINS WILL NOT RECEIVE SERVICE UNTIL THE NEXT SCHEDULED COLLECTION DAY.
- MIXED RECYCLING AND CARDBOARD WILL BE IN ROLL CARTS PLACED AT THE CURB IN FRONT OF EACH RESIDENCE TO BE COLLECTED BY ORANGE COUNTY SOLID WASTE.
- TRASH WILL BE IN ROLL CARTS PLACED AT THE CURB IN FRONT OF EACH RESIDENCE TO BE COLLECTED BY TOWN OF CHAPEL HILL SOLID WASTE MANAGEMENT, A DIVISION OF PUBLIC WORKS.
- ALL CONSTRUCTION WASTE MATERIALS SHALL BE RECYCLED WHENEVER POSSIBLE. CONTRACTORS SHALL RETAIN PICKUP SLIPS TO RECORD/VALIDATE RECYCLING AS MAY BE REQUIRED FOR ENVIRONMENTAL CREDITS.
- THE OWNER, OR THEIR DESIGNEE, SHALL BE RESPONSIBLE FOR MAINTAINING A FIRE WATCH DURING CONSTRUCTION AND DEMOLITION WHERE MATERIALS SUBJECT TO SPONTANEOUS COMBUSTION OR OTHER HAZARDOUS CONSTRUCTION OR DEMOLITION IS OCCURRING.
- ALL CONSTRUCTION AND DEMOLITION SHALL BE CONDUCTED IN COMPLIANCE WITH THE CURRENT EDITION OF CHAPTER 14 OF THE NC FFC.
- PRIOR TO A DEMOLITION PERMIT BEING ISSUED FOR ANY EXISTING STRUCTURE 500 SQUARE FEET OR GREATER IN SIZE, A DEMOLITION ASSESSMENT MUST BE CONDUCTED BY ORANGE COUNTY SOLID WASTE STAFF. CONTACT MATT TAYLOR AT 919-968-2788 OR MTAYLOR@ORANGECOUNTYNC.GOV TO REQUEST AND SCHEDULE THE ASSESSMENTS.

CONSTRUCTION MANAGEMENT NOTES

- ALL LARGE TRUCKS AS RELATED TO VEHICULAR CONSTRUCTION TRAFFIC SHALL ENTER AND LEAVE THE SITE THROUGH THE TEMPORARY CONSTRUCTION ENTRANCES AND EXITS AS SHOWN ON THIS PLAN.
- ENTRANCES AND EXIT GATES SHALL BE CLOSED UNLESS ACTIVELY BEING USED FOR ENTERING AND EXISTING VEHICLES.
- ONSITE CONSTRUCTION MANAGER PARKING FOR SMALL CONSTRUCTION VEHICLES AND MATERIAL STAGING CAN OCCUR ON-SITE DURING EARLY STAGES OF CONSTRUCTION. ADDITIONAL CONTRACTOR PARKING AREA TO BE PROVIDED IN THE FUTURE OVERFLOW PARKING LOT.
- CONSTRUCTION WILL BE LIMITED TO BETWEEN 7:00 AM AND 6:00 PM MONDAY THROUGH FRIDAY.
- THE CONTRACTOR SHALL PROVIDE WORK ZONE TRAFFIC CONTROL DEVICES - REFER TO THE ZONING COMPLIANCE PERMIT TRAFFIC AND PEDESTRIAN CONTROL PLAN FOR SPECIFIC NOTES AND DETAILS.
- NO OPEN BURNING SHALL BE PERMITTED.
- THE APPLICANT SHALL POST A CONSTRUCTION SIGN ON THE DEVELOPMENT SITE THAT LISTS THE FOLLOWING:
 - PROPERTY OWNER'S REPRESENTATIVE AND TELEPHONE NUMBER
 - CONTRACTOR'S REPRESENTATIVE AND TELEPHONE NUMBER
 - TELEPHONE NUMBER FOR REGULATORY INFO AT TIME OF BUILDING PERMIT
 - SIGN MAY BE A MAXIMUM OF 32 SF AND A MAXIMUM HEIGHT OF 8 FT.
- EXISTING SEWER LINE ALONG STREET C SHALL BE ACCESSIBLE DURING CONSTRUCTION.

LEGEND

30" Curb and Gutter	EXISTING STRUCTURES TO BE REMOVED
Property Line	CONSTRUCTION PARKING (HOME CONSTRUCTION)
Prop. R/W	STAGING AND MATERIALS STORAGE AREA
Prop Detention Basin	
Setback	



PLAN PREPARED BY:

51 Kilmorye Drive, Suite 105
Cary, North Carolina 27511
PH 919.481.6990
FAX 919.336.5127

ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS

PLAN PREPARED FOR:

KB HOME CAROLINAS
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DURHAM, NC 27703
PHONE: 919.768.7980

BRIDGEPOINT
HOMESTEAD ROAD, CHAPEL HILL, NC - ORANGE COUNTY

CONDITIONAL ZONING PLANS
FOR
KB HOME CAROLINAS
CONSTRUCTION MANAGEMENT PLAN

Issue Dates:

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07/22/2020	- Response to 2nd Review SUP Comments

07/22/2020

Date: 07/22/2020
Scale: 1" = 60'

Drawn By: JRR
Checked By: CMR

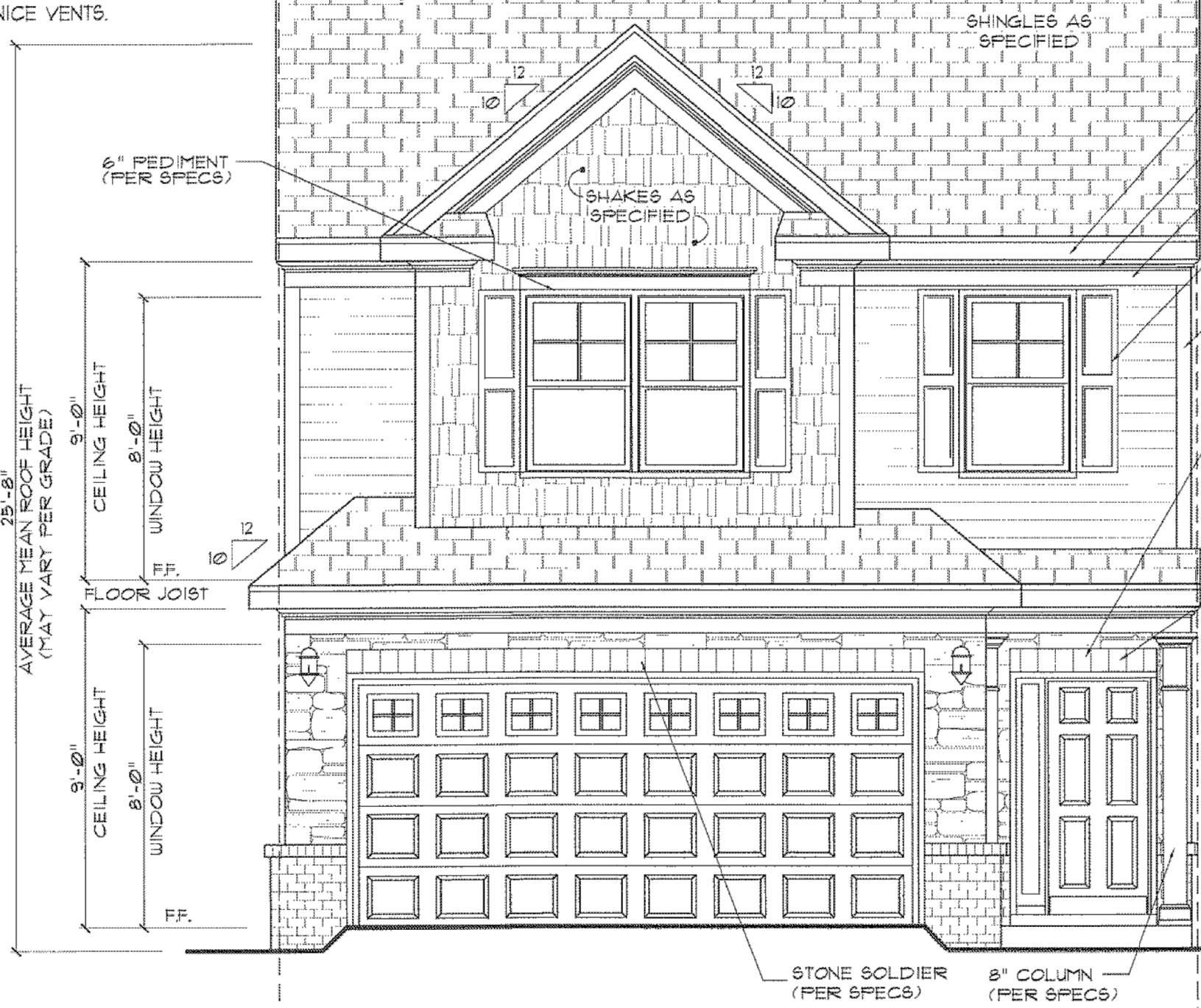
Project Number:
18-0001-978

Drawing Number:
12 / 16

ATTIC VENTILATION

1205 SQ. FT. OF ATTIC / 300 = 4.02 SQ. FT. OF INLET AND OUTLET.

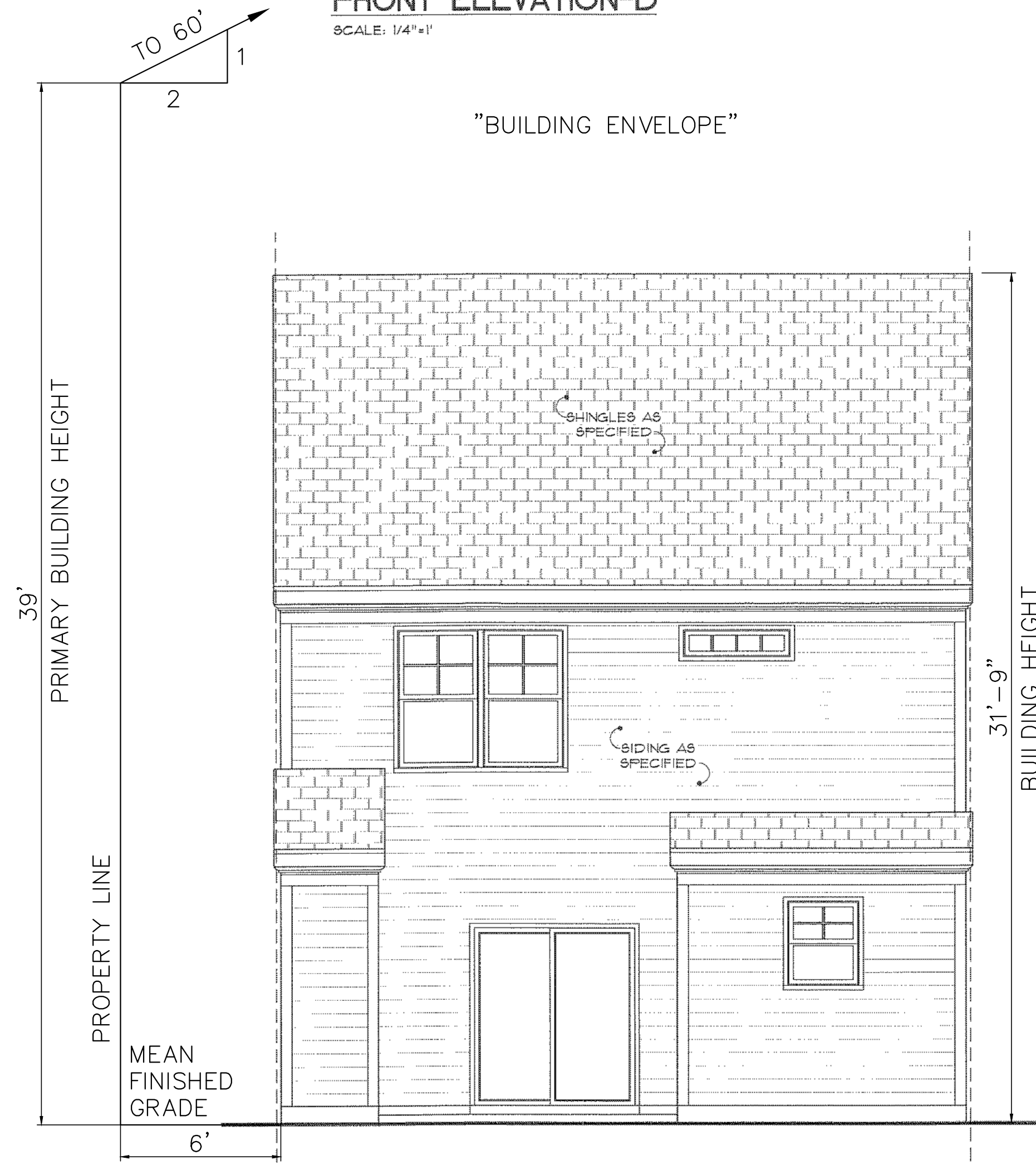
VENTILATION MAY BE REDUCED 50% WHEN VENTILATORS ARE USED AT LEAST 3'-0" ABOVE THE CORNICE VENTS.



FRONT ELEVATION-D

SCALE: 1/4"=1'

"BUILDING ENVELOPE"

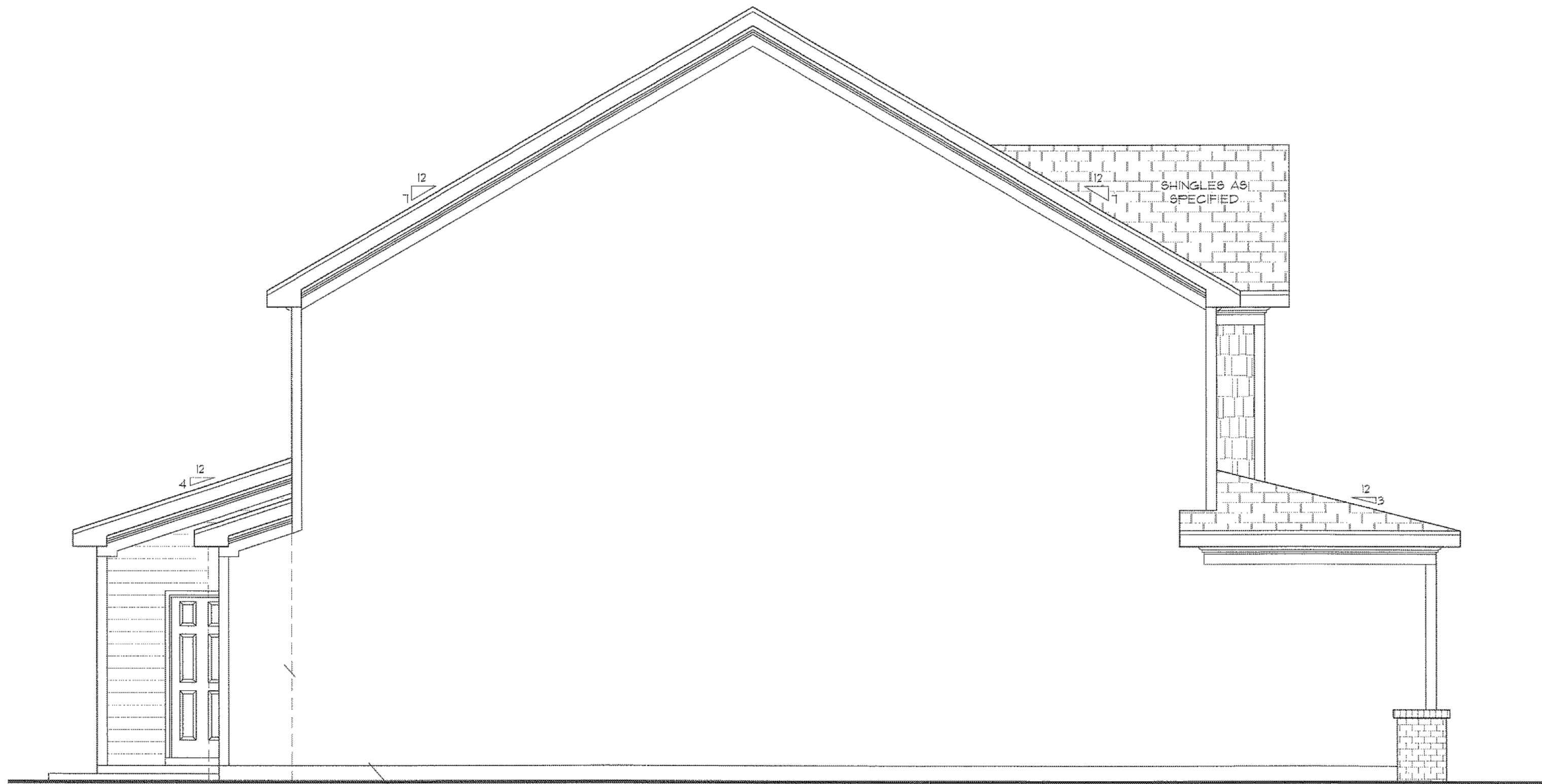


REAR ELEVATION-D

SCALE: 1/4"=1'

ALL MECHANICAL EQUIPMENT INCLUDING STACKS AND VENTS EXTENDING ABOVE THE ROOF SURFACE MUST BE PAINTED A COLOR THAT BLENDS WITH THE ROOF COLOR

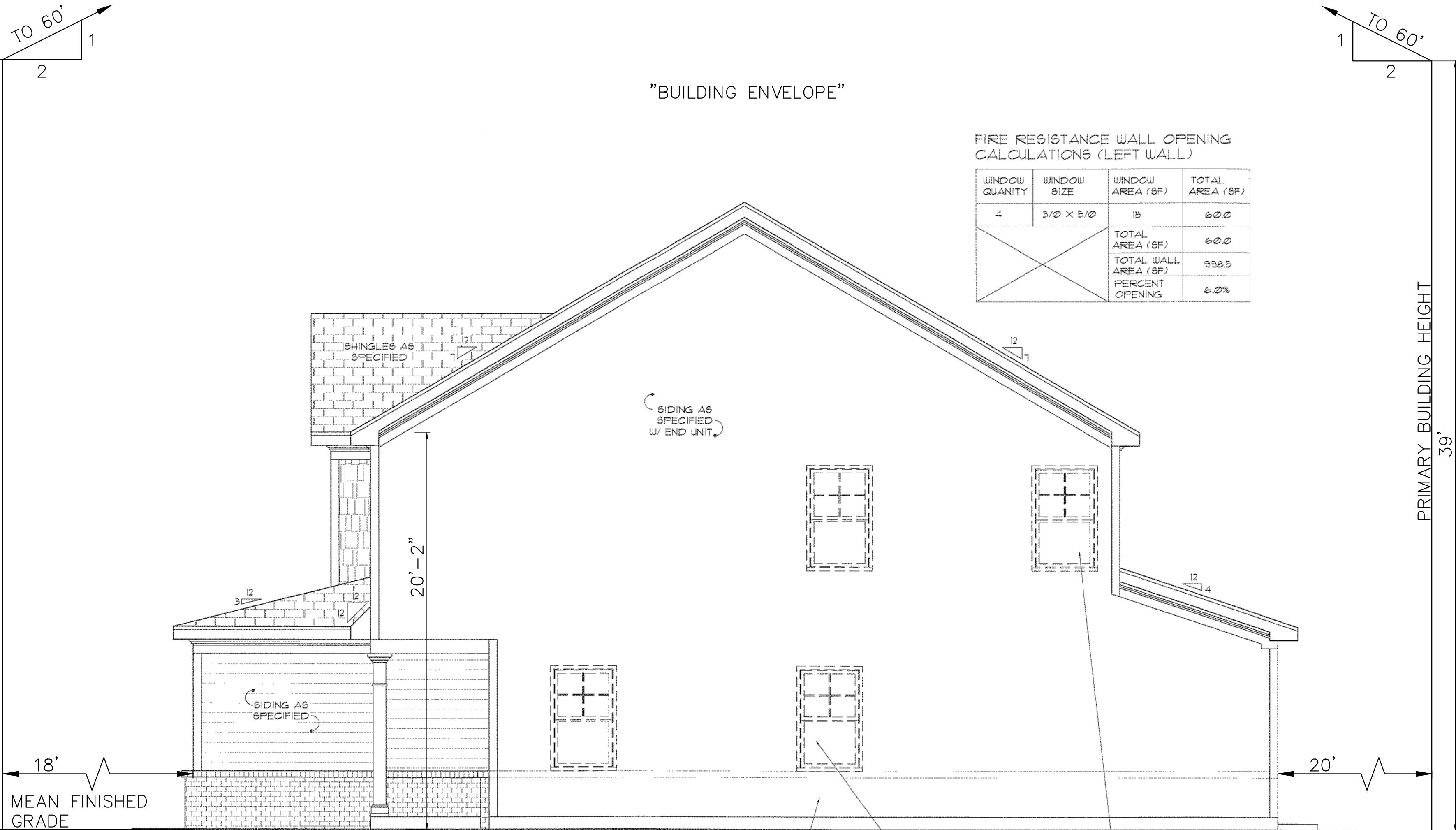
CONRAD-"D" FRONT ELEVATION	
STONE -	16.6%
BRICK -	22%
SIDING/SHAKES -	61%
TOTAL SQ. FT. - 320 SQ. FT.	



RIGHT SIDE ELEVATION-D

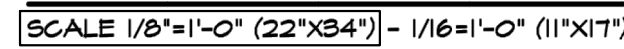
SCALE: 1/4"=1'

"BUILDING ENVELOPE"



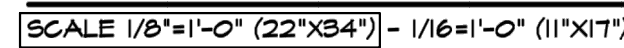
FIRE RESISTANCE WALL OPENING CALCULATIONS (LEFT WALL)

WINDOW QUANTITY	WINDOW SIZE	WINDOW AREA (SF)	TOTAL AREA (SF)
4	3'-0" X 5'-0"	15	60.0
		TOTAL AREA (SF)	60.0
		TOTAL WALL AREA (SF)	888.5
		PERCENT OPENING	6.8%

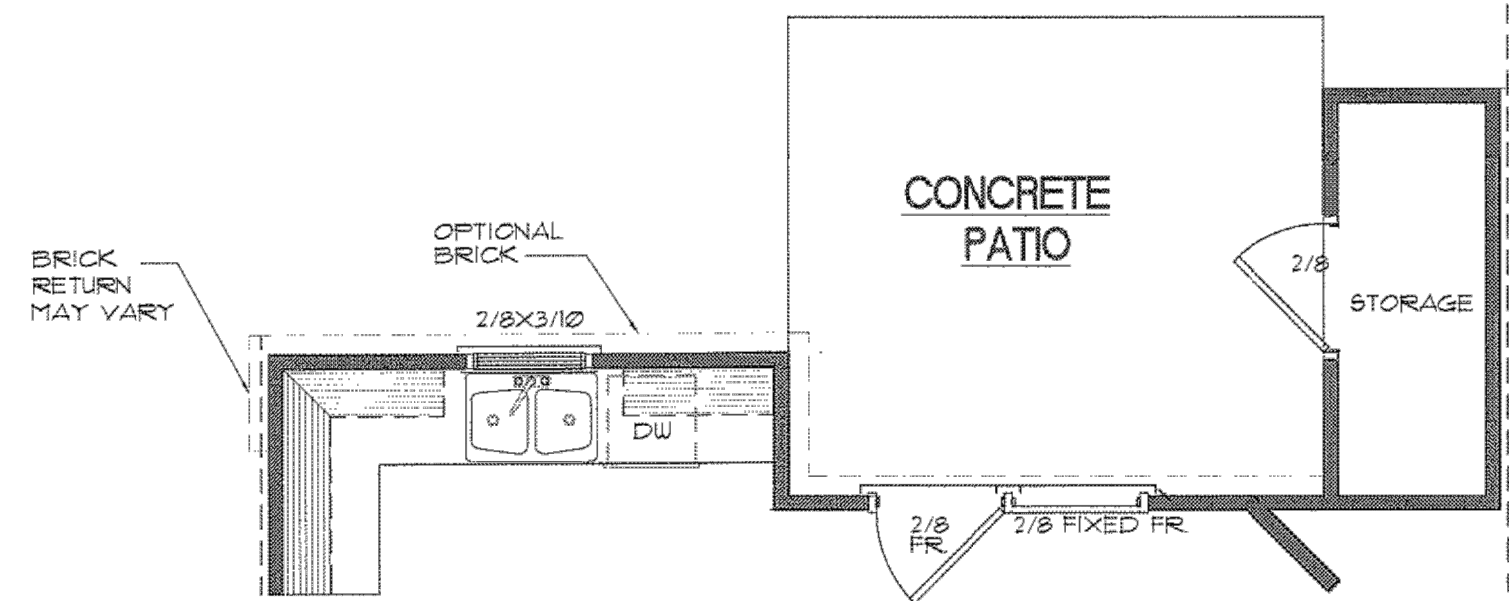


MASONRY CALCULATIONS						
UNIT 3 ELEVATION 'T' 355						
ELEVATION	TOTAL SQ. FT. IV. OPENINGS	TOTAL SQ. FT. SIDING	SQ. FT.	SIDING %	MASONRY PROVIDED	
REAR	824	256	162	60%	94	078

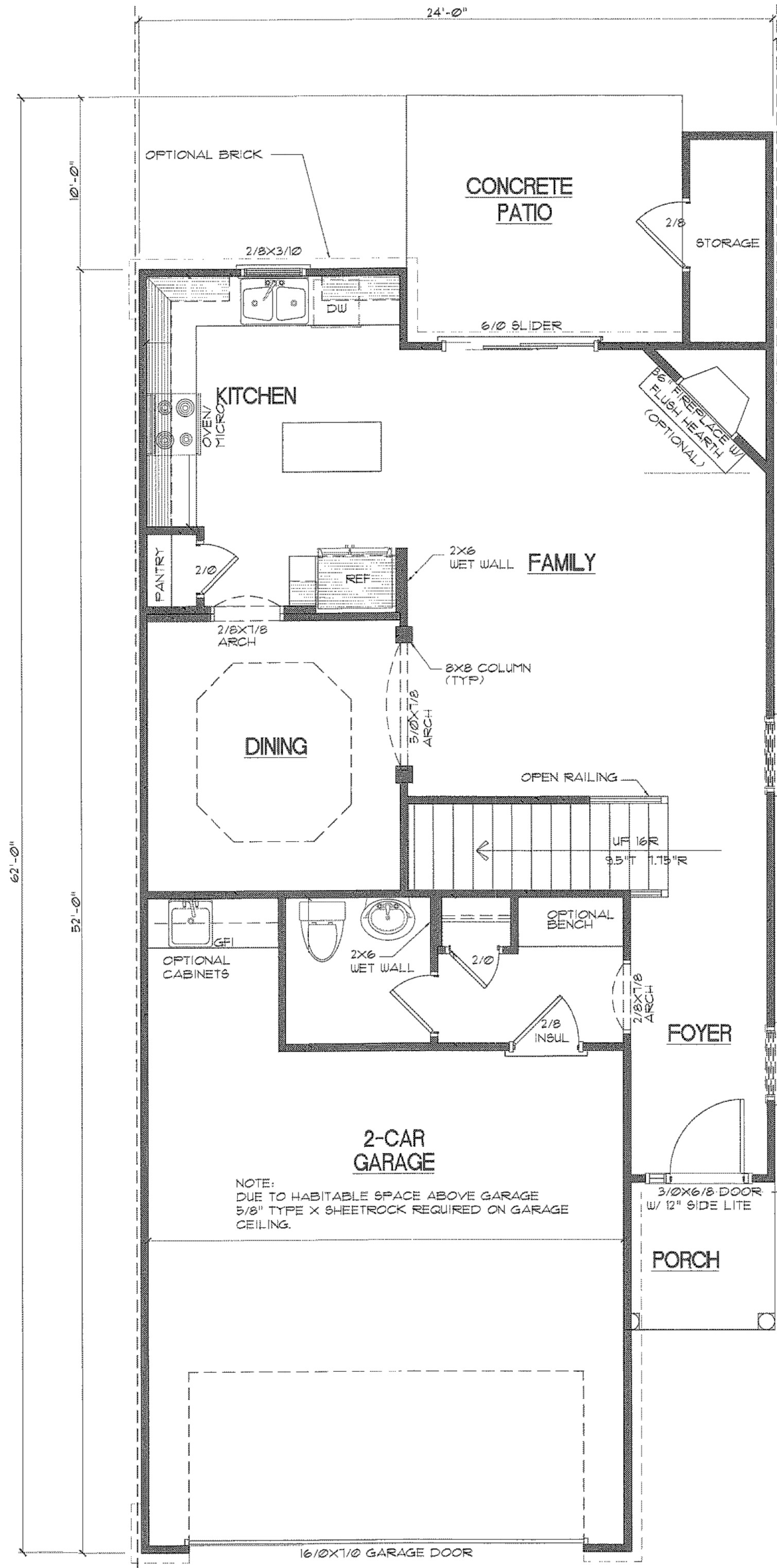
NOTE:
REFER TO BASIC UNIT ELEVATIONS FOR INFORMATION NOT
SHOWN HERE



NOTE:
REFER TO BASIC UNIT ELEVATIONS FOR INFORMATION NOT
SHOWN HERE



FRENCH DOOR OPTION



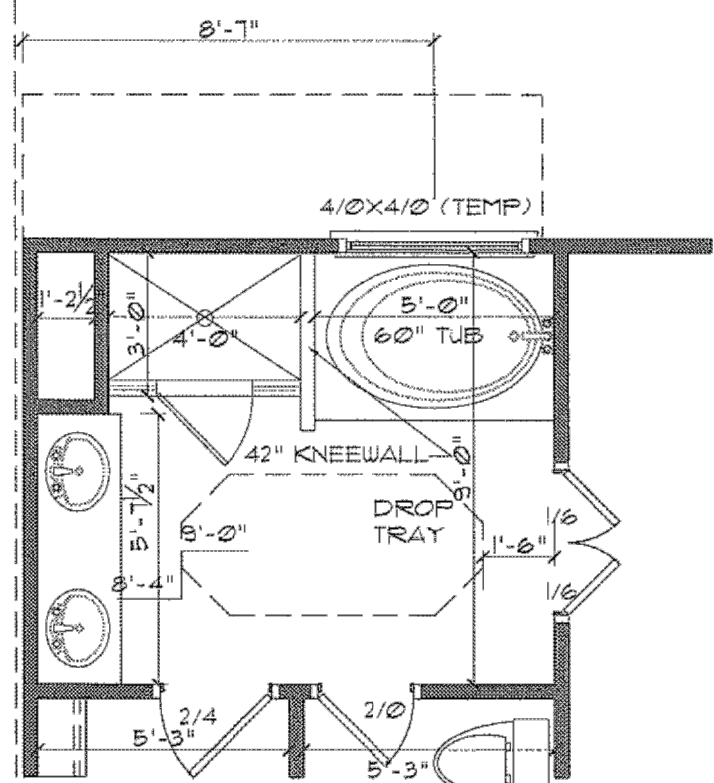
FIRST FLOOR
SCALE: 1/4"=1'

NOTE:
-NORTH CAROLINA STATE BUILDING CODE REQUIRES THAT DECKS WITH A FIRE SEPARATION DISTANCE OF LESS THAN TWO FEET SHALL HAVE NOT LESS THAN A ONE-HOUR FIRE-RESISTIVE RATING WITH EXPOSURE FROM BOTH SIDES.

NOTE:
-BOXING WITHIN THE 5' FIRE SEPARATION DISTANCE IS REQUIRED TO BE RATED AT 1-HR FROM BOTTOM.
-NO OPENINGS ALLOWED IN BOXING FOR 4' FROM PROPERTY LINE

CLIMATE ZONE	PENETRATION U-FACTOR	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE	FLOOR R-VALUE	BASEMENT WALL R-VALUE	SLAB R-VALUE & DEPTH	CRAWL SPACE WALL R-VALUE
3	U-0.35/ SHGC-0.30	30	13	5/10	19	10/13	0	5/13
4	U-0.35/ SHGC-0.30	38	15 13.4.5	5/10	19	10/13	10.2 FT.	10/13

PLANS ARE DESIGNED TO MEET THE REQUIREMENTS OF THE NORTH CAROLINA RESIDENTIAL CODE, 2012 EDITION



OPTIONAL TUB/SHOWER
SCALE: 1/4"=1'

GENERAL NOTES

WALLS:
ALL WALLS ARE DRAWN 4" THICK UNO.
ANGLED WALL ARE DRAWN @45° UNO.

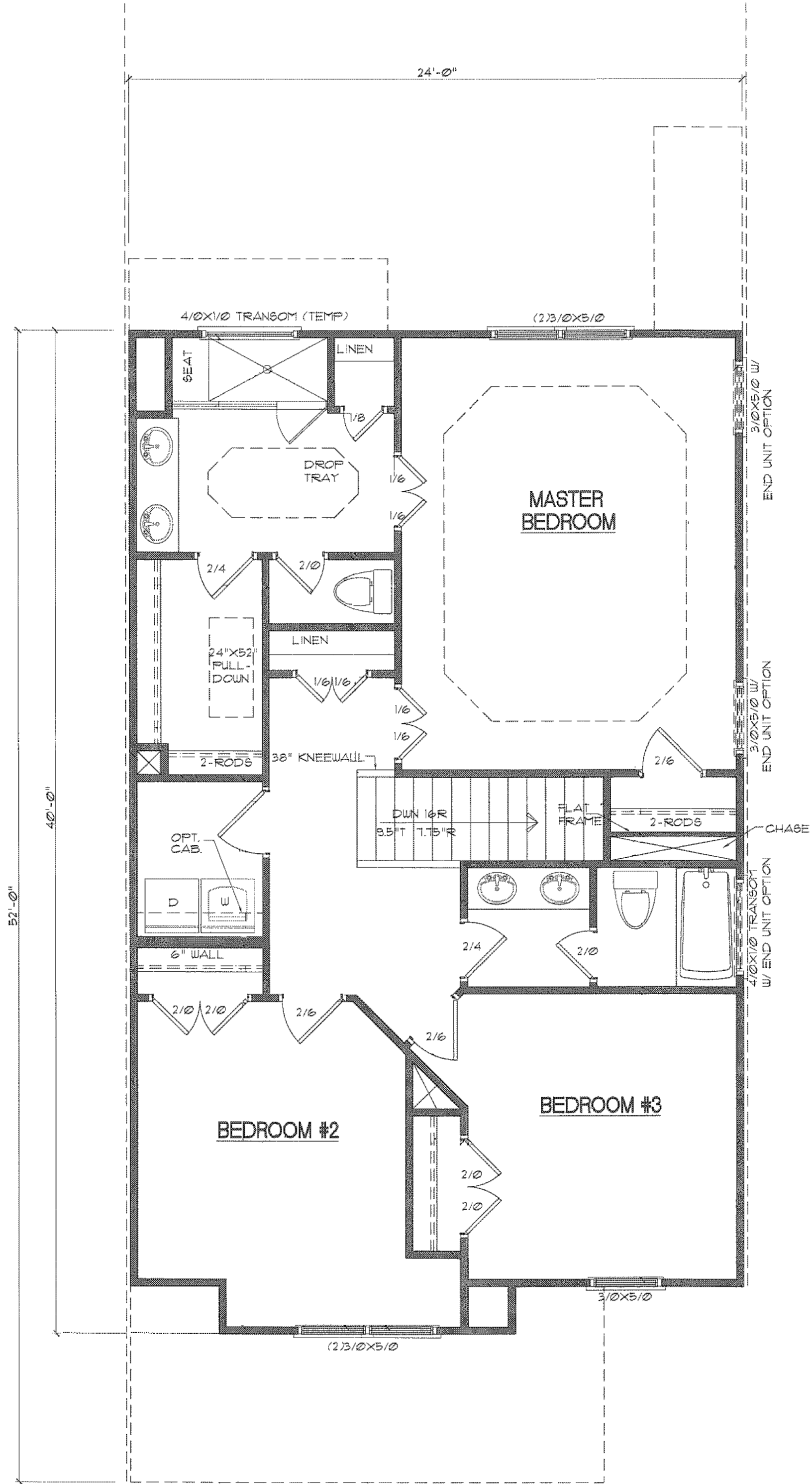
SMOKE DETECTORS:
LOCATION AND NUMBER OF DETECTORS SHALL CONFORM TO NEC.

EGRESS:
ALL BEDROOMS MUST HAVE AT LEAST ONE WINDOW WHICH CONFORMS TO R-310 OF THE N.C. BLDG. CODE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY CHOSEN WINDOWS MEET EGRESS REQUIREMENTS AS MANUFACTURERS VARY.

ATTIC ACCESS:
MIN. ATTIC ACCESS SHALL BE PROVIDED BY BUILDER AND LOCATED ON SITE.

WALL/CEILING HGT.
WALL AND CEILING HEIGHT NOTES ARE BASED ON NOMINAL WALL SIZE.
KNEE WALL HEIGHT LABELS FOR WALLS UNDER RAFTERS ASSUME AN EXTRA 2" FOR FURRING (IN HEATED SPACES) FOR INSULATION. THE WALL HEIGHT REFERS TO THE 1ST. FROM THE FLOOR DECKING TO THE BOTTOM OF THE FURRING.

FLOOR AREA:	
FIRST FLOOR HTD. *	166#
SECOND FLOOR HTD. *	101#
TOTAL SQ. FT. *	1185#
STORAGE *	29#
PORCH *	43#
PATIO *	112#
GARAGE *	436#



SECOND FLOOR
SCALE: 1/4"=1'

PLAN PREPARED BY:

ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS
51 Kilmorye Drive, Suite 105
Cary, North Carolina 27511
ph 919.481.8290
fax 919.336.5127

PLAN PREPARED FOR:
KB HOME CAROLINAS
4506 SOUTH MIAMI BLVD., SUITE 100A
DURHAM, NC 27703
PHONE: 919.768.7980

HOMESTEAD ROAD, CHAPEL HILL, NC - ORANGE COUNTY
BRIDGEPOINT
CONDITIONAL ZONING PLANS
FOR
KB HOME CAROLINAS
BUILDING LOOR PLAN

07/22/2020

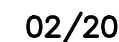
Issue Dates:
01/02/2020 - Initial Submittal to Town
02/06/2020 - 1st Review SUP Comments
07/22/2020 - Response to 2nd Review SUP Comments

Date: 07/22/2020
Scale: 1/8" = 1'-0"

Drawn By: JRR
Checked By: CMR

Project Number:
18-0001-978

Drawing Number:
15 / 16



Bridgepoint

Capkov Ventures Inc.
Town Council
9-30-2020

Location: Chapel Hill North Carolina,
Northwest corner of Weaver Dairy Extension
& Homestead Road

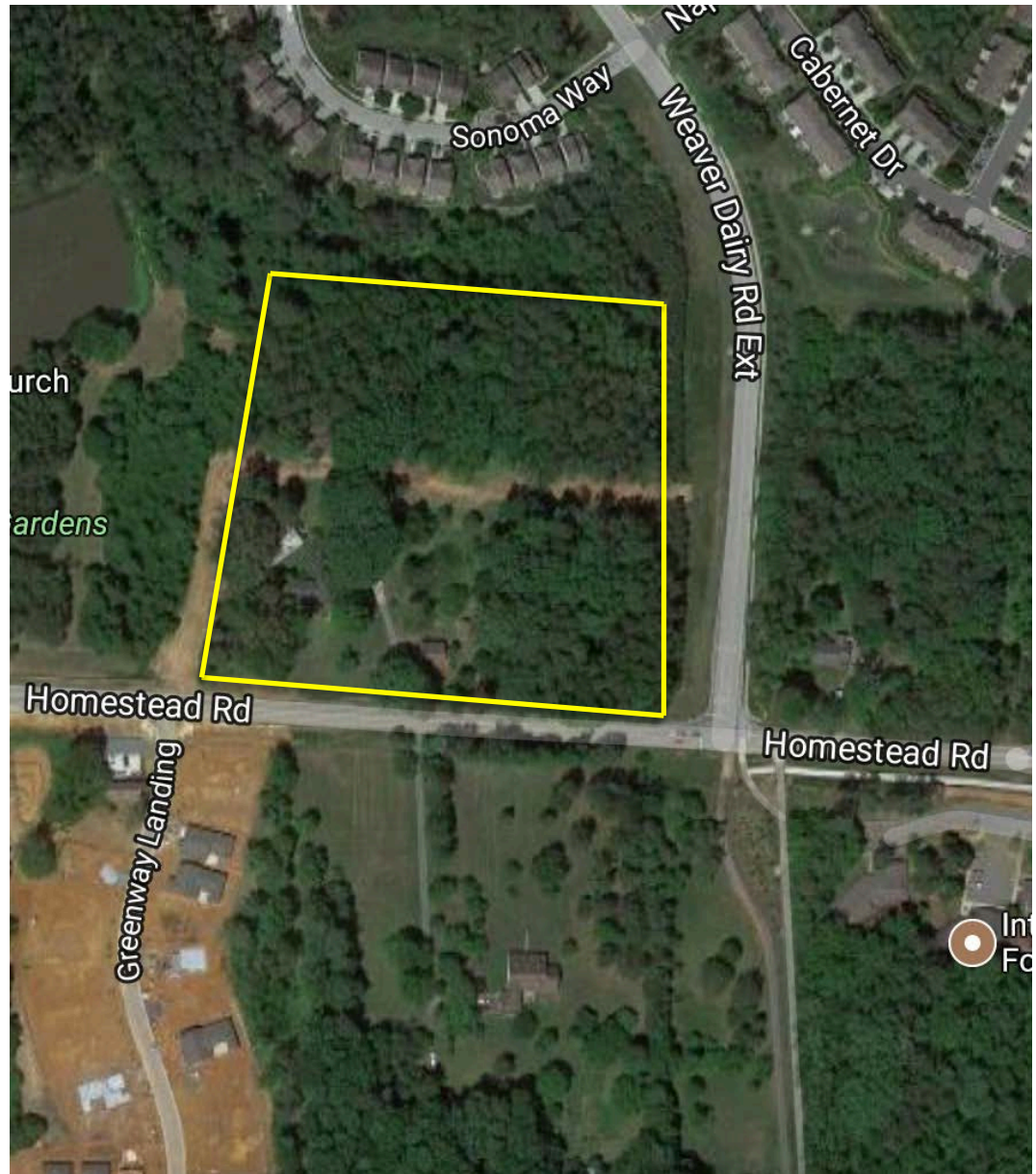
Lot Size: Gross Land Area – 8.35 Acres

Net Land Area: 9.12 Acres

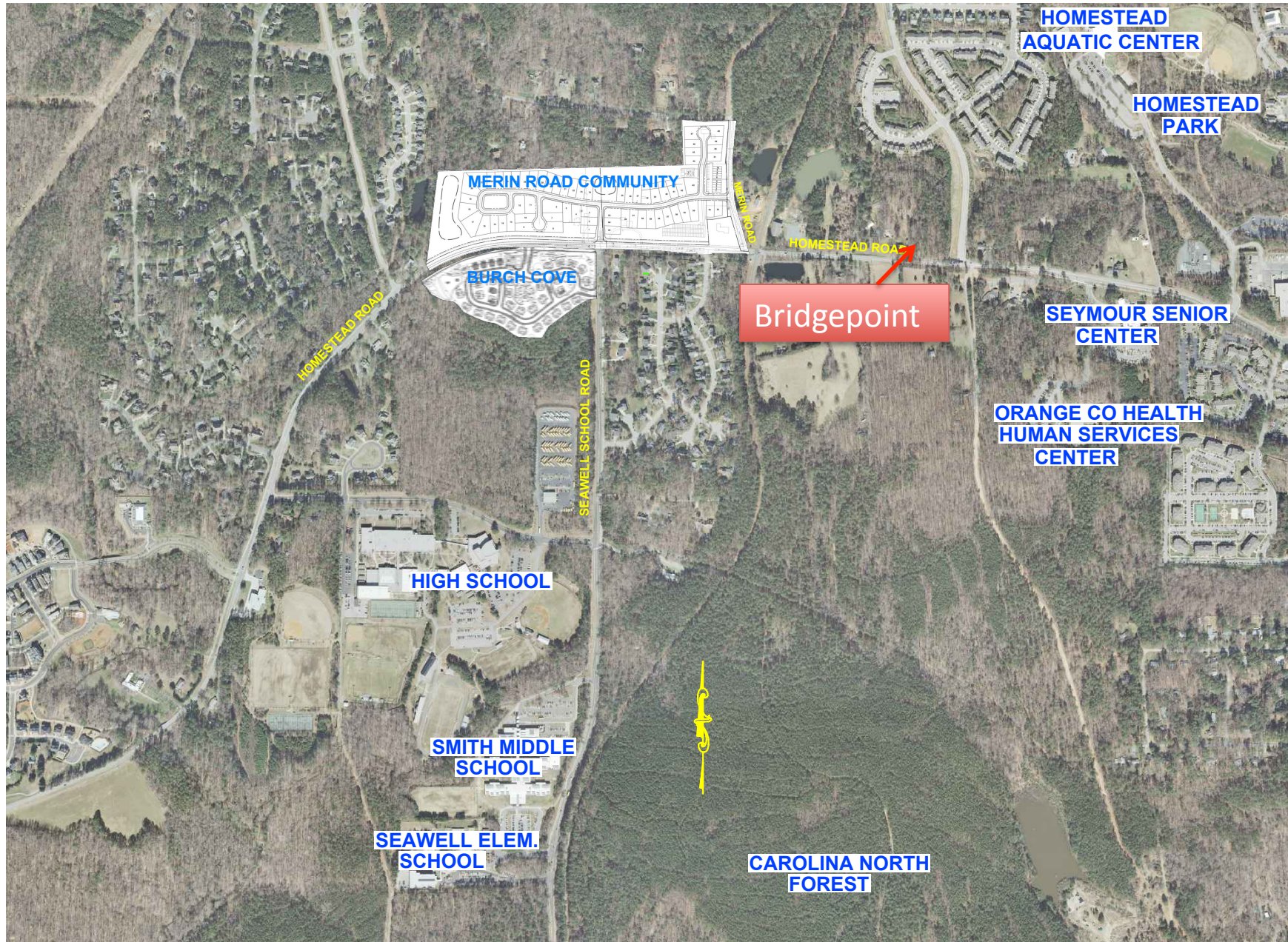
Zoning: R-5-C

Parcel Identification Numbers:
9870-91-4489 & 9870-91-9528

Owner: Capkov Ventures Inc.
919-942-8005



Landmark Map



Streetscape



Streetscape

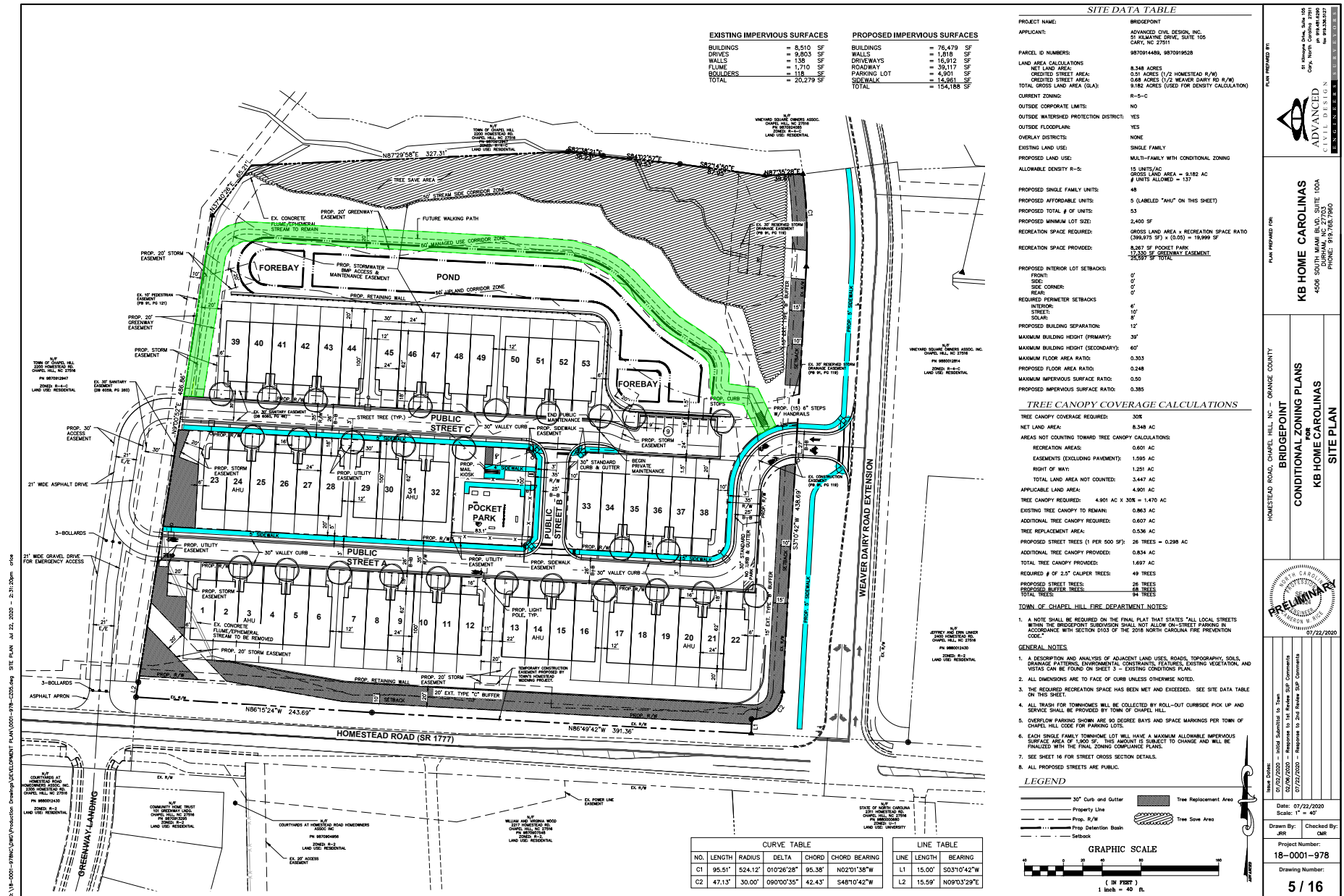


Site Plan Layout



Combined Site Plan





Chapel Hill Greenway Master Plan Update 2012 | Strategic Planning

HORACE WILLIAMS TRAIL

A spur of the Norfolk Southern Railroad leaves the main rail line near Hillsborough and trends southeast to Chapel Hill. The line serves the needs of the University of North Carolina co-generation plant and extends over 4.1 miles along this potential greenway.

- 1 Millhouse Road to Eubanks Road**
The trail would begin at Millhouse Road just south of I-40 and continue through the Town's Operations Center and northern park and ride lot to Eubanks Road.

Resource Protection

The Town controls almost all of the land in this section. Only one parcel is currently missing. The Town can likely preserve a trail corridor on that tract when the property is developed in the future. The Town should be prepared to act swiftly to preserve the rail corridor in the event that the railroad should abandon the line.

Potential for Trail Development

The physical limitations of trail development in this section are few. An important connection could be made from the Horace Williams Trail to the Old Field Trail.

Summary of Constraints for Potential Trail Development

- One parcel of land is in private ownership.
- It would be necessary to build a portion of the trail on the existing park and ride lot property.
- It would be necessary to negotiate a crossing access with the Norfolk Southern Railroad to allow trail access to Millhouse Road.

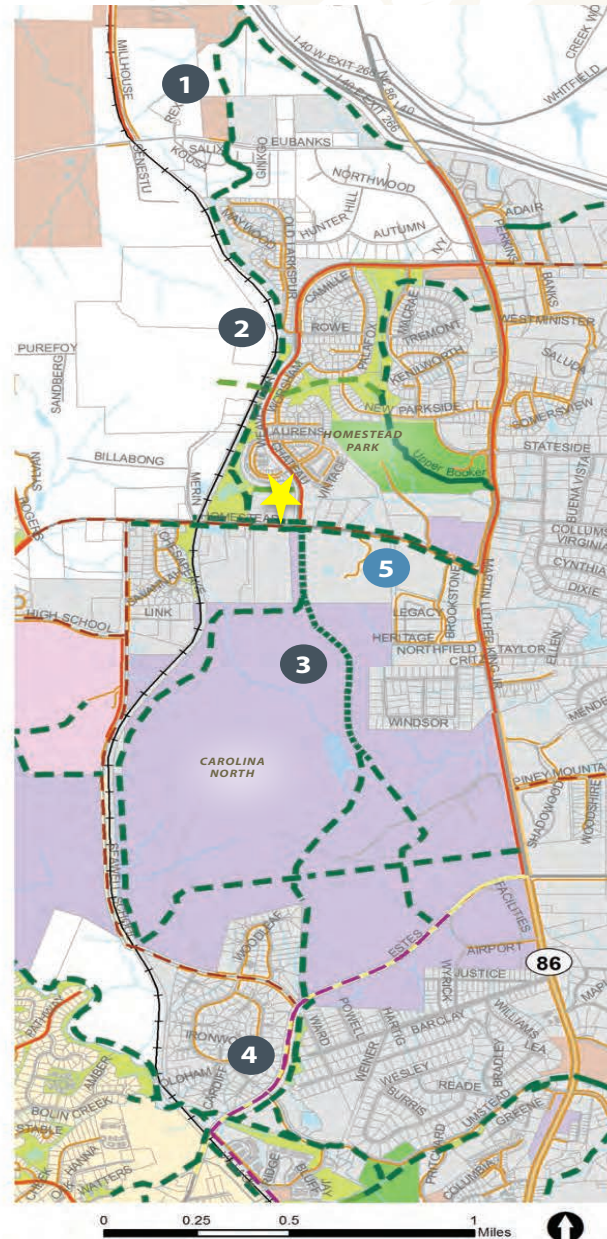
Greenways

- Paved
- Unpaved
- Proposed Paved
- Proposed Unpaved
- Planned

Bike Facilities

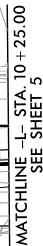
- Bike Lane
- Wide Shoulder/Wide Outside Lane
- Proposed Facility
- Proposed Campus to Campus Connector

- Sidewalk
- Stream
- Railroad
- Town Property
- Park
- Open Space
- School
- UNC Property
- Parcel
- Town Limits
- Carrboro Limits



MAP 4.4 - HORACE WILLIAMS TRAIL

10/3/2018
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User: the.ms



Town of
Chapel Hill
ENGINEERING AND DESIGN SERVICES

HOMESTEAD ROAD IMPROVEMENTS

PLAN SHEET

ROADWAY DESIGN ENGINEER

INCOMPLETE PLANS
DO NOT USE FOR R/U ACQUISITION

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

HYDRAULICS ENGINEER

REVISIONS

SCALES

H-SCALE - 1" = 30'

V-SCALE - N/A

DATE: 5/7/18

DESIGNED BY: KMW

CHECKED BY: LSM




**RAMEY KEMP
ASSOCIATES**
TRANSPORTATION ENGINEERS

5808 Farlington Place
Suite 100
Raleigh, North Carolina 27609
Phone: (919) 872-5115
Fax: (919) 878-5416
www.rameykemp.com
NC License No. C-0910

SHEET NO.

5



Town of
Chapel Hill

HOMESTEAD ROAD IMPROVEMENTS

PLAN SHEET

ROADWAY DESIGN ENGINEER

INCOMPLETE PLANS
DO NOT USE FOR CONSTRUCTION

PRELIMINARY PLANS
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REVISIONS

SCALES


H-SCALE - 1" = 30'

V-SCALE - N/A

DATE: 5/7/18

DESIGNED BY: KMW

CHECKED BY: LSH



**RAYEY KEMP
ASSOCIATES**
AN ASSOCIATION OF ENGINEERS

5808 Farrington Place
Suite 100
Raleigh, North Carolina 27609
Phone: (919) 822-5115
Fax: (919) 878-5416
www.rameykemp.com
NC License No. C-0910

NOTES: 1. ALL DIMENSION CALLOUTS ARE TO THE EDGE OF PAVEMENT UNLESS OTHERWISE SPECIFIED.
2. CONTRACTOR TO COORDINATE WITH RAILROAD COMPANY FOR WORK COMPLETED WITHIN THE RAILROAD RIGHT-OF-WAY. SEE DETAIL ON SHEET 2-A FOR CROSSING AT TRACKS.

TEMPORARY AND PERMANENT EASEMENT AREAS				
PARCEL NO.	PROPERTY OWNER'S NAME	TEMP. CONSTRUCTION EASEMENT	PERMANENT DRAINAGE EASEMENT	PERMANENT ROW
1	SCOTTY M. HINSON & SUSAN F. HINSON	4,997.07 SQ. FT.	341.17 SQ. FT.	1,692.90 SQ. FT.
2	TOWN OF CHAPEL HILL	11,220.86 SQ. FT.	981.52 SQ. FT.	4,276.11 SQ. FT.
3	DONALD F. FRALEY, SR. & DEBROAH H. FRALEY	4,662.08 SQ. FT.	730.61 SQ. FT.	2,524.57 SQ. FT.

15+00

NAD 83/2011

AREA UNDER CONSTRUCTION AT TIME OF SURVEY

10' MULTI-USE PATH

PROP HANDRAIL STA 17+75 TO 19+00 LT

RIM=53.00
IN=518.05'
OUT=518.00'

215' TRANSITION LT

8' SHIFT - D.S. 40 MPH

20' ASPHALT DRIVEWAY

3" CONC. SIDEWALK

2" C&G

2" BKE LANE

HOMESTEAD RD

VARIABLE WIDTH PUBLIC ROW

UNFINISHED BOX TOP CONC.=53.37' OUT=528.75'

SILT FENCE

REMOVE 44' 15C RCP

80' TRANSITION RT

3' SHIFT - D.S. 40 MPH

TOP CONC.=53.39' IN=532.18' OUT=532.05'

NS=520.03'

IMPROVEMENTS UNDER CONSTRUCTION BY COURTDARDS OF HOMESTEAD DEVELOPMENT

AREA UNDER CONSTRUCTION AT TIME OF SURVEY

STORM BOXES ARE UNFINISHED - NO RIM

COURTYARDS OF HOMESTEAD DEVELOPMENT

CDOT 840.22
± STA 11+05.00
26.00' LT
TOP=528.75'
INV. OUT IN 181'=528.25'

CDOT 840.03E
± STA 13+05.00
18.00' RT
TOP=529.46'
INV. IN E 151'=525.75'
INV. OUT W 151'=525.75'

PERPETUAL LANDING
45' PRIVATE RW
(P.B. 115 PG. 86)

EDGE OF WALL

REMOVE 10' 24" RCP

40' MINIMUM BUILDING SETBACK

ASPHALT DRIVEWAY
6" STONE BASE
2" ASPHALT SURFACE

CDOT 840.03F
± STA 11+75.00
46.00' RT
INV. OUT =528.00'

OPEN END 18" RCP
± STA 11+70.00
43.00' RT
INV. IN=526.00'

CDOT 840.03F
± STA 12+95.00
18.00' RT
TOP=531.60'
INV. IN S 181'=525.50'
INV. OUT E 181'=525.50'

CDOT 840.04
± STA 12+95.00
42.83' RT
TOP=529.56'
INV. IN E 151'=525.50'
INV. IN W 181'=524.00'
INV. IN S 241'=520.07'
INV. OUT W 241'=520.07'

EXISTING CB
± STA 14+84.50
20.00' LT
INV. OUT W 151'=528.75'

OPEN 24" CAMP
± STA 13+06.26
74.28' LT
INV. IN=518.00'
INV. OUT=512.59'

CDOT 840.03G
± STA 12+95.00
18.00' LT
TOP=529.54'
INV. IN E 151'=525.25'
INV. IN S 241'=519.09'
INV. OUT IN 241'=519.09'

CDOT 840.03E
± STA 13+05.00
18.00' LT
TOP=529.43'
INV. IN E 151'=525.50'
INV. OUT W 151'=525.50'

CDOT 840.03G
± STA 12+95.00
18.00' LT
TOP=529.54'
INV. IN E 151'=525.25'
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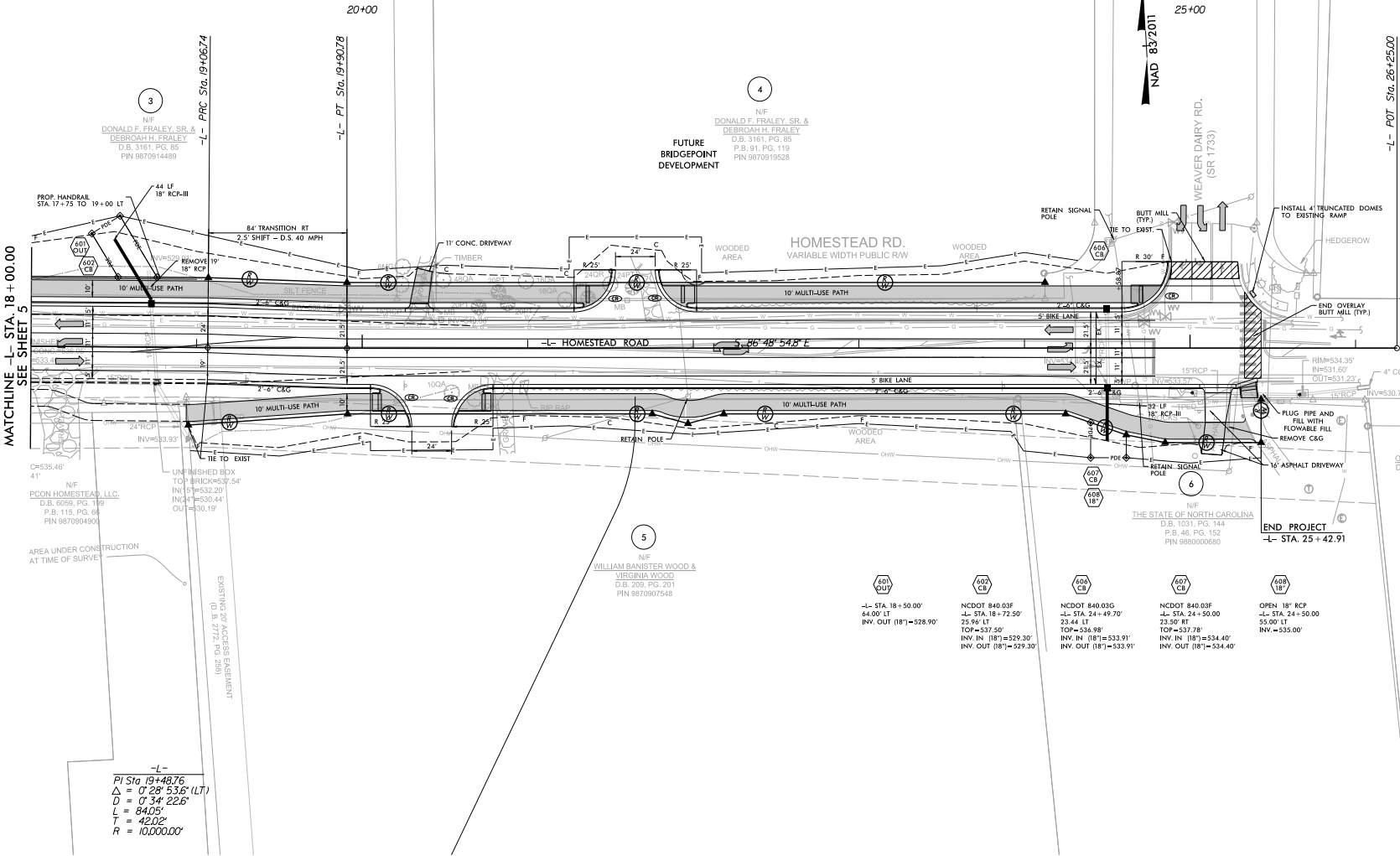
EXISTING CB
± STA 14

10/3/2018
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Homestead Road Improvements

NOTES: 1. ALL DIMENSION CALLOUTS ARE TO THE EDGE OF PAVEMENT UNLESS OTHERWISE SPECIFIED.
2. CONTRACTOR TO REPLACE SIGNAL LOOPS IF DAMAGED DURING CONSTRUCTION.

TEMPORARY AND PERMANENT EASEMENT AREAS				
PARCEL NO.	PROPERTY OWNER'S NAME	TEMP. CONSTRUCTION EASEMENT	PERMANENT DRAINAGE EASEMENT	PERMANENT ROW
3	DONALD F. FRALEY, SR. & DEBROAH H. FRALEY	4,641.56 SQ. FT.	730.61-SQ. FT.	2,524.57 SQ. FT.
4	DONALD F. FRALEY, SR. & DEBROAH H. FRALEY	5,365.55 SQ. FT.	-	3,730.65 SQ. FT.
5	WILLIAM BANISTER WOOD & VIRGINIA WOOD	6,404.22 SQ. FT.	-	4,800.78 SQ. FT.
6	THE STATE OF NORTH CAROLINA	1,850.13 SQ. FT.	369.86 SQ. FT.	2,792.60 SQ. FT.



SHEET NO.
6

TOWN OF
Chapel Hill
ENGINEERING AND DESIGN SERVICES

HOMESTEAD ROAD IMPROVEMENTS
PLAN SHEET

ROADWAY DESIGN ENGINEER

INCOMPLETE PLANS
DO NOT USE FOR CONSTRUCTION
PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

HYDRAULICS ENGINEER

REVISIONS

SCALES

H-SCALE - 1" = 30'

V-SCALE - N/A

DATE: 5/7/18

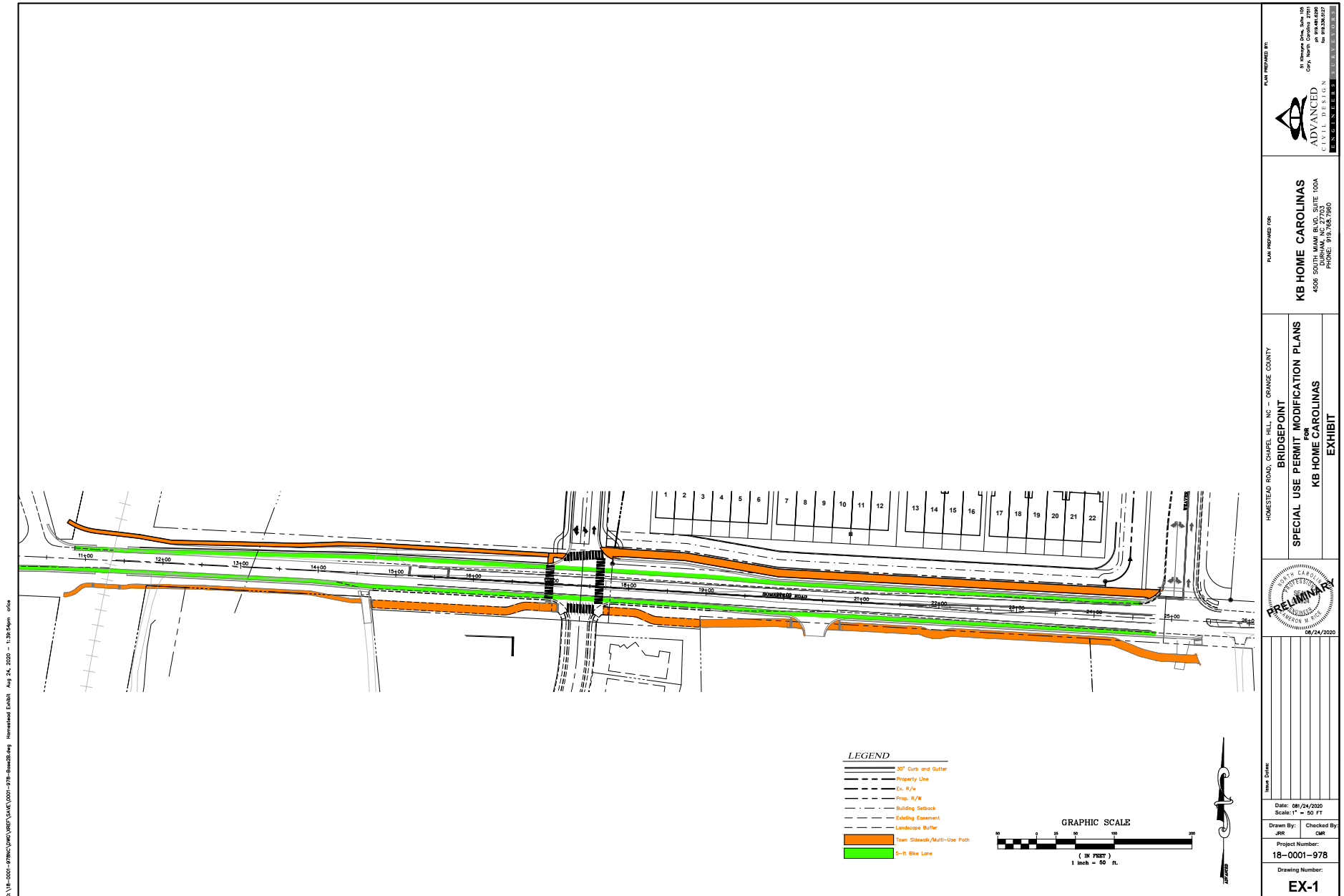
DESIGNED BY: KMW

CHECKED BY: LSH

RAMEY KEMP
ASSOCIATES
TRANSPORTATION ENGINEERS
5000 Farrington Place
Suite 100
Raleigh, North Carolina 27609
Phone: (919) 872-5115
Fax: (919) 878-5416
www.rameykemp.com
NC License No. C-0010

10/1/2018 6:24:44 PM rajesh@rkas.com
Insert Tables

Homestead Road Improvements





Traffic Impact Analysis and Transportation Advisory Board Recommendations

1. Upgrade Traffic Signal at Homestead Road and Weaver Dairy Road Extension with pedestrian crosswalks and related amenities to include APS equipment and high visibility crosswalks and bicycle activated loops.
2. Add street lighting to the Homestead Road street frontage.
3. Construct a sidewalk from the eastern end of the guest parking lot to the sidewalk near the entrance from Weaver Dairy Extension Road.
4. Provide 12 Class I bicycle parking spaces, covered and secured, and one class II bicycle parking space.
5. Extend the south bound bicycle lane on Weaver Dairy Extension Road to Homestead Road where it will tie into the west bound 5' bike lane constructed as part of the Homestead Road Improvement

KB Homes Energy Saving Features

- 1) **Energy Star Certified** home verified by independent third party inspector
- 2) Thermal Enclosure System: air sealing, quality insulation and high performance windows to enhance comfort, improve durability. Reduce maintenance costs and help lower monthly utility bills.
- 3) Crawl spaces sealed, and conditioned, or energy efficient slabs
- 4) Water saving plumbing fixtures.
- 5) Water management System to help protect roofs, walls and foundations from water damage.
- 6) **LP TechShield** radiant barrier sheathing to help reduce cooling cost by lowering attic temperatures by up to 30 degrees F
- 7) **EcoBee3** lite smart thermostat
- 8) **Generation Lighting** ~~Traverse~~Lyte LED light fixtures at foyer, kitchen, family room, loft, flex, hallways, stairways, and walk-in closets. LED lighting is installed in approximately 90% of each homes lighting fixtures.
- 9) R-15 exterior wall insulation, R-38 blown attic insulation and 2-in. R-10 slab insulation
- 10) 14 Sheer **Carrier** HVAC system with gas furnace designed and installed to deliver more comfort, better moisture control, improved indoor air quality and quieter operation
- 11) Low-E **Ply Gem** windows with Grids on front of home and window screens on entire home
- 12) **Energy Performance Guide (EPG)** a monthly energy cost estimate to help you better understand the money-saving advantages of a KB home.
- 13) KB Home has industry leading HERS Scores that puts KB Home in the 50% fossil fuel reduction range.
- 14) KB Home hires professional disposal companies that sort through and recycle the construction debris.

Energy Efficiency and Greenhouse Gas Reduction

#1

sustainability priority for our stakeholders

100%

ENERGY STAR certified home commitment by KB Home for over a decade; while only 10% of U.S. new homes were ENERGY STAR certified in 2019

140,000+

ENERGY STAR certified new homes built since 2000; **11,797** in 2019

5 billion

pounds estimated cumulative CO₂ emission reduction from these homes

\$780 million

estimated cumulative utility bill savings

52

KB Home's average HERS Index energy performance score by the end of 2019, compared to a new-home average HERS Index score of 59 and resale average HERS Index score of 130

10,000+

total solar homes sold; **2,247** built in 2019

28

megawatts of solar power installed, producing an estimated 47 million kilowatt hours of renewable energy annually

17%

of our 2019 homes nationwide were solar; compared to 14% in 2018

28%

of KB homes delivered in 2019 were all electric

Keeping Homeownership Attainable

600,000+

total KB homes delivered

11,871

new KB homes delivered in 2019

55%

first-time buyers

22%

first move-up buyers

10%

second move-up buyers

13%

active adult buyers

2,152

average sq. ft. of KB homes in 2019

87%

of KB communities offered 1,800-sq.-ft. plans or less

33%

of KB communities offered 1,400-sq.-ft. plans or less

Water Conservation

16,000+

cumulative WaterSense labeled and Water Smart homes built; **1,097** in 2019

700,000

WaterSense labeled fixtures installed

1.5 billion

gallons of water saved each year from KB homes and fixtures (estimated)

Waste Reduction

329,900

pounds of office paper recycled

33%

of office supplies are "Earth Conscious"

100%

of retired electronics were donated to nonprofit organizations or recycled through e-waste services

Sustainability Industry Leadership

9

ENERGY STAR Sustained Excellence Awards through 2019 (and a tenth in 2020), more than any other homebuilder

20

2019 ENERGY STAR Certified Home Market Leader Awards

5

WaterSense Sustained Excellence Awards, the only national homebuilder to receive this award

1

Indoor airPLUS Leader Award, the first production homebuilder to receive this award

13

Sustainability Reports FY 2007-2019

3

sustainability innovation lab concept homes: 2010-11, 2016, 2018-19

Community Development

\$2,000,000

in funds provided and raised through KB Cares events to over 115 important local organizations and causes in 2019

2,300+

volunteer hours in 2019

1,200+

trade partner volunteer hours in 2019

550

infill homes built in neighborhoods being revitalized in 2019

Customer Satisfaction

94.83%

overall customer satisfaction rating in 2019

93.73%

would recommend KB Home to a friend

4.6

Trustbuilder® stars rating nationwide compared to 4.1 for all builders, out of a possible 5 stars

Employees and Partners

2,157

employees

100%

of employees and trade partners required to wear protective equipment at construction sites

100%

of Board members and employees covered by our Ethics Policy. 98% of employees certified on Ethics Policy standards

100%

of our national supplier agreements include obligations to acknowledge our Ethics Policy and sustainability strategy



140,000+
ENERGY STAR certified homes



ENERGY STAR partner
Since 2000



Reduced carbon emissions by
5 Billion lbs



\$780 Million
saved in utility bills



Builder with the most
EPA Awards



**100% of KB homes are
ENERGY STAR certified**

compared to just 10% of all
new homes in the U.S.

"KB Home recently achieved the impressive milestone of constructing more ENERGY STAR certified homes than any other homebuilder in the nation."

Anne Idsal
U.S. EPA
Acting Assistant
Administrator
of Air and Radiation



U.S. EPA letter to KB Home,
November 12, 2019

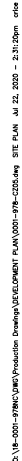
**Single Family and Town Home Communities
Approved by the Town of Chapel Hill in the Past 13
Years.**

I. Single Family		
1) Southgrove		26
2) Northwoods Phase II		4
3) Courtyards at Homestead		64
4) Ramsley		14
5) Chandler		63
	Total	171
II. Town Homes		
1) Chandler		9
	Total	9

A total of 171 Single Family Homes and 9 Town Homes have been approved in Chapel Hill in the last 13 years.

This has led to increased housing cost for all.

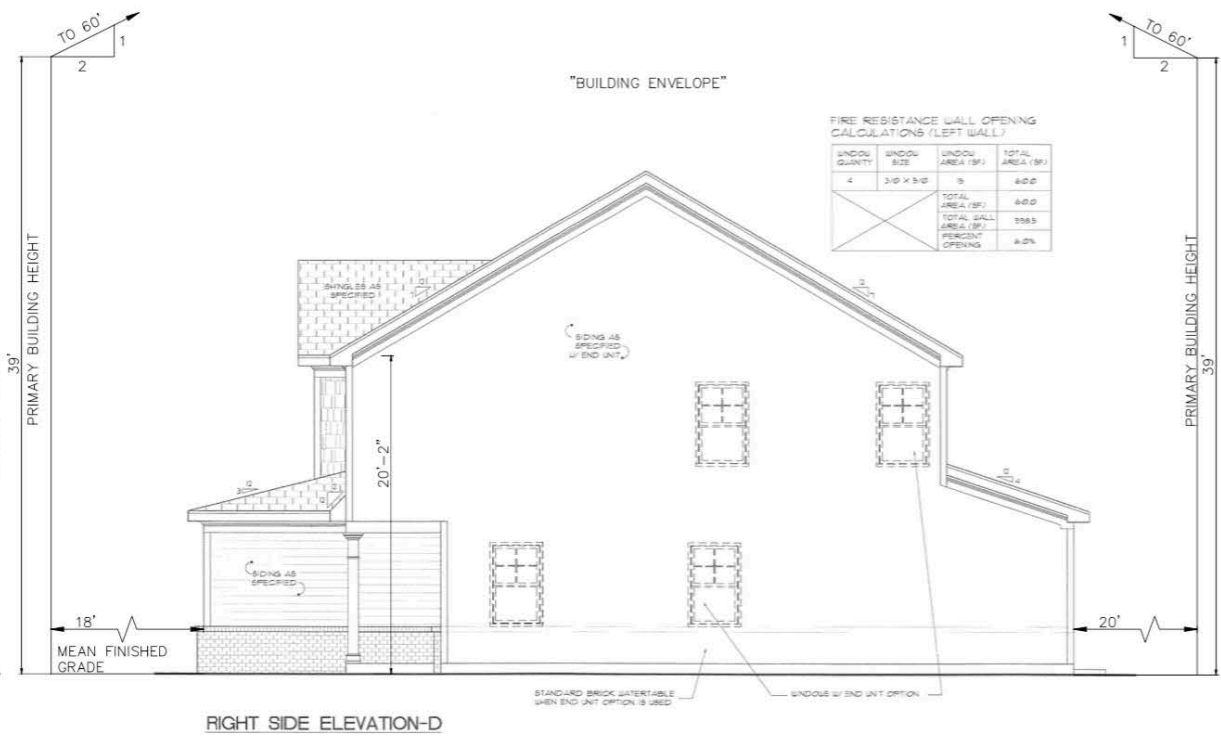
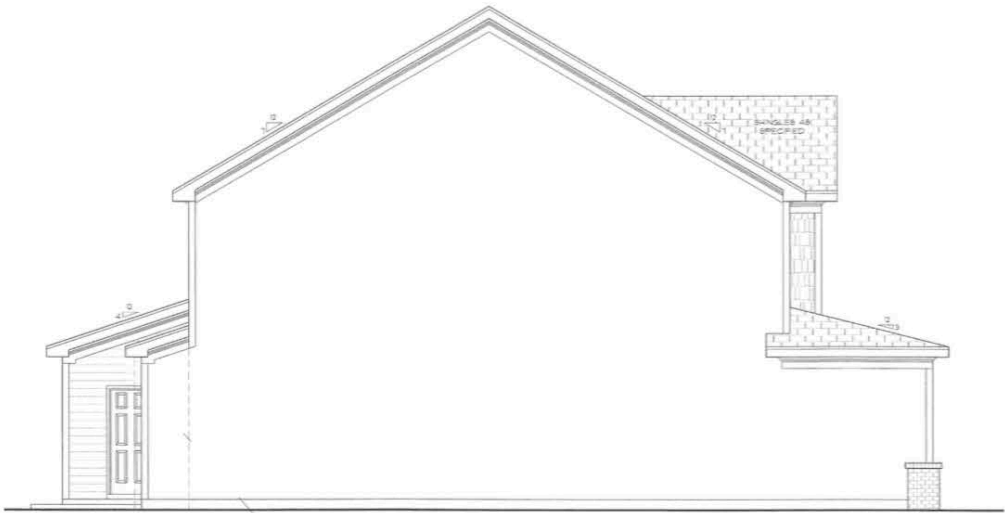
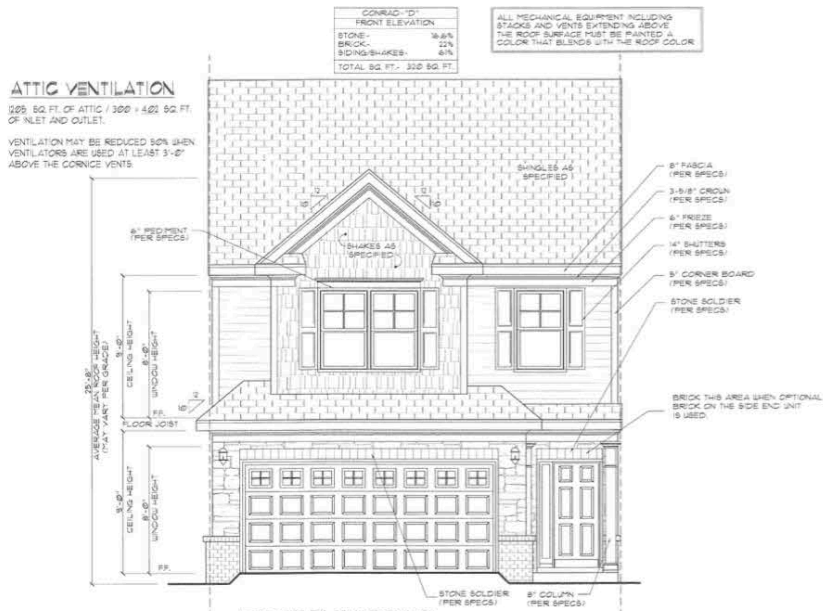
The last Town Home project approved was by Special Use Permit Approved April 21st, 2007. The Applicant was Capkov Ventures Inc.



Affordable Housing Plan

1. Bridgepoint will provide five (5) Affordable Homes in accordance with the Chapel Hill Land Use Ordinance's Inclusionary Zoning Provisions of Section 3.10. This equates to 10.4 % of the market rate homes being affordable.
2. Three of the homes will be available to those households earning 80% or less of the median income.
3. Two of the homes will be available to those households earning 65% or less of the median income.
4. Four of the homes will be three (3) bedroom homes, and one (1) of the homes will be a four (4) bedroom home.
5. Each of the homes will be an identical floor plan to the market rate Magnolia plan. The floor plan has both three (3) and four (4) bedroom options and will be approximately 1,700 square feet. Each Affordable Home will have two (2) car garages just like the market rate models.
6. The homes have been dispersed throughout the community to make them completely indistinguishable from the market rate homes.
7. While the Chapel Hill Development Ordinance sets a target of 15% Affordable Homes, we believe the 10.4 % Affordable Homes proposed by the Bridgepoint Affordable Housing Plan exceeds the expectations of the Ordinance by virtue of the size of the homes at approximately 1,700 square feet, combined with the inclusion of each home having a two car garage. The five (5) homes being provided will have approximately 8,500 square feet of living space. The 7.1 Affordable Homes (15%) targeted by the Land Use Ordinance combined would provide a minimum of only 7,580 square feet of living space.
8. Each Affordable Home will be conveyed to the Community Home Trust for perpetual affordability.
9. We believe the larger affordable homes will provide diversity within the affordable housing stock of the Community Home Trust which will make the affordable homes available to serve larger families and a more diverse population who might not otherwise

Elevations



Magnolia Floor Plan

GLENCROFT TOWNHOMES THE MAGNOLIA



FIRST FLOOR



SECOND FLOOR

Builder Projected Lot Cost

I.	Purchase Price of Land	\$1,800,000
II.	Due Diligence Cost Studies and Surveys	\$ 86,050
III.	Land Planning, Engineering, Permits	\$657,275
IV.	Legal, Administrative and Architectural	\$66,250
V.	Hard Cost Development	\$2,184,411
VI.	Affordable Housing	\$ 642,450
Total Lot Cost		\$5,436,436
Total Lot Cost Per Lot		\$102,574

Conventional lot cost to total home cost ratios are typically between 20%- 25%. This means that to be marketable the lot cost should not exceed 20 – 25% of the total home cost. Using the high end of this spectrum of 25% would mean that each home would have to sell for \$410,296.

This is why the Affordable Housing contribution makes it difficult to build moderately priced homes in Chapel Hill, and why developers are not entering the market. Not having a single market rate Town Home community approved in Chapel Hill in over 13 years hurts the community by significantly reducing housing opportunities and the overall diversity of housing.

Builder Cost of Affordable Homes

I Market Rate Sales Value

Market Rate Sales Price of 1700 Square Foot 3 Bedroom Base Model \$312,990

Market Rate Sales Price of 1700 Square Foot 4 Bedroom Base Model \$315,490

Market Rate Sales Value

Three Bedroom Models (4) x \$312,990 = \$1,251,960

Four Bedroom Models (1) x \$315,490 = \$315,490

Total Market Rate Sales Value \$1,567,450

II Affordable Rate Sales Value

Affordable Sales Price of 1700 Square Foot (3) Bedroom Model 80% AMI \$199,000

Affordable Sales Price of 1700 Square Foot (3) Bedroom Model 65% AMI \$151,000

Affordable Sales Price of 1700 Square Foot (4) Bedroom Model 80% AMI \$225,000

Affordable Sales Value

Three Bedroom Models at 80% of AMI; \$199,000 x (2) = \$398,000

Three Bedroom Models at 65% of AMI; \$151,000 x (2) = \$302,000

Four Bedroom Model at 80% AMI; \$225,000 x (1) = \$225,000

Total Affordable Home Sales Price \$925,000

Total Market Rate Sales Value \$1,567,450 – Total Affordable Sales Value \$925,00 = Total Cost of Affordable Homes **\$642,450 or \$13,669 Per Market Rate Unit Subsidy.**

This means every new owner of a market rate unit will have to pay an additional \$13,669 to subsidize the (5) Affordable Homes.

**Carolinas
Bridgepoint
VARIABLE CONTRIBUTION ANALYSIS
August 17, 2020**

	224.1513	240.1716	224.1921	
<u>PRODUCT</u>				
Number of Units	17	19	17	Total Units 53
Square Feet	1513	1716	1921	Wtd Avg SF 1,717
Mix Percentage	32.08%	35.85%	32.08%	Abs Per Wk
Plan Description	2ST/3BD/2.5BA	2ST/3BD/2.5BA	2ST/3BD/2.5BA	Peak Capital
<hr/>				
<u>REVENUE</u>				<u>Average</u>
Base Price	296,990	306,990	318,990	307,632
Lot Premium	6,000	6,000	6,000	6,000
Decor / Option Sales	17,819	18,419	19,139	18,458
Total Revenue	320,809	331,409	344,129	332,089
Base Price per SqFt	196.29	178.90	166.05	179.21
All-In Price per SqFt	212.04	193.13	179.14	194.71
<u>VARIABLE COSTS</u>				

Applicants Financial Disclosure on Purchase, Cost, and Sale Contract

I.	Capkov Purchase Price (Closing Statement attached)	\$1,175,000
II.	Closing Cost	\$2,817
III.	Surveys and Feasibility Studies	\$5,745
IV.	Land Planning and Engineering	\$15,250
V.	Property Taxes (2016-2020)	\$74,044
VI.	Interest (36 months at 5%)	\$176,250
VII.	Overhead and Administration (36 months)	\$306,347
Total Cost		\$1,755,453

Capkov Sales Price to KB Homes (Purchase Agreement attached) \$1,800,000

Net Income 6 Years \$44,547



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 16., **File #:** [20-0649], **Version:** 1

Meeting Date: 9/30/2020

Blue Hill Semiannual Report #12.

See 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: Corey Liles, Principal Planner

RECOMMENDATION: That the Council receive the staff presentation.


BLUE HILL SEMIANNUAL REPORT [#12]¹
STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Judy Johnson, Interim Director
Corey Liles, Principal Planner

PROJECT LOCATION Blue Hill Form District	MEETING DATE September 30, 2020
STAFF'S RECOMMENDATION That the Council receive the report and staff presentation.	
OVERVIEW This Report provides updates on Blue Hill District activity since the April 2020 email update ² . Highlights include:	
Booker Creek Basin Park (formerly Elliott Road Flood Storage)	Construction is underway and will continue through summer 2021. The 4-acre regrading project will reduce the impacts of flooding on neighboring properties. The project also includes a recreational trail network connecting to Booker Creek Greenway.
Elliott Road Extension	The Town conducted a competitive bid process over the summer and selected a general contractor ³ . Construction is expected to begin this fall. The Town is updating the 2018 Memorandum of Understanding with the developer of the Park Apartments projects, so that the Town will manage construction rather than the developer.
Development Review	An application is under review for redevelopment of the University Inn site located at Fordham Blvd. and Ephesus Church Rd. The proposed mixed-use project would include 341 residential units and at least 10% commercial space. In August 2020, the Community Design Commission approved a package of façade renovations and site improvements for the Sheraton Hotel on Europa Drive.
Construction Activity	<u>Recently completed projects:</u> <ul style="list-style-type: none"> • Trilogy Apartments (formerly Hillstone), Building 1 • Elliott Square façade renovations • The Elliott Apartments (formerly Fordham Blvd. Apartments) <u>Projects nearing completion:</u> <ul style="list-style-type: none"> • Trilogy Apartments (formerly Hillstone), Building 2 (fall completion anticipated)
Financial Performance	Property tax revenue will continue increasing as projects are completed and occupied. A significant revenue increase is projected in the next fiscal year, following final tax assessments of recent/upcoming completions. Repayment of debt for the construction of Elliott Road Extension will begin in the next fiscal year. Revenue growth for the District will continue to exceed annual debt service payments.
Improving Development Outcomes	<ul style="list-style-type: none"> • Council adopted new Massing Standards on February 19, 2020 • Continued Public Hearing on Townhome Standards, anticipated November 4, 2020 • <u>Potential project</u>: Update the Regulating Plan to address connectivity in the southeastern portion of the District • <u>Potential project</u>: Consider rezoning for the properties south of Elliott Rd
ATTACHMENTS <ol style="list-style-type: none"> 1. Blue Hill District Report, September 2020 2. Development Tracking Spreadsheet, September 2020 3. District Debt Scorecard, September 2020 	

¹ This is the 12th Council-required report for the Blue Hill District that will occur through 2025.

² <https://www.townofchapelhill.org/home/showdocument?id=45801>

³ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4600593&GUID=8ACAEF5-B4CC-4A82-8DCB-4AB8ABE3F841>



Blue Hill District Report

Date: September 30, 2020



DRAFT



Staff Recommendation

Receive the staff report and presentation

DRAFT

District Map



DRAFT

Overview

- I. Recent Activity
- II. District Performance
- III. Looking Ahead



1

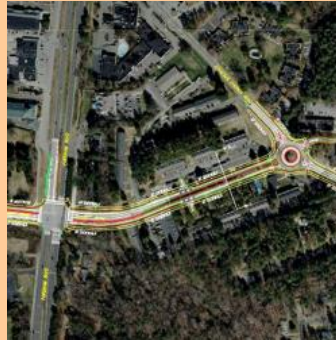
Recent Activity

1 Town Projects

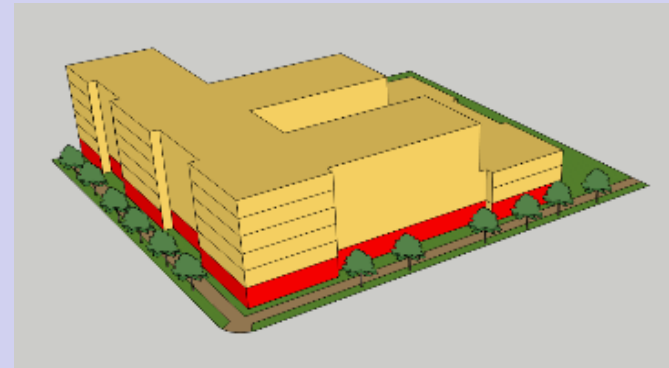
Construction underway on **Booker Creek Basin Park**



Gen. Contractor selected for **Elliott Rd Extension**



New **Massing Standards** adopted in February 2020 – building dimensions and connectivity between buildings



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1 Booker Creek Basin Park

Town Project

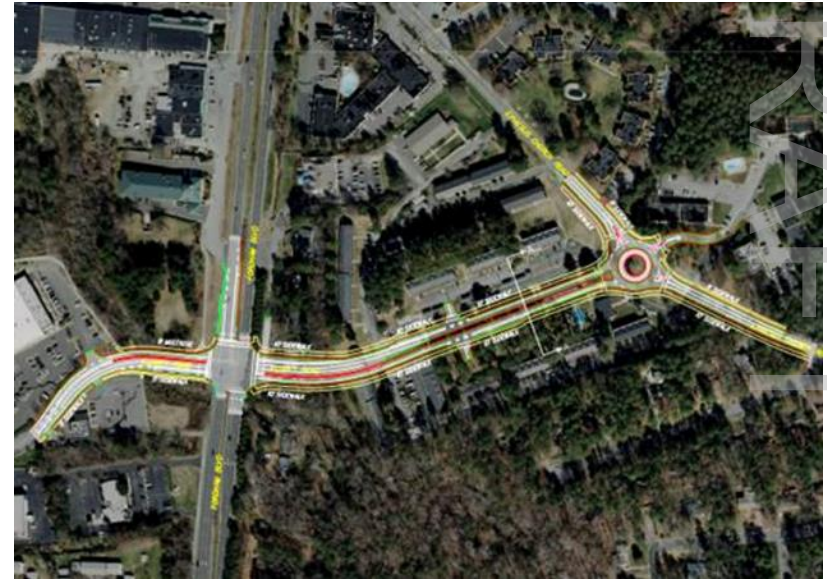
- Formerly called Elliott Rd Flood Storage
- Includes networks of trails and an overlook
- Construction underway, expected completion Summer 2021



1 Elliott Road Extension

Town Project

- Funding issues addressed and bid awarded
- Construction beginning Fall 2020
- Updating MOU with Park Apartments for Town to manage construction



1 Development Highlights

TRU Hotel and
Park Apartments Ph I
under construction

Trilogy Apartments and
The Elliott Apartments at
or nearing completion

University Inn plans under
review



Trilogy (Hillstone) PH 1

Use	Apartments
Units	328 (2 buildings)
Status	Complete



*Legion Rd Improvements
Looking south from Novus Ln*

718



*Completed Streetscape, Novus Ln
Looking west from Legion Rd*



*Frontage along Novus Ln
Looking west towards Fordham Blvd*

Trilogy (Hillstone) PH 2

Use	Apartments
Units	328 (2 buildings)
Status	Nearing Completion



Rear Connection to Ram's Plaza

The Elliott (Fordham Blvd Apts)

Use	Apartments
Units	272
Status	Complete



Pass-through to Future Park

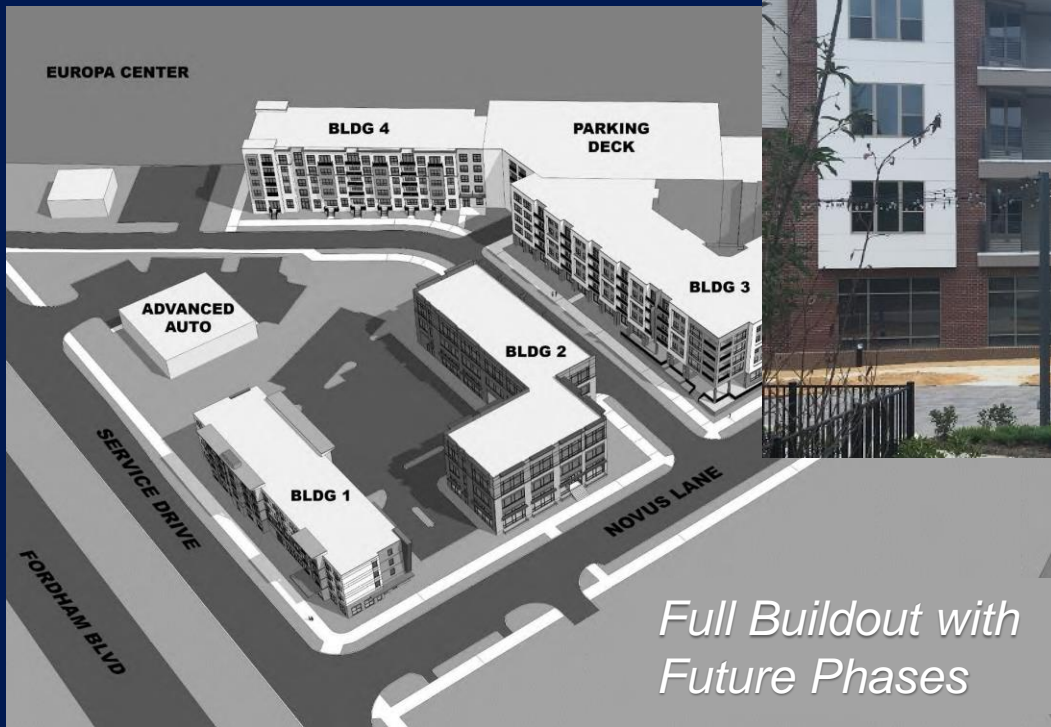


*Fordham Sidepath connecting to Booker Creek Greenway
Looking south towards Elliott Rd*

Tarheel Lodging PH 1

Use	Tru Hotel
Size	98 rooms, 43,000 sq ft
Status	Construction

721



*View of Hotel Site from Hillstone
Looking west towards Fordham Blvd*

The Park Apartments PH 1

Use	Apartments
Sq Ft	414 units (4 buildings)
Status	Construction

722



*Future View,
Roughly same
location*



Cleared Site, View from Ephesus Church Rd

1 Renovations & Expansions

Façade renovations for
Sheraton Hotel recently
approved by CDC



Sheraton

Use	Hotel
Project	Façade Changes
Status	Building Permits



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2

District Performance

2

Development Tracking

1,465 dwelling units new or in the pipeline (net total)

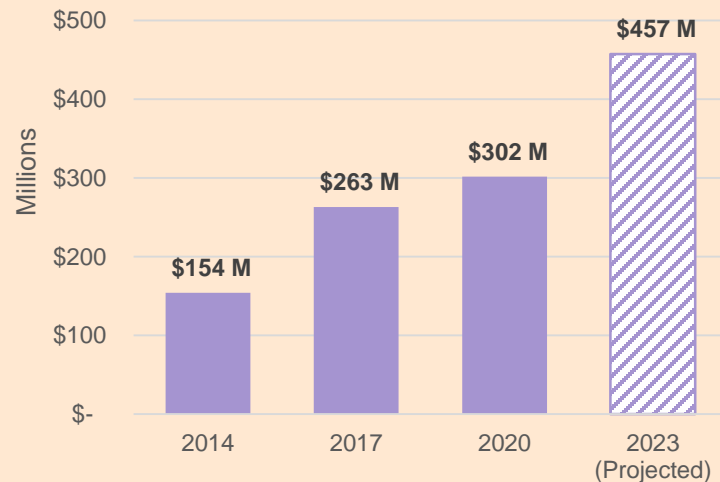


85,495 sq ft of commercial space new or in the pipeline (net total)



Total tax value of all properties in the District roughly doubled from 2014-2020

Overall District Property Valuation



DRAFT

2

Development Tracking – Residential

Status as of September 2020

RESIDENTIAL UNITS	NET NEW
Completed Projects	
783	783
Under Construction	
880	682
Add'l Anticipated* through 2029	
977	977
TOTAL through 2029	
2,640	2,442



* Includes Park Apts Ph II,
Staples, University Inn

More details in [Development Tracking Spreadsheet](#)

2

Development Tracking – Residential

728

Status as of September 2020

RESIDENTIAL	
SQUARE FOOTAGE	NET NEW
Completed Projects	
864,389	864,389
Under Construction	
1,150,432	1,003,780
Add'l Anticipated* through 2029	
916,244	916,244
TOTAL through 2029	
2,931,065	2,784,413



* Includes Park Apts Ph II,
Staples, University Inn

More details in [Development Tracking Spreadsheet](#)

2

Development Tracking – Commercial

729

Status as of September 2020

COMMERCIAL	
SQUARE FOOTAGE	NET NEW
Completed Projects	
39,074	33,361
Under Construction	
85,495	15,360
Add'l Anticipated* through 2029	
64,424	-37,447
TOTAL through 2029	
188,993	11,274



* Includes Staples, University Inn
Any new projects will be added here once concept drawings are put forward

More details in [Development Tracking Spreadsheet](#)

2

Debt Scorecard

Revenues exceed *cumulative* debt payments in FY 20-21

- Property tax revenues from completed and under construction projects
- Debt payments on completed road improvements and Elliott Rd Extension

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Revenues					
Incremental Property Tax	\$510,089	\$572,946	\$616,236	\$1,124,912	\$1,468,185
Expenditures					
Debt Service Payments	\$434,429	\$434,572	\$434,537	\$896,676	\$889,683
Revenue less Expenditures	\$75,660	\$138,374	\$181,699	\$228,236	\$578,502
Revenue less Expenditures Cumulative	\$(295,314)	\$(156,940)	\$24,759	\$252,995	\$831,497

More details in *District Debt Scorecard*

3

Looking Ahead

3 Townhome Opportunities

Updates

- Presented as part of Massing Standards proposal
- Council asked for additional study of thresholds for requiring commercial
- Returning for Consideration on November 4



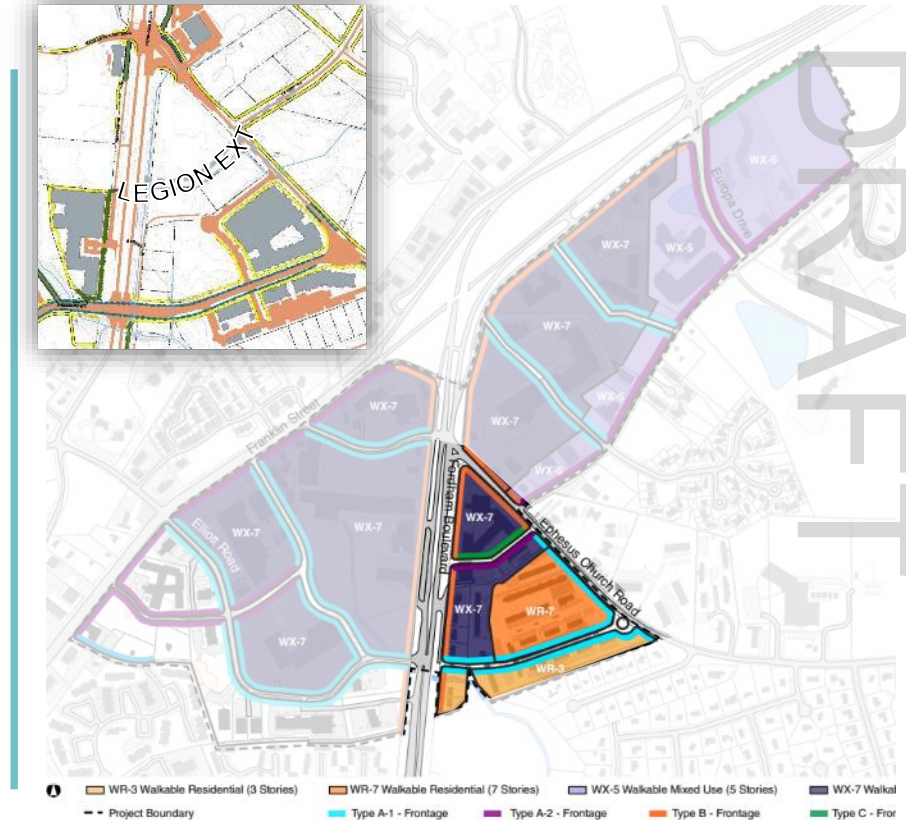
3 Townhome Opportunities

- **Challenge:** Non-residential space often not feasible for smaller townhome projects
- **Opportunities:** Infill Development and Missing-Middle Housing
- **Proposal:** Townhome projects have waived/reduced non-residential requirement if:
 - ❑ Site is 2-2.5 acres or below
 - ❑ Median unit size is 1800 sq ft or less



3 Regulating Plan Update – *Potential Project*

- Streets are part of the Zoning Map
- Legion Road Ext mapped onto University Inn site
- Challenges for construction – financing, NCDOT approval
- Staff could explore and refine connectivity for the southeastern Blue Hill District

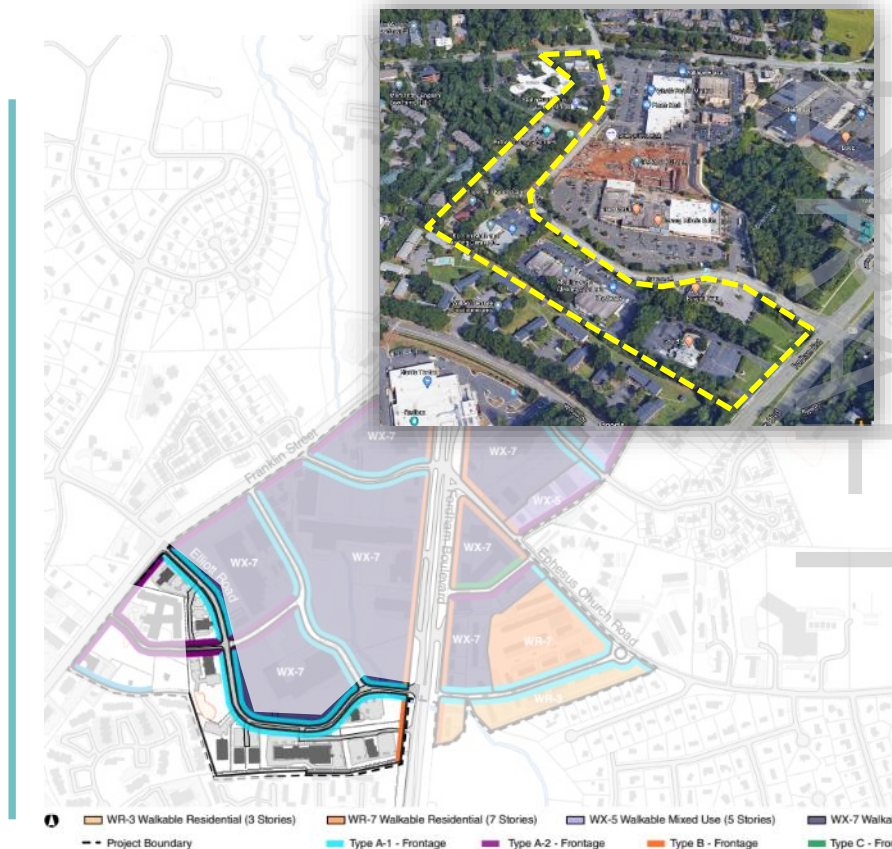


3

Rezoning of Parcels South of Elliott

– Potential Project

- Sites are within District but don't have form-based zoning
- Prior interest in using rezoning to incentivize affordable housing
- Staff could evaluate zoning considerations and present options





Next Steps

- Continue Hearing on Townhome Standards:
November 4
- Next Blue Hill Update:
Spring 2021

DRAFT

Blue Hill Development -- Original 2014 Projections

Source: Town of Chapel Hill Economic Development Office

Note: Projections based on local market conditions, long-term leases and the known interests of property owners

Projects assigned to phases based on year of anticipated completion and addition to tax roll

Projected Development, Years 0-4 (2014-2018)				
Project Name	Other Name	Property Type	Projected Residential Units	Projected Square Footage
Quality Inn	Tarheel Lodging/TRU	Hotel	0	200,000
The Park		Residential	775	680,000
The Park (comm site)		Retail	0	7,000
Former Theater	Berkshire	Residential	225	240,000
Former Theater	Berkshire	Retail	0	10,000
Ram's Plaza/CVS	Outparcel & CVS	Retail	0	13,000
			1,000	1,150,000

Projected Development, Years 4-10 (2018-2024)				
Project Name	Other Name	Property Type	Projected Residential Units	Projected Square Footage
University Inn		Hotel	0	100,000
		Retail	0	13,000
Regency Center	Old BBQ Restaurant	Retail	0	4,000
DHIC	Greenfield Place	Residential	101	80,550
			101	197,550

Projected Development, Years 10-15 (2024-2029)				
Project Name	Other Name	Property Type	Projected Residential Units	Projected Square Footage
Eastgate		Retail	0	20,000
		Office	0	75,000
		Residential	225	200,000
Ram's Plaza		Retail	0	300,000
		Office	0	75,000
		Residential	120	100,000
Volvo Dealership	Hillstone	Retail	0	100,000
			345	870,000

Total Projected Development, Years 0-15 (2014-2029)				
			Projected Residential Units	Projected Square Footage
			1,446	2,217,550
			Total Office	150,000
			Total Retail	467,000
			Total Hotel	300,000
			Total Residential	1,300,550

Note: 2014 projections also informed by 2011 TIA, which was informed by market analysis associated with Small Area Plan

Blue Hill Development -- Actual to Date

September 2020

Source: Town of Chapel Hill Planning Department, Approved Applications

Note: Projects include those built, under construction and permitted; numbers based on permitted amounts

Actual Development, Years 0-4 (2014 - 2018)

Project Name	Other Name	Property Type	Status	Projection	Residential Units	Net New Residential Units	Square Footage	Net New Square Footage
Ram's Plaza Outbuilding		Retail	Complete	Years 0-4	0	0	2,700	2,700
Former Theater	Berkshire	Residential	Complete	Years 0-4	266	266	307,000	307,000
Former Theater	Berkshire	Retail	Complete	Years 0-4	0	0	15,600	11,539
CVS		Retail	Complete	Years 0-4	0	0	13,013	13,013
Eastgate Building D	Former BP	Retail	Complete	<i>Not projected</i>	0	0	7,761	6,109
DHIC	Greenfield Place	Residential	Complete	Years 4-10	80	80	81,599	81,599
DHIC	Greenfield Commons	Residential	Complete	Years 4-10	69	69	77,775	77,775
					415	415	505,448	499,735

Note: Net New Square Footage subtracts the Old BBQ Restaurant (4,061) and the Former BP Gas Station (1,652)

Actual Development, Years 4-10 (2018 - 2024)

Project Name	Other Name	Property Type	Status	Projection	Residential Units	Net New Residential Units	Square Footage	Net New Square Footage
Trilogy	Hillstone / Former Volv	Residential	Complete	Years 10-15	96	96	107,000	107,000
Fordham Blvd Apts	Former Days Inn	Residential	Complete	<i>Not projected</i>	272	272	291,015	291,015
Fordham Blvd Apts	Former Days Inn	Hotel	Demolished	<i>Not projected</i>	0	0	0	(23,418)
Trilogy	Hillstone / Former Volv	Residential	Under construction	Years 10-15	232	232	293,411	293,411
Quality Inn	TRU/Tarheel Lodging	Hotel	Under construction	Years 0-4	0	0	43,040	37,075
The Park	Park Apartments Ph I	Residential	Under construction	Years 0-4	414	216	544,984	398,332
Tarheel Lodging		Residential	Approved	<i>Not Projected</i>	234	234	312,037	312,037
Tarheel Lodging		Office	Approved	<i>Not Projected</i>	0	0	42,455	1,703
					1,248	1,050	1,633,942	1,417,155

Note: Net Units and Net Square Footage reflects demolition of Hong Kong Buffet (5,965) and former Park Apartments (146,652), as well as future demolition of Quality Inn

Blue Hill Development -- Anticipated by 2029

September 2020

Source: Town of Chapel Hill Planning Department

Note: Projects include those in pre-application or conceptual phases; numbers are preliminary estimates and subject to change

Anticipated Development, Years 4-15 (2018 - 2029)							
Project Name	Other Name	Property Type	Original Projection	Anticipated Residential Units	Net Anticipated Residential Units	Anticipated Square Footage	Anticipated Net Square Footage
The Park	Park Apartments Ph II	Residential	Years 0-4	336	336	302,000	302,000
Staples		Residential	<i>Not Projected</i>	300	300	270,000	270,000
Staples		Retail	<i>Not Projected</i>	0	0	30,000	-8,579
University Inn		Commercial	Years 4-10	0	0	34,424	-28,868
University Inn		Residential	<i>Not Projected</i>	341	341	344,244	344,244
				977	636	980,668	534,553

Note: Net Units and Net Square Footage reflects future demolition of Staples and associated outbuildings, and University Inn

Redevelopment of Eastgate and Ram's Plaza were included in the 2014 Projections, but these projects are not yet in the pre-application or conceptual phases

Other sites may redevelop in Years 6-15 that are not yet considered 'Anticipated'

Blue Hill District

Development Tracking Summary

September 30, 2020

RESIDENTIAL					
SQUARE FOOTAGE	NET NEW	DWELLING UNITS	NET NEW	PROJECTED SQUARE FOOTAGE, 2014	PROJECTED UNITS, 2014
Completed Projects				Completed 2014-2018	
864,389	864,389	783	783	920,000	1,000
Under Construction					
1,150,432	1,003,780	880	682		
Additional Anticipated through 2029				Completed 2018-2029	
916,244	916,244	977	977	380,550	446
TOTAL DEVELOPMENT through 2029				PROJECTED TOTAL	
2,931,065	2,784,413	2,640	2,442	1,300,550	1,446

COMMERCIAL			
SQUARE FOOTAGE NET NEW			PROJECTED SQUARE FOOTAGE, 2014
Completed Projects			Completed 2014-2018 230,000
	39,074	33,361	
Under Construction			
	85,495	15,360	Completed 2018-2029 687,000
Additional Anticipated - 2029			
	64,424	-37,447	PROJECTED TOTAL 917,000
TOTAL DEVELOPMENT - 2029			
	188,993	11,274	

Note: 'Additional Anticipated' refers to projects that are in the pre-application or conceptual phase. These numbers may increase as new projects reach this stage.

Ephesus Fordham District - Score Card

	FY2015-16	FY2016-17	FY2017-18	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23	FY2023-24	FY2024-25	FY2025-26	FY2026-27	FY2027-28	FY2028-29	FY2029-30	FY2030-31
Revenues																
Incremental Property Tax	\$ -	\$ -	\$ 499,190	\$ 510,089	\$ 572,946	\$ 616,236	\$ 1,124,912	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185
Expenditures																
Debt Service Payments	\$ -	\$ 434,941	\$ 435,224	\$ 434,429	\$ 434,572	\$ 434,537	\$ 896,676	\$ 889,683	\$ 882,513	\$ 876,256	\$ 868,616	\$ 861,982	\$ 855,145	\$ 848,106	\$ 840,865	\$ 834,511
Revenue less Expenditures	\$ -	\$ (434,941)	\$ 63,966	\$ 75,660	\$ 138,374	\$ 181,699	\$ 228,236	\$ 578,502	\$ 585,672	\$ 591,929	\$ 599,569	\$ 606,203	\$ 613,040	\$ 620,079	\$ 627,320	\$ 633,674
Revenue less Expenditures Cumulative	\$ -	\$ (434,941)	\$ (370,975)	\$ (295,314)	\$ (156,940)	\$ 24,759	\$ 252,995	\$ 831,497	\$ 1,417,168	\$ 2,009,097	\$ 2,608,665	\$ 3,214,868	\$ 3,827,908	\$ 4,447,986	\$ 5,075,306	\$ 5,708,979

Note:
Debt Service for Phase I and Phase II, includes an additional \$6.48 million for Phase II construction to be issued in FY 21
Incremental property taxes are based on the aggregate change in the valuation of the district since its establishment in 2014
Incremental tax revenue is recognized beginning in FY18 when the first new developments were completed
Expected NCDOT reimbursement of \$1.6 million used to reduce the borrowing for Phase II
Incremental Transit tax will remain in the Transit Fund and will not be used for debt service

Tax Increment Calculation	FY2015-16	FY2016-17	FY2017-18	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23	FY2023-24	FY2024-25	FY2025-26	FY2026-27	FY2027-28	FY2028-29	FY2029-30	FY2030-31
General Fund 37.6 cents in FY17-18; 38.6 cents in FY19+	-	-	\$ 409,815	\$ 420,715	\$ 456,937	\$ 491,461	\$ 897,141	\$ 1,170,908	\$ 1,170,908	\$ 1,170,908	\$ 1,170,908	\$ 1,170,908	\$ 1,170,908	\$ 1,170,908	\$ 1,170,908	\$ 1,170,908
Debt Fund 8.2 cents in FY18-19; 9.8 cents in FY20+	-	-	89,375	89,375	116,010	124,775	227,771	297,277	297,277	297,277	297,277	297,277	297,277	297,277	297,277	297,277
Total	\$ -	\$ -	\$ 499,190	\$ 510,089	\$ 572,946	\$ 616,236	\$ 1,124,912	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185	\$ 1,468,185

Transit Fund 6.0 cents	\$ -	\$ -	\$ 54,496.74	\$ 65,396	\$ 71,026	\$ 76,393	\$ 139,452	\$ 182,006	\$ 182,006	\$ 182,006	\$ 182,006	\$ 182,006	\$ 182,006	\$ 182,006	\$ 182,006	\$ 182,006
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Calculation of Incremental Increase in District Value	FY2017-18	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23	FY2023-24	FY2024-25	FY2025-26	FY2026-27	FY2027-28	FY2028-29	FY2029-30	FY2030-31
Ef District Valuation January 2014	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930	\$ 154,002,930
Ef District Valuation January 20xx	262,996,401	262,996,401	272,380,286	281,324,411	386,422,786	457,346,853	457,346,853	457,346,853	457,346,853	457,346,853	457,346,853	457,346,853	457,346,853	457,346,853
Incremental Value Increase	\$ 108,993,471	\$ 108,993,471	\$ 118,377,356	\$ 127,321,481	\$ 232,419,856	\$ 303,343,923	\$ 303,343,923	\$ 303,343,923	\$ 303,343,923	\$ 303,343,923	\$ 303,343,923	\$ 303,343,923	\$ 303,343,923	\$ 303,343,923

Development Projects*	Status	Sq Ft Resid.	Sq Ft Comm.	Valuation	Completion
Village Plaza Apartments (Alexan)(Berkshire)	Occupied	305,000	\$ 15,600	\$ 61,604,500	FY18
CVS at Rams Plaza	Occupied	-	10,461	532,000	FY18
Eastgate Building D	Occupied	-	7,761	776,100	FY18
Rams Outparcel	Occupied	-	2,700	692,900	FY18
Greenfield Place	Occupied	81,599	-	9,383,885	FY19
Greenfield Commons (Tax Exemption Pending)	Occupied	77,775	-	8,944,125	FY20
Trilogy Apartments (formerly Hillstone Chapel Hill)**	Occupied	400,411	-	58,201,200	FY20
The Elliott Apartments (formerly Fordham Blvd. Apartments	Construction	291,015	-	42,197,175	FY20
Quality Inn Redevelopment Phase I (TRU hotel)***	Construction	-	43,040	4,700,000	FY21
Quality Inn Redevelopment Phase II (office & residential)***	Under Review	312,037	42,455	-	FY22
The Park Apartments Redevelopment (Phase I)***	Construction	544,984	-	70,924,067	FY22
The Park Apartments Redevelopment (Phase II)****	Concept	304,000	-	-	FY23
Total		2,316,821	122,017	\$ 257,955,952	