

**DRAFT ORDINANCE A**  
(Approving the Conditional Zoning Application)

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 1604 PUREFOY DRIVE FROM RESIDENTIAL-5-CONDITIONAL ZONING DISTRICT (R-5-CZD) TO OFFICE/INSTITUTIONAL-3-CONDITIONAL ZONING DISTRICT (OI-3-CZD) (PROJECT #CZD-22-6) (2023-XX-XX/O-#)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by St. Paul AME Church, to rezone a 20.37-acre parcel located at 1604 Purefoy Drive on properties identified as Orange County Property Identifier Number(s) 9870-45-9243, 9870-54-0416, 9870-54-3735, 9870-54-5947, and 9870-54-4583, to allow a mixed-use development and finds the amendment to the Zoning Atlas is:

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

WHEREAS, the application, if rezoned according to the district-specific plan dated October 26, 2022, last revised July 27, 2023, and the conditions listed below would, per LUMO 4.4.3(f):

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

**MODIFICATIONS TO REGULATIONS**

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

**1) LUMO Section 3.6.3(e): Resource Conservation District (RCD): Permitted uses.**

Allow the following uses within all RCD zones, except as noted below:

- Recreation facility building **to be located in the Managed Use and Upland Zones only**
- Guiderails and fences
- Outlet pipes/structures associated with stormwater control measures **to be located in the Stream Side Zone only**
- Stormwater outfalls not connected to or discharging from a stormwater control measure **to be located in the Upland Zone only**
- Retaining walls

This finding is based on a determination that the public purposes are satisfied to an

equivalent or greater degree because most of the uses are intended to support connectivity to and within the site and protect public health and safety. The uses also support provisions for recreation space and access to utilities.

**2) LUMO Section 3.6.3(f): Resource Conservation District (RCD): Dimensional regulations.** Modify dimensional regulations as shown below:

Dimensional Requirement	Stream Side Zone		Managed Use Zone		Upland Zone	
	Required	Proposed	Required	Proposed	Required	Proposed
<b>Disturbed area ratio</b>	0.20	0.21	0.40	0.43	0.40	0.84
<b>Impervious surface ratio (sewered areas)</b>	Per LUMO		Per LUMO		0.12	0.27

Further, any land disturbance associated with the stream restoration shall not count towards the RCD disturbed area ratio or the total land disturbance for the entire site.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the increased disturbance and impervious surface are mostly associated with establishing connectivity within the site.

**3) LUMO Section 3.8.4(a): Transitional Control Intensity Modifications: Floor area ratio.** Waive the floor area requirement for development within 100 ft. of a residential district and increase the overall floor area ratio from 0.566 to 0.812.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the development's primary focus is to provide housing and spaces to worship, work, learn, and play that would be available to the greater community. The additional floor area is also necessary to maximize density given the site constraints with the water body and stream buffers.

**4) LUMO Section 3.8.4(b): Transitional Control Intensity Modifications: Primary height.** Increase the primary height limit from 35 ft. to heights and at locations indicated below:

Location	Maximum Primary Height
<b>Rogers Road</b>	55 ft.
<b>Road D</b>	60 ft.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the modified heights only apply to certain portions of the site where intended buildings are placed further back from the road, or where the surrounding lots are undeveloped or adequately screened by existing vegetation.

**5) LUMO Section 5.6.6: Landscaping, screening, and buffering: Required buffers.** Modify required buffer widths and planting counts as shown below:

Parcel	Location	Required	Modification
<b>Northern Parcel (North of Road D)</b>	East	20 ft. Type 'C'	Minimum 5 ft. width with planting requirements as defined by Condition 16
<b>Southern Parcel (Road D and land south)</b>	North (along Road D)	15 ft. Type 'B'	Minimum 10 ft. width with planting counts reduced 25% below Type B standards
<b>Southern Parcel (Road D and land south)</b>	South (along Purefoy Drive)	20 ft. Type 'C'	Waive buffer standard for frontage of the historic cemetery; otherwise, comply with LUMO

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the modification only applies to buffers located internal to the site and the adjacent lots are either undeveloped or adequately screened by existing vegetation.

- 6) LUMO Section 5.7.2: Tree Canopy Coverage.** Reduce required tree canopy coverage from 40 percent to 35 percent.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the developable land is limited due to existing site constraints and the reduction allows more land to be utilized for a large-scale development with provisions for housing and spaces to worship, work, learn, and play.

- 7) LUMO Section 5.9.6: Parking Landscaping Standards: Entrance drives and foundation buffer strip.** Waive the requirements for a landscaped buffer strip along entrance drives into parking facilities and separating the exterior wall of a structure from parking facilities.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because eliminating these landscape requirements supports the development's design for enhanced pedestrian connectivity and access.

- 8) LUMO Section 5.11: Lighting Standards: Offsite illumination.** Increase offsite illumination levels from 0.3-foot-candles to 0.6-foot-candles only for the parcel north of Road D containing the recreation center and outdoor courts. Should the use of that portion of the site change, this modification shall be void.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the illumination is intended to protect public health and safety during times the recreation facility and outdoor courts may be available to the public.

### **CONDITIONAL ZONING DISTRICT**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the intent and purposes of the Office/Institutional-3-Conditional Zoning District (OI-3-CZD).

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

### **SECTION I**

The following Orange County parcel(s) identified by Parcel Identifier Numbers (PINs) 9870-54-3735, 9870-54-5947, 9870-54-4583, 9870-45-9243 and 9870-54-0416 described below, along with the area extending to the centerline of the adjoining Rogers Road, Purefoy Drive, and Road D rights-of-way, shall be rezoned to Office/Institutional-3-Conditional Zoning District (OI-3-CZD):

#### **TRACT I (PIN: 9870-54-3735)**

All that certain lot or parcel of land situated, lying and being on the North side of Purefoy Drive, near Rogers Road, and being known and designated as the Western part of Lot No. 2 of the James Purefoy Estate, as surveyed and plotted by J. Watts Copley, Reg. Land Surveyor, on June 13, 1960, and being more particularly described as BEGINNING at an iron stake, corner of Lot No. 1 and in the North line of Purefoy Drive, said beginning point being located by measuring along the North line of said Drive and with the line of Lot No. 1, from the Northeast line of Rogers Road as follows: North 52 degrees 36' East 67.4 feet and thence with the arc of a clockwise turning circle with a radius of 203.18 feet for a distance of 98.1 feet and thence North 880 degs. 15' East 89.4 feet to said Beginning point; running thence with the line of Lot No. 1 North 4 degs. 05' East 941.6 feet to the line of the Edgar Rogers property (now or formerly); running thence with the Rogers line South 86 degs. 15' East 200 feet to a new corner; running thence through Lot No. 2, a new line, South 4 degs 05' West 900 feet to the line of Purefoy Drive; running thence with the line of said Drive South 80 degs. 15' West 200 feet to the Beginning, and containing 4.15 acres.

There is also conveyed hereby a right of way for ingress and egress and utilities lines along Purefoy Drive as follows: Said right of way to be sixty (60) feet wide and being located by beginning to measure at the Southwest corner of Lot No. 2 and running thence South 80 degs. 15' West 89.4 feet, and with the arc of a circle with a radius of 203.18 feet for a distance of 98.1 feet and thence South 52 degs. 36' West 67.4 feet to the line of Rogers Road; thence with the line of said Road South 39 degs. 52' East 60 feet; thence North 52 degs. 36' East 65 feet; thence with the arc of a circle with a radius of 143.18 feet for a distance of 69.1 feet; thence North 80 degs. 15' East approximately 300 feet to a point in line with the Southward projection of the East line of the above described lot; running thence North 4 degs. 05' East across Purefoy Drive to the Southeast corner of the above described lot; thence with the South line of said lot South 80 degs. 15' West 200 feet to the Beginning.

#### **TRACT II (PIN: 9870-54-5947)**

BEGINNING at a stake in the Northern property line of Purefoy Drive said stake being in the Southeast corner of Lot No. 1 of a plat hereinafter referred to; thence North 4 degrees 05 minutes East 941.5 feet to a stake; thence South 86 degrees 15 minutes East 402 feet to a stake; thence South 4 degrees 05 minutes West 863 feet to a stake; thence North 86 degrees 15 minutes West in the radius of an arc which arc is 663.68 feet in the northern property line of Purefoy Drive 149.3 feet to a stake; thence South 80 degrees 15 minutes West 261.3 feet to a stake; the point and place of BEGINNING and being Lot No. 2 of the property of James Purefoy Estate, recorded in Plat Book 9, at Page 36, in the Office of the

Register of Deeds of Orange County to which reference is hereby made for a more particular description of same.

Save and except the property described in Deed Book 2863, Page 589 and Deed Book 229, Page 291.

TRACT III (PIN: 9870-54-4583)

All of that certain tract or parcel of land situated, lying and being on the North side of Purefoy Drive, and being part of Lot No. 2 of the Estate of James Purefoy as surveyed and platted by J. Watts Copley, Reg. Sur., on June 13, 1960, and being more particularly described as BEGINNING at an iron stake in the North line of said Purefoy Drive, the Southwest corner of Lot No. 3; running thence with the West line of said Lot No. 3 North 4 degrees 05' East approximately 427 feet to the corner of the one (1) acre lot conveyed by Martha Purefoy to Pearl P. Barbee; running thence with the South line of that lot North 86 degrees 15' West 201 feet to a corner in the line of the Julia Jones lot; running thence with the Jones line South 4 degrees 05' West approximately 466 feet to the North line of Purefoy Drive; running thence with the North line of said Drive North 80 degrees 15' East approximately 90 feet to a point; running thence the arc of a clockwise turning circle with a radius of 633.68 feet for a distance of 149.3 feet to the BEGINNING.

TRACT IV (PIN: 9870-45-9243 TM 7.18.26B, 3.3 acres Rogers Road, Chapel Hill, NC)

BEGINNING at an iron stake, the same being the Southwest corner of Lot No. 1 as shown on the plat hereinafter referred to, said stake also lying in the East line of Sam Johnson; running thence with the line of Lot No. 1 South 89 degrees 15' East 294.5 feet to an iron stake, corner of Lots 1, 2, and 5; running thence with the line of Lot No. 5 South 1 degrees 45' West 503 feet to an iron stake running thence due west along an old fence 278 feet to an iron stake in the line of Sam Johnson; running thence with the Sam Johnson line due North 506 feet to the BEGINNING, containing 3.3 acres and being Lot No. 4 of the subdivision of the Sam Rogers Estate, as shown on a plat of the Samuel Rogers Estate as surveyed by Robert J. Ayers, Registered Surveyor on the 13th day of June, 1967. By way of further description, the subject tract or parcel of land is a portion of that tract conveyed to Sam Rogers by James Johnston and wife Louise Thomas Johnston, Trustee for George A. Johnston Estate in Deed Book 115 at Page 136, Orange County Registry.

The above-described property is conveyed subject to an easement of right of way fifteen feet in width running along and with the Eastern boundary of said property. The subject easement is given for the purpose of providing a means of ingress and egress for adjacent property.

TRACT V (PIN: 9870-54-0416 TM 7.23.DIO, 9.7 acres Rogers Road, Chapel Hill, NC)

BEGINNING at a stake in the eastern property line of Rogers Road where the same intersects with Purefoy Drive and the point of beginning being the northwest intersection; thence north 39 degrees 52' west 260 feet to a stake, the Control Corner; thence north 4 degrees 11' east 863 feet to a stake in the Edgar Rogers property; thence south 86 degrees 15' east 402 feet to a stake; thence south 4 degrees 05' west 941.5 feet to a stake in the northern property line of Purefoy Drive; thence along the property line of Purefoy Drive South 80 degrees 15' west 89.4 feet to a stake; thence along and in the radius of an arc which radius is 203.1 feet 98.1 feet to a stake; thence south 52 degrees 36' west 67.4 feet to a stake in Rogers Road, the point and place of BEGINNING and being Lot No. 1 of the

property of the James Purefoy Estate, recorded in Plat Book 9 at page 36, in the office of the Register of Deeds of Orange County to which reference is hereby made for a more particular description of same.

## **SECTION II**

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

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by a date precisely 2 years from the date of this approval or the land shall revert to its previous zoning designation. [LUMO 4.4.5(f)]
2. Consent to Conditions: This approval is not effective until the property owner(s) provides written consent to the approval. Written consent must be provided within ten (10) business days of enactment by the Town Council.
3. Petition for Voluntary Annexation: The developer shall petition for voluntary annexation of the entire site before applying for the first Zoning Compliance Permit.
4. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

<b>Land Use Intensity</b>	
Permitted Uses	Adult day care facility Barber shop/beauty salon Business, convenience Business, general Business, office-type Cemetery Child day care facility Club Dwelling units, multifamily over 10 units Outdoor skateboard ramp Parking, off-street Place of assembly, up to 2,000 seating capacity Place of worship Recreation facility, non-profit Vocational school Customary accessory uses
Net Land Area (NLA)	887,429 sq. ft.
Gross Land Area (GLA)	914,252 sq. ft.
Maximum Floor Area	See modified Floor Area Ratio (Modification 3)
Maximum Setback Height	35 ft. except as modified (Modification 4)
Maximum Core Height	70 ft.
Permitted Dwelling Units	325-375 total units
Minimum Affordable Units	See Affordable Housing Plan (Condition 6)
Minimum and Maximum Vehicular Parking	See Condition 28 for Minimum Vehicular Parking requirements Maximum per LUMO
Minimum Electric Vehicle (EV) Parking	2% of parking spaces or 12 spaces, whichever greater, served by EV-charging stations 20% of parking spaces designed to be EV-ready

Minimum Bicycle Parking	158 spaces
Maximum Total Impervious Surface	Per LUMO (70% of GLA)
Maximum Land Disturbance	718,002 sq. ft.
Resource Conservation District Maximum Land Disturbance	Streamside zone: 20,007 sq. ft. (21%) Managed use zone: 31,142 sq. ft. (43%) Upland zone: 70,332 (84%)
Resource Conservation District Maximum Impervious Surface	Streamside zone: Per LUMO Managed use zone: Per LUMO Upland zone: 22,607 sq. ft. (27%)
Resource Conservation District Permitted Uses (not requiring a Special Use Permit)	Streets, bridges, and other similar transportation facilities where there is a practical necessity to their location See modified additional uses (Modification 1) and as permitted in LUMO
Steep Slopes Maximum Land Disturbance	Per LUMO
Minimum Tree Canopy Coverage	35% of Net Land Area
Minimum Recreation Area	1.5% of Net Land Area

5. Impervious Surfaces and Land Disturbance: This approval limits the amount of impervious surface and land disturbance as indicated in the above Land Use Intensity Table. These limits apply to the entire project site, including areas within the Resource Conservation District and areas containing steep slopes.
- An increase in the maximum impervious surface area, RCD impervious surface area, RCD land disturbance area, or steep slopes land disturbance area shall constitute a major modification.
  - An increase in land disturbance up to 10 percent shall constitute a minor modification. An increase over 10 percent shall constitute a major modification. All increases shall be considered cumulatively.
  - Modifications procedures as outlined in LUMO 4.4.7(h) shall apply.

#### Affordable Housing

6. Affordable Housing Plan: The property owner shall provide the following:
- Affordable Units: At least 30 percent of the market-rate units shall be affordable, rounded down to the nearest whole unit.
  - Unit Size: The affordable units will include 1- and 2-bedroom units in ratios approximately equivalent to the ratios of unit types among market-rate units.
  - Location: The affordable units shall be sited in multiple locations within the development.
  - Pricing: At least 15 percent of the market-rate units will be affordable to households earning 60 percent or less of the area median income (AMI). The remaining affordable units will be reserved for households making 80 percent or less of the AMI.
    - Maximum rental prices shall be calculated based on 30 percent of monthly household income at the specified AMI levels, adjusted for household size, minus housing-related costs.
    - Housing-related costs include rent, utilities (heat, water, sewer, electric, and gas) and other fees required by the owner or property manager.

- iii. Maximum housing costs are based on the area median income for the Durham-Chapel Hill, NC HUD Metro Fair Market Rent Area published annually by the U.S. Department of Housing and Urban Development.
    - iv. Area median income for a given unit size shall be calculated assuming 1.5 persons per bedroom.
  - e. Phasing: At least 50 percent of the affordable units shall be completed prior to approval of the Zoning Final Inspection of the first half of the market-rate units. The remaining affordable units shall be completed prior to approval of the Zoning Final Inspection of 90 percent of the market-rate units.
  - f. Affordability Period: The affordable units will be affordable for a period of at least 30 years.
  - g. Design:
    - i. The affordable units will be finished with similar exterior design, trim, materials, and details as the market-rate units.
    - ii. The affordable units will meet the same energy efficiency standards as the market-rate units.
7. Housing Vouchers: The developer shall accept Housing Choice Vouchers from the renters of the affordable units for the 30-year period of affordability for the project.
8. Affordable Housing Performance Agreement: Prior to the issuance of a Zoning Compliance Permit for residential units, a performance agreement that incorporates the approved Affordable Housing Plan must be executed by the developer, the Town Manager (or designee), and if applicable, the non-profit agency that will administer the affordable units.

#### Environment

9. Stream Restoration: Prior to issuance of a Zoning Compliance Permit, the developer shall provide an analysis of the current stream conditions and identify necessary improvements and repairs to create a stable and healthy stream. The analysis shall be prepared by a civil engineer with stream restoration experience. At a minimum, the stream restoration shall include the following:
- a. Removal of fill material (i.e., sediment and trash) along the entire length of the stream within the boundaries of the property
  - b. Removal of non-native invasive vegetation from the stream buffer
  - c. Restoration of the stream banks to typical channel dimension and stabilization using bioengineering techniques that incorporate seeding, staking, and planting of native woody species.
  - d. All stream improvements shall be completed prior to approval of the Zoning Final Inspection.
10. Stream Crossings: All stream crossings shall be constructed perpendicular to the stream as practicable. The developer shall consult with Town Stormwater staff prior to bringing in any mechanical equipment into the Streamside Zone / Jordan Riparian Buffer.
11. Jordan Riparian Buffer: The developer shall apply for a Jordan Buffer Authorization for any impacts in the Jordan Riparian Buffer that are not authorized by 401/404 Permits. The developer shall demonstrate that there are no practical alternatives for the proposed impacts and comply with LUMO 5.18. A minor or major variance may be required for uses or activities not allowed per Section 5.18.



12. Annual Inspection Reports: The developer shall provide annual inspection reports of the stream restoration to the Town for five years following completion. These reports are in addition to the annual inspection reports for any stormwater control measures on site.
13. Operation and Maintenance Agreement: The Operation and Maintenance Agreement shall include a condition for ongoing maintenance of the stream. The owner shall provide a warranty bond to the Town for future maintenance and repair for five years following the approval of the last Zoning Final Inspection for the project. The warranty bond shall be 25 percent of the construction cost of the stream restoration.
14. Performance Guarantee: A performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirements of LUMO 4.9.3 prior to the approval of Constructional plans. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The applicant shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

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

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

15. Modified Buffer: The eastern buffer for the northern parcel shall be planted with a compact, upright evergreen hedge that fully screens the active amenity areas associated with the buffer. The hedge species, as approved by the Town, shall be planted at 6 ft. on center and the material shall be 8-10 ft. in height in 15-gallon containers at the time of installation. Material should not reach more than 20 ft. in height at maturity.

### Transportation, Access, and Connectivity

16. 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 4.4.3]
17. Transit: The developer shall coordinate with Chapel Hill Transit and the North Carolina Department of Transportation (NCDOT) to construct a concrete bus stop pad on the east side of Rogers Road, contiguous with the sidewalk improvements being made by the developer. All bus stop improvements shall be consistent with Chapel Hill Transit, NCDOT, and ADA specifications and accessibility requirements. Once complete, the existing stop will be moved to this new location.
18. Road Improvements: The developer shall construct the following road improvements stipulated by the traffic impact analysis, the Town, and the North Carolina Department of Transportation (NCDOT):
  - a. Pedestrian improvements constructed to meet Town standards:
    - i. Provide a sidewalk along the Rogers Road frontage.
    - ii. Provide a sidewalk, curb, and gutter along the Purefoy Drive frontage.
    - iii. Provide sidewalks on the internal access drives in accordance with the Town of Chapel Hill Design Manual.
    - iv. Provide a sidewalk along the southern frontage of Road D.
  - b. Rogers Road and Proposed Site Access #1 Intersection:
    - i. Construct a 100-foot northbound right-turn taper along Rogers Road.
    - ii. Provide one ingress lane and one egress lane along the driveway under stop control.
    - iii. Provide a 100-foot internal protected driveway stem.
  - c. Purefoy Road and Proposed Site Access #2 Intersection:
    - i. Provide one ingress lane and one egress lane along the driveway under stop control.
    - ii. Provide a 100-foot internal protected driveway stem.
19. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
20. Trip Generation: The Traffic Impact Analysis (TIA) for this development was prepared on June 9, 2023. The developer shall request an updated TIA and apply for a Major Modification to this Conditional Zoning if the proposed cumulative total daily vehicle trips exceed a 10 percent increase from the June 9, 2023 TIA.
21. Street Lighting: The developer shall install street lighting or upgrade existing street lighting along the site frontages as required by the Town Manager with approval by the NCDOT, if applicable. The design shall be approved by the Town Manager and the NCDOT.
22. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existing on the roadways.
23. 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.

24. Crosswalk: Prior to approval of the Zoning Final Inspection the developer shall coordinate with the NCDOT regarding the placement and installation of a crosswalk on Rogers Road including payment of any applicable fees requested by the NCDOT.

#### Sustainability

25. Sustainability: The developer shall provide a finalized Energy Management Plan that addresses items listed below. The plan may be provided per phase, if applicable. The Energy Management Plan may be phased but must be approved prior to issuance of a Zoning Compliance Permit. After construction of all buildings is completed, an update to the plan may be requested for subsequent changes that require a Zoning Compliance Permit.

- a. The plan shall:
  - i. Demonstrate how the developer utilizes sustainable energy, currently defined as solar, wind, geothermal, biofuels, and hydroelectric power.
  - ii. State that the developer will consider the purchase of carbon offset credits and green power production through coordination with the NC GreenPower program.
  - iii. Demonstrate how the developer will make a good faith effort to incorporate a "20% more energy efficient" feature relative to the energy efficient standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of this Conditional Zoning approval (e.g., ASHRAE 90.1 2019). The developer may use comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance.
  - iv. Demonstrate how the developer will design the project to address the following climate action commitments:
    - a. Sustainable building materials and resource use equivalent to meeting LEED Standard
    - b. Energy Star rated appliances and equipment
- b. If requested, the developer agrees to provide a report of the actual energy performance of the plan, as implemented, during the period ending one year after issuance of the final Certificate of Occupancy.

26. 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. Smart technologies refer to a smart watering irrigation system with a controller that meets the United States Environmental Protection Agency's WaterSense standards.

27. Electric Vehicle (EV) Parking: The developer shall provide EV-charging stations and EV-ready spaces as outlined in the Land Use Intensity Table above. For EV-ready spaces, the developer shall install conduit and ensure the availability of adequate space for all necessary associated electrical infrastructure (e.g., transformers, electrical panels, etc.).

#### Vehicular Parking

28. Minimum Vehicular Parking Ratios: The developer shall comply with minimum vehicular parking requirements established below. Maximum vehicular parking requirements shall comply with ratios established in LUMO 5.9.

Use	Minimum Parking Ratio
Business convenience (restaurant)	0.5 per 110 sq. ft.
Other business, convenience	0.5 per 375 sq. ft.
Day care facility	1 per staff
Multifamily, 1-bed	1 per unit
Multifamily, 2-bed	1.3 per unit
Multifamily, 3-bed	1.6 per unit
Place of Assembly	0.33 per 4 persons
Place of Worship	0.5 per 5 seats
Other uses	Per LUMO

#### Miscellaneous

29. Public Information Meeting Required: The developer shall hold a public information meeting prior to submitting the first application for a Zoning Compliance Permit. Property owners and renters within 1,000 feet of the property, as well as Town staff, shall be notified of the meeting.
30. Town Design Manual: The developer shall comply with all standards of the 2005 Design Manual, as applicable to the project.
31. State or Federal Approvals: Any required State or federal approvals, permits, or encroachment agreements, including but not limited to NCDOT approvals and 401/404 permits,) shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
32. Detailed Plans: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to the district-specific plan approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Design Manual. [LUMO 4.4.7]
33. Phasing Plan: If phasing of the project is proposed, then the developer shall provide a Phasing Plan as part of the Zoning Compliance Permit. The Phasing Plan also shall detail which public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase shall not begin until all public improvements in previous phases have been completed, and a note to this effect shall be provided on the final plans.
34. Cumulative Tracking: Each Final Plan Zoning Compliance Permit application shall include a cumulative tally of the existing and proposed:
  - a. Floor area
  - b. Unit counts (by housing type and including affordable units)
  - c. Trip generation (including total daily vehicle trips)
  - d. Tree canopy
  - e. Impervious surface
  - f. Land disturbance

- g. Resource Conservation District (RCD) disturbance
  - h. Bicycle parking spaces
  - i. Vehicular parking spaces (including electric vehicle parking space)
35. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Associated of Pedestrian and Bicycle Professionals Guidelines.
36. Invasive Exotic Vegetation: The developer shall remove all invasive exotic species of vegetation as identified by the Southeast Exotic Pest Plant Council (SE-EPPC) and in Section 5.7.6 of the Land Use Management Ordinance (LUMO). Prior to issuance of a Zoning Compliance Permit, the developer shall identify all invasive exotic species of vegetation contained in any undisturbed areas including but not limited to areas outside of limits of disturbances, areas designated for tree protection, areas containing required buffers, or other areas as deemed necessary by the Town Manager.
37. Community Design Commission (CDC) Review: The Community Design Commission shall review building elevations, site lighting, and the location and screening of all HVAC equipment before the issuance of a Zoning Compliance Permit for a particular phase or building. After construction of all buildings is completed, Commission review is not required for subsequent changes to building elevations or site lighting that do not require a Zoning Compliance Permit.
38. Construction Sign Required: Prior to starting any land-disturbing activity, the developer shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. The sign shall be non-illuminated and shall consist of light letters on a dark background. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.4]
39. Street Names and Numbers: The development's streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
40. Vested Right: This Conditional Zoning constitutes a site-specific vesting plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160D-108.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.
41. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
42. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
43. Not-Comprehensive: The listing of these specific conditions applicable to this Permit is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER RESOLVED that the Council hereby approves the application for Conditional Zoning for St. Paul Village at 1604 Purefoy Drive.

This the []th day of [month], 20[[]].