

**I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2023-11-15/O-4) enacted as amended by the Chapel Hill Town Council on November 15, 2023.**

**This the 7th day of December, 2023.**

*Amy T. Harvey*

**Amy T. Harvey  
Deputy Town Clerk**



## **REVISED ORDINANCE A**

(Abandoning the Master Land Use Plan and Approving the Conditional Zoning Application)

### **AN ORDINANCE APPROVING AN ABANDONMENT OF MASTER LAND USE PLAN AND AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 134 STANCELL DRIVE, 138 STANCELL DRIVE, 146 STANCELL DRIVE, 156 STANCELL DRIVE, 5103 BARBEE CHAPEL ROAD, 5109 BARBEE CHAPEL ROAD, 5111 BARBEE CHAPEL ROAD, AND 5119 BARBEE CHAPEL ROAD FROM MIXED USE VILLAGE (MU-V) TO RESIDENTIAL 6-CONDITIONAL ZONING DISTRICT (R-6-CZD) (PROJECT #CZD-23-3) (2023-11-15/O-4)**

WHEREAS on September 8, 2008 the Chapel Hill Town Council approved a Master Land Use Plan for a mixed-use development know as Woodmont at the property located at 134 Stancell Drive, 138 Stancell Drive, 146 Stancell Drive, 156 Stancell Drive, 5109 Barbee Chapel Road, 5111 Barbee Chapel Road, and 5119 Barbee Chapel Road.

WHEREAS, on September 8, 2008 the Chapel Hill Town Council approved a Special Use Permit and Zoning Atlas Amendment encumbering 14.25 acres at the property located at 134 Stancell Drive, 138 Stancell Drive, 146 Stancell Drive, 156 Stancell Drive, 5109 Barbee Chapel Road, 5111 Barbee Chapel Road, and 5119 Barbee Chapel Road; and

WHEREAS construction, or activity authorized by the Special Use Permit was not substantially commenced within twenty-four (24) months of the date of approval and the approval is expired; and

WHEREAS, prior to August 7, 2023, no subsequent development approvals have been granted and no construction activity has taken place pursuant to the Master Land Use Plan, allowing the abandonment of the Master Land Use Plan, pursuant to Land Use Management Ordinance section 4.8.3(m); and

WHEREAS, on August 7, 2023 the current property owner, NR Hillmont Property Owner LP, submitted a request to abandon the Master Land Use Plan pursuant to Land Use Management Ordinance section 4.8.3(m); and

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by McAdams, on behalf of property owner NR Hillmont Property Owner LP, to rezone a 38.33-acre assemblage of parcels located at 134 Stancell Drive, 138 Stancell Drive, 146 Stancell Drive, 156 Stancell Drive, 5103 Barbee Chapel Road, 5109 Barbee Chapel Road, 5111 Barbee Chapel Road, and 5119 Barbee Chapel Road on property identified as Durham County Property Identifier Number(s) 9798-04-6093, 9798-04-71-8728, 9798-04-81-1816, 9798-04-82-2139, 9798-04-82-6522, 9798-04-82-9499, 9798-04-92-0839, 9798-04-93-2025 to allow development of a multi-family residential community and finds that 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 September 5, 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: Resource Conservation District (RCD): Table 3.6.3-2 Permitted Uses within Resource Conservation District.** Permit detention/retention basin and associated infrastructure within the stream side zone of the Resource Conservation District.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because locating detention and retention basin infrastructure outfalls in the stream side zone accommodates the grade of the site and mitigates erosion of the riparian buffer by locating pipe outfalls at the stream bank in specific locations shown on the district-specific plan within the stream side zone.

- 2) LUMO Section 3.8: Dimensional Standards: Table 3.8-1: Dimensional Matrix: Residential-6: Building Height, Setback (Maximum).** Increase the setback height to 60 feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the developer may place buildings closer to the street and reduce the amount of surface parking on site by providing parking underneath the building. Providing parking underneath structures reduces impervious surfaces, which supports the Town's Climate Action Plan goals. Additionally, the building will not exceed a height of 6 stories indicated in the Future Land Use Map NC-54 Focus Area, Sub-Area A.

- 3) LUMO Section 3.8: Dimensional Standards: Table 3.8-1: Dimensional Matrix: Residential-6: Floor Area Ratio (FAR) (Maximum).** Eliminate the maximum floor area ratio and refer to the maximum floor area stated in the Land Use Intensity Table.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the site can host high-density multi-family housing while still preserving land for open space. Multi-family housing is a primary use in the Future Land Use Map NC-54 Focus Area, Sub-Area A.

- 4) LUMO Section 5.3.2: Critical Areas: Steep Slopes.** Increase the maximum land disturbance for areas containing slopes 25 percent or greater to 100 percent.

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

equivalent or greater degree because most of the steep slopes are a result of a man-made pond on the site. In addition, steep slopes in the stream buffer will not be disturbed, unless required for stream restoration, and erosion control measures will meet or exceed requirements.

- 5) **LUMO Section 5.6: Landscaping, screening, and buffering:** Modify the buffer width and planting requirements as shown below.

Location	Required Buffer
North (Stancell Drive)	Modified type, 20 feet wide Per 100 linear feet Large Trees: 4 Small Trees: 7 Shrubs: 36
South (Multi-family, Durham County)	Variable width buffer per Durham County Register of Deeds Book 5959, Page 963
East (Current R-2 Zoning)	Modified type, 15 feet–30 feet wide Per 100 linear feet Large Trees: 4 Small Trees: 7 Shrubs: 15 – 40, as illustrated on the district specific plan
West (R-6-CZD, “Barbee Chapel Apartments”)	Modified type, 15 feet wide Per 100 linear feet Large Trees: 4 Small Trees: 7 Shrubs: 15
West (Current R-2 Zoning)	Modified type, 20 feet wide Per 100 linear feet Large Trees: 4 Small Trees: 7 Shrubs: 36
West (Barbee Chapel Road)	Modified type, 20 feet wide Per 100 linear feet Large Trees: 4 Small Trees: 7 Shrubs: 36
Northwest (NC-CZD)	Modified type, 20 feet wide Per 100 linear feet Large Trees: 4 Small Trees: 7 Shrubs: 36

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because landscape buffers will adequately separate the development from adjacent major streets and different adjacent zoning designations.

- 6) **LUMO Appendix A “District-Specific Plan”:** Amend the definition of a “district-specific plan” accompanying this ordinance as follows:

“A plan, to scale, showing the **approximate location of** uses and structures proposed for a parcel of land as required by the applicable

application and regulations, including but not limited to lot lines, streets, building sites **envelopes**, reserved open space, major landscape features - both natural and manmade-and, depending on requirements, the location of proposed utility lines."

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the modified definition of "district-specific plan" allows the developer flexibility for the site, as illustrated on accompanying plans, due to an existing title commitment. In conjunction with the conditions of this ordinance, this modification provides sufficient certainty and control over the nature of the proposed development.

### **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 Residential-6-Conditional Zoning District (R-6-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 Durham County parcel(s) identified by Parcel Identifier Number (PIN) 9798-71-87-2809, 9798-81-18-1601, 9798-82-60-8392, 9798-82-21-3916, 9798-82-65-2259, 9798-82-94-9975, 9798-92-08-3946, 9798-93-20-2596, described below, along with the area extending to the centerline of the adjoining Barbee Chapel Road and Stancell Drive rights-of-way, shall be rezoned to Residential-6 Conditional Zoning District (R-6-CZD):

BEGINNING at NCGS MONUMENT TUB, HAVING NC GRID NAD 83 COORDINATES N:783,137.10, E: 1,998,720.92, THE POINT OF COMMENCEMENT; THENCE SOUTH 69°57'40" EAST A DISTANCE OF 22.27 FEET TO AN IRON PIPE ON THE SOUTHERN RIGHT OF WAY OF STANCELL ROAD, THE POINT OF BEGINNING; THENCE WITH SAID RIGHT OF WAY NORTH 69°46'37" EAST A DISTANCE OF 76.10 FEET TO AN IRON PIPE; THENCE NORTH 69°44'00" EAST A DISTANCE OF 314.37 FEET TO AN IRON PIPE; THENCE NORTH 69°32'53" EAST A DISTANCE OF 205.29 FEET TO AN IRON PIPE, THE NORTHWEST CORNER OF LOT 1 AS SHOWN ON PLAT BOOK 30, PAGE 49 OF THE DURHAM COUNTY REGISTRY; THENCE WITH SAID COMMON LINE SOUTH 05°36'36" EAST A DISTANCE OF 516.39 FEET TO AN IRON PIPE; THENCE SOUTH 05°22'18" EAST A DISTANCE OF 99.67 FEET TO AN IRON PIPE; THENCE SOUTH 05°20'50" EAST A DISTANCE OF 119.62 FEET TO AN IRON PIPE; THENCE SOUTH 07°48'25" EAST A DISTANCE OF 5.37 FEET TO AN IRON PIPE; THENCE SOUTH 06°10'47" EAST A DISTANCE OF 99.68 FEET TO AN IRON PIPE; THENCE SOUTH 05°41'02" EAST A DISTANCE OF 92.80 FEET TO AN IRON PIPE; THENCE SOUTH 00°32'50" WEST A DISTANCE OF 81.33 FEET TO AN IRON PIPE; THENCE SOUTH 00°12'21" EAST A DISTANCE OF 208.64 FEET TO AN IRON PIPE; THENCE SOUTH 00°19'28" EAST A DISTANCE OF 125.57 FEET TO AN IRON PIPE ON THE NORTHERN LINE OF THE CT SPRINGS LIMITED PARTNERSHIP PARCEL, AS SHOWN ON PLAT BOOK 137, PAGE 149; THENCE WITH SAID COMMON LINE SOUTH 74°20'19" WEST A DISTANCE OF 696.17 FEET TO A POINT; THENCE SOUTH 85°55'53" WEST A DISTANCE OF 764.23 FEET TO AN IRON PIPE; THENCE SOUTH 81°47'22" WEST A DISTANCE OF 74.91 FEET TO AN IRON PIPE; THENCE SOUTH 81°29'40" WEST A DISTANCE OF 121.56 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF BARBEE CHAPEL ROAD; THENCE WITH SAID RIGHT OF WAY, A CURVE TO THE

RIGHT, A RADIUS OF 849.08 FEET, AN ARC LENGTH OF 436.82 FEET, A CHORD BEARING OF NORTH 15°05'19" WEST, A CHORD LENGTH OF 432.02 FEET TO AN IRON PIPE ON THE SOUTHERN LINE OF PENDERGRAFT AS DESCRIBED IN DEED BOOK 5100, PAGE 17; THENCE WITH SAID COMMON LINE SOUTH 83°07'12" EAST A DISTANCE OF 241.88 FEET TO AN IRON PIPE; THENCE NORTH 32°16'37" EAST A DISTANCE OF 324.85 FEET TO AN IRON PIPE; THENCE SOUTH 86°27'32" EAST A DISTANCE OF 212.32 FEET TO AN IRON PIPE ON THE WESTERN LINE OF SAYER, AS DESCRIBED IN DEED BOOK 2598, PAGE 537; THENCE WITH SAID COMMON LINE SOUTH 03°32'31" WEST A DISTANCE OF 103.61 FEET TO AN ANGLE IRON; THENCE NORTH 88°33'15" EAST A DISTANCE OF 231.63 FEET TO AN IRON PIPE; THENCE NORTH 01°20'21" WEST A DISTANCE OF 571.02 FEET TO AN IRON PIPE, THE SOUTHWEST CORNER OF THE FRIEDMAN TRACT SHOWN ON PLAT BOOK 181, PAGE 103; THENCE WITH SAID COMMON LINE NORTH 73°39'39" EAST A DISTANCE OF 180.00 FEET TO AN IRON PIPE; THENCE NORTH 01°20'21" WEST A DISTANCE OF 200.00 FEET TO AN IRON PIPE ON THE SOUTHERN RIGHT OF WAY OF STANCELL ROAD; THENCE WITH SAID RIGHT OF WAY NORTH 67°14'02" EAST A DISTANCE OF 90.11 FEET TO THE POINT OF BEGINNING; CONTAINING 1,517,567 SQUARE FEET OR 34.84 ACRES.

## **SECTION II**

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

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. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

<b>Land Use Intensity</b>	
Permitted Uses	Dwelling units, single family; Dwelling units, single family with accessory apartment; Dwelling units, duplex; Dwelling units, multifamily, 3 to 7 dwelling units; Dwelling units, multifamily, over 7 dwelling units; Public use facility; Public service facility; Adult day care facility; Child day care facility; Permitted accessory uses; Customary associated uses
Gross Land Area (GLA)	1,669,561 sq. ft.
Maximum Floor Area	730,000 sq. ft.
Permitted Dwelling Units	390 - 500
Maximum Building Height, Setback	60 feet
Other Dimensional Regulations	Per LUMO
Minimum Affordable Units	At least 10 percent of the market rate units
	See Affordable Housing Plan

Maximum Vehicular Parking	Per LUMO
Minimum Electric Vehicular (EV) Parking	3% of parking spaces served by EV-charging stations 30% of parking spaces designed to be EV-ready
Minimum Bicycle Parking	Per LUMO, 1 per 4 units
Maximum Total Impervious Surface	Per LUMO, 70% of GLA
Maximum Disturbed Land Area (excluding public right-of-way)	33 acres (1,437,000 sq. ft.)
Resource Conservation District Maximum Land Disturbance	0.20 (Per LUMO)
Resource Conservation District Maximum Impervious Surface	0.10 (Per LUMO)
Permitted Uses in Resource Conservation District	Detention infrastructure (pipe outlets) Additional uses per LUMO
Steep Slopes Maximum Land Disturbance	Per modification to regulation
Minimum Tree Canopy Coverage	30 percent of NLA (Per LUMO)
Minimum Recreation Area	83,478 sq. ft. on-site

4. 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. Increases in land disturbance associated with stream restoration shall not be counted toward the cumulative total.
  - Modifications procedures as outlined in LUMO 4.4.7(h) shall apply.

#### Affordable Housing

5. Affordable Housing Plan: The developer shall provide the following:
- Affordable Units: The minimum number of affordable units shall be equal to 10 percent of the market rate units.
  - Unit Size: The affordable units will include a mix of unit sizes comparable to the unit mix of Block E and include studio, 1-bedroom, 2-bedroom, and 3-bedroom units in the approximate same proportion as the market rate units.
  - Location: The affordable units will be integrated into the community in Block E as shown on the site plans dated September 5, 2023.
  - Pricing: At least 50 percent of the affordable units will be reserved for those households earning 60 percent or less of the area median income (AMI) and the remainder will be made available to those households earning 80 percent or less of the area median income.
    - 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, to be further defined in the Affordable Housing Performance Agreement.

- ii. 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.
  - iii. Area median income for a given unit size shall be calculated assuming 1.5 persons per bedroom.
- e. Phasing: Affordable housing units shall be completed corresponding with the number of market rate units in that phase of the project. Fifty percent of the affordable housing units in that phase shall be completed prior to the Zoning Final Inspection of 50 percent of the market rate dwelling units. The remaining affordable dwelling units in that phase shall be completed prior to Zoning Final Inspection of 90 percent of the market rate dwelling units. If units in Block A, B, and C are developed in later phases of the project, the number of affordable units in Block E shall be increased according to the percentage of affordable units in subsection (a) above prior to Final Zoning Inspection of more than 50 percent of the market rate units in the accompanying phase. Phasing shall be defined further in the Affordable Housing Performance Agreement.
- f. Affordability Period: The affordable units will be affordable for a period of at least 30 (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.
- 6. Affordable Housing Performance Agreement: Prior to the issuance of a Zoning Compliance Permit, a performance agreement that incorporates the approved Affordable Housing Plan (See 5 above) must be executed by the developer and the Town Manager (or designee).
- 7. Conversion of Residential Rental Units to Ownership Condominium Units: If the rental development is converted to an ownership condominium development, a revised Affordable Housing Plan shall be approved by the Town Manager prior to the recordation of the condominium plat. The Affordable Housing Plan shall follow LUMO 3.10.

### Environment

- 8. 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.
- 9. Stream Crossings: All stream crossings shall be constructed approximately perpendicular to the stream. The developer shall consult with Town Stormwater staff prior to bringing



in any mechanical equipment into the Stream side Zone / Jordan Riparian Buffer.

10. 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.
11. 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.
12. 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.
13. Stormwater Performance Guarantee: A stormwater performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirements of LUMO 4.9.3 prior to the approval of Construction 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]

14. Stormwater Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a stormwater impact analysis demonstrating that post-development peak flows for 1-year, 2-year, 25-year, and 100-year 24-hour storm events do not exceed pre-development peak flows for the site at each point of analysis.
15. OWASA: An OWASA approved water pump station, not currently identified on the site plan, may be constructed at a later date, subject to approval by OWASA and the developer.
16. Staff Review of Landscape Buffer Design: Prior to issuance of a Zoning Compliance Permit, the developer shall submit landscape buffer designs to Town staff that demonstrate responsiveness to site context and topography that are aligned with the Chapel Hill Design Manual and that minimize repetition of 100 ft. planting layouts. Landscape buffer designs shall verify planting quantities, materials, and placement.
17. Modified Buffers: No modified buffers are eligible for an alternative buffer request.

Transportation, Access, and Connectivity

18. Road Improvements: Prior to issuance of a Final Zoning Inspection, the developer shall construct the following road improvements stipulated by the traffic impact analysis, the Town, and the North Carolina Department of Transportation (NCDOT). All designs shall be reviewed and approved by Town staff and NCDOT prior to issuance of a Zoning Compliance Permit.
  - a. NC 54 (Raleigh Road) and Barbee Chapel Road:
    - i. Construct a northbound right-turn lane on Barbee Chapel Road with 75 feet of full width storage and appropriate deceleration and taper subject to NCDOT approval and construction within the existing right-of-way or State land adjacent to the existing right-of-way if NCDOT permits its use as a right-turn lane.
    - ii. Provide a payment of \$15,000 for traffic signal improvements at the intersection of Barbee Chapel Road and NC 54.
  - b. NC 54 (Raleigh Road) and Little John Road:
    - i. Extend the westbound left-turn lane on NC 54 to provide 250 feet of full width storage and appropriate deceleration and taper subject to NCDOT approval and construction within the existing right-of-way.
    - ii. Restripe Little John Road between NC 54 and Stancell Drive to provide separate left and right-turn lanes subject to NCDOT approval and construction within the existing right-of-way.
  - c. Barbee Chapel Road and Finley Forest Drive/Proposed Site Driveway:
    - i. Restripe the eastbound approach to provide separate left and right-turn lanes east of Springberry Lane subject to NCDOT approval and construction within the existing right-of-way.
    - ii. Construct a southbound left-turn lane on Barbee Chapel Road to provide 100 feet of full width storage and appropriate deceleration and taper subject to NCDOT approval and construction within existing right-of-way or land owned by the developer. A preliminary roadway design plan must be prepared by the applicant and reviewed and approved by NCDOT and the Town.
    - iii. Construct a northbound left-turn lane on Barbee Chapel Road to provide 100 feet of full width storage and appropriate deceleration and taper subject to NCDOT approval and construction within the existing right-of-way.

19. Barbee Chapel Road Crosswalk: The developer shall construct a high visibility pedestrian crosswalk across Barbee Chapel Road at Finley Forest Drive/Proposed Site Driveway, subject to NCDOT approval. The developer shall construct such crosswalk prior to the last Zoning Final Inspection. If Town staff or NCDOT request the construction of such crosswalk sooner than the last Zoning Final Inspection, it must be completed prior to the subsequent Zoning Final Inspection.
20. Pedestrian Safety: Prior to issuance of a Zoning Compliance Permit, the developer shall demonstrate coordination with the Town's Vision Zero Task Force to address pedestrian safety concerns on Stancell Drive and Barbee Chapel Road. Coordination shall include a Walk Audit.
21. Internal Connections: The developer shall construct at least 2 connections for both vehicular and pedestrian use between the site and the property adjacent to the western property line. The developer shall provide sidewalks and crosswalks on internal streets consistent with the Chapel Hill Design Manual.
22. Multi-use Path: The developer shall construct a 10-foot-wide multiuse path along the property's frontage on Barbee Chapel Road and along the property's frontage on Stancell Drive. Improvements shall be completed prior to Certificate of Occupancy for the corresponding phase of development.
23. 130 Stancell Drive Multi-use Path Extension: Prior to Zoning Final Inspection, the developer shall construct a path, a minimum of five feet in width, along the frontage of 130 Stancell Drive (PIN 9798-82-59-7699), subject to NCDOT approval, adequate right-of-way, and acquisition by the Town of all easements necessary for construction and placement of the path.
24. Accessible Open Space: Prior to issuance of a Zoning Compliance Permit, the developer shall demonstrate a commitment to providing public access to the trail system in Block D. The developer may achieve this by providing wayfinding improvements that attract visitors to the trail system in Block D. The developer shall provide wayfinding that is consistent with the Chapel Hill Design Manual. The developer may achieve this through the installation of at least three (3) wayfinding improvements that are consistent with the Chapel Hill Design Manual. The developer shall also provide a pedestrian connection from Little John Road to the trail system in Block D.
25. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
26. Trip Generation: The Traffic Impact Analysis (TIA) for this development was prepared on June 1, 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 TIA.
27. 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.

28. 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.
29. 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.
30. Fire Access: The developer shall provide two full vehicular access points for fire department access to the site. One shall be located on Stancell Drive; the second shall be located on Barbee Chapel Road.

#### Sustainability

31. 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. Commit the developer to utilizing all electric appliances inside residential units.
    - iii. State that the developer will consider the purchase of carbon offset credits and green power production through coordination with the NC GreenPower program.
    - iv. 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.
  - 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.
32. 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.
33. 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.).

#### Owners' Association

34. Applicability: The Owners' Association conditions shall only apply for development with

multiple owners. These conditions shall go into effect subsequent to a final plat application delineating any parcel or lot creating common land area.

35. Owners' Association: An Owners' Association, or similar legal entity, 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 Owners' Association documents shall be approved by the Town Manager prior to recordation at the Durham County Register of Deeds Office and shall be cross-referenced on the final plat. The Owners' Association documents shall comply with Section 4.6.7 of the Land Use Management Ordinance. The Owners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.
36. Owners' Association Responsibilities: The Owners' Association shall be responsible for maintenance, repair, and operation of required bufferyard(s), open space, recreation areas, paths, trails, community garden, and shared stormwater management facilities. This applies to the open space in Block D as indicated in the approved plans.

#### Miscellaneous Conditions

37. Administrative Subdivision: Any subdivision pursuant to the district-specific plan dated September 5, 2023 shall follow procedures for administrative review.
38. Site Design Standards: Prior to issuance of a Zoning Compliance Permit, the developer shall develop Site Design Standards meeting the following criteria:
- Site Design Standards shall be applicable to Block A, Block B, Block C, and Block D as illustrated on the district-specific plan.
  - Site Design Standards shall address required vehicular access connections and pedestrian connections, frontage standards, building articulation, streetscape design, site design, and building placement.
  - The developer shall coordinate with Town Staff to develop Site Design Standards for the applicable elements listed in sub-section (b). If a Site Design Standard cannot be provided, the developer shall coordinate with Town Staff to determine an acceptable alternative.
  - The Community Design commission shall review the Site Design Standards and provide comment.
  - Town Staff shall issue a recommendation of approval for Site Design Standards that the developer has demonstrated a good faith effort to develop.
  - The developer's conceptual plans for Block A, B, and C shall be accepted as a preliminary submittal for staff review. The developer must provide up to 4 additional submittals of the proposed Site Design Standards with accompanying revisions, as needed to address Staff and Community Design Commission comments, prior to a recommendation of approval.
  - The Town Manager shall approve Site Design Standards that have been reviewed by the Community Design Commission and have received a recommendation of approval from Town Staff.
39. 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.

40. Town Design Manual: The developer shall comply with all standards of the Design Manual, as applicable to the project, except as amended by this ordinance.
41. 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 Zoning Final Inspection.
42. 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)
43. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Associated of Pedestrian and Bicycle Professionals Guidelines.
44. 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.
45. 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]
46. 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.
47. 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.
48. 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.

49. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
50. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
51. 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 abandons the master land use plan and approves the application for Conditional Zoning for Hillmont at 134 Stancell Drive, 138 Stancell Drive, 146 Stancell Drive, 156 Stancell Drive, 5103 Barbee Chapel Road, 5109 Barbee Chapel Road, 5111 Barbee Chapel Road, and 5119 Barbee Chapel Road.

This the 15th day of November, 2023.



NR HILLMONT PROPERTY OWNER LP

November 22, 2023

Town of Chapel Hill  
Attn: Katherine Shor  
Planning Department  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514

Re: Consent to Conditions of Approval of Rezoning for Property located at 134 Stancel Drive, 138 Stancel Drive, 146 Stancel Drive, 156 Stancel Drive, 5103 Barbee Chapel Road, 5109 Barbee Chapel Road, 5111 Barbee Chapel Road, and 5119 Barbee Chapel Road in Chapel Hill NC.

Dear Town of Chapel Hill Planning Department:

As the property owner of the property located at 134 Stancel Drive, 138 Stancel Drive, 146 Stancel Drive, 156 Stancel Drive, 5103 Barbee Chapel Road, 5109 Barbee Chapel Road, 5111 Barbee Chapel Road, and 5119 Barbee Chapel Road in Chapel Hill NC, please accept this letter as written consent to the Conditional Zoning approved by the Chapel Hill Town Council on November 15, 2023. We hereby agree to all terms and conditions reflected in the Ordinance for said project.

Sincerely,  
NR Hillmont Property Owner LP  
By: NR Hillmont Property Owner GP LLC  
By:

Adam Golden, Vice President