

ATTACHMENT 1

**RESOLUTION A
(OVERRULING THE PLANNING COMMISSION'S DECISION)**

RESOLUTION OVERRULING THE PLANNING COMMISSION'S DECISION TO DENY A SITE PLAN REVIEW APPLICATION FOR THE PUREFOY ROAD APARTMENTS FOR THE PROPERTY AT 111 PUREFOY ROAD, AND APPROVING THE SITE PLAN REVIEW APPLICATION (PIN 9788-41-9609, PROJECT #18-117).

WHEREAS, having reviewed the appellants' argument, the Town Staff presentation, various documents and other evidence submitted at the hearing on this matter, and having heard public comment on the application, the Board of Adjustment finds as facts those facts summarized by the Chair at the conclusion of the Board's hearing of this matter and hereby incorporates them by reference as Board Findings of Fact; and finds that such facts are supported by competent, material and substantial evidence presented to the Board; and

WHEREAS, in particular the Board finds that the appellants' argument to overrule the October 16, 2018 decision by the Chapel Hill Planning Commission, to approve the Site Plan Review application for the Purefoy Road Apartments located at 111 Purefoy Road, does have merit.

THE BOARD FURTHER concludes that the evidence before the Board of Adjustment does not support the determination of the Planning Commission that the Site Plan Review application for the Purefoy Road Apartments, located at 111 Purefoy Road, does not comply with applicable provisions of the Chapel Hill Land Use Management Ordinance and Town Design Manual and does not adopt the decision and reasons of the Commission as the determination and reasons of the Board.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF ADJUSTMENT HEREBY OVERRULES the Planning Commission's October 16, 2018 decision to deny the Site Plan Review application for the Purefoy Road Apartments located at 111 Purefoy Road, and further identified as Orange County Parcel Identifier Number 9788-41-9609 and hereby approves the Site Plan application and incorporates in the approval of the Site Plan the terms and conditions set out in Resolution A as contained in the Planning Commission agenda materials for September 26, 2018, and subject to the following additional conditions:

(insert any additional conditions here)

BE IT FURTHER RESOLVED that the applicant's appeal is hereby approved.

Signed - Board of Adjustment Chair, James Bartow

This the 21st day of February 2019.